

THE CORPORATION OF THE TOWNSHIP OF BALDWIN COMPREHENSIVE ZONING BY-LAW NO. 578

A By-law to enact zoning regulations for the Township of Baldwin.

WHEREAS authority is granted under the Planning Act 1990, as amended, to pass this by-law;

AND WHEREAS it is deemed necessary in the public interest to regulate the use of land in the Township of Baldwin and to implement the Official Plan for the Township of Baldwin;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Township of Baldwin enacts as follows;

AND THAT By-law 354, the Restricted Area Zoning By-law for the Corporation of the Township of Baldwin, including all schedules and amendments thereto (By-law 372), are hereby repealed and replaced with By-law 578, the new Comprehensive Zoning By-law for the Corporation of the Township of Baldwin.

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SECTION I - SHORT TITLE

This By-law shall be known as "The Township of Baldwin Zoning By-law".

SECTION 2 - DEFINITIONS

For the purpose of this By-law, the definitions and interpretations given in this section shall govern:

The use of the words "street" or "road shall be interpreted to have the same meaning.

2.1 "Accessory use, building or structure" shall mean a use, building or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use, building or structure.

2.2 "Agricultural Use" shall mean general farming and without limiting the generality of the foregoing includes the raising and harvesting of field, bush, tree or vine crops, truck gardening, nurseries, greenhouses, dairying, animal husbandry, raising of poultry, and the sale of produce grown on the farm from which the sale is made.

2.3 "Alterations or altered" shall mean a change or modification to an existing building, structure or use.

2.4 "APARTMENT" shall mean a room or set of rooms fitted especially with housekeeping facilities and usually leased as a dwelling and contained within a building containing several individual apartments.

2.5 "A.S.L." shall mean Above Sea Level.

2.6 "automobile sales and garage" shall mean land, a building or part of a building other than used for the storage, care, repair, servicing or equipping of motor vehicles where such vehicles are kept for remuneration, hire, sale or display, but shall not include the storage of derelict motor vehicles.

2.7 "automobile service station" shall mean a building or portion thereof and land used for supplying fuel oil, minor accessories and making minor running repairs essential to the actual operation of motor vehicles at retail direct to the customer.

2.8 "basement" shall mean that portion of the building located partly underground but having more than 20 percent of the clear floor to ceiling height above finished grade.

2.9 "boarding and/or lodging house" shall mean a building or portion thereof, other than a hotel, in which lodging with or without meals is supplied for gain to 3 or more persons, other than the owner, lessee, or tenant of the building and members of his immediate family.

2.10 "boat house" shall mean an accessory building or structure intended for use to house, shelter or protect a boat or other form of water transportation but not used for human habitation.

2.11 "building" shall mean a structure used for the shelter or accommodation of persons, animals, goods or chattels.

2.12 "building line" shall mean the average distance from the street line to the main wall of existing buildings in any block where more than half of the lots have been built upon.

2.13 "cellar" shall mean that portion of a building located partly or wholly underground and having 20 percent or less of its clear floor to ceiling height above finished grade.

2.14 "commercial use" shall mean the use of any land, structure, or building for the purpose of offices or retail buying or selling of goods and/or commodities but shall not include use for ware-housing, wholesaling, manufacturing or assembling of goods or products other than that which is clearly incidental and essential to such commercial use.

2.15 "Conservation Use" shall mean land used solely for the preservation and enhancement of the natural environment and may include a conservation area.

2.16 "Convenience Store" shall mean a retail store serving the daily or occasional needs of the residents of the immediate area with a variety of goods such as groceries, meats, beverages, dairy products, patent medicines, sundries, tobacco, stationery, hardware, magazines and/or newspapers.

2.17 "council" shall mean the Council of the Corporation of the Township of Baldwin.

2.18 "DWELLING, DUPLEX" shall mean a two unit house, each having rooms on one floor (eg. main floor for unit 'A' and second floor for unit 'B') with separate entrances.

2.19 "DWELLING, SEASONAL" shall mean a detached dwelling intended for use primarily for recreation purposes on part time or seasonal basis.

2.20 "dwelling, SEMI-DETACHED" shall mean forming one of a pair of residences joined into one building by a common sidewall.

2.21 "dwelling, single" shall mean a detached building consisting of one dwelling unit, and occupied or intended to be occupied as the permanent home or residence of one family, but does not include a mobile home.

2.22 "dwelling unit" shall mean a suite of habitable rooms which:

- (i) is occupied and used in common by one or more persons as a single independent, separate, and self-contained housekeeping establishment; and
- (ii) contains cooking and toilet facilities for the exclusive common use of the occupants thereof.

2.23 "erect" shall mean to build, alter, construct or re-construct, or relocate, and any physical operation, such as excavating, filling or draining, preparatory to building, construction or reconstruction.

2.24 "EXPAND" shall mean to increase or enlarge the size of a building or structure or to increase the area of land occupied by a use, in compliance with the provisions of this By-law, but does not include expansion onto another lot.

2.25 "family" shall mean one or more persons occupying a single housekeeping unit and using common cooking and sanitary facilities.

