



# Township of Hornepayne Zoning By-law

By-law No. 1897

As Adopted by the Township

December 8, 2021

Prepared for:  
**The Township of Hornepayne**  
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THE CORPORATION OF  
THE TOWNSHIP OF HORNEPAYNE

BY-LAW NO.1897

**Being a By-Law to regulate the use of all land, and the density, size, location, and use of all buildings and structures within the Township of Hornepayne municipal boundary.**

**WHEREAS** Section 34 of the *Planning Act* provides authority to Municipal Councils to enact By-Laws regarding the use of lands and the erection and use of buildings or structures within the Municipality; and,

**WHEREAS** Section 24 of the *Planning Act* provides that no Zoning By-Law may be passed that does not conform to the Official Plan of the Township of Hornepayne; and,

**WHEREAS** an Official Plan for the Township of Hornepayne was Adopted on December 8<sup>th</sup>, 2021; and,

**WHEREAS** Section 26 of the *Planning Act* requires that municipal Zoning By-Laws be prepared to conform to the Official Plan; and,

**WHEREAS** it is now deemed necessary and expedient to enact a Zoning By-Law for the Township of Hornepayne which will be in conformity with the Official Plan; and,

**WHEREAS** an Open House in accordance with the *Planning Act* was held on September 15<sup>th</sup>, 2021, for the purpose of giving the public an opportunity to review and ask questions about the proposed Zoning By-law; and,

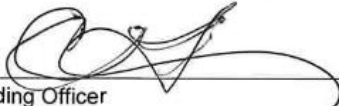
**WHEREAS** a Public Meeting in accordance with the *Planning Act* was held on September 29, 2021;

**NOW THEREFORE** the Council of the Corporation of the Township of Hornepayne pursuant to Section 34 of the *Planning Act*, enacts as follows:

1. By-Law No. 1897, Township of Hornepayne Zoning By-Law, and its schedules, attached as Schedule "1" and titled Township of Hornepayne Zoning By-Law shall come into force in accordance with the provisions of the *Planning Act*.

Read a first and second time this 8<sup>th</sup> day of December 2021.

Read a third time and finally passed this 8<sup>th</sup> day of December 2021.

  
\_\_\_\_\_  
Presiding Officer

  
\_\_\_\_\_  
Clerk

## 1.0 Authorization and Administration

### 1.1 Title

This By-law shall be known as the “Zoning By-law” or By-law No. 1897 of the Corporation of the Township of Hornepayne.

### 1.2 Effective Date

This By-law comes into force and takes effect on December 8, 2021.

### 1.3 Defined Area

The provisions of this By-law shall apply to all lands within the incorporated limits of the Township of Hornepayne.

### 1.4 Scope

No land shall be used and no building or structures shall be erected, altered, enlarged, or used within the Township of Hornepayne except in conformity with the provisions of this By-law.

No lands shall be severed from any existing lot if the effect of such action is to cause the original, adjoining, remaining, or new building, structure, or lot to be in contravention of this By-law.

### 1.5 Existing Uses Continued

Nothing in this By-law shall prevent the use of any lot, building or structure for any purpose prohibited by this By-law if such lot, building or structure was lawfully used for such purpose on the date of passing of this By-law, so long as it continues to be used for that purpose.

### 1.6 Prior Building Permit Issued

Nothing in this By-law shall prevent the erection or use of any building or structure for a purpose prohibited by this By-law if the plans for such building or structure were approved by the Building Inspector prior to the date of passing of this By-law, provided:

- 1) When the building or structure is erected, it shall be used and continue to be used for the purpose for which the building permit was issued; and
- 2) The erection of such building or structure is commenced within 2 years of the date of passing of this By-law and provided the erection of such building or structure is completed within a reasonable time after the erection thereof is commenced.

### 1.7 Compliance with Other Restrictions

This By-law shall not be effective to reduce or mitigate any restrictions lawfully imposed by a governmental authority having jurisdiction to make such restrictions.

### 1.8 Interpretation

The provisions of this By-law shall be held to be the minimum requirements except where the word maximum is used in which case the maximum requirement shall apply.



In this By-law the word 'shall' is mandatory; words in the singular include the plural; words in the plural include the singular; words in the present tense include the future.

## 1.9 Measurements

Measurements contained in this By-law are in metric units only. Where imperial units appear, such units do not form part of this By-law; they are to be considered as ancillary information only and are provided only for the convenience of the reader.

## 1.10 Administrator

This Zoning By-law is administered by the Township Clerk, Chief Administrative Officer, or an appointee. A certified true copy is on file in the office of the Township of Hornepayne.

## 1.11 Occupancy or Building Permit, Certificate, or Licence

- 1) No change shall be made in the type of use of any land, building, or structure within any zone, without first obtaining a Certificate of Occupancy from the Township to the effect that the proposed use conforms to this By-law.
- 2) No municipal permit, certificate, or licence shall be issued for a proposed use of land or a proposed erection, alteration, enlargement, or use of any building or structure that is in contravention of any provision of this By-law.

## 1.12 Applications and Plans

In addition to the requirements of any Building By-law, every application for a building permit shall be accompanied by sufficient information, in an appropriate form, to determine whether the building or structure conforms to the requirements of this By-law. This shall include:

- 1) A plan drawn to scale showing the true dimensions of the lot to be built on and used; the location, height, and dimensions of any existing or proposed building, structure, and use; the location of any required setback and the proposed location and dimension of any yard, landscaped open space, and off-street parking and loading required by the By-law; and
- 2) A statement signed by the Owner giving the exact use proposed for each building, structure, or the proposed use of the lot to determine whether such building, structure, or use conforms to this By-law.

Notwithstanding the above, applications that do not affect the external dimensions of the building, number of dwelling units, or useable floor area may not require the information contained in subsections a) and b).

## 1.13 Request for an Amendment

Where an amendment to this Zoning By-law is requested by an owner of land in the Municipality, the said owner shall complete and submit to the Municipality, prior to his request being considered, an application form for Amendment to the Zoning By-law.

## 1.14 Inspection of Premises

The Township Clerk, Treasurer, Chief Administrative Officer, or any employee of the Township of Hornepayne acting under direction, may, at any reasonable hour (as set out by Council), enter and inspect a property or premises under a Power of Entry By-law, where there is reason to believe

that any land has been used or any building or structure has been erected, altered, enlarged, or used in violation of any of the provisions of this By-law.

### 1.15 Violations and Penalties

Any person convicted of a breach of any of the provisions of this By-law shall be liable to a fine recoverable under the *Provincial Offences Act*. Each day of violation shall constitute an offence.

In the case of any lot being used, any building or structure being erected, altered, reconstructed, or extended or part therefore being used in contravention of any provision of this By-law, such contravention may be restrained by action at the instance of any ratepayer or of the Corporation pursuant to the provisions of the *Municipal Act* or the *Planning Act* in that behalf.

### 1.16 Validity

If any portion of this By-law is for any reason declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this By-law.

### 1.17 Technical Revisions

Revisions may be made to this By-law without the need for a Zoning By-law Amendment in the following cases:

- 1) Correction of grammar, punctuation or typographical errors, or revisions to format in a manner that does not change the intent of the By-law;
- 2) Adding or revising technical information on maps or schedules that does not affect the zoning of lands including, but not limited to, matters such as updating and correcting infrastructure information, keys, legends, or title blocks; and
- 3) Changes to appendices, footnotes, headings, indices, marginal notes, tables of contents, illustrations, historical or reference information, page numbering, footers, and headers, which do not form a part of this By-law, and are editorially inserted for convenience or reference only.

## 2.0 Definitions

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

Accessory, when used to describe a use, building, or structure, means a use, building, or structure that is customarily incidental and subordinate to the main use and located on the same lot with such main use. This definition shall include:

- Decks greater than or equal to 0.6 m (2.0 ft) in height;
- Gazebos; and
- Freestanding solar panels and wind turbines.

Adult Entertainment Business means any premises or part thereof including a retail store, entertainment parlour, or other business in which the principle trade provided, in pursuance of a trade, calling, business, occupation, goods, or services appeals to or is designed to appeal to erotic or sexual appetites or inclinations.

Agricultural Use means the use of land, buildings or structures for:

- The growing of crops, including cannabis, including all related activities such as soil preparation, manure or fertilizer spreading, planting, spraying, irrigating, harvesting, and also including the storage and sale of crops;
- The raising, boarding, keeping and sale of all forms of livestock, except dogs, including all related activities such as breeding, training, feeding, and grazing, and including the raising of fish;
- The production of animal products such as milk, eggs, wool, fur, or honey, including related activities such as the collection, storage, and sale of the products;
- A greenhouse or nursery garden, including storage and sale of the products; and
- The use and storage of all forms of equipment or machinery needed to accomplish the foregoing activities.

Agricultural-Related Use means a farm-related commercial or farm-related industrial use that is directly related to farm operations in the area, supports agriculture, benefits from being in close proximity to farm operations, and provides direct products and/or services to farm operations as a primary activity.

Alter, in reference to

- a building or part thereof, means to change any one or more of the external dimensions of such building or to change the type of construction of the exterior walls or roof thereof;
- a lot, means 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

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location of any boundary of such lot in respect to a street or lane, whether such alteration is made by conveyance, alienation of any parts of such lot, or otherwise.

Attached means a building or structure otherwise complete in itself, which depends for structural support, or complete enclosure, upon a division wall or walls shared in common with adjacent building or structures.

Attic means that portion of a building immediately below the roof and wholly or partly within the roof framing.

Auditorium means a building or structure where facilities are provided for athletic, civic, educational, political, religious, or social events. This definition may include an arena, community centre, gymnasium, stadium, theatre, or similar use.

Automatic Car Wash means a building or structure containing facilities for washing motor vehicles, either by production line methods and mechanical devices, or by self-service operation.

Automobile Service Station means a building where automotive fuel such as, but not necessarily limited to gasoline, propane, and diesel fuel and where oil is kept for sale and where only minor or emergency repairs essential to the actual operation of motor vehicles may also be performed, and where grease, anti-freeze, tires, spark plugs, and other automobile accessories may be sold incidentally, and where motor vehicles may also be oiled, greased, or washed, but where no other activities of a commercial garage are carried on.

Automotive Store means an establishment primarily engaged in the retail sale of vehicle parts, accessories, and tools. Accessory uses may include service bays for performing maintenance and repair operations on motor vehicles. This definition shall not include any establishment otherwise defined herein or specifically named elsewhere in this By-law.

Average Finished Grade means the average level of proposed or finished ground adjoining a building at all exterior walls.

Basement means that portion of a building between two floor levels which is partly underground but which has at least one-half of its height from finished floor to finished ceiling above the average finished grade.

Bed and Breakfast means a dwelling used incidentally to provide accommodation and meals to transient travellers, but does not include a boarding house, a rooming house, hotel, or motel.

Building means a structure having a roof supported by columns or walls or directly on the foundation and used for the shelter and accommodation of persons, animals, or goods:

- -, Accessory means a building customarily incidental and subordinate to the main use or building and located on the same lot with such main use or building.
- -, Attached see "Attached".
- -, Main means the building serving the principal or primary uses for which the lot was purchased, leased or rented.

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- -, Temporary means a building or structure intended for removal or demolition within a prescribed time, not exceeding two years, as set out in a building permit.

Building Contractor's Shop means a place of business for persons employed in building trades such as painting, plumbing, electrical work, masonry, metal working, and carpentry or truck, bulldozer, loader, and backhoe operating and such place of business may be used for the storage of equipment, materials, and vehicles which are used on construction sites and may include such related uses as office space, or maintenance facilities, but shall not include a retail business, sales counter, nor a wholesale business.

Building Line means a line within a lot drawn parallel to a lot line establishing the minimum distance between that lot line and any portion of a building or structure which may be erected.

Building Supply Outlet means an establishment engaged in the selling or installing of building supplies including lumber, millwork, siding, roofing, plumbing, electrical, heating, air conditioning, home improvements, and similar items. This definition shall not include any establishment otherwise defined herein or specifically named elsewhere in this By-law.

Carport means a covered parking area which is open on at least two sides.

Cellar means that portion of a building between two floor levels which is partly or wholly underground but which has more than one-half of its height from finished floor to finished ceiling below the average finished grade.

Chief Building Official means the officer or employee of the Township charged with the duty of enforcing the Building Code Act together with any Regulations made thereunder, and the provisions of the Building By-law.

Child Care Centre means a "child care centre" as defined in the *Child Care and Early Years Act, 2014*, and its successors.

Church means a building dedicated to religious worship. Accessory uses may include a church hall, church auditorium, Sunday school, a parish hall and an ecclesiastic residence on the same lot.

