

**THE TOWN OF HALDIMAND****BY-LAW 1-H 86****BEING A BY-LAW TO REGULATE THE USE OF LANDS  
AND THE ERECTION, USE, BULK, HEIGHT, LOCATION  
AND SPACING OF BUILDINGS AND STRUCTURES  
WITHIN THE TOWN OF HALDIMAND**

**The Council of the Corporation of the Town of Haldimand hereby enacts as follows:**

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

This Zoning By-law shall be known and may be cited as "The Zoning By-law of the Town of Haldimand."

**1.2 Defined Area**

This By-law applies to all lands within the boundaries of the Town of Haldimand.

**1.3 Interpretation**

1.3.1 In the interpretation and application of the provisions of this By-law, the provisions shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience 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 discretionary;
- (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, altered or erected in whole or in part except in conformity with all the provisions of this By-law.
- 2.2 Notwithstanding anything 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, any reduction of lot area, lot frontage, yard or setback on the remaining parcel created by said acquisition, shall be deemed to conform to the provisions of this By-law.
- 2.3 Where any setback or separation distance is required by this By-law for the 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, 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 jurisdiction is required prior to any construction taking place.

#### 3.3 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 within the limits permitted in the Planning Act, 1983, exclusive of costs, and recoverable under the Provincial Offences Act.

#### 3.4 Remedies

Any building or structure erected, altered, reconstructed, extended or used, or any land used, in contravention of this By-law, may be restrained by action at the instance of any ratepayer or Municipality of the Region or the Region pursuant to the provisions of the Planning Act or the Municipal Act in that behalf.

### 3.5 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.

### 3.6 Repeal of Existing By-laws

All existing zoning by-laws, including all amendments thereto, applying to the lands within the boundaries of the Town are hereby repealed insofar as they apply to these lands.

It is not intended that Regional Roads By-law No. 60-74 or any subsequent amendments thereto be repealed by this By-law.

**SECTION 4: DEFINITIONS**

Whenever used in this By-law, the following words and phrases 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.
- 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 height of a foundation shall not be construed as altering a building or structure provided that the maximum permitted height is not exceeded and provided that an additional storey is not created.
- 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 4.113
- 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, repaired or washed. An automobile service station excludes a body shop or an industrial garage as defined herein.
- 4.7 "AUTOMOBILE WASHING ESTABLISHMENT" shall mean a building or a place used for the washing of vehicles.
- 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 4.108
- 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, freestanding 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 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>1</sup>
- 4.15 “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.
- 4.16 “CELLAR” shall mean that portion of a building between a floor level and finished ceiling which is more than 50 percent underground relative to the finished grade adjacent to the exterior walls of a building.
- 4.17 “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.

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<sup>1</sup> 752-HC-11

- ❖ “CHILDREN’S CAMP” see 4.116
- 4.18 “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 purpose 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 operation room.
- 4.19 “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.
- 4.20 “CONVENIENCE STORE” shall mean a building or part of a building wherein food, tobacco, confections, periodicals or similar items are offered for sale, including the sale or rental of videotapes or videodiscs, to serve the day-to-day needs of primarily the residents of the immediate neighbourhood.
- 4.21 “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 and the sale or rental of videotapes or videodiscs.
- 4.22 “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.
- 4.23 “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.
- 4.24 “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.
- 4.25 “DWELLING HOUSE” shall mean a building used or intended to be used for human habitation but excludes a motor home, mobile home or bunkhouse. A dwelling house may include a private garage attached thereto.
- 4.25.1 “ONE FAMILY DWELLING HOUSE” shall mean a detached dwelling house comprising only one dwelling unit.
- 4.25.2 “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”.
- 4.25.3 “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.
- 4.25.4 “FOUR FAMILY DWELLING HOUSE” shall mean a dwelling house comprising of four dwelling units provided that no such dwelling house has more than two units in perpendicular depth from any street other than in the case of a corner lot. Dwelling houses types commonly known as “quadruplex” or “double duplex” shall be deemed Four Family Dwelling Houses.
- 4.25.5 “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.
- 4.25.6 “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.
- 4.25.7 “TOWNHOUSES, STREET” shall mean townhouses located on a lot on which every dwelling unit on the lot fronts onto a street.
- 4.25.8 “BOARDING OR LODGING HOUSE” shall mean a dwelling unit also comprising rooms used or maintained for the accommodation of three or more boarders or lodgers, but excludes any other establishment otherwise defined or classified therein.
- 4.25.9 “APARTMENT DWELLING HOUSE” shall mean a dwelling house comprising five or more dwelling units but excludes townhouses as defined herein.
- 4.25.10 “VACATION HOME” shall mean a dwelling house comprising of only one dwelling unit and which is used for vacations and recreation purposes.
- 4.26 “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.
- 4.27 “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.

“ERECTED” and “ERECTION” shall have a corresponding meaning.

- 4.28 “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 300 metres or less and more than one half of the lots fronting the said street on the same side have been built upon.
- 4.29 “EXISTING” shall mean existing on the date of passing of this By-law.
- ❖ “EXPERIENTIAL ACTIVITIES” see 4.112
- 4.30 “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.
- 4.31 “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 4.111
  - ❖ “FARM STAND” see 4.109
  - ❖ “FILM PRODUCTION” see 4.114
- 4.32 “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.
- 4.33 “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.
- 4.34 “GARAGE, INDUSTRIAL” shall mean an establishment where construction and industrial vehicles and equipment are sold, leased, stored or repaired.
- 4.35 “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.

- 4.36 "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.
- 4.37 "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.
- 4.38 "HABITABLE ROOM" shall mean a room ordinarily used for human habitation, excluding a bathroom, recreation room, or laundry room.
- 4.39 "HEREIN" shall mean "in this By-law" and shall not be limited to any particular section of this By-law.
- 4.40 "HOME-BASED BUSINESS"
- 4.40.1 "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.
- 4.40.2 "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.
- 4.40.3 "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 6.8.2 'b' to 'j' shall be applied thereto in lieu of Section 6.8.2 'b' to 'i'.
- 4.41 "HOTEL" shall mean an establishment catering mainly to the needs of the traveling or vacationing public by supplying food, refreshments, entertainment and sleeping accommodation and includes accommodation for staff, a beverage room, dining room, meeting room or similar uses.
- 4.42 "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.

- 4.43 "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.
- 4.44 "LOT" shall mean a parcel of land which can be legally conveyed.
- 4.44.1 "CORNER LOT" shall mean a lot situated at the intersection of two streets or at the intersection of two parts of the same street, when such intersections have an angle of intersection of 135 degrees or less.
- 4.44.2 "INTERIOR LOT" shall mean a lot with only one lot line being contiguous with a street line.
- 4.44.3 "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.
- 4.45 "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.
- 4.46 "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.
- 4.47 "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.
- 4.48 "LOT LINE" shall mean any boundary of a lot and the vertical projection thereof.
- 4.48.1 "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.

4.48.2 "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.

4.48.3 "SIDE LOT LINE" shall mean a lot line other than a front or rear lot line.

4.48.4 "EXTERIOR SIDE LOT LINE" shall mean the lot line abutting a street other than the front lot line of a corner lot.

4.48.5 "INTERIOR LOT LINE" shall mean any lot line other than a lot line contiguous with a street line.

4.48.6 "INTERIOR SIDE LOT LINE" shall mean an interior lot line other than a rear lot line.

4.49 "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 the Planning Act, 1983, or a lot created by the registration of a deed after the passing of this By-law pursuant to a valid consent obtained prior to the passing of this By-law.

4.50 "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.

4.51 "MOBILE HOME" shall mean any dwelling that is designed to be made mobile and constructed or manufactured to provide a permanent residence, but excludes a motor home as defined herein.\*\*

4.52 "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.

- 4.53 "MOTOR HOME" shall mean a recreational vehicle either self propelled or designed to be towed by a motor vehicle and capable of being used for the temporary living, sleeping or eating accommodation of persons, whether or not such vehicle is jacked up or its running gear is removed, but excludes a mobile home as defined herein.
- 4.54 "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 staff, a place of entertainment, beverage room, dining room, meeting room or similar uses.
- 4.55 "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.
- 4.56 "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 4.110
- 4.57 "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.
- 4.58 "PARK" shall mean an area of land used for horticulture and outdoor recreational activities but excludes a tent and trailer park or campground as defined herein.
- ❖ "PARK MODEL" – See 4.105
- 4.59 "PARK, TENT AND TRAILER" shall mean an area of land used for tenting and camping facilities or for the temporary parking of motor homes for recreational purposes.
- 4.60 "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.
- 4.61 "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 or carport.
- 4.62 "PERMITTED" shall mean permitted by this By-law.
- 4.63 "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.

- 4.64 "PIT OR QUARRY" shall mean a place where gravel, stone, sand, earth, clay, rock, mineral 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.
- 4.65 "PLACE OF ASSEMBLY" shall mean a banquet hall, auditorium or assembly hall.
- 4.66 "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.
- 4.67 "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 or curling rink.
- 4.68 "PLACE OF WORSHIP" shall mean a church, synagogue, mosque, temple or other building or part of a building used for public worship.
- 4.69 "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.
- ❖ "PUBLIC EMERGENCY SERVICE FACILITY" see 4.115
- 4.70 "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 plan.
- 4.71 "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.
- 4.72 "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.
- 4.73 "RECREATIONAL VEHICLE" shall mean a motor home, motorized racing vehicle, snowmobile, marine craft or trailer.
- 4.74 "REGION OR REGIONAL" shall mean or refer to The Regional Municipality of Haldimand-Norfolk.
- 4.75 "REQUIRED" shall mean as required by the provisions contained herein.
- 4.76 "RESTAURANT" shall mean an establishment where food is offered for sale or sold to the public for immediate consumption either within the building or elsewhere. This definition may include a licensed dining room, café, cafeteria, lunch counter, tearoom coffee shop and drive-in restaurant.

- 4.77 "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, including the sale or rental of videotapes or videodiscs, but excludes a salvage yard as defined herein.
- 4.78 "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 or farm machinery wrecking yard, and retail sales incidental to the foregoing uses.
- 4.79 "SCHOOL" shall mean a school, college or university offering educational or vocational training, but excludes a trade school as defined herein.
- 4.80 "SCHOOL, TRADE" shall mean a building or part of a building used for training in specific trades, skills or crafts.
- 4.81 "SERVICE SHOP, MERCHANDISE" shall mean an establishment where household articles or goods are repaired, refurbished or serviced, but excludes any manufacturing operation.
- 4.82 "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.
- 4.83 "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.
- 4.84 "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.
- 4.85 "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.
- 4.86 "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.
- 4.87 "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.
- 4.88 "STREET" shall mean a public highway or public road or an open road allowance owned by the Region, the Town or the Province of Ontario, but excludes a lane or private right-of-way.
- 4.89 "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.

- 4.90 "STREET LINE" shall mean the dividing line between a lot and a street.
- 4.91 "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.
- 4.92 "TAVERN" shall mean an establishment which supplies food, refreshments and entertainment and may include accommodation for staff.
- ❖ "TOTAL FLOOR AREA" see 4.106.
- 4.93 "TOWN" shall mean the Corporation of the Town of Dunnville.
- 4.94 "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 such persons.
- ❖ "TRAVEL TRAILER" see 4.107
- 4.95 "TRUCK TERMINAL" shall mean a building or place where trucks are leased, stored or dispatched as common carriers.
- 4.96 "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.
- 4.97 "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, vacation home, 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.
- 4.98 "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, electric power substation, telephone repeater or exchange building, sewage or water treatment plant.
- 4.99 "VEHICLE" shall mean an automobile or vehicle used for carrying passengers or for transporting goods including a mobile home, motor home, trailer, snowmobile or marine craft.



- 4.100 “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.
- 4.100A “VIDEOTAPE OR VIDEODISC SALES OR RENTAL ESTABLISHMENT” shall mean building or part of a building wherein videotapes or videodiscs are offered for sale or rent.
- 4.101 “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.
- 4.102 “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.
- 4.103 “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.
- 4.103.1 “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.
- 4.103.2 “REAR YARD” shall mean a yard extending across the width of the lot, exclusive of any exterior side yard, between the rear lot line and the nearest part of any excavation or main building on the lot. If a lot has only three lot lines and there is no rear lot line, the rear yard shall be the area extending across the full width of the lot, 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.
- 4.103.3 “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.
- 4.103.4 “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.
- 4.104 “ZONE” shall mean a designated area of land shown on the zoning maps.
- 4.105 “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.

- 4.106 "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.
- 4.107 "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.
- 4.108 "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>2</sup>
- 4.109 "FARM STAND" shall mean a small stand, structure or wagon-top sales area for the marketing and retailing of farm produce.<sup>2</sup>
- 4.110 "ON-FARM MARKET" shall mean an outlet for the retail sale of farm produce.<sup>2</sup>
- 4.111 "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>2</sup>
- 4.112 "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

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<sup>2</sup> 691-HC-10

or surrounding farms are prepared and served is also permitted in conjunction with an experiential activity.<sup>2</sup>

- 4.113 “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.
- 4.114 “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>3</sup>
- 4.115 “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>4</sup>
- 4.116 “CHILDREN’S CAMP” shall mean lands, buildings or structures used to provide opportunities for children to socialize, learn life skills, acquire cross-cultural and/or religious knowledge and recreate in a safe environment.<sup>5</sup>

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<sup>2</sup> 691-HC-10

<sup>3</sup> 739-HC-11

<sup>4</sup> 752-HC-11

<sup>5</sup> 752-HC-11

SECTION 5: ZONES5.1 Establishment of Zones

The following zones are hereby established within the Town of Haldimand. Such zones are shown on Schedules A1 to A15, 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 1-A Zone	R1-A
Urban Residential Type 1-B Zone	R1-B
Urban Residential Type 2 Zone	R2
Urban Residential Type 3 Zone	R3
Urban Residential Type 4 Zone	R4
Hamlet Residential Zone	RH
Seasonal Residential Zone	RS
<u>Commercial Zones</u>	
General Commercial Zone	CG
Service Commercial Zone	CS
Neighbourhood Commercial Zone	CN
Residential/Business Zone	RB
Hamlet Commercial Zone	CHA
Rural Commercial Zone	CR
Marine Commercial Zone	CM
<u>Industrial Zones</u>	
General Industrial Zone	MG
Light Industrial Zone	ML
Rural Industrial Zone	MR
Disposal Industrial Zone	MD
Extractive Industrial Zone	MX
<u>Agricultural Zones</u>	
Agricultural Zone	A

Institutional Zones

Community Institutional Zone	IC
Neighbourhood Institutional Zone	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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Development Zones

Development Zone	D
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5.2 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.

5.3 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, lane, right-of-way, transmission line or watercourse shall be the centreline of such highway, street, lane, right-of-way, transmission line or watercourse;
- (b) A zone boundary appearing to follow the lot lines of any lot shall be deemed to follow such lot lines;
- (c) Where the provisions of subsection 5.3 (a) and (b) 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, A4, A5, A6	1:25,000
A7-A, A7-B, A8, A9, A10, A11, A12, A13, A14, A15	1:5,000

- (d) 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 centreline of the closed street or lane.
- (e) 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.<sup>6</sup>

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

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

- a) where a portion of a lot is zoned HL, such portion may be used in the calculation of any required yard or setback provided any building or structure other than a boathouse is located outside of the HL Zone;
- b) where a portion of a lot is zoned HL, such portion, except the area of land within a provincially significant wetland, may be used in the calculation of any required lot area provided any building other than a boathouse is located outside of the HL zone and enough land is available to support a private sewage disposal system, if required, to the satisfaction of the Building Controls and By-law Enforcement Division;
- c) where a portion of the lot is zoned HL, such portion may be used in the calculation of minimum lot frontage provided safe access can be provided to the satisfaction of the applicable Conservation Authority; or
- d) where the main use is wholly situated in one zone, a residential accessory structure or use may be permitted in the other zone provided it meets all Provisions of Sections 6.7.<sup>6</sup>

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<sup>6</sup> 752-HC-11

### 5.5 Establishment of Wetland Zone

The Wetland Zone is hereby established within the Town of Haldimand. This zone is shown and shall only be shown on Schedules B1 to B18, inclusive, attached to and forming part of this By-law. The Schedules may be referred to as the “Provincially Significant Wetland Maps” and Wetland Zone may be referred to by the symbol W.<sup>7</sup>

### 5.6 Prevalence of the Wetland Zone

Where lands are identified as being within the limits of the Wetland Zone by the Provincially Significant Wetlands Maps, the provisions of the Wetland Zone shall prevail over those of any zones identified on the Zoning Maps.<sup>7</sup>

### 5.7 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, CG, CS, CN, RB, CHA, CR, CM, MG, ML, MR, MD, MX, IC, IN, IR, OS, OST, HL, D, W.

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 Section 5.7 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>6</sup>

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<sup>6</sup> 752-HC-11

<sup>7</sup> 20-H-94

**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 or storage yard associated therewith
- (d) gas, oil or water pipeline, electric 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 yard
- (e) railway line excluding any station, depot or yard associated therewith
- (f) park
- (g) public washroom
- (h) signs and billboards pursuant to any by-law passed under Section 210 (par. 43) of the Municipal Act, R.S.O. 1980, Chapter 302, as amended
- (i) buildings, structures and uses accessory to any permitted use, subject to the provisions of subsections 6.7 and 6.9
- (j) swimming pool subject to the provisions of subsection 6.10
- (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 purpose 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
- (n) dock, pier or wharf.
- (o) Chip wagon pursuant to any By-Law passed under Section 230 of the Municipal Act, R.S.O., 1980 Chapter 302, as amended.<sup>8</sup>

## 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 well
- (e) industrial waste landfill site
- (f) industrial waste lagoon
- (g) thermal destructor
- (h) solidification process plant for industrial waste
- (i) the racing of motorized vehicles and motorcycles unless as a special event authorized by a licence issued pursuant to a by-law passed under Section 210 (par. 59) of the Municipal Act, R.S.O. 1980, Chapter 302, as amended
- (j) the use of a motor home for year-round human habitation as a principal residence.

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<sup>8</sup> 11-H-90

### 6.3 Non-conforming Uses

#### 6.3.1 Repair of Non-conforming Buildings and Structures

Subject to the provisions of subsection 6.3.2, nothing contained herein shall prevent the repair or strengthening to a safe condition of any existing 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 Buildings and Structures Non-conforming in Use

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.

#### 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.

### 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.

6.5 Location of Habitable Room

No habitable room shall be located in a cellar of the following:

three and four family dwelling house, boarding or lodging house and apartment dwelling house.

6.6 Removal of Soil and Aggregates

6.61 Notwithstanding the definition of pit or quarry, nothing contained herein shall prohibit the levelling 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.

6.62 Notwithstanding the definition of pit or quarry, nothing contained herein shall prevent the Province of Ontario, the Region or the Town 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.

6.7 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, RS residential zones and 6.5 metres in all other zones where the 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, 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 of useable floor area 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>10</sup>

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<sup>10</sup> 752-HC/11

## 6.8 Home-Based Business

6.8.1 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.

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

a) Home occupation is permitted in the following zones: R1, R1-A, R1-B, R2, R3, R4, RH, RS, RB, CG, CS, CN, CHA, CR, MR, MD, A, IC, IN, IR, D, 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 located up to a maximum of 50 square metres

e) No home occupation or combination of home occupations shall occupy more than a combined total of 50 square metres of dwelling unit and accessory building area

f) Retail sales of products produced on the premises or those products directly associated with the home occupation are permitted but are restricted to a maximum of 15% of total gross floor area of the home occupation

g) A maximum of one (1) outside employee is permitted on a given shift

h) A minimum of one (1) additional parking space is required for any outside employee

i) Outdoor storage of goods is prohibited

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

a) Home industry is permitted in the following zones: RH, CHA, CR, MR, MD 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 hectare or less

d) A home industry, or combination of home industries on a lot, is permitted to a maximum size of 200 square metres on those lots measuring greater than 0.4 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 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>11</sup>

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<sup>11</sup> 692-HC-11

6.9 Accessory Uses to Non-residential Uses

No building or structure 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 6.9 (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.

6.10 Swimming Pools

Notwithstanding any yard or 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.

6.11 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.

6.12 Boundary Fences in Residential Zones

Subject to the provisions of subsection 6.19, 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 in which case the maximum height shall be 1.0 metre.

6.13 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 required front or exterior side yard provided:

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

6.14 Number of Dwelling Houses Per Lot

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

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

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

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

For the purposes of this section, model homes shall be used as models only and shall not be occupied for residential purposes until such time as all the requirements of the County as set out in the applicable subdivision agreement have been complied with and the subdivision has been registered.<sup>12</sup>

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<sup>12</sup> 289-HC-05

6.15 Frontage on an Improved Street

No building or structure shall be erected, altered or enlarged on any land which does not have the required lot frontage on an improved street.

6.16 Established Building Line

Subject to the provisions of subsection 6.17 (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 provided such building or structure or part thereof is not erected closer to the street line than the established building line.

6.17 Setback from Town, Regional and Provincial Roads

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

- (a) in the case of a street under the jurisdiction of the Town, 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 the Province of Ontario, in accordance with any applicable by-law or regulation.

6.18 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.

6.19 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.

6.20 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-hotel, hospital or school
- (b) nil for any industrial, 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.

6.21 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 metres
- (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 metres
- (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 abutting ground level may project a maximum of 2 metres into a required rear yard.



6.22 Exemptions from Height Provisions

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

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

6.23 Location of Bed & Breakfast

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

6.23.2 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>13</sup>

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<sup>13</sup> 692-HC/10

6.24 Application of Section 6.1, Uses Permitted in All Zones, to the Wetland Zone

The provisions of Section 6.1, subsections (f) to (o), inclusive, shall not apply to the Wetland Zone.<sup>14</sup>

6.25 Minimum Setback from the Wetland Zone

6.25.1 Notwithstanding any provision of this By-law to the contrary, no land shall be used and no building or structure shall be used, altered or erected within 120 metre of a Wetland Zone.

6.25.2 The provision of subsection 6.25.1 shall not apply to the following uses:

- (a) farm
- (b) one family dwelling house
- (c) vacation home
- (d) home occupation
- (e) buildings, structure, and uses accessory to a farm, one family dwelling house or vacation home.
- (f) woodlot.<sup>14</sup>

6.26 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 area unless:
  - i) watermains, storm sewers, sanitary systems and hydro Service are constructed and operational and all regulatory approvals have been received to the satisfaction of the County or appropriate approval authority;
  - ii) servicing capacity is confirmed as being available for all watermains and sanitary systems;
  - iii) stormwater management facilities, if required, are constructed and operational;
  - iv) adequate water supply is available for fire protection; and
  - v) roadways and/or lanes are constructed to the satisfaction of the County and provide safe and adequate access to all buildings to 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;

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<sup>14</sup> 20-H-94

- 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 & 2 above, nothing herein shall prevent the construction of model homes in accordance with Section 6.14 of By-law 1-H 86.
4. Notwithstanding sections 1 & 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>15</sup>

#### 6.27 Value-Added Agriculture

- 6.27.1 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.
- 6.27.2 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

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<sup>15</sup> 553-HC-08

- 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.

6.27.3 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 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.

6.27.4 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 the 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>16</sup>

## 6.28 Film Production

- a) Film Production is permitted in the following zones: R1, R1-A, R1-B, R2, R3, R4, RH, RS, CG, CS, CN, RB, CHA, CR, CM, MG, ML, MR, MD, MX, A, IC, IN, IR, D, W, HL, OS and OST

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<sup>16</sup> 692-HC-10

- b) The use shall be secondary to the main use on the subject lands;
- c) Film Production shall be limited to a maximum of 150 days per calendar year;
- d) All buildings and structures relating to film Production shall comply with the *Ontario Building Code*, as amended from time to time;
- e) Film Production and any activities associated with Film Production shall comply with the *Haldimand County Noise By-law*, as amended from time to time;
- 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 to the General Manager of Planning and Economic Development consisting of the following:
  - i. filming schedule including specifications on days and hours of operation;
  - ii. a traffic management and parking control plan if more than 12 production vehicles are used at one filming location;
  - iii. a filming site map;
  - iv. a list of gunfire, explosives, bombs/mock ups, flash power, detonators, flammable liquids / materials, the filming of dangerous stunts, and intent to use guns;
  - v. an emergency measures / response plan;
  - vi. a lighting plan that identifies sources, impacts and timing of lighting;
  - vii. a description of noise that identifies sources and intensities of noise as well as when those would occur;
  - viii. a copy of all notification letters to residents and businesses; and
  - ix. written approval from the appropriate Conservation Authority if filming is proposed to occur on Regulated Lands or on lands zoned as 'Hazard Land (HL)' or 'Wetland (W)'.<sup>17</sup>

6.29 Surplus Farm Dwelling Severance Properties

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

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<sup>17</sup> 739-HC-11

- 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 36.369 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>18</sup>

6.30 Public Emergency Service Facilities

- a) A Public Emergency Service Facility is permitted in all land use zones, except the 'Hazard Land (HL)' or 'Wetland (W)' zones.
- 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 6.30(b), Public Emergency Service Facilities in the 'Agricultural (A)' zone shall be subject to the following criteria. The criteria are to be

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<sup>18</sup> 752-HC-11

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>19</sup>

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<sup>19</sup> 752-HC-11

## 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 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 Schedules "7.8A", "7.8B" and "7.8C" 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 Schedules "7.8A", "7.8B" and "7.8C" 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.

**Type of Use**

**Minimum Parking Spaces Required**

7.10.4 **Non-Residential Uses**

(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
(t)ii	Home occupation and home industry where customers and/or clients do not attend at the site <sup>20</sup>	0
(u)	Hospital	3 per bed

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<sup>20</sup> 692-HC-10

(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
(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
7.10.5	<b>Residential Uses</b>	
(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>21</sup>

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<sup>21</sup> 633-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 - 610 square metres
- (b) Minimum Lot Frontage - 18 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 1.5 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 1.5 metres on each side
  - (iv) rear yard - 9 metres
- (d) Maximum Building Height - 11 metres
- (e) Minimum Usable Floor Area - 135 square metres per dwelling unit
- (f) Minimum Ground Floor Area - 70 square metres
- (g) Minimum Services - every dwelling house shall be connected to a public water system and a public sanitary sewer system.

**SECTION 9: URBAN RESIDENTIAL TYPE 1-A ZONE (R1-A)**

In an R1-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:

**9.1 Permitted Uses**

- (a) one family dwelling house

**9.2 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 - 100 square metres per Area dwelling unit
- (f) Minimum Ground Floor Area - 55 square metres
- (g) Minimum Services - every dwelling house shall be connected to a public water system and a public sanitary sewer system.

**SECTION 10: URBAN RESIDENTIAL TYPE 1-B ZONE (R1-B)**

In an R1-B 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

**10.2 Zone Provisions**

- (a) Minimum Lot Area - 372 square metres for an interior lot and 412 square metres (4,433 square feet) for a corner lot
- (b) Minimum Lot Frontage - 12 metres for an interior lot and 15 metres for a corner lot
- (c) Minimum Yard Requirements:
  - (i) front yard - 6 metres
  - (ii) exterior side yard - 5 metres
  - (iii) interior side yard - 3 metres on one side and 1.0 metre 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 1.0 metre on each side
  - (iv) rear yard - 9 metres
- (d) Maximum Building Height - 11 metres
- (e) Minimum Usable Floor Area - 80 square metres per dwelling unit
- (f) Minimum Ground Floor Area - 55 square metres
- (g) Minimum Services - every dwelling house shall be connected to a public water system and a public sanitary sewer system.

**SECTION 11: 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:

**11.1 Permitted Uses**

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

**11.2 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 being 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 - 75 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 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 12: 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:

### 12.1 Permitted Uses

- (a) one family dwelling house in accordance with the provisions of the R1-B 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

### 12.2 Zone Provisions

#### 12.2.1 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.  |

#### 12.2.2 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 located on a corner lot 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.

### 12.2.3 Boarding or Lodging House

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

- (a) Minimum Guest Room Area - a 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 existing 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 does not contain less than 90 square metres of usable floor area
  - (ii) any extension or addition complies to the yard requirements of this By-law.

### 12.2.4 Minimum Services

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



### Section 13: 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:

#### 13.1 Permitted Uses

- a) street townhouses
- b) group townhouses
- c) apartment dwelling house

#### 13.2 Zone Provisions

##### 13.2.1 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 |

### 13.2.2 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 |

### 13.2.3 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 13.2.

### 13.2.4 Apartment Dwelling House

- |                                       |                                    |
|---------------------------------------|------------------------------------|
| a) Minimum Yard Requirements          |                                    |
| i. front yard                         | 9 metres                           |
| ii. exterior side yard                | 4 metres                           |
| iii. interior side yard               | 6 metres                           |
| iv. rear yard                         | 9 metres                           |
| b) Maximum Floor Area Ratios          |                                    |
| 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 |

### 13.2.5 Minimum Services

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

## 13.3 Other Uses

Notwithstanding the provisions of Section 13, 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>22</sup>

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<sup>22</sup> 752-HC/11

**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
- (b) Minimum Lot Frontage - 30 metres
- (c) Minimum Yard Requirements:
  - (i) front yard - 10 metres
  - (ii) exterior side yard - 10 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
  - (iv) rear yard - 9 metres
- (d) Maximum Building Height - 11 metres
- (e) Minimum Usable Floor Area - 80 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) vacation home
- (b) existing one family dwelling house

**15.2 Zone Provisions**

- (a) Minimum Lot Area - 1 855 square metres; and for a lot of record- 927 square metres
- (b) Minimum Lot Frontage - 30 metres an interior lot and 36 metres for a corner lot; and for a lot of record - 18 metres for an interior lot and 24 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 attached private garage shall be 1.2 metres
  - (iv) rear yard - 9 metres
- (d) Maximum Building Height - 11 metres
- (e) Minimum Usable Floor Area - 80 square metres per dwelling unit.

**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) automobile washing establishment
- (k) vehicle sales and/or rental establishment and may include open storage accessory thereto
- (l) bus or taxi terminal
- (m) laundromat
- (n) dry cleaning distribution centre
- (o) place of entertainment
- (p) animal hospital, provided the entire operation is carried on within an enclosed building
- (q) parking lot or structure
- (r) sheet metal, plumbing, heating, electrical or woodworking shop or any similar activity
- (s) printing and publishing establishment<sup>23</sup>

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<sup>23</sup> 692-HC/10

- (t) any non-residential use permitted in the IC Zone
- (u) a maximum of 4 dwelling units in a permitted commercial building.

16.2 Zone provisions

- (a) Minimum Yard Requirements:
  - (i) front yard - 6 metres
  - (ii) exterior side yard - 6 metres
  - (iii) interior side yard - nil; except where the interior side lot line abuts a residential zone, the side yard shall be 3.5 metres
  - (iv) rear yard - 6 metres; except where the rear lot line abuts a parking area or lane with access to a street, the rear yard may be nil
- (b) Maximum Building Height - 11 metres
- (c) Maximum Lot Coverage - 80 percent
- (d) Minimum Usable Floor Area - 40 square metres per 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 Schedules "7.8A", "7.8B" and "7.8C" 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>24</sup>

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<sup>24</sup> 752-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) automobile washing establishment
- (c) restaurant
- (d) hotel, motel, motor-hotel, tavern
- (e) vehicle sales and/or rental establishment and may include open storage accessory thereto
- (f) farm implement sales and service establishment
- (g) swimming pool sales and service establishment
- (h) lumber yard and building supply establishment
- (i) garden supply centre
- (j) commercial greenhouse and tree and plant nursery
- (k) fruit and vegetable outlet
- (l) florist shop
- (m) merchandise service shop
- (n) sheet metal, plumbing, heating, electrical or woodworking shop or any similar activity
- (o) dry cleaning establishment
- (p) animal hospital, provided the entire operation is carried on within an enclosed building
- (q) craft and souvenir shop
- (r) office
- (s) parking lot or structure<sup>25</sup>

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<sup>25</sup> 692-HC/10

- (t) open storage accessory to a permitted use
- (u) any non-residential use permitted in the CN Zone
- (v) any non-residential use permitted in the IC Zone
- (w) a maximum of two (2) dwelling units in a permitted building
- (x) 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 560 square metres for a corner lot; except a lot not connected to a public water system and 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 water system and a public sanitary sewer system in which case the minimum lot frontage shall be 30 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 - 55 square metres per dwelling unit
- (f) 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 dwelling unit
- (g) Minimum Services - every use shall be connected to a public water system and a public sanitary sewer system.

**SECTION 19: RESIDENTIAL/BUSINESS ZONE (RB)**

In an RB 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) professional office
- (b) personal service shop
- (c) merchandise service shop
- (d) craft and souvenir shop
- (e) florist's shop
- (f) animal hospital, provided the entire operation is carried on within an enclosed building
- (g) dry cleaning distribution station
- (h) printing and publishing establishment
- (i) parking lot
- (j) any non-residential use permitted in the IC Zone
- (k) a maximum of two dwelling units in a permitted commercial building
- (l) one-family dwelling house located on a separate lot, in accordance with the provisions of the R1-A Zone.

**19.2 Zone Provisions**

- (a) Minimum Lot Area - 465 square metres
- (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 lot Coverage      | - 45 percent  |
| (f) Minimum Usable Floor Area | - 40 square metres per dwelling unit  |
| (g) Minimum Services          | - every use shall be connected to a public water system and a public sanitary sewer system. |

**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) automobile washing establishment
- (h) vehicle sales and/or rental establishment and may include open storage accessory thereto
- (i) bank
- (j) office
- (k) antique shop
- (l) dry cleaning distribution station
- (m) farm implement sales and service establishment and may include open storage accessory thereto
- (n) commercial greenhouse and tree and plant nursery and may include open storage accessory thereto
- (o) fruit and vegetable outlet
- (p) animal hospital
- (q) any non-residential use permitted in the IC Zone
- (r) one dwelling unit in a permitted building
- (s) one family dwelling house located on a separate lot<sup>26</sup>

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<sup>26</sup> 692-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; except where a private garage is attached to a dwelling house in which case the minimum interior side yard adjacent to the attached garage shall be 1.2 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 80 square metres
- (g) Open Storage - open storage, where permitted, shall be prohibited within 2 metres of any 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 80 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, altered or erected 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 an 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 sewage treatment, in either strength or quantity of waste, or a high volume requirement of municipal water
- (b) fertilizer dealership
- (c) fuel storage depot for home and farm sales
- (d) truck terminal
- (e) research and development facilities
- (f) any use permitted in the ML Zone
- (g) industrial supply establishment
- (h) retail sales related to an industry on the same lot
- (i) industrial offices
- (j) day care centre
- (k) fitness and health care facilities
- (l) sports facilities
- (m) restaurant.<sup>27</sup>
- (n) adult entertainment parlour.

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

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<sup>27</sup> 55-H 87

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 an 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) automobile washing establishment
- (h) vehicle sales and/or rental establishment and may include open storage accessory thereto
- (i) farm implement sales and service establishment
- (j) industrial garage
- (k) warehouse
- (l) wholesale establishment
- (m) facilities and offices for engineering, surveying and any similar activity
- (n) dairy
- (o) bakery
- (p) contractor's yard
- (q) public utility yard
- (r) school
- (s) trade school
- (t) firehall<sup>29</sup>

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<sup>29</sup> 692-HC/10

- (u) police station
- (v) ambulance service
- (w) animal hospital
- (x) open storage accessory to a permitted use.

