

**TOWN OF  
GRAND VALLEY  
COMPREHENSIVE ZONING BY-LAW  
BL 09-10  
OFFICE CONSOLIDATED APRIL 2018**

BL #	NAME	DEVELOPMENT	Zone	Mapped
2009-	Moroney	Garage	RR-1	
2009-45	Yvonne Edwards	Surplus Dwelling Severance	RR	
2009-46	DEEP	Eco Energy Facility	A-11	
2010-07	Michel Paquette	MDS exception for new dwelling	A-12	
2010-36	Hostrawser	Self-storage facility	M1-1	
2011-20	Trinier	Surplus Dwelling Severance	RR, A-9	
2010 OMB	Orica	Federal Explosive Facility	A-14, A-15	
2011-5	HONI	Temporary Use – hydro staging yard	A-13	
2011-	Eppenberger	Surplus dwelling severance	RR, A-9	
2011-	Wind Turbine	Removal of Holding Provision		
2011-	Robertson, 20 Scott Street	Multi-Residential		
2011-	Wind Turbine 13&15 (Bruce)	Removal of Holding Provision		
2012-8	Crane	Surplus Dwelling	RR	
2012-9	Thomasfield	Phase 1	RV-5, RM-5, RM-6 OS	
2012-	Hostraswer	70 Cooper Infilling lot	RV-6, RV-7	
2012-35	Thomasfield	Phase 1 lot coverage	RV-8	
2013-33	Thomasfield	Phase 2	RM-7	
2014-14	Young & Mazenhauer		A-9, A-16, RR-19	
2014-13	Thomasfield	Remove holding provision	RM-6	
2014-28	Hollenbeck (Baptist Church)	Site specific institutional for south side yard deficiency, future development lands	IN-4, D	
2014-41	Penrose	Site specific for 6.7m shed opposed to 6m shed.	RH-1	
2014-45	Khan Sheik	Rear yard to abattoir	A-5	
	Fire Hall	Sea containers for training facility with height exception	IN-3, amended	
2015-17				
2015-51	Tupling	Surplus dwelling severance (Z8-15)	A-9, RR	YES
2016	Housekeeping	Parking, RVs, home occupations, home industry, turbine, definitions		NO
2016	Hollenbeck	Z6-14	RM-8-H	YES
2016-05	Thomasfield Block 100	Removal of H (Z3-15)	RM-5	YES
2016-16	Macascio/Belwood Electric	Z1-16	CH-1	YES

2016-	Bonnefield	Z2-16	A-9, A-17	YES
2016-20	Schills/Powerline	Z3-16	RR-20	YES
2016-14	Thomasfield/Moco Part Lots	Housekeeping	x	YES
2016-15	Collinni Repeal, Employment Lands	Housekeeping	x	YES
2016-14	Housekeeping Mapping Errors	Housekeeping	x	YES
2016-32	Side yard, A/C	Housekeeping	x	n/a
2016-52	Pilkey	Z5-2016	A-19	YES
2016-40	Mazenhauer	Z6-2016	A-18	YES
2016-52	Achionni Vehicle Commercial to site specific	Housekeeping	M2-2	YES
2017-06	Source Protection	Source Protection	x	Yes- Schedule A-3
2017-17	Kerry's Place	Z1-2017	RR-21	yes
2017-	Petro-Gold	Z2-2017	CH-2	n/a
	Thomasfield Phase 3	Z1-15		
	Moco Subdivision	Z2-15		
	Corseed Subdivision	Z4-16		
2017-62	Creekway Surplus Dwelling		A-9, RR	yes

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# **SECTION 1 - ADMINISTRATION**

## **1.1 TITLE**

This By-law may be referred to as "The Zoning By-law of the Township of East Luther Grand Valley."

## **1.2 AREA AFFECTED BY THIS BY-LAW**

This By-law applies to all lands and lands under water within the Township of East Luther Grand Valley.

1.3 **NEW CONSTRUCTION** The requirements of this By-law must be met prior to the erection or alteration of any building or structure. All construction shall be in accordance with the Ontario Building Code.

In addition to the requirement of any other By-law of the Corporation, every application requesting municipal clearance, which shall include a consideration of zoning clearance, as required for the issuance of a building permit, shall be accompanied by plans, in triplicate, drawn to the appropriate scale and containing the following:

- a) the true shape and dimensions of the lot;
- b) the location and dimensions of all buildings, structures or uses existing on the lot;
- c) the proposed location, height and dimensions of the building, structure or proposed use;
- d) the proposed location and dimensions of any yards, setbacks, landscaped open space, off-street parking, loading facilities, etc.;
- e) a statement signed by the owner or his agent stating exactly the correct and intended use of the land and each aforesaid building or structure and all information necessary to determine whether or not each building, structure or use conforms with the requirements of this By-law.

Each building permit application shall comply with the requirements of the Ontario Building Code Act and its regulations in addition to all other requirements of the Corporation.

If a proposed building, structure or use would violate any provisions of this By-law, no building permit or municipal license or certificate shall be issued.

No building or structure shall be erected except in accordance with the plans submitted and approved for through municipal approval and the building permit process.

## **1.4 ENFORCEMENT**

The conviction of an offender upon the breach of any of the provisions of this By-law shall not operate as a bar to a prosecution against the same offender upon any continued or subsequent breach of any such provision and any court of competent jurisdiction may convict any offender repeatedly for repeat breaches of the By-law.

Any person who contravenes any of the provisions of this by-law or who owns or occupies any land used or any buildings or structures erected, altered, enlarged or used in contravention of any of the provisions of this By-law is guilty of an offence and upon conviction shall pay a fine of not more than \$25,000, and on a subsequent conviction, a fine of not more than \$10,000, exclusive of costs for each offence and each day of violation shall constitute an offence.

Any corporation who contravenes any of the provisions of this By-law is liable on first conviction to a fine of not more than \$50,000 and on a subsequent conviction, to a fine of not more than \$25,000 for each day or

part thereof upon which the contravention has continued after the day on which the corporation was first convicted in accordance with the Planning Act.

Any person or corporation convicted of a contravention of this By-law may be subject to a Court Order prohibiting the continuation or repetition of the offence by the person or corporation convicted.

### **1.5 COURT DECISION**

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

### **1.6 REPEAL OF EXISTING BY-LAWS**

Upon this By-law coming into force and effect, By-law No. 1275 of the Township of East Luther and By-law No. 91-10 of the Village of Grand Valley and all amendments thereto are hereby repealed.

### **1.7 EFFECTIVE DATE**

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

### **1.8 USE OF LAND BUILDINGS AND STRUCTURES**

No lands, buildings or structures within the area covered by this By-law shall be used for any purpose except as otherwise explicitly permitted by this By-law. Any use of land, building or structure defined in this By-law but not specifically permitted in any zone is prohibited by the By-law.

### **1.9 APPLICATION OF OTHER REGULATIONS**

Nothing in this By-law shall serve to relieve any person from any obligation to comply with the requirements of any other By-law of the Township of East Luther Grand Valley or any other Federal or Provincial regulation that may affect the use of lands, buildings or structures within the Township.

Where any Act or portion of an Act of the Ontario Government or Canadian Government is referenced in this Plan, such reference shall be interpreted to refer to any subsequent renaming of sections in the Act as well as any subsequent amendments to the Act, or successor thereof. This provision is also applicable to any policy statement, regulation or guideline issued by the Province or the municipality. No provision of this by-law shall derogate from any applicable law

### **1.10 METRIC AND IMPERIAL TERMS**

The metric conversion chart and any measurements provided in imperial are included for convenience only and do not form part of the By-law. The metric measurements contained in this By-law are the only measurements to be used in determining compliance with the By-law.

### **1.11 INSPECTION OF PREMISES**

Any officer under Section 49 of the Planning Act or any building inspector under the Building Code Act, upon producing proper identification, may enter at all reasonable hours for the purpose of inspecting and examining any property or premise to which this By-law applies where there is reason to believe that the land has been used or the building or structure has been erected, altered or enlarged or used in violation of any of the provisions of this By-law unless the room or premises is being used as a dwelling, in which case, the entry shall be in accordance with Section 49 of the Planning Act or the applicable sections of the Building Code Act, as the case may be.

**1.12 CHANGE IN USE**

No person shall change the use of any land, building or structure, wholly or in part, prior to obtaining the required approvals from the Corporation.

**1.13 INTREPRETATION**

Where the word “shall” is used in this By-law, it is mandatory and not discretionary. Where the word “may” is used in this By-law, it is discretionary and not mandatory.

Where words are used in the present tense in this By-law, they shall include the future.

Where they are used in the plural, they shall include the singular unless the context clearly indicates otherwise.

Where reference is made to “uses” in this By-law, it shall include uses, buildings or structures, except where the context clearly indicates otherwise.

Where reference is made to “building” or “structure”, it shall include any part thereof.

Where words are not defined by this By-law, where appropriate, a dictionary interpretation may be used. An amendment to this By-law may be required for further clarification and shall be required to permit a newly defined use.



## **SECTION 2 - ESTABLISHMENT OF ZONES**

### **2.1 ZONES**

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

Agricultural	A
Rural Residential	RR
Estate Residential	ER
Hamlet Residential	RH
Village Residential	RV
Multiple Residential	RM
Downtown Commercial	CD
Highway Commercial	CH
Employment	M1
Rural Employment	M2
Extractive Industrial	MX
Disposal Industrial	MD
Institutional	IN
Open Space	OS
Environmental Protection	EP
Development	D

### **2.2 ZONE SCHEDULE**

The zones and zone boundaries are shown on the attached Schedules A-1, A-2 and A-3, which form part of this By-law.

### **2.3 DETERMINING ZONE BOUNDARIES**

Zone boundaries shall be determined using the following criteria:

- i) A zone boundary shown approximately at a lot line, street or lane is considered to be at the boundary of the lot line or street line.
- ii) A zone boundary shown approximately in the centre line of a street or lane is considered to be the centre line of the street or lane.
- iii) Unless the location of a zone boundary is specified by dimensions on the Schedule to the Zoning By-law, a zone boundary, which lies within a lot, shall be fixed by the scale of the Schedule upon which it is shown.
- iv) A zone boundary shown following approximately a shoreline of a river or the centre line of a creek, stream or drainage ditch is considered to be the shoreline or centre line and moves with any natural change in the shoreline.
- v) Where lands or lands under water have not been identified as being in a zone on the Schedule, they shall be deemed to be in the Environmental Protection (EP) Zone.
- vi) Roads, bridges, right-of-ways and trails are generally not zoned, but shall be deemed to be for public use in accordance with Section 3.18.
- vii) The EP zone boundaries identified on the schedules are intended to generally identify the location of potentially hazardous environmental features. During review of development applications and building permit applications, if necessary, the boundaries of the EP Zone shall be more precisely determine in consultation with the Conservation Authority or other agencies having jurisdiction in the

area. Where detailed resource mapping and / or site inspection occurs, this may result in a minor re-interpretation of the limits of the Environmental Protection (EP) Zone boundary. Additionally, a technical evaluation, approved by the Conservation Authority may be used to further delineate the limits of the EP Zone.

- viii) The boundaries of the WHPA overlay on the Schedules identify the areas where the policies of the Source Protection Plan apply. The boundaries for the circumstances shown on the Schedules are intended to generally reflect the mapping in the approved Assessment Report and the Specific Circumstances found in the Tables of Drinking Water Threats, Clean Water Act, 2006, as amended.

## **2.4 MULTIPLE ZONES ON ONE LOT**

Where a lot is divided into more than one zone under the provisions of this By-law, each such portion of the lot shall be used in accordance with the zone provisions of this By-law for the applicable zone as if it were a separate lot. The lot area and lot frontage requirements of the most restrictive zone on the lot shall be applied to the entire lot.

The total number of dwellings and/or dwelling units on the whole of the lot shall not exceed one, except where it is explicitly permitted.

When a lot contains more than one use, which is not an accessory use, the lot requirements, regulations and provisions shall be applied to each use individually.

## **2.5 COMPLIANCE WITH ZONING BY-LAW**

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

Any use not specifically permitted by this By-law shall not be permitted in the Township of East Luther Grand Valley. Section 5 of this By-law defines additional uses which are not permitted in any zone under this By-law, and those uses, together with any other uses not specifically permitted by this By-law shall require an amending by-law to be passed in order for such use(s) to be permitted.

No person shall use any land or locate any building or structure such that the uses, buildings or structures on other lands would no longer comply with the provisions of this By-law, save and except for any legally non-conforming lots, buildings structures and/or uses in accordance with section 3.10 of this By-law or legally non-complying lots, buildings, structures and/or uses in accordance with section 3.11 of this By-law.

## **2.6 EXCEPTION ZONES**

Where a zone symbol is followed by a dash and a number (for example A-1), there are special provisions that apply to the lands in addition to any regulations of the primary zone. These special provisions are contained in the exception section that applies to the primary zone.

## **2.7 HOLDING PROVISIONS**

Where a zone symbol is followed by a dash and the letter "H" (for example: M1-H), the lands shall only be used for existing uses and the expansion of those uses as of the date of adoption of this By-law.

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

- i. the appropriate sanitary services and water supply have been approved to service the land and/or are available;
- ii. all conditions of consent or subdivision have been fulfilled, including the registration of any agreements on the title of the lands;
- iii. where the lands are subject to site plan control under Section 41 of the Planning Act, a site plan agreement in accordance with the provisions of the Planning Act has been registered on the title of the lands;
- iv. where the lands are affected by adverse environmental or other constraints and those constraints have been resolved to the satisfaction of Council;
- v. the required permits from all other approval agencies have been issued;
- vi. where the development of the lands may impose adverse financial impacts on the Corporation and those impacts have been resolved to the satisfaction of Council; and
- vii. any other requirements as provided for by the original By-law placing the lands under the Holding Provision have been resolved.

## **2.8 FLOOD FRINGE (F) SYMBOL**

Where a zone symbol is followed by the letter "F" enclosed in brackets (for example: RV(F)), the lands are within the flood fringe area within the flood lines of the Grand River, and are subject to the following additional regulations:

- i. the habitable floor space elevation of the dwelling unit shall be located above the regulatory flood level;
- ii. all building openings shall be above the regulatory flood level, and shall be flood proofed;
- iii. no basement shall be constructed;
- iv. mechanical, electrical and heating equipment shall be located above the regulatory flood level; and
- v. a permit shall be required in accordance with GRCA Reg. 150/06 for any development.

## **2.9 WELL HEAD PROTECTION AREA (WHPA) ZONE OVERLAY**

*Where lands are shown to be within a WHPA on Schedule A-3, the lands are subject to the following additional regulations:*

### *(a) WHPA A*

*The following uses shall be prohibited on lands zoned having a WHPA (A) overlay:*

- i. new waste disposal site within the meaning of Part V of the *Environmental Protection Act* or the *Ontario Water Resources Act*, which does not require an Environmental Compliance Approval;
- ii. storage of waste;
- iii. handling and storage of fuel more than 2,500 litres;
- iv. new facility storing and handling dense non-aqueous phase liquid for industrial, commercial institutional and agricultural purposes;
- v. new facility for the handling and storage of organic solvent;
- vi. salt storage;
- vii. existing and future storage and application of agricultural source material;
- viii. Existing and future handling, storage and application of non-agricultural source material to land;
- ix. Existing and future application and existing and future handling and storage of commercial fertilizer;
- x. Existing and future application and existing and future handling and storage of pesticides;

- xi.* Existing or future use of land as livestock grazing, or pasturing land, an outdoor confinement area or farm animal yard;
- xii.* Existing handling and storage of fuel more than 2,500 litres activities in WHPA 'A' shall be prohibited unless a Risk Management Plan is approved.
- xiii.* existing facility storing and handling a dense non-aqueous phase liquid for industrial, commercial, institutional and agricultural purposes is prohibited unless a Risk Management Plan is approved;
- xiv.* Existing facility for the handling and storage of an organic solvent is prohibited unless a Risk Management Plan is approved.

*(b) WHPA B*

*The following uses shall be prohibited on lands having a WHPA (B) Overlay with a vulnerability score of 10:*

- i.* new waste disposal site within the meaning of Part V of the *Environmental Protection Act* or the *Ontario Water Resources Act*, which does not require an Environmental Compliance Approval;
- ii.* storage of waste;
- iii.* new facility storing and handling dense non-aqueous phase liquid for industrial, commercial institutional and agricultural purposes
- iv.* new facility for the handling and storage of organic solvent;
- v.* salt storage
- vi.* existing and future storage and application of agricultural source material;
- vii.* Existing and future handling, storage and application of non-agricultural source material to land;
- viii.* Existing and future application and existing and future handling and storage of commercial fertilizer;
- ix.* Existing and future application and existing and future handling and storage of pesticides;
- x.* Existing or future use of land as livestock grazing, or pasturing land, an outdoor confinement area or farm animal yard.
- xi.* Existing and future handling and storage of fuel more than 2,500 litres is prohibited unless a Risk Management Plan is approved.
- xii.* existing facility storing and handling a dense non-aqueous phase liquid for industrial, commercial, institutional and agricultural purposes unless a Risk Management Plan is approved;
- xiii.* existing facility for the handling and storage of an organic solvent is prohibited unless a Risk Management Plan is approved.

*(c) WHPA C*

*The following uses shall be prohibited on lands having a WHPA (C) Overlay unless a Risk Management Plan has been prepared to the Township's satisfaction:*

- i.* new waste disposal site within the meaning of Part V of the *Environmental Protection Act* or the *Ontario Water Resources Act*, which does not require an Environmental Compliance Approval;
- ii.* storage of waste.

## **SECTION 3 - GENERAL PROVISIONS**

The provisions of this section of the By-law shall apply to all lands within the Township of East Luther Grand Valley unless otherwise specified. Where a general provision and zone provision conflict, the most restrictive regulation shall apply.

**3.1 ACCESSORY BUILDINGS, STRUCTURES AND USES**

**3.1.1 Permitted Uses**

Where this By-law permits a lot to be used or a building or structure to be erected or used for a purpose, that purpose shall include any accessory building or structure or accessory use, provided the principal building, structure or use is already legally in existence on the lot.

Legal non-conforming uses shall be permitted to have accessory uses, buildings and structures in accordance with the provisions in this section of the By-law and the provisions of the applicable zone. For the purposes of this By-law, an agricultural building having a minimum floor area of 40 square metres(430 sq ft) shall also be considered a principal building in an Agricultural Zone.

Accessory buildings, structures and uses shall not be permitted for:

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

**3.1.2 Setback and Yard Requirements**

Notwithstanding the yard and setback provisions to the contrary of this By-law, any accessory building or structure, which is detached from the principle building may be erected and used in an interior side or rear yard, provided that the following requirements are met::

- i) Minimum Interior Side Yard - 1.5 metres(4.92ft)
- ii) Minimum Rear Yard - 1.5 metres (4.92ft)
- iii) Minimum Distance from any other building - 2.0 metres(6.56ft)
- iv) Any accessory building or structure shall not be located closer to the front lot line or exterior side lot line than the principal building on the lot. Barns, livestock facilities, storage sheds, silos and other principle buildings can be located in front of a dwelling, provided that the front yard requirement is met.
- v) Maximum floor area of any accessory building or structure shall not exceed the floor area of the principle building.

**3.1.3 Lot Coverage**

Unless otherwise specified in this By-law, the total maximum lot coverage of all accessory buildings and structures, excluding swimming pools, parking areas, patios and decks less than 1.8 metres (5.9ft) in height shall be 10 percent. Accessory buildings and structures are included within the calculation of total lot coverage.

**3.1.4 Height**

Unless otherwise specified in this By-law, the maximum height of any accessory building or structure shall be 6 metres but shall not exceed the height restrictions of the respective Zone, and shall not be designed with a second storey or future habitable space. The maximum height of a privacy screen shall be 3 metres.

Within the Rural Residential (RR), Estate Residential (ER) and Agricultural (A) zones the maximum height of an accessory building or structure shall be 8 metres where a minimum side yard and minimum rear yard of 6 metres is provided.

### 3.1.5 Accessory Structure Encroachments

Notwithstanding the yard and setback provisions to the contrary of this By-law, the following accessory structures are permitted to encroach into the minimum yard and setbacks required by this By-law by the distance specified in Table 1: Permitted Encroachments.