Clinic means one or more buildings or part of a building used solely for the purposes of consultation, diagnosis and treatment of patients by Ontario Licensed physicians, dentists, optometrists, denturists, chiropodists, chiropractitioners, or drugless practitioners, together with their assistants, and without limiting the generality of the foregoing, the building(s) or part thereof may include administrative offices, waiting rooms, treatment rooms, laboratories, pharmacies, and dispensaries directly associated with the clinic, but shall not include accommodation for in-patient care or operating rooms for major surgery.

Club, Commercial means a building or premises used as an athletic, recreational, or social club operated for gain or profit.

Club, Private means a building or premises used as an athletic, recreational, or social club not operated for gain or profit. This definition may include a social service club, a fraternity or sorority, a hostel, a labour union hall, or similar use.

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Communications Facility means an installation which transmits, receives and/or relays communications such as a microwave relay tower, telephone or telegraph line, cellular telephone tower, radio or television broadcast tower, or similar facility.

Conservation Use means the preservation and protection of the components of the natural environment through management and maintenance for both the individual and society's uses, both in the present and in the future.

Convenience Store means a building or part of a building used primarily for the sale of grocery and confectionary items and incidentally for the sale of other merchandise as is required to fulfil the day to day needs of a surrounding residential area.

Council means the Council of the Corporation of the Township of Hornepayne.

Custom Workshop means land and/or a building or part of a building used by a contractor, builder, or tradesman to perform manufacturing, repair, or assembly work or for the storage of equipment and materials used for off-site work and includes those operated by a carpenter, well driller, tile drainage installer, a locksmith, blacksmith, tinsmith, gunsmith, welder, machinist, or persons involved in similar occupations.

Department Store means a Retail Store, primarily engaged in general merchandising at retail of wide range of commodities. At least the three main lines, namely apparel, hardware, and home furnishings should be carried, and other commodities formally carried by such establishments, including dry goods, food products, home appliances, etc. may also be carried.

Development means the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the *Planning Act*.

Dry Cleaning or Laundry Outlet means a building used for the purpose of receiving articles or goods of fabric to be subjected elsewhere to the process of cleaning or dyeing. Such establishment may also be used for pressing and/or distributing any articles or goods which have been received therein.

Dry Cleaning or Laundry Plant means a building where dry cleaning, dry dyeing, cleaning, or pressing of articles or goods of fabric is conducted and (1) in which solvents, which emit no odours or fumes are, or can be, used, and (2) in which no noise or vibration causes a nuisance or inconvenience without the premises. This definition may include a dry cleaning or laundry outlet.

Dwelling means a building used or intended to be used for human habitation and in which all usual domestic functions may be carried on. This definition shall not include any vehicle as defined herein.

- - , Accessory means a single dwelling which is accessory to a permitted non-residential use, located on the same lot therewith and is occupied either by the family of the owner of such non-residential use or by the family of a person employed on the lot where such dwelling is located.

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- -, Accessory Apartment means a self-contained dwelling unit created through the conversion of part of or the addition on to an existing dwelling (single, semi-detached, or duplex dwellings only), located in a structure accessory to a dwelling, or located in a non-residential use.
- -, Apartment means a building consisting of three or more independent dwelling units other than a rowhouse dwelling.
- Boarding House means a dwelling or portion thereof containing not more than 4 guest rooms, used for the accommodation of the public in which the owner or head lessee supplies for compensation, lodging with or without meals but does not include any other establishment otherwise defined herein.
- -, Duplex means a building that is divided horizontally into two dwelling units.
- Garden Suite means a temporary, one-unit, self-contained, and portable detached residential structure that is ancillary to and on the same lot as a residential dwelling, and excludes a trailer as defined herein.
- Group Home means residential accommodation in a detached dwelling in which up to ten persons (excluding supervisory staff) live under responsible supervision consistent with the particular requirements of its residents which includes support functions for daily living.
- Mobile Home means a dwelling that is designed to be made mobile, and constructed or manufactured as per the Ontario Building Code to provide a permanent residence for one or more persons, but does not include a recreational vehicle, a travel trailer or tent trailer, or trailer otherwise designed.
- -, Rowhouse means a building that is divided vertically into three or more dwelling units.
- -, Seasonal means a building containing only one dwelling unit used for recreation and not occupied as a permanent dwelling.
- -, Semi-Detached means a building that is divided vertically into two dwelling units.
- -, Single means a detached building containing only one dwelling unit. This definition shall include a modular home as defined herein.
- Tiny Home means a small, private and self-contained dwelling unit between 17.5 sqm and 37 sqm. A tiny home shall be considered a single detached dwelling, unless it is on wheels, in which case it shall be considered a mobile home.
- -, Triplex means a building that is divided horizontally into three dwelling units.
- - Unit means one or more rooms designed as a housekeeping unit, used or intended to be used as a domicile by one or more persons and in which separate cooking, eating, living, sleeping, and sanitary facilities are provided for the exclusive use of the occupants, with a private entrance from outside the building or from a common hallway or stairway inside the building.
- - Unit, Accessory means a dwelling unit which is part of and accessory to a permitted non-residential building other than an automobile service station or commercial garage.

Erect means build, construct, reconstruct, remove or relocate and shall include any preliminary physical operations such as cutting, grading, excavating, filling or draining, or any altering of an



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existing building by an addition, extension, or other structural change, or any work which requires a building permit.

Established Building Line means the average setback from the centreline of a street of at least 2 existing buildings located on lots having street frontage upon the said side of the street, provided such buildings are located on the same block and within a continuous strip of land that does not exceed 75 m (246 ft).

Existing means existing as of the date of the passing of this By-law.

Extractive Industrial Use means the use of land for the extraction of mineral aggregate including sand, gravel, shale, clay, and bedrock suitable for the production of crushed stone, building stone, cement products, and other similar materials.

Financial Office means the premises of a bank, trust company, finance company, mortgage company, or investment company.

Flood Line means a line established by a one in one hundred (1:100) year storm which is determined by flood plain mapping.

Flood Plain means the area below the flood line.

Flood Proofed means the measures taken to ensure that a building or structure is safe from the effects of flooding.

Floor Area means:

- for a dwelling or dwelling unit, the total area of the storeys contained within the outside walls of the dwelling or dwelling unit exclusive of garage, carport, sunroom, veranda, porch, unfinished attic, unfinished basement, or unfinished cellar;
- for a building other than a dwelling, the total area of all the floors contained within the outside walls of the building.

In all cases, only that floor area having a clear height to the ceiling of at least 2.2 m (7.2 ft) shall be calculated for floor area purposes.

Garage means a structure for the storage of vehicles and other items.

- -,Commercial means a building, structure, or lot where all activities of an automobile service station may take place, where major repairs of motor vehicles may be performed, and where commercial motor vehicles may be stored. As an accessory use, the sale of motor vehicles may also be permitted. Such repairs may include all mechanical repairs as well as body work but shall not include the dismantling of motor vehicles for scrap or the storage of motor vehicles awaiting scrapping.
- -, Parking means an enclosed structure used for the temporary parking of more than four vehicles and available for public use either free, for compensation, or as an accommodation to customers.

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- -, Portable means a prefabricated structure usually constructed with a metal, wood, or plastic frame and covered with a tarpaulin or other similar type of fabric or plastic cover, used primarily for the storage of a vehicle **and other items**.
- -, Private means an accessory building or part of a residential building which is fully enclosed and used for the storage of motor vehicles and household equipment incidental to the residential occupancy.

Golf Course means a public or private area operated for the purpose of playing golf and includes par 3 golf course, but does not include a driving range, a miniature golf course, or similar use.

Habitable Room means a room commonly used for cooking, living, dining, or sleeping purposes, and shall include an enclosed sunroom but shall not include any garage, carport, verandah, unfinished attic, unfinished basement, or unfinished cellar.

Height of a building means the vertical distance measured between the average finished grade and:

- the highest point of the roof surface of a flat roof; or
- the average level between eaves and ridge of any other type of roof.

High Water Mark means the mark made by the action of water under natural conditions on the shore or bank of a water body which action has been so common and usual and so long continued that it has created a difference between the character of the vegetation or soil on one side of the mark and the character of the vegetation or soil on the other side of the mark.

Highway means a public thoroughfare intended for vehicular use by the general public.

Hobby Farm means a residence and barns, sheds, pens, and accessory buildings which are used for the persons residing at the residence and not for commercial agricultural purposes.

Home-Based Business means an occupation, trade, business, profession, or craft carried on as an accessory use to the use of a dwelling and shall include the following:

- instruction in or businesses involving music, academic subjects, religion, dancing, arts and crafts such as pottery, weaving, painting or sculpting, sewing, hairdressing, or similar uses;
- businesses involving work conducted primarily in other locations, such as those operated by electricians, plumbers, carpenters, or operators of commercial vehicles, including school buses, provided that the storage of commercial vehicles, equipment, or materials does not take place at the residence;
- businesses involving the repair of small appliances, radios, televisions, and similar items, skate or knife sharpening or similar uses;
- an office used by a physician, dentist, or other medical practitioner, an insurance agent, accountant, engineer, salesperson, or a person engaged in a similar occupation;
- a tourist lodging establishment which provides a maximum of three bedrooms for commercial public use, (i.e., bed and breakfast).

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Hotel means a building, or part of a building, or two or more disconnected or detached buildings, designed to be used for the purpose of catering to the needs of the transient public by furnishing sleeping accommodation with or without kitchens, with or without supplying food, and may include meeting rooms, banquet halls, public dining rooms, and any premises licensed under the *Liquor License Control Act, 2019*, but shall not include boarding, rooming, or lodging houses, taverns and apartment dwellings, but shall include motels and motor inns.

Industrial Use means a building, structure or use pertaining to the manufacturing, assembling, extracting, repairing, packing, bulk storage, and processing of raw materials, goods, and agricultural produce.

Industrial Use, Light means a building, structure or use such as textile production, indoor warehousing or storage, manufacturing furniture, electronics, earthenware, or similar products wherein the use does not emit obnoxious noise, odour, dust, vibration, fumes, or smoke.

Institutional Use means a building, structure, or lot used by an organized body, religious group or society for a non-profit, non-commercial purpose. This definition may include a library, school, college, university, convent, monastery, or similar use.

Kennel means a building or structure where animals are kept.

- - , Boarding means a place where animals are kept, and operated as a commercial business or by the Humane Society as a service to the community, but does not include a Veterinary Clinic. The boarding kennel facility shall be constructed so that animals may be retained indoors between the hours of 8:00 p.m. through 8:00 a.m.
- - , Breeding means any building, structure, dog run, or other facility, or part thereof where animals are kept for the purposes of reproduction, and the use of or sale of the offspring.

Landscaped Open Space means open space comprised of lawn, natural or ornamental shrubs, flowers, and trees and may include space occupied by paths, walks, courts, patios, and pools, but shall not include parking areas, loading spaces, traffic aisles, driveways, or ramps for vehicles, or any open space beneath or within a building or structure.

Land means any ground, soil, or earth whatsoever regarded as the subject of ownership and everything annexed to it whether by nature (such as trees, water) or by man (such as buildings, fences).

Lane means:

- a subsidiary thoroughfare providing access from within a lot, principally from parking or loading spaces to a public street; or
- a subsidiary public thoroughfare for the sole use of pedestrians and connecting public streets, open space, or public buildings.

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Loading Space means a space or bay located on a lot which is used or intended to be used for the temporary parking of any commercial vehicle while loading or unloading goods, merchandise, or materials used in connection with the use of the lot or any building thereon.

Long Term Care Home means a “long term care home” as defined in the Long Term Care Homes Act, 2007, and its successors.

Lot means a parcel or tract of land which is capable of being legally conveyed in accordance with the provisions of the *Planning Act*.

- -, Corner means a lot situated at the intersection of two streets having an angle of intersection of not more than one hundred and thirty-five degrees (135°).
- -, Interior means a lot situated between adjacent lots and having access to one street.
- -, Through means a lot (bounded on two opposite sides by streets) having street frontage on two parallel or approximately parallel streets.
- -, Water means a lot which abuts a shoreline but has no street line. Notwithstanding any other provisions of this By-law, a water lot does not require frontage on an improved street.

Lot Area means the total horizontal area within the lot lines of a lot, excluding the horizontal area of any flood plain or marsh located on such lot.

Lot Coverage means the percentage of lot area covered by the ground floor area of all buildings and structures located thereon.

Lot Frontage means the width of a lot measured between the intersection of the side lot lines with a line back from and parallel to the front lot line, at a distance equal to the minimum required front yard depth.

Lot Line means any boundary of a lot or the vertical projection thereof.

