

**MINISTERIAL REGULATION FOR THE HANWELL  
LOCAL SERVICE DISTRICT PLANNING AREA  
UNDER THE  
COMMUNITY PLANNING ACT  
(\*\*\*\*\*)**

**PART A**  
**RURAL PLAN – TITLE & AREA DESIGNATION**  
**TITLE AND AREA DESIGNATION**

Under section 77 of the *Community Planning Act*, the Minister of Environment the following Regulation:

1. This Regulation may be cited as the Hanwell Local Service District Planning Area Rural Plan Regulation - *Community Planning Act*.

2. The area of land as shown on the map placed in Schedule 'A', and being bounded as follows, is designated for the purpose of the adoption of this Rural Plan and is the area which this Regulation applies:

*(insert metes and bounds legal description here/Will be prepared By a Surveyor with the Dept. of Environment)*

3. The Hanwell Local Service District Planning Area Rural Plan contained in this regulation is hereby adopted for the Hanwell Local Service District Planning Area.

**Objectives of the Rural Plan**

The objectives of the Hanwell Local Service District Planning Area Rural Plan are:

- to protect the environment;
- to facilitate the provision of community infrastructure, services and facilities to meet the current and future needs of the population;
- to promote orderly development that fosters the local economy while ensuring a healthy balance of land uses and safe and efficient transportation; and
- to foster a sense of community and good quality of life.

The objectives of the Hanwell Local Service District Planning Area Rural Plan reflect the community's aspirations for the future development of area. The objectives provide a reference for those who administer and enforce the Hanwell Local Service District Planning Area Rural Plan to use when making land-use decisions.

**PART B**  
**STATEMENTS OF POLICY AND PROPOSALS WITH RESPECT TO:**

**a) Residential Uses**

**Policy**

It is a policy to control the location and density of residential development.

It is a policy to enhance and maintain attractive and safe neighbourhoods and discourage the intrusion of incompatible uses into established residential areas and areas adjacent to established residential areas.

**Proposals**

It is proposed to consider impacts on existing development when new residential development is proposed.

**b) Commercial and Industrial Uses**

**Policy**

It is a policy to protect the natural environment and the residential character of the community through the control of the type and location of commercial and industrial development.

**Proposals**

It is proposed that the health and safety of residents, transportation requirements, and impacts on the environment and surrounding land uses be considered when locating commercial and industrial development.

**c) Institutional Uses**

**Policy**

It is a policy to encourage the provision of institutional land uses that serve the current and future needs of the local community.

**d) Recreational Facilities and Public Open Spaces**

**Policy**

It is a policy to encourage a range of recreational uses in order to meet the current and future needs of the population, encourage the interaction of residents, and foster a strong sense of community.

**e) Resource Uses**

**Policy**

It is a policy to recognize the dynamic nature of modern farming and to promote the long-term viability of agricultural operations, while minimizing conflict between agricultural and non-agricultural land uses.

It is a policy to protect the integrity of the natural environment, foster recreational opportunities, and provide for commercial timber production and private woodlot operations, by supporting an integrated approach to the management of forest resources.

It is a policy to protect and optimize the use and availability of aggregate resources located on significant aggregate resource lands, as defined in this plan, while minimizing the environmental and social impacts that may be associated with related excavation operations.

**f) Protection of Water Supplies**

**Policy**

It is a policy to consider potential impacts to ground water quantity when considering new development.

It is a policy to discourage types of development that pose a significant risk to ground water resources.

It is a policy to encourage the timely remediation of known contaminated areas to limit the migration of pollutants to additional lands, wells and watercourses.

**g) Heritage Buildings and Sites of Historical or Archaeological Interest**

**Policy**

It is a policy to encourage the preservation, rehabilitation and maintenance of historic buildings, areas of archaeological interest, structures, and monuments.

## **h) Conservation of the Physical Environment**

### **Policy**

It is a policy to encourage development which minimizes impacts to the quality of air land and water resources for the benefit of future generations.

It is a policy to recognize watersheds for their important ecological, recreational, aesthetic and historical qualities and to strive to enhance and maintain natural watercourses and wetlands in their clean and natural state.

It is a policy to discourage development in flood prone areas.

It is a policy to encourage new development to consider storm water management that respects the natural contours and drainage patterns of the land.

It is a policy to encourage the operators of wastewater systems to ensure that systems function properly and undertake regular performance monitoring to ensure that the discharge does not pose a risk of contamination.

## **i) Yoho Lake Watershed**

### **Policy**

It is a policy to give consideration to the potential impacts to on Yoho Lake when amendments are proposed in the Yoho Watershed Zone, with the focus to safeguard against threats to water quality and quantity.

It is a policy to encourage regular maintenance of private septic facilities and to encourage residents to ensure their systems are operating properly.

### **Proposal**

It is proposed that applications for amending the rural plan to permit development in the Yoho Watershed Zone, shall demonstrate how potential impacts to the water quality and quantity of Yoho Lake will be mitigated.

## **j) Transportation**

### **Policy**

It is a policy to require safe access for new development.

It is a policy to encourage the provision of opportunities for non-motorized transportation.

## PART C ZONING PROVISIONS

### SECTION 1 – ZONING MAP & INTERPRETATION

1.1 The Zoning Map included in Schedule A and titled "Hanwell Local Service District Planning Area Zoning Map" is the zoning map designated for the Hanwell Local Service District Planning Area Rural Plan Regulation.

