

CONMEE ZONING BY-LAW

Zoning By-law

SECTION 1 INTRODUCTION

1.1 TITLE OF BY-LAW

This By-law may be cited as the "Zoning By-law".

1.2 SCOPE

a) AREA DEFINED:

This By-law applies to those lands shown on Schedule "A" and covers all lands within the corporate limits of the Corporation of the Municipality of Conmee.

b) CONFORMITY WITH BY-LAW:

No building or structure shall hereafter be erected or altered, nor shall the use of any building or structure or lot hereafter be changed, in whole or in part, except in conformity with the provisions of this By-law.

c) BUILDING PERMIT ISSUED:

Nothing in this By-law shall prevent the erection or use of any building or structure for a purpose prohibited by this By-law if the plans for such building or structure were approved and a building permit had been issued under Section 5 of the Building Code, as amended from time to time, prior to the date of the passing of this By-law, provided that:

- i) when the building or structure is erected it shall be used for the purpose for which the building permit was issued, and provided the permit has not been revoked under Section 6 of the Building Code Act.
- ii) the erection of such building or structure is commenced within six months of the date of passing of this By-law and provided the erection of such building or structure is completed within a reasonable time after the erection thereof is commenced.

d) EXISTING USES CONTINUED

Nothing in this By-law shall prevent the use of any lot, building or structure for any purpose prohibited by this By-law if such lot, building or structure was lawfully used for such purpose on the date of passing of this By-law, so long as it continues to be used for that purpose.

e) COMPLIANCE WITH OTHER RESTRICTIONS:

This By-law shall not be effective to reduce or mitigate any restrictions lawfully imposed by a governmental authority having jurisdiction to make such restrictions.

SECTION 2

2.1 INTERPRETATION

SINGULAR AND PLURAL WORDS

In this By-law, unless the context requires otherwise:

- i) words used in the singular number include the plural; and
- ii) words used in the plural include the singular number.

2.2 SHALL IS MANDATORY

In this By-law, the word "shall" is mandatory.

2.3 USED AND OCCUPIED

In this By-law, unless the context requires otherwise:

- i) the word "used" shall include "designed to be used" and "intended to be used" and
- ii) the word "occupied" shall include "designed to be occupied" and "intended to be occupied".

SECTION 3

DEFINITIONS

In this By-law, unless the context requires otherwise, the following terms when used shall have the meanings assigned to them as follows:

3.1 "ABUT" shall mean to have a common boundary with or border on.

3.2 "ACCESSORY" shall mean a use, building, or structure normally incidental, subordinate and exclusively devoted to a main use, building or structure on the same lot.

3.3 "AGRICULTURAL" shall mean a use building or structure used for field crops, fruit farming, market gardening, dairying, animal husbandry, poultry raising, beekeeping and such uses, buildings and structures that are related to agriculture.

3.4 "AGRICULTURE" shall mean cultivating the soil, producing crops and raising animals.

3.5 "ALTER"

a) when used in reference to a building or structure or part thereof, shall mean to change any one or more of the external dimensions of such building or structure or to make any change in the supporting members or the type of construction of the exterior walls or roof thereof;

b) when used in reference to a lot, shall mean to change the area, frontage or depth thereof; to change the width, depth or area of any required yard, landscaped open space or parking area; or to change the location of any boundary of such lot with respect to a street or lane, whether such alteration is made by conveyance or alienation of any portion of such lot or otherwise; or

c) when used in reference to use, shall mean to discontinue and replace the use with a use which is defined herein as being distinct from the discontinued use.

3.6 "APPROVED" shall mean approved by Council.

3.7 "AUTOMOBILE SERVICE STATION" shall mean an establishment where vehicle fuels, lubricants and accessories are offered for sale and which contains facilities for the repair and maintenance of vehicles, but does not include a body shop.

3.8 "AUTOMOTIVE USE" shall mean an automobile service station, a gasoline retail outlet, a vehicle repair shop, a body shop or a vehicle sales or rental establishment.

3.9 "BASEMENT" shall mean any storey wholly or partly below grade.

3.10 "BODY REPAIR SHOP" shall mean an establishment engaged primarily in the repairing or painting of vehicle bodies.

3.11 "BUFFER" shall mean an open space on a lot which is landscaped with grass, shrubs, flowers, bushes or trees and may include a sidewalk or patio but does not include a driveway, ramp or parking area.

3.12 "BUILDING" shall mean a structure occupying an area greater than 10 square metres having a wall, floor or roof or any one or more of them used for the shelter or accommodation of persons, animals, goods, material or equipment.

3.13 "BUILDING BY-LAW" shall mean any By-law of the Corporation passed pursuant to The Building Code Act, as amended from time to time.

3.14 "BUILDING INSPECTOR" shall mean the officer or employee of the Corporation charged with the duty of enforcing the provisions of The Building Code Act, as amended from time to time, together with any Regulations made thereunder, and the provisions of the Building By-law.

3.15 "BUILDING PERMIT" shall mean a permit required by the Building By-law.

3.16 "BUNK HOUSE" shall mean a non-commercial accessory building, no greater than 25

square metres, used for temporary sleeping accommodation only, and which contains no cooking or sanitary facilities.

3.17 "CEMETARY" shall mean the use of land, or building, or structure for the burial of the human remains including all accessory buildings and structures thereto when operated in conjunction with and within the boundaries of such land as designated.

3.18 "CHURCH" shall mean a building owned or occupied by a religious organization dedicated exclusively to worship and other religious activities. Accessory uses to a church may include a church hall, church auditorium, Sunday school, Parish hall or Parsonage.

3.19 "COMMERCIAL" shall mean the use of land, building, or structure for the buying or selling of commodities or the supplying of services for remuneration but does not include activities associated with the manufacturing, warehousing or assembling of goods, or with any construction work.

3.20 "CORPORATION" shall mean the Corporation of the Municipality of Conmee.

3.21 "COUNCIL" shall mean the Council of the Corporation of the Municipality of Conmee.

3.22 "CRAFT SHOP" shall mean a building or part thereof in which handicraft is conducted for gain or profit and may include sales of such handicraft.

3.23 "DOG KENNEL" shall mean an establishment used for the breeding, raising or boarding of more than two (2) dogs over the age of 6 months on a commercial basis.

