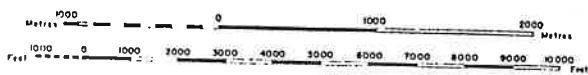


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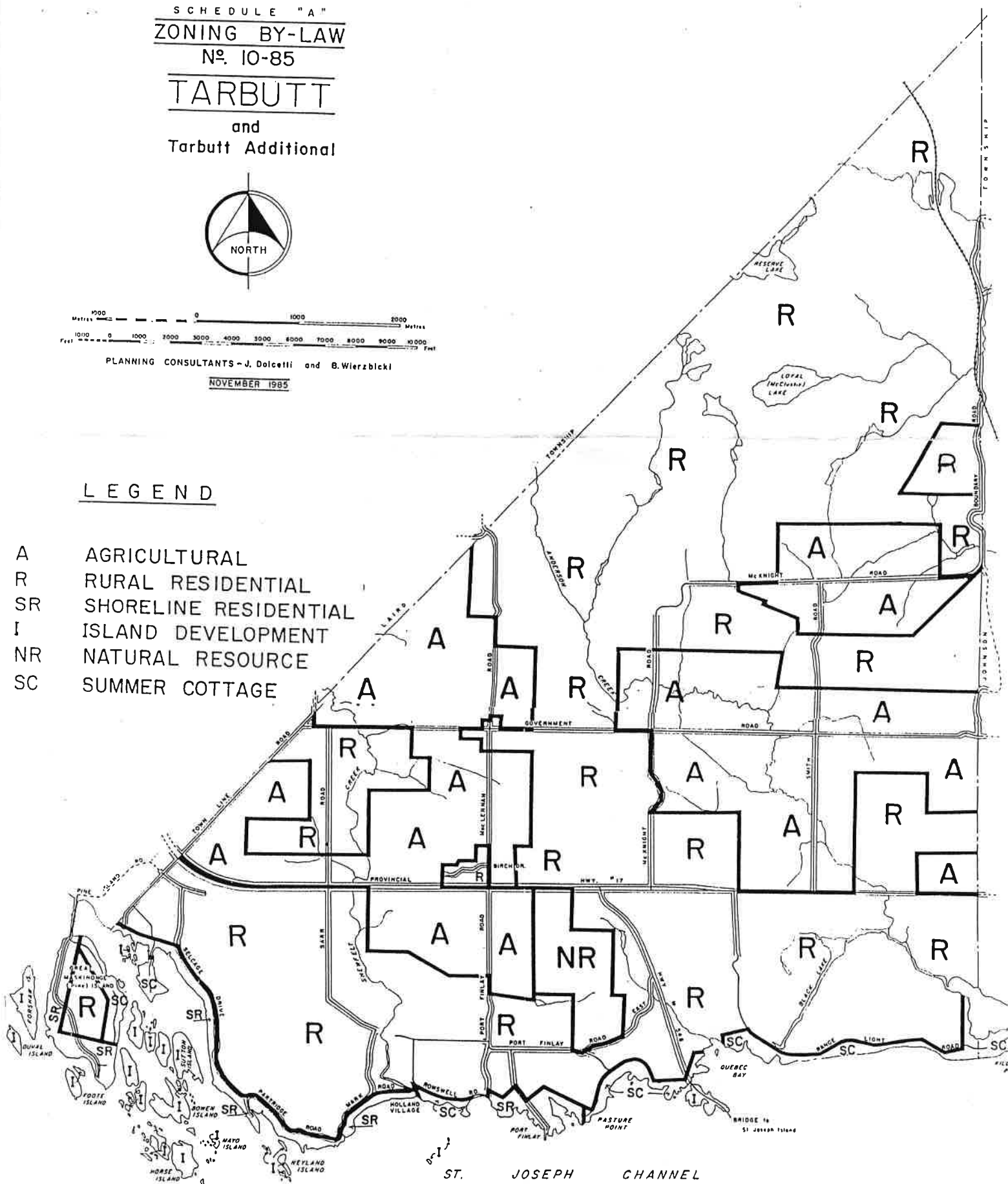
SCHEDULE "A"
 ZONING BY-LAW
 No. 10-85
TARBUTT
 and
 Tarbutt Additional



PLANNING CONSULTANTS - J. Dolcetti and B. Wierzbicki
 NOVEMBER 1985

LEGEND

- A AGRICULTURAL
- R RURAL RESIDENTIAL
- SR SHORELINE RESIDENTIAL
- I ISLAND DEVELOPMENT
- NR NATURAL RESOURCE
- SC SUMMER COTTAGE



3.13 "Lake Huron Floodline" - no habitable structure shall be permitted to be erected or placed on any part of a lot below the Lake Huron floodline established - elevation 178.3m Geodetic Survey Datum and for existing buildings or structures, no opening shall be permitted below 178.3m Geodetic Survey Datum. In addition, no fill or removal of fill shall be permitted on any lot along the Lake Huron shoreline that may have the effect of modifying the shoreline.

