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## APPENDIX A



## **SECTION 1 ADMINISTRATION AND INTERPRETATION**

### **1.1 TITLE**

This By-law shall be known as the "Hearst Zoning By-law".

### **1.2 GENERAL**

The provisions of this By-law set out minimum requirements, and shall be interpreted and applied so as to promote the health, safety, comfort, convenience and general welfare of the inhabitants of the Town of Hearst.

### **1.3 CONTENT**

This By-law consists of Sections 1 through 14, including Zoning Schedule A, Zoning Schedules A1 through A11, and Zoning Schedules B1 through B6. Appendix A is provided solely for convenience and information purposes, and does not form part of this By-law.

### **1.4 SCOPE**

1. The provisions of this By-law shall apply to all lands within the corporate limits of the Town of Hearst.
2. No building, structure or land shall be used, and no building or structure shall be erected, except in conformity with the provisions of this By-law.

### **1.5 CONFLICTING STANDARDS**

1. Where there are other conflicting requirements in this By-law, the more restrictive standards shall apply unless specifically stated otherwise.
2. Where any provision of this By-law conflicts with the provisions of any regulation, by-law or statute of any other government authority, the higher or more stringent standard shall prevail.

### **1.6 INTERPRETATION**

1. Where reference is made in this By-law to a ministry or other body, it shall be interpreted that it is the ministry or body as it is known at the time of reading, that is being referenced.
2. Where reference is made in this By-law to the jurisdiction of a public agency, and where the name or responsibilities of such public agency are changed hereafter, the said reference shall be deemed to include any and all successors to such public agency having jurisdiction over the matters to which the said reference applies.

### **1.7 ILLUSTRATIONS**

The images shown in this By-law are only intended for the purposes of explaining and illustrating the definitions set out therein. In the event of a conflict between the images and the text, the text shall take precedence.

## **1.8 ADMINISTRATION AND ENFORCEMENT**

### **1.8.1 Designated Officer**

This By-law shall be administered by the Chief Building Official or such other person as the Council shall designate, and enforced by any By-law Officer or other such person appointed by the Town of Hearst.

### **1.8.2 Permits, Licenses and Approvals**

1. No permit for the use of land, or for the erection of a building or structure, shall be issued unless the existing or proposed use of the land, building or structure is in compliance with the provisions of this By-law.
2. No licence shall be issued, or approval given, in respect of any matter within the jurisdiction of the Town of Hearst, unless the existing or proposed use of the land, buildings or structures in connection with which such licence or approval is sought is in compliance with the provisions of this By-law.
3. Nothing in this By-law shall exempt any person from complying with the requirements of the Building By-law or any other By-law in force within the Municipality or from obtaining any permit, licence, permission, authority or approval required by this or any other By-law of the Municipality or by any other law in force from time to time.

### **1.8.3 Violation and Penalties**

In accordance with the Planning Act, R.S.O, 1990, as amended, every person who contravenes any provision or requirement of this By-law is guilty of an offence and on conviction is liable:

1. On a first conviction, to a fine of not more than \$25,000.00; and
2. On a subsequent conviction, to a fine of not more than \$10,000.00 for each day or part thereof upon which the contravention has continued after the day on which he or she was first convicted.

## **1.9 CHANGE OF USE**

### **1.9.1 Certificate of Occupancy**

1. No person shall change the use of any land to which this By-law applies, or the use of any building or structure located on such land, unless a 'certificate of occupancy' in respect of the proposed change of use has been issued, pursuant to the provisions of this By-law, by the Chief Building Official or such other person as has been designated by Council.
2. A 'certificate of occupancy' shall not be refused if the use proposed for the land, or for the building or structure located on such land, is a use permitted by the provisions of this By-law.
3. No building shall be used for human habitation before the main walls and roof have been erected and the exterior wall finish and roofing have been completed, and water, sanitary and heating facilities have been installed and are operable.

## **1.10 ZONING CATEGORIES**

For the purposes of this By-law, all of the land within the Town of Hearst is within one or more of the following zoning categories:

Symbol on Map	Name of Zone
R1	First Density Residential Zone
R2	Second Density Residential Zone
R3	Third Density Residential Zone
RMH	Residential Mobile Home Zone
RM1	First Density Multiple Residential Zone
RM2	Second Density Multiple Residential Zone
RH1	High Density Residential Zone
RR	Rural Residential Zone
C1	Downtown Commercial Zone
C2	Neighbourhood Commercial Zone
C3	Highway Commercial Zone
C4	Shopping Centre Commercial Zone
MCR	Mixed Commercial/Residential Zone
M1	Light Industrial Zone
M2	Secondary Industrial Zone
M3	Principal Industrial Zone
M4	Heavy Industrial Zone
EM	Extractive Industrial Zone
I	Institutional Zone
OS1	Open Space Park Zone
OS2	Open Space Constraint Zone
RU	Rural Zone
A	Airport Zone
(no symbol)	Special Airport Vicinity Overlay
D	Development Zone

Symbol on Map	Name of Zone
WMS	Waste Management Site Zone

### **1.10.1 Zoning Schedules**

The zones listed in this By-law, and the boundaries of such zones, are shown on the maps attached to this By-law and referred to as the Zoning Schedules.

### **1.10.2 Zone Boundaries**

Where any uncertainty exists as to the location of the boundaries of the zones shown on the Zoning Schedules, the following rules shall apply:

#### **1. Streets, Lanes, or Rights-of-way**

Unless otherwise specifically indicated, the zone boundaries are the centre line of the streets or lanes, and, unless otherwise specifically indicated, any zone boundaries near streets or lanes shall be deemed to be located at the centre line of such streets or lanes.

Where a street, lane, right-of-way, watercourse, etc. shown on the Zoning Schedule does not mark the boundary between different zones, such entire street, lane, right-of-way, watercourse, etc. shall be deemed to be within the same zone as the adjoining property or properties.

#### **2. Lot Lines**

Where it is clear that the zone boundaries are not intended to be the centre line of the streets or lanes, but rather along lot lines, such lot lines shall be deemed to be the zone boundaries, unless otherwise specifically indicated.

#### **3. River or Lakeshore**

Where any zone shown on the Zoning Schedules abuts a lake, river, watercourse, or any body of water, such zone shall be deemed to extend into such lake, river, watercourse or body of water, and to apply to any land or water lots created in such lake, river, watercourse or body of water by any means be they natural (changing water levels, etc.) or artificial (fill, etc.).

#### **4. Lot Additions**

Where the boundaries of an existing property ("Original Property") are changed by the addition of part or all of one or more abutting properties and the inclusion of such additional property or properties as part of the original property, the original property and the additional property shall together be deemed to be within the zone applying to the original property.

## **1.11 SPECIAL EXCEPTION ZONES**

Where a zone symbol is followed by the suffix "-S" and a number, on the Zoning Schedules of this By-law, this denotes a special exception zone. Lands so designated shall be subject to all of the provisions of the zone represented by the symbol except as otherwise provided by the Special Exceptions of the special zone. The Special Exceptions are listed under the appropriate zone (e.g. R1) in the text of this By-law.

## **1.12 HOLDING ZONES**

1. Holding zones may be denoted by the addition of the suffix "-H" after the zone symbol, as shown on the Zoning Schedules.
2. Holding zones shall have the effect of allowing for the uses set out in the corresponding zone at some time in the future, when the holding symbol is removed by an amendment to the Zoning By-law.
3. Where a holding zone applies, no lands shall be used and no buildings or structures shall be erected or used for any purpose other than those existing on the date of passing of this By-law. Any change from the holding status shall require an amendment to this By-law.
4. The Municipality may require that the applicant enter into an agreement for the development of the land prior to the amendment being approved.

## **1.13 VALIDITY**

### **1.13.1 Continuation**

1. If any section, clause or provision of this By-law, including anything contained in the Zoning Schedules thereto, is for any reason declared by a court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity of the By-law as a whole or any part thereof other than the section, clause or provision declared to be invalid.
2. It is intended that all of the remaining sections, clauses and provisions of the By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions have been declared to be invalid or unenforceable.

## **1.14 MINOR VARIANCE**

1. In accordance with Section 45 of the Planning Act, Minor Variances to the provisions of this By-law may be granted by the Committee of Adjustment.
2. Reference should be made to Appendix A in determining when a Minor Variance is required.
3. Appendix A may be modified without need for an amendment to this By-law.

## **1.15 ZONING BY-LAW AMENDMENT**

1. In accordance with Section 34 of the Planning Act, changes to this Zoning By-law, including exceptions, may be made by-way of a Zoning By-law Amendment, approved by Council.
2. Reference should be made to Appendix A in determining when a Zoning By-law Amendment is required.
3. Appendix A may be modified without need for an amendment to this By-law.

## SECTION 2 DEFINITIONS

In this By-law,

**ACCESSORY** means, naturally and normally incidental, subordinate and exclusively devoted to a principal use, building or structure and is located on the same lot therewith, when used to describe a use, building or structure.

**AGRICULTURAL USE** means the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including, but not limited to livestock facilities, greenhouses, manure storages, value-retaining facilities, accommodation for full-time farm labour when the size and nature of the operation requires additional employment, and any building or structure customarily used in connection with a farm, defined in the Ontario Building Code as a farm building.

**AGRICULTURE-RELATED USES** means those farm related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.

**AIRPORT** means any area of land to function as a facility for the arrival, departure, movement and servicing of aircraft, passengers and associated cargo, and includes any associated buildings, installations, open space and equipment. This may include the short-term accommodation of passengers and crew, as well as related commercial uses.

**AIRPORT FLIGHT PATH** means an area established for each runway direction, intended to be used for the taking-off and landing of aircraft.

**AIRPORT HEIGHT, BASE** means the height calculated by dividing the distance from the line drawn perpendicular to the site line by the slope of the appropriate take-off, approach airport zoning surface.

**AIRPORT QUOTIENT** means the result obtained when the distance from the perpendicular line established for a building or structure in accordance with the calculation of base height is divided by the slope of the subject take-off, approach airport zoning surface.

**AIRPORT REFERENCE POINT** means a point which is designated as near as practicable to the geometric centre of the landing area and is used to define the outer surface.

**AIRPORT REFERENCE POINT ELEVATION** means the elevation assigned to the airport reference point depicted, to the nearest tenth of a metre above sea level (ASL), and is used for establishing the height of the outer surface associated with an Airport Zone.



**AIRPORT SITE LINE** means a line drawn perpendicular to the extended centre line of the subject runway from that point on the site to be developed which is closest to the subject runway.

**AIRPORT VICINITY DISTRICT OVERLAY** means an area within which the heights of buildings, structures and natural vegetation shall be regulated for the purpose of controlling potential obstacles to the safe and efficient operation of the René Fontaine Municipal Airport.

**ALTER** means:

1. With reference to a building or part thereof, to change any one or more of the external dimensions of the building or to change the type of construction of the exterior walls or roof;
2. With reference to a lot, to change the area, frontage or depth thereof; to change the width, depth or area of any required yard, landscaped open space or parking area; or to change the location of any boundary of such lot with respect to a street or lane, whether such alteration is made by conveyance or alienation of any portion of such lot or otherwise.

Altered and alteration shall have corresponding meanings.

**AMENITY AREA** means the total passive or active recreational area provided on a lot for the personal, shared or communal use by residents of a building or buildings, and includes balconies, patios, rooftop gardens, landscaped areas and other similar features, but does not include indoor laundry, lockers, or parking facilities.

**BAKERY** means a building for producing, mixing, compounding or baking bread, biscuits, cakes or other baked products.

**BAR** means a licensed drinking establishment, the principal business of which is to serve any sort of beverage alcohol to the public for consumption on the premises, and includes a pub or tavern.

**BASEMENT** means one or more storeys of a building located below the first storey, as defined by the Ontario Building Code.

**BED AND BREAKFAST ESTABLISHMENT** means a dwelling, containing not more than four (4) guest rooms, used or maintained for the overnight accommodation of the travelling public, in which the proprietor supplies lodging, with or without meals, in return for monetary compensation. Such an establishment must be operated by one or more persons residing in the dwelling. For the purposes of this By-law, a bed and breakfast establishment shall not include a motel, hotel, eating establishment, boarding or rooming house, bar or any other similar use defined or classified herein.

**BLOCK** means the smallest unit of land the boundaries of which consist entirely of public streets, rivers, railroads, public parks or any combination thereof.

**BOARDING HOUSE OR ROOMING HOUSE** means a residential dwelling where rooms are regularly rented for a fee, with or without the provision of meals, but shall not include a hotel, motel, hospital or Long-term care facility.

**BUILDING** means a structure that has a roof, walls and a floor that stands permanently in one place.

**BUILDING, PORTABLE** means a building or structure other than a mobile home used for residential purposes, which is designed to be transported on its own wheels or by other means to a site and is ready for installation and immediate use, apart from incidental operations such as support on foundation or wood mud sills and connection to utilities, and shall include commercial trailers and shipping containers parked for extended periods of time and used for the purpose of on site storage.

**BUILDING AREA** means the maximum projected horizontal area of the building at grade measured to the centre of party walls and to the outside of other walls including stairwells and all other spaces within the building, but excluding porches, balconies, verandas, steps, cornices, chimney breasts, fire escapes, exterior stairways, breezeways, detached accessory buildings, ramps and open loading platforms.

**BUILDING LINE** means any line regulating the position of a building or structure on a lot.

**BUILDING SUPPLY OUTLET** means a lot and a building, or structure, or portion thereof, used for the purpose of retail and/or wholesale sale or storage of building construction materials and related supplies.

**CANNABIS PRODUCTION FACILITY** means a facility used for the cultivation, processing, testing, destruction, packaging and/or shipping of cannabis and cannabis-based products.

**CARPORT** means a portion of a dwelling which is a roofed enclosure designed for the storage or parking of a motor vehicle with at least forty per cent (40%) of the total perimeter open and unobstructed, which shall include the main wall of the dwelling to which such carport is attached.

**CEMETERY** means a cemetery or columbarium within the meaning of the Funeral, Burial and Cremation Services Act, or successor legislation.

**CHIEF BUILDING OFFICIAL** means an official appointed by the Town of Hearst pursuant to the provisions of the Ontario Building Code Act, as amended.

**CLINIC** means a building or part of a building used for the medical, dental, surgical or therapeutic treatment of human beings, but does not include a public or private hospital.

**CLUB** means a building or part of a building used as a meeting place for members of an organization, and includes a lodge, fraternity or sorority house, and a labour union hall.

**COMMERCIAL MOTOR VEHICLE** means any motor vehicle having attached thereto a truck or delivery body and without limiting the generality of the foregoing includes: ambulances, hearses, tractor trailers, motor buses and tractors.

**COMMERCIAL USE** means the use of land, structure or building for the purpose of buying or selling commodities and supplying services as distinguished from such uses as manufacturing or assembling of goods, warehousing and construction.

**COMMUNITY CENTRE** means any tract of land, or building or buildings or any part of any buildings used for community activities, including recreational and institutional uses, with commercial uses incidental thereto, and the control of which is vested in the Municipality, local board or approved agent thereof and which is operated as a non-profit organization.

**CONSERVATION** means the preservation, protection and improvement of the natural environment, including flood control measures and comprehensive management and maintenance programs administered by a public authority.

**COUNCIL** means the Council of the Corporation of the Town of Hearst.

**COURT** means an open, uncovered, unoccupied space appurtenant to a building and bounded on two or more sides thereby.

**CUSTOM WORKSHOP** means a building or part of a building used by a trade, craft or guild for the manufacture in small quantities of made-to-measure clothes or articles and includes upholstering and a woodworking shop.

**DRY CLEANING ESTABLISHMENT** means a building or part thereof used for the purpose of receiving, pressing and dry cleaning (wherein only non-flammable solvents are or can be used, no odour of fumes is emitted, no noise or vibration is created which causes nuisance or inconvenience within or outside of the dry cleaning building), and distribution of articles or goods of fabric, all or any of which is carried out on the ground floor.

**DWELLING** means a building, occupied or capable of being occupied as a home, residence or sleeping place by one or more persons, containing one or more dwelling units.

**DWELLING, APARTMENT** means a building consisting of four (4) or more dwelling units, which units have a common entrance from the street level and the occupants of which have the right to use common halls and/or stairs and/or elevators and yards.

**DWELLING, DUPLEX** means a building that is divided horizontally into two dwelling units each of which has an independent entrance either directly or through a common vestibule.

**DWELLING, GROUP** means a building which is part of a group of dwellings on the same lot, which group of dwellings is comprised of row house dwellings, or apartments, or any combination thereof, and mobile homes.

**DWELLING, QUADRUPLEX** means a building divided vertically and horizontally into four dwelling units, each of which has an independent entrance to either the ground or common corridor. For the purposes of this definition, a quadruplex shall include a "double duplex."

**DWELLING, ROW HOUSE** means a building that is divided vertically into three or more principal dwelling units, each of which has an independent entrance.

**DWELLING, SEASONAL** means a single detached dwelling used as an occasional resort for vacation, recreation, rest and relaxation purposes by a person or persons who regularly resides in a permanent dwelling at another location.

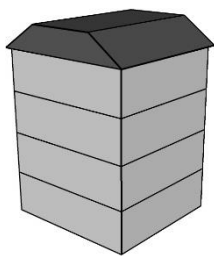
**DWELLING, SEMI-DETACHED** means a building that is divided vertically into two principal dwelling units each of which has an independent entrance either directly or through a common vestibule.

**DWELLING, SINGLE DETACHED** means a detached building containing one principal dwelling unit only.

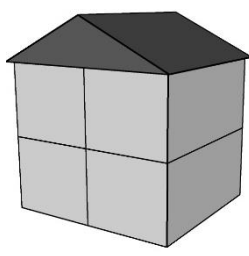
**DWELLING, TRIPLEX** means a building that is divided horizontally into three dwelling units, each of which has an independent entrance either directly or through a common vestibule.

**DWELLING UNIT** means one or more habitable rooms occupied or capable of being occupied by an individual or individuals as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the exclusive use of such individuals, with a private entrance from outside the building or from a common hallway or stairway inside the building.

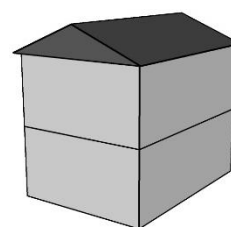
**DWELLING UNIT, SECONDARY** means a self-contained dwelling unit which is secondary to a principal dwelling unit, typically created by an interior renovation within an existing dwelling or as an exterior ancillary structure, and shall not be considered a second dwelling on the lot, or a garden suite for the purposes of this By-law.



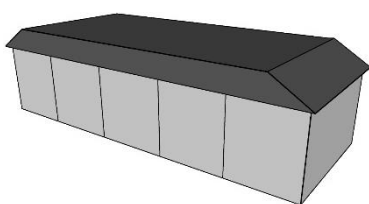
**DWELLING, APARTMENT**



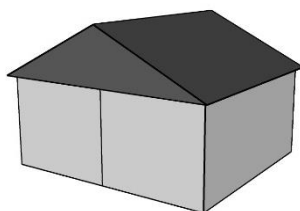
**DWELLING, QUADRUPLUX**



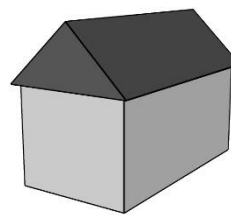
**DWELLING, DUPLEX**



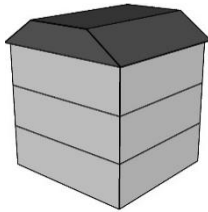
**DWELLING, ROW HOUSE**



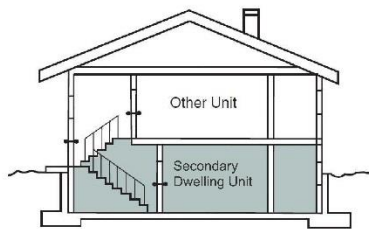
**DWELLING, SEMI-DETACHED**



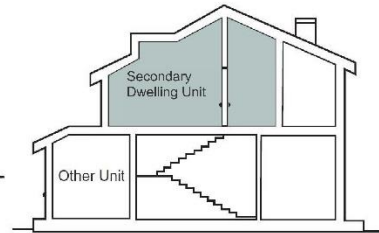
**DWELLING, SINGLE DETACHED**



**DWELLING, TRIPLEX**



**DWELLING UNIT, SECONDARY**



**EATING ESTABLISHMENT** means a building or part of a building where food is offered for sale or sold to the public primarily for immediate consumption therein and includes a restaurant, café, tea or lunch room, dairy bar, coffee shop, or refreshment room or stand; but does not include a boarding or rooming house or take-out food premises.

**EATING ESTABLISHMENT, TAKE-OUT** means an eating establishment which serves or is intended to serve patrons seated in a motor vehicle parked on a parking lot or driveway, or a building where prepared foods are sold and taken out of the building to be consumed.

**EXISTING** means existing as of the date of the final passing of this By-law.

**FARM IMPLEMENT SALES AND SERVICE** means the use of land, buildings or structures for the sale, storage and repair of agricultural implements, equipment and machinery that are directly associated with the operation of a farm and may include the sale of accessory items.

**FINANCIAL ESTABLISHMENT** means a place that provides a range of financial services, which may include a bank, trust company, or other financial institution, and automated bank machines as an accessory use.

**FLOOR AREA, GROSS** means, in the case of a dwelling, the sum total area of the floors excluding internal parking areas in the building or buildings on a site measured from the exterior walls or from the centre line of common walls separating the buildings, provided that where the floor area is within a roofed structure without exterior walls the gross floor area shall be the area covered by the roof. In the case of a building other than a dwelling, gross floor area means the aggregate of the area of all floors devoted to retail sales, customer service and/or office use measured from the outside face of exterior walls but shall not include mezzanine areas, mechanical rooms, common halls, stairwells, garbage and electrical rooms and parking structures.

**FLOOR AREA, GROSS LEASABLE** means the gross floor area designated for tenant occupancy and exclusive use, including basements, mezzanines and upper floors, if any, measured from centre lines of joint partitions and exteriors of outside walls.

**FORESTRY USE** means the general raising, harvesting and milling of wood including logging and lumber camps and forestry research stations.

**FUNERAL HOME OR PARLOUR** means a business or building designed for the purpose of furnishing funeral supplies and services to the public and includes facilities intended for the preparation of the dead human body for internment or cremation.

**GARAGE, COMMERCIAL** means a building other than a domestic garage which is used for the servicing and minor repairing or equipping essential to the actual operation of motor vehicles or where such vehicles are parked or stored for remuneration, hire or sale, but does not include the repairing of motor vehicle bodies.

**GARAGE, DOMESTIC** means an accessory building or portion of a building including a carport which is designed or used for the sheltering of private motor vehicles and the storage of household equipment incidental to a residential occupancy and in which there are no facilities for repairing or servicing, fabricating or manufacturing of vehicles and/or equipment for remuneration.

**GARDEN SUITE** means a one unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential unit and that is designed to be portable or temporary and for the purpose of this By-law is not an accessory building.

**GASOLINE BAR** means one or more pump islands, each consisting of one or more gasoline pumps, and shelter having a floor area of not more than 9.5 square metres excluding washrooms, which shall not be used for the sale of any product other than liquids and small accessories required for the operation of motor vehicles and shall not be used for repairs, oil changes, or greasing of motor vehicles.

**GOVERNMENT FACILITY** means a municipal office, court house, registry office, health and welfare centre, employment office, post office, tourist information centre, or other office used for the purpose of local or other government administration, or any public works yard or facility, fire station, police station or emergency services facility.

**GRADE** means the average elevation of the finished ground level at the exterior wall or walls in question.

**GREENHOUSE** means a building or structure or portions thereof, where trees, shrubs and/or plants are grown for the purpose of retail or wholesale trade; and does not include a cannabis production facility.

**GROUP HOME** means a dwelling unit in a residential building in which three (3) to six (6) unrelated residents live as a household under responsible supervision consistent with the requirements of its residents, which dwelling is licensed or approved under Provincial Statute. For the purpose of this By-law 'residents' shall exclude the staff or receiving household.

**HEALTH CLUB** means a building or part thereof which is used for the purpose of physical fitness, and may include a gymnasium, exercise room, steam room, sauna, racquet sports, swimming pool, or other related facilities.

**HEIGHT** means, in reference to a building, the vertical distance measured between finished ground and the highest point of the roof surface.

**HOME-BASED BUSINESS** means an occupation, trade, business, profession or craft carried on as an accessory use to the use of a dwelling.

**HOSPITAL, PRIVATE** means a private hospital as defined by the Private Hospitals Act, R.S.O. 1990.

**HOSPITAL, PUBLIC** means a hospital as defined by the Public Hospitals Act, R.S.O. 1990.

**HOTEL** means a building or part of a building designed or used for the purpose of providing overnight guest room accommodation to the traveling or vacationing public, served by a common building entrance, with or without accessory restaurants, dining rooms, or meeting rooms.

**HUNTING AND FISHING CAMP** means a tourist establishment that provides accommodation throughout all or part of the year and that has facilities for serving meals and furnishes equipment, supplies or services to persons in connection with angling, hunting, camping or recreational purposes and may include liquor licensed premises, accessory retail facilities, and accommodation facilities for staff.

**INDUSTRIAL USE** means the use of land, building or structure designed for the purpose of manufacturing, assembling, making, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, printing, warehousing, or storing or adapting for sale of any goods, substance, article or thing, or any part thereof and the storage of building and construction equipment and materials, as distinguished from the buying and selling of commodities and the supplying of personal services and shall include a factory.

**INSTITUTIONAL USE** means the use of land, buildings or other structures operated by a group, organization or society for the promotion of a public, social, scientific, educational or similar purpose.

**KENNEL** means a building or structure where more than three (3) dogs or cats are kept, bred or boarded on a commercial basis.

**LANDFILL SITES** means the disposal of domestic or industrial waste by deposit, under controlled conditions, on land and includes compaction of the waste into a cell and the covering of such waste with cover material at regular intervals.

**LANDSCAPING** means a combination of trees, shrubs, flowers, grass or other horticultural elements, together with decorative stonework, paving, screening or other architectural elements, all of which is designed to enhance the visual amenity of a property and to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent land.

**LANE** means a public thoroughfare which affords only a secondary means of access to abutting lots and which is not intended for general traffic circulation.

**LIBRARY** means a library, branch library or distribution station to which the provisions of the Public Libraries Act apply, as amended.

**LONG-TERM CARE FACILITIES** means a dwelling or other building in which rooms or lodging are provided for hire or pay in conjunction with the provisions of meals, personal care, nursing services and medical care and treatment, and includes sanatoriums.

**LOT** means a parcel, tract or block of land described either:

1. In accordance with and within a Plan of Subdivision providing such subdivision is deemed to be a registered Plan of Subdivision under the Planning Act;
2. In a registered deed and given consent pursuant to the Planning Act;
3. For those situations not described above, a lot shall mean a parcel, tract or block of land described in a registered deed or deeds; or
4. Any area of Crown land subject to a Ministry of Natural Resources and Forestry land use permit, as well as leased parcels of land within a railway right-of-way.

**LOT AREA** means the total area within the lot lines of a lot, excluding any part of a navigable waterbody.

**LOT, CORNER** means a lot situated at the intersection of, and abutting upon, two (2) or more streets, provided that the interior angle of intersection of such streets is not more than one hundred and thirty-five degrees (135°).

**LOT COVERAGE** means the percentage of lot area that is covered by buildings.

**LOT, DEPTH** means the horizontal distance between the front and rear lot lines. Where these lines are not parallel, it shall be the length of a line joining the midpoints of the front and rear lot lines.

**LOT, FRONTAGE** means the horizontal distance between the side lot lines of a lot measured at right angles, but where such lot lines are not parallel, the lot frontage shall be the minimum distance between the side lot line measured on a straight line 7.5 metres back from, and parallel to a line joining the intersections of the side lot lines with the front lot line.

**LOT, INTERIOR** means a lot other than a corner lot.

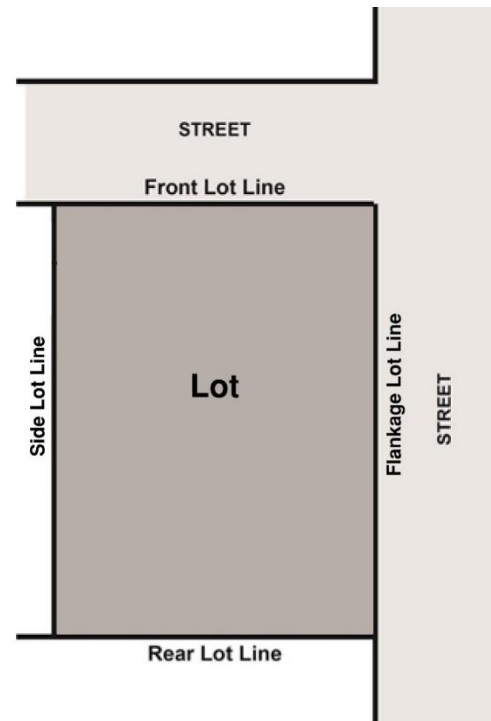
**LOT LINE** means any boundary of a lot or the vertical projection thereof.

**LOT LINE, FLANKAGE** means a side lot line which abuts the street on a corner lot.



**LOT LINE, FRONT** means:

1. In the case of an interior lot, the lot line dividing the lot from the street.
2. In the case of a corner lot or through lot, the shorter lot line abutting a street.
3. In the case of a corner lot or a through lot where the lot lines abutting the street are the same length, the lot line where the principal access to the lot is provided.
4. In the case of a waterfront lot having frontage on a navigable waterway or lake (including an original shoreline reserve or road allowance), the shoreline.



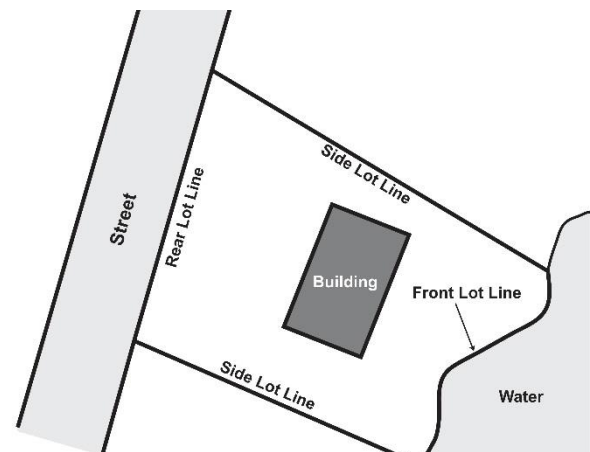
**Illustration of Lot Lines**

**LOT LINE, REAR** means in the case of a lot having 4 or more lot lines, the lot line farthest from and opposite to the front lot line. If a lot has less than 4 lot lines, there shall be deemed to be no rear lot line.

**LOT LINE, SIDE** means a lot line other than a front or rear lot line.

**MAIN WALL** means an outside wall of a building which supports a roof and shall include a wall under a gable end.

**MARINA** means an establishment located on the shores of a body of water, where boathouse, boat storage yard, pier, dock or jetty facilities are available for all types of marine pleasure craft and may include a gasoline pump and facilities for the sale, servicing, repair and maintenance of marine craft and buildings or structures for the supply of marine craft accessories or refreshments.



**Illustration of Front Lot Line in the Case of a Waterfront Lot**

**MATERIAL RECOVERY FACILITY** means a waste processing facility in which source separated material is processed into recyclable or reusable material. Processing may include such activities as sorting, bailing, treatment and other forms of material recovery and short-term storage of processed material.

**MICRO-BREWERY** means a facility, not exceeding 300 square meters in gross floor area, used for the manufacture of beer, wine, cider, or spirits for consumption on the premises or elsewhere, and may include retail sales and food service.

**MINERAL AGGREGATE OPERATION** means an operation which includes extraction, transport, beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related products.

**MOBILE HOME** means any dwelling that is designed to be made mobile and constructed or manufactured to provide a permanent residence for one or more persons but does not include a recreational vehicle, travel trailer, tent trailer or trailer otherwise designed.

**MOBILE HOME PARK** means a parcel of land under single ownership which has been planned, developed and improved for the placement of mobile homes for non-transient use.

