

TOWNSHIP OF PLYMPTON-WYOMING

ZONING BY-LAW 97 OF 2003

WHEREAS Section 34 of the *Planning Act*, R.S.O. 1990, Chap. P. 13 as amended from time to time, allows a governing body of a Municipal Corporation to pass By-laws to regulate the Use of land and the character, location and Use of Buildings and Structures;

BE IT THEREFORE ENACTED by the Municipal Council of the Corporation of the Town of Plympton-Wyoming as follows:

SECTION 1 – ADMINISTRATION, ENFORCEMENT & INTERPRETATION

1.1 TITLE

This By-law shall be known as the Zoning By-law of the Corporation of the Town of Plympton-Wyoming.

1.2 ADMINISTRATOR

This Zoning By-law shall be administered by the By-law Enforcement Officer, Manager of Development Services, Senior Planning Official, Chief Building Official and/or Deputy Chief Building Official, or any other Person designated by the Council of the Town of Plympton-Wyoming as “Zoning Administrator”.

~~1.2 TITLE~~

~~This By-law shall be known as the Zoning By-law of the Corporation of the Town of Plympton-Wyoming~~

1.3 APPLICATION

~~The provisions of this~~This Zoning By-law shall apply to all lands within the boundaries of the Corporation of the Town of Plympton-Wyoming and without limiting the foregoing, includes any land located under water.

1.4 SCOPE

- a) No Person shall Use any land or Erect or Use any Building or Structure on lands subject to this By-law except for a Use permitted, and in accordance with the regulations provided, by this By-law for the Zone in which the Lot is located.

b) No Person shall change the Use of any Lot, Building, or Structure, Erect or enlarge any Building or Structure, or sever any lands from any Existing Lot if the effect of such action is to cause the original, remaining, or new Building, Structure, or Lot to be in contravention of the Zoning By-law.

~~No lands shall be used and no Buildings or Structures shall be Erected, Altered, enlarged or used within the Town of Plympton-Wyoming except in conformity with the provisions of this By-law.~~

1.5 REPEAL OF EXISTING BY-LAWS

~~From the coming into force of this By-law, all previous By-laws passed under Section 34 of the Planning Act, R.S.O. 1990, Chap. P. 13, as amended, or a predecessor thereof, shall be deemed to have been repealed.~~

The provisions of Zoning By-law 97 of 2003, and all amendments thereto, are hereby repealed insofar as they affect the lands covered by this By-law.

1.6 VALIDITY / SEVERABILITY

~~Should any section, clause or provision, or schedule of this Zoning By-law be held by a court of competent jurisdiction to be invalid, in whole or in part does not affect the validity, effectiveness, or enforceability of the remainder of other provisions or parts of the provisions of this By-law shall not be affected.~~

1.7 EFFECTIVE DATE

This Zoning By-law shall be deemed to be valid and to have come into force on the day of passing hereof subject to the provisions of the Planning Act.

1.8 COMPLIANCE WITH OTHER RESTRICTIONS

~~This Nothing in this Zoning By-law shall not reduce or relieve any restrictions lawfully imposed on a Person from the obligation to conform to the requirements of any other by-law, any act, statute or regulation of the Province of Ontario or Government of Canada, or the requirement of obtaining any permit, license, or permission that may be required from an authority having jurisdiction to make such restrictions.~~

~~Where an act or statute of Provincial or Federal Parliament is referenced in whole or in part in this By-law, it shall include the current act or statute, all amendments and successors, a particular matter.~~

Where an act, statute or regulation of Provincial or Federal Parliament is referenced in whole or in part in this By-law, it shall include the current act or statute, all amendments and successors.

References to “the Zoning-Bylaw” in other Town By-laws or documents shall be deemed to refer to this By-law where this By-law applies.

1.9 ENTRY AND INSPECTION OF PREMISES

Pursuant to Section 49 of the *Planning Act*, ~~R.S.O. 1990, Chap. P. 13, as amended~~, a By-law Enforcement Officer, Building inspector or any Person acting under ~~his or her~~their instructions may, at all reasonable times and upon producing proper identification, enter and inspect any property on or in respect of which ~~he or she believesthey believe~~ the contravention of this By-law is occurring.

~~A By-Law Enforcement Officer, building inspector or any Person acting under his or her instructions shall not enter any room or place actually used as a Dwelling without requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a search warrant issued under Section 158 of the Provincial Offences Act, R.S.O. 1990, Chap. P.33 as amended.~~

1.10 VIOLATIONS AND PENALTIES

~~Pursuant to Section 67 of the Planning Act, R.S.O. 1990, Chap. P. 13 as amended, any Person~~Every Person who contravenes a provision of this By-law and, if the Person is a Corporation, every director or officer of the Corporation who knowingly concurs in the contravention, is guilty of an offence and on conviction is liable: to fines under the Planning Act.

~~on a first conviction to a fine of not more than \$25,000; and~~

~~on a subsequent conviction to a fine of not more than \$10,000 for each day or part thereof upon which the contravention has continued after the day on which the Person was first convicted.~~

~~Where a corporation is convicted for contravening this By-law the maximum penalty that may be imposed is:~~

~~on a first conviction a fine of not more than \$50,000; and~~

~~on a subsequent conviction a fine of not more than \$25,000 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted.~~

~~1.11~~ **RESTRAINING VIOLATIONS**

~~Any violation of this By-law may be restrained by action at the instance of a ratepayer or the Corporation of the Town of Plympton-Wyoming pursuant to the provisions of Section 327 of the Municipal Act 1990, Chap. M. 45, as amended.~~

~~1.12~~ **1.11 LICENSES AND PERMITS**

~~No~~The requirements of this By-law must be met before a municipal permit, certificate or license ~~shall be knowingly is~~ issued, ~~where such is required~~, for a proposed Use of land or proposed Erection, Alteration, enlargement or Use of any Building or Structure ~~which is in violation of any of the provisions of this By-law. The issuance of any permit, certificate or license shall not, however, constitute an acknowledgement that the provisions of this By-law have been complied with.~~

~~1.13~~1.12 **REQUESTS FOR AMENDMENTS AND FEES**

~~Applications~~The Town may by by-law, establish fees for minor variances from the provisionsprocessing of any application, permit, license, variance or amendment sought or required by this By-law may be made to the Municipality to be heard by a Committee of Adjustment pursuant to~~Zoning By-law as provided under~~ Section 45-(1)69 of the *Planning Act*, R.S.O. 1990.

~~Applications for permission to extend or enlarge a legal Non-Conforming Use may be made to the Municipality to be heard by a Committee of Adjustment pursuant to Section 45-(2) of the Planning Act, R.S.O. 1990.~~

~~Applications for amendments to this By-law may be made to the Municipality to be heard by Council pursuant to Section 34 (10) of the Planning Act, R.S.O. 1990.~~

A fee as prescribed by the Corporation's By-law, which sets a tariff of fees, shall accompany every application requesting an amendment or minor variance to this By-law. ~~Any Person may appeal to the Ontario Municipal Board against a decision of either the Committee of Adjustment or Council by filing with the secretary-treasurer of the Committee of Adjustment or the Zoning Administrator of the Municipality a notice of appeal setting out the objection to the decision and the reasons in support of the objection accompanied by the prescribed fee pursuant to Section 34 (19) or 45 (12) of the Planning Act, R.S.O. 1990.~~

1.13 TRANSITION MATTERS

Notwithstanding Sections 1.4 and 1.5 of this By-law, a Building permit may be issued in accordance with Section 1.13 of this By-law for the following scenarios. For the purposes of determining zoning compliance for matters covered by this Section of this By-law, the provisions of Zoning By-law 97 of 2003, as amended, as it read on the effective date of this By-law shall apply.

1.13.1 Building Permit Applications

Nothing in this By-law shall prevent the Erection of a Building or Structure for which an application for a Building permit was filed on or prior to the effective date of this By-law provided the Building permit application satisfies the following requirements:

- a) The Building permit application complies with the provisions of Zoning By-law 97 of 2003, as amended, as it read on the effective date of this By-law.
- b) All information is provided to allow for a zoning review to be undertaken.
- c) All planning approvals have been obtained.

1.13.2 Recently Approved Planning Applications

- a) The requirements of this By-law do not apply on a Lot where a minor variance to Zoning By-law 97 of 2003, as amended, was authorized on or after DATE OF OP APPROVAL BY LAMBTON and on or before the effective date of this By-law and a Building permit for the applicable project has not yet been issued.
- b) The requirements of this By-law do not apply to a Lot where a conditional or final Site Plan Approval has been granted on or after DATE OF OP APPROVAL BY LAMBTON and on or before the effective date of this By-law and a Building permit for the applicable project has not yet been issued.
- c) The requirements of this By-law do not apply to a Lot where a provisional consent has been given on or after DATE OF OP APPROVAL BY LAMBTON and on or before the effective date of this By-law and a Building permit for the applicable project has not yet been issued, the Lot has not yet been registered at the Land

Registry Office, or the applicable Easement or agreement has not yet been registered on title.

- d) For clarity, where a minor variance to Zoning By-law 97 of 2003, as amended, was authorized on or after DATE OF OP APPROVAL BY LAMBTON and on or before the effective date of this By-law as a requisite condition for a Site Plan Approval, Section 1.13.2(a) and (b) shall apply to give effect to the applicable Site Plan Approval.
- e) For Approved site plans and minor variances where this By-law has subsequently been amended, the regulations in effect on the date of approval of the site plan or minor variance shall apply to any Building permit applications.

1.13.3 Cessation of Relief

- a) The relief provided by Section 1.13 of this By-law shall not continue beyond the issuance of the permit, approval, or agreement upon which the exemption is founded, unless otherwise provided for in this By-law. Once the permit, agreement, or approval has been granted in accordance with Section 1.13, the provisions of Zoning By-law 97 of 2003, as amended shall cease to be in effect.
- b) Notwithstanding subsection (a) above, the relief provided by Section 1.13 of this By-law ceases to be in effect on the date of the lapsing of the applicable approval:
 - i) For a minor variance, a maximum of two years from the date of authorization;
 - ii) For a Site Plan, a maximum of two years from the date of final approval; and,
 - iii) For a provisional consent, a maximum of three years from the date of giving.

SECTION 2 – DEFINITIONS

Note: The words, which are capitalized within the text of the definitions and throughout this document, are also defined.

GENERAL

For the purposes of this By-law, the definitions and interpretations given in this section shall govern.

In this By-law the word "shall" is mandatory. Words in the singular include the plural. Words in the plural include the single number. Words used in the present tense include the future.

A

"~~Abattoir~~BATTOIR**"** means the ~~use~~use of lands, ~~buildings~~Buildings, ~~structures~~Structures or part thereof used for the penning and slaughter of ~~livestock~~Livestock or other animals for the purpose of processing or rendering, and may also include the storing and sale of the product on the ~~premises~~Premises. ~~means a Building, Structure, or Lot or part thereof used for the slaughter of Livestock or other animals for the purpose of processing or rendering.~~

"~~Accessory~~CCESSORY**"** means incidental, subordinate, and devoted exclusively to a principal ~~use~~Use, ~~building~~Building or ~~structure~~Structure, as applicable within the context in which the term ~~accessory~~Accessory is used. ~~when used to describe a Use, Building or Structure means a Use, Building or Structure subordinate, incidental and secondary to the main Use, Building or Structure located on the same Lot therewith.~~

"~~Adult Entertainment Parlour~~Adult Entertainment Parlour**~~DULT ENTERTAINMENT PARLOUR~~"** means any premise in which the following is provided:

- a) ~~goods, entertainment or services that are designed to appeal to erotic or sexual appetites or inclinations are provided in the~~ premisesPremises or part of the premisesPremises; or
- b) ~~body-rubs, including the kneading, manipulating, rubbing, massaging, touching or stimulating by any means of a~~ personPerson's body, are performed, offered or solicited in the premisesPremises or part of the premisesPremises, ~~excluding~~ premisesPremises or part of them where body-rubs performed, offered or solicited are for the purpose of medical or therapeutic treatment and are performed or offered by persons otherwise duly qualified, licensed or registered

~~to do so under a statute of Ontario. means any premises or part thereof in which is provided, in pursuit of a trade, calling, business or occupation, goods or services appealing to or designed to appeal to erotic or sexual appetites or inclinations.~~

“Agri-tourism UseAgri-tourism Use” means farm-related tourism uses that promote the enjoyment, information, education, or activities related to the principal farm operation on a ~~lot~~Lot, including, but not limited to processing demonstrations, make-your-own operations, pick-your-own produce operations, farm machinery and equipment exhibitions (on a temporary basis), tours, petting zoos, hayrides and sleigh rides, small-scale farm theme playgrounds, small-scale educational establishments, culinary experiences, and retail of farm products and value-added farm products as well as ready-to-eat products.

“Agricultural Processing EstablishmentAgricultural Processing Establishment ” means ~~premises~~Premises used for the processing of products derived from ~~agricultural use~~Agricultural Uses including seed, grain, feed, and forage processing, storage, and transport; fruit and vegetable storage and treatment; an egg grading establishment, and a ~~sawmill~~Sawmill, but shall not include an ~~A~~abattoir.

“Agricultural Service and Supply EstablishmentAgricultural Service And Supply Establishment ” means the ~~use~~Use of land, ~~buildings~~Buildings, or ~~structures~~Structures for the supply of goods, materials, equipment, and/or services that support ~~agricultural use~~Agricultural Uses.

“AGGREGATE STORAGE AREA” means the ~~Use~~ of land for the ~~Open Storage~~ of aggregates for sale or ~~Use~~.

“Agricultural UseAgricultural UseGRICULTURE” means the growing of crops, including nursery, energy crops, and horticultural crops; farm greenhouses; raising of ~~livestock~~Livestock; raising of other animals for food, fur or fibre, including poultry; aquaculture; apiaries; agro-~~forestry~~Forestry; maple syrup production; and associated on-farm ~~buildings~~Buildings and ~~structures~~Structures, including, but not limited to ~~livestock~~Livestock facilities, ~~manure storage~~Manure Storages, ~~value-retaining agricultural use~~Value-retaining Agricultural Uses, and housing for farm workers, when the size and nature of the operation requires additional employment.~~means the Use of land, for gain or profit, for the growing of crops, including Nursery and horticultural crops; raising of Livestock and other animals for food, or fur, including poultry and fish; aquaculture; agro-forestry; maple syrup production; apiary; and associated on-farm Buildings and Structures. This definition shall include a Farm Produce Outlet.~~
“AGRICULTURAL” shall have a corresponding meaning.

“Agricultural UseUse, Value-AddedAgricultural Use, Value-added” means any activity or process that is completed by the farm operator, which ~~alter~~Alters the original

agricultural product or commodity grown on site and may be supplemented by off-farm inputs, and may include bagging, packaging, grain drying and milling, bio-product production, bundling, pre-cutting, cooking and baking and marketing activities.

~~“Agricultural-related Use~~**Agricultural-related Use**” means farm-related commercial and farm-related ~~industrial use~~**Industrial Uses** that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a principal activity, which may include ~~A~~**agricultural** ~~S~~**service** and ~~S~~**supply** ~~E~~**establishments**, and farm products processing and storage facilities.

~~“**AGRICULTURAL IMPLEMENT SALES ESTABLISHMENT**” means land, ~~Structure or Building~~ used for the ~~Outdoor Display~~ and sales of new and/or second hand farm implements and includes the servicing, repair, cleaning, polishing and greasing of farm implements, the sale of accessories and related products and the leasing or renting of farm implements.~~

~~“**AGRICULTURAL PROCESSING ESTABLISHMENT**” means the ~~Use~~ of land, ~~Buildings and/or Structures~~ for the processing and storage of Agricultural produce, such as a feed and grain mill.~~

~~“**AGRICULTURAL SERVICE ESTABLISHMENT**” means an Establishment other than a ~~Motor Vehicle Use~~, that provides a non-personal service or craft which supports the Agricultural industry, including but not necessarily restricted to, farm drainage and excavation, well drilling, contracting and trades related to farm Buildings, Structures and/or equipment, custom spray, tillage, planting and harvesting services including seed cleaning and grain drying or other goods and services used in Agriculture.~~

~~“**AGRICULTURAL SUPPLY ESTABLISHMENT**” means the ~~Use~~ of land, ~~Building and/or Structure~~ for purposes including but not necessarily restricted to, the sale and/or storage of seeds, fertilizers, and farm equipment. Goods or materials must be used in Agriculture.~~

~~“**Aisle****ISLE**” means the area used by ~~Motor Vehicle~~**Motor Vehicles** ~~vehicles~~ to access all off-~~street~~**street parking space****Parking Spaces**, but does not include an access driveway.~~
~~means the area used by ~~Motor Vehicle~~**Motor Vehicles** for access to and from all off-~~Street~~**Street** ~~Parking Space~~**Parking Spaces**, but does not include an access driveway.~~

~~“**Alter****LTER**” when used in reference to a ~~Building, Structure~~ or part thereof, means to change any one or more of the internal or external dimensions of such ~~Building or Structure~~ or to change the type of construction of the exterior walls or roof thereof.~~

When used in reference to a ~~Lot~~, the word "~~Alter~~" means 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 of any portion of such ~~Lot~~, or otherwise. "**ALTERED**" and "**ALTERATION**" shall have corresponding meanings.

- a) When used in reference to a ~~building~~**Building** or part thereof, means to change any one or more of the internal or external dimensions of such ~~building~~**Building** or to change the ~~use~~**Use**, to change the number of uses or ~~dwelling unit~~**Dwelling Units**, or to change the type of construction of the exterior walls or roof thereof.
- b) When used in reference to a ~~lot~~**Lot**, means to change the area, frontage or depth thereof; to change the width, depth or area of any required ~~yard~~**Yard**, ~~landscaped open space~~**Landscaped Open Space** or ~~parking area~~**Parking Area**, or to change the ~~use~~**Use** or the number of uses on such ~~lot~~**Lot**.

"Amenity AreaAmenity Area" means an area within a ~~lot~~**Lot** designed for active and/or passive recreation for the personal, shared, or communal ~~use~~**Use** and benefit of the occupants of a premise. This may include open spaces, patios, balconies, pools, and other similar features, but does not include service areas, ~~parking area~~**Parking Areas**, and driveways.

"Anaerobic DigesterAnaerobic Digester" means a device or ~~structure~~**Structure** designed for the decomposition of organic matter by bacteria in an oxygen-limited environment.

"AMUSEMENT GAMES ESTABLISHMENT" means a ~~Building~~ or part thereof where five (5) or more pinball machines, video games, or other similar player-operated amusement devices other than a jukebox are maintained for profit, but shall not include ~~premises licensed~~ to sell alcohol, a seasonal fair or any ~~Use~~ specifically defined in this By-law.

"Animal HospitalAnimal Hospital NIMAL HOSPITAL" means ~~premises~~**Premises** in which facilities are provided for the medical or surgical treatment or prevention of disease to animals, which may include shelter facilities during the period of treatment. means a ~~Building~~ and land where animals are treated by a veterinarian and may include the following facilities: a reception area; an examination room/treatment area; a pharmacy; a ~~Laboratory~~; a library; radiology equipment; supplies for the administering of anesthesia; surgical preparation area; operating room; and provisions for the confinement and long term treatment of animals. An ~~Animal Hospital~~ may include facilities for the performance of autopsy.

"ANTENNAAntenna" means the ~~Use~~**Use** of land, ~~Buildings~~**Buildings** or ~~Structures~~**Structures** for the purpose of sending or receiving electromagnetic waves. An

~~Antenna~~Antenna is ~~Accessory~~Accessory to a Permitted ~~Use~~Use and shall include Antennae used exclusively for dispatch communications by the ~~Corporation~~Corporation or the ~~County~~County, any local board of either the ~~Corporation~~Corporation or the ~~County~~County, a ~~Conservation~~Conservation Authority established by the Government of Ontario, or any Ministry or Commission of the Government of Ontario or Canada.

~~Approved~~PPROVED means ~~Approved~~Approved by an appropriate authoritative body as required under the Act or Statute that legislates such establishment or development requiring approval.

~~Area of Operation~~Area Of Operation means, in relation to an ~~on-farm diversified use~~On-farm Diversified Use, all areas dedicated to the ~~use~~Use, including associated ~~buildings~~Buildings, outside storage, landscaped areas, berms, well and septic systems, ~~parking area~~Parking Areas and new, dedicated lanes, and shall exclude ~~existing~~Existing lanes shared with the principal agriculture ~~use~~Use on the ~~lot~~Lot.

~~Art Gallery~~Art Gallery~~RT GALLERY~~ means a ~~building~~Building or part thereof where painting, sculptures and other works of art are displayed for public viewing and may include the sales of art and/or art supplies.~~means a Building or part thereof where works of art such as paintings, sculpture, pottery, glass and weaving are displayed for public viewing and may include sales of art and/or art supplies.~~

~~ASPHALT BATCHING PLANT~~ means an industrial establishment used for the production of asphalt, or asphalt products used in ~~building~~building or construction and includes facilities for the administration and management of the business, the stockpiling of bulk materials used in the production process or a finished product manufactured on the ~~premises~~premises and the ~~Open Storage~~Open Storage and maintenance of required equipment, but does not include the retail sale of finished asphalt.

~~Assembly Hall~~Assembly Hall~~SSEMBLY HALL~~ means a ~~building~~Building or ~~structure~~Structure used for the assembly of persons for civic, political, travel, religious, social, educational, recreational or similar purposes, which may include the preparation, serving, and consumption of food and beverages, but does not include a ~~place of worship~~Place Of Worship, a school, or a ~~restaurant~~Restaurant.~~means a Building or part of a Building used for the assembly of Persons for religious, civic, charitable, philanthropic, cultural, private recreational or private educational purposes.~~

~~Attached~~TTACHED means a ~~building~~Building otherwise complete in itself that depends for structural support, or complete enclosure, upon a division wall or walls shared in common with an adjacent ~~building~~Building(s), including ~~buildings~~Buildings connected by a ~~breezeway~~Breezeway or similar ~~structure~~Structure.~~means a Building otherwise complete in itself that depends for structural support, or complete enclosure, upon a division wall or walls shared in common with an adjacent Building or Buildings.~~
(B/L 107/2010)

"ATTICAttic" means that portion of a ~~BuildingBuilding~~ situated wholly or partly within the roof of such ~~BuildingBuilding~~ and which is not a ~~storeyStorey or a~~ one-half ~~storeyStorey~~.

~~**"Auction EstablishmentAuction Establishment"** means a buildingBuilding, structureStructure or lands used for the storage of goods and materials, which are sold on the premise for public auction, and for the sale of the said goods and materials for public action on an occasional basis, but does not include a retail or wholesale establishmentWholesale Establishment, or a livestockLivestock auction.means a Building or Structure where a public sale is conducted by an auctioneer through a series of competing bids and may include the storage of such articles to be sold at auction.~~

B

~~**"AUDITORIUM"** means a Building or Structure where facilities are provided for athletic, civic, educational, political, religious or social events. This definition may include an arena, Community Centre, gymnasium, stadium, Theatre or similar Use.~~

~~**"BakeryAKERY"** means the useUse of lands, buildingsBuildings and structuresStructures, or parts therein for the preparation, baking, storage, wrapping and packing, and other related activities associated with the sale and distribution of baked goods, and may includeing the retail sale of baked goods on the premisesPremises.means a Building for producing, mixing, compounding or baking bread, biscuits, cakes or other baked products.~~

~~**"BAKE SHOPBake ShopBake Shop"** means a Retail StoreRetail Store where BakeryBakery goods are offered for sale, some or all of which may be prepared on the premisesPremises.~~

~~**"BalconyALCONY"** means a horizontal platform that may be unenclosed or partially enclosed, covered or uncovered, and without a foundation attachedAttached to, projecting from the exterior of a buildingBuilding at the second-floor level or above, and is only accessible from within a buildingBuilding.means a platform projecting from a Building enclosed by a railing or other barrier.~~

~~**"BANK"** means any Federally or Provincially chartered financial institution or business. This definition includes a Credit Union or Caisse Populaire.~~

"BASEMENTBasement" means that portion of a ~~BuildingBuilding~~ between two floor levels which is partly below ~~Finished GradeFinished Grade~~ level but which has less than

seventy percent (70%) of its ~~Height~~Height (measured from finished floor to finished ceiling) below adjacent ~~Finished Grade~~Finished Grade level.

~~"Batching Plant~~Batching Plant means an industrial establishment used for the production of mixing cementing materials, aggregate, water and mixtures to produce concrete, asphalt, or products thereof used in ~~building~~Building or construction and includes facilities for the administration and management of the business, the stockpiling of bulk materials used in the production process or a finished product manufactured on the ~~premises~~Premises and the storage and maintenance of required equipment, but does not include the retail sales of finished product. This does not include a dry plant used for the dry mixing of aggregate, concrete, or asphalt materials on site to produce or manufacture packaged products which are sold as ready mix off site.

~~"BED AND BREAKFAST ESTABLISHMENT~~Bed and Breakfast Establishment~~Bed And Breakfast Establishment~~ means a ~~Home Occupation~~Home Occupation within a Single Detached ~~Dwelling~~Dwelling in which no more than three (3) ~~Guest Room~~Guest Rooms are made available by a resident of the said ~~Dwelling~~Dwelling for temporary accommodation of travelers. Meals or food are served only to overnight guests. The definition does not include a ~~Hotel~~Hotel, ~~Motel~~Motel, ~~Boarding House~~Boarding House or ~~Restaurant~~Restaurant.

~~"BINGO HALL"~~ means a ~~Building~~ used for the assembly of Persons for the playing of bingo. This ~~Use~~ shall not include any other ~~recreational Use~~ as defined in this By-law.

~~"BIO-DIGESTER"~~ means a device or ~~structure~~ in which the digestion of organic waste matter by bacteria takes place with the production of a burnable Biogas and a nutrient-rich slurry.

(B/118/21)

~~"BIOGAS"~~ means a mixture of methane and carbon dioxide produced by the bacterial decomposition of organic wastes and used as a fuel. (B/L 118/21)

~~"BOARDING HOUSE"~~ see **~~"DWELLING"~~**.

~~"Boat House~~Boat House~~OAT HOUSE"~~ means a ~~building~~Building or ~~structure~~Structure erected over, or adjacent to, a navigable watercourse, intended to house, shelter, or protect a boat or other watercraft. shall mean a ~~Building or Structure~~ Erected over or adjacent to a navigable Watercourse and intended for ~~Use~~ to house, shelter or protect a boat or other water transportation. When Erected in association with a ~~Dwelling Unit~~ a ~~Boat House~~ shall be deemed to be an ~~Accessory Building~~.

"BreezewayREEZEWAY" means a covered walkway that may be open on all sides or partially/fully enclosed, connecting two or more structuresStructures on the same lotLot. means a roofed, open or enclosed passage connecting two (2) or more Buildings.

"Brewing on Premises EstablishmentBrewing On Premises EstablishmentREWING ON PREMISES ESTABLISHMENT" means a commercial establishment where individuals produce beer, wine and/or cider, for personal consumption off the premisesPremises; and where beer, wine and/or cider ingredients and materials are purchased. Equipment and storage area is used for a fee by the same individuals.

"BuildingUILDING" means any structureStructure or part thereof, whether temporary or permanent, consisting of walls and a roof, used or intended to be used for the shelter, accommodationoccupancy, or enclosure of persons, animals, materials, or equipment, but does not include a boundary wall or fence.means a Structure whether temporary or permanent, used or intended for sheltering any Use or Occupancy but shall not include a boundary wall, fence, Travel Trailer, camping trailer, truck camper, Motor Home, or tent. This definition may include a roof supported by columns or walls.

"BUILDING ENVELOPE" means the portion of a Lot remaining after Required Front, Rear and Side Yards have been provided.

"BUILDING HEIGHT" means the vertical distance between the ground floor and the highest point of the Building proper, exclusive of any Accessory roof Structures such as an Antenna, chimney, steeple or tower.

"Building, MainBuilding, MainUILDING, MAIN" means the BuildingBuilding or BuildingsBuildings designed and/or intended to accommodate the principal UseUse Permitted by this By-law.

"BUILDING OR CONTRACTING ESTABLISHMENT" means a premises used for the purposes of undertaking or managing activities engaged in maintaining and building new Structures, or works, additions or Renovations and typically includes the Offices of general building contractors, specialized trades and Building maintenance services such as window cleaning and extermination services and may include a showroom and/or Outdoor Display area open to the general public. Also included is the prefabrication of building equipment and materials and wrecking and demolition contractors' Offices, but does not include Salvage Yards.

"Building Supply EstablishmentBuilding Supply Establishment UILDING SUPPLY ESTABLISHMENT" means the useUse of land, buildingBuilding, or structureStructure for the storage, sale, rental, and lease of construction and/or home improvement supplies and equipment.means a Building or Structure in which building or construction

~~and home improvement materials are offered or kept for retail sale and may include the fabrication of certain materials related to home improvement.~~

~~"BULK FUEL DEPOTBulk Fuel DepotBulk Fuel Depot"~~ means the ~~UseUse~~ of land, ~~BuildingsBuildings~~ or ~~StructuresStructures~~ for the purpose of ~~storage and wholesale distribution or bulk sales of petroleum, gasoline, fuel, oil, gas or flammable liquid or fluid, storing fuels for distribution.~~

~~"Bulk Sales EstablishmentBulk Sales EstablishmentULK SALES ESTABLISHMENT"~~ means the ~~useUse~~ of lands, ~~buildingsBuildings~~ or ~~structuresStructures~~ for the purpose of buying or selling coal, fuel oil, wood, lumber, ~~buildingBuilding~~ materials, feed, fertilizer and allied commodities in bulk format, but does not include any manufacturing, assembling, or processing ~~useUse~~. ~~means the Use~~ of land, ~~Buildings or Structures~~ for the purpose of buying and selling and the ~~Open Storage of lumber, wood, building materials, feed, fertilizer, and allied commodities, but does not include manufacturing or processing.~~

C

~~"BUSINESS SERVICE ESTABLISHMENT"~~ means an establishment primarily engaged in providing services to business establishments on a fee or contract basis, including advertising and mailing, building maintenance, employment services, protective services, and small equipment rental, leasing and repair.

~~"BY-LAW ENFORCEMENT OFFICER"~~ means an officer or employee of the Municipality or County for the time being charged with the duty of enforcing the provisions of this By-law, and shall include the ~~building~~ inspector.

~~"Camp SiteCamp SiteAMP SITE"~~ means a parcel of land within a ~~campgroundCampground~~ used for a ~~recreational vehicleRecreational Vehicle~~ or a ~~tent~~. ~~means a parcel of land within a Campground occupied by or intended for the parking of Travel Trailers, Park Model Homes, tent trailers, tents or similar transportable accommodation other than Mobile Homes together with all Required Yards and Open Space.~~

~~"CampgroundAMPGROUND"~~ means land used for the temporary seasonal accommodation of the traveling or vacationing public in ~~travel trailers, tents, recreational vehicleRecreational Vehicles~~ or similar, and may include an ~~accessoryAccessory~~ officeOffice but shall not include a ~~mobile home parkMobile Home Park~~.

~~"Cannabis Production Processing FacilityCannabis Production Processing Facility"~~ means any indoor ~~buildingBuilding structureStructure~~, or lands licensed by

Health Canada to undertake cultivation, processing, sales, analytical testing, and research of cannabis, pursuant to the Cannabis Regulations under the Cannabis Act, or successor legislation. A cannabis production facility excludes the outdoor cultivation and processing of cannabis. means land used for the parking and/or erection of Travel Trailers, tent trailers, tents or similar transportable accommodation excluding Mobile Homes as defined in this By-law.

"CanopyANOPY" means an unenclosed roof-like structureStructure projecting more than 0.3 metres from the face of a buildingBuilding but does not include awnings or balconies.means a roof free of enclosing walls, and shall include a Canopy over a Gasoline Pump Island.

"CANTILEVERCantilever" means a projecting architectural feature including a beam or StructureStructure supported at only one end, but shall not include any portion of an upper storeyStorey overhanging a lower storeyStorey beyond the extent of the foundation.

"CarportARPORT" means a covered and unenclosed structureStructure attachedAttached to the wall of the main buildingBuilding and used for the storage of motor vehicleMotor Vehicles, where the roof of said structureStructure shall be supported only by piers or columns so that at least 50% of its wall area adjacent to the lotLot line is unenclosed.means an Accessory covered Structure used for the storage of passenger Motor Vehicles wherein neither servicing for profit is conducted nor storage of commercial vehicles in excess of 2,270 kilograms gross weight occurs. The roof of said Structure shall be supported only by piers or columns so that a portion of its wall area is unenclosed.

"CELLARCellar" means that portion of a Building between two floor levels which has more than seventy percent (70%) of its Height (measured from finished floor to finished ceiling) below adjacent Finished Grade level.

"CemeteryEMETERY" means land that is set apart or used as a place for the interment of the deceased or in which human bodies have been buried and may include a crematorium, mausoleum and a columbarium.

"Chicken CoopChicken Coop" means an accessoryAccessory buildingBuilding or structureStructure, or any part thereof, that is fixed to the ground and is used for the permanent or temporary keeping and raising of a chicken henChicken Hen and shall include any wholly or partially enclosed cage or run.**"CHURCH"** means a Building used by a religious organization for public worship, and may include a rectory or manse, church hall, Day Nursery or religious School associated with or Accessory thereto.

“Chicken HenChicken Hen” means a domesticated female chicken that is at least four months old.

“Chicken RoosterChicken Rooster” means a domesticated male chicken.

"ClinicLINIC" means the ~~use~~Use of lands, ~~B~~buildings, or ~~S~~structures for the examination, diagnosis and/or treatment of outpatients by regulated health professionals as well as ~~accessory~~Accessory uses such as associated laboratories, facilities and equipment, drug and optical dispensing to outpatients, and the ~~accessory~~Accessory sales of medical supplies and equipment. ~~means a Building or part thereof, used exclusively by physicians, dentists, drugless practitioners, their staff and their patients for the purpose of consultation, diagnosis and office treatment. Without limiting the generality of the foregoing, a Clinic may include administrative Offices, waiting rooms, treatment rooms, laboratories, pharmacies and dispensaries directly associated with the Clinic, but shall not include accommodation for in-patient care or operating rooms.~~

"CLUSTER HOUSING" see **"DWELLING"**.

"COMMERCIAL GARAGE" means ~~an establishment or premises where Commercial Motor Vehicles are stored indoors or in Open Storage or where Motor Vehicle~~s are repaired or maintained.

"Commercial GreenhouseCommercial GreenhouseCOMMERCIAL GREENHOUSE" means a ~~Building~~Building or ~~Structure~~Structure used for the growing of flowers, plants, shrubs, trees and similar vegetation which are not necessarily transplanted outdoors on the same ~~Lot~~Lot containing such ~~Building~~Building or ~~Structure~~Structure, but are sold directly from such ~~Lot~~Lot at wholesale or retail and may include an ~~Outdoor Display~~Outdoor Display area.

"COMMERCIAL RECREATION ESTABLISHMENT" means ~~a Building, or part thereof, used for the purpose of an arena, Auditorium, Assembly Hall, billiard or pool room, Bingo Hall, gym or fitness centre, ice or roller rink, indoor swimming pool, and all places of amusement, but not including an Amusement Games Establishment, cinema or other Theatre, drive-in theatre or amusement park.~~

"Commercial Storage FacilityCommercial Storage FacilityCOMMERCIAL STORAGE" means ~~premises~~Premises used for the storage of goods, materials, equipment and personal belongings for gain or profit in an enclosed ~~building~~Building, but does not include the retail sale of such of goods, materials, equipment and personal belongings. ~~means the storage, for hire or gain, of goods, merchandise, materials or equipment in an enclosed Building other than a Temporary Building but shall not include a Warehouse.~~

"~~Commercial Use~~Commercial UseCOMMERCIAL USE" means the ~~Use~~Use of land, ~~Buildings~~Buildings or ~~Structures~~Structures for the purpose of buying, renting or selling commodities and supplying services, but does not include an ~~Industrial Use~~Industrial Use or any other ~~commercial Use~~Commercial Use otherwise defined or classified in this By-law.

"~~CCommunity Facility~~Community FacilityCOMMUNITY CENTRE" means the ~~use~~Use of lands and/or ~~buildings~~Buildings for recreational, institutional, social, or cultural facilities and activities for the general public, and may include a community centre, arena, library, or museum. ~~means land, Buildings or Structures used for community activities, including Recreation and Institutional Use_s.~~

"~~Conservation~~ONSERVATION" means the ~~use~~Use of land dedicated to the preservation, protection, enhancement, and stewardship of natural heritage features and its ecological functions, which may include ~~accessory~~Accessory uses such as hazard management, passive ~~recreational use~~Recreational Uses, and associated ~~buildings~~Buildings and/or ~~structures~~Structures. ~~means the Use of land and/or water for the purpose of planned management of natural resources, including woodlot management, and for the preservation and enhancement of the natural environment.~~

"~~Contractor's -Facility~~" means ~~premises~~Premises used by a general contractor, landscaper, or any ~~building~~Building trade or maintenance service, for the assembly, welding, fabrication, repair or storage of ~~building~~Building components or for the repair, maintenance or storage of machinery, equipment and materials used in the ~~building~~Building trade, and includes associated offices.

"~~Convenience Store~~Convenience StoreONVENIENCE STORE" means a small-scale ~~retail store~~Retail Store serving a limited range of daily or convenience household necessities of the immediate area, which may include a variety of goods such as groceries but does not include a drug store, video rental, or general merchandise store, with a maximum gross floor area of 300 m². ~~means a Retail Store supplying groceries and other daily household necessities to an immediate surrounding residential area, and may include the rental of videos, the heating of pre-packaged food, an automated banking machine and/or Depots for such items as film, laundry or Dry Cleaning.~~

"~~CONVERTED DWELLING~~" see "~~DWELLING~~".

"~~Corporation~~ORPORATION" means the ~~Corporation~~Corporation of the Town of Plympton-Wyoming.

"~~Council~~OUNCIL" means the ~~Council~~Council of the ~~Corporation~~Corporation of the Town of Plympton-Wyoming.

"~~County~~OUNTY" means the ~~Corporation~~Corporation of the ~~County~~County of Lambton.

~~"COURT" means an open, unoccupied space adjoining a Building, such space being bounded on two (2) or more sides by walls of the said Building.~~

~~"Crushing PlantCrushing Plant~~**RUSHING PLANT**" means an industrial establishment where aggregate is processed through a crushing and sorting operation into various grades of gravel.

~~"Custom WorkshopCustom Workshop"~~ means ~~premisesPremises used by a personPerson or Ppersons with a trade, craft or guild or other skilled- labour- for the repair, custom fabrication, or custom assembly of articles, items or things, and may include a machine shop, a pattern shop, a sheet metal shop, a wood working shop, a cabinetwork shop or other similar operation.~~

D

~~"Dangerous GoodsDangerous Goods~~**ANGEROUS GOODS**" means explosives, flammable or combustible liquids or gases, toxic substances, radioactive material, corrosives or any other product or substance that is considered dangerous to life when handled or transported.

~~"Data Processing EstablishmentData Processing Establishment~~**DATA PROCESSING ESTABLISHMENT**" means a ~~BuildingBuilding~~, or part thereof, used for input, processing and printing of computerized data.

~~"Day Care CentreDay Care Centre~~**AY NURSERY**" means the ~~useUse of premisesPremises where temporary care, guidance, and/or supervision are provided for more than five (5) children or adults for a continuous period not exceeding twenty-four hours, as may be required to be licensed by the Province of Ontario, but which does not provide overnight accommodation for those being cared for. means a premises that receives more than five (5) children who are not of common parentage, primarily for the purpose of providing temporary care and/or guidance, for a continuous period not exceeding twenty-four (24) hours, where the children are under eighteen (18) years of age in the case of a Day Nursery for children with a developmental handicap and under ten (10) years of age in all other cases. A Day Nursery does not include any part of a School.~~

~~"DeckECK (UnenclosedUNENCLOSED)" means an attachedAttached or free-standing structureStructure, having footings situated a minimum of 0.2 metres above grade, -not covered by a roof or walls which may include stairs but does not include a balconyBalcony or porchPorch as defined herein.~~

~~"Drive-through " means any premises including stacking lanes that is used to provide products or services, either wholly or in part, through an attendant or an automated machine to patrons remaining in their vehicles, and may be the primary or accessory use of the site. means a Structure without a roof or walls, having footings situated a minimum of 0.2 metres above grade, and may be Attached to or abutting one or more walls of a Building or constructed separate from a Building. A Deck (Unenclosed) is subject to the provisions of Section 3.3.4 of this By-la"~~
"Drive-through" means any premises including stacking lanes that is used to provide products or services, either wholly or in part, through an attendant or an automated machine to patrons remaining in their vehicles, and may be the primary or accessory use of the site.

~~"DERELICT MOTOR VEHICLE" means a Motor Vehicle or any other vehicle propelled or driven otherwise than by muscular power that is inoperative and has no market value as a means of transportation or has a market value as a means of transportation that is less than the costs of repairs to put it into operative condition.~~

"DETACHED" means not Attached, as defined herein. (B/L 107/2010)

~~"Dry Cleaning Depot"~~
"Dry Cleaning Depot" means a Building, or part thereof for the purpose of receiving articles or goods of fabric to be subjected, off the premises, to a process of dry cleaning or dyeing. Such establishment may also be used for pressing and/or distributing any article or good of fabric received at such an outlet.

~~"Dry Cleaning Establishment"~~
"Dry Cleaning Establishment" means a Building, or part thereof, in which the business of laundering, dry cleaning, dye drying, cleaning or pressing of articles or goods of fabric is carried on, in which only non-combustible and non-flammable solvents are used, which emits no odours, fumes, noise or vibration causing a nuisance or inconvenience within or outside the premises, and may include a laundromat and a self-service dry cleaning establishment. means a Building, or part thereof, where dry cleaning, dye drying, cleaning, or pressing of articles or goods of fabric is performed, and in which only non-combustible and non-flammable solvents are used, emitting no odours, fumes, noise, or vibration which would cause a nuisance or inconvenience within or outside the premises.

"DUPLEX DWELLING" see "DWELLING".

~~"DUPLICATING SHOP" means a premises engaged in reproducing drawings, plans, maps or other copy, by blueprinting, photocopying or small offset process.~~

~~"Dwelling"~~
"DWELLING" means a Building or part thereof used or intended, adapted or designed to be used, occupied or capable of being occupied, as a home, residence or

sleeping place for one or more Persons having a right to the exclusive Use thereof, but shall not include any Motor Vehicle, Travel Trailer, Hotel, Motel, Private Garage, a Home for the Aged, Nursing Home, Hospital or living amenity or area Accessory to a non-Residential Use. means a Building occupied or capable of being occupied exclusively as a home, residence or sleeping place by one or more persons, containing one or more dwelling unit Dwelling Units, but shall not include any hotel Hotel, motel Motel, recreational vehicle Recreational Vehicle, or trailers.

- a) **"Correctional Group Home"** means a dwelling Dwelling that is licensed, approved Approved, or funded under Federal or Provincial statute, that is maintained and operated by staff on a daily basis for individuals who have been placed on probation, released on parole, or admitted for correctional purposes, for the accommodation of not less than three (3) and not more than eight (8) residents (excluding staff), which shall not include any detention or correctional facility.

"ACCESSORY APARTMENT DWELLING" shall mean a Dwelling Unit located within a Permitted non-residential Building and located above and/or behind the primary Permitted Use. This definition shall not include a Converted Dwelling Unit, Accessory Second Dwelling Unit or a Multiple Dwelling Unit. (B/L 42 of 2012)

— **"Dwelling Unit, Accessory ACCESSORY DWELLING"** means a dwelling unit that is accessory to a non-residential use on the lot. shall mean a Dwelling Unit, including a Single Detached Dwelling, on a Lot containing a Commercial or Industrial Use as the primary Use. Such Dwelling is Accessory and secondary to the primary Use and is occupied by an owner or employee of the primary Use. This definition shall not include an "Accessory Second Dwelling. (B/L 42 of 2012)

- d) b.1) **"Dwelling Unit, Additional Residential ACCESSORY SECOND DWELLING"** means a dwelling unit authorized by the Planning Act that is ancillary or subordinate to the primary dwelling unit on a property, and may be contained in a single detached, semi-detached, street townhouse, townhouse, or an associated accessory building. shall mean a Dwelling Unit that is Accessory to a main Dwelling Unit on the same Lot and does not significantly change the character of the Dwelling or Lot from that which is normal for the primary Dwelling type for which the Lot is zoned. It is either contained within the main Dwelling Unit or a Detached Accessory Building. The Gross Floor Area of an Accessory Second Dwelling shall include any portion located within a Basement. Where an Accessory Second Dwelling is established within a Dwelling, it shall be understood not to change the Permitted Use category by which the main Dwelling would be defined in the absence of the Accessory Second Dwelling.

— (B/L 42 of 2012)

- e)b) **"Dwelling Dwelling, Apartment"** means a residential building Building containing four (4) or more dwelling unit Dwelling Units, not including additional residential units, which have access from a common and/or independent

~~entrance(s) at-grade and where occupants have the right to use common halls, stairs, elevators, and/or yards, but does not include a boarding house.~~

f)c) **"~~Dwelling~~~~Dwelling~~, ~~Boarding House~~~~Boarding House~~~~BOARDING HOUSE~~"** means a ~~dwelling~~~~Dwelling~~ in which lodging with or without meals is supplied for more than ~~three (3)~~ or more but not more than six (6) Persons other than the owner, lessee, or tenant of the ~~dwelling-unit~~~~Dwelling Unit~~, in return for remuneration or the provision of services or both, but shall not include any other term defined in this By-law. ~~means any Building or part thereof in which the proprietor resides and supplies for hire or gain to three (3) or more but not more than six (6) Persons exclusive of the lessee or Owner thereof or members of his family, lodging and/or meals, but shall not include a Hotel, Motel, Bed and Breakfast Establishment, Hospital, or Nursing Home.~~

g)d) **"~~Dwelling~~~~Dwelling~~, ~~Cluster Housing~~~~CLUSTER HOUSING~~"** means a development containing two (2) or more types of dwellings such as an apartment ~~dwelling~~~~Dwelling~~ or various forms of ~~townhouse~~~~Townhouse~~ dwellings on the same ~~lot~~~~Lot~~, and may include mixed-use ~~Use~~ buildings ~~Buildings~~ where permitted in this By-law, and where at least one ~~dwelling-unit~~~~Dwelling Unit~~ does not have frontage onto a public ~~street~~~~Street~~. ~~means a group or groups of Dwelling Units which may be in various forms, and so located on a Lot that each Dwelling Unit may not have frontage on a public Street or Road and more than one (1) Dwelling Unit may exist on one (1) Lot. Cluster Housing development shall have frontage on a public Street.~~

"~~CONVERTED DWELLING~~" means a lawfully established Single Detached Dwelling which is altered or converted, subject to Section 3.23, so as to provide up to three (3) Dwelling Units.

i)e) **"~~Dwelling~~~~Dwelling~~, ~~Cottage~~~~COTTAGE~~"** means a seasonal single-detached ~~dwelling-unit~~~~Dwelling Unit~~ operated or offered as a place of temporary accommodation or residence, used as an occasional or seasonal ~~dwelling~~~~Dwelling~~ for rest, relaxation, or recreation, ~~shall mean a seasonal residential Building or Structure intended to be used for recreational rest or relaxation throughout the year, excepting winter months and shall not be used or intended to be used as a primary residence and/or year-round permanent Dwelling. Without limiting the generality of the foregoing, a Cottage shall not be converted to a year-round primary residence except in those Zones where such conversion is specifically allowed.~~

j) **"~~Dwelling~~~~Dwelling~~, ~~Duplex~~~~UPLEX DWELLING~~"** means a ~~dwelling~~~~Dwelling~~ divided horizontally into two (2) separate ~~dwelling-unit~~~~Dwelling Units~~, each of which has an independent entrance either directly from the outside or through a common entrance. ~~means a Dwelling divided horizontally into two (2) separate Dwelling Units, each of which has an independent entrance.~~

f) _____

k) ~~"FARM DWELLING"~~ means a Dwelling which is Accessory to an Agricultural Use other than a Hobby Farm.

h)g) ~~"DwellingDwelling, FourplexFOUR-PLEX DWELLING"~~ means a DwellingDwelling divided horizontally and vertically into four (4) separate Dwelling UnitDwelling Units, each of which has an independent entrance from outside the BuildingBuilding.

~~"GROUP HOME TYPE 1"~~ means a residential Dwelling in which three (3) to ten (10) unrelated residents live under responsible supervision consistent with the requirements of its residents. "Residents" excludes staff or receiving family. This does not include a Group Home — Type 2.

~~"GROUP HOME TYPE 2"~~ means a residence maintained and operated primarily for: Persons who have been placed on probation under the provisions of Acts such as the Criminal Code, R.S., Chap. C-46, as amended, The Young Offenders Act, R.S., Chap. Y-1, as amended, The Ministry of Correctional Services Act, R.S.O., 1990, Chap. M.22, as amended and the Parole Act, R.S., Chap. P-2, as amended. The number of Persons residing therein shall be up to eight (8) excluding staff.

e)h) ~~"DwellingDwelling, ModularMODULAR HOME"~~ means a prefabricated dwellingDwelling designed and constructed in accordance with the Canadian Standards Association (CSA) that is manufactured off-site and intended to be transported and assembled on-site, but shall not include a mobile home, motor home, recreational vehicleRecreational Vehicle, or travel trailer.means a prefabricated Single Detached Dwelling designed to be transported once only to a final location and constructed so as the shortest side of such Dwelling is not less than 6.0 metres in width.

p)i) ~~"DwellingDwelling, Mobile HomeMOBILE HOME, DOUBLE WIDE,"~~ means a prefabricated buildingBuilding designed to be made mobile (notwithstanding whether its running gear is or may be removed) and manufactured to provide cooking, eating, living, sleeping and sanitary facilities constructed to Canadian Standards Association (CSA) and which is designed to be used as a place of residence. means a C.S.A. approved, factory built Dwelling occupied or designed for Occupancy on a permanent basis, towed or designed to be towed in two or more separate sections with each section on its own chassis and joined together to form one (1) Dwelling Unit and placed on a permanent foundation with or without a Basement or Cellar and connected or designed to be connected to public utilities, but shall not include a Single Wide Mobile Home or a Travel Trailer.