2.26 "finished grade" shall mean:

2.26.1 when used in reference to a wall of a building, the average elevation of the finished surface of the ground adjoining the base of such wall;

2.26.2 when in reference to a building, the finished grade of the main wall of such buildings or, where there are two or more main walls of equal length, the average of the finished grades of all such wall;
or

2.26.3 when used in reference to any structure other than a building, the average elevation of the finished surface of the ground at the base of such structures, exclusive of any artificial embankments or terraces or any wells providing light or ventilation to basement or cellar areas.

2.27 "floor area" shall mean the total area of all floors contained within the exterior dimensions of the outside walls, excluding the case of dwellings, any private garage, porch, verandah, sunroom, basement, unfinished attic, and any portion of the floor that has not a clear vertical height to the ceiling of at least 2.40m.

2.28 "forestry use" shall mean the general raising and harvesting of wood and without limiting the generality of the foregoing shall include the raising and cutting of fuel wood, pulpwood, lumber, Christmas trees, and other forest products.

2.29 "garage, private" shall mean an accessory building or part of a building used or intended to be used for the storage of motor vehicles and having a capacity of not more than two vehicle spaces for each dwelling unit to which the garage is accessory.

2.30 "GARDEN SUITE" shall mean a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable.

2.31 "GOLF COURSE" shall mean a public or private area operated for the purpose of playing golf.

2.32 "Government Office" shall mean a building or portion of a building, which is used for the purpose of municipal, provincial and/or federal government administration and includes a municipal office, court house, registry office, health and welfare centre, employment office, post office, and/or other such use.

2.33 "GROUP HOME" shall mean a residence that is licenced or funded under an Act of the Parliament of Canada or the Province for the accommodation of three to ten persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their well being. The home is licenced or approved under provincial statutes and in compliance with the Township of Baldwin by-laws.

2.34 "habitable room" shall mean any room used or intended to be used for living, sleeping, cooking or eating purposes.

2.35 "HAZARD LAND" shall mean lands having inherent environmental hazards such as susceptibility to flooding and/or erosion, unstable soils, slippery slopes. These lands are not suitable for certain development because the hazards are severe enough to pose a potential risk of property damage and/or loss of life.

2.36 "height" shall mean, when used with reference to a building, the vertical distance between the average elevation of the finished surface of the ground at the foot of the building and,

2.36.1 in the case of a flat roof, the highest point of the roof surface or the parapet, whichever is the greater.

2.36.2 in the case of mansard roof, the deck roof line.

2.36.3 in the case of a gable, hip or gambrel roof the mean height between the eaves, and ridge, exclusive of any roof construction used only as ornament such as a penthouse, chimney, tower, or steeple.

2.37 "Highway Commercial" shall mean commercial uses which rely on automobile or truck traffic, and the tourist population, which includes: licenced establishments servicing automobiles and trucks; motels and restaurants; service and repair shops; establishments supplying fuel, building materials and hardware; gift shops; temporary rental accommodation; wholesale and warehousing establishments; and open storage in conjunction with the main use.

2.38 "home occupation" shall mean an occupation carried on entirely within a dwelling unit by an occupant residing therein, thereof as a secondary use.

2.39 "INDUSTRIAL USE" shall mean the use of land, building or structure, designed for the purpose of manufacturing, assembling, making, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing, or storing or adapting for sale of any goods, substance, article or thing, including the storage of building and construction equipment and material, and such accessory uses as transportation, servicing, retailing, wholesaling, storage and shipping; but, excluding any obnoxious industry.

2.40 "institution" shall mean any land, building, or part thereof used for a non-commercial purpose by any organization, group or association for the promotion of charitable, educational or benevolent objectives but excluding a private club, mental hospital or any place of detentional or correction.

2.41 "LEGAL Existing" shall mean a use, building or structure lawfully existing on the date of passing of this by-law (that is, in conformity to By-law 354 as amended, or existing on the date of passing thereof, that being May 9, 1983. Note: a Mobile Home in the Hamlet zone would have to have been in place by February 15, 1982).

2.42 "Local Street/Road" shall mean a public highway under the jurisdiction of the Township that is the principal means of access to abutting lots. This does not include a highway under the jurisdiction of the Province of Ontario.

2.43 "lot" shall mean any parcel of land described in a registered deed or shown on a registered plan of subdivision, including any of its parts which are subject to right of easement, that can be legally conveyed under the Planning Act, R.S.O. 1990, as amended, and includes a parcel that does not require a consent under the Planning Act, R.S.O. 1990, as amended.

2.44 "LOT AREA" shall mean the total horizontal area within the lines of a lot. In the case of a corner lot having a streetline rounding at the corner of a radius of 6 metres or less, the lot area of such lot shall be calculated as if the lot lines were produced to their point of intersection.

2.45 "lot corner" shall mean a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at the interior angle of less than 135 degrees.

2.46 "lot coverage" shall mean the combined areas of all buildings or structures on the lot measured at ground level and expressed as a percentage of the lot area.

