



**HALDIMAND COUNTY  
COMPREHENSIVE ZONING BY-LAW HC 1-2020**

**COUNTY APPROVED: November 23<sup>rd</sup>, 2020**



# THE CORPORATION OF HALDIMAND COUNTY

By-law Number HC 1-2020

**Being a by-law to establish zoning in all of Haldimand County and to repeal Town of Dunnville By-law 1-DU 80, Town of Haldimand By-law 1-H 86, and City of Nanticoke By-law NE 1-2000**

**WHEREAS** the Corporation of Haldimand County is authorized under the provisions of the Section 34 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended or revised from time to time, to pass by-laws to regulate the use of land and the character, location and use of buildings and *structures*;

**AND WHEREAS** this by-law conforms to the Official Plan of Haldimand County,

**NOW THEREFORE, the Council of The Corporation of Haldimand County enacts as follows:**

# TABLE OF CONTENTS

## TABLE OF CONTENTS

PREAMBLE.....	9
a. Overview of Zoning By-laws.....	9
b. Authority to Prepare this By-law.....	9
c. Overview of the Haldimand County Zoning By-law .....	9
d. Structure of this By-law .....	10
e. How to Check Zoning and Identify Applicable Regulations for a Property.....	13
f. Confirming with the County .....	15
g. Relationship to Other By-laws, Regulations, Legislation, etc. ....	15
h. Technical Revisions to the Zoning By-law .....	15
i. Subsequent Zoning By-law Amendments .....	16
j. Minor Variances.....	16
<b>1 INTERPRETATION AND ADMINISTRATION.....</b>	<b>17</b>
1.1 Title.....	17
1.2 Lands Affected.....	17
1.3 Repeal of Former By-laws .....	17
1.4 Conformity with the By-law .....	17
1.4.1 <i>Non-Conformity due to Government Purchase of Land</i> .....	17
1.4.2 <i>Setbacks from Buildings and Uses in Adjacent Municipalities</i> .....	17
1.4.3 <i>Compliance with Other Legislation</i> .....	17
1.5 Interpretation.....	18
1.5.1 <i>Interpretation of Provisions</i> .....	18
1.5.2 <i>Clarification and Convenience</i> .....	18
1.5.3 <i>Changes in Legislation</i> .....	19
1.5.4 <i>Site Plan Control</i> .....	19
1.6 Administration .....	19
1.6.1 <i>Enforcement</i> .....	19
1.6.2 <i>Inspection</i> .....	19
1.6.3 <i>Violations and Penalties</i> .....	19
1.6.4 <i>Validity</i> .....	20
1.6.5 <i>Transition Protocol</i> .....	20
<b>2 ESTABLISHMENT OF ZONES.....</b>	<b>22</b>
2.1 Establishment of Zones .....	22
2.2 Zone Symbols .....	23
2.3 Interpretation of Zone Boundaries.....	23
2.3.1 <i>Determination of Zone Boundary</i> .....	23
2.3.2 <i>More Than One Zone on a Lot</i> .....	24
2.4 Special Zone Provisions .....	24
2.4.1 <i>Zone Exceptions</i> .....	24
2.4.2 <i>Establishment of Holding Provisions</i> .....	24
2.4.3 <i>Natural Environment Areas</i> .....	25
2.4.4 <i>Natural Hazard Lands</i> .....	25
2.4.5 <i>Natural Hazard Boundary</i> .....	25
<b>4 GENERAL PROVISIONS.....</b>	<b>58</b>
4.1 Accessory Retail Uses .....	58
4.2 Accessory Uses, Buildings and Structures to Residential Uses .....	58
4.3 Accessory Uses, Buildings and Structures to Non-Residential Uses .....	59
4.4 Auction Centre .....	59
4.5 Automobile Gas Stations and Gasoline Pump Islands.....	59
4.6 Backyard Hens.....	60
4.7 Bed and Breakfast Establishments .....	61
4.8 Campgrounds, Tent and Trailer Parks .....	62
4.9 Cannabis Production Facility .....	62

# TABLE OF CONTENTS

4.10	Cargo Containers used for Storage Purposes .....	64
4.11	Carports .....	64
4.12	Commercial Greenhouse .....	64
4.13	Phased Condominiums .....	65
4.14	Conversion of a Vacation Home Dwelling for Permanent Occupancy .....	65
4.15	Decks and Unenclosed Porches .....	66
4.16	Drive-Through Lanes and Stacking Spaces .....	66
4.17	Established Building Line .....	67
4.18	Exemptions from Height Provisions.....	68
4.19	Exemptions from Servicing Provisions.....	68
4.20	Exemptions from Yard Provisions.....	69
4.21	Film Production .....	69
4.22	Mobile Food Premises .....	70
4.24	Garden Suites .....	71
4.25	Ground Floor Elevation.....	71
4.26	Group home Dwellings .....	72
4.27	Home-Based Business.....	72
4.27.1	Home-Based Business, Home Office .....	72
4.27.2	Home-Based Business, Home Occupation.....	72
4.27.3	Home-Based Business, Home Industry .....	73
4.28	Household Sales.....	74
4.29	Intake Protection Zones.....	74
4.30	Landscaped Open Space.....	74
4.31	Landscaped Strip.....	75
4.32	Livestock in Residential Areas.....	75
4.33	Location of an Animal Kennel .....	75
4.34	Location of a Dwelling.....	76
4.35	Location of a Habitable Room .....	76
4.36	Lots Abutting a “One foot reserve” .....	76
4.37	Minimum Distance Separation Requirements .....	76
4.38	Minimum Services .....	77
4.39	Model Homes and Temporary Sales Offices .....	78
4.40	Natural Environment Areas and Natural Hazard Lands.....	79
4.40.1	Natural Environment Areas Overlay .....	79
4.40.2	Natural Hazard Lands Overlay .....	79
4.40.3	Other Natural Hazard Lands Overlay.....	80
4.41	Non-Conformity with this By-law .....	81
4.41.1	Repair, Renovation and Replacement of Buildings and Structures whose Use is Legally Non-conforming .....	81
4.41.2	Extensions or Enlargements to Buildings and Structures whose Use is Legally Non-conforming.....	82
4.41.3	Compliance Tolerance .....	82
4.41.4	Repair, Renovation, Replacement and Extension to Buildings Conforming in Use but not to Other Provisions.....	82
4.41.5	Discontinued Non-Conforming Use.....	82
4.41.6	Existing Lots .....	82
4.41.7	Change of Use.....	83
4.41.8	Reduction in Lot Area .....	83
4.42	Number of Dwellings Per Lot .....	83
4.43	Obnoxious Uses .....	83
4.44	On-Farm Diversified Agriculture Uses .....	83
4.45	Outdoor Patios.....	85
4.46	Outdoor Donation Bins and Vending Machines .....	86
4.47	Outdoor Storage .....	86
4.48	Outside Display and Sale of Goods, Materials and Merchandise .....	87
4.49	Public Emergency Service Facilities .....	87
4.50	Public Uses .....	88
4.51	Public Utility Installations .....	88

# TABLE OF CONTENTS

4.52	Railways and Setback from Railways.....	88
4.53	Rooftop Mechanical Equipment and Mechanical Penthouses .....	89
4.54	Setback from Municipal Drains .....	89
4.55	Secondary Suites.....	89
4.56	Sight (or Daylight) Triangles .....	91
4.57	Site Lighting .....	92
4.58	Special Policy Areas – Grand River Dunnville .....	92
4.59	Surplus Farm Dwelling Severance Properties.....	92
4.60	Swimming Pools and Hot Tubs.....	93
4.61	Temporary Dwelling .....	93
4.62	Uses Permitted in all Zones.....	94
4.63	Uses Prohibited in All Zones .....	95
5	<b>PARKING &amp; LOADING REQUIREMENTS.....</b>	<b>96</b>
5.1	Minimum Number of Required Parking Spaces .....	96
5.1.1	Visitor Parking .....	100
5.1.2	Shared Parking Requirements for Mixed Use Developments.....	100
5.1.3	Calculation of Required Parking Spaces .....	101
5.2	Parking Area Regulations .....	102
5.2.1	Access to a Street.....	102
5.2.2	Prepared Surface .....	102
5.2.3	Parking Space Dimensions .....	102
5.2.4	Parking Aisle Requirements.....	102
5.2.5	Shared Driveways and Aisles.....	103
5.2.6	Parking Lot and Garage Requirements .....	103
5.2.7	Garages Accessed by a Rear Lane.....	103
5.2.8	Residential Parking Driveway Requirements .....	104
5.2.9	Projection of an Attached Garage.....	104
5.2.10	Commercial Parking Driveway Requirements .....	105
5.2.11	Snow Storage Requirements.....	105
5.2.12	Location of Parking on a Lot.....	105
5.2.13	Use of Parking Areas.....	106
5.2.14	Parking of Vehicles in Residential Zones .....	106
5.3	Downtown Parking Credit.....	106
5.4	Parking Credit .....	107
5.4.1	Change of Use in a Commercial Zone.....	107
5.5	Accessible Parking Spaces .....	107
5.5.1	Minimum Number of Required Accessible Parking Spaces .....	107
5.5.2	Calculation of Accessible Parking Spaces .....	108
5.5.3	Accessible Parking Space Dimensions and Requirements .....	108
5.6	Requirements for Loading Spaces .....	110
5.6.1	Minimum Number of Required Loading Spaces .....	110
5.6.2	Calculation of Required Loading Spaces.....	110
5.6.3	Loading Space Dimensions and Requirements .....	111
5.7	Bicycle Parking Requirements.....	111
5.7.1	Minimum Number of Required Bicycle Parking Spaces.....	111
5.7.2	Calculation of Bicycle Parking Space .....	112
5.7.3	Bicycle Parking Space Dimensions and Requirements .....	112
6	<b>RESIDENTIAL ZONES .....</b>	<b>114</b>
6.1	List of Applicable Zones .....	114
6.2	Permitted Uses.....	114
6.3	Zone Provisions.....	116
6.4	Special Exceptions.....	121
6.4.1	R1-A,B,C – Urban Residential Type 1 .....	121
6.4.2	R2 – Urban Residential Type 2 .....	121
6.4.3	R3 – Urban Residential Type 3 .....	121
6.4.4	R4 – Urban Residential Type 4 .....	121

# TABLE OF CONTENTS

6.4.5	<i>R5 – Urban Residential Type 5</i> .....	121
6.4.6	<i>R6 – Urban Residential Type 6</i> .....	121
6.4.7	<i>RH – Hamlet Residential</i> .....	122
6.4.8	<i>RL – Lakeshore Residential</i> .....	122
<b>7</b>	<b>COMMERCIAL AND MIXED USE ZONES</b> .....	<b>124</b>
7.1	List of Applicable Zones .....	124
7.2	Permitted Uses .....	124
7.3	Zone Provisions .....	128
7.4	Special Exceptions .....	131
7.4.1	<i>CD – Downtown Commercial</i> .....	131
7.4.2	<i>CG – General Commercial</i> .....	131
7.4.3	<i>CS – Service Commercial</i> .....	131
7.4.4	<i>CN – Neighbourhood Commercial</i> .....	131
7.4.5	<i>CH – Hamlet Commercial</i> .....	132
7.4.6	<i>CR – Rural Commercial</i> .....	132
7.4.7	<i>CM – Marine Commercial</i> .....	132
<b>8</b>	<b>INDUSTRIAL ZONES</b> .....	<b>133</b>
8.1	List of Applicable Zones .....	133
8.2	Permitted Uses .....	133
8.3	Zone Provisions .....	135
8.4	Special Exceptions .....	138
8.4.1	<i>MM – Marine Industrial</i> .....	138
8.4.2	<i>MH – Heavy Industrial</i> .....	138
8.4.3	<i>MG – General Industrial</i> .....	138
8.4.4	<i>ML – Light Industrial</i> .....	138
8.4.5	<i>MR – Rural Industrial</i> .....	138
8.4.6	<i>MD – Disposal Industrial</i> .....	138
8.4.7	<i>MX – Extractive Industrial</i> .....	138
<b>9</b>	<b>INSTITUTIONAL ZONES</b> .....	<b>139</b>
9.1	List of Applicable Zones .....	139
9.2	Permitted Uses .....	139
9.3	Zone Provisions .....	140
9.4	Special Exceptions .....	142
9.4.1	<i>IC – Community Institutional</i> .....	142
9.4.2	<i>IN – Neighbourhood Institutional</i> .....	142
9.4.3	<i>IR – Rural Institutional</i> .....	142
<b>10</b>	<b>OPEN SPACE AND WETLAND ZONES</b> .....	<b>143</b>
10.1	List of Applicable Zones .....	143
10.2	Permitted Uses .....	143
10.3	Zone Provisions .....	144
10.4	Special Exceptions .....	145
10.4.1	<i>OS – Open Space</i> .....	145
10.4.2	<i>W – Wetland</i> .....	145
<b>11</b>	<b>AGRICULTURAL &amp; FUTURE DEVELOPMENT ZONES</b> .....	<b>146</b>
11.1	List of Applicable Zones .....	146
11.2	Permitted Uses .....	146
11.3	Zone Provisions .....	147
11.4	Special Exceptions .....	148
11.4.1	<i>A – Agriculture</i> .....	148
11.4.2	<i>D – Development</i> .....	149
<b>12</b>	<b>ZONE EXCEPTIONS FROM FORMER BY-LAWS</b> .....	<b>150</b>
12.1	Dunnville .....	150

# TABLE OF CONTENTS

12.2	Haldimand .....	249
12.3	Nanticoke.....	385
13	ENACTMENT OF BY-LAW.....	402
13.1	Effective Date .....	402

## SCHEDULES

SCHEDULE A  
SCHEDULE B  
SCHEDULE C

ZONING MAPS  
INTAKE PROTECTION ZONES  
SPECIAL POLICY AREAS – DUNNVILLE



# PREAMBLE

## HOW TO READ THIS BY-LAW

### Preamble

The preamble is intended to assist the reader in understanding and interpreting the Zoning By-law for Haldimand County. The preamble does not form part of the Zoning By-law.

#### a. Overview of Zoning By-laws

A Zoning By-law is a detailed municipal by-law that regulates the types of land uses and activities that may occur on a property or within buildings; and the height, location, massing and character of buildings and structures.

The specific matters that may be regulated by a Zoning By-law are outlined in Section 34 of the Ontario Planning Act, R.S.O., 1990, c.P.13, as amended. Zoning By-laws are used by municipalities in Ontario to manage land use compatibility and manage the character and appearance of neighbourhoods and communities. Zoning By-laws are also prepared to implement the policies of a municipality's Official Plan, which establishes goals and policies respecting the types of permitted land uses and desired built form within different geographic areas of the municipality. The Zoning By-law is used to translate these policies into more specific permitted land uses, and requirements for lot and buildings by establishing zone categories and regulations which apply to all lands in the municipality.

A Zoning By-law is primarily implemented through the Building Permit application process. Where a property owner or occupant wishes to construct something on their property, and applies for a Building Permit, the proposal must conform to the provisions of the Zoning By-law. If the proposal does not conform to the Zoning By-law, the applicant can:

- a) apply for a minor variance to seek relief from the provisions of the Zoning By-law;
- b) apply for a rezoning (Zoning By-law Amendment) to change their zone or seek major relief from the provisions of the Zoning By-law; or
- c) the applicant can rework their proposal so that it complies with the Zoning By-law.

#### b. Authority to Prepare this By-law

The Zoning By-law is prepared in accordance with Section 34 of the Planning Act, R.S.O., 1990, c.P.13, as amended. Generally speaking, the Planning Act allows the Council of Haldimand County to pass zoning by-laws to restrict the use of land, and to regulate the size, location and character of buildings and structures within the County.

#### c. Overview of the Haldimand County Zoning By-law

This Zoning By-law regulates the use of land and buildings and the massing, location, height and character of buildings and structures for all lands within Haldimand County. All properties in the County as shown on Schedule A are subject to the provisions of this Zoning Bylaw. This By-law replaces the Town of Dunnville By-law 1-DU 80, the Town of Haldimand By-law 1-H 86, and the City of Nanticoke (East Portion) NE 1-2000, with all amendments thereto being carried forward.

# PREAMBLE

## HOW TO READ THIS BY-LAW

### d. Structure of this By-law

The Haldimand County Zoning By-law consists of the following sections:

#### **Section 1 – Interpretation and Administration**

Section 1 describes how the Zoning By-law is to be interpreted, and how the By-law is to be administered by the County. All buildings and structures and land uses within the County are required to conform to the provisions of this By-law. Section 1 also contains important details regarding how development applications in process are to be administered.

#### **Section 2 – Establishment of Zones**

Section 2 of the Zoning By-law establishes the zone categories and zone symbols which are applied to all lands within the County as shown on Schedule A to this By-law. This section also describes how zone boundaries are to be interpreted and identifies special zone provisions, such as zone exceptions, or holding provisions, which may apply to specific properties.

Certain lands may be subject to holding provisions, which are denoted by the symbols “-H”, as a suffix to the zone. Where a holding symbol is shown, the provisions of Section 2.4.2 (Establishment of Holding Provisions) apply. Where a holding symbol is applied to lands, the lands may not be used or developed according to the requirements in the underlying zone until such time as the holding symbol is removed. Lands subject to a holding symbol are typically only permitted to be used for those uses which legally existed prior to the addition of the holding symbol. The by-law which was passed to add the holding symbol may contain special conditions for removing the holding symbol, such as the provision of municipal wastewater servicing for the land. County Council must pass a by-law to remove the holding symbol once they are satisfied that the conditions for removing the holding symbol have been met. A zone exception, as discussed below, often establishes the criteria that must be satisfied prior to the removal of the “-H” symbol.

#### **Section 3 – Definitions**

Section 3 provides definitions for commonly used terms in the By-law. The permitted uses, and other technical terms used in the Zoning By-law are defined to ensure the Zoning By-law is being interpreted and applied consistently. For the convenience of the reader, if a term is *italicized* in the text of the Zoning By-law, then the term is defined in Section 3.

#### **Section 4 – General Provisions**

Section 4 of the Zoning By-law provides general provisions which may be applicable to all zones, one or more categories of zones, or to specific uses, depending on the proposed use of the lot or the context of the lot. These provisions include detailed requirements for *accessory buildings*, bed and breakfast establishments, decks and unenclosed porches, home-based businesses, secondary suites, *on-farm diversified agriculture uses* and many more subjects that may be applicable to a permitted use or the lot, depending on the context.

# PREAMBLE

## HOW TO READ THIS BY-LAW

### **Section 5 – Parking and Loading Requirements**

Section 5 identifies the minimum number of *parking spaces* that a use must provide on-site to accommodate vehicles. Some uses are also required to have *loading spaces* to accommodate the use. In this By-law, some uses are also required to provide and maintain a certain number of accessible *parking spaces* and bicycle *parking spaces*. This section also provides requirements for the size of *parking spaces*, drive aisles, and parking lots.

### **Sections 6-11 – Zone Categories (Permitted Uses and Zone Provisions)**

Sections 6 through 11 outlines the zone categories which establish the permitted uses within each zone, as well as the general zone provisions which identify the lot and building requirements, including minimum lot area and lot frontage requirements, building setbacks from *lot lines*, and maximum *building heights*. In certain instances, a zone category may contain multiple zone variations which apply different zone provisions to a base zone. For example, R1(A), R1(B) and R1(C), while they all permit the same uses in the R1 zone, the zone provisions within the zone variations may vary in terms of minimum lot size and required setbacks.

The zones are organized into similar permitted use categories, in the following sections:

- Section 6 – Residential Zones
- Section 7 – Commercial and Mixed Use Zones
- Section 8 – Industrial Zones
- Section 9 – Institutional Zones
- Section 10 – Open Space, Wetland and Hazard Overlay Zones
- Section 11 – Agricultural and Future Development Zones

Where zones note a range of permitted uses, with descriptors “such as” and “including”, such permitted uses are not considered to be exhaustive and uses that are similar to those uses may be permitted.

### **Section 12 – Zone Exceptions**

Most lands in the County are zoned by a base zone, which are represented by symbols such as R1, R2, R3, etc. However, some lands are also zoned by a site-specific exception zone, which is denoted as a base zone symbol followed by a hyphenated numeric suffix in square brackets. For example, R1(A)-[1] is exception number 1 to the Urban Residential Type 1 (R1(A)) zone. The zone exceptions provide special provisions related to that specific property or properties, and may establish specific requirements related to that zone exception, such as:

- a) allowing a use that would not be permitted otherwise;
- b) prohibiting a use that would be permitted otherwise; or
- c) incorporating other modifications to the zoning by-law as are set out in the zone provisions table for that exception, while retaining the un-modified provisions of the primary zone or subzone, as the case may be.

Furthermore, the zone exception may establish the requirements for removal of the “-H” symbol.

# PREAMBLE

## HOW TO READ THIS BY-LAW

Zone exceptions that were granted through amendments to the previous Town of Dunnville By-law 1-DU 80, the Town of Haldimand By-law 1-H 86, and the City of Nanticoke (East Portion) NE 1-2000 are carried forward in this Zoning By-law in the same structure as they were assigned and are listed in Section 12 The zone exceptions are also identified on the Maps of Schedule A in the historical structure.

### **Section 13.0– Enactment of By-law**

Section 13.0 includes the particulars for the enactment of the Zoning By-law, including the effective date of the Zoning By-law.

### **Schedule A Maps**

Schedule A to the Zoning By-law is comprised of a series of Maps which identify the zone categories for all lands in the County. In addition, the maps also identify areas which are subject to specific provisions which may include zone exceptions and holding provisions. The mapping is subject to change and may be amended from time to time to reflect amendments to the Zoning By-law as well as mapping changes due to technical adjustments.

#### ***Natural Environment Areas Overlay***

Schedule A also identifies as an overlay, natural heritage features that are considered to have environmental importance at the Provincial and/or County level as identified in the County Official Plan. Since the delineation of these natural environmental areas may not be up to date or may change over time in all areas it is shown as an overlay on the Schedule. This overlay is primarily intended for information purposes only, as the limits and significance of the natural environment area may not be clearly defined at this time. As such, the development of the lands, in accordance with the underlying zone category, may require the preparation of an Environmental Impact Study (EIS), in accordance with the County Official Plan, to identify the limits of the feature to be protected or appropriate mitigation measures. Section 4.40 (Natural Environment Areas and Hazard Lands) in the general provisions provides additional information about the meaning of this overlay.