3.24 "DWELLING" shall mean a dwelling unit.

3.25 "DWELLING, ACCESSORY" shall mean a dwelling unit accessory to a permitted non residential use and occupied by either the owner or a person employed on the lot where such accessory dwelling is located.

3.26 "DWELLING, APARTMENT" shall mean a building containing two or more dwelling units located on a single lot, such lot being held under one ownership or under Condominium ownership pursuant to the Condominium Act, as amended from time to time.

3.27 "DWELLING UNIT" shall mean two (2) or more habitable rooms, designed or intended for use by one or more persons living as a single household for which cooking, living, sleeping and sanitary facilities are provided. This definition shall not include any vehicle.

3.28 "EDUCATIONAL FACILITY" shall mean a facility providing learning opportunities in an unlimited range.

3.29 "ERECT" shall mean to build, construct, reconstruct, relocate or place and, without limiting the generality of the word, also includes:

- a) any preliminary operation such as excavation, filling or draining; and
- b) altering any existing building or structure by an addition, enlargement, extension or other structural change.

3.30 "EXISTING" shall mean lawfully existing prior to the date of passing of this By-law.

3.31 "FARM" shall mean land, with accessory buildings or structures, which are used for agriculture.

3.32 "FARM, ACTIVE" shall mean a farm which under the operator's management generates sufficient income to provide a sufficient living for a farm household, cover the costs of operation and maintenance, repay all debts and further develop the business if necessary.

3.33 "FARM, GAME" shall mean land used for the keeping, breeding, and displaying of exotic or indigenous animals as an accessory use on a commercial basis.

3.34 "FLOOR AREA" shall mean the total area of all floors contained within the outside walls of a building, excluding in the case of a dwelling the floor area of a private garage, porch, veranda, unfinished attic, basement or cellar.

3.35 "FORESTRY" shall mean the growing and harvesting of trees but does not include the processing of trees.

3.36 "GRAVEL PIT" shall mean any open excavation made for the removal of any soil, earth, clay, marl, sand, gravel or unconsolidated rock or mineral in order to supply material for construction, manufacturing or industrial purposes, but shall not include an excavation incidental to the erection of a building or structure for which a building permit has been granted by the Corporation or an excavation incidental to the construction of any public works. This definition shall not include a wayside pit as defined in the Pits and Quarries Control Act, as amended from time to time.

3.37 "GARAGE, COMMERCIAL" shall mean a building or portion of a building which is used or intended to be used for the storage, care or repair of vehicles for gain or profit.

3.38 "GARAGE, PRIVATE" shall mean an accessory building or structure, or a portion of a building, which is used or intended to be used for the sheltering of not more than three (3) vehicles, and in which there are no facilities for repairing or servicing such vehicles on a commercial basis, and includes a partially enclosed carport.

3.39 "GASOLINE RETAIL OUTLET" shall mean an establishment where vehicle fuels and lubricants are offered for retail trade.

3.40 "GRADE" shall mean the average level of proposed or finished ground adjoining a building at all exterior walls.

3.41 "HAULED SEWAGE SYSTEM" shall mean the works, installations, equipment and

operations for the collection, handling, treatment, transportation, storage, processing and disposal of hauled sewage.

3.42 "HEIGHT" shall mean the vertical distance measured from the finished grade to the highest point of the building or structure exclusive of any roof structure used only as an ornament such as chimney, tower or steeple.

3.43 "HOME OCCUPATION" shall mean an occupation conducted for gain or profit as a secondary use within a permitted dwelling unit.

3.44

"HOME INDUSTRY shall mean an occupation conducted for gain or profit as -a secondary use of a lot used primarily for a permitted dwelling, and assessed with a partial commercial assessment; which occupation is conducted within an accessory building to a permitted dwelling, or, within a permitted dwelling and an accessory building to that dwelling. Home industry shall include a woodworking shop, a pet grooming shop, a carpentry business, a fish tackle manufacturer, electrical service and repairs, a painting, plastering or plumbing business, an animal hospital, automobile salvage, production of handicrafts, sign writing, furniture manufacturing and refinishing, furnace maintenance and repair, meat cutting and packaging, bottling of drinking water and florist.

3.45 "HOUSEHOLD" shall mean a group of related or unrelated individuals living as a single housekeeping unit in a dwelling.

3.46 "INDUSTRIAL" shall mean a use of land, building or structure for the purpose of manufacturing, assembling, making, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing, storing or adapting for sale any goods, substance, article or thing, and the storage of building and construction equipment and materials.

3.47 "INDUSTRIAL, LIGHT" shall mean a small scale industrial activity which is completely enclosed within a building and which doesnot constitute a nuisance to surrounding landowners. Light Industrial uses include, but are not limited to warehouses and repair shops.

3.48 "INSTITUTIONAL" shall mean a use, building or structure for the purpose of providing a local public service but not a commercial use.

3.49 "INTERNAL ROADWAY" shall mean a roadway intended for the use of vehicular traffic traveling from public roads to mobile home sites.

3.50 "LOT" shall mean a parcel of land:

- a) described in a deed or other document legally capable of transferring title to land, or
- b) shown as a lot or block on a registered plan of subdivision that has not been designated pursuant to Section 49(3) of the Planning Act, 1983.

3.51 "LOT AREA" shall mean the total horizontal area within the lot lines of a lot.

3.52 "LOT DEPTH" shall mean the horizontal distance between the front and rear lot lines. If the front and rear lot lines are not parallel, "lot depth" shall mean the length of a straight line joining the middle of the front lot line with the middle of the rear lot line. When there is no rear lot line, "lot depth" shall mean the length of a straight line joining the middle of the front lot line with the apex of a triangle formed by the side lot lines.

3.53 "LOT FRONTAGE" shall mean the horizontal distance between the side lot lines as measured along a line which is parallel to the front lot line and distant from the front lot line a distance equal to the required minimum front yard depth.

3.54 "LOT LINE" shall mean any boundary of a lot.

3.55 "LOT LINE, FRONT" shall mean the line dividing the lot from the public road. In the case of a corner lot the shorter lot line abutting a public road shall be deemed the front lot line and the longer lot line abutting the public road shall be deemed a side lot line.

3.56 "LOT LINE, REAR" shall mean the lot line farthest from and opposite to the front lot line except in the case of a lot with less than four (4) lot lines whereupon there shall be deemed to be no lot line.

