

# TABLE OF CONTENTS

	<u>PAGE</u>
<b>SECTION 1: ADMINISTRATION, INTERPRETATION &amp; ZONES.....</b>	<b>1.1</b>
1.1 TITLE .....	1.1
1.2 SCOPE OF THE BY-LAW .....	1.1
1.3 INTERPRETATION.....	1.2
1.4 ZONES .....	1.2
1.5 ADMINISTRATION .....	1.6
1.6 REPEAL OF EXISTING BY-LAW .....	1.6
<b>SECTION 2: DEFINITIONS.....</b>	<b>2.1</b>
<b>SECTION 3: GENERAL PROVISIONS.....</b>	<b>3.1</b>
3.1 USES PERMITTED IN ALL ZONES.....	3.1
3.2 USES PROHIBITED IN ALL ZONES .....	3.1
3.3 ACCESSORY USES TO RESIDENTIAL USES.....	3.2
3.4 ACCESSORY USES TO NON-RESIDENTIAL USES .....	3.3
3.5 AUCTION CENTRE .....	3.3
3.6 LOCATION OF BED & BREAKFAST .....	3.3
3.7 DECKS AND PORCHES .....	3.4
3.8 ESTABLISHED BUILDING LINE .....	3.4
3.9 EXEMPTIONS FROM YARD PROVISIONS .....	3.4
3.10 EXEMPTIONS FROM HEIGHT PROVISIONS.....	3.4
3.11 EXEMPTIONS FROM SERVICING PROVISIONS .....	3.5
3.12 FENCES IN RESIDENTIAL ZONES.....	3.5
3.13 FRONTAGE ON AN IMPROVED STREET.....	3.5
3.14 GASOLINE PUMP ISLANDS.....	3.5
3.15 GROUND FLOOR ELEVATION.....	3.5
3.16 VALUE-ADDED AGRICULTURE .....	3.6
3.17 HOME BASED BUSINESS .....	3.7
3.18 LIGHTING FACILITIES.....	3.8
3.19 LOCATION OF A DWELLING .....	3.8
3.20 LOCATION OF GROUP HOMES.....	3.8
3.21 LIVESTOCK IN RESIDENTIAL AREAS .....	3.9
3.22 LOTS ABUTTING A “ONE FOOT RESERVE” .....	3.9
3.23 NON-CONFORMITY .....	3.9
3.24 NUMBER OF DWELLINGS PER LOT .....	3.9
3.25 OBNOXIOUS USES .....	3.10
3.26 PLANNED ROAD ALLOWANCE WIDTHS .....	3.10
3.27 PROHIBITED EXTERNAL BUILDING MATERIALS .....	3.10
3.28 REMOVAL OF SOIL AND AGGREGATES .....	3.11
3.29 SETBACK FROM MUNICIPAL DRAINS .....	3.11
3.30 SETBACK FROM NATURAL AREAS .....	3.11
3.31 SETBACK FROM RAILWAYS.....	3.11
3.32 SIGHT TRIANGLES .....	3.12
3.33 SWIMMING POOLS.....	3.12
3.34 MINIMUM SERVICES.....	3.12
3.35 FILM PRODUCTION.....	3.13
3.36 SURPLUS FARM DWELLING SEVERANCE PROPERTIES.....	3.14
3.37 PUBLIC EMERGENCY SERVICE FACILITIES.....	3.15
<b>SECTION 4: OFF STREET PARKING .....</b>	<b>4.1</b>
4.1 PARKING AREA REGULATIONS .....	4.1
4.2 LOCATION OF PARKING ON A LOT.....	4.2
4.3 OTHER PARKING SPACES .....	4.3
4.4 USE OF PARKING AREAS.....	4.3
4.5 PARKING OF VEHICLES IN RESIDENTIAL ZONES .....	4.3
4.6 REQUIREMENTS FOR LOADING SPACES .....	4.4
4.7 REQUIREMENTS FOR DRIVE THRU.....	4.4
4.8 DOWNTOWN PARKING CREDIT.....	4.4
4.9 PARKING CREDIT.....	4.5

4.10 NUMBER OF PARKING SPACES .....	4.5
<b>SECTION 5: RESIDENTIAL ZONES .....</b>	<b>5.1</b>
5.1 URBAN RESIDENTIAL TYPE 1 ZONES (R1) .....	5.1
5.2 URBAN RESIDENTIAL TYPE 2 ZONE (R2) .....	5.4
5.3 URBAN RESIDENTIAL TYPE 3 ZONE (R3) .....	5.7
5.4 URBAN RESIDENTIAL TYPE 4 ZONE (R4) .....	5.9
5.5 URBAN RESIDENTIAL MIXED ZONE (RM) .....	5.13
5.6 URBAN RESIDENTIAL TYPE 5 ZONE (R5) .....	5.14
5.7 HAMLET RESIDENTIAL ZONE (RH) .....	5.16
5.8 VACATION RESIDENTIAL ZONE (RV) .....	5.18
<b>SECTION 6: COMMERCIAL ZONES.....</b>	<b>6.1</b>
6.1 DOWNTOWN COMMERCIAL ZONE (CD).....	6.1
6.2: HIGHWAY COMMERCIAL ZONE (CH) .....	6.4
6.3 NEIGHBOURHOOD COMMERCIAL ZONE (CN).....	6.7
6.4: HAMLET COMMERCIAL ZONE (CHA) .....	6.10
6.5: RURAL COMMERCIAL ZONE (CR) .....	6.13
6.6: MARINE-TOURIST COMMERCIAL ZONE (CMT).....	6.15
<b>SECTION 7: INDUSTRIAL ZONES.....</b>	<b>7.1</b>
7.1: HEAVY INDUSTRIAL ZONE (MH).....	7.1
7.2: GENERAL INDUSTRIAL ZONE (MG) .....	7.5
7.3: PRESTIGE INDUSTRIAL ZONE (MP).....	7.8
7.4: RURAL INDUSTRIAL ZONE (MR).....	7.10
7.5: DISPOSAL INDUSTRIAL ZONE (MD).....	7.13
7.6: EXTRACTIVE INDUSTRIAL ZONE (MX).....	7.14
<b>SECTION 8: INSTITUTIONAL ZONES.....</b>	<b>8.1</b>
8.1: COMMUNITY INSTITUTIONAL ZONE (IC) .....	8.1
8.2: NEIGHBOURHOOD INSTITUTIONAL ZONE (IN).....	8.3
8.3: RURAL INSTITUTIONAL ZONE (IR).....	8.5
<b>SECTION 9: OPEN SPACE AND HAZARD LAND ZONES .....</b>	<b>9.1</b>
9.1 OPEN SPACE ZONE (OS).....	9.1
9.2 OPEN SPACE TENT AND TRAILER ZONE (OST) .....	9.3
9.3: HAZARD LAND ZONE (HL) .....	9.4
<b>SECTION 10: AGRICULTURAL ZONES.....</b>	<b>10.1</b>
10.1: AGRICULTURAL ZONE (A) .....	10.1
<b>SECTION 11: FUTURE DEVELOPMENT ZONES.....</b>	<b>11.1</b>
11.1 DEVELOPMENT ZONE (D) .....	11.1
<b>SECTION 12: APPROVAL.....</b>	<b>12.1</b>

**SCHEDULES**

<b>SCHEDULES A1 to A4</b>	<b>- ZONING MAPS</b>
<b>SCHEDULE B</b>	<b>- MUNICIPAL DRAINS</b>
<b>SCHEDULE C</b>	<b>- NATURAL FEATURES</b>
<b>SCHEDULE D</b>	<b>- PARKING SPACE REQUIREMENTS</b>
<b>SCHEDULE E</b>	<b>- MDS I TABLES</b>
<b>SCHEDULE F</b>	<b>- MDS II TABLES</b>

# **SECTION 1: ADMINISTRATION, INTERPRETATION & ZONES**

## **1.1 TITLE**

This By-Law shall be known and may be cited as “The Zoning By-Law of the *City of Nanticoke, East Portion*”.

## **1.2 SCOPE OF THE BY-LAW**

### **1.2.1 Defined Area**

The provisions of this By-Law shall apply to all lands within the boundaries of the *City of Nanticoke*, generally east of County Road 74, north of Concession 12, Townsend and generally east of Lot 21 Townsend and Lot 21 Woodhouse, south of Concession 12. For greater clarity, refer to Schedules A1 to A4.

### **1.2.2 Conformity with the By-Law**

- a) No *building* or *structure* or area of a *lot* shall be used, *erected* or altered in whole or in part except in conformity with the provisions of this By-Law.
- b) No *building*, *structure* or area of a *lot* shall be used or occupied except for uses that are specifically identified in this By-Law as *permitted* uses by the relevant zoning category.

### **1.2.3 Non-Conformity due to Government Purchase of Land**

Notwithstanding anything to the contrary contained *herein*, where the *City*, the *Region*, the Province of Ontario, the government of Canada, or any board or commission of the foregoing acquires a portion of a *lot*, any reduction to the *lot area*, *lot frontage* or *yard* created by the acquisition, which results in the remaining parcel being *non-conforming*, shall be deemed to conform to the provisions of this By-Law. Where an *existing non-conforming* parcel of land is made further *non-conforming* by the acquisition, the parcel shall be deemed to be *non-conforming*, only to the extent of the non-conformity which existed prior to the acquisition.

### **1.2.4 Setbacks from Buildings and Uses in Adjacent Municipalities**

Where any *setback* or separation distance is *required*, by this By-Law, to separate certain *buildings*, *structures* or uses from one another, such *setbacks* or separation distances shall also be *required* from similar *buildings*, *structures* or uses located in adjacent municipalities.

### **1.2.5 Licences and Other By-Laws**

Nothing in this By-Law shall relieve any person, company, corporation or entity from the requirements of any other By-Laws of the municipality or any license permit requirements.

### **1.2.6 Building and Other Permits**

- (a) No building permit or occupancy permit shall be issued where the proposed *building*, *structure* or use would be in violation of this By-Law, any *Regional By-Law* or the Ontario Building Code.
- (b) No new *building* or part thereof shall be occupied for any lawful use unless an occupancy permit has been issued.

- (c) Where Ontario Fill, Construction and Alterations to Waterways Regulations are in effect, a permit from the conservation authority having jurisdiction is required prior to any construction taking place.

### 1.3 **INTERPRETATION**

#### 1.3.1 **Interpretation of Provisions**

In the interpretation and application of the provisions of this By-Law, the provisions shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience, amenity and general welfare.

#### 1.3.2 **Interpretation of Words**

For the purpose of this By-Law:

- (a) words used in the present tense shall be deemed to include the future;
- (b) words in the singular number shall be deemed to include the plural and words in the plural shall be deemed to include the singular;
- (c) the words 'use' or 'used' shall be deemed to include the words 'intended, arranged or designed for use' or 'intended, arranged or designed to be used' or 'intend and arrange or design for use';
- (d) the word 'shall' is mandatory and not directory;
- (e) the word 'may' is permissive;
- (f) words in italics are defined in Section 2.0.

#### 1.3.3 **Changes in Legislation**

Where the provisions of this By-Law refer to specific legislation, such provisions shall be deemed to also refer to any legislation which is a successor thereto.

### 1.4 **ZONES**

#### 1.4.1 **Establishment of Zones**

The following *zones* are hereby established within the *City of Nanticoke*. Such *zones* are shown on Schedules A1 to A4 inclusive, attached hereto and forming part of this By-Law. The Schedules may be referred to as the "Zoning Maps" and each *Zone* may be known by and may be referred to by its symbol.

<b><u>Zone</u></b>	<b><u>Symbol</u></b>
<b><u>Residential Zones</u></b>	
Urban Residential Type 1-A <i>Zone</i>	R1-A
Urban Residential Type 1-B <i>Zone</i>	R1-B
Urban Residential Type 2 <i>Zone</i>	R2
Urban Residential Type 3 <i>Zone</i>	R3
Urban Residential Type 4 <i>Zone</i>	R4
Urban Residential Mixed <i>Zone</i>	RM
Urban Residential Type 5 <i>Zone</i>	R5
Hamlet Residential <i>Zone</i>	RH
Vacation Residential <i>Zone</i>	RV

Commercial Zones

Downtown Commercial <i>Zone</i>	CD
Highway Commercial <i>Zone</i>	CH
Neighbourhood Commercial <i>Zone</i>	CN
Hamlet Commercial <i>Zone</i>	CHA
Rural Commercial <i>Zone</i>	CR
Marine-Tourist Commercial <i>Zone</i>	CMT

Industrial Zones

Heavy Industrial <i>Zone</i>	MH
General Industrial <i>Zone</i>	MG
Prestige Industrial <i>Zone</i>	MP
Rural Industrial <i>Zone</i>	MR
Disposal Industrial <i>Zone</i>	MD
Extractive Industrial <i>Zone</i>	MX

Institutional Zones

Community Institutional <i>Zone</i>	IC
Neighbourhood Institutional <i>Zone</i>	IN
Rural Institutional <i>Zone</i>	IR

Open Space and Hazard Lands Zones

Open Space <i>Zone</i>	OS
Open Space Tent and trailer <i>Zone</i>	OST
Hazard Land <i>Zone</i>	HL

Agricultural Zones

Agricultural <i>Zone</i>	A
--------------------------	---

Future Development Zones

Development <i>Zone</i>	D
-------------------------	---

**1.4.2 Interpretation of Zone Boundaries**

The following provisions shall apply in the interpretation of the location of *zone* boundaries:

- (a) A *zone* boundary which is contiguous with a highway, *street* or *lane* shall be the centre line of such highway, *street* or *lane*.
- (b) A *zone* boundary indicated as following a watercourse or the right-of-way of a railway or an electrical, gas or oil transmission line shall be the centre line of such watercourse or right-of-way.
- (c) A *zone* boundary appearing to follow the *lot lines* of any *lot* shall be deemed to follow such *lot lines*.
- (d) Where the provisions of subsection 1.4.2 (a), (b) and (c) are not applicable in determining the location of a *zone* boundary, its location shall be determined by measuring the distance from the nearest definable legal geographic reference point as indicated on the applicable Zoning Map.
- (e) In the event that a *street* or *lane* or part thereof is closed, or an abandoned railway right of way is sold, the property formerly within such *street*, *lane* or right of way shall be included within the *zone* of the adjacent property to which it is adjoined. In the event that the closed *street* or *lane* or abandoned railway right of way was a *zone* boundary between two or more different *zones*, the new *zone* boundary shall be the boundary of the new property formed by the adjoining of the closed *street*, *lane* or right of way to adjacent properties. Where no adjoining takes place, the new *zone* boundary shall be the former centreline of the closed *street*, *lane* or right of way.

- (f) The 'HL zone boundaries identified on the map schedules of this by-law are intended to generally identify areas of existing or potential natural hazards. Notwithstanding any other provisions of this by-law, the boundaries of the 'Hazard Land (HL)' Zone are subject to minor changes without a formal amendment to this By-law or the map Schedules when approved by County Staff in consultation with the appropriate Conservation Authority and/or other appropriate agencies. This may occur where detailed resource mapping and/or site inspection results in a minor re-interpretation of the limits of the 'Hazard Land (HL)' Zone as established in this by-law.<sup>04</sup>

#### 1.4.3 More Than One Zone on a Lot

Where a lot has more than one Zone applied thereon, all provisions of the pertinent zone shall be satisfied on each portion of the lot so zoned, except:

- a) where a portion of a lot is zoned HL, such portion may be used in the calculation of any required yard or setback provided any building or structure other than a boathouse is located outside of the HL zone;
- b) where a portion of a lot is zoned HL, such portion, except the area of land within a provincially significant wetland, may be used in the calculation of any required lot area provided any building other than a boathouse is located outside of the HL zone and enough land is available to support a private sewage disposal system, if required, to the satisfaction of the Building Controls and By-law Enforcement Division;
- c) where a portion of the lot is zoned HL, such portion may be used in the calculation of minimum lot frontage provided safe access can be provided to the satisfaction of the applicable Conservation Authority; or
- d) where the main use is wholly situated in one zone, a residential accessory structure or use may be permitted in the other zone provided it meets all Provisions of Sections 3.3.<sup>04</sup>

#### 1.4.4 Natural Features Study Area Map

The lands delineated on the Natural Features Schedule C are not to be interpreted as *zones* or areas where certain uses are excluded or *permitted*. Schedule C is for information and interpretation purposes only and shall be used to identify lands where additional information may be *required* prior to issuance of a *building* permit.

#### 1.4.5 Establishment of Holding Zones

Pursuant to Section 36 of the Planning Act, holding *zones* are hereby established by the use of the symbol "H" as a suffix to the *zone* symbols in Subsection 1.4.1. Land subject to the symbol "(H)" shall not be used, nor any *building* or *structure* used, altered or *erected* except in accordance with the *zone* applied thereon and until the "(H)" is removed by amendment.

#### 1.4.6 Hazard Land Zone Boundary

Where a boundary of the Hazard Land *Zone* appears to follow the top of a bank, it shall be deemed to be 8 metres inland from the top of the bank which is in the direction away from the lower elevation lands.

**1.4.7 Special Provisions**

The *City of Nanticoke* may pass Amendments to this By-Law which apply to certain lands or properties shown on Schedules A1 to A4. Where the *permitted* uses or provisions on such lands differ from the provisions of this By-Law, a Special Provision shall be added to the respective *Zone* Section of this By-Law. A numerical symbol shall be added to Schedules A1 to A4 identifying the subject lands and the Section number of the Special Provision. When necessary, a detailed schedule showing the location of the lands affected or other requirements is contained in this By-Law.

**1.4.8 Site Plan Control**

Pursuant to Section 41 of the Planning Act, R.S.O. 1990, c.P.13, as amended, the following zones are declared as site plan control areas and are subject to the provisions of Section 41 of the Planning Act: R3, R4, R5, RM, CD, CN, CH, CHA, CR, CMT, MG, MH, MP, MR, MD, MX, IC, IN, IR, OS, OST, HL.

Notwithstanding any other provisions in this Section, a single detached dwelling; semi-detached dwelling; duplex dwelling; sand and gravel pit; and stone quarry are exempt from site plan control and the provisions of Section 41 of the Planning Act, except those permitted within Hazard Lands or within or adjacent to Natural Environment Areas, on private roads or where contained within a condominium development.

All development located within the zone categories described in Section 1.4.8 shall be subject to and built in accordance with a development agreement, if required, pursuant to Section 41 of the Planning Act, R.S.O. 1990, c.P.13, as amended.<sup>04</sup>

<sup>04</sup> 749-HC-11

## 1.5 **ADMINISTRATION**

### 1.5.1 **Enforcement**

The provisions of this By-Law shall be enforced by the *Region of Haldimand-Norfolk* in cooperation with, and where applicable with the assistance of the *City of Nanticoke*

### 1.5.2 **Inspection**

A building inspector or any officer or employee of the *Region* or *City*, who has been assigned the responsibility of enforcing this By-Law by the Council of the *City of Nanticoke*, is hereby authorized to enter and inspect, at all reasonable times and upon producing proper identification, any property or premises which he or she believes is in contravention of this By-Law. Such inspector, officer or employee shall not enter any room or *building* actually used as a *dwelling* without requesting and obtaining the consent of the occupier and without first informing the occupier that they may refuse the right of entry in which case entry can be made only under the authority of a search warrant.

### 1.5.3 **Violations and Penalties**

- (a) Every person, company, corporation or entity who uses land, or *erects* or uses any *building* or *structure* in a manner contrary to any requirement of this By-Law, or who causes or permits such use or *erection*, or who violates any provision of this By-Law or causes or permits a violation, shall be guilty of an offence and upon conviction therefore shall forfeit and pay a penalty within the limits permitted by the Planning Act, for each such offence, and every such penalty shall be recoverable under the Municipal Act and the Provincial Offences Act.
- (b) Where a conviction referred to in 1.5.3 (a) has been entered, in addition to the penalty, the Court may also make an order prohibiting the continuation or repetition of the offence by the person, company, corporation or entity convicted.

### 1.5.4 **Restraint of a Contravention**

In case any *building* or *structure* is *erected*, altered, reconstructed, extended or used, or any land is used, in contravention of this By-Law, such contravention may be restrained by legal action at the instance of any ratepayer, the *City of Nanticoke* or the *Region* pursuant to the provisions of the Municipal Act in that behalf.

### 1.5.5 **Validity**

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

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

### 1.6.1 **Repeal of By-Law 1-NA 86 and all Amendments**

By-Law 1-NA 86 (The *City of Nanticoke* Zoning By-Law), including all amendments thereto, passed pursuant to the Planning Act, as amended, and which was approved by the Ontario Municipal Board, or the *City of Nanticoke* is hereby repealed.



**1.6.2 Minor Variances**

Notwithstanding subsection 1.6.1, all Minor Variances granted to By-Law 1-NA 86 and to any amendments thereto by the Committee of Adjustment for the *City of Nanticoke*, and which are located within the geographical area denoted on Schedules A1 to A4 of this By-Law, shall remain in full force and effect and shall be considered Minor Variances to this By-Law.



## **SECTION 2: DEFINITIONS**

Whenever used in this By-Law, the following words and phrases shall have the following meanings:

- 2.1 **"ACCESSORY APARTMENT"** shall mean a small *dwelling unit* contained within a converted *single detached dwelling* and which is secondary to and subordinate to the main *dwelling unit* in the *building*.
- 2.2 **"ACCESSORY BUILDING OR STRUCTURE"** shall mean a detached *building* or *structure* used for an *accessory use*, such as a detached *private garage* or the storage or shelter of materials, equipment or other items, but shall not contain a *dwelling unit* or a *habitable room*.
- 2.3 **"ACCESSORY USE"** shall mean a use naturally and normally incidental to subordinate to and exclusively devoted to a principal use and located on the same *lot* therewith.
- 2.3(a) **"ADULT ENTERTAINMENT PARLOUR"** shall mean a place, building or part of a building in which is provided, in pursuance of a trade, calling, business or occupation, goods or services appealing to or designed to appeal to erotic or sexual appetites or inclinations. (67-HC-02)
- 2.4 **"ALTER"** shall mean any alteration in a bearing wall or partition, column, beam, girder or other supporting member of a *building* or *structure* or any increase in the area or volume contents of a *building* or *structure*. The raising of a *building* or *structure* by increasing the height of a foundation shall not be construed as altering a *building* or *structure* provided that the maximum *permitted* height is not exceeded and provided that an additional *storey* is not created.
- 2.5 **"ANGULAR PLANE"** shall mean a maximum *building height* measured as a vertical angle of 45 degrees beginning at the property line of a R1-A, R1-B, RM or R2 *lot*.
- 2.6 **"ANIMAL HOSPITAL"** shall mean the premises of a veterinarian where animals are treated or kept for treatment.
- 2.7 **"ANIMAL KENNEL"** shall mean a place where domestic pets are kept, raised, boarded or trained for remuneration.
- 2.8 **"ARCADE"** shall mean a *building* or part of a *building* containing 3 or more mechanical, electronic or computer devices intended for use as a game, entertainment or amusement by members of the public. The use of one or two such devices in an establishment may be considered a valid non-residential *accessory use*. The use of computers for email or web site access unrelated to gaming shall not be considered an arcade.
- 2.8-1 **"ARTS AND CRAFTS"** shall mean a development of goods by hand, or involving the use of tools and related equipment, to produce works of aesthetic or consumptive value. Permitted uses include weaving pottery, jeweler, baking, ceramics, painting and knitting, but excludes furniture manufacturing.
- 2.9 **"AUCTION CENTRE"** shall mean land and *buildings* on or within which goods, wares, merchandise, substances, articles and things are sold to the highest bidder.
- 2.10 **"AUTOMOBILE BODY SHOP"** shall mean a *building* or *structure* used for the painting or repairing of *vehicle* bodies or parts thereof but excludes an automobile wrecking yard or *salvage yard*.
- 2.11 **"AUTOMOBILE GAS STATION"** shall mean a *building* or place where fuels, lubricants and accessories for *vehicles* are kept for retail sale.
- 2.12 **"AUTOMOBILE SERVICE AND REPAIR STATION"** shall mean a *building* or *structure* wherein *vehicles* are oiled, greased or repaired. An *automobile service and repair station* shall not include an *automobile body shop* or an *industrial garage*.

## Definitions

- 2.13 **"AUTOMOBILE WASHING ESTABLISHMENT"** shall mean a *building* or place used for washing of *vehicles*.
- 2.14 **"BALCONY"** shall mean an outside platform projecting from the wall of a *dwelling* and located above the height of the floor of the *first storey*.
- 2.15 **"BAR OR NIGHT CLUB"** shall mean an establishment which supplies alcoholic drinks, food and entertainment and contains a walk-up bar or counter where patrons may order, obtain and pay for food and alcoholic drinks. A *bar or night club* may contain an *outdoor patio or cafe*. This definition includes a tavern, pub and drinking establishment.
- 2.16 **"BASEMENT"** shall mean a *storey* or *storeys* of a *building* located below the *first storey*.
- 2.17 **"BED & BREAKFAST"** shall mean a *single detached dwelling* containing, as an *accessory use*, one or more rooms provided, for gain, with or without meals, for the traveling or vacationing public as temporary accommodation. Such rooms shall contain no cooking facilities. A *Bed & breakfast* does not include a *restaurant, boarding or lodging house, rooming house, group home or hotel*.
- 2.18 **"BOATHOUSE"** shall mean a *building* or *structure* used for the accommodation or shelter of marine craft provided that the *building* or *structure* is located over a *boat slip* or immediately adjacent to a watercourse or waterbody, and shall not contain a *dwelling unit* or a *habitable room*.
- 2.19 **"BOAT SLIP"** shall mean a docking space or berth for the accommodation of marine craft and includes a docking space or berth within a *boathouse*.
- 2.20 **"BOUTIQUE"** shall mean a small scale *retail store* specializing in the sale of gifts, specialty foods or apparel primarily catering to the tourist trade.
- 2.21 **"BUILDING"** shall mean an enclosed *structure* consisting of any combination of walls, roof and floor or a structural system serving the same function, including all associated works, fixtures and service systems but excluding an attached *deck or unenclosed porch*.
- 2.22 **"BUILDING HEIGHT"** shall mean the vertical distance between the finished grade of the ground at the front of a building facing the street and:
- (a) in the case of a flat roof, the highest point of the roof surface or the parapet, whichever is greater,
  - (b) in the case of a mansard roof, the highest point of a roof surface,
  - (c) in the case of any other roof, the highest point of the ridge.<sup>04</sup>
- 2.23 **"BUNK HOUSE"** shall mean a *building* or part of a *building* used for the temporary accommodation of seasonal *farm* workers provided such accommodation does not serve as a *principal place of residence* of an occupant. A *mobile home* or *recreational vehicle* may be used for the purpose of a *bunk house*.
- 2.24 **"CAMPGROUND"** shall mean land and facilities owned and / or operated by a governmental agency, a community service club or charitable organization and used for the purpose of camping. A *campground* may include cabins, tents, dining halls and other *accessory buildings* and *structures* but excludes a *tent and trailer park*.
- 2.25 **"CEMETERY"** shall mean land that is set aside or used as a place for the interment of the dead which may include a *building* or *structure* such as:

<sup>04</sup> 749-HC-11

## Definitions

- (a) a columbarium, designed for the purpose of storing the ashes of human remains that have been cremated,
  - (b) a mausoleum used as a place for the interment of the dead in sealed crypts or compartments.
- 2.26 **"CHIP WAGON"** shall mean a *vehicle*, trailer or cart equipped as an eating establishment and able to be made mobile where food is prepared and sold for immediate consumption by the public.
- 2.27 **"CITY OF NANTICOKE" or "CITY"** shall mean the Corporation of the City of Nanticoke. Where the Corporation of the City of Nanticoke ceases to exist, *City of Nanticoke* shall mean the successor municipality as it applies to the geographic area on Schedules A1 to A4 contained *herein*.
- 2.28 **"CLINIC OR DOCTORS' OFFICES"** shall mean a *building* or part of a *building* that is used solely by physicians, dentists or physical and mental health practitioners and their staff for the purpose of consultation, diagnosis and treatment of out-patients. The *building* may include, as *accessory uses*, an administrative office, waiting room, examination room, laboratory, operating room and dispensary.
- 2.29 **"COMMERCIAL GREENHOUSE"** shall mean a greenhouse *structure* used for the growing of plants, flowers, shrubs, trees and produce to be sold wholesale. Retail sales may be *permitted* on site according to the provisions for retail sales in the industrial *zones* and the provisions for a *farm produce outlet* in the Agricultural Zone.
- 2.30 **"COMMON WALL"** shall mean a wall jointly used by two parties and separating two *dwelling units*.
- 2.31 **"COMMUNAL SERVICING SYSTEMS"** shall mean sewage works, sewage systems or water works that provide for the distribution, collection or treatment of sewage or water but which are not connected to full municipal sewage and water services and are owned, operated and managed by a single owner through a responsibility agreement with the municipality or public body, which requires municipal/public body assumption of the communal services in the event of default.
- 2.32 **"CONCRETE PLANT"** shall mean a place or *building* or part of a *building* used for the batching and dispatching of concrete trucks, equipment storage and maintenance, office and administrative activities and the receiving and *outdoor storage* of materials, casting and concrete products
- 2.33 **"CONTRACTORS SHOP"** shall mean a *building* or part of a *building* used by a general contractor or any building trade, such as sheet metal, plumbing, heating, electrical, dry-wall, carpentry or masonry, for the assembly, fabrication, repair or storage of *building* components or for the repair, maintenance or storage of machinery, equipment and materials used in the building trade.
- 2.34 **"CONTRACTOR SUPPLY AND SERVICE SHOP"** shall mean a *building* or part of a *building* used as a *contractor shop* for a particular trade or group of trades and for the sale of *building* products specific to that trade.
- 2.35 **"CONTRACTOR'S YARD"** shall mean an outdoor area used by a general contractor or any building trade for the *outdoor storage* of accessory *vehicles*, machinery, equipment or materials.
- 2.36 **"CONVENIENCE STORE"** shall mean a *building* or part of a *building* wherein groceries, beverages and packaged foodstuffs are offered for sale in combination with the sale of any of the following accessory items: specialty foods, prepared foods, tobacco, drugs, confections, periodicals, the sale or rental of videos and similar items which are intended to serve the day-to-

## Definitions

day needs primarily of the residents of the immediate neighbourhood and in no case shall these accessory items in total exceed 50% of the useable floor area of the store.