“accessory building” means a detached subordinate building, not used for human habitation, located on the same lot as the main building, structure or use to which it is accessory, the use of which is naturally or customarily incidental and complementary to the main use of the land, building or structure;

“accessory structure” means a structure located on the same lot as the main building, structure or main use to which it is accessory, the use of which is naturally or customarily incidental and complementary to the main use of the land, building or structure;

“accessory use” means a use, other than human habitation, of land or a building or structure which is not the main or secondary use of the land, building or structure on a lot, and which is naturally or customarily incidental and complementary to the main use of the land or to the main use being conducted in the main building or structure on the lot;

“agricultural land” means

- (a) land being used in an agricultural operation, or
- (b) land that is not being used in an agricultural operation but that meets the criteria set by regulation as land suitable for use in an agricultural operation;

“agricultural operation” means an agricultural operation that is carried on for gain or reward or in the hope or expectation of gain or reward, and includes

- (a) the cultivation of land,
- (b) the raising of livestock, including poultry,
- (c) the raising of fur-bearing animals,
- (d) the production of agricultural field crops,
- (e) the production of fruit and vegetables and other specialty horticultural crops,
- (f) the production of eggs and milk,

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- (g) the operation of agricultural machinery and equipment, including irrigation pumps,
- (h) the application of fertilizers, conditioners, insecticides, pesticides, fungicides and herbicides for agricultural purposes;

“alter” means to make any change, structurally or otherwise, in a building or structure which is not for purposes of maintenance only;

“assembly occupancy” means the occupancy or the use of a building, or part thereof, by a gathering of persons for civic, political, travel, religious, social, educational, recreational or like purposes, or for the consumption of food or drink;

“arterial highway” means a highway so classified under the *Highway Act*,

“automobile repair” means the general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers such as collision service, body repair and frame straightening; painting and upholstering, vehicle steam cleaning, and undercoating;

“auction centre” means any premises used for the auction of goods, which may include motor vehicles.

“automotive sales or rental establishment” means an establishment having as its main use the storage of vehicles sale, rent or lease and accessory uses which may include facilities for the repair and maintenance of such vehicles;

“building” means any structure used or intended for supporting or sheltering any use or occupancy;

“business office” is any building or part of a building used for the management or direction of an agency, business, organization, but excludes such uses as retail sale, manufacture, assembly or storage of goods, or places of assembly and amusement;

“cemetery” means land that is set apart for the burial of human remains;

“church or other religious building” means a building commonly used for the public worship by any religious organization, and may include a rectory and manse, hall, auditorium, day nursery, or religious school associated with, or accessory thereto;

“class 1 one-based business” means the use of a dwelling unit by a resident of the dwelling unit to conduct an activity for financial gain or reward or in the hope or expectation of financial gain or reward, and which is secondary to the main residential use and conducted entirely within the dwelling unit;

“class 2 home-based business” means the use of another building or structure on the same lot as a dwelling unit by a resident of the dwelling unit to conduct an activity for financial gain or reward or in the hope or expectation of financial gain or reward, and which is secondary to the main residential use on a lot;

“collector highway” means a highway so classified under the *Highway Act*,

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“commercial recreation establishment” means a recreation establishment operated as a business and open to the public for a fee;

“Commission” means the District Planning Commission;

“community care facility” means a use for the purposes of providing special and individualized care to elderly persons, children, or disabled persons, and may include a day care centre, nursing home, residence or residential centre as defined under the *Family Services Act*;

"community day care home" means a community day care home or family day care home as defined by and operated in accordance with the *Family Services Act*;

"community hall" means a building used for community activities with or without purpose of gain;

“conservation use” means a wildlife refuge, natural buffer or other such uses that serve to protect or maintain an environmentally sensitive area;

“contractor’s yard” means a yard of any general contractor or builder where equipment and materials are stored or where a contractor performs shop or assembly work;

“convenience store” means an establishment where food, tobacco, non-prescription drugs, periodicals, or similar items of household convenience are kept for retail sale to residents of the immediate neighbourhood, including a video rental and catalogue sales outlets, but does not include a gasoline bar;

“coverage” means the percentage of the lot area covered by the area of the main building or buildings;

“day care centre” means a day care centre defined by and operated in accordance with the *Family Services Act*;

“depth” means, in relation to a lot

- (a) where the front and rear lot lines are parallel, the horizontal distance between the front and rear lot lines at right angles to such lines, or
- (b) where these lines are not parallel, it shall be the length of a line joining the mid-points of the front and rear lot lines;

“Director” means the Provincial Planning Director appointed under section 4 of the *Community Planning Act*;

“dwelling” means a main building, or a portion of it, containing one or more dwelling units;



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

“easement” means a right to use land, most commonly for access to other property or as a right-of-way for a utility service, or for a municipal service;

“easement lands of a natural gas transmission pipeline” means a surveyed easement for a transmission pipeline filed in the Registry Office;

“erect” means to construct, build, assemble or re-locate a building or structure, any physical operations preparatory to the construction, building, assembly or relocation of the building or structure;

“excavation site” means an open land area where quarriable substances are mined or excavated for sale or off-tract use;

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

“fitness centre” means - a private club in which facilities are provided for recreational athletic activities including but not limited to a body building and shall include such facilities such as a sauna a solarium;

“floor area” means the space on any storey of a building between exterior walls and required firewalls, including the space occupied by interior walls and partitions, but not including exits, vertical service spaces, and their enclosing assemblies;

“forestry” means the general growing and harvesting of trees and, without limiting the generality of the foregoing, shall include: the raising and cutting of wood, pulp, lumber and other primary forest products as well as the portable milling and sawing of wood; and the production of Christmas trees and specialty forest products such as maple syrup, fiddle heads, wreaths, bark mulch, and fine furniture wood;

“garden suite” means a portable, or demountable one-storey, one- or two-bedroom, self contained dwelling, intended to be occupied by an individual or couple who are able to live independently in it, on a temporary basis and where the house on the same property is occupied by children, grandchildren, family members or relatives of the occupant of the portable dwelling;

