

TABLE OF CONTENTS

<u>SECTION</u>	<u>CONTENT</u>	<u>PAGE</u>
1	TITLE, APPLICATION AND INTERPRETATION	1
2	SCOPE AND EFFECT OF THIS BY-LAW	2
3	ADMINISTRATION	3
4	DEFINITIONS	5
5	ZONES	21
6	GENERAL PROVISIONS	25
6.1	Uses Permitted in All Zones	25
6.2	Uses Prohibited in All Zones	26
6.3	Non-Conforming Uses	26
6.4	Obnoxious Uses	27
6.5	Prohibited External Building Materials	27
6.6	Location of Habitable Room	27
6.7	Removal of Soil and Aggregates	28
6.8	Accessory Uses to Residential Uses	28
6.9	Home-Based Business	29
6.10	Accessory Uses to Non-residential Uses	30
6.11	Swimming Pools	30
6.12	Lighting Facilities	31
6.13	Boundary Fences in Residential Zones	31
6.14	Gasoline Pump Islands	31
6.15	Number of Dwelling Houses Per Lot	31
6.16	Frontage on an Improved Street	32
6.17	Established Building Line	32
6.18	Setback from Town, Regional and Provincial Roads	32
6.19	Lots Abutting a "One Foot Reserve"	32
6.20	Non-obstruction of Sight Triangles	32
6.21	Building Separation from Railways	33
6.22	Exemptions from Yard Provisions	33
6.23	Exemptions from Height Provisions	33
6.24	Location of Bed and Breakfast	34
6.25	Minimum Services	34
6.26	Value-Added Agriculture	35

	6.27	Film Production	37
	6.28	Surplus Farm Dwelling Severance Properties	38
	6.29	Public Emergency Service Facilities	39
	6.30	Cannabis Production Facility	39
7		OFF-STREET PARKING	43
	7.1	Parking Area Regulations	43
	7.2	Location of Parking on a Lot	44
	7.3	Other Parking Spaces	45
	7.4	Use of Parking Areas	45
	7.5	Parking of Vehicles in Residential Zones	46
	7.6	Requirements for Loading Spaces	46
	7.7	Requirements for Drive-Thrus	46
	7.8	Downtown Parking Credit	47
	7.9	Parking Credit	47
	7.10	Number of Parking Spaces	47
8	R1	URBAN RESIDENTIAL TYPE 1 ZONE	51
9	R2	URBAN RESIDENTIAL TYPE 2 ZONE	52
10	R3	URBAN RESIDENTIAL TYPE 3 ZONE	53
11	R4	URBAN RESIDENTIAL TYPE 4 ZONE	55
12	R5	URBAN RESIDENTIAL TYPE 5 ZONE	58
13	R6	URBAN RESIDENTIAL TYPE 6 ZONE	59
14	HR	HAMLET RESIDENTIAL ZONE	60
15	RS	SEASONAL RESIDENTIAL ZONE	61
16	CG	GENERAL COMMERCIAL ZONE	62
17	CS	SERVICE COMMERCIAL ZONE	64
18	CN	NEIGHBOURHOOD COMMERCIAL ZONE	66
19	CH	HIGHWAY COMMERCIAL ZONE	67
20	CHA	HAMLET COMMERCIAL ZONE	69
21	CR	RURAL COMMERCIAL ZONE	71
22	CM	MARINE COMMERCIAL ZONE	73
23	MG	GENERAL INDUSTRIAL ZONE	74
24	ML	LIGHT INDUSTRIAL ZONE	76

25	MM	MARINE INDUSTRIAL ZONE	78
26	MR	RURAL INDUSTRIAL ZONE	80
27	MD	DISPOSAL INDUSTRIAL ZONE	82
28	MX	EXTRACTIVE INDUSTRIAL ZONE	83
29	MS	SPECIAL INDUSTRIAL ZONE	85
30	A	AGRICULTURAL ZONE	86
31	IC	COMMUNITY INSTITUTIONAL ZONE	89
32	IN	NEIGHBOURHOOD INSTITUTIONAL	91
33	IR	RURAL INSTITUTIONAL ZONE	92
34	OS	OPEN SPACE ZONE	94
35	OST	OPEN SPACE -TENT AND TRAILER ZONE	95
36	HL	HAZARD LAND ZONE	96
37		SPECIAL PROVISIONS FOR PARTICULAR PARCELS OF LAND	97
38		APPROVAL	
		INDEX OF SCHEDULES	
		ZONING MAPS - SCHEDULE A1 - A10	

**THE REGIONAL MUNICIPALITY OF HALDIMAND-NORFOLK****BY-LAW 1-DU 80****BEING A BY-LAW TO REGULATE THE USE OF LANDS AND THE  
ERECTION, USE, BULK, HEIGHT, LOCATION AND SPACING OF  
BUILDING AND STRUCTURES WITHIN THE TOWN OF  
DUNNVILLE**

**The Council of the Regional Municipality of Haldimand-Norfolk hereby enacts as follows:**

**SECTION 1: TITLE, APPLICATION AND INTERPRETATION****1.1 Title**

This By-law shall be known and may be cited as “The Zoning By-Law of the Town of Dunnville.”

**1.2 Defined Area**

This By-Law applies to all lands within the boundaries of the Town of Dunnville.

**1.3 Interpretation**

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

1.3.2 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.

## SECTION 2: SCOPE AND EFFECT OF THIS BY-LAW

- 2.1 Within the defined area, no land shall be used and no building or structure shall be used, erected or altered in whole or in part except in conformity with all the provisions of this By-Law.
- 2.2 Notwithstanding anything to the contrary contained herein, where a portion of a parcel of land is acquired by the Town, the Region, Her Majesty in Right of Ontario, Her Majesty in Right of Canada, or any board or commission of the foregoing and the effect of such acquisition is to make the remaining parcel of land either non-conforming or further non-conforming to the lot area, lot frontage, yard or setback provisions of this By-Law, said remaining parcel of land shall:
- (a) in the case of a parcel of land made non-conforming, be deemed to conform to any provisions of this By-Law which was made non-conforming by said acquisition; or
  - (b) in the case of a property made further non-conforming, be deemed to be non-conforming only to the extent of non-conformity which existed prior to the said acquisition.
- 2.3 Where any setback or separation distance is required by this By-Law for location of buildings, structures or uses from other buildings, structures or uses such setback or separation distance shall also be required from buildings, structures or uses located in adjacent municipalities.

### SECTION 3: ADMINISTRATION

#### 3.1 Zoning Administrator

This By-Law shall be administered by a person designated by By-Law of Regional Council.

#### 3.2 Building and Other Permits

3.2.1 No building permit or occupancy permit shall be issued where the proposed building, structure or use would be in violation of this By-Law or any Regional By-Law or the Ontario Building Code Act.

3.2.2 No building or structure or part thereof shall be occupied for any lawful use unless an occupancy permit has been issued.

3.2.3 No non-residential farm building may be erected, extended or enlarged prior to a site certificate being issued by the Region.

3.2.4 Where Ontario Fill, Construction and Alterations to Waterways Regulations are in effect a permit from the Conservation Authority having a jurisdiction is required prior to any construction taking place.

#### 3.3 Inspection

A building inspector or any officer or employee of the Region, acting under the direction of Regional Council is hereby authorized to enter at all reasonable hours upon any property or premises for the purpose of carrying out the duties required under this By-Law.

#### 3.4 Violations and Penalties

Every person 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 not exceeding one thousand dollars (\$1,000.00) exclusive of costs, for each such offence and every such penalty shall be recoverable under the Municipal Act and the Provincial Offences Act.

#### 3.5 Remedies

In case any building or structure is erected, altered, reconstructed, extended or used, or any land is used, in contravention may be restrained by action at the instance of any ratepayer or of the Region pursuant to the provisions of the Planning Act or the Municipal Act in that behalf.

### 3.6 Validity

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

### 3.7 Repeal of Existing By-Laws

3.7.1 All existing restricted area (zoning) by-laws including all amendments thereto passed pursuant to Section 35 of the Planning Act, R.S.O. 1970 chapter 349, as amended, or any predecessor thereto and which were approved by the Ontario Municipal Board be and the same are hereby repealed insofar as they apply to the defined area, subject to the approval of this By-Law by the Ontario Municipal Board.

3.7.2 All existing restricted area (zoning) by-laws including amendments thereto passed pursuant to the Section 35 of the Planning Act, R.S.O. 1970 chapter 349, as amended, or any predecessor thereto and which were not approved by the Ontario Municipal Board be and the same are hereby repealed insofar as they apply to the defined area.

3.7.3 Notwithstanding the foregoing subsections, it is not intended that Regional Roads By-Law No. 60-74 and any subsequent amendment thereto be repealed by this By-Law.

**SECTION 4: DEFINITIONS**

Whenever used in this By-law, the following words shall have the following meanings:

- 4.1 ***“ACCESSORY BUILDING OR STRUCTURE”*** shall mean a detached building or structure used for an accessory use including a detached private garage, but not used for human habitation.
- 4.2 ***“ACCESSORY USE”*** shall mean a use naturally and normally incidental to, subordinate to or exclusively devoted to a principal use and located on the same lot therewith.
- 4.2(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.<sup>1</sup>
- 4.3 ***“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 heights of a foundation shall not be construed as altering a building or structure provided that the maximum permitted height is not exceeded and provides that an additional storey is not created.
- 4.4 ***“ANIMAL HOSPITAL”*** shall mean the premises of a veterinary surgeon where animals are treated.
- 4.5 ***“ANIMAL KENNEL”*** shall mean a place where domestic pets are kept, raised, boarded or trained for remuneration.
- ❖ ***“ARTS AND CRAFTS”*** see 4.115.
- 4.6 ***“AUTOMOBILE SERVICE STATION”*** shall mean a building or place where fuel, lubricants and accessories for motor vehicles are kept for retail sale and where within a building such vehicles may be oiled, greased, washed or repaired and may include an automobile washing establishment. An automobile service station excludes an industrial garage as defined herein.
- 4.7 ***“AUTOMOBILE WASHING ESTABLISHMENT”*** shall mean a building or place used for the washing of vehicles.

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<sup>1</sup> 66-HC 02



- 4.8 **“BASEMENT”** shall mean that portion of a building between a floor level and finished ceiling which is partly underground but which is at least 50 percent above ground relative to the finished grade adjacent to the exterior walls of the building.
- ❖ **“BED AND BREAKFAST”** see 4.110
- 4.9 **“BOATHOUSE”** shall mean a building or structure used for the accommodation or shelter of marine craft, no portion of which includes accommodation for human habitation.
- 4.10 **“BOAT SLIP”** shall mean a docking space or berth intended for the accommodation of one marine craft and includes a docking space or berth within a boathouse.
- 4.11 **“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.
- 4.12 **“BOUNDARY FENCE”** shall mean any fence, hedge, free standing wall or similar accessory appurtenance intended to delineate a property boundary.
- 4.13 **“BUILDING”** shall mean any structure or edifice, whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, materials, equipment or things.
- 4.14 **“BUILDING BY-LAW”** shall mean any By-law of the Region enacted pursuant to Section 38 of The Planning Act, R.S.O. 1970, Chapter 349, as amended, or any predecessor thereto, and the Ontario Building Code Act.
- 4.15 **“BUILDING HEIGHT”** shall mean the vertical distance between the finished grade of the ground at the front of a building 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>2</sup>
- 4.16 **“BUILDING INSPECTOR”** shall mean the officer or employee of the Region charged with the duty of enforcing the provisions of the building By-laws of the Region.

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<sup>2</sup> 751-HC-11

- 4.17 **"CAMPGROUND"** shall mean land and facilities owned and operated by a governmental agency, 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 as defined herein.
- 4.18 **"CELLAR"** shall mean that portion of a building between a floor level and the finished ceiling which is more than 50 percent under-ground relative to the finished grade adjacent to the exterior walls of a building.
- 4.19 **"CEMETERY"** shall mean land that is used as a place for the interment of the dead which may include a building or structure for the following purposes:
- (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.
- 4.20 **"CLINIC"** shall mean a building or part of a building that is used by physicians, dentists or physical or mental health practitioners and their staff for the purposes of consultation, diagnosis and treatment of out patients. The building may include as accessory uses, an administrative office, waiting room, examination room, dispensary, laboratory and operating room.
- 4.21 **"COMMUNITY CENTRE"** shall mean land and buildings owned and operated by the Region, the Town or a community service club and used for the purpose of social and recreational activities, but exclude a private club as defined herein.
- 4.22 **"CONVENIENCE STORE"** shall mean a building or part of a building wherein food, tobacco, confections, periodicals or similar items are offered for sale to serve the day-to-day needs or primarily the residents of the neighbourhood.
- 4.23 **"COUNTRY STORE"** shall mean a building wherein groceries, meats and convenience store items are offered for sale to the general public and may include as ancillary thereto the sale of clothing, general hardware, household goods and similar items.
- 4.24 **"CUSTOM WORKSHOP"** shall mean a building or part of a building used for the carrying on of a skill, trade, craft or guild and for the repair or custom assembly of articles, items or things.
- 4.25 **"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.

- 4.26 ***“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 an accessory dry cleaning distribution station.
- 4.27 ***“DWELLING HOUSE”*** shall mean a building used or intended to be used for human habitation but excludes a motor home, park model, mobile home, or bunk house. A dwelling house may include a private garage attached thereto.<sup>3</sup>
- 4.27.1 ***“ONE FAMILY DWELLING HOUSE”*** shall mean a detached dwelling house comprising only one dwelling unit.
- 4.27.2 ***“TWO FAMILY DWELLING HOUSE”*** shall mean:
- (a) a dwelling house divided into two dwelling units attached side by side by an above grade vertical common wall a minimum of 10 square metres in area, commonly known as a “semi-detached dwelling house”, or
  - (b) a dwelling house divided horizontally into two dwelling units commonly known as a “duplex dwelling house”.
- 4.27.3 ***“THREE FAMILY DWELLING HOUSE”*** shall mean a dwelling house comprising three separate dwelling units, with at least two of the dwelling units fronting on a street.
- 4.27.4 ***“FOUR FAMILY DWELLING HOUSE”*** shall mean a dwelling house comprising four dwelling units provided that no such dwelling house has no more than two units in perpendicular depth from any street other than in the case of a corner lot. Dwelling house types commonly known as “quadrplex” or “double duplex” shall be deemed Four Family Dwelling Houses.
- 4.27.5 ***“TOWNHOUSES”*** shall mean a dwelling house comprising five 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 having direct access to a yard.
- 4.27.6 ***“TOWNHOUSES, GROUP”*** shall mean townhouses located on a lot on which one or more dwelling units on the lot do not front on a street.
- 4.27.7 ***“TOWNHOUSES, STREET”*** shall mean townhouses located on a lot on which every dwelling unit on the lot fronts’ onto a street.
- 4.27.8 ***“BOARDING OR LODGING HOUSE”*** shall mean a dwelling house comprising rooms used or maintained for the accommodation of three or more boarders or lodgers but excludes any other establishment otherwise defined or classified herein.<sup>4</sup>
- 4.27.9 ***“APARTMENT DWELLING HOUSE”*** shall mean a dwelling house comprising five or more dwelling units but excludes townhouses as defined herein.
- 4.27.10 ***“SUMMER COTTAGE”*** shall mean a dwelling house used for the purpose of vacation and recreation and comprising only one dwelling unit used on a regular basis from April through October inclusive in the same calendar year.

12/92

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<sup>3</sup> 25-DU 92

<sup>4</sup> 23-DU 87 & 25-DU 92

- 4.27.11 *"GUEST HOUSE"* shall mean a one family dwelling house which contains one or more guest rooms which are made available for temporary accommodation for the travelling public or vacationing public. Such establishments may offer meals to those persons temporarily residing at the establishment.<sup>5</sup>
- 4.28 *"DWELLING UNIT"* shall mean a suite of two or more rooms designed or intended for use by one or more persons living together as one household, in which sanitary conveniences are provided and in which facilities are provided for cooking or the installation of cooking equipment, and to which a private entrance is provided from outside the building or from a common interior hallway or stairway. This definition shall not include a group home as herein defined.
- 4.29 *"ERECT"* shall include building, construction, reconstruction and relocation 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 under the applicable by-laws of the Region and the Ontario Building Code Act.
- 4.30 *"ESTABLISHED BUILDING LINE"* shall mean the average distance from the street line to the main wall of existing buildings on one side of a street between street intersections where both the distance between street intersections is 200 metres or less and more than one half of the lots fronting the said street on the same side has been built upon.
- 4.31 *"EXISTING"* shall mean existing on the date of passing of this By-law.
- ❖ *"EXPERIENTIAL ACTIVITIES" see 4.114*
- 4.32 *"FARM"* shall mean the use of land, building or structure for apiaries, aviaries, the growing of field crops, horticultural crops, ornamental crops, tobacco, ginseng or mushrooms; the breeding, raising, boarding sale or training of horses; the breeding, raising or sale of cattle, goats, sheep, swine and fur bearing animals; cattle or goat dairying; raising or sale of chickens, ducks, geese, turkeys, pigeons or other fowl, game birds, fish and frogs; or egg production.
- 4.33 *"FARM IMPLEMENT SALES AND SERVICE ESTABLISHMENT"* shall mean an establishment where farm implements and equipment are sold, leased, stored or repaired.
- ❖ *"FARM-RELATED PROCESSING" see 4.113*

12/92

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<sup>5</sup> 23-DU 87 & 25-DU 92

❖ ***"FARM STAND"*** see 4.111.

- 4.34 ***"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.
- 4.35 ***"FLOOR AREA RATIO"*** shall mean the ratio of the total floor area of a building to the lot area. For the purpose of this definition total floor area shall mean the total area of all floors measured from the outside face of exterior walls, exclusive of any cellar or underground parking area.
- 4.36 ***"GARAGE, INDUSTRIAL"*** shall mean an establishment where construction and industrial vehicles and equipment are sold, leased, stored or repaired.
- 4.37 ***"GARAGE, PRIVATE"*** shall mean an accessory building or portion of a dwelling house which is designed or used for the sheltering of private motor vehicles and includes an open or partially enclosed shelter for motor vehicles commonly known as a carport.
- 4.38 ***"GOLF COURSE"*** shall mean an area of land used for the playing of golf and may include a club house, a pro shop, restaurant and lounge as ancillary uses thereto.
- 4.39 ***"GROUP HOME"*** shall mean a dwelling house 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 in a single housekeeping unit and who, by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their well being.
- 4.40 ***"HABITABLE ROOM"*** shall mean a room ordinarily used for human habitation, including a den, library, sewing room or enclosed sunroom, but excludes a bathroom, recreation room, or laundry room.
- 4.41 ***"HEREIN"*** shall mean "in this By-law" and shall not be limited to any particular section of this By-law.
- 4.42 ***"HOME BASED BUSINESS"***
- 4.42.1 ***"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.

- 4.42.2 *“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.
- 4.42.3 *“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 6.9.3 ‘b’ to ‘j’ shall be applied thereto in lieu of Section 6.9.2 ‘b’-‘i’.
- 4.43 *“HOTEL”* shall mean an establishment catering mainly to the needs of the traveling or vacationing public by supplying food, refreshments and sleeping accommodation and includes accommodation for permanent staff, a beverage room, dining room, meeting room or similar use.
- 4.44 *“LANE”* shall mean a thoroughfare which affords only a secondary means of access for vehicular traffic to abutting land and which is not intended for general traffic circulation.
- 4.45 *“LAUNDROMAT”* shall mean a building or part of a building in which the business of a laundry is conducted by self-serve washers and dryers and includes accessory dry cleaning equipment.
- 4.46 *“LOT”* shall mean a parcel of land which can be legally conveyed.
- 4.46.1 *“CORNER LOT”* shall mean a lot situated at the intersection of two streets or at the intersection of two parts of the same street, which such intersections have an angle of intersection of 135 degrees or less.
- 4.46.2 *“INTERIOR LOT”* shall mean a lot with only one lot line being contiguous with a street line.
- 4.46.3 *“THROUGH LOT”* shall mean a lot with two or more opposite lot lines being contiguous with a street line, other than a corner lot, unless three or more lot lines of a corner lot are contiguous with a street line.
- 4.47 *“LOT AREA”* shall mean the total horizontal area within the lot lines of a lot, excluding the horizontal area of such lot covered by water or marsh or beyond the rim of the banks of a watercourse, or between the top and toe of a cliff or embankment having a slope of 22 ½ degrees or more from horizontal. In the case

of a corner lot having a street line rounding at the corner, the lot area shall be calculated as if the lot lines were produced to their point of intersection.

- 4.48 **“LOT COVERAGE”** shall mean the percentage of the lot area enclosed by the perpendicular projections onto a horizontal plane of the outside face of the exterior walls of all buildings, exclusive of balconies, canopies, fire escapes, bay windows and overhanging eaves provided none of the foregoing are less than 2.5 metres above finished grade.
- 4.49 **“LOT FRONTAGE”** shall mean the horizontal distance between the side lot lines measured at right angles; where the side lot lines are not parallel the lot frontage shall be the distance between the side lot lines measured perpendicularly to a line joining the middle of the front lot line with either the middle of the rear lot line or the apex of the triangle formed by the side lot lines and at a point therein distant from the middle point of the front lot line a distance equal to the minimum required front yard or required setback whichever is greater. In the case of a corner lot having a street line rounding at the corner the lot frontage shall be measured as if the lot lines were produced to their point of intersection.
- 4.50 **“LOT LINE”** shall mean any boundary of a lot and the vertical projection thereof.
- 4.50.1 **“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 on the lot;
  - (d) in the case of a through lot, the nearer street line to the main building on the lot.
- 4.50.2 **“REAR LOT LINE”** shall mean:
- (a) in the case of a lot having 4 lot lines, the lot line farthest from and opposite the front lot line;
  - (b) in the case of a lot having more than one lot line opposite the front lot line, the lot line nearest and opposite the front lot line. In the case of a lot having only 3 lot lines, there shall be deemed to be no rear lot line.
- 4.50.3 **“SIDE LOT LINE”** shall mean a lot line other than a front or rear lot line.
- 4.50.4 **“EXTERIOR SIDE LOT LINE”** shall mean the lot line abutting a street other than the front lot line of a corner lot.

- 4.50.5 *"INTERIOR LOT LINE"* shall mean any lot line other than a lot line contiguous with a street line.
- 4.50.6 *"INTERIOR SIDE LOT LINE"* shall mean an interior lot line other than a rear lot line.
- 4.51 *"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 29 of the Planning Act, R.S.O. 1970, chapter 349, 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.
- 4.52 *"MARINA"* shall mean an establishment on a navigable waterway where marine craft, equipment and supplies are sold, leased, stored, docked or repaired and may include as accessory thereto the sale of marine related sports equipment and club facilities.
- 4.53 *"MOBILE HOME"* shall mean a building designed to be used as a dwelling unit and which is capable of being made mobile whether or not the running gear is removed or not. A mobile home does not include a motor home, park model or travel trailer as defined herein.<sup>6</sup>
- 4.54 *"MOTEL"* shall mean an establishment serving mainly the needs of the travelling or vacationing public by furnishing temporary occupancy and sleeping accommodation consisting of individual rental units, each of which may have direct access from the outside or through a common corridor or hallway, and with or without cooking facilities. A motel may include a restaurant accessory thereto.
- 4.55 *"MOTOR HOME"* shall mean a self-propelled recreational vehicle capable of being used as the temporary living, sleeping or eating accommodation. It has an overall length not exceeding 12.5 metres and an overall width not exceeding 2.6 metres, where width is the sum of the distances measured from the vehicle centre line to the outermost projection on each side (including door handles, water connections, etc.) when the vehicle is folded or stored for transit. For the purposes of this subsection temporary shall mean a period commencing not earlier than April 15 and concluding not later than October 31, in the same calendar year.<sup>7</sup>
- 4.56 *"MOTOR-HOTEL"* shall mean an establishment serving mainly the needs of the travelling or vacationing public by furnishing temporary occupancy and sleeping accommodation consisting of individual rental units each of which may have direct access from the outside or through a common corridor or hallway and with or without cooking facilities. A motor-hotel may include accommodation for permanent staff, a beverage room, dining room, meeting room or similar use.

12/92

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<sup>6</sup> 9-DU 88, 25-DU 92

<sup>7</sup> 25-DU 92



- 4.57 *“NON-CONFORMING”* shall mean a use, building or structure not in conformity with one or more of the provisions of this By-law for the Zone or zones in which such use, building or structure is located.
- 4.58 *“NURSING HOME”* shall mean a building wherein lodging, meals and nursing care are provided, including a rest home or convalescent home.
- ❖ *“ON-FARM MARKET”* see 4.112.
- 4.59 *“ONE FOOT RESERVE”* shall mean a narrow strip of land, traditionally one foot in width and in metric measurement being generally 30 to 50 centimetres in width, reserved for the purpose of restricting access.
- 4.60 *“PARK”* shall mean an area of land used for horticulture and outdoor recreational activities but excludes a tent and trailer park as defined herein.
- ❖ *“PARK MODEL”* see 4.107
- 4.61 *“PARK, TENT AND TRAILER”* shall mean an area of land used for tenting and camping facilities or for the temporary parking of motor homes, park models and travel trailers for recreational purposes on a regular basis from April 15 to October 31, inclusive, in the same calendar year. Such an establishment may be used for the storage of motor homes, park models and travel trailers over the winter months, provided they are not used for human habitation.<sup>8</sup>
- 4.62 *“PARKING AREA”* shall mean an area or structure provided for the parking of automotive vehicles and includes any related aisle, parking space, ingress and egress lane or private garage, but excludes any part of a street.
- 4.63 *“PARKING SPACE”* shall mean a portion of a parking area used for the temporary parking or storage of an automotive vehicle and includes a private garage.
- 4.64 *“PERMITTED”* shall mean permitted by this By-law.
- 4.65 *“PERSON”* shall mean any human being, association, company, partnership, corporation, agent or trustee, and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.
- 4.66 *“PIT OR QUARRY”* shall mean a place where gravel, sand, stone, mineral, earth, clay, rock or fill is being or has been removed by means of an open excavation to supply materials for construction, industry or manufacturing, which requires a license or permit to be issued under any legislation of the Province of Ontario.
- 4.67 *“PLACE OF ASSEMBLY”* shall mean a banquet hall, auditorium or assembly hall.

06/92 12/92

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<sup>8</sup> 4-DU 92 & 25-DU 92

- 4.68 *“PLACE OF ENTERTAINMENT”* shall mean a place, building or part of a building where facilities are provided for entertainment, amusement or cultural activities including a pool hall, theatre, music or dance hall.
- 4.69 *“PLACE OF RECREATION”* shall mean a place, building or part of a building where facilities are provided for recreation including an arena, gymnasium, bowling alley and curling rink.
- 4.70 *“PLACE OF WORSHIP”* shall mean a church, temple, mosque, synagogue or other building or part of a building used for public worship.
- 4.71 *“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.
- 4.72 *“PUBLIC SANITARY SEWER SYSTEM”* shall mean a system of conduits operated by the Region or the Ministry of the Environment, which carries sewage to a sewage treatment plant.
- ❖ *“PUBLIC EMERGENCY SERVICE FACILITY”* see 4.117
- 4.73 *“PUBLIC UTILITY YARD”* shall mean an area of land or buildings used by a public or utility agency for the storage, repair and maintenance of vehicles, equipment or materials used in connection with supplying of utilities and may include as accessory thereto, offices for the carrying out of general administrative duties associated therewith.
- 4.74 *“PUBLIC WATER SYSTEM”* shall mean a potable water distribution system of piping and related storage including pumping and purification appurtenances, operated by the Region or the Ministry of the Environment.
- 4.75 *“REGION OR REGIONAL”* shall mean or refer to The Regional Municipality of Haldimand-Norfolk.
- 4.76 *“REQUIRED”* shall mean as required by the provisions contained herein.
- 4.77 *“RESTAURANT”* shall mean a building or part of a building where 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 lounge, café, cafeteria, lunch counter, tearoom or coffee shop.
- 4.78 *“RESTAURANT, DRIVE-IN”* shall mean an establishment where food is offered for sale or sold to the public for consumption within a motor vehicle parked on the premises.
- 4.79 *“RESTAURANT, TAKE-OUT”* shall mean an establishment where 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.

- 4.80 “**RETAIL ESTABLISHMENT**” shall mean a place, building or part of a building used for the retail sale of goods, wares, merchandise, substances, articles or things but not including a salvage yard as defined herein.
- 4.81 “**SALVAGE YARD**” shall mean an establishment where used and disused goods, ware, merchandise, vehicles, articles or things are dismantled, stored or processed for further use including a junk yard, scrap metal yard, automobile and farm machinery wrecking yard, and retail sales incidental thereto.
- 4.82 “**SCHOOL**” shall mean a school, college or university offering educational or vocational training, but excludes a trade school as defined herein.
- 4.83 “**SCHOOL, TRADE**” shall mean a building or part of a building used for training in specific trades, skills or crafts.
- 4.84 “**SERVICE SHOP, MERCHANDISE**” shall mean an establishment where household articles or goods are repaired, refurbished or serviced, but excludes any manufacturing operation.
- 4.85 “**SERVICE SHOP, PERSONAL**” shall mean an establishment where a personal service is performed, such as a barber shop, beauty salon, dressmaking shop, shoe repair shop, tailor shop, photographic studio, music studio, or similar use.
- 4.86 “**SETBACK**” shall mean the least horizontal dimension between the centerline of a street allowance and the nearest wall of any building, structure or excavation on the lot.
- 4.87 “**SEWAGE TREATMENT PLANT**” shall mean area of land, building or part of a building or structure including a lagoon, stabilization pond or basin, approved by the Ministry of the Environment where domestic or industrial liquid waste is treated.
- 4.88 “**SIGHT TRIANGLE**” shall mean the triangular space formed by the intersecting street lines of a corner lot and a line drawn from a point on one of the street lines to a point on the other street line, each point being measured 9 metres from the point of intersection of the street lines.
- 4.89 “**SIGN**” shall mean a name, identification, description device, display, or illustration which is affixed to or represented directly or indirectly on a building, structure or lot and which directs attention to an object, product, place, activity, person, institution, or organization or business.
- 4.90 “**STOREY**” shall mean the portion of a building, other than a cellar, between any floor level to the floor, ceiling or roof next above it.
- 4.91 “**STREET**” shall mean a public highway or public road or an open road allowance owned by the Region, the Township of the Province of Ontario, but excluding a lane or private right-of-way.

- 4.92 ***“STREET, IMPROVED”*** shall mean a street as defined herein which has been constructed and is maintained in such a manner so as to facilitate its year-round use by automotive traffic and is intended to provide automotive access to abutting land.
- 4.93 ***“STREET LINE”*** shall mean the dividing line between a lot and a street.
- 4.94 ***“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 excludes any boundary fence or underground servicing facility.
- ❖ ***“TOTAL FLOOR AREA”*** see 4.108.
- 4.95 ***“TOWN”*** shall mean the Corporation of the Town of Dunnville.
- 4.96 ***“TRAINING AND REHABILITATION CENTRE”*** shall mean an area of land, building or part of a building where facilities are provided and operated by social and public agencies for the rehabilitation and training of socially, physically or psychologically handicapped persons and may include living quarters for the accommodation of such persons.
- ❖ ***“TRAVEL TRAILER”*** see 4.109.
- 4.97 ***“TRUCK TERMINAL”*** shall mean a building or place where trucks are leased, stored or dispatched as common carriers.
- 4.98 ***“UNENCLOSED PORCH”*** shall mean a structure attached at the entrance or exit to a building which may be covered by a roof with or without supporting columns, provided the porch remains unenclosed by walls, windows or screening.
- 4.99 ***“USABLE FLOOR AREA”*** shall mean a total area of all floors of a building or dwelling unit excluding a garage and 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 residential uses the usable floor area does not include a cellar or recreation room. The usable floor area is measured from the inside face of the exterior walls except for one, two, three, and four family dwelling houses, a summer cottage, townhouse and boathouse which are measured from the outside face of exterior or supporting walls. In the case of residential uses any floor area having a ceiling height of less than 1.5 metres is excluded from the usable floor area and 75 percent of the usable floor area must have a minimum ceiling height of 2.25 metres.
- 4.100 ***“UTILITY SERVICE BUILDING”*** shall mean a building or structure used in connection with the supplying of utility services and may include a water or sewer pumping station, water storage reservoir, gas metering, compressing or regulator building, hydro substation, telephone repeater or exchange building, sewage or water treatment plant.

- 4.101 “**VEHICLE**” shall mean an automobile or vehicle used for carrying passengers or for transporting goods including a motor home, park model, mobile home, travel trailer, snowmobile or marine craft.<sup>9</sup>
- 4.102 “**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.
- 4.103 “**WATERCOURSE**” shall mean a natural or man-made channel for a perennial or intermittent stream of water such as a creek, river, ditch or drain.
- 4.104 “**WHOLESALE ESTABLISHMENT**” shall mean a place, building or part of a building where goods, wares, merchandise, substance, articles or things are offered or kept for wholesale to retail establishments.
- 4.105 “**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 the lot line.
- 4.105.1 “**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.
- 4.105.2 “**REAR YARD**” shall mean a yard extending across the full width of the lot, exclusive of any exterior side yard, between the rear lot line of the lot 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, exclusive of any exterior side yard, between the nearest part of any excavation or main building on the lot and the apex formed by the side lot lines.
- 4.105.3 “**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.
- 4.105.4 “**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.
- 4.106 “**ZONE**” shall mean a designated area of land shown on the zoning maps.
- 4.107 “**PARK MODEL**” shall mean a recreational unit with a total floor area not greater than 50 square metres, which is designed to facilitate relocation from time to time and is capable of being used as temporary living, sleeping or eating accommodations. For the purpose of this subsection, temporary shall mean a period commencing not earlier than April 15 and concluding not later than October 31 in the same calendar year.<sup>10</sup>

12/92

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<sup>9</sup> 25-DU 92

<sup>10</sup> 24-DU 92

- 4.108 ***“TOTAL FLOOR AREA”*** shall mean, with reference to a park model, the total enclosed floor area within a park model which area is measured between exterior faces of the exterior walls, including, all extensions, lofts and additions.<sup>11</sup>
- 4.109 ***“TRAVEL TRAILER”*** shall mean a structure designed to provide temporary living, sleeping or eating accommodations and to be towed or transported, including structures commonly referred to as chassis-mounted campers, tent trailers, and fifth-wheel trailer. It has an overall length not exceeding 12.5 (for a fifth-wheel trailer this measurement shall be 11.3 metres taken from the extremity to the front of the main body measured at the floor line) and an overall width not exceeding 2.6 metres, where width is the sum of the distances measured from the vehicle centerline to the outermost projection on each side (including door handles, water connections, etc.) when the vehicle is folded or stored for transit. For the purposes of this subsection, temporary shall mean a period commencing not earlier than April 15 and concluding not later than October 31 in the same calendar year.<sup>10</sup>
- 4.110 ***“BED AND 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 travelling or vacationing public as temporary accommodation. Such rooms shall contain no cooking facilities. A bed and breakfast does not include a restaurant, boarding or lodging house, rooming house, group home or hotel.<sup>12</sup>
- 4.111 ***“FARM STAND”*** shall mean a small stand, structure or wagon-top sales area for the marketing and retailing of farm produce.<sup>11</sup>
- 4.112 ***“ON-FARM MARKET”*** shall mean an outlet for the retail sale of farm produce.<sup>11</sup>
- 4.113 ***“FARM-RELATED PROCESSING”*** shall mean a gainful occupation conducted in whole or in part of an accessory building where produce is processed, preserved, 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.<sup>11</sup>

12/92 06/10

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<sup>11</sup> 24-DU 92

<sup>12</sup> 691-HC 10

- 4.114 ***“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.<sup>13</sup>
- 4.115 ***“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.<sup>12</sup>
- 4.116 ***“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.<sup>14</sup>
- 4.117 ***“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>15</sup>
- 4.118 ***“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.
- 4.119 ***“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>16</sup>

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<sup>13</sup> 691-HC-10

<sup>14</sup> 738-HC-11

<sup>15</sup> 751-HC-11

<sup>16</sup> 1124-HC/19

SECTION 5: ZONES5.1 Establishment of Zones

The following zones are hereby established within the Town of Dunnville. Such zones are shown on Schedules A1 to A10 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.

<u>Zone</u>	<u>Symbol</u>
<u>Residential Zones</u>	
Urban Residential Type 1 Zone	R1
Urban Residential Type 2 Zone	R2
Urban Residential Type 3 Zone	R3
Urban Residential Type 4 Zone	R4
Urban Residential Type 5 Zone	R5
Urban Residential Type 6 Zone	R6
Hamlet Residential Zone	RH
Seasonal Residential Zone	RS
<u>Commercial Zones</u>	
General Commercial Zone	CG
Service Commercial Zone	CS
Neighbourhood Commercial Zone	CN
Highway Commercial Zone	CH
Hamlet Commercial Zone	CHA
Rural Commercial Zone	CR
Marine Commercial Zone	CM
<u>Industrial Zones</u>	
General Industrial Zone	MG
Light Industrial Zone	ML
Marine Industrial Zone	MM
Rural Industrial Zone	MR
Disposal Industrial Zone	MD
Extractive Industrial Zone	MX
Special Industrial Zone	MS
<u>Agricultural Zones</u>	
Agricultural Zone	A



Institutional Zones

Community Institutional Zone	IC
Neighbourhood Institutional Zones	IN
Rural Institutional Zone	IR

Open Space Zones

Open Space Zone	OS
Open Space – Tent and Trailer Zone	OST

Hazard Land Zones

Hazard Land Zone	HL
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5.2 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 centreline 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 centreline of such watercourse or right-of-way or transmission line.
- (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 5.2(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 in accordance with the following original scales:

<u>Schedule</u>	<u>Scale</u>
A1, A2, A3	1:25,000
A4-A, A4-B, A5, A6, A7, A8, A9, A10	1:5,000

- e) In the event that a street or lane or part thereof is closed, the property formerly within such street or lane shall be included within the Zone of the adjoining property on either side of the closed street or lane. In the event that the closed street or lane was a Zone boundary between two or more different zones, the new zone boundary shall be the former centre line of the closed street or lane.
- 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 boundary. A minor adjustment must maintain the intent of the 'Hazard Land (HL)' zone as established in this By-law.