**MOBILE HOME, PERMANENTLY INSTALLED** means a mobile home which:

1. Has had any running gear removed;
2. Is installed on cement blocks, piles, footings or a conventional foundation; and
3. Is connected to the necessary water supply, sewage disposal and hydro services.

**MOBILE HOME SITE** means a parcel of land for the placement of a single mobile home and the exclusive use of its occupants.

**MONUMENT WORKS** means a commercial establishment used for the display, sale and production of cemetery monuments and related articles.

**MOTEL** means one or more buildings for the purpose of catering to the needs of the traveling public by furnishing sleeping accommodation, provided that each guest room may be entered from a separate entrance to the outside.

**MOTOR VEHICLE** means an automobile, motorcycle, recreational vehicle, motorized boat, motorized snow vehicle and any other vehicle not propelled or driven by muscular power.

**MOTOR VEHICLE BODY SHOP** means a building or structure used for the painting or repairing of motor vehicle bodies, exterior and undercarriage, and in conjunction with which there may be towing service and motor vehicle rentals for customers while the motor vehicle is under repair.

**MOTOR VEHICLE SALES OUTLET** means a building or place where new and used motor vehicles are kept for display or sale by an agent or dealer authorized by a motor vehicle manufacturer to sell such new motor vehicles, and shall include a lot used solely in connection therewith provided that such lot is not used exclusively for the sale and display of used motor vehicles.

**MOTOR VEHICLE WASHING ESTABLISHMENT** means a building or part thereof used for the operation of automobile washing equipment which is automatic, semi-automatic and/or coin operated.

**MUNICIPALITY** means the Corporation of the Town of Hearst.

**NON-COMPLYING** means an existing building or structure which does not comply with the provisions of this By-law as of the date of final passing thereof.

**NON-CONFORMING** means an established use which is not a permitted use in the zone in which the said use is situated at the date of final passing of this By-law.

**NURSERY SCHOOL** means a licensed day nursery operated for pre-school age children within the meaning of the Day Nurseries Act, Child Care and Early Years Act, or successor legislation.

**OBNOXIOUS USE** means any use which shall be a nuisance to the occupants or owners of any neighbouring land or buildings by reason of the emission from the said use and/or land or any part thereof, or the creation thereon, of odours, gases, dirt, smoke, noise, vibration, fumes, cinders, soot, waste or depositing or leaving unsightly objects or chattels thereon.

**OFFICE** means a building or part thereof designed, intended or used for the practice of a profession, the transaction and/or management of a business, or the conduct of public services and administration, or consultation by an officially accredited individual or individuals but shall not include a clinic or a financial establishment or the manufacturing of any product.

**ON-FARM DIVERSIFIED USES** mean uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products.

**OPEN STORAGE** means the storage of goods, merchandise or equipment outside of a building or structure on a lot or portion thereof, but does not include the outdoor display of a limited number of samples of the goods, merchandise or equipment for the purpose of sales and advertisement.

**PARKING LOT** means an open area, other than a street used for the temporary parking of two or more motor vehicles and available for public use whether free, for compensation or as an accommodation for clients or customers or residents.

**PARKING SPACE** means an area enclosed in a principal building, in an accessory building or unenclosed, set aside for the purpose of parking a vehicle and having access to a street or lane.

**PAYDAY LOAN ESTABLISHMENT** means a building or part of a building where a business is operated by license issued under the Payday Loans Act, 2008.

**PERSONAL SERVICE SHOP** means a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons and includes barber shops, beauty parlours, laundromats and depots for collecting dry cleaning and laundry, and similar uses.

**PIT** means land or land under water from which unconsolidated aggregate is being or has been excavated and that has not been finally rehabilitated but does not mean land excavated for a building or structure, and does not include a wayside pit.

**PLACE OF ENTERTAINMENT** means a motion picture or other theatre, arena, auditorium, public hall, billiard or pool room, bowling alley, ice or roller skating rink, exhibition grounds, golf driving range, miniature golf course, archery range, shooting gallery or arcade.

**PLACE OF WORSHIP** means a building dedicated to religious worship and may include a church, mosque, synagogue, or other such religious institution and may include accessory uses such as an assembly hall, auditorium, school, or convent.

**PLAY SPACE** means an area intended for the protected play of children.

**POINT OF INTERSECTION** means the point at which two street lines abutting a corner lot intersect or if the two street lines meet in a curve then it is the point at which the projections of the two lot lines abutting the two streets intersect.

**PORTABLE ASPHALT PLANT** means a facility with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt paving material, and includes stockpiling and storage of bulk materials used in the process, and which is not of permanent construction, but which is to be dismantled at the completion of a construction project.

**PORTABLE CONCRETE PLANT** means a building or structure with equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process, and which is not of permanent construction, but which is designed to be dismantled at the completion of the construction project.

**PORTABLE DOMESTIC SHELTER** means a portable prefabricated accessory building which is designed to be assembled on site and used for the temporary sheltering of a private motor vehicle and/or the storage of household equipment incidental to a residential occupancy, and which consists of a metal framework covered by synthetic or cloth fabric to form a roof canopy and/or walls, but does not contain a foundation or floor.

**PRINCIPAL** means the primary use of land, buildings, structures.

**PRINT SHOP** means a building or part of a building used for the primary purpose of reproducing material in a printed or electronic form and may also include binding, blueprinting, engraving, stereotyping, electro-typing, or type-setting and includes accessory retail sales.

**PRIVACY ZONE** means an area within the minimum yard depth in which communal activities are discouraged or prevented by means of surface finishing, landscaping or physical barriers.

**PUBLIC PARK** means any open space or recreational area, owned or controlled by the Municipality or by any Board, Commission or other Authority established under any statute of the Province of Ontario and may include therein neighbourhood, community, regional and special parks or areas and may include one or more athletic fields, playgrounds, field houses, community centres, bleachers, public pools, swimming facilities and dressing-rooms, wading pools, greenhouses, botanical gardens, zoological gardens, bandstands, skating rinks, tennis courts, bowling greens, boat liveries, curling rinks, refreshment rooms, fair grounds, picnic areas, arenas, golf courses, or similar uses, but for the purpose of this By-law shall not include tent and trailer park.

**QUARRY** means a place where consolidated rock has been or is being removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes, but does not include a wayside quarry or open pit metal mine.

**RECREATIONAL VEHICLE SALES OUTLET** means a place comprised of land or a building or both, the purpose of which is for the display or sale, or both, of new and/or used recreational vehicles.

**RECREATIONAL USE** means the use of land, structure or building for the purpose of recreational and sporting activities.

**RETAIL CONVENIENCE STORE** means a retail store servicing the daily or occasional needs of the patrons in the immediate area with a variety of goods such as milk and dairy products, groceries, meats, produce, carbonated beverages, sundries, tobacco, stationery, magazines, movie rentals and newspapers, with a gross floor area not exceeding 280 square metres.

**RETAIL STORE** means a building or part of a building where goods, wares, merchandise, substances, pharmaceuticals, articles or things are stored, offered or kept for sale at retail, and includes a department store and factory outlet, but does not include any retail outlet otherwise classified or defined in this By-law.

**RIDING SCHOOL OR STABLE** means an area of land, which is used as an educational centre for horse riding, training, handling, care, or for the lodging of horses.

**SALVAGE YARD** means land, buildings and/or structures used for the keeping and/or storing of used motor vehicles, derelict motor vehicles, used motor vehicle parts, old metal, other scrap materials, used building products, bicycles, bottles and any other recyclable materials or salvage, and where such vehicles, parts and/or materials are bought, sold, exchanged, baled, packed, disassembled and/or handled.

**SATELLITE DISH** means a device designed to receive communication or other signals from orbiting satellites or other terrestrial sources. For the purposes of this By-law, a satellite dish, having a diameter exceeding 56 centimetres, shall be deemed to be an accessory structure.

**SCHOOL** means any place of primary, elementary, or secondary education which has a body of teachers and students on the premises, and is authorized or approved by the Minister of Education for Ontario, and has the same meaning as in the Education Act.

**SCHOOL, COMMERCIAL** means an establishment that provides specialized instruction and may include but is not limited to, a business school, a trade school, a driving school, a dance school, a music school or a martial arts school.

**SELF-SERVICE STORAGE BUILDING** means a building or structure which is constructed and used to provide individual enclosed storage spaces to lessees and which is open to the public only for such personal storage purposes and not for the conduct of commercial and/or industrial activities therein and/or therefrom.

**SERVICE OR REPAIR SHOP** means a building or part of a building not otherwise classified or defined in this By-law and whether conducted in conjunction with a retail shop or not for the servicing or repairing of articles, goods or materials and includes an appliance store, auto and tire supply store, dry cleaners, electrical store, plumber, radio and television sales, sign painter and tool sharpener, but does not include the manufacture of articles, goods or materials.

**SETBACK** means:

1. With reference to a lot line, the horizontal distance from a lot line, measured at right angles to such lot line to the nearest part of any wall of any building or structure on the lot;
2. With reference to a road, the distance between the centre line of a street allowance to the nearest part of any wall of any building or structure on the lot; and
4. With reference to a pipeline easement, the distance between the limit of the pipeline easement to the nearest part of any wall of any building or structure on the lot.

**SEWAGE TREATMENT FACILITY** means land, buildings, structures and other devices used for the reception, storage, treatment, and disposal of sanitary sewage, and is approved under the Ontario Water Resources Act, R.S.O. 1990, c. O.40 or successor legislation and includes a sewage lagoon, but does not include a private sewage disposal system or plumbing approved under the Building Code Act 1992, S.O. 1992, c.23.

**SHIPPING CONTAINER** means a prefabricated new or used metal container or cargo box designed for the transportation or shipping of goods or for the storage of goods, merchandise or materials and may include a Sea-Can or storage container but shall not include a motor vehicle, a dumpster, or recycling receptacle.

**SHOPPING CENTRE** means a group of commercial establishments designed, developed and managed as a unit by a single owner or tenant, or group of owners or tenants as opposed to a business area comprising unrelated individual commercial establishments.

**SIGHT TRIANGLE** means a triangle that is formed by the intersection of the boundaries of two streets, and a line joining two points that are 6.0 metres back from the intersection.

**SOIL REMEDIATION FACILITY** means an open window waste processing facility in which soil contaminated by petroleum products is bio-remediated through the application of patented petroleum reducing biological material.

**STOREY** means the portion of the building other than the basement which lies between the surface of the floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling or roof next above it.

**STREET** means the portion of a road allowance or public highway that is maintained, open to motor vehicle travel, and provides access to abutting lots.

**STREET LINE** means the limit of the road or street allowance and is the dividing line between a lot and a street.

**STRUCTURE** shall mean anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. This includes any gasoline pump, commercial stand, monument, permanent base, swimming pool, sewage disposal system, storage tank, well, substation, booster or valve station, tower and other permanent structures, but does not include fences.

**SUPPORTIVE HOUSING** means a residential use offering housing opportunities for individuals in an apartment setting with learning opportunities and assistance for meal preparation.

**SWIMMING POOL** means a body of water of more than 9.0 square meters in area, used exclusively by the owners/occupants of a dwelling unit for recreational purposes such as swimming and diving, and includes all hot tub apparatus regardless of diameter, whether installed above ground or in ground.

**TENT AND TRAILER PARK** means a parcel of land which is divided into camping sites and which is used to provide temporary or seasonal accommodation for the public in tents, and recreational vehicles and which may include accessory recreation facilities such as an eating establishment or snack bar.

**TRAILER** means any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the said motor vehicle and capable of being used for temporary living, sleeping or eating accommodation or the transport of a boat, tent or materials, notwithstanding that such vehicle is jacked up or that its running gear is removed.

**TRANSITIONAL SURFACE** means a complex surface along the sides of the runway strip and part of the approach surface that slopes up to the outer surface, which surface slope is measured in the vertical, perpendicular to the subject runway at a specified slope for that runway.

**TRANSPORT TERMINAL** means a building, structure or parcel of land where two (2) or more commercial motor vehicles are parked or stored for temporary periods and where routine maintenance is conducted and where goods and materials may be stored and distributed.

**TREE NURSERY** means a building or structure, and lands associated therewith, for the growing of flowers, plants, shrubs, trees or similar vegetation together with gardening tools and implements which are sold at retail from such building or lot to the general public.

**UNIVERSITY OR COLLEGE** means a place of post secondary education which has a body of teachers and students on the premises, offers instruction, and is empowered by law to grant a degree, diploma, licenses or certificate.

**VETERINARY ESTABLISHMENT** means a building or part of a building used as the premises of a Veterinary Surgeon where domestic animals, birds or other livestock are treated but shall not include a kennel.

**WAREHOUSE OR DISTRIBUTION FACILITY** means a building designated to store or display bulk goods and where the gross floor area devoted to commercial and retail sale of goods that are warehoused and stored does not exceed fifteen per cent (15%).

**WASTE PROCESSING FACILITY** means land, buildings or structures in or upon which waste is shredded, baled, pulverized, composted, separated, recycled, or otherwise treated or altered to facilitate further transfer, processing, utilization, or disposal in accordance with a 'Certificate of Approval' issued by the Ontario Ministry of Environment, Conservation, and Parks (or successor) where such certificate is required, or land, buildings or structures used for the management of residue from a water treatment process, including the management of discharge from the water treatment system, which is approved under the Safe Water Drinking Act, 2002, S.O. 2002, (or successor).

**WAYSIDE PIT OR QUARRY** means a temporary pit or quarry opened and used by or for a public authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

**WOOD CHIPPING FACILITY** means a waste processing facility in which waste wood is treated by uniformly reducing the waste to particles of controlled maximum size and may include the staining or otherwise colouring of the wood chips and the short-term storage of the waste wood and wood chips.

**YARD** means any open unoccupied space appurtenant to a building measured from the closest supporting structure of the building to the lot line, and includes the following subtypes:

1. **YARD, EXTERIOR SIDE** means the side yard of a corner lot which side yard extends from the front yard to the rear yard between the flankage lot line and the nearest main wall of any building or structure.
2. **YARD, FRONT** means a yard extending across the full width of the lot between the front lot line and the nearest main wall of the principal building or structure on the lot.
3. **YARD, INTERIOR SIDE** means a side yard immediately adjacent to a lot.



4. **YARD, REAR** means a yard extending across the full width of the lot between the rear lot line and the nearest main wall of the principal building on such lot.
5. **YARD, SIDE** means a yard between the nearest main wall of the principal building or structure and the side lot line extending from the front yard (or front lot line if no front yard is required) to the rear yard (or rear lot line if no rear yard is required). A yard abutting on a '0.3 metres reserve' shall be the side or rear yard.

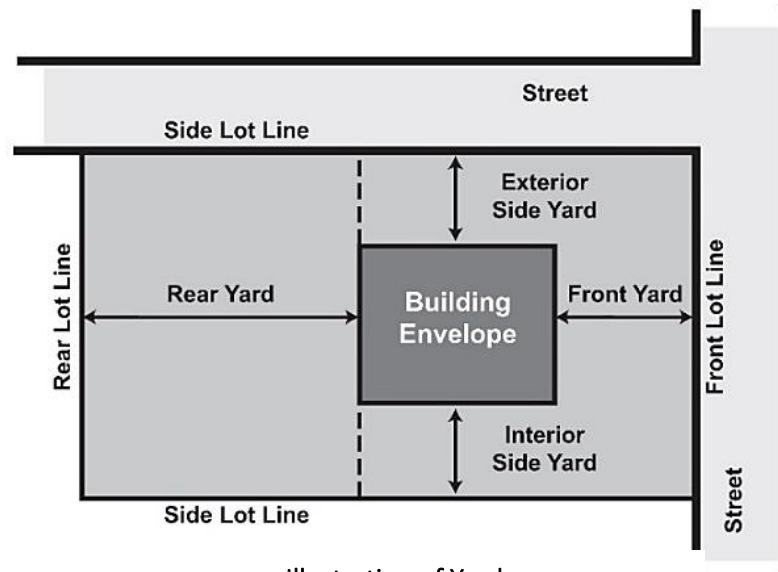


Illustration of Yards

**ZONE** means:

1. A land use category as defined and regulated in this By-law; or
2. A designated area of land use shown on the Zoning Schedules of this By-law.

## **SECTION 3 GENERAL PROVISIONS**

### **3.1 ACCESSORY USE**

#### **3.1.1 Attached Accessory Buildings**

Any accessory building may be erected as part of the principal building provided that all yard and area requirements of this By-law are complied with, in respect to principal building requirements and not accessory building requirements.

#### **3.1.2 Accessory Buildings**

Accessory buildings used for any purpose that is incidental or secondary to that of the principal building on the same lot shall be permitted and without limiting the foregoing, such use may include a storage shed, a detached domestic garage, greenhouse, swimming pool or bathhouse not used for commercial purposes.

#### **3.1.3 Access to Garage from Rear Lane**

Where the entrance to a detached domestic garage is from a lane, such building shall be a minimum of 1.0 metre from the rear lot line, but shall be no closer than 7.5 metres from the opposite boundary of the lane.

#### **3.1.4 Height**

1. Except as may otherwise be provided herein, no accessory buildings shall exceed a height of 4.27 metres in any Residential zone, or 5.0 metres in any Commercial or Industrial Zone.
2. Private telecommunication, internet, radio, and television, antennae, towers, and masts which are accessory to a permitted use, and are less than 10 metres in height, are permitted in any zone provided they maintain a minimum 5 metres setback from all lot lines, and are not located in any front yard or exterior side yard.

#### **3.1.5 Human or Animal Habitation**

Except as otherwise provided herein, the use of any accessory building or structure for human habitation is not permitted. The use of any accessory building for the housing of animals or birds, other than for domestic pets, is not permitted in any Residential zone. For greater certainty, horse stables, cow barns and hen houses are not permitted in Residential Zones.

#### **3.1.6 Location**

Except as may otherwise be provided herein, all accessory buildings and structures which are not attached or connected with the principal building shall be erected in the rear or side yard and shall be at least 0.7 metres from the lot line when located in a side yard and at least 0.3 meters from the lot line when located in the rear yard except where a mutual garage is erected on the common property line.

### **3.1.7 Lot Coverage**

1. The total lot coverage of accessory buildings excluding swimming pools shall not exceed fifteen per cent (15%) of the lot area.
2. Within Rural (RU) Zones, the total building area of all accessory structures used for personal storage purposes on any property shall not exceed 280 m<sup>2</sup>.

### **3.1.8 Portable Buildings and Shipping Containers**

1. Notwithstanding the provisions of this By-law with respect to accessory buildings, portable buildings (including shipping containers and portable commercial trailers) shall only be permitted for use as accessory buildings in the Highway Commercial (C3) Zone, Industrial Zones and in the Rural (RU) Zone in accordance with the following requirements:
  - a. No portable building shall be installed unless a building permit has been issued therefore;
  - b. Portable buildings shall be set back from lot lines in compliance with the setback requirements of the Accessory Buildings Section;
  - c. Portable buildings shall only be used for office purposes or for the storage of goods and/or materials.
2. Within Highway Commercial (C3) Zone and Industrial Zones,
  - a. Portable buildings shall only be installed in rear yards or side yards;
  - b. Portable buildings may be installed for a maximum period of up to five (5) years, unless the exterior surfaces of such portable buildings are renovated or reconstructed and upgraded to have the appearance of a traditional building, and;
  - c. The installation of portable buildings shall be subject to Site Plan Control.
3. Within the Rural (RU) Zone,
  - a. Portable buildings shall only be installed in rear yards or side yards;
  - b. Up to a maximum of three (3) portable buildings may be installed on a property at any one time, and;
  - c. Said portable buildings shall be installed in such manner so as not to be visible from public roads, or shall be screened from public view by a fence or hedge not less than 2.0 metres in height.
4. Notwithstanding the above, portable buildings (including shipping containers and portable commercial trailers) may be used in any other zone where required for the purpose of storing tools, materials and equipment or refuse during the renovation and/or construction of principal and accessory buildings on the lot.

### **3.1.9 Prior to Erection of Principal Buildings**

1. Where an accessory building is necessary for the storage of tools or material for use in connection with the construction of the principal building on a lot in a Residential Zone, the accessory building may be erected on the lot before the erection of the principal building and such building shall be used only for the purpose of storage.

2. Within Rural (RU) Zone, accessory buildings may be erected prior to the construction or installation of the principal building on such lands. Permitted accessory buildings within Rural (RU) Zone shall only be used for personal storage purposes by the property owner.

### **3.1.10 Swimming Pools**

Notwithstanding anything contained in this By-law, a swimming pool shall be permitted as an accessory use to a permitted residential use within all Zones, subject to compliance with the following provisions:

1. A swimming pool, whether installed above or in ground, shall only be located in a rear or side yard area.
2. No part of any swimming pool shall be located in a front yard area.
3. The distance of any swimming pool from a rear and/or side lot line shall be a minimum of 1.2 metres, as measured from the inner surface of the wall of the pool to the rear or side lot line.
4. A swimming pool shall be entirely enclosed by any one of the following methods or a combination thereof:
  - a. A fence erected along the lot line, having minimum height of 1.83 metres as measured from ground level;
  - b. Exterior walls of a principal building or an accessory building located on the lot;
  - c. A fence erected around said pool at ground level, at a minimum distance of 1.2 metres from the pool as measured from the inner surface of the wall of said pool, and having minimum height of 1.83 metres above the finished grade level of the ground around the pool;
  - d. A deck around the outer edge of said pool, having minimum horizontal width of 0.9 metres, with a guard erected along the outer edge of said deck so that the top of such guard is at least 1.83 metres above the finished grade level of the ground at the edge of said deck; or
  - e. An appropriate pool surround guard installed along the rim or top seat of the pool, so that the top of edge of such pool surround guard is at least 1.83 metres above the finished grade level of the ground around the pool.
5. A fence or guard required for enclosing a pool shall be designed so as not to facilitate climbing on the exterior or outside surface of such fence or guard.
6. Direct access from the exterior into the enclosed area containing the pool shall only be gained through a principal building or an accessory building or a gate, having the same height as the fence or guard in which it is installed, which gate can either be locked on the outside or properly secured from the inside.
7. In the case of a corner lot, no pool or its fence enclosure shall be located and installed or erected within the sight triangle for said lot, which is defined as that portion of said lot located within the triangle formed by the boundaries of two (2) intersecting streets and a line joining the point on each intersecting street boundary located at a distance of 6.0 metres from the point of intersection of such boundaries.
8. An accessory building or structure, including a deck along the outer edge of the pool, that may be required for changing clothes, containing pumping or filtration equipment, or other uses related to

the swimming pool shall comply with the provisions of this By-law with respect to accessory buildings and structures for the Zone in which the swimming pool is located.

9. In lieu of fencing, decking or the installation of pool surround guards, above ground inflatable pools and hot tubs must be secured at all times when not in use by attaching a cover that is designed to be integrated with the entire surface and rim of the apparatus, and which is equipped with a lockable device.

### **3.2 BUFFER STRIPS**

Where, in any Zone, this By-law requires that a buffer strip be provided and maintained between the Zone and any abutting Zone, such buffer strip shall be provided in accordance with the following regulations:

1. Every buffer strip shall be a minimum width of 1.5 metres and this shall be in addition to any yard or yards required by this By-law;
2. Every buffer strip shall be completely contained on the lot or within the Zone for which the provision of buffer strips is a requirement. Buffer strips shall run along the entire length of the Zone line or lines separating it from the adjoining Zone, except that buffer strips need not be located between the street line and a distance of 3.0 metres from the street line;
3. Every buffer strip shall consist of a solid and unbroken planting of shrubs or trees, the ultimate height of which is not less than 2.0 metres and/or a fence protected by vehicle curbs, stops or barriers. Such plant material shall not be less than 1.0 metre in height when planted; and
4. Every buffer strip required by this By-law shall be installed and maintained by the owner of the lot upon which the buffer strip is required.

### **3.3 DAYLIGHTING TRIANGLES AT RAILWAY CROSSINGS**

Notwithstanding anything contained in this By-law, where any public street crosses a railway at the same grade, no building or structure shall be erected within 46.0 metres of the point of intersection of the centre line of both the railway and the street.

### **3.4 EXCEPTIONS TO HEIGHT LIMITATIONS**

Subject to Airport (A) Zone Section of this By-law, the height limitations of this By-law shall not apply to church spires, public buildings, water tanks, elevator enclosures, flag poles, ventilators or sky-lights, chimneys, and any buildings or structures in an Industrial Zone.

### **3.5 EXEMPTION FROM LOT AREA OR FRONTAGE REQUIREMENTS**

Where a lot in the R1, R2 or R3 Residential Zone having a lesser frontage and/or lot area than is required by this By-law is held under distinct and separate ownership from adjoining lots, according to the register for lands in the Land Titles or Registry Office on the date of the passing of this By-law, a single detached dwelling may be erected and used on such smaller lot, provided that said dwelling conforms to all other requirements of this By-law.

### **3.6 FRONTAGE ON A STREET**

No person shall erect or use any building or structure on a lot which does not front on a publicly owned and maintained street developed to Municipal standards.

### **3.7 GROUP HOMES**

1. A group home shall be a permitted use within a single detached dwelling in any residential zone where a single detached dwelling is a permitted use.
2. A group home shall comply with the zoning provisions of the zone in which it is located.

### **3.8 HOME-BASED BUSINESS**

Nothing in this By-law shall prevent the use of dwelling, or accessory building, for a home-based business in a zone where a permanent residential dwelling is a permitted use, provided:

1. The home-based business is operated by a maximum of two (2) persons who are residents of the dwelling.
2. Where a home-based business is located within a dwelling, not more than twenty-five per cent (25%) of the gross floor area of the dwelling or a maximum of 46.0 square metres, whichever is the lesser, is devoted to such uses.
3. There shall be no advertising other than a plate or sign which is not flashing and is not larger than 0.5 square metre indicating only the name, occupation and practicing hours of the occupant.
4. The plate or sign shall be attached and parallel to a main wall of the building.
5. In the case of a physician, dentist or drugless practitioner:
  - a. Such office is used for consultation and emergency treatment only and not as a clinic or hospital; and
  - b. The ground floor or basement area for such use shall be in addition to the minimum ground floor or basement area requirements of this By-law but shall not exceed twenty-five per cent (25%) of the gross floor area of the building.
6. The residential character of the dwelling is not changed.
7. No machinery or instrument shall be used in the said offices that is not compatible with a residential area.
8. The home-based business shall be clearly secondary to the principal residential use and shall not change the residential character of the dwelling unit nor create or become a public nuisance.
9. The home-based business shall not interfere with television or radio reception of others in adjacent buildings or structures.
10. The home-based business shall not include a medical clinic, a private hospital, a long-term care facility, an eating establishment, a veterinary clinic, a kennel, a retail store, a personal service shop or a retail convenience store.
11. There shall be no storage of hazardous chemicals nor emission of fumes, dust, particulate matter or other activities considered obnoxious.

### **3.9 LANDFILL SITES**

No development shall be approved within 500 metres of an active or closed landfill site, unless by way of a site-specific Zoning By-law amendment, notwithstanding any other provision of this By-law.

### **3.10 LOADING REQUIREMENTS**

Except as may otherwise be provided herein, no person shall, in any zone, erect or use any building or structure for manufacturing, storage, or as a warehouse or distribution facility, retail store, wholesale store, market, freight or passenger terminal, hotel, hospital, mortuary, or other uses similarly involving the frequent shipping, loading or unloading of persons, animals or goods, unless there is maintained on the same premises with every such building, structure or use, one (1) off-street loading space for every 1,850.0 square metres or fraction thereof of the gross floor area. Each space shall be at least 3.5 metres by 9.0 metres in area, having a minimum clearance height of 4.5 metres.

### **3.11 NON-COMPLYING BUILDING AND STRUCTURES**

#### **3.11.1 Reconstruction, Enlargement and Extension**

1. Where a legal non-complying building or structure is damaged, destroyed, or demolished, the building or structure may be reconstructed within its original location, provided:
  - a. The situation of non-compliance is not further increased; and
  - b. All other provisions of the By-law are complied with.
2. A legal non-complying building or structure may be enlarged or extended provided the situation of non-compliance is not further increased and it complies with all other provisions of the By-law.

#### **3.11.2 Development on Existing Non-Complying Lots**

Development is permitted on any vacant lot existing as of the date of the passing of this Bylaw and which lot is legally non-complying with respect to lot width and lot area, provided:

1. The proposed use is a use permitted in the zone in which the lot is located; and
2. The proposed use does not contravene any other provisions.

#### **3.11.3 Additions and Accessory Uses Permitted**

1. Nothing in this By-law shall prevent an addition on to a non-complying building or structure, provided that such addition does not further contravene any of the provisions of this By-law.
2. Nothing in this By-law shall prevent the erection or enlargement of buildings, structures and uses accessory to a non-complying use building or structure, provided that such erection or enlargement does not further contravene any of the provisions of this By-law.

### **3.12 NON-CONFORMING USES**

#### **3.12.1 Continuation of Existing Uses**

The provisions of this By-law shall not apply to prevent the use of any existing lot or any existing building for any purpose prohibited by this By-law if such lot or building was legally used for such purpose on the

date of the passing of this By-law and provided that the lot or building continues to be used for that purpose.

### **3.12.2 Reconstruction of Damaged Existing Building**

Nothing in this By-law shall apply to prevent the reconstruction of any legal non-conforming building which existed on the date of the passing of this By-law, which is damaged by causes beyond the control of the owner, and such building maybe be reconstructed in accordance with the previously existing standards, even if such did not conform with one or more of the provisions of this By-law, provided that the building height, gross floor area, or lot coverage is not increased.

### **3.12.3 Restoration of Buildings to a Safe Condition**

Nothing in this By-law shall prevent the strengthening or restoration to a safe condition of any building or part thereof, lawfully used on the date of the passing of this By-law, provided that such strengthening or restoration does not increase the building height, gross floor area, or change the use of such building.

### **3.12.4 Additions and Accessory Uses Permitted**

1. Nothing in this By-law shall prevent an addition on to a non-conforming use, building or structure, provided that such addition does not further contravene any of the provisions of this By-law.
2. Nothing in this By-law shall prevent the erection or enlargement of buildings, structures and uses accessory to a non-conforming use, building or structure, provided that such erection or enlargement does not further contravene any of the provisions of this By-law.

## **3.13 OBNOXIOUS USES PROHIBITED**

Notwithstanding any other provision of this By-law, no land may be used or any building or structure permitted in any Zone for any purpose or in such a manner which constitutes an obnoxious use.

## **3.14 PARKING REQUIREMENTS**

Any person who erects a new building after the date of enactment of this By-law, in any Zone, shall provide an area for motor vehicle parking, located on the same lot of the principal building.

### **3.14.1 Accessible Parking**

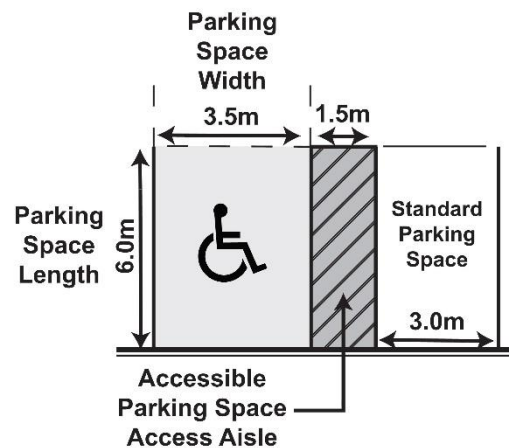
1. In addition to requirements listed in the Minimum Parking Space Requirements subsection of this By-law, accessible parking spaces shall be provided at the following rate:

Number of Required Standard Parking Spaces	Number of Accessible Parking Spaces
1 – 12	1
13 – 100	4% of the required parking spaces
101 – 200	3% of the required parking + 1 parking space
201 – 1000	2% of the required parking + 2 parking spaces
1001 – 1099	1% of the required parking + 11 parking spaces
1100 or greater	2% of the required parking spaces



2. Where the percentage-based requirements in the table above result in a number that is not a whole number, the requirements shall be rounded up to the next whole number.
3. When fronting onto a public road, or located within a private road development, the following uses shall be exempt from providing accessible parking:
  - a. Single detached dwellings;
  - b. Semi-detached dwellings;
  - c. Duplex dwellings;
  - d. Triplex dwellings;
  - e. Quadruplex dwellings and;
  - f. Row house dwellings.