3.57 "LOT LINE, SIDE" shall mean a lot line other than a front or rear lot line.

3.58 "LOT WIDTH" shall mean the distance between the side lot lines measured perpendicular to the mid-point of a line joining the mid-point of the front lot line and the mid-point of the rear lot line. When no rear lot line exists, "lot width" means the distance between the side lot lines measured perpendicular to the mid-point of a line joining the mid-point of the front lot line and the apex of the triangle formed by the side lot lines.

3.59 "LUMBER YARD, RETAIL" shall mean a lot, building or structure used for storing, selling and processing of lumber and related goods.

3.60 "MAIN" shall mean a use, building or structure which constitutes the principal use(s), building(s) or structure(s) of the lot.

3.61 "MERCHANDISE REPAIR SHOP" shall mean a building or part thereof wherein articles or goods, other than vehicles or industrial toolage, are repaired or serviced or where replacement parts for such articles or goods are offered for sale.

3.62 "MOBILE HOME" shall mean any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for a household, but does not include a travel trailer or tent trailer or trailer otherwise designed.

3.63 "MOBILE HOME PARK" shall mean a parcel of land under single ownership and

management which has been planned and improved for the placement of mobile homes. Residents may own their own mobile home but rent the site on which it is located. Ownership and responsibility for the maintenance of internal roadways, underground services, commercial areas and buildings, together with general park management including snow clearance and garbage collection, shall rest with the owner of the mobile home park.

3.64 "MOBILE HOME SITE" shall mean an area of land within a mobile home park that is intended to be occupied by one mobile home and accessory uses including a home occupation.

3.65 "MOBILE HOME SITE COVERAGE" shall mean the percentage of the area of a mobile home site that is covered by buildings.

3.66 "MOBILE HOME SITE FRONTAGE" shall mean the longest horizontal distance along which a mobile home site abuts an internal roadway.

3.67 "MOBILE HOME SITE FRONT LINE" shall mean the longest horizontal line along which a mobile home site abuts an internal roadway.

3.68 "MOBILE HOME SITE FRONT YARD, MINIMUM" shall mean the minimum horizontal distance required between the mobile home site front line and the nearest part of any building or structure on such mobile home site.

3.69 "MOBILE HOME SITE REAR LINE" shall mean the mobile home site boundary which is the farthest from and opposite to the mobile home site front line, except in the case of a mobile home site with less than four (4) sides, whereupon there shall be deemed to be no mobile home site rear line.

3.70 "MOBILE HOME SITE REAR YARD, MINIMUM" shall mean the minimum horizontal distance required between the mobile home site rear line and the nearest part of any building or structure on such mobile home site.

3.71 "MOBILE HOME SITE SIDE LINE" shall mean a mobile home site boundary other than a mobile home site rear or front line.

3.72 "MOBILE HOME SITE SIDE YARD, MINIMUM" shall mean the minimum horizontal distance required between the mobile home site side line and the nearest part of any building or structure on such mobile home site.

3.73 "NON-CONFORMING" shall mean a use, building or structure which lawfully existed prior to the passing of this By-law but does not conform to one or more of the provisions of the By-law.

3.74 "OFFICE, BUSINESS" shall mean a building or part thereof in which one or more persons are employed in the management, direction or conducting of a public or private agency, a business, a brokerage, or a labour or fraternal organization, but shall not include a retail store or a professional office.

3.75 "OFFICE, PROFESSIONAL" shall mean a building or part thereof in which a legal, medical or other personal professional service is performed or consultation given, but shall not include a personal service shop, a business office or a veterinarian's clinic or an animal hospital or shelter.

3.76 "PARK" shall mean an area of land consisting primarily of open space for recreation and may include a playground or playfield for recreational activities.

3.77 "PARK, PRIVATE" shall mean a park other than a public park.

3.78 "PARK, PUBLIC" shall mean a park owned and controlled by a public agency.

3.79 "PARKING AREA" shall mean an area provided for the parking of motor vehicles and may include aisles, parking spaces and related ingress and egress lanes but shall not include any part of a public road.

3.80 "PARKING SPACE" shall mean an area not less than 18 square metres exclusive of lanes or aisles for the temporary storage of motor vehicles.

3.81 "PERMITTED" shall mean permitted by this By-law.

3.82 "PERSON" shall mean any human being, association, firm, partnership, corporation, agent or trustee, and the heirs, executors or other legal representatives of a person at law.

3.83 "PERSONAL SERVICE SHOP" shall mean a building or part thereof wherein a personal service is performed, including but not as to limit the generality of the foregoing, a barber shop, a beauty salon, a shoe repair shop, a dry cleaning depot, a laundromat, a tailor or dressmaking shop, a photographic studio but does not include a massage or body-rub parlour or any adult entertainment parlour as defined in The Municipal Act, as amended from time to time.

3.84 "PETTY TRADE" shall mean an establishment, other than an automotive use, that provides a non-personal service or craft to the public, including, but not so as to limit the generality of the foregoing, a painter's shop, a plumber's shop, an tinsmith's shop, a printer's shop, a carpenter's shop, an electrician's shop, a merchandize service shop, a bakery, a dairy, a soft drink manufacturing establishment a catering establishment, an egg grading station and a monument engraving shop but does not employ more than three people.

3.85 "QUARRY" means 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.

3.86 "REQUIRED" shall mean required by this By-law.

3.87 "RESTAURANT" shall mean a building or part thereof, other than a tavern, where food is prepared and offered or kept for retail sale to the public for immediate consumption either on or

off the premises.

3.88 "RETAIL OUTLET" shall mean a building or part thereof in which goods, wares, merchandise, stances, articles or other things are stored, offered or kept for retail sale to the public, including, but not so as to limit the generality of the foregoing, a neighbourhood store, a bakeshop, a farm produce outlet, and a rock shop. This definition shall not include any use specifically defined elsewhere in the By-law.

3.89 "RIDING ACADEMIES" shall mean the land and accessory buildings associated with the training of horses, but shall not include the boarding of horses.

3.90 "ROAD ACCESS" shall mean a road located on land not owned by the Municipality of Conmee and not dedicated; accepted; or otherwise deemed at law to be a public highway, that serves as a motor vehicle access route to one or more parcels of land.

