

BY-LAW NO. #16

ZONING BY-LAW

The Council of the Village of Centreville, under authority vested in it by section 34 of the Community Planning Act, enacts as follows:

Interpretation

1. In this By-law,
 - (a) "agricultural use" means any use of land for the purpose of producing of crops and livestock;
 - (b) "Advisory Committee" means the Planning Advisory Committee established by the Council;
 - (c) "alter" means to make any change, structurally or otherwise, in a building or structure which is not for purposes of maintenance only;
 - (d) "bachelor apartment" means a dwelling unit in a multiple dwelling, consisting of not more than one habitable room together with kitchen or kitchenette and sanitary facilities;
 - (e) "building" means a roofed erection with solid exterior walls which is used or intended as a shelter for persons, animals or chattels;
 - (f) "building, accessory" means a detached subordinate building, not used for human habitation, located on the same lot as the main building, structure or use to which it is accessory, the use of which is naturally and customarily incidental and complementary to the main use of the land, building or structure;
 - (g) "building, main" means a building in which is conducted the main or principle use of the lot on which the building is located;
 - (h) "dwelling" means a main building or a portion thereof containing one or more dwelling units;
 - (i) "dwelling, multiple" means a dwelling containing more than two dwelling units;
 - (j) "dwelling, single-family" means a dwelling containing only one dwelling unit;

(k) "dwelling, terrace" means a dwelling containing at least three and no more than six dwelling units, such units being constructed adjointly with common walls, and not one above the other, with individual entrances from the street level directly;

(l) "dwelling, two-family" means a dwelling containing two dwelling units;

(m) "dwelling unit" means a room or suite of two or more rooms designed or intended for use by an individual or family, in which culinary facilities and sanitary conveniences are provided for the exclusive use of such individual or family;

(n) "erect" means to construct, build, assemble or relocate a building or structure, and any physical operations preparatory thereto;

(o) "family" means one or more persons, not necessarily related, occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a hotel or boarding or rooming house;

(p) "garage, public" means any building, space or enclosure in which motor vehicles or power boats are stored for use (as opposed to being stored for sale) or repaired, whether for the public, for business purposes or for hire, but not including body shops;

(q) "grade" means the finished level of the ground at the exterior walls of a building or structure;

(r) "height" means, in relation to a building or structure, the vertical distance as measured from mean grade to the highest point on such building or structure;

(s) "home occupation" means a secondary use conducted in a dwelling and described in section 52;

(t) "house, boarding" means a dwelling or part thereof in which rooms and meals are provided to lodgers for compensation;

(u) "house, rooming" means a dwelling or part thereof in which rooms are provided to lodgers for compensation;

(v) "lot" means a parcel of land or two or more adjoining parcels held by the same owner and used or intended to be used as the site for a building or structure or an appurtenance thereto;

(w) "lot, corner" means a lot having two or more adjacent sides fronting on two or more intersecting or intercepting streets; and "lot, interior" means a lot other than a corner lot;

(x) "lot line" means a common line between a lot and an abutting lot, lane or street;

(y) "lot line, rear" means a lot line extending along the rear of the lot;

(z) "lot line, side" means a lot line extending from the street line to the rear of the lot;

(aa) "mobile home" means a mobile home as defined in the Municipalities Act;

(ab) "service station" means a building or space where gasoline, oil, grease, anti-freeze, tires and accessories for motor vehicles are stored or kept for sale and where minor repairs of motor vehicles are performed;

(ac) "shopping center" means an area of at least 5,430 square metres of land, planned and controlled as a unit, containing such retail stores, service shops and other establishments as permitted by this By-law, in a unitary type building or buildings at least 1,450 square metres in size, together with at least 2,900 square metres of customer parking area, and at least 1,100 square metres for circulation, service and planting;

(ad) "sign" means any display of advertisement, placard, boarding, bill board or other form or means or device whatsoever of public notice or announcement, whether erected, pasted or painted, and any such form or means or device intended, suitable or adaptable for such purpose whether or not it is at the time used for such purpose;

(ae) "storey" means

(i) that portion of a building between the surface of any floor and surface of the floor next above it or, if there is no floor above it, then the space between such floor and the ceiling next above it, or

(ii) a basement or cellar, if the average vertical distance from grade to the ceiling thereof is over 1.5 metres or such basement or cellar is used for business purposes or for dwelling purposes by other than a janitor (whether including his family or not);

(af) "street line" means the common line between a street and a lot;

(ag) "structure" means an erection other than a building or a power or telephone pole or lines;

(ah) "swimming pool" means a tank or other structure, artificially created at least in part, located outdoors year round although used seasonally, intended to contain water for purposes of swimming or diving;

(ai) "use" means the purpose for which land or a building or structure, or any combination thereof, is designated, arranged, erected, intended, occupied or maintained;

(aj) "use, accessory" means a use other than human habitation, of land or a building or structure which is naturally or customarily incidental and complementary to the main use of the land, building or structure, which is located on the same lot as the main use and which is not a secondary use;

(ak) "width" means, in relation to a lot,

(i) where the side lot lines are parallel, the distance measured across the lot at right angles to such lines, or

(ii) where the side lot lines are not parallel, the distance measured across the lot along a line parallel to a line joining the points at which the side lot lines intersect the street line, such parallel line being drawn through the point at which the line of minimum set-back intersects a line from the mid-point of an perpendicular to the line to which it is parallel;

(am) "yard" means, in relation to any building, structure or use on a lot, that part of the lot between such building, structure or use and a lot line;

(an) "yard, front" means, in relation to a main building, structure or use on a lot, that part of the lot between such building, structure or use and the street line at the front of the lot;

(ao) "yard, rear" means in relation to any building, structure or use on a lot, that part of the lot between such building, structure or use and the rear lot line; and

(ap) "yard, side" means, in relation to any building, structure or use on a lot, that part of the lot between such building, structure or use and a side lot line.