“gasoline bar” means one or more pump islands, each consisting of one or more gasoline or diesel pumps and may include a shelter or canopy as well as involve the sale of other liquids and small accessories required for the operation of motor vehicles;

“golf course” means a public or private area operated for the purpose of playing golf and includes a club house and recreational facilities, accessory driving ranges and similar uses;

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“heavy equipment sales and service” means a building or part of a building or structure in which heavy machinery is maintained, repaired or offered for sale, rent or lease;

“hobby farm” means an agricultural operation that is incidental to the principal residential use, is not carried out for financial gain or reward, or does not constitute a principal income for the farmer or land owner;

“hotel” means a facility offering transient lodging accommodations, for gain or reward, to the general public and providing additional services, such as restaurants, meeting rooms and recreational facilities;

“household pets” means any animal normally and customarily kept by domestic households for pleasure and companionship, excluding poultry, pheasants, cows, livestock, horses, goats sheep and other similar animals and fowl;

“hunting camp or recreation camp” means accommodations for seasonal use for hunting, fishing, snowmobiling, or similar recreational pursuits, and which is not used for gain or reward;

“industrial occupancy” means the occupancy or use of a building or part thereof for the assembling, fabricating, manufacturing, processing, repairing or storing of goods and materials;

“kennel” means an establishment prepared to house, board, breed, handle, or otherwise keep or care for five (5) or more dogs or cats over the age of six (6) months;

“large-scale livestock operation” means an agricultural operation involving more than 250 livestock, excluding poultry, and 2500 poultry;

“livestock” means adult cattle, horses, mules, donkeys, pigs, sheep, goats, ostriches, emus, foxes, mink or poultry;

“livestock facility” means a building used or intended to be used to confine or house livestock or a confined livestock area, and includes a structure or area used or intended to be used to store manure;

“lot” means a parcel of land or two or more adjoining parcels of lands, including those lying opposite to each other or either side of a road, street or highway, held by the same owner and used or intended to be used as the site for a building or structure or an addition to the building or structure;

“lot line” means a common line between a lot and an abutting lot, access or street;

“main building” means a building in which is conducted the main or principal use of the lot on which the building is located;

“main use” means the primary purpose for which a building, other structure and/or lot is designed, arranged, or intended, or for which may be used, occupied or maintained under this Regulation;

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“manufacturing operation” means the use of land, buildings or structures for the purposes of manufacturing, assembling, making, preparing, inspecting, finishing, treating, altering, repairing, warehousing, or storing or adapting for sale of any goods, substance, article, thing or service;

“medical/dental clinic” means a building or structure used for the provision of medical or dental services; which, without limiting the generality of the foregoing, may include, chiropractic, optometry and orthopaedic services, but does not include a veterinary services;

“mini-home” means a building unit that is designed to be used with or without a permanent foundation as a dwelling, that has a width of less than six metres throughout its entire length exclusive of steps or porches, that is not fitted with facilities for towing or to which towing apparatus can be attached, and that is capable of being transported by means of a flat-bed float trailer from the site of its construction without significant alteration;

“mini-home park” means a parcel of land, not in a Provincial Park, intended as the location for more than one mini-home;

“Minister” means the Minister of Environment and Local Government;

“mobile home” means a factory built, detached structural unit designed to be and capable of being transported after fabrication, on its own chassis and wheel system to a lot and which is suitable for year round occupancy in similar fashion as a dwelling unit, except for minor and incidental unpacking and assembly operations, placement on defined supporting structures;

“mobile home park” means a parcel of land, not in a Provincial Park, intended as the location, for residential purposes, of ten or more mobile homes or mini-homes, upon which at least two mobile homes or mini-homes are located for residential purposes;

“motel” means a hotel primarily for transients traveling by automobile, with a parking space on the lot for each lodging unit, and with access for each such unit directly from the outside;

“multiple family dwelling” means a dwelling containing more than two dwelling units but no more than four dwelling units;

“nursing home” means a residential facility operated, whether for profit or not, for the purpose of supervisory, personal or nursing care for seven or more persons who are not related by blood or marriage to the operator of the home and who by reason of age, infirmity or mental or physical disability are not fully able to care for themselves but does not include an institution operated under the Mental Health Act, the Hospital Services Act, the Hospital Act or the Family Services Act;

“occupancy” means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property;

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“open space” means space that is open to the sky and suitable for active or passive recreation or gardens; this space shall be free of automotive traffic, parking and undue hazard, and readily accessible by all those for whom it is intended;

“outdoor recreational use” means a recreational use conducted outdoors and, without limiting the generality of the foregoing, may include: trails used for hiking, snowmobiling, cross-country skiing, bicycling, or horseback riding; sleigh rides; nature interpretation activities; canoeing; and hunting and fishing in accordance with applicable regulations;

“park” means an area of land set aside for recreational purposes and may include, but is not limited to, playgrounds, baseball fields, tennis courts, soccer and other athletic fields, outdoor rinks, swimming pools, areas designed for passive enjoyment and similar uses and includes the buildings and structures in connection therewith;

“personal service establishment” means a store or shop providing personal, financial, technical or repair services, assistance or advice to consumers, and without limiting the generality of the foregoing, may include: appliance repair shops, barber and beauty shops, bicycle repair shops, dressmakers and tailors, financial institutions, locksmiths, pawnshops, printing and photocopy services, shoe repair shops, furniture upholstering shops, and professional photographers’ studios;

“playground” means an area of landscaped open space equipped with children’s play equipment such as slides, swings or wading pools;

“quarriable substance” means sand, gravel, clay, soil, ordinary stone, building or construction stone, and rock other than metallic ores;

“recreational facility” means a building or place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities;