3.91 "ROAD, PUBLIC" shall mean a public highway or public road or any part thereof and includes a street, bridge and any other structure or improvement thereto, under the jurisdiction of the Ministry of Transportation or the Municipality of Conmee and which has been opened by Provincial Statute or regulation or by by-law for use by the general public and is maintained by the Ministry of Transportation or the Municipality of Conmee. "Road, Public" shall not mean an unopened road allowance or any road defined under the Road Access Act, as amended from time to time.

3.92 "SALVAGE YARD" shall mean a lot, building or structure used for wrecking, dismantling, "storing" or selling used goods, wares or material including, but not so as to limit the generality of the foregoing, rags, bottles, metals, clothing, furniture, paper, machinery, building materials, vehicles and parts thereof.

3.93 "SANITARY LANDFILL SITE" shall mean the site for the disposal of waste by deposit under controlled conditions on land and includes compaction of the waste into cells and covering the waste with cover materials at regular intervals.

3.94 "STABLES" shall mean an establishment used for the purpose of boarding more than five (5) horses on a commercial basis for gain or profit.

3.95 "STAFF HOUSE" shall mean an accessory dwelling to an active farm in addition to the main farm dwelling.

3.96 "STOREY" shall mean that portion of a building included between the upper surface of any floor and the upper surface of the next floor above, except that the topmost storey shall be that portion of a building included between the upper surface of the topmost floor and the ceiling above.

3.97 "STRUCTURE" shall mean anything constructed or erected, the use of which requires location on or in the ground, or attached to something located on or in the ground, but does not include the permanent way of a railway or any paved surface located directly on the ground.

3.98 "TOURIST ESTABLISHMENT" means a building designed for the accommodation of the traveling or vacationing public.

a) "BED AND BREAKFAST" means a dwelling unit in which guest rooms are provided for the traveling public for overnight accommodation. A morning meal is usually provided using the cooking facilities of the single dwelling.

b) "HOTEL" shall mean any establishment so defined in the Hotel Registration of Guests Act, as amended from time to time, or any successors thereto, and includes a motel, motor hotel and tavern.

c) "MOTEL" means a tourist establishment containing therein five (5) or more guest rooms, each guest room having a separate entrance directly from outside the building. Accessory uses may include accommodations for permanent staff, rooms, dining rooms, meeting rooms or similar uses.

d) "RENTAL CABIN" or "RENTAL COTTAGE" means a tourist establishment designed to accommodate one family in a detached building.

3.99 "TOURIST PARK" shall mean land used for the temporary, outdoor accommodation of the traveling public in trailers, tents, tent trailers or other recreation vehicles designed for eating, sleeping or living.

3.100 "TRAILER" shall mean any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, and capable of being used for living, sleeping or eating, accommodation, notwithstanding that such vehicle is jacked-up or that its running gear is removed but shall not include a mobile home as defined in The Planning Act, R.S.O. 1983, Section 45(1)(a) or as defined elsewhere in this By-law.

3.101 "USE" shall mean:

a) when used as a noun, the purpose for which a lot, building or structure, or any combination thereof, is designed, arranged, occupied and maintained.

b) when used as a verb, to put to such purpose.

3.102 "VEHICLE" shall mean a passenger automobile or other motor vehicle; a boat, a farm implement, a motor home, a snowmobile, a trailer, or any other device capable of being drawn, propelled or driven by any kind of power.

3.103 "VEHICLE SALES OR RENTAL ESTABLISHMENT" shall mean an establishment having as its main use the sale, rental or leasing of vehicles.

3.104 "VEHICLE STORAGE YARD" shall mean land used for the temporary storage of vehicles for gain or profit.

3.105 "VEHICLE REPAIR SHOP" shall mean an establishment or part thereof which contains facilities for the repair and maintenance of vehicles on the premises and in which vehicle accessories are sold and vehicle maintenance and repair operations are performed in return for remuneration, but does not include a body shop, wherein the repairing or painting of vehicle bodies constitutes the primary activity, or any establishment in the retail sale of vehicle fuels.

3.106 "VETERINARY CLINIC" shall mean a building or part thereof, with or without related structures, wherein animals of any kind are treated by a registered veterinarian, and includes the sale of medicine and the temporary keeping of animals.

3.107 "WAREHOUSE" shall mean a building or part thereof which is used primarily for the storage of wholesale distribution of goods, wares, merchandise, food-stuff, substances, articles or things but does not include the storage of fuel except as an accessory use.

3.108 "WAYSIDE PIT OR QUARRY" means a temporary source of consolidated or unconsolidated aggregate opened by a public road authority including a local roads board, for the purpose of a particular project of public road construction.

3.109 "YARD" shall mean an area of land which:

- i) is appurtenant to and located on the same lot as a building or structure; and
- ii) is open, unoccupied and uncovered, except for natural vegetation, from the ground to the sky, except for such accessory buildings, structures or other uses as are specifically permitted thereon elsewhere in this By-law.

3.110 "YARD, FRONT" shall mean a yard extending across the full width of a lot between the front lot line of such lot and the nearest structural wall of any building or structure on such lot.

3.111 "YARD, REQUIRED FRONT" shall mean the minimum horizontal distance required between the front lot line and the nearest part of any main building or structure on a lot.

3.112 "YARD, REAR" shall mean a yard extending across the full width of a lot between the rear lot lines of such lot, or where there is no rear lot line the junction point of the side lot lines, and the nearest structural wall of any building or structure on such lot.

3.113 "YARD, REQUIRED REAR" shall mean the minimum horizontal distance required between the rear lot line and the nearest part of any main building or structure on a lot.

3.114 "YARD, SIDE" shall mean a yard extending from the front yard to the rear yard of a lot and from the side lot line of such lot to the nearest structural wall of any building or structure on such lot.

3.115 "YARD, REQUIRED SIDE" shall mean the minimum horizontal distance required between the side lot line and the nearest part of any main building or structure on a lot.

3.116 "ZONE" shall mean a designated area of land use shown on Schedule "A" hereto.

