

3.42	Sleeping Cabins	41
3.43	Special Separation Distances	42
	- Industrial and Sensitive Land Uses	42
3.44	Special Separation Distances	42
	- Pits and Quarries and Residential and Other Uses	42
3.45	Swimming Pools and Active Recreational Uses	43
3.46	Temporary Buildings and Structures	45
3.47	Trailer or Boat Storage	46
3.48	Vacant Lots - Storage	46
3.49	Wayside Pits and Quarries	47
3.50	Municipality	47
3.51	Right-Of-Ways and Easements	47
3.52	Private-Home Day Care Uses	47
3.53	Otonabee Region Conservation Authority (ORCA) Development Control Areas	48
3.54	Outdoor Solid-fuel Burning Devices	48
3.55	Sewage System <del>Leaching Beds</del>	48
3.56	Special Occasion Uses	49
3.57	Waterfront Vacant Lots of Record	49
3.58	Previous Minor Variances - Status	49

### **3.1 Accessory Buildings, Structures and Uses**

#### **3.1.1 Permitted Uses**

Where this By-law provides that a lot may be used, or a building or a structure erected or used for a purpose, that purpose shall include any accessory building, structure or use, but shall not include the following:

- (a) any occupation for gain or profit conducted within a dwelling unit or on the lot except as specifically permitted in this By-law.
- (b) any building or structure used for human habitation except as specifically permitted in this By-law.

#### **3.1.2 Location**

Except as otherwise provided herein, in any residential zone category and where a residential lot is created in the Rural Zone (RU) for the purpose of constructing a detached dwelling, any accessory building or structure which is not part of the main building shall not be erected:

- (a) within any required front yard or water yard; save and except as permitted in accordance with Sections 3.1.5 and 3.1.6 hereof;
- (b) within a minimum rear yard of 1.5 metres;
- (c) within a minimum side yard of 1.5 metres;
- (d) within a minimum separation distance of 1.5 metres, from any building, structure, or part thereof, and not to be intruded upon by any awning, canopy, roof, wall or similar structure.

Notwithstanding any setback requirements of this By-law to the contrary; no accessory building or structure may be located within 15 metres of any lot line abutting a ~~public street~~ or private road.

~~Notwithstanding any other provisions of this By-law to the contrary, no component of any private sewage system shall be located within 3.1 metres of any side or rear lot line.~~

#### **3.1.3 Lot Coverage**

Except as otherwise permitted herein, the total lot coverage of all accessory buildings or structures of a lot shall not exceed 5% of the lot

### 3.53 Otonabee Region Conservation Authority (ORCA) Development Control Areas

The land use schedules appended to this Zoning By-Law identify Development Control Areas which are regulated by ORCA under Section 28(1) of the Conservation Authorities Act. These areas are shown on the schedules for information purposes and do not form any specific zoning regulations.

Development and/or site alteration may be permitted within ORCA's Development Control Areas if it has been demonstrated through an environmental review to the satisfaction of Council and ORCA that there will be no negative impacts on the natural features or ecological functions for which the area is identified. A permit will be required from ORCA for development to proceed in addition to any required Township permits.

Since the ORCA Development Control Areas may be re-delineated from time to time as a result of updated information, the zoning schedules for this Zoning By-Law shall be updated accordingly during each prescribed Planning Act update. For absolute clarity, the most current ORCA Development Control Area mapping shall be utilized as the principle document to determine which areas fall within the Development Control Areas.

### 3.54 Outdoor Solid-fuel Burning Devices

An outdoor solid-fuel burning device shall only be permitted to locate in the Rural Zone (RU); and shall not be permitted to locate in either the front, interior, side or water yard of any lot.

Notwithstanding any other provision of this By-law to the contrary, such a device shall comply with the following provisions:

- a) Minimum setback from any lot line shall be 150 metres.
- b) The installation of such unit/device shall require issuance of a building permit.

### 3.55 Sewage System ~~Leaching Beds~~

Sewage systems must be located a minimum of 30 metres from the high-water mark and a minimum of 3 metres from any street or private road.

Vacant lots of record which were in existence prior to March 28, 2006 are subject to the regulations outlined in Section 3.57 of this By-law.

Formatted: Font: (Default) Tahoma, 12 pt

Sewage system ~~leaching beds~~ on ~~existing~~ lots of record that existed prior to April 1, 2008, which require replacement due to structural damage or malfunction should be set back a minimum of 30 metres from the high-water mark if possible or to the greatest setback that is achievable to the satisfaction of the ~~Peterborough County-City Health Unit~~ authority having jurisdiction. Due to their importance ~~to~~ towards ensuring public health and/or safety, a Minor Variance and/or Zoning By-law Amendment will not be required in the case where the ~~replacing-replacement leaching beds~~ sewage system must be located within the 30-metre setback of the high water mark.