- 2.37 **"COUNTRY STORE"** shall mean a *building* or part of a *building* wherein groceries and *convenience store* type items are offered for sale to the general public in combination with the sale of any or all of the following accessory items: meats, clothing, general hardware, household goods, drugs, the sale or rental of videos and similar items.
- 2.38 **"CUSTOM WORKSHOP"** shall mean a *building* or part of a *building* used by a person or persons with a trade, craft or guild or other skilled labour for the repair, custom fabrication, or custom assembly of articles, items or things. A *custom workshop* shall include a machine shop, a pattern shop, a sheet metal shop, a wood working shop, a cabinetwork shop or other similar operation.
- 2.39 **"DAY CARE NURSERY"** shall mean a *building* or part of a *building* that provides temporary care and supervision to more than five children for a period not exceeding twenty-four hours and is licensed pursuant to the Day Nurseries Act.
- 2.40 **"DECK OR UNENCLOSED PORCH"** shall mean a *structure* at the front, side or rear of a *building* which may be attached or detached from the main *building* and which may be covered by a roof with or without supporting columns provided the deck or porch remains unenclosed by walls, windows or screening.
- 2.41 **"DEPARTMENT STORE"** shall mean a *building* or part of a *building* area used for the retail sale of a wide variety of goods, wares, merchandise and services including family clothing and apparel, furniture, appliances and home furnishings and may include, as *accessory uses*, offices, warehousing and outdoor sales and display area. Such merchandise is generally displayed or offered on a departmentalized basis. For greater clarity, this definition does not include an automotive/home improvement store.
- 2.42 **"DRY CLEANING DISTRIBUTION STATION"** shall mean a *building* or part of a *building* used for the purpose of receiving articles of clothing, goods or fabric to be dry cleaned, dyed or laundered elsewhere and for the pressing and distribution of any such articles of clothing, goods or fabric.
- 2.43 **"DRY CLEANING ESTABLISHMENT"** shall mean a *building* or part of a *building* where dry cleaning, dry dyeing, cleaning or pressing of articles of clothing, goods, or fabric is carried on and may include a *dry cleaning distribution station*.
- 2.44 **"DWELLING"** shall mean a *building* containing one or more *dwelling units*. A *dwelling* may include an attached *private garage*.
- 2.44.1 **"SINGLE DETACHED DWELLING"** shall mean a *dwelling* not attached to any other *dwelling* and containing only one *dwelling unit*.
- 2.44.2 **"SEMI-DETACHED DWELLING"** shall mean a *dwelling* divided vertically into two *dwelling units* attached side by side by an above-grade vertical *common wall*, which is a minimum of 10 square metres in area.
- 2.44.3 **"DUPLEX DWELLING"** shall mean a *dwelling* divided horizontally into two *dwelling units*.
- 2.44.4 **"TRI-PLEX DWELLING"** shall mean a *dwelling* containing three separate *dwelling units* with at least two *dwelling units* divided horizontally.

## Definitions

- 2.44.5 **"FOUR-PLEX DWELLING"** shall mean a *dwelling* divided vertically into four *dwelling units* each which shares a *common wall* with two other units.
- 2.44.6 **"DOUBLE DUPLEX DWELLING"** shall mean a *dwelling* divided vertically into two *duplex dwelling units* separated by an above grade *common wall*.
- 2.44.7 **"STREET TOWNHOUSES"** shall mean a *dwelling* containing three or more *dwelling units* with each *dwelling unit* being divided one from the other by an above grade vertical *common wall*, a minimum of 10 square metres in area, and with each *dwelling unit* fronting onto a *street*.
- 2.44.8 **"GROUP TOWNHOUSES"** shall mean a *dwelling* containing three or more *dwelling units* located on the same *lot* with each *dwelling unit* being divided one from the other by an above grade vertical *common wall*, a minimum of 10 square metres in area, and with each *dwelling unit* having direct access to a *yard*.
- 2.44.9 **"BOARDING OR LODGING HOUSE"** shall mean a *single detached dwelling* not exceeding 600 square metres containing individual rooms rented, with or without meals, for lodging or sleeping accommodation and may provide communal but not individual cooking facilities. The *dwelling* shall be occupied by the proprietor and shall provide accommodation for no more than 10 individuals including the proprietor's family. A *boarding or lodging house* shall not provide accommodation to the traveling public and does not include a *hotel* or *bed & breakfast*.
- 2.44.10 **"ROOMING HOUSE"** shall mean a *single detached dwelling* not exceeding 600 square metres containing individual rooms rented, with or without meals, for lodging or sleeping accommodation and may provide communal but not individual cooking facilities. A *rooming house* shall not provide accommodation to the traveling public and does not include a *hotel* or *bed & breakfast*.
- 2.44.11 **"APARTMENT DWELLING"** shall mean a *dwelling* containing five or more *dwelling units* with a shared or common entrance.
- 2.44.12 **"VACATION HOME"** shall mean a *dwelling* containing only one *dwelling unit* which is used as a *secondary place of residence*, on an occasional basis for vacation, recreation and relaxation purposes and where the owner or occupant of the *dwelling* has a *principal place of residence* elsewhere. A *dwelling unit* or *mobile home* located outside of Canada and used for two months or more in a given calendar year shall be considered a *principal place of residence* for the purposes of this By-Law.
- 2.45 **"DWELLING UNIT"** shall mean a suite of two or more rooms used by one or more persons living together, including up to two boarders, in which cooking, eating, living, sleeping and sanitary facilities are provided, and with a private entrance accessed from outside the *building*, from a common hallway or from a common stairway. A *dwelling unit* does not include a *group home*, *mobile home* or *recreational vehicle*.
- 2.46 **"ERECT"** when used in this By-Law includes construction, re-construction and relocations and, without limiting the generality of the foregoing, also includes:
- (a) any preliminary physical operation, such as excavating, filling or draining, or
  - (b) any work requiring a building permit.
- "ERECTED" and "ERECTION"** shall have a corresponding meaning.
- 2.47 **"ESTABLISHED BUILDING LINE"** shall mean the average distance from the *street line* to the main wall of the nearest *building* on each side of a property.

- 2.48 **"EXISTING"** shall mean *existing* on the date of passing of this By-Law.
- 2.48-1 **"EXPERIENTIAL ACTIVITIES"** shall mean activities or events directly associated with agriculture and which consist of adding a component of information, education or entertainment to an existing agricultural operation. Experiential activities may include but are not limited to:
- i) farm tours
  - ii) farm vacations
  - iii) farm amusement including petting zoo, carriage rides, hay or corn mazes, haunted barns or hay rides and other similar uses
  - iv) special events including ploughing matches and other similar uses
  - v) seasonal attractions including sugar-bushes, pumpkin patches, pick-your-own, processing demonstrations and other similar uses
  - vi) a dining facility in which food products produced primarily as part of the farm operation or surrounding farms are prepared and served is also permitted in conjunction with an experiential activity
- 2.49 **"FARM"** shall mean the use of land, *building* or *structure* for:
- (i) growing of crops, produce, fruit, horticultural plants, trees, pasture and / or sod;
  - (ii) hatching, raising, breeding, boarding, training and / or sale of *livestock*, fur bearing animals, game, birds and/ or insects;
  - (iii) raising cattle and / or goats for milk;
  - (iv) fish farming and / or aquaculture;
  - (v) greenhouse and / or hydroponics farming;
  - (vi) egg production; and / or;
  - (vii) apiary or bee keeping.
- Any other agricultural use which generally falls under one or more of these categories shall be included in the definition of *farm*.
- 2.50 **"FARM IMPLEMENT SALES AND SERVICE ESTABLISHMENT"** shall mean an establishment having as its main use the storage and display of *farm* implements for sale and which may include facilities for the repair of or maintenance of *farm* equipment.
- 2.51 **"FARM OPERATION"** shall mean an *farm* activity carried on in the expectation of gain and operating on one or more properties located within as well as outside of the *City of Nanticoke*.
- 2.52 **"FARM-related PROCESSING"** shall mean a gainful occupation conducted in whole or in part of an accessory building where produce is processed, preserved, and packaged and / or stored and may include uses such as but not limited to wineries, cideries, and the production of maple products, jams, baked goods and jellies and other items typically found in Ontario. Farm-related processing does not include heavy water users or furniture manufacturing.
- 2.53 **"FARM PRODUCE OUTLET"** shall mean an outlet for the retail sale of farm produce. The use is separate and distinct from 'Farmers Market' and 'Food and Agricultural Product Processing' as defined herein.
- 2.53-1 **"FARM STAND"** shall mean a small stand, structure or wagon-top sales area for the marketing and retailing of farm produce.
- 2.54 **"FARM SUPPLY OUTLET"** shall mean a *building* or part of a *building* used for the retail sale or rental of minor equipment and implements, parts, tools, hardware, fertilizer, spays, seed, feed and clothing for *farm* use.



## Definitions

- 2.55 **"FARM VACATION"** shall mean a *farm operation* which provides *bed & breakfast* accommodation as well as opportunities for patrons to work, rest or recreate on an operating *farm* during their stay.
- 2.56 **"FARMERS MARKET"** shall mean the use of land, *buildings* or *structures* for the retail sale of food to the public on an occasional basis. This definition may include the retail sale of arts and crafts accessory to the retail sale of food.
- 2.56.1 **"FILM PRODUCTION"** shall mean filming, videotaping, photography or any other form of visual recording for a feature film, television program, documentary, commercial, music video, educational film or other purpose outside a film studio, but does not include street interviews, newscasts, press conferences, or visual recordings for personal purposes only.
- 2.57 **"FINISHED GRADE"** shall mean the average elevation of the finished surface of the ground adjoining a *building* or *structure* at all exterior walls, exclusive of any embankment in lieu of steps.
- 2.58 **"FLOOR AREA RATIO"** shall mean the ratio of the *usable floor area* to the *lot*,
- i.e.  $\text{Floor area ratio} = \text{usable floor area} / \text{lot area}$
- 2.59 **"FOOD AND AGRICULTURAL PRODUCT PROCESSING"** shall mean a *building* or part of a *building* used for the sorting, packing, washing, drying, grinding, processing or storage of crops and produce for gain, compensation or commercial use. This shall not include an abattoir or slaughter house.
- 2.60 **"FRUIT AND VEGETABLE OUTLET"** shall mean a *building* or part of a *building* used primarily for the retail sale of fruits and vegetables as well as locally produced baked goods and canned foods. The sale of other grocery items may be *permitted* as an *accessory use*.
- 2.61 **"GARAGE, INDUSTRIAL"** shall mean a *building, structure* or *lot* where commercial and industrial *vehicles* and equipment such as buses, trucks and construction and industrial *vehicles* and equipment are stored, repaired, maintained, leased or sold.
- 2.62 **"GARAGE, PRIVATE"** shall mean an *accessory building* or portion of a *dwelling* which is designed or used for one or more *parking spaces* and shall include an open or partially enclosed shelter for *vehicles* commonly known as a carport.
- 2.63 **"GARDEN CENTRE AND TREE AND PLANT NURSERY"** shall mean a *building* or area of land used for the growing and retail sale of plants, shrubs, trees and related gardening products and equipment.
- 2.64 **"GOLF CONCESSION STAND"** shall mean a *building* used for the retail sale and rental of goods, wares and merchandise related to a golf driving range, mini golf and putting green along with the sale of take-out convenience food.
- 2.65 **"GOLF COURSE"** shall mean an area of land used for the playing of golf and may include a club house with a pro shop, *restaurant* or lounge as *accessory uses*.
- 2.66 **"GROSS LEASEABLE AREA"** refer to *usable floor area*.
- 2.67 **"GROUP HOME"** shall mean a *building* that is licensed or funded under an Act of the Parliament of Canada or the Province of Ontario for the accommodation of three to ten persons, exclusive of staff, living under supervision and who, by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their well being.

## Definitions

- 2.68 **"HABITABLE ROOM"** shall mean a room used or intended to be used for living, sleeping, cooking or eating purposes including, without limiting the generality of the foregoing, a bedroom, living room, recreation room, family room, den, library, kitchen, sewing room or enclosed sunroom but excluding a bathroom, changeroom, bathhouse, sauna, laundry room, furnace room, hallway, closet, storage room or garage. For a room located in a *basement* to be considered a *habitable room*, it shall meet the minimum ceiling height, window area and window size set out in the Ontario Building Code.
- 2.69 **"HEREIN"** shall mean "in the By-Law" and shall not be limited to any particular section of this By-Law.
- 2.70 **"HOME-BASED BUSINESS"**
- 2.70.1 "Home Office" shall mean an office within a residential dwelling unit that employs only the occupant(s) of the dwelling unit. A home office shall be limited to office activities on the site or administration of offsite work activities. The use does not include a customer service component as office visitation is not permitted.
- 2.70.2 "Home Occupation" shall mean an occupation, personal service, business, arts and craft or profession carried on as a secondary use entirely within a dwelling unit providing the proprietor carrying on the activity resides within such dwelling unit. A home occupation may include uses such as but not limited to hair salon, medical treatment, massage, counseling, teaching classes, baking, catering, day care, artist studio. A home occupation does not include a bed and breakfast establishment or base of operation assembly areas.
- 2.70.3 "Home Industry" shall mean a craft trade, guild or service such as automobile service, plumbers, electricians, merchandise service, or custom workshop, or similar uses, carried on as a secondary use entirely within an accessory building or attached garage provided the proprietor carrying out the craft, trade, guild or service resides within a dwelling unit located on the same lot. A home industry does not include uses such as automobile body shop or paint spray booth. A home industry includes all uses permitted within a home occupation and the provisions of Section 3.17.3 'b' to 'j' shall be applied thereto in lieu of Section 3.17.2 'b' to 'I'.
- 2.71 **"HOTEL"** shall mean one or more *buildings* providing temporary sleeping accommodation, within individual rental units with or without cooking facilities, mainly for the traveling or vacationing public. A *hotel* may include as secondary uses *restaurants, bar or night clubs, recreational facilities and conference and convention facilities*. This definition includes a motel, travelers motel and motor hotel.
- 2.72 **"LANE"** shall mean a public or private thoroughfare which affords only limited access for vehicular traffic to abutting *lots* and which is not intended for general traffic circulation.
- 2.73 **"LEASEHOLD SITE"** shall mean an area of land leased for a period of less than 21 years for the purpose of locating a detached *dwelling*. Where the term '*lot*' or '*yard*' or any term containing '*lot*' or '*yard*' are used in the context of a '*leasehold site*', '*lot*' shall mean a *leasehold site* and '*yard*' shall mean the *yard* of a *leasehold site*. All the general provisions for a residential use and *lot* shall apply to a *leasehold site*.
- 2.74 **"LIVESTOCK"** shall mean domestic farm animals normally raised for sale or profit.

## Definitions

- 2.75 **"LOADING SPACE"** shall mean an off-*street* space or berth adequate for the temporary parking of a commercial *vehicle* while loading or unloading merchandise or materials and located upon the same *lot* as the principal use and in a location with convenient access to a *street* or *lane*.
- 2.76 **"LOT"** shall mean a parcel of land which can be legally conveyed. Where two adjoining *lots* are in common ownership and a main *building* straddles the *lots*, the two *lots* are deemed to be one *lot* for the purposes of establishing *interior side yards*.
- 2.76.1 **"CORNER LOT"** shall mean a *lot* situated:
- (a) at the intersection of two *streets*; or
  - (b) on the curve of a *street* where the angle of intersection is 135 degrees or less.
- The angle of intersection shall be measured from the inside of the curve and at the point where a projection of the front and *exterior side lot lines*, drawn from the extremities of the *interior lot lines*, intersect.
- 2.76.2 **"INTERIOR LOT"** shall mean a *lot* with only one *lot line* being contiguous with a *street line*.
- 2.76.3 **"THROUGH LOT"** shall mean a *lot* with two or more opposite *lot lines* being contiguous with the *street line*, other than a *corner lot*, unless three or more *lot lines* of a *corner lot* are contiguous with a *street line*.
- 2.77 **"LOT AREA"** shall mean the total horizontal area within the *lot lines* of a *lot*, excluding:
- (a) the horizontal area of such *lot* covered by a waterbody or watercourse measured from the high water mark,
  - (b) a designated provincially significant wetland, or
  - (c) the area between the top and toe of a cliff or embankment having a slope of 22-1/2 degrees or more from horizontal,
- but including the area of a *boat slip* covered by a *boathouse* or surrounded on three sides by land.
- 2.78 **"LOT COVERAGE"** shall mean the percentage of the *lot area* covered by the *first storey* of all *buildings*, including *accessory buildings*, on the *lot* including all projections but exclusive of canopies, overhanging eaves, *decks* and *unenclosed porches*.
- 2.79 **"LOT DEPTH"** shall mean:
- (a) the horizontal distance between the front and *rear lot lines*, or
  - (b) 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*, or
  - (c) 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*.
- 2.80 **"LOT FRONTAGE"** shall mean:
- (a) where the *side lot lines* are parallel, the distance between the *side lot lines* measured at right angles;
  - (b) where the *side lot lines* are not parallel, the length of a line drawn between the *side lot lines* parallel to the *front lot line* at the minimum *required front yard setback*;
  - (c) where the *side lot lines* are not parallel and where the *front lot line* is curved, the length of a line drawn between the *side lot lines* back from and parallel to the cord of the *lot frontage* at the minimum *required front yard setback*. The chord of the *lot frontage* is a straight line joining the two points where the *side lot lines* intersect the *front lot line*.

## Definitions

For a *corner lot* on a curved *street*, the point where the *side lot line* and *front lot line* intersect is the closest point opposite from where a projection of the *front* and *exterior side lot lines*, drawn from the extremities of the *interior lot lines*, intersect.

- 2.81 **"LOT LINE"** shall mean any boundary of a *lot* and the vertical projection thereof.
- 2.81.1 **"FRONT LOT LINE"** shall mean:
- (a) in the case of an *interior lot*, the line dividing the *lot* from the *street*;
  - (b) in the case of a *corner lot*, the shorter *lot line* abutting a *street*;
  - (c) in the case of a *corner lot* whose *exterior lot lines* are the same length, the *lot line* opposite the main entrance of the main *building*;
  - (d) in the case of a *through lot*, the nearer *street line* to the main *building*,
  - (e) in the case of a *lot* located on a private *lane* or right of way, the *lot line* abutting the private *lane* or right of way, and where two *lot lines* abut a private *lane* or right of way, the *lot line* opposite the main entrance of the main *building*.
- 2.81.2 **"REAR LOT LINE"** shall mean:
- (a) in the case of a *lot* having four *lot lines*, the *lot line* farthest from and opposite to the *front lot line*;
  - (b) in the case of a *lot* having only three *lot lines*, there shall be no *rear lot line*;
  - (c) in the case of a *lot* having more than four *lot lines*, all *lot lines* opposite to but not intersecting with the *front lot line*.
- 2.81.3 **"SIDE LOT LINE"** shall mean a *lot line* other than a *front* or *rear lot line*.
- 2.81.4 **"EXTERIOR SIDE LOT LINE"** or **"EXTERIOR LOT LINE"** shall mean the *lot line* abutting a *street* other than the *front lot line* of a *corner lot* or the *rear lot line* of a *through lot*.
- 2.81.5 **"INTERIOR SIDE LOT LINE"** or **"INTERIOR LOT LINE"** shall mean any *lot line* other than a *lot line* contiguous with a *street line*.
- 2.82 **"LOT OF RECORD"** shall mean a *lot* existing on the date of passing of this By- Law which could have been conveyed legally on the date of passing of this By-Law without consent under Section 53, of the Planning Act, as amended, or a *lot* created by the registration of a deed after the date of passing of this By-Law pursuant to a valid consent obtained prior to the passing of this By-Law.
- 2.83 **"LUMBER YARD AND BUILDING SUPPLY ESTABLISHMENT"** shall mean a place, *building* or *structure* or part thereof used for the retail sale of lumber and *building* supplies including roofing, masonry, plumbing, heating, electrical, paint and similar items. The sale of tools and equipment used in the building trade may be *permitted* as accessory to the main retail use.
- 2.84 **"MARINA"** shall mean an establishment on a navigable waterway where marine craft, equipment and supplies are sold, leased, stored, docked or repaired and includes as accessory thereto the sale of marine related sports equipment and club facilities.
- 2.85 **"MERCHANDISE SERVICE SHOP"** shall mean an establishment where household or business articles or goods such as appliances, furniture, electronics or similar items are repaired, refurbished or serviced, but excludes any manufacturing operation.
- 2.86 **"MOBILE HOME"** shall mean a prefabricated *building* designed to be made mobile whether the running gear is removed or not and manufactured to provide cooking, eating, living, sleeping, and sanitary facilities for one or more persons with a minimum size as specified by the Canadian

## Definitions

- Standards Association (CSA) and which is designed to be used as a *principal place of residence*. A *mobile home* does not include a *recreational vehicle*.
- 2.87 **"MOBILE HOME PARK"** shall mean a plan of subdivision approved and registered, and designed and intended for the location of *mobile homes* thereon.
- 2.88 **"NON-CONFORMING"** shall mean a use, a *building* or a *structure* which does not conform to one or more of the provisions of this By-Law for the *zone* or *zones* in which such use, *building* or *structure* is located. Such uses, buildings or structures which existed prior to the date of passing of this By-Law shall be considered legally non-conforming as per the provisions of the Planning Act.
- 2.89 **"NURSING HOME"** shall mean a *building* wherein lodging, meals and nursing care are provided in a supervised living environment for seniors. This definition may include a rest home or convalescent home for seniors but does not include a retirement home or seniors apartments.
- 2.90 **"OFFICE, BUSINESS ADMINISTRATION"** shall mean a *building* or part of a *building* used in administering, directing, managing or conducting the affairs of a business but shall not provide services directly to the public.
- 2.91 **"OFFICE, GOVERNMENT"** shall mean a *building* or part of a *building* used for the purposes of administration of a government or agency, or a department or office of a government or agency.
- 2.92 **"OFFICE, INDUSTRIAL"** shall mean a *building* or part of a *building* used by a manufacturing, industrial, warehousing or similar business to manage, administer, direct or conduct the affairs of the industrial operation.
- 2.93 **"OFFICE, PERSONAL SERVICE"** shall mean a *building* or part of a *building* being used as an office for individuals providing a service directly to the public such as a real-estate office, travel agency or insurance brokerage or a *government office* directly serving the public such as a *vehicle* permit office, welfare office or employment office.
- 2.94 **"OFFICE, PROFESSIONAL"** shall mean a *building* or part of a *building* used for the practice of a profession including such offices as an accountant, architect, engineer, land surveyor, lawyer, landuse planner or other generally recognized professional.
- 2.95 **"ONE FOOT RESERVE"** shall mean a narrow strip of land, traditionally one foot in width and in metric measurement being generally 30 centimetres in width, reserved for the purpose of restricting access.
- 2.96 **"OUTDOOR PATIO OR CAFE"** shall mean an outdoor area enclosed by a fence, ropes, gates or other means of delineating such area wherein food and drinks are offered for sale or sold to the public for immediate consumption within the enclosed outdoor area.
- 2.97 **"OUTDOOR STORAGE"** shall mean the storage or display of equipment, materials or things not within an enclosed *building*. Enclosure of an area by a fence or a canopy or roofed *structure* shall not be construed as an enclosed *building*.
- 2.98 **"PARK"** shall mean an area of land, owned and / or operated by a government agency, a community service club or charitable organization and used for open space, horticulture, outdoor recreation, or maintenance of a natural area but excludes a *tent and trailer park*.
- 2.99 **"PARKING LOT"** shall mean an area or *structure* provided for the parking of *vehicles* and includes any related aisles, *parking spaces*, ingress and egress lanes, but shall not include any part of a *street*.

## Definitions

- 2.100 **"PARKING SPACE"** shall mean an area which is used for and is adequate for the temporary parking or temporary storage of a *vehicle*.
- 2.101 **"PERMITTED"** shall mean *permitted* by this By-Law.
- 2.102 **"PERSONAL SERVICE SHOP"** shall mean an establishment where a personal service is performed, such as a barber shop, a beauty salon, a dressmaking shop, a shoe repair shop, a tailor shop, a photographic studio, a music studio or similar use.
- 2.103 **"PIT OR QUARRY"** shall mean a place licensed to permit the excavation of aggregate resources.
- 2.104 **"PLACE OF ASSEMBLY"** shall mean a *building* or part of a *building* used for, meetings, banquets and assembly which may include an auditorium, assembly hall or banquet hall.
- 2.105 **"PLACE OF ENTERTAINMENT"** shall mean a *building* or part of a *building* wherein facilities are provided for entertainment or amusement which may include a pool hall, a bowling alley, an *arcade*, a bingo hall, a theatre, a music or dance hall, or other cultural activity.
- 2.106 **"PLACE OF SPORTS AND RECREATION"** shall mean a place, *building* or part of a *building* where or wherein facilities are provided for sports and / or recreation which may include an arena, a curling rink, a skating rink, racquet sports, a gymnasium, a swimming pool, a tennis court, an indoor golf facility or a fitness facility.
- 2.107 **"PLACE OF WORSHIP"** shall mean a church, temple, mosque, synagogue or other *building* or part of a *building* used for public worship.
- 2.108 **"PRIVATE CLUB"** shall mean a place, *building* or part of a *building* where social functions are carried out solely by a private organization for its members and their guests.
- 2.109 **"PRINCIPAL PLACE OF RESIDENCE"** shall mean a *dwelling unit* used as the true, fixed, permanent address or lodging place to which a person habitually returns to sleep and whenever absent, he or she has the intention of returning. A person shall only have one principal residence which, for the purposes of this By-Law, may or may not be within Canada.
- 2.109-1 **"PUBLIC EMERGENCY SERVICE FACILITY"** shall mean land, buildings or structures used for the provision of police, fire protection and land ambulance services and programs which are provided for or subsidized by a government or other body.<sup>04</sup>
- 2.110 **"PUBLIC UTILITY YARD"** shall mean land or *buildings* used for the storage, repair and maintenance of *vehicles*, equipment or material used in connection with supplying of public services, municipal works or utilities and may include as *accessory uses* administrative offices.
- 2.111 **"RECREATIONAL VEHICLE"** shall mean a *vehicle* designed to provide temporary living, sleeping or eating accommodation for travel, vacation, seasonal camping or recreational use and designed to be driven, towed, transported or relocated from time to time whether or not the *vehicle* is jacked up or its running gear is removed, and with a size as defined by the Canadian Standards Association (CSA). A *recreational vehicle* shall not be used as the *principal place of residence* of the occupant. A *recreational vehicle* shall include a motor home, camper trailer, motorized home, motorized camper, truck camper, pick-up coach, chassis-mounted camper, slide-in camper, tent trailer, fifth-wheel trailer and park model trailer and similar mobile *vehicles* but excludes a *mobile home*.
- 2.112 **"REGION OF HALDIMAND-NORFOLK" or "REGION" or "REGIONAL"** shall mean or refer to the Corporation of the Regional Municipality of Haldimand-Norfolk.

<sup>04</sup> 749-HC-11

## Definitions

- 2.113 **"REQUIRED"** shall mean as *required* by the provisions contained herein.
- 2.114 **"RESTAURANT"** shall mean a *building* or part of a *building* wherein food is offered for sale or sold to the public for immediate consumption either within the *building* or elsewhere. This definition includes a licensed dining room, a cafe, and a tearoom. A *restaurant* may contain an *outdoor patio or cafe*.
- 2.115 **"RESTAURANT, FAST FOOD"** shall mean a *building* or part of a *building* wherein food is offered for sale or sold to the public for immediate consumption either within the *building* or elsewhere and where patrons order, obtain and pay for their food from a counter and / or a drive through window. This definition includes a cafeteria, a lunch counter and a coffee shop.
- 2.116 **"RESTAURANT, TAKE-OUT"** shall mean a *building* or part of a *building* wherein prepared food is offered for sale or sold to the public for immediate consumption in places other than in the *building* where the food is prepared. This definition includes a *chip wagon* and a snack bar.
- 2.117 **"RETAIL STORE"** shall mean a *building* or part of a *building* or an enclosed outdoor area which is used for the retail sale of goods, wares, merchandise, substances, articles and things. This definition does not include a *salvage yard* or a *department store*.
- 2.118 **"SALVAGE YARD"** shall mean an establishment where used and disused goods, wares, merchandise, *vehicles*, articles or things are dismantled and stored for further use. This definition may include a junk yard, a scrap metal yard or an automobile wrecking yard and retail sales incidental to the foregoing main uses.
- 2.119 **"SECONDARY PLACE OF RESIDENCE"** shall mean a *dwelling unit* used as a second *dwelling unit* on an occasional basis and to a lesser degree than one's *principal place of residence*.
- 2.120 **"SETBACK"** shall mean the least dimension between a property line and the nearest wall of any *building* or *structure* on the *lot*.
- 2.121 **"SHORT TERM SHOWS AND EVENTS"** shall mean the use of land, *buildings* or *structures* for the purpose of entertainment or amusement such as home and garden shows, trade shows, demolition derbies, and horse, pet, poultry or other *livestock* shows for a short term. Short term, for the purposes of this definition, shall mean not longer than 14 days of consecutive duration or 30 days total duration during any calendar year for any individual show or event.
- 2.122 **"SIGHT TRIANGLE"** shall mean the triangular space formed by the *street lines* of a *corner lot* and a line drawn from a point on one of the said *street lines* to a point on the other said *street lines*, each said point being measured a specific distance from the point of intersection of the said *street lines*.
- 2.123 **"SIGN"** shall mean a name, identification, description device, display, or illustration which directs attention to an object, product, place, activity, person, institution, organization or business.
- 2.124 **"SPECIAL EVENT SALES"** shall mean the use of land, *buildings* or *structures* for the purpose of a show or event, the principle intent of which is the retail sale of goods, wares, merchandise, substances, articles or things to the public for a short term. Short term, for the purposes of this definition, shall mean not longer than 7 days of consecutive duration or 15 days total duration during any calendar year for any specific individual sale.
- 2.125 **"STOREY"** shall mean the portion of a *building* which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, the portion between the top of such floor and the ceiling above it.