“registered agricultural land” means agricultural land that is registered by the Minister of Agriculture, Fisheries and Aquaculture under the *Agricultural Land Protection and Development Act*;

“registry office” means the registry office established under the *Registry Act* for the county in which any land affected is situated;

“residential dwelling” means a single-family dwelling, two-family dwelling, multiple-family dwelling, mini-home or mobile-home;

“restaurant” means a building or part of a building where food is offered for sale to the public for immediate consumption at tables or counters either inside or outside the building and may include a take-out service;

“retail store” means a store or shop engaged in the sale of commodities or goods to individual consumers for personal use rather than for resale, and without limiting the generality of the foregoing, may include: stores engaged in the sale of antique and second-hand articles, appliances and tools, art and crafts, books, clothing, garden

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supplies, recreation or sporting goods; bakeries; drug stores; florists; and video rental stores; but does not include any use separately listed in a zone;

“salvage” means second-hand, used, discarded or surplus metals, goods or articles of every description, unserviceable, discarded or junked motor vehicles, bodies, engines or other component parts of a motor vehicle, but does not include bottles, furniture or books;

“salvage yard” means a building, warehouse, yard or other premises in which salvage is stored or kept pending resale or delivery to another person;

“sawmill” means a stationary milling machine which changes raw timber into lumber products;

“school” means a public or separate school, university, college or private school authorized by the authority having jurisdiction;

“secondary use” means a use, other than a main or accessory use;

“self service storage facility” a building consisting of individual, small, self contained units that are leased or owned for the storage of business and household goods;

“service or repair shop” means a building or part of a building used for the servicing or repairing of articles, goods, materials but shall not include industrial manufacturing or auto repair.;

“service station” means a building and structures where gasoline, oil, grease, anti-freeze, accessories or tires, or a combination thereof, are stored or kept for retail for motor vehicles, whether or not minor repairs to motor vehicles are offered or performed;

“shooting range” means a range for shooting firearms which complies with all federal and provincial legislation and guidelines;

“sign” means a name, identification, description, device, display, or illustration which is affixed to or represented directly or indirectly upon a building, structure, or lot, which directs attention to an object, product, place, activity, person, institute, organization or business;

“single-family dwelling” means a dwelling containing only one dwelling unit;

“special care home” means an owner-occupied single-detached dwelling used for the purposes of providing special and individualized care to persons, who by reason of age, infirmity, mental or physical disability are not fully able to care for themselves, provided the number within the intended user group does not exceed 5 and the facility complies with the applicable legislation;

“stable means” a building or enclosure within which animals other than pets are kept for utilitarian purposes;

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“street line” means the common line between a street and a lot;

“structure” means anything erected, built or constructed of parts joined together with a fixed location on the ground, or attached to something having a fixed location in or on the ground and shall include buildings, walls or any sign, but does not include fences which do not exceed two metres in height; “swimming pool” means a tank or other structure, artificially created, at least in part, having a depth greater than 1 metres, located outdoors and intended to contain water for the purpose of swimming or diving;

“transmission pipeline” means a line that is used or to be used for the transmission of oil, gas or any other commodity and that connects a province with any other province or country or extends beyond the limits of a province or the offshore area as defined in section 123 of the *National Energy Board Act*, and includes all branches, extensions, tanks, reservoirs, storage facilities, pumps, racks, compressors, loading facilities, interstation systems of communication by telephone, telegraph or radio and real and personal property and works connected therewith, but does not include a sewer or water pipeline that is used or proposed to be used solely for municipal purposes;

“transportation terminal” means the uses of land buildings or structures for the purposes of storing, servicing repairing or loading trucks, transport trailers and/or buses,

“two-family dwelling” means a dwelling containing two dwelling units;

“use” means the purpose for which land or a building or structure, or a combination thereof, is designed, arranged, erected, intended, occupied, or maintained;

“veterinary services” means the provisions of services by veterinarians for the purpose of consultation, diagnosis and treatment of animal and the necessary boarding thereof, and may also include the retailing of pet supplies;

“warehouse” means any use concerned with storage, distribution or transportation of goods and services or related activities;

“watercourse” means a waterbody recognized under the *Clean Water Act* and may include the full width and length, including the bed, banks, sides and shoreline, or any part, of a river, creek, stream, spring, brook, lake, pond, reservoir, canal, ditch or other natural or artificial channel open to the atmosphere, the primary function of which is the conveyance or containment of water whether the flow be continuous or not;

“width” means, in relation to a lot

- (a) where the side lot lines are parallel, the distance measured across the lot at right angles to such lines, or
- (b) where the side lot lines are not parallel, the distance measured across the lot along a line parallel to a line joining the points at which the side lot lines intersect the street line, such parallel line

being drawn through the point at which the line of minimum set-back intersects a line from the mid-point of and perpendicular to the line to which it is parallel.

**SECTION 2 - PURPOSE, ADMINISTRATION, CLASSIFICATION & CONFORMITY**

**Purpose**

2.1 The purpose of Part C is

- (a) to divide the area referred to in Part A, paragraph 2, into zones;
- (b) to prescribe, subject to powers reserved to the Commission,
  - (i) the purpose for which land, buildings and structures in any zone may be used, and
  - (ii) standards to which land use and the placement, erection, alteration and use of buildings and structures must conform; and
- (c) to prohibit
  - (i) land use, and
  - (ii) use, placement, erection or alteration of buildings or structures; other than in conformity with the purposes and standards mentioned in subparagraph (b).

**Powers of the Commission**

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

2.2(2) The Commission may, subject to such terms and conditions as it considers fit,

- (a) authorize, for a temporary period not exceeding one year, a development otherwise prohibited by this Regulation; and
- (b) require the termination or removal of a development authorized under subparagraph (a) at the end of the authorized period.