4. The dimensions of all required accessible parking spaces shall comply with the following:
  - a. A minimum width of 3.5 metres;
  - b. A minimum length of 6.0 metres;
  - c. Notwithstanding the provisions above, a minimum length of 7.0 metres is required where aligned for parallel parking.



**Illustration of Accessible Parking**

5. Access to accessible parking spaces shall be provided by an accessible parking space access aisle with a minimum width of 1.5 metres which extends the full length of the parking space, and which is marked with high tonal contrast diagonal lines (i.e. hatching) on a hard surface. Two (2) barrier-free parking spaces which are adjacent to one another may share one (1) barrier-free access aisle.

### 3.14.2 Downtown Commercial Zone

1. In the case of a new building in a Downtown Commercial Zone, motor vehicle parking shall be deemed to be provided,
  - a. If such required parking is located within 92 metres of the said building, or
  - b. If a cash payment in lieu of providing parking facilities is made to the Municipality at such rates as the Municipality may set from time to time.
2. Where residential dwellings are permitted in a Downtown Commercial Zone the total parking spaces required by this By-law shall be located on the same lot with the residential dwelling units. Adequate provisions for access to a street or public lane from each individual parking space unobstructed by any other parking space shall be provided. Except as may otherwise be provided herein, such parking space shall be in accordance with the following standards and shall be provided as follows:
  - a. Parking Space

Provisions	Requirements
Minimum Area (m <sup>2</sup> )	17.0 m <sup>2</sup>
Minimum Length (m)	6.0 m 6.5 m for parallel parking

Minimum Width (m)	2.75 m 2.5 m for parallel parking
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b. Aisle Space

Provisions	Type of Parking	Requirements
Minimum Width (m)	Greater than 60 degrees	6.5 m
	45 to 60 degrees	5.5 m
	Less than 45 degrees (in which case access of such aisle shall be one direction only)	3.5 m

### 3.14.3 Minimum Parking Space Requirements

1. In any zone, the owner of any building erected, enlarged or changed in use after the passing of this By-law, shall provide off-street parking in accordance with the following provisions:

a. Number of Spaces Required:

Type of Building or Use	Required Parking Spaces
<ul style="list-style-type: none"> <li>– Single detached dwelling</li> <li>– Semi-detached dwelling</li> <li>– Duplex dwelling</li> <li>– Triplex dwelling</li> <li>– Quadruplex dwelling</li> <li>– Row house dwelling</li> </ul>	One (1) space for each dwelling unit in the building, including secondary dwelling units
<ul style="list-style-type: none"> <li>– Apartment dwelling</li> <li>– Mobile home parks</li> <li>– Buildings containing both commercial and residential uses</li> </ul>	1.25 spaces for each dwelling unit or mobile home site
Any commercial use in a building having a building area of 253 square metres or less in a: <ul style="list-style-type: none"> <li>– Downtown Commercial (C1) Zone</li> <li>– Neighbourhood Commercial (C2) Zone</li> <li>– Highway Commercial (C3) Zone</li> </ul> except those specifically listed elsewhere in this Section.	One (1) space for each 18.5 square metres of gross leasable floor area
Any commercial use in a building having building area greater than 253 square metres in a:	One (1) space for each 18.5 square metres of the first 253 square metres of gross leasable floor area, plus one (1) parking space for each 38.0

Type of Building or Use	Required Parking Spaces
<ul style="list-style-type: none"> <li>– Downtown (C1) Zone</li> <li>– Highway Commercial (C3) Zone</li> </ul>	square metres of gross leasable floor area thereafter
Shopping centre, except offices and other uses specifically listed elsewhere in this Section	Five and one-half (5.5) parking spaces for each 93.0 square metres of gross leasable floor area
Office	One (1) parking space for each 28.0 square metres of gross leasable floor area of the building
Veterinary establishment	One (1) parking space for each 28.0 square metres of gross floor area of the building
Public and private hospital, long-term care facility	One (1) parking space for each two (2) beds
Places of entertainment	One (1) parking space for each two (2) persons in the design capacity of the building.
Industrial use	One (1) parking space for each 93.0 square metres of gross floor area on the lot
Places of worship	One (1) parking space for every ten (10) seats or 6.0 metres of bench space of its maximum seating capacity
School	One and one-half (1.5) parking spaces for each teaching staff member
Library	Minimum ten (10) parking spaces
Government building	One (1) parking space for each four (4) employees plus a parking area for visitors with a minimum capacity of ten (10) parking spaces
Hotels and motel	One (1) parking space for each guest room or suite plus one (1) parking space for each 9.0 square metres of gross floor area of the building devoted to other uses such as conferences and dining
Funeral home or parlour	One (1) parking space for each five (5) seats capacity of the chapel with a minimum of ten (10) parking spaces
Uses other than those listed in this Section	One (1) parking space for each 38.0 square metres of gross floor area

#### **3.14.4 Supplementary Parking Regulations**

1. Where in this By-law parking facilities are required or permitted, the parking area shall be maintained with a stable surface treated to prevent the raising of dust and any lights erected thereon shall be directed away from any adjacent lots located in a Residential Zone.
2. Parking areas in any Residential zone shall be located only within a side yard, rear yard, or driveway located within the front yard.

#### **3.14.5 Parking of Derelict Motor Vehicles**

Notwithstanding anything else in this By-law, no person may use any lot in any Zone for the parking or storage of any motor vehicle that is not in running order except that one (1) such vehicle may be stored in a domestic garage in a Residential Zone and not more than six (6) such vehicles may be stored in a garage in a Commercial or Industrial Zone.

#### **3.14.6 Parking Area and Loading Area Requirements**

Parking areas and loading areas required by the Parking Requirements Section and the Loading Requirements Section of this By-law shall comply with the following requirements:

1. Adequate drainage facilities shall be provided.
2. When the parking or loading area is adjacent to a Residential Zone, the lighting facilities shall be so arranged as to reflect and/or deflect the light away from such Zone.
3. In any Commercial Zone, no parking or loading area shall be located closer than 1.5 metres to any street line nor 3.0 metres to any other side lot line, or rear lot line where said side or rear lot line abuts a Residential, or Open Space Zone, and the boundaries of such area shall be defined by a permanent curb of concrete or rolled asphalt or other suitable obstruction designed to provide a neat appearance.
4. Where a parking or loading area designed to accommodate more than four (4) motor vehicles is situated on the boundary between a Commercial Zone and a Residential or Open Space Zone, a strip of land not less than 3.0 metres wide and lying within the Commercial Zone along the said boundary shall not be used for any purpose other than landscaping.
5. When a parking area designed to accommodate more than six (6) motor vehicles is situated within a Residential Zone, a strip of land not less than 1.5 metres wide around the periphery of the said parking area and within the lot on which the said parking area is situated shall not be used for any purpose other than landscaping, but this shall not prevent the provision of entrances and exits to the said parking area across the strip.
6. Where a '0.3 metre reserve' exists, no part of any garage whether above or below grade, shall be permitted closer than 6.0 metres to such reserve.
7. The approaches to any parking area, other than those required for a single detached, semi-detached or duplex dwelling, and the approaches to any loading area shall be defined by a curb of concrete or rolled asphalt.

8. All parking or loading areas and their approaches shall be constructed and maintained with a stable surface which is treated to prevent the raising of dust or loose particles and except for the parking areas require for single detached dwellings and semi-detached dwellings, shall have a cement or asphaltic binder or other permanent type of surfacing.
9. The width of a driveway leading to any parking or loading area required by this By-law, that is designed to accommodate more than four (4) motor vehicles, shall be a minimum width of 3.0 metres if for one-way traffic, and a minimum width of 6.0 metres if for two-way traffic. The maximum width of a driveway shall be 7.5 metres.

### 3.15 PAYDAY LOAN ESTABLISHMENTS

The following minimum separation distances apply to payday loan establishments, where a payday loan establishment is a permitted use.

1. No new payday loan establishment may be permitted within 500 metres of an existing payday loan establishment.
2. No new payday loan establishment may be permitted within 300 metres of a school.

### 3.16 PERMITTED ENCROACHMENTS IN YARDS

Every part of any yard required by this By-law shall be open and unobstructed by any structure from the ground to the sky, provided however that fences and hedges erected and planted in accordance with the Sight Triangles provisions in this By-law, shall be permitted and that those structures or parts of structures listed in the following table shall be permitted to project into the minimum yards required by this By-law for the distance specified below.

Structure	Applicable yard	Permitted Projection (m)
Sills, Belt Courses, Cornices, Eaves or Canopies, Gutters, Chimneys, Pilasters	Any yard	0.7 m
Exterior staircases	Front, rear and exterior side yards only	1.5 m
Air conditioners, Fire escapes	Rear and side yards only	1.5 m
Bay windows	Front, rear and exterior side yards only	1.0 m over a maximum width of 3.0 m
Balconies	Front, rear and exterior side yards only for single detached, semi-detached, duplex, triplex and quadruplex dwellings; any	2.0 m

	yard for other residential buildings	
<b>Open or roofed porches not exceeding one (1) storey in height</b>	Front, exterior side and rear yards only	2.5 m including eaves and cornices

### **3.17 PUBLIC USES AND UTILITIES PERMITTED**

This By-law permits the use of land in any Zone for the use, construction or re-construction, of any building or structure for the provision of public services by the Town of Hearst or by any energy provider, telephone company, cable company, transportation or other public utility owned, operated or authorized by the Town of Hearst, any department or body of the Federal or Provincial Government, including TransCanada Pipeline, Hydro One Networks Inc., Bell Canada, and Hearst Connect, provided that:

1. The use, building or structure complies with the provisions of the applicable Zone;
2. Any building or structure is designed and maintained in general harmony with the buildings and structures in that Zone; and
3. There is no exterior storage of goods, materials or equipment in any Residential Zone.

### **3.18 SECONDARY DWELLING UNITS**

1. Secondary dwelling units shall be permitted in existing and proposed single detached dwellings, semi-detached dwellings, and row house dwellings, in any zone where such a dwelling is a permitted use, or in a building accessory thereto.
2. Notwithstanding the above, and any other provision of this By-law, a secondary dwelling unit is not permitted within a dwelling that is deemed to be a non-conforming use.
3. A maximum of one (1) secondary dwelling unit is permitted per principal dwelling unit.

#### **3.18.1 Secondary Dwelling Units in Accessory Buildings**

Notwithstanding any other provisions of this By-law, where a secondary dwelling unit is located in an accessory building, the following provisions apply:

1. Windows in dwelling units above accessory buildings shall be sized and installed in such a manner so as to maintain the privacy of adjacent properties.

### **3.19 SETBACKS FROM AGGREGATE EXTRACTION**

Despite any other provisions of this By-law, the excavation of land for aggregate materials shall not be permitted within the following setback distances:

1. Within 15 metres of a property boundary;
2. Within 30 metres of any boundary abutting a public road or residential land use;
3. Within 15 metres of a naturally occurring body of water; and

4. Within a distance from the property boundary equal to or less than the height of the face of the excavation.

### **3.20 SETBACKS FROM TRANSCANADA PIPELINES**

1. Development adjacent to the TransCanada pipeline shall be set back a minimum of 10 metres from the pipeline right-of-way.
2. Notwithstanding the above, all dwellings or buildings intended for human occupation shall be set back a minimum of 20 metres from the centreline of the TransCanada Pipeline.
3. Public buildings including schools, hospitals and Long-term care facilities shall be set back a minimum of 200 metres from the centreline of the TransCanada Pipeline.

### **3.21 SLOPE HAZARD**

No person shall hereafter erect, alter or use any building on land where the slope of the said land is thirty degrees (30°) or more from the horizontal.

### **3.22 SURFACE WATER HAZARD**

Where in this By-law a front, side or rear yard is required, and part of the area of the lot is usually covered by water or marsh, or is beyond the rim of a river bank or watercourse, or between the top and toe of a cliff or embankment having a slope of thirty degrees (30°) or more from the horizontal, then the required yard shall be measured from the nearest main wall of the principal building or structure on the lot to the edge of said area covered by water or marsh, or to the rim of said river bank or watercourse, or to the top of the said cliff or embankment if such area is closer than the lot line.

### **3.23 THROUGH LOTS**

Except for parts of Lots 98 and 99 on Plan M-51 Algoma and Lots 100, 101, 106 and 107 on said Plan, where a lot which is not a corner lot has frontage on more than one street such lot shall have a front yard on each street in accordance with the provisions of the Zone or Zones in which each front yard is located. For those aforementioned lots on Plan M-51 Algoma, the south lot line of said properties shall be deemed to be the rear lot line and a minimum rear yard of 1.5 metres shall be provided.

### **3.24 TRAILERS**

No trailer used for accommodation shall be used for one or more of the following purposes: living, sleeping, or eating accommodation within the Municipality for a period of more than sixty (60) days in any period of ten (10) consecutive months, whether or not such trailer was used before this By-law was passed, unless such trailer is located in a tent and trailer park or mobile home park.

## SECTION 4 RESIDENTIAL (R) ZONES

No person shall hereafter use or alter any lands nor erect, alter, enlarge or use any building or structure in an Residential Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

### 4.1 GENERAL PROVISIONS FOR RESIDENTIAL ZONES

The provisions of this Section shall apply to the following Residential Zones:

- First Density Residential (R1) Zone
- Second Density Residential (R2) Zone
- Third Density Residential (R3) Zone
- Mobile Home Residential (RMH) Zone
- First Density Multiple Residential (RM1) Zone
- Second Density Multiple Residential (RM2) Zone
- High Density Residential (RH1) Zone
- Rural Residential (RR) Zone

#### 4.1.1 Accessory Uses, Buildings and Structures

1. No accessory building shall be located closer than 1.5 metres from the principal building unless said accessory building is intended to be attached thereto.
2. The distance of any accessory building or structure located in the rear yard from any side or rear lot line shall be a minimum of 1.0 metre except where a mutual garage is erected on the common property line between two (2) adjoining properties.
3. The total lot coverage of all accessory buildings and structures, including detached domestic garages, shall not exceed fifteen per cent (15%) of the lot area. The total lot coverage of all buildings and structures, including principal and accessory, shall not exceed forty per cent (40%) of the lot area.
4. The minimum distance of any accessory building or structure located in the side yard from the side lot line shall be not less than the minimum side yard required for a principal building of the same number of storeys as the said accessory building.
5. No accessory building or structure shall be constructed closer to the front lot line than the minimum distance required by this By-law for the principal building on the lot.
6. No accessory building or structure shall be constructed closer than 6.0 metres to a side or rear lot line abutting a '0.3 metre reserve'.
7. Except as otherwise provided by the Secondary Dwelling Units section of this By-law, no accessory building or structure shall be used for human habitation.
8. An accessory building or structure shall not exceed 4.27 metres in height, except where a greater height might be required to match the slope of the roof of the principal building located on the lot.



9. An accessory building or structure shall not be considered an accessory building for the purpose of calculating the lot coverage if attached to the principal building, but shall be considered to be part of the principal building.
10. An accessory structure which is a satellite dish having a diameter of more than 56 centimetres shall not be located within any side or front yard of a residential property. Said structure shall be,
  - a. located a minimum of 1.0 metre in distance from any side or rear lot line, measured to the outer edges of the structure's surfaces;
  - b. mounted at the ground level of the lot, and shall not be attached in any manner to or on the roof surface of any principal building or accessory building or structure on the lot.
11. The maximum height of any door installed in an accessory building shall not exceed 3.05 metres.

#### **4.1.2 Bed and Breakfast Establishments**

Notwithstanding any other provisions of this By-law to the contrary, a bed and breakfast establishment shall be permitted as a home-based business associated with a dwelling within a Residential R1, R2 and R3 Zone. The following provisions shall apply to regulate and govern such use:

1. The home-based business use shall not include a liquor licensed premises or other facilities for the serving of alcoholic beverages to the general public.
2. The use shall comply with the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended and the Regulations passed thereunder, and such other By-laws and regulations as may be applicable of the Municipality.
3. No portion of a guest room shall contain facilities for the preparation of meals.
4. Despite any provisions of the Home-Based Business Section to the contrary, a Bed and Breakfast Establishment is permitted to occupy the entirety of a dwelling unit.

#### **4.1.3 Canopies for Entrances to Apartment Buildings**

Notwithstanding any other provision of this By-law, a canopy or portico over a major entrance to an apartment building may project into the required yard a distance equal to 50% the setback of the building from the street line.

#### **4.1.4 Commercial Motor Vehicle Parking**

No person shall, in any Residential zone, use any lot or domestic garage for the parking or storage of any commercial motor vehicle with a registered gross weight exceeding 4,400 kilograms (4.3 tons).

#### **4.1.5 Corner Lots**

1. Notwithstanding any other provision in this By-law, on a corner lot in a Residential Zone, no part of any principal building or accessory building shall be erected closer to the lot line of the flanking street than 6.0 metres or 50% of the required front yard for the Zone in which such lot is situated, whichever is the greater.

2. The yard opposite the flankage lot line may be deemed a rear yard in which case the minimum depth of such rear yard shall be 7.5 metres and the yard opposite the front lot line may be deemed a side yard.
3. In the case of a corner lot, no garage shall be located closer than 6.0 metres to a street line and no portion of any driveway shall be located closer than 9.0 metres to the intersection of any two streets measured along the street line and its projection to the intersection of such street line or its projection with another street line or its projection.

#### **4.1.6 Front Yards**

1. A front yard shall be provided in the front of the principal building in accordance with the provisions set out in the applicable Zone regulations.
2. Notwithstanding the provisions of the subsection directly above, the distance from the lot line of any building erected between lots containing existing buildings which are not more than 90.0 metres apart on the same street frontage of the same block shall comply with the following regulations:
  - a. Where one or two lots remain between existing buildings the minimum distance from the front lot line shall be established by a line connecting the front main walls of the said existing buildings.
  - b. Where more than two lots remain between existing buildings, the minimum distance from the front lot line shall be as required in this subsection, except for lots abutting the existing building, where said distance from the front lot line shall be the average between the set-back established by the existing building and the requirement in this subsection.

#### **4.1.7 Garden Suites**

Notwithstanding any other provision of this By-law to the contrary, a garden suite shall be permitted within any zone where a single detached dwelling is permitted, on any lot where a single detached dwelling exists. The following provisions shall apply to regulate and govern such use, namely:

1. A garden suite shall be permitted as a temporary land use under the Temporary Land Use Provisions section of this By-law;
2. Garden suites may be permitted by By-law for a period of time of up to twenty (20) years in duration from the day of the passing of this By-law. Upon the expiration date of said By-law, Council may grant by By-law further periods of time of not more than three (3) years each, during which said permitted use is authorized;
3. Parking for the garden suite shall be provided in accordance with the requirements for single detached dwellings as set forth in Parking Requirements section of this By-law;
4. Garden suites shall be located in a rear yard or side yard only;
5. No garden suite shall be located closer than 1.5 metres to any rear or interior side lot line, nor closer than 5 metres to any flankage lot line; and
6. Garden suites may be subject to Site Plan Control.

#### **4.1.8 Home-Based Businesses in Residential Zones, Additional Requirements**

In addition to the provisions set-out in the Home-Based Businesses Section of this By-law, the following applies to home-based businesses within Residential Zones:

1. Industrial uses which produce noise, vibration, smoke, or odours are prohibited;
2. The home-based business shall not increase traffic volumes beyond the normal level experienced in the residential neighbourhood;
3. Open storage or display of materials and/or products is prohibited in front yards and side yards; and
4. There shall be at least one (1) off-street parking space for every 28.0 square metres of gross floor area occupied as the home-based business in addition to any requirements set out in the Parking Requirements Section of this By-law.

#### **4.1.9 Landscaping for Apartments**

Notwithstanding any other provision of this By-law, no person shall use land for or erect or use a building containing apartment dwelling units unless a minimum of thirty per cent (30%) of the lot area is provided for landscaping, which shall include:

1. A strip of land not less than 1.5 metres wide for landscaping abutting the side lot line;
2. A strip of land not less than 1.5 metres for landscaping abutting the rear lot line;
3. A strip of land not less than 1.5 metres wide for landscaping abutting the walls of the apartment dwelling where units on the ground floor have windows in habitable rooms which face onto either a driveway or a parking lot in the said yards; and
4. A screen in the form of landscaping to a height of not less than 1.5 metres adjacent to the side and rear lot lines.

#### **4.1.10 Mobile Homes**

Mobile homes as defined in this By-law shall only be installed on lots located within the boundaries of a mobile home park, a subdivision zoned and planned for such residential uses, or in a Rural (RU) Zone

#### **4.1.11 Non-Residential Buildings**

Where a recreational, institutional or public building is constructed in any Residential zone, the said building shall be located not closer than a distance equal to 150% the height of the building, or 7.5 metres whichever is the greater to any property line of the site on which said building is located.

#### **4.1.12 Parking Spaces Outside a Domestic Garage**

Parking space required by the Parking Requirements section of this By-law may be provided in an attached or detached domestic garage or in a yard, provided the maximum aggregate number of motor vehicles that may be parked on the lot outside a garage shall be three (3) for each dwelling unit on the lot and the said motor vehicles may only be parked in a driveway or parking area constructed in accordance with Parking and Loading Area Requirements of this By-law.

#### 4.1.13 Play Space for Apartments

Notwithstanding any other provision of this By-law, no person shall use land for or erect or use an apartment dwelling unless a play space is provided on the lot, calculated in accordance with the following table:

Unit Type	Play Space (m <sup>2</sup> )
Bachelor	0 m <sup>2</sup>
1-Bedroom	2.0 m <sup>2</sup>
2-Bedrooms	3.5 m <sup>2</sup>
3-Bedrooms or more	4.5 m <sup>2</sup>

1. Such play space shall be:
  - a. Located at least 4.5 metres from the nearest wall of the building;
  - b. Accessible to the building without the necessity of crossing a parking lot or driveway;
  - c. In one location;
  - d. In the rear or side yard, or in the case of a corner lot, in the rear yard or in the side yard not adjacent to the street; and
  - e. Considered as part of any required amenity area.

#### 4.1.14 Portable Domestic Shelters

1. Portable domestic shelters erected for year-round use shall only be installed in a side and/or rear yard of any property located in any Residential Zone.
2. Portable domestic shelters erected for year-round use shall only be installed in compliance with the provisions of the subsections 2 through 4, and 6 through 7 of the Accessory Uses, Buildings and Structures subsection.
3. No portable domestic shelter shall be erected within 2.3 metres of a front lot line.
4. Where portable domestic shelters must be installed in front yards or in such a manner as to be closer to the front lot line than the principal residential building located on any property within a Residential Zone, then such shelters shall only be erected each year and installed on site in said location during those winter months between October 1 and April 30 and shall be promptly dismantled and removed thereafter.

#### 4.1.15 Sight Triangles

On a corner lot in a Residential Zone, within the triangular space formed by the street lines for a distance of 6.0 metres from their intersection, no hedge, shrub, tree, or fence shall be planted, maintained or erected which would obstruct the vision of vehicular traffic.

#### **4.1.16 One Dwelling per Lot**

1. Not more than one dwelling may be built on any lot, except as a permitted group dwelling.
2. A dwelling may be erected on the sole parcel of land remaining to any owner and comprising part of one or more lots on a registered plan, as long as such parcel complies with the provisions of the Residential Zone in which it is located.

## 4.2 FIRST DENSITY RESIDENTIAL (R1) ZONE

### 4.2.1 Permitted Uses

- Nursery school, provided such use is conducted within a school, or within a single detached dwelling
- Public park
- School
- Single detached dwelling

### 4.2.2 Regulations

Provisions	Permitted Uses	Requirement	
Minimum Lot Frontage (m)	All permitted uses	20.0 m	
Minimum Lot Area (m <sup>2</sup> )	All permitted uses	900.0 m <sup>2</sup>	
Maximum Lot Coverage (%)	All permitted uses	40% <sup>1</sup>	
Minimum Front Yard (m)	All permitted uses	7.5 m	
Minimum Interior Side Yard (m)	All permitted uses	1 storey	2 m
		1½ storey to 2 storey	2.5 m
		2½ to 3 storey and above	3 m
Minimum Exterior Side Yard (m)	All permitted uses	1 storey	6.0 m
		1½ storey to 2 storey	6.5 m
		2½ to 3 storey and above	7 m
Minimum Rear Yard (m)	All permitted uses	7.5 m	
Minimum Gross Floor Area (m <sup>2</sup> )	All permitted uses	1 storey	83.5 m <sup>2</sup>
		1 ½ storey	60.0 m <sup>2</sup>
		2 storey	60.0 m <sup>2</sup>
Maximum Height (m)	All permitted uses	9.0 m	

<sup>1</sup> Refers to lot coverage of principal building and all accessory buildings

### 4.2.3 Additional Provisions

#### 1. Side Yards, Single Detached Dwellings

Notwithstanding the regulations set out above, on every lot other than a corner lot on which a single detached dwelling is erected and where there is no attached garage or carport, one side yard shall have a minimum width of 5.0 metres.

#### 2. Schools

Notwithstanding the regulations above, any school within the R1 zone shall comply with the regulations set out in the Institutional (I) zone.

### 4.2.4 Special Exceptions

#### R1-S1

##### 75 Labelle Avenue (Schedule A1)

The use of the land described as Parcel 9891 Centre Cochrane, being part of Lot 2 in the Eleventh Concession in the Township of Way, designated as Part 3 on reference plan 6R-2895 in the Town of Hearst, shall comply with all of the regulations of this By-law and the First Density Residential (R1) Zone in which it is located, except as expressly varied in this subsection.

#### 1. Permitted Uses

- a single detached dwelling

#### 2. Front Yard

Notwithstanding the minimum front yard requirements established by this Zone, a front yard of 1.2 metres shall be maintained between the front lot line and the main exterior wall of the principal building.

#### R1-S2

##### Plan M-51 Algoma, Wyborn (Schedule A1)

The use of the lands described below shall comply with all the regulations of this By-law and the Zones in which they are located, except as expressly varied in this subsection.

#### 1. Permitted Uses

Zone	Lot	Permitted Uses
R1	Lots 97 through 121 inclusive on Plan M-51 Algoma	single detached dwellings
R2	Lots 14, 24, 25, 38, 39 and 54 through 96 inclusive on Plan M-51 Algoma	single detached dwellings and semi-detached dwellings

#### 2. Regulations

Notwithstanding the provisions of this Zone, the minimum requirements for the aforementioned lands and for buildings and structures erected thereon shall be established as follows:

Provisions	Zone	Requirements
<b>Minimum Lot Frontage (m)</b>	R1	22 m
	R2	22 m for single detached dwellings 30 m for semi-detached dwellings
<b>Minimum Lot Area (m<sup>2</sup>)</b>	R1	696 m <sup>2</sup>
	R2	696 m <sup>2</sup> for single detached dwellings 929 m <sup>2</sup> for semi-detached dwellings
<b>Minimum Interior Side Yard (m)</b>	R1	2.0 m and 5.0 m, where there is no attached garage or carport
		2.0 m where there is an attached garage or carport

### **R1-S3**

#### **1300 Edward Street (Schedule A2 and A3)**

The use of the land described as Parcel 8073 in the Register for Centre Cochrane, being Lot 89 on Plan M-210 Cochrane in the Town of Hearst, shall comply with all of the provisions of this By-law and the First Density Residential (R1) Zone in which said land is located, except as expressly varied in this subsection.

#### **1. Main Floor Apartment Permitted**

Notwithstanding the provisions of this Zone, the existing single detached dwelling located on the aforementioned property may be renovated to create a second dwelling unit on the main floor of said building, provided the character and appearance of the existing dwelling remains the same.

### **R1-S4 (Town of Hearst By-law No. 83-06)**

#### **15 Villeneuve Street (Schedule A1)**

The use of the land described as Parcel 3586 in the Register for Centre Cochrane, being the Surface Rights of that part of Lot 118 on Plan M-51 Algoma in the Town of Hearst, designated as Part 18 on reference plan 6R-6103, and shown on Zoning Schedule hereto, shall comply with all provisions of this By-law and the First Density Residential (R1) Zone in which said land is located, except as expressly varied in this subsection.

#### **1. Location of Accessory Buildings**

Notwithstanding the provisions of the Accessory Use section and Accessory Uses, Buildings and Structures section of this By-law, a domestic garage may be constructed in the front yard of said land at minimum distances of 30.5 metres from the front lot line and 2.43 metres from the interior side lot line of said land.

### **R1-S5**

#### **324 Bergeron Road (Schedule A5 and A7)**

The use of that land identified as PIN 65041-0052 (LT) and described as Parcel 6558 Section Centre Cochrane, being Lot 7 on Plan M-275 Cochrane in the Town of Hearst, shall comply with all provisions of



this By-law and the First Density Residential (R1) Zone in which said land is located, except as expressly varied in this subsection.

### **1. Home-based Business Permitted**

Notwithstanding the provisions of Home Based Businesses section of this By-law, a photography studio may be operated as a home-based business in the existing domestic garage located on said land.

### **2. Signs and Advertising**

Notwithstanding the provisions of Home Based Businesses section of this By-law, no signage or advertising for said home-based business shall be installed on the principal residential building or within the front yard area of said land. A sign to indicate the location of said business may be installed on the front wall of the domestic garage, provided such sign is generally in keeping with the residential character of said land and neighbouring lands.

### **3. Sign Permit Required**

The erection of any sign for said home-based business shall be subject to the issuance of a permit pursuant to By-law No. 5-99 and amendments thereto.

## **R1-S6 (Town of Hearst By-law No.51-14)**

### **25 Wyborn Street (Schedule A1)**

The use of the lands identified firstly as PIN 65031-0374, and described as Parcel 2167 in Section Centre Cochrane, being the Surface Rights of Lot 109 on Plan M-51 Algoma in the Township of Way in the Town of Hearst, excepting Part 6 on reference plan 6R-6376, shall comply with all provisions of this By-law and the First Density Residential (R1) Zone in which said land is located, except as expressly varied in this subsection.

### **1. Location of Accessory Building**

Notwithstanding the provisions of the Accessory Uses, Buildings and Structures section of this By-law, a domestic garage may be constructed within the front and side yards of said land at minimum distances of 30.5 metres from the front lot line and 2.0 metres from the interior side lot line of said land.

## **R1-S7 (Town of Hearst By-law No.33-17)**

### **1312 Alexandra Street (Schedule A2 and A3)**

The use of the land identified as PIN 65039-0109 (LT) and described as Parcel 7820 Section Centre Cochrane, being Lot 39 on Plan M210C in the Town of Hearst shall comply with all provisions of this By-law and the First Density Residential (R1) Zone in which said land is located, except as expressly varied in this subsection.

### **1. Accessory use - Height**

Notwithstanding the provisions the Accessory Use section and Accessory Uses, Buildings and Structures section of this By-law, a domestic garage having a maximum building height of 5.5 metres may be constructed on the aforementioned land.

