



**MUNICIPALITY OF BROOKE-ALVINSTON**  
**Zoning By-law 9 of 2013**

County of Lambton Planning Department  
Office Consolidation February 2026

## ZONING BY-LAW AMENDMENTS

<u>By-law No.</u>	<u>Date Passed</u>	<u>Description</u>	<u>Status</u>
B/L 27 of 2014	June 24, 2014	David & Annette MacKellar 3973 Ebenezer Road A1 to ND-A	Signed By-law
B/L 50 of 2016	Oct. 13, 2016	John & Mary Vanderwal 8066 Centre Street I1 to R3(2)	Signed By-law
B/L 26 of 2017	May 25, 2017	Roger Buurma 3884 Nauvoo Road A-1 to ND-A	Signed By-law
B/L 38 of 2017	August 10, 2017	Shea Farms Limited 6924 Lasalle Line A1 to ND-A	Signed By-law
B/L 27 of 2018	May 10, 2018	Municipal Shipping Container Provisions	Signed By-law
B/L 28 of 2018	May 10, 2018	Municipal 3248 & 3250 River Street R1 to R3	Signed By-law
B/L 11 of 2019	Feb. 14, 2019	Shea Farms Limited 7572 Petrolia Line A1 to ND-A	Signed By-law

## ZONING BY-LAW AMENDMENTS

<u>By-law No.</u>	<u>Date Passed</u>	<u>Description</u>	<u>Status</u>
B/L 25 of 2019	April 11, 2019	Gary Mitchell 8813 Churchill Line A1 to ND-A	Signed By-law
B/L 40 of 2019	July 25, 2019	Municipal 6505 James Street C1 to C1(2)	Signed By-law
B/L 57 of 2019	Dec. 12, 2019	Roger & David Buurma 7162 Lasalle Line A1 to C3	Signed By-law
B/L 9 of 2020	Feb. 14, 2020	Cob Roller Farms 6924 Aberfeldy Line A1 to ND-A	Signed By-law
B/L 49 of 2020	Dec. 10, 2020	KT Excavating (Ontario) Inc 8075 Railroad Line R1 to R3	Signed By-law
B/L 11 of 2021	March 11, 2021	Everett Thorne 4636 Sutorville Road A1 to ND-A	Signed By-law
B/L 30 of 2021	June 24, 2021	Scott McPhail 6263 Lasalle Line A1 to ND-A	Signed By-law

B/L 33 of 2021	July 8, 2021	Kucera Farm Equipment 8011 Centre Street R1 to C2	Signed By-law
B/L 52 of 2021	Dec. 9, 2021	Jim & Beth Lucan 7183 Courtright Line A1 to ND-A	Signed By-law
B/L 34 of 2022	May 26, 2022	Steve Durham Between 3114 & 3120 Broadway St. R1(10)(H) Zone & R1(11)(H)	Signed By-law
B/L 36 of 2022	June 9, 2022	Jean-Claude Theriault 6483 Weidman Line, Inwood I zone to site-specific C1 (3) zone	Signed By-law
B/L 40 of 2022	June 23, 2022	Kevin Tizzard 3370 Nauvoo Rd, Alvinston CM(h) to R1 – Special Residential Policy As per OPA #5	Signed By-law
B/L 9 of 2024	February, 2024	Chad Hayter 3277 Nauvoo Rd M1 to CM	Signed By-law
B/L 54 of 2024	Dec. 12, 2024	Kevin Tizzard Brooke CON 5 Pt Lt 18 And Plan 8 Lot 7 R1 to R3(4)	Signed By-law
B/L 27 of 2025	June 19, 2025	Calvin Schouten 3146 Nauvoo Rd R1-h to R1, R1 to R1-12, R3 to R3-5 and OS1	Signed By-law

B/L 33 of 2025	Sept. 11, 2025	Tim Campbell 6423 Petrolia Line A1 to ND-A	Signed By-law
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B/L 36 of 2025	October 9, 2026	Can Grow Crop Solutions Inc 3967-3971 Old Walnut Rd A1 to C3	Signed By-law
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**MUNICIPALITY OF BROOKE-ALVINSTON  
ZONING BY-LAW 9 OF 2013**

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

BE IT THEREFORE ENACTED by the Municipal Council of the Municipality of Brooke-Alvinston as follows:

**SECTION 1 - ADMINISTRATION, ENFORCEMENT & INTERPRETATION**

**1.1 TITLE**

This By-law shall be known as the Zoning By-law of the Municipality of Brooke-Alvinston.

**1.2 APPLICATION**

The provisions of this By-law shall apply to all lands within the boundaries of the Municipality.

**1.3 SCOPE**

No lands shall be used and no Buildings or Structures shall be erected, altered, enlarged or used within the Municipality except in conformity with the provisions of this By-law.

**1.4 REPEAL OF EXISTING BY-LAWS**

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

**1.5 VALIDITY / SEVERABILITY**

Should any section, clause or provision of this By-law be held by a court of competent jurisdiction to be invalid, the validity of the remainder of the By-law shall not be affected.

**1.6 EFFECTIVE DATE**

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

**1.7 COMPLIANCE WITH OTHER RESTRICTIONS**

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

**1.8 ENTRY AND INSPECTION OF PREMISES**

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

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

### **1.9 VIOLATIONS AND PENALTIES**

Pursuant to Section 67 of the Planning Act, R.S.O. 1990, Chap. P. 13 as amended, any Person who contravenes this By-law is guilty of an offence and on conviction is liable:

- a) on a first conviction to a fine of not more than \$25,000; and
- b) on a subsequent conviction to a fine of not more than \$10,000 for each day or part thereof upon which the contravention has continued after the day on which he was first convicted.

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

- a) on a first conviction a fine of not more than \$50,000; and
- b) on a subsequent conviction a fine of not more than \$25,000 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted.

### **1.10 RESTRAINING VIOLATIONS**

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

### **1.11 LICENSES AND PERMITS**

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

### **1.12 REQUESTS FOR AMENDMENTS AND FEES**

A fee as prescribed by the Corporation's By-law, which sets a tariff of fees, shall accompany every request for an amendment to this By-law.

## SECTION 2 – DEFINITIONS

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

### **GENERAL**

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

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

**"ABATTOIR"** means a Building, Structure, or Lot or part thereof used for the slaughter of Livestock or other animals for the purpose of processing or rendering.

**"ACCESSORY"** when used to describe a Use, Building or Structure means a Use, Building or Structure subordinate, incidental and secondary to the main Use, Building or Structure located on the same Lot therewith.

**"ADULT LIVE ENTERTAINMENT PARLOUR"** means any premises or part thereof in which is provided services appealing to or designed to appeal to erotic or sexual appetites or inclinations, as defined in the Municipal Act 1990, Chap. M. 45, as amended.

**"AGGREGATE STORAGE AREA"** means the Use of land for the storage of aggregates for sale or Use.

**"AGRICULTURE"** means the Use of land, for gain or profit, for the growing of crops, including nursery and horticultural crops; raising of livestock and other animals for food, or fur, including poultry and fish; aquaculture; agro-forestry; maple syrup production; apiary and associated on-farm Buildings and Structures.

**"AGRICULTURAL"** shall have a corresponding meaning. This definition shall include a Farm Produce Outlet.

**"AGRICULTURAL HOME INDUSTRY"** means an operation or business conducted for gain or profit as an Accessory Use and located within a Building or Structure, which is part of, or Accessory to, the main farming operation and shall include Value Added Industry.

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

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

**"AGRICULTURAL SERVICE ESTABLISHMENT"** means an Establishment other than a Motor Vehicle Use, that provides a non-Personal service or craft which supports the Agricultural industry, including but not necessarily restricted to, farm drainage and excavation, well drilling, contracting and trades related to Farm Buildings Structures and equipment, custom spray, tillage, planting and harvesting services.

**"AGRICULTURAL SUPPLY ESTABLISHMENT"** means the Use of land, Buildings or Structure for the sale and/or storage of seeds, fertilizers, farm equipment or other goods or materials used in Agriculture.

**"AISLE"** means the area used by Motor Vehicles for access to and from all off-street parking spaces, but does not include an access driveway.

**"ALTER"** when used in reference to a Building, Structure or part thereof, means to change any one or more of the internal, or external dimensions of such Building or Structure or to change the type of construction of the exterior walls or roof thereof. When used in reference to a Lot, the word "alter" means to change the area, frontage or depth thereof; to change the width, depth or area of any Required Yard, Landscaped Open Space or Parking Area; or to change the location of any boundary of such Lot with respect to a Street or Lane whether such alteration is made by conveyance of any portion of such Lot, or otherwise. "Altered" and "Alteration" shall have corresponding meanings.

**"ANIMAL HOSPITAL"** means a Building and land where animals are treated by a veterinarian and may include the following facilities: a reception area; an examination room/treatment area; a pharmacy; a laboratory; a Library; radiology equipment; supplies for the administering of anaesthesia; surgical preparation area; operating room; and provisions for the confinement and long term treatment of animals. An Animal Hospital may include facilities for the performance of autopsy.

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

**"ART GALLERY"** means a Building or part thereof where works of art such as paintings, sculpture, pottery, glass and weaving are displayed for public viewing and may include sales of art and/or art supplies.

**"ASPHALT BATCHING PLANT"** means an Industrial establishment used for the production of asphalt, or asphalt products used in Building or construction and includes facilities for the administration and management of the business, the stockpiling of bulk materials used in the production process or a finished product manufactured on the premises and the storage and maintenance of required equipment, but does not include the Retail sale of finished asphalt. **"PORTABLE ASPHALT PLANT"** means a temporary asphalt batching plant established for a public road project.

**"ASSEMBLY HALL"** means a Building or part of a Building used for the assembly of Persons for religious, civic, charitable, philanthropic, cultural, private recreational or private educational purposes.

**"ATTACHED"** means a Building otherwise complete in itself which depends for structural support, or complete enclosure, upon a division wall or walls shared in common with an adjacent Building or Buildings. Buildings connected by a Breezeway or similar Structure shall be deemed to be attached.

**"ATTIC"** means that portion of a Building situated wholly or partly within the roof of such Building and which is not a One-Half Storey.

**"AUCTION HALL"** means a Building or Structure where a public sale is conducted by an auctioneer through a series of competing bids and may include the storage of such articles to be sold at auction.

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

**"BAKERY"** means a Building for producing, mixing, compounding or baking bread, biscuits, cakes or other baked products.

**"BAKE SHOP"** means a Retail store where bakery goods are offered for sale, some or all of which may be prepared on the premises.

**"BALCONY"** means a platform projecting from a Building enclosed by a railing or other barrier.

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

**"BASEMENT"** means that portion of a Building between two floor levels which is partly below Finished Grade level but which has at least one-half of its height (measured from finished floor to finished ceiling) above adjacent Finished Grade level.

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

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

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

**"BREEZEWAY"** means a roofed, open or enclosed passage connecting two or more Buildings.

**"BREWING ON PREMISES ESTABLISHMENT"** means a commercial establishment where individuals produce beer, wine and/or cider, for Personal consumption off the premises; and where beer, wine and/or cider ingredients and materials are purchased. Equipment and storage area is used for a fee by the same individuals.

**"BUILDING"** means a Structure whether temporary or permanent, used or intended for sheltering any Use or occupancy but shall not include a boundary wall, fence, Travel Trailer, camping trailer, truck camper, Motor Home, or tent. This definition may include a roof supported by columns or walls.

**"BUILDING ENVELOPE"** means the portion of a lot remaining after required front, rear and side yards have been provided.

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

**"BUILDING, MAIN"** means the Building or Buildings designed and/or intended to accommodate the principal Use Permitted by this By-law.

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

**"BUILDING SUPPLY ESTABLISHMENT"** means a Building or Structure in which Building or construction and home improvement materials are offered or kept for Retail sale and may include the fabrication of certain materials related to home improvement.

**"BULK FUEL DEPOT"** means the Use of land, Buildings or Structures for the purpose of storing fuels for distribution.

**"BULK SALES ESTABLISHMENT"** means the Use of land, Buildings or Structures for the purpose of buying and selling lumber, wood, Building materials, feed, fertilizer, and allied commodities, but does not include manufacturing or processing.

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

**"CAMPGROUND"** means land used for the parking of Travel Trailers, tent-trailers, tents or similar transportable accommodation, but not including a Mobile Home as defined in this By-law.

**"CANOPY"** means a roof free of enclosing walls.

**"CARPORT"** means an Accessory covered Structure attached to the wall of the main Building and used for the storage of passenger Motor Vehicles wherein neither servicing for profit is conducted nor storage of commercial vehicles in excess of 2,270 kilograms gross weight occurs. The roof of said Structure shall be supported only by piers or columns so that a portion of its wall area is unenclosed.

**"CELLAR"** means that portion of a Building between two floor levels which has more than fifty percent of its height from finished floor to finished ceiling below adjacent Finished Grade level.

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

**"CHURCH"** means a Building used by a religious organization for public worship, and may include a rectory or manse, church hall, Day Nursery or religious school associated with or Accessory thereto.

**"CLINIC"** means a Building or part thereof, used exclusively by physicians, dentists, drugless practitioners, their staff and their patients for the purpose of consultation, diagnosis and office treatment. Without limiting the generality of the foregoing, a clinic may include administrative offices, waiting rooms, treatment rooms, laboratories, pharmacies and dispensaries directly associated with the Clinic, but shall not include accommodation for in-patient care or operating rooms.

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

**"COMMERCIAL GARAGE"** means an establishment or premises where Commercial Motor Vehicles are stored or where Vehicles are repaired or maintained.

**"COMMERCIAL GREENHOUSE"** means a Building or Structure used for the growing of flowers, plants, shrubs, trees and similar vegetation which are not necessarily transplanted outdoors on the same Lot containing such Building or Structure, but are sold directly from such Lot at Wholesale or Retail.

**"COMMERCIAL RECREATION ESTABLISHMENT"** means a Building, or part thereof, used for the purpose of an arena, auditorium, assembly hall, billiard or pool room, bingo hall, gym or fitness centre, ice or roller rink, indoor swimming pool, and all places of amusement, but not including an amusement games establishment, cinema or other theatre, drive-in theatre or amusement park.

**"COMMERCIAL STORAGE"** means the storage, for hire or gain, of goods, merchandise, materials or equipment in an enclosed Building other than a Temporary Building but shall not include a Warehouse.

**"COMMERCIAL USE"** means the Use of land, Buildings or Structures for the purpose of buying, renting or selling commodities and supplying services, but does not include an Industrial Use.

**"COMMUNITY CENTRE"** means land, Buildings or Structures used for community activities, including Recreational and Institutional Uses.

**"CONSERVATION"** means the Use of land and/or water for the purpose of planned management of natural resources, including woodlot management, and for the preservation and enhancement of the natural environment.

**"CONVENIENCE STORE"** means a Retail Store supplying groceries and other daily household necessities to an immediate surrounding residential area, and may include the rental of videos, the heating of pre-packaged food, an automated banking machine and/or depots for such items as film, laundry or dry cleaning.

**"CONVERTED DWELLING"** see **"DWELLING"**.

**"CORPORATION"** means the Corporation of the Township of Brooke-and the Corporation of the Village of Alvinston.

**"COUNCIL"** means the Councils of the Corporation of the Township of Brooke and the Corporation of the Village of Alvinston.

**"COUNTY"** means the Corporation of the County of Lambton.

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

**"CRUSHING PLANT"** means an industrial establishment where aggregate is processed through a crushing and sorting operation into various grades of gravel.

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

**"DATA PROCESSING ESTABLISHMENT"** means a building, or part thereof, used for input, processing and printing of computerized data.

**"DAY NURSERY"** as defined in the Day Nurseries Act, R.S.O. 1990, Chap. D.2, as amended, means a premises that receives more than five (5) children who are not of common parentage, primarily for the purpose of providing temporary care and/or guidance, for a continuous period not exceeding twenty-four hours, where the children are under eighteen years of age in the case of a Day Nursery for children with a developmental handicap and under ten years of age in all other cases.

**"DECK (UNENCLOSED)"** means a Structure without a roof or walls, having footings situated a minimum of 0.2 metres above grade, and may be attached to or abutting one or more walls of a Building or constructed separate from a Building. Deck (Unenclosed) is subject to the provisions of **Section 3.15** of this By-law.

**"DERELICT MOTOR VEHICLE"** means a Motor Vehicle that is unlicensed and/or inoperative and is not in an enclosed Building.

**"DETACHED"** means totally separate and in no way connected.

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

**"DRY CLEANING ESTABLISHMENT"** means a Building, or part thereof, where dry cleaning, dye drying, cleaning, or pressing of articles or goods of fabric is performed, and in which only non-combustible and non-flammable solvents are used, emitting no odours, fumes, noise, or vibration which would cause a nuisance or inconvenience within or outside the premises.

**"DUPLEX DWELLING" see "DWELLING".**

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

**"DWELLING"** means a Building or part thereof used or intended, adapted or designed to be used, occupied or capable of being occupied, as a home, residence or sleeping place for one or more Persons having a right to the exclusive Use thereof, but shall not include any Travel Trailer, Hotel, Motel, Private Garage, a Home for the Aged, Nursing Home, Hospital, or living quarters for a caretaker, watchman or other Persons or Persons using living quarters which are Accessory to a non-residential Use.

- a) **"BOARDING HOUSE"** means any Building or part thereof in which the proprietor resides and supplies for hire or gain to not more than six Persons exclusive of the lessee or owner thereof or members of his family, lodging and/or meals, but shall not include a Hotel, Motel, Bed and Breakfast Establishment, Hospital, or Nursing Home.
- b) **"CLUSTER HOUSING"** means a group or groups of Dwelling Units which may be in various forms, and so located on a lot that each Dwelling Unit may not have frontage on a public Street or road and more than one Dwelling Unit may exist on one Lot. Cluster Housing development shall have frontage on a public Street.
- c) **"CONVERTED DWELLING"** means a lawfully established Single Detached Dwelling which is altered or converted so as to provide two additional Dwelling Units.
- d) **"DUPLEX DWELLING"** means a Dwelling divided horizontally into two (2) separate Dwelling Units, each of which has an independent entrance.
- e) **"FARM DWELLING"** means a Single Detached Dwelling which is Accessory to an Agricultural Use. (B/L 15/2005)
- f) **"GROUP HOME-TYPE 1"** means a residential Dwelling in which three to ten unrelated residents live under responsible supervision consistent with the requirements of its residents. "Residents" excludes staff or receiving family. This does not include a Group Home Type.

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

- g) **"MODULAR HOME"** means a prefabricated Single Detached Dwelling designed to be transported once only to a final location and constructed so as the shortest side of such Dwelling is not less than 6.0 metres in width.
- h) **"MOBILE HOME, DOUBLE WIDE"** means a C.S.A. approved, factory built Dwelling occupied or designed for occupancy on a permanent basis, towed or designed to be towed in two or more separate sections with each section on its own chassis and joined together to form one Dwelling Unit and placed on a permanent foundation with or without a Basement or Cellar and connected or designed to be connected to Public Utilities, but shall not include a Double Wide Mobile Home or a Travel Trailer.
- i) **"MOBILE HOME, SINGLE WIDE"** means a C.S.A. approved, factory built Dwelling occupied or designed for occupancy on a permanent basis having a Floor Area not less than sixty-five (65) square metres, designed to be towed on its own chassis, notwithstanding that its running gear is or may be removed, placed or designed to be placed on permanent foundations, and connected or designed to be connected to Public Utilities, but shall not include a Double Wide Mobile Home or a Travel Trailer.
- j) **"MULTIPLE DWELLING"** means a Building on a Lot used or designed as a residence and containing four (4) or more Dwelling Units all of which have access from a common corridor or hallway and/or an independent entrance from the outside. All of the Units in a "Multiple Dwelling" must be "Dwelling Units", as defined in this By-law. It shall not, however, include any other Dwelling otherwise defined herein or specifically named elsewhere in this By-law.
- k) **"NON-FARM RESIDENTIAL"** shall mean a Single Detached Dwelling not Accessory to an Agricultural operation.
- l) **"PARK MODEL HOME"** means a manufactured Building used or intended to be used as a seasonal recreational Building of residential occupancy designed and constructed in conformance with CAN/CSA-Z241 Series-M, "Park Model Trailers".
- m) **"SINGLE DETACHED DWELLING"** means a detached Dwelling on a Lot containing only one (1) Dwelling Unit or containing one Dwelling Unit plus a second Dwelling Unit established under **Section 3.8** of this By-law.
- n) **"SEMI-DETACHED DWELLING"** means one (1) of a pair of single Dwellings, divided vertically in whole or in part above Grade, below Grade, or both above and below Grade. This definition includes a link home.
- o) **"STREET TOWNHOUSE"** means a Townhouse with each Unit on a separate lot.
- p) **"TOWNHOUSE"** means the whole of a Dwelling divided vertically into three (3) or more separate Dwelling Units, each such Dwelling Unit having an independent entrance directly from outside the Building.
- q) **"SEASONAL HOUSING"** means a Dwelling used or intended, adapted or designed to be used as a home, residence or sleeping place during any portion of the year except winter months by seasonal or migrant workers and/or families. Seasonal housing is accessory to a labor-intensive agricultural use on the same lot.
- r) **"SECOND DWELLING UNIT"** shall mean a second dwelling unit pursuant to Subsection 35.1 (1) of the Planning Act that is ancillary to the principle dwelling or within a building that is accessory and ancillary to the principle dwelling on the same lot.
- s) **"TRIPLEX DWELLING"** means the whole of a Dwelling divided horizontally into three (3) separate Dwelling Units, each such Dwelling Unit having an independent entrance from the outside or from a common hallway or stairway inside the Building.