- -, Front means, in the case of an interior lot, the lot line that divides a lot from the street. In the case of a lot fronting onto two or more streets, the shorter lot line that abuts a street shall be deemed to be the front lot line, in the case of a corner lot or through lot having lot lines of equal length abutting both streets, either line may be deemed to be the front lot line, and in the case of a waterfront lot, the shoreline shall be deemed to be the front lot line.
- -, Rear means, in the case of a lot having four (4) or more lot lines, the lot line furthest from and opposite the front lot line. If the lot has less than four (4) lot lines, there shall be deemed to be no rear lot line.
- -, Side means any lot lines other than the front lot line and the rear lot line. In the case of a corner lot, an exterior side lot line shall be the lot line that abuts the street which is not the front lot line, and an interior side lot line shall be the lot line that abuts another lot.

Main Wall means the exterior front, side, or rear wall of a building, and all structural members essential to the support of a fully enclosed space or a roof.

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Manufacturing Industry means an establishment primarily engaged in the fabricating, processing, finishing, refinishing, assembly, or similar production of various articles and commodities, and includes custom workshops, factories, mills, industrial shops, and similar production facilities. This definition shall include cannabis processing facilities.

Medical/Dental Office means a building or part of a building wherein health services are provided to the public in the form of a medical, paramedical, dental, surgical, physiotherapeutic, or other human health services include associated technician and laboratory facilities, and may also include an incidental pharmaceutical outlet for the sale of prescription and therapeutic drugs and medication and other drug store products normally sold in a pharmaceutical outlet, and optical equipment.

Medical Practitioner means a doctor, dentist, chiropractor, chiroprapist, optometrist, oculist, but shall not include a veterinarian.

Mobile Home Park means a lot under single management which has been planned, divided into mobile home sites, improved, and provided with a communal water and sewer service approved by the Ministry of the Environment, Conservation and Parks (MECP) for the placement of mobile homes as a permanent residential use.

Mobile Home Site means the space for the placement of one mobile home and for the exclusive use of its occupants.

Motel: see "Hotel".

Motor Home: see "Recreational Vehicle".

Motor Inn: see "Hotel".

Net Leasable Floor Area means the total floor area of a building designed for tenant occupancy and exclusive use, including basements, mezzanines, upper floors, and other floors, as measured from the centreline of shared partitions and from the interior face of the exterior walls of the building. Excluded are common mall areas and other common areas not designed or occupied by tenants or sales areas.

Non-Complying means a lot, building, or structure which, on the date of the final passing of this By-law, did not comply with one or more of the zone provisions of the zone in which such lot, building or structure is located.

Non-Conforming means a use, building, or structure which, on the date of the final passing of this By-law, was not a permitted use in the zone where such use, building, or structure is located.

Noxious Use means any use which is offensive or dangerous by reason of the emission of odour, smoke, dust, noise, gas, fumes, vibration, or refuse matter.

Nursery means a building, structure, or lot used for the growing of sod, flowers, bushes, trees, or other gardening, landscaping, or orchard stock for wholesale or retail sale.

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Occupancy Permit means a permit issued by the Township Clerk or his appointee which indicates that the proposed use of land or any building or structure on any such land is in conformity with this By-law.

Office means a building or part of a building used or intended to be used in the performance and transaction of business including administrative and clerical activities as well as professional offices but not including the use of manual labour.

Open Space means any portion of a lot which is unoccupied by buildings or structures above ground level and is open to the sky and shall include Landscaped Open Space.

Open Storage means the storage of goods, merchandise, or equipment outside of a building or structure on a lot or portion thereof, including such uses as automobile and trailer sales lots, building materials supply yards 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, or the storage of vehicles or equipment for sale or repair. This definition shall not include the open storage of goods or equipment incidental to the residential occupancy of a lot.

Outdoor Furnace means an appliance located outside of any building or structure, which it is intended to heat by combustion.

Park means an area of land consisting largely of open space which may include a recreational area, playground, playfield, tennis courts, lawn bowling greens, outdoor skating rinks, athletic fields, picnic areas, swimming pools, snow skiing, or similar use.

- - , Public means a park owned and maintained by the Township or other public authority.
- - , Private means a park other than a public park.

Parking Area means an area or structure other than a street used or intended to be used for the temporary storage of motor vehicles and includes a private garage or carport, aisles, driveways, and parking spaces.

Parking Lot means any parking area or structure other than a parking area accessory to a permitted use on the same lot, used for the temporary storage of parking of motor vehicles for hire and gain but does not include the sale of new or used vehicles or the storing of impounded or wrecked vehicles.

Person shall include an individual, an association, a chartered organization, a firm, a partnership, or a corporation, and agent or trustee, and the heirs, executors, or other legal representatives of a person to whom the context can apply according to law.

Personal Service Establishment means a business which is associated with the grooming or health of persons or the maintenance or repair of personal wardrobe articles and accessories, and may include a barber shop, beauty parlour, dressmaking shop, tailor shop, shoe repair shop, photographic studio, self-service laundry or dry cleaning distribution station, or similar use.

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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, dance hall, music hall, bingo halls, amusement arcades, but does not include any place of entertainment or amusement otherwise defined or classified herein.

Plant Materials shall include all indigenous species of grass, flowers, trees, shrubs, and other natural vegetation.

Planting Strip means an area which shall be used for no purpose other than planting and maintaining a row of trees or a continuous unpierced hedgerow of evergreens or shrubs, immediately adjacent to the lot line or portion thereof along which such planting strip is required herein. The remainder of such planting strip shall be used for no purpose other than planting and maintaining shrubs, flowers, grass, or similar vegetation.

Private Swimming Pool means any body of water, permanently located outdoors on privately owned property, contained by artificial means, and used and maintained for the purpose of swimming, wading, diving, or bathing.

Professional Office means any office where professionally qualified persons, technical assistants, and clerical staff are engaged and where clients or patients go for advice, consultation, or treatment, but shall not include a Clinic.

Public Authority means the Township of Hornepayne and any Boards or Commissions thereof, any corporation supplying power, natural gas, telecommunications, or other utility, and any Department of the Government of Ontario and Canada, or other similarly recognized agencies.

Public Use means a building, structure, or lot used for public services by the Township or any Boards or Commissions thereof and any Ministry or Commission of the Governments of Ontario and Canada, any telephone or railway company or similarly recognized agencies.

Recreational Facility means any building or structure or specific area planned for, used for, or related to intensive recreational activities and shall include arenas, campgrounds, picnic areas, beaches, change rooms, outdoor shelters, playground areas and equipment, hiking trails, and the like.

Recreational Vehicle means any vehicle so constructed that it is no wider than 2.5 m (8.2 ft) and is suitable for being attached to a motor vehicle for the purpose of being drawn or is self-propelled, and is capable of being used on a short term recreational basis for living, sleeping, or eating accommodation of persons. The term "Recreational Vehicles" includes the following: motor homes, travel trailers, tent trailers, campers.

Recycling Depot means a special waste management facility which serves as a temporary storage site for clean materials such as glass, paper, cardboard, plastic, metal, and other similar products which will be transferred to another location for reuse. This definition does not include any other type of waste management system.



Restaurant means a building or structure or part thereof where food is prepared and offered for sale to the public for consumption. This definition shall include dine-in and take-out restaurants where consumption may occur on or off-site. A restaurant may also include the licensed sale and consumption of alcoholic beverages.

Restaurant Cart means a building or trailer, even if it is stationary, used on a seasonal basis for the preparation and cooking of a limited selection of meals and the sale of such food and refreshments to the public for consumption on an attached patio or for consumption off the premises. The patio must be used in conjunction with the restaurant cart and means an outdoor area located on the same lot as the restaurant cart, however, the patio area must be more commonly known as a chip stand or hot dog cart.

Retail Store means a building or part of a building wherein merchandise is offered or kept for retail sale upon the premises but does not include any establishment otherwise defined or classified within this By-law with the exception of Department Store. Storage of limited quantities of such merchandise, sufficient only to service such store and the servicing of such merchandise may be permitted in a retail store as ancillary uses, provided such uses are clearly necessary and secondary to the main retailing function of the store. Retail store shall include a cannabis retail store.

Sanitary Sewers means a system of underground conduits, owned and operated either by the Township or by the MECP, which carries sewage to a sewage treatment facility.

School means a school under the jurisdiction of a Board as defined in the Education Act.

Self-storage Facility means lands and buildings used, rented, or leased to persons for the storage of household and personal items, including recreation vehicles and automobiles, within separate units forming part of a wholly enclosed building.

Service Outlet means a building or part of a building whether in conjunction with a retail store or not, used for the repair or servicing of goods, commodities, articles, or materials, but not the manufacturing thereof.

Setback means:

- the smallest horizontal dimension between the property line, measured at right angles to such property line, and the nearest part any building, structure, parking area, open storage use, or excavation on the lot.
- with reference to a water body for which no floodplain mapping is available, the distance between the higher water mark and nearest building line.

Sewage Disposal Site means a site which is licensed or approved by the MECP and/or its agents for the use as a disposal site for sewage and includes a sewage treatment plant, sewage lagoon, or sludge/septage disposal facility.

Shipping Container means any container that is used for the transport of goods by means of rail, truck, or cargo ship. Generally these containers are rectangular in shape and made of metal.

Shopping Centre means a group of commercial and service establishments or uses, related in size and type primarily to the special commodity needs of the community and designed, developed, and managed as a unit whether by a single owner, a group of Owners, or tenants acting in collaboration having the required off street parking and loading facilities provided on site, and should generally include as the primary establishment a Department Store. Generally, but not prerequisite, the public access to individual functions within a Shopping Centre will be from an enclosed common mall area.

Sight Triangle means the triangular space formed by the street lines of a corner lot and a line drawn from a point in one street line to a point in the other street line, each such point being 6.0 m from the point of intersection of the street lines (measured along the street lines). Where the two street lines do not intersect at a 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.

Sign, Legal means a name, identification, description, device, display, or illustration which is affixed to or represented directly or indirectly upon a building, structure, or lot which directs attention to an object, product, place, activity, person, institute, organization, or business and which does not contravene any By-law of the Township or any Regulation of the Government of Ontario or Canada.

Solar Power Installations

- -, Accessory means systems designed to capture the sun's energy and convert it to electricity. Such systems may be tied to the electrical grid, however they are clearly secondary and subordinate in nature to the main use on the property.
- -, Commercial means systems designed to capture the sun's energy for the sole purpose of selling power back to the electrical grid. This definition does not include those installations which have received a Renewable Energy Approval.

Storey means that portion of a building, other than a cellar, between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, that portion between the surface of such floor and the ceiling above it.

- -, First means the lowest storey of a building, wherein the floor is generally at grade elevation and having its ceiling at least 1.8 m (5.9 ft) above **average** finished grade.

Storm Sewers means a system of underground conduits which carries storm surface waters and drainage but excludes sewage and polluted industrial wastes.

Street means a public highway as defined by the *Municipal Act* and *Highway Traffic Act* and shall exclude a lane, right-of-way, unopened road allowance, or any street on a Registered Plan of Subdivision which has been deemed not to be a Registered Plan of Subdivision under Section 50(4) of the *Planning Act*, or which has not been assumed by the Township.

Street Line means the boundary of the right-of-way of the street.

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Structure means anything constructed or erected, either permanent or temporary, the use of which requires location on the ground or attachment to something having location on the ground.

Tourist Facilities means facilities and/or buildings and/or structures which offer services intended primarily for tourists and vacationers. This includes tourist lodging facilities; craft and antique shops; one (1) accessory dwelling unit either attached or detached, accessory to and on the same lot as a permitted use; uses accessory to the foregoing excluding bed and breakfasts.

Tourist Lodges means facilities and/or buildings and/or structures to be used for the purpose of sleeping accommodation on a temporary basis by tourists and vacationers.

Trailer means any vehicle designed to be towed by a motor vehicle.

Use means the purpose for which any land, building, or structure, or any combination thereof is designed, arranged, occupied, or maintained.

Utility means “a Public Utility” as defined by the *Public Utilities Corporation Act* and amendments thereto.

Variance, Minor means a variance from any provision of this By-law in respect to the land, building, or structure, or the use thereof, which is desirable for the appropriate development of the land, building, or structure and which maintains the general intent and purpose of the By-law and of the public policies implemented by the By-law.

Vehicle means an automobile, boat, commercial motor vehicle, farm implement, motorcycle, recreational vehicle, snowmobile, or trailer.

Vehicle Sales or Rental Establishment means an establishment having as its main use the storage of vehicles for sale, rent, or lease. Accessory uses may include facilities for the repair or maintenance of such vehicles.

Veterinary Establishment means a building or part of a building used by a veterinary surgeon for treating domestic animals, birds, or other livestock but shall not include a commercial kennel or research facility.

Warehouse means a building or portion of a building used or intended to be used for the bulk storage of goods, commodities, wares, merchandise, or materials.