#### 3.1.5.1 TABLE 1: PERMITTED ENCROACHMENTS

Accessory Structure	Permitted Encroachment
Sills, belts, courses, cornices, eaves, canopies, gutters, awnings, eave troughs, chimneys, parapets, pilasters or any other architectural, ornament or similar structure	0.3metres (.98ft) into any yard
Fire escapes, exterior staircases	1.2 metres(3.9ft) into rear and exterior side yard
Bay windows	0.9 (2.9ft)metres over a maximum of 3 metres in the front, rear and exterior side yards
Balconies, Decks, Porches in excess of 1.8metres(5.9ft) above finished grade	The yard requirements for the principal building shall apply
Unenclosed Decks, Steps, Porches, Balconies, Terraces or Patios, and fire escapes equal to or less than 1.8 metres above finished grade	1.8(5.9ft) metres into any yard or setback, but not closer than 1.2( 93.9 ft) metres to any lot line.
Private septic systems and private well	Permitted in all yards, but are required to meet setbacks from watercourses and waterbodies
Satellite dishes not exceeding 1.0 metre(3.2ft) in diameter	Permitted to encroach a maximum of 2 metres in to an interior side yard and rear yard only
Clothes poles	Permitted in interior side yard and rear yard only
Flag poles, garden trellises, retaining walls less than 1.0 metres above finished grade, signs	Permitted in all yards provided they meet all applicable Township by-laws and are a minimum of 3metres(9.8ft) from the street line.
Fences having a maximum height of 1.8m (5.9ft)	Permitted in side and rear yard, but shall not extend beyond the front wall of the dwelling.
Windmills and wind turbine generators having a maximum blade span of 2 metres (6.56ft)and maximum height of 12 metres(39.3ft)	Permitted in all yards, where height is measured as the vertical distance between the ground and the extension of the blade. A turbine or windmill located on a roof or antenna must meet the maximum height of 12 metres(39.3ft) combined.
Air conditioner units and similar exterior components	0.6m in to a rear yard and side yard, but no closer than 0.6m to the lot line
Landscaping structures	in a side yard, but no closer than 0.6m to the lot line

### 3.1.6 Garden Suite

Garden suites may be permitted as a temporary use in any zone that permits a dwelling unit as a principle use, and where:

- i) the lot has a minimum lot area of 0.4 hectares;
- ii) where the sewage disposal system and water services are adequately sized for the increased residential use;
- iii) Council has passed a temporary use By-law under Section 37 of the Planning Act;

- iv) there is an agreement between the owner and the Township that provides for the removal of the building when it is no longer required;
- v) the minimum floor area shall be 35 square metres;
- vi) the lot is not developed with an accessory apartment, second dwelling for farm help or any other second dwelling unit; and
- vii) the maximum floor area being 80 square metres (861 sq ft).

### **3.1.7 Accessory Apartments**

#### *3.1.7 Accessory Apartments*

*Where an accessory apartment is permitted by this By-law, it shall only be permitted where:*

- i) the lot has a minimum lot area of 0.4 hectares where located on private services or meets the minimum lot area of the zone in which it is located;*
- ii) the sewage disposal system and water services are adequately sized for the increased residential use if on private services or is connected to a municipal water and sewage disposal system;*
- iii) the accessory apartment is attached or within the main dwelling unit;*
- iv) the lot is not developed with a temporary garden suite;*
- v) the minimum floor area being 35 square metres; and*
- vi) a maximum of one accessory apartment is permitted unless expressly permitted by this by-law.*

### **3.1.8 Accessory Dwelling Units In A Non-Residential Building**

Where an accessory dwelling unit is specifically permitted in a non-residential building, such use shall only be permitted in accordance with the following provisions:

- i) adequate sewage and water services shall be available;
- ii) minimum floor area shall be 35 square metres;
- iii) the dwelling unit shall be distinctly separate from the non-residential use, having a separate entrance, washroom and kitchen facilities;
- iv) maximum gross floor area shall be 50% of the non-residential use;
- v) the dwelling unit shall be located above or behind the principle non-residential use; and,
- vi) no dwelling unit shall be located within a portion of a non-residential building which is used to house livestock or has flammable fluids or hazardous materials stored in bulk for commercial purposes or in conjunction therewith, nor a building used for a motor vehicle service station, a motor vehicle repair garage, a motor vehicle body shop or a marine or small engines service shop.

### **3.1.9 Cloth-Covered Structures**

No cloth-covered structure shall be located within any front yard of any zone. Any cloth-covered structure shall not be located closer to the front lot line or exterior side lot line than the principle building on the lot. Cloth covered structures are included in the total lot coverage. Cloth covered structures shall be designed as temporary structures, and are only permitted for a maximum of 2 years, and the owner shall enter into an agreement with the Township for its removal after 2 years. A cover-all structure or cloth-covered constructed with a building permit, and in accordance with the by-law as an accessory use for Agriculture shall not be considered a cloth-covered structure under this section of the by-law.

A permanent cover-all, steel-framed or structure similar in appearance shall not be permitted as an accessory building or structure within the Village Residential (RV) Zone.

### **3.1.10 Outdoor Furnaces**

Outdoor furnaces shall only be permitted on lots having a minimum area of 1.0 hectare, shall have a minimum stack height of 2.8 metres(9ft) and shall be setback not less than 30(95ft) metres from any lot line. Outdoor furnaces shall not be permitted in any front or exterior side yard.

#### *3.1.11. Sea Containers, Storage Containers and Refuse Bins*

*Sea Containers, Storage Containers and similar structures or containers shall not be permitted, unless expressly permitted by this zoning by-law. Notwithstanding the foregoing, a temporary refuse container or bin shall be permitted for a maximum of 30 days*

### **3.2 CONSTRUCTION USES**

A shed, construction trailer, container, debris bin, scaffold and/or other building or structure incidental to construction and having a maximum floor area of 10 square metres is permitted on any lot for so long as it is necessary for the work in progress and until the work is completed or abandoned. For the purpose of this section, abandoned shall mean the discontinuation of work for more than 8 months and/or the failure to maintain a current building permit.

Notwithstanding any other provision of this By-law to the contrary, where a dwelling is destroyed, the residents may occupy a travel trailer on a temporary basis while the dwelling is being reconstructed for a maximum of one year, provided that such trailer is supplied with proper water and sewage disposal system, and the owner has entered into an agreement with the Township for its removal.

### **3.3 ESTABLISHED BUILDING LINE**

Notwithstanding the minimum front yard requirements of this By-law to the contrary, where a dwelling is to be constructed between two existing lots, having a maximum separation of 100 metres(328ft) on which dwellings presently exist, the required minimum front yard for that lot shall be the average front yard that lawfully exists on the two abutting lots.

### **3.4 FRONTAGE ON A YEAR ROUND MAINTAINED PUBLIC ROAD**

No person shall erect any building or structure in any zone unless the lot upon which such building or structure is to be erected has frontage upon a year round maintained public road.

The above provisions shall not apply to prevent the erection of a permitted building or structure on a lot in a registered Plan of Subdivision or Plan of Condominium where a properly executed Agreement has been entered into with the Township, notwithstanding that the road or roads will not be assumed by the Township.

Notwithstanding the requirement to have frontage on a year round maintained public road, the enlargement, extension, renovation, reconstruction or other structural alteration of an existing building or structure, which is located on a lot which does not have frontage upon a year round maintained public road, shall be permitted provided the use of such building or structure does not change and is permissible within the zone in which it is located.

### **3.5 HEIGHT EXCEPTIONS**

Notwithstanding the height provisions of this By-law, where such new building or structure, or accessory use building or structure is permitted, the maximum height for the following shall be equivalent to the minimum achievable yard (measured from the base of the structure or building to the closest lot line) for such building or structure:

- i) a barn, livestock facility, a silo, a grain elevator;
- ii) a church spire;



- iii) a belfry, a flag pole;
- iv) a clock tower;
- v) a chimney;
- vi) a water tank;
- vii) a radio or television tower or antenna;
- viii) an air conditioner duct;
- ix) incidental equipment required for processing; and,
- x) external equipment associated with internal equipment or machinery and conveying equipment
- xi) noise attenuation wall or similar structures for the purpose of noise barrier

### **3.6 HOME INDUSTRY**

Where a home industry is permitted, the following provisions shall apply:

- i) In addition to persons living on the premises, not more than two employees shall be engaged in the home industry;
- ii) Such home industry may be located in part of a dwelling or in any accessory building located on a lot on which a dwelling is in existence, provided the total gross floor area utilized by the home industry does not exceed a maximum of 140 square metres.
- iii) There shall be no display, other than a non-illuminated sign having a maximum surface area of 1.0 square metres, and all signage must be in accordance with the Sign By-law of the Corporation;
- v) There shall be no outside storage of goods, materials or articles.
- vi) A minimum of two parking spaces shall be provided and located in the side or rear yard only.
- vii) A minimum lot area of 0.8 hectares is required for a property used as a home industry.

### **3.7 HOME OCCUPATION**

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

- i) In addition to persons living on the premises, not more than two employees shall be engaged in the home occupation;
- ii) There shall be no display, other than a non-illuminated sign having a maximum surface area of 0.5 square metres;
- iii) There shall be no goods, wares, or merchandise offered for sale or rent on the premises other than what is produced on the premises;
- iv) There shall be no outside storage of goods, materials, containers or animal enclosures used in conjunction with the home occupation;
- v) Not more than 25 percent of the gross floor area shall be used for the purposes of the home occupation. The home occupation shall be conducted entirely within the dwelling or attached garage;
- vi) There shall be no mechanical or other equipment used except that which is customarily used in a dwelling for domestic or household purposes or for use by a hairdresser or barber, dentist, drugless practitioner, physician, or other professional person;
- vii) A home occupation shall not include a boarding or lodging house, an eating establishment, or a facility offering accommodation or meals other than a Bed and Breakfast establishment;
- viii) A home occupation shall be secondary to the principal residence and shall not change the residential character of the lot;
- ix) One home occupation only shall be permitted in conjunction with a single detached dwelling; and,
- x) A minimum of two parking spaces shall be provided and located in the side or rear yard only.

### **3.8 LOADING SPACE REQUIREMENTS**

Loading spaces are required in accordance with the Loading Space Requirements provided in Table 2. The owner of every commercial or industrial building or structure erected for any purpose involving the receiving,

shipping, loading or unloading of persons, animals, goods, wares, merchandise or raw materials shall provide and maintain loading and unloading spaces on the lot. The appropriate location of loading spaces shall be determined through the site plan control process.

**TABLE 2: LOADING SPACE REQUIREMENTS**

Gross Floor Area of Building	Loading Spaces Required
Less than 280 square metres	None
281 square metres to 2300 square metres	1 space
2301 square metres to 10,000 square metres	2 spaces
Exceeding 10,000 square metres	2 spaces plus 1 space for each additional 10,000 square metres.

**3.9 MOBILE HOMES**

Mobile homes are generally not permitted within the Township. However, where a mobile home is specifically permitted by this By-law, the following provisions shall apply:

- i) minimum floor area shall be 55 square metres;
- ii) gear and towing equipment shall be removed;
- iii) the mobile home shall be located on a permanent foundation;
- iv) the mobile home shall be constructed to the standard required by the Township and the Building Department,
- v) the mobile home shall be serviced with running water, a sewage disposal system and electricity.
- vi) Municipal approval and a building permit shall be required for the placement of mobile homes on any lands within the Township.

**3.10 Model Homes**

Where a draft plan of subdivision has been approved and the subject lands are zoned for residential development, and the Owner has entered into a subdivision (model home) agreement, contrary to the General Provisions of this by-law relating to servicing, frontage on a road and number of units per lot, model home(s) shall be permitted.

**3.10 NON-CONFORMING USES**

**3.10.1 Existing Uses**

The provisions of this By-law shall not apply to prevent the use of any non-conforming existing lot, building or structure for any purpose prohibited by this By-law if such existing lot, building or structure was lawfully used for such purpose, prior to the effective date of this By-law and provided that the lot, building or structure continues to be used for that purpose.

**3.10.2 Permitted Exterior Extension, Alteration and Reconstruction**

The exterior of any building or structure which was lawfully used prior to the effective date of this By-law for a purpose not permissible within the zone in which it is located, prior to the effective date of this By-law, shall not be enlarged, extended more than 0.2 metres(0.65ft), reconstructed or otherwise structurally altered, unless such building or structure is thereafter to be used for a purpose permitted within such zone.

### **3.10.3 Permitted Interior Alteration**

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

### **3.10.4 Restoration To A Safe Condition**

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

### **3.10.5 Building Permit Issued**

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

## **3.11 NON-COMPLYING LOTS, BUILDINGS, STRUCTURES AND USES**

### **3.11.1 Permitted Buildings or Structures**

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

- i) the enlargement, reconstruction, repair and/or renovation does not further reduce the existing deficiency to less than the minimum required by this By-law and does not increase the lot coverage to more than the maximum permitted or create any other non-compliance to any other provision of this By-law;
- ii) the building or structure is being used for a purpose permissible within the zone in which it is located; and,
- iii) all other applicable zone provisions of this By-law are complied with.

### **3.11.2 Reconstruction of Existing Building**

Nothing in this By-law shall apply to prevent the reconstruction of any legal non-complying building or structure which is accidentally damaged or destroyed by causes beyond the control of the owner or where the owner has obtained a demolition permit from the municipality. Such legal non-complying building or structure may be reconstructed for the purpose of replacing the building or structure, even if such building or structure did not conform with one or more of the provisions of this By-law provided that the non-compliance is not further increased and provided that the reconstruction occurs within 24 months of the damage or demolition being done. The reconstruction shall be the same dimensions and same location of the previous building or structure. Any alterations to the building or structure shall require an amendment to this Zoning By-law.

### **3.11.3 Existing Undersized Lots of Record**

Where a lot, having a lesser lot area and/or lot frontage than required herein, existed on the date of passing of this By-law, or where such a lot is created by a public authority, such smaller lot may be used and a permitted building or structure, may be altered and/or used on such smaller lot provided that the lot has a minimum frontage of 10 metres (32.8ft) on a public road that is maintained year-round and all other applicable zone provisions of this By-law are complied with. Any of these existing undersized lots,

which have been increased in size following the passing of this By-law, but remain undersized, may also be used in accordance with this provision.

Notwithstanding that an undersized lot may be used and a permitted building or structure erected on a smaller lot, an existing undersized lot must have a minimum lot area of 0.2 hectares and a minimum lot frontage of 12 metres to be used for a residential use, provided that there is sufficient area for servicing and an identifiable reserve tile field location where on private services. This section shall not apply where the provisions of a zone or use require a specific minimum lot area for a specific use.

### **3.12 NOXIOUS TRADE**

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

### **3.13 NUMBER OF DWELLING UNITS ON A LOT**

Unless otherwise permitted in this By-law, no more than one dwelling unit shall be permitted on any lot.

### **3.14 OUTDOOR STORAGE**

Except where specifically permitted, the outdoor storage of materials and goods; junkyards; wrecking yards and salvage yards shall be prohibited.

Where outdoor storage is permitted, it shall not be permitted within a front yard.

All permitted outdoor storage shall be screened from view by a 1.8 metre (5.8ft) high fence and a minimum landscaped open space strip having a minimum width of 3 metres(9.8ft).

### **3.15 PARKING AREA REGULATIONS**

#### **3.15.1 Parking Space Requirements**

The owner of land, building or structure erected or used for any of the purposes hereinafter set forth shall provide and maintain parking spaces for the sole use of the owner, occupant, or other persons entering upon or making use of the said premises, from time to time. Parking spaces are required under this By-law, in accordance with Section 3.15.8, which contains the Parking Space Requirement Table. When a building or structure accommodates more than one type of use, the parking space requirement for the whole building shall be the sum of the requirements for the separate parts of the building occupied by the separate types of use. Where the calculation of required spaces exceeds a whole space by more than 0.25, the required spaces shall be the next whole number. *Parking spaces shall have a minimum width of 3 metres and have a minimum length of 6 metres. Where required, accessible parking spaces shall have a minimum width of 4.6 metres and a minimum length of 6 metres.*

Parking spaces for the physically challenged will be appropriately required and located through the site plan control process.

#### **3.15.2 Parking Area Surface**

The location of parking spaces shall generally be determined through the site plan control process and shall be maintained with asphalt, concrete or brick, or other approved surfacing and designed for proper drainage. Planting strips shall be used to buffer parking areas from residential uses and zones.

#### **3.15.3 Ingress and Egress**

Ingress and egress for parking areas shall comply with the following:

- i) Ingress and egress to and from the required parking spaces and areas shall be provided by means of unobstructed driveways or passageways of at least 3(98.4ft) metres in width but not more than 9(29.5ft) metres in perpendicular width.
- ii) The maximum width of any joint ingress and egress driveway ramp measured along the street line shall be 6 metres.

#### **3.15.4 Additions and Changes to Existing Buildings, Structures and Uses**

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

Where lands zoned Downtown Commercial (CD) are converted or intensified without changing the ground floor area, no additional parking spaces shall be required. All effort shall be made to provide as much parking as possible and a logical layout with abutting parking lots

#### **3.15.5 Use of Parking Spaces and Areas (Commercial motor vehicle, truck, trailer, school bus)**

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

Notwithstanding the foregoing, the owner or occupant of any lot upon which is located a permitted dwelling, and where the lot has a minimum lot area of 2 hectares, the lot, building or structure may be used for the parking, storing or housing of one commercial motor vehicle or trailer provided that such vehicle does not exceed a  $\frac{3}{4}$  ton load capacity. Such vehicle must be parked in an exterior side or rear yard, or within a building.

Commercial motor vehicles used in conjunction with an agricultural operation and one commercial truck or school bus are permitted in the Agricultural and Rural Residential Zones.

#### **3.15.8 Residential Parking and Driveway Requirements**

Notwithstanding the general parking requirements, it is the intent to maintain a residential nature and landscaped open space in the residential areas. The maximum width of any driveway shall be 6 metres. There shall only be one driveway per residential lot zoned Village Residential (RV), Hamlet Residential (HR), Estate Residential (ER) and Rural Residential (RR). A zoning by-law amendment shall be required for a second driveway or wider driveway.

In any Residential Zone or residential use, a maximum of 50% of the area between the face of the dwelling and the front lot line may be used for parking areas. All remaining lands shall be developed as landscaped open space, grassed areas and patios or decks.

#### **3.15.9 TABLE 3 - PARKING SPACE REQUIREMENT TABLE**

Land Use	Minimum Off-Street Parking Requirements
Assembly Area, Place of Worship, Recreational Establishment, Private Club, Tavern or establishment licensed under the Liquor License Act or other similar places of assembly not otherwise specified herein.	1 parking space for each four persons that may be legally accommodated at any one time
Restaurant, private clubs, taverns, eating establishments	5 parking spaces plus 1 parking space for every 4 persons that may be legally accommodated at any one time
Home for the Aged, Nursing Home, Seniors Apartments, Hospitals, Institutions	5 parking spaces plus 1 parking space for each 3 beds or fraction thereof
Hotel, Motel, Camping Establishment, or other forms of temporary housing	5 parking spaces plus 1 parking space for each guest room, cottage, cabin or camp site
Offices (medical, dental, drugless practitioner, clinic, business, financial, professional)	2 spaces per office or where common working areas are provided, one space per 20 square metres of floor area, excluding communal hallways.
Residential	2 parking spaces per dwelling unit, where one space may be located in a carport or, <i>provided such garage or carport has a minimum width of 3 metres and minimum length of 6m</i>
Schools, nursery schools, commercial schools, day care	4 spaces plus 2 space per class room (Assembly, gymnasium and other uses are to be calculated separate, in accordance with this table)
<i>Motor vehicle body shop, motor vehicle repair garage and similar motor vehicle uses</i>	<i>4 parking spaces per service bay</i>
Any other Commercial uses	1 parking space per 20 square metres of gross floor area.
Any other Industrial uses	1 space per 50 square metres total floor area
Any other use, including assemble or common areas in conjunction with any of the categorized uses in this table	1 parking space per 20 square metres of gross floor area

### 3.16 PEAT EXCAVATION, AND PITS AND QUARRIES

The excavation of peat is prohibited within the area covered by this By-law, except as specifically permitted by this By-law. No person shall use land or erect any building or structure for the purpose of excavating or processing peat except as expressly provided for in this By-law.

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

### 3.17 PLANTING STRIPS

#### 3.17.1 Location

Planting strips shall be required where a lot in an Institutional, Commercial, Industrial or Open Space Zone abuts any road or Residential Zone or Residential use, and shall generally be 3 metre (9.8ft) wide, and only

interrupted within 1.5 metres (4.9ft) of driveways and walkways or as required for sight-triangles, or as determined through the site plan control process.

### **3.18 PUBLIC USES**

Except as provided in section 3.18.2 and within the Environmental Protection (EP) Zone, the provisions of this By-law shall not apply to prohibit the use of any lot or the erection or use of any building or structure for the purposes of public uses and municipal services, provided by the Township, County, or any Public Authority including any Department or Ministry of the Government of Canada or Ontario or any Conservation Authority established by the Government of Ontario and, for the purposes of this section, shall include any utility provider, telephone, or cable company directly distributing utilities, telephone, or cable services to the residents of the Township and any natural gas distribution system where such company possesses all the necessary powers, rights, licenses and franchises. For the purposes of this By-law, public uses shall not include any facility used for residential purposes.