~~"MOBILE HOME, SINGLE WIDE"~~ means a C.S.A. approved, factory built Dwelling occupied or designed for Occupancy on a permanent basis having a Ground Floor Area of not less than sixty-five (65) m², designed to be towed on its own chassis, notwithstanding that its running gear is or may be removed, placed or designed to be

placed on permanent foundations and connected or designed to be connected to public utilities, but shall not include a Double Wide Mobile Home or a Travel Trailer.

"MULTIPLE DWELLING" means a Building on a Lot used or designed as a residence and containing four (4) or more Dwelling Units all of which have access from a common corridor or hallway and/or an independent entrance from the outside. All of the Units in a Multiple Dwelling must be Dwelling Units, as defined in this By-law. It shall not, however, include any other Dwelling otherwise defined herein or specifically named elsewhere in this By-law.

"NON-FARM DWELLING" shall mean a Single Detached Dwelling not Accessory to an Agricultural operation.

"PARK MODEL HOME" means a manufactured Building used or intended to be used as a seasonal recreational Building of residential Occupancy designed and constructed in conformance with CAN/CSA Z241 Series-M, "Park Model Trailers".

j) **"Dwelling Dwelling, Primary"** means a Dwelling Dwelling owned by a natural person Person, either alone or jointly with others, where the person Person is ordinarily resident;

u)k) **"Dwelling Dwelling, Seasonal Farm Help SEASONAL HOUSING"** means a building Building or structure Structure for the temporary housing of farm employees of the principal agricultural use Agricultural Use. means a Dwelling used or intended, adapted or designed to be used as a home, residence or sleeping place during any portion of the year except winter months by seasonal or migrant workers and/or their families. Seasonal Housing is Accessory to a labour-intensive Agricultural Use on the same Lot.

v)l) **"Dwelling Dwelling, Single-detached SINGLE DETACHED DWELLING"** means a building Building with only one dwelling unit Dwelling Unit that is free-standing, separate and detached from other buildings Buildings or structures Structures, but does not include a mobile home. means a Detached Dwelling on a Lot containing only one (1) Dwelling Unit. (B/L 42 of 2012)

w)m) **"Dwelling Dwelling, Semi-detached SEMI-DETACHED DWELLING"** means a building Building that is divided vertically into two dwelling unit Dwelling Units, that share a common wall and each of which has an independent entrance from the exterior of the dwelling Dwelling. means one (1) of a pair of single Dwellings, divided vertically in whole or in part above Finished Grade, below Finished Grade, or both above and below Finished Grade. This definition includes a link home.

x)n) **"Dwelling Dwelling, Street Townhouse STREET TOWNHOUSE"** means a townhouse Townhouse dwelling Dwelling wherein each dwelling unit Dwelling Unit is located on a separate lot Lot. means a Townhouse with each Unit on a separate Lot.

y) **"Dwelling, Townhouse"** means the whole of a Dwelling divided vertically into three (3) or more separate Dwelling Units, each such Dwelling Unit having an independent entrance directly from outside the Building.

p) **"Dwelling, Triplex"** means a building that is divided horizontally into three (3) separate Dwelling Units each of which has an independent or common entrance from the exterior of the building. ~~means the whole of a Dwelling divided horizontally into three (3) separate Dwelling Units, each such Dwelling Unit having an independent entrance from the outside or from a common hallway or stairway inside the Building.~~

z) **"Group Home"** means a Dwelling that is licensed, approved, or funded under Federal or Provincial statute, in which three (3) to ten (10) residents (excluding staff) live as single housekeeping unit under responsible supervision.

"Dwelling Unit" means a place of residence containing one (1) or more Habitable Rooms, occupied as an independent and separate housekeeping establishment, in which cooking and sanitary facilities are provided separately for the exclusive use of the unit, and which can be accessed through an independent or common entrance from the exterior of the building, but shall not include a hotel, motel, motor home, recreational vehicle, or travel trailer. ~~means a suite of two (2) or more Habitable Rooms, in which sanitary conveniences are provided and in which facilities are provided for cooking or for the installation of cooking equipment, and with an independent entrance, either directly from outside the Building or from a common corridor inside the Building. This definition shall not include a Motor Home, a Private Garage or a Travel Trailer.~~

a) **"Dwelling Unit, Accessory"** means a Dwelling Unit that is accessory to a non-residential use on the lot.

b) **"Dwelling Unit, Additional Residential"** means a Dwelling Unit authorized by the *Planning Act* that is ancillary or subordinate to the primary Dwelling Unit on a property, and may be contained in a single-detached, semi-detached, street townhouse, or an associated accessory building.

E

"DWELLING UNIT AREA" means the habitable area contained within the inside walls of a Dwelling Unit, excluding any Private Garage, Carport, Porch, verandah, unfinished Attic, Cellar or sun room (unless such sun room is habitable in all seasons of the year), and excluding common hallways, common stairways or other common areas.

"EasementASEMENT" means any right or privilege in, over, along, or under a defined area of land in which the owner of the land has granted to another party for a specific useUse, right, or purpose, while retaining ownership of the said land, and is created in accordance with the *Planning Act* and legally described in a registered deed.means a right or privilege that one has over the lands of another, registered on title to the said lands and may pertain to access rights above, below or on the said lands.

"ErectRECT" means to build, construct, reconstruct, alterAlter, or relocate, and without limiting the generality of the foregoing, shall include:means to build, construct, reconstruct or relocate and, without limiting the generality of the word, also includes:

- a) ~~any preliminary operation such as excavation, infilling or draining;~~
 - b) ~~Altering any Existing Building or Structure by an addition, enlargement, extension or other structural change; and~~
 - c) ~~any work which requires a Building permit.~~
- a) any preliminary operation such as excavation, filling, or draining; or,
 - a)b) alterAltering any existingExisting buildingBuilding or structureStructure by an addition, removal, enlargement, extension or other structural change.

"Established BuildingBuilding LineESTABLISHED BUILDING LINE" means the average distance from the street lineStreet Line of existingExisting buildingsBuildings on one side of one block where more than one-half of the lots on that side of the block have been built upon, but does not include Detached Accessory Buildings.on a Lot that is between two (2) adjacent Lots on one side of one block within the same Zone, on which are located Existing Buildings not more than 100 metres apart, shall mean the average of the established Setbacks on the said adjacent Lots. Existing Buildings on the Lot for which construction is being proposed may be factored into the average for determining the Established Building Line. Detached Accessory Buildings shall not be factored in determining an Established Building Line for a Main Building. (B/L 107/2010)

"ExistingXISTING" means ExistingExisting on the date of passing of this By-law, legally established under the regulations in place at the time of its establishment and with respect to a BuildingBuilding or StructureStructure, also means in a sound condition not requiring demolition or significant repairs or alterAlterations or removed within the last 12 months and determined by the By-law Enforcement Officer to have been in such condition prior to its removal. (B/L 107/2010)

~~"EXISTED"~~ ~~shall have a corresponding meaning.~~

~~"EXTRACTIVE USE"~~ ~~means the Use of land Licensed for the removal of gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other similar substance for construction, industrial or manufacturing purposes, and includes an Aggregate Storage Area, Accessory Uses, Buildings or Structures. Permitted Accessory Uses include the blending of recovered~~

~~materials that are brought to the Extractive Use.~~

E

~~"Farm Implement Sales and Service EstablishmentFarm Implement Sales And Service Establishment"~~ ~~means premisesPremises where farm implements and related equipment and parts are serviced, repaired, and sold, leased, or rented.~~

~~"Farm Help DwellingFarm Help Dwelling"~~ ~~means a buildingBuilding or structureStructure for the permanent housing of farm employees of the principal agricultural useAgricultural Use.~~

~~"Farm Produce OutletFarm Produce OutletARM PRODUCE OUTLET"~~ ~~means a useUse accessoryAccessory to an agricultural useAgricultural Use which consists of the storage, handling, and retail sale of agricultural products raised, grown, or processed by the property owner or an agricultural operation conducted on the farm.means a Use, Accessory to a Permitted farm, which consists of the retail sale of Agricultural products produced on the farm where such outlet is located.~~

~~"Farmers MarketFarmers MarketARMERS MARKET"~~ ~~means premisesPremises for the retail sale of primarily locally sourced agricultural, food, art, and craft products by individual vendors, including produce and value-added products, with the majority of vendors being the primary producers of the products. means a Building, part of a Building, or an open area where Agricultural produce is offered or temporarily stored for retail sale on the site by more than one (1) vendor.~~

~~"Feed MillFeed Mill"~~ ~~means a mill or factory in which food for animals is manufactured and includes storage for ingredients and completed feeds as well as accessoryAccessory officeOffice space.~~

"Financial Institution Establishment" means ~~premises~~Premises where money management services are provided to patrons for the depositing, lending, exchange, or investment of money.

"FARM PRODUCE PROCESSING ESTABLISHMENT" means the ~~Use~~ of land, Buildings or Structures where Agricultural produce, including meat and poultry products, are prepared or packaged and from which such produce and products are shipped to a wholesale or retail outlet.

"~~Finished Grade~~Finished GradeINISHED GRADE" means the average elevation between the highest and lowest point of the finished surface of the ground measured around the perimeter of the base of a ~~Building~~Building or ~~Structure~~Structure exclusive of any embankment in lieu of steps.

"~~Flea Market~~Flea MarketLEA MARKET" means the occasional or periodic market held in an open ~~Outdoor Display~~Outdoor Display area or in a ~~Building~~Building or ~~Structure~~Structure, where groups of individual sellers display and offer goods for sale to the public, but does not include a ~~Garage Sale~~Garage Sale.

"~~Floor Area, Gross~~Floor Area, GrossLOOR AREA, GROSS" means the total floor area of all ~~buildings~~Buildings and ~~structures~~Structures on a ~~lot~~Lot, whether located above, at, or below grade, as measured from the exterior walls or from the centre line of any common walls, and in the case of a ~~building~~Building that is not a ~~dwelling~~Dwelling, shall not include storage or mezzanine areas, mechanical rooms, common halls, stairwells, garbage and electrical rooms and parking ~~structures~~Structures. ~~the case of a Dwelling, means the sum total area of the floors excluding internal Parking Areas in the Building or Buildings on a site measured from the exterior walls or from the centre line of common walls separating the Buildings provided that where the floor area is within a roofed Structure without exterior walls the Gross Floor Area shall be the area covered by the roof, or in the case of a Building other than a Dwelling, means the aggregate of the area of all floors devoted to retail sales, customer service and/or Office Use measured from the outside face of exterior walls but shall not include storage or mezzanine areas, mechanical rooms, common halls, stairwells, garbage and electrical rooms and parking Structures.~~

"~~FLOOR AREA~~Floor Area, GroundFloor Area, GroundROUND" means the area of a ~~the first storey~~Storey of a ~~Building~~Building or ~~Structure~~Structure measured from the outside of its exterior walls at Grade and exclusive of any ~~Attached~~Attached ~~Accessory~~Accessory ~~Building~~Building, terrace, unenclosed sun room, Deck, ~~Porch~~Porch or verandah.

"~~Forestry~~ORESTRY" means the ~~use~~Use of land for the management, cultivation, and maintenance of trees for the purpose of producing commercial or non-commercial wood resources. ~~means the proper implementation of harvest, renewal and maintenance~~

activities known to be appropriate for the forest and environmental conditions under which they are being applied and that minimize detriments to forest values including significant ecosystems, important fish and wildlife habitat, soil and water quality and quantity, forest productivity and health and the aesthetics and recreational opportunities of the landscape.

"Four Season CampgroundCampground & Recreation Facility" OUR SEASON CAMPGROUND & RECREATION FACILITY means a private park which includes a campgroundCampground, as well as facilities for active and passive recreation and accessoryAccessory commercial useCommercial Uses that only serve the users of the facility. ~~shall mean a Private Park which includes a Campground, as well as facilities for Active and Passive Recreation. Such a facility may also include Accessory commercial uses that serve only the needs of the users of the facility.~~

"Funeral HomeFuneral HomeUNERAL HOME" means a BuildingBuilding or StructureStructure designed for the purpose of furnishing funeral supplies and services to the public and includes facilities intended for the preparation of the dead human body for interment or cremation and may include a chapel for funeral purposes.

G

"FURTHER CONTRAVENE" means the making of an addition to an Existing Non-Complying Building or Structure, any part of which addition does not comply with the required Setbacks or any other provision of this By-law.

"Garage SaleGarage SaleARAGE SALE" means an occasional sale, held by the occupants of a Dwelling UnitDwelling Unit on their own premisesPremises, of household goods and not merchandise which was purchased for resale or obtained on consignment.

"Garden Centre and NurseryGarden Centre And NurseryARDEN CENTRE" means the useUse of land, buildingBuilding, or structureStructure for the purpose of buying, selling, and growing trees, shrubs, flowers, and other plants for transplanting, grafting, or retail or wholesale trade, and may include the accessoryAccessory sale of soil, fertilizer, planting materials, garden equipment, and other similar materials. ~~means the Use of land, Buildings or Structures for the purpose of buying, selling and raising plants, shrubs and trees and includes the Outdoor Display, storage and sale of products generally used for landscaping and gardening purposes.~~

"Gas BarGas BarA_S BAR" means one (1) or more fuel pumps for the sale of motor fuels and related products for Motor VehicleMotor Vehicles, together with any necessary Gasoline Pump IslandGasoline Pump Islands, light standards, Propane Transfer

~~Facility~~Propane Transfer Facility, kiosk, concrete aprons, ~~Canopy~~Canopy, storage tanks and related facilities required for the dispensing of fuel.

"~~Gas Compressor Station~~Gas Compressor Station~~AS COMPRESSOR STATION~~" means the ~~Use~~Use of land, ~~Buildings~~Buildings or ~~Structures~~Structures for the storage, regulation of flow and distribution of natural gas.

"~~Gasoline Pump Island~~Gasoline Pump Island~~GASOLINE PUMP ISLAND~~" means the portion of a ~~Lot~~Lot where a pump or pumps used to transfer fuel from storage tanks to ~~Motor Vehicle~~Motor Vehicles is (are) situated.

"~~GASOLINE RETAIL FACILITY~~Gasoline Retail Facility~~Gasoline Retail Facility~~" means ~~premises~~Premises where the retail sale of fuel or lubricants for ~~Motor Vehicle~~Motor Vehicles constitutes either the sole ~~Use~~Use, such as a ~~Gas Bar~~Gas Bar, or an ~~Accessory~~Accessory Use, such as a ~~Gasoline Pump Island~~Gasoline Pump Island or ~~Propane Transfer Facility~~Propane Transfer Facility. This definition shall not include a ~~Motor Vehicle Service Establishment~~Motor Vehicle Service Establishment.

"~~Gazebo~~Gazebo" means an ~~Accessory~~Accessory Structure that consists of a platform and roof but no walls and that is unenclosed except that a wire-mesh bug screen, benches and/or railings around its perimeter and such posts as are reasonably necessary to hold the roof ~~erect~~Erect shall be permitted. (B/L 90/04)

"~~Gift Shop~~Gift Shop~~IFT SHOP~~" means ~~premises~~Premises operated for the retail sale of crafts, souvenirs, gifts, ornaments, cards, confectionaries, or similar items. ~~means a Retail Store~~Retail Store specializing in the sale of ornaments, cards, magazines and confectioneries.

"~~Golf Course~~Golf Course~~OLF COURSE~~" means ~~premises~~Premises operated for the purpose of playing golf which may include a clubhouse, ~~restaurant~~Restaurant, meeting rooms, banquet hall, and retail uses ~~accessory~~Accessory to the ~~golf course~~Golf Course, but does not include ~~Mminiature golf course~~Golf Courses. ~~means a public or private area designed and operated primarily for the purpose of playing golf excluding a Miniature Golf Course.~~

"~~Golf Course, Miniature~~Golf Course, Miniature~~OLF COURSE, MINIATURE~~" means a ~~Use~~Use which provides facilities designed and operated primarily for what is commonly known as miniature golf but does not include a ~~Golf Driving Tee or Range~~Golf Driving Tee Or Range or a ~~Golf Course~~Golf Course as defined herein.

"~~Golf Driving Tee or Range~~Golf Driving Tee Or Range~~OLF DRIVING TEE OR RANGE~~" means a ~~Use~~Use which provides facilities designed and operated primarily for the practicing of golf shots but does not include Miniature ~~Golf Course~~Golf Courses or ~~Golf Course~~Golf Courses as defined herein.

~~"GRAIN ELEVATOR~~rain ElevatorGrain Elevator" means premisesPremises where farm commodities such as grain and corn are stored.

~~"GROUP HOME TYPE 1"~~ see ~~"DWELLING"~~.

~~"GROUP HOME TYPE 2"~~ see ~~"DWELLING"~~.

~~"Guest Room~~Guest Room~~UEST ROOM"~~ means a room or suite of rooms which contain no facilities for cooking or for the installation of cooking equipment and which is used or designed for gain or profit by providing accommodation to the travelling or vacationing public.

H

~~"Habitable Room~~Habitable Room~~ABITABLE ROOM"~~ means a room within a Dwelling UnitDwelling Unit designed to provide living, dining, sleeping, bathroom or kitchen accommodation for Persons. This definition shall not include any Private GaragePrivate Garage, CarportCarport, Gellar, unheated PorchPorch or verandah, unfinished AtticAttic, unfinished BasementBasement, or any space used for the service and maintenance of a DwellingDwelling or for vertical travel between StoresStores.

~~"HEALTH/RECREATIONAL FACILITY"~~ means ~~a Private Club or public facility (athletic, health or recreational), including Uses such as reducing salons and weight control establishments, game courts, exercise equipment, locker rooms, jacuzzi and/or sauna and pro shop.~~

~~"Height~~HEIGHT" means :

~~Means when referring to a building, the vertical distance between the ground floor and the highest point of the Building proper, exclusive of any Accessory roof Structures such as an Antenna, chimney, steeple or tower; and~~

~~"BUILDING HEIGHT", when referring to a Building, and in all other cases, where no method for determining Height is described, shall mean~~ the vertical distance between Finished GradeFinished Grade and the highest vertical point of the BuildingBuilding, StructureStructure, SignSign, fence, Planting StripPlanting Strip or other object."

~~"HOBBY FARM"~~ means ~~a Livestock Facility with a Livestock Housing Capacity of no greater than four (4) Livestock Units or fifty (50) animals, whichever is less.~~

"HOLDING PROVISIONS" can be applied to lands to delay their development until specific conditions have been fulfilled. The Planning Act, as amended, enables Council to place these restrictions on the Use of land. Holding provisions are depicted by the letter (H), which can be added as a suffix to any Zone symbol. The Council will remove the (H) symbol, once conditions for the proper development of the affected lands are satisfied.

"HOME FOR THE AGED" means a Building, Structure or Portion thereof operated as an Approved Home for the Aged or Rest Home established and maintained by the Municipality or jointly by one or more municipalities of the County of Lambton and operated under a board of management for accommodation and amenities for senior citizens in return for compensation. A Home for the Aged is subsidized by the Province under a service agreement with the Crown. A Home for the Aged shall not include a public or Private Hospital, Nursing Home or Group Home.

"Home IndustryHome Industry" means a small-scale business activity of an industrial nature accessoryAccessory to a dwelling unitDwelling Unit or agricultural useAgricultural Use, but shall not include the servicing or repair of any motor vehicleMotor Vehicles or heavy equipment.

"Home OccupationHome OccupationHOME OCCUPATION_" means an occupation that is operated as an accessoryAccessory useUse by occupants that are residing full-time on a property, and is conducted entirely within a permitted dwelling unitDwelling Unit or permitted accessoryAccessory buildingBuilding, but which does not include a home industryHome Industry. means an Accessory Use to a Dwelling Unit, owned by and employing at least one of the permanent residents of that Dwelling Unit, to conduct one or more full-time or part-time occupations or business activities. This definition shall include a Bed & Breakfast and a Clinic. (B/L 107/2010)

"HospitalHospital OSPITAL" means any institution, buildingBuilding, or premisesPremises established for the purposes of treatment of patients as defined in the Private Hospitals Act or in Public Hospitals Act but shall not include a veterinary clinicClinic.means any institution, Building or other premises or place established for the treatment of Persons afflicted with or suffering from sickness, disease or injury or for the treatment of convalescent or chronically ill Persons that is Approved as a public Hospital. This definition shall also include a **"PRIVATE HOSPITAL"**, which means a Dwelling in which four (4) or more patients are or may be admitted for treatment, other than an independent health facility, institution for the reclamation and cure of habitual drunkards, a children's residence or a lodging house.

"HotelHOTEL" means a buildingBuilding or group of buildingsBuildings with a minimum of four (4) guest roomGuest Rooms used to accommodate the travelling public by providing temporary sleeping accommodations that are accessed by a common corridor from the interior of the buildingBuilding, with or without meals and without private

~~cooking or housekeeping facilities, but may include accessory~~ Accessory uses such as retail uses, a restaurant, meeting rooms, a gym, and other amenities for use by guests. ~~means a Building in which a minimum of four (4) Guest Rooms are provided for the travelling public, and may include dining and other public rooms, provided that each Guest Room may be entered from inside or outside of the Building.~~

I

~~"Industrial Use~~ **INDUSTRIAL USE** ~~" means the use of lands, buildings, or structures for the purpose of manufacturing, fabrication, dismantling, recovery, processing, assembly, treatment, packaging, repairing and servicing, warehousing and distribution, which may include the incidental storage of goods and materials in conjunction with the use, and may involve noise, vibration, or emissions provided they are in accordance with the Province's guidelines, but shall not include a home occupation or an agricultural home industry.~~ means the Use of land, Structures or Buildings for each or any of the following operations:

~~the carrying on of any process of manufacture whether or not a finished article results there from;~~

~~—— the dismantling and separating into parts of any article, machinery or vehicle, but not including a Motor Vehicle Wrecking Establishment;~~

~~the breaking up of any articles, goods or machinery;~~

~~—— the treatment of waste materials of all descriptions;~~

~~—— the recovery and processing of sand, gravel, clay, turf, soil, rock, stone or similar substances;~~

~~—— the repairing and servicing of vehicles, machinery and Buildings;~~

~~—— and may include;~~

~~a) —— the Open Storage of goods used in connection with or resulting from any of the above operations;~~

~~b) —— the provisions of amenities for Persons engaged in such operations;~~

~~c) —— the sale of goods resulting from such operations; and~~

d) ~~any work of administration or accounting in connection with the undertaking;~~

~~and without limiting the generality of the foregoing, includes any industry particularly defined in this By-law, but does not include a "Home Occupation" or "Agricultural Home Industry".~~

~~"Industrial Use DryIndustrial Use, Dry~~**INDUSTRIAL USE, DRY**~~" means an industrial useIndustrial Use in which the operations do not require the consumption or useUse of water or the discharge of industrial liquid wastes as part of the industrial process, but does notmay include water and/or sanitary used for the personal needs of employees, and uses ancillary to the manufacturing process such as the indirect cooling and pressure testing of equipment. means any Industrial Use Permitted by the applicable Zone where water is only required for employee washrooms and eating facilities, cooling or pressure testing of equipment, the washing of Accessory vehicles and similar ancillary Uses and not for processing.~~

~~"INDUSTRIAL USE, GENERAL" means any Industrial Use other than a Service and Repair Shop, a Light Industrial Use, or an Offensive Industrial Use.~~

~~"Industrial Use, LightIndustrial Use, Light~~**INDUSTRIAL USE, LIGHT**~~" means any Industrial Use in which the Building or the Structure thereby occupied or employed, the processes carried on, the material used or stored, the machinery employed and the transportation of materials, goods and commodities to and from the premises will not cause injury to or prejudicially affect the amenity of the locality by reason of the appearance of such Building, Structure or materials or by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste paper, waste products, grit, oil or otherwise. Light Industrial Uses shall not include the dismantling and separating into parts of any article, machinery or vehicle; the treatment of waste materials of all descriptions; and the winning, processing or storage of sand, gravel, soil, rock, stone or similar substance. means an industrial useIndustrial Use in which:~~

- ~~a) all activities are conducted within a wholly enclosed buildingBuilding; and,~~
~~a)b) the operations do not involve machinery that emits noxious fumes or gases; discharges effluents, contaminants, dirt, dust, or particle matters; and does not result in noise or vibration impacts.~~

~~"INDUSTRIAL USE, OFFENSIVE" means any business or industry which by reason of the process involved or the method of manufacture or the nature of the material or goods used, produced or stored is likely to cause or causes by reason of destructive gas or fumes, dust, objectionable odour, noise or vibration, or unsightly storage of goods, wares, merchandise, salvage, junk, waste or other material, a condition which may be or become hazardous or injurious as regards health or safety or which~~

~~prejudices the character of the neighbourhood or interferes with or may interfere with the normal enjoyment of any land, Building or Structure.~~

~~"Institutional UseInstitutional Use**INSTITUTIONAL USE**" means the use~~Use of lands, buildings~~Buildings, or structures~~Structures for non-commercial and non-residential purposes which may include government, educational, social, charitable, health, or religious uses.~~means the Use of any land and/or Building or part thereof by a government, educational, charitable or non-profit organization in the carrying out of its function and without limiting the generality of the foregoing, shall include municipal Offices, Libraries, fire halls, Churches, Hospitals, Schools, Community Centres, Private Clubs and Assembly Hall~~s.

K

~~"**JUNK YARD**" shall have the same meaning as "Salvage Yard".~~

~~"**Kenne**ENNEL" means premisesPremises where a minimum of four (4) domestic animals such as dogs or cats that do not include livestockLivestock or poultry, are kept for the purposes of breeding, training, boarding, or commercial purposes.~~~~means any premises on which four (4) or more domesticated animals over four (4) months of age are kept, bred, trained, or boarded and may be kept for sale.~~

L

~~"**Laboratory****LABORATORY**" means a BuildingBuilding, or part thereof, used for scientific, medical and/or research purposes.~~

~~"Landscaped Open SpaceLandscaped Open Space**LANDSCAPED OPEN SPACE**" means the open unobstructed space on a lotLot from ground to sky at grade which is suitable for the growth and maintenance of grass, flowers, bushes, trees and other landscaping, and includes any surfaced walk, patio or similar area but shall not include any driveway or ramp, whether surfaced or not, nor any curb, retaining wall, parking areaParking Area, or any open space beneath or within a buildingBuilding or structureStructure.~~~~means the open, unobstructed space, on a Lot, accessible by walking from the Street on which the Lot is located and which is maintained and suitable for the growth and maintenance of grass, flowers, bushes, trees and other landscaping. This definition may include any surfaced walk, patio, or similar area provided that such surfaced walk, patio, or similar Structure is not more than 40% of the Landscaped Open Space area, but shall not include any driveway or ramp, whether surfaced or not, nor any curb, retaining wall, or any Parking Area; nor any open space beneath or within a Building or Structure.~~

"LaneANE" means a private thoroughfare which affords only a secondary means of access for vehicular traffic to abutting Lots and which is not intended for general traffic circulation.

"LAUNDROMAT" means an establishment containing one (1) or more washers, and could include drying, ironing, finishing and incidental equipment, provided that only water, soaps and detergents are used and provided that no such operation shall emit any noise or vibrations which cause a nuisance or inconvenience within or without the premises. This definition may include a self-service coin-operated Laundromat.

"LAUNDRY PLANT" means a Building or a Structure in which the business of a laundry is conducted in which only water and detergent is used, and where the drying, ironing and finishing of such goods are conducted.

"LIBRARY" means a Library, branch Library or distribution station established as a public Library by by-law by Council or the County and the trustees of an improvement district or established under the Public Libraries Act or a predecessor.

"LICENSED" means Licensed by an appropriate authoritative body as required under the Act or Statute, which legislates such establishment requiring licensing.

"LivestockIVESTOCK" means farm animals kept for useUse, for propagation, or intended for profit or gain, and without limiting the generality of the foregoing includes dairy and beef cattle, swine, poultry, sheep, ratites, fur-bearing animals, deer and elk, game animals, birds and other animals as definitionsidentified in the Province's Minimum Distance Separation (MDS) Guidelines.means farm animals kept for Use, for propagation, or intended for profit or gain, and without limiting the generality of the foregoing includes dairy and beef cattle, swine, poultry, horses, goats, sheep, ratites, fur-bearing animals, deer and elk, game animals, birds and other animals identified in Appendix "A", Table 1. (B/L 19 of 2007)

"Livestock FacilityLivestock FacilityIVESTOCK FACILITY" means a barn, buildingBuilding or structureStructure with livestockLivestock occupied portions intended for keeping or housing of livestockLivestock, which shall also include all manure storageManure Storage, and manure and anaerobic digesterAnaerobic DigesterAnaerobic Digesters. means one or more Buildings or Structures designed, used or intended for housing, feeding or keeping Livestock including anaerobic digesters, manure transfer facilities and Manure Storages. Portions not storing manure or not occupied by Livestock long enough for substantial amounts of manure to accumulate are not subject to MDS I or MDS II measurements. (B/L 19/2007)

"LIVESTOCK HOUSING CAPACITY" means the number of Livestock that can be accommodated by all Livestock Facilities on a Lot at any one time, including those that are empty but able to house Livestock. (B/L 19/2007)

"LIVESTOCK, LARGE" means any Livestock of a type of which an adult equals more than one fifteenth of a Nutrient Unit. (B/L 107/2010)

"Loading SpaceLOADING SPACE" means an off-streetStreet space on the same lotLot as the buildingBuilding, or contiguous to a group of buildingsBuildings, for the temporary parking of a commercial motor vehicleMotor Vehicle while loading or unloading merchandise or materials, and which abuts a streetStreet, laneLane or other appropriate means of access. means an off-Street_ space on the same Lot as the Building, or contiguous to a group of Buildings, for the temporary parking of a Commercial Motor Vehicle while loading or unloading merchandise or materials, and which abuts a Street, Lane, or other appropriate means of access. The provision of Loading Spaces shall be in accordance with Section 3.26.

"Long Term Care FacilityLong Term Care Facility" means a facility which provides personal care, support, and services for residents in a supervised setting, as licensed by Provincial statute, and may include accessoryAccessory uses such as common dining, kitchen, lounging, and recreational areas, and administrative and medical offices serving residents of the facility.

"LotOT" means a parcel or tract of land capable of being legally conveyed as a separate parcel pursuant to the provisions of the *Planning Act*, as amended, but shall not include a right-of-way, easementEasement, or reserve.means land within a registered plan of subdivision (but not including plans deemed not to be registered pursuant to Section 50(4) of The Planning Act, R.S.O. 1990, Chap. P. 13, as amended) or any land that may be legally conveyed under the exemption provided in clause (b) or (f) of subsection 3 or clause (a) or (f) of subsection 5 of Section 50 of The Planning Act, R.S.O. 1990, Chap. P. 13 as amended, the boundaries of which are recorded in the Registry Office for the Registry Division of the County of Lambton. (B/L 19 of 2007)

- a) **"LotLot, CornerCORNER LOT"** means mean a lotLot situated at the intersection of two streets where the angle of intersection is not more than one hundred and thirty-five (135) degrees. means a Lot, situated at the intersection of and abutting upon two (2) or more Streets, provided that the angle of intersection of such Streets is not more than one hundred and thirty five (135) degrees.
- b) **"LotLot, InteriorINTERIOR LOT"** means a lotLot situated between adjacent lots and having access to one streetStreet. means any Lot having Street Access, other than a Corner Lot.
- c) **"LotLot, ThroughTHROUGH LOT"** means a lotLot bounded on two opposite sides by streets, provided however, that if any lotLot qualifies as being both a corner lotLot and a through lotLot as defined herein, such lotLot shall be deemed a corner lotLot for the purpose of this By-law.means an Interior Lot having Street Access on two (2) or more Street Lines, other than a Corner Lot.

"~~Lot Area~~~~Lot Area~~~~LOT AREA~~" means the total horizontal area within the ~~Lot~~~~Lot~~ Lines of a ~~Lot~~~~Lot~~, except that for Lots for Residential Uses in an Environmental Protection – Lakeshore (EP-L) or Hazard (H) ~~Zone~~~~Zone~~, ~~Lot Area~~~~Lot Area~~ shall exclude the horizontal area between the toe and top of an embankment of thirty (30) degrees or more from the horizontal, unless otherwise specified in this By-law.

"~~Lot Coverage~~~~Lot Coverage~~~~OT COVERAGE~~" means the percentage of the ~~lot~~~~area~~~~Lot Area~~, covered by all ~~buildings~~~~Buildings~~ and ~~structures~~~~Structures~~ above grade, and shall not include balconies, canopies, overhanging eaves, uncovered decks, patios, or swimming pool~~Swimming Pools~~. ~~means that percentage of the Lot Area covered by the perpendicular projections onto a horizontal plane of the area of all Buildings and Structures on the Lot. Lot Coverage shall not include Balconies, Canopies and overhanging eaves provided none of the foregoing are less than 2.4 metres above Finished Grade. Lot Coverage shall not include private Decks (Unenclosed) and Private Swimming Pools.~~

"~~Lot Depth~~~~Lot Depth~~~~OT DEPTH~~" means the horizontal distance between the front and rear ~~lot~~~~Lot~~ lines, but where these ~~lot~~~~Lot~~ lines are not parallel, the ~~lot depth~~~~Lot Depth~~ shall be the length of a line joining the mid points of the front and rear ~~lot~~~~Lot~~ lines; and where there is no rear ~~lot~~~~Lot~~ line, the ~~lot depth~~~~Lot Depth~~ shall be measured from the midpoint of the front ~~lot~~~~Lot~~ line to the converging point of the side ~~lot~~~~Lot~~ lines. ~~means the horizontal distance between the Front and Rear Lot Lines. If the Front and Rear Lot Lines are not parallel, Lot Depth means the length of a straight line joining the middle of the Front Lot Line with the middle of the Rear Lot Line. If there is no Rear Lot Line, Lot Depth means the length of a straight line joining the middle of the Front Lot Line with the apex of the triangle formed by the Side Lot Lines.~~

"~~LOT FRONTAGE~~~~Lot of Frontage~~" means the horizontal distance between the Side Lot Lines, measured perpendicularly from a line joining the middle of the Front and Rear Lot Lines and at a point thereon, a distance equal to the minimum Front Yard Depth required by this By-law. Where there is no Rear Lot Line, Lot Frontage means the horizontal distance between the Side Lot Lines, measured perpendicularly from a line joining the middle of the Front Lot Line with the apex of the triangle formed by the Side Lot Lines and at a point thereon, a distance equal to the minimum Front Yard Depth required by this By-law. Lot Frontage shall not include the extent to which a Lot abuts an unopened Street Allowance or the end of a Street, other than a Street that terminates in a cul-de-sac. ~~means the horizontal distance between the side lot~~~~Lot~~ lines, such distance being measured as:

- a) ~~where the side lot~~~~Lot~~ lines are parallel, the distance between the side ~~lot~~~~Lot~~ lines measured at right angles; or,
- b) ~~where the side lot~~~~Lot~~ lines are not parallel, the length of a line drawn between the side ~~lot~~~~Lot~~ lines parallel to the front ~~lot~~~~Lot~~ line at the minimum required front yard~~Yard setback~~~~Setback~~; or,

- a)c) where the side lot lines are not parallel and where the front lot line is curved, the length of a line drawn between the side lot lines back from and parallel to the chord of the lot frontage at the minimum required front yard setback. The chord of the lot frontage is a straight line joining the two points where the side lot lines intersect the front lot line.

"~~Lot Line~~ OT LINE" means any boundary of a ~~lot~~ means any boundary of a Lot or the vertical projection thereof. There shall be deemed to be two (2) Lot Lines in cases where a Lot Line changes by a direction that is less than 135°. There shall be deemed to be one continuous Lot Line in cases where the change in direction is 135° or greater.

- a) **"~~Lot line, Front~~ FRONT LOT LINE"** means in the case of an Interior Lot, the line dividing the Lot from the Street. In the case of a Corner Lot, the shorter Lot Line abutting a Street shall be deemed the Front Lot Line. In the case of a Through Lot or a Corner Lot whose Exterior Side Lot Lines are the same length, the Lot Line where the principle access to the Lot is provided shall be deemed to be the Front Lot Line. means in the case of:
- i) an interior lot, the line dividing the lot from the Street;
 - ii) a corner lot, the shorter lot line abutting a street shall be deemed the front lot line and the longer lot line abutting a street shall be deemed the exterior side lot line; or,
 - iii) a through lot or a corner lot whose exterior lot lines are the same length, the lot line where the principal access to the lot is provided shall be deemed to be the front lot line.
- b) **"~~Lot Line, Rear~~ REAR LOT LINE"** means in the case of a Lot having four (4) or more Lot Lines, the Lot Line farthest from and opposite to the Front Lot Line. If a Lot has less than four (4) Lot Lines, there shall be deemed to be no Rear Lot Line. On a Through Lot, all Street Lines other than the Front Lot Line shall be Rear Lot Lines. (B/L 107/2010) means in the case of:
- i) a lot having four or more lot lines, the lot line farthest from and opposite to the front lot line; or,
 - ii) a lot having less than four lot lines, the point of intersection of the side lot lines.
- c) **"~~Lot Line, Side~~ SIDE LOT LINE"** means a Lot Line other than a Front or Rear Lot Line, and shall include Interior Side Lot Line and Exterior Side Lot Line.
- d) **"~~Lot Line, Exterior Side~~ EXTERIOR SIDE LOT LINE"** - on a Corner Lot, means the longer Lot Line abutting a Street.
- e) **"~~Lot Line, Interior Side~~ INTERIOR SIDE LOT LINE"** - means a Side Lot Line other than an Exterior Side Lot Line.

"~~Lumber Yard~~ LUMBER YARD" means the Use of land, Buildings or Structures for the purpose of the buying, selling and

~~Open Storage~~ Open Storage of wood and wood products and lumber but does not include any manufacturing or processing Uses.

M

~~"MANURE STORAGE"~~ **Manure Storage** means ~~premises~~ Premises, with or without a roof or covering enclosing the surface area of the ~~premises~~ Premises, used for the storage of liquid or solid ~~livestock~~ Livestock manure. ~~as listed in Appendix "A", Table 5,~~ means land, Buildings or Structures designed, used or intended to be used as permanent storages for manure or "digestate" produced from an ~~anaerobic digester~~ anaerobic digester. ~~It does not include manure transfer facilities, anaerobic digesters or temporary field storages.~~ (B/L 19 of 2007)

~~"EARTHEN MANURE STORAGE AREA"~~ means ~~any excavated pit used as a Manure Storage Area where manure is stored in contact with bare soil or is separated from bare soil by only a liner.~~

~~"Marina"~~ **ARINA** means ~~premises~~ Premises containing docking facilities and located on a ~~navigable waterway~~ Navigable Waterway where watercraft and watercraft accessories are berthed, stored, serviced, repaired or kept for sale or rental and where ancillary facilities for the sale of marine fuels and lubricants may be provided. ~~shall mean a Commercial Use where boats are stored for rent or hire, and/or where boats are stored for the convenience of the owner of said boat, and/or where boats, boat motors, or boat accessories are sold, repaired or refueled and may include a Building or Structure for the sale of such accessories or refreshments, but shall not include a private dock Accessory to a Dwelling, nor shall Commercial or manufacturing establishments not adjacent to a navigable Watercourse be included.~~

~~"MARINE SALES AND SERVICE ESTABLISHMENT"~~ **arine Sales and Service Establishment** Marine Sales And Service Establishment means ~~premises~~ Premises where boats, watercraft, and related accessories and products are sold, rented, stored, serviced, repaired, and/or cleaned. ~~means a Building and/or land used for the Outdoor Display and sale of new and/or second-hand boats and watercraft, and may include the servicing, repair, and cleaning, of such, and the sale of accessories and related products.~~

~~"Mineral Aggregate Operations"~~ **Mineral Aggregate Operations** means an operation, other than a wayside pit, conducted under a license or permit under the Aggregate Resources Act, and associated facilities used in the extraction, transportation, beneficiation, processing or recycling of mineral aggregate or the production of related by-products.

~~"Mixed UseMixed Use"~~ means a ~~buildingBuilding~~ containing residential uses and at least one other non-residential ~~useUse~~, where there is a ~~Ontario BuildingBuilding Code~~ separation between the residential and non-residential elements.

~~"MAXIMUM ENCROACHMENT"~~ means the ~~greatest distance a Structure may be built into a Required Front, Rear or Side Yard.~~

~~"METEOROLOGICAL MAST"~~ means a separate, guyed tower having instruments mounted thereon for the purpose of assessing a site's wind characteristics on a temporary basis of up to three years or for assessing the performance of a wind turbine or farm once erected. (B/L 104/07)

~~"MINIMUM DISTANCE SEPARATION" or "MDS"~~ shall mean the setbacks that non-Agricultural Uses must meet from Livestock Facilities (MDS I) and that Livestock Facilities must meet from non-Agricultural Uses (MDS II) as required in Section 5.2 of this By-law and calculated in Appendix "A" to this By-law. (B/L 19 of 2007)

~~"Mobile Home ParkMobile Home Park"~~**OBILE HOME PARK** means a parcel of land containing two (2) or more ~~Mobile Home SiteMobile Home Site~~s and which is under single management and ownership.

~~"MOBILE HOME, DOUBLE WIDE" see "DWELLING".~~

~~"MOBILE HOME, SINGLE WIDE" see "DWELLING".~~

~~"Mobile Home Sales EstablishmentMobile Home Sales Establishment"~~**O_BILE HOME SALES ESTABLISHMENT** means land, ~~BuildingBuilding~~ or ~~StructureStructure~~ used for the sale and ~~Outdoor DisplayOutdoor Display~~ of new Mobile Homes, Modular Homes, and Travel Trailers and may include the servicing and repair of such ~~StructuresStructures~~ and vehicles, but shall not include any other Uses defined in this By-law.

~~"Mobile Home SiteMobile Home Site"~~**OBILE HOME SITE** means a parcel of land ~~within a mobile home parkMobile Home Park~~ used to accommodate one mobile home and for the exclusive ~~useUse~~ of the lessee or tenant of such area.~~means a parcel of land within a Mobile Home Park occupied by or intended for Occupancy by one (1) Single Wide Mobile Home, Double Wide Mobile Home or Park Model Home together with all Yards and Open Space required by this By-law.~~

~~Model HomeBuildingOfficeDwelling~~

~~"MODULAR HOME" see "DWELLING".~~

"MotelOTEL" means any ~~buildingBuilding~~ or group of ~~buildingsBuildings~~ containing ~~guest-roomGuest Rooms~~ used to accommodate the travelling public by providing temporary sleeping accommodations that are accessed from the outside, with or without meals and without private cooking or housekeeping facilities, but may include ~~accessoryAccessory~~ uses such as a ~~restaurantRestaurant~~ and other amenities for ~~useUse~~ by guests. ~~means a Building, part of a Building or group of Buildings wherein accommodation without private cooking or housekeeping facilities is provided for the travelling public, but may include dining rooms and other public rooms. Each Guest Room or sleeping room may be entered from the exterior of the Building. Sanitary facilities shall be included for each Guest Room or suite.~~

"MOTOR HOME" means a self-propelled ~~recreational vehicle~~ capable of being used for the temporary sleeping or eating accommodation of Persons.

"Motor VehicleMotor VehicleOTOR VEHICLE" means an automobile, motorcycle, all-terrain vehicle and any other vehicle propelled or driven otherwise than by muscular power; but does not include other ~~Motor VehicleMotor Vehicles~~ running only upon rails, or a farm tractor, self-propelled implement of husbandry or road-~~buildingBuilding~~ machine.

"Motor Vehicle, CommercialMotor Vehicle, CommercialOTOR VEHICLE, COMMERCIAL" means a ~~motor vehicleMotor Vehicle~~ having permanently ~~attachedAttached~~ thereto a truck or delivery body, and includes ambulances, hearses, fire apparatus, catering truck, food truck, buses and tractors used for hauling purposes on the highway, but does not include a ~~recreational vehicleRecreational Vehicle~~ or recreational trailer, or vehicles that are used for commercial purposes but are otherwise of a physical form that does not meet this definition.~~means a Motor Vehicle having permanently attached thereto a truck or delivery body and includes ambulances, hearses, casket wagons, fire apparatus, buses and tractor-trailers designed for hauling purposes on the highway.~~

"Motor Vehicle Repair EstablishmentMotor Vehicle Repair Establishment OTOR VEHICLE REPAIR ESTABLISHMENT" means any ~~premisesPremises~~ used for the mechanical repair, replacement, servicing, polishing, and greasing of ~~motor vehicleMotor Vehicles~~, which may include vehicular body repair, re-painting, and cleaning of the exterior and/or undercarriage of ~~motor vehicleMotor Vehicle~~ bodies, where the provision of fuels or lubricants is incidental to the principal ~~useUse~~, and which may include a ~~motor vehicle washing establishmentMotor Vehicle Washing Establishment~~ as an ~~accessoryAccessory~~ useUse and the temporary parking of ~~motor vehicleMotor Vehicles~~ in the process of repair and ~~accessoryAccessory~~ uses such as ~~towing services~~. ~~means a Building and/or land used for the servicing, repair, cleaning, polishing, lubricating and greasing of Motor Vehicles and may include vehicular body repair and re-painting, but shall not include any other Motor Vehicle Use defined in this By-law.~~

~~"Motor Vehicle Sales and Rental Establishment"~~**Motor Vehicle Sales And Rental Establishment**~~OTOR VEHICLE SALES ESTABLISHMENT"~~ means any ~~premises~~Premises used for the display, sale, lease, and/or rental of new and/or used motor vehicleMotor Vehicles, and which may include a motor vehicle repair establishmentMotor Vehicle Repair Establishment and a motor vehicle washing establishmentMotor Vehicle Washing Establishment. ~~means a Building and/or land used for the Outdoor Display and sale of new and/or second-hand Motor Vehicles and may include the servicing, repair, cleaning, polishing and greasing of Motor Vehicles, the sale of Motor Vehicle accessories and related products and the leasing or renting of Motor Vehicles, but shall not include any other Motor Vehicle Use defined in this By-law.~~

~~"Motor Vehicle Service Establishment"~~**Motor Vehicle Service Establishment**~~OTOR VEHICLE SERVICE ESTABLISHMENT"~~ means any ~~premises~~Premises used for the retail sale of lubrication oils, motor fuels, electric motor vehicleMotor Vehicle power, motor vehicleMotor Vehicle accessories, and may include servicing and minor repair essential to the operation of the establishment, and may include accessoryAccessory uses such as retail and a motor vehicle washing establishmentMotor Vehicle Washing Establishment. ~~means a Building and/or land used for the sale of fuels for Motor Vehicles and may include the servicing, repair, cleaning, polishing and greasing of Motor Vehicles and the sale of Motor Vehicle accessories and related products, but shall not include any other Motor Vehicle Use defined in this By-law.~~

~~"Motor Vehicle Washing Establishment"~~**Motor Vehicle Washing Establishment**~~OTOR VEHICLE WASHING ESTABLISHMENT"~~ means ~~premises~~Premises used for the operation of automobile washing equipment which is automatic, semi-automatic, and/or coin operated. ~~means a Building and/or land used for the washing or cleaning of Motor Vehicles including a self service or conveyor operation and may include the sale of fuels to Motor Vehicles, but shall not include any other Motor Vehicle Use defined in this By-law.~~

~~"MOTOR VEHICLE WRECKING ESTABLISHMENT"~~ means a Building and/or land used for the wrecking or dismantling of Motor Vehicles and for the Open Storage and sale of scrap material, salvage and parts obtained there from, but shall not include any other Motor Vehicle Use defined in this By-law.

~~"MULTIPLE DWELLING"~~ see ~~"DWELLING"~~.

~~"MUNICIPAL DRAIN, CLOSED"~~ means an "Open Municipal Drain", located entirely within the ground and designed, used, or intended for Use ~~for the conveyance of precipitation.~~

~~"MUNICIPAL DRAIN, OPEN"~~ means any "drainage work" subject to the Drainage Act, R.S.O. 1990, Chap. D-17, as amended, which includes a drain constructed by any means including the improving of a natural Watercourse, and includes the works

~~necessary to regulate the water table or water level within or on any lands or to regulate the level of the waters of a drain, reservoir, lake or pond, and includes a dam, embankment, wall, protective works or any combination thereof.~~

"~~Municipality~~UNICIPALITY" means the ~~Corporation~~Corporation of the Town of Plympton-Wyoming.

N

"~~Navigable Waterway~~Navigable Waterway" means a waterbody that is capable of affording reasonable passage of floating vessels of any description for the purpose of transportation, recreation, or commerce considered navigable by law.

"~~Non-complying~~Non-complyingON-COMPLYING**"** means a Permitted ~~Use~~Use which does not comply with one or more provisions of this By-law for the ~~Zone~~Zone in which such ~~Building~~Building or ~~Structure~~Structure is located on the date of passing of this By-law or amendments thereto.

"~~Non-conforming~~Non-conformingON-CONFORMING**"** means a lawfully ~~Existing~~Existing ~~Use~~Use, ~~Building~~Building or ~~Structure~~Structure prohibited by this By-law in the ~~Zone~~Zone in which it is situate.

O

"~~Obnoxious Use~~Obnoxious Use" means a ~~use~~Use which, from its nature or operation, creates a nuisance or is liable to become a nuisance or offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust, contaminants or objectionable odours, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other material, but nothing herein shall be deemed to prohibit animal waste disposed of in accordance with normal farming practices and in accordance with the requirements of the Province.

"~~NON-FARM DWELLING~~" see "**~~DWELLING~~**".