**"DWELLING UNIT"** means a suite of two (2) or more Habitable Rooms, in which sanitary conveniences are provided and in which facilities are provided for cooking or for the installation of cooking equipment, and with an independent entrance, either directly from outside the Building or from a common corridor inside the Building. This definition shall not include a Motor Home, a Private Garage or a Travel Trailer.

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

**"EASEMENT"** means a right or privilege that one has over the lands of another, registered on title to the said lands under the Registry Act, R.S.O. 1990, Chap. R.20, as amended, and may pertain to access rights above, below or on the said lands.

**"ERECT"** means to build, construct, reconstruct or relocate and, without limiting the generality of the word, also includes:

- a) any preliminary operation such as excavation, infilling or draining;
- b) altering any Existing Building or Structure by an addition, enlargement, extension or other structural change; and
- c) any work which requires a Building permit.

**"ESTABLISHED BUILDING LINE"** means the minimum Setback required for a Building on a lot that is between two adjacent lots within the same Zone, on which are located Existing Buildings not more than 100 metres apart, and shall be calculated using the average of the established Setbacks on the said adjacent lots, provided that no Setback requirement calculated in accordance with this definition shall exceed the applicable Setbacks required of the appropriate Zone provisions.

**"EXISTING"** means Existing on the date of passing of this By-law.

**"EXTRACTIVE USE"** means the Use of land licensed under the Aggregate Resources Act, R.S.O. 1990, Chap. A.8, as amended, for the removal of gravel, stone, sand, or other similar substance for construction, industrial or manufacturing purposes, and includes Accessory Uses, Buildings or Structures. Permitted Accessory Uses include the blending of recovered materials which are brought to the Extractive Use.

**"FARM DWELLING"** see **"DWELLING"**.

**"FARM PRODUCE OUTLET"** means a Use, Accessory to a Permitted Farm, which consists of the Retail sale of Agricultural products produced on the Farm where such outlet is located.

**"FARMERS MARKET"** means a Building, part of a Building, or an open area where Agricultural produce is offered or temporarily stored for Retail sale on the site by more than one vendor.

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

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

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

**"FLOOR AREA, GROSS"** in the case of a Dwelling, means the sum total area of the floors excluding internal Parking Areas in the Building or Buildings on a site measured from the exterior walls or from the centre line of common walls separating the Buildings provided that where the Floor Area is within a roofed Structure without

exterior walls the Gross Floor Area shall be the area covered by the roof, or in the case of a Building other than a Dwelling, means the aggregate of the area of all floors devoted to Retail sales, customer service and/or office Use measured from the outside face of exterior walls but shall not include mezzanine areas, mechanical rooms, common halls, stairwells, garbage and electrical rooms and parking Structures.

**"FLOOR AREA, GROUND"** means the area of a Building or Structure measured from the outside of its exterior walls at Grade and exclusive of any attached Accessory Building, terrace, unenclosed sun room, Deck, Porch or verandah.

**"FORESTRY"** means the Use of land for the care, cultivation and maintenance of trees for profit or gain.

**"FUNERAL HOME"** means a Building or Structure designed for the purpose of furnishing funeral supplies and services to the public and includes facilities intended for the preparation of the dead human body for interment or cremation and may include a chapel for funeral purposes.

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

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

**"GARDEN CENTRE"** means the Use of land, Buildings or Structures for the purpose of buying, selling and raising plants, shrubs and trees and includes the storage and sale of products generally used for landscaping and gardening purposes.

**"GAS BAR"** means one or more fuel pumps for the sale of motor fuels, and related products for Motor Vehicles, together with the necessary pump islands, propane transfer facility, light standards, kiosk, concrete aprons, canopy, storage tanks and related facilities required for the dispensing of fuel.

**"GAS COMPRESSOR STATION"** means the Use of land, Buildings or Structures for the storage, regulation of flow and distribution of natural gas.

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

**"GIFT SHOP"** means a retail store specializing in the sale of ornaments, cards, magazines and confectionaries.

**"GOLF COURSE"** means a public or private area designed and operated primarily for the purpose of playing golf.

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

**"GOLF DRIVING TEE OR RANGE"** means a Use which provides facilities designed and operated primarily for the practising of golf shots but does not include Miniature Golf Courses or Golf Courses as defined herein.

**"GRAIN ELEVATOR"** means a Building or Structure used for the storage of grain.

**"GROUP HOME-TYPE 1"** see **"DWELLING"**.

**"GROUP HOME-TYPE 2"** see **"DWELLING"**.

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

**"HABITABLE ROOM"** means a room within a Dwelling Unit designed to provide living, dining, sleeping, bathroom or kitchen accommodation for Persons. This definition shall not include any Private Garage, Carport, Cellar, unheated Porch or verandah, unfinished Attic, unfinished Basement, or any space used for the service and maintenance of a Dwelling or for vertical travel between storeys.

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

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

**"HOME FOR THE AGED"** means a Home for the Aged established or maintained under the Homes for the Aged and Rest Homes Act, as amended, or a Rest Home established and maintained under the same Act.

**"HOME OCCUPATION"** means any occupation conducted for gain or profit as an Accessory Use within a Permitted Dwelling or a Permitted Dwelling Unit. This definition does not include an Agricultural Home Industry.

**"HOSPITAL"** means any institution, Building or other premises or place established for the treatment of Persons afflicted with or suffering from sickness, disease or injury or for the treatment of convalescent or chronically ill Persons which is approved under The Public Hospitals Act, as amended, as a public hospital. This definition shall also include a **"PRIVATE HOSPITAL"**, as defined in the Private Hospitals Act, as amended, which means a Dwelling in which four (4) or more patients are or may be admitted for treatment.

**"HOTEL"** means a Building in which a minimum of four (4) Guest Rooms are provided for transient lodgers, and may include dining and other public rooms, provided that each Guest Room may be entered from inside or outside of the Building.

**"HOUSEKEEPING UNIT"** means a group of people under one tenancy agreement with a single payment, as opposed to a boarding, lodging, or rooming house, and no occupant has exclusive possession of any part of the unit, there are no individual leases and everyone has equal access to all areas and share areas as a in a traditional family.

**"INDUSTRIAL USE"** means the Use of land, Structures or Buildings for each or any of the following operations:

- a) the carrying on of any process of manufacture whether or not a finished article results therefrom;
- b) the dismantling and separating into parts of any article, machinery or vehicle, but not including an auto wrecking establishment;
- c) the breaking up of any articles, goods or machinery;
- d) the treatment of waste materials of all descriptions;
- e) the recovery and processing of sand, gravel, clay, turf, soil, rock, stone or similar substances;
- f) the repairing and servicing of vehicles, machinery and Buildings; and may include:
  - i) the storage of goods used in connection with or resulting from any of the above operations;
  - ii) the provisions of amenities for Persons engaged in such operations;
  - iii) the sale of goods resulting from such operations; and

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

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

**"INDUSTRIAL USE, DRY"** means any Use Permitted by the applicable Zone where water is only required for employee washrooms and eating facilities, cooling or pressure testing of equipment, the washing of Accessory vehicles and similar ancillary Uses and not for processing.

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

**"INDUSTRIAL USE, LIGHT"** means any Industrial Use in which the Building or the Structure thereby occupied or employed, the processes carried on, the material used or stored, the machinery employed and the transportation of materials, goods and commodities to and from the premises will not cause injury to or prejudicially affect the amenity of the locality by reason of the appearance of such Building, Structure or materials or by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste paper, waste products, grit, oil or otherwise.

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

**"INSTITUTIONAL USE"** means the Use of any land and/or Building or part thereof by a government, educational, charitable or non-profit organization in the carrying out of its function and without limiting the generality of the foregoing, shall include municipal offices, Libraries, fire halls, Churches, Hospitals, Schools, Community Centres, Private Clubs and Assembly Halls.

**"KENNEL"** means any premises on which four or more domesticated animals over four months of age are kept, bred, trained, or boarded and may be kept for sale.

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

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

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

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

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

**"LIBRARY"** means a Library, branch Library or distribution station to which the provisions of The Public Libraries Act, as amended, apply.

**"LIVESTOCK"** means farm animals kept for Use, for propagation, or intended for profit or gain, and without limiting the generality of the foregoing includes dairy and beef cattle, swine, poultry, horses, goats, sheep, ratites, fur-bearing animals, deer and elk, game animals, birds and other animals identified in Appendix "A", Table 1. (B/L 18/2007)

**"LIVESTOCK FACILITY"** means one or more Buildings or Structures designed, used or intended for housing, feeding or keeping Livestock including feedlots, anaerobic digesters, manure transfer facilities and Manure Storages. Portions not storing manure or not occupied by Livestock long enough for substantial amounts of manure to accumulate are not subject to MDS I or MDS II measurements.

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

**"LOADING SPACE"** means an off-street space on the same Lot as the Building, or contiguous to a group of Buildings, for the temporary parking of a commercial Motor Vehicle while loading or unloading merchandise or materials, and which abuts a Street, Lane, or other appropriate means of access. The provision of Loading Spaces shall be in accordance with **Section 3.28**.

**"LOT"** means land within a registered plan of subdivision (but not including plans deemed not to be registered pursuant to Section 50(4) of The Planning Act, R.S.O. 1990, Chap. P. 13, as amended) or any land that may be legally conveyed under the exemption provided in clause (b) or (f) of subsection 3 or clause (a) or (f) of subsection 5 of Section 50 of The Planning Act, R.S.O. 1990, Chap. P. 13 as amended, the boundaries of which are recorded in the Registry Office for the Registry Division of the County of Lambton.

- a) **"CORNER LOT"** means a Lot, situated at the intersection of and abutting upon two or more Streets, provided that the angle of intersection of such Streets is not more than one hundred and thirty-five (135) degrees.
- b) **"INTERIOR LOT"** means any Lot which has a Street Access, other than a Corner Lot.
- c) **"THROUGH LOT"** means an Interior Lot having Street Access on two or more Street Lines, other than a Corner Lot.

**"LOT AREA"** means the total horizontal area within the Lot Lines of a Lot.

**"LOT COVERAGE"** means that percentage of the Lot Area covered by the perpendicular projections onto a horizontal plane of the area of all Buildings and Structures on the Lot. Lot Coverage shall not include Balconies, Canopies and overhanging eaves provided none of the foregoing are less than 2.4 metres above Finished Grade. Lot Coverage shall not include Private Decks and Private Swimming Pools.

**"LOT DEPTH"** means the horizontal distance between the Front and Rear Lot Lines. If the Front and Rear Lot Lines are not parallel, "Lot Depth" means the length of a straight line joining the middle of the Front Lot Line with the middle of the Rear Lot Line. If there is no Rear Lot line, Lot Depth means the length of a straight line joining the middle of the Front Lot Line with the apex of the triangle formed by the Side Lot Lines.

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

**"LOT LINE"** means any boundary of a Lot or the vertical projection thereof. There shall be deemed to be 2 lot lines in cases where a lot line changes by a direction which is less than 135°. There shall be deemed to be one continuous lot line in cases where the change in direction is greater than 135°.

- a) **"FRONT LOT LINE"** means in the case of an Interior Lot, the line dividing the Lot from the Street. In the case of a Corner Lot, the shorter Lot Line abutting a Street shall be deemed the Front Lot Line and the longer Lot Line abutting a Street shall be deemed the Exterior Side Lot Line. In the case of a Through Lot or a Corner Lot whose exterior Lot Lines are the same length, the Lot Line where the principle access to the Lot is provided shall be deemed to be the Front Lot Line. In the case of a corner

lot with an existing established residential dwelling the lot line with the principle access will be deemed the Front Lot line.

- b) **"REAR LOT LINE"** means in the case of a Lot having four or more Lot Lines, the Lot Line farthest from and opposite to the Front Lot Line. If a Lot has less than four Lot Lines, there shall be deemed to be no Rear Lot Line.
- c) **"SIDE LOT LINE"** means a Lot Line other than a Front or Rear Lot Line, and shall include Interior Side Lot Line and Exterior Side Lot Line.
- d) **"EXTERIOR SIDE LOT LINE"** - on a Corner Lot, means the longer Lot Line abutting a Street.
- e) **"INTERIOR SIDE LOT LINE"** - means a Side Lot Line other than an Exterior Side Lot Line.

**"LUMBER YARD"** means the Use of land, Buildings or Structures for the purpose of buying, selling and storing of wood and wood products and lumber but does not include any manufacturing or processing Uses.

**"MANURE STORAGEES"**, as listed in Appendix "A", Table 5, means land, Buildings or Structures designed, used or intended to be used as permanent storages for manure or "digestate" produced from an anaerobic digester. It does not include manure transfer facilities, anaerobic digesters or temporary field storages.

**"MARINE SALES AND SERVICE ESTABLISHMENT"** means a Building and/or land used for the display and sale of new and/or second-hand boats and watercraft, and may include the servicing, repair, and cleaning, of such, and the sale of accessories and related products.

**"MAXIMUM ENCROACHMENT"** means the greatest distance a Structure may be built into a required front, rear or side yard.

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

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

**"MOBILE HOME, DOUBLE WIDE"** see **"DWELLING"**

**"MOBILE HOME, SINGLE WIDE"** see **"DWELLING"**

**"MOBILE HOME LOT"** means a parcel of land within a Mobile Home Park occupied by or intended for occupancy by one Double-Wide Mobile Home or one Single-Wide Mobile Home together with all Yards and Open Space required by this By-law.

**"MOBILE HOME PARK"** means a parcel of land containing two or more Mobile Home Lots and which is under single management and ownership.

**"MOBILE HOME SALES ESTABLISHMENT"** means land, Building or Structure used for the sale and display of new Mobile Homes, modular homes, and tourist trailers and may include the servicing and repair of such Structures and vehicles, but shall not include any other Uses defined in this By-law.

**"MODULAR HOME"** see **"DWELLING"**.

**"MOTEL"** means a Building, part of a Building or group of Buildings wherein accommodation without private cooking or housekeeping facilities is provided for transient lodgers, but which may include Dining Rooms and other public rooms and provided each Guest Room or sleeping room may be entered from the exterior of the Building. Sanitary facilities shall be included for each Guest Room or suite.

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

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

**"MOTOR VEHICLE, COMMERCIAL"** as defined in The Highway Traffic Act R.S.O. 1990, Chap. H.8, as amended, means a Motor Vehicle having permanently attached thereto a truck or delivery body and includes ambulances, hearses, fire apparatus, buses and tractors designed for hauling purposes on the highway.

**"MOTOR VEHICLE REPAIR ESTABLISHMENT"** means a Building and/or land used for the servicing, repair, cleaning, polishing, lubricating and greasing of Motor Vehicles and may include vehicular body repair and re-painting, but shall not include any other auto Use defined in this By-law.

**"MOTOR VEHICLE SALES ESTABLISHMENT"** means a Building and/or land used for the display and sale of new and/or second-hand Motor Vehicles and may include the servicing, repair, cleaning, polishing and greasing of Motor Vehicles, the sale of auto accessories and related products and the leasing or renting of Motor Vehicles, but shall not include any other auto Use defined in this By-law.

**"MOTOR VEHICLE SERVICE ESTABLISHMENT"** means a Building and/or land used for the sale of fuels for Motor Vehicles and may include the servicing, repair, cleaning, polishing and greasing of Motor Vehicles and the sale of auto accessories and related products, but shall not include any other auto Use defined in this By-law.

**"MOTOR VEHICLE WASHING ESTABLISHMENT"** means a Building and land used for the washing or cleaning of Motor Vehicles including self service and may include the sale of fuels to Motor Vehicles, but shall not include any other auto Use defined in this By-law.

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

**"MULTIPLE DWELLING"** see **"DWELLING"**.

**"MUNICIPAL DRAIN, CLOSED"** means "drainage works" as defined by The Drainage Act, R.S.O. 1990, Chap. D.17, as amended, located entirely within the ground and designed, used, or intended for Use for the conveyance of precipitation. Municipal Drain Closed shall also mean Storm Sewer.

**"MUNICIPAL DRAIN, OPEN"** means "drainage works" as defined by The Drainage Act, R.S.O. 1990, Chap. D.17, as amended which includes a drain constructed by any means including the improving of a natural watercourse, and includes the works necessary to regulate the water table within or on any lands or to regulate the level of the waters of any drain, reservoir, lake or pond, and includes a dam, embankment, wall, protective works or any combination thereof.

**"MUNICIPALITY"** means the Corporation of the Township of Brooke and the Corporation of the Village of Alvinston.

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

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

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

**"NURSERY"** means the Use of land, Buildings or Structures or part thereof where trees, shrubs, sod or plants are grown or stored for the purpose of transplanting, for Use as stocks for building or grafting or for the purpose of Retail or Wholesale, together with the sale of soil, planting materials, fertilizers and similar materials and may include the storage of necessary machinery and vehicles used in connection with such business. Landscaping and gardening supplies may also be kept or be offered for sale or rent.

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

**"NUTRIENT UNIT"** means a measure based on nutrient quantities for comparing sizes of Livestock Facilities of differing Livestock types as listed in Appendix "A", Table 1.

**"OCCUPANCY"** means to reside in as owner or tenant on a permanent or temporary basis.

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

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

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

**"OPEN STORAGE"** means the storage or display of goods, merchandise, or equipment outside of a Building or Structure on a Lot or portion thereof.

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

**"PARK"** means an area, consisting largely of Open Space, which may include a Recreational area, playground, play field or similar Use, but shall not include a Mobile Home Park or Camping Ground.

a) **"PUBLIC PARK"** means a Park owned or controlled by the Corporation or by any Ministry, Board, Commission or Authority established under any statute of Ontario or Canada.

b) **"PRIVATE PARK"** means a Park other than a Public Park.

**"PARK MODEL HOME"** see **"DWELLING"**.

**"PARKING AREA"** means an area or Structure provided for the parking of Motor Vehicles and includes any related Aisles, Parking spaces or driveways, accessible to or from a Street or Lane but shall not include any part of a Street. This definition may include a Private Garage.

**"PARKING LOT"** means any Parking Area other than a Parking Area Accessory to a Permitted Use on the same Lot that functions independently as a separate operation such as a Commercial or Municipal lot.

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

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

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

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

**"PERSONAL SERVICE ESTABLISHMENT"** means a Building, or a part thereof, in which Persons are employed in furnishing services and otherwise administering to the individual and Personal needs of Persons, and including premises such as a barber, hairdresser, beautician, tailor, dressmaker, Laundromat, dry cleaning and laundry depot, suntanning shop and a formal rentals shop but shall not include a body massage parlour. The sale of merchandise shall be permitted only as an Accessory Use to the Personal service provided.

**"PETROLEUM WELL"** as defined by the Oil, Gas and Salt Resources Act, R.S.O. 1990, Chap. P.12, as amended, means a hole drilled into a geological formation of Cambrian or more recent age, except a hole where no oil or gas is encountered that is drilled for the production of fresh water.

**"PETROLEUM WORK"** as defined by the Oil, Gas and Salt Resources Act, R.S.O. 1990, Chap. P.12, as amended, means a pipe line or a Well and every part thereof and adjunct thereto that is used in the drilling for or the production or storage of oil or gas.

**"PLACE OF ENTERTAINMENT"** means a motion picture or other Theatre, auditorium, billiard or pool room, bowling alley, ice or roller skating rink, or dance hall, but does not include any other place of entertainment or recreation otherwise defined or classified in this By-law.

**"PLANTING STRIP"** means an area which shall be used and maintained for no purpose other than planting a continuous unpierced hedgerow of evergreens or shrubs. The hedgerow must not be less than 1.5 metres high and may be adjacent to the Lot Line or portion thereof for which such Planting Strip is required. The remainder of the Planting Strip shall be used for no purpose other than planting shrubs, flowers, grass or similar vegetation.