### 5.3 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 Section 6.8.

### 5.4 Hazard Land Zone Boundary

Where a boundary or the HL Zone appears to follow the top of the 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.

5.5 Establishment of Holding Zones

Pursuant to Section 35 of the Planning Act, 1983, holding zones are hereby established by the use of the symbol “(H)” as a suffix to the Zone symbols in Subsection 5.1. Lands subject to the symbol “(H)” shall not be used, nor any building or structure used, altered or erected except in accordance with the provisions of the Zone applied thereon and until the “(H)” is removed by amendment to this By-law.<sup>17</sup>

5.6 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, R6, CG, CS, CN, CH, CHA, CR, CM, MG, ML, MM, MR, MD, MX, MS, IC, IN, IR, OS, OST, HL.

Notwithstanding any other provisions in this Section, a one family dwelling house; two family dwelling house; 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 this Section 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>18</sup>

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<sup>17</sup> 7-DU 85

<sup>18</sup> 751-HC-11

## SECTION 6: GENERAL PROVISIONS

### 6.1 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;
- (b) facilities essential to the operation of any public utility such as sewers and watermains and including any utility service building or structure associated therewith;
- (c) water or sewage treatment plant including any utility yard associated therewith;
- (d) gas, oil or water pipeline, powerline, telephone line, cable television line or any similar utility line including any substation, transformer or similar utility service building or structure associated therewith, excluding any public utility or yard;
- (e) railway line excluding any station, depot or yard associated therewith;
- (f) park;
- (g) public washroom;
- (h) traffic signal or sign for the guidance of traffic on a public street;
- (i) buildings, structures and uses accessory to any permitted use subject to the provisions of subsections 6.8 and 6.10;
- (j) swimming pool, subject to the provisions of Subsection 6.11;
- (k) construction camp, work camp, tool shed, scaffold, or other building or structure incidental to and necessary for construction work on a premises, but only for as long as such use, building or structure is necessary for such construction work which has not been finished 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 incidental to exploration, drilling or pumping of petroleum or natural gas, but only until the work is completed or abandoned. For the purposes of this Subsection, failure to proceed expeditiously with any work shall constitute abandonment of such work;
- (m) temporary sales and rental office for the sale, rental or promotion of land and development in the immediate surrounding area.

## 6.2 Uses Prohibited in all Zones

The following uses shall not be permitted in any Zone:

- (a) refining coal, oil or petroleum products;
- (b) commercial manufacturing of gas;
- (c) commercial manufacturing of fertilizers from dead animals or from human or animal waste;
- (d) industrial liquid waste disposal;
- (e) industrial waste landfill site;
- (f) industrial waste lagoon;
- (g) thermal destructor;
- (h) solidification process plant for industrial waste;
- (i) the racing of motor vehicles and motorcycles unless as a special event authorized by a license issued pursuant to a By-Law passed under Section 354 of the Municipal Act, R.S.O. 1970, chapter 284, as amended;
- (j) the use of any motor home for year-round human habitation as a principal residence.

## 6.3 Non-conforming Uses

### 6.3.1 Repair of Non-conforming Uses

Subject to the provisions of Subsection 6.3.2, nothing contained herein shall prevent the repair or strengthening to a safe condition of any non-conforming building or structure or part thereof, provided that such repair or strengthening will not increase the usable floor area or volume of such building or structure.

### 6.3.2 Replacement of Non-conforming Uses

Nothing contained herein shall prevent the repair or replacement of any existing building or structure, the use of which is non-conforming, if such building or structure is partially or completely destroyed by fire, an Act of God, or by any means beyond the control of the owner, provided that such repair or replacement does not constitute an increase in the original usable floor area or volume of the said building or structure.<sup>19</sup>

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<sup>19</sup> 2-DU 81

### 6.3.3 Extensions to Buildings Conforming to Use But Not to Other Provisions

Nothing contained herein shall prevent an extension or an addition to a building or structure which is used for a purpose specifically permitted within the Zone in which it is located, but which building or structure does not conform to one or more of the provisions of this By-Law, other than parking provisions, provided that such extension or addition does not contravene any provision of this By-Law or cause further increase to the non-conformity.<sup>20</sup>

### 6.4 Obnoxious Uses

No land shall be used and no building or structure shall be erected, altered, enlarged or used for any purpose which is obnoxious beyond that which normally could be expected in the operation of a permitted use in the Zone in which it is located and, without limiting the generality of this Subsection, for any purpose that creates or is likely to become a nuisance or offensive or both:

- (a) by the creation of noise or vibration
- (b) by the emission of gas, fumes, smoke, dust or objectionable odour
- (c) by interfering with radio and television reception
- (d) by the unsightly storage of goods, wares, merchandise, salvage, refuse matter, vehicles or parts of vehicles, machinery or other such material.

### 6.5 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

### 6.6 Location of Habitable Room

No habitable room shall be located in a cellar.

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<sup>20</sup> 2-DU 81

6.7 Removal of Soil and Aggregates

- 6.7.1 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.
- 6.7.2 Notwithstanding the definition of pit, or quarry, nothing contained herein shall prevent the Province of Ontario, the Region of the Township 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.

6.8 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, R6, RS 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, R6, RS residential zones, 100 square metres of useable floor area on those lots measuring 0.4 hectares or less in all other zones where the use is permitted, and 200 square metres on those lots measuring 0.4 hectares or more in all other zones where the 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>21</sup>

06/11

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<sup>21</sup> 751-HC-11

6.8.2 Notwithstanding any Zone provisions contained herein, any building or structure accessory to a permitted residential use in any Zone and located in a rear yard may be located within but not less than 1.0 metre to any interior line; and in the case of the location of a mutual private garage in a rear yard on a common interior side lot line no separation distance from the common interior side lot line is required.

6.9 Home-Based Business

6.9.1 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.

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

- a) Home occupation is permitted in the following zones: R1, R2, R3, R4, RH, RS, CG, CN, CH, CHA, CR, MR, MD, MS, A, IC, IN, IR, OS, and OST.
- 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 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 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.

6.9.3 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, MS and A. 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.
- 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 hectares 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 hectare.
- 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 a 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.<sup>22</sup>

#### 6.10 Accessory Uses to Non-residential Uses

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

- (a) contravene any Zone provisions for the Zone in which the building or structure is located
- (b) occupy any required front yard, required side yard or required setback except, notwithstanding Subsection 6.10(a), a building or structure used as a station for parking attendants or security personnel may be erected in any front or exterior side yard at the ingress or egress to the lot 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
- (c) be established on any lot until or unless the main building or use to which it is accessory is established.

#### 6.11 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 used in conjunction with any swimming pool shall:

- (a) not be built in any required front yard, required exterior side yard or required setback
- (b) not be located nearer than 1.0 metre to any interior lot line
- (c) 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.

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<sup>22</sup> 691-HC-10

6.12 Lighting Facilities

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

6.13 Boundary Fences in Residential Zones

Subject to the provisions of subsection 6.20, a boundary fence located between residentially zoned abutting properties may be located in any yard or setback area provided that the maximum height shall be 2 metres; except in any required front yard, required exterior side yard or required setback, in which case the maximum height shall be 1.0 metres.

6.14 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 metre to any lot line and provided the support columns of any canopy are located no nearer than 5 metres to any lot line.

6.15 Number of Dwelling Houses 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 (1) 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 requirements of the County as set out in the applicable subdivision agreement have been complied with and the subdivision has been registered.<sup>23</sup>

6.16 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 improved street.

6.17 Established Building Line

Subject to the provisions of Subsection 6.18(b), where there is an established building line, any building or structure or part thereof may be erected closer to the street line than the distance required by this By-Law provided such building or structure or part hereof is not erected closer to the street line than the established building line.

6.18 Setback from Town, Regional and Provincial Roads

No building or structure or part thereof shall be erected or enlarged nearer to the centre lien of any street than that specified as follows:

- (a) in the case of a street under the jurisdiction of the Township of Norfolk not nearer than 10 metres plus the required front or exterior side yard of the Zone in which such building or structure is located.
- (b) in the case of a street under the jurisdiction of the Region or Province of Ontario, in accordance with any applicable By-Law or regulation.

6.19 Lots Abutting a "One Foot Reserve"

Where in any Zone a one foot reserve separates a side yard from a street the exterior side yard requirement of the Zone shall be provided as though the said reserve is non-existent.

6.20 Non-obstruction of Sight Triangles

Any building, structure or use which would obstruct or impair the vision of a motor vehicle operator, or any fence or vegetation exceeding 1.0 metre in height above the finished elevation of the centreline of the abutting street shall be prohibited within any sight triangle. This provision shall not apply to field crops or a wire farm fence.

12/05 6/10

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<sup>23</sup> 288-HC-05

6.21 Building Separation From Railways

The pertinent side or rear yard provisions contained herein shall not apply where an interior lot line is in common with a railway right-of-way boundary in which case the minimum separation distance between any building or structure and the railway right-of-way shall be as follows:

- (a) 15 metres for any dwelling unit, institutional residence, hotel, motel, motor motel, hospital or school
- (b) Nil for any industrial, any commercial or agricultural building requiring direct rail loading facilities, or for any building or structure accessory to any permitted use
- (c) 6 metres for all other buildings.

6.22 Exemptions from Yard Provisions

Exemptions to the required yard and setback provisions contained herein shall be permitted as follows:

- (a) sills, belt courses, cornices, chimney breasts, bay windows, or pilasters may project into any required yard or setback a distance of not more than 0.65 metre
- (b) eaves or gutters for other than an accessory building may project into any required yard or setback a distance of not more than 0.65 metre
- (c) balconies, canopies, awnings, unenclosed porches and steps may project into any required front, rear or exterior side yard or setback a distance of not more than 1.5 metres
- (d) patios and decks above the finished grade of the lot may project a maximum of 1.5 metres into a required rear yard.

6.23 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) electrical, radio, television and tele-communication antenna and transmission or service lines and structures
- (d) aids to navigation
- (e) water storage structure

- (f) barn, silo, drying elevator, kiln, windmill or grain elevator
- (g) elevator enclosure or mechanical penthouse occupying not more than 10% of the area of the roof of a building on which it is located
- (h) machinery for the moving of industrial and extractive materials and housing frames and structures for such machinery.

6.24 Location of Bed and Breakfast

6.24.1 Bed and breakfast establishments are permitted in the following zones: R1, R2, R3, RH, RS, A, CG, CN, CHA, CR, CM, IC, IN, IR, OS, and OST

6.24.2 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.<sup>24</sup>

6.25 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;

6/10

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<sup>24</sup> 691-HC-10

- 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 buildings 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:
- 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 6.15 of By-law 1-DU 80.
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>25</sup>

#### 6.26 Value-Added Agriculture

6.26.1 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.

06/08

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<sup>25</sup> 552-HC-08

6.26.2 Any on-farm market 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.

6.26.3 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 product 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.
- 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

6.26.4 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.<sup>26</sup>

## 6.27

Film Production

- a) Film Production is permitted in the following zones: R1, R2, R3, R4, R5, R6, RH, RS, CG, CS, CN, CH, CHA, CR, CM, MG, ML, MM, MR, MD, MX, MXS, A, IC, IN, IR, HL, OS and OST.
- 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 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;
- 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; and
  - 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>27</sup>

6/10 6/11

<sup>26</sup> 691-HC-10<sup>27</sup> 738-HC-11



6.28 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 , the following provisions shall apply:

- a) notwithstanding the Permitted Uses in the 'Agricultural (A)' zone, a single detached residential dwelling (one family 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;
- 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 37.330 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>28</sup>

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<sup>28</sup> 751-HC-11

6.29 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 6.29(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>29</sup>

6.30 Cannabis Production Facility

- 6.30.1 Any *cannabis production facility* shall be subject to the following provisions:
- a) a *cannabis production facility* shall be permitted in the following zones: A, MG, ML, MM, MR, MD, MX, MS;
  - b) a *cannabis production facility* will be subject to site plan control pursuant to Section 41 of the Planning Act;

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<sup>29</sup> 751-HC-11

- 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 metres and less than 9,290 square metres and with an <i>air treatment control system</i>	200 metres	200 metres	200 metres
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>30</sup>

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<sup>30</sup> 1124-HC/19

**SECTION 7: OFF STREET PARKING****7.1 Parking Area Regulations****7.1.1 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.

**7.1.2 Prepared Surface:**

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

**7.1.3 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 7.1.3 (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 7.1.3 (a) and subsection 7.1.3 (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 7.1.3 (a).
- (e) All designated barrier free parking spaces shall provide a parking space in accordance with subsection 7.1.3 (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.

**7.1.4 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

7.1.5 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 7.1.4
- (c) All parking spaces located within a private garage shall be included in the spaces counted towards the requirements for the lot under subsection 7.10.4 (non-residential uses) and subsection 7.10.5 (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.

7.1.6 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.

7.1.7 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.

7.1.8 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.

**7.2 Location of Parking on a Lot**

7.2.1 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.

7.2.2 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.

7.2.3 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.

7.2.4 Notwithstanding the provisions in subsection 7.2.3 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.

### 7.3 Other Parking Spaces

7.3.1 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 7.10.

7.3.2 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 7.1.3 (e)

### 7.4 Use of Parking Areas

7.4.1 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.



## 7.5 Parking of Vehicles in Residential Zones

7.5.1 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.

## 7.6 Requirements for Loading Spaces

7.6.1 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.

7.6.2 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.

## 7.7 Requirements for Drive-Thrus

7.7.1 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 7.10.4.

7.7.2 All spaces must form an unobstructed waiting line separate and delineated from loading spaces and parking spaces.

7.7.3 The waiting line cannot form part of a parking aisle providing access to parking spaces.

7.7.4 The drive-thru spaces shall not abut a residential zone.

7.7.5 Drive-thru stacking spaces shall not be permitted within residential zones.

**7.8 Downtown Parking Credit**

7.8.1 For any permitted use, on the lands identified as having reference to this subsection and shown on Schedule "7.8A" 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.

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

7.8.2 That on the lands identified as having reference to this subsection and shown on Schedule "7.8A" 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 7.10.4 (non-residential uses) and subsection 7.10.5 (residential uses).

**7.9 Parking Credit**

7.9.1 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 7.8.1; or
- (b) the requirements of section 7.10; 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 7.10.

7.9.2 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 7.10, 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 7.10.

**7.10 Number of Parking Spaces**

7.10.1 Any building, structure or use shall have parking spaces provided and maintained in accordance with the following:

7.10.2 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.

- 7.10.3 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.

<u>Type of Use</u>	<u>Minimum Parking Spaces Required</u>
7.10.4 <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
(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 <sup>31</sup>	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
(hh)	Place of Worship	1 per 5 seats or 3 metres of pew space or part thereof

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<sup>31</sup> 691-HC-10

(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 area <sup>32</sup>

#### 7.10.5 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>33</sup>

06/09 6/10

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<sup>32</sup> 1124-HC/19

<sup>33</sup> 642-HC-09

## SECTION 8: URBAN RESIDENTIAL TYPE 1 ZONE (R1)

In an R1 Zone no land shall be used and no building or structure shall be used, altered or erected except in accordance with the following provisions:

### 8.1 Permitted Uses

- (a) one family dwelling house

### 8.2 Zone Provisions

- (a) Minimum Lot Area – 465 square metres for an interior lot and 560 square metres for a corner lot;
- (b) Minimum Lot Frontage – 15 metres for an interior lot and 18 metres for a corner lot;
- (c) Minimum Yard Requirements:
  - (i) front yard – 6 metres
  - (ii) exterior side yard – 6 metres
  - (iii) interior side yard – 3 metres on one side and 1.2 metres on the other side, except where a private garage is attached to the dwelling house in which case the minimum interior side yard shall be 1.2 metres on each side
  - (iv) rear yard – 9 metres
- (d) Maximum Building Height – 11 metres
- (e) Minimum Usable Floor Area – 70 square metres per dwelling unit
- (f) Minimum Services – every dwelling house shall be connected to a public water system and a public sanitary sewer system.

## SECTION 9: URBAN RESIDENTIAL TYPE 2 ZONE (R2)

In an R2 Zone no land shall be used and no building or structure shall be used, altered or erected except in accordance with the following provisions:

### 9.1 Permitted Uses

- (a) one family dwelling house in accordance with the provisions of the R1 Zone
- (b) two family dwelling house

### 9.2 Zone Provisions – Two Family Dwelling House

- (a) Minimum Lot Area – 610 square metres for an interior lot and 650 square metres for a corner lot. In the case of a lot with such minimum area being subdivided for the purpose of separate ownership of semi-detached dwelling units the minimum lot area shall be 300 square metres for each subdivided lot;
- (b) Minimum Lot Frontage – 20 metres for an interior lot and 21 metres for a corner lot. In the case of a lot with such minimum frontage being subdivided for the purpose of separate ownership of semi-detached dwelling units the minimum lot frontage shall be 9.7 metres for each subdivided lot;
- (c) Minimum Yard Requirements:
  - (i) front yard – 6 metres
  - (ii) exterior side yard – 6 metres
  - (iii) interior side yard – 3 metres, except where a private garage is attached to the dwelling house, in which case the minimum interior side yard adjacent to the attached private garage shall be 1.2 metres. In the case of a lot subdivided for the purpose of separate ownership of semi-detached dwelling units no interior side yard need be provided along the common side lot line between the lots created by the subdivision
  - (iv) rear yard – 9 metres
- (d) Maximum Building Height – 11 metres
- (e) Minimum Usable Floor Area – 70 square metres per dwelling unit
- (f) Minimum Services – every dwelling house shall be connected to a public water system and a public sanitary sewer system and in the case of a lot being subdivided for the purpose of separate ownership of semi-detached dwelling units each dwelling unit shall have separate connections.

## SECTION 10: URBAN RESIDENTIAL TYPE 3 ZONE (R3)

In an R3 Zone no land shall be used and no building or structure shall be used, altered or erected except in accordance with the following provisions:

### 10.1 Permitted Uses

- (a) one family dwelling house in accordance with the provisions of the R1 Zone
- (b) two family dwelling house in accordance with the provisions of the R2 Zone
- (c) three family dwelling house
- (d) four family dwelling house
- (e) boarding or lodging house

### 10.2 Zone Provisions

#### 10.2.1 Three Family Dwelling House

- (a) Minimum Lot Area – 790 square metres;
- (b) Minimum Lot Frontage – 22 metres; except where a dwelling house is divided vertically into three dwelling units with all of the dwelling units fronting only one street, in which case the minimum lot frontage shall be 25 metres;
- (c) Minimum Yard Requirements:
  - (i) front yard – 6 metres
  - (ii) exterior side yard – 6 metres
  - (iii) interior side yard – 3 metres on one side and 1.2 metres on the other side
  - (iv) rear yard – 12 metres; except where a dwelling house is divided vertically into three dwelling units with all of the dwelling units fronting only one street, in which case the minimum rear yard shall be 9 metres
- (d) Maximum Building Height – 11 metres
- (e) Minimum Usable Floor Area – 65 square metres per dwelling unit.

#### 10.2.2 Four Family Dwelling House

- (a) Minimum Lot Area – 975 square metres;



- (b) Minimum Lot Frontage – 26 metres; except where a dwelling house is divided vertically into four dwelling units with all of the dwelling units fronting only one street, in which case the minimum lot frontage shall be 31 metres;
- (c) Minimum Yard Requirements:
  - (i) front yard – 6 metres
  - (ii) exterior side yard – 6 metres
  - (iii) interior side yard – 3 metres on each side; except where a dwelling house is divided vertically into four dwelling units with all of the dwelling units fronting only one street, in which case the minimum interior side yard shall be 1.2 metres
  - (iv) rear yard – 12 metres; except where a dwelling house is divided vertically into four dwelling units with all of the dwelling units fronting only one street, in which case the minimum rear yard shall be 11 metres
- (d) Maximum Building Height – 11 metres
- (e) Minimum Usable Floor Area – 65 square metres per dwelling unit.

#### 10.2.3 Boarding or Lodging House

In accordance with the provisions of the R1 Zone and the following provisions:

- (a) Minimum Guest Room Area – minimum of 8 square metres for each guest room used for single occupancy and an additional 6 square metres of floor area for each additional occupant
- (b) Yard Exemptions – Any dwelling house having any yard less than that required by this By-Law may be converted or altered to a boarding or lodging house provided:
  - (i) the dwelling house existed prior to the passing of this By-Law;
  - (ii) the dwelling house does not contain less than 90 square metres of usable floor area;
  - (iii) any extension or addition complies with the yard requirements of this By-Law.

#### 10.2.4 Minimum Services

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

## SECTION 11: URBAN RESIDENTIAL TYPE 4 ZONE (R4)

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

### 11.1 Permitted Uses

- a) street townhouses
- b) group townhouses

### 11.2 Zone Provisions

#### 11.2.1 Street Townhouses

- |   |                            |
|---|----------------------------|
| a) Minimum Lot Area   |                            |
| i. interior lot   | 156 square metres per unit |
| ii. interior lot with attached private garage   | 156 square metres per unit |
| iii. corner lot with attached private garage  | 215 square metres per unit |
| iv. interior lot with parking accessed via a rear lane  | 163 square metres per unit |
| v. corner lot with parking accessed via a rear lane   | 192 square metres per unit |
| b) Minimum Lot Frontage   |                            |
| i. interior lot   | 6 metres per unit          |
| ii. corner lot  | 11 metres per unit         |
| iii. corner lot with parking accessed via a rear lane   | 7.5 metres per unit        |
| c) Minimum Front Yard   | 6 metres                   |
| i. with parking accessed via a rear lane  | 3 metres per unit          |
| 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                 |
| 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 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 Useable Floor Area   | 65 square metres per unit  |

### 11.2.2 Group Townhouses

a) Minimum Lot Area	
i. interior lot	195 square metres per unit
ii. interior lot with attached private garage	195 square metres per unit
iii. corner lot with attached private garage	215 square metres per unit
iv. interior lot with parking accessed via a rear lane	215 square metres per unit
v. corner lot with parking accessed via a rear lane	215 square metres per unit
b) Minimum Lot Frontage	30 metres (for entire block)
i. interior lot	6 metres per unit
ii. corner lot	11 metres per unit
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	7.5 metres per unit
h) Maximum Building Height	11 metres
i) Minimum Useable Floor Area	65 square metres per unit

### 11.2.3 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 11.2.

### 11.2.4 Minimum Services

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

11.3 Other Uses

Notwithstanding the provisions of Section 11.1, two, three and four family dwelling houses 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.<sup>34</sup>

06/11

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<sup>34</sup> 751-HC-11

## SECTION 12: URBAN RESIDENTIAL TYPE 5 ZONE (R5)

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

### 12.1 Permitted Uses

- (a) apartment dwelling house

### 12.2 Zone Provisions

- (a) Minimum Yard Requirements:
  - (i) front yard – 9 metres
  - (ii) exterior side yard – 9 metres
  - (iii) interior side yard – 4 metres
  - (iv) rear yard – 9 metres
- (b) Maximum Floor Ratio:
  - (i) 2 storey apartment dwelling house – 0.60
  - (ii) 3 storey apartment dwelling house – 0.66
- (c) Maximum Building Height – 3 storeys
- (d) Minimum Usable Floor Area – 40 square metres per dwelling unit
- (e) Minimum Services – every apartment dwelling house shall be connected to a public water system and a public sanitary sewer system.

## SECTION 13: URBAN RESIDENTIAL TYPE 6 ZONE (R6)

In an R6 Zone no land shall be used and no building or structure shall be used, altered or erected except in accordance with the following provisions:

### 13.1 Permitted Uses

- (a) apartment dwelling house

### 13.2 Zone Provisions

#### (a) Minimum Yard Requirements:

- (i) front yard – 9 metres; except for an apartment dwelling house over four storeys in height in which case the minimum front yard and exterior side yard shall be increased by 2 metres for every storey over four storeys in height
- (ii) interior side yard – 6 metres; except for an apartment dwelling house over 3 storeys in height in which case the minimum interior side yard shall be 9 metres
- (iii) rear yard – 9 metres

#### (b) Maximum Floor Ratio:

- (i) 2 storey apartment dwelling house – 0.60
- (ii) 3 storey apartment dwelling house – 0.66
- (iii) 4 storey apartment dwelling house – 0.72
- (iv) 5 storey apartment dwelling house – 0.79
- (v) 6 storey apartment dwelling house – 0.86
- (vi) 7 storey apartment dwelling house – 0.93
- (vii) 8 storey apartment dwelling house – 1.0

#### (c) Maximum Building Height – 8 storeys

#### (d) Minimum Usable Floor Area – 40 square metres per dwelling unit

#### (e) Minimum Services – every apartment dwelling house shall be connected to a public water system and a public sanitary sewer system.

**SECTION 14: HAMLET RESIDENTIAL ZONE (RH)**

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

**14.1 Permitted Uses**

- (a) one family dwelling house

**14.2 Zone Provisions**

- (a) Minimum Lot Area – 1,855 square metres; except where a dwelling house is connected to a public sanitary sewer system, in which case the minimum lot area shall be 925 square metres and except where a dwelling house is connected to a public sanitary system and a public water system in which case the minimum lot area shall be 465 square metres for an interior lot and 560 square metres for a corner lot;
- (b) Minimum Lot Frontage – 30 metres; except where a dwelling house is connected to a public sanitary sewer system, in which case the minimum lot frontage shall be 18 metres and except where a dwelling house is connected to a public sanitary system and a public water system in which case the minimum lot frontage shall be 15 metres for an interior lot;
- (c) Minimum Yard Requirements:
  - (i) front yard – 9 metres
  - (ii) exterior side yard – 9 metres
  - (iii) interior side yard – 3 metres; except where a private garage is attached to the dwelling house in which case the minimum interior side yard adjacent to the private garage shall be 1.2 metres
  - (iv) rear yard – 9 metres
- (d) Maximum Building Height – 11 metres
- (e) Minimum Usable Floor Area – 70 square metres per dwelling unit

## SECTION 15: SEASONAL RESIDENTIAL ZONE (RS)

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

### 15.1 Permitted Uses

- (a) summer cottage
- (b) existing one family dwelling house.<sup>31.1</sup>

### 15.2 Zone Provisions

- (a) Minimum Lot Area – 1,855 square metres;
- (b) Minimum Lot Frontage – 30 metres for an interior lot and 36 metres for a corner lot;
- (c) Minimum Yard Requirements:
  - (i) front yard – 9 metres
  - (ii) exterior side yard – 9 metres
  - (iii) interior side yard – 3 metres; except where a private garage is attached to the dwelling house in which case the minimum interior side yard adjacent to the private garage shall be 1.2 metres
  - (iv) rear yard – 9 metres
- (d) Maximum Building Height – 11 metres
- (e) Minimum Usable Floor Area – 65 square metres per dwelling unit.

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<sup>31.1</sup> 2-DU 81



## SECTION 16: GENERAL COMMERCIAL ZONE (CG)

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

### 16.1 Permitted Uses

- (a) retail establishment
- (b) wholesale establishment
- (c) personal service shop
- (d) merchandise service shop
- (e) office
- (f) bank
- (g) hotel, motel, motor-hotel, tavern
- (h) restaurant
- (i) automobile service station
- (j) vehicle sales and/or rental establishment and may include open storage accessory thereto<sup>35</sup>
- (k) bus or taxi terminal
- (l) laundromat
- (m) dry cleaning distribution centre
- (n) place of entertainment
- (o) animal hospital provided the entire operation is carried on within an enclosed building
- (p) parking lot or structure
- (q) sheet metal, plumbing, heating, electrical or woodworking shop or any similar activity
- (r) printing and publishing establishment
- (s) any non-residential use permitted in the IC Zone

06/10

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<sup>35</sup> 691-HC/10

- (t) a maximum of four dwelling units in a permitted commercial building
- (u) any use permitted in the R3 Zone located on a separate lot, in accordance with the provisions of that Zone.

#### 16.2 Zone Provisions

- (a) Minimum Yard Requirements:
  - (i) front yard – 6 metres
  - (ii) interior side yard – nil; except where the interior side lot line abuts an existing residential Zone, the side yard shall be 3.5 metres
  - (iii) exterior side yard – 6 metres
  - (iv) rear yard – nil; except where the rear lot line abuts an existing residential Zone, the rear yard shall be 3.5 metres
- (b) Maximum Lot Coverage - 80 percent<sup>36</sup>
- (c) Maximum Building Height – 11 metres
- (d) Minimum Usable Floor Area – 40 square metres per apartment dwelling unit
- (e) Minimum Services – every use shall be connected to a public water system and a public sanitary sewer system
- (f) Open Storage – open storage, where permitted, shall be prohibited within 2 metres of any front lot line or exterior side lot line.

#### 16.3 Zone Provisions for Downtown Properties

Notwithstanding the provisions set out in Section 16.2, for any land zoned CG and identified on Schedule “7.8A” of this by-law, the following provisions shall apply:

- (a) Minimum Yard Requirements:
 

(i) front yard:	Nil
(ii) exterior side yard	Nil
(iii) interior side yard	Nil except abutting any Residential zone, in which the minimum interior side yard shall be 3 metres
(iv) rear yard	Nil except abutting any Residential zone, in which case the minimum rear yard shall be 6 metres
- (b) Maximum Lot Coverage                      80 percent<sup>33</sup>

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<sup>36</sup> 751-HC-11

## SECTION 17: SERVICE COMMERCIAL ZONE (CS)

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

### 17.1 Permitted Uses

- (a) automobile service station
- (b) restaurant
- (c) hotel, motel, motor-hotel, tavern
- (d) vehicle sales and/or rental establishment and may include open storage accessory thereto<sup>37</sup>
- (e) farm implement sales and service establishment
- (f) swimming pool sales and service establishment
- (g) lumber yard and building supply establishment
- (h) garden supply centre
- (i) commercial greenhouse and tree and plant nursery
- (j) fruit and vegetable outlet
- (k) florist shop
- (l) merchandise service shop
- (m) sheet metal, plumbing, heating, electrical or woodworking shop or any similar activity
- (n) dry cleaning establishment
- (o) animal hospital, provided the entire operation is carried on within an enclosed building
- (p) craft and souvenir shop
- (q) office
- (r) parking lot structure
- (s) open storage accessory to a permitted use

06/10

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<sup>37</sup> 691-HC/10

- (t) any non-residential use permitted in the CN Zone
- (u) any non-residential use permitted in the IC Zone
- (v) a maximum of two (2) dwelling units in a permitted building
- (w) any use permitted in the R2 Zone, located on a separate lot, in accordance with the provisions of that Zone

#### 17.2 Zone Provisions

- (a) Minimum Lot Area – 465 square metres for an interior lot and 650 square metres for a corner lot
- (b) Minimum Lot Frontage – 15 metres for an interior lot and 18 metres for a corner lot
- (c) Minimum Yard Requirements:
  - (i) front yard – 7 metres
  - (ii) exterior side yard – 6 metres
  - (iii) interior side yard – 3 metres
  - (iv) rear yard – 9 metres
- (d) Maximum Building Height – 11 metres
- (e) Minimum Usable Floor Area – 40 square metres per apartment dwelling unit
- (f) Minimum Services – every use shall be connected to a public water system and a public sanitary sewer system
- (g) Open Storage – open storage shall be prohibited within 2 metres of any front lot line or exterior side lot line.

## SECTION 18: NEIGHBOURHOOD COMMERCIAL ZONE (CN)

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

### 18.1 Permitted Uses

- (a) convenience store
- (b) personal service shop
- (c) dry cleaning distribution station
- (d) laundromat
- (e) any non-residential use permitted in the IN Zone in accordance with the provisions of that Zone
- (f) one dwelling unit in a permitted building
- (g) any use permitted in the R2 Zone, located on a separate lot, in accordance with the provisions of that Zone.

### 18.2 Zone Provisions

- (a) Minimum Lot Area – 465 square metres for an interior lot and 560 square metres for a corner lot
- (b) Minimum Lot Frontage – 15 metres for an interior lot and 18 metres for a corner lot
- (c) Minimum Yard Requirements:
  - (i) front yard – 6 metres
  - (ii) exterior side yard – 6 metres
  - (iii) interior side yard – 3 metres
  - (iv) rear yard – 9 metres
- (d) Maximum Building Height – 11 metres
- (e) Maximum Usable Commercial Floor Area – 140 square metres
- (f) Minimum Usable Floor Area – 40 square metres per apartment dwelling unit
- (g) Minimum Services – every use shall be connected to a public water system and a public sanitary sewer system.

## SECTION 19: HIGHWAY COMMERCIAL ZONE (CH)

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

### 19.1 Permitted Uses

- (a) automobile service station
- (b) restaurant
- (c) motel, motor-hotel
- (d) vehicle sales and/or rental establishment and may include open storage accessory thereto<sup>38</sup>
- (e) farm implement sales and service establishment and may include open storage accessory thereto
- (f) commercial greenhouse and tree and plant nursery and may include open storage accessory thereto
- (g) fruit and vegetable outlet
- (h) convenience store
- (i) fire hall
- (j) police station
- (k) ambulance service
- (l) one dwelling unit

### 19.2 Zone Provisions

- (a) Minimum Lot Area – 465 square metres for an interior lot and 650 square metres for a corner lot, except where a lot not connected to a public sanitary sewer system in which case the minimum lot area shall be 1,855 square metres
- (b) Minimum Lot Frontage – 15 metres for an interior lot and 18 metres for a corner lot; except a lot not connected to a public sanitary sewer system in which case the minimum lot frontage shall be 30 metres

06/10

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<sup>38</sup> 691-HC/10

- (c) Minimum Yard Requirements:
  - (i) front yard – 7 metres
  - (ii) exterior side yard – 7 metres
  - (iii) interior side yard – 3 metres
  - (iv) rear yard – 9 metres
- (d) Maximum Building Height – 11 metres
- (e) Maximum Usable Floor Area of a Convenience Store – 185 square metres
- (f) Minimum Usable Floor Area – 55 square metres per dwelling unit, except a one family dwelling house which shall have a minimum usable floor area of 70 square metres
- (g) Open Storage – open storage, where permitted, shall be prohibited within 2 metres of any front lot line or exterior side lot line.

## SECTION 20: HAMLET COMMERCIAL ZONE (CHA)

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

### 20.1 Permitted Uses

- (a) country store
- (b) hardware store
- (c) personal service shop
- (d) merchandise service shop
- (e) restaurant
- (f) automobile service station
- (g) vehicle sales and/or rental establishment and may include open storage accessory thereto<sup>39</sup>
- (h) bank
- (i) office
- (j) antique shop
- (k) dry cleaning distribution centre
- (l) farm implement sales and service establishment and may include open storage accessory thereto
- (m) commercial greenhouse and tree and plant nursery and may include open storage accessory thereto
- (n) fruit and vegetable outlet
- (o) animal hospital
- (p) any non-residential use permitted in the IC Zone
- (q) one dwelling unit subject to the provisions of the RH Zone

06/10

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<sup>39</sup> 691-HC/10



20.2 Zone Provisions

- (a) Minimum Lot Area – 1,855 square metres
- (b) Minimum Lot Frontage – 30 metres
- (c) Minimum Yard Requirements:
  - (i) front yard – 6 metres
  - (ii) exterior side yard – 6 metres
  - (iii) interior side yard – 3 metres
  - (iv) rear yard – 9 metres
- (d) Maximum Building Height – 11 metres
- (e) Maximum Usable Commercial Floor Area of a Country Store – 280 square metres
- (f) Minimum Usable Floor Area – 55 square metres per dwelling unit, except a one family dwelling house which shall have a minimum usable floor area of 70 square metres
- (g) Open Storage – open storage, where permitted, shall be prohibited within 2 metres of any front lot line or exterior side lot line.

## SECTION 21: RURAL COMMERCIAL ZONE (CR)

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

### 21.1 Permitted Uses

- (a) country store
- (b) commercial greenhouse and tree and plant nursery and may include open storage accessory thereto
- (c) fruit and vegetable outlet
- (d) farm supply outlet
- (e) farm implement sales and service establishment and may include open storage accessory thereto
- (f) automobile service station and may include an accessory body shop
- (g) restaurant
- (h) place of assembly
- (i) animal hospital
- (j) one dwelling unit

### 21.2 Zone Provisions

- (a) Minimum Lot Area - 1 855 square metres
- (b) Minimum Lot Frontage - 30 metres
- (c) Minimum Yard Requirements:
  - (i) front yard - 13 metres
  - (ii) exterior side yard - 13 metres
  - (iii) interior side yard - 3 metres
  - (iv) rear yard - 13 metres

- (d) Maximum Building Height - 11 metres
- (e) Maximum Usable Commercial Floor Area of a Country Store - 185 square metres
- (f) Minimum Usable Floor Area - 55 square metres per dwelling unit; except a one family dwelling house which shall have a minimum usable floor area of 70 square metres
- (g) Open Storage - open storage, where permitted, shall be prohibited within 2 metres of any front lot line or exterior side lot line.

## SECTION 22: MARINE COMMERCIAL ZONE (CM)

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

### 22.1 Permitted Uses

- (a) marina
- (b) restaurant accessory to a marina
- (c) boathouse
- (d) private club facilities accessory to a marina

### 22.2 Zone Provisions

- (a) Minimum Lot Area - 1 855 square metres
- (b) Minimum Lot Frontage - 30 metres
- (c) Minimum Yard Requirements:
  - (i) front yard - 6 metres
  - (ii) exterior side yard - 6 metres
  - (iii) interior side yard - 3 metres
- (d) Maximum Building Height - 11 metres

## SECTION 23: GENERAL INDUSTRIAL ZONE (MG)

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

### 23.1 Permitted Uses

- (a) processing, manufacturing and light assembly plant provided there is not a high requirement of municipal treatment in either strength or quantity of waste, sewage or municipal water<sup>40</sup>
- (b) fertilizer dealership<sup>37</sup>
- (c) fuel storage depot for home and farm sales
- (d) truck terminal
- (e) railway terminal and yards
- (f) research and development facilities
- (g) any use permitted in the ML Zone
- (h) industrial supply establishment
- (i) retail sales related to an industry on the same lot
- (j) industrial offices
- (k) day care centre
- (l) fitness and health care facilities
- (m) sports facilities
- (n) restaurant.<sup>37</sup>
- (o) adult entertainment parlour. <sup>41</sup>
- (p) *cannabis production facility.*<sup>42</sup>

#### 23.1.1 Exemption

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 waste, or has a high volume requirement of municipal water shall be allowed to enlarge or expand provided the enlargement or expansion does not constitute a

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<sup>40</sup> 22-DU 87

<sup>41</sup> 66-HC-02

<sup>42</sup> 1124-HC/19

significantly higher level of municipal sewage treatment requirements or municipal water requirements.