2.47 "lot frontage" shall mean the horizontal distance between the side lot line, such distance being measured perpendicular to the line joining the middle of the front lot line with either the middle of the rear lot line or the apex of the triangle formed by the side lot lines and at a point distant 8m from the front lot line.

2.48 "lot, interior" shall mean a lot other than a corner lot with frontage on a street.

2.49 "lot line" shall mean the boundary of a lot.

2.50 "lot line, front" shall mean the lot line abutting a street. In the case of a corner lot, the shorter line that abuts a street shall be deemed the front lot line and the longer lot line that so abuts shall be termed the exterior side of the lot.

2.51 "lot line, rear" shall mean the lot line other than a front or side lot line.

2.52 "lot line, side" shall mean the lot line other than a front or rear lot line.

2.53 "lot, through" shall mean a lot other than a corner lot with frontage on more than one street. On a through lot both street lines shall be deemed front lot lines.

2.54 "lot, waterfront" shall mean a lot with public access to the lake or river.

2.55 "lot, wedge" shall mean a lot having a lot frontage shorter than the rear lot line.

2.56 "main building" shall mean the building in which the principal use of the lot is conducted.

2.57 "MAIN USE" shall mean one or more uses, buildings or structures which constitute the main use or uses of the lot and which use or uses are specifically listed as a permitted use in this By-law.

2.58 "marina" shall mean a building, structure or place, containing docking facilities and located on a navigable waterway, where boats and boat accessories are stored, rented, hired, sold, serviced, repaired or refueled and where facilities for the sale of marine craft accessories or refreshment may be provided.

2.59 "MINIMUM DISTANCE SEPARATION" shall mean the 'Minimum Distance Separation I and II' of the Ontario Ministry of Agriculture, Food and Rural Affairs.

2.60 "Mobile Home" shall mean a prefabricated dwelling unit designed to be made mobile and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer or trailer otherwise designed; and which has been permanently affixed to the ground and is not less than 3.5 metres wide and the total area of which is not less than 55 square metres.

2.61 "motel, hotel or motor hotel" shall mean a building or part of a building or a group of buildings made up of a series of units, used primarily for the purpose of providing overnight guestroom accommodations to the travelling public, with or without an accessory dining room or refreshment room.

2.62 "Non-Complying" shall mean the use of land, building or structure which does not comply with the provisions and/or standards of this By-law for the zone in which such land, building or structure is situated.

2.63 "Non-Conforming" shall mean a use which is not a use permitted in the zone in which the said use is situated.

2.64 "NON-PROFIT HOUSING" shall mean housing not conducted or maintained for the purpose of making a profit.

2.65 "PARK" shall mean an area permanently devoted to recreational uses and generally characterized by its natural, historic or landscaped features, and used for both passive and active forms of recreation and could include land identified as open space.

2.66 "parking lot" shall mean an open area, other than a street, used for temporary parking of more than one motor vehicle and available for public use whether free or for compensation.

2.67 "parking space" shall mean a space for the parking of one motor vehicle -- 6.00m by 3.00m in area exclusive of areas for driveways, entrances and exits.

2.68 "person" shall include an individual, association, firm, partnership, corporations, trust, incorporated company, organization, trustee or agent and the heirs executors or other legal representatives of a person to whom the same can apply according to law.

2.69 "pit" shall mean an open excavation or curvity in the natural level of the ground made other than by natural causes by the removal of soil or rock, or both, for the purpose of removing sand, gravel or similar material, which is to be used for road building, construction or manufacturing, and includes primary processing activities such as crushing, screening, washing and stockpiling, but does not include a wayside pit.

2.70 "PLACE OF WORSHIP" shall mean a building dedicated to religious worship and includes a church, synagogue or assembly hall and may include such accessory uses as a nursery school, a school for religious education, convent, monastery or parish hall.

2.71 "PLAYGROUND" shall mean an area of landscaped open space equipped with children's equipment such as slides, swings or wading pools.

2.72 "private club" means building or part of a building used as a meeting place for members of an organization not operated for profit or of an athletic, social or recreational club not operated for profit.

2.73 "Public Access Point" shall mean public land designated, developed and maintained by the Township, the Province of Ontario, or the Government of Canada as a public access to a waterbody; and which is accessible by a publicly maintained road.

2.74 "Public Facility" shall mean a building or part of a building used for public purposes by a public authority and includes such uses as a government office, school, park, playground, recreation use, place of worship, hospital, library, community centre and/or similar uses.

2.75 "Public Utility" shall mean any facility provided by the Township, the Province of Ontario, or the Government of Canada or their agencies or by a gas, electric, telephone or railway company.

2.76 "quarry" shall mean an excavation in the natural level of the ground made other than by natural causes for the purpose of removing stone or similar material which is to be used for building, further processing, or as a raw material in a manufacturing process, and includes primary processing activities such as crushing, screening, washing and stockpiling, but does not include a wayside quarry.

2.77 "Road" shall mean a public highway under the jurisdiction of the Township or the Province of Ontario that is the principle means of access to abutting lots. This definition shall not include a public lane or alley, excepting McCourt Lane.

2.78 "SCHOOL" shall mean a facility for the education of persons under the jurisdiction of the Township or of any Board of Education or Separate School Board.

