



THE CORPORATION OF THE
TOWN OF COBALT

ZONING BY-LAW

Zoning By-Law No. 2022-24

Adopted September 20, 2022

. TABLE OF CONTENTS

SECTION 1	ADMINISTRATION.....	1
1.1	TITLE.....	1
1.2	AREA AFFECTED BY THIS BY-LAW.....	1
1.3	BUILDING PERMITS.....	1
1.4	ENFORCEMENT.....	1
1.5	SEVERABILITY PROVISION.....	1
1.6	REPEAL OF EXISTING BY-LAWS.....	2
1.7	EFFECTIVE DATE.....	2
1.8	USE OF LAND	2
SECTION 2	ESTABLISHMENT OF ZONES.....	3
2.1	ZONES.....	3
2.2	ZONE SCHEDULE	3
2.3	SPECIAL ZONES	3
2.4	DETERMINING ZONE BOUNDARIES.....	4
2.5	COMPLIANCE WITH ZONING BY-LAW	4
2.6	HOLDING PROVISIONS.....	4
SECTION 3	GENERAL PROVISIONS	6
3.1	APPLICATION	6
3.2	ACCESSORY BUILDINGS, STRUCTURES AND USES	6
3.3	ACCESS ON IMPROVED PUBLIC STREET.....	11
3.4	ESTABLISHED BUILDING LINE IN RESIDENTIAL ZONE	12
3.5	SPECIAL NEEDS HOUSING	12

3.6	HOME OCCUPATION	12
3.7	HOME INDUSTRY	13
3.8	LOADING SPACE REQUIREMENTS	13
3.9	MULTIPLE ZONES ON ONE LOT	15
3.10	NON-CONFORMING USES	16
3.11	NON-COMPLYING LOTS, BUILDINGS, STRUCTURES AND USES	17
3.12	NOXIOUS TRADE.....	18
3.13	PARKING AREA REGULATIONS	19
3.14	PEAT EXTRACTION, PITS AND QUARRIES	22
3.15	PLANTING STRIPS	23
3.16	PUBLIC USES	24
3.17	REDUCTION OF REQUIREMENTS	25
3.18	RESTRICTIONS ON DWELLING UNITS IN NON-RESIDENTIAL BUILDINGS	25
3.19	SERVICES REQUIRED	25
3.20	SIGHT TRIANGLES	25
3.21	SIGNS.....	26
3.22	SPECIAL SETBACKS	26
3.23	TEMPORARY USES PERMITTED	26
3.24	THROUGH LOTS	26
3.25	TRAVEL TRAILERS, MOBILE HOMES AND CAMPERS	27
3.26	WATERSHED PROTECTION ZONE	27
 SECTION 4 ZONE PROVISIONS		 28
4.1	RESIDENTIAL TYPE ONE (R1) ZONE.....	28
4.2	RESIDENTIAL TYPE TWO (R2) ZONE.....	30

4.3	RESIDENTIAL TYPE THree (R3) ZONE	32
4.4	RURAL (RU) ZONE	34
4.5	DOWNTOWN COMMERCIAL (C1) ZONE	35
4.6	HIGHWAY COMMERCIAL (C2) ZONE	37
4.7	LIGHT INDUSTRIAL (M1) ZONE	39
4.8	HEAVY INDUSTRIAL (M2) ZONE	41
4.9	EXTRACTIVE INDUSTRIAL (M3) ZONE	43
4.10	INSTITUTIONAL (I) ZONE	44
4.11	OPEN SPACE (OS) ZONE	45
4.12	ENVIRONMENTAL PROTECTION (EP) ZONE	47
4.13	HAZARD (HZ) ZONE	48
4.14	HOLDING PROVISIONS	49
4.15	TEMPORARY USES	50
SECTION 5 DEFINITIONS.....		51
SECTION 6 ENACTMENT		83
6.1	FORCE AND EFFECT	83
6.2	READINGS BY COUNCIL.....	83
6.3	CERTIFICATION	83

SECTION 1
ADMINISTRATION

1.1 TITLE

This By-law may be referred to as "The Zoning By-law of the Town of Cobalt."

1.2 AREA AFFECTED BY THIS BY-LAW

This By-law applies to all lands, islands and lands under water within the Town of Cobalt.

1.3 BUILDING PERMITS

The requirements of this By-law must be met before a Building Permit is issued for the erection, additions to or alteration of any building or structure.

1.4 ENFORCEMENT

Any person convicted of a violation of this By-law is liable on first conviction to a fine of not more than \$25,000. and on a subsequent conviction to a fine of not more than \$10,000. for each day or part thereof upon which the contravention has continued after the day on which the person was first convicted in accordance with Section 67 of The Planning Act RSO 1990c.13.

Any Corporation convicted of violation of this By-law is liable on first conviction to a fine of not more than \$50,000. and on a subsequent conviction to a fine of not more than \$25,000. for each day or part thereof upon which the contravention has continued after the day on which the person was first convicted in accordance with Section 67 of The Planning Act RSO 1990c.13.

In case any buildings or structures or any part thereof is to be erected, altered, reconstructed or extended, or any lot is being used or is to be used, in contravention of any requirement of this By-law, such contravention may be restrained by action at the instance of any rate-payer or of the Municipality pursuant to the provisions of The Planning Act, RSO 1990 C.13 as amendment and/or the Municipal Act SO, 2001 C.25 as amended and/or any other legislation applicable.

1.5 SEVERABILITY PROVISION

A decision of a Court that one or more of the provisions of this By-law are invalid in whole or in part does not affect the validity, effectiveness, or enforceability of the other provisions or parts of the provisions of this By-law.

1.6 REPEAL OF EXISTING BY-LAWS

Upon this By-law coming into force and effect, By-law No. 2006-13 of the Town of Cobalt and all amendments thereto are hereby repealed.

1.7 EFFECTIVE DATE

This By-law shall come into force the day that it was passed where there are no appeals filed or where appeals are filed, where all of the appeals are finally disposed of by the Ontario Municipal Board.

1.8 USE OF LAND

No lands within the area covered by this By-law shall be used for any purpose unless as otherwise permitted by this By-law.

SECTION 2 ESTABLISHMENT OF ZONES

2.1 ZONES

For the purposes of this By-law, the following Zones are established and they may be referred to by the name or by the symbol set opposite the name of the zone below:

R1	-	Residential Type One
R2	-	Residential Type Two
R3	-	Residential Type Three
RU	-	Rural
C1	-	Downtown Commercial
C2	-	Highway Commercial
M1	-	Light Industrial
M2	-	Heavy Industrial
M3	-	Extractive Industrial
I	-	Institutional
OS	-	Open Space
EP	-	Environmental Protection
HZ	-	Hazard

2.2 ZONE SCHEDULE

The Zones and zone boundaries are shown on the attached Schedule 'A', which forms part of this By-law. Schedule 'A' is comprised of a series of Maps.

2.3 SPECIAL ZONES

Where a Zone Symbol is followed by a dash and a number, (for example RM-1) there are special provisions that apply to the Zone. These special provisions are contained in the section of the by-law that applies to the primary zone.

2.4

DETERMINING ZONE BOUNDARIES

- i) A zone boundary shown approximately at a lot line, street or lane is considered to be at the boundary of the lot line, street or lane.
- ii) A zone boundary shown approximately in the centre line of a street or lane is considered to be the centre line of the street or lane.
- iii) Unless the location of a zone boundary is specified by dimensions on the zoning map, a zone boundary which lies within a lot shall be fixed by the scale of the Schedule upon which it is shown.
- iv) A zone boundary shown following approximately a shoreline or the centre line of a creek, stream or channel is considered to be the shoreline or centre line and moves with any natural change in the shoreline.
- v) Where lands have not been identified as being in a zone on the Schedules, they shall be deemed to be in the Open Space (OS) Zone.
- vi) All lands below the surface of a waterbody or watercourse as of the date this By-law came into effect shall be deemed to be in the Open Space (OS) Zone.

2.5

COMPLIANCE WITH ZONING BY-LAW

No person shall change the use of any building, structure or land or erect or use any building or structure or occupy any land or building except in accordance with the provisions of this By-law.

Any use not specifically permitted by this By-law shall not be permitted in the Town of Cobalt.

In addition no person shall use any land or locate any building or structure such that the uses, buildings or structures on other lands would no longer comply with the provisions of this By-law.

2.6

HOLDING PROVISIONS

Where a zone symbol is followed by a dash and the letter "H" (for example: M-H), the lands shall only be used for existing uses and the expansion of those uses as of the date of adoption of this By-law.

Council may pass a By-law pursuant to Section 36 of the Planning Act to remove the Holding (H) Symbol, thereby placing the lands in the zone indicated by the Zone Symbol when all of the applicable following requirements have been met:

- i) the appropriate sanitary services have been approved to service the land;
- ii) all conditions of consent or subdivision have been fulfilled;
- iii) a site plan agreement has been registered on the title of the lands; and
- iv) the required permits from all other approval agencies have been issued.

SECTION 3
GENERAL PROVISIONS

3.1 APPLICATION

The provisions of this section of the By-law shall apply to all lands within the Town of Cobalt unless otherwise specified.

3.2 ACCESSORY BUILDINGS, STRUCTURES AND USES

3.2.1 Permitted Uses

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

- i) any occupation for gain or profit conducted within or accessory to a dwelling unit or on such lot associated therewith, except as is specifically permitted in accordance with this By-law; or
- ii) any building used for human habitation or an occupation for gain, unless specifically permitted by this By-law.

Legal non-conforming uses shall be permitted to have accessory uses, buildings and structures in accordance with the provisions in this Section of the By-law and the Provisions of the applicable zone.

3.2.2 Setback Requirements

Except as otherwise provided herein, in all Zones any accessory building or structure, which is detached from the principle building, shall be erected in compliance with the yard and setback requirements of the Zone in which such building is located, but shall not be closer to the front lot line or exterior side lot line than the principle building on the lot except where the lot abuts a waterway.

3.2.3 Lot Coverage and Height

Accessory buildings, structures and uses are permitted in all zones subject to the following provisions:

- i) The total lot coverage of all accessory buildings and structures on an individual lot may not exceed 75 percent of the gross floor area of the principle use unless specifically permitted by this By-law.
- ii) Within a Commercial or Industrial Zone, there may be a number of principle buildings. The total lot coverage of all accessory buildings or structures not used in the principle operation of the site shall not exceed 15 percent of the lot area and accessory buildings shall have a minimum size of 25 square metres.
- iii) The maximum height of an accessory building shall not exceed 5.0 metres
- iv) Notwithstanding the provisions of this By-law to the contrary, the height of an accessory building shall be measured from the average natural or finished grade and the highest part of the building.
- v) No object such as a trailer, storage container or ship container shall be used as an accessory building or structure in any Residential zone or the Downtown Commercial (C1) zone.

3.2.4 Permitted Encroachments

Accessory buildings and structures and ornamental features for main buildings and structures may only encroach into the required yard in a zone as outlined in Table 3.1. Where a required yard, structure or feature is not referred to on Table 3.1, the minimum required yard in the applicable zone shall be provided.

For the purposes of this section, where the exterior side lot line of a lot abuts a public lane, the side yard abutting that lot line shall be deemed an interior side yard for the purposes of determining compliance with this Section.

Table 3.1

Permitted Structure or Feature	Applicable Required Yard(s)	Required Setback or Permitted Encroachment
<u>STRUCTURAL AND ORNAMENTAL FEATURES:</u>		
Bay windows	Front, Rear and Corner Side Yards Court	May encroach 0.6 m into the required yard or required court for a maximum width of 3.0 m.
Canopies/Porticos	All yards Court	May encroach 1.2 m into the required front, rear and exterior side yards.