23.2 Zone Provisions

- (a) Minimum Lot Area - 1 855 square metres
- (b) Minimum Lot Frontage - 30 metres
- (c) Minimum Yard Requirements:
  - (i) front yard - 6 metres
  - (ii) exterior side yard - 6 metres
  - (iii) interior side yard - 3 metres
  - (iv) rear yard - 9 metres
- (d) Maximum Building Height - 11 metres
- (e) Maximum Lot Coverage - 55 percent
- (f) Open Storage - open storage shall be prohibited in the required front yard and required exterior side yard.

## SECTION 24: LIGHT INDUSTRIAL ZONE (ML)

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

### 24.1 Permitted Uses

- (a) merchandise service shop
- (b) lumber yard and building supply establishment
- (c) custom workshop
- (d) printing and publishing establishment
- (e) dry cleaning establishment
- (f) automobile service station
- (g) vehicle sales and/or rental establishment and may include open storage accessory thereto<sup>43</sup>
- (h) farm implement sales and service establishment
- (i) industrial garage
- (j) warehouse
- (k) wholesale establishment
- (l) facilities and offices for engineering, surveying and any similar activity
- (m) dairy
- (n) bakery
- (o) contractor's yard
- (p) public utility yard
- (q) school
- (r) trade school
- (s) fire hall
- (t) police station

06/10

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<sup>43</sup> 691-HC/10

- (u) ambulance service
- (v) animal hospital
- (w) open storage accessory to any permitted use.
- (x) *cannabis production facility*.<sup>44</sup>

#### 24.2 Zone Provisions

- (a) Minimum Lot Area - 1 855 square metres; except where the lot is connected to a public sanitary sewer system, in which case the minimum lot area shall be 700 square metres
- (b) Minimum Lot Frontage - 30 metres; except where the lot is connected to a public sanitary sewer system, in which case the minimum lot frontage shall be 18 metres
- (c) Minimum Yard Requirements:
  - (i) front yard - 6 metres
  - (ii) exterior side yard - 6 metres
  - (iii) interior side yard - 3 metres
  - (iv) rear yard - 9 metres
- (d) Maximum Building Height - 11 metres
- (e) Maximum Lot Coverage - 45 percent
- (f) Open Storage - open storage shall be prohibited in the required front yard or the required exterior side yard.

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<sup>44</sup> 1124-HC/19



## SECTION 25: MARINE INDUSTRIAL ZONE (MM)

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

### 25.1 Permitted Uses

- (a) processing and sale of fish
- (b) marine craft and equipment sales
- (c) dry dock facilities, boat repair shop and other marine trades
- (d) marine craft salvage yard
- (e) warehousing associated with any permitted use
- (f) marina
- (g) boathouse
- (h) open storage accessory to any permitted use
- (i) *cannabis production facility*<sup>45</sup>

### 25.2 Zone Provisions

- (a) Minimum Lot Area - 1 855 square metres
- (b) Minimum Lot Frontage - 30 metres
- (c) Minimum Yard Requirements:
  - (i) front yard - 6 metres
  - (ii) exterior side yard - 6 metres
  - (iii) interior side yard - 3 metres
  - (iv) rear yard - 9 metres; except where the rear lot line abuts either Lake Erie of a navigable watercourse the rear yard may be nil
- (d) Maximum Building Height - 11 metres

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<sup>45</sup> 1124-HC/19

- (e) Maximum Lot Coverage - 40 percent
- (f) Open Storage - open storage shall be prohibited in any front yard or any required exterior side yard.

## SECTION 26: RURAL INDUSTRIAL ZONE (MR)

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

### 26.1 Permitted Uses

- (a) fertilizer dealership
- (b) fuel storage depot for home and farm sales
- (c) farm machinery and equipment supply and repair shop
- (d) agriculturally oriented contractor's yard and facilities, such as an irrigation contractor's yard and any similar contracting operation
- (e) public utility yard
- (f) saw mill
- (g) lumber yard
- (h) feed mill
- (i) flour mill
- (j) dairy
- (k) grain elevator
- (l) grain drying facilities
- (m) animal hospital
- (n) any use permitted in the A Zone in accordance with the provisions of that Zone
- (o) open storage accessory to any permitted use
- (p) *cannabis production facility*.<sup>46</sup>

### 26.2 Zone Provisions

- (a) Minimum Lot Area - 1 855 square metres

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<sup>46</sup> 1124-HC/19

- (b) Minimum Lot Frontage - 30 metres
  
- (c) Minimum Yard Requirements:
  - (i) front yard - 13 metres
  - (ii) exterior side yard - 13 metres
  - (iii) interior side yard - 5 metres
  - (iv) rear yard - 9 metres
  
- (d) Maximum Building Height - 11 metres
  
- (e) Open Storage - open storage shall be prohibited in the required front yard and required exterior side yard.

## SECTION 27: DISPOSAL INDUSTRIAL ZONE (MD)

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

### 27.1 Permitted Uses

- (a) salvage yard
- (b) municipal sanitary landfill site
- (c) municipal disposal area including incineration, baling, compacting and separating
- (d) public utilities yard
- (e) any use permitted in the A Zone in accordance with the provisions of that Zone
- (f) *cannabis production facility*.<sup>47</sup>

### 27.2 Zone Provisions

- (a) Minimum Lot Frontage - 30 metres
- (b) Minimum Yard Requirements:
  - (i) front yard - 13 metres
  - (ii) exterior side yard - 13 metres
  - (iii) interior side yard - 13 metres
  - (iv) rear yard - 13 metres
- (c) Maximum Building Height - 11 metres
- (d) Open Storage - open storage shall be prohibited within 13 metres of any street line and within 5 metres of any interior lot line.

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<sup>47</sup> 1124-HC/19

## SECTION 28: EXTRACTIVE INDUSTRIAL ZONE (MX)

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

### 28.1 Permitted Uses

- (a) sand and gravel pit
- (b) stone quarry
- (c) concrete and asphalt mixing plant
- (d) crushing and screening plant
- (e) any use permitted in the A Zone in accordance with the provisions of that Zone
- (f) *cannabis production facility*.<sup>48</sup>

### 28.2 Zone Provisions

- (a) Any building used in association with any industrial use permitted in this Zone, except a concrete or asphalt mixing, crushing or screening plant shall conform to the following provisions:
  - (i) front yard - 13 metres
  - (ii) exterior side yard - 13 metres
  - (iii) interior side yard - 5 metres
  - (iv) rear yard - 9 metres
  - (v) maximum building height - 11 metres
- (b) A concrete and asphalt mixing, crushing or screening plant shall conform to the following provisions:
  - (i) front yard - 30 metres
  - (ii) exterior side yard - 30 metres
  - (iii) interior side yard - 45 metres

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<sup>48</sup> 1124-HC/19

- (iv) rear yard - 45 metres
- (v) separation from dwelling house - 155 metres to any existing dwelling house located on a separate lot.

## SECTION 29: SPECIAL INDUSTRIAL ZONE (MS)

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

### 29.1 Permitted Uses

- (a) abattoir, which may include in association therewith a retail establishment and a meat packaging and processing plant
- (b) any use permitted in the A Zone in accordance with the provisions of that Zone
- (c) *cannabis production facility*.<sup>49</sup>

### 29.2 Zone Provisions

- (a) Minimum Lot Area - 2 hectares
- (b) Minimum Lot Frontage - 180 metres
- (c) Minimum Yard Requirements:
  - (i) front yard - 13 metres
  - (ii) exterior side yard - 13 metres
  - (iii) interior side yard - 6 metres
  - (iv) rear yard - 13 metres
- (d) Maximum Building Height - 11 metres
- (e) Building Separation - no abattoir shall be located nearer than 155 metres to any existing dwelling house located on a separate lot.

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<sup>49</sup> 1124-HC/19



## SECTION 30: AGRICULTURAL ZONE (A)

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

### 30.1 Permitted Uses

- (a) farm
- (b) animal kennel
- (c) farm produce grading station
- (d) storage of school buses
- (e) seasonal storage of recreational vehicles and equipment as a secondary use to a permitted farm
- (f) commercial radio, television and tele-communication towers, but excluding any office or studio associated therewith
- (g) one family dwelling
- (h) Mobile Homes, Trailers and bunkhouses for seasonal workers provided they are located on the farm on which the seasonal workers are employed<sup>50</sup>
- (i) Home Occupation (Deleted by By-law 691-HC-10 and added to Section 6.9.2)
- (j) Farm Stand
- (k) On-farm Market
- (l) Farm-related Processing
- (m) Experiential Activities<sup>51</sup>
- (n) *cannabis production facility*<sup>52</sup>

### 30.2 General Zone Provisions

- (a) Minimum Lot Area – 1,855 square metres;
- (b) Minimum Lot Frontage – 35 metres for an interior lot and 40 metres for a corner lot; except a lot of record for which the minimum lot frontage shall be 30 metres for an interior lot and 36 metres for a corner lot

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<sup>50</sup> 9-DU 88

<sup>51</sup> 691-HC/10

<sup>52</sup> 1124-HC/19

12/11

- (c) Minimum Yard Requirements:
  - (i) front yard - 13 metres
  - (ii) exterior side yard- 13 metres
  - (iii) interior side yard - 6 metres
  - (iv) rear yard - 13 metres
- (d) Maximum Building Height - 11 metres
- (e) Minimum Usable Floor Area - 70 square metres per dwelling unit.

30.3 Location of Feed Lot, Livestock Barn, Animal Kennel<sup>53</sup>

- (a) No land shall be used and no building or structure or part thereof shall be erected for the purpose of a feed lot, for the housing of livestock, or manure storage unless it complies with the Minimum Distance Separation (MDS II) calculated using Schedule C.
- (b) No animal kennel shall be located nearer than:
  - i) 600 metres to any urban residential zone.
  - ii) 400 metres to any RH or CHA zone.
  - iii) 125 metres to any RS, CH, IR, OS, or OST Zone or any dwelling house located on a separate lot. This provision shall not apply to any abandoned cemetery.
  - iv) 30 metres to any lot line.

30.3.1 Notwithstanding Subsection 30.3(b)(iii), where the distance between a dwelling house erected on a separate lot in the A Zone after the date of the passing of By-Law 1-DU 80 is less than 125 metres from an existing animal kennel, with the said dwelling house being erected at the furthest point from the said animal kennel in accordance with a decision of the Committee of Adjustment, the minimum separation distance from the said dwelling house and the said existing animal kennel shall be the actual distance between them.

30.4 Location of a Commercial Radio, Television and Telecommunication Tower

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<sup>53</sup> 45-HC-01

No commercial radio, television or tele-communication tower shall be located nearer to any lot line than twice the height of such tower.

30.5 Location of a Dwelling House<sup>54</sup>

- a) No dwelling house shall be erected or located on a separate lot unless it complies with the Minimum Distance Separation (MDS I) calculated using Schedule B to this By-Law.
- b) Subsection 30.5 a) above shall not apply to additions or alterations to any legally established dwelling house.
- c) Notwithstanding Subsection 30.5 a) above, for the construction of a dwelling house on any lot created prior to November 5, 2001, and which cannot comply with Minimum Distance separation (MDS I) calculated using Schedule B to this By-Law, the dwelling house or addition or alteration to a dwelling house shall be located at the farthest point from the livestock facility or manure storage area so long as the said dwelling house or addition or alteration does not contravene any yard or setback provision.

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<sup>54</sup> 45-HC-01

## SECTION 31: COMMUNITY INSTITUTIONAL ZONE (IC)

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

### 31.1 Permitted Uses

- (a) museum
- (b) library
- (c) art gallery
- (d) funeral home
- (e) private club
- (f) government and public utility offices
- (g) hospital
- (h) fire hall
- (i) police station
- (j) ambulance service
- (k) clinic
- (l) place of assembly
- (m) place of recreation
- (n) golf course
- (o) training and rehabilitation centre
- (p) any use permitted in an IN Zone in accordance with the provisions of that Zone.

### 31.2 Zone Provisions

- (a) Minimum Lot Area - 1 855 square metres; except where the lot is connected to a public sanitary sewer system in which case the minimum lot area shall be 600 square metres.
  
- (b) Minimum Lot Frontage - 30 metres; except where the lot is connected to either a public sanitary sewer system in which case the minimum lot frontage shall be 18 metres
  
- (c) Minimum Yard Requirements:
  - (i) front yard - 7 metres
  - (ii) exterior side yard - 7 metres
  - (iii) interior side year - 3 metres
  - (iv) rear yard - 9 metres
  
- (d) Maximum Building Height - 11 metres.

## SECTION 32: NEIGHBOURHOOD INSTITUTIONAL ZONE (IN)

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

### 32.1 Permitted Use

- (a) school
- (b) community centre
- (c) nursing home
- (d) cemetery
- (e) place of worship including an accessory dwelling unit
- (f) day nursery
- (g) one dwelling unit in a permitted building
- (h) one family dwelling house located on a separate lot

### 32.2 Zone Provisions

- (a) Minimum Lot Area - 1 855 square metres; except where the lot is connected to a public sanitary sewer system in which case the minimum lot area shall be 600 square metres
- (b) Minimum Lot Frontage - 30 metres; except where the lot is connected to a public sanitary sewer system in which case the minimum lot frontage shall be 18 metres
- (c) Minimum Yard Requirements:
  - (i) front yard - 7 metres
  - (ii) exterior side yard - 7 metres
  - (iii) interior side yard - 3 metres
  - (iv) rear yard - 9 metres
- (d) Maximum Building Height - 11 metres
- (e) Minimum Usable Floor Area - 40 square metres per dwelling unit; except a one family dwelling house which shall have a minimum usable floor area of 70 metres.

### SECTION 33: RURAL INSTITUTIONAL ZONE (IR)

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

#### 33.1 Permitted Uses

- (a) school
- (b) place of worship
- (c) community centre
- (d) place of recreation
- (e) golf course
- (f) cemetery
- (g) day nursery
- (h) fire hall
- (i) police station
- (j) training and rehabilitation centre
- (k) museum
- (l) animal hospital
- (m) private club
- (n) one dwelling unit.

#### 33.2 Zone Provisions

- (a) Minimum Lot Area - 1 855 square metres
- (b) Minimum Lot Frontage - 30 metres

- (c) Minimum Yard Requirements:
  - (i) front yard - 13 metres
  - (ii) exterior side yard - 13 metres
  - (iii) interior side yard - 3 metres
  - (iv) rear yard - 13 metres
- (d) Maximum Building Height - 11 metres
- (e) Minimum Usable Floor Area - 55 square metres per dwelling unit; except a one family dwelling house which shall have a minimum usable floor area of 70 metres.



## SECTION 34: OPEN SPACE (OS)

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

### 34.1 Permitted Uses

- (a) park
- (b) 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, 2001, S.O. 2001, Chapter 25, as amended<sup>55</sup>
- (c) fairground
- (d) golf course
- (e) place of recreation ancillary to a golf course
- (f) golf driving range
- (g) one dwelling unit

### 34.2 Zone Provisions

- (a) Minimum Lot Area – 1,855 square metres
- (b) Minimum Lot Frontage - 30 metres
- (c) Minimum Yard Requirements:
  - (i) front yard – 13 metres
  - (ii) exterior side yard – 13 metres
  - (iii) interior side yard – 3 metres
  - (iv) rear yard – 13 metres
- (d) Maximum Building Height – 11 metres
- (e) Minimum Usable Floor Area – 55 square metres per dwelling unit; except a one family dwelling house which shall have a minimum usable floor area of 70 metres.

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<sup>55</sup> 751-HC-11

## SECTION 35: OPEN SPACE – TENT AND TRAILER ZONE (OST)

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

### 35.1 Permitted Uses

- (a) tent and trailer park in accordance with the provisions of the *Licensing By-law for Haldimand County*, as amended from time to time passed under Section 169 of the *Municipal Act, 2001, S.O. 2001*, Chapter 25, as amended;<sup>56</sup>
- (b) any use permitted in an OS Zone.

### 35.2 Zone Provisions

In accordance with the provisions of the OS Zone.

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<sup>56</sup> 751-HC-11

## SECTION 36: HAZARD LAND ZONE (HL)

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

### 36.1 Permitted Uses

- (a) boathouse
- (b) park, provided there are no buildings located thereon except buildings used for sanitary facilities, change houses for bathers and accessory maintenance and storage buildings
- (c) golf course excluding any building
- (d) farm excluding any building.

### 36.2 Zone Provisions

- (a) Minimum Yard Requirements
  - (i) front yard 6 metres
  - (ii) exterior side yard - 6 metres
  - (iii) interior side yard - 1.0 metres except in the location of a mutual boathouse on a common lot line no separation distance from the interior side lot line is required
- (b) Maximum Building Height - 5 metres
- (c) Maximum Usable Floor Area - 40 square metres for a boathouse.

## SECTION 37: SPECIAL PROVISIONS FOR PARTICULAR PARCELS OF LAND

The following special provisions shall apply to those lands shown on Schedules A1 through A10 inclusive which are outlined and entitled with the following corresponding Subsection numbers. When required, a detailed schedule showing the location of the lands affected or other requirements is contained at the end of this Section.

- 37.1 That the Minimum Lot Area and Minimum Lot Frontage requirements of the A Zone (Subsection 30.2 (a) and 30.2 (b)) shall not apply to the subject lands provided that the following shall apply in lieu thereof:
- (a) Minimum Lot Area 2 hectares
  - (b) Minimum Lot Frontage 45 metres<sup>57</sup>
- 37.2 That notwithstanding the permitted uses in the A Zone (Subsection 30.1(h)) a one family dwelling house shall not be permitted on the lands delineated by this Subsection.
- 37.3 That notwithstanding the permitted uses in the A Zone (Subsection 30.1 (h)) a one family dwelling house shall not be permitted on the lands delineated by this Subsection.
- 37.4 That notwithstanding the permitted uses in the A Zone (Subsection 30.1 (h)) a one family dwelling house shall not be permitted on the lands delineated by this Subsection.
- 37.5 That, on the lands delineated as having reference to this subsection, the following provisions shall apply:
- a) Notwithstanding permitted uses of the “Seasonal Residential Zone (RS)” (subsection 15.1), a one family dwelling house shall also be permitted.
  - b) Subsection 6.16 (Frontage of an Improved Street) shall not apply.
  - c) In lieu of the definition of “Street Line” (Subsection 4.95), the boundary of the adjacent right-of-way shall be deemed to be the street line.<sup>58</sup>
- 37.6 That notwithstanding the permitted uses in the A Zone (Subsection 30.1) gypsum settling ponds shall also be permitted on the lands delineated by this Subsection.
- 37.7 That notwithstanding the permitted uses in the A Zone (Subsection 30.1 (h)) a one family dwelling house shall not be permitted on the lands delineated by this Subsection.

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<sup>57</sup> 18-DU 81

<sup>58</sup> 10-DU 97

- 37.8 That notwithstanding the permitted uses in the A Zone (Subsection 30.1 (h)) a one family dwelling house shall not be permitted on the lands delineated by this Subsection.
- 37.9 That notwithstanding the permitted uses in the A Zone (Subsection 30.1 (h)) a one family dwelling house shall not be permitted on the lands delineated by this Subsection.
- 37.10 That notwithstanding the permitted uses in the A Zone (Subsection 30.1) a hunters and anglers club and a gun club shall also be permitted on the lands delineated by this Subsection.
- 37.11 That notwithstanding the permitted uses in the A Zone (Subsection 30.1), a hunters and anglers club and a gun club shall also be permitted on the lands delineated by this Subsection.
- 37.12 That notwithstanding the permitted uses in the HL Zone (Subsection 36.1) a hunters and anglers club and a gun club shall also be permitted on the lands delineated by this Subsection.<sup>59</sup>
- 37.13 **This section repealed (4-DU 2000) and replaced with the following:**
- That, in addition to the permitted uses of the "Rural Industrial (MR)" zone (Subsection 26.1), the following uses shall also be permitted on the lands delineated by this subsection:
- a) hardware store;
  - b) gas station;
  - c) farm and feed supply;
  - d) pet food supply; and
  - e) garden centre.<sup>60</sup>
- 37.14 That notwithstanding Subsection 6.15 a maximum of three dwelling units shall be permitted on the lands delineated by this Subsection.
- 37.15 That notwithstanding the minimum lot frontage requirement in the RH Zone (Subsection 14.2 (b)) the minimum lot frontage shall be 28 metres on the lands delineated by this Subsection.
- 37.16 That notwithstanding Subsection 6.15 a maximum of two dwelling units shall be permitted on the lands delineated by this Subsection.
- 37.17 That notwithstanding the permitted uses or the minimum lot area requirement in the RH Zone (subsections 14.1 and 14.2 (a)) the permitted use shall be a summer cottage and the minimum lot area shall be 1 152 square metres on the lands delineated by this Subsection.
- 37.18 That notwithstanding the minimum front yard requirement in the R2 Zone (Subsection 9.2 (c) (i)) the minimum front yard shall be the established building line on the lands delineated by this Subsection.

12/98 06/00 12/05

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<sup>59</sup> 2-DU 81

<sup>60</sup> 260-HC-05

- 37.19 That notwithstanding Subsection 6.15 a maximum of two dwelling units shall be permitted on the lands delineated by this Subsection.
- 37.20 That notwithstanding the permitted uses in the CH Zone (Subsection 19.1) a retail furniture establishment shall also be permitted on the lands delineated by this Subsection.
- 37.21 **REMOVED (JUNE 2019)**
- 37.22 That notwithstanding subsection 6.16 or the permitted uses in the HL Zone (Subsection 36.1) a summer cottage shall also be permitted on the lands delineated by this Subsection and more accurately shown on Schedule 3.22.1 in accordance with the following:
- (a) Minimum Lot Area - 580 square metres
  - (b) Minimum Lot Frontage - 15 metres
  - (c) Minimum Yard Requirements:
    - (i) front yard - 9 metres
    - (ii) interior side yard - 3 metres on one side and 1 metre on the other side
    - (iii) rear yard - 12 metres
  - (d) Maximum Building Height - 11 metres
  - (e) Maximum Lot Coverage - 35 percent
- 37.23 That notwithstanding Subsection 6.3.3 the existing unenclosed porch may be enclosed on the lands delineated by this Subsection and more accurately shown on Schedule 3.23.1.
- 37.24 That notwithstanding the permitted uses in the HL Zone (Subsection 36.1) a one family dwelling house shall also be permitted on the lands delineated by this Subsection and more accurately shown on Schedule 3.24.1 in accordance with the following:
- (a) Minimum Lot Area - 1 254 square metres
  - (b) Minimum Lot Frontage - 45 metres
  - (c) Minimum Yard Requirements:
    - (i) front yard - 19 metres
    - (ii) interior side yard - 3 metres on one side and 25 metres on the other side
  - (d) Maximum Building Height - 11 metres
  - (e) Maximum Lot Coverage - 25 percent
- 37.25 That notwithstanding the permitted use in the HL Zone a one family dwelling house shall also be permitted on the lands delineated by this Subsection subject to the General Zone Provisions of the A Zone (Subsection 30.2).

- 37.26 A. That the permitted uses of the A Zone (Subsection 30.1) shall not apply to the subject lands and that a summer cottage shall be permitted on the land identified by this Subsection number on Schedule "A10" and more accurately shown on Schedule 37.26.1 as subject lands.
- B. That the provisions of Subsection 6.16 Frontage on an Improved Street shall not apply to the subject lands.<sup>61</sup>
- 37.27 A. That the permitted use of the A Zone (Subsection 30.1) shall not apply to the subject lands and that a summer cottage shall be permitted on the land identified by this Subsection number on Schedule "A10" and more accurately shown on Schedule 37.27.1 as subject lands.
- B. That the provisions of Subsection 6.16 Frontage on an Improved Street shall not apply to the subject lands.<sup>62</sup>
- 37.28 A. That the permitted uses of the IC Zone (Subsection 31.1) shall not apply to the subject lands identified on Schedule A4-B by this Subsection and that the following permitted uses shall be allowed on the subject lands:
- (a) clinic
  - (b) accessory uses to a hospital<sup>63</sup>
- 37.29 That the permitted uses of the RS Zone (Subsection 15.1 (a)) shall not apply to the subject lands and a one family dwelling house shall be permitted on the lands identified on Schedule "A7" by this Subsection number.<sup>64</sup>
- 37.30 That in addition to the permitted uses of the OST Zone (Subsection 35.1) a sand pit shall also be permitted on the subject lands, identified on Schedule "A1" by this Subsection number, in accordance with the provisions of the MX Zone (Subsection 28.2).<sup>65</sup>

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<sup>61</sup> 2-DU 80

<sup>62</sup> 3-DU 80

<sup>63</sup> 4-DU 80

<sup>64</sup> 1-DU 81

<sup>65</sup> 23-DU 81

- 37.31 That the Minimum Lot Frontage and Minimum Yard Requirement of the R1 Zone (Subsection 8.2 (b) and 8.2 (c)) shall not apply to the subject lands, provided that the following shall apply.
- (a) Minimum Lot Frontage 10 metres
  - (b) Minimum Yard Requirements:
    - i) front yard 2 metres
    - ii) interior side yard .09 metres on one side  
1.5 metres other side
    - iii) rear yard 9 metres<sup>66</sup>
- 37.32 That the Permitted Uses of the HL Zone (Subsection 36.1) shall not apply to the subject land and a one family dwelling house and accessory uses shall be permitted on the lands identified by this Subsection number of Schedule "A1" and more accurately shown on Schedule 37.32.1 as subject lands in accordance with the provisions of Subsection 14.2 of By-law 1-DU 80.<sup>67</sup>
- 37.33 That on the lands delineated as having reference to this subsection, the following provisions shall apply:
- (a) That in addition to the permitted uses of the A Zone (Subsection 30.1), automobile sales, open storage, and the repair of farm implements and motor vehicles shall also be permitted on a portion of the lands identified by this subsection number on Schedule "A4-A" and more accurately shown on Schedule 37.33.1 as subject lands.
  - (b) maximum useable area - 0.5 acres (0.2 hectares).<sup>68</sup>
- 37.34 That the permitted uses of the R3 Zone (Subsection 10.1 (a)) shall not apply to the subject lands, and a one family dwelling house shall be permitted in accordance with the following provisions:
- (a) Minimum Lot Area 271 square metres
  - (b) Minimum Lot Frontage 10 metres
  - (c) Minimum Front Yard 3 metres
  - (d) Minimum Side Yards .3 metres on one side  
2 metres on the other side
  - (e) Minimum Rear Yard 6 metres<sup>69</sup>

12/98 06/00 12/05

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<sup>66</sup> 29-DU 81

<sup>67</sup> 30-DU 81

<sup>68</sup> 33-DU 81 & 20-DU 90

<sup>69</sup> 35-DU 81



37.35 That the Permitted Uses of the HL Zone (Subsection 36.1) shall not apply to the subject lands and one summer cottage and accessory uses shall be permitted on the lands identified by this subsection number on Schedule "A10" and more accurately shown on Schedule 37.35.1 as subject lands in accordance with the following provisions:

Minimum Lot Frontage	47 metres
Minimum Lot Area	1 365 square metres
Minimum Front Yard	6 metres
Minimum Rear Yard	6 metres
Minimum Side Yard	3 metres
Minimum Side Yard	3 metres
Minimum Elevation	176.5 metres above sea level Geodetic Survey of Canada datum, for any external openings to a room, basement or cellar of a dwelling house. <sup>70</sup>

37.36 (a) That the provisions of Subsection 6.16 Frontage on an Improved Street shall not apply to the subject lands provided no dwelling shall be permitted on the subject lands.<sup>71</sup>

37.37 That in addition to the permitted uses of the A Zone (Subsection 30.1), a contractors yard including any buildings associated therewith shall also be permitted on a portion of the lands identified by this Subsection number on Schedule "A2" and more accurately shown on Schedule 37.37.1 as subject lands.<sup>72</sup>

37.38 (a) That the permitted uses of the A Zone (Subsection 30.1) shall not apply to the subject lands and that a summer cottage shall be permitted on the lands identified by this Subsection number on Schedule "A10" and more accurately shown on Schedule 37.38.1 as subject lands.

(b) That the provisions of Subsection 6.16 Frontage on an Improved Street shall not apply to the subject lands.<sup>73</sup>

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<sup>70</sup> 10-DU 83 & 37-DU 81

<sup>71</sup> 2-DU 82

<sup>72</sup> 6-DU 82

<sup>73</sup> 7-DU 82

37.39 That the Permitted Uses and Zone Provisions of the HL Zone (Subsection 36.1 and 36.2) shall not apply to the subject lands and a public utility yard and municipal dog pound in a wholly enclosed building shall be permitted on the lands identified by this Subsection number on Schedule "A4-B" and more accurately shown on Schedule 37.39.1 as subject lands in accordance with the provisions of Subsection 24.2 of By-law 1-DU 80.<sup>74</sup>

37.40 That in addition to the permitted uses of the A Zone (Subsection 30.1) gypsum settling ponds shall also be permitted on the lands identified by this Subsection number on Schedules "A2" and "A8".<sup>75</sup>

37.41 **This section repealed (By-Law 3-DU-83) and replaced with the following:**

That on the lands delineated as having reference to this subsection the following provisions shall apply:

- i) That notwithstanding the provisions of Subsection 16.1, General Commercial (CG) Zone – Permitted Uses, the uses permitted shall be limited to a supermarket with accessory uses and an automotive service station.
- ii) That for the purposes of this by-law, a supermarket shall mean a building possessing a minimum gross leasable floor area of 3,000 m<sup>2</sup> and a maximum gross leasable floor area of 5,100 m<sup>2</sup> in which the main use is the retail sale of 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 confectionary, and other food products. In addition, newspapers, magazines, paper products, soft drinks, tobacco products, health and beauty aids, housewares, flowers and plants and other non-food items may be sold. Services may also be offered for sale provided they are subordinate to the main use.
- iii) That for the purposes of this by-law, the gross leasable floor area shall exclude any portion of the supermarket building used as a mezzanine.
- iv) That for the purposes of this by-law, an automotive service station shall mean a gas bar with a maximum usable floor area of 31 m<sup>2</sup> and a maximum of 6 pumps.<sup>76</sup>

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<sup>74</sup> 8-DU 82

<sup>75</sup> 10-DU 82

<sup>76</sup> 247-HC-05

37.42

That on the lands identified as having reference to this subsection, the following provisions shall apply:

a) That, in addition to the permitted uses of the “Agricultural Zone (A)” (subsection 30.1) and “Light Industrial Zone (ML)” (subsection 37.194B), the following uses are permitted:

i) short term shows and events, as defined herein:

“SHORT TERM SHOWS AND EVENTS” shall mean the use of land, buildings, or structures for the purpose of entertainment or amusement such as musical concerts, trade shows, air shows, car shows, home and garden shows, fundraising events, reunions, fairs, festivals 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 7 days of consecutive duration for any individual show or event and a maximum of 70 days during any calendar year for the total of all *short term shows and events*;

ii) retail sales of goods, wares, merchandise, food, substances, articles or things as an accessory use to short term shows and events;

iii) airport; and

iv) Notwithstanding the provisions of subsection 6.15 (Number of Dwelling Houses Per Lot), a maximum of three (3) one family dwelling houses shall be permitted on the lands identified as having reference to this subsection.<sup>77</sup>

12/91 06/00 12/05

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<sup>77</sup> 6-DU 2000

- 37.43 That the Permitted Uses of HL Zone (Subsection 36.1) shall not apply to the subject land and a one family dwelling house and accessory uses shall be permitted on the lands identified by this Subsection number of Schedule "A5" and more accurately shown on Schedule 37.43.1 as subject lands in accordance with the provisions of Subsection 14.2 of By-law 1-DU 80.<sup>79</sup>
- 37.44 That in lieu of the minimum lot frontage requirements of the RS Zone (subsection 15.2(b)) the Minimum Lot Frontage shall be 28.5 metres on the lands identified as having reference to this subsection.<sup>80</sup>
- 37.45 That the Minimum Lot Frontage provision of the "A" Zone (Subsection 30.2 (b)) shall not apply to the subject lands and the Minimum Lot Frontage shall be 22 metres on the lands identified by this Subsection number on Schedule "A2".<sup>81</sup>
- 37.46 That in addition to the uses permitted in the "Agricultural Zone (A)" (subsection 30.1), a rest and retirement group home for a maximum of 15 adults with special needs shall also be permitted on lands delineated as having reference to this subsection.<sup>82</sup>
- 37.47 (a) That the minimum lot area and minimum lot frontage provisions of the CM Zone (subsections 22.2 (a) and 22.2 (b)) shall not apply to the subject lands identified by this Subsection number on Schedule A4-B
- (b) That the provisions of Subsection 22.2 (c) minimum yard requirements of By-law 1-DU 80, as amended, shall not apply to the location of docks, boat slips and any similar uses.<sup>83</sup>
- 37.48 (a) That the minimum lot frontage requirements of the CM Zone (Subsection 22.2 (b)) shall not apply to the subject lands provided that the following shall apply in lieu thereof:
- i) Minimum Lot Frontage 21 metres
- (b) That the location of the existing buildings on the subject lands shall be deemed to conform with the yard requirements of the CM Zone provided that any new buildings or additions shall conform with the provisions of Subsection 22.2 (c) of By-law 1-DU 80.

12/91 06/96 06/00

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<sup>79</sup> 5-DU 83

<sup>80</sup> 9-DU 83 & 20-BU 89

<sup>81</sup> 8-DU 83

<sup>82</sup> 1-DU 84, 36-DU 93 & 2-DU 96

<sup>83</sup> 3-DU 84 & 30-DU 95

- (c) That the provisions of Subsection 22.2 (c) minimum yard requirements of By-law 1-DU 80, as amended, of the Town of Dunnville shall not apply to the location of docks, boat slips and any similar uses.<sup>84</sup>

37.49 That in addition to the permitted uses of the HL Zone (Subsection 36.1) a summer cottage shall be permitted on the subject lands identified by this Subsection number on Figure 2 on Schedule "A6" subject to the Zone provisions of the RS Zone (Subsection 15.2) and the following:

Minimum Elevations:

- (a) 176.9 metres above sea level, Geodetic Survey of Canada datum, for the finished grade
- (b) 177.2 metres above sea level, Geodetic Survey of Canada datum, for any external openings.<sup>85</sup>

Exemptions:

- (a) Subsection 6.16, Frontage on an Improved Street, shall not apply
- (b) In lieu of the definition of "STREET LINE" (subsection 4.95), the westerly boundary of the adjacent right-of-way shall be deemed to be the street line
- (c) Subsection 6.8.1(d) shall not apply.<sup>86</sup>

- 37.50 (a) That in addition to the permitted uses of the IC Zone (Subsection 31.1) the following uses shall also be permitted on the lands identified by this Subsection:
- (i) racquet and fitness centre
- (ii) business and professional offices
- (b) That the off-street parking provisions of subsections 7.1 (b) and 7.8 of By-law 1-DU 80 of the Town of Dunnville shall not apply to the racquet and fitness centre and the following shall apply in lieu thereof.
- (i) each parking space shall have a minimum width of 2.7 metres and a minimum length of 5.4 metres
- (ii) 3 parking spaces per court which shall include the usable floor area devoted to washrooms, change rooms, sauna, shower and whirlpool areas.

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<sup>84</sup> 5-DU 84

<sup>85</sup> 10-DU 84

<sup>86</sup> 15-DU 90

- (iii) 1 parking space for every 4 persons according to designed maximum capacity of the lounge area.
  - (iv) in addition to the foregoing, 1 parking space for every 19 square metres of remaining usable floor area, or part thereof.<sup>87</sup>
- 37.51 That in addition to the permitted uses of the RS Zone (Subsection 30.1) a day nursery shall also be permitted on the lands identified by this Subsection number on Schedule "A4A".<sup>88</sup>
- 37.52 (a) That in addition to the permitted uses of the RS Zone (Subsection 15.1) a one family dwelling house shall be permitted on the lands identified by this Subsection number on Figure 1 on Schedule "A9".
- (b) That the provision of Subsection 15.2 (b) minimum lot frontage shall not apply and the following shall apply in lieu thereof.
- |                      |                          |
|----------------------|--------------------------|
| Minimum lot frontage | 15 metres. <sup>89</sup> |
|----------------------|--------------------------|

#### Section 2 of By-law 3-DU 86

That in addition to the permitted uses contained in Subsection 26.1 of Zoning By-law 1-DU 80, as amended, of the Town of Dunnville a contractor's yard, a custom workshop and a concrete products and building supply business shall be permitted on the lands shown as subject lands on Maps "A" and "B" (attached to and forming part of this By-law).

#### Section 2 of By-law 5-DU 86

That in lieu of the permitted uses contained in Subsection 34.1 of said Zoning By-law 1-DU 80, as amended, a summer cottage shall be permitted on the said subject lands.

- 37.53 That in addition to the uses permitted in the Community Institutional Zone (subsection 31.1) a parking lot shall also be permitted on the lands identified as having reference to this subsection.<sup>90</sup>

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<sup>87</sup> 2-DU 85

<sup>88</sup> 1-DU 85

<sup>89</sup> 5-DU 85

<sup>90</sup> 4-DU 87

- 37.54 That on the lands delineated as having reference to this subsection on Schedule "A4-A" the following provisions shall apply:
- (a) Any apartment dwelling house shall be limited to a maximum of 44 dwelling units
  - (b) Subsection 7.8 (c) shall not apply to any apartment dwelling house for senior citizens provided that a minimum of 10 parking spaces shall be provided
  - (c) Subsection 12.2 (b) Maximum Floor Area Ratio shall not apply
  - (d) Subsection 12.2 (d) shall not apply provided that the Minimum Usable Floor Area shall be 33 square metres in lieu thereof
  - (e) Notwithstanding subsection 12.2 (a), any yards existing shall be deemed to conform to this By-law provided that any building or structure hereafter erected shall conform to the provisions of subsection 12.2 (a).<sup>91</sup>

37.55<sup>92</sup>

- 37.56 That in addition to the uses permitted in the Community Institutional Zone (subsection 31.1) a parking lot shall also be permitted on the lands identified as having reference to this subsection.<sup>93</sup>

- 37.57A (a) That on the lands delineated as having reference to this subsection on Schedule "A4-4" the following provisions shall apply in lieu of the provisions of Section 11:

11.1 Permitted Uses

street townhouses, home occupation.