Scope

2.

This By-law

(a) divides the municipality into Zones;

(b) prescribes, subject to powers reserved in the Advisory Committee,

(i) the purposes for which land, buildings and structures and any zone may be used, and

(ii) standards to which land use, and the placement, erection, alteration and use of buildings and structures must conform; and

(c) prohibits the use, placement, erection or alteration of land, buildings or structures other than in conformity with the purposes and standards mentioned in clause (b).

PART I - ADMINISTRATION

Powers of the Council

3. (1) No building may be erected in the municipality in respect of which, in the opinion of the Council, satisfactory arrangements have not been made for the supply of electric power, water, sewerage, streets or other services or facilities.

(2) When, in its opinion, a building or structure is dilapidated, dangerous or unsightly, the Council may

(a) require the improvement, removal or demolition of such building or structure at the expense of the owner thereof; or

(b) acquire the parcel of land on which such building or structure is located.

(3) Subject to subsection (5), within any zone mentioned the council may

(a) designate land to be used for the location or erection of any installation for the supply of electricity, water or sanitary or storm sewers, or for the treatment or disposal of sewerage wastes; and

(b) use land designated under clause (a) for a purpose therein mentioned.

(4) Notwithstanding any other provision of this By-law, the Council may, in its discretion, allow a developer of a building or structure to pay to the municipality the sum of \$500.00 per space in lieu of providing the off-street parking required hereunder.

(5) No land may be designated or used for the purposes of subsection (3) unless, in the opinion of the Council,

(a) such land is essential to the operation of the services concerned; and

(b) any development thereon in an R zone is adequately screened from public view.

PART I - ADMINISTRATION

Special Powers of the Advisory Committee

4. (1) No building or structure may be erected on any site where it would otherwise be permitted under this By-law when, in the opinion of the Advisory Committee, the site is marshy, subject to flooding, excessively steep or otherwise unsuitable by virtue of its soil or topography.

(2) The Advisory Committee may, subject to such terms and conditions as it considers fit,

(a) authorize, for a temporary period not exceeding one year, a development otherwise prohibited by this By-law; and

(b) require the termination or removal of a development authorized under clause (a) at the end of the authorized period.

Excavation of Sand, Gravel or Rock

5. (1) No person may undertake or continue the excavation of sand, gravel or rock unless an excavation permit has been issued therefor by the Building Inspector pursuant to this section.

(2) A person seeking to obtain an excavation permit under this section shall make application in writing to the Building Inspector in a form prescribed by that officer.

(3) An application mentioned in subsection (2) shall

(a) state the name and address of the applicant and the location of the proposed excavation;

(b) be accompanied by a plan drawn to a scale not less than 1 to 1000 indicating the boundaries of that part proposed to be excavated;

(c) indicate the proposed base or lowest level of the proposed excavation;

PART I - ADMINISTRATION

(e) mention the estimated date of commencement of the work involved in the excavation; and

(f) include a proposal for rehabilitation of the site of the excavation as provided for herein and the proposed time limit therefor.

(4) Subject to subsection (7), where

(a) an application under subsection (2) has been received;

(b) the proposed excavation and the proposal for rehabilitation of the site meet the requirements thereof; and

(c) the fee set out in subsection (5) has been paid;

the Building Inspector shall issue the excavation permit requested.

(5) An excavation permit is valid until December 31st in the year of issue, and the fee for such permit or a renewal thereof is \$25.00.

(6) An excavation permit shall

(a) be in a form prescribed by the Building Inspector;

(b) set out information pursuant to subsection (3) contained in the application therefor; and

(c) be signed by both the Building Inspector and the applicant.

(7) No permit may be issued under this section if

(a) the proposed work would be apt to

(i) create a hazard to human life,

(ii) create injury to a person,

(iii) damage adjoining property, or

(iv) adversely affect a public water main or sewer, or a water course or street;

(b) the land of the site is or would be subject to geological instability or flood hazard to the extent that no reasonable amount of corrective work could eliminate or sufficiently reduce the instability or hazard; or

(c) the Advisory Committee and the applicant therefor do not agree on

(i) the base mentioned in clause (c) of subsection (3) or

(ii) a time limit mentioned in clause (f) of subsection (3).