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2.3(3) In all zones created by this Regulation, the use of land for the purposes of the supply of

- (a) electric power;
- (b) natural gas;
- (c) water supply and storage;
- (d) sanitary sewage disposal and treatment of sewage generated within the planning area;
- (e) drainage, including storm sewers;
- (f) streets; and
- (g) all other public or private utilities,

and the location or erection of any structure or installation for the supply of any of the above-mentioned services, shall be a particular purpose in respect of which the Commission may impose terms and conditions or prohibit where compliance with the terms and conditions imposed cannot reasonably be expected.

(4) In all zones created by this Regulation, the use of land for the purposes of exploration, staking and prospecting of minerals and carboniferous deposits shall be permitted.

### Amendments

(1) A person who seeks to have this Regulation amended shall

- (a) address a written and signed application to the Director; and
- (b) pay a fee of \$1000<sup>.00</sup> payable to the District Planning Commission.

(2) On the advice of the Minister, the Commission may return to the applicant all or any part of a fee mentioned in subparagraph (1) (b).

(3) An application shall include such information as may be required by the Minister.

(4) Unless, upon investigation, the Minister is of the opinion there is valid new evidence or change in conditions, where an application under this section has been previously refused by the Minister, no further application may be considered by the Minister for one year of such application,

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



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

### Classification

For the purposes of the Regulation, the area is divided into zones as delineated on the plan attached as Schedule A, entitled "Hanwell Local Service District Planning Area Zoning Map" and dated -----

### Conformity

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

## SECTION 3 - GENERAL PROVISIONS

### Garden Suites

3.1(1) Where permitted, a garden suite may be located on a lot containing a single family dwelling provided:

- (a) that the lot has an area of at least 4000 square meters;
- (b) the garden suite shall only be located in the rear or side yard;
- (c) the garden suite must be located so as to be easily removed from the site and have a total floor area less than 85 square metres;
- (d) the garden suite is provided with adequate water and sewer systems, as acceptable to the Department of Health;
- (e) in combination with the principal dwelling, lot coverage does not exceed thirty-five percent;
- (f) the garden suite shall be removed from the property within six months should it cease to be occupied by the person or persons intended; and
- (g) the garden suite shall be reasonably consistent with the age, character and aesthetics of the neighbourhood in which it is located.

**Lots Created Prior**

3.2(1) Notwithstanding the lot size provisions of this regulation, a lot which was created prior to the adoption of the this regulation may be used for a residential dwelling if it is approved by the Department of Health and Wellness for the installation of a septic tank and disposal field.

**Location of Buildings and Structures on a Lot**

3.3(1) No building or structure may be placed, erected or altered so that any part of it

- (a) is less than
  - (i) 15 metres from the boundary of an arterial or collector highway, or
  - (ii) 7.5 metres from the boundary of a street or highway other than an arterial or collector highway;
- (a) with respect to a side lot line, is within 3 metres; or
- (b) is within 3 metres of a rear lot line.

3.3(2) Notwithstanding subparagraph 3.7(1)(a), a building or structure may be placed, erected or altered so that it is as near a boundary of a street or highway as existing buildings or structures provided that

- (a) the existing buildings or structures are on each side of an immediately adjacent to such building or structure; and
- (b) the nearest side of each existing building or structure immediately adjacent thereto will be within 30 metres of the nearest side of the building or structure to be placed, erected or altered.

**Parking Standards**

3.4(1) Off-street vehicular parking spaces, not less than eighteen square metres in area and with adequate access, shall be provided as follows:

- (a) for a dwelling - one space for each dwelling unit;
- (b) for a retail store, or restaurant - one space for every eighteen square metres of public floor area;
- (c) for a service or repair shop - one space for every twenty-seven square metres of floor area used for providing services;

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- (d) for a business or professional office, medical or dental clinic – one space for every thirty-six square metres of floor area;
- (e) for an industrial occupancy - one space for every thirty-six square metres of floor area or storage space;
- (f) for a bed and breakfast, country inn, motel, or hotel - one space and an additional space for every unit;
- (g) for a public or private school - two spaces and an additional space for every classroom;
- (h) for an institutional use such as a community hall, church, or place of public assembly - one space for every ten square metres of floor area;
- (i) for an arena or sport facility - one space for every four seats.

### Loading Standards

3.5(1) Off-street spaces not less than nine metres long, three and one-half metres wide and four metres high, with access thereto, shall be provided for loading for every building or structure used for any purpose involving the use of vehicles for the receipt or distribution of materials, in accordance with the following requirements:

- (a) one space for a building or structure with a total floor area up to and including 1727 square metres;
- (b) two spaces for a building or structure with a total floor area over 1727 square metres and up to and including 4545 square metres;
- (c) an additional space for each 4545 square metres, or fraction thereof, of total floor area thereof in excess of the first 4545 square metres.

### Signs

3.6(1) Other than a traffic control device as defined in the *Motor Vehicle Act*, a sign permitted in accordance with the Posting of Lands Regulation under the *Fish & Wildlife Act*, a sign warning against a dangerous situation, a legal notice or a store window sign advertising goods for sale therein, the use of land or a building or structure for the placing, erecting or displaying of a sign not expressly permitted by this section is permitted only if approved by the District Planning Commission and only on compliance with such terms and conditions as may be imposed by such Commission.

3.6(2) Subject to subsection (3), in any Zone, a non-illuminated sign may be placed, erected or displayed on any land, building or structure if such sign,

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- (a) advertises the sale, rental or lease of such land, building or structure on the property in which the sign is located;
- (b) identifies by the name of the property or the residents thereof;
- (c) indicates a home occupation or other use permitted by this Regulation;
- (d) warns against trespass;
- (e) is a multi-purpose real estate sign, if such sign is not located upon the property being referenced as for sale; or,
- (f) is a free standing sign located at the entrance of a neighborhood, identifying the name of the neighbourhood.