#### 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 and required exterior side yard.

**SECTION 25: 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:

**25.1 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) sawmill
- (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.

**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 - 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 26: 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:

**26.1 Permitted Uses**

- (a) salvage yard
- (b) municipal sanitary landfill site
- (c) municipal disposal area including incineration, baling, compacting and separating
- (d) public utility yard
- (e) any use permitted in the A Zone in accordance with the provisions of that Zone.

**26.2 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.

**SECTION 27: EXTRACTIVE INDUSTRIAL ZONE (MX)**

In an 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:

**27.1 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.

**27.2 Zone Provisions**

- (a) any building or structure 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) minimum front yard - 13 metres
  - (ii) minimum exterior side yard - 13 metres
  - (iii) minimum interior side yard - 5 metres
  - (iv) minimum 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)   | minimum front yard                       | -30 metres   |
| (ii)  | minimum exterior side yard               | -30 metres   |
| (iii) | minimum interior side yard               | -45 metres   |
| (iv)  | minimum rear yard                        | -45 metres   |
| (v)   | minimum separation from a dwelling house | -155 metres to any dwelling house located on a separate lot. |

SECTION 28: 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:

28.1 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) structures accessory to a mine ventilation or emergency access shaft
- (h) one airstrip and one hangar
- (i) motor homes and bunk houses for seasonal workers provided they are located on the farm on which the seasonal workers are employed
- (j) one family dwelling house
- (k) farm Stand
- (l) home occupation (Deleted by By-law 691-HC-10 and added to Section 6.8.2)
- (m) on-farm Market
- (n) farm-related Processing
- (o) experiential activities<sup>30</sup>

28.2 General 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

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<sup>30</sup> 692-HC/10

- (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 - 80 square metres per dwelling unit.

28.3 Location of a Feed Lot, Livestock Barn, or Manure Storage Area

No land shall be used and no building or structure or part thereof, shall be used, or erected, renovated or remodelled for use as a feed lot, a poultry barn, a livestock barn, or a manure storage area nearer than the Agricultural Code of Practice Minimum Separation Distance as determined in accordance with Schedule "B" to this By-law, (M.D.S.), to any dwelling house located on a separate lot, or to any land zoned R1, R1A, R1B, R2, R3, R4, RH, CHA, RS, CR, IR, OS or OST by this By-law;

- 28.3.1 Notwithstanding section 28.3, where, after the date of the passing of this By-law, a dwelling house is erected on a separate lot of record in an Agricultural Zone in accordance with subsection 28.4, or where, after the date of the passing of this By-law, a dwelling house is erected on a separate lot in an Agricultural Zone in accordance with a decision of the Committee of Adjustment, and where the distance between the said dwelling house, in either case, and the feed lot, poultry barn, livestock barn, or the manure storage area, is less than the M.D.S., the required M.D.S. from the said dwelling house for the said feed lot, poultry barn, livestock barn, or the manure storage area, shall be the actual distance between them.

#### 28.4 Location of a Dwelling House

Dwelling houses shall be erected in accordance with the M.D.S. from any feed lot, poultry barn, livestock barn, or manure storage area, which is located on a separate lot, subject however, that the within provision shall not apply to a lot of record created prior to May 31, 1987, so long as the dwelling house is erected at the furthest point on the said lot from the said feed lot, poultry barn, livestock barn, or manure storage area, and so long as the said dwelling house does not contravene any yard or setback provisions of this By-law.

##### 28.4.1 Location of Animal Kennel

No land shall be used and no building or structure or part thereof shall be used, or erected, renovated or remodelled, for use as an animal kennel nearer than:

- (a) 600 metres to an urban residential zone.
- (b) 300 metres to any RH or CHA zone.
- (c) 125 metres to any RS, CR, IR, OS or OST zone or any dwelling house located on a separate lot. This provision shall not apply to an abandoned cemetery.
- (d) 30 metres to any lot line.

#### 28.5 Location of a Commercial Radio, Television and Tele-communication Tower

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

#### 28.6 Location of Structures Accessory to a Mine Ventilation or Emergency Access Shaft

No building or structure accessory to a mine ventilation or emergency access shaft shall be located nearer to any lot line than 15 metres.

#### 28.7 Location of Airstrips and Hangers

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

**SECTION 29: 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:

**29.1 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 the IN Zone in accordance with the provisions of that Zone.



29.2 Zone Provisions

- (a) Minimum Lot Area - 1 855 square metres; except where the lot is connected to a public water system and 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 water system and 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

**SECTION 30: 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:

**30.1 Permitted Uses**

- (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.

**30.2 Zone Provisions**

- (a) Minimum Lot Area - 1 855 square metres; except where the lot is connected to a public water system and 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 water system and 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; except where a private garage is attached to a dwelling house in which case the minimum interior side yard adjacent to the attached garage shall be 1.2 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 80 square metres.

**SECTION 31: 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:

**31.1 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

31.2 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 80 square metres.

**SECTION 32: OPEN SPACE ZONE (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:

**32.1 Permitted Uses**

- (a) park
- (b) fairground
- (c) golf course
- (d) place of recreation ancillary to a golf course
- (e) golf driving range
- (f) one dwelling unit

**32.2 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 80 square metres.

### SECTION 33: OPEN SPACE – TENT AND TRAILER (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:

#### 33.1 Permitted Uses

- (a) tent and trailer park in accordance with the provisions of the *Campground Licensing By-law*, as amended from time to time passed under Section 169 of the *Municipal Act*, S.O. 2001, Chapter 25, as amended
- (b) campground in accordance with the provisions of the *Campground Licensing By-law*, as amended from time to time passed under Section 169 of the *Municipal Act*, S.O. 2001, Chapter 25, as amended.<sup>31</sup>
- (c) any use permitted in the OS Zone.

#### 33.2 Zone Provisions

In accordance with the provisions of the OS Zone.

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<sup>31</sup> 752-HC-11

**SECTION 34: 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:

**34.1 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.

**34.2 Zone Provisions**

- (a) Minimum Yard Requirements:
  - (i) front yard - 6 metres
  - (ii) exterior side yard - 6 metres
  - (iii) interior side yard - 1.0 metre; 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 35: DEVELOPMENT ZONE (D)**

In a D 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) farm, but excluding a feed lot or any building or structure or part thereof used for the housing of livestock
- (b) farm produce outlet
- (c) one family dwelling house

**35.2 Zone Provisions**

- (a) Minimum Lot Area - 10 hectares (25 acres)
- (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) Minimum Usable Floor Area - 80 square metres per dwelling unit.

**SECTION 35A WETLAND ZONE (W)**

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

**35A.1 Permitted Uses**

- a) hunting
- b) fishing
- c) trapping
- d) duck blind
- e) fish hut (20-H-94)
- f) cranberry harvesting
- g) wild rice harvesting
- h) woodlot management

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**SECTION 36: SPECIAL PROVISIONS FOR PARTICULAR PARCELS OF LAND**

The following special provisions shall apply to those lands shown on Schedules A1 through A15, 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.

- 36.1 That notwithstanding subsection 6.14 a maximum of two one-family dwelling houses shall be permitted on the lands delineated by this subsection.
- 36.2 That in lieu of subsections 16.1(u) and 16.2(c) in the CG Zone a maximum of 30 dwelling units and a maximum height of 4 storeys shall be permitted on the lands delineated by this subsection.
- 36.3 That in addition to the permitted uses in the A Zone (subsection 28.1) the lands delineated by this subsection may also be used for a machine shop.
- 36.4 That in addition to the permitted uses in the A Zone (subsection 28.1) a hunters and anglers club and trap shooting range shall also be permitted on the lands delineated by this subsection.
- 36.5 That in addition to the permitted uses in the CS Zone (subsection 17.1) an industrial garage shall also be permitted on the lands delineated by this subsection.
- 36.6 That in lieu of subsection 13.2.3(c) in the R4 Zone a maximum building height of 4 storeys shall be permitted on the lands delineated by this subsection.
- 36.7 That in addition to the permitted uses in the CR Zone (subsection 21.1) a clothing sales, service and storage establishment shall also be permitted on the lands delineated by this subsection.
- 36.8 That in lieu of the minimum required frontage, front yard and interior side yard of the R1 Zone (subsection 8.2), 16.4 metres, 4.8 metres, and 0.9 metres respectively shall apply to the lands delineated by this subsection.

36.9 That in addition to the permitted uses in the A Zone (subsection 28.1) the following uses shall also be identified as having reference to this subsection:

- a) training and rehabilitation centre and workshop
- b) group home.<sup>32</sup>

36.10 That in addition to the permitted uses in the “Agricultural (A)” zone (subsection 28.1) and notwithstanding subsection 6.2(i) (uses prohibited in all zones), the racing of motorized vehicles shall also be permitted on the existing road course on the lands delineated by this subsection.<sup>33</sup>

36.10a That notwithstanding the provision for a tent and trailer park in Subsection 36.10, only a tent and trailer park ancillary to motorized racing events shall be permitted on the lands delineated by this subsection.<sup>34</sup>

36.11 That the following provisions shall apply to the lands delineated by this subsection:

36.11.1 In lieu of the permitted uses in the MG Zone (subsection 23.1) the following shall be permitted:

- (a) processing, manufacturing and light assembly plant provided there is no water required for any manufacturing, processing, fabricating or assembly operation carried out on the site and provided that no refining or heavy forging, casting or smelting operations are carried out
- (b) fertilizer dealership and fertilizer mixing plant
- (c) fuel storage depot for home and farm sales
- (d) truck terminal
- (e) research and development facilities
- (f) custom workshop
- (g) warehouse
- (h) contractor's yard
- (i) storage of vehicles
- (j) public utilities yard
- (k) printing and publishing establishment

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<sup>32</sup> 54-H 90

<sup>33</sup> 230-HC-05

<sup>34</sup> 79-HC-02

- (l) facilities and offices for engineering, surveying and any similar activity
- (m) trade school
- (n) firehall
- (o) police station
- (p) ambulance service
- (q) open storage accessory to a permitted use
- (r) any use permitted in the ML Zone
- (s) industrial supply establishment
- (t) automobile tire sales and repair establishment
- (u) small engine repair establishment
- (v) industrial offices
- (w) marine engine repair and sales establishment
- (x) retail sales related to an industry on the same lot
- (y) truck repair and service establishment.<sup>35</sup>

36.11.2 In addition to subsection 23.2(f), open storage in the MG Zone, the following shall apply to the lands delineated by this subsection:

- (a) no lands within 9 metres of any provincial street shall be used for open storage;
- (b) open storage on any lands within 90 metres of any provincial street shall be screened by a hedge or fence a minimum of 2 metres in height which shall provide a complete visual barrier;
- (c) open storage shall be restricted to a maximum of 20 percent of the entire lot area for any lot in whole or in part within 30 metres of any provincial street.

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<sup>35</sup> 25-H 88

36.11.3 In addition to the zone provisions in the MG Zone (subsection 23.2) the following shall apply to the lands delineated by this subsection:

Restriction on Uses for Undermined Areas: No lands within the undermined areas shall be used for any use except the use existing at the date of passing of this By-law without approval in writing from the Ministry of Natural Resources.

36.12 That in lieu of the permitted uses in the MG zone (subsection 23.1) the following shall be permitted on the lands delineated by this subsection:

- (a) processing, manufacturing and light assembly plant provided there is no water required for any manufacturing, processing, fabricating or assembly operation carried out on the site and provided that no refining or heavy forging, casting or smelting operations are carried out
- (b) fertilizer dealership and fertilizer mixing plant
- (c) fuel storage depot for home and farm sales
- (d) sawmill
- (e) feed mill
- (f) flour mill
- (g) grain elevator
- (h) grain drying facilities
- (i) truck terminal
- (j) research and development facilities
- (k) custom workshop
- (l) warehouse
- (m) contractor's yard
- (n) storage of vehicles
- (o) public utilities yard
- (p) printing and publishing establishment

- (q) facilities and offices for engineering, surveying and any similar activity
- (r) trade school
- (s) firehall
- (t) police station
- (u) ambulance service
- (v) open storage accessory to a permitted use.

36.13 That subsection 6.15, requiring frontage on an improved street, shall not apply to the lands delineated by this subsection and that in lieu of the zone provisions in the RS Zone (subsection 15.2) the following shall apply to the lands delineated by this subsection:

- (a) Minimum Lot Area - 500 square metres
- (b) Minimum Lot Frontage - 15 metres
- (c) Minimum Yard Requirements:
  - (i) front yard - 6 metres
  - (ii) interior side yard - 3 metres on one side and 1.0 metre on the other side
  - (iii) rear yard - 6 metres
- (d) Maximum Building Height - 11 metres
- (e) Minimum Usable Floor Area - 49 square metres

36.14 That notwithstanding the uses permitted in the A Zone (subsection 28.1) only the following uses shall be permitted on the lands identified as having reference to this subsection:

- (a) one family dwelling house
- (b) storage and sale of firewood and topsoil
- (c) parking of trucks and machinery.<sup>37</sup>

36.15 That in lieu of the permitted uses in the HL Zone (subsection 34.1) a one family dwelling house and a home occupation shall be permitted on the lands delineated by this subsection in accordance with the zone provisions of the A Zone.

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<sup>37</sup> 1-H-92

36.16 That subsection 6.15 requiring frontage on an improved street shall not apply to the lands delineated by this subsection and that in lieu of the permitted uses and the general zone provisions in the A Zone (subsections 28.1 and 28.2) the following shall apply to the lands delineated by this subsection:

Permitted Uses

- (a) vacation home

General Zone Provisions

- |                                |  |
|--------------------------------|--|
| (a) Minimum Lot Area           | 900 square metres  |
| (b) Minimum Lot Frontage       | 29 metres  |
| (c) Minimum Yard Requirements: |  |
| (i) front yard                 | 6 metres   |
| (ii) 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 |
| (iii) rear yard                | 6 metres   |
| (d) Maximum Building Height    | 11 metres  |
| (e) Minimum Usable Floor Area  | 49 square metres   |

36.17 That in addition to the uses permitted in the ML Zone (subsection 24.1) a retail establishment and the two existing dwelling units shall also be permitted on the lands delineated by this subsection.

36.18 That in addition to the uses permitted in the R1 Zone (subsection 8.1) a day nursery shall also be permitted on the lands delineated by this subsection.

36.19 That in addition to the uses permitted in the R1 Zone (subsection 8.1) a group home shall also be permitted on the lands delineated by this subsection.

36.20 That in lieu of the minimum lot frontage and usable floor area requirements in the R1-A Zone, subsections 9.2 (b) and (c), the following shall apply to the lands delineated by this subsection:



- (a) Minimum Lot Frontage - 13.7 metres for an interior lot and 17 metres for a corner lot.
- (b) Minimum Usable Floor Area - 83 square metres per dwelling unit.

36.21 That in lieu of subsection 28.2 (c)(iv) in the A Zone, the minimum rear yard required on the lands delineated by this subsection shall be 9 metres.

36.22 That in addition to the uses in A Zone (subsection 28.1) a retail fish store, a boat building shop and a net house shall be permitted on the lands delineated by this subsection, subject to the following:

A. In lieu of subsection 28.2:

- (a) Minimum Lot Area - 4,600 square metres
- (b) Minimum Lot Frontage - 60 metres
- (c) Minimum Front Yard - 7 metres
- (d) Minimum Interior Side Yard - 3 metres
- (e) Minimum Rear Yard - 9 metres

B. In lieu of subsection 7.8:

- Minimum Parking Requirements - 1 space for every 30 square metres of ground floor area.

36.23 That in lieu of subsection 13.1, a 40 unit senior citizen apartment building shall be permitted on the lands delineated by this subsection, subject to a minimum of 40 parking spaces in lieu of the parking requirements of subsection 7.8 (c).

36.24 That the following provisions shall apply to the lands delineated by this subsection:

36.24.1 In addition to the uses in the A Zone (subsection 28.1) the following are permitted:

- (a) office and change room facility
- (b) electrical substation
- (c) man access shaft
- (d) ventilation shaft
- (e) parking area

36.24.2 In lieu of subsection 28.2, the following shall apply to the uses permitted in subsection 36.24.1:

- (a) Minimum Lot Area - 20 hectares (49.5 acres)
- (b) Minimum Lot Frontage - 700 metres
- (c) Minimum Front Yard - 60 metres
- (d) Minimum Side Yard - 30 metres
- (e) Minimum Rear Yard - 30 metres

36.24.3 In lieu of subsection 6.9, no use accessory to the uses permitted in the subsection shall be located in any required yard.

36.24.4 In lieu of subsection 7.8, one parking space for every two employees on the largest shift is required.

36.25 That in addition to the permitted uses in the A Zone (subsection 28.1), sheep skin tanning and the manufacture of sheep skin products shall also be permitted on the lands delineated by this subsection.

36.26 That in lieu of the minimum rear yard requirement in the R1-A Zone, subsection 9.2 (c)(iv), 8.6 metres shall apply to the lands delineated by this subsection.

36.27 That in lieu of the minimum interior side yard requirement in the R1-B Zone, 0.5 metres on the west side shall apply to the lands delineated by this subsection.

36.28 Notwithstanding subsection 7.8, no parking spaces are required on the lands delineated by this subsection.

36.29 That in addition to the uses permitted in the ML Zone, subsection 24.1, an automotive parts store may also be permitted on the lands delineated by this subsection.

36.30 That in addition to the uses permitted in the CG Zone, subsection 16.1, a boarding house may also be permitted on the lands delineated by this subsection.

- 36.31 That in addition to the uses permitted in the MR Zone, subsection 25.1, a machine shop and metal fabrication shop may also be permitted on the lands delineated by this subsection.
- 36.32 That in addition to the uses permitted in the CR Zone, subsection 21.1, a vehicle sales and rental establishment may also be permitted on the lands delineated by this subsection.
- 36.33 That in addition to the uses permitted in the MR Zone, subsection 25.1, a truck terminal and contractor's yard may also be permitted on the lands delineated by this subsection.<sup>39</sup>
- 36.34 **(This section deleted by by-law 299-HC-06)<sup>40</sup>**
- 36.35 That in addition to the uses permitted in the A Zone, subsection 28.1, a flying club, including an airstrip, hanger and club house, may be permitted on the lands delineated by this subsection.
- 36.36 Notwithstanding subsection 13.2.4 (c), the maximum building height for an apartment dwelling house shall be 4 storeys on the lands delineated by this subsection.\*
- This special provision was updated during the June 2016 Zoning By-law updated. This special provision once read "Notwithstanding subsection 13.2.3 (c)...", however, zoning provision 13.2.3 (c) does not exist anymore.
- 36.37 That subsection 9.2(f), requiring connection to a public water system and public sanitary system, shall not apply to the lot delineated by this subsection.
- 36.38 That in addition to the uses permitted in the A Zone, subsection 28.1, an art gallery may also be permitted on the lands delineated by this subsection.
- 36.39 That notwithstanding the requirements of subsection 28.3(c), a barn may be located on the lands delineated by this subsection, a minimum of 15 metres from the front lot line and a minimum of 15 metres from the front lot line and a minimum of 30 metres from the eastern lot line.
- 36.40 That in addition to the uses permitted in the R3 Zone, subsection 12.1, a day nursery, may also be permitted on the lands delineated by this subsection.
- 36.41 That, notwithstanding subsections 16.1 (a) and (k), a retail establishment and a vehicle sales and rental establishment shall not be permitted on lands delineated by this subsection.
- 36.42 That in addition to the uses permitted in the CR Zone, subsection 21.1, a vehicle sales and rental establishment and open storage accessory thereto, may also be permitted on the lands delineated by this subsection.

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<sup>39</sup> 639-HC-09

<sup>40</sup> 299-HC-09

36.43 **(This section deleted by By-Law 188-HC-04).**<sup>41</sup>

36.44 That in addition to the uses permitted in the CS Zone a fuel storage depot for home and farm sales may also be permitted on the lands delineated by this subsection.

36.45 That in addition to the uses permitted in the ML Zone, subsection 24.1, an autobody shop may also be permitted on the lands delineated by this subsection.

36.46 That in addition to the uses permitted in the R3 Zone, subsection 12.1, the following uses may also be permitted on the lands delineated by this subsection:

Welding shop, the sale and repair of lawn and garden equipment and sports equipment.

36.47 That in addition to the permitted uses in the A Zone, subsection 28.1, a church and accessory uses thereto may also be permitted on the lands delineated by this subsection.

36.48 That in addition to the permitted uses in the HL Zone, subsection 34.1, a one-family dwelling house, subject to the provisions of the A Zone, may be permitted on the lands delineated by this subsection.

By-law No. 27-HA 86

That the provisions of Subsection 7.1 (b) Individual Parking Spaces, 16.2 (a) (ii) exterior side yard, shall not apply to the subject lands and the following shall apply in lieu thereof:

- (a) Individual Parking Space shall have a minimum width of 2.7 metres and a minimum length of 5.4 metres.
- (b) Exterior Side Yard Minimum 3 metres.
- (c) Interior Side Yard minimum – 1.5 yards.

By-law No. 37-HA 86

That in addition to the uses permitted in subsection 25.1 Permitted Uses an abattoir, which may include in association therewith a retail establishment and a meat packaging and processing plant, shall be permitted on the lands in accordance with the following provisions:

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<sup>41</sup> 188-HC-04

(a)	Minimum Lot Area	1.6 hectares
(b)	Minimum Lot Frontage	124 metres
(c)	Minimum Front Yard	13 metres
(d)	Minimum Side Yards	6 metres
(e)	Minimum Rear Yard	13 metres

By-law No. 39-HA 86

That the provisions of subsection 28.3 shall not apply to the construction of an accessory building used to house livestock on the lands and the following should apply in lieu thereof:

- (a) 9 metres to any lot line.

36.49 That subsection 6.15 requiring frontage on an improved street, shall not apply to the lands delineated by this subsection.<sup>42</sup>

36.50 That subsection 17.1 (w) shall not apply to the lands delineated by this subsection and the following shall apply in lieu thereof: a maximum of eight (8) dwelling units in a permitted building.<sup>43</sup>

36.51 That in addition to the uses permitted of the "MR" zone the following use shall also be permitted on the lands identified as having reference to this subsection:

- (a) paving contractor's yard including office, repair and storage facilities
- (b) general purpose mini-storage facility provided that all storage associated with this facility is contained within a building.<sup>44</sup>

36.52 That subsection 8.2 (g) Minimum Services shall not apply to the lands delineated by this subsection and the following shall apply in lieu thereof:

Minimum Services: every dwelling unit shall be connected to a public sanitary sewer system.<sup>45</sup>

36.53 1. That subsection 28.2 General Zone Provisions of the Agricultural Zone (A) shall not apply to the lands identified by this subsection and the following shall apply in lieu thereof:

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<sup>42</sup> 43-HA 86

<sup>43</sup> 49-HA 86 & 24-H 88

<sup>44</sup> 2-H 87 & 2-H 97

<sup>45</sup> 4-H 87

- |                                |                                     |
|--------------------------------|-------------------------------------|
| (a) Minimum Lot Area           | .4 hectares                         |
| (b) Minimum Lot Frontage       | 36 metres                           |
| (c) Minimum Yard Requirements: |                                     |
| (i) Front Yard                 | 13 metres                           |
| (ii) Exterior Side Yard        | 13 metres                           |
| (iii) Interior Side Yard       | 10 metres                           |
| (iv) Rear Yard                 | 13 metres                           |
| (d) Maximum Building Height    | 11 metres                           |
| (e) Minimum Usable Floor Area  | 80 square metres per dwelling unit. |

2. **(This subsection deleted [1-H 87] by By-Law 287-HC/05)<sup>47</sup>**

- 36.54 That subsection 6.15, required frontage on an improved street, shall not apply to the lands delineated by this subsection and for the purposes of this by-law, the front lot line shall be deemed to be the property line adjacent to the Canadian National Railway lands.<sup>48</sup>
- 36.55 That in addition to the permitted uses in the HL Zone the following uses shall be permitted on the lands delineated by this subsection:
- 1) mini-putt golf facility
  - 2) Renovations to a barn which will contain:
    - a) washrooms
    - b) equipment storage and an arcade room from May to October
  - 3) a portable trailer to serve as a hamburg stand.<sup>49</sup>
- 36.56 That in addition to the permitted uses in the A Zone (subsection 28.1) a field office, change room, fuel storage hydro substation and other accessory surface uses associated with an underground mining operation shall be permitted on the lands delineated by this subsection on Schedule A6 and more accurately shown on Schedule 36.56 as subject lands.<sup>50</sup>
- 36.57 That subsection 8.2 (g) Minimum Services shall not apply to the lands delineated by this subsection and the following shall apply in lieu thereof:

Minimum Services: every dwelling unit shall be connected to a public sanitary sewer system.

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<sup>47</sup> 287-HC-05

<sup>48</sup> 7-H 87

<sup>49</sup> 8-H 87

<sup>50</sup> 27-H 87

36.58 That the minimum front yard and maximum height requirements of the General Commercial zone shall not apply and the following should apply in lieu thereof:

- (i) Minimum Front yard - Nil
- (ii) Maximum Building Height - 12 metres.<sup>52</sup>

36.59 That in addition to the permitted uses in the CR Zone (subsection 21.1) the sale and molding of lawn ornaments shall be permitted on the lands delineated by this subsection.<sup>53</sup>

36.60 Repealed.<sup>54</sup>

36.61 That the minimum Lot Frontage requirements of the Urban Residential Type 2 Zone shall not apply and the following shall apply in lieu thereof:

Minimum Lot Frontage 18 metres. 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 metres for each subdivided lot.<sup>55</sup>

36.62 That in addition to the permitted uses in the CG Zone, subsection 16.1, a compartmentalized warehouse is also permitted on the lands delineated by this subsection subject to a maximum usable floor area of 200 square metres.<sup>56</sup>

36.63 That subsection 15.2, Zone Provisions, of the RS zone not apply to the lands having reference to this subsection and the following shall apply in lieu thereof:

- (a) Minimum Lot Area - 460 sq. metres
- (b) Minimum Lot Frontage - 15 metres
- (c) Minimum Yard Requirements
  - (i) west site yard - .91 metres
  - (ii) east side yard - .88 metres
  - (iii) front yard - 6 metres
  - (iv) rear yard - 9 metres
- (d) Maximum Building Height - 11 metres
- (e) Minimum Useable Floor Area - 66 square metres.<sup>57</sup>

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<sup>52</sup> 26-H 87

<sup>53</sup> 23-H 87

<sup>54</sup> 21-H-89

<sup>55</sup> 43-H 87

<sup>56</sup> 51-H 87

<sup>57</sup> 58-H 87

- 36.64 That in addition to the permitted uses in the A Zone, subsection 28.1, a wholesale pet food and supply outlet shall also be permitted on the lands delineated by this subsection.<sup>58</sup>
- 36.65 That subsection 8.2(g), requiring connection to a public sanitary sewer system, shall not apply to the lot delineated by this subsection.<sup>59</sup>
- 36.66 That in addition to the permitted uses in the CR Zone, subsection 21.1, an antique shop is also permitted on the lands delineated by this subsection.<sup>60</sup>
- 36.67 That subsection 8.2 (g), requiring connection to a public water system and sanitary sewer system, shall not apply to the lot delineated by this subsection.<sup>61</sup>
- 36.68 That subsection 8.2(g), requiring connection to a public water system and public sanitary sewer system, shall not apply to the lot delineated by this subsection.<sup>62</sup>
- 36.69 That the requirements of subsection 13.2.1 (b) Minimum Lot Frontage; 13.2.1(c) (iv) Minimum Yard Requirements, rear yard; 13.2.1(f) Minimum Usable Floor Area; 7.1(b) and 7.2.3 (b) shall not apply and the following shall apply in lieu thereof:
- (a) Minimum Lot Frontage - 27 metres
  - (b) Minimum Rear Yard - 3.5 metres
  - (c) Minimum Usable Floor Area - 70 square metres per dwelling unit
  - (d) Individual Parking Space
    - minimum width - 3 metres,
    - minimum length - 5.4 metres
  - (e) Parking shall be permitted in the required front yard.<sup>63</sup>

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<sup>58</sup> 5-H 88

<sup>59</sup> 8-H 88

<sup>60</sup> 13-H 88

<sup>61</sup> 15-H 88

<sup>62</sup> 14-H 88

<sup>63</sup> 27-H 88



- 36.70 That in addition to the uses permitted in the RH Zone (subsection 14.1) a two family dwelling house shall also be permitted. The existing building or structure is deemed to conform to the requirements of Zoning By-law 1-H 86.<sup>64</sup>
- 36.71 That in addition to the uses permitted in the CR Zone (subsection 21.1) a food processing plant shall also be a permitted use provided there is not a high requirement of sewage treatment or a high volume requirement of water.<sup>65</sup>
- 36.72 (i) That notwithstanding Section 34.1, being the permitted uses of the "Hazard Land" zoning category, lands identified as "Hazard Land" and having reference to this subsection shall be used in accordance with Section 28.1, being the permitted uses of the "Agricultural" zoning category.
- (ii) That subsection 28.2, being the zone provisions of the "Agricultural" zoning category, and subsection 34.2, being the zone provisions of the "Hazard Land" zoning category, shall not apply to lands having reference to this subsection and that the following zone provisions shall apply in lieu thereof:
- (a) Minimum Lot Area  
.81 hectares, with the exception that the minimum lot area for the lands described as Part 1 on Map "B" shall be .76 hectares
- (b) Minimum Lot Frontage - 45 metres
- (c) Minimum Yard Requirements
- |                          |             |
|--------------------------|-------------|
| (i) front yard           | - 13 metres |
| (ii) exterior side yard  | - 13 metres |
| (iii) interior side yard | - 3 metres  |
- (d) Minimum Rear Yard Requirement  
13 metres, excepting that the minimum rear yard requirement for lands identified as "Hazard Land" and having reference to this subsection shall be as shown on Schedule 36.72.1 (attached to and forming part of this By-law.)
- (e) Maximum Building Height - 11 metres
- (f) Minimum Usable Floor Area -167sq.metres.<sup>66</sup>

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<sup>64</sup> 20-H 88

<sup>65</sup> 28-H 88

<sup>66</sup> 32-H 88, 20-H-92 & 21-H-93

- 36.73 That in addition to the uses permitted in the CR Zone (subsection 21.1) a wholesale lighting establishment, a retail patio furniture and patio deck establishment and carpet storage shall also be permitted on the lands having reference to this subsection.  
And that the additional sales and storage uses for: floor supplies, flooring accessories, floor installation supplies, paint, wallpaper and accessories, decorating supplies, furniture, and furniture accessories shall also be permitted.  
And that the minimum number of required parking spaces is 53.<sup>67</sup>
- 36.74 That the provisions of subsection 10.2 (c) (ii) shall not apply to the lands delineated by this subsection and the following shall apply in lieu thereof:  
  
Minimum exterior side yard - 3.7 metres.<sup>68</sup>
- 36.75 That in addition to the uses permitted in the RS Zone (subsection 15.1) a one family dwelling house shall also be permitted on the lands delineated by this subsection.<sup>69</sup>
- 36.76 That the barn existing on the lands delineated by this subsection not be used for the housing of any animals.<sup>70</sup>
- 36.77 (a) That subsection 6.15, requiring frontage on an improved street, shall not apply to the lands delineated by this subsection.  
  
(b) That in addition to the permitted uses of the MX Zone, subsection 27.1, the manufacturing and storage of explosives, shall also be permitted on the lands delineated by this subsection.<sup>71</sup>
- 36.78 (a) That notwithstanding subsection 13.1(a), two, three and four family dwelling houses shall not be permitted on the lands delineated by this subsection.  
  