## Definitions

- 2.126 **"STOREY, FIRST"** shall mean the *storey* with its floor closest to *finished grade* and having its ceiling more than 1.8 metres above *finished grade*.
- 2.127 **"STREET"** shall mean a public highway or public road or an open road allowance owned and maintained by the *Region*, the *City* or the Province of Ontario. A *street* allowance shall be considered a *street*, but this definition shall not include a public or private *lane* or private right-of-way.
- 2.128 **"STREET CENTRE-LINE"** shall mean a line drawn parallel to and equidistant from the limits of a road allowance as originally laid out prior to any subsequent road widening.
- 2.129 **"STREET LINE"** shall mean the limit of the *street* allowance and is the dividing line between the *lot* and a *street*.
- 2.130 **"STRUCTURE"** shall mean anything constructed or *erected*, the use of which requires location on or in the ground, or attached to something having location on or in the ground but excluding an underground servicing facility.
- 2.131 **"SUPERMARKET"** shall mean a *building* or part of a *building* in which a balanced line of goods such as canned, bottled, packaged and frozen foods, fresh meat and poultry, fish, fresh fruits and vegetables, prepared food products, bakery products, dairy products, candy and confectionery and other food products are sold. In addition, newspapers, magazines, paper products, soft drinks, tobacco products, health and beauty aids, housewares, flowers and plants and other non-food articles may be sold. Services may also be offered for sale provided they are subordinate to the main use.
- 2.132 **"TENT AND TRAILER PARK"** shall mean an area of land used for camping or for the parking of *recreational vehicles* for vacationing or recreational purposes and shall include the storage of such *vehicles* over the winter months.
- 2.133 **"THERMAL DESTRUCTOR"** shall mean an incinerator or a furnace for the burning of refuse and industrial by-products or residues.
- 2.134 **"TOP-OF-BANK"** shall mean a location inland from the lake which is the greater of:
- i) the first break, from the lake, in the slope of the cliff, bluff or bank, or
  - ii) a point measured inland from the toe of the cliff, bluff or bank which is three times the height of the of the cliff, bluff or bank.
- 2.135 **"TOURIST CABIN"** shall mean a detached, furnished *building* providing temporary rental accommodation for one or more guests, in which cooking, eating, sleeping and sanitary facilities are provided, for use mainly by the vacationing public.
- 2.136 **"TRAINING AND REHABILITATION CENTRE"** shall mean a *building* or part of a *building* wherein facilities are provided and operated by social, public and private agencies for the rehabilitation and training of socially, physically or psychologically handicapped persons or those with addictive behaviour and may include living quarters for such persons.
- 2.137 **"TRUCK TERMINAL"** shall mean a *building* or place where trucks or transports are rented, leased, kept for hire, stored, parked or dispatched for hire as common carriers.
- 2.138 **"USABLE FLOOR AREA"** shall mean a total area of all floors of a *building* or *dwelling unit* excluding a garage or other parking area, a lobby or hall used for common or public access, any area or shaft pertaining to the maintenance or servicing of a *building*, but including internal walls. In the case of a *dwelling unit*, the *usable floor area* shall not include a *basement* used for storage, laundry or housing heating/ ventilation equipment but does include a *habitable room* located in a



## Definitions

- basement*. The *usable floor area* is measured from the outside face of exterior walls or to the centre line of party or *common walls*.
- 2.139 **"UTILITY SERVICE BUILDING"** shall mean a *building* or *structure* used in connection with the supplying of local utility services and may include: water or sewer pumping station, water storage reservoir, gas regulator *building*, hydro sub-station, telephone repeater or exchange *building*, sewage or water treatment plant.
- 2.140 **"VEHICLE"** shall mean an automobile or motorized transport used for carrying passengers or for transporting goods and may include: a *farm* implement, *recreational vehicle*, snowmobile or marine craft.
- 2.141 **"VEHICLE SALES AND/OR RENTAL ESTABLISHMENT"** shall mean an establishment having as its main use the storage and display of vehicles for sale, rent or lease. Accessory uses include facilities for the repair or maintenance of such vehicles and a body shop.
- 2.142 **"VIDEO STORE"** shall mean a *building* or part of a *building* wherein videos are offered for sale or rent.
- 2.143 **"WHOLESALE OUTLET"** shall mean an establishment in which goods, wares, merchandise, substance, articles or things are offered or kept for sale in large quantities for wholesale to retail establishments.
- 2.144 **"YARD"** shall mean the space between a *building*, *structure* or excavation on a *lot* and the *lot lines* of the *lot*. Any *yard* requirement *herein* is expressed as a horizontal linear distance perpendicular to a *lot line*. Where *yards* meet at a corner greater than 180 degrees, measured from the inside of the property, the *yards* shall extend to the point of intersection of the adjoining *yard*. A *required yard* shall be the distance from the *lot line* to the extent specified by this By-Law.
- 2.144.1 **"FRONT YARD"** shall mean a *yard* extending across the full width of the *lot* between the *front lot line* of the *lot* and the nearest part of any excavation or main *building* on the *lot*.
- 2.144.2 **"REAR YARD"** shall mean a *yard* extending across the width of the *lot*, exclusive of any *exterior side yard*, between the *rear lot line* and the nearest part of any excavation or main *building* on the *lot*. If a *lot* has only three *lot lines* and there is no *rear lot line*, the *rear yard* shall be the area extending across the full width of the *lot*, between the apex formed by the *side lot lines* and the nearest part of any excavation or main *building* on the *lot*.
- 2.144.3 **"INTERIOR SIDE YARD"** shall mean a *yard* extending from the *front yard* to the *rear yard* and from the *interior side lot line* to the nearest part of any excavation or main *building* on the *lot*. A *required interior side yard* shall extend from the *required front yard* to the *required rear yard*.
- 2.144.4 **"EXTERIOR SIDE YARD"** shall mean a *yard* abutting a *street*, and extending from the *front yard* to the *rear lot line* and from the *exterior side lot line* to the nearest part of any excavation or main *building* on the *lot*. A *required exterior side yard* shall extend from the *required front yard* to the *rear lot line*.
- 2.145 **"ZONE"** shall mean a designated area of land shown on the zoning maps.
- 2.146 **"CANNABIS PRODUCTION FACILITY"** shall mean any *building* or *structure* licensed and authorized by Health Canada to ship, deliver, transport, destroy, grow, dry, export and/or import *cannabis* for medical or non-medical purposes, including related research as defined an applicable Federal Regulation, as amended from time to time.

## Definitions

2.147 *"AIR TREATMENT CONTROL SYSTEM"* shall mean a system designed, approved and implemented in accordance with a license issued by Health Canada for the purposes of controlling emissions, including odour.<sup>1</sup>

---

<sup>1</sup> 1126-HC/19

## **SECTION 3: GENERAL PROVISIONS**

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

The following uses may be *permitted* in any *zone* and shall be subject only to the specified provisions of this Section:

- (a) *street*, traffic signs and traffic signals,
- (b) facilities essential to the operation of any public utility such as sewers and watermains and including any accessory *utility service building* or *structure*,
- (c) water or sewage treatment plant including any accessory *public utility yard*,
- (d) gas, oil or water pipeline, powerline, telephone line, cable television line or any similar utility service line including any substation, transformer or similar *utility service building* or *structure* associated therewith, excluding any *public utility yard*,
- (e) railway line excluding any accessory station, depot or yard,
- (f) *park*,
- (g) *signs* and billboards except within a residential *zone* and the provisions of subsections 3.6, 3.16 and 3.17.
- (h) *buildings*, *structures* and uses accessory to any *permitted* use subject to the provisions of subsections 3.3 and 3.4,
- (i) public washrooms and change houses for bathers,
- (j) swimming pool accessory to any *permitted* use subject to the provisions of subsection 3.33,
- (k) construction camp, work camp, tool shed, scaffold or other *buildings* and *structures* accessory to and necessary for construction work on a premises, but only until such construction work is completed or abandoned. For the purpose of this subsection, failure to proceed expeditiously with the construction work shall constitute abandonment of such work,
- (l) any *building* or *structure* accessory to exploration, drilling or pumping of petroleum or natural gas, but only until the work is completed or abandoned. For the purpose of this subsection, failure to proceed expeditiously with any work shall constitute abandonment of such work,
- (m) *special event sales* ancillary to a *place of worship*, public service club or *park* or retail sales accessory to *permitted* uses within *buildings* owned or controlled by the *City*, *Region* or Province or agencies thereof,
- (n) aids to navigation,
- (o) Canada Post mail boxes and superboxes,
- (p) temporary sales and rental office for the sale, rental or promotion of land and development in the immediate surrounding area,
- (q) stormwater management ponds.

Notwithstanding the *permitted* uses in (a) to (h) and (j) to (p) above, no *building* or *structure* shall be *permitted* in a Hazard Land *Zone*, or in a natural feature *setback* subject to Section 3.30, except for maintenance and storage *buildings* accessory to a public *park* use within the Hazard Land *Zone*.

### **3.2 USES PROHIBITED IN ALL ZONES**

Unless specifically provided for in a *zone* under Section 7, no land shall be used for the following:

- (a) abattoir or slaughterhouse

- (b) ammonia manufacture
- (c) commercial manufacturing of fertilizers from dead animals or from human or animal waste
- (d) industrial liquid waste disposal well
- (e) industrial waste landfill site
- (f) industrial waste lagoon
- (g) manufacture of explosives
- (h) manufacturing of a hazardous substance
- (i) sanitary landfill
- (j) stock yards
- (k) tannery
- (l) the racing or any other similar competition involving *vehicles* whether sanctioned or unsanctioned unless authorized as a special event by a license issued pursuant to a By-Law passed under Section 210 (par. 66) of the Municipal Act, as amended
- (m) the use of any *recreational vehicle* as a *principal place of residence*.<sup>04</sup>

### 3.3 **ACCESSORY USES TO RESIDENTIAL USES**

No building or structure which is accessory to any permitted residential use in any zone shall:

- (a) exceed a building height of 4.5 metres in the R1, R2, R3, R4, R5, RM, RV residential zones and 6.5 metres in all other zones where use is permitted;
- (b) occupy any part of a required exterior side yard or required front yard;
- (c) be nearer than 1.2 metres of a lot line within an interior side yard or 1.2 metres of an interior lot line within a front yard;
- (d) be nearer than 1.0 metre of an interior lot line within a rear yard except:
  - (i) in the case of a mutual private garage or a mutual boathouse in the rear yard on a common interior side lot line, no separation distance is required,
  - (ii) in the case of a rear lot line adjoining a private or public lane, no setback is required,
  - (iii) in the case of a lot line abutting a navigable water course, no setback is required for a boathouse, dock, pier or wharf where the boathouse, dock, pier or wharf abuts the watercourse.
- (e) occupy more than 10% of the lot area, for all accessory buildings together, to a maximum of 55 square metres of useable floor area in the R1, R2, R3, R4, R5, RM, RV residential zones, 100 square metres of useable floor area on those lots measuring 0.4 hectares or less in all other zones where use is permitted, and 200 square metres of useable floor area on those lots measuring 0.4 hectares or more in all other zones where use is permitted. Swimming pools shall not constitute a structure for the purposes of this provision.
- (f) be established on any lot until or unless the main building or use to which it is accessory is established.<sup>04</sup>

<sup>04</sup> 749-HC-11

### 3.4 **ACCESSORY USES TO NON-RESIDENTIAL USES**

No *building* or *structure*, excluding a *sign*, which is accessory to any non-residential use in any *zone* shall:

## General Provisions

- (a) contravene any *zone* provisions for the *zone* in which the *building* or *structure* is located except:
  - i) a *building* or *structure* used as a gatehouse or kiosk for parking attendants or security personnel which may be *erected* in any *required setback* from a *street* provided such *building* or *structure* is located no nearer than 3 metres to any *street line* and provided it does not exceed 20 square metres in area;
- (b) be established on any *lot* until or unless the main *building* or use to which it is accessory is established.

### 3.5 **AUCTION CENTRE**

- 3.5.1 Any *auction centre* shall be subject to the following provisions:
  - (a) there shall be no *outdoor storage* of goods, wares, merchandise, substances, articles or things except as *permitted* by (b) below;
  - (b) notwithstanding (a) above, the *outdoor storage* of goods, wares, merchandise, substances, articles or things shall be *permitted* on the day of an auction sale provided that only those goods, wares, merchandise, substances, articles or things intended for sale by auction are stored or displayed.
  - (c) no land shall be used for *auction centre* purposes until or unless a *building* intended for *auction centre* use has been established on the *lot*.
- 3.5.2 Notwithstanding 3.5.1, a temporary one day auction may be *permitted* on any property provided it is conducted no more than once a year.

### 3.6 **LOCATION OF BED & BREAKFAST**

- 3.6.1 Bed and breakfast establishments are permitted in the following zones: R1-A, R2, R3, RH, RM, RV, A, CD, CN, CHA, CR, CMT, IC, IN, IR, OS, OST, D
- 3.6.2 Bed and breakfast establishments shall be subject to the following Provisions:
  - a) A maximum of one (1) outside employee is permitted
  - b) A maximum of three (3) bedrooms may be made available for guests for the first 140 square metres of usable floor area. One (1) additional room is permitted for each additional 23 square metres of usable floor area, up to a maximum of 10 guest rooms for those properties measuring 0.4 hectare or greater, and up to a maximum of 5 guest rooms for those properties measuring less than 0.4 hectare
  - c) A minimum of one (1) additional parking space per guest room is required
  - d) A dining room is permitted but is restricted to use by patrons of the bed & breakfast only
  - e) Site plan control shall apply to those establishments of 4 guest rooms or greater
  - f) Retail sales are permitted but are restricted to a maximum of 10% of floor area used for the bed & breakfast, including common areas.

### 3.7 **DECKS AND PORCHES**

- 3.7.1 No *deck* or *unenclosed porch* shall:
  - (a) be nearer than 1.2 metres from an *interior side lot line*;
  - (b) have a floor higher than the height, above *finished grade*, of the floor of the *first storey* of the main *dwelling* on the *lot*;

- (c) project more than 3.0 metres into a *required rear yard* but in no circumstance be closer than 3 metres from the *rear lot line*;
- (d) project more than 1.5 metres into the *required front yard* or *exterior side yard*;
- (e) on a sloping *rear yard*, be closer than 3 metres from an *interior lot line* and 6 metres from the *rear lot line*, at the point where the *deck* floor reaches or exceeds a height of 2 metres above the finished surface of the ground.

3.7.2 Notwithstanding, sub-section 3.7.1, where the *rear lot line* adjoins a water body or watercourse, a *deck* or *unenclosed porch* may project to the limits of any hazard land or top-of-bank *setback*.

### **3.8 ESTABLISHED BUILDING LINE**

Notwithstanding the *front yard* or *exterior side yard* requirements of this By-Law, any *building* in a residential or commercial *zone* may be located closer to the *street line* than *required*, provided it is in accordance with the *established building line*, and is not located closer to the *street centre-line* than half the planned road width set out in Sub-section 3.26.2.

### **3.9 EXEMPTIONS FROM YARD PROVISIONS**

Except as otherwise provided *herein*, every part of any *required yard* shall be open and unobstructed by any *building* or *structure* from the ground to the sky except that:

- (a) sills, belt courses, cornices, chimneys, bay windows, pilasters, hydro meters or gas metres may project into any *required yard* or *setback* area a distance of not more than 0.65 metres,
- (b) eaves or gutters for other than an *accessory building* may project into any *required yard* or *setback* area a distance of not more than 0.65 metres,
- (c) eaves or gutters of an *accessory building* may project into any *required yard* or *setback* area a distance of not more than 0.3 metres,
- (d) canopies, awnings, or steps may project into any *required rear yard*, *front yard* or *exterior side yard* area a distance of not more than 1.5 metres,
- (e) *balconies* may project into any *required rear yard*, *front yard* or *exterior side yard* area a distance of not more than 1.5 metres provided they are no closer than 3.0 metres from an *interior lot line* and 6.0 metres from a *rear lot line*,
- (f) handicapped access ramps may project into any *required rear yard*, *front yard* or *exterior side yard* area a distance of 3 metres.

### **3.10 EXEMPTIONS FROM HEIGHT PROVISIONS**

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

- (a) belfry, spire, clock tower, dome, cupola, or flag pole,
- (b) chimney or stack,
- (c) radio, television or tele-communication antennae,
- (d) aids to navigation,
- (e) electrical transmission tower and pylon,
- (f) water storage *structure*,
- (g) barn, silo, drying elevator or tower, fire training tower, kiln, windmill, grain elevator,
- (h) elevator enclosure or mechanical penthouse occupying not more than 10 percent of the area of the roof of a *building* on which it is located,
- (i) machinery for the moving of industrial and extractive materials and housing frames and *structures* for such machinery,

- (j) hospital.

### **3.11 EXEMPTIONS FROM SERVICING PROVISIONS**

Zone provisions requiring connection to a public water supply system and a public sanitary sewer system shall not apply to:

- a) *existing single detached dwellings on a lot of record* if such services are not available; or
- b) a *chip wagon*, temporary construction trailer or gatehouse kiosk.

A public sanitary system does not include a communal sewage treatment system.

### **3.12 FENCES IN RESIDENTIAL ZONES**

When fences, hedges, free standing walls and similar *accessory structures* and appurtenances are used to delineate a property boundary or screen or enclose an area on a residentially zoned property such *structures* may locate in any *yard* provided:

- (a) they do not exceed a height of 2.0 metres, except in any *required front yard* or *required exterior side yard* in which case the maximum height shall be 1.0 metre,
- (b) in the case of a *corner lot*, they are in accordance with the *sight triangle* provisions of section 3.32.
- (c) in the case of a *through lot*, they do not exceed a height of 2.0 metres, except where they are located closer to the *street line* of a *rear yard* than the *established building line* in which case the maximum height shall be 1.0 metre.

### **3.13 FRONTAGE ON AN IMPROVED STREET**

No *building* or *structure* shall be *erected*, altered or enlarged on any land which does not have the minimum *required lot frontage* on an open, constructed and year-round, maintained *street*.

### **3.14 GASOLINE PUMP ISLANDS**

Notwithstanding anything to the contrary contained *herein*, a gasoline pump island including any kiosk or canopy associated therewith, may be located in any *front* or *exterior side yard* provided:

- (a) no portion of the gasoline island or kiosk is located nearer than 5 metres to any *lot line* or 3 metres to any *sight triangle*,
- (b) the outer edge of any canopy is located no nearer than 1.0 metre to any *lot line* and provided the support columns of any canopy are located no nearer than 5 metres to any *lot line* or within a *sight triangle*.

### **3.15 GROUND FLOOR ELEVATION**

3.15.1 The minimum elevation of the ground floor of any *building* and any addition to a *building* shall be 176.5 metres above sea level, Geodetic Survey of Canada datum within:

- (a) Lots 21 to 24 inclusive, Concession One, former Township of Woodhouse,
- (b) Lots 1 to 24 inclusive, Concession One, former Township of Walpole.

- 3.15.2 Notwithstanding subsection 3.15.1, the following exceptions shall apply:
- (a) accessory *buildings* and attached *private garages*,
  - (b) *boathouses*,
  - (c) *buildings* or parts of *buildings* used for boat maintenance, repair, display or storage.
- 3.15.3 When a *building* is raised, subsections 3.15.1 and 3.15.2 shall apply notwithstanding the definition of *alter* contained *herein*.

### **3.16 VALUE-ADDED AGRICULTURE**

- 3.16.1 Any Farm Stand shall be subject to the following provisions:
- a) The maximum area of a farm-stand shall be 10 square metres
  - b) The majority of the commodities for sale shall be produced as part of the farm operation
  - c) All produce offered for sale shall be Ontario-grown
  - d) The use shall be operated by the owner of the farm operation
  - e) A farm stand may be located a minimum of 3 metres from the front property line
- 3.16.2 Any farm Produce Outlet shall be subject to the following provisions:
- a) The maximum gross floor area shall be 185 square metres and the maximum retail floor area shall be 93 square metres
  - b) The majority of the commodities for sale shall be produced as part of the farm operation
  - c) All produce offered for sale shall be Ontario-grown
  - d) The use shall be operated by the owner of the farm operation
  - e) The use shall be secondary to the main farm use on the subject lands
  - f) All buildings related to the use shall be located within a cluster of existing buildings
  - g) Outdoor storage is permitted but shall be screened from view by a visual barrier with minimum height of 1.8 metres. All storage shall be in accordance with applicable property standards regulations, as amended from time to time
  - h) Site plan control shall apply to any development
- 3.16.3 Any Farm-Related Processing shall be subject to the following provisions:
- a) The maximum gross floor area shall be 557 square metres
  - b) Outdoor storage is permitted but shall be screened from view by a visual barrier with minimum height of 1.8 metres. All storage shall be in accordance with applicable property standards regulations, as amended from time to time
  - c) The majority of the produce processed, preserved, packaged and / or stored shall be from the farm operation or surrounding area
  - d) The use shall be operated by the owner of the farm operation
  - e) The use shall be secondary to the main farm use on the subject lands
  - f) Employees are restricted to the owner and a maximum of 5 outside employees, full time or part time, on a given shift



## General Provisions

- g) The use shall comply with the Ministry of Environment's D-series Guidelines respecting land use separations from off-site residential buildings, as amended from time to time, or is to be located within a cluster of existing buildings, whichever setback is greater
- h) Site plan control shall apply to any development

3.16.4 Any Experiential Activities shall be subject to the following provisions:

- a) The use shall be secondary to the main farm use on the subject lands
- b) All buildings related to the use shall be located within a cluster of existing buildings
- c) All uses shall be clearly farm-related through ongoing interaction with agricultural activities
- d) The aggregate activity area, including all associated uses such as but not limited to parking, loading areas, and recreational amenities shall not exceed 15% of total lot area. Production lands which are used for the growing of crops and simultaneously used as part of the activity area shall not be included in the calculation of the 15%
- e) Special events shall be limited to a maximum of 10 days per year
- f) Seasonal attractions are permitted to be sequential
- g) Site plan control shall apply to any development

## 3.17 HOME BASED BUSINESS

3.17.1 any home office shall be subject to the following provisions:

- a) Home office is permitted in all zones that permit a dwelling unit, excluding the MX zone.

3.17.2 any home occupation shall be subject to the following provisions:

- a) Home occupation is permitted in the following zones: R1, R2, R3, R4, R5, RM, RH, RV, CD, CH, CN, CHA, CR, MR, MD, A, IC, IN, IR, OS, OST and D
- b) Teaching classes shall be restricted to a maximum of four (4) students
- c) Day care shall be limited to a maximum of five (5) children exclusive of the proprietor's children
- d) No home occupation shall occupy more than 25 percent of the dwelling unit in which it is located up to a maximum of 50 square metres
- e) No home occupation or combination of home occupations shall occupy more than a combined total of 50 square metres of dwelling unit and accessory building area
- f) Retail sales of products produced on the premises or those products directly associated with the home occupation are permitted but are restricted to a maximum of 15% of total gross floor area of the home occupation
- g) A maximum of one (1) outside employee is permitted on a given shift
- h) A minimum of one (1) additional parking space is required for any outside employee
- i) Outdoor storage of goods is prohibited

3.17.3 any home industry shall be subject to the following provisions:

- a) Home industry is permitted in the following zones: RH, CHA, CH, CR, MR, MD, A and D. A home industry is not permitted in the MX zone
- b) There shall be no goods, wares or merchandise, other than crafts produced on the premises, offered or expose for sale or rent on the premises

## General Provisions

- c) A home industry, or combination of home industries on a lot, is permitted to a maximum size of 100 square metres on those lots measuring 0.4 hectare or less
- d) A home industry, or combination of home industries on a lot, is permitted to a maximum size of 200 square metres on those lots measuring greater than 0.4 hectares
- e) No home industry shall occupy any portion of a dwelling except an attached garage
- f) Outdoor storage is permitted but shall be screened from view of the street and adjacent properties by a visual barrier with minimum height of 1.8 metres
- g) No home industry shall be located in a building which is closer than 30 metres from a dwelling on an adjacent lot
- h) A maximum of one (1) outside employee is permitted on a given shift
- i) A minimum of one (1) additional parking space is required for any outside employee
- j) All parking for a home industry shall be provided on site and no parking is permitted on top of any portion of a septic system.

### 3.18 LIGHTING FACILITIES

Where private lighting facilities are provided in any *zone* to illuminate *buildings, structures* or uses, they shall, where possible, be directed downwards, and located or arranged to deflect glare away from adjacent residential uses and *streets* and to avoid any confusion with traffic signals.

### 3.19 LOCATION OF A DWELLING

- (a) No *dwelling* shall be *erected* or located on a separate *lot* unless it complies with the Minimum Distance Separation (MDS I) calculated using Schedule E to this By-Law.
- (b) No *bed & breakfast* located on a separate lot shall be permitted unless the *dwelling* in which it is located complies with the Minimum Distance Separation (MDS I) calculated using Schedule E to this By-Law.
- (c) No *dwelling* shall be *erected* or located on a separate *lot* within 300 metres of any *animal kennel*.
- (d) No *dwelling* shall be *erected* or located on a separate *lot* within 70 metres of an abattoir.
- (e) No *dwelling* shall be *erected* or located on a separate *lot* within 30 metres of a rural industrial use or a *farm processing facility*.
- (f) No *dwelling* shall be *erected* or located on a separate *lot* within 300 metres of a disposal industrial or extractive industrial use including any outdoor working areas.
- (g) Subsections 3.19 (a), (c), (d), (e) and (f) above shall not apply to additions or alterations to any legally established *dwelling*.
- (h) Subsection 3.19 (a) (c) and (d) above shall not apply to any *lot of record* provided that the *dwelling* is located at the furthest point possible from the feedlot, *livestock barn*, manure storage area, *animal kennel* or abattoir and provided such *dwelling* does not contravene any *yard* provisions.

### 3.20 LOCATION OF GROUP HOMES

*Group homes* may be located only in any *zone* in which a *single detached dwelling* is a *permitted* use provided no *group home* is located within 300 metres of another. This provision shall not permit *group homes* used for alcohol or drug addiction or criminal rehabilitation purposes.

### **3.21 LIVESTOCK IN RESIDENTIAL AREAS**

No *livestock* shall be *permitted* to be kept in any urban residential *zone* (R1 to R5 and RM) or Hamlet Residential *Zone* (RH) or Vacation Residential *Zone* (RV).

### **3.22 LOTS ABUTTING A “ONE FOOT RESERVE”**

3.22.1 Where in any *zone* a *one foot reserve* separates a *side yard* from a *street*, the *exterior side yard* requirement shall be provided and measured as though the said reserve is non-existent.

3.22.2 Where in any *zone* a *one foot reserve* separates a portion of a *front yard* from a *street*, the *lot frontage* and *front yard* requirement shall be measured as though the said reserve is non-existent.

### **3.23 NON-CONFORMITY**

#### **3.23.1 Repair, Renovation and Replacement of *Buildings and Structures* whose Use is Legally *Non-conforming***

Nothing contained *herein* shall prevent the renovation, repair, strengthening to a safe condition or replacement, if damaged or destroyed by fire, an act of God, or by means beyond the control of the owner, of any *existing building or structure* or part thereof legally *non-conforming* in use, provided that such renovation, repair, strengthening or replacement will not increase the original *usable floor area* or volume of such *building or structure*.

#### **3.23.2 Repair, Renovation, Replacement and Extension to *Buildings* Conforming in Use but not to Other Provisions**

Nothing contained *herein* shall prevent the repair, renovation, replacement or extension of any *existing building or structure* which exceeds the maximum *building height*, exceeds the maximum coverage, encroaches into a *required yard*, is located on a *lot* smaller than *required*, is located on a *lot* whose frontage is smaller than *required* or which provides less parking than *required* but which is being used as a *permitted* use, provided that no other provisions of the By-Law are contravened by such repair, renovation, or replacement and such actions do not further exceed the *building height* or coverage or further reduce a *required yard setback* or parking provision, and any extension does not contravene any *building height* or *required yard* provisions.

### **3.24 NUMBER OF DWELLINGS PER LOT**

Where the by-law allows a dwelling house to be located on a lot not more than one dwelling house shall be permitted except as otherwise permitted in the R4 Zone.

Notwithstanding the above, where a plan of subdivision consisting of single detached dwelling lots has received draft approval but is not yet registered, the owner may erect one (1) model home where the number of lots in the subdivision exceeds five (5) plus, one additional model home for every ten (10) lots over the first five (5) lots.

All model homes shall have safe and adequate road access approved by the County and shall be located within 90 metres of an operational fire hydrant if within a serviced area, prior to construction commencing. Where required, a pre-servicing agreement shall also be entered into with the County. Model homes shall not be open for public viewing until connected to hydro service.

Where the zoning of a draft approved plan of subdivision is affixed with a “Holding-H” provision, model home construction shall be permitted in accordance with the other requirements of this section prior to the removal of the “H” provision.

For the purposes of this section, model homes shall be used as models only and shall not be occupied for residential purposes until such time as all the requirements of the County as set out in the applicable subdivision agreement have been complied with and the subdivision has been registered<sup>01</sup>

### **3.25 OBNOXIOUS USES**

No land shall be used and no *building* or *structure* shall be *erected*, altered, enlarged or used for any purpose which:

- (a) is obnoxious, beyond that which normally could be expected in the operation of a *permitted* use in the *zone* in which it is located,
- (b) could create a health hazard or which could cause the proposed *building* or *structure* to be affected by a health hazard as defined and regulated under the Health Protection and Promotion Act, or
- (c) could cause an adverse effect on a sensitive land use or which could cause the proposed *building* or *structure* to be affected by an adverse effect as defined and regulated by the Environmental Protection Act.

### **3.26 PLANNED ROAD ALLOWANCE WIDTHS**

3.26.1 No *building* or *structure* or part thereof shall be *erected* or enlarged nearer:

- (a) to the *street line* than the *required front yard setback*, or
- (b) on those *streets* listed in sub-section 3.26.2, to the *street centre-line*, than half the planned road allowance width plus the *required front yard setback*, or
- (c) on those *streets* listed in sub-section 3.26.2, to either (a) or (b) which ever is greater.

3.26.2 The planned road allowance widths shall be:

- (i) All roads 20 metres

In the case of a *street* under the jurisdiction of the *Region* or the Province of Ontario, in accordance with any applicable By-Law or regulation.

### **3.27 PROHIBITED EXTERNAL BUILDING MATERIALS**

Other than a *building* or *structure* used for a *farm* use or a *building* having a floor area less than 10 square metres, the following *building* materials shall not be used for the exterior facing on any vertical wall of any *building* or *structure*:

- (a) tar paper
- (b) building paper
- (c) asphalt roll-type siding
- (d) roll roofing
- (e) ten-test
- (f) interior wall sheeting
- (g) insulation board.

### **3.28 REMOVAL OF SOIL AND AGGREGATES**

- 3.28.1 Notwithstanding the definition of *pit or quarry*, nothing contained *herein* shall prohibit the leveling or removal of any hill for the purpose of extending, increasing or improving lands for agricultural uses provided that no excavation takes place below the average grade of the land surrounding the hill.
- 3.28.2 Notwithstanding the definition of *pit or quarry*, nothing contained *herein* shall prevent the Province of Ontario, the *Region* or the *City*, or any agent of the foregoing from carrying out any excavation of sand, gravel, stone, clay, earth or fill for the purpose of any public works.

### **3.29 SETBACK FROM MUNICIPAL DRAINS**

- 3.29.1 No new *building* or *structure* or part thereof shall be *erected* or enlarged nearer to any municipal drain, shown on Schedule B, than specified as follows:
- (a) In any agricultural, industrial, rural commercial, rural institutional and open space *zone*, 9 metres from the top of bank to an open drain and where the top of bank is not definable, 9 metres from the centre line. In the case of an enclosed drain, 4.5 metres from the centre line,
  - (b) In any residential, urban or hamlet commercial and urban or hamlet institutional *zone*, 4.5 metres from the top of bank of an open drain and where the top of bank is not definable, 4.5 metres from the centre line,
  - (c) Subsections 3.29.1 (a) and 3.29.1 (b) shall not apply to *existing buildings* or *structures*.
- 3.29.2 Notwithstanding 3.29.1 (a) and 3.29.1 (b), if the working area described in a municipal drainage By-Law is greater than in 3.29.1 (a) or (b), the working area setback shall apply.