"~~NURSERY~~" means the ~~Use of land, Buildings or Structures or part thereof where trees, shrubs, sod or plants are grown or stored for the purpose of transplanting, for Use as stocks for building or grafting or for the purpose of retail or wholesale, together with the sale of soil, planting materials, fertilizers and similar materials (including Outdoor Display and Open Storage) and may include the storage of necessary machinery and~~

~~vehicles used in connection with such business. Landscaping and gardening supplies may also be kept or be offered for sale or rent.~~

~~"NURSING HOME" as defined in The Nursing Homes Act, R.S.O. 1990, Chap. N.7, as amended, means any premises maintained and operated for Persons requiring nursing care or in which such care is provided to two (2) or more unrelated Persons, but does not include any premises falling under the jurisdiction of The Homes for the Aged and Rest Homes Act, R.S.O. 1990, Chap. H.13, as amended, the Private Hospitals Act, R.S.O. 1990, Chap. P.24, as amended and the Public Hospitals Act, R.S.O. 1990, Chap. P.40, as amended.~~

~~"NUTRIENT UNIT" means a measure based on nutrient quantities for comparing sizes of Livestock Facilities of differing Livestock types as listed in Appendix "A", Table 1. (B/L 19 of 2007)~~

~~"Occupancy~~**CUPANCY**~~" means to reside in as Owner or tenant on a permanent or temporary basis.~~

~~"OCCUPANT LOAD" as defined in the Ontario Building Code Act, R.S.O. 1990, Chap. B.13 as amended, means the number of Persons for which a Building, or part thereof, is designed.~~

~~"Office~~**FFICE**~~" means a Building or part thereof designed, intended or used for the practice of a profession, the carrying on of a business, and/or the conduct of public administration, but shall not include a Clinic.~~

~~"On-farm Diversified UseOn-farm Diversified Use" means uses that are secondary to the principal agricultural useAgricultural Use of the property and is limited in area.~~

~~"OPEN DRAINAGE DITCH" means a man made depression dug into the earth, with well defined banks and a bed at least 0.6 metres below the surrounding land, serving to give direction to a current of water.~~

~~"OPEN SPACE" means an unoccupied space open to the sky except such land as is used or required for parking purposes by this By-law, and shall include recreation facilities, landscaped areas, patios, and walkways.~~

~~"Open StorageOpen StorageOPEN STORAGE_" means the storage of goods, equipment, and materials outside of a buildingBuilding or structureStructure which are associated with the principal useUse on the lotLot, but shall not include a wrecking/salvage yardWrecking/salvage Yard. means the storage of goods, merchandise, or equipment outside of a Building or Structure on a Lot or portion thereof.~~

~~“Outdoor DisplayOutdoor Display~~**UTDOOR DISPLAY**” means an area located outside of a ~~buildingBuilding~~ or ~~structureStructure~~ used in conjunction with a business located on the same ~~lotLot~~, for the orderly display of completely assembled or finished products, merchandise, or equipment for sale or rental. ~~means an area set aside outside of a Building or Structure used in conjunction with a business located within the Building on the same property, for the display, rental and/or sale of goods, materials, vehicles or equipment.~~

P

~~“Park, PrivatePark, Private~~ means any open space or recreational area that is designed and/or maintained for active or passive recreational purposes and is not operated by a public authority.

~~“OWNER” means the Person who holds legal title to a piece of property or has an equitable interest in the same.~~

~~“PARK” means an area, consisting largely of Open Space, which may include a recreational area, playground, play field or similar Use, but shall not include a Mobile Home Park or Campground.~~

~~“PUBLIC PARKPark, PublicPark, Public” means any open space or recreational area owned or controlled by a public authority that is designed and/or maintained for active or passive recreational purposes, and which may include walking trails, swimming poolSwimming Pools, athletic fields, botanical gardens, skating rinks, tennis courts, refreshment stand, or similar uses. means a Park owned or controlled by the CorporationCorporation or by any Ministry, board, Commission or Authority established under any statute of Ontario or Canada.~~

d) ~~“PRIVATE PARK” means a Park other than a Public Park.~~

~~“PARK MODEL HOME” see “DWELLING”.~~

~~“Parking AreaParking Area~~**ARKING AREA**” means an area or ~~StructureStructure~~ provided for the parking of ~~Motor VehicleMotor Vehicles~~ and includes any related Aisles, ~~Parking SpaceParking Spaces~~ or driveways, accessible to or from a ~~StreetStreet~~ or ~~LaneLane~~ but shall not include any part of a ~~StreetStreet~~. This definition may include a ~~Private GaragePrivate Garage~~.

~~“Parking LotParking Lot~~**PARKING LOT**” means the principal ~~useUse~~ of a ~~lotLot~~ for the purposes of providing public ~~motor vehicleMotor Vehicle~~ parking, whether or not for gain or profit. ~~means any Parking Area that functions independently as a separate~~

~~operation such as a commercial or municipal lot and shall not include a Parking Area Accessory to a Permitted Use on the same Lot.~~

"~~Parking Space~~Parking SpacePARKING SPACE" means a portion of a ~~Parking Area~~Parking Area, exclusive of any Aisles or driveways, which may be used for the temporary parking or storage of a ~~Motor Vehicle~~Motor Vehicle, accessible from an ~~Aisle~~Aisle, ~~Street~~Street or ~~Lane~~Lane.

"~~PASTURE AREA~~" means ~~a contiguous area of land not less than 0.4 hectare in area, exclusive of Buildings, Structures, lawn, driveways and the like, which is available for the grazing of Livestock.~~

"~~PERMITTED~~" means ~~Permitted by this By-law.~~

"~~Person~~ERSON" means any human being, association, firm, partnership, ~~corporation~~Corporation, agent or trustee, and the heirs, executors or other legal representative or a ~~Person~~Person to whom the context can apply according to law.

"~~Personal Service Establishment~~Personal Service EstablishmentERSONAL SERVICE ESTABLISHMENT" means ~~an establishment or part thereof used in the provision of direct and consultative services for personal or household needs involving the care of person~~Person, pet, or apparel, or where servicing, repair and rental of personal articles, goods or material are conducted except those related to automotive, and may include, but is not limited to, a barber, hairdresser, beautician, body piercings, tailor, shoemaker, tanning salon, interior designer, event planning, photography studio, pet services, the repair of small appliances and the cleaning of apparel, and may only include retail as an ~~accessory~~Accessory useUse. ~~means a Building, or a part thereof, in which Persons are employed in furnishing services and otherwise administering to the individual and personal needs of Persons, and including premises such as, but not necessarily limited to, a barber, hairdresser, beautician, tailor, dressmaker, Laundromat, Dry Cleaning and laundry Depot, suntanning shop and a formal rentals shop but shall not include a body massage, body piercing, tattooing or Adult Entertainment Parlour. The sale of merchandise shall be Permitted only as an Accessory Use to the personal service provided.~~

"~~Petroleum Well~~Petroleum Well" means a hole drilled into a geological formation of Cambrian or more recent age for the purpose of oil or gas exploration or production, the storage of oil, gas or other hydrocarbons in a geological formation, the disposal of oil field fluid in a geological formation, solution mining or geological evaluation or testing, but does not include a hole where no oil or gas is encountered that is drilled for the production of fresh water. means a hole drilled into a geological formation of Cambrian or more recent age for the purpose of oil or gas exploration or production, the storage of oil, gas or other hydrocarbons in a geological formation, the disposal of oil field fluid in a geological formation, solution mining or geological evaluation or testing, but does not

include a hole where no oil or gas is encountered that is drilled for the production of fresh water.

"~~Petroleum Work~~Petroleum Work" means a pipeline or other ~~Structure~~Structure or equipment that is used in association with a ~~Petroleum Well~~Petroleum Well. means a pipeline or other ~~Structure~~Structure or equipment that is used in association with a ~~Petroleum Well~~Petroleum Well.

"~~Place of Entertainment~~Place Of EntertainmentLACE OF ENTERTAINMENT" means ~~premises~~Premises used to provide entertainment, amusement, social, and/or leisure time activities to the public, such as a theatre, concert hall, billiard hall, indoor miniature golf, axe throwing, escape room, video game arcade, or similar type of uses, and which may include the incidental preparation and sales of food and beverages on the ~~premises~~Premises, but does not include gambling establishments or an adult ~~entertainment establishment~~means a motion picture or other Theatre, Auditorium, billiard or pool room, bowling alley, ice or roller skating rink, or dance hall, but does not include any other place of entertainment or recreation otherwise defined or classified in this By-law.

"~~Place of Worship~~Place Of Worship" means the ~~use~~Use of lands and/or ~~buildings~~Buildings for the practice of religion and faith-based spiritual purposes wherein people assemble for religious worship, faith-based teaching, fellowship and community social outreach, and may include ~~accessory~~Accessory uses such as a place of assembly, day nursey, associated religious school, convent, parish hall and/or manse, if the manse is located on the same ~~lot~~Lot as the ~~place of worship~~Place Of Worship.

"~~Planting Strip~~Planting StripLANTING STRIP" means an area used exclusively for landscaping and can be crossed by driveways and walkways accessing a ~~lot~~Lot from the ~~street~~Street. means an area which shall be used and maintained for no purpose other than planting a continuous unpierced hedgerow of evergreens or shrubs. The hedgerow may be adjacent to the Lot Line or portion thereof for which such Planting Strip is required. The remainder of the Planting Strip shall be used for no purpose other than planting shrubs, flowers, grass or similar vegetation.

"~~PLANTING STRIP WIDTH~~" means the least horizontal dimension of a Planting Strip measured perpendicularly to the Lot Line adjoining such Planting Strip.

"~~Porch~~ORCH" means a covered ~~accessory~~Accessory platform ~~structure~~Structure that is enclosed or unenclosed with direct access to the ground that is ~~attached~~Attached to a ~~dwelling~~Dwelling. means a covered entrance, either enclosed or unenclosed, to a Building.

"Portable Asphalt or Concrete Plant~~ORTABLE ASPHALT PLANT~~" means a ~~building~~Building or structure~~Structure a building~~Building or structure~~Structure:~~ means a temporary asphalt ~~batching plant~~ established for a public Road project.

- a) with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process; or
- b) with equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process; and,
- c) which is not of permanent construction, but which is to be dismantled at the completion of the construction project.

"Premises~~Premises~~" means the whole or part of lands, ~~buildings~~Buildings or structures~~Structures~~, or any combination of these.

"POULTRY PROCESSING PLANT" ~~means the Use of a Building or Structure for the slaughtering, processing, manufacturing, or packaging of poultry or poultry products and may include as an Accessory Use the wholesale or retail sale of poultry or poultry products.~~

"~~Printing and Publishing Establishment~~Printing And Publishing Establishment~~RINTING ESTABLISHMENT~~" means ~~premises~~Premises used for the primary purpose of printing, engraving, lithographing, duplicating, or publishing. ~~means an establishment used for the blueprinting, engraving, stereotyping, electro-typing, printing or typesetting, and shall include a Duplicating Shop and a letter shop.~~

"~~Private Club~~Private Club~~RIVATE CLUB~~" means a ~~lot~~Lot, ~~building~~Building, or ~~structure~~Structure, or part thereof, used as a meeting place for athletic, social, community, or recreational functions carried out by a private organization solely for its members and their guests. ~~means a Building or part of a Building used as a meeting place for members of a chartered organization and shall include a lodge, a fraternity or sorority house, and a labour union hall.~~

"~~Private Garage~~Private Garage~~RIVATE GARAGE~~" means an ~~accessory~~Accessory ~~building~~Building or part of a ~~building~~Building which is fully enclosed and used for the parking and storage of a ~~motor vehicle, commercial~~Motor Vehicle, Commercial vehicle, and/or recreational vehicle~~Recreational Vehicle~~, but shall not include a ~~carport~~Carport or other open shelter. ~~means an Accessory Building or Structure, Attached to or Detached from a Dwelling, which is used for the sheltering of Permitted Motor Vehicles and storage of household equipment incidental to the residential Occupancy and in~~

~~which there are no facilities for the repairing or servicing of vehicles for gain or profit. This definition may include a Carport or other open shelter.~~

“Private Home Day CarePrivate Home Day Care” means a home-based occupation where temporary care, guidance, and/or supervision is provided for up to five children or five adults for a continuous period not exceeding twenty-four hours, but which does not provide overnight accommodation for those being cared for.

“PROCESSED GOODS INDUSTRY” means a ~~Building~~ or part thereof used by textiles, leather and rubber industries; plastics and synthetic resins industries; paper and wood products industries; metal products industries; oil and coal by products industries; chemical products industries; and non-metallic products industries. Processed Goods Industries exclude pulp and paper industries and primary metal industries.

“Propane Transfer FacilityPropane Transfer FacilityROPANE TRANSFER FACILITY” means a facility for the storage or transfer of propane, but does not include the retail sale of propane to the public. ~~means a facility at a fixed location having not more than one (1) storage container and such container shall not have an aggregate propane storage capacity in excess of 50,000 litres.~~

“PUBLIC RECREATIONAL USE” means the ~~Use of land, water and/or Buildings for the purpose of Passive and Active Recreation, as defined in this By-law, owned or controlled by the Corporation or by any Ministry, board, Commission or Authority established under any Statute of Ontario or Canada.~~

“Public UsePublic UseUB_LIC USE, NON-RECREATIONAL” means the ~~useUse of a lotLot, buildingBuilding, or structureStructure by, or on behalf of, a public authority to provide a service to the public.means a Building, Structure or Lot used for public services by the Corporation or the County, any local board of either the Corporation or the County, a Conservation Authority established by the Government of Ontario, or any Ministry or Commission of the Government of Ontario or Canada.~~

“Public GaragePublic GarageUBLIC GARAGE” means a Non-Recreational ~~Public UsePublic Use~~ where publicly owned ~~Motor VehicleMotor Vehicles~~ such as road maintenance equipment are stored, repaired and/or maintained.

“PUBLIC UTILITYPublic UtilityPublic Utility” means any water works, gas works, electric heat, light or power works, telegraph or telephone lines and works for the transmission of gas, oil, water or electrical power or energy or any similar works supplying the general public with necessities or conveniences. This definition excludes any processing, manufacturing, generation or like facility or process as well as any site where on-site personnel are employed on a regular basis. (B/L 107/2010)

Q

"Quarry" means the use of land as licensed by the *Aggregate Resources Act*, where consolidated aggregate 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. ~~means the Licensed Use of land or land under water from which unconsolidated aggregate is being or has been excavated by means of an open excavation to supply material for construction, industrial or manufacturing purposes, and that has not been rehabilitated and may include an Aggregate Storage Area, but does not mean land or land under water excavated for a Building or Structure on the excavation site, and does not include a Wayside Quarry.~~

R

"Recreational Establishment" means premises operated for the purpose of indoor or outdoor physical sporting and recreational activities, such as a pool hall, bowling alley, paintball facility, gym or fitness centre, health spa, skating rink and other similar sporting activities, but does not include any other use otherwise classified or defined herein.

"Recreational Use, Active" means the use of land for public parks or private parks, playgrounds, tennis courts, basketball courts, lawn bowling greens, indoor and outdoor skating rinks, athletic fields, picnic areas, swimming pools and similar uses, together with necessary and accessory buildings and structures which may include a refreshment booth and pavilion. ~~means the Use of land, water and/or Building for the purpose of organized active leisure activities requiring the erection of Buildings or the alteration of topography and shall include an arena, a sports field, and a Golf Course.~~

"Recreational Use, Passive" means recreational uses that have minimal impact on the natural environment and require minimum facilities, development, or alteration of the environment, including but not limited to, nature observation, walking trails, hiking, canoeing, or kayaking.

"Recreational Vehicle" means a motor vehicle designed to provide temporary living, sleeping, or eating accommodation for travel, vacation, seasonal camping, or recreational use and designed to be driven, towed, transported or relocated from time to time, whether or not the vehicle is jacked up or its running gear is removed, and with a size as defined by the Canadian Standards Association (CSA), and may also include a truck camper, tent trailer, travel

trailer, fifth-wheel trailer, and park model trailer and motorized recreation equipment, including a snowmobile, and an off-road vehicle.

"Recreational Vehicle Sales and Service EstablishmentRecreational Vehicle Sales And Service Establishment" means premisesPremises used for the sale, display, or service of recreational vehicleRecreational Vehicles and, notwithstanding the definition of a recreational vehicleRecreational Vehicle, may also include the sale and service of trailers.

"RECREATION, COMMERCIAL" means the commercial Use of land and/or Buildings for the purpose of recreation but shall not include a Place of Entertainment.

"RECREATION, PASSIVE" means the Use of land and/or water for the purpose of passive leisure activity and shall include a Park, a garden, a picnic area and the like, as well as a play lot with activity equipment for children.

"RENOVATION" means the replacement, repair and restoration of land, Building or Structure to good condition but shall not include its Replacement.

"REPAIR AND RENTAL ESTABLISHMENT" means a business engaged in maintaining, repairing, installing and renting articles and equipment for household, personal, construction and Industrial Use such as: radios and television; refrigerators and air conditioners; appliances; watches, clocks and jewelry; upholstery and furniture repair; and power tools, mobile construction equipment and moving equipment, for which Open Storage is Permitted. This does not include any other Use specifically referred to or defined in this By-law.

"REPLACEMENT" when used in reference to a Building or Structure or part thereof, means the removal and rebuilding, repairing or restoring of more than 25% of the total Building or Structure as it Existed on the date of passing of this By-law and shall include any Structural Alteration except that which is necessary to integrate the supporting elements of an Existing Building or Structure with those of an addition.

"Research and Development FacilityResearch And Development FacilityESEARCH AND DEVELOPMENT ESTABLISHMENT" means premisesPremises used for the purpose of conducting scientific and technological research, experimentation, development, testing, and/or the creation of advanced technology products, services, systems, processes, and/or prototyping. means a Building or part thereof used by raw material development and testing firms; processed products development and testing firms; and chemical and biological products development and testing firms.

"RESOURCE EXTRACTION" means the Use of land for the drilling, production from the ground, and storage of, natural gas, brine or salt but excluding the refining of said products. This is separate from Petroleum Well as defined herein.

"Restaurant~~ESTAURANT~~" means a ~~building~~Building or part thereof where food is prepared and offered for sale to the public for consumption on-site or off the ~~premises~~Premises and may include an outdoor patio area as an ~~accessory~~Accessory ~~use~~Use. ~~means a Building or part of a Building where food is prepared and offered or kept for retail sale to the public for consumption either on or off the premises and includes such Uses as a cafe, cafeteria, ice cream parlour, tea or lunch room, dairy bar, donut shop, coffee shop, snack bar or refreshment room or stand. This definition shall not include a Drive-In Restaurant.~~

"RESTAURANT, DRIVE-IN" ~~means an establishment where food is offered for sale or sold to the public for consumption, such establishment being designed for consumption of the food within a Motor Vehicle parked in a Permitted Parking Space on the premises of the establishment.~~

"RESTAURANT, DRIVE THROUGH SERVICE FACILITY" ~~means an element of a Restaurant Use associated with ordering and serving food and beverages to patrons where they remain within a Motor Vehicle, and includes any associated speaker system and order board.~~

"REST HOME" ~~means a Home for the Aged, which is also administered by a committee of management.~~

"Retail Store~~Retail Store~~**ETAIL STORE**" means a ~~Building~~Building or part of a ~~Building~~Building in which goods, wares, merchandise, substances, articles or things are offered or kept for retail sale to the public and shall include a grocery store.

"Retail Warehouse~~Retail Warehouse~~**ETAIL WAREHOUSE**" means a ~~Building~~Building or part of a ~~Building~~Building used for the storage and display of goods, merchandise, or materials and may include the carrying out of commercial transactions involving the sale of such goods, merchandise or materials by retail sale to the general public, but shall not include a grocery store or any other ~~Use~~Use defined in specific terms herein.

"Retirement Home~~Retirement Home~~" means ~~premises~~Premises ~~used for semi-independent living accommodation for primarily senior citizens containing a common dining area, and may include a common lounge, recreational room, and medical care facilities.~~

"Riding Stable or Equestrian~~Riding Stable Or Equestrian~~**IDING SCHOOL**" means ~~premises~~Premises ~~used for the boarding and exercising of horses, the training of horses and riders, and the staging of equestrian events, but shall not include the racing of horses. means the commercial Use of land and buildings for the instruction of Persons in the manner of riding horses and may include the boarding or stabling of horses.~~

S

"RIGHT-OF-WAY" means:

- a) a right enjoyed by a Person of passing over another Person's land subject to such conditions and restrictions as are specified by grant, sanctioned by custom or by whatever other means, by virtue of which the right exists, and/or;
- b) a term commonly applied to a more or less uniform strip of land used for the purposes of constructing a highway, railway, pipe line, telephone or power transmission line, etc.

"ROAD" means a Street as defined in this By-law.

"SALVAGE YARD" means a Lot, Building or Structure used for the wrecking, dismantling, storing, Open Storage or selling of second hand goods, wares or materials including, but not so as to limit the generality of the foregoing, rags, bottles, metals, clothing, furniture, paper, machinery, building materials and vehicles and parts thereof. This definition shall exclude a Motor Vehicle Wrecking Establishment.

"SANITARY SEWER" shall mean a system of underground conduits operated by the Corporation, another municipality or by the Ministry of the Environment, which carries sewage to a sewage treatment facility.

"SawmillAWMILL" means premisesPremises used for processing timber into lumber and related products, which may include the operation of machinery such as saws and planers. means the Use of land, Buildings or Structures for the purpose of processing logs or other unfinished wood into lumber, shingles, pallets, sawdust, firewood or related products, and may include Open Storage of such products.

"School, CommercialSchool, Commercial" means a school operated by an individual or company for gain or profit, providing instruction or training in a specific trade, skill, vocation, service, or for general learning, such as academics, arts, motor vehicleMotor Vehicle driving, language, modelling, business or trade, and any other such specialized school conducted for gain.

"School, PrivateSchool, Private" means a school other than a public school or commercial school.

"School, PublicSchool, PublicCHOOL" means a public or separate school, a high school, a continuation school, a technical school, a collececollege or university or any other school established and maintained by a public authority. means an elementary or

~~secondary School under the jurisdiction of a public or separate, English language or French language board, a School operated on a non-profit basis and under charter granted by the Province of Ontario, or a private School.~~

"Service and Repair Shop, HeavyService And Repair Shop, Heavy" means ~~premises~~Premises used for the servicing, repair, or renting of major construction and industrial articles, appliances, and equipment, such as but not limited to heating/cooling systems, farm equipment, power tools, mobile construction equipment, and moving equipment, and includes a service shop, light.

"SEASONAL HOUSING" see **"DWELLING"**. (B/L 107/2010)

"SEMI-DETACHED DWELLING" see **"DWELLING"**.

"Service and Repair Shop, LightService And Repair Shop, LightSERVICE AND REPAIR SHOP" means ~~premises~~Premises used for the servicing or repair of personal and/or household articles, appliances, and equipment, but shall not include operations related to ~~motor vehicle~~Motor Vehicles and heavy equipment. ~~means an establishment wherein articles of goods such as appliances, furniture or similar items may be repaired or serviced. This definition shall not include any manufacturing operation or establishment used for the service or repair of Motor Vehicle s.~~

"Service TradeService TradeERVICE TRADE" means the ~~use~~Use of lands, ~~buildings~~Buildings, or ~~structures~~Structures, or portion thereof, other than an auto-oriented ~~use~~Use and a contractor facility, associated with the provision of a service or trade, including a plumber's shop, roofing company, a painter's shop, a courier service, a carpenter's shop, an electrician's shop, or other similar uses. ~~means an establishment, other than an Motor Vehicle Use, that provides a non-personal service or craft to the public, including, but not necessarily restricted to, a printer's shop, a tinsmith's shop, a plumber's shop, a painter's shop, a merchandise service shop, a furrier's shop, an upholsterer's shop, a Bakery, a catering establishment, a Machine Shop, or a monument engraving shop.~~

"SetbackETBACK" means the minimum horizontal distance between a ~~Lot~~Lot Line and the nearest part of the foundation or Main Wall, whichever is nearer, of any ~~Building~~Building or ~~Structure~~Structure on the ~~Lot~~Lot or the nearest ~~Open Storage~~Open Storage or ~~Outdoor Display~~Outdoor Display Use on the ~~Lot~~Lot.

"Shopping CentreShopping CentreHOPPING CENTRE" means a group of ~~commercial use~~Commercial Uses with at least three (3) individual business establishments designed and developed to be a single comprehensive planned development. ~~means a group of commercial establishments related in locations, size, and type to the trade or residential area it serves and conceived, designed, developed~~

~~and managed as an interdependent and interrelated unit whether by a single Owner or tenant or by a group of Owners or tenants, acting in collaboration.~~

"Short-Term Rental" means all or part of a legally established ~~Dwelling~~Dwelling that operates or offers a place of temporary residence, lodging or ~~occupancy~~Occupancy by way of a rental agreement or similar commercial transaction for a period of less than twenty-eight (28) consecutive nights throughout all or any part of a calendar year, but does not include a ~~bed and breakfast establishment~~Bed And Breakfast Establishment, ~~motel~~Motel, ~~hotel~~Hotel, ~~hospital~~Hospital, ~~campground~~Campground, couch surfing, or other short-term accommodations where there is no payment.

"Short Term Rental, Dedicated" means a Short-Term Rental other than a Primary Residence Short-Term Rental."

"Short-Term Rental, Pre-existingExisting" means a lawfully ~~existing~~Existing Short-Term Rental whose ~~use~~Use as a Short-Term Rental is prohibited as of the date of passing of Zoning By-Law 121 of 2023 but permitted though ~~S~~section 34(9) of the Planning Act.

"Short-Term Rental, Pre-existingExisting Licence" means the certificate issued under By-law 116 of 2023."

"Short-Term Rental, Primary Residence" means a Short-Term Rental being offered in a ~~Dwelling~~Dwelling where the Primary Resident is permanently residing while the ~~Premises~~Premises is being Used or operated as a Short-Term Rental, or an ~~Accessory~~Accessory Second ~~Dwelling~~Dwelling on the same property as a ~~Dwelling~~Dwelling where the Primary Resident is permanently residing while the ~~Premises~~Premises is being Used or operated as a Short-Term Rental.

"Sight TriangleSight TriangleIGHT TRIANGLE" means the triangular space formed by the ~~Street Line~~Street Lines of a Corner ~~Lot~~Lot and a line drawn from a point in one ~~Street Line~~Street Line to a point in the other ~~Street Line~~Street Line, each such point being a minimum distance specified in **Section 3.3316.4** of this By-law from the point of intersection of the ~~Street Line~~Street Lines (measured along the ~~Street Line~~Street Lines). Where the two ~~Street Line~~Street Lines do not intersect at a point, the point of intersection of the ~~Street Line~~Street Lines shall be deemed to be the intersection of the projection of the ~~Street Line~~Street Lines or the intersection of the tangents to the ~~Street Line~~Street Lines.

"SignIGN" means a name, identification, description, device, display or illustration which is affixed to or represented directly or indirectly upon a ~~Building~~Building, ~~Structure~~Structure or ~~Lot~~Lot which directs attention to an object, product, place, activity, ~~Person~~Person, institute, organization or business.

Solar Energy Facility means a device or structural design feature which provides for the collection, storage, and distribution of solar energy for space heating or cooling, electrical generation, or water heating.

Special Residential Use means any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living. Child and adult day care facilities are not special needs housing.

SINGLE DETACHED DWELLING see **DWELLING**.

Stable Slope means the plane projecting landward from the toe of an embankment at a 3:1 (run to rise) ratio (30° angle) and terminating either at the **finished grade** of the land located above such embankment or at a horizontal plane, which is equal to the elevation of the **finished grade** of the land located above such embankment, and shall include any portion of a **Lot** located vertically above such plane.

Stock Yard means the use of land, buildings or structures for the temporary containment of livestock. **TOCK YARD** means the Use of land, a Building or a Structure for the temporary containment of Livestock, for a maximum of seven (7) days.

STORAGE DEPOT means an area including reservoir, silo and tank storage; hangers; open air parking; and **Open Storage**. Storage Depots exclude Salvage Yards, Resource Extraction operations, and Wayside Pits.

Storey means that portion of a **Building**, other than an **Attic** or **basement** included between any floor level and the floor, ceiling or roof next above it. shall mean the portion of a Building, other than an Attic, Cellar or Basement, included between any floor level and the floor, ceiling or Attic above it. Any loft or mezzanine greater than 50% of the Ground Floor Area of the floor below shall be considered a separate Storey.

Storey, First means the **storey** that has its floor closest to the **finished grade** and its ceiling 1.82 m or more above the **finished grade**. means a Building having one Storey and no loft, mezzanine or partial floor whatsoever.

Storey, One-half means a portion of a **Building** situated wholly or partly within the roof and in which there is sufficient space to provide a **height** between finished floor and finished ceiling of at least 2.29 metres over a floor area equal to at least 50% of the area of the floor next

~~below. means a BuildingBuilding having a loft or mezzanine not exceeding 50% of the Ground Floor Area of the floor below.~~

~~"TWO STOREY" means a Building with two Storeys.~~

~~"STORM SEWER" means a pipe located entirely within the ground and designed, used, or intended for Use for the conveyance of precipitation.~~

~~"StreetTREET" means any public thoroughfare, other than a laneLane, which is maintained by a public authority and shall include a streetStreet on a registered plan of subdivision, where the streetStreet has not yet been assumed by the MunicipalityMunicipality but is being maintained pursuant to a subdivision agreement, or any other type of agreement, pursuant to applicable legislation. means a public thoroughfare intended for vehicular traffic and which is under the jurisdiction of either the Corporation, the County or the Province of Ontario. This definition shall not include any Lane or private Right of Way. "STREET ALLOWANCE" shall have a corresponding meaning.~~

~~"Street, PrivateStreet, Private" means a private right-of-way that is used by vehicles but is not owned by the MunicipalityMunicipality or any other public authority, which includes a right-of-way maintained by a corporationCorporation created pursuant to the provisions of the Condominium Act.~~

~~"STREET ACCESS" means, when referring to a Lot, that such Lot has a Lot Line or portion thereof which is also a Street Line.~~

~~"Street LineStreet LineTREET LINE" means the limit of the StreetStreet Allowance and is the dividing line between a LotLot and a StreetStreet.~~

~~"STREET TOWNHOUSE" see "DWELLING".~~

~~"STRUCTURAL ALTERATION" means the construction or reconstruction of supporting elements of a Building or other Structure. Repairs, maintenance or installations that Alter the size of the Building or involve the rearrangement or replacement of structural supporting elements are considered Structural Alterations. Structural elements include the foundation, floor joists, exterior walls, weight bearing walls and trusses.~~

~~"StructureTRUCTURE" means anything that is erected, built, or constructed of parts joined together with a fixed location on the ground, or attachedAttached to something having a fixed location on the ground, but for the purpose this by-law, shall not include minor structuresStructures associated with landscaping such as free-standing walls, fences, signs, satellite dishes, and flag poles. means anything that is Erected, built or constructed of parts joined together or requiring a foundation to hold it erect, but shall not include free standing walls and fences.~~

~~"Swimming PoolSwimming Pool"~~ **WIMMING POOL, PRIVATE** means an in-ground or above-ground outdoor ~~structureStructure~~ which creates an artificial body of water and used for swimming or leisure activities such as wading, diving, or bathing, but shall not include stormwater management facilities or ponds. ~~means a Structure located on privately owned property, used and maintained for the purpose of swimming or wading. Private Swimming Pools shall be subject to the provisions of Section 3.3.4 of this By-law.~~

I

"TavernAVERN" means a Licensed establishment where alcoholic beverages are sold to be consumed on the ~~premisesPremises~~ and may or may not include the preparation and sale of food to the public for consumption on the ~~premisesPremises~~.

"TEMPORARY BUILDING" ~~means a Building or Structure intended for removal or demolition within a prescribed time not exceeding two (2) years as set out in a Building permit.~~

"TERMINAL GRAIN ELEVATOR" ~~means an establishment for the storing, receiving, shipping of grain and similar Agricultural products, and includes associated Offices, weigh scales, and Accessory Uses.~~

"TheaterHEATRE" means ~~premisesPremises~~ intended for the production and viewing of the performing arts or the screening and viewing of motion pictures, and consisting of an auditorium with permanently fixed seats intended solely for a viewing audience, and may include ~~accessoryAccessory~~ uses such as the serving of food and alcoholic beverages or an arcade. ~~means a Building, or part thereof, used for the presentation of the performing arts.~~

"TILLABLE HECTARES" means the total area of land including pasture that can be worked or cultivated.

"TIRE DISPOSAL SITE" ~~shall mean the Use of any land, Building or Structure for the receiving and permanent storage of used tires and shall include any Lot on which five thousand (5000) or more tires are stored.~~

"Top-of-bankTop-of-bankOP-OF-BANK" means, when used with reference to a watercourse, the highest elevation of land which ordinarily confines the waters of such watercourse when they rise out of the stream bed and/or the highest point of a ~~stable slopeStable Slope~~ associated with valley corridors containing a river or stream channel, as determined by the ~~ConservationConservation~~ Authority. ~~means a line delineated at a~~

~~point where the oblique plane of the slope associated with a Watercourse, meets the horizontal plane.~~

~~"Tourist Information CentreTourist Information CentreOURIST CENTRE" means premises~~Premises used for providing tourism or promotional information to the traveling public, including virtual information kiosks. means any land, Buildings or Structures used for the purpose of providing tourist information and activities to the travelling public.

~~"TOWNHOUSE" see "DWELLING".~~

~~"TRANSMISSION TOWER" means a Structure situated in a non-Residential Zone that is intended for transmitting or receiving television, radio, telephone or other communications signals, but shall not include an Antenna.~~

~~"TRAVEL TRAILER" means a vehicle designed, intended and used exclusively for travel, recreation and vacation and which is either capable of being drawn by a passenger Motor Vehicle or is self-propelled, notwithstanding that such Travel Trailer is jacked up or that its running gear is removed, and shall include tent trailers, vans, Motor Homes and similar transportable accommodation excepting a Single or Double Wide Mobile Home.~~

~~"TRAVEL TRAILER SALES ESTABLISHMENT" means land and/or Buildings used for the Outdoor Display for sale of Travel Trailers and includes the servicing, repair, cleaning, polishing and greasing of such vehicles and the sale of accessories and related products and the leasing or renting of such vehicles, but does not include a Motor Vehicle Sales Establishment as defined in this By-law.~~

~~"TRIPLEX DWELLING" see "DWELLING".~~

~~"Transportation TerminalRUCK STOP" means premises~~Premises used for storing, parking, dispatching, or loading of trucks, transport trailers, buses, and other similar commercial vehicles, and may include accessoryAccessory servicing or repair within an enclosed buildingBuilding, and accessoryAccessory uses such as a canteen, officeOffice, and overnight accommodation facilities. means the Use of any land, Buildings or Structures upon which a business, service or industry involving the maintenance, servicing, storage or repair of Commercial Motor Vehicles is conducted or rendered including the dispensing of motor fuel or petroleum products directly into Motor Vehicles, the sale of accessories or equipment for trucks and similar Commercial Motor Vehicles. A Truck Stop may also include overnight accommodation, laundry and shower facilities for the Use of truck crews, and Restaurant facilities.

~~"Type A Land Uses~~Type A Land Uses" include Industrial (excluding M4 ZonesZones), Rural Commercial C3 ZonesZones) and Passive Recreation Uses and/or

~~Zones~~Zones Permitting such Uses and shall also include retail and ~~office~~Office areas associated with a Nursery or ~~Commercial Greenhouse~~Commercial Greenhouse. (B/L 107/2010) For the purposes of MDS I a ~~dwelling~~Dwelling or up to three new non-Agricultural Lots are also ~~Type A Land Uses~~Type A Land Uses. For the purposes of MDS II, Dwellings and residential Uses not recognized as residential areas in the Town Official Plan, or Cemeteries located in an Agricultural ~~Zone~~Zone are also ~~Type A Land Uses~~Type A Land Uses. (B/L 19 of 2007)

~~“Type B Land Uses~~Type B Land Uses” include Institutional, Active Recreation and Commercial (excluding C3 ~~Zones~~Zones) Uses and/or ~~Zones~~Zones Permitting such Uses. For the purposes of MDS I, Cemeteries, a ~~Building~~Building with three or more ~~Dwelling Unit~~Dwelling Units, expansion of a settlement are, more than three new non-Agricultural Lots, ~~Zones~~Zones for residential ~~Use~~Use, or a consent that would result in four contiguous residential Lots are also ~~Type B Land Uses~~Type B Land Uses. For the purposes of MDS II, Cemeteries not in an Agricultural ~~Zone~~Zone and areas specifically designated in the Town Official Plan as residential or settlement areas are also ~~Type B Land Uses~~Type B Land Uses. (B/L 19 of 2007)

U

~~“TRUCK TRANSPORT TERMINAL” means a Building, Structure, or Lot used for the Open Storage, repairing, or dispatching of Commercial Motor Vehicles or trailers and may include a Bonded Warehouse.~~

~~“UseSE”~~ where it appears as a noun, means the purpose for which a ~~Lot~~Lot, ~~Building~~Building or ~~Structure~~Structure, or any combination thereof is designed, arranged, occupied or maintained. ~~“USES” shall have a corresponding meaning.~~

~~“Utility Service Building~~Utility Service Building~~TILITY SERVICE BUILDING”~~ means a ~~Building~~Building used in connection with the supplying of Public Utilities including a water and sewage pumping station, a water storage reservoir, a gas regulator ~~Building~~Building, a hydro sub-station, a telephone exchange ~~Building~~Building or similar ~~Buildings~~Buildings.

V

~~“Value-retaining Agricultural Use~~Value-retaining Agricultural Use” means a useUse that serves to maintain the quality of agricultural commodities (i.e., prevent spoilage) including, but not limited to, egg-grading, bagging, packaging, bundling, washing, cutting, refrigeration, and freezing, to ensure they remain saleable, or that

provides a minimum amount of processing to make the agricultural commodities produced on that farm saleable.

"Value-added BusinessValue-added Business"VALUE ADDED INDUSTRY" means an accessoryAccessory useUse to the primary agricultural-useAgricultural Use(s) on the lotLot involving Vvalue-Aadded agricultural-useAgricultural Uses such as processing and/or marketing of commodities and by-products of the main agricultural operations, as well as the retail sale of the value-added products produced on-site. means a business or activity carried out on an Agricultural Lot by Persons residing on the Lot. Such business or activity adds value or further processes a commodity or by-product produced by the main Agricultural Operation or uses such as the primary ingredient or material in a product produced on the site. It shall not include any processes or materials with significantly greater potential to cause site contamination than normal Agricultural activities. (B/L 107/2010)

W

"WALL, MAIN" means an outside wall of a Building which supports a roof and shall include a wall under a gable end.

"WarehouseAREHOUSE" means a buildingBuilding used for the storage and distribution of goods and equipment, and may include the wholesale of products as an accessoryAccessory useUse. means a Building or Structure or part thereof used or intended to be used for the storage and display of goods, merchandise or materials, and may include the carrying out of commercial transactions involving the sale of such goods, merchandise and materials solely by wholesale.

"WAREHOUSE, BONDED" means a Warehouse, certified by the Federal government and guaranteed by a bonding agency, where goods may be stored until duties or taxes are paid.

"Waste Disposal SiteWaste Disposal SiteASTE DISPOSAL SITE" means premisesPremises operated by a public authority or authorized by the Ministry of Environment, where residential, commercial, or industrial waste is disposed of or dumped, and includes a landfill, waste transfer station, recycling facility, processing facility, and sewage treatment plant. means any land upon, into, in or through which, or Building or Structure in which, waste is deposited, disposed of, handled, stored, transferred, treated or processed, and any operation carried out or machinery or equipment used in connection with such depositing, disposal, handling, storage, transfer, treatment or processing. Waste includes ashes, garbage, refuse, domestic waste, industrial waste or municipal refuse.

~~“WATERCOURSE” means any natural or artificial stream, river, creek, ditch, including an Open Drainage Ditch, channel, canal, culvert, drain, gully or ravine in which water flows in a definite direction or course, either continuously or intermittently, and has a definite channel, bed and banks and includes any area adjacent thereto subject to inundation by reason of flood water and shall include Lake Huron.~~

~~“Wayside Pit or Wayside Quarry”~~Wayside Pit Or Wayside Quarry~~AYSIDE PIT” OR “WAYSIDE QUARRY”~~ means a temporary pit or Quarry opened and used by a public Road authority solely for the purpose of a particular project or contract of Road construction and not located on the Road Right-of-Way.

~~“Wholesale Establishment”~~Wholesale Establishment~~HOLESale ESTABLISHMENT”~~ means premises used for the purpose of selling goods, wares, or merchandise to retailers or other business users, including other wholesalers, or for acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or businesses, but shall not include direct wholesale or retail sales to the public. ~~means any establishment that sells merchandise to others for resale and/or to industrial or commercial use.~~rs.

~~“Wind Farm”~~Wind Farm~~IND FARM”~~ means a development of two or more wind turbine on one or more lots, together with any appurtenances, electrical transmission infrastructure and accessory facilities, intended to provide electricity off-site for sale to an electrical utility, or other intermediaries. ~~means a Lot having Wind Turbines located thereon that meet the criteria for defining a Lot as a Wind Farm under Sections 3.31.1 i) and j).~~ (B/L 104/07)

~~“Wind Turbine”~~Wind Turbine~~IND TURBINE”~~ means a structure including a tower, nacelle, blades, internal transformers and related appurtenances which is designed to convert wind into useable energy for the purpose of inclusion into the electrical grid system or an electrical grid system operated by Ontario Power Authority. ~~means a tubular or latticed, guyed or freestanding tower having located thereon a generator, which converts wind energy into electricity. A wind turbine, tower, foundation and any appurtenances are manufactured and erected with consideration for site soil conditions and in accordance with CSA standards, engineered design and/or applicable industry standards. This definition shall include Structures Accessory thereto.~~ (B/L 104/07)

~~“Wind Turbine, Accessory”~~Wind Turbine, Accessory~~IND TURBINE, ACCESSORY”~~ means a Wind Turbine that produces electricity primarily for use on the Lot on which it is located or to produce credits for use on another Lot under the same ownership as the Wind Turbine operator. Although it may be connected to the utility grid and/or practice net metering, it does not produce electricity for sale to the utility grid. (B/L 104/07)

"Winery" means the use of land, buildings or structures for manufacturing and sale of wines which may include tasting and dining facilities and the retail sale of related items.

"Wrecking/Salvage Yard" means premises where vehicles, farm implements, building products, scrap material, and other goods which are used, worn out, cast, or discarded, are dismantled, crushed, condensed, and/or stored for the purpose of reclamation, recycling, reuse, or consignment.

Y

"WIND TURBINE, COMMERCIAL" means a Wind Turbine that produces electricity primarily for profit by sale to the utility grid. (B/L 104/07)

"WIND TURBINE, DERELICT" means a Wind Turbine that is no longer operable; exhibits signs of compromised structural integrity; has rusted, missing or damaged parts; has not been operated for a period of one year or more; is no longer fit to produce electricity; or no longer meets applicable safety standards. (B/L 104/2007)

"Yard" means an open, uncovered space on a lot appurtenant to a building and unoccupied by buildings or structures, except as specifically permitted elsewhere in this by-law, and shall be determined through the use of the minimum horizontal distance from the respective lot lines. ~~means a space, appurtenant to a Building or Structure, located on the same Lot as the Building or Structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such Accessory Buildings, Structures or Uses as are specifically Permitted elsewhere in this By-law.~~

- a) **"Yard, Front"** ~~**"Yard, Front"**~~ **FRONT YARD** means a yard extending across the full width of a lot between the front lot line and the nearest building line of any building or structure on the lot, with the minimum Front yard meaning the minimum depth of a Front yard on a lot between the front lot line and the nearest building line of any Main building or structure on the lot. ~~means a Yard extending across the full width of the Lot between the Front Lot Line of the Lot and the foundation of any Main Building on the Lot.~~ **"FRONT YARD DEPTH"** means the least horizontal dimension between the Front Lot Line of the Lot and the foundation of any Building or Structure on the Lot, or the nearest Open Storage or Outdoor Display Use on the Lot.

a)-

b) ~~"Yard, Rear Yard, Rear~~**REAR YARD**~~" means a yard~~ extending across the full width of a lot between the rear lot line and the nearest building line of any building or structure on the lot, with the minimum Rear yard meaning the minimum depth of a Rear yard on a lot between the rear lot line and the nearest building line of any Main building or structure on the lot. ~~" means a Yard extending across the full width of the Lot between the Rear Lot Line of the Lot and the foundation of any Main Building on the Lot. If there is no Rear Lot Line, there shall be deemed to be no Rear Yard."~~**REAR YARD DEPTH**~~" means the least horizontal dimension between the Rear Lot Line of the Lot and the foundation of any Building or Structure on the Lot, or the nearest Open Storage or Outdoor Display Use on the Lot.~~

~~c)~~

d)c) ~~"Yard, Side Yard, Side~~**SIDE YARD**~~" means a yard~~ extending from the Front yard to the Rear yard of a lot between a side lot line and the nearest building line of any building or structure on the lot, with the minimum Side yard meaning the minimum width of a Side yard on a lot between a side lot line and the nearest building line of any Main building or structure on the lot. ~~means a Yard extending from the Front Yard to the Rear Yard and from the Side Lot Line of the Lot to the foundation of any Main Building on the Lot. In the case of a Lot, which has no Rear Lot Line, the Side Yard shall extend from the Front Yard to the opposite Side Yard.~~

e) ~~"SIDE YARD WIDTH" means the least horizontal dimension between the Side Lot Line of the Lot and the foundation of any Building or Structure on the Lot, or the nearest Open Storage or Outdoor Display~~

f)d) ~~"Yard, Exterior Side Yard, Exterior Side~~**EXTERIOR SIDE YARD**~~" means the Side yard of a corner lot which extends from the Front yard to the Rear yard between the exterior lot line and the nearest building line of any main building or structure, with the minimum Exterior Side yard meaning the minimum depth of an Exterior Side yard on a lot between the exterior side lot line and the nearest building line of any Main building or structure on the lot. means a Side Yard immediately adjoining a Street, extending from the Front Yard to the Rear Lot Line.~~

g)e) ~~"Yard, Interior Side Yard, Interior Side~~**INTERIOR SIDE YARD**~~" means a Side Yard other than an Exterior Side Yard.~~

Z ~~"REQUIRED YARD" means a Yard with the minimum Front Yard Depth, Rear Yard Depth, or Side Yard Width required by the provisions of this By-law. A Required Side Yard shall extend from the Required Front Yard to the Required Rear Yard, or in the case of a Lot which has no Rear Lot Line, the Required Side~~

~~Yard shall extend from the Required Front Yard to the opposite Required Side Yard.~~

a) — ~~"ZoneONE"~~ means a designated area of land ~~use~~Use shown on Schedule "A" and established and designated by this By-law for the purposes of a specific ~~use~~Use or uses that are erected and maintained in accordance with the provisions of this By-law. ~~means a designated area of land UseUse shown on Schedule 'A' of this By-law or its part maps.~~

~~"Zoning Administrator"~~Zoning Administrator~~ONING ADMINISTRATOR~~ shall mean the officer or employee of the ~~Municipality~~Municipality charged with the duty of enforcing the provisions of this By-law.

SECTION 3 – GENERAL PROVISIONS

3.1 ACCESSORY BUILDINGS, STRUCTURES OR USES

3.1.1 General

- a) Where this By-law provides that land may be used for a Building or Structure or may be erected or used for a purpose, that purpose shall include any Accessory Building, Structure or Use, but shall not include any of the following Uses, except as specifically permitted in this By-law;
 - i) Any occupation for gain or profit conducted within or Accessory to a Dwelling Unit; nor,
 - ii) Any Building used for human habitation, except in accordance with Section 3.18.
- b) Despite any other Yard provisions of this By-law, drop awnings, flag poles, garden trellises, fences, retaining walls, Permitted Signs, or similar Accessory Uses and Structures shall be Permitted in any Yard provided they are placed outside of any Sight Triangle as defined in Section 3.33.

3.1.2 Location of Accessory Uses, Buildings, and Structures

- a) In any Zone, the minimum distance between a Detached Accessory Building or Structure and the principal Building(s) on a Lot shall be 1.8 m.
- b) In Residential Zones and the A3 and A4 Zones, Accessory Buildings or Structures shall comply with the following provisions:
 - i) Except as otherwise provided for in any Residential Zone, an Accessory Building or Structure, which is not Attached to the main Building, shall not be erected in any Yard other than the Interior Side Yard or Rear Yard.
 - ii) An Attached-Accessory Building or Structure may be erected in a Front Yard or Exterior Side Yard provided it is not located in a required Yard ~~and provided that it is constructed of the same type of material as the main Building and is of similar design.~~
 - iii) When a Detached Accessory Building or Structure is located in an Interior Side Yard, it shall be no closer than 1.2 m to the interior side Lot line except where a mutual Private Garage is erected on the common Lot line between two lots, in which case no Interior Side Yard is required.

- iv) When a Detached Accessory Building or Structure is located in the Rear Yard, it shall be no closer than 1.2 m to the rear Lot line or 0 m where such Lot Line abuts a Lane.
- v) No Accessory Building shall be located closer to the exterior side Lot line than the Exterior Side Yard Setback required for the Zone in which each Lot is located.
- vi) On lots abutting Lake Huron, Detached Accessory Buildings and Structures shall be permitted in a Front Yard or Exterior Side Yard provided they are not located within a required Yard Setback. (B/L 107/2010)
- vii) When a Detached Accessory Building or Structure is located in a Front Yard on a Lot abutting Lake Huron, it shall be no closer than 1.2 m to the Interior Side Lot Line.
- viii) No Accessory Building or Structure shall be located closer to the Rear Lot Line of a Through Lot than the Front Yard Setback requirement for the Zone in which such Lot is located.
- ~~ix) An area of 1.2 metres which is open and unobstructed from the ground to the sky shall be maintained between a Detached Accessory Building or Structure and the Main Building on the same Lot, unless they are connected by a Breezeway or similar Structure. (B/L 107/2010)~~

3.1.3 Lot Coverage and Height

- a) The total Lot Coverage of all Accessory Buildings and Structures on a Lot in any Residential Zone shall not exceed 10% of the Lot Area to a maximum of 115 m².
~~The total Lot Coverage of all Accessory Buildings and Structures on a Lot in any Residential Zone shall be included as part of the Maximum Lot Coverage calculation. The maximum combined Lot Coverage of all Detached Accessory Buildings shall be the greater of:~~
 - ~~i) 47 m², or~~
 - ~~ii) 10% Lot Coverage up to 93 m² (B/L 107/2010)~~
- b) The total Lot Coverage of all Accessory Buildings and Structures on a Lot in all other zones shall not exceed 10% of the Lot Area.
- c) In a Residential Zone, the maximum Height of any Detached Accessory Building or Structure shall be 5.5 m. ~~The Height of a Detached Accessory Building or Structure in a Residential Zone shall be measured from the finished floor to the~~

~~highest point of the Building or Structure and shall not exceed 5.5 ares. In addition:~~

~~i) i) there shall be no more than 1.5m clearance to truss bottom in any portion of any second floor, loft mezzanine or Attic space,~~

~~ii) ii) no knee wall shall be Permitted in any second floor, loft, mezzanine or Attic area,~~

~~iii) if the Building or Structure exceeds 3m Height, no portion of the roof shall have a pitch ratio of less than 4:12 (rise:run) or more than 18:12 (rise:run), and~~

~~iv) if the Building or Structure exceeds 4.5m Height:~~

~~1. the main floor ceiling clearance shall not exceed 3.1m in any part,~~

~~2. an access panel, but not windows and not doors, may be located in the exterior walls of any upper floor or Attic and,~~

~~3. the Interior Side and Rear Yards shall be a minimum of 2.4m.~~

d) Any Attached Accessory Building with a second Storey or Attic space shall be subject to Detached Accessory Building Height restrictions if there is no passage provided to the Main Building via the second Storey. (B/L 107/2010)

e) In all other zones, the maximum Height of any Accessory Building or Structure shall be the maximum Height permitted in the applicable Zone.

f) Except where specifically excluded by this By-law, Accessory Buildings and Structures shall be included in the calculation of Lot Coverage for the purposes of determining compliance with maximum Lot Coverage as provided in the applicable Zone.