## 4.3 SECOND DENSITY RESIDENTIAL (R2) ZONE

### 4.3.1 Permitted Uses

- Nursery school, provided such use is conducted within a school, or within a single detached dwelling
- Public park
- School
- Semi-detached dwelling
- Single detached dwelling

### 4.3.2 Regulations

Provisions	Permitted Uses	Requirement	
Minimum Lot Frontage (m)	Single detached dwelling	18.0 m	
	Semi-detached dwelling	21.0 m	
Minimum Lot Area (m <sup>2</sup> )	Single detached dwelling	550.0 m <sup>2</sup>	
	Semi-detached dwelling	650.0 m <sup>2</sup>	
Maximum Lot Coverage (%)	Single detached dwelling	40 <sup>1</sup>	
	Semi-detached dwelling	40 <sup>1</sup>	
Minimum Front Yard (m)	Single detached dwelling	7.5 m	
	Semi-detached dwelling	7.5 m	
Minimum Interior Side Yard (m)	Single detached dwelling	1 storey	1.0 m
		1½ storey to 2 storey	1.5 m
		2½ to 3 storey and above	2 m
	Semi-detached dwelling	1 storey	3.5 m
		1½ storey to 2 storey	4 m
		2½ to 3 storey and above	4.5 m
Minimum Exterior Side Yard (m)	Single detached dwelling	1 storey	6.0 m
		1½ storey to 2 storey	6.5 m

Provisions	Permitted Uses	Requirement	
		2½ to 3 storey and above	7 m
	Semi-detached dwelling	1 storey	6.0 m
		1½ storey to 2 storey	6.5 m
		2½ to 3 storey and above	7 m
Minimum Rear Yard (m)	Single detached dwelling	7.5 m	
	Semi-detached dwelling	7.5 m	
Minimum Gross Floor Area (m <sup>2</sup> )	Single detached dwelling	1 storey	83.5 m <sup>2</sup>
		1 ½ storey	60.0 m <sup>2</sup>
		2 storey	60.0 m <sup>2</sup>
	Semi-detached dwelling	1 storey	67 m <sup>2</sup>
		1 ½ storey	45 m <sup>2</sup>
		2 storey	33.5 m <sup>2</sup>
Minimum Floor Area per Dwelling Unit (m <sup>2</sup> )	Semi-detached dwelling	Bachelor	67.0 m <sup>2</sup>
		1 Bedroom	67.0 m <sup>2</sup>
		2 Bedroom	67.0 m <sup>2</sup>
		Each Bedroom (more than 2)	67.0 m <sup>2</sup>
Maximum Height (m)	Single detached dwelling	9.0 m	
	Semi-detached dwelling	9.0 m	

<sup>1</sup> Refers to lot coverage of principal building and all accessory buildings

### 4.3.3 Additional Provisions

#### 1. Side Yards, Single Detached Dwellings

Notwithstanding the regulations set out above, on every lot other than a corner lot on which a single detached dwelling is erected and where there is no attached garage or carport, one side yard shall have a minimum width of 5.0 metres.

## 2. Schools and Public Parks

Any school or public park within the R2 zone shall comply with the regulations set out in the Institutional (I) zone.

### 4.3.4 Special Exceptions

#### R2-S1

##### 59 Sixth Street, 528 Bouley Street (Schedule A4)

The use of the lands described as Parcels 11685 and 11686 in the Register for Centre Cochrane, being parts of Block A on Plan M-288 Cochrane, designated as Part 1 and Part 2 on reference plan 6R-4605 respectively, shall comply with all regulations of this By-law and the Second Density Residential (R2) Zone in which said lands are located, except as expressly varied in this subsection.

#### 1. Lot and Yard Requirements

Minimum provisions for Part 1 on registered plan 6R-4605:

Provisions	Requirements
Minimum Lot Area (m <sup>2</sup> )	386 m <sup>2</sup>
Minimum Front Yard (m)	6.0 m
Minimum Rear Yard (m)	7.0 m

Minimum provisions for Part 2 on registered plan 6R-4605:

Provisions	Requirements
Minimum Lot Frontage (m)	19.5 m
Minimum Lot Area (m <sup>2</sup> )	492 m <sup>2</sup>
Lot Coverage (%)	36%
Minimum Interior Side Yard (m)	1.0 m
Minimum Rear Yard (m)	4.4 m

#### R2-S2

##### Plan M-51 Algoma, Wyborn (Schedule A1)

The use of the lands described below shall comply with all the regulations of this By-law and the Zones in which they are located, except as expressly varied below:

## 1. Permitted Uses

Zone	Lot	Permitted Uses
R1	Lots 97 through 121 inclusive on Plan M-51 Algoma	single detached dwellings
R2	Lots 14, 24, 25, 38, 39 and 54 through 96 inclusive on Plan M-51 Algoma	single detached dwellings and semi-detached dwellings

## 2. Regulations

Notwithstanding the provisions of this Zone, the minimum requirements for the aforementioned lands and for buildings and structures erected thereon shall be established as follows:

Provisions	Zone	Requirements
Minimum Lot Frontage (m)	R1	22 m
	R2	22 m for single detached dwellings 30 m for semi-detached dwellings
Minimum Lot Area (m <sup>2</sup> )	R1	696 m <sup>2</sup>
	R2	696 m <sup>2</sup> for single detached dwellings 929 m <sup>2</sup> for semi-detached dwellings
Minimum Interior Side Yard (m)	R1	2.0 m and 5.0 m, where there is no attached garage or carport  2.0 m where there is an attached garage or carport

### R2-S3

#### 22 Picard Street (Schedule A7)

The use of the lands described as Parcel 6263 in the Register for Centre Cochrane, being Lot 12 on Plan M-186 Cochrane in the Town of Hearst, shall comply with all of the provisions of this By-law and the Second Density Residential (R2) Zone in which said lands are situate, except as expressly varied in this subsection.

## 1. Permitted Uses

- Duplex dwelling
- Single detached dwelling

## **R2-S4 (Town of Hearst By-law No. 65-09) 70 McManus Street (Schedule A2)**

The use of the lands described as Parcel 9621 in the Register for Centre Cochrane, being the Surface Rights of Lot 4 on Plan M-328 Cochrane in the Town of Hearst, shall comply with all provisions of this By-law and the Second Density Residential (R2) Zone in which said lands are located, except as expressly varied in this subsection.

### **1. Yard Requirements**

Notwithstanding the provisions of the Attached Accessory Buildings section, and R2 Zone provisions of this By-law, an attached garage may be erected behind the existing dwelling unit located on the aforementioned land having minimum south side yard setback of 0.7 metre and minimum rear yard setback of 1.0 metre.

### **2. Lot Coverage**

Notwithstanding the provisions of the Attached Accessory Buildings section, provision 3 in the Accessory Uses, Buildings and Structures section, and the R2 provisions of this By-law, the maximum lot coverage of the principal dwelling unit and attached garage shall not exceed 40.24% of said lands.

## 4.4 THIRD DENSITY RESIDENTIAL (R3) ZONE

### 4.4.1 Permitted Uses

- Boarding house or rooming house
- Duplex dwelling
- Nursery school, provided the day nursery operation is conducted within a school, or within a single detached dwelling
- Public park
- Quadruplex dwelling
- School
- Semi-detached dwelling
- Single detached dwelling
- Triplex dwelling

### 4.4.2 Regulations

Provisions	Permitted Uses	Requirement
Minimum Lot Frontage (m)	Single detached dwelling	15.0 m
	Semi-detached dwelling	21.0 m
	Duplex dwelling	18.0 m
	Triplex dwelling	21.0 m
	Quadruplex dwelling	21.0 m
Minimum Lot Area (m <sup>2</sup> )	Single detached dwelling	460.0 m <sup>2</sup>
	Semi-detached dwelling	650.0 m <sup>2</sup>
	Duplex dwelling	550.0 m <sup>2</sup>
	Triplex dwelling	650.0 m <sup>2</sup>
	Quadruplex dwelling	840.0 m <sup>2</sup>
Maximum Lot Coverage (%)	Single detached dwelling	40 <sup>1</sup>
	Semi-detached dwelling	40 <sup>1</sup>
	Duplex dwelling	40 <sup>1</sup>
	Triplex dwelling	40 <sup>1</sup>

Provisions	Permitted Uses	Requirement	
	Quadruplex dwelling	40 <sup>1</sup>	
Minimum Front Yard (m)	Single detached dwelling	7.5 m	
	Semi-detached dwelling	7.5 m	
	Duplex dwelling	7.5 m	
	Triplex dwelling	7.5 m	
	Quadruplex dwelling	7.5 m	
Minimum Interior Side Yard (m)	Single detached dwelling	1 storey	1.0 m
		1½ storey to 2 storey	1.5 m
		2½ to 3 storey and above	2.0 m
	Semi-detached dwelling	1 storey	3.5 m
		1½ storey to 2 storey	4 m
		2½ to 3 storey and above	4.5 m
	Duplex dwelling	1 storey	1.0 m
		1½ storey to 2 storey	1.5 m
		2½ to 3 storey and above	2.0 m
	Triplex dwelling	1 storey	1.0 m
		1½ storey to 2 storey	1.5 m
		2½ to 3 storey and above	2.0 m
	Quadruplex dwelling	1 storey	1.0 m
		1½ storey to 2 storey	1.5 m
		2½ to 3 storey and above	2.0 m
Minimum Exterior Side Yard (m)	Single detached dwelling	1 storey	6.0 m
		1½ storey to 2 storey	6.5 m
		2½ to 3 storey and above	7.0 m
	Semi-detached dwelling	1 storey	6.0 m



Provisions	Permitted Uses	Requirement	
		1½ storey to 2 storey	6.5 m
		2½ to 3 storey and above	7.0 m
	Duplex dwelling	1 storey	6.0 m
		1½ storey to 2 storey	6.5 m
		2½ to 3 storey and above	7.0 m
	Triplex dwelling	1 storey	6.0 m
		1½ storey to 2 storey	6.5 m
		2½ to 3 storey and above	7.0 m
	Quadruplex dwelling	1 storey	6.0 m
		1½ storey to 2 storey	6.5 m
		2½ to 3 storey and above	7.0 m
Minimum Rear Yard (m)	Single detached dwelling	7.5 m	
	Semi-detached dwelling	7.5 m	
	Duplex dwelling	7.5 m	
	Triplex dwelling	7.5 m	
	Quadruplex dwelling	7.5 m	
Minimum Gross Floor Area (m <sup>2</sup> )	Single detached dwelling	1 storey	83.5 m <sup>2</sup>
		1 ½ storey	60.0 m <sup>2</sup>
		2 storey	60.0 m <sup>2</sup>
Maximum Height (m)	Single detached dwelling	9.0 m	
	Semi-detached dwelling	9.0 m	
	Duplex dwelling	9.0 m	
	Triplex dwelling	9.0 m	
	Quadruplex dwelling	9.0 m	

### 4.4.3 Additional Provisions

#### 1. Side Yards, Single Detached Dwellings

Notwithstanding the regulations set out above, on every lot other than a corner lot on which a single detached dwelling is erected and where there is no attached garage or carport, one side yard shall have a minimum width of 5.0 metres.

#### 2. Side Yards, Multi-residential Dwellings

Notwithstanding the regulations above, on every lot other than a corner lot on which a semi-detached dwelling, duplex dwelling, triplex dwelling, or quadruplex dwelling is erected, and there is no attached garage or carport, both side yards shall have a minimum width of 3.0 metres.

#### 3. Schools and Public Parks

Any school or public parks within the R3 Zone shall comply with the regulations set out in the Institutional (I) zone.

#### 4. Boarding Houses or Rooming Houses

Boarding houses or rooming houses are permitted within the R3 Zone in single detached dwellings and semi-detached dwellings and shall comply with the applicable requirements for such dwelling types, as set out in the regulations of this Zone.

### 4.4.4 Special Exceptions

#### R3-S1

##### 31 Highway 583 North, Parcel 11455CC (Schedule A7 and A8)

The use of the land described below shall comply with all the regulations of this By-law for the Third Density Residential (R3) Zone in which it is located, except as expressly varied in this subsection.

#### 1. Minimum Yards

Lot	Requirement
1	7.6 m

#### R3-S2

##### 509 Tremblay Street (Schedule A4 and A5)

The use of the land described as Parcel 6889 Centre Cochrane, being Lot 19 on Plan M-48 Algoma in the Town of Hearst shall comply with all regulations of this By-law and the Third Density Residential (R3) Zone in which it is located, except as expressly varied in this subsection.

#### 1. Permitted Uses

A quadruplex dwelling, containing five dwelling units, and accessory uses, buildings and structures in accordance with the provisions of the Accessory Uses, Buildings, and Structures section of this By-law

### **R3-S3**

#### **3 Garnett Street (Schedule A8)**

The use of the land described as Parcel 11622 Centre Cochrane, being Lot 44 on Plan M-58 Algoma in the Town of Hearst, shall comply with all of the regulations of this By-law and the zone in which it is located, except as expressly varied in this subsection.

##### **1. Permitted Uses**

- Single detached dwelling

##### **2. Exterior Side Yard**

Notwithstanding the minimum exterior side yard requirements of this Zone, an exterior side yard of 3.65 metres shall be maintained between the flankage lot line and the main exterior wall of the principal building.

### **R3-S4**

#### **34 Fontaine Drive (Schedule A8 and A9)**

The use of the land described as Parcel 189 Centre Cochrane, being Lot 47 on Plan M-58 Algoma shall comply with all regulations of this By-law and this Zone in which said land is situated, except as expressly varied in this subsection.

##### **1. Regulations**

Notwithstanding the minimum requirements of this Zone for a single detached dwelling in a Third Density Residential (R3) Zone, a single detached dwelling may be constructed on said land having minimum front and rear yards of 5.6 metres.

### **R3-S5**

#### **1026 Prince Street (Schedule A3)**

The use of the lands described as Parcels 1682 and 6096 Centre Cochrane, being the west part of Lot 286 and the south part of Lot 287 on Plan M-48 Algoma in the Town of Hearst, shall comply with all of the regulations of this By-law and the Third Density Residential (R3) Zone in which said lands are situated, except as expressly varied in this subsection.

##### **1. Permitted Uses**

Notwithstanding the Residential (R) Zones section of this By-law, permitted uses of said lands shall include a dental clinic on the ground floor of said dwelling.

##### **2. Parking**

Parking and loading facilities shall be provided in accordance with the Parking Requirements, Loading Requirements, and the Parking and Loading Area Requirements sections of this By-law.

### **R3-S6**

#### **40 Fontaine Drive (Schedule A8)**

The use of the land described as Parcel 12598 Centre Cochrane, being the east part of Lot 71 on Plan M-58 Algoma in the Town of Hearst, shall comply with all of the regulations of this By-law and the Third Density Residential (R3) Zone in which said land is located, except as expressly varied in this subsection.

## **1. Yard Requirements**

Notwithstanding the requirements of this zone and the Rear Yards section within the Residential (R) Zone section of this By-law , a minimum rear yard of 3.6 metres shall be provided.

## **2. Lot Coverage**

Notwithstanding the requirements of this Zone, the maximum lot coverage for a single detached dwelling with attached garage on said land shall be thirty-seven and one-half per cent (37.5%).

### **R3-S7**

#### **621 Veilleux Street (Schedule A8)**

The use of the lands described as Parcel 1657 in the Register for Centre Cochrane, being Lot 11 on Plan M-58 Algoma in the Town of Hearst, shall comply with all of the provisions of this By-law and the Third Density Residential (R3) in which said lands are located, except as expressly varied in this subsection.

## **1. Location of Accessory Buildings**

Notwithstanding the provisions of the Accessory Use section and the Accessory Uses, Buildings and Structures section of this By-law, a domestic garage may be constructed in the front yard of said land having a minimum distance of 6.7 metres from the front lot line, to replace the existing garage located on said land.

### **R3-S8**

#### **403 Tremblay Street (Schedule A5 and A7)**

The use of the land described as Parcel 6519 Centre Cochrane, being Lot 2 on Plan M-48 Algoma shall comply with all the regulations of this By-law and the Third Density Residential (R3) Zone in which said land is situate, except as expressly varied in this subsection.

## **1. Regulations**

Notwithstanding the lot frontage requirements of this Zone for dwellings containing four (4) dwelling units including basement units in a Third Density Residential (R3) Zone, a residential building containing four (4) dwelling units may be constructed on said land having a lot frontage of 20.11 metres.

### **R3-S9**

#### **15/17 Fifth Street (Schedule A4)**

The use of the land described as Parcel 11807 Centre Cochrane, being part of Block M on Plan M-62 Algoma, designated as Part 4 on reference plan 6R-4749 shall comply with all regulations of this By-law and the Third Density Residential (R3) Zone in which said land is situated, except as expressly varied in this subsection.

## **1. Regulations**

Notwithstanding the Secondary Dwelling Units section of this By-law, three (3) dwelling units may be erected in the basement of a semi-detached dwelling to be erected on said aforementioned land.

### **R3-S10 (Town of Hearst By-law No. 8-17)**

#### **45 Eighth Street (Schedule A3 and A4)**

The use of the land identified as PIN 65040-0766 (LT) and described as Parcel 3535 Section Centre Cochrane, being the north 115 feet of Lot 498 on Plan M-48 Algoma in the Town of Hearst shall comply

with all provisions of this By-law and the Third Density Residential (R3) Zone in which said land is located, except as expressly varied in this subsection.

**1. Lot Frontage**

Notwithstanding the provisions of this Zone, said land shall have a minimum lot frontage of 16.0 metres.

**2. Rear Yard**

Notwithstanding the provisions of this Zone, the minimum rear yard requirement of 7.5 metres is permitted to be reduced to a minimum of 0.9 metres from the foundation wall of the duplex dwelling, commencing at the northeast corner of said foundation and measured for a maximum distance of 1.8 metres southwards along the eastern exterior wall of said dwelling.

**3. Encroachment of Exterior Stairs**

Notwithstanding the provisions of the Permitted Encroachments in Yards section of this By-law, the existing exterior stairs to the second dwelling unit contained in the second storey of the existing duplex dwelling is permitted to encroach into the interior side yard a maximum of 0.9 metres.

## 4.5 MOBILE HOME RESIDENTIAL (RMH) ZONE

### 4.5.1 Permitted Uses

- Community centre
- Mobile home
- Nursery school, provided such is conducted within an existing school, or an existing or accessory single detached dwelling
- Public park

### 4.5.2 Regulations

Provisions	Permitted Uses	Requirement
Minimum Lot Frontage (m)	All permitted uses	137.0 m
Minimum Lot Area (m <sup>2</sup> )	All permitted uses	16,000.0 m <sup>2</sup> (1.6 ha)
Minimum Front Yard (m)	All permitted uses	15.0 m
Minimum Interior Side Yard (m)	All permitted uses	7.5 m
Minimum Exterior Side Yard (m)	All permitted uses	15.0 m
Minimum Rear Yard (m)	All permitted uses	7.5 m
Maximum Height (m)	All permitted uses	9.0 m

### 4.5.3 Additional Provisions

#### 1. Density

The maximum permissible density for a Mobile Home Park shall be thirty (30) mobile home sites per gross hectare (12 units per acre) with the minimum number of mobile home sites being thirty (30) in the mobile home park.

#### 2. Yards

All mobile home parks shall have yards provided in accordance with the provisions of this Zone and such yards shall be treated as a planting strip and suitably landscaped. No development shall be permitted in any planting strip. Where a Mobile Home Park abuts a Commercial or Industrial Zone, such abutting yard shall be provided, in addition to the required planting strip, with a fence not less than 1.5 metres in height.

### **3. Mobile Home Site**

Within each Mobile Home Park, each mobile home sites shall be provided in accordance with the provisions of this Zone as well as the following provisions:

- a. minimum lot area per mobile home site shall be 483 square metres;
- b. minimum lot frontage per mobile home site shall be 12.2 metres;
- c. minimum lot depth per mobile home site shall be 39.6 metres; and
- d. every mobile home shall be setback at least 7.5 metres from the abutting internal access road or common parking area.

### **4. Separation**

Mobile homes or any part thereof shall be separated from each other or from any other building by not less than 2.4 metres. Any porch, carport, or addition to a mobile home shall be regarded as part of the mobile home for the purposes of separation.

### **5. Accessory Structure**

All mobile homes shall be provided with durable skirtings to screen the view of the undercarriage or foundation supports and any accessory structure shall be so designed to harmonize with the mobile home.

### **6. Storage**

There shall be no outside storage of any furniture or domestic equipment.

### **7. Recreation Space**

Recreation space shall be provided on the basis of 9.0 square metres per mobile home site, and placed in locations convenient to all residents. Such space shall be free of traffic hazards and shall not include areas designated as greenbelt planting strip. Where such recreation space exceeds 460.0 square metres two or more such areas shall be provided.

### **8. Landscaping and Screening**

All areas of a Mobile Home Park not occupied by mobile homes and their additions, storage buildings, internal roads, foot paths, driveways, permanent buildings and any other development facility, with the exception of the required yards provided for in this Zone shall be sodded and landscaped.

### **9. Parking**

Notwithstanding the provisions of the Parking Requirements section, each mobile home site shall be provided with at least one (1) car parking space and in addition, visitor parking shall be provided in the amount of one (1) space for every four (4) mobile home sites, and shall be dispersed throughout the Mobile Home Park at locations convenient to the sites it is intended to serve. Such visitor parking shall not be used for the storage of boats or trailers.

### **10. Access**

Each mobile home site shall be accessible by means of an internal, hard surfaced driveway in accordance with the following provisions:

- a. a minimum of 3.5 metres in width where the traffic flow is one-way; or
- b. a minimum of 7.5 metres in width where the traffic flow is two-way.

#### **11. Municipal Services**

Each mobile home site shall be provided with underground services which shall include piped water supply and sewage disposal facilities, electrical service and fuel supply.

#### **12. Site Plan**

Mobile Home Parks shall be subject to Site Plan Control.

#### **13. Accessory Single Detached Dwelling**

One (1) single detached dwelling is permitted for the owner and/or manager within a mobile home park.

#### **14. Community Centres and Public Parks**

Any Community Centre or Public Park within the RMH Zone shall comply with the regulations set out in the Institutional (I) zone.

### **4.5.4 Special Exceptions**

#### **RMH-S1 (Town of Hearst By-Law No. 110-14)**

##### **Luc and Denis Streets, PIN 65042-0520 (Schedule A)**

The use of the land identified as PIN 65042-0520 (LT), being part of Lot 20 in Concession 10 in the Township of Kendall in the Town of Hearst, designated as Parts 1 and 2 on registered plan 6R-8723 shall comply with all provisions of this By-law and the Mobile Home Residential (RMH) Zone in which said land is located, except as expressly varied in this subsection.

#### **1. Permitted Uses**

- Home-based Business
- Public park
- Public, as set out in the Public Uses Permitted section of this By-law
- Total of forty-one (41) mobile homes and/or single detached dwellings within the mobile home park

#### **2. Mobile Home Park Regulations**

Notwithstanding the provisions of the Regulations section within this Zone, the existing mobile home park located on PIN 65042-0520 and laid out as Plan CVLCP12, having less than minimum rear yard setback from the abutting land identified as PIN 65042-0521 and having greater than maximum permissible density of 30 mobile home sites per hectare, shall be considered to be in compliance with the provisions established for mobile home parks in said By-law.

#### **3. Mobile Home Site Requirements**

- a. Existing Mobile Home Sites

Notwithstanding the provisions of the Regulations section within this Zone, mobile home sites existing on the date of passage of this By-law shall comply with the following provisions:



LOT NO. ON PLAN CVLCP12	LOT FRONTAGE (m)	LOT AREA (m <sup>2</sup> )
1	17.6	529
2	13.5	298
3	15.3	354
4	18.9	403
5	15.9	363
6	12.7	294
7	15.7	356
8	15.6	407
9	15.6	308
10	15.0	340
11	17.8	383
12	17.2	384
13	14.6	334
14	14.6	349
15	14.8	393
16	13.1	395
17	19.2	367
18	22.9	444
19	14.6	328
20	14.9	358
21	17.4	344
22	27.1	409
23	34.6	525
24	17.4	380
25	14.7	311
26	14.8	385
27	14.7	341
28	16.7	387
29	16.0	332
30	16.9	321
31	12.2	290
32	13.6	386
33	24.1	616
34	21.11	395
35	15.9	317
36	28.7	607
37	23.5	550
38	15.9	392
39	16.8	407
40	14.3	376
41	19.7	438

b. Existing Mobile Homes on Existing Mobile Home Sites

Notwithstanding the provisions of the Regulations section within this Zone, mobile homes existing on the date of passage of this By-law on mobile home sites laid out on Plan CVLCP12 shall be deemed to comply with the provisions of By-law No. 65-04.

c. New Mobile Home Installations on Existing Mobile Home Sites

Notwithstanding the provisions of the Regulations section within this Zone, new mobile homes installed on vacant mobile home sites laid out on Plan CVLCP12 and/or new mobile homes installed to replace mobile home units existing on the date of passage of this By-law, shall be installed in accordance with the following provisions:

- i. The distance of such mobile home from the front lot line shall be determined in accordance with the relevant building line established for Luc Street or Denis Street, as calculated pursuant to the Front Yard provisions within the Residential (R) Zones section of this By-law.
- ii. Such mobile home shall be installed in a manner so as to maintain a minimum 2.4 metres separation distance from other buildings and adjacent mobile homes. Any porch, carport, or addition to a mobile home shall be regarded as part of the new or replacement mobile home for the purposes of determining the separation distance.
- iii. A minimum setback of 1.2 metres shall be provided from interior side lot lines.
- iv. A minimum setback of 6.0 metres shall be provided from an exterior lot line.
- v. Such mobile home and related accessory buildings shall maintain a minimum setback of 3.0 metres from electrical distribution line easements.

#### 4. Domestic Storage

a. Ancillary Domestic Storage Lots

Notwithstanding the provisions of the Accessory Use section and the Accessory Uses, Buildings and Structures section of this By-law, accessory buildings and structures to the principal mobile home unit may be erected on the corresponding ancillary lot located on the opposite of the internal access road, as laid out on Plan CVLCP12 and in accordance with the following table:

LOT NO. ON CVLCP12	ANCILLARY DOMESTIC STORAGE LOT ON CVLCP12
1	P1
2	P2
3	P3
4	P4
5	P5
6	P6
7	P7
8	P8
9	P9
10	P10
11	P11
12	P12

LOT NO. ON CVLCP12	ANCILLARY DOMESTIC STORAGE LOT ON CVLCP12
13	P13
14	P14
15	P15
16	P16
17	P17
18	P18
19	P19
20	P20
21	P21
22	P22
23	P23
24	P24
25	P25
26	P26
27	P27
28	P28
29	P29
30	P30
31	P31
32	P32
33	P33
34	P34
35	P35
36	P36
37	P37
38	P38
39	P39
40	P40
41	P41

## 5. Accessory Buildings and Structures

Notwithstanding the provisions of the Accessory Use section and the Accessory Uses, Buildings and Structures section of this By-law, accessory buildings and structures to the principal mobile home may be erected and installed on the corresponding ancillary domestic storage lot in accordance with the following:

- No accessory building or structure shall be located closer than 1.0 metres to any interior side or rear lot line.
- No accessory building or structure shall be located closer than 7.5 metres to any front lot line or 6.0 metres from any exterior side lot line.
- An accessory building or structure shall not exceed 4.27 metres in height to mid-peak.

- d. The maximum height of any door installed in an accessory building shall not exceed 3.05 metres.
- e. Total gross floor area of all accessory buildings and structures located on an ancillary lot shall not exceed 120 square metres.

**6. Use of Accessory Buildings and Structures**

- a. No accessory building or structure shall be used for human habitation.
- b. Accessory buildings and structures shall only be used for the purposes of domestic storage.
- c. Open storage of goods, materials and derelict motor vehicles, derelict recreation vehicles and derelict equipment shall not be permitted on any ancillary domestic storage lot.

## 4.6 FIRST DENSITY MULTIPLE RESIDENTIAL (RM1) ZONE

### 4.6.1 Permitted Uses

- Group dwellings
- Nursery school, provided such use is conducted within a place of worship
- Place of worship
- Public park
- Row house
- Triplex dwelling
- Quadruplex dwelling
- School

### 4.6.2 Regulations

Provisions	Permitted Uses	Requirement
Minimum Lot Frontage (m)	Triplex dwelling	21.0 m
	Quadruplex dwelling	21.0 m
	Row house dwelling	6.0 m per unit
Minimum Lot Area (m <sup>2</sup> )	Triplex dwelling	650.0 m <sup>2</sup>
	Quadruplex dwelling	840.0 m <sup>2</sup>
	Row house dwelling	185.0 m <sup>2</sup> per unit
Maximum Lot Coverage (%)	Triplex dwelling	40% <sup>1</sup>
	Quadruplex dwelling	40% <sup>1</sup>
	Row house dwelling	35 %
Minimum Front Yard (m)	Triplex dwelling	7.5 m
	Quadruplex dwelling	7.5 m
	Row house dwelling	7.5 m
Minimum Interior Side Yard (m)	Triplex dwelling	1.5 m
	Quadruplex dwelling	1.5 m
	Row house dwelling	3.5 m

Provisions	Permitted Uses	Requirement	
Minimum Exterior Side Yard (m)	Triplex dwelling	7.0 m	
	Quadruplex dwelling	7.0 m	
	Row house dwelling	6.0 m	
Minimum Rear Yard (m)	Triplex dwelling	7.5 m	
	Quadruplex Dwelling	7.5 m	
	Row house dwelling	7.5 m	
Minimum Floor Area per Dwelling Unit (m <sup>2</sup> )	Quadruplex Dwelling and Triplex Dwelling	Bachelor	51 m <sup>2</sup>
		1 Bedroom	70 m <sup>2</sup>
		2 Bedroom	79 m <sup>2</sup>
		Each Bedroom (more than 2)	11.5 m <sup>2</sup>
	Row house dwelling	Bachelor	75.0 m <sup>2</sup>
		1 Bedroom	75.0 m <sup>2</sup>
		2 Bedroom	83.5 m <sup>2</sup>
		Each Bedroom (more than 2)	14.0 m <sup>2</sup>
Maximum Height (m)	Triplex dwelling	9.0 m	
	Quadruplex Dwelling	9.0 m	
	Row house dwelling	9.0 m	

#### 4.6.3 Additional Provisions

##### 1. Side Yards

Notwithstanding the provisions of this Zone, a minimum side yard of 3.5 metres shall be provided for each additional storey or part thereof above the second storey.

##### 2. Private Outdoor Amenity Area

Notwithstanding the provisions of this Zone, each dwelling unit in a group dwelling, row house dwelling, triplex dwelling, or quadruplex dwelling with direct access to the outside shall have one (1) yard area which serves as a private outdoor amenity area for the occupants. The private outdoor amenity area shall be in accordance with the following provisions:

- a. The private outdoor amenity area shall have a minimum yard depth of 6.0 within which a privacy zone of 4.5 metres shall be provided.
- b. A yard adjacent to a living room which is not designated as a private outdoor amenity area shall have a minimum depth of 6.0 metres within which a privacy zone of 3.5 metres shall be provided. No privacy zone shall be required for such living room where the living room window is a minimum of 2.0 metres above the adjacent exterior level.
- c. A yard adjacent to a habitable room other than a living room and which is not designated as a private outdoor amenity area shall have a minimum depth of 5.25 metres within which a privacy zone of 3.5 metres shall be provided.

### 3. Privacy Zone

Where dwelling units in a row house or multiple dwelling are constructed on separate lots, no side yard shall be required where a dwelling unit has a common wall with an adjacent dwelling unit

### 4. Schools and Public Parks

Any school within the RM1 Zone shall comply with the regulations set out in the Institutional (I) zone.

#### 4.6.4 Special Exceptions

##### RM1-S1

##### 412 & 418 Prince Street (Schedule A4)

The use of the lands described as Parcels 12001 and 12050 Centre Cochrane, being Lots 9 and 10 on Plan 6M-429 Cochrane respectively in the Town of Hearst, shall comply with all of the regulations of this By-law and the First Density Multiple Residential (RM1) Zone in which they are situated, except as expressly varied in this subsection.

#### 1. Permitted Uses

- 12 row house dwelling units

#### 2. Regulations

- a. Rear Yard

Notwithstanding the provisions of this Zone, a minimum rear yard of 4.78 metres shall be provided along the northern lot boundaries of said land.

#### 3. Private Outdoor Amenity Area

Notwithstanding the provisions of this Zone and the private outdoor amenity area regulations under the First Density Multiple Residential (RM1) Zone section of this By-law, each row house dwelling unit shall be provided with a separate and private outdoor amenity area adjacent to a dining room, in accordance with the following requirements:

Provisions	Requirements
Private outdoor amenity area yard depth	5.03 m
Privacy zone depth	3.66 m

## **RM1-S2**

### **15 La Petite Gaspésie Road (Schedule A6)**

The use of the land described as Parcel 7428 Centre Cochrane, being part of broken Lot 22 in Concession Ten in the Township of Kendall in the Town of Hearst, designated as Part 2 on reference plan CR-595, shall comply with all of the provisions of this By-law and the First Density Multiple Residential (RM1) Zone in which said land is located, except as expressly varied in Subsection.

#### **1. Permitted Uses**

- Business use incidental to an industry
- Eating establishment
- Multiple dwelling containing six (6) dwelling units
- Office
- Place of entertainment
- Service repair shop

## **RM1-S3**

### **411 George Street (Schedule A4)**

The use of the lands described as Parcel 13186 in the Register for Centre Cochrane, being Lot 3 on Plan 6M-429 in the Town of Hearst, shall comply with all of the provisions of this By-law and the First Density Multiple Residential (RM1) Zone in which said lands are located, except as expressly varied in this subsection.