4.1 ACCESSORY USES

a) USES PERMITTED:

Where this By-law permits a lot to be used or a building or structure to be erected or used for a purpose, that purpose shall include any building, structure or use accessory thereto, except the following:

- i) a gasoline retail outlet;
- ii) a home occupation and a home industry
- iii) a salvage yard;
- iv) any building used for human habitation:

unless such use is specifically listed as a permitted use elsewhere in this By-law.

b) HEIGHT RESTRICTIONS

No accessory building or structures other than accessory dwellings or accessory farm buildings or structures shall exceed one storey in height.

c): LOCATION

No accessory building or structure shall be located within 3 metres of any other main building or structure.

d) YARD REQUIREMENTS

All necessary buildings and structures shall meet the minimum front, side and rear yard requirements specified in the By-law.

Clothes poles, flag poles, garden trellises, fences, retaining walls and legal signs shall be exempt from the yard requirements of this By-law.

e) ISSUING BUILDING PERMITS

No building permit shall be issued for an accessory building until the main use has been established and any required building permits for a main building have been obtained.

4.2 ACCESS REGULATIONS

No main building shall be erected on any lot which does not abut an existing public road. The replacement, repair and extension of existing buildings may take place on an existing access road approved by Council.

4.3 HEIGHT EXCEPTIONS

Nothing in this By-law shall apply to restrict the height of any antenna, a barn, a chimney, a church spire, a flag pole, a hydro-electric transmission tower, a radio tower or antenna, a silo, a steeple, a fire tower or a water tower provided that such buildings and structures conform to all restrictions of other governmental authorities having jurisdiction.

4.4 HOME OCCUPATIONS AND HOME INDUSTRIES

Where permitted in this By-law, a home occupation shall conform to the following provisions:

- a) the occupation shall be conducted entirely within a dwelling;
- b) it is clearly secondary to the use of the dwelling as a private residence;
- c) it does not change the character of the residence as a private residence;
- d) there is no external display and no warehousing upon the premises;
- e) there shall be no external storage of materials, containers or finished products;
- f) the occupation shall be carried on only by the inhabitants of the dwelling, plus up to one additional person;
- g) it shall not constitute a nuisance because of noise, fumes, dust, odour or traffic, or otherwise interfere with the residential amenities of the neighbourhood;
- h) the area devoted to such occupation shall not exceed twenty-five percent (25%) of the gross floor area of the dwelling.

4.4.2 Where permitted in this By-law, a home industry shall conform with the following provisions:

- a) the home industry must be clearly secondary to the main use of the lot which is residential;
- b) the home industry must be conducted entirely within the enclosure of a dwelling and up to one accessory building;
- c) the area devoted in a dwelling to a home industry shall not exceed twenty-five percent (25%) of the floor area of the dwelling;
- d) the area devoted to a home industry shall not exceed thirty-five percent (35%) of the total ground floor area of all buildings located on the same lot;
- e) the home industry does not change the character or the use of the lot on which it is located, that use being essentially residential;
- f) there is no external display on the premises;

- g) there shall be no external storage of materials, containers or finished products;
- h) the home industry shall be carried on only by the inhabitants of the dwelling, plus one additional person;
- i) it shall not constitute a nuisance because of noise, fumes, dust, odour or traffic, or otherwise interfere with the residential amenities of the neighbourhood.

4.5 LOTS WITH MORE THAN ONE ZONE

Where a lot is divided into more than one zone each such portion of said lot shall be considered separately for the purposes of determining zone provisions such as lot area, lot frontage, required front yard, required side yard and required rear yard and each such portion shall conform to the provisions of the appropriate zone, but no lot shall have more than one dwelling on the whole except as specifically provided in this By-law.

4.6 NON-CONFORMING BUILDINGS AND LOTS

a) REPAIR PERMITTED

Nothing in this By-law shall prevent the rebuilding or repair of an existing or permitted building or structure, even though such building or structure or the lot on which such building or structure is located does not conform to one or more of the provisions of this By-law, provided that no exterior dimension is increased and the use is not altered except in accordance with the provisions of this By-law.

b) LOT AREA OR FRONTAGE LESS THAN REQUIRED

Where any lot on the date of passing of the By-law including:

- i) a lot approved by the Consent Granting Authority and subsequently registered, has a lesser lot area or lot frontage than that required, then the said lot shall be deemed to conform to the requirements of this By-law with respect to the lot area or lot frontage, and the provisions hereof respecting lot area and lot frontage shall not apply to prevent the use of such lot, or the erection, alteration of use of a permitted building or structure there upon, provided that the use of the said lot remains unchanged from that which existed or was clearly intended on the date of passing hereof and in accordance with all other provisions hereof except that any side yard requirement may be reduced to 30% of lot width.

4.7 METRIC CONVERSION, EXPROPRIATION AND DEDICATION FOR PUBLIC USE

Where any lot existing on the date of passing of this By-law is made non-conforming due to metric conversion or any lot is made non-conforming due to expropriation or dedication for public use, then said lot shall be deemed to conform with this By-law with respect to those provisions made non-conforming by metric conversion, expropriation or dedication for public

use and the said provisions shall not apply to prevent the use of such lot, or the erection, alteration or use of a permitted building or structure thereupon, provided that the use of land remains the same, in accordance with all other provisions of this By-law and the nature of the non-conformity is not increased.

4.8 MAIN BUILDINGS ON A LOT NUMBER PERMITTED:

No person shall erect more than one (1) main building on a lot except for:

- a) commercial and industrial buildings located in commercial and industrial zones;
- b) mobile home located in a Mobile Home Park Zone;
- c) farm related buildings located on an active farm.

4.9 NOXIOUS USES GENERAL PROHIBITION:

No use shall be permitted in any zone which, from its nature, materials used therein or emissions issued therefrom, is declared to be a noxious trade, business or manufacture under the Public Health Act, as amended from time to time, or any regulations established from time to time by the Province of Ontario, the Government of Canada, or any agencies thereof.