#### ***Natural Hazard Lands Overlay***

Natural Hazard areas are illustrated as an overlay on Schedule A. These Natural Hazard areas include lands within the jurisdiction of the relevant Conservation Authority, and may relate to lands associated with flooding, erosion or other natural hazards. Development within the Natural Hazard and associated adjacent lands may require approval from the relevant Conservation Authority before a building permit can be issued. This overlay is intended for information purposes only, as the Natural Hazard Lands of the Conservation Authority may change from time to time. The reader should consult with the County and the relevant Conservation Authority to confirm whether approval will be required from the Conservation Authority prior to any development or site alteration. Section 4.40 (Natural Environment Areas and Natural Hazard Lands) in the general provisions provides additional information about the meaning of this overlay.

# PREAMBLE

## HOW TO READ THIS BY-LAW

### Schedule B – Intake Protection Zones

Schedule B identifies intake protection zones which include vulnerable areas in which a significant drinking water threat could occur, in accordance with the Clean Water Act. The general provisions of Section 4.29 (Intake Protection Zones) identify uses and activities which may be prohibited within the defined intake protection zones. The intent of these provisions is to protect the quality of water resources by prohibiting certain uses which may cause adverse impacts on water, such as the storage and handling of hazardous wastes.

All provisions of the By-law are intended to be read in conjunction with one another. It is always important, when reading a Zoning By-law, to identify all provisions throughout the document which may apply to a particular property or use.

#### e. How to Check Zoning and Identify Applicable Regulations for a Property

Zoning By-law users are a diverse audience. Some readers will want to examine how the Zoning By-law addresses a certain issue or regulates a certain use (e.g., how does the Zoning By-law regulate home occupations? In which Zones are apartment buildings permitted?) Other users are responsible for administering the By-law and must understand it in great detail.

The Zoning By-law is required to implement the County's Official Plan, and the reader should also refer to the Official Plan to determine the existing land use designation and any relevant policies which may be applicable to a specific property or development proposal. Readers are encouraged to consult with the County, to assist in confirming and interpreting the Zoning By-law.

Most readers, however, will use a Zoning By-law in order to determine what they are permitted to do on their property. The following is an outline of the steps one may typically take to determine what types of regulations apply to their property:

1. **Locate the property on the applicable Schedule A Map** and identify the zone symbol that applies to the property (e.g., R1(A)). In addition to the applicable zone symbol, the following property specific regulations may also apply, as denoted by a mapping overlay or a zone suffix:
  - 1.1 **Natural Hazard Lands Overlay** : If the property is located in Natural Hazard Lands, as shown as an overlay on Schedule A, the reader will need to refer to Section 4.40 (Natural Environment Areas and Natural Hazard Lands), which identifies associated regulations and permit requirements from the Conservation Authority which may be required to permit development on the property.
  - 1.2 **Natural Environment Areas**: If the property is located in the Natural Environment Areas, as shown as an overlay on Schedule A, the reader will need to refer to Section 4.40 (Natural Environment Areas and Natural Hazard Lands), which identifies associated regulations to require further natural heritage investigations (e.g., an EIS) which may be required to permit development on the property. The reader should also consult the County Official Plan to determine the type of natural environment area and associated policies for its protection or conservation.

# PREAMBLE

## HOW TO READ THIS BY-LAW

- 1.3 **Zone Exception:** If the zoning symbol includes a zone exception (i.e., R1(A)-1), refer to the applicable zone exception provisions contained in Section 12.0. In most cases, the Exception Zone may only provide alternative regulations for one or more provisions, and at least some of the zone regulations in the base zone in Sections 6-11, and the general provisions in Section 4 will still apply.
- 1.4 **Holding Symbol:** If a holding symbol (H) follows the zone symbol (i.e., R1(A)-1-H), refer to Section 2.4.2 regarding the establishment of the holding symbol, as well as the site specific exception to determine what uses may be permitted prior to the removal of the holding symbol and the criteria for the removal of the holding symbol. The reader should consult with the County to confirm the permitted uses and the requirements for removing the holding symbol.
- 1.5 **Intake Protection Zone:** If the property is located within an Intake Protection Zone as shown on Schedule B, the reader will need to refer to the general provisions in Section 4.229 (Intake Protection Zones), which identifies certain uses and activities which may be prohibited within the area in order to protect the quality of water resources.

2. **Identify the permitted uses and zone provisions for the zone category:** Every zone category includes a table of permitted uses and zone provisions in Section 6 through 11 of the By-law. For Residential Zones (R1, R2, R3, etc.) you will find the list of permitted uses in Section 6.2 (Permitted Uses) of the By-law, and the zone provisions in Section 6.3, which may be further divided into zone variations (i.e., R1(A), R1(B), R1(C)) which provide alternative zone provisions. The permitted uses for each zone are organized in a table. The uses permitted on your property are represented by the symbol “●” in the column applicable to that zone and corresponding with the row for a specific permitted use. For each zone, the zone provisions establish the lot and building requirements applicable to that zone, including the required minimum lot area, minimum lot frontage, minimum and/or maximum yard setbacks, *building heights*, and other lot and building requirements, which the use of the lot must comply with. Where the letter “E” is identified following the symbol “●”, only legally existing uses are permitted. Where the letter “A” is identified following the symbol “●”, the use is only permitted as an accessory use to another permitted use. Where a permitted use is subject to use specific general provisions, a notation has been added to the permitted use and reference should be made to the General Provisions in Section 4.

It is important to read the definitions in Section 3 associated with the terminology used in the By-law. All of the uses permitted in this By-law are associated with a definition. Many technical terms are also defined, such as lot frontage, lot coverage, and *front yard setback*, for example. Where a term is defined, you will see it appear in italics in this text for convenience.

3. **Identify Other Provisions that May Apply:** The types of uses and lot and building requirements are principally regulated by the zone provisions. However, the general provisions in Section 4 may also contain provisions that apply to certain permitted uses. For example, there are provisions that are specifically applicable to swimming pools, bed and breakfast establishments, *accessory buildings*, home-based businesses, and many other uses. Furthermore, Section 5 contains provisions that apply to the minimum number of required *parking spaces*, loading areas, drive aisle and parking lot



# PREAMBLE

## HOW TO READ THIS BY-LAW

requirements, and accessible *parking space* and bicycle parking requirements, which may apply depending on the type of use.

4. **Consider the Administrative Provisions of the Zoning By-law:** Section 1 of the Zoning By-law contains some provisions that can help you understand how to read and use the By-law, including compliance with other applicable legislation, and uses that may be subject to Site Plan Control. A reader should be familiar with these provisions as they may be important depending on your circumstance.

### f. Confirming with the County

It is always a good idea to consult with the County about your construction project, as County staff will help you determine whether your project will comply with the applicable provisions of the Zoning By-law.

Additionally, there may be approved minor variances which are applicable to the property which may provide relief from certain zone regulations, permitted uses or general provisions. Minor variances previously granted are not reflected in the Zoning By-law and are not indicated in the Zone Exceptions. County staff can assist in identifying any approved minor variances that may relate to a property.

### g. Relationship to Other By-laws, Regulations, Legislation, etc.

The Zoning By-law does not supersede or trump any other legislation, regulations or municipal by-laws. In fact, depending on your proposal or the use of your property, other laws may apply. It is the property owner's responsibility to understand what laws will apply to their land use or their construction project.

The municipality administers other by-laws that are related to this Zoning By-law. For example the County administers a property standards by-law for the maintenance of buildings, fill by-law for regulating the removal and placement of fill, and a sign by-law to regulate the *erection* of signs. These by-laws essentially 'build' on the Zoning By-law's requirements, and should be considered in addition to" the Zoning By-law's requirements.

The laws and regulations of the Province, the Federal Government and other agencies may also apply. Some uses may be subject to Provincial/Federal licensing or regulation. It is not the role of the Zoning By-law to integrate with the regulations or laws of other governments. The County can help you identify what other laws and regulations might apply to your construction project.

### h. Technical Revisions to the Zoning By-law

Revisions may be made to this Zoning By-law without the need for a zoning by-law amendment for technical reasons, including:

1. correction of numbering, cross-referencing, grammar, punctuation or typographical errors or revisions to format in a manner that does not change the intent of the By-law;
2. adding or revising technical information on maps or schedules that does not affect the zoning of lands including, but not limited to, matters such as updating and correcting *infrastructure* information, keys, legends or title blocks; and

# PREAMBLE

## HOW TO READ THIS BY-LAW

3. changes to appendices, footnotes, headings, indices, marginal notes, tables of contents, illustrations, historical or reference information, page numbering, footers and headers, which do not form a part of this by-law and are editorially inserted for convenience or reference only.

### **i. Subsequent Zoning By-law Amendments**

The Zoning By-law may be consolidated from time to time to include subsequent amendments to the Zoning By-law. However, there may have been amendments to the Zoning By-law (both text and mapping) or removals or additions of holding symbols which are not consolidated in the current office consolidation of the Zoning By-law. In all cases, the reader should contact the zoning administrator to confirm the most current zoning of a property and applicable regulations. Additionally, the maps contained in Schedule A may not reflect the latest zoning, or any recent changes to the parcel fabric, which may not have been updated in the most recent Zoning By-law consolidation.

### **j. Minor Variances**

The Committee of Adjustment has the authority to approve minor variances to the Zoning By-law, which may provide minor relief from specific zoning provisions or minor changes to the permitted uses of one or more properties. Minor variances previously granted are not reflected in the Zoning By-law and are not indicated in the Zone Exceptions. The reader should contact the County to identify whether there are any approved minor variances applicable to a property.



# INTERPRETATION & ADMINISTRATION

## SECTION 1

### 1 Interpretation and Administration

#### 1.1 Title

This by-Law shall be known and may be cited as the “*Haldimand County Zoning By-law*”, or “*Zoning By-law*”.

#### 1.2 Lands Affected

The provisions of this Zoning By-law shall apply to all lands within the corporate limits of *Haldimand County*.

#### 1.3 Repeal of Former By-laws

The following by-laws, and all amendments thereto, are hereby repealed except to give effect to the transitional provisions in Section 1.6.5 of this by-law or to give effect to the Exceptions in Section 12 of this by-law:

- a) Town of Dunnville By-law 1-DU 80;
- b) Town of Haldimand By-law 1-H 86; and
- c) City of Nanticoke (East Portion) By-law NE 1-2000.

#### 1.4 Conformity with the By-law

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

##### 1.4.1 Non-Conformity due to Government Purchase of Land

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

##### 1.4.2 Setbacks from Buildings and Uses in Adjacent Municipalities

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

##### 1.4.3 Compliance with Other Legislation

- a) Nothing in this by-law shall serve to relieve any *person* from any obligation to comply with the requirements of any other by-law or legislation of the *County*, Province of

# INTERPRETATION & ADMINISTRATION

## SECTION 1

Ontario, or Government of Canada that may otherwise affect the use of land, *buildings*, and *structures*.

- b) Without limiting the generality of subsection (a) above, this includes the Building Code and the permitting procedures of the applicable Conservation Authorities.

### 1.5 Interpretation

#### 1.5.1 Interpretation of Provisions

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

#### 1.5.2 Clarification and Convenience

- a) This by-law is written in plain language.
- b) Where a situation arises that is not covered by a specific regulation, or where two or more regulations are equally applicable, all provisions must be complied with or, where it is not possible to comply with all the provisions applicable, the most restrictive provisions must be complied with.
- c) Tables are part of the by-law and are used throughout to present regulations in a concise format, and are structured with columns (vertical) and rows (horizontal) that are each titled for reference purposes.
- d) Examples, side notes, and illustrations are for the purpose of explanation, clarification, and convenience, and do not form part of this by-law.
- e) Any geographic, biographic, referential, or identifying information and any list of amending by-laws contained in this by-law is provided for the purpose of clarification and convenience and does not form part of this by-law.
- f) The following character styles are provided for the purpose of convenience. Their usage or omission shall not be considered an interpretive statement by the *County*.
  - i) Terms that are defined in Section 3.0 (Definitions) of this By-law have been italicized.
  - ii) Titles of Federal or Provincial legislation have been italicized.
- g) Any reference to Federal or Provincial Act or Regulation shall include any amendments or revisions made thereto or any subsequent Act or Regulation enacted in its place.
- h) Where a defined term listed in Section 3.0 (Definitions) of this by-law is reversed anywhere in this by-law, it is done for the ease and convenience of locating the term with other like terms. Such a reversal or lack thereof shall not be considered an interpretive statement by the *County*.
- i) Where another by-law number is cited in this by-law, that reference shall be interpreted to include reference to any and all applicable amendments to that by-law.

# INTERPRETATION & ADMINISTRATION

## SECTION 1

### 1.5.3 Changes in Legislation

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

### 1.5.4 Site Plan Control

Pursuant to Section 41 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, the following *zones* are declared as site plan control areas and are subject to the provisions of Section 41 of the *Planning Act*: R3, R4, R5, R6, CD, CG, CN, CH, CM, CS, CRMG, MH, ML, MM, MR, MD, MX, IC, IN, IR, OS.

Notwithstanding any other provisions in this Section, a *single detached dwelling; semi-detached dwelling; duplex dwelling; sand and gravel pit; and stone quarry* are exempt from site plan control and the provisions of Section 41 of the *Planning Act*, except those *permitted* within Natural 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 2.0 shall be subject to and built in accordance with a development agreement, if *required*, pursuant to Section 41 of the *Planning Act*.

## 1.6 Administration

### 1.6.1 Enforcement

The provisions of this by-law shall be enforced by *Haldimand County*.

### 1.6.2 Inspection

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

### 1.6.3 Violations and Penalties

- a) Every *person*, company, corporation or entity who uses land, or *erects* or uses any *building* or *structure* in a manner contrary to any requirement of this by-law, or who causes or permits such use or *erection*, or who violates any provision of this by-law or causes or permits a violation, shall be guilty of an offence and upon conviction therefore shall forfeit and pay a penalty within the limits *permitted* by the *Planning Act*, for each such offence, and every such penalty shall be recoverable under the *Municipal Act* and the *Provincial Offences Act*.

# INTERPRETATION & ADMINISTRATION

## SECTION 1

- b) Where a conviction referred to in subsection (a) has been entered, in addition to the penalty, the Court may also make an order prohibiting the continuation or repetition of the offence by the *person*, company, corporation or entity convicted.

### 1.6.4 Validity

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

### 1.6.5 Transition Protocol

Notwithstanding Section 1.3 (Repeal of Former By-laws) and 1.4 (Conformity with this By-law) of this by-law, a *building* permit may be issued for the following scenarios in accordance with Section 1.6.5 of the by-law.

#### a) *Building* Permit Applications

- i) The provisions of this by-law shall not apply to prevent the *erection* or use of any *building* or *structure*, for a purpose prohibited by this by-law, the plans for which have been submitted no more than thirty days prior to the date of the passing of this by-law, and approved for zoning requirements by the Chief Building Official, so long as the *building* or *structure* is used and is completed in conformity with such plans and is used and continues to be used for the purpose upon which the approval of the Chief Building Official was based, and provided the *erection* of such *building* or *structure* is commenced within 6 months after the date of the passing of this by-law and is completed expeditiously thereafter.

#### b) Minor Variance and Consent Applications

- i) The requirements of this by-law do not apply on a *lot* where a minor variance to the former Town of Dunnville By-law 1-DU 80, Town of Haldimand By-law 1-H 86, and City of Nanticoke (East Portion) By-law NE 1-2000, and all amendments thereto, was authorized by the Committee of Adjustment of the *County* or the Local Planning Appeal Tribunal on or before the effective date of passing of this by-law and a *building* permit for the applicable project has not yet been issued.
- ii) Where the Committee of Adjustment of the *County* or the Local Planning Appeal Tribunal has authorized a minor variance from the provisions of the former Town of Dunnville By-law 1-DU 80, Town of Haldimand By-law 1-H 86, and City of Nanticoke (East Portion) By-law NE 1-2000, and all amendments thereto, and in accordance with Section 45(1) of the *Planning Act*, in respect of any land, *building* or *structure* and the decision has come into effect on or prior to the effective date of passing of this by-law, the provisions of this by-law, as they apply to such land, *building* or *structure*, shall be deemed to be modified to the extent necessary to give effect to such minor variance and a *building* permit may be issued.

# INTERPRETATION & ADMINISTRATION

## SECTION 1

- iii) The requirements of this by-law do not apply to a *lot* where a provisional consent has been given by the Committee of Adjustment of the *County* or the Local Planning Appeal Tribunal on or before the effective date of this by-law and a *Building* permit for the applicable project has not yet been issued, the *lot* has not yet been registered at the Land Registry Office, or the applicable easement or agreement has not yet been registered on title.

### **c) Site Plan Applications**

- i) The requirements of this by-law do not apply to a *lot* where a conditional or final Site Plan Approval has been granted by the *County* or the Local Planning Appeal Tribunal on or before the effective date of this by-law and a *building* permit for the applicable project has not yet been issued.

### **d) Previous Zoning to Apply**

- i) For the purposes of determining zoning compliance for matters subject to Section 1.6.5 of this by-law, the applicable provisions of the former Town of Dunnville By-law 1-DU 80, Town of Haldimand By-law 1-H 86, and City of Nanticoke (East Portion) By-law NE 1-2000, and all amendments thereto, as it read on the effective date of this by-law shall apply.

### **e) Cessation of Relief**

- i) The relief provided by Section 1.6.5 of this by-law shall not continue beyond the issuance of the *building* permit, approval, or agreement upon which the exemption is founded, unless otherwise provided for in this by-law. Once the permit, agreement, or approval has been granted, the provisions of the former applicable zoning by-law shall cease to be in effect.

# ESTABLISHMENT OF ZONES

## SECTION 2

### 2 Establishment of Zones

#### 2.1 Establishment of Zones

The following *zones* are established and all lands subject to this Zoning By-law are placed into one or more of the following *zones*:

<u>Zone</u>	<u>Symbol</u>
<u>Residential Zones</u>	
Urban Residential Type 1-A <i>Zone</i>	R1-A
Urban Residential Type 1-B <i>Zone</i>	R1-B
Urban Residential Type 2 <i>Zone</i>	R2
Urban Residential Type 3 <i>Zone</i>	R3
Urban Residential Type 4 <i>Zone</i>	R4
Urban Residential Type 5 <i>Zone</i>	R5
Urban Residential Type 6 <i>Zone</i>	R6
Hamlet Residential <i>Zone</i>	RH
Lakeshore Residential <i>Zone</i>	RL
<u>Commercial Zones</u>	
Downtown Commercial <i>Zone</i>	CD
General Commercial <i>Zone</i>	CG
Service Commercial <i>Zone</i>	CS
Neighbourhood Commercial <i>Zone</i>	CN
Hamlet Commercial <i>Zone</i>	CH
Rural Commercial <i>Zone</i>	CR
Marine Commercial <i>Zone</i>	CM
<u>Industrial Zones</u>	
Marine Industrial <i>Zone</i>	MM
Heavy Industrial <i>Zone</i>	MH
General Industrial <i>Zone</i>	MG
Light Industrial <i>Zone</i>	ML
Rural Industrial <i>Zone</i>	MR
Disposal Industrial <i>Zone</i>	MD
Extractive Industrial <i>Zone</i>	MX
<u>Institutional Zones</u>	
Community Institutional <i>Zone</i>	IC
Neighbourhood Institutional <i>Zone</i>	IN
Rural Institutional <i>Zone</i>	IR
<u>Open Space and Wetland Zones</u>	
Open Space <i>Zone</i>	OS
Wetland <i>Zone</i>	W
<u>Agricultural Zones</u>	
Agricultural <i>Zone</i>	A
<u>Future Development Zones</u>	
Development <i>Zone</i>	D

# ESTABLISHMENT OF ZONES

## SECTION 2

### 2.2 Zone Symbols

*Zones* and *zone* boundaries are shown on Schedule A of this Zoning By-law. The lands identified on the schedules as being within a *zone* are subject to the provisions of this by-law applicable to that *zone* or *zones*. 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.

### 2.3 Interpretation of Zone Boundaries

#### 2.3.1 Determination of Zone Boundary

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

- a) A *zone* boundary which is contiguous with a highway, *street* or *lane* shall be the centre line of such highway, *street* or *lane*.
- b) A *zone* boundary indicated as following a watercourse or the right-of-way of a railway or an electrical, gas or oil transmission line shall be the centre line of such watercourse or right-of-way.
- c) A *zone* boundary appearing to follow the *lot lines* of any *lot* shall be deemed to follow such *lot lines*.
- d) Where the provisions of Section 2.3.1 (a), (b) and (c) are not applicable in determining the location of a *zone* boundary, its location shall be determined by measuring the distance from the nearest definable legal geographic reference point as indicated on the applicable Zoning Map.
- e) As following the *front lot line* on a future *lot* in a draft approved Plan of Subdivision or Condominium, the boundary shall be the centre line of the future *street* being constructed.
- f) As following any other *lot line* on an *existing lot* or on a future *lot* in a draft approved Plan of Subdivision or Condominium, the boundary shall be the *existing* or future *lot line*.
- g) In the event that a *street* or *lane* or part thereof is closed, or an abandoned railway right of way is sold, the property formerly within such *street*, *lane* or right of way shall be included within the *zone* of the adjacent property to which it is adjoined. In the event that the closed *street* or *lane* or abandoned railway right of way was a *zone* boundary between two or more different *zones*, the new *zone* boundary shall be the boundary of the new property formed by the adjoining of the closed *street*, *lane* or right of way to adjacent properties. Where no adjoining takes place, the new *zone* boundary shall be the former centre line of the closed *street*, *lane* or right of way.
- h) The Natural Hazard Land Overlay 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 Zoning By-law, the boundaries of Natural Hazard Lands Overlay 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 Natural Hazard Lands Overlay boundary as established in this Zoning By-law.

# ESTABLISHMENT OF ZONES

## SECTION 2

- i) Where none of the above provisions apply, the *zone* boundary shall be scaled from the Schedules.