Where such building, structure or lot is located in any zone for the purposes of public uses, the following shall apply:

- i) there shall be no open storage except in accordance with the general provisions and zone provisions;
- ii) any zone provisions of the zone within which the building, structure or use is located shall be complied with, except as specifically provided for in this section; and
- iii) any buildings or structures shall be designed, located and maintained in general harmony with the buildings permitted in such zone.

#### **3.18.1 Location Restrictions**

Notwithstanding any other provision contained in this By-law to the contrary, where a public use is specifically mentioned as a permitted use within a specific zone classification, then such public use shall only be permitted within that zone or zones and shall comply with the zone provisions of the zone in which the specific public use is permitted.

#### **3.18.2 Provisions**

No goods, materials or equipment shall be stored outside a building or structure used for a public use, except as may otherwise be specifically permitted by this By-law.

The public use shall comply with all setback and coverage requirements of the zone in which the use is located, except as otherwise provided in this By-law.

In any zone, except within an Environmental Protection (EP) zone, nothing in this By-law shall prevent the use of any land as a public park, storm water management facility, community park, playground, public walkway, road allowance or as a site of a statue, monument, cenotaph, fountain, or other memorial, ornamental or landscaping structure.

#### **3.18.3 Road and Service Installations**

Nothing in this By-law shall prevent land from being used as a road or highway, or prevent the installation of a water main, sanitary sewer, storm sewer, gas main, pipeline, overhead or underground hydro, communication line or high voltage electrical facilities provided that such construction or installation is undertaken by an authority possessing all necessary powers, rights, licenses and franchises, and provided that the location of such facility has been approved by the Corporation.

### **3.19 RESOURCE MANAGEMENT**

Notwithstanding the permitted uses to the contrary of this By-law, the preservation, protection, and improvement of any components of the natural environment through a comprehensive management and maintenance program shall be permitted on all lands covered by this By-law.

### **3.20 SERVICES REQUIRED**

No person shall erect or use a building or structure for a residential purposes on any lands unless the lands are serviced by an approved sewage disposal and water supply system.

### **3.21 SIGHT TRIANGLES**

On a corner lot fronting on two public roads, within the triangular space formed by the intersecting street lines (or the projection of two non-intersecting street lines) and a line drawn from a point on one street line to a point on the other street line, such points being 9 metres(29.5ft), measured along the street line from the point of intersection of the street lines, no motor vehicle shall be parked and no buildings or structures which would obstruct vision shall be erected, and all landscaping shall have a maximum height of 1 metre (3.2ft).

Sight triangles may also be required at the intersection of a road and entrance or driveway.

### **3.22 SIGNS**

All signage must be in accordance with applicable Township Sign By-law(s).

Where a sign has a face area of greater than 4 square metres, it shall be deemed an accessory structure for the purposes of this By-law, and shall meet the requirements of the zone in which it is located.

### **3.23 SPECIAL SETBACKS**

#### **3.23.1 Livestock Facilities Setback**

Notwithstanding any other yard or setback provisions in this By-law, no non-agricultural use shall be permitted unless it complies with the Minimum Distance Separation (MDS I).

Notwithstanding any other yard or setback provisions to the contrary of this By-law, no livestock facility or manure storage facility shall be erected or expanded unless it complies with the Minimum Distance Separation (MDS II).

In addition to the MDS requirements above, no livestock operation having greater than 300 NU on one lot or 5 NU/ha shall be permitted within 1000 metres(3280ft) of the Urban Area or any lands zoned Village Residential (RV) or Multiple Residential (RM) Zone.

#### **3.23.2 Roads and Roads Allowance Setbacks**

Notwithstanding any other provisions contrary to this By-law, no building or structure shall be constructed within 10 metres(32.8ft) of a municipal road allowance or an established street line.

Where a lot abuts a road allowance less than 20 metres(65.6ft) in width, the street line shall be established at 10 metres from the centre line of the street.

Where a lot abuts a County Road, the street line shall be established at 15 metres(49ft) from the centre line of the street.

Where a lot abuts a highway, the street line shall be established at 20 metres(65.6ft) from the centre line of the street.



### **3.23.3 Pits and Quarries Setback**

Notwithstanding any other provisions of this By-law, no new residential development, other than development on existing lots or draft plan approved lots shall be constructed within 120 metres(393ft) of the property line of a lot containing an existing pit or quarry.

### **3.23.4 Watercourses setback**

All buildings or structures, except pump houses, erosion control structures and works undertaken by the Corporation shall be located a minimum of 15 metres(49.2ft) from the high water mark of any river, stream, creek or municipal drain.

### **3.23.5 Steep Slopes or Ravines setback**

All buildings or structures shall be located a minimum of 15 metres (49.2ft) from the top of bank of a slope in excess of 25 percent.

### **3.23.6 Cold Water Streams setback**

No building or structure, except pump houses and erosion control structures shall be constructed within 30 metres (98ft) of a cold water stream.

### **3.23.7 Waste Disposal and Waste Water Treatment setback**

No new habitable building or structure shall be located within 500 metres (1640ft) of a licensed or closed Waste Disposal Area, or 150 metres (492ft) from a licensed Sewage Lagoon or Waste Water Treatment Facility.

### **3.23.8 Wetland setback**

All buildings and structures shall be located a minimum of 30 metres(98ft) from the edge of a local, or unevaluated wetland. A minimum setback of 120 metres is (393ft) required to a wetland identified as Provincially Significant by the Ministry of Natural Resources as amended from time to time.

## **3.24 RECREATIONAL VEHICLES AND EQUIPMENT**

*No vehicles or equipment shall be permitted within an exterior side yard. A maximum of one recreational vehicle or equipment may be parked or stored year-round, only in the rear or interior side yard where a dwelling is in existence on the same lot provided that:*

- a) it maintains a 1.5m setbacks to any lot line , and*
- b) the yard or portion thereof used for the storage of the recreational vehicle or equipment is enclosed by a solid fence having a minimum height of 1.8 metres.*

*In addition, one recreational vehicle or equipment may be located on a driveway, provided that there are still two parking spaces with minimum dimensions of 3m x 6m maintained on the subject lands. Such storage shall only be permitted on a seasonal basis in the season for which the recreational vehicle and equipment is primarily intended to be used in. Notwithstanding the foregoing, the recreational vehicle and equipment stored on a residential lot shall not extend onto the municipal right-of-way. No recreational vehicle or equipment shall be permitted if such permission would result in a motor vehicle extending onto the municipal right-of-way or parking on the street.*

### **3.25 UNLICENSED MOTOR VEHICLES**

Notwithstanding any other provision of this By-law, no person may use any lot for the parking or storage of any unlicensed vehicles excluding farm equipment, except that such storage of vehicles may be permitted in a private garage. Accessory to a Commercial and Industrial use, such vehicles are permitted on the lot, provided the subject vehicles are not stored in a required yard and provided the storage of such vehicles is permitted by this By-law.

The storage of derelict, unlicensed motor vehicles, including unlicensed motor vehicles used for recreational purposes, such as race cars, demolition derby, all-terrain vehicles and snowmobiles shall only be permitted subject to the following regulations:

- i) maximum of two vehicles stored outdoors;
- ii) outdoor storage shall only be permitted in the rear yard; and,
- iii) the rear yard or portion thereof used for the storage of such vehicles shall be enclosed by a solid fence having a minimum height of 1.8 metres (5.9ft).

### **3.26 WASTE DISPOSAL, LANDFILLS AND RECYCLING FACILITIES**

The making or establishment of new waste disposal and recycling facilities and new landfills is prohibited within the area covered by this By-law. Expansions to existing facilities shall be in accordance with the provisions of this By-law.

### **3.27 WAYSIDE PITS AND QUARRIES**

A wayside pit or quarry, being 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, shall be permitted as a temporary use on all lands covered by this By-law, for the duration of a specific road project, where the Owner of such lands has entered into an agreement with the Corporation. After such road project is complete, or the contract is expired, the wayside pit and quarry use shall be prohibited and lands shall be rehabilitated.

## SECTION 4 - ZONE PROVISIONS

### 4.1 AGRICULTURAL (A) ZONE

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

#### 4.1.1 Permitted Uses

- i) dwelling, single detached;
- ii) accessory apartment;
- iii) accessory dwelling unit for farm help in accordance with subsection 4.1.3
- iv) accessory agriculturally related commercial use;
- v) agricultural livestock operation;
- vi) agricultural crop operation;
- vii) agricultural supply establishment;
- viii) agricultural implement sales establishment;
- ix) agricultural produce outlet;
- x) agricultural produce storage area or facility;
- xi) greenhouse, commercial;
- xii) equestrian facility;
- xiii) garden and nursery supply establishment;
- xiv) home industry;
- xv) home occupation;
- xvi) kennel;
- xvii) asphalt plant, portable, temporary and accessory to a road project; and
- xviii) veterinary hospital/clinic
- xix) hobby farm

#### 4.1.2 Regulations for Permitted Uses

- |  |                         |
|--|-------------------------|
| i) Minimum lot area                                    | 16 ha                   |
| ii) Minimum lot area for a maximum of 1 nutrient units | 1.5 ha                  |
| iii) <i>minimum lot area for a hobby farm</i>          | <i>1.5ha</i>            |
| ii) Minimum lot frontage                               | 150 m (492ft)           |
| iii) Minimum front yard                                | 30 m (98ft)             |
| iv) Minimum interior side yard                         | 30 m (98 ft)            |
| v) Minimum exterior side yard                          | 30 m (98 ft)            |
| vi) Minimum rear yard                                  | 30 m (98 ft)            |
| vii) Maximum lot coverage                              | 10%                     |
| viii) Maximum height                                   | 12 m (39ft)             |
| ix) Minimum ground floor area of a one storey dwelling | 110 sq. M (1184 sq. Ft) |
| x) Minimum ground floor area of a two storey dwelling  | 65 sq. m. (700 sq ft)   |

#### 4.1.3 Accessory Dwelling Unit for Farm Help

Where a lot has a minimum lot area of 39 ha and is developed with an agricultural livestock operation, including a permanent building for housing livestock having a minimum area of 600m<sup>2</sup>, and an approved nutrient management plan, an accessory dwelling unit is permitted in accordance with the following provisions:

- i) adequate sewage and water services shall be available;
- ii) minimum floor area shall be 35 square metres;
- iii) the dwelling unit shall be distinctly separate from the livestock housing facility
- iv) the dwelling unit shall have a separate entrance, washroom and kitchen facilities; and
- v) the dwelling unit shall be located within 20 metres of the principal dwelling unit.
- vi) a mobile home may be used as an accessory dwelling unit for farm help where such mobile home complies with section 3.9, Mobile Homes, with the exception of a permanent foundation, where Council has passed a temporary use By-law under Section 37 of the Planning Act and where there is an agreement between the owner and the Township that provides for the removal of the Mobile Home after a maximum of 10 years.

#### **4.1.4 Exceptions**

##### **4.1.4.1 Agricultural Exception One (A-1)**

- (North Half of Lot 27, Concession 7)
- (Part Lot 30, Con 5)
- (Part Lot 27, Con 4)
- (Part Lot 32, Concession 3)
- (Part Lot 26, Con 11)
- (Part of Lot 25, Con 3)
- (part Lot 27, Con 12, Part 2 7R5551)

Notwithstanding the lot area provisions of the Agricultural (A) Zone, to the contrary, on lands zoned Agricultural Exception One (A-1), all Agricultural (A) uses shall be permitted, notwithstanding where the existing lands do not meet the minimum lot area requirement. In all other respects, the provisions of this By-law shall apply.

##### **4.1.4.2 Agricultural Exception Two (A-2)**

- (Part of Lot 30, Concession 7)

Notwithstanding the provisions of the Agricultural (A) Zone, to the contrary, on lands zoned Agricultural Exception Two (A-2), a second dwelling for full time farm help shall be permitted. In all other respects, the provisions of this By-law shall apply.

##### **4.1.4.3 Agricultural Exception Three (A-3)**

- (Part of Lot 31, Concession 4)
- (North half of Lot 21, Concession 3)
- (Part of Lot 30, Concession 2, south of the C.N.R. Line)
- (North Half of Lot 28, Concession 9)
- (Part Lot 24, Concession 4)
- (Lot 32, Con 10)
- (Lot 24, Con 4)

Notwithstanding the provisions of the Agricultural (A) Zone, to the contrary, on lands zoned Agricultural Exception Three (A-3), two dwelling units shall be permitted. In all other respects, the provisions of this By-law shall apply.

##### **4.1.4.4 Agricultural Exception Four (A-4)**

- (Part Lot 20, Concession 1, Former A1-1)

Notwithstanding the provisions of the Agricultural (A) Zone, to the contrary, on lands zoned Agricultural Exception Four (A-4), the following additional uses shall be permitted:

- i) equipment welding and painting;
- ii) motor vehicle body work, painting and sales

In all other respects, the provisions of this By-law shall apply.

#### **4.1.4.5 Agricultural Exception Five (A-5)**

(Part Lot 32, Concession 1)

Notwithstanding the provisions of the Agricultural (A) Zone, to the contrary, on lands zoned Agricultural Exception Five (A-5), the only permitted uses shall be one single dwelling unit, and the breeding, raising and processing of pigeons, poultry or fowl for human consumption. The following provisions shall apply:

- i) Minimum lot frontage -121 metres (396.9 ft)
- ii) Maximum lot area – 1.9 hectares (4.6 acres)
- iii) Maximum lot coverage of all buildings and structures – 5%
- iv) Minimum front yard for a residential use – 30 metres (98 ft)
- v) Minimum front yard for pigeon processing and breeding use – 75 metres (246 ft)
- vi) Minimum interior side yard – 15 metres (49 ft)
- vii) Minimum rear yard – 7.5 metres (59 ft)
- viii) Minimum dwelling unit ground floor area – 110 square metres (1184 sq ft)

In all other respects, the provisions of this By-law shall apply.

#### **4.1.4.6 Agricultural Exception Six (A-6)**

(Part Lot 19, Concession 2)

Notwithstanding the requirements of Minimum Distance Separation (MDS II), to the contrary, on lands zoned Agricultural Exception Six (A-6), a new dairy barn having approximate dimensions of 30m x 60m shall be permitted with a MDS of 240 metres from a Type B land use, and a liquid manure storage tank with a tight fitting cover shall be permitted with a MDS of 300 metres (984.25ft) to a Type B land use, and in accordance with any Nutrient Management Plans/Strategy. Two dwelling units, shall be permitted on lands zoned Agricultural Exception Six (A-6). In all other respects, the provisions of this By-law shall apply.

#### **4.1.4.7 Agricultural Exception Seven (A-7)**

(Part Lot 32, Concession 2, Former A3-1))

Notwithstanding the provisions of the Agricultural (A) Zone, to the contrary, on lands zoned Agricultural Exception Seven (A-7), the screening, stockpiling and storage of soils shall be permitted. In all other respects, the provisions of this By-law shall apply.

#### **4.1.4.8 Agricultural Exception Eight (A-8)**

(Part Lot 24, Concession 5))

Notwithstanding the minimum building area and front yard provisions of the Agricultural (A) Zone, to the contrary, on lands zoned Agricultural Exception Eight (A-8), the existing dwelling shall be permitted. In all other respects, the provisions of this By-law shall apply.

#### **4.1.4.9 Agricultural Exception Nine (A-9)**

(Part Lot 29, Concession 1))

(Part Lot 24, Con 2)

(Part Lot 31, Concession 5)

(Part Lot 22, Con 13N)

(Part Lot 28, Con 5 & 6, Part Lot 29 Concession 5)

(Part N ½ Lot 22, Con 1)

Notwithstanding the provisions of the Agricultural (A) Zone, to the contrary, on lands zoned Agricultural Exception Nine (A-9), the only permitted use shall be an agricultural use, excluding any dwelling or habitable living area. In all other respects, the provisions of this By-law shall apply.

#### **4.1.4.10 Agricultural Exception Ten (A-10)**

(Part Lot 25, Concession 9)

Notwithstanding the permitted uses of the Agricultural (A) Zone, to the contrary, on lands zoned Agricultural Exception Ten (A-10), in addition to uses permitted in the Agricultural (A) Zone, an agricultural tile drainage business shall be permitted, subject to the following provisions:

- i) the repair and assembly of tile drainage equipment, farm equipment and construction equipment shall be permitted;
- ii) accessory uses, including an accessory office shall be permitted;
- iii) accessory outdoor storage of materials used in the tile drainage business shall be permitted in the rear and side yard, but shall not be permitted in the required front yard; and,
- iv) the minimum required north side yard for the existing shop shall be 10 metres(32.8ft).

In all other respects the provisions of this by-law shall apply.

#### **4.1.4.11 Agricultural Exception Eleven (A-11) Zone (Lot 32, Concession 14, East Luther - Dufferin Eco-Energy Park)**

On the lands designated as Agricultural Exception Eleven (A-11) on Schedule "A" hereto the following provisions shall also apply:

##### **4.1.4.11.1 PERMITTED USES**

Notwithstanding the uses permitted in the Agricultural (A) Zone of By-law 09-10, on lands zoned Agricultural Exception Eleven (A-11) the following uses shall be permitted:

- a) Composting Facilities
- b) Alternative Energy Systems
- c) Renewable Energy Systems
- d) Energy Co-generation
- e) the use of lands, buildings or structures including greenhouses for the growing of crops, including nursery and horticultural crops, raising of livestock and other animals for food, fur or fibre, including game, poultry and fish, aquaculture, apiaries, agroforestry and maple syrup production.
- f) uses secondary to an Agricultural use, including but not limited to uses that produce value-added Agricultural products, abattoirs, livestock marketing or sales yard, a seed cleaning plant, and Agricultural produce warehouse or similar agri-business.
- g) uses with a direct relationship to Agricultural uses, including but not limited to, a grain drying handling and storage facility.
- h) Agricultural Supply Establishments
- i) Agricultural Produce Outlets
- j) Agricultural Produce Storage Area or Facilities
- k) Greenhouses, commercial

- I) Accessory Uses, being the use of lands or buildings which are incidental and subordinate to the principle use of lands and buildings and for the purposes of this by-law may included, but is not limited to, outdoor storage, office space, education facilities, research facilities and alternate fuel distribution stations.

**4.1.4.11.2 PROVISIONS**

Notwithstanding the provisions of the Agricultural (A) Zone and General Provisions (Section 3) of By-law 09-10, on lands zoned Agricultural Exception Eleven (A-11) the following shall apply:

- a) Minimum yard setbacks shall be in accordance with the following provisions:
  - i) From Highway 89 right-of-way = 30m (98ft)
  - ii) From Amaranth-East Luther Townline Road = 15m (49ft)
  - iii) From southern lot line = 30m(98ft)
  - iv) From western lot line = 6m(19.6ft)
- b) The minimum frontage, minimum lot area, minimum depth and maximum lot coverage regulations shall not apply.
- c) Vehicular access shall be limited to Amaranth-East Luther Townline Road.
- d) Outdoor storage of goods, materials, and equipment, accessory to the main use, shall be permitted in accordance with the following provisions:
  - i) Located to the rear or side of the front wall of the main building but not within a required setback.
  - ii) Shall be visually screened by a 2.0 metre(6.5ft) high fence, earthen berm or landscaping strip that may consist of a continuous unpierced row of evergreens or shrubs.
- e) Accessory structures shall be located to the rear of side of the front wall of the main building but not within a required setback.

**4.1.4.12 Agricultural Exception Twelve(A-12) Zone**

**(Pt Lot 26, Concession 3 W, East Luther - Paquette)**

On the lands designated as Agricultural Exception Twelve (A-12) on Schedule "A" hereto the minimum front yard requirement shall be 90 metres to provide an appropriate setback to the existing barn, and Section 3.23.1 shall not apply to further restrict the location of a dwelling unit.

In all other respects the provisions of this by-law shall apply.

**4.1.4.13 Agricultural Exception Thirteen (A-13)**  
**(Part of Lots 26 and 27, Concession 5, HONI)**

Notwithstanding the permitted uses in the Agricultural (A) Zone, to the contrary, a contractor's yard for the Bruce to Milton Hydro One Network Project shall be permitted as a secondary use. A contractor's yard shall be defined, in this instance to mean the use of existing buildings and structures and land where Hydro One Networks Inc. stores equipment and materials required for the Bruce to Milton Project and accessory office space and meeting rooms shall be permitted.

In all other respects, the provisions of this by-law shall apply. This use shall expire January, 2014.