(8) A permit under this section is subject to the following terms and conditions;

(a) that no excavation take place below the base agreed to pursuant to clause (c) of subsection (7);

(b) that accesses to the excavation and public streets over which excavated material is transported are maintained by the person named in the permit in a dustfree condition, as by paving, sweeping or oiling or the use of calcium chloride;

(c) that the excavation, and any work related thereto, is carried on only between the hours of 7:00 a. m. and 8:00 p. m. and only on days other than Sundays and holidays as defined by the Interpretation Act;

(d) that no operation in relation to the excavation is conducted in such manner as

(i) to be apt to create a hazard to human life, to cause injury to a person or to damage adjoining property;

(ii) to permit ponding of water in excess of .6 m (2 feet) in depth,

(iii) to lower the water table on neighbouring properties, or

(iv) to prejudice proposed or required rehabilitation of the land;

PART I - ADMINISTRATION

(e) that adequate measures are taken to prevent surface water from damaging the face of the excavation;

(f) that neither the top or toe of the slope of the excavation, or any building or structure or storage or repair in connection therewith, is within 15 metres (50 feet) of an abutting property line;

(g) that, annually at the end of operations for the summer, the slope of the excavation is not steeper than 1-1/2 horizontal to 1 vertical for the full depth thereof; and

(h) that the land of the site of the excavation is rehabilitated as provided herein.

(9) The land of the site of the excavation for which a permit has been issued hereunder shall be rehabilitated by the owner thereof within the time limit mentioned in the permit, upon

(a) depletion of the sand, gravel or rock from the site to the extent that further operation would be no longer viable;

(b) failure to seek renewal of an elapsed or cancelled permit; or

(c) cessation of operations for a period of at least one year.

(10) Rehabilitation mentioned in subsection (9) shall include the following:

(a) where an excavation is over 6 metres (20 feet) deep, a terrace shall be provided not less than 6 metres (20 feet) in width at each 6 metre (20-foot) interval of the depth;

(b) except for terraces provided pursuant to clause (a), slopes of the excavation shall be not steeper than 1-1/2 horizontal to 1 vertical;

(c) all plant or equipment, or building or structures, placed or erected on the site for purposes of the excavation shall be removed;

PART I - ADMINISTRATION

(d) all stock piles, earth, shale or other excavated material shall be removed from the site, backfilled into the excavation where feasible, or brought to a common grade with the rest of the land; and

(e) the site shall be cleared of debris and, except for areas under water or on rock faces, covered with a layer of soil, capable of supporting vegetation, to a depth of at least 15 cm (6 inches) and seeded with grass or other ground cover to prevent erosion.

(11) Where a person violates any of the terms and conditions mentioned in subsection (8), or any provision of this section, the Building Inspector may suspend or revoke the excavation permit, and may, if the violation is rectified, reinstate a suspended permit.

(12) Where an owner mentioned in subsection (9) fails to meet the requirements of that subsection, the Advisory Committee may cause the required rehabilitation to be done and may recover all costs connected therewith from the owner.

(13) No permit is required for the excavation of sand, gravel or rock for use on a person's own land.

Amendments

6. (1) A person who seeks to have this By-law amended shall

(a) address a written and signed application in duplicate therefor to the Council or the Advisory Committee; and

(b) pay a fee of \$100.00 payable to the Council.

(2) The Council may, if it deems fit, return all or any part of the fee mentioned in subsection (1).

(3) An application under this section shall include such information as may be required by the Council or Advisory Committee for the purpose of adequately assessing the desirability of the proposal.

PART I - ADMINISTRATION

(4) The Council may refuse to consider an application under this section if such application

(a) seeks to re-zone an area of land from one type of zoning to another; or

(b) has not been signed by one or more owners of each property in the area mentioned in clause (a).

(5) Before giving its views to the Council with respect to application under this section, the Advisory Committee may carry out such investigation as it deems necessary.

(6) Unless, upon the advice of the Advisory Committee, the Council is of the opinion that there is valid new evidence or change in conditions, where an application under this section has been refused by the Council, no further application may be considered by the Council for one year if such application

(a) in the case of re-zoning, is in respect of the same area of land with which the original application was concerned; or

(b) not being in relation to re-zoning is similar to the original application.

PART II - ZONES

Classification

7. (1) For the purposes of this By-law, the Municipality is divided into Zones as delineated on the plan attached hereto as Schedule "A", entitled "Village of Centreville Zoning Map", and dated December, 1984.

(2) The Zones mentioned in subsection (1) are classified and referred to as follows:

- | | |
|--|-------------|
| (a) single residential | R1 Zones; |
| (b) multiple residential | R2 Zones; |
| (c) commercial | C Zones; |
| (d) industrial | I Zones; |
| (e) institutional | INST Zones; |
| (f) rural, and | G Zones; |
| (g) Green belt - restrictive development | RD ZONES. |

(3) R1 and R2 Zones collectively, are referred to as R Zones.

Conformity

8. In any zone, all land shall be used and all buildings or structures or parts thereof, shall be placed, erected, altered or used only in conformity with the requirements of, except as otherwise provided, the part of this By-law pertaining to such zone.

PART III - R1 ZONES

SINGLE FAMILY DWELLINGS

Permitted Uses

9. (1) Any land, building or structure may be used for the purposes of, and for no other purposes,

(a) one of the following main uses:

(i) a single family dwelling, or

(ii) a park or playground; and

(b) subject to section 52, one of the following secondary uses:

(i) a boarding or rooming house, or

(ii) a home occupation; and

(c) any accessory building, structure or use incidental to the main use of the land, building or structure if such main use is permitted by this section.

Lot Sizes

10. (1) No main building or structure may be placed, erected or altered, and no building or structure may be altered to become a one-family dwelling, on a lot unless the lot is serviced by municipal sewer and has and contains

(a) (i) a width of at least 23 metres,

(ii) a depth of at least 30 metres, and

(iii) an area of at least 690 square metres.