### 2.3.2 More Than One Zone on a Lot

Where a *lot* has more than one *zone* applied thereon, the *permitted* uses and general provisions of either *zone* may be applied to the entirety of the *lot* in accordance with the general provisions applicable to the *permitted* use. 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, OS, or W, the *permitted* uses and general provisions of the applicable *zone* shall apply to that portion of the property so affected;
- b) 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*;
- c) 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 sufficient land is available to support a private sewage disposal system, if *required*, to the satisfaction of the *County*.
- d) 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 *County* in consultation with the applicable Conservation Authority; or
- e) where the main use is wholly situated in one *zone*, a residential accessory *structure* or use may be *permitted* in the other *zone* provided it meets all provisions of Section 4.2 (*Accessory Uses, Buildings and Structures to Residential Uses*).

### 2.4 Special Zone Provisions

Where the *zone* symbol zoning certain lands on the Zoning Maps is preceded or followed by any combination of parentheses, a hyphen, number, or letter, provisions relating to one or more of the following special *zone* regulations apply to the lands so designated on Schedule A. Lands so identified shall be subject to all of the provisions and restrictions of the applicable parent *zone*, except as otherwise provided by the special *zone* provision.

#### 2.4.1 Zone Exceptions

The *County* may pass Amendments to this by-Law which apply to certain lands or properties shown on Schedule A. Where the *permitted* uses or *zone* provisions on such lands differ from the provisions of this Zoning By-Law, a Zone Exception shall be added to the respective *Zone* Exceptions Section (Section 12) of this by-Law. A numerical suffix in square brackets following the base zone symbol shall be added to Schedule A identifying the subject lands and the Zone Exception. When necessary, a detailed schedule showing the location of the lands affected or other requirements is contained in this by-Law.

#### 2.4.2 Establishment of Holding Provisions



# ESTABLISHMENT OF ZONES

## SECTION 2

Pursuant to Section 36 of the *Planning Act*, holding *zones* are hereby established by the use of the symbol “(-H)” as a suffix to the *zone* symbols. Land subject to the symbol “(-H)” indicates that development of the lands is premature at the present time, and the land shall not be used, nor any *building* or *structure* used, altered or *erected* except in accordance with the *zone* applied thereon and until the “(-H)” is removed by amendment to this By-law. The criteria for removal of the “(-H)” symbol shall be established through a Special Provision or *zone* exception.

### 2.4.3 Natural Environment Areas

The lands delineated as a Natural Environment Area overlay on Schedule A are areas that may include natural features where prior to development occurring may, require the completion of an Environmental Impact Study (EIS) to determine their significance, in accordance with Section 4.40.1 (Natural Environment Area Overlay) of this by-law. The Natural Environmental Area overlay is not to be interpreted as *zones* or areas where certain uses are excluded or *permitted*. The Natural Environmental Area overlay is for information and interpretation purposes only and shall be used to identify lands where additional information may be *required* prior to issuance of a *building* permit.

### 2.4.4 Natural Hazard Lands

Where lands are located within an area as illustrated as an overlay on Schedule A they may be susceptible to flooding, erosion hazards or other Natural Hazards, as mapped by the Conservation Authority, and are subject to the general provisions of Section 4.40.2 (Natural Hazard Lands Overlay) of this by-law and the requirements of the Conservation Authority shall apply with respect to the *erection of buildings* and structures and/or the placement or removal of fill.

### 2.4.5 Natural Hazard Boundary

Where a boundary of a Natural Hazard appears to follow the top of a bank, it shall be deemed to be a minimum of 6 metres inland from the top of the bank which is in the direction away from the lower elevation lands and/or subject to any County or Conservation Authority requirements.

# DEFINITION

## SECTION 3

### 3 Definitions

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

**“ABATTOIR”** – shall mean a *building* or *structure*, or part thereof used for the slaughtering and processing of animals.

**“ACCESSORY BUILDING OR STRUCTURE”** shall mean a detached *building* or *structure* used for an *accessory use*, such as a detached *private garage* or the storage or shelter of materials, equipment or other items, but shall not contain a *dwelling unit* or a *habitable room*.

**“ACCESSORY USE”** shall mean a use naturally and normally incidental to, subordinate to, and exclusively devoted to a principal use and located on the same *lot* as the principal use.

**“ADULT ENTERTAINMENT ESTABLISHMENT”** 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 inclinations.

**“AGRICULTURAL SERVICE AND SUPPLY ESTABLISHMENT”** shall mean an establishment having as its main use the storage and display of *farm* implements for sale or rent and which may include facilities for the repair of or maintenance of *farm* equipment, and may include accessory open storage.

**“AGRICULTURE USE”** shall mean the use of land, *building* or *structure* for:

- a) growing of crops, produce, fruit, horticultural plants, trees, pasture and / or sod;
- b) hatching, raising, breeding, boarding, training and / or sale of *livestock*, fur bearing animals, game, birds and/ or insects;
- c) raising cattle and / or goats for milk;
- d) fish farming and / or aquaculture;
- e) greenhouse and / or hydroponics farming, but not including a *commercial greenhouse*;
- f) egg production; and / or;
- g) apiary or bee keeping.

Any other *agriculture use* which generally falls under one or more of these categories shall be included in the definition of *agriculture use*.

**“AGRICULTURE USE, ON-FARM DIVERSIFIED”** shall mean uses that are secondary to the principal *existing agricultural use* of the property, and are limited in area. . *On-farm diversified agriculture uses* may include but are not limited to:

- a) farm tours;
- b) farm education or information activities;
- c) farm vacations;
- d) farm amusement including petting zoo, carriage rides, hay or corn mazes, haunted barns or hay rides and other similar uses;
- e) special events including ploughing matches and other similar uses;
- f) seasonal attractions including sugar-bushes, pumpkin patches, pick-your-own, processing demonstrations and other similar uses; and

# DEFINITION

## SECTION 3

- g) a facility in which food products, including those produced as part of the farm operation or surrounding farms, are prepared and served.

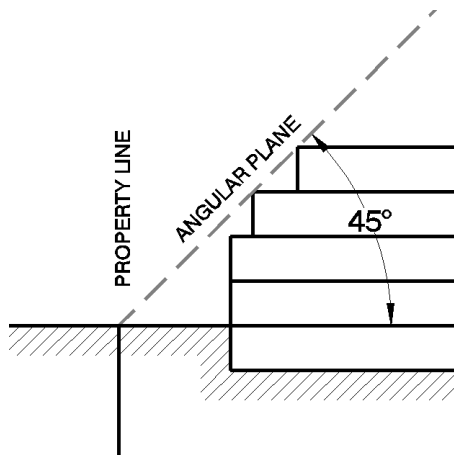
**“AGRICULTURE-RELATED PROCESSING”** shall mean a gainful occupation conducted in whole or in part of an *accessory building* where produce is processed, preserved, and packaged and / or stored and may include uses such as but not limited to wineries, cideries, and the production of maple products, jams, baked goods and jellies and other items typically found in Ontario. Farm-related processing does not include heavy water users or furniture manufacturing.

**“AIR TREATMENT CONTROL SYSTEM”** shall mean a system designed, approved and implemented in accordance with a license issued by Health Canada for the purposes of controlling emissions, including odour, of a *cannabis production facility*.

**“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.

**“AMENITY AREA”** shall mean an area or areas intended for use for recreation or aesthetic purposes within the boundaries of a *lot* and may include landscaped open areas, unenclosed patios, *decks*, balconies or *unenclosed porches*, communal lounges, swimming pools, recreation facilities and any other areas which may be used for recreational or aesthetic purposes, but shall not include any driveway or parking area.

**“ANGULAR PLANE”** shall mean a maximum *building height* measured as a vertical angle of 45 degrees beginning at the property line.



**“ANIMAL HOSPITAL”** shall mean the premises of a veterinarian where animals are treated or kept for treatment, and provided the entire operation is carried on within an enclosed *building*.

**“ANIMAL KENNEL”** shall mean a place where domestic pets are kept, raised, boarded or trained.

**“ANIMAL KENNEL, MUNICIPAL”** shall mean such premises and facilities of the *County* or its contractor used for the detention, maintenance or disposal of animals and any additional premises used for the detention, maintenance or disposal of animals that may be operated by the *County* or its contractor.

# DEFINITION

## SECTION 3

“**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. Such uses may include weaving pottery, jeweler, baking, ceramics, painting and knitting, but excludes furniture manufacturing.

“**AUCTION CENTRE**” shall mean land and *buildings* on or within which goods, wares, merchandise, substances, articles and things are sold to the highest bidder.

“**AUTOMOBILE BODY SHOP**” shall mean a *building* or *structure* used for the painting or repairing of *vehicle* bodies or parts thereof but excludes an automobile wrecking *yard* or *salvage yard*.

“**AUTOMOBILE GAS STATION**” shall mean a *building* or place where fuels and lubricants for *vehicles* are kept for retail sale, and may include accessory retail uses.

“**AUTOMOBILE SERVICE STATION**” shall mean a *building* or *structure* wherein *vehicles* are serviced and / or repaired. An *automobile service station* shall not include an *automobile body shop* or an *industrial garage*. The sale of *motor vehicles* is *permitted* as an *accessory use* to an *automobile service station*, provided that not more than six (6) *motor vehicles* are stored, kept or displayed for sale at anytime.

“**AUTOMOBILE WASHING ESTABLISHMENT**” shall mean a *building* or place used for washing of *vehicles*. This definition does not include *industrial garage*’ as defined herein.

“**BAKE SHOP**” shall mean a *building* where products of a *bakery* are sold or offered for sale by retail, and shall also include incidental baking of products for retail sale on the premises to a maximum *gross floor area* of 200 square metres.

“**BAKERY, COMMERCIAL**” shall mean a *building* for producing, mixing, compounding or baking bread, biscuits, cakes or other baked products, but does not include a *bake shop* or restaurant except where such is accessory to the main use.

“**BALCONY**” shall mean an outside platform projecting from the wall of a *dwelling* and located above the height of the floor of the *first storey*.

“**BAR OR NIGHT CLUB**” shall mean an establishment which supplies alcoholic drinks, food and entertainment and contains a walk-up *bar* or counter where patrons may order, obtain and pay for food and alcoholic drinks. A *bar or night club* may contain an *outdoor patio or cafe*. This definition includes a tavern, pub and drinking establishment.

“**BASEMENT**” shall mean that portion of a *building* between two floor levels, which is partly below grade and which has half or more of its height measured from floor to ceiling above the average exterior grade.

“**BED AND BREAKFAST ESTABLISHMENT**” shall mean a *single detached dwelling* containing, as an *accessory use*, one or more guest rooms provided, for gain, with or without meals, for the traveling or vacationing public as temporary accommodation. Such guest rooms shall contain no cooking facilities. A *Bed & breakfast* does not include a *restaurant, rooming house, group home* or *hotel*.

“**BICYCLE PARKING SPACE**” shall mean a designated area for the exclusive parking of bicycles equipped with a rack/stand designed to lock the wheel and/or frame of a bicycle.

# DEFINITION

## SECTION 3

**“BOAT SLIP”** shall mean a docking space or berth for the accommodation of marine craft and includes a docking space or berth within a *boathouse*.

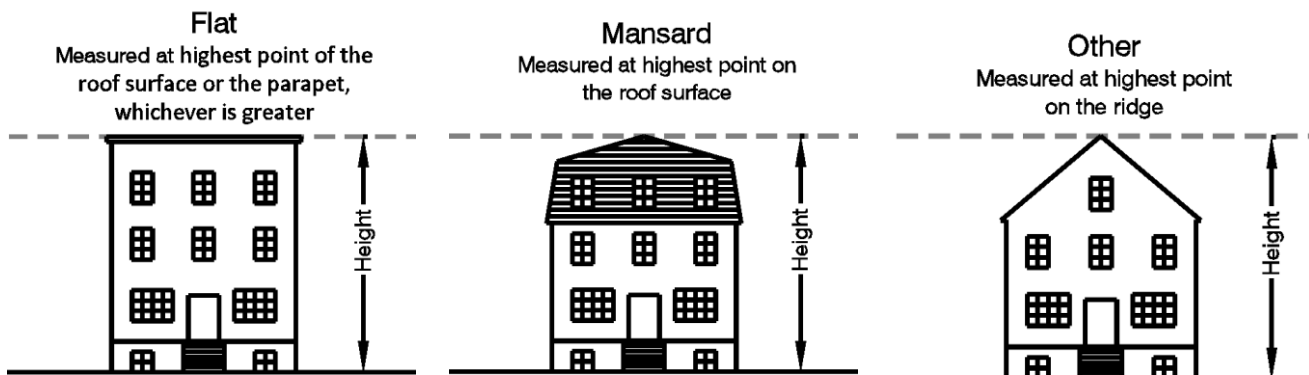
**“BOATHOUSE”** shall mean a *building* or *structure* used for the accommodation or shelter of marine craft provided that the *building* or *structure* is located over a *boat slip* or immediately adjacent to a watercourse or *waterbody*, and shall not contain a *dwelling unit* or a *habitable room*.

**“BOUTIQUE”** shall mean a small scale *retail store* specializing in the sale of gifts, crafts, specialty foods or apparel primarily catering to the tourist trade.

**“BUILDING”** shall mean an enclosed *structure* consisting of any combination of walls, roof and floor or a structural system serving the same function, including all associated works, fixtures and service systems but excluding an attached *deck* or *unenclosed porch*.

**“BUILDING HEIGHT”** shall mean the vertical distance between the finished grade of the ground at the front of a *building* facing the *street* and:

- a) in the case of a flat roof, the highest point of the roof surface or the parapet, whichever is greater,
- b) in the case of a mansard roof, the highest point of a roof surface,
- c) in the case of any other roof, the highest point of the ridge exclusive of any accessory roof construction such as a chimney, tower, solar collector, steeple or television antenna.



**“BUILDING SUPPLY ESTABLISHMENT”** shall mean a place, *building* or *structure* or part thereof used for the retail sale of lumber and *building* supplies including roofing, masonry, plumbing, heating, electrical, paint, tools, equipment and similar items.

**“BUNK HOUSE”** shall mean a *building* or part of a *building* used for the temporary accommodation of seasonal *farm* workers, provided such accommodation does not serve as a *principal place of residence* of an occupant. A *mobile home* or *recreational vehicle* may be used for the purpose of a *bunk house*.

**“BUSINESS SUPPORT SERVICE”**, means a *use* which primarily and directly supplies goods and services *required* by business and industry as an integral component of their day-to-day operation, and includes *uses* such as personal services, blueprinting, drafting and photocopying services, industrial cleaning supplies and janitorial services, an office supply establishment, file storage and management services, computer services and similar *uses* whose function is oriented to business and industry as opposed to the general public.

# DEFINITION

## SECTION 3

**“BUS TERMINAL”** – shall mean any premises for the transient housing or parking of buses and the loading and unloading of passengers.

**“CAMPGROUND”** shall mean land and facilities used for the purpose of camping. A *campground* may include cabins, tents, trailers, dining halls and other *accessory buildings and structures* but excludes a *tent and trailer park*.

**“CANNABIS PRODUCTION FACILITY”** shall mean any *building or structure* licensed and authorized by Health Canada to ship, deliver, transport, destroy, grow, dry, process, export and/or import cannabis for the commercial production of medical or non-medical purposes, including related research as defined in applicable Federal Regulations, as amended from time to time.

**“CARGO CONTAINER”** means an industrial, standardized reusable vessel that was:

- a) originally, specifically or formerly designed for or used in the packing, shipping, movement
- b) or transportation of freight, articles, goods or commodities; and/or
- c) designed for or capable of being mounted or moved on a rail car; and/or
- d) designed for or capable of being mounted on a chassis or bogie for movement by truck trailer or loaded on a ship.

**“CELLAR”** shall mean that portion of a *building* between a floor level and the finished ceiling which is more than 50 percent under-ground relative to the finished grade adjacent to the exterior walls of a *building*.

**“CEMETERY”** shall mean land that is set aside or used as a place for the interment of the dead which may include a *building or structure* such as: a columbarium, designed for the purpose of storing the ashes of human remains that have been cremated; a crematorium; and a mausoleum used as a place for the interment of the dead in sealed crypts or compartments.

**“COMMERCIAL GREENHOUSE”** shall mean a greenhouse *structure* used for the growing of plants, flowers, shrubs, trees and produce to be sold wholesale.

**“COMMON WALL”** shall mean a wall jointly used by two parties and separating two *dwelling units*.

**“COMMUNAL SERVICING SYSTEMS”** shall mean sewage works, sewage systems or water works that provide for the distribution, collection or treatment of sewage or water but which are not connected to full municipal sewage and water services and are owned, operated and managed by a single owner through a responsibility agreement with the municipality or public body, which requires municipal/public body assumption of the communal services in the event of default.

**“COMMUNITY CENTRE”** shall mean land and *buildings* owned and operated by the *County*, or a community service club and used for the purpose of social and recreational activities, but exclude a *private club* as defined herein.

**“CONCRETE AND ASPHALT PLANT”** shall mean a place or *building* or part of a *building* used for the batching and production of asphalt or concrete, or asphalt or concrete products, and dispatching of concrete and asphalt trucks, equipment storage and maintenance, office and administrative activities and the receiving and *outdoor storage* of materials, casting and concrete and asphalt products, and shall also include the processing of aggregate material through a crushing and sorting operation, but does not include the retail sale of finished asphalt or concrete products.



# DEFINITION

## SECTION 3

**“CONSERVATION AREA”** shall mean an area within which work is undertaken by a *Conservation Authority* pursuant to the provisions of the Conservation Authorities Act, R.S.O 1990, c.C.27, as amended.

**“CONTRACTORS SHOP”** shall mean a *building* or part of a *building* used by a general contractor or any *building* trade, such as sheet metal, plumbing, heating, electrical, dry-wall, carpentry or masonry, for the assembly, fabrication, repair or storage of *building* components or for the repair, maintenance or storage of machinery, equipment and materials used in the *building* trade.

**“CONTRACTOR SUPPLY AND SERVICE SHOP”** shall mean a *building* or part of a *building* used as a *contractors shop* for a particular trade or group of trades and for the sale of *building* products specific to that trade.

**“CONTRACTOR'S YARD”** shall mean an outdoor area used by a general contractor or any *building* trade for the *outdoor storage* of accessory *vehicles*, machinery, equipment or materials.

**“CRAWL SPACE”** shall mean the portion of the *building* or *structure* which is partly underground and below the first floor and which has a height of less than 2.1 metres except that under beams and ducts the clearance is less than 1.95 metres, but does not constitute a *basement*.

**“CULTURAL FACILITY”** shall mean any *building*, room or area and designed or utilized primarily for the presentation to the general public of live theatre, dance performances, musical concerts, cinema, lectures, exhibits of various art forms or exhibits of cultural, academic or scientific material, and without limiting the scope of the foregoing definition, shall include art galleries, museums, libraries and exhibition halls.

**“CUSTOM WORKSHOP”** shall mean a *building* or part of a *building* used by a *person* or *persons* with a trade, craft or guild or other skilled labour for the repair, custom fabrication, or custom assembly of articles, items or things. A *custom workshop* may include a machine shop, a pattern shop, a sheet metal shop, a wood working shop, a cabinetwork shop or other similar operation.

**“DAY CARE NURSERY”** shall mean a *building* or part of a *building* that provides temporary child care and supervision pursuant to the *Child Care and Early Years Act, 2014*.

**“DECK OR UNENCLOSED PORCH”** shall mean a *structure* at the front, side or rear of a *building* which exceeds average height of 0.3 metres above grade level, may be attached or detached from the main *building* and which may be covered by a roof with or without supporting columns provided the *deck* or porch remains unenclosed by walls, windows or screening.

**“DEPARTMENT STORE”** shall mean a *building* or part of a *building* area used for the retail sale of a wide variety of goods, wares, merchandise and services including family clothing and apparel, furniture, appliances and home furnishings and may include, as *accessory uses*, offices, *warehousing* and outdoor sales and display area. Such merchandise is generally displayed or offered on a departmentalized basis. For greater clarity, this definition does not include an automotive/home improvement store.

**“DRIVE-THROUGH”** shall mean the use of *buildings* and *structures* for the provision of prepared food and beverages where the food or drink is served to customers who are inside their vehicles, or the provision of self-serve facilities which are accessed by customers who are inside their vehicles, such as an Automated Teller Machine as part of a *financial institution*, a *drive-through pharmacy*, automatic car wash, or similar use.

# DEFINITION

## SECTION 3

**“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.

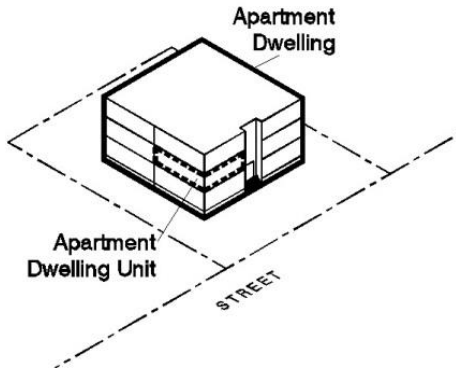
**“DRY CLEANING ESTABLISHMENT”** shall mean a *building* or part of a *building* where dry cleaning, dry dyeing, cleaning or pressing of articles of clothing, goods, or fabric is carried on and may include a *dry cleaning distribution station*.

**“DWELLING”** shall mean a *building* containing one or more *dwelling units* used or intended to be used for human habitation but excludes a motor home, *mobile home*, or bunkhouse. A *dwelling* may include an attached *private garage*.

**“DWELLING UNIT”** shall mean a suite of two or more rooms used by one or more *persons* living together, in which cooking, eating, living, sleeping and sanitary facilities are provided, and with a private entrance accessed from outside the *building*, from a common hallway or from a common stairway. A *dwelling unit* does not include a *group home*, *mobile home* or *recreational vehicle*.

**“DWELLING UNIT, ACCESSORY”** shall mean a *dwelling unit* which is accessory to a principal non-residential use, and contained within the principal non-residential use.

**“DWELLING, APARTMENT”** shall mean a *dwelling* containing five or more *dwelling units* with a shared or common entrance.