Permitted Structure or Feature	Applicable Required Yard(s)	Required Setback or Permitted Encroachment
		May encroach 0.6 m into the required interior side yard or required court.
Balconies/Fire Escapes	Front, Rear and Corner Side Yards only in Residential Zones All yards in all other zones Court	May encroach 1.8 m into the required yard or required court.
Steps in Residential (R) Zones providing access to either a basement or the ground floor of a dwelling	All yards Court	No closer than 0.6 m to the applicable lot line or building wall
Uncovered Decks (0.3 to 1.2 m in height above finished grade)	Interior, Front and Corner Side Yards	May encroach 1.2 m into the required yard but no closer than 1.2 m to the interior side lot line. The setback shall not apply where a side lot line extends from a common wall dividing attached dwelling units.
	Rear Yard	No closer than 1.2 m to the rear lot line.
Uncovered Decks (greater than 1.2 m in height above finished grade)	Interior Side Yard	May encroach 1.2 m into the required yard but no closer than 1.2 m to the interior side lot line. The setback shall not apply where a side lot line extends from a common wall dividing attached dwelling units.
	Front and Corner Side Yard	No encroachment.
	Rear Yard	May encroach 3.6 m into the required rear yard but not closer than 3.0 m to the rear lot line.
Open roofed porches	Front, Rear and Corner Side Yards Court	May encroach 2.4 m into the required yard or required court.
Sills, cornices, parapets, pilasters, or other similar ornamental structures	Any yard Court	May encroach 0.6 m into the required yard or required court.

Permitted Structure or Feature	Applicable Required Yard(s)	Required Setback or Permitted Encroachment
Eaves	Front, Rear and Corner Side Yards	May encroach 1.2 m into the required yard but not closer than 0.6 m to the lot line.
	Interior Side Yard	May encroach 0.6 m into the required yard but not closer than 0.6 m to the lot line.
Chimneys	Any yard Court	May encroach 0.6 m into the required yard or required court.
Functional and ornamental roofless structures including but not limited to drop awnings, clothes poles, flag poles, lighting fixtures, mail boxes, fountains, statues, monuments, benches, cenotaphs, memorials, planters, garden trellises, patios, walkways, retaining walls less than 1.0 m in height, fences or other similar accessory structures	Any required yard or court.	Permitted
Fences		As permitted in the Municipal Fence By-law
Ramps and Accessible Accesses	Any required court or yard	Permitted

3.2.5 Accessory Dwelling Units

For any zone that permits a single unit dwelling, semi-detached dwelling, or townhome dwelling, the following additional dwelling units shall be permitted:

- i) Two dwelling units in a single unit dwelling, semi-detached dwelling unit, or townhome dwelling unit.
- ii) One dwelling unit in an accessory building which is accessory to a single unit dwelling, semi-detached dwelling unit, or townhome dwelling unit.

- iii) Where a single unit dwelling, semi-detached dwelling, or townhome dwelling is not a permitted use in a zoning, additional dwelling units shall only be permitted within the existing buildings on the lot.
- iv) Where two dwelling units are located in a main building of a single unit dwelling, semi-detached dwelling unit, or townhome dwelling unit and one dwelling unit is located in an accessory building, an additional dwelling unit in any building is prohibited.
- v) Accessory dwellings shall be not larger than 80 per cent of the gross floor area of the principle dwelling on the property.

3.2.6 Garages or Other Accessory Buildings or Structures

Notwithstanding the yard and setback provisions of this By-law to the contrary, a detached private garage or other accessory building or structure may be erected and used in an interior side or rear yard, provided that the following requirements are met.

i) Interior Side Yard

Where such accessory building or structure is located in an interior side yard, it shall not be closer than 1.0 metres to the interior side lot line.

ii) Rear Yard

Where such accessory building or structure is located in a rear yard, it shall not be closer than 1.5 metres to the rear lot line.

iii) Distance from Main Building

Where such accessory building or structure is located in a side or rear yard, it shall not be closer than 2 metres from the main building.

Buildings covered with cloth, plastic or similar flexible materials shall be required to meet the same requirements as permanent buildings and structures except one such building may be located in the front yard from October 1 to May 1 as a temporary garage.

3.2.7 Gate House in Industrial Zone

Notwithstanding the yard and setback provisions of this By-law, to the contrary, in an Industrial Zone, a gate house not exceeding 9.0 square metres shall be permitted in a required front or side yard or in the area between the street line and the required yard.

3.2.8 Ornamental Structures and Windows

Notwithstanding the yard and setback provisions of this By-law to the contrary, sills, chimneys, cornices, eaves, gutters, parapets, pilasters, windows or other ornamental structures may project into any required yard a maximum distance of 0.6 metres.

3.2.9 Drive-Through Service Facilities

A drive-through service facility shall be permitted as an accessory use to a permitted restaurant, financial institution, retail store, automotive service station, gas bar and automated car wash use, subject to:

- i) One drive-through service facility accessory to restaurants, financial institutions, retail stores and automated car washes may be located on a lot. Drive-through service facilities accessory to gas bars or service stations shall not be included in the calculation of the maximum number of drive-through service facilities permitted on a lot.
- ii) The requirements of Section 3.15.8 of this By-law shall be satisfied.

3.3 ACCESS ON IMPROVED PUBLIC STREET

3.3.1 Improved Public Road

No person shall erect any building or structure in any Zone after the date of passing of this By-law, unless the lot upon which such building or structure is to be erected has frontage upon an improved public road, and such building or structure complies with the setback provisions of this By-law.

The above provisions shall not apply to prevent the erection of a permitted building or structure on an existing lot where a properly executed Agreement has been entered into with the Town, notwithstanding that the street or streets will not be assumed by the Town until the end of the maintenance period, nor shall it apply to prevent the enlargement, extension, renovation, reconstruction or other structural alteration of an existing building or structure, which is located on a lot which does not have frontage upon an improved public road, provided

the use of such building or structure does not change and is permissible within the Zone in which it is located.

3.4 ESTABLISHED BUILDING LINE IN RESIDENTIAL ZONE

Notwithstanding any other provisions of this By-law to the contrary, where a dwelling is to be erected in a Residential Zone, between existing dwellings on the same street or shoreline, such dwelling may be built with a front yard and setback equal to the average yard of the adjacent dwellings on the same side of the street within 100 metres of the lot.

3.5 SPECIAL NEEDS HOUSING

Group Homes or Shelters or any other Special Needs housing shall be permitted in any zone

3.6 HOME OCCUPATION

Where a home occupation is permitted the following provisions shall apply:

- i) Not more than one person, other than a person living on the premises, shall be engaged in the occupation of the canvassing, delivering or distributing merchandise to customers.
- ii) There shall be no display, other than a non-illuminated sign having a maximum surface area of 0.5 square metres, and located inside the dwelling to indicate to persons outside that any part of the dwelling or dwelling unit is being used for a purpose other than residential.
- iii) There shall be no goods, wares, or merchandise offered for sale or rent on the premises other than what is produced on the premises.
- iv) There shall be no outside storage of goods, materials, containers or animal enclosures used in conjunction with the home occupation.
- v) Not more than 25 percent of the gross floor area not including the basement of the dwelling or dwelling unit shall be used for the purposes of the home occupation, and such home occupation shall be conducted entirely within the detached dwelling or dwelling unit.
- vi) There shall be no mechanical or other equipment used except that which is customarily used in a dwelling or dwelling unit for domestic or household purposes or for use by a hairdresser or barber, dentist, drugless practitioner, physician, or other professional person.

- vii) A home occupation shall not include a boarding or lodging house, an eating establishment, or a facility offering accommodation or meals other than a Bed and Breakfast establishment.
- viii) A home occupation shall be secondary to the principle residence and shall not change the residential character of the lot.
- ix) One Home Occupation only shall be permitted in conjunction with a single detached dwelling.

3.7 HOME INDUSTRY

Where a home industry is permitted as an accessory use to a single detached dwelling in any zone the following provisions shall apply:

- i) A maximum of two (2) persons other than an occupant of the dwelling may be engaged in the home industry at any time.
- ii) Such home industry may be located in part of a dwelling or in any accessory building located on a lot on which a dwelling is in existence, provided the total gross floor area utilized by the home industry does not exceed a maximum of 100 square metres.
- iii) There shall be no display, other than a non-illuminated sign having a maximum surface area of 1.0 square metres, to indicate to persons that any part of the dwelling or dwelling unit is being used for a purpose other than residential.
- iv) There shall be no outside storage of goods, materials or articles in the front or side yard. Any materials or equipment used in the home industry shall be parked in the rear yard and shall be covered at all times.
- v) Only currently licensed motor vehicles, associated with the home industry may be parked or stored on the lot within an interior side or rear yard.

3.8 LOADING SPACE REQUIREMENTS

3.8.1 Loading Space

Loading spaces are required under this By-law, in accordance with the Loading Space Requirement Table set forth herein, and the owner of every building or structure erected for any purpose involving the receiving, shipping, loading or unloading of persons, animals, goods, wares, merchandise or raw materials shall provide and maintain loading and unloading spaces on the lot accordingly. For

the purposes of this By-law, each loading or unloading space shall be 15 metres in length, 3.5 metres in width and have a vertical clearance of at least 4.3 metres.

3.8.2 Loading Space Requirement Table

Gross Floor Area of Building	Loading Spaces Required
Less than 300 square metres	None
300 square metres to 2300 square metres or less	1 space
Exceeding 2300 square metres	2 spaces

3.8.3 Access

Access to loading spaces shall be by means of a driveway of at least 3.5 metres in width contained on the lot on which the spaces are located and leading to an improved public road.

3.8.4 Loading Space Surface

Driveways, loading spaces, and related aisles and turning areas shall be maintained with a stable surface that is treated to prevent the raising of dust. Such loading facilities shall, before being used, be surfaced with asphalt, concrete or brick and shall include provisions for drainage facilities. In Industrial Zones, a crushed stone or gravel surface shall be permitted except where such a use is abutting a Residential Zone or in a front yard.

3.8.5 Location

The loading spaces required shall be located in the interior side or rear yard unless such space or spaces are removed from the street line a minimum distance of 15 metres.

3.8.6 Additions to or Change in Use of Existing Buildings

The loading space requirements referred to herein shall not apply to any building in existence at the date of passing of this By-law so long as the gross floor area, as it existed at such date, is not increased by more than 300 square metres. If an addition is made to the building or structure which increases the gross floor area, then additional loading spaces shall be provided as required by this Section, in accordance with the provisions of the loading Space Requirement Table for such addition.

3.9 MULTIPLE ZONES ON ONE LOT

Where a lot is divided into more than one Zone under the provisions of this By-law, each such portion of this said lot shall be used in accordance with the Zone provisions of this By-law for the applicable Zone as if it were a separate lot.

3.10 NON-CONFORMING USES

3.10.1 Continuation of Existing Uses

The provisions of this By-law shall not apply to prevent the use of any existing lot, building or structure for any purpose prohibited by this By-law if such existing lot, building or structure was lawfully used for such purposes, prior to the effective date of this By-law and provided that the lot, building or structure continues to be used for that purpose. Where the use ceases to exist for a period of two years, the use will be deemed to have been discontinued.

3.10.2 Permitted Exterior Extension, Alteration and Reconstruction

The exterior of any building or structure which was lawfully used prior to the effective date of this By-law for a purpose not permissible within the Zone in which it is located, prior to the effective date of this By-law, shall not be enlarged, extended more than 0.2 metres, reconstructed or otherwise structurally altered, unless such building or structure is thereafter to be used for a purpose permitted within such Zone.

3.10.3 Permitted Interior Alteration

The interior of any building or structure which was lawfully used for a purpose not permissible within the Zone in which it is located prior to the effective date of this By-law, may be reconstructed or structurally altered, in order to render the same more convenient for the existing purpose for which such building or structure was lawfully used.

3.10.4 Restoration To A Safe Condition

Nothing in this By-law shall prevent the strengthening or restoration to a safe condition of any existing, legal non-conforming building or structure or part thereof, provided that the strengthening or restoration does not increase the building height, size or volume or change the existing, lawful use of such existing building or structure unless these changes are necessary to provide for floodproofing of the building.

3.10.5 Building Permit Issued

The provisions of this By-law shall not apply to prevent the erection or use, for a purpose prohibited by this By-law, of any building or structure, the plans for which have, prior to the date of passing of this By-law, been approved by the Chief Building Official, so long as the building or structure, when erected, is used and continues to be used for the purpose for which it was erected.