**4.1.4.14Agricultural Exception \_Fourteen (A-14)**

(Part Lots 22 and 23, Concession 4)

On the lands zoned as Agricultural Exception \_Fourteen (A-14) on Schedule "A" attached hereto, the following provisions shall apply:

Notwithstanding the uses permitted in the Agricultural (A) Zone of By-law 09-10, on lands zoned Agricultural Exception Fourteen\_(A-14), the only permitted agricultural use shall be an *agricultural crop operation* excluding a single detached dwelling and the only permitted employment use shall be a federally licensed explosive storage and distribution facility. The following additional site specific provisions shall apply to a federally licensed explosive storage and distribution facility within this zone:

- (A) anti-climb fencing of a minimum height of 2.4 metres shall be installed around the entire perimeter of the 4.0 hectare facility;
- (B) the maximum height of any building, structure or silo shall be 14 metres;
- (C) no heavily encased explosives, including, but not limited to bombs or artillery projectiles, shall be permitted to be manufactured, stored or distributed on or from the zone;
- (D) only the following materials, in the following quantities shall be permitted to be stored within the zone:
  - i) Ammonium Nitrate Emulsion to a maximum of 40 tonnes
  - ii) Ammonium Nitrate Prill to a maximum of 60 tonnes
  - iii) Diesel fuel to a maximum of 10,000 litres
  - iv) Detonators to a maximum of 1.2 million detonator units
  - v) Packaged Explosives to a maximum of 30,000kg
  - vi) Sodium Nitrite to a maximum of 3,000kg
- (E) the number of Mobile Manufacturing Units (MMU) or equivalent units within the zone at any one time shall not exceed seven (7). A Mobile Manufacturing Unit is defined as a process vehicle or a portable unit in which explosives are manufactured;
- (F) accessory maintenance, repair and storage of all vehicles related to the federally licensed explosive storage and distribution facility shall be permitted, but shall not include a motor vehicle repair garage, as defined by this by-law; and,
- (G) no manufacturing of explosives shall be permitted on site except for any calibrating of process vehicles or transferring of materials that are incidental to the storage and distribution of explosives.

4.1.4.15 Agricultural Exception \_Fifteen\_ (A-15)  
(Part Lots 22 and 23, Concession 4)

In addition to the permitted agricultural uses, the following ancillary and accessory uses are permitted in conjunction with the uses permitted under the Agricultural Exception Fourteen (A-14) Zone: existing muster points, monitoring wells and associated monitoring.



4.1.4.16      Agricultural Exception Sixteen (A-16)  
(Part lot 29 and 30, Concession 5)

Notwithstanding the provisions of the Agricultural (A) zone, to the contrary, on lands zoned Agricultural Exception Sixteen (A-16) the following provisions shall apply:

- a) Minimum lot frontage: 17 metres for the west access and 12 metres for the east access
- b) Minimum south side yard for a dwelling shall be 24 metres
- c) A maximum of one dwelling unit and one existing farm-help or cottage, where the existing farm-help dwelling or cottage is located within 50 metres of the principle dwelling, shall be permitted. No additional farm-help dwellings shall be permitted and the existing farm help dwelling shall not be permitted to be reconstructed.

In all other respects, the provisions of this by-law shall apply.”

4.1.4.18      Agricultural Exception Eighteen (A-18) Zone  
(Part Lot 31, Concession 4)

Notwithstanding the requirements of Section 4.1.2, to the contrary, on lands zoned Agricultural Exception Eighteen (A-18) the east side yard setback shall be 10m. In all other respects, the provisions of Zoning By-law 09-10 as amended, shall apply.

**4.1.4.19      Agricultural Exception Nineteen (A-19) Zone  
(075473 Sideroad 24-25, Part of Lots 25 and 26, Concession 13)**

Notwithstanding the minimum lot frontage requirement of the Agricultural (A) Zone and section 3.11.3, Existing Undersized Lots of Record, to the contrary, on lands zoned Agricultural Exception Nineteen (A-19) a residential use shall be permitted, subject to having a proper and safe driveway and obtaining all necessary permits for such driveway or upgraded driveway. Approval from the conservation authority may be required for access upgrades. In all other respects, the provisions of this by-law shall apply.

## 4.2 RURAL RESIDENTIAL (RR) ZONE

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

### 4.2.1 Permitted Uses

- i) dwelling, single detached;
- ii) accessory apartment;
- ii) agricultural crop operation;
- iii) home industry;
- iv) home occupation;
  - v) existing agricultural operations.
  - vi) Hobby farm

### 4.2.2 Regulations for Permitted Uses

i) Minimum lot area	0.4 ha (0.98 acres)
ii) <i>minimum lot area for a hobby farm</i>	<i>1.5ha</i>
iii) Minimum lot frontage	45 m (147.63 ft)
v) Minimum front yard	30 m (98 ft)
vi) Minimum interior side yard	6 m (19 ft)
vii) Minimum exterior side yard	30 m (98 ft)
viii) Minimum rear yard	15 m (49 ft)
ix) Maximum lot coverage	10 %
x) Maximum height	12 m (39 ft)
ix) Minimum ground floor area of a one storey dwelling	110 sq. M (1184 sq ft)
x) Minimum ground floor area of a two storey dwelling	65 sq. m. (669 sq ft)

### 4.2.3 Exceptions

#### 4.2.3.1 Rural Residential Exception One (RR-1)

(Part of Lot 28, Concession 8)

Notwithstanding the front yard for the Rural Residential (RR) Zone and general setback requirements of this By-law, to the contrary, on lands zoned Rural Residential Exception One (RR-1), the following shall apply:

- i) Minimum front yard 18 metres (59 ft)
- ii) Minimum setback from a watercourse 15 metres (49 ft)
- iii) An accessory structure shall be permitted to be located 5.0 metres closer to the front lot line than the dwelling, and shall be permitted to have a maximum height of 7.4 metres.

In all other respects, the provisions of this By-law shall apply.

#### 4.2.3.2 Rural Residential Exception Two (RR-2)

(Part of North Half of Lot 28, Concession 6)

Notwithstanding the requirements of this By-law, to the contrary, on lands zoned Rural Residential Exception Two (RR-2), the existing barn and barn uses shall be permitted. In all other respects, the provisions of this By-law shall apply.

#### 4.2.3.3 Rural Residential Exception Three (RR-3)

(Part of Lot 29, Concession 3, Part 2, Plan 7R-1150)

Notwithstanding the requirements of the Rural Residential (RR) Zone, to the contrary, on lands zoned Rural Residential Exception Three (RR-3), the only permitted use shall be a single detached dwelling, as located. In all other respects, the provisions of this By-law shall apply.

**4.2.3.4 Rural Residential Exception Four (RR-4)**

(Part 1, Plan 7R-3471, North part of Lot 32, Concession 3)

Notwithstanding the requirements of this By-law, to the contrary, on lands zoned Rural Residential Exception Four (RR-4), the minimum setback from a watercourse shall be 12 metres (39ft). In all other respects, the provisions of this By-law shall apply.

**4.2.3.5 Rural Residential Exception Five (RR-5)**

(Part of Lot 30, Concession 7, Former RR-4)

(North Part of Lot 25, Concession 9)

Notwithstanding the requirements of this By-law, to the contrary, on lands zoned Rural Residential Exception Five (RR-5), in addition to the permitted uses, Safety Inspection of Vehicles shall be permitted. In all other respects, the provisions of this By-law shall apply.

**4.2.3.6 Rural Residential Exception Six (RR-6) Zone**

(Part of Lot 29, Concession 4)

Notwithstanding the requirements of this By-law, to the contrary, on lands zoned Rural Residential Exception Six (RR-6), the minimum gross floor area shall be 130 square metres (1399 sq ft). In all other respects, the provisions of this By-law shall apply.

**4.2.3.7 Rural Residential Exception Seven (RR-7)**

(Part Lot 25, Concession 12, Pt 2 Plan 7R-3924)

Notwithstanding the requirements of this By-law, to the contrary, on lands zoned Rural Residential Exception Seven (RR-7), the minimum front yard shall be 22.5 metres (73.8 ft). In all other respects, the provisions of this By-law shall apply.

**4.2.3.8 Rural Residential Exception Eight (RR-8)**

(Part Lot 21, Concession 13)

Notwithstanding the requirements of this By-law, to the contrary, on lands zoned Rural Residential Exception Eight (RR-8) the existing 3.7m x 4.9m (12ft x 16ft) accessory building shall be permitted to have a minimum side and rear yard of 1 metre (3.28 ft). In all other respects, the provisions of this By-law shall apply.

**4.2.3.9 Rural Residential Exception Nine (RR-9)**

(Part Lot 30, Concession 7)

Notwithstanding the requirements of this By-law, to the contrary, on lands zoned Rural Residential Exception Nine (RR-9), the existing propane refill station is permitted. In all other respects, the provisions of this By-law shall apply.

**4.2.3.10 Rural Residential Exception Ten (RR-10)**

(Part Lot 27, Concession 7 and 8)

Notwithstanding the requirements of this By-law, to the contrary, on lands zoned Rural Residential Exception Ten (RR-10), the minimum front yard shall be 15(49ft) metres. In all other respects, the provisions of this By-law shall apply.

**4.2.3.11 Rural Residential Exception Eleven (RR-11)**

(Part Lot 32, Concession 3)

Notwithstanding the requirements of this By-law, to the contrary, on lands zoned Rural Residential Exception Eleven(RR-11) a garage that is accessory to a dwelling is permitted in the front yard but not in the required front yard of the dwelling. In all other respects, the provisions of this By-law shall apply.

**4.2.3.12 Rural Residential Exception Twelve (RR-12)**

(Part Lot 28 Concession 13)

Notwithstanding the requirements of this By-law, to the contrary, on lands zoned Rural Residential Exception Twelve (RR-12), the maximum lot coverage shall be 10.6%. In all other respects, the provisions of this By-law shall apply.

**4.2.3.13 Rural Residential Exception Thirteen (RR-13)**

(Lot 30, Con 9)

(Part Lot 30 Concession 12)

Notwithstanding the requirements of this By-law, to the contrary, on lands zoned Rural Residential Exception Thirteen (RR-13), an accessory dwelling shall be permitted. In all other respects, the provisions of this By-law shall apply.

**4.2.3.14 Rural Residential Exception Fourteen (RR-14)**

(Pt Lot 29, Con 4)

Notwithstanding the requirements of this By-law, to the contrary, on lands zoned Rural Residential Exception Fourteen (RR-14), the minimum rear yard shall be 30 metres(98ft). In all other respects, the provisions of this By-law shall apply.

**4.2.3.15 Rural Residential Exception Fifteen (RR-15)**

(Part of Lot 25, Concession 5)

(Part Lot 31, Concession 3 & 4 –Greenwood)

(Part Lot 29, Concession 4)

(Part Lot 32, Con 4)

(Part of Lot 30, Con 4)

(Part Lot 24, Con 5)

(Part Lot 31, Con 7)

Notwithstanding the zone requirements of the Rural Residential (RR) Zone, to the contrary, on lands zoned Rural Residential Exception Fifteen (RR-15), the minimum building areas shall be 167 square metres. In all other respects, the provisions of this by-law shall apply.

**4.2.3.16 Rural Residential Exception Sixteen (RR-16)**

(Part Lot 21, Concession 9)

Notwithstanding the zone requirements of the Rural Residential (RR) Zone, to the contrary, on lands zoned Rural Residential Exception Sixteen (RR-16), the minimum building areas shall be 119 square metres. In all other respects, the provisions of this by-law shall apply.

#### **4.2.3.17 Rural Residential Exception Seventeen (RR-17)**

(Part Lot 29, Concession 4)

Notwithstanding the zone requirements of the Rural Residential (RR) Zone, to the contrary, on lands zoned Rural Residential Exception Seventeen (RR-17), the lot frontage shall be 24 metres(78.7 ft). In all other respects, the provisions of this by-law shall apply.

#### **4.2.3.18 Rural Residential Exception Eighteen (RR-18)**

(Part Lot 30, Concession 4)

Notwithstanding the zone requirements of the Rural Residential (RR) Zone, to the contrary, on lands zoned Rural Residential Exception Eighteen (RR-18), the minimum rear yard required for a dwelling shall be 6 metres(19.6 ft). In all other respects, the provisions of this by-law shall apply.

#### **4.2.3.19 Rural Residential Exception Nineteen (RR-19)**

(Part Lot 29, Concession 5)

Notwithstanding the provisions of the Rural Residential (RR) Zone, to the contrary, on lands zoned Rural Residential Exception Nineteen (RR-19) the following provisions shall apply:

- a) Minimum frontage of 18metres
- b) Minimum lot size for a hobby farm operation – 5.0 hectares
- c) Maximum number of nutrient units shall be 4 NU

In all other respects, the provisions of this by-law shall apply.”

#### **4.2.3.20 Rural Residential Exception Twenty (RR-20)**

**(Part Lot 21, Con 12)**

Notwithstanding the minimum lot area requirement of the Rural Residential (RR) zone to the contrary, the minimum lot area shall be 0.28ha. In all other respects, the provisions of this by-law shall apply.”

#### **4.2.3.21 Rural Residential Exception Twenty-One (RR-21) Zone**

**(282096 Conc Rd 4-5)**

Notwithstanding the permitted uses of section 4.2.1 of the Rural Residential (RR) Zone, to the contrary, on lands zoned Rural Residential Exception Twenty One (RR-21) a group home for adults with Autism shall be permitted. In all other respects, the provisions of this by-law shall apply.

### 4.3 ESTATE RESIDENTIAL (ER) ZONE

No person shall within any Estate Residential (ER) Zone use any lot, or erect, alter or use any building or structure except in accordance with the following:

#### 4.3.1 Permitted Uses

- i) dwelling, single detached;
- ii) accessory apartment;
- iii) home occupation.

#### 4.3.2 Regulations for Permitted Estate Residential Uses

i) Minimum lot area	0.8 ha (1.97 acres)
ii) Minimum lot frontage	60 m (196.8 ft)
iv) Minimum front yard	30 m (98 ft)
v) Minimum interior side yard	6 m (19 ft)
vi) Minimum exterior side yard	30 m (98 ft)
vii) Minimum rear yard	30 m (98 ft)
viii) Maximum lot coverage	10 %
ix) Maximum height	12 m (39ft)
x) Minimum ground floor area of a one storey dwelling	140 sq. M (1506 sq ft)
xi) Minimum ground floor area of a two storey dwelling	75 sq. m. (807 sq ft)

#### 4.3.3 Exceptions

#### **4.4 HAMLET RESIDENTIAL (RH) ZONE**

No person shall within any Hamlet Residential (RH) Zone, use any lot, or erect, alter or use any building or structure except in accordance with the following:

##### **4.4.1 Permitted Uses**

- i) dwelling, single detached;
- ii) accessory apartment;
- iii) home occupation.

##### **4.4.2 Regulations for Permitted Hamlet Residential Uses**

i) Minimum lot area with water services	0.11 ha (0.27 acres)
ii) Minimum lot area on private services	0.4 ha (.98 acres)
iii) Minimum lot frontage	24 m (78 ft)
iv) Minimum front yard	7.5 m(24 ft)
v) Minimum interior side yard	1.5 m (4.92 ft)
vi) Minimum exterior side yard	7.5 m (24 ft)
vii) Minimum rear yard	10 m (32.8 ft)
viii) Maximum lot coverage	20 percent
ix) Maximum height	12 m (39 ft)
x) Minimum ground floor area of a one storey dwelling	110 sq. M (1184 sq ft)
xi) Minimum ground floor area of a two storey dwelling	65 sq. m. (699 sq ft.)

##### **4.4.3 Exceptions**

###### **4.4.3.1 Hamlet Residential Exception One (RH-1) Zone (401173 County Road 15)**

Notwithstanding the provisions of section 3.1, to the contrary, on lands zoned Hamlet Residential Exception One (RH-1) one accessory structure shall be permitted to have a maximum height of 6.7m whereas the provisions of section 3.1.4 permit a maximum height of 6m, where a minimum setback of 6m is provided. In all other respects, the provisions of this by-law shall apply

## 4.5 VILLAGE RESIDENTIAL (RV) ZONE

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

### 4.5.1 Permitted Uses

- i) dwelling, single detached;
- ii) accessory apartment;
- ii) dwelling, converted;
- iii) home occupation.

### 4.5.2 Regulations for Permitted Uses)

	Minimum lot area	0.038 ha
ii)	Minimum lot frontage	- for interior lots - for corner lots
		11.0 m 15.0 m
iii)	Minimum front yard	7.0 m (19.6ft)
iv)	Minimum interior side yard	1.2 m (3.9 ft)
vii)	Minimum separation between two dwellings on abutting lots	1.8m
v)	Minimum exterior side yard	4.5 m (14.76 ft)
vi)	Minimum rear yard	6.0 m (19.6 ft)
vii)	Maximum lot coverage <i>maximum lot coverage including accessory buildings, structures, hot tubs, patios and decks but excluding pools</i>	50%
viii)	Maximum height	12.0 m (39.3 ft)
viii)	Minimum ground floor area for a one storey dwelling	112 sq m (including garage)
ix)	Minimum ground floor area for a two storey dwelling	70 sq m (including garage)
ix)	The front wall of any attached or detached garage shall not be located closer to the front lot line than the front wall of the dwelling, except a garage can extend in line with a covered porch that extends along the entire front wall of the dwelling.	
x)	Permitted encroachments of Table 3.1.5.1 shall not be permitted within any drainage swale or easement.	

### 4.5.3 Exceptions

#### 4.5.3.1 Village Residential Exception One (RV-1)

(Lot 54, RP 29A, 112 Amaranth Street East)

Notwithstanding the provisions of the Village Residential (RV) Zone, to the contrary, on lands zoned Village Residential Exception One (RV-1), the following provisions shall apply:

i)	Minimum corner lot frontage	15.09 metres (49.50 ft)
ii)	Minimum exterior side yard	3.35 metres (10.99 ft)
iii)	Minimum interior side yard	0.762 metres (2.5 ft)

In all other respects, the provisions of this By-law shall apply.

#### 4.5.3.2 Village Residential Flood Fringe Exception Two (RV(F)-2)

(Part Lots 36 and 37, RP 35A, 15 River Street)



Notwithstanding the provisions of the Village Residential (RV) Zone, to the contrary, on lands zoned Village Residential Exception Two (RV(F)-2) the minimum front yard shall be 4.57 metres (14.99ft). In all other respects the provisions of this By-law shall apply.

#### **4.5.3.3 Village Residential Exception Three (RV-3)**

(Part 1, RP 7R-1785, Highway 25)

Notwithstanding the provisions of the Village Residential (RV) Zone, to the contrary, on lands zoned Village Residential Exception Three (RV-3), a business or professional office shall also be permitted subject to the following provisions:

- |   |                       |
|---|-----------------------|
| i) Minimum front yard for the existing building only          | 3 metres (9.8 ft)     |
| ii) Minimum interior side yard for the existing building only | 1.2 metres (3.999 ft) |
| iii) Minimum rear yard for the existing building only         | 0.7 metres (2.029 ft) |

In all other respects, the provisions of this By-law shall apply.

#### **4.5.3.4 Village Residential Exception Four (RV-4)**

(Lot 7, Plan 194 – 4 King Street)

- (i) Notwithstanding the provisions of the Village Residential (RV) Zone, on land zoned Village Residential Exception Four (RV-4), the only non-residential use permitted is a drugless practitioner's office (wellness centre), subject to the following provisions:

- |   |                  |
|---|------------------|
| i) Minimum Front Yard   | 3.8 m (12.46 ft) |
| ii) Minimum Exterior Side Yard  | 3.0 m (9.8 ft)   |
| Minimum Interior Side Yard abutting a Residential Zone  | 4.5 m (14.76 ft) |
| iii) Minimum Rear Yard  | 4.5 m            |
| iv) Maximum Building Height   | 10 m (32.80 ft)  |
| v) Minimum Landscaped Open Space Strip abutting a front yard, exterior side yard, and abutting any residential zone | 3.0 m (9.8 ft)   |

- (ii) Notwithstanding the parking requirements of this By-law, on lands zoned Village Residential Exception Four (RV-4), the Minimum Parking Required shall be seven (7) off-street parking spaces, where one space is permitted to be located in the existing attached garage and one (undersized) space is permitted directly in front of the garage.

In all other respects the provisions of this By-law shall apply.

#### **4.5.3.5 Village Residential Exception Five (RV-5)**

(Lots 142, Lots 148-Lot 188, Thomasfield Homes -Mayberry Hills, Phase 1)

Notwithstanding the provision of the Village Residential Zone, to the contrary, on lands zoned Village Residential Exception Five (RV-5) the following additional provisions shall apply:

- a) No dwelling shall be constructed with habitable attic space, rear facing dormers, second floor rear balconies and windows in the roof line facing the rear yard.
- b) maximum dwelling height - 10m, measured as the vertical distance between the average grade at the rear of the dwelling to the highest point of the roof surface.
- c) A *living fence*, having a minimum width of 3m shall be required along the rear lot line of lots 148 to 187 a *living fence* having a minimum width of 1.2m shall be required along the east lot line of Lots 142 and 188.

- d) Minimum front yard – 6.0m
- e) minimum interior side yard for a maximum of one interior side yard where such dwelling has a wall with no windows shall be 0.6m, but the separation between two dwellings on abutting lots shall not be less than 1.8m.