3.1.4 Rural Residential Lots (B/L 107/2010)

a) Notwithstanding Section 3.1.2 and 3.1.3, Detached Accessory Buildings and Structures on lots less than 2 ha in the A1 and A2 Zones are subject to the following regulations:

- | | |
|--|--------------------|
| i) Minimum Interior Side and Rear Yard | 2 m |
| ii) Maximum Permitted Height | 6 m |
| iii) Maximum Ground Floor Area | 190 m ² |

3.1.5 Accessory Dwelling Units in Non-Residential Buildings

- a) Where permitted in this By-law, Accessory Dwelling Units shall be subject to the Setback requirements of the primary non-residential Building.
- b) A maximum of one Accessory Dwelling Unit shall be permitted per Lot.
- c) An Accessory Dwelling Unit shall be permitted as part of the main Building on the Lot, provided that the Accessory Dwelling Unit shall be located either on the second Storey of the main Building, or at the rear of such Building if the Accessory Dwelling Unit is located within the first Storey.
- d) The Accessory Dwelling Unit shall have an independent Building entrance that is separate from the Building entrance provided for the non-residential Use.
- e) The Accessory Dwelling Unit shall have a separate Parking Space in accordance with the requirements of Section 4.

3.1.6 Decks (Unenclosed)

- a) Decks (Unenclosed) and Detached gazebos shall not be considered as part of the Lot Coverage and shall be subject to the same setbacks as Accessory Buildings or Structures in the Zone they are Permitted, except as provided for in Section 3.30.

3.1.7 Fences And Walls (B/L 107/2010)

- a) Within any Residential Zone, the maximum permitted Height of a fence, privacy wall or similar feature shall be:
 - i) 2.5 m, provided that the fence is not located in a Sight Triangle; and,
 - ii) 1.1 m within 4 m of the front Lot line.

3.2 ADDITIONAL RESIDENTIAL UNITS (ARUs)

3.2.1 General

- a) ARUs shall be permitted on residential lots in residential areas where zones permit single detached, semi-detached, Street townhouse, or townhouse dwellings.
- b) ARUs are permitted in a single-detached Dwelling, semi-detached Dwelling, or townhouse Dwelling. An additional residential unit shall be permitted in an Accessory Building or Structure.

- c) Where an ARU is established on a parcel where there are municipal services, the ARU shall be connected to municipal services.
- d) Where an ARU is established in a primary Dwelling, there shall be no significant alteration to the exterior of the primary Dwelling, except for required fire escapes, and extra windows and entrances in accordance with the Fire Code and Building Code.
- e) The entrance to an ARU within a primary Dwelling shall be provided in accordance with the following:
 - i) The entrance shall be separate from the main entrance of the primary Dwelling, either as a separate exterior entrance located on a side wall or rear wall of the primary Dwelling, via an Attached garage, or from an indoor common vestibule within the Dwelling.
 - ii) A new entrance shall not be permitted on the same wall as the main entrance to the primary Dwelling Unit.
- f) ARUs shall be accessed from the Street via a driveway or a surface walkway providing for a minimum width of 1.2 m unobstructed path of travel.
- g) Notwithstanding the Lot Coverage requirements of each Zone, in accordance with the Ontario Regulation 299/19, a residential Lot serviced by municipal water and sewers containing an ARU is permitted to have a Lot Coverage of up to 45%.
- h) All provisions of the Ontario Fire Code, Building Code, and all other relevant municipal and provincial standards, are to be complied with for the establishment of any ARU.
- i) The ARU must be inspected by the Corporation's Building Inspector before the Additional Residential Unit is occupied.
- j) An ARU shall not be used as a Short-Term Vacation Rental.
- k) An ARU shall not be developed on any parcel, or portion thereof, that has an Environmental Protection Zone.
- l) Any ARU located in a primary Dwelling must have signage showing appropriate civic addressing, to the satisfaction of the Town.
- m) An ARU shall not be severed onto a separate parcel.
- n) An ARU may only be severed in an A1 or A2 Zone if severed together on the same Lot as a surplus farm Dwelling.

- o) In Agricultural Zones, an ARU shall be located in compliance with Section 6.3.1 MDS I of this By-law.

3.2.2 Privately Serviced Lots

- a) ARUs in the A1 and A2 Zone are only permitted on lots with a minimum area of 0.8 ha.
- b) In areas served with private on-site sewage systems and water, the proposed ARU must be Approved under Part 8 of the Ontario Building Code before the ARU is established.
- c) Where an ARU is to be developed on a parcel served with private on-site sewage systems and water, the ARU must be in the farm Building cluster.

3.2.3 Where ARUs are Prohibited

Notwithstanding Section 3.2.1 and 3.2.2 of this By-law, ARUs shall be prohibited in:

- a) A Mobile Home Park;
- b) A plan of condominium;
- c) On a Lot that is used for a Group Home or Day Care Centre;
- d) Within a detached Accessory Building within any EP-L Zone or R3 Zone;
- e) Within Conservation Authority regulated hazard lands;
- f) Within any Dwelling that encroaches into the Primary Hazard Area or Secondary Hazard Area portion of an EP-L Zone.

3.2.4 Number and Location of ARUs

- a) The maximum number of ARUs on any parcel with municipal water and sewer servicing shall not exceed two (2) in total and can be in any of the following combinations:
 - i) Two (2) ARUs are Permitted within the primary Dwelling, or
 - ii) One (1) ARU is Permitted within the primary Dwelling, and One (1) ARU is Permitted in an Accessory Building that is secondary to the primary Dwelling which can be:
 - 1. Attached to or above the Accessory Building; or

2. In a stand-alone Accessory Building not containing a Private Garage.

b) The maximum number of ARUs on parcels with private servicing shall be one (1) and can be in any of the following combinations:

i) One (1) ARU is permitted within the primary Dwelling, or

ii) One (1) ARU is permitted in an Accessory Building that is secondary to the primary Dwelling which can be:

1. Attached to or above the Accessory Building; or

2. In a stand-alone Accessory Building not containing a Private Garage.

3.2.5 Parking for ARUs

a) Parking requirements for an ARU shall be provided in accordance with Section 4 of this By-law.

b) All Parking Spaces are to be located in a Front Yard, Interior Side Yard, Rear Yard or in a Private Garage. The parking provided may be tandem parking

3.2.6 ARUs in an Accessory Building or Structure

a) Where an ARU is located in an Accessory Building in accordance with Section 3.2, the following requirements will apply:

i) The Building containing the ARU shall be located in a Rear Yard.

ii) An ARU shall not be located further than 20 m from the Primary Dwelling.

iii) The Lot Coverage and Height of Accessory Buildings in Section 3.1.3 of this By-law will apply to the Building containing an ARU but in no case shall the ARU exceed 115 m² in size.

iv) Notwithstanding Section 3.1.3 c) and e), the maximum Height of an ARU shall be 7 m in the A1 and A2 Zones, and 5.5 m in any Residential Zone, and in A3 and A4 Zones.

v) The ARU must comply with Setback requirements contained in Section 3.1.2 of this By-law.

vi) Notwithstanding the Setback requirements contained in Section 3.1.2, the Building containing the ARU shall be at least 1.5 m from an interior side or rear Lot line.

- vii) Notwithstanding subsection (iii) above, if the ARU is to be on the Storey above a Private Garage, the ARU must be at least 3 m from an interior side or rear Lot line.
- viii) A hard surfaced pathway at least 1 m wide shall be provided from the entrance of the ARU to the required parking stall, to the satisfaction of the Town.
- ix) A Sign not exceeding 0.2 m² in size and 0.5 m in Height shall be provided to direct guests to the ARU, which must display the civic address and directions to entrance of the ARU. This Sign is to the satisfaction of the Town.

3.3 AMENITY AREA REQUIREMENTS FOR APARTMENT DWELLINGS AND MIXED-USE BUILDINGS

- a) Where permitted in this By-law, apartment dwellings and mixed-Use Buildings containing 25 units or more shall provide a minimum Amenity Area of 5 m² per Dwelling Unit.

~~3.4 ALTERNATIVE/RENEWABLE ENERGY SYSTEMS AND METEOROLOGICAL MASTS (B/L 118/21)~~

~~In addition to the provisions under section 3.47 Uses Prohibited in all Zones, the following regulations and required studies will guide the zones, locations and setbacks of alternate/renewable energy systems (i.e. Wind Turbines, Bio-digesters). (B/L 118/21)~~

~~3.4.1 Wind Turbines~~

~~Measurement~~

- a) ~~Unless expressed otherwise, Wind Turbine Height shall be measured from the ground, Structure or foundation on which the Wind Turbine tower rests to the centre of the rotor hub in the case of hub Height or to the uppermost reach of the rotor blades in the case of total tower Height.~~

~~Setbacks specific to Wind Turbines shall be measured to centre of tower base. Other parts, including rotor blades, or Accessory Uses to a Wind Turbine shall be subject to the Setbacks applicable to other Uses in the applicable Zone.~~

~~Size – Height – Number per Lot~~

~~Maximum rotor diameter of a Wind Turbine shall be:~~

- ~~i) 4m in a Residential, A3 or A4 Zone.~~
- ~~ii) Equal to 1.3 times hub Height in an A1, A2 or M4 Zone.~~

~~iii) 12m in all other Zones.~~

~~Maximum hub Height from grade of a Wind Turbine shall be:~~

- ~~i) 31m in a Residential Zone or on a Lot abutting a Residential Zone.~~
- ~~ii) 110m in an A1, A2, or M4 Zone.~~
- ~~iii) 45m in any other Zone.~~

~~Other than a Permitted Wind Farm, no more than 2 Wind Turbines shall be located on any one Lot.~~

~~Wind Turbines shall have a minimum hub Height of 20m above grade.~~

Setbacks – Location

~~Wind Turbines shall be Erected in compliance with the following minimum Setbacks:~~

- ~~i) total tower Height from any Building on a separate Lot, Road Allowance, or above-ground Public Utility lines.~~
- ~~ii) the lesser of hub Height or 50m from a Lot Line other than a Road Allowance, or for a Wind Turbine with a rotor diameter of 6m or less, half hub Height from a Lot Line abutting a cropped or pastured area in an Agricultural Zone.~~
- ~~iii) 2000m from any contiguous group of four or more Lots primarily in a non-Agricultural Zone, for a Wind Turbine with a rotor diameter greater than 12m or a hub Height greater than 45m. (B/L 15/2012)~~
- ~~iv) 300m from a Livestock Facility on a separate Lot, other than a Manure Storage Facility, for a Wind Turbine with a rotor diameter greater than or equal to 12m.~~
- ~~v) 250m from a Dwelling on a separate Lot, for a Wind Turbine with a rotor diameter less than 12m.~~
- ~~vi) 000m from a Dwelling on a separate Lot, for a Wind Turbine with a rotor diameter greater than or equal to 12m. (B/L 15/2012)~~

~~Wind Turbines shall not be located in a Required Front or Exterior Side Yard.~~

~~Where a separate Lot does not have a Dwelling located thereon, any Wind Turbine with a rotor diameter greater than or equal to 12m shall be located at a minimum Setback of 2000m from any portion of said Lot that is within 50m of said Lot's Front Lot Line. (B/L 15/2012)~~

Wind Farms

~~Any Lot having a Wind Turbine with a rated name plate capacity greater than 40kW and exceeding either of the following shall be considered a Wind Farm:~~

- ~~i) 500 kW rated name plate capacity, or~~
- ~~ii) 25.5 kW rated name plate capacity per hectare of Lot Area.~~

~~Any Lot where the combined rated name plate capacity of the Wind Turbines located thereon is greater than 80kW and exceeds either of the following shall be considered a Wind Farm:~~

- ~~i) 800 kW rated name plate capacity per Lot, or~~
- ~~ii) 40 kW rated name plate capacity per hectare of Lot Area.~~

~~3.4.2 Meteorological Masts~~

- ~~a) A Meteorological Mast's base shall be located a minimum of the tower's Height from a Lot Line and 250m from a Dwelling on a separate Lot.~~
- ~~b) Maximum Height of a Meteorological Mast shall be 100m from grade.~~

~~3.4.3 General~~

- ~~a) No advertising Signs except a manufacturer's logo shall be Permitted on a Wind Turbine or Meteorological Mast at a Height greater than 6m above grade.~~
- ~~b) The same minimum Setbacks that apply to Wind Turbines and Meteorological Masts in respect to a Dwelling on a separate Lot shall also apply with respect to the following:~~
 - ~~i) Vacant Lots in a Residential (R) or Environmental Protection — Lakeshore (EP-L) Zone~~
 - ~~ii) Institutional (I) Zones or Institutional Uses~~
 - ~~iii) Open Space 2 (OS2) Zones~~
 - ~~iv) Open Space 3 (OS3) Zones~~
 - ~~v) Mobile Home Park/Campground (MHP/Campground) Zones~~

~~3. Wind Turbines and Meteorological Masts shall not be Permitted in the following Zones:~~

- ~~i) Hazard (H) Zones~~
- ~~ii) Wetland (WET) Zones~~
- ~~iii) Woodlot (WD) Zones~~
- ~~iv) Significant Natural Area (SNA) Zones~~
- ~~v) Environmental Protection — Lakeshore (EP-L) Zones~~

3.5 BED AND BREAKFAST ESTABLISHMENT

Where permitted in this By-law, a Bed And Breakfast Establishment shall be in accordance with the following provisions:

- a) A Bed And Breakfast Establishment shall only be permitted in a single-detached Dwelling.
- b) A Bed And Breakfast Establishment shall be operated by the Person or persons whose principal residence is in the single-detached Dwelling.
- c) Parking shall be provided in accordance with Section 4.
- d) A Bed And Breakfast Establishment shall be limited to a maximum of three (3) Guest Rooms.

3.6 COMMERCIAL VEHICLES, RECREATIONAL VEHICLES, AND TRAILERS

- a) The parking or storage of a commercial vehicle or Recreational Vehicle on a vacant Lot shall be prohibited.
- b) Commercial vehicles shall be subject to the following requirements:
 - i) Commercial vehicles shall only be permitted to be parked, stored, or kept in a driveway or Private Garage.
 - ii) Where parked in a driveway, a commercial vehicle, including any Attached equipment or accessories, shall not exceed 2.2 m in Height and 5.6 m in length. A commercial vehicle in excess of these requirements shall only be permitted within a Private Garage.
- c) Recreational Vehicles, trailers, or similar vehicles shall be subject to the following requirements:
 - i) The number of Recreational Vehicles out in the open shall be one.
 - ii) Recreational Vehicles or trailers shall only be permitted to be parked, stored, or kept in a driveway, Private Garage, Interior Side Yard, or Rear Yard.
 - iii) Recreational Vehicles or trailers parked or stored in the Front Yard or Exterior Side Yard shall only be parked on a driveway and shall not encroach into a Sight Triangle on corner lots.
 - iv) Recreational Vehicles shall not occupy a required Parking Space.

- v) Recreational Vehicles or trailers shall not exceed 7.5 m in length, excluding any hitch or tongue, and shall not exceed 3.4 m in Height.
- d) Commercial vehicles, Recreational Vehicles, or trailers on a Lot shall be located a minimum of 1.2 m away from a side Lot line and rear Lot line.
- e) No commercial vehicle, Recreational Vehicle, or trailer shall be used for human Occupancy within the Municipality, subject to Section 3.18 of this By-law.

3.7 CONSERVATION AUTHORITY REGULATED AREA

Lands within the Regulated Area as shown on Schedule “A” shall be subject to the following:

- a) Any lands located within the Regulated Area as shown on Schedule “A” shall be subject to the regulation of the applicable Conservation Authority under Section 28 of the *Conservation Authorities Act*, as amended, and Ontario Regulation 41/24 or any successors to this legislation, for any development where an application was made under the *Planning Act*, *Condominium Act*, or *Building Code Act*, as amended, any interference with wetlands, and alterations to shorelines and waterbodies.
- b) The Regulated Area may differ from those lands shown on Schedule “A” as the boundaries may be subject to change resulting from new environmental information. The final boundaries of the Regulated Area shall be determined by the Conservation Authority. If there is a conflict between the description of regulated areas in the text of the regulation and the areas as shown on the regulated area mapping on Schedule “A”, the description of areas in the regulation prevails.
- c) Development as defined in the *Conservation Authorities Act* within the Regulated Area as shown on Schedule “A” is subject to the Conservation Authority review and may require a permit pursuant to the Conservation Authority’s regulation, prior to any works taking place.
- d) The following uses shall be prohibited in lands identified as hazard lands, as determined by the Municipality in consultation with the Conservation Authority:
 - i) Institutional Uses including hospitals, long-term care homes, Retirement Homes, pre-schools, school nurseries, day cares and schools;
 - ii) additional residential units;
 - iii) an essential emergency service such as that provided by fire, police and ambulance stations and electrical substations; or,
 - iv) uses associated with the disposal, manufacture, treatment or storage of hazardous substances.

3.8 DAY CARE CENTRE AND PRIVATE HOME DAY CARE

- a) Where permitted in this By-law, a Day Care Centre shall be subject to the following regulations:
 - i) Access is required from a public Street.
 - ii) A Day Care Centre shall have a minimum Lot Frontage of 15 m and minimum Lot Area of 420 m² and meet all other provisions of the Zone in which it is located.
- b) Where permitted in this By-law, a Private Home Day Care shall be subject to the provisions for Home Occupations in Section 3.37.1 of this By-law.

3.9 DEVELOPMENT SURROUNDING ACTIVE AND CLOSED WASTE DISPOSAL SITES

Any new development, or change of Use, on or within 500 m of the perimeter of a known active or closed Waste Disposal Site as shown on Schedule "A" to this By-law or its parts shall demonstrate through testing by the province or its agent, that there is no migration of methane gas or leachate from the landfill site that would affect the development.

3.10 DRIVE-THROUGH

Where permitted in this By-law, a Drive-through shall be provided in accordance with the following:

- a) A Drive-through shall provide a minimum number of designated stacking spaces in accordance with Table 3-1.

<u>Table 3-1: Stacking Space Requirements</u>	
Permitted Use	Minimum Number of Stacking Spaces Required
<u>All Other Uses</u>	<u>3</u>
<u>Motor Vehicle Washing Establishment (Automated)</u>	<u>8</u>
<u>Restaurant</u>	<u>8</u>

- b) A stacking space shall be a minimum of 5.5 m in length and 3 m in width.
- c) Stacking spaces shall not be included in the calculation of required parking and shall not be located within any Street, parking Aisle, Loading Space, or driveway.

- d) A stacking Lane shall not be permitted within 20 m of a Residential Zone.
- e) No part of a stacking space shall be located in the required minimum Front Yard or required minimum Exterior Side Yard.
- f) No part of a stacking Lane shall be located such that any Motor Vehicle which uses it will block, impede, or interfere with the Use of required Parking Spaces or drive aisles on the Lot on which the Drive-through facility is located.

3.11 DWELLING UNITS

3.12.1 Cellar Location

~~No Dwelling Unit shall be located in a Cellar.~~

3.11.2¹ Basement Location

A Dwelling Unit, in its entirety, may be located in a Basement, provided that the finished floor level of such Basement is not below the level of any Sanitary Sewer or Storm Sewer serving the Building in which such Basement is located.

3.12 ENVIRONMENTALLY SENSITIVE AND HAZARDOUS LANDS

Notwithstanding Section 3.40, no Building or Structure shall be used or Erected in any Woodlot, Wetland, Significant Natural Area, Hazard or Environmental Protection – Lakeshore Zone, except for activities that create or maintain infrastructure authorized under an environmental assessment process, or works subject to the *Drainage Act*, and except as permitted in Section 12.

3.12.1 Wetland Zone

Development may be Permitted on lands within 50 m of the (EP-WET) Zone, subject to the execution of a site plan agreement, or other agreement, specifying development conditions and boundaries, based on an environmental impact evaluation, prepared by a qualified professional in accordance with the provisions of the Official Plan and to the satisfaction of the Municipality. The environmental impact evaluation must demonstrate that there will be no negative impact on the natural features or on the ecological functions for which the area is identified.

3.12.2 Environmentally Hazardous Lands

Notwithstanding any other provisions of this By-law, no permanent Buildings or Structures shall be Erected or used on lands which exhibit, or potentially exhibit, a hazardous condition as a result of their susceptibility to flooding, erosion, subsidence, inundation, or the presence of organic soils or steep slopes, or on land where, by

reasons of its low lying, marshy or unstable character, the cost of construction of satisfactory waterworks, sewage, or drainage facilities is prohibitive.

3.12.3 Hazardous Slopes

Any Building or Structure Erected on or in proximity to an embankment shall be set back from the toe of the embankment a distance sufficient that the entire bottom of the horizontal area of the foundation of the Building or Structure is located outside the Stable Slope.

3.13 FARM HELP DWELLING

Where permitted in this By-law, a Farm Help Dwelling shall be in accordance with the following:

- a) A Farm Help Dwelling shall only be permitted as Accessory to an Agricultural Use.
- b) A Farm Help Dwelling shall not be permitted within the primary Dwelling Unit of the owner or operator of the Agricultural Use, or within the same Building or Structure used to shelter Livestock or other farm animals.
- c) The minimum floor area of a Farm Help Dwelling shall be 58 m².
- d) The maximum floor area of a Farm Help Dwelling shall be 182 m².
- e) Access to a Farm Help Dwelling shall be from a shared driveway.
- f) The Lot and Building requirements of the applicable Agricultural Zone shall apply.
- g) Parking shall be provided in accordance with Section 4 of this By-law.

3.14 GREENHOUSES

Where permitted in this By-law, a greenhouse shall be in accordance with the following:

- a) The construction of all new greenhouse facilities and the expansion of Existing facilities must be comply with the following requirements in **Table 3-2**:

Table 3-2: Requirements for Greenhouses	
REGULATION	REQUIREDMENT FOR GREENHOUSES
<u>Minimum Lot Area</u>	<u>2 ha</u>

<u>Table 3-2: Requirements for Greenhouses</u>	
REGULATION	REQUIREDMENT FOR GREENHOUSES
<u>Minimum Lot Frontage</u>	<u>60 m</u>
<u>Maximum Lot Coverage</u>	<u>80%</u>
<u>Minimum Front Yard</u>	<u>15 m</u>
<u>Minimum Side Yard</u>	<u>15 m</u>
<u>Minimum Rear Yard</u>	<u>15 m</u>
<u>Minimum Distance of Packing and Shipping Facilities</u>	<u>15 m from all Lot lines</u>
<u>Minimum Distance of Loading Areas</u>	<u>15 m from all Lot lines</u>
<u>Minimum Distance of Waste Storage Areas</u>	<u>7.5 m from all Lot lines</u>
<u>Minimum Distance of Stormwater Management Ponds</u>	<u>3 m from all Lot lines</u>
<u>Minimum Distance from Driveways</u>	<u>4.5 m from side and rear Lot lines</u>

- b) All greenhouses and associated facilities shall be located a minimum distance of 300 m away from all Residential and Institutional Zones.
- c) All greenhouses and associated facilities shall be subject to site plan control.

3.15 GROUP HOMES

Where permitted in this By-law, a group home or a correctional group home shall be in accordance with the following.

- a) The group home or correctional group home shall comprise the sole Use of the Dwelling and shall not be located within an additional residential unit (ARU).
- b) A maximum of one group home or correctional group home shall be permitted per Lot.
- c) The group home or correctional group home shall comply with the provisions of the applicable Zone.
- d) A Dwelling or Dwelling Unit used or constructed for the purposes of a group home or a correctional group home shall maintain the residential character of the Dwelling and be compatible with the character of the neighbourhood in which it is located.
- e) ~~The group home or correctional group home shall be located a minimum distance of 500 m away from the other.~~
- f) The group home and correctional group home shall be subject to Provincial approval or licensing, as may be required.
- g) Parking shall be provided in accordance with Section 4.

3.16 HEATING, VENTILATION, AND AIR CONDITIONING (HVAC)

- a) Ground-level HVAC equipment is only permitted in the Interior Side Yard, Exterior Side Yard, and Rear Yard.
- b) Roof-mounted HVAC equipment exceeding 2 m in Height shall be enclosed within a mechanical penthouse except where the roof-mounted HVAC equipment is Setback a minimum of 5 m from all edges of a roof.
- c) Rooftop mechanical penthouses shall not exceed 6 m in Height as measured from the roof.
- d) Rooftop mechanical penthouses shall not exceed 50% of the area of the roof.

3.17 HEIGHT RESTRICTIONS

The Height provisions of this By-law shall not apply to the following:

- a) an air conditioner duct;

- b) a belfry;
- c) a chimney;
- d) a Church spire;
- e) a clock tower;
- f) an elevator penthouse;
- g) a farm Building;
- h) a flag pole;
- i) a Grain Elevator;
- j) a radio Antenna;
- k) a television Antenna;
- l) a farm silo;
- m) a water tower;
- n) a cupola;
- o) a smoke stack;
- p) a ventilator;
- q) a skylight;
- r) a bulkhead;
- s) a firewall;
- t) a Transmission Tower and
- u) a Wind Turbine. (B/L 104/07)

Furthermore, the Height provisions of this By-law shall not apply to any roof Sign Erected and/or maintained in accordance with any by-law or regulation of the Municipality from time to time in force, provided however, that such features and the items listed above are Erected only to such Height as is necessary to accomplish their purpose.

3.18 HUMAN OCCUPANCY OF TRUCK, BUS AND COACH BODIES OR RECREATIONAL VEHICLE, TRUCK CAMPERS, MOTOR HOMES OR TENTS

No truck, bus, coach or streetcar body shall be used for human Occupancy within the Municipality whether or not the same is mounted on wheels;

With the exception of lands Zoned specifically for the purpose, on no Lot shall any Recreational Vehicle, truck campers or Motor Homes be used by any Persons for living, sleeping or eating accommodations except as Accessory to an Existing Dwelling and not for more than sixty (60) days total in any period of ten (10) consecutive months. Further, no more than one such Recreational Vehicle, truck camper or Motor Home shall be used in such manner in any period of ten (10) consecutive months. (B/L 107/2010)

3.19 KEEPING OF LIVESTOCK (B/L 107/2010)

- a) The keeping of Livestock shall only be permitted in an Agricultural Zone.
- b) No Person shall keep Livestock on any Lot unless the Lot has a minimum area of 0.6 ~~hectares~~.
- c) The keeping of Livestock shall be subject to the Town's Animal Control By-law, if applicable.

3.20 LOT DEVELOPMENT REQUIREMENTS

3.20.1 Access and Frontage on a Public Street

- a) No Lot shall be used and no Building Erected or used on a Lot unless the Lot has access to and fronts onto a Street that is opened and maintained on a year round basis.
- b) All Uses, Buildings or Structures shall have frontage on and access to a Street or, in the case of Existing lakeshore communities, a Right-of-Way.
- c) Notwithstanding Section 3.20.1 a), a Building or Structure may be erected upon the following lots which do not have frontage on a public Street:
 - i) Within a registered plan of subdivision in accordance with the provisions of a Subdivision Agreement in respect of such plan of subdivision even though the streets within such plan of subdivision have not been assumed and are not being maintained by the Corporation; or,
- d) Within a plan of condominium on a private Street that provides direct access to a public Street or connects to other private streets within the plan of condominium that provides access to a public Street.

3.20.2 More Than One Use on a Lot

When a Lot contains more than one (1) Use, each such Use shall conform to the provisions of this By-law for such Use in the Zone where it is located.

3.20.3 More Than One Zone on a Lot

When a Lot is divided into more than one (1) Zone, each such portion of the Lot shall be used in accordance with the provisions of this By-law for the applicable Zones. Where a portion of a Lot is zoned Woodlot, Wetland, Hazard, Significant Natural Area or Environmental Protection – Lakeshore, such portion may be included in determining the minimum Lot Area requirements and the Zone line shall not be considered a Lot Line for Setback purposes on the adjoining zoned area provided that no Building or Structure is located on that part of the Lot in such Zone.

3.20.4 Number of Main Buildings on a Residential Lot

Unless otherwise stated, in a Residential 1 (R1) Zone, Residential 2 (R2) Zone, Residential 5 (R5) Zone, Residential 6 (R6) Zone (B/L 107/2010), or Environmental Protection – Lakeshore (EP-L) Zone no Lot that is used for residential purposes, shall be occupied by more than one (1) Main Building.

3.20.5 Existing Lots

In any Zone, where one or more Existing Lots are held in separate ownership and have insufficient Lot Area and/or Frontage, this By-law shall not prevent the Use of such Lot and the construction of any Building or Structure Permitted by this By-law, provided that all other provisions of this By-law are complied with and provided that the Lot can be serviced with a potable water supply and sanitary sewerage facilities or septic system.

Notwithstanding the above clause, the erection of new Dwellings that are not Single Detached Dwellings or that contain (B/L 107/2010) more than one (1) Dwelling Unit shall comply with the Lot Area and/or Frontage provisions per Dwelling Unit.

3.21 LOTS REDUCED BY PUBLIC ACQUISITION

Where the area of a Lot is reduced by means of an acquisition of part of the Lot by any authority having power of expropriation, and where such acquisition causes the Lot as reduced, or any Building or Structure Existing lawfully on the Lot on the date of such acquisition, to not comply with one or more provisions of this By-law, then nothing in this By-law shall apply to prevent the continued Use of the Lot as reduced as if no such acquisition had taken place, provided that:

- a) No further change is made in the dimensions, area or any other characteristic of the Lot as reduced, subsequent to the date of such acquisition, that would increase the extent of the said non-compliance; and
- b) No Building or Structure or addition thereto is Erected on the Lot as reduced, subsequent to the date of such acquisition, except in accordance with the provisions of this By-law.

3.23 MOTOR VEHICLE SERVICE ESTABLISHMENTS

- a) Where permitted in this By-law, a Motor Vehicle Service Establishment, shall have a minimum Lot Frontage and minimum Lot Depth in accordance with Table 3-3:

<u>Table 3-3: Motor Vehicle Service Establishment Lot Frontage and Depth Requirements</u>		
Requirements	Interior Lot	Corner Lot
Minimum Lot Frontage	45 m	55 m
Minimum Lot Depth	40 m	<u>55 m</u>

- b) No portion of any pump island on a service station shall be located closer than six (6.0) m from the Street Line of any Street.
- c) The minimum distance from the intersection of two Street Lines to the nearest ingress or egress ramp shall not be less than nine (9.0) m, or in the case of the intersection of two arterial streets, the minimum distance shall not be less than fifteen (15.0) m.
- d) The minimum distance from any portion of any ingress or egress ramp to any interior side Lot Line which abuts any other Lot shall not be less than three (3.0) m.
- e) The width of any ingress or egress ramp along any Street Line shall not be more than nine (9.0) m-or less than seven and one-half (7.5) m from the property line.
- f) The minimum distance between ramps shall not be less than nine (9.0) m.
- g) The minimum interior angle of any ramp to the Street Line shall be greater than sixty degrees (60°).

- h) All parts of the ingress and egress ramps shall be maintained with a cement, or asphaltic binder or any other type of permanent surfacing to prevent the raising of dust or loose particles.
- i) Land which is not used for Buildings, ramps or paving shall be Landscaped in lawn, trees or shrubs and maintained in a healthy growing condition and neat and clean in appearance.

3.24 NON-COMPLYING USES

a) Re-Building or Repair Permitted

Where in any Zone a Non-complying Use, Building or Structure is destroyed by fire or natural disaster, such Non-complying Use, Building or Structure shall, if rebuilt, be reconstructed in compliance with this By-law. When it is not possible for legal, technical or insurance reasons to build in compliance with this By-law, such reconstruction shall comply as close as possible with the By-law unless this is also not possible for legal, technical or insurance reasons; in which case, such Non-complying Use, Building or Structure may be reconstructed to its prior dimensions at its exact prior location.

Notwithstanding, a structurally sound Livestock Facility which does not comply with the Minimum Distance Separation requirements in Section 6.3.1 shall not be required to be replaced in compliance with such regulations if destroyed by fire or natural disaster, provided the Gross Floor Area and Livestock Housing Capacity is not further increased and the required separation distance is not further reduced.

b) Strengthening to a Safe Condition

Nothing in this By-law shall prevent the repair or restoration to a safe condition of any Non-complying Use, Building or Structure provided that such repair or restoration does not Further Contravene any of the provisions of this By-law or constitute a Replacement.

c) Exception

Exception: Sections 3.24 a) and b) shall not apply to permit the Replacement of any Building or Structure destroyed or damaged by erosion, flooding, wave uprush, slope instability or any other natural disaster or hazard associated with proximity to Lake Huron or a Watercourse. Such Building or Structure shall be replaced in compliance with the provisions of this By-law.

d) Additions and Accessory Uses Permitted

Nothing in this By-law shall prevent an addition to a Non-complying Use, Building or Structure, provided that such addition does not Further Contravene any of the provisions of this By-law.

Nothing in this By-law shall prevent the erection or enlargement of Buildings, Structures and Uses Accessory to a Non-complying Use, Building or Structure, provided that such erection or enlargement does not Further Contravene any of the provisions of this By-law.

3.25 NON-CONFORMING USES

This By-law acknowledges that Section 34(9)(a) and (b) of *The Planning Act*, R.S.O. 1990, Chap. P.13, as amended, provides that "no By-law passed under this section applies:

- a) To prevent the Use of any land, Building or Structure for any purpose prohibited by the By-law if such land, Building or Structure was lawfully used for such purpose on the day of the passing of the By-law, so long as it continues to be used for that purpose; or
- b) To prevent the erection or Use for a purpose prohibited by the By-law of any Building or Structure for which a permit has been issued under Section 5 of the *Building Code Act*, R.S.O. 1990, Chap. B.13, as amended, prior to the day of the passing of the By-law, so long as the Building or Structure when Erected is used and continues to be used for the purpose for which it was Erected and provided the permit has not been revoked under Section 8 of the *Building Code Act*, R.S.O. 1990, Chap. B.13, as amended."

Furthermore, Sections 34(10) and 45(2) of the *Planning Act*, R.S.O. 1990, Chap. P.13, as amended, contain provisions:

To permit the extension or enlargement of any land, Building or Structure used for any purpose prohibited by the By-law if such land, Building or Structure continues to be used in the same manner and for the same purpose as it was used on the day such By-law was passed.

3.26 NON-CONFORMING USES - RESTORATION

- a) Where in any Zone, any Building or Structure exists as a legal Non-conforming Use and the said Dwelling is destroyed by fire or natural disaster, this By-law does not prevent the reconstruction of the said Building or Structure to its prior dimensions at its exact prior location. Should the exact prior location be impossible to build upon for legal, technical or insurance reasons, then the location may be adjusted only to the extent necessary to overcome such reasons.

- b) Nothing in this By-law shall prevent the strengthening or restoration to a safe condition of any Non-conforming Use, Building or Structure provided that such repair or restoration will not increase the Height, size or volume or change the Use of such Building or Structure or constitute a Replacement.
- c) Exception: Sections 3.26 a) and b) shall not apply to permit the Replacement of any Building or Structure destroyed or damaged by erosion, flooding, wave uprush, slope instability or any other natural disaster or hazard associated with proximity to Lake Huron or a Watercourse. Such Building or Structure shall be replaced in conformity with the provisions of this By-law.

3.27 OPEN STORAGE

Where permitted by this By-law, Open Storage shall be provided in accordance with the following:

- a) Open Storage shall only be permitted as an Accessory Use. Without limiting the generality of the foregoing, Open Storage shall not be permitted on a vacant Lot.
- b) Open Storage shall be prohibited in the Front Yard and Exterior Side Yard.
- c) Open Storage shall only be permitted within an Interior Side Yard and Rear Yard.
- d) Open Storage shall be permitted no closer than:
 - i) 3 m to an interior side Lot line and rear Lot line where the Lot line abuts a Lot within a Commercial or Industrial Zone; or,
- e) 1 m within an Agricultural Zone, where an interior side Lot line and rear Lot line abuts a Lot in the same Zone.
- f) 0 m within an Industrial Zone, where an interior side Lot line or rear Lot line abuts a Lot in the same Zone.
- g) Open Storage shall not be permitted within any Yard abutting a Residential, Institutional, or Open Space Zone boundary.
- h) Open Storage areas shall be in addition to and separate from any required Loading Space or parking Aisle.
- i) Where lighting facilities are provided in conjunction with Open Storage, such lighting shall be so arranged as to deflect light onto the Open Storage area and away from any adjoining properties.
- j) Open Storage areas shall be screened with an opaque fence, landscaping, or a combination of both, not less than 1.8 m in Height. Where abutting any Residential, Institutional or Open Space Zones, such fence shall be constructed

of solid materials. Stored materials shall not protrude above the Height of the fence anywhere in the enclosure.

- k) Any portion of a Lot used for Open Storage in an Industrial Zone shall be enclosed by a fence at least 2.5 m in Height.
- l) Any Open Storage area shall be maintained with a stable surface and treated so as to prevent the raising of dust or loose particles and drained in accordance with the requirements of the Municipality.

3.28 OUTDOOR DISPLAY AREA

3.28.1 General

Where permitted in this by-law, Outdoor Display area and the associated sale of goods and materials shall be provided in accordance with the following:

- a) The Outdoor Display area is Accessory to a permitted uses on the Lot.
- b) The Outdoor Display area shall be located a minimum of 3 m away from any side or rear Lot line.
- c) The Outdoor Display area shall not exceed 35% of the Lot Area.
- d) The Outdoor Display area shall not be located within:
 - i) A required Yard or minimum Setback;
 - e) A required Planting Strip;
 - f) A required Parking Space or Loading Space;
 - g) A driveway or stacking Lane; or,
 - h) A Sight Triangle.
- i) Where interior side Lot lines or rear Lot lines of a Lot containing an Outdoor Display area abuts a Residential, Institutional, or Open Space Zone, a Planting Strip shall be provided in accordance with Section 3.31.
- j) Where lighting facilities are provided in conjunction with the Outdoor Display area, such lighting shall be so arranged as to deflect the light onto the Outdoor Display area, and away from adjoining properties and streets.
- k) The Outdoor Display area shall be surfaced and maintained with either concrete, asphalt, crushed stone and other hard surface and dust free materials, or maintained as a lawn in a healthy growing condition.

3.28.2 Seasonal Outdoor Display Area

- a) Notwithstanding Section 3.28.1 d), an Outdoor Display area operated on a seasonal basis for a period not exceeding eight months during each calendar year may occupy up to 10% of the required Parking Spaces.

3.29 OUTDOOR PATIOS

Where permitted in this By-law, an outdoor patio shall be provided in accordance with the following:

- a) An outdoor patio shall not be permitted in any Yard abutting a Residential Zone or a Lot used for residential purposes.
- b) The area used for an outdoor patio shall be included in the calculation of Lot Coverage.
- c) Parking for an outdoor patio shall be provided in accordance with Section 4 of this By-law.
- d) Notwithstanding Section 3.29 c), an outdoor patio that is operated on a seasonal basis for no longer than eight consecutive months within a calendar year shall not be required to provide additional parking above that required for the principal Use on the Lot.
- e) Where an outdoor patio covers a portion of the Parking Area, it shall not occupy greater than 10% of the required Parking Spaces for the Use on the Lot nor cause a deficiency in meeting the minimum required parking for the Existing uses on the Lot or obstruct accessible Parking Spaces or required fire route access.

3.30 PERMITTED ENCROACHMENTS

3.30.1 Yard Encroachments Permitted

- a) Unless otherwise specified by this By-law, every part of any Yard required by this By-law shall be open and unobstructed by any Building or Structure from the ground to the sky, provided however, those Structures listed below shall be Permitted to encroach into the Required Yards indicated for the distances specified in **Table 3-4**:

Table 3-4: Permitted Yard Encroachments		
STRUCTURE	YARD IN WHICH ENCROACHMENT IS PERMITTED	MAXIMUM ENCROACHMENT PERMITTED INTO REQUIRED YARDS UNDER ZONE REGULATIONS
Sills, belt courses, cornices, eaves, gutters, chimneys or similar architectural Structure	Any Yard	0.5 m
Outdoor heating and air conditioning unit	Any Yard	1 m
Porches (unenclosed) excluding eaves	Any Yard	2 m
Decks (unenclosed)	Any Yard	2 m
Balconies and Steps (unenclosed)	Any Yard	1.2 m
Bay Windows and Awnings	Any Yard	1 m
Cantilever	Side Yard and Rear Yard	1 m
Fire Escape	Any Yard	1.2 m

- b) Notwithstanding **Table 3-4**, architectural features such as sills, belt courses, cornices, eaves, gutters, or chimneys shall not be any closer than 0.3 m to any Lot line.
- c) Notwithstanding **Table 3-4**, outdoor heating and air conditioning units shall not be any closer than 0.6 m to the interior and rear Lot lines, and no closer than 1.5 m to the front and exterior Lot lines.
- d) Notwithstanding **Table 3-4**, porches (unclosed) excluding eaves, decks (unenclosed), balconies and steps (unenclosed), bay windows and awnings, cantilevers, and fire escapes shall not be any closer than 1.2 m-to an interior Lot line.

- e) Notwithstanding **Table 3-4**, bay windows and awnings and cantilevers shall have a maximum width of 3 m or one-third (1/3) the width of the wall from which they project, whichever is less.
- f) In any Agriculture Zone, where a Dwelling Unit is Non-complying regarding the Required Front Yard Setback, a Deck (unenclosed) may be added to the Dwelling if such Deck is no closer to the Front Lot Line than the front of the Building

3.30.2 Where Minor Variance Granted

Where a minor variance is granted from a Required Yard, no Permitted Encroachment, other than those listed in Section 3.30.1 a), may encroach closer to the Lot Line than the Setback established by the granted minor variance or than the Maximum Encroachment that was Permitted prior to the granted minor variance, whichever is closer to the Lot Line. The Permitted Encroachments of Section 3.30.1 a) may encroach 0.5 m-beyond the granted minor variance, provided they shall be no closer than 0.5 m to a Lot Line.

3.30.3 Building in Built-Up Areas

Where a Building is to be Erected within a built-up area where there is an Established Building Line, such Building may be Erected closer to the Street Line than Permitted by this By-law provided that such Building is not Erected closer to the Street Line than the Established Building Line.

3.30.4 Yard Depth Non-Compliance

Where in any Zone, a Building or Structure lawfully Existed on the date of passing of this By-law and is used for a Permitted Use and the Existing Building or Structure does not comply with the minimum Required Yards for the Zone in which it is situated, the Existing Yards shall be deemed to be the minimum Required Yards for that Building or Structure. Any expansion to the Existing Building or Structure shall comply with all provisions of this By-law.

3.31 PLANTING STRIPS

A Planting Strip shall be located within the Zone and on the Lot for which it is required. It shall be planted, nurtured and maintained by the Owner of the Lot on which the Planting Strip is located. ~~The responsibility of maintenance of trees and plants rests with the Owner.~~

3.31.1 Required Location

Where a Lot is for a non-residential purpose and:

- a) The Interior Side Lot Line or Rear Lot Line abuts any Residential Use or undeveloped land in a Residential Zone; or
- b) Where such Lot is in an Industrial Zone and the Front, Side or Rear Lot Line abuts a Street Line and the opposite Street Line abuts any Residential Use or undeveloped land in any Residential Zone;

Then the land adjoining such abutting Lot Line or Street Line shall be used for no purpose other than a Planting Strip in accordance with the provisions of this subsection.

3.31.2 Width

Where, in any Zone, land is required to be used for no purpose other than a Planting Strip, it shall have a minimum width of 3 m measured perpendicularly to the Lot Line adjoining such Planting Strip.

3.31.3 Height

The minimum Height of a Planting Strip shall be 1.5 m-at the time of planting. Notwithstanding, any provision of this By-law, any Planting Strip located in a required Site Triangle shall not exceed the elevation of the centre line of any adjoining Street by more than 1 m-in Height.

3.31.4 Permitted Interruptions

Where a driveway or walk extends through a Planting Strip it shall be permissible to interrupt the Planting Strip within 3 m-of the edge of such driveway or within 1.5 m of such walk.

3.31.5 Landscaped Open Space

A Planting Strip may form part of any Landscaped Open Space required by this By-law.

3.32 SEASONAL FARM HOUSING

Where permitted in this By-law, a seasonal Farm Help Dwelling shall be in accordance with the following:

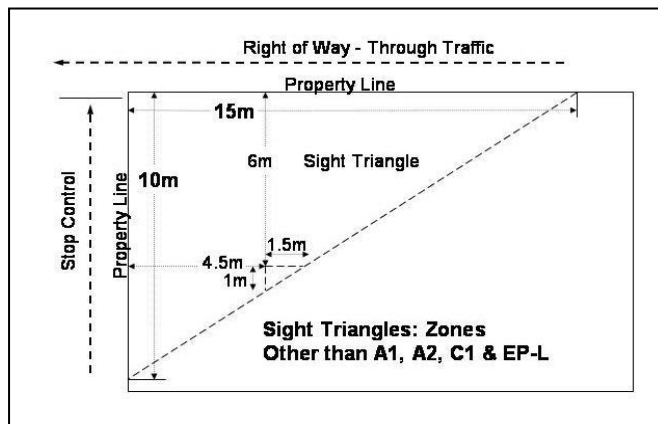
- a) A seasonal Farm Help Dwelling shall only be permitted as an Accessory Use to an Agricultural Use.
- b) A seasonal Farm Help Dwelling shall not be permitted within the primary Dwelling Unit of the owner or operator of the Agricultural Use, or within the same Building or Structure used to shelter Livestock or other farm animals.
- c) Access to a seasonal Farm Help Dwelling shall be from a shared driveway.

- d) The maximum floor area of a seasonal Farm Help Dwelling shall be 90 m².
- e) A mobile home or Recreational Vehicle may be used for a seasonal Farm Help Dwelling.
- f) Seasonal Farm Help Dwellings may be contained in more than one Building. For clarity, seasonal Farm Help Dwellings may not exceed the maximum floor area set out in Section 3.32 d).
- g) Seasonal Farm Help Dwellings shall be provided with electric light, with running water and plumbing, cooking, laundering and showering facilities within the Building, and with a separate room with a sink and a toilet connected to an Approved septic system;
- h) A covenant shall be registered on title that the Building will be used only for a seasonal Farm Help Dwelling.
- i) The Use of a seasonal Farm Help Dwelling shall not exceed ten (10) months per seasonal worker in each calendar year.
- j) Where permitted by this By-law, the Lot and Building requirements of the applicable Zone shall apply to the seasonal Farm Help Dwelling.
- k) Parking shall be provided in accordance with Section 4 of this By-law.

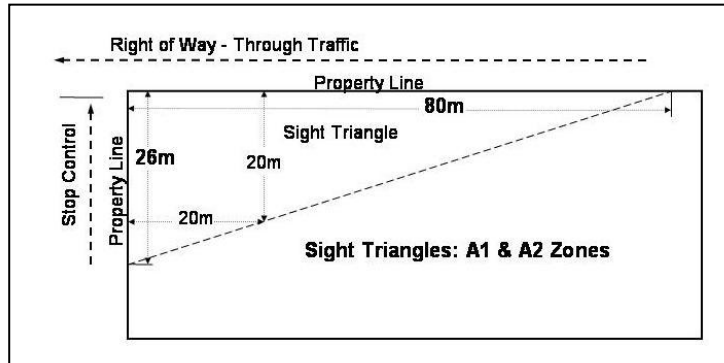
3.33 SIGHT TRIANGLES

Within any area defined as a Sight Triangle, the following shall be prohibited:

- a) Any vegetation, shrubs or foliage planted or maintained higher than 1 m above the elevation of the centre line of any adjoining Street. This requirement shall not apply to Agricultural Uses.
- b) A Finished Grade exceeding the elevation of the centre line of the Street intersection by more than 60 cm.
- c) Buildings, Structures, Signs or fences, the top of which exceeds the elevation of the centre line of the adjoining Streets by more than 1 m in Height.



- d) In all Zones other than the C1 Zone, EP-L Zones, A1 Zone and A2 Zone, a Sight Triangle of 15 m measured down the Street Line where traffic has the right of way and 10 m down the other Street Line shall be required. Where both or neither Street Line is a designated right of way, a 15 m by 10 m Sight Triangle shall be required along both Street Lines. (B/L 107/2010)



- e) In the A1 Zone and A2 Zone a Sight Triangle of 80 m measured down the Street Line where traffic has the right of way and 26 m down the other Street Line shall be required. Where both or neither Street Line is a designated right of way, an 80 m by 26 m Sight Triangle shall be required along both Street Lines. (B/L 107/2010)

- f) The Sight Triangle shall be measured from the edge of the Street Line, where known. In all other cases, the Sight Triangle shall be measured from the property line.