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

**"PORCH"** means a covered entrance to a Building.

**"POULTRY PROCESSING PLANT"** means the Use of a Building or Structure for the slaughtering, processing, manufacture, or packaging of poultry or poultry products and may include as an Accessory Use the Wholesale or Retail sales of poultry or poultry products.

**"PRINTING ESTABLISHMENT"** means an establishment used for the blueprinting, engraving, stereotyping, electro-typing, printing or typesetting, and shall include a duplicating shop and a letter-shop.

**"PRIVATE CLUB"** means a Building or part of a Building used as a meeting place for members of a chartered organization and shall include a lodge, a fraternity or sorority house, and a labour union hall.

**"PRIVATE GARAGE"** means an Accessory Building or Structure, attached to or detached from a Dwelling, which is fully enclosed and used for the sheltering of Permitted Vehicles and storage of household equipment incidental to the residential occupancy and in which there are no facilities for the repairing or servicing of vehicles for gain or profit. This definition may include a Carport or other open shelter.

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

**"PROPANE TRANSFER FACILITY"** means a facility at a fixed location having not more than one storage container and such container shall not have an aggregate propane storage capacity in excess of 50,000 litres.

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

**"PUBLIC USE, NON-RECREATIONAL"** means a Building, Structure or Lot used for public services by the Corporation or the County, any local board of either the Corporation or the County, a Conservation Authority established by the Government of Ontario, any Ministry or Commission of the Government of Ontario or Canada.

**"PUBLIC UTILITY"** as defined in the Public Utilities Corporations Act, R.S.O. 1990, Chap. P.53, as amended, means any water works, gas works, electric heat, light or power works, telegraph or telephone lines and works for the transmission of gas, oil, water or electrical power or energy or any similar works supplying the general public with necessities or conveniences.

**"QUARRY"** means the Use of land licensed under the Aggregate Resources Act, R.S.O. 1990, Chap. P.12 as amended, 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.

**"RECREATION, ACTIVE"** means the Use of land, water and/or Building for the purpose of organized active leisure activities and shall include an arena, a sports field, and a Golf Course.

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

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

**"RECYCLING DEPOT"** shall mean the use of lands, structures or Buildings for the accumulation and distribution of reusable materials including paper, cardboard, aluminum, steel, plastic and glass. Storage of such materials after packaging shall be short term until the materials are shipped out. Open storage areas used in conjunction with a "Recycling Depot" may be used to store limited quantities of old appliances, rubber tires and constructed materials. On-site processing of such articles or materials shall be prohibited.

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

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

**"REPLACEMENT"** when used in reference to a Building or Structure or part thereof, means the removal and rebuilding, repairing or restoring of more than 25% of the total Building or Structure.

**"RESEARCH AND DEVELOPMENT ESTABLISHMENT"** means a Building or part thereof used by raw material development and testing firms; processed products development and testing firms; and chemical and biological products development and testing firms.

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

**"RESTAURANT"** means a Building or part of a Building where food is prepared and offered or kept for Retail sale to the public for consumption either on or off the premises and includes such Uses as a cafe, cafeteria, ice cream parlour, tea or lunch room, dairy bar, donut shop, coffee shop, snack bar or refreshment room or stand. This definition shall not include a Drive-In Restaurant.

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

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

**"REST HOME"** means a Building or portion of a Building other than a Public or Private Hospital operated under the provisions of the Rest Homes Act for accommodation and amenities for senior citizens in return for compensation.

**"RETAIL STORE"** means a Building or part of a Building in which goods, wares, merchandise, substances, articles or things are offered or kept for Retail sale to the public.

**"RETAIL WAREHOUSE"** means a Building or part of a Building used for the storage and display of goods, merchandise, or materials and may include the carrying out of commercial transactions involving the sale of such goods, merchandise or materials by Retail sale to the general public.

**"RIDING SCHOOL"** means the Commercial Use of land and Buildings for the instruction of Persons in the manner of riding horses and may include the boarding or stabling of horses.

**"RIGHT-OF-WAY"** means:

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

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

**"SALVAGE YARD"** means a lot, Building or Structure used for wrecking, dismantling, storing or selling second hand goods, wares or materials including, but not so as to limit the generality of the foregoing, rags, bones, bottles, metals, clothing, furniture, paper, machinery, building materials and vehicles and parts thereof.

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

**"SINGLE DETACHED DWELLING"** see **"DWELLING"**.

**"SAWMILL"** means the Use of land, Buildings or Structures for the purpose of processing logs or other unfinished wood into lumber, shingles, pallets, sawdust, firewood or related products.

**"SCHOOL"** means a school under the jurisdiction of a Board of Education, under the Education Act, a School operated on a non-profit basis and under charter granted by the Province of Ontario, or a private School.

**"SERVICE AND REPAIR SHOP"** means an establishment wherein articles of goods such as appliances, furniture or similar items may be repaired or serviced. This definition shall not include any manufacturing operation or establishment used for the service or repair of Motor Vehicles.

**"SERVICE TRADE"** means an establishment, other than an automotive Use, that provides a non-Personal service or craft to the public, including, but not necessarily restricted to, a printer's shop, a tinsmith's shop, a plumber's shop, a painter's shop, a merchandise service shop, a furrier's shop, an upholsterer's shop, a bakery, a catering establishment, a machine shop, or a monument engraving shop.

**"SETBACK"** means the minimum horizontal distance between a Lot Line and the nearest part of the foundation of any Building or Structure on the Lot or the nearest Open Storage Use on the Lot.

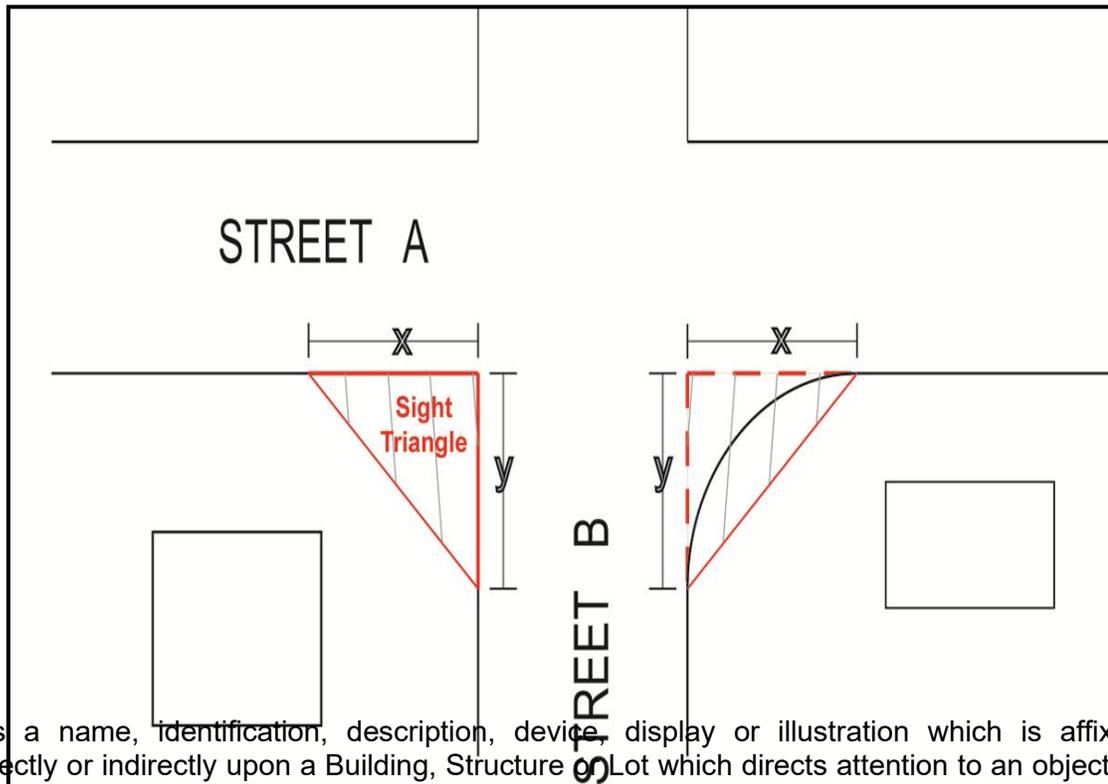
**"SHIPPING CONTAINER"** means a pre-fabricated metal container of structure designed for storage of goods and materials while under transport by ship, rail, or truck. A shipping container that has been modified (ie. roof pitch, siding, windows, etc.) and/or incorporated into a Building or Structure (such as a dwelling or accessory building) and used as a structural element will not be considered a shipping container. This definition shall include storage containers. **(B/L 27 of 2018)**

**"SHOPPING CENTRE"** means a group of commercial establishments related in locations, size, and type to the trade or residential area it serves and conceived, designed, developed and managed as an interdependent and interrelated Unit whether by a single owner or tenant or by a group of owners or tenants, acting in collaboration.

**"SIGHT TRIANGLE"** means the triangular space formed by the Street Lines of a Corner Lot and a line drawn from a point in one Street Line to a point in the other Street Line, each such point being a minimum distance specified in **Section 3.18.2** of this By-law from the point of intersection of the Street Lines (measured along 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. (Figure 1)

Figure 1



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

**"STOCK YARD"** means the Use of land, a Building or a Structure for the temporary containment of Livestock.

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

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

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

- a) ONE STOREY means a building having one Storey and no loft, mezzanine or partial floor whatsoever.
- b) ONE AND ONE HALF STOREY means a Building having a loft or mezzanine no exceeding 50% of the Ground Floor Area of the floor below.
- c) TWO STOREY means a Building with two Storeys.

**"STREET"** means a public thoroughfare intended for vehicular traffic and which is under the jurisdiction of either the Corporation, the County or the Province of Ontario. This definition shall not include any Lane or private Right-Of-Way. **"STREET ALLOWANCE"** shall have a corresponding meaning.

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

**"STREET LINE"** means the limit of the Street Allowance and is the dividing line between a Lot and a Street.

**"STREET TOWNHOUSE"** see **"DWELLING"**.

**"STRUCTURE"** means anything that is erected, built or constructed of parts joined together or requiring a foundation to hold it erect, but shall not include free standing walls and fences.

**"SWIMMING POOL, PRIVATE"** means a Structure located on privately owned property, used and maintained for the purpose of swimming or wading. Private Swimming Pools shall be subject to the provisions of **Section 3.14** of this By-law.

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

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

**"THEATRE"** means a Building, or part thereof, used for the presentation of the performing arts.

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

**"TOP-OF-BANK"** means a line delineated at a point where the oblique plane of the slope associated with a watercourse, meets the horizontal plane.

**"TOURIST CENTRE"** means any land, Buildings or Structures used for the purpose of providing tourist information and activities to the travelling public.

**"TOWNHOUSE"** see **"DWELLING"**.

**"TRAVEL TRAILER"** means a Vehicle designed, intended and used exclusively for travel, Recreation and vacation and which is either capable of being drawn by a passenger Vehicle or is self-propelled, and shall include tent trailers, vans, Motor Homes and similar transportable accommodation excepting a Single or Double Wide Mobile Home.

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

**"TRIPLEX DWELLING"** see **"DWELLING"**.

**"TRUCK STOP"** means the Use of any land, Buildings or Structures upon which a Business, Service or Industry involving the maintenance, servicing, storage or repair of Commercial Vehicles is conducted or rendered including the dispensing of motor fuel or petroleum products directly into Motor Vehicles, the sale of accessories or equipment for trucks and similar Commercial Vehicles. A Truck Stop may also include overnight accommodation, laundry and shower facilities for the Use of truck crews, and Restaurant facilities.

**"TRUCK TRANSPORT TERMINAL"** means a Building, Structure, or Lot used for the parking, repairing, or dispatching of Commercial Motor Vehicles or trailers (as defined by The Highway Traffic Act, R.S.O. 1990, Chap. H.8, as amended.).

**"TYPE A LAND USES"** include Industrial (excluding M4 Zones), Rural Commercial (C3 Zones) and Passive Recreation Uses and/or Zones Permitting such Uses. For the purposes of MDS I a Dwelling or up to three new non-Agricultural Lots are also Type A Land Uses. For the purposes of MDS II, Dwellings and residential Uses not recognized as residential areas in the Town Official Plan, or Cemeteries located in an Agricultural Zone are also Type A Land Uses.

**"TYPE B LAND USES"** include Institutional, Active Recreation and Commercial (excluding C3 Zones) Uses and/or Zones Permitting such Uses. For the purposes of MDS I, Cemeteries, a Building with three or more Dwelling Units, expansion of a settlement area, more than three new non-Agricultural Lots, Zones for residential Use, or a consent that would result in four contiguous residential Lots are also Type B Land Uses.

For the purposes of MDS II, Cemeteries not in an Agricultural Zone and areas specifically designated in the Town Official Plan as residential or settlement areas are also Type B Land Uses.

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

**"UTILITY SERVICE BUILDING"** means a Building used in connection with the supplying of Public Utilities including a water and sewage pumping station, a water storage reservoir, a gas regulator Building, a hydro sub-station, a telephone exchange Building or similar Buildings.

**"VALUE ADDED INDUSTRY"** means a business or activity carried out on an Agricultural Lot by Persons residing on the Lot. Such business or activity adds value or further processes a commodity or by-product produced by the main Agricultural Operation or uses such as the primary ingredient or material in a product produced on the site. It shall not include any processes or materials with significantly greater potential to cause site contamination than normal Agricultural activities.

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

**"WAREHOUSE"** means a Building or Structure or part thereof used or intended to be used for the storage and display of goods, merchandise or materials, and may include the carrying out of Commercial transactions involving the sale of such goods, merchandise and materials solely by Wholesale.

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

**"WASTE DISPOSAL SITE"** as defined in Section 25 of the Environmental Protection Act, R.S.O. 1990, Chap. E.19, as amended, means any land or land covered by water upon, into, or through which, or a Building or Structure in which, waste is deposited or processed and any machinery or equipment or operation required for the treatment or disposal of waste.

**"WAYSIDE PIT" OR "WAYSIDE QUARRY"** means a temporary pit or quarry opened and used by a public road authority solely for the purpose of a particular project or contract of road construction and not located on the road Right-Of-Way.

**"WHOLESALE ESTABLISHMENT"** means any Establishment which sells merchandise to others for resale and/or to Industrial or Commercial users.

**"WIND FARM"** means a Lot having Wind Turbines located thereon that meet the criteria for defining a Lot as a Wind Farm under Sections 3.31.1 i) and j).

**"WIND TURBINE"** means a tubular or latticed, guyed or freestanding tower having located thereon a generator, which converts wind energy into electricity. A wind turbine, tower, foundation and any appurtenances are manufactured and erected with consideration for site soil conditions and in accordance with CSA standards, engineered design and/or applicable industry standards. This definition shall include Structures Accessory thereto.

**"WIND TURBINE, ACCESSORY"** means a Wind Turbine that produces electricity primarily for use on the Lot on which it is located or to produce credits for use on another Lot under the same ownership as the Wind Turbine operator. Although it may be connected to the utility grid and/or practice net metering, it does not produce electricity for sale to the utility grid.

**"WIND TURBINE, COMMERCIAL"** means a Wind Turbine that produces electricity primarily for profit by sale to the utility grid.

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

**"YARD"** means a space, appurtenant to a Building or Structure, located on the same Lot as the Building or Structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such Accessory Buildings, Structures or Uses as are specifically permitted elsewhere in this By-law.

- a) **"FRONT YARD"** means a Yard extending across the full width of the Lot between the Front Lot Line of the Lot and the foundation of any Main Building on the Lot.
- b) **"FRONT YARD DEPTH"** means the least horizontal dimension between the Front Lot Line of the Lot and the foundation of any Building or Structure on the Lot, or the nearest Open Storage Use on the Lot.
- c) **"REAR YARD"** means a Yard extending across the full width of the Lot between the Rear Lot Line of the Lot and the foundation of any Main Building on the Lot. If there is no Rear Lot Line, there shall be deemed to be no Rear Yard.
- d) **"REAR YARD DEPTH"** means the least horizontal dimension between the Rear Lot Line of the Lot and the foundation of any Building or Structure on the Lot, or the nearest Open Storage Use on the Lot.
- e) **"SIDE YARD"** means a Yard extending from the Front Yard to the Rear Yard and from the Side Lot Line of the Lot to the foundation of any Main Building on the Lot. In the case of a Lot, which has no Rear Lot Line, the Side Yard shall extend from the Front Yard to the opposite Side Yard.
- f) **"SIDE YARD WIDTH"** means the least horizontal dimension between the Side Lot Line of the Lot and the foundation of any Building or Structure on the Lot, or the nearest Open Storage Use on the Lot.
- g) **"EXTERIOR SIDE YARD"** means a Side Yard immediately adjoining a Street, extending from the Front Yard to the Rear Lot Line.
- h) **"INTERIOR SIDE YARD"** means a Side Yard other than an Exterior Side Yard.
- i) **"REQUIRED YARD"** means a Yard with the minimum Front Yard Depth, Rear Yard Depth, or Side Yard Width required by the provisions of this By-law. A required Side Yard shall extend from the required Front Yard to the required Rear Yard, or in the case of a Lot which has no Rear Lot Line, the required Side Yard shall extend from the required Front Yard to the opposite required Side Yard.

**"ZONE"** means a designated area of land Use shown on Schedule 'A' of this By-law.

**"ZONING ADMINISTRATOR"** shall mean the officer or employee of the Municipality charged with the duty of enforcing provisions of this By-Law.

## **SECTION 3 - GENERAL PROVISIONS**

### **3.1 USES PERMITTED IN ALL ZONES**

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

#### **3.1.1 Services and Utilities**

Despite any other provisions of this By-law to the contrary, the Municipality, the County of Lambton and any Ministry of the Government of Canada or Province of Ontario or their agents may for the purpose of the public service, Use any land or any Building or Structure in any Zone in spite of the fact that such Use of any Building or Structure does not conform with the provisions of this By-law for such Zone. Any utility company and Ontario Hydro shall comply with the provisions of this By-law only insofar as such Uses are for administrative or Office purposes.

#### **3.1.2 Utility Service Buildings and Non-Recreational Public Uses**

Utility service Buildings and non-Recreational Public Uses exclusive of Waste Disposal Sites, incinerators and works yards are permitted in all Zones. Where such Use is located in any Residential Zone:

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

#### **3.1.3 Public Recreational Uses**

Parks and Community Centres operated by or for the Municipality including Uses Accessory thereto.

#### **3.1.4 Construction Uses**

Any sheds, scaffolds or other Structures incidental to Building construction on the premises for so long as the same is necessary for work in progress. Such Buildings, Uses and Structures shall be removed within 6 months following the termination and or abandonment of the construction project.

#### **3.1.5 Pipelines**

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

Any pipe line, as constructed by any distributor, producer or storage company or for any pipe line as constructed by any company under the Ontario Energy Board Act, as amended, shall be Permitted in any Zone provided that, where possible, such pipe lines are constructed in or upon Existing Rights-Of-Way, Easements or transmission corridors. Where possible, the pipelines shall generally be located as follows:

- a) where the proposed pipe line runs northerly and southerly, it shall follow along Lot Lines;
- b) where the proposed pipe line runs easterly and westerly, it shall follow along Road Right of Ways.

Where forest cover is removed it shall be replaced with twice the area of forest cover that is removed.

#### **3.1.6 Petroleum Well and Petroleum Work**

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

**3.1.7 Wind Turbines & Meteorological Masts**

Accessory Wind Turbines shall be Permitted in all Zones. Meteorological Masts shall be Permitted in all Zones except for Residential Zones.

**3.2 USES PROHIBITED IN ALL ZONES**

Unless specifically Permitted in this By-law, all Uses, including the following Uses, are specifically prohibited and shall only be Permitted by amendment to this By-law under Section 34(10), or application under Section 45, of the Planning Act, R.S.O. 1990, Chap. P.13, as amended.