11.2 Zone Provisions

11.2.1 Street Townhouses

- (a) Minimum Lot Area - 240 square metres for each dwelling unit; except where every dwelling unit has a private garage forming an integral part of each dwelling unit in which case the minimum lot area shall be 170 square metres for each dwelling unit.
- (b) Minimum Lot Frontage - 20 metres

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<sup>91</sup> 6-DU 86

<sup>92</sup> 8-DU 87

<sup>93</sup> 12-DU 87

- (c) Minimum Yard Requirements:
    - (i) front yard - 4.5 metres
    - (ii) exterior side yard - 3.5 metres
    - (iii) interior side yard - 3 metres. In the case of a lot being subdivided for the purpose of separate ownership of street townhouse dwelling units no interior side yard need be provided along the common side lot line between the lots created by the subdivision.
    - (iv) rear yard - 1.5 metres.
  - (d) Maximum Building Height - 11 metres.
  - (e) No more than six dwelling units shall be permitted in a dwelling house.
  - (f) Minimum Usable Floor Area - 65 metres square per dwelling unit.
  - (g) In lieu of subsection 7.8 (b), one parking space for each dwelling unit shall be permitted.
  - (h) Each dwelling unit shall have separate water and sewer connections.
- (b) That in lieu of any provision to the contrary of said By-law 1-DU 80, as amended, the following shall apply to the lands delineated by this subsection for the purpose of separate ownership;
- (a) Minimum Lot Area - 145 square metres.
  - (b) Minimum Lot Frontage - 7 metres.
  - (c) Minimum Yard Requirements:
    - (i) front yard - 3.5 metres
    - (ii) exterior side yard - 4.5 metres
    - (iii) interior side yard - 1.5 metres
    - (iv) rear yard - 3 metres<sup>94</sup>

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<sup>94</sup> 14-DU 87



37.57B REMOVED (8-DU-88)

37.58 That on the lands delineated as having reference to this subsection on Schedule "A1" the following provision shall apply:

- (a) That in addition to the Permitted Uses subsection - 21.1 of the Rural Commercial Zone a commercial television and tele-communication tower, but excluding any office or studio associated therewith, shall be permitted.
- (b) That subsection 21.2 (b) Minimum Lot Frontage shall not apply and the Minimum Lot Frontage shall be 7 metres.
- (c) That the location of the tower to any lot line shall not be less than the distance equal to the height of the tower.<sup>95</sup>

37.59 That on the lands delineated as having reference to this subsection on Schedule "A9", Figure 1, a maximum of 26 sites shall be permitted.<sup>96</sup>

37.60 That in lieu of the permitted uses of the "Open Space Zone (OS)" (subsection 34.1) on the land delineated as having reference to this subsection a park shall be permitted.<sup>97</sup>

37.61 That in lieu of the permitted uses of the "Seasonal Residential Zone (RS)" subsection 15.1) a parking lot shall be permitted.<sup>87</sup>

37.62 Repealed by By-law No. 23-DU 92.<sup>98</sup>

37.63 That the lands delineated as having reference to this subsection on Schedule "A9" the following provisions shall apply:

- (a) Subsection 15.2(a) Minimum Lot Area shall not apply provided that the minimum lot area shall be 929 square metres
- (b) That the provisions of Subsection 6.16 frontage on an Improved Street shall not apply to the subject lands.<sup>99</sup>

37.64 That in addition to the uses permitted in the Agricultural Zone (A) (Subsection 30.1) a wood working shop shall also be permitted on the lands identified by this subsection provided the entire operation is carried on within the existing building.<sup>100</sup>

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<sup>95</sup> 20-DU 87

<sup>96</sup> 22-DU 93

<sup>97</sup> 1-DU 88

<sup>98</sup> 4-DU 88 & 23-DU 92

<sup>99</sup> 12-DU 88

<sup>100</sup> 12-DU-88

- 37.65 (a) That Subsection 10.2(b) Minimum Lot Frontage not apply and the Minimum Lot Frontage shall be 18 metres.
- (b) That Subsection 6.6 Location of a Habitable Room shall not apply.<sup>101</sup>
- 37.66 That in addition to the uses permitted in the Seasonal Residential Zone (subsection 15.1) a one family dwelling house shall also be permitted on the lands identified as having reference to this subsection.<sup>102</sup>
- 37.68 That on the lands delineated as having reference to this subsection on Schedule "A6" the following provisions shall apply:
- (a) That in addition to the uses permitted in the Seasonal Residential Zone (subsection 15.1) a one family dwelling house shall be permitted.
- (b) That the Minimum Lot Area (subsection 15.2 (a)) shall not apply provided that the minimum lot area shall be 1390 square metres.
- (c) That the Minimum Lot Frontage (subsection 15.2 (b)) shall not apply provided that the minimum lot frontage shall be 22 metres.<sup>103</sup>
- 37.69 That subsection 37.2 of the Regional Municipality of Haldimand-Norfolk Zoning By-Law 1-DU 80, as amended, of the Town of Dunnville shall not apply to the subject lands.<sup>104</sup>
- 37.71 That on the land delineated as having reference to this subsection on Schedule A9, Figure 1, the following provisions shall apply:
- (a) That in addition to the uses permitted in the Seasonal Residential Zone (subsection 15.1) a one family dwelling house shall be permitted.
- (b) That the Minimum Lot Area (subsection 15.2 (a)) shall not apply and the Minimum Lot Area shall be 1765 square metres.<sup>105</sup>
- 37.72 That on land delineated as having reference to this subsection on Schedule A10, Figure 1, the following provision shall apply:
- (a) That subsection 15 (2) (c) (i) minimum yard requirements - front yard shall not apply and the minimum yard requirements - front yard shall be 4.5 metres.
- (b) That subsection 6.16 shall not apply to the land delineated as having reference to this subsection.<sup>106</sup>

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<sup>101</sup> 16-DU 88

<sup>102</sup> 17-DU 88

<sup>103</sup> 19-DU 88

<sup>104</sup> 4-DU 89

<sup>105</sup> 1-DU 89 & 5-DU 89

<sup>106</sup> 3-DU 89

- 37.73 That in addition to the permitted uses of the RH Zone (subsection 14.1) the following uses shall also be permitted on the lands identified by this subsection:
- (i) gas line and gas meter repair and installation business, provided that there be no outside material storage and that the gas line and gas meter repair and installation business not utilize a floor area of more than 223 square metres.<sup>108</sup>
- 37.74 That subsection 30.2 (c) (i) Minimum Front Yard shall not apply and that the Minimum Front Yard shall be 30 metres.<sup>109</sup>
- 37.75 **Deleted.**<sup>110</sup>
- 37.76 That the total number of townhouse units located on lands delineated as having reference to this subsection shall not exceed 64.<sup>111</sup>
- 37.77 That on the lands delineated as having reference to this subsection on Schedule A7 the following provisions shall apply:
- (a) That in addition to the Permitted Uses (15.1) of the Seasonal Residential Zone, a one family dwelling house shall be permitted.
  - (b) That subsection 15.2 (b) Minimum Lot Frontage shall not apply and the minimum lot frontage for that portion of the lands south of the Lakeshore Road shall be 23 metres.<sup>112</sup>
- 37.78 That the lands delineated as having reference to this subsection on Schedule A6 Figure 1 the following provisions shall apply:
- (a) Subsection 15.2(a) Minimum Lot Area shall not apply provided that the minimum lot area shall be 1025 square metres.
  - (b) That the provisions of subsection 6.16 frontage on an improved street shall not apply to the subject lands.<sup>113</sup>
- 37.79 That, in addition to the permitted uses of the MM Zone (subsection 25.1), a single family dwelling house shall also be permitted on the lands delineated by this subsection.<sup>114</sup>
- 37.81 That, on the lands identified as having reference to this subsection, one dwelling unit may include a group home.<sup>115</sup>

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<sup>108</sup> 11-DU 89

<sup>109</sup> 6-DU 89

<sup>110</sup> 7-DU 89 & 25-DU-2000

<sup>111</sup> 9-DU 89

<sup>112</sup> 12-DU 89

<sup>113</sup> 13-DU 90

<sup>114</sup> 14-DU 89

<sup>115</sup> 15-DU 89

- 37.81A That notwithstanding the definition of "STREET", for the purpose of establishing street lines and yard requirements, the lands delineated by this subsection shall be deemed to be a street.
- 37.82 That notwithstanding the interior side yard requirement of the RH Zone the easterly interior side yard shall be 9 metres on the easterly lot within Parcel 2 of the lands delineated by this subsection.<sup>116</sup>
- 37.83 That, on lands delineated as having reference to this subsection, the following provisions shall apply:
- (a) Subsection 6.16, Frontage on an Improved Street, shall not apply.
  - (b) In lieu of the definition of "STREET LINE" (subsection 4.95), the boundary of the adjacent railway right-of-way shall be deemed to be the street line.
  - (c) Notwithstanding the uses permitted in the Agricultural Zone, a storage building accessory to a marina shall also be permitted on Part 1.<sup>117</sup>
  - (d) Notwithstanding the uses permitted in the "Agricultural Zone (A)" (subsection 30.1) a restaurant accessory to a marina shall also be permitted on Part 1.
  - (e) Notwithstanding subsection 6.24.2 (Location of Guest Houses) a maximum of four guest houses shall be permitted on Part 1.
  - (f) Notwithstanding subsection 5.3 (More than one Zone on a Lot) and subsection 30.2 (Agricultural General Zone Provisions) development of the lands shall take place according to the provisions of the "Marine Commercial Zone (CM)".
  - (g) The maximum useable floor area shall be 405 square metres on Part 1.<sup>118</sup>
- 37.84 That on the lands identified as having reference to this subsection the following provisions shall apply:
- (a) One dwelling unit may include a group home.
  - (b) In lieu of the definition of a group home (subsection 4.40) group home shall mean a dwelling house that is licensed or funded under an Act of Parliament of Canada or the Province of Ontario for the accommodation of a maximum of seven persons, exclusive of staff, living under psychiatric supervision in a single housekeeping unit and who, by reason of their mental status, require a group living arrangement for their well being.<sup>119</sup>
- 37.85 That, notwithstanding the definition of "STREET", for the purpose of establishing street lines and yard requirements, the lands delineated by this subsection shall be deemed to be a street.<sup>120</sup>

12/91 12/93

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<sup>116</sup> 17-DU 89

<sup>117</sup> 41-DU 89

<sup>118</sup> 27-DU 93

<sup>119</sup> 23-DU 89

<sup>120</sup> 31-DU 89

- 37.86 That on the lands delineated as having reference to this subsection, the following provisions shall apply:
- (a) Subsection 6.16, Frontage on an Improved Street, shall not apply.
  - (b) In lieu of the definition of "STREET LINE" (subsection 4.95), the southerly boundary of the adjacent right-of-way shall be deemed to be the street line.<sup>121</sup>
- 37.87 That in addition to the uses permitted in the Seasonal Residential Zone (subsection 15.1) a one family dwelling house shall also be a permitted use on the lands delineated as having reference to this subsection.<sup>122</sup>
- 37.88 That, on the lands delineated as having reference to this subsection, the following provisions shall apply:
- (a) In addition to the uses permitted in the Rural Industrial Zone (subsection 26.1), a concrete products manufacturing operation shall also be permitted.
  - (b) Notwithstanding anything contrary contained herein, the lands delineated by this subsection shall be deemed to be an Interior Lot and the southerly boundary of said lands shall be deemed to be the Front Lot Line.
  - (c) In lieu of subsection 26.2(c) (i), the minimum front yard shall be 9 metres.<sup>123</sup>
- 37.89 That on the lands delineated as having reference to this subsection, the following provisions shall apply:
- (a) in addition to the uses permitted in the Rural Industrial Zone (subsection 26.1) the sale of arts, crafts and camping supplies and a take-out restaurant shall also be permitted, excluding open storage accessory thereto.
  - (b) maximum usable commercial floor area - 140 square metres.
  - (c) maximum usable take-out restaurant floor area - 42 square metres.<sup>124</sup>
- 37.90 **REPLACED BY 37.232 (451-HC-06)**

12/91 12/93

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<sup>121</sup> 30-DU 89

<sup>122</sup> 29-DU 89

<sup>123</sup> 33-DU 89

<sup>124</sup> 4-DU 90

37.90A THAT on the lands delineated as having reference to this subsection, the Minimum Lot Area and Minimum Lot Frontage requirements of the Hamlet Residential Zone (subsections 14.2(a) and (b) shall not apply and the following shall apply, in lieu thereof:

- a) Minimum Lot Area – 4500 square metres
- b) Minimum Lot frontage – 61 metres.<sup>125</sup>

37.91 That the following shall apply to the lands delineated as having reference to this subsection:

- a) Subsection 5.3 (More Than One Zone on a Lot) shall not apply.
- b) Notwithstanding the uses permitted in the Hazard Land Zone (subsection 36.1) a one family dwelling shall be permitted.
- c) Development of the lands shall be in accordance with the provisions of the Agricultural Zone except subsections 3.2(b) and 30.2(c) (iii) for which the following shall apply, in lieu thereof:
  - (i) Minimum Lot Frontage – 24.25 metres
  - (ii) Minimum Interior Side Yard – 3.6 metres.<sup>126</sup>

37.92 That notwithstanding subsection 6.15, a single family dwelling shall be permitted on the lands delineated by this subsection and the boundaries of said subject lands shall be used to calculate Zone Provisions.<sup>127</sup>

- 37.93 (a) Notwithstanding the uses permitted in the Hazard Land Zone (Subsection 36.1) a one family dwelling shall be permitted.
- (b) Development of the lands shall be in accordance with the provisions of the Hamlet Residential Zone (RH) except Subsections 14.2 (a) for which the following shall apply, in lieu therefore:
- (i) Minimum Lot Area – 1,400 square metres
  - (ii) Minimum Lot Frontage – 28 metres
- (c) In addition to the Provisions of the Hamlet Residential Zone (RH), the following provision shall also apply to the subject lands:
- (i) Minimum Elevation 177.2 metres above sea level Geodetic Survey of Canada Datum, for any external openings to a room, basement or cellar of a dwelling house.<sup>128</sup>

07/09 12/91 12/93

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<sup>125</sup> 7-DU 90

<sup>126</sup> 10-DU 90

<sup>127</sup> 16-DU 90

<sup>128</sup> 18-DU 90

37.94 THAT on the lands delineated as having reference to this subsection on Schedule A2 the following provisions shall apply:

- (a) That in addition to the permitted uses (30.1) of the Agricultural Zone, a training and rehabilitation centre shall be permitted.
- (b) That subsection 4.98 shall not apply to the lands delineated by this subsection.
- (c) That for the purposes of this subsection, a "Training and Rehabilitation Centre" shall mean an area of land and buildings where facilities are provided and operated by a private, non-profit religious institution for the rehabilitation and training of persons who are experiencing addictive behavior as a result of substance abuse and will include living quarters for the accommodation of a maximum of ten (10) such persons plus appropriate supervisory personnel.
- (d) That, in addition to the general zone provisions (30.2) of the Agricultural Zone, the following provision shall apply:

Maximum usable floor area - 445.0 square metres.<sup>129</sup>

37.96 That on lands delineated as having reference to this subsection, the following provisions shall apply;

- a) That subsection 14.2 (a) Minimum Lot Area shall not apply, in lieu thereof, the Minimum Lot Area shall be 2,000 square metres
- b) That subsection 6.21 Building Separation from Railways shall not apply, in lieu thereof, the minimum setback from the railway right-of-way shall be 30 metres.<sup>130</sup>

37.97 That, on the lands identified as having reference to this subsection, the Minimum Lot Area requirements of the Seasonal Residential Zone (subsection 15.2 (a)) shall not apply, in lieu thereof:

- a) Minimum Lot Area - 5,000 square metres
- b) That in addition to the uses permitted in the "Seasonal Residential Zone (RS)" (Subsection 15.1) a one family dwelling house shall also be permitted on the lands identified as having reference to this subsection.<sup>131</sup>

12/91

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<sup>129</sup> 23-DU 90

<sup>130</sup> 9-DU 91

<sup>131</sup> 27-DU 90

37.98 That, on the lands identified as having reference to this subsection, in addition to the requirements of the Agricultural Zone (subsection 30.2) the following provision shall apply:

- a) Minimum elevation of 177.54 metres (582.48 feet) above sea level Geodetic Survey of Canada Datum, for new structural development.<sup>132</sup>

37.99 **This section repealed (By-laws 7-DU-91 and 8-DU-91).**<sup>133</sup>

37.100 THAT, on the lands delineated as having reference to this subsection, the following provisions shall apply:

- a) That in addition to the uses permitted in the Highway Commercial Zone (CH) (Subsection 19.1) the following uses shall be permitted:

- i) custom workshop and sales incidental thereto
- ii) industrial garage
- iii) warehouse
- iv) facilities and offices for engineering, surveying and any similar activity
- v) merchandise service shop
- vi) contractor's yard, as defined herein

Contractor's Yard - means the yard of any building trade or other contractor used as a depot for the storage and maintenance of equipment used by the contractor or company, such as; cranes, ploughs, tractors, pile drivers, roadmaking, wrecker's or steel wrecker's equipment. Also includes management of the business and the stock- piling or storage of materials and supplies used by the business, but does not include the wholesale or retail sale of construction materials or supplies, or the uncovered storage of loose materials, such as sand, gravel, concrete, etc.

- vii) park model trailer manufacturing and assembly plant, and display and sales incidental thereto.
- b) That development of the lands shall take place in accordance with the provisions of the Highway Commercial Zone (CH), except subsections 19.2(c) (i) and 19.2(g) for which the following shall apply in lieu thereof:
    - i) Minimum Front Yard Setback - 14 metres
    - ii) Open Storage - open storage shall be prohibited in the required front yard.<sup>134</sup>

6/91 12/91 06/93

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<sup>132</sup> 25-DU 90

<sup>133</sup> 293-HC-06

<sup>134</sup> 5-DU 91



37.101 THAT the following shall apply to the lands delineated as having reference to this subsection:

- a) Subsection 5.3 (more than one zone on a lot) shall not apply
- b) Notwithstanding the uses permitted in the Hazard Land Zone (subsection 36.1) a one family dwelling shall be permitted)
- c) Development of the lands shall be in accordance with the provisions of the Agricultural Zone (A) except subsections 30.2 (c) (i), 30.2 (c) (iii) and 30.2 (c) (iv), for which the following shall apply, in lieu thereof:
  - i) Minimum Front Yard 11 metres
  - ii) Interior Side Yard (Right) 23 metres
  - iii) Minimum Rear Yard 9 metres
- d) In addition to the provisions of the Agricultural Zone (A), the following provision shall also apply to the subject lands.
  - i) Minimum elevation 176.0 metres, above Sea Level Geodetic Survey of Canada Datum, for any external openings to a room, basement or cellar of a dwelling.<sup>135</sup>
- e) Subsection 6.16, Frontage on an improved street, shall not apply.<sup>136</sup>
- f) In lieu of the definition of "street line" (Subsection 4.95), the easterly boundary of the adjacent right-of-way shall be deemed to be the street line.<sup>126</sup>

37.102 The following provisions shall apply to the lands identified as Part 1 on Schedule 37.102:

- a) Notwithstanding the provisions of Subsection 23.1 –Permitted Uses of the 'General Industrial (MG)' zone, permitted uses shall be limited to the following:
  - i) all types of commercial offices
  - ii) prestige industrial uses, including enclosed warehousing, limited product distribution services, research and development facilities, communications facilities, and manufacturing and processing operations deemed not to be obnoxious by reason of dust, odour, fumes, particulate matter, noise and/or excessive vibrations
  - iii) private sector commercial or trade schools
  - iv) parks and open space linkages
  - v) public or private sector utilities and storm water management and transportation facilities
- b) Ancillary open storage is not permitted.

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<sup>135</sup> 4-DU 91

<sup>136</sup> 10-DU 91

The following provisions shall apply to the lands identified as Part 2 on Schedule 37.102:

- c) Notwithstanding the provisions of Subsection 23.1 – Permitted Uses of the ‘General Industrial (MG)’ zone, permitted uses shall be limited to the following:
  - i) Light industrial uses, including:
    - manufacturing
    - fabrication
    - assembly and processing
    - warehousing
    - bulk storage tanks
    - service and maintenance operations
    - research and development laboratories and facilities and other similar uses
    - product distribution services
    - communications facilities
  - ii) private sector commercial or trade schools
  - iii) parks and open space linkages
  - iv) public or private sector utilities and storm water management and transportation facilities
  - v) Ancillary open storage is permitted in conjunction with any other permitted use. In addition, an ancillary retail sales show room and/or an ancillary office component may be permitted as an integral component of a building that accommodates any other permitted land use provided that:
    - i) the retail sales showroom and/or office component is directly related to the primary use; and
    - ii) the retail sales showroom and/or office component does not constitute more than 25 percent of the Gross Floor Area of the building.<sup>137</sup>

37.103 That, in addition to the uses permitted in the "Seasonal Residential Zone (RS)" (Subsection 15.1) a one family dwelling house shall also be permitted on the lands identified as having reference to this subsection.<sup>138</sup>

37.104 That the lands delineated as having reference to this subsection on Schedule A10, Figure 1, the following provisions shall apply:

That notwithstanding Subsection 15.1, or the zone provisions, of the "Seasonal Residential Zone (RS)" the lands delineated by this subsection and more accurately shown on Subsection 37.104 shall be in accordance with the following:

06/91 12/91 06/06

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<sup>137</sup> 313-HC-06

<sup>138</sup> 11-DU 91

a)	Minimum lot area	557 sq. metres
b)	Minimum lot area	15.2 metres
c)	Minimum yard requirements:	
	i) front yard	9 metres
	ii) interior side yard	3 metres
	iii) rear yard	0.45 metres
d)	Maximum building height	11 metres
e)	Minimum useable floor area	65 sq. metres <sup>139</sup>

37.105 **REMOVED BY 26-DU-99 (REPLACED BY 37.208)**

37.107 That, on the lands delineated as having reference to this subsection, the following provisions shall apply:

- a) That in addition to the uses permitted in the "Rural Industrial Zone (MR)" (subsection 26.1), the sale of agricultural chemicals shall also be permitted.<sup>140</sup>

37.108 That, in addition to the uses permitted in the "Seasonal Residential Zone (RS)" (Subsection 15.1) a one family dwelling home shall also be permitted on the lands identified as having reference to this subsection.<sup>141</sup>

37.109 That on the lands delineated as having reference to this subsection, in addition to the uses permitted in the Seasonal Residential Zone (Subsection 15.1) a one family dwelling house shall also be a permitted use.

37.110 (a) That the permitted uses of the "Disposal Industrial Zone (MD)" (Subsection 27.1) shall not apply to the lands identified as Parcel 2 on Schedule 37.110.1 and that the uses permitted on this parcel shall be restricted to the following for "Buffer" purposes:

- i) weigh scales,
- ii) landfill utility,
- iii) servicing and control structures, facilities and operations
- iv) equipment and maintenance buildings,
- v) composting recycling and reuse facilities and operations
- vi) household hazardous waste collection facilities,
- vii) monitoring wells and sampling stations,
- viii) screening measures, including berms and planning strips
- xi) other uses accessory to a waste management operation.

(b) That the permitted uses of the "Agricultural Zone (A)" (subsection 30.1) shall not apply to the lands identified as Parcel 3 on Schedule 37.110.1 and that the uses

<sup>139</sup> 12-DU 91

<sup>140</sup> 23-DU 91 & 16-DU 99

<sup>141</sup> 21-DU 91

permitted on this parcel shall be restricted to forestry management and other uses which assist in the conservation of management of natural features in addition to monitoring wells and sampling stations.<sup>143</sup>

37.111 That on the lands delineated as having reference to this subsection on Schedule “A10”, Figure 2, the following provisions shall apply:

- (a) That in addition to the uses permitted in the “Hazard Land Zone (HL)” (Subsection 36.1), a summer cottage shall be permitted.
- (b) Development of the lands shall be in accordance with the following provisions:
  - i) Minimum Lot Area 465 square metres
  - ii) Minimum Lot Frontage 13.25 metres
  - iii) Minimum Yard Requirements:
    - a) Front Yard 9 metres
    - b) Interior Side Yard 3 metres
  - iv) Minimum elevation of 177.2 metres above sea level Geodetic Survey of Canada Datum, for any external openings to a room, basement or cellar of a dwelling house.
- (c) Notwithstanding subsection 6.22 (c), an unenclosed porch and steps may project 1.2 metres into the required right interior side yard.<sup>144</sup>

37.112 That on the lands delineated as having reference to this subsection of Schedule “A6”, Figure 1, the following provisions shall apply:

- a) That in addition to the uses permitted in the “Seasonal Residential Zone (RS)” (Subsection 15.1) a one family dwelling house shall also be permitted on the lands identified as having reference to this subsection.
- b) That the Minimum Right Interior Side Yard Requirement of the “RS” Zone (Subsection 15.2 (c) (iii)) shall not apply to the subject lands and the Minimum Right Interior Side Yard shall be 0.9 metres on the lands identified by this subsection.
- c) That, notwithstanding Subsection 6.22 (c), an unenclosed porch and steps may project 2.0 metres into the required front yard.<sup>145</sup>

37.113 That on lands delineated as having reference to this subsection on Schedule ‘A4-B’ the following provisions shall apply:

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<sup>143</sup> 29-DU 92

<sup>144</sup> 18-DU 92

<sup>145</sup> 19-DU 92

- a) That notwithstanding the provisions of Section 10.1- *Permitted Uses* of the 'Urban Residential Type 3 (R3)' zone, permitted uses shall be limited to:
- i. One family dwelling house in accordance with the provisions of the R1 zone;
  - ii. Two family dwelling house in accordance with the provisions of the R2 zone;
  - iii. Three family dwelling house; and
  - iv. Home occupation.
- b) That on the lands delineated as having reference to this subsection, development of the lands shall be in accordance with the provisions of the 'Urban Residential Type 3 Zone (R3)' except subsection 10.2.1(b), 10.2.1(c)(i), and 10.2.1(c)(iii) for which the following shall apply in lieu thereof:
- |                                 |              |
|---------------------------------|--------------|
| i) Lot Frontage                 | 21.44 metres |
| ii) Front Yard Setback          | 0.96 metres  |
| iii) Interior Side Yard (Right) | 0.19 metres  |
| iv) Interior Side Yard (Left)   | 1.73 metres  |
- c) That notwithstanding the provisions of Section 5.5 – *Establishment of Holding Zones*, building permits may be issued to facilitate the alteration or construction of buildings and structures on the subject lands provided that any building construction, addition or alteration will not facilitate the development of an additional third dwelling unit.<sup>146</sup>

37.114 That the permitted uses of the "Community Institutional Zone (IC)" shall not apply to the subject lands identified on Schedule "A4-B" by this subsection and that the following permitted uses shall be allowed on the subject lands:

- a) Clinic
- b) Existing one family dwelling houses.<sup>147</sup>

37.116 That on the lands delineated as having reference to this subsection the following shall apply:

- a) That subsection 6.16, Frontage on an Improved Street, shall not apply.
- b) In lieu of the definition of "street line" (subsection 4.95) the westerly boundary of the adjacent right-of-way shall be deemed to be the street line.<sup>148</sup>

12/92 12/09

37.117 That on the lands delineated as having reference to this subsection on Schedule "A10", Figure 1, the following shall apply:

- a) That subsection 6.16, Frontage on an Improved Street, shall not apply.
- b) In lieu of the definition of "front lot line" (subsection 4.95) the southerly boundary of the adjacent right-of-way shall be deemed to be the front lot line.
- c) Notwithstanding subsection 5.3, More than One Zone on a Lot, lands zoned "Agricultural (A) may be used in the calculation of any required yard.

<sup>146</sup> 648-HC-09

<sup>147</sup> 22-DU 92

<sup>148</sup> 31-DU 92

d) Notwithstanding subsection 15.2, Seasonal Residential Zone Provisions, development of the lands shall take place according to the following provisions:

- |      |                            |   |
|------|----------------------------|---|
| i)   | Minimum Lot Area           | 1300 sq. Metres                                   |
| ii)  | Minimum Lot Frontage       | 2 Metres  |
| iii) | Minimum Yard Requirements: |   |
|      | a) front yard              | 9 metres  |
|      | b) interior side yard      | 3 metres  |
|      | c) rear yard               | 20 metres from top of bluff                       |
| iv)  | Maximum Building Height    | 11 metres   |
| v)   | Minimum Useable Floor Area | 65 square metres per dwelling unit <sup>149</sup> |

37.118 That in lieu of the Minimum Lot Frontage requirements of the "Urban Residential Type 2 Zone (R2)" (subsection 9.2(b)) the Minimum Lot Frontage shall be 16.76 metres on the lands delineated as having reference to this subsection. In the case of a lot being subdivided for the purpose of separate ownership of semi-detached dwelling units, the minimum lot frontage shall be 8 metres for each subdivided lot.<sup>150</sup>

37.119 That on the lands delineated as having reference to this subsection on Schedule "A10", Figure 2, the following provisions shall apply:

- a) In addition to the uses permitted in the "Seasonal Residential Zone (RS)" (Subsection 15.1), a one family dwelling house shall also be permitted.
- b) Subsection 15.2 (b) shall not apply and the Minimum Lot Frontage requirements shall be 28 metres.<sup>151</sup>

37.120 That on the lands delineated as having reference to this subsection on Schedule "A10", Figure 2, in addition to the uses permitted in the "Seasonal Residential Zone (RS)" (subsection 15.1) a one family dwelling house shall also be permitted.<sup>152</sup>

37.121 That on the lands delineated as having reference to this subsection on Schedule "A9", Figure 2, the following provisions shall apply:

- (a) Subsection 6.16, Frontage on an Improved Street, shall not apply.
- (b) In lieu of the definition of "street line" (subsection 4.95) the southerly boundary of the adjacent right-of-way shall be deemed to be the street line.

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<sup>149</sup> 33-DU 92 & 7-DU 94

<sup>150</sup> 32-DU 92

<sup>151</sup> 36-DU 92

<sup>152</sup> 37-DU 92

- (c) Development of the lands shall take place in accordance with the provisions of the "Seasonal Residential Zone (RS)", except subsections 15.2(b) and 15.2(c) (iv) for which the following shall apply, in lieu thereof:

- |     |                      |                          |
|-----|----------------------|--------------------------|
| i)  | Minimum Lot Frontage | 25 metres                |
| ii) | Minimum Rear Yard    | 42 metres <sup>153</sup> |

37.122 That on the lands delineated as having reference to this subsection on Schedule "A4-B" the following provisions shall apply:

- a) That the permitted uses of the "General Commercial Zone (CG)" (subsection 16.1) shall not apply to the subject lands and that the following uses shall be permitted:
- |       |  |
|-------|--|
| i)    | retail establishment,  |
| ii)   | wholesale establishment,   |
| iii)  | personal service shop,   |
| iv)   | merchandise service shop,  |
| v)    | printing and publishing establishment,   |
| vi)   | museum,  |
| vii)  | art gallery,   |
| viii) | clinic,  |
| ix)   | sheet metal, plumbing, heating, electric or woodworking shop or any similar activity |
| x)    | maximum of five dwelling units in a permitted commercial building. <sup>154</sup>    |
- b) That development of the lands shall take place in accordance with the provisions of the "General Commercial Zone (CG)" except subsections 16.2(a) (i), 16.2(a) (iii) and 16.2(a) (iv) for which the following shall apply:
- |      |                            |            |
|------|----------------------------|------------|
| i)   | Minimum Front Yard         | 3.0 metres |
| ii)  | Minimum Exterior Side Yard | 0.4 metres |
| iii) | Minimum Rear Yard          | 7.0 metres |
- c) That the off-street parking provisions of subsections 7.1(b) and 7.8 of Zoning By-law 1-DU 80 of the Town of Dunnville shall not apply to the subject lands and that a minimum of 3 parking spaces shall be provided in lieu thereof.<sup>155</sup>

37.123 That on the lands delineated as having reference to this subsection the following shall apply:

- (a) That in addition to the uses permitted in the "Hazard Land Zone (HL)" (subsection 36.1) a summer cottage shall be permitted on the lands identified as having reference to this subsection.

06/93 06/94

- (b) That development of the lands shall take place in accordance with the provisions of the "Seasonal Residential Zone (RS)", except subsections 15.2(a), 15.2(c)(i), 15.2(c)(iii) and 15.2(e) for which the following shall apply in lieu thereof:
- |    |                    |                   |
|----|--------------------|-------------------|
| a) | Minimum Lot Area   | 575 square metres |
| b) | Front Yard Setback | 0 metres          |

<sup>153</sup> 38-DU 92

<sup>154</sup> 7-HC-01

<sup>155</sup> 40-DU-92

- |    |                            |       |                                   |
|----|----------------------------|-------|-----------------------------------|
| c) | Interior Side Yard:        | Left  | 0 metres                          |
|    |                            | Right | 17 metres                         |
| d) | Maximum Useable Floor Area |       | 130 square metres. <sup>156</sup> |
| e) | Maximum Building Height    |       | 4.27 metres. <sup>157</sup>       |

37.124 That notwithstanding the lot frontage and interior side yard requirements of the "Urban Residential Type 1 Zone (R1)" the minimum lot frontage shall be 16.5 metres and the northerly side yard shall be 6 metres.<sup>158</sup>

37.125 That in addition to the uses permitted in the "Light Industrial Zone (ML)" (Subsection 24.1) a brewery shall also be permitted on the lands delineated as having reference to this subsection.<sup>159</sup>

37.126 That on the lands delineated as having reference to this subsection, the following provisions shall apply;

- |    |   |                            |            |
|----|---|----------------------------|------------|
| a) | That in addition to the use permitted in the "Urban Residential Type 3 Zone (R3)" (Subsection 10.1) a five family dwelling house shall also be permitted.   |                            |            |
| b) | That development of the lands shall take place in accordance with the provisions of the "Urban Residential Type 3 Zone (R3)" except subsections 10.2.2(b), 10.2.2 (c) (i) and 10.2.2 (c) (iii) for which the following shall apply in lieu thereof; |                            |            |
|    | i)  | Minimum Lot Frontage       | 20 metres  |
|    | ii)   | Minimum Front Yard         | 2 metres   |
|    | iii)  | Minimum Interior Side Yard | 1.5 metres |
| c) | Notwithstanding Subsection 7.2.3 (c), Location of Parking on a Lot, parking shall be permitted within the required exterior side yard for a distance of 18 metres north of Centre Lane. <sup>160</sup>  |                            |            |

37.127 That, notwithstanding Subsection 30.2(c) (iii) the left interior side yard requirements shall be 4.4 metres on the lands delineated as having references to this subsection.<sup>161</sup>

06/93 06/94

37.128 That on the lands delineated as having reference to this subsection on Schedule "A4-B", the following provisions shall apply:

- |    |   |  |  |
|----|---|--|--|
| a) | That in addition to the uses permitted in the "Hazard Land Zone (HL)" (subsection 36.1), a restaurant shall be permitted. |  |  |
|----|---|--|--|

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<sup>156</sup> 1-DU 93

<sup>157</sup> 2-DU 94

<sup>158</sup> 2-DU 93

<sup>159</sup> 5-DU 93

<sup>160</sup> 7-DU 93

<sup>161</sup> 17-DU 93



- b) That, for the purpose of this By-law, the adjacent lane, immediately south of the lands, shall be deemed to be a "street" for the purpose of gaining access to the rear yard for parking purposes.
- c) That development of the lands shall be in accordance with the following provisions:
- |      |  |             |
|------|--|-------------|
| i)   | Minimum Lot Area   | 510 metres  |
| ii)  | Minimum Lot Frontage   | 16 metres   |
| iii) | Minimum Yard Requirements  |             |
|      | a) Front Yard  | 4.80 metres |
|      | b) Right Interior Sideyard   | 0.40 metres |
|      | c) Exterior Sideyard   | 0.95 metres |
|      | d) Rear Yard   | 3.5 metres  |
| iv)  | Maximum Lot Coverage   | 80 per cent |
| v)   | Maximum Building Height  | 11 metres   |
| vi)  | Minimum Services - every use shall be connected a public water system and a public sanitary sewer system |             |
- d) That the off-street parking provisions of subsections 7.8 of Zoning By-law 1-DU-80 of the Town of Dunnville shall not apply to the subject lands and that a minimum of 9 spaces shall be provided.<sup>162</sup>

37.129 That on lands delineated as having reference to this subsection the following provisions shall apply:

- a) That the permitted uses of the Rural Industrial Zone (MR) (subsection 26.1) shall not apply to the subject lands and the following uses shall be permitted on the lands identified by this subsection on said Schedule "A1":
- i) fertilizer dealership
  - ii) farm machinery and equipment supply and repair shop
  - iii) public utility yard
  - iv) animal hospital
  - v) custom workshop
  - vi) vehicle sales and rental establishment and may include open storage accessory thereto
  - vii) any use permitted in the A zone in accordance with the provisions of that Zone
  - viii) open storage accessory to any permitted use
- 06/93 12/93
- b) That development of the lands shall be in accordance with the provisions of the Rural Industrial Zone (MR) except subsections 26.2(c)(i) (front yard), 26.2(c)(iii) (interior side yard), 26.2(c)(iv) (rear yard), for which the following shall apply in lieu thereof:
- i) Minimum front yard - 14 metres

<sup>162</sup> 16-DU 93

- ii) Minimum interior sideyard (left) - 1.5 metres
- iii) Minimum rear yard - 1.5 metres<sup>163</sup>

37.130 That on the lands delineated as having reference to this subsection on Schedule "A4-B" the following provisions shall apply:

- a) That in addition to the uses permitted in the "Rural Industrial Zone (MR)" (subsection 26.1) a greenhouse shall also be permitted from April through October inclusive in the same calendar year.
- b) That notwithstanding the minimum front yard requirement of the "Rural Industrial Zone (MR)" (subsection 26.2 (c)(i)) the minimum front yard shall be 3 metres for the purpose of erecting a greenhouse.<sup>164</sup>

37.131 That notwithstanding the rear yard setback requirement (subsection 8.2(iv)) of the "Urban Residential Type 1 Zone (R1)" the minimum rear yard shall be 6.8 metres on the lands delineated as having reference to this subsection.<sup>165</sup>

37.132 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

- (a) That in addition to the uses permitted in the "General Commercial Zone (CG)" (subsection 16.1) a five family dwelling house shall also be permitted.
- (b) That the following provisions shall apply in lieu of the provisions of subsection 16.2:

#### 16.2 Zone Provisions

- a) Minimum Yard Requirements
    - i) front yard 3 metres
    - ii) exterior side yard 6 metres
    - iii) interior side yard 3 metres
    - iv) rear yard 8 metres
  - b) Maximum Lot Coverage 80 percent
  - c) Maximum Building Height 11 metres
  - d) Maximum Useable Floor Area 40 sq metres per apartment dwelling unit
- (c) Notwithstanding subsection 7.2.3(c) (Location of Parking on a Lot) one parking space shall be permitted within the required exterior side yard.
  - (d) Notwithstanding subsections 7.3 (Visitor Parking Spaces) and 7.8(c) (Number of Parking Spaces) a minimum of two parking spaces shall be provided.