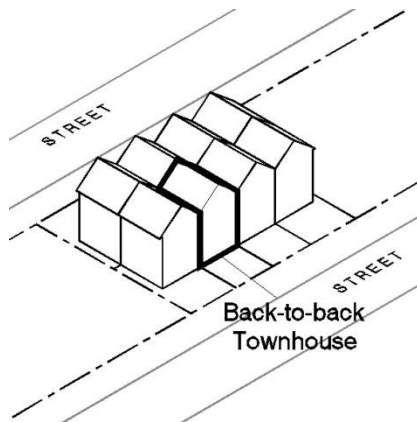




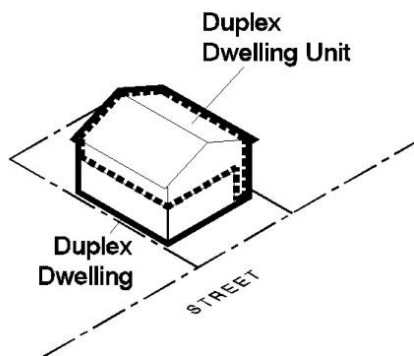
# DEFINITION

## SECTION 3

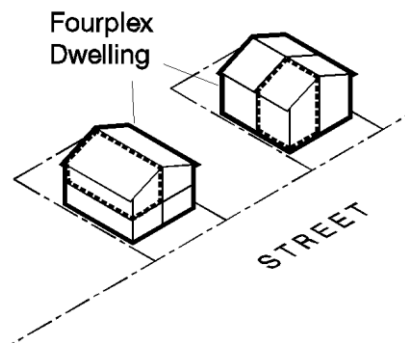
**“DWELLING, BACK-TO-BACK TOWNHOUSE”** means a *building* containing four or more *dwelling units* divided by vertical *common walls* above grade with a common rear wall.



**“DWELLING, DUPLEX”** shall mean a *dwelling* divided horizontally into two *dwelling units*.



**“DWELLING, FOUR-PLEX”** shall mean a *dwelling* divided vertically into four *dwelling units* each which shares a *common wall* with two other units, or a *dwelling* divided vertically into two *duplex dwelling units* separated by an above grade *common wall*.



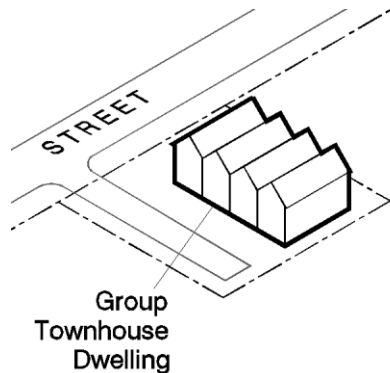
**“DWELLING, GROUP HOME”** shall mean a *building* that is licensed or funded under an Act of the Parliament of Canada or the Province of Ontario for the accommodation of three to ten *persons*, exclusive of staff, living under supervision and who, by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their well-being,

# DEFINITION

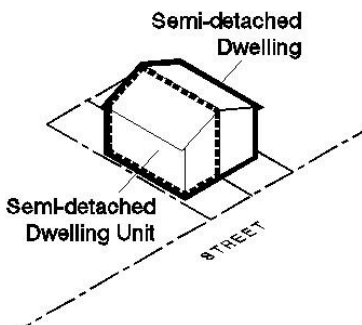
## SECTION 3

but does not include a place maintained and operated primarily for the care of or occupation by inmates or *persons* placed on probation or released on parole or for any other correctional purpose.

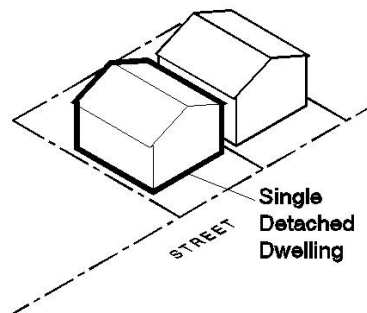
**“DWELLING, GROUP TOWNHOUSE”** shall mean a *dwelling* containing three or more *dwelling units* located on the same *lot* with each *dwelling unit* being divided one from the other by an above grade vertical *common wall*, and with each *dwelling unit* having direct access to a *yard*.



**“DWELLING, SEMI-DETACHED”** shall mean a *dwelling* divided vertically into two *dwelling units* attached side by side by an above-grade vertical *common wall*.



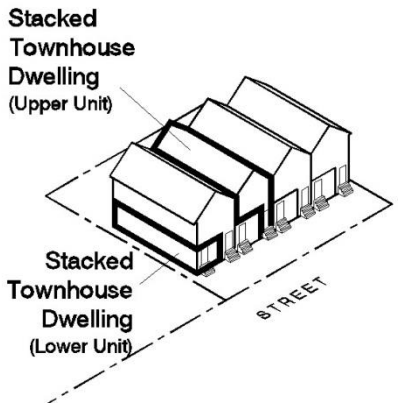
**“DWELLING, SINGLE DETACHED”** shall mean a detached *dwelling* containing only one *dwelling unit*.



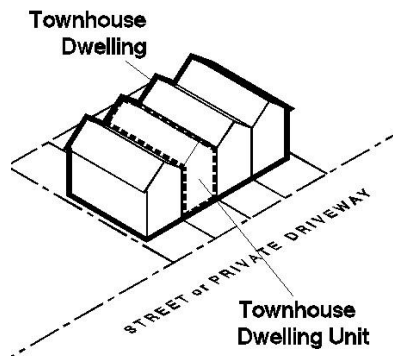
# DEFINITION

## SECTION 3

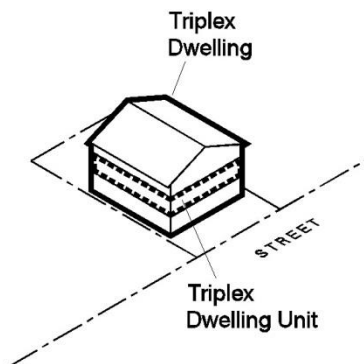
**“DWELLING, STACKED TOWNHOUSE”** means a *building* containing 3 or more *dwelling units*, with each *dwelling unit* separated from the other both horizontally and vertically that may have a private independent entrance from a *yard* or a shared entrance from a common corridor, vestibule, or landing.



**“DWELLING, STREET TOWNHOUSE”** shall mean a *dwelling* containing three or more *dwelling units* with each *dwelling unit* being divided one from the other by an above grade vertical *common wall*, and with each *dwelling unit* fronting onto a *street*.



**“DWELLING, TRIPLEX”** shall mean a *dwelling* containing three separate *dwelling units* with at least two *dwelling units* divided horizontally.



# DEFINITION

## SECTION 3

**“DWELLING, VACATION HOME”** shall mean a *dwelling* containing only one *dwelling unit* which is used as a secondary place of residence, on an occasional basis from April through October inclusive in the same calendar year for vacation, recreation and relaxation purposes and where the owner or occupant of the dwelling has a *principal place of residence* elsewhere.

**“ERECT”** shall mean the construction, re-construction and/or relocations and, without limiting the generality of the foregoing, also includes:

- a) any preliminary physical operation, such as excavating, filling or draining, or
- b) any work requiring a *building* permit.

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

**“EXISTING”** shall mean *existing* on the date of passing of this by-Law.

**“FAIR OR EXHIBITION GROUNDS”** shall mean the use of land, or *building*, or *structure* where the temporary exhibition of music, art, goods, wares, vehicles, and the like are displayed and made available for sale and shall include a midway and amusement *park*.

**“FARM PRODUCE OUTLET”** shall mean an outlet for the retail sale of farm produce and which is located on the farm. The use is separate and distinct from ‘*Farmers Market*’ and ‘Agriculture-Related Processing’ as defined herein.

**“FARM STAND”** shall mean a small stand, *structure* or wagon-top sales area for the marketing and retailing of farm produce, accessory to an agriculture use.

**“FARMERS MARKET”** shall mean the use of land, *buildings* or *structures* for the retail sale of food to the public on an occasional basis. This definition may include the retail sale of *arts and crafts* accessory to the retail sale of food.

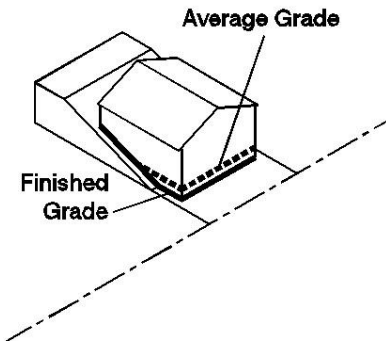
**“FILM PRODUCTION”** shall mean filming, videotaping, photography or any other form of visual recording for a feature film, television program, documentary, commercial, music video, educational film or other purpose outside a film studio, but does not include *street* interviews, newscasts, press conferences, or visual recordings for personal purposes only.

**“FINANCIAL INSTITUTION”** shall mean an establishment which provides money management services directly to the public, including a bank, trust company, credit union, securities dealer, finance companies and stock brokers.

**“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.

# DEFINITION

## SECTION 3



**“FLOOR AREA RATIO”** shall mean the ratio of the *gross leasable floor area* to the *lot area* (i.e.  $\text{Floor area ratio} = \text{gross leasable floor area} / \text{lot area}$ ).

**“FORESTRY USE”** shall mean the general raising and harvesting of wood, and without limiting the generality of the foregoing, includes the raising and cutting of fuel wood, pulp wood, lumber, Christmas trees, and other forest products produced on the same *lot*.

**“FRUIT AND VEGETABLE OUTLET”** shall mean a *building* or part of a *building* used primarily for the retail sale of fruits and vegetables as well as locally produced baked goods and canned foods. The sale of other grocery items may be *permitted* as an *accessory use*.

**“FUEL STORAGE DEPOT”** - shall mean any employment use whose primary purpose is the storage, loading/unloading or supply or sale of fuel, but does not include a gas bar as part of an *automobile service station*.

**“FUEL STORAGE TANK”** means a tank for the bulk storage of petroleum gasoline, fuel oil, gas or inflammable liquid or fluid but does not include a container for inflammable liquid or fluid legally and properly kept in a *retail store* or a tank for storage merely incidental to some other use of the premises where such tank is located.

**“FUNERAL HOME”** shall mean a *building* or part thereof wherein a licensed undertaker prepares corpses for interment and may include accessory meeting rooms, chapel or retail sale of related items.

**“GARAGE, INDUSTRIAL”** shall mean a *building, structure* or *lot* where commercial and industrial *vehicles* and equipment such as buses, trucks and construction and industrial *vehicles* and equipment are stored, repaired, maintained, leased, washed or sold.

**“GARAGE, PRIVATE”** shall mean an *accessory building* or portion of a *dwelling* which is designed or used for one or more *parking spaces* and shall include an open or partially enclosed shelter for *vehicles* commonly known as a carport.

**“GARDEN CENTRE AND TREE AND PLANT NURSERY”** shall mean a *building* or area of land used for the growing and retail sale of plants, shrubs, trees and related gardening products and equipment, and may include accessory *outdoor storage*.

**“GARDEN SUITE”** shall mean a one unit detached residential *structure*, containing a bathroom and kitchen facilities, that is ancillary to an *existing* residential *structure* and that is designed to be

# DEFINITION

## SECTION 3

portable and is capable of meeting the standards of the Ontario Building Code and is used for temporary accommodation.

**“GOLF COURSE”** shall mean an area of land used for the playing of golf and may include a driving range, golf concession stand, club house with a pro shop, *restaurant* or lounge as *accessory uses*.

**“GROSS FLOOR AREA”** means the total area of each floor whether located above, at or below grade, measured from the interiors of outside walls and including floor area occupied by interior walls and floor area created by bay windows, but excluding:

- a) floor area occupied by shared mechanical, service and electrical equipment that serve the *building*;
- b) common hallways; corridors; stairwells, elevator shafts and other voids; steps and landings;
- c) bicycle parking; *motor vehicle* parking or loading facilities;
- d) common laundry, storage and washroom facilities that serve the *building* or tenants;
- e) common storage areas that are accessory to the principal use of the *building*;
- f) common *amenity area* and play areas accessory to a principal use on the *lot*; and
- g) living quarters for a caretaker of the *building*.

**“GROSS LEASABLE FLOOR AREA”** means the total floor area designed for tenant occupancy and exclusive use, measured from the interiors of outside walls excluding floor area occupied by party walls and excluding:

- a) floor area occupied by mechanical, service and electrical equipment that serve the *building*;
- b) hallways; corridors; stairwells, elevator shafts and other voids; steps and landings;
- c) pedestrian malls serving as a common area between stores;
- d) administration or management offices;
- e) bicycle parking; *motor vehicle parking* or loading facilities;
- f) common washroom facilities that serve the *building* or tenants;
- g) storage areas that are accessory to the principal use of the *building*; and
- h) living quarters for a caretaker of the *building*.

**“HABITABLE ROOM”** shall mean a room used or intended to be used for human habitation, but excluding a bathroom, change room, bathhouse, sauna, laundry room, furnace room, hallway, closet, storage room or garage. For a room located in a *basement* to be considered a *habitable room*, it shall meet the minimum ceiling height, window area and window size set out in the Ontario Building Code.

**“HALDIMAND COUNTY”** or **“COUNTY”** shall mean or refer to the Corporation of *Haldimand County*.

**“HOME-BASED BUSINESS, 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*.

**“HOME-BASED BUSINESS, HOME OCCUPATION”** shall mean an occupation, personal service, business, arts and craft or profession carried on as a secondary use entirely within a

# DEFINITION

## SECTION 3

*dwelling unit* or *accessory building* providing the proprietor carrying on the activity resides within the principal *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.

**“HOME-BASED BUSINESS, 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*.

**“HOSPITAL”** shall mean any institution, *building* or other premises established for the treatment of *persons* afflicted with or suffering from sickness, disease or injury, for the treatment of convalescent or chronically ill *persons* that is approved under the *Public Hospitals Act*, R.S.O. 1990, c.P.40, as amended, as a public *hospital*.

**“HOSTEL”** shall mean a *dwelling* where, for a fee, room, board and personal care, supervision and assistance with daily living activities are provided to *persons* who are otherwise unable to care fully for themselves by reason of age or mental or physical health, and, without limiting the generality of the foregoing, includes such facilities as an unlicensed nursing home or rest home, an unlicensed *retirement home* or retirement lodge, or an unlicensed establishment providing nursing care for chronic invalids or the elderly, but does not include:

- a) any residential facility licensed, approved or supervised under the *Long-Term Care Homes Act*, the *Homes for Special Care Act*, the *Private Hospitals Act*, or any other Act or authority;
- b) a *rooming house*;
- c) a *group home dwelling* .

**“HOTEL”** shall mean any *hotel*, motel, inn or lodge in one main *building* or in two or more *buildings* used mainly for the purposes of catering to the needs of the travelling public by supplying food and furnishing sleeping and includes all premises licensed under the *Liquor License Act* and permanent staff accommodation.

A *hotel* may also provide uses and activities accessory to the principal accommodation function including an eating establishment, dining room, entertainment activities, gift shop, fitness or health club, newsstand, *personal service shop* or similar facility or activity and may also provide meeting rooms and facilities to support business and industry including convention facilities, trade shows, professional seminars and workshops, educational seminars, a corporate retreat, a charitable event and for public meetings. Auction sales shall also be *permitted*. Retail sales accessory to a *permitted* use or activity will be *permitted* except that liquidation sales shall be prohibited.

**“HUNTING, TRAPPING AND FISHING PRESERVE”** shall mean the use of land for the hunting or trapping of animals or the catching of fish in accordance with the regulations of the Ministry of Natural Resources and in accordance with all other applicable law. Such a use may include *buildings* or *structures* used for periodic overnight accommodation during the hunting season, including hunt camps, hunting cabins or a commercial hunting lodge.

**“INFRASTRUCTURE”** shall mean physical *structures* (facilities and corridors) that form the foundation for development. *Infrastructure* includes: sewage and water systems, septage treatment systems, waste management systems, electric power generation and transmission, communications/ telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.



# DEFINITION

## SECTION 3

“**INTAKE PROTECTION ZONE**” shall mean the geographic area designated on Schedule B of this by-law. Two such *intake protection zones* are described as follows:

- a) *Intake Protection Zone 1*: The geographic location around a surface water intake and within which it is desirable to regulate or monitor drinking water threats with a vulnerability score of 10 which is derived upon the Tables of Drinking Water Threats in the *Clean Water Act* for the purposes of describing a land use area.
- b) *Intake Protection Zone 2*: The geographic location around a surface water intake and within which it is desirable to regulate or monitor drinking water threats with a vulnerability score of 8 or 9 which is derived upon the Tables of Drinking Water Threats in the *Clean Water Act* for the purposes of describing a land use area.

“**LANDSCAPED OPEN SPACE**” shall mean land which is:

- a) unoccupied by any enclosed space within *building* or *structure*;
- b) situated at ground level;
- c) used or intended to be used for landscaping which includes the growth and maintenance of grass, flowers, shrubs, bushes, trees or other vegetation, and for the provision of other landscaping features including, but not necessarily restricted to, planting strips, decorative fencing, recreational or play areas, gardens, green roofs, fountains, fish ponds, unenclosed swimming pools, *unenclosed decks*, *porches*, terraces and surfaced walkways but excluding driveways, curbing and parking areas.

“**LANDSCAPED STRIP**” shall mean a continuous, open, unobstructed width of land substantially parallel to and adjoining a *lot line* that is intended for *landscaped open space*.

“**LANE**” shall mean a public or private thoroughfare which affords only limited access for vehicular traffic to abutting *lots* and which is not intended for general traffic circulation.

“**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.

“**LEASEHOLD SITE**” shall mean an area of land leased for a period of less than 21 years for the purpose of locating a detached *dwelling*. Where the term ‘*lot*’ or ‘*yard*’ or any term containing ‘*lot*’ or ‘*yard*’ are used in the context of a ‘*leasehold site*’, ‘*lot*’ shall mean a *leasehold site* and ‘*yard*’ shall mean the *yard* of a *leasehold site*. All the general provisions for a residential use and *lot* shall apply to a *leasehold site*.

“**LIMIT OF THE REGULATED AREA**” shall mean the area in which a Conservation Authority has jurisdiction for hazard issues covered in Section 28 of the *Conservation Authorities Act*, R.S.O 1990, C.C.27, as amended.

“**LIVESTOCK FACILITY**” shall mean one or more barns or permanent *structures* with *livestock* occupied portions, intended for keeping or housing *livestock*. A *livestock facility* also includes all manure or material storages and anaerobic digesters.

“**LIVESTOCK**” shall mean and include bovine, swine, poultry, horses, goats, sheep, ratites, fur bearing animals, deer and elk, game animals, birds and other animals identified in the Ontario Ministry of Agriculture, Food and Rural Affairs, Minimum Distance Separation (MDS) Formulae Implementation Guidelines Factor Tables (Table 1) as amended.



# DEFINITION

## SECTION 3

“**LOADING SPACE**” shall mean an off-street space or berth adequate for the temporary parking of a commercial *vehicle* while loading or unloading merchandise or materials and located upon the same *lot* as the principal use and in a location with convenient access to a *street* or *lane*.

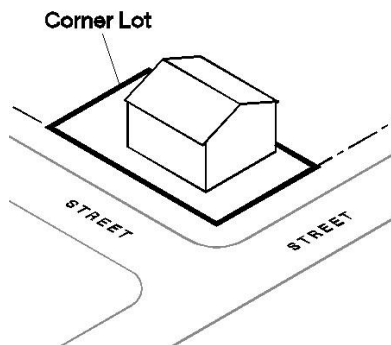
“**LONG TERM CARE HOME**” shall mean a facility which provides care and services for persons who are no longer able to live independently or who require on-site nursing care, 24-hour supervision or personal support and licensed under the *Long-Term Care Homes Act, 2007, S.O. 2007, c.8*, as amended, but does not include a *retirement home* as defined herein.

“**LOT**” shall mean a parcel of land which can be legally conveyed. Where two adjoining *lots* are in common ownership and a main *building* straddles the *lots*, the two *lots* are deemed to be one *lot* for the purposes of establishing *interior side yards*, or an *exterior side yard*.

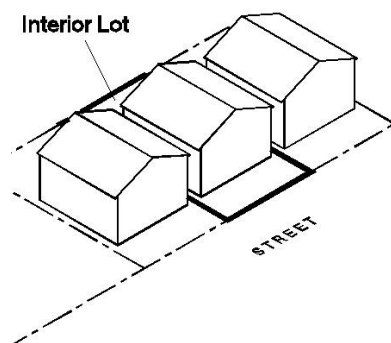
“**CORNER LOT**” shall mean a *lot* situated:

- a) at the intersection of two *streets*; or
- b) on the curve of a *street* where the angle of intersection is 135 degrees or less.

The angle of intersection shall be measured from the inside of the curve and at the point where a projection of the front and *exterior side lot lines*, drawn from the extremities of the *interior lot lines*, intersect.



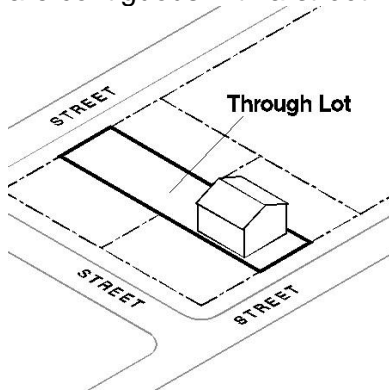
“**INTERIOR LOT**” shall mean a *lot* with only one *lot line* being contiguous with a *street line*.



# DEFINITION

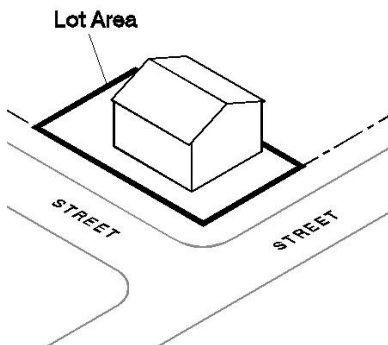
## SECTION 3

“**THROUGH LOT**” shall mean a *lot* with two or more opposite *lot lines* being contiguous with the *street line*, other than a *corner lot*, unless three or more *lot lines* of a *corner lot* are contiguous with a *street line*.