#### **1. Permitted Uses**

- Single storey multiple residential building consisting of four (4) row house dwelling units

#### **2. Yard Requirements**

Notwithstanding the provisions of this Zone and the Residential (R) Zones section in this By-law, one (1) interior side yard may have a minimum width of 1.8 metres.

## **RM1-S4**

### **415 George Street (Schedule A4)**

The use of the lands described as Parcel 12925 in the Register for Centre Cochrane, being Lot 2 on Plan 6M-429 in the Town of Hearst, shall comply with all of the provisions of this By-law and the First Density Multiple Residential (RM1) Zone in which said lands are located, except as expressly varied in this subsection.

#### **1. Permitted Uses**

- Single storey multiple residential building consisting of four (4) row house dwelling units

#### **2. Yard Requirements**

Notwithstanding the provisions of this Zone and the Residential (R) Zones section in this By-law, one (1) interior side yard may have a minimum width of 1.8 metres.



## **RM1-S5**

### **405 George Street (Schedule A4)**

The use of the land described as Parcel 13227 in the Register for Centre Cochrane, being Lot 4 on Plan 6M-429 Cochrane in the Town of Hearst, shall comply with all of the provisions of this By-law and the First Density Multiple Residential (RM1) Zone in which said land is located, except as expressly varied in this subsection.

#### **1. Permitted Uses**

- Single storey multiple residential building consisting of four (4) row house dwelling units

#### **2. Yard Requirements**

Notwithstanding the provisions of this Zone and the Residential (R) Zones section in this By-law, one (1) interior side yard may have a minimum width of 1.8 metres.

## **RM1-S6 (Town of Hearst By-Law No. 44-07)**

### **Unassigned Fourteenth Street, South Part of Parcels 7970 and 7969CC (Schedule A2)**

The use of the land described as the south 22.19 metres of those lands designated as PIN 65039-0075 (LT) and described as Parcel 7970 in the Register for Centre Cochrane, being Lot 63 on Plan M-210 Cochrane in the Town of Hearst and PIN 65039-0076 (LT) and described as Parcel 7969 in the Register for Centre Cochrane, being Lot 64 on Plan M-210 Cochrane in the Town of Hearst, shall comply with all provisions of this By-law and the First Density Multiple Residential (RM1) Zone in which said land is located, except as expressly varied in this subsection.

#### **1. Permitted Uses**

- Multiple residential building containing a maximum of four (4) dwelling units

#### **2. Lot Requirements**

Notwithstanding the provisions of this Zone and the Residential (R) Zones section of this By-law, the minimum requirements for the aforementioned lands shall be:

Provisions	Requirements
Minimum Lot Frontage	22.19 m
Minimum Lot Area	892.7 m <sup>2</sup>
Maximum Lot Coverage	38.5%

#### **3. Yard Areas**

Notwithstanding the provisions of this Zone and the Residential (R) Zones section of this By-law, the minimum yard and setback requirements for the aforementioned lands shall be:

Provisions	Requirements
Minimum South Interior Side Yard	1.5 m

Provisions	Requirements
Minimum Rear Yard	1.5 m

#### 4. Parking

Notwithstanding the provisions of the Parking and Loading Area Requirements section and the Parking Spaces Outside a Garage provisions under the Residential (R) Zones section of this By-law, a minimum of five (5) parking spaces shall be provided for the dwelling units located on said lands, which parking spaces shall be located abutting Fourteenth Street.

#### **RM1-S7 (Town of Hearst By-Law No. 43-08)**

##### **58 McNee Street; 49, 51, 53 Labelle Avenue (Schedule A1)**

The use of that land identified as part of PIN 65031-0552 (LT), being the west part of part of Lot 2 in Concession Eleven in the Township of Way in the Town of Hearst, designated as part of Part 1 on registered plan 6R-8205 shall comply with all provisions of this By-law and the First Density Multiple Residential (RM1) Zone in which said land is located, except as expressly varied in this subsection.

#### 1. Permitted Uses

- Multiple residential building containing a maximum of four (4) dwelling units

#### 2. Yard Requirements

Notwithstanding the provisions of this Zone and Residential (R) Zones section, the rear yard may have a minimum width of 5.5 metres.

#### 3. Site Plan Control

The development of the aforementioned land shall be subject to Site Plan Control.

#### **RM1-S8 (Town of Hearst By-Law No. 49-2022)**

##### **Lots 2, 3, 4 and 5 on Plan 6M487 (Veilleux Street)**

The use of the land described as Lots 2, 3, 4 and 5 on Plan 6M487 in the Town of Hearst shall conform to all provisions of this By-law and the First Density Multiple Residential (RM1) Zone in which said land is located, except as expressly varied in this subsection.

#### 1. Lot Requirements

Provisions	Requirements
Rear Yard Setback	4.7 meters
Driveway Width	Full lot width
Parking Location	Front yard

## **RM1-S9 (Town of Hearst By-Law No. 44-2023)**

### **13 Sixth Street (Schedule A4)**

The use of the land described as Parcel 3085CC being the South part of Lot 187 on Plan M48A in the Town of Hearst, shall conform to all provisions of this By-law and the First Density Multiple Residential (RM1) Zone in which said land is located, except as expressly varied in this subsection.

#### **1. Lot Requirements**

Provisions	Requirements
Rear Yard Setback	1.2 meters

## 4.7 SECOND DENSITY MULTIPLE RESIDENTIAL (RM2) ZONE

### 4.7.1 Permitted Uses

- Apartment dwelling with a maximum of 8 units
- Public Park
- School

### 4.7.2 Regulations

Provisions	Permitted Uses	Requirement	
Minimum Lot Frontage (m)	Apartment dwellings	30.0 m	
Minimum Lot Area (m <sup>2</sup> )	Apartment dwellings	1,400.0 m <sup>2</sup>	
Maximum Lot Coverage (%)	Apartment dwellings	33%	
Minimum Front Yard (m)	Apartment dwellings	7.5 m	
Minimum Interior Side Yard (m)	Apartment dwellings	6.0 m	
Minimum Exterior Side Yard (m)	Apartment dwellings	7.5 m	
Minimum Rear Yard (m)	Apartment dwellings	7.5 m	
Minimum Floor Area per dwelling unit (m <sup>2</sup> )	Apartment dwellings	Bachelor	46.0 m <sup>2</sup>
		1 Bedroom	60.0 m <sup>2</sup>
		2 Bedroom	75.0 m <sup>2</sup>
		Each Bedroom (more than 2)	11.5 m <sup>2</sup>
Maximum Gross Floor Area as a percent of lot area (%)	Apartment dwellings	100 %	
Maximum Height (m)	Apartment dwellings	9.0 m	

### 4.7.3 Additional Provisions

#### 1. Amenity Area

- a. The minimum amenity area shall equal fifty per cent (50%) of the gross floor area.

- b. Not less than fifty per cent (50%) of the required amenity area shall be located in one place on the lot, up to a maximum of 460.0 square metres.

## 2. Schools and Public Parks

Any school or public park within the RM2 Zone shall comply with the regulations set out in the Institutional (I) zone.

### 4.7.4 Special Exceptions

#### RM2-S1

##### 823 Prince Street (Schedule A3 and A4)

The use of the land described as Parcel 523 Centre Cochrane, being Lot 338 on Plan M-48 Algoma, shall comply with all the regulations of the Second Density Multiple Residential (RM2) Zone section of this By-law for the Second Density Multiple Residential (RM2) Zone in which said land is situated, except as expressly varied in this subsection.

#### 1. Yard Requirements

Notwithstanding the provisions of this Zone, a minimum front yard of 3.4 metres shall be provided.

#### RM2-S2 (Town of Hearst By-Law No. 4407)

##### 1405 Alexandra Street (Schedule A2)

The use of the land described as the north 28.1 metres of those lands designated as PIN 65039-0075 (LT) and described as Parcel 7970 in the Register for Centre Cochrane, being Lot 63 on Plan M-210 Cochrane in the Town of Hearst and PIN 65039-0076 (LT) and described as Parcel 7969 in the Register for Centre Cochrane, being Lot 64 on Plan M-210 Cochrane in the Town of Hearst, shall comply with all provisions of this By-law and the Second Density Multiple Residential (RM2) Zone in which said land is located, except as expressly varied in this subsection.

#### 1. Lot Requirements

Notwithstanding the provisions of this Zone and the Residential (R) Zones section of this By-law, the minimum requirements for the aforementioned lands shall be:

Provisions	Requirements
Minimum Lot Frontage	28.1 m
Minimum Lot Area	1,130.5 m <sup>2</sup>

#### 2. Yard Areas

Notwithstanding the provisions of this Zone and the Residential (R) Zones section of this By-law, the minimum yard and setback requirements for the aforementioned lands shall be:

Provisions	Requirements
Minimum South Interior Side Yard	5.0 m

### **3. Parking**

Notwithstanding the provisions of the Parking and Loading Area Requirements section and the Parking Spaces Outside a Garage provisions under the Residential (R) Zones section of this By-law, a minimum of eight (8) parking spaces shall be provided for the six (6) dwelling units located on said lands, of which six (6) parking spaces shall be located abutting Fourteenth Street and two (2) parking spaces shall be located in the rear yard area.

## 4.8 HIGH DENSITY RESIDENTIAL (RH1) ZONE

### 4.8.1 Permitted Uses

- Apartment dwelling with more than 8 units
- Public park
- School


### 4.8.2 Regulations

Provisions	Permitted Uses	Requirement	
Minimum Lot Frontage (m)	Apartment dwellings	30.0 m	
Minimum Lot Area (m <sup>2</sup> )	Apartment dwellings	1,400.0 m <sup>2</sup>	
Maximum Lot Coverage (%)	Apartment dwellings	33%	
Minimum Front Yard (m)	Apartment dwellings	7.5 m	
Minimum Interior Side Yard (m)	Apartment dwellings	6.0 m	
Minimum Exterior Side Yard (m)	Apartment dwellings	7.5 m	
Minimum Rear Yard (m)	Apartment dwellings	7.5 m	
Minimum Floor Area per dwelling unit (m <sup>2</sup> )	Apartment dwellings	Bachelor	46.0 m <sup>2</sup>
		1 Bedroom	60.0 m <sup>2</sup>
		2 Bedroom	75.0 m <sup>2</sup>
		Each Bedroom (more than 2)	11.5 m <sup>2</sup>
Maximum Gross Floor Area as a percent of lot area (%)	Apartment dwellings	100 %	
Maximum Height (m)	Apartment dwellings	10.0 m	

### 4.8.3 Additional Provisions

#### 1. Amenity Area

- The minimum amenity area shall equal fifty per cent (50%) of the gross floor area.

- 
- b. Not less than fifty per cent (50%) of the required amenity area space shall be located in one place on the lot, up to a maximum of 460.0 square metres.

## **2. Schools and Public Parks**

Any school or public park within the RH1 Zone shall comply with the regulations set out in the Institutional (I) zone.



## **4.9 RURAL RESIDENTIAL (RR) ZONE**

### **4.9.1 Permitted Uses**

- Existing dwelling
- Public park

### **4.9.2 Regulations**

Provisions	Permitted Uses	Requirement
Minimum Lot Frontage (m)	Dwellings	30.0 m
Minimum Lot Depth (m)	Dwellings	1,800.0 m <sup>2</sup>
Minimum Front Yard (m)	Dwellings	7.5 m
Minimum Interior Side Yard (m)	Dwellings	7.5 m
Minimum Exterior Side Yard (m)	Dwellings	7.5 m
Minimum Rear Yard (m)	Dwellings	7.5 m
Maximum Height (m)	Dwellings	9.0 m

### **4.9.3 Additional Provisions**

#### **1. Public Parks**

Any public park within the RR Zone shall comply with the regulations set out in the Institutional (I) zone.

### **4.9.4 Special Exceptions**

#### **RR-S1**

##### **102 Highway 11 East (Schedule A)**

The use of the land identified as PIN 65042-0521 (LT), being part of Lot 20 in Concession 10 in the Township of Kendall in the Town of Hearst, designated as Parts 3 through 9 inclusive on registered plan 6R-8723 shall comply with all the provisions of this By-law and the Rural Residential (RR) Zone in which said land is located, except as expressly varied in this subsection.

#### **1. Permitted Uses**

- Single detached dwelling
- Seasonal camping ground containing thirty-two (32) serviced spaces designated specifically for overnight accommodations.

#### **RR-S2**

##### **1787 Highway 11 West (Schedule A1)**

The use of the lands described as Parcel 8889 in the Register for Centre Cochrane, being part of Lot 6 in Concession Eleven in the Township of Way in the Town of Hearst, designated as Part 6 on reference plan 6R-1847, shall comply with all the provisions of this By-law, and the Rural Residential (RR) Zone in which said lands are situate, except as expressly varied in this subsection.

#### **1. Apartments Permitted**

Permitted uses of said lands shall include a multiple residential building containing a maximum of three (3) dwelling units.

#### **RR-S3 (Town of Hearst By-Law No.7-18) 21 Cloutier Road South (Schedule A1)**

The use of the land identified as PIN 65031-0465 (LT) and described as Parcel 9106 Section Centre Cochrane, being Part of Lot 6 in concession 11 in the Township of Way, which is also identified as Part 1 on reference plan 6R2516 in the Town of Hearst, shall comply with all provisions of this By-law and the Rural Residential (RR) Zone in which said land is located, except as expressly varied in this subsection.

#### **1. Permitted Uses as amended by By-law No. 7-18**

In addition to those permitted uses set out in the Rural Residential (RR) Zone section of this By-law, the following land uses shall also be permitted on said land in the rear yard of said property:

- Kennel

## **SECTION 5 COMMERCIAL ZONES**

No person shall hereafter use or alter any lands nor erect, alter, enlarge or use any building or structure in a Commercial Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

### **5.1 GENERAL PROVISIONS FOR COMMERCIAL ZONES**

The provisions of this Section shall apply to the following Commercial Zones:

- Downtown Commercial (C1) Zone
- Neighbourhood Commercial (C2) Zone
- Highway Commercial (C3) Zone
- Shopping Centre Commercial (C4) Zone
- Mixed Commercial/Residential (MCR) Zone

#### **5.1.1 Outdoor Seasonal Display of Goods and Articles**

1. Nothing contained herein shall prevent the seasonal display of goods and articles in outdoor or open areas within any Commercial Zone.

#### **5.1.2 Secondary Residential Uses**

1. Where residential accommodation is permitted in a Commercial Zone, a separate access shall be provided to the residential portion of the building.

#### **5.1.3 Space for Landscaping**

1. Notwithstanding anything else in this By-law, where a Commercial Zone fronts opposite to or abuts a Residential or Open Space Zone, a strip of land not less than 1.5 metres in width, located inside and abutting the Commercial Zone boundary shall not be used for any purpose other than landscaping, but this shall not prevent the provision of entrances and exits to the Commercial Zone across the landscape strip.

#### **5.1.4 Special Regulations for Motor Vehicle Washing Establishments**

1. Where a lot in a Commercial Zone is used for a motor vehicle washing establishment, the entrance layout for the progressive movement of cars entering the establishment shall be sufficient to accommodate not less than fifteen (15) cars outside the building and on the subject lot, and the exit layout shall be sufficient to accommodate not less than five (5) cars outside the building and on the subject lot.
2. The said lanes in which vehicles shall move on the lot shall be clearly defined by lines painted on the surface of the lot and the edge of the lane nearest to the property line shall be defined by a curb of concrete or rolled asphalt or by a bumper fence.
3. The minimum inside turning radius for the said lanes shall be 6.0 metres.
4. The said lanes shall be clear and unobstructed in every way.

5. The minimum width of ramps shall be 3.0 metres for one-way traffic and 6.0 metres for two-way traffic and the maximum width of ramps shall be 6.0 metres for one-way traffic and 9.0 metres for two-way traffic.
6. The minimum distance of a ramp to an intersection of two streets shall be 46.0 metres measured along the abutting street line and its projection to the point of intersection with the street line or its projection of the other street.
7. The minimum distance between ramps shall be not less than 10.5 metres.
8. The minimum interior angle of a ramp to a street line shall be seventy degrees (70°) and the maximum interior angle of a ramp to the street line shall be ninety degrees (90°).
9. The minimum distance from the intersection of any property line of the lot and the street line to the nearest ramps shall be 3.0 metres.
10. The area located between ramps or between ramps and a street line or property line as required by the provisions within Special Regulations for Motor vehicle Washing Establishments Section of this By-law and a strip having a minimum width of 1.5 metres adjacent to any side or rear lot line shall not be used for any purposes other than landscaping.
11. Notwithstanding any other provision of this By-law to the contrary, the entire lot used for a motor vehicle washing establishment, except that required to be reserved for landscaping by this section, shall have a cement or asphalted binder or such other permanent type of surfacing.
12. Adequate drainage facilities shall be provided.

#### **5.1.5 Special Regulations for Motor Vehicle Service Stations and Commercial Garages**

Notwithstanding anything else in this By-law, where a lot in a Commercial Zone is used for Motor Vehicle Service Station or commercial garage, the following special regulations shall apply:

1. Interior lots used for such purposes shall have a minimum lot frontage of 46.0 metres and minimum lot depth of 30.0 metres.
2. Corner lots used for such purposes shall have a minimum lot frontage of 46.0 metres and minimum lot depth of 46.0 metres.
3. No portion of any pump island on a service station lot shall be located closer than 4.5 metres from the street line of any street or 6.0 metres from any lot line.
4. No portion of any building or structure other than a pump island or canopy shall be located closer to the street line than 12.0 metres or closer than 7.5 metres to a side or rear lot line that does not abut a street.
5. No storage of materials incidental to the operation of the Motor Vehicle Service Station shall be carried on outside a building, unless such materials are completely enclosed by adequate screening in the form of landscaping or fencing to a height of not less than 2.0 metres.

### **5.1.6 Special Regulations for Hotels and Motels**

1. Where a motel is a permitted use in a commercial zone, one (1) single detached dwelling is permitted on the same lot as such a hotel or motel for use by the owner or management.

## **5.2 DOWNTOWN COMMERCIAL (C1) ZONE**

### **5.2.1 Permitted Uses**

- Bakery
- Bar
- Clinic
- Commercial school
- Community centre
- Custom workshop
- Dwelling unit that is part of a commercial building and is located above, below or at the rear of the main commercial use
- Eating establishment with or without takeout
- Existing dwelling
- Financial establishment
- Funeral home or parlour
- Hotel
- Micro-brewery
- Motel
- Motor vehicle sales outlet
- Motor vehicle service station
- Office
- Parking lot
- Personal service shop
- Place of entertainment
- Place of worship
- Print shop
- Public park
- Recreational vehicle sales outlet
- Retail store
- Retail convenience store
- Service or repair shop
- Take-out eating establishment
- Veterinary establishment

## 5.2.2 Regulations

Provisions	Permitted Uses	Requirement	
Maximum Lot Coverage (%)	All permitted uses	50%	
Minimum Floor Area per Dwelling Unit (m <sup>2</sup> )	Permitted dwelling units	Bachelor	70 m <sup>2</sup>
		1 Bedroom	70 m <sup>2</sup>
		2 Bedroom	70 m <sup>2</sup>
		Each Bedroom (more than 2)	70 m <sup>2</sup>
Maximum Gross Floor Area as a percent of lot area (%)	All permitted uses	100%	
Maximum Height (m)	All permitted uses	9.0 m	

## 5.2.3 Additional Provisions

### 1. Residential Uses

Residential dwelling units in storeys above a commercial establishment shall comply with the following requirements:

- Amenity area shall be provided for the exclusive use of each dwelling unit in the amount of 18.5 square metres per dwelling unit.
- Not less than fifty per cent (50%) of the amenity area shall be located in one place.
- Access to dwelling units shall be provided for the exclusive use of each dwelling unit and such access shall be separate from the access to the commercial use.
- Parking shall be provided in accordance with the provisions of the General Provisions section of this By-law.

### 2. Side Yards

- Notwithstanding the provisions this Zone, a side yard shall not be required where there is access available to the rear of the building by a public or private lane.
- Where a side lot line abuts a Commercial or Industrial Zone and no access is available to the rear of the building by a public or private lane, then one side yard shall be provided having a minimum width of 3.5 metres.
- Where a side lot line abuts a Residential or Open Space Zone, the setback from the said side lot line shall be a minimum of 4.5 metres.
- Where a side lot line abuts a street, the setback from the said lot line shall be a minimum of 3.0 metres, but in no case shall the setback from the centre line of the flanking street be less than 13.0 metres.

### **3. Rear Yards**

- a. Notwithstanding the provisions of this Zone, a rear yard shall not be required where there is access available to the rear of the building by a public or private lane.
- b. Where a rear lot line abuts a Commercial or Industrial Zone, and no access is available to the rear of the building except by means of a yard, the setback from the said rear lot line shall be a minimum of 6.0 metres.
- c. Where a rear lot line abuts a Residential or Open Space Zone, the setback from the said rear lot line shall be a minimum of 10.5 metres.
- d. Where a rear yard abuts a street, the setback from the said rear lot line shall be a minimum of 3.0 metres but in no case shall the setback from the centre line of the abutting street be less than 13.0 metres.
- e. Where a building contains residential accommodation in the second or third storeys, the nearest main wall of the residential portion of the building shall be not less than 10.5 metres from the rear lot line.

### **4. Parking and Loading**

- a. Parking and loading facilities shall be provided in accordance with the provisions of the Parking Requirements, Loading Requirements, and the Parking and Loading Area Requirements sections of this By-law

### **5. Exception**

- a. Within a Downtown Commercial (C1) Zone, the requirements of this Zone with respect to lot coverage and rear yards shall not apply to the expansion, alteration or replacement of any existing building used for a permitted commercial use including a dwelling attached thereto.

### **6. Corner Lots**

- a. Notwithstanding the provisions of this Zone, in the case of a vacant corner lot or where any existing dwelling located on a corner lot is converted to a commercial use or replaced by a building or structure intended for commercial purposes, as permitted in a Downtown Commercial (C1) Zone, then no building or structure shall be erected on such corner lot within a triangle of land formed by joining two points measured 6.0 metres back along the front lot line and flankage lot line from the point of intersection of said lot lines.

### **7. Vehicle Storage**

- a. In any Downtown Commercial (C1) Zone, any person who conducts a commercial undertaking for which commercial motor vehicles are stored on the premises, shall provide in such Zone, an area on the property for the exclusive storage of such vehicles and where such commercial property abuts a Residential or Open Space Zone, the said storage area shall be screened by a fence or hedge not less than 2.0 metres in height and located in such a manner so as to screen the said storage area from the surrounding residential properties, and such commercial motor vehicles when stored on the property, shall only be stored in the said storage area.



## 8. Open Storage

- a. Open storage of goods and materials shall not be permitted unless completely enclosed and screened by a solid and continuous fence with a minimum height of 2.0 metres.

## 9. Conversion to Residential Use

- a. Within a Downtown Commercial (C1) Zone, the rear portion of a commercial use building at street level may be converted to one (1) residential unit, provided that at least sixty per cent (60%) of the gross floor area directly adjacent to a public thoroughfare is maintained for commercial occupancies and use.

### 5.2.4 Special Exceptions

#### C1-S1

##### **715 Edward Street, Parcels 2297, 4043, 3535CC (Schedule A3 and A4)**

The use of the land described below shall comply with all the regulations of this By-law for the Downtown Commercial (C1) Zone in which it is located except as expressly varied in this subsection.

#### 1. Permitted Uses

Lot	Permitted Uses
Lots 498, 501 Plan M-48A	Downtown Commercial Special (C1-s) Zone for an existing funeral home and secondary accommodations in accordance with provisions in the General Provisions and Downtown Commercial (C1) Zone sections of this By-law.

#### C1-S2

##### **631 Front Street (Schedule A4 and A8)**

The use of the lands described as Parcels 7225, 8069, 2465 and 4071 Centre Cochrane, being Lot 112 and parts of Lots 110 and 111 on Plan M-48 Algoma in the Town of Hearst, shall comply with all of the regulations of this By-law and the Downtown Commercial (C1) Zone in which they are located, except as expressly varied in this subsection.

#### 1. Regulations

No building, structure or lands shall be used, and no building or structure shall be hereafter erected or altered on said lands, except in accordance with the provisions of this Zone and the General Provisions of this By-law and the following provisions:

#### 2. Yard Requirements

Notwithstanding the Rear Yards provision (d) within this Zone of this By-law, no minimum setback from the rear lot line or the centre line of George Street shall be required for any buildings or parts thereof located along George Street.

#### 3. Sight Triangle

No buildings or parts thereof shall be erected within that triangle of land formed by joining the point located at a distance of 6.0 metres from the southwest corner of said lands as measured northwards

along the westernmost lot line and that point located at a distance of 6.0 metres from said lot corner as measured eastwards along the southernmost lot line.

#### **4. Loading Zone**

A loading zone shall be maintained at all times within the rear yard area located between the principal building and the rear lot line along George Street, in accordance with the provisions of the Loading Requirements and the Parking and Loading Area Requirements sections of this By-law.

### **C1-S3**

#### **4 Twelfth Street (Schedule A3 and A9)**

The use of the lands described as Parcel 9410 in the Register for Centre Cochrane, being the north part of Lot 15 on Plan M-106 Cochrane, designated as Parts 4 to 6 on reference plan CR-738 in the Town of Hearst, shall comply with all of the regulations of this By-law and the Downtown Commercial (C1) Zone in which it is located, except as expressly varied in this subsection.

#### **1. Permitted Uses**

- Bakery
- Financial establishment
- Commercial school
- Custom workshop
- Eating establishment
- Funeral home or parlour
- Hotel
- Motel
- Motor vehicle sales outlet
- Office
- Parking lot
- Personal service shop
- Place of entertainment
- Print shop
- Retail store
- Service or repair shop
- Veterinary establishment
- Warehouse or distribution facility

## 2. Regulations

No building, structure or land shall be used, and no building or structure shall be hereafter erected or altered on said lands, except in accordance with the provisions of this Zone and the General Provisions of this By-law and the following provisions:

## 3. Yard Requirements

Notwithstanding the provisions of this Zone, the minimum setbacks from lot lines shall be established as follows:

Provisions	Requirements
Minimum Front Yard	1.2 m
Minimum Interior Side Yard	2.44 m
Minimum Exterior Side Yard	4.2 m
Minimum Rear Yard	5.2 m

## 4. Lot Coverage

Notwithstanding the provisions of this Zone, the maximum lot coverage of buildings erected on said land shall be fifty per cent (50%).

## 5. Sight Triangle

No buildings, structures or fences or parts thereof shall be erected within that triangle of land formed by joining the point located at a distance of 6.0 metres from the northeast corner of said lands as measured westward along the northern lot line and that point located at a distance of 6.0 metres from said lot corner as measured southward along the eastern lot line.

## 6. Parking and Loading

Parking and loading facilities shall be provided on site in accordance with the requirements of the Parking Requirements, Loading Requirements and Parking and Loading Area Requirements sections of this By-law. No entrance or exit from any parking or loading area shall be located along Front Street and no entrances or exits along Twelfth Street shall be located within a distance of 24.5 metres of the intersection of Front Street and Twelfth Street.

## 7. Open Storage

Open storage of goods and materials shall not be permitted.


## 8. Site Plan Control

The development of said land shall be subject to Site Plan Control.

## C1-S4

### 911 Front Street (Schedule A3 and A9)

The use of the land identified as PIN 65040-0115 and Described as Parcel 6633 Section Center Cochrane, being the North West quarter of lot 132 on plan M48A, in the Town of Hearst shall comply with all



provisions of this By-law and the Downtown Commercial (C1) Zone in which said land is located, except as expressly varied in this subsection.

#### **1. Permitted Uses**

In addition to the permitted uses of the Downtown Commercial (C1) Zone, the following land uses shall also be permitted on said properties:

- Residence for Post-Secondary Students (provided that a commercial lease agreement is made between the property owner and a post-secondary institution. The owner shall provide a copy of such agreement to the Town for the time period that the building is utilized for such use).

## 5.3 NEIGHBOURHOOD COMMERCIAL (C2) ZONE

### 5.3.1 Permitted Uses

- Club
- Commercial school
- Community centre
- Dwelling unit as a secondary use to a permitted commercial use
- Office
- Personal service shop
- Place of worship
- Parking lot
- Public park
- Retail store
- Retail convenience store
- Service or repair shop, excluding an auto or tire supply store

### 5.3.2 Regulations

Provisions	Permitted Uses	Requirement
Minimum Lot Frontage (m)	All permitted uses	18.0 m
Minimum Lot Area (m <sup>2</sup> )	All permitted uses	460.0 m <sup>2</sup>
Maximum Lot Coverage (%)	All permitted uses	30%
Minimum Front Yard (m)	All permitted uses	7.5 m
Minimum Interior Side Yard (m)	All permitted uses	3.0 m
Minimum Exterior Side Yard (m)	All permitted uses	6.0 m
Minimum Rear Yard (m)	All permitted uses	7.5 m
Minimum Floor Area per dwelling unit (m <sup>2</sup> )	All permitted uses	70 m <sup>2</sup>
Maximum Height (m)	All permitted uses	9.0 m

### **5.3.3 Additional Provisions**

#### **1. Residential Uses**

Residential dwelling units as secondary uses to a permitted commercial use shall comply with the following regulations:

- a. Amenity area shall be provided for the exclusive use of each dwelling unit in the amount of 18.5 square metres per dwelling unit.
- b. Not less than fifty per cent (50%) of the amenity area shall be located in one place.
- c. Access to dwelling units shall be provided for the exclusive use of each dwelling unit and such access shall be separate from the access to the commercial use.
- d. Parking shall be provided in accordance with the provisions of the Parking Requirements section of this By-law.

#### **2. Side Yards**

- a. Where a side lot line abuts a Residential or Open Space Zone, the setback from the said lot line shall be a minimum of 7.5 metres.
- b. Where a side lot line abuts a street, the setback from the said lot line shall be a minimum of 6.0 metres, but in no case shall the setback from the centre line of the flanking street be less than 16.0 metres.

#### **3. Rear Yards**

Where a rear lot line abuts a Residential or Open Space Zone, the setback from the said rear lot line shall be a minimum of 10.5 metres.

#### **4. Parking and Loading**

Parking and loading facilities shall be provided in accordance with the provisions of the Parking Requirements, Loading Requirements and the Parking and Loading Area Requirements sections of this By-law.

#### **5. Single Retail Store**

Notwithstanding the provisions of the Loading Requirements section of this By-law, where a single retail store, having a maximum gross floor area of 186.0 square metres is located in a Neighbourhood Commercial (C2) Zone, and does not form part of a group or string of retail stores, a minimum of two (2) off-street parking spaces shall be provided on the same lot as said store, in compliance with the requirements of the Parking Requirements section within this By-law.

#### **6. Vehicular Storage**

In any Neighbourhood Commercial (C2) Zone, any person who conducts a commercial undertaking for which commercial motor vehicles are stored on the premises, shall provide in such Zone, an area on the property for the exclusive storage of such vehicles and the said storage area shall be screened by a hedge not less than 2.0 metres in height located in such a manner so as to screen the said storage area from the surrounding residential properties, and such commercial motor vehicle when stored on the property shall only be stored in the said storage area or in an accessory building located on said lot for such purpose.

## **7. Community Centres, Places of Worship, and Public Parks**

Any community centre, place of worship, or public park within the Neighbourhood Commercial (C2) Zone shall comply with the regulations set out in the Institutional (I) zone.

## **8. Retail Store**

Notwithstanding any other provision of this By-law, within the Neighbourhood Commercial (C2) Zone, a permitted retail store shall not have a gross floor area exceeding 300.0 square metres.

### **5.3.4 Special Exceptions**

#### **C2-S1**

##### **5 Highway No. 583 North (Schedule A5 and A8)**

The use of the land described as Parcel 4667 in the Register for Centre Cochrane, being Lot 1 on Plan M-186 Cochrane in the Town of Hearst, shall comply with all of the provisions of this By-law and the Neighbourhood Commercial (C2) Zone in which said land is situated, except as expressly varied in this subsection.