### **3.30 SETBACK FROM NATURAL AREAS**

- 3.30.1 Notwithstanding any provision of this By-Law to the contrary, no land shall be used and no *building* or *structure* shall be altered or *erected* within 120 metres of a wetland or within or adjacent to any other Natural Area identified on Schedule C until such time as an environmental impact statement has been submitted to and approved by the *City*.
- 3.30.2 The provisions of 3.30.1 shall not apply to the following uses and areas:
- i) *farm*
  - ii) *single detached dwelling* on an *existing lot*
  - iii) *home occupation* and *home industry* in *existing buildings*
  - iv) *any building, structure* and / or uses accessory to a *farm* or *single detached dwelling*.

### **3.31 SETBACK FROM RAILWAYS**

The pertinent side and *rear yard* provisions contained *herein* shall not apply to the following *buildings* and uses where an *interior lot line* is in common with a railway right-of-way boundary. In such circumstances, the minimum separation distance between the following *buildings* and the railway right-of-way shall be:

- (a) for any *dwelling, nursing home, retirement home, group home, hotel, hospital* or school 30 metres from a main rail line and 15 metres from all other rail lines,
- (b) for any industrial, commercial or agricultural *building* requiring direct rail loading facilities 0 metres.

### 3.32 SIGHT TRIANGLES

3.32.1 Any *building, structure, sign* or use which would obstruct or impair the vision of a *vehicle* operator, or any fence or vegetation exceeding 1 metre in height above *finished grade* shall be prohibited within any *sight triangle*. This provision shall not apply to field crops or a wire *farm* fence.

3.32.2 A *sight triangle* shall be measured back from an intersection a distance of 9 metres.

3.32.3 No *sight triangle* shall apply for any intersection in the CD Zone.

### 3.33 SWIMMING POOLS

Notwithstanding any *yard* and *setback* provisions of this By-Law, any swimming pool accessory to a main use on a *lot* or any *building* or *structure*, such as a pump house, change room or storage shed, used in conjunction with any swimming pool shall:

- (a) not occupy any part of a *front yard*, or *required exterior side yard* except in an agricultural zone where it shall not occupy any part of a *required front yard* or *required exterior side yard*;
- (b) not be nearer than 1.2 metres of a *lot line* within an *interior side yard* or 1.2 metres of an *interior lot line* within a *front yard*;
- (c) not be nearer than 1.0 metre of an *interior lot line* within a *rear yard*;
- (d) in the case of any patio or walk situated at ground level around a swimming pool, be *permitted* to extend to any *interior lot line*.

### 3.34 MINIMUM SERVICES

1. No land shall be used and no building or structure shall be erected, used or occupied, including alteration or change of use of a building in any urban settlement area unless:
  - i) watermains, storm sewers, sanitary systems and hydro service are constructed and operational and all regulatory approvals have been received to the satisfaction of the County or appropriate approval authority;
  - ii) servicing capacity is confirmed as being available for all watermains and sanitary systems;
  - iii) stormwater management facilities, if required are constructed and operational;
  - iv) adequate water supply is available for fire protection; and
  - v) roadways and/or lanes are constructed to the satisfaction of the County and provide safe and adequate access to all building or structures.
2. No land shall be used and no building or structure shall be used or occupied, including alteration or change of use of a building in any rural settlement area unless:

## General Provisions

- i) an approved waste disposal system, water supply and hydro service are constructed and operational and all regulatory approvals have been received to the satisfaction of the County or any jurisdiction having authority;
  - ii) stormwater management facilities, if required, are constructed and operational;
  - iii) adequate water supply is available for fire protection; and
  - iv) roadways and/or lanes are constructed to the satisfaction of the County and provide safe and adequate access to all buildings or structures.
3. Notwithstanding sections 1 and 2 above, nothing herein shall prevent the construction of model homes in accordance with Section 3.24 of By-law NE 1-2000.
  4. Notwithstanding sections 1 and 2 above, nothing herein shall prevent the issuance of a conditional building permit if it is in accordance with the Ontario Building Code and deemed appropriate by the Chief Building Official.
  5. That for the purpose of sections 1 and 2 above, 'urban and rural settlement areas' shall mean areas within Haldimand County that are:
    - i) built up areas where development is concentrated and which have a mix of land uses; and
    - ii) lands which have been designated in an official plan for development over the long term planning horizon.<sup>02</sup>

### **3.35 FILM PRODUCTION**

- a) Film Production is permitted in the following zones: R1, R2, R3, R4, RM, R5, RH, RV, CD, CH, CN, CHA, CR, CMT, MH, MG, MP, MR, MD, MX IC, IN, IR, OS, OST, A, HL and D.
- b) The use shall be secondary to the main use on the subject lands;
- c) Film Production shall be limited to a maximum of 150 days per calendar year;
- d) All buildings and structures relating to film Production shall comply with the Ontario Building Code, as amended from time to time;
- e) Film Production and any activities associated with Film Production shall comply with the Haldimand County Noise By-law, as amended from time to time;

<sup>02</sup> 554-HC-08

## General Provisions

- f) If Film Production is proposed to take place on Provincially or County owned property, the Film Production shall comply with the Procedural Manual – Haldimand County Filming Guidelines and Filming Permits policy, as amended from time to time;
- g) Prior to film production taking place on a piece of land, the production company shall submit an information package for approval by the General Manager of Planning and Economic Development consisting of the following:
  - i. filming schedule including specifications on days and hours of operation;
  - ii. a traffic management and parking control plan if more than 12 production vehicles are used at one filming location;
  - iii. a filming site map;
  - iv. a list of gunfire, explosives, bombs/mock ups, flash power, detonators, flammable liquids / materials, the filming of dangerous stunts, and intent to use guns;
  - v. an emergency measures / response plan;
  - vi. a lighting plan that identifies sources, impacts and timing of lighting;
  - vii. a description of noise that identifies sources and intensities of noise as well as when those would occur;
  - viii. a copy of all notification letters to residents and businesses; and
  - ix. written approval from the appropriate Conservation Authority if filming is proposed to occur on Regulated Lands or on lands zoned as 'Hazard Land (HL)'.<sup>03</sup>

### **3.36 SURPLUS FARM DWELLING SEVERANCE PROPERTIES**

Notwithstanding the provisions as set out in this by-law, where the Committee of Adjustment has approved the severance of a surplus farm dwelling lot with a lot area of less than 0.6 hectares severed from an agricultural property as the result of farm consolidation, the following provisions shall apply:

- a) notwithstanding the Permitted Uses in the 'Agricultural (A)' zone, a single detached dwelling and home-based business shall not be permitted on the remaining agricultural parcel resulting from the surplus farm dwelling severance;
- b) no existing or proposed building or structures on either the severed or retained parcels shall be used for the purpose of a feedlot, housing of livestock or manure storage unless they comply with the Minimum Distance Separation (MDS) formula and Nutrient Management Act, as amended from time to time;
- c) any existing accessory buildings on the residential parcel shall be granted relief of building height, floor area and accessory structure lot coverage up to the dimensions existing at the time of severance;
- d) any existing residential dwellings on the residential parcel shall be granted relief of front yard setback, interior side yard setback, or exterior side yard setback zone provisions in the event of an existing non-conformity with the by-law, for the dwelling existing at the time of severance;

<sup>03</sup> 740-HC-11



## General Provisions

- e) any new zoning deficiencies created by a surplus farm dwelling severance require zoning relief through the approval of a minor variance application, pursuant to Section 45 of the Planning Act, R.S.O. 1990, c.P.13, as amended;
- f) for any lands becoming subject to this section, a special provision of A.41 shall be added to the appropriate Zoning By-law map schedule to reference this General Provision and its applicability. These amendments may be permitted from time to time without further public notice being required.<sup>04</sup>

### **3.37 PUBLIC EMERGENCY SERVICE FACILITIES**

- a) A Public Emergency Service Facility is permitted in all land use zones, except the 'Hazard Land (HL)' zone.
- b) Development of a Public Emergency Service Facility in any permitted zone shall be subject to the following provisions:
  - i. site plan control shall apply to any development;
  - ii. the use is only permitted if direct access to a provincial highway, arterial or collector road is available;
  - iii. there is adequate on-site parking;
  - iv. all provisions of the pertinent land use zone shall be applicable to the development so as to ensure development is consistent with character of the area;
- c) In addition to the criteria set out in Section 3.37(b), Public Emergency Service Facilities in the 'Agricultural (A)' zone shall be subject to the following criteria. The criteria are to be addressed through a study completed by a qualified professional land use planner which must be submitted to the satisfaction of the General Manager of Planning and Economic Development prior to the granting of site plan approval and the issuance of the building permit:
  - i. the land does not comprise a specialty crop area;
  - ii. there is a demonstrated need in the planning horizon for the lands to be used for a Public Emergency Service Facility;
  - iii. there are no reasonable alternative locations which avoid prime agricultural areas; and
  - iv. there are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands.<sup>2</sup>

---

<sup>2</sup> 749-HC-11

**3.38 CANNABIS PRODUCTION FACILITY**

3.38.1 Any *cannabis production facility* shall be subject to the following provisions:

- a) a *cannabis production facility* shall be permitted in the following zones:  
A,MH,MG,MP,MR,MD,MX;
- b) a *cannabis production facility* will be subject to site plan control pursuant to Section 41 of the Planning Act;
- c) in addition to the requirements of this Section, a *cannabis production facility* shall comply with all *zone* provisions of the *zone* it is located within;
- d) a *cannabis production facility* will be prohibited on any lot containing a *dwelling, dwelling house* or *dwelling unit*;
- e) a *cannabis production facility* shall be subject to the following setbacks:

	Setback to any Residential, Commercial, Institutional or Open Space Zone	Setbacks to the following uses located on a separate lot: a <i>dwelling, dwelling house, dwelling unit, day nursery, school, community centre, place of entertainment, place of assembly, place of worship, long term care home, retirement home, campground, tent &amp; trailer park</i> or cultural facility	Setback to any settlement area boundary
A <i>cannabis production facility</i> with a total gross floor area less than 6,967 square metres and with an <i>air treatment control system</i>	150 metres	150 metres	150 metres
A <i>cannabis production facility</i> with a total gross floor area greater than 6,967 square	200 metres	200 metres	200 metres

**General Provisions**

metres and less than 9,290 square metres and with an <i>air treatment control system</i>			
A <i>cannabis production facility</i> with a total gross floor area greater than 9,290 square metres and with an <i>air treatment control system</i>	250 metres	250 metres	250 metres
A <i>cannabis production facility</i> of any size where an <i>air treatment control system</i> is not provided	300 metres	300 metres	300 metres

- f) the parking requirement for a *cannabis production facility* shall be 1 *parking space* per 100 square metres of gross floor area;
- g) *outdoor storage* is prohibited on a property on which a *cannabis production facility* is located;
- h) no outdoor signage or advertising shall be *permitted*;
- i) where a *cannabis production facility* is located on a lot, no other use shall be *permitted* on the lot or within the *building* as a whole, other than the growing of agricultural crops other than cannabis;
- j) the minimum *lot area* must be greater than 4.0 hectares;
- k) minimum *setback* for all *structures* associated with a *cannabis production facility* is 30 metres from all property lines;
- l) a *building* or *structure* used for security purposes for a *cannabis production facility* may be located in the *front yard* and does not have to comply with the *required minimum front yard setback*;
- m) *loading spaces* for a *cannabis production facility* must be in a wholly enclosed *building*;
- n) all uses and activities associated with the *cannabis production facility* must take place entirely within a *building*.<sup>3</sup>

---

<sup>3</sup> 1126-HC/19



## **SECTION 4: OFF STREET PARKING**

### **4.1 PARKING AREA REGULATIONS**

#### 4.1.1 Access to a Street:

- (a) Each parking space shall have an unobstructed access to and from a street by either a driveway, aisle leading to a driveway, or a private road.
- (b) For residential units where tandem parking spaces are permitted, only one parking space shall require unobstructed access from a street provided that any additional parking spaces have access through a parking space leading to a street.

#### 4.1.2 Prepared Surface:

- (a) Any required parking space or a parking lot shall be a prepared surface consisting of gravel, concrete, asphalt or similar materials.

#### 4.1.3 Parking Space Dimensions:

- (a) Every parking space shall be based upon a rectangular shape having a width of 3.0 metres and a depth of 6.0 metres.
- (b) Notwithstanding subsection 4.1.3 (a) where the length of a parking space is located adjacent to a wall or fence said parking space shall have a width of 3.3 metres and a depth of 6 metres.
- (c) Notwithstanding subsection 4.1.3 (a) and subsection 4.1.3 (b) parallel parking spaces shall have a width of 2.7 metres and a depth of 7.0 metres.
- (d) Angled parking spaces shall be based upon a rectangular shape in accordance with subsection 4.1.3 (a).
- (e) All designated barrier free parking spaces shall provide a parking space in accordance with subsection 4.1.3 (a) with an additional 1.5 metres by 6 metres space clearly defined for the loading and unloading of passengers directly adjacent to the required space. Where two barrier free parking spaces are abutting, the loading and unloading of passenger area may be shared.

#### 4.1.4 Parking Aisle Requirements:

The perpendicular width of every parking aisle shall comply with the following requirements:

- (a) For two way traffic the width shall be a minimum of 6.5 metres
- (b) For one way traffic the width shall be as follows:

Angle of Parking Space:	Minimum Aisle Width:
0° - 40° parking	3.5 metres
41° - 55° parking	4.3 metres
56° - 70° parking	5.9 metres
71° - 90° parking	6.5 metres

4.1.5 Parking Lot and Garage Requirements:

The following regulations apply to parking lots and parking garages, whether as principal or accessory uses:

- (a) All driveways and aisles providing access to or located within a parking lot or parking garage must have a minimum vertical clearance free of obstructions such as signs and other structures in accordance with the Building Code, as amended from time to time.
- (b) An aisle providing access to parking spaces in a parking lot or parking garage must comply with the minimum required width as specified by subsection 4.1.4
- (c) All parking spaces located within a private garage shall be included in the spaces counted towards the requirements for the lot under subsection 4.10.4 (non-residential uses) and subsection 4.10.5 (residential uses).
- (d) All parking spaces within a private garage shall be exclusive of protrusions that may compromise complying with the requirements of this by-law.

4.1.6 Parking Driveway Requirements:

- (a) A residential driveway providing access to parking spaces, a parking garage or a parking lot shall have a minimum width of 3.0 metres.

4.1.7 Commercial Parking Driveway Requirements:

- (a) A commercial driveway providing access to parking spaces, a parking garage or a parking lot shall have a minimum width of 6.7 metres.

4.1.8 Snow Storage Requirements:

- (a) Commercial, industrial, institutional uses or mixed use developments shall provide a location for on site snow storage. The snow storage shall not be located in any part of a required parking space.

**4.2 LOCATION OF PARKING ON A LOT**

4.2.1 With the exception of Commercial and Institutional Zones and Zones permitting multi-residential development, all required parking spaces shall be provided on the same lot occupied by the building, structure or use for which such parking spaces are required, and shall not form a part of any street, lane, or driveway. Within Commercial and Institutional Zones and Zones permitting multi-residential development, the required parking spaces may be supplied within 90 metres of the main pedestrian access of the building, structure or use for which the parking spaces are required, provided that the required parking spaces cannot be appropriately located on the site and a Site Plan Agreement is registered on the title of the lands used for parking committing said parking spaces to the related commercial, institutional or multi-residential site.

4.2.2 No driveway or parking space shall be located in any sight triangle. A parking aisle may be located in any sight triangle provided no permanent obstructions are created.

## Parking Provisions

- 4.2.3 Parking areas may be located in any yard except as follows:
- (a) for single detached, semi-detached and duplex dwellings, not more than one required parking space per dwelling unit may be located within the required front yard or required exterior side yard.
  - (b) for tri-plex dwellings, double duplex dwellings, four-plex dwellings, street townhouses, and boarding or lodging houses, required parking spaces shall be prohibited within the required front yard or required exterior side yard; except where a dwelling unit has a private garage in which case the driveway leading to the private garage may be used as a parking space subject to the size requirements herein.
  - (c) for group townhouses and apartment dwellings, no parking lot shall be located within 3.0 metres of any dwelling on the lot or of any interior lot line abutting another residential zone.
  - (d) for non-residential zones, no parking lot shall be located closer than 4.5 metres of any interior lot line abutting a residential zone.
- 4.2.4 Notwithstanding the provisions in subsection 4.2.3 or any other yard provisions of this By-Law, no setback from a property line shall be required for underground parking and underground parking structures.

### **4.3 OTHER PARKING SPACES**

#### 4.3.1 Visitor Parking for Apartments and Group Townhouses:

- (a) For apartment dwellings and group townhouses, parking spaces shall be provided and used to accommodate the vehicles of persons visiting the dwelling units at a ratio of 1 visitor parking space for every 10 dwelling units or part thereof. All required visitor parking spaces shall be clearly identified, demarcated and signed accordingly. Such required visitor parking spaces shall be in addition to those required in Section 4.10.

#### 4.3.2 Barrier Free Parking Spaces:

- (a) Where any building, property or use is required to provide 20 or more parking spaces, 1 parking space out of each 20 required spaces shall be designated as a barrier free parking space. Such spaces shall be provided near and accessible to the point of entrance to the building and shall be clearly identified, demarcated and signed accordingly for use by the physically handicapped.
- (b) Barrier free access shall be provided from the parking space to the building entrance.
- (c) Barrier free parking spaces shall be as set out in subsection 4.1.3 (e)

### **4.4 USE OF PARKING AREAS**

- 4.4.1 No required parking area or parking space shall be used for display or storage purposes or for the location of any sign or light standard.

### **4.5 PARKING OF VEHICLES IN RESIDENTIAL ZONES**

- 4.5.1 The parking of vehicles in Residential zones shall be subject to the following:

- (a) not more than one vehicle per dwelling unit shall be a vehicle used for commercial purposes.
- (b) such commercial vehicles shall not exceed a height of 2.2 metres or a length of 6.7 metres.
- (c) recreational vehicles, boats, personal water craft, horse trailers, general use trailers, motorized racing vehicles and snowmobiles shall be prohibited from parking in any required front yard or required exterior side yard.
- (d) no parking space shall be permitted within an auto shelter located within the required front yard or exterior side yard of a lot.

#### **4.6 REQUIREMENTS FOR LOADING SPACES**

##### 4.6.1 Loading Space for Commercial and Industrial Zones

- (a) Each off-street loading space in a commercial or industrial zone shall have minimum dimensions of 3.5 metres in width by 10.7 metres in length with a height clearance of 4.3 metres.
- (b) Sufficient space shall be provided on the same lot for the manoeuvring of vehicles using the loading docks. Such manoeuvring space shall not utilize any required parking space.
- (c) No loading space shall be permitted to locate within 6.0 metres of a street line.

##### 4.6.2 Loading Space for Institutional Zones

- (a) Institutional uses shall provide passenger loading areas. Passenger loading areas shall not obstruct the access of any parking area or parking space.

#### **4.7 REQUIREMENTS FOR DRIVE-THRU**

- 4.7.1 Where a use incorporates a drive-thru or pick up window, and where the stacking of vehicles will occur, the overall number of spaces required to complete the orderly functioning of the drive-thru shall be provided in accordance with subsection 4.10.4.
- 4.7.2 All spaces must form an unobstructed waiting line separate and delineated from loading spaces and parking spaces.
- 4.7.3 The waiting line cannot form part of a parking aisle providing access to parking spaces.
- 4.7.4 The drive-thru spaces shall not abut a residential zone.
- 4.7.5 Drive-thru stacking spaces shall not be permitted within residential zones.

#### **4.8 DOWNTOWN PARKING CREDIT**

- 4.8.1 For any permitted use, on the lands identified as having reference to this subsection and shown on Schedules "4.8A" and "4.8B" of this by-law, located in all or part of a building existing prior to June 1, 2009; no additional parking spaces are required provided that the number of parking spaces which existed on June 1, 2009 shall continue to be provided and maintained.



## **Parking Provisions**

Where a proposed addition, alteration or expansion of an existing building results in an increase in gross floor area, this subsection shall not apply.

- 4.8.2 That on the lands identified as having reference to this subsection and shown on Schedules "4.8A" and "4.8B" of this by-law, any required parking resulting from new development or construction on the said land shall be granted a reduction of up to a maximum of twenty percent of the total parking requirements under subsection 4.10.4 (non-residential uses) and subsection 4.10.5 (residential uses).

### **4.9 PARKING CREDIT**

- 4.9.1 Change of Use in a Commercial Zone:

Where a change in use is proposed for any building or structure located in a Commercial zone, the parking requirement shall be the lesser of the following:

- (a) the permitted number of parking spaces in accordance with Section 4.8.1; or
- (b) the requirements of section 4.10; or
- (c) the sum of the parking spaces located on the lot immediately prior to the change of use together with the net difference of the requirements between the previous and proposed uses calculated in accordance with the standards set out in section 4.10.

- 4.9.2 Extension or Additions to a Building or Structure in a Commercial Zone:

For a building or structure proposed to be extended, enlarged or added to, which prior to the extension or addition is deficient in meeting to the parking standards required by Section 4.10, and provided that the proposed extension is a permitted use, the parking requirement shall be the:

- (a) number of actual parking spaces on the lot immediately prior to the extension or addition; and
- (b) number of additional parking spaces required as a result of the extension or addition calculated in accordance with the standards set out in Section 4.10.

### **4.10 NUMBER OF PARKING SPACES**

- 4.10.1 Any building, structure or use shall have parking spaces provided and maintained in accordance with the following:
- 4.10.2 Where the calculation for the purposes of meeting this provision results in a partial parking space, a full parking space shall be provided for the partial space.
- 4.10.3 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.

## Parking Provisions

	<b><u>Type of Use</u></b>	<b><u>Minimum Parking Spaces Required</u></b>
4.10.4	<b>Non-Residential Uses</b>	
(a)	Animal Hospital or Animal Kennel	1 per 40 square metres of gross floor area
(b)	Arena, Auditorium, Stadium, Gymnasium, Skating Rink, Assembly Hall, Dance Hall or Banquet Hall	1 for every 8 fixed seats or for every 10 square metres of usable floor area, where there are no fixed seats.
(c)	Auction Centre	1 for every 10 square metres of usable floor area
(d)	Bank or Financial Institution	1 for every 20 square metres of usable floor area plus 3 standing for any associated drive-thru use
(e)	Billiard or Pool Room	1 per 15 square metres gross floor area
(f)	Big Box/Large Format Retail Establishments	1 per 30 square metres gross floor area
(g)	Bowling Alley	5.6 per bowling lane
(h)	College, University, or Technical University/Institution, Trade School	1 for 50 square metres of usable floor area
(i)	Country Club, Private Club, Night Club, Bar or Tavern	1 for every 10 square metres of usable floor area
(j)	Curling Rink	5 per curling sheet
(k)	Day Care Facility	1 per 40 square metres of gross floor area
(l)	Driving Range	1 per tee
(m)	Dry Cleaning Distribution Station	2
(n)	Dry Cleaning Facility	1 per 40 square metres of gross floor area
(o)	Elementary School	2 for each classroom including laboratories, libraries and workshops
(p)	Farm Produce Outlet	1 for every 30 square metres of usable floor area but no less than 2

## Parking Provisions

(q)	Funeral Home	1 for every 20 square metres of usable floor area
(r)	Gas Bar	1 for each gas bar pump
(s)	Golf Course	5 per hole
(t)	i) Home occupation and home industry, excluding the Office of a Health Service Practitioner, where customers and / or clients attend at the site	1
	ii) Home occupation and home industry where customers and / or clients do not attend at the site	0
(u)	Hospital	3 per bed
(v)	Hotel, Motel or Motor Hotel	1 for each guest room plus the applicable requirement for any other use contained therein
(w)	Industrial Use, Warehouse or Wholesale Establishment	1 for every 90 square metres of usable floor area
(x)	Laundromat	1 for every 9 square metres of usable floor area
(y)	Library	1 for every 35 square metres of usable floor area
(z)	Liquor or Beer Store	1 per 14 square metres of gross floor area
(aa)	Lumber Yard or Building Supply Establishment including associated uses	1 for every 120 square metres of usable floor area
(bb)	Marina	1 for every 2 boat slips
(cc)	Medical or Dental Clinic and Office of a Health Service Practitioner	1 per 25 square metres of gross floor area
(dd)	Museum	1 per 20 square metres of gross floor area
(ee)	Nursing Home or Convalescent Home	0.52 per bed
(ff)	Office	1 per 27 square metres of gross floor area
(gg)	Personal Service Shop	1 for every 20 square metres of usable floor area

## Parking Provisions

(hh)	Place of Worship	1 per 5 seats or 3 metres of pew space or part thereof
(ii)	Restaurant	0.52 per seat including exterior patio areas
(jj)	Restaurant, Fast Food, with a Drive-Thru	0.57 per seat plus 10 for stacked spaces for any associated drive-thru use
(kk)	Restaurant, Take-out	1 for every 20 square metres of gross floor area
(ll)	Retail or Merchandise Service Shop	1 per 25 square metres of gross floor area
(mm)	Secondary School	3 per classroom plus any required spaces for an auditorium, theatre, stadium, laboratories, library or workshops.
(nn)	Service or Repair of Motor Vehicles	3 per service bay
(oo)	Shopping Plaza with Three or More Units	1 per 30 square metres of gross leasable floor area
(pp)	Theatres	0.39 per seat
(qq)	Other non-residential uses	1 for every 35 square metres of usable floor area
(rr)	Cannabis Production Facility	Minimum Parking Spaces Required: 1 per 100 square metres of gross floor space <sup>4</sup>

### 4.10.5 Residential Uses

(a)	Apartment Dwelling	1.5 for each dwelling unit
(b)	Boarding House, Lodging House, Guest House, Bed & Breakfast	2 for each dwelling unit plus 1 space for each room for boarder or rentable room
(c)	Dwelling Unit in a Non-residential Building	1 for each dwelling unit
(d)	Single Detached Dwelling, Semi Detached Dwelling, Duplex, Triplex, Fourplex, Double Duplex, Townhouses	2 for each dwelling unit <sup>5</sup>

---

<sup>4</sup> 1126-HC/09

<sup>5</sup> 632-HC-09

## SECTION 5: RESIDENTIAL ZONES

### 5.1 Urban Residential Type 1 Zones (R1)

#### 5.1.1 Permitted Uses

In an R1-A or R1-B Zone no land, *building* or *structure* shall be used except in accordance with the provisions of the following zones:

<u>Permitted Uses</u>	<u>R1-A Zone</u>	<u>R1-B Zone</u>
(a) <i>single detached dwelling</i>	P	P

P = *Permitted use*

#### 5.1.2 Bed & breakfasts

In addition to the *permitted* uses in Section 5.1.1, *bed & breakfasts* shall be *permitted* in the following areas:

- (i) in Jarvis on R1-A lots fronting Main Street and Talbot Street.

#### 5.1.3 Zone Provisions

In an R1-A or R1-B Zone, no *building* or *structure* shall be *erected* or *altered* except in accordance with the provisions of the following zones:

<u>Provision</u>	<u>R1-A Zone</u>	<u>R1-B Zone</u>
(a) Minimum <i>lot area</i> :		
(i) <i>interior lot</i> :	450 sq. m.	360 sq. m.
(ii) <i>corner lot</i> :	540 sq. m.	450 sq. m.
(b) Minimum <i>lot frontage</i> :		
(i) <i>interior lot</i> :	15 metres	12 metres
(ii) <i>corner lot</i> :	18 metres	15 metres
(c) Minimum <i>front yard</i> :	6 metres	6 metres
(d) Minimum <i>exterior side yard</i> :	6 metres	6 metres
(e) Minimum <i>interior side yard</i> :		
(i) detached <i>private garage</i> or <i>parking space</i> accessed via <i>front yard</i> :	3 metres and 1.2 metres	3 metres and 1.2 metres
(ii) detached <i>private garage</i> or <i>parking space</i> accessed via a <i>rear lane</i> :	1.2 metres on each side	1.2 metres on each side
(iii) attached <i>private garage</i> :	1.2 metres on each side	1.2 metres on each side
(f) Minimum <i>rear yard</i> :	7.5 metres	7.5 metres
(g) Maximum <i>building height</i> :	11 metres	11 metres
(h) Minimum <i>usable floor area</i> :	80 sq. m.	80 sq. m.

**5.1.4 Projection of an Attached Garage**

The wall of an attached garage facing the *street* in an R1-B Zone shall project no more than 3.5 metres from the front wall of the *dwelling*.

This projection shall be measured from the wall of the garage facing the *front lot line* to the nearest structural element of the front wall of the *dwelling* facing the *front lot line*, including any covered porch which extends along the entire front wall of the *dwelling*, but excluding eaves, stairs or gutters.

This provision shall not apply where:

- i) the front wall of the *dwelling* and the wall of the attached garage containing the opening for vehicular access do not face the same *lot line*, or
- ii) the width of the attached garage is less than 60 per cent of the width of the *dwelling*.

**5.1.5 Minimum Services**

Every *dwelling unit* shall be connected to a public water supply and a public sanitary sewer system.

**5.1.6 Special Provisions for Permitted Uses**

Notwithstanding the *permitted* uses in subsection 5.1.1, the following uses are *permitted* or excluded on the properties referenced by each special provision.

#	By-Law #	Address	Additional Uses Permitted	Sole Permitted Uses	Excluded Uses
R1-A.1	NE 1-2000	Jarvis, Talbot St. W.	Flower shop		

**5.1.7 Special Provisions for Lot and Building Requirements**

Notwithstanding the provisions of this By-Law, the following provisions shall apply to the properties referenced by each special provision.