“**LOT AREA**” shall mean the total horizontal area within the *lot lines* of a *lot*, excluding:

- the horizontal area of such *lot* covered by a *waterbody* or watercourse measured from the high water mark,
- a designated provincially significant wetland, or
- the area between the top and toe of a cliff or embankment having a slope of 3:1 or more from horizontal, but including the area of a *boat slip* covered by a *boathouse* or surrounded on three sides by land.



“**LOT COVERAGE**” shall mean the percentage of the *lot area* covered by the *first storey* of all *buildings*, including *accessory buildings*, on the *lot* including all projections but exclusive of canopies, overhanging eaves, *decks* and *unenclosed porches*.

“**LOT DEPTH**” shall mean:

- the horizontal distance between the front and *rear lot lines*, or
- if the front and *rear lot lines* are not parallel, “*lot depth*” means the length of a straight line joining the middle of the *front lot line* with the middle of the *rear lot line*, or
- if there is no *rear lot line*, “*lot depth*” means the length of a straight line joining the middle of the *front lot line* with the apex of the triangle formed by the *side lot lines*.

“**LOT FRONTAGE**” shall mean:

- where the *side lot lines* are parallel, the distance between the *side lot lines* measured at right angles;
- where the *side lot lines* are not parallel, the length of a line drawn between the *side lot lines* parallel to the *front lot line* at the minimum *required front yard setback*;

# DEFINITION

## SECTION 3

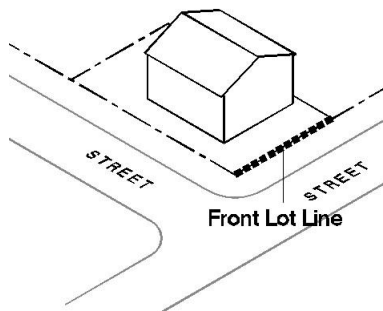
- c) where the *side lot lines* are not parallel and where the *front lot line* is curved, the length of a line drawn between the *side lot lines* back from and parallel to the cord of the *lot frontage* at the minimum *required front yard setback*. The chord of the *lot frontage* is a straight line joining the two points where the *side lot lines* intersect the *front lot line*.

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

“**LOT LINE**” shall mean any boundary of a *lot* and the vertical projection thereof.

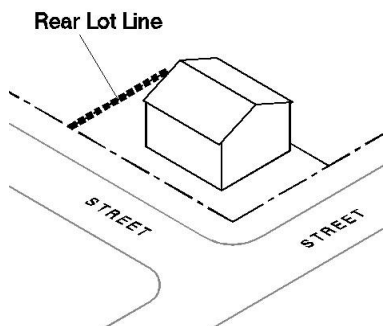
“**LOT LINE, FRONT**” shall mean:

- in the case of an *interior lot*, the line dividing the *lot* from the *street*;
- in the case of a *corner lot*, the shorter *lot line* abutting a *street*;
- 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*;
- in the case of a *through lot*, the nearer *street line* to the main *building*;
- in the case of a *lot* located on a private *lane* or right of way, the *lot line* abutting the private *lane* or right of way, and where two *lot lines* abut a private *lane* or right of way, the *lot line* opposite the main entrance of the main *building*.



“**LOT LINE, REAR**” shall mean:

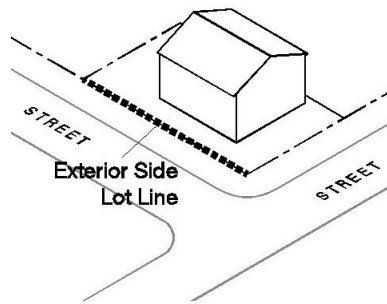
- in the case of a *lot* having four *lot lines*, the *lot line* farthest from and opposite to the *front lot line*;
- in the case of a *lot* having only three *lot lines*, there shall be no *rear lot line*;
- in the case of a *lot* having more than four *lot lines*, all *lot lines* opposite to but not intersecting with the *front lot line*.



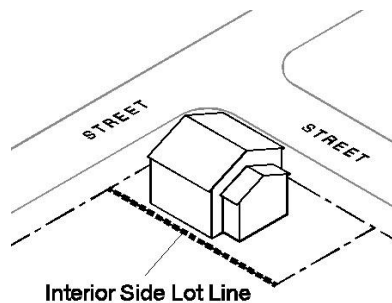
# DEFINITION

## SECTION 3

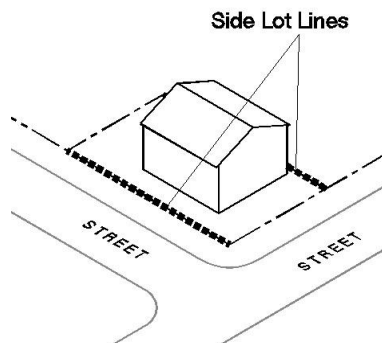
**“LOT LINE, EXTERIOR”** shall mean the *lot line* abutting a *street* other than the *front lot line* of a *corner lot* or the *rear lot line* of a *through lot*.



**“LOT LINE, INTERIOR”** shall mean a *side lot line* other than an *exterior side lot line*.



**“LOT LINE, SIDE”** shall mean a *lot line* other than a *front* or *rear lot line*.



**“LOT OF RECORD”** shall mean a *lot existing* on the date of passing of this by-law which could have been conveyed legally on the date of passing of this by-law without consent under Section 53, of the *Planning Act*, as amended, or a *lot* created by the registration of a deed after the date of passing of this By-Law pursuant to a valid consent obtained prior to the passing of this By-Law.

**“MANUFACTURING, HEAVY”** shall mean any employment use which is not *light manufacturing* as defined in this By-law.

# DEFINITION

## SECTION 3

**“MANUFACTURING, LIGHT”** shall mean:

- (a) the manufacture from previously prepared materials of finished parts or finished products;
- (b) factory or assembly-line processes that involve the manufacture, processing, assembly or packaging of finished parts or finished products made from previously prepared materials;
- or
- (c) the repair or servicing of such products.

**“MARINA”** shall mean an establishment on a navigable watercourse or *waterbody* where marine craft, equipment and supplies are sold, leased, stored, docked or repaired and includes as accessory thereto the sale of marine related sports equipment and club facilities.

**“MERCHANDISE SERVICE SHOP”** shall mean an establishment where household or business articles or goods such as appliances, furniture, electronics or similar items are repaired, refurbished or serviced, but excludes any manufacturing operation.

**“MICROBREWERY”** means a place used for the small scale and independent manufacturing of specialty or craft beer, liquors, or wine produced for retail sale and consumption on or off-site. A *microbrewery* may include a tied-house and may also operate in combination with a *permitted* restaurant, *bar* or *nightclub*.

**“MOBILE FOOD PREMISES”** shall mean a vehicle or other itinerant food preparation premise from which food prepared therein is offered for sale to the public.

**“MOBILE HOME PARK”** shall mean a plan of subdivision approved and registered, and designed and intended for the location of *mobile homes* thereon.

**“MOBILE HOME”** shall mean a prefabricated *building* designed to be made mobile whether the running gear is removed or not and manufactured to provide cooking, eating, living, sleeping, and sanitary facilities for one or more *persons* with a minimum size as specified by the Canadian Standards Association (CSA) and which is designed to be used as a *principal place of residence*. A *mobile home* does not include a *recreational vehicle*.

**“MODEL HOME”** shall mean a *single detached dwelling*, *semi-detached dwelling* or, *townhouse dwelling*, temporarily used for the purpose of showing potential buyers what the aesthetics and finishes of a typical home may look like within the proposed subdivision within which the units are constructed, an office and/or show room and/or sales office to promote the sale of residential units may also be *permitted* within the garage.

**“NON-CONFORMING”** shall mean a use, a *building* or a *structure* which does not conform to one or more of the provisions of this By-Law for the *zone* or *zones* in which such use, *building* or *structure* is located. Such uses, *buildings* or *structures* which legally *existed* prior to the date of passing of this By-Law shall be considered legally *non-conforming* as per the provisions of the *Planning Act*.

**“OFFICE, BUSINESS”** shall mean premises where the practice of a profession, the affairs of a business or enterprise, the provision of a service including its administration, or like activity is conducted.

**“OFFICE, MEDICAL”** shall mean a *building* or part of a *building* that is used by one or more physicians, surgeons, dentists, chiropractors or other medical practitioners together with their nurses, clerical and technical employees in the practice of these professions but does not include the provisions of beds or any form of retail trade other than the sale of pharmaceutical goods.

# DEFINITION

## SECTION 3

“**ONE FOOT RESERVE**” shall mean a narrow strip of land, traditionally one foot in width and in metric measurement being generally 30 centimetres in width, reserved for the purpose of restricting access.

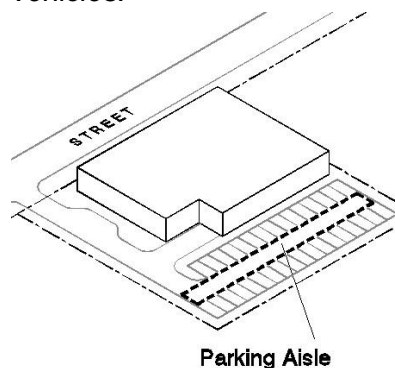
“**OUTDOOR PATIO OR CAFE**” shall mean an outdoor area enclosed by a fence, ropes, gates or other means of delineating such area wherein food and drinks are offered for sale or sold to the public for immediate consumption within the enclosed outdoor area.

“**OUTDOOR STORAGE**” shall mean the placing, storage and / or display of, in any manner, out of doors or within a fenced area or under a canopy or roofed *structure*, any material, parts or equipment of any kind and for more surety, is not within an enclosed *building*, but this does not include an operative *motor vehicles* affixed with a valid license plate or the parking or storage of a *motor vehicle* normally *permitted* as an *accessory use*.

“**PARK**” shall mean an area of land, owned and / or operated by a government agency, a community service club or charitable organization and used for open space, horticulture, outdoor recreation, or maintenance of a natural area, and may include an accessory concession stand, but excludes a *tent and trailer park* or *campground*.

“**PASSIVE USE PARK**”, means an area of land in public or private ownership consisting primarily of open space which is used solely for recreational purposes which are oriented primarily to the enjoyment of the natural environment such as walking trails, conservation projects, ponds and picnic areas.

“**PARKING AISLE**” shall mean a portion of a parking area which abuts, on one or more sides, *parking spaces* to which it provides direct access, and which is not used for the parking of *motor vehicles*.

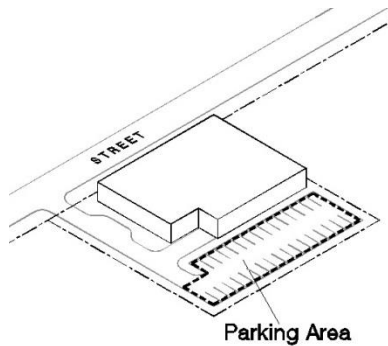


“**PARKING AREA**” shall mean an area provided for the parking of *motor vehicles*, and includes any related *parking aisles* and *parking spaces*, including a *private garage*, but does not include

# DEFINITION

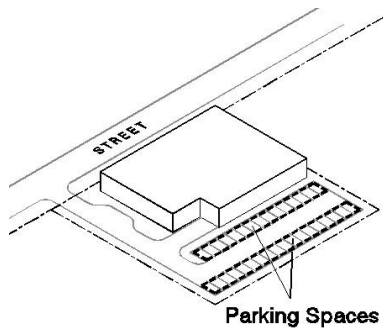
## SECTION 3

any part of a *street* or *lane* or driveway.



**“PARKING LOT or PARKING STRUCTURE”** shall mean an area or *structure* provided for the parking of *vehicles* and includes any related aisles, *parking spaces*, ingress and egress *lanes*, but shall not include any part of a *street*.

**“PARKING SPACE”** shall mean an area which is used for and is adequate for the temporary parking or temporary storage of a *vehicle*, and includes a *private garage* or carport.



**“PARKING SPACE, TANDEM”** shall mean two *parking spaces*, one behind the other, which are accessed by the same *parking aisle*.

**“PERMITTED”** shall mean *permitted* by this by-Law.

**“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.

**“PERSONAL SERVICE SHOP”** shall mean a place where:

- a) a service is performed for the personal grooming and personal effects or clothing of the consumer, including a hair styling salon; tattoo and piercing parlours; spa; tanning salon; shoe repair shop; dry cleaning outlet and accessory dry cleaning equipment; *laundromat*; tailor shop or dressmaker shop; or massage therapy service but excluding a body rub parlour;
- b) a consultation or information service is provided by a professional, other than a medical professional, including a travel agency or an interior decorator, or
- c) other personal or business services are provided, including a printing, publishing, photocopying, picture framing or photofinishing service, including self-service operations.



# DEFINITION

## SECTION 3

**“PHARMACY”** shall mean a *retail store* in which the principal use is the retail sale of drugs, pharmaceutical products, medicines and similar sundries.

**“PIT OR QUARRY”** shall mean a place licensed to permit the excavation of aggregate resources.

**“PLACE OF ASSEMBLY”** shall mean a *building* or part of a *building* used for, meetings, banquets and assembly which may include an auditorium, assembly hall or banquet hall.

**“PLACE OF ENTERTAINMENT”** shall mean a *building* or part of a *building* wherein facilities are provided for entertainment or amusement which may include a pool hall, a bowling alley, an *arcade*, a bingo hall, a theatre, a music or dance hall, or other cultural activity.

**“PLACE OF SPORTS AND RECREATION”** shall mean a place, *building* or part of a *building* where or wherein facilities are provided for sports and / or recreation which may include an arena, a curling rink, a skating rink, racquet sports, a gymnasium, a swimming pool, a tennis court, an indoor golf facility or a fitness facility.

**“PLACE OF WORSHIP”** shall mean a church, temple, mosque, synagogue or other *building* or part of a *building* used for public worship.

**“PRINCIPAL PLACE OF RESIDENCE”** shall mean a *dwelling unit* used as the true, fixed, permanent address or lodging place to which a *person* habitually returns to sleep and whenever absent, he or she has the intention of returning. A *person* shall only have one principal residence which, for the purposes of this By-Law, may or may not be within Canada.

**“PRINTING AND PUBLISHING ESTABLISHMENT”** shall mean a *building*, or part thereof, used for the primary purpose of printing, lithographing, duplicating or publishing.

**“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 AGENCY”** shall mean:

- a) the County;
- b) any department, commission, corporation, authority, board or other agency other than a *hospital* board established from time to time by the County;
- c) any public utility;
- d) any railway company;
- e) the Government of Canada, Province of Ontario, Conservation Authority, and *School Boards*.

**“PUBLIC UTILITY INSTALLATION”**, means a *building*, plant, works, equipment or *infrastructure* used by the *County*, a conservation authority or an entity operating within a regulated industry that has been given the express right and subsequent legal duty to supply the general public with a product or service such as natural gas, electricity, public transit, rail service, communications/telecommunications, cable television, drainage, sewage or waste collection and disposal services or water.

**“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.



# DEFINITION

## SECTION 3

**“PUBLIC SANITARY SEWER SYSTEM”** shall mean a system of conduits operated by the *County* or the Province, which carries sewage to a sewage treatment facility.

**“PUBLIC WATER SYSTEM”** shall mean a potable water distribution system of piping and related storage including pumping and purification appurtenances, operated by the *County* or the Province.

**“RECREATIONAL VEHICLE STORAGE”** shall mean the seasonal storage of *recreational vehicles* and recreational equipment, and operational *school* buses as an *accessory use* to an *agriculture and industrial use*.

**“RECREATIONAL VEHICLE”** shall mean a *vehicle* designed to provide temporary living, sleeping or eating accommodation for travel, vacation, seasonal camping or recreational use and designed to be driven, towed, transported or relocated from time to time whether or not the *vehicle* is jacked up or its running gear is removed, and with a size as defined by the Canadian Standards Association (CSA). A *recreational vehicle* shall not be used as the *principal place of residence* of the occupant. A *recreational vehicle* shall include a motor home, camper trailer, motorized home, motorized camper, truck camper, pick-up coach, chassis-mounted camper, slide-in camper, tent trailer, fifth-wheel trailer and *park model* trailer and similar mobile *vehicles* and shall include a *mobile home*, a motorized racing vehicle, snowmobile, off-road vehicles and marine craft.

**“REQUIRED”** shall mean as *required* by the provisions contained herein.

**“RESEARCH AND DEVELOPMENT FACILITY”** shall mean a *building* or group of *buildings* which are facilities used for research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as accessory to the main purpose of the facility.

**“RESTAURANT”** shall mean a *building* or part of a *building* wherein food is offered for sale or sold to the public for immediate consumption either within the *building* or elsewhere. This definition includes a licensed dining room, a *cafe*, and a tearoom. A *restaurant* may contain an *outdoor patio or cafe*.

**“RESTAURANT, DRIVE-THROUGH”** shall mean an establishment where food is offered for sale or sold to the public for consumption within a *motor vehicle* parked on the premises.

**“RESTAURANT, FAST FOOD”** shall mean a *building* or part of a *building* wherein food is offered for sale or sold to the public for immediate consumption either within the *building* or elsewhere and where patrons order, obtain and pay for their food from a counter and / or a *drive-through* window. This definition includes a cafeteria, a lunch counter and a coffee shop.

**“RESTAURANT, TAKE-OUT”** shall mean a *building* or part of a *building* wherein prepared food is offered for sale or sold to the public for immediate consumption in places other than in the *building* where the food is prepared.

**“RETAIL STORE”** shall mean a *building* or part of a *building* or an enclosed outdoor area which is used for the retail sale or rental of goods, wares, merchandise, substances, articles and things. This definition does not include a *salvage yard* or a *department store*, or other similar defined use. Services may also be offered for sale provided they are subordinate to the main use.

**“RETIREMENT HOME”** means a *building* or a part of a *building* containing rooming units or a combination of rooming and *dwelling units*, providing residence mostly to senior citizens who do not require assistance with daily living, and which may provide ancillary health, personal service,

# DEFINITION

## SECTION 3

and recreational services to serve the residents of the home, and may have up to 25 per cent of its *gross floor area* devoted to providing supervised or supportive in-house care for those who need assistance with daily living including on-going medical care, nursing care, counselling and social support services, but does not include a *long term care home* as defined herein.

**“ROOMING HOUSE”** shall mean a *single detached dwelling* not exceeding 600 square metres containing individual rooms rented, with or without meals, for lodging or sleeping accommodation and may provide communal but not individual cooking facilities. The *dwelling* shall be occupied by the proprietor and shall provide accommodation for no less than 3 and no more than 10 individuals including the proprietor’s family. A *rooming house* shall not provide accommodation to the traveling public and does not include a *hotel* or bed & breakfast.

**“SALVAGE YARD”** shall mean an establishment where used and disused goods, wares, merchandise, *vehicles*, articles or things are dismantled or stored for further use. This definition may include a *junk yard*, a *scrap metal yard* or an *automobile wrecking yard* and retail sales incidental to the foregoing main uses.

**“SCHOOL”** shall mean:

**“SCHOOL, TRADE”** shall mean a *building* or part of a *building* used for training in specific trades, skills or crafts.

**“ELEMENTARY SCHOOL”** shall mean an establishment, including outdoor areas, where academic instruction in a full range of the subjects of the elementary *school* courses of study is provided under the jurisdiction of a *school* board established by the Province of Ontario for students up to, and including grade 8.

**“PRIVATE SCHOOL”** shall mean an establishment, including outdoor areas, where academic instruction in a full range of the subjects of the *elementary* or *secondary school* courses of study is provided.

**“SECONDARY SCHOOL”** shall mean an establishment, including outdoor areas, where academic instruction in a full range of the subjects of the *secondary school* courses of study is provided under the jurisdiction of a school board established by the Province of Ontario for students in grade 9 and higher.

**“POST-SECONDARY SCHOOL”** shall mean a public school primarily for the instruction of students or adults receiving a post-secondary education and, without limiting the generality of the foregoing, includes an adult retraining *school*, a community college and a university.

**“SECONDARY SUITE”** shall mean a self-contained living accommodation for an additional *person* or *persons* living together as a separate single housekeeping unit, in which both food preparation and sanitary facilities are provided for the exclusive use of the occupants of the suite, located within the principal *dwelling* on the lot or in an attached or detached accessory *structure* on the lot.

**“SELF STORAGE UNITS”** shall mean a *building* consisting of individual, small, self-contained units with individual access, that are leased or owned for the storage of business and household goods. Outside storage of *motor vehicles* and *recreational vehicles* is permitted as an accessory use to the principle use.

# DEFINITION

## SECTION 3

“**SETBACK**” shall mean the least horizontal dimension between a property line and the nearest wall of any *building* or *structure* on the *lot*.

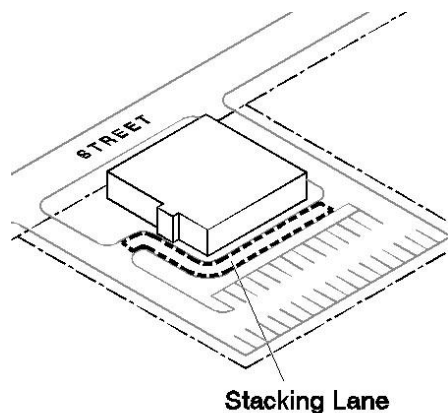
“**SEWAGE TREATMENT PLANT**” shall mean area of land, *building* or part of a *building* or *structure* including a lagoon, stabilization pond or basin, approved by the Province where domestic or industrial liquid waste is treated.

“**SIGHT (OR DAYLIGHT) TRIANGLE**” shall mean the triangular space formed by the *street lines* of a *corner lot* and a line drawn from a point on one of the said *street lines* to a point on the other said *street lines*, each said point being measured a specific distance from the point of intersection of the said *street lines*.

“**SIGN**” shall mean a name, identification, description device, display, or illustration which directs attention to an object, product, place, activity, *person*, institution, organization or business. All *signs* shall be in accordance with the *County’s Sign By-law*, as amended from time to time.