#### **1. Permitted Uses**

- Take-out eating establishment

#### **2. Regulations**

No building, structure or land shall be used, and no building or structure shall be erected or installed on said lands, except in accordance with the provisions of this Zone, the General Provisions and Commercial (C) Zones sections of this By-law and the following provisions:

#### **3. Fences**

A solid and continuous fence or hedge having a minimum height of 2.0 metres shall be erected along the rear and interior side lot lines to act as a buffer for abutting residential land uses.

#### **4. Site Plan Control**

The development of said land shall be subject to Site Plan Control.

#### **C2-S2 (Town of Hearst By-Law No.18-10)**

##### **53 McNee Street (Schedule A1)**

The use of the lands described as the westernmost part of Parcel 9890 in the Register for Centre Cochrane, being the west 27.9 metres more or less of part of Lot 2 in Concession 10 in the Township of Way in the Town of Hearst, designated as Part 1 on reference plan 6R-2895 shall comply with all provisions of this By-law and the Neighbourhood Commercial (C2) Zone in which said lands are located, except as expressly varied in this subsection.

#### **1. Yard Requirements**

Notwithstanding the provisions of clauses (1) and (2) under the Regulations subsection of this Zone, a building containing a convenience store and attached dwelling unit may be erected on the aforementioned land having a minimum east interior side yard setback of 1.5 metres and minimum rear yard setback of 7.92 metres from the south lot line of said land.

## 5.4 HIGHWAY COMMERCIAL (C3) ZONE

### 5.4.1 Permitted Uses

- Bar
- Clinic
- Dwelling unit that is part of and is above or at the rear of a principal commercial building
- Eating establishment
- Existing dwelling
- Farm implement sales and service
- Gasoline bar
- Government facility
- Health club
- Institutional use
- Hotel
- Micro-brewery
- Motel
- Motor vehicle sales outlet
- Motor vehicle service station
- Motor vehicle washing establishment
- Office
- Public park
- Recreational vehicle sales outlet
- Retail store
- Service or repair shop
- Take-out eating establishment
- Transport terminal

### 5.4.2 Regulations

Provisions	Permitted Uses	Requirement
Minimum Lot Frontage (m)	All permitted uses	40.0 m
Minimum Lot Depth (m)	All permitted uses	61.0 m
Maximum Lot Coverage (%)	All permitted uses	40%
Minimum Front Yard (m)	All permitted uses	9.0 m



Provisions	Permitted Uses	Requirement	
Minimum Interior Side Yard (m)	All permitted uses	4.5 m	
Minimum Exterior Side Yard (m)	All permitted uses	9.0 m	
Minimum Rear Yard (m)	All permitted uses	15.0 m	
Minimum Floor Area per dwelling unit (m <sup>2</sup> )	All permitted uses	Bachelor	70 m <sup>2</sup>
		1 Bedroom	70 m <sup>2</sup>
		2 Bedroom	70 m <sup>2</sup>
		Each Bedroom (more than 2)	70 m <sup>2</sup>
Maximum Height (m)	All permitted uses	9.0 m	

### 5.4.3 Additional Provisions

#### 1. Side Yards

Notwithstanding the provisions of this Zone, where a side lot line abuts a Residential or Open Space Zone, the setback from said lot line shall be a minimum of 7.5 metres.

#### 2. Parking and Loading

Parking and loading facilities shall be provided in accordance with the provisions of the Parking Requirements, Loading Requirements, and the Parking and Loading Area Requirements sections of this By-law

#### 3. Residential Uses

Dwelling units located in second and/or third storeys and/or at the rear of a commercial establishment shall comply with the following requirements:

- Each dwelling unit shall have direct access to a private outdoor amenity area of minimum 10.0 square metres, which shall be provided for the exclusive use of the occupants of said dwelling unit.
- Access to dwelling units shall be separate from the access provided for the commercial use, and such access shall be for the exclusive use of the occupants of the dwelling units.
- Parking shall be provided in accordance with the provisions of the provisions of the Parking Requirements section of this By-law.

#### 4. Public Park and Institutional Use

Any public park or institutional use permitted within the C2 Zone shall comply with the regulations set out in the Institutional (I) zone.

#### **5.4.4 Special Exceptions**

##### **C3-S1**

##### **2 Highway 583 North (Schedule A5 and A8)**

The use of the lands described as Parcels 3192, 3469, 3559 and 5609 in the Register for Centre Cochrane, being parts of Lots 15, 16, 17, part of 48, 49 and 50 on Plan M-48 Algoma and part of the former road allowance laid out as Third Street on said plan, shall comply with all of the provisions of this By-law and the Highway Commercial (C3) Zone in which said lands are situate, except as expressly varied in this subsection.

##### **1. Minimum Setbacks**

Notwithstanding the provisions of this Zone, the minimum setbacks from lot lines for a principal building on said lands shall be established as:

Provisions	Requirements
Minimum Front Yard	5.66 m
Minimum Rear Yard	4.57 m

##### **2. Buffering**

Notwithstanding the Space for Landscaping regulations under the General Provisions for Commercial Zones section of this By-law, a solid and continuous fence having minimum height above grade of 1.83 metres shall be maintained along the rear lot line which forms a common boundary with Lot 18 on Plan M-48 Algoma.

##### **3. Open Storage**

The open storage of motor vehicle parts and/or derelict motor vehicles shall not be permitted.

##### **4. Site Plan Control**

The development of said lands shall be subject to Site Plan Control pursuant to the Planning Act, R.S.O. 1990, c. P.13 and this By-law.

##### **C3-S2**

##### **3 Fifteenth Street (Schedule A2 and A10)**

The use of the land described as Parcel 6850 Centre Cochrane, being the north part of Lot 1 on Plan M-106 Cochrane shall comply with all regulations of this By-law and the Highway Commercial (C3) Zone in which it is located, except as expressly varied in this subsection.

##### **1. Permitted Uses**

- Clinic
- Club
- Commercial school
- Commercial uses permitted under the Downtown Commercial (C1) and the Highway Commercial (C3) Zones of this By-law

- Community centre
- Dwelling units that are above the commercial uses and are an integral part of the principal commercial building
- Health club
- Indoor recreational facility
- Public, as set out in the Public Uses Permitted section of this By-law

## 2. Regulations

No building, structure or land shall be used, and no building or structure shall be hereafter erected or altered on said land, except in accordance with the provisions of this Zone and the General Provisions of this By-law and the following provisions:

### a. Yard Requirements

Notwithstanding the provisions of this Zone and within the Highway Commercial (C3) Zone section in this By-law, the setbacks from the interior side and rear lot lines shall be a minimum of 9.0 metres each.

### b. Buffering

Where a side lot line abuts a Residential Zone, a strip of land not less than 1.5 metres in width shall be maintained in accordance with the provisions of the Buffer Strips section and the provisions of the Commercial (C) Zone section of this By-law.

### c. Type of Buildings or Structures

A building or buildings shall be permitted to be erected on said land, containing individual commercial establishments designed and managed as a unit by a single owner or tenant, or group of owners or tenants. Each establishment shall have an independent and separate means of access and exit from exterior areas, and the erection of interior common corridors shall not be permitted.

### d. Parking and Loading

Parking and loading facilities shall be provided in accordance with the provisions of the Parking Requirements, Loading Requirements and the Parking and Loading Area Requirements sections of this By-law, and shall be calculated specifically for each commercial establishment occupying the building or buildings.

## C3-S3

### 15 Fifteenth Street (Schedule A2)

The use of the land described as Parcel 12670 in the Register for Centre Cochrane, being that part of the south part of Lot 1 on Plan M-106 Cochrane in the Town of Hearst, designated as Part 1 on reference plan 6R-6633, shall comply with all regulations of this By-law and the Highway Commercial (C3) Zone in which said land is located except as expressly varied in this subsection.

## 1. Permitted Uses

Permitted uses shall include a locksmith and a repair shop for the repair of small articles in the building located on said land.

## 2. One Building

Only one (1) building shall be permitted on said land.

## 3. Minimum Setbacks

Notwithstanding the provisions of this Zone, the general provisions in the Commercial (C) Zones section and the provisions of the Highway Commercial (C3) Zone section of this By-law, the minimum setbacks from lot lines shall be established as:

Provisions	Requirements
Minimum Front Yard	20.5 m
Minimum Interior Side Yard	2.44 m
Minimum Rear Yard	3.66 m

## 4. Open storage

Open storage of materials and supplies shall not be permitted on said land at any time.

### **C3-S4 (Town of Hearst By-Law No.2607)**

#### **1221 Front Street (Schedule A3)**

The use of the land described as Parcel 12332 Centre Cochrane, being part of Lot 13 on Plan M-106 Cochrane, shall comply with all of the provisions of this By-law and the Highway Commercial (C3) Zone in which said land is situated, except as expressly varied in this subsection.

### 1. Permitted Uses

- Interior and outdoor sales area for the display and sale of new or used goods, articles, equipment and vehicles
- Service repair shop
- Take-out eating establishment

### 2. Yard Requirements

Notwithstanding the provisions of this Zone and the Commercial (C) Zone section of this By-law, the minimum rear yard requirement shall be 6.1 metres.

### 3. Buffering

The site shall be obscured from visibility from abutting residential properties by the erection of a solid and continuous fence or hedge having height of 2.0 metres along the rear lot line and along the side lot lines for a minimum distance of 25 metres north from the rear lot line of the subject lands.

### 4. Open Storage

The open storage and display of goods, articles, equipment and vehicles shall be restricted to the front yard area. Open storage of goods, articles and/or materials shall not be permitted in any side or rear yard area.

### 5. Site Plan Control

The development of said land shall be subject to Site Plan Control.

### **C3-S5**

#### **412 Highway 11 East (Schedule A5 and A7)**

The use of the land described as Parcel 4190 in the Register for Centre Cochrane, being firstly the east half of Lot 57 on Plan M-48 Algoma in the Town of Hearst, excepting the south thirty-four (34) feet thereof, and secondly the west half of Lot 58 on Plan M-48 Algoma in the Town of Hearst, excepting the south thirty-four (34) feet thereof, shall comply with all of the provisions of this By-law and the Highway Commercial (C3) Zone in which said land is located, except as expressly varied in this subsection.

#### **1. Personal Service Shop Permitted**

Notwithstanding the provisions of the Highway Commercial (C3) Zone section of this By-law, a personal service shop may be located and operated in the front half of the existing dwelling unit located on said land.

### **C3-S6 (Town of Hearst By-Law No. 19-06)**

#### **210 Highway 11 East (Schedule A6)**

The use of the land described as Parcel 9376 in the Register for Centre Cochrane, being that part of Lot 21 in Concession Ten in the Township of Kendall in the Town of Hearst, designated as Part 5 on reference plan 6R-1205, and shown on Zoning Schedule A6 hereto, shall comply with all provisions of this By-law and the Highway Commercial (C3) Zone in which said land is located, except as expressly varied in this subsection.

#### **1. Permitted Uses**

In addition to the uses permitted pursuant to the Highway Commercial (C3) Zone of this By-law, said aforementioned land may also be used as a multiple residential building containing a maximum of four (4) dwelling units.

### **C3-S7**

#### **1420 Front Street (Schedule A10)**

The use of the lands identified as PIN 65036-0017 (LT) and described as the westernmost part of Parcel 12644 Section Centre Cochrane, being the west 21.33 metres more or less of that part of the former Ontario Northland Railway lands in Kendall Township in the Town of Hearst, now designated as Part 1 on reference plan 6R-8407 shall comply with all provisions of this By-law and the Highway Commercial (C3) Zone in which said lands are located, except as expressly varied in this subsection.

#### **1. Lot Frontage Requirements**

Notwithstanding the provisions of this Zone to this By-law, consent may be granted to a lot for the existing building known as 1420 Front Street located on said land, having a minimum lot frontage of 21.33 metres.

### **C3-S8 (Town of Hearst By-Law No. 85-11)**

#### **1309 Front Street (Schedule A3 and A9)**

The use of the lands identified as PIN 65039-0010 (LT) and described as Parcel 5641 Section Centre Cochrane, being the northern 95 metres more or less of Lot 10 on Plan M-106 Cochrane in the Town of

Hearst, excepting Part 1 on reference plan 6R-7643 shall comply with all provisions of this By-law and the Highway Commercial (C3) Zone in which said land is located, except as expressly varied in this subsection.

### 1. Permitted Uses

In addition to those uses set out in the Highway Commercial (C3) Zone of this By-law, the following land uses shall also be permitted on said land in the rear portion of the building:

- Manufacturing shop, including fabricating and the assembly of goods
- Commercial garage

### 2. Uses Not Permitted

In addition to those uses set out in the Highway Commercial (C3) Zone of this By-law, the following land uses shall also be permitted on said land in the rear portion of the building:

- Open storage of goods, materials, parts, supplies and equipment.
- Parking and storing of derelict motor vehicles
- Salvage yard

## **C3-S9 (Town of Hearst By-Law No. 43-13) 1416 Front Street (Schedule A9 and A10)**

The use of the lands identified firstly as PIN 65036-0073 (LT) and described as Parcel 12644 Section Centre Cochrane, being part of the Ontario Northland Railway lands in Kendall Township in the Town of Hearst, designated as Part 2 on registered plan 6R-8407 shall comply with all provisions of this By-law and the Highway Commercial (C3) Zone in which said land is located, except as expressly varied in this subsection.

### 1. Permitted Uses

- Crematorium in addition to those permitted uses as set out in the Highway Commercial (C3) Zone of this By-law.

### 2. Location of Crematorium

Notwithstanding the provisions of the Commercial (C) Zones and this Zone, the crematorium shall be located in a single separate (detached) building constructed in the rear yard area of said land, to the north of existing buildings located on said land.

### 3. Yard Requirements

Notwithstanding the provisions of the Commercial (C) Zones and this Zone, the minimum setbacks from lot lines and other buildings located on said land shall be established as follows for the crematorium:

Provisions	Requirements
Minimum South Wall And Front Lot Line	157 m
Minimum South Wall And Adjacent Building	18.3 m

Provisions	Requirements
Minimum Side Yard	12.2 m
Minimum North Wall And Rear Lot Line	18.3 m

#### 4. Site Plan Control

The development of said land shall be subject to Site Plan Control.

Minimum Side Yard	12.2 m
Minimum North Wall And Rear Lot Line	18.3 m

### **B-L 64-20 C3-S10 (Town of Hearst By-Law No. 64-2020) 1444 Front Street (Schedule A10)**

The use of the land identified as Parcel 12639 Section Centre Cochrane, being part 9 on reference plan 6R-6678, in the Town of Hearst, shall conform to all provisions of this By-law and the Highway Commercial (C3) Zone in which said land is located, except as expressly varied in this subsection.

#### 1. Permitted Uses

In addition to those uses set out in the Highway Commercial (C3) Zone of this By-law, the following land use shall be permitted on said land:

- Self-service storage units, erected on the north half of the property.

#### 2. Location

Notwithstanding the provisions of the Highway Commercial (C3) Zone, the self-storage units shall be located in the rear yard area of said land, on the northern half of the property.

#### 3. Yard Requirements

Notwithstanding the provisions of the Highway Commercial (C3) Zone, the minimum setbacks from the lot lines shall be as follows:

Provisions	Requirements
Side Yard Setback	2 m
Rear Yard Setback	2 m

#### 4. Site Plan Control

The development of said land shall be subject to Site Plan Control.

## 5.5 SHOPPING CENTRE COMMERCIAL (C4) ZONE

### 5.5.1 Permitted Uses

- Bar
- Clinic
- Commercial school
- Dry cleaning establishment
- Eating establishment
- Financial establishment
- Gasoline bar
- Health club
- Library
- Micro-brewery
- Office
- Parking lot, whether or not in an enclosed building
- Personal service shop
- Place of entertainment
- Print shop
- Retail store
- Service or repair shop
- Take-out eating establishment

### 5.5.2 Regulations

Provisions	Permitted Uses	Requirement
Minimum Lot Frontage (m)	All permitted uses	90.0 m
Minimum Lot Depth (m)	All permitted uses	61.0 m
Maximum Lot Coverage (%)	All permitted uses	40%
Minimum Front Yard (m)	All permitted uses	22.0 m
Minimum Interior Side Yard (m)	All permitted uses	18.0 m
Minimum Exterior Side Yard (m)	All permitted uses	18.0 m
Minimum Rear Yard (m)	All permitted uses	18.0 m



Provisions	Permitted Uses	Requirement
Maximum Gross Floor Area as a percent of lot area (%)	All permitted uses	5.0 m

### 5.5.3 Additional Provisions

#### 1. Landscaping

All lands not occupied by a building or buildings shall be sodded and planted in accordance with a landscape plan, save and except lands used for the purpose of parking motor vehicles and for the passage of persons or vehicles, and said landscaped lands shall not be less than ten per cent (10%) of the total lot area.

#### 2. Access

- Maximum width of driveway at the curb shall not be more than 10.5 metres.
- Minimum distance between driveways shall not be less than 7.5 metres measured at the curb.
- Not more than two (2) driveways shall be provided for each 30.0 metres of lot frontage.

#### 3. Open Storage

No open storage shall be permitted in a Shopping Centre Commercial (C4) Zone, except in accordance with the general provisions of the Commercial (C) Zone in this By-law.

#### 4. Side Yards

Notwithstanding the provisions of this Zone, where a side yard lot line abuts a street, the setback from the said lot line shall be a minimum of 21.5 metres.

#### 5. Rear Yards

- Notwithstanding the provisions of this Zone, where a rear yard abuts a Residential or Open Space Zone, the setback from the said lot line shall be 10.5 metres.
- Where a rear yard abuts a street, the setback from the said rear lot line shall be a minimum of 21.5 metres.

#### 6. Parking and Loading

Parking and loading facilities shall be provided in accordance with the General Provisions of this By-law.

### 5.5.4 Special Exceptions

#### C4-S1

#### 1501 Highway 11 West (Schedule A10)

The use of the land described as Parcel 12612 in the Register for Centre Cochrane, described as the Surface Rights of part of Lot 1 in Concession Eleven in the Township of Way in the Town of Hearst, designated as Part 1 on reference plan 6R-6636, as shown on Zoning Schedule A10 annexed hereto and forming part of this By-law, shall comply with all provisions of this By-law and the Shopping Centre Commercial (C4) Zone in which said land is located, except as expressly varied in this subsection.

## 1. Permitted Uses

- Eating establishment
- Take-out eating establishment
- Parking lot

## 2. Regulations

No building, structure or land shall be used, and no building or structure shall be hereafter erected or installed on said lands, except in accordance with the provisions of this Zone, and the General Provisions of this By-law, the minimum lot and yard requirements shall be established as follows:

Provisions	Requirements
Minimum Lot Frontage	33.43 m
Minimum Lot Depth	49.84 m
Minimum Interior Side Yard	5.18 m
Minimum Exterior Side Yard	16.61 m
Minimum Rear Yard	11.58 m

## 3. Parking

Provisions	Requirements
Aisle Width For Two-Way Traffic	6.04 m
Parking Space Length	6.0 m

## 4. Access

Access to the said lands shall be restricted to the registered right of ways located on Parts 2, 3, 4 and 5 on reference plan 6R-6558.

## 5. Sign

A sign may be erected at the northeast corner of said lands, having the following minimum setbacks:

Provisions	Requirements
From the Front Lot Line	3.65 m
From the Flankage Lot Line	4.06 m

## 6. Fences and Barricades

The erection of fences, barricades and/or other obstructions along the common lot boundaries with abutting lands zoned as Shopping Centre Commercial (C4) Zones, excluding road allowances, shall not be permitted except that curbs may be installed to direct traffic flow and storm water run-off.

## 7. Site Plan Control

The development of said land shall be subject to Site Plan Control.

### C4-S2

#### 1509 Highway 11 West (Schedule A10)

The use of the land described as the remainder of Parcel 8785 in the Register for Centre Cochrane, being the Surface Rights of part of Lot 1 in Concession Eleven in the Township of Way in the Town of Hearst, part of Part 1 on registered plan 6R-1895, save and except Parts 2 through 6 inclusive on reference plan 6R-6636, as shown on Zoning Schedule A annexed hereto and forming part of this By-law, shall comply with all provisions of this By-law and the Shopping Centre Commercial (C4) Zone in which said land is located, except as expressly varied in this subsection.

### 1. Permitted Uses

- Eating establishment
- Gasoline bar
- Parking lot
- Retail store
- Take-out eating establishment

### 2. Regulations

No building, structure or land shall be used, and no building or structure shall be hereafter erected or installed on said lands, except in accordance with the provisions of this Zone, the General Provisions and the Commercial (C) Zones sections of this By-law, and the following provisions:

Provisions	Requirements
Minimum Lot Frontage	49.50 m
Minimum Average Lot Depth	34.15 m
Minimum Lot Depth	29.70 m
Minimum Front Yard	13.0 m
Minimum Rear Yard	3.65 m

### 3. Parking

Provisions	Requirements
Aisle Width for Two-Way Traffic	6.0 m

Provisions	Requirements
Parking Space Length	6.0 m

#### 4. Access

Access to the said lands shall be restricted to the registered right of ways located on the remainder of Parcel 8785 Centre Cochrane.

#### 5. Sign

A sign may be erected along the north lot boundary of said lands, having the following minimum setback:

Provisions	Requirements
From the Front Lot Line	3.65 m

#### 6. Fences and Barricades

The erection of fences, barricades, curbs and/or other obstructions along the common lot boundaries with abutting lands, excluding road allowances, shall not be permitted.

#### 7. Site Plan Control

The development of said land shall be subject to Site Plan Control.

## **5.6 MIXED COMMERCIAL/RESIDENTIAL (MCR) ZONE**

### **5.6.1 Permitted Uses**

#### Commercial Uses

- Custom workshop, and associated retail store
- Office
- Parking lot
- Personal service shop
- Service or repair shop
- Take-out eating establishment

#### Residential Uses

- Boarding house or rooming House
- Duplex dwelling
- Quadruplex dwelling
- Semi-detached dwelling
- Single detached dwelling
- Triplex dwelling

#### Institutional Uses

- Commercial school
- Place of worship
- Public park

### **5.6.2 Regulations**

#### **1. Commercial Uses**

Permitted commercial uses, as set out above, shall comply with the regulations set out in the Downtown Commercial (C1) Zone of this By-law, in addition to the provisions of the Mixed Commercial/Residential (MCR) Zone.

#### **2. Residential Uses**

Permitted Residential uses, as set out above, shall comply with the regulations set out in the Third Density Residential (R3) Zone of this By-law, in addition to the provisions of the Mixed Commercial/Residential (MCR) Zone.

#### **3. Institutional Uses**

Permitted Institutional uses, as set out above, shall comply with the regulations set out in the Institutional (I) Zone of this By-law, in addition to the provisions of the Mixed Commercial/Residential (MCR) Zone.

### **5.6.3 Additional Provisions**

#### **1. Parking and Loading**

Off-street parking shall be provided in accordance with the Parking Requirements, Loading Requirements, and the Parking and Loading Area Requirements sections of this By-law, except that only one (1) off-street parking space need be provided for each dwelling unit in a multiple dwelling, apartment building or a building containing both commercial and residential uses. A loading zone need not be provided on the same premises as a commercial use.

#### **2. Corner Lots**

As set out in the Downtown Commercial (C1) Zone section of this By-law,

#### **3. Vehicle Storage**

As set out in the Downtown Commercial (C1) Zone section of this By-law,

#### **4. Open Storage**

Outdoor or open storage of goods and materials shall not be permitted, except that seasonal goods may be displayed in the open in a manner that is in keeping with the character of adjacent land uses.

#### **5. Conversion of Commercial to Residential Use**

The conversion of any commercial use to a residential use shall not require an amendment to this By-law. Conversion of commercial uses to residential uses shall be in accordance with the provisions in the Third Density Residential (R3) Zone section of this By-law.

#### **6. Conversion of Residential to Commercial Use**

The conversion of any residential use to a permitted commercial use shall not require an amendment to this By-law, but shall be subject to Site Plan Control.

### **5.6.4 Special Exceptions**

#### **MCR-S1 (Town of Hearst By-Law No. 28-16)**

##### **921 George Street (Schedule A3)**

The use of the land identified as PIN 65040-0127, and described as Parcel 672 in Section Centre Cochrane, being Lot 156 on Plan M-48 Algoma in the Town of Hearst, shall comply with all provisions of this By-law, including the Regulations set out for the Mixed Commercial/Residential (MCR) Zone in this By-law, in which said land is located, except as expressly varied in this subsection.

#### **1. Permitted Uses**

- Apartment building containing a maximum of fifteen (15) dwelling units
- As set out in the Public Uses Permitted section of this By-law
- The Permitted Uses under Commercial, Institutional and Recreations sections as set out in the Mixed Commercial/Residential (MCR) Zone of this By-law
- Three (3) single detached dwelling units

## SECTION 6 INDUSTRIAL ZONES

No person shall hereafter use or alter any lands nor erect, alter, enlarge or use any building or structure in an Industrial Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

### 6.1 GENERAL PROVISIONS FOR INDUSTRIAL ZONES

The provisions of this section shall apply to the following Industrial Zones:

- Light Industrial (M1) Zone
- Secondary Industrial (M2) Zone
- Principal Industrial (M3) Zone
- Heavy Industrial (M4) Zone

#### 6.1.1 Accessory Buildings

1. No accessory building or structure shall be constructed in the front or exterior side yard.

#### 6.1.2 Fencing

1. No fence shall be erected upon any land in any Industrial Zone or any part thereof unless it is constructed of ornamental wire, pre-finished metal, iron or wood planks or other suitable material of solid and continuous construction, and no such fence shall be placed nearer to the street line along the frontage of said land within 7.5 metres of said street line or within that distance from the main front wall of the building or buildings erected on the said land and the street line, whichever is less.

#### 6.1.3 Landscaping

1. Where a lot in an Industrial Zone fronts opposite to or abuts a Residential or Open Space Zone, a strip of land not less than 3.0 metres in width inside and abutting the Industrial Zone boundary shall not be used for any purpose other than landscaping, but this shall not prevent the provision of entrances to and exits from the said lot through the required landscaping.
2. Screening
  - a. Where a lot in an Industrial Zone abuts a Residential or Open Space Zone, a solid and continuous fence or screen in the form of landscaping to a height of not less than 2.0 metres shall be provided adjacent to the lot lines that abut the said Residential or Open Space Zone.
  - b. On any lot in an Industrial Zone, a strip of land not less than 1.5 metres in width shall be reserved for landscaping inside and abutting the front lot line. Where such lot line abuts a street and any part of the front yard is used for parking, a strip of land not less than 1.5 metres in width shall be reserved for landscaping adjacent to the front wall of the principal building.

#### **6.1.4 Structured Materials**

1. No building or structure permitted in an Industrial Zone shall be hereafter erected or altered, unless the exterior construction thereof is of stone, brick, reinforced concrete, glass or steel, or a combination of these materials, or any other suitable material.

#### **6.1.5 Use of Front and Side Yard**

1. No person shall use the front or exterior side yard of any lot in an Industrial Zone for any purpose other than for landscaping or the temporary parking of visitors' private passenger vehicles, provided that no parking shall be permitted in an area having a depth of 4.5 metres across the entire frontage and flankage of the lot nearest the street line.



## 6.2 LIGHT INDUSTRIAL (M1) ZONE

### 6.2.1 Permitted Uses

- Bakery
- Financial establishment
- Cannabis production facility
- Commercial use incidental to a manufacturing use including a service or repair shop and premises for the conducting of any wholesale business
- Eating establishment
- Industrial or manufacturing use which shall not be obnoxious by reason of the emission of noise, odour, dust, gas, fumes, smoke, refuse or water carried waste and specifically excluding a fuel storage depot
- Micro-brewery
- Monument works
- Motor vehicle service station
- Motor vehicle washing establishment
- Office
- Print shop
- Commercial garage
- Parking lot
- Recreational use incidental to a permitted use
- Retail convenience store
- Service or repair shop
- Self-service storage building
- Single detached dwelling as an accessory use to a commercial garage for a person employed on the premises and such person's household
- Single detached dwelling for a caretaker or watchperson or other similar person employed on the premises concerned and such person's household
- Warehouse or distribution facility
- Wayside pits and quarries; portable asphalt plants; and portable concrete plants

### 6.2.2 Regulations

Provisions	Permitted Uses	Requirement
Minimum Lot Area (m <sup>2</sup> )	All permitted uses	900.0 m <sup>2</sup>

Provisions	Permitted Uses	Requirement
Minimum Lot Depth (m)	All permitted uses	46.0 m
Maximum Lot Coverage (%)	All permitted uses	50%
Minimum Front Yard (m)	All permitted uses	7.5 m
Minimum Interior Side Yard (m)	All permitted uses	4.5 m
Minimum Exterior Side Yard (m)	All permitted uses	7.5 m
Minimum Rear Yard (m)	All permitted uses	7.5 m
Maximum Height (m)	All permitted uses	10.5 m

### 6.2.3 Additional Provisions

#### 1. Front Yards

Notwithstanding the regulations set out above, where a front lot line abuts a Residential Zone or Open Space Zone or is separated from a Residential or Open Space Zone by a street or lane only, the setback from the said front lot line shall be a minimum of 15.0 metres.

#### 2. Side Yards

- a. Notwithstanding the regulations set out above, where a side lot line abuts a Residential or Open Space Zone or is separated from a Residential or Open Space Zone by a street or lane only, the setback from the said side lot line shall be a minimum of 30.0 metres.
- b. Where a side lot line abuts a railway, a setback from the said side lot line shall not be required.

#### 3. Rear Yards

- a. Notwithstanding the regulations set out above, where a rear lot line abuts a Residential or Open Space Zone or is separated from a Residential or Open Space Zone by a street or lane only, the setback from said rear lot line shall be a minimum of 30.0 metres.
- b. Where a rear lot line abuts a railway, a setback from the rear lot line shall not be required.

#### 4. Open Storage Prohibited

In any Light Industrial (M1) Zone, there shall be no outside open storage of goods or materials.

### 6.2.4 Special Exceptions

#### M1-S1

#### 1828 Highway 11 West (Schedule A)

The use of the land described as Parcel 717 in the Register for Centre Cochrane, being part of Lot 7 in the Eleventh and Twelfth Concessions in the Township of Way in the Town of Hearst, shall comply with all of the regulations of this By-law and the Light Industrial (M1) and Secondary Industrial (M2) Zones in which said land is situated, except as expressly varied in this subsection.

### 1. Permitted Uses of Light Industrial (M1) Zone

- Parking lot
- Storage garage for heavy commercial motor vehicles and equipment
- Single detached dwelling and accessory buildings for the owner/ operator

### 2. Regulations for Light Industrial (M1) Zone

No building, structure or land shall be used, and no building or structure shall be hereafter erected or altered on said lands, except in accordance with the provisions of this Zone and the General Provisions of this By-law, and the following provisions:

### 3. Yard Requirements

Notwithstanding the provisions of this Zone, the minimum setbacks from lot lines for buildings, structures and parking areas on said land shall be established as follows:

Provisions	Requirements
Minimum Front Yard	30.0 m
Minimum East Interior Side Yard	30.0 m
Minimum West Interior Side Yard	10.0 m
Minimum Rear Yard	15.0 m

### 4. Buffering

The site shall be obscured from visibility from abutting lands by maintaining and enhancing where necessary, the natural tree cover within the front, east interior and rear yard areas, so as to provide a continuous and dense natural buffer, having minimum depth of 5.0 metres.

### 5. Open Storage Prohibited

Open storage of derelict motor vehicles and parts and/or materials shall not be permitted in any yard area.

### 6. Site Plan Control

The development of said land shall be subject to Site Plan Control.

### 7. Permitted Uses of Secondary Industrial (M2) Zone

- Motor vehicle salvage yard
- Service or repair shop
- Single detached dwelling and accessory buildings for the owner/ operator

## **8. Regulations for Secondary Industrial (M2) Zone**

No building, structure or land shall be used, and no building or structure shall be hereafter erected or altered on said lands, except in accordance with the General Provisions and the provisions of the Secondary Industrial (M2) Zone sections of this By-law, and the following provisions:

## **9. Yard Requirements**

Notwithstanding the provisions of this Zone, the minimum setbacks from lot lines for buildings, structures and open storage areas on said land shall be established as follows:

Provisions	Requirements
Minimum Front Yard	25.0 m
Minimum East Interior Side Yard	10.0 m
Minimum West Interior Side Yard	30.0 m
Minimum Rear Yard	15.0 m

## **10. Open Storage/Parking Areas**

Notwithstanding the General Provisions of this By-law, the minimum setback from the front lot line for the parking of restored motor vehicles and motor vehicles in good condition shall be 5.0 metres. No vehicles in a deteriorated or derelict condition shall be parked in any open area that is visible from Highway No. 11.