<sup>163</sup> 24-DU 93

<sup>164</sup> 26-DU 93

<sup>165</sup> 30-DU 93

(e) That subsection 6.6 (Location of Habitable Rooms) shall not apply.<sup>166</sup>

37.133 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

- (a) Notwithstanding the uses permitted in the "Hazard Land Zone (HL)" (subsection 36.1) a summer cottage shall also be permitted.
- (b) Notwithstanding the provisions of the "Hazard Land Zone (HL)" (subsection 36.2) and "Seasonal Residential Zone (RS)" (subsection 15.2) development of the lands shall be in accordance with the following:
  - i) Minimum Lot Area 760 sq metres
  - ii) Minimum Lot Frontage 12 metres
  - iii) Minimum Yard Requirements:
    - a) interior side yard (left) 2.2 metres
    - b) interior side yard (right) 0.6 metres
    - c) front yard 9 metres
    - d) rear yard 9 metres
  - iv) Maximum Building Height 11 metres
  - v) Minimum Useable Floor Area 65 sq metres
  - vi) Minimum Elevation of 176.2 metres above sea level, Geodetic Survey of Canada Datum, for any external openings to a room, basement or cellar of a dwelling house.<sup>167</sup>

37.134 That in addition to the uses permitted in the "Light Industrial Zone (ML)" (subsection 24.1) a restaurant shall also be permitted on the lands delineated as the subject lands.<sup>168</sup>

37.135 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

- (a) That in addition to the permitted uses of the "General Commercial Zone (CG)" (subsection 16.1) a brewery and facilities and offices for engineering, surveying and any other similar activity shall also be permitted.
- (b) That in addition to the Zone Provisions of "General Commercial (CG)" (subsection 16.2) no building or structure or part thereof shall be erected or enlarged nearer than 10 metres, measured horizontally outwards, from the creek's top of bank.<sup>169</sup>

37.136 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

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<sup>166</sup> 37-DU 93

<sup>167</sup> 4-DU 94

<sup>168</sup> 5-DU 94

<sup>169</sup> 16-DU 94

- a) That the development of Parcel "A" of the lands delineated by this subsection shall be in accordance with the provisions of the "R4" Zone except for subsection 11.2.2(c) (iii) for which the following shall apply in lieu thereof:
- i) Minimum Interior Side Yard      Right 3 metres, Left 9.2 metres
- b) That the permitted uses of the "Hazard Land Zone (HL)" (subsection 36.1) shall not apply and no buildings shall be located on the Parcel "B" of the lands delineated by this subsection.<sup>170</sup>

37.137 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

- (a) Development of the lands shall be in accordance with the provisions of the "R3" Zone except subsections 10.2.2 (b), 10.2.2 (c) (i) and 10.2.2 (c) (iii) for which the following shall apply in lieu thereof:
- i) Minimum lot frontage                      21 metres  
 ii) Minimum front yard                      1.7 metres  
 iii) Minimum interior side yard      Right 1.2 metres      Left 5 metres
- (b) Notwithstanding subsection 6.8 (c) no building or structure which is accessory to the permitted residential use shall occupy more than 15 percent of the lot area.<sup>171</sup>

37.138 **REPEALED BY BY-LAW 961-HC/16.**<sup>172</sup>

37.139 That on the lands delineated as having reference to this subsection, the minimum front yard requirement of the "Agricultural Zone (A)" (subsection 30.2 (c) (i)) shall not apply and the minimum front yard shall be 35.5 metres in lieu thereof.<sup>173</sup>

37.140 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

- (a) In addition to the uses permitted in the "Hazard Land Zone (HL)" (subsection 36.1), a one family dwelling house, home occupation, and a processing, manufacturing and light assembly plant not requiring municipal treatment of either water or sewage shall also be permitted.
- (b) The zone provisions of the "Hazard Land Zone (HL)" (subsection 36.2) shall not apply and the following shall apply in lieu thereof:
- i) Minimum Lot Area                              1,550 square metres  
 ii) Minimum Lot Frontage                      30 metres

<sup>170</sup> 14-DU 94

<sup>171</sup> 18-DU 94

<sup>172</sup> 21-DU 94

<sup>173</sup> 23-DU 94

- iii) Minimum Yard Requirements
  - a) Interior Side Yard 6 metres
  - b) Front Yard 11 metres
  - c) Rear Yard 13 metres
- iv) Maximum Building Height 11 metres
- v) Minimum Usable Floor Area 70 square metres

- (c) Notwithstanding subsection 37.140(b), any existing yard shall be deemed to conform to this by-law.
- (d) Notwithstanding subsection 37.140(c), no building or structures shall be erected except in accordance with the zone provisions of subsection 37.140(b).<sup>174</sup>

37.141 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

- (a) In addition to the uses permitted in the "Hazard Land Zone (HL)" (subsection 36.1), a one family dwelling house and home occupation shall also be permitted.
- (b) The zone provisions of the "Hazard Land Zone (HL)" (subsection 36.2) shall not apply and the following shall apply in lieu thereof:
  - i) Minimum Lot Area 1,550 square metres
  - ii) Minimum Lot Frontage 30 metres
  - iii) Minimum Yard Requirements
    - a) Interior Side Yard 6 metres
    - b) Front Yard 11 metres
    - c) Rear Yard 13 metres
  - iv) Maximum Building Height 11 metres
  - v) Minimum Usable Floor Area 70 square metres

- (c) Notwithstanding subsection 37.141(b), any existing yard shall be deemed to conform to this by-law.
- (d) Notwithstanding subsection 37.141(c), no building or structure shall be erected accept in accordance with the zone provisions of subsection 37.141(b).<sup>175</sup>

37.142 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

- (a) In addition to the permitted uses of the "Seasonal Residential Zone (RS)" (subsection 15.1) a one family dwelling house shall also be permitted on lands identified as Parcel "1" and more accurately shown on Schedule 37.142.1.

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<sup>174</sup> 25-DU 94

<sup>175</sup> 26-DU 94

- (b) Norwithstanding the permitted uses of the "RS Zone" no buildings or structures may be permitted on lands identified as Parcel "2" and more accurately shown on Schedule 37.142.1.<sup>176</sup>
- 37.143 That in addition to the uses permitted in the Seasonal Residential Zone (subsection 15.1) a one family dwelling house shall also be permitted.<sup>177</sup>
- 37.144 That in addition to the uses permitted in the Seasonal Residential Zone (subsection 15.1) a one family dwelling house shall also be permitted.<sup>178</sup>
- 37.145 That in addition to the uses permitted in the Seasonal Residential Zone (subsection 15.1) a one family dwelling house shall also be permitted.<sup>179</sup>
- 37.146 That in addition to the uses permitted in the Seasonal Residential Zone (subsection 15.1) a one family dwelling house shall also be permitted.<sup>180</sup>
- 37.147 That on the lands delineated as having reference to this subsection, the following provisions shall apply:
- (a) In addition to the permitted uses of the "Agricultural Zone (A)" (subsection 30.1), the sale of agriculturally related products, including: fertilizers; potting soil; peat moss and pesticides, shall be permitted as a secondary use to a farm produce outlet.
  - (b) Any sale of agriculturally related products shall:
    - i) be confined within a building; and
    - ii) not occupy more than 30 square metres of floor area, measured from the inside face of exterior walls.
  - (c) Open storage of agriculturally related products shall be prohibited.
  - (d) For the purpose of this provision, farm produce shall not be considered to be an agriculturally related product.
  - (e) Notwithstanding the minimum front yard requirement [subsection 30.2(c) (i)], the minimum front yard shall be 28 metres for the purpose of any new construction.<sup>181</sup>
- 37.148 That in addition to the uses permitted in the "Agricultural Zone" (subsection 30.1), the service, sale and display of recreational vehicles shall also be permitted.<sup>182</sup>
- (a) That notwithstanding the provisions of Section 5.5 – Establishment of Holding Zones, building permits may be issued to facilitate the construction of buildings and structures for uses permitted in the 'Agricultural (A)' zone provided that any building construction, addition or alteration will not facilitate the development of the service, sale or display of recreational vehicle operation. The development of a service, sales and display of recreational vehicle operation cannot take place until a formal site plan approval is granted by the County and the holding provision is removed.

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<sup>176</sup> 1-DU 95

<sup>177</sup> 2-DU 95

<sup>178</sup> 3-DU 95

<sup>179</sup> 4-DU 95

<sup>180</sup> 5-DU 95

<sup>181</sup> 7-DU 95

<sup>182</sup> 10-DU 95

- (b) That notwithstanding any other provisions in this by-law, the permitted uses of Section 30 – Agricultural Zone (A) shall be exempted from site plan control and the Provisions of Section 41 of the *Planning Act*.<sup>183</sup>
- 37.150 That on the lands delineated as having reference to this subsection the following provisions shall apply:
- (a) The permitted uses of the “General Industrial Zone (MG)” (subsection 23.1) shall not apply to the subject lands and the following uses shall apply in lieu thereof:
- i) processing, manufacturing and light assembly plant provided there is not a high requirement of municipal treatment in either strength or quantity of waste, sewage or municipal water
  - ii) fertilizer dealership
  - iii) fuel storage depot for home and farm sales
  - iv) truck terminal
  - v) railway terminal and yards
  - vi) research and development facilities
  - vii) industrial supply establishment
  - viii) retail sales related to an industry on the same lot
  - ix) industrial offices
  - x) merchandise service shop
  - xi) lumber yard and building supply establishment
  - xii) custom workshop
  - xiii) printing and publishing establishment
  - xiv) dry cleaning establishment
  - xv) automobile service station
  - xvi) vehicle sales and rental establishment
  - xvii) farm implement sales and service establishment
  - xviii) industrial garage
  - xix) warehouse
  - xx) wholesale establishment
  - xxi) facilities and offices for engineering, surveying and any similar activity
  - xxii) dairy
  - xxiii) bakery
  - xxiv) contractor’s yard
  - xxv) public utility yard
  - xxvi) fire hall
  - xxvii) police station
  - xxviii) ambulance service
  - xxix) animal hospital
  - xxx) open storage accessory to any use permitted
  - xxxi) That development of the lands shall take place in accordance with the provisions of the “General Industrial Zone (MG)” (subsection 23.2) except subsections 23.2 (c)(ii) and 23.2 (f) for which the following shall apply in lieu thereof:
    - i) minimum exterior side yard – 14 metres

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<sup>183</sup> 756-HC-11

- ii) open storage – open storage shall be prohibited in the required front yard and required exterior side yard and shall be screened within 14 metres of any property line.<sup>184</sup>

37.151 That in addition to the Permitted Uses of the “Seasonal Residential Zone (RS)” (subsection 15.1) a one family dwelling house shall also be permitted on the lands identified as having reference to this subsection.<sup>185</sup>

37.153 That on the lands identified as having reference to this subsection, the following provisions shall apply:

- a) In addition to the permitted uses of the “Agricultural Zone (A)” (subsection 30.1), the sale of fish and tackle accessories shall also be permitted.
- b) In addition to the permitted uses of the “Hazard Land Zone (HL)” (subsection 36.1) and notwithstanding any provision to the contrary, the sale of fish and tackle accessories shall be permitted in accordance with the following provisions:
  - i) the sale of fish and tackle accessories shall be permitted only from within the existing accessory building;
  - ii) no building or structure shall be altered or erected for the sale of fish and tackle accessories within the limits of the “Hazard Land Zone (HL)”.
- c) Any sale of fish and tackle accessories shall:
  - i) be confined entirely within a building;
  - ii) not occupy more than 30 square metres of floor area, measured from the inside face of exterior walls.
- d) Open storage of fish and tackle accessories shall be prohibited.<sup>186</sup>

37.154 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

- (a) That development of the lands shall take place in accordance with the provisions of the "General Commercial Zone (CG)" (subsection 16.2) except subsections 16.2(a) (i) and 16.2(b) for which the following shall apply in lieu thereof:
  - i) Front Yard Setback                      0 metres
  - ii) Maximum Lot Coverage                100 percent
- (b) That the provisions of subsection 7.8 (Number of Parking Spaces) shall not apply.<sup>187</sup>

37.155 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

- (a) In addition to the permitted uses of the "Agricultural Zone (A)" (subsection 30.1) the following uses shall also be permitted:

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<sup>184</sup> 10-DU 95

<sup>185</sup> 16-DU 95

<sup>186</sup> 26-DU 95

<sup>187</sup> 23-DU 95



- (i) farm implement sales and service establishment and may include open storage accessory thereto.
- (ii) truck sales and service establishment and may include open storage accessory thereto, as a secondary use to a farm implement sales and service establishment.
- (b) The minimum front yard setback requirement (subsection 30.2(c) (i)) shall not apply and for the purposes of new construction the minimum setback shall be 28 metres in lieu thereof.<sup>188</sup>

37.156 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

- a) In lieu of the permitted uses of the "Agricultural Zone (A)" (subsection 30.1) only conservation and resource management uses shall be permitted.
- b) Notwithstanding any provision to the contrary, no building or structure shall be permitted to be erected or altered.<sup>189</sup>

37.157 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

- a) Development shall take place in accordance with the provisions of the "Agricultural Zone (A)" (subsection 30.2) except subsection 30.2(b) and 30.2(c) for which the following shall apply in lieu thereof:

- i) minimum lot frontage 24 metres
- ii) minimum interior side yard setback
  - right 11 metres
  - left 1.65 metres.<sup>190</sup>

37.158 That on the lands delineated as having reference to this subsection the following provisions shall apply:

- a) Notwithstanding the provisions of the "Urban Residential Type 6 Zone" (subsection 13.2) development of the lands shall take place in accordance with the following provisions:

- i) Front Yard 5.0 metres
- ii) Interior Side Yard
  - Left 0.3 metres
  - Right 2.5 metres
- iii) Rear Yard 2.5 metres
- iv) Maximum Number of Dwelling units 50
- v) Maximum Building Height 6 storeys
- vi) Minimum Usable Floor Area 40 square metres per square unit

<sup>188</sup> 24-DU 95

<sup>189</sup> 28-DU 95

<sup>190</sup> 29-DU 95

- vii) Minimum Services - every apartment dwelling house shall be connected to a public water system and a public sanitary sewer system.
  - b) Notwithstanding subsection 4.52.2, Rear Lot Line shall mean the lot line farthest from and opposite the front lot line.
  - c) Notwithstanding subsection 37.158 a) i) of this By-law, a canopy and awning may project into the required front yard setback a distance of 4.5 metres.
  - d) Notwithstanding subsection 7.1 (b), Individual Parking Spaces, each parking space shall have a minimum width of 2.75 metres and a minimum length of 5.5 metres.
  - e) Notwithstanding subsection 7.2.3 (c), Location of Parking on a Lot, visitor parking spaces shall be permitted in the required front yard setback.
  - f) Notwithstanding subsection 7.3, Visitor Parking Spaces, visitor parking spaces shall be provided in the ratio of 1 space for every 3 dwelling units or part thereof.
  - g) Notwithstanding subsection 7.8 (c), Number of Parking Spaces, 1 parking space shall be provided and maintained for each apartment dwelling house.<sup>191</sup>
- 37.159 That, notwithstanding subsection 26.2(c) (iii) of the “Rural Industrial Zone (MR)”, the minimum right interior side yard shall be 15 metres on the lands delineated as having reference to this subsection.<sup>192</sup>
- 37.160 a) That, notwithstanding subsection 16.2(a) (iv) of the “General Commercial Zone (CG)”, the minimum rear yard shall be 0.3 metres in lieu thereof.
- b) That the provisions of subsection 7.8 (Number of Parking Spaces) shall not apply and a minimum of 13 (thirteen) parking spaces shall be provided in lieu thereof.<sup>193</sup>
- 37.161 That in addition to the permitted uses in the “Light Industrial Zone (ML)” (subsection 24.1) a restaurant shall also be permitted on the lands delineated as having reference to this subsection.<sup>194</sup>
- 37.162 That on the lands delineated as having reference to this subsection, the following provisions shall apply:
- a) That subsection 6.16 (Frontage on an Improved Street) shall not apply.
  - b) In lieu of the definition of “Street Line” (subsection 4.95) the easterly boundary of the adjacent right-of-way shall be deemed to be the street line.

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<sup>191</sup> 30-DU 96

<sup>192</sup> 4-DU 96

<sup>193</sup> 6-DU 96

<sup>194</sup> 8-DU 96

- c) That development of the lands shall be in accordance with the provisions of the “Seasonal Residential Zone (RS)” (subsections 15.2) except subsections 15.2(b), 15.2(c) (iii) and 15.2 (e) for which the following shall apply in lieu thereof:

- |     |                            |                           |
|-----|----------------------------|---------------------------|
| i)  | Minimum Lot Frontage       | 20 metres                 |
| ii) | Minimum Interior Side Yard |                           |
|     | a) Right                   | 20 metres                 |
|     | b) Left                    | 1.5 metres <sup>195</sup> |

37.163 Notwithstanding subsection 5.3 (More Than One Zone on a Lot), any portion of the lands zoned Hazard Land may be used in the calculation of the required Agricultural Zone provisions (subsection 30.2) on the lands delineated as having reference to this subsection.<sup>196</sup>

37.164 That on the lands delineated as reference to this subsection, the following provisions shall apply:

- a) That in addition to the permitted uses of the “Seasonal Residential Zone (RS)” (Subsection 15.1) a family dwelling house shall also be permitted.
- b) That development of the lands shall take place in accordance with the provisions of the “Seasonal Residential Zone” except subsections 15.2 (a) and 15.2(b) for which the following shall apply in lieu thereof:

- |     |                      |                          |
|-----|----------------------|--------------------------|
| i)  | Minimum Lot Area     | 1175 square metres       |
| ii) | Minimum Lot Frontage | 16 metres <sup>197</sup> |

37.165 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

- a) That the permitted uses of the “Rural Institutional Zone (IR)” (subsection 33.1) shall not apply to the subject lands and a place of worship shall be the only permitted use in lieu thereof.
- b) That the provisions of the “Rural Institutional Zone (IR)” subsection 33.2) shall not apply to the development of the subject lands and the following shall apply in lieu thereof:

- |      |                           |                   |
|------|---------------------------|-------------------|
| i)   | Minimum Lot Area          | 235 square metres |
| ii)  | Minimum Lot Frontage      | 6 metres          |
| iii) | Minimum Yard Requirements |                   |
|      | a) Interior Side Yard     | 1.2 metres        |
|      | b) Exterior Side Yard     | 1.2 metres        |
|      | c) Front Yard             | 0 metres          |
|      | d) Rear Yard              | 8.2 metres        |
| iv)  | Maximum Building Height   | 11 metres         |

<sup>195</sup> 11-DU 96

<sup>196</sup> 12-DU 96 & 13-DU 96

<sup>197</sup> 14-DU 96

- v) Maximum Usable Floor Area 90 square metres<sup>198</sup>

37.166 That on the lands delineated as having reference to this subsection the following provisions shall apply:

- a) That development of the lands shall be in accordance with the provisions of the “Special Industrial Zone (MS)” (subsection 29.2) except subsections 29.2 (a) and 29.2(b) for which the following shall apply in lieu thereof:
- a) Minimum Lot Area 1.25 hectares  
b) Minimum Lot Frontage 60 metres
- b) That, notwithstanding subsection 29.2(c), any existing buildings or structures existing shall be deemed to conform to this By-law provided that any building or structure hereafter erected shall conform to the provisions of subsection 29.2(c).<sup>199</sup>

37.167 That in addition to the permitted uses of the “Hamlet Residential Zone (RH)” (subsection 14.1); a four-family dwelling house shall also be permitted on the lands delineated as having reference to this subsection.<sup>200</sup>

37.168 That on the lands delineated as having reference to this subsection the following provisions shall apply:

- a) That in addition to the permitted uses of the “Seasonal Residential Zone (RS)” (Subsection 15.1) a one family dwelling house and a home occupation shall also be permitted.
- b) That development of the lands shall be in accordance with the provisions of the “Seasonal Residential Zone (RS)” (subsections 15.2) except subsections 15.2(a) and 15.2(b) for which the following shall apply in lieu thereof:
- i) Minimum Lot Area 1700 square metres  
ii) Minimum Lot Frontage 25 metres.<sup>201</sup>

37.169 That on the lands delineated as having reference to this subsection the following provisions shall apply:

- a) That in addition to the permitted uses of the “Hazard Land Zone (HL)” (subsection 36.1) a one family dwelling house shall also be permitted.
- b) Subsection 6.16 (Frontage on an Improved Street) shall not apply.

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<sup>198</sup> 18-DU 96

<sup>199</sup> 22-DU 96

<sup>200</sup> 24-DU 96

<sup>201</sup> 27-DU 96

- c) In lieu of the definition of “street line” (subsection 4.95), the westerly boundary of the adjacent right-of-way shall be the street line.
- d) Development of the lands shall be in accordance with the following provisions in lieu of Section 36.2(Hazard Land Zone Provisions) of Zoning By-law 1-DU 80:
- i) Minimum Lot Area 2800 square metres
  - ii) Minimum Lot Frontage 30 metres
  - iii) Minimum Yard Requirements
    - a) interior side yard (left) 13 metres
    - b) interior side yard (right) 13 metres
    - c) front yard 11 metres
    - d) rear yard 7 metres
  - iv) Maximum Building Height 11 metres
  - v) Minimum Usable Floor Area 70 square metres
  - vi) Maximum Usable Floor Area 130 square metres
  - vii) Minimum Elevation for any external openings to a Dwelling House.<sup>202</sup> 176.8 metres above sea level, Geodetic Survey of Canada Datum

37.170 That on the lands delineated as Parts 1 and 2 on Map B attached to and forming part of this by-law, the following provisions shall apply:

- a) In lieu of the definition of ‘townhouse’ (section 4.27.5); shall mean a dwelling house comprising 2 to 5 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 having direct access to a yard.
- b) Notwithstanding subsection 11.2.2 (b) “Urban Residential Type 4 (R4)”, the minimum lot frontage requirement shall be 12 metres.<sup>203</sup>

37.171 That on the lands delineated as having reference to this subsection the following provisions shall apply:

- (a) That subsection 6.16 (Frontage on an Improved Street) shall not apply.
- (b) In lieu of the definition of “Street Line” (subsection 4.95) the southerly boundary of the adjacent right-of-way shall be deemed to be the street line.
- (c) Notwithstanding subsection 15.2(b) of the “Seasonal Residential Zone (RS)”, the Minimum Lot Frontage requirement shall be 15 metres.<sup>204</sup>

<sup>202</sup> 28-DU 96

<sup>203</sup> 927-HC-15

37.172 That, notwithstanding subsection 15.2 (Seasonal Residential Zone Provisions), development of the lands delineated as having reference to this subsection shall be in accordance with the following:

- |    |                                 |                                  |
|----|---------------------------------|----------------------------------|
| a) | Minimum Lot Area                | 739 square metres                |
| b) | Minimum Lot Frontage            | 27 metres                        |
| c) | Minimum Yard Requirements       |                                  |
|    | i) Front Yard                   | 2.3 metres                       |
|    | ii) Interior Side Yard (left)   | 12.6 metres                      |
|    | iii) Interior Side Yard (right) | 1.3 metres                       |
|    | iv) Rear Yard                   | 15 metres                        |
| d) | Maximum Building Height         | 6 metres                         |
| e) | Maximum Usable Floor Area       | 100 square metres <sup>205</sup> |

37.173 That on the lands delineated as having reference to this subsection the following provisions shall apply:

- (a) That notwithstanding subsection 8.2(c) (iv) of the “Urban Residential Type 1 Zone (R1)”, the minimum rear yard shall be 1.95 metres in lieu thereof.
- (b) That notwithstanding subsection 8.2 (c)(i) (Front Yard Setback) and 6.8(b) (Accessory Uses to Residential Uses), any existing buildings or structures shall be deemed to conform to this By-law provided that any building or structure hereafter erected shall conform to the provisions of subsection 8.2(c)(i) and 6.8(b).<sup>206</sup>

37.174 That development of the lands delineated as having reference to this subsection shall be in accordance with the following:

- (a) That in addition to the permitted uses of the “Hamlet Residential Zone (RH)” (subsection 14.1); a take-out restaurant shall also be permitted.
- (b) That in addition to the provisions of the “Hamlet Residential Zone (RH)” (subsection 14.2); a take-out restaurant shall be limited to a maximum usable floor area 28 square metres.
- (c) That the provisions of subsection 7.8(r) (Number of Parking Spaces-Unlicensed Restaurant) shall not apply and a minimum of 5(five) parking spaces shall be provided for a take-out restaurant in lieu thereof.<sup>207</sup>

37.175 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

- a) That subsections 16.2(a) (i) (Front Yard Setback) and 16.2 (b) (Maximum Lot Coverage) of the “General Commercial Zone (CG)” shall not apply.

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<sup>204</sup> 31-DU 96

<sup>205</sup> 32-DU 96

<sup>206</sup> 1-DU 97

<sup>207</sup> 4-DU 97

- b) That the provisions of subsection 7.8 shall not apply to an assembly hall.<sup>208</sup>
- 37.176 That in addition to the permitted uses of the “Seasonal Residential Zone (RS)” (subsection 15.1), a one family dwelling house shall also be permitted on the lands delineated as having reference to this subsection.<sup>209</sup>
- 37.177 That, on each of the parcels of land delineated as having reference to this subsection, the following provisions shall apply:
- (a) Subsection 6.16 (Frontage on an Improved Street) shall not apply.
  - (b) In lieu of the definition of “Street Line” (subsection 4.95), the southerly boundary of the adjacent right-of-way shall be deemed to be the street line.
  - (c) Notwithstanding subsection 15.2(b) of the “Seasonal Residential Zone (RS)”, the minimum lot frontage requirement shall be 20 metres in lieu thereof.
  - (d) In addition to the zone provisions of the “Seasonal Residential Zone (RS)” (subsection 15.2), the minimum elevation for openings shall be 179 metres GSC.
  - (e) In addition to the zone provisions of the “Seasonal Residential Zone (RS)” (Subsection 15.2), the maximum ground floor area shall be 115 square metres.<sup>210</sup>
- 37.178 That, in addition to the permitted uses of the “Seasonal Residential Zone (RS)” (subsection 15.1), a one family dwelling house shall also be permitted on the lands delineated as having reference to this subsection.<sup>212</sup>
- 37.179 That, on the lands delineated as having reference to this subsection, the following provisions shall apply:
- (a) The minimum lot frontage requirement of the “Agricultural Zone (A)” (subsection 30.2 (b)) shall not apply to the lands identified as Parcel 1 on the attached Schedule 37.179.1 and the minimum lot frontage shall be 4.5 metres.
  - (b) The permitted uses of the “Hazard Land Zone (HL)” (subsection 36.1), shall not apply and no buildings or structures may be permitted on the lands identified as Parcel 2 on Schedule 37.179.1.
  - (c) In addition to the permitted uses of the “Hazard Land Zone (HL)” (subsection 36.1), structures accessory to a residential or agricultural use shall be permitted on lands

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<sup>208</sup> 6-DU 97

<sup>209</sup> 8-DU 97

<sup>210</sup> 11-DU 97 & 20-DU 97

<sup>212</sup> 12-DU 97

identified as Parcel 3 on Schedule 37.179.1 provided the lowest finished floor level is above 179.1 metres (587.6 feet) CGD.<sup>213</sup>

- 37.180 That on the lands delineated as having reference to this subsection, the following provisions shall apply:
- a) In lieu of the permitted uses of the “Highway Commercial Zone (CH)” (subsection 20.1) only a warehouse accessory to a retail furniture establishment shall be permitted.
  - b) In addition to the zone provisions of the “Highway Commercial Zone (CH)” (subsection 20.2) the usable floor area for a warehouse shall be limited to a maximum of 465 square metres.<sup>214</sup>
- 37.181 That, in addition to the permitted uses of the “Seasonal Residential Zone (RS)” (subsection 15.1), a one family dwelling house shall also be permitted on the lands delineated as having reference to this subsection.<sup>215</sup>
- 37.182 That, notwithstanding subsection 16.2(a), any existing buildings or structures, identified on Schedule 37.182.1, shall be deemed to conform to this By-law provided that any building or structure hereafter erected shall conform to the provisions of 16.2(a).<sup>216</sup>
- 37.183 That, notwithstanding the provisions of the “R3” Zone, any existing buildings or structures located on lands delineated as having reference to this subsection shall be deemed to conform to this By-law provided that any building or structure hereafter erected shall conform to the provisions of the “R3” Zone.<sup>217</sup>
- 37.184 That, notwithstanding the provisions of the “R3” Zone, any existing buildings or structures located on land delineated as having reference to this subsection shall be deemed to conform to this By-law provided that any building or structure hereafter erected shall conform to the provisions of the “R3” Zone.<sup>218</sup>
- 37.185 That, in addition to the permitted uses of the “Seasonal Residential Zone (RS)” (subsection 15.1), a one family dwelling house shall also be permitted on the lands delineated as having reference to this subsection.<sup>219</sup>
- 37.186 That, on the lands delineated as having reference to this subsection, the following provisions shall apply:
- a) Subsection 6.16, Frontage on an improved Street, shall not apply.
  - b) In lieu of the definition of “Street Line” (subsection 4.95), the boundary of the adjacent railway right-of-way shall be deemed to be the street line.

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<sup>213</sup> 14-DU 97

<sup>214</sup> 16-DU 97

<sup>215</sup> 18-DU 97

<sup>216</sup> 3-DU 98

<sup>217</sup> 4-DU 98

<sup>218</sup> 5-DU 98

<sup>219</sup> 9-DU 98



- c) Notwithstanding subsection 5.2, More Than One Zone on a Lot, development of the lands shall take place in accordance with the provisions of the “Open Space-Tent and Trailer Zone (OST).<sup>220</sup>
- 37.187 That the provisions of subsection 30.2(c) (iii) (interior side yard) shall not apply to one greenhouse service corridor, provided that said greenhouse service corridor shall not exceed a maximum width of 6 metres.<sup>221</sup>
- 37.188 That on the lands identified as having reference to this subsection, the following provisions shall apply:
- a) In addition to the permitted uses of the “Seasonal Residential Zone (RS)” (subsection 15.1) a one family dwelling house shall also be permitted.
- b) In lieu of the provisions of subsections 15.2(a) (Minimum Lot Area), 15.2(b) (Minimum Lot Frontage) and 15.2(c) (iii) (Minimum Interior Side Yard), the following provisions shall apply:
- |      |                            |   |
|------|----------------------------|---|
| i)   | Minimum Lot Area           | 1200 square metres  |
| ii)  | Minimum Lot Frontage       | 15 metres   |
| iii) | Minimum Interior Side Yard | 1.45 metres on one side and 0.55 metres on the other side |
- c) In addition to the zone provisions on the “Seasonal Residential Zone (RS)” (subsection 15.2), any openings shall be above ground at a minimum elevation of 180.3 metres CGD.<sup>222</sup>
- 37.189 That on the lands identified as having reference to this subsection, the following provisions shall apply:
- (a) In addition to the permitted uses of the “Hazard Land Zone (HL)” (subsection 36.1), a summer cottage shall also be permitted.
- (b) In lieu of the provisions of subsections 36.2(a) (iii) (Minimum Interior Side Yard), the minimum interior side yard shall be 6 metres on one side and 5.5 metres on the other side.<sup>223</sup>
- 37.190 That the provisions of subsection 6.16 (Frontage on an Improved Street) shall not apply to the lands identified as having reference to this subsection.<sup>224</sup>
- 37.191 That notwithstanding the provisions of subsection 6.15 (Number of Dwelling Houses Per Lot), a maximum of two one family dwellings shall be permitted on the lands identified as having reference to this subsection.<sup>225</sup>

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<sup>220</sup> 10-DU 98

<sup>221</sup> 24-DU 98

<sup>222</sup> 25-DU 98

<sup>223</sup> 27-DU 98 & 28-DU 98

<sup>224</sup> 29-DU 98

<sup>225</sup> 33-DU 98

37.192 That in addition to the permitted uses of the “Rural Commercial Zone (CR)” (subsection 21.1), a truck terminal and service establishment shall also be permitted on the lands identified as having reference to this subsection.<sup>226</sup>

37.193 That, on the lands delineated as having reference to this subsection, the permitted uses of the “Hamlet Residential Zone (RH)” (Subsection 14.1) shall not apply and the uses permitted on this parcel shall be restricted to an unenclosed deck projecting a distance of not more than 4.3 metres.<sup>227</sup>

**37.194A REPEALED BY BY-LAW 846-HC/13**

37.194B That on the lands identified as having reference to this subsection, the following provisions shall apply:

- a) Notwithstanding the permitted uses of the “Light Industrial Zone (ML)” (subsection 24.1), permitted uses are as follows:
  - i) processing, manufacturing and light assembly plant;
  - ii) research and development facilities;
  - iii) industrial supply establishment;
  - iv) industrial offices;
  - v) merchandise service shop;
  - vi) custom workshop;
  - vii) warehouse;
  - viii) airport;
  - ix) flea market;
  - x) outdoor storage as an accessory use to a permitted use;
- b) Notwithstanding subsection 24.2 (e), maximum lot coverage shall be 20 percent; and
- c) The provisions of subsection 24.2 (d) with respect to maximum building height shall not apply.<sup>228</sup>

**37.195 REPEALED BY BY-LAW 846-HC/13**

37.196 That, on lands delineated as having reference to this subsection, the following provisions shall apply:

- a) The provisions of the Urban Residential Type 3 Zone (subsection 10.2) shall not apply and the following shall apply in lieu thereof:
  - a. Minimum Lot Area – 940 square metres. In the case of a lot with such minimum area being subdivided for the purpose of separate ownership of dwelling units the minimum lot area shall be 230 square metres for each subdivided lot.
  - b. Minimum Lot Frontage – 30 metres. In the case of a lot with such minimum frontage being subdivided for the purpose of separate ownership of dwelling units the minimum lot frontage shall be 7.8 metres for each subdivided lot.

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<sup>226</sup> 34-DU 98

<sup>227</sup> 1-DU 99

<sup>228</sup> 3-DU-99 & 2-DU-2000

## c. Minimum Yard Requirements

- |                         |   |
|-------------------------|---|
| i) front yard           | 6 metres  |
| ii) exterior side yard  | 6 metres  |
| iii) interior side yard | 3 metres; except where a lot is subdivided for the purpose of separate ownership of dwelling units no interior side yard need be provided along the common side lot line between the lots created by the subdivision. |
| iv) rear yard           | 7.3 metres  |

## d. Maximum Building Height – 11 metres

## e. Minimum Useable Floor Area – 65 square metres per dwelling unit

## f. Minimum Services – every dwelling unit shall be connected to a public water system and a public sanitary sewer system.

- b) Notwithstanding subsection 6.13 (Boundary Fences in Residential Zones), the maximum height of a boundary fence shall be 2.3 metres.
- c) Notwithstanding subsection 6.22 (c) (Exemptions from Yard Provisions), unenclosed decks, privacy walls and privacy fences may project a maximum of 4.3 metres into the required rear yard.<sup>229</sup>

37.197 That, on the lands delineated as having reference to this subsection, the following provisions shall apply:

- a) The minimum rear yard setback of the “Urban Residential Type 2 Zone (R2)” (Subsection 9.2 (c) (iv)) shall not apply and the minimum rear yard setback shall be 7.3 metres in lieu thereof.
- b) Notwithstanding subsection 6.13 (Boundary Fences in Residential Zones), the maximum height of a boundary fence shall be 2.3 metres.
- c) Notwithstanding subsection 6.22 (c) (Exemptions from Yard Provisions), unenclosed decks, privacy walls and privacy fences may project a maximum of 4.3 metres into the required rear yard.<sup>230</sup>

37.198 That, on the lands delineated as having reference to this subsection, the following provisions shall apply:

- a) Subsection 4.52.1 (Front Lot Line) shall not apply and the westerly lot line abutting George Street shall be defined as the front lot line in lieu thereof.
- b) The minimum lot frontage requirement of the “Urban Residential Type 4 Zone (R4)” (subsection 11.2.2(b)) shall not apply and the minimum lot frontage shall be 7.8

<sup>229</sup> 42-DU 98

<sup>230</sup> 43-DU 98

metres in lieu thereof.

- c) The minimum interior side yard setback requirement of the “Urban Residential Type 4 Zone (R4)” (subsection 11.2.2(c)(iii)) shall not apply and the minimum interior side yard shall be 6.0 metres in lieu thereof.
- d) Notwithstanding subsection 6.13 (Boundary Fences in Residential Zones), the maximum height of a boundary fence shall be 2.3 metres.
- e) Notwithstanding subsection 6.22 (c) (Exemptions from Yard Provisions), unenclosed decks, privacy walls and privacy fences may project a maximum of 4.3 metres into the required rear yard.
- f) In addition to the permitted uses of the “Urban Residential Type 4 Zone (R4)” (subsection 11.1), a private club accessory to a group townhouse development may be permitted.<sup>231</sup>

**37.199(A) REPEALED BY BY-LAW 504-HC/07**

37.199(B) That on the lands delineated as having reference to this subsection the following provisions shall apply:

- a) In addition to the permitted uses of the “Hazard Land Zone (HL)” (subsection 36.1) a one family dwelling house shall also be permitted.
- b) Development of the lands shall be in accordance with the following provisions in lieu of Section 36.2 (Hazard Land Zone Provisions) of Zoning By-law 1-DU 80:
 

i)	Minimum Lot Area	610 square metres
ii)	Minimum Lot Frontage	21 metres
iii)	Minimum Yard Requirements	
a)	exterior side yard	3 metres
b)	interior side yard (right)	1.2 metres
c)	front yard	6 metres
d)	rear yard	9 metres
iv)	Maximum Building Height	11 metres
v)	Maximum Usable Floor Area	130 square metres
vi)	Minimum Elevation for Any Dwelling House	177.1 metres above seas level, Geodetic External Openings to a Survey of Canada Datum. <sup>232</sup>

37.200 That, on the lands delineated as having reference to this subsection, the following provisions shall apply:

- a) In addition to the permitted uses of the “Hazard Land Zone” (subsection 36.1), a summer cottage shall also be permitted.