“**SPECIAL EVENT SALES**” shall mean the use of land, *buildings* or *structures* for the purpose of a show or event, the principle intent of which is the retail sale of goods, wares, merchandise, substances, articles or things to the public for a short term. Short term, for the purposes of this definition, shall mean no longer than 3 days of consecutive duration or 10 days total duration during any calendar year for any specific individual sale.

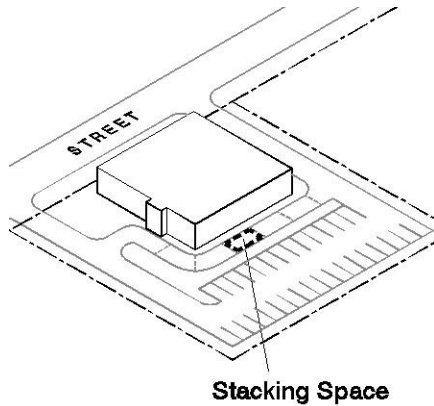
“**STACKING LANE**” shall mean a continuous on-site queuing *lane* that includes tandem *parking spaces* for motorized vehicles which is separated from other vehicular traffic and pedestrian circulation, by barriers, markings or *signs*.



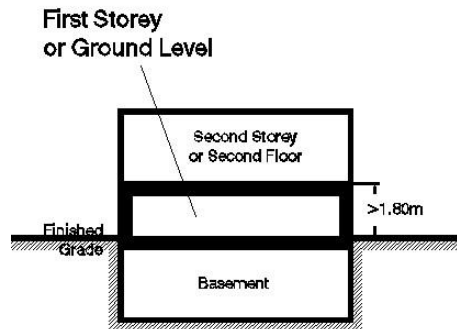
“**STACKING SPACE**” shall mean a *motor vehicle* space which provides standing room for vehicles in a queue for a *drive-through*.

# DEFINITION

## SECTION 3



“**STOREY, FIRST**” shall mean the *storey* with its floor closest to *finished grade* and having its ceiling more than 1.8 metres above *finished grade*.



“**STOREY**” shall mean the portion of a *building* which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, the portion between the top of such floor and the ceiling above it.

“**STREET CENTRE-LINE**” shall mean a line drawn parallel to and equidistant from the limits of a *road* allowance as originally laid out prior to any subsequent *road* widening.

“**STREET LINE**” shall mean the limit of the *street* allowance and is the dividing line between the *lot* and a *street*.

“**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.

“**STREET**” or “**ROAD**” shall mean a public highway or public *road* or an open *road* allowance owned and maintained by the *County* or the Province of Ontario. A public or private road or private right-of-way shall be considered a street or road, notwithstanding ownership, for the purposes of this by-law.

“**ARTERIAL ROAD**” shall mean a *road* that is generally recognized as the principal traffic thoroughfare within the *County*. Direct access to *arterial roads* should be limited and means of alternative access should be investigated for all new development or

# DEFINITION

## SECTION 3

redevelopment adjacent to an *arterial road*. *Arterial roads* are identified on Schedule F of the County Official Plan.

**“COLLECTOR ROAD”** shall mean a *road* that distributes traffic from the *arterial road* network to *local roads*. Direct access to a *collector road* is permitted. *Collector roads* are identified on Schedule F of the County Official Plan.

**“LOCAL ROAD”** shall mean a *road* that distributes traffic from *collector roads* to individual properties. *Local roads* are identified on Schedule F of the County Official Plan.

**“PRIVATE ROAD” or “PRIVATE RIGHT-OF-WAY”** shall mean a *road* that is not owned or maintained by the County but are under private ownership and provide vehicular access to more than one property.

**“STRUCTURE”** shall mean anything constructed or *erected*, on a permanent or temporary basis, the use of which requires location on or in the ground, or attached to something having location on or in the ground but excluding an underground servicing facility.

**“SUPERMARKET”** shall mean a *building* or part of a *building* in which a balanced line of goods such as canned, bottled, packaged and frozen foods, fresh meat and poultry, fish, fresh fruits and vegetables, prepared food products, *bakery* products, dairy products, candy and confectionery and other food products are sold. In addition, newspapers, magazines, paper products, soft drinks, tobacco products, health and beauty aids, housewares, flowers and plants and other non-food articles may be sold. Services may also be offered for sale provided they are subordinate to the main use.

**“SWIMMING POOL SALES AND SERVICE ESTABLISHMENT”** shall mean an establishment for the sales and display of swimming pools, hot tubs, saunas and similar *structures* and accessory goods related to the care and maintenance of such *structures*, and which may include outside display of merchandise.

**“TAXI ESTABLISHMENT”** shall mean a lot or *building* used as a dispatch office or an area, site or location used for the parking of taxis and/or limousines when not engaged in transporting *persons* or goods, but does not include the servicing or repair of vehicles.

**“TENT AND TRAILER PARK”** shall mean an area of land used for camping or for the parking of *recreational vehicles* for vacationing or recreational purposes and shall include the storage of such *vehicles* over the winter months.

**“THERMAL DESTRUCTOR”** shall mean an incinerator or a furnace for the burning of refuse and industrial by-products or residues.

**“TOP OF BANK”** shall mean a location inland from the lake which is the greater of:

- i) the first break, from the lake, in the slope of the cliff, bluff or bank, or
- ii) a point measured inland from the toe of the cliff, bluff or bank which is three times the height of the of the cliff, bluff or bank.

**“TOURIST CABIN”** shall mean a detached, furnished *building* providing temporary rental accommodation for one or more guests, in which cooking, eating, sleeping and sanitary facilities are provided, for use mainly by the vacationing public.

# DEFINITION

## SECTION 3

**“TOWING ESTABLISHMENT”** shall mean the use of land, *building* or *structure*, or part thereof, for the keeping of tow trucks, and to which disabled or impounded *motor vehicles* or mobile equipment are taken or towed and stored temporarily until reclaimed, but shall not include an *Automobile Body Shop*, *Automobile Service Station* or a *Salvage Yard*.”

**“TRAINING AND REHABILITATION CENTRE”** shall mean a *building* or part of a *building* wherein facilities are provided and operated by social, public and private agencies for the rehabilitation and training of socially, physically or psychologically disabled persons or those with addictive behaviour and may include living quarters for such *persons*.

**“TRUCK TERMINAL”** shall mean a *building* or place where trucks or transports are rented, leased, kept for hire, stored, parked or dispatched for hire as common carriers.

**“UTILITY SERVICE BUILDING”** shall mean a *building* or *structure* used in connection with the supplying of local utility services and may include: water or sewer pumping station, water storage reservoir, gas regulator *building*, hydro sub-station, telephone repeater or exchange *building*, sewage or water treatment plant.

**“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.

**“VEHICLE”** shall mean an automobile or motorized transport used for carrying passengers or for transporting goods and may include: a *farm* implement, *recreational vehicle*, snowmobile or marine craft.

**“VEHICLE, MOTOR”** shall mean an automobile, motorcycle, motor assisted bicycle, unless otherwise indicated in the *Highway Traffic Act*, and any other vehicle designed to be propelled or driven other than by muscular power, but does not include a *street* car or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, farm implements or *road* building machine within the meaning of the *Highway Traffic Act*, as amended.

**“VEHICLE, COMMERCIAL MOTOR”** shall mean a *motor vehicle*:

- a) Which for the purposes of the *Highway Traffic Act*, has a registered gross weight of more than 3,629 kilograms; or
- b) Which has a height greater than 2.2 metres; or
- c) Which has a length greater than 6.7 metres; or
- d) Which is a truck tractor capable of hauling trailers on the highway; or
- e) Which is a trailer hauled by truck tractor but does not include a *mobile home*.

**“VEHICLE, RECREATIONAL”** shall mean *vehicle* designed and intended to be *used* for recreational purposes and includes, without limiting the generality of the foregoing, motor homes, *recreational vehicles*, trailers, campers, all-terrain vehicles or motorized snow vehicles, but excludes bicycles, motorcycles, and motor assisted bicycles.

**“WAREHOUSE”** shall mean a *building* used for the storage and distribution of goods and equipment including self-storage units and mini-*warehouses* and may include one accessory *dwelling unit* for a facility manager.



# DEFINITION

## SECTION 3

**“WASTE DISPOSAL SITE”** shall mean any land upon, into or through which waste is deposited including the processing and any machinery or equipment or operation for the treatment or disposal of waste.

**“WASTE PROCESSING FACILITY”** shall mean lands, *buildings* or *structures* in or upon which waste is shredded, baled, pulverized, composted, separated or otherwise treated or altered to facilitate its further transfer, processing, utilization or disposal, and in accordance with a Certificate of Approval issued by the Ontario Ministry of the Environment where such certificate is *required*.

**“WASTE RECYCLING CENTRE”** shall mean land and one or more *buildings* where recyclable material is received from a generator of waste for the purpose of sorting and consolidating, and resale or delivery to another location. The *outdoor storage* of recyclable material is not *permitted*.

**“WASTE TRANSFER SITE”** shall mean lands where waste is collected and temporarily stored so that it can be batched and shipped to a recycling centre or *waste disposal site*.

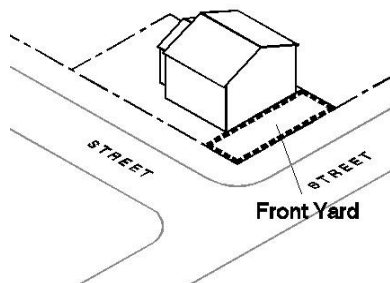
**“WATERBODY”** shall mean a natural or artificial body of water, but does not include water confined within a *structure* or *building*.

**“WATERCOURSE”** shall mean a natural or human-made channel for a perennial or intermittent stream of water such as a creek, river, ditch or drain.

**“WHOLESALE OUTLET”** shall mean an establishment in which goods, wares, merchandise, substance, articles or things are offered or kept for sale in large quantities for wholesale to retail establishments.

**“YARD”** shall mean the space between a *building* or *structure* on a *lot* and the *lot lines* of the *lot*. Any *yard* requirement *herein* is expressed as a horizontal linear distance perpendicular to a *lot line*. Where *yards* meet at a corner greater than 180 degrees, measured from the inside of the property, the *yards* shall extend to the point of intersection of the adjoining *yard*. A *required yard* shall be the distance from the *lot line* to the extent specified by this By-Law.

**“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 the main *building* on the *lot*.

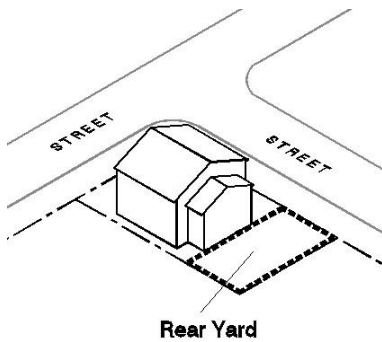


**“REAR YARD”** shall mean a *yard* extending across the width of the *lot*, exclusive of any *exterior side yard*, between the *rear lot line* and the nearest part of the main *building* on the *lot*. If a *lot* has only three *lot lines* and there is no *rear lot line*, the *rear yard* shall be

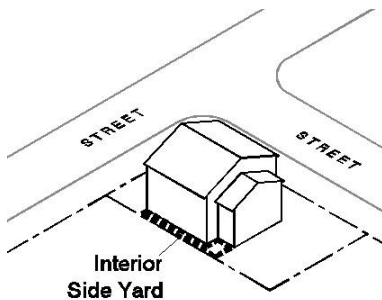
# DEFINITION

## SECTION 3

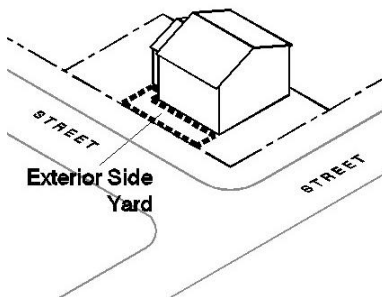
the area extending across the full width of the *lot*, between the apex formed by the *side lot lines* and the nearest part of any excavation or main *building* on the *lot*.



**“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 the main *building* on the *lot*. A *required interior side yard* shall extend from the *required front yard* to the *required rear yard*.



**“EXTERIOR SIDE YARD”** shall mean a *yard* abutting a *street*, and extending from the *front yard* to the *rear yard* and from the *exterior side lot line* to the nearest part of the main *building* on the *lot*. A *required exterior side yard* shall extend from the *required front yard* to the *rear lot line*.



**“ZONE”** shall mean a designated area of land shown on the zoning maps.



**DEFINITION  
SECTION 3**

# GENERAL PROVISIONS

## SECTION 4

### 4 General Provisions

#### 4.1 Accessory Retail Uses

Where an *accessory retail use* is *permitted* in association with a non-residential use as indicated in this By-law, the following provisions shall apply:

- a) *accessory retail uses* shall be clearly subordinate, and clearly related to the primary use of the lot and principal *building* or *structure*;
- b) *accessory retail uses* shall consist primarily of the sale of goods manufactured or stored on the premises;
- c) the *gross floor area* of a *permitted accessory retail use* shall be a maximum of 15% of the *gross floor area* of the principal *building*; and
- d) parking shall be provided at 50% of the requirement set out within Section 5.0, and shall be in addition to the *parking spaces required* for the primary use of the lot.

#### 4.2 Accessory Uses, Buildings and Structures to Residential Uses

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

- a) be established on any lot until or unless the main *building* or use to which it is accessory is established;
- b) exceed a *building height* of 4.5 metres in the Residential Zones and 6.5 metres in all other zones where the use is *permitted*;
- c) occupy any part of a *required exterior side yard* or *required front yard*;
- d) be nearer than 1.0 metres of a *lot line* within an *interior side yard* or 1.0 metres of an *interior lot line* within a *front yard*;
- e) 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 *setback* is *required*,
  - ii) in the case of a *lot line* abutting a navigable watercourse, no *setback* is *required* for a *boathouse*, dock, pier or wharf where the *boathouse*, dock, pier or wharf abuts the watercourse;
- f) occupy more than 10% of the *lot area* to a maximum of 75 square metres of useable floor area, whichever is lesser, for all *accessory buildings* or *structures* together, in the R1, R2, R3, R4, RL residential Zones; 100 square metres of building area on those lots measuring 0.4 hectares or less in all other zones where the use is *permitted*, and 200 square metres of building 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;

# GENERAL PROVISIONS

## SECTION 4

- g) be *permitted* for a *secondary suite* which is *permitted* on the lot in accordance with this By-law;
- h) be used for human habitation or an occupation for gain or profit, unless otherwise *permitted* by this By-law;
- i) have any portion of the eaves closer to the *lot line* than half of the *required setback*; and
- j) a detached pergola or similar *structure* less than 10 square metres in area is not subject to the provisions of 4.2 'a' to 'i'.

### 4.3 Accessory Uses, Buildings and Structures to Non-Residential Uses

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

- a) contravene any *zone* provisions for the *zone* in which the *building* or *structure* is located except:
  - i) a *building* or *structure* used as a gatehouse or kiosk for parking attendants or security personnel which may be *erected* in any *required setback* from a *street* provided such *building* or *structure* is located at the ingress or egress to the lot, no nearer than 3.0 metres to any *street line* and provided it does not exceed 20 square metres in area;
- b) be established on any *lot* until or unless the main *building* or use to which it is accessory is established;
- c) be used for human habitation or an occupation for gain or profit, unless otherwise *permitted* by this By-law; and
- d) a detached pergola or similar *structure* less than 10 square metres in area is not subject to the provisions of 4.3 'a' to 'c'.

### 4.4 Auction Centre

An *auction centre* shall be subject to the following provisions:

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

### 4.5 Automobile Gas Stations and Gasoline Pump Islands

The following provisions shall apply to *automobile gas stations*, including a gasoline pump island or any kiosk or canopy associated therewith, where *permitted* by this by-law:

# GENERAL PROVISIONS

## SECTION 4

- a) no portion of the gasoline island or kiosk may be located closer than 5.0 metres to any *lot line* or 3.0 metres to any *sight triangle*;
- b) the outer edge of any canopy may be located no closer than 1.0 metre to any *lot line* and provided the support columns of any canopy are located no nearer than 5.0 metres to any *lot line* or within a *sight triangle*;
- c) the minimum *lot frontage* for an *interior lot* shall be 30.0 metres;
- d) the minimum *lot frontage* for a *corner lot* shall be 40.0 metres;
- e) the distance between driveways providing access to a lot shall be a minimum of 9.0 metres, except that on a *corner lot*, no driveway shall be located closer than 9.0 metres of the intersection of the *street line*, subject to the *yard* requirements of the *zone*;
- f) each driveway shall have a maximum width of 9.0 metres and the interior angle formed between the *lot line* and centerline of the driveway must be between seventy (70) and ninety (90) degrees; and
- g) no driveway shall be located within 3.0 metres of a *side lot line*.

### 4.6 Backyard Hens

The housing of hens shall be *permitted* on a *lot* in the Hamlet Residential zone subject to the following provisions:

- a) The minimum lot area shall be 0.4 hectare;
- b) A maximum of four (4) hens may be kept per lot;
- c) All hens are to be kept within an enclosed building or structure located in the rear yard;
- d) Required enclosures are permitted to a maximum size of 10 square metres and 3 metres in height;
- e) Required enclosures shall be setback a minimum of 3 metres from all *side* and *rear lot* lines;
- f) Required enclosures shall be setback a minimum of 20 metres from all dwellings on adjacent properties;
- g) All feed is to be stored secured from rodents outside of any required enclosure;
- h) The slaughtering or processing of hens is prohibited on site;
- i) The keeping of roosters is prohibited on site;
- j) The sale of eggs is permitted, while the sale of manure and/or other products is prohibited on site;
- k) Manure is to be disposed of properly and is not permitted to be stored on site;

# GENERAL PROVISIONS

## SECTION 4

- l) The owner of the backyard hens must reside on the lot where the backyard hens are kept. Where a property is rented or leased, tenants must obtain written consent from the owner to keep backyard hens on the owner's property; and
- m) All keepers of backyard hens must obtain a registration with the Ontario Chicken Marketing Board Small Flock Policy.

### 4.7 Bed and Breakfast Establishments

*Bed and breakfast establishments* shall be subject to the following provisions:

- a) a *bed and breakfast establishment* shall be *permitted* only in the *zones* indicated in this By-law and shall be clearly accessory to the main residential use and shall not change the residential character of the principal *dwelling unit*;
- b) the *dwelling unit* in which the *bed and breakfast establishment* exists is occupied by the operator of the *bed and breakfast establishment*, and employment associated with the *bed and breakfast establishment* is restricted to members of the *dwelling unit* and a maximum of one (1) outside employee is *permitted*;
- c) a maximum of three (3) bedrooms may be made available for guests for the first 140 square metres of *gross leasable floor area*. One (1) additional room is *permitted* for each additional 23 square metres of *gross leasable 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;
- d) a minimum of one (1) additional *parking space* per guest room is *required*;
- e) one (1) of the *required parking spaces* may be provided by means of a *tandem parking space*;
- f) a minimum of 40% of the *front yard of a lot* used for the purpose of a *bed and breakfast* shall be provided and maintained as *landscaped open space* and such open space shall not be utilized for *parking space* and/or driveway purposes;
- g) a dining room is *permitted* but is restricted to use by patrons of the *bed and breakfast establishment* only;
- h) site plan control shall apply to those establishments of 4 guest rooms or greater;
- i) *accessory retail uses* are *permitted* but are restricted to a maximum of 10% of floor area used for the *bed and breakfast establishment*, including common areas;
- j) within a Commercial *Zone*, the *bed and breakfast establishment* is not *permitted* on the ground floor adjacent to the *street*; and
- k) a *bed and breakfast establishment* or guest house shall not be *permitted* on a lot which has frontage on and access to a private *street*.

# GENERAL PROVISIONS

## SECTION 4

### 4.8 Campgrounds, Tent and Trailer Parks

Where *permitted* by this By-law, *campgrounds* and *tent and trailer parks* shall be in accordance with the following provisions:

- a) unless otherwise specified herein, every *building, structure*, trailer or designated camping area shall comply with the minimum *yard* requirements of the applicable *zone*;
- b) the minimum *lot area* shall be 40,000 square metres (4.0 hectares);
- c) every individual camp site shall have:
  - i) a minimum width of 9 metres and a minimum area of 185 square metres; and
  - ii) have a minimum of one *parking space* located on the lot.
- d) accessory commercial uses, including *accessory retail uses*, a *laundromat*, as well as *required* parking, shall not exceed 1,000 square metres;
- e) a single accessory *dwelling unit* shall be *permitted* on the lot;
- f) a minimum of 5% of the *lot area* shall be used for outdoor recreation facilities;
- g) designated camping area shall have access by a *lane, road*, or driveway having a minimum unobstructed width as follows:
  - i) where two-way traffic is *permitted* – 7.5 metres; and
  - ii) where one-way traffic is *permitted* – 3.5 metres.
- h) *recreational vehicles* shall not be occupied on an overnight basis between October 31<sup>st</sup> and April 15<sup>th</sup> in any year;
- i) *campgrounds* and *tent and trailer parks* shall be subject to Site Plan Control and enter into a site plan control agreement with the *County*. Lot development consisting of the construction of *decks* and *patios* or trailer replacement, shall not be subject to Site Plan Control; and
- j) *campgrounds* and *tent and trailer parks* shall meet the requirements of any by-law and amendments thereto passed by the *County* in accordance with the provisions of the *Municipal Act*, as amended, or any successor legislation thereto and where there is a conflict between any such by-law and this by-law, the by-law having the more stringent provisions shall apply.