(2) For a lot not serviced by municipal sewer, the lot shall have and contain

(i) a width of at least 54 metres,

(ii) a depth of at least 40 metres, and

(iii) an area of at least 4,000 square metres.

PART III - RI ZONES

Size of Dwellings

11. (1) No one-family dwelling may be placed, erected or altered so that it has a ground floor area less than

- (a) 55 square metres (600 square feet) in the case of a one-storey dwelling;
- (b) 44 square metres (480 square feet) in the case of a one and one-half storey dwelling; or
- (c) 44 square metres (480 square feet) in the case of a two-storey dwelling.

(2) For the purposes of this section, ground floor area or floor area does not include garages, carports, porches, verandas, breezeways, approach halls or, except for those completely contained in a dwelling unit, stairways.

Yards for a Main Building or Structure

12. Subject to section 49, no main building or structure may be placed, erected or altered so that it is

- (a) within 7.5 metres (25 feet) of a street line;
- (b) within 2 metres (6 feet) of a side lot line; or
- (c) within 6.5 metres (20 feet) of the rear lot line.

Height of a Main Building or Structure

13. No main building or structure may exceed 9 metres (28 feet) in height.

Accessory Buildings and Structures

14. No accessory building or structure may

- (a) exceed one storey or 4.5 metres (14 feet) in height;
- (b) be placed, erected or altered so that it is within
 - (i) the front yard of the main building or structure, or
 - (ii) 1.5 metres (5 feet) of a side or rear lot line;

PART III - R1 ZONES

(c) in the case of an accessory building, exceed 57 square metres (624 square feet) in area or have a horizontal dimension greater than 10 metres (32 feet); or

(d) be used

(i) for agricultural purposes,

(ii) for the keeping of animals other than household pets, such as dogs, cats or canaries.

(e) Accessory buildings and structures may not occupy more than 10 percent of the area of a lot.

Lot Occupancy

15. Buildings and structures on a lot shall not occupy a greater portion of the area of a lot than

(a) 50 percent, in the case of an interior lot; or

(b) 45 percent, in the case of a corner lot.

Landscaping

16. (1) Subject to this section, the owner of a lot developed for residential purposes shall landscape

(a) the front yard of the main building; and

(b) that part of the lot within 1.5 metres (5 feet) of any building thereon.

(2) For the purposes of this section, landscaping shall include

(a) all grading necessary to divert surface water from the dwelling and in so far as is reasonably possible, to contour the front yard to the surrounding terrain, together with the installation of a lawn having a minimum of 7.5 centimetres of topsoil; and

(b) may include the placement of such paths, patios, walkways, trees, ornamental shrubs, vines and flowers as are not prohibited by this or any other By-law, rule or regulation.

PART III - R1 ZONES

(3) Notwithstanding subsection (1), the front yard mentioned therein may be used to a reasonable degree for the purposes of walks and driveways for access to the main building or other use on the lot.

(4) This landscaping shall be completed within 24 months from the date of issuance of the building permit.

PART IV - R2 ZONES

MULTIPLE RESIDENTIAL

Permitted Uses

17. Any land, building or structure may be used for the purposes of, and for no other purpose,

(a) one of the following main uses:

(i) a multiple dwelling, or

(ii) a park or playground, and

(b) any accessory building, structure or use incidental to the main use of the land, building or structure, if such main use is permitted by this section.

Lot Sizes

18. (1) No building or structure may be placed, erected or altered unless the lot is serviced by municipal sewer or the lot and the disposal system have been approved by the Department of Health.

(2) Lot sizes for unserviced lots shall conform to Department of Health standards.

Size of Dwelling Units

19. (1) No multiple dwelling may be placed, erected or altered so that it contains a dwelling unit with a floor area less than

(a) 32 square metres (350 square feet), in the case of a bachelor apartment;

(b) 41 square metres, (450 square feet), in the case of a one-bedroom dwelling unit;

(c) 55 square metres, (600 square feet), in the case of a two-bedroom dwelling unit; or

(d) 64 square metres, (700 square feet), in the case of a dwelling unit containing three or more bedrooms.

(2) For the purposes of this section, ground floor or floor area does not include garages, carports, porches, verandas, breezeways or exterior stairways.

PART IV - R2 ZONES

Yards for a Main Building or Structure

20. The provisions of section 12 with respect to yards for a main building or structure apply.

Height of a Main Building or Structure

21. No main building or structure may exceed 11 metres (35 feet) in height.

Accessory Buildings or Structures

22. The provisions of section 14 with respect to accessory buildings or structures apply.

Landscaping

23. The provisions of section 16 with respect to landscaping apply.

PART V - C ZONE

COMMERCIAL

Permitted Uses

24. (1) Subject to this section, any land, building or structure may be used for the purposes of, and for no other purpose,

(a) one or more of the following main uses:

- (i) an automobile salesroom or sales lot,
- (ii) a bank or other financial institution,
- (iii) an establishment for garden and nursery sales and supplies,
- (iv) a hotel or motel,
- (v) a governmental use,
- (vi) a multiple dwelling,
- (vii) an office or office building,
- (viii) a restaurant,
- (ix) a retail store or service shop, or
- (x) a service station, public garage or gas bar; and

(b) one or more of the following secondary uses:

- (i) a dwelling, or
- (ii) a rooming or boarding house; and

(c) any accessory building, structure or use incidental to the main or secondary use of the land, building or structure if such main or secondary use is permitted by this subsection.