3.14 "Servicing" - prior to any development or redevelopment, a water supply system and a sewage disposal system shall be required to be approved by the health authority having jurisdiction. The minimum size of lot to accommodate an individual well and septic tank shall be 1,380 meters squared.

3.15 "Public Uses Permitted" - the provisions of this by-law shall not apply to the use of any land or the erection or use of any building or structure for the purpose of public service by the municipality or any department of the Government of Ontario and Canada, including Great Lakes Power or any telephone, telegraph or gas company, including Trans Canada Pipelines, and such use or erection may be permitted provided that the lot size and coverage and yard regulations required for the zone in which such land, building or structure is located are complied with. No government or department thereof shall be allowed to dump nuclear wastes or toxic waste materials as defined by the Ministry of the Environment in the Township.

3.16 "Temporary Uses" - a tool shed, scaffold or other building or structure incidental to construction on the lot where it is situated may be maintained on such lot where construction work is in progress for as long as it is necessary for such work, but this section ceases to apply where there is an abandonment or completion of such work.

3.17 "Multiple Uses" - where any land or building is used for more than one purpose, all provisions of this by-law relating to each use shall be satisfied. Where there is conflict such as in the case of lot size or lot frontage, the higher or more stringent standards shall prevail.

3.18 "Obnoxious Uses" - notwithstanding anything contained in this by-law, no land or building in any zone shall be used for any purpose which from its nature or from the material used is under The Public Health Act or regulations thereunder declared to be a noxious trade, business or manufacture, without the consent of the local Medical Officer of Health as provided in The Public Health Act.

3.19 "Wayside Pits or Quarries" - the Minister of Transportation and Communications, the Township of Tarbutt and Tarbutt Additional and their agents and contractors may use any land in the Rural or Agricultural Zones for the purpose of a wayside pit or quarry provided that no wayside pit shall be opened within 46 meters of a road allowance of a public road nor within 60 meters of a residential property and that on completion of the particular project or contract or road construction, the lands be restored to a condition compatible with the surrounding terrain.

3.20 "Accessory Uses" -

- (a) any use necessary to a lawful use of the Zoning By-law is a permitted use.
- (b) no accessory building may be located in a minimum front or side yard. Where an accessory building is erected in the rear yard on a corner lot, it shall not be located closer to a street than the minimum setback for the main building from that street.
- (c) accessory buildings shall not exceed 5% of total lot area.
- (d) accessory buildings shall be no more than 6m in height in the R., S.R., S.C. or I zones, and 2 storeys in the A. and N.R. zones.
- (e) accessory buildings shall be set back a minimum of 3m from the lot line in the R., S.R., S.C. and I zones, and 7m in an A zone.

3.21 "Permitted Yard Encroachments" - the following yard encroachments shall be permitted:

- (a) unenclosed porches, window sills, cornices, chimneys, pilasters, eaves, gutters and similar non-structural architectural features may project no more than a distance of 5 metres into any minimum yard.
- (b) swimming pools to conform with minimum lot line setback requirements and be enclosed with fencing of a minimum height of 1.5 metres.

3.22 "Uses Permitted in All Zones" - the following uses shall be permitted in all zones:

- (a) existing uses, buildings or structures and enlargements thereto provided that prior to enlargement, the approval of the health authority is obtained and provided that the lot coverage does not exceed 50%.
- (b) conservation area uses, or protective measures.

3.23 "Minimum Dimension of Rear Lot Line" - where the frontage of a lot is deemed to be the water's edge, the rear lot line shall not be less than 7.5m.

3.24 "Prohibited Uses" - development on any back lot is prohibited.

3.25 "Separation Distances Between Agricultural and Non-agricultural Uses" - where a non-agricultural use is establishing or expanding in close proximity to existing livestock buildings or where livestock facilities are being constructed, enlarged or remodeled near existing non-agricultural use, the standard separation distance between the existing and proposed use shall be a minimum of 150 meters or the distance prescribed by the Minimum Distance Separation formula of the Agricultural Code of Practice whichever distance is smaller.