<sup>231</sup> 44-DU 98

<sup>232</sup> 50-DU-98

- b) In addition to the zone provisions of the “Hazard Land Zone” (subsection 36.2), the maximum usable floor area for a summer cottage shall be 125 square metres.
- c) Subsection 6.16 (Frontage on an Improved Street) shall not apply.
- d) In lieu of the definition of “Street Line” (subsection 4.95), the southerly boundary of the adjacent right-of-way shall be deemed to be the street line.<sup>233</sup>

37.201 That on the lands identified as having reference to this subsection, the following provisions shall apply:

- a) In addition to the permitted uses of the “Seasonal Residential Zone (RS)” (Subsection 15.1) a one family dwelling house shall also be permitted.
- b) The provisions of subsection 5.3 (More than one zone on a lot) shall not apply.<sup>234</sup>

37.202 That, in addition to the permitted uses of the “Light Industrial Zone (ML)” (subsection 24.1), a training and rehabilitation centre shall also be permitted on the lands identified as having reference to this subsection.<sup>235</sup>

37.203 That on the land identified as having reference to this subsection, the following provisions shall apply:

- a) In addition to the permitted uses of the “Rural Industrial Zone (MR)” (subsection 26.1), the following uses shall also be permitted:

- i) contractor’s yard, as defined herein:

“Contractor’s Yard” shall mean a yard of any building trade or other contractor used as a depot for the storage and maintenance of equipment used by the contractor, such as excavating equipment and septic service equipment. Also includes the stockpiling or storage of materials and supplies used by the contractor;

- ii) sale of pipes, fittings and culverts as an accessory use to a contractor’s yard;
- iii) industrial garage;
- iv) municipal recyclable processing area, as defined herein:

“Municipal Recyclable Processing Area: shall mean an area used for the separating, baling and compacting of recyclables under a municipal collection program. <sup>236</sup>

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<sup>233</sup> 51-DU 98

<sup>234</sup> 5-DU 99

<sup>235</sup> 6-DU 99

<sup>236</sup> 9-DU 99

- 37.204 That on the land identified as having reference to this subsection, the following provisions shall apply:
- a) In addition to the permitted uses of the “Hazard Land Zone (HL)” (subsection 36.1) a summer cottage shall be permitted in accordance with the following:
 

Minimum Interior Side Yard	1.2 metres
Maximum Building Height	11 metres
Minimum Usable Floor Area	65 square metres
  - b) Subsection 6.16 (Frontage on an Improved Street) shall not apply to a summer cottage within the limits of the “Hazard Land Zone (HL).”<sup>237</sup>
- 37.205 That, notwithstanding the provisions of subsection 6.15 (Number of Dwelling Houses per Lot) and subsection 4.27 (“Dwelling House”), and in addition to the permitted uses of the “Agricultural Zone (A)” (subsection 30.1), on the lands identified as having reference to this subsection a maximum of two one family dwelling houses shall be permitted, of which one dwelling house may be a mobile home.<sup>238</sup>
- 37.206 That, in addition to the permitted uses of the “Rural Commercial Zone (CR)” (subsection 21.1); an industrial garage shall also be permitted on the lands identified as having reference to this subsection.<sup>239</sup>
- 37.207 That, in addition to the permitted uses of the “Hazard Land Zone (HL)” (subsection 36.1); a parking lot shall also be permitted on the lands identified as having reference to this subsection.<sup>240</sup>
- 37.208 That on the lands identified as having reference to this subsection, the following provisions shall apply:
- a) In lieu of the permitted uses of the “Urban Residential Type 4 Zone (R4)” (subsection 11.1), uses of the subject lands shall be limited to:
    - i) a maximum of fifty (50) one family dwelling houses
    - ii) a place of recreation and private club located on the same lot as a one family dwelling house
  - b) In lieu of subsection 11.2 (Zone Provisions) development of the lands shall be in accordance with the following:
 

i) Minimum Lot Area	43,000 square metres
ii) Minimum Lot Frontage	250 metres

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<sup>237</sup> 11-DU 99

<sup>238</sup> 18-DU 99

<sup>239</sup> 20-DU 99

<sup>240</sup> 22-DU 99

- iii) Minimum Yard Requirements
  - a) front yard 6 metres
  - b) interior side yard 6 metres
  - c) rear yard 15 metres
- iv) Maximum Building Height 11 metres
- v) Minimum Usable Floor Area 70 square metres per dwelling unit
- vi) Minimum Elevation for Any External Openings to a Dwelling House 176.5 metres above sea level, Geodetic survey of Canada Datum
- vii) Minimum Services every dwelling unit shall be connected to a public water system and a public sanitary sewer system.

- c) Notwithstanding subsection 6.8 (Accessory Uses to Residential Uses) and subsection 6.21 (Building Separation From Railways) any building or structure which is accessory to a permitted use may be located within any yard but not less than 1.0 metre to any lot line.<sup>241</sup>

37.209 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

- a) Subsection 6.16, Frontage on an Improved Street, shall not apply.
- b) In lieu of the definition of "FRONT LOT LINE" (subsection 4.52.1), the northerly boundary of the said subject lands shall be deemed to be the front lot line.<sup>242</sup>

37.210 That notwithstanding the permitted uses of the 'Rural Commercial Zone (CR)' (Subsection 21.1), the permitted uses on the lands identified as having reference to this subsection shall be limited to the following:

- i) farm implement sales and service establishment and may include open storage accessory thereto;
- ii) farm.<sup>243</sup>

37.211 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

- a) In addition to the permitted uses of the "Hazard Land Zone (HL)" (subsection 36.1) a one family dwelling house shall also be permitted.
- b) In lieu of subsection 36.2 (Zone Provisions) development of the lands shall be in accordance with the following:
  - i) Minimum Lot Area 348 square metres
  - ii) Minimum Lot Frontage 8.5 metres
  - iii) Minimum Yard Requirements
    - a) left interior side yard 0.2 metres
    - b) right interior side yard 2.5 metres
    - c) front yard 4.7 metres

<sup>241</sup> 26-DU 99

<sup>242</sup> 2-DU 2000

<sup>243</sup> 8-DU 2000

- d) rear yard 11.5 metres
- iv) Maximum Building Height 11 metres
- v) Maximum Usable Floor Area 173 square metres
- vi) Minimum Elevation for Any External Openings to a Dwelling House 178.75 metres above sea level, C.G.D.<sup>244</sup>
- 37.212 a) Notwithstanding the permitted uses of the “Service Commercial Zone (CS)” (subsection 17.1), permitted uses are limited to the following:
- i) vehicle sales and rental establishment and may include open storage accessory thereto, subject to the following provisions:
- a) In lieu of subsection 17.2 (c) (interior side yard), the following provisions shall apply:
- |                                  |            |
|----------------------------------|------------|
| Minimum Left Interior Side Yard  | 3 metres   |
| Minimum Right Interior Side Yard | 0.1 metres |
- ii) any use permitted in the “Urban Residential Type 2 Zone (R2)” is permitted on the same lot as a vehicle sales establishment, in accordance with the following provisions:
- a) Minimum Lot Area 1000 square metres
- b) Minimum Lot Frontage 20 metres
- |       |       |       |       |
|-------|-------|-------|-------|
| 06/00 | 04/01 | 12/99 | 06/00 |
|-------|-------|-------|-------|
- c) Minimum Yard Requirements:
- |                          |            |
|--------------------------|------------|
| Front Yard               | 5.5 metres |
| Left Interior Side Yard  | 3 metres   |
| Right Interior Side Yard | 1.2 metres |
| Rear Yard                | 9 metres   |
- d) Maximum Building Height 11 metres<sup>245</sup>
- 37.213 That, in addition to the permitted uses of the “General Commercial Zone (CG)” (subsection 16.1), a custom workshop shall also be permitted on the lands identified as having reference to this subsection.<sup>246</sup>
- 37.214 That, on the lands delineated as having reference to this subsection, the following provisions shall apply:
- a) In lieu of the permitted uses of the “Seasonal Residential Zone (RS)”, permitted uses shall be limited to a summer cottage.
- b) Subsection 6.16 (Frontage on an Improved Street) shall not apply.
- c) In lieu of the definition of “Street Line” (subsection 4.95), the southerly boundary of the 20 foot wide right-of-way traversing the subject lands shall be deemed to be the street line.
- d) In lieu of the provision of the “Seasonal Residential Zone (RS)” for Minimum Rear Yard (subsection 15.2(c)(iv)), the following provision shall apply:
- i) Minimum Rear Yard 40 metres<sup>247</sup>

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<sup>244</sup> 10-DU 2000

<sup>245</sup> 10-DU 2000

<sup>246</sup> 14-DU 2000

<sup>247</sup> 15-DU 2000



37.215 That, on lands delineated as having reference to this subsection, the following provisions shall apply:

- a) In addition to the permitted uses of the “Seasonal Residential Zone (RS) (subsection 15.1), a one family dwelling house shall also be permitted.
- b) In lieu of the zone Provisions of the “Seasonal Residential Zone (RS)” (subsection 15.2), the following provisions shall apply:
  - i) Minimum Lot Area 1855 square metres
  - ii) Minimum Lot Frontage 20 metres
  - iii) Minimum Yard Requirements:
    - a) front yard 4.5 metres
    - b) right interior yard 3 metres, except where a private garage is attached to the dwelling house in which case the minimum interior side yard adjacent to the attached private garage shall be 1.2 metres
    - c) left interior side yard 40 metres
    - d) all other interior side yards 3 metres
    - e) rear yard 2.5 metres
    - f) maximum building height 11 metres
    - g) minimum usable floor area 65 square metres per dwelling unit<sup>240</sup>

37.216 (a) That in addition to the permitted uses of the “Hamlet Residential Zone (RH)” (subsection 14.1), the following uses shall also be permitted:

- (i) outdoor growing of plants for commercial purposes;
- (ii) commercial greenhouse

(b) The outdoor growing of plants for commercial purposes and a commercial greenhouse shall be subject to the following provisions:

- (i) Maximum area of that portion of lands used for commercial growing of plants, including or excluding a commercial greenhouse 2500 square metres
- (ii) Maximum floor area of commercial green house 50 square metres
- (iii) Maximum height of commercial greenhouse 4.5 metres
- (iv) No retail sales of plants are permitted.<sup>248</sup>

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<sup>248</sup> 16-DU 2000

37.217 That in lieu of subsection 26.2 (c) (Minimum Yard Requirements), the following provisions shall apply:

- |       |                    |                        |
|-------|--------------------|------------------------|
| (i)   | front yard         | 1 metre                |
| (ii)  | exterior side yard | 1 metre                |
| (iii) | interior side yard | 1 metre                |
| (iv)  | rear yard          | 1 metre <sup>249</sup> |

37.218 a) That, notwithstanding the permitted uses of the “General Commercial Zone (CG)” (subsection 16.1), the permitted uses on the lands identified as having reference to this subsection shall be limited to the following:

- (i) One supermarket, as defined in this by-law, and which is not represented in the central business district of the Town of Dunnville. If the requirement for an unrepresented supermarket is declared by a Court of competent jurisdiction to be void or ultra vires for any reason, the remaining provisions of this by-law shall nevertheless remain valid and binding and shall be read as if the offending section or subsection has been struck out and, furthermore, the Owner shall be required to submit a new market impact study, satisfactory to the Region of Haldimand-Norfolk and the Town of Dunnville.

For the purposes of this by-law “supermarket” shall mean a building possessing a minimum gross leasable floor area of 2787 metres squared, in which the main use is the retail sale of 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 confectionary and other food products. In addition, newspapers, magazines, paper products, soft drinks, tobacco products, health and beauty aids, housewares, flowers and plants and other non-food items may be sold. Services may also be offered for sale provided that they are subordinate to the main use.

- (ii) One tires/batteries/accessories retail store, such as but not limited to Canadian Tire, possessing a minimum floor area of no less than 2320 metres squared of gross leasable floor area.
- b) The permitted uses of the subject lands shall not be interpreted to include a department store or retail warehouse, such as but not limited to Wal-Mart, Zellers, Costco, Home Depot or Business Depot.
- c) Any building or structure shall have its lowest opening above 176.9 metres above sea level, Geodetic Survey of Canada Datum.<sup>250</sup>

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<sup>249</sup> 20-DU 2000

<sup>250</sup> 23-DU 2000

- 37.219 a) That in addition to the permitted uses of the “Neighbourhood Institutional Zone (IN)” (subsection 32.1), the following use shall also be permitted:
- (i) Training and Rehabilitation Centre, as defined herein:
- “Training and Rehabilitation Centre” shall mean an area of land, building or part of a building where facilities are provided and operated by social or public agencies for the rehabilitation and training of physically or developmentally handicapped persons, but may not include living quarters for the accommodation of such persons.
- b) In lieu of subsection 32.2(c)(i) (minimum Front Yard) and subsection 32.2(c)(iii) (Interior Side Yard), the following provisions shall apply:
- |       |                                  |            |
|-------|----------------------------------|------------|
| (i)   | Minimum Front Yard               | 4.4 metres |
| (ii)  | Minimum Right Interior Side Yard | 2 metres   |
| (iii) | Minimum Left Interior Side Yard  | 3 metres   |
- c) In lieu of subsection 6.22(c) (Projection of Structures into Required Yard) an unenclosed porch may project into the required front yard a distance of not more than 4.4 metres.<sup>251</sup>
- 37.220 a) That in addition to the permitted uses of the “Urban Residential Type 2 Zone (R2)” (subsection 9.1), a “Group Home” shall also be permitted.
- b) Notwithstanding subsection 4.40 (“GROUP HOME”), a “Group Home” shall mean a dwelling house that is licensed or funded under an Act of Parliament or Canada or the Province of Ontario for the accommodation of up to 4 persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social or physical condition, require a group living environment for their well-being.<sup>252</sup>
- 37.221 That on the lands delineated by this subsection, the following provisions shall apply:
- a) The provisions of subsection 6.16 (Frontage on an Improved Street) shall not apply;
- b) Notwithstanding the provisions of subsection 23.2(b) (Minimum Lot Frontage) the following shall apply in lieu thereof:
- Minimum Lot Frontage – 0 metres;
- c) In addition to the provisions of subsection 23.1 (Permitted Uses) the following uses shall also be permitted:
- i. marine craft salvage yard;
  - ii. dry dock facilities, boat repair shop and other marine trades;

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<sup>251</sup> 24-DU 2000

<sup>252</sup> 29-DU 2000

iii. boathouse.<sup>253</sup>

37.222 That on the lands delineated by this subsection, the following provisions shall apply:

- a) In lieu of the definition of “Front Lot Line” (subsection 4.52.1.9(b)), the dividing line between the subject lands and Tamarac Street shall be deemed to be the front lot line.  
<sup>254</sup>

37.223 That on the lands delineated by this subsection, the following provisions shall apply:

- 1) In addition to the permitted uses of the “Seasonal Residential Zone (RS)” a one family dwelling house shall also be permitted
- 2) In lieu of subsection 15.2(c)(iv) (Minimum Rear Yard) the minimum rear yard shall be 47.5 metres
- 3) In lieu of subsection 4.52.2 (Rear Lot Line) the rear lot line shall be the “Water’s Edge November 3, 2000” as identified on Schedule 37.223.1, being Surveyors Real Property Report prepared by Rasch & Chambers Ltd., dated November 24, 2000.<sup>255</sup>

37.224a That on the lands delineated by this subsection, the following provisions shall apply in lieu of subsection 5.3 (More than One Zone on a Lot):

- 1) Where a portion of a lot is zoned “Open Space Tent and Trailer Zone (OST)”, said portion may be used in the calculation of any required yard and lot frontage.<sup>256</sup>

37.224b That on the lands delineated by this subsection, the following provisions shall apply:

- 1) Notwithstanding the permitted uses of the “Urban Residential Type 3 Zone (R3)” (Subsection 10.1), permitted uses shall be limited to the following:
  - a) one family dwelling house in accordance with the provisions of the R1 Zone
  - b) two family dwelling house in accordance with the provisions of the R2 Zone
  - c) three family dwelling house in accordance with the following provisions:
 

(i)	minimum lot area	800 square metres
(ii)	minimum lot frontage	20 metres
(iii)	minimum yard requirements:	
	front yard	6 metres
	exterior side yard	3.3 metres
	interior side yard	4.5 metres
	rear yard	13 metres
(iv)	maximum building height	11 metres

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<sup>253</sup> 1-HC-01

<sup>254</sup> 5-HC-01

<sup>255</sup> 12-HC-01

<sup>256</sup> 14-HC-01

- d) Notwithstanding the provisions of subsection 6.8(c), no building or structure, which is accessory to a permitted three family dwelling house shall occupy more than 18% of the lot area, exclusive of any lot area occupied by a swimming pool.<sup>257</sup>

37.225 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

- a) That the maximum building height provisions of the R1 zone subsection 8.2(d), shall not apply to the lands identified as having reference to this subsection and more accurately shown as Part 1 on Schedule 37.225 and the following shall apply in lieu thereof:

Maximum Building Height: 1 storey with roof ridges which generally have an east-west orientation approximately parallel to Ramsey Drive.

- b) That a minimum setback of 37 metres from the edge of the railway right-of-way shall apply to the construction of dwellings on the lands identified as having reference to this subsection and more accurately shown as Part 2 on Schedule 37.225.

And further, notwithstanding Section 6.8(b) of By-Law 1-DU 80, Accessory Uses to Residential Uses, for the lands shown as Part 2 on Schedule 37.225, accessory structures such as unenclosed decks, garages and sheds are permitted within the minimum yard of 37 metres in compliance with the setback requirements for accessory structures to residential uses in By-Law 1-DU 80.<sup>258</sup>

- c) That a minimum setback of 37 metres from the edge of the railway right-of-way and a minimum rear yard of 7.5 metres shall apply to the lands identified as having reference to this subsection and more accurately shown as Part 3 on Schedule 37.225.
- d) That the minimum rear yard provision of the R1 zone (subsection 8.2(c)(iv)), shall not apply to the lands identified as having reference to this subsection and more accurately shown as Part 4 on Schedule 37.225 and the following shall apply in lieu thereof:

Minimum Rear Yard: 7.5 metres

- e) That for the sole purpose of calculating lot frontage, lot frontage shall be determined using the definition of lot frontage (subsection 4.51) with a front yard setback of 9 metres for all lands identified as the subject lands on Schedule 37.225.<sup>259</sup>

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<sup>257</sup> 29-HC-01

<sup>258</sup> 111-HC-03

<sup>259</sup> 31-HC-01

- 37.226 That the following provisions shall apply to the land delineated by this subsection:
- a) The permitted uses of the “Agricultural Zone (A)” (Subsection 30.1) shall not apply and that a summer cottage shall be permitted;
  - b) The provisions of Subsection 6.16 (Frontage on an Improved Street) shall not apply;
  - c) In lieu of the definition of “STREET LINE” (subsection 4.95), the northerly boundary of the adjacent right-of-way shall be deemed to be the street line.<sup>260</sup>
- 37.228 Development of the lands delineated by this subsection shall occur in accordance with the provisions of the “Agricultural Zone (A)”, subject to the following:
- a) In addition to the provisions of Subsection 6.8.1(a) (Accessory Uses to Residential Uses), a maximum of one (1) residential accessory building is permitted to have a maximum building height of 10.6 metres;
  - b) Notwithstanding the provisions of Subsection 30.1 (Permitted Uses), the keeping of livestock is not permitted;
  - c) That Schedule 37.228.1 be added to Section 37.<sup>261</sup>
- 37.229 That in addition to the permitted uses of the “Urban Residential – Type 3 (R3)” zone (Subsection 10.1) an assembly hall with a maximum floor area of 92 square metres may also be permitted within the existing dwelling.<sup>262</sup>
- 37.230 That the lands delineated as having reference to this subsection the following provisions shall apply:
- a) That subsection 6.16 (Frontage on an Improved Street) shall not apply;
  - b) In lieu of the definition of “STREET LINE” (Subsection 4.95) the south-easterly boundary of the adjacent right-of-way shall be deemed to be the street line;
  - c) Notwithstanding Subsection 15.2(b) of the “Seasonal Residential (RS)” zone, the Minimum Lot Frontage requirement shall be 20 metres;
  - d) no buildings or structures shall be erected within the 100 year erosion limit as identified by the Niagara Peninsula Conservation Authority.<sup>263</sup>

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<sup>260</sup> 38-HC-01

<sup>261</sup> 47-HC-01

<sup>262</sup> 83-HC-02

<sup>263</sup> 85-HC-02

37.231 That the following provisions shall apply on the lands delineated by this subsection:

- a) For the purposes of this section of 37.231, the following special provisions shall apply to Parcels '1' and '2', shown on Map B, inclusive of one another and prior to subdivision:
- i) the minimum lot area shall be 611.25 square metres;
  - ii) the minimum lot frontage shall be 16.71 metres;
  - iii) the minimum exterior side yard shall be 4.26 metres;
  - iv) the minimum rear yard shall be 6.7 metres;
  - v) an unenclosed porch may project 1.52 metres into the front yard;
  - vi) an unenclosed porch may project 1.52 metres into the exterior side yard.
- b) For the purposes of this section of 37.231, the following special provisions shall apply to Parcels '1' and '2', shown on Map B, exclusive on one another and subdivided for the purpose of separate ownership:

Parcel 1

- i) the minimum exterior side yard shall be 4.26 metres;
- ii) the minimum rear yard shall be 0 metres;
- iii) an unenclosed porch may project 1.52 metres into the front yard.

Parcel 2

- i) the minimum front yard shall be 5.18 metres;
- ii) the minimum rear yard shall be 3.93 metres;
- iii) an unenclosed porch may project 1.52 metres into the front yard.<sup>264</sup>

12/02 12/03 12/06

37.232 That on the lands delineated as having reference to this subsection the following provisions shall apply:

- a) That notwithstanding the provisions of Subsection 31.1, Community Institutional (IC) Zone – Permitted Uses, the uses permitted shall be limited to the following:
- i) Hospital
  - ii) Clinic
  - iii) Nursing Home
  - iv) Retirement Home
  - v) Apartment dwelling house
  - vi) Uses accessory thereto
- b) That in lieu of Section 31.2 (c)(iii) of the Community Institutional (IC) zone, the minimum interior side yard setback (left) shall be 0 metres for the portion of the interior side yard which intersects and is perpendicular to Lock Street West, commencing at a point 47 metres north of the front property line and extending a distance of 27.5 metres to the north of that point.

<sup>264</sup> 103-HC-03

- c) That in lieu of Section 31.2 (c)(i) of the Community Institutional (IC) zone, the minimum front yard setback for a parking lot canopy shall be 6.2 metres.
- d) That for the purposes of this By-law, 'retirement home' shall be defined as follows:  
  
"A complex for seniors which offers some personal care assistance to residents as well as a comprehensive services package including but not limited to meals, housekeeping, activities, transportation and security."
- e) That in lieu of Section 7 – Off-Street Parking, the minimum number of off-street parking spaces shall be 90.<sup>265</sup>

37.233 That the following provisions shall apply on the lands delineated by this subsection:

- a) In lieu of subsection 11.2.2 (c)(iv), minimum yard requirements for Group Townhouses, Two, Three and Four Family Dwelling Houses, the minimum rear yard setback shall be 6.7 metres.
- b) In lieu of subsection 6.22 (d), Exemptions from Yard Provisions, unenclosed patios and decks above the finished grade of the lot may project a maximum of 2.5 metres into a required yard.
- c) A maximum of 35 dwelling units only shall be permitted on the subject lands.<sup>266</sup> *(This subsection added by OMB order)*

37.234 That the following provisions shall apply on the lands delineated by this subsection:

- a) Subsection 6.16, Frontage on an Improved Street, shall not apply.<sup>267</sup>

37.235 That on the lands delineated as having reference to this subsection the following provisions shall apply:

- a) That Subsection 6.16 (Frontage on an Improved Street) shall not apply.
- b) In lieu of the definition of 'Street Line' (Subsection 4.95) the southerly boundary of the adjacent right-of-way shall be deemed to be the street line.
- c) Notwithstanding Subsection 15.2 (b) of the 'Seasonal Residential Zone (RS)', the minimum lot frontage shall be 11.97 metres (39.27 feet).
- d) No buildings or structure shall be erected within the revised 100 year erosion limit, herein identified by the Niagara Peninsula Conservation Authority as being located

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<sup>265</sup> 451-HC-06

<sup>266</sup> 112-HC-03

<sup>267</sup> 107-HC-03



34 metres inland from the toe of the bank of Lake Erie, unless adequate shoreline protection is established prior to construction.<sup>268</sup>

37.236 That on the lands delineated as having reference to this subsection the following provisions shall apply:

- a) In lieu of the provisions of Subsection 6.8.1 (a), Accessory Uses to Residential Uses, a maximum of one (1) residential accessory building is permitted to have a maximum building height of 7.92 metres (26 feet).<sup>269</sup>

37.237 That on lands delineated as having reference to this subsection the following provisions shall apply:

- a) That in addition to the permitted uses of Subsections 37.42 and 37.194-B, a tent and trailer park shall also be permitted.
- b) That for the purposes of this By-law a maximum of 50 tent and trailer lots shall be permitted, the use of which shall be limited to individuals of groups directly associated with the use of the skydiving operation located on the subject lands on the date of this By-law.
- c) That should the skydiving operation cease to exist as an operational business, 'tent and trailer park' shall be discontinued as a permitted use.
- d) That Subsection 6.16 (Frontage on an Improved Street) shall not apply.<sup>270</sup>

37.238 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

- a) In lieu of the permitted uses of the 'General Commercial (CG)' zone, the subject lands shall only be used for the retail sale of pet products, garden products, agricultural products and the processing and warehousing of feed.<sup>271</sup>

**37.239 Appealed to OMB<sup>272</sup>**

- 37.240
- i) That the minimum lot area for Parcel 1 on Schedule 37.240 shall be 0.59 hectares, after subdivision has taken place.
  - ii) That the minimum lot area for Parcel 2 on Schedule 37.240 shall be 0.59 hectares, after subdivision has taken place.

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<sup>268</sup> 115-HC-03

<sup>269</sup> 120-HC-03

<sup>270</sup> 122-HC-03

<sup>271</sup> 118-HC-03

<sup>272</sup> 127-HC-03

- iii) That the minimum lot area for Parcel 3 on Schedule 37.240 shall be 1.19 hectares, after subdivision has taken place.<sup>273</sup>

37.241 That on the lands delineated as having reference to this subsection the following provisions shall apply:

- a) Parcel 1 on Schedule 37.241.1.
- b) In lieu of Subsection 30.2 (d) (ii), Minimum Yard Requirements, an exterior side yard setback of 12 metres is permitted for the existing dwelling unit located on Parcel 2 on Schedule 37.241.1.<sup>266</sup>

37.242 *This section not used, application refused.*

37.243 That the provisions of Subsection 9.2 (c) (iv) Minimum rear yard shall not apply to the lands identified as having reference to this subsection, and the following shall apply in lieu thereof:

- a) Minimum rear yard: 6.7 metres

37.244 That the provisions of Subsection 9.2 (c) (iv) Minimum rear yard shall not apply to the lands identified as having reference to this subsection, and the following shall apply in lieu thereof:

- a) Minimum rear yard: 4.9 metres

37.245 That the provisions of subsection 8.2 (a) Minimum Lot Area shall not apply to the lands identified as having reference to this subsection, and the following shall apply in lieu thereof:

- a) Minimum lot area                      366 square metres
- b) Minimum lot frontage                11.6 metres
- c) Minimum useable floor area        65 square metres.<sup>274</sup>

37.246 i) That notwithstanding the permitted uses of the 'Community Institutional (IC)' zone, subsection 31.1, uses shall be limited to the following and shall only be permitted within the existing dwelling structure, with the exception of a parking lot:

- a) clinic
- b) health care offices
- c) retirement home
- d) uses accessory thereto.

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<sup>273</sup> 129-HC-03

<sup>274</sup> 135-HC-03

- ii) That for the purposes of this By-Law, a 'retirement home' shall be defined as follows:

"A complex for seniors which offers some personal care assistance to residents as well as a comprehensive services package including but not limited to meals, housekeeping, activities, transportation and security."

- iii) That for the purposes of this By-law, 'health care offices' shall be defined as follows:

"A building or part of a building used in administrating, directing, managing or conducting the affairs of the hospital and various health care-related agencies, groups and foundations."

- iv) That any parking lot which is to be operated in conjunction with the hospital campus shall be located within the rear yard of the subject lands and shall be subordinate to another use on those lands.<sup>275</sup>

- 37.247 i) That notwithstanding the permitted uses of the 'Community Institutional (IC)' zone, subsection 31.1, uses shall be limited to the following and shall only be permitted in the existing dwelling structure:

- a) clinic
- b) health care offices
- c) uses accessory thereto.

- ii) That for the purposes of this By-law, 'health care offices' shall be defined as follows:

"A building or part of a building used in administrating, directing, managing or conducting the affairs of the hospital and various health care-related agencies, groups and foundations."<sup>276</sup>

- 37.248 i) That in addition to the permitted uses in Subsection 31.1 of the 'Community Institutional (IC)' zone, a boarding or lodging house is also permitted.

- ii) That a maximum of ten (10) guest rooms will be permitted.

- iii) That Subsection 6.16, Frontage on an Improved Street, shall not apply.<sup>277</sup>

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<sup>275</sup> 136-HC-03

<sup>276</sup> 138-HC-03

<sup>277</sup> 154-HC-03

- 37.250 i) That notwithstanding the permitted uses in the 'Community Institutional (IC)' zone, subsection 31.1, uses shall be limited to a nursing home, health care offices and uses accessory to a nursing home.
- ii) That for the purposes of this By-law, 'health care offices' shall be defined as follows:
- "A building or part of a building used in administering, directing, managing or conducting the affairs of the hospital and various health care-related agencies, groups and foundations."
- iii) That in lieu of Section 7, the minimum number of off-street parking spaces shall be 22.
- iv) That in lieu of Section 31.2 (c)(iii), the minimum interior side yard (right) shall be 0 metres for the portion of the interior side yard which intersects and is perpendicular to Lock Street West, commencing at a point 7.5 metres north of the front property line and extending a distance of 14.5 metres to the north of that point.<sup>278</sup>
- 37.251 That on the lands delineated as having reference to this subsection the following provisions shall apply:
- a) That in lieu of Section 31.2 (c)(iii) of the 'Community Institutional (IC)' zone, the minimum interior side yard (right) shall be 0 metres for the portion of the interior side yard which intersects and is perpendicular to Lock Street West, commencing at a point 45 metres north of the front property line and extending a distance of 29.5 metres to the north of that point.
- b) That in lieu of Section 31.2 (c)(iii) of the 'Community Institutional (IC)' zone, the minimum interior side yard (right) shall be 0 metres for the portion of the interior side yard which intersects and is perpendicular to Lock Street West, commencing at a point 7.5 metres north of the front property line and extending a distance of 14.5 metres to the north of that point.
- c) That in lieu of Section 31.2 (c)(iv) of the 'Community Institutional (IC)' zone, the minimum rear yard setback shall be 6.4 metres.
- d) That notwithstanding the provisions of Subsection 31.1, 'Community Institutional (IC)' zone – Permitted Uses, health care offices shall also be permitted.
- e) That for the purposes of this By-law, 'health care offices' shall be defined as follows:

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<sup>278</sup> 161-HC-04

“A building or part of a building used in administrating, directing, managing or conducting the affairs of the hospital and various health care-related agencies, groups and foundations.”

- f) That in lieu of Section 7 – Off-Street Parking, the minimum number of off-street parking spaces shall be 62.<sup>279</sup>

37.252 That on lands delineated as having reference to this subsection the following provision shall apply:

- a) The keeping of livestock shall be prohibited in the existing livestock facility located on the subject lands on the date of the passing of this by-law.<sup>280</sup>

37.253 i) That in lieu of Section 9.2 (a), the minimum lot area for an interior lot shall be 588 square metres.

- ii) That in lieu of Section 9.2 (a), the minimum lot area for a corner lot shall be 597 square metres.

iii) That in lieu of Section 9.2 (a), the minimum lot area for a subdivided lot shall be 294 square metres.

iv) That in lieu of Section 9.2 (c)(ii), the minimum exterior side yard shall be 2 metres.

v) That in lieu of Section 9.2 (c)(iii), the minimum interior side yard shall be 1.2 metres.

vi) That in lieu of Section 9.2 (c)(iv), the minimum rear yard setback shall be 6 metres.<sup>281</sup>

37.254 The following provisions shall apply to the lands identified as Part 1 on Schedule 37.254:

i) That in lieu of Section 9.2 (a), the minimum lot area for an interior lot shall be 528 square metres.

ii) That in lieu of Section 9.2 (a), the minimum lot area for a corner lot shall be 638 square metres.

iii) That in lieu of Section 9.2 (a), the minimum lot area for a subdivided lot shall be 264 square metres.

iv) That in lieu of Section 9.2 (c)(i), the minimum front yard setback shall be 4 metres for the dwelling and 6 metres for the attached garage.

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<sup>279</sup> 451-HC-06

<sup>280</sup> 160-HC-04

<sup>281</sup> 163-HC-04

- v) That in lieu of Section 9.2 (c)(ii), the minimum exterior side yard shall be 5 metres.
- vi) That in lieu of Section 9.2 (c)(iii), the minimum interior side yard shall be 1.2 metres.
- vii) That in lieu of Section 9.2 (c)(iv), the minimum rear yard setback shall be 6 metres.<sup>282</sup>

**PART 2 REPEALED AND REPLACED BY 37.313<sup>283</sup>**

- 37.255 i) That in addition to the permitted uses in Subsection 15.1 of the 'Seasonal Residential (RS)' zone, a one family dwelling house is also permitted.<sup>284</sup>
- 37.256 i) That in addition to the permitted uses in Subsection 24.1 of the 'Light Industrial (ML)' zone, a movie rental establishment is also permitted.
- ii) That in lieu of Subsection 24.2(c)(ii), 'Zone Requirements' of the 'ML' zone, the minimum exterior side yard setback shall be 3 metres.
- iii) That for the purpose of this By-law, the lot line parallel to and abutting Broad Street East shall be deemed to be the front property line.<sup>285</sup>
- 37.257 That on the lands delineated as having reference to this subsection the following provisions shall apply:
  - a) That Subsection 6.16 (Frontage on an Improved Street) shall not apply.<sup>286</sup>
- 37.258 *This section not used, application refused.*
- 37.259 That on lands delineated as having reference to this subsection the following provision shall apply:
  - a) The keeping of livestock shall be prohibited in the existing livestock facility located on the subject lands on the date of the passing of this by-law.<sup>287</sup>
- 37.260 The following provisions shall apply to the lands identified as Part 1 on Map 'B':
  - a) That in lieu of Subsection 14.2 (a) of the 'Hamlet Residential (RH)' zone, the minimum lot area shall be 1,500 m<sup>2</sup>.
  - b) That Subsection 6.16 (Frontage on an Improved Street) shall not apply.<sup>288</sup>
- 37.261 That on lands delineated as having reference to this subsection the following provision

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<sup>282</sup> 164-HC-04

<sup>283</sup> 656-HC-09

<sup>284</sup> 170-HC-04

<sup>285</sup> 183-HC-04

<sup>286</sup> 215-HC-04

<sup>287</sup> 214-HC-04

<sup>288</sup> 307-HC-06

shall apply:

- a) The keeping of livestock shall be prohibited in the existing livestock facility located on the subject lands on the date of the passing of this by-law.<sup>289</sup>
- 37.262 i) That in addition to the permitted uses in Subsection 15.1 of the ‘Seasonal Residential (RS)’ zone, a one family dwelling house is also permitted.<sup>290</sup>
- 37.263 That on the lands delineated as having reference to this subsection the following provisions shall apply:
- i) That in lieu of Section 31.2 (c)(i), Community Institutional (IC) Zone Provisions – Minimum Yard Requirements, the minimum front yard setback shall be 5.29 metres;
  - ii) That in lieu of Section 31.2 (c)(iii), Community Institutional (IC) Zone Provisions – Minimum Yard Requirements, the minimum interior side yard setback shall be 0.02 metres;
  - iii) That in lieu of Section 31.2 (d), Community Institutional (IC) Zone Provisions, the maximum building height shall be 24 metres;
  - iv) That in lieu of Section 6.10 (a), Accessory Uses to Non-Residential Uses, the minimum interior side yard setback for an accessory structure shall be 1.38 metres;
  - v) That in lieu of Section 6.22 (c), Exemptions From Yard Provisions, steps may encroach a maximum of 5.29 metres into the front yard setback; and
  - vi) That in lieu of Section 7.8 (k), Number of Parking Spaces – Non-Residential, the minimum number of parking spaces required shall be 15.<sup>291</sup>
- 37.264 That on the lands delineated as having reference to this subsection the following provisions shall apply:
- i) That Subsection 6.16 (Frontage on an Improved Street) shall not apply.
  - ii) In lieu of the definition of ‘Street Line’ in Subsection 4.95, the southerly boundary of the adjacent right-of-way shall be deemed to be the street line.
  - iii) That in addition to the permitted uses in Subsection 15.2 (b) of the ‘Seasonal Residential (RS)’ zone, the minimum lot frontage shall be 11.97 metres.<sup>292</sup>

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<sup>289</sup> 219-HC-05

<sup>290</sup> 220-HC-05

<sup>291</sup> 232-HC-05

<sup>292</sup> 225-HC-05

- 37.265 That on the lands delineated as having reference to this subsection the following provisions shall apply:
- i) That notwithstanding the provisions of Subsection 26.1, Rural Industrial (MR) Zone – Permitted Uses, the uses permitted shall be limited to grain bins.
  - ii) That notwithstanding the provision of Subsection 26.2 (d), Rural Industrial (MR) Zone- Zone Provisions, the maximum building height shall be 17 metres.<sup>293</sup>
- 37.266 i) That in addition to the permitted uses in Subsection 26.1 of the Rural Industrial (MR) zone, a take-out restaurant is also permitted;
- ii) That in lieu of Subsection 26.2 (c)(i), Rural Industrial (MR) Zone – Zone Provisions, the minimum front yard setback shall be 9 metres;
  - iii) That in lieu of Subsection 26.2 (c)(iii), Rural Industrial (MR) Zone – Zone Provisions, the minimum interior side yard (right) setback shall be 0 metres;
  - iv) That the reductions to the Zone Provisions shall apply to only the take-out restaurant existing on the date of passage of this by-law.<sup>294</sup>
- 37.267 i) That in addition to the permitted uses in Subsection 15.1 of the ‘Seasonal Residential (RS)’ zone, a one family dwelling house is also permitted.<sup>295</sup>
- 37.268 That on the lands delineated as having reference to this subsection the following provisions shall apply:
- i) That in lieu of Section 9.2 (b) of the ‘Urban Residential Type 2 (R2)’ zone, the minimum lot frontage shall be 19.59 metres.
  - ii) That in lieu of Section 9.2 (c)(iii) of the ‘Urban Residential Type 2 (R2)’ zone, the minimum interior side yard setback shall be 1.2 metres.
  - iii) That in lieu of Section 9.2 (c)(iv) of the ‘Urban Residential Type 2 (R2)’ zone, the minimum rear yard setback shall be 8 metres.<sup>296</sup>
- 37.269 The following provisions shall apply to the lands identified on Schedule 37.269:
- i) That in lieu of Section 11.2.1 (c)(iii) of the ‘Urban Residential Type 4 (R4)’ zone, the minimum interior side yard setback shall be 1.52 metres.<sup>297</sup>

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<sup>293</sup> 233-HC-05

<sup>294</sup> 243-HC-05

<sup>295</sup> 257-HC-05

<sup>296</sup> 263-HC-05

<sup>297</sup> 276-HC-05



37.270 The following provisions shall apply to the lands identified as Part 1 on Schedule 37.270:

- i) That in lieu of Subsection 14 (b) of the 'Hamlet Residential (RH)' zone, the minimum lot frontage shall be 28 metres.
- ii) That in lieu of Subsection 14 (c)(i) of the 'Hamlet Residential (RH)' zone, the exterior side yard setback shall be 3.46 metres for the dwelling existing on the date of passing of this by-law.