(b) That subsection 6.15 required frontage on an improved street shall not apply to the lands delineated by this subsection and for the purposes of this by-law the front lot line shall be deemed to be the east lot line.<sup>72</sup>  
  
(c) That notwithstanding subsection 6.21 (c), balconies, canopies, awnings, unenclosed porches and steps may project into any required front or rear yard a distance of not more than 3.05 metres.<sup>73</sup>

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<sup>67</sup> 3-H 89

<sup>68</sup> 17-H 89

<sup>69</sup> 12-H 89

<sup>70</sup> 13-H 89 & 20-H 89

<sup>71</sup> 26-H 89

<sup>72</sup> 32-H 89

<sup>73</sup> 13-H 97

- 36.79 (a) THAT notwithstanding subsection 16.1(a), a maximum of fifteen (15) dwelling units in a permitted commercial building shall be permitted on the lands identified as having reference to this subsection.
- (b) THAT notwithstanding subsection 7.8, the minimum parking requirements shall be 1 parking space for every 20 square metres of usable floor area, or part thereof for the lands identified as having reference to this subsection.<sup>74</sup>
- (c) That in addition to the uses permitted in the “CG” Zone (subsection 16.1), a wine making establishment shall also be permitted on the lands identified as having reference to this subsection.<sup>75</sup>
- 36.80 That in lieu of the uses permitted in the CS Zone (subsection 17.1) only a vehicle sales and rental establishment shall be permitted on the lands delineated by this subsection.<sup>76</sup>
- 36.81 That, on the lands delineated by this subsection, the following shall apply:
- (a) in addition to the uses permitted in the A Zone (subsection 28.1) a custom woodworking shop and a kiln for drying wood shall also be permitted.
- (b) The maximum floor area for a custom woodworking shop shall be 93 square metres.<sup>77</sup>
- 36.82 That a setback of 15.2 metres from the centreline of the seasonal drain be maintained for the location of any building or structure on lands having reference to this subsection.<sup>78</sup>
- 36.83 THAT, on the lands delineated by this subsection, the following shall apply:
- a) In addition to the uses permitted in the RH Zone, an antique shop shall also be permitted.
- b) The Minimum Lot Area and Minimum Lot Frontage requirements of the RH Zone shall not apply and the following shall apply in lieu thereof:
- i) Minimum Lot Area - 1,698 square metres
- ii) Minimum Lot Frontage - 22.8 metres.<sup>79</sup>
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<sup>74</sup> 45-H 90

<sup>75</sup> 17-H 97

<sup>76</sup> 34-H 89

<sup>77</sup> 33-H-89

<sup>78</sup> 42-H 89

<sup>79</sup> 45-H 89

- 36.84 That on the lands delineated by this subsection, the following shall apply:<sup>80</sup>
- a) In addition to the uses permitted in the RS zone (subsection 15.1) a one family dwelling house shall also be permitted.
  - b) In lieu of the minimum lot area requirement of subsection 15.2(a), the minimum lot area shall be 4,050 square metres.
  - c) A minimum setback of 52 metres shall be maintained from the Lakeshore Road in which no buildings or structures, except a chain-link boundary fence not exceeding 2 metres in height, shall be permitted on those lands identified as having reference to subsection 36.84, save and except those lands identified as having reference to subsection 36.84.1.<sup>81</sup>
- 36.84.1 On those lands identified as having reference to this subsection, no buildings, structures, walkways, fences or any manner of soil disturbance shall be permitted.<sup>81</sup>
- 36.85 That in addition to the uses permitted in the A zone (subsection 28.1), the following uses shall also be permitted on the lands identified as having reference to this subsection:
1. farm implement sales and services,
  2. open storage accessory to a farm implement sales and service establishment.<sup>82</sup>
- 36.86 a) That the provisions of subsection 7.1.3 (a) shall not apply to the lands delineated by this subsection and the following shall apply thereof:
- Have a minimum width of 2.75 metres and a minimum length of 6 metres.\*
- b) That the provisions of subsection 7.10.4 shall not apply to the lands delineated by this subsection and the following shall apply in lieu thereof:
- A minimum of 39 parking spaces shall be provided.<sup>83</sup> \*\*
- \* This special provision was updated during the June 2016 Zoning By-law updates. This special provision once read “That the provision of subsection 7.1(b) shall not apply...”, however zoning provision 7.1 (b) does not exist anymore.
- \*\* This special provision was updated during the June, 2016 Zoning By-law update. The special provision once read “that the provisions of subsection 7.8 shall not apply...”, however zoning provision 7.8 does not exist anymore.
- 36.86.1 That in addition to the uses permitted in the A Zone (subsection 28.1) a contractor's

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<sup>80</sup> 9-H 90

<sup>81</sup> 39-H 98

<sup>82</sup> 11-H 93

<sup>83</sup> 14-H 90

yard shall also be permitted on the lands having reference to this subsection.<sup>84</sup>

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36.87 **(This section repealed by by-law 501-HC-07)**<sup>85</sup>

36.88 THAT the provision of subsection 12.2.2(a) Minimum Lot Area and subsection 12.2.2(b) Minimum Lot Frontage shall not apply to the lands identified as having refered to this subsection and the following shall apply in lieu thereof:

- |                          |                         |
|--------------------------|-------------------------|
| (a) Minimum Lot Area     | 960 square metres       |
| (b) Minimum Lot Frontage | 24 metres <sup>86</sup> |

36.89 THAT notwithstanding any provision to the contrary, a maximum of 20 apartment dwelling units shall be permitted on the land identified as having reference to this subsection.<sup>87</sup>

36.90 THAT the provisions of subsection 28.2(b) shall not apply to the lands identified as having reference to this subsection.<sup>88</sup>

36.91 THAT in addition to the permitted uses of the A Zone (subsection 28.1) a salvage yard shall also be permitted on the lands identified as having reference to this subsection.<sup>89</sup>

36.91A That in addition to the uses permitted in the R3 Zone (subsection 12.1) a day care centre shall also be permitted on the lands identified as having reference to this subsection. **By-law 16-H-91**

36.92 THAT subsection 16.1(u) shall not apply to the lands identified as having reference to this subsection.<sup>90</sup>

36.93 THAT in lieu of the permitted uses of the MG Zone (subsection 23.1) the following shall be permitted on the lands identified as having reference to this subsection:

- a) Processing, manufacturing and light assembly plant provided there is not a high requirement of municipal sewage treatment in either strength or quantity of waste, or a high volume requirement of municipal water
- b) fertilizer dealership
- c) truck terminal
- d) research and development facilities
- e) industrial supply establishment
- f) retail sales related to an industry on the same lot
- g) industrial offices

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<sup>84</sup> 22-H 90

<sup>85</sup> 299-HC-06 – Repealed by By-law 501-HC/07<sup>289</sup>

<sup>86</sup> 32-H 90

<sup>87</sup> 34-H 90

<sup>88</sup> 2-H 91

<sup>89</sup> 7-H 91

<sup>90</sup> 28-H 90

- h) day care centre
- i) fitness and health care facilities
- j) sports facilities
- k) merchandise service shop
- l) lumber yard and building supply establishment
- m) custom workshop
- n) farm implement sales and service establishment
- o) industrial garage
- p) warehouse
- q) wholesale establishment
- r) facilities and offices for engineering, surveying and any similar activity
- s) contractor's yard
- t) public utility yard
- u) trade school
- v) firehall
- w) police station
- x) ambulance service
- y) open storage accessory to a permitted use<sup>91</sup>

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<sup>91</sup> 39-H 90

36.94 THAT notwithstanding subsection 24.1(x), open storage accessory to a permitted use shall not be permitted on the lands identified as having reference to this subsection.<sup>91</sup>

36.95 THAT the following provisions shall apply to the lands identified as having reference to this subsection:

36.95.1 In addition to the uses permitted in the MG Zone (subsection 23.1), the following uses shall also be permitted:

- a) catering establishment and accessory place of assembly
- b) bank
- c) medical and dental offices
- d) restaurant
- e) automobile service station
- f) vehicle sales or rental establishment

36.95.2 In addition to the zone provisions in the MG Zone (subsection 23.2), the following provisions shall also apply:

Medical and Dental Offices – A maximum of 3 Medical and Dental offices shall be permitted on the lands identified as having reference to this subsection and such offices shall be limited to a maximum usable floor area of 140 square metres per office unit.<sup>92</sup>

- 36.96 (a) That subsection 6.15, requiring frontage on an improved street shall not apply to the lands identified as having reference to this subsection.
- (b) That the provisions of subsection 15.2 (d) shall not apply to the lands identified as having reference to this subsection and the following shall apply in lieu thereof:
- Maximum Building Height      1 storey.<sup>93</sup>
- 36.97 “In addition to the permitted uses of the OS Zone (Subsection 32.1), a Children’s Camp shall also be permitted on the lands identified as having reference to this subsection.<sup>94</sup>
- 36.98 Deleted by By-law No. 27H-92.<sup>95</sup>
- 36.99 That in addition to the uses permitted in the A Zone (Subsection 28.1) a hardware store and lumber yard shall also be permitted on the lands identified as having reference to this subsection.<sup>96</sup>
- 36.99A (a) That notwithstanding subsection 13.2.3(b) a maximum of 12 dwelling units shall be permitted on the lands identified as having reference to this subsection.
- (b) That notwithstanding subsection 13.2.3(c), the maximum building height shall be 2.5 storeys for the lands identified as having reference to this subsection.<sup>97</sup>
- 36.100 That in addition to the permitted uses of the A Zone, (Subsection 28.1) a mobile home for seasonal workers shall also be permitted on the lands identified as having to this subsection.<sup>98</sup>

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<sup>92</sup> 39-H 90

<sup>93</sup> 48-H 91

<sup>94</sup> 752-HC-11

<sup>95</sup> 1-H 91 & 27-H 92

<sup>96</sup> 11-H 91

<sup>97</sup> 18-H 91

<sup>98</sup> 21-H 91



- 36.101 That subsection 6.15, required frontage on an improved street, shall not apply to the lands identified as having reference to this subsection and for the purposes of this by-law, the front lot line shall be deemed to be west lot line.<sup>99</sup>
- 36.102 That in addition to the uses permitted in the ML Zone (subsection 24.1) a truck terminal shall also be permitted on the lands identified as having reference to this subsection.<sup>99</sup>
- 36.103 That notwithstanding the provisions of the ML Zone (Section 24), the lands identified as having reference to this subsection and more accurately shown on Schedule 36.103 as the subject lands are hereby deemed to be a buffer area and no building or structure shall be erected within this buffer area.<sup>99</sup>
- 36.104 That notwithstanding subsection 13.1 (d), an apartment dwelling house shall not be permitted on the lands identified as having reference to this subsection.<sup>100</sup>
- 36.105 That the provisions of subsection 28.2 (a) (Minimum Lot Area) and 28.2 (b) (Minimum Lot Frontage) shall not apply to the lands identified as having reference to this subsection.<sup>101</sup>
- 36.106 That notwithstanding subsection 16.1 (i) an automobile service station shall not be permitted on the lands identified as having reference to this subsection.<sup>102</sup>
- 36.107 That notwithstanding the permitted uses of the A Zone (subsection 28.1), no buildings or structures shall be permitted on the lands identified as having reference to this subsection and more accurately shown on Schedule 36.107.<sup>103</sup>
- 36.108 That notwithstanding the uses permitted in the CG Zone (subsection 16.1) only a bank shall be permitted on the lands identified as having reference to this subsection.<sup>104</sup>
- 36.109 That the provisions of subsection 15.2 (b) shall not apply to the lands identified as having reference to this subsection and the following shall apply in lieu thereof:

Minimum Lot Frontage - 15.24 metres.<sup>105</sup>

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<sup>99</sup> 31-H 91

<sup>100</sup> 34-H-91

<sup>101</sup> 26-H-91

<sup>102</sup> 33-H-91

<sup>103</sup> 37-H-91

<sup>104</sup> 40-H-91

<sup>105</sup> 3-H 92

36.110 That the provisions of subsection 15.2(a) and 15.2(d) shall not apply to the lands identified as having reference to this subsection and the following shall apply in lieu thereof:

Minimum Lot Area – 600 square metres  
Maximum Building Height – 1 storey.<sup>106</sup>

36.111 (a) That the provisions of subsection 13.2.1 shall not apply to the lands identified as having reference to this subsection and the following shall apply in lieu thereof:

- |                                |   |
|--------------------------------|---|
| (i) Min. Lot Area:             | 156 sq. m. for an Interior Lot<br>216 sq. m. for an End Unit Lot<br>264 sq. m. for a Corner Lot   |
| (ii) Min. Lot Frontage:        | 6.0m. for an Interior Lot<br>7.2m. for an End Unit Lot<br>11.0m. for a Corner Lot   |
| (iii) Min. Front Yard Setback: | 6.0m. for attached garages<br>3.6m. for dwelling units  |
| (iv) Min. Exterior Side Yard:  | 5.0m.   |
| (v) Min. Interior Side Yard:   | 1.2m. except in the case of a lot being subdivided for the purpose of separate ownership of townhouse dwelling units, no side yard needs to be provided along the common side lot line between the lots created by the subdivision. |
| (vi) Min. Rear Yard:           | 7.5m.   |
| (vii) Min. Useable Floor Area: | 65.0 sq.m.  |

(b) That the definition of “Townhouses” contained in subsection 4.25.5 shall not apply to the lands identified as having reference to this subsection and the following definition shall apply in lieu thereof:

“TOWNHOUSES shall be a dwelling house comprising 2 or more dwelling units with each dwelling unit being subdivided from one another by an above grade vertical common wall, a minimum of 10 square metres in area with each dwelling unit having direct access to a rear yard”.<sup>107</sup>

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<sup>106</sup> 13-H-92, 22-H-92

<sup>107</sup> 460-HC-07

- 36.112 (a) That in addition to the permitted uses of the IC Zone (subsection 29.1) offices shall also be permitted on the lands identified as having reference to this subsection.
- (b) That offices which for the purpose of this provision shall not include government or public utility offices, shall not occupy more than 25% of the building located on the lands identified as having reference to this subsection.<sup>108</sup>
- 36.113 (a) That in addition to the uses permitted in the "A" Zone (subsection 28.1) a country inn shall also be permitted in conjunction with and secondary to a single-family dwelling house on the lands identified as having reference this subsection.<sup>109</sup>
- (b) That for the purposes of this subsection, a country inn shall be defined as an establishment utilizing a maximum of two guest rooms and a restaurant with a maximum dining area of 135 square metres.
- (c) That all operations of a country inn must be carried on entirely within the principle building containing the single-family dwelling house.<sup>110</sup>
- 36.114 That in lieu of the uses permitted in the "CG" Zone (subsection 16.1) only the following uses shall be permitted:
- (a) office, including a government office
  - (b) animal hospital.<sup>111</sup>
  - (c) residential school

For the purpose of this subsection, a residential school shall be defined as a place, building or part of a building where persons living under supervision in a single housekeeping unit are offered vocational or other educational training, including, but not limited to, training in specific trades, skills or crafts.

For the purpose of this subsection, the minimum parking requirement for a residential school shall be 20 spaces.<sup>112</sup>

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<sup>108</sup> 9-H 92

<sup>109</sup> 26-H 92 & 2-H 96

<sup>110</sup> 24-H 94 & 2-H 96

<sup>111</sup> 14-H 92 & 29-H 97

<sup>112</sup> 24-H 98

36.115 That subsection 6.15 requiring frontage on an improved street shall not apply to the lands identified as having reference to this subsection and that in lieu of the permitted uses and the general zone provisions in the A Zone (subsections 28.1 and 28.2) the following shall apply to the lands identified as having reference to this subsection.

Permitted Uses (a) vacation home

General Zone Provisions

(a)	Minimum Lot Area	690 square metres	
(b)	Minimum Lot Frontage	28 metres	
(c)	Minimum Yard Requirements	(i) front yard	9 metres
		(ii) side yard	2.8 metres
		(iii) rear yard	3.6 metres
(d)	Maximum Building Height	1 storey	
(e)	Minimum Usable Floor Area	80 square metres per dwelling unit	
(f)	Maximum Lot Coverage	27 percent <sup>113</sup>	

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

- (a) That subsection 6.15 requiring frontage on an improved street shall not apply.
- (b) That the southerly property line shall be deemed to be the front lot line.
- (c) That in addition to the permitted uses of the A Zone (subsection 28.1) the following uses shall also be permitted:
  - i) office and change room facility
  - ii) electrical substation
  - iii) man access shaft
  - iv) ventilation shaft
  - v) parking area.<sup>114</sup>

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<sup>113</sup> 15-H 92

<sup>114</sup> 24-H 92

- 36.117 That the provisions of subsections 4.25.5, 6.20(a) and 13.2.2(b) shall not apply to the lands identified as having reference to this subsection and the following shall apply in lieu thereof:
- (a) "TOWNHOUSES" shall mean 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.
  - (b) The minimum separation distance between any dwelling unit and the railway right-of-way shall be 30 metres.
  - (c) Minimum Lot Frontage - 20 metres.<sup>115</sup>
- 36.118 (a) That in addition to the permitted uses of the "A" Zone (subsection 28.1) the following uses shall also be permitted on the lands identified as having reference to this subsection:
- i) agriculturally-oriented auction centre
  - ii) snack bar accessory to an agriculturally-oriented auction centre
- (b) For the purpose of this subsection, an AGRICULTURALLY-ORIENTED AUCTION CENTRE shall mean a building or land wherein livestock and other agricultural products, goods and merchandise are offered for sale to the general public by auction and may include as secondary and ancillary thereto the auctioning and vending of non-agricultural products goods and merchandise.<sup>116</sup>
- 36.119 That in addition to the permitted uses of the ML Zone (subsection 24.1) the following uses shall also be permitted on the lands identified as having reference to this subsection:
- (a) custom cabinet production and sales
  - (b) retail floor covering sales outlet<sup>117</sup>
- 36.120 (a) That in addition to the permitted uses of the A Zone (subsection 28.1) a model aircraft flying club shall also be permitted on the lands identified as having reference to this subsection.
- (b) That notwithstanding subsection 6.1(i) no buildings or structures accessory to a model aircraft flying club shall be permitted on the lands identified as having reference to this subsection.<sup>118</sup>

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<sup>115</sup> 30-H 92

<sup>116</sup> 7-H 99

<sup>117</sup> 36-H-92

<sup>118</sup> 37-H 92

36.121 **REPEALED BY BY-LAW 1074-HC/18.**

36.122 That subsection 6.15 requiring frontage on an improved street shall not apply to the lands identified as having reference to this subsection and for the purposes of this By-law, the front lot line shall be deemed to be the southerly lot line.<sup>120</sup>

36.123 That the provisions of subsection 15.2(a) and 15.2(b) shall not apply to the lands identified as having reference to this subsection and the following provisions shall apply in lieu thereof:

Minimum Lot Area	800 square metres
Minimum Lot Frontage	15 metres <sup>121</sup>

36.124 That subsection 6.15 requiring frontage on an improved street shall not apply to the lands identified as having reference to this subsection and for the purposes of this By-law, the front lot line shall be deemed to be the northerly lot line.<sup>122</sup>

36.125 That in addition to the permitted uses of the A Zone (subsection 28.1) the sale of nursery stock shall also be permitted on the lands identified as having reference to this subsection.<sup>123</sup>

36.126 That the provisions of subsection 28.2(a) shall not apply to the lands identified as having reference to this subsection and the following shall apply in lieu thereof:

Minimum Lot Area - 950 square metres.<sup>124</sup>

36.127 Within the area identified as having reference to this subsection, no land shall be used and no building or structure shall be used, altered or erected for any purpose which contravenes the Minimum Distance Separation (MDS) requirement of the Agricultural Code of Practice as determined in accordance with Schedule "B" to this By-law.<sup>125</sup>

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<sup>120</sup> 41-H 92

<sup>121</sup> 40-H 92

<sup>122</sup> 3-H 93

<sup>123</sup> 1-H 93

<sup>124</sup> 9-H 93

<sup>125</sup> 7-H 93

36.128 That the provisions of subsection 9.2(c)(i), minimum yard requirements - front yard and subsection 9.2(c)(iii), minimum yard requirements - interior side yard, shall not apply to the lands identified as having reference to this subsection and the following shall apply in lieu thereof:

Minimum Front Yard - 3 metres

Minimum Interior Side Yard - 3 metres on one side and 1.8 metres on the other side.<sup>126</sup>

36.129 That in addition to the permitted uses of the A Zone (Subsection 28.1) a portable bunkhouse for the temporary housing of students on the farm shall also be permitted on the lands identified as having reference to the subsection, subject to the following provisions:

Minimum Yard Requirements -

- |     |                            |                             |
|-----|----------------------------|-----------------------------|
| (a) | Front Yard                 | - 80 metres                 |
| (b) | Interior Side Yard (right) | - 170 metres                |
| (c) | Interior Side Yard (left)  | - 50 metres                 |
| (d) | Rear Yard                  | - 110 metres <sup>127</sup> |

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<sup>126</sup> 4-H 93

<sup>127</sup> 14-H 93

- 36.130 That notwithstanding the permitted uses and zone provisions of the "Hazard Land" Zoning category (Section 34), a 9.76 metre by 7.32 metre, one-storey vacation home shall be permitted on lands identified as having reference to this subsection.<sup>128</sup>
- 36.131 That in addition to the permitted uses of the "Agricultural" zoning category (Section 28.1), no buildings or structures shall be permitted on lands identified as having reference to this subsection.<sup>129</sup>
- 36.132(A) That in addition to the permitted uses of the "Open Space" Zoning category (Section 32) a co-operative pre-school shall be permitted on those lands identified as having reference to this subsection.<sup>130</sup>
- 36.132(B) That in addition to the permitted uses of the "A" Zone (subsection 28.1), parking associated with the racing of motorized vehicles and a tent and trailer park shall also be permitted on those lands identified as having reference to this subsection.<sup>131</sup>
- 36.133 By-law 581-HC-08 deleted By-law 25-H-93.<sup>132</sup>
- 36.134 That notwithstanding subsections 15.2(a), (b), (c)(i) and (d), the following provisions shall apply on the lands identified as having reference to this subsection:

Minimum Lot Area	- 400 square metres
Minimum Lot Frontage	- 6 metres
Minimum Front Yard	- 0.5 metres
Maximum Building Height	- one storey <sup>133</sup>

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<sup>128</sup> 15-H 93

<sup>129</sup> 18-H 93

<sup>130</sup> 16-H 93

<sup>131</sup> 22-H 93

<sup>132</sup> 25-H 93

<sup>133</sup> 4-H 94



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

- (a) That notwithstanding subsection 7.8, the minimum parking requirement shall be 26 spaces.
- (b) That notwithstanding subsection 16.2(a)(iii), the minimum interior side yard abutting a residential zone shall be nil.<sup>134</sup>

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

- (a) That in addition to the permitted uses of the "R1" Zone (subsection 8.1), a hairdressing salon shall also be permitted in accordance with the provisions for home occupations as set out in subsection 6.8.
- (b) That notwithstanding subsection 6.1(h), there shall be no advertising other than a plate or fascia sign which may be illuminated but is not flashing, is not larger than 0.2 square metres (2.1 square feet) in area and is attached to the main building.
- (c) That notwithstanding subsection 7.2.3(a), both required parking spaces for the dwelling unit may be located in the required front yard.<sup>135</sup>

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

- (a) That in addition to the permitted uses of the "R1" Zone (Subsection 8.1), a hairdressing salon shall also be permitted in accordance with the provisions for home occupations as set out in subsection 6.8.
- (b) That notwithstanding subsection 6.1(h), there shall be no advertising other than a plate or fascia sign which may be illuminated but is not flashing, is not larger than 0.2 square metres (2.1 square feet) in area and is attached to the main building.<sup>136</sup>

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<sup>134</sup> 5-H 94

<sup>135</sup> 9-H 94

<sup>136</sup> 6-H 94

- 36.138 That the provisions of subsection 28.2(b) (Minimum Lot Frontage) shall not apply on the lands identified as having reference to this subsection.<sup>137</sup>
- 36.139 That for the purposes of this by-law, the front lot line shall be deemed to be the easterly lot line on those lands identified as having reference to this subsection.<sup>138</sup>
- 36.140 That in addition to the permitted uses of the A Zone (subsection 28.1), the following provisions shall also apply to the lands identified as having reference to this subsection and more accurately shown on Schedule 36.140:
- (a) The service and repair of non-farm related trucks and truck trailers as a secondary use to a farm implement sales and service establishment shall be permitted on those lands identified as Part 1 on Schedule 36.140.
  - (b) The storage of non-farm related truck and truck trailer parts as an ancillary use to the service and repair of non-farm trucks and truck trailers shall be permitted on those lands identified as Part 2 on Schedule 36.140.
  - (c) The open storage of non-farm related trucks and truck trailers as an ancillary use to the service and repair of non-farm related trucks and truck trailers shall be permitted on those lands identified as Part 3 of Schedule 36.140.<sup>139</sup>
- 36.141 That notwithstanding subsection 10.2(c)(iv), the Minimum Rear Yard setback shall be 7.5 metres on those lands identified as having reference to this subsection.<sup>140</sup>
- 36.142 That notwithstanding subsection 10.2(c)(ii), the Minimum Exterior Side Yard setback shall be 4 metres on those lands identified as having reference to this subsection and more accurately shown on Schedule 36.142.<sup>141</sup>

That notwithstanding subsections 15.2(a) and (b), the following provisions shall apply on the lands identified as having reference to this subsection:

Minimum Lot Area	- 690 square metres
Minimum Lot Frontage	- 15 metres <sup>142</sup>

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<sup>137</sup> 7-H 94

<sup>138</sup> 8-H 94

<sup>139</sup> 13-H 94

<sup>140</sup> 11-H 94

<sup>141</sup> 12-H 94

<sup>142</sup> 19-H 94

- 36.143 That in addition to the permitted uses in the "CG" Zone (subsection 16.1), a one family dwelling house shall also be permitted on the lands identified as having reference to this subsection.<sup>143</sup>
- 36.144 That the provisions of subsections 5.5, 5.6, 6.24 and 6.25, Section 35A and Schedules B1 to B18, inclusive, shall not apply to the lands identified as having reference to this subsection for such time as a certificate of approval under the Environmental Protection Act remains in existence pertaining to such lands.<sup>144</sup>
- 36.145 That the provisions of subsection 28.2 (b) shall not apply to the lands identified as having reference to this subsection.<sup>145</sup>
- 36.146 (a) That in addition to the permitted uses of the "A" Zone (subsection 28.1), a salvage yard shall also be permitted on the lands identified as having reference to this subsection.
- (b) Notwithstanding subsection 36.146 (a), no salvage yard operation shall be permitted to expand beyond the area of site occupation legally existing on August 29, 1994.<sup>146</sup>
- 36.147 (a) That notwithstanding the permitted uses of the "CG" Zone (subsection 16.1), subsection 36.132 or any other provisions contained in this by-law, lands identified as having reference to this subsection shall only be used for the purpose of a gymnasium and auditorium.
- (b) That the provisions of subsection 16.2(a)(i), (iii), (iv) and subsection 7.8 shall not apply to the lands identified as having reference to this subsection and the following shall apply in lieu thereof:
- Minimum yard requirements:
- |       |                                  |            |
|-------|----------------------------------|------------|
| (i)   | front yard                       | 78 metres  |
| (ii)  | interior side yard (right)       | 12 metres  |
|       | (left)                           | 4.5 metres |
| (iii) | rear yard                        | 4.5 metres |
|       | Minimum number of parking spaces | 40         |
- (c) That subsection 6.15 requiring frontage on an improved street shall not apply to the lands identified as having reference to this subsection and for the purposes of this by-law, the front lot line shall be deemed to be the southerly lot line.<sup>147</sup>

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<sup>143</sup> 26-H 94

<sup>144</sup> 22-H 94

<sup>145</sup> 21-H 94

<sup>146</sup> 23-H 94

<sup>147</sup> 28-H 94

- 36.148 (a) That notwithstanding the permitted uses of the "OS" Zone (subsection 32.1), subsection 36.132 or any other provisions contained in this by-law, lands identified as having reference to this subsection shall only be used as a park. No buildings or structures shall be permitted.<sup>148</sup>
- 36.150 That in addition to the provisions of the MG Zone (section 23), the following provisions shall also apply to the lands identified as having reference to this subsection:
- 36.150.1 In addition to the open storage provisions of subsection 23.2(f), the following shall also apply:
- (a) no lands within 60 metres of any residential lot shall be used for open storage;
  - (b) no lands within 9 metres of any provincial street shall be used for open storage;
  - (c) open storage on any lands within 75 metres of any provincial or regional streets shall be screened by a hedge or fence having a minimum height of 2 metres which shall provide a complete visual barrier;
  - (d) open storage shall be restricted to a maximum of 20 percent of the entire lot area for any lot in whole or in part within 30 metres of any provincial street.
- 36.150.2 Notwithstanding any provision to the contrary, the following lands shall only be used for landscaping purposes:
- (a) six metres along the frontage of all lands abutting Regional Road No. 66 and Argyle Street;
  - (b) six metres adjacent to any residential lot.
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- 36.150.3 That in addition to the provisions of the MG Zone, no building or structure shall be erected within 14.0 metres of any provincial street.
- 36.150.4 That notwithstanding any provision to the contrary, no building or structure shall be used, altered or erected within 15 metres of the lot located in part of Lot 8, Range East of Plank Road in the former Township of Seneca, and more specifically assigned Assessment Roll No. 28-15-020-005-01000 and known municipally as 80 Regional Road 66.
- 36.150.5 That notwithstanding the permitted uses of the MG Zone (section 23.1), the following uses shall not be permitted within 75 metres of Regional Road No. 66:
- (a) fertilizer dealership;

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<sup>148</sup> 27-H 94

- (b) fuel storage depot for home and farm sales;
  - (c) truck terminal;
  - (d) metal stamping operation.
- 36.150.6 For the purposes of subsection 36.150, a residential lot shall be defined as a lot of record being less than one hectare in area, on which a one family dwelling house has been erected.
- 36.151 That in addition to the provisions of the MG Zone (section 23), the following provisions shall also apply to the lands identified as having reference to this subsection:
  - 36.151.1 In addition to the open storage provisions of subsection 23.2(f), the following provision shall also apply:
    - (a) No lands within 60 metres of any residential lot shall be used for open storage.
  - 36.151.2 Notwithstanding any provision to the contrary, the following lands shall only be used for landscaping purposes:
    - (a) six metres along the frontage of all lands abutting Regional Road No. 66 and Argyle Street.
    - (b) six metres adjacent to any residential lot.
  - 36.151.3 Notwithstanding the zone provisions to the contrary, a minimum setback of 15 metres from the limits of any railway right-of-way shall apply.

- 36.151.4 For the purposes of subsection 36.151, a residential lot shall be defined as a lot of record being less than one hectare in area, on which a one family dwelling house has been erected.<sup>149</sup>
- 36.152(A) That in addition to the permitted uses of the MG Zone (subsection 23.1), the following uses shall also be permitted on the lands identified as having reference to this subsection:
- (a) hotel, motel, motor-hotel,
  - (b) swimming pool sales and service establishment,
  - (c) garden supply centre,
  - (d) commercial greenhouse and tree and plant nursery,
  - (e) sheet metal, plumbing, heating, electrical or woodworking shop or any similar activity.<sup>150</sup>
- 36.152(B)(a) That in addition to the permitted uses of the R2 Zone (subsection 11.1), professional offices shall also be permitted on the lands identified as having reference to this subsection.
- (b) That for the purposes of this subsection, professional office use shall be limited to a maximum of 80 square metres.<sup>150</sup>
- 36.153 That notwithstanding subsection 6.20(a), the minimum separation distance between any dwelling unit and the railway right-of-way shall be 10 metres.<sup>151</sup>
- 36.154 That the following shall apply on the lands identified as having reference to this subsection:
- (a) That the provisions of subsection 13.2.3(a) shall not apply and the following provisions shall apply in lieu thereof:

Apartment Dwelling House

- (a) Minimum Yard Requirements:
  - (i) front yard 3 metres
  - (ii) exterior side yard 3 metres
  - (iii) interior side yard 3 metres
  - (iv) rear yard 5.5 metres

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<sup>149</sup> 7-H 95

<sup>150</sup> 1-H 95

<sup>151</sup> 5-H 95

- (b) That for the purpose of this subsection, the lot line adjacent Heriot Street shall be deemed to be the front lot line and the lot line adjacent King Street shall be deemed to be the exterior lot line.
  - (c) That for the purpose of this subsection, the maximum building height shall be 2 storeys.
  - (d) That notwithstanding subsection 6.14, a maximum of two apartment dwelling houses shall be permitted.
  - (e) That a maximum of 12 apartment dwelling units shall be permitted.
  - (f) That notwithstanding subsection 7.8, the minimum number of parking spaces shall be 17.
  - (g) That subsection 7.2.3(c) shall not apply.<sup>152</sup>
- 36.155 That notwithstanding the permitted uses and zone provisions of the HL Zone (Section 34), replacement of the one-family dwelling house existing on the lands identified as having reference to this subsection shall be permitted subject to the following provision:
- (a) replacement shall be limited to the easterly 9.3 metre by 6.3 metre portion of the existing one-family dwelling as shown on Schedule 36.155.<sup>153</sup>
- 36.156 That in addition to the permitted uses of the A Zone (subsection 28.1) , a flat-bed trailer construction establishment shall also be permitted on the lands identified as having reference to this subsection, subject to the following provisions:
- (a) the flat-bed trailer construction establishment shall be permitted only as secondary use to a one-family dwelling house;
  - (b) the flat-bed trailer construction establishment shall be carried on entirely within the existing 7.6 metre (25 foot) by 15.2 metre (50 foot) accessory building; and
  - (c) there shall be no open storage accessory to the flat-bed trailer construction establishment.<sup>154</sup>

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<sup>152</sup> 8-H 95

<sup>153</sup> 15-H 95

<sup>154</sup> 14-H 95

36.157 That notwithstanding the permitted uses of the A Zone (subsection 28.1), no buildings or structures shall be permitted on the lands identified as having reference to this subsection and more accurately shown as Part 2 on Schedule 36.157.<sup>155</sup>

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

(a) That the provisions of subsection 16.2 (a) (i) and (ii) shall not apply and the following provisions shall apply in lieu thereof:

(a) Minimum Yard Requirements:

- |                         |              |
|-------------------------|--------------|
| (i) front yard          | - 2 metres   |
| (ii) exterior side yard | - 1.5 metres |

(b) That for the purpose of this subsection, the most northerly lot line adjacent to Wigton Street shall be deemed to be the front lot line and the lot line adjacent to Argyle Street shall be deemed to be the exterior lot line.

(c) That notwithstanding subsection 6.19, a gazebo, tables and chairs for outdoor seating and one sign may be permitted within the site triangles adjacent to Argyle and Wigton Streets.

(d) That notwithstanding subsection 7.8, the minimum number of parking spaces shall be 25.

(e) That notwithstanding subsection 7.1(b), parking spaces shall have a minimum width of 2.75 metres and a minimum length of 6 metres, save and except the first three (3) spaces nearest to the exterior lot line, as defined by this subsection, and adjacent to the rear lot line, which shall have a minimum width of 2.75 metres and a minimum length of 4.85 metres.

(f) That, for the purpose of this subsection, the maximum usable floor areas for restaurant and retail uses shall be as follows:

- |            |                                    |
|------------|------------------------------------|
| restaurant | - 250 square metres                |
| retail     | - 120 square metres <sup>156</sup> |

36.159 Special provision not approved.

36.161 That in addition to the uses permitted in the R1 Zone (subsection 8.1), a boarding house may also be permitted on the lands identified as having reference to this subsection, subject to the following provisions:

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<sup>155</sup> 21-H 95

<sup>156</sup> 22-H 95



- (a) for the purposes of this subsection, a boarding house shall mean a dwelling unit also comprising a maximum of three (3) rooms used or maintained for the accommodation of not more than four (4) boarders or lodgers;
  - (b) for the purposes of this subsection, the minimum guest room area for a double-occupancy room shall be 12 square metres;
  - (c) notwithstanding subsection 7.8, the minimum number of parking spaces required for the dwelling house and boarding house combined shall be three (3).<sup>157</sup>
- 36.162 That the provisions of subsection 6.17(a), 6.21, 28.1, 28.2(a) and 28.2(c)(i) shall not apply to the lands identified as having reference to this subsection and the following shall apply in lieu thereof:
- (a) The minimum setback between any dwelling unit and the centreline of any street under the jurisdiction of the Town shall be 9.1 metres.
  - (b) The only use permitted shall be a one-family dwelling house.
  - (c) The minimum lot area requirement shall be 836 square metres.<sup>158</sup>
- 36.163 (a) That in addition to the permitted uses of the A Zone (subsection 28.1), a museum and interpretive centre and a tent and trailer park shall also be permitted on lands identified as having reference to this subsection.<sup>159</sup>
- 36.164 (a) That notwithstanding the permitted uses of the A Zone (subsection 28.1) or subsection 36.163, no buildings or structures shall be permitted on the lands identified as having reference to this subsection and more accurately shown as Part 2 on Schedule 36.164.<sup>160</sup>
- 36.165 The following provisions shall apply to the lands identified as having reference to this subsection:
- (a) In addition to the permitted uses of the A Zone (Subsection 28.1), a truck depot and freight transfer station shall also be permitted.
  - (b) Notwithstanding any other provisions contained in this by-law, for the purpose of this subsection 36.165, the following definitions shall apply:

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<sup>157</sup> 1-H 96

<sup>158</sup> 7-H 96

<sup>159</sup> 10-H 96

- i) TRUCK DEPOT AND FREIGHT TRANSFER STATION shall mean lands and buildings wherein trucks and trailers are parked, leased and/or dispatched for the haulage of agricultural produce and may include as ancillary thereto a facility for the maintenance and repair of said trucks and trailers operated from the lands provided that said maintenance and repair is limited to minor activities such as changing tires, replacing engine oils, replacing headlights and any similar activity, but shall not include major repairs such as the overhauling of engines or components thereof.

All maintenance and repair functions referred to in this definition shall be confined to the interior of a building located on the lands.

- ii) AGRICULTURAL PRODUCE shall mean vegetables, fruits and other staple crops, meats, processed foods, baked goods and any similar items, but shall not include farm machinery, agricultural implements or other manufactured components or items
- iii) REEFER ENGINE shall mean any engine that is used for the purpose of cooling or heating a truck trailer or compartment containing agricultural produce.
- iv) OPEN STORAGE shall mean an outdoor area within which parts or materials related to a truck depot and freight transfer station may be stored.

- c) Notwithstanding any other provisions contained in this by-law:

- i) The maximum usable floor area of any buildings associated with a truck depot and freight transfer station shall not exceed a combined total of 670 square metres;
- ii) The maximum number of truck tractors and trailers permitted in the operations of a truck depot and freight transfer station, excluding light pickup trucks and cars) shall be as follows;

- 10 truck tractors
- 10 truck trailers

Said trucks and trailers shall include all such vehicles which are available for highway use or are temporarily parked and awaiting repairs and/or renovations or are used for parts.