- g) Any driveway.

3.38 ~~SIGNS AND LIGHTING~~

- a) ~~Nothing in this By-law shall apply to prevent the erection, Alteration or Use of any Sign, provided such Sign complies with the By-laws of the Corporation regulating Signs and provided such Sign complies with the provisions of this By-law.~~
- b) ~~Where any Commercial Zone or Industrial Zone fronts on a Street or Road opposite to, or directly abuts any Residential, Institutional, or Open Space Zone, exterior lighting and illuminated Signs shall be so arranged as to deflect light away from the adjacent Zone.~~
- c) ~~Signs that are lawfully Erected and maintained, directly related to, and pertinent to the function of any of the Permitted Uses of this By-law are Permitted provided that in any Residential Zone only the following shall be Permitted:~~
- i) ~~One (1) non-illuminated real estate Sign having a maximum area of 0.5 m² advertising the sale, rental or lease of the Building, Structure or Lot upon which the Sign is displayed.~~
 - ii) ~~A Sign for a Home Occupation in compliance with Section 3.42.~~
- (B/L 107/2010)

- ~~iii) One (1) non-illuminated Sign having a maximum area of 5 m² advertising the name and particulars of a subdivision or similar development project provided such Sign shall be removed upon completion of the project.~~

~~Signs for Home Industries or Value Added Industries shall be Permitted in Agricultural Zones in compliance with Section 3.42. (B/L 107/2010).~~

~~No Sign Attached to a Building or Structure shall be located in or over Municipal property except in the case of a Building or Structure having a 0 metre Lot Line Setback, in which case any Sign shall be Attached and parallel to the Main Wall of said Building or Structure.~~

3.34 SHIPPING CONTAINERS

Where permitted in this By-law, a shipping container shall be in accordance with the following:

- a) A shipping container shall be considered a detached Accessory Structure and subject to all requirements for Accessory Buildings, Structures, or uses in Section 3.1, notwithstanding the provisions of this Section.

3.34.1 Non-Residential Zones

- a) The permanent placement of Shipping Containers as Accessory uses shall be permitted in the Agricultural, Commercial, and Industrial zones provided that:
 - i) No shipping containers as an Accessory Use or Building shall be permitted within 20 m of a residential Lot;
 - ii) No shipping container shall be permitted within the required Yard setbacks for the Zone in which each Lot is located;
 - iii) The maximum number of shipping containers may be two (2) per Lot;
 - iv) Shipping containers shall not be stacked;
 - v) Shall not be permitted as the sole Structure on any property;
 - vi) Shipping Containers shall be used for storage purposes only that shall not include hazardous materials and shall be Accessory to the main permitted Use on the property; and,
 - vii) Shall be included in all calculations for the purpose of maximum Lot Coverage.

3.34.2 All Other Zones

- a) Except as otherwise provided, shipping containers and the like shall not be permitted in any Zone, save and except Agricultural, Commercial, and Industrial zones under the provisions as set out in Section 3.34.1.
- b) A shipping container shall be permitted in all zones only for the purpose of facilitating the relocation of a household to or from the Lot on which the shipping container is placed, provided the Lot does not have a shipping container located thereon for more than 30 days in any period of 365 consecutive days.

3.35 SHORT-TERM RENTALS

- a) Dedicated Short-Term Rentals shall be prohibited in all zones.
- b) All Pre-Existing Short-Term Rentals and Primary Residence Short-Term Rentals shall be in compliance with By-Law 20 of 2025 and maintain a Short-Term Rental License.
- c) A Primary Residence Short-Term Rental shall be permitted with respect to the following:
 - i) In any Zone that permits a residential Use;
 - ii) One Short-Term Rental License per property.
- d) A Short-Term Rental does not include a Bed and Breakfast.

3.36 SPECIAL SETBACK PROVISIONS

3.36.1 Environmental Features ~~Watercourses~~

No Building or Structures shall be Erected, after the date of passing of this By-law closer than 15 m from any Environmental Zone, including the Top-of-bank of any Open Drainage Ditch or natural Watercourse, except where otherwise Permitted in an Environmental Protection – Lakeshore (EP-L) Zone.

3.36.2 Closed Drains, Sewers and Water Mains

No Building or Structure shall be Erected:

- a) Closer to the centre line of a municipal gravity Sanitary Sewer or Storm Sewer (including Closed Municipal Drains) than the sum of 0.3 m, half the diameter of the service pipe, and the invert depth of the service. Notwithstanding, the Setback shall not be less than 2.5 m where the top of the footing of the Building

or Structure is 30 cm or more below the invert of the service, or 5 m where the elevation of the footing is located otherwise. (B/L 107/2010)

- b) Closer to the centre line of a municipal force main Sanitary Sewer or water line than the sum of 1.3 m, half the diameter of the service pipe, and the invert depth of the service. Notwithstanding, the Setback shall not be less than 3 m where the top of the footing of the Building or Structure is 30 cm or more below the invert of the service, or 6 m where the elevation of the footing is located otherwise. (B/L 107/2010)

3.36.3 Sewage Treatment Facilities

No Residential, Institutional, Open Space, recreational or Commercial Use or Zone shall be Permitted closer than 100 m from any Existing sewage lagoon.

3.36.4 Petroleum Works

No new Building, Structure or Use shall be Erected closer than 75 m to a Petroleum Well.

~~3.45.5 Wind Turbines & Meteorological Masts~~

~~With the exception of the Setback described in Sections 3.4.1 g) iii), the Erection of a Livestock Facility and the Erection of a Dwelling on a Lot in a Residential or EP-L Zone, if there is any Setback, under Section 3.4, that a Wind Turbine or Meteorological Mast is required to meet from a Structure, Use or Zone, the establishment or expansion of any such Structure, Use or Zone shall meet the same Setback from a Meteorological Mast or a Wind Turbine, if the Wind Turbine has a rotor diameter greater than 6m. (B/L 104/2007)~~

3.36.5 Railways

3.36.5.1 Residential Use Setbacks

New residential development adjacent to Existing rail lines shall have a minimum Setback of 30 m from the boundary of the railway Right-of-Way. Reductions in the required Setback shall only be permitted through the submission of a Zoning By-law Amendment Application with the provision of technical studies demonstrating that there are little to no adverse impacts. Increases in size or volume of Existing Non-complying Buildings and Structures shall be Permitted provided the Existing Setback is not reduced.

3.36.5.2 Railway Crossings

Where a Street crosses a railway at the same grade, no Building or Structure shall be Erected closer to the point of intersection of the centre lines of both the railway and Street Right-of-Ways than:

- a) 75 m-in all Agricultural (A) Zones and Industrial (M) Zones, and;
- b) 30 m in all other Zones.

3.36.6 Provincial Highways

- a) Where a Lot abuts a Provincial Highway, the following shall be located a minimum distance of 14 m away from any Lot line abutting a Provincial Highway:
 - i) Any Building or Structure;
- a) Any part of the minimum required Parking Area or loading area, including any minimum required Parking Space, Loading Space, stacking space, bicycle Parking Space, and any associated Aisle or driveway;
- b) A required amenity space;
- c) A stormwater management facility.

The 14 m Setback shall be Landscaped Open Space.

3.36.7 Streets on Through Lots

On a Through Lot, the same Minimum Required Yards that apply to the Front Lot Line shall apply to the Rear Lot Line(s). (B/L 107/2011)

3.37 SUPPLEMENTAL BUSINESSES TO RESIDENTIAL OR AGRICULTURAL USES

3.37.1 Home Occupations

Where permitted by this By-law, a Home Occupation shall be Accessory to the main residential Use in accordance with the following provisions:

Neighbourhood Character & Amenity

- a) The Home Occupation shall not cause any individual or cumulative effects that change the residential character of the Dwelling or Lot. The Use shall not:
 - i) be visible or apparent from adjacent Lots, other than due to Permitted Signs,

- ii) cause a nuisance or annoyance or loss of enjoyment of property to neighbours, or
- iii) cause a significant increase in traffic on Streets serving the Dwelling.
- b) The Home Occupation shall not generate noise, vibration, fumes, dust, smoke, heat, odour, odorous material, humidity, effluent, glare, magnetic fields, radiation, refuse or any other objectionable emission which is evident outside of the Dwelling Unit or which exceeds any legal limits.
- c) The Home Occupation shall not interfere with any communication signals.
- d) The Home Occupation shall not present a health, life or fire safety hazard under the Building Code, National Fire Code, or any local, provincial or federal legislation and shall not present any serious threat of site contamination.

Scale of Activity

- e) The Home Occupation shall be entirely enclosed within the Primary Dwelling Unit or Accessory Building(s). Goods, materials or equipment associated with the Home Occupation shall be stored or displayed only within the floor area Permitted for Home Occupation Uses and shall not be visible from adjacent Lots.
- f) The amount of floor area used by the Home Occupation shall not exceed 33% of the total finished floor area of the Dwelling Unit, shall not exceed 40m² in all Accessory Buildings combined, and shall not exceed 56m² in total.
- g) Not more than two (2) Persons not residing permanently on the Premises shall be employed at the Premises.

Parking Areas

- h) ~~One additional off-Street Parking Space shall be required for each Person employed by the Home Occupation that drives to work and also for each Guest Room in a Bed and Breakfast.~~
- i) Parking shall be provided in accordance with Section 4 of this By-law.
- j) Interior Parking Spaces may be used for work vehicles and shall not be counted as part of the Home Occupation's floor area. A maximum of one work vehicle shall be parked out of doors, or two in an A1 or A2 Zone. Work vehicles may include small machinery like a small tractor or a Commercial Motor Vehicle, but shall not include a transport truck's trailer or heavy equipment such as a dump truck.

- k) No more than 50% of both the Front Yard and any Exterior Side Yard shall be used as Parking Area and the Lot shall meet minimum Landscaped Open Area requirements in ~~Table A~~ the applicable Zone.

Servicing Requirements

- l) Any Home Occupation which requires a significant volume of water and/or produces a significant volume of sewage shall require approval from the service provider and, if the Dwelling is serviced by a private septic system, shall also require approval under Part 8 of the Building Code.

Retail Sales

- m) The Home Occupation shall permit rental or retail sales at the Dwelling Unit of only merchandise that is:
 - i) produced, assembled, repaired, or otherwise has value added, within the Dwelling Unit or its Accessory Building(s), or
 - ii) associated with a service being provided as part of the Use.
- n) Sales transactions are Permitted where orders are placed by phone and merchandise is either picked up by the customer or delivered to the customer from the Dwelling or another location.

Instructional Activities

- o) The Home Occupation may involve instructional or educational activity. More than 4 students may be Permitted only if the activity requires additional participants and all requirements of fire, health and life safety have been investigated and met. The teaching of music, dance, or other physical activity that is likely to create noise or vibration shall be Permitted only within Single-Detached Dwelling Units.

Deliveries

- p) The Home Occupation shall not involve the receipt or delivery of goods or equipment by transport truck or methods other than those typical of regular residential deliveries.
- q) Where located within 100 m of a Dwelling on a separate Lot, no deliveries to or from the Home Occupation shall occur between the hour of 7 pm of one day and 7 am of the following day.

Specifically Prohibited Activities

- r) The following Uses shall not be Permitted as a Home Occupation or a part thereof:
 - i) a Use which does not comply with the preceding provisions.
 - ii) any Use prohibited in Section 3.41.
 - iii) Animal Hospital
 - iv) Use involving the presence of Livestock.
 - v) drug store;
 - vi) Dry Cleaning Establishment or Depot;
 - vii) Institutional Use providing overnight residency and/or care.
 - viii) Laundromat;
 - ix) Restaurant of any type;
 - x) Retail Store;
 - xi) Motor Vehicle Repair, Service, Washing, or Wrecking Establishment;
 - xii) sale, repair or service of Motor Vehicles, machinery, equipment or appliances;
or
 - xiii) sale or installation of Motor Vehicle audio parts, products or accessories.

Signs

- s) One non-illuminated Sign advertising the Home Occupation shall be Permitted with a maximum size of 0.3 m².

Clinics

- t) ~~Where a Home Occupation is a Clinic, a minimum of 1.5 Parking Spaces for each Person employed shall be provided.~~
- u) No more than one (1) physician, dentist or drugless practitioner shall practice in a Clinic where such Clinic constitutes a Home Occupation. Such physician, dentist or drugless practitioner shall reside in the Dwelling Unit, where such Clinic is located.

- v) ~~A Single-Detached Dwelling may be entirely converted for Use as a Clinic in which case no Person shall be required to reside on site and the number of employees may be as many as six.~~

3.37.2 Home Industries

Where permitted by this By-law, a Home Industry shall be in accordance with the following:

- a) A Home Industry shall include, but is not limited to, the following uses:
 - i) Carpentry and woodworking shop;
 - ii) Custom Workshop;
 - iii) Metalworking;
 - iv) Welding;
 - v) Electrical, plumbing, and Building contractor shops.
- b) In addition to those uses permitted under Section 3.37.2 a), where a Home Industry is Accessory to a principal Agricultural Use, the following shall also be permitted:
 - i) Repair shop for appliances and vehicles;
 - ii) Machine shop; and,
 - iii) Sawmill.
- c) A Home Industry shall be carried on entirely within an Accessory Building or Structure, in accordance with Section 3.1 of this By-law.
- d) A Home Industry shall have a maximum of three (3) employees, where at least one (1) employee shall be a resident of the primary Dwelling.
- e) A Home Industry shall have a maximum gross floor area of 115 m².
- f) Display and retail sales shall be permitted as an Accessory Use to a Home Industry.
- g) Open Storage associated with a Home Industry shall not exceed 93 m² and shall be in accordance with Section 3.27 of this By-law.
- h) A Sign shall be permitted in accordance with Section 3.37.3 f) of this By-law.

- i) A Home Industry that includes an Obnoxious Use shall be prohibited.
- j) Parking shall be provided in accordance with Section 4 of this By-law.

3.37.3 Rural Home Occupations (B/L 107/2010)

A Home Occupation may be operated as an Accessory Use to a Dwelling on a Lot in an A1 or A2 Zone and shall comply with the regulations of Section 6.3.1 and be subject to the following:

- a) The Use shall not change the main residential or Agricultural character and Use of the Lot.
- b) The amount of floor area used by the Home Occupation shall not exceed 33% of the total finished floor area of the Dwelling Unit or 56 m², whichever is the lesser and, outside the Dwelling, shall not exceed 93 m² in all Buildings combined.
- c) Open Storage or Outdoor Display totaling up to 93 m² shall be Permitted and shall be screened from view of Streets and neighbouring Dwellings by solid fences, Buildings or hedges.
- d) A transport truck and trailer or heavy equipment that is operated by only the Home Occupation owner may be parked on site as an Accessory Use.
- e) Instructional or educational activities for more than 4 students shall be Permitted provided all fire, health and life safety requirements have been investigated and met.
- f) One non-illuminated Sign shall be Permitted having a maximum area of 2 m² and displaying the name of the business or Person engaged in such Home Occupation on the Lot.
- g) Where a separation of 200 m or more exists to the nearest neighbouring Dwelling or any Use defined as a Type B Use for MDS II purposes and the Home Occupation would not contravene Sections 3.37.3 b), d), and e), the following modifications shall apply:
 - i) Emissions that are perceptible outside the Dwelling or Building but within all legal limits shall be Permitted.
 - ii) Receipt or delivery of goods or equipment shall be Permitted by any form of transportation provided such vehicles have no need to park or make reversing manoeuvres on public roadways.

iii) The following Uses shall be Permitted provided any Open Storage or Outdoor Display is surrounded by a solid board fence at least 2.4 m in Height and the Use does not change the character of the Main Use or become a nuisance to neighbouring properties:

1. sale, repair or service of Motor Vehicles, machinery, equipment or appliances.
2. sale or installation of Motor Vehicle audio parts, products or accessories.
3. Parking of construction equipment and construction vehicles within the Permitted floor area and Open Storage limits.

3.37.4 On-farm Diversified Uses

Where permitted in this By-law, On-farm Diversified Uses shall be in accordance with the following:

- a) An On-farm Diversified Use shall be located on a Lot having a minimum Lot Area of 4 ha and containing a principal Agricultural Use.
- b) The Area Of Operation for an On-farm Diversified Use shall not exceed a combined total of 1 ha or 2% of the Lot Area on which the Use is proposed, whichever is less, provided that:
 - i) The maximum gross floor area of all Buildings and Structures shall be 20% of the Area Of Operation.
- c) In calculating the Area Of Operation, 100% of the area needed for Parking Spaces and Open Storage for the On-farm Diversified Use shall be included.
- d) In calculating the Area Of Operation, where an On-farm Diversified Use uses an Existing access laneway or Parking Area, the area of the laneway or Parking Area shall not be included.
- e) The Area Of Operation shall be contained to one portion of the Lot.
- f) All Open Storage for an On-farm Diversified Use shall be in accordance with Section 3.27 of this By-law.
- g) Display and retail sales shall be permitted as Accessory Use to an On-farm Diversified Use.
- h) Where an On-farm Diversified Use includes an Agri-tourism Use, provides food service, or provides overnight accommodations, it shall be subject to the Minimum Distance Separation (MDS) I Formulae per Section 6.3.1.

3.37.5 Agri-tourism Uses

Any Agri-tourism Use shall be subject to the following provisions, in addition to the requirements of Section 3.37.4:

- a) Display and retail sales of off-farm products shall be permitted, but shall be no greater than one-third of the total gross floor area of the commercial component of the Agri-tourism Use, to a maximum of 93 m².
- b) Lands used for agriculture and simultaneously used as part of the Agri-tourism Use shall not be included in the calculation of the Area Of Operation in accordance with Section 3.37.4 b).
- c) Agri-tourism Uses greater than 93 m² in gross floor area shall be subject to site plan control.

3.37.6 Value-added Businesses (B/L 107/2010)

A Value-added Business shall be permitted as an Accessory Use to a Farm Dwelling and shall comply with the regulations of Section 3.37.1 and be subject to the following:

- a) Home Industries that do not make Use of a commodity produced as part of the Agricultural Use of the Lot are not Value-added Businesses.
- b) A Value-added Business may be visible from neighbouring properties and may be notable as a separate component to an Agricultural Use.
- c) A Value-added Business may result in increases in traffic volumes on Streets serving the Use.
- d) The total floor area used by a Value-added Business shall not exceed 375 m² outside of the Dwelling and not more than 33% of the Dwelling's finished floor area.
- e) Open Storage of up to 190 m² shall be Permitted.
- f) The retail sale of products produced on-site permitted.
- g) A Value-added Business may employ up to 10 Persons not residing on the Lot.
- h) A maximum of 2 delivery vehicles required for delivering finished product may be kept on site.
- i) One non-illuminated Sign shall be Permitted having a maximum area of 2 m² and displaying the name of the business or Person engaged in such business on the Lot.

3.38 SWIMMING POOLS IN RESIDENTIAL ZONES

- a) In a residential Zone, a Swimming Pool shall be permitted as an Accessory Use to the permitted residential Use.
- b) A Swimming Pool shall not be permitted in the minimum required Front Yard or Exterior Side Yard.
- c) A Swimming Pool shall not be considered as part of the Lot Coverage.
- d) A Swimming Pool shall be subject to the same setbacks as Accessory Buildings and Structures per Section 3.1 of this By-law.
- e) Fences surrounding private Swimming Pools shall comply with the by-laws of the Municipality regulating pools.

3.39 TEMPORARY SALE EVENTS

Notwithstanding any other provisions of this By-law, the temporary sale and/or display of goods or commodities shall be permitted in any Zone in accordance with the following:

- a) Temporary sales and/or displays such as a Garage Sale shall be permitted provided:
 - i) They are Accessory to a permitted residential Use;
 - ii) There shall be no more than three (3) such sales per calendar year;
 - iii) No such sale shall exceed three (3) consecutive days in duration; and,
 - iv) The area for the temporary sales and/or display shall not impede pedestrian or vehicular circulation.

3.40 USES PERMITTED IN ALL ZONES

The following Uses are Permitted in all Zones within the Corporation:

3.40.1 Public Uses

Despite any other provisions of this By-law (excluding Section 3.12) to the contrary, the Corporation of the Town of Plympton-Wyoming, the County of Lambton and any Ministry of the Government of Canada or Province of Ontario or their agents may for the purpose of the public service, Use any land or any Building or Structure in any Zone in spite of the fact that such Use of any Building or Structure does not conform with the provisions of this By-law for such Zone, which may include any Public Use,

Conservation Use, or flood and erosion control. Any Public Utility company shall comply with the provisions of this By-law only insofar as such Uses are for administrative or Office purposes.

3.40.2 Utility Service Buildings and Non-Recreational Public Uses

Utility Service Buildings and Non-Recreational Public Uses exclusive of Waste Disposal Sites and incinerators are Permitted in all Zones. Where such Use is located in any Residential Zone:

- a) it shall comply with the provisions for such Zone;
- b) there shall be no Open Storage; and
- c) any Buildings or Structures Erected or used shall be designed, maintained and used in a manner compatible with residential Buildings of the type Permitted in said Zone.

3.40.3 Public Recreational Uses

Parks and Community Centres operated by or for the Town of Plympton-Wyoming including Uses Accessory thereto.

3.40.4 Construction Uses

Temporary Buildings and Structures normal and incidental to construction shall be permitted in all zones, such as a construction camp or other such temporary work camp, a construction Office, a tool shed, a scaffold, provided that a valid Building permit has been issued where a Building permit is required, and that these uses shall only be permitted so long as the same are necessary for any work in progress which has been neither finished nor abandoned for a period of 60 days. Such Buildings, uses, and Structures shall be removed within 6 months following the termination and or abandonment of the construction project.

3.40.5 Transmission and Distribution Lines

Nothing in this By-law shall prevent the Use of any land for any gas, oil, brine or other liquid or gaseous product transmission or distribution pipe line and appurtenances thereto which have been Approved by the National Energy Board or the Ontario Energy Board.

3.40.6 Petroleum Well and Petroleum Work

Nothing in this By-law shall prevent the Use of any land for any Petroleum Well or Petroleum Work subject to the regulations of the *Oil, Gas and Salt Resources Act*, R.S.O. 1990, Chap. P.12, as amended, in accordance with the following:

- a) The exploration and/or production of natural gas or crude oil resources is located a minimum of 300 m from any Dwelling in any Agricultural Zone;
- b) The exploration and/or production of natural gas or crude oil resources is located a minimum of 1,000 m away from any Residential, Institutional, and Open Space Zone; and,
- c) No Building or Structure shall be erected, located, or constructed within 75 m of Existing Petroleum Wells and works, unless the wells or works have been decommissioned in accordance with the *Oil, Gas and Salt Resources Act*, R.S.O. 1990, as amended.

3.40.7 Wayside Pits and Quarries and Portable Asphalt or Concrete Plants

Wayside Pits and Quarries and Portable Asphalt or Concrete Plants, used on public authority contracts shall be Permitted in all Zones other than Woodlot, Wetland, Significant Natural Area, and Hazard Zones, except on or adjacent to an Existing built-up area.

3.40.8 Transmission Towers

Transmission Towers shall be Permitted in all Zones except for Residential Zones.

~~3.45.9 Wind Turbines & Meteorological Masts~~

~~Accessory Wind Turbines shall be Permitted in all Zones. Meteorological Masts shall be Permitted in all Zones except for Residential Zones. B/L 104/97~~

3.41 USES PROHIBITED IN ALL ZONES

Unless specifically Permitted in this By-law, all Uses, including but not limited to the following Uses, are specifically prohibited and shall only be Permitted by amendment to this By-law under Section 34(10), or application under Section 45, of the *Planning Act*, R.S.O. 1990, Chap. P.13, as amended.

- a) Offensive Industrial Uses, including but not limited to the rendering and processing of animal by-products, ~~the boiling of blood, tripe or soap,~~ tanning of hides and skins and other similar Uses that generate odour, noise, emissions, or waste which may be deemed ~~declared by the local Board of Health or Council to~~

be a noxious or offensive Use under applicable municipal by-laws, the Ministry of the Environment, Conservation and Parks (MECP) guidelines, and/or by resolution of Council ~~trade, business or manufacture.~~

- b) The operation of year-round, privately-owned Travel Trailer camps or privately-owned camping grounds, but not including the operation of Mobile Home Parks as defined in this By-law.
- c) Motor Vehicle Wrecking Establishment as defined in this By-law.
- d) The outdoor keeping or storage of any Derelict Motor Vehicle.
- e) A track for the Use, racing or testing of automobiles, snowmobiles, motorcycles, or any motorized vehicle.
- f) Adult Entertainment Parlour as defined in this By-law.
- g) Any manufacturing or processing Use involving Dangerous Goods which poses a hazard to the public.
- h) A Tire Disposal Site
- i) A Waste Disposal Site
- j) A Quarry
- k) A Derelict Wind Turbine (B/L 104/07)
- l) Wind Turbine, except Accessory Wind Turbine (B/L 118/21)
- m) Bio-Digester (B/L 118/21)
- n) Production and processing of cannabis.

3.42 WASTE STORAGE AREAS

The storage of garbage, recycling, and other waste shall be in accordance with the following:

- a) Commercial and Industrial Zones, along with Zones where apartment or mixed-Use Buildings are permitted, shall provide for garbage, recycling, and other waste to be stored only in a fully enclosed waste storage area, with or without a roof, within a wholly enclosed Building, or within an in-ground refuse container.

- b) Notwithstanding Section 3.42 a), in-ground refuse containers are not required to be within a fully enclosed waste storage area or wholly enclosed within a Building.
- c) A waste storage area shall only be permitted in an Interior Side Yard or Rear Yard.
- d) A waste storage area, where required, shall be Setback a minimum of 3 m from any abutting Residential Zone or any Lot used for residential purposes and shall be subject to all other provisions for Accessory Structures.
- e) A waste storage area shall be screened from the Street by a fence and/or wall of a minimum Height equal to the Height of the waste storage area or a buffer.
- f) A waste storage area shall not be permitted within any required Planting Strip and shall not obstruct a required Parking Space, parking Aisle, stacking Lane, or driveway.
- g) The provisions of this section shall not apply to any temporary waste disposal Structure used in conjunction with a temporary construction Use.

SECTION 3.4 – GENERAL PROVISIONS PARKING AND LOADING PROVISIONS**3.25****4.1 PARKING AREA REGULATIONS****3.254.1.1 Requirements**

The Owner or occupant of every Building or Structure Erected or used for any of the purposes hereinafter set forth except for Existing Buildings, Structures or Uses in the Commercial 1 (C1) Zone, 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, one (1) or more Parking Spaces, each such Parking Space having a minimum overhead clearance of 2 m and a minimum width and length as required in **Appendix “A”**, in accordance with the following:

Table 4-1: <u>Minimum Parking Requirements</u>	
<u>Permitted Use</u>	<u>Minimum Number of Parking Spaces</u>
<u>Residential</u>	
<u>Accessory Dwelling Unit</u>	<u>1 space per Dwelling Unit in addition to the requirements for the Existing residential Use</u>
<u>Additional Residential Unit</u>	<u>1 space per Dwelling Unit in addition to the requirements for the Existing residential Use</u>
<u>Apartment Dwelling</u>	<u>1.5 spaces per Dwelling Unit with 2 or more bedrooms</u> <u>1 space per Dwelling Unit with 0 or 1 bedrooms</u>
<u>Bed and Breakfast</u>	<u>1 space per Guest Room in addition to the requirements for the Existing residential Use</u>
<u>Boarding House</u>	<u>1 space per Dwelling Unit, plus 1 Parking Space per Guest Room</u>
<u>Cottage Dwelling</u>	<u>2 spaces per Cottage Dwelling (can be provided in tandem)</u>
<u>Duplex Dwelling</u>	<u>1 space per Dwelling Unit</u>
<u>Dwelling Unit Above Commercial Use</u>	<u>1 space per Dwelling Unit</u>
<u>Fourplex</u>	<u>1 space per Dwelling Unit</u>
<u>Group Home/Correctional Group Home</u>	<u>1 Parking Space per staff member</u>
<u>Home Site</u>	<u>1 space for each individual home site</u>
<u>Home Occupation</u>	<u>1 space for any employee that is not a resident in the Dwelling Unit in addition to the required parking for the Dwelling Unit</u>

Table 4-1: Minimum Parking Requirements

Permitted Use	Minimum Number of Parking Spaces
Mixed-Used Building	<u>1 space per Dwelling Unit in addition to the requirements for other uses in the development</u>
Mobile Home	<u>1 space for each Mobile Home</u>
Other Residential Uses Permitted by this By-law	<u>1 space per Dwelling Unit</u>
Retirement Home	<u>0.5 spaces per unit plus 1 Parking Space for each employee</u>
Semi-detached Dwelling	<u>1 space per Dwelling Unit</u>
Single-Detached Dwelling	<u>1 space per Dwelling Unit</u>
Townhouse	<u>1 space per Dwelling Unit</u>
Triplex Dwelling	<u>1 space per Dwelling Unit</u>
<u>Non-Residential</u>	
Abattoir	<u>1 space per 100 m² of Gross Floor Area or 1 per employee on the largest shift, whichever is greater</u>
Agricultural Processing Establishment	<u>1 space per 55 m² of Gross Floor Area</u>
Agri-tourism	<u>1 space per 55 m² of Gross Floor Area</u>
Animal Hospital	<u>1 space per 30 m² of Gross Floor Area</u>
Art Gallery	<u>1 space per 30 m² of Gross Floor Area</u>
Assembly Hall, Community Facility, Private Club	<u>1 Parking Space for every 8 fixed seats plus 1 Parking Space for each 18.5 m² of gross floor area (excluding area occupied by fixed seating)</u>
Auction Establishment or Flea Market	<u>1 space for every 5 m² of gross floor space open to the public</u>
Bakery	<u>1 space per 30 m² of gross floor area</u>
Batching Plant	<u>1 space per 100 m² of Gross Floor Area or 1 per employee on the largest shift, whichever is greater</u>
Building Supply Establishment	<u>1 space per 30 m² of Gross Floor Area</u>
Bulk Fuel Establishment	<u>1 space per 100 m² of Gross Floor Area or 1 per employee on the largest shift, whichever is greater</u>
Bulk Sales Establishment	<u>1 space per 100 m² of Gross Floor Area or 1 per employee on the largest shift, whichever is greater</u>
Campground	<u>1 space for each site plus 1 space per 100 m² of gross floor area used for commercial purposes accessible by the public</u>
Cannabis Production and Processing Facility	<u>1 space per 100 m² of Gross Floor Area or 1 per employee on the largest shift, whichever is greater</u>

Table 4-1: Minimum Parking Requirements

Permitted Use	Minimum Number of Parking Spaces
Cemetery	<u>2 spaces</u>
Clinic	<u>5 spaces per practitioner or 1 Parking Space per 18.5 m² of Gross Floor Area, whichever is greater</u>
Commercial Greenhouse	<u>1 per 30 m² Gross Floor Area for retail and 1 per 1000 m² Gross Floor Area of growing area</u>
Commercial Storage Facility	<u>1 space per 100 m² of Gross Floor Area or 1 per employee on the largest shift, whichever is greater</u>
<u>Contractor's Facilities</u>	<u>Minimum of 4 per facility of 1 per 30 m² Gross Floor Area, whichever is greater</u>
Convenience Store	<u>1 space per 30 m² of Gross Floor Area</u>
Day Care Centre	<u>1 space per staff member</u>
Dry Cleaning Establishment	<u>1 space per 30 m² of Gross Floor Area</u>
Farm Help Dwelling/Seasonal Farm Help Dwelling	<u>1 space per 2 employees</u>
Farm Implement Sales And Service Establishment	<u>1 space per 55 m² of Gross Floor Area</u>
Farm Produce Outlet	<u>1 space per 30 m² of Gross Floor Area</u>
Farmers Market	<u>1 space per vendor and 1 space per 30 m² of Gross Floor Area</u>
Financial Establishment	<u>1 space per 30 m² of Gross Floor Area</u>
Funeral Home	<u>1 space per 20 m² of Gross Floor Area</u>
Garden Centre And Nursery	<u>1 space per 35 m² of Gross Floor Area</u>
Golf Course	<u>5 spaces per hole</u>
Home Industry	<u>1 space for any employee that is not a resident in the Dwelling Unit in addition to the required parking for the Dwelling Unit</u>
Hospital	<u>1 space per 4 beds or 1 space per 100 m² of Gross Floor Area, whichever is greater</u>
Hotel/Motel	<u>1 space per Guest Room plus 1 per 20 m² of floor area of each refreshment room or dining room</u>
Industrial Use/<u>Light Industrial Use</u>	<u>1 space for each 37 m² of Gross Floor Area</u>
Institutional Use	<u>1 space per 30 m² of Gross Floor Area</u>
Kennel	<u>1 space per 30 m² of Gross Floor Area</u>
<u>Long-Term Care Home</u>	<u>1 space per 4 beds</u>
Lumber Yard	<u>1 space per 30 m² of Gross Floor Area</u>

Table 4-1: Minimum Parking Requirements

Permitted Use	Minimum Number of Parking Spaces
Marine Sales And Service Establishment	<u>1 space per 30 m² of Gross Floor Area plus 1 per employee</u>
<u>Micro-brewery, Distillery, and Winery</u>	<u>1 space per 50 m² of Gross Floor Area</u>
Mineral Aggregate Operations	<u>1 space per employee on the largest shift</u>
<u>Miniature Golf Course</u>	<u>12 spaces minimum</u>
Motor Vehicle Repair Establishment	<u>3 spaces per staff member</u>
Motor Vehicle Sales And Rental Establishment	<u>1 space per 30 m² Gross Floor Area plus 1 space per 10 Motor Vehicles on display</u>
Motor Vehicle Service Establishment	<u>3 spaces per service bay or 1 per 100 m² or whichever is greater</u>
Motor Vehicle Washing Establishment <u>i) Self-Service Operation</u>	<u>3 spaces per wash stall</u>
Motor Vehicle Washing Establishment <u>ii) Conveyor Operation</u>	<u>5 tandem spaces per bay</u>
Office	<u>1 space per 37 m² of Gross Floor Area</u>
<u>On-farm diversified</u>	<u>1 space per 55 m² of Gross Floor Area</u>
<u>Other Non-Residential Uses</u>	<u>1 space per 30 m² of Gross Floor Area</u>
<u>Outdoor Patio</u>	<u>1 space per 30 m² of Gross Floor Area in addition to the requirements for the Use</u>
Personal Service Establishment	<u>1 space per 37 m² of Gross Floor Area</u>
Place Of Entertainment	<u>1 space per 6 seats or 1 space per 10 m² of Gross Floor Area, whichever is greater</u>
Place Of Worship	<u>1 Parking Space per 10 m² of Gross Floor Area</u>
Printing And Publishing Establishment	<u>1 per 200 m² of Gross Floor Area</u>
<u>Recreation Establishment</u>	<u>1 space per 18 m² of Gross Floor Area</u>
Recreational Use	<u>1 space per 18 m² of Gross Floor Area</u>
Recreational Vehicle Sales And Service Establishment	<u>1 space per 30 m² of Gross Floor Area 1 space per service bay</u>
<u>Recycling Depot</u>	<u>1 space per 100 m² of Gross Floor Area or 1 per employee on the largest shift, whichever is greater</u>

Table 4-1: Minimum Parking Requirements

Permitted Use	Minimum Number of Parking Spaces
Restaurant	<u>The greater of:</u> <u>a) 1 Parking Space per 14 m² of Gross Floor Area, including outdoor patio area; or</u> <u>b) 1 Parking Space per 4 persons design capacity of the dining room and outdoor patio area</u>
Restaurant, Drive-In	<u>10 Parking Spaces per Lot</u>
Retail Store	<u>1 space per 37 m² of Gross Floor Area</u>
Retail Warehouse	<u>1 space per 90 m² of Gross Floor area for the first 900 m² plus 1 Parking Space for each 180 m² of remaining Gross Floor Area</u>
Riding Stable Or Equestrian Centre	<u>1 per 55 m² of Gross Floor Area</u>
School, Commercial	<u>5 spaces for each classroom plus 1 space for every 100 m² of Gross Floor Area</u>
School, Private	<u>1.5 spaces per classroom for elementary schools 5 per classroom for secondary schools</u>
Service and Repair Shop	<u>1 space per 20 m² of Gross Floor Area</u>
Shopping Mall/Shopping Plaza	<u>1 space per 28 m² of Gross Floor Area</u>
Tavern	<u>The greater of:</u> <u>a) 1 Parking Space per 14 m² of Gross Floor Area, including outdoor patio area; or</u> <u>b) 1 Parking Space per 4 persons design capacity of the dining room and outdoor patio area</u>
Tourist Information Centre	<u>1 space per 30 m² of Gross Floor Area</u>
Transport Terminal	<u>1 space per 100 m² of Gross Floor Area</u>
Value-Added Agricultural Use	<u>1 space per 55 m² of Gross Floor Area</u>
Value-added Business	<u>1 space per 55 m² of Gross Floor Area</u>
Warehouse/Wholesale Use	<u>1 space per 100 m² of Gross Floor Area or 1 per employee on the largest shift, whichever is greater</u>
Waste Disposal Site	<u>1 space per 100 m² of Gross Floor Area or 1 per employee on the largest shift, whichever is greater</u>
Wrecking/salvage Yard	<u>1 space per 500 m² of Gross Floor Area including outdoor storage area or 1 per employee on the largest shift, whichever is greater</u>

- a) Parking Spaces shall be provided at the time of construction or in association with a change of Use, according to the provisions of this By-law.
- b) If calculation of the required Parking Spaces results in a fraction, the required Parking Spaces shall be the next higher whole number.

3.25.4.1.2 Addition to Existing Use

When an Existing Building or Structure has insufficient Parking Spaces at the date of passing of this By-law to comply with the requirements herein, this By-law shall not be construed to require that the deficiency be made up prior to the construction of any addition. In the case of the expansion or enlargement of an Existing Building or Structure, the requirement for provision of additional Parking Spaces shall be based on said expansion or enlargement, provided that no additional Parking Spaces shall be required if said expansion or enlargement does not exceed ten percent (10%) of the Gross Floor Area of the Building or Structure as it Existed on the date of passing of this By-law.

3.25.4.1.3 Change of Use

Where a change of Permitted Uses takes place in a Commercial Zone within an Existing Building or Structure no additional parking facilities shall be required provided that:

- a) No Existing Parking Spaces are lost due to the change;
- b) The proposed Use does not constitute an increase in intensity with regard to parking requirements;
- c) The previous Use was not residential;
- d) The Gross Floor Area is not increased;
- e) No additional Residential Units are created.

In the case of an increase in Gross Floor Area, the provisions of **Section 3.25.24.1.2** shall apply.

3.25.4.1.4 More Than One Use On A Lot

- a) When a Building, Structure or Lot accommodates more than one type of Use the Parking Space requirement for such Building, Structure or Lot shall be the sum of the requirements for the separate Uses thereof.
- b) Notwithstanding a), for Mixed Use development where more than one of the uses listed in Table 4-2 below are located on the same Lot, the minimum parking requirement may be reduced through sharing of Parking Spaces. Using Table 4-

2. the required minimum number of total Parking Spaces may be calculated as follows:

- i) Determine the parking requirement for each Use and calculate the minimum number of Parking Spaces required for each Use;
- ii) Multiply the required minimum number of Parking Spaces by the Occupancy rate for each Use for each time period; and
- iii) For each time period, add the Parking Space calculations for all uses to arrive at a cumulative total; and
- iv) The largest cumulative total of all the uses for any time period is the minimum number of Parking Spaces required for the Lot.

Table 4-2: Calculation of Shared Parking			
<u>Type of Use</u>	<u>Parking Occupancy Rate</u>		
	<u>Morning</u>	<u>Afternoon</u>	<u>Evening</u>
Office	<u>100%</u>	<u>95%</u>	<u>15%</u>
Place Of Entertainment	<u>70%</u>	<u>40%</u>	<u>80%</u>
<u>Recreation Establishment</u>	<u>25%</u>	<u>80%</u>	<u>100%</u>
Restaurant	<u>30%</u>	<u>90%</u>	<u>100%</u>
Retail Store, <u>including services</u>	<u>75%</u>	<u>80%</u>	<u>75%</u>

3.25.4.1.5 Location

The required Parking Area shall not form a part of any Street or Lane. The required Parking Area shall be provided on the Lot occupied by the Building, Structure or Use for which said Parking Area is required, except that in the case of a non-Residential Use, the required Parking Area may be provided on another Lot if such Parking Area is not more than 150 m from the Building, Structure or Use requiring the Parking Area and the Parking Spaces are available for the exclusive Use of the Building, Structure or Use.

3.25.4.1.6 Yards Where Parking is Permitted

Despite any Yard provisions of this By-law to the contrary, uncovered surface Parking Areas shall be Permitted in all Yards, with 0 m Lot Line Setbacks, provided that no part

of any Parking Area, other than a driveway, is located in a required Planting Strip and no part is located within a required ~~Sight~~ Triangle.

3.25.4.1.7 Access To Parking

a) Location

The minimum distance between a driveway and the intersection of Street Lines measured along the Street Line intersected by such driveway shall be 9 m.

Driveways shall not be located in any Sight Triangles required.

b) Width

Access to the required Parking Spaces and Parking Areas shall be provided by means of unobstructed driveways as follows: ~~or passageways~~

i) Driveways shall be at least 3 m but not more than 9 m in width.

ii) Notwithstanding i), driveways intersecting with County Roads shall be at least 4.6 m but not more than 9 m in width. In the case of a driveway with combined ingress and egress, the minimum width of a driveway shall be 7 metres for Parking Areas with three (3) to ten (10) Parking Spaces, and 9 metres for Parking Areas with more than ten (10) Parking Spaces. In all cases, the maximum driveway width shall be 9 metres.

iii) Notwithstanding i) and ii), for any Commercial, Industrial or Institutional Use, the permitted maximum driveway width shall be determined By Council through site plan agreement pursuant to Section 41 of the Planning Act R.S.O., 1990.

iv) All driveway widths shall be measured along the Street Line.

A driveway leading to any Loading Space(s) or Parking Area shall be defined by a curb of concrete or rolled asphalt and be maintained with a cement or asphaltic binder or any other permanent surfacing. This paragraph shall not apply to residential Dwellings with three (3) or less units.

c) Aisles

The minimum width of the Aisles between Parking Spaces within a Parking Area shall be as required in **Appendix “AC”**.

d) Angle of Intersection

The minimum angle of intersection between a driveway and a Street Line shall be 60 degrees.

e) Number of Driveways

i) Every Lot shall be limited to one (1) driveway.

~~ii)~~—

~~iii)ii)~~ Notwithstanding i), a corner Lot is permitted a driveway on each Street frontage.

~~iii)~~ Commercial, Industrial, or Institutional Uses are exempt from i).

f) ~~ExemptionTwo (2) driveways, with a combined width not exceeding 30% of the Lot Frontage, for the first 30 metres of Lot Frontage or portion thereof; and~~

Agricultural properties are exempt from the requirements of Section 4.1.7.

Notwithstanding the requirements of Section 4.1.7 b), Agricultural properties are permitted a maximum driveway width of 15 m.

Notwithstanding the above, properties zoned Agriculture that are 20 acres or greater in size shall be governed by the entrance permit by-law, as applicable.
~~One (1) additional driveway for each additional 30 metres of Lot Frontage.~~

3.254.1.8 Surface

~~a) For any Residential Structure containing more than three (3) Dwelling Units, or for any Commercial, Industrial or Institutional Use, the required surface for a Parking Area shall be determined By Council through site plan agreement pursuant to Section 41 of the Planning Act R.S.O., 1990. As a minimum, such Parking Area shall be maintained with a stable surface that is treated to prevent the raising of dust or loose particles and shall have curb stops.~~

~~b) For any residential Structure containing up to three (3) Dwelling Units, gravel shall be required as a minimum for surfacing any Parking Area.~~

a) A driveway leading to any Loading Space(s) or Parking Area shall be defined by a curb of concrete or rolled asphalt and be maintained with a cement or asphaltic binder or any other stable surfacing.

b) As a minimum, all Parking Areas shall be maintained with a stable surface that is treated to prevent the raising of dust or loose particles and shall have curb stops.

c) Notwithstanding a) and b) for any residential Structure containing more than ten (10) Dwelling Units, or for any Mixed, Commercial, Industrial or Institutional Use, the required surface for a Parking Area shall be determined By Council through site plan agreement pursuant to Section 41 of the Planning Act R.S.O., 1990.

3.254.1.9 Lighting

Where lighting facilities are provided in conjunction with any Permitted Parking Area, such lighting shall be so arranged as to deflect light onto the Parking Area and away from adjoining properties.

3.254.1.10 Movement Lanes For Motor Vehicle Washing Establishments

- a) Automatic Motor Vehicle Washing Establishments shall have on their Premises sufficient space for the storage and movement of at least five (5) Motor Vehicles in advance of and three (3) Motor Vehicles at the terminus of each wash line.
- b) Self-service Motor Vehicle Washing Establishments shall have on their Premises sufficient space for the storage and movement of at least three (3) Motor Vehicles in advance of and one (1) Motor Vehicle at the terminus of each wash stall.

3.254.1.11 Restrictions in Residential Zones

- a) No Commercial Motor Vehicle that carries Dangerous Goods as defined in this By-law shall be parked or stored on a Lot in any Residential or Environmental Protection – Lakeshore Zone.
- b) The parking or storage of a boat, snowmobile, all-terrain vehicle, Travel Trailer, Motor Home or Commercial Motor Vehicle on a Lot is Permitted in any Residential or Environmental Protection – Lakeshore Zone as an Accessory Use to a Dwelling provided that none of the above are parked or stored in a Sight Triangle, a required Parking Space, a Front Yard, or an Exterior Side Yard. Notwithstanding, such items may be stored in a Front Yard or Exterior Side Yard but not a Rear Yard of a Lot abutting Lake Huron or its beaches. Where a boat, snowmobile, all-terrain vehicle, Travel Trailer or Motor Home is parked or stored on a Lot, it shall comply with the Setbacks imposed on Accessory Buildings and Structures as stated in **Section 3.1.2** of this By-law. (B/L 107/2010)

4.1.12 Accessible Parking Spaces

Except for single detached Dwellings, Semi-detached Dwellings, Duplex Dwellings, Triplex Dwellings, fourplexes, Cottage Dwellings, townhouses, Mobile Homes, Accessory Dwelling Units or additional Dwelling Units, where Parking Spaces are required, parking for the Use of persons with disabilities (accessible Parking Spaces) shall be provided in accordance with this Section, subject to any provincial requirements or exceptions to the contrary.

- a) The minimum number of accessible Parking Spaces to be provided shall be calculated as follows:

- i) One accessible Parking Space, where there are 12 Parking Spaces or fewer required;
- ii) Four percent (4%) of the parking provided shall be accessible Parking Spaces where between 13 to 100 Parking Spaces are required;
- iii) One accessible Parking Space and an additional three percent (3%) of the parking provided shall be accessible Parking Spaces where 101 to 200 Parking Spaces are required;
- iv) Two accessible Parking Spaces and an additional two per cent (2%) of the parking provided shall be accessible Parking Spaces where 201 to 1000 Parking Spaces are required; or
- v) Eleven accessible Parking Spaces and an additional one per cent (1%) of the parking provided shall be accessible Parking Spaces where 1001 Parking Spaces or greater.
- b) For the purpose of calculating the required accessible Parking Spaces based on the rates above, any calculation that results in a fraction or part of a space shall be rounded up to the nearest whole number.
- c) Accessible Parking Spaces shall be provided in accordance with the following types:
 - i) Type A, a wider Parking Space which has a minimum width of 3.40 m and signage that identifies the space as “van accessible”; or
 - ii) Type B, a standard Parking Space which has a minimum width of 2.40 m.
- d) Accessible Parking Spaces required shall be provided as Type A and Type B Parking Spaces as follows:
 - i) At least one (1) accessible Parking Space shall be a Type A Parking Space.
 - ii) Where an even number of accessible Parking Spaces are required, an equal number of Parking Spaces that meet the requirements of a Type A Parking Space and a Type B Parking Space must be provided; or
 - iii) Where an odd number of accessible Parking Spaces are required, the number of Parking Spaces must be divided equally between Parking Spaces that meet the requirements of a Type A Parking Space and a Type B Parking Space, but the additional Parking Space, the odd-numbered space, may be a Type B Parking Space.

- e) Access aisles, that is the space between Parking Spaces that allows persons with disabilities to get in and out of their vehicles, must be provided for all accessible Parking Spaces as follows:
 - i) Have a minimum width of 1.50 m.
 - ii) Extend the full length of the Parking Space.
 - iii) Be marked with high tonal contrast diagonal lines, which discourages parking in them, where the surface is asphalt, concrete or some other hard surface.
- f) Access aisles may be shared by two accessible Parking Spaces.
- g) Accessible Parking Spaces shall:
 - i) Be properly denoted by either erecting an accessible permit parking Sign or an accessible Parking Space symbol that is painted on the accessible Parking Space(s), all in accordance with the Highway Traffic Act and Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c.11 ("Accessibility for Ontarians with Disabilities Act"), where applicable;
 - ii) Be located adjacent to the barrier-free entrance(s) of each Building and connect with the barrier-free path of travel;
 - iii) Be located on the ground or main level in close proximity to an elevator or exit/entrance within a multi-Storey parking facility or a multi-Storey parking facility in association with a Use; and,
 - iv) Not conflict with designated fire routes, intersections, driveways, etc.

4.1.13 Bicycle Parking Spaces

The owner or occupant of every Building or Structure erected or used for any of the purposes hereinafter set forth except for Existing Buildings, Structures or Uses for bicycles at the following rates:

- a) Commercial and Institutional Uses – 2 spaces plus 1 space per 1000 m² of gross floor area.
- b) Industrial – 2 spaces plus 0.25 spaces per 1000 m² of gross floor area.
- c) Public and private schools – 1 space per 10 students and 1 space per 35 employees.
- d) Residential or mixed-Use Buildings with more than 6 Dwelling Units – 2 spaces plus 2 spaces for each additional 6 Dwelling Units.

Each bicycle Parking Space shall be 0.6 m by 1.8 m in size.