PART V- C ZONES

(2) The following main or secondary uses of land or buildings are permitted only if approved by the Advisory Committee and only on compliance with such terms and conditions as may be imposed by such Committee:

- (a) a bus or other public transportation terminal;
- (b) a laundry, bakery, dairy, printing establishment, or a cleaning or dyeing establishment;
- (c) a place of amusement or entertainment;
- (d) a fast-food or take-out establishment; or
- (e) a building, structure or use customarily incidental and accessory to a use mentioned in this subsection.

(3) Except for gasoline pumps at a service station or public garage, or for a parking lot or automobile sales lot, no use permitted under this section may be established or conducted other than in a completely enclosed building.

(4) A secondary use mentioned in subclause (i) of clause (b) of subsection (1) shall not be located below the second storey of a building.

Lot Sizes

25. (1) No main building or structure may be placed, erected or altered on a lot less than 23 metres (75 feet) in width if the lot is serviced by public sewer.

(2) If the lot is not serviced by public sewer, the lot shall have and contain

- (i) a width of at least 54 metres,
- (ii) a depth of at least 40 metres, and
- (iii) an area of at least 4,000 square metres.

Size of Dwelling Units

26. The provisions of section 11 with respect to the size of dwelling units apply.

PART V - C ZONE

Yards for a Main Building

27. No main building may be placed, erected or altered so that

(a) a wall thereof containing a window to a habitable room is closer to a side or rear lot line than 3 metres (10 feet); or

(b) it is closer than 7.5 metres (25 feet) from the street line except for infilling in existing commercial areas which would be 1.5 metres (5 feet).

Height of a Main Building or Structure

28. No main building or structure may exceed 15 metres (50 feet) in height.

Accessory Buildings and Structures

29. No accessory building or structure may

(a) exceed 4.5 metres (14 feet) in height;

(b) be placed, erected or altered so that it is

(i) closer to the street at the front of the lot than the rear of the main building or structure, or

(ii) within 3 metres (10 feet) of a side lot or rear lot line; or

(c) be used for agricultural purposes or for the keeping of animals other than household pets.

PART VI - I ZONES

INDUSTRIAL

Permitted Uses

30. (1) Any land, building or structure may be used for the purposes of, and for no other purpose,

(a) one or more of the following main uses:

(i) saw mill,

(ii) warehouse or wholesaling establishment,

(iii) subject to subsection (2), a manufacturing or processing establishment,

(iv) railway uses,

(v) a heavy trucking garage or mechanical maintenance shop, or

(vi) oil storage tanks; and

(b) any accessory building, structure or use incidental to the main use of the land, building or structure if such main use is permitted by this subsection.

(2) A use mentioned in subclause (iii) of clause (a) of subsection (1) is permitted only if approved by the Advisory Committee and only on compliance with such terms and conditions as may be imposed by such Committee.

Lot Sizes

31. No main building or structure may be placed, erected or altered on a lot unless the lot has and contains

(a) a width of at least 37 metres (120 feet);

(b) a depth of at least 46 metres (150 feet); and

(c) an area of at least 1700 square metres (18,000 square feet).

PART VI - I ZONES

Yards for a Main Building or Structure

32. No main building or structure may be placed, erected or altered so that it is

- (a) within 7.5 metres (25 feet) of a street line; or
- (b) within the distance of a side or rear lot line which is the greater of 3 metres (10 feet) or one-half the height thereof.

Accessory Buildings and Structures

33. Except for a gatekeeper or security office not exceeding 100 square feet in size, no accessory building or structure may be placed, erected or altered so that it is

- (a) closer to the street than the front of the main building or structure, or
- (b) within the distance of a side or rear lot line which is the greater of 3 metres or one-half the height thereof.

PART VII - INST ZONES

INSTITUTIONAL

Permitted Uses

34. (1) Any land, building or structure may be used for the purposes of, and for no other purpose,

(a) one or more of the following main uses:

(i) a building intended for public assembly or for social, cultural or recreational activities,

(ii) an educational building,

(iii) a hospital or health building,

(iv) a library or museum,

(v) a municipal or governmental building,

(vi) a park or playground,

(vii) a religious or secular institution,

(viii) a senior citizens home,

(ix) a cemetery; and

(b) subject to subsection (2), any accessory building, structure or use incidental to the main use of the land, building or structure if such main use is permitted by this subsection.

(2) A use permitted under clause (b) of subsection (1) is permitted only if approved by the Advisory Committee and only on compliance with such terms and conditions as may be imposed by the Advisory Committee.

Yards for a Building or Structure

35. No building or structure may be placed, erected or altered so that it is within 7.5 metres (25 feet) of a property line.

PART VII - INST ZONES

Height of a Main Building or Structure

36. (1) Subject to subsection (2), no building may exceed 15 metres (50 feet) in height.

(2) A religious institution building shall not exceed in height

(a) for the main portion 15 metres (50 feet); and

(b) for spires, belfries or other subsidiary features, a distance equal to twice the height of the main portion.

Accessory Buildings and Structures

37. In approving a use under subsection (2) of section 34, the Advisory Committee shall not approve such use if it

(a) encroaches on yards required for the main building or structure to which it is accessory; or

(b) exceeds in height the lesser of

(i) two storeys or 9 metres (28 feet), or

(ii) the height of the main building or structure to which it is accessory.