### 4.9 Cannabis Production Facility

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

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

# GENERAL PROVISIONS

## SECTION 4

- c) in addition to the requirements of this Section, a *cannabis production facility* shall comply with all zone provisions of the zone it is located within;
- d) a *cannabis production facility* shall be subject to the following setbacks:

	Setback to any Residential, Commercial, Institutional or Open Space Zone	Setbacks to the following uses located on a separate lot: a dwelling, <i>dwelling house, dwelling unit, day nursery, school, community centre, place of entertainment, place of assembly, place of worship, long term care home, retirement home, campground, tent &amp; trailer park</i> or cultural facility	Setback to any settlement area boundary
A <i>cannabis production facility</i> with a total gross floor area less than 6,967 square metres and with an <i>air treatment control system</i>	150 metres	150 metres	150 metres
A <i>cannabis production facility</i> with a total gross floor area greater than 6,967 square metres and less than 9,290 square metres and with an <i>air treatment control system</i>	200 metres	200 metres	200 metres
A <i>cannabis production facility</i> with a total gross floor area greater than 9,290 square metres and with an <i>air treatment control system</i>	250 metres	250 metres	250 metres
A <i>cannabis production facility</i> of any size where an <i>air treatment control system</i> is not provided	300 metres	300 metres	300 metres

- e) the parking requirement for a *cannabis production facility* shall be 1 parking space per 100 square metres of *gross floor area*;
- f) *outdoor storage* is prohibited on a property on which a *cannabis production facility* is located;
- g) no outdoor signage or advertising shall be permitted;
- h) where a *cannabis production facility* is located on a lot, no other use shall be permitted on the lot or within the building as a whole, other than the growing of agricultural crops and/or a single detached dwelling;
- i) the minimum lot area must be greater than 4.0 hectares;



# GENERAL PROVISIONS

## SECTION 4

- j) minimum setback for all *structures* associated with a *cannabis production facility* is 30 metres from all property lines;
- k) a *building* or *structure* used for security purposes for a *cannabis production facility* may be located in the front yard and does not have to comply with the required minimum *front yard* setback;
- l) loading spaces for a *cannabis production facility* must be in a wholly enclosed *building*;
- m) all uses and activities associated with the *cannabis production facility*, with the exception of growing, must take place entirely within a building.

### 4.10 Cargo Containers used for Storage Purposes

Where a *cargo container* is used for the purpose of storage *accessory* to a principal use, the following provisions shall apply:

- a) a *cargo container* may not be located in any Residential *zone*;
- b) a *cargo container* may only be located in the *rear yard* and must comply with the *rear yard* provisions of the *zone* in which the *cargo container* is located; and
- c) other than the *rear yard* requirement as set out in subsection b) above, the placement of a *cargo container* shall comply with Section 4.2 or 4.3, whichever is applicable.

### 4.11 Carports

- a) A carport may be constructed in a residential *zone* provided that the following provisions are satisfied:
  - i) it is attached to the house to which it is accessory;
  - ii) it is entirely open, except for supporting poles, on at least two sides;
  - iii) it is built over the driveway;
  - iv) the *building*, including the eave overhang, maintains a minimum *setback* from any *lot line* of 0.6 metres;
  - v) it does not exceed a length of 7.5 metres; and
- b) it complies with the height limit for an *accessory building* or *structure* as set out in Section 4.2. Notwithstanding subsection v), eaves may protrude up to 0.15 metres into the *required side yard* width or *setback*.
- c) Where a carport maintains a *setback* from an *interior lot line* of 1.2 metres or greater, the maximum length of a carport as set out in subsection v) shall not apply.

### 4.12 Commercial Greenhouse

The following provisions shall apply to a *commercial greenhouse*, where it is *permitted* by this By-law:

# GENERAL PROVISIONS

## SECTION 4

- a) a *commercial greenhouse* is a facility that measures 23,226 square metres or greater in size;
- b) the following regulations shall apply to all *buildings* and *structures* associated with a *commercial greenhouse*:
  - i) the minimum *lot frontage* shall be 120 m;
  - ii) the minimum *front yard setback* shall be 30 m;
  - iii) the minimum *side yard setback* shall be 15 m or 30 m from the nearest *dwelling* on a separate lot, whichever is greater;
  - iv) the minimum *rear yard setback* shall be 15 m or 30 m from the nearest *dwelling* on a separate lot, whichever is greater; and
  - v) the maximum *lot coverage* shall be 80%.
- c) notwithstanding a) iii), iv) and v), the *setback* for all *commercial greenhouse buildings* and *structures* from all Residential Zones shall be 300 m;
- d) packing, shipping and loading facilities shall be located a minimum of 15 m from all *lot lines* or 30 m from the nearest *dwelling* on a separate lot, whichever is greater;
- e) driveways and parking areas shall be located a minimum of 7.5 m from any side or rear *lot line*;
- f) waste management facilities shall be located a minimum of 7.5 m from all *lot lines* or 30 m from the nearest *dwelling* on a separate lot, whichever is greater; and
- g) *commercial greenhouses* are subject to Site Plan Control under Section 41 of the *Planning Act*.

### 4.13 Phased Condominiums

Phased Registration of Condominiums - 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 met.

### 4.14 Conversion of a Vacation Home Dwelling for Permanent Occupancy

The conversion of a *vacation home dwelling* or seasonal *dwelling*, for permanent occupancy as a *single detached dwelling* may be *permitted* provided that:

- a) the lot is serviced by a potable water supply;
- b) the lot is suitable for an on-site sewage system *permitted* within the Ontario Building Code on a permanent or temporary basis as approved by the *County* or Province, where applicable, or where the lot is located within a defined sewer service area it shall be serviced by a public sanitary sewage system;

# GENERAL PROVISIONS

## SECTION 4

- c) the *dwelling* is located outside of areas impacted by natural hazards (areas subject to flooding or erosion) and hazardous sites (unstable soils) as determined in consultation with the *County* and appropriate Conservation Authority, and in accordance with Section 4.40 (Natural Environment Areas and Natural Hazard Lands);
- d) the lot and any *buildings* thereon meet the minimum requirements prescribed for the applicable *zone*;
- e) the lot has frontage on an *improved street* as defined herein;
- f) soft services, including waste collection and winter control, are provided to the lot; and
- g) emergency access for County fire and paramedic services is available at all times as confirmed by the Fire Chief.

### 4.15 Decks and Unenclosed Porches

- a) The following shall apply to *decks and unenclosed porches*:
  - i) A *deck or unenclosed porch* having a maximum height of 0.3 m above finished grade or less shall be *permitted* to encroach into any *required yard setback* without restriction, provided it is located no closer than 1.0 m to the rear or *interior side lot line* and no closer than 1.5 m to the front or *exterior side lot line*;
  - ii) A *deck or unenclosed porch* having a maximum height greater than 0.3 m above finished grade shall be *permitted* to encroach up to 2.0 m into the *required rear yard* or *required exterior side yard*, provided it is located no closer than 2.0 m from the exterior or rear lot line. For interior side yards, it may not encroach further than the required side yard setback. For the front yard, the deck may encroach no greater than 1.5 metres.
  - iii) No deck shall have a floor higher than the height of the floor of the *first storey* of the main *dwelling* on the lot. Anything constructed above the *first storey* shall be considered a *balcony* and is regulated under Section 4.20 of this By-law; and
  - iv) A *deck or unenclosed porch* on a sloping *rear yard* shall be no closer than 1.5 metres from an *interior lot line* and 5 metres from the *rear lot line*, at the point where the *deck* floor reaches or exceeds a height of 2 metres above the finished surface of the ground.
- b) Notwithstanding the above, where the *rear lot line* adjoins a water body or watercourse, a *deck or unenclosed porch* may project to the limits of any natural hazard land or top-of-bank *setback*.

### 4.16 Drive-Through Lanes and Stacking Spaces

A *drive-through* may be *permitted* in association with a commercial use, where it is *permitted* by this By-law, provided that:

- a) the minimum number of *stacking spaces* shall be in accordance Table 4.16:

# GENERAL PROVISIONS

## SECTION 4

**Table 4.16: Minimum Number of Required Stacking Spaces**

Permitted Use	Minimum Number of Required Stacking Spaces
Automatic <i>drive-through</i> car wash	10 stacking spaces in advance of the car wash and 1 stacking space at the terminus of each line
Non- <i>drive-through</i> or coin-operated car wash	2 stacking spaces in advance of the car wash bay, excluding the car wash bay
Restaurant, <i>drive-through</i>	10 stacking spaces in advance of each <i>drive-through</i> service window or self-serve facility, including the space at the pick-up window
All other uses with <i>drive-through</i> service, such as a <i>financial institution</i> or <i>pharmacy</i>	3 stacking spaces in advance of each <i>drive-through</i> service window or self-serve facility.

- b) *stacking spaces* shall be 5.6 m in length and 3.0 m in width. In the case of a car wash intended for commercial vehicles or buses, *stacking spaces* shall be a minimum of 10.0 m in length and 3.5 m in width;
- c) a *stacking lane* shall not be *permitted* to abut a Residential, Parks and Open Space, or Institutional *Zone*;
- d) *stacking lanes* or *stacking spaces* shall not be located within a *required* minimum *front yard* or *required* minimum *exterior side yard*;
- e) *stacking lanes* and *stacking spaces* shall not be located within a parking area or *parking aisle*, and shall not obstruct *parking spaces*;
- f) a *drive-through* shall not be *permitted* in association with a commercial use in the Downtown Commercial *Zone*; and
- g) a *drive-through* shall not be *permitted* in a Residential *Zone*.

### 4.17 Established Building Line

- a) Where *existing* development on either side of a middle *lot* have legal *non-conforming front yard setback* or *exterior side yard setback* for the *zone*, the *front yard setback* for the main *building* on the middle *lot* may be reduced, provided all parking requirements are met, to either:
  - i) the average of the *yard* depth or width, as applicable, of the main *building* on each of the other two *lots*, if both are non-complying, or 3.0 metres, whichever is greater; or
  - ii) the average of the *yards* of the main *building* on the non-complying *lot* and the *yard* depth or width, as applicable, of the applicable *zone* if only one adjacent *lot* is non-complying, or 3.0 metres, whichever is greater.
- b) Where the main *building* on the *lots* on either side of the middle *lot* have a *setback* greater than the minimum *front yard setback* for the *zone*, the *required front yard setback* of the main *building* on the middle *lot* shall be the average *yards* of the *dwellings* on the other two *lots*.

# GENERAL PROVISIONS

## SECTION 4

- c) Where the *existing front yard setback* for a main *building* is less than the *required front yard setback* for the *zone*, an addition to the side of the *building* within an *interior side yard* may be extended into the *required front yard* to the extent of the legal *non-conforming front yard* provided that the said addition complies with all other provisions of this by-law.

### 4.18 Exemptions from Height Provisions

The height provisions of this by-law shall not apply to the following uses, *buildings* or *structures*:

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

### 4.19 Exemptions from Servicing Provisions

- a) *Zone* provisions requiring connection to a public water supply system and a *public sanitary sewer system* shall not apply to:
  - i) *existing single detached dwellings* on a *lot of record* if such services are not available; or
  - ii) a *mobile food premises, campground, temporary sales and rental office, temporary construction trailer or gatehouse kiosk, or similar uses*.
- b) A public sanitary system does not include a communal sewage treatment system.

# GENERAL PROVISIONS

## SECTION 4

### 4.20 Exemptions from Yard Provisions

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

- a) sills, belt courses, cornices, chimneys, bay windows, pilasters, hydro meters or gas metres may project into any *required yard* or *setback* area a distance of not more than 0.65 metres;
- b) eaves or gutters for other than an accessory building may project into any required yard or setback area a distance of not more than 0.65 metres;
- c) eaves or gutters of an accessory building may project into any required yard or setback area a distance of not more than 0.3 metres;
- d) canopies, awnings, or steps may project into any required rear yard, front yard or exterior side yard area a distance of not more than 1.5 metres;
- e) balconies may project into any required rear yard, front yard, interior side yard or exterior side yard area a distance of not more than 1.5 metres provided they are no closer than 3.0 metres from a front yard lot line, exterior lot line or interior lot line and 6.0 metres from a rear lot line;
- f) unenclosed accessibility ramps may project into any required yard;
- g) window or wall-mounted furnaces, heat pumps, gas fireplace vents and outdoor free-standing air conditioning units may project into any required rear yard, interior side yard, or exterior side yard a distance of not more than 1.0 metres and provided it is no closer than 6.0 m to a rear lot line or 1.5 m to an interior or exterior lot line; and
- h) steps including landings, above or below grade entrances and staircases may project into any required rear yard, front yard, interior side yard or exterior side yard area a distance of not more than 1.5 metres; and into the front yard not more than 2.0 metres.
- i) a stair encroachment of 3 risers, to a maximum of 0.6 metres, may be permitted.

### 4.21 Film Production

The following provisions shall apply to *film production* uses:

- a) all *buildings* and *structures* relating to *film production* shall comply with the Ontario Building Code, as amended from time to time;
- b) *film production* and any activities associated with *film production* shall comply with the *Haldimand County Noise By-law*, as amended from time to time;
- c) 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;
- d) prior to *film production* taking place on a piece of land, the production company shall submit an information package for approval by the General Manager of Community & Development Services consisting of the following:

# GENERAL PROVISIONS

## SECTION 4

- 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 lands regulated by a Conservation Authority or on lands *zoned* as Wetland (W).

### 4.22 Mobile Food Premises

A *mobile food premises* may be erected and/or operated, on a temporary basis, in any Public Park as provided for within the Public Parks and Facilities By-law and in all other zones, excluding Residential zones, provided that such *mobile food premises* is erected and/or operated in association with a Council approved special event or has otherwise been authorized or licensed to operate within the County.

### 4.23 Frontage on an Improved Street

No *building* or *structure* shall be *erected*, altered or enlarged on any lot in any *zone* unless it meets one of the following requirements:

- a) the lot has the minimum *required lot frontage on an improved street*;
- b) the lot will have frontage on a future public *street* that is currently being constructed pursuant to a Subdivision Agreement or other Development Agreement with a *public agency*;
- c) the lot is legally tied to a common element condominium having frontage on a condominium common element *road* that provides direct access to a public *street* or which connects with another condominium common element *road* having access to a public *street*; and
- d) the lot is legally tied to a common element condominium having frontage on a future condominium common element *road* that is currently being constructed pursuant to a Condominium Agreement or other Development agreement with a *public agency* that provides direct access to a public *road* or which connects with another condominium common element *road* having access to a public *street*.



# GENERAL PROVISIONS

## SECTION 4

### 4.24 Garden Suites

A *garden suite* may be *permitted* by way of a development agreement with the *County*, and in accordance with the following provisions:

- a) only one *garden suite* shall be *permitted* per lot;
- b) the following locational criteria shall be satisfied:
  - i) the *garden suite* shall be located on the same *lot* as a *single detached dwelling* that is legally permitted within the *zone*;
  - ii) the suite is not placed in the *front yard* of the house or the required *front yard* as set out in the Zoning By-law;
  - iii) the suite is compatible with adjacent residential or agricultural properties in terms of aesthetics, privacy and noise;
  - iv) the *garden suite* is well removed from potential land use conflicts such as animal operations and operating pits or quarries;
  - v) the *garden suite* is sited near the principal farm residence or *existing dwelling*;
  - vi) the *garden suite* does not require additional separate access to a municipal road;
  - vii) the proposed site is capable of being connected to municipal services or can accommodate a water supply system and is serviced by an on-site sanitary sewage system designed and installed as per the Ontario Building Code;
  - viii) the location of the unit shall have regard to the Minimum Distance Separation formulae, from *livestock facilities* on adjacent properties; and
  - ix) there is adequate on-site parking.
- c) initial permissions for a *garden suite* shall be for no longer than ten (10) years, calculated from the date of issuance of a building permit; with extensions permitted on a three (3) year basis to a maximum of twenty (20) years);
- d) the *garden suite* shall be located on the same lot as a principal residential use *building* which shall be a *single detached dwelling* that is legally *permitted* within the *zone*;
- e) where a *garden suite* is located on a lot, a *bed and breakfast establishment, group home, rooming house, secondary suite, or home occupation* shall be prohibited on the same lot; and
- f) Where a *garden suite* is to be permitted, an implementing development agreement is required.

### 4.25 Ground Floor Elevation

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

# GENERAL PROVISIONS

## SECTION 4

- i) Lots 21 to 24 inclusive, Concession One, former Township of Woodhouse,
- ii) Lots 1 to 24 inclusive, Concession One, former Township of Walpole.
- b) Notwithstanding subsection 4.25 a) the following exceptions shall apply:
  - i) *accessory buildings* and attached *private garages*,
  - ii) *boathouses*,
  - iii) *buildings* or parts of *buildings* used for boat maintenance, repair, display or storage.
- c) When a *building* is raised, subsections 4.25 a) and 4.25 b) shall apply notwithstanding the definition of *alter* contained *herein*.

### 4.26 Group home Dwellings

The following provisions shall apply to a *group home dwelling*, where it is *permitted* by this by-law:

- a) the *group home dwelling* shall be *permitted* in a *single detached dwelling*, where it is *permitted* by this By-law, and provided that it complies with the regulations of the *zone* within which the *group home* is located;
- b) a *group home dwelling* shall comprise the sole use of the *dwelling*;
- c) parking for a *group home dwelling* shall be provided in accordance with Section 5.0;
- d) approval of a *Planning Act* application shall be *required* to accommodate a *group home dwelling* accommodating more than 6 *persons*, to a maximum of 10 *persons* (exclusive of supervisory or attendant staff); and
- e) any *existing group home dwelling* which satisfies Provincial standards of operation but which fails to comply with the requirements of this By-law on the date that this by-law comes into effect, will be allowed to continue in operation, but will not be *permitted* to increase its number of occupants (exclusive of supervisory or attendant staff). Physical *building* expansion that otherwise complies with the provisions of this by-law shall be *permitted*.

### 4.27 Home-Based Business

#### 4.27.1 Home-Based Business, Home Office

A *home office* shall be subject to the following provisions:

- a) *home office* is *permitted* in a *zone*, where a *home office* is a *permitted* use.

#### 4.27.2 Home-Based Business, Home Occupation

A *home occupation* shall be subject to the following provisions:

- a) *home occupation* is *permitted* in a *zone*, where a *home occupation* is a *permitted* use;

# GENERAL PROVISIONS

## SECTION 4

- b) teaching classes shall be restricted to a maximum of four (4) students;
- c) *day care nursery* shall be limited to the number of children as permitted in the *Child Care and Early Years Act, 2014*;
- 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) the minimum parking requirements identified in Section 5.0;
- i) a minimum of one (1) additional *parking space* is *required* for any outside employee; and
- j) *outdoor storage* of goods is prohibited.

### 4.27.3 Home-Based Business, Home Industry

A *home industry* shall be subject to the following provisions:

- a) *home industry* is *permitted* in a *zone*, where a *home industry* is a *permitted use*;
- b) there shall be no goods, wares or merchandise, other than crafts produced on the premises, offered or exposed 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 hectares;
- e) no *home industry* shall occupy any portion of a *dwelling* except an attached garage;
- f) *outdoor storage* is *permitted* but shall be screened from view of the *street* and adjacent properties by a visual barrier with a minimum height of 1.8 metres;
- g) no *home industry* shall be located in a *building* which is closer than 30 metres from a *dwelling* on an adjacent lot;
- h) a maximum of three (3) outside employees are *permitted* on a given shift;
- i) the minimum parking requirements identified in Section 5.0;
- j) a minimum of one (1) additional *parking space* is *required* per outside employee; and

# GENERAL PROVISIONS

## SECTION 4

- k) 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.
- l) if a permitted use is considered commercial and adjacent to a provincial highway, all requirements of the Ministry of Transportation must be complied with.

### 4.28 Household Sales

Household sales are *permitted* in any Residential *Zone* subject to the following conditions:

- a) No more than two household sales are *permitted* in any given calendar year at one location; and
- b) No individual household sale will be more than two days in duration.

### 4.29 Intake Protection Zones

Notwithstanding any other provisions of this by-law to contrary, on any lot located within each of the following geographic areas, as delineated on Schedule B, the following provisions shall apply:

- a) the storage of commercial fertilizer and pesticides shall be prohibited within the Grand River *Intake Protection Zone 1* and Long Point Region *Intake Protection Zones 1 and 2*;
- b) the development of future *road salt* facilities shall be prohibited within the Grand River *Intake Protection Zone 1*, and Long Point Region *Intake Protection Zones 1 and 2*, unless the *road salt* is contained in covered roof storage facilities and a salt impact assessment and/or salt management plan has been completed in accordance with the applicable Source Protection Plan;
- c) the handling and storage of fuel greater than 2,500 litres shall be prohibited within the Grand River *Intake Protection Zone 1* and Long Point Region *Intake Protection Zone 1*;
- d) the storage of dense non-aqueous phase liquids and organic solvents for industrial, commercial or institutional purposes shall be prohibited within the Grand River *Intake Protection Zone 1* and Long Point Region *Intake Protection Zone 1*; and
- e) all new developments with a discharge of stormwater from a stormwater management facility located within Grand River *Intake Protection Zones 1 and 2*, and Long Point Region *Intake Protection Zones 1 and 2*, are to include an integrated treatment approach for the stormwater and a requirement to explore alternatives to conventional stormwater management facilities in accordance with the applicable Source Protection Plan.

### 4.30 Landscaped Open Space

*Landscaped open space* shall be provided in accordance with the provisions of the *zone* in which it is *required*, and shall be subject to the following general provisions:

- a) no part of any driveway, parking area, *loading space*, roof top terrace, or space enclosed within a *building*, other than a green roof or landscaped area located above an underground parking area, shall be considered part of any *required landscaped open space*; and

# GENERAL PROVISIONS

## SECTION 4

- b) except as otherwise provided herein, no part of any *required front yard* or *required exterior side yard* shall be used for any purpose other than *landscaped open space*.

### 4.31 Landscaped Strip

In all Commercial and Mixed Use, Industrial and Institutional *Zones*, and Residential *Zones* where an *apartment dwelling* is *permitted*, a *landscaped strip* shall be provided and maintained in accordance with the following minimum requirements:

- a) a *landscaped strip* shall be *required* in any *yard*:
  - i) abutting a Residential *Zone* or a Parks and Open Space *Zone*; and
  - ii) abutting a *street*, except for lands within the Downtown Commercial (CD) *Zone*.
- b) the *landscaped strip* shall have a minimum width of 2.0 metres and consist of solid, unpierced landscaping or fencing sufficient to screen such area;
- c) the *landscaped strip* shall be provided along the entire length of the *yard*;
- d) the *landscaped strip* shall be installed and maintained by the owner of the lot upon which the *landscaped strip* is *required*;
- e) *landscaped strips* shall not be *required* or *permitted* where a *sight (or daylight) triangle* is *required* in accordance with Section 4.56 (*Sight or Daylight Triangles*);
- f) *landscaped strips* may be included in the calculation for minimum *required landscaped open space*, as *required* by the *zone* provisions; and
- g) where a *landscaped strip* is *required* abutting any *lot line* or elsewhere on a lot, nothing in this By-law shall apply to prevent such *landscaped strip* from being traversed by walkways or *permitted* driveways, except where prohibited in a *required front yard*.