~~3.254.1.12 15~~ **Modification by Council (B/L 107/2010)**

~~Where it is Council's opinion that the Parking Area regulations of Section 3.254.1 are inappropriate. Council may modify the provisions of Section 3.254.1 on a site specific basis through specific reference to alternative standards in a site plan agreement pursuant to Section 41 of the Planning Act R.S.O., 1990 and no minor variance or amendment to this by-law shall be required.~~

4.2 3.26 LOADING SPACE REGULATIONS

3.264.2.1 Spaces Required

The Owner or occupant of any Lot, Building or Structure Erected or used in any Zone other than the Commercial 1 (C1) Zone for any purpose, involving the receiving, shipping, loading or unloading of Persons, animals, goods, wares, merchandise or raw materials, shall provide and maintain at the Premises, facilities for loading. Loading Spaces shall measure at least 9 m in length, 3.5 m in width and have a vertical clearance of at least 4.5 m.

Loading Spaces shall be required in accordance with the following:

Table 4-3: Loading Space Requirements	
Gross Floor Area of Building or Structure	Minimum Number of Loading Spaces Required
more than 280 m ² to 2,800 m ²	1
more than 2,800 m ² to 5,600 m ²	2
Each additional 2,800 m ² of Gross Floor Area will require the addition of one (1) additional Loading Space.	

3.264.2.2 Addition To Existing Uses

When an Existing Building or Structure has insufficient Loading Space at the date of passing of this By-law to comply with the requirements herein, this By-law shall not be construed to require that the deficiency be made up prior to the construction of any addition. In the case of the expansion or enlargement of an Existing Building or Structure, the requirement for the provision of Loading Spaces shall be based on said addition.

No additional Loading Spaces shall be required where an addition does not exceed 10% of the Gross Floor Area of the Building or Structure as it Existed on the date of the passing of this By-law.

3.264.2.3 Loading Spaces Maintenance

Adequate drainage facilities are to be provided in accordance with the requirements of the Municipality. The required surfacing shall be determined by Council through site plan agreement pursuant to Section 41 of the *Planning Act* R.S.O., 1990. As a minimum, Loading Spaces and approaches are to be maintained with a stable surface that is treated to prevent the raising of dust or loose particles.

3.264.2.4 Loading Spaces as Parking Spaces

Any Loading Space in accordance with the provisions of **Section 43.26.1** of this By-law may be used as a Parking Space and may form part of the parking requirements of **Section 43.251.1** of this By-law provided said Loading Space does not form part of any Aisle.

3.264.2.5 Location

The required Loading Space shall be provided on the Lot occupied by the Building or Structure for which the said Loading Spaces are required and shall not form a part of any Street, but may form part of a Lane. Loading Spaces are to be located in the Rear Yard where a Lot has access at both the front and rear to a Lane, Street or Road. No Loading Space shall be located in, nor open onto any Yard adjacent to any Residential, Institutional, or Open Space Zone.

3.264.2.6 Access

Access to Loading Spaces shall be by means of a driveway at least 6 m wide contained within the Lot on which the spaces are located.

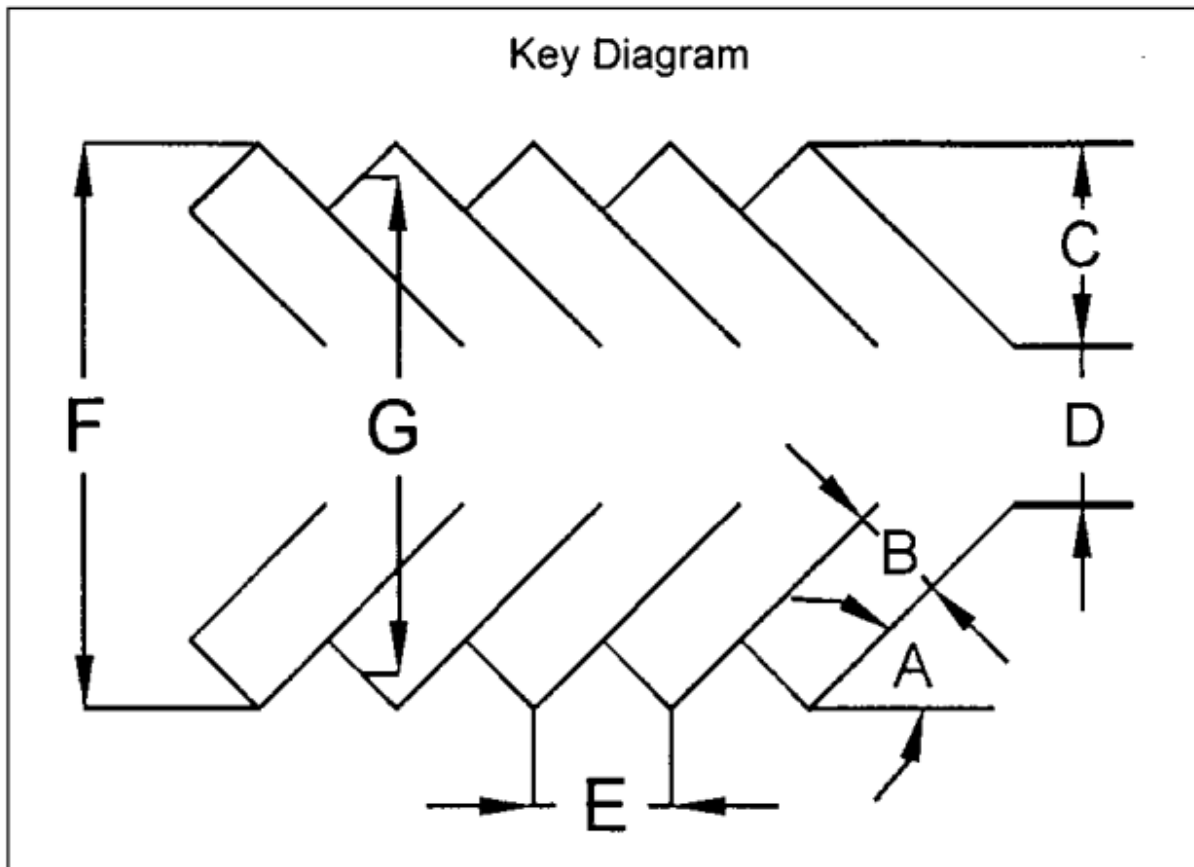
3.264.2.7 Modification by Council (B/L 107/2010)

Where it is Council's opinion that the Loading Space regulations of Section 34.26 are inappropriate. Council may modify the provisions of Section 34.26 on a site specific basis through specific reference to alternative standards in a site plan agreement pursuant to Section 41 of the *Planning Act* R.S.O., 1990 and no minor variance or amendment to this by-law shall be required.

Appendix A

<u>Parking Angle</u> <u>A</u>	<u>Stall Width (m)</u> <u>B</u>	<u>Stall to Curb (m)</u> <u>C</u>	<u>Aisle Width (m)</u> <u>D</u>	<u>Curb Length Per Car (m)</u> <u>E</u>	<u>Curb to Curb Width (m)</u> <u>F</u>	<u>Centre to Centre Width (m)</u> <u>G</u>
<u>90°</u>	<u>2.75</u>	<u>5.5</u>	<u>7.3</u>	<u>2.75</u>	<u>18.3</u>	<u>18.3</u>
<u>60°</u>	<u>2.75</u>	<u>6.1</u>	<u>5.0</u>	<u>3.1</u>	<u>17.2</u>	<u>15.7</u>
<u>45°</u>	<u>2.75</u>	<u>5.8</u>	<u>4.5</u>	<u>4.0</u>	<u>16.1</u>	<u>14.2</u>
<u>30°</u>	<u>2.75</u>	<u>5.1</u>	<u>4.0</u>	<u>5.3</u>	<u>14.2</u>	<u>11.9</u>
<u>0° (parallel)</u>	<u>6.7</u>	<u>2.75</u>	<u>3.0</u>	<u>6.7</u>	<u>9.0</u>	<u>9.0</u>

Where a wall, column or other obstruction is located immediately adjacent to a Parking Space other than at the front or rear, the width of the Parking Space shall be increased by 0.3 m for each side that is obstructed. Walls, columns or other obstructions that do not exceed 1.15 m in length measured from the front or rear of a Parking Space toward the side's midpoint do not require an increase in width of a Parking Space unless they project more than 0.15 m into the width of the Parking Space.



SECTION 5 – ZONES, ZONE SYMBOLS & ZONE MAPS

5.1 ESTABLISHMENT OF ZONES

For the purpose of this By-law the Town of Plympton-Wyoming is divided into the following defined areas herein referred to as Zones:

Table 5-1: List of Zones		
SECTION	ZONE NAME	SYMBOL
6: Agricultural Zones 5 6 7 8	Agricultural 1	A1
	No Dwelling Agricultural	ND-A
	Agricultural 2	A2
	Agricultural 3	A3
	Agricultural 4	A4
7: Residential Zones 9 10 11 12 13 13A	Residential 1	R1
	Residential 2	R2
	Residential 3	R3
	Residential 4	R4
	Residential 5	R5
	Residential 6	R6
	Residential 7	R7
	Mobile Home Park/Campground	MHP/CG
8: Commercial Zones 14 15 16 17	Central Commercial	C1
	Highway Commercial	C2
	Rural Commercial	C3
	Service Centre Commercial	C4
9: Industrial Zones 18 19 20 21	Mixed Commercial Industrial	CM
	Industrial	M1
	Light Industrial	M2
	Extractive Industrial	M4
10: Institutional Zones 22 22A	Institutional 1 (B/L 107/2011)	I1
	Institutional 2 (B/L 107/2011)	I2
	Open Space 1	OS1

Table 5-1: List of Zones		
SECTION	ZONE NAME	SYMBOL
11: Open Space Zones 24 25 26	Open Space 2	OS2
	Open Space 3	OS3
12: Environmental Protection Zones 27 28 29 30 34	Wetland	WET
	Woodlot	WD
	Hazard	H
	Environmental Protection – Lakeshore <u>Lake Huron Shoreline Overlay</u>	EP-L

5.2 USE OF SYMBOLS

The symbols listed in **Section 5.1** may be used to refer to any of the Uses of land, Buildings and Structures Permitted by this By-law in the said Zones and whenever in this By-law the word "Zone" is used, preceded by any of the said symbols, such Zone shall mean any area delineated on the Zoning Maps and designated thereon by the said symbol.

5.3 HOLDING (H) SYMBOL

5.3.1 The Use of the Holding (H) Symbol

Where a holding symbol is added as a suffix to any Zone category, development within the area affected cannot proceed until the conditions specified in the provisions have been fulfilled. Council will remove the holding symbol once the conditions restricting development have been satisfied.

5.4 APPLICATION OF ZONES (B/L 107/2010)

- a) No Person shall, within any of the Zones defined in the By-law and delineated on the Zoning Maps hereto appended, Erect or use any Building or Structure, or use any land in whole or part except in such manner and for such purposes as are set forth in this By-law.
- b) In any Residential Zone referenced in **Table 7-3 A**, unless otherwise specified, those Uses in the Permitted Uses list not referenced in **Table 7-3 A** shall only be permitted as Accessory or secondary to another Permitted use. This shall not

include Uses specifically listed as Zone Exceptions or given alternative Zone Regulations in the applicable Zone's section of the By-law.

5.5 INCORPORATION OF ZONING MAP

The location and boundaries of the Zones established by this By-law are shown on the Zoning Maps hereto appended as Schedules A, and Parts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 to Schedule A which are hereby incorporated into and declared to form part of this By-law.

5.6 INTERPRETATION OF ZONING MAP

Where uncertainty exists with respect to the boundaries of the various Zones as shown on the Zoning Maps, the following provisions shall apply:

a) Street, Lane, Right-of-Way, or Watercourse

Unless otherwise shown, a Street, Lane, railway Right-of-Way, electrical transmission line Right-of-Way or Watercourse shall be included within the Zone of the adjoining property on either side thereof and where such Street, Lane, Right-of-Way or Watercourse serves as a boundary between two (2) or more different Zones, the centre line of such Street, Lane, Right-of-Way or Watercourse extending in the general direction of the long dimension thereof, shall be deemed to be the boundary between Zones.

b) Lot Lines

Where any Zone boundary is not shown to be a Street, Lane, Right-of-Way or Watercourse, and where the boundary approximately follows Lot Lines, such Lot Lines shall be deemed to be the Zone boundary.

c) Closed Street, Lane or Right-of-Way

In the event a Street, Lane or Right-of-Way and the limits of any portion thereof is closed, the property formerly within such Street, Lane or Right-of-Way shall be included within the Zone adjoining the property, and where such Street, Lane, or Right-of-Way was a Zone boundary, the new Zone boundary shall be the former centre line of the closed Street, Lane or Right-of-Way.

d) Conservation Authority Fill & Construction Lines

Certain lands within the Municipality are subject to Fill, Construction and Alteration Regulations pursuant to the *Conservation Authorities Act*, R.S.O. 1990, Chap. C.27, as amended. The limits of these Conservation Authority regulated areas are shown for informational purposes on the Schedules to this By-law. Where any Zone boundary is shown as following the limits of a Conservation

Authority regulated area, the Zone boundary shall be deemed to correspond with the limits of such Regulated area. In the event that an application is made to, and Approved by, the Conservation Authority for a permit pursuant to the Fill, Construction and Alteration Regulations, the lands for which such permit is issued shall be deemed to be included within the same Zone as the adjoining non-regulated lands.

- e) Woodlot (WD), Wetland (WET) and Significant Natural Area (SNA) Zone boundaries (B/L 107/2010) shall be deemed to correspond with the limits of the natural feature it represents as such feature Existed on the date of passing of this By-law. Alterations of the natural feature's boundary through removal of trees or by other means subsequent to the date of passing of this By-law shall not Alter the limits of the Zone boundary. Portions of a woodlot for which an exception from by-law 15 of 2002 (County of Lambton Tree Cutting By-law) has been obtained from the County of Lambton Woodlot Committee, however shall be deemed outside the Woodlot (WD) Zone boundary.

f) Shoreline Lots and Lands Under Water

Where any Zone boundary is shown as following the limits of the Lake Huron Shoreline, the Zone boundary shall be deemed to follow the shoreline and shall include all portions of a Lot located under water and all land from the water's edge of Lake Huron to the extent of the Secondary Hazard Area, as defined in **Section 12.5**.

g) Scale From Zoning Map

Where any Zone boundary is left uncertain after application of the provisions of **Section 5.6**, subsections a), b), c), d), e) and f), of this By-law, then the boundary shall be determined by scale from the zoning maps to the centre of the Zone boundary line.

5.7 ZONE REGULATIONS ~~TABLE A (B/L 107/2010)~~

- a) No Person shall Erect or use any Building or Structure, or use any land or cause or permit any Building or Structure to be Erected or used, or cause or permit any land to be used, in any Zone except in conformity with the regulations as set out in ~~Table A~~ for that Zone.
- b) New Lots must comply with the Lot Area and Frontage requirements specified in ~~Table A~~ for the applicable Zone and Use of the Lot.
- c) Lot boundary adjustments that bring an Existing, legally Non-complying Lot closer to compliance with respect to Lot Area or Frontage shall not require a minor variance provided it does not result in the Non-Compliance or further Non-Compliance of another Lot with respect to Lot Area or Frontage.

- d) The Zone Regulations of ~~Table A~~ that apply to a particular Use or Lot shall be those that correspond with the subsection number they are listed under in the applicable Zone's list of Permitted Uses. Where a Use is only Permitted as Accessory or secondary to another Use, the Zone Regulations applicable to the Use to which it is Accessory shall apply. Where another main Use may be Permitted and the applicable Zone Regulations are not specified elsewhere, the Zone Regulations applicable to the first Permitted Use listed in the Zone shall apply.
- e) Except where in an EP-L Zone or specified elsewhere within this By-law, no Dwelling shall be Erected within the Municipality with a Minimum Gross Floor Area less than the regulations listed ~~below Table A~~. (B/L 42/2012)

SECTION 6 – AGRICULTURAL ZONES

6.1 LIST OF AGRICULTURAL ZONES

For convenience, **Table 6-1** lists the Agricultural Zones established in Section 5 of this By-law.

Table 6-1: List of Agricultural Zones	
Zone Name	Zone Symbol
Agricultural 1	A1
No Dwelling Agricultural	ND-A
Agricultural 2	A2
Agricultural 3	A3
Agricultural 4	A4

6.2 PERMITTED USES

No land, Building, or Structure shall be used or Erected in any Agricultural Zones except for one or more of the following Uses:

Table 6-2: Permitted Uses in Agricultural Zones					
Permitted Uses	Zone				
	A1	ND-A ⁽³⁾	A2	A3	A4
AGRICULTURE AND AGRICULTURE-RELATED USES					
Agriculture	√ ⁽¹⁾		√ ⁽²⁾		√
<u>Agricultural Processing Establishment</u>	√	√	√		
Animal Hospital	√	√	√		
Cemetery	√ ⁽⁴⁾	√ ⁽⁴⁾	√ ⁽⁴⁾		
Commercial Greenhouse	√	√	√		
Conservation	√	√	√		
Day Care Centre ⁽⁵⁾	√		√	√	√
<u>Feed Mills</u>	√	√	√		
<u>Garden Centre And Nursery ⁽⁶⁾</u>	√	√	√		
<u>Grain Dryer</u>	√	√	√		
<u>Grain Elevator</u>	√	√	√		√
Livestock Facility ⁽⁷⁾	√	√	√ ⁽⁴⁾		
<u>Manure Storage ⁽⁷⁾</u>	√	√	√ ⁽⁴⁾⁽¹¹⁾		√
Forestry	√	√	√		
Kennel	√	√			
Park				√	√ (B/L 107/2010)

Table 6-2: Permitted Uses in Agricultural Zones					
Permitted Uses	Zone				
	A1	ND-A ⁽³⁾	A2	A3	A4
<u>Petroleum Extraction ⁽⁸⁾</u>	✓	✓	✓		✓
Riding Stable Or Equestrian Centre	✓	✓	✓		
<u>Value-Added Agricultural Use</u>	✓	✓	✓		✓
Value Added Business	✓	✓	✓		✓
<u>Value-retaining Agricultural Use</u>	✓	✓	✓		✓
ON-FARM DIVERSIFIED USES					
Subject to the provisions of Section 3.37.4					
<u>Agri-tourism Use</u>	✓	✓	✓		✓
<u>Farmer's Market</u>	✓	✓	✓		
<u>Farm Produce Outlet</u>	✓	✓	✓		
<u>Ground Mounted Solar Energy Facility ⁽⁹⁾</u>	✓	✓	✓		
<u>Home Industry</u>	✓		✓		✓
<u>Home Occupation</u>	✓		✓		✓
<u>Outdoor Patio</u>	✓		✓		
Sawmill	✓	✓			
RESIDENTIAL USES ⁽⁶⁾					
<u>Additional Residential Unit ⁽¹⁰⁾</u>	✓		✓	✓	✓
<u>Group Home / Correctional Group Home</u>	✓		✓		✓
Single Detached Dwelling	✓		✓	✓	✓
SPECIFIED ACCESSORY USES					
Subject to the provisions of Section 3.0					
Accessory Uses, Buildings, and Structures ⁽¹²⁾	✓	✓	✓	✓	✓
Bed And Breakfast Establishment	✓		✓	✓	✓
<u>Home Industry</u>	✓		✓	✓	✓
Home Occupation	✓		✓	✓	✓
<u>Open Storage</u>	✓	✓	✓		✓
<u>Shipping Container</u>	✓	✓	✓		✓
<u>Short-Term Rental ⁽⁶⁾</u>	✓		✓	✓	✓

Notes:

1. Agriculture, including one (1) Farm Dwelling.
2. Agriculture, including one (1) Farm Dwelling, but excluding new Livestock Facilities.

3. Prohibited Use: No land, Building, or Structure shall be used or Erected for the purposes of a Dwelling in the No-Dwelling Agricultural (ND-A) Zone.
4. Existing as of the date of this By-law.
5. This Use shall be secondary to a residential Use within a single-detached Dwelling and will be subject to the provisions of Section 3.8 – Day Care Centre and Private Home Day Care and 3.37.1 – Home Occupations.
6. Subject to the provisions of 6.3.1.1 – the Minimum Distance Separation Formulae I.
7. Subject to the provisions of 6.3.1.2 – the Minimum Distance Separation Formulae II.
8. Petroleum extraction Uses shall be in accordance with Section 3.40.6 of this By-law.
9. This Use may be permitted in the prime agricultural areas limited to a maximum of three facilities per Lot and subject to Ontario Regulation (O. Reg.) 350/12. For the purposes of this By-law, solar facility has the same meaning as the definition of “solar facility” in O. Reg. 359/09 under the *Environmental Protection Act*, R.S.O. 1990, c. E.19, and facility has the same meaning as the definition of “generation facility” contained in the *Electricity Act*, 1998 and O. Reg. 50/24 under the *Environmental Assessment Act*, R.S.O. 1990, c. E.18.
10. Subject to the provisions of Section 3.2 – Additional Residential Units.
11. New Manure Storage facilities shall only be permitted as Accessory to an Existing Livestock Facility in the A2 Zone.
12. Accessory Uses, Buildings, and Structures shall be subject to the regulations of Section 3.1 of this By-law.

6.3 REGULATIONS

Table 6-3: Regulations in Agricultural Zones

Regulation	Permitted Uses	Zone			
		A1	A2	A3	A4
Minimum Lot Frontage	Agriculture	150 m		-	45 m
	Single-Detached Dwelling	45 m ⁽¹⁾		15m	
	Other Uses	45 m		-	
Minimum Lot Area	Agriculture	38 ha		-	0.4 ha
	Single-Detached Dwelling	0.8 ha ⁽²⁾		780 sqm	
	Other Uses	45 m		-	
Maximum Lot Coverage	Agriculture	20%		-	30%
	Single-Detached Dwelling	30%		35%	
	Other Uses	30%		-	
Minimum Front Yard	Agriculture	20 m		-	6 m
	Single-Detached Dwelling	20 m ⁽³⁾		6 m	
	Other Uses	20 m		-	

Table 6-3: Regulations in Agricultural Zones

Regulation	Permitted Uses	Zone			
		A1	A2	A3	A4
Minimum Interior Side Yard	Agriculture	3 m		-	1.2 m ⁽⁴⁾
	Single-Detached Dwelling			1.2 m ⁽⁴⁾	
	Other Uses			-	
Minimum Exterior Side Yard	Agriculture	20 m		-	4.5 m
	Single-Detached Dwelling			4.5 m	
	Other Uses			-	
Minimum Rear Yard	Agriculture	7 m		-	7 m
	Single-Detached Dwelling			7 m	
	Other Uses			-	
Maximum Building Height	Agriculture	-		-	11 m
	Single-Detached Dwelling	11 m		11 m	
	Other Uses			-	
Minimum Landscaped Open Space	Agriculture	-		-	40%

Table 6-3: Regulations in Agricultural Zones

Regulation	Permitted Uses	Zone			
		A1	A2	A3	A4
	Single-Detached Dwelling			40%	
	Other Uses			-	
<u>Buffer Requirement if Adjacent to Residential Zone</u>	<u>Per Section 3.31, a Planting Strip 3 m wide shall be provided and maintained adjacent to every portion of any Lot line that abuts any Residential Zone not separated by a Street.</u>				

Notes:

1. 30 m where connected to municipal sewers.
2. 0.4 ha minimum where connected to municipal sewers, to a maximum of 1 ha.
3. For properties listed in Section 6.4.1.2 or 6.4.3, a minimum of 8 m shall apply. Properties listed in Section 6.4.1.2 shall not exceed a maximum of 50 m.
4. For Single Detached Dwellings with Attached garage: 1.2 m.
For Single Detached Dwellings without Attached garage: 1.2 m (one side); 2.4 m (other side).

6.3.1 Minimum Distance Separation **(MDS)**

6.3.1.1 MDS I – New Non-Farm Uses

- a) Notwithstanding any other Yard or Setback provisions of this By-law, no Residential, Institutional, Commercial, or Industrial Use, located on a separate Lot and permitted within an Agriculture Zone or any Zone in which agriculture Uses are permitted, shall be erected or altered unless it complies with the Minimum Distance Separation One (MDS I) Setback from a Livestock Facility. The MDS I Setback shall be calculated using the formulae published by the Province, as may be amended from time to time, and interpreted and applied in accordance with the Ministry of Agriculture, Food and Rural Affairs Minimum Distance Separation (MDS) Implementation Guidelines, as amended from time to time, subject to the specific provisions of this By-law and **Appendix “A”** to the By-law.
- b) ~~No new Dwelling or non-Agricultural Use, Building or Structure (including development on Existing Lots) is Permitted closer to a Livestock Facility on a separate Lot than 300m or the MDS I Setback calculated using **Appendix “A”** to this By-law, whichever is greater. Notwithstanding, only the MDS I Setback shall apply to Livestock Facilities having a Livestock Housing Capacity of fewer than 25 Nutrient Units.~~
- c) An Existing Dwelling may be replaced, despite not complying with Section 6.3.1.1 subsection a), provided that the Existing separation is not further reduced.
- d) A new non-Agricultural Lot, whether or not containing a Dwelling, shall comply with subsection a), even for Livestock Facilities already located on a separate Lot.
- e) Section 6.3.1.1 Subsection a) shall not apply where 4 or more non-Agricultural Uses are already closer to the Livestock Facility than the Use under consideration and where the Use under consideration is also closer to the same 4 or more non-Agricultural Uses than it is to the Livestock Facility.
- f) MDS I shall not apply to Buildings or Structures Accessory to a Dwelling or Buildings or Structures 10 m² or less in Ground Floor Area.
- g) The required MDS I from an Anaerobic Digester or an associated co-substrate input tank shall be 125 m.
- h) The capacity of Manure Storages that hold manure produced by Livestock not located on the Lot or “digestate” produced from an Anaerobic Digester shall be considered in determining the required MDS I.

- i) Calculations made using the MDS Computer Program Version 1.0.0 provided by the Ministry of Agriculture, Food and Rural Affairs shall be considered equivalent to calculations made using **Appendix "A"**.
- j) For the purposes of Section 6.3.1 5.2 and the application of MDS, Type A Land Uses and Type B Land Uses, as defined in Section 2, are non-Agricultural Uses. (B/L 107/2010)

6.3.1.2 MDS II – New Or Expanding Livestock Facilities And Manure Storage Facilities

- a) Notwithstanding any other Yard and Setback provisions of this By-law, no Livestock Facility shall be erected or enlarged on a Lot except in accordance with the requirements of the Minimum Distance Separation Two (MDS II) Setback, calculated using the formulas published by the Province, as may be amended from time to time, and interpreted and applied in accordance with the Ministry of Agriculture, Food and Rural Affairs Minimum Distance Separation (MDS) Implementation Guidelines, as amended from time to time, subject to the specific provisions of this By-law and **Appendix "A"** to the By-law.
- b) ~~For a Livestock Facility Existing on or before February 17, 1998, the MDS II from a Dwelling on a separate Lot shall be decreased by 20%, provided:~~
 - i) ~~The separation from the Dwelling is not decreased;~~
 - ii) ~~The new Livestock Facility is physically Attached to the Existing Livestock Facility; and,~~
 - iii) ~~The increase in Livestock Housing Capacity is no greater than 300% of the Existing Livestock Housing Capacity.~~
- c) ~~No new Livestock Facility or Livestock Facility addition or reconstruction is Permitted closer to a Dwelling on a separate Lot, a Lot Line or a non-Agricultural Use, Building or Structure on a separate Lot, than the distance calculated using the MDS II formula found in **Appendix "A"** to this By-law.~~
- d) ~~Application of subsections a) and b) shall be in accordance with the *Minimum Distance Separation (MDS) Implementation Guidelines* published by the Ontario Ministry of Agriculture, Food and Rural Affairs as updated from time to time, subject to the specific provisions of this By-law and Appendix "A" to the By-law and including the following:~~
- e) A Livestock Facility destroyed by fire or natural disaster may be replaced to the same general location, despite not meeting MDS II, provided the Existing separation is not further reduced and the Factors A, B and D for the new Livestock Facility are no greater than those of the previous Livestock Facility.
- f) Cemeteries located in an Agricultural Zone shall be considered a Type A land Use for the purposes of MDS II.
- g) MDS II shall not apply to Buildings or Structures Accessory to a Dwelling or Buildings or Structures 10 m² or less in Ground Floor Area.

- h) The required MDS II for an Anaerobic Digester or an associated co-substrate input tank shall be 125 m from a Type A Land Use, 250 m from a Type B Land Use, 13 m from an Interior Side Lot Line or Rear Lot Line and 25 m from a Front or Exterior Side Lot Line.
- i) Even if no Building permit is required, MDS II shall apply to the conversion of any non-Livestock Building or Structure greater than 10 m² in Ground Floor Area to Use as a Livestock Facility.
- j) Where no Building permit is required, Existing Livestock Facilities may be converted for Use for a type of Livestock for which the Building was not previously used, designed or suited, despite not complying with MDS II, provided there is no increase in non-compliance through a resultant MDS II that is greater than that of the previous Use.
- k) The capacity of Manure Storages that hold manure produced by Livestock not located on the Lot or “digestate” produced from an Anaerobic Digester shall be considered in determining the required MDS II.
- l) Calculations made using the MDS Computer Program Version 1.0.0 provided by the Ministry of Agriculture, Food and Rural Affairs shall be considered equivalent to calculations made using **Appendix “A”**.
- m) For the purposes of Section [6.3.1](#) ~~5-2~~ and the application of MDS, Type A Land Uses and Type B Land Uses, as defined in Section 2, are non-Agricultural Uses. (B/L 107/2010)

6.4 SPECIAL PROVISIONS

6.4.1 Agricultural 1 (A1) Zone Special Provisions

6.4.1.1 Kennels & Sawmills

No Kennel or Sawmill shall be Erected closer than 250 m from a Residential, Open Space or Institutional Use on a separate Lot.

6.4.1.2 MAXIMUM SETBACKS FROM ROADS FOR DWELLINGS

- a) ~~The distance between the Main Wall of a Dwelling and an abutting Streetline shall not exceed 50 metres.~~
- b) ~~Replacement of an Existing Dwelling that does not comply with~~ **Section 5.3.2 a)** ~~is Permitted provided the distance is not further increased.~~
- c) ~~Expansion of an Existing Dwelling that does not comply with~~ **Section 5.3.2 a)** ~~is Permitted.~~

6.4.1.2 Reduced Setbacks

The minimum Required Front Yard and Exterior Side Yard shall be 8 m for non-Agricultural Lots in the Agriculture 1 (A1) Zone having Frontage on the following sections of Roads:

- a) Egremont Road - Lot 10, Concession 9
- b) Mandaumin Road – from Pulse Creek Drain at Concession 3 to Canadian National Rail Right-of-Way at Concession 2.
- c) Uttoxeter Road – Lots 24 & 25, South ½ Concession 9

6.4.1.3

Notwithstanding Section 6.3.1.2, the minimum Required Setback from the Existing Livestock Facility to the southeast for the Non-Farm Dwelling and Lot created on Concession 7, Part Lot 24 by consent application B-17/05, granted by the Plympton-Wyoming Committee of Adjustment, shall be the Existing Setback. (B/L 60/2006)

6.4.1.4 Reduction In Calculated MDS (By-Law 67/2013)

The calculated MDS, applicable between Livestock facilities at 3976 London Line and the property at 5783 Camlachie Road, shall be reduced by 30 m.

6.4.1.5 Reduction In Lot Size (By-Law 67/2013)

The agricultural parcel located at Concession 4, West Part Lot 10 except Part 1 of RP 25R6372 (Lot immediately south of 5783 Camlachie Road) shall be permitted to have a Lot size of 18.4 ha (45.4 acres).

6.4.1.6 Reduction In Lot Size (By-Law 23/2019)

The agricultural parcel located at Concession 9, West Part Lot 12 shall be permitted to have a Lot size of 32 ha (80.0) acres).

6.4.2 No Dwelling Agricultural (ND-A) Zone Special Provisions

- a) All site, Building, zoning and other regulations or provisions of this by-law that are applicable in the “Agricultural 1 (A1) Zone”, excluding Permitted and prohibited Uses, shall apply in the “No-Dwelling Agricultural (ND-A) Zone”.

6.4.3 Agricultural 2 (A2) Zone Special Provisions

- a) A minimum separation of 250 m shall be maintained between Kennels and between Kennels and adjacent Residential, Open Space and Institutional Uses.
- b) Where an Existing Livestock Facility has a Livestock Housing Capacity less than or equal to twenty-five (25) Nutrient Units, the maximum Permitted Livestock Housing Capacity shall be twenty-five (25) Nutrient Units. (B/L 107/2010)
- c) The minimum Required Front Yard and Exterior Side Yard shall be 8 m for non-Agricultural Lots in the Agriculture 2 (A2) Zone having Frontage on Egremont Road – Lots 1 to 18, Front Concession & Lots 7 to 9, Concession 9
- d) On lands described as Parts of Lots 35, 36 & 37, Front Concession, west of Lakeshore Road, a minimum Lot Area of 13 ha shall be Permitted. (B/L 33/2007)
- e) Notwithstanding **Table 6-3**; the minimum Lot sizes on the following Lots shall be as indicated:
 - i) N Pt W ½ Lot 7, Con 9
Lot Area: 14 ha
Lot Frontage: 100 m (B/L 3/2005)
 - ii) Con 10, NW ¼ Lot 8
Lot Area: 19 ha
Lot Frontage: 120 m (B/L 99/2012)
 - iii) Front Con, Part Lot 48
Lot Area: 29 ha
Lot Frontage: 40 m (B/L 13/2013)

6.4.4 Agricultural 3 (A3) Zone Special Provisions

6.4.5 Agricultural 4 (A4) Zone Special Provisions

6.5 HOLDING ZONES

6.5.1 Agricultural 1 (A1) Holding Zones

6.5.2 No Dwelling Agricultural (ND-A) Holding Zones

6.5.3 Agricultural 2 (A2) Holding Zones

6.5.4 Agricultural 3 (A3) Holding Zones

6.5.5 Agricultural 4 (A4) Holding Zones

6.6 ZONE EXCEPTIONS

The following Zones apply to unique or Existing situations and are not the standard for Agricultural Zones. If a regulation or Use is not specified, the list of Permitted Uses in **Section 6.2** and/or the regulations of **Table 6-3** shall apply.

6.6.1 Agricultural 1 (A1) Zone Exceptions

6.6.1.1 A1(1) Zone

Permitted Uses

- a) Any Use Permitted in the A1 Zone
- b) Existing insulation business
- c) Buildings, Structures and Uses Accessory to a Permitted Use

Building Regulations

- i) Gross Floor Area: 83 m² minimum for a Single Detached Dwelling;
600 m² maximum for an insulation business

Special Zone Regulations

No unauthorized Open Storage shall be Permitted. The four (4) Existing trailers used for storage shall be Permitted.

6.6.1.2 A1(2) ZONE

Permitted Uses

- a) Any Use Permitted in the A1 Zone
- b) Building or Contracting Establishment
Light Industrial Use (Dry Industrial Uses only)
- c) Buildings, Structures and Uses Accessory to a Permitted Use
- d) Lot and Site Regulations – Building or Contracting Establishment

- i) Lot Area 0.6 ha minimum
- ii) Lot Frontage 50m minimum
- iii) Front Yard Depth 15m minimum
- iv) Side Yard Width 5m minimum or 20m where a Side Lot Line abuts a residential Use.
- v) Rear Yard Depth 10m minimum
- vi) Lot Coverage 40% maximum

vii) Landscaped Open Space

30% minimum

Open Storage

Open Storage shall be limited to the Rear Yard and, in addition to the requirements of **Section 3.27**, shall be screened by an opaque fence measuring at least 2.5m in Height.

6.6.1.3 A1(3) Zone

Permitted Uses

- a) Any Use Permitted in the A1 Zone
- b) Existing Motor Vehicle Repair Establishment.

Special Provisions – Motor Vehicle Repair Establishment

- a) The Motor Vehicle Repair Establishment shall be limited to the Existing drive shed.
- b) The Motor Vehicle Repair Establishment shall not exceed a Ground Floor Area of 166.5m²;
- c) Any associated outside Parking Area shall not exceed an area of 166.5 m² immediately adjacent to the Building (BL 1/1997).

6.6.1.4 A1(4) Zone

Permitted Uses

- a) Any Use Permitted in the A1 Zone
- b) Group Home-Type 1
- c) Buildings, Structures and Uses Accessory to a Permitted Use

Special Provisions – Group Home-Type 1

- a) A Group Home-Type 1 shall be subject to the same provisions of this By-law as a Non-Farm Dwelling.

6.6.1.5 A1(5) Zone

Permitted Uses

- a) Any Use Permitted in the A1 Zone
- b) Airport
- c) Buildings, Structures and Uses Accessory to a Permitted Use

6.6.1.6 A1(6) Zone

Permitted Uses

- a) Any Use Permitted in the A1 Zone

- b) Golf Driving Tee Or Range
- c) Buildings, Structures and Uses Accessory to a Permitted Use

6.6.1.7 A1(7) Zone (B/L 85/2012)

Permitted Uses

- a) Any Use Permitted in the A1 Zone
- b) Private Chapel

Special Provisions - Private Chapel

- c) For the purposes of this section, "Private Chapel" means a Building or Structure that is an Accessory Use to the Owner or occupant of the Lot and used exclusively by same for their own private meditation and worship.
- d) Not more than one Private Chapel shall be Permitted on a Lot.
- e) A Private Chapel shall not exceed 20 m² in Gross Floor Area and shall not exceed 5 m in Height.
- f) A Private Chapel shall not be subject to MDS I requirements and shall not be a Use from which MDS II setbacks shall be measured.

6.6.1.8 A1(8) Zone (B/L 107/2010)

Permitted Uses

- a) Any Use Permitted in the A1 Zone
- b) Assembly Hall
- c) Buildings, Structures and Uses Accessory to a Permitted Use

6.6.1.9 A1(9) Zone (OMB ORDER PL130262)

Permitted Uses

- a) Any Use Permitted in the A1 Zone
- b) A small-scale agricultural-related trucking business that is limited to the dispatching of trucks used for transporting agricultural implements, machinery, and Structure components.
- c) An ancillary shop, loading dock, and Parking Area for trucks and equipment when required at the location.
- d) Vehicle maintenance is limited to minor maintenance, cleaning and polishing.
Lot and Site Regulations
- e) Maximum Zone Area: 0.7 ha (1.7 acres)

- f) That a 5 m natural buffer be provided measured from the top of bank of the watercourse along the east side of the area subject to this site specific amendment to the satisfaction of the St. Clair River Conservation Authority.

6.6.1.10 A1(10)(h) Zone B/L 23/20

Permitted Uses

- a) Any Use Permitted in the A1 Zone
- b) An event venue is permitted to operate within the bar Existing as of the date of this zoning by-law amendment
- c) Short term rental accommodations within the single-detached Dwelling Existing as of the date of this zoning by-law amendment
- d) Buildings, Structures and Uses Accessory to a Permitted Use

Special Provisions

- e) Notwithstanding any other provision in the Zoning By-Law, the event venue will be recognized as a 'Type A' land Use for the purposes of calculating Minimum Distance Separation I and II Setback distances between the event venue and any Livestock operations located near the subject lands which existed on the date of the passing of the By-Law.
- f) Notwithstanding any other provision in the Zoning By-law, the Minimum Distance Separation I setbacks for nearby Livestock facilities shall be identified as the distance between the event venue as it exists on the date of the passing of this by-law, and the Livestock barns located at Concession 13, West Part Lot 22 and Concession 12, Lot 23 West Part Lot 24 in the Town of Plympton-Wyoming.

~~5.5 — deleted (B/L 107/2010)~~

6.6.1.11 A1(11) Zone (Lands Southeast of Confederation Line and Mandaumin Road)

Permitted Uses

- a) Any Use Permitted in the A1 Zone
- b) Existing Vehicle Repair Establishment
- c) Building and Contracting Establishment in existing buildings

6.6.1.11 A1(12) Zone (Lands Northwest of Oil Heritage Road and London Line)

Permitted Uses

- a) Any Use Permitted in the A1 Zone
- b) Building and Contracting Establishment

6.6.2 No Dwelling Agricultural (ND-A) Zone Exceptions

6.6.3 Agricultural 2 (A2) Zone Exceptions

6.6.4 Agricultural 3 (A3) Zone Exceptions

6.6.5 Agricultural 4 (A4) Zone Exceptions

SECTION 7 – RESIDENTIAL ZONES

7.1 LIST OF RESIDENTIAL ZONES

For convenience, **Table 7-1** lists the Residential Zones established in Section 5 of this By-law.

Table 7-1: List of Residential Zones	
Zone Name	Zone Symbol
Residential 1	R1
Residential 2	R2
Residential 3	R3
Residential 4	R4
Residential 5	R5
Residential 6	R6
Residential 7	R7
Mobile Home Park/Campground	MHP/CG

7.2 PERMITTED USES

No land, Building, or Structure shall be used or Erected in the respective Residential Zone except for one or more of the following Uses:

Table 7-2: Permitted Uses in the Residential Zones								
Permitted Uses	Zone							
	R1	R2	R3	R4	R5	R6	R7	MHP/ CG
RESIDENTIAL USES								
<u>Additional Residential Units</u>	<u>√</u>	<u>√</u>	<u>√</u>		<u>√</u>	<u>√</u>		
Apartment Dwelling (B/L 107/2010)			√					
Campground								√
Cluster Housing				√ (3)				
Duplex Dwelling		<u>√</u>						
Group Home (B/L 107/2010)	√ (1)	<u>√</u> (1)			√ (1)			
<u>Fourplex Dwelling</u>			<u>√</u>					
Mobile Home Park								√
Single Detached Dwelling	<u>√</u>	<u>√</u>			<u>√</u>	<u>√</u>	<u>√</u> (4)	
Semi-detached Dwelling		<u>√</u>						
Street Townhouse Dwelling			√					
Townhouse Dwelling			√					
<u>Triplex Dwelling</u>			<u>√</u>					
NON-RESIDENTIAL USES								
Active Recreation								√
Agriculture, exclusive of Buildings and Structures								√
Conservation								√
<u>Convenience Store</u>								<u>√</u> (7)
Golf Courses				√				
Golf Driving Range				√				
Place Of Worship	√ (1)	√ (1)	<u>√</u> (2)		√ (1)			
Park, Public and Private		<u>√</u>	<u>√</u>		√	√	√ (5)	
Passive Recreation								√
Private Community Centre							√	

Table 7-2: Permitted Uses in the Residential Zones								
Permitted Uses	Zone							
	R1	R2	R3	R4	R5	R6	R7	MHP/ CG
<u>Retirement Home</u>			<u>√</u>					
SPECIFIED ACCESSORY USES Subject to the provisions of Section 3.0								
Accessory Uses, Buildings, and Structures ⁽⁶⁾	√	√	√	√	√	√	√	√
Bed And Breakfast Establishment	√	√	√	√	√	√	√	
Day Care Centre	√	<u>√</u>			√			
Home Industries	√	√	√	√	√	√	√	
Home Occupations	√	√	√	√	√	√	√	
<u>Mobile Home Park Accessory Uses</u>								<u>√</u>
<u>Outdoor Display Area – Mobile Home</u>								<u>√</u>
<u>Short-Term Rental</u>	<u>√</u>	<u>√</u>	<u>√</u>	<u>√</u>	<u>√</u>	<u>√</u>	<u>√</u>	
A maximum of five (5) Accessory Apartment Dwellings on a Lot, located in the Existing storage facility (3) and farmhouse (2)				√				

Notes:

1. In compliance with the provisions applicable to a Single Detached Dwelling (B/L 107/2010).
2. In compliance with the provisions applicable to a Townhouse Dwelling (B/L 107/2010).
3. Cluster Homes, consisting of Dwellings similar in form to Single Detached Dwellings, Semi-detached Dwellings and/or Townhouses.
4. A plan of condominium consisting of Single Detached Dwellings.
5. Private Park.
6. Accessory Uses, Buildings, and Structures shall be subject to the regulations of Section 3.1 of this By-law.
7. Convenience Stores are permitted to a maximum size of 90 m² to serve the direct needs of campers and residents.

7.3 REGULATIONS

Table 7-3: Regulations in the Residential Zones

Table 7-3: Regulations in the Residential Zones								
Regulation	Permitted Uses	Zone						
		R1	R2	R3	R4	R5	R6	R7
Minimum Lot Frontage	Single-Detached Dwelling ⁽¹⁾	15 m		-		18 m	40 m ⁽²⁾ 26 m ⁽³⁾	80 m
	Semi-detached Dwelling ⁽¹⁾	-	12m per Dwelling	-				
	Duplex Dwelling		15 m					
	<u>Triplex Dwelling</u>	-		15 m	-			
	<u>Fourplex Dwelling</u>							
	Townhouse Dwelling ⁽¹⁾			30 m				
	Street Townhouse Dwelling ⁽¹⁾			6 m				
	Apartment Dwelling			30 m				
	R4 Uses			-	30 m	-		
	<u>Non-Residential Use</u>	<u>Permitted non-residential Uses that are not specified in this table shall defer to the regulations of the first listed permitted residential Use.</u>						
Minimum Lot Area	Single-Detached Dwelling ⁽¹⁾	620 sqm	460 sqm	-		780 sqm	0.5 ha ⁽²⁾ 0.15 ha ⁽³⁾	10 ha
	Semi-detached Dwelling ⁽¹⁾	-	400 sqm per Dwelling	-				
	Duplex Dwelling		600 sqm per Dwelling					
	<u>Triplex Dwelling</u>	-		600 sqm	-			

Table 7-3: Regulations in the Residential Zones

Regulation	Permitted Uses	Zone						
		R1	R2	R3	R4	R5	R6	R7
	<u>Fourplex Dwelling</u>							
	Townhouse Dwelling ⁽¹⁾			300 sqm per unit				
	Street Townhouse Dwelling ⁽¹⁾			300 sqm per unit				
	Apartment Dwelling			200 sqm per unit				
	R4 Uses			-				
	<u>Non-Residential Use</u>	<u>Permitted non-residential Uses that are not specified in this table shall defer to the regulations of the first listed permitted residential Use.</u>						
Maximum Lot Coverage	Single-Detached Dwelling ⁽¹⁾	35%		-		35%	30%	-
	Semi-detached Dwelling ⁽¹⁾	-	35%	-				
	Duplex Dwelling							
	<u>Triplex Dwelling</u>	-		<u>35%</u>	-			
	<u>Fourplex Dwelling</u>							
	Townhouse Dwelling ⁽¹⁾							
	Street Townhouse Dwelling ⁽¹⁾			40%				
	Apartment Dwelling							
	R4 Uses			-	35%	-		
	<u>Non-Residential Use</u>	<u>Permitted non-residential Uses that are not specified in this table shall defer to the regulations of the first listed permitted residential Use.</u>						

Table 7-3: Regulations in the Residential Zones

Regulation	Permitted Uses	Zone						
		R1	R2	R3	R4	R5	R6	R7
Minimum Front Yard	Single-Detached Dwelling ⁽¹⁾	6 m		-		8 m	50 m ⁽²⁾ 8 m ⁽³⁾ 30 m ⁽⁴⁾ 11 m ⁽⁵⁾	-
	Semi-detached Dwelling ⁽¹⁾	-	6 m	-				
	Duplex Dwelling							
	<u>Triplex Dwelling</u>							
	<u>Fourplex Dwelling</u>							
	Townhouse Dwelling ⁽¹⁾							
	Street Townhouse Dwelling ⁽¹⁾							
	Apartment Dwelling							
	R4 Uses							
	<u>Non-Residential Use</u>	<u>Permitted non-residential Uses that are not specified in this table shall defer to the regulations of the first listed permitted residential Use.</u>						
Minimum Interior Side Yard	Single-Detached Dwelling ⁽¹⁾	1.2 m ⁽⁶⁾		-		1.2 m ⁽⁶⁾	6 m ⁽²⁾ 2.4 m ⁽³⁾	-
	Semi-detached Dwelling ⁽¹⁾	-	1.2 m ⁽⁷⁾	-				
	Duplex Dwelling		1.2 m ⁽⁸⁾					
	<u>Triplex Dwelling</u>			1.2 m ⁽⁸⁾				
	<u>Fourplex Dwelling</u>							
	Townhouse Dwelling ⁽¹⁾			3m ⁽⁹⁾				

Table 7-3: Regulations in the Residential Zones

Regulation	Permitted Uses	Zone						
		R1	R2	R3	R4	R5	R6	R7
	Street Townhouse Dwelling ⁽¹⁾							
	Apartment Dwelling			10 m ⁽¹⁰⁾				
	R4 Uses			-				
	<u>Non-Residential Use</u>	<u>Permitted non-residential Uses that are not specified in this table shall defer to the regulations of the first listed permitted residential Use.</u>						
Minimum Exterior Side Yard	Single-Detached Dwelling ⁽¹⁾	4.5 m		-		4.5 m or 8 m ⁽¹¹⁾	6 m	-
	Semi-detached Dwelling ⁽¹⁾	-	4.5 m	-				
	Duplex Dwelling	-		4.5 m	-			
	<u>Triplex Dwelling</u>							
	<u>Fourplex Dwelling</u>							
	Townhouse Dwelling ⁽¹⁾							
	Street Townhouse Dwelling ⁽¹⁾							
	Apartment Dwelling							
	R4 Uses							
	<u>Non-Residential Use</u>	<u>Permitted non-residential Uses that are not specified in this table shall defer to the regulations of the first listed permitted residential Use.</u>						
Minimum Rear Yard	Single-Detached Dwelling ⁽¹⁾	7 m		-		8 m	20 m ⁽⁶⁾	-
	Semi-detached Dwelling ⁽¹⁾	-	7 m	-				

Table 7-3: Regulations in the Residential Zones

Regulation	Permitted Uses	Zone						
		R1	R2	R3	R4	R5	R6	R7
	Duplex Dwelling							
	<u>Triplex Dwelling</u>	-		<u>7 m</u>	-			
	<u>Fourplex Dwelling</u>							
	Townhouse Dwelling ⁽¹⁾			10 m				
	Street Townhouse Dwelling ⁽¹⁾							
	Apartment Dwelling							
	R4 Uses			-	5 m	-		
	<u>Non-Residential Use</u>	<u>Permitted non-residential Uses that are not specified in this table shall defer to the regulations of the first listed permitted residential Use.</u>						
Maximum Building Height	Single-Detached Dwelling ⁽¹⁾	11 m		-		11 m	11 m	10.5 m
	Semi-detached Dwelling ⁽¹⁾	-	11 m	-				
	Duplex Dwelling		12 m					
	<u>Triplex Dwelling</u>	-		12 m	-			
	<u>Fourplex Dwelling</u>							
	Townhouse Dwelling ⁽¹⁾							
	Street Townhouse Dwelling ⁽¹⁾							
	Apartment Dwelling							
	R4 Uses			-	11 m	-		

Table 7-3: Regulations in the Residential Zones

Regulation	Permitted Uses	Zone						
		R1	R2	R3	R4	R5	R6	R7
	<u>Non-Residential Use</u>	<u>Permitted non-residential Uses that are not specified in this table shall defer to the regulations of the first listed permitted residential Use.</u>						
Minimum Landscaped Open Space	Single-Detached Dwelling ⁽¹⁾	40%		-		40%		
	Semi-detached Dwelling ⁽¹⁾	-	30%	-				
	Duplex Dwelling							
	<u>Triplex Dwelling</u>	-		<u>30%</u>	-			
	<u>Fourplex Dwelling</u>							
	Townhouse Dwelling ⁽¹⁾							
	Street Townhouse Dwelling ⁽¹⁾			10%				
	Apartment Dwelling							
	R4 Uses		-	30%	-			
	<u>Non-Residential Use</u>	<u>Permitted non-residential Uses that are not specified in this table shall defer to the regulations of the first listed permitted residential Use.</u>						
<u>Minimum Amenity Area</u>	<u>Apartment Dwelling</u>	=		<u>Per Section 3.3 of this By-law.</u>	=			
<u>Required Planting Strip</u>	<u>Apartment Dwelling</u>	=		<u>Per Section 3.31 of</u>	=			

Table 7-3: Regulations in the Residential Zones								
Regulation	Permitted Uses	Zone						
		R1	R2	R3	R4	R5	R6	R7
				<u>this By-law.</u>				
Minimum Ground Floor Area	Single-Detached Dwelling ^{(1) (4)}	-					165 sqm ⁽¹¹⁾ 140 m ⁽¹²⁾	-
	Single-Detached Dwelling ^{(1) (3)}						130 sqm ⁽¹¹⁾ 110 m ⁽¹²⁾	-
<u>Waste Storage Requirements</u>	<u>Apartment Dwelling</u>	=		<u>Per Section 3.42 of this By-law.</u>			=	
UNIT REGULATIONS								
Minimum Unit Area	Single-Detached Dwelling	-						500 sqm
Minimum Unit Frontage	Single-Detached Dwelling							15 m
Minimum Unit Depth	Single-Detached Dwelling							40 m ⁽¹³⁾ or 30 m ⁽¹⁴⁾
Minimum Front Yard	Single-Detached Dwelling							8 m ⁽¹³⁾ 4.5 m ⁽¹⁴⁾ ⁽¹⁵⁾

Table 7-3: Regulations in the Residential Zones								
Regulation	Permitted Uses	Zone						
		R1	R2	R3	R4	R5	R6	R7
								6 m ⁽¹⁴⁾ (16)
Minimum Interior Side Yard	Single-Detached Dwelling							1.2 m
Minimum Exterior Side Yard	Single-Detached Dwelling							4.5 m ⁽¹³⁾ 3 m ⁽¹⁴⁾ (15) 2 m ⁽¹⁴⁾ (16)
Minimum Rear Yard	Single-Detached Dwelling							7 m
Maximum Unit Coverage	Single-Detached Dwelling							40%
Minimum Landscaped Open Space per Unit	Single-Detached Dwelling							20%

Notes:

1. See Section [3.2, Additional Residential Unit](#).
2. Lots abutting Lakeshore Road and Lake Huron.
3. All other lots.
4. Lots abutting Lake Huron and not Lakeshore Road.
5. Lots directly across a road allowance from lots abutting Lake Huron.
6. For Single-Detached Dwellings with Attached garage: 1.2 m.