3.11 NON-COMPLYING LOTS, BUILDINGS, STRUCTURES AND USES

3.11.1 Permitted Buildings or Structures

Where a building or structure is located on a lot having less than the minimum frontage and/or lot area, and/or having less than the minimum setback and/or side yard and/or rear yard required by this By-law, the said building or structure may be enlarged, reconstructed, repaired and/or renovated provided that:

- i) the enlargement, reconstruction, repair and/or renovation does not further reduce a front yard, and/or side yard and/or rear yard and/or lot coverage less than the minimum required by this By-law;
- ii) the building or structure is being used for a purpose permissible within the Zone in which it is located; and,
- iii) all other applicable Zone Provisions of this By-law are complied with.
- iv) any building or structure that legally existed as of the date of passing of this By-law that encroached on any required yard or setback a distance of 0.1 m or less or exceeds maximum lot coverage by 1.0 per cent or less shall be deemed to comply with the requirements of this By-law.

3.11.2 Reconstruction of Existing Building

Nothing in this By-law shall apply to prevent the reconstruction of any permitted building which is accidentally damaged or destroyed by causes beyond the control of the owner. Such permitted building may be reconstructed in

accordance with the previously existing standards, even if such did not conform with one or more of the provisions of this By-law, but the non-compliance may not be further increased provided that the reconstruction occurs within 12 months of the damage being done.

3.11.3 Existing Undersized Lots of Record

Where a lot, having a lesser lot area and/or lot frontage than required herein, existed on the date of passing of this By-law, or where such a lot is created by a public authority such smaller lot may be used and a permitted building or structure, may be erected, altered and/or used on such smaller lot provided that all other applicable Zone Provisions of this By-law are complied with.

Lots which have been increased in size following passing of this By-law may also be used in accordance with this provision.

3.12 NOXIOUS TRADE

Except as may otherwise be specifically permitted under this By-law, no use shall be permitted which, from its nature or the materials used therein, is defined as a noxious trade, business or manufacture under The Health Protection and Promotion Act, as amended, and the Regulations promulgated thereunder.

3.13 PARKING AREA REGULATIONS

3.13.1 Parking Space Requirements

The owner of land or of every building or structure erected or used for any of the purposes hereinafter set forth shall provide and maintain parking spaces 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 are required under this By-law, in accordance with the Parking Space Requirement Table. Where the calculation of required spaces exceeds a whole space of more than .25, the required spaces shall be the next whole number.

3.13.2 Parking Area Surface

Non-Residential parking spaces, or multiple unit residential parking areas and driveways connecting the parking spaces or area with a street shall be maintained with a stable surface that is treated so as to prevent the raising of dust. Such parking spaces or areas shall, before being used, be constructed of asphalt or concrete or similar material and shall include provisions for drainage facilities. In Commercial zones parking spaces for more than four vehicles shall be maintained with a concrete, asphalt or brick.

Residential parking servicing 4 or fewer dwelling units can include crushed stone or gravel.

3.13.3 Ingress and Egress Provisions

- i) Ingress and egress to and from the required parking spaces and areas shall be provided by means of unobstructed driveways or passageways of at least 3 metres in width but not more than 9 metres in perpendicular width.
- ii) The maximum width of any joint ingress and egress driveway ramp measured along the street line shall be 9 metres.
- iii) The minimum distance between any two driveways on one lot or between a driveway and an intersection of street lines measured along the street line intersected by such driveway shall be 7.5 metres.
- iv) The minimum angle of intersection between a driveway and a street line shall be 60 degrees.

- v) Every lot shall be limited to the following number of driveways, namely:
- (a) up to the first 15 metres of lot frontage, not more than one driveway;
 - (b) greater than 15 metres of lot frontage but not more than 30 metres of frontage, not more than two driveways with a combined width not exceeding 30 percent of the lot frontage; and,
 - (c) for each additional 30 metres of lot frontage, not more than one additional driveway.
- vi) Parking spaces shall have a minimum width of 3.0 metres and have a minimum area of 18.5 square metres. The length of any parking space and the width of the adjacent aisle shall be in accordance with the following:

Angle of Parking Space Perpendicular with aisle	Minimum Length of parking space	Minimum width of aisle
60 degrees to 90 degrees	6.2 metres	6.9 metres
45 degrees to 59 degrees	6.2 metres	5.2 metres
30 degrees to 44 degrees	6.2 metres	3.7 metres
0 degrees to 29 degrees	6.2 metres	3.0 metres

3.13.4 More Than One Use on a Lot

When a building or structure accommodates more than one type of use, 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.

3.13.5 Parking Area Location on Lot

Notwithstanding the yard and setback provisions of this By-law to the contrary, uncovered surface parking areas shall be permitted in the required yards or in the area between the street line and the required setback except that, where a Commercial Zone abuts a Residential Zone, parking shall not be located in the required yard between the two zones.

Within a Residential Zone, in the front yard or exterior side yard, the maximum width of a driveway or parking area shall be 7.0 metres.

3.13.6 Additions To, or Changes In, The Use of Existing Buildings and Structures

The parking space requirements referred to herein shall not apply to any building or structure lawfully in existence on the date of passage of this By-law, so long as the gross floor area is not increased and the use or number of dwelling units does not change. If any addition is made to a building or structure which increases its gross floor area, then parking spaces for the addition shall be provided as required by the Parking Space Requirement Table. Where a change in use occurs, parking spaces shall be provided for such new use in accordance with the requirements of the Parking Space Requirement Table.

3.13.7 Use of Parking Spaces and Areas

Parking spaces and areas required in accordance with this By-law shall be used for the parking of operative, currently licensed vehicles only and for vehicles used in an operation incidental to the permitted uses in respect of which such parking spaces and areas are required or permitted.

Notwithstanding the foregoing, the owner or occupant of any lot, building or structure in the Residential (R1) Zone may use the lot building or structure for the parking, storing or housing of one commercial motor vehicle or trailer provided that such vehicle does not exceed a 1000 kg capacity.

3.13.8 Parking in the Downtown Commercial Zone

Within the Downtown Commercial (C1) Zone shown on Schedule A, the required parking spaces may be provided on another lot within 200 metres of the boundary of the lot for which parking is required provided that there is a legal agreement between the owners of said lands providing the parking, the owner of the use requiring the parking and the Town of Cobalt that ensures that the parking will continue to be available as long as the use is in operation.

Within the Downtown Commercial (C1) Zone parking spaces shall only be required for commercial uses where those uses exceed 900 square metres in gross leaseable area.

PARKING SPACE REQUIREMENT TABLE

TYPE OF NATURE OF USE	MINIMUM OFF-STREET PARKING REQUIREMENTS
Assembly Hall, Auditorium, Arena, Community Centre, Place of Worship, Private Club, Theater, Farmers Market, Eating Establishment or Tavern or establishment licensed under the Liquor License Act or other similar places of assembly not otherwise specified herein.	1 parking space for each four persons that may be legally accommodated at any one time, or each 9.0 square metres, whichever is greater.
Eating Establishment, Drive-In	1 parking space for each 20 square metres or fraction thereof of gross floor area.
Home for the Aged, Nursing Home, Seniors Apartments	1 parking space for each four beds or fraction thereof plus one space per two staff persons
Hotel, Motel, Resort, Cottage or Cabin Establishment, Tourist Establishment or Camping Establishment	1 parking space for each guest room, cottage, cabin or camp site plus one space for each 9.0 sq. m. devoted to a public use.
Retail Store	1/20 m ² net floor area
Schools	Elementary – 2/classroom Secondary – 6.5/classroom Post Secondary – 1/100 m ² net floor area
Residential	1 parking space per dwelling unit.
Group Homes and Special Needs Housing	1 per required caregiver
Lots with four (4) or more dwelling units	1.25 spaces per dwelling unit
Uses Permitted by this By-law other than those listed in this Table	1 parking space per 35 square metres of gross floor area.

3.14 PEAT EXTRACTION, PITS AND QUARRIES

The extraction of peat, establishment or operation of pits or quarries is prohibited within the area covered by this By-law, except in the locations permitted by this By-law, and in accordance with the provisions of this By-law. No person shall use land or erect any building or structure for the purpose of processing, washing, screening, sorting or crushing rock, sand and/or gravel and or peat except as expressly provided for in this By-law.

3.15 PLANTING STRIPS

3.15.1 Location

Where a lot in a Residential (R3), Institutional, Commercial or Industrial Zone abuts an interior side or rear lot line of a lot in a Residential Zone, a planting strip adjoining such abutting lot line, or portion thereof, shall be provided within the Residential (R3), Institutional, Commercial, or Industrial Zone with a minimum width of 3 metres.

3.15.2 Contents

Such required planting strip shall be used for no other purposes than planting a continuous, unpierced hedgerow of trees, evergreens or shrubs, or solid fencing not less than 1.5 metres high, immediately adjacent to the lot line, or portion thereof, where such planting strip is required. The remainder of the planting strip shall be used for no other purpose than the planting of ornamental shrubs, flowering shrubs, flower beds, grass or a combination thereof.

The planting strip shall not be required where the lands are bedrock with little or no native soil.

3.15.3 Driveways and Walkways

In all cases where ingress and egress, driveways, launching ramps or walkways extend through a required planting strip, it shall be permissible to interrupt the planting strip within 3 metres of the edge of such driveway or within 1.5 metres of the edge of such walkway.

3.15.4 Landscaped Open Space

A planting strip or buffer screen referred to in this Section may form a part of any landscaped open space required by this By-law but shall not form part of a required yard.

3.16 PUBLIC USES

3.16.1 Public Services

Except as provided in paragraph 3.16.2. hereof, the provisions of this By-law shall not apply to prohibit the use of any lot or the erection or use of any building or structure for the purposes of public uses provided by the Town, or any Public Authority including any Department or Ministry of the Government of Canada or Ontario or any Conservation Authority established by the Government of Ontario and, for the purposes of this Section, shall include Ontario Hydro, any telephone, telegraph or cable TV company and any natural gas distribution system operated by a Company distributing gas to the residents of the Town, which company possesses all the necessary powers, rights, licenses and franchises.

3.16.2 Location Restrictions

Notwithstanding any other provision contained in this By-law to the contrary, where a public use is specifically mentioned as a permitted use within a specific Zone classification, then such public use shall only be permitted within that Zone or Zones and shall comply with the Zone Provisions of the Zone or Zones in which the public use is permitted, save and except that there shall be no minimum lot area or lot frontage requirement. This provision shall not apply to Crown agencies.

3.16.3 Provisions

- i) No goods, materials or equipment shall be stored outside the building or structure located on the lot, except as may otherwise be permitted under this By-law;
- ii) The Zone provisions of the Zone in which the use is located shall be complied with except as otherwise provided in this By-law;
- iii) No building or structure erected in accordance with the provisions of this Section shall be used for the purposes of an office or maintenance or works depot; and,
- iv) The building or structure shall be designed and maintained in general harmony with the uses permitted within the respective Zone.

3.16.4 Streets and Service Installations

Nothing in this By-law shall prevent land from being used as a street or highway, or prevent the installation of a watermain, sanitary sewer, storm sewer, gas

main, pipeline, overhead or underground hydro, communication line or high voltage electrical facilities owned, operated and maintained by Ontario Hydro or the Public Utilities Commission.

3.17 REDUCTION OF REQUIREMENTS

No person shall change the purpose for which any land, building or structure is used or erect any building, or structure, or addition to any existing building or structure, or reduce the area of any lot, if the effect of such action is to cause the original adjoining, remaining or new building, structure or lot to be in contravention with this By-law.

3.18 RESTRICTIONS ON DWELLING UNITS IN NON-RESIDENTIAL BUILDINGS

Notwithstanding any other provision of this By-law, to the contrary, no dwelling unit shall be located within a portion of a non-residential building which has gasoline or other flammable fluids or hazardous materials stored in bulk for commercial purposes or in conjunction therewith, and without limiting the generality of the foregoing, a dwelling unit shall not be permitted within a building used for a motor vehicle service station, a motor vehicle repair garage, a motor vehicle body shop or a marine service shop.

3.19 SERVICES REQUIRED

No person shall erect or use a building or structure for a residential use on any lands except for lands in the Residential Type One (R1) or Residential Multiple (RM) Zone unless municipal sewage disposal and water supply services are available to the lot.