2.79 "seasonal DWELLING" - see Dwelling, Seasonal.

2.80 "Seasonal MAINTAINED Road" shall mean a road maintained between June 01 and October 15 inclusive, weather permitting, by the Township or the Province of Ontario.

2.81 "SEMI-DETACHED DWELLING" - see Dwelling, Semi-Detached.

2.82 "service shop" shall mean a barber shop, beauty parlour, a dry cleaning or wash laundry collection station, automatic coin operated self-serve wash laundry and automatic coin operated self-serve dry cleaning establishment.

2.83 "SINGLE DWELLING" - see Dwelling, Single

2.84 "Sleep Camp" shall mean an accessory building to a seasonal residence that provides accommodation for visitors but shall not include sanitary or kitchen facilities.

2.85 "Storey" shall mean one level of a structure with living or commercial area, excluding a basement.

2.86 "street" shall mean a public highway under the jurisdiction of the Township or the Province of Ontario that is the principal means of access to abutting lots. This definition shall not include a public lane or alley, excepting McCourt Lane.

2.87 "street line" shall mean the boundary line between lot and street.

2.88 "structure" shall mean anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location to the ground.

2.89 "TAVERN" shall mean a building or part of a building that is operated with a dining lounge or lounge licence, as defined by the Liquor Licence Board of Ontario, without providing overnight guestroom accommodations to the travelling public.

2.90 "temporary use" shall mean the use of land, building or structure for a construction office, tool shed, or for the storage of scaffolds, equipment and material which is incidental to and necessary for construction work in progress for so long as the same are necessary for the construction work which has neither been finished nor abandoned.

2.91 "TOWNSHIP" shall mean the Corporation of the Township of Baldwin.

2.92 "UTILITIES" shall mean all existing public utility installations and the development of any new public utility installations, including, but not limited to, all works as defined in the Power Corporation Act, such as transmission lines, transformer stations and distributing stations, shall be permitted within all land use designations throughout the planning area provided that such development satisfies the provisions of the Environmental Assessment Act, including regulations made under the Act, and any other relevant statutes.

2.93 "utility service building" shall mean a building used in connection with the supplying of local utilities services including a water or sewage pumping station, a water storage reservoir, a gas regulator building, a hydro sub-station, a telephone building for exchange, long distance or repeater purposes.

2.94 "Waterbody" shall mean an area of water such as a lake or river.

2.95 "Watercourse" shall mean a natural channel for a perennial creek, stream or river.

2.96 "wayside pit or quarry" shall mean a temporary pit or quarry opened and used by a public road authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way; and for excavated materials, may be processed for use only in the specified project or contract.

2.97 "yard" shall mean an open, unobstructed and unoccupied space between a building or structure and a lot line.

2.98 "yard, front" shall mean a yard that extends across the full width of the lot from the front lot line to the nearest part of any building or structure on the lots. However where hazard land exists the front line shall be considered from the margin of the Hazard Land zone.

2.98.1 Depth of required front yard shall be the shortest horizontal dimension of a front yard between the front lot line of a lot and the nearest part of any building or structure on the lot.

2.99 "yard, rear" shall mean a yard that extends across the full width of the lot from the rear lot line to the nearest part of the main building or structure.

2.99.1 Depth of required rear yard shall be the shortest horizontal dimension of a rear yard between the rear lot line of a lot and the nearest part of any building or structure on the lot.

2.100 "yard, side" shall mean a yard between the nearest main wall of the main building or structure and the side lot line extending from the front yard to the rear yard.

2.100.1 Width required side yard shall be the shortest horizontal dimension of a side yard between the side lot line of a lot and the nearest part of any building or structure on the lot.

2.101 "Year-Round MAINTAINED Road" shall mean a road maintained for twelve months of the year by the Township or the Province of Ontario.

2.102 "zone" shall mean a designated area of land use shown on Schedule 1 and Schedule 2.

SECTION 3 - ESTABLISHMENT AND INTERPRETATION ON ZONES

3.1 Scope of the By-law No building, structure or part thereof shall hereafter be erected, used, constructed, reconstructed, moved or structurally altered, and no change of use of any building, structure, land or premises shall be made in whole or in part except in conformity with all of the regulations herein specified for the zone in which it is located.

3.2 Classification of Zones

For the purpose of this By-law, the following zones are established and the land included in each zone are shown on Schedule 1 and 2 being part of this By-law.

ZONE	SYMBOL
Hamlet	HM
Seasonal Residential & Waterfront	SR
* Central Commercial	CM
Highway Commercial	HC
Rural	RU
Hazard Land	HZ
Industrial Extractive	IE
Environmental Protection Area	EPA

* This is a zone within the Hamlet Zone, and all provisions therein shall apply.

3.3 Boundaries of Zones

The zone boundaries, as indicated on the zoning schedules, are as follows:

3.3.1 Where the boundary of any zone is shown on any zoning map as following a street, lane or railway right-of-way, the centre line of the right-of-way shall be the boundary of the Zone.