Waste Disposal

- - Site means a place, approved by the MECP, where ashes, garbage, refuse, domestic waste, industrial waste, or municipal refuse is disposed of or dumped. This definition shall not include a sewage treatment plant, lagoon, or sludge disposal area.
- - Buffer means an area of land around a waste disposal site on which no waste of any kind shall be deposited which will be used to facilitate noise, dust and odour control, minimize the spread of litter, mitigate visual impacts and allow for the attenuation of landfill leachate.

Water Supply means a distribution system of underground piping and related storage, including pumping and purification appurtenances, operated by the Township and/or the MECP and/or any public utilities commission for public use.

Water Supply Plant means a building or structure, approved by the MECP, where water is treated for human consumption.

Wayside Pit or Quarry means a temporary source of consolidated or unconsolidated aggregate opened by or for a public road authority for the purpose of public road construction.

Wetlands means lands that are seasonally or permanently covered by shallow water as well as lands where the water table is close to or at the surface. In either case, the presence of abundant water has caused the formation of hydric soils (soils in which there is an abundance of moisture) and has favoured the dominance of either hydrophytic or water tolerant plants. The four major categories of wetlands are swamps, marshes, bogs, and fens.

Wetland Area means a continuous Wetland which may be composed of one or more Wetland category.

- Adjacent Lands means those lands within 120 m (394 ft) of an individual Wetland Area.

Wholesale Establishment means a building or part of a building used or intended to be used for the bulk storage and sale of quantities of goods, commodities, wares, merchandise, and materials for resale or business use.

Wind Turbine/Generating System

- -, Accessory means a structure or structures which harness wind energy for the primary purpose of on-site consumption. Such structures can be tied into the electrical grid; however their primary purpose is to provide power to the buildings and uses located on-site.
- -, Commercial means a structure or structures which harness wind energy for the sole purpose of selling it back to the electrical grid for off-site consumption. This definition does not include those installations which have received a Renewable Energy Approval.

Yard means an open uncovered space appurtenant to a building or structure.

- -, Front means the space extending across the full width of a lot between the front lot line and nearest part of any main building or structure on the lot.
- -, Minimum means the space measured from the lot line, the minimum depth of which is regulated by the provisions of this By-law.
- -, Rear means the space extending across the full width of a lot between the rear lot line and the nearest part of any main building or structure on the lot.
- -, Side means the space extending from the front yard to the rear yard between the side lot line and the nearest part of any main building or structure on the lot.

Exterior Side Yard means a side yard immediately adjacent to a street.

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Interior Side Yard means a side yard other than an exterior side yard.

Zone means:

- a land use category as defined and regulated in this By-law; or
- a designated area of land use shown on the Schedule of this By-law.

Zoning Administrator means the officer or employee of the Township charged with the duty of enforcing the provisions of this By-law.

## 3.0 General Provisions

### 3.1 Accessory Uses

Where this By-law provides that land may be used or a building or structure may be erected or used for a purpose, that purpose shall include any accessory building or accessory use incidental thereto, in accordance with the following provisions:

- a) An accessory building shall not be erected prior to the erection of a dwelling on the same lot except where it is necessary for the storage of tools and materials for use in connection with the construction of such dwelling and does not exceed 10 sqm (108 sqft) in area and no accessory building shall be used prior to the erection of such dwelling for any purpose other than such storage.
- b) The use of any accessory building or structure for human habitation is not permitted except where a dwelling or guest cabin is a permitted accessory use or as permitted under Section 3.1.1. The use of any accessory building or structure for the keeping of animals, other than domestic pets, is not permitted in any Residential Zone or the Recreational Residential Zone.
- c) No accessory building shall exceed 5.0 m (16.4 ft) in height in a Residential Zone, nor be built within 2.0 m (6.6 ft) of the main building in all zones.
- d) In a Residential Zone or on a lot used for residential purposes, accessory buildings or structures shall not be located closer than 1.2 m (3.9 ft) to any interior side or rear lot line, except where a detached mutual private garage is erected on the common side lot line between two lots, in which case no interior side yard is required.

#### 3.1.1 Secondary and Additional Dwelling Units (basement apartments, in-law suites) and Garden Suites

In Residential Zones, the use of two residential units in a detached house, semi-detached house, or rowhouse; and the use of a residential unit in a building or structure accessory to a detached house, semi-detached house, or rowhouse is permitted. In certain commercial zones, the use of a residential unit accessory to a permitted commercial use is permitted.

Where these uses are permitted, they are subject to the following provisions:

- a) Parking shall be provided in accordance with Section 3.16, and tandem parking in the existing driveway is permitted;
- b) Accessory apartments are permitted in a detached dwelling and/or accessory structure which are serviced by private, individual systems, provided it can be demonstrated that the private sewage disposal system can accommodate the change in use; and
- c) Garden suites must comply with the setbacks for accessory buildings.

Notwithstanding the provisions of this By-law, no dwelling unit shall be located in a non-residential building that is used for commercial garage.

### 3.1.2 Outdoor Furnaces

An outdoor furnace shall only be permitted on lots having an area of 1.0 ha (2.5 ac) or greater in the RR, RR1, and RU Zones, subject to the following provisions:

- a) The furnace is located at least 15 m (49 ft) from any lot line and from the principle dwelling;
- b) The furnace is located at least 3.0 m (9.8 ft) from any trees or non-habitable structures;
- c) The furnace is located at least 100 m (328 ft) from any existing dwellings on adjacent lots;
- d) The furnace is not located in the front yard;
- e) The top of the furnace chimney shall be a minimum of 3.0 m (9.8 ft) above the adjacent ground and shall be equipped with a spark arrestor and a rain cap.

### 3.1.3 Portable Garages

Portable garages are permitted in all residential zones, subject to the following provisions:

- a) Such structure may be permitted on a year-round basis, provided it is located a minimum of 3.0 m (9.8 ft) behind the front building setback;
- b) Such structure may be permitted in the front yard on a temporary basis from October 1 to May 15; and
- c) Such structure is maintained in good condition and torn material shall be replaced.

### 3.1.4 Renewable Energy Accessory Uses

Accessory solar power installations may be installed in any zone, subject to the following provisions:

- a) Freestanding accessory structures shall not be located in the front yard.

Structures which harness wind energy for the primary purpose of on-site consumption may only be erected in Rural Zones, subject to the following provisions:

- b) Such structures are restricted to a maximum height of 17 m (56 ft); and
- c) Such structures are setback from the lot line by the maximum height of the structure (i.e. to the tip of the blade).

### 3.1.5 Shipping Containers

A maximum of two shipping containers are permitted in the rear yards of the C2, M1, M2, and RM zones, subject to the following conditions:

- a) The shipping container is only used for storage purposes and not used to accommodate work areas, shops, office uses, or retail sales;
- b) There is a 10 m (33 ft) setback from any lot line abutting a residential zone;
- c) The shipping container is maintained to the Township's satisfaction (i.e. painted and not rusted) and is not visible from the road;



- d) The shipping container is anchored to the ground in accordance with the Ontario Building Code; and
- e) An Engineer's report is required in accordance with the Ontario Building Code.

### 3.1.6 Swimming Pools

In a Residential Zone, a private swimming pool or hot tub and structures in conjunction with such a swimming pool or hot tub may be erected and used in the required interior side yard or rear yard in accordance with the following:

- a) Every outdoor swimming pool that is capable of holding a depth of 0.6 m (2 ft) of water or more at its deepest point (including seasonal pools) shall be enclosed in a secure and safe manner by a combination of fence, building wall, pool wall, gate, door, or other structure. Such fence or other structure shall have a minimum height of 1.2 m (4 ft) and shall not have any gaps larger than 0.1 m (4 in);
- b) No part of such swimming pool or hot tub shall be located closer than 1.5 m (4.9 ft) to any rear or side lot line; and
- c) No water circulating or treatment equipment such as pumps or filters shall be located closer than 1.5 m (4.9 ft) to any interior side or rear lot line, unless it is within a building.

### 3.2 Automobile Services Stations and Commercial Garages

- 1) Where commercial garages and gas bars are permitted, the following provisions shall apply:

Lot Frontage (min)	60 m (197 ft)
Lot Depth (min)	
- Corner Lot	- 60 m (197 ft)
- Interior Lot	- 45 m (148 ft)
Yard Requirements, Buildings and Pumps (min)	
- Front / Exterior Side	- 15 m (49 ft)
- Rear	- 7.5 m (25 ft)
- Interior Side	- 4.5 m (15 ft)
Yard Requirements, Pump Island (any portion) (min)	
- Front / Exterior Side	- 6.0 m (20 ft)
Driveways	
- Setback from intersection of two street lines (min)	- 9.0 m (30 ft)
- Width at street line (min)	- 8.0 m (26 ft)
- Width at street line (max)	- 9.0 m (30 ft)
- Distance between driveways (min)	- 9.0 m (30 ft)
- Setback from property lines (min)	- 3.0 m (9.8 ft)

- 2) Where a commercial garage or gas bar abuts a street or residential zone, a 3.0 m (9.8 ft) strip of landscaped open space shall be provided and maintained along such street line or property line and shall be continuous except for driveway accesses.

- 3) A permitted dwelling unit shall not be attached to a building used as an automobile service station or a commercial garage.

### 3.3 Construction Uses

- 1) A building or structure, incidental to construction on the lot where such building or structure is situated, is permitted in all zones for as long as it is necessary for the work in progress and until the work is completed or abandoned, and only while a valid building permit for such construction remains in force.
- 2) “Abandoned” in this subsection means the failure to not proceed expeditiously with the construction work or the failure to not undertake any construction work during a continuous 6-month period.

### 3.4 Encroachments into Required Yards

Notwithstanding the yard and setback provisions of this By-Law to the contrary, the following projections into yards are permitted as specified herein:

<i>Type of Structure</i>	<i>Location and Size of Projection Permitted</i>
Ornamental structure: chimneys, cornices, eaves, gutters, parapets, pilasters, or other ornamental structures	Any required yard a maximum distance of 0.6 m (2.0 ft)
Drop awnings, clothes poles, flag poles, garden trellises, fences, or retaining walls	Any required yard in any location
Unenclosed porch, balcony, patio or steps	Any required yard a maximum distance of 1.5 m (4.9 ft) provided that in the case of a porch or steps such uses are not more than 1.8 m (5.9 ft) above grade
Unenclosed fire escape and the structural members necessary for its support	Any required yard or setback a maximum distance of 1.2 m (3.9 ft)
Gate (guard) house in an Industrial Zone	Front or side yard in any location

#### 3.4.1 Building in Built-up Area

Notwithstanding the provisions of this By-law to the contrary, where a detached dwelling or accessory use thereto is to be erected in a built-up area where there is an established building line, such dwelling or accessory use may be erected closer to the street line, than required by this By-law provided such dwelling or accessory use is not erected closer to the street line than the established building line on the date of passing of this By-law and further provided that in no case shall any building be erected closer than 3.0 m (9.8 ft) from the front lot line and need not be set back a distance greater than setback regulations prescribed in the zone in which it is situated.

### 3.5 Flood Plain Hazard (HAZ) Overlay

Notwithstanding any other provision of this By-law to the contrary, within the areas shown as Flood Plain Hazard (HAZ) Overlay, the following shall apply:

- a) Legally existing buildings and structures shall be permitted;

- b) New additional bedrooms or dwelling units are not permitted below the regulatory flood plain elevation; and
- c) No new buildings or structures shall be erected or used except for flood or erosion control or for providing access and only in accordance with any regulations of, and subject to the approval of the Ontario Ministry of Natural Resources and Forestry and, where applicable, pursuant to the *Lakes and Rivers Improvement Act, Fisheries Act, or Public Lands Act*.

### 3.6 Frontage on Public Roads or Private Roads with Agreement

No person shall erect any building or structure in any zone unless the lot upon which such building or structure is to be erected fronts upon a street or road that is open and maintained by a public road authority on a year round basis, except as otherwise permitted by this By-law.

Notwithstanding the foregoing, permitted uses may be erected on a lot which abuts a legal right-of-way and has a legal agreement regarding access and maintenance registered on title.

### 3.7 Height Exceptions

Notwithstanding the height provisions, nothing in this By-law shall apply to prevent the erection of a church spire, flag pole, belfry, clock tower, chimney, farm building or structure other than a dwelling, silo, water tank, windmill, solar collector, radio, radar, or television tower or antenna, or drive-in theatre screen.