3.20 SIGHT TRIANGLES

On a corner lot fronting on two Town roads, within the triangular space formed by the street lines 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 measured along the street line from the point of intersection of the street lines, no motor vehicle, as defined in The Highway Traffic Act, shall be parked, no building or structure which would obstruct the vision of drivers of motor vehicles shall be erected, and no land shall be used for the purposes of growing shrubs or trees in excess of 1.0 metres in height. Such triangular space may hereinafter be referred to as a "sight triangle". 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.

Where the lands are located in the Downtown Commercial (C1) zone or abut roadways where the posted speed limit is 40 KMPH or less, the site triangle may be reduced to 6.0 metres.

3.21 SIGNS

Unless otherwise specified, the provisions of this By-law shall not apply to prevent the erection, alteration or use of any sign provided such sign complies with the By-laws of the Town.

3.22 SPECIAL SETBACKS

3.22.1 Railways

No building or structure used for human habitation shall be located closer than 30 metres to the limit of a railway right of way to the main line of the CPR Railway.

3.22.2 Street Centre Lines

Where a lot abuts a road allowance less than 20 metres in width, the minimum setback from the street line shall be 10 metres from the centre line of the street plus the required front yard or exterior side yard within the zone.

3.22.3 Watercourses

Unless otherwise permitted by this By-law, no building or a leaching bed for a sewage system shall be located within 30 metres of the normal or controlled high water mark of any watercourse or lake. Unless otherwise approved under the Building Code Act.

3.23 TEMPORARY USES PERMITTED

A tool shed, construction trailer, scaffold or other building or structure incidental to construction is permitted in all Zones within the Town on the lot only for so long as it is necessary for the work in progress and until the work is completed or abandoned. For the purpose of this Section, abandoned shall mean the discontinuation of work for more than 30 consecutive days and/or the failure to maintain a current building permit.

3.24 THROUGH LOTS

Where a lot, which is not a corner lot, has lot frontage on more than one street, the setback and front yard requirements contained herein shall apply on each

street in accordance with the provisions of the Zone or Zones in which such lot is located.

3.25 TRAVEL TRAILERS, MOBILE HOMES AND CAMPERS

Parking and storage of boats, recreational vehicles, trailers and similar vehicles shall only be permitted in the Residential zones subject to the following provisions:

- i) Boats, recreational vehicles and trailers shall be stored in the rear or interior side yard and must meet the setbacks required for an accessory building.
- ii) A recreational vehicle or trailer may be used for human habitation for no more than 30 days in any calendar year on a vacant lot.
- iii) In all other zones a recreational vehicle or trailer may be used for human habitation for no more than 30 days in any calendar year if there is an existing principal dwelling.

Mobile homes may be used as dwelling units only in a zone which permits mobile homes provided they have been constructed to CSA Standard Z240, Z241 or the equivalent and are located on permanent foundations with the running gear and towing equipment removed.

3.26 WATERSHED PROTECTION ZONE

Lands shown as the Watershed Protection Zone on Schedule A shall not be used for any purpose that generates any effluent, including sewage effluent or withdraws water from the ground or lake. Development on existing lots of record may be permitted in accordance with the zone regulations that apply to the lands only where the use is connected to full municipal services.

Within the Watershed Protection Zone there shall be not used for the storage or handling of:

- Commercial fertilizer
- Pesticide
- Road salt
- Snow storage
- Fuel
- Dense non-aqueous phase liquid
- Organic solvent
- Livestock

SECTION 4
ZONE PROVISIONS

4.1 RESIDENTIAL TYPE ONE (R1) ZONE

4.1.1 Permitted Uses

No person shall within a Residential Type One (R1) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

- i) single detached dwelling
- ii) accessory dwelling units
- iii) duplex dwelling
- iv) semi-detached dwelling
- v) bed and breakfast
- vi) home occupation
- vii) special needs facility

4.1.2 Regulations for Permitted Uses

- i) Minimum Lot Area 360 sq. m.
- ii) Minimum Lot Frontage 12.0 m.
- iii) Minimum Yard Requirements
 - a) Front Yard 1.5 m.
 - b) Interior Side Yard 1.5 m.
 - c) Exterior Side Yard 4.0 m.
 - d) Rear Yard 1.5 m.
- iv) maximum lot coverage
 - all buildings 50%
 - accessory buildings 10%.
- v) Minimum Landscaped Open Space 20%
- vi) Maximum Building Height 11.0 m

4.1.3 Exceptions

4.1.3.1 Residential Type One – Mobile (R1-M) Zone

Notwithstanding the permitted uses in the Residential Type One (R1) to the contrary, a mobile home and a mobile home park are permitted uses in the RM-1 zone

In all other respects the provisions of the R1 zone shall apply.

4.2 RESIDENTIAL TYPE TWO (R2) ZONE

4.2.1 Permitted Uses

No person shall within a Residential Type Two (R2) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

- i) accessory dwelling units
- ii) bed and breakfast
- iii) boarding house
- iv) duplex dwelling
- v) home occupation
- vi) semi-detached dwelling
- vii) single detached dwelling
- viii) special needs facility
- ix) townhouse dwelling

4.2.2 Regulations for Permitted Uses

- i) Minimum Lot Area
 - a) bed and breakfast, boarding house, duplex, group home and single detached dwelling 465 sq. m.
 - b) semi-detached and townhouse 200 sq. m.
- ii) Minimum Lot Frontage
 - a) bed and breakfast, boarding house, duplex, group home 15.0 m.
 - b) single, detached dwelling semi-detached and townhouse 9.0 m.
 - c) townhouse 7.5 m.
- iii) Minimum Yard Requirements
 - a) Front Yard 6.0 m.
 - b) Interior Side Yard
 - one storey 1.5 m.
 - two storeys 3.0 m.
 - semi-detached nil with communal wall, 3.0 m. on the other
 - townhouse 5.0 m. on exterior wall only

- | | | |
|----|--------------------|--------|
| c) | Exterior Side Yard | 5.0 m. |
| d) | Rear Yard | 7.5 m. |
- iv) maximum lot coverage
- all buildings 50%
 - accessory buildings - 75% of principal building or maximum 10% lot coverage, whichever is greater.
- v) Minimum Landscaped Open Space 20%

4.2.3 Exceptions

4.3 RESIDENTIAL TYPE THREE (R3) ZONE

No person shall within a Residential Type Three (R3) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

4.3.1 Permitted Uses

- i) accessory dwelling units
- ii) apartment building
- iii) bed and breakfast
- iv) boarding house
- v) duplex dwelling
- vi) home occupation
- vii) four-plex dwelling
- viii) retirement home
- ix) semi-detached dwelling
- x) single detached dwelling
- xi) special needs facility
- xii) townhouse dwelling
- xiii) triplex building

4.3.2 Regulations for Permitted Uses

Single detached dwellings, semi-detached, duplex dwellings, shall meet the Regulations for permitted uses in the R2 Zone.

- i) Minimum Lot Area
 - tri-plex or townhouse 200 sq. m. per unit
 - apartment building 200 sq. m. per unit
 - plus 93.0 sq. m. per unit
 - units after 4 units
- ii) Minimum Lot Frontage 4.0 m. per unit
- iii) Minimum Yard Requirements
 - a) Front Yard 7.5 m. plus 3.0 metres for each storey above 3
 - b) Interior Side Yard
 - with common wall nil
 - without common wall 4.5 m. or half the building height whichever is greater
 - c) Exterior Side Yard 7.5 m.
 - d) Rear Yard 10.5 m.

- | | | |
|-----|-------------------------------|-----|
| iv) | Maximum Lot Coverage | 60% |
| v) | Minimum Landscaped Open Space | 20% |

4.3.3 Exceptions

4.4 RURAL (RU) ZONE

No person shall within a Rural (RU) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

4.4.1 Permitted Uses

- i) home industry
- ii) home occupation
- iii) single detached dwelling
- iv) accessory dwelling unit

4.4.2 Zone Requirements

- i) Minimum Lot Area 1.0 hectares
- ii) Minimum Lot Frontage 60.0 metres
- iii) Minimum Yard Requirements
 - a) Front Yard 15.0 m.
 - b) Interior Side Yard 7.0 m.
 - c) Exterior Side Yard 15.0 m.
 - d) Rear Yard 15.0 m.
- iv) Maximum Lot Coverage
 - on lots less than 1.0 ha - 10%
 - on lots greater than 1.0 ha - 5%
- v) Minimum Landscaped Open Space 20%
- vi) Notwithstanding the General Provisions of the By-law to the contrary accessory buildings shall not exceed 5% of the lot area of a maximum of 150 sq. m.

4.4.3 Exceptions

4.5 DOWNTOWN COMMERCIAL (C1) ZONE

No person shall within a Downtown Commercial (C1) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

4.5.1 Permitted Uses

- i) apartment dwelling
- ii) assembly hall
- iii) banks or financial institutions
- iv) business, professional and administrative offices
- v) car wash
- vi) clinic
- vii) community centre
- viii) day nurseries
- ix) dwelling units within a commercial building
- x) dwelling units
- xi) funeral parlour
- xii) gas bar
- xiii) hotels and motels
- xiv) laundromat
- xv) movie theatre
- xvi) parking lot
- xvii) personal services establishment
- xviii) place of amusement
- xix) place of worship
- xx) post office
- xxi) private club
- xxii) restaurant
- xxiii) retail store
- xxiv) service shop
- xxv) supermarket
- xxvi) tavern
- xxvii) taxi depot

4.5.2 Regulations for Permitted Uses

- | | | |
|------|---------------------------|------------|
| i) | Minimum Lot Area | 230 sq. m. |
| ii) | Minimum Lot Frontage | 7.5 m |
| iii) | Minimum Yard Requirements | |
| | a) Front Yard | nil |
| | b) Interior Side Yard | nil |

- | | | | |
|------|----|--|------|
| | c) | Exterior Side Yard | nil |
| | d) | Rear Yard | nil |
| iv) | | Maximum Lot Coverage | 100% |
| v) | | Minimum Landscaped Open Space | |
| | - | in any yard abutting a Residential zone | |
| | | a landscaping strip shall be required | |
| vi) | | Where a building is used for residential purposes, the residential uses may be located at the rear on the building on the first floor or on any floor above the first floor. A residential entrance and foyer not exceeding 10% of the front of the building shall be permitted. | |
| vii) | | Notwithstanding the regulations in this section, permitted existing dwellings shall meet the requirements of the Residential Type 2 (R2) Zone | |

4.5.3 Exceptions

4.6 HIGHWAY COMMERCIAL (C2) ZONE

No person shall within a Highway Commercial (C2) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

4.6.1 Permitted Uses

- i) accessory dwelling (one only)
- ii) building supply and lumber outlet
- iii) bus depot
- iv) car wash
- v) commercial greenhouse/nursery sales
- vi) convenience store
- vii) cultural centre
- viii) equipment sales/rental establishment
- ix) laundromat
- x) hotel and motel
- xi) marine or small engine sales and service establishment
- xii) motor vehicle dealership
- xiii) motor vehicle fuel bar or service station
- xiv) prefabricated housing sales establishment
- xv) public storage facilities
- xvi) recreational establishment
- xvii) recreational vehicle sales and service operation
- xviii) restaurant or tavern
- xix) retail commercial uses having a minimum floor area of 100 sqm
- xx) veterinary clinic

4.6.2 Regulations for Permitted Uses

- i) Minimum Lot Area
 - without municipal sewage services 4,000 sq. m.
 - with municipal sewage services 930 sq. m.
- ii) Minimum Lot Frontage 30.0 m.

iii)	Minimum Yard Requirements	
	a) Front Yard	15.0 m.
	b) Interior Side Yard	6.0 m.
	c) Exterior Side Yard	15.0 m.
	d) Rear Yard	7.5 m.
iv)	Maximum Lot Coverage	35%
v)	Minimum Landscaped Open Space	15%

4.6.3 Exceptions

4.7 LIGHT INDUSTRIAL (M1) ZONE

No person shall within a Light Industrial (M1) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

4.7.1 Permitted Uses

- i) building supply and lumber outlet
- ii) business, professional and administrative office
- iii) contractors yard
- iv) community centre
- v) educational facility
- vi) equipment sales and services
- vii) event centre
- viii) hardware, home furnishings, office supply or wholesale sales
- ix) manufacturing, processing or assembly within an enclosed building
- x) motor vehicle repair garage
- xi) motor vehicle body shop
- xii) outdoor storage
- xiii) publishing or printing establishment
- xiv) retail sales accessory to a permitted use not exceeding 35 per cent of the total floor area
- xv) telecommunications tower
- xvi) transmission towers and hydro-electric substations
- xvii) warehouse including self storage
- xviii) workshop

4.7.2 Regulations for Permitted Uses

- i) Minimum Lot Area
 - without municipal sewage services 4,000 sq. m.
 - with municipal sewage services 555 sq. m.
- ii) Minimum Lot Frontage 18.0 m
- iii) Minimum Yard Requirements
 - a) Front Yard 9.0 m.
 - b) Interior Side Yard 6.0 m.
 - c) Exterior Side Yard 9.0 m.
 - d) Rear Yard 12.0 m.
- iv) Maximum Lot Coverage 65%
- v) Minimum Landscaped Open Space 20%

- in any yard abutting a residential zone a landscaping strip shall be required

4.7.3 Exceptions

4.8 HEAVY INDUSTRIAL (M2) ZONE

No person shall within a Heavy Industrial (M2) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

4.8.1 Permitted Uses

- i) accessory business, professional and administrative office
- ii) building supply outlet
- iii) bulk fuel depot
- iv) contractors yards
- v) heavy or light equipment sales and services
- vi) manufacturing or processing
- vii) motor vehicle repair garage
- viii) outdoor storage
- ix) publishing or printing establishment
- x) public works yard/public utilities yard
- xi) retail sales accessory to a permitted use not exceeding 25 per cent of the total floor area
- xii) transportation depot
- xiii) warehouse including self storage
- xiv) uses permitted in the Light Industrial (M1) Zone.