SECTION 4 - ZONE REQUIREMENTS

4.1 "Agricultural Zone" - no person shall hereafter use or permit the use of land, building or structure and no person shall erect or permit the erection of any building or structure in the Agricultural Zone except in accordance with the following provisions.

4.2 "Permitted Uses" -

- (i) Agricultural Use - includes, field crops, truck gardening, flower gardening, nurseries, orchards, dairy farming, tree farming, etc. Also included are farms for the grazing, breeding, raising or training of horses, dog kennels or breeding, boarding or sale of dogs and any other similar use or enterprise (for example) sale of farm produce customarily carried on as part of the field of general agriculture, any form of domestic livestock or poultry.
- (ii) Residential Use -
 - (a) farm related residential dwellings as defined in Section 4.4
- (iii) Commercial Use - normally a part of the rural agricultural function, for example, riding stables, veterinary establishments.
- (iv) Institutional Use - such as schools and churches.
- (v) Accessory Use - such as private garages, barns, stables, recreational buildings, greenhouses and any other similar use.
- (vi) Home Occupation

4.3 "Regulations" - the regulations respecting lot size, frontage, coverage, and yards are shown on Table I Zone Regulations.

4.4 Farm related residential dwelling is a dwelling which is used by the farm owner or used by full time farm help or used by the retiring farmer or a seasonal dwelling on a single agricultural lot existing as of the date of adoption of this by-law.

SECTION 5 - RURAL RESIDENTIAL ZONE

5.1 "Rural Residential Zone" - no person shall hereafter use or permit the use of land, building or structure and no person shall erect or permit the erection of any building or structure in the Rural Residential Zone except in accordance with the following provisions.

5.2 "Permitted Uses" -

- (a) Residential - one single family detached dwelling per residential lot.
 - home occupation.
- (b) Agricultural - agricultural uses allowed in the Rural Residential Zone include field crops, truck gardening, nurseries, orchards, dairy farming, tree farming, farms for the grazing, breeding, or sale of farm animals and any other similar uses or enterprises customarily carried on in the field of general agriculture.
- (c) Recreational - parks, playgrounds, community centres, and recreational buildings and other similar uses.
- (d) Institutional -
 - 1. Churches, seminaries, schools and residential uses in connection with uses permitted herein.
 - 2. A cemetery, mausoleum columbarium, together with any chapel or other building appurtenant and incidental to said use including a crematorium, shall be permitted provided a licence has been obtained in accordance with the "Cemetery Act", R.S.O. 1970, Chapter 57 and amendments thereto.
- (e) Commercial -
 - 1. Stables, riding academies, kennels or boarding establishments for domestic animals, animal hospitals and veterinary establishments, storing of farm vehicles and machinery used on the premises, storing of motor vehicles, provided that the number of vehicles stored does not exceed four.
 - 2. Those retail stores, offices, restaurants and motel uses existing as of the date of the passing of this By-law.
 - 3. Municipal offices, Town Hall, and other municipal buildings.
- (f) Accessory Buildings (Recreational) and Uses - private garages, recreational buildings, greenhouses, swimming pools, and private parks, if not used for commercial purposes and any other similar use.
- (g) Accessory Buildings (Agricultural) and Uses - barns, stables and agriculturally oriented buildings.

5.3 "Regulations" - the regulations respecting lot size, frontage, coverage, and yards are shown on Table I Zone Regulations.

SECTION 6 - SHORELINE RESIDENTIAL ZONE

6.1 "Shoreline Residential Zone" - no person shall hereafter use or permit the use of land, building or structure and no person shall erect or permit the erection of any building or structure in the Shoreline Residential Zone except in accordance with the following provisions.

6.2 "Permitted Uses" -

- (i) One residential dwelling per lot.
- (ii) Community centres, parks, playgrounds, recreational buildings and other similar uses intended to serve seasonal residence.
- (iii) Accessory uses such as boat houses, out houses, docks, steam bath huts, utility sheds and other similar type accessory uses.

6.3 "Regulations" - the regulations respecting lot size, frontage, coverage, and yards are shown on Table I Zone Regulations.

SECTION 7 - SUMMER COTTAGE ZONE

7.1 "Summer Cottage Zone" - no person shall hereafter use or permit the use of land, building or structure and no person shall erect or permit the erection of any building or structure in the Summer Cottage Zone except in accordance with the following provisions.