- a) Offensive Industrial Uses including the boiling of blood, tripe or soap, tanning of hides and skins and other similar Uses which may be declared by the local Board of Health or Council to be a noxious or offensive trade, business or manufacture.
- b) The operation of year-round, privately-owned Travel Trailer camps or privately-owned camping grounds, but not including the operation of Mobile Home Parks as defined in this By-law.
- c) Auto Wrecking Establishment, as defined in this By-law.
- d) The outdoor keeping or storage of any derelict Motor Vehicle.
- e) A track for the use, racing or testing of automobiles, snowmobiles, motorcycles, or any motorized vehicle.
- f) Adult Live Entertainment Parlour as defined by this By-law.
- g) Any manufacturing or processing Use involving the following substances; coal, oil, rock oil, fuel oil, benzine, gasoline, dynamite, dualin, nitro-glycerine or gunpowder, petroleum or any other combustible, inflammable, volatile or otherwise dangerous liquids, gases or materials.
- h) The Use of a Mobile Home as a Habitable Room or as a Building or Structure or part thereof.
- i) A Derelict Wind Turbine

**3.3 ACCESSORY BUILDINGS, STRUCTURES OR USES****3.3.1 Accessory Buildings, Structures or Uses Permitted**

Where this By-law provides that land may be used for a Building or Structure or may be erected or used for a purpose, that purpose shall include any Accessory Building, Structure or Use, but shall not include any of the following Uses, except as specifically Permitted in this By-law;

- a) Any occupation for gain or profit conducted within or Accessory to a Dwelling Unit; nor
- b) Any Building used for human habitation.

Where this By-law provides that land may be used for a Dwelling, the Permitted Accessory Uses shall include a Garage Sale provided that:

- c) No Person shall conduct more than two garage sales per calendar year at one location;
- d) No garage sale shall exceed two days duration.

**3.3.2 Structures Permitted in all Yards**

Despite any other Yard provisions of this By-law, drop awnings, flag poles, garden trellises, fences, retaining walls, legal Signs, or similar Accessory Uses and Structures shall be permitted in any Yard provided they are placed outside of any sight triangle as defined in **Section 3.18.2**.

### **3.3.3 Accessory Buildings and Structures in Residential Zones**

All Accessory Buildings and Structures shall comply with the Yard provisions of the Zone in which such Accessory Building or Structure is located, except that in any Residential Zone, an Accessory Building or Structures shall comply with the following provisions:

- a) Except as otherwise provided for in any Residential Zone, an Accessory Building or Structure which is not attached to the Main Building shall not be erected in any Yard other than the Interior Side Yard or Rear Yard.
- b) An area of 1.2 metres which is open and unobstructed from the ground to the sky shall be maintained between a Detached Accessory Building or Structure and the Main Building on the same Lot.
- c) An attached Accessory Building or Structure may be erected in a Front Yard or Exterior Side Yard provided it is not located in a Required Yard.
- d) When an Accessory Building or Structure is located in an Interior Side Yard, it shall be no closer than 1(one) metres to the Interior Side Lot Line.
- e) When an Accessory Building or Structure is located in the Rear Yard, it shall be located no closer than 1(one) metres to either the Rear Lot Line or the Interior Side Lot Line.
- f) No Accessory Building or Structure shall be located closer to the Exterior Side Lot Line than the Exterior Side Yard Setback requirement for the Zone in which each lot is located.
- g) Where a mutual Private Garage is erected on the common Lot Line between two Lots, no Setback is required from the common lot line.

### **3.3.4 Lot Coverage and Height of Accessory Buildings and Structures in Residential Zones**

The total Lot Coverage of all Accessory Buildings and Structures on a Lot in any Residential Zone shall not exceed 10% of the Lot Area. This percentage shall be included as part of the Maximum Lot Coverage calculation Permitted in the Residential Zone requirements. The height of any Accessory Building or Structure shall not exceed 5.5 metres. The height of the Building or Structure shall be measured from the finished floor to the highest point of the Building or Structure.

### **3.3.5 Shipping Containers in Agricultural Zones (B/L 27/2018)**

(a) The permanent placement of Shipping Containers as accessory uses shall be permitted in the Agricultural zones provided that:

- No shipping containers as an accessory use building shall be permitted within 20 metres of a residential lot;
- No shipping container shall be permitted within the required yard setbacks for the zone in which each lot is located;
- The maximum number of shipping containers may be two (2) per lot;
- Shipping containers shall not be stacked;
- Shall not be permitted as the sole structure on any property;
- Shipping Containers shall be used for storage purposes only and shall be accessory to the main permitted use on the property;
- Shall be included in all calculations for the purpose of maximum lot coverage;
- Shall be in a condition free from rust, peeling paint and any other form of visible deterioration.

### **3.3.6 Shipping Containers in All Zones (B/L 27/2018)**

- a) Except as otherwise provided, shipping containers and the like shall not be permitted in any zone, save and except Agricultural zones under the provisions as set out in section 3.3.5.

- b) A shipping container shall be permitted in all zones only for the purpose of facilitating the relocation of a household to or from the lot on which the shipping container is placed, provided the lot does not have a shipping container located thereon for more than 30 days in any period of 365 consecutive days.

### 3.4 NON-CONFORMING USES

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

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

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

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

### 3.5 NON-CONFORMING USES - RESTORATION

- a) Where in any Zone, any Building or Structure exists as a legal Non-Conforming land Use and the said Dwelling is destroyed by fire or natural disaster, this By-law does not prevent the reconstruction of the said Building or Structure to its prior dimensions at its exact prior location. Should the exact prior location be impossible to build upon for legal, technical or insurance reasons, then the location may be adjusted only to the extent necessary to overcome such reasons.
- b) Nothing in this By-law shall prevent the strengthening or restoration to a safe condition of any Non-Conforming Use, Building or Structure provided that such repair or restoration will not increase the height, size or volume or change the Use of such Building or Structure or constitute a Replacement.

### 3.6 NON-COMPLYING USES

- a) **Re-Building or Repair Permitted**

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

Notwithstanding, a structurally sound Livestock Facility which does not comply with the Minimum Distance Separation requirements in **Section 5.2** shall not be required to be replaced in compliance with such regulations if destroyed by fire or natural disaster, provided the Gross Floor Area and Livestock Housing Capacity is not further increased and the required separation distance is not further reduced.

**b) Strengthening to a Safe Condition**

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

**c) Additions And Accessory Uses Permitted**

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

**3.7 DWELLING UNITS****3.7.1 Yard Provisions For Non-Residential Buildings**

Where a Dwelling Unit is located in a non-residential Building, such Dwelling Unit shall comply with the Yard provisions of this By-law which apply to the said non-residential Building.

**3.7.2 Cellar Location**

No Dwelling Unit shall be located in a Cellar.

**3.7.3 Basement Location**

A Dwelling Unit, in its entirety, may be located in a Basement, provided that:

- a) The finished floor level of such Basement is not below the level of any Sanitary Sewer or Storm Sewer serving the Building in which such Basement is located, and
- b) There is at least one story located above such Basement containing habitable space.

**3.8 ADDITION OF SECOND DWELLING UNIT IN SINGLE DETACHED DWELLINGS**

In those Zones where Single Detached Dwellings are permitted, the addition of a second Dwelling Unit may be established in the Single Detached Dwelling subject to the following provisions:

- a) Only one (1) additional Dwelling Unit will be permitted.
- b) One parking space is to be provided for the additional Dwelling Unit.
- c) All parking spaces are to be located in an interior side yard, rear yard, or in a garage.
- d) All provisions of the Fire Code and Building Code are to be complied with.
- e) No Dwelling Unit is to be established in a Cellar.
- f) There shall be no significant alteration to the exterior of the dwelling, except for required fire escapes, and extra windows and entrances.
- g) The Dwelling must be inspected by the Corporation's Building Inspector before the additional Dwelling Unit is occupied.
- h) In areas served with private on-site sewage systems, the proposed conversion must be approved under Part 8 of the Ontario Building Code before the additional Dwelling Unit is to be established.

### **3.9 LOT DEVELOPMENT REQUIREMENTS**

#### **3.9.1 Frontage on a Street**

No Lot shall be used and no Building on a Lot erected or used unless the Lot fronts on a Street which is opened and maintained on a year round basis. Despite the foregoing, a Building or Structure may be erected upon a Lot within a registered plan of subdivision in accordance with the provisions of a Subdivision Agreement in respect of such plan of subdivision even though the Streets within such plan of subdivision have not been assumed and are not being maintained by the Corporation.

#### **3.9.2 More than One Use on a Lot**

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

#### **3.9.3 More than One Zone on a Lot**

When a Lot is divided into more than one Zone, each such portion of the Lot shall be used in accordance with the provisions of this By-law for the applicable Zones. Where a portion of a Lot is Zoned Environmental Protection, such portion may be included in determining the minimum Lot area requirements and the Environmental Protection Zone line shall not be considered a lot line for Setback purposes on the adjoining Zoned area provided that no Building or Structure is located on that part of the Lot Zoned Environmental Protection.

#### **3.9.4 Number of Main Buildings on a Residential Lot**

Unless otherwise stated, in a Residential 1 (R1) and Residential 4 (R4) Zone, no Lot that is used for residential purposes, shall be occupied by more than one (1) Main Building.

#### **3.9.5 Existing Lots**

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

Notwithstanding the above clause, the erection of new dwellings containing more than one dwelling unit shall comply with the lot area and/or frontage provisions per dwelling unit.

### **3.10 HOME OCCUPATIONS**

#### **3.10.1 All Home Occupations**

No Home Occupation shall be permitted in any Zone unless such Use complies with the following provisions:

- a) No Person other than a member of the family and not more than two Persons not residing on the premises shall be employed at the premises.
- b) No more than one (1) physician, dentist or drugless practitioner shall practice in a Clinic where such Clinic constitutes a Home Occupation. Such physician, dentist or drugless practitioner shall reside in the Dwelling Unit, where such Clinic is located.
- c) A Sign shall be permitted in accordance with **Section 3.20** of this By-law.
- d) Not more than 25% of the Gross Floor Area of the Dwelling shall be exclusively devoted to the Home Occupation.
- e) The Home Occupation shall be clearly secondary to the main residential Use, be operated and contained entirely within the Dwelling and shall not change the residential character of the Dwelling or the Lot.

- f) There shall be no Open Storage or display of materials, containers or finished products.
- g) The Home Occupation shall not create or become a public nuisance in regard to noise, traffic, parking or interference with radio or television reception, vibration, smoke, dust, heat, odorous material, humidity, glare, refuse or other objectionable omission.
- h) In areas served with private on-site sewage systems, the Home Occupation must be approved under Part 8 of the Ontario Building Code before the Home Occupation is established.
- i) Except as provided for in **Section 3.10.1(j)** of this By-law, the Home Occupation shall not require the creation of additional on-site Parking Spaces unless the said Home Occupation occupies more than 56 square metres. If such is the case, one Parking Space shall be provided for every 28 square metres exclusively devoted to the Home Occupation.
- j) A Bed And Breakfast Establishment shall require 1 Parking Space per Guest Room. A Clinic shall require 5 Parking Spaces or 1 Parking Space for every 28 square metres exclusively devoted to the Clinic whichever is the greater.

### **3.10.2 Agricultural Home Industry**

An Agricultural Home Industry shall be permitted in any Agricultural Zone and such Use must comply with the following provisions:

- a) The Agricultural Home Industry shall be carried on entirely within a Building or Structure Accessory to an Agricultural Use.
- b) An Agricultural Home Industry shall not exceed 90 square metres and no more than 25% of the Gross Floor Area of the Dwelling shall be exclusively devoted to the Home Industry.
- c) The total amount of Open Storage shall not exceed 90 square metres.
- d) In all other respects, **Section 3.10** of this By-law shall apply.

### **3.11 GROUP HOMES**

Where Permitted, Group Homes, as defined in this By-law, shall be separated by a minimum distance of 250 metres.

### **3.12 HUMAN OCCUPANCY OF TRUCK, BUS AND COACH BODIES OR TRAVEL TRAILERS, TRUCK CAMPERS, MOTOR HOMES OR TENTS**

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

No Travel Trailer, truck camper, or Motor Home shall be used for the living, sleeping or eating accommodation of Persons within any Residential Zone for a period of more than thirty (30) days in any period of ten (10) consecutive months.

Notwithstanding, where a Single Detached Dwelling is destroyed or damaged by fire or natural disaster, a Motor Home, Travel Trailer or Mobile Home may be Erected and Used as a temporary Dwelling on the same Lot provided that building permit has obtained to repair or replace the destroyed or damaged Dwelling and provided the temporary Dwelling is removed within 240 days of the time the primary Dwelling was destroyed or damaged. Where construction is not completed within this 240 days, this period may be extended by a motion of Council where Council is satisfied that construction has begun and is progressing in earnest.

### 3.13 PERMITTED ENCROACHMENTS

#### 3.13.1 Yard Encroachments Permitted

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

<b>STRUCTURE</b>	<b>YARD IN WHICH ENCROACHMENT IS PERMITTED</b>	<b>MAXIMUM ENCROACHMENT PERMITTED INTO REQUIRED YARDS UNDER ZONE REGULATIONS</b>
a) Sills, belt courses, cornices, eaves, gutters, chimneys or similar architectural Structure	Any Yard	0.6 metre
b) Outdoor heating and air conditioning Unit	Any Yard	1.5 metres
c) Porches (unenclosed) excluding eaves	Any Yard	2.4 metres
d) Decks (unenclosed)	Any Yard	2.4 metres
e) Balconies and Steps (unenclosed)	Any Yard	2.4 metres
f) Bay Windows, Cantilevers and Awnings	Front Yard and Rear Yard	1.0 metre
g) Cantilever	Side Yard and Rear Yard	1.0 metre

Provided however that c), d), e), f) and g) shall not be any closer than 1.2 metres to an interior lot line.

In any Agriculture Zone, where a Dwelling Unit is Non-Complying regarding the required front yard Setback, a Deck (unenclosed) may be added to the Dwelling if such Deck is no closer to the front lot line than the front of the Building.

#### 3.13.2 Building in Built-Up Areas

Where a Building is to be erected within a Built-Up area where there is an Established Building Line, such Building may be erected closer to the Street Line than required by this By-law provided that such Building is not erected closer to the Street Line than the Established Building Line.

#### 3.13.3 Yard Depth Non-Compliance

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

### **3.14 PRIVATE SWIMMING POOLS**

A Private Swimming Pool shall not be considered as part of the Lot Coverage. Fences surrounding Private Swimming Pools shall comply with the By-laws of the Corporation regulating such fences. Private Swimming Pools shall be subject to the same Setbacks as required by **Section 3.3.3**.

### **3.15 DECK (UNENCLOSED)**

A Deck (Unenclosed) shall not be considered as part of the Lot Coverage and shall be subject to the same Setbacks as Accessory Buildings or Structures in the Zone they are Permitted.

### **3.16 HEIGHT RESTRICTIONS**

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

a) an air conditioner duct; b) a belfry; c) a chimney; d) a church spire; e) a clock tower; f) an elevator penthouse; g) a farm building; h) a flag pole; i) a grain elevator; j) a radio antenna; k) a television antenna; l) a farm silo; m) a water tower and n) a wind turbine.

### **3.17 OPEN STORAGE REGULATIONS**

#### **a) Minimum Setbacks**

Unless otherwise specified hereinafter, the minimum Setback from any Front, Side or Rear Lot Line of any Permitted Open Storage in any Zone shall be no less than the respective minimum Front, Interior or Exterior Side or Rear Yard of the Zone in which the Open Storage is located, except in the case of a Permitted Agricultural Use, a Motor Vehicle Parking Lot, the outside display for sale or lease of goods products and materials in conjunction with a Permitted Commercial or Industrial Use, Extractive Use, Transport Truck Terminal, Salvage Yard, or a Storage Depot.

In the case of an Agriculture (A), Industrial (M), Commercial Industrial (CM) or a Commercial (C) Zone where the side or rear of the lot line abuts a lot in the same Zone as the Zone in which the said lot is located, the minimum setback of any permitted outdoor storage shall be 3 metres from said side or rear lot line.

#### **b) Parking**

Any areas used for Permitted Open Storage shall be in addition to and separate from such areas as may be required by this By-law for the provision of off-street Parking Spaces.

#### **c) Lighting**

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

#### **d) Screening**

Any portion of a Lot used for Open Storage in an Industrial (M) Zone shall be enclosed by a fence. If such Industrial Use abuts any Residential, Institutional or Open Space Zones, such fence shall be constructed of solid materials and measure at least 1.8 metre in height.

#### **e) Surface Treatment**

Any Open Storage area shall be maintained with a stable surface, treated so as to prevent the raising of dust or loose particles and drained in accordance with the requirements of the Municipality.

### **3.18 SPECIAL SETBACK PROVISIONS**

#### **3.18.1 Setbacks from Ditches and Drains**

No Buildings or Structures shall be erected after the date of passing of this By-law closer than 15 metres from the Top of Bank of any open drainage ditch or natural watercourse. No Building or Structure shall be erected:

- a) Closer than 15 metres, measured perpendicularly, from the centre line of a Closed Municipal Drain, or
- b) Closer than 5 metres measured perpendicularly, from the centre line of a Storm Sewer, sanitary sewer or water main; or,
- c) Closer than the actual depth of Storm Sewer, sanitary sewer or water main, where such facility is located more than 5 metres below grade.

### 3.18.2 Sight Triangles

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

- a) Any vegetation, shrubs or foliage planted or maintained higher than 1 metre above Finished Grade. This requirement shall not apply to Agricultural Uses, excluding the temporary storage of bales of hay, straw and other similar agricultural products.
- b) A Finished Grade exceeding the elevation of the centre line of the Street intersection by more than 60 centimetres.
- c) Buildings, Structures, Signs or fences, the top of which exceeds the elevation of the centre line of the adjoining Streets by more than 1 metre in height.
- d) In all Zones, other than the (C1) Zone and the Agricultural (A) Zones, a Sight Triangle of 9 metres shall be required from the point of intersection of the Street Lines.
- e) In the Agricultural (A) Zone, a Sight Triangle of 75 metres shall be required from the point of intersection of the Street Lines, notwithstanding minimum yard requirements in Table A.

### 3.18.3 Setbacks from Wind Turbines & Meteorological Masts

With the exception of the setback described in Sections 3.32.1 g) iii), the Erection of a Livestock Facility and the Erection of a Dwelling on a Lot in a Residential, if there is any Setback, under Section 3.32, that a Wind Turbine or Meteorological Mast is required to meet from a Structure, Use or Zone, the establishment or expansion of any such Structure, Use or Zone shall meet the same Setback from a Meteorological Mast or a Wind Turbine, if the Wind Turbine has a rotor diameter greater than 6m.

## 3.19 PLANTING STRIPS

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

### 3.19.1 Required Location

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

- a) The Interior Side Lot Line or Rear Lot Line abuts any residential Use or undeveloped land in a Residential Zone, or
- b) Where such Lot is in an Industrial Zone and the Front, Side or Rear Lot Line abuts a Street Line and the opposite Street Line abuts any residential Use or undeveloped land in any Residential Zone then the land adjoining such abutting Lot Line or Street Line shall be used for no purpose other than a Planting Strip in accordance with the provisions of this subsection.

### 3.19.2 Width

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

### **3.19.3 Height**

The minimum height of a Planting Strip shall be 1 metre at the time of planting.

### **3.19.4 Interruption for Driveway or Walk**

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

### **3.19.5 Landscaped Open Space**

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

## **3.20 SIGNS**

- a) Nothing in this By-law shall apply to prevent the erection, alteration or Use of any Sign, provided such Sign complies with the By-laws of the Corporation regulating Signs and provided such Sign complies with the provisions of this By-law.
- b) Signs that are lawfully erected and maintained, directly related to, and pertinent to the function of any of the Permitted Uses of this By-law are Permitted provided that in a Residential Zone, the following shall be Permitted:
  - i) One non-illuminated real estate Sign having a maximum area of 0.5 square metres advertising the sale, rental or lease of the Building, Structure or Lot upon which the Sign is displayed.
  - ii) One non-illuminated Sign having a maximum area of 0.3 square metres displaying the name and address of a doctor, dentist, drugless practitioner, or person engaged in a Permitted Home Occupation, residing on the Lot on which the Sign is displayed.
  - iii) One non-illuminated Sign having a maximum area of 5 square metres advertising the name and particulars of a subdivision or similar development project provided such Sign shall be removed upon completion of the project.
- c) For any Permitted Home Occupation or Agricultural Home Industry located in an Agricultural (A) Zone, one non-illuminated Sign having a maximum area of 2 square metres displaying the name and address of a Person engaged in a Permitted Home Occupation or Agricultural Home Industry, residing on the Lot on which the Sign is displayed, shall be Permitted.
- d) Temporary and seasonal Agricultural signs are permitted to showcase events and varieties.

## **3.21 ENVIRONMENTAL PROTECTION ZONES**

No, Building or Structure shall be used or erected in any Environmental Protection Zone, except for activities that create or maintain infrastructure authorized under an environmental assessment process, or works subject to the Drainage Act.

### **3.21.1 Environmental Protection Wetland Zone**

Development may be permitted on lands within 120 metres of the Environmental Protection Wetland (EP-WET) Zone, subject to the execution of a site plan agreement, or other agreement, specifying development conditions and boundaries, based on an environmental impact evaluation, prepared by a qualified professional in accordance with the provisions of the Official Plan and to the satisfaction of the municipality. The environmental impact evaluation must demonstrate that there will be no negative impact on the natural features or on the ecological functions for which the area is identified.