### 3.8 Home-Based Businesses

- 1) The following uses shall be considered permitted accessory uses to any residential use:
  - Domestic Arts: Instruction in or business involving music, religion, dancing, arts and crafts, sewing, hairdressing, baking, catering, or similar activities.
  - Professional Uses: An office or consulting room for a physician, surgeon, dentist or other medical practitioner, academics, drafting, insurance agent, lawyer, engineer, architect, accountant, salesperson, building contractor, or persons engaged in a similar occupation.
- 2) Permitted accessory home-based businesses are subject to the following provisions:
  - a) There shall be no external display or advertising other than a legal sign, indicating that a part of the dwelling is being used for a purpose other than residential.
  - b) There shall be no goods, wares, or merchandise, other than arts and crafts or foods produced on the premises, offered or exposed for sale or rent. In the case of home baking or catering there shall be no area for consumption on the premises.
  - c) The activity shall not create or become a nuisance, in particular, in regard to noise, odour, vibration, traffic, or parking.
  - d) No mechanical or electrical equipment is used except that which is reasonably consistent with the use of a dwelling.
  - e) Parking requirements shall be calculated as per Section 3.16 of the Zoning By-law.
  - f) Home-based businesses may be subject to Site Plan Control.

- 3) In R1 and R2 Zones the following additional provisions shall apply:
  - a) No more than one person, other than someone residing on the premises, shall be engaged in the business.
  - b) No more than 25% or 40 sqm (431 sqft) of the total floor area of the dwelling, whichever is the lesser, shall be used for such purposes.
  - c) The home-based business shall be clearly secondary to the main residential use and shall not change the residential character of the dwelling.
- 4) In the Rural Zones, rural home-based businesses, shall be permitted in accordance with the following provisions:
  - a) The following additional uses shall also be considered permitted accessory uses to any single dwelling in a Rural Zone:
    - The retail sale of produce grown on the lot, the retail sale of goods made using produce grown on the lot, and a veterinarian's office.
  - b) The following additional uses shall be considered permitted accessory uses to a dwelling accessory to an agricultural use where the agricultural use is the main use of the lot:
    - The retail sale of agricultural equipment and supplies or a service outlet for agricultural equipment and supplies.
  - c) No more than two persons shall be employed on the premises in the rural home-based business.
  - d) No more than 25% of the floor area of the dwelling unit and no more than 50 sqm (538 sqm) in one accessory building shall be used for the rural home-based business.
  - e) Such rural home-based business shall be clearly secondary to the main rural use and shall not change the rural character of the dwelling or lot.
  - f) There shall be no open storage of materials, supplies, tools, equipment, or goods which are used for, or result from the rural home-based business, unless such open storage is a minimum of 13 m (43 ft) from any lot line and a minimum of 45 m (148 ft) from a residential use on another lot.

### 3.9 Landscaping

Where a lot is used for a Commercial or Industrial purpose and the interior side or rear lot line abuts a Residential or Open Space Zone, then a strip adjoining such abutting lot line shall be used for no purpose other than a planting strip in accordance with the following provisions:

- 1) The required planting strip shall be a minimum width of 3.0 m (9.8 ft).
- 2) A planting strip shall be used for no other purpose than a continuous fence or hedge row of evergreens or shrubs, not less than 1.5 m (4.9 ft) high immediately adjoining the lot line or portion thereof along which such planting strip is required herein, provided that no fence or hedge row shall be required or permitted to a height in excess of 1.0 m (3.3 ft) closer to a street line than the required yard depth.

- 3) In all cases where ingress and egress driveways or walks extend through a planting strip, it shall be permissible to interrupt the strip within 3.0 m (9.8 ft) of the edge of such driveway or within 1.5 m (4.9 ft) of the edge of such walk.
- 4) A planting strip referred to in this subsection may form part of any landscaped open space required by this By-law.

### 3.10 Lots in More than One Zone

Where a lot is divided into more than one zone, each such portion of the lot shall be used in accordance with the provisions of this By-law for the zone where such portion of the lot is located. Each such portion of the lot shall be considered as a separate lot for the purpose of determining zone provisions. Notwithstanding the foregoing, for lots which are partially in a holding zone of the “h” type or in the Hazard Zone, the entire lot shall be used to determine zone requirements such as area, frontage, coverage, and setbacks.

### 3.11 Municipal Services

No person shall hereafter erect and use in whole or in part any building or structure without municipal piped services for any purpose in the R1, R2, C1, C2, M1, M2, and I Zones, except where specifically permitted as an exception to this By-law.

### 3.12 Non-Complying Buildings, Structures, and Lots

#### 3.12.1 Alterations to Non-Complying Buildings and Structures

Nothing in this By-law shall prevent the enlargement, reconstruction, renovation, or repair of an existing non-complying building or structure provided such enlargement, reconstruction, renovation, or repair shall not further the non-compliance with the By-law or contravene any other zone provisions.

#### 3.12.2 Use of Undersized Lots

Where a lot having less than the minimum lot area or frontage required by this By-law, exists on the date of passing of this By-law or is increased in area or frontage but still does not meet the minimum area or frontage requirements of this By-law, such lot may be used for a purpose permitted in the zone in which it is located provided that all other applicable provisions in this By-law are met.

#### 3.12.3 Expropriation and/or Road Widening

If any legally existing building or structure would become non-complying as a result of a road widening or an expropriation, by having any yard reduced, the said existing building or structure shall be deemed to be complying for the purposes of this By-law.

If any legally existing lot would become non-complying as a result of a road widening or an expropriation, by having its lot area and/or lot frontage reduced, the said existing lot shall be deemed to be complying for the purposes of this By-law.

### 3.13 Non-Conforming Buildings and Structures

#### 3.13.1 Rebuilding, Repair, and Strengthening Permitted

Nothing in this By-law shall prevent the rebuilding, repair, or strengthening to a safe condition, including the installation of eaves troughs, siding, brick, or insulation, of a non-conforming building or structure that is damaged subsequent to the date of passing of this By-law, provided that the floor area of the original building or structure is not increased, and the use of the building or structure is not altered, unless altered to a permitted use.

#### 3.13.2 Change of Use

The use of any lot, building, or structure which is not permitted in the zone in which it is located shall not be changed except to a use which is listed as a permitted use in such zone or to a use which is authorized by Council pursuant to its powers under the *Planning Act*.

### 3.14 Noxious Uses

No use shall be permitted which from its nature or the materials used therein, is declared to be a noxious trade, business, or manufacture.

### 3.15 Occupancy Restrictions

No human habitation nor an occupation or activity conducted for gain or profit unless specifically permitted elsewhere in this By-law shall be permitted in the following buildings, structures, or parts thereof:

- 1) any truck, bus, coach, or streetcar body whether or not the same is mounted on wheels;
- 2) any cellar, as defined in this By-law; and
- 3) any trailer or recreational vehicle.

### 3.16 Open Storage

Open Storage shall be restricted to the Highway Commercial and Industrial Zones in accordance with the following:

- 1) In the C2 Zone, open storage shall not be permitted within any front, side, or rear yard where the C2 Zone abuts any Residential or Institutional Zone.
- 2) In the M1 and M2 Zones, open storage shall not be permitted within any front yard nor within the minimum side or rear yard where these zones abut any Residential or Institutional Zone.
- 3) A strip of landscaped open space, a minimum of 3.0 m (9.8 ft) wide shall be provided around all sides of an open storage area which abut adjacent properties.
- 4) Where open storage areas abut Residential or Institutional Zones, the required landscaped open space must also include visual screening. Any combination of plant materials, landscaped berms, or fencing may be used, but such materials must provide an effective visual screen between the open storage areas and the abutting properties.
- 5) Any areas used for open storage shall be in addition to any minimum off-street parking or loading areas required by this By-law.

### 3.17 Parking Requirements

#### 3.17.1 Number of Spaces Required

- 1) The owner of every building or structure erected or used for any of the purposes hereinafter set forth shall provide and maintain for the sole use of the owner, occupant, or other persons entering upon or making use of the said premises from time to time, parking spaces and areas as follows:

<i>Type of Building</i>	<i>Minimum Parking Required</i>
Apartment dwelling, townhouse, retirement home	1.5 parking spaces per dwelling unit of which 10% shall be designated for guest parking areas
Boarding house	1 parking space per unit or guest room
Residential dwelling unit in a non-residential building	1 parking space per dwelling unit
Secondary unit, additional residential unit, and garden suite	1 parking space per dwelling unit
All other residential dwelling units	2 parking spaces per dwelling unit
Building supply outlet or similar use	1 parking space per 45 sqm (484 sqft) floor area
Clinic	5 parking spaces for each doctor or practitioner.
Child care centre	2 parking spaces when accessory to a residential use, otherwise, 1 per 40 sqm (431 sqft) net floor area
Church, funeral home, auditorium, restaurant, arena, or other places of assembly	Where there are fixed seats, 1 parking space for every 5 seats or 3.0 m (9.8 ft) of bench space, where there are no fixed seats, 1 parking space for each 9 sqm (97 sqft) of floor area devoted to public use
Convenience store	1 parking space per 20 sqm (215 sqft) floor area
Heavy equipment sales outlet	1 parking space per 45 sqm (484 sqft) floor area
Hospital or institution	1 parking space for each 2 beds or 40 sqm (431 sqft) of floor area whichever is greater, plus 1 additional space for each resident doctor or resident employee
Hotel, motel, tourist cabin, bed and breakfast establishment, and campground	1 parking space per unit or guest room or campsite, and 1 additional parking space for each 9 sqm (97 sqft) of floor area devoted to public use
Industrial use	1 parking space for every 90 sqm (969 sqft) of total floor area plus 1 parking space per 30 sqm (323 sqft) accessory office
Office, financial institution, including a home-based business office	1 parking space per 30 sqm (323 sqft) of office floor area
Other commercial uses	1 parking space for each 30 sqm (323 sqft) of total floor area, exclusive of accessory office space



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<i>Type of Building</i>	<i>Minimum Parking Required</i>
Personal service shop	1 parking space per 20 sqm (215 sqft) floor area
Recreational facility, unless otherwise listed	1 parking space for each 2 persons in the designed capacity of the establishment
Retail store	1 parking space per 20 sqm (215 sqft) floor area
Schools	1.5 parking spaces for each teaching area, plus 1 separate bus loading area per 2 teaching areas
Warehouse	1 parking space per 90 sqm (969 sqft) floor area plus 1 parking space per 30 sqm (323 sqft) accessory office

- 2) When a building or structure accommodates more than one type of use, as defined in this By-law, the parking space requirement for the whole building shall be the sum of the requirements for the separate parts of the building occupied by the separate types of use.

### 3.17.2 Parking Area Requirements

- 1) The parking area shall be located on the same lot as the use it is intended to serve except in the case of the General Commercial (C1) Zone, where the parking area may be allocated in an off-street parking lot.
- 2) No parking shall be permitted within 8.0 m (26 ft) of the highwater mark or within any 3.0 m (9.8 ft) of lot line abutting a lot in a Residential Zone.
- 3) Each parking space shall be at least 3.0 m (9.8 ft) by 6.0 m (20 ft) and shall be provided with unobstructed access to a street by a driveway, aisle, lane, or private road;
- 4) Accessible parking spaces shall meet the Ontario Integrated Accessibility Standards Regulation 191/11 or its successors. Refer to Appendix A for more information on requirements at the time of the writing of this By-law.
- 5) Notwithstanding the yard and setback provisions of this Bylaw to the contrary, uncovered surface parking areas, in other than Residential Zones, shall be permitted in any required yard or in the area between the road or street line and the required setback provided no part of the parking area, other than a driveway, is located closer than 1.0 m (3.3 ft) to any road or street line. In Residential Zones no parking shall be permitted in the required front yard of any lot except on a driveway of 6.0 m (20 ft) maximum width.
- 6) Where a parking area is situated in a Residential Zone and is designed to accommodate more than six (6) automobiles, a strip of land not less than 3.0 m (9.8 ft) wide, around the periphery of the parking area, shall not be used for any purpose other than landscaping but this shall not prevent the provision of entrances or exits to said parking area across the strip.

### 3.17.3 Parking Area Surface

In a Commercial or Industrial Zone, a parking area and driveway connecting the parking area with a street shall be maintained with a stable surface that is treated so as to prevent the raising of dust or loose particles. The parking area and driveway shall be constructed of crushed stone, slag,

gravel, crushed brick, cinders, asphalt, concrete, Portland cement binder, or like material and made with provisions for drainage facilities.

#### 3.17.4 Ingress and Egress

- 1) Ingress and egress, to and from the required parking spaces and areas shall be provided by means of unobstructed driveway aisles at least 4.0 m (13 ft) but not more than 9.0 m (30 ft) in width.
- 2) The maximum width of any joint ingress and egress driveway measured along the street line shall be 9.0 m (30 ft).
- 3) The minimum distance between a driveway and an intersection of street line shall be 7.5 m (25 ft).
- 4) The minimum angle of intersection between a driveway and a street line shall be sixty (60) degrees.
- 5) Every lot shall be limited to the following number of driveways: a) up to the first 30 m (98 ft) of frontage not more than two (2) driveways; and b) for each additional 30 m (98 ft) of frontage not more than one (1) additional driveway.