#	By-Law #	Address	Description of Special Provision
R1-A.2	598-HC-08	Lots 19 and 45, Block BB, Registered Plan 1506, Part 1 and 2 on Reference Plan 18R-2895, Geographic Township of Walpole, now in Haldimand County.	Minimum lot area: 414 sq. m. Minimum lot frontage: 10 m. Minimum interior right side yard: 1 m. Minimum front yard: 4 m.
R1-A.3	NE 1-2000	Jarvis, Hwy. 6, north of Talbot Rd.	Minimum <i>lot frontage</i> : 14 m. Minimum <i>front yard</i> : 4.8 m. Minimum <i>interior side yard</i> : 3 m. and 0.61 m.
R1-A.4	NE 1-2000	Townsend, Willow Glen Dr., Hawthorne Cres., Woodfield Ave, Bramble Cres., Burnham Wood Cres., Edenridge Ave.	Minimum <i>exterior side yard</i> : 5 metres
R1-B.1	910-HC-15 & 1070-HC-18	Part Lot 5, Concession 8	Minimum Lot Area: > Interior Lot: 300 sq. metres > Exterior Lot: 375 sq. metres Minimum Lot Frontage: > Interior Lot: 10 metres > Exterior Lot: 13 metres Minimum Front Yard: > 4.5 metres to the front face of the dwelling and 6.0 metres to the front of the garage

**Residential Zones**

#	By-Law #	Address	Description of Special Provision
			Minimum Side Yard: > Exterior: 3.0 metres > Interior: 1.0 metres on each side with an attached garage

## 5.2 URBAN RESIDENTIAL TYPE 2 ZONE (R2)

### 5.2.1 Permitted Uses

In an R2 Zone no land, *building* or *structure* shall be used except in accordance with the following uses:

- (a) *single detached dwelling*
- (b) *semi-detached dwelling*
- (c) *duplex dwelling*
- (d) *day care nursery*

### 5.2.2 Zone Provisions

In an R2 Zone, no *building* or *structure* shall be *erected* or *altered* except in accordance with the provisions for each of the following uses:

<u>Provision</u>	<u>Semi-detached dwelling (per unit)</u>	<u>Duplex dwelling</u>
(a) Minimum lot area:		
(i) <i>interior lot:</i>	255 sq. m.	450 sq. m.
(ii) <i>corner lot:</i>	345 sq. m.	540 sq. m.
(b) Minimum lot frontage:		
(i) <i>interior lot:</i>	8.5 metres	15 metres
(ii) <i>corner lot:</i>	11.5 metres for the corner unit	18 metres
(c) Minimum front yard:		
(i) except where a detached <i>private garage</i> or <i>parking space</i> is accessed via a rear lane:	6 metres	6 metres
	3 metres	3 metres
(d) Minimum exterior side yard:	6 metres	6 metres
(e) Minimum interior side yard:		
(i) detached <i>private garage</i> or <i>parking space</i> accessed via <i>front yard:</i>	3 metres	3 metres and 1.2 metres
(ii) detached <i>private garage</i> or <i>parking space</i> accessed via a rear lane:	1.2 metres	1.2 metres each side
(iii) attached <i>private garage:</i>	1.2 metres	1.2 metres each side
(f) Minimum rear yard:	7.5 metres	7.5 metres
(g) Maximum building height:	11 metres	11 metres
(h) Minimum usable floor area:	80 sq. m.	65 sq. m. per <i>dwelling unit</i>

### 5.2.3 All Other Uses

The provisions of the R1-A Zone shall apply to all other uses except a *home occupation* which shall be *permitted* in any *dwelling* within the R2 Zone.



**5.2.4 Mutual Side lot line for Semi-detached dwelling**

On the mutual *side lot line* separating two attached *semi-detached dwelling units*, no interior *side yard* is required where the walls are joined, where the walls are not, a 1.2 metres *side yard* shall be required.

**5.2.5 Projection of an Attached Garage**

The wall of an attached garage facing the *street* in an R2 Zone shall project no more than 3.5 metres from the front wall of the *dwelling*.

This projection shall be measured from the wall of the garage facing the *front lot line* to the nearest structural element of the front wall of the *dwelling* facing the *front lot line*, including any covered porch which extends along the entire front wall of the *dwelling*, but excluding eaves, stairs or gutters.

This provision shall not apply where:

- i) the front wall of the *dwelling* and the wall of the attached garage containing the opening for vehicular access do not face the same *lot line*,
- ii) the width of the attached garage is less than 60 per cent of the width of the *dwelling*, or
- iii) a *duplex* or *single detached dwelling* is located on a lot with a frontage of 15 metres or greater.

**5.2.6 Minimum Services**

Every *dwelling unit* shall be connected to a public water supply and a public sanitary sewer system.

**5.2.7 Special Provisions for Permitted Uses**

Notwithstanding the *permitted* uses in subsection 5.2.1, the following uses are *permitted* or excluded on the properties referenced by each special provision.

#	By-Law #	Address	Additional Uses Permitted	Sole Permitted Uses	Excluded Uses
R2.1 a	NE 1-2000	Jarvis, Main St.		Duplex dwelling	Habitable room in the basement

**5.2.8 Special Provisions for Lot and Building Requirements**

Notwithstanding the provisions of this By-Law, the following provisions shall apply to the properties referenced by each special provision.

#	By-Law #	Address	Description of Special Provision
R2.1 b	NE 1-2000	Jarvis, Main St.	Minimum lot area: 448 sq. m. Minimum lot frontage: 11 m. Minimum front yard: 5 m. Minimum usable floor area: 59 sq. m. per dwelling unit Minimum number of parking spaces: 3
R2.2	598-HC-08	Lots 19 and 45, Block BB, Registered Plan 1506, Part 1 and 2 on Reference Plan 18R-2895, Geographic Township of Walpole, now in Haldimand County.	Minimum lot area: 414 sq. m. Minimum interior left side yard: 0.50 m. Minimum lot frontage: 10 m.

**Residential Zones**

R2.3	623- HC/09	Part Lot 5, Concession 8, Jarvis, Geographic Township of Walpole	<p>For the lands subject to this by-law, a minimum of 12 semi-detached units shall be provided.</p> <p>Minimum Rear Yard: 6.5 Metres</p> <ul style="list-style-type: none"> <li>• Abutting a municipal drain: 6.0 metres</li> </ul> <p>Minimum Interior Side Yard: 1 Metres</p> <p>Mutual side lot line for semi-detached dwellings: On the mutual side lot line separating two attached semi-detached dwelling units, no interior side yard is required where the walls are joined, where the walls are not, a 1 metre side side yard shall be required.</p> <p>Single detached dwelling In additional to the provisions of the R1-A zone, the following provisions shall also apply.</p> <p>Minimum lot frontage, interior lot: 12.0 metres Minimum lot frontage, corner lot: 15.0 metres</p> <p>Minimum lot area, interior lot: 360.0 sq. metres Minimum lot area, corner lot: 450.0 sq. metres</p> <p>Minimum Exterior Side Yard: 4 metres Minimum Interior Side Yard: 1 metre Minimum Rear Yard: 6.5 metres</p> <ul style="list-style-type: none"> <li>• Abutting a municipal drain: 6.0 metres</li> </ul>
------	---------------	--	---

### 5.3 URBAN RESIDENTIAL TYPE 3 ZONE (R3)

#### 5.3.1 Permitted Uses

In an R3 Zone no land, *building* or *structure* shall be used except in accordance with the following uses:

- (a) *single detached dwelling*
- (b) *semi-detached dwelling*
- (c) *duplex dwelling*
- (d) *tri-plex dwelling*
- (e) *double duplex dwelling*
- (f) *four-plex dwelling*
- (g) *boarding or lodging house*
- (h) *day care nursery*

#### 5.3.2 Zone Provisions

In an R3 Zone, no *building* or *structure* shall be *erected* or *altered* except in accordance with the provisions for each of the following uses:

<u>Provision</u>	<u>Tri-plex</u>	<u>Double duplex &amp; Four-plex</u>	<u>Boarding or lodging house</u>
(a) Minimum lot area:			
(i) <i>interior lot:</i>	580 sq. m.	660 sq. m.	450 sq. m.
(ii) <i>corner lot:</i>	680 sq. m.	765 sq. m.	540 sq. m.
(b) Minimum lot frontage:			
(i) <i>interior lot:</i>	17 metres	19.5 metres	15 metres
(ii) <i>corner lot:</i>	20 metres	22.5 metres	18 metres
(c) Minimum front yard:	6 metres	6 metres	6 metres
(d) Minimum exterior side yard:	6 metres	6 metres	6 metres
(e) Minimum interior side yard:	3 metres and 1.2 metres	3 metres	3 metres and 1.2 metres
(f) Minimum rear yard:	12 metres	12 metres	9 metres
(g) Maximum building height:	11 metres	11 metres	11 metres
(h) Minimum usable floor area:	65 sq. m. per dwelling unit	65 sq. m. per dwelling unit	90 sq. m.
(i) Minimum usable floor area for a boarding room:			8 sq. m. and an additional 6 sq. m. for each additional occupant

**5.3.3 All Other Uses**

The provisions of the R2 *Zone* shall apply to all other uses except a *home occupation* which shall be *permitted* in any *dwelling* within the R3 *Zone*.

**5.3.4 Yard Exemption for a Boarding or Lodging House**

Any *existing single detached dwelling* having any *yard* less than that *required* by this By-Law may be used as a *boarding or lodging house* provided:

- (i) the parking requirements of this By-Law are complied with,
- (ii) any extension or addition to the *dwelling* complies with the *yard* requirements.

**5.3.5 Minimum Services**

Every *dwelling unit* shall be connected to a public water supply and a public sanitary sewer system.

**5.3.6 Special Provisions for Permitted Uses**

Not applicable

**5.3.7 Special Provisions for Lot and Building Requirements**

Not applicable

## 5.4 URBAN RESIDENTIAL TYPE 4 ZONE (R4)

### 5.4.1 Permitted Uses

In an R4 Zone no land, building or structure shall be used except in accordance with the following uses:

- a) street townhouses
- b) group townhouses

### 5.4.2 Zone Provisions

In an R4 Zone, no *building* or *structure* shall be *erected* or *altered* except in accordance with the provision for each of the following uses:

#### 5.4.2.1 Street Townhouses

<u>Provision</u>	<u>Street Townhouse (per unit)</u>
(a) Minimum <i>lot area</i> :	
(i) <i>interior lot</i> :	156 sq. m.
(ii) <i>interior lot with attached private garage</i> :	156 sq. m.
(iii) <i>corner lot with attached private garage</i> :	215 sq. m.
(iv) <i>interior lot with parking accessed via a rear lane</i>	163 sq. m.
(v) <i>corner lot with parking accessed via a rear lane</i>	192 sq. m.
(b) Minimum <i>lot frontage</i> :	
(i) <i>interior lot</i> :	6 metres
(ii) <i>corner lot</i> :	11 metres
(ii) <i>corner lot with parking accessed via a rear lane</i> :	7.5 metres
(c) Minimum <i>front yard</i> :	
(i) <i>with attached private garage</i> :	6 metres
(ii) <i>with parking accessed via a rear lane</i> :	3 metres
(d) Minimum <i>exterior side yard</i> :	6 metres
(i) <i>with parking accessed via a rear lane</i> :	3 metres
(e) Minimum <i>interior side yard</i> :	1.2 metres
(i) Notwithstanding the required side yard, on a mutual side lot line separating 2 attached townhouse dwelling units, no interior side yard is required where the walls are joined	
(f) Minimum Separation Distance between townhouse <i>dwelling</i> s:	2 metres
(g) Minimum <i>rear yard</i> :	
(i) <i>with attached private garage</i> :	7.5 metres
(ii) <i>with parking accessed via a rear lane</i> :	13.5 metres
(h) Maximum <i>building height</i> :	11 metres
(i) Minimum <i>usable floor area</i> :	65 sq. m.

5.4.2.2 Group Townhouses

<u>Provision</u>	<u>Street Townhouse (per unit)</u>
(a) Minimum lot area:	
(i) interior lot:	195 sq. m.
(ii) interior lot with attached private garage:	195 sq. m.
(iii) corner lot with attached private garage:	215 sq. m.
(iv) interior lot with parking accessed via a rear lane	215 sq. m.
(v) corner lot with parking accessed via a rear lane	215 sq. m.
(b) Minimum lot frontage:	30 metres (for entire block)
(i) interior lot:	6 metres
(ii) corner lot:	11 metres
(iii) interior lot with parking accessed via a rear lane	30 metres for block or 6 metres per unit
(iv) corner lot with parking accessed via a rear lane:	30 metres for block or 7.5 metres per unit
(c) Minimum front yard:	6 metres
(i) with parking accessed via a rear lane:	3 metres
(d) Minimum exterior side yard:	6 metres
(i) with parking accessed via a rear lane:	3 metres
(e) Minimum interior side yard:	1.2 metres
(f) Minimum Separation Distance between townhouse dwellings:	2 metres
(g) Minimum rear yard:	7.5 metres
(i) with parking accessed via a rear lane:	13.5 metres
(h) Maximum building height:	11 metres
(i) Minimum usable floor area:	65 sq. m.

5.4.2.3 Rear Lane Provisions

Where townhouse dwellings are to be accessed via a rear lane but no rear lane currently exists, a private 6.0 metre rear lane shall be required and shall be in addition to the minimum lot area and minimum rear yard requirements in Section 5.4.2

5.4.2.4 Minimum Services

Every Dwelling unit shall be connected to a public water system and a public sanitary system.

5.4.3 **Other Uses**

Notwithstanding the provisions of Section 5.4, single detached, semi-detached, duplex, tri-plex, four-plex and double duplex dwellings currently located in the R4 zone or which received County approval to locate in the R4 zone prior to June 27, 2011 shall be permitted within the R4 zone in accordance with the R3 zone provisions.

5.4.4 **All Other Uses**

The provisions of the R3 Zone shall apply to a *four-plex or double duplex dwelling* on a separate lot. *Home occupations* shall be permitted in any dwelling within the R4 Zone.

**5.4.5 Setback from Mutual Side lot line**

Notwithstanding the *required side yard*, on a mutual *side lot line* separating two attached *townhouse dwelling units*, no *interior side yard* is *required* where the walls are joined, where the walls are not, a 1.2 metre *side yard* shall be *required*.

**5.4.6 Maximum units in a Townhouse Dwelling**

No more than eight *dwelling units* shall be located in a townhouse *dwelling*.

**5.4.7 Minimum Services**

Every *dwelling unit* shall be connected to a public water supply and a public sanitary sewer system.

**5.4.8 Special Provisions for Permitted Uses**

#	By-Law #	Address	Additional Permitted Uses	Sole Permitted Uses	Excluded Uses
R.4.3	861-HC-14	Part Lot 5, Concession 8, Jarvis Plan 54 Block A and Block B, Urban Area of Jarvis, Geographic Township of Walpole, now in Haldimand County	A maximum of 25 single detached dwellings		

**5.4.9 Special Provisions for Lot and Building Requirements**

#	By-Law #	Address	Description of Special Provision
R.4.1	158-HC-04	Lot 4, Conc. 7, Walpole	Subsection 3.13 (Frontage on an Improve Street) shall not apply. Front Lot Line shall be deemed to be the easterly zoning boundary line
R.4.2	594-HC-08	Part of Unit 1, Plan D-37-5, 01 & 20 on Plan 37R-8922 and Part of Part 3 Plan 37R-7429, Townsend	Group Townhouse  That for the purposes of this development, the definition of "Group Townhouses" shall mean a dwelling containing two or more dwelling units located on the same lot with each dwelling unit being divided one from the other by an above grade vertical common wall, a minimum of 10 square metres in area, and with each dwelling unit having direct access to a yard.  The maximum number of units per townhouse block shall be five (5).  The front lot line shall be deemed to be the north-eastern property line adjacent to Nanticoke Creek Parkway.  For the purpose of applying minimum front yard, exterior side yard and interior side yard setbacks the private road shall be deemed as the front lot line.  Minimum Interior Side Yard: 2.96 metres

## Residential Zones

R.4.3	861-HC-14	Part Lot 5, Concession 8, Jarvis Plan 54 Block A and Block B, Urban Area of Jarvis, Geographic Township of Walpole, now in Haldimand County	Minimum Yard Requirements: a) Front Yard - 3.0 metres b) Rear Yard - 7.5 metres c) Exterior Side Yard - 3.0 metres
-------	-----------	---	---



## 5.5 URBAN RESIDENTIAL MIXED ZONE (RM)

### 5.5.1 Permitted Uses

In an RM Zone no land, *building* or *structure* shall be used except in accordance with the following uses:

- (a) *single detached dwelling*
- (b) *semi-detached dwelling*
- (c) *duplex dwelling*
- (d) *street townhouses*

### 5.5.2 Zone Provisions

In an RM Zone, no *building* or *structure* shall be *erected* or *altered* except in accordance with the following provisions:

- (a) Minimum *front yard*:
  - (i) to the main wall of a *dwelling*: 4.5 metres
  - (ii) to the front of a *private garage*: 6 metres
- (b) Minimum *exterior side yard*:
  - (i) to the main wall of a *dwelling*: 3 metres
  - (ii) to the front of a *private garage*: 6 metres
- (c) All other provisions:
  - (i) for a *single detached dwelling* the provisions of the R1-B Zone Section 5.1.2 shall apply.
  - (ii) for a *semi-detached dwelling*, the provisions of Section 5.2.2 shall apply.
  - (iii) for a *duplex dwelling*, the provisions of Section 5.2.2 shall apply
  - (iv) for a *street townhouse*, the provisions of Section 5.4.2 shall apply

### 5.5.3 Setback from Mutual Side lot line

Notwithstanding the *required side yard*, on a *mutual side lot line* separating two attached *semi-detached* or *townhouse dwelling units*, no *interior side yard* is *required* where the walls are joined, where the walls are not, a 1.2 metre *side yard* shall be *required*.

### 5.5.4 Maximum units in a Townhouse Dwelling

No more than eight *dwelling units* shall be located in a *townhouse dwelling*.

### 5.5.5 Minimum Services

Every *dwelling unit* shall be connected to a public water supply and a public sanitary sewer system.

### 5.5.6 Special Provisions for Permitted Uses

Not applicable.

### 5.5.7 Special Provisions for Lot and Building Requirements

Not applicable.

## 5.6 URBAN RESIDENTIAL TYPE 5 ZONE (R5)

### 5.6.1 Permitted Uses

In an R5 Zone no land, *building* or *structure* shall be used except in accordance with the following uses:

- (a) *apartment dwelling*
- (b) *nursing home*

### 5.6.2 Zone Provisions

In an R5 Zone, no *building* or *structure* shall be *erected* or *altered* except in accordance with the following provisions:

- (a) Minimum *front yard*: 3 metres or the *established building line* on the block, which ever is greater
- (b) Minimum *exterior side yard*: 3 metres or the *established building line* on the block, which ever is greater
- (c) Minimum *interior side yard*:
  - i) *building up to 3 storeys*: 4 metres
  - ii) *building above 3 storeys*: 6 metres
- (d) Minimum *rear yard*: 9 metres
- (e) Maximum *floor area ratio*:
  - (i) *2 storey building*: .60
  - (ii) *3 storey building*: .66
  - (iii) *4 storey building*: .72
  - (iv) *5 storey building*: .79
  - (v) *6 storey building*: .86
  - (vi) *7 storey building*: .93
  - (vii) *8 storey building*: 1.0
- (f) Maximum *building height*: 8 *storeys*
- (g) Minimum *usable floor area*: 40 square metres per *dwelling unit*

### 5.6.3 Step Back of Upper Floors

The exterior wall of each floor of a *building* facing a *street* and located above 4 *storeys* shall be set back 2 metres from the exterior wall of the 4th *storey* and each floor above 6 *storeys* shall be set back an additional 2 metres from the exterior wall facing a *street*.

### 5.6.4 Angular Plane

Where an R5 Zone abuts an R1-A, R1-B, R2, or RM Zone, no portion of an *apartment dwelling* shall exceed the height of a 45 degree *angular plane* originating at the *lot line* of the nearest R1-A, R1-B, R2 or RM Zone.

**5.6.5 Minimum Services**

Every *dwelling unit* shall be connected to a public water supply and a public sanitary sewer system.

**5.6.6 Special Provisions for Permitted Uses**

Not applicable

**5.6.7 Special Provisions for Lot and Building Requirements**

Notwithstanding the provisions of this By-Law, the following provisions shall apply to the properties referenced by each special provision.

#	By-Law #	Address	Description of Special Provision
R5.1	NE 1-2000	Townsend, Keith Richardson Pkwy	Maximum <i>building height</i> : 4 <i>storeys</i>

## 5.7 HAMLET RESIDENTIAL ZONE (RH)

### 5.7.1 Permitted Uses

In an RH Zone no land, *building* or *structure* shall be used except in accordance with the following uses:

- (a) *single detached dwelling*

### 5.7.2 Zone Provisions

In an RH Zone, no *building* or *structure* shall be *erected* or *altered* except in accordance with the following provisions:

- (a) Minimum *lot area*:
- (i) *new lot*: 1,860 square metres
- (ii) *lot of record*: 930 square metres
- (b) Minimum *lot frontage*:
- (i) *new lot*: 30 metres
- (ii) *lot of record*: 18 metres
- (c) Minimum *front yard*: 9 metres
- (d) Minimum *exterior side yard*: 9 metres
- (e) Minimum *interior side yard*:
- (i) *detached private garage or parking space*: 3 metres and 1.2 metres
- (ii) *attached private garage*: 1.2 metres each side
- (f) Minimum *rear yard*: 9 metres
- (g) Maximum *building height*: 11 metres
- (h) Minimum *usable floor area*: 80 square metres

### 5.7.3 Special Provisions for Permitted Uses

Notwithstanding the *permitted* uses in subsection 5.7.1, the following uses are *permitted* or excluded on the properties referenced by each special provision.

#	By-Law #	Address	Additional Uses Permitted	Sole Permitted Uses	Excluded Uses
RH.1 a	NE 1-2000	Selkirk, Erie St. N.	<i>Automobile body shop</i>		
RH.2	NE 1-2000	Garnet, Hwy. 6 and Bertha St.	<i>Duplex dwelling</i>		
RH.3	NE 1-2000	Nanticoke, Rainham Rd	Water haulage business		
RH.5 A	599-HC-08	Sandusk Creek, Lot 19, Conc. 1, Township of Walpole	Private club Vacation home Sales office within existing dwelling for the propose leasehold development		

5.7.4 Special Provisions for Lot and Building Requirements

Notwithstanding the provisions of this By-Law, the following provisions shall apply to the properties referenced by each special provision.

#	By-Law #	Address	Description of Special Provision
RH.1 b	NE 1-2000	Selkirk, Erie St. N.	Minimum rear yard: 3 m. Maximum useable floor area: 280 sq. m. for an <i>automobile body shop</i>
RH.4	NE 1-2000	Springvale, Lot 7, conc. 15	Minimum rear yard: 21.3 m.
RH.5 b	599-HC-08	Lot 19, Conc. 1, Sandusk Creek, Township of Walpole	<p>Minimum overall lot area: 35.2 ha.                      Minimum front yard: 9 m.                      Maximum number of dwelling units: 389                      Maximum useable floor area per dwelling unit: 140 m<sup>2</sup>                      Maximum number of bedrooms per dwelling unit: 2                      Maximum leasehold site lot coverage: 50%                      Lot coverage shall include the area of the leasehold site covered by decks and unenclosed porches.                      Maximum percentage of built dwellings to be used for vacation homes: 10%                      Minimum leasehold site front yard: 3.6 m.                      Minimum leasehold site exterior side yard: 3.6 m.                      Minimum leasehold site rear yard: 2.4 m.                      Minimum leasehold site interior side yard: 1.2 m.                      Minimum leasehold site interior side yard for an accessory building or structure: 1.2 m.</p> <p>Minimum parking spaces: 2 on each leasehold site                      Location of parking spaces: none on any private lane.                      Minimum services: every dwelling unit shall be connected to a communal water and communal sanitary sewer system.</p> <p>For the purpose of the lands subject to this special provision and special provision RH.5a, a "vacation home" shall mean a dwelling containing only one dwelling unit used for the purpose of vacation and recreation on a regular basis from May through October inclusive, in the same calendar year, and shall only consist of either a park model trailer built to CA/CSA - Z 241 standards (or successor standards) as defined in the Ontario Building Code, provided that the park model trailer or the model home, as the case may be, is placed on a concrete pad, has its trailer or mobile home drawbar removed and is skirted to disguise its identity as a trailer.</p>

## 5.8 VACATION RESIDENTIAL ZONE (RV)

### 5.8.1 Permitted Uses

In an RV Zone no land, *building* or *structure* shall be used except in accordance with the following uses:

- (a) *vacation home*

### 5.8.2 Zone Provisions

In an RV Zone, no *building* or *structure* shall be *erected* or *altered* except in accordance with the following provisions:

- (a) Minimum *lot area*:
- (i) interior or *corner lot*: 1,860 square metres
- (ii) *lot of record*: 930 square metres
- (b) Minimum *lot frontage*:
- (i) *new lot*: 30 metres
- (ii) *lot of record*: 18 metres
- (c) Minimum *front yard*: 9 metres
- (d) Minimum *exterior side yard*: 9 metres
- (e) Minimum *interior side yard*:
- (i) with a detached *private garage* or *parking space*: 3 metres and 1.2 metres
- (ii) with an attached *private garage*: 1.2 metres each side
- (f) Minimum *rear yard*: 9 metres
- (g) Maximum *building height*: 11 metres
- (h) Minimum *usable floor area* for a *vacation home*: 65 square metres

### 5.8.4 Special Provisions for Permitted Uses

Notwithstanding the *permitted* uses in subsection 5.8.1, the following uses are *permitted* or excluded on the properties referenced by each special provision.

#	By-Law #	Address	Additional Uses Permitted	Sole Permitted Uses	Excluded Uses
RV.1	NE 1-2000	Lot 18, Conc. 1, Walpole	<i>Single detached dwelling</i>		
R.V.3	281-HC-05	Lot 19, Conc. 1, Walpole (north side of Woodlawn Park Lane)		Accessory building without the need for a main use	
RV.4	56-HC-02	Part Lot 18 & 19, Con. 1, Walpole	<i>Single detached dwelling</i>		
RV.7 (H)	281-HC/05	Lot 19, Conc. 1, Walpole (south side of Woodlawn Park Lane)	<i>Single detached dwelling</i>		
RV.9	303-HC/06	Lot 19, Con. 1, Walpole (north side of Woodlawn Park Lane)		Accessory building without the need for a main use	
RV.11	321-HC/06	Part Lot 14, Con. 1, Walpole	<i>Maximum Building Height of the accessory building: 6.43 metres for the accessory building located on the north side of the private lane.</i>		

## Residential Zones

#	By-Law #	Address	Additional Uses Permitted	Sole Permitted Uses	Excluded Uses
RV.15 – Part 1	894-HC/14	Geographic Township of Walpole, Concession 1, Part Lot 14		Accessory structure without the need for a main use	A dwelling

### 5.8.5 Special Provisions for Lot and Building Requirements

Notwithstanding the provisions of this By-Law, the following provisions shall apply to the properties referenced by each special provision.

#	By-Law #	Address	Description of Special Provision
RV.2	NE 1-2000	Peacock Point, West Lakeshore Rd.	Minimum lot area: 780 sq. m.
RV.3	NE 1-2000 & 281-HC/05	Lot 19, Conc. 1, Walpole, east of Woodlawn Park (north side of Woodlawn Park Lane)	Frontage on an improved street: not required. An accessory building is permitted within the front yard setback on the north side of the public lane as delineated on Schedule RV.3 Minimum front yard for an accessory building: 0.6 m. Maximum useable floor area of an accessory building: 61 sq. m. Maximum lot area: 244 square metres Maximum lot coverage for an accessory building: 25%
RV.5	171-HC-04	Lot 24, Conc. 1, Walpole	Setback of seasonal dwelling from breakwall: 15.0 m.
RV.6	171-HC-04	Lot 24, Conc. 1, Walpole	Lot frontage: 22.0 m. Lot area: 1,200 sq. m.
RV.7 (H)	281-HC-05	Lot 19, Conc. 1, Walpole (south side of Woodlawn Park Lane)	Frontage on an Improved street: not required Minimum lot area: 1,214 sq. metres Minimum front yard: 4.5 metres Minimum setback from a breakwall: 12.19 metres
RV.8	286-HC-05	Plan 21074, Part Block G, RP 18R-4130 Parts 1 and 2, Peacock Point	Single detached dwelling for year round purposes Minimum Lot Frontage: 13.5 metres
RV.9	303-HC-06	Lot 19, Con. 1, Walpole (north side of Woodlawn Park Lane)	Minimum lot frontage: 28.9 metres Minimum lot area: 710.45 square metres Minimum front yard setback: 2.0 metres
RV.10	303-HC-06	Lot 19, Con. 1, Walpole (south side of Woodlawn Park Lane)	Minimum lot frontage: 27.0 metres Minimum lot area: 1,189.71 square metres Minimum front yard setback: 7.0 metres Minimum setback for a dwelling From a breakwall: 15.0 metres
RV.12 Part 1	456-HC-06	Part Lot 24, Concession 1	Minimum lot area: 1, 150 square metres
RV.12 Part 2	456-HC-06	Part Lot 24, Concession 1	Minimum lot area: 1, 625 square metres  Minimum interior side yard, left: as existing on date of passing of by-law for the existing dwelling
RV.13	529-HC-07	Lot 22, Con 1, Walpole	Frontage on an improved street not required for construction of a seasonal dwelling.
RV.15 – Part 1	894-HC/14	Geographic Township of Walpole, Concession 1, Part Lot 14	Minimum lot area: 1,000 square metres
RV.15 – Part 2	894-HC/14	Geographic Township of Walpole, Concession 1, Part Lot 14	Minimum lot area: 778 square metres Minimum lot frontage: 28.37 metres

## Residential Zones

RV.16 Part 2, 3, 4 and 5	931- HC/15	Concession 1, Part Lot 22, Registered Plan 18R1501 Parts 2, 3, 4 & 6, Geographic Township of Walpole	<i>Sole Permitted Use:</i> Single detached dwelling
RV.16 Part 2	931- HC/15	Concession 1, Part Lot 22, Registered Plan 18R1501 Parts 2, 3, 4 & 6, Geographic Township of Walpole	<i>Minimum Lot Frontage:</i> 21.9 metres
RV.16 Part 3	931- HC/15	Concession 1, Part Lot 22, Registered Plan 18R1501 Parts 2, 3, 4 & 6, Geographic Township of Walpole	<i>Minimum Lot Frontage:</i> 22.0 metres
RV.16 Part 4	931- HC/15	Concession 1, Part Lot 22, Registered Plan 18R1501 Parts 2, 3, 4 & 6, Geographic Township of Walpole	<i>Minimum Lot Frontage:</i> 22.5 metres



## **SECTION 6: COMMERCIAL ZONES**

### **6.1 DOWNTOWN COMMERCIAL ZONE (CD)**

#### **6.1.1 Permitted Uses**

In a CD Zone no land, *building* or *structure* shall be used except in accordance with the following uses:

- (a) adult education and training centre
- (b) ambulance service
- (c) *animal hospital*, provided the entire operation is carried on within an enclosed *building*
- (d) antique shop
- (e) art gallery
- (f) *apartment dwelling* subject to the requirements of 6.1.4
- (g) *auction centre*
- (h) *automobile gas station*
- (i) automotive parts shop
- (j) *automobile service and repair station*
- (k) *automobile washing establishment*
- (l) *bar or night club*
- (m) *boutique*
- (n) *boarding or lodging home*
- (o) brew-your-own
- (p) bus or taxi terminal
- (q) *clinic or doctors' offices*
- (r) college or trade school
- (s) community centre
- (t) *contractor shop*
- (u) *contractor supply and service shop*
- (v) *convenience store*
- (w) craft, souvenir and gift shop
- (x) *day care nursery*
- (y) *department store*
- (z) *dry cleaning distribution station*
- (aa) *dwellings, single detached, semi-detached, duplex, tri-plex, four-plex or double duplex*
- (bb) equipment rental establishment
- (cc) *farmers market*
- (dd) financial institution
- (ee) fire hall
- (ff) florist shop
- (gg) *fruit and vegetable outlet*
- (hh) funeral home
- (ii) *garden centre and tree and plant nursery*
- (jj) hardware store
- (kk) hospital
- (ll) *hotel*
- (mm) laundromat
- (nn) library
- (oo) *lumber yard and building supply establishment*
- (pp) *merchandise service shop*
- (qq) museum
- (rr) *nursing home*
- (ss) office, all types
- (tt) *parking lot*

- (uu) *personal service shop*
- (vv) *place of assembly*
- (ww) *place of entertainment*
- (xx) *place of sports and recreation*
- (yy) *place of worship*
- (zz) *police station*
- (aaa) *printing and publishing establishment*
- (bbb) *private club*
- (ccc) *restaurant*
- (ddd) *restaurant, take-out*
- (eee) *restaurant, fast food*
- (fff) *retail store*
- (ggg) *school, public or private elementary*
- (hhh) *school, public or private secondary*
- (iii) *supermarket*
- (jjj) *training and rehabilitation centre*
- (kkk) *vehicle sales and / or rental establishment and may include open storage accessory thereto*
- (lll) *video store*
- (mmm) *wholesale outlet*
- (nnn) *one or more dwelling units in any permitted commercial building subject to the requirements of 6.1.4.*

**6.1.2 Zone Provisions**

In a CD Zone, no building or structure shall be erected or altered except in accordance with the following provisions:

- (a) Minimum front yard: Nil
- (b) Minimum exterior side yard: Nil
- (c) Minimum interior side yard: Nil except abutting any Residential Zone, in which case the minimum interior side yard shall be 3 metres
- (d) Minimum rear yard: Nil except abutting any Residential Zone, in which case the minimum rear yard shall be 6 metres
- (e) Maximum building height: 4 storeys
  - i) except in Townsend only: 6 storeys
- (f) Minimum usable floor area for a dwelling unit: 40 square metres
- (g) Maximum lot coverage: 80 percent

**6.1.3 Zone Provisions for Dwellings**

Notwithstanding the provisions in subsection 6.1.2, all single detached, semi-detached, duplex, tri-plex, four-plex or double duplex dwellings shall conform to the R3 provisions in Section 5.3.