### 3.21.2 Environmentally Hazardous Lands

Notwithstanding any other provisions of this By-law, no permanent Buildings or Structures shall be erected or used on lands which exhibit, or potentially exhibit, a hazardous condition as a result of their susceptibility to flooding, erosion, subsidence, inundation, or the presence of organic soils or steep slopes, or on land where, by reasons of its low lying, marshy or unstable character, the cost of construction of satisfactory waterworks, sewage, or drainage facilities is prohibitive.

### 3.22 COMMERCIAL AND INDUSTRIAL ZONES ABUTTING OR ADJACENT TO RESIDENTIAL, INSTITUTIONAL, AND OPEN SPACE ZONES

Where any Commercial Zone or Industrial Zone fronts on a Street or road opposite to, or directly abuts any Residential Zone, Institutional, or Open Space Zone, the following provisions shall be complied with:

- a) No Loading Space shall be located in, nor open onto any Yard adjacent to a neighbouring Zone as listed above.
- b) Exterior lighting and illuminated Signs shall be so arranged as to deflect light away from the adjacent Zone.
- c) Outside/Open Storage shall be prohibited in any Front Yard or Side Yard adjacent to the neighbouring Zone. Where permitted, the provisions of **Section 3.17** shall apply.
- d) A Planting Strip shall be provided in accordance with the provisions of **Section 3.19**.

### 3.23 ACCESS

All Uses, Buildings or Structures shall have frontage on and access to a street.

### 3.24 SETBACK FROM STREET FOR THROUGH LOTS AND CORNER LOTS

Notwithstanding any other provisions of this By-law where a Lot is a Through Lot or has frontage on more than one Street, the Setback and Front Yard requirements contained herein shall apply on each Street in accordance with the provisions of the Zone or Zones in which the Lot is located.

### 3.25 CONVERSION OF EXISTING DWELLINGS

In a Residential Zone where Converted Dwellings are Permitted in Existing Single Detached Dwellings, Single Detached Dwellings may be altered, remodeled, enlarged and used for purposes of a Multiple Dwelling, provided that:

- a) The residence prior to conversion has a minimum Gross Floor Area of 112 square metres.
- a) No Dwelling Unit so created contains a Floor Area of less than thirty-five (35) square metres.
- c) After conversion no more than a total of three (3) Dwelling Units exist.
- d) There is no increase to the Gross Floor Area of the Building for habitable purposes except for the addition of sun Porches, entrance ways and dormers.
- e) Any outside stairways (except for required fire escapes) be located in the Rear Yard.
- f) No Building may be converted unless the Lot has a minimum of 100 square metres of Landscaped Open Space located in the Rear Yard. For any conversion an additional 35 square metres of Landscaped Open Space must be provided for each additional Dwelling Unit.
- g) The off-street parking requirements of this By-law are complied with.
- h) Where the Building cannot be connected to an Existing sanitary sewer system, alternative sewage treatment facilities approved under Part 8 of the Environmental Protection Act shall be provided.

**3.26 RAILWAYS****Residential Use Setbacks**

New residential development adjacent to existing rail lines shall have a minimum Setback of 30 metres from the boundary of the railway right of way. Lawfully existing Buildings and Structures shall comply with **Section 3.13.3 Yard Depth Non Compliance**.

**Railway Crossings**

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

- i) 75 metres in all Agricultural (A) Zones and Industrial (M) Zones, and
- ii) 30 metres in all other Zones.

**3.27 PARKING AREA REGULATIONS****3.27.1 Requirements**

The owner or occupant of every Building or Structure erected or used for any of the purposes hereinafter set forth except for Existing Buildings, Structures or Uses in the Central Commercial (C1) Zone, shall provide and maintain for the sole Use of the owner, occupant, or other Persons entering upon or making Use of the said premises from time to time, one or more Parking Spaces each such Parking Space having a minimum width of 2.7 metres, and minimum length of 5.5 metres, in accordance with the following:

**TYPE OF USE****MINIMUM PARKING SPACE REQUIRED****RESIDENTIAL USES**

Boarding house	1 Parking Space per Dwelling Unit, plus 1 Parking Space per guest room
Group Home	1 Parking Space per staff member
Multiple Dwelling	1.5 Parking Spaces per Dwelling Unit except that, for a senior citizens' apartment the minimum requirement shall be 1 parking space per 2 dwelling units.
Homes for the Aged, Rest Home	1 Parking Space for every 4 Dwelling units. A minimum of 25% of all required spaces shall be set aside and identified as visitors' parking.
Mobile Home located in a Mobile Home Park	2 Parking Space per Mobile Home
Townhouse	1.5 Parking Spaces per Dwelling Unit
Other Residential Uses Permitted by this By-law	1 Parking Space per Dwelling Unit

**NON-RESIDENTIAL USES**

Animal Hospital,	1 Parking Space for each 28 square metres of Gross Floor Area
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Assembly Hall, Auditorium	1 Parking Space for every 8 fixed seats plus 1 Parking Space for each 18.5 square metres of Gross Floor Area (excluding area occupied by fixed seating)
Auction Hall	1 Parking Space for every 5 square metres Gross Floor Area accessible to the public
Auto Repair Establishment	3 Parking Spaces per staff member
Auto Sales	1 Parking Space per 30 square metres of Establishment Gross Floor Area plus 1 Parking Space per 10 Motor Vehicles on display
Auto Service Establishment	5 Parking Spaces per working bay
Auto Washing Establishment	
i) Self-service Operation	4 Parking Spaces per wash stall
ii) Conveyor Operation	8 Parking Spaces per wash stall
Bank	1 Parking Space per 20 square metres of Gross Floor Area
Bed and Breakfast	1 Parking Space per guest room
Bingo Hall	The greater of: a) 1 Parking Space per 14 square metres of Gross Floor Area; b) 1 Parking Space for 4 Person Occupant Load of the hall
Church	1 Parking Space per 10 square metres of Gross Floor Area
Clinic	The greater of: a) 5 Parking Spaces per practitioner; or b) 1 Parking Space per 18.5 square metres of Gross Floor Area
Convenience Store Day Nursery	1 Parking Space per 20 square metres of Gross Floor Area 1 Parking Space per staff member
Flea Market	1 Parking Space for every 5 square metres of Gross Floor
Funeral Home	The greater of: a) 1 Parking Space for every 5 fixed seats and 1 Parking Space for every 5 square metres Floor Area where non-fixed seating can be made available for chapel purposes; or b) 1 Parking Space for every 5 square metres of Floor Area devoted to reposeing rooms
Hospital, Nursing Home	1 Parking Spaces per bed

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Hotel	1 Parking Space per bed plus 1 Parking Space per 20 square metres of communal eating or entertainment area
Industrial Use	1 parking space for each 55 square metres of gross floor area up to 2 800 square metres and 1 parking space for each 280 square metres of gross floor area in excess of 2 800 square metres.
Library	1 Parking Space for each 37 square metres of Gross Floor Area
Miniature Golf Course	12 Parking Spaces minimum
Motel	1.25 Parking Space per Unit plus 1 Parking Space per 20 square metres of communal eating or entertainment area
Office	1 Parking Space per 37 square metres of ground Floor Area, plus one Parking Space for each 70 square metres of the remaining Gross Floor Area
Private Club	1 Parking Space for every 8 fixed seats and/or 1 Parking Space for each 18.5 square metre of Gross Floor Area (excluding areas occupied by fixed seating)
Recreation, Commercial	The greater of: a) 1 Parking Space per 14 square metres of Gross Floor Area b) 1 Parking Space per 4 Persons Occupant Load of the establishment
Restaurant	The greater of: a) 1 Parking Space per 14 square metres of gross floor area; or b) 1 Parking Space per 4 Persons design capacity of the dining room.
Restaurant, Drive-In	10 Parking Spaces per Lot
Retail Store, Merchandise	1 Parking Space per 20 square metres of retail space plus 1 space for each 70 metres of remaining gross floor area
Service Shop, Personal	1 Parking Space per 20 square metres of service space plus 1 space for each 70 metres of remaining gross floor area.
Service Shop	1 Parking Space per 37 square metres of ground floor area
Retail warehouse	1 Parking Space per 90 square metres of Gross Floor area for the first 900 square metres plus 1 Parking Space for each 180 square metres of remaining Gross Floor Area

School	1.5 Parking Spaces per classroom, or teaching area plus adequate off street loading Zones for buses
Shopping Centre	1 Parking Space per 28 square metres of Gross Floor Area
Tavern	1 Parking Space for each 5 square metres of Gross Floor Area accessible to the public and devoted exclusively to such Uses
Truck Transport Terminal Warehouse	1 space for every 50 square metres of gross floor area 5 Parking Spaces minimum for the first 1,858 square metres of Gross Floor Area and 1 Parking Space for each additional 300 square metres of Gross Floor Area
Other Non-Residential Uses Permitted in this By-law	1 Parking Space per 37 square metres of Gross Floor Area
a)	Parking Spaces shall be provided at the time of construction or in association with a change of Use, according to the provisions of this By-law.
b)	If calculation of the required Parking Spaces results in a fraction, the required Parking Spaces shall be the next higher whole number.

### 3.27.2 Addition to Existing Use

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

### 3.27.3 Change of Use

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

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

In the case of an increase in Gross Floor Area, the provisions of **Section 3.27.2** shall apply.

### 3.27.4 More Than One Use On A Lot

When a Building, Structure or Lot accommodates more than one type of Use the Parking Space requirement for such Building, Structure or Lot shall be the sum of the requirements for the separate Uses thereof.

### 3.27.5 Location

The required Parking Area shall not form a part of any Street or Lane. The required Parking Area shall be provided on the Lot occupied by the Building, Structure or Use for which said Parking Area is required, except

in the case of a non-residential Use, the required parking area may be provided on another Lot if such Parking Area is not more than 150 metres from the Building, Structure or Use requiring the Parking Area and the parking spaces are available for the exclusive Use of the Building, Structure or Use, provided an agreement is registered on title of the lands used for parking committing said parking spaces to the related non-residential site.

### **3.27.6 Yards Where Parking is Permitted**

Despite any Yard provisions of this By-law to the contrary, uncovered surface Parking Areas shall be permitted in all Yards provided that no part of any Parking Area, other than a driveway, is located closer than 2m from a Front Lot Line or Exterior Side Lot Line or within a required Planting Strip and no portion of a Parking Area is located in a required Sight Triangle.

### **3.27.7 Access To Parking**

#### a) Location

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

#### b) Width

Access to the required Parking Spaces and Parking Areas shall be provided by means of unobstructed driveways or passageways at least 3 metres but not more than 9 metres in width. In the case of a driveway with combined ingress and egress, the minimum width of a driveway shall be 6 metres for Parking Areas with 3 to 10 Parking Spaces and 7 metres for Parking Areas with more than 10 Parking Spaces. In all cases, the maximum driveway width shall be 9 metres. All driveway widths shall be measured along the Street Line.

A driveway leading to any loading area or Parking Area shall be defined by a curb of concrete or rolled asphalt and be maintained with a cement or asphaltic binder or any other permanent surfacing. This paragraph shall not apply to residential dwellings with less than 3 Units.

#### c) Aisles

The Aisles between Parking Spaces within a Parking Area shall have a minimum width of 6 metres.

#### d) Angle of Intersection

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

#### e) Number of Driveways

Every Lot shall be limited to the following number of driveways:

- i) Two driveways, with a combined width not exceeding 30% of the Lot frontage, for the first 30 metres of Lot frontage or portion thereof, and
- ii) One additional driveway for each additional 30 metres of Lot frontage.

### **3.27.8 Surface**

- a) For any commercial, industrial or institutional Use, gravel shall be required as a minimum for surfacing any Parking Area.
- b) For any residential Structure containing up to three (3) Dwelling Units, gravel shall be required as a minimum for surfacing any Parking Area.
- c) For any residential Structure containing more than three (3) Dwelling Units, the Parking Area shall be surfaced with a hard, dust free surface and curb stops as a minimum.

**3.27.9 Automobile Movement Lanes For Auto Washing Establishment**

- a) Automatic auto washing establishments shall have on their premises sufficient space for the storage and movement of at least 5 automobiles in advance of the 3 automobiles at the terminus of each wash line.
- b) Self-service auto washing establishments shall have on their premises sufficient space for the storage and movement of at least 3 automobiles in advance of and 1 automobile at the terminus of each wash stall.

**3.27.10 Restrictions In Residential Zones**

- a) No Commercial Motor Vehicle that carries dangerous goods as defined in this By-law shall be parked or stored in any Residential Zone.
- b) No Commercial Motor Vehicle with a capacity for carrying a load weighing one (1) tonne (2,200 lbs. approx.) or more shall be parked or stored in any Residential Zone.
- c) The parking or storage of a boat, snowmobile, all-terrain vehicle, Travel Trailer or Motor Home is Permitted in any Residential Zone provided that none of the above are parked or stored in a sight triangle, a required Parking Space, a Front Yard or Exterior Side Yard. Where a boat, snowmobile, all-terrain vehicle, Travel Trailer or Motor Home is parked or stored in an Interior Side Yard or Rear Yard, it shall comply with the Setbacks imposed on Accessory Buildings and Structures as stated in **Section 3.33** of this By-law.

**3.27.11 Barrier Free Parking Spaces****Requirements**

The owner or occupant of every Building or Structure erected or used for any of the purposes hereinafter set forth except for Existing Buildings, Structures or Uses in the Central Commercial (C1) Zone, shall provide and maintain barrier free parking spaces as being reserved for use by persons with disabilities. each such Parking Space having a minimum width of 3.9 metres, and minimum length of 5.5 metres, in accordance with the following:

Number of Parking spaces provided	Minimum barrier-free car spaces required
1-10	1
11-20	2
21-50	3
51-75	4
76-100	5
101-200	6
Over 200	7 + 1 additional space for each additional 100 spaces

**3.28 LOADING SPACE REGULATIONS****3.28.1 Spaces Required**

The owner or occupant of any Lot, Building or Structure erected or used for any purpose, involving the receiving, shipping, loading or unloading of Persons, animals, goods, wares, merchandise or raw materials, shall provide and maintain at the premises, facilities for loading. Loading Spaces shall measure at least 9 metres long, 3.5 metres wide and have a vertical clearance of at least 4.5 metres.

Loading Spaces shall be required in accordance with the following:

<b>GROSS FLOOR AREA OF BUILDING OR STRUCTURE</b>	<b>MINIMUM NUMBER OF LOADING SPACES REQUIRED</b>
i) more than 280 square metres to 2,800 square metres	1
ii) more than 2,800 square metres to 5,600 square metres	2

Each additional 2,800 square metres of Gross Floor Area will require the addition of one additional Loading Space.

### **3.28.2 Addition To Existing Uses**

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

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

### **3.28.3 Loading Spaces Maintenance**

Adequate drainage facilities are to be provided in accordance with the requirements of the Municipality. Loading spaces and approaches are to be maintained with a stable surface that is treated to prevent the raising of dust or loose particles.

### **3.28.4 Location**

The required Loading Space shall be provided on the Lot occupied by the Building or Structure for which the said Loading Spaces are required and shall not form a part of any Street or Lane. Loading spaces are to be located in the rear yard where a lot has access at both the front and rear to a street or road.

### **3.28.5 Access**

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

## **3.29 LOTS REDUCED BY PUBLIC ACQUISITION**

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

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

## **3.30 SPECIAL PROVISION FOR THE KEEPING OF LIVESTOCK**

No person shall keep livestock on any lot unless the Lot contains a minimum of 0.4 hectares of Pasture Area.

**3.31 STORAGE OF SPECIAL VEHICLES**

## a) Special Vehicles Permitted

No person shall use any lot in any Residential (R) Zone for the purpose of parking or storing a boat, snowmobile, tractor, tractor trailer or travel trailer except for:

- i) One boat which shall not exceed 8.23 metres in length.
- ii) One travel trailer or one tourist vehicle which shall not exceed 8.23 metres in length, exclusive of hitch or tongue.
- iii) Two snowmobiles.
- iv) One tractor or combined tractor and tractor trailer which shall not exceed 8.23 metres in length.

## b) Fully Enclosed

Notwithstanding the preceding paragraphs, the limitations imposed herein shall not restrict the number of such boats, snowmobiles, tractors, tractor trailers, travel trailers or tourist vehicles which are stored in a fully enclosed private garage carport or other building.

### 3.32 WIND TURBINES AND METEOROLOGICAL MASTS

#### 3.32.1 Wind Turbines

##### Measurement

- a) Unless expressed otherwise, Wind Turbine height shall be measured from the ground, Structure or foundation on which the Wind Turbine tower rests to the centre of the rotor hub in the case of hub height or to the uppermost reach of the rotor blades in the case of total tower height.
- b) Setbacks specific to Wind Turbines shall be measured to centre of tower base. Other parts, including rotor blades, or Accessory Uses to a Wind Turbine shall be subject to the Setbacks applicable to other Uses in the applicable Zone.

##### Size – Height – Number per Lot

- c) Maximum rotor diameter of a Wind Turbine shall be:
  - i) 4m in a Residential Zone.
  - ii) Equal to 1.3 times hub height in an A1, A2 or M4 Zone.
  - iii) 12m in all other Zones.
- d) Maximum hub height from grade of a Wind Turbine shall be:
  - i) 31m in a Residential Zone or on a Lot abutting a Residential Zone.
  - ii) 110m in an A1, A2, or M4 Zone.
  - iii) 45m in any other Zone.
  - iv) Other than a Permitted Wind Farm, no more than 2 Wind Turbines shall be located on any one Lot.
- e) Wind Turbines shall have a minimum hub height of 20m above grade.

##### Setbacks - Location

- f) Wind Turbines shall be Erected in compliance with the following minimum Setbacks:
  - i) total tower height from any Building on a separate Lot, Road Allowance, or above-ground public utility lines.
  - ii) the lesser of hub height or 50m from a Lot Line other than a Road Allowance, or for a Wind Turbine with a rotor diameter of 6m or less, half hub height from a Lot Line abutting a cropped or pastured area in an Agricultural Zone.
  - iii) 0m setback shall be permitted where a turbine developer has an agreement providing compensation with both land owners and both land owners provide written consent to the Township.
  - iv) 600m from any contiguous group of four or more Lots primarily in a non-Agricultural Zone, for a Wind Turbine with a rotor diameter greater than 12m or a hub height greater than 45m.
  - v) 250m from a Livestock Facility on a separate lot, other than a Manure Storage Facility, for a Wind Turbine with a rotor diameter greater than or equal to 12m.
  - vi) 250m from a Dwelling on a separate Lot, for a Wind Turbine with a rotor diameter less than 12m.
  - vii) 550m from a Dwelling on a separate Lot, for a Wind Turbine with a rotor diameter greater than or equal to 12m.

- g) Wind Turbines shall not be located in a Required Front or Exterior Side Yard.

#### Wind Farms

- h) Any Lot having a Wind Turbine with a rated name plate capacity greater than 40kW and exceeding either of the following shall be considered a Wind Farm:
- i) 500 kW rated name plate capacity, or
  - ii) 25.5 kW rated name plate capacity per hectare of Lot Area.
- i) Any Lot where the combined rated name plate capacity of the Wind Turbines located thereon is greater than 80kW and exceeds either of the following shall be considered a Wind Farm:
- i) 800 kW rated name plate capacity per Lot, or
  - 40 kW rated name plate capacity per hectare of Lot Area

### 3.32.2 Meteorological Masts

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

### 3.32.3 General

- a) No advertising Signs except a manufacturer's logo shall be Permitted on a Wind Turbine or Meteorological Mast at a height greater than 6m above grade.
- b) The same minimum Setbacks that apply to Wind Turbines and Meteorological Masts in respect to a Dwelling on a separate Lot shall also apply with respect to the following:
- i) Vacant Lots in a Residential (R) Zone
  - ii) Institutional (I) Zones or Institutional Uses
  - iii) Open Space 1 (OS1) Zones
  - iv) Open Space 2 (OS2) Zones
- c) Wind Turbines and Meteorological Masts shall not be Permitted in the following Zones:
- i) Environmental Protection – Hazard (EP-H) Zones
  - ii) Environmental Protection – Wetland (EP-WET) Zones
  - iii) Environmental Protection – Woodlot (EP-WD) Zones

**SECTION 4 - ZONES, ZONE SYMBOLS & ZONE MAPS****4.1 ESTABLISHMENT OF ZONES**

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

<b><u>SECTION</u></b>	<b><u>ZONE NAME</u></b>	<b><u>SYMBOL</u></b>
5	Agricultural 1	A1
6	Agricultural 2	A2
7	Residential 1	R1
8	Residential 3	R3
9	Residential 4	R4
10	Central Commercial	C1
11	Highway Commercial	C2
12	Rural Commercial	C3
13	Mixed Commercial Industrial	CM
14	Industrial	M1
15	Light Industrial	M2
16	Industrial Waste Disposal	M3
17	Extractive Industrial	M4
18	Institutional	I
19	Open Space 1	OS1
20	Open Space 2	OS2
21	Environmental Protection – Wetland	EP-WET
22	Environmental Protection – Woodlot	EP-WD
23	Environmental Protection –Hazard	EP-H

**4.2 USE OF SYMBOLS**

The symbols listed in Subsection 4.1 may be used to refer to any of the Uses of land, Buildings and Structures Permitted by this By-law in the said Zones and whenever in this By-law the word "Zone" is used, preceded by

any of the said symbols, such Zone shall mean any area delineated on the Zoning Maps and designated thereon by the said symbol.