- iii) The minimum front yard setback for a truck depot and freight transfer station, including the parking of trucks and/or trailers, shall be 40 metres and the minimum interior side yard setback shall be 30 metres;

- iv) The minimum front yard setback for a truck tractor and/or truck trailer with a reefer engine running shall be 73 metres and shall comply with the following:
- If the truck and/or truck trailer is located inside the building located on the property, that door nearest the front property line shall be kept closed thereby preventing the emanating of noise from inside the enclosed building and traversing towards Regional Road 9;
  - If the truck tractor and/or truck trailer is parked outside, the truck tractor and/or trailer shall be oriented in a northerly direction parallel with the Quonset hut building and adjacent thereto. The running reefer unit shall be directed towards the rear of the property such that the body of the trailer acts as a noise buffer between the reefer unit and the road;
  - The maximum outdoor area for the parking of truck tractors and/or truck trailers with a reefer engine running shall be 135 square metres;
- v) No open storage of parts or materials shall be permitted on the lands identified as having reference to subsection 36.165 except within the open storage area as defined herein which shall be located as follows:
- has a minimum front yard setback of 73 metres;
  - is located to the east of the building located on the lands;
  - has a minimum interior side yard setback from the easterly lot line of 30 metres;
- iv) All general maintenance operations of the truck depot and freight transfer station shall be restricted to the following hours:
- 7:00 a.m. to 7:00 p.m., Monday to Friday, inclusive;
  - 7:00 a.m. to 1:00 p.m. on Saturdays;
  - No general maintenance operations shall be permitted on Sundays;
- vii) All operations of a truck depot and freight transfer station shall be carried on in accordance with the Noise Control By-law of the Town of Haldimand and shall conform to the applicable noise standards pursuant to the Environmental Protection and Energy.<sup>160</sup>

- 36.166 (a) That notwithstanding the permitted uses of the CHA Zone (subsection 20.1), only the following uses shall be permitted on lands identified as having reference to this subsection:
- (i) transport truck depot & dispatch operation
  - (ii) one family dwelling house in accordance with the provisions of the RH zone
- (b) **(This subsection deleted [12-H-96] and replaced by By-Law 224-HC/05 as follows)** That for the purpose of this subsection, now more than twenty-eight (28) transport trucks shall be permitted to be parked on site at any given time.<sup>161</sup>
- 36.167 That in addition to the permitted uses of the A Zone (subsection 28.1), a log cabin shall also be permitted on lands identified as having reference to this subsection, subject to the following provisions:
- (a) the log cabin shall be permitted only as a secondary use to a one-family dwelling house located on the same lot; and
  - (b) no human habitation of the log cabin shall be permitted.<sup>162</sup>
- 36.168 That in addition to the permitted uses of the A Zone (subsection 28.1), a veterinarian service involved primarily in the care of poultry livestock may also be permitted on lands identified as having reference to this subsection.<sup>163</sup>
- 36.169 The following provisions shall apply to the lands identified as having reference to this subsection:
- 36.169.1 Notwithstanding subsection 13.2.1, the following provisions shall apply:
- |     |   |  |
|-----|---|--|
| (a) | Minimum Lot Area  | 240squaremetres  |
| (b) | Minimum Lot Area  | 6.5 metres   |
| (c) | Minimum Yard Requirements   |  |
|     | (i) front yard  | 6 metres   |
|     | (ii) exterior side yard   | 6 metres   |
|     | (iii) interior side yard  | nil between dwelling units and 3 metres for a dwelling house |
|     | (iv) rear yard  | 7.5 metres   |
| (d) | Maximum Building Height   | one storey   |
| (e) | Minimum Usable Floor Area   | 90 square metres per dwelling unit                           |
| (f) | No more than 8 dwelling units shall be located in a dwelling house. |  |

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<sup>161</sup> 224-HC-05

<sup>162</sup> 14-H 96

<sup>163</sup> 18-H 96

- 36.169.2 For the purpose of this subsection, the exterior lot line shall be deemed to be the most northern lot line of the lands.
- 36.169.3 For the purpose of this subsection, a maximum of 18 dwelling units shall be permitted on the lands.<sup>164</sup>
- 36.170 That the following shall apply on the lands identified as having reference to this subsection:
- (a) In addition to the permitted uses of the CHA Zone (subsection 20.1), a body shop shall also be permitted and for the purpose of this subsection, the maximum usable floor area of a body shop shall not exceed 235 square metres exclusive of office and/or washroom facilities associated with the body shop and the usable floor area of said office and/or washroom facilities shall not exceed a total of 30 square metres;
  - (b) For the purpose of this subsection, all operations associated with the sandblasting and painting of vehicles shall be carried on entirely within a building and open storage of waste materials produced from the operations of sandblasting and painting of vehicles shall be prohibited;
  - (c) Notwithstanding subsection 20.2(d), the maximum building height shall not exceed one storey;
  - (d) Notwithstanding subsection 20.2(g), open storage shall be prohibited within the front yard, the required exterior side yard and within 9 metres of any interior lot line. For the purpose of this subsection, the front lot line shall be defined as that lot line abutting Highway No. 3 and the exterior side lot line shall be defined as that lot line abutting the Decewsville Road;
  - (e) Notwithstanding subsection 20.2(g), open storage accessory to a body shop shall be restricted to a maximum of 10% of the entire lot area and shall be contained within the area described in clause d) of this subsection. Said storage shall be clearly separated from open storage of materials for other uses by a fence; and
  - (f) All open storage shall be screened by a fence located at the perimeter of the permitted storage area as defined in clause d) of this subsection. Said fence shall be a minimum of 2 metres in height and shall provide a complete visual barrier.<sup>165</sup>

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<sup>164</sup> 24-H 96

<sup>165</sup> 19-H 96 & 28-H 96

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

- (a) The provisions of subsection 28.2(a)(Minimum Lot Area) and 28.2(b)(Minimum Lot Frontage) shall not apply and the following shall apply in lieu thereof:

Minimum Lot Area	- 1350 square metres
Minimum Lot Frontage	- nil

- (b) Subsection 6.15, requiring frontage on an improved street, shall not apply.<sup>166</sup>

36.172 That notwithstanding the provisions of the “D” Zone (Section 35), those lands identified as having reference to this subsection shall be maintained as a landscaped buffer area. No buildings or structures shall be permitted on said lands.<sup>167</sup>

36.174 (a) That in addition to the permitted uses of the “CS” Zone (Section 17), a three-family dwelling house shall also be permitted on lands identified as having reference to this subsection.

- (b) That notwithstanding subsection 17.2(e), the minimum usable floor area of one (1) of the dwelling units contained in the three-family dwelling house permitted in clause (a) of this subsection may be 37 square metres.<sup>168</sup>

36.175 That notwithstanding the uses permitted in the “R2” Zone (subsection 11.1), a home occupation shall not be permitted on the lands identified as having reference to this subsection.<sup>169</sup>

36.176 That the provisions of subsection 15.2(b) shall not apply to the lands identified as having reference to this subsection and the following provision shall apply in lieu thereof:

Minimum Lot Frontage	- 20 metres <sup>170</sup>
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36.178 That the following provisions shall apply to the lands identified as having reference to this subsection:

- (a) In addition to the permitted uses of the “OS” Zone (subsection 32.1), a campground shall also be permitted;
- (b) subsection 32.2(e), regarding minimum usable floor area provisions for dwelling units and dwelling houses, shall not apply; and

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<sup>166</sup> 27-H 96

<sup>167</sup> 3-H 97

<sup>168</sup> 7-H 97

<sup>169</sup> 9-H 97

<sup>170</sup> 12-H 97

- (c) for the purpose of this subsection, a campground shall mean land and facilities owned and operated by a government 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 and may also include up to six sites for the temporary parking of motor homes for recreational purposes.<sup>171</sup>
- 36.179 That the following provisions shall apply to the lands identified as having reference to this subsection:
- (a) The provisions of subsection 28.2(b) (Minimum Lot Frontage) shall not apply and the following shall apply in lieu thereof:
- |                      |       |
|----------------------|-------|
| Minimum Lot Frontage | - nil |
|----------------------|-------|
- (b) Subsection 6.15, requiring frontage on an improved street, shall not apply.<sup>172</sup>
- 36.180 That the following provisions shall apply to the lands identified as having reference to this subsection:
- (a) In addition to the permitted uses of the "R1" Zone (subsection 8.1) and the "HL" Zone (subsection 34.1) a private-home day care facility shall also be permitted.
- (b) For the purpose of this subsection, a private-home day care facility shall mean a private dwelling house that is used to provide temporary care, for reward or compensation, of five children or less for a continuous period not exceeding twenty four hours provided that the person or persons providing the temporary care resides in the said dwelling house.<sup>173</sup>
- 36.181 In addition to the permitted uses of the "A" Zone (subsection 28.1), the keeping and care of monkeys and similar primates shall also be permitted on lands identified as having reference to this subsection.<sup>174</sup>
- 36.182 That notwithstanding subsection 6.20(a), where an interior lot line is in common with a railway right-of-way boundary, the minimum separation distance between a dwelling unit and the railway right-of-way shall be 30 metres on those lands identified as having reference to this subsection.<sup>175</sup>
- 36.183 That notwithstanding subsection 10.2(c)(ii), the Minimum Exterior Side Yard setback shall be 4 metres on those lands identified as having reference to this subsection.<sup>176</sup>
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- 36.184 (a) That in addition to the permitted uses of the MD Zone (subsection 26.1), the sale of

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<sup>171</sup> 10-H-97

<sup>172</sup> 14-H-97

<sup>173</sup> 15-H-97. & 16-H-97

<sup>174</sup> 23-H-97

<sup>175</sup> 25-H-97

used automobiles shall also be permitted as a secondary use to an automobile recycling and wrecking yard.

- (b) That for the purpose of this subsection, the storage or display of used automobiles for sale shall only be permitted within the confines of the salvage yard.<sup>176</sup>
- 36.185 (a) In addition to the permitted uses of the “A” Zone (subsection 28.1), the sale of antiques and other similar collectable items shall also be permitted as a secondary use to a single-family dwelling house.
- (b) For the purpose of this subsection, the display of antiques and other similar collectable items for sale shall only be permitted within an accessory building and within an area surrounding the accessory building that is not to exceed 9 metres.
  - (c) Notwithstanding subsection 6.1(h), on-site advertising shall be limited to one sign that shall not be illuminated and shall not exceed dimensions of 0.84 metres by 0.84 metres.<sup>177</sup>
- 36.186 (a) That in addition to the permitted uses of the “IC” Zone (Subsection 29.1) a retail establishment shall also be permitted on the lands identified as having reference to this subsection.
- (b) For the purpose of this subsection, the maximum usable floor area of a retail establishment shall not exceed of 22 square metres.<sup>178</sup>
- 36.187 (a) That in addition to the permitted uses of the “A” Zone (subsection 28.1) a water bottling and storage facility shall also be permitted on the lands identified as having reference to this subsection.
- (b) That for the purpose of this subsection, the maximum ground floor area of a water bottling and storage facility shall not exceed 750 square metres.<sup>179</sup>
- 36.188 The following provisions shall apply on those lands identified as having reference to this subsection:
- (a) In addition to the permitted uses of the “CG” Zone (Subsection 16.1), a one family dwelling house shall also be permitted in accordance with the zone provisions of the “R1-B” Zone (subsection 10.2).
  - (b) Notwithstanding subsection 6.7(c), the maximum lot coverage of all buildings or structures accessory to any residential use shall not exceed 17% of the lot area.

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<sup>176</sup> 30-H 97

<sup>177</sup> 27-H 97

<sup>178</sup> 34-H 97



- (c) Notwithstanding subsection 6.7.2, the minimum setback of a building or structure which is accessory to any residential use shall be 1.5 metres from an interior side lot line and 3 metres from the rear lot line.<sup>179</sup>

36.189 (a) The provisions of subsections 15.2 (a), Minimum Lot Frontage; 15.2(b), Minimum Lot Area; 15.2(c)(iii), interior side yard; and 15.2(d), Maximum Building Height shall not apply to those lands identified as having reference to this subsection and the following provisions shall apply in lieu thereof:

Minimum Lot Frontage	-	11.8 metres
Minimum Lot Area	-	370 square metres
Interior Side Yard (right)	-	0.3 metres
Maximum Building Height	-	7.35 metres

- (b) For the purpose of this subsection, building height shall mean the vertical distance between the finished grade of the ground at the front of the building and the highest peak of the roof.

- (c) For the purpose of this subsection, the maximum usable floor area of the vacation home shall not exceed 110 square metres, exclusive of any basement area, finished or otherwise.<sup>180</sup>

36.190 (a) The provisions of subsection 15.2(a), Minimum Lot Area; 15.2(b), Minimum Lot Frontage and 15.2(d), Maximum Building Height shall not apply to those lands identified as having reference to this subsection and the following provisions shall apply in lieu thereof:

Minimum Lot Area	-	1150square metres
Minimum Lot Frontage	-	15 metres
Maximum Building Height	-	6.1 metres

- (b) For the purpose of this subsection, building height shall mean the vertical distance between the finished grade of the ground at the front of the building and the highest peak of the roof.<sup>181</sup>

36.191 Notwithstanding the permitted uses of the “RS” Zone (subsection 15.1) or any other provisions contained in this by-law, no buildings or structures shall be permitted on those lands identified as having reference to this subsection.<sup>181</sup>

36.192 That in addition to the permitted uses of the “Agricultural (A)” zone, a garden center and tree and plant nursery, including open storage accessory thereto, shall also be permitted.<sup>182</sup>

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<sup>179</sup> 40-H 97

<sup>180</sup> 39-H 97

<sup>181</sup> 38-H 97

<sup>182</sup> 93-HC-02

- 36.194 Notwithstanding subsection 7.1(b), on lands identified as having reference to this subsection, each parking space shall have a minimum width of 3 metres and a minimum length of 5.5 metres except that a parallel parking space shall have a minimum width of 2.7 metres and a minimum length of 7 metres.<sup>183</sup>
- 36.195 Notwithstanding subsections 15.2 (a) and (b), the following provisions shall apply on the lands identified as having reference to this subsection:
- |                      |                              |
|----------------------|------------------------------|
| Minimum Lot Area     | - 690 square metres          |
| Minimum Lot Frontage | - 22.5 metres <sup>184</sup> |
- 36.196 Notwithstanding the permitted uses of the “CR” Zone (subsection 21.1), a dwelling unit shall not be permitted on the lands identified as having reference to this subsection.<sup>185</sup>
- 36.197 The following shall apply on those lands identified as having reference to this subsection:
- (a) Notwithstanding subsection 28.2(b) the minimum lot frontage shall be nil;
  - (b) Subsection 6.15, requiring frontage on an improved street, shall not apply.<sup>186</sup>
- 36.198 Notwithstanding the permitted uses and zone provisions of the “Hazard Land” Zone (Section 34), the single-family dwelling house and accessory building existing as of March 30, 1998 shall be permitted on the lands identified as having reference to this subsection.<sup>187</sup>

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<sup>183</sup> 2-H 98

<sup>184</sup> 3-H 98

<sup>185</sup> 7-H 98

<sup>186</sup> 9-H 98

<sup>187</sup> 10-H 98

36.199 The following shall apply to the lands identified as having reference to this subsection:

- (a) Subsection 8.2(b) and 8.2(c) (iv) shall not apply to those lands identified as having reference to this subsection and the following shall apply in lieu thereof:

Minimum Lot Frontage	- 10 metres
Minimum Yard Requirements:	
Rear Yard	- 25 metres

- (b) For the purpose of this subsection, the rear lot line shall be deemed to be the most westerly lot line.<sup>188</sup>

36.200 The following shall apply to the lands identified as having reference to this subsection:

- (a) In addition to the permitted uses of the CHA Zone (subsection 20.1), a bed & breakfast establishment shall also be permitted on the lands identified as having reference to this subsection.

- (b) For the purpose of this subsection a bed & breakfast establishment shall consist of not more than two guest rooms and shall be secondary to a dwelling unit on the same lot.<sup>189</sup>

36.201 (a) In addition to the permitted uses of the "A" Zone (subsection 28.1) a respite home shall also be permitted as a secondary use to a single family dwelling house on the lands identified as having reference to this subsection.

- (b) For the purpose of this subsection, a respite home shall be defined as a self-contained dwelling unit providing temporary, supervised accommodation for a person or persons in need of hospice, palliative or any similar care; shelter in situations of domestic conflict, following significant losses or any similar situation; or rest/retreat for any persons requiring supervised care by reason of their emotional, mental, social or physical condition.

- (c) For the purpose of this subsection, the maximum usable floor area of a respite home shall not exceed 168 square metres.<sup>190</sup>

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<sup>188</sup> 11-H 98

<sup>189</sup> 12-H 98

<sup>190</sup> 13-H 98

36.202 The following shall apply to the lands identified as having reference to this subsection:

- (a) notwithstanding the permitted uses of the MX Zone (subsection 27.1) only those uses accessory to a concrete mixing plant shall be permitted.
- (b) open storage of loose, unprocessed materials, including gravel, shall be prohibited.<sup>191</sup>

36.203 Notwithstanding subsection 8.2(b), Minimum Lot Frontage required for the lands identified as having reference to this subsection shall be 10 metres.<sup>192</sup>

36.204 The following provisions shall apply to the lands identified as having reference to this subsection:

- (a) In addition to the permitted uses of the “A” Zone (subsection 28.1) a bait & tackle shop shall also be permitted.
- (b) For the purpose of this subsection a bait & tackle shop shall mean a building wherein bait, tackle, minnow buckets, life jackets, dingys, outboard engine maintenance supplies and similar items are offered for sale and may include as ancillary thereto the sale of non-food convenience items such as firewood, ice, BBQ charcoal & fluid and similar items. Said bait & tackle shop shall be operated as a secondary use to a dwelling house located on the same lot and the person or persons operating the said bait & tackle shop must reside in the said dwelling house.
- (c) For the purpose of this subsection, the usable floor area of a bait & tackle shop shall not exceed 57 square metres.
- (d) For the purpose of this subsection, outdoor storage of firewood for sale and accessory to a bait & tackle shop shall be permitted. Said storage shall not exceed a total area of 24 metres and shall be limited to an area immediately adjacent to the bait & tackle shop.
- (e) For the purpose of this subsection, outdoor lighting of the bait & tackle shop must be affixed to the building housing the said bait & tackle shop.
- (f) Notwithstanding subsection 6.1(h), on-site advertising shall be limited to one sign that shall not be illuminated and shall not exceed dimensions of 1 metre by 1 metre.<sup>193</sup>

36.205 Notwithstanding the permitted uses and provisions of the “Hamlet Residential” Zone (Section

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<sup>191</sup> 15-H 98

<sup>192</sup> 16-H 98

<sup>193</sup> 17-H 98

14) or any other provisions of this by-law, no buildings, structures or any part of a sewage disposal system shall be permitted on lands identified as having reference to this subsection.<sup>194</sup>

36.206 The following shall apply on the lands identified as having reference to this subsection:

(a) notwithstanding subsection 15.2(b), the Minimum Lot Frontage shall be 25 metres;

(b) notwithstanding subsection 15.2(d), the Maximum Building Height shall be 7.7 metres.<sup>195</sup>

36.207 Notwithstanding the permitted uses of the "RS" Zone, no buildings or structures shall be permitted on the lands identified as having reference to this subsection and more accurately shown on Schedule 36.207.<sup>196</sup>

36.208 Notwithstanding the permitted use of the "A" Zone (subsection 28.1), a dwelling unit shall not be permitted on the lands identified as having reference to this subsection.<sup>197</sup>

36.210 Notwithstanding the permitted uses of the "R1-A" Zone (subsection 9.1) and the "R2" Zone (subsection 11.1), a home occupation shall not be permitted on the lands identified as having reference to this subsection.<sup>198</sup>

36.212 The following shall apply to the lands identified as having reference to this subsection:

(a) In addition to the permitted uses of the "RS" Zone (Subsection 15.1) a motor home shall also be permitted.

(b) For the purpose of this subsection and notwithstanding subsection 4.55 of By-law 1-H 86, a motor home shall mean a recreational vehicle having a rigid top and side walls, designed to be towed by a motor vehicle and capable of being used for temporary living accommodation, whether or not such a vehicle is jacked up or its running gear is removed, but excludes a mobile home as defined herein.

(c) A motor home, as defined in clause (b) of this subsection, shall only be occupied between April 1 and October 31 in the same calendar year.

(d) A motor home, as defined in clause (b) of this subsection, shall not exceed a length of 9 metres and a width of 2.5 metres.

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<sup>194</sup> 21-H 98

<sup>195</sup> 22-H 98

<sup>196</sup> 23-H 98

<sup>197</sup> 25-H 98

<sup>198</sup> 32-H 98

- (e) Notwithstanding subsections 15.2(a) and (b), the minimum lot area shall be 800 square metres and the minimum lot frontage shall be 13 metres.
- (f) Notwithstanding subsection 15.2(c) (iii), the minimum interior side yard shall be 2.1 metres.<sup>199</sup>
- 36.214 Notwithstanding the permitted uses in the “Hamlet Residential” Zone (subsection 14.1), a home occupation shall not be permitted on the lands identified as having reference to this subsection.<sup>200</sup>
- 36.215 (a) In addition to the permitted uses of the “Community Institutional” Zone (subsection 29.1) and the “Hazard Land” Zone (subsection 34.1), and notwithstanding any other provisions of this by-law, a retail establishment shall be permitted on the lands identified as having reference to this subsection.
- (b) For the purpose of this subsection, the maximum usable floor area of a retail establishment shall not exceed 6 square metres.<sup>201</sup>
- 36.216 The following shall apply to the lands identified as having reference to this subsection:
- (a) In addition to the permitted uses of the “Community Institutional” Zone (subsection 29.1), a retail establishment shall also be permitted;
- (b) For the purpose of this subsection, the maximum usable floor area of a retail establishment shall not exceed 2 square metres; and
- (c) Notwithstanding subsection 29.2 (c) (ii), the exterior side yard setback shall be 3 metres.<sup>202</sup>
- 36.217 Subsections 142 (a) and (b) shall not apply to the lands identified as having reference to this subsection and the following provisions shall apply in lieu thereof:
- |                      |                            |
|----------------------|----------------------------|
| Minimum Lot Area     | - 1,020 square metres      |
| Minimum Lot Frontage | - 21 metres <sup>203</sup> |
- 36.218 Notwithstanding the permitted uses of the “Hamlet Commercial” Zone (Subsection 20.1), only a sewage disposal system shall be permitted on the lands identified as having reference to this subsection.<sup>205</sup>

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<sup>199</sup> 33-H 98

<sup>200</sup> 3-H 99

<sup>201</sup> 2-H 99

<sup>202</sup> 1-H 99

<sup>203</sup> 4-H 99

- 36.219 (a) In addition to the permitted uses of the "A" Zone (subsection 28.1), a country inn shall also be permitted on the lands identified as having reference to this subsection.
- (b) For the purpose of this subsection, a country inn shall be defined as an establishment utilizing a maximum of 5 guest rooms and a restaurant with a maximum seating capacity of 52 persons.<sup>204</sup>
- 36.220 (a) Notwithstanding the permitted uses of the R1-B Zone (Subsection 10.1), a home occupation shall not be permitted on the lands identified as having reference to this subsection.
- (b) The provisions of subsection 10.2 (c) (ii) shall not apply to the lands identified as having reference to this subsection and the following shall apply in lieu thereof:
- |                            |                             |
|----------------------------|-----------------------------|
| Minimum Exterior Side Yard | - 3.7 metres <sup>205</sup> |
|----------------------------|-----------------------------|
- 36.221 The following shall apply to the lands identified as having reference to this subsection:
- (a) Notwithstanding subsections 10.2(b) and 10.2 (c) (i) & (ii), the following provisions shall apply to the construction of a one family dwelling house:
- |                                  |               |
|----------------------------------|---------------|
| (i) Minimum Lot Frontage         | - 12.8 metres |
| (ii) Minimum Front Yard          | - 9 metres    |
| (iii) Minimum Exterior Side Yard | - 3 metres    |
- (b) Notwithstanding subsection 7.2.3 (a), two parking spaces may be located within the required front yard.<sup>206</sup>

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<sup>204</sup> 5-H 99

<sup>205</sup> 10-H 99

<sup>206</sup> 11-H 99

- 36.222 Notwithstanding the permitted uses of the MD Zone (Subsection 26.1), only a parking area (exclusive of any buildings or structures), a septic system and a pond shall be permitted on the lands identified as having reference to this subsection.<sup>207</sup>
- 36.223 Notwithstanding the permitted uses of the A Zone (subsection 28.1) or any other provision in this by-law, no buildings, structure, fences or any manner of soil disturbance shall be permitted on those lands identified as having reference to this subsection.<sup>209</sup>
- 36.224 Notwithstanding the permitted uses of the OS Zone (subsection 32.1), a fairground shall not be permitted on those lands identified as having reference to this subsection.<sup>208</sup>
- 36.226 The provisions of subsections 12.2.2(b), 12.2.2(c) (iv) and 12.2.2(d) shall not apply to those lands identified as having reference to this subsection and the following provisions shall apply in lieu thereof:
- |                         |                             |
|-------------------------|-----------------------------|
| Minimum Lot Frontage    | - 10 metres                 |
| Minimum Rear Yard       | - 6.5 metres                |
| Maximum Building Height | - one storey <sup>209</sup> |
- 36.227 Notwithstanding any other provision of this by-law, no parking, loading, unloading or outdoor storage shall be permitted on those lands identified as having reference to this subsection.<sup>210</sup>
- 36.229 Notwithstanding the permitted uses and zone provisions of the Hazard Land Zone (Section 34), the single-family dwelling house and accessory buildings existing as of May 31, 1999 shall be permitted on the lands identified as having reference to this subsection.<sup>211</sup>

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<sup>207</sup> 13-H 99

<sup>208</sup> 15-H 99

<sup>209</sup> 17-H 99

<sup>210</sup> 19-H 99

<sup>211</sup> 21-H 99



- 36.230 Notwithstanding any other provision in this by-law, the front lot line shall be deemed to be the most northerly lot line and the rear lot line shall be deemed to be the most southerly lot line on those lands identified as having reference to this subsection.<sup>212</sup>
- 36.231 Notwithstanding the permitted uses of the R1-A Zone (subsection 9.1), a home occupation shall not be permitted on the lands identified as having reference to this subsection.<sup>214</sup>
- 36.232 The following provisions shall apply to the lands identified as having reference to this subsection:
- a) Notwithstanding the permitted uses of the CS Zone (subsection 17.1), only an automobile washing establishment shall be permitted.
  - b) Notwithstanding subsection 17.2(c) (iii), the interior side yard setback on the left side shall be 1.5 metres.<sup>213</sup>
- 36.233 a) In addition to the permitted uses of the CR Zone (subsection 21.1), a vehicle sales establishment shall also be permitted on the lands identified as having reference to this subsection.
- b) Notwithstanding the permitted uses of the CR Zone (subsection 21.1) or other provision of this by-law, no building, structure, sign or other use shall be permitted on the lands identified as Part 2 of the subject lands as shown on Schedule 36.233.<sup>214</sup>
- 36.234.1 In addition to the permitted uses of the "A" Zone (subsection 28.1) a golf course, driving range and uses accessory thereto shall also be permitted on the lands identified as having reference to this subsection.<sup>215</sup>
- 36.235 Notwithstanding subsections 9.2(c)(ii) and 10.2(c)(ii), being the minimum exterior side yard setback requirements of the R1-A and R1-B Zones, respectively, the minimum exterior side yard setback shall be 3.7 metres on those lands identified as having reference to this subsection.<sup>216</sup>
- 36.236 **Repealed by By-law 543-HC/08**<sup>217</sup>
- 36.237 **Repealed by By-law 543-HC/08**<sup>219</sup>

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<sup>212</sup> 22-H 99

<sup>213</sup> 27-H 99

<sup>214</sup> 26-H 99

<sup>215</sup> 31-H 99 & 181-HC-04

<sup>216</sup> 35-H 99

<sup>217</sup> 543-HC-08

36.238 The following shall apply to those lands identified as having reference to this subsection:

- a) Notwithstanding any definition or provision contained in this by-law, for the purpose of this subsection, an Apartment Dwelling House shall be defined as a dwelling house comprising three or more dwelling units, 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 individual and direct access to a common yard;
- b) Notwithstanding subsection 6.14, two dwelling houses may be permitted;
- c) For the purpose of this subsection, not more than 8 dwelling units may be permitted;
- d) Notwithstanding any other provision contained in this by-law, for the purpose of this subsection, the following minimum yard requirements shall apply:
  - i) front yard 4.9 metres
  - ii) interior side yard 3.6 metres
  - iii) rear yard 3.6 metres
- e) For the purpose of this subsection, the maximum building height shall be one storey;
- f) For the purpose of this subsection, the minimum usable floor area shall be 70 square metres per dwelling unit;
- g) Every dwelling unit shall be connected to a public water system and a public sanitary sewer system;
- h) Notwithstanding subsection 6.12, a boundary fence located between residentially-zoned abutting properties shall not exceed 2.4 metres.
- i) Notwithstanding subsection 6.21, decks above the finished grade of the abutting ground level may project a maximum of 1.55 metres into a required interior side yard;
- j) Notwithstanding subsection 7.2.3 (c), parking spaces shall be permitted within the required front yard;
- k) Notwithstanding any other provision of this by-law, for the purpose of this subsection, the minimum number of parking spaces shall be 12; and
- l) Notwithstanding the permitted uses of the "R4" Zone (subsection 13.1), a home occupation shall not be permitted.<sup>218</sup>

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<sup>218</sup> 41-H 99

36.239 The following provisions shall apply to those lands identified as having reference to this subsection:

- a) subsection 6.7.1 (a) shall not apply to the barn existing on the subject lands as of November 29, 1999.
- b) the barn existing on the subject lands shall not be used for the housing of any animals.<sup>219</sup>

36.240 (a) Notwithstanding the permitted uses of the “Agricultural” Zone (subsection 28.1), only a fire hall shall be permitted on the lands identified as having reference to this subsection.<sup>220</sup>

36.241 (a) Notwithstanding the permitted uses of the “Hazard Land” Zone (subsection 34.1), a building or structure for the housing of horses may be permitted on those lands identified as having reference to this subsection.

(b) The maximum usable floor area of the building or structure permitted in Clause (a) of this subsection shall not exceed 85 square metres.

(c) Not more than 5 horses may be housed in the building or structure permitted in Clause a) of this subsection.<sup>221</sup>

36.242 The following shall apply on the lands identified as having reference to this subsection:

(a) notwithstanding subsection 28.2(b), the minimum lot frontage in the A Zone shall be nil; and

(b) subsection 6.15, requiring frontage on an improved street, shall not apply.<sup>222</sup>

36.243 Notwithstanding subsections 28.2(a), 28.2(c) (i) and 28.2 (c) (iv), the following provisions shall apply on the lands identified as having reference to this subsection:

Minimum Lot Area	1,100 square metres
Minimum Front Yard	9 metres
Minimum Rear Yard	3 metres <sup>223</sup>

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<sup>219</sup> 40-H 99

<sup>220</sup> 44-H 99

<sup>221</sup> 43-H 99

<sup>222</sup> 1-H 00

<sup>223</sup> 2-H 00

36.244 Notwithstanding subsection 14.2 (c) (i), the minimum front yard setback shall be 15 metres on those lands identified as having reference to this subsection.<sup>224</sup>

36.245 Notwithstanding subsections 12.2.2(a), 12.2.2(b), 12.2.2(c) (iii) and 12.2.2(d) the following provisions shall apply to the lands identified as having reference to this subsection:

Minimum Lot Area	415 square metres
Minimum Lot Frontage	7.3 metres
Minimum Interior Side Yard	1.8 metres except where two dwelling units are situated on a common property line the interior side yard shall be nil
Maximum Building Height	one storey <sup>225</sup>

36.246 Notwithstanding the permitted uses of the “A” Zone (subsection 28.1) or the “OST” Zone (subsection 33.1) a dwelling unit shall not be permitted on the lands identified as having reference to this subsection.<sup>226</sup>

36.247 Notwithstanding subsection 9.2(c) (ii), the minimum exterior side yard requirement shall be 3.7 metres on those lands identified as having reference to this subsection.<sup>227</sup>

36.248 The following shall apply on the lands identified as having reference to this subsection:

- (a) Notwithstanding subsections 15.2(a) and (b), the following provisions shall apply in lieu thereof:
- (b) Subsection 6.15, requiring frontage on an improved street, shall not apply.
- (c) For the purpose of this subsection, the front lot line shall be that lot line abutting Melville Lane and the rear lot line shall be the northerly lot line opposite the front lot line, as defined.<sup>228</sup>

36.249 The following shall apply on the lands identified as having reference to this subsection:

- (a) Notwithstanding any other provision contained in this by-law, for the purpose of this subsection, the following minimum yard requirements shall apply:

Front yard	nil
Interior side yard	nil
Rear yard	nil

06/00

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<sup>224</sup> 3-H 00

<sup>225</sup> 5-H 00

<sup>226</sup> 7-H 00

<sup>227</sup> 8-H 00

<sup>228</sup> 9-H 00

- (b) Subsection 13.2.3(b), regarding Maximum Floor Area Ratio, shall not apply;
- (c) Notwithstanding subsection 6.14, two dwelling houses may be permitted;
- (d) For the purpose of this subsection, not more than 17 dwelling units may be permitted;
- (e) Notwithstanding any other provision of this by-law, for the purpose of this subsection, the minimum number of parking spaces shall be 25.<sup>229</sup>

36.250 The following shall apply to the lands identified as having reference to this subsection:

- (a) Notwithstanding subsection 6.14, a maximum of two one-family dwelling houses shall be permitted; and
- (b) The maximum usable floor area of the most easterly dwelling house shall be 130 square metres.<sup>230</sup>

36.251 In addition to the permitted use of the “Agricultural” Zone (subsection 28.1), a sawmill shall be permitted on the lands identified as having reference to this subsection.<sup>231</sup>

36.252 In addition to the permitted uses of the “A” Zone (subsection 28.1) a golf course, driving range and uses accessory thereto shall also be permitted on the lands identified as having reference to this subsection.<sup>232</sup>

36.253 Notwithstanding the provisions of subsections 15.2 (a) and (b), the following provisions shall apply in lieu thereof:

Minimum Lot Area	-535 square metres
Minimum Lot Frontage	-12.0 metres <sup>233</sup>

36.254 Notwithstanding the provisions of Section 9.2, “Zone Provisions”, the following provisions shall apply:

Zone Provisions

- a) Minimum Lot Area: 465 m<sup>2</sup>
- b) Minimum Lot Frontage: 15.0 m
- c) Minimum Yard requirements:

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<sup>229</sup> 11-H 00

<sup>230</sup> 16-H 00

<sup>231</sup> 22-H 00

<sup>232</sup> 26-H 00

<sup>233</sup> 28-H 00

- i. Front Yard: 6.0 m;
  - ii. Exterior Side Yard: 6.0 m;
  - iii. Interior Side Yard: 3.0 m on one side and 1.2 m on the other side (except when a private garage is attached to a dwelling house in which case the minimum interior side yard shall be 1.2 m on each side), and,
  - iv. Rear Yard: 20 m (except where the front lot line is not a straight line, in which case the minimum rear yard shall be 9.0 m).
- d) In addition to the above setbacks, there shall be a 5 m setback from the regulatory flood line.
- e) Maximum Building Height: 11 m (a height restriction of one (1) storey for those lots where the setback is reduced to 9.0 m).
- f) Minimum Useable Floor Area: 100 m<sup>2</sup> per dwelling unit.
- g) Minimum Ground Floor Area: 55 m<sup>2</sup>
- h) Minimum Services: Every dwelling house shall be connected to a public water and sanitary service system.
- i) Holding Provision

That the holding “(H)” provision not be removed from the zoning of the lands shown as the subject lands on said Maps A and B until such time as:

- i) A Record of Site Condition has been filed to certify that the said lands meet guidelines for residential use; and,
  - ii) Appropriate conditions to ensure a compatible interface with the abutting industrial lands to the north have been considered and, as needed, included in severance, part-lot control exemption and/or draft plan of subdivision approvals for the development of the subject property. Such conditions may include fencing, noise warning clauses and/or acoustical barriers.
- j) Should development of the subject property proceed by way of site plan application, residents within the zoning amendment notification radius should be given an opportunity to make submissions to the municipality on the site plan. Such opportunity should not be interpreted as providing the residents with anything other than the right to input. No right of appeal or veto is available, only a right of input.<sup>234</sup>

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<sup>234</sup> 808-HC/13

36.255 **BY-LAW 29-H-00 repealed by the OMB Decision 1536 (File# PL001340)**

36.256 In addition to the permitted uses of the “Hazard Land Zone (HL)” (subsection 34.1), a vacation home shall also be permitted on the lands identified as having reference to this subsection, subject to the following provisions:

Minimum lot frontage	14.5	metres
Minimum lot area	700	square metres
Minimum front yard	9	metres
Minimum left interior side yard	3	metres
Minimum right interior side yard	1.2	metres
Minimum rear yard	30	metres
Minimum Building Height	11	metres
Minimum usable floor area	80	Square metres per dwelling unit” <sup>235</sup>

36.257 Notwithstanding the requirements of Section 7.2.1 of By-law 1-H-86 regarding the location of parking on a lot, a food store and accessory uses can be wholly contained on the lands identified as Part 1 on Schedule 36.257 and that the required parking for the food store and accessory uses on the lands identified as Part 1 on Schedule 36.257 can be provided on the lands identified as Part 2 on Schedule 36.257.<sup>236</sup>

36.258 That on the lands delineated by this subsection, the following provision shall apply:

- 1) In addition to the permitted uses of the “Agricultural Zone A)”, (subsection 28.1), the following uses shall also be permitted:
  - i. retail sales of plants, shrubs, trees, soil, fertilizer, potting supplies and similar products directly related to gardening;
  - ii. outside storage accessory to a permitted use:
- 2) The retail sales of plants, shrubs, trees, soil, fertilizer and similar products directly related to gardening, within a permitted building, shall be limited to a maximum of floor area of 530 square feet.<sup>237</sup>

36.259 That the minimum servicing requirement for the lands delineated on Schedule 36.259 shall be a cistern and individual sewage disposal system. Use of a private well shall be prohibited.<sup>238</sup>

36.260(a) a) That notwithstanding the minimum services requirements in the “Urban Residential Type 1 (R1)” zone subsection 8.2(g)), that connection to a public sanitary sewer system shall not be required for Parts 1 and 2.