Notwithstanding the above, properties located adjacent to a Provincial Highway will be subject to the requirements of the Ministry of Transportation. The requirements of the Ministry supersede those of the municipality.

Formatted: Font: 12 pt

### **3.56 Special Occasion Uses**

Nothing in this by-law shall prevent the use of land in any zone for the purpose of special occasion events such as a concert, fair, fundraising event or other similar use provided the operation of such use is in accordance with the Township's Festival By-law and a special occasion permit has been issued by the Municipality.

### **3.57 Waterfront Vacant Lots of Record**

Vacant waterfront lots of record which were in existence prior to March 28, 2006, shall attempt to have structures and septic systems setback a minimum of 30 metres from the high-water mark. Where it is not possible to achieve the 30-metre setback, then new buildings and structures shall be setback as far as possible from the high-water mark. In this regard, a Minor Variance or Rezoning for a reduced setback for the existing vacant lots may be permitted provided that the relief being sought maintains the intent of the Zoning By-law, is minor in nature, maintains the intent of the Official Plan and is desirable and appropriate for the area.

### **3.58 Previous Minor Variances - Status**

Any Minor Variance approvals granted prior to June 1, 2010, to By-Law #10-1996, as amended, will be deemed to continue to be in effect after the passage of By-Law # 2010-55.

- 22.216** **"Service Shop, Personal"** means an establishment wherein a personal service is performed. This definition may include a barber shop, a beauty salon, a dressmaking shop, a shoe repair shop, a tailor shop, a photographic studio or similar use.
- 22.217** **"Setback"** means the least horizontal dimension between the lot line and the nearest part of any excavation, building or structure on the lot, or the nearest open storage use on the lot.
- 22.218** **"Sewage System, Private"**, means any type of mechanism or apparatus designed and intended for the collection, treatment or purification, and disposal of human waste; and shall typically include a tank, weeping tile arrangement and any building connections.
- 22.219** **"Shall"** is to be construed as mandatory and not directory or discretionary.
- 22.220** **"Shopping Plaza"** means a group of commercial establishments which are not interdependent or inter-related and which have been designed, developed and managed as a unit by a single owner or tenant, or a group of owners and tenants, and primarily services the immediate surrounding trade area.
- 22.221** **"Shoreline"** means any lot line or portion thereof which abuts a waterbody.
- 22.222** **"Side Lot Line"** - See "Lot Line".
- 22.223** **"Side Yard"** - See "Yard".
- 22.224** **"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 9 metres from the point of intersection of street lines (measured along the street lines). Where two street lines do not intersect at a point, the point 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.

- 22.233** **"Structure"** means anything constructed, built or erected, the use of which requires location on or in the ground, or attached to something having location on or in the ground ~~including any component of a private sewage system~~; but does not include a sign, trailer, mobile home, ~~or tent~~ or infrastructure.
- 22.234** **"Swimming Pool"**, means any privately-owned body of water located out of doors which is contained wholly or partly by artificial means and which can hold water exceeding 61 centimetres in depth at any point, and which is used or is capable of being used for swimming. Not included in this definition is any swimming pool owned by a public or governmental body, agency or authority.
- 22.235** **"Take-Out Restaurant"** - See "Restaurant, Take-Out".
- 22.236** **"Temporary"** means brief duration, for a short period of time, non-permanent, sporadic or transient.
- 22.237** **"Tent"** means a portable shelter of canvas, nylon or other fabricated materials which is support by one or more poles or frame and is not permanently affixed to the site. A tent is not considered a structure within the meaning of this By-law.
- 22.238** **"Through Lot"** - See "Lot".
- 22.239** **"Tourist Establishment"** means a building or area designed or used for the accommodation of the travelling or vacationing public, and shall include a lodge, motel, rental cabin or rental cottage.
- 22.240** **"Tourist Trailer"** means a trailer capable of being used for the temporary living, sleeping or eating accommodation of persons (notwithstanding that its running gear is or may be removed), and only in zone(s) where such vehicle is a permitted use. This definition shall not include a mobile home as defined herein.
- 22.241** **"Tourist Trailer Park"** means an establishment consisting of camping lots and comprising land used or maintained for the overnight camping or parking of travel trailers, mobile camper trailers, truck campers, motor