### **4.3 HOLDING (H) SYMBOL**

#### **4.3.1 The Use of the Holding (H) Symbol**

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

### **4.4 APPLICATION OF ZONES**

No Person shall, within any of the Zones defined in the By-law and delineated on the Zoning Maps hereto appended, erect or Use any Building or Structure, or Use any land in whole or part except in such manner and for such purposes as are set forth in this By-law.

### **4.5 INCORPORATION OF ZONING MAP**

The location and boundaries of the Zones established by this By-law are shown on the Zoning Maps hereto appended as Schedules A, and Parts 1 and 2 to Schedule A which are hereby incorporated in and declared to form part of this By-law.

### **4.6 INTERPRETATION OF ZONING MAP**

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

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

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

b) Lot Lines

Where any Zone boundary is not shown to be a Street, Lane, Right-Of-Way, creek or watercourse, and where the boundary approximately follows lot lines, such lot lines shall be deemed to be the Zone boundary.

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

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

d) Conservation Authority Fill & Construction Lines

Certain lands within the Municipality are subject to Fill, Construction and Alteration Regulations pursuant to the Conservation Authorities Act, R.S.O. 1990, Chap. C.27, as amended. The limits of these Conservation Authority Regulated areas are shown for informational purposes on the Schedules to this By-law. Where any Zone boundary is shown as following the limits of a Conservation Authority Regulated area, the Zone boundary shall be deemed to correspond with the limits of such Regulated area. In the event that an application is made to, and approved by, the Conservation Authority for a permit pursuant to the Fill, Construction and Alteration Regulations, the lands for which such permit is issued shall be deemed to be included within the same Zone as the adjoining non-Regulated lands.

e) Scale From Zoning Map

Where any Zone boundary is left uncertain after application of the provisions of **Section 4.6**, subsections a), b) c) and d), of this By-law, then the boundary shall be determined by scale from the zoning maps to the centre of the Zone boundary line.

#### **4.7 TABLE A**

No Person shall erect or Use any Building or Structure, or Use any land or cause or permit any Building or Structure to be erected or used, or cause or permit any land to be used, in any Zone except in conformity with the regulations as set out in Table A for that Zone.

## SECTION 5 - AGRICULTURAL 1 (A1) ZONE

### 5.1 PERMITTED USES

No land, Building, or Structure shall be used or erected in the Agricultural 1 (A1) Zone except for one or more of the following Uses:

- a) Agriculture, including one Farm Dwelling
- b) Single Detached Dwelling  
Modular Home
- c) Antennae (maximum height 40 m)  
Agricultural Home Industry  
Bed and Breakfast Establishment  
Commercial Greenhouse  
Commercial Wind Turbines, but not a Wind Farm  
Conservation  
Forestry  
Home Occupation  
Kennel  
Nursery
- d) Buildings, Structures and Uses Accessory to a Permitted Use

### 5.2 MINIMUM DISTANCE SEPARATION

- a) No new Dwelling or non-Agricultural Use, Building or Structure (including development on Existing Lots) is Permitted closer to a Livestock Facility on a separate Lot than 300m or the MDS I Setback calculated using **Appendix "A"** to this By-law, whichever is greater. Notwithstanding, only the MDS I setback shall apply to Livestock Facilities having a Livestock Housing Capacity of fewer than 25 Nutrient Units.
- b) No new Livestock Facility or Livestock Facility addition or reconstruction is Permitted closer to a Dwelling on a separate Lot, a Lot Line or a non-Agricultural Use, Building or Structure on a separate Lot, than the distance calculated using the MDS II formula found in **Appendix "A"** to this By-law.
- c) Application of subsections a) and b) shall be in accordance with the *Minimum Distance Separation (MDS) Implementation Guidelines* published by the Ontario Ministry of Agriculture, Food and Rural Affairs as updated from time to time, subject to the specific provisions of this By-law and Appendix "A" to the By-law and including the following:
  - i) An Existing Dwelling may be replaced, despite not complying with subsection a), provided that the Existing separation is not further reduced.
  - ii) A Livestock Facility destroyed by fire or natural disaster may be replaced to the same general location, despite not meeting MDS II, provided the existing separation is not further reduced and the Factors A, B and D for the new Livestock Facility are no greater than those of the previous Livestock Facility.
  - iii) A new non-Agricultural Lot, whether or not containing a Dwelling, shall comply with subsection a), even for Livestock Facilities already located on a separate Lot.
  - iv) Subsection a) shall not apply where 4 or more non-Agricultural Uses are already closer to the Livestock Facility than the Use under consideration and where the Use under consideration is also closer to the same 4 or more non-Agricultural Uses than it is to the Livestock Facility.

- v) Cemeteries located in an Agricultural Zone shall be considered a Type A land Use for the purposes of MDS II.
- vi) MDS I and MDS II shall not apply to Buildings or Structures Accessory to a Dwelling or Buildings or Structures 10 m<sup>2</sup> or less in Ground Floor Area.
- vii) The required MDS I from an anaerobic digester or an associated co-substrate input tank shall be 125m.
- viii) The required MDS II for an anaerobic digester or an associated co-substrate input tank shall be 125m from a Type A Land Use, 250m from a Type B Land Use, 13m from an Interior Side Lot Line or Rear Lot Line and 25m from a Front or Exterior Side Lot Line.
- ix) Even if no building permit is required, MDS II shall apply to the conversion of any non-Livestock Building or Structure greater than 10 m<sup>2</sup> in Ground Floor Area to use as a Livestock Facility.
- x) Where no building permit is required, Existing Livestock Facilities may be converted for use for a type of Livestock for which the Building was not previously used, designed or suited, despite not complying with MDS II, provided there is no increase in non-compliance through a resultant MDS II that is greater than that of the previous Use.
- xi) The capacity of Manure Storages that hold manure produced by Livestock not located on the Lot or "digestate" produced from an anaerobic digester shall be considered in determining the required MDS I and MDS II.
- xii) Calculations made using the MDS Computer Program Version 1.0.0 provided by the Ministry of Agriculture, Food and Rural Affairs shall be considered equivalent to calculations made using Appendix "A".

### 5.3 AGRICULTURAL 1 (A1) SPECIAL PROVISIONS

- a) A minimum separation of 250 m shall be maintained between kennels and between kennels and residential uses.
- b) Notwithstanding the minimum Required Rear Yard of 7m in Table A, on Concession 7, S ½ Lot 15, the Rear Yard Setbacks of Existing Accessory Buildings created by consent application B-03/06, granted by the Land Division Committee of the County of Lambton, shall be treated as and deemed to be legally Non-Complying.
- c) Notwithstanding the minimum interior side yard of 3m in Table A, a 1.68m interior side yard setback from the existing barn on Concession 10, E Part Lot 28, W ½ of E ½ Lot 28 (known municipally as 8993 Petrolia Line) is permitted. A variance from the required MDS setback shall be permitted at the existing setback.

### 5.4 AGRICULTURAL 1 (A1) TEMPORARY USES T

#### 5.4.1 AGRICULTURAL 1, A1/T-1

In addition to the Uses Permitted in the Agricultural 1 (A1) Zone, for those lands described as Part Lot 18, Concession 4, (former) Brooke Township, the permitted uses may include the retail sales of used clothing in an accessory building, as a temporary Use to the main residential use of the property. Such temporary use will only be permitted until January 14, 2002.

**5.5 AGRICULTURAL 1 (A1) ZONE EXCEPTIONS**

The following Zones apply to unique or existing situations and are not the standard A1 Zones. If a regulation or Use is not specified, the list of Permitted Uses in Section 5.1 and/or the regulations of Table A shall apply.

**5.5.1 AGRICULTURAL 1(1) A1(1) ZONE**

Permitted Uses

- a) Any use permitted in the A1 Zone
- b) Existing Truck Transport Terminal

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**SECTION 5A – NO-DWELLING AGRICULTURAL (ND-A) ZONE****5A.1 PROHIBITED USES**

No land, Building, or Structure shall be used or erected for the purposes of a **Dwelling** in the No-Dwelling Agricultural (ND-A) Zone.

**5A.2 PERMITTED USES**

No land, Building, or Structure shall be used or erected in the No-Dwelling Agricultural (ND-A) Zone except for one or more of the following Uses:

- a) Any Use Permitted in the Agricultural 1 (A1) Zone, excluding a Dwelling of any kind
- b) Buildings, Structures and Uses Accessory to a Permitted Use

**5A.3 NO-DWELLING AGRICULTURAL (ND-A) SPECIAL PROVISIONS**

- a) All site, building, zoning or other regulations or provisions of this by-law that are applicable in the “Agricultural 1 (A1) Zone”, excluding Permitted and prohibited Uses, shall apply in the “No-Dwelling Agricultural (ND-A) Zone”.

**5A.4 NO-DWELLING AGRICULTURAL (ND-A) ZONE EXCEPTIONS**

The following Zones apply to unique or existing situations and are not the standard ND-A Zone. If a regulation or Use is not specified the list of prohibited and Permitted Uses in Sections 5A.1 and 5A.2 and/or the regulations of Section 5A.3 shall apply.

**5A.4.1 NO-DWELLING AGRICULTURAL ND-A(1) ZONE****PROHIBITED USES**

- a) Livestock and Livestock Facilities

## **SECTION 6 - AGRICULTURAL 2 (A2) ZONE**

### **6.1 PERMITTED USES**

No land, Building, or Structure shall be used or erected in the Agricultural 2 (A2) Zone except for one or more of the following Uses:

- a) Agriculture, including one Farm Dwelling, but excluding Livestock and Livestock Facilities
- b) Single Detached Dwelling  
Modular Home
- c) Agricultural Home Industry  
Antennae (maximum height 40 m)  
Bed and Breakfast Establishment  
Commercial Greenhouse  
Commercial Wind Turbines, but not a Wind Farm  
Conservation  
Forestry  
Home Occupation  
Kennel  
Nursery
- d) Buildings, Structures and Uses Accessory to a Permitted Use

### **6.2 MINIMUM DISTANCE SEPARATION**

All Buildings, Structures and Uses Erected or established in the A2 Zone shall comply with the separation requirements of Sections 5.2.

### **6.3 AGRICULTURAL 2 (A2) SPECIAL PROVISIONS**

A minimum separation of 250 m shall be maintained between kennels and between kennels and Residential Uses.

### **6.4 AGRICULTURAL 2 (A2) ZONE EXCEPTIONS**

The following Zones apply to unique or existing situations and are not the standard A2 Zone. If a regulation or Use is not specified the list of Permitted Uses in Section 6.1 and/or the regulations of Table A shall apply.

#### **6.4.1 AGRICULTURAL 2(1) A2(1) ZONE**

Permitted Uses

- a) Any use permitted in the A2 Zone
- b) Any use permitted in the OS2 Zone
- c) Buildings, structures and uses accessory to a permitted use

## **SECTION 7 - RESIDENTIAL 1 (R1) ZONE**

### **7.1 PERMITTED USES**

No land, Building, or Structure shall be used or erected in the Residential 1 (R1) Zone except for one or more of the following Uses:

- a) Single Detached Dwelling  
Semi-Detached Dwelling  
Duplex Dwelling  
Day Nursery  
Group Home-Type 1  
Converted Dwelling  
Existing Agriculture, excluding buildings
- b) Home Occupations
- c) Bed and Breakfast Establishment
- d) Buildings, Structures and Uses Accessory to a Permitted Use

### **7.2 HOLDING ZONES**

#### **RESIDENTIAL 1 (H) R1(H) ZONE**

Permitted Uses

Uses lawfully existing on the day this By-law was passed.

Provisions for the Removal of the Holding "H" Symbol

To ensure the orderly development of lands and the adequate provision of municipal services, the "H" symbol shall not be deleted until a subdivision agreement or development agreement is entered into, for the lands in question, with the municipality.

### **7.3 RESIDENTIAL 1 (R1) ZONE EXCEPTIONS**

The following Zones apply to unique or existing situations and are not the standard R1 Zone. If a regulation or Use is not specified the list of Permitted Uses in Section 7.1 and/or the regulations of Table A shall apply.

#### **7.3.1 RESIDENTIAL R1(1) ZONE**

Permitted Uses

- a) Any use permitted in the R1 Zone
- b) Existing Bulk Fuel Depot

#### **7.3.2 RESIDENTIAL R1(2) ZONE**

Permitted Uses

- a) Any use permitted in the R1 Zone
- b) An establishment, within a fully enclosed building, for welding and product repairs, steel and metal fabrication, manufacturing of light products and storage of materials and products
- c) Buildings, Structures and uses accessory to a permitted use

**7.3.3 RESIDENTIAL R1(3) ZONE**

## Permitted Uses

- a) Any use permitted in the R1 Zone
- b) Existing Church
- c) Buildings, Structures and Uses accessory to a Permitted Use.

**7.3.4 RESIDENTIAL R1(4) ZONE**

## Permitted Uses

- a) Any use permitted in the R1 Zone
- b) Existing Apiary

**7.3.5 RESIDENTIAL R1(5) ZONE**

## Permitted Uses

- a) Any use permitted in the R1 Zone
- b) Existing Abattoir

**7.3.6 RESIDENTIAL R1(6) ZONE**

## Permitted Uses

- a) Any use permitted in the R1 Zone
- b) Existing Commercial Storage
- c) Commercial Use

**7.3.7 RESIDENTIAL R1(7) ZONE**

## Permitted Uses

- a) Any use permitted in the R1 Zone
- b) Any use permitted in the A2 Zone
- c) Buildings, Structures and Uses accessory to a Permitted Use.

**7.3.8 RESIDENTIAL R1(8) ZONE**

## Permitted Uses

- a) Any use permitted in the R1 Zone
- b) Existing Tire Repair Shop

**7.3.9 RESIDENTIAL R1(9) ZONE**

## Permitted Uses

- a) All uses permitted in the R1 Zone

## Site Regulations

Notwithstanding Section 2 - definitions **FRONT LOT LINE**; the "**FRONT LOT LINE**" means in the case of an interior lot, the line dividing the Lot from the Street. In the case of a Corner Lot, the longer lot line abutting a street shall be deemed the front lot line and shorter lot line abutting a street shall be deemed the exterior side lot line. In the case of a through lot or a Corner lot whose exterior lot line share the same length, the lot line where the principle access to the lot is provided shall be deemed to be the front lot line.

**7.3.10 RESIDENTIAL R1(10) (H) ZONE (B/L 34 of 2022)**

## Permitted Uses

- a) Any use permitted in the R1 Zone
- b) Street Townhouses

## Site Regulations

- a) Street Townhouses shall be subject to the regulations for Street Townhouses set out in Table A.
- b) Single Detached Dwellings may be located on lots with a minimum frontage of 15 metres.”

**7.3.11 RESIDENTIAL R1(11) (H) ZONE (B/L 34 of 2022)**

## Site Regulations

- a) Single Detached Dwellings may be located on lots with a minimum frontage of 15 metres.

**7.3.12 RESIDENTIAL R1(12) ZONE (B/L 27 of 2025)**

Notwithstanding the provisions of the R1 Zone, Single Detached Dwellings on lands zoned R-12 shall be subject to a minimum required Lot Frontage of 13 m, a minimum required Lot Area of 405 m<sup>2</sup>, and a maximum Lot Coverage of 45%. In all other respects, the provisions applicable in the R1 Zone shall apply.

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## **SECTION 8 - RESIDENTIAL 3 (R3) ZONE**

### **8.1 PERMITTED USES**

No land, Building, or Structure shall be used or erected in the Residential 3 (R3) Zone except for one or more of the following Uses:

- a) Converted Dwelling
  - Triplex Dwelling
  - Street Townhouse Dwelling
  - Townhouse Dwelling
  - Multiple Dwelling
  - Group Home-Type 1
- b) Home Occupations
- c) Bed and Breakfast Establishment
- d) Buildings, Structures and Uses Accessory to a Permitted Use

### **8.2 HOLDING ZONES**

### **8.3 RESIDENTIAL 3 (R3) ZONE EXCEPTIONS**

The following Zones apply to unique or existing situations and are not the standard R3 Zone. If a regulation or Use is not specified, the list of Permitted Uses in Section 8.1 and/or the regulations of Table A shall apply.

#### **8.3.1 RESIDENTIAL R3(1) ZONE**

Permitted Uses

- a) All uses permitted in the R3 Zone

The Zone provisions and Building Regulations in the R3(1) Zone shall be in accordance with the requirements of Table A of this By-law except that the minimum lot area for Row Dwellings shall be 275 square metres per dwelling unit.

#### **8.3.2 RESIDENTIAL R3(2) ZONE (B/L 50 of 2016)**

Permitted Uses

- a) All uses permitted in the R3 Zone
- b) Office
  - Restaurant Establishment
  - Personal Service Establishment
  - Laundromat
  - Convenience Stores Establishment
  - Clinic
  - Bake Shop
  - Dry Cleaning Establishment
  - Health Club
  - Institutional Use

- c) Accessory dwelling units located above and/or behind a permitted Commercial use and attached to a Commercial building.
- d) Buildings, Structures and Uses Accessory to a Permitted Use.

#### Site Regulations

- e) Maximum Floor Area for all Commercial uses: 500 square meters  
Commercial uses are limited to being located on the first floor.
- f) Minimum Front lot line setback: 6m  
Minimum Exterior lot line setback: 7m  
Minimum Interior lot line setback: 4.5m  
Minimum Rear lot line setback: 7m  
Maximum lot coverage: 35%

All other provisions of the R3 Zone shall apply to lands zoned.

#### Building Regulations

- g) Maximum Height: 2 storeys

Regulations for accessory dwelling units:

#### Minimum Floor Area

Bachelor	40.0 m <sup>2</sup>
One bedroom	45.2 m <sup>2</sup>
Two bedrooms	55.0 m <sup>2</sup>
Three bedrooms	70.0 m <sup>2</sup>

### **8.3.3 RESIDENTIAL R3(3) ZONE (B/L 28 of 2018)**

#### Permitted Uses

- a) All uses permitted in the R3 Zone
- b) Multiple dwelling up to four (4) units
- c) Buildings, Structures and Uses Accessory to a Permitted Use

#### Site Regulations

- d) Minimum Front lot line setback: 6m  
Minimum Exterior lot line setback: 6m  
Minimum Interior lot line setback: 3m  
Minimum Rear lot line setback: 3m  
Maximum lot coverage: 40%

All other provisions of the R3 Zone shall apply to lands zoned.

## Building Regulations

- e) Maximum Height: 12 m

**8.3.4 RESIDENTIAL R3(4) ZONE (B/L 54 of 2024)**

Notwithstanding the minimum lot frontage provisions of the R3 Zone, lands zoned R3(4) shall have a minimum lot frontage of 15 metres.

**8.3.5 RESIDENTIAL R3(5) ZONE (B/L 27 of 2025)**

Notwithstanding the provisions of the R3 Zone, Townhouses on lands zoned R3-5 shall be subject to a minimum Lot Area requirement of 190 m<sup>2</sup> per Dwelling Unit, a maximum Lot Coverage of 55%, and minimum Interior Side Yard Setbacks of 1.2 metres. In all other respects, the provisions applicable in the R3 Zone shall apply.

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**SECTION 9 - RESIDENTIAL 4 (R4) ZONE****9.1 PERMITTED USES**

No land, Building, or Structure shall be used or erected in the Residential 4 (R4) Zone except for one or more of the following Uses:

- a) Single Detached Dwelling  
Day Nursery
- b) Home Occupations
- c) Bed and Breakfast Establishment
- d) Buildings, Structures and Uses Accessory to a Permitted Use

**9.2 HOLDING ZONES****RESIDENTIAL 4 (H) R4(H) ZONE**

## Permitted Uses

Uses lawfully existing on the day this By-law was passed.