For Single-Detached Dwellings without Attached garage: 1.2 m (one side); 2.4 m (other side).

7. For Semi-detached Dwellings with Attached garage: 1.2 m

For Semi-detached Dwellings without Attached garage: 2.4 m.

For Semi-detached Dwellings Attached to another Semi-detached Dwelling: 0 m.

8. For Duplex, Triplex, or Fourplex Dwellings with Attached garage: 1.2 m

For Duplex, Triplex, or Fourplex Dwellings without Attached garage: 2.4 m.

9. For Townhouses and Street Townhouses: 3 m.

For Townhouses and Street Townhouses Attached to another Townhouse or Street Townhouse: 0 m.

- i) For Apartment Dwellings: 10 m.

For Apartment Dwelling Unit Attached to another Multiple Dwelling Unit: 0 m.

10. For R5 Zone: the greater Setback is required for lots within the original Plan 2 for Errol Village.

11. One-Storey Dwelling.

12. Multiple-Storey Dwelling.

13. Lot with frontage on a public Street.

14. Lot with frontage on a private Street.

15. Primary Dwelling on a unit.

16. Accessory Building on a unit.

7.4 REGULATIONS FOR MOBILE HOME PARK/CAMPGROUND ZONE

Table 7-4: Regulations in the Mobile Home Park/Campground Zone	
Regulation	MHP/CG
Minimum Lot Frontage	150 m
Minimum Lot Area	40 ha
Maximum Lot Coverage	N/A
Minimum Front Yard	15 m
Minimum Interior Side Yard	15 m
Minimum Exterior Side Yard	15 m
Minimum Rear Yard	15 m
Maximum Building Height	10 m
Minimum Landscaped Open Space	10%
MOBILE HOME SITE REQUIREMENTS	
Minimum Mobile Home Site Area	352 sqm ⁽¹⁾ 325 sqm ⁽²⁾ 220 sqm ⁽³⁾
Maximum Site Coverage	35%
Minimum Front Yard	3 m
Minimum Interior Side Yard	2 m
Minimum Rear Yard	3 m
Minimum Gross Floor Area	65 sqm
CAMP SITE REQUIREMENTS	
Minimum Mobile Home Site Area	135 sqm (B/L 107/2010)
Maximum Site Coverage	35%
Minimum Front Yard	3 m
Minimum Interior Side Yard	2 m
Minimum Rear Yard	3 m
Minimum Gross Floor Area	65 sqm ⁽³⁾

Notes:

1. Double-Wide Mobile Home.
2. Single-Wide Mobile Home.
3. Park Model Home.

7.5 SPECIAL PROVISIONS

7.5.1 Residential 1 (R1) Zone Special Provisions

- a) Notwithstanding **Sections 3.36.4 and 6.3.1.1 a)**, Minimum Distance Separation, Single Detached Dwellings are Permitted on lands described as Concession 2, Pt Lt 15 Pt Being RP 25R1561 Pt 2 & 25R1501 Pts 1, 3 and 4, in accordance with the Residential 1 (R1) Zone Provisions.

In addition to the Permitted Uses listed in **Section 7.2**, a Clinic will be permitted on Lot 7, RP 558 (known as 4490 Confederation Line).

7.5.2 Residential 2 (R2) Zone Special Provisions

7.5.3 Residential 3 (R3) Zone Special Provisions

7.5.4 Residential 4 (R4) Zone Special Provisions

Site Regulations

- a) Top-of-bank Setback: 10 m minimum, notwithstanding **Section 3.36.1**

Building Regulations

Ground Floor Area: 80 m² minimum per Dwelling Unit

7.5.5 Residential 5 (R5) Zone Special Provisions

- a) Notwithstanding **Table 7-3** to the contrary, the property located on Part of Lot 13, Front Concession (known as 3398 Schram Drive) shall have a minimum Side Yard Width of 0.5 m where there is an Attached Private Garage or Carport.

Notwithstanding **Table 7-3** to the contrary, the property located on Part of Lot 51, Front Concession and subject to Official Plan Amendment No. 18 to the former Township of Plympton Official Plan shall have a minimum Lot Area of 1.5 ha.

Designation of the Lot located in the Front Concession, Part Lot 22 and known municipally as 7096 Bonnie Doone Road (as of the passing of By-law 17 of 2014) to the Residential 5 (R5) Zone, subsequent creation of residential Lots, and development for the Uses Permitted by the R5 Zone shall be Permitted notwithstanding the Lot being located 173 m from an Existing Livestock Facility. (B/L 17/2014)

7.5.6 Residential 6 (R6) Zone Special Provisions

- a) The minimum depth of the portion of the Lot Zoned R6 shall be 100 m on a Lot abutting Lake Huron.

Lot Frontage shall be measured at the widest distance between Side Lot Lines rather than at the minimum Required Front Yard.

On Lots with less than 40m Frontage and abutting Lake Huron, the Front Yard Depth shall be within 8m of the average Front Yard Depth of the nearest Dwelling

(excluding Dwellings on Lots abutting Lakeshore Road or not abutting Lake Huron) on either side. Where the two abutting Lots to one side and the Lot immediately abutting on the other side have no Dwellings, this provision shall not apply. This provision shall not apply to place a Dwelling in a prohibited Zone or Setback. Front Yard Depth for this provision shall be measured relative to absolute east and west rather than to the Front Lot Line.

Any "woodlands" or a "woodlot" (as defined in By-law 45 of 2003 of the County of Lambton, as amended) located on a Lot shall be treated as the Rear Lot Line for measuring Rear Yard Setbacks.

7.5.7 Residential 7 (R7) Zone Special Provisions

- a) Within the Residential 7 (R7) Zone, "Unit" means a parcel of land described within a registered plan of condominium and intended for the Erection of a Single Detached Dwelling.

The provisions and definitions of By-law 97 of 2003 applicable to a "Lot" as defined in Section 2 shall apply to a "Unit" as defined in Section 7.5.7 a) with appropriate modifications.

Within the R7 Zone, the definition of "Street" shall be deemed to include a private Street within a registered plan of condominium.

Attached Private Garages shall not be located closer to the Front Unit Line than the balance of the Dwelling and shall not constitute more than 6.5 m of the Dwelling's width.

The minimum Landscaped Open Space for the common areas on the Lot shall be 20% in addition to the requirements for Landscaped Open Space on the Units.

Not more than one Dwelling shall be located on a Unit in the R7 Zone.

With the exception of Sections 3.30.1 a) and b), the encroachments Permitted by Section 3.30.1 shall not apply to Units on a private Street.

The Site Triangle restrictions in Section 3.33 shall only apply to Units with Frontage on a public Street.

7.5.8 Mobile Home Park/Campground (MHP/CG) Zone Special Provisions

- a) Not more than one Mobile Home shall be placed on any Mobile Home Site.
- b) Not more than one travel trailer unit shall be placed on any Camp Site used for such purpose.
- c) Each Mobile Home located within a Mobile Home Park shall be connected to communal water and sewage services.
- d) Each Mobile Home Site shall be clearly and permanently defined by stakes, fencing, or hedges and will be provided with a foundation or support system in accordance with the Ontario Building Code upon which the Mobile Home will be located.
- e) Each Mobile Home Site shall be located on an internal access road which shall have a dust-free surface and shall have a minimum width of 4 m for a one-way Street and a minimum width of 6 m for a two-way Street. Site frontage shall include that portion of the Site that abuts said internal road.
- f) A 3 m Planting Strip shall be provided along Lot lines that abut public streets or other Residential Zones.
- g) In addition to the required Open Space on individual Mobile Home Sites and Camp Sites, a minimum of 5% of the total Lot Area within the MHP/CG Zone shall be used for Open Space and Park purposes.
- h) A Convenience Store shall be permitted as an Accessory Use, but shall be limited to a maximum gross floor area of 90 m² and shall only provide general Commercial Uses that directly serve the needs of residents or campers.
- i) A display area for model Mobile Homes is permitted but shall be no greater than 20% of the Lot Area.
- j) For the purposes of the regulations in **Table 7-4**, each Mobile Home Site and Camp Site is meant to be treated as having the same meaning as a Lot with appropriate modifications.

7.6 HOLDING ZONES

7.6.1 Residential 1 (R1) Holding Zones

7.6.1.1 R1(H) Zone

Permitted Uses

- a) Existing Single Detached Dwellings

Site Regulations

The minimum Lot Area and Lot Frontage shall remain as they lawfully Existed on the date of passing of this By-law. The Renovation, Replacement or expansion of Existing Dwellings shall be Permitted in compliance with the provisions of the Residential 1 (R1) Zone. Buildings, Structures and Uses Accessory to an Existing Dwelling shall be Permitted in compliance with the provisions of the Residential 1 (R1) Zone.

Provisions for the removal of the Holding "H" Symbol

To ensure the orderly development of lands and the adequate provision of municipal services, the "H" symbol shall not be deleted until a subdivision agreement or development agreement is entered into, for the lands in question, with the Municipality.

7.6.1.2 R1(H)1 Zone

Permitted Uses

- a) Any Use Permitted in the R1(H) Zone
- b) Any Use Permitted in the R1 Zone

Site Regulations

New Uses shall comply with the provisions of the R1 Zone, except that Lot Frontage and Lot Area shall be as Existed on the date of passing of this By-law.

Provisions for the removal of the Holding "H" Symbol

The "H" symbol shall be removed only when the lots are fully serviced.

7.6.1.3 R1(H2) B/L 4 Of 2024

Permitted Uses

- a) Any Use Permitted in the Residential 1 (R1) Zone

Site Regulations

New Uses shall comply with the provisions of the Residential 1 (R1) Zone.

Provision for the Removal of the Holding (H) Symbol

The “H” symbol shall be removed only when the lands are fully services to the satisfaction of the Municipality.

7.6.2 Residential 2 (R2) Holding Zones

7.6.2.1 R2(H) Zone

Permitted Uses

Uses lawfully Existing on the day this By-law was passed.

Provisions for the removal of the Holding "H" Symbol

To ensure the orderly development of lands and the adequate provision of municipal services, the “H” symbol shall not be deleted until a subdivision agreement or development agreement is entered into, for the lands in question, with the Municipality.

7.6.2.2 R2(H1) Zone (Lands at the Southeast Corner of Confederation Line and Broadway Street)

Permitted Uses

Uses lawfully Existing on the day this By-law was passed and Uses Accessory thereto.

Provisions for the removal of the Holding “H” Symbol

To ensure the safe and orderly development of lands, the “H” symbol shall not be removed until the appropriate site remediation has been undertaken to address land contaminants to the satisfaction of the Municipality.

7.6.3 Residential 3 (R3) Holding Zones

7.6.4 Residential 4 (R4) Holding Zones

7.6.5 Residential 5 (R5) Holding Zones

7.6.5.1 R5(H) Zone

Permitted Uses

Uses lawfully Existing on the day this By-law was passed and Uses Accessory thereto.

Site Regulations

The minimum Lot Area and Lot Frontage shall remain as they lawfully existed on the date of passing of this By-law. The Renovation, Replacement or expansion of Existing Dwellings shall be permitted in compliance with the provisions of the Residential 5 (R5) Zone. Buildings, Structures and Uses Accessory to an Existing Dwelling shall be permitted in compliance with the provisions of the Residential 5 (R5) Zone.

Provisions for the removal of the Holding "H" Symbol

To ensure the orderly development of lands and the adequate provision of municipal services, the "H" symbol shall be removed only when an Approved plan of subdivision or consent to sever has been obtained from the appropriate approval authority and a subdivision agreement or development agreement is entered into, for the lands in question, with the Municipality.

Pursuant to Section 36 of the *Planning Act*, R.S.O. 1990, once the "H" symbol is removed by a By-law passed under Section 34 of the *Planning Act*, R.S.O. 1990, the provisions of the R5 Zone shall prevail.

7.6.5.2 R5(H)1 Zone

In addition to the regulations of Section 7.6.5.1, the following provisions for the removal of the Holding "H1" Symbol shall apply:

To ensure proper regard is given to the natural heritage features of the property, the "H1" symbol shall be removed only when an environmental evaluation has been completed in accordance with the natural heritage policies of the Official Plan for the purpose of evaluating natural heritage features on the property and to provide recommendations for their protection and enhancement. Such recommendations are to be reviewed by the local Conservation Authority or otherwise to the satisfaction of the Municipality and shall be included as part of any subdivision agreement.

7.6.5.3 R5(H)2 Zone (B/L 42/2010)

- a) Within the R5(H)2 Zone, only Uses Accessory to a Dwelling located on the same Lot shall be Permitted.
No Structures shall be Erected closer than 14.5m from the easterly Lot Line.
The "H2" Holding symbol shall be removed from the easterly-most 10m of the Lot only when this 10m has been dedicated as a new Street Allowance or portion thereof and further, shall be removed only when the Lot owner has been duly compensated fair market value. Such Person as is instigating any development that creates the need for the new Street Allowance shall provide the compensation. Compensation shall not be required if the Lot owner is himself participating in the development by creating new Lots with Frontage on the new Street Allowance.
On the balance of the lands affected by the "H2" Holding symbol, the "H2" Holding symbol shall be removed only when a plan of subdivision or consent to sever is obtained from the appropriate approval authority.

7.6.5.4 R5(H)3 Zone (B/L 34/2016)

Permitted Uses

Uses lawfully Existing on the day this By-law was passed and Uses Accessory thereto.

Provisions for the removal of the Holding "H" Symbol

To ensure the orderly development of lands and the adequate provision of municipal services, the “H” symbol shall be removed only when an Approved plan of subdivision or consent to sever has been obtained from the appropriate approval authority and a subdivision agreement or development agreement is entered into, for the lands in question, with the Municipality.

7.6.6 Residential 6 (R6) Holding Zones

7.6.7 Residential 7 (R7) Holding Zones

7.6.8 Mobile Home Park/Campground (MHP/CG) Holding Zones

7.7 ZONE EXCEPTIONS

The following Zones apply to unique or Existing situations and are not the standard Residential or Mobile Home Park/Campground Zones. If a regulation or Use is not specified, the list of Permitted Uses in **Section 7.2** and/or the regulations of **Table 7-3** or **Table 7-4** shall apply.

7.7.1 Residential 1 (R1) Zone Exceptions

7.7.1.1 R1(1) Zone

Site Regulations

- a) The following Lots shall have a minimum Front Yard Depth of 26 m:
 - i) Concession 1 Part Lot 15, 25R3109 Part 3
 - ii) Concession 1 Part Lot 15, 25R3109 Part 2
 - iii) Concession 1 Part Lot 15, 25R6467 Parts 8 & 11
- b) The following Lots shall have a minimum Front Yard Depth of 21 m:
 - i) Concession 1 Part Lot 15, 25R6193 Parts 1 & 5
 - ii) Concession 1 Part Lot 15, 25R6193 Parts 2 & 6
 - iii) Concession 1 Part Lot 15, 25R6370 Parts 1, 2, 4 & 5

7.7.1.2 R1(2) Zone B/L 4 Of 2024

Permitted Uses

- a) Existing Single Detached Dwelling on a Private Septic System

Site Regulations

- a) Minimum Lot Area: 1.12 ha
- b) Minimum Lot Frontage: 69 m

The Renovation, Replacement or expansion of the Existing Dwelling shall be in compliance with the Residential 1 (R1) Zone. Buildings, Structures and Uses Accessory to an Existing Dwelling shall be Permitted in compliance with the provisions of the Residential (R1) Zone.

7.7.2 Residential 2 (R2) Zone Exceptions

7.7.2.1 R2(1) Zone

Permitted Uses

- a) Any Use Permitted in the R2 Zone
- b) Four-plex Dwelling

c) Buildings, Structures and Uses Accessory to a Permitted Use

Site Regulations – Four-plex Dwelling

- i) Lot Area: 740 m² minimum
- ii) Lot Frontage: 24 m minimum
- iii) Side Yard Width: 4.8 m minimum for an Exterior Side Yard; 2.5 m minimum for an Interior Side Yard.
- iv) Rear Yard Depth: 6 m minimum
- v) Minimum Landscaped Open Space: 30% minimum

Building Regulations

- vi) Building Height: 12 m maximum

Parking Regulations

- vii) The minimum Parking Space length for a Four-Plex Dwelling shall be 5.5 m

7.7.2.2 R2(2) Zone

Prohibited Uses

- a) Semi-detached Dwelling Duplex Dwelling
Converted Dwelling
Group Home – Type 1
Private Swimming Pool

(2A) Site Regulations for Lands in the -SL Overlay

The following provisions apply where buildings or structures are wholly or partially located within the -SL Overlay:

The maximum Permitted Ground Floor Area of a Dwelling shall be the greater of the Existing Dwelling's Ground Floor Area and:

- i. 82.0 m² in the area known as Fisher Beach;
- ii. 83.0 m² in the area known as Hillsboro South; and
- iii. 93.0 m² in the area known as Hillsboro North.

The maximum Permitted Gross Floor Area of any Dwelling shall be the greater of:

- iv. One and one half times the Ground Floor Area Permitted in Subsection (a) above;
- v. The Gross Floor Area of the Existing Dwelling; and
- vi. The Gross Floor Area Permitted in Table B3 of Section 12.5.4.

The maximum Height of a Dwelling shall be 7.5 m or that of the Existing Dwelling, whichever is greater.

For a Lot located in the area known as Hillsboro South, no Addition or New Dwelling shall be located closer to the Lake than the Existing Dwelling on the Lot.

Lot Coverage for Accessory Structures, including Decks and unenclosed Porches shall not exceed 30.0 m² collectively.

Decks and Porches located lakeside of a Dwelling shall not exceed 15.0 m², collectively; shall not be enclosed or screened; and shall not be structurally Attached to the Dwelling.

Stairs less than 1.6 m in width are permitted lakeside of the Dwelling but shall not be included in the area calculation of any Deck or Porch.

No Accessory Buildings or Structures other than unenclosed Decks, unenclosed Porches and stairs shall be Erected lakeside of the Dwelling;

The maximum footprint of any Accessory Buildings and Structures other than a Deck or Porch shall be 10.0 m² and the maximum Height shall be 4.0 m;

Private Garages shall not be Permitted.

7.7.2.3 R2(3) Zone

Permitted Uses

a) Any Use Permitted in the R2(2) Zone

Private Swimming Pools on Front Concession, Lot 43 only

Cottage Dwellings, including more than one Cottage Dwelling on a Lot, but the existing number of Cottage Dwellings within this Exception shall not be increased

Buildings, Structures and Uses Accessory to a Permitted Use

Special Provisions

A Replacement Dwelling (the definition of Section 12.5.1 shall apply) replacing a Cottage Dwelling, which shall be subject to Section 7.7.2.2(e) through (n) above.

Within the -SL Overlay, the maximum Permitted Gross Floor Area of a Cottage Dwelling shall be 79.0 m² or that of the Existing Cottage, whichever is greater (B/L 107/2010).

Outside the -SL Overlay, the maximum Permitted Gross Floor Area of a Cottage Dwelling shall be 60.0 m² or that of the Existing Cottage, whichever is greater (B/L 107/2010).

Within the -SL Overlay, the maximum Permitted Height of a Cottage shall be one Storey (B/L 107/2010).

Where multiple cottages are replaced with one cottage, the maximum Permitted Gross Floor Area of the replacement cottage shall be the sum of the replaced cottages' Gross Floor Areas.

7.7.2.4 R2(4) Zone (B/L 106/07)

Prohibited Uses

- a) Semi-detached Dwelling
- b) Duplex Dwelling

Site Regulations

The Minimum Required Exterior Side Yard and Front Yard Setbacks of the Main Building shall be the Existing Exterior Side Yard Width and Front Yard Depth.

the maximum Permitted Building Height of the Main Building shall be the Existing Building Height.

the Maximum Permitted Accessory Building Height shall be 6.5 m.

7.7.2.5 R2(4)H Zone (B/L 106/2007)

Permitted Uses

Any Use Permitted in the R2(4) Zone except for an Accessory Building greater than 4.5m in Building Height.

Provisions for the Removal of the Holding Symbol

To ensure an Accessory Building that is in character with the surrounding residential Uses and to ensure a Building design that minimizes the potential for Uses that may be inappropriate in a residential area, the "H" symbol shall not be deleted until a development agreement is entered into with the Municipality for the lands in question, which addresses the layout of the Lot and the design and character of any Accessory Buildings.

7.7.2.6 R2(5) Zone (B/L 32/2014)

Permitted Uses

- a) Single Detached Dwelling
- Semi-detached Dwelling
- Buildings, Structures and Uses Accessory to a Permitted Use

Special Site Regulations for Semi-detached Dwelling

- i) Lot Frontage: 9.5 m/Dwelling Unit minimum
- ii) All other R2 site regulations for Semi-detached Dwellings apply

Provisions for the removal of the Holding "H" Symbol

To ensure the orderly development of lands and the adequate provision of municipal services, the "H" symbol shall not be deleted until a subdivision agreement or development agreement is entered into, for the lands in question, with the Municipality.

7.7.2.7 R2(6) Zone (B/L 83/2020)

Permitted Uses

- a) Semi-detached Dwelling
- b) Buildings, Structures and Uses Accessory to a Permitted Use

Special Site Regulations for Semi-detached Dwelling

- i) Lot Frontage: 9.3 m/Dwelling Unit minimum
- ii) Lot Area: 370m² minimum
- iii) Lot Coverage: 45%
- iv) All other R2 site regulations for Semi-detached Dwellings apply

7.7.3 Residential 3 (R3) Zone Exceptions

7.7.3.1 R3(1) Zone

Site Regulations – Multiple Dwelling

- i) Lot Area: 0.8 ha minimum
- ii) Lot Frontage: 15 m minimum
- iii) Front Yard Depth: 3.8 m minimum
- iv) Side Yard Width: 7.5 m minimum
- v) Rear Yard Depth: 4.5 m minimum

Building Regulations

- i) Height: 12.5 m maximum

Parking Regulations

- i) Multiple Dwelling Unit: 1.3 Parking Spaces per Dwelling

7.7.3.2 R3(2) Zone

Site Regulations – Townhouse

- i) Lot Area: 1850 m² minimum
- ii) Front Yard Depth: 4.5 m minimum
- iii) Exterior Side Yard Width: 4 m minimum
- iv) Interior Side Yard Width: 11.7 m minimum

- | | |
|------------------------------------|---------------|
| v) Rear Yard Depth: | 2.5 m minimum |
| vi) Lot Coverage | 45% maximum |
| vii) Minimum Landscaped Open Space | 30% minimum |

Site Regulations – Street Townhouse

- | | |
|--------------------------------|--|
| i) Lot Area: | 240 m ² /unit minimum |
| ii) Front Yard Depth: | 4 m minimum |
| iii) Exterior Side Yard Width: | 4.5 m minimum |
| iv) Interior Side Yard Width | 2.5 m minimum or 0 m where
abutting another Street
Townhouse |
| v) Rear Yard Depth: | 11.7 m minimum |
| vi) Lot Coverage | 45% maximum |

Building Regulations – Townhouse or Street Townhouse

- | | |
|------------|--------------------|
| i) Height: | One Storey maximum |
|------------|--------------------|

Special Provisions

The adjacent municipal Lane may be used to meet minimum Aisle width requirements for the Parking Area.

7.7.3.3 R3(3) Zone

Site Regulations – Multiple Dwelling

- | | |
|-----------------------|--|
| i) Minimum Lot Area: | 300 m ² per Dwelling Unit |
| ii) Front Yard Depth: | 6 m minimum |
| iii) Side Yard Width: | 3 m minimum or 6 m where a
Side Yard Lot Line abuts any
Residential Zone or Use. |
| iv) Rear Yard Depth: | 6 m minimum |

7.7.3.4 R3(4) Zone

Site Regulations – Multiple Dwelling

- | | |
|-----------------------|-----------------------------|
| i) Minimum Lot Area: | 1858 m ² minimum |
| ii) Front Yard Depth: | 7.6 m minimum |
| iii) Side Yard Width: | 4.5 m minimum |
| iv) Rear Yard Depth: | 7.6 m minimum |

Parking Requirements – senior citizen's Apartment owned and operated by the Corporation or the Ontario Housing Corporation

- i) A minimum of 0.5 Parking Spaces per Dwelling Unit shall be required.

7.7.3.5 R3(5) Zone

Site Regulations – Multiple Dwelling

- i) Minimum Lot Area: 2475 m²
- ii) Front Yard Depth: 6 m minimum
- iii) Side Yard Width: 4.5 m minimum
- iv) Rear Yard Depth: 7 m minimum

7.7.3.6 R3(6) Zone

Site Regulations – Townhouse

- i) Minimum Lot Area: 167 m² per Dwelling Unit
- ii) Rear Yard Depth: 7.6 m minimum

7.7.3.7 R3(7) Zone (B/L 49/2014)

Permitted Uses

- a) Street Townhouse Dwellings

Site Regulations

- i) Lot Area: 575 sq m/unit minimum
- ii) Front Yard Depth: 6 m minimum
- iii) Side Yard Width: 3 m minimum or 0 m where abutting another Street
- iv) Rear Yard Depth: 10 m minimum
- v) Lot Coverage: 45% maximum
- vi) Landscaped Open Space: 30% minimum

Building Regulations

- i) Height: One Storey maximum

7.7.3.8 R3(7)(H) Zone (B/L 49/2014)

Permitted Uses

Provisions for the removal of the Holding "H" Symbol

To ensure the orderly development of lands and the adequate provision of municipal services, the "H" symbol shall not be deleted until a subdivision agreement or development agreement is entered into, for the lands in question, with the Municipality.

7.7.4 Residential 4 (R4) Zone Exceptions

7.7.4.1 R4(1) Zone (B/L 9/2018)

Note: The following regulations and the provisions and definitions of By-law 97 of 2003 applicable to a "Lot", as defined in Section 2, shall apply to a "Unit" within a registered plan of condominium with appropriate modifications.

Permitted Uses

- a) Single Detached Dwelling
- b) Townhouse

Site Regulations - Single Detached Dwelling ⁽¹⁾

- i) Lot Frontage: 9.6 m minimum
- ii) Lot Area: 350 m² minimum
- iii) Lot Coverage: 65% maximum
- iv) Front Yard Depth: 3 m minimum to Dwelling & 6 m minimum to garage
- v) Interior Side Yard Width 0.6 m & 1.2 m minimum ⁽²⁾
- vi) Rear Yard 0.0 m minimum ⁽³⁾
- vii) Building Height 11.0 m maximum
- viii) Landscaped Open Space 8% minimum

General Provisions

⁽¹⁾ For the purpose of applying zoning regulations, Lot lines abutting Turnberry Lane are to be considered as the front Lot line and the Lot lines abutting Egremont Road and Lakeshore Road are to be considered the rear Lot lines.

⁽²⁾ In no case shall adjacent Buildings be closer than 1.8 m to each other.

⁽³⁾ If abutting a public road, the Minimum Rear Yard Depth shall be 3.0 m.

Site Regulations - Townhouse ⁽¹⁾

- i) Lot Frontage: 30 m minimum
- ii) Lot Area: 950 m² minimum
- iii) Lot Coverage: 65% maximum
- iv) Front Yard Depth: 3 m minimum to Dwelling & 6 m

	minimum
a. to garage	
v) Interior Side Yard Width	1 m minimum
vi) Exterior Side Yard	3 m minimum
vii) Rear Yard	0.0 m minimum ⁽²⁾
viii) Building Height	11.0 m maximum
ix) Landscaped Open Space	25% minimum

General Provisions

⁽¹⁾ For the purpose of applying zoning regulations, Lot lines abutting Turnberry Lane are to be considered as the front Lot line and the Lot lines abutting Egremont Road and Lakeshore Road are to be considered rear Lot lines.

⁽²⁾ If abutting a public road, the Minimum Rear Yard Depth shall be 3.0 m.

7.7.5 Residential 5 (R5) Zone Exceptions

7.7.5.1 Deleted (B/L 107/2010)

7.7.5.2 (R5)2 Zone (B/L 42/2004)

Permitted Uses

a) Any Use Permitted in the R5 Zone

Semi-detached Dwelling

Buildings, Structures and Uses Accessory to a Permitted Use

Site Regulations – Semi-detached Dwelling

i) Lot Area	480 m ² minimum per Dwelling Unit
ii) Lot Frontage	11.5 m minimum per Dwelling Unit
iii) Side Yard Width	2.4 m minimum (if no Attached garage) or 1.2 m minimum (if Attached garage); and 0 m where Attached to another Semi-detached Dwelling
iv) Other Site Regulations	the same as those of a Single Detached Dwelling

7.7.5.3 (R5)3 Zone (B/L 11/2007)

Site Regulations

- | | |
|-------------------------|--------------|
| i) Front Yard Setback | 15 m minimum |
| ii) Top of Bank Setback | 8 m minimum |

7.7.5.4 (R5)4 Zone (B/L 112/2008)

Site Regulations

- | | |
|------------------------|----------------------------|
| i) Lot Area | 540 m ² minimum |
| ii) Exterior Side Yard | 4.5 m minimum |
| iii) Front Yard | 6 m minimum |

Holding Provision

The provisions of Section 7.6.5.1 shall apply for the removal of the Holding (H) symbol from the R5(4) H Zone. Pursuant to Section 36 of the *Planning Act*, R.S.O. 1990, once the “H” symbol is removed by a By-law passed under Section 34 of the *Planning Act*, R.S.O. 1990, the provisions of the R5(4) Zone Exception shall prevail.

7.7.5.5 (R5)5 Zone (B/L 112/2008)

Site Regulations

- | | |
|-------------------------|---|
| i) Lot Area | 700 m ² minimum |
| ii) Lot Frontage | 16.5 m minimum |
| iii) Interior Side Yard | 1.2 m minimum one side, 21.2 m minimum other side |
| iv) Exterior Side Yard | 1.2 m minimum |
| v) Front Yard | 12 m minimum |

7.7.5.6 (R5)6 Zone (B/L 26/2009)

Special Provisions

- | | |
|--------------------------------|--------------|
| a) Required Front Yard Setback | 12 m minimum |
|--------------------------------|--------------|

All other provisions shall be the same as those of the standard R5 Zone.

7.7.5.7 (R5)7 Zone (B/L 51/2018)

Permitted Uses

- | |
|-------------------------------------|
| a) Any Use Permitted in the R5 Zone |
|-------------------------------------|

Buildings, Structures and Uses Accessory to a Permitted Use

Site Regulations

- i) Minimum Lot Frontage 24 m⁽¹⁾
- ii) Minimum Lot Area 2000 m² ⁽²⁾
- iii) Minimum Yard Setbacks:
 - a. Front: 8 m⁽³⁾
 - b. Interior Side: 2.4 m
 - c. Exterior Side: 6 m
 - d. Rear: 8 m⁽⁴⁾

General Provisions

⁽¹⁾ Notwithstanding Section 7.6.5.7 (c), the minimum Lot Frontage of Lots 7 and 8 of Draft Plan Approved 38T-18004 shall be 9m.

⁽²⁾ Notwithstanding Section 7.6.5.7 (d), the minimum Lot Area of Lot 12 of Draft Plan Approved 38T-18004 shall be 1400 m².

⁽³⁾ Notwithstanding Section 7.6.5.7 (e), the minimum Front Yard Setback of Lots 11 and 12 of Draft Plan Approved 38T-18004 shall be 6m.

⁽⁴⁾ Notwithstanding Section 7.6.5.7 (e), the minimum Rear Yard Setback shall be measured from the Environmental Protection - Lakeshore (5) ((EP-L(5))) line as staked and registered on title.

Notwithstanding Section 7.6.5.7 (e), the minimum Rear Yard Setback of Lot 11 of Draft Plan Approved 38T-18004 shall be 5m.

Notwithstanding Section 7.6.5.7 (e), the minimum Rear Yard Setback of Lot 12 of Draft Plan Approved 38T-18004 shall be 6m.

7.7.5.8 (R5)8 Zone (B/L 51/2018) (B/L 78/2019)

Permitted Uses

- a) Any Use Permitted in the R5 Zone
- b) Buildings, Structures and Uses Accessory to a Permitted Use

Site Regulations

- i) Minimum Lot Frontage 24m⁽¹⁾
- ii) Minimum Lot Area 2900m² ⁽²⁾
- iii) Minimum Yard Setbacks:
 - a. Front: 6m
 - b. Interior Side 2.4m

c. Rear

6m⁽³⁾

General Provisions

- (1) Notwithstanding Section 7.6.5.8(1), the minimum Lot Frontage of Lot 10c, to be a Part on a Registered Plan, shall be 11m.
- (2) Notwithstanding Section 7.6.5.8 (2) the minimum Lot size of Lot 10a, to be a Part on a Registered Plan, shall be 2300m².
- (3) Notwithstanding Section 7.6.5.8 (3), the minimum Rear Yard Setback shall be measured from the Environmental Protection-Lakeshore (5) ((EP-L(5))) line as staked and registered on title.

7.7.5.9 (R5)9 Zone (B/L 21/2021)

Permitted Uses

- a) Any Use Permitted in the R5 Zone

Buildings, Structures and Uses Accessory to a Permitted Use

Site Regulations

- | | |
|-------------------------|-------------------|
| i) Minimum Lot Frontage | 25m |
| ii) Minimum Lot Area | 900m ² |

Accessory Buildings and Structures in These Residential 5 (R5) Zones (B/L 51/2018)

Notwithstanding Section 3.1.2 b), the minimum Rear Yard Setback shall be measured from the former Environmental Protection-Lakeshore (5) ((EP-L(5))) line as staked and registered on title.

7.7.6 Residential 6 (R6) Zone Exceptions

7.7.7 Residential 7 (R7) Zone Exceptions

7.7.8 Mobile Home Park/Campground (MHP/CG) Zone Exceptions

7.8 TEMPORARY USES

7.8.1 Residential 5 (R5) Zone Temporary Use

7.8.1.1 R5(T3)

Permitted Uses

~~a) Any Use Permitted in the R5 Zone~~

~~“Backyard Hens” as per this by-law~~

~~Buildings, Structures and Uses Accessory to a Permitted Use~~

~~Site Definitions~~

~~“Backyard Hen” means a domesticated biological female chicken that is a minimum of four (4) months old and is not located on a Farm.~~

~~“Hen Coop” means a fully enclosed weatherproof and tamperproof Building or Structure to be included within the Hen Run, as defined herein, where Backyard Hen(s) are kept and the interior of which includes nest boxes for egg laying, perches for the Backyard Hen(s) and food and water containers.~~

~~“Hen Enclosure” means the combination of a Hen Run and a Hen Coop together.~~

~~“Hen Run” means a standalone secure enclosure (meaning not Attached to or supported by any Building or Structure save and except the Hen Coop, as defined herein) that allows Backyard Hen(s) access to the outdoors within a limited area.~~

~~“Obnoxious Odours” means any odour which can be detected off the Lot and which constitutes an unreasonable interference with the enjoyment of one or more neighbouring properties, as assessed by a Municipal Law Enforcement Officer, acting reasonably.~~

~~“Rooster” means a domesticated biological male chicken that is a minimum of four (4) months old and is not located on a Farm.~~

Site Regulations

~~Backyard Hen Enclosure(s) shall be Setback a minimum of 2 m from rear and interior side Lot lines and a minimum of 4.5 m from exterior Lot lines and shall be no closer to the closest wall of a Dwelling, school or Day Care Centre than 5 m. All permitted Backyard Hens shall be kept in a fully enclosed Hen Enclosure in a manner than contains the Backyard Hens on the Lot and prevents their escape from such Hen Enclosure.~~

~~Backyard Hens shall not be kept on any Lot except where:~~

- ~~i) A Hen Enclosure, consisting of a Hen Coop and Hen Run, is provided on the Lot and has a maximum of 10 m square in total gross floor area.~~
- ~~ii) The Hen Enclosure has a maximum Height of 3 m.~~
- ~~iii) The Hen Coop, included in the Hen Enclosure, shall be enclosed on all sides, if not buried.~~

~~No more than ten (10) Backyard Hen(s) are permitted as of the date of passing of this by-law to be reduced to six (6) as the flock reduces naturally. The maximum number will be reduced to six (6) Backyard Hen(s) on a single Lot.~~

~~The keeping of a Rooster is strictly prohibited.~~

~~Backyard Hen(s) must be provided with access to feed and clean water at all times, such feed and water shall be kept in solid tamperproof containers outside the Hen Coop. Uneaten feed shall be removed in a timely manner.~~

~~Backyard Hen(s) must be provided with shelter, light, ventilation, veterinary care, and opportunities for essential behaviours, all sufficient to maintain the hen in good health.~~

~~All permitted Backyard Hen(s) shall be kept in a fully enclosed Hen Enclosure in a manner that contains the Backyard Hens on the Lot and prevents their escape from such Hen Enclosure.~~

~~All manure shall be stored within a fully enclosed waterproof container covered by a fully enclosed Structure or weatherproof container. No more than 0.08 cubic m (2.8 cubic feet) of manure shall be stored on the Lot at a time. All manure shall be disposed of properly on a regular basis.~~

~~The slaughtering or killing of Backyard Hen(s) on site is strictly prohibited.~~

~~The selling of eggs, manure or other products derived from Backyard Hen(s) is prohibited.~~

~~All deceased Backyard Hen(s) shall be disposed of promptly through the services of a veterinarian, at a Livestock disposal facility or through a facility Approved by the Ministry of Agriculture, Food and Rural Affairs and are disposed of in accordance with all applicable laws.~~

~~No Obnoxious Odours may be emitted in connection with the keeping of Backyard Hen(s) or the presence of a Hen Enclosure, including a Hen Coop and Hen Run, on a Lot.~~

By-law Expiration

~~Section 7.6.5.1 shall apply until April 21, 2024, after which date it and the R5(T3) Zone symbol on Schedule "A" shall be deleted from this By-law without further amendment or notice.~~

SECTION 8 – COMMERCIAL ZONES

8.1 LIST OF COMMERCIAL ZONES

For convenience, **Table 8-1** lists the Commercial Zones established in Section 5 of this By-law.

Table 8-1: List of Commercial Zones	
Zone Name	Zone Symbol
Central Commercial	C1
Highway Commercial	C2
Rural Commercial	C3
Service Centre Commercial	C4

8.2 PERMITTED USES

No land, Building, or Structure shall be used or Erected in the respective Commercial Zone except for one or more of the following Uses:

Table 8-2: Permitted Uses in Commercial Zones				
Permitted Uses	Zone			
	C1	C2	C3	C4
Abattoir			√	
Agricultural Service and Supply Establishment		√	√	
Agricultural Processing Establishment			√	
Animal Hospital		√	√	
Art Gallery	√			
Assembly Hall	√			
Auditorium	√			
Auction Hall		√		
Bake Shop	√	√		
Bakery	√	√		
Bed and Breakfast Establishment	√			
Boarding House	√			
Bonded Warehouse				√
Brewing on Premises Establishment	√			
Building or Contracting Establishment		√		
Building Supply Establishment		√		√
Bulk Fuel Depot			√	

Table 8-2: Permitted Uses in Commercial Zones				
Permitted Uses	Zone			
	C1	C2	C3	C4
Clinic	√	√		
Commercial Use	√			
Commercial Storage Facility		√		
Convenience Store	√	√		√ (1)
Day Care Centre	√	√		
Dry Cleaning Establishment	√	√		
Farm Implement Sales and Service Establishment		√	√	√
Farmer's Market	√		√	
<u>Farm Produce Outlet</u>			√	
<u>Feed Mills</u>			√	
Financial Institution	√			
Flea Market			√	
Fruit Market				√
Funeral Home	√	√		
Garden Centre and Nursery		√		
Gas Bar		√		
Gasoline Retail Facility				√
Gift Shop	√			√
Golf Driving Tee or Range		√		
Golf Course, Miniature		√		
<u>Grain Dryer</u>			√	
<u>Grain Elevator</u>			√	
Hotel	√	√		√
Institutional Use	√			
Laundromat	√	√		
Library	√			
Lumber Yard		√		√
Marina				
Marine Sales and Service Establishment		√		
Mixed-Use Building ⁽⁴⁾	√			
Mobile Home Sales Establishment				√
Motel		√		√
Motor Vehicle Sales Establishment	√ (2)	√		
Motor Vehicle Service Establishment	√ (2)	√		√

Table 8-2: Permitted Uses in Commercial Zones				
Permitted Uses	Zone			
	C1	C2	C3	C4
Motor Vehicle Repair Establishment	√ ⁽²⁾	√		√
Motor Vehicle Washing Establishment		√		
Office	√	√		
Park	√			
Parking Lot	√	√		
Personal Service Establishment	√	√		
Place of Entertainment	√	√		
Place of Worship	√	√		
Private Club	√	√		
Recreational Establishment	√	√		
Restaurant	√	√		√
Restaurant, Drive-Through	√	√		√
Retail Store	√			
Retail Warehouse	√			
School	√			
Service and Repair Shop	√	√		
Single Detached Dwelling ⁽²⁾	√ ⁽³⁾	√		
Shopping Centre	√			
Stock Yard			√	
Tavern	√			
Theatre	√			
Recreational Vehicle Sales and Service Establishment		√		√
Transportation Terminal				√
Warehouse				√
Tourist Information Centre				√
SPECIFIED ACCESSORY USES				
Subject to the provisions of Section 3.0				
Accessory Dwelling Unit		√		√
Accessory Uses, Buildings, and Structures ⁽⁵⁾	√	√	√	√
Home Occupation	√			
Offices Accessory to a Permitted Use				√
<u>Open Storage</u>		√		√
<u>Outdoor Display</u>		√		√

Notes:

1. C4 Zone permits Convenience Store, Accessory to a Gasoline Retail Facility.
2. This is only permitted where the use legally existed on the effective date of this By-law.
3. Existing Single Detached Dwellings and new or Existing Uses Accessory thereto shall be subject to the provisions of the Residential 2 (R2) Zone.
4. Dwelling unit must be located above or behind permitted ground-floor commercial use.
5. Accessory uses, buildings, and structures shall be subject to the regulations of Section 3.1 of this By-law.

8.3 REGULATIONS

Table 8-3: Regulations in Commercial Zones				
Regulation	Zone			
	C1	C2	C3	C4
Minimum Lot Frontage	0 m	20 m	30 m	60 m
Minimum Lot Area	0 sqm	700 sqm	0.15 ha	0.7 ha
Maximum Lot Coverage	100%	50%	30%	20%
Minimum Front Yard	0 m	10 m ⁽¹⁾	15 m	30 m
Minimum Interior Side Yard	0 m ⁽²⁾	3 m ⁽²⁾	4 m ⁽²⁾	10 m
Minimum Exterior Side Yard	0 m	10 m ⁽¹⁾	15 m	30 m
Minimum Rear Yard	0 m ⁽²⁾	3 m ⁽²⁾	7.5 m	10 m
Maximum Building Height	12 m	11 m	12 m	
Minimum Landscaped Open Space	0%	10%		
<u>Minimum Amenity Area for Mixed-Use Buildings</u>	<u>Per Section 3.3 of this By-law.</u>	-		
<u>Buffer Requirement if Adjacent to Residential Zone</u>	<u>Per Section 3.31, a planting strip 3 m wide shall be provided and maintained adjacent to every portion of any lot line that abuts any Residential Zone not separated by a street.</u>			
<u>Waste Storage Requirements</u>	<u>Waste storage areas shall be provided in accordance with Section 3.42 of this By-law.</u>			
DWELLING UNIT ⁽³⁾ REGULATIONS				
Minimum Floor Area – Bachelor	40 m ²	-		

Table 8-3: Regulations in Commercial Zones				
Regulation	Zone			
	C1	C2	C3	C4
Minimum Floor Area – One-Bedroom	45 m ²			
Minimum Floor Area – Two-Bedroom	55 m ²			
Minimum Floor Area – Three-Bedroom	70 m ²			

Notes:

1. For a Gasoline Pump Island in C2 Zone: 7.5 m minimum.
2. Where any portion of a Lot Line abuts a Residential Use or Zone, the following setbacks shall apply:
 - C1 – 3 m.
 - C2 – 6 m.
 - C3 – 9 m.
3. Dwelling unit must be located above or behind permitted ground-floor commercial use.

8.4 SPECIAL PROVISIONS

8.4.1 General Commercial (C1) Zone Special Provisions

8.4.2 Highway Commercial (C2) Zone Special Provisions

- a) For those portable Restaurants commonly known as 'chip trucks' or 'chip wagons', the minimum required setback from a Street Line shall be 4m. (B/L 110/2004)

8.4.3 Rural Commercial (C3) Zone Special Provisions

- a) Notwithstanding **Table 8-3** to the contrary, those Buildings and Structures that lawfully existed on Part Lot 25 Concession 2, on the date of the passing of this By-law and used for a Permitted Use that does not comply with the site regulations in the C3 Zone, shall be deemed to comply with this By-law. Any additions, development or redevelopment of this property must be in compliance with the provisions of the C3 Zone.

8.4.4 Service Commercial (C4) Zone Special Provisions

8.5 HOLDING ZONES

8.5.1 General Commercial (C1) Zone Holding Zones

8.5.2 Highway Commercial (C2) Zone Holding Zones

8.5.3 Rural Commercial (C3) Zone Holding Zones

8.5.4 Service Commercial (C4) Zone Holding Zones

8.4.3.1 C4(H) Zone

Permitted Uses

Uses lawfully existing on November 4, 1996.

Provisions for the removal of the Holding "H" Symbol

The "H" symbol shall be removed only after the Ministry of Environment and Energy (or its designated agent) has provided written authorization approving a private sewage system and when Council is satisfied that new development will comply with municipal Zoning and site plan control regulations.

8.6 ZONE EXCEPTIONS

The following Zones apply to unique or Existing situations and are not the standard Commercial Zones. If a regulation or Use is not specified, the list of Permitted Uses in **Section 8.2** and/or the regulations of **Table 8-3** shall apply.

8.6.1 General Commercial (C1) Zone Exceptions

8.6.1.1 C1(1) Zone

Permitted Uses

- a) Any Use Permitted in the C1 Zone
- b) Open Storage
 - Storage and maintenance of Commercial Motor Vehicles
 - Storage and maintenance of m;
- c) Buildings, Structures and Uses Accessory to a Permitted Use.