4.8.2 Regulations for Permitted Uses

- i) Minimum Lot Area
 - without municipal sewage services 10,000 sq. m.
 - with municipal sewage services 1,100 sq. m.
- ii) Minimum Lot Frontage 30.0 m
- iii) Minimum Yard Requirements
 - a) Front Yard 9.0 m.
 - b) Interior Side Yard 6.0 m.
 - c) Exterior Side Yard 9.0 m.
 - d) Rear Yard 12.0 m.
- iv) Maximum Lot Coverage 60%
- v) Minimum Landscaped Open Space 20%
 - in any yard abutting a non-industrial zone a landscaping strip shall be required
- vi) Buffering Requirements

All outdoor storage uses shall be enclosed with a buffer strip or solid fence having a minimum height of 2.4 metres.

4.8.3 Exceptions

4.9 EXTRACTIVE INDUSTRIAL (M3) ZONE

No person shall within an Extractive Industrial (M3) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

4.9.1 Permitted Uses

- i) mining
- ii) peat extraction
- iii) pits
- iv) portable asphalt or concrete batching plant
- v) quarries
- vi) wayside pits and quarries

4.9.2 Regulations for Permitted Uses

- i) Minimum Lot Area 1.0 ha.
- ii) Minimum Lot Frontage 100 m.
- iii) Minimum Yard Requirements (from limit of extraction) or buildings or structures
 - a) Front Yard 30.0 m.
 - b) Interior Side Yard 15.0 m.
 - c) Exterior Side Yard 30.0 m.
 - d) Rear Yard 15.0 m.
- iv) Minimum Setback from a Residential Lot 120 m.
- v) Maximum Lot Coverage (Buildings and Structures) 10%
- vi) Minimum Landscaped Open Space 10%

All yards abutting a Residential zone shall contain a landscape strip of at least 30 m in width

4.9.3 Exceptions

4.10 INSTITUTIONAL (I) ZONE

4.10.1 Permitted Uses

No person shall within an Institutional (I) Zone, use any land or erect, alter or use any building or structure except for one or more of the following uses:

- i) ambulance station
- ii) arena
- iii) business, professional and administrative offices
- iv) community centre
- v) day nursery
- vi) fire station
- vii) hospital
- viii) library
- ix) municipal water and sewage treatment and storage facilities
- x) nursing home
- xi) place of worship
- xii) school

4.10.2 Regulations for Permitted Uses

- i) Minimum Lot Area 550 sq. m.
- ii) Minimum Lot Frontage 15.0 m.
- iii) Minimum Yard Requirements
 - a) Front Yard 7.5 m.
 - b) Interior Side Yard 7.5 m.
 - d) Exterior Side Yard 7.5 m.
 - d) Rear Yard 7.5 m.
- iv) Maximum Lot Coverage 35%
- v) Minimum Landscaped Open Space 10%

4.10.3 Exceptions

4.11 OPEN SPACE (OS) ZONE

No person shall within an Open Space (OS) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

4.11.1 Permitted Uses

- i) cemetery
- ii) golf course
- iii) outdoor recreation
- iv) private recreational park
- v) public park and accessory structures
- vi) public recreation centre
- vii) uses that legally existed as of the date of passing of this By-law

4.11.2 Regulations for Permitted Uses

- i) Minimum Lot Area 1.0 ha.
- ii) Minimum Lot Frontage 60.0 m.
- iii) Minimum Yard Requirements
 - a) Front Yard 7.5 m.
 - b) Interior Side Yard 7.5 m.
 - c) Exterior Side Yard 7.5 m.
 - d) Rear Yard 7.5 m
- iv) Maximum Lot Coverage 5%
- v) Minimum Landscaped Open Space 50%

4.11.3 Lands Under Water

All lands situated below the surface of a waterbody or watercourse shall be deemed to be in the Open Space (OS) Zone. Notwithstanding the permitted uses to the contrary, the only permitted uses of such land shall be marine facilities and boathouses accessory to permitted uses on the appertaining lands where such a use is permitted on the appertaining zone and in accordance with Section 3.1. In addition, the Regulations for Permitted Uses shall not apply to lands under water.

It is noted that approval from the Ministry of Natural Resources and/or Transport Canada may be required for marine facilities and boathouses.

- | | | |
|------|--|-------------|
| i) | Minimum lot area | 1.6 ha. |
| ii) | Minimum lot frontage | 152 m. |
| iii) | Minimum front side and rear yards | 30.0 m. |
| iv) | Maximum gross floor area of main building. | 40.0 sq. m. |
| v) | Minimum parking spaces | 20.0 |

In all other respects the provisions of the Open Space (OS) Zone shall apply

4.12 ENVIRONMENTAL PROTECTION (EP) ZONE

No person shall, within any Environmental Protection Lands (EP) Zone erect, alter or use any building or structure except in accordance with the following provisions:

4.12.1 Permitted Uses

- i) agriculture
- ii) conservation
- iii) golf course
- iv) marine facilities
- v) passive public parks
- vi) resource management activities

4.12.2 Regulations for Permitted Uses

No buildings or structures including accessory buildings or structures with the exception of marine facilities pumphouses and buildings and structures for flood and erosion are permitted in the Environmental Protection (EP) Zone.

4.12.3 Exceptions

4.13 HAAZARD (HZ) ZONE

No person shall, within any Hazard (HZ)) Zone erect, alter or use any building or structure except in accordance with the following provisions:

4.13.1 Permitted Uses

- i) existing dwelling units
- ii) home occupation in an existing single detached dwelling
- iii) existing commercial and industrial uses
- iv) passive public parks
- v) resource management activities

4.13.2 Regulations for Permitted Uses

Existing residential uses shall meet the requirements of the Residential (R1) Zone.

Existing commercial uses shall meet the requirements of the Highway Commercial (C2) Zone.

Existing industrial uses shall meet the requirements of the Light Industrial (M1) Zone

4.13.3 Exceptions

4.14 HOLDING PROVISIONS

4.14.1 Unless otherwise provided in this By-law to the contrary, where a Zone symbol is preceded by, a letter “H” and a number – for example H1M1 – no person shall use or permit the use of the land to which the letter (H) applies for any use other than the use which legally existed on the date the By-law applying the Holding provision came into effect or the use(s) permitted in the By-law enacting the Hold, or expand or replace an existing building or structure as the case may be, until the Hold (H) is removed in accordance with the policies of the Official Plan and Section 36 of the Planning Act, R.S.O. 1990, c.P.13, as amended.

4.14.2 Council may pass a By-law pursuant to Section 36 of the Planning Act, as amended to remove the Holding (H) Symbol, thereby placing the lands in the zone indicated by the zone symbol, when all of the applicable requirements have been met. For the purposes of this By-law, a number of distinct holding provisions have been applied as set out in Table 4.22, below:

Table 4.14: Holding (H) Provisions

Col. 1	Column 2	Column 3	Column 4	Col. 5	Col.6
Symbol	Application	Property/ Legal Description	Conditions for Removal	Date Enacted	Date Removed
H1			Assessment of the potential mine hazards and required mitigation to the satisfaction of the Town and Province		

4.15 TEMPORARY USES

Where on Schedules to this By-law, a symbol “T”, and a number, identify a property that is subject to a temporary use permission one or more additional but temporary uses are permitted on the lands noted until the permission granted by the site specific Temporary Use By-law expires in accordance with the policies of the Official Plan and Section 39 of the Planning Act, R.S.O. 1990, c.P.13, as amended. Table 4.23, below, identifies the Temporary Use Zones within the Town.

Table 4.14 – Temporary Uses

Symbol	Zone Designation	Property/Legal Description	Temporary Uses Permitted	Date Enacted	Expiry Date

SECTION 5
DEFINITIONS

5.1 **ACCESSORY**

A use, separate building or structure, which is usually incidental, subordinate, exclusively devoted to and located on the same lot as the principle use, building or structure.

5.2 **AGRICULTURAL BUILDING**

Any building or structure customarily used in connection with a farm other than a residence.

5.3 **AGRICULTURAL USE**

Any agricultural use or uses, structures or buildings accessory thereto, including field crops, animal husbandry, horticultural nurseries and any other use customarily carried on in the field of general agriculture, including the sale on the premises, of produce grown or raised on the premises except specialized agricultural uses as defined herein.

5.4 **AIRPORT**

The use of lands, buildings or structures for the purposes of air transportation services.

5.5 **ANIMAL SHELTER**

Lands and buildings used for the keeping of animals, birds or other livestock and may include the premises of a veterinary surgeon.

5.6 **ASSEMBLY HALL**

A building, or part of a building, in which facilities are provided for such purposes as meetings for civic, educational, political, religious or social purposes and may include a bingo hall, a banquet hall, private club or fraternal organization.

5.7 **ATTACHED**

A building 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 buildings.

- 5.8 **ART GALLERY**
- A building, place or area where paintings, sculptures or other works of art are exhibited or sold.
- 5.9 **BALCONY**
- A raised platform or structure projecting above finished grade from the main building, not supported by the ground, with or without steps to provide access to the ground.
- 5.10 **BARN**
- A building used for the housing of livestock or agricultural products kept or grown on the lands on which the building is located.
- 5.11 **BASEMENT**
- That portion of a building below the first floor and which is partly underground as defined in the Building Code.
- 5.12 **BED AND BREAKFAST**
- A home occupation within a single detached dwelling wherein not more than five rooms are rented and meals are served to overnight guests for commercial purposes.
- 5.13 **BOARDING HOUSE**
- A dwelling in which the proprietor supplies for a fee sleeping accommodation with board for at least three persons and not more than ten persons exclusive of the proprietor, members of the proprietor's family and servants of the establishment but does not include a hostel.
- 5.14 **BOATHOUSE**
- A building used for the storage of boats and boating equipment.
- 5.15 **BOAT SLIP**
- A single parking space of at least 185 sq. m. for a boat or other marine vessel forming part of a dock, boathouse or other mooring facilities.
- 5.16 **BUILDING**

A structure consisting of walls, roof and floor or a structural system serving the same purpose as defined in the Building Code and including carports but does not include awnings. For the purposes of this By-law a building includes a tent or similar temporary structure located on a lot for more than 10 consecutive days.

5.17 **BUILDING SUPPLY AND LUMBER OUTLET**

A building or structure in which building or construction and home improvement materials are offered or kept for sale at retail and may include the fabrication of certain materials related to home improvements.

5.18 **BULK FUEL DEPOT**

Lands, buildings and structures for the storage, distribution of fuels and oils but not including retail sales except key lock operations.