## Provisions for the Removal of the Holding "H" Symbol

To ensure the orderly development of lands and the adequate provision of municipal services, the "H" symbol shall not be deleted until a subdivision agreement or development agreement is entered into, for the lands in question, with the municipality.

**9.3 RESIDENTIAL 4 (R4) ZONE EXCEPTIONS**

The following Zones apply to unique or existing situations and are not the standard R4 Zone. If a regulation or Use is not specified, the list of Permitted Uses in Section 9.1 and/or the regulations of Table A shall apply.

**9.3.1 RESIDENTIAL R4(1) ZONE**

## Permitted Uses

- a) All uses permitted in the R4 Zone
- b) Existing Restaurant

**9.3.2 RESIDENTIAL R4(2) ZONE**

## Permitted Uses

- a) All uses permitted in the R4 Zone
- b) Existing Apiary
- c) Buildings, Structures and Uses Accessory to a Permitted Use

**9.3.3 RESIDENTIAL R4(3) ZONE**

## Permitted Uses

- a) All uses permitted in the R4 Zone
- b) Office
- c) Parking Lot
- d) Buildings, Structures and Uses Accessory to a Permitted Use

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**SECTION 10 - CENTRAL COMMERCIAL (C1) ZONE****10.1 PERMITTED USES**

No land, Building, or Structure shall be used or erected in the Central Commercial (C1) Zone except for one or more of the following Uses:

- a) Amusement Games Establishment
- Art Gallery
- Assembly Hall
- Auditorium
- Bake Shop
- Bank
- Bed and Breakfast
- Boarding House
- Brewing on Premises Establishment
- Church
- Clinic
- Commercial Recreation Establishment
- Commercial Use
- Convenience Stores
- Day Nursery
- Dry Cleaning Establishment
- Farmer's Market
- Funeral Home
- Gift Shop
- Home Occupation
- Hotel
- Institutional Use
- Laundromat
- Office
- Park
- Parking Lot
- Personal Service Establishment
- Place of Entertainment
- Private Club
- Restaurant
- Retail Store
- Retail Warehouse
- School
- Service and Repair Shop
- Shopping Centre
- Tavern
- Theatre
- b) Existing Agricultural Implement Sales Establishment
- c) Existing Agricultural Processing, Service and/or Supply Establishment
- d) Existing Motor Vehicle Service Establishment
- e) Existing Motor Vehicle Repair Establishment
- f) Dwelling Units Located Above and/or Behind a Permitted Commercial Use and attached to a Commercial Building

- g) Existing Single Family Dwelling
- h) Buildings, Structures and Uses Accessory to a Permitted Use

Site Regulations – Existing Single Detached Dwellings

Notwithstanding Table “A”, Existing Single Detached Dwellings and new or Existing Uses Accessory thereto shall comply with provisions applicable to the Residential (R.1) Zone.

## 10.2 REGULATIONS FOR ACCESSORY DWELLING UNITS

### Minimum Floor Area

bachelor	35.0 m <sup>2</sup>
one bedroom	55.0 m <sup>2</sup>
two bedrooms	65.0 m <sup>2</sup>
three bedrooms	85.0 m <sup>2</sup>

## 10.3 HOLDING ZONES

### 10.4 CENTRAL COMMERCIAL (C1) ZONE EXCEPTIONS

The following Zones apply to unique or existing situations and are not the standard C1 Zone. If a regulation or Use is not specified, the list of Permitted Uses in Section 10.1 and/or the regulations of Table A shall apply.

#### 10.4.1 CENTRAL COMMERCIAL C1(1) ZONE

##### Permitted Uses

- a) All uses permitted in the C1 Zone
- b) Automobile Washing Establishment  
Commercial Storage  
Auction Hall
- c) Buildings, Structures and uses accessory to a permitted use.

##### Building Regulations

Uses specified in Section 10.4.1b) are subject to Highway Commercial (C2) Zone Regulations on Table A.

#### 10.4.2 CENTRAL COMMERCIAL C1(2) ZONE (B/L 40 /2019)

##### Permitted Uses

- a) All uses permitted in the C1 Zone
- b) Agricultural Processing Establishment  
Agricultural Service Establishment  
Agricultural Supply Establishment
- c) Buildings, Structures and uses accessory to a permitted use.

##### Building Regulations

Uses specified in Section 10.4.2b) are subject to Highway Commercial (C2) Zone Regulations on Table A.

**10.4.3 CENTRAL COMMERCIAL C1(3) ZONE (B/L 36 OF 2022)**

## Permitted Uses

- a) Any use permitted in the C1 Zone
- b) Warehouse
- c) Open Storage

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**SECTION 11 - HIGHWAY COMMERCIAL (C2) ZONE****11.1 PERMITTED USES**

No land, Building, or Structure shall be used or erected in the Service Commercial (C2) Zone except for one or more of the following Uses:

- a) Agricultural Implement Sales Establishment
- Agricultural Service Establishment
- Animal Hospital
- Auction Hall
- Bake Shop
- Bakeries
- Building or Contracting Establishment
- Building Supply Establishment
- Church
- Clinic
- Commercial Recreation Establishment
- Commercial Storage
- Convenience Store
- Day Nursery
- Dry Cleaning Establishment
- Funeral Home
- Garden Centre
- Gas Bar
- Health Club
- Health/Recreational Facility
- Hotel
- Laundromat
- Lumber Yard
- Marine Sales and Service Establishment
- Motel
- Motor Vehicle Sales Establishment
- Motor Vehicle Service Establishment
- Motor Vehicle Repair Establishment
- Motor Vehicle Washing Establishment
- Office
- Parking Lot
- Personal Service Establishment
- Place of Entertainment
- Private Club
- Propane Transfer Facility
- Recycling Depot
- Restaurant
- Restaurant Drive-In
- Service and Repair Shop
- Travel Trailer Sales Establishment
- b) Existing Single Family Detached Dwelling
- c) Buildings, Structures and Uses Accessory to a Permitted Use

**11.2 REGULATIONS FOR MOTOR VEHICLE SERVICE ESTABLISHMENTS**

Notwithstanding any other previous provisions of this By-law, where a lot in the Highway Commercial (C2) Zone is used for a Motor Vehicle service establishment, the following regulations shall apply:

		Interior	Corner
		<u>Lot</u>	<u>Lot</u>
11.2.1	<u>Minimum Lot Frontage</u>	45.0 m	55.0 m
11.2.2	<u>Minimum Lot Depth</u>	40.0 m	40.0 m
11.2.3	No portion of any pump island on a service station shall be located closer than six (6.0) metres from the street line of any street.		
11.2.4	The minimum distance from the intersection of two street lines to the nearest ingress or egress ramp shall not be less than nine (9.0) metres, or in the case of the intersection of two arterial streets, the minimum distance shall not be less than fifteen (15.0) metres.		
11.2.5	The minimum distance from any portion of any ingress or egress ramp to any interior side lot line which abuts any other lot shall not be less than three (3.0) metres.		
11.2.6	The width of any ingress or egress ramp along any street line shall not be more than nine (9.0) metres or less than seven and one-half (7.5) metres.		
11.2.7	The minimum distance between ramps shall not be less than nine (9.0) metres.		
11.2.8	The minimum interior angle of any ramp to the street line shall be greater than sixty degrees (60°).		
11.2.9	All parts of the ingress and egress ramps shall be maintained with a cement, or asphaltic binder or any other type of permanent surfacing to prevent the raising of dust or loose particles.		
11.2.10	Land which is not used for Buildings, ramps or paving shall be Landscaped in lawn, trees or shrubs and maintained in a healthy growing condition and neat and clean in appearance.		

**11.3 HOLDING ZONES****HIGHWAY COMMERCIALC2 HOLDING C2 (H) ZONE****Permitted Use**

Buildings, structures and uses lawfully existing on the day the By-law was passed.

**Provisions for the Removal of the Holding "H" Symbol**

To ensure the orderly development of lands and the adequate provision of municipal services, the "H" symbol shall be removed only after the Ministry of Environment & Energy (or its designated agent) has provided written authorization approving a private sewage system and when Council is satisfied that new development will comply with municipal zoning and site plan control regulations.

**11.4 HIGHWAY COMMERCIAL (C2) ZONE EXCEPTIONS**

The following Zones apply to unique or existing situations and are not the standard C2 Zone. If a regulation or Use is not specified, the list of Permitted Uses in Section 11.1 and/or the regulations of Table A shall apply.

**11.4.1 HIGHWAY COMMERCIAL C2(1) ZONE**

## Permitted Uses

- a) All uses permitted in the C2 Zone

The Zone Provisions and Building Regulations shall be in accordance with the requirements of the C2 Zone, except that the minimum lot area shall be 1200 square metres and the minimum front yard depth shall be 5 metres.

**11.4.2 HIGHWAY COMMERCIAL C2(2) ZONE**

## Permitted Uses

- a) All uses permitted in the C2 Zone
- b) All uses permitted in the M2 Zone
- c) Buildings, structures and uses accessory to a permitted use

The Zone Regulations in the C2(2) Zone shall be in accordance with the requirements of the M2 Zone on Table A.

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**SECTION 12 - RURAL COMMERCIAL (C3) ZONE****12.1 PERMITTED USES**

No land, Building, or Structure shall be used or erected in the Rural Commercial (C3) Zone except for one or more of the following Uses:

- a) Abattoir  
Agricultural Service Establishment  
Agricultural Supply Establishment  
Agricultural Implement Sales Establishment  
Animal Hospital  
Flea Market  
Farmers Market  
Stock Yard
- b) Buildings, Structures and Uses Accessory to a Permitted Use

**12.2 HOLDING ZONES****12.3 RURAL COMMERCIAL (C3) ZONE EXCEPTIONS**

The following Zones apply to unique or existing situations and are not the standard C3 Zone. If a regulation or Use is not specified, the list of Permitted uses in Section 12.1 and/or the regulations of Table A shall apply.

**12.3.1 RURAL COMMERCIAL C3(1) ZONE**

Permitted Uses

- a) Any use permitted in the C3 Zone
- b) Retail Store  
Commercial Recreational Establishment
- c) Buildings, Structures and Uses Accessory to a Permitted Use.

**12.4 RURAL COMMERCIAL C3 ZONE (B/L 57/19)**

The storage and/or selling of biosolids is prohibited on property located at 7162 Lasalle Line, including the area added to the property by the approval of Consent Application B-02/19.

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**SECTION 13 – MIXED COMMERCIAL INDUSTRIAL (CM) ZONE****13.1 PERMITTED USES**

No land, Building, or Structure shall be used or erected in the Mixed Commercial Industrial (CM) Zone except for one or more of the following Uses:

- a) Agricultural Supply Establishment
- Building Supply Establishment
- Bulk Sales Establishment
- Bulk Fuel Depot
- Commercial Storage
- Farm Implement Sales Establishment
- Farm Produce Processing Establishment
- General Industrial Use
- Golf Driving Tee or Range
- Grain Elevator
- Light Industrial Use
- Lumber Yard
- Drive-In Restaurant
- Travel Trailer Sales Establishment
- Truck Transport Terminal
- Tourist Centre
- Warehouse
- b) Buildings, Structures and Uses Accessory to a Permitted Use

**13.2 YARDS ABUTTING A RAILWAY RIGHT-OF-WAY**

Notwithstanding any other provisions of this By-law, where a Mixed Commercial Industrial (CM) Zone abuts a railway Right-Of-Way, no yard shall be required.

**13.3 HOLDING ZONES****MIXED COMMERCIAL INDUSTRIAL HOLDING CM (H) ZONE**

Permitted Use

Buildings, structures and uses lawfully existing on the day the By-law was passed.

Provisions for the Removal of the Holding “H” Symbol

To ensure the orderly development of lands and the adequate provision of municipal services, the “H” symbol shall be removed only after the Ministry of Environment & Energy (or its designated agent) has provided written authorization approving a private sewage system if required and when Council is satisfied that new development will comply with municipal zoning and site plan control regulations.

**13.4 MIXED COMMERCIAL INDUSTRIAL (CM) ZONE EXCEPTIONS**

The following Zones apply to unique or existing situations and are not the standard CM Zone. If a regulation or Use is not specified, the list of Permitted Uses in Section 13.1 and/or the regulations of Table A shall apply.

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**SECTION 14 - INDUSTRIAL (M1) ZONE****14.1 PERMITTED USES**

No land, Building, or Structure shall be used or erected in the Industrial (M1) Zone or Industrial (M1) Zone variation except for one or more of the following Uses:

- a) Auction Hall
- Building or Contracting Establishment
- Commercial Recreation Establishment
- Commercial Storage
- Contractors Yard
- Dry Cleaning Depot
- Dry Cleaning Establishment
- Food, Tobacco and Beverage Processing Industries
- General Industrial Use
- Grain Elevator
- Light Industrial Use
- Public Garage
- Parking Lot
- Recycling Depot
- Warehouse Establishment
- b) Buildings, Structures and Uses Accessory to a Permitted Use

**14.2 YARDS ABUTTING A RAILWAY RIGHT-OF-WAY**

Notwithstanding any other provisions of this By-law, where a General Industrial (M1) Zone abuts a railway Right-Of-Way, no yard shall be required.

**14.3 HOLDING ZONES****INDUSTRIAL M1(H) ZONE****Permitted Uses**

Buildings, structures and uses lawfully existing on the day the By-law was passed.

**Provisions for the Removal of the Holding "H" Symbol**

The "H" symbol shall be removed only after the Ministry of Environment & Energy (or its designated agent) has provided written authorization approving a private sewage system if required and when Council is satisfied that new development will comply with municipal zoning and site plan control regulations

**14.4 INDUSTRIAL (M1) ZONE EXCEPTIONS**

The following Zones apply to unique or existing situations and are not the standard M1 Zones. If a regulation or Use is not specified, the list of Permitted Uses in Section 14.1 and/or the regulations of Table A shall apply.

**14.4.1 INDUSTRIAL M1(1) ZONE**

- a) Any use permitted in the M1 Zone
- b) Automobile Sales Establishment  
Automobile Repair Establishment  
Farm Implement and Sales Establishment
- c) Buildings, Structures and uses accessory to a permitted use

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**SECTION 15 - LIGHT INDUSTRIAL (M2) ZONE****15.1 PERMITTED USES**

No land, Building, or Structure shall be used or erected in the Light Industrial (M2) Zone except for one or more of the following Uses:

- a) Auction Hall
  - Bakery
  - Business Service Establishment
  - Laboratory
  - Contractor's Yard or Shop
  - Commercial Storage
  - Light Industrial Use
  - Repair and Rental Establishment
  - Research and Development Establishment
  - Service Trade
  - Motor Vehicle Sales Establishment
  - Motor Vehicle Service Establishment
  - Warehouse
  - Public Garage
  - Parking lot
  - Recycling Depot
- 
- b) Buildings, Structures and Uses Accessory to a Permitted Use

**15.2 YARDS ABUTTING A RAILWAY RIGHT-OF-WAY**

Notwithstanding any other provisions of this By-law, where a Light Industrial (M2) Zone abuts a railway Right-Of-Way, no yard shall be required.

**15.3 HOLDING ZONES****15.4 LIGHT INDUSTRIAL (M2) ZONE EXCEPTIONS**

The following Zones apply to unique or existing situations and are not the standard M2 Zone. If a regulation or Use is not specified, the list of Permitted Uses in Section 15.1 and/or the regulations of Table A shall apply.

**SECTION 16- INDUSTRIAL WASTE DISPOSAL (M3) ZONE****16.1 PERMITTED USES**

No land, Building, or Structure shall be used or erected in the Industrial Waste Disposal (M3) Zone except for one or more of the following Uses:

- a) Waste Disposal Site for Non Hazardous, Solid Wastes
- b) Buildings, Structures and Uses Accessory to a Permitted Use

**16.2 HOLDING ZONES****16.3 INDUSTRIAL WASTE DISPOSAL (M3) ZONE EXCEPTIONS**

The following Zones apply to unique or existing situations and are not the standard M3 Zone. If a regulation or Use is not specified, the list of Permitted Uses in Section 16.1 and/or the regulations of Table A shall apply.

**SECTION 17 - EXTRACTIVE INDUSTRIAL (M4) ZONE****17.1 PERMITTED USES**

No land, Building, or Structure shall be used or erected in the Extractive Industrial (M4) Zone except for one or more of the following Uses:

- a) Extractive Use
  - Agriculture
  - Forestry
  - Commercial Wind Turbines, but not a Wind Farm
  - Conservation
- b) Buildings, Structures and Uses Accessory to a Permitted Use

**17.2 HOLDING ZONES****17.3 EXTRACTIVE INDUSTRIAL (M4) ZONE EXCEPTIONS**

The following Zones apply to unique or existing situations and are not the standard M4 Zone. If a regulation or Use is not specified, the list of Permitted Uses in Section 17.1 and/or the regulations of Table A shall apply.

**SECTION 18 - INSTITUTIONAL (I) ZONE****18.1 PERMITTED USES**

No land, Building, or Structure shall be used or erected in the Institutional (I) Zone except for one or more of the following Uses:

- a) Cemetery  
Church  
Day Nursery  
Institutional Use  
Nursing Home or Rest Home  
School
- b) Buildings, Structures and Uses Accessory to a Permitted Use

**18.2 HOLDING ZONES****INSTITUTIONAL I (H) ZONE****Permitted Uses**

Uses lawfully existing on the day this By-law was passed.

**Provisions for the Removal of the Holding "H" Symbol**

The "H" symbol shall be removed once a site plan agreement or development agreement has been entered into with the Township.

**18.3 INSTITUTIONAL (I) ZONE EXCEPTIONS**

The following Zones apply to unique or existing situations and are not the standard I Zone. If a regulation or Use is not specified, the list of Permitted Uses in Section 18.1 and/or the regulations of Table A shall apply.

**SECTION 19 - OPEN SPACE 1 (OS1) ZONE REGULATIONS****19.1 PERMITTED USES**

No land, Building, or Structure shall be used or erected in the Open Space 1 (OS1) Zone except for one or more of the following Uses:

- a) Conservation  
Forestry  
Passive Recreation  
Public Park
- b) Buildings, Structures and Uses Accessory to a Permitted Use

**19.2 OPEN SPACE 1 (OS1) ZONE EXCEPTIONS**

The following Zones apply to unique or existing situations and are not the standard OS1 Zone. If a regulation or Use is not specified, the list of Permitted Uses in Section 19.1 and/or the regulations of Table A shall apply.

**SECTION 20 - OPEN SPACE 2 (OS2) ZONE REGULATIONS****20.1 PERMITTED USES**

No land, Building, or Structure shall be used or erected in the Open Space 2 (OS2) Zone except for one or more of the following Uses:

- a) Active Recreation
  - Campground
  - Community Centre
  - Fairground
  - Forestry
  - Golf Course
  - Golf Driving Tee or Range
  - Public Park
  - Private Park
  
- b) Accessory Uses Including Buildings and Structures

**20.2 OPEN SPACE 2 (OS2) ZONE EXCEPTIONS**

The following Zones apply to unique or existing situations and are not the standard OS2 Zone. If a regulation or Use is not specified, the list of Permitted Uses in Section 20.1 and/or the regulations of Table A shall apply.

**SECTION 21 - ENVIRONMENTAL PROTECTION WETLAND (EP-WET) ZONE****21.1 PERMITTED USES**

No land, Building, or Structure shall be used or erected in the Environmental Protection - Wetland (EP-WET) Zone except for one or more of the following Uses:

- a) Existing Agricultural Use
- b) Passive Recreation, Exclusive of Buildings and Structures
- c) Conservation, Exclusive of Buildings and Structures

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**SECTION 22 - ENVIRONMENTAL PROTECTION - WOODLOT (EP-WD) ZONE****22.1 PERMITTED USES**

No land, Building, or Structure shall be Used or erected in the Environmental Protection Woodlot (EP-WD) Zone except for one or more of the following Uses:

- a) An Agricultural Use, Exclusive of Buildings and Structures
- b) Passive Recreation, Exclusive of Buildings and Structures
- c) Conservation, Exclusive of Buildings and Structures
- d) Existing Single Detached Dwellings
- e) New Single Detached Dwellings on Existing Lots having Lot Area less than or equal to 2 ha on the date of passing of this by-law
- f) Buildings, Structures and Uses Accessory to a Single Detached Dwelling on the same Lot

**22.2 ENVIRONMENTAL PROTECTION - WOODLOT (EP-WD) ZONE SPECIAL PROVISIONS**

- a) Single Detached Dwellings and Accessory Uses, where Permitted, shall comply with the provisions of the "Agricultural 1 (A1) Zone".
- b) Buildings, Structures and Uses Accessory to a Single Detached Dwelling shall not be Erected further than 20m from the Main Use.