#### 3.17.5 Illumination

Where parking areas are illuminated, lighting fixtures shall be so arranged that no part of any fixture shall be more than 9.0 m (30 ft) above the finished grade of the parking area. Fixtures shall be so designed and installed that the light is directed downward and deflected away from adjacent lots, roads and streets.

#### 3.17.6 Addition to Building or Structure

When a building or structure has insufficient parking area at the date of passing of this By-law to comply with the requirements herein, this By-law shall not be construed to require that the deficiency be made up prior to the construction of any addition. No addition may be built, however, and no change of use may occur, the effect of which would be an increase in that deficiency.

#### 3.17.7 Use of Parking Spaces and Areas

Any area where off-street parking is permitted under this By-law shall be used for no other parking purpose than for the parking of operative passenger vehicles and commercial vehicles used in operations incidental to the permitted uses on the lot, all bearing currently valid licence plates.

#### 3.18 Public Uses Permitted

The provisions of this By-law shall not apply to the use of any land or to the erection or use of any building or structure for the purpose of public service by the Township of Hornepayne and/or any Public Authority, or Ministry of the Government of Ontario or Canada, including Hydro One Networks Inc., or any telephone, broadband, cellular or gas company, provided that where such land, building, or structure is located in any zone:

- 1) no goods, material or equipment shall be stored in the open, except as permitted in such zone;
- 2) the lot coverage and yard requirements described for such zones shall be complied with; and

3) parking and loading requirements as contained in this By-law shall be complied with.

Nothing in this By-law shall prevent the installation of a watermain, sanitary sewer main, storm sewer main, gas main, pipeline, or overhead or underground hydro and telephone line provided that the location of such main or line has been approved by the Township.

### 3.19 Recreational Vehicles

#### 3.19.1 Habitation Prohibited without Primary Use

Use of a recreational vehicle for habitation for any time period is prohibited on any lot in any zone without a primary use.

#### 3.19.2 Temporary use Permitted with Primary use

Use of a recreational vehicle for temporary habitation is permitted on a lot with a primary residential use for a period of up to 14 days.

#### 3.19.3 Storage regulations

Storage of a recreational vehicle may only occur on a residential lot, or accessory to a permitted residential use in accordance with the following provisions.

- a) Storage of a recreational vehicle is not permitted on a lot without a primary use.
- b) Such vehicle shall be permitted in a garage, carport, or other building;
- c) Such vehicle shall not be located in the front or exterior side yard or any required parking space or sight triangle;
- d) Such vehicle shall comply with the setback for accessory structures (1.2 m) (3.9 ft) from an interior side or rear lot line.

### 3.20 Sight Triangles

Notwithstanding any provisions of this By-law to the contrary, within any area defined as a sight triangle, the following uses shall be prohibited:

- 1) a building, structure, or use which would obstruct the vision of drivers of motor vehicles;
- 2) a fence or tree, hedge, bush, or other vegetation, the top of which exceeds 1.0 m (3.3 ft) in height above the elevation of the centrelines of abutting streets;
- 3) a parking area; and
- 4) a finished grade which exceeds the elevation of the centrelines of abutting streets by more than 0.5 m (1.6 ft).

### 3.21 Signs

The provisions of this By-law shall not apply to prevent the erection, alteration, or use of any legal sign provided that such sign complies with the provisions of this By-law regarding sight triangles.

### 3.22 Temporary Uses

- 1) Any temporary construction facility such as a shed, scaffold, sales office, temporary accommodation facility such as a recreational vehicle, and equipment incidental to building on the premises for a maximum period of two years shall be permitted in any zone. Temporary

accommodation will only be permitted in the case when an existing dwelling is damaged to the extent that it becomes inhabitable and for the time period while reconstruction of the dwelling is in progress.

- 2) Other temporary uses may be authorized from time to time by Zoning By-law amendment pursuant to Section 39 of the *Planning Act*.

### 3.23 Wayside Pits and Quarries

Wayside pits and quarries and portable asphalt plants are generally permitted throughout the Township without the need to amend the Zoning By-law, provided no severe environmental disruption will occur and the site is not within a Residential Zone, wetland, or watercourse. The Township shall require a rehabilitation plan as a condition of approval.

## 4.0 Zones

For the purpose of this By-law all land within the boundaries of the Township of Hornepayne is hereby divided and established into Zones which are shown on the attached Schedules by the accompanying symbols:

- R1 Low Density Residential
- R2 Medium Density Residential
- C1 General Commercial
- C2 Highway Commercial
- M1 Light Industrial
- M2 Heavy Industrial
- MD Disposal Industrial
- MX Extractive Industrial
- MR Rural Industrial
- I Institutional
- OS Open Space
- RR Rural Residential
- RR1 Recreational Residential
- RU Rural
- HAZ Hazard Lands (overlay)

In addition, the following suffixes may be used in conjunction with any of the foregoing zones, in which case, the relevant provisions of Section 4.4 or 4.5 will apply respectively:

- -(numeral): special exception zone
- -h : holding zone
- -T: temporary use

## 4.1 Schedules

The aforementioned zones together with the zone boundaries are shown on the attached Schedule "A" and Schedule "B" which forms part of this By-law.

## 4.2 Boundaries of Zones

Where the boundary of any zone, as shown on the attached Schedules are uncertain, the following provisions shall apply:

- 1) where the boundary is indicated as following a street, lane, railway right-of-way, or other right-of-way, then the boundary shall be the centre line of such street, lane, railway, right-of-way, or other right-of-way;

- 2) where the boundary is shown as approximately following a lot line or an extension of a lot line on a registered plan of subdivision or registered survey plan, the lot line or extension thereof shall be the boundary;
- 3) where the boundary is shown as approximately following a watercourse, then the highwater mark shall be the boundary where no flood plain mapping exists. In the case where 1:100 year floodline is available, the boundary shall be the 1:100 year floodline; and
- 4) where uncertainty exists as to the boundary of any zone, then the location of such boundary shall be determined from the original Schedules which are available at the Clerk's office.

#### 4.3 Streets and Rights-of-Way

A street, lane, railway right-of-way, or other right-of-way shown on the attached Schedules shall be included, unless otherwise indicated, with the zone of adjoining property on either side thereof.

#### 4.4 Special Exception Zones

Where a zone symbol is followed by a dash and a number (for example "M1-1"), the lands so designated shall be subject to all of the provisions of the zone represented by such symbol, except as otherwise provided by the special exception provisions of the zone. These special provisions are listed separately under the appropriate zone (e.g. M1) in the text of this By-law.

#### 4.5 Holding Zones

Any parcel or area of land may be further classified as a holding zone with the addition of the suffix "-h". The intent is to signify Council's approval in principle to future development of the land for the purposes indicated by the symbol. The holding classification added to a given zone shall restrict development of the land until the requirements of the Official Plan related to holding zones have been met.

- 1) 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 uses existing for such land, building, or structure on the date of passing of this By-law.
- 2) Any change from the holding status shall require an amendment to this By-law, and the Township may require that the applicant enter into an agreement for the development of his/her lands prior to the amendment being approved.

#### 4.6 Building, Structure, and Use Classification

The buildings, structures, and uses specifically named as permitted uses in a particular zone are the only uses permitted in the particular zone in which they are named and classified.

#### 4.7 Temporary Use By-laws

Temporary use By-laws may have been passed by the Township to allow temporary uses pursuant to Section 39 of the *Planning Act*. Temporary uses are shown on the schedules as special

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exceptions and details concerning the temporary use are included in the special exception text within the specific zone category.

## 5.0 Low Density Residential (R1) Zone

### 5.1 Permitted Uses

- Single detached dwellings
- Duplex dwellings
- Semi-detached dwellings
- Group homes
- Bed and Breakfasts
- Secondary and additional dwellings units, in accordance with Section 3.1.1
- Home-based businesses
- Accessory uses

### 5.2 Zone Provisions

No person shall hereafter use any lands, or erect, alter, enlarge, or use any building or structure in the R1 Zone except in accordance with the provisions of this Section, Section 3.0 General Provisions, and other relevant Sections of this By-law.

	Single Detached	Semi-detached and Duplex
Lot Area (min)	500 sqm (5,382 sqft)	300 sqm (3,229 sqft) per unit
Lot Frontage (min)	16 m (53 ft)	9 m (30 ft) per unit
Yard Requirements (min)		
- Front / Exterior Side	- 7.0 m (23 ft)	- 7.0 m (23 ft)
- Rear	- 7.0 m (23 ft)	- 7.0 m (23 ft)
- Interior Side	- 1.2 m (3.9 ft) + 0.5 m (1.6 ft) for each storey above the first	- 2.0 m* (6.6 ft)
Building Height (max)	10 m (33 ft)	10 m (33 ft)
Lot Coverage (max)	40%	40%
Dwelling Units per Lot (max)	1 plus accessory apartments/additional dwelling units in accordance with Section 3.1.1	Duplex: 2 Semi-detached: 2 plus accessory apartments/additional dwelling units in accordance with Section 3.1.1
*For semi-detached dwellings, no minimum side yard will be required between two adjoining units.		

### 5.3 Special Exception Zones

#### 5.3.1 R1-1 Partial Services (various locations)

Notwithstanding the provisions of Section 3.10, on lands in the R1-1 zone, development of the lot on partial services is permitted in accordance with the provisions of the R1 Zone.



**5.4 Holding Zones**  
Reserved.

## 6.0 Medium Density Residential (R2) Zone

### 6.1 Permitted Uses

- R1 uses, in accordance with the provisions of Section 5.2
- Triplex dwelling
- Rowhouse dwelling
- Apartment dwelling
- Boarding/rooming house
- Secondary and additional dwellings units, in accordance with Section 3.1.1
- Home-based businesses
- Accessory uses

### 6.2 Zone Provisions

No person shall hereafter use any lands, or erect, alter, enlarge, or use any building or structure in the R2 Zone except in accordance with the provisions of this Section, Section 3.0 General Provisions, and other relevant Sections of this By-law.

	Rowhouse	Triplex/Apartment Dwelling	Boarding/Rooming House
Lot Area (min)	250 sqm (2,691 sqft)/unit	105 sqm (1,130 sqft)/unit	650 sqm (6,997 sqft)
Lot Frontage (min)	25 m (82 ft)	20 m (66 ft)	20 m (66 ft)
Yard Requirements (min)			
- Front / Exterior Side	- 7.0 m (23 ft)	- 7.0 m (23 ft)	- 7.0 m (23 ft)
- Rear	- 7.0 m (23 ft)	- 7.0 m (23 ft)	- 7.0 m (23 ft)
- Interior Side	- 3.0 m (9.8 ft)	- 3.0 m (9.8 ft)	- 5.0 m (16 ft)
Building Height (max)	10 m (33 ft)	15 m (49 ft)	10 m (33 ft)
Lot Coverage (max)	35%		
Gross Floor Area per Dwelling Unit (min)			N/A
- Bachelor	- 35 sqm (377 sqft)		
- One-bedroom	- 55 sqm (592 sqft)		
- Two-bedroom	- 75 sqm (807 sqft)		
- Three-or more bedroom	- 90 sqm (969 sqft)		

### 6.3 Special Exception Zones

Reserved.

## 6.4 Holding Zones

### 6.4.1 Napier Street

No building or structure shall be permitted until such time as the holding suffix “-h” is removed by amendment. The removal of the “-h” shall only occur when the following conditions are fulfilled to the satisfaction of the Township:

- a) That full municipal services are available or are approved and under construction to service the lands; and
- b) That the Township has confirmed capacity at the sewage and water treatment plants for the proposed development.

## 7.0 General Commercial (C1) Zone

### 7.1 Permitted Uses

- Apartment dwellings, in accordance with the provisions of the R2 Zone
- Boarding/rooming houses
- Automobile service stations
- Commercial schools
- Farmers' markets
- Financial offices
- Funeral parlours
- Government services
- Hotels, motor inns, and motels
- Institutional uses
- Medical/dental offices
- Offices
- Parking lots
- Personal and business services
- Places of entertainment, recreation, and assembly
- Private clubs
- Restaurants
- Restaurant carts, mobile or stationary
- Retail stores
- Service industrial uses limited to bakeries, dry cleaning establishments, printing shops, and wholesaling establishments
- Taxi and bus depots
- Utility service buildings
- Veterinary establishments
- Existing residential uses
- Additional dwellings units situated within the same building as a permitted commercial use, in accordance with Section 3.1.1
- Accessory uses

### 7.2 Zone Provisions

No person shall hereafter use any lands, or erect, alter, enlarge, or use any building or structure in the C1 Zone except in accordance with the provisions of this Section, Section 3.0 General Provisions, and other relevant Sections of this By-law.