Landscaping

38. The provisions of section 16 with respect to landscaping of lots developed for residential purposes apply to all lots developed under this part.

PART VIII - G ZONES

AGRICULTURAL

Permitted Uses

39. (1) Subject to subsection (2), any land, building or structure may be used for the purposes of, and for no other purpose,

(a) one of the following main uses:

(i) a single-family dwelling,

(ii) a forestry or agricultural use,

(iii) a sand or gravel pit or rock quarry,
or

(iv) a recreational use; and

(b) subject to subsection (3), any accessory building, structure or use incidental to the main use of the land, building or structure if such main use is permitted by this section.

(2) A dwelling shall not be placed, erected or altered so that it contains more than one dwelling unit.

(3) A use mentioned in clause (b) of subsection (1) is permitted only if approved by the Advisory Committee and only on compliance with such terms and conditions as may be imposed by such Committee.

Lot Sizes

40. No main building or structure may be placed, erected or altered, and no building or structure may be altered to become a main building or a dwelling on a lot unless the lot has and contains

(a) a width of at least 54 metres;

(b) a depth of at least 38 metres; and

(c) an area of at least 4,000 square metres.

PART VIII - AGRICULTURAL

Size of Dwellings

41. The provisions of subsection (1) of section 11 with respect to the size of dwelling apply.

Yards for a Main Building or Structure

42. No main building or structure may be placed, erected or altered so that it is

- (a) within 7.5 metres (25 feet) of a street line; or
- (b) within a distance of a side or rear lot line, less than the greater of 3 metres or one-half the height thereof.

Height of a Main Building or Structure

43. No main building or structure may exceed 9 metres (28 feet) in height.

Accessory Buildings and Structures

44. No accessory building or structure may

- (a) exceed 11 metres in height; or
- (b) be placed, erected or altered so that it is
 - (i) except in the case of an agricultural use, within the front yard of the main building or structure,
 - (ii) in the case of an agricultural use, within 7.5 metres of a street line, or
 - (iii) within a distance of a side or rear lot line of the greater of 3 metres or one-half the height of the building or structure.

PART IX - RD ZONES

GREEN BELT

RESTRICTED DEVELOPMENT

Permitted Uses

5. (1) A restricted development zone along the banks of the Presque Isle River, is land which is in places, very steep and not suitable for development.

(2) Only selective cutting of trees is permitted, no clear cutting shall take place.

(3) Any development in this area will be subject to such terms and conditions as may be imposed by the Planning Advisory Committee.

(4) Single-family residence is permitted providing the lot is flood-proofed and meet the lot size as required under section 40.

PART X

GENERAL PROVISIONS

Residential Development Near a Lagoon or Treatment Plant

46. Notwithstanding any other provision of this By-law, no dwelling or mobile home may be located within 100-metres of a sewage lagoon or treatment plant.

Commercial and Industrial Development Abutting a Residential Zone

47. Notwithstanding any other provision of this By-law, in the case of a lot in a C or I Zone and abutting an R Zone, no main building or structure may be placed or erected thereon unless the yard adjoining the R Zone has a depth or width equal to twice the height of the main building or structure.

Number of Main Buildings or Structures on a Lot

48. Except as herein provided, no more than one main building or structure may be placed or erected, and no building or structure may be altered to become a second main building or structure on a lot.

Building and Structure Projections

49. (1) The requirements of this By-law with respect to placing, erecting or altering a building or structure in relation to a lot line or street line apply to all parts of the building or structure except for projections which do not protrude into required yards in excess of

- (a) 15 centimetres, for sills, leaders, belt courses or similar ornamental features;
- (b) 45 centimetres, for chimneys, smoke stacks or flues;
- (c) 60 centimetres, for cornices or eaves;
- (d) 1 metre, for window or door awnings, or open or lattice-enclosed fire balconies or fire escapes; or
- (e) subject to subsection (2),
 - (i) 1.25 metres, for steps or unenclosed porches, or
 - (ii) 2 metres, for balconies of upper storeys of multiple dwellings which are not enclosed above a normal height.

PART X - GENERAL PROVISIONS

(2) Projections mentioned in clause (e) of subsection (1) may not extend into a required side yard to a greater extent than one-half the required width of the yard.

Vehicular Off-Street Parking

50. (1) Subject to this section, no building or structure may be placed, erected altered or used unless vehicular off-street parking spaces are provided in accordance with the requirements of this section.

(2) Off-street vehicular parking spaces mentioned in subsection (1) shall be provided on the following basis:

- | | |
|---|--|
| (a) for dwelling units | not less than one space for each dwelling unit; |
| (b) for retail stores and service shops, or similar establishments, | not less than one space for each 18 square metres of retail sales floor space; |
| (c) for restaurants and taverns, | not less than one space for every 4 patrons for whom accommodation is provided; |
| (d) for offices, | not less than one space for every 36 square metres of gross floor area; |
| (e) for recreational and entertainment buildings, INST district buildings (including churches), clubs and places of assembly, | not less than one space for every 10 fixed seats, or not less than one space for each 9 square metres of gross floor area, whichever is the greater; |
| (f) for hotels and motels, | not less than once space for each habitable unit; |
| (g) for school and youth clubs, | not less than one space for every classroom and, where an auditorium or place of assembly is included therein, an additional space for every 9 square metres of auditorium or assembly area; and |

PART X - GENERAL PROVISIONS

(h) for industrial buildings, warehouses, storage yards or buildings, and servicing and repairing establishments, not less than one space for every 5 employees, or not less than one space for every 1,000 square feet of gross floor area, whichever is the greater.