5.19 **BUSINESS, PROFESSIONAL OFFICE OR ADMINISTRATIVE OFFICE**

A building or part of a building in which one or more persons are employed in the management, direction or conducting of a business or where professionally qualified persons and their staff serve clients or patients who seek advice, consultation or treatment and may include the administrative offices of a non-profit or charitable organization.

5.20 **CAMPING ESTABLISHMENT**

Lands used for the parking and temporary use for at least five (5) campsites occupied by tents, trailers, motor homes, truck campers and recreational vehicles and accessory uses and facilities such as administrative offices, sanitary facilities, recreational facilities and an accessory convenience store.

5.21 **CAMP SITE**

A parcel of land within a camping establishment that is maintained as a site for the location and temporary occupation of a tent, travel trailer, motor home, recreational vehicle or truck camper, but not a mobile home.

5.22 **CELLAR**

A portion of a building below the first storey floor which is partly or wholly underground and which has more than one-half of its height, from finished floor to finished ceiling or to the underside of the floor joints of the first floor, the average finished grade level adjacent to the exterior walls of the building and having a floor to ceiling height of less than 1.8 m. (6.0 ft.) or as otherwise defined in the Building Code.

5.23 **CEMETERY**

The land that is set apart or used as a place for the internment of the dead or in which human bodies have been buried.

5.24 **CHIEF BUILDING OFFICIAL**

The official employed by the Town appointed under the Building By-law or pursuant to the provisions of The Building Code Act, S.O., 1992 c.23, as amended, and shall include any Inspector likewise employed and appointed.

5.25 **TOWN**

The Corporation of the Town of Cobalt

5.26 **CLINIC**

An establishment used by two or more qualified health practitioners including physicians, dentists, chiropractors, physiotherapists and their staff for the purposes of consultation, diagnosis and office treatment.

5.27 **COMMUNITY CENTRE**

Any tract of land or building, or buildings or any part of any buildings used for community activities whether used for commercial purposes or not, the control of which is vested in the Municipality, a local board or agent thereof and may include an auditorium, swimming pool, arena and fitness centre.

5.28 **COMMUNITY FACILITY**

Any facility, place or building which is maintained and operated to provide services for residents of the community.

5.29 **CONSERVATION**

The preservation, protection and improvement of the components of the natural environment through a comprehensive management and maintenance program administered by a public authority for individual or public use.

5.30 **CONTRACTOR'S YARD**

A yard of any general contractor or builder where equipment and materials are stored or where a contractor performs shop or assembly work but does not include any other yard or establishment otherwise defined or classified herein.

5.31 **CONVENIENCE STORE**

A retail commercial establishment, not exceeding 200 square metres of gross floor area, supplying groceries and other daily household necessities to the surrounding area, whether or not such store is open for business seven (7) days a week or not.

5.32 **CORPORATION**

The Corporation of the Town of Cobalt.

5.33 **COUNCIL**

The Council of the Corporation of the Town of Cobalt

5.34 **COMMUNITY CENTRE**

The use of any lot or building where members of the public are provided with health services, social support services, cultural, social or recreational programs or life/work skills training programs and where neither overnight care nor living accommodation is available. A day care centre is a permitted accessory use to a community centre.

5.35 **DAY NURSERIES**

A day nursery operated for pre-school age children within the meaning of the Day Nurseries Act, as amended.

5.36 **DECK**

Deck shall mean a structure above the ground cantilevered from a dwelling unit or supported by the ground and open to the sky, located 0.3 m. or more above finished grade.

5.37 **DOCK**

A structure for the mooring of boats, attached to or forming part of the mainland or used in conjunction with a use on the mainland.

5.38 **DRIVE THROUGH SERVICE FACILITY**

A building or structure or part thereof where goods and/or services are offered to the public within a parked or stationery vehicle that is in a designated queuing space by way of a service window, kiosk, or automated machine where goods, money or materials are exchanged. Kiosks within a parking structure or associated with a surface parking area are not considered to be drive-through service uses.

5.39 **DWELLING**

A building or part of a building occupied or capable of being occupied, in whole or in part as the home, residence or sleeping place of one or more persons either continuously, permanently, temporarily or transiently.

5.40 **DWELLING, ACCESSORY**

A dwelling within a principle dwelling or separate building, or structure, which is incidental, subordinate to the principle dwelling or use on the property.

5.41 **DWELLING, APARTMENT**

A separate building containing three or more dwelling units sharing a common corridor or stair well.

5.42 **DWELLING, DUPLEX**

The whole of a two-storey building divided horizontally into two separate dwelling units, each of which has an independent entrance either directly or through a common vestibule.

5.43 **DWELLING, QUADRAPLEX**

The whole of a dwelling house that is divided vertically by common party walls into four separate dwelling units, each of which has two common party walls.

5.44 **DWELLING, SEMI-DETACHED**

The whole of a building divided vertically into two separate dwelling units.

5.45 **DWELLING, SINGLE DETACHED**

A detached building containing one dwelling unit only.

5.46 **DWELLING, TOWNHOUSE**

A dwelling unit in a building divided vertically into no less than three nor more than eight dwelling units attached by common walls extended from the base of the foundation to the roof line, each dwelling unit having a separate entrance at grade.

5.47 **DWELLING, TRIPLEX**

The whole of a building divided horizontally into three separate dwelling units, each of which has an independent entrance either directly or through a common vestibule.

5.48 **DWELLING UNIT**

A combination of rooms in which a kitchen, living quarters and sanitary conveniences are provided for the exclusive use of the residents and with a private entrance from outside the building or from a common hallway or stairway inside. It may include a modular home constructed in accordance with the Building Code and C.S.A. A-277 Regulations.

5.49 **DWELLING UNIT, ACCESSORY**

A separate dwelling unit which is contained in a building which was originally designed as a single family dwelling and continues to be occupied by the owner.

5.50 **ERECT**

To build, construct, reconstruct, alter or relocate including any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, or structurally altering any existing building or structure by an addition, deletion, enlargement or extension.

5.51 **ESTABLISHED BUILDING LINE**

The average distance from the road line to existing buildings measured not more than 100 metres on either side of the lot where the frontage has been built upon, as of the date of passing of this By-law.

5.52 **EXISTING**

Legally existing, being a reality or an actuality as of the date of passing of this By-law.

5.53 **FARM**

Any farming or agricultural use and includes apiaries; aviaries; berry or bush crops; breeding, raising, training or boarding of horses or cattle; commercial greenhouses; farms devoted to the hatching, raising and marketing of chickens, turkeys, or other fowl or game birds, animals, fish or frogs; farms for grazing; flower gardening; field crops; goat or cattle dairies; growing, raising, picking, treating and storing of vegetables or fruit produce produced on the premises; nurseries; orchards; riding stables; the raising of sheep or goats; the raising of swine; tree crops; market gardening; bee keeping; wood lots; such uses or enterprises as are customarily carried on in the field of general agriculture not including a specialized farm as defined. "Farm" includes a single-family dwelling house, and such principle or main buildings and structure as a barn or silo, as well as accessory buildings and structures which are incidental to the operation of the farm.

5.54 **FINISHED GRADE**

The average elevation of the finished surface of the ground at ground level measured on any side of a building or structure.

5.55 **FIRST STOREY**

The storey with its floor closest to grade and having its ceiling more than 1.8 metres above grade or as defined in the Building Code.

5.56 **FLOOR AREA, GROSS**

The total floor area, as hereinafter defined, exclusive of any portion of the building or structure below finished grade measured between the exterior faces of the exterior walls which is used for heating, the storage of goods or personal effects, laundry facilities, recreational areas, the storage or parking of motor vehicles, exclusive of any private garage, carport, basement, walkout basement, cellar, porch, verandah or sunroom unless such sunroom is habitable during all seasons of the year.

5.57 **FLOOR AREA, GROUND**

The maximum ground floor area of a building measured by the outside walls, excluding, in the case of a single detached dwelling, any private garage, carport, porch, verandah or sunroom (unless such sunroom is habitable at all seasons of the year).

5.58 **FUNERAL HOME**

A building designed for the purpose of furnishing funeral supplies and services to the public and includes facilities intended for the preparation of the dead human body for internment or cremation.

5.59 **GARAGE, PRIVATE**

A detached accessory building or portion of a dwelling house which is designed or used for the sheltering of a private motor vehicle and storage of household equipment incidental to the residential occupancy and which is fully enclosed and roofed and excludes a carport or other open shelter.

5.60 **GARDEN SUITE**

A one unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable.

5.61 **GAZEBO**

A freestanding roofed accessory structure which is not enclosed, except for screening or glass and which is utilized for the purposes of relaxation in conjunction with a residential dwelling but shall not include any other use or activity otherwise defined or classified in this By-law.

5.62 **GOLF COURSE**

A public or private area operated for the purpose of playing golf, and includes a par 3 golf course, club house and recreational facilities, accessory driving ranges and miniature golf courses, and similar uses.

5.63 **GROUP HOME**

A single housekeeping unit in a residential dwelling in which 3 to 9 unrelated residents excluding staff or receiving family, live as a family under responsible supervision consistent with the requirements of its residents and includes a home licensed or approved under the Provincial statute as a Special Care Residential Home, Supportive Housing Program, Adult Community Mental Health Program, Children's Residence, Accommodation Services for the Developmentally Handicapped, Satellite Residences for Seniors and Halfway Houses for the Socially Disadvantaged, in compliance with municipal by-laws.

5.64 **GUEST CABIN**

A single storey accessory structure which is not attached to the main dwelling on a lot which is maintained for the accommodation of an individual or individuals where sanitary facilities and facilities for cooking are not provided.

5.65 **HEAVY EQUIPMENT SALES AND RENTAL**

A building or part of a building or structure in which heavy machinery and equipment are offered or kept for sale, rent, lease or hire under agreement for compensation, but shall not include any other establishment defined or classified in this By-law.

5.66 **HEIGHT OF BUILDINGS**

The vertical distance, measured between the average natural or finished grade at the front of the building, whichever is the lesser, and the highest point of the roof

5.67 **HIGH WATER MARK SETBACK**

The setback will be measured from the normal controlled high water mark of the lake or river.

5.68 **HOME FOR THE AGED**

A Home for the Aged as defined by the Home for the Aged Act.

5.69 **HOME INDUSTRY**

Any occupation that involves processing or manufacturing or producing products conducted entirely within a building or part of a building accessory to a single detached dwelling house, a part of a dwelling unit that includes processing, assembly, manufacturing or a workshop within an area not to exceed 100 square metres in gross floor area and shall not include outdoor storage.

5.70 **HOME OCCUPATION**

An occupation or profession related to the provision of services excluding processing or manufacturing or producing products, carried on by the occupant of a dwelling within his/her dwelling as an accessory use in connection with which there is no display, no stock in trade nor commodity sold upon the premises and no outdoor storage.

5.71 **HOSPITAL**

Any institution, building or other premises or place established for the maintenance, observation, medical and dental care and supervision and skilled nursing care of persons afflicted with or suffering from sickness, disease or injury or for the convalescent or chronically ill persons.

5.72 **HOTEL**

A building or part of a building that contains a general kitchen and dining room and other public rooms, the remaining rooms of which contain no provision for cooking, and are usually hired by transients as places of abode; and includes a hostel for men or women.

5.73 **IMPROVED PUBLIC ROAD**

A road or highway under the jurisdiction of the Province of Ontario or the Town or a private road within a registered Plan of Condominium which is maintained so as to allow normal vehicular access to adjacent properties and which, in the case of a municipal road is a road which has been constructed to municipal standards.

5.74 **KENNEL**

An establishment for the keeping, breeding and raising of domesticated animals for profit or gain, but shall not apply to the keeping of animals in a veterinary establishment for the purpose of observation and or recovery necessary to veterinary treatment.

5.75 **LANDSCAPED OPEN SPACE**

The open space from ground to sky at grade on a lot accessible by walking and which is suitable for the growth and maintenance of grass, flowers, trees, bushes, natural vegetation and other landscaping and includes any surfaced walk, patio or similar area but does not include any driveway or ramp, whether surfaced or not, any curb, retaining wall, parking area or any open space beneath or within any building or structure.