4.10 PARKING

a) PARKING SPACES REQUIRED

The owner of every building or structure erected or used for any purposes hereinafter set forth shall provide and maintain 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 and areas as follows:

TYPE OF USE MINIMUM OFF-STREET PARKING REQUIREMENT

- i) Residential 2 spaces per dwelling unit
- ii) hotel, motel, motor inn, bed and breakfast 1 space per guest room plus 1 space for every 4 persons of seating capacity in any refreshment room, dining room or assembly hall
- iii) church 1 space for every 4 persons
- iv) assembly hall, community centre, theatre 1 space for every 4 persons
- v) eating establishments 1 space for every 4 persons

vi) office, public building 1 parking space per 30m² of floor area

vii) retail store other than a furniture store 1 parking space per 20m² of floor area

viii) warehouse 1 parking space per 90m² of floor area devoted to the main use plus 1 parking space per 30m² of accessory office or retail floor area

ix) personal service shop, merchandise service 1 parking space per 20m² of floor area

x) manufacturing plant, 1 parking space per 75m² of floor area devoted to the main use plus 1 parking space per 30m² of accessory office or retail floor area of a petty trade

xi) recreation use 1 parking space per 4 patrons

xii) other permitted uses not listed 1 parking space per 30m² of floor area

b) PARKING SPACE DIMENSIONS

Each parking space shall be a minimum of 3 metres by 7 metres with an area of at least 21 square metres.

c) ACCESS

Access to the required parking spaces for commercial and industrial uses shall be provided by means of unobstructed driveways at least 7 metres in width.

d) ADDITION TO EXISTING USE

When a building or structure, other than a single family residence, has insufficient parking space on the date of passing of this By-law to comply with the requirement herein, no addition may be built and no change of use may occur, unless the parking requirements are met for the entire use.

4.11 PUBLIC USES USES PERMITTED

Nothing in this By-law shall prevent land to be used as a public road or prevent the installation of a water main, sanitary sewer main, storm sewer main, gas main, pipe line, electric power facility,

overhead or underground hydro, telephone or other supply and/or communication line.

4.12 YARD ENCROACHMENTS AND OBSTRUCTIONS PROJECTION INTO REQUIRED SIDE YARD

No part of any required side yard shall be obstructed by any building or structure or part thereof except one or more of the following:

- i) sills, belt courses, chimneys, cornices, eaves, gutters, parapets and similar architectural features, projecting not more than .5m into a required side yard;
- ii) functional and ornamental structures including but not necessarily restricted to drop awnings, clothes poles, ornamental foundations, statues, monuments, planters, garden trellises, fences, boundary and retaining walls, hedgerows and legal signs;
- iii) uncovered terraces, stoops, sun decks and exterior steps, where such structure projects not more than 2m into a required yard and there are no walls;
- iv) balconies projecting not more than 1.5m into a required side yard.

SECTION 5

ZONES

5.1 CLASSIFICATION

a) ZONE TITLES:

For the purposes of this By-law, all lands within the limits of the Corporation of the Municipality of Conmee are divided into zones and are classified as follows:

ZONE SYMBOL

COMMERCIAL C

GENERAL INDUSTRIAL MI

DISPOSAL INDUSTRIAL D

EXTRACTIVE INDUSTRIAL E

MOBILE HOME PARK MHP

OPEN SPACE OS

RURAL R

INSTITUTION I

USE LIMITATION UL

b) ZONE SYMBOLS:

The symbols listed in Clause (a) of this Subsection may be used to refer to building and structures, the uses of lots, buildings and structures permitted by this By-law in the said zones, and wherever in this By-law the word "Zone" is used, preceded by any of the said symbols, such zones shall mean any area in the Corporation of the Municipality of Conmee within the scope of this By-law, delineated on Schedule "A" and designated thereon by the said symbol.

c) USES PERMITTED AND ZONE PROVISIONS:

The permitted uses and zone provisions for each zone listed in Clause (a) of this Subsection shall be set out for each such zone separately in a Section in this By-law.

5.2 ZONE BOUNDARIES

The extent and boundaries of all the said zones are shown on Schedule "A" which Schedule forms a part of this By-law and is attached hereto. When determining the boundary of any zone shown on Schedule "A", the following provisions shall apply:

a) A boundary indicated as following a watercourse, creek, stream, or the right-of-way of a railway, an electrical or gas transmission line, or a public road shall be the centre line of such watercourse, creek stream or right-of-way.

b) A boundary indicated as approximately following lot lines or municipal limits shall follow such lot lines or limits.

c) Where uncertainty exists as to the location of a zone boundary on Schedule "A", the location of such zone boundary shall be measured on Schedule "A" at the original size in the scale of 1 centimetre 158.4 metres.

d) Where uncertainty exists as to the location of a zone boundary on a schedule to any amendment to Schedule "A", the location of such zone boundary shall be as measured on such amending schedule at the original size of such amending schedule.

SECTION 6 DESCRIPTION OF ZONES

6.1 RURAL (R) ZONE

No person shall within any "R" Zone use any lot or erect, alter or use any building or structure for any purpose except in accordance with the following:

6.1.1 Permitted Uses

- i) an agricultural use
- ii) a forestry use
- iii) a stable or riding academy
- iv) an accessory dwelling to a use listed above
- v) a staff house on an active farm
- vi) a dwelling
- vii) watershed management and conservation uses
- viii) a home occupation or a home industry
- ix) a bed and breakfast establishment
- x) buildings, structures or uses accessory to the above uses in accordance with Section 4.1(a)

6.1.2 Zone Provisions

- a) Minimum Lot Area 2 hectares (4.94 acres)
- b) Minimum Lot Frontage 120 metres (394 feet)
- c) Required Front Yard 15 metres (49.2 feet)
- d) Required Side Yard 15 metres (49.2 feet)
- e) Required Rear Yard 15 metres (49.2 feet)
- f) Maximum Building Height 12 metres (39.2feet)
- g) Maximum Dwelling Units Per Lot one (1)
- h) Minimum Dwelling Unit Floor Area 56 square metres (603 sq. ft.)

6.1.3 Other Provisions

- a) Notwithstanding the above provisions, the required side yard for any buildings used to shelter animals shall be 30 metres (98.4 feet).
- b) Notwithstanding the above provisions, no equipment or machinery associated with a forestry use shall be permitted within 120 metres (394 feet) of a building used for residential, recreational, institutional or commercial purposes; and within 30 metres of an adjoining property or any public road or public road allowance.