**6.1.4 Location and Use of First Storey**

The first storey of any building constructed within the CD Zone shall be level with the established grade of the street, and no dwelling units facing onto a street shall be permitted on the first storey.

## Commercial Zones

### 6.1.5 Step Back of Upper Floors

The front wall of each floor of a *building* located above 4 *storeys* shall be set back 2 metres from the front wall of the 4th *storey*.

### 6.1.6 Angular Plane

Where a *building* in a CD *Zone* abuts an R1-A, R1-B, R2 *Zone* or RM *Zone*, no portion of a *building* shall exceed the height of a 45 degree *angular plane* originating at the *lot line* of the nearest R1-A, R1-B, R2 *Zone* or RM *Zone*.

### 6.1.7 Minimum Services

Connection to a public water supply and a public sanitary sewer system shall be *required*.

### 6.1.8 Special Provisions for Permitted Uses

Not applicable.

### 6.1.9 Special Provisions for Lot and Building Requirements

#	By-Law #	Address	Description of Special Provision
CD.1	54-HC-02	19 Talbot St. W., Jarvis	Subsection 6.1.6 shall not apply. Minimum Interior side yard: 0.3 m. Parking lot location: 0.3 metres from rear lot line 1.3 metres from Interior lot line Number of required parking spaces: 20
CD.1a Parts 1 and 2	541-HC/08	Part Lots 3,4 & 5, Plan 343, East of Plank Road and South of Talbot Street, Parts 1 and 4 on RP 18R-6309, Jarvis	1. Minimum Rear Yard Setback abutting a Residential Zone - 3 metres

## 6.2 HIGHWAY COMMERCIAL ZONE (CH)

### 6.2.1 Permitted Uses

In a CH Zone no land, *building* or *structure* shall be used except in accordance with the following uses:

- (a) ambulance service
- (b) *automobile gas station*
- (c) automotive parts shop
- (d) *automobile service and repair station*
- (e) *automobile washing establishment*
- (f) *bar or night club*
- (g) community centre
- (h) *convenience store*
- (i) craft, souvenir and gift shop
- (j) *farm implement sales and service establishment*
- (k) *farm implement rental establishment*
- (l) fire hall
- (m) florist shop
- (n) *fruit and vegetable outlet*
- (o) *garden centre and tree and plant nursery*
- (p) *hotel*
- (q) *lumber yard and building supply establishment*
- (r) *outdoor storage accessory to permitted uses*
- (s) *parking lot*
- (t) *place of assembly*
- (u) *place of sports and recreation*
- (v) *place of worship*
- (w) police station
- (x) *private club*
- (y) *restaurant*
- (z) *restaurant, fast food*
- (aa) *restaurant, take-out*
- (bb) *training and rehabilitation centre*
- (cc) *vehicle sales and / or rental establishment and may include open storage accessory thereto*
- (dd) *existing dwelling units*

### 6.2.2 Zone Provisions

In a CH Zone, no *building* or *structure* shall be *erected* or *altered* except in accordance with the following provisions:

- (a) Minimum lot area:
  - (i) *interior lot:* 450 square metres
  - (ii) *corner lot:* 540 square metres
- (b) Minimum lot frontage:
  - (i) *interior lot:* 15 metres
  - (ii) *corner lot:* 18 metres
- (c) Minimum front yard: 7 metres
- (d) Minimum exterior side yard: 7 metres
- (e) Minimum interior side yard: 3 metres
- (f) Minimum rear yard: 9 metres
- (g) Maximum building height: 11 metres
- (h) Minimum usable floor area for an existing dwelling unit in a non-residential building: 40 square metres

## Commercial Zones

- (i) *Outdoor storage:* prohibited in a *front yard* and within 3 metres of any *lot line* adjoining a residential *zone*
- (j) *Maximum gross leasable area:*
  - i) of a *convenience store:* 200 square metres
  - ii) of a *fruit and vegetable outlet:* 200 square metres

### 6.2.3 Outdoor Display of Goods

Outdoor display of products normally sold in an outdoor environment including *vehicles, farm implements, trees, shrubs and plants, fruit and vegetables* and other similar items, but excluding items sold in bulk, shall be *permitted* in the *front yard* subject to subsection 6.3.5. Outdoor display of other items shall be *permitted* within a *front yard* provided such display is limited to one representative item per product and is located on a grassed or landscaped area without surrounding fences subject to subsection 6.3.5.

### 6.2.4 Landscaped Strip

All *buildings, parking lots and parking spaces* and display areas shall be set back 3 metres from the *front lot line*. This area shall be landscaped which may include patio pavers.

### 6.2.5 Minimum Services

Connection to a public water supply and a public sanitary sewer system shall be *required*.

### 6.2.6 Special Provisions for Permitted Uses

Notwithstanding the *permitted* uses in subsection 6.2.1, the following uses are *permitted* or excluded on the properties referenced by each special provision.

#	By-Law #	Address	Additional Uses Permitted	Sole Permitted Uses	Excluded Uses
CH.1	NE 1-2000	Jarvis, Hwy. 6	Pharmacy. <i>Clinic or doctors' offices</i>		
CH.2	NE 1-2000	Nanticoke Business Park, Lot 1, Conc. 3, Walpole		Financial institution. Office, all types. <i>Restaurant, all types.</i>	
CH.3	NE 1-2000	Jarvis, Main St.	A feed mill		
CH.4	NE 1-2000	Jarvis, Hwy. No. 3	Bingo hall. Nursing and retirement home		
CH.7	223-HC-05 REPEA LED BY BY-LAW 623-HC/09	Pt. Lot 5, Conc. 8, Walpole	Hardware store		

**6.2.7 Special Provisions for Lot and Building Requirements**

Notwithstanding the provisions of this By-Law, the following provisions shall apply to the properties referenced by each special provision.

#	By-Law #	Address	Description of Special Provision
CH.6	NE 1-2000	Jarvis, Hwy. 6	Number of <i>required parking spaces</i> : 0

## 6.3 NEIGHBOURHOOD COMMERCIAL ZONE (CN)

### 6.3.1 Permitted Uses

In a CN Zone no land, *building* or *structure* shall be used except in accordance with the following uses:

- (a) community centre
- (b) *convenience store*
- (c) *day care nursery*
- (d) *dry cleaning distribution station*
- (e) *dwellings, single detached, semi-detached and duplex*
- (f) *fruit and vegetable outlet*
- (g) laundromat
- (h) *nursing home*
- (i) *personal service shop*
- (j) *place of worship*
- (k) *video store*
- (l) a maximum of two *dwelling units* in any *permitted building*

### 6.3.2 Zone Provisions

In a CN Zone, no *building* or *structure* shall be *erected* or *altered* except in accordance with the following provisions:

- (a) Minimum *lot area*:
  - (i) *interior lot*: 450 square metres
  - (ii) *corner lot*: 540 square metres
- (b) Minimum *lot frontage*:
  - (i) *interior lot*: 15 metres
  - (ii) *corner lot*: 18 metres
- (c) Minimum *front yard*: 6 metres
- (d) Minimum *exterior side yard*: 6 metres
- (e) Minimum *interior side yard*: 3 metres
- (f) Minimum *rear yard*: 9 metres
- (g) Maximum *building height*: 11 metres
- (h) Minimum *usable floor area* for a *dwelling unit* in a non-residential *building*: 40 square metres
- (i) Maximum *gross leasable area* for all commercial uses: 200 square metres

### 6.3.3 Zone Provisions for Dwellings

Notwithstanding the provisions in Section 6.3.2, all *single* and *semi-detached dwellings* shall conform to the provisions of the R2 Zone.

### 6.3.4 Minimum Services

Connection to a public water supply and a public sanitary sewer system shall be *required*.

**6.3.5 Special Provisions for Permitted Uses in the “Neighbourhood Commercial (CN)” zone.**

#	By-Law #	Address	Additional Uses Permitted	Sole Permitted Uses	Excluded Uses
CN.1	623-HC/09	Part Lot 5, Concession 8, Jarvis, Geographic Township of Walpole	<p>Apartment building to a maximum of 4 storeys and a minimum of 24 units shall be permitted as an additional use on the same lot as a commercial use.</p> <p>Professional Offices</p> <p>Dental and/or Medical Office</p> <p>Bank and/or Credit Union</p> <p>Retail Establishment</p>		<p>Drive-thru type uses shall not be permitted.</p> <p>Dwellings, Single detached, semi-detached and duplex.</p>

**6.3.6 Special Provisions for Lot and Building Requirements in the “Neighbourhood Commercial (CN)” zone.**

#	By-Law #	Address	Description of Special Provision
CN.1	623-HC/09	Part Lot 5, Concession 8, Jarvis, Geographic Township of Walpole	<p>The front lot line shall be deemed to be the portion of lot fronting on Highway No. 3 East (Talbot Road)</p> <p>Minimum Rear Yard 3 metres</p> <p>Minimum Exterior Side Yard 3 metres</p> <p>Minimum Distance between buildings on the same lot: 15 metres</p> <p>Minimum Building Setback:</p> <ul style="list-style-type: none"> <li>• To Municipal drain: 7 metres</li> <li>• Storm Water Management Facility: 3 metres</li> </ul> <p>Maximum building Height:</p> <ul style="list-style-type: none"> <li>• For a residential apartment building: 15 metres</li> <li>• For combined commercial and residential apartment building: 15 metres</li> </ul>



**Commercial Zones**

<p>CN.1</p>	<p>623- HC/09</p>	<p>Part Lot 5, Concession 8, Jarvis, Geographic Township of Walpole</p>	<p>For the commercial use: A maximum floor area of 800 square metres of gross leasable commercial floor area. With each individual commercial unit be limited to a maximum of 200 square metres.</p> <p>Minimum Landscape Coverage: 30% Maximum Building Coverage: 30%</p> <p>Parking Requirements:</p> <ul style="list-style-type: none"> <li>• Residential: 1.5 spaces per unit</li> <li>• Commercial: 1 space per 30 m<sup>2</sup> of gross usable floor area</li> </ul>
-------------	-----------------------	---	---

## 6.4: HAMLET COMMERCIAL ZONE (CHA)

### 6.4.1 Permitted Uses

In a CHA Zone no land, *building* or *structure* shall be used except in accordance with the following uses:

- (a) ambulance service
- (b) antique shop
- (c) art gallery
- (d) *animal hospital*
- (e) *automobile gas station*
- (f) *automobile service and repair station*
- (g) *automobile washing establishment*
- (h) *clinic and doctor's offices*
- (i) *contractor shop*
- (j) *contractor supply and service shop*
- (k) community centre
- (l) *convenience store*
- (m) *country store*
- (n) *custom workshop*
- (o) *day care nursery*
- (p) *dry cleaning distribution station*
- (q) *farm implement sales and service establishment*
- (r) financial institution
- (s) fire hall
- (t) *fruit and vegetable outlet*
- (u) funeral home
- (v) *garden centre and tree and plant nursery*
- (w) hardware store
- (x) laundromat
- (y) library
- (z) *merchandise service shop*
- (aa) museum
- (bb) *nursing home*
- (cc) office, all types
- (dd) *outdoor storage accessory to permitted uses*
- (ee) *parking lot*
- (ff) *personal service shop*
- (gg) *place of assembly*
- (hh) *place of sports and recreation*
- (ii) *place of worship*
- (jj) police station
- (kk) private club
- (ll) *restaurant*
- (mm) *restaurant, take-out*
- (nn) *restaurant, fast food*
- (oo) *single detached dwelling or one dwelling unit in a non-residential building*
- (pp) *training and rehabilitation centre*
- (qq) *vehicle sales and / or rental establishment and may include open storage accessory thereto*

### 6.4.2 Zone Provisions

In a CHA Zone, no *building* or *structure* shall be *erected* or *altered* except in accordance with the following provisions:

## Commercial Zones

- (a) Minimum *lot area*:
  - (i) *new lot*: 1 860 square metres
  - (ii) *lot of record*: 930 square metres
- (b) Minimum *lot frontage*:
  - (i) *new lot*: 30 metres
  - (i) *lot of record*: 18 metres
- (c) Minimum *front yard*: 9 metres
- (d) Minimum *exterior side yard*: 9 metres
- (e) Minimum *interior side yard*: 3 metres
- (f) Minimum *rear yard*: 9 metres
- (g) Maximum *building height*: 11 metres
- (h) *Outdoor storage*: prohibited in a *front yard* and within 3 metres of any *lot line* adjoining a residential *zone*
- (i) Maximum *gross leasable area*:
  - i) of a *convenience store*: 280 square metres
  - ii) of a *country store*: 280 square metres
  - ii) of a *fruit and vegetable outlet*: 280 square metres
- (j) Minimum *usable floor area* for a *dwelling unit* in a non-residential *building*: 40 square metres
- (k) Minimum *usable floor area* for a *single detached dwelling*: 80 square metres

### 6.4.3 Outdoor Display of Goods

Outdoor display of products normally sold in an outdoor environment including *vehicles, farm implements, trees, shrubs and plants, fruit and vegetables* and other similar items, but excluding items sold in bulk, shall be *permitted* in the *front yard*. Outdoor display of other items shall be *permitted* within a *front yard* provided such display is limited to one representative item per product and is located on a grassed or landscaped area without surrounding fences.

### 6.4.4 Special Provisions for Permitted Uses

Notwithstanding the *permitted* uses in subsection 6.5.1, the following uses are *permitted* or excluded on the properties referenced by each special provision.

#	By-Law #	Address	Additional Uses Permitted	Sole Permitted Uses	Excluded Uses
CHA.1 a	NE 1-2000	Nanticoke, Rainham Rd.	Construction and industrial supply establishment		
CHA.2	NE 1-2000	Selkirk, Main St. E.	<i>Dwelling</i> containing four <i>apartment dwelling units</i>		
CHA.3	NE 1-2000	Selkirk, Main St. E.	<i>Hotel</i>		

6.4.5 Special Provisions for Lot and Building Requirements

Notwithstanding the provisions of this By-Law, the following provisions shall apply to the properties referenced by each special provision.

#	By-Law #	Address	Description of Special Provision
CHA.1 b	NE 1-2000	Nanticoke, Rainham Rd.	Minimum <i>front yard</i> : 0.57 m. Minimum <i>exterior side yard</i> : 4.7 m. Parking: prohibited in <i>front yard</i>
CHA.4	NE 1-2000	Cheapside, Concession 2 and Cheapside Rd.	Minimum <i>front yard</i> : 6 m. Minimum <i>exterior side yard</i> : 3 m. Minimum <i>exterior side yard for an existing building</i> : 0.6 m.

## 6.5: RURAL COMMERCIAL ZONE (CR)

### 6.5.1 Permitted Uses

In a CR Zone no land, building or structure shall be used except in accordance with the following uses:

- (a) *animal hospital*
- (b) *automobile body shop*
- (c) *automobile gas station*
- (d) *automobile service and repair station*
- (e) *automobile washing establishment*
- (f) *convenience store*
- (g) *country store*
- (h) *dry cleaning distribution station*
- (i) *farm implement sales and service establishment*
- (j) *farm supply outlet*
- (k) *fruit and vegetable outlet*
- (l) *garden centre and tree and plant nursery*
- (m) *outdoor storage accessory to permitted uses*
- (n) *place of assembly*
- (o) *restaurant*
- (p) *restaurant, take-out*
- (q) *single detached dwelling or one dwelling unit in a non-residential building*

### 6.5.2 Zone Provisions

In a CR Zone, no building or structure shall be erected or altered except in accordance with the following provisions:

- (a) Minimum lot area: 1 860 square metres
- (b) Minimum lot frontage: 30 metres
- (c) Minimum front yard: 13 metres
- (d) Minimum exterior side yard: 13 metres
- (e) Minimum interior side yard: 6 metres
- (f) Minimum rear yard: 9 metres
- (g) Maximum building height: 11 metres
- (h) Outdoor storage: prohibited within 2 metres a front lot line or exterior side lot line.
- (i) Maximum gross leasable area:
  - i) of a convenience store: 280 square metres
  - ii) of a country store: 280 square metres
  - ii) of a fruit and vegetable outlet: 280 square metres
- (j) Minimum usable floor area for a dwelling unit in a non-residential building: 40 square metres
- (k) Minimum usable floor area for a single detached dwelling: 80 square metres

6.5.3 Special Provisions for Permitted Uses

#	By-Law #	Address	Additional Uses Permitted	Sole Permitted Uses	Excluded Uses
CR.1a	49-HC-01, Part 1 on Maps "A" and "B" to By-law 49-HC-01  953-HC/16	Walpole Concession 10 Part Lots 7 & 8 RP 18R1182 Part 2	A contractor's shop; and  Manufacture of ornamental concrete products with a maximum floor area of 46.5 sq. m. (500 sq. ft.) per lot on the same lot as a <i>Garden Centre and Tree and Plant Nursery</i>  In no case shall the maximum floor area for the manufacture of ornamental concrete products exceed 46.5 sq. m. on all lands affected by By-law 49-HC-01		

6.5.4 Special Provisions for Lot and Building Requirements

#	By-Law #	Address	Description of Special Provision
CR.1b	49-HC-01, Part 1 on Maps "A" and "B" to By-law 49-HC-01	Part Lot 7, Con. 10, Walpole	Subsection 1.4.3 shall not apply. Outdoor storage accessory to permitted uses: to be setback 1.3 metres from the front property line.

## 6.6: MARINE-TOURIST COMMERCIAL ZONE (CMT)

### 6.6.1 Permitted Uses

In a CMT Zone no land, *building* or *structure* shall be used except in accordance with the following uses:

- (a) *boathouse*
- (b) *boat club or sailing club*
- (c) *convenience store*
- (d) *dry dock facilities, boat repair shop and other marine trades*
- (e) *dock, pier or wharf*
- (f) *existing single detached dwelling*
- (g) *fish processing and sales*
- (h) *marina*
- (i) *marine craft and equipment sales*
- (j) *museum*
- (k) *outdoor storage accessory to any permitted use*
- (l) *parking lot*
- (m) *restaurant*
- (n) *restaurant, take-out*
- (o) *tourist cabins*
- (p) *existing vacation home*
- (q) *warehousing associated with any permitted use*

### 6.6.2 Excluded Uses

Within any portion of a CMT Zone which is located within the 100 year flood as determined by the conservation authority having jurisdiction, the following uses shall not be permitted:

- (a) *convenience store*
- (b) *existing single detached dwelling*
- (c) *museum*
- (d) *restaurant*
- (e) *restaurant, take-out*
- (f) *tourist cabins*
- (g) *existing vacation home*

### 6.6.3 Zone Provisions

In a CMT Zone, no *building* or *structure* shall be *erected* or *altered* except in accordance with the following provisions:

- (a) *Minimum lot area:*
  - (i) *interior lot with municipal services:* 450 square metres
  - (ii) *corner lot with municipal services:* 540 square metres
  - (iii) *where not connected to public water and sanitary sewer systems:* 1 860 square metres
- (b) *Minimum lot frontage:*
  - (i) *interior lot with municipal services:* 15 metres
  - (ii) *corner lot with municipal services:* 18 metres
  - (iii) *where not connected to public water and sanitary sewer systems:* 30 metres
- (c) *Minimum front yard:* 6 metres
- (d) *Minimum exterior side yard:* 6 metres

## Commercial Zones

- |  |   |
|--|---|
| (e) Minimum <i>interior side yard</i> :                                | 3 metres  |
| (f) Minimum <i>rear yard</i> :   | 9 metres  |
| (g) Maximum <i>lot coverage</i> :                                      | 60 percent  |
| (h) Maximum <i>building height</i> :                                   | 11 metres   |
| (i) <i>Outdoor storage</i> :   | prohibited within 2 metres of a <i>front lot line</i> or <i>exterior side lot line</i> or 3 metres of any <i>lot line</i> adjoining a residential zone. |
| (j) Maximum <i>gross leasable area</i> of a <i>convenience store</i> : | 200 square metres   |

### 6.6.4 Zone Provisions for a Boathouse, Dock, Pier or Wharf

Notwithstanding the provisions in subsection 6.6.3, where a *lot line* abuts a navigable water course, any *boathouse* or dock, pier or wharf shall have a *setback* of 0 metres where it abuts the watercourse.

### 6.6.5 Special Provisions for Permitted Uses

Not applicable.

### 6.6.6 Special Provisions for Lot and Building Requirements

Not applicable.



## **SECTION 7: INDUSTRIAL ZONES**

### **7.1: HEAVY INDUSTRIAL ZONE (MH)**

#### **7.1.1 Permitted Uses**

The following categories of uses shall be *permitted*. The list of specific uses after each underlined category are intended as examples only. Other similar uses which may fall under the category will also be *permitted*.

- (a) Food processing and farm product processing: such as bakery, dairy, cannery, cigarette manufacturer, feed mill, flour mill, grain elevator, seed plant, distillery, brewery and brew-your-own.
- (b) Heavy material manufacturing: such as a saw mill, cement, brick, asphalt, gypsum or plaster manufacturing, refining or smelting of ores and metals.
- (c) General material manufacturing: such as refining of metals, material processing, metal stamping, and material manufacturing, fabrication, treating and finishing.
- (d) Light material manufacturing: such as a *custom workshop*, machine shop, material assembly, material packaging, or material fabrication or manufacturing wholly within an enclosed *building*.
- (e) Chemical manufacturing: such as manufacturing of paint and varnish, commercial manufacturing of gaseous substances and petroleum refining
- (f) Storage: such as warehouses, *public utility yard*, fuel storage depot, *contractor's yard*, *outdoor storage*.
- (g) Electricity production: such as thermal electric plant, wind turbines, solar energy production and hydro electric plant but excluding a nuclear generating station.
- (h) Waste processing: such as a *salvage yard*, junk yard, scrap metal yard, material recycling operation, temporary non-hazardous storage of industrial by-products for further processing or treatment,
- (i) Waste disposal and destruction of industrial wastes produced by the principal use on the lot: such as thermal destruction of industrial by-products, waste solidification process plants, non-hazardous holding ponds for waste water, disposal of non-hazardous spent catalysts, and landfill disposal of non-hazardous materials.
- (j) Transportation: such as *truck terminal*, railway terminal, railway yard, courier depot including parcel and mail sorting and delivery.
- (k) Business services: such as industrial supply, equipment rental, contractor shop, *merchandise service shop*, wholesaling establishment.
- (l) Research: such as laboratory and research and development facility.
- (m) Telecommunications and data processing: such as radio and television studio, internet service provider, call centre, data centre, software design.
- (n) Graphics and design: such as printing and publishing, industrial design, computer graphics, and engineering and surveying facilities
- (o) Personal and health services catering primarily to employees: such as *day care nursery*, fitness and health care facility, sports facility and *restaurant*.

#### **7.1.2 Specific Permitted Uses**

The following specific uses are also *permitted*:

- (a) *industrial office*
- (b) *existing farm* and related residential *dwelling*s on the same lot
- (c) one residential *dwelling unit* for a caretaker, maintenance or security staff as an accessory use to an industrial operation on the same lot

- (d) retail sales accessory to an industry on the same *lot*
- (e) gravel *pit or quarry* as an accessory use.
- (f) *cannabis production facility*<sup>6</sup>

**7.1.3 Prohibited Uses**

The following uses shall be prohibited:

- (a) research laboratories which may pose a health hazard as defined by the Health Protection and Promotion Act and as determined by the Medical Officer of Health
- (b) sanitary landfills and any type of waste disposal as a primary use

**7.1.4 Zone Provisions**

In a MH Zone, no *building or structure* shall be *erected or altered* except in accordance with the following provisions:

- (a) Minimum *lot area*: 0.75 hectares
- (b) Minimum *lot frontage*: 60 metres
- (c) Minimum *front yard*: 18 metres
- (d) Minimum *exterior side yard*: 18 metres
- (e) Minimum *interior side yard*: 7.5 metres
  - i) abutting an agricultural zone 20 metres
- (f) Minimum *rear yard*: 7.5 metres
- (g) Maximum *building height*: subject to a 45 degree *angular plane* measured from the edge of any residential or agricultural *zoned lots*
- (h) Maximum *lot coverage*: 65 percent
- (i) *Outdoor storage* and display of goods and materials: prohibited within 9 metres of a *street*

**7.1.5 Zone Provisions for existing farm and related residential dwellings**

Notwithstanding the provisions in subsection 7.1.4, all *existing farm operations* and related residential *dwellings* shall conform to the provisions of the Agricultural Zone (A) in Section 10.1.2.

**7.1.6 Screening of Outdoor Operations and Outdoor Storage**

Open air operations and *outdoor storage* shall be suitably screened from a *street*, except for *salvage yards* which shall be suitably screened on all sides. Any such screening shall be set back a minimum of 9 metres from a *street*. For a *salvage yard*, the space between such screening and a *street* shall not be used for any purpose other than landscaping and *required* ingress and egress.

**7.1.7 Retail Sales Accessory to an Industry**

Retail sales of a product manufactured, processed or assembled on the lot shall be *permitted* up to 10 percent of the *usable floor area* of an industry to a maximum of 150 square metres of *usable floor area* provided the retail sales area is separated from the principal industrial or warehouse use by solid partition walls.

**7.1.8 Minimum Services**

Connection to a public water supply and a public sanitary sewer system shall be *required*.

---

<sup>6</sup> 1126-HC/19

**7.1.9 Buffers for New Zoned Areas**

Any amendments to this By-Law to amend or *permit* a new MH Zone shall establish buffers as required to prevent or minimize adverse effects as set out in MOE guidelines D-1 “Land Use Compatibility” and D-6 “Compatibility between Industrial Facilities and Sensitive Land Uses”.

**7.1.10 Special Provisions for Permitted Uses**

Notwithstanding the *permitted* uses in subsection 7.1.1 and 7.1.2 and the prohibited uses in subsection 7.1.3, the following uses are *permitted* or excluded on the properties referenced by each special provision.

#	By-Law #	Address	Additional Uses Permitted	Sole Permitted Uses	Excluded Uses
MH.1 a	NE 1-2000	Lot 1, Conc. 5, Walpole.	Lumber yard and building supply outlet		
MH.2 a	NE 1-2000	Nanticoke Business park, Regional Rd. 3	Financial institution. Employment agency. Labour or trade organization office. Clinic or doctor's office. Dry-cleaning distribution station. Post office.		
MH.3 a	NE 1-2000	Nanticoke Business Park, Hawk St.			Outdoor storage of materials, merchandise, chemicals, fertilizers, fluids or other items which are noxious, poisonous, corrosive, flammable or which by their nature would have an adverse effect on the ecology of the Nanticoke Creek floodplain.
MH.4	NE 1-2000	Nanticoke Business Park, Hawk Street	Outdoor repair of materials and equipment.		Outdoor storage of materials, merchandise, chemicals, fertilizers, fluids or other items which are noxious, poisonous, corrosive, flammable or which by their nature would have an adverse effect on the ecology of the Nanticoke Creek floodplain.
MH.5a	134-HC/03	Part Lot 20, Plan 84, Walpole	Industrial garage.  Vehicle sales or rental establishment, automotive service and repair station and an auto parts shop, accessory to a permitted use.		
MH.6	325-HC-06	Pt. Lot 12, Registered Plan 84	Animal crematorium		
MH.7	646-HC-09	Part Lots 3 and 4, Concession 4, Walpole			Notwithstanding Section 7.1.2, (Specific Permitted Uses in the MH zone), a dwelling shall not be permitted.

**7.1.11 Special Provisions for Lot and Building Requirements**

Notwithstanding the provisions of this By-Law, the following provisions shall apply to the properties referenced by each special provision.

#	By-Law #	Address	Description of Special Provision
MH.1 b	NE 1-2000	Lot 1, Conc. 5, Walpole	Minimum services: Connection to public water and sewer systems not <i>required</i> .
MH.2 b	NE 1-2000	Nanticoke Business park, Regional Rd. 3	Minimum <i>lot frontage</i> : 178 m. Minimum <i>exterior side yard</i> : 9 m. Minimum <i>interior side yard</i> : 5 m. Minimum <i>rear yard</i> : 8 m. Maximum <i>building height</i> : 11 m. Maximum <i>lot coverage</i> : 10%
MH.3 b	NE 1-2000	Nanticoke Business Park, Hawk St.	Minimum <i>exterior side yard</i> : 9 m.
MH.5	NE 1-2000	Nanticoke Business Pk, Hawk St., Field Rd. & Reg. Rd. 3.	Minimum <i>exterior side yard</i> : 9m.
MH.5 b	134-HC/03	Part Lot 20, Plan 84, Walpole	Minimum <i>exterior side yard</i> : 9 m. No more than 10 vehicles shall be displayed for sale at one time.
MH.6	325-HC-06	Pt. Lot 12, Registered Plan 84	Minimum <i>lot frontage</i> : 42 m. Minimum <i>lot area</i> : 0.4 hectares Minimum <i>exterior side yard</i> : 9 m.