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<sup>235</sup> 30-H 00

<sup>236</sup> 2-H 01

<sup>237</sup> 9-HC-01

<sup>238</sup> 11-HC-01

b) That the barn located on Part 3 shall not be used for the housing of animals.<sup>239</sup>

36.260(b) The following provisions shall apply to those lands identified as having reference to this subsection:

- a) Subsection 6.7.1(a) shall not apply to the barn existing on the lands as of August 13, 2001;
- b) The barn existing on the subject lands shall not be used for the housing of livestock.<sup>240</sup>

36.261(a) That on the lands delineated by this subsection, the following provisions shall apply:

- 1) In addition to the permitted uses of the "Hazard Land Zone (HL)" (section 34.1) a barn shall also be permitted;
- 2) Where a portion of a lot is zoned "Hazard Land Zone (HL)", said portion may be used in the calculation of any required yard and lot frontage."<sup>241</sup>

36.261(b) The following provisions shall apply to those lands identified as having reference to this subsection:

- 1) Subsection 6.7.1(a) shall not apply to the barn existing on the lands as of August 13, 2001;
- 2) The barn existing on the subject lands shall not be used for the housing of any animals.<sup>242</sup>

36.265 The following provisions shall apply to those lands identified as having reference to this subsection:

- a) Subsection 6.7.1(a) shall not apply to the barn existing on the lands as of October 15, 2001;
- b) The barn existing on the subject lands shall not be used for the housing of livestock.<sup>243</sup>

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<sup>239</sup> 18-HC-01

<sup>240</sup> 25-HC-01

<sup>241</sup> 19-HC-01

<sup>242</sup> 23-HC-01

<sup>243</sup> 37-HC-01



- 36.266 Notwithstanding subsection 17.2 (c) of the CS zone, on those lands identified as having reference to this subsection, the minimum front yard setback for all buildings shall be 14 metres.<sup>244</sup>
- 36.268 Notwithstanding the provisions of Subsection 6.8.c) and 6.8.d), a home occupation restricted to the repair and service of small engines as well as occupation restricted to the repair and service of small engines as well as agricultural, lawn and garden equipment, and off-road recreational vehicles may be located within an accessory building on the subject lands and occupy a maximum of 119 square metres of floor area.<sup>245</sup>
- 36.269 a) In addition to the permitted uses of the “Open Space (OS)” Zone, (subsection 32), the following uses shall also be permitted”
1. library
  2. aquatic centre
  3. twin pad arena
  4. place of assembly
  5. ambulance station
  6. physiotherapy and rehabilitation centre<sup>248</sup>
  7. municipal services including emergency services.<sup>246</sup>
  8. Educational and training uses<sup>247</sup>
- b) That notwithstanding the permitted uses of the “Open Space (OS)” Zone, lands identified as consisting as part of St. Andrews Square, Part of Lots 6 through 9 inclusive, part of Sterling Street in the former Town of Caledonia and previously referred to in By-Law 27-H-94 approved by the former Town of Haldimand. The said referred to lands shall only be used as a park. No buildings or structures shall be permitted with the exception of facilities for stormwater management on the lands.<sup>248</sup>
- c) That notwithstanding the requirements of subsection 7.8 (number of parking spaces) that the maximum requires parking spaces for this development shall be 446 spaces for automobiles and 3 spaces for the buses.<sup>248</sup>
- d) That the existing ambulance station plus proposed addition have a maximum building area of 470 square metres.<sup>247</sup>
- e) That notwithstanding the requirements of Subsection 7.8 (number of parking spaces) and 36.269 c) above, 14 tandem parking spaces may be permitted for municipal services including emergency services and the ambulance station.<sup>247</sup>
- f) That notwithstanding the provisions of Section 32 ‘Open Space Zone (OS)’ and Special Provision 36.269 a), a mobile classroom building or structure is permitted on the subject lands as an educational and/or training use.

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<sup>244</sup> 43-HC-01

<sup>245</sup> 65-HC-02

<sup>246</sup> 546-HC-08

<sup>247</sup> 1128-HC/19

<sup>248</sup> 71-HC-02

- g) That notwithstanding Special Provision 36.269 c), a mobile building may utilize up to 10 existing parking spaces for a temporary time period approved by the County.<sup>249</sup>
- 36.270 a) That on the lands identified as part 1 on Maps A and B (attached to and forming part of this By- law), the following shall apply:
- i) Notwithstanding Subsection 16.2 the following shall apply:
    - 1) exterior side yard 0 metres
    - 2) front yard 0 metres
  - ii) Notwithstanding Subsection 6.19 (Non-obstruction of Sight Triangles), the northwest corner of the food store is permitted to be situated within the sight triangle.
- b) That on the lands identified as Part 4 on Maps A and B (attached to and forming part of this By-law) the following shall apply:
- i) Notwithstanding Subsection 7.1 (Individual Parking Spaces), the interior side yard between the southerly lot line of Part 4 and the existing tow family dwelling house on Part 4 shall be deemed to be the required parking area suitable for 2 stacked parking spaces;
  - ii) Notwithstanding Subsection 11.2, the following provisions shall apply to the lands identified as having reference to this subsection:
    - 1) Minimum lot area- 340m<sup>2</sup>
    - 2) Minimum lot frontage- 13.25 metres
    - 3) Minimum interior side yard (north side) - 1.0 metres
    - 4) Minimum rear yard- 3.25 metres
  - iii) Notwithstanding Subsection 6.21 (d) (Exemptions from Yard Provisions) the existing deck at the rear of the two family dwelling house is permitted to project more than 2 metres into the required rear yard.<sup>250</sup>
- 36.272 a) That notwithstanding the provisions of the “Community Institutional (IC)” zone (Subsection 29.2) the lot line adjacent to Carrick Street shall be deemed to be the front lot line for the property and the existing setbacks for the existing arena shall be deemed to comply with the provisions of Subsection 29.2.
- b) That notwithstanding Subsection 6.19 (Non-obstruction of Sight Triangles), the existing arena shall be permitted to be located within the sight triangle.<sup>251</sup>
- 36.273 That in addition to the provisions of the “Open Space-Tent and Trailer (OST)” zone (Subsection 33.2), the following provisions shall also apply:

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<sup>249</sup> 1128-HC/19

<sup>250</sup> 76-HC-02

<sup>251</sup> 89-HC-02

- a) all trailers and accessory structures will be removed from the subject lands during the period between October 16<sup>th</sup> of one calendar year and April 30<sup>th</sup> of the following calendar year.<sup>252</sup>

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- 36.274 That the following shall apply on the lands identified as having reference to this subsection:
- a) Notwithstanding any provisions to the contrary, the following provision shall apply to those lands identified as having reference to this subsection:
- Minimum lot area: 158.16 hectares
- b) Notwithstanding subsection 5.4, the total area of all zones within the lands identified as having reference to this subsection shall be used to calculate lot area.<sup>253</sup>
- 36.275 That in addition to the permitted uses of the “Urban Residential Type 2 (R2)” zone (Subsection 11.1), a dental clinic for a maximum of two dentists shall be permitted within the existing building, subject to the following provisions:
- |                                       |                          |
|---------------------------------------|--------------------------|
| i) Minimum Lot Frontage:              | 16 metres                |
| ii) Minimum Lot Area:                 | 710 square metres        |
| iii) Minimum Front Yard:              | 6 metres                 |
| iv) Minimum Interior South Side Yard: | 1.6 metres               |
| v) Minimum Interior North Side Yard:  | 5.6 metres               |
| vi) Minimum Rear Yard:                | 23 metres <sup>254</sup> |
- 36.276 i) That in addition to the uses permitted in Subsection 28.1 of the Agricultural Zone (A), a salvage yard is also permitted.
- ii) That structure, storage and uses related to the salvage yard be set back a minimum of 15 metres from the edge of the Oswego Creek tributary, on both sides of the watercourse.
- iii) That automobile and farm machinery storage be set back a minimum of 30 metres from the edge of the Oswego Creek tributary, on both sides of the watercourse.<sup>255</sup>
- 36.277 That notwithstanding the permitted uses of the ‘Service Commercial (CS)’ zone,

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<sup>252</sup> 86-HC-02

<sup>253</sup> 90-HC-02

<sup>254</sup> 99-HC-02

<sup>255</sup> 106-HC-02

subsection 17.1, uses on the property shall be limited to a commercial entrance.<sup>256</sup>

36.278

That the following provisions shall apply to the lands delineated by this subsection for the purposes of facilitating development of 25 street townhouse units on a single lot of record:

- a) In lieu of subsection 13.2.1(c) (ii), the exterior side yard setback shall be 4.5 metres;
- b) In lieu of subsection 13.2.1 (c) (iv), the rear yard setback shall be 7.5 metres;
- c) In lieu of subsection 4.25.5, the definition of "Townhouses" shall be "a dwelling house comprising *three* or more dwelling units with each dwelling unit being subdivided 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 yard"; and
- d) That the proposed road allowance, shown as Claire's Court on Map 'B' and Schedule 36.278 to this By-Law, shall be deemed to be the lot frontage.

Notwithstanding the above provisions, in the case of the 25 street townhouse units being subdivided for the purposes of separate ownership, the following provisions shall apply:

- a) In lieu of subdivision 13.2.1(b), the minimum lot frontage for Lots 1 and 25 shall be 15 metres; for Lots 2,5,8,11,14,15,17,18,21, and 24 shall be 7 metres; for Lots 3,4,6,7,9,19,20,22, and 23 shall be 12 metres; for Lot 10 shall be 3 metres; and for Lots 12,13, and 16 shall be 5 metres;
- b) In lieu of subsection 13.2.1(c) (ii), the exterior side yard setback of Lots 1 and 25 shall be 4.5 metres;
- c) In lieu of subsection 13.2.1(c) (iii), the interior side yard setback (right) of Lots 1,2,4,5,7,8,10,11,13,14,16,17,18,20,21,23, and 24 shall be 0 metres and for Lots 3,6,9,12,15,19, and 22 shall be 1.5 metres;
- d) In lieu of subsection 13.2.1(c) (iii), the interior side yard (left) of Lots 2,3,5,6,8,9,11,12,14,15,17,18,19,21,22,24, and 25 shall be 0 metres and for Lots 4,7,10,13,16,20, and 23 shall be 1.5 metres;
- e) In lieu of subsection 13.2.1 (c) (iv), the rear yard setback of Lots 10, 13, 16, and 17 shall be 7.5 metres; and
- f) That the lot line abutting the proposed road allowance, shown as Claire's Court on Map 'B' and Schedule 36.278 to this By-Law, shall be deemed to be the front lot line of Lots 10,11,12,13,14, and 15.<sup>257</sup>

36.279

- a) In addition to the permitted in the A zone (subsection 28.1) a lumber kiln drying operation may be permitted on the lands delineated by this subsection.
- b) The maximum floor area of all lumber kiln buildings shall not exceed a total of 167.2 square metres.<sup>258</sup>

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<sup>256</sup> 102-HC-02

<sup>257</sup> 179-HC-04

<sup>258</sup> 123-HC-03

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- 36.280 That the following provisions shall apply on the lands delineated by this subsection:
- a) Notwithstanding the provisions of subsection 5.4 (More Than One Zone on a Lot), any portion of lands on a lots zoned " Hazard Land (HL)" may be used in the calculation of any required yard, lot area and lot frontage provision of the " Urban Residential Type 1 Zone (R1)";
  - b) In lieu of subsection 8.2(c) (iv) the minimum rear yard shall be 6 metres;
  - c) In lieu of subsection 8.2(d) the maximum building height shall be 5 metres.<sup>259</sup>
- 36.282 That the provisions of subsection 14.2 (a) Minimum Lot Area and subsection 14.2 (b) Minimum Lot Frontage 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: 3700 square metres
  - (b) Minimum Lot Frontage: 64.0 metres <sup>260</sup>
- 36.283 i) That notwithstanding the permitted uses of the 'Open Space (OS)' zone, subsection 32.1, uses shall be limited to a park for those lands shown as Parcels 1,2, and 3 on Schedule 36.283.<sup>261</sup>
- 36.284 a) In lieu of the permitted uses of the R4 zone, the following shall be permitted:
- i) Group Townhouses
  - ii) Single Detached Dwelling
- b) For the purposes of this subsection, the following definitions shall apply:
- "Group Townhouses" shall mean a single detached dwelling and/or dwelling house comprising two or more dwelling units with each dwelling unit being divided from one another by an above grade vertical common-wall and with each dwelling unit having direct access to a yard. One or more of said group townhouse(s) do not front on a street;

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<sup>259</sup> 32-HC-01

<sup>260</sup> 128-HC-03

<sup>261</sup> 140-HC-03

c) Notwithstanding the provisions of subsection 13.2, the following shall apply in lieu thereof:

i)	Minimum Lot Frontage	11 metres
ii)	Minimum Front Yard	6 metres
iii)	Minimum Exterior Side Yard	6 metres
iv)	Minimum Interior Side Yard	3 metres
v)	Minimum Rear Yard	9 metres
vi)	Maximum Building Height	11 metres
vii)	Maximum Gross Residential Density	22 u.p.ha. <sup>261</sup>

- 36.285
- a) In addition to the permitted uses in the R4 zone, a nursing home shall also be permitted subject to the regulations of subsection 13.2.3.
  - b) Only one apartment dwelling house shall be permitted with a maximum of 34 dwelling units.
  - c) The maximum gross residential density for group townhouses shall be 26 u.p.ha.
  - d) For the purposes of this subsection, the front lot line will be the easterly lot line abutting McKenzie Road.<sup>262</sup>

- 36.286
- a) Notwithstanding the regulations of the CN (subsection 18.1), the following uses shall be permitted in lieu thereof:
    - i) professional offices;
    - ii) takeout restaurant without drive-through and a maximum seating capacity for 10 patrons;
    - iii) convenience store;
    - iv) personal service shop;
    - v) dry cleaning distribution station; and
    - vi) laundromat.

b) The provisions of subsection 18.2(e) shall not apply.<sup>261</sup>

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<sup>262</sup> 144-HC-03

- 36.287 a) In lieu of the permitted uses of the R4 zone, the following shall be permitted:
- i) Group Townhouses
  - ii) Single Detached Dwelling
- b) For the purposes of this subsection, the following definitions shall apply:
- “Group Townhouses” shall mean a single detached dwelling and/or dwelling house comprising two or more dwelling units with each dwelling unit being divided from one another by an above grade vertical common-wall and with each dwelling unit having direct access to a yard. One or more of said group townhouse(s) do not front on a street;
- c) The Maximum Gross Residential Density shall be 29 u.p.ha.<sup>263</sup>
- 36.290 That on the lands delineated by this subsection, the following provisions shall apply:
- 1) In addition to the permitted uses of the “Seasonal Residential (RS)” zone a one family dwelling house shall also be permitted.<sup>264</sup>
- 36.291 That the provisions of subsection 10.2(c) (ii) (Minimum Exterior Side Yard) shall not apply to the lands delineated by this subsection and the following shall apply in lieu thereof:
- Minimum exterior side yard: 3.7 metres.<sup>265</sup>
- 36.292 That the provisions of subsection 10.2(c) (ii) (Minimum Exterior Side Yard) shall not apply to the lands delineated by this subsection and the following shall apply in lieu thereof:
- Minimum exterior side yard: 3.7 metres.<sup>264</sup>
- 36.293 Notwithstanding the regulations of the “OS” Zone (subsection 32.1) use of the lands identified as having reference to this subsection shall be limited to passive recreation. No soil grading, stock piling, irrigation placement or other forms of soils alteration are permitted.<sup>266</sup>

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<sup>263</sup> 144-HC-03

<sup>264</sup> 28-HC-01

<sup>265</sup> 168-HC-04

<sup>266</sup> 181-HC-04



- 36.294 (i) In addition to the permitted uses of the “ML” Zone (subsection 24.1) the following uses shall also be permitted on the lands identified as having reference to this subsection:
- (a) custom cabinet production and sales;
  - (b) retail flooring covering sales outlet; and
  - (c) retail sales of automotive parts.<sup>267</sup>
- 36.295 a) That notwithstanding the requirement in subsection 13.2.2(b) - Group Townhouses of the ‘Urban Residential Type 4 (R4)’ zone, a minimum lot frontage of 5.49 metres shall be permitted for the lands identified as having reference to this subsection.
- b) That a maximum of 46 townhouses shall be permitted on the lands identified as having reference to this subsection.<sup>268</sup>
- 36.296 a) That the provisions of subsection 6.15 shall not apply to the lands having reference to this subsection.
- b) That in lieu of the uses permitted in the CS Zone (subsection 17.1) only the following uses shall be permitted:
- i) vehicle sales and rental establishment;
  - ii) vehicle detailing shop;
  - iii) body shop;
  - iv) printing and publishing establishment.<sup>269</sup>
- 39.297 That in addition to the uses permitted in the CG Zone (subsection 16.1) a body shop will also be permitted.<sup>268</sup>
- 36.298 That on the 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>270</sup>

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<sup>267</sup> 187-HC-04

<sup>268</sup> 527-HC-07

<sup>269</sup> 195-HC-04

<sup>270</sup> 197-HC-04

- 36.299
- i) That in addition to the permitted uses in subsection 28.1 of the ‘Agricultural (A)’ zone, a commercial landscaping establishment is also permitted.
  - ii) That outdoor storage of materials and equipment shall not be permitted.
  - iii) That all aspects of the landscaping business shall be conducted within the existing buildings on the subject lands and shall be limited to a maximum usable floor area of 557 m<sup>2</sup> (5,996 ft<sup>2</sup>).
  - iv) That retail sales and consulting services shall not be permitted.<sup>271</sup>
- 36.301
- a) That in addition to the uses permitted in the ‘Service Commercial (CS)’ Zone (Subsection 17.1), a Videotape and Videodisc Sales and Retail Establishment shall also be permitted on the lands identified as having reference to this subsection.
  - b) That the maximum floor area for the Videotape and Videodisc Sales and Rental Establishment shall be limited to 335 m<sup>2</sup>.<sup>272</sup>
- 36.302
- i) Notwithstanding the permitted uses of subsection 14.1 of the ‘Hamlet Residential’ zone, a one family dwelling house shall not be permitted in the area delineated as Part 2 on Schedule 36.302.
  - ii) That accessory uses to a residential use shall be permitted in the area delineated as Part 2 on Schedule 36.302.<sup>273</sup>
- 36.303
- That in addition to the uses permitted in the CR Zone (subsection 21.1) a vehicle sales and rental establishment including open storage accessory thereto may be permitted on the lands having reference to this subsection.<sup>274</sup>
- 36.304
- This section deleted (205-HC-04).*<sup>275</sup>
- 36.307
- That on the lands delineated as having reference to this subsection the following provision shall apply:
- a) Subsection 6.7.1(a) and (c) shall not apply to the barn existing on the lands as of February 7, 2005.
  - b) The barn existing on the subject lands shall not be used for the housing of livestock.<sup>276</sup>
- 12/04 12/0536.309
- Zone
- THAT the minimum Lot Frontage requirements of the Hamlet Residential shall not apply and the following shall apply in lieu thereof:
- a) Minimum Lot Frontage: 20.7 metres.<sup>277</sup>

<sup>271</sup> 199-HC-04

<sup>272</sup> 200-HC-04

<sup>273</sup> 208-HC-04

<sup>274</sup> 204-HC-04

<sup>275</sup> 258-HC-05

<sup>276</sup> 228-HC-05

<sup>277</sup> 250-HC-05

- 36.310 That in addition to the permitted uses of the “A” zone (subsection 28.1) a place of worship and accessory uses, including a nursery, gymnasium, offices and meeting rooms may also be permitted on the lands identified as having reference to this subsection.<sup>278</sup>
- 36.311
- i) That in addition to the permitted uses in Subsection 10.1 of the Urban Residential Type 1-B (R1-B) zone, a group home is also permitted.
  - ii) That in lieu of Subsection 4.38, the definition of a ‘Group Home’ shall be “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 up to four 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 arrangement for their well being.” For the purposes of this section, Group Home does not include a dwelling house which is regulated by the Federal or Provincial government as a correctional type facility.
  - iii) Significant changes to the exterior façade of the existing dwelling shall be prohibited.<sup>279</sup>
- 36.312 Notwithstanding the provisions of subsection 23.2(b), the following provisions shall apply in lieu thereof:
- Minimum Lot Frontage: 9.0 metres.<sup>280</sup>
- 36.313 That on the lands delineated as having reference to this subsection the following provisions shall apply:
- a) Subsection 6.7.1 (a) shall not apply to this barn existing on the lands as of May 30<sup>th</sup> 2005.
  - b) The barn existing on the subject lands shall not be used for the housing of livestock.<sup>281</sup>
- 36.314 (a) That the provisions of subsection 13.2.1 shall not apply to the lands identified as having reference to this subsection and the following shall apply in lieu thereof:
- (i) Min. Lot Area: 185.0 sq.m
  - (ii) Min. Lot Frontage: 5.0 m for an interior lot  
12.0 m for an exterior lot
  - (iii) Min. Front Yard: 6.0 m
  - (iv) Min. Exterior Side Yard: 4.5 m  
12/05 12/06
  - (v) Min. Interior Side Yard: 1.5 m except in the case of a lot

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<sup>278</sup> 238-HC-05

<sup>279</sup> 278-HC-05 per OMB decision

<sup>280</sup> 237-HC-05

<sup>281</sup> 253-HC-05

being subdivided for the purpose of a separate ownership of townhouse dwelling units, no side yard needs to be provided along the common side lot line between the lots created by the subdivision.

- (vi) Min. Rear Yard: 7.5 m
- (vii) Max. Building Height: 11.0 m
- (viii) Min. Useable Floor Area: 90.0 sq. m

(b) That the provisions of subsection 6.20 (Building Separation from Railways) shall not apply to the lands identified as having reference to this subsection and the following shall apply in lieu thereof:

- (i) Min. setback between any dwelling unit and a railway right-of-way: 30 m.

(c) That the definition of “Townhouses” contained in subsection 4.25.5 shall not apply to the lands identified as having reference to this subsection and the following definition shall apply in lieu thereof:

“TOWNHOUSES” shall be a dwelling house comprising 3 or more dwelling units with each dwelling unit being subdivided from one another by an above grade vertical common wall, a minimum of 10 square metres in area with each dwelling unit having direct access to a rear yard”.

(d) That the definition of “Front Lot Line” contained in subsection 4.50.1 shall not apply to Blocks 3 and 4 as more accurately shown on Schedule 36.314 and the following definition shall apply in lieu thereof:

- (i) The “Front Lot Line” for Block 3 shall be the westerly lot line.
- (ii) The “Front Lot Line” for Block 4 shall be the southerly lot line.<sup>282</sup>

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

Minimum Lot Frontage, Part 1: 17.5 metres

Minimum Lot Frontage, Part 2: 9.0 metres

Notwithstanding the provisions of this By-Law, Adair Street shall be deemed to be the front lot line for Parts 1 and 2.<sup>283</sup>

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

Part 1:

Section 29.2: Neighbourhood Institutional Zone Provisions

<sup>282</sup> 328-HC-06

<sup>283</sup> 297-HC-06

Side Yard (left) Setback: 1.4 metres  
 Front Yard Setback: 5.4 metres  
 Rear Yard Setback: 2.4 metres  
 Building Height (maximum): to recognize the existing building height.

Section 7.8: Number of Parking Spaces Required

Place of Worship: no off-street parking required.

Section 6.8: Accessory Uses to Non-Residential Uses

Accessory Building Setback: recognize the existing rear and side yard setbacks for the existing accessory structure.

Part 2:

Section 19.2: “Residential/Business (RB)” Zone Provisions

Side Yard (left) Setback: 2.0 metres  
 Side Yard (right) Setback: 1.6 metres  
 Minimum Lot Frontage: 14.0 metres.

Section 7.8: Number of Parking Spaces Required

(i) Medical or dental clinic and office of a health service practitioner- 3 spaces shall be required.<sup>284</sup>

36.317

(a) That the provisions of subsection 13.2.1 shall not apply to the lands identified as having reference to this subsection and the following shall apply in lieu thereof:

- (i) Min. Lot Area: 180.0 sq. m
- (ii) Min. Lot Frontage: 6.0 m for an interior lot  
7.2 m for an exterior lot
- (iii) Min. Front Yard: 6.0 m
- (iv) Min. Rear Yard: 7.5 m
- (v) Min. Exterior Side Yard: 4.0 m
- (vi) Min. Interior Side Yard: 1.2 m except in the case of a lot being subdivided for the purpose of separate ownership of townhouse dwelling units, no side yard needs to be provided along the common side lot line between the lots created by the subdivision.

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<sup>284</sup> 298-HC-06

- (vii) Max. Building Height: 11.0 m
- (viii) Max. Lot Coverage: 50%
- (ix) Max. Number of Units per Building: 8 townhouse units

- (c) That the definition of “Townhouses” contained in subsection 4.25.5 shall not apply to the lands identified as having reference to this subsection and the following definition shall apply in lieu thereof:

“TOWNHOUSES” shall be a dwelling house comprising 3 of more dwelling units with each dwelling unit being subdivided from one another by an above grade vertical common wall, a minimum of 10 square metres in area with each dwelling unit having direct access to a rear yard”.

- (d) That the definition of “Front Lot Line” contained in subsection 4.50.1 shall not apply to Blocks 1, 2, 3 and 4 as more accurately shown on Schedule 36.317 and the following definition shall apply in lieu thereof:

- (i) The “Front Lot Line” for Block 1 shall be the southeasterly lot line
- (ii) The “Front Lot Line” for Blocks 2 and 4 shall be the southwesterly lot line
- (iii) The “Front Lot Line” for Block 3 shall be the northeasterly lot line.<sup>285</sup>

- 36.318A
- (a) Notwithstanding the provisions of subsection 10.2(c) (ii), the Minimum Exterior side yard shall be 3.0 metres;
- (b) That the provisions of subsection 6.20 (Building Separation from Railways) shall not apply to the lands identified as having reference to this subsection and the following shall apply in lieu thereof:
- (i) Min. setback between any dwelling unit and a railway right-of-way: 30m.<sup>286</sup>

36.318B That in lieu of the permitted uses of the CS Zone (Subsection 17.1), the following shall be permitted on the lands identified as having reference to this subsection:

- a) Vehicles sales, service, and rental establishment
- b) Farm implement sales and service
- c) Swimming pool sales and rental
- d) Lumber yard and building supply establishment
- e) Garden supply center
- f) Commercial greenhouse and tree and plant nursery
- g) Office
- h) Place of assembly
- i) Place of recreation
- j) Hotel, motel, motor-hotel, tavern

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<sup>285</sup> 300-HC-06

<sup>286</sup> 328-HC-06

- k) Restaurant
- l) Community centre
- m) Cemetery
- n) Funeral Home
- o) Place of worship
- p) Art Gallery
- q) School
- r) Nursing home
- s) Day nursery
- t) Museum
- u) Library
- v) Private club
- w) Government and public utility offices
- x) Hospital
- y) Fire hall
- z) Police Station
- aa) Ambulance service<sup>287</sup>

36.319 That in addition to the uses permitted in the “Agricultural (A)” Zone (Section 28) a day care operation may be permitted as an ancillary use to the residential use of the property with a maximum capacity of 25 children and 5 staff on the lands having reference to this subsection.

Section 7.8 - Number of Parking Spaces Required

(hh) Other non-residential uses – 6 spaces shall be required.<sup>288</sup>

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

1. Section 28.2: “Agricultural Zone (A)” Provisions  
(b) Minimum Lot Frontage – 10.0 metres
2. Subsection 6.7.1 “General Provisions” Accessory Uses to Residential Uses (a) shall not apply to the barns existing on the lands as of October 16, 2006
3. The barns existing on the subject lands shall not be used for the housing of livestock.<sup>289</sup>

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

That notwithstanding the permitted uses of the Section 34.1 – Permitted Uses in the “Hazard Land (HL)” Zone, a 10.36 metre X 10.97 metre, one-storey seasonal dwelling and septic system shall be permitted on lands identified as having reference to this subsection.<sup>290</sup>

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<sup>287</sup> 339-HC-06

<sup>288</sup> 330-HC-06

<sup>289</sup> 446-HC-06

<sup>290</sup> 455-HC-06

- 36.323 That on the lands delineated as having reference to Section 8.2 “Urban Residential Type 1 (R1)” and this subsection the following provisions shall **not** apply:
- (b) Minimum frontage
  - (g) Minimum Services – every dwelling house shall be connected to a public water system and a public sanitary sewer system.<sup>291</sup>
- 36.324 (a) That the provisions of subsection 11.2. shall not apply to the lands identified as having reference to this subsection and the following shall apply in lieu thereof:
- (i) Min. Lot Area: 255 sq. m. for an Interior Lot  
345 sq. m. for an Exterior Lot
  - (ii) Min. Lot Frontage: 8.5 m. for an Interior Lot  
11.5 m. for an Exterior Lot
  - (iii) Min. Front Yard Setback: 6.0 m.
  - (iv) Min. Exterior Side Yard: 6.0 m.
  - (v) Min. Interior Side Yard: 1.2 m. except in the case of a lot being subdivided for the purpose of separate ownership of townhouse dwelling units, no side yard needs to be provided along the common side lot line between the lots created by the subdivision.
  - (vi) Min. Rear Yard: 7.5 m.<sup>292</sup>
- 36.325 (a) That notwithstanding the permitted uses of the “Rural Commercial (CR)” Zone (Subsection 21.1), only a commercial greenhouse, garden centre and tree and plant nursery, including open storage accessory thereto shall be permitted on the lands identified as having reference to this subsection.
- (b) Section 6.25.1 – Minimum Setback from the Wetland Zone – Shall **not** apply to the commercial buildings existing on the date of passing of the by-law.<sup>293</sup>

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<sup>291</sup> 459-HC-07

<sup>292</sup> 460-HC-07

<sup>293</sup> 470-HC-07



- 36.326A That on the lands delineated as having reference to this subsection the following provisions shall apply:
- a) That in lieu of Subsection 28.2 – Agricultural (A) Zone (b) and (c) (iii), the following shall apply:
    - i) minimum lot frontage: 0.0 m
    - ii) minimum side yard setback, for barn existing at the date of passing of the by-law: 1.8 m
  - b) That the Minimum Distance Separation formulae (MDS I) shall not apply for the existing barn on the lands having reference to this subsection and its distance separation from the existing greenhouse/garden centre commercial operation located on the lands subject to Site Specific Special Provision 36.325.<sup>294</sup>
- 36.326B **REPEALED AND REPLACED BY 36.334 (538-HC-08)**
- 36.329 THAT on the lands delineated as having reference to this subsection the following provisions shall apply:
- That notwithstanding the permitted uses of the “Hazard Land (HL)” Zone (Subsection 34.1-Hazard Lands (HL) Zone), the existing single detached dwelling and accessory buildings shall be permitted on the lands identified as Part A and having reference to this subsection.<sup>295</sup>
- 36.330A THAT on the lands delineated as having reference to this subsection the following provisions shall apply:
- The housing of livestock is prohibited in buildings existing as of the date of passing of the by-law, with the exception of the existing barn located 105 metres southwest from the dwelling located on the lands subject to site specific policy 36.329, which may house up to 50 beef cattle or equivalent nutrient units as identified under the Minimum Distance Separation Formula.<sup>295</sup>
- 36.330B THAT notwithstanding the provisions of Section 28.1-Permitted Uses of the ‘Agricultural (A)’ zone, and Section 27.1 Permitted Uses of the Extractive Industrial Zone (MX), a one family dwelling house and home occupation are not permitted.<sup>296</sup>
- 36.331A That on the lands delineated as having reference to this subsection, the following provisions shall apply:
- a) For Part 1 on Map “B” attached to this by-law, the housing of livestock shall not be permitted within the existing barn.

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<sup>294</sup> 470-HC-07

<sup>295</sup> 507-HC-07

<sup>296</sup> 510-HC-07

b) For Part 2 on Map “B” attached to this by-law, no new dwelling shall be permitted.

c) For Part 1 on Map “B” attached to this by-law a maximum building height of 7.62 metres shall apply to the barn existing on the date of passing of this by-law.

d) For Part 1 on Map “B” attached to this by-law a minimum front yard setback of 9.14 metres shall apply to the dwelling existing on the date of passing of this by-law.<sup>297</sup>

36.331B That notwithstanding the permitted uses of the “Hazard Land (HL)” zone, (Subsection 34.1), the existing seasonal dwelling on the lands identified as the subject lands shall be permitted.<sup>298</sup>

36.332A That the following provisions shall apply to the lands identified on Map ‘B’:

(a) That notwithstanding the provisions of *Section 28.1 – Permitted Uses* in the ‘Agricultural (A)’ zone, a one family dwelling house and home occupation are not permitted.