6.2 COMMERCIAL (C) ZONE

No person shall within any "C" Zone use any lot or erect, alter or use any building or structure for any purpose except in accordance with the following:

6.2.1 Permitted Uses

- i) an automobile service station
- ii) a dog kennel
- iii) a game farm
- iv) a gasoline retail outlet
- v) a hotel
- vi) a motel
- vii) rental cabin or rental cottage
- vii) a merchandise repair shop
- viii) a personal service shop ix) a petty trade
- x) a restaurant
- xi) a retail outlet
- xii) a vehicle repair shop
- xiii) a vehicle sales and rental establishment
- xiv) a warehouse
- xv) a business or professional office
- xvi) a craft shop

- xvii) a veterinary clinic
- xviii) an accessory dwelling
- xix) buildings, structures and uses accessory to the above uses in accordance with Section 4.1(a)

6.2.2 Zone Provisions

- a) Minimum Lot Area 2 hectares (4.94 acres)
- b) Minimum Lot Frontage 120 metres (394 feet)
- c) Required Front Yard 15 metres (49.2 feet)
- d) Required Side Yard 20 metres (65.6 feet)
- e) Required Rear Yard 15 metres (49.2 feet)
- f) Maximum Building Height 12 metres (39.4 feet)
- g) Maximum Dwelling Units Per Lot one (1)
- h) Minimum Dwelling Unit Floor Area 56 square metre (603 sq.ft.)

6.2.3 Other Provisions

- a) Where any "C" Zone abuts any other commercial or industrial zone along a side lot line, the required side yard shall be 35 metres (114.8 feet) on the abutting side.
- b) Notwithstanding any other provisions of this By-law, a gasoline pump island accessory to a permitted use shall not be located within 20 metres (65.6 feet) of any lot line.
- c) Notwithstanding any other provisions of this By-law, a gasoline pump island accessory to a permitted use shall not be located within 23 metres (75.5 feet) of a residential use on the abutting side.
- d) where any "C" Zone abuts a residential or recreational use, the required side yard; rear yard; or front yard shall be a minimum of 35 metres (114.8 feet) on the abutting side.

6.3 GENERAL INDUSTRIAL (MI) ZONE

No person shall within any "MI" Zone use any lot or erect, alter or use any building or structure for any purpose except in accordance with the following:

6.3.1 Permitted Uses

- i) a light industrial activity
- ii) a merchandise repair shop
- iii) a retail lumber yard
- iv) a body repair shop
- v) a vehicle repair shop
- vi) a construction firm
- vii) an equipment sales and service dealership
- viii) a petty trade
- ix) a vehicle storage yard

- x) a warehouse
- xi) a salvage yard
- xii) a business office or a commercial outlet accessory to a permitted use.

6.3.2 Zone Provisions

- a) Minimum Lot Area 4 hectares (9.9 acres)
- b) Minimum Lot Frontage 120 metres (394 ft.)
- c) Required Front Yard 15 metres (49.2 ft.)
- d) Required Side Yard 30 metres (74.1 ft.)
- e) Required Rear Yard 30 metres (74.1 ft.)
- f) Maximum Building Height 12 metres (39.4 ft.)

6.3.3 Other Provisions

- a) Where any "MI" Zone abuts any other industrial zone along a side lot line, the required side yard shall be 15 metres (49.2 feet) along the abutting side.
- b) Where any "MI" Zone abuts a residential or recreational use, the required side yard; rear yard; or front yard shall be a minimum of 45 metres (147.6 feet) on the abutting side.
- c) In the case of a salvage yard, a vision obstructing fence not less than 3 metres (9.8 feet) in height shall be erected encompassing the salvage yard site.

6.4 DISPOSAL INDUSTRIAL (D) ZONE

No person shall within any "D" Zone, use any lot or erect, alter or use any building or structure for any purpose except in accordance with the following:

6.4.1 Permitted Uses

- i) a sanitary landfill site
- ii) buildings, structures and uses accessory to the above uses in accordance with Section 4.1(a).

6.4.2 Zone Provisions

- a) Minimum Lot Area 10 hectares (24.7 acres)
- b) Minimum Lot Frontage 120 metres (394 feet)
- c) Required Front Yard 30 metres (74.1 feet)
- d) Required Side Yard 30 metres (74.1 feet)
- e) Required Rear Yard 30 metres (74.1 feet)

6.4.3 Other Provisions

- a) New development may be permitted within 500 metres (1640 feet) of a sanitary land fill site,

should the Ministry of the Environment and Energy be satisfied by the results of required studies. Any setbacks would be determined by the Ministry of the Environment and Energy.

b) No disposal site shall be located within 60 metres (196.8 feet) of any public road or public road allowance except a road serving the disposal site, or within 60 metres (196.8 feet) of an adjoining property except a property zoned "D".

c) No disposal site shall be located within 30 metres (74.1 feet) of any watercourse.

d) Should the Ministry of the Environment and Energy be satisfied by the results of required studies, the setbacks identified in (a) (b) and (c) above may be changed if a zoning amendment is approved.

6.5' EXTRACTIVE INDUSTRIAL (E) ZONE

No person shall within any "E" Zone use any lot or erect, alter or use any building or structure for any purpose except in accordance with the following:

6.5.1 Permitted Uses

- i) pits and quarries for extracting sand, clay, gravel, earth, stone, shale, peat and amethyst,
- ii) stockpiling of sand, clay, gravel, earth, stone, shale, peat and amethyst,
- iii) processing accessory to the above including screening, sorting and washing,
- iv) buildings, structures and uses accessory to the above uses in accordance with Section 4.1(a).

6.5.2 Other Provisions

a) No excavation, building, equipment or stockpile shall be located within 120 metres (394 feet) of an existing building used for residential, recreational, or institutional purposes; within 45 metres (147.6 feet) of an existing building used for commercial purposes; within 45 metres (147.6 feet) of an existing building used for industrial purposes; or within 45 metres (147.6 feet) of an abutting extractive industrial use; within 105 metres (329 feet) from a lot that could be developed for residential, recreational or institutional uses.

b) No excavation, building, equipment or stockpile shall be allowed within 45 metres of any municipal road or municipal road allowance.

c) No excavation, building, equipment or stockpile shall be permitted within 15 metres of a body of water that is not a result of the excavation.

6.6 INSTITUTIONAL (I) ZONE

No person shall within any "I" Zone use any lot or erect, alter, or use any building or structure for any purpose except in accordance with the following:

6.6.1 Permitted Uses

- i) a cemetery
- ii) a church with manse
- iii) a community hall
- iv) a fire station
- v) a municipal garage
- vi) a municipal office
- vii) a police station
- viii) educational facility
- ix) buildings, structures and uses accessory to the above uses in accordance with Section 4.1(a).