(3) A parking space shall be

(a) an area of not less than 6 metres in length and not less than 3 metres in width;

(b) readily accessible from the nearest street; and

(c) not more than 150 metres from the building which it serves.

(4) Provided the area is not less than the minimum area required for all buildings which the spaces are to serve, collective provision for off-street parking spaces may be made for two or more buildings on the same lot.

(5) When collective provisions for off-street parking is made under subsection (4), the parking area shall

(a) be screened from public view, if practicable;

(b) be surfaced with a durable and dustproof material;

(c) have points of ingress and egress located, in the opinion of the Advisory Committee with due regard to topography and general traffic conditions; and

(d) not be used for automotive repair work or servicing except in the case of an emergency.

Vehicular Off-Street Loading and Unloading

51. (1) The owner of every building, structure or premises used in whole or in part for business or commercial purposes involving the use of vehicles for the receipt or distribution of materials or merchandise shall provide and maintain on lands appurtenant to such building, structure or premises, off-street spaces for such vehicles to stand and for loading and unloading the same, in accordance with the following requirements:

(a) for retail and wholesale stores, bulk storage plants, warehousing or similar uses,

PART X - GENERAL PROVISIONS

- (i) Not less than one space if the gross floor area thereof is 455 square metres or less,
- (ii) not less than two spaces if the gross floor area thereof is in excess of 455 square metres, but less than 2,272 square metres, and
- (iii) an additional space for each 2,272 square metres, or fraction thereof, of gross floor area thereof in excess of the first 2,272 square metres; and

(b) for business or office buildings, places of public assembly, schools, hotels or other similar buildings or premises,

- (i) not less than one space, and
- (ii) an additional space for each 2,252 square metres, or fraction thereof, of gross floor area in excess of 2,727 square metres.

(2) A loading and unloading space mentioned in subsection (1) shall

- (a) be not less than 10 metres in length and not less than 4 metres in width, with 5 metres overhead clearance;
- (b) be so located that merchandise or materials are loaded or unloaded on the premises being served;
- (c) be provided with adequate facilities for ingress and egress and unobstructed manoeuvring aisles; and
- (d) be surfaces with a durable and dustproof material.

Home Occupations

52. (1) Subject to subsection (2), where a home occupation is permitted under this By-law, one of the following occupations may be conducted as a home occupation in the main dwelling:

- (a) an occupation as a doctor, dentist, architect, artist, designer, accountant, lawyer or professional engineer in an office or studio therein;
- (b) an insurance salesman;

PART X - GENERAL PROVISIONS

- (c) dressmaking;
 - (d) a day nursery or kindergarten;
 - (e) the teaching of dancing or music to not more than four students at a time; or
 - (f) a barber shop or beauty parlour.
- (2) A home occupation is subject to the requirements that
- (a) not more than one person is engaged therein in addition to members of the family resident in the dwelling unit in which it is located;
 - (b) it is confined to the dwelling unit mentioned in clause(a), and no part of it is located in an accessory building or structure;
 - (c) the floor area of the dwelling unit which is devoted to it does not exceed the lesser of
 - (i) 20 percent of the floor area of the dwelling unit, or
 - (ii) 27 square metres;
 - (d) no change, except for a sign mentioned under subsection (2) of section 54, is made in the outside appearance of the building which would indicate that a home occupation is being conducted therein;
 - (e) no goods or services other than those directly pertaining to the home occupation are supplied or sold therein or therefrom;
 - (f) no equipment or material used therein is stored other than in dwelling unit mentioned in clause (a);
 - (g) no commercial vehicle used in connection therein, and no vehicle of any kind bearing a sign in connection therewith, is stored on the lot on which the dwelling containing it is located except in a wholly-enclosed building; and
 - (h) two off-street parking spaces are provided in excess of those required under section 55.

PART X - GENERAL PROVISIONS

Stripping of Top Soil

53. (1) Subject to this section, no person may strip, excavate or otherwise remove top soil for sale or for use from a lot or other parcel of land.

(2) Where, in connection with the construction of a building or structure, there is an excess of top soil other than that required for grading and landscaping on the lot, such excess may be removed for sale or for use.

(3) Notwithstanding subsection (1), the farming of sod may be carried on where the owner of the land has entered into an agreement with the Council making arrangements satisfactory to the Council for the rehabilitation of the land.

Signs

54. (1) Other than a traffic control device as defined by the Motor Vehicle Act, a legal notice or a store window sign advertising goods for sale therein, the use of land or a building or structure for the placing, erecting or displaying of a sign not expressly permitted by this section is permitted only if approved by the Advisory Committee and only on compliance with such terms and conditions as may be imposed by such Committee.

(2) Subject to subsection (3), in any Zone, a non-illuminated sign may be placed, erected or displayed on any land, building or structure if such sign

(a) advertises the sale, rental or lease of such land, building or structure;

(b) identifies by name the property or the residents thereof;

(c) indicates a home occupation permitted hereunder;
or

(d) warns against trespass.

PART X - GENERAL PROVISIONS

(3) Unless otherwise provided by this section, a sign mentioned in subsection (2) shall not exceed

(a) in number, one for each purpose mentioned therein; or

(b) in size,

(i) 0.55 square metres (6 square feet), for a sign mentioned in clause (a) thereof, or,

(ii) 0.18 square metres (2 square feet), for a sign mentioned in clause (b), (c), or (d) thereof.