The following provisions shall apply to the lands identified as Part 2 on Schedule 37.270:

- i) That all development be set back a minimum of 15 metres from the edge of the watercourse traversing the east portion of the subject lands.
- ii) That the 15 metres development setback shall remain undisturbed as a naturalized buffer and that any changes to the naturalized state shall be approved by the Niagara Peninsula Conservation Authority.<sup>298</sup>

37.271 That on the lands delineated as having reference to this subsection the following provisions shall apply:

- a) The keeping of livestock shall be prohibited on the subject lands.
- b) That in lieu of Subsection 6.8.1 (a) 'Accessory Uses to Residential Uses', the maximum building height shall be 9.75 metres for the former livestock facility existing on the date of passage of this by-law.<sup>299</sup>

37.272 That on lands delineated as having reference to this subsection the following provision shall apply:

- a) The keeping of livestock shall be prohibited in the existing livestock facility located on the subject lands on the date of the passing of this by-law.<sup>300</sup>

37.273 That on lands delineated as having reference to this subsection the following provision shall apply:

- a) That in lieu of Subsection 6.15 'Number of Dwelling Houses Per Lot', a maximum of two (2) dwelling houses shall be permitted.<sup>301</sup>

37.275 The following provisions shall apply to the lands identified as Parts 2 and 3 on Schedule 37.275:

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<sup>298</sup> 270-HC-05

<sup>299</sup> 268-HC-05

<sup>300</sup> 269-HC-05

<sup>301</sup> 279-HC-05

- a) That in lieu of Section 29.2 (a) of the 'Special Industrial' zone, the minimum lot area shall be 1.2 hectares.
- b) That in lieu of Section 29.2 (b) of the 'Special Industrial' zone, the minimum lot frontage shall be 38 metres.
- c) That in lieu of 29.2 (e) of the 'Special Industrial' zone, the minimum setback between the existing abattoir and the dwelling to the immediate north existing on the date of passage of this by-law, shall be 55 square metres.
- d) That the maximum useable floor area of an abattoir shall be 440 m<sup>2</sup>.<sup>302</sup>
- 37.276 i) That in addition to the permitted uses in Subsection 9.1 of the 'Urban Residential Type 2 (R2)' zone, a medical clinic for a single general practitioner is also permitted.
- ii) That in lieu of Section 8.2 (c)(iii) of the 'Urban Residential Type 1 (R1)' zone, the minimum interior side yard (right) setback shall be 1.06 metres.<sup>303</sup>
- 37.277 The following provisions shall apply to the lands identified as Parts 1 and 2 on Map 'B':
- a) That in addition to the permitted uses in Subsection 15.1 of the 'Seasonal Residential (RS)' zone, a one family dwelling house is also permitted.
- b) That in lieu of Subsection 15.2(c)(i) Zone Provisions of the 'Seasonal Residential (RS)' zone, the front yard setback shall be 5.1 metres for the dwelling existing on the date of passing of this by-law.<sup>295</sup>
- 37.278 i) That in addition to the permitted uses in Subsection 15.1 of the 'Seasonal Residential (RS)' zone, a one family dwelling house is also permitted.<sup>304</sup>
- 37.279 The following provision shall apply to the lands identified as Part 2 on Schedule 37.279:
- a) That in lieu of Section 30.2(b) – General Zone Provisions of the 'Agricultural (A)' zone, the minimum lot frontage shall be 20 metres.<sup>305</sup>
- 37.280 That notwithstanding the provisions of Section 30.1 – Permitted Uses of the 'Agricultural (A)' zone, a one family dwelling house is not permitted.<sup>306</sup>
- 37.282 A) Permitted Uses:

On the lands having reference to this subsection, the following uses shall be permitted:

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<sup>302</sup> 292-HC-06

<sup>303</sup> 309-HC-06

<sup>304</sup> 308-HC-06

<sup>305</sup> 326-HC-06

<sup>306</sup> 327-HC-06

- i) One General Merchandise Store;
- ii) Retail Establishments;
- iii) Service Commercial Uses permitted in Subsection 17.1 (Service Commercial Zone);
- iv) Personal Service Shop;
- v) Bank

B) General Regulations:

In addition to the applicable regulations contained in Section 6 (General Provisions), the following regulations shall also apply to lands having reference to this subsection:

- i) The maximum Gross Commercial Floor Space (GCFS) of all buildings, structures and uses shall be 11,612.5 sq. m.;
- ii) The maximum GCFS of the General Merchandise Store shall be 8,361 sq. m.;
- iii) The maximum GCFS dedicated to the sale and display of food items in the General Merchandise Store shall be 745 sq. m.;
- iv) In the buildings not containing the General Merchandise Store:
  - a) The maximum GCFS dedicated to the sale of Department Store Type Merchandise (DSTM) shall be 1,858 sq. m.;
  - b) The following uses shall be prohibited:
    - i. Pharmacy;
    - ii. Supermarket;
    - iii. Hardware store;
    - iv. Florist shop;
    - v. Jewellery store;
    - vi. Office and stationary supplies store

C) Phase 1 Development Regulations:

- i) A maximum of one (1) building with a maximum GCFS of 8,361 sq. m. for a General Merchandise Store shall be permitted in Phase 1; and,
- ii) A maximum of two (2) buildings with a maximum aggregate GCFS of 1,858 sq. m for all other permitted uses (other than a General Merchandise Store) shall be permitted in Phase 1.

D) Phase 2 Development Regulations:

- i) A maximum of one (1) building with a maximum GCFS of 1,393.5 sq. m. shall be permitted in Phase 2, and
- ii) No business shall be permitted to open to the public in Phase 2 prior to April 1, 2009.

E) Elevations:

All building openings and first floor areas are to be situated above the Regional Storm elevation of 176.42 m. CGM.

F) Definitions:

On the lands having reference to this subsection, the following Definitions shall apply:

- i) A “**General Merchandise Store**” shall mean an establishment engaged in a wide range of merchandising, which may include, but not be limited to Department Store Type Merchandise, food store merchandise, restaurant, travel office, eye/vision centre, garden supplies, pharmacy, public garage including automotive service, repair and sale of automotive parts, photographic studio, and film processing.
  - ii) “Gross Commercial Floor Space” or “GCFS” means the gross floor area of any buildings measured from the exterior face of the outside walls and excluding ancillary outdoor display areas and ancillary seasonal exterior garden center(s). An ancillary outdoor display area and/or ancillary seasonal exterior garden center shall not be contained within the building or roofed except for a weather protective canopy for the ancillary seasonal exterior garden center and shall not displace required parking, loading, laneways or driveways.<sup>307</sup>
- 37.284 a) That in lieu of Section 9.2(a) – Zone Provisions of the ‘Urban Residential Type 2 (R2)’ zone, the minimum lot area shall be 490 square metres.
- b) That in lieu of Section 9.2(b) – Zone Provisions of the ‘Urban Residential Type 2 (R2)’ zone, the minimum lot frontage shall be 15.7 metres.
- c) That in lieu of Section 9.2(c) (i) – Zone Provisions of the ‘Urban Residential Type 2 (R2)’ zone, the minimum front yard setback shall be 1.36 metres.

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<sup>307</sup> 444-HC-06

- d) That in lieu of Section 9.2(c) (ii) – Zone Provisions of the ‘Urban Residential Type 2 (R2)’ zone, the minimum exterior side yard setback 0.83 metres.
- e) That in lieu of Section 7.2.3(a) – Off-Street Parking, a maximum of 4 parking spaces may be permitted in the rear yard.
- f) That a maximum driveway width of 6 metres is permitted.<sup>308</sup>

37.285 The following provisions shall apply to the lands identified as Part 1 on Map ‘B’ and Schedule 37.285:

- a) That in lieu of Section 6.8.1(a) – Accessory Uses to Residential Uses, the maximum permitted height for an accessory building shall be 8.3 metres.

The following provisions shall apply to the lands identified as Part 2 on Map ‘B’ and Schedule 37.285:

- a) That the keeping of livestock shall be prohibited in the livestock facility existing on the date of passage of this by-law.
- b) That in lieu of Subsection 30.2(c) (iii) - Zone Provisions of the ‘Agricultural (A)’ zone, the minimum interior side yard setback shall be 3.2 metres for the storage shed existing on the date of passing of this by-law.
- c) That in lieu of Subsection 30.2(c)(iii) - Zone Provisions of the ‘Agricultural (A)’ zone, the minimum interior side yard setback shall be 5.4 metres for the corn crib existing on the date of passing of this by-law.<sup>309</sup>

- 37.286 a) That in addition to the uses permitted in the ‘Agricultural (A)’ zone, a wind  
37.287 farm is also permitted on the subject lands;  
37.288
- 37.289 b) That for the purposes of this by-law a ‘wind farm’ shall mean a  
37.290 development of a maximum of one (1) or more wind turbines, together  
37.295 with any related appurtenances, intended to provide electricity off-site for sale to an electrical utility, or other intermediaries;
- c) That for the purposes of this by-law a ‘wind turbine’ shall mean a structure including tower, nacelle, blades and related appurtenances, designed, erected and maintained under the appropriate qualified supervision, and used for the conversion of wind energy into electricity for sale to an electrical utility or other intermediaries. Installation of a wind turbine shall be limited to a turbine that is 121 metres in height and 8.2 metres in width, or something of the same or lesser height and width. The height of the wind turbine shall be measured from the highest point of the tower, to the lowest grade elevation at the base of the tower;

<sup>308</sup> 465-HC-07

<sup>309</sup> 464-HC-07

- d) The location envelope for the wind turbine is conceptual in nature and will be finalized at the site plan stage without the need for further amendment to this by-law. If the final location for the base of the turbine results in a final location which is outside the location envelope or which contravenes any other setback requirement established in this by-law, then the turbine will not be constructed;
- e) That in lieu of Section 30.2(c) – General Zone Provisions of the ‘Agricultural (A)’ zone, the minimum front yard, exterior side yard, interior side yard and rear yard setbacks for a wind turbine shall be 1.0 times the total length of the rotor blade, plus 10.0 metres, but shall not be less than 30 metres;
- f) That the minimum setback of a wind turbine from any registered access easement or right-of-way shall be 1.0 times the total length of the rotor blade, plus 10.0 metres, but shall not be less than 30 metres;
- g) That the minimum setback of a wind turbine from an on-site residential use shall be 1.25 times the height of the wind turbine or 250 metres, whichever is greater;
- h) That the minimum setback of a wind turbine from an existing off-site residential dwelling or existing institutional building shall be the distance from the residential dwelling or institutional building to the perimeter of the location envelope or 300 metres, whichever is greater;
- i) That the minimum setback of a wind turbine from all residential and institutional zones shall be the distance from the closest part of the residential or institutional zone to the perimeter of the location envelope or 300 metres, whichever is greater;
- j) That the use of the lot for wind turbine structures, accessory buildings and structures, road access, storage areas and any area removed from agricultural production shall not exceed 5% of the lot area;
- k) The maximum height for a turbine shall be 121 metres as measured from the base of the tower to the tip of the blade;
- l) An obsolete, unsafe and/or non-functioning wind turbine must be removed from the subject lands within six (6) months of the cessation of operations; and
- m) The minimum lot size for a wind farm shall be 5 hectares.<sup>310</sup>

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<sup>310</sup> 487-HC-07  
488-HC-07  
489-HC-07  
490-HC-07  
491-HC-07

- 37.291 a) That in addition to the uses permitted in the 'Agricultural (A)' zone, a wind  
37.292 farm is also permitted on the subject lands;  
37.293
- 37.294 b) That for the purposes of this by-law a 'wind farm' shall mean a  
37.299 development of one (1) or more wind turbines, together with any related  
appurtenances, intended to provide electricity off-site for sale to an electrical  
utility, or other intermediaries;
- c) That for the purposes of this by-law a 'wind turbine' shall mean a structure  
including tower, nacelle, blades and related appurtenances, designed, erected  
and maintained under the appropriate qualified supervision, and used for the  
conversion of wind energy into electricity for sale to a electrical utility or other  
intermediaries. Installation of a wind turbine shall be limited to a turbine that is  
121 metres in height and 8.2 metres in width, or something of the same or lesser  
height and width. The height of the wind turbine shall be measured from the  
highest point of the tower, to the lowest grade elevation at the base of the tower;
- d) The location envelope for the wind turbine is conceptual in nature and will be  
finalized at the site plan stage without the need for further amendment to this by-  
law. If the final location for the base of the turbine results in a final location which is  
outside the location envelope or which contravenes any other setback requirement  
established in this by-law, then the turbine will not be constructed;
- e) That in lieu of Section 30.2(c) – General Zone Provisions of the 'Agricultural (A)'  
zone, the minimum front yard, exterior side yard, interior side yard and rear yard  
setbacks for a wind turbine shall be 1.0 times the total length of the rotor blade, plus  
10.0 metres, but shall not be less than 30 metres;
- f) That the minimum setback of a wind turbine from any registered access easement or  
right-of-way shall be 1.0 times the total length of the rotor blade, plus 10.0 metres, but  
shall not be less than 30 metres;
- g) That all development be set back a minimum of 15 metres from the edge of the  
watercourse traversing the subject lands:
- h) That the minimum setback of a wind turbine from an on-site residential use shall be  
1.25 times the height of the wind turbine or 250 metres, whichever is greater;
- i) That the minimum setback of a wind turbine from an existing off-site residential  
dwelling or existing institutional building shall be the distance from the residential  
dwelling or institutional building to the perimeter of the location envelope or 300  
metres, whichever is greater;

- j) That the minimum setback of a wind turbine from all residential and institutional zones shall be the distance from the closest part of the residential or institutional zone to the perimeter of the location envelope or 300 metres, whichever is greater;
  - k) That the use of the lot for a wind turbine structure, accessory buildings and structures, road access, storage areas and any area removed from agricultural production shall not exceed 5% of the lot area;
  - l) The maximum height for a turbine shall be 121 metres as measured from the base of the tower to the tip of the blade;
  - m) An obsolete, unsafe and/or non-functioning wind turbine must be removed from the subject lands within six (6) months of the cessation of operations; and
  - n) The minimum lot size for a wind farm shall be 5 hectares.<sup>311</sup>
- 12/07
- 37.296 a) The following provision shall apply to the lands identified as Parts 1 and 2 on Map 'B' and Schedule 37.296:
- i) That in addition to the permitted uses of Section 15.1 – Seasonal Residential (RS) zone, a one family dwelling house is permitted.
- b) The following provision shall apply to the lands identified as Part 3 on Map 'B' and Schedule 37.296:
- i) That in addition to the permitted uses of Section 26.1 – Rural Industrial (MR) zone, the lands may be used as an access for a concrete products manufacturing operation.
- c) The following provision shall apply to the lands identified as Parts 3 and 8 on Map 'B' and Schedule 37.296:
- i) That in lieu of Section 26.2 (b) Zone Provisions – Rural Industrial (MR) zone, the minimum lot frontage shall be 10.6 metres.
- d) The following provision shall apply to the lands identified as Parts 4 and 9 on Map 'B' and Schedule 37.296:
- i) That in lieu of Section 30.2 (b) Zone Provisions – Agricultural (A) zone, the minimum lot frontage shall be 11.6 metres.

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<sup>311</sup> 492-HC-07  
 493-HC-07  
 494-HC-07  
 495-HC-07  
 497-HC-07



- e) The following provision shall apply to the lands identified as Parts 5 and 6 on Map 'B' and Schedule 37.296:
- i) That in addition to the permitted uses of Section 15.1 – Seasonal Residential (RS) zone, a one family dwelling house is permitted.
- f) The following provision shall apply to the lands identified as Part 7 on Map 'B' and Schedule 37.296:
- i) That in addition to the permitted uses of Section 15.1 – Seasonal Residential (RS) zone, a one family dwelling house is permitted.<sup>312</sup>
- 37.297 i) That notwithstanding the provisions of Section 30.1 – Permitted Uses of the 'Agricultural (A)' zone, a one family dwelling house is not permitted.
- ii) That the keeping of livestock shall be prohibited in the livestock facility existing on the date of passage of this by-law.<sup>313</sup>
- 37.298 That notwithstanding the provisions of Section 30.1 - Permitted Uses of the 'Agricultural (A)' zone, a one family dwelling house is not permitted.<sup>314</sup>
- 37.300 That on the lands delineated as having reference to this subsection, Section 8.2(f) Minimum Services – Urban Residential Type 1 (R1) Zone, shall not apply to the lands so that the existing dwelling is permitted without connection to a public sanitary sewer system.<sup>315</sup>
- 37.301 That in addition to the uses permitted in the "Agricultural (A)" Zone (Section 30) a place of worship may be permitted as an additional use on the lands having reference to this subsection.<sup>316</sup>
- 37.302 REPEALED BY BY-LAW 557-HC-08**
- 37.303 i) The following provisions shall apply to the lands identified as Part 1 on Map 'B':
- a) That the keeping of livestock shall be prohibited in the livestock facility existing on the date of passage of this by-law;
- b) That in lieu of Section 6.8(a) – Accessory Uses to Residential Uses the maximum permitted height of a residential accessory building shall be 6.3 metres.

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<sup>312</sup> 472-HC-07

<sup>313</sup> 473-HC-07

<sup>314</sup> 474-HC-07

<sup>315</sup> 504-HC-07

<sup>316</sup> 565-HC-08

- ii) The following provisions shall apply to the lands identified as Part 2 on Map 'B':
  - a) That notwithstanding the provisions of Section 30.1 – Permitted Uses of the 'Agricultural (A)' zone, a one family dwelling house and home occupation are not permitted.<sup>317</sup>

37.304 That on the lands delineated as having reference to this subsection the following provision shall apply:

- a) THAT Section 5.3 More Than One Zone on a Lot shall not apply to those lands identified as the subject lands on Maps 'A' and 'B', attached to and forming part of the by-law and as described above.<sup>318</sup>

37.305A Notwithstanding Subsection 36.1 Hazard Land Zone – Permitted Uses, the existing dwelling and existing shed shall be deemed to conform to this by-law.<sup>319</sup>

37.305B That, on lands delineated as having reference to this subsection, the following provisions shall apply:

- a) That subsection 16.1 (Permitted Uses) of the "General Commercial Zone (CG)" shall also include an emergency shelter.
- b) For the purposes of this by-law, "Emergency Shelter" is defined as a part of the building that is approved by the Board of Directors of the Youth Impact Centre to be used for the temporary care of the socially displaced youth.
- c) The Emergency Shelter shall be located on the second floor of the existing building and have a maximum floor area of 212.31 square metres.<sup>320</sup>

37.306A i) The following provisions shall apply to the lands identified as Part 2 on Map 'B':

- a) That notwithstanding the provisions of Section 30.1 – Permitted Uses of the 'Agricultural (A)' zone, a one family dwelling house and home occupation are not permitted.<sup>321</sup>

37.306B That on the lands delineated as having reference to this subsection, the following provisions shall apply:

- a) In addition to the uses permitted in the 'Rural Industrial Zone (MR)' zone, a vehicle sales establishment may also be permitted.

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<sup>317</sup> 525-HC-07

<sup>318</sup> 524-HC-07

<sup>319</sup> 534-HC-08

<sup>320</sup> 575-HC-08

<sup>321</sup> 531-HC-08

- b) The number of sales vehicles in the display lot shall not exceed 10 at any given time.
  - c) That parking in the display lot shall not be permitted within 3 m of the existing Highway 3 right of way.
  - d) That a 'Holding (H)' provision be affixed to the zoning of the property until an amendment to site plan SP-HA-8-2003 has been approved to address location of the private water supply, stormwater management, signage, customer parking, fencing mutual entrance requirements and emergency access. Additionally, written confirmation from the Ministry of Transportation will be required indicating that their requirements for a mutual entrance and any easements if required has been satisfied and that a 0.3m reserve has been conveyed to the Ministry and commercial entrance and encroachment permits have been obtained.<sup>322</sup>
- 37.307
- i) That notwithstanding the permitted uses in the 'Agricultural (A)' Zone (Subsection 30.1) no dwelling is permitted on Part A;
  - ii) That the keeping of livestock shall be prohibited in the barn/shed on Part B; and
  - iii) That the front yard setback of the severed lands shall be 3 metres for the existing dwelling.<sup>323</sup>
- 37.308
- i) That on the lands delineated as having reference to Part 1 of this subsection the following provisions shall apply:
    - a) The minimum lot area shall be 680.5 square metres
    - b) The minimum lot frontage shall be 17.68 metres
    - c) The minimum front yard setback shall be 6.1 metres
  - ii) That on the lands delineated as having reference to Part 2 of this subsection the following provisions shall apply:
    - a) The minimum lot area shall be 1112.25 square metres
    - b) The minimum front yard setback shall be 2.7metres
    - c) The minimum interior side yard setback shall be 0.7 metres
    - d) The maximum height of an accessory use shall be 5.2 metres
    - e) The minimum front yard setback for an accessory use shall be 5.2 metres
    - f) The minimum side yard setback for an accessory use shall be 1.5 metres.<sup>324</sup>
- 37.309 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

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<sup>322</sup> 548-HC-08

<sup>323</sup> 566-HC-08

<sup>324</sup> 579-HC-08

a) a one family dwelling house shall not be permitted.<sup>325</sup>

37.310 That on lands delineated as having reference to this subsection, the following provisions shall apply:

a) That notwithstanding the provisions of Section 30.1 – Permitted Uses of the ‘Agricultural (A) zone, a single family dwelling house and home occupation shall not be permitted.<sup>326</sup>

37.311 That on lands delineated as having reference to this subsection, the following provisions shall apply:

a) That notwithstanding the provisions of Section 30.1 – Permitted Uses of the ‘Agricultural (A) zone, a single family dwelling house and home occupation shall not be permitted.<sup>327</sup>

37.312 a) Permitted Uses:

That notwithstanding the provisions of Section 26.1 – Permitted Uses of the ‘Rural Industrial (MR)’ zone, permitted uses shall be limited to:

- i) Animal hospital;
- ii) Retail sales of arts and crafts, groceries, and eco-friendly products;
- iii) Commercial office and meeting space;
- iv) Personal service shop;
- v) Fuel storage depot for home and farm sales;
- vi) Any use permitted in the ‘A’ Zone in accordance with the provisions of that zone;
- vii) Open storage accessory to any permitted use.

b) General Provisions:

In addition to the applicable regulations contained in Section 6 (General Provisions), the following regulations shall also apply to lands having reference to this subsection:

- i) A residential use must be maintained on the subject lands in conjunction with additional permitted uses;
- ii) A drive through window is not permitted;
- iii) For the purposes of this by-law, “Arts and Crafts” are defined as products of artistic production or creation that have been made by a person’s own skill and/or hands;

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<sup>325</sup> 593-HC-08

<sup>326</sup> 615-HC-09

<sup>327</sup> 629-HC-09

- iv) The outdoor retail sales of Arts and Crafts shall only be permitted from May through October inclusive in the same calendar year;
- v) That all aspects of the commercial office and meeting space, personal service shop, and retail sales of groceries and eco-friendly products be conducted within the existing accessory building on the subject lands;
- vi) That all aspects of the commercial office and meeting space be limited to a maximum usable floor area of 35 square metres within the existing accessory building on the subject lands;
- vii) That the retail sales of groceries and eco-friendly products be limited to a maximum usable floor area of 37 square metres within the existing accessory building on the subject lands;
- viii) That all aspects of the personal service shop be limited to a maximum usable floor area of 9 square metres within the existing accessory building on the subject lands.<sup>328</sup>

37.313A The following provisions relating to Section 9.2 (Zone provisions in the Urban Residential Type 2 zone – Two Family Dwelling House) shall apply to the lands identified as Parts ‘A’ and ‘B’ shown on Maps A and B attached hereto:

- a) That in lieu of section 9.2(a), the minimum lot area shall be 264.2 square metres.
- b) That in lieu of section 9.2(c) (i), the minimum front yard shall be 4.05 metres.
- c) That in lieu of section 9.2(c) (iv), the minimum rear yard shall be 6.03 metres.<sup>329</sup>

37.313B a) The following provision shall apply to the lands identified as Part A on Map ‘B’:

- i) That notwithstanding the provisions of Section 30.1- Permitted Uses of the ‘Agricultural (A)’ Zone, a single detached dwelling house and home occupation shall not be permitted.

b) The following provision shall apply to the lands identified as Part B of Map ‘B’:

- i) That notwithstanding the provisions of Section 30.2 (c) Minimum Yard Requirements, a minimum front yard setback of

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<sup>328</sup> 627-HC-09

<sup>329</sup> 656-HC/09

11.6 metres shall be permitted for the residential dwelling existing on the date of passing of this by-law.<sup>330</sup>

- 37.314 That on the lands delineated as having reference to this subsection, the following provisions shall apply:
- a) That in addition to the uses permitted in Section 15.1 [Permitted Uses of the “Seasonal Residential Zone (RS)], a personal service shop and a single detached dwelling house shall also be permitted;
  - b) That in lieu of subsection 15.2 zone provisions in the Seasonal Residential Zone, the following shall apply:
    - i) the Minimum Lot Area shall be 1390 square metres;
    - ii) the Minimum Lot Frontage shall be 22 metres;
    - iii) the Maximum Floor Area for the personal service shop use shall be 10.2 square metres;
  - c) That all business signage shall be restricted to a maximum size of 0.5 square metres;
  - d) That a maximum of one employee in addition to the property owner shall be permitted;
  - e) That all retail sales of goods, merchandise, substances, articles or things shall be prohibited;
  - f) That outdoor storage shall be prohibited;
  - g) That a minimum of 4 parking spaces shall be required for the use; and
  - h) That special provision 37.68 shall not apply to the subject lands.<sup>331</sup>
- 37.315 a) General Provisions
- That notwithstanding the applicable regulations contained in Section 6 (General Provisions), subsection 6.16 Frontage on an Improved Street shall not apply.
- b) Zone Provisions
- That notwithstanding the provisions of Section 15.2 – Zone Provisions of the ‘Seasonal Residential (RS)’ zone, subsection 15.2 (b) Minimum Lot Frontage shall be nil.”<sup>332</sup>
- 37.316 a) The following provisions shall apply to the lands identified as Part 1 on Schedule 37.316:
- Notwithstanding the provisions of Subsection 23.1 – Permitted Uses of the ‘General Industrial (MG)’ zone, permitted uses shall be limited to the following:
- i) Light industrial uses, including:

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<sup>330</sup> 671-HC/10

<sup>331</sup> 660-HC/09

<sup>332</sup> 705-HC/10

- manufacturing
  - fabrication
  - assembly and processing
  - warehousing
  - bulk storage tanks
  - service and maintenance operations
  - research and development laboratories and facilities and other similar uses
  - product distribution services
  - communications facilities
- ii) private sector commercial or trade schools
- iii) parks and open space linkages
- iv) public or private sector utilities and storm water management and transportation facilities
- v) Ancillary open storage is permitted in conjunction with any other permitted use. In addition, an ancillary retail sales show room and/or an ancillary office component may be permitted as an integral component of a building that accommodates any other permitted land use provided that:
- the retail sales showroom and/or office component is directly related to the primary use; and
  - the retail sales showroom and/or office component does not constitute more than 25 percent of the Gross Floor Area of the building
- vi) arena
- vii) community center
- b) The following provisions shall apply to the lands identified as Part 2 on Schedule 37.316:

Notwithstanding the provisions of Subsection 23.1 –Permitted Uses of the ‘General Industrial (MG)’ zone, permitted uses shall be limited to the following:

- i) all types of commercial offices
- ii) prestige industrial uses, including enclosed warehousing, limited product distribution services, research and development facilities, communications facilities, and manufacturing and processing operations deemed not to be obnoxious by reason of dust, odour, fumes, particulate matter, noise and/or excessive vibrations
- iii) private sector commercial or trade schools
- iv) parks and open space linkages
- v) public or private sector utilities and storm water management and transportation facilities
- vi) ancillary open storage is not permitted
- vii) arena
- viii) community center

- c) Notwithstanding the provisions of Section 7 – Off-Street Parking, the minimum number of parking spaces shall be 300, including a minimum of 8 barrier-free spaces.

- d) That for the purposes of this by-law, an arena shall be defined as:

“An indoor facility where public entertainment, shows or sports events may take place. An arena may include accessory uses such as concession stand, tuck shop, meeting rooms, offices, multi-purpose room, fitness and recreation facilities and parks work area / storage.”

- e) That for the purposes of this by-law, a community center shall be defined as:

“A place, building or part of a building where facilities are provided for uses such as community functions, meetings, weddings, conferences, learning forums, seminars and workshops.”<sup>333</sup>

37.318 That, on lands delineated as having reference to this subsection, the following provisions shall apply:

- a) That the permitted uses shall be limited to a hospital, clinic and parking lot;
- b) That in lieu of subsection 7.2.3 (d) (Off Street Parking), the following shall apply:
- i) The minimum Interior Side Yard Right – 2 metres.<sup>334</sup>

37.319 That on the lands delineated as having reference to this subsection, and identified as Part A and Part B on Map “B” the following provisions shall apply:

- a) That in addition to the uses permitted in Subsection 30.1 of the ‘Agricultural (A)’ zone of By-law 1-DU 80, as amended, a ‘Farmhouse Dining Facility’ and ‘Farm Related Retail Establishment’ may also be permitted on the lands described in clause 1 of this by-law for a temporary period commencing February 16, 2010 and expiring on February 16, 2013.
- b) For the purposes of this by-law, a ‘Farmhouse Dining Facility’ shall be defined as follows:

‘A building or a part of a building where food is produced in relation to a specific agriculturally oriented event or function held on the property and which utilizes at least some products produced on the property. All food offered for sale or sold to the public is intended for immediate consumption either within the building or elsewhere on the subject lands. A farmhouse dining facility may include a commercial kitchen and a dining area.’

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<sup>333</sup> 670-HC/10

<sup>334</sup> 674-HC/10



- (c) All aspects of the 'Farmhouse Dining Facility' – maximum usable floor area of 144 square metres within an existing accessory building on the subject lands.
- (d) For the purposes of this by-law, a 'Farm Related Retail Establishment' shall be defined as follows:

'A place, building, or part of a building used for the retail sale of agricultural products such as vegetables, fruits and other staple crops produced on a property owned by the subject property owner; food products which utilize at least some produce that is grown on the property; or products directly related to the agri-tourism events held on the property.'

- (e) All aspects of the 'Farm Related Retail Establishment' - maximum usable floor area of 44 square metres within an existing accessory building on the subject lands.<sup>335</sup>

37.320 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

- a) The keeping of livestock shall be prohibited on the subject lands on the date of passing on this by-law;
- b) That notwithstanding the provisions of Section 30.2 (c) Minimum Yard Requirements, a minimum interior side yard (left of 4.9 metres shall be permitted for the residential dwelling existing on the date of passing of this by-law.
- c) That notwithstanding the provisions of Section 6.8.1 (a) Accessory Uses to Residential Uses, a maximum building height of 6.9 metres shall be permitted for the residential accessory building existing on the date of passing of this by-law.<sup>336</sup>

37.321 a) That on the lands delineated as having reference to this subsection, the following provision shall apply:

- i) That notwithstanding the provisions of Section 30.1 – Permitted Uses of the 'Agricultural (A)' Zone, a single detached dwelling house (one family dwelling) and home occupation shall not be permitted.<sup>337</sup>

37.322 That on lands delineated as having reference to this subsection the following provision shall apply:

- i) That notwithstanding the provision of Section 9.2 (b) Minimum Lot Frontage, a minimum lot frontage of 18.2 metres shall be permitted. In the case of a lot with such minimum lot frontage being subdivided for the purpose of separate ownership of semi-detached dwelling units the minimum lot frontage shall be 9.1 metres for each subdivided lot.<sup>338</sup>

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<sup>335</sup> 677-HC-10

<sup>336</sup> 697-HC-10

<sup>337</sup> 695-HC-10

<sup>338</sup> 708-HC-10

- 37.323 That on the lands delineated as having reference to this subsection, the following provisions shall apply:
- a) That in addition to the permitted uses in Subsection 15.1 of the Seasonal Residential (RS) zone, a one family dwelling house is also permitted.<sup>339</sup>
- 37.324 That on the lands delineated as having reference to this subsection, the following provisions shall apply:
- Part 1:
- a) Notwithstanding the provisions of Section 30.1 – Permitted Uses in the “Agricultural (A)” zone, a one family dwelling shall not be permitted.
- Part 2:
- a) Notwithstanding the provisions of section 30.2 (c) (iv)- General Provisions-Agriculture, the minimum required rear yard setback shall be 9.1 metres.<sup>340</sup>
- 37.325 That on the lands delineated as having reference to this subsection, the following provision shall apply:
- a) General Provisions
    - i. That notwithstanding the applicable regulations contained in Section 6 (General Provisions), subsection 6.16 *Frontage on an Improved Street* shall not apply.
  - b) Zone Provisions
    - i. That notwithstanding Section 30.1 *Permitted Uses of the ‘Agricultural Zone (A)’*, a One Family Dwelling shall not be permitted.
    - ii. That notwithstanding Section 30.1 *Permitted Uses of the ‘Agricultural Zone (A)’*, a Summer Cottage shall be permitted.
    - iii. That notwithstanding the provisions of Section 30.2 *General Provisions of the Agricultural (A) zone’*, subsection 30.2 (a) *Minimum Lot Area* shall be 1,350 square metres.
    - iv. That notwithstanding the provisions of Section 30.2 *General Provisions of the Agricultural (A) zone’*, subsection 30.2 (b) *Minimum Lot Frontage* shall be nil.
    - v. That for the purposes of this by-law, the southerly lot line that is parallel to and abutting the north side of the east-west extension of Windy Line shall be deemed to be the front lot line.