7.2 "Permitted Uses" -

- (i) One seasonal dwelling unit.
- (ii) Parks, playgrounds, recreational buildings, and other uses intended to serve seasonal residence.
- (iii) Existing permanent residential dwellings on the day of the passing of this By-law.
- (iv) Accessory uses such as boat houses, out houses, docks, steam bath huts, utility sheds and other similar type accessory uses.

7.3 "Regulations" - the regulations respecting lot size, frontage, coverage, and yards are shown on Table I Zone Regulations.

SECTION 8 - ISLAND ZONE

8.1 "Island Zone" - no person shall hereafter use or permit the use of land, building or structure and no person shall erect or permit the erection of any building or structure in the Island Zone land except in accordance with the following provisions.

8.2 "Permitted Uses" - seasonal dwelling unit
- accessory to the above

8.3 "Regulations" - the regulations respecting lot size, frontage, coverage, and yards are shown on Table I Zone Regulations.

SECTION 9 - NATURAL RESOURCE ZONE

9.1 "Natural Resource Zone" - no person shall hereafter use or permit the use of land, building or structure and no person shall erect or permit the erection of any building or structure in the Natural Resource Zone land except in accordance with the following provisions.

9.2 "Permitted Uses" -

- 1. The extraction of sand and gravel.
- 2. Stone crushing.
- 3. A contractors yard when accessory to the operation of the plant.
- 4. An accessory use.

9.3 "Lot Regulations" -

- Minimum Lot Area - 4 ha
- Minimum Set Back:
 - (a) From any Street - 45 m
 - (b) From any lot line - 30 m

SECTION 10 - EXCEPTIONS

10.1 "Exceptions" - where a lot having a frontage or area less than that required herein was held under distinct and separate ownership from adjoining lots as shown by a registered conveyance in the records of the Registry or Land Titles Office at the date of the passing of this By-law, and such lot continues to be so held such lot may be used and a building or structure may be erected, altered or used on such smaller lot provided that the owner complies with all other requirements of this By-law.

The minimum size of lot to accommodate an individual well and septic tank shall be 1,380 meters squared.

SECTION 11 - ADMINISTRATION AND INSPECTION

11.1 "Administration and Inspection" - this By-law shall be administered by the person or persons so designated from time to time by the Council and such person or persons are hereby authorized to enter at all reasonable hours upon any property or premises for the purpose of carrying out his duties under this By-law.

11.2 "Application for Building Permit" - in addition to the requirements of the Building By-law, application for a Building Permit shall be accompanied by plans in duplicate drawn to an acceptable scale. Such drawings to scale shall indicate all existing structures or the property, their use and any additional uses or structures proposed as part of the application. Upon satisfactory meeting all provisions of this By-law, prior to issuance of a Building Permit, where applicable approval of an adequate water and sewage system from the Algoma Health Unit and Ministry of the Environment is required.

11.3 "Penalty" - any person who contravenes this By-law is guilty of an offense and liable upon summary conviction to a penalty not exceeding One Thousand Dollars (\$1,000) exclusive of costs. Each day of continuing breach of this By-law shall constitute a separate offense. The penalties herein provided shall be recoverable under the Summary Convictions Act.

11.4 "Conflict with Other By-laws" - In the event of conflict between this By-law and any other By-law this By-law shall prevail.

11.5 "Effective Date" - this By-law shall not come into force without the approval of the Ontario Municipal Board, but subject to such approval, shall take effect from the passing thereof.

PASSED IN Open Council this 4th day of November, 1985.

FIRST READING: November 4th, 1985
SECOND READING: November 4th, 1985
THIRD READING: November 4th, 1985

Alban Shkabitari
REEVE

Robin Court
CLERK

SCHEDULE TABLE I - ZONE REGULATIONS							
ZONE	LOT FRONTAGE	LOT AREA	FRONT YARD	REAR YARD	SIDE YARD	MAX. HEIGHT	MAX. COVERAGE
A.	45m	4,046m ²	15m	15m	8m	3 storeys or 9m	15%
R. (Residential)	45m	1,380m ²	15m	10m	6m	2 storeys or 6m	25%
(Non-Residential)	90m	12,140m ²	15m	15m	7.5m	3 storeys or 8m	25%
S.R.	30m	2,760m ²	15m	4.5m 15m	2.5m 2m	2 storeys or 6m	15%
S.C.	30m	2,760m ²	15m	4.5m 15m	2.5m 3m	2 storeys or 6m	15%
I	60m	4,046m ²	15m	15m	8m	2 storeys or 6m	15%

*Measured from the high water mark.