3.6(3) Unless otherwise provided for by this section, a sign mentioned in subsection (2) shall not exceed;

- (a) two in number; or
- (b) 0.75 sqm in size.

3.6(4) In a or “Commercial or Industrial zone”

- (a) free-standing may be permitted providing the sign:
  - (i) is situated at least 2 metres from the street line, or in the case of a corner lot 11 meters from an intersection;
  - (ii) does not exceed a maximum height of 10 meters, or a maximum area of 9 square meters
  - (iii) illumination for signs shall not be intermittent;
- (b) single-faced facia sign placed flat against a building indicating the ownership or nature of the business carried on therein, may be permitted provided:
  - (i) the length of the sign shall not exceed the length of the wall which it is displayed; and
  - (ii) illumination for signs shall not be intermittent.

3.6(5) All signage is subject to the following conditions and may be ordered to be removed if they can not comply:

No sign:

- (a) may obstruct the view of or be designed so as may be confused with, an official traffic sign, signal or device
- (b) may display lights which resemble the flashing lights usually associated with danger or those used by police, fire, ambulance and other emergency vehicles,
- (c) may obstruct a fire escape, door, window, or other required exit,
- (d) is permitted where its faces, supports, electrical system or anchorage to become dilapidated or in such a state of disrepair to constitute a hazard or which no longer advertises a bona fide business or service on the premises.

#### **Caveat for existing signs**

3.6(6) Provisions in this regulation regarding signage are not intended to be retroactive and incumbent upon existing signs. However the relocation, significant alteration or removal of existing signs shall render such sign subject to the applicable provisions of this regulation.

#### **Enclosures for Swimming Pools**

3.7(1) No land shall be used for the purpose of a swimming pool unless the pool is enclosed by a fence or by a wall of a building or structure, or by a combination of walls and fences, at least 1.6 metres in height and meeting the requirements of this section.

3.7(2) Where a portion of a wall of a building forms part of an enclosure mentioned in subsection (1),

- (a) no main or service entrance to the building shall be located therein; and
- (b) any door therein, other than a door to a dwelling or dwelling unit, shall be self-closing and equipped with a self-latching device at least 1.6 metres above the bottom of the door.

3.7(3) An enclosure mentioned in subsection (1) shall not have rails, bracing or other attachments on the outside thereof that would facilitate climbing.

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3.7(4) A fence mentioned in subsection (1) shall be located,

- (a) at least 1.25 metres from the edge of the swimming pool, and
- (b) at least 1.25 metres from any condition that would facilitate its being climbed from the outside.

3.7(5) A fence mentioned in subsection (1):

- (a) shall be made of chain link construction, with galvanized, vinyl or other CSA-approved coating, or of wood or of other materials, in the manner prescribed by subsection (5);
- (b) shall not be electrified or incorporate barbed wire or other dangerous material; and
- (c) shall be located at least
  - (i) one and one-quarter metres from the edge of the swimming pool, and
  - (ii) one and one-quarter metres from any condition that would facilitate its being climbed from the outside.

3.7(6) A fence under this section shall be designed and constructed:

- (a) in the case of a fence made of chain links, with
  - (i) no greater than 4 centimetre diamond mesh,
  - (ii) steel wire not less than No. 12 gauge, or a minimum No. 14 gauge CSA-approved coating forming a total thickness equivalent to No. 12 gauge wire, and
  - (iii) at least 4 centimetre diameter steel posts, set below frost in an envelope of cement and spaced not more than 3 metres apart, with a top horizontal rail of at least 4 centimetre diameter steel;
- (b) in the case of a fence made of wood, with
  - (i) vertical boarding, not less than 2.5 centimetres by 10 centimetres nominal dimensions spaced not more than 4 centimetres apart, attached to supporting members and arranged in such manner as not to facilitate climbing on the outside, and
  - (ii) supporting posts at least 10 centimetres square, or round with 10 centimetres diameter, set below frost and spaced not more than 2.5 metres apart, with the portion below grade treated with a wood preservative, and with a top horizontal rail with

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dimensions of at least a width of 5 centimetres and a height of 15 centimetres; and

- (c) in the case of a fence constructed with materials and in a manner other than described in this paragraph, in a manner that will ensure rigidity equal to the design and construction prescribed by this paragraph.

3.7(7) Gates forming part of an enclosure mentioned in subsection (1):

- (a) shall be equivalent to the fence in content, manner of construction and height;
- (b) shall be supported on substantial hinges; and
- (c) shall be self-closing and equipped with a self-latching device at least 1.6 metres above the bottom of the gate.

### **Home Based Businesses**

3.8(1) Where permitted, a class 1 home-based business may be conducted in a residential dwelling subject to the following conditions:

- (a) the home-based business shall be clearly secondary to the main residential use and there shall be no change to the outside appearance of the dwelling or premises or any visible evidence of conduct of a home-based business, except for a sign permitted under subsection (3.6);
- (b) no more than 30% of the floor area of the dwelling unit may be used for the home based business;
- (c) with the exception of vehicles designed and used primarily for travel on public highways, there shall be no outdoor storage of goods, equipment or materials associated with the home-based business;
- (d) the premises shall not be used for auto repair, painting or washing, machinery repair or rental, welding or any other industrial use, a convenience store, restaurant, tanning centre, laundry services, sharpening services or any rental or retail operation except where retail is accessory to the production of goods or crafts produced on the premises or the provision of a service; and,
- (e) the home occupation shall not produce any smoke, fumes, obnoxious odours, noise, vibration, heat, humidity, glare or electronic interference so as to be easily observed beyond the limits of the property in which the home-based business is conducted.