3.3.2 A boundary indicated as approximately following lot lines shown on registered plan of subdivision or township lot line shall follow such lot lines, or the property boundary.

3.3.3 A boundary indicated as following a shoreline shall follow such shoreline, and in the event of change in the shoreline, the boundary shall be constructed as moving with the actual shore; however, the boundary of hazard land HZ zone abutting Agnew Lake, shall coincide with contour 263.74m ASL.

3.3.4 In the absence of any of the above, the zone boundary is the distance as scaled from the zoning maps.

SECTION 4 - GENERAL PROVISIONS

4.1 Continuation of Existing Uses

The provisions of this By-law shall not apply to prevent the "legal existing" use of any land, building or structure for any purpose prohibited by this By-law if such land, building or structure was used for such purpose on the date of passing of this By-law, so long as it continues to be used for that purpose.

4.2 Building Permit Issued

The provisions of this By-law shall not apply to prevent the erection or use for a purpose prohibited By the by-law of any building or structure for which a permit has been issued under Section 5 of the Building Code Act, prior to the day of the passing of the By-law, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the permit has not been revoked under Section 6 of the Building Code Act.

4.3 Temporary Construction Uses Permitted

A tool shed, scaffold or other building or structure, including a mobile home, incidental to, and necessary for, construction work on the premises, is permitted in any zone, provided such use, building or structure is removed when the work in connection with which they are constructed is finished or abandoned.

4.4 Non-Conforming and Non-Complying

Where a "legal existing" use of any land, building or structure is for a purpose prohibited by this By-law, or where the use does not meet the minimum provisions for the zone in which it is located, the said use may be altered, expanded, strengthened, or reconstructed provided:

4.4.1 There is no further reduction according to the standards in this By-law;

4.4.2 There is compliance with all other applicable provisions in this By-law;

4.4.3 There is no change in use except to a use which is permissible within the zone in which it is situated;

4.4.4 Any interruption in use does not last more than two years.

4.5 Existing Undersized Lots

Notwithstanding anything to the contrary in this By-law, a vacant lot held in separate ownership from adjoining lots on the date of the passing of Zoning By-law 354 (May 9, 1990), having less than the minimum lot frontage, and/or lot depth and/or lot area required by this by-law, may be used for a purpose permitted in the zone in which the said lot is located, provided that all other applicable provisions in this By-law are complied with.

4.6 Habitable Rooms in Basements and Cellars

4.6.1 No dwelling unit may be located in the basement. Habitable rooms may be located in the basement provided that only a single dwelling may have bedrooms or sleeping rooms in the basement.

4.6.2 No habitable rooms shall be located in any cellar.

4.7 Public Utilities and Services

4.7.1 The provisions of this By-law do not apply to prevent the use of any land or the erection or use of any building or structure for essential public services and utilities by the Township or any department of the Government of Ontario or Canada, including Ontario Hydro or any telephone, telegraph,

railway or utility company.

4.7.2 There shall be no exterior storage in yards, of goods, materials, or equipment in the Hamlet Residential zone and any buildings erected or used under the provisions of this section shall be in general harmony and character with the buildings permitted in the said zone.

4.8 Number of Buildings

Not more than one residential dwelling, and its accessory building or buildings, may be erected on one lot.

4.9 Through Lot

Where a lot is a through lot, a front yard shall be provided on each street on which the lot has frontage.

4.10 Lots on Public Street

A building or structure may not be erected on any lot unless such lot fronts on a opened, year-round, publicly maintained street, except that:

4.10.1 A seasonal residence may be erected on a lot having access to a seasonally maintained public street;

4.10.2 A seasonal residence may be erected on a lot having water access only;

4.10.3 Buildings or structures associated with forestry, mining, pits and quarries may be accessed by private roads.

4.11 LOTS FRONTING ON BOTH WATER AND ROAD

When a lot fronts on both a waterbody and a street, the lot line abutting the waterbody and the lot line abutting the street must both meet the minimum lot frontage requirements of the By-law.

4.12 Yards or Open Space

No yard or other open space provided for any use of a lot or for building on a lot shall be considered as providing yard or open space for any use or buildings on another lot.

4.13 Sight Triangle

On a corner lot, within the triangular space formed by a line joining points along the intersecting street lines measured 9.00 m from the point of intersection and the street lines, no building, structure, fence or planting shall be erected to a height greater than 0.90 m. Where the two street lines do not intersect at the point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines.

4.14 Setback on Provincial Highways

Where a building or structure is located adjacent to a provincial highway, setbacks shall be maintained in accordance with the requirements of the Ontario Ministry of Transportation where such requirements are in excess of those required by this By-law.

4.15 Height Regulations

Height regulations in this by-law do not apply to church spires, a belfry, a flag pole, a clock tower, a chimney, or water tank, a windmill, a radio or television tower or antenna, air conditioner duct, solar collectors, grain elevator, a barn, silo, ventilators or headframes, incidental equipment required for processing, and external equipment associated with internal building equipment.