(b) That the keeping of livestock shall be prohibited in the livestock facility existing on the date of passage of this by-law.<sup>299</sup>

36.332B That on the lands delineated as having reference to this subsection, the following provisions shall apply:

a) The housing of livestock shall not be permitted within the existing barn.

b) Notwithstanding subsection 6.7.1 (a), a maximum building height of 9.4 metres shall apply to the barn existing on the date of passing of this by-law.<sup>300</sup>

36.332C That on lands delineated as having reference to this subsection, the following provisions shall apply:

a) Subsection 14.1 (Permitted Uses) of the “Hamlet Residential Zone (RH)” shall also include a firearms and hunting apparel sales establishment in the existing garage;

b) The firearms and hunting apparel sales area shall be a maximum floor area of 43.56 square metres;

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<sup>297</sup> 576-HC-08

<sup>298</sup> 572-HC-08

<sup>299</sup> 533-HC-08 & 630-HC-09

<sup>300</sup> 592-HC-08

- c) Minimum lot area of 1792 square metres shall apply to the subject lands on the date of passing of this by-law.<sup>301</sup>

36.333 The following provisions shall apply to the lands identified as the subject lands on Maps 'A' and 'B' attached to this by-law:

- a) In addition to the uses permitted in *Section 34.1 Permitted Uses of the Hazard Land zone*, the replacement of the existing seasonal dwelling with the construction of a new two-storey vacation home with an attached garage may be permitted; and
- b) Development of the lands shall be substantially in accordance with the concept plan as illustrated on Schedule 36.333.<sup>302</sup>

36.334 a) The following provisions shall apply to the lands identified as Parts 2 and 8 on Map 'B' and Schedule 36.334:

- i) That in lieu of Section 15.2 (a) Minimum Lot Area – Seasonal Residential (RS) zone, the minimum lot area shall be 930 square metres.
- ii) That in lieu of Section 15.2 (b) Minimum Lot Frontage – Seasonal Residential (RS) zone, the minimum lot frontage shall be 23.85 metres.

b) The following provisions shall apply to the lands identifying as Parts 3 and 9 on Map 'B' and Schedule 36.334:

- i) That in lieu of Section 15.2 (a) Minimum Lot Area- Seasonal Residential (RS) zone, the minimum lot area shall be 890 square metres.
- ii) That in lieu of Section 15.2 (b) Minimum Lot Frontage – Seasonal Residential (RS) zone, the minimum lot frontage shall be 15.52 metres.

c) The following provisions shall apply to the lands identified as Parts 4 and 10 on Map 'B' and Schedule 36.334:

- i) That in lieu of Section 15.2 (a) Minimum Lot Area – Seasonal Residential (RS) zone, the minimum lot area shall be 890 square metres.
- ii) That in lieu of Section 15.2 (b) Minimum Lot Frontage – Seasonal Residential (RS) zone, the minimum lot frontage shall be 15.34 metres.<sup>303</sup>

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<sup>301</sup> 578-HC-08

<sup>302</sup> 537-HC-08

<sup>303</sup> 538-HC-08

- d) The following provisions shall apply to the lands identified as Parts 5 and 11 on Map 'B' and Schedule 36.334:
- i) That in lieu of Section 15.2 (a) Minimum Lot Area – Seasonal Residential (RS) zone, the minimum lot area shall be 728 square metres.
  - ii) That in lieu of Section 15.2 (b) Minimum Lot Frontage – Seasonal Residential (RS) zone, the minimum lot frontage shall be 16.63 metres.
- e) The following provisions shall apply to the lands identified as Parts 6 and 12 on Map 'B' and Schedule 36.334:
- i) That in lieu of Section 15.2 (a) Minimum Lot Area – Seasonal Residential (RS) zone, the minimum lot area shall be 1,375 square metres.
  - ii) That in lieu of Section 15.2 (b) Minimum Lot Frontage – Seasonal Residential (RS) zone, the minimum lot frontage shall be 18.67 metres.
- f) The following provisions shall apply to the lands identified as Parts 7 and 13 on Map 'B' and Schedule 36.334:
- i) That in lieu of Section 15.2 (a) Minimum Lot Area – Seasonal Residential (RS) zone, the minimum lot area shall be 1,133 square metres.
  - ii) That in lieu of Section 15.2 (b) Minimum Lot Frontage – Seasonal Residential (RS) zone, the minimum lot frontage shall be 15.59 metres.<sup>304</sup>

36.335 That the following provisions shall apply to the lands identified on Map 'B'

- a) That notwithstanding the provisions of Section 28.2- Permitted Uses in the Agricultural (A)' zone, a one family dwelling house and home occupation uses are not permitted.<sup>305</sup>

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<sup>304</sup> 538-HC-08

<sup>305</sup> 561-HC-08

- 36.336
- a) That on the lands delineated as having reference to this subsection the following use is also permitted: a Lumber Yard and Building Supply Establishment; and
  - b) That a “Lumber Yard and Building Supply Establishment” shall mean a place, building or structure or part thereof used for the retail sale of lumber and lumber related products. The sale of tools and equipment used in the building trade may be permitted as an accessory to the main retail use.”<sup>306</sup>
- 36.337
- That on the lands delineated as having reference to this subsection, the following provisions shall apply:
- a) For Part 1 on Map “B” attached to this by-law, the housing of livestock shall not be permitted within the existing barn.
  - b) For Part 2 on Map “B” attached to this by-law, no new dwelling shall be permitted.
  - c) For Part 1 on Map “B” attached to this by-law a maximum building height of 6.7 metres shall apply to the barn existing on the date of passing of this by-law.<sup>307</sup>
- 36.338
- a) That in addition to the uses permitted in Section 11.1 *Permitted Uses* and on the lands delineated as having reference to this subsection the following uses are also permitted: a restaurant/cafe with seating for 56 patrons; a catering business; a classroom for food-related workshops and cooking courses; retail sales of food related product, and a small scale accessory greenhouse. A residential use must be maintained on the subject lands for this special provision to apply. Drive-thru use is not permitted.
  - b) That on the lands delineated as having reference to this subsection that notwithstanding Section 10.2 *Zone Provisions* the minimum exterior side yard set back shall be 0.8 metres, the minimum interior side yard set back shall be 1.8 metres, and the minimum rear yard setback shall be 8.8 metres.
  - c) That on the lands delineated as having reference to this subsection that notwithstanding the provisions of Section 7.8 of By-law 1-H-86 *number of parking spaces* a minimum of 9 parking spaces shall be required and that the required stacked parking for 2 spaces shall be permitted in the rear yard.
  - c) That on the lands delineated as having reference to this subsection that notwithstanding Section 4.87 *Sight Triangle* a reduced sight triangle measuring 6 metres by 9 metres.<sup>308</sup>

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<sup>306</sup> 581-HC-08

<sup>307</sup> 602-HC-08

<sup>308</sup> 611-HC/09

- 36.339 THAT on the lands delineated as having reference to this subsection, the following provisions shall apply:
- a) For Part A on Map “B” attached to this by-law, no new dwelling shall be permitted.
  - b) For Part B on Map “B” attached to this by-law a minimum lot frontage of 15 metres shall apply.<sup>309</sup>
- 36.340 Notwithstanding the provisions of the Urban Residential Type 1-B zone the subject lands as having reference to this subsection shall have a minimum exterior side yard setback of 3 metres, a minimum rear yard setback of 7.5 metres and a minimum lot frontage for a corner lot of 13.3 metres.<sup>310</sup>
- 36.341 Notwithstanding the provisions of the Urban Residential Type 1-B zone the subject lands as having reference to this subsection shall have a minimum lot frontage of 11 metres and a rear yard setback of 7.5 metres.<sup>311</sup>
- 36.342 That on the lands delineated as having reference to this subsection, the following provisions shall apply:
- a) Section 28.1 (Permitted Uses) of the “Agricultural Zone (A)” shall also include the manufacturing, sale and repair of small-scale farm equipment (such as hay wagons, and grain and storage bins) and the servicing of farm implements.<sup>311</sup>
- 36.343 In addition to the permitted uses in the “Community Institutional (IC)” zone, a seasonal farmers’ market shall also be permitted.<sup>312</sup>
- 36.345A In addition to the provisions of Section 6 General Provisions, the subject lands as having reference to this subsection shall be limited to the following:
- a) A machine shop operating as a home occupation to a maximum floor area of 186 square metres;
  - b) Operation of the home occupation shall be limited to one owner living on the subject land and one employee;
  - c) Rear yard shall have a minimum of 20 metres for all or part of a home occupation;
  - d) No human habitation shall be permitted within the building in which the machine shop is located;
  - e) That the maximum height of the residential accessory building used as part of the home occupation shall not exceed 4.9 metres.<sup>313</sup>

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<sup>309</sup> 621-HC/09

<sup>310</sup> 635-HC/09

<sup>311</sup> 643-HC/09

<sup>312</sup> 637-HC-09

<sup>313</sup> 657-HC-09

- 36.345B The following provisions shall apply to the lands identified as Parts 1 and 2 on Map 'B':
- a) Notwithstanding the provisions of Subsection 29.1 – Permitted Uses of the 'Community Institutional (IC)' zone, permitted uses shall be limited to the following:
    - i) library
    - ii) government offices
    - iii) arena
    - iv) community center
  - b) Notwithstanding the provisions of Section 7 – Off-Street Parking, the minimum number of parking spaces shall be 250, including a minimum of 6 barrier-free spaces.
  - c) Notwithstanding the provisions of Subsection 4.49 – Lot Frontage, the lot line parallel to and abutting Thorburn Street shall be deemed to be the lot frontage.
  - 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>314</sup>
- 36.346 That on the lands delineated as having reference to this subsection the following provisions shall apply:
- Part 1
- a) Notwithstanding the provisions of Section 28.1 – Permitted Uses in the “Agricultural (A)” Zone, a one family dwelling house and home occupation shall not be permitted.
  - b) That the keeping of livestock shall be prohibited in the existing barn.
- Part 2
- a) Notwithstanding the provisions of Section 28.2, General Provisions of the “Agricultural (A)” zone, the minimum front yard setback for the existing dwelling shall be 6 metres.<sup>315</sup>

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<sup>314</sup> 669-HC/10

<sup>315</sup> 672-HC/10

36.347 That on the lands delineated as Part 1 on Map 'B' the following provisions shall also apply:

- i) Section 16.1 Permitted Uses – General Commercial (CG) Zone: permitted uses shall be limited to a retirement home facility.
- ii) For the purposes of this By-law, a 'retirement home facility' shall be defined as: "Shall mean a residence facility providing a private bedroom or living unit (excluding kitchens), where such accommodation has an entrance from a common hall, but where accessory common uses such as dining, lounging, kitchen, recreational or medical facilities are also provided. "
- iii) Notwithstanding the provisions of Section 16.2 Zone Provisions – General Commercial (CG) Zone, a maximum building height of 13 metres is permitted.
- iv) Notwithstanding the provisions of Section 7.10 Number of Parking Spaces, a parking standard of 1.0 space per 3 beds is required.

That on the lands delineated as Part 2 on Map 'B' the following provisions shall also apply:

- i) Section 16.1 Permitted Uses – General Commercial (CG) Zone: permitted uses shall be limited to the following:
  - a) Retail Establishment
  - b) Personal service shop
  - c) Merchandise service shop
  - d) Office
  - e) Bank
  - f) Hotel, motel, motor-hotel
  - g) Restaurant
  - h) Animal hospital, provided the entire operation is carried on within an enclosed building
  - i) Parking lot or structure
  - j) Nursing home
  - k) Funeral home
  - l) Fire hall
  - m) Library
  - n) Clinic<sup>316</sup>

36.348 That on the lands delineated as having reference to this subsection and being shown as Parts 'A' and 'B' on Map 'B', the following provisions shall apply:

Part A

- i) Notwithstanding subsection 6.7.1 (a) (maximum building height of accessory uses to residential uses) a maximum height of 9.4 metres shall be permitted for the barn existing on the date of passing of this by-law.
- ii) That the keeping of livestock shall be prohibited in the barn existing on the subject lands on the date of passing of this by-law.

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<sup>316</sup> 690-HC/10



Part B

- i) Notwithstanding the provisions of Section 28.1 – Permitted Uses in the “Agricultural (A)” zone, a one family dwelling house and home occupation shall not be permitted.<sup>317</sup>

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

- i) Notwithstanding the provisions of Section 6.14 – Number of Dwelling Houses per Lot; Section 15 – Seasonal Residential Zone; and, Section 34 – Hazard Land Zone, a maximum of two (2) seasonal dwellings may be permitted on the subject lands
- ii) Development on the subject lands shall be substantially in accordance with the development plan shown on Schedule 36.349.<sup>318</sup>

36.350 The Minimum Servicing provisions of Sections 6.26 and 9.2(g) shall not apply to the subject lands and development may be permitted on private services consisting of private water system and private on-site sewage system.<sup>319</sup>

36.351 The Minimum Servicing provisions of Sections 6.26 and 9.2(g) shall not apply to the subject lands and development may be permitted on private services consisting of private water system and private on-site sewage system.<sup>320</sup>

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

- a) Notwithstanding the provisions of Section 28.1 – Permitted Uses in the “Agricultural (A)” zone, a one family dwelling house and home occupation shall not be permitted.
- b) That the keeping of livestock shall be prohibited in the barn existing on the subject lands on the date of passing of this by-law.
- c) Notwithstanding subsection 28.2 (minimum front yard setback), a minimum setback of 0 metres shall be permitted for the barn existing on the date of passing of this by-law.<sup>321</sup>

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

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<sup>317</sup> 685-HC/10

<sup>318</sup> 689-HC/10

<sup>319</sup> 700-HC/10

<sup>320</sup> 699-HC/10

<sup>321</sup> 703-HC/10

- a) Notwithstanding the provisions of Section 28.1 – Permitted Uses in the “Agricultural (A)” zone, a one family dwelling house and home occupation shall not be permitted.
- b) That the keeping of livestock shall be prohibited in the barn existing on the subject lands on the date of passing of this by-law.<sup>322</sup>

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

Parcel 1

- i. That notwithstanding the Minimum Servicing provisions of Sections 6.26 and 8.2(g), development may be permitted on partial municipal services consisting of municipal water system and private on-site sewage system;
- ii. Minimum interior side yard setback (left) of 13 metres except where a private garage is attached to the dwelling house on the left side in which case the minimum interior side (left) shall be 11.5 metres; and
- iii. Minimum rear yard setback of 50 metres.

Parcel 2

- i. That notwithstanding the Minimum Servicing provisions of Sections 6.26 and 8.2(g), development may be permitted on partial municipal services consisting of municipal water system and private on-site sewage system;
- ii. Minimum interior side yard setback (right) of 13 metres; except where a private garage is attached to the dwelling house on the right side in which case the minimum interior side (right) shall be 11.5 metres; and
- iii. Minimum rear yard setback of 28 metres.<sup>323</sup>

36.355A That on the lands delineated as having reference to this subsection, the following provisions shall apply:

- a) Notwithstanding the provisions of Section 28.1 – Permitted Uses in the “Agricultural (A)” zone, a one family dwelling house and home occupation shall not be permitted.
- b) That the keeping of livestock shall be prohibited in the accessory building existing on the subject lands on the date of passing of this by-law.<sup>324</sup>

36.355B That on the lands delineated as having reference to this subsection, the following provisions shall apply:

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<sup>322</sup> 702-HC/10

<sup>323</sup> 712-HC/10

<sup>324</sup> 713-HC/10

- a) Notwithstanding the provisions of Section 28.1 – Permitted Uses in the “Agricultural (A)” zone, a one family dwelling house and home occupation shall not be permitted.
- b) That the keeping of livestock shall be prohibited in the accessory building existing on the subject lands on the date of passing of this by-law.<sup>325</sup>

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

- a) That notwithstanding the provisions of Section 28.1 – Permitted Uses in the “Agricultural (A)” zone, a one family dwelling house and home occupation shall not be permitted on Part 2.
- b) That notwithstanding Section 28.2(c) (i) – General Zone Provisions, the minimum front yard setback shall be 7.5 metres for the accessory building on Part 2 existing on the date of passage of this by-law.
- c) That housing of livestock shall be prohibited in the barns existing on Part 1 & 2 on the date of passing of this by-law.
- d) That notwithstanding Section 6.7.1(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 10.67 metres.<sup>326</sup>

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

- a) That notwithstanding the provisions of Section 28.1 – Permitted Uses in the “Agricultural (A)” zone, a one family dwelling house and home occupation shall not be permitted on Part 2.
- b) That notwithstanding the provisions of Section 6.7.1(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 6 metres.<sup>327</sup>

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

- a) That notwithstanding Section 20.1 – Permitted Uses, the range of permitted uses shall be limited to the following:
  - i. Country store
  - ii. Personal service shop
  - iii. Restaurant

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<sup>325</sup> 720-HC/10

<sup>326</sup> 716-HC/10

<sup>327</sup> 715-HC/10

- iv. Merchandize service shop
- v. Bank
- vi. Office
- vii. Antique shop
- viii. Fruit and vegetable outlet
- ix. Animal hospital
- x. One dwelling unit in a permitted building
- xi. One dwelling house
- xii. Museum
- xiii. Library
- xiv. Art gallery
- xv. Clinic
- xvi. Place of assembly
- xvii. Place of worship

- b) That for the purposes of this By-law, a restaurant shall be defined as:

“An establishment where food is offered for sale or sold to the public for immediate consumption either within the building or elsewhere. This definition may include a licensed dining room, cafe, cafeteria, lunch counter, tearoom, coffee shop, catering business, and drive-in restaurant”

- c) That notwithstanding Section 20.2 (c) (i), the front yard setback shall be nil for the building existing on the date of passage of this by-law.<sup>328</sup>

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

- a) That notwithstanding the provisions of Section 28.1 – Permitted Uses in the “Agricultural (A)” zone, a one family dwelling house and home based business shall not be permitted on Part 2.
- b) That housing of livestock shall be prohibited in the barns existing on Parts 1 & 2 on the date of passing of this by-law.
- c) That notwithstanding the provisions of Section 6.7.1(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 5.02 metres.<sup>329</sup>

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

- a) Notwithstanding the provisions of Section 28.1 – Permitted Uses in the “Agricultural (A)” zone, a one family dwelling house and home occupation shall not be permitted on Part 2.
- b) That housing of livestock shall be prohibited in the barn located on Part 1 on the date of passing of this by-law.
- c) That notwithstanding the provisions of Section 6.7.1(a) – Accessory Uses to

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<sup>328</sup> 722-HC-10

<sup>329</sup> 727-HC-11

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 6.7 metres.<sup>330</sup>

- 36.361 That on the lands delineated as having reference to this subsection, the following provisions shall apply:
- a) Notwithstanding the provisions of Section 28.1 – Permitted Uses in the “Agricultural (A)” zone, a one family dwelling shall not be permitted on the subject lands.
  - 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 6.7.1(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 6 metres.<sup>331</sup>
- 36.362 That on the lands delineated as having reference to this subsection, the following provisions shall apply:
- a) That notwithstanding Section 25.1 – Permitted Uses, the following additional use is permitted:
    - i) Machine shop consisting of the uses of processing, manufacturing, light assembly and research & development.
    - ii) That no building or structure shall be used, erected, renovated or remodeled for use as a machine shop nearer than 70 metres to any dwelling house or institutional use located on a separate lot.<sup>332</sup>
- 36.363 a) That on the lands delineated as having reference to this subsection, the following provision shall apply:
- i) That notwithstanding the provisions of Section 28.1 – Permitted Uses of the ‘Agricultural (A)’ Zone, a single detached dwelling house (one family dwelling house) and home based business shall not be permitted.’<sup>333</sup>
- 36.364 That on the lands delineated as having reference to this subsection the following provision shall apply:
- a) The keeping of livestock shall be prohibited on the lands shown as Part 1 on Map ‘B’:
  - b) That notwithstanding the provisions of Section 6.7.1(a) *Accessory Use to Residential Uses*, a maximum building height of 10.03 metres shall be permitted for the residential accessory building on the lands shown as Part 1 on Map ‘B’ existing on the

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<sup>330</sup> 725-HC/11

<sup>331</sup> 732-HC/11

<sup>332</sup> 731-HC/11

<sup>333</sup> 734-HC/11

date of passing of this by-law.<sup>334</sup>

- 36.365 That on the lands delineated as having reference to this subsection, the following provisions shall apply:
- a) That notwithstanding Section 25.1 Permitted Uses of the Rural Industrial (MR) Zone, permitted uses shall be limited to the following:
    - i) Feed mill related uses
    - ii) Any use permitted in the A Zone in accordance with the provisions of that zone
  - b) That for the purposes of this By-law, 'feed mill related uses' shall mean uses such as product and materials storage, equipment and vehicle service area, and transport truck parking and queuing area. Feed mill related uses shall not include the actual preparation or processing of feed or similar products.
  - c) That notwithstanding Section 25.2 (c) (i), the front yard setback shall be 3.42 metres for the building existing on the date of passage of this by-law.<sup>335</sup>
- 36.368 The Minimum Servicing provisions of Sections 6.26 and 9.2(g) shall not apply to the subject lands and development may be permitted on private services consisting of private water system and private on-site sewage system.<sup>336</sup>
- 36.369 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 6.29 Surplus Farm Dwelling Severance Properties shall also apply to the lands having reference to this subsection and shall supercede any section of the By-law with which there is a conflict."<sup>337</sup>
- 36.369 A That on the lands delineated as having reference to this subsection, the following provision shall apply:
- Part 1
- a) Notwithstanding section 6.7 Accessory Uses to Residential Uses, the minimum interior side yard setback of the accessory building existing on the date of passage of this by-law shall be 1.17 metres.
- Part 2
- b) In addition to the applicable regulations and provisions contained within this By-law, Section 6.29 Surplus Farm Dwelling Severance Properties shall also apply to the lands having reference to this subsection and shall supercede any section of the By-law which there is a conflict.<sup>338</sup>
- 36.370 That on the lands delineated as having reference to this subsection, the following provisions shall

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<sup>334</sup> 736-HC/11

<sup>335</sup> 735-HC/11

<sup>336</sup> 743-HC/11

<sup>337</sup> 752-HC-11

<sup>338</sup> 954-HC/16

apply:

- c) Notwithstanding the provisions of Section 28.1 – Permitted Uses in the “Agricultural (A)” zone, a one family dwelling shall not be permitted on Part 1.
- d) That housing of livestock shall be prohibited in the barn existing on Part 2 on the date of passing of this by-law.
- e) That notwithstanding the provisions of Section 6.7.1(a) – Accessory Uses to Residential Uses, the maximum permitted height for the accessory building existing on Part 2 on the date of passage of this by-law shall be 8.54 metres.
- f) That notwithstanding the provisions of Section 28.2 General Zone Provisions, the minimum lot frontage on Part 2 on the date of passage of this by-law shall be 15 metres.<sup>339</sup>

36.371 The following provisions relating to Section 13.2 (Zone provisions in the Urban Residential Type 4 zone – (street townhouses, group townhouses, apartment dwelling house) shall apply to the lands identified as subject lands shown on Maps A and B attached hereto:

- a) That in lieu of Section 13.2.2 a), minimum lot area shall be 175.35 square metres for the townhouse blocks located on the east side of the subject lands.
- b) That in lieu of Section 13.2.2 b), the minimum frontage shall be 10.8 metres.
- c) That for the purposes of this by-law, a townhouse shall be defined as:  
“A dwelling house comprising three or more dwelling units with each dwelling unit being divided one from the other by an above grade vertical common wall, a minimum of 10 square metres in area and with each dwelling unit having direct access to a yard.”
- d) That the maximum number of dwelling units permitted on the subject lands shall be 14.<sup>340</sup>

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

- a) Notwithstanding the provisions of Section 28.1 – Permitted Uses in the “Agricultural (A)” zone, a one family dwelling house shall not be permitted on Part 2.
- b) That housing of livestock shall be prohibited in the barns located on Part 1 on the date of passing of this By-Law.
- c) That notwithstanding the provisions of Section 6.7.1(a) – Accessory Uses to Residential Uses, the maximum permitted height for the accessory buildings existing on Part 1 on the date of passage of this By-Law shall be 7.62 metres.
- d) That notwithstanding the provisions of Section 6.7.1(e) – Accessory Uses to

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<sup>339</sup> 753-HC/11

<sup>340</sup> 760-HC/11

Residential Uses, the maximum permitted lot coverage for the accessory buildings existing on Part 1 on the date of passage of this By-Law shall be 482.43 square metres.<sup>341</sup>

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

a) That notwithstanding Section 23.1 – Permitted Uses, the following additional use is permitted:

i) Retail Establishment.<sup>342</sup>

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

a) That notwithstanding Section 31.2(c) (i), the front yard setback shall be 6 metres for the building existing on the date of passage of this By-law.<sup>343</sup>

36.375 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 6.7.1(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 metres.
- c) That notwithstanding Section 6.7.1(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 547.8 square metres.

Part 2

- a) Notwithstanding the provisions of Section 28.1 – Permitted Uses in the “Agricultural (A)” zone, a one family dwelling shall not be permitted on the subject lands.<sup>344</sup>

36.376 Notwithstanding subsection 10.2 a), b) and c), *Zone Provisions of the Urban Residential Type*

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<sup>341</sup> 770-HC/12

<sup>342</sup> 766-HC/11

<sup>343</sup> 772-HC/12

<sup>344</sup> 768-HC/11



1-B (R1-B), the following shall apply:

- i. Minimum Lot Area: Interior Lot – 335 square metres  
Corner Lot – 375 square metres
- ii. Minimum Lot Frontage: Interior Lot – 10 metres  
Corner Lot – 12 metres
- iii. Minimum Yard Requirements: Front Yard – 4.5 metres to the front face of the dwelling, 6.0 metres to the front face of the garage.  
  
Exterior Side Yard – 3 metres  
Rear Yard – 7.5 metres
- iv. All dwelling units shall have an attached garage.
- v. That the definition of “Sight Triangle” contained in subsection 4.85 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>345</sup>

- 36.377 I. 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 18.1 *Permitted Uses – Neighbourhood Commercial (CN)*, permitted uses shall include:
    - a) Community centre
    - b) Convenience store
    - c) Day care nursery
    - d) Dry cleaning distribution station
    - e) Laundromat
    - f) Personal service shop
    - g) Place of worship
    - h) Video store
    - i) Professional office
    - j) Dental and/or medical office
    - k) Any non residential use permitted in the IN Zone in accordance with the provisions of that zone
    - l) A maximum of four (4) dwelling units in a permitted building

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<sup>345</sup> 838-HC/13

- m) Drive-thrus shall not be permitted.
- ii. Notwithstanding the provisions of Section 18.2 (c) (ii), the minimum exterior side yard shall be 3 metres.
- iii. A maximum 800 square metres of gross leasable floor area shall be permitted for a commercial plaza with individual commercial units being limited to a maximum of 200 square metres gross leasable floor area; save and except Personal Service Shop, Professional Office and Dental and/or medical office which are permitted to a maximum of 375 square metres of gross leasable floor area.
- iv. That the definition of “Sight Triangle” contained in subsection 4.85 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.

II That on lands identified as Part 2 on Map B attached to and forming part of this by-law, the following provisions shall apply:

- i. That the definition of “Townhouses” contained in subsection 4.25.5 shall not apply to the lands identified as having reference to this subsection and the following definition shall apply in lieu thereof:

“TOWNHOUSES” shall be a dwelling house comprising 3 or more dwelling units with each dwelling unit being subdivided from one another by an above grade vertical common wall, a minimum of 10 square metres in total area and with each dwelling unit having direct access to a yard.

- ii. That the definition of “Sight Triangle” contained in subsection 4.85 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.

- iii. Notwithstanding the provisions of Section 13.1 *Permitted Uses – Urban Residential Type 4 Zone (R4)*, permitted uses shall include:

- a) Street Townhouses

- b) Semi-detached dwelling in accordance with the provisions of the Urban Residential Type 2 Zone (R2)
  - c) Home Occupation
  - d) Single detached dwelling in accordance with the Urban Residential Type 1-B Zone and the site specific provisions of 36.377.
- iv. Notwithstanding the provisions of Section 13.2.1 *Zone Provisions for Street Townhouses*, the following shall apply:
- a) Minimum Lot Area, corner lots – 185 square metres for each dwelling unit
  - b) Minimum Lot Frontage, corner lots – 10 metres
  - c) Minimum Yard Requirements:
    - (i) Minimum Front Yard – 4.5 metres to the front face of the dwelling, 6.0 metres to the front face of the garage
    - (ii) Minimum Exterior Yard – 3.0 metres
    - (iii) Minimum Rear Yard – 6.0 metres
  - d) All dwelling units shall have an attached garage.
  - e) Board privacy and chain link fencing installations are not permitted along the rear and side property lines of all lots abutting the Thorburn Street road allowance.
- v. Notwithstanding specific provisions of Section 10.2 *Urban Residential Type 1-B (R1-B)*, the following provisions shall apply to a one family dwelling house:
- a) Minimum Lot Area, interior lot – 235 square metres
  - b) Minimum Lot Frontage:
    - (i) Interior Lot – 10 metres
    - (ii) Corner Lot – 12 metres
  - c) Minimum Yard Requirements:
    - (i) Front Yard – 4.5 metres to the front face of the dwelling, 6.0 Metres to the front face of the garage
    - (ii) Exterior Side Yard – 3.0 metres
    - (iii) Rear Yard – 7.5 metres
  - d) All dwelling units shall have an attached garage

- e) Board privacy and chain link fencing installations are not permitted along the rear and side property lines of all lots abutting the Thorburn Street road allowance.
- vi. That notwithstanding the permitted uses of Section 32.1 *Open Space Zone (OS)*, only the following uses shall be permitted on Part 3:
  - a) Park
  - b) Multi-use recreational trail and recreational space without buildings or structures.
- vii. That notwithstanding the permitted uses of Section 34 *Hazard Land Zone (HL)*, only the following uses shall be permitted on Part 4:
  - a) Park, provided there are no buildings or structures
  - b) Multi-use recreational trail and recreational space without buildings or structures.<sup>346</sup>

36.378 A. Permitted Uses

That notwithstanding Section 23.1 *Permitted Uses of the 'General Industrial (MG)' Zone*, on the lands having reference to this subsection, permitted uses shall include:

- (i) processing, manufacturing and light assembly plant;
- (ii) fuel storage depot for home and farm sales;
- (iii) truck terminal;
- (iv) research and development facilities;
- (v) industrial supply establishment;
- (vi) retail sales related to an industry on the same lot;
- (vii) industrial offices;
- (viii) fitness and health care facilities;
- (ix) sports facilities;
- (x) adult entertainment facilities;
- (xi) merchandise service shop;
- (xii) custom workshop;
- (xiii) printing and publishing establishment;
- (xiv) automobile service station;
- (xv) automobile washing establishment;
- (xvi) vehicle sales and/or rental establishment and may include open storage accessory thereto;
- (xvii) farm implement sales and service establishment;
- (xviii) warehouse;
- (xix) wholesale establishment;

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<sup>346</sup> 839-HC/13

- (xx) contractor's yard;
- (xxi) public utility yard;
- (xxii) trade school;
- (xxiii) open storage accessory to a permitted use;
- (xxiv) one (1) supermarket;
- (xxv) one (1) department store;
- (xxvi) Specialty GAFO stores, being those stores consisting of the retail sale of general merchandise; apparel & accessories; furniture and home furnishings; electronics and appliance; sporting goods; hobby, music and books; or other miscellaneous retail;
- (xxvii) one (1) home improvement/building supply store;
- (xxviii) service commercial stores including personal service shops; restaurants; financial institutions; personal service/professional offices; and, other similar uses.

B. General Regulations

In addition to the applicable regulations contained in Section 6 (General Provisions), the following regulations shall also apply to the lands having reference to this subsection:

- (i) That notwithstanding Section 23.2 *Zone Provisions of the 'General Industrial (MG)' Zone*, on the lands having reference to this subsection, the following minimum yard requirements are as follows:
 

i.	front yard	-3.5 metres
ii.	exterior side yard	-3.5 metres
iii.	interior side yard	-3 metres
iv.	rear yard	-9 metres
- (ii) The maximum gross useable floor area of a supermarket shall be 4,180 square metres;
- (iii) The maximum gross useable floor area of a department store shall be 8,361 square metres which may consist of a maximum gross useable floor area of 6,503 square metres for non-food uses and a maximum gross useable floor area of 1,858 square metres for food uses;
- (iv) A maximum gross useable floor area of 1,858 square metres of the total permitted Specialty GAFO gross useable floor area may consist of stores of less than 465 square metres in individual size;
- (v) The maximum gross useable floor area of a home improvement/building supply store shall be 5,574 square metres.

C. Phase 1 Development Regulations

Phase 1 development shall be limited to the following:

- (i) A maximum gross useable floor area of 15,455 square metres for the entire phase is permitted;
- (ii) A maximum gross useable floor area of 2,787 square metres for Specialty GAFO is permitted;
- (iii) A maximum of 929 square metres of the total 2,787 square metres of Specialty GAFO permitted in this phase may consist of stores of less than 465 square metres in individual size;
- (iv) An anchor tenant consisting of one of supermarket, home improvement/building supply store, or department store must be the first stage of development and shall be operational prior to the balance of retail uses in this phase being established.

D. Phase 2 Development Regulations

Phase 2 Development shall not be initiated any earlier than 36 months after the opening of a Phase 1 anchor tenant being one of supermarket, home improvement/building supply store, or department store.

Phase 2 development shall be limited to the following:

- (i) A maximum gross useable floor area of 14,283 square metres for the entire phase is permitted;
- (ii) A maximum gross useable floor area of 3,019 square metres for Specialty GAFO (General Merchandise, Apparel & Accessory, Furniture, and Other Sales) is permitted;
- (iii) A maximum of 929 square metres of the total 3,019 square metres of Specialty GAFO permitted in this phase may consist of stores of less than 465 square metres in individual size;
- (iv) A holding – ‘H’ provision will be placed on the zoning of Phase 2. Removal of the holding – ‘H’ provision is dependant upon confirmation that market and population growth assumptions in the supporting market studies have come to fruition.

E. Definitions

For the purposes of this by-law, on the lands having reference to this subsection, the following Definitions shall apply:

- (i) A “**Supermarket**” shall mean a building 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.

- (ii) A “**Department Store**” shall mean a retail commercial establishment where a wide range of merchandise is sold including but not limited to general merchandise, drugs and medicine, food, wine, lottery products, and garden centre; and where a wide range of services may be provided, including but not limited to photographic services, restaurant, optical services, pharmaceutical services, financial services, automotive services and repair, gas bar, children’s amusement facility, travel agency, dry cleaning and hair salon services.
  
- (iii) “**Specialty GAFO**” shall mean a building in which the main use is the retail sale of general merchandise; apparel & accessories; furniture & home furnishings; electronics & appliances; sporting goods; hobby, music & books; or other miscellaneous retail. Department stores as defined herein, super markets as defined herein, home & auto stores and warehouse membership clubs are not included in this category.
  