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3.8(2) Where permitted, a class 2 home-based business may be conducted subject to the following conditions:

- (a) the home-based business shall not consist of a salvage yard or used-car lot and there shall be only incidental and minimal use or storage of toxic or flammable materials; and
- (b) the home-based business shall not consist of a convenience store, restaurant or retail operation except where retail is accessory.

### **Lot Occupancy**

3.9(1) No single-family or two-family dwelling may occupy more than 35% of the area of the lot on which they are located

### **Topsoil Removal**

3.10(1) No person shall strip, excavate, or otherwise remove topsoil for sale, other commercial use or personal use from a lot or other parcel of land, except where permitted or where, in connection with the construction of a building or structure, there is an excess of topsoil other than that required for grading and landscaping.

### **Standards for Gravel Pits and Quarries**

3.11(1) The final perimeter of all excavation sites for Gravel pits shall not be located within:

- (a) 30 metres of a road, street, highway, easement or right of way;
- (b) 100 metres from the foundation of any building;
- (c) 100 metres of a private water supply well;
- (d) 50 metres of the ordinary high water mark or bank or a watercourse;
- (e) 50 metres of a residential property boundary; and
- (f) 15 metres of a lot line of an abutting non residential property.

3.11(2) The final perimeter of all excavation sites for Quarries shall not be located within:

- (a) 30 metres of a road, street, highway, easement or right of way;
- (b) 200 metres from the foundation of any building;
- (c) 600 metres of a private water supply well;



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- (d) 75 metres of the ordinary high watermark or bank or a watercourse;
- (e) 100 metres of an adjacent residential property boundary; and
- (f) 50 metres of an adjacent non residential property boundary.

3.11(3) All pit and quarry operations shall have adequate signage posted around the perimeter and visible from any access, warning people of any dangerous situation associated with the operation, such as, but not limited to, blasting, steep slopes or open holes.

3.11(4) All pit and quarry operation shall have gates at all accesses which shall be closed and locked when the site is not in use.

3.11(5) A landscaped buffer of at least 10 meters shall be maintained between the final perimeter of any put or quarry and any public street or adjacent property

### Section 4 - Zones

#### Residential - "R" Zone

4.1(1) In a "R" Zone, any land building or structure may be used for no other purpose than:

- (a) one or more of the following main uses,
  - (i) a single family dwelling;
  - (ii) a park;
  - (iii) a special care home;
- (a) one or more of the following secondary uses:
  - (i) a community day care home;
  - (ii) a class one home based business, subject to section 3.8;
  - (iii) a garden suite, subject to section 3.1 and applicable legislation; and
- (b) any accessory building, structure or use incidental to the main use of the land building or structure if such main use is permitted by this section.

**Lot Sizes**

4.1(2) In a “R” Zone, no building or structure may be placed, erected or altered unless it is located on a lot that has and contains:

- (a) a width of at least 54 metres;
- (b) a depth of at least 38 metres; and
- (c) an area of at least 4,000 square metres.

**Rural Residential – “RR” Zone**

4.2(1) In a “RR” Zone, any land building or structure may be used for no other purpose than:

- (a) one or more of the following main uses,
  - (i) a single family dwelling;
  - (ii) a park;
  - (iii) a special care home;
- (b) one or more of the following secondary uses:
  - (i) a community day care home;
  - (ii) a class one Home Based Business, subject to section 3.8;
  - (iii) a hobby farm;
  - (iv) a garden suite, subject to section 3.1
- (c) any accessory building, structure or use incidental to the main use of the land building or structure if such main use is permitted by this section.

**Lot Sizes**

4.2(2) In a “RR” Zone, no building or structure may be placed, erected or altered unless it is located on a lot that has and contains:

- (a) a width of at least 54 metres;
- (b) a depth of at least 38 metres; and
- (c) an area of at least 4,000 square metres.

4.2(3) Notwithstanding paragraph 4.2(2) no land, building or structure shall be used for the keeping of livestock unless it is located on a lot that has and contains:

- (a) width of at least 59 metres; and
- (b) an area of at least 1 hectare.

**Mini-Home Park Zones- “MP” Zones**

Permitted Uses

4.3(1) In a “MP” zone, any land, building or structure may be used for the purpose of, and for no other purpose than

- (a) one or more of the following main uses:
  - (i) a mini-home park,
  - (ii) a mini-home,
  - (iii) a mobile home,
  - (iv) a single-family dwelling; and
- (b) the following secondary uses:
  - (i) a park, playground or open space,
  - (ii) a class 1 home-based business, subject to paragraph 3.8 and
- (c) accessory buildings, structures or use incidental to the main use of the land, building or structure if such main use is permitted by this section.

**Rural Zone**

4.4(1) In a “RU” Zone, any land building or structure may be used for no other purpose than:

- (a) one or more of the following main uses,
  - (i) a single-family dwelling;
  - (ii) a two-family dwelling;
  - (iii) a multiple family dwelling;
  - (iv) a mini home;
  - (v) a special care home;
  - (vi) a day care centre;

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- (vii) an outdoor recreational use, park, playground or open space;
- (viii) a stable;
- (ix) a church or other religious building;
- (x) veterinary services;
- (xi) a community care facility;
- (xii) a contractor's yard, subject to terms and conditions as may be set by the Commission;
- (xiii) a community hall;
- (xiv) a forestry use;
- (xv) a recreational facility ;
- (xvi) a medical or dental clinic,
- (xvii) a convenience store, subject to terms and conditions as may be set by the Commission;
- (xviii) hunting or recreation camp;
- (xix) an agricultural operation other than a large-scale livestock operations, as defined by this plan subject to subsections 4.4(1) and may be subject to additional terms and conditions as set by the Commission;
- (xx) a cemetery;
- (xxi) a restaurant;
- (xxii) a legal services, architectural or engineering office;
- (xxiii) a school;
- (b) one or more of the following secondary uses
  - (i) a class one Home-Based Business;
  - (ii) a class two Home-Based Business;
  - (iii) a garden suite, subject to section 3.1;
  - (iv) community day care home
  - (v) a bed and breakfast or country inn; and

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

4.4(2) In a "RU" Zone, no building or structure may be placed, erected or altered unless it is located on a lot that has and contains:

- (a) a width of at least 109 metres;
- (b) a depth of at least 38 metres; and
- (c) an area of at least 2 hectares.