Lot Area (min)	500 sqm (5,382 sqft)
Lot Frontage (min)	15 m (49 ft)
Yard Requirements (min)	
- Front / Exterior Side	- none
- Rear	- 9.0 m (30 ft)
- Interior Side	- none

Building Height (max)	15 m (49 ft)
Lot Coverage (max)	60%

### 7.3 Additional Zone Requirements

#### 7.3.1 Increased Yard Requirements

Where a C1 Zone abuts a Residential Zone, the side yard requirement shall be 5.0 m (16 ft) of which 3.0 m (9.8 ft) shall be landscaped open space and the rear yard requirement shall be increased to 9.0 m (30 ft) of which 3.0 m (9.8 ft) shall be landscaped open space. The landscaped open space shall comply with the provisions of Section 3.8.

#### 7.3.2 Special Provisions for Hotels, Motels, and Motor Inns

Where the exterior wall of a guest room contains a habitable room window, such wall shall be located not closer than 7.0 m (23 ft) from any side or rear lot line.

#### 7.3.3 Existing Residential Uses

The relevant provisions of Sections 5 or 6 shall apply as per the type of dwelling unit.

#### 7.3.4 Automobile Service Stations

The provisions of Section 3.2 shall apply.

### 7.4 Special Exception Zones

Reserved.

### 7.5 Holding Zones

Reserved.

## 8.0 Highway Commercial (C2) Zone

### 8.1 Permitted Uses

- Apartment dwellings, in accordance with the provisions of the R2 Zone
- Antique and craft shops
- Automobile service stations
- Automatic carwashes
- Commercial garages
- Drive-in establishments
- Farm machinery sales and service establishments
- Hotels, motels, and motor inns
- Offices
- Recreational vehicle and marine equipment sales and service
- Restaurants
- Restaurant carts, mobile or stationary
- Retail stores
- Self-service laundromats
- Trailer and mobile home sales
- Existing residential uses
- Additional dwellings units situated within the same building as a permitted commercial use, in accordance with Section 3.1.1
- Accessory uses

### 8.2 Zone Provisions

No person shall hereafter use any lands, or erect, alter, enlarge, or use any building or structure in the C2 Zone except in accordance with the provisions of this Section, Section 3.0 General Provisions, and other relevant Sections of this By-law.

Lot Area (min)	550 sqm (5,920 sqft)
Lot Frontage (min)	30 m (98 ft)
Yard Requirements (min)	
- Front / Exterior Side	- 6.0 m (20 ft)
- Rear	- 9.0 m (30 ft)
- Interior Side	- 8.0 m (26 ft)
Building Height (max)	15 m (49 ft)
Lot Coverage (max)	40%

### 8.3 Additional Zone Requirements

#### 8.3.1 Automobile Service Stations and Commercial Garages

The provisions of Section 3.2 shall apply to any automobile service station or commercial garage.

### 8.3.2 Special Provisions for Hotels, Motels, and Motor Inns

Where the exterior wall of a guest room contains a habitable room window, such wall shall be located not closer than 7.0 m (23 ft) from any side or rear lot line.

### 8.3.3 Landscaping

The provisions of Section 3.8 shall apply when a lot zoned C2 abuts a Residential Zone.

### 8.3.4 Open Storage

The provisions of Section 3.15 shall apply to any commercial use where open storage of goods or materials is involved.

### 8.3.5 Residential Uses

The relevant provisions of Sections 5 or 6 shall apply as per the type of dwelling unit.

## 8.4 Special Exception Zones

Reserved.

## 8.5 Holding Zones

Reserved.

## 9.0 Light Industrial (M1) Zone

### 9.1 Permitted Uses

- Commercial greenhouses
- Emergency vehicle dispatch centres
- Landscaping operations
- Light industrial uses
- Rental stores – small equipment
- Scientific or medical laboratories
- Schools, commercial (adult training), including trucking
- Self-storage facilities
- Service industries, not including or excepting a commercial garage
- Veterinary establishments, kennels
- Warehouses
- Commercial uses, accessory to a permitted light industrial use
- Offices, accessory to a permitted light industrial use
- Retail stores, accessory to a permitted light industrial use
- One (1) dwelling unit accessory to and on the same lot as a permitted industrial use, in accordance with the provisions of Section 5
- Accessory uses

### 9.2 Zone Provisions

No person shall hereafter use any lands, or erect, alter, enlarge, or use any building or structure in the M1 Zone except in accordance with the provisions of this Section, Section 3.0 General Provisions, and other relevant Sections of this By-law.

Lot Area (min)	700 sqm (7,535 sqft)
Lot Frontage (min)	30 m (98 ft)
Yard Requirements (min)	
- Front / Exterior Side	- 12 m (39 ft)
- Rear	- 9.0 m (30 ft)
- Interior Side	- 8.0 m (26 ft)
Building Height (max)	15 m (49 ft)
Lot Coverage (max)	40%

### 9.3 Additional Zone Provisions

#### 9.3.1 Landscaping

The provisions of Section 3.8 shall apply when a lot zoned M1 abuts a Residential Zone.

### 9.4 Special Exception Zones

Reserved.



**9.5 Holding Zones**  
Reserved.

## 10.0 Heavy Industrial (M2) Zone

### 10.1 Permitted Uses

- The manufacturing, extracting, and processing of raw materials, repair work shops, and bulk storage of goods allowed shall include uses such as the following:
  - Automobile wrecking yards
  - Bleaching compound manufacturing
  - Bottled gas storage, distribution, and bulk storage
  - Coal and coke yards
  - Creosote treatment or manufacturing
  - Food manufacture and processing
  - Foundries
  - Furniture, bulk manufacturing
  - Lumber mills, sawmills
  - Manufacturing industries
  - Meat packers
  - Ornamental metal work
  - Pulp and paper manufacture and related uses
  - Septic tank servicing and cleaning equipment yards
  - Storage, sorting, collecting, or baking of rags, paper, iron, or junk
- Commercial uses, accessory to a permitted industrial use
- Offices, accessory to a permitted industrial use
- One (1) detached dwelling unit accessory to and on the same lot as a permitted industrial use
- Accessory uses

### 10.2 Zone Provisions

No person shall hereafter use any lands, or erect, alter, enlarge, or use any building or structure in the M2 Zone except in accordance with the provisions of this Section, Section 3.0 General Provisions, and other relevant Sections of this By-law.

Lot Area (min)	8,000 sqm (2.0 ac)
Lot Frontage (min)	60 m (197 ft)
Yard Requirements, Industrial Use (min)	
- Front / Exterior Side	- 15 m (49 ft)
- Rear	- 15 m (49 ft)
- Interior Side	- 15 m (49 ft)
Yard Requirements, Accessory Commercial/Office Use (min)	
- Front / Exterior Side	- 6.0 m (20 ft)
- Rear	- 10 m (33 ft)
- Interior Side	- 8.0 m (26 ft)
Lot Coverage (max)	50%

## 10.3 Additional Zone Requirements

### 10.3.1 Residential Uses

A permitted dwelling unit shall be located at least 15 m (49 ft) from the main building or buildings related to a permitted M2 use. The provisions of Section 5.2 shall apply with regard to zone requirements.

### 10.3.2 Landscaping

The provisions of Section 3.8 shall apply when a lot zoned M2 abuts a Residential Zone.

### 10.3.3 Open Storage

The provisions of Section 3.15 shall apply to any permitted industrial use where open storage is involved.

## 10.4 Special Exception Zones

### 10.4.1 M2-1 CN Railway PCL 1228 SEC AWS

Notwithstanding the provisions of Section 10.1, on lands in the M2-1 zone, the only permitted uses shall be railway uses and their accessory buildings and structures.

## 10.5 Holding Zones

Reserved.

## 11.0 Disposal Industrial (MD) Zone

### 11.1 Permitted Uses

- Equipment storage buildings, related to another MD use
- Landfill sites
- Public uses
- Salvage yards
- Sewage disposal sites
- Waste disposal sites
- Accessory uses

#### 11.1.1 Prohibited Uses

- Residential uses are prohibited.

### 11.2 Zone Provisions

No person shall hereafter use any lands, or erect, alter, enlarge, or use any building or structure in the MD Zone except in accordance with the provisions of this Section, Section 3.0 General Provisions, and other relevant Sections of this By-law.

	Abutting Industrial Zone	Abutting any other Zone
Yard Requirements (min)		
- Front / Exterior Side	- 20 m (66 ft)	- 30 m (98 ft)
- Rear	- 15 m (49 ft)	- 30 m (98 ft)
- Interior Side	- 20 m (66 ft)	- 30 m (98 ft)

### 11.3 Additional Zone Requirements

#### 11.3.1 Location of Landfill Site

Notwithstanding any other provisions of this By-law to the contrary, no landfill site shall be established within:

- 300 m (984 ft) of any waterbody; or
- 1,500 m (4,921 ft) of any Residential or Institutional building on another lot.

### 11.4 Special Exception Zones

Reserved.

### 11.5 Holding Zones

Reserved.

## 12.0 Extractive Industrial (MX) Zone

### 12.1 Permitted Uses

- Aggregate transfer stations
- Asphalt plants
- Crushing facilities
- Pit and quarry operations
- Ready-mix concrete plants
- Stockpiles
- Storage and screening operations
- Offices, accessory to a permitted use
- Accessory uses

### 12.2 Zone Provisions

No person shall hereafter use any lands, or erect, alter, enlarge, or use any building or structure in the MX Zone except in accordance with the provisions of this Section, Section 3.0 General Provisions, and other relevant Sections of this By-law.

Lot Area (min)	1.0 ha (2.5 ac)
Lot Frontage (min)	100 m (328 ft)
Yard Requirements (min)	
- Front / Exterior Side	- 30 m (98 ft)
- Rear	- 15 m (49 ft)
- Interior Side	- 15 m (49 ft)
Building Height (max)	12 m (39 ft)
Lot Coverage (max)	50%

### 12.3 Additional Zone Requirements

Reserved.

### 12.4 Special Exception Zones

Reserved.

### 12.5 Holding Zones

Reserved.

## 13.0 Rural Industrial (MR) Zone

### 13.1 Permitted Uses

- Builder's supply yards
- Commercial garages
- Contractor or tradesman shops or yards
- Custom workshops
- Dry industries
- Equipment or materials storage yards
- Fabricating shops
- Farm produce storage areas
- Feed mills
- Machine or welding shops
- Manufacturing plants
- Municipal works buildings
- Processing plants
- Sawmills
- Service industries
- Service shops
- Service shops (heavy)
- Transport terminals, including fuel transshipment facilities
- Truck or bus storage terminals
- Warehouses
- Offices, accessory to a permitted use
- Accessory uses

### 13.2 Zone Provisions

No person shall hereafter use any lands, or erect, alter, enlarge, or use any building or structure in the MR Zone except in accordance with the provisions of this Section, Section 3.0 General Provisions, and other relevant Sections of this By-law.

Lot Area (min)	1.0 ha (2.5 ac)
Lot Frontage (min)	60 m (197 ft)
Yard Requirements (min)	
- Front / Exterior Side	- 15 m (49 ft)
- Rear	- 15 m (49 ft)
- Interior Side	- 9.0 m (30 ft)
Building Height (max)	12 m (40 ft)
Lot Coverage (max)	20%

### 13.3 Additional Zone Requirements

Reserved.

### 13.4 Special Exception Zones

Reserved.

### 13.5 Holding Zones

Reserved.

## 14.0 Institutional (I) Zone

### 14.1 Permitted Uses

- Cemeteries
- Child care centres
- Facilities for charitable organizations
- Government services
- Group homes
- Institutional uses
- Nursing homes, clinics, and health care facilities
- Municipal service facilities
- Private clubs
- Public parks
- Recreational facilities
- Religious institutions and accessory dwelling units thereto
- Rest homes and senior citizen dwelling units
- Schools and other educational facilities
- Dwelling units, accessory to and on the same lot as a permitted institutional use
- Accessory uses

### 14.2 Zone Provisions

No person shall hereafter use any lands, or erect, alter, enlarge, or use any building or structure in the I Zone except in accordance with the provisions of this Section, Section 3.0 General Provisions, and other relevant Sections of this By-law.

Lot Area (min)	500 sqm (5,382 sqft)
Lot Frontage (min)	15 m (49 ft)
Yard Requirements (min)	
- Front / Exterior Side	- 5.0 m (16 ft)
- Rear	- 7.0 m (23 ft)
- Interior Side	- 3.0 m (9.8 ft)
Building Height (max)	14 m (46 ft)
Lot Coverage (max)	40%

### 14.3 Additional Zone Requirements

#### 14.3.1 Cemeteries

Cemeteries shall not be governed by the foregoing standards but shall conform with the *Cemeteries Act*.

#### 14.3.2 Residential Uses

The relevant provisions of Section 5 or 6 shall apply as per the type of dwelling unit.