**SECTION 23 - ENVIRONMENTAL PROTECTION - HAZARD (EP-H) ZONE****23.1 PERMITTED USES**

No land, Building, or Structure shall be used or erected in the Environmental Protection - Hazard (EP-H) Zone except for one or more of the following Uses:

- a) An Agricultural Use, Exclusive of Buildings and Structures
- b) Active Recreation, Exclusive of Buildings and Structures where Active Recreation is a Permitted Use in an abutting Zone
- c) Passive Recreation, Exclusive of Buildings and Structures
- d) Buildings and Structures required for the safety of persons living in or adjacent to the Environmental Protection - Hazard (EP-H) Zone.

## APPENDIX "A" - MINIMUM DISTANCE SEPARATION

## MINIMUM DISTANCE SEPARATION I CALCULATION FORM

Step	Animals Type or Material & Description (Table 1)	Manure Form (Solid or Liquid)	Number/NU (Table 1)	Maximum Housing Capacity	Nutrient Units	Factor A (Table 1)	Factor D (Table 1)
1							
2	Total Nutrient Unit Capacity on Lot				Total		
3	Factor A (Odour Potential) Weight Average by NU (round to 2 decimal places)						
4	Factor D (Manure or Material Form) Weight Average by NU (round to 2 decimal places)						
5	Factor E (Encroaching Land Use - Table 4)						
6	Potential Nutrient Units: Tillable Ha on Lot ____ x 7.5 = ____ (maximum 300)						
7	Final NU: Greater of Total NU on Lot (2) and Potential NU (6) <i>expansion of a settlement area identified in the Official Plan, ignore Potential NU.</i>					(For	
8	Factor B (Nutrient Units Factor - Table 2)					(round to 2 decimal places)	
9	F: Building Base Distance (m) = Factor A (3) x Factor D (4) x Factor E (5) x Factor B (8)					(round up)	
10	S: Manure Storage Base Distance (m) (Tables 5 & 6)					(round up)	

Required Setback from livestock occupied portion of livestock facility = F (9) \_\_\_\_\_ m Actual: \_\_\_\_\_ m

Required Setback from manure or material storage area = S (10) \_\_\_\_\_ m Actual: \_\_\_\_\_ m

**TYPE A LAND USES** include Industrial (excluding M4 Zones), Rural Commercial (C3 Zones) and Passive Recreation Uses and/or Zones Permitting such Uses. For the purposes of MDS I a Dwelling or up to three new non-Agricultural Lots are also Type A Land Uses. For the purposes of MDS II, Dwellings and residential Uses are not recognized as residential areas in the Town Official Plan, or Cemeteries located in an Agricultural Zone are also Type A Land Uses.

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

**MINIMUM DISTANCE SEPARATION II CALCULATION FORM**

Step	Animals Type or Material & Description (Table 1)	Manure Form (Solid or Liquid)	Number/ NU (Table 1)	Maximum Housing Capacity 3 Years Ago (1)	NU 3 Years Ago (1)	Added Maximum Housing Capacity (1)	Added NU (1)	Final NU	Factor A (Table 1)	Factor D (Table 1)
1										
2	Total Nutrient Unit Capacity on Lot				Totals					
3	Factor A (Odour Potential) Weight Average by Added NU (round to 2 decimal places)									
4	Factor D (Manure or Material Form) Weight Average by Added NU (round to 2 decimal places)									
5	Factor B (Nutrient Units Factor - Table 2 - based on Total Final NU) (round to 2 decimal places)									
6	Percentage Increase (%) = (Total Added NU / Total NU 3 Years Ago) x 100									
7	Factor C (Orderly Expansion Factor - Table 3) (round to max 4 decimal places)									
8	F: Building Base Distance (m) = Factor A (3) x Factor D (4) x Factor B (5) x Factor C (7) (round up)									
9	S: Manure Storage Base Distance (m) (Tables 5 & 6) (round up)									

(1) Any livestock facility capacity for which a building permit was issued less than 3 years prior to the current building permit application submission date (and including the current building permit application) is to be considered added capacity. Added capacity could be negative.

MDS II SUMMARY	Factor	Livestock Occupied Portion		Manure Storage	
		Base Distance F = ____ m		Base Distance S = ____ m	
		Required Setback (m) (‘F’ x Factor)	Actual Setback (m)	Required Setback (m) (‘S’ x Factor)	Actual Setback (m)
Type A Land Uses	1				
Type B Land Uses	2				
Interior Side or Rear Lot Line (max 30m)*	0.1				
Exterior Side or Front Lot Line*	0.2				

\*Round to nearest whole number

**TABLE 1: Factor A (Odour Potential) and Factor D (Manure or Material Form in Storage Facility)**

Animal Type or Material	Description	Number per NU	Factor A	Manure or Material Form in Permanent Storage	
				Liquid Manure: Factor D = 0.8 <18% Dry Matter	Solid Manure: Factor D = 0.7 18 - 100% Dry Matter
Swine	Sows with litter, dry sows/boars Segregated Early Weaning (SEW)	3.33	1.0	Most systems have liquid manure stored under the barn slats for short or long periods, or in storages located outside	Systems with solid manure inside on deep bedded packs, or with scraped alleys
	Sows with litter, dry sows or boars (non-SEW)	3.5			
	Breeder gilts (entire barn designed specifically for this purpose)	5			
	Weaners (7 kg -27 kg)	20	1.1		
	Feeders (27 -105 kg)	6	1.2		
Dairy Cattle <sup>1</sup>	<b>Milking-age cows (dry or milking)</b>		0.7	Free-stall barns with minimal bedding or sand bedding, or tie-stall barns with minimal bedding & milking centre washwater added	Tie-stall barns with lots of bedding, or loose housing with deep bedded pack, and with or without outside yard access
	Large-framed; 545 kg - 636 kg (e.g. Holsteins)	0.7			
	Medium-framed; 455 kg - 545 kg (e.g. Guernseys)	0.85			
	Small-framed; 364 kg - 455 kg (e.g. Jerseys)	1			
	<b>Heifers (5 months to freshening)</b>				
	Large-framed; 182 kg - 545 kg (e.g. Holsteins)	2			
	Medium-framed; 148 kg - 455 kg (e.g. Guernseys)	2.4			
	Small-framed; 125 kg - 364 kg (e.g. Jerseys)	2.9			
	<b>Calves (0 -5 months)</b>				
	Large-framed; 45 kg - 182 kg (e.g. Holsteins)	6			
	Medium-framed; 39 kg - 148 kg (e.g. Guernseys)	7			
	Small-framed; 30 kg - 125 kg (e.g. Jerseys)	8.5			
Beef Cattle	Cows, including calves to weaning (all breeds)	1	0.7	N/ A	Bedded pack barns with or without outside yard access
	Feeders (7 -16 months)	3	0.8	Slatted floor systems, or barns with minimal bedding & yard scraped to a liquid storage	
	Backgrounders (7 - 12.5 months)	3			
	Shortkeepers (12.5 - 17.5 months)	2			
Veal	Milk-fed	6	1.1	Slatted floors or slatted stall system	Heavily bedded pack barns
	Grain-fed	6	0.8		
Goats	Does & bucks (for meat kids; includes unweaned offspring & replacements)	8	0.7	N/ A	Heavily bedded pack barns
	Does & bucks (for dairy; includes unweaned offspring & replacements)	8			
	Kids (dairy or feeder kids)	20			
Sheep	Ewes & rams (for meat lambs; includes unweaned offspring & replacements)	8	0.7	N/ A	All sheep systems
	Ewes & rams (dairy operation; includes unweaned offspring & replacements)	6			
	Lambs (dairy or feeder lambs)	20			

Animal Type or Material (Table 1, Page 2 of 3)	Description	Number per NU	Factor A	Manure or Material Form in Permanent Storage	
				Liquid Manure: Factor D = 0.8 <18% Dry Matter	Solid Manure: Factor D = 0.7 18 - 100% Dry Matter
Horses	Large-framed, mature; > 681 kg (including unweaned offspring)	0.7	0.7	N/ A	All horse systems
	Medium-framed, mature; 227 kg – 680 kg (including unweaned offspring)	1			
	Small-framed, mature; < 227 kg (including unweaned offspring)	2			
Chickens	Layer hens (for eating eggs; after transfer from pullet barn)	150	1.0	Birds in cages, manure belts, no drying of manure, water added	Birds in cages, manure belts & drying, or floor systems
	Layer pullets (day olds until transferred into layer barn)	500	0.7		
	Broiler breeder growers (males/ females transferred out to layer barn)	300	0.7	N/A	Bedded floors
	Broiler breeder layers (males/females transferred in from grower barn)	100	0.7	N/A	Cage or slatted floor systems
	Broilers on 8 week cycle	350	0.7	N/A	Bedded floor systems
	Broilers on 9 week cycle	300			
	Broilers on 10 week cycle	250			
	Broilers on 12 week cycle	200			
	Broilers on any other cycle, or if unknown, use 24.8 m <sup>2</sup> /NU	24.8 m <sup>2</sup>			
Turkeys	Turkey pullets (day old until transferred to layer turkey barn)	267	0.7	N/ A	Bedded floor systems
	Turkey breeder layers (males/females transferred in from grower barn)	67			
	Breeder toms	45			
	Broilers (day olds to 6.2 kg)	133			
	Hens (day olds up to 6.2 kg to 10.8 kg; 7.5 kg is typical)	105			
	Toms (day olds to over 10.8 to 20 kg; 14.5 kg is typical)	75			
	Turkeys at any other weights, or if unknown, use 24.8 sq m/NU	24.8 m <sup>2</sup>			
Quail	Use 24.8 m <sup>2</sup> /NU	24.8 m <sup>2</sup>	0.7	N/A	Bedded floor systems
Partridge	Use 24.8 m <sup>2</sup> /NU	24.8 m <sup>2</sup>			
Pheasants	Use 24.8 m <sup>2</sup> /NU	24.8 m <sup>2</sup>			
Squab	Use 24.8 m <sup>2</sup> /NU	24.8 m <sup>2</sup>			
Rheas	Adults (includes replacements & market birds)	13			
Emus	Adults (includes replacements & market birds)	12			
Ostriches	Adults (includes replacements & market birds)	4			
Ducks	Peking	105	0.8	Wire mesh flooring systems	Bedded floor systems
	Muscovy, use 24.8 m <sup>2</sup> /NU	24.8 m <sup>2</sup>			
Geese	Use 24.8 m <sup>2</sup> /NU	24.8 m <sup>2</sup>			
Rabbits	Breeding females (including males, replacements & market animals)	40	0.8	N/A	Cage or floor systems
Chinchillas	Breeding females (including males, replacements & market animals)	320			
Fox	Breeding females (including males, replacements & market animals)	25	1.0		
Mink	Breeding females (including males, replacements & market animals)	90			

Animal Type or Material (Table 1, Page 3 of 3)	Description	Number per NU	Factor A	Manure or Material Form in Permanent Storage	
				Liquid Manure: Factor D = 0.8 <18% Dry Matter	Solid Manure: Factor D = 0.7 18 - 100% Dry Matter
Bison	Adults (includes unweaned calves & replacements)	1.3	0.7	N/ A	Bedded pack barns with outside access <u>OR</u> outside confinement areas
	Feeders (170kg - 477kg)	4			
Llama	Adults (includes unweaned young & replacements)	5			
	Feeders (45kg - 86kg)	16			
Alpaca	Adults (includes unweaned young & replacements)	8			
	Feeders (23kg – 48kg)	26			
Wild Boar	Breeding age sows (includes boars, replacements & weaned piglets to 27kg)	5			
	Finishing boars (27 kg -86 kg)	7			
Deer	<b>White tailed deer</b>				
	-Adults> 24 mo (including unweaned offspring)	11			
	-Feeders	21			
	<b>Red deer</b>				
	-Adults> 24 mo (including unweaned offspring)	7			
	-Feeders	14			
	<b>Elk</b>				
	-Adults> 24 mo (including unweaned offspring)	2			
	-Feeders	6			
	<b>Elk/deer hybrids</b>				
	-Adults> 24 mo (including unweaned offspring)	4			
	-Feeders	10			
	<b>Fallow deer</b>				
	-Adults> 24 mo (including unweaned offspring)	13			
-Feeders	23				
Other livestock not listed in this table	To determine the number per NU, add up the total maximum live weight of animals and divide by the weight of animals per NU in the next column	453.6 kg (1000 lbs)	0.8	All storages with liquid manure	All storages with solid manure
Manure imported to a lot not generating manure <sup>2</sup>	Maximum capacity of permanent storages at any time: solid or liquid capacity	19.8 m <sup>3</sup> (700 ft <sup>3</sup> )	1.2	All storages with liquid manure	All storages with solid manure
Storages for digestate from an Anaerobic Digester (odours reduced during this process)	Maximum capacity of permanent storages at any time: solid or liquid capacity	19.8 m <sup>3</sup> (700 ft <sup>3</sup> )	0.5	All storages with liquid manure	All storages with solid manure

1. On farms with 100 milking-age cows [dry &amp; milking], there are usually about 20 replacement calves and 80 replacement heifers.

2. Average value for typical types of manures that might be imported to a lot, such as poultry, dairy, beef, swine, horse or other manure.

N/A = Not Applicable

**TABLE 2: Factor B (Nutrient Units Factor)**

Final NU	Factor B	Final NU	Factor B	Final NU	Factor B
5 or Less	150	66	285	240	429
6	153	68	287	245	432
7	157	70	289	250	435
8	160	72	291	260	441
9	163	74	293	270	447
10	167	76	294	280	453
11	170	78	296	290	458
12	173	80	298	300	464
13	177	82	300	310	469
14	180	84	301	320	474
15	183	86	303	330	480
16	187	88	305	340	485
17	190	90	307	350	490
18	193	92	309	360	494
19	197	94	310	370	499
20	200	96	312	380	504
21	202	98	314	390	508
22	204	100	316	400	513
23	206	102	318	410	517
24	208	104	320	420	522
25	210	106	322	430	526
26	212	108	324	440	530
27	214	110	326	450	535
28	216	112	329	460	539
29	218	114	331	470	543
30	220	116	333	480	547
31	222	118	335	490	551
32	224	120	337	500	555
33	226	122	339	520	562
34	228	124	340	540	570
35	230	126	342	560	577
36	232	128	344	580	584
37	234	130	346	600	591
38	236	135	351	620	598
39	238	140	355	640	605
40	240	145	360	660	611
41	242	150	364	680	618
42	244	155	368	700	624
43	246	160	372	750	639
44	248	165	376	800	654
45	250	170	380	850	668
46	252	175	384	900	681
47	254	180	388	950	694
48	256	185	392	1000	707
49	258	190	395	1100	731
50	260	195	399	1200	753
52	264	200	402	1300	775
54	268	205	406	1400	795
56	272	210	409	1500	815
58	276	215	413	2000	870
60	280	220	416	3000	980
62	282	225	419	4000	1090
64	284	230	423	5000	1200
		235	426	>5000	See Note.

**TABLE 3: Factor C  
(Orderly Expansion Factor)**

% Increase in NU	Factor C	% Increase in NU	Factor C
0% or Decrease	0.5000	43	0.7666
1	0.5062	44	0.7728
2	0.5124	45	0.7790
3	0.5186	46	0.7852
4	0.5248	47	0.7914
5	0.5310	48	0.7976
6	0.5372	49	0.8038
7	0.5434	50	0.8100
8	0.5496	55	0.8167
9	0.5558	60	0.8230
10	0.5620	65	0.8294
11	0.5682	70	0.8357
12	0.5744	75	0.8420
13	0.5806	80	0.8484
14	0.5868	85	0.8547
15	0.5930	90	0.8610
16	0.5992	95	0.8674
17	0.6054	100	0.8737
18	0.6116	105	0.8800
19	0.6178	110	0.8864
20	0.6240	115	0.8927
21	0.6302	120	0.8990
22	0.6364	125	0.9054
23	0.6426	130	0.9117
24	0.6488	135	0.9180
25	0.6550	140	0.9244
26	0.6612	145	0.9307
27	0.6674	150	0.9371
28	0.6736	160	0.9497
29	0.6798	170	0.9624
30	0.6860	180	0.9751
31	0.6922	190	0.9877
32	0.6984	200	1.0000
33	0.7046	300	1.0280
34	0.7108	400	1.0560
35	0.7170	500	1.0840
36	0.7232	600	1.1120
37	0.7294	700% or more or first Livestock Facility on Lot	1.1400
38	0.7356		
39	0.7418		
40	0.7480		
41	0.7542		
42	0.7604		

Table 2 Note: For capacities >5000 NU: consult OMAFRA, Municipal staff or, MDS Computer Program.

**TABLE 4: Factor E (Encroaching Land Use Factor)**

Encroaching Land Use	Factor E
Type A Land Use*	1.1
Type B Land Use*	2.2

\*See Section 2, Definitions, in Zoning By-law.

**TABLE 5: Permanent Manure or Material Storage Types**

Solid Manure: 18% dry matter, or more

Liquid Manure: Less than 18% dry matter

Digestate: Less than 18% dry matter

Storage Odour Potential	Solid or Liquid System	Inside or Outside Livestock Facility	Number referred to in Table 6	Description of permanent manure storages being sited by MDS II, or encroached upon through MDS I application
Very Low	Solid	Inside	V1	Solid, inside, bedded pack (manure accumulates under livestock over time)
		Outside	V2	Solid, outside, covered (cover keeps off precipitation to prevent runoff)
			V3	Solid, outside, no cover, greater than or equal 30% dry matter (manure is dry enough that a flowpath option can be used for runoff control (Nutrient Management Act, 2002))
			V4	Solid, outside, no cover, 18% to less than 30% dry matter, with covered liquid runoff storage (manure not dry enough to soak up precipitation, so a liquid runoff storage needed but it has a permanent, tight cover)
	Liquid	Inside	V5	Liquid, inside, underneath slatted floor (manure is stored under the animals in the barn)
		Outside	V6	Liquid, outside, with a permanent, tight fitting cover (negative pressure tarp, concrete lid, inflatable dome, etc.)
			V7	Liquid, (digestate), outside, no cover (all manure has been treated through anaerobic digestion, or a similar process that reduces odours)
Low	Solid	Outside	L1	Solid, outside, no cover, 18% to less than 30% dry matter, with uncovered liquid runoff storage (manure not dry enough to soak up precipitation, so a liquid low runoff storage needed, but it is uncovered, producing more odour than in V4 above)
	Liquid	Outside	L2	Liquid, outside, with a permanent floating cover (tarps, foam panels, etc.)
Medium	Liquid	Outside	M1	Liquid, outside, no cover, straight-walled storage (usually circular or rectangular, concrete or steel storages)
			M2	Liquid, outside, roof, but with open sides (roof keeps off precipitation, but the open sides allow wind to travel over the manure and carry odours)
High	Liquid	Outside	H1	Liquid, outside, no cover, sloped-sided storage (earthen manure storages, but not earthen runoff storages associated with a solid manure storage which are L 1 above)

**Table 6: MDS I/II Separation Distances for Permanent Manure Storage**

Building Base Distance (m) for MDS II ('F'), or Encroachment Base Distance for MDS I ('F')	Storage Separation Distances Based on Relative Odour Potential – Storage Base Distance, 'S' (m)			
	Very Low Odour Storages V1 to V7	Low Odour Storages L1 to L2	Medium Odour Storages M1 to M2	High Odour Storages H1
40	40	64	136	232
50	50	74	145	240
60	60	84	154	248
70	70	93	163	256
80	80	103	172	264
90	90	113	181	272
100	100	123	190	280
110	110	132	199	288
120	120	142	208	296
130	130	152	217	304
140	140	162	226	312
150	150	171	235	320
160	160	181	244	328
170	170	191	253	336
180	180	201	262	344
190	190	210	271	352
200	200	220	280	360
210	210	230	289	368
220	220	240	298	376
230	230	249	307	384
240	240	259	316	392
250	250	269	325	400
260	260	279	334	408
270	270	288	343	416
280	280	298	352	424
290	290	308	361	432
300	300	318	370	440
310	310	327	379	448
320	320	337	388	456
330	330	347	397	464
340	340	357	406	472
350	350	366	415	480
360	360	376	424	488
370	370	386	433	496
380	380	396	442	504
390	390	405	451	512
400	400	415	460	520
420	420	435	478	536
440	440	454	496	552
460	460	474	514	568
480	480	493	532	584
500	500	513	550	600
600	600	610	640	680
800	800	805	820	840
1000	1000	1000	1000	1000
Greater than 1000 m	Storage Base Distance, 'S', should be the same as Building Base Distance or Encroachment Base Distance -'F'			