SECTION 5 - ZONE PROVISIONS

5.1 Off-Street Parking Requirements - All Zones

5.1.1 In connection with the erection, enlargement, or increase in capacity of any building type listed below, or change in use of any building there shall be provided at the time of such erection, enlargement or increase in capacity or change in use on the same lot with the building, minimum off-street parking accommodations with adequate provision for ingress and egress by automobiles to and from a street or land as follows:

5.1.1.1 Single dwellings, seasonal dwellings, semi-detached dwellings or a duplex dwelling - One (1) parking space per dwelling unit.

5.1.1.2 Boarding and/or houses - One (1) parking space for each dwelling unit plus one (1) parking space for each room to rent.

5.1.1.3 Apartments - One and one quarter (1 1/4) parking spaces shall be provided for each dwelling unit.

5.1.1.4 Hotels and Motels - One (1) parking space per dwelling unit: plus one (1) parking space for every 4.00 m² of total gross floor area.

5.1.1.5 Uses devoted to Retail Trade and General merchandising - One (1) parking space for every 14.00 m² of total office or public use.

5.1.1.6 Professional and Commercial Offices and Public Institutions including Libraries and Municipal Offices - One (1) parking space per every 36.00 m² of floor space devoted to office or public use.

5.1.1.7 Service Shop - One (1) parking space for every 18.00 m² of gross floor area.

5.1.1.8 Educational including Schools and Technical Institutions - One (1) parking space per classroom; plus one (1) additional per each teaching staff member; plus one (1) additional per every two (2) employees.

5.1.1.9 Public Assembly including Auditorium, Arenas, Restaurants, Lunch Counters, Beverage Rooms, Cocktail Bars, Dance Halls, and Private Clubs - One (1) parking space per 4.50 m² of gross floor area or one (1) per every four (4) fixed seats.

5.1.1.10 Places of Worship - One (1) parking space for every four (4) seats or 4.50 m of bench space or 4.50 m² of gross floor area, which ever is greater.

5.1.1.11 Marinas - One (1) parking space for every 18.00 m² of gross floor area plus one (1) additional space for every boat docking space.

5.1.2 All parking spaces must be provided with an allowance for access of not less than 2.50 metres in width and clear of all projections excepting eaves, and located on the same lot with the building, but shall not occupy the minimum front yard as defined in this By-law. In all cases parking spaces shall be freely accessible in all seasons. The parking spaces shall be of sufficient size and design to that each parking space has unencumbered access to and from the street.

5.2 Loading Space Requirement

5.2.1 For every commercial, industrial or institutional building there shall be provided and maintained as follows:

GROSS FLOOR AREA OF BUILDING	# OF LOADING SPACES
less than 93 m ²	none
98 m ² to 186 m ²	1
186 m ² to 465 m ²	2
for each additional 465 m ²	1

5.2.2 Every loading space shall be as follows:

5.2.2.1 Contiguous to the building.

5.2.2.2 Accessible from an opened, maintained lane; where there is no lane, from a street.

5.2.2.3 Of at least 3.70 m in width and 10.70 m in length and 4.30 m in height.

5.2.3 Loading spaces shall not occupy any portion of a front yard but may occupy a rear yard where there is access, otherwise they may occupy any side yard.

5.2.4 Loading spaces shall not occupy any required parking space or driveway.

5.3 Projections

No chimney, cornice, eave, fireplace breast, bay window, fixed awning, uncovered steps, or uncovered stoop shall be permitted to project into the required yard beyond the external wall of a building a distance greater than one quarter of the width of the required side yard or 1.5 metres of the depth of a front or rear yard into which it projects.

5.4 Home Occupations

Notwithstanding any other provisions of this By-law to the contrary, a home occupation may be permitted as an accessory use to a dwelling unit in a permanent use zone only where such home occupation complies with the following provisions and requirement:

5.4.1 A home occupation shall be conducted as an accessory use entirely indoors within a permitted dwelling.

5.4.2 A home occupation shall be conducted solely by one or more persons residing in the dwelling unit to which such home occupation is accessory, and no other person shall be employed on the premises in conjunction with such home occupation.

5.4.3 No goods, wares or merchandise shall be displayed or exposed for sale or rent on the premises in conjunction with such home occupation.

5.4.4 A home occupation shall be clearly incidental and secondary to a dwelling and shall not change the primary residential character thereof.

5.4.5 No home occupation shall create or become a public nuisance, particularly with regard to noise, outdoors, traffic, parking, emissions or radio or television interference.

5.4.6 No open storage shall be permitted in conjunction with a home occupation, nor shall any building or structure accessory to a dwelling be used either in whole or in part for a home occupation.

5.4.7 The total floor area specifically used for a home occupation within a dwelling shall not exceed the equivalent of 25% of the dwelling unit to which such home occupation is accessory.

5.4.8 No external display or advertising, other than a permitted name place sign, shall be permitted with respect to a home occupation, nor shall any other external indication that a home occupation is being conducted on the premises be permitted.

5.4.9 Not less than two (2) parking spaces shall be provided for any dwelling unit containing a home occupation which entails the entry upon the premises of one or more persons other than occupants of the said dwelling unit.