- (iv) A “**Home Improvement/Building Supply Store**” shall mean a building in which the main retail use is the retail sale of building and/or garden materials and which may include the outside storage of goods and materials.
  
- (v) “**Service Commercial Store**” shall mean a building or part of a building in which the main non-retail commercial use is a service type use. A service type use may include, but not be limited to the following:
  - i. “**Personal Service Shop**” 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.
  
  - ii. “**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, but is not limited to, a licensed dining lounge, cafe, cafeteria, lunch counter, tearoom or coffee shop, an outdoor patio or cafe.
  
  - iii. “**Financial Institution**” shall mean a building or part of a building where the primary business and function is the

handling and investment of funds, such as a bank, trust company, savings and loan association or investment company.

- iv. **“Personal Service/Professional Office”** shall mean a building or part of a building being used as an office for individuals providing a service directly to the public (including but not limited to a real-estate office, travel agency, insurance brokerage or government office) or used for the practise of a profession (including but not limited to such offices as an accountant, architect, dentist, engineer, land surveyor, land use planner, physicians, or other generally recognized professional).<sup>347</sup>

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

Part 1

- a) That notwithstanding Section 28.2 (c) (i), the front yard setback shall be 3.2 metres for the building existing on Part 1 on the date of passage of this by-law.

Parts 2 and 3

- a) That notwithstanding Section 21.1 – Permitted Uses, the following additional uses are permitted on Parts 2 and 3:
  - i) Establishment for retail sale and wholesale of meat and bakery products;
  - ii) Bakery.
- b) That Notwithstanding Section 21.2 (c) (iii), interior side yard (left) setback shall be 0.37 metres for the building existing on Part 3 on the date of passage of this by-law.<sup>348</sup>

36.380 That on lands delineated as having reference to this subsection, and identified as Part 1, the following provisions shall apply:

- a) That notwithstanding Section 11.2 (c) (iii), the interior side yard setback shall be 1.7 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 being 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.
- b) That the residential accessory structures existing on the date of passage of this by-law are permitted to be retained in their present locations until such time as

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<sup>347</sup> 792-HC/12

<sup>348</sup> 787-HC/12



construction of a semi-detached dwelling is initiated.

- c) That notwithstanding Section 11.2 (d), the maximum dwelling height shall be 8.5 metres.
- d) That the dwelling shall be limited to one (1) storey as defined in Section 4.87 of By-Law 1H-86.

That on lands delineated as having reference to this subsection, and identified as Part 2, the following provisions shall apply:

- a) That notwithstanding Section 11.2 (c) (i), the front yard setback shall be 3.38 metres for the building existing on the date of passage of this by-law.
- b) That notwithstanding Section 11.2 (c) (ii), the exterior side yard setback shall be 3.96 metres for the building existing on the date of passage of this by-law.
- c) That notwithstanding Section 11.2 (e), minimum usable floor area shall be 50.82 square metres for the building existing on the date of passage of this by-law.
- d) Section 6.7 (b) Accessory Uses to Residential Uses shall not apply to the buildings existing on the date of passage of this by-law.
- e) Section 6.19 Non-obstruction of Sight Triangles shall not apply to the buildings existing on the date of passage of this by-law.<sup>349</sup>

36.381 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 single detached dwelling is also permitted.<sup>350</sup>

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

- a) Notwithstanding the provisions of Section 28.1 – *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 28.2 (c)(i) – front yard, the minimum front yard setback requirement for the dwelling existing on Part 1 on the date of passage of this by-law shall be 11.5 metres.<sup>351</sup>

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<sup>349</sup> 786-HC/12.

<sup>350</sup> 802-HC/12

<sup>351</sup> 807-HC/13

- 36.383 That on the lands delineated as having reference to this subsection, the following provisions shall apply:
- a) That notwithstanding Section 13.1 – *Permitted Uses*, the following additional use is permitted on the subject lands:
    - i. Office with a total maximum gross useable floor area of 311 square metres.
  - b) That notwithstanding Section 6.7(a) – *Accessory Uses to Residential Uses*, maximum height shall be 6.1 metres for the accessory building existing on the date of passage of this by-law.
  - c) That notwithstanding Section 6.7(e) – *Accessory Uses to Residential Uses*, maximum lot coverage shall be 200 square metres for the accessory building existing on the date of passage of this by-law.<sup>352</sup>
- 36.384 That on the lands delineated as having reference to this subsection, the following provisions shall apply:
- a) Notwithstanding the provisions of Section 28.1 – *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 28.2(b) – *Minimum Lot Frontage*, the minimum lot frontage requirement for Part 1 shall be 15 metres.<sup>353</sup>
- 36.385 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>354</sup>
- 36.386 That on the lands delineated as having reference to this subsection, the following provision shall apply:
- a) That notwithstanding the provisions of Subsection 28.2(b) *Minimum Lot Frontage*, the minimum lot frontage requirement shall be 12 metres.<sup>355</sup>
- 36.387 That on the lands delineated as having reference to this subsection, the following provision shall apply:

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<sup>352</sup> 814-HC/13

<sup>353</sup> 819-HC/13

<sup>354</sup> 820-HC/13

<sup>355</sup> 822-HC/13

That notwithstanding the provisions of Subsection 15.2 *Zone Provisions – Two Family Dwelling House*, the following shall apply:

- a) Minimum Lot Frontage – 18 metres for an interior 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 9.0 metres for each subdivided lot.<sup>356</sup>

36.388 That on lands delineated as having reference to this subsection and being referred to as 'Subject Lands', the following provisions shall apply:

- i. That notwithstanding Minimum Services provisions of Section 6.26 and 8.2 (g), development may be permitted on individual on-site private services.
- ii. That notwithstanding the Minimum Lot Frontage provisions of Section 8.2 (b), the Minimum Lot Frontage of the subject lands on the date of passage of this by-law shall be 16.8 metres (55.4 feet).<sup>357</sup>

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

- a) Notwithstanding the provisions of Section 28.1 *Permitted Uses of the Agricultural (A) Zone*, a one family dwelling house shall not be permitted on Part 2.
- b) That notwithstanding the provisions of Section 28.1 *Minimum Lot Frontage*, the minimum lot frontage requirement for the dwelling existing on Part 1 on the date of passage of this by-law shall be 10.0 metres.
- c) That housing of livestock shall be prohibited in the buildings existing on Part 2 on the date of passing of this by-law.<sup>358</sup>

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

- a) Notwithstanding the provisions of Section 28.1 *Permitted Uses of the Agricultural (A) Zone*, a one family dwelling house shall not be permitted on the subject lands.<sup>359</sup>

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<sup>356</sup> 828-HC/13

<sup>357</sup> 833-HC/13

<sup>358</sup> 834-HC/13

<sup>359</sup> 832-HC/13

- 36.391 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 28.1 *Permitted Uses of the Agricultural (A) Zone*, a one family dwelling house and home occupation shall not be permitted on Part B.
  - b) That the housing of livestock shall be prohibited in the building(s) existing on Part A on the date of passing of this by-law.
  - c) Notwithstanding provision 6.7 *Accessory Uses to Residential Uses*, the existing accessory structure located on Part A on the date of passing of this by-law shall be a maximum area of 266 square metres.<sup>360</sup>
- 36.392 That on the lands delineated as Part 1 and having reference to this subsection, the following provisions shall apply:
- a) That notwithstanding 'Neighbourhood Institutional (IN)' Section 30.1 *Permitted Uses*, permitted uses shall include:
    - i. Day Care Operation
    - ii. Children's Place of Recreation
    - iii. One dwelling unit in a permitted building.
  - b) For the purposes of this subsection, a Day Care Operation shall mean: "A building or part of a building used for the supervision, care and recreation for children provided during the day and which is conducted by a qualified person or organization."
  - c) For the purposes of this subsection, a Children's Place of Recreation shall mean: "A building or part of a building where facilities are provided for the play and interaction of children."
  - d) For the purposes of this subsection, a Children's Place of Recreation shall be limited to a maximum useable floor area of 600 square metres.<sup>361</sup>
- 36.393 That on the lands delineated as Part 1 and 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 29.2 (c)(i), the minimum front yard requirement shall be 3.0 metres.
  - ii. Notwithstanding the provisions of Section 29.2 (c)(ii), the minimum exterior side yard requirement shall be 0 metres.

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<sup>360</sup> 840-HC/13

<sup>361</sup> 841-HC/13

- iii. Notwithstanding the provisions of Section 29.2 (c)(iii), the minimum interior side yard requirement shall be 1.8 metres.
- iv. Notwithstanding the provisions of Section 4.48.1 “Front Lot Line”, the front lot line shall be deemed to be the northerly lot line that runs parallel to and abuts Talbot Street East.<sup>362</sup>

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

- a) That notwithstanding Section 26.1 – *Permitted Uses*, the range of permitted uses shall be limited to the following:
  - i. Stockpiling of clean clay/soil
  - ii. Location of ground water monitoring wells
  - iii. General naturalized buffer area.
- b) No waste material handling, processing, disposal or landfilling shall be permitted on the subject lands.<sup>363</sup>

36.395

1. Zoning for Urban Residential Type 1-B (R1-B) – One and Two Family Dwellings

That on the lands delineated as Part 1 on Maps ‘B.1’ and ‘B.2’ attached to and forming part of this by-law, the following provisions shall apply:

- i. Notwithstanding the provisions of Section 10.1 Permitted Uses – Urban Residential Type 1-B (R1-B), permitted uses shall include:
  - a) One family dwelling house
  - b) Two family dwelling house
- ii. That notwithstanding the provisions of Section 10.2 Zone Provisions, the following shall apply:

Provision	Permitted
a) 10.2(a) Minimum Lot Area	220 square metres for an interior lot and 265 square metres for a corner lot
b) 10.2(b) Minimum Lot Frontage	8 metres for an interior lot and 10 metres for a corner lot
c) 10.2(c)(i) Minimum Front Yard	4.5 metres to the dwelling and 6.0 metres to the garage
d) 10.2(c)(ii) Exterior Side	2.4 metres, except that an attached garage fronting on

<sup>362</sup> 849-HC/14

<sup>363</sup> 866-HC/14

Yard	flankage street shall be 6.0 metres from the lot line on the flankage street.
e) 10.2(c)(iii) Interior Side Yard	For one family dwelling house: 1.2 metres on one side and 0.6 metres on the other side.  For two family dwelling house: 1.2 metres, except no interior side yard is required along common lot line.
f) 10.2(c)(iv) Rear Yard	7.0 metres

Any provisions of the R1-B zone not specifically identified above, are applicable as set out in Section 10 of By-law 1 H 86.

- iii. That notwithstanding Section 7.1.3(b) Parking Space Dimensions and Section 7.1.5(d) Parking Lot and Garage Requirements, the following shall apply:

*“The parking space size located within a garage shall have a minimum width of 3.0 metres and have a minimum length of 6.0 metres. Stairs, to a maximum of 3 risers or 0.61 metres, shall be permitted to encroach into this parking space.”*

- iv. That notwithstanding Section 6.21(a) and (b) Exemptions from Yard Provisions, soffit, cornice, eaves or gutters may project into any required yard or setback a distance of not more than 0.4 metres.
- v. That notwithstanding Section 6.21(c) Exemptions from Yard Provisions, a porch may project into any required front yard setback a distance of not more than 2.0 metres; any required exterior side yard setback a distance of not more than 1.8 metres; and, any required rear yard setback a distance of not more than 2.5 metres.
- vi. That notwithstanding Section 6.21(c) Exemptions from Yard Provisions, steps/stairs may project into any required front yard or setback a distance of not more than 3.5 metres.
- vii. That notwithstanding Section 6.21(d) Exemptions from Yard Provisions, a patio or deck above the finished grade may project into any required rear yard setback a distance of not more than 2.5 metres. Any patio or deck constructed in a rear yard is restricted to a maximum size of 3.1 metres by 2.5 metres.
- viii. That notwithstanding Section 6.7(e), an accessory building or combination of buildings is permitted up to a maximum of 10% lot coverage or 10 square metres, whichever is less.
- ix. That an air conditioning unit shall be setback a minimum of 0.6 metres from any side or rear property line. An air conditioning unit is not permitted in any part of a required front yard or front setback.

- x. That a maximum of 70% of the front yard may be permitted as hardscaping. For the purposes of this by-law, hardscaping shall be considered as finished space consisting of pavement, concrete, patio stones, interlock or other hard surface treatment.
- xi. That a garage face can extend a maximum of 1 metre in front of a ground floor porch where it meets all other applicable setbacks.

2. Zoning for Urban Residential Type 4 (R4) – Townhouses, One and Two Family Dwellings

That on the lands delineated as Part 2 on Map ‘B.1’ attached to an forming part of this by-law, the following provisions shall apply:

- i. Notwithstanding the provisions of Section 13.1 Permitted Uses – Urban Residential Type 4 (R4), permitted uses shall include:
  - a) Street townhouses
  - b) Group townhouses
  - c) One and two family dwelling houses subject to the provisions outlined in paragraph 9) 1. of this by-law;
- ii. Notwithstanding the provisions of Section 13.2.1 Zone Provisions – Street Townhouses, the following shall apply:

Provision	Permitted
a) 13.2.1(a)(i)(ii) and (iii) Minimum Lot Area	(i) interior lot – 150 square metres per unit (ii) interior lot with attached private garage – 150 square metres per unit (iii) corner lot with attached private garage – 210 square metres per unit
b) 13.2.1(b)(i) and (ii) Minimum Lot Frontage	(i) interior lot – 5.5 metres per unit (ii) corner lot – 8 metres per unit
c) 13.2.1(c) Minimum Front Yard	4.5 metres to the dwelling and 6.0 metres to the garage
d) 13.2.1(d) Minimum Exterior Side Yard	2.4 metres, except that an attached garage fronting on flankage street shall be 6.0 metres from the lot line on the flankage street.
e) 13.2.1(g) Minimum Rear Yard	6.0 metres

Any provisions of the R4 zone not specifically identified above, are applicable as set out in Section 13 of By-law 1 H 86.

- iii. That notwithstanding Section 4.25.5 Definition of Townhouses, the following shall apply:

*“Townhouses shall mean a dwelling house comprising three or more dwelling units with each dwelling unit being divided one from the other by an above grade vertical common wall, a minimum of 10 square metres in area and with each dwelling unit having direct access to a yard. A maximum of eight dwelling units are permitted in a row.”*

- iv. That notwithstanding Section 7.1.3(b) Parking Space Dimensions and Section 7.1.5(d) Parking Lot and Garage Requirements, the following shall apply:

*“The parking space size located within a garage shall have a minimum width of 3.0 metres and have a minimum length of 6.0 metres. Stairs, to a maximum of 3 risers or 0.61 metres, shall be permitted to encroach into this parking space.”*

- v. That notwithstanding Section 6.21(a) and (b) Exemptions from Yard Provisions, soffit, cornice, eaves or gutters may project into any required yard or setback a distance of not more than 0.4 metres.
- vi. That notwithstanding Section 6.21(c) Exemptions from Yard Provisions, a porch may project into any required front yard setback a distance of not more than 2.0 metres; any required exterior side yard setback a distance of not more than 1.8 metres; and, any required rear yard setback a distance of not more than 2.5 metres.
- vii. That notwithstanding Section 6.21(c) Exemptions from Yard Provisions, steps / stairs may project into any required rear front yard or setback a distance of not more than 3.5 metres.
- viii. That notwithstanding Section 6.21(d) Exemptions from Yard Provisions, a patio or deck above the finished grade may project into any required rear yard setback a distance of not more than 2.5 metres. Any patio or deck constructed in a rear yard is restricted to a maximum size of 3.1 metres by 2.5 metres.
- ix. That notwithstanding Section 6.7(e), an accessory building or combination of buildings is permitted up to a maximum of 10% lot coverage or 10 square metres, whichever is less.
- x. That an air conditioning unit shall be setback a minimum of 0.6 metres from any side or rear property line. An air conditioning unit is not permitted in any part of a required front yard or front setback.
- xi. That a maximum of 70% of the front yard may be permitted as hardscaping. For the purposes of this by-law, hardscaping shall be considered as finished space consisting of pavement, concrete, patio stones, interlock or other hard surface treatment.



- xii. That a garage face can extend a maximum of 1 metre in front of a ground floor porch where it meets all other applicable setbacks.
- xiii. That where a street townhouse block having 8 or more units is constructed at the intersection of a local street and a collector street, with the units facing the collector street, the driveway and garage of the corner lot shall be located on the local street.

For the purposes of this by-law, a collector street is a street with a right-of-way width of 20 metres or greater. A local street is a street with a right-of-way width with 18 metres or less.

3. Zoning for Neighbourhood Commercial (CN)

That on lands delineated as Parts 3.1, 3.2 and 3.3 on Map 'B.1' attached to and forming part of this by-law, the following provisions shall apply:

- i. Notwithstanding the provisions of section 18.1 Permitted Uses – Neighbourhood Commercial (CN), permitted uses shall include:
  - a) retail establishment
  - b) personal service shop
  - c) merchandise service shop
  - d) office
  - e) bank
  - f) restaurant
  - g) automobile service station
  - h) automobile washing establishment
  - i) bus or taxi terminal
  - j) laundromat
  - k) dry cleaning distribution centre
  - l) place of entertainment
  - m) animal hospital, provided the entire operation is carried on within an enclosed building
  - n) parking lot or structure
  - o) any non-residential use permitted in the IC Zone
  - p) convenience store
  - q) gas bar
  - r) drive-through facilities accessory to a permitted use
  - s) residential apartment units permitted to a maximum density of 85 units per hectare and a minimum density of 25 units per hectare. Apartment dwelling units are permitted as follows:
    - as part of a mixed use building which contains a commercial component or
    - as part of a stand-alone apartment residential building provided that a

commercial use has been established at the site.

Where a mixed use building is proposed, no apartment dwelling units are permitted on the ground floor.

- ii. That notwithstanding the provisions of Section 18.2 Zone Provisions, the following shall apply:

Provision	Permitted
a) 18.2(c)(i) Minimum and Maximum Front Yard	3.0 metres
b) 18.2(c)(ii) Minimum Exterior Side Yard	3.0 metres
c) 18.2(c)(iv) Minimum Rear Yard	3.0 metres
d) 18.2(d) Maximum Building Height	3 storeys
e) 18.2(e) Maximum Usable Commercial Floor Area	(i) Part 3.1 on Map 'B.1' of By-law, 560 square metres, with a maximum of 30% of the usable commercial floor area being permitted for retail establishments. (ii) Part 3.2 on Map 'B.1' of the By-law, 1,100 square metres, with a maximum of 30% of the usable commercial floor area being permitted for retail establishments (iii) Part 3.3 on Map 'B.1' of the By-law, 1,200 square metres, with a maximum of 30% of the usable commercial floor area being permitted for retail establishments.

Any provisions of the CN zone not specifically identified above, are applicable as set out in Section 18 of By-law 1 H 86.

- iii. That a minimum building height of two storeys shall apply to any mixed use or residential building; and, a minimum height appearance of two storeys shall apply to buildings constructed for commercial use only.
- iv. That a landscape buffer with a minimum width of 3 metres is required along all property boundaries.
- v. That notwithstanding Section 7.3 Other Parking Spaces and Section 7.10 Number of Parking Spaces, 1.25 parking spaces per apartment dwelling unit shall be required; plus, 1 visitor space for every 10 dwelling units. Required parking for visitor and non-residential uses may be shared. All other commercial parking requirements remain in force and effect.

4. Zoning for Neighbourhood Institutional (IN)

That on the lands delineated as Part 4 on Map 'B.1' attached to and forming part of this by-law, the following provisions shall apply:

- i. That notwithstanding the permitted uses of Section 30.1 Neighbourhood Institutional Zone (IN), only the following uses shall be permitted on Part 4:
  - a) School
  - b) Park
  - c) Multi-use recreational trail and recreational space.

5. Zoning for Open Space (OS)

That on the lands delineated as Part 5 on Maps 'B.1' and 'B.2' attached to and forming part of this by-law, the following provisions shall apply:

- i. That notwithstanding the permitted uses of Section 32.1 Open Space Zone (OS), only the following uses shall be permitted on Part 5:
  - a) Park
  - b) Multi-use recreational trail and recreational space without buildings or structures
  - c) Stormwater management facilities, subject to the approval of the Grand River Conservation Authority
  - d) Pumping station subject to the approval of the Grand River Conservation Authority

6. Zoning for Hazard Lands (HL)

That on the lands delineated as Part 6 on Maps 'B.1' and 'B.2' attached to and forming part of this by-law, the following uses shall be permitted on Part 6:

- a) Park, provided there are no buildings or structures
- b) Multi-use recreational trail and recreational space without buildings or structures

7. General Provisions

The following General Provisions apply to the lands shown on Maps 'A', 'B.1' and 'B.2' attached to and forming part of this by-law;

- i. That the definition of "Sight Triangle" contained in subsection 4.85 shall not apply to the lands delineated as having reference to this subsection and the following definition shall apply in lieu thereof:
  - a) Intersections of Local Roads

*"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 4.5 metres from the point of intersection of the street lines.*

b) Intersection of Local Roads / Collector Street

*“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 7.5 metres from the point of intersection of the street lines.*

- ii. That a minimum density of development be set for the entire subject lands shown on Maps ‘A’, ‘B.1’ and ‘B.2’ at 46 persons and jobs per hectare. The density measure is to be calculated based upon: 3.16 persons per one family dwelling house; 3.16 persons per two family dwelling house (each dwelling unit); 2.74 persons per townhouse dwelling unit; and, 1.86 persons per apartment dwelling unit.<sup>364</sup>

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

- a) Notwithstanding the provisions of Section 28.1 – *Permitted Uses in the “Agricultural (A)” zone*, a one family dwelling shall not be permitted on the subject lands.<sup>365</sup>

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

- a) That notwithstanding Section 6.7(c), the interior side yard setback shall be 0.61 metres for the existing accessory structure on the date of passage of this by-law.<sup>366</sup>

36.398 That on the Subject Landshaving reference to this subsection, the following provisions shall apply:

- a) That notwithstanding “Urban Residential Type 2 (R2)” Section 11.1, *Permitted Uses*, permitted uses shall include:
- xii. Day Care Operation
  - xiii. Single detached dwelling in accordance with the R1-B zone provisions
  - xiv. Semi-detached dwelling unit
- b) For the purpose of this subsection, a day care operation shall mean: “A building or part of a building used for the supervision, care and recreation for children provided

<sup>364</sup> 875-HC/14, 1009-HC/17

<sup>365</sup> 881-HC/14

<sup>366</sup> 883-HC/14

during the day and which is conducted by a qualified person or organization.”<sup>367</sup>

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

- a) Notwithstanding the provisions of Section 28.1 -- *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 28.2(b) – *Minimum Lot Frontage*, the minimum lot frontage requirement for the dwelling existing on Part 1 on the date of passage of this by-law shall be 15.0 metres.
- c) Notwithstanding provision 6.7 – *Accessory Uses to Residential Uses*, the existing accessory structures located on Part 1 on the date of passing of this by-law shall be a maximum area of 472 square metres and the maximum height of 7 metres.<sup>368</sup>

**36.400 DELETED BY BY-LAW 1008-HC/17**

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

- a) Notwithstanding the provisions of Section 28.1 – *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 28.2 (b) – *Minimum Lot Frontage*, the minimum lot frontage requirement for Part 1 shall be 27 metres.
- c) That notwithstanding the provisions of Section 28.2 (c)(iv) – *Minimum Rear Yard*, the minimum rear yard requirement for the dwelling existing on Part 1 on the date of passage of this by-law shall be 11.4 metres.
- d) That notwithstanding the provisions of Section 28.2 (c)(ii) – *Exterior Side Yard*, the minimum exterior side yard for the barn existing on Part 2 on the date of passing of this by-law shall be 12 metres.
- e) That the housing of livestock shall be prohibited in the building(s) existing on Part 1 and Part 2 on the date of passing of this by-law.<sup>369</sup>

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

- a) Notwithstanding the provisions of Section 28.1 – *Permitted Uses in the “Agricultural*

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<sup>367</sup> 885-HC/14

<sup>368</sup> 886-HC/14

<sup>369</sup> 893-HC/14

(A)" zone, a one family dwelling house shall not be permitted on the subject lands.

- b) Livestock opportunities shall not be permitted in the barn existing on the subject lands on the date of passage of this by-law.<sup>370</sup>

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

- a) Notwithstanding the provisions of Section 28.1 – *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 28.2 (b) – *Minimum Lot Frontage*, the minimum lot frontage shall be 19.8 metres.
- c) That, notwithstanding the provisions of Section 28.2 (c)(iv) – *Minimum Rear Yard*, the minimum rear yard shall be 6 metres.
- d) Notwithstanding provision 6.7 – *Accessory Uses to Residential Uses* – the existing accessory structures located on Part 1 on the date of the passing of this by-law shall be a maximum usable floor area of 357 square metres and the maximum height of 8.5 metres.
- e) That the housing of livestock shall be prohibited in the building(s) existing on Part 1 on the date of passing of this by-law.<sup>371</sup>

36.404 That, on lands delineated as having reference to this subsection and being referred to as 'Subject Lands', the following provision shall apply:

Part 1 & 2:

- a) Notwithstanding the provisions of Section 35.1 – *Permitted Uses* – the uses within the 'Light Industrial (ML)' Zone shall be limited to the uses existing on the date of passage of this by-law, which includes parking, delivery and loading areas and lanes, open storage and accessory uses to the existing industrial operation. Accessory uses shall include any above or below ground infrastructure required to service the operation.

Part 3:

- a) The agricultural use on the date of passage of this by-law shall be permitted to continue to operate within the 'Development (D)' Zone. The agricultural use shall be removed prior to any development taking place on the subject lands.

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<sup>370</sup> 895-HC/14

<sup>371</sup> 899-HC/14

- b) That notwithstanding the provisions of Section 35.2 (a) – *Minimum Lot Area* – the minimum lot area shall be 3.58 hectares; and
- c) That notwithstanding the provisions of Section 35.2 (b) – *Minimum Lot Frontage* – the minimum lot frontage requirement shall be 14.5 metres.<sup>372</sup>

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

Part 1

- a. That the definition of ‘Rear Lot Line’ contained in subsection 4.48.2(a) shall not apply to the lands identified as having reference to this subsection and the following definition shall apply in lieu thereof:

“The rear lot line shall be deemed to be the most northerly lot line.”

- b. That the definition of ‘Interior Side Lot Line’ contained in subsection 4.48.6 shall not apply to the lands identified as having reference to this subsection and the following definition shall apply in lieu thereof:

“The most westerly lot line shall be deemed to be an interior side lot line.”

Part 2

- a. The minimum rear yard setback shall be 8.0 metres.

Part 3

- a. The minimum exterior side yard setback shall be 3.0 metres without parking accessed via a rear lane.<sup>373</sup>

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

Part 1

- i. That notwithstanding the Minimum Servicing provisions of Sections 6.26 and 8.2(g), development may be permitted on partial municipal services consisting of municipal water system and private on-site sewage system;

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<sup>372</sup> 901-HC/15

<sup>373</sup> 921-HC/15

- ii. That the minimum interior side yard (right) setback shall be 18.05 metres; except where a private garage is attached to the dwelling house on the right side in which case the minimum interior side yard (right) setback shall be 16.55 metres; and

Part 2

- i. That notwithstanding the Minimum Servicing provisions of Sections 6.26 and 8.2(g), development may be permitted on partial municipal services consisting of municipal water system and private on-site sewage system;
- ii. That the minimum interior side yard (right) setback shall be 18.05 metres; except where a private garage is attached to the dwelling house on the right side in which case the minimum interior side yard (right) setback shall be 16.55 metres; and

Part 3

- i. That notwithstanding the Minimum Servicing provisions of Sections 6.26 and 8.2(g), development may be permitted on partial municipal services consisting of municipal water system and private on-site sewage system.<sup>374</sup>

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

Parts 1 to 3

- i. That notwithstanding the Minimum Servicing provisions of Sections 6.26 and 8.2(g), development may be permitted on partial municipal services consisting of municipal water system and private on-site sewage system;<sup>375</sup>

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

- c) Notwithstanding the provisions of Section 28.1 – Permitted Uses in the “Agricultural (A)” zone, a one family dwelling house and home occupation shall not be permitted on Part 2.
- d) That, notwithstanding the provisions of Section 28.2(b) – minimum lot frontage, the minimum lot frontage shall be 11.38 metres.<sup>376</sup>

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<sup>374</sup> 918-HC/15

<sup>375</sup> 930-HC/15

<sup>376</sup> 934-HC/15



- 36.409 B That on the lands delineated as having reference to this subsection and shown as Parts 1, 2 and 3, the following provisions shall apply:
- a) Notwithstanding the provisions of Section 28.1 – Permitted Uses in the “Agricultural (A)” zone, a one family dwelling house and home occupation shall not be permitted.<sup>377</sup>
- 36.410 That on the lands identified as having reference to this subsection, the following provisions shall apply:
- i. Notwithstanding the provisions of Section 13.1 – *Permitted Uses* of the ‘Urban Residential Type 4 (R4)’ zone, permitted uses shall include:
- a. a maximum of two (2) apartment dwelling houses, with a maximum of twenty-four (24) dwelling units being permitted in each apartment dwelling house;
- b. That for the purposes of this by-law, Section 6.14 *Number of Dwelling Houses Per Lot*, shall not apply.
- ii. Notwithstanding any provisions contained in subsection 13.2.4, the minimum yard requirements shall be as follows:
- (i) Minimum front yard – 0.60 metres
- (ii) Maximum front yard – 4.0 metres
- (iii) Minimum interior side yard (left) – 4.1 metres
- (iv) Minimum rear yard – 21 metres
- iii. THAT for the purposes of this by-law, the maximum floor area ratio for apartment dwelling houses shall be 0.64.
- iv. Notwithstanding any provisions contained in subsection 7.2.3 (c), no parking lot shall be located within 1.65 metres of any dwelling on the lot or of any interior lot line abutting another residential zone.
- v. THAT for the purposes of this by-law, the maximum height for an apartment dwelling house shall be 3 storeys.
- vi. THAT, for the purposes of phased registration of condominium, internal lot lines created by phased registration of a plan of condominium shall not be construed to be lot lines for the purpose of zoning regulations provided that all such regulations as they apply to the whole of the lot existing prior to any condominium plan registration are observed.<sup>378</sup>

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<sup>377</sup> 975-HC/16

<sup>378</sup> 936-HC/15

- 36.411 That on the lands delineated as having reference to this subsection, the following provisions shall apply:
- a) Notwithstanding the provisions of Section 28.1 – Permitted Uses in the “Agricultural (A)” zone, a one family dwelling house and home occupation shall not be permitted on Part 1.
  - b) That, notwithstanding the provisions of Section 6.7 (a) – maximum height for an accessory structure, the maximum height is 7.62 metres (25 feet) in height for the building existing on Part 2 on the date of passage of this by-law.
  - c) That, notwithstanding the provisions of Section 6.7 (e) – maximum usable floor area for an accessory structure, the maximum usable floor area is 211.4 square metres for the buildings existing on Part 2 on the date of passage of this by-law.<sup>379</sup>
- 36.412 That on the lands delineated as having reference to this subsection, the following provisions shall apply:
- a) Section 28.1 (Permitted Uses) of the “Agricultural Zone (A)” shall also include a garden centre.
  - b) Notwithstanding any provisions contained in subsection 28.2 (c) iv, the minimum rear yard requirements shall be as follows:
    - (i) Rear yard – 8 metres.<sup>380</sup>
- 36.413 That on the lands delineated as having reference to this subsection, the following provisions shall apply:
- i. The minimum exterior side yard setback shall be 3.1 metres.
  - ii. The minimum side yard setback for a semi unit shall be 1.2 metres.<sup>381</sup>
- 36.414 That on the lands delineated as having reference to this subsection, the following provisions shall apply:
- a) That subsection 29.1 (Permitted Uses) of the “Community Institutional (IC)” Zone shall also include Light Assembly.
  - b) That for the purposes of this By-law, ‘Light Assembly’ shall be defined as follows: “An industrial operation consisting of the following uses:

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<sup>379</sup> 937-HC/15

<sup>380</sup> 940-HC/16

<sup>381</sup> 946-HC/16

- i. Mechanical assembly of small clean machine parts using light tools;
  - ii. Manual and automated measuring of parts;
  - iii. Testing of assembled parts using handheld or bench mounted hydraulic jacks;
  - iv. Marking of parts with automatic laser device;
  - v. Experimental development to refine parts and develop new components;
  - vi. Storage of manufactured components and parts, and other business items (furniture, equipment, vehicles);
  - vii. Shipping / receiving of parts, supplies and related items; and
  - viii. Office use related to light assembly.”
- c) That notwithstanding Section 29.2 (c) (iii), the interior side yard (left) setback shall be 2 metres for the building existing on the date of passage of this by-law.<sup>382</sup>
- 36.415 That on the lands delineated as having reference to this subsection, the following provisions shall apply:
- a) Notwithstanding the provisions of Section 14.2 (a) – Minimum Lot Area in the “Hamlet Residential (RH)” zone, minimum lot area for Part 1 shall be 1,556 square metres and 1,780 square metres for Part 2.
  - b) That, notwithstanding the provisions of Section 14.2 (c) (iv)) – Rear Yard – the minimum rear yard for Part 1 shall be 4 metres.<sup>383</sup>
- 36.416 That on the lands delineated as Part 1 and Part 2 and having reference to this subsection, the following provisions shall apply:
- a) That notwithstanding Section 17.2 (c)(i) Minimum Yard Requirements, the required front yard shall be 3 metres.
  - b) That notwithstanding Section 17.2 (c)(iii) Minimum Yard requirements, the required interior side yard (left) setback shall be 2.5 metres.<sup>384</sup>
- 36.417 That on the lands delineated as having reference to this subsection, the following provisions shall apply:
- a) Notwithstanding the provisions of Section 28.1 – Permitted Uses in the “Agricultural (A)” zone, a one family dwelling house and home occupation shall not be permitted on Part 1.

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<sup>382</sup> 942-HC/16

<sup>383</sup> 943-HC/16

<sup>384</sup> 963-HC/16

- b) Notwithstanding provision 6.7 – Accessory Uses to Residential Uses – the existing accessory structure located on Part 2 on the date of the passing of this by-law shall be a maximum area of 223 square metres.<sup>385</sup>

36.418

A. Permitted Uses:

That notwithstanding Section 17.1 *Permitted Uses of the 'Service Commercial (CS)' Zone*, on the lands having reference to this subsection, permitted uses shall be limited to:

- i. One (1) supermarket
- ii. Automobile service station
- iii. Automobile washing establishing
- iv. Restaurant
- v. Vehicle sales and/or rental establishment and may include open storage accessory thereto
- vi. Farm implementation sales and service establishment
- vii. Office
- viii. Open storage accessory to a permitted use

B. General Regulations:

In addition to the applicable regulations contained in Section 6 (General Provisions), the following regulations shall also apply to the lands having reference to this subsection:

- (i) That notwithstanding Section 7.1.3. (a), *parking space dimensions*, every parking space shall be based upon a rectangular shape having a width of 2.8 metres and a depth of 5.75 metres.
- (ii) That notwithstanding Section 17.2 (c) (iii), *minimum yard requirements*, the minimum interior side yard (left) setback shall be 1.4 metres;
- (iii) That notwithstanding Section 17.2 (c) (iv), *minimum yard requirements*, the minimum rear yard setback shall be 2.4 metres;
- (iv) The maximum gross useable floor area of a supermarket shall be 2,800 square metres;

C. Definitions:

For the purposes of this by-law, on the lands having reference to this subsection, the following Definition shall apply:

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<sup>385</sup> 956-HC/16

- (i) A “**Supermarket**” shall mean a building 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.<sup>386</sup>

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

Part 1

- a) In addition to the applicable regulations and provisions contained within this By-law, Section 6.29 Surplus Farm Dwelling Severance Properties shall also apply to the lands having reference to this subsection and shall supersede any section of the By-law with which there is a conflict.