In all other respects, the provisions of this By-law shall apply.

**4.5.3.6 Village Residential Exception Six (RV-6) Zone**  
(70 Cooper Street)

*Notwithstanding the minimum lot area and setbacks in the Village Residential (RV) Zone, to the contrary, on lands zoned Village Residential Exception Six (RV-6), the minimum lot area shall be 0.034ha and the minimum front yard and south side yard requirements to the existing dwelling shall be zero metres. The floor area of the existing dwelling shall be considered the minimum floor area required. In all other respects, the provisions of this by-law shall apply.*

**4.5.3.7 Village Residential Exception Seven (RV-7) Zone**  
(George Street)

*Notwithstanding the regulations in the Village Residential (RV) Zone, to the contrary, on lands zoned Village Residential Exception Seven (RV-7), the following shall apply:*

- a) minimum lot area - 0.034ha
- b) minimum ground floor area of dwelling, including attached garage – 85m<sup>2</sup>
- c) dwelling must include an attached garage, having a minimum width of 3m and minimum depth of 6m
- d) a board-on-board fence shall be constructed along the rear lot line
- e) minimum front yard – 4.5m
- f) minimum exterior side yard – 2.0m

*In all other respects, the provisions of this by-law shall apply.*

**4.5.3.8 Village Residential Exception Eight (RV-8)**  
(Lots \_\_\_\_\_ Thomasfield Homes -Mayberry Hills, Phase 1 & 2)

*Notwithstanding the provision of the Village Residential Zone, to the contrary, on lands zoned Village Residential Exception Eight (RV-8) the following additional provisions shall apply:*

- a) Minimum front yard for Phase 1 of Mayberry Hills Subdivision– 6.0m
- b) minimum interior side yard for a maximum of one interior side yard where such dwelling has a wall with no windows shall be 0.6m, but the separation between two dwellings on abutting lots shall not be less than 1.8m.

## 4.6 MULTIPLE RESIDENTIAL (RM) ZONE

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

### 4.6.1 Permitted Uses

- i) dwelling, single detached;
- ii) accessory apartment;
- ii) dwelling, apartment;
- iii) dwelling, duplex;
- iv) dwelling, converted;
- v) dwelling, semi-detached;
- vi) dwelling, townhouse;
- viii) dwelling, triplex;
- ix) park.

### 4.6.2 Regulations for Permitted Uses

- i. *Minimum lot area per interior lots - 0.02 ha*  
*Minimum lot area for exterior lots – 0.04ha*
- ii. *Minimum lot frontage for interior lots and per unit – 6m (19 ft)*  
*Minimum lot frontage for corner lots – 15m (49 ft)*
- iii. *Minimum front yard – 7.0m*
  
- iv) Minimum interior side yard 1.2 m (3.9 ft)
- v) Minimum exterior side yard 4.5 m (14.76 ft)
- vi) Minimum rear yard 6 m (19 ft)
- vii) Maximum lot coverage 40%
- viii) Maximum height 12.0 m (39 ft)
- ix) Maximum number of connected row houses 6 units
- x) Minimum distance between two groups  
of connected row houses 2 m (6.56 ft)
- xi) Minimum Gross floor area for a one bedroom unit  
plus 14 square metres per additional bedroom 55 sq. M (592 ft)
- xii) Minimum landscaped open space 20%
- xiii) Maximum density 50 units/ha
- xiv) Minimum landscaping open space strip abutting any lot line where more than one unit is  
accommodated on a single lot - 3m in width (9.8 ft)
- xv) Minimum landscaping open space strip abutting any front and exterior side yard for any corner lot - 3m  
in width (9.8 ft)

### 4.6.3 Exceptions

#### 4.6.3.1 Multiple Residential Flood Fringe Exception One (RM(F)-1)

(Lot 9, Block 4, RP 33A, Part Lot 8, Block 4, RP 33A, Senior Citizens Apartments)

Notwithstanding the provisions of the Multiple Residential (RM) Zone, to the contrary, on lands zoned Multiple Residential Flood Fringe Exception One (RM(F)-1), the minimum apartment unit floor area shall be 37 square metres. In all other respects, the provisions of this By-law shall apply.

#### **4.6.3.2 Multiple Residential Exception Two (RM-2)**

(Part Lot H, RP 290A, Town homes, Scott Street)

Notwithstanding the provisions of the Multiple Residential (RM) Zone, to the contrary, on lands zoned Multiple Residential Exception Two (RM-2), the following provisions shall apply:

- |                                 |                     |
|---------------------------------|---------------------|
| i) Minimum lot frontage         | 20 metres (65.6 ft) |
| ii) Minimum front yard          | 6.5 metres (21 ft)  |
| iii) Minimum interior side yard | 6.4 metres (20 ft)  |
| iv) Minimum rear yard           | 4.6 metres (15 ft)  |

In all other respects, the provisions of this By-law shall apply.

#### **4.6.3.3 Multiple Residential Exception Three (RM-3)**

(Lot 2, Part Lots 1,3,4,5,23,24,25,26 Plan 29A School House Apartments Main Street)

Notwithstanding the provisions of the Multiple Residential (RM) Zone, to the contrary, on lands zoned Multiple Residential Exception Three (RM-3), the following provisions shall apply:

- i) Minimum lot area shall be 108 square metres per dwelling unit;
- ii) No frontage shall be required if the lot has a minimum 9 meter unrestricted access registered on title;
- iii) The only permitted use on the portion of lands providing street access to the remaining land-locked portions of the Multiple Residential Exception Three (RM-3) Zone shall be access and off-street parking.

In all other respects, the provisions of this By-law shall apply.

#### **4.6.3.4 Multiple Residential Exception Four (RM-4)**

(Part of Lots 23, 24, 25, 26, Plan 29A, West Side Crozier Street, between Scott and Gier Street)

Notwithstanding the provisions of the Multiple Residential (RM) Zone, to the contrary, on lands zoned Multiple Residential Exception Four (RM-4), the following provisions shall apply:

- i) Minimum lot area shall be 300 square metres;
- ii) Minimum lot frontage for interior lots shall be 10 metres( 32 ft);
- ii) No frontage shall be required if the lot has a minimum 9 meter unrestricted access registered on title;
- iii) The only permitted use on the portion of lands providing street access to the remaining land-locked portions of the Multiple Residential Exception Three (RM-3) Zone shall be access and off-street parking.

In all other respects, the provisions of this By-law shall apply.

#### **4.6.3.5 Multiple Residential Exception Five (RM-5)**

(Block 241 Cluster Townhouse Block - Thomasfield Homes-Mayberry Hills, Phase 1)

Notwithstanding the provisions of the Multiple Residential (RM) Zone, to the contrary on lands , zoned Multiple Residential Exception Five (RM-5) the only permitted uses shall be: town houses, bungaloffs, and accessory uses, including open space, amenity area, and accessory parking. For the purpose of this section, a bungalow shall be defined as a single storey townhouse unit with a second storey loft, or rooms within the truss structure. In addition to the provisions of the Multiple Residential (RM) Zone, the following additional provisions shall apply:

- a) A *living fence* shall be required along the east lot line of Block 241, except where a drainage swale is required abutting such lot line, in which case the living fence shall be located immediately abutting the drainage swale.
- b) Minimum number of bungaloffs on Block 241: 50% of all units zoned RM-5
- c) Maximum number of connected row houses 8
- d) Maximum lot coverage, including accessory buildings and structures, patios and decks shall be no more than 50%.”
- e) Minimum front yard – 6.0m

**Removal of Holding Provision:**

Prior to the Removal of the Holding (H) Provision from the RM-5(H) or RM(H) Zone, the following conditions shall be satisfied:

- a) A site plan agreement between the land owner and the Township, has been executed by both parties
- b) Appropriate sanitary services and water supply have been approved to service the land and/or are available, to the satisfaction of the Township Engineer
- c) Payment of outstanding taxes, fees, hard services component of the development charge

In all other respects, the provisions of this By-law shall apply.

**4.6.3.6 Multiple Residential Exception Six (RM-6)**

(Block 100 On-Street Townhouse Block, Thomasfield Homes - Mayberry Hills, Phase 1)

Notwithstanding the provision of the Multiple Residential Zone to the contrary, on lands zoned Multiple Residential Exception Six (RM-6) the following provisions shall apply:

- a) maximum number of connected row houses – 8 units.
- b) Minimum lot frontage for interior lots – 6m
- c) Minimum lot area for interior lots – 0.02ha
- d) Maximum lot coverage, including accessory buildings and structures, patios and decks and pools shall be no more than 50%.

**Removal of Holding Provision:**

Prior to the Removal of the Holding (H) Provision from the RM-5(H) or RM-6(H) Zone, the following conditions shall be satisfied:

- d) A site plan agreement between the land owner and the Township, has been executed by both parties
- e) Appropriate sanitary services and water supply have been approved to service the land and/or are available, to the satisfaction of the Township Engineer
- f) Payment of outstanding taxes, fees, hard services component of the development charge

In all other respects, the provisions of this By-law shall apply.

**4.6.3.7 Multiple Residential Exception Seven (RM-7) Zone  
(Part Lot 30, Concession 3)**

(Block 142 Cluster Townhouse Block - Thomasfield Homes-Mayberry Hills, Phase 2)

Notwithstanding the provisions of the Multiple Residential (RM) Zone, to the contrary, on lands zoned Multiple Residential Exception Seven (RM-7) the only permitted uses shall be: town houses, row houses, bungaloffs, and accessory uses, including open space, amenity area, and accessory parking. In addition to the provisions of the Multiple Residential (RM) Zone, the following additional provisions shall apply:

- f) Maximum number of connected row houses                      8
- g) Maximum lot coverage, including accessory buildings and structures, patios and decks shall be no more than 50%.”

Removal of Holding Provision:

Prior to the Removal of the Holding (H) Provision from the RM-7(H) Zone, the following conditions shall be satisfied:

- g) A site plan agreement between the land owner and the Township, has been executed by both parties
- h) Appropriate sanitary services and water supply have been approved to service the land and/or are available, to the satisfaction of the Township Engineer
- i) Payment of outstanding taxes, fees, hard services component of the development charge

In all other respects, the provisions of this By-law shall apply.

**“4.6.3.5 Multiple Residential Exception Eight (RM-8)  
(Hollenbeck/Brentwood Building Group)**

Notwithstanding the provisions of the Multiple Residential (RM) Zone, to the contrary, on lands zoned Multiple Residential Exception Eight (RM-8), the following provisions shall apply;

- i) for the purposes of this zone, the southerly lot line shall be deemed to be the front lot line
- ii) the minimum front yard shall be 8.0 m
- iii) the minimum interior side yard on the east side shall 12.0 m and all other side and rear yards shall be 6.0 m
- iv) the maximum building height shall not pierce a plane measured at 45 degrees from the southerly and easterly lot line and not be more than 12 m.
- v) a 3.0 m planting strip shall be planted and maintained on the southerly and easterly lot lines.

In all other respects the provisions for the RM Zone shall apply.

#### 4.7 DOWNTOWN COMMERCIAL (CD) ZONE

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

##### 4.7.1 Permitted Uses

- i) apartments above or behind a permitted non-residential use;
- ii) bakery;
- iii) business, professional or administrative office
- iv) *Commercial offices, insurance, travel, financial, realtor*
- v) entertainment establishment, *but not including an adult entertainment establishment*  
clinic, medical; *Non-medical clinics*
- vi) day nursery;
- vii) dry cleaning establishment;
- viii) financial establishment;
- ix) *Banks, credit unit, financial companies*, Loan offices, currency exchanges
- x) farmers market;
- xi) *funeral home*;
- xii) *hotel; Lodging accommodations*
- xiii) laundromat; *and laundry depot*
- xiv) parking lot;
- xv) parking garage or parking structure;
- xvi) *parking lot, commercial*;
- xvii) *printing or publishing establishment*;
- xviii) *private club*;
- xix) *post office; Catalogue store and mail-in depot*
- xvi) *service shop, personal*;
- xvii) *school, commercial*;
- xviii) *recreational establishment*;
- xx) *repair shop*;
- xxi) *restaurant*;
- xxii) *retail store*;
- xxiii) *retail outlet*;
- xxiii) *tavern*;
- xxii) *taxi establishment*;
- xxiii) *veterinarian hospital/clinic; Pet store*
- xxiv) *video film outlet*.
- xxv) *Museums, discovery centres, theatres, art galleries, studios and cultural facilities, cultural schools*
- xxvi) *Drugstores, pharmacy*
- xxvii) *Sales office, telephone answering services, telemarketing office, broadcastings*
- xxviii) *Research centre, tutoring, education facilities*
- xxix) *Meeting hall, exhibition area, conference centre, auditoriums*
- xxx) *Micro breweries, liquor store*

##### 4.7.2 Regulations for Permitted Uses

- |                                 |     |
|---------------------------------|-----|
| i) Minimum lot area             | nil |
| ii) Minimum front yard          | nil |
| iii) Minimum interior side yard | nil |
| iv) Minimum exterior side yard  | nil |

v)	Minimum rear yard	2.5 m (8.2 ft)
vi)	Minimum yard abutting a residential zone	4.5 m (14 ft)
vii)	Maximum lot coverage	75%
viii)	Maximum height	12 m (39 ft)
ix)	Minimum landscaped open space strip abutting any residential zone	3 m (9.8 ft)
x)	Minimum setback from any residential zone or use	3 m
xi)	Maximum ground floor area devoted to apartments or residential use	40%

### **4.7.3 Exceptions**

#### **4.7.3.1 Downtown Commercial Exception One**

(Part Lots 1,6 and 7, RP 197, Southeast Corner Main and Amaranth Streets)

Notwithstanding the provisions of the Downtown Commercial (CD) Zone, to the contrary, on lands zoned Downtown Commercial Exception One (CD-1), parking spaces may be located adjacent to Amaranth Street, within 0.5 metres of the street line. In all other respects, the provisions of this By-law shall apply.

#### **4.7.3.2 Downtown Commercial Exception Two (CD-2)**

(United Co-op of Ontario Ltd., Mill Street)

Notwithstanding the provisions of the Downtown Commercial (CD) Zone, to the contrary, on lands zoned Downtown Commercial Exception Two (CD-2), the minimum easterly interior side yard for the existing building shall be 0.91 metres (2.98 ft). Any additions to this building or new buildings shall meet the interior side yard requirements of the Downtown Commercial (CD) Zone. In all other respects, the provisions of this By-law shall apply.

#### **4.7.3.3 Downtown Commercial Exception Three (CD-3) and CD(F) -3**

(Emma Street Dean Young)

Notwithstanding the provisions of the Downtown Commercial (CD) Zone, to the contrary, on lands zoned Downtown Commercial Exception Three (CD-3), with or without the Flood Overlay (F), the existing wood manufacturing establishment, including the manufacturing and retailing of trim and moulding and wood specialty products shall also be permitted. In all other respects, the provisions of this By-law shall apply.

#### **4.7.3.4 Downtown Commercial Exception Four (CD-4)**

Notwithstanding the provisions of the Downtown Commercial (CD) Zone, to the contrary, on lands zoned Downtown Commercial Exception Four (CD-4), the only permitted use shall be storage enclosed in a building, and such building shall be located on the existing foundation. In all other respects, the provisions of this By-law shall apply.



## 4.8 HIGHWAY COMMERCIAL (CH) ZONE

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

### 4.8.1 Permitted Uses

- i) agricultural implement sales outlet;
- i) auction establishment;
- ii) convenience store;
- iii) equipment sales and rental establishment;
- iv) motor vehicle dealership;
- v) motor vehicle service station;
- vi) motor vehicle repair garage;
- vii) motor vehicle washing establishment;
- viii) motor vehicle parts establishment;
- ix) motor vehicle body shop;
- x) parking garage or parking structure;
- xi) parking lot, commercial;
- xii) parking lot;
- xiii) restaurant;
- xiv) recreational vehicles sales and service establishment.

### 4.8.2 Regulations for Permitted Uses

i) Minimum lot area	0.8 ha (1.97)
ii) Minimum lot frontage	60 m (196 ft)
iii) Minimum front yard	25 m (82 ft)
iv) Minimum interior side yard	15 m (49 ft)
v) Minimum exterior side yard	15 m (49 ft)
vi) Minimum rear yard	7.5 m (14 ft)
vii) Minimum rear yard abutting a residential zone	15 m (49 ft)
viii) Maximum lot coverage	30%
ix) Maximum height	12 m (39 ft)
x) Minimum landscaped open space strip Abutting any front lot line and exterior lot line	3 m (9.8 ft)
xi) Minimum landscaped open space strip abutting any residential or institutional zone or use	5 m (16 ft)

### 4.8.3 Exceptions

#### 4.8.3.1 Highway Commercial Exception One (CH-1) Zone (Part Lot 22, Concession 1, former C2-3)

Notwithstanding the provisions of the Highway Commercial (CH) Zone, to the contrary, on lands zoned Highway Commercial Exception One (CH-1), a contractors yard shall be permitted. In all other respects, the provisions of this By-law shall apply.

#### 4.8.3.2 Highway Commercial Exception Two (CH-2) Zone

(Part Lot 31, Concession 1, former C2-2)

Notwithstanding the provisions of the Highway Commercial (CH) Zone, to the contrary, on lands zoned Highway Commercial Exception Two (CH-2), the following provisions shall apply a canopy having maximum

dimensions of 5 metres(16.4ft) by 13.6 metres(45ft) may extend into the required front yard, a maximum of 5 metres(16ft) from the south wall of the existing service station.

ii)

In all other respects, the provisions of this By-law shall apply.

## 4.9 EMPLOYMENT (M1) ZONE

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

- 4.9.1 Permitted Uses
- i) agricultural implement sales outlet;
  - ii) agricultural produce storage area or facility;
  - iii) building supply and lumber establishment;
  - iv) bulk fuel depot;
  - v) business, professional or administrative office;
  - vi) computer, electronic or data processing;
  - vii) contractors or tradesman establishment;
  - viii) entertainment establishment;
  - ix) equipment sales and rental establishment;
  - x) feed mill;
  - xi) financial institution;
  - xii) letter carrier depot;
  - xiii) manufacturing, processing, packaging, fabricating and assembly plant;
  - xiv) motor vehicle repair garage;
  - xv) motor vehicle parts establishment;
  - xvi) motor vehicle body shop;
  - xvii) outdoor storage, accessory;
  - xviii) parking garage, structure or lot;
  - xix) printing or publishing establishment;
  - xx) retail outlet or large scale retail;
  - xxi) recreational establishment;
  - xxii) recreational vehicles sales and service establishment;
  - xxiii) telecommunication broadcasting or transmission establishment;
  - xxiv) research and development establishments;
  - xxv) restaurant;
  - xxvi) service and repair establishment;
  - xxvii) transportation depot;
  - xxviii) warehouses;
  - xxix) warehouse, mini or self-storage facility.

### 4.9.2 Regulations for Permitted Uses

i) Minimum lot area	0.25 ha (.61 acres)
ii) Minimum lot frontage	30 m (98 ft)
iii) Minimum front yard	7.5 m (24 ft)
iv) Minimum interior side yard	4.5 m (14.7 ft)
v) Minimum exterior side yard	7.5 m (24.6 ft)
vi) Minimum rear yard	7.5 m
vii) Maximum lot coverage	50%
viii) Maximum height	12 m (39 ft)
ix) Minimum landscaped open space strip abutting any front lot line and exterior lot line	3 m (9.8ft)
x) Minimum landscaped open space strip abutting any residential or institutional zone or use	10 m (32.8)

### 4.9.3 Exceptions

**“4.9.3.1 Employment Exception One (M1-1) Zone  
(Part Lot 31, Concession 2, Part 1 of Lot 6, Registered Plan No. 130, Industrial Drive)**

Notwithstanding the permitted uses of section 4.9.1 of the Employment (M1) Zone, to the contrary, on lands zoned Employment Exception One ( M1-1) the only uses permitted shall be warehouses and/or mini or self-storage facility and accessory uses. In all other respects, the provisions of this by-law shall apply.

#### **4.10 RURAL EMPLOYMENT (M2) ZONE**

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

##### **4.10.1 Permitted Uses**

- i) accessory apartment;
- ii) agricultural implement sales outlet;
- iii) agricultural produce storage area;
- iv) agricultural processing establishment;
- v) agricultural manufacturing establishment;
- vi) agricultural related commercial use;
- vii) contractor or tradesman establishment;
- viii) equipment sales and rental establishment;
- ix) feed mill;
- x) greenhouse, commercial;
- xi) outdoor storage, accessory;
- xii) retail outlet, accessory for products manufactures on the premises;
- xiii) residential dwelling unit, accessory, subject to the provisions of section 3.1.8;
- xiv) recreational vehicles sales and service establishment;
- xv) saw mill;
- xvi) service and repair establishment;
- xvii) transportation depot;
- xviii) warehouse.