## 15.0 Open Space (OS) Zone

### 15.1 Permitted Uses

- Cemeteries
- Conservation uses
- Golf courses
- Private parks
- Public parks
- Recreational facilities
- Accessory uses

### 15.2 Zone Provisions

No person shall hereafter use any lands, or erect, alter, enlarge, or use any building or structure in the I Zone except in accordance with the provisions of this Section, Section 3.0 General Provisions, and other relevant Sections of this By-law.

	A recreational building:
Yard Requirements (min)	
- Front / Exterior Side	- 7.5 m (25 ft)
- Rear	- 7.5 m (25 ft)
- Interior Side	- 3.0 m (9.8 ft)
Yard Requirements, Accessory Structure (min)	1.2 m (3.9 ft)
Lot Coverage (max)	20%
Landscaped Open Space (min)	50%

### 15.3 Additional Zone Requirements

Reserved.

### 15.4 Special Exception Zones

Reserved.

### 15.5 Holding Zones

Reserved.

The Township of Hornepayne  
Zoning By-law

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## 16.0 Rural Residential (RR) Zone

### 16.1 Permitted Uses

- Single detached dwellings
- Duplex dwellings
- Semi-detached dwellings
- Garden suites
- Secondary and additional dwellings units, in accordance with Section 3.1.1
- Home-based businesses
- Accessory uses

### 16.2 Zone Provisions

No person shall hereafter use any lands, or erect, alter, enlarge, or use any building or structure in the RR Zone (as shown on the attached Schedules) except in accordance with the provisions of this Section, and other relevant Sections of this By-law.

Lot Area (min)	10,000 sqm (1.0 ha) (2.5 ac)
Lot Frontage (min)	30 m (98 ft)
Yard Requirements (min) - All Yards	- 7.5 m (25 ft)
Building Height (max)	10 m (33 ft)
Lot Coverage (max)	20%
Dwelling Units per Lot (max)	1 plus accessory apartments/additional dwelling units in accordance with Section 3.1.1

### 16.3 Additional Zone Requirements

- a) The main building and tile fields will be set back at least 30 m (98 ft) from the highwater marks of lakes and rivers.
- b) When replacing an existing main building and tile fields, a 30 m (98 ft) setback should be maintained.
- c) All accessory buildings; gazebos, saunas, sleep camps, and decks will be set back at least 7 m (23 ft) from the highwater mark. No plumbing or cooking facilities shall be permitted.
- d) Natural vegetation within the 30 m (98 ft) setback shall be disturbed as little as possible, consistent with passage, safety, and provision of views and ventilation.

### 16.4 Special Exception Zones

Reserved.

### 16.5 Holding Zones

Reserved.

## 17.0 Recreational Residential (RR1) Zone

### 17.1 General

No person shall hereafter use any lands, or erect, alter, enlarge, or use any building or structure in the RR1 Zone (as shown on the attached Schedules) except in accordance with the provisions of this Section and of other relevant Sections of this By-law.

### 17.2 Permitted Uses

- Single detached dwellings
- Seasonal dwellings
- Conservation uses
- Existing uses
- Private parks
- Public parks
- Accessory uses

### 17.3 Zone Provisions

Lot Area (min)	4,000 sqm (0.4 ha) (1 ac)
Lot Frontage (min)	27 m (89 ft)
Yard Requirements (min)	
- Front	- 30 m (98 ft)
- Exterior side	- 7.0 m (23 ft)
- Rear	- 7.0 m (23 ft)
- Interior side	- 3.0 m (9.8 ft)
Building Height (max)	10 m (33 ft)
Lot Coverage (max)	20%

### 17.4 Additional Zone Requirements

- a) The main building and tile fields will be set back at least 30 m (98 ft) from the high water marks of lakes and rivers.
- b) When replacing an existing main building and tile fields, a 30 m (98 ft) setback should be maintained.
- c) All accessory buildings; gazebos, saunas, sleep camps, and decks will be set back at least 7 m (23 ft) from the high water mark. No plumbing or cooking facilities shall be permitted.
- d) Natural vegetation within the 30 m (98 ft) setback shall be disturbed as little as possible, consistent with passage, safety, and provision of views and ventilation.

### 17.5 Special Exception Zones

Reserved.

### 17.6 Holding Zones

Reserved.

## 18.0 Rural (RU) Zone

### 18.1 Permitted Uses

- Single detached dwellings
- Seasonal dwellings
- Agricultural uses
- Agricultural-related uses
- Cemeteries
- Existing uses
- Forestry and conservation uses
- Golf courses
- Private parks
- Public parks
- Public communications and transportation facilities
- Recreational facilities
- Utilities
- Veterinary establishments, kennels
- Secondary apartments and additional dwelling units in accordance with Section 3.1.1
- Accessory uses

### 18.2 Zone Provisions

No person shall hereafter use any lands, or erect, alter, enlarge, or use any building or structure in the RU Zone (as shown on the attached Schedules) except in accordance with the provisions of this Section, Section 3.0 General Provisions, and other relevant Sections of this By-law.

Lot Area (min)	10,000 sqm (1.0 ha) (2.5 ac)
Lot Frontage (min)	50 m (164 ft)
Yard Requirements (min)	
- All yards	- 15 m (49 ft)
Building Height (max)	10 m (33 ft)
Lot Coverage (max)	20%

### 18.3 Special Exception Zones

#### 18.3.1 RU-1 (Airport)

Notwithstanding Section 19.1 to the contrary, on the lands zoned RU-1 the following uses shall also be permitted:

- Airport
- Accessory uses

#### 18.3.2 RU-2 PCL 6019 SEC AWS; PT LT 13 CON 5 WICKSTEED BEING LOCATION RY 7 PT 1 AR335; HORNEPAYNE

Notwithstanding Section 19.1 to the contrary, on the lands zoned RU-2 the following uses shall also be permitted:

- Apartment dwelling
- Self-storage facility

**18.3.3 RU-3 PCL 11538 SEC AWS; PT LT 14 CON 1 WICKSTEED BEING LOCATION CL 5180 PT 1 1R7091; HORNEPAYNE**

Notwithstanding Section 19.1 to the contrary, on the lands zoned RU-3 the following uses shall also be permitted:

- Tourist outfitter's establishment

**18.3.4 RU-4 PT LT 14 CON 3 WICKSTEED PARTS 2, 1R-13560; HORNEPAYNE**

Notwithstanding Section 3.1.5 to the contrary, on the lands zoned RU-4 a maximum of 6 shipping containers shall be permitted in accordance with provisions a) through e) of Section 3.1.5.

**18.3.5 RU-5 1150 Highway 631; PCL 9471 SEC AWS; PT LT 15 CON 2 WICKSTEED BEING LOCATION RY 53 PT 1 1R1959; HORNEPAYNE**

Notwithstanding Section 19.1 to the contrary, on the lands zoned RU-5 the following uses shall also be permitted:

- Restaurant
- Gas station
- Tourist facilities

## 18.4 Holding Zones

Reserved.

## 19.0 Notice

This document may not include the most recent amendments or schedules. For further information please contact the municipal office at the following:

**The Township of Hornepayne**

68 Front St; P.O. Box 370

Hornepayne, ON P0M 1Z0

Tel: (807) 868-2020

<https://www.townshipofhornepayne.ca/>





# Zoning By-Law Township of Hornepayne

## Schedule A - Urban Area

0 50 100 200 300 400 Meters



### Legend

#### Transportation

Highway

#### Waterbodies

Waterbody

Stream

### Zoning

- R1, Low Density Residential
- R2, Medium Density Residential
- C1, General Commercial
- C2, Highway Commercial
- M1, Light Industrial
- M2, Heavy Industrial
- MD, Disposal Industrial
- MR, Rural Industrial
- I, Institutional
- OS, Open Space
- RR, Rural Residential
- RU, Rural
- HAZ, Flood Plain Hazard Overlay



Data Source: Source Data has been provided by the Ministry of Natural Resources, Ministry of Northern Development and Mines, and Township of Hornepayne



Adopted: December 8, 2021  
Print: 23-Jun-2022

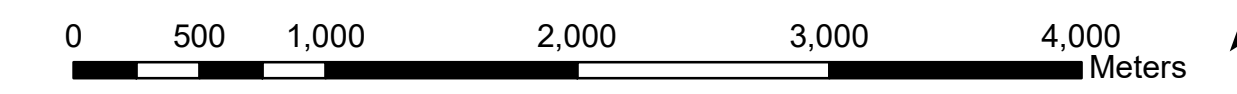




# Zoning By-Law

## Township of Hornepayne

### Schedule B - Rural Area

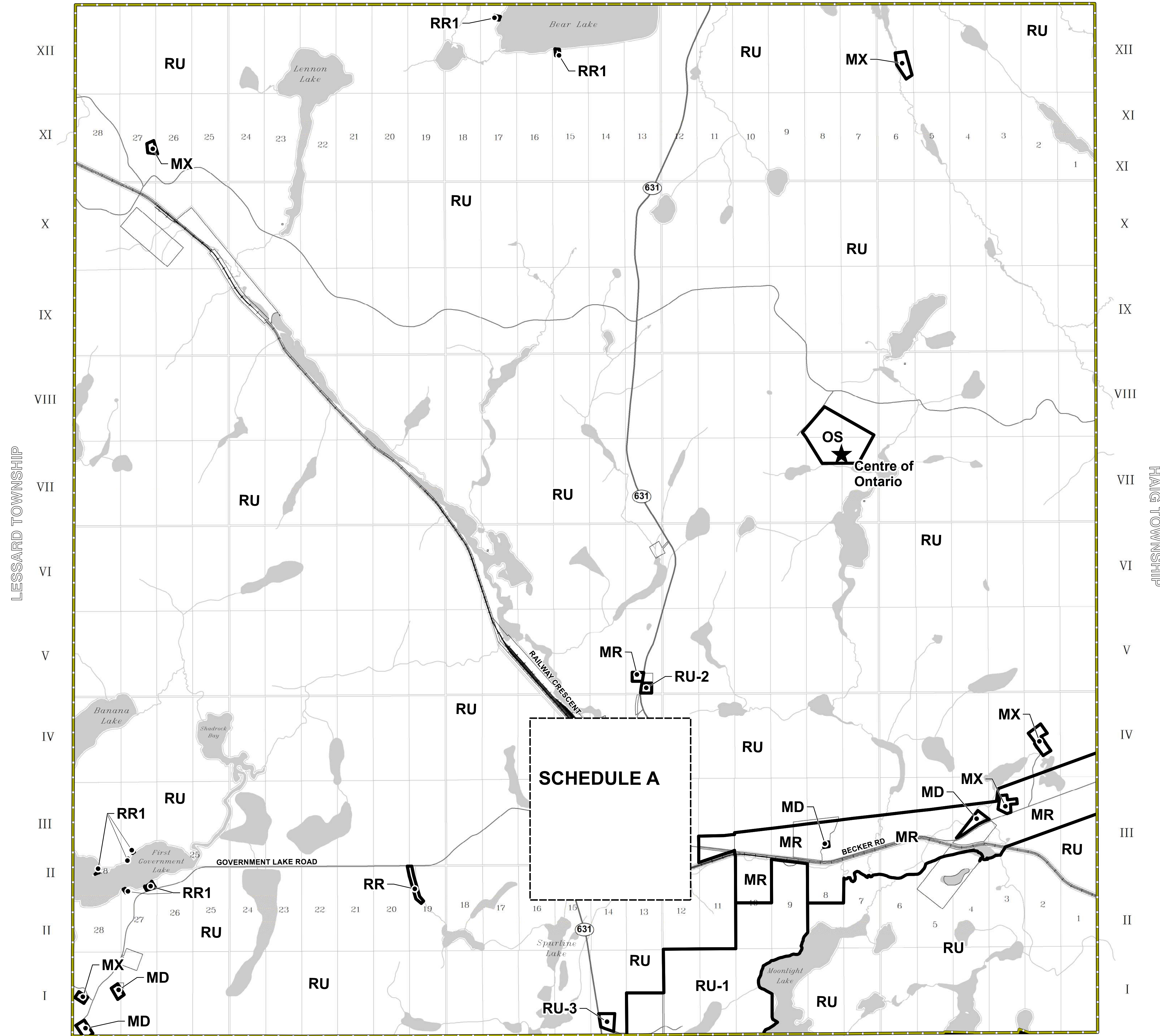


#### Legend

- Municipal Boundary
- Centre of Ontario
- Transportation**
  - Highway
  - Road
- Waterbodies**
  - Waterbody
  - Stream

#### Zoning

- M2, Heavy Industrial
- MD, Disposal Industrial
- MX, Extractive Industrial
- MR, Rural Industrial
- OS, Open Space
- RR, Rural Residential
- RR1, Recreational Residential
- RU, Rural
- HAZ, Flood Plain Hazard Overlay



LESSARD TOWNSHIP

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