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<sup>339</sup> 711-HC-10

<sup>340</sup> 714-HC-11

- vi. That for the purposes of this by-law, the westerly lot line parallel to and abutting the west side of the north-south extension of Windy Line shall be deemed to be the exterior side lot line.
  - vii. That for the purposes of this by-law, the easterly lot line perpendicular to the north side of the east-west extension of Windy Line shall be deemed to be the interior lot line (right).<sup>341</sup>
- 37.326 That on the lands delineated as having reference to this subsection, the following provisions shall apply:
- a) Notwithstanding the provisions of Section 30.1 – Permitted Uses in the “Agricultural (A)” zone, a one family dwelling and home based business shall not be permitted on the subject lands.<sup>342</sup>
- 37.327 a) That on the lands delineated as having reference to this subsection, the following provision shall apply:
- i) That notwithstanding the provisions of Section 30.1 – Permitted Uses of the ‘Agricultural (A)’ Zone, a single detached dwelling house (one family dwelling) shall not be permitted.”<sup>343</sup>
- 37.328 That on the lands delineated as having reference to this subsection, the following provisions shall apply:
- a) Notwithstanding the provisions of Section 30.1 – Permitted Uses in the “Agricultural (A)” zone, a one family dwelling shall not be permitted on the subject lands.<sup>344</sup>
- 37.329 That on the lands delineated as having reference to this subsection, the following provisions shall apply:
- a) Notwithstanding the provisions of Section 30.1 – Permitted Uses in the “Agricultural (A)” zone, a one family dwelling shall not be permitted on Part 2.
  - b) That housing of livestock shall be prohibited in the barn existing on Part 1 on the date of passing of this by-law.
  - c) That notwithstanding the provisions of Section 6.8.1(a) – Accessory Uses to Residential Uses, the maximum permitted height for the accessory building existing on Part 1 on the date of passage of this by-law shall be 10.2 metres.<sup>345</sup>
- 37.330 That on the lands delineated as having reference to this subsection, the following provision shall apply:
- a) In addition to the applicable regulations and provisions contained in this By-law, Section 6.28 Surplus Farm Dwelling Severance Properties shall also apply to the lands

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<sup>341</sup> 789-HC-12

<sup>342</sup> 728-HC-11

<sup>343</sup> 733-HC-11

<sup>344</sup> 730-HC-11

<sup>345</sup> 742-HC-11

having reference to this subsection and shall supercede any section of the By-law with which there is a conflict.”<sup>346</sup>

37.331 a) General Provisions

- i) That notwithstanding the provisions of Section 6.8(a) Accessory Uses to Residential Uses, maximum building heights of 10.9 metres and 7.3 metres shall be permitted for the residential accessory buildings existing on the date of passing of this by-law.
- ii) That notwithstanding the provisions of Section 6.8(e) Accessory Uses to Residential Uses, a maximum floor area of 263 square metres for all residential buildings existing on the date of passing of this by-law shall be permitted.
- iii) That notwithstanding the provisions of Section 15.2(a) Minimum Lot Area, the Minimum lot size shall be 1.5 hectares.

b) Permitted Uses

- i) That notwithstanding the provisions of Sections 15.1 Permitted Uses In the ‘Seasonal Residential Zone (RS)’, a single detached residential Dwelling (one family dwelling house) shall also be permitted.
- ii) That a maximum of one (1) single detached dwelling be permitted on the subject lands.<sup>347</sup>

37.332 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

- a) Notwithstanding the provisions of Section 30.1 – *Permitted Uses in the “Agricultural (A)” zone*, a one family dwelling house shall not be permitted on Part 1.
- b) That housing of livestock shall be prohibited in the accessory building located on Part 2 on the date of passing of this by-law.
- c) That notwithstanding the provisions of Section 6.8.1 (e) – *Accessory Uses to Residential Uses*, the maximum permitted lot coverage for the accessory buildings existing on Part 2 on the date of passage of this by-law shall be 288 square metres.<sup>348</sup>

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<sup>346</sup> 751-HC-11

<sup>347</sup> 764-HC-11

<sup>348</sup> 777-HC/12

37.333 That on the lands identified as having reference to this subsection, the following provisions shall apply:

- a) Notwithstanding the provisions of Section 19.1 – *Permitted Uses of the 'Highway Commercial (CH)' zone*, permitted uses shall include:
- i. restaurant;
  - ii. vehicle sales and/or rental establishment and may include open storage accessory thereto;
  - iii. farm implement sales and service establishment and may include open storage accessory thereto;
  - iv. office;
  - v. government and public utility offices;
  - vi. research and development facilities;
  - vii. enclosed warehouse;
  - viii. processing, manufacturing and light assembly plant which are deemed not to be obnoxious by reason of dust, odour, fumes, particulate matter, noise and/or excessive vibrations;
  - ix. fitness and/or health care facility;
  - x. trade school;
  - xi. park;
  - xii. day nursery;
  - xiii. place of worship;
  - xiv. retail establishment;
  - xv. convenience store;
  - xvi. pharmacy and personal care store;
  - xvii. service commercial store.

- b) For the purposes of this by-law, a 'Retail Establishment' shall be defined as follows:

*'A building or a part of a building in which the main use is the retail of non-food general merchandise; apparel & accessories; furniture and home furnishings; electronics & appliances; sporting goods, hobby, music & books, or other miscellaneous non-food retail. Liquor/beer retail outlets are not included in this category. A pharmacy and personal care store; convenience store and service commercial store as defined herein are also not included in this category.'*

- c) For the purposes of this by-law, a 'Pharmacy and Personal Care Store' shall be defined as follows:

*'A building or a part of a building in which the main non-retail use is the retail of prescription drugs; cosmetics, beauty supplies and perfumes; optical goods; and other health and personal care items including but not limited to vitamin supplements, non-prescription drugs, health appliances, and similar items.'*

- d) For the purposes of this by-law, a 'Service Commercial Store' shall be defined as

follows:

*'A building or a part of a building in which the main non-retail commercial use is a service type use which may include, but not be limited to, a barber shop, beauty salon, dressmaking shop, shoe repair shop, tailor shop, photographic studio, music studio, real-estate office, travel agency, insurance brokerage, accountant office, architect office, dentist office, or other similar use . Financial Institution and Restaurant are not included in this category.'*

- e) The following uses are prohibited on the subject lands:
  - i. Liquor/Beer Retail Outlet as defined herein;
  - ii. Financial Institution as defined herein.
  
- f) For the purposes of this by-law, a 'Liquor/Beer Retail Outlet' shall be defined as follows:

*'A place, building or a part of a building used solely for the retail sale of beer, wine and liquor products not intended for immediate consumption. A Liquor/Beer Retail Outlet excludes a Restaurant as defined.'*
  
- g) For the purposes of this by-law, a 'Financial Institution' shall be defined as follows:

*'A place, building or a part of a building that focuses on dealing with financial transactions, such as investments, loans and deposits and which may include a use such as bank, trust company, savings and loan association or investment company.'*
  
- h) Notwithstanding any provisions contained in Subsection 19.2, the minimum gross useable floor area for a Retail Establishment, as permitted and defined herein, shall be 465 square metres.
  
- i) Notwithstanding any provisions contained in Subsection 19.2, the maximum gross useable floor area for all Retail Establishments combined shall be 1,300 square metres.
  
- j) Notwithstanding any provisions contained in Subsection 19.2, a Pharmacy and Personal Care Store, as permitted and defined herein, shall have a maximum gross useable floor area of 557 square metres.
  
- k) Notwithstanding any provisions contained in Subsection 19.2, a Convenience Store shall have a maximum gross useable floor area of 93 square metres.
  
- l) Notwithstanding any provisions contained in Subsection 19.2, the maximum gross useable floor area for all combined Restaurant(s) and Service Commercial Store(s), as permitted and defined herein, shall be 465 square metres.

- m) Notwithstanding any provisions contained in Subsection 19.2, a Restaurant shall have a minimum gross useable floor area of 280 square metres.
- n) Notwithstanding any provisions contained in Subsection 19.2, the maximum gross useable floor area for all combined Retail Establishments, Convenience Store, Pharmacy and Personal Care Store and Service Commercial Stores shall be 2,415 square metres.<sup>349</sup>

37.334 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

Part A

- a) That notwithstanding the provisions of Section 30: *Permitted Uses of the Agricultural Zone*, a one family dwelling (single detached residential dwelling) shall not be permitted on Part A.

Part B

- a) That the keeping of livestock shall be prohibited in any buildings located on Part B.
- b) That notwithstanding Section 6.8, Subsection 6.8 (a) shall not apply to any of the accessory buildings existing on the date of passage of this by-law.
- c) That notwithstanding Section 6.8, Subsection 6.8 (e) shall not apply to any of the accessory buildings existing on the date of passage of this by-law.<sup>350</sup>

37.335 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

Part 1

- a) That housing of livestock shall be prohibited in the barns existing on Part 1 on the date of passing of this by-law.
- b) That notwithstanding Section 6.8 (a) – *Accessory Uses to Residential Uses*, the maximum height for the building existing on Part 1 on the date of passage of this by-law shall be 12.5 metres.
- c) That notwithstanding Section 6.8 (e) – *Accessory Uses to Residential Uses*, the maximum useable floor area for the building existing on Part 1 on the date of passage of this by-law shall be 718 square metres.

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<sup>349</sup> 810-HC/13

<sup>350</sup> 769-HC/12

Part 2

- a) Notwithstanding the Provisions of Section 30.1 – *Permitted Uses in the 'Agricultural (A)' zone*, a one family dwelling shall not be permitted on the subject lands.<sup>351</sup>

37.336 That on the lands delineated as having reference to this subsection, the following Provision shall apply:

- a) That in addition to Subsection 15.1 – *Permitted Uses of the 'Seasonal Residential (RS)' zone*, a one family dwelling house is also permitted.<sup>352</sup>

37.337 That on the lands delineated as having reference to this subsection, the following Provisions shall apply:

- a) That in addition to Subsection 15.1 *Permitted Uses of the Seasonal Residential (RS) Zone*, a one family dwelling house is also permitted.<sup>353</sup>

37.338 That the following provisions shall apply to the lands identified as Part A and Part B on Map 'B':

- a) That notwithstanding the provisions of Section 6.8 *Accessory Uses to Residential Uses*, a minimum front yard setback of 8 metres shall be permitted for the residential accessory building existing on the date of passing of this by-law.
- b) That notwithstanding the provisions of Sections 14.2(a) and 30.2(a) *Minimum Lot Area*, a minimum lot area of 3,500 square metres shall be required.
- c) That notwithstanding the provisions of Sections 14.2(b) and 30.2(b) *Minimum Lot Frontage*, a minimum lot frontage of 48 metres shall be required.

The following provision shall apply to the lands identified as Part C on Map 'B':

- a) The keeping of livestock shall be prohibited in the agricultural accessory buildings that existed on the date of passage of this by-law.<sup>354</sup>

37.340 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

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<sup>351</sup> 771-HC/12

<sup>352</sup> 773-HC/12

<sup>353</sup> 784-HC/12

<sup>354</sup> 797-HC/12



Part 1

- a) Notwithstanding the provisions of Section 30.1 – *Permitted Uses in the “Agricultural (A)” zone*, a one family dwelling shall not be permitted on the subject lands.

Part 2

- a) That housing of livestock shall be prohibited in the barns existing on Part 2 on the date of passing of this by-law.
- b) That notwithstanding Section 6.8(e) – *Accessory Uses to Residential Uses*, the maximum useable floor area for the buildings existing on Part 2 on the date of passage of this by-law shall be 527 square metres.<sup>355</sup>

37.341 That on the lands identified as having reference to this subsection, the following provisions shall apply:

- a) Notwithstanding the provisions of Section 13.1 – *Permitted Uses of the ‘Urban Residential Type 6 (R6)’ zone*, permitted uses shall include;
- i. a maximum of two (2) apartment dwelling houses, with a maximum of eight (8) dwelling units being permitted in each apartment dwelling house;
  - ii. a maximum of fourteen (14) group townhouse units;
- b) That for the purposes of this by-law, Section 6.15 – *Number of Dwelling Houses Per Lot*, shall not apply.
- c) That for the purposes of this by-law, the lot lines from which all development setbacks shall be measured shall be defined as follows:
- i. the front lot line shall be the property line parallel to and abutting South Cayuga Street;
  - ii. the rear lot line shall be the property line parallel to and abutting the rear yards of the residential lots fronting onto Forest Street;
  - iii. all other lot lines shall be considered interior lot lines.
- d) The following provisions apply to any group townhouse development on the subject lands;
- i. For the purposes of this by-law, ‘group townhouses’ shall be defined as follows;

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<sup>355</sup> 806-HC/13

*'A dwelling house comprising four 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 having direct access to a yard.'*

- ii. That for purposes of this by-law, the 'group townhouse' provisions contained in Section 11 shall not apply.
  - iii. That for the purposes of this by-law, the minimum useable floor area shall be 65 square metres per unit.
  - iv. That for the purposes of this by-law, the minimum setbacks for group townhouses shall be:
    - (i) front yard – 6 metres
    - (ii) rear yard -- 6 metres
    - (iii) interior side yard – 1.5 metres.
  - v. That for the purposes of this by-law the minimum separation distance between group townhouse blocks shall be 2 metres.
  - vi. That for the purposes of this by-law, requirements for minimum lot area, minimum lot frontage and frontage on an improved street shall not apply.
  - vii. That for the purposes of this by-law, the maximum building height for group townhouses shall be 9 metres.
  - viii. That for the purposes of this by-law, windows or dormers on the upper floor of any group townhouse shall only be permitted on the south side of the building. Windows or dormers on the north side of the upper floor of a group townhouse shall be prohibited.
- e) The following provisions apply to any apartment dwelling house development on the subject lands:
- i. Notwithstanding any provisions contained in subsection 13.2, the minimum yard requirements shall be as follows:
    - (i) front yard – 4 metres
    - (ii) interior side yard (right) – 4.3 metres
    - (iii) interior side yard (left) – 12 metres
    - (iv) rear yard – 25 metres.
  - ii. That for the purposes of this by-law, the maximum floor area ratio for apartment dwelling houses shall not apply.
  - iii. That for the purposes of this by-law, the minimum useable floor area shall be 65 square metres per unit.

- iv. Notwithstanding any provision contained in subsection 13.2, the maximum building height of any apartment dwelling house shall be 4 storeys.<sup>356</sup>

37.342 That the following provision shall apply to the lands identified as 'Subjects Lands' on Maps 'A' and 'B':

- i. That Sections 30.2(c) *Minimum Yard Requirements* and 6.8 *Accessory Uses to Residential Uses* shall not apply to the single detached residential dwelling or accessory buildings existing on the date of passing of this by-law. These provisions shall apply to any new buildings proposed in the future.<sup>357</sup>

37.343 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

Part 1

- i. That notwithstanding Section 6.15 *Number of Dwelling Houses per Lot* and Section 15 *Seasonal Residential Zone*, a maximum of two (2) seasonal dwellings, which exist on Part 1 on the date of passing of this by-law, may be permitted for a temporary time period commencing May 21, 2013 and expiring May 21, 2014.
- ii. That notwithstanding Section 15.2 (e) *Minimum Useable Floor Area*, the Minimum Useable Floor Area for the seasonal dwellings existing on Part 1 on the date of passage of this by-law shall be 60 square metres.
- iii. That notwithstanding the provisions of Section 15.1 *Permitted Uses in the 'Seasonal Residential Zone (RS)'* a single detached residential dwelling (one family dwelling house) shall also be permitted.

Part 2

- i. That notwithstanding the provisions of Section 15.1 *Permitted Uses in the 'Seasonal Residential Zone (RS)'* a single detached residential dwelling (one family dwelling house) shall also be permitted.<sup>358</sup>

37.344 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

- a) That notwithstanding Section 19.1 *Permitted Uses*, the following additional use is permitted on the subject lands:

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<sup>356</sup> 812-HC/13

<sup>357</sup> 818-HC/13

<sup>358</sup> 824-HC/13

- i) Laundromat with a total maximum gross useable floor area of 197 square metres.
  - b) That notwithstanding 19.2(e) *Maximum Useable Floor Area of a Convenience Store*, maximum useable floor area shall be 285 square metres for the building existing on the date of passage of this by-law.
  - c) That notwithstanding Section 7.10 *Number of Parking Spaces*, minimum number of parking spaces shall be 25 for the building existing on the date of passage of this by-law.<sup>359</sup>
- 37.345 That on the lands delineated as having reference to this subsection, the following provisions shall apply:
- a) Notwithstanding the provisions of Section 30.1 – *Permitted Uses in the 'Agricultural (A)' zone*, a one family dwelling house shall not be permitted on Part 2.
  - b) That notwithstanding the provisions of Section 30.2 (c) i – *Front Yard*, the minimum front yard requirement for the dwelling existing on Part 1 on the date of passage of this by-law shall be 7.44 metres.<sup>360</sup>
- 37.346 That, on lands delineated as having reference to this subsection and being referred to as 'Subject Lands', the following provision shall apply:
- a) Notwithstanding the provisions of Section 30.1 – *Permitted Uses in the 'Agricultural (A)' zone*, a one family dwelling house and home occupation shall not be permitted.<sup>361</sup>
- 37.347 That on the lands delineated as Part 1 on Map B attached to and forming part of this by-law, the following provisions shall apply:
- i. Notwithstanding the provisions of Section 10.1 (d), a maximum of 9 – four family dwelling houses shall be permitted on a lot.
  - ii. Notwithstanding the provisions of Section 10.2.2 (a), the minimum lot area shall be 6,848 square metres.
  - iii. Notwithstanding the provisions of Section 10.2.2 (b), the minimum lot frontage shall be 69 metres.

06/12 12/12 06/13 12/13

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<sup>359</sup> 821-HC/13

<sup>360</sup> 827-HC/13

<sup>361</sup> 848-HC/13

- iv. Notwithstanding the provisions of Section 10.2.2 (c)(ii), the minimum exterior side yard setback shall be 5 metres.
- v. Notwithstanding the provisions of Section 10.2.2 (c)(iii), the minimum interior side yard setback shall be 5 metres.
- vi. Notwithstanding the provisions of Section 10.2.2 (c)(iv), the minimum rear yard setback shall be 7.5 metres.
- vii. Notwithstanding the provisions of Section 7 *OFF Street Parking*, a minimum of 53 parking stalls shall be required and is based on the following:
  - a. One bedroom units shall require a minimum of 1 parking stall;
  - b. Two bedroom units or greater shall require a minimum of 1.5 stalls.
- viii. Minimum Separation between quadraplex dwellings shall be 3.0 metres.

That on the lands delineated as Part 2 on Map B attached to and forming part of this by-law, the following provisions shall apply:

- i. Notwithstanding the provisions of Section 11.2.2 (b)(ii), the minimum lot frontage for a corner lot shall be 10 metres.
- ii. Notwithstanding the provisions of Section 11.2.2 (c), the minimum front yard setback shall be 3.2 metres.
- iii. Notwithstanding the provisions of Section 11.2.2 (g), the minimum rear yard setback shall be 3.9 metres for the southerly end unit of the townhouse block located within the south-east corner of the subject lands.
- iv. Notwithstanding the provisions of Section 7.1.3 (c), a parking space shall have dimensions of 3.0 metres X 6.0 metres.<sup>362</sup>

37.348 That, on lands delineated as having reference to this subsection, the following provisions shall apply:

- a) Notwithstanding the provisions of Section 14.2 (a), the minimum lot area shall be 1532 square metres.
- b) Notwithstanding the provisions of Section 14.2 (b), the minimum lot frontage shall be 22.8 metres.
- c) Notwithstanding the provisions of Section 14.2 (c)(iii), the minimum interior side yard (right) setback shall be 2.1 metres.<sup>363</sup>

37.349 That on the lands delineated as the 'Subject Lands' on Map B attached to and forming part of this by-law, the following provisions shall apply:

- i. Notwithstanding the provisions of Section 9.2 (a) when a lot is to be subdivided for the purpose of separate ownership of semi-detached dwelling units the minimum lot area shall be 265 square metres.
- ii. Notwithstanding the provisions of Section 9.2 (b), the minimum lot frontage shall be 9.5 metres for each subdivided lot.
- iii. Notwithstanding the provisions of Section 9.2 (c)(ii), the minimum exterior side yard shall be 2.4 metres.
- iv. Notwithstanding the provisions of Section 9.2 (c)(iv), the minimum rear yard setback shall be 5.5 metres.
- v. Notwithstanding the provisions of Section 4.88, the definition of "*Sight Triangle*" shall not apply to the lands identified as having reference to this subsection and the following definition shall apply in lieu thereof:

"SIGHT TRIANGLE" shall mean the triangular space formed by the intersecting street lines of a corner lot and a line drawn from a point on one of the street lines to a point on the other street line, each point being measured 6 metres from the point of intersection of the street lines.<sup>364</sup>

37.350 That, on lands delineated as having reference to this subsection, the following provisions shall apply:

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<sup>363</sup> 851-HC/14

<sup>364</sup> 853-HC/14

## Part A

- a) Notwithstanding the provisions of Section 9.2 (c)(iii) – *Minimum Yard Requirements*, a minimum interior side yard of 1.2 metres is permitted for any two family dwelling house constructed on Part A.

## Part B

- b) That notwithstanding the provisions of Section 32.2 (c)(ii) – *Zone Provisions*, the minimum exterior side yard for the existing school building on Part B on the date of passage of this by-law shall be 0.80 metres.
- c) That notwithstanding the provisions of Section 32.2 (c)(iv) – *Zone Provisions*, the minimum rear yard setback for the existing school building on Part B on the date of passage of this by-law shall be 6.08 metres.<sup>365</sup>

37.351

That on the lands delineated as having reference to this subsection, the following provisions shall apply:

- a) That in addition to the uses permitted in Section 32.1 – *Permitted Uses* – the use of an “assisted living facility” is also permitted.
- b) For the purposes of this By-law an “assisted living facility” shall be defined as:  
  
“A building or part of a building that provides housing, in the form of private bedrooms or living units (excluding full kitchens), where such accommodations have an entrance from a common hall and where the building provides communal facilities such as kitchen/dining facilities, laundry facilities, and/or lounges, and where recreational and/or medical facilities are provided. An assisted living facility shall provide at least one or more support services by an operator to three or more adults that are not related by blood or marriage to the operator.”
- c) Notwithstanding the provisions of Section 32.2 (c)(iv), The minimum rear yard setback is 7.3 metres.
- d) Notwithstanding the provisions of Section 32.2 (d), The maximum building height shall be 3 storeys.
- e) Notwithstanding the provisions of Section 7.2.3 (d), The minimum setback for a parking lot shall be 1.0 metres.<sup>366</sup>

06/15

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<sup>365</sup> 867-HC/14

<sup>366</sup> 898-HC/15

37.352 That, on lands delineated as having reference to this subsection and being referred to as 'Subject Lands', the following provision shall apply:

Part 1

- a) Notwithstanding the provisions of Section 30.1 – *Permitted Uses in the "Agricultural (A)" zone*, a one family dwelling house and home occupation shall not be permitted.

Part 2

- a) Notwithstanding the provisions of Section 6.8(e) – *Maximum Permitted Useable Floor Area for Accessory Uses*, shall not apply to accessory buildings existing of the date of passing of the by-law, and that a maximum floor area of 270 square metres be permitted.<sup>367</sup>

37.353 That, on lands delineated as having reference to this subsection and being referred to as 'Subject Lands', the following provision shall apply:

Part 1

- a) Notwithstanding the provisions of Section 30.1 – *Permitted Uses in the "Agricultural (A)" zone*, a one family dwelling house and home occupation shall not be permitted.

Part 2

- a) Notwithstanding the provisions of Section 6.8(e) – *Maximum Permitted Useable Floor Area for Accessory Uses*, shall not apply to accessory buildings existing on the date of passing of the by-law, and that a maximum floor area of 357 square metres be permitted.<sup>368</sup>

37.354 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

- a) That, in addition to Subsection 15.1 – *Permitted Uses of the "Seasonal Residential (RS)" zone*, a one family dwelling house is also permitted.
- b) That notwithstanding the provisions of Section 15.2(a) – *Minimum Lot Area*, the minimum lot area requirement shall be 684 square metres.
- c) That notwithstanding the provisions of Section 15.2(b) – *Minimum Lot Frontage*, the minimum lot frontage requirement shall be 15 metres.

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<sup>367</sup> 889-HC/14

<sup>368</sup> 888-HC/14



- d) That notwithstanding the provisions of Section 15.2(c)(i) – *Minimum Yard Requirements, Front Yard*, the minimum front yard requirement shall be 6 metres.
- e) That notwithstanding the provisions of Section 15.2(c)(iii) – *Minimum Yard Requirements, Interior Side Yard (right)*, the minimum interior side yard requirement shall be 1.8 metres.
- f) That notwithstanding the provisions of Section 15.2(e) – *Minimum Useable Floor Area*, the minimum useable floor area requirement shall be 63 square metres.<sup>369</sup>

37.355 That on lands delineated as having reference to this subsection and being referred to as 'Subject Lands', the following provisions shall apply:

Part 1:

- a) Notwithstanding the provisions of Section 26.1 – *Permitted Uses* – in the 'Rural Industrial (MR)' zone, the permitted uses shall be limited to the following:
  - I. Contractor's yard

Part 2:

- a) Notwithstanding the provisions of Section 26.1 – *Permitted Uses* – in the 'Rural Industrial (MR)' zone, the permitted uses shall be limited to the following:
  - I. Garden centre;
  - II. Warehouse addition; and
  - III. Commercial greenhouses.

Part 3

- a) Notwithstanding the provisions of Section 30.2 (b) – *General Provisions* – in the 'Agriculture (A)' zone, the minimum lot frontage shall be 0 metres.<sup>370</sup>

37.556 That, on lands delineated as having reference to this subsection and being referred to as 'Subject Lands', the following provision shall apply:

Part 3:

- a) Notwithstanding the provisions of Section 19.2 (b) – *Zone Provisions* – in the 'Highway Commercial (CH)' zone, the minimum lot frontage shall be 13.8 metres.<sup>371</sup>

06/14 12/14 06/15

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<sup>369</sup> 892-HC/14

<sup>370</sup> 914-HC/15

<sup>371</sup> 912-HC/15

37.557 That, on lands delineated as having reference to this subsection and being referred to as 'Subject Lands', the following provision shall apply:

- a) Notwithstanding the provisions of Section 30.1 – *Permitted Uses in the 'Agricultural A)' zone*, a "farmstand equipment and agricultural equipment service establishment" shall be permitted.
- b) For the purpose of this subsection, a Farmstand Equipment and Agricultural Equipment Service Establishment shall mean: "an establishment for the maintenance and repair of farmstead equipment and agricultural equipment. Farmstead equipment is equipment that remains in a stationary position such as augers, elevators, silo unloaders and other similar types of handling equipment. Agricultural equipment refers to tractors and other non-stationary machinery.
- c) Outdoor storage is permitted and shall be screened from view of the street and adjacent properties by a visual barrier with a minimum height of 1.8 metres.<sup>372</sup>

37.558 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

- a) That in addition to the uses permitted in Subsection 30.1 of the 'Agricultural (A)' zone and Subsection 24.1 of the 'Light Industrial (ML)' zone of By-law 1-DU 80, as amended, an 'Emergency Tactical Driver Training Facility' may also be permitted on the lands described in clause 1 of this By-law.
- b) That for the purposes of this By-law, 'Emergency Tactical Driver Training Facility' shall be defined as follows:

'The use of facilities, both indoor and outdoor, for the purpose of emergency tactical driver training. The permitted activities shall include classroom lectures and emergency tactical driving practical training encompassing basic driving emergency response, motorcade operations, convoy operations, advanced tactical driving, single vehicle evasive training, route assessment and planning, vehicle surveillance and counter surveillance, vehicles disabled counter ambush training, and counter attack team training. Prohibited activities shall include drifting, gripping, racing, lapping and other extreme driving techniques.'
- c) That uses permitted within this By-law shall be limited to the buildings, structures and facilities existing on the date of passage of this By-law.

06/15 06/16

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<sup>372</sup> 915-HC/15

- d) That various land uses permitted within this By-law shall be identified at specific locations on a site plan developed in accordance with the recommendations of the Environmental Noise Assessment prepared by Valcoustics Canada Ltd., dated September 2013 and noise addendum prepared by Valcoustics Canada Ltd. Dated August 2015. The site plan shall be submitted to and approved by Haldimand County prior to any activities taking place on the subject lands.<sup>373</sup>

37.559 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

Parts 1 and 2

- a) That the westerly lot line shall be considered the front lot line for the purposes of calculating setbacks.
- b) In lieu of Section 14.2 (b), the minimum lot frontage shall be 10 metres.

Part 3

- a) Notwithstanding the provisions of sections 6.16 and 14.2 (b), minimum frontage shall be 0 metres.
- b) That the southerly lot line shall be considered the front lot line for the purposes of calculating setbacks.<sup>374</sup>

37.560 That on the lands delineated as having reference to subsection, the following provisions shall apply:

- a) Notwithstanding the provisions of Section 30.1 – Permitted Uses in the “Agriculture (A)” zone, a one family dwelling and home occupation shall not be permitted on Part 1.
- b) Notwithstanding provision 6.9 – Accessory Uses to Residential Uses – the existing accessory structure located on Part 2 on the date of passing of this by-law shall be a maximum area of 373 square metres.<sup>375</sup>

37.561 That the lands delineated as having reference to this subsection, the following provision shall apply:

- a) That in addition to Subsection 15.1 Permitted Uses of the Seasonal Residential (RS) Zone, a one family dwelling house is also permitted;
- b) In lieu of Section 15.2 (b), the minimum lot frontage shall be 25 metres.<sup>376</sup>

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<sup>373</sup> 951-HC/16

<sup>374</sup> 961-HC/16

<sup>375</sup> 968-HC/16

- 37.562 That on the lands delineated as having reference to this subsection, the following provision shall apply:
- a) That in addition to Subsection 15.1 Permitted Uses of the Seasonal Residential (RS) Zone, a one family dwelling house is also permitted.<sup>377</sup>
- 37.563 That on the lands delineated as having reference to this subsection, the following provisions shall apply:
- Part 2:
- a) Notwithstanding the provisions of Section 6.8 ‘Accessory Uses to Residential Uses’
    - (a) the maximum building height shall be 11 metres
    - (e) the accessory structure floor area shall be 210 square metres.
- Part 1 and 3:
- b) Notwithstanding the provisions of Section 28.1 – Permitted Uses in “Agricultural (A)” zone, a one family dwelling house and home occupation shall not be permitted.<sup>378</sup>
- 37.564 That on the lands delineated as having reference to this subsection, the following provisions shall apply:
- Part 1
- a) Notwithstanding the provisions of Section 9.2(c) (iii) – Minimum Yard Requirements, a minimum interior side yard of 1.2 metres is permitted for any two family dwelling house constructed on Part 1.
- Part 2
- a) Notwithstanding the provisions of Section 9.2(c) (iii) – Minimum Yard Requirements, a minimum interior side yard (right) of 1.2 metres is permitted for any two dwelling housing, with the required setback to be measured from the closest point of the accessory structure that is encroaching on the site.
  - b) Notwithstanding the provisions of Section 9.2(c) (iii) – Minimum Yard Requirements, a minimum interior side yard (left) of 1.2 metres is permitted for any two family dwelling house constructed on Part 2.<sup>379</sup>

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<sup>376</sup> 1002-HC/17

<sup>377</sup> 1025-HC/17

<sup>378</sup> 1026-HC/17

<sup>379</sup> 1027-HC/17

- 37.565 That on the lands delineated as having reference to this subsection, the following provision shall apply:
- a) General Provisions
    - i. That notwithstanding the applicable regulations contained in Section 6 (General Provisions), subsection 6.16 *Frontage on an Improved Street* shall not apply and a summer cottage and residential accessory structures shall be permitted on the private road.
  - b) Zone Provisions
    - i. That notwithstanding the provisions of Section 15 *Zone Provisions of the 'Seasonal Residential (RS)' Zone* subsection 15.(2)(b) *'Minimum Lot Frontage'* shall be nil.
    - ii. That for the purposes of this by-law, the southerly lot line that is parallel to and abutting the north side of Rock Point Bay Line shall be deemed to be the front lot line.<sup>380</sup>
- 37.566 That on the lands delineated as having reference to this subsection, the following provisions shall apply:
- a) That in addition to Subsection 15.1 Permitted Uses of the Seasonal Residential (RS) Zone, a one family dwelling house is also permitted.
  - b) That the front lot line shall be considered the lot line bound by Johnson Road.<sup>381</sup>
- 37.567 That on the lands delineated as having reference to this subsection, the following provisions shall apply:
- a) Notwithstanding Section 7.10.5 (a), the minimum parking stall requirement is 1 parking stall per unit.
  - b) Notwithstanding the Section 16.6 – General Provisions – the subject do not require frontage on an improved street.
  - c) Notwithstanding the provisions of Section 13.1 – Permitted Uses – apartment building is an additional permitted use.
  - d) Notwithstanding the provisions of Section 31.2 (b) – Minimum Lot Frontage, the subject lands are permitted to have a lot frontage of 0 metres; and
  - e) That the southerly lot line shall be deemed the front lot line.<sup>382</sup>

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<sup>380</sup> 1035-HC/17

<sup>381</sup> 1036-HC/17

- 37.568 That on the lands delineated as having reference to this subsection, the following provisions shall apply:
- a) That in addition to Subsection 15.1 Permitted Uses of the Seasonal Residential (RS) Zone, a one family dwelling house is also permitted.
  - b) That notwithstanding the provisions of the Seasonal Residential (RS) Zone, the minimum lot frontage shall be 26.4 m.<sup>383</sup>
- 37.568 That on the lands delineated as having reference to this subsection, the following provisions shall apply:
- a) That in addition to Subsection 15.1 Permitted Uses of the Seasonal Residential (RS) Zone, a one family dwelling house is also permitted.
  - b) That notwithstanding the provisions of the Seasonal Residential (RS) Zone, the minimum lot frontage shall be 26.4 m.<sup>384</sup>
- 37.569 That on the lands delineated as having reference to this subsection, the following provisions shall apply:
- That in addition to Subsection 15.1 Permitted Uses of the Seasonal Residential (RS) Zone, a one family dwelling house is also permitted.<sup>385</sup>
- 37.570 That on the lands delineated as having reference to this subsection, the following provision shall apply:
- Part 1:
- That notwithstanding the provision of Section 6.8 – Accessory Uses to Residential Uses, the maximum height of the existing accessory structure (garage) shall be 7.3 metres
- Part 2:
- That notwithstanding the provision of Section 30.1 – Permitted Uses of the ‘Agricultural (A)’ Zone, a one family dwelling and home occupation shall not be permitted.<sup>386</sup>
- 37.571 a) Notwithstanding the Permitted Uses listed under section 36.1; a year Round dwelling shall be permitted in the lands identified as “Subject Lands” in Schedule B.

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<sup>382</sup> 1045-HC/18

<sup>383</sup> 1054-HC/18

<sup>384</sup> 1056-HC/18

<sup>385</sup> 1080-HC/18

<sup>386</sup> 1086-HC/18

- b) Notwithstanding Section 36.2 Zone provisions, the Zone Provisions of Section 15.2 of the “Seasonal Residential Zone (RS)” shall apply, except for the interior side yard setback which shall be 1.2 metres measured between the lot line and the attached garage or foundation of the dwelling.<sup>387</sup>

37.572 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

Part 1

That notwithstanding Section 14.2 *Zone Provisions of the ‘Hamlet Residential (RH)’ Zone*, on the lands having reference to this subsection, the following regulations shall apply:

- a) That notwithstanding Section 14.2 (a) the *minimum lot area* shall be 689 square metres;
- b) That notwithstanding Section 14.2 (b) the *minimum lot frontage* shall be 18.2 metres;
- c) That notwithstanding Section 14.2 (c) (i) the *minimum front yard* setback is 5.4 metres; and
- d) That notwithstanding Section 14.2 (c) (iii) the *interior side yard (left)* setback shall be 0.16 metres.

Part 2

That notwithstanding Section 14.2 *Zone Provisions of the ‘Hamlet Residential (RH)’ Zone*, on the lands having reference to this subsection, the following regulations shall apply:

- a) That notwithstanding Section 14.2 (a) the *minimum lot area* shall be 1376 square metres;
- b) That notwithstanding Section 14.2 (b) the *minimum lot frontage* shall be 27 metres;
- c) That notwithstanding Section 14.2 (c) (i) the *minimum front yard* setback is 8.2 metres; and
- d) That notwithstanding Section 14.2 (c) an unenclosed porch and steps may project 3 metres into the required front yard.<sup>388</sup>

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<sup>387</sup> 1084-HC/18

<sup>388</sup> 1100-HC/18

37.573 That on the lands delineated as having reference to this subsection, the following provision shall apply:

- a) That in addition to Subsection 9.1 Permitted Uses of the Urban Residential Type 2 (R2) Zone, a Group Home with a maximum occupancy of 9 tenants is also permitted.
- b) In lieu of Section 7.10.5, the minimum parking spaces required shall be 4.
- c) In lieu of Section 9.2 (c) the minimum interior side yard shall be 0.6 m
- d) In lieu of Section 6.8 (d) the minimum setback for an accessory structure shall be 0 m to recognize an existing garage.<sup>389</sup>

37.574 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

- i. Notwithstanding the provisions of Section 9.2 c) iii) – Minimum Yard Requirements – Interior Side Yard, the minimum interior side yard shall be 1.2 metres.<sup>390</sup>

37.575 a) General Provisions

That notwithstanding the applicable regulations contained in Section 6 (General Provisions), subsection 6.16 *Frontage on an Improved Street* shall not apply.

b) Zone Provisions

That notwithstanding the Provisions of Section 15.2 – *Zone Provisions* of the ‘Seasonal Residential (RS)’ Zone, subsection 15.2 (b) *Minimum Lot Frontage* shall be nil.”<sup>391</sup>

37.576 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

Part 1:

- a) Notwithstanding the provisions of Section 30.1 – Permitted Uses in the “Agricultural (A)” zone, a one family dwelling house and home occupation shall not be permitted.

Part 2:

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<sup>389</sup> 1104-HC/18

<sup>390</sup> 1111-HC/18

<sup>391</sup> 1114-HC/19



- b) Notwithstanding the provisions of Section 6.8 (e) 'Accessory Uses to Residential Uses' of the "Agricultural (A)" zone the maximum accessory structure floor area shall be 333 metres.<sup>392</sup>

- 37.577 That on the lands delineated as having reference to this subsection, shown as Parts 3 and 4 of the subject lands on Map 'A' and 'B' attached hereto and forming part of this by-law the existing office (former dwelling) on-site shall have a minimum front yard setback of 2.5 m.<sup>393</sup>
- 37.578 That on the lands delineated as having reference to this subsection, the following provisions shall apply:
- i. That in addition to Subsection 15.1 Permitted Uses of the Seasonal Residential (RS) Zone, a one family dwelling house is also permitted.
  - ii. That notwithstanding Subsection 15.2 b) of the Seasonal Residential (RS) Zone, the minimum lot frontage shall be 5 m.<sup>394</sup>
- 37.579 That on the lands delineated as having reference to this subsection, the following provisions shall apply: That in addition to Subsection 15.1 *Permitted Uses of the Seasonal Residential (RS) Zone*, a one family dwelling house is also permitted.<sup>395</sup>
- 37.580 That notwithstanding the parking requirements of Section 7, a reduction of one (1) parking space is permitted for the residential and bed & breakfast use on the subject lands.<sup>396</sup>

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<sup>392</sup> 1117-HC/19

<sup>393</sup> 1116-HC/19

<sup>394</sup> 1123-HC/19

<sup>395</sup> 1135-HC/19

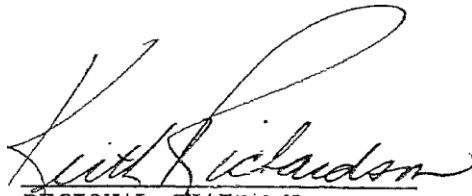
<sup>396</sup> To be attached to new Consolidated By-Law

SECTION 38: APPROVAL

This By-law shall become effective from and after the date of passing hereof, subject to the approval of the Ontario Municipal Board.

THIS BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED

THIS 14th DAY OF August, 1980.

  
REGIONAL CHAIRMAN

  
REGIONAL CLERK