## **11. Fencing**

A fence having height of 1.8 metres shall be erected in front of all areas required for the open storage of derelict motor vehicles and parts, in accordance with the provisions of the Site Plan Control agreement. Said fence shall obscure such open storage areas from view by highway traffic.

## **12. Open Storage**

Open storage of derelict motor vehicles and parts shall only be permitted within interior side yard and rear yard areas as designated by the Site Plan Control agreement.

## **13. Site Plan Control**

The development of said land shall be subject to Site Plan Control.

## **M1-S2 (Town of Hearst By-Law No. 02-06 and By-Law No. 38-08)**

### **30 Cloutier Road South (Schedule A1)**

The use of the land described as PIN 65031-1183 (LT) and described as Parcel 12796 in Section Centre Cochrane, being part of Lot 7 in Concession Eleven in the Township of Way in the Town of Hearst, designated as Part 1 on reference plan 6R-4894 shall comply with all provisions of this By-law and the Light Industrial (M1) Zone in which said lands are located, except as expressly varied in this subsection.

### 1. Permitted Uses

- Accessory dwelling unit within the second storey of the principal building
- Enclosed storage facility
- Warehouse or distribution facility

### 2. Uses Not Permitted

- Public garage
- Retail or wholesale of goods, materials, equipment and parts
- Transport terminal

### 3. Fencing

A solid pressure-treated wood fence or pre-finished metal fence having height of 2.13 metres shall be erected and maintained parallel to the front lot line of said land at a setback distance of 7.5 metres from the front lot line, and shall be continuous between the south wall of the principal building and the south property boundary of said land.

### 4. Site Plan Control

The development and redevelopment of said part of Lot 7 in Concession Eleven in the Township of Way shall be subject to Site Plan Control.

## M1-S3

### 295 Highway No. 583 South (Schedule A)

The use of the land described as part of Parcel 13247 in the register for Centre Cochrane, being that part of Lot 29, Concession Nine in Township of Kendall in the Town of Hearst, designated as Part 1 on reference plan 6R-2758, shall comply with all regulations of this By-law and the Light Industrial (M1) Zone in which said land is located, except as expressly varied in this subsection.

### 1. Permitted Uses

- Parking lot
- Repair garage for heavy commercial motor vehicles and equipment

### 2. Building Requirements

Only one (1) building shall be permitted on said land, having maximum width of 12.19 metres, maximum length of 18.19 metres, and maximum building area of 222.96 square metres.

### 3. Yard Requirements

Notwithstanding the provisions of this Zone and the provisions of the Industrial (M) Zones of this By-law, the minimum setbacks from lot lines shall be established as:

Provisions	Requirements
Minimum Front Yard	24.0 m
Minimum South Interior Side Yard	9.14 m

Provisions	Requirements
Minimum North Interior Side Yard	7.5 m
Minimum Rear Yard	12.1 m

#### 4. Buffering

The site shall be obscured from visibility from Highway No. 583 South by maintaining and enhancing, if necessary, the natural tree cover within the front and side yards. The minimum depth of the buffer area along the front lot line, excluding the entrance area shall be 12 metres.

#### 5. Open Storage Prohibited

The storage of materials, parts, supplies and/or derelict motor vehicles shall not be permitted on said land at any time.

#### 6. Site Plan Control

The development of said land shall be subject to Site Plan Control.

### M1-S4

#### 172 Highway No. 583 North (Schedule A)

The use of the land described as Parcel 11548 in the Register for Centre Cochrane, being part of Lot 25 in Concession Twelve in the Township of Kendall in the Town of Hearst, designated as Part 1 on reference plan 6R-4504 shall comply with all of the provisions of this By-law and the Light Industrial (M1) Zone in which said land is situated, except as expressly varied in this subsection.

#### 1. Permitted Uses

- Repair and storage garage for the owner/operator's commercial motor vehicle and trailer  
Residential
- Single detached dwelling and accessory buildings and structures for the owner/operator

#### 2. Required Setbacks

The minimum setbacks from lot lines for buildings and structures related to the industrial use are:

Lot	Minimum lot depth
Minimum North Side Yard	2.44 m
Minimum South Side Yard	46.0 m
Minimum Rear Side Yard	2.44 m

### 3. Prohibited Uses

The following uses shall be prohibited on said aforementioned land:

- Parking and storage of additional commercial motor vehicles and trailers and/or commercial motor vehicles not owned and/or operated by person(s) holding title to the subject land;
- Parking of the commercial motor vehicle and/or trailer in any exterior yard area other than the rear yard area behind the dwelling unit; and
- Transport terminal.

### 4. Site Plan Control

The development of said land shall be subject to Site Plan Control.

## M1-S5

### 309 Highway No. 583 South (Schedule A)

The use of the land described as Parcel 11922 in the Register for Centre Cochrane, being that part of Lot 29 in Concession Eight in the Township of Kendall in the Town of Hearst, designated as Part 1 on plan 6R-4921, shall comply with all of the provisions of this By-law and the Light Industrial (M1) Zone in which said land is situated, except as expressly varied in this subsection.

#### 1. Permitted Uses

- Repair and storage garage for the owner/operator's commercial motor vehicles and trailers
- Single detached dwelling unit and accessory buildings and structures for the owner/operator

#### 2. Yard Areas

The minimum setbacks from lot lines for buildings and structures related to the industrial use shall be:

Provisions	Requirements
Minimum Front Yard	15.0 m
Minimum Interior Side Yard and Rear Yard	6.4 m

#### 3. Site Plan Control

The development of said lands shall be subject to Site Plan Control.

## M1-S6

### 90 Cloutier Road South (Schedule A1)

The use of the land described as Parcel 13004 in the Register for Centre Cochrane, being the Surface Rights of the south half of the north part of Lot 7 in Concession Ten in the Township of Way in the Town of Hearst, designated as Part 1 on reference plan 6R-7167, shall comply with all of the provisions of this By-law and the Light Industrial (M1) Zone in which said land is situated, except as expressly varied in this subsection.

## 1. Permitted Uses

- Repair and storage garage for one (1) commercial motor vehicle and trailer of the owner/operator
- Self-service storage buildings
- Transport terminal
- Single detached dwelling unit and accessory buildings and structures for the owner/operator

## 2. Site Plan Control

The development of said lands shall be subject to Site Plan Control.

### **M1-S7**

#### **1884 Highway No. 11 West (Schedule A)**

The use of the lands described as Parcel 9981 in the Register for Centre Cochrane, being part of Lot 10 in Concession Twelve in the Township of Way in the Town of Hearst, designated as Part 1 on reference plan 6R-4884, shall comply with all of the provisions of this By-law and the Light Industrial (M1) Zone in which said lands are situated, except as expressly varied in this subsection.

## 1. Permitted Uses

- Exterior parking area for one (1) other commercial motor vehicle and trailer
- Repair and storage garage for the owner/operator's commercial motor vehicle and trailer
- Single detached dwelling unit and accessory buildings and structures thereto for the owner/operator

## 2. Yard Areas

The minimum setbacks from lot lines for buildings and structures related to the industrial use shall comply with the provisions set out in Section 7.2 and this Zone, except that no industrial building shall be located within 60 metres of a dwelling unit constructed or installed on abutting lands.

## 3. Site Plan Control

Development and use of said lands shall be subject to Site Plan Control.

### **M1-S8**

#### **289 Highway No. 583 South (Schedule A)**

The use of the land described as that part of Parcel 13297 in the Register for Centre Cochrane, being part of Lot 29 in Concession Nine in the Township of Kendall in the Town of Hearst, designated as Part 1 on reference plan 6R-7599 and more particularly described as that part of said Parcel located within the boundaries formed by drawing a line commencing at that point on the common boundary between Lot 29 in Concession Nine in the Township of Kendall in the Town of Hearst and the secondary highway road allowance known as Highway 583 South located at a distance of 30 metres north of the southernmost lot line of Part 1 on reference plan 6R-2758, thence continuing in a northward direction along said common boundary for a distance of 100 metres more or less, thence in a eastward direction perpendicular to said common boundary for a distance of 100 metres more or less, thence in a southward direction and parallel to said common boundary for a distance of 100 metres more or less, thence in a westward direction perpendicular to said common boundary for a distance of 100 metres more or less back to the



point of commencement, shall comply with all of the provisions of this By-law and the Light Industrial (M1) Zone in which said land is located, except as expressly varied in this subsection.

**1. Permitted uses**

- Repair and storage garage for the owner/operator's commercial motor
- Vehicles and trailers
- Single detached dwelling unit and accessory buildings and structures for the owner/operator

**2. Site Plan Control**

The development of said land shall be subject to Site Plan Control.

**M1-S9**

**342 Highway 583 South (Schedule A)**

The use of the land described as part of Parcel 10025 in the Register for Centre Cochrane, being that part of the south half of Lot 1 in Concession 8 in the Township of Way in the Town of Hearst, circumscribed by drawing a line commencing at a point on the east lot boundary of said land at a distance of 125 metres north from the southeast corner of said land, in a direction due west for a distance of 180 metres; thence in a direction northwards and parallel to the east lot boundary of said land, for a distance of 180 metres; thence due east for a distance of 180 metres to the east lot boundary of said land; thence southwards for a distance of 180 metres along the common boundary formed by the east lot line of said land and the westernmost boundary of the Highway 583 South road allowance, to the point of commencement, shall comply with all of the provisions of this By-law and the Light Industrial (M1) Zone in which said land is located, except as expressly varied in this subsection.

**1. Permitted Uses**

- Parking lot for the owner/operator's equipment and commercial motor vehicles
- Repair and storage garage for the owner/operator's equipment and commercial motor vehicles
- Single detached dwelling unit and accessory buildings and structures for the owner/operator

**2. Outside Storage Prohibited**

The open storage of derelict motor vehicles, derelict equipment, materials and parts in any outside yard area shall be strictly prohibited.

**3. Site Plan Control**

The development of said land shall be subject to Site Plan Control.

**M1-S10 (Town of Hearst By-Law No.42-08)**

**126 Cloutier Road South (Schedule A)**

The use of that land identified as PIN 65031-0098 (LT) and described as Parcel 11985 Section Centre Cochrane, being Lot 7 in Concession Nine in the Township of Way in the Town of Hearst, shall comply with all provisions of this By-law and the Light Industrial (M1) Zone in which said land is located, except as expressly varied in this subsection.



### **1. Permitted Uses**

- Dwelling unit for the owner/operator of the industrial business located on said lands
- Self-service storage buildings

### **2. Uses Not Permitted**

- Premises for conducting any wholesale or retail business
- Parking lot
- Commercial garage
- Service or repair shop
- Transport terminal

### **3. Site Plan Control**

The development of the aforementioned land shall be subject to Site Plan Control.

## 6.3 SECONDARY INDUSTRIAL (M2) ZONE

### 6.3.1 Permitted Uses

- Building supply outlet
- Cannabis production facility
- Commercial garage
- Eating establishment
- Industrial use having a potential for the infrequent release of emissions such as noise and may generate intermittent volumes of truck traffic
- Material recovery facility
- Monument works
- Motor vehicle body repair shop
- Motor vehicle service station
- Motor vehicle washing establishment
- Office accessory to an industrial use
- Open storage
- Print shop
- Parking lot
- Recreational use incidental to a permitted use
- Retail convenience store
- Salvage yard
- Self-service storage building
- Service or repair shop
- Single detached dwelling accessory to an industrial use
- Transport terminal
- Warehouse or distribution facility
- Wayside pits and quarries; portable asphalt plants; and portable concrete plants
- Waste processing facility
- Uses incidental to a manufacturing use including a service or repair shop

### 6.3.2 Regulations

Provisions	Permitted Uses	Requirement
Minimum Lot Area (m <sup>2</sup> )	All permitted uses	1,850.0 m <sup>2</sup>

Provisions	Permitted Uses	Requirement
Minimum Lot Depth (m)	All permitted uses	46.0 m
Maximum Lot Coverage (%)	All permitted uses	50%
Minimum Front Yard (m)	All permitted uses	7.5 m
Minimum Interior Side Yard (m)	All permitted uses	4.5 m
Minimum Exterior Side Yard (m)	All permitted uses	7.5 m
Minimum Rear Yard (m)	All permitted uses	15.0 m
Maximum Height (m)	All permitted uses	10.5 m

### 6.3.3 Additional Provisions

#### 1. Front Yards

Notwithstanding the regulations set out above, where a front lot line abuts a Residential Zone or Open Space Zone or is separated from a Residential or Open Space Zone by a street or lane only, the setback from the said front lot line shall be a minimum of 15.0 metres.

#### 2. Side Yards

- a. Notwithstanding the regulations set out above, where a side lot line abuts a Residential or Open Space Zone or is separated from a Residential or Open Space Zone by a street or lane only, the setback from the said side lot line shall be a minimum of 30.0 metres.
- b. Where a side lot line abuts a railway, a setback from the side lot line shall not be required.

#### 3. Rear Yards

- a. Notwithstanding the regulations set out above, where a rear lot line abuts a Residential or Open Space Zone or is separated from a Residential or Open Space Zone by street or lane only, the setback from said rear lot line shall be a minimum of 30.0 metres.
- b. Where a rear lot line abuts a railway, a setback from the rear lot line shall not be required.

#### 4. Setbacks for Permitted Exterior Activities

Where any part of a permitted use is carried on outside a building, that part of the operation shall not be conducted in any front yard nor in any portion of a side or rear yard within 15.0 metres of an abutting Residential or Open Space Zone.

#### 5. Open Storage Screening

Open storage uses as provided for under the Permitted Uses and Regulations of this Zone, shall be suitably screened from the surrounding area by a satisfactory fence, planting or other barrier. For the purposes of this subsection, one or more of the following types of screening shall be deemed to be satisfactory:

- a. A stone or masonry wall;

- b. A solid and continuous board or metal fence, at least 2.0 metres in height but not exceeding the height of the first storey of the principal building on the property, the outside of which fence shall be planted with evergreen trees within a distance of 4.5 metres from the fence and such trees shall not be less than 1.5 metres in height and shall be spaced so as to completely obscure the fence, and such trees shall be maintained in a healthy condition and diseased or dead trees shall be replaced within twelve (12) months;
- c. A building.

#### **6.3.4 Special Exceptions**

##### **M2-S1**

##### **Unassigned Jolin Street (Schedule A8)**

The dimensions of the lands described as Parcels 11749 and 11182 Centre Cochrane, being parts of Lot 26 in Concession Eleven in the Township of Kendall in the Town of Hearst, designated as Parts 2 and 1 on reference plan 6R-3883 respectively, shall comply with all the regulations of this By-law and the Secondary Industrial (M2) Zone in which they are located, except as expressly varied in this subsection.

##### **1. Lot Depths**

Lot	Requirements
Part 1 on registered plan 6R-3883	44.04 m
Part 2 on registered plan 6R-3883	43.70 m

##### **M2-S2**

##### **1828 Highway No. 11 West (Schedule A)**

The use of the land described as Parcel 717 in the Register for Centre Cochrane, being part of Lot 7 in the Eleventh and Twelfth Concessions in the Township of Way in the Town of Hearst, shall comply with all of the regulations of this By-law and the Light Industrial (M1) and Secondary Industrial (M2) Zones in which said land is situated, except as expressly varied in this subsection.

##### **1. Permitted Uses of Light Industrial (M1) Zone**

- Parking lot
- Single detached dwelling and accessory buildings for the owner/ operator
- Storage garage for heavy commercial motor vehicles and equipment

##### **2. Regulations for Light Industrial (M1) Zone**

No building, structure or land shall be used, and no building or structure shall be hereafter erected or altered on said lands, except in accordance with the General Provisions and the Light Industrial (M1) Zone provisions of this By-law and the following provisions:

##### **3. Yard Requirements**

Notwithstanding the provisions of this Zone, the minimum setbacks from lot lines for buildings, structures and parking areas on said land shall be established as follows:

Lot	Minimum lot depth
Minimum Front Yard	30.0 m
Minimum East Interior Side Yard	30.0 m
Minimum West Interior Side Yard	10.0 m
Minimum Rear Yard	6.0 m

#### 4. Buffering

The site shall be obscured from visibility from abutting lands by maintaining and enhancing where necessary, the natural tree cover within the front, east interior and rear yard areas, so as to provide a continuous and dense natural buffer, having minimum depth of 5.0 metres.

#### 5. Open Storage

Open storage of derelict motor vehicles and parts and/or materials shall not be permitted in any yard area.

#### 6. Site Plan Control

The development of said land shall be subject to the Site Plan Control.

#### 7. Permitted Uses of Secondary Industrial (M2) Zone

- Motor vehicle salvage yard
- Service or repair shop
- Single detached dwelling and accessory buildings for the owner/ operator

#### 8. Regulations for Secondary Industrial (M2) Zone

No building, structure or land shall be used, and no building or structure shall be hereafter erected or altered on said lands, except in accordance with the General Provisions and the Secondary Industrial (M2) Zone provisions of this By-law , and the following provisions:

#### 9. Yard Requirements

Notwithstanding the provisions of this Zone, the minimum setbacks from lot lines for buildings, structures and open storage areas on said land shall be established as follows:

Provisions	Requirements
Minimum Front Yard	25.0 m
Minimum East Interior Side Yard	10.0 m
Minimum West Interior Side Yard	30.0 m

Provisions	Requirements
Minimum Rear Yard	6.0 m

#### 10. Open Storage/Parking Areas

Notwithstanding the provisions of Section 4, the minimum setback from the front lot line for the parking of restored motor vehicles and motor vehicles in good condition shall be 5.0 metres. No vehicles in a deteriorated or derelict condition shall be parked in any open area that is visible from Highway No. 11.

#### 11. Fencing

A fence having height of 1.8 metres shall be erected in front of all areas required for the open storage of derelict motor vehicles and parts, in accordance with the provisions of the Site Plan Control agreement. Said fence shall obscure such open storage areas from view by highway traffic.

#### 12. Open Storage

Open storage of derelict motor vehicles and parts shall only be permitted within interior side yard and rear yard areas as designated by the Site Plan Control agreement.

#### 13. Site Plan Control

The development of said land shall be subject to Site Plan Control.

### M2-S3

#### 26 & 28 Girard Road (Schedule A11)

The use of the lands described as Parcels 2178 and 10851 in the Register for Centre Cochrane, being part of Lot 1 in Concession Nine in the Township of Way in the Town of Hearst, shall comply with all regulations of this By-law and the Secondary Industrial (M2) Zone in which said lands are located, except as expressly varied in this subsection.

##### 1. Permitted Uses

- Industrial uses in accordance with this Zone
- Single detached dwelling

##### 2. Yard Requirements

Notwithstanding the provisions of this Zone and the Industrial (M) Zones, the minimum front yard setback from the north lot boundary shall be established at 3.96 metres.

##### 3. Site Plan Control

The development of said land shall be subject to Site Plan Control.

### M2-S4

#### 58 Cloutier Road South (Schedule A1)

The use of the land described as Parcel 10552 in the Register for Centre Cochrane, being part of Lot 7 in Concession Eleven in Way Township, more particularly described as Part 4 on reference plan 6R-3424, excepting Parts 1 to 5 inclusive on reference plan 6R-6773, as shown on Zoning Schedule A annexed hereto and forming part of this By-law, shall comply with all the provisions of this By-law and the

Secondary Industrial (M2) Zone in which said land is situated, except as expressly varied in this subsection.

#### 1. Permitted Uses

- Parking lot for the owner/operator's equipment and commercial motor vehicles
- Repair garage including storage area for the owner/operator's equipment and commercial motor vehicles
- Repair shop
- Single detached dwelling and accessory buildings and structures for the owner/operator
- Transport terminal

#### 2. Uses Not Permitted

- Sale of motor vehicle parts, and
- Storage of derelict motor vehicles

#### 3. Regulations

No building, structure or land shall be used, and no building or structure shall be hereafter erected or installed on said lands, except in accordance with the General Provisions and the provisions of Industrial (M) Zones, and the following provisions:

#### 4. Yard Requirements

Notwithstanding the provisions of this Zone and the Industrial (M) Zones, the minimum setbacks from lot lines shall be established as follows for the permitted industrial use:

Provisions	Requirements
Minimum Front Yard	100 m
Minimum South Side Yard	60 m
Minimum North Side Yard	30 m
Minimum Rear Yard	60 m

#### 5. Buffering

The site shall be obscured from visibility from Cloutier Road South by maintaining and enhancing, if necessary, the natural tree cover within the front and side yards, and if deemed necessary, by the erection of a solid pressure-treated wood fence having height of 2.13 metres along the front (east) lot line at a setback of 7.5 metres from said lot line. Such fence shall be erected parallel to said lot line for a minimum distance of 30 metres north and a minimum distance of 30 metres south from the driveway leading to industrial building(s) and parking areas.



## 6. Open Storage

Open storage of goods and materials will be permitted provided that such storage is located in rear yard areas and adequate buffering is provided to obscure the storage site from visibility of neighbouring properties and Cloutier Road South.

## 7. Site Plan Control

The development of said land shall be subject to Site Plan Control.

### M2-S5

#### 1568 Highway No. 11 West (Schedule A10)

Notwithstanding the provisions of this Zone, the minimum requirements for the erection of buildings and/or structures on Parcel 12640 in the Register for Centre Cochrane, being part of the former Canadian National Railway lands in the Township of Way, in the Town of Hearst, designated as Part 5 on reference plan 6R-6678 shall be as follows:

Provisions	Requirements
Minimum East Interior Side Yard	3.0 m
Minimum North Rear Yard	

### M2-S6

#### 1825 Highway No. 11 West (Schedule A1)

The use of the land described as the remainder of Parcel 3017 in the Register for Centre Cochrane, being the Surface Rights of that part of Lot 7 in Concession Eleven in the Township of Way in the Town of Hearst, shall comply with all of the provisions of this By-law and the Secondary Industrial (M2) Zone in which said land is situated, except as expressly varied in this subsection.

## 1. Permitted Uses

- Repair and storage garage for the owner/operator's commercial motor vehicles and trailers
- Single detached dwelling unit and accessory buildings and structures for the owner/operator
- Transport terminal

## 2. Yard Areas

The minimum setbacks from lot lines for buildings and structures related to the industrial use shall be:

Provisions	Requirements
Minimum Front Yard	46.0 m
Minimum Side Yard from Abutting Rural Residential Properties	60.0 m

### 3. Site Plan Control

The development of said lands shall be subject to Site Plan Control.

## **M2-S7**

### **212 Highway No. 11 East (Schedule A6)**

The use of the lands described as Parcel 13029 in the Register for Centre Cochrane, being part of the north part of Lot 21 in Concession Ten in the Township of Kendall in the Town of Hearst, designated as Part 4 on reference plan CR-1205, Part 2 on plan 6R-3312 and Parts 1 and 2 on plan 6R-7207, shall comply with all the provisions of this By-law and the Secondary Industrial (M2) Zone in which said lands are situated, except as expressly varied in this subsection

#### 1. Permitted Uses

- In accordance with the Permitted Uses in this Zone
- Single detached dwelling

#### 2. Storage of Equipment and Materials

Open storage of equipment and materials shall only be carried out in rear and side yard areas that are suitably screened in accordance with the provisions of this Zone

### 3. Site Plan Control

The development of said lands shall be subject to Site Plan Control.

## **M2-S8 (Town of Hearst By-law No. 60-07)**

### **Lots 8 & 9 on 6M-487 (Schedule A8)**

The use of the land described as part of PIN 65037-0188 (LT) and described as Lots 8 and 9 on Plan 6M-487 in the Town of Hearst, as shown below, shall comply with all provisions of this By-law and the Secondary Industrial (M2) Zone in which said lands are located, except as expressly varied in this subsection.

#### 1. Permitted Uses

- Parking and storage area for commercial motor vehicles, haul trailers, equipment and materials

#### 2. Fencing and Screening

Except for one (1) vehicle entrance onto said lands, a solid and continuous pressure treated wood fence or pre-finished metal fence having minimum height of 2.0 metres shall be erected and maintained on and along the entire perimeter of Lots 8 and 9. Such fence shall be set back at a distance of 4.5 metres from the eastern lot lines of said lands in common with the western limits of the Mailloux Street road allowance, which area shall be landscaped by sodding or seeding and by planting trees and shrubs in a manner in keeping with the appearance of adjacent developed residential lands pursuant to the provisions of this Zone.

#### 3. Uses Not Permitted

Except as provided in this subsection, no buildings and/or structures shall be erected on said lands. At no time shall said lands be used for conducting or carrying out the repair and/or manufacture of any goods, materials, commercial motor vehicles, haul trailers and/or equipment.

#### 4. Site Plan Control

The development of Lots 8 and 9 on Plan 6M-487 shall be subject to Site Plan Control.

### **M2-S9 (Town of Hearst By-law No. 47-12)**

#### **6 Vandette Road (Schedule A1)**

The use of the lands identified firstly as PIN 65031-0448 (LT) and described as the Surface Rights to Parcel 12924 Section Centre Cochrane, being part of Lot 4 on Plan M-390 Cochrane in the Township of Way in the Town of Hearst, designated as Part 1 on registered plan 6R-4449 and Part 1 on registered plan 6R-7036, reserving certain surface easements as set out in A16214, and being part of Lot 6 in Concession 11 in the Township of Way in the Town of Hearst, designated as Part 4 on registered plan 6R-3043; and secondly as PIN 65031-0918 (LT) and described as the Surface Rights to Parcel 13253 Section Centre Cochrane, being part of Lot 4 on Plan M-390 Cochrane in the Township of Way in the Town of Hearst, designated as Part 1 on registered plan 6R-7516, reserving certain surface easements as set out in A16214 shall comply with all provisions of this By-law and the Secondary Industrial (M2) Zone in which said land is located, except as expressly varied in this subsection.

#### 1. Yard Requirements

Notwithstanding the provisions of the Industrial (M) Zones and this Zone, the interior side yard setback of a building from the south lot line of said land shall be a minimum of 3.0 metres.

### **M2-S10 (Town of Hearst By-law No. 46-15)**

#### **300 George Street (Schedule A4 and A5)**

The use of the land identified as PIN 65040-0438 (LT), and described as Parcel 5866 in Section Centre Cochrane, being the Surface Rights of Lot 210 on Plan M-48 Algoma in the Town of Hearst, shall comply with all provisions of this By-law and the Secondary Industrial (M2) Zone in which said land is located, except as expressly varied in this subsection.

#### 1. Yard Requirements

Notwithstanding the General Provisions of the Industrial (M) Zones and this Zone, two (2) self-service storage buildings may be constructed in accordance with the following setbacks:

Provisions	Requirements
Front Yard (George Street)	3.05 m
Exterior Side Yard (Third Street)	
Rear Yard (Lot 81 On M-48A)	

## 6.4 PRINCIPAL INDUSTRIAL (M3) ZONE

### 6.4.1 Permitted Uses

- Building supply outlet
- Cannabis production facility
- Eating establishment
- Industrial use
- Motor vehicle body repair shop
- Material recovery facility
- Office incidental to a manufacturing or industrial use
- Open storage
- Salvage yard
- Self-service storage building
- Transport terminal
- Warehouse or distribution facility
- Waste processing facility
- Uses accessory to a manufacturing use including a service or repair shop

### 6.4.2 Regulations

Provisions	Permitted Uses	Requirement
Maximum Lot Coverage (%)	All permitted uses	40%
Minimum Front Yard (m)	All permitted uses	7.5 m
Minimum Interior Side Yard (m)	All permitted uses	7.5 m
Minimum Exterior Side Yard (m)	All permitted uses	7.5 m
Minimum Rear Yard (m)	All permitted uses	10.0 m
Maximum Height (m)	All permitted uses	15.0 m

### 6.4.3 Additional Provisions

#### 1. Front Yards

- a. Notwithstanding the regulations set out above, where a front lot line abuts any of the following zones, or is separated from any such zone by a street or lane only, the setback from the said front lot line shall be a minimum of 300.0 metres:

- i. Any Residential zone;
- ii. Any Open Space zone;
- iii. The Neighbourhood Commercial (C2) Zone;
- iv. The Institutional (I) Zone

## **2. Side Yards**

- a. Notwithstanding the regulations set out above, where a side lot line abuts any of the following zones, or is separated from any such zone by a street or lane only, the setback from the said side lot line shall be a minimum of 300.0 metres:
  - i. Any Residential zone;
  - ii. Any Open Space zone;
  - iii. The Neighbourhood Commercial (C2) Zone
  - iv. The Institutional (I) Zone
- b. Where a side lot line abuts a railway, a setback from the side lot line shall not be required.

## **3. Rear Yards**

- a. Notwithstanding the regulations set out above, where a rear lot line abuts any of the following zones, or is separated from any such zone by a street or lane only, the setback from the said rear lot line shall be a minimum of 300.0 metres:
  - i. Any Residential zone;
  - ii. Any Open Space zone;
  - iii. The Neighbourhood Commercial (C2) Zone
  - iv. The Institutional (I) Zone
- b. Where a rear lot line abuts a railway, a setback from the rear lot line shall not be required.

## **4. Setbacks for Permitted Exterior Activities**

Where any part of a permitted use is carried on outside a building, that part of the operation shall not be conducted in any front yard nor in any portion of a side or rear yard within 300.0 metres of an abutting Residential Zone, Open Space Zone, Neighbourhood Commercial (C2) Zone, or Institutional (I) Zone.

## **5. Exceptions for Existing M3 Uses**

- a. Notwithstanding the provisions of this Zone, where a permitted industrial use existed on the day of the passing of this By-law, existing buildings and structures may be expanded and new buildings and structures may be erected, provided a minimum setback of 30.0 metres shall be required from a front, side and/or rear lot line that abuts a Residential Zone, Open Space Zone, Neighbourhood Commercial (C2) Zone, or Institutional (I) Zone or that is separated from such a Zone by a street or lane only.
- b. Notwithstanding the provisions of this Zone, where a permitted industrial use existed on the day of the passing of this By-law, permitted uses may be carried on outside of such expanded or new buildings and structures, provided a minimum setback of 15.0 metres is maintained from a front, side and/or rear lot line abutting a Residential Zone, Open Space Zone, Neighbourhood

Commercial (C2) Zone, or Institutional (I) Zone or that is separated from such a Zone by a street or lane only.

#### **6.4.4 Special Exceptions**

##### **M3-S1 (Town of Hearst By-law No. 02-06)**

##### **44 Cloutier Road South (Schedule A1)**

The use of the land described as the remainder of Parcel 12796 in the Register for Centre Cochrane, being that part of Lot 7 in Concession Eleven in the Township of Way in the Town of Hearst, excepting Part 1 on reference plan 6R-4894, as shown on Zoning Schedule A annexed hereto, shall comply with all provisions of this By-law and the Principal Industrial (M3) Zone in which said land is located, except as expressly varied in this subsection.

#### **1. Permitted Uses**

Permitted uses shall be limited to a derelict motor vehicle site, which shall mean a site for the open storage of derelict motor vehicles and parts for short or temporary periods of time.

#### **2. Regulations**

No building, structure or land shall be used, and no building or structure shall be hereafter erected or installed on said lands, except in accordance with the General Provisions and the provisions of the Industrial (M) Zones, and the following provisions:

#### **3. Yard Requirements**

Notwithstanding the provisions of this Zone and Industrial (M) Zones the minimum setbacks from lot lines shall be established as follows:

Provisions	Requirements
Minimum Front Yard	180 m
Minimum South Side Yard	180 m
Minimum North Side Yard	30 m
Minimum Rear Yard	180 m

#### **4. Buffering**

The site shall be obscured from visibility from Cloutier Road South by maintaining and enhancing, if necessary, the natural tree cover within the front and side yards.

#### **5. Access**

Access to the derelict motor vehicle site shall be restricted to a single entrance on Cloutier Road South.

#### **6. Site Plan Control**

The development of said land shall be subject to Site Plan Control.