6.6.2 Zone Provisions

- a) Minimum Lot Area 2 hectares (4.94 acres)
- b) Minimum Lot Frontage 120 metres (394 feet)
- c) Required Front Yard 15 metres (49.2 feet)
- d) Required Side Yard 20 metres (65.6 feet)
- e) Required Rear Yard 15 metres (49.2 feet)
- f) Maximum Height 12 metres (39.4 feet)
- g) Minimum Distance Between
Detached Buildings 6 metres (19.7 feet)

6.7 OPEN SPACE (OS) ZONE

No person shall within any "OS" Zone use any lot or erect, alter or use any building or structure for any purpose except in accordance with the following:

6.7.1 Permitted Uses

- i) a public or private park
- ii) buildings, structures and uses accessory to the above use in accordance with Section 4.1(a).

6.7.2 Other Provisions

- a) No building or structure shall be allowed within 30 metres of an adjoining lot line or municipal road or municipal road allowance.

6.8 USE LIMITATION (UL) ZONE

No person shall within any "UL" Zone use any lot for any purpose except in accordance with the following:

6.8.1 Permitted Uses

- i) agriculture
- ii) conservation iii) forestry iv) wildlife management

- v) public or private parks
- vi) golf courses and other recreational uses

6.8.2 Other Provisions

No buildings or structures shall be permitted in areas shown as "UL Zone" except where such area is intended for:

- a) flood or erosion control;
- b) water course protection works;
- c) bank stabilization projects;

and are approved by the Council in consultation with the Lakehead Region Conservation Authority and the Ministry of Natural Resources.

6.9 MOBILE HOME PARK (MHP) ZONE

No person shall within the "MHP" Zone use any lot for any purpose except in accordance with the following:

6.9.1 Permitted Uses

- i) a mobile home located on a mobile home site within an existing mobile home park
- ii) a home occupation
- iii) an accessory use to either i) or ii) above.

6.9.2 Zone Provisions

a) MOBILE HOME PARK

- i) Minimum 4 hectares (9.9 acres)
- ii) Maximum Number of Mobile Homes 30 mobile homes
- iii) Minimum Width of Buffer Between Buildings and Structures in a MHP Zone and Public Roads or Lots in Other Zones 10 metres (32.8 feet)
- iv) A Minimum of 5% of the Area of the Mobile Home Park Shall Be Used For No Other Purpose Than "Park" as Defined in Section 3.75 and Available for the Common Use of Mobile Home Park Residents

b) MOBILE HOME SITE

- i) Maximum Number of Mobile Homes 1 mobile home
- ii) Minimum Area 1000 sq. m. (10764 sq. ft.)

- iii) Minimum Frontage 30.5 metres (100 feet)
- iv) Minimum Side Yard 5 metres (16.4 feet)
- v) Minimum Front Yard 8 metres (26.2 feet)
- vi) Minimum Rear Yard 8 metres (26.2 feet)
- vii) Maximum Coverage 30%
- viii) Maximum Building Height 12 metres (39.4 feet)
- ix) Minimum Floor Area of Dwelling Unit 40 sq. m (430.6 sq. ft.)

c) Notwithstanding Section 3.11, a buffer in a "MHP" Zone may be used for existing internal roadways, but may not be used for a patio.

SECTION 7 ADMINISTRATION

7.1 Issuance of Building Permits

Notwithstanding the provisions of the Building By-law or any other by-law of the Corporation to the contrary, no building permits shall be issued where a proposed building or structure or alteration to an existing building or structure would contravene in any way one or more of the provisions hereof.

7.2 Requests for Amendment

Every request for an amendment to this By-law shall be accompanied by three copies of the appropriate application form provided by the Corporation and payment of all required fees.

7.3 Violations and Penalties

7.3.1 Every person who uses any lot, or erects or uses any building or structure or any part of any lot, building or structure in a manner contrary to any requirement of this By-law, or who causes or permits such use or erection, or who violates any provision of this By-law, or who causes or permits such a violation, shall be guilty of an offence, and upon conviction thereof is liable,

a) on first conviction to a fine of not more than \$20,000.00; and

b) on a subsequent conviction to a fine of not more than \$10,000.00 for each day or part thereof upon which the contravention has continued after the day on which he was first convicted.

7.3.2 Every corporation who uses any lot, or erects or uses any building or structure or any part of any lot, building or structure in a manner contrary to any requirement of this By-law, or who causes or permits such use or erection, or who violates any provision of this By-law, or who causes or permits such a violation, shall be guilty of an offence, and upon conviction thereof is liable,

a) on a first conviction to a fine of not more than \$50,000.00; and

b) on a subsequent conviction to a fine of not more than \$25,000.00 for each day or part thereof

upon which the contravention has continued after the day on which the corporation was first convicted.

7.3.3 Where a conviction is entered under subsection 7.3.1 in addition to any other remedy or any penalty provided by law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.

7.3.4 Any building or structure which contravenes any requirement of this By-law may be removed or altered at the expense of the owner thereof by the Corporation pursuant to the provisions of the Municipal Act, R.S.O. 1980, Section 210, paragraph 170 or any successor thereto.

7.3.5 Remedies

Where any building or structure is erected, altered, reconstructed or extended, or any part thereof is used, or any lot is used, in contravention of any requirements of this By-law, such contravention may be restrained by proceedings of the Corporation of the Township of Conmee pursuant to the relevant provisions of The Planning Act or The Municipal Act or the Building Code Act.

7.4 Validity

If any section, clause or provision of this By-law, including anything contained in the Schedules attached hereto, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof, other than the section, clause or provision so declared to be invalid, and it is hereby declared to be the intention that all the remaining sections, clauses or provisions of this By-law shall remain in full force and effect until repealed, notwithstanding, that one or more provisions thereof shall have been declared to be invalid.

7.5 Existing By-laws

By-law number 501 of the Corporation of the Township of Conmee and all amendments thereto are hereby repealed.

Schedules as mentioned above are available for viewing at the Township Office.

In any discrepancy between this document and the original, the original as in the By-law Book of the Township shall be the final authority.

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