##### **4.10.2 Regulations for Permitted Uses**

- |  |                     |
|--|---------------------|
| i) Minimum lot area  | 0.4 ha (0.98 acres) |
| ii) Minimum lot frontage   | 60 m (96.8 ft)      |
| iii) Minimum front yard  | 15 m (49 ft)        |
| iv) Minimum interior side yard   | 6 m (19 ft)         |
| v) Minimum exterior side yard  | 15 m (49 ft)        |
| vi) Minimum rear yard  | 7.5 m (24 ft)       |
| vii) Maximum lot coverage  | 25%                 |
| viii) Maximum height for commercial uses   | 3.2 m (10 ft)       |
| ix) Minimum landscaped open space strip<br>abutting any front lot line and exterior lot line | 3 m (9.8 ft)        |
| x) Minimum landscaped open space strip<br>abutting any Residential or Institutional Zone     | 10 m (32.8 ft)      |

##### **4.10.3 Exceptions**

###### **4.10.3.1 Rural Employment Exception One (M2-1) Zone**

(Part of Lot 32, Concession 3)

Notwithstanding the provisions of the Rural Employment (M2) Zone to the contrary, on lands zoned Rural Employment Exception One (M2-1), the only uses permitted shall be bus storage, a bus dispatching office, bus servicing facility, truck storage and a truck servicing facility.

In all other respects, the provisions of this By-law shall apply.

###### **4.10.3.2 Rural Employment Exception Two (M2-2) Zone**

Notwithstanding the provisions of the Rural Employment (M2) Zone, to the contrary, on lands zoned Rural Employment Exception Two (M2-2), the following shall apply

### **Permitted Uses**

Notwithstanding the uses permitted in the Rural Employment (M2) Zone to the contrary, the only permitted uses shall be:

- a) a contractors yard,
- b) a bulk fuel depot,
- c) a motor vehicle service station,
- d) a restaurant;
- e) an accessory convenience store,
- f) a farm implement sales and service operation,
- g) an asphalt and concrete and topsoil sorting, mixing and processing facility shall be permitted but shall exclude a concrete batching, asphalt plants and aggregate crushing operations;
- h) truck and/or bus storage terminal;
- i) accessory single detached dwelling or accessory apartment;
- j) manufacturing; and
- k) accessory outdoor storage.

### **Regulations**

Notwithstanding the Zone Regulations for the Rural Industrial (M2) Zone, within the Rural Industrial Exception Two (M2-2) Zone the following provisions shall apply:

- a) Minimum side yard setback – 10m
- b) Minimum setback to a dwelling on a separate lot – 20m
- c) Minimum 3m wide landscaping strip shall be required, and shall include an un-pierced grouping of evergreen trees
- d) All new uses and expansions shall be subject to site plan control
- e) MOE Compatibility between Industrial Facilities and Sensitive Land Uses (D-6 Guideline, as amended or replaced) shall apply.

In all other respects the Zone Provisions for the Rural Industrial (M2) Zone shall apply

**4.11 EXTRACTIVE INDUSTRIAL (MX) ZONE**

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

**4.11.1 Permitted Uses**

- i) aggregate extraction operation;
- ii) agricultural uses, existing;
- iii) asphalt plant, portable;
- iv) concrete batching plant;
- v) peat extraction;
- vi) pit or quarry.

**4.11.2 Regulations for Permitted Uses**

i) Minimum lot area	22 ha (54 acres)
ii) Minimum lot frontage	150 m (492 ft)
iii) Minimum front yard	120 m (393 ft)
iv) Minimum interior side yard	120 m
v) Minimum exterior side yard	120 m
vi) Minimum rear yard	120 m
vii) Minimum landscaped open space strip abutting any rear, side lot line and exterior side lot line	3 m (9.8 ft)
viii) Minimum landscaped open space strip abutting any Residential or Institutional Zone or use and front lot line	10 m (32 ft)
ix) Maximum height	12 m (39 ft)

**4.11.3 Gate House**

Notwithstanding the yard and setback provisions of this By-law, a gate house not exceeding 9 square metres shall be permitted in a required front or side yard or in the area between the street line and the required yard in an Extractive Industrial (MX) zone.

**4.11.4 Exceptions**

**4.11.4.1 Extractive Industrial Exception One (MX-1)**

(Part Lot 31, Concession 4, 173395 County Road 25)

Notwithstanding the requirements of the Extractive Industrial (MX) Zone, to the contrary, on lands zoned Extractive Industrial Exception One (MX-1), the minimum yard requirements shall be as follows:

- i) Minimum setback from any property line 15 metres (49 ft)
- ii) Minimum setback from any road allowance 30 metres (98 ft)

Notwithstanding the provisions of the Extractive Industrial (MX) Zone, to the contrary, on lands zoned Extractive Industrial Exception One (MX-1), the sale of bulk and bagged wood mulch, soils and stones shall be permitted, accessory to an extractive industrial operation. The sale of pre-fabricated sheds, pergolas and gazebos shall also be permitted. The sale of trees, shrubs and other horticulture and a commercial greenhouse or landscaping business shall not be permitted. In all other respects, the provisions of this By-law shall apply.

#### **4.11.4.2 Extractive Industrial Exception Two (MX-2)**

(Part Lot 32, Concession 2)

Notwithstanding the requirements of the Extractive Industrial (MX) Zone, to the contrary, on lands zoned Extractive Industrial Exception Two (MX-2), the conversion of and addition to the existing dwelling unit with a minimum floor area of 110 square metres to an office building and weigh scales shall be permitted. In all other respects, the provisions of this By-law shall apply.



#### **4.12 DISPOSAL INDUSTRIAL (MD) ZONE**

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

##### **4.12.1 Permitted Uses**

- i) gate house, accessory;
- ii) recycling facility;
- ii) sewage treatment facility or services;
- iii) waste disposal area;
- v) water reservoir.

##### **4.12.2 Regulations for Permitted Uses**

- |   |                    |
|---|--------------------|
| i) Minimum lot area   | 10 ha (24.7 acres) |
| ii) Minimum lot frontage  | 60 m (196 ft)      |
| iii) Minimum front yard   | 60 m (196 ft)      |
| iv) Minimum interior side yard  | 60 m(196 ft)       |
| v) Minimum exterior side yard   | 60 m(196 ft)       |
| vi) Minimum rear yard   | 60 m (196 ft)      |
| vii) Maximum lot coverage   | 35%                |
| viii) Minimum landscaped open space strip abutting any front lot line and exterior lot line   | 3 m (9.8 ft)       |
| ix) Minimum landscaped open space strip abutting any Residential or Institutional Zone or use | 10 m (32 ft)       |

##### **4.12.3 Gate House**

Notwithstanding the yard and setback provisions of this By-law, a gate house not exceeding 9 square metres shall be permitted in a required front or side yard or in the area between the street line and the required yard in a Disposal Industrial (MD) Zone.

##### **4.12.3 Exceptions**

#### 4.13 INSTITUTIONAL (IN) ZONE

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

##### 4.13.1 Permitted Uses

- i) accessory dwelling unit in a non-residential building in accordance with Section 3.1.8;
- ii) administrative office for a public authority;
- iii) ambulance station;
- iv) assembly area;
- v) day nursery;
- vi) dwelling unit, existing;
- vii) clinic, medical;
- viii) cemetery;
- ix) civic building
- x) cultural facilities;
- xi) club house;
- xii) dwelling, retirement;
- xiii) fairground;
- xiv) library;
- xv) hospital;
- xvi) municipal works yard or garage;
- xvii) nursing home;
- xviii) parking lot,;
- xix) parking garage or parking structure, accessory;
- xx) religious institution;
- xxi) recreation use, passive;
- xxii) recreational establishment;
- xxiii) restaurant; accessory;
- xxiv) school;
- xxv) school, commercial;
- xxvi) school, college, university or seminary;
- xxvii) works yard, municipal.

##### 4.13.2 Regulations for Permitted Uses

- |       |  |                    |
|-------|--|--------------------|
| i)    | Minimum lot area for lots with municipal water and sewage services   | 0.1 ha (.24 acres) |
| ii)   | Minimum lot area for lots on private services  | 0.4 ha (.98 acres) |
| iii)  | Minimum lot frontage   | 30 m (98 ft)       |
| iv)   | Minimum front yard   | 6 m (19 ft)        |
| v)    | Minimum interior side yard   | 3 m (9.8 ft)       |
| vi)   | Minimum exterior side yard   | 6 m (19 ft)        |
| vii)  | Minimum rear yard  | 4.5 m (14.7 ft)    |
| viii) | Maximum lot coverage   | 30%                |
| ix)   | Minimum landscaped open space strip abutting any front lot line and exterior lot line and any Residential or Institutional Zone or use | 3 m (9.8 ft)       |
| x)    | Maximum height   | 12 m (39 ft)       |

### **4.13.3 Exceptions**

#### **4.13.3.1 Institutional Exception One (IN-1)**

(North Half of Lot 30, Concession 3 former INST-1)

Notwithstanding the provisions of the Institutional (IN) Zone, to the contrary, on lands zoned Institutional Exception One (IN-1), the minimum floor area of an accessory dwelling unit shall be 487m<sup>2</sup> (1600 square feet) . In all other respects, the provisions of this By-law shall apply.

#### **4.13.3.2 Institutional Exception Two (IN-2)**

(Part of Lot 31, Concession 3)

Notwithstanding the provisions of the Institutional (IN) Zone, to the contrary, on lands zoned Institutional Exception Two (IN-2), the following additional uses shall be permitted:

- i) public uses;
- ii) existing pump houses for municipal supply system;
- iii) existing well or wells to supply a municipal water system; and
- iv) a water tower for the storage and supply of water to a municipal water system.

In all other respects, the provisions of this By-law shall apply.

#### **4.13.3.3 Institutional Exception Three (IN-3)**

(Industrial Drive Fire Hall, Part of Lots 1 and 2, Plan 130)

Notwithstanding the provisions of the Institutional (IN) Zone, to the contrary, on lands zoned Institutional Exception Three (IN-3), a public use and fire hall shall be permitted. A training structure shall be permitted to be developed including the use of metal shipping containers or sea containers, and shall be permitted to have a maximum height of 10m . In all other respects, the provisions of this By-law shall apply.

#### **“4.13.4 Institutional Exception Four (IN-4) Zone**

**(152 Main Street, Part Lot 30, Concession 3)**

Notwithstanding the regulations for permitted uses of section 4.13.2 of the Institutional Zone, to the contrary, on lands zoned Institutional Exception Four (IN-4), the existing place of worship shall be permitted to have a deficient south side yard. In all other respects, the provisions of this by-law shall apply.

**4.14 OPEN SPACE (OS) ZONE**

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

**4.14.1 Permitted Uses**

- i) conservation use;
- ii) driving range;
- iii) existing agricultural livestock operation;
- iv) existing agricultural crop operation;
- v) fairground;
- vi) forest management;
- vii) golf course;
- viii) park;
- ix) parking lot, accessory;
- x) recreational use, passive;
- xi) recreational establishment.
- xii) stormwater management facility

**4.14.2 Regulations for Permitted Uses**

i) Minimum lot area	nil
ii) Minimum lot frontage	nil
iii) Minimum front yard	7.5 m (24.6 ft)
iv) Minimum interior side yard	7.5 m (24.6 ft)
v) Minimum exterior side yard	7.5 m (24.6 ft)
vi) Minimum rear yard	7.5 m (24.6 ft)
vii) Maximum height	12 m (39.3 ft)

**4.14.3 Exceptions**

**4.14.3.1 Open Space Exception One (OS-1)**

(Part 1 and 2, Plan 7R-1747, former road allowance, now closed, Part Lot 31, Concession 7 – Summer Place Park)

Notwithstanding the provisions of the Open Space (OS) Zone, to the contrary, on lands zoned Open Space Exception One (OS-1), a seasonal tent trailer camping establishment is permitted. In all other respects, the provisions of this By-law shall apply.

**4.14.3.2 Open Space Exception Two (OS-2)**

(Part Lot 31, Concession 2)

Notwithstanding the provisions of the Open Space (OS) Zone, to the contrary, on lands zoned Open Space Exception Two (OS-2), a seasonal campground shall be permitted. In all other respects, the provisions of this By-law shall apply.

**4.14.3.3 Open Space Exception Three (OS-3)**

(Part Lot 30, Concessions 5 and 6)

Notwithstanding the provisions of the Open Space (OS) Zone, to the contrary, on lands zoned Open Space Exception Three (OS-3), the following provisions shall apply:

- i) No person shall use any lot or part of any lot within any OS-3 Zone for any purpose except as part of a required yard.
  - ii) Private wells and private sewage disposal systems are permitted within the OS-3 Zone.
  - iii) The erection of all buildings or structures of any kind within the OS-3 Zone is prohibited.
- In all other respects, the provisions of this By-law shall apply.

#### **4.15 ENVIRONMENTAL PROTECTION (EP) ZONE**

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

##### **4.15.1 Permitted Uses**

- i) bank stabilization;
- ii) conservation;
- iii) flood or erosion control structure;
- iv) forest management; and,
- v) park.

##### **4.15.2 Regulations for Permitted Uses**

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

##### **4.15.3 Exceptions**

###### **4.15.3.1 Environmental Protection Exception One (EP-1)**

(Lot 4 and 5, Plan 38 and Pt Lot c, Plan 197, 63 Main Street)

Notwithstanding the provisions of the Environmental Protection (EP) Zone, to the contrary, on lands zoned Environmental Protection Exception One (EP-1), a retail commercial use and one dwelling unit shall be permitted. In all other respects, the provisions of this By-law shall apply.

###### **4.15.3.2 Environmental Protection Exception Two (EP-2)**

(Part Lot 31, Con 7)

(Pt Lot 31, Con 6)

Notwithstanding the provisions of the Environmental Protection (EP) Zone, to the contrary, on lands zoned Environmental Protection Exception Two (EP-2), one dwelling unit shall be permitted, and an addition or renovation shall also be permitted. In all other respects, the provisions of this By-law shall apply.

#### **4.16 DEVELOPMENT (D) ZONE**

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

##### **4.16.1 Permitted Uses**

- i) agricultural crop operation;
- iii) grazing of livestock;
- iv) home occupation;
- v) legal existing uses, including but not limited to existing agricultural livestock operations, peat extraction, gravel extraction, single detached dwelling.

##### **4.16.2 Regulations for Permitted Uses**

Minimum requirements shall be deemed those which existed at the date of passage of this By-law. No new buildings or structures shall be permitted. Existing buildings may be repaired and minor additions and renovations shall be permitted.

##### **4.16.3 Exceptions**

## **SECTION 5 – DEFINITIONS**

### **5.1 ABATTOIR**

Any building or premises providing for the slaughtering and accessory processing of animals intended for human consumption.

### **5.2 ABUTTING**

Having a common point or border with; having property or zoning boundary lines in common.

### **5.3 ACCESSORY**

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

### **5.4 ACCESSORY APARTMENT**

An attached dwelling unit having a maximum floor area of 80 square metres, including any basement floor area that is accessory to the main dwelling on the same lot. The accessory apartment shall be located below the main dwelling or be attached above ground. An apartment attached above ground shall not be separated by any uninhabitable building or structure or space, including, but not limited to a carport, breezeway, or garage. The main dwelling unit shall continue to have the appearance of a single detached dwelling, and shall not resemble a duplex or multiple residential building.

### **5.5 ADULT ENTERTAINMENT ESTABLISHMENT**

Any premise or part thereof in or on which is provided, in pursuance of a trade, calling, business or occupation, or to which an admittance or other fee is required; entertainment or services that are designed to appeal to erotic or sexual appetites or inclinations, including a body-rub business.

### **5.6 ADJACENT**

Nearby; being separated only by street, navigable waterway; ailway right-of-way or other like feature. Properties touching at a common point or border shall be deemed to abut.

### **5.7 ADMINISTRATIVE OFFICE FOR A PUBLIC AUTHORITY**

A building or part of a building in which one or more persons are employed in the management, administration, and direction for a public authority, including the Township, County, Province or Country or any other public authority.

### **5.8 AERODROME, REGISTERED**

The use of lands, buildings or structures for the purposes of air transportation services, which such establishment is registered with Transport Canada as a registered Aerodrome.

### **5.9 AGGREGATE EXTRACTION OPERATION**

Any use of lands, buildings, structures or equipment for the purpose of extracting sand, gravel or other aggregate materials. An aggregate extraction operation shall include the extraction, sorting, screening, washing, crushing and processing of aggregate materials.

### **5.10 AGGREGATE PROCESSING PLANT, PORTABLE**

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

### **5.11 AGRICULTURAL LIVESTOCK OPERATION**

Any agricultural use or uses, structures or buildings accessory thereto, including animal husbandry, manure storage facilities and any other use customarily carried on in the field of general agriculture, including the sale on the premises, of produce grown or raised on the premises. Agricultural operation may include a single-detached dwelling and such principal or main buildings and structures as a barn or silo as well as accessory buildings and structures which are incidental to the operation of the agricultural use. An agricultural livestock operation may include an agricultural crop operation.



**5.12 AGRICULTURAL CROP OPERATION**

Any agricultural use or uses, structures or buildings accessory thereto, including field crops, horticultural nurseries, growing of fruit, vegetables, flowers, shrubs, and any other use customarily carried on in the field of general agriculture, including the sale on the premises, of produce grown on the premises but shall not include any livestock production or permanent manure storage facility. Agricultural operation may include a single-detached dwelling and such principal or main buildings and structures as a barn as well as accessory buildings and structures which are incidental to the operation of the agricultural crop operation.

**5.13 AGRICULTURAL RELATED COMMERCIAL USE**

Any commercial use that retails produce from an agricultural operation or provides goods and services to agricultural operations.

**5.14 AGRICULTURAL MANUFACTURING ESTABLISHMENT**

A facility that receives, stores and/or processes agricultural materials/products for the purpose of creating new products or materials.

**5.15 AGRICULTURAL PROCESSING ESTABLISHMENT**

The use of land, buildings or structures for the processing of products derived from agricultural uses. These shall include such products as seed, grain, feed and forage processing, storage and transport, fruit and vegetable storage and treatment, livestock and poultry assembly, sale and transport, an egg grading establishment, seed cleaning, and fertilizer mixing plant.

**5.16 AGRICULTURAL SUPPLY ESTABLISHMENT**

The use of land, buildings or structures for the purpose of supply of goods, materials or services that are necessary to support agricultural uses as defined by this By-law. These shall include such goods and services as the sale, processing and storage of seed, fertilizer and chemical products, feed mill, farm machinery and equipment sales and service, and animal and poultry health and breeding services.

**5.17 AGRICULTURAL IMPLEMENT SALES OUTLET**

The use of land, buildings or structures for the commercial sale, storage or repair of equipment and machinery directly associated with the agricultural use operation and activities.

**5.18 AGRICULTURAL PRODUCE OUTLET**

Any building or structure accessory to an agricultural use on the same lot where agricultural goods or produce are made available for sale to the public.

**5.19 AGRICULTURAL PRODUCE STORAGE AREA OR FACILITY**

A permanent or temporary building used to store agricultural products and may include features to control temperature and humidity in order to maintain the quality of the farm produce.

**5.20 AIRSTRIP**

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

**5.21 ALTERATION**

An addition, expansion, change or modification of a building, sign or structure, or the accessory equipment thereof, that is not classified as ordinary repair. The moving of a building or structure from one location to another location shall be deemed an alteration.

**5.22 AMBULANCE STATION**

Any building or premises from which ambulances are managed and at which personnel are quartered and ambulances stored when not in use.

**5.23 ASSEMBLY AREA**

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

**5.24 ASPHALT PLANT**

Buildings, structures and facilities used for the manufacturing of asphalt, macadam and other forms of coated road stone, using a number of aggregates, sand and a filler product such as stone dust.

**5.25 ASPHALT PLANT, PORTABLE**

Machinery and equipment designed to be transported to various locations on a temporary basis for the production of asphalt, macadam and other forms of coated road stone.

**5.26 ATTACHED**

A building otherwise complete in itself, which depends, for structural support or complete enclosure, upon a division wall or walls shared in common with adjacent building or buildings, above or below grade.

**5.27 AUCTION ESTABLISHMENT**

The use of land, buildings or structures for the sale of goods, materials, livestock, equipment or motor vehicles by an auctioneer to the public, and may include the temporary storage of such goods and materials prior to the sale.

**5.28 AUTOMATED BANKING MACHINE**

An unattended electronic machine in a public place, connected to a data system and related equipment and activated by a bank customer to obtain cash and perform other banking functions.

**5.29 BAKERY**

An establishment or premises where a variety of baked goods are prepared and/or offered for sale.

**5.30 BARN**

A building used for the purpose of housing livestock and may also include the storage of feed, equipment and other materials used in connection with an agricultural operation.