4.4(3) Notwithstanding the provisions of paragraph 4.3(2), a lot which was created prior to the adoption of this regulation that does not meet the required lot size may be used if it is approved by the Department of Health and Wellness for the installation of a septic tank and disposal field and meets all other applicable regulations.

### **Industrial - "I" Zone**

4.5(1) In an "I" Zone, any land building or structure may be used for no other purpose than:

- (a) one or more of the following main uses,
  - (i) a batching plant;
  - (ii) a bulk fuel depot;
  - (iii) a warehouse;
  - (iv) a salvage yard;
  - (v) a transportation terminal;
  - (vi) heavy equipment sales and service;
  - (vii) a manufacturing operation;
- (b) accessory buildings, structures or use incidental to the main use of the land, building or structure if such main use is permitted by this section.

4.5(2) In an "I" Zone, no building or structure may be placed, erected or altered unless it is located on a lot that has and contains:

- (a) a width of at least 54 metres;
- (b) a depth of at least 38 metres; and

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

**Commercial - Light Industrial Zone - CLI – Zone**

(1) In an “CLI” Zone, any land building or structure may be used for no other purpose than:

- (a) one or more of the following main uses
  - (i) an auto sales and repair shop;
  - (ii) service or repair shop;
  - (iii) self-service storage facility;
  - (iv) a restaurant;
  - (v) a convenience store;
  - (vi) a retail store;
  - (vii) an auction room;
  - (viii) a business office;
- (b) one or more of the following secondary uses
  - (i) an attached single family dwelling, or
  - (ii) a multiple family dwelling, and
- (c) any accessory building, structure or use incidental to the main use of the land building or structure if such main use is permitted by this section.

4.2(2) In a “CLI” Zone, no building or structure may be placed, erected or altered unless it is located on a lot that has and contains:

- (a) a width of at least 54 metres;
- (b) a depth of at least 38 metres; and
- (c) an area of at least 4,000 square metres.

**Commercial Recreational**

(1) In an “CR” Zone, any land building or structure may be used for no other purpose than:

- (a) one or more of the following main uses
  - (i) a fitness centre;
  - (ii) a golf course;
  - (iii) a shooting range, subject to terms and conditions that may be set by the commission;
  - (iv) a hotel or motel; and
- (b) accessory buildings, structures or use incidental to the main use of the land, building or structure if such main use is permitted by this section.

4.2(2) In a “CR” Zone, no building or structure may be placed, erected or altered unless it is located on a lot that has and contains:

- (a) a width of at least 54 metres;
- (b) a depth of at least 38 metres; and
- (c) an area of at least 4,000 square metres.

**Resource and Conservation Zone – “R&C” Zone**

Permitted Uses

4.8 In a “R&C” Zone, any land, building or structure may be used for the purposes of, and for no other purposes than,

- (a) one or more of the following main uses:
  - (i) a conservation use;
  - (ii) a forestry use;
  - (iii) an agricultural operation;
  - (iv) a hunting or recreation camp;
  - (v) a campground;
  - (vi) a park;

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- (vii) a gravel pit;
- (viii) a quarry; and
- (b) accessory buildings, structures or use incidental to the main use of the land, building or structure if such main use is permitted by this section

4.8(2) In a “R&C” Zone, no building or structure may be placed, erected or altered unless it is located on a lot that has and contains:

- (a) a width of at least 54 metres;
- (b) a depth of at least 38 metres; and
- (c) an area of at least 4,000 square metres.

### Yoho Watershed – YW Zone

4.9(1) In a “YW” Zone, any land building or structure may be used for no other purpose than:

- (a) one or more of the following main uses,
  - (i) a single family dwelling;
  - (ii) a park;
  - (iii) a special care home;
  - (iv) a community hall;
  - (v) a hunting or recreation camp;
  - (vi) a convenience store, subject to terms and conditions as may be set by the Commission; and
- (b) one or more of the following secondary uses
  - (i) a community day care home;
  - (ii) a class one home based business, subject to section 3.8;
  - (iii) a class two Home Based Business, subject to section 3.8, provided the lot is at least one acre in area and may be subject to additional terms and conditions as set by the commission;
  - (iv) a garden suite, subject to section 3.1 and applicable legislation; and



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

4.9(2) In a “Yoho Watershed Zone” Zone, no building or structure may be placed, erected or altered unless it is located on a lot that has and contains:

- (a) a width of at least 109 metres;
- (b) a depth of at least 38 metres; and
- (c) an area of at least 2 hectares.

4.9(3) Notwithstanding the provisions of paragraph 4.9(2), a lot which was created prior to the adoption of this regulation that does not meet the required lot size may be used if it is approved by the Department of Health and Wellness for the installation of a septic tank and disposal field and meets all other applicable regulations.

### Gravel Pit- Zone

4.10(1) In a “GP” Zone, any land building or structure may be used for no other purpose than:

- (a) one or more of the following main uses,
  - (i) a gravel pit subject to section 3.11;
  - (ii) any main or secondary or use permitted in the Rural Zone;
- (b) any accessory building, structure or use incidental to the main use of the land building or structure if such main use is permitted by this section.