(4) In a C or an I Zone, the following signs may be placed, erected or displayed:

(a) a sign placed flat against the front of a building indicating the ownership or nature of the business carried on therein, provided the gross surface area of such sign does not exceed

(i) the product of the lineal frontage of the lot on which the building is located, multiplied by two, in the case of a non-illuminated sign, or

(ii) one-half the size permitted under sub-clause (i), in the case of an illuminated sign; or

(b) a free-standing sign not exceeding 4 square metres in gross surface area, in the case of a service station.

(5) In a G Zone the following signs may be placed, erected or displayed:

(a) one sign not exceeding 4 square metres in gross surface area indicating the name of a farm; and

(b) one sign not exceeding 1.64 metres (18 square feet) surface area indicating the sale or rental of the property on which it is placed.

PART X - GENERAL PROVISIONS

(6) No sign may

(a) be an imitation of a traffic control device or contain the words "stop", "go", "go slow", "caution", "danger", "warning", or similar words;

(b) have a size, location, movement, content, coloring or manner of illumination which may be confused with, construed as, or tend to hide from view any traffic control device; or

(c) advertise an activity, business, product or service no longer conducted on the premises on which the sign is located.

Fences

55. (1) Notwithstanding any other provision of this By-law, subject to this section, a fence may be placed or located in a yard.

(2) Except for a security fence of chain link construction, no fence in a required front yard may exceed one metre in height.

(3) Subject to subsection (2), no fence may exceed in height

(a) 1.5 metres, in an R Zone; or

(b) 2.5 metres, in a Zone other than an R Zone.

Enclosures for Swimming Pools

56. (1) No land may be used for purposes of a swimming pool unless the pool is enclosed by a fence, or by a wall or a building or structure, or by a combination of walls and fences, at least 1.5 metres in height and meeting the requirements of this section.

(2) Where a portion of a wall of a building forms part of an enclosure mentioned in subsection (1),

(a) no main or service entrance to the building may be located therein; and

(b) any door therein, other than a door to a dwelling or rooming unit, shall be self-closing and equipped with a self-latching device at least 1.5 metres above the bottom of the door.

PART X - GENERAL PROVISIONS

(3) An enclosure mentioned in subsection (1) shall not have rails, bracing or other attachments on the outside thereof that would facilitate climbing.

(4) A fence mentioned in subsection (1)

(a) shall be made of chain link construction, with galvanized, vinyl or other CAS - approved coating, or of wood or of other materials, in the manner described in subsection (5);

(b) shall not be electrified or incorporate barbed wire or other dangerous material; and

(c) shall be located

(i) at least 1.25 metres from the edge of the swimming pool, and

(ii) at least 1.25 metres from any condition that would facilitate its being climbed from the outside.

(5) The design and construction of a fence under this section shall provide

(a) in the case of chain link construction,

(i) no greater than 4 centimetres diamond mesh,

(ii) steel wire not less than No. 12 gauge, or a minimum No. 14 gauge proved coating forming a total thickness equivalent to No. 12 gauge wire, or

(iii) at least 4 centimetres diameter steel posts, set below frost in an envelope of cement and spaced not more than 3 metres apart, with a top horizontal rail of at least 4 centimetres diameter steel.

(b) In the case of wood construction,

(i) vertical boarding, not less than 2.5 x 10 centimetres nominal dimensions spaced not more than 4 centimetres apart, attached to supporting members and arranged in such manner as not to facilitate climbing on the outside, and

PART X - GENERAL PROVISIONS

(ii) supporting cedar posts at least 10 centimetres square or round with 10 centimetre diameters, set below frost and spaced not more than 2.5 metres apart, with the portion below grade treated with a wood preservative, and with a top horizontal rail of at least 5 x 15 centimetre nominal dimensions; and

(c) in the case of construction with materials and in a manner other than described in this subsection, rigidity equal to that provided thereby.

(1) (6) Gates forming part of an enclosure mentioned in subsection

(a) shall be equivalent to the fence in content, manner of construction and height;

(b) shall be supported on substantial hinges; and

(c) shall be self-closing and equipped with a self-latching device at least 1.5 metres above the bottom of the gate.

Line of Vision at an Intersection

57. Except in the C Zone, no building, structure, fence, shrub or tree foliage may obstruct the line of vision at a street intersection between the heights of 1 and 3 metres above the grade of the streets within an area bounded by the center lines thereof and a line joining a point on each center line 24 metres from their intersection.

Lighting Facilities and Illuminating Devices

58. No lighting facilities or illuminating device for any purpose may be arranged in such a manner as to cause a nuisance.

Please be advised that we, the Centreville Planning Advisory Committee has studied the proposed by-law amendment regarding mobile homes and mini-homes in the village. We agree to the proposed by-law amendment as it is written.

Centreville Planning Advisory Committee


Allison Gray, Chairman

1/30/84

READ FIRST TIME: April 23, 1985

READ SECOND TIME: April 23, 1985

READ THIRD TIME
AND ENACTED: May 20, 1985

W.D. Thomas

CLERK

[Signature]

MAYOR

APPROVED
Pursuant to s. 69
Community Planning Act
[Signature]
Minister of Municipal Affairs
JUN 11 1985
.....
Date