5.5 SPECIAL PROVISIONS

5.5.1 Notwithstanding the standards permitted by Schedule B(b), Standards for Permitted Uses, an existing undersized lot measuring 473.33 feet and 479.40 feet in frontage and 84.69 feet and 118.66 feet in depth, is permitted on Parcel 4962, Concession 1, Lot 6.

5.5.2 Notwithstanding the standards permitted by Schedule B(a), Standards for Permitted Uses, an undersized lot measuring 22.86 m frontage and 56.388 m in depth, is permitted on Parcel 16279, Concession 1, Part of the West Half of Lot 8.

5.5.3 Notwithstanding the uses permitted by Schedule A, Permitted Uses in Zones, a hamlet (residential) use is permitted on Parcel 27522, Concession 1, Lot 7, RP-53R9435

Part 1.

5.5.4 Notwithstanding the uses permitted by Schedule A, Permitted Uses In Zones, a commercial use is permitted on Parcel 6129, Concession 3, Lot 7.

5.5.5 Notwithstanding the uses permitted by Schedule A, Permitted Uses in Zones, a highway commercial use is permitted on Parcel 9704, Concession 1, Part Lot 12, commencing 90 metres south of Highway 17 on Lamothe Road. From this point, running east 75 metres, thence running south 75 metres, west 75 metres,

thence running north on Lamothe Road 75 metres to commencement point.

5.5.6 Notwithstanding the uses permitted by Schedule A, Permitted Uses in Zones, a landfill site is permitted in Concession 3, Part of East-Half of Lot 6.

5.5.7 Notwithstanding the uses permitted by Schedule A, Permitted Uses in Zones, seasonal residential use is permitted on approximately 15,750 square metres in the East-Half of Parcel 6446, Concession 5, Lot 8.

5.5.8 Notwithstanding the uses permitted by Schedule A, Permitted Uses in Zones, rural (residential) use is permitted on property extending in a southerly direction of the south bank of the Municipal Drainage Ditch, situated on the southern part of Parcel 5952, Concession 2, Part Lots 6 & 7

5.5.9 Notwithstanding the uses permitted by Schedule A, Permitted Uses in Zones, a hamlet (residential) use is permitted on approximately 8,175 square metres of Parcel 1993, Concession 1, Lot 7.

5.5.10 Notwithstanding the standards permitted by Schedule B(b), Standards for Permitted Uses, an undersized lot of .33 hectares is permitted on Parcel 30573 (formerly Parcel 16178), Concession 1, Lot 5, RP-53R15502 Part 1.

5.5.11 Notwithstanding the standards permitted by Schedule A, Permitted Uses in Zones, a non-toxic recycling plant is permitted on Parcel M1123-33, Concession 1, Lot 6, Plan M1123 Block 33 for a period not to exceed three (3) years from the day of the passing of the bylaw as a Special Use.

5.5.12 Notwithstanding the standards permitted by Schedule A, Permitted Uses in Zones, a pit or quarry is permitted on Parcel 11488, Concession 1, E1/2 Lot 1, south and east of the public road; however no activity shall be permitted on land that is considered Hazard Land as per the Official Plan. All development will be subject to the issuance of a licence or permit by the appropriate Provincial ministry, presently the Ontario Ministry of Natural Resources.

SECTION 6 - INTERPRETATION AND ADMINISTRATION

6.1 OTHER GOVERNMENT RESTRICTIONS

When the regulations or requirements of any other by-law of the Township or any Ontario Ministry or Department of Government impose greater restrictions than the restrictions imposed by this By-law, then such greater restriction shall prevail.

6.2 MINIMUM REQUIREMENTS

The provisions of this By-law are held to be the minimum requirements adopted for the promotion of public health, safety, convenience or general welfare of the Township.

6.3 INTERPRETATION

In this By-law, unless a contrary intention appears, certain terms or works used herein shall be interpreted as follows: words used in the present tense include the future tense, and the converse; words used in the plural number include the singular number, and the converse; the word "shall" is mandatory, the word "may" is permissive.

6.4 SEVERABILITY

If any provision of this By-law, including any part of the zoning as shown on the zoning maps, is for any reason held to be invalid, all the remaining provisions shall remain in full force and effect until repealed, notwithstanding that one or more provisions shall have been declared to be invalid.

6.5 ADMINISTRATION AND ENFORCEMENT

This Zoning By-law is administered by the Clerk of the Township or such other person as the Council designates, and no permit for the use of land or for the erection or use of any building or structure, or approval of any application for any municipal license within the jurisdiction of the Council shall be issued or given where the proposed building, structure or use would be in violation of any provision of this By-law.

6.6 BUILDING PERMITS

6.6.1 Building Permit Required

6.6.1.1 No building or other structure shall be erected, moved or added to, or structurally altered or

demolished, without a permit therefore, issued under the authority of the Ontario Building Code Act.

6.6.1.2 Notwithstanding the provision of the Building By-law or any other of the Township, no building permit shall be issued except in conformity with the provisions of this By-law.