Site Regulations – Permitted Uses under **Section 8.6.1 b)** and Accessory Uses

- i) Lot Area: 800 m² minimum
- ii) Front Yard Depth: 12 m minimum

Open Storage Regulations:

Any Portion of a Lot used for Open Storage must comply with the Setback provisions of this Section. Planting Strips shall be required in accordance with **Section 3.31** of this By-law.

8.6.1.2 C1(2) Zone

Permitted Uses

- a) Bank
 - Clinic
 - Office
 - Parking Lot
 - Personal Service Establishment
- b) Buildings, Structures and Uses Accessory to a Permitted Use

8.6.1.3 C1(3) Zone

Permitted Uses

- a) Commercial Storage
- b) Buildings, Structures and Uses Accessory to a Permitted Use

Prohibited Uses

- c) There shall be no Open Storage of goods, merchandise or equipment.

Site Regulations – Mini-Storage Warehouse

- i) Lot Area: 1,860 m²
- ii) Lot Frontage: 30 m minimum
- iii) Front Yard Depth: 2 m minimum
- iv) Side Yard Depth: 1 m minimum

8.6.1.4 C1(4) Zone

Permitted Uses

- a) Commercial Storage
- b) Buildings, Structures and Uses Accessory to a Permitted Use
- c) One Accessory Apartment Dwelling **(OMB Order PL140688)**

Site Regulations – Commercial Storage

- i) Lot Area: 1,000 m²
- ii) Lot Frontage: 45 m minimum
- iii) Front Yard Depth: 4.5 m minimum
- iv) Side Yard Width: 7.6 m minimum
- v) Rear Yard Depth: 7.6 m minimum
- vi) Lot Coverage: 25% maximum

8.6.1.5 C1(5) Zone (B/L 57/2007)

Permitted Uses

- a) Commercial Storage
- b) Buildings, Structures and Uses Accessory to a Permitted Use

Site Regulations

- i) The Minimum Required Yard where a Lot Line abuts a residential Use shall be 6m and 3.5m for all other Yards.

8.6.1.6 C1(6) Zone (B/L 72/2014)

Permitted Uses

- a) Any Use Permitted in the C1 Zone
- b) A single detached dwelling when located in a building previously used as St. Andrews Presbyterian Church
- c) Buildings, Structures and Uses Accessory to a Permitted Use

8.6.1.7 C1(7) Zone (B/L 37/2017)

Permitted Uses

- a) Any Use Permitted in the C1 Zone
- b) A single detached dwelling when located in a building previously used as a dental office
- c) Buildings, Structures and Uses Accessory to a Permitted Use

8.6.1.8 C1(8) Zone (B/L 86/2018)

Permitted Uses

- a) Any Use Permitted in the C1 Zone

Site Regulations - Existing Building ⁽¹⁾

- b) Interior Side Yard Width 1.52 m minimum⁽²⁾

General Provisions

- ⁽¹⁾ The existing building is legal non-complying. The site regulations as set out in **Table 8-3** to this Zoning By-law 97 of 2003 will apply for any redevelopment of this Lot.
- ⁽²⁾ This site regulation applies to the easterly Side Yard setback only.

8.6.2 Highway Commercial (C2) Zone Exceptions

8.6.2.1 C2(1) Zone (B/L 107/2010)

Permitted Uses

- a) Any Use Permitted in the C2 Zone with the exception of Uses specifically prohibited below.
- b) Bank
- c) Commercial Use
- d) Retail Store, excluding a grocery store

- e) Buildings, Structures and Uses Accessory to a Permitted Use

Prohibited Uses

- a) Notwithstanding any of the Permitted Uses of the C2(1) Zone, whether generally or specifically defined, no Use that might be construed as a grocery store or pharmacy shall be a Permitted Use.
- b) Dwellings, other than Accessory Apartment Dwellings, shall be prohibited.
Site Regulations
- c) All Minimum Required Yards shall be 15m.

8.6.2.2 C2(2) Zone

Permitted Uses

- a) Any Use Permitted in the C2 Zone
- b) Campground
Mobile Home Park
Mobile Home Sales Establishment
Travel Trailer Sales Establishment
- c) Buildings, Structures and Uses Accessory to a Permitted Use

Site Regulations – Permitted Uses under Section 8.6.2.2 b).

- i) Lot Area: 2.3 ha minimum
- ii) Lot Frontage: 131 m minimum
- iii) Front Yard Depth: 15 m minimum
- iv) Side Yard Width: 5 m minimum
- v) Rear Yard Depth: 6 m minimum
- vi) Lot Coverage: 55% maximum for all Buildings and Structures

Building Regulations

- i) Gross Floor Area: 45 m² maximum per Mobile Home
- ii) Height: 4 m maximum per Mobile Home;
3 m maximum for Buildings or Structure
Accessory to a Mobile Home

Other Regulations

- i) No more than a total of 30 Camp or Mobile Home Sites shall be permitted
- ii) Each Mobile Home or Travel Trailer located within the Mobile Home Park shall be connected to communal water and sewage services

- iii) A minimum of 5% of the total land area within the C2 (2) Zone shall be used for Open Space or Park purposes.

8.6.2.3 C2(3) Zone

Permitted Uses

- a) Any Use Permitted in the C2 Zone
- b) A maximum of five (5) Dwelling Units on a Lot provided such Dwelling Units are located within a Permitted Commercial Building.
- c) Buildings, Structures and Uses Accessory to a Permitted Use

Site Regulations

- i) Lot Area: 1,860 m² minimum

8.6.2.4 - Deleted (B/L 107/2010)

8.6.3 Rural Commercial C3) Zone Exceptions

8.6.3.1 C3(1) Zone

Permitted Uses

- a) Abattoir
- b) Light Industrial Use
- c) Buildings, Structures and Uses Accessory to a Permitted Use.

Site Regulations

- i) Interior Side Yard Width 5 m minimum or 20 m minimum where abutting a residential use

8.6.3.2 C3(2) Zone (B/L 88/2018)

Note: The following regulations and the provisions and definitions of By-law 97 of 2003 applicable to a "Lot", as defined in Section 2, shall apply to a "Unit" within a registered plan of condominium with appropriate modifications.

Permitted Uses

- a) Warehouse
- b) No outside storage

Site Regulations - Warehouse

- a) Front Yard Setback 7.5 m minimum

- b) Exterior Side Yard Setback 6 m minimum
- c) Interior Side Yard Setback 20 m minimum

8.6.4 Service Commercial (C4) Zone Exceptions

SECTION 9 – INDUSTRIAL ZONES

9.1 LIST OF INDUSTRIAL ZONES

For convenience, **Table 9-1** lists the Industrial Zones established in Section 5 of this By-law.

Table 9-1: List of Industrial Zones	
Zone Name	Zone Symbol
Mixed Commercial/Industrial	CM
Industrial	M1
Light Industrial	M2
Extractive Industrial	M4

9.2 PERMITTED USES

No land, Building, or Structure shall be used or Erected in the respective Industrial Zone except for one or more of the following Uses:

Table 9-2: Permitted Uses in Industrial Zones				
Permitted Uses	Zone			
	CM	M1	M2	M4
Agricultural Processing Establishment	√			
Agricultural Service and Supply Establishment	√	√		
Agriculture ⁽¹⁾				√
Animal Hospital	√			
Auction Establishment		√	√	
Bakery			√	
Batching Plant		√		√
Building or Contracting Establishment		√	√	
Building Supply Establishment	√			
Bulk Fuel Depot	√			
Bulk Sales Establishment	√			
Commercial Storage Facility	√	√	√	
Conservation				√
Dry Cleaning Establishment		√		
Dry Cleaning Depot		√		

Table 9-2: Permitted Uses in Industrial Zones

Permitted Uses	Zone			
	CM	M1	M2	M4
Existing Dwellings	√			
Extractive Use				√
<u>Farm Implement Sales and Service Establishment</u>	<u>√</u>			
<u>Feed Mills</u>	<u>√</u>			
Forestry				√
Food, Tobacco and Beverage Processing Industries		√		
Garden Centre and Nursery	√			
Golf Driving Tee or Range	√			
Grain Elevator	√	√		
<u>Grain Drying Facilities</u>	<u>√</u>			
Laboratory			√	
Industrial Use		√		
Light Industrial Use	√	√	√	
Lumber Yard	√	√		
Mineral Aggregate Operations				√
Motor Vehicle Sales and Rental Establishment	√			
Motor Vehicle Service Establishment	√	√	√	
Motor Vehicle Repair Establishment	√	√	√	
Motor Vehicle Washing Establishment	√	√	√	
Parking Lot		√	√	
Public Garage		√	√	
Printing and Publishing Establishment	√			
Recreational Establishment	√	√		
Recreational Vehicle Sales and Service Establishment	√			
Research and Development Establishment			√	
Restaurant, Drive-Through	√			
Retail Warehouse	√			
Service and Repair Shop, Heavy	√	√	√	

Table 9-2: Permitted Uses in Industrial Zones				
Permitted Uses	Zone			
	CM	M1	M2	M4
Service and Repair Shop, Light	√			
Service Trade		√	√	
Transportation Terminal	√			
Tourist Information Centre	√			
Warehouse	√	√	√	
Wholesale Establishment		√		
SPECIFIED ACCESSORY USES				
Subject to the provisions of Section 3.0				
Accessory Uses, Buildings, and Structures ⁽²⁾	√	√	√	√
<u>Accessory Office</u>	<u>√</u>	<u>√</u>	<u>√</u>	<u>√</u>
<u>Ancillary Retail</u>	<u>√</u>	<u>√</u>	<u>√</u>	
Open Storage ⁽³⁾		√	√	
<u>Parks</u>	<u>√</u>	<u>√</u>	<u>√</u>	<u>√</u>

Notes:

1. Agriculture, exclusive of buildings or structures.
2. Accessory uses, buildings, and structures shall be subject to the regulations of Section 3.1 of this By-law.
3. Open storage must be in accordance with Section 3.27 of this By-law.

9.3 REGULATIONS

Table 9-3: Regulations in Industrial Zones				
Regulation	Zone			
	CM	M1	M2	M4 ⁽¹⁾
Minimum Lot Frontage	30 m			-
Minimum Lot Area	0.25 ha	0.12 ha		-
Maximum Lot Coverage	30%	50%		-
Minimum Front Yard	15 m	7 m	7.5 m	15 m ⁽⁴⁾ 30 m ⁽⁵⁾
Minimum Interior Side Yard	3 m ⁽²⁾			
Minimum Exterior Side Yard	15 m	7 m	7.5 m	
Minimum Rear Yard	3 m ⁽²⁾	7.5 m ⁽³⁾		
Maximum Building Height	12 m			
Minimum Landscaped Open Space	10%			-
<u>Buffer Requirement if Adjacent to Residential Zone</u>	<u>Per Section 3.31, a planting strip 3 m wide shall be provided and maintained adjacent to every portion of any lot line that abuts any Residential Zone not separated by a street.</u>			
<u>Waste Storage Requirements</u>	<u>Waste storage areas shall be provided in accordance with Section 3.42 of this By-law.</u>			

Notes:

1. All proposed developments in proximity to mineral aggregate operations must maintain the following separation distances:

Where adjacent to a quarry operation: minimum 500 m setback.

Where adjacent to a pit operation: minimum 300 m setback.

2. Where any portion of a Lot Line abuts a Residential Use or Zone, the following setbacks shall apply: 7.5 m.
3. For M1 and M2 Zones, the setback of lot lines abutting a lot in an Industrial Zone or abutting a railroad right-of-way shall be 0 m.
4. No extraction of an aggregate pit shall be conducted:
 - Within 15 m of a Lot Line
 - Within 30 m of a part of a Lot Line abutting a highway or a Residential Use or Zone.
 - Within 0 m of a Lot Line where the abutting Lot is used for the same purpose.
5. In the M4 Zone, other uses including piled aggregate (excepting earth berms for screening purposes) shall have the following setbacks:
 - 30 m minimum
 - 90 m minimum from any part of a Lot Line abutting a Residential Use or Zone
 - 0 m minimum from any part of a Lot Line where the abutting Lot is used for the same purpose.

9.4 SPECIAL PROVISIONS

9.4.1 Mixed Commercial Industrial (CM) Zone Special Provisions

9.4.1.1 Existing Dwellings

Notwithstanding the Zone regulations of **Table 9-3**, the minimum Interior Side Yard Width for Existing Dwellings shall be three (3) m.

9.4.1.2 Yards Abutting A Railway Right-Of-Way

Notwithstanding any other provisions of this By-law, where a Mixed Commercial Industrial (CM) Zone abuts a railway Right-of-Way, no Yard shall be required.

9.4.1.3 Availability Of Services

Where a Lot is not connected to municipal Sanitary Sewers, Permitted Industrial Uses shall be restricted to Dry Industrial Uses.

9.4.1.4 Transportation Terminals

All trucks, tractor trailers or tractor cabs shall be parked, stored or displayed on the subject property no closer than 15 m minimum from the Front Lot Line. In addition, the Parking Area associated with such Use shall be no closer than 15 m minimum from the Front Lot Line. Where a Lot is not connected to municipal Sanitary Sewers, Permitted Industrial Uses shall be restricted to Dry Industrial Uses.

9.4.2 Industrial (M1) Zone Special Provisions

9.4.2.1 Yards Abutting A Railway Right-Of-Way

Notwithstanding any other provisions of this By-law, where a General Industrial 1 (M1) Zone abuts a railway Right-of-Way, no Yard shall be required.

9.4.2.2 Availability Of Services

Where a Lot is not connected to municipal Sanitary Sewers, Permitted Industrial Uses shall be restricted to Dry Industrial Uses.

9.4.2.3 Existing Dwellings

Existing Accessory Dwellings shall be permitted on lands described as Concession 4 Part Lot 14 25R3167 Pts 1 to 7 and known municipally as 4319 London Line.

9.4.3 Light Industrial (M2) Zone Special Provisions

9.4.3.1 Yards Abutting a Railway Right-of-Way

Notwithstanding any other provisions of this By-law, where a Light Industrial 2 (M2) Zone abuts a railway Right-of-Way, no Yard shall be required.

9.4.3.2 Availability of Services

Where a Lot is not connected to municipal Sanitary Sewers, Permitted Industrial Uses shall be restricted to Dry Industrial Uses.

9.4.4 Extractive Industrial (M4) Zone Special Provisions

- a) A Single-Detached Dwelling shall be permitted in accordance with the provisions of the A1 Zone on those lands described as part of the East quarter of Lot 14, Concession 4, subject to and together with Right-of-Ways.
- b) The extraction of sand and gravel shall be the only Permitted Use on those lands described as part of Lot 17, Concession 5, shown on Schedule "A" of By-law 27 of 1996. No processing, crushing or washing of granular material shall be carried out on the site. In addition, there is to be no petroleum storage, no Buildings Erected, no stock piling of granular and no product storage within the 15m of a Lot Line as identified and required by the Ministry of Natural Resources.

9.5 HOLDING ZONES

9.5.1 Mixed Commercial/Industrial (CM) Holding Zone

9.5.1.1 CM(H) Zone

Permitted Use

Buildings, Structures and Uses lawfully existing on the day the By-law was passed.

Provisions for the removal of the Holding “H” Symbol

To ensure the orderly development of lands and the adequate provision of municipal services, the “H” symbol shall be removed only after the Ministry of Environment & Energy (or its designated agent) has provided written authorization approving a private sewage system and when Council is satisfied that new development will comply with municipal zoning and site plan control regulations.

9.5.2 Industrial (M1) Holding Zone

9.5.3 Light Industrial (M2) Holding Zone

9.5.4 Extractive Industrial (M4) Holding Zone

9.5.4.1 M4(H) Zone

Permitted Uses

Buildings, Structures and Uses lawfully existing on the day this By-law was passed.

Provisions for the removal of the Holding “H” Symbol

To ensure the orderly extraction of aggregate and the proper rehabilitation of pits and quarries, the “H” symbol shall not be deleted until a license to excavate aggregate has been issued under the *Aggregate Resources Act*.

9.6 ZONE EXCEPTIONS

The following Zones apply to unique or existing situations and are not the standard Industrial Zones. If a regulation or Use is not specified, the list of Permitted Uses in **Section 9.2** and/or the regulations of **Table 9-3** shall apply.

9.6.1 Mixed Commercial/Industrial (CM) Zone Exceptions

9.6.2 Industrial (M1) Zone Exceptions

9.6.2.1 M1(1) Zone

Site Regulations

- | | | |
|------|-------------------|------------------------------|
| i) | Lot Area: | 1,100 m ² minimum |
| ii) | Lot Frontage: | 29.8 m minimum |
| iii) | Front Yard Depth: | 9 m minimum |
| iv) | Side Yard Width: | 3 m minimum (each side) |

9.6.3 Light Industrial (M2) Zone Exceptions

9.6.4 Extractive Industrial (M4) Zone Exceptions

9.6.4.1 M4(1) Zone

Permitted Uses

- a) Any Use Permitted in the M4 Zone
- b) The manufacturing of asphalt, cement and similar substances
- c) Buildings, Structures and Uses Accessory to a Permitted Use.

9.6.4.2 M4(2) Zone (B/L 9/05)

Permitted Uses

- a) Any Use Permitted in the M4 Zone
- b) Airport runway

SECTION 10 – INSTITUTIONAL ZONES

10.1 LIST OF INSTITUTIONAL ZONES

For convenience, **Table 10-1** lists the Institutional Zones established in Section 5 of this By-law.

Table 10-1: List of Institutional Zones	
Zone Name	Zone Symbol
Institutional 1	I1
Institutional 2	I2

10.2 PERMITTED USES

No land, Building, or Structure shall be used or Erected in the respective Institutional Zone except for one or more of the following Uses:

Table 10-2: Permitted Uses in Institutional Zones		
Permitted Uses	Zone	
	I1	I2
<u>Assembly Hall</u>	✓	✓
Cemetery	✓	✓
<u>Community Facility</u>	✓	✓
Place of Worship	✓	✓
Day Care Centre	✓	✓
Institutional Use	✓	✓
<u>Long-Term Care Home</u>	✓	✓
Retirement Home	✓	✓
School	✓	✓
<u>Office</u>	✓	✓
<u>Park, Public and Private</u>	✓	✓
SPECIFIED ACCESSORY USES		
Subject to the provisions of Section 3.0		
Accessory Uses, Buildings, and Structures ⁽¹⁾	✓	✓
<u>Accessory Dwelling Unit ⁽²⁾</u>	✓	✓

Notes:

- Accessory uses, buildings, and structures shall be subject to the regulations of Section 3.1 of this By-law.
- This use shall only be permitted as an accessory use to a place of worship.

10.3 REGULATIONS

Table 10.3: Regulations in Institutional Zones		
Regulation	Zone	
	I1	I2
Minimum Lot Frontage	18 m	45 m
Minimum Lot Area	500 sqm	0.8 ha
Maximum Lot Coverage	50%	40%
Minimum Front Yard	6 m	15 m
Minimum Interior Side Yard	3 m	6 m
Minimum Exterior Side Yard	6 m	15 m
Minimum Rear Yard	6 m	8 m
Maximum Building Height	12 m	
Minimum Landscaped Open Space	10%	25%

10.4 SPECIAL PROVISIONS

10.4.1 Institutional 1 (I1) Zone Special Provisions

10.4.2 Institutional 1 (I2) Zone Special Provisions

10.5 HOLDING ZONES

10.5.1 Institutional 1 (I1) Holding Zones

10.5.1 Institutional 2 (I2) Holding Zones

10.6 ZONE EXCEPTIONS

The following Zones apply to unique or existing situations and are not the standard Institutional Zones. If a regulation or Use is not specified, the list of Permitted Uses in **Section 10.2** and/or the regulations of **Table 10-3** shall apply.

10.6.1 Institutional 1 (I1) Zone Exceptions

~~10.6.1.1 deleted (B/L 107/2010)~~

10.6.2 Institutional 2 (I2) Zone Exceptions

SECTION 11 – OPEN SPACE ZONES

11.1 LIST OF OPEN SPACE ZONES

For convenience, **Table 11-1** lists the Open Space Zones established in Section 5 of this By-law.

Table 11-1: List of Open Space Zones	
Zone Name	Zone Symbol
Open Space 1	OS1
Open Space 2	OS2
Open Space 3	OS3

11.2 PERMITTED USES

No land, Building, or Structure shall be used or Erected in the respective Open Space Zone except for one or more of the following Uses:

Table 11-2: Permitted Uses in the Open Space Zones			
Permitted Uses	Zone		
	OS1	OS2	OS3
Active Recreation		√ ⁽¹⁾	√
Campground		√	
Cemetery	√		
Community Facility		√	
Conservation	√	√	√
Fairground		√	
Forestry	√	√	√
Golf Course			√
Golf Driving Tee or Range		√	√
Passive Recreational Use	√	√	
Park, Private		√	√
Park, Public	√	√	√
<u>Recreational Use</u>		<u>√</u>	
SPECIFIED ACCESSORY USES			
Subject to the provisions of Section 3.0			
Accessory Dwelling Unit			√
Accessory Uses, Buildings, and Structures ⁽²⁾	√	√	√
<u>Ancillary Retail</u>		<u>√</u>	<u>√</u>
<u>Convenience Store</u>		<u>√</u> ⁽³⁾	
<u>Parking Lot</u>		<u>√</u>	<u>√</u>

Notes:

1. Active Recreation, excluding Golf Courses.
2. Accessory uses, buildings, and structures shall be subject to the regulations of Section 3.1 of this By-law.
3. As an accessory use to a Campground to provide general commercial uses that directly serve the needs of campers, limited to a maximum Gross Floor Area of 90 m².

11.3 REGULATIONS

Table 11-3: Regulations in the Open Space Zone			
Regulation	Zone		
	OS1	OS 2	OS 3
Minimum Lot Frontage	15 m	30 m	120 m
Minimum Lot Area	500 m ²	0.5 ha	20 ha
Maximum Lot Coverage	5%	15%	10%
Minimum Front Yard	6 m		15 m
Minimum Interior Side Yard			
Minimum Exterior Side Yard			
Minimum Rear Yard			
Maximum Building Height	10.5 m		11 m
Minimum Landscaped Open Space	-		
ACCESSORY BUILDING REQUIREMENTS			
Minimum Front Yard	15 m		
Minimum Side Yard			
Minimum Rear Yard			
Maximum Lot Coverage	10%		

11.4 SPECIAL PROVISIONS

11.4.1 Open Space 1 (OS1) Zone Special Provisions

11.4.2 Open Space 2 (OS2) Zone Special Provisions

- a) Camp Sites are subject to the regulations of **Table 7-4** of this By-law.
- b) For the purposes of the following site regulations, each Camp Site is meant to be treated as having the same meaning as a Lot with appropriate modifications.
- c) Each Camp Site shall be used by no more than one Travel Trailer at any one time.
- d) Each Camp Site may contain one storage unit of 10 m² maximum Lot Coverage, a patio, picnic table, a fireplace and a waste receptacle, all having a minimum Rear Yard Depth and Side Yard Width of 1 m.
- e) No permanent Buildings intended for human habitation are permitted below the Top-of-Bank of adjacent Watercourses.
- f) On any Camp Site Permitted to be located below the Top-of-Bank, all Travel Trailers shall be installed and maintained to permit their expeditious removal.

11.4.3 Open Space 3 (OS3) Zone Special Provisions

11.5 HOLDING ZONES

11.5.1 Open Space 1 (OS1) Holding Zones

11.5.2 Open Space 2 (OS2) Holding Zones

11.5.3 Open Space 3 (OS3) Holding Zones

11.6 ZONE EXCEPTIONS

The following Zones apply to unique or existing situations and are not the standard Open Space Zones. If a regulation or Use is not specified, the list of Permitted Uses in **Section 11.2** and/or the regulations of **Table 11-3** shall apply.

11.6.1 Open Space 1 (OS1) Zone Exceptions

11.6.2 Open Space 2 (OS2) Zone Exceptions

11.6.2.1 OS2(1) Zone

Permitted Use

- a) Four Season Campground and Recreation Facility
 - Conservation
 - Campground
- b) Agriculture, exclusive of Livestock
- c) Buildings, Structures and Uses Accessory to a Permitted Use

Site Regulations – Four Season Campground and Recreation Facility

- i) Lot Area: 40 ha minimum
- ii) Lot Frontage: 180 m minimum
- a) All main access Roads and internal Roads shall be constructed and maintained so that the surface will support fire apparatus weighing 18 tons in all weather conditions.
- b) One Sign may be permitted at the main entrance to the facility.
- c) All lighting shall be arranged in a manner that does not create a hazard for traffic on abutting Roads.
- d) The provisions of Section 11.5.2 a) shall also apply in the OS2(1) Zone.

Supplementary Regulations – Agriculture

- a) Agricultural Uses shall conform to the regulations in Section 6.

11.6.2.2 OS2(2) Zone

Permitted Uses

- a) A seasonal Campground owned and operated by the Girl Guide Land Corporation
- b) Conservation
- c) Buildings, Structures and Uses Accessory to a Permitted Use

11.6.2.3 OS2(3) Zone (B/L 107/2010)

Permitted Uses

- a) Any Use Permitted in the OS2 Zone
 - Two (2) Accessory Single Detached Dwellings
 - Golf Course, Miniature
- b) Buildings, Structures and Uses Accessory to a Permitted Use

11.6.3 Open Space 3 (OS3) Zone Exceptions

11.6.3.1 OS3(1) Zone

Permitted Uses

- a) Any Use Permitted in the OS3 Zone
- b) Bed and Breakfast Establishment
 - Commercial Recreation Establishment
 - Health/Recreational Facility
 - Hotel
 - Private Club
 - Restaurant
- c) A maximum of two (2) Dwelling Units on a Lot, located in the Existing pro shop (1) and clubhouse (1).
 - An additional five (5) Dwelling Units on a Lot. **(OMB Order No. 1925)**
- d) Buildings, Structures and Uses Accessory to a Permitted Use

Site Regulations

- i) Lot Area: 8 ha minimum
- ii) Lot Frontage: 75 m minimum

SECTION 12 – ENVIRONMENTAL PROTECTION ZONES

12.1 LIST OF ENVIRONMENTAL PROTECTION ZONES

For convenience, **Table 12-1** lists the Environmental Protection Zones established in Section 12 of this By-law.

Table 12-1: List of Environmental Protection Zones	
Zone Name	Zone Symbol
Wetland	WET
Woodland	WD
Hazard	H
Lake Huron Shoreline Overlay	EP-L

12.2 PERMITTED USES

No land, Building, or Structure shall be used or Erected in any Environmental Protection Zone except for one or more of the following Uses:

Table 12-2: Permitted Uses in the Environmental Protection Zones			
Permitted Uses	Zone		
	WET	WD	H
Agricultural Use	√ (1)(2)		√ (2)
Conservation	√ (2)		√ (2)
Forestry	√		
Recreational Use, Active			√ (2)(4)
Recreational Use, Passive	√ (2)		√ (2)
Single-Detached Dwelling	√ (1)	√ (3)	
SPECIFIED ACCESSORY USES Subject to the provisions of Section 3.0			
Buildings and Structures required for the safety of persons living in or adjacent to the applicable Zone	√		√

Notes:

1. This is only permitted where the use legally existed on the effective date of this By-law.
2. Buildings and structures are not permitted.

3.
 - a) New Single-detached Dwellings shall only be permitted on a lot legally existing on the effective date of this By-law having a lot area of 2 hectares or less.
 - b) The provisions of the Agricultural 1 (A1) Zone shall apply for new dwellings and associated accessory uses.
 - c) Buildings, Structures and Uses Accessory to a Single Detached Dwelling shall not be Erected further than 20 metres from the Main Use.
 - d) A Single-detached Dwelling is not permitted where the -SL Overlay Zone applies.
4. Only permitted where Active Recreational Use is a Permitted Use in an abutting Zone.

12.3 REGULATIONS

Table 12-3: Regulations in the Environmental Protection Zones	
Regulation	WET WD H
Minimum Lot Frontage	-
Minimum Lot Area	-
Minimum Front Yard Depth	-
Minimum Interior Side Yard Width	-
Minimum Exterior Side Yard Width	-
Minimum Rear Yard Depth	-
Maximum Lot Coverage	-
Minimum Landscaped Open Space	-
Maximum Building Height	-

12.4 ZONE EXCEPTIONS

Notwithstanding any other provisions of this By-law, the following provisions apply to lands subject to the Special Provisions as shown on the Schedules to this By-law.

12.4.1 Wetland (WET) Zone Exceptions

12.4.2 Woodland (WD) Zone Exceptions

12.4.2.1 (WD)1 Zone

Additionally Permitted Uses

- a) Campground, which shall be subject to the provisions of the Open Space 2 (OS2) Zone.

12.4.3 Hazard (H) Zone Exceptions

12.4.3.1 (H)1 Zone (former EP-L(5) Zone)

Only Permitted Uses

- a) One (1) formal trail, as access to the beach, to be used communally by the residents of the lands in the (R5)7 and (R5)8 Zones.
- b) Conservation Uses, excluding Buildings and Structures.

12.5 LAKE HURON SHORELINE (-SL) OVERLAY

Lands subject to the Lake Huron Shoreline (-SL) Overlay as identified on Schedule A to this By-law shall be subject to all the provisions and restrictions of the applicable parent Zone or Zone Exception, except as otherwise provided by this Overlay Zone.

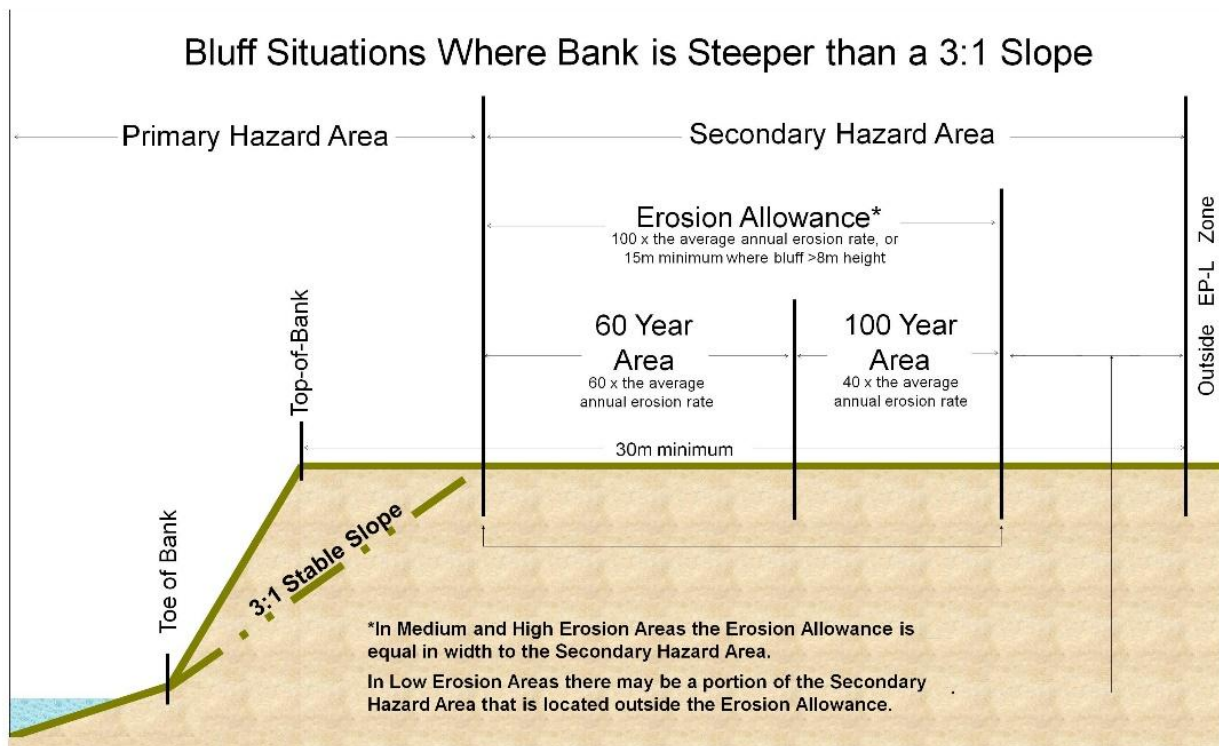
12.5.1 Application of the Lake Huron Shoreline (-SL) Overlay

- a) The extent of the -SL Overlay, as shown on Schedule 'A' to this By-law and calculated using **Table 12-4** below, shall correspond to the extent of the Primary Hazard Area and Secondary Hazard Area as defined herein.
- b) The -SL Overlay is divided into 48 individual Reaches, corresponding to stretches of the shoreline as defined in the Lake Huron Shoreline Management Plan (2011) approved by the St. Clair Region Conservation Authority and further subdivided by Town zoning, all as shown on Schedule 'A' to this By-law.
- c) Where a lot is located in whole or in part in the -SL Overlay, Section 12.5 shall apply to any Building or Structure that is located in whole or in part in the -SL Overlay.
- d) Where lands in the -SL Overlay are also located within an Exception Zone, in the case of conflict, the provisions of the Exception Zone shall apply.

- e) For clarity, there is no required setback from the boundary of the -SL Overlay, but all other provisions of the By-law shall apply.
- f) The following definitions apply to in the -SL Overlay:
 - i) **“Addition”** shall mean an increase in Gross Floor Area either through an expansion of the original building footprint or through the addition of additional Floor Area above existing Floor Area.
 - ii) **“Dwelling, Existing”** means a legally established Dwelling existing on the Lot or having been removed from the Lot less than 12 months prior to the time a building permit application is made for the Erection of a new Dwelling, but shall exclude any Dwelling that is destroyed by erosion, flooding, wave uprush, slope instability or any other natural disaster or hazard associated with proximity to Lake Huron. To be deemed an Existing Dwelling, the Dwelling must be determined by the By-law Enforcement Officer prior to its removal to be in a condition not requiring demolition or significant repairs or alterations.
 - iii) **“Dwelling, New”** means a Replacement Dwelling or a Dwelling Erected on a vacant Lot.
 - iv) **“Replacement Dwelling”** means a Dwelling that is Erected on a Lot in replacement of an Existing Dwelling.
 - v) **“Erosion Allowance”** means the area of the width specified in **Table 12-4** that abuts and is inland of the Primary Hazard Area. The Erosion Allowance is located within the Secondary Hazard Area and, where the Erosion Allowance is 15m or more in width, is equivalent to the Secondary Hazard Area.
 - vi) **“Erosion Area, Low”** shall include any Lot listed in **Table 12-4** below as having an Erosion Allowance depth less than 30 metres.
 - vii) **“Erosion Area, Medium”** shall include any Lot listed in **Table 12-4** below as having an Erosion Allowance depth greater than or equal to 30 metres and less than or equal to 50 metres.
 - viii) **“Erosion Area, High”** shall include any Lot listed in **Table 12-4** below as having an Erosion Allowance depth greater than 50 metres.
 - ix) **“Established Lake Setback”**, on a Lot abutting the Lake, means the average of the minimum Setbacks that exist between the Lake and any Dwellings on the two Lots to each side of the Lot in question. Dwellings further than 40 metres from the Lot in question shall not be included in the average. The setbacks shall be measured perpendicular to the shoreline. Where there are no Dwellings on the four Lots making up the Established Lake Setback or there is only one, but it is not on a Lot that immediately abuts the Lot in question, there is no Established Lake Setback.
 - x) **“High Water Mark”** means the 178 metres elevation contour (Geodetic Survey of Canada) for Lots south of Plan 486 (Blue Point) and the 177.9 metres elevation contour (Geodetic Survey of Canada) for Lots north of Plan

486 (Blue Point). This is the 1:100 year peak instantaneous flood level. The High Water Mark is based on natural grade not artificial regrading or filling.

- xi) **“Hazard Area, Primary”** means any portion of a Lot located within the Stable Slope or below the Lake Top of Bank. In the case of Lots located in the area known as Hillsboro Beach South, the Primary Hazard Area shall include any portion of a Lot located within 15 metres of the High Water Mark. The Primary Hazard Area shall also include any portion of a lakeside Lot located below the toe of the bank, below the High Water Mark or under water.
- xii) **“Hazard Area, Secondary”** means any portion of a Lot located within the area between the Primary Hazard Area (being the Lake Top of Bank) and the inward limit of the Erosion Allowance and shall also include any portion of a Lot outside the Erosion Allowance within that distance. In the case of the area known as Hillsboro Beach South, the Secondary Hazard Area shall include any portion of a Lot that is more than 15 metres but less than 30 metres from the High Water Mark.



- xiii) **“Reconstruction”** means the removal and rebuilding, repairing or restoring of a Dwelling or part thereof involving any structural alteration.
- xiv) **“Reduced Yard”** means a lesser Required Yard listed in **Table 12-5** of Section 12.5.3 that is permitted as an alternative minimum Required Yard where the conditions in Section 12.5.3(c) are met.

- xv) **“60-Year Area”** means the area of the width specified in **Table 12-4** that abuts and is inland of the Primary Hazard Area. The 60 Year Area is located within the Secondary Hazard Area and the Erosion Allowance and is approximately 60% of the width of the Secondary Hazard Area.

Table 12-4: Depth of Hazard Areas and 60-Year Areas for the -SL Overlay Zone			
Reach	Secondary Hazard Area Width	60 Year Area Width (m)	Erosion Area Rate
1-7	30 m	18 m	Low
8, 9	33 m	19.8 m	Low
10, 11	46 m	27.6 m	Low
12	42 m	25.2 m	Low
13	34 m	20.4 m	Low
14, 15	30 m	18 m	Low
16, 17	37 m	22.2 m	Low
18	37 m	22.2 m	Low
19-21	30 m	18 m	Low
22-24	32 m	19.2 m	Low
25-28	30 m	18 m	Low
29, 30	39 m	23.4 m	Low
31-33	30 m	18 m	Low
34	41 m	24.6 m	Low
35	56 m	33.6 m	Moderate
36	54 m	32.4 m	Moderate
37	30 m	18 m	Low
38-48	15 m	9 m	Low

12.5.2 Permitted Uses, Up to the Primary Hazard Area

- Notwithstanding any other provision of this By-law, Home Occupations and Bed and Breakfasts are not permitted within the Primary Hazard Area.
- Single-detached Dwellings and Cottage Dwellings are not permitted on lands within Reach 16, Reaches 28 through 32, and Reach 37 of the -SL Overlay.
- All Buildings, Structures and Uses are subject to Sections 12.5.3 and 12.5.4 of this By-law.

- d) Active Recreation, Passive Recreation, and Conservation, excluding Buildings and Structures, are permitted within the -SL Overlay.
- e) Structures required for erosion, flood control purposes and the safety of persons living in or adjacent to the -SL Overlay are permitted within the -SL Overlay.

12.5.3 Overlay Zone Standards

Notwithstanding any other provision of this By-law, the following yard and setback measurements and requirements shall apply in the -SL Overlay Zone.

- a) The Setback of a Dwelling from the Lake shall be measured from the Main Wall of the Dwelling and shall exclude any unenclosed Porch or any other Accessory Structure.
- b) Notwithstanding the minimum Required Yard requirements for any Dwelling located in whole or in part in the -SL Overlay, the minimum Required Yards shall be those in the list below or as modified in **Table 12-5** below:
 - i) The minimum Required Front Yard and Minimum Required Exterior Side Yard shall be 6 metres.
 - ii) The minimum Required Interior Side Yard shall be 3 metres on one side and 1.2 metres on the other side.
 - iii) The minimum Required Interior Side for an addition shall be 1.2 metres.
 - iv) The minimum Required Rear Yard shall be 7 metres.
- c) Notwithstanding subsection (b) above, the Reduced Yards in the list below or as modified in **Table 12-5** below shall be the minimum required Yards where a Dwelling is located in whole or in part in the Erosion Allowance or Primary Hazard Area and reduction of the Yard would permit an increased setback from the Lake.
 - i) The Reduced Front Yard and Reduced Exterior Side Yard shall be 3 metres.
 - ii) The Reduced Interior Side Yard shall be 1.2 metres.
 - iii) The Reduced Rear Yard shall be 3 metres.
- d) Notwithstanding subsection (b) above, no Single-detached Dwelling shall be erected closer to the Lake than the Established Lake Setback except where:
 - i) The entire exterior wall of the building oriented toward the street is located within 1 metre of the minimum yard required from that street (the Reduced Yard does not apply), or
 - ii) In the case of a Replacement Dwelling, the Setback is no closer to the Lake than the Existing Dwelling.
- e) Section 3.41.1, related to setbacks from watercourses, shall not apply.

Table 12-5: Modified Yard Requirements for the -SL Overlay Zone

Reach	Minimum Front Yard and Minimum Exterior Side Yard	Reduced Front Yard and Minimum Exterior Side Yard	Minimum Interior Side Yard	Reduced Interior Side Yard	Minimum Rear Yard	Reduced Rear Yard
2, 5, 9, 10, 15, 20, 25, 33, 34, 35, 36, 39, 43, 44, 45, 47, 48	As above	1.5 m	As above	As above	As above	As above
11, 12, 13, 18, 19, 30, 31, 32, 41	As above	4 m	As above	As above	As above	As above
21, 38	As above	As above	As above	3 m	As above	As above
24, 40	20 m	6 m	As above	3 m	As above	As above
28	8 m	8 m	As above	3 m	As above	As above
36	As above	6 m	As above	3 m	As above	As above
42	8 m	As above	As above	As above	As above	As above
46	As above	6 m	As above	3 m	As above	7 m
Reach not listed	As above	As above	As above	As above	As above	As above

Permitted encroachments

- f) The encroachments permitted by Section 3.34.1 shall be based on the applicable Required Yard of Section 12.5.3(b) or **Table 12-5**, and are not permitted into a distance defined by the Reduced Yard.
- g) Notwithstanding subsection (f) above, setbacks for Structures listed in 3.34.1 a) and legally existing on the date of this By-law shall be based on the Reduced Yard where that setback was used to permit the structure.

Floor Area and Lot Coverage

- h) The maximum Gross Floor Area of a Single-detached Dwelling shall not exceed the standards established in **Table 12-6**, except where there is an Existing Dwelling.

- i) If located entirely outside of the 60-Year Area and the Primary Hazard Area, the maximum Gross Floor Area shall be the greater of Column 1 or 2.
- ii) If located in whole or in part within the 60-Year Area or the Primary Hazard Area, the maximum Gross Floor Area shall be the greater of Column 3 or 4.
- i) For the purposes of subsection (h), Gross Floor Area excludes any basement and any unenclosed attached accessory building including unenclosed Porches, enclosed Porches, attached Garages and Carports.
- j) For the purposes of subsection (h), Gross Floor Area of an existing dwelling means the Gross Floor Area that existed 10 years prior to the date a building permit for new construction is issued.
- k) A Porch or roofed Structure that is Attached to a Dwelling shall be considered an Addition to the Dwelling at such time as it becomes enclosed or screened in.

Table 12-6: Maximum Gross Floor Area for Dwellings in the -SL Overlay Zone				
Reach	Outside 60 Year and Primary Hazard Areas		In or Partially in 60 Year or Primary Hazard Area	
	Column 1	Column 2 (the existing dwelling's gross floor area times the factor noted below)	Column 3	Column 4 (the existing dwelling's gross floor area times the factor noted below)
3, 16, 17, 21, 23, 29-32, 37	n/a	n/a	n/a	n/a
1	279 sq.m	1.5	279 sq.m	1.5
2	111 sq.m	1.5	111 sq.m	1.5
4	174 sq.m	1.5	174 sq.m	1.5
5, 6	195 sq.m	1.5	195 sq.m	1.5
7	230 sq.m	1.5	230 sq.m	1.5
8	230 sq.m	1.5	230 sq.m	1.5
9	301 sq.m	1.5	301 sq.m	1.5
10	136 sq.m	1.5	136 sq.m	1.5
11, 12, 13	287 sq.m	1.5	287 sq.m	1.5
14	413 sq.m	1.5	413 sq.m	1.5
15	195 sq.m	1.5	195 sq.m	1.5
18, 19	185 sq.m	1.5	185 sq.m	1.5
20	98 sq.m	1.5	98 sq.m	1.5
22	285 sq.m	1.5	285 sq.m	1.5
24	395 sq.m	1.5	395 sq.m	1.5

Table 12-6: Maximum Gross Floor Area for Dwellings in the -SL Overlay Zone				
Reach	Outside 60 Year and Primary Hazard Areas		In or Partially in 60 Year or Primary Hazard Area	
	Column 1	Column 2 (the existing dwelling's gross floor area times the factor noted below)	Column 3	Column 4 (the existing dwelling's gross floor area times the factor noted below)
25, 26	164 sq.m	1.5	164 sq.m	1.5
27	251 sq.m	1.5	251 sq.m	1.5
28	409 sq.m	1.5	409 sq.m	1.5
33, 34	164 sq.m	1.5	139 sq.m	1.275
35	142 sq.m	1.5	121 sq.m	1.275
36	275 sq.m	1.5	234 sq.m	1.275
38	See Section 7.7.2.2			
39	123 sq.m	1.5	123 sq.m	1.5
40	168 sq.m	1.5	168 sq.m	1.5
41	234 sq.m	1.5	234 sq.m	1.5
42	140 sq.m	1.5	140 sq.m	1.5
43	96 sq.m	1.5	96 sq.m	1.5
44	159 sq.m	1.5	159 sq.m	1.5
45	99 sq.m	1.5	99 sq.m	1.5
47	115 sq.m	1.5	115 sq.m	1.5
48	110 sq.m	1.5	110 sq.m	1.5

Lot Coverage

- l) The maximum permitted lot coverage for any dwelling located in whole or in part in the -SL Overlay shall be the greater of the existing dwelling's lot coverage or the percentage shown in **Table 12-7**, below.
- m) For the purposes of measuring Lot Coverage, portions of a Lot located below the Lake Top of Bank shall not be included as part of the Lot Area unless the Lot is located entirely below the Top-of-Bank. Lot Area shall exclude any portion of a Lot located on the beach except for Lots located on Forsyth Trail or Pond Trail.
- n) The overall permitted maximum lot coverage for a lot (including accessory structures) shall be governed by the regulations of the underlying zone.

Table 12-7: Maximum Lot Coverage for Dwellings in the -SL Overlay Zone

Reach	Maximum Lot Coverage for a Dwelling
9, 24, 28, 29, 40	10%
35, 38, 46	15%
7, 8, 11, 12, 13, 14, 34, 36, 43	20%
1, 4, 20, 22, 25, 26, 27, 33, 39, 44	25%
2, 5, 6, 10, 18, 19, 45, 47	30%
15, 41, 42, 48	35%
3, 16, 17, 21, 23, 30, 31, 32, 37	n/a

Height

- o) The maximum Building Height for Dwellings shall be 9 metres.
- p) In the case of an Addition, Reconstruction or Dwelling relocated within the same Lot, the maximum Permitted Building Height shall be the greater of 9 metres or the Existing Dwelling Height. Existing Dwelling Height shall be taken as a fixed elevation.

Lot Frontage

- q) The minimum lot frontage for any lot wholly or partially located within the -SL Overlay shall be as legally existing on the effective date of this By-law.

12.5.4 Overlay Zone Standards for Accessory Buildings and Structures

- a) Section 12.5.4 does not apply to permit an accessory building or structure where the underlying zone does not permit the same.
- b) No fence, Accessory Building or Structure shall be Erected below the toe of the bank, except for those necessary to prohibit erosion or for flood control structures.
- c) Sections 3.3.3 and 3.3.4 shall apply to accessory buildings and structures located in whole or in part in the -SL Overlay, except where a different standard is provided in Section 12.5.4.
- d) An accessory building and structure shall only be located between the main front wall of a dwelling and the front lot line.
- e) In-ground, Private Swimming Pools shall be permitted only if entirely located outside the Primary Hazard Area in a Low Erosion Area as identified in **Table 12-4** of Section 12.5.1.

Setbacks from Streets

- f) The minimum required front and exterior side yards in **Table 12-5** of Section 12.5.3 shall apply to a detached accessory building or structure that is located entirely inside the -SL Overlay, if it is located within 4 metres of the associated dwelling unit to which it is accessory.
- g) Accessory Buildings must be located so that a 3 metre Interior Side Yard is maintained free and clear of all buildings and structures (including the dwelling) on one side or the other of the lot. Where existing buildings already do not provide the required 3 metre Interior Side Yard, the new Accessory Building shall maintain a 3 metre setback from the Interior Side Lot Line where the house has the greatest existing setback.

Height

- h) The maximum Height of a Detached Accessory Building or Structure shall be 4 metres.

Maximum Footprint

- i) The maximum footprint for Accessory Buildings and Structures shall be:
 - i) 30 square metres, or
 - ii) If located in whole or in part within the 60-Year Area or Primary Hazard Area, 15 square metres.
- j) Notwithstanding subsection (i), a Detached Private Garage up to 25 square metres in Gross Floor Area may be Erected in the 60-Year Area provided it is not located in the Primary Hazard Area and the wall containing the opening for a Motor Vehicle is located within 2 metres of the lot line crossed by the Driveway.

Below Top-of-Bank

- k) One stairway is permitted below the Top-of-Bank on a Lot subject to the following provisions:
 - i) The maximum width is 1.6 metres,
 - ii) A maximum of one stairway is permitted,
 - iii) Where there are multiple existing stairways on a Lot, they may be maintained and replaced in their existing locations, and
 - iv) Where a Lot is subject to a right-of-way granting another party access over the Lot, a second stairway may be permitted on the right-of-way.
- l) Notwithstanding subsection (i) above, Unenclosed Decks, Unenclosed Porches and Gazebos shall be Permitted below the Top-of-Bank provided that the collective area of all such Structures shall not exceed:
 - i) 15 square metres in a Moderate Erosion Area as identified in **Table 12-4** of Section 12.5.1,
 - ii) 30 square metres in other areas, and shall not include any area occupied by stairs complying with subsection (i) above, and
 - iii) The cumulative roofed area of all such Structures shall not be greater than 15 square metres.
- m) Notwithstanding subsection (g) above, One Accessory Building per Lot shall be permitted below the Top-of-Bank in a Low Erosion Area as identified in **Table 12-4** of Section 12.5.1 provided:
 - i) The accessory building shall be used for storage only
 - ii) The maximum footprint shall be 10 square metres, and
 - iii) The maximum Height shall be 3.1 metres.