5.76 **LANDSCAPING STRIP**

An open space free of buildings or structures which is used for the growing and maintenance of and unpierced row of shrubs, trees or other natural vegetation having a minimum height of 1.5 metres.

5.77 **LANE**

A public thoroughfare which affords only a secondary means of access for vehicular traffic to abutting lots and which is not intended for general traffic circulation.

5.78 **LAUNDROMAT**

A building or structure where the service or coin-operated laundry machines, using only water, detergents and additives, are made available to the public for the purpose of laundry cleaning.

5.79 **LIGHT EQUIPMENT SALES AND RENTAL ESTABLISHMENT**

A building or structure or part of a building or structure in which light machinery and equipment such as air compressors and related tools and accessories; augers; automotive tools; cleaning equipment; light compaction equipment; concrete and masonry equipment; electric tools and accessories; fastening devices such as staplers and tackers; floor and carpet tools; gasoline generators; jacks and hydraulic equipment; lawn and garden tools; ladders; moving equipment; painting and decorating equipment; pipe tools and accessories; plumbing tools and accessories; pumps; hoses; scaffolding; welding equipment;

and, other similar tools and appurtenances are offered or kept for rent, lease or hire under agreement for compensation, but shall not include any other establishment defined or classified in this By-law.

5.80 LOADING SPACE

An off-street space on the same lot as the building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, lane or other appropriate means of access.

5.81 LOT

A parcel or tract of land described in a deed or other legal document which is legally capable of conveying title and:

- a) Which is a whole lot within a Registered Plan of Subdivision, or lot within a Plan of Condominium other than a Registered Plan of Subdivision which has been deemed not to be a Registered Plan of Subdivision under a By-law passed pursuant to Section 49 of The Planning Act as amended; or
- b) Which is a legally separated parcel of land in existence on the date of passing of this By-law without the owner holding the fee or the equity or redemption in, or power or right to grant, assign or exercise a power of appointment with respect to any abutting land; or
- c) The description of which is the same as in a deed which has received final consent to a conveyance pursuant to Section 49 of The Planning Act, S.O., 1983, c.1, as amended.
- d) Which is the whole remnant remaining to an owner or owners after a conveyance is made with final consent pursuant to Section 40 of The Planning Act, S.O., 1983, c.1, as amended, but for the purpose of this paragraph no parcel or tract of land ceases to be a lot by reason only of the fact that a part or parts of it has or have been conveyed to or acquired by the Town of Cobalt, Her Majesty in the Right of Ontario or Her Majesty in the Right of Canada; or,
- e) Which is the subject of an order of The Minister of Municipal Affairs pursuant to the provisions of Section 56 of The Planning Act., S.O., 1983, c.1, as amended.

5.82 LOT AREA

The total horizontal area within the lot lines of a lot or if an island, the area of land above the normal high water mark.

5.83 LOT, CORNER

A lot situated at the intersection of two or more streets, or at the intersection of a street and a railway right-of-way, or a lot abutting on one or more parts of the same street, in which an interior angle of less than one hundred and thirty-five (135) degrees is contained, between the front and side lot lines abutting by the said street or streets.

5.84 LOT COVERAGE

The percent of the lot area covered by buildings or structures excluding parking areas, driveways, decks and walkways but including structures and buildings constructed appertaining to the lot.

5.85 LOT FRONTAGE

The continuous horizontal distance of the front lot line between the side lot lines measures at right angles. Where the front lot line is not a straight line, or where the side lot lines are not parallel, the lot frontage shall be the horizontal distance of a line that is 7.5 metres back from and parallel to a continuous straight line, joining the two points where the side lot lines intersect with the front lot line.

5.86 LOT, INTERIOR

A lot other than a corner lot.

5.87 LOT LINE

Any boundary of a lot.

5.88 LOT LINE, EXTERIOR

The side lot line which abuts the road on a corner lot.

5.89 LOT LINE, FRONT

- a) Where a lot abuts a municipally maintained road and a navigable waterway, the lot line abutting the municipal road shall be deemed the front lot line.

- b) In the case of a corner lot or through lot, the shorter lot line that abuts a street shall be deemed to be the front lot line and the longer lot line that abuts a road or shall be deemed an exterior side lot line, but,
- c) In the case of a corner lot or through lot with two lot lines of equal length abutting roads, the lot line that abuts the wider street shall be deemed to be the front lot line, but where the roads are of equal width, the lot line which abuts a Provincial Highway shall be deemed to be the front lot line, and in the case of both roads being under the same jurisdiction and of the same width, the owner of the lot may designate which road line shall be the front lot line.
- d) In the case where a lot abuts only a road cul-de-sac, all of the frontage on the road cul-de-sac shall be deemed to be the front lot line.

5.90 **LOT LINE, REAR**

The lot line farthest from or opposite to the front lot line. Where the lot abuts a navigable waterway, the normal high water mark shall be deemed to be the rear lot line.

5.91 **LOT LINE, SIDE**

A lot line other than a front or rear lot line.

5.92 **LOT, THROUGH**

A lot bounded on opposite sides by streets.

5.93 **MANUFACTURING**

The assembly or repair or fabrication of goods and materials utilizing materials that have been manufactured, created or processed in another location.

5.94 **MANUFACTURING, LIGHT**

The assembly or repair or fabrication of goods and materials utilizing materials which have been manufactured, created or processed in another location and which does not produce waste water in excess of 4500 litres per day, chemical by-products or utilize and area for outdoor storage of goods or materials except for equipment or vehicles which are for sale, lease or hire.

5.95 **MARINA**

A commercial establishment or premises, containing docking facilities or mooring facilities where boats or boat accessories are berthed, stored, serviced, repaired, constructed or kept for sale or rent and where facilities for the sale of marine fuels or lubricants, accessory retail sales and a taxi and/or barging service are provided and where waste water pumping facilities may be provided.

5.96 **MARINE FACILITY**

An accessory building or structure which is used to take boats into or out of a navigable waterway, or to moor boats. This definition includes a launching ramp, boat lift, or dock but does not include any building used for human habitation.

5.97 **MOBILE HOME**

Any dwelling that is designed to be mobile, and constructed or manufactured to provide a permanent residence for one or more persons in accordance with CSA 240 or Z241 but does not include a travel trailer or tent trailer or trailer otherwise designed.

5.98 **MOBILE HOME SITE**

A parcel of land within a mobile home park which is serviced and used for the exclusive purposes of one mobile home.

5.99 **MOBILE HOME PARK**

A lot under single management for the placement of three or more mobile homes.

5.100 **MODULAR HOME**

Any dwelling that is designed in more than one unit and is designed to be made mobile on a temporary basis, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a mobile home, recreational travel trailer or recreational motor vehicle as defined herein. A modular home shall meet C.S.A. A-277 standards.

5.101 **MOTEL**

A structure containing a series of living or sleeping units with individual interior sanitary conveniences, including motor courts or tourist courts. All required parking is at grade and direct access is available from the parking area to the individual units.

5.102 **MOTOR VEHICLE**

An automobile, truck, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road building machine within the meaning of The Highway Traffic Act, as amended.

5.103 **MOTOR VEHICLE, COMMERCIAL**

Any commercial motor vehicle within the meaning of The Highway Traffic Act, as amended.

5.104 **MOTOR VEHICLE BODY SHOP**

A building or structure used for the painting or repairing of motor vehicle bodies, exterior and undercarriage, and in conjunction with which there may be towing service and motor vehicle rentals for customers while the motor vehicle is under repair, but shall not include any other establishment otherwise defined or classified in this By-law.

5.105 **MOTOR VEHICLE DEALERSHIP**

A building or structure where a franchised dealer displays motor vehicles for sale or rent and in conjunction with which there may be used motor vehicle sales or rentals, a motor vehicle repair garage, a motor vehicle service station, a motor vehicle gasoline bar or a motor vehicle body shop, but shall not include any other establishment otherwise defined or classified in this By-law.

5.106 **MOTOR VEHICLE FUEL BAR**

One or more pump islands, each consisting of one or more motor vehicle fuel pumps, and a shelter, which shall include the sale of oils, antifreeze, gasoline additives, propane, natural gas and small accessories required for the operation of motor vehicles, boats and snowmobiles and shall not be used for repairs, oil changes or greasing.

5.107 **MOTOR VEHICLE REPAIR GARAGE**

A building or structure where the exclusive service performed or executed on motor vehicles for compensation shall include the installation of exhaust system, repair of the electrical system, transmission repair, brake repair, radiator repair, tire repair and installation, rustproofing, motor vehicle diagnostic centre, major and minor mechanical repairs or similar use and in conjunction with which there

may be a towing service, a motor vehicle service station and motor vehicle rentals for the convenience of the customer while the motor vehicle is being repaired, but shall not include any other establishment otherwise defined or classified in this By-law.

5.108

MOTOR VEHICLE SERVICE STATION

A building or structure where gasoline, propane, natural gas, oil, grease, antifreeze, tires, tubes, tire accessories, electric light bulbs, sparkplugs, batteries and automotive accessories for motor vehicles and new retail goods are stored or kept for sale to the general public, or where motor vehicles may be oiled, greased or washed, or have their ignition adjusted, tires inflated or batteries charged, and where mechanical or running repairs essential to the actual operation of motor vehicles are executed or performed. Such shall require public washrooms.

5.109 **MUNICIPAL, DISTRICT OR PROVINCIAL MAINTENANCE AND/OR STORAGE YARD**

Any land, building and/or structure owned by the Corporation of the Town of Cobalt, Public Utilities Commission or the Province of Ontario and used for the storage, maintenance and/or repair of material, equipment, machinery and/or motor vehicle used in connection with civic works.

5.110 **MUSEUM**

An institution that is established for the purpose of acquiring, conserving, studying, interpreting, assembling and exhibiting to the public for its instruction and enjoyment, a collection of artifacts of historical interest.

5.111 **NON-COMPLYING**

A lot, building or structure that does not fulfill the requirements of the zone provisions for the zone in which the lot, building, structure is located.

5.112 **NON-CONFORMING**

An existing use or activity of any land, building or structure which does not conform with the permitted uses or activities, of this By-law for the Zone in which such existing land, building or structure is located, so long as it continues to be used for that purpose.

5.113 **NURSERY OR GREENHOUSE, COMMERCIAL**

A building or structure, and lands associated therewith, for the growing of flowers, fruits, vegetables, plants, shrubs, trees or similar vegetation together with gardening tools and implements which are sold at retail from such building or lot to the general public.

5.114 **NURSING HOME**

Any premises maintained and operated for persons requiring nursing care, and which is licensed under The Nursing Homes Act, as amended.

5.115 **OUTSIDE STORAGE**

Any accessory storage outside of a principle or main building or structure on the lot.

5.116 **PARK, PRIVATE RECREATIONAL**

An open space or recreational area, other than a public park, operated on a commercial and/or private member basis, and which includes one or more of the following facilities or activities:

- a) Areas for walking, riding and cross-country skiing, snowmobiling, but does not include the racing of animals, motor vehicles, motor cycles or snowmobiles;
- b) Accessory recreational or playground areas such as picnic areas, tennis courts, lawn bowling greens, outdoor skating rinks, athletic fields;
- c) An accessory club house or storage building of a maximum of 75 sq. m. , and;
- d) Parking lots accessory to the foregoing.

5.117 **PARK, PUBLIC**

Any open space or recreational area, owned or controlled by the Corporation or by any Board, Commission or other Authority established under any statute of the Province of Ontario and may include therein neighbourhood, community, regional and special parks or areas and may include one or more athletic fields, field houses, community centres, bleachers, swimming pools, greenhouses, botanical gardens, zoological gardens, bandstands, skating rinks, tennis courts, bowling greens, bathing stations, curling rinks, refreshment rooms, fair grounds, arenas, or similar uses.

5.118 **PARKING AREA**

An area or areas of land or a building or part thereof which is provided and maintained upon the same lot or lots upon which the principle use is located for the purpose of storing motor vehicles.

5.119 **PARKING LOT**

A parking area forming the principle use of a lot.

5.120 **PARKING SPACE**

An area having a minimum width of 3 metres and a minimum area of 18.5 square metres, exclusive of any aisles, ingress or egress lanes, for the parking or storage of motor vehicles.