## 6.5 HEAVY INDUSTRIAL (M4) ZONE

### 6.5.1 Permitted Uses

- Building supply outlet
- Cannabis production facility
- Industrial use
- Material recovery facility
- Office accessory to an industrial use
- Open storage
- Transport terminal
- Warehouse or distribution facility
- Waste processing facility
- Wayside pits and quarries; portable asphalt plants; and portable concrete plants

### 6.5.2 Regulations

Provisions	Permitted Uses	Requirement
Maximum Lot Coverage (%)	All permitted uses	40%
Minimum Front Yard (m)	All permitted uses	7.5 m
Minimum Interior Side Yard (m)	All permitted uses	7.5 m
Minimum Exterior Side Yard (m)	All permitted uses	7.5 m
Minimum Rear Yard (m)	All permitted uses	10.0 m
Maximum Height (m)	All permitted uses	15.0 m

### 6.5.3 Additional Provisions

#### 1. Front Yards

- a. Notwithstanding the regulations set out above, where a front lot line abuts any of the following zones, or is separated from any such zone by a street or lane only, the setback from the said front lot line shall be a minimum of 500.0 metres:
  - i. Any Residential zone;
  - ii. Any Open Space zone;
  - iii. The Neighbourhood Commercial (C2) Zone; or
  - iv. The Institutional (I) Zone.

## **2. Side Yards**

- a. Notwithstanding the regulations set out above, where a side lot line abuts any of the following zones, or is separated from any such zone by a street or lane only, the setback from the said side lot line shall be a minimum of 500.0 metres:
  - i. Any Residential zone;
  - ii. Any Open Space zone;
  - iii. The Neighbourhood Commercial (C2) Zone; or
  - iv. The Institutional (I) Zone.
- b. Where a side lot line abuts a railway, a setback from the side lot line shall not be required.

## **3. Rear Yards**

- a. Notwithstanding the regulations set out above, where a rear lot line abuts any of the following zones, or is separated from any such zone by a street or lane only, the setback from the said rear lot line shall be a minimum of 500.0 metres:
  - i. Any Residential zone;
  - ii. Any Open Space zone;
  - iii. The Neighbourhood Commercial (C2) Zone; or
  - iv. The Institutional (I) Zone.
- b. Where a rear lot line abuts a railway, a setback from the rear lot line shall not be required.

## **4. Setbacks for Permitted Exterior Activities**

Where any part of a permitted use is carried on outside a building, that part of the operation shall not be conducted in any front yard nor in any portion of a side or rear yard within 500.0 metres of an abutting Residential Zone, Open Space Zone, the Neighbourhood Commercial (C2) Zone, or Institutional (I) Zone.



## **6.6 EXTRACTIVE INDUSTRIAL (EM) ZONE**

### **6.6.1 Permitted Uses**

- Mineral aggregate operation
- Pit
- Wayside pits and quarries; portable asphalt plants; and portable concrete plants
- Quarry

### **6.6.2 Regulations**

Provisions	Permitted Uses	Requirement
Minimum Front Yard Depth (m)	All permitted uses	45.0 m
Minimum Rear Yard Depth (m)	All permitted uses	30.0 m
Minimum Side Yard Depth (m)	All permitted uses	30.0 m
Maximum Height (m)	All permitted uses	11.0 m
Minimum Distance from Residential use lot	All permitted uses	60.0 m

### **6.6.3 Additional Provisions**

#### **1. Separation Distances for Pits and Quarries**

A pit or quarry shall not be established within:

- a. 300 metres of a dwelling unit; or,
- b. 50 metres of a street.

#### **2. Required Setbacks for Excavations**

To ensure public safety and prevent traffic hazards, the excavation of land for aggregate materials shall not be permitted:

- a. Within 15 m of a property boundary;
- b. Within 30 m of any boundary abutting a public road or land used for residential purposes;
- c. Within 15 m of a naturally occurring body of water; and
- d. Within any distance from a property boundary which will be less than half of the height of the face of the excavation.

## **SECTION 7 INSTITUTIONAL ZONE**

No person shall hereafter use or alter any lands nor erect, alter, enlarge or use any building or structure in an Institutional Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

## 7.1 INSTITUTIONAL (I) ZONE

### 7.1.1 Permitted Uses

- Cemetery
- Clinic
- Community centre
- Dwelling unit accessory to a permitted institutional use
- Government facility
- Long-term care facilities
- Institutional use
- Library
- Office accessory to a permitted institutional use
- Place of worship
- Private hospital
- Public hospital
- Public park
- Retail store accessory to and related to a permitted institutional use
- School
- Supportive housing
- University or college

### 7.1.2 Regulations

Provisions	Permitted Uses	Requirement
Minimum Lot Frontage (m)	All permitted uses	30 m
Minimum Lot Area (m <sup>2</sup> )	All permitted uses	1,400.30 m <sup>2</sup>
Maximum Lot Coverage (%)	All permitted uses	30%
Minimum Front Yard (m)	All permitted uses	10.5 m
Minimum Interior Side Yard (m)	All permitted uses	2.0 m
Minimum Exterior Side Yard (m)	All permitted uses	10.5 m
Minimum Rear Yard (m)	All permitted uses	15 m
Maximum Height (m)	All permitted uses	10.5 m

### 7.1.3 Special Exceptions

#### I-S1

##### **1403 Edward Street (Schedule A2)**

The use of the land described as Parcel 10498 in the Register for Centre Cochrane, being part of Block Z on Plan M-30 Cochrane in the Town of Hearst, designated as Part 1 on reference plan 6R-2355, shall comply with all of the provisions of this By-law and the Institutional (I) Zone in which said land is situated, except as expressly varied in this subsection.

#### 1. Permitted Uses

- Clinic
- Dwelling units that are an integral part of the institutional building
- Eating establishment
- Office
- Personal service shop
- Retail store accessory to a clinic

#### I-S2 (Town of Hearst By-law No. 69-07)

##### **605 Front Street and 5 Sixth Street (Schedule A4)**

The use of the lands identified as PIN 65040-0260 (LT) through PIN 65040-0263 (LT) inclusive and described as Parcels 1720, 4537, 11773, 6090 and 11772 in Section Centre Cochrane, being the Surface Rights of Lots 105 through 107 inclusive on Plan M-48 Algoma, the north half of Lot 104 on Plan M-48 Algoma designated as Part 1 on registered plan 6R-4711, that part of Lot 103 on Plan M-48 Algoma designated as Parts 3, 6 and 8 on registered plan 6R-4711, the south half of Lot 104 on Plan M-48 Algoma designated as Part 4 on registered plan 6R-4711, and that part of Lot 104 on Plan M-48 Algoma designated as Parts 2, 5 and 7 on registered plan 6R-4711 in the Town of Hearst, shall comply with all provisions of this By-law and the Institutional (I) Zone in which said lands are located, except as expressly varied in this subsection.

#### 2. Yard Requirements

Notwithstanding the provisions of this Zone, the following shall apply as minimum setbacks for buildings erected on the aforementioned lands:

Lots 105 through 107 inclusive on Plan M-48 Algoma

Provisions	Requirements
Minimum Exterior Side Yard (From Sixth Street)	6.0 m
Minimum Rear Yard (From George Street)	7.25 m

Lots 104 and 103 on Plan M-48 Algoma

Provisions	Requirements
Minimum Exterior Side Yard (George Street)	3.0 m
Minimum Rear Yard	

### 3. Open Permitted

The open storage of boats, vehicles and equipment related to government services shall be permitted at all times.

### 4. Site Plan Control

The development of the aforementioned parts of Lots 103 and 104 and Lots 105 through 107 inclusive on Plan M-48 Algoma shall be subject to Site Plan Control.

## **I-S3 (Town of Hearst By-law No. 23-2022)**

### **1008 Edward Street (Schedule A3)**

The use of the lands identified as parcel 10443CC, being lots 388-391, 424-427, Part of Lots 387 and 428 of Plan M48A, including Part 2 of Plan 6R-3360, shall conform to all provisions of this By-law and the Institutional (I) Zone in which said land is located, except as expressly varied in this subsection.

#### 1. Lot coverage requirements

Notwithstanding the provisions of Subsection 7.1.2 of this By-law, the following shall apply as maximum lot coverage for building erected on the aforementioned lands:

Lots 105 through 107 inclusive on Plan M-48 Algoma

Provisions	Requirements
Maximum Lot Coverage (%)	38%

## **SECTION 8 OPEN SPACE ZONES**

No person shall hereafter use or alter any lands nor erect, alter, enlarge or use any building or structure in an Open Space Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

## 8.1 OPEN SPACE PARK (OS1) ZONE

### 8.1.1 Permitted Uses

- Campground
- Cemetery
- Club
- Community centre
- Conservation
- Eating establishment incidental to a recreation use
- Golf course
- Government facility
- Publicly-owned Marina
- Public park

### 8.1.2 Regulations

Provisions	Permitted Uses	Requirement
Minimum Lot Frontage (m)	All permitted uses	30m
Maximum Lot Coverage (%)	All permitted uses	10%
Minimum Front Yard (m)	All permitted uses	7.5 m
Minimum Interior Side Yard (m)	All permitted uses	7.5 m
Minimum Exterior Side Yard (m)	All permitted uses	7.5 m
Minimum Rear Yard (m)	All permitted uses	7.5 m
Maximum Height (m)	All permitted uses	9 m

#### 1. Parking

- a. Parking and loading facilities shall be provided in accordance with the Parking Requirements, Loading Requirements and Parking and Loading Area Requirements sections of this By-law.

## 8.2 OPEN SPACE CONSTRAINT (OS2) ZONE

### 8.2.1 Permitted Uses

- Conservation
- Forestry use
- Public park
- Tree nursery

### 8.2.2 Regulations

Provisions	Permitted Uses	Requirement
Minimum Lot Frontage (m)	All permitted uses	30 m
Maximum Lot Coverage (%)	All permitted uses	10%
Minimum Front Yard (m)	All permitted uses	7.5 m
Minimum Interior Side Yard (m)	All permitted uses	7.5 m
Minimum Exterior Side Yard (m)	All permitted uses	7.5 m
Minimum Rear Yard (m)	All permitted uses	7.5 m
Maximum Height (m)	All permitted uses	9 m

### 8.2.3 Additional Provisions

#### 1. Boundaries of OS2 Zone

- Where a use is proposed within or directly adjacent to the Open Space Constraint (OS2) Zone, other than those uses permitted in this Section, on-site investigations by a qualified professional shall be carried out to determine the presence, extent, and significance of possible natural hazards which may affect such uses.
- Where the boundaries of the Open Space Constraint (OS2) Zone are refined or adjusted through investigations by a qualified professional and/or empirical evidence, such refinement or adjustment may be incorporated into the Zoning Schedules of this By-law without the need for an amendment.

#### 2. Parking and Loading

- Parking and loading facilities shall be provided in accordance with the provisions of the Parking Requirements, Loading Requirements and Parking and Loading Area Requirements sections of this By-law.



### **3. Extension or Enlargements of Buildings or Structures**

- a. Notwithstanding any other provision of this By-law, the extension or enlargement of buildings and/or structures associated with existing non-complying uses within the Open Space Constraint (OS2) zone, shall not be permitted.

## **SECTION 9 RURAL ZONE**

No person shall hereafter use or alter any lands nor erect, alter, enlarge or use any building or structure in the Rural Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

## 9.1 RURAL (RU) ZONE

### 9.1.1 Permitted Uses

- Agricultural uses
- Agriculture-related uses
- Cemetery
- Conservation
- Forestry use
- Greenhouse
- Hunting or fishing camp
- Kennel
- On-farm diversified uses
- Office accessory to a permitted use
- Public park
- Recreational use
- Recreational vehicle sales outlet
- Riding school or stable
- Seasonal dwelling
- Tree nursery
- Veterinary establishment
- Wayside pits and quarries; portable asphalt plants; and portable concrete plants

### 9.1.2 Regulations

Provisions	Permitted Uses	Requirement
Minimum Lot Frontage (m)	All permitted uses	152.0 m
	Permanent dwelling permitted in accordance with the Additional Provisions of this Zone	100.0 m
Minimum Lot Area (ha)	All permitted uses	10.0 ha
	Permanent dwelling permitted in accordance with the Additional Provisions of this Zone	4.0 ha

Provisions	Permitted Uses	Requirement
<b>Minimum Front Yard (m)</b>	All permitted uses	30 m
	Permanent dwelling permitted in accordance with the Additional Provisions of this Zone	15 m
<b>Minimum Interior Side Yard (m)</b>	All permitted uses	30 m
	Permanent dwelling permitted in accordance with the Additional Provisions of this Zone	4.5 m
<b>Minimum Exterior Side Yard (m)</b>	All permitted uses	30 m
	Permanent dwelling permitted in accordance with the Additional Provisions of this Zone	15 m
<b>Minimum Rear Yard (m)</b>	All permitted uses	30 m
	Permanent dwelling permitted in accordance with the Additional Provisions of this Zone	15 m
<b>Maximum Height (m)</b>	All permitted uses	9.0 m
	Permanent dwelling permitted in accordance with the Additional Provisions of this Zone	9.0 m

### 9.1.3 Additional Provisions

#### 1. Accessory Buildings

Notwithstanding the provisions set out in the Accessory Use sections in this By-law, with respect to the erection and installation of accessory buildings, the following shall apply within Rural (RU) Zones:

- a. Such buildings may be erected prior to the erection of any principal buildings on the lands, provided that such buildings shall only be used for personal storage purposes by the landowner.

- b. The total building area of all accessory buildings on a property shall not exceed 278.7 square metres
- c. Farm buildings associated with and located on lands devoted to the practice of farming, and used essentially for the housing of equipment and/or livestock, or the production, storage or processing of agricultural and/or horticultural produce and/or feeds, shall not be deemed accessory buildings for the purposes of this By-law.

## **2. Permanent Single Detached Dwellings**

Within the Rural (RU) zone, a permanent single detached dwelling or permanently installed mobile home shall be permitted under the following circumstances:

- a. As an ancillary use to one of the following permitted uses:
  - i. Agricultural uses;
  - ii. Forestry use; or
  - iii. Hunting or fishing camp.
- b. As an undeveloped patented township lot having frontage on an existing year-round maintained road, which will not necessitate the undue extension of other services;
- c. Where a permanent residential dwelling unit has been occupied on a continual basis since January 1, 1980; or
- d. Where the property was created by consent in conformity with the consent policies of the Official Plan.

## **3. Home-Based Businesses in Rural Zones, Additional Requirements**

In addition to the provisions set-out in the Home-Based Businesses Section of this By-law, the following applies to home-based businesses within Rural Zones:

- a. A home-based business shall be permitted in zones where a permanent residential dwelling is a permitted use, in accordance with the following:
  - i. No noise, vibration, smoke and/or odours are observable from the property lines;
  - ii. Emissions to air, water and/or land shall meet the requirements of the Province;
  - iii. Adequate water supply and sewage disposal facilities shall be provided in compliance with regulations made under the Building Code Act;
  - iv. No observable increase in the volume or nature of traffic if observable and, the home-based business does not necessitate the upgrading or enhancement of existing rights of way or a change to existing road maintenance practices;
  - v. Open storage and/or display of materials and/or products is not visible from an abutting public right of way or neighbouring property; and
  - vi. Additional exterior lighting that may be required will not be directed towards nor interfere with adjacent land uses.
- b. In the case of an owner/operator of a commercial motor vehicle or forestry equipment, such business use shall include the parking and on-going routine maintenance and repair of the

owner/operator's vehicle or forestry equipment, but shall not include a transport terminal as defined in this By-law.

#### **4. Minimum Distance Separation**

All development shall comply with the Minimum Distance Separation (MDS) formulae established by the Province, as amended from time to time, in order to minimize odour conflicts between livestock facilities and other development.

#### **9.1.4 Special Exceptions**

##### **RU-S1**

##### **29 Johnson's Lake Road (Schedule A)**

The use of the lands described as Parcel 12249 Centre Cochrane, being part of Lot 29, Concession Twelve in the Township of Kendall, in the Town of Hearst, designated as Part 1 on reference plan 6R-5942, shall comply with all of the provisions of this By-law and the Rural (RU) zone in which said land is situated, except as expressly varied in this subsection.

##### **1. Permitted Uses**

Notwithstanding the listed Permitted Uses in the Rural (RU) Zone of this By-law, a second dwelling unit shall be permitted in the basement of the single detached dwelling located on said lands.

##### **RU-S2**

##### **12 Bégin Road (Schedule A)**

The use of the land described as Parcel 12346 Centre Cochrane, being part of Lot 25, Concession Nine in the Township of Kendall, in the Town of Hearst and designated as Part 1 on reference plan 6R-6220, shall comply with all of the regulations of this By-law and the Rural (RU) Zone in which it is situated, except as expressly varied in this subsection.

##### **1. Apartment Permitted**

Notwithstanding the listed Permitted Uses in the Rural (RU) Zone of this By-law, a second dwelling unit shall be permitted in the basement of the existing single detached dwelling located on said land.

##### **RU-S3**

##### **56 La Petite Gaspésie Road (Schedule A5)**

The use of the land described as Parcel 9421 Centre Cochrane, being part of broken Lot 24, Concession Ten in the of Kendall in the Town of Hearst, shall comply with all of the regulations of this By-law and the Rural (RU) Zone in which it is located except as expressly varied in this subsection.

##### **1. Regulations**

Notwithstanding the provisions of this Zone and the Accessory Use section of this By-law, one (1) accessory building may be erected in the front yard of said land in accordance with the following provisions:

Provisions	Requirements
From the Front Lot Line	4.1 m

Provisions	Requirements
From the East Side Lot Line	3.0 m

## **RU-S4**

### **7 Girard Road (Schedule A11)**

Notwithstanding the provisions of this Zone, the minimum requirements for the erection of buildings and/or structures on Parcel 12132 in the Register for Centre Cochrane, being part of Lot 29 in the Tenth Concession in the Township of Kendall, in the Town of Hearst, designated as Part 1 on Plan 6R-5740 shall be as follows:

Provisions	Requirements
Minimum Front Yard	9.1 m
Minimum Interior Side Yard Along North Lot Line	6.1 m
Minimum Interior Side Yard Along N 0°09' E Lot Line	6.1 m
Minimum Exterior Side Yard Along Southwest Lot Line	6.1 m
Minimum Interior Side Yard Along Southeast Lot Line	3.0 m
Minimum Rear Yard	0.0 m

## **RU-S5**

### **54 Highway No. 11 East (Schedule A)**

The use of the lands identified as PIN 65042-0112 (LT) and described as Parcel 520 in the Register for Centre Cochrane, being part of Lot 17 in Concession Ten in the Township of Kendall in the Town of Hearst, shall comply with all provisions of this By-law and the Rural (RU) Zone in which said lands are located, except as expressly varied in this subsection.

#### **1. Converted Dwelling**

Notwithstanding the provisions of this Zone, the existing dwelling unit located on the aforementioned lands may be converted into a group home providing permanent housing accommodation for ten (10) residents.

#### **2. Secondary Dwelling Permitted**

Notwithstanding the provisions of this Zone and the Accessory Use section of this By-law, a second and ancillary single detached dwelling unit may be erected on said land for occupancy by the owner and/or manager of the permitted group home.

### **3. Site Plan Control**

The development and redevelopment of said part of Lot 17 in Concession Ten in the Township of Kendall shall be subject to Site Plan Control.

#### **RU-S6 (Town of Hearst By-law No. 77-10) 106 Despres Road (Schedule A)**

The use of the lands identified as PIN 65042-0477 and described as Parcel 13357 Section Centre Cochrane, being part of broken Lot 20 in Concession 11 in the Township of Kendall in the Town of Hearst, designated as Parts 1 through 5 inclusive on reference plan 6R-7696 shall comply with all provisions of this By-law and the Rural (RU) Zone in which said lands are located, except as expressly varied in this subsection.

#### **1. Yard Requirements**

Notwithstanding the provisions of this Zone and the Accessory Use section of this By-law, an accessory building may be erected within the front yard of the aforementioned land having a minimum setback distance of 100 metres from the front lot line in common with Després Road and a minimum of 50 metres from the west side lot line of said land.

#### **RU-S7 125 Gaspésie Road (Schedule A)**

The use of the land identified as PIN 65042-0254(LT) and described as Parcel 13018 Section Centre Cochrane, being the part of lot 26 in Concession 9 in the Township of Kendall, identified as parts 1 to 4 on Plan 6R-7170, in the Town of Hearst shall comply with all provisions of this By-law and the Rural (RU) Zone in which said land is located, except as expressly varied in this subsection.

#### **1. Lot Frontage**

Notwithstanding the provisions of this Zone, said land, and the land to be created from it, shall have a minimum lot frontage of 63 metres.



## **SECTION 10 AIRPORT ZONE**

No person shall hereafter use or alter any lands nor erect, alter, enlarge or use any building or structure in an Airport Zone or Overlay except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

## **10.1 AIRPORT (A) ZONE**

### **10.1.1 Permitted Uses**

- Airport
- Commercial use accessory to an airport
- Eating establishment
- Parking lot
- Service or repair shop accessory to an airport
- Temporary living quarters for aviation personnel and staff providing services operating directly from the airport

## **10.2 SPECIAL AIRPORT VICINITY OVERLAY**

The area indicated on Zoning Schedule B1 to this By-law is hereby designated as being within the 'Special Airport Vicinity Overlay' and is subject to height limitations in accordance with the following provisions.

### **10.2.1 Height Limitations**

1. No building, structure, or natural vegetation within the outer surface shall exceed 45 metres in height, within a radius of 4000 metres from the airport reference point, as shown on Schedules B1 and B2, where the height is measured from the airport reference point elevation, being 252 m above sea level.
2. The maximum height of a building, structure, or natural vegetation located within any of the areas designated as approach surface, airport transitional surface, or flight path on Zoning Schedules B2, B3, B4, B5, or B6 to this By-law shall be determined by trigonometry calculations in the following manner:
  - a. Calculations for locations in flight path/approach surface (Schedules B3 and B4)
    - i. 2.5% (1.43 degrees) approach angle;
    - ii. 15% (8.53 degrees) divergent angle; and
    - iii. Calculations are to be made at a point located 60 metres from either runway 04/22 threshold and 75 metres east and west from the runway extended centre line.
  - b. Calculations for locations in the airport transitional surface (Schedules B5 and B6)
    - i. 14.3% (8.14 degrees) transition angle; and
    - ii. Calculations are to be made at a point located 75 metres from the runway 04/22 centre line within the runway strip that extends 60 metres North and South of runway 04/22 and along the 15 degree divergent line.

### **10.2.2 References**

1. Geometric Centre coordinates: N49 deg 42'50.0", W83 deg 41'13"
2. Airport Reference Point Elevation: 252 m ASL (826 ft)
3. Airport Reference Point coordinates: N49 deg 42'46.7", W83 deg 41'15.5"
4. Town of Hearst 2014 Aerodrome Attestation

## SECTION 11 DEVELOPMENT (D) ZONE

No person shall hereafter use or alter any lands nor erect, alter, enlarge or use any building or structure in the Development Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

### 11.1.1 Permitted Uses

- Existing dwellings

### 11.1.2 Regulations

1. All provisions of 'General Provisions' of this By-law where applicable to the use of any land, building or structure permitted within the Development (D) Zone, shall apply and be complied with.

## SECTION 12 WASTE MANAGEMENT SITE (WMS) ZONE

No person shall hereafter use or alter any lands nor erect, alter, enlarge or use any building or structure in the Waste Management Site (WMS) Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

### 12.1.1 Permitted Uses

- Landfill sites
- Material recovery facility
- Sewage treatment facility
- Soil remediation facility
- Waste processing facility
- Wood chipping facility

### 12.1.2 Additional Provisions

#### 1. Front Yards

- a. Notwithstanding any other provision of this Bylaw, where a front lot line abuts any of the following Zones, or is separated from any such Zone by a street or lane only, the setback from the said front lot line shall be a minimum of 500.0 metres:
  - i. Any Residential zone;
  - ii. Any Open Space zone;
  - iii. The Neighbourhood Commercial (C2) Zone; or
  - iv. The Institutional (I) Zone.

#### 2. Side Yards

- a. Notwithstanding any other provision of this Bylaw, where a side lot line abuts any of the following Zones, or is separated from any such Zone by a street or lane only, the setback from the said side lot line shall be a minimum of 500.0 metres:
  - i. Any Residential zone;
  - ii. Any Open Space zone;
  - iii. The Neighbourhood Commercial (C2) Zone; or
  - iv. The Institutional (I) Zone.
- b. Where a side lot line abuts a railway, a setback from the said side lot line shall not be required.

#### 3. Rear Yards

- a. Notwithstanding any other provision of this By-law, where a rear lot line abuts any of the following Zones, or is separated from any such Zone by a street or lane only, the setback from the said rear lot line shall be a minimum of 500.0 metres:
  - i. Any residential zone;

- ii. Any Open Space zone;
- iii. Neighbourhood Commercial (C2) Zone; or
- iv. Institutional (I) Zone.

b. Where a rear lot line abuts a railway, a setback from the said rear lot line shall not be required.

#### **4. Permitted Exterior Activities**

- a. Where any part of a permitted use is carried on outside a building, that part of the operation shall not be conducted in any front yard nor in any portion of a side or rear yard within 500.0 metres of an abutting Residential, Institutional, Open Space Zone, or Neighbourhood Commercial (C2) Zone.

#### **5. Landscaping**

- a. Where a lot in a Waste Management Site (WMS) Zone fronts opposite to or abuts a Residential, Institutional, Open Space Zone, or Neighbourhood Commercial (C2) Zone, a strip of land not less than 3.0 metres in width inside and abutting the Waste Management Site (WMS) Zone boundary shall not be used for any purpose other than landscaping, but this shall not prevent the provision of entrances and exits from the said lot through the required landscaping.

#### **6. Screening**

- a. Where a lot in a Waste Management Site (WMS) Zone abuts a Residential, Open Space, Institutional Zone, or Neighbourhood Commercial (C2) Zone, a solid and continuous fence to a height of not less than 3.0 metres shall be provided adjacent to the lot lines that abut the said Residential or Open Space Zone.
- b. On any lot in a Waste Management Site (WMS) Zone, a strip of land not less than 1.5 metres in width shall be reserved for landscaping inside and abutting the front lot line and the said lot line where it abuts a street, and if any part of the front yard is used for parking, a strip of land not less than 1.5 metres in width shall be reserved for landscaping adjacent to the front wall of the building.

#### **7. Use of Front and Side Yard**

- a. No person shall use the front or exterior side yard of any lot in a Waste Management Site (WMS) Zone for any purpose other than for landscaping or the temporary parking of visitors' private passenger vehicles, provided that no parking shall be permitted within that area having a width of 4.5 metres parallel to and along the entire front and flankage lot lines of said lot which abut streets.

#### **8. Materials**

- a. No building or structure permitted in a Waste Management Site (WMS) Zone shall be hereafter erected or altered, unless the exterior construction thereof is of stone, brick, reinforced concrete, glass or steel, or a combination of these materials, or any other suitable material.

#### **9. Fencing**

- a. Where required for buffering and screening purposes, a fence shall be erected upon the Waste Management Site (WMS) Zone or any part thereof, which fence shall be constructed of pre-

finished metal or wood in a solid and continuous construction. No fence that is required for buffering or screening shall be placed nearer to the street line in the front of the said land than 7.5 metres or the main front wall of the building or buildings erected on the said land, whichever is less.

#### **10. Accessory Buildings**

- a. No accessory building or structure shall be constructed in the front or exterior side yard.

#### **12.1.3 Special Exceptions**

##### **WMS-S1**

##### **Unassigned Bosnick Road (Schedule A)**

The use of the lands described as Lots 21 and 22 in the Eighth Concession in the Township of Kendall in the Town of Hearst, shall comply with all regulations in this By-law and the Waste Management Site (WMS) Zone in which said lands are located, except as expressly varied in this subsection.

#### **1. Permitted Uses**

- wood waste disposal (landfill) sites

#### **2. Yard Requirements**

Notwithstanding the provisions of this Zone, the setbacks from all lot lines shall be established at minimum distances of 350 metres.

#### **3. Buffering**

The site shall be obscured from visibility from concession roads and adjacent properties by maintaining and enhancing, if necessary, the natural tree cover within the front, side and rear yard setbacks.

#### **4. Open storage**

The open storage of any materials, parts, supplies and/or derelict motor vehicles, other than wood wastes shall not be permitted on said lands at any time.

#### **5. Development Regulations**

The development of said lands shall be subject to:

- Site Plan Control.
- Town of Hearst approval of the trucking routes used to access said lands.

## **SECTION 13 TEMPORARY LAND USE PROVISIONS**

### **13.1 2 GIRARD ROAD (PARCEL 2067CC)**

The use of the land described as Parcel 2067 in the Register for Centre Cochrane, being the south part of Lot 1 in Concession Ten in the Township of Way, in the Town of Hearst, shall comply with all regulations of this By-law and the Rural (RU) Zone in which it is situated, except as expressly varied in this subsection.

#### **1. Permitted Uses**

Permitted uses shall include warehousing in the existing barn located on the subject land.

#### **2. Authorized Period**

Said permitted land use is hereby authorized for a period of three (3) years from the day of the passing of this By-law. Upon the expiration date of said By-law, Council may grant by By-law further periods of time or not more than three (3) years each, during which said permitted use is authorized.

### **13.2 28 RIVERSIDE DRIVE (PARCEL 876CC)**

The use of the lands described as Parcel 876 in the Register for Centre Cochrane, being part of Block 22A, being a part of the Town Plot of Hearst not subdivided, being also part of Lot 22A in Concession Ten in Kendall Township, described as that part of said lot lying north of a line drawn across said lot at a perpendicular distance of 150.9 metres south of the northern boundary thereof, in the Town of Hearst, shall comply with all the provisions of this By-law for the Rural (RU) Zone in which said land is situated, except as expressly varied in this subsection.

1. The existing dwelling unit located on said land prior to July 20, 2004 shall be hereby recognized as a second temporary dwelling unit, being a garden suite, pursuant to subsection 39.1 of the Planning Act, R.S.O. 1990, c. P.13 and amendments thereto.
2. Use of the second temporary dwelling unit as a garden suite is hereby authorized for a period of time not exceeding ten (10) years from the date of the passing of this By-law.
3. The occupancy and use of said garden suite is further subject to the execution of an agreement pursuant to subsection 39.1 of the Planning Act and Site Plan Control (July 28, 2015) as amended by By-law No. 60-15.

### **13.3 715 PRINCE STREET (PIN 65040-0584)**

The use of the lands identified as PIN 65040-0584 (LT) and described as Parcel 1082 Section Centre Cochrane, being Lot 507 on Plan M-62 Algoma in the Town of Hearst, shall comply with all the provisions of this By-law and the Third Density Residential (R3) Zone in which said land is located, except as expressly varied in this subsection.



#### **1. Exception for Retail Use**

Notwithstanding the provisions of the Residential (R) Zones of this By-law, the front portion of the dwelling unit located on the aforementioned land may be used for the operation of a retail store.

#### **2. Period of Authorization**

Said retail use is hereby authorized for a period of time not exceeding three (3) years from the date of passing of this By-law. (June 2, 2015)

### **13.4 50 EIGHTH STREET (PARCEL 7310)**

The use of the lands identified as parcel 7310CC, being the North Part of Lot 472 on Plan M48A, in the Town of Hearst, shall conform to all provisions of this By-law and the Third Density Residential (R3) Zone in which said land is located, except as expressly varied in Sections 13.4.1 and 13.4.2 hereto.

#### **1. Exception for Industrial Use**

Notwithstanding the provisions of Subsection 4.4.1 of this By-law, north half of the building located on the aforementioned land may be used for the operation of a cabinet shop.

#### **2. Period of Authorization**

Said industrial use is hereby authorized for a period of time not exceeding three (3) years from the date of passing of this By-law. (March 15, 2022)

## **SECTION 14 ZONING SCHEDULES**

- Schedule A
- Schedule A1
- Schedule A2
- Schedule A3
- Schedule A4
- Schedule A5
- Schedule A6
- Schedule A7
- Schedule A8
- Schedule A9
- Schedule A10
- Schedule A11
- Schedule B1
- Schedule B2
- Schedule B3
- Schedule B4
- Schedule B5
- Schedule B6