**5.31 BARN, STORAGE**

A building used for the storage of feed, equipment, and other agriculturally related materials or goods, but shall not include the housing of livestock or poultry.

**5.32 BASEMENT**

That portion of a building below the first floor and which is partly underground as defined in the Building Code.

**5.33 BED AND BREAKFAST**

A home occupation within a single detached dwelling wherein not more than four rooms are rented and meals are served to overnight guests for commercial purposes. A bed and breakfast shall not include a *restaurant* or *tavern*.

**5.34 BIOSOLID DISPOSAL**

The spreading or placement of biological waste that has been partially treated in a sewage treatment facility or waste vegetable materials including food waste or by products of food production on lands in the Township.

**5.35 BOARDING OR ROOMING HOUSE**

A single detached dwelling in which the owner or lessee supplies habitable rooms for the accommodation of not more than three persons as their regular living accommodations, with or without meals, for monetary gain.

**5.36 BUILDING**

A structure consisting of walls, roof and floor or a structural system serving the same purpose as defined in the Building Code and including carports and cloth, plastic or vinyl materials supported by structural frames.

**5.37 BUILDING, MAIN OR PRINCIPAL**

The main or principal building shall be any building or structure for which the principle purpose or use is carried out, or a use or structure that is specifically permitted through the permitted uses of a Zone. Where a use is permitted as an accessory use, such accessory building or structure shall not be considered a principal or main building. In the instance of a farm, both the farm residence and all barns shall be considered main buildings.

**5.38 BUILDING SUPPLY AND LUMBER OUTLET**

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

but shall not include a manufacturing or processing use. A building supply and lumber outlet may include a building for administration and indoor retail areas.

**5.39 BULK FUEL DEPOT**

Lands, buildings and structures for the storage and distribution of fuels and oils but excluding retail sales on the lands.

**5.40 CAMPING ESTABLISHMENT**

Lands used for the parking and temporary use of *camp sites* occupied by tents, trailers, motor homes, truck campers and recreational vehicles and accessory uses and facilities such as administrative offices, sanitary facilities, recreational facilities and an accessory convenience store.

**5.41 CAMP SITE**

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

**5.42 CEMETERY**

Land that is set aside to be used as a place for the interment of the dead or in which human bodies have been buried.

**5.43 CHIEF BUILDING OFFICIAL**

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

**5.44 CIVIC BUILDING**

Government buildings and offices for the Corporation, the County of Dufferin, The Provincial and Federal Governments and any other government agencies.

**5.45 CLINIC, MEDICAL**

An establishment used by one or more qualified health practitioners and their staff including physicians, dentists, chiropractors, optometrists, physiotherapists or other human health treatment for the purposes of consultation, diagnosis and office treatment. A medical clinic may be a private clinic or medical offices.

**5.46 COLD WATER STREAM**

A water feature that has been defined by the Ministry of Natural Resources or the Grand River Conservation Authority as a Cold Water Stream, due to its temperature and the aquatics associated with the feature.

**5.47 COMPOSTING FACILITIES**

Any facilities or equipment used in, and any operations carries out, for converting decomposable wastes of biological or organic origin into compost including collection, sorting, handling, transportation, storage, processing and disposal.

**5.48 COMPUTER, ELECTRONICS AND DATA PROCESSING**

A retail store or establishment that provides expertise and knowledge relating to computers and electronic devices, and may also repair, service and undertake data processing.

**5.49 CONCRETE BATCHING PLANT**

Buildings and structures wherein sand, gravel, cement, water and other materials are processed into concrete for construction purposes.

**5.50 CONSERVATION**

The wise use, protection and rehabilitation of natural resources according to principles that will assure their highest economic social and environmental benefits. A conservation use may include an aviary or arboretum.

- 5.51 **CONTRACTOR'S OR TRADESMAN YARD** A  
 building, structure or use of land by any general contractor or builder where equipment and materials are stored or where a contractor performs accessory shop or assembly work, or where manufacturing is performed by tradesmen requiring manual or mechanical skills and may include a carpenter's shop, a locksmith's shop, a gunsmith's shop, a plumbing and electrical contractor's or a heating/air conditioning contractor's shop, a commercial welder's shop, or similar uses.
- 5.52 **CONVENIENCE STORE**  
 A retail commercial establishment, not exceeding 200 square metres of gross floor area, supplying groceries and other daily household necessities to the surrounding area, whether or not such store is open for business seven (7) days a week or not.
- 5.53 **CORPORATION**  
 The Corporation of the Township of East Luther Grand Valley.
- 5.54 **COUNCIL**  
 The Council of the Corporation of the Township of East Luther Grand Valley.
- 5.55 **CRISIS CENTRE**  
 Crisis residence shall mean a single housekeeping unit licensed or funded by the Province of Ontario for the short term (averaging 30 days or less) accommodation of three to nine persons, exclusive of staff, living under supervision and who, by reason of either emotional, mental, social or physical condition or legal status, require a group living arrangement for their well-being.
- 5.56 **CULTURAL FACILITY**  
 A facility to showcase or exhibit art, history and/or cultural information and materials and may include an accessory restaurant, gift shop, teaching room and administrative offices.
- 5.57 **DAY NURSERY**  
 A day nursery operated for children within the meaning of the Day Nurseries Act, as amended.
- 5.58 **DECK**  
 Deck shall mean a structure above the ground cantilevered from a dwelling unit or supported by the ground or structures and open to the sky, located 0.3 metres or more above finished grade.
- 5.59 **DRIVING RANGE**  
 An area of land, separate from a golf course, designed for hitting practice golf balls, also referred to as a practice range.
- 5.60 **DRY CLEANING ESTABLISHMENT**  
 A building or part of a building used to provide cleaning and pressing of linens and garments, to the general public.
- 5.61 **DWELLING**  
 A building or part of a building occupied or capable of being occupied, in whole or in part as the home, residence or sleeping place of one or more persons either continuously, permanently, temporarily or transiently, but does not include a *hotel*, *motel* or other use separately defined by this by-law.
- 5.62 **DWELLING, ACCESSORY**  
 A use, separate building, or structure, which is usually incidental, subordinate, exclusively devoted to and located on the same lot as the principle use, building or structure but not including a building or structure which is used as a dwelling unless specifically permitted. An accessory dwelling unit shall not be an accessory apartment.
- 5.63 **DWELLING, APARTMENT**  
 A separate building containing three or more dwelling units sharing a common corridor or stair well.
- 5.64 **DWELLING, CONVERTED**  
 A dwelling existing as of the passage of this by-law, which may be enlarged, altered or changed so as to provided therein up to a maximum of three dwelling units.

**5.65 DWELLING, DUPLEX**

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

**5.66 DWELLING, SEMI-DETACHED**

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

**5.67 DWELLING, SINGLE DETACHED**

A detached building containing one dwelling unit only.

**5.68 DWELLING, TOWNHOUSE**

A dwelling unit in a building divided vertically into no less than three and not more than eight dwelling units attached by common walls extended from the base of the foundation to the roof line, each dwelling unit having a separate entrance at grade.

**5.69 DWELLING, TRIPLEX**

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

**5.70 DWELLING, RETIREMENT**

A separate building containing three or more dwelling units sharing a common corridor or stair well, and common facilities, including leisure areas, dining facility and may or may not include on-site nursing staff. A retirement dwelling shall be intended to serve the aging population.

**5.71 DWELLING UNIT**

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

**5.72 DWELLING UNIT, ACCESSORY**

A separate dwelling unit which is contained in a building that contains a permitted use and the said accessory dwelling unit and is occupied by the owner or operator of the permitted use.

**5.73 ENERGY CO-GENERATION**

The harnessing of heat energy that normally would be wasted, to generate electricity.

**5.74 ENERGY SYSTEM, ALTERNATIVE**

Sources of energy or energy conversion processes that significantly reduce the amount of harmful emissions to the environment (air, earth and water) when compared to conventional energy systems.

**5.75 ENERGY SYSTEM, RENEWABLE**

The production of electrical power from any energy source that is renewed by natural processes including, but not limited to, wind, water, a biomass resource or product, or solar and geothermal energy.

**5.76 ENERGY-FROM-WASTE FACILITIES**

Renewable energy generation facilities that use renewable biomass resources and/or waste products to produce energy for the needs of a user or to feed into a transmission or local distribution grid. The facility includes all components, supporting infrastructure, and outbuildings.

**5.77 ENTERTAINMENT ESTABLISHMENT**

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

**5.78 ERECT**

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

**5.79 EQUESTRIAN FACILITY**

An area of land and buildings that are used as an educational or recreational centre for horse training, handling, care, or for the lodging of horses. An equestrian facility may include a boarding stable, being lands and buildings used for the boarding of horses for commercial purposes. An equestrian facility may include a commercial riding school or equestrian event facility.

**5.80 EQUIPMENT SALES AND RENTAL**

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

**5.81 ESTABLISHED BUILDING LINE**

The average distance from the road line to existing buildings measured not more than 10 metres (35.8ft) on either side of the lot on the same side of the street where the frontage has been built upon, as of the date of passing of this By-law.

**5.82 EXISTING**

Legally existing as of the date of passing of this By-law.

**5.83 FAIRGROUND**

A parcel of land, and may include buildings and structures where fairs, exhibitions, circuses, sporting and other gatherings are held.

**5.84 FARMERS MARKET**

Retail sales of fresh fruit, vegetables, and other foods and related items, at a facility with spaces occupied by several different temporary tenants on a short term basis, and may be indoor or outdoor but does not include a roadside stand.

**5.85 FEED MILL**

A building, structure or lot used for the storing, cleaning and sale of grains, fertilizers and related agricultural products.

**5.86 FENCE, LIVING**

A living fence is a continuous non-pierced arrangement of trees and shrubs, including existing trees and/or a board-on-board fence, having a minimum height of 1.8m

**5.87 FINANCIAL INSTITUTION**

A business establishment providing financial services to the public, other than exclusively through an *automated banking machine*.

**5.88 FINISHED GRADE**

The average elevation of the finished surface of the ground at the natural ground level measured at the base of the building or structure.

**5.89 FIRE HALL**

A municipal building set aside for the storage of municipal firefighting apparatus, vehicles and equipment, and may include a dormitory facility and work areas, meeting rooms and laundry facilities.

**5.90 FIRST STOREY**

The storey with its floor closest to grade and having its ceiling more than 1.8 metres(5.9 ft) above grade or as defined in the Building Code.

**5.91 FLOOR AREA**

The total floor area of all storeys, or half storeys contained within the exterior faces of the exterior walls of a building, but excluding private garages, breezeways, porches, verandas, attic, basement and cellar. Where the length of one entire wall of the basement or cellar, from floor to ceiling is above the adjacent finished grade level, and is 7.3 metres in length, then 50% of a finished basement or cellar shall be included as part of the floor area.

**5.92 FLOOR AREA, GROSS**

The total floor area, as hereinafter defined, exclusive of any portion of the building or structure below finished grade measured between the exterior faces of the exterior walls which is used for heating, the

storage of goods or personal effects, laundry facilities, recreational areas, the storage or parking of motor vehicles, exclusive of any private garage, carport, basement, walkout basement, cellar, porch, veranda or sunroom unless such sunroom is habitable during all seasons of the year.

**5.93 FLOOR AREA, GROUND**

The maximum ground floor area of a building measured by the outside walls, excluding, in the case of a single detached dwelling, any private garage, carport, porch, veranda or other floor area that is not habitable year round.

**5.94 FOREST MANAGEMENT**

A system of practices for stewardship and use of forest land aimed at fulfilling relevant ecological, economic and social functions of the forest in a sustainable manner.

**5.95 FUNERAL HOME**

Buildings or premises designed for the purpose of furnishing funeral supplies and services to the public and includes facilities intended for the preparation of the dead human body for internment or cremation, but does not include a cemetery, columbarium, crematorium or place of worship.

**5.96 GARAGE, PRIVATE DETACHED**

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

**5.97 GARDEN AND NURSERY SALES ESTABLISHMENT**

A place where young trees, bushes, flowers, sod and/or other plants are grown for transplanting or for sale and may also include the sale of related accessory supplies and garden items.

**5.98 GARDEN SUITE**

A detached temporary and portable dwelling unit occupied by an immediate family member of the occupant of the primary residential use, not to exceed 80 square metres in size and located on the same lot as a principle residential use, and shall not be considered an accessory apartment.

**5.99 GRANNY FLAT**

A temporary dwelling unit having a maximum floor area of 80 square metres, that is accessory to the main dwelling on the same lot, which is occupied by the owner of the lands. Such dwelling unit shall be attached and part of the main dwelling unit, and designed to be converted to part of the main dwelling unit. For greater certainty, a granny flat shall be defined as an accessory apartment.

**5.100 GATE HOUSE, ACCESSORY**

A small structure located in a required front or side yard in the area between the street line and the required yard which shall not exceed 9 square metres in size, and in the case of this by-law, can only be located on lands within an Industrial Zone.

**5.101 GAZEBO**

A freestanding roofed accessory structure which is not enclosed, except for screening or glass and which is utilized for the purposes of relaxation.

**5.102 GOLF COURSE**

Any property publicly or privately owned on which the game of golf is played, and includes a par 3 golf course, accessory club house, accessory recreational facilities, accessory driving range, miniature golf courses, together with accessory uses and buildings customary thereto, including, but not limited to a pro shop, maintenance building, snack bar and parking lot.

**5.103 GOLF COURSE, MINIATURE**

An area of land wherein golf is played on a miniature course featuring obstacles and usually includes a small building or structure for administrative purposes.

**5.104 GREENHOUSE, COMMERCIAL**

A building for the growing of flowers, plants, shrubs, trees and similar vegetation which may be transplanted or grown outdoors on the same lot containing such greenhouse, and may be sold directly from such lot at wholesale or retail but shall not include selling any accessory items.

### **5.105 GROUP HOME**

A single housekeeping unit accommodating between three and six residents, excluding staff, but which is supervised by staff on a daily basis, which provides special care and treatment for physical or mental deficiency, physical handicap or other such cause. A Group Home shall be funded, licensed, approved or supervised by the Province of Ontario under a general or specific Act. A Group Home may include an accessory administrative office.

### **5.106 HEIGHT (OF BUILDINGS OR STRUCTURES)**

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

### **5.107 HIGH WATER MARK**

The mark made by the action of water under natural conditions on the shore or bank of a body of water, which action has been so common and usual and so long continued that it has created a difference between the character of the vegetation or soil on one side of the mark and the character of the vegetation or soil on the other side of the mark.

### **5.108. HOBBY FARM**

A hobby farm shall be an agricultural livestock operation or agricultural crop operation that maintains a maximum number of nutrient units (NU) less than the lot area of the subject lands (HA). A hobby farm shall be required to have a nutrient management agreement to the Town's satisfaction. barn or livestock facility shall be permitted, including existing oversized barns

### **5.109 HOME INDUSTRY**

Any occupation conducted entirely within a building or part of a building accessory to a single detached dwelling house, that may include a trade or industrial activity, such as processing, assembly, manufacturing, warehousing or workshop and shall not include outdoor storage nor a kennel. A motor vehicle repair garage or motor vehicle body shop shall not be permitted as a home industry.

### **5.110 HOME OCCUPATION**

*An occupation or profession related to the provision of services, carried on primarily by the occupant of a dwelling within located within the dwelling unit, as an accessory use and shall not include outdoor storage or a kennel."*

### **5.111 HOSPITAL**

An establishment primarily engaged in providing diagnostic services, extensive medical treatment, surgical services, and continuous nursing. The establishment has an organized medical staff on duty twenty-four hours a day, inpatient beds, equipment and facilities, and provides complete health care. A hospital may include emergency room care.

### **5.108 HOTEL**

An establishment used mainly for the purposes of catering to the needs of the traveling by providing furnished sleeping accommodations, and may also include accessory meeting rooms, recreational facilities, banquet halls, dining rooms and kitchen facilities. A hotel shall not include a boarding or rooming house or apartment houses.

### **5.109 KENNEL**

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

### **5.110 LANDSCAPED OPEN SPACE**

The open unobstructed space from ground to sky at grade on a lot which is maintained as a landscaped area with grass, flowers, trees, bushes, natural vegetation and/or other landscaping and may include any surfaced walk, patio or similar area but does not include any driveway or ramp, whether surfaced or not, any curb, retaining wall, parking area or any open space beneath or within any building or structure.



**5.111 LAUNDROMAT**

A building or part of a building providing commercial laundry washing machine and drying machines to the general public.

**5.112 LETTER CARRIER DEPOT**

A building for the sorting and processing of all types of mail for a specific geographic area, and may include administrative offices, loading doors and loading spaces.

**5.113 LIBRARY**

A building containing a collection of literary documents or records kept for reference or borrowing.

**5.114 LOADING SPACE**

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

**5.115 LOT**

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

- a) Which is a whole lot within a Registered Plan of Subdivision, or lot within a Registered Plan of Condominium other than a Registered Plan of Subdivision which has been deemed not to be a Registered Plan of Subdivision under a By-law passed pursuant to Section 50(4) of The Planning Act R.S.O. 1990 as amended; or
- b) Which is a legally separated parcel of land in existence on the date of passing of this By-law without the owner holding the fee or the equity or redemption in, or power or right to grant, assign or exercise a power of appointment with respect to any abutting land; or
- c) The description of which is the same as in a deed which has received final consent to a conveyance pursuant to Section 53 of The Planning Act, R.S.O. 1990, as amended; or,
- d) Which is the whole remnant remaining to an owner or owners after a conveyance is made with final consent pursuant to Section 53 of The Planning Act, R.S.O. 1990, as amended, but for the purpose of this paragraph no parcel or tract of land ceases to be a lot by reason only of the fact that a part or parts of it has or have been conveyed to or acquired by the Township of East Luther Grand Valley, Her Majesty in the Right of Ontario or Her Majesty in the Right of Canada.

**5.116 LOT AREA**

The total horizontal area within the lot lines of a lot excluding the area of land covered with water.

**5.117 LOT, CORNER**

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

**5.118 LOT COVERAGE**

The percentage of the lot area covered by buildings or structures excluding parking areas, driveways, decks and walkways but including accessory structures and buildings and any structure situated 2.5 metres(8.2ft) above finished grade.

**5.119 LOT FRONTAGE**

The continuous horizontal distance of the front lot line between the side lot lines measures at right angles. Where the front lot line is not a straight line, or where the side lot lines are not parallel, the lot frontage shall be the horizontal distance of a line that is 7.5 metres (24.6ft) back from and parallel to a continuous straight line, joining the two points where the side lot lines intersect with the front lot line.

**5.120 LOT, INTERIOR**

A lot other than a corner lot, and having frontage on one street only.

**5.121 LOT LINE**

Any boundary of a lot. For the purpose of this By-law, any combination of lines that meet at an interior angle of not greater than 135 degrees shall be deemed to be one line.

**5.122 LOT LINE, EXTERIOR**

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

**5.123 LOT LINE, FRONT**

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

**5.124 LOT LINE, REAR**

The lot line farthest from or opposite to the front lot line.

**5.125 LOT LINE, SIDE**

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

**5.126 LOT, THROUGH**

A lot bounded on opposite sides by roads, but excluding a corner lot.

**5.127 MANUFACTURING, PROCESSING, PACKAGING, FABRICATING AND ASSEMBLY PLANT**

A building or structure wherein assembly or repair or fabrication or processing or packaging or manufacturing of goods and materials utilizing materials occurs, which does not produce waste water in excess of 4500 litres per day.

**5.128 MINIMUM DISTANCE SEPARATION**

A setback or buffer established between a livestock facility and adjacent land uses to minimize odour nuisance, as calculated using the Minimum Distance Separation (MDS) formulae established by the Ontario Ministry of Agriculture and Food

**5.129 MOBILE HOME**

Any prefabricated temporary dwelling that is designed to be mobile, and constructed or manufactured to provide a permanent residence for one or more persons in accordance with CSA Z240 or Z241 or A-277 but does not include a park model home, travel trailer or tent trailer or trailer otherwise designed.

**5.130 MOTEL**

An establishment used mainly for the purposes of catering to the needs of the traveling by providing furnished sleeping accommodations, and may also include accessory kitchen facilities and dining area. A motel shall not include a boarding or rooming house or apartment houses. All required parking is at grade and direct access is available from the parking area to the individual units.

**5.131 MOTOR VEHICLE**

An automobile, truck, motorcycle, and any other vehicle propelled or driven or a motorized snow vehicle, traction engine, farm vehicle or implement, self-propelled implement or road building machine, including commercial motor vehicles, but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails.

**5.132 MOTOR VEHICLE BODY SHOP**

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

**5.133 MOTOR VEHICLE DEALERSHIP**

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

**5.134 MOTOR VEHICLE, RECREATIONAL**

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

**5.135 MOTOR VEHICLE PARTS ESTABLISHMENT**

A retail store/establishment that provides parts for motor vehicles, recreational vehicles, farm equipment and similar materials, but does not include the manufacturing of part nor the repair of vehicles and equipment.