6.6.2 Application for Building Permits All applications for building permits shall be accompanied by plans in duplicate, drawn to scale, showing the following:

6.6.2.1 The true dimensions and shape of the lot to be built upon or otherwise used.

6.6.2.2 The proposed location and dimensions of any building, structure or use proposed for such lot.

6.6.2.3 The location of all existing building or structures on the lot on the plan.

6.6.2.4 The location and dimensions of any yard, off-street parking space or off-street loading facilities required by this By-law.

All applications shall further include:

6.6.2.5 A statement, signed by the Owner, disclosing the exact use proposed for each aforesaid building, structure, or use and giving all information necessary to determine if such building, structure or use conforms to the requirements of this By-law.

6.6.2.6 A certificate of approval for a private sewage system .

6.6.2.7 Permits issued by the Ontario Ministry of Transportation, the Ontario Ministry of Natural Resources, etc., where required.

6.6.2.8 Such other information as lawfully may be required including the number of dwelling units or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this By-law.

6.6.2.9 One copy of the plans shall be returned to the applicant by the Clerk, after he shall have marked such copy either by his signature or his stamp. The second copy of the plans, similarly marked, shall be retained by the Clerk.

6.7 AMENDMENTS

In most cases in order to change the use of land, buildings or structures, it will be necessary for an amendment to be made to this By-law.

SECTION 7 - PENALTIES AND ADOPTION

7.1 REMEDIES

Where any building or structure is or is proposed to be erected, altered, reconstructed, extended or enlarged, or any building or structure or part thereof is or is proposed to be used, or any land is or is proposed to be used, in contravention of the provisions of this By-law, the same may be restrained by action at the instance of any ratepayer, or of the Council of the Township pursuant to the provisions of the Planning Act, R.S.O. 1990, as amended.

7.2 VIOLATION

Every person who uses any land or erects or uses any building or structure in a manner contrary to any requirement of this By-law, or who causes or permits a violation, is guilty of an offence and upon conviction therefore shall be liable to a fine as prescribed in Section 67(1) of the Planning Act, R.S.O. 1990, as amended.

7.3 REPEAL OF PRECEDING BY-LAWS

All By-laws in force within the Township of Baldwin regulating the use of lands, and the use, bulk, height and location of buildings or structures shall be and the same are amended insofar as it is necessary to give effect to the provisions of this By-law, and the provisions of this By-law shall govern, provided however, that the provisions of existing and other by-laws of the Township which are not in conflict with or in contravention of the provisions of this By-law, shall be and remain in full force and effect.

7.4 EFFECTIVE DATE

This By-law shall come into force and take effect from the date of passing, subject to the provisions of the Planning Act, R.S.O. 1990, as amended.

Read a first time this ____ day of _____, 19__.

REEVE

CLERK

Read a second time this ____ day of _____, 19__.

REEVE

CLERK

Read a third time and finally passed this _____ day of _____, 19__.

REEVE

CLERK

CONVERSION TABLE

LENGTH UNITS

AREA UNITS

Metric (m)

metres

0.3

0.5

0.75

1.0

1.2

1.5

1.8

2.0

2.5

3.0

3.5
4.0
4.5
5.0
6.0
7.0
9.0
10.0
12.0
14.0
15.0
16.5
18.0
20.0
23.0
25.0
30.0
33.0
40.0
45.0
50.0
60.0
75.0
100.0
150.0

Approx. Value

feet

1

1.5

2.5

3.0

4.0

5.0

6.0

6.5

8.0

10.0

11.5

13.12

14.5

16.5

20.0

23.0

30.0

33.0

40.0

45.0

50.0

55.0

60.0

65.0

75.0

80.0

100.0

110.0

130.0

150.0

165.0

200.0

250.0

325.0

500.0

Exact value

feet

.98

1.64

2.46

3.28

3.94

4.92

5.90

6.56

8.20

9.84

11.48

14.76

16.40

19.68

22.96

29.52

32.80

39.36

45.92

49.20

54.12

59.04

65.60

75.44

82.00

98.40

108.24

131.20

147.60

164.00

196.80

246.00

328.00

492.00

Metric (m2)

sq.metres

0.3

0.5

1.0

2.0

3.0

4.0

5.0

7.0

10.0

14.0

18.0

20.0

25.0

30.0

35.0

40.0

50.0

55.0

70.0

75.0

90.0
100.0
110.0
130.0
200.0
250.0
300.0
400.0
500.0
550.0
600.0
650.0
700.0
750.0
850.0
900.0
1000.0
2000.0
4000.0
8000.0

Approx. value

sq.feet

3

5

10

20

30

45

55

75

100

150

200

215

270

325

375

430

540

600

750

800

965

1080

1200

1400

2200

2700

3200

4300

5400

6000

6500

7000

7500

8000

9100

9700

10800

21500

43000(or

1 acre)

86000(or

2 acres)

Exact value

sq.feet

3.23

5.38

10.76

21.52

32.28

43.04

53.80

75.32

107.60

150.64

193.68

215.20

269.

322.80

376.60

430.40

538.

591.80

753.20

807.

968.40

1076.

1183.60

1398.80

2152.

2690.

3228.

4304.

5380.

5918.

6456.

6994.

7532.

8070.

9146.

9684.

10760.

21520.

43040.

86080.