5.121 **PATIO**

A platform or surfaced area without a roof, the surface of which is not more than 0.3 metres above finished grade, which is designed and intended for use as an accessory to a dwelling or a commercial use.

5.122 **PERSON**

Any human being, association, firm, partnership, incorporated company, corporation, agent or trustee, and the heirs, executor or other legal representatives of a person to whom the context can apply according to law.

5.123 **PIT**

A place where unconsolidated gravel, stone, sand, earth, clay, fill, peat or other material is being or has been removed by means of an excavation to supply materials for construction, industrial or manufacturing purposes, but does not include a wayside pit.

5.124 **PLACES OF WORSHIP**

Churches, chapels, temples, parish halls and synagogues including offices for the administration of the religious institution, convents, seminaries, monasteries, rectories, parsonages and parish houses.

5.125 **PLACE OF AMUSEMENT**

Any premises or separate part of a premises wherein for profit or gain, two or more amusement machines are provided for use by the public.

5.126 **PORTABLE PROCESSING PLANT**

Any equipment for the crushing, screening or washing of sand and gravel aggregate materials, but not including a concrete batching plant or an asphalt plant, which equipment is capable of being readily drawn or readily propelled by a motor vehicle and which equipment is not considered permanently affixed to the site.

5.127 **PRINCIPLE OR MAIN BUILDING**

Any building which is carried on the principle purpose for which the building lot is used and shall include a barn or silo used in conjunction with a farm.

5.128 **PRIVATE CLUB**

A non-profit, non-commercial organization, which carries on social, cultural, athletic and/or recreational activities.

5.129 **PRIVATE ROAD**

A private right-of-way over private property or Crown Land which affords access to abutting lots and is not maintained by a public body.

5.130 **PROVINCIAL HIGHWAY**

A public improved road under the jurisdiction of the Ministry of Transportation.

5.131 **PUBLIC AUTHORITY**

Any Federal, Provincial, District or Municipal agencies, and includes any commission, board, authority or department established by such agency and shall include Ontario Hydro, and Bell Canada.

5.132 **QUARRY**

A place where consolidated rock has been or is being removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes, but does not include a wayside quarry or open pit metal mine.

5.133 **QUEUING SPACE**

A space within a queuing lane used exclusively for the staging of vehicles utilizing a drive through service facility.

5.134 **RECREATIONAL ESTABLISHMENT**

Premises where entertainment is offered for gain or profit such as a motion picture or other theatre, public hall, billiard or pool rooms, an establishment offering three or more electronic games for public use, bowling alley, ice or roller skating rink, miniature golf course and all other similar places of amusement.

5.135 **RESORT**

A tourist establishment that provides accommodation throughout all or part of the year and that has facilities for serving meals and furnishes equipment, supplies or services to persons in connection with angling, hunting, camping or recreational purposes and may include a Liquor Licensed Premises and accommodation facilities for staff.

5.136 **RESOURCE MANAGEMENT**

The preservation, protection and improvement of the natural environment through comprehensive management and maintenance for both the individual and society's use, both in the present and the future. Resource Management Uses also means the management, development and cultivation of timber resources to ensure the continuous production of wood or wood products, the provision of proper environmental conditions for wildlife, the protection against floods and erosion, the protection and production of water supplies and the preservation of the recreational resource.

5.137 **RESTAURANT**

A building or part of a building where food is offered for sale or sold to the public primarily for immediate consumption.

5.138 **RETAIL STORE**

A building where goods, wares, merchandise, substances or articles, are offered or kept for sale at retail and includes storage on or about the store premises of limited quantities of such goods, wares, merchandise, substances, or articles sufficient only to service such stores but does not include any retail outlet otherwise classified or defined in this By-law.

5.139 RIDING SCHOOL OR BOARDING STABLE

An area of land which is used as an educational centre for horse training, handling, care, or for the lodging of horses.

5.140 SALVAGE OR WRECKING YARD

A place where motor vehicles are wrecked or disassembled and resold; a place where second-hand goods, including waste paper, bottles, automobile tires, clothing, other scrap materials and salvage are collected to be sorted and a place where used lumber and used building materials are stored for sale or resale.

5.141 SCHOOL

A public school, a separate school, a university, a community college or a private school authorized by the Province of Ontario.

5.142 **SERVICE SHOP**

A building or part of a building, not otherwise defined or classified in this By-law, for the servicing or repairing of articles, goods or materials, as well as facilities for accessory retail sales.

5.143 **SERVICE SHOP, PERSONAL**

A building or part of a building in which persons are employed in furnishing services and otherwise administering to individual and personal needs of patrons such as barber shops, beauty parlours, dry cleaning outlets, hair dressing shops, photograph studio and shoe repair shops.

5.144 **SETBACK**

The horizontal distance from the centre line of the street right-of-way, or defined physical feature measured at right angles to such centre line, to the nearest part of any building or structure on the lot.

5.145 **SEWAGE**

The waste water and matter from any uses.

5.146 **SEWAGE SERVICES OR FACILITY**

Any works by a public authority for the collection, transmission, storage, treatment and disposal of sewage.

5.147 **SPECIAL NEEDS FACILITY**

The use of any lot or building for housing providing a group living arrangement for people who have specific needs beyond economic needs and that is not a group home, including but not limited to, needs such as mobility requirements or support functions required for daily living. This includes any dedicated facilities for such use and may include a wellness clinic as an accessory use.

5.148 **STOREY**

A storey is that part of a building between the surface of one floor and the ceiling above. However, a cellar does not count as a storey.

5.149 **STREET LINE**

The limit of the street or road allowance and is the dividing line between a lot and street or road.

5.150 **STRUCTURE**

Anything man-made that is fastened to or into the earth or another structure or rests on the earth by its own mass.

5.151 **TAVERN**

A tavern or public house as defined by The Liquor Licence Act, but does not include a hotel or restaurant.

5.152 **TENT**

Any kind of temporary shelter for sleeping that is not permanently affixed to the site and that is capable of being easily moved and is not considered a structure.

5.153 **TOURIST ESTABLISHMENT**

Any premises operated to provide sleeping accommodation for the travelling public or sleeping accommodation for the use of the public engaging in recreational activities, and includes the services and facilities in connection with which sleeping accommodation is provided, but does not include:

- a) A camp operated by a charitable corporation approved under The Charitable Institutions Act, as amended;
- b) A summer camp within the meaning of the regulations made under The Health Protection and Promotion Act, as amended;
- c) A club owned by its own members and operated without profit or gain;
or
- d) A tent and trailer park.

5.154 **TRAILER**

A vehicle that is at any time drawn upon a highway by a motor vehicle, another motor vehicle or any device or apparatus not designed to transport persons or property, temporarily drawn, propelled or moved upon such highway, and except a side car attached to a motorcycle, and shall be considered a separate vehicle and not part of the motor vehicle by which it is drawn and, for the purposes of this By-law, does not include a mobile home.

5.155 **TRAILER, TRAVEL OR TENT**

Any trailer which is designed to be temporarily utilized for living, shelter and sleeping accommodation, with or without cooking facilities and which has running gear and towing equipment permanently attached and a current licence and is not permanently affixed to the ground.

5.156 **TRANSPORTATION DEPOT**

Any building or land where buses, trucks or tractor-trailers are rented, leased, kept for hire, stored or parked for commercial purposes.

5.157 **USE**

- a) Any purpose for which a building or other structure or a parcel of land may be designed, arranged, intended, maintained, or occupied; or,
- b) Any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a parcel of land.

5.158 **VEHICLE**

A motor vehicle, trailer, traction engine, farm tractor, road building machine and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include the cars of electric or steam railways running only upon rails.

5.159 **VEHICLE, RECREATIONAL**

A vehicle designed to provide temporary living accommodation but does not include a mobile home, travel trailer or other vehicle defined herein.

5.160 **VESSEL**

A craft designed to float on the water including a boat, a barge or a ship.

5.161 **VETERINARY HOSPITAL**

The premises of a veterinary surgeon where animals are treated or kept.

5.162 **WAREHOUSE**

A building or part of a building used for the storage and distribution of goods, wares, merchandise, substances or articles and may include facilities for a wholesale or retail commercial outlet, provided that they do not exceed 10 per cent of the gross floor area, but shall not include a truck or transport terminal or yard.

5.163 **WASTE DISPOSAL AREA**

A land fill site where garbage, refuse, domestic or industrial waste, exclusive of liquid industrial waste, is disposed of or dumped.

5.164 **WATERCOURSE**

A waterbody or the natural channel for a perennial or intermittent stream of water including a river or stream.

5.165 **WATER SERVICES OR FACILITY**

Any works by a public authority for the treatment, storage, supply or distribution of water.

5.166 **WAYSIDE PIT OR QUARRY**

A temporary pit or quarry opened and used by a public road authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

5.167 **WORKSHOP**

A building or structure where manufacturing is performed by tradesmen requiring manual or mechanical skills and may include a carpenter's shop, a locksmith's shop, a gunsmith's shop, a plumbing and electrical contractor's or a heating /air conditioning contractor's shop, a commercial welder's shop, or similar uses.

5.168 **YARD**

Any open unoccupied space appurtenant to a building measured from the closest supporting structure of the building to the lot line.

5.169 **YARD, EXTERIOR SIDE**

A side yard immediately adjacent to an exterior lot line.

5.170 **YARD, FRONT**

A yard extending across the full width of the lot between the front lot line and the nearest wall of any building or structure on the lot for which the yard is required. On islands where there is only one lot, all yards shall be considered as the front yard.

5.171 **YARD, FRONT DEPTH**

The least horizontal distance between the front lot line of the lot and the nearest part of any building or structure on the lot, or the nearest open storage use on the lot, or the edge or rim of an excavation on the lot.

5.172 **YARD, REAR**

A yard extending across the full width of the lot between the rear lot line and the nearest wall of any building on the lot for which the yard is required.

5.173 **YARD, REAR DEPTH**

The least horizontal distance between the rear lot line of the lot and the nearest part of any building or structure on the lot, or the nearest open storage use on the lot, or the edge or rim of an excavation on the lot.

5.174 **YARD, REQUIRED**

The minimum yard required by the provisions of the By-law.

5.175 **YARD, SIDE**

A yard extending from the front yard to the rear yard between the side lot line and the nearest wall of any building on the lot for which the yard is required.

5.176 **YARD, SIDE EXTERIOR**

A side yard immediately adjoining a public street.

5.177 **YARD, SIDE INTERIOR**

A side yard other than an exterior side yard.

5.178 **YARD, SIDE, WIDTH**

The least horizontal distance between the side lot line of the lot and the nearest part of any building or structure on the lot, or the nearest open storage use on the lot, or edge or rim or excavation on the lot.

5.179 **ZONE**

The category of use or activity of land, buildings, structures or activities permitted by this By-law.

5.180 **ZONE PROVISIONS**

The permissible uses, the minimum area and dimensions of lots, the minimum dimensions of yards, the maximum lot coverage, the minimum setback, gross floor area, the minimum landscaped open space, the maximum height of buildings, minimum parking requirements, and all other Zone provisions are set out within the By-law for the respective Zones.

SECTION 6
ENACTMENT

6.1 FORCE AND EFFECT

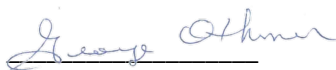
This By-law shall come into force and effect on the date it is passed by the Council of the Corporation of the Town of Cobalt subject to the applicable provisions of The Planning Act, R.S.O., 1990, c.P13., as amended.

6.2 READINGS BY COUNCIL

THIS BY-LAW READ A FIRST TIME ON THE 20TH DAY OF SEPTEMBER 2022

THIS BY-LAW READ A SECOND TIME ON THE 20TH DAY OF SEPTEMBER 2022.

THIS BY-LAW READ A THIRD TIME AND FINALLY PASSED ON THE 20TH DAY OF SEPTEMBER , 2022.

MAYOR: 

(MUNICIPAL SEAL)

CLERK: 

6.3 CERTIFICATION

I hereby that the foregoing is a true copy of Zoning By-law No. 2022-24 as enacted by the Council of the Corporation of the Town of Cobalt, on the 20TH day of SEPTEMBER , 2022.

CLERK: 