Part 2

- b) Notwithstanding section 6.7, the residential accessory building existing on the lot on the date of passage of this By-law is permitted to a maximum size of 461 square metres.<sup>387</sup>

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

- a) Development shall be prohibited within 15 metres (49.2 feet) of the tops of banks of the watercourse surrounding the lot as determined in consultation with the Grand River Conservation Authority.<sup>388</sup>

06/16

36.421 Parts A and C

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

- a) Section 28.1 (Permitted Uses) of the “Agricultural Zone (A)” shall also include:

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<sup>386</sup> 959-HC/16

<sup>387</sup> 955-HC/16

<sup>388</sup> 960-HC/16

- i. Horticulture and nursery gardening
  - ii. Landscape construction and lawn maintenance contractors shop
  - iii. Landscape construction and lawn maintenance contractors yard
- b) That for the purposes of this By-law a 'landscape construction and lawn maintenance contractors shop' shall be defined as:
- "a building or part of a building being used by landscaping and lawn maintenance business for an office, repair or storage building for components of the said landscaping, lawn maintenance and snow removal business, including but not limited to design and project management."
- c) That for the purposes of this By-law a 'landscape and lawn maintenance contractors' yard shall be defined as:
- "an outdoor area used by a landscaping and/or maintenance and snow removal business for the outdoor storage of vehicles, equipment and materials used by the landscaping, lawn maintenance and snow removal business."
- d) That the following uses shall be prohibited on the subject lands:
- i. the manufacture, production or processing materials such as mulch, triple mix and screening of topsoil, or other landscaping products;
  - ii. the deposit, dumping or storage of non-organic waste materials;
- e) That notwithstanding the provisions of sections of the "Agricultural Zone (A)" of the Town of Haldimand Zoning By-law, 1-H 86 to the contrary, the following additional provisions shall apply:
- i. A warehouse or storage building be limited to a maximum area of 900 square metres;
  - ii. A related landscape design and management office shall be to a maximum of 200 square metres;
  - iii. That the business compound area be located a minimum of 5 metres from the "Hazard Lands (HL)" zone;
  - iv. Open storage shall be prohibited in the required front yard;
  - v. The deposit, dumping and storage of organic waste materials for the purposes of composting is permitted subject to all materials being for work sites associated with the business operation and the resulting compost being used exclusively for work sites associated with the business operation.

Parts A, B and C

- i. That the business compound area, including all buildings, open construction storage areas, vehicle parking areas and related landscaping be

limited to a maximum combined coverage of 20% of the total property area.<sup>389</sup>

36.422 Number not used.

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

- a) Notwithstanding the provisions of Section 28.1 – Permitted Uses in the “Agricultural (A)” zone, a one family dwelling house and home occupation shall not be permitted.<sup>390</sup>

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

Parts 1 & 2:

- a) Notwithstanding the provisions of Section 14.2 – Zone Provisions in the “Hamlet Residential (RH)” zone, a front yard setback of 7.3 m is permitted to recognize an existing dwelling.

Part 3, 4 & 5:

- b) Notwithstanding the provision of Section 6.7 – “Accessory Uses to Residential Uses”, a maximum accessory structure area of 222 m<sup>2</sup> is permitted to recognize two existing structures.
- c) Notwithstanding the provisions of Section 6.7 – “Accessory Uses to Residential Uses”, the accessory structures existing on the date of passage of this by-law are permitted without the principal use being established.<sup>391</sup>

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

Parts 1, 2 and 3:

- a) That in addition to the uses identified in Subsection 15.1 Permitted Uses of the Seasonal Residential (RS) Zone, a one family dwelling house is also permitted.

Part 1:

- b) Notwithstanding the provisions of Section 6.7 – “Accessory Uses to Residential Uses”, the accessory structure existing on the date of passage of this by-law is permitted

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<sup>389</sup> 971-HC/16

<sup>390</sup> 978-HC/16

<sup>391</sup> 981-HC/16

without the principal use being established.

Part 3:

- c) That notwithstanding the provisions of Section 15.2(b) – Minimum Lot Frontage, the minimum lot frontage requirement shall be 9 metres.<sup>392</sup>

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

Part 1 & 3:

- a) That notwithstanding the provisions of Section 20.2 (b), the minimum lot frontage requirement shall be 23.5 metres, and;
- b) That notwithstanding the provisions of Section 20.2 (c), the minimum interior yard setback shall be 2.14 metres for the northern interior yard in relation to the existing structure.

Part 2 & 4:

- a) That notwithstanding the provisions of Section 20.2 (b), the minimum lot frontage requirement shall be 27.4 metres.<sup>393</sup>

36.427 **AT OMB – Riverside Properties/2494134 Ontario Inc.**

36.428 The following provisions shall apply to the development of *government offices* at the subject lands:

- i. That notwithstanding Section 29.1 (c) (ii), the minimum exterior side yard setback shall be 3.5 metres;
- ii. That notwithstanding Section 29.1 (d), the maximum building height shall be 15 metres;
- iii. That notwithstanding Section 29.1 (d) and subsection ‘ii’ above, the maximum building height shall be 9 metres for any portion of the building that is closer than 20 metres to the westerly property line.

The following provision shall apply to the subject lands:

- i. That notwithstanding Section 7.1 Parking Area Regulations and previously enacted Special Provision 36.345B, a minimum of 230 parking stalls shall be provided and are to serve all of the uses on the site in shared parking arrangement;

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<sup>392</sup> 980-HC/16

<sup>393</sup> 979-HC/16



- ii. That a minimum of 12 of the 230 required stalls shall be of barrier-free design.<sup>394</sup>

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

- a) Notwithstanding the provisions of Section 28.1 – Permitted Uses in the “Agriculture (A)” zone, a one family dwelling house and home occupation shall not be permitted.<sup>395</sup>

36.430 A. Permitted Uses:

That notwithstanding Section 18.1 *Permitted Uses of the ‘Neighbourhood Commercial (CN)’ Zone*, on the lands having reference to this subsection, permitted uses shall be limited to:

- i) One (1) Restaurant;
- ii) Restaurant, take out;
- iii) Dry cleaning distribution station;
- iv) Laundromat;
- v) Day nursery;
- vi) Art gallery;
- vii) Merchandise service shop;
- viii) Craft and souvenir shop;
- ix) Florist’s shop;
- x) Professional offices;
- xi) Retail; and
- xii) Dwelling units in a permitted building.

B. Zone Provisions:

That notwithstanding Section 18.2 *Zone Provisions of the ‘Neighbourhood Commercial (CN)’ Zone*, on the lands having reference to this subsection, the following regulations shall apply:

- i) That notwithstanding Section 18.2 (c) (ii), *minimum yard requirements*, a food truck shall be permitted within a required minimum exterior side yard setback;
- ii) That notwithstanding Section 18.2 (d), the *maximum building height* shall be three stories;
- iii) That notwithstanding Section 18.2 (f), the *minimum usable floor area* shall

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<sup>394</sup> 985-HC/17

<sup>395</sup> 991-HC/17

be 34 square metres applicable up to a maximum of six dwelling units;

- iv) That Section 18.2 (e), the *maximum usable commercial floor area*, shall not apply;
- v) That the maximum usable floor area per retail unit shall not exceed 250 square metres;
- vi) That the maximum usable floor area for retail shall not exceed 80% of the total ground floor usable floor area of the building;
- vii) That a minimum of 20% of the total usable ground floor area of the building shall be used for offices;
- viii) That the lot line parallel to Argyle Street North shall be deemed to be the front lot line;
- ix) That the maximum number of dwelling units permitted in the mixed used building shall be fifty-two (52);
- x) That no dwelling units shall be permitted on the ground floor; and
- xi) That the second and third storeys of the building shall be used for dwelling units only.<sup>396</sup>

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

Part 1:

- a) Notwithstanding the provisions of Section 28.2 (b) 'Zone Provisions' of the 'Agricultural (A)' zone the minimum lot frontage shall be 14 metres.

Part 2:

- b) Notwithstanding the provisions of Section 28.1 – Permitted Uses in the "Agricultural (A)" zone, a one family dwelling house and home occupation shall not be permitted.<sup>397</sup>

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

- i. Notwithstanding the provisions of Section 11.2 c) iii) – Minimum Yard

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<sup>396</sup> 989-HC/17

<sup>397</sup> 995-HC/17

Requirements – Interior Side Yard, the minimum interior side yard shall be 1.2 metres.<sup>398</sup>

36.433 By-law 998-HC/17 is removed and replaced with By-law 1077-HC/18.

1. That on lands delineated as having reference to this subsection, the following provision shall apply:

Part 1

- i. Notwithstanding the provisions of Section 10.2 Zone Provisions, the following shall apply:

Provision	Permitted
10.2 (a) Minimum Lot Area	270 square metres for an interior lot and 395 square metres for a corner lot
10.2 (b) Minimum Lot Frontage	9.14 metres for an interior lot and 13.3 metres for a corner lot
10.2 (c) (i) Front Yard Setback	4.5 metres from the dwelling and 6 metres from the garage
10.2 (c) (ii) Exterior Side Yard	2.4 metres exterior side yard
10.2 (c) (iii) Interior Side Yard	1.2 metres interior side yard on one side and 0.6 metres on the other side
10.2 (c) (iv) Rear Yard Requirement	6 metres rear yard setback

Any provision of the R1-B Zone not specifically identified above, are applicable as set out in Section 10 of By-law H-86.

- ii. That notwithstanding Section 6.21 (c) Exemption from Yard Provisions, a porch may project into any required front yard setback a distance of not more than 2.0 metres and any required exterior side yard a distance of not more than 1.8 metres.
- iii. That notwithstanding Section 6.21 (c) Exemption from Yard Provisions, steps/stairs may project into the required front yard not more than 3.8 metres.

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<sup>398</sup> 992-HC/17

- iv. That notwithstanding Section 6.21 (d) Exemption from Yard Provisions, a patio or deck above the finished grade may project into any required rear yard setback a distance of not more than 2.5 metres. Any patio or deck constructed in a rear yard is restricted to a maximum size of 3.1 metres by 2.5 metres.

Part 2

- i. Notwithstanding the provisions of Section 13.2.1 Zone Provisions – Street Townhouses, the following shall apply:

<b>Provision</b>	<b>Permitted</b>
13.2.1 (b) (i) Minimum Lot Frontage	5.5 metres for interior lot
13.2.1 (c) (i) Front Yard Setback	4.5 metres from the dwelling and 6 metres from the garage
13.2.1 (d) Exterior Side Yard	2.4 metres exterior side yard
13.2.1 (g) Minimum Rear Yard	6.0 metres minimum rear yard
13.2.1 (h) Maximum Building Height	12 metres

Any provision of the R4 Zone not specifically identified above, are applicable as set out in Section 13 of By-law H-86.

Part 3

- ii. Notwithstanding provisions of Section 13.2.2 Zone Provisions – Group Townhouses, the following shall apply:

<b>Current Provision</b>	<b>Special Provisions</b>
13.2.2. (a) (ii) Minimum Lot Area	115 square metres minimum lot area
13.2.2. (b) Minimum Lot Frontage	5 metres for an interior lot and 9 metres for a corner lot
13.2.2. (c) Minimum Front Yard	3 metres front yard setback
13.2.2 (d) Minimum Exterior Side Yard	3 metres exterior side yard
13.2.2 (g) Minimum Rear Yard	5 metres rear yard setback
13.2.2 (h) Maximum Building Height	12 metres

Any provision of the R4 Zone not specifically identified above, are applicable as set out in Section 13 of By-law H-86.

#### Part 4

i. Notwithstanding the provisions of Section 32.1 Permitted Uses, the uses shall be limited to the following:

(i) Park;

(ii) Recreational trails; and

(iii) Open Space.

## 2. General Provisions

The following General Provisions apply to the lands shown on Maps A and B attached to and forming part of this by-law:

i. That the definition of "Sight Triangle" contained in subsection 4.85 shall not apply to the lands identified as having reference to this subsection and the following definition shall apply in lieu thereof:

a) Intersections of Local Roads

*"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 4.5 metres from the point of intersection of the street lines.*

b) Intersections of Local Road / Collector Street

*"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 7.5 metres from the point of intersection of the street lines.*

ii. That notwithstanding Section 7.1.3. (b) Parking Space Dimensions and Section 7.1.5. (d) Parking Lot and Grading requirements, the following shall apply:

*'The parking space size located within a garage shall have a minimum width of 3.0 metres and have a minimum length of 6.0 metres. Stairs, to a maximum of 3 risers or 0.61 metres, shall be permitted to encroach into this parking space.'*<sup>399</sup>

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

Notwithstanding the provisions of Section 6.26 – Minimum Services in the General Provisions, residential development shall be permitted without available connection to municipal water and wastewater and with the provision of full private services.<sup>400</sup>

06/17

36.435 B Parts 1 & 2

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 on both Part 1 and 2;
- b) In lieu of Section 15.2 (b), the minimum lot frontage shall be 21 metres for both Part 1 and Part 2.<sup>401</sup>

36.436 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>402</sup>

36.437 Parts 3 and 4

- a) Notwithstanding the provisions of Section 28.1 – Permitted Uses in the 'Agricultural (A)' Zone, a one family dwelling shall not be permitted on the subject lands.<sup>403</sup>

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

Part 1:

- a) Notwithstanding the provisions of Section 28.2 (b) 'General Zone Provisions of the Agricultural (A) Zone' the minimum lot frontage shall be 10 metres.

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<sup>399</sup> 1077-HC/18

<sup>400</sup> 1000-HC/17

<sup>401</sup> 1004-HC/17

<sup>402</sup> 1017-HC/17

<sup>403</sup> 1039-HC/17

- b) Notwithstanding the provisions of Section 6.7 'Accessory Uses to Residential Uses' the maximum building height of the former livestock barn shall be 11.6 metres.
- c) Notwithstanding the provisions of Section 6.7 'Accessory Uses to Residential Uses' the maximum usable floor area for all accessory buildings combined shall be 243 square metres.

Part 2:

- a) Notwithstanding the provisions of Section 28.1 'Permitted Uses in the Agricultural (A)' Zone a one family house and home occupation shall not be permitted.<sup>404</sup>

36.439

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 6.15 *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.<sup>405</sup>

36.440

A. Permitted Uses:

Part 1:

That notwithstanding Section 32.1 *Permitted Uses of the 'Open Space (OS)' Zone*, on the lands having reference to this subsection, permitted uses shall be:

- a) A stormwater management pond and accessory infrastructure.

Part 2, 3 and 4:

- i) That notwithstanding Section 24.1 *Permitted Uses of the 'Light Industrial (ML)' Zone*, on the lands having reference to this subsection, permitted uses shall also include:

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<sup>404</sup> 1042-HC/17

<sup>405</sup> 1043-HC/17

- a) Processing, manufacturing and light assembly plant provided it is deemed not to be obnoxious by reason of dust, odour, fumes, particulate matter, excessive water use/effluent discharge, noise and/or excessive vibrations and provided that no refining or heavy forging, casting or smelting operations are carried out;
  - b) Fitness and health care facilities, except for a pharmacy, including ancillary retail and service uses and restaurants, where internally integrated as a component of the building;
  - c) Research and development facilities;
  - d) Offices, including ancillary retail and service uses and restaurants, where internally integrated as a component of an office building;
  - e) Retail sale related to an industry on the same lot;
  - f) Institutional uses, including ancillary retail and services uses and restaurants, where internally integrated as a component of an institutional building;
  - g) Place of worship;
  - h) Day nursery; and
  - i) Private section commercial school.
- ii) That notwithstanding Section 5. A. i. of this by-law, the following uses are prohibited: printing and publishing establishment; dry cleaning establishment; pharmacy; and outdoor storage;
  - iii) That notwithstanding 5. A. i. a) of this by-law, the following processing and manufacturing uses are prohibited: food processing, brewery, dairy, textile manufacturing, and paper production; and
  - iv) That for the purposes of 5. A. i. a) of this by-law, “excessive water use/effluent discharge” shall mean industrial water use that includes water used for such purposes as fabricating, processing, washing, diluting, cooling, or transporting a product; incorporating water into a product; or for sanitation needs within the manufacturing facility.

B. Zone Provisions:

Parts 2, 3 and 4:

That notwithstanding Section 24.2 *Zone Provisions of the 'Light Industrial (ML)' Zone*, on the lands having reference to this subsection, the following regulations shall also apply:



- (a) That notwithstanding Section 24.2 (c), *minimum yard requirements*, any permitted use abutting a residential use or zone requires a setback of 20 metres from the adjoining property line.
- (b) A minimum 5 metres landscape strip is required within the 20 metres setback where a permitted use abuts a residential use or zone.<sup>406</sup>

36.441

a) Section 28.1 (Permitted Uses) of the “Agricultural Zone (A)” shall also include:

- i. Landscape design & maintenance office
- ii. Landscape construction operations
- iii. Landscape maintenance operations

b) That notwithstanding the provisions of sections of the “Agricultural Zone (A)” of Town of Haldimand Zoning By-law, 1-H 86 to the contrary, the following additional provisions shall apply:

- i. A warehouse or storage building be limited to a maximum area of 1,750 square metres;
- ii. A related landscape design and management office shall be limited to a maximum of 32.52 square metres;
- iii. Retail sales shall be limited to bulk landscaping materials such as mulch, soil and gravel;
- iv. Open storage shall be prohibited in the required front yard.<sup>407</sup>

36.442

**NUMBER NOT USED**

36.443

1. Zoning for Urban Residential Type 1-B (R-1B) – One and Two Family Dwellings

That on the lands delineated as Part 1 on Maps ‘B, including Details 1, 2 and 3, attached to and forming part of this by-law, the following provisions shall apply:

- i. Notwithstanding the provisions of Section 10.1 Permitted Uses – Urban Residential Type 1-B (R1-B), permitted uses shall include:

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<sup>406</sup> 1062-HC/18

<sup>407</sup> 1066-HC/18

- a) One family dwelling house
  - b) Two family dwelling house
- ii. That notwithstanding the provisions of Section 10.2 Zone Provisions, the following shall apply:

Provision	Permitted
a) 10.2(a) Minimum Lot Area	220 square metres for an interior lot and 265 square metres for a corner lot
b) 10.2(b) Minimum Lot Frontage	8 metres for an interior lot and 10 metres for a corner lot
c) 10.2(c)(i) Minimum Front Yard	4.5 metres to the dwelling and 6.0 metres to the garage
d) 10.2(c)(ii) Exterior Side Yard	2.4 metres, except that an attached garage fronting on flankage street shall be 6.0 metres from the lot line on the flankage street.
e) 10.2(c)(iii) Interior Side Yard	For one family dwelling house: 1.2 metres on one side and 0.6 metres on the other side.  For two family dwelling house: 1.2 metres, except no interior side yard is required along common lot line.
f) 10.2(c)(iv) Rear Yard	7.0 metres

Any provisions of the R1-B zone not specifically identified above, are applicable as set out in Section 10 of By-law 1 H 86.

- iii. That notwithstanding Section 7.1.3(b) Parking Space Dimensions and Section 7.1.5(d) Parking Lot and Garage Requirements, the following shall apply:

*“The parking space size located within a garage shall have a minimum width of 3.0 metres and have a minimum length of 6.0 metres. Stairs, to a maximum of 3 risers or 0.61 metres, shall be permitted to encroach into this parking space.”*

- iv. That notwithstanding Section 6.21(a) and (b) Exemptions from Yard Provisions, a bay window may project a distance of not more than 0.9 m into any required yard.
- v. That notwithstanding Section 6.21(a) and (b) Exemptions from Yard Provisions, soffit, cornice, eaves or gutters may project into any required yard or setback a distance of not more than 0.4 metres.
- vi. That notwithstanding Section 6.21(c) Exemptions from Yard Provisions, a porch may project into any required front yard setback a distance of not more than 2.0 metres; any required exterior side yard setback a distance of not more than 1.8 metres; and, any required rear yard setback a distance of not more than 2.5 metres.
- vii. That notwithstanding Section 6.21(c) Exemptions from Yard Provisions, steps / stairs may project into any required front yard, rear yard, exterior side yard or setback a distance of not more than 3.5 metres.
- viii. That notwithstanding Section 6.21(d) Exemptions from Yard Provisions, a patio or deck above the finished grade may project into any required rear yard setback a distance of not more than 2.5 metres. Any patio or deck constructed in a rear yard is restricted to a maximum size of 3.1 metres by 2.5 metres.
- ix. That notwithstanding Section 6.7(e), an accessory building or combination of buildings is permitted up to a maximum of 10% lot coverage or 10 square metres, whichever is less.
- x. That an air conditioning unit shall be setback a minimum of 0.6 metres from any side or rear property line. An air conditioning unit is not permitted in any part of a required front yard or front setback.
- xi. That a maximum of 70% of the front yard may be permitted as hardscaping. For the purposes of this By-law, hardscaping shall be considered as finished space consisting of pavement, concrete, patio stones, interlock or other hard surface treatment.
- xii. That a garage face can extend a maximum of 1 metre in front of a ground porch where it meets all other applicable setbacks.

2. Zoning for Open Space (OS)

That on the lands delineated as Parts 2, 3, 4, 5 and 6 on Map B, including details 1, 2 and 3, attached to an forming part of this by-law, the following provisions shall apply:

- i. That notwithstanding the permitted uses of Section 32.1 Open Space Zone (OS), only the following uses shall be permitted on Parts 2, 3, 4, 5 and 6:
  - a) Park
  - b) Multi-use recreational trail and recreational space without buildings or structures
  - c) Stormwater management facilities, subject to the approval of the Grand River Conservation Authority and Long Point Region Conservation authority.

### 3. General Provisions

The following General Provisions apply to the lands shown on Maps 'A', and 'B' attached to and forming part of this By-law:

- i. That the definition of "Sight Triangle" contained in subsection 4.85 shall not apply to the lands identified as having reference to this subsection and the following definition shall apply in lieu thereof:
  - a) Intersections of Local Roads
 

*"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 being measured 4.5 metres from the point of intersection of the street lines.*
  - b) Intersections of Local road / Collector Street
 

*"SIGHT TRIANGE" shall mean the triangular space formed by the intersecting 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 being measured 7.5 metres from the point of intersection of the street lines.*
- ii. That a minimum density of development be set for the entire subject lands shown on Maps 'A', and 'B' at 46 persons and jobs per hectare. The density measure is to be calculated based upon: 3.16 persons per one family dwelling house and 3.16 persons per two family dwelling house (each dwelling unit).<sup>408</sup>

36.444 That notwithstanding the provisions of Section 14.2 – Zone Provisions of the 'Hamlet Residential (RH)' Zone, the following provisions shall apply to the buildings and structures existing on the date of passage of this by-law:

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<sup>408</sup> 1074-HC/18

- i) Minimum Lot Area 1218 square metres
- ii) Minimum Front Yard Setback 4.5 metres
- iii) Minimum Left Interior Side Yard Setback 1.8 metres
- iv) Minimum Rear Yard Setback 6 metres

That notwithstanding the provisions of Section 6.21 – Exemptions from Yard Provisions, the following provision shall apply to the building existing on the date of passage of this by-law:

- i) The existing steps may project into the required front yard 2 metres.<sup>409</sup>

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

- a) That notwithstanding Section 14.2 Zone Provisions of the Hamlet Residential (RH) Zone, the minimum rear yard setback shall be 1.2 metres.
- b) That notwithstanding Section 6.7 General Provisions for Accessory Uses to Residential Uses (c.6.7), the minimum side yard setback for accessory structures shall be 1.1 metres.<sup>410</sup>

36.447

1. Zoning for Urban Residential Type 1-B (R1-B) - One Family Dwellings

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. That notwithstanding the provisions of Section 10.2 Zone Provisions, the following shall apply:

Provision	Permitted
a) 10.2(a) Minimum Lot Area	220 square metres for an interior lot and 265 square metres for a corner lot
b) 10.2(b) Minimum Lot Frontage	8 metres for an interior lot and 10 metres for a corner lot
c) 10.2(c)(i) Minimum Front Yard	3 metres to the dwelling and 6.0 metres to the garage

<sup>409</sup> 1087-HC/18

<sup>410</sup> 1097-HC/18

d) 10.2(c)(ii) Exterior Side Yard	2.4 metres, except that an attached garage fronting on flankage street shall be 6.0 metres from the lot line on the flankage street.
e) 10.2(c)(iii) Interior Side Yard	For one family dwelling house: 1.2 metres on one side and 0.6 metres on the other side.
f) 10.2(c)(iv) Rear Yard	7.0 metres
g) 10.2(d) Maximum Building Height	11.5 metres
h) 10.2(e) Minimum Usable Floor Area	100 square metres
i) 10.2(f) Minimum Ground Floor Area	50 square metres

Any provisions of the R1-B zone not specifically identified above, are applicable as set out in Section 10 of By-law 1 H 86.

- ii. That notwithstanding Section 7.1.3(b) Parking Space Dimensions and Section 7.1.5(d) Parking Lot and Garage Requirements, the following shall apply:
 

*“The parking space size located within a garage shall have a minimum width of 3.0 metres and have a minimum length of 6.0 metres. Stairs, to a maximum of 3 risers or 0.61 metres, shall be permitted to encroach into this parking space.”*
- iii. That notwithstanding Section 6.21(a) and (b) Exemptions from Yard Provisions, soffit, cornice, eaves or gutters may project into any required yard or setback a distance of not more than 0.4 metres.
- iv. That notwithstanding Section 6.21(c) Exemptions from Yard Provisions, a porch may project into any required front yard setback a distance of not more than 2.0 metres; any required exterior side yard setback a distance of not more than 2.0 metres; any required interior side yard setback a distance of not more than 0.45 metres; and, any required rear yard setback a distance of not more than 2.5 metres.
- v. That notwithstanding Section 6.21(c) Exemptions from Yard Provisions, steps / stairs may project into any required front yard, rear yard, exterior side yard or setback a distance of not more than 3.5 metres.
- vi. That notwithstanding Section 6.21(d) Exemptions from Yard Provisions, a patio or deck above the finished grade may project into any required rear yard setback a distance of not more than 2.5 metres. Any patio or deck constructed in a rear yard is restricted to a maximum size of 3.0 metres by 2.5 metres.

- vii. That notwithstanding Section 6.7(e), an accessory building or combination of buildings is permitted up to a maximum of 10% lot coverage or 10 square metres, whichever is less.
- viii. That an air conditioning unit shall be setback a minimum of 0.6 metres from any side or rear property line. An air conditioning unit is not permitted in any part of a required front yard or front setback.
- ix. That a maximum of 70% of the front yard may be permitted as hardscaping. For the purposes of this By-law, hardscaping shall be considered as finished space consisting of pavement, concrete, patio stones, interlock or other hard surface treatment.
- x. That a garage face can extend a maximum of 1.5 metres in front of a ground floor porch where it meets all other applicable setbacks. No maximum garage projection is permitted for corner lots where the front door is facing the exterior side yard and the porch encroaches in the exterior side yard.
- xi. That 'Porch - Un-enclosed Porch with or without Foundation, with or without Cold Cellar' shall be defined as: *"a structure attached to any entrance or exit to a building which may be covered by a roof with or without supporting columns or walls, provided the porch remains open on at least one side."*

2. Zoning for Urban Residential Type 4 (R4) - Townhouse Dwellings

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 13.1 Permitted Uses – Urban Residential Type 4 (R4), permitted uses shall include:
  - 1. One family dwelling house subject to the provisions outlined in paragraph 6) of this By-law;
  - 2. Two family dwelling house subject to the Urban Residential Type 2 (R2) provisions of Bylaw 1 H 86.
- ii. That notwithstanding the provisions of Section 13.2 Zone Provisions, the following shall apply:

Provision	Permitted
a) 13.2.1(a)(i)(ii) and (iii) Minimum Lot Area	(i) interior lot – 150 square metres per unit  (ii) interior lot with attached private garage – 150 square metres per unit  (iii) corner lot with attached private garage - 210 square metres per unit

b) 13.2.1(b)(i) and (ii) Minimum Lot Frontage	(i) interior lot - 5.5 metres per unit (ii) corner lot - 8 metres per unit
c) 13.2.1(c) Minimum Front Yard	3 metres to the dwelling and 6.0 metres to the garage
d) 13.2.1(d) Minimum Exterior Side Yard	2.4 metres, except that an attached garage fronting on flankage street shall be 6.0 metres from the lot line on the flankage street.
e) 13.2.1(e) Interior Side Yard	For a townhouse block: 1.2 metres on one side and 0.6 metres on the other side.
f) 13.2.1(f) Minimum Distance Between Townhouse Dwellings	1.8 metres
g) 13.2.1(g) Minimum Rear Yard	6.0 metres
h) 13.2.1(h) Maximum Building Height	11.5 metres

Any provisions of the R4 zone not specifically identified above, are applicable as set out in Section 13 of By-law 1 H 86.

- iii. That notwithstanding Section 7.1.3(b) Parking Space Dimensions and Section 7.1.5(d) Parking Lot and Garage Requirements, the following shall apply:

*“The parking space size located within a garage shall have a minimum width of 3.0 metres and have a minimum length of 6.0 metres. Stairs, to a maximum of 3 risers or 0.61 metres, shall be permitted to encroach into this parking space.”*

- iv. That notwithstanding Section 6.21(a) and (b) Exemptions from Yard Provisions, soffit, cornice, eaves or gutters may project into any required yard or setback a distance of not more than 0.4 metres.
- v. That notwithstanding Section 6.21(c) Exemptions from Yard Provisions, a porch may project into any required front yard setback a distance of not more than 2.0 metres; any required exterior side yard setback a distance of not more than 2.0 metres; any required interior side yard setback a distance of not more than 0.45 metres; and, any required rear yard setback a distance of not more than 2.5 metres.
- vi. That notwithstanding Section 6.21(c) Exemptions from Yard Provisions, steps / stairs may project into any required front yard, rear yard, exterior side yard or setback a



distance of not more than 3.5 metres.

- vii. That notwithstanding Section 6.21(d) Exemptions from Yard Provisions, a patio or deck above the finished grade may project into any required rear yard setback a distance of not more than 2.5 metres. Any patio or deck constructed in a rear yard is restricted to a maximum size of 3.0 metres by 2.5 metres.
- viii. That notwithstanding Section 6.7(e), an accessory building or combination of buildings is permitted up to a maximum of 10% lot coverage or 10 square metres, whichever is less.
- ix. That an air conditioning unit shall be setback a minimum of 0.6 metres from any side or rear property line. An air conditioning unit is not permitted in any part of a required front yard or front setback.
- x. That a maximum of 70% of the front yard may be permitted as hardscaping. For the purposes of this By-law, hardscaping shall be considered as finished space consisting of pavement, concrete, patio stones, interlock or other hard surface treatment.
- xi. That a garage face can extend a maximum of 2 metres and a minimum of 1.5 metres in front of a ground floor porch where it meets all other applicable setbacks. No maximum garage projection is permitted for corner lots where the front door is facing the exterior side yard and the porch encroaches into the exterior side yard.
- xii. That the maximum number of attached dwelling units in a townhouse row shall be 8.
- xiii. That where a street townhouse block is constructed at the intersection of a local street and a collector street, with the units facing the collector street, the driveway and garage of the corner lot shall be located on the local street.
- xiv. That 'Porch - Un-enclosed Porch with or without Foundation, with or without Cold Cellar' shall be defined as: *"a structure attached to any entrance or exit to a building which may be covered by a roof with or without supporting columns or walls, provided the porch remains open on at least one side."*

### 3. Zoning for Open Space (OS)

That on the lands delineated as Part 3 on Map 'B' attached to and forming part of this by-law, the following provisions shall apply:

- i. That notwithstanding the permitted uses of Section 32.1 Open Space Zone (OS), only the following uses shall be permitted on Part 3:
  - a) Park
  - b) Multi-use recreational trail and recreational space without buildings or structures
  - c) Stormwater management facilities, subject to the approval of the Grand River Conservation Authority

- d) Stand-pipe and associated building(s) / structure(s) for municipal water supply.
- ii. That notwithstanding the provisions of Section 32.2 Zone Provisions, the following shall apply:
  - a) Minimum lot area shall be 165 square metres;
  - b) Minimum lot frontage shall be 6 metres.
- 4. That on the lands delineated as Part 4 on Map 'B' attached to and forming part of this by-law, the following provisions shall apply:
  - i. That notwithstanding the permitted uses of Section 34 Hazard Land Zone (HL), only the following uses shall be permitted on Part 4:
    - a. Park, provided there are no buildings or structures
    - b. Multi-use recreational trail and recreational space without buildings or structures subject to approval by the Grand River Conservation Authority and Haldimand County.
- 5. General Provisions

The following General Provisions apply to the lands shown on Maps 'A', and 'B' attached to and forming part of this by-law:

- i. That the definition of "Sight Triangle" contained in subsection 4.85 shall not apply to the lands identified as having reference to this subsection and the following definition shall apply in lieu thereof:
  - a) Intersections of Local Roads

*"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 4.5 metres from the point of intersection of the street lines.*
  - b) Intersections of Local Road / Collector Street

*"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 7.5 metres from the point of intersection of the street lines.*
- ii. That a minimum density of development be set for the entire subject lands shown on Maps 'A', and 'B' at 46 persons and jobs per hectare. The density measure is to be calculated based upon: 3.16 persons per one family dwelling house and 3.16 persons

per two family dwelling house (each dwelling unit).<sup>411</sup>

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

- a) Notwithstanding the provisions of Section 16.1 – *Permitted Uses in the ‘General Commercial (CG)’ Zone*, a one family dwelling house shall be permitted as an interim use on site until such time as a commercial use is established.<sup>412</sup>

36.454 a) Section 28.1 (Permitted Uses) of the “Agricultural Zone (A)” shall also include:

- i. Carpentry and millwork business;
- ii. Office space accessory to an established carpentry and millwork business.

b) That notwithstanding the provisions of sections of the “Agricultural Zone (A)” of Town of Haldimand Zoning By-law, 1-H 86 to the contrary, the following additional provisions shall apply:

- i. A workshop or storage building for a carpentry and millwork business shall be limited to a maximum area of 743 square metres;
- ii. A management office for a carpentry and millwork business shall be limited to a maximum of 232 square metres;
- iii. The number of employees shall not exceed six (6);
- iv. Open storage shall be prohibited in the required front yard.<sup>413</sup>

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<sup>411</sup> 1098-HC/18

<sup>412</sup> 1137-HC/19

<sup>413</sup> 1140-HC/19

SECTION 37: APPROVAL

This By-law shall become effective from and after the date of passing thereof.

READ a first and second time this 9th day of June, 1986.

READ a third time and finally passed this 9th day of June, 1986.

Edith Fuller  
MAYOR

Norman Smyth  
CLERK