## 7.2: GENERAL INDUSTRIAL ZONE (MG)

### 7.2.1 Permitted Uses

The following categories of uses shall be *permitted*. The list of specific uses after each underlined category are intended as examples only. Other similar uses which may fall under the category will also be *permitted*.

- (a) Food processing and farm product processing: such as bakery, dairy, cannery, cigarette manufacturer, feed mill, flour mill, grain elevator, seed plant, distillery, brewery and brew-your-own.
- (b) General material manufacturing: such as refining of metals, material processing, metal stamping, and material manufacturing, fabrication, treating and finishing.
- (c) Light material manufacturing: such as a *custom workshop*, machine shop, material assembly, material packaging, or material fabrication or manufacturing wholly within an enclosed *building*.
- (d) Storage: such as warehouses, *public utility yard*, fuel storage depot for home and farm use, *contractor's yard*, *outdoor storage* accessory to any *permitted* use.
- (e) Transportation: such as *truck terminal*, railway terminal, railway yard, courier depot including parcel and mail sorting and delivery.
- (f) Business services: such as industrial supply, equipment rental, contractor shop, *merchandise service shop*, wholesaling establishment.
- (g) Educational / research: such as secondary school, community college, trade school, training centre, adult education, laboratory, and research and development facility.
- (h) Telecommunications and data processing: such as radio and television studio, internet service provider, call centre, data centre, software design.
- (i) Graphics and design: such as printing and publishing, industrial design, computer graphics, and engineering and surveying facilities
- (j) Vehicle related uses: such as *automobile body shop*, *industrial garage*, *automobile service and repair station*, *automobile gas station* and *automobile washing establishment*.
- (k) Institutional - emergency services: such as fire hall, police station, ambulance service.
- (l) Personal and health services for employees: such as *day care nursery*, fitness and health care facility, sports facility and *restaurant*.
- (m) *Adult entertainment parlour (67-HC-02)*

### 7.2.2 Specific Permitted Uses

The following specific uses are also *permitted*:

- (a) *animal hospital*,
- (b) *auction centre*,
- (c) *dry-cleaning establishment*,
- (d) *commercial greenhouse*,
- (e) *fertilizer dealership*,
- (f) *industrial office*,
- (g) *retail sales accessory to an industry on the same lot*.
- (h) *cannabis production facility*<sup>7</sup>

---

<sup>7</sup> 1126-HC/19

**7.2.3 Prohibited Uses**

The following uses shall be prohibited:

- (a) asphalt plants
- (b) cement works
- (c) concrete batching
- (d) ore refineries and smelters
- (e) paint and/or varnish manufacturing
- (f) processing and manufacturing plants with a high requirement for municipal sewage treatment in either strength or quantity of waste or a high volume requirement of municipal water
- (g) research laboratories which may pose a health hazard as defined by the Health Protection and Promotion Act and as determined by the Medical Officer of Health
- (h) *salvage yard*, junk yard or scrap metal yard
- (i) uses which are obnoxious or generate obnoxious emissions and/ or which are deemed to be contrary to the regulations of the Environmental Protection Act or the Health Protection and Promotion Act.

**7.2.4 Exemption for Certain Industries with a High Requirement for Municipal Sewage Treatment**

Any manufacturing or processing plant *existing* at the date of passing of this By-Law which has a high requirement of municipal sewage treatment in either strength or quantity of wastes or a high volume requirement of municipal water shall be allowed to enlarge or expand provided the enlargement or expansion does not constitute a significantly higher level of municipal sewage treatment or water requirements.

**7.2.5 Zone Provisions**

In a MG Zone, no *building* or *structure* shall be *erected* or *altered* except in accordance with the following provisions:

- (a) Minimum *lot area*: 1860 square metres
- (b) Minimum *lot frontage*: 30 metres
- (c) Minimum *front yard*: 6 metres
- (d) Minimum *exterior side yard*: 6 metres
- (e) Minimum *interior side yard*: 3 metres
  - i) abutting a residential zone 20 metres
- (f) Minimum *rear yard*: 9 metres
- Maximum *lot coverage*: 60 percent
- (g) Maximum *building height*: 11 metres
- (h) *Outdoor storage*: prohibited in any *front yard* or any *required exterior side yard*

**7.2.6 Retail Sales Accessory to an Industry**

Retail sales accessory to an industry shall be *permitted* up to 10 percent of the *usable floor area* of an industry to a maximum of 150 square metres of *usable floor area* provided the retail sales area is separated from the principal industrial or warehouse use by solid partition walls.

**7.2.7 Minimum Services**

Connection to a public water supply and a public sanitary sewer system shall be required in accordance with the Minimum Services provisions in Section 3 – General Provisions of this By-law.

**7.2.8 Buffers for New Zoned Areas**

Any amendments to this By-Law to amend or *permit* a new MG Zone shall establish buffers as required to prevent or minimize adverse effects as set out in MOE guidelines D-1 “Land Use Compatibility” and D-6 “Compatibility between Industrial Facilities and Sensitive Land Uses”.

**7.2.9 Special Provisions for Permitted Uses**

Notwithstanding the *permitted* uses in subsection 7.2.1 and 7.2.2 and the prohibited uses in subsection 7.2.3, the following uses are *permitted* or excluded on the properties referenced by each special provision.

#	By-Law #	Address	Additional Uses Permitted	Sole Permitted Uses	Excluded Uses
MG.1	NE 1-2000	Army Camp Road (Lots 3&4, Conc. 11, Walpole)	Bingo Hall. Flea Market. <i>Accessory uses</i> including food concessions.		
MG.2	NE 1-2000	Lot 6, conc. 1, Walpole	Labour assembly hall. Offices, all types. <i>Hotel.</i> <i>Convenience store.</i> Laundromat. <i>Personal service shop.</i> Financial institution.		
MG.3	NE 1-2000	Lot 6, Conc. 1, Walpole	Labour assembly hall. Offices, all types.		<i>Outdoor storage</i> of granular materials within 230 metres of the <i>lot line</i> adjacent to Rainham Road.

**7.2.10 Special Provisions for Lot and Building Requirements**

Notwithstanding the provisions of this By-Law, the following provisions shall apply to the properties referenced by each special provision.

#	By-Law #	Address	Description of Special Provision
MG.4	NE 1-2000	Lot 13, Conc. 12, Walpole.	Minimum <i>setback</i> from Highway No. 6: 27.74 m.
MG.5	662-HC-09	Part Lot 13, Concession 12, Part 1 Reference Plan 18R-4999, Walpole	Minimum setback from Highway No. 6: 14 metres  Minimum required parking spaces: 11 spaces for mini-storage purposes with a gross useable floor area of 5,530 square metres.

## 7.3: PRESTIGE INDUSTRIAL ZONE (MP)

### 7.3.1 Permitted Uses

The following categories of uses shall be *permitted*. The list of specific uses after each underlined category are intended as examples only. Other similar uses which may fall under the category will also be *permitted*.

- (a) Food processing and farm product processing: such as bakery, dairy, cannery, cigarette manufacturer, and seed plant wholly within an enclosed *building*.
- (b) Light material manufacturing: such as a *custom workshop*, machine shop, material assembly, material packaging, or material fabrication or manufacturing wholly within an enclosed *building*.
- (c) Indoor storage: such as warehouses.
- (d) Business services: such as industrial supply, *merchandise service shop*, wholesaling establishment.
- (e) Educational / research: such as secondary school, community college, trade school, training centre, laboratory, and research and development facility.
- (f) Telecommunications and data processing: such as radio and television studio, transmission tower, internet service provider, call centre, data centre, software design.
- (g) Graphics and design: such as printing and publishing, industrial design, computer graphics, and engineering and surveying facilities
- (h) Institutional - emergency services : such as fire hall, police station, ambulance service
- (i) Personal and health services for employees: such as *day care nursery*, fitness and health care facility, sports facility and *restaurant* accessory to an industry on the same *lot*.

### 7.3.2 Specific Permitted Uses

The following specific uses are also *permitted*:

- (a) *industrial office*
- (b) *commercial greenhouse*
- (c) *cannabis production facility*<sup>8</sup>

### 7.3.3 Prohibited Uses

The following uses shall be prohibited:

- (a) *outdoor storage*
- (b) processing and manufacturing plants with a high requirement for municipal sewage treatment in either strength or quantity of waste or a high volume requirement of municipal water
- (c) research laboratories which may pose a health hazard as defined by the Health Protection and Promotion Act and as determined by the Medical Officer of Health
- (d) uses which are obnoxious or generate obnoxious emissions and/ or which are deemed to be contrary to the regulations of the Environmental Protection Act or the Health Protection and Promotion Act.

---

<sup>8</sup> 1126-HC/19



**7.3.4 Zone Provisions**

In a MP Zone, no *building* or *structure* shall be *erected* or *altered* except in accordance with the following provisions:

- (a) Minimum *lot area*: 1 860 square metres
- (b) Minimum *lot frontage*: 30 metres
- (c) Minimum *front yard*: 15 metres
- (d) Minimum *exterior side yard*: 15 metres
- (e) Minimum *interior side yard*: 10 metres
- (f) Minimum *rear yard*: 9 metres
- (g) Maximum *building height*: subject to a 45 degree *angular plane* measured from the edge of any residential or agricultural *zoned lots*
- (h) Maximum *lot coverage*: 30 percent
- (i) Minimum landscaped open space: 40 percent

**7.3.5 Minimum Services**

Connection to a public water supply and a public sanitary sewer system shall be required in accordance with the Minimum Services provisions in Section 3 – General Provisions of this By-law.

**7.3.6 Buffers for New Zoned Areas**

Any amendments to this By-Law to amend or *permit* a new MP Zone shall establish buffers as required to prevent or minimize adverse effects as set out in MOE guidelines D-1 “Land Use Compatibility” and D-6 “Compatibility between Industrial Facilities and Sensitive Land Uses”.

**7.3.7 Special Provisions for Permitted Uses**

Notwithstanding the *permitted* uses in subsection 7.3.1 and 7.3.2 and the prohibited uses in subsection 7.3.3, the following uses are *permitted* or excluded on the properties referenced by each special provision.

#	By-Law #	Address	Additional Uses Permitted	Sole Permitted Uses	Excluded Uses
MP.1	NE 1-2000	Jarvis, Main St.	Bookstore. Tourist Information centre.		
MP.2	1006-HC/17	CON 4, PT LT 22, 23, 24, Woodhouse	Dwelling		

**7.3.8 Special Provisions for Lot and Building Requirements**

Not applicable.

## 7.4: RURAL INDUSTRIAL ZONE (MR)

### 7.4.1 Permitted Uses

In a MR Zone, no land, *building* or *structure* shall be used except in accordance with the following uses:

- (a) agriculturally oriented *contractor's yard* and facilities, such as an irrigation *contractor's yard* and any similar contracting operation
- (b) *animal hospital*
- (c) *automobile body shop*
- (d) *commercial greenhouse*
- (e) *dairy*
- (f) *farm* machinery and equipment repair shop
- (g) *farm supply outlet*
- (h) *feed mill*
- (i) *fertilizer dealership*
- (j) *flour mill*
- (k) *food and agricultural product processing*
- (l) *fuel storage depot* for home and *farm* use
- (m) *grain elevator and drying facilities*
- (n) *industrial office* as an accessory use to an industry on the same lot
- (o) *lumber yard*
- (p) *machine shop* related to *farm* machinery and equipment
- (q) *outdoor storage* accessory to any *permitted* use
- (r) *public utility yard*
- (s) *saw mill*
- (t) any use *permitted* in the A Zone subject to the provisions of that Zone
- (u) *cannabis production facility*<sup>9</sup>

### 7.4.2 Zone Provisions

In a MR Zone, no *building* or *structure* shall be *erected* or *altered* except in accordance with the following provisions:

- (a) Minimum *lot area*: 1 860 square metres
- (b) Minimum *lot frontage*: 30 metres
- (c) Minimum *front yard*: 13 metres
- (d) Minimum *exterior side yard*: 13 metres
- (e) Minimum *interior side yard*: 5 metres
- (f) Minimum *rear yard*: 9 metres
- (g) Minimum separation from a *dwelling* on an adjacent *lot*: 30 metres
- (h) Maximum *building height*: 11 metres
- (i) *Outdoor storage*: prohibited in any *required front* or *exterior side yard*

### 7.4.3 Zone Provisions for an Abattoir

Notwithstanding certain *zone* provisions in Section 7.4.2, the following additional provisions shall apply to any abattoir *permitted* by special provision in Section 7.4.4:

---

<sup>9</sup> 1126-HC/19

## Industrial Zones

- |     |   |            |
|-----|---|------------|
| (a) | Minimum <i>lot area</i> :   | 2 hectares |
| (b) | Minimum <i>lot frontage</i> :   | 180 metres |
| (c) | Minimum <i>rear yard</i> :  | 13 metres  |
| (d) | Minimum <i>interior side yard</i> :                                   | 13 metres  |
| (e) | Minimum separation from a <i>dwelling</i> on an adjacent <i>lot</i> : | 70 metres  |

### 7.4.4 Buffers for New Zoned Areas

Any amendments to this By-Law to amend or *permit* a new MR Zone shall establish buffers as required to prevent or minimize adverse effects as set out in MOE guidelines D-1 “Land Use Compatibility” and D-6 “Compatibility between Industrial Facilities and Sensitive Land Uses”.

### 7.4.5 Special Provisions for Permitted Uses

Notwithstanding the *permitted* uses in subsection 7.4.1, the following uses are *permitted* or excluded on the properties referenced by each special provision.

#	By-Law #	Address	Additional Uses Permitted	Sole Permitted Uses	Excluded Uses
MR.1 a	NE 1-2000	Lots 7 and 8, Conc. 10, Walpole, Hwy. 6	Transport truck repair and storage operation		
MR.2	NE 1-2000	W side of Cheapside Road (Lot 18, Conc. 6, Walpole)	A paving <i>contractor's yard</i> including repair and storage facilities		
MR.3	NE 1-2000	Lot 6, Conc. 1, Walpole	<i>Concrete plant</i>		
MR.4a	49-HC-01, Part 2 on Maps "A" and "B" to By-law 49-HC-01  953-HC/16	Walpole Concession 10 Part Lots 7 & 8, RP 18R1182 Part 2	A contractor's shop;  <i>Garden Centre and Tree and Plant Nursery</i> ; and  Manufacture of ornamental concrete products with a maximum floor area of 46.5 sq. m. (500 sq. ft.) per lot on the same lot as a <i>Garden Centre and Tree and Plant Nursery</i>  In no case shall the maximum floor area for the manufacture of ornamental concrete products exceed 46.5 sq. m. on all lands affected by By-law 49-HC-01		

**7.4.6 Special Provisions for Lot and Building Requirements**

Notwithstanding the provisions of this By-Law, the following provisions shall apply to the properties referenced by each special provision.

#	By-Law #	Address	Description of Special Provision
MR.1 b	NE 1- 2000	Lots 7 and 8, Conc. 10, Walpole	<i>Outdoor storage:</i> limited to a maximum of 4 trucks and 6 trailers <i>Minimum front yard:</i> 14 m.
MR.4b	49-HC- 01, Part 2 on Maps "A" and "B" to By-law 49-HC- 01	Part Lots 7 & 8, Con. 10, Walpole	Subsection 1.4.3 shall not apply. Minimum separation from a dwelling on an adjacent lot: 18 metres

## 7.5: DISPOSAL INDUSTRIAL ZONE (MD)

### 7.5.1 Permitted Uses

In a MD Zone no land, *building* or *structure* shall be used except in accordance with the following uses:

- (a) municipal disposal area including incineration, baling, compacting and separation
- (b) municipal sanitary land fill site
- (c) *outdoor storage* accessory to any *permitted* use
- (d) *public utility yard*
- (e) *salvage yard*
- (f) waste recycling facility
- (g) any use *permitted* in an A Zone subject to the provisions of that zone
- (h) *cannabis production facility*<sup>10</sup>

### 7.5.2 Zone Provisions

In a MD Zone, no *building* or *structure* shall be *erected* or *altered* except in accordance with the following provisions:

- (a) Minimum *lot frontage*: 30 metres
- (b) Minimum *front yard*: 13 metres
- (c) Minimum *exterior side yard*: 13 metres
- (d) Minimum *interior side yard*: 5 metres
- (e) Minimum *rear yard*: 9 metres
- (f) Minimum separation from a *dwelling* on an adjacent *lot*: 300 metres
- (g) Maximum *building height*: 11 metres
- (h) *Outdoor storage* prohibited within 13 metres of a *street line*, 5 metres of an *interior lot line* and within a required separation from a dwelling.

### 7.5.3 Buffers for New Zoned Areas

Any amendments to this By-Law to amend or *permit* a new MD Zone shall establish buffers as required to prevent or minimize adverse effects as set out in MOE guidelines D-1 "Land Use Compatibility" and D-6 "Compatibility between Industrial Facilities and Sensitive Land Uses".

### 7.5.4 Special Provisions for Permitted Uses

Not applicable.

### 7.5.5 Special Provisions for Lot and Building Requirements

Not applicable.

---

<sup>10</sup> 1126-HC/19

**7.6: EXTRACTIVE INDUSTRIAL ZONE (MX)**

**7.6.1 Permitted Uses**

In a MX Zone no land, *building* or *structure* shall be used except in accordance with the following uses:

- (a) concrete and asphalt mixing plant
- (b) crushing and screening plant
- (c) sand and gravel pit
- (d) stone quarry
- (e) any use *permitted* in the A Zone, subject to the provisions of that Zone
- (f) *cannabis production facility*<sup>11</sup>

**7.6.2 Zone Provisions for Industrial Buildings and Structures**

In a MX Zone, no *building* or *structure* shall be *erected* or *altered* except in accordance with the following provisions:

- (a) Minimum *front yard*: 13 metres
- (b) Minimum *exterior side yard*: 13 metres
- (c) Minimum *interior side yard*: 5 metres
- (d) Minimum separation from a *dwelling* on an adjacent *lot*: 300 metres
- (e) Minimum *rear yard*: 9 metres
- (f) Maximum *building height*: 11 metres

**7.6.3 Zone Provisions for Concrete and Asphalt Mixing Plant and Crushing and Screening Plant**

Notwithstanding the *zone* provisions in Section 7.6.2, the following provisions shall apply to any concrete or asphalt mixing plant or crushing and screening plant:

- (a) Minimum *front yard*: 30 metres
- (b) Minimum *exterior side yard*: 30 metres
- (c) Minimum *interior side yard*: 45 metres
- (d) Minimum *rear yard*: 45 metres
- (e) Minimum separation from a *dwelling* on an adjacent *lot*: 300 metres

**7.6.4 Buffers for New Zoned Areas**

Any amendments to this By-Law to amend or *permit* a new MX Zone shall establish buffers as required to prevent or minimize adverse effects as set out in MOE guidelines D-1 “Land Use Compatibility” and D-6 “Compatibility between Industrial Facilities and Sensitive Land Uses”.

**7.6.5 Special Provisions for Permitted Uses**

Not applicable.

---

<sup>11</sup> 1126-HC/19

**7.6.6 Special Provisions for Lot and Building Requirements**

Notwithstanding the provisions of this By-Law, the following provisions shall apply to the properties referenced by each special provision.

#	By-Law #	Address	<i>Description of Special Provisions</i>
MX. 1	95-HC-02	Pt. Lots 10, 11 & 12, Concession 12, Walpole	Minimum separation from a dwelling on an adjacent lot: 155 metres





## **SECTION 8: INSTITUTIONAL ZONES**

### **8.1: COMMUNITY INSTITUTIONAL ZONE (IC)**

#### **8.1.1 Permitted Uses**

In an IC Zone no land, *building* or *structure* shall be used except in accordance with the following uses:

- (a) adult education and training facility
- (b) ambulance service
- (c) art gallery
- (d) *cemetery*
- (e) *clinic or doctors' offices*
- (f) college or trade school
- (g) community centre
- (h) crematorium
- (i) *day care nursery*
- (j) *dwelling, single detached*
- (k) fire hall
- (l) *government offices*
- (m) hospital
- (n) library
- (o) museum
- (p) *nursing home*
- (q) pharmacy accessory to a hospital or *clinic or doctors' offices*
- (r) *place of assembly*
- (s) *place of entertainment*
- (t) *place of sports and recreation*
- (u) *place of worship*
- (v) police station
- (w) *private club*
- (x) public or private secondary school
- (y) *restaurant, fast food restaurant, take-out restaurant, convenience store, craft, souvenir and gift shop and financial institution accessory to an institutional use on the same lot*
- (z) *training and rehabilitation centre*
- (aa) one *dwelling unit* in any *permitted non-residential building*

#### **8.1.2 Zone Provisions**

In an IC Zone, no *building* or *structure* shall be *erected* or *altered* except in accordance with the following provisions:

- (a) Minimum lot area:
  - i) *interior lot*: 450 square metres
  - ii) *corner lot*: 540 square metres
- (b) Minimum lot frontage:
  - i) *interior lot*: 15 metres
  - ii) *corner lot*: 18 metres
- (c) Minimum front yard: 7 metres
- (d) Minimum exterior side yard: 7 metres
- (e) Minimum interior side yard: 3 metres
- (f) Minimum rear yard: 9 metres
- (g) Maximum building height: 11 metres

- (h) Minimum *usable floor area* for a *dwelling unit* in a non-residential *building*: 40 square metres
- (i) Minimum *usable floor area* for a *single detached dwelling*: 80 square metres

**8.1.3 Additional Zone Provisions for crematoriums:**

Notwithstanding certain *zone* provisions in Section 8.1.2, the following additional provisions shall apply to a crematorium:

- (a) Minimum *lot area*: 8 hectares
- (b) Minimum *front yard*: 30 metres
- (c) Minimum *exterior side yard*: 30 metres
- (d) Minimum *interior side yard*: 30 metres
- (e) Minimum *rear yard*: 30 metres

**8.1.4 Minimum Services**

Connection to a public water supply and a public sanitary sewer system shall be *required*.

**8.1.5 Special Provisions for Permitted Uses**

Not applicable.

**8.1.6 Special Provisions for Lot and Building Requirements**

Not applicable.

## 8.2: NEIGHBOURHOOD INSTITUTIONAL ZONE (IN)

### 8.2.1 Permitted Uses

In an IN Zone, no land, *building* or *structure* shall be used except in accordance with the following uses:

- (a) *cemetery*
- (b) *community centre*
- (c) *crematorium*
- (d) *day care nursery*
- (e) *dwelling, single detached*
- (f) *public or private elementary school*
- (g) *library*
- (h) *nursing home*
- (i) *place of worship*
- (j) *one dwelling unit in any permitted non-residential building*

### 8.2.2 Zone Provisions

In an IN Zone, no *building* or *structure* shall be *erected* or *altered* except in accordance with the following provisions:

- (a) *Minimum lot area:*
  - i) *interior lot:* 450 square metres
  - ii) *corner lot:* 540 square metres
- (b) *Minimum lot frontage:*
  - i) *interior lot:* 15 metres
  - ii) *corner lot:* 18 metres
- (c) *Minimum front yard:* 7 metres
- (d) *Minimum exterior side yard:* 7 metres
- (e) *Minimum interior side yard:* 3 metres
- (f) *Minimum rear yard:* 9 metres
- (g) *Maximum building height:* 11 metres
- (h) *Minimum usable floor area for a dwelling unit in a non-residential building:* 40 square metres
- (i) *Minimum usable floor area for a single detached dwelling:* 80 square metres

### 8.2.3 Additional Zone Provisions for crematoriums:

Notwithstanding certain *zone* provisions in Section 8.2.2, the following additional provisions shall apply to a crematorium:

- (a) *Minimum lot area:* 8 hectares
- (b) *Minimum front yard:* 30 metres
- (c) *Minimum exterior side yard:* 30 metres
- (d) *Minimum interior side yard:* 30 metres
- (e) *Minimum rear yard:* 30 metres

### 8.2.4 Minimum Services

Connection to a public water supply and a public sanitary sewer system shall be *required*.

**8.2.5 Special Provisions for Permitted Uses**

Notwithstanding the *permitted* uses in subsection 8.2.1, the following uses are *permitted* or excluded on the properties referenced by each special provision.

#	By-Law #	Address	Additional Uses Permitted	Sole Permitted Uses	Excluded Uses
IN.1	NE 1-2000	Townsend, Nanticoke Creek Pkwy	Place of sports and recreation		Nursing home . Single detached dwelling.
IN.2	1023-HC/17 Replaced 175-HC-04	Lot 24, Concession 12, Woodhouse; Part Lot 22, Concession 13, Townsend	Apartments		

**8.2.6 Special Provisions for Lot and Building Requirements**

Notwithstanding the provisions of this By-Law, the following provisions shall apply to the properties referenced by each special provision.

#	By-Law #	Address	Description of Special Provision
IN.2	1023-HC/17 Replaced 175-HC-04	Lot 24, Concession 12, Woodhouse; Part Lot 22, Concession 13, Townsend	For the purposes of interpreting this subsection, the lands subject to this subsection are deemed to be one lot.

### 8.3: RURAL INSTITUTIONAL ZONE (IR)

#### 8.3.1 Permitted Uses

In an IR Zone, no land, *building* or *structure* shall be used except in accordance with the following uses:

- (a) art gallery
- (b) *cemetery*
- (c) community centre
- (d) crematorium
- (e) *day care nursery*
- (f) public or private elementary or secondary school
- (g) fire hall
- (h) museum
- (i) *place of assembly*
- (j) *place of sports and recreation*
- (k) *place of worship*
- (l) police station
- (m) *private club*
- (n) *single detached dwelling*
- (o) *training and rehabilitation centre*
- (p) *one dwelling unit in any permitted non-residential building*

#### 8.3.2 Zone Provisions

In an IR Zone, no *building* or *structure* shall be *erected* or *altered* except in accordance with the following provisions:

- |     |  |                     |
|-----|--|---------------------|
| (a) | Minimum <i>lot area</i>  | 1 860 square metres |
| (b) | Minimum <i>lot frontage</i> :  | 30 metres           |
| (c) | Minimum <i>front yard</i> :  | 13 metres           |
| (d) | Minimum <i>exterior side yard</i> :  | 13 metres           |
| (e) | Minimum <i>interior side yard</i> :  | 3 metres            |
| (f) | Minimum <i>rear yard</i> :   | 9 metres            |
| (g) | Maximum <i>building height</i> :   | 11 metres           |
| (h) | Minimum <i>usable floor area</i> for a <i>dwelling unit</i> in a non-residential <i>building</i> : | 40 square metres    |
| (i) | Minimum <i>usable floor area</i> for a <i>single detached dwelling</i> :                           | 80 square metres    |

#### 8.3.3 Additional Zone Provisions for crematoriums:

Notwithstanding certain *zone* provisions in Section 8.3.2, the following additional provisions shall apply to a crematorium:

- |     |                                     |            |
|-----|-------------------------------------|------------|
| (a) | Minimum <i>lot area</i> :           | 8 hectares |
| (b) | Minimum <i>front yard</i> :         | 30 metres  |
| (c) | Minimum <i>exterior side yard</i> : | 30 metres  |
| (d) | Minimum <i>interior side yard</i> : | 30 metres  |
| (e) | Minimum <i>rear yard</i> :          | 30 metres  |

#### 8.3.4 Special Provisions for Permitted Uses

Not applicable.

8.3.5 Special Provisions

Notwithstanding the provisions of this By-Law, the following provisions shall apply to the properties referenced by each special provision.

#	By-Law #	Address	Description of Special Provision
IR.1	NE 1-2000	Springvale, Lot 7, Conc. 14	Minimum <i>front yard</i> : 11.5 m. Any <i>front yard setback</i> existing on January 25, 1994 shall be deemed to conform to this By-Law.
IR.2	682-HC/10	Lot 7, Part Lots 8, 9 and 10, Concession 2, Registered Plan Number 149, Block 9, Geographic Township of Rainham	<ul style="list-style-type: none"> <li>-Minimum perpendicular aisle width for two-way traffic for angled parking: 6 metres</li> <li>- No parking lot shall be located within 2 metres of the northerly interior lot line, and 3 metres of the southerly lot line.</li> <li>-Minimum size of parallel parking space: 6 metres by 3 metres.</li> <li>-Minimum required number of parking spaces: 62</li> </ul>

## **SECTION 9: OPEN SPACE AND HAZARD LAND ZONES**

### **9.1 OPEN SPACE ZONE (OS)**

#### **9.1.1 Permitted Uses**

In an OS Zone, no land, building or structure shall be used except in accordance with the following uses:

- (a) *campground* in accordance with the provisions of the Campground Licensing By-law for Haldimand County, as amended from time to time passed under Section 169 of the Municipal Act, S.O. 2011, Chapter 25, as amended<sup>04</sup>
- (b) *fairground*
- (c) *golf course*
- (d) *golf driving range*
- (e) *place of sports and recreation*
- (f) *single detached dwelling*
- (g) *one dwelling unit in any permitted non-residential building*

#### **9.1.2 Zone Provisions**

In an OS Zone, no building or structure shall be erected or altered except in accordance with the following provisions:

- (a) Minimum lot area: 1 860 square metres
- (b) Minimum lot frontage: 30 metres
- (c) Minimum front yard: 13 metres
- (d) Minimum exterior side yard: 13 metres
- (e) Minimum interior side yard: 3 metres
- (f) Minimum rear yard: 9 metres
- (g) Maximum building height: 11 metres
- (h) Minimum usable floor area for a dwelling unit in a non-residential building: 40 square metres
- (i) Minimum usable floor area for a single detached dwelling: 80 square metres

#### **9.1.3 Special Provisions for Permitted Uses**

Notwithstanding the permitted uses in subsection 9.1.1, the following uses are permitted or excluded on the properties referenced by each special provision.

#	By-Law #	Address	Additional Uses Permitted	Sole Permitted Uses	Excluded Uses
OS.1	NE 1-2000	Lot 12, Conc. 13, Walpole	Place of sports and recreation		
OS.2	NE 1-2000	Lot 13, conc. 12, Walpole	Sale and servicing of recreational vehicles and mobile homes. Propane sales. Mini golf.		