**5.136 MOTOR VEHICLE REPAIR GARAGE**

A building or structure which is used for the servicing and repairing or equipping essential to the actual operation of motor vehicles and in conjunction with which there may be a towing service, and accessory motor vehicle rentals for the convenience of the customer while the motor vehicle is being repaired, but shall not include a wrecking yard, salvage yard, motor vehicle body shop, motor vehicle storage or sales, or any other use defined in this By-law.

**5.137 MOTOR VEHICLE SERVICE STATION**

A building, structure or pump island, for the sale of petroleum products, bio-fuels, fuel, oil, antifreeze, gasoline additives, propane, natural gas, and similar fuelling and powering products and supplies are kept for sale, and may also include small accessories required for the operation of motor vehicles, and may include minor or emergency repairs but shall not include a motor vehicle repair garage. A motor vehicle service station may include public washroom facilities, and may include an accessory snack bar or convenience retail, but shall not include a variety or grocery shop or liquor store.

**5.138 MOTOR VEHICLE WASHING ESTABLISHMENT**

A building and lot used for the washing or cleaning of motor vehicles by washing equipment.

**5.139 NON-COMPLYING**

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

**5.140 NON-CONFORMING**

A legal existing use or activity of any land, building or structure which does not conform with the permitted uses, or activities permitted by this By-law, so long as it continues to be used or enjoyed for that purpose and not discontinued for more than 24 months.

**5.141 NURSING HOME**

A building and premises maintained and operated for persons requiring nursing care, and which is licensed under The Nursing Homes Act, as amended, and may include a convalescent home.

**5.142 NUTRIENT MANAGEMENT PLAN**

A plan prepared for the disposal of manure and other waste products of a farming operation that has been approved by the appropriate authority having jurisdiction.

**5.143 NUTRIENT STORAGE FACILITY/MANURE STORAGE FACILITY**

A permanent nutrient storage facility that is designed and constructed to contain liquid or solid materials prescribed under the Nutrient Management Act, as well as any associated guidelines and regulations, as amended from time to time.

**5.144 NUTRIENT UNIT (NU)**

An amount of nutrients that gives a fertilizer replacement value of the lower of 43 kilograms of nitrogen, or 55 kilograms of phosphates as nutrients, as defined in Ontario Regulation 267/03 made under the Nutrient Management Act, 2002, as amended.

**5.145 OFFICE, BUSINESS, PROFESSIONAL OR ADMINISTRATIVE**

A building or part of a building in which one or more persons are employed in the management, administration, direction or conducting of a business or where professionally qualified persons and their staff serve clients or patients and may include the offices of a non-profit or charitable organization. An office may include onsite and offsite service to individuals and companies.

**5.146 OUTDOOR FURNACE**

A piece of equipment designed to burn materials for the purpose of heating a building, which is located outside of the dwelling unit.

**5.147 OUTSIDE STORAGE, ACCESSORY**

The keeping of goods or materials, excluding junk, outside of a building and which, where it is permitted, is only permitted accessory to a principal use.

**5.148 OPEN SPACE, PUBLIC**

Lands within the Township which are set aside and appropriately designated for public access and use and which fulfills or is capable of fulfilling a recreational and/or non-recreational role.

**5.149 PARK**

Any open space or recreational area, which may include neighbourhood, community, regional and special parks or areas and may include playground areas, field houses, community centres, bleachers, swimming pools, greenhouses, botanical gardens, zoological gardens, picnic areas, skiing trails, bandstands, skating rinks, tennis courts, bowling greens, bathing stations, curling rinks, refreshment rooms, fairgrounds, arenas, or similar uses. An accessory parking area and buildings and structures for equipment storage and club house uses shall also be permitted. A park shall not include the racing of animals or motorized vehicles.

**5.150 PARKING AREA**

An area or areas of land or a building or part thereof which is provided and maintained upon the same lot or lots upon which the principal use is located for the purpose of storing motor vehicles and may include aisles, lands or private garages, but shall not include any part of a street or road.

**5.151 PARKING LOT**

A parking area forming the principal use of a lot.

**5.152 PARKING LOT, COMMERCIAL**

An area of land used for the parking of motor vehicles for a fee, with such use forming the principal use of a lot.

**5.153 PARKING GARAGE OR PARKING STRUCTURE**

Any building or structure or portion thereof, either below or above grade that is used for the temporary parking of motor vehicles.

**5.154 PARKING SPACE**

An area exclusive of any aisles, ingress or egress lanes, used for the temporary parking or storage of motor vehicles, and may be located within a private garage.

**5.155 PARTICIPATING PROPERTY**

A parcel of land involved in a wind project through the leasing of land for the operation of a wind turbine, or transformer.

**5.156 PATIO**

A platform or surfaced area without a roof, the surface of which is not more than 0.3 metres (0.98ft) above finished grade, which is designed and intended for use as an accessory to a dwelling or a commercial use.

**5.157 PEAT**

A soft brown soil composed of incompletely decomposed plant materials that forms in a water-saturated environment. Peat extraction shall be the removal of peat from its natural location, regardless of whether or not the peat is removed from the premises.

**5.158 PERSON**

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

**5.159 PIT**

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

**5.160 PLANTING STRIP**

An open space free of buildings or structures which is used for no other purpose than planting a continuous, un-pierced hedgerow of trees, evergreens or shrubs, or other natural vegetation having a minimum height of 1.5 metres (4.9ft).

**5.161 PLAYGROUND**

Any open space or recreational area that contains play equipment and may include climbers, swings and similar structures geared to physical activity, but shall not include playing fields or indoor facilities.

**5.162 POST OFFICE**

A building or facility wherein the public can purchase postage stamps for mailing correspondence or merchandise, and also drop off or pick up packages or other special delivery items. The building/facility provides storage and mail handling services in a centralized location for the collection and distribution of mail.

**5.163 PROVINCIAL HIGHWAY**

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

**5.164 PRINCIPAL OR MAIN BUILDING**

A building or structure in which the principal use of the lot on which the building or structure is located is conducted. In an agricultural zone, a barn or silo shall also be considered principal or main buildings.

**5.165 PRINCIPAL USE**

The primary activity, building or structure for which a lot is used, as permitted by this By-law.

**5.166 PRINTING OR PUBLISHING ESTABLISHMENT**

A retail store/establishment that provides duplicating services using photocopying, blueprint and offset printing equipment and may include the collating and binding of booklets and reports. A printing or publishing establishment shall process, produce and assemble printed works and may include the sale of these works and related items, but does not include the manufacturing of materials required for the process itself.

**5.169 PRIVACY SCREEN**

A visual barrier used to shield any part of a yard from view from any adjacent parcel or highway. A noise attenuation wall shall not be considered a privacy screen.

**5.167 PRIVATE CLUB**

Any building, structure or use of land by a group of members, that is not open to the general public. A private club may include meeting rooms, sport facilities, an accessory kitchen and accessory office facilities.

**5.168 PUBLIC AUTHORITY**

Any Federal, Provincial, County or Municipal agencies, which includes any commission, board, authority or department established by such agency and shall include Ontario Hydro, and Bell Canada or their successors and including utility providers directly distributing utilities, telephone or cable services to the residents of the Township.

**5.169 PUBLIC USE**

Any use for exclusively public purposes without reference to the ownership of the building or structures or the land upon which it is situated, by any department or branch of the Federal, Provincial, County Government or Township, under the direct authority of these public use providers and implemented under the direct authority of these providers.

**5.170 QUARRY**

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

**5.171 RECREATIONAL ESTABLISHMENT**

An establishment that provides the space and equipment for recreational activities such as sports, games and hobbies, including swimming pools, alpine and cross-country skiing, courts, lawn bowling, skating rinks and athletic fields but excludes an Adult Entertainment Establishment or similar erotic activities.

**5.172 RECREATION USE, PASSIVE**

Activities enjoyed outdoors, including bicycling, hiking, walking, bird watching and resting in a specific natural environment and other sports activities that rely on the natural landscape but shall not include the racing of animals, motor vehicles, motor cycles or snowmobiles.

**5.173 RECREATIONAL VEHICLE SALES AND SERVICE OPERATION**

An establishment which sells and services vehicles primarily designed as temporary living quarters for recreation, camping, travel or seasonal use that are mounted on or towed by another vehicle, and may include a camping trailer, fifth wheel trailer, travel trailer and truck camper, and any similar uses.

**5.174 RECYCLING FACILITY**

A facility, other than a salvage yard, in which recoverable resources are located, reprocessed and treated to return such products to a condition which they may again be used for production. All activities except loading shall be conducted inside of a building.

**5.175 RECREATIONAL VEHICLES AND EQUIPMENT**

*Any trailer, camper, boat, RV, snow mobile, sea-doo, ATV, trailers for transporting such recreational vehicles and attachments or similar vehicles or items used on a seasonal or year-round basis but does not include a car, motorcycle, truck or passenger vehicle.*

**5.176 RELIGIOUS INSTITUTION**

Churches, chapels, temples, parish halls and synagogues including offices for the administration of the religious institution, convents, seminaries, monasteries, rectories, parsonages and parish houses recognized in the Province of Ontario. Such place of worship may include related religious, social, educational or charitable activities, provided such activities or use are not specifically defined in this By-law.

**5.177 RESEARCH AND DEVELOPMENT ESTABLISHMENT**

A facility designed for the purpose of research and development, and includes offices and workspaces or materials required in the field being explored and developed. A research and development establishment may include limited processing and manufacturing for testing purposes.

**5.178 RESIDENTIAL ZONE**

Any lands zoned Village Residential (RV), Estate Residential (RE), Hamlet Residential (RH), Multiple Residential (RM) or any site specific zoning permitting a dwelling unit.

**5.179 RESOURCE MANAGEMENT**

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

**5.180 RESTAURANT**

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

**5.181 RETAIL STORE**

Any establishment where the primary activity is the sale of goods, wares, merchandise, substances or articles in broken lots or parcels, not in bulk, and includes limited storage of such retail materials, but shall not include a retail outlet.

**5.182 RETAIL OUTLET OR LARGE SCALE RETAIL**

Any large, single occupied building or unit used for retail purposes exceeding 80,000 square feet of gross floor area, either located in a freestanding building or in a building group, or shopping center, possibly sharing parking areas and vehicular travel ways or walkways. A retail outlet may include showrooms, interior display and accessory warehousing of materials to be retailed in the same building.

**5.183 ROAD, YEAR ROUND MAINTAINED PUBLIC**

A road, or highway under the jurisdiction of the Province of Ontario, County of Dufferin or the Township or a private road within a registered plan of Condominium that is maintained year round, so as to allow normal vehicular access to adjacent properties and which, in the case of a municipal road is a road which has been constructed to municipal standards and shall not include roads that have not yet been assumed nor roads that are a common element or part of a condominium.

**5.184 ROAD, PRIVATE**

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

**5.185 SALVAGE OR WRECKING YARD**

A lot or parcel outside of an enclosed building used for the storage and/or handing and/or disassembly of scrap or derelict materials.

**5.186 SALVAGE, JUNK OR WASTE**

Any scrap, dismantled, inoperable or dilapidated motor vehicles, including parts, machinery, household furniture, appliances, construction equipment, construction materials, tanks, drums, tires, pipes, wire, wood, paper, metals, rags, glass and any other kind of salvage or waste materials.

**5.187 SAWMILL**

A building, structure or areas where timber is cut or sawed, either to finished lumber or as an intermediary step, but does not include a building supply or lumber outlet.

**5.188 SCHOOL**

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

**5.189 SCHOOL, COMMERCIAL**

A primary, elementary, secondary college, a university, or trade school operated on a commercial basis, providing education and training in exchange for a monetary fee or tuition.

**5.190 SCHOOL, COLLEGE, UNIVERSITY OR SEMINARY**

An institution of higher education, including teaching and research, and offering a course of general studies leading to advanced academic degrees; which may include related facilities such as but not limited to classrooms, libraries, laboratories, dormitories, administration, physical plant, dining hall, campus center, theatre, gymnasium and recreational facilities.

**5.191 SERVICE AND REPAIR ESTABLISHMENT**

A building or part of a building in which persons are employed in servicing and repairing articles, goods or materials, and shall not include personal service shops or the servicing of motor vehicles. A service and repair establishment shop may include providing a mobile service for the repair and servicing of larger or immobile equipment and may include facilities for accessory retail sales of repaired items.

**5.192 SERVICE SHOP, PERSONAL**

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

**5.193 SETBACK**

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

**5.194 SEWAGE**

The waste water and matter from any use.

**5.195 SEWAGE TREATMENT FACILITY OR SERVICES**

Any works by a public authority for the collection, transmission, storage, treatment and disposal of sewage, and may include a sewage lagoon. A sewage treatment facility or services may also be a waste water treatment facility.

**5.196 SHED**

An accessory building used for the storage and parking of vehicles, equipment, and may also include the storage of materials accessory to an agricultural operation, but shall not include the housing of livestock.

**5.197 SHELTER, WINTERING**

An accessory structure to an agricultural operation used for wintering shelter to provide temporary, seasonal shelter to pasturing livestock shall be considered a shed.

**5.198 SIGHT TRIANGLE**

The triangular space on a corner lot fronting on two public roads, formed by the street lines and a line drawn from a point on one street line to a point in the other street line, each such point being 9 metres, measured along the street line from the point of intersection of the street lines. Where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines.

**5.199 SIGN**

A message board or advertising devise that is attached to a building. Where such sign is on a freestanding structure, such sign shall include the structure system supporting it.

**5.200 STOREY**

A storey is that part of a building between the surface of one floor and the ceiling above. However, a cellar does not count as a storey. For the purpose of determining minimum ground floor area of a dwelling, a dwelling described as split level , raised bungalow, or having a partial second floor shall be considered a one storey dwelling.

**5.201 STREET**

For

the purposes of this By-law, a street shall be a road, and a road shall be a street. See definition of Road.

**5.202 STREET LINE**

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

**5.203 STRUCTURE**

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

**5.204 TAVERN**

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

**5.205 TAXI ESTABLISHMENT**

An establishment to provide taxis to the general public, for a charge, and may include a parking lot and office space for dispatching and administration.

**5.206 TELECOMMUNICATION, BROADCASTING OR TRANSMISSION ESTABLISHMENT**

Any building, structure or use of lands to provide radio, television, digital or sound broadcast and transmission.

**5.207 TELECOMMUNICATION TOWER**

A tower consisting of a pole, lattice tower or guyed mast which acts as an antenna or supports one or more antennas on its structure. These towers support a range of services including mobile phone base stations, single channel customer connection, electrical and cell services. Advertising on a telecommunication tower is not considered part of the telecommunication tower or use.



**5.208 TENT**

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

**5.209 TOP OF BANK**

The point projected by the stable slope of a bank associated with an existing or abandoned watercourse, being the beginning of a significant change in the land surface, hence from which the land surface slopes downward towards an abandoned or existing watercourse. Where two or more slopes are located together, the slope that is highest and furthest away from the watercourse shall be the slope considered the top of bank.

**5.210 TOWNSHIP**

The Corporation of the Township of East Luther Grand Valley

**5.211 TRAILER, TRAVEL OR TENT TRAILER**

Any trailer which is designed to be temporarily utilized for living, shelter and sleeping accommodation, with or without cooking facilities and which has running gear and towing equipment permanently attached and does not include a mobile home or any other structure permanently affixed to the ground.

**5.212 TRANSPORTATION DEPOT**

Any building or land where operative buses, trucks, tractor-trailers or other fleet vehicles are rented, leased, kept for hire, stored or parked for commercial purposes, and may include a bus station, or taxi establishment.

**5.213 TOWING ESTABLISHMENT**

A business/building whose primary function is to tow disabled automobiles, trucks and other motor vehicles from one place to another in order to seek repair of such vehicles. A Towing Establishment does not include a motor vehicle repair garage nor the storage of any disabled vehicles.

**5.214 USE**

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

**5.215 UTILITY PROVIDER**

Any provider of utilities directly supplying and distributing utilities to the residents of the Township, and including Hydro One, Bell Canada, Rogers Cable, Enbridge, Consumers Gas and any agency, which under public or private ownership, provides the public with electricity, gas, heat, rail transportation, water, sewage, collection or other public service.

**5.216 VETERINARY HOSPITAL/CLINIC**

A facility for the prevention, cure or alleviation of disease and injury in animals, including surgery, and wherein animals are treated and released or kept overnight, but shall not include a kennel.

**5.217 VIDEO FILM OUTLET**

An operation that may be part of a convenience store or may be a stand-alone establishment that provides video films for rent or lease for a charge. A video film outlet may also rent or lease video viewing machinery and production equipment.

**5.218 WASTE MANAGEMENT FACILITY**

Any lands upon, into or through which garbage, refuse, domestic or industrial waste, exclusive of liquid industrial waste, is disposed of, deposited, processed or managed under controlled conditions and any machinery or equipment or operation for the treatment, disposal or covering of waste, but excluding the treatment or disposal of liquid industrial waste or hazardous waste. All waste shall be managed in accordance with applicable Federal and Provincial legislation.

**5.219 WAREHOUSE**

A building or part of a building used for the storage and distribution of goods, wares, merchandise, substances or articles and may include facilities for a wholesale or retail commercial outlet, provided that

they do not exceed 10 per cent of the gross floor area, a mini warehouse facility, but shall not include a truck or transport terminal or yard.

**5.220 WAREHOUSE, MINI OR SELF-STORAGE FACILITY**

A building divided into separate units that is used for the storage of personal and household items, where each unit is rented or leased for monetary gain. A self-storage facility may also include land that is rented or leased to persons for the storage of recreational vehicles and automobiles.

**5.221 WASTE DISPOSAL AREA**

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

**5.222 WATERCOURSE**

The natural or man-made bed and shore of a river, lake, stream, creek or municipal drain where the primary focus is the conveyance or containment of water whether the flow is continuous or not.

**5.223 WATER TAKING, COMMERCIAL**

The extraction of water from ground or surface water sources in excess of 50,000 litres per day for resale.

**5.224 WAYSIDE PIT OR QUARRY**

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

**5.225 WETLAND**

Areas that are seasonally or permanently covered by shallow water or soils that are saturated, as well as lands where the water table is close to or at the surface, and shall include swamps, bogs, fens and marshes, and which may be defined locally or provincially, or may be unevaluated.

**5.226 WHOLESALE ESTABLISHMENT**

A facility for the sale and distribution of goods or materials for re-sale purposes only. For the purpose of this section, sales and re-sales shall be conducted on the same property as this facility.

**5.227 WHPA**

Well head protection area

**5.228 WORKS YARD**

Any land, building and/or structure owned by the Corporation of the Township of East Luther Grand Valley, Public Utilities provider or the Province of Ontario and used for the storage, maintenance and/or repair of material, equipment, machinery and/or motor vehicle used in connection with civic works.

**5.229 YARD**

A space adjoining a building or structure, excavation or the nearest open storage use, or permitted use located on the same lot as the building, structure excavation or nearest open storage use or permitted use, 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.

**5.230 YARD, EXTERIOR SIDE**

A side yard immediately adjacent to an exterior lot line.

**5.231 YARD, FRONT**

A yard extending across the full width of the lot between the front lot line and the nearest wall of any building or structure on the lot for which the yard is required, or the nearest open storage use on the lot, or the edge or rim of an excavation.

**5.232 YARD, REAR**

A yard extending across the full width of the lot between the rear lot line and the nearest wall of any building, or the nearest open storage use on the lot, or the edge or rim of an excavation on the lot for which the yard is required.

**5.233 YARD, REQUIRED**

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

**5.234 YARD, SIDE**

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

**5.235 ZONE**

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

**5.236 ZONE PROVISIONS**

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

## **SECTION 6 ENACTMENT**

### **6.1 FORCE AND EFFECT**

This By-law shall come into force and effect on the date it is passed by the Council of the Corporation of the Township of East Luther Grand Valley subject to the applicable provisions of The Planning Act, R.S.O. 1990, c. P. 13, as amended.

### **6.2 READINGS BY COUNCIL**

THIS BY-LAW READ A FIRST TIME ON THE 10th DAY OF FEBRUARY, 2009.

THIS BY-LAW READ A SECOND TIME ON THE 10th DAY OF FEBRUARY, 2009.

THIS BY-LAW READ A THIRD TIME AND FINALLY PASSED ON THE 10th DAY OF FEBRUARY, 2009.

MAYOR: \_\_\_\_\_  
John K. Oosterhof

(MUNICIPAL SEAL)

CLERK: \_\_\_\_\_  
Jane Wilson

### **6.3 CERTIFICATION**

I hereby certify that the foregoing is a true copy of Zoning By-law No. 09-10 as enacted by the Council of the Corporation of the Township of East Luther Grand Valley, on the 10th day of February, 2009.

CLERK: \_\_\_\_\_  
Jane Wilson