<sup>04</sup> 749-HC-11

## Open Space & Hazard Land Zones

#	By-Law #	Address	Additional Uses Permitted	Sole Permitted Uses	Excluded Uses
OS.3	NE 1-2000	Lot 12, Conc. 8, Walpole			<i>Campground</i>
OS.4	NE 1-2000	Pt. Lot 12, Conc. 1, Walpole		<i>Campground dining hall. Accessory uses that do not require private sanitary or water services.</i>	
OS.5	141-HC-03	Pt. Lt. 13, Con. 13, Walpole		<i>Park for those lands shown as Parcels 1 &amp; 2 on Schedule OS.5 A 'park' shall mean an area of land used for horticultural and outdoor recreational activities but excludes a tent and trailer park or campground.</i>	
OS.6	623-HC/09	Part Lot 5, Concession 8, Jarvis, Geographic Township of Walpole	Walking trail or recreational space without buildings or structures	<i>Municipal Drain and Storm Water Management Facility.</i>	
OS.7	1070-HC/18	Part Lot 5, Concession 8, Reference Plan 18R 6720, Part 1, Jarvis, Geographic Township of Walpole	<i>Permitted uses are limited to municipal drain and walking trail</i>	<i>Permitted uses are limited to municipal drain and walking trail</i>	

### 9.1.4 Special Provisions for Lot and Building Requirements

Not applicable.

#	By-Law #	Address	Description of Special Provision
OS.8	1070-HC/18	Part Lot 5, Concession 8, Reference Plan 18R 6720, Part 1, Jarvis, Geographic Township of Walpole	Minimum Lot Frontage: 7.5 metres



## 9.2 OPEN SPACE TENT AND TRAILER ZONE (OST)

### 9.2.1 Permitted Uses

In an OST Zone, no land, *building* or *structure* shall be used except in accordance with the following uses:

- (a) campground in accordance with the provisions of the Campground Licensing By-law for Haldimand County, as amended from time to time passed under Section 169 of the Municipal Act, S.O. 2001, Chapter 25, as amended<sup>04</sup>
- (b) fairground
- (c) *golf course*
- (d) *golf driving range*
- (e) *place of sports and recreation*
- (f) *single detached dwelling*
- (g) *tent and trailer park* in accordance with the provisions of the Campground Licensing By-law for Haldimand County, as amended from time to time passed under Section 169 of the Municipal Act, S.O. 2001, Chapter 25, as amended<sup>04</sup>
- (h) *one dwelling unit* in any *permitted non-residential building*
- (i) *any use permitted in the OS Zone*

### 9.2.2 Zone Provisions

In an OST Zone, no *building* or *structure* shall be *erected* or *altered* except in accordance with the following provisions:

- |     |  |                     |
|-----|--|---------------------|
| (a) | Minimum <i>lot area</i> :  | 1 860 square metres |
| (b) | Minimum <i>lot frontage</i> :  | 30 metres           |
| (c) | Minimum <i>front yard</i> :  | 13 metres           |
| (d) | Minimum <i>exterior side yard</i> :  | 13 metres           |
| (e) | Minimum <i>interior side yard</i> :  | 3 metres            |
| (f) | Minimum <i>rear yard</i> :   | 9 metres            |
| (g) | Maximum <i>building height</i> :   | 11 metres           |
| (h) | Minimum <i>usable floor area</i> for a <i>dwelling unit</i> in a non-residential <i>building</i> : | 40 square metres    |
| (i) | Minimum <i>usable floor area</i> for a <i>single detached dwelling</i> :                           | 80 square metres    |

### 9.2.3 Special Provisions for Permitted Uses

Not applicable.

### 9.2.4 Special Provisions for Lot and Building Requirements

Not applicable.

<sup>04</sup> 749-HC-11

### 9.3: HAZARD LAND ZONE (HL)

#### 9.3.1 Permitted Uses

In an HL Zone, no land, *building* or *structure* shall be used except in accordance with the following uses:

- (a) *boathouse*
- (b) dock, pier or wharf
- (c) *golf course*, excluding any *building*
- (d) *farm*, excluding any *building*
- (e) *parking lot* or any similar non structural use accessory to a *permitted* use or accessory to a *permitted* use in an adjacent zone but on the same *lot*.

#### 9.3.2 Exceptions to Permitted Uses in a Wetland

Notwithstanding Section 9.3.1, a *boathouse*, dock, pier or wharf, *golf course*, *parking lot* or other similar non-structural uses shall not be *permitted* in a wetland identified on Schedule C.

#### 9.3.3 Lakeshore Erosion Prone Areas

- i) The following areas of properties are prone to erosion and shall be deemed to be *zoned* Hazard Land, even if not appearing as such on Schedules A1 to A4, and subject to the provisions of the Hazard Land Zone:

<u>Lot</u>	<u>Concession</u>	<u>Minimum distance from <i>top of bank</i></u>
Lot 22	Woodhouse - Conc. 1	30 metres
Lot 23	Woodhouse - Conc. 1	30 metres
Lot 24	Woodhouse - Conc. 1	30 metres
Lot 6	Walpole - Conc. 1	30 metres
Lot 10	Walpole - Conc. 1	30 metres
Lot 11	Walpole - Conc. 1	30 metres
Lot 12	Walpole - Conc. 1	30 metres
Lot 13	Walpole - Conc. 1	30 metres
Lot 14	Walpole - Conc. 1	30 metres
Lot 15	Walpole - Conc. 1	30 metres
Lot 16	Walpole - Conc. 1	30 metres

- ii) Notwithstanding Section 9.3.1, a *boathouse* shall not be *permitted* in the areas described in Subsection 9.3.3 (i).
- iii) Notwithstanding the provisions of Subsection 9.3.3 (i) and (ii), *existing dwellings*, accessory *buildings* and *structures* as well as additions and alterations to such *dwellings*, *buildings* and *structures* shall be *permitted*.

#### 9.3.4 Zone Provisions

In an HL Zone, no *building* or *structure* shall be *erected* or *altered* except in accordance with the following provisions:

- (a) Minimum *front yard*: 6 metres
- (b) Minimum *exterior side yard*: 6 metres
- (c) Minimum *interior side yard*:
  - (i) a mutual *boathouse* on a common *lot line*: 0 metres
  - (ii) all other *buildings* or *structures*: 1 metre
- (d) Minimum *rear yard*: 9 metres

## Open Space & Hazard Land Zones

- |     |   |                  |
|-----|---|------------------|
| (e) | Maximum <i>building height</i> :                          | 5 metres         |
| (f) | Maximum <i>usable floor area</i> for a <i>boathouse</i> : | 40 square metres |

### 9.3.5 Zone Provisions for a Boathouse, Dock, Pier or Wharf

Notwithstanding the provisions in subsection 9.3.4, where a *lot line* abuts a navigable water course, any *boathouse* or dock, pier or wharf abutting shall have a *setback* of 0 metres where the *boathouse* or dock, pier or wharf abuts the water course.

### 9.3.6 Special Provisions for Permitted Uses

#	By-Law #	Address	Additional Uses Permitted	Sole Permitted Uses	Excluded Uses
HL.1	599-HC-08	Sandusk Creek, Lot 19, Conc. 1, Township of Walpole			Boathouse, dock, pier or wharf or any similar structure
HL.2	171-HC-04	Lot 24, Conc. 1, Walpole	Septic system located on the Inland side of the existing breakwall		
HL.3	281-HC-05	Lot 19, Conc. 1, Walpole (south side of Woodlawn Park Lane)	Single detached dwelling		
HL.4	304-HC-06	Plan 26495, Lot 29, Walpole (58 Woodlawn Park Lane)	A sewage disposal system		
HL.5	303-HC-06	Lot 19, Conc. 1, Walpole (southside of Woodlawn Park Lane)	Sewage disposal system		
RV.11	321-HC-06	Part Lot 14, Con. 1, Walpole		An <i>accessory building</i> is permitted on the subject lands on the north side of the private <i>lane</i> in absence of a primary permitted use ( <i>vacation home</i> )	Single Detached Dwelling
RV.12B	598-HC-08	Lots 19 and 45, Block BB, Registered Plan 1506, Part 1 and 2 on Reference Plan 18R-2895, Geographic Township of Walpole, now in Haldimand County.			All residential development

**Open Space & Hazard Land Zones**

**9.3.7 Special Provisions for Lot and Building Requirements**

Notwithstanding the provisions of this By-Law, the following provisions shall apply to the properties referenced by each special provision.

#	By-Law #	Address	Description of Special Provision
HL.3	281-HC-04	Lot 19, Conc. 1, Walpole (south side of Woodlawn Park Lane)	Minimum setback from a breakwall: 12.19 metres
HL.4	304-HC-06	Plan 26495, Lot 29, Walpole (58 Woodlawn Park Lane)	Minimum setback from a shoreline protection breakwall 3.2 metres
HL.5	303-HC-06	Lot 19, Conc. 1, Walpole (southside of Woodlawn Park Lane)	Minimum setback for a sewage disposal system from a breakwall: 3.0 metres
A.22-Part 2	323-HC-06	Part Lot 11, Concession 7, Walpole	<p>Subsection 3.3 (a) shall not apply.                      Maximum Building Height for a residential accessory building: 6.0 metres for the building existing on the date of passing of the by-law.</p> <p>Subsection 3.3 (g) shall not apply.                      Maximum Usable Floor Area for a residential accessory building: 266.57 square metres for the building existing on the date of passing of the by-law.</p>

## **SECTION 10: AGRICULTURAL ZONES**

### **10.1: AGRICULTURAL ZONE (A)**

#### **10.1.1 Permitted Uses**

In an A Zone, no land, *building* or *structure* shall be used except in accordance with the following uses:

- (a) air strip and hanger, one each per *farm*
- (b) *animal kennel* or *hospital*
- (c) *bunk houses* provided occupants are employed by the *farm operation* where the *bunk house* is located
- (d) *commercial greenhouse*
- (e) *farm*
- (f) *Farm-Related Processing*
- (g) *farm produce grading and distribution station*
- (h) *farm produce outlet*
- (i) *farm vacations*
- (j) seasonal storage of *recreational vehicles* and recreational equipment as a secondary use to a *farm*
- (k) *home occupation* (Deleted by By-law 691-HC-10 and added to Section 3.17)
- (l) *single detached dwelling*
- (m) storage of operational school buses
- (n) farm Stand
- (o) experiential Activities
- (p) *cannabis production facility*<sup>12</sup>

#### **10.1.2 Zone Provisions**

- |  |                     |
|--|---------------------|
| (a) Minimum <i>lot area</i> :  |                     |
| (i) <i>new lot</i> :   | 1 860 square metres |
| (ii) <i>lot of record</i> :  | 930 square metres   |
| (b) Minimum <i>lot frontage</i> :  |                     |
| (i) <i>new lot</i> :   | 30 metres           |
| (ii) <i>lot of record</i> :  | 18 metres           |
| (c) Minimum <i>front yard</i> :  | 13 metres           |
| (d) Minimum <i>exterior side yard</i> :  | 13 metres           |
| (e) Minimum <i>interior side yard</i> :  | 3 metres            |
| (f) Minimum <i>rear yard</i> :   | 9 metres            |
| (g) Maximum <i>building height</i> :   | 11 metres           |
| (h) Minimum <i>usable floor area</i> of a <i>single detached dwelling</i> :  | 80 square metres    |
| (i) Maximum <i>usable floor area</i> of a <i>farm produce outlet</i> :   | 25 square metres    |
| (j) Minimum separation between a <i>farm processing facility</i> and a <i>dwelling</i> on an adjacent <i>lot</i> : | 30 metres           |

---

<sup>12</sup> 1126-HC/19

**10.1.3 Location of Feed Lot, Livestock Barn, or Manure Storage Area**

No land shall be used and no *building* or *structure* or part thereof shall be used or *erected* for the purpose of a feedlot, or for the housing of *livestock* or manure storage unless it complies with the Minimum Distance Separation (MDS II) calculated using Schedule E.

**10.1.4 Location of an Animal Kennel**

No land shall be used and no *building* or *structure* or part thereof shall be *erected* for the purpose of an *animal kennel* nearer than:

- (a) 300 metres to any R1-A, R1-B, R2, R3, R4, R5, RM, RH or RV Zone,
- (b) 300 metres to any *dwelling* located on a separate *lot* in an A or D Zone,
- (c) 125 metres to any CD, CH, CHA, CMT, CN, CR, IC, IN or IR Zone,
- (d) 30 metres to any *lot line*.

**10.1.5 Location of Airstrips and Hangers**

No airstrip or hanger shall be located nearer than 150 metres to any *existing dwelling* other than a *dwelling* located on the same lot. In addition, no hangers shall be larger than that *required* to accommodate one light non-commercial aircraft.

**10.1.6 Special Provisions for Permitted Uses**

Notwithstanding the *permitted* uses in subsection 10.1.1, the following uses are *permitted* or excluded on the properties referenced by each special provision.

#	By-Law #	Address	Additional Uses Permitted	Sole Permitted Uses	Excluded Uses
A.1	NE 1-2000	<b>Walpole:</b> Lot 1, Conc. 16 Lot 4, Conc. 9 Lot 5, Conc. 9 Lot 20, Conc. 3 Lot 13, Conc. 6 Lot 11, Conc. 5	A second <i>single detached dwelling</i>		
A.2	NE 1-2000	Lot 5, 6 and 7, Conc. 3, Walpole			<i>Single detached dwelling.</i> <i>Home occupation.</i>
A.3	NE 1-2000	Lot 3, Conc. 14, Walpole	Children's summer <i>farm camp</i>		
A.4	NE 1-2000	Lot 15, Conc. 1, Walpole, west of Peacock Point	A <i>chip wagon</i> as delineated on Schedule A.4		
A.5	NE 1-2000	Lot 15 and 16, Conc. 1, Walpole	A nine hole <i>golf course.</i> <i>Mini golf course .</i> <i>Putting green.</i>		A <i>restaurant and lounge</i> as ancillary uses
A.6	NE 1-2000	Lot 22, Conc. 1, Walpole	A <i>vehicle wrecking yard</i>		Sale of <i>vehicles</i> and parts
A.7	NE 1-2000	Lot 19, Conc. 1 Walpole	Sale of propane fuel		
A.10	NE 1-2000	Lots 22 and 23, conc. 14, Townsend			<i>Single detached dwelling .</i> <i>Home occupation</i>
A.11	41-HC-01	Part Lot 7, Con. 9, Walpole			housing of livestock In existing barns
A.13	63-HC-02	Part of N. Half of Lot 14, Con. 6, Walpole			Keeping of livestock

**Agricultural Zones**

#	By-Law #	Address	Additional Uses Permitted	Sole Permitted Uses	EXCLUDED USES
A.15	68-HC-02	Lot 6, con. 5, Walpole			Housing of livestock
A.16	113-HC-03	Lot 4, Conc. 16, Walpole			Housing of livestock
A.17	211-HC-04	Lot 1, Con. 8, Walpole			That in addition to the uses permitted In the 'Agricultural (A)' Zone (subsection 10.1) a multiple-residential structure containing two apartment dwelling units and a single family dwelling may be permitted and wholly enclosed within the existing footprint on the lands having reference to this section.
A.21	306-HC-06	Part Lot 12, Conc. 10, Walpole			Single detached dwelling Housing of Livestock In Existing Barns
A.22 -Part 1	323-HC-06	Part Lot 11, Concession 7, Walpole			Single detached dwelling
A.23 -Part 1	324-HC-06	Part Lot 14, Concession 6, Walpole			Single detached dwelling
A.23 -Part 2	324-HC-06	Part Lot 14, Concession 6, Walpole			Housing of Livestock In Existing Barns
A.24 -Part 1	332-HC-06	Part Lot 14, Concession 7, Walpole			Single detached dwelling
A.25 -Part 1	333-HC-06	Part Lot 18, Concession 7, Walpole			Single detached dwelling
A.26	447-HC-06	Part Lot 6, Con. 3, Walpole-Part 1			Single detached dwelling
A.27 -Part 1	509-HC-07	Lot 17, Concession 1, Walpole			Residential Dwelling, Home Occupation
A.28 Part A	523-HC/07	Lot 7, Concession 12, Walpole			1. Residential Dwelling. 2. Home Occupation. 3. Existing barn shall not be used to house livestock. 4. Existing Manure pit shall not be used for manure storage purposes.
A.28 Part B	523-HC/07	Lot 7, Concession 12, Walpole			1. Accessory building not to be used for human habitation

**Agricultural Zones**

A.29 Part 2	547- HC/08	Lot 17, Concession 4, Walpole			1. Residential Dwelling 2. Home Occupation
A.30	559-HC- 08	Part Lot 20, Concession 4, Walpole			Housing of livestock in existing barn.
A.31 Part A	558-HC- 08	Part Lots 9 & 10, Concession 5, Walpole	A second existing single detached dwelling		
A.32 Part B	558-HC- 08	Part Lots 9 & 10 Concession 5, Walpole		Single detached dwelling and accessory uses in accordance with Section 3.3	
A.33 Part C	558-HC- 08	Part Lots 9 & 10 Concession 5, Walpole			Single detached dwelling
A.34	587-HC- 08	Part of Lot 15, Con. 9, Walpole			Housing of livestock in existing barns
A.34	587-HC- 08	Part of Lots 15 and 16, Con. 9, Walpole			Single detached dwelling. Home Occupation
A.35 A	607-HC- 08	Part of Lot 7, Concession 4, Geographic Township of Walpole	An electrical generating station fueled by natural gas.		
A.35 B- Part 1	641-HC- 09	Part Lot 3, Concession 13, Walpole			Single detached dwelling
A.35 B- Part 2	641- HC/09	Part Lot 3, Concession 13, Walpole			Housing of Livestock in the existing barn
A.37	907-HC- 15	Part Lot 21, Concession 3, Geographic Township of Walpole	Temporary dwelling		
A.38 -Part 1	721-HC- 10	Part Lot 1, Concession 13, Walpole			That future residential opportunities, home occupations and home industries shall be prohibited.
A.39	744-HC- 11	Part Lot 7, Concession 14, Walpole			Single Detached dwelling
A.40 -Part A	729-HC- 11	Part Lot 21, Concession 9, Walpole			Single Detached Dwelling, Home- Based Business
A.40 -Part B	729-HC- 11	Part Lot 21, Concession 9, Walpole			Housing of Livestock in Existing Barn
A.42	762-HC- 11	Part Lot 9, Concession 7, Walpole			1) Single Detached Dwelling
A.44 -Part 1	781-HC- 12	Part Lot 18, Concession 6, Walpole			Housing of Livestock in Existing Accessory Buildings



## Agricultural Zones

A.44 -Part 2	781-HC- 12	Part Lot 18, Concession 6, Walpole			Single Detached Dwelling, Home- Based Business
A.45 -Part 2	761-HC- 11	Part Lot 9, Concession 7, Walpole			1)Single Detached Dwelling, 2) Housing of Livestock in the Barn existing as of September 6 <sup>th</sup> ,2011.
A.46 -Part 1	878-HC- 14	Geographic Township of Walpole, Concession 8, Part Lot 15			The housing of livestock in the existing accessory building(s)
A.46 -Part 2	878-HC- 14	Geographic Township of Walpole, Concession 8, Part Lot 15			-A single detached dwelling -A home occupation
A.47	920-HC- 15	Geographic Township of Walpole, Concession 7, Part Lot 10			-A single detached dwelling -A home occupation
A.48 - Part 1	974-HC- 16	Walpole Concession 4, Part Lot 12	Accessory structures to a maximum area of 290 square metres.		Single detached dwelling; and home occupation.
A.49	997- HC/17	Concession 8, Part Lot 10, Geographic Township of Walpole	(i) Contractor's yard, including associated buildings and outdoor storage of materials and equipment; (ii) Contractor's shop, including the maintenance and repair of contractor related equipment		(i) A single detached dwelling; (ii) The processing and sale of materials and products
A.50 A - Part 2	1072- HC/18	Walpole, Concession 3, Part Lot 16			Single detached dwelling and home occupation
A.50 B	1106- HC/18	Walpole Concession 8, Part Lot 5, Irregular	<ul style="list-style-type: none"> <li>• Mini Storage</li> <li>• Climate Controlled Warehouse</li> <li>• Accessory Office Space</li> </ul>		
A.51	1095- HC/18	Walpole, Concession 4, Part Lot 24			Single detached dwelling and home occupation
A.52	1101- HC/18	Walpole, Concession 13, Part Lots 9 and 10			Single detached dwelling and home occupation
A.53 - Part 1	1136- HC/18	Walpole, Concession 13, Part Lots 8 & 9			Single detached Dwelling Housing of Livestock in Existing Barns

**10.1.7 Special Provisions for Lot and Building Requirements**

Notwithstanding the provisions of this By-Law, the following provisions shall apply to the properties referenced by each special provision.

#	By-Law #	Address	Description of Special Provision
A.8	NE 1-2000	Lot 4, Conc. 12, Walpole,	Minimum <i>lot area</i> : 2322.5 sq. m.
A.9	NE 1-2000	Lot 3, Conc. 12, Walpole	Minimum <i>lot area</i> : 2499 sq. m.
A.12	41-HC-01	Part Lot 7, Con. 9, Walpole	Subsection 3.3 (a) shall not apply to the barns existing on the subject lands as of November 5, 2001
A.14	63-HC-02	Part of N. Half of Lot 14, Con. 6, Walpole	Subsection 3.3 (a) shall not apply. Maximum building height for a residential accessory building: 7.1 metres
A.17 a	133-HC-03	Lot 24, Con. 2, Walpole	Frontage on an improved <i>street</i> : <i>not required</i>
A.19	218-HC-05	Part Lot 11, Con. 11, Walpole	That on the lands delineated as having reference to this subsection the following provision shall apply: a) The keeping of livestock shall be limited to a maximum of 3 Livestock Units.
A.20	234-HC-05	Part Lot 23 and 24, Con. 3, Walpole	Subsection 3.3 (Accessory Structures to Residential Uses) (a) and (g) shall not apply to the storage buildings existing on Part 1 of the lands as of February 7, 2005.  The barn existing on Part 2 of the subject lands shall not be used to the housing of livestock.
A.23-Part 2	324-HC-06	Part Lot 14, Concession 6, Walpole	Subsection 3.3 (a) shall not apply. Maximum Building Height for a residential accessory building: 11.0 metres for barn existing on date of passing of by-law  Subsection 3.3 (g) shall not apply. Maximum Usable Floor Area for a residential accessory building: 636 square metres for buildings existing on the date of passing of the by-law.  That MDS I shall not apply to the dwelling existing on the date of passing of the by-law.
A.24-Part 2	332-HC-06	Part Lot 14, Concession 7, Walpole	Subsection 3.3 (a) shall not apply. Maximum Building Height for a residential accessory building: 6.0 metres for the building existing on the date of passing of the by-law.  Subsection 3.3 (g) shall not apply. Maximum Usable Floor Area for a residential accessory building: 587.5 square metres for the building existing on the date of passing of the by-law.
A.25-Part 2	333-HC-06	Part Lot 18, Concession 7, Walpole	Subsection 3.3 (a) shall not apply. Maximum Building Height for a residential accessory building: 5.18 metres for the building existing on the date of passing of the by-law.  Subsection 3.3 (g) shall not apply. Maximum Usable Floor Area for a residential accessory building: 105.34 square metres for the building existing on the date of passing of the by-law.

## Agricultural Zones

A.27 Part 2	509-HC-07	Lot 17, Concession 1 Walpole	<ol style="list-style-type: none"> <li>1. Minimum Lot frontage – 12.19 metres</li> <li>2. Maximum height of existing workshop-5.029 metres</li> <li>3. Combined lot area of accessory buildings – 249 square metres</li> <li>4. Existing garage and workshop shall not be used for human habitation</li> </ol>
A.28 Part B	523-HC/07	Lot 7, Concession 12, Walpole	The existing accessory building shall have maximum useable floor area of 161.5 square metres
A.29 Part 1	547-HC-/08	Lot 17, Concession 4, Walpole	Minimum lot frontage of 6.1 metres shall apply.
A.30	559-HC-08	Part Lot 20 Concession 4, Walpole	<ol style="list-style-type: none"> <li>1. Subsection 3.3(a) (maximum building height of accessory uses to residential uses) shall not apply to the barn and accessory garage existing on the subject lands as of June 2, 2008. The building heights existing as of June 2, 2008 are deemed to conform to Subsection 3.3(a)</li> <li>2. Subsection 3.3(g) (maximum floor area of accessory uses to residential uses) shall not apply to the barn and accessory garage existing on the subject lands as of June 2, 2008. The floor areas of the accessory buildings existing as of June 2, 2008 are deemed to conform to Subsection 3.3(g).</li> </ol>
A.34	587-HC-08	Part of Lot 15, Concession 9, Walpole	<ol style="list-style-type: none"> <li>1. Subsection 3.3(a) (maximum building height of accessory uses to residential uses) shall be limited to the height of the existing accessory building at the date of the passing of this By-law</li> <li>2. Subsection 3.3(g) (maximum floor area of accessory uses to residential uses) shall be limited to the floor area of existing accessory building at the date of the passing of this By-law</li> <li>3. Minimum Lot frontage: <span style="float: right;">9 m.</span></li> </ol>
A.35A	607-HC-08	Part of Lot 7, Concession 4, Geographic Township of Walpole	<p>Maximum building height shall be <span style="float: right;">70 metres.</span></p> <p>Minimum development setback from adjacent Provincially Significant Wetland shall be <span style="float: right;">30 metres.</span></p>
A.35B Part 2	641-HC-09	Part Lot 3, Concession 13, Walpole	<p>Subsection 3.3 (a) Maximum Building Height for an Accessory Use to a Residential Use shall not apply to the barn existing on the date of passing of the by-law. The building height existing as of June 1<sup>st</sup>, 2009, 12.2 metres is deemed to conform to Subsection 3.3 (a).</p> <p>Subsection 3.3 (g) Maximum Floor Area for an Accessory Use to a Residential Use shall not apply to the barn existing on the date of passing of the by-law. The maximum floor area existing as of June 1<sup>st</sup>, 2009, 171.9 square metres, is deemed to conform to Subsection 3.3 (g).</p>
A.36	701-HC-10	Part Lot 2, Concession 14, Walpole	<ol style="list-style-type: none"> <li>a. That future residential opportunities, home occupations and home industries shall be prohibited on Part 1.</li> <li>b. That housing of livestock shall be prohibited on Part 2.</li> </ol>
A.38- Part 2	721-HC-10	Part Lot 1, Concession 13, Walpole	<ol style="list-style-type: none"> <li>a. Minimum front yard setback shall be 9.75 metres for the dwelling existing on the date of passage of this by-law</li> <li>b. The gross floor area for all accessory buildings existing on the date of the passage of this by-law shall be 271 square metres.</li> <li>c. The maximum height shall be 9.14 metres for the accessory building existing on the date of the passage of this by-law.</li> </ol>

## Agricultural Zones

A.40- Part B	729-HC- 11	Part Lot 21, Concession 9, Walpole	<p>Subsection 3.3(a) Maximum Building Height for an Accessory Use to a Residential Use shall not apply to the accessory building existing on the date of passage of this by-law. The height of the building existing as of February 15, 2011 of 5.5 metres is deemed to conform to Subsection 3.3(a).</p> <p>Subsection 3.3(g) Maximum Floor Area for an Accessory Use to a Residential Use shall not apply to the accessory building existing on the date of passage of this by-law. The maximum floor area of the building existing as of February 15, 2011 of 171.7 square metres is deemed to conform to Subsection 3.3(g).</p>
A.41	749-HC- 11	Various	In addition to the applicable regulations and provisions contained in this By-law, Section 3.36 Surplus Farm Dwelling Severance Properties shall also apply to the lands having reference to this subsection and shall supercede any section of the By-law with which there is a conflict.”
A.44- Part 1	781-HC- 12	Part Lot 18, Concession 6, Walpole	Subsection 3.3(e) Maximum Floor Area for an Accessory Use to a Residential Use shall not apply to the accessory building existing on the date of passage of this by-law. The maximum floor area of the building existing as of May 22, 2012 of 459 square metres is deemed to conform to Subsection 3.3(e).
A.45- Part 1	761-HC- 11	Part Lot 9, Concession 7, Walpole	<p>Subsection 3.3 (a) Maximum Building Height for an Accessory Use to a Residential Use shall not apply to the accessory building (garage) existing on the date of passing of the by-law and that the building height existing as of September 6<sup>th</sup>, 2011, being 5.4 metres, is deemed to conform to Subsection 3.3 (a)</p> <p>Subsection 3.3 (g) Maximum Floor Area for an Accessory Use to a Residential Use shall not apply to the accessory building (garage) existing on the date of passage of the by-law and that the maximum floor area existing as of September 6<sup>th</sup>, 2011, being 226 square metres, is deemed to conform to Subsection 3.3 (g).</p>
A.48 – Part 2	974-HC- 16	Walpole Concession 4, Part Lot 12	Accessory structures are permitted to a maximum area of 290 square metres for all such structures existing on date of passage of this by-law.
A.50 – Part 2	1072- HC/18	Walpole, Concession 3, Part Lot 16	<p>Subsection 10.1.2 (b)(i) shall not apply. Minimum lot frontage: 25 metres.</p> <p>Subsection 3.3(e) shall not apply. Maximum usable floor area for accessory structure: 270 square metres for accessory structures existing on date of passing to the by-law.</p>
A.53 – Part 2	1136- HC/19	Walpole, Concession 13, Part Lots 8 & 9	Minimum Lot Frontage: 16 metres

## **SECTION 11: FUTURE Development Zones**

### **11.1 DEVELOPMENT ZONE (D)**

#### **11.1.1 Permitted Uses**

In a D Zone no land, *building* or *structure* shall be used except in accordance with the following uses:

- (a) *bunk houses*
- (b) *farm, excluding the housing of livestock, animal kennels and feed lots*
- (c) *farm produce outlet*
- (d) *single detached dwelling*

#### **11.1.2 Zone Provisions**

In a D Zone, no *building* or *structure* shall be *erected* or *altered* except in accordance with the following provisions:

- |     |  |                  |
|-----|--|------------------|
| (a) | Minimum <i>lot area</i> :  | 10 hectares      |
| (b) | Minimum <i>lot frontage</i> :  | 180 metres       |
| (c) | Minimum <i>front yard</i> :  | 13 metres        |
| (d) | Minimum <i>exterior side yard</i> :                                      | 13 metres        |
| (e) | Minimum <i>interior side yard</i> :                                      | 6 metres         |
| (f) | Minimum <i>rear yard</i> :   | 13 metres        |
| (g) | Maximum <i>building height</i> :   | 11 metres        |
| (h) | Minimum <i>usable floor area</i> for a <i>single detached dwelling</i> : | 80 square metres |

#### **11.1.3 Special Provisions for Permitted Uses**

Not applicable.

#### **11.1.4 Special Provisions for Lot and Building Requirements**

Not applicable.



**SECTION 12: APPROVAL**

AND THAT this By-Law shall become effective from and after the date of passing hereof.

ENACTED AND PASSED THIS \_\_\_ DAY OF \_\_\_\_\_, 2000.

First Reading:

\_\_\_\_\_  
Mayor

Second Reading:

Third Reading:

\_\_\_\_\_  
City Clerk