### 4.32 Livestock in Residential Areas

No *livestock* shall be *permitted* to be kept in any Residential *Zone*.

### 4.33 Location of an Animal Kennel

An *Animal Kennel* shall not be located closer than:

- a) 600 metres from an urban zone that permits a residential use;
- b) 300 metres from an RH or RL *Zone*;
- c) 125 metres from an IC, IN, IR, or OS *Zone* or any residential use located on a separate lot, however, this shall not apply to an abandoned cemetery; or
- d) 30 metres from any lot line.

# GENERAL PROVISIONS

## SECTION 4

### 4.34 Location of a Dwelling

- a) No *dwelling* shall be *erected* or located on a separate *lot* within 300 metres of any *animal kennel* or municipal *animal kennel*.
- b) No *dwelling* shall be *erected* or located on a separate *lot* within the distances specified in Section 4.9 d) as they relate to a *cannabis production facility*.
- c) No *dwelling* shall be *erected* or located on a separate *lot* within 70 metres of an *abattoir*.
- d) No *dwelling* shall be *erected* or located on a separate *lot* within 30 metres of a rural industrial use or an *agricultural-related processing use*.
- e) No *dwelling* shall be *erected* or located on a separate *lot* within 300 metres of a disposal industrial or extractive industrial use including any outdoor working areas.
- f) Sections 4.33 a), b), c), and d) above shall not apply to additions or alterations to any legally established *dwelling*.
- g) Sections 4.33 a) and b) above shall not apply to any *lot of record* provided that the *dwelling* is located at the furthest point possible from the, *animal kennel*, *cannabis production facility*, *municipal animal kennel* or *abattoir* and provided such *dwelling* does not contravene any *yard* provisions.

### 4.35 Location of a Habitable Room

No *habitable room* shall be located in a *cellar* or *crawlspace* of a *dwelling*.

### 4.36 Lots Abutting a “One foot reserve”

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

### 4.37 Minimum Distance Separation Requirements

- a) New and expanded *livestock facilities*, manure storage facilities and anaerobic digesters are subject to the Minimum Distance Separation II (MDS II) requirements developed by the province, as amended from time to time, and shall comply with the requirements of the *Nutrient Management Act*.
- b) No *dwelling* shall be *erected* or located on a separate lot unless it complies with the requirements of the *Nutrient Management Act* and the Minimum Distance Separation (MDS I) formulae and guidelines developed by the province, as amended from time to time. An *existing off-site dwelling*, destroyed by a catastrophic event, may be replaced by a new *dwelling* provided that the new *dwelling* is sited no closer to the lot on which the *livestock facility* is located than the previously *existing dwelling*.

# GENERAL PROVISIONS

## SECTION 4

- c) No *bed and breakfast establishment* located on a separate lot shall be *permitted* unless the *dwelling* in which it is located complies with the Minimum Distance Separation (MDS I) formulae and guidelines developed by the province, as amended from time to time.
- d) A new *livestock facility* may replace a former *livestock facility* destroyed by a catastrophic event, provided that the new *livestock facility* does not result in increases in the values of Factors A, B or D, of the MDS Formulae, compared to what *existed* at the *livestock facility* prior to the catastrophic event, such that there is no switch to a *livestock* type with a higher odour potential, there is no increase in the number of nutrient units housed and there is no switch to a manure system type with a higher odour potential.
- e) Notwithstanding the MDS requirements, where new development on a vacant lot of record is unable to comply with the MDS requirements, a *dwelling* may be *permitted* on the lot provided the *dwelling* is located on the lot the furthest distance reasonably feasible from the impacted *livestock* facilities.

### 4.38 Minimum Services

- a) No land shall be used and no *building* or *structure* shall be *erected, used* or occupied, including alteration or change of use of a *building* in any urban settlement area, as defined in the *County* Official Plan, unless:
  - i) watermains, drainage systems, 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) *streets* and/or *lanes* are constructed to the satisfaction of the *County* and provide safe and adequate access to all *building* or *structures*.
- b) 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 hamlet settlement area, as defined in the *County* Official Plan, unless:
  - i) an approved waste disposal system, water supply and hydro service are constructed and operational and all regulatory approvals have been received to the satisfaction of the *County* or any jurisdiction having authority;
  - ii) stormwater management facilities, if *required*, are constructed and operational;
  - iii) adequate water supply is available for fire protection; and
  - iv) *streets* and/or *lanes* are constructed to the satisfaction of the *County* and provide safe and adequate access to all *buildings* or *structures*.



# GENERAL PROVISIONS

## SECTION 4

- c) Notwithstanding Sections a) and b) above, nothing herein shall prevent the construction of *model homes* in accordance with Section 4.39 (*Model Homes* and Temporary Sales Offices).
- d) Notwithstanding Sections a) and b) 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.
- e) That for the purpose of Sections a) and b) above, ‘urban and hamlet 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.

### 4.39 Model Homes and Temporary Sales Offices

- a) *Model homes* are *permitted* on lands that have received draft plan of subdivision or condominium approval for residential purposes provided that:
  - i) the number of *model homes* does not exceed 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.
  - ii) the *model home* is built within a lot defined by the draft approved plan of subdivision or condominium;
  - iii) the *model home* shall be in accordance with the applicable *zone* provisions in which it is to be located and shall comply with all other provisions of this By-law, as though the unit was constructed on the lot within the registered plan of subdivision.
- b) 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.
- c) 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.
- d) 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.
- e) Temporary sales offices for the sale of residential, employment or commercial lots or units in a plan of subdivision or condominium are *permitted*, subject to the following provisions:

# GENERAL PROVISIONS

## SECTION 4

- i) the temporary sales office shall not be *permitted* until an applicable plan of subdivision or condominium has received draft plan approval or the property is in a *zone* that permits the proposed development;
- ii) the temporary sales office shall only be *permitted* for such period that work within a relevant plan of subdivision or condominium remains in progress, having not been finished or discontinued for 60 days;
- iii) the temporary sales office shall comply with the minimum *yards* for the applicable *zone*;
- iv) if *parking spaces* are provided, the temporary sales office shall comply with the parking provisions of this By-law; and
- v) the temporary sales office is located in the same urban area as the plan of subdivision or condominium is being developed.

### 4.40 Natural Environment Areas and Natural Hazard Lands

#### 4.40.1 Natural Environment Areas Overlay

The Natural Environment Area overlay includes natural features that are considered to be significant at the Provincial and *County* level, as identified in the *County* Official Plan as Natural Environment Areas, and includes Lakeshore Hazard Lands and Natural Environment/Wetland Areas. The delineation of the Natural Environment Area is based on the most current information available, and may not be accurate or up to date in some areas. Where the Natural Environment Area is shown as an overlay on Schedule A, the following provisions shall apply:

- a) Notwithstanding any provision of this by-Law to the contrary, no land shall be used and no *building* or *structure* shall be altered or *erected* in or within 120 metres of a Provincially Significant Wetland (*Wetland Zone*);
- b) Notwithstanding any other provisions of this by-law to the contrary, no *person* shall remove or *alter* a Provincially identified significant natural heritage feature or environmental area except in a manner specified by the *County* in consultation with the applicable Conservation Authority;
- c) Notwithstanding subparagraph (a) above, some development may be permitted subject to the completion of an Environmental Impact Study in accordance with the policies of the *County* Official Plan and shall be subject to approval by the *County* in consultation with the applicable Conservation Authority; and
- d) Notwithstanding subparagraphs (a) and (b) above, all *permitted* uses, lot and *building* requirements shall be in accordance with the underlying zone where the Natural Environment Area overlay is shown and in accordance with any other applicable provisions of this by-law.

#### 4.40.2 Natural Hazard Lands Overlay

The areas illustrated on Schedule A are an overlay, and indicate the areas that are subject to the applicable Conservation Authority's regulation under Section 28 of the *Conservation Authorities Act* for any development (including site alteration), any interference with wetlands and alterations

# GENERAL PROVISIONS

## SECTION 4

to shorelines and watercourses. In this regard, the applicable Conservation Authority must be contacted prior to any such work taking place in the Regulated Area. The underlying *zone* category on Schedule A shall apply in addition to the provisions of this Section.

Development in the *Conservation Authorities Act*, is defined as (a) the construction, reconstruction, *erection* or placing of a *building* or *structure* of any kind; (b) any change to a *building* or *structure* that would have the effect of *altering* the use or potential use of the *building* or *structure*, increasing the size of the *building* or *structure* or increasing the number of *dwelling units* in the *building* or *structure*; (c) site grading; or (d) the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.

The Natural Hazard Lands overlay may differ from the area delineated on Schedule A, as it may be subject to changes resulting from new environmental information obtained by the Conservation Authority's over time. The boundaries of the Natural Hazard Lands shall be determined by the applicable Conservation Authority. In case of a conflict between the description of the Natural Hazard Lands in the text of the regulation and the areas as shown on Schedule A, the description of the Natural Hazard Lands in the regulation prevails. An amendment to this By-law shall not be *required* to update or revise the limits of the Natural Hazard Lands as illustrated on Schedule A.

The following provisions shall apply to all lands within the Natural Hazard Lands (on Schedule A or to lands that meet the description of regulated areas in the applicable Conservation Authority's regulation):

- a) Development (as defined above) is subject to the applicable Conservation Authority's review and may require a permit pursuant to the Conservation Authority's regulation, prior to any works taking place;
- b) The Natural Hazard Lands shown on Schedule A may be subject to change. The final boundaries of the Natural Hazard Lands shall be determined by the applicable Conservation Authority;
- c) The following uses shall be prohibited in lands identified as Natural Hazard Lands, as determined by the Municipality in consultation with the Conservation Authority:
  - i) institutional uses including *hospitals*, long-term care homes, *retirement homes*, day cares, day nurseries and *schools*;
  - ii) essential emergency services including fire, police, ambulance stations and electrical substations; and
  - iii) uses associated with disposal, manufacture, treatment or storage of hazardous substances.

### 4.40.3 Other Natural Hazard Lands Overlay

The Other Natural Hazard Lands Overlay includes lands that may be subject to steep slopes, unstable soils, undermined areas or naturally occurring hazards. Where the Other Natural Hazards Overlay is shown as an overlay on Schedule A, the following provisions shall apply:

- a) The following uses are *permitted* within the Other Natural Hazards Lands Overlay:
  - i) established agriculture and related uses excluding new *buildings* and *structures*;

# GENERAL PROVISIONS

## SECTION 4

- ii) outdoor recreation not requiring *buildings* or *structures*;
  - iii) open space;
  - iv) *parks*;
  - v) *golf courses* excluding *buildings*;
  - vi) *forestry*;
  - vii) uses which assist in conserving or managing water supply, wildlife, fisheries, or other natural features;
  - viii) resource extraction excluding administrative, maintenance, and storage *buildings*;
  - ix) uses pertaining to public utilities such as transmission lines and pipe lines;
  - x) *buildings* and *structures* necessary for flood and/or erosion control;
  - xi) marine uses along the shoreline including *buildings* and *structures* normally associated therewith; and
  - xii) minor expansions and *accessory buildings* or *structures* and replacement of *existing buildings* and *structures* lost to fire or other natural disasters provided that they can be protected by flood proofing measures may be *permitted* subject to consultation with the appropriate authority.
- b) Notwithstanding subsection a), the *permitted* uses, lot and *building* requirements of the underlying *zone* category may be *permitted* subject to satisfaction of the following matters to the satisfaction of the approval authority or relevant agency:
- i) the *existing* physical hazards can be safely addressed;
  - ii) *existing* physical hazards are not aggravated or new hazard areas created;
  - iii) the proposed methods by which these impacts may be overcome in a manner consistent with accepted engineering techniques and resource management practices and techniques;
  - iv) no negative impact on identified Natural Environment Areas will result;
  - v) vehicles and pedestrians have safe access and exit during times of flooding and erosion emergencies; and
  - vi) development and maintenance can be carried out in accordance with established standards and procedures.

### **4.41 Non-Conformity with this By-law**

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

# GENERAL PROVISIONS

## SECTION 4

Nothing contained *herein* shall prevent the renovation, repair, strengthening to a safe condition or replacement, of any lawfully *existing building* or *structure* or part thereof legally *non-conforming* in use, provided that such renovation, repair, strengthening or replacement will not increase the original *gross leasable floor area* or volume of such *building* or *structure*, and the use thereof is not altered and the *yards* appurtenant thereto are not reduced except in accordance with the provisions of this by-law.

### **4.41.2 Extensions or Enlargements to Buildings and Structures whose Use is Legally Non-conforming**

Nothing in this by-law shall prevent a *building* or *structure* containing or otherwise used in connection with a *non-conforming* use from being extended or enlarged provided:

- a) where compliance of certain provisions has been met with the *existing building*, compliance must be maintained;
- b) any addition or a *permitted* projection into a *yard* to a non-complying *building* that proposes to expand the *existing* non-complying *building* envelope is permitted in line with the existing setback such that the extent of the proposed addition does not further reduce the *existing* non-complying situation; and
- c) any non-compliance with *building height* and *required* parking is not increased.

### **4.41.3 Compliance Tolerance**

A *building* or *structure* that is *permitted* in the applicable *zone* on a lot, and which has been constructed to within 98% of the applicable *zone* provision(s), shall be deemed to comply to this by-law.

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

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

### **4.41.5 Discontinued Non-Conforming Use**

Where an *existing building* or *structure* has been used for a purpose not *permitted* in the *zone* in which it is situated but the use has been discontinued, converted to or established as another use, the *existing building* or *structure* may only be used for a use that conforms to this by-law. A use shall be considered as discontinued if the use has ceased for 5 years or more.

### **4.41.6 Existing Lots**

Where an *existing* lot, other than a lot located on a private lane, having a lesser *lot area*, *lot*

# GENERAL PROVISIONS

## SECTION 4

*frontage* or *lot depth* than that *required* herein is or has been legally held under distinct and separate ownership from abutting lots continuously from the date of the passing of this by-law, then the said lot shall be deemed to conform to the requirements of this by-law with respect to *lot area*, *lot frontage* or *lot depth*, and the provisions hereof respecting *lot area*, *lot frontage* and *lot depth* shall not apply to prevent the use of such lot, or the *erection*, alteration or use of a *building* or *structure* thereon in accordance with all other provisions hereof.

### 4.41.7 Change of Use

A *permitted* use, in a *building* or on a lot that does not comply with the regulatory provisions of this by-law, may change to another *permitted* use without the need for a minor variance from the Committee of Adjustment provided that the regulatory provisions are no more restrictive for the new use and where a building permit has been issued where applicable.

### 4.41.8 Reduction in Lot Area

Where the area of a lot is reduced by acquisition by a *public agency* and where such acquisition causes the lot as reduced, or any *building* or *structure* lawfully *erected* thereon, as of the date of acquisition to become *non-conforming* with any of the requirements of this by-law, then the lot as reduced and any *building* or *structure* thereon may continue to be used provided that no *building* or *structure* is *erected* or altered on the lot subsequent to the acquisition except in accordance with this by-law.

### 4.42 Number of Dwellings Per Lot

Except where specifically provided by this by-law, only one *dwelling unit* shall be *permitted* on a lot.

### 4.43 Obnoxious Uses

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

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

### 4.44 On-Farm Diversified Agriculture Uses

- a) Any *Farm Stand* shall be subject to the following provisions:
  - i) the maximum area of a *farm stand* shall be 10 square metres;
  - ii) the majority of the commodities for sale shall be produced as part of the farm operation;



# GENERAL PROVISIONS

## SECTION 4

- iii) all produce offered for sale shall be Ontario-grown;
  - iv) the use shall be operated by the owner of the farm operation; and
  - v) a *farm stand* may be located a minimum of 3 metres from the front property line, unless a greater setback is required by another authority.
- b) Any *Farm Produce Outlet* shall be subject to the following provisions:
- i) the maximum *gross leasable floor area* shall be 185 square metres and the maximum retail floor area shall be 93 square metres;
  - ii) the majority of the commodities for sale shall be produced as part of the farm operation;
  - iii) all produce offered for sale shall be Ontario-grown;
  - iv) the use shall be operated by the owner of the farm operation;
  - v) the use shall be secondary to the main farm use on the subject lands;
  - vi) all *buildings* related to the use shall be located within a cluster of *existing buildings*;
  - vii) *outdoor storage* is *permitted* but shall be screened from view by a visual barrier with a minimum height of 1.8 metres. All storage shall be in accordance with applicable property standards regulations, as amended from time to time; and
  - viii) site plan control shall apply to any development.
- c) Any *Agricultural-Related Processing use* shall be subject to the following provisions:
- i) the maximum *gross floor area* shall be 557 square metres;
  - ii) *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;
  - iii) the majority of the produce processed, preserved, packaged and / or stored shall be from the farm operation or surrounding area;
  - iv) the use shall be operated by the owner of the farm operation;
  - v) the use shall be secondary to the main farm use on the subject lands;
  - vi) the minimum separation distance between an agricultural-related processing use and a *dwelling* on an adjacent lot shall be 30 metres.
  - vii) employees are restricted to the owner and a maximum of 5 outside employees, full time or part time, on a given shift;
  - viii) 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,



# GENERAL PROVISIONS

## SECTION 4

or is to be located within a cluster of *existing buildings*, whichever *setback* is greater; and

- ix) site plan control shall apply to any development.
- d) Any *On-Farm Diversified Agriculture* use shall be subject to the following provisions:
  - i) the use shall be secondary to the main farm use on the subject lands;
  - ii) all *buildings* related to the use shall be located within a cluster of *existing buildings*;
  - iii) the aggregate activity area occupied by an *on-farm diversified use*, including all associated uses such as but not limited to parking, loading areas, and recreational amenities shall not exceed 2% of total *lot area* to a maximum of 1.0 hectare. Aggregate activity area for on-farm diversified uses shall be calculated in accordance with the following:
    - (1) 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 2%;
    - (2) the area of *existing lanes* shall be not be included in the area calculations;
    - (3) the area of existing *buildings* or *structures*, built prior to April 30, 2014, occupied by *on-farm diversified agriculture uses* shall be discounted by 50% in the area calculations; and
    - (4) the area of new *structures*, *setbacks*, *outdoor storage*, landscaped areas, berms, *lanes*, and *parking*, are counted at 100% in the area calculations.
  - iv) special events shall be limited to a maximum of 10 days per year;
  - v) seasonal attractions are *permitted* to be sequential; and
  - vi) site plan control shall apply to any development.

### 4.45 Outdoor Patios

- a) An *outdoor patio* is *permitted* where it is operated as part of a *restaurant*, *microbrewery*, *bar or nightclub*, or *golf course*.
- b) Any *outdoor patio* shall be established in accordance with the following criteria:
  - iii) an *outdoor patio* is prohibited in a *required yard* abutting a Residential Zone;
  - iv) where a Residential Zone is located on the opposite side of the *street*, an *outdoor patio* may only be established if it is located a minimum of 20 metres from the boundary of such *zone*; and
- c) the elevation of an *outdoor patio* must not exceed 2.0 metres above ground level and shall not be covered by a permanent *structure*.

# GENERAL PROVISIONS

## SECTION 4

- d) Additional *parking spaces* are *required* for any temporary *outdoor patio* on private property that is operated on a seasonal basis from May 1st to October 31st in any given calendar year. Parking requirements for a temporary *outdoor patio* is a reduction of up to 50% of the total parking *required* under Section 5.1
- e) Notwithstanding any *required yard setbacks* contained in the applicable *zone*, an *outdoor patio* may project to within 1.2 metres of the *lot line* provided that the criteria set out in Section 4.45 are complied with.
- f) An *outdoor patio* may be *permitted* to encroach on a public *road allowance* only where it will not interfere with pedestrian or vehicular traffic and only where a formal approval has been obtained from the *County*.

### 4.46 Outdoor Donation Bins and Vending Machines

Outdoor donation bins and vending machines shall be *permitted* in Commercial and Industrial *Zones* in compliance with the following:

- a) the minimum *setback* of an outdoor donation bin and/or a vending machine from a Residential *Zone* shall be 6.0 m;
- b) an outdoor donation bin and/or a vending machine shall be located outside of any *required yard setback*; and
- c) an outdoor donation bin and/or a vending machine shall not be located on any *required parking area* or obstruct any *required parking space*.

### 4.47 Outdoor Storage

The following provisions shall apply to outside storage, where it is *permitted* as an *accessory use* by this by-law:

- a) the location and extent of *outdoor storage* shall be established in the site plan agreement which shall also establish appropriate buffering, landscaping and/or fencing to screen the outside storage from public view;
- b) notwithstanding clause a) above, no *outdoor storage* shall be *permitted* in the *front yard* or *exterior side yard* or in any yard which abuts a Residential *Zone*;
- c) no *outdoor storage* shall be located in the minimum *required side yard setback* or the minimum *required rear yard setback* of the *zone*;
- d) no *outdoor storage* shall be located within any minimum *setback* from an *existing dwelling* on an adjacent lot as *required* in the *zone* provisions;
- e) any *permitted outdoor storage* area, or vehicular access thereto, involving storage, parking or outside display of goods and materials, shall be constructed and maintained with a stable surface of asphalt, cement, gravel or crushed stone with dust control, and drained in accordance with the requirements of the *County* and the approved site plan agreement; and

# GENERAL PROVISIONS

## SECTION 4

- f) any areas used for *permitted outdoor storage* shall be in addition to, and separate from, such areas as may be *required* by this by-law for the provision of off-street parking or *loading spaces*.
- g) no *outdoor storage* shall be *permitted* until the main use is established.
- h) loading and outdoor storage areas adjacent to provincial highways shall comply with all Ministry of Transportation of Ontario standards and be visually protected.

### 4.48 Outside Display and Sale of Goods, Materials and Merchandise

Outside display and sale of goods, materials or merchandise, including vehicles, shall only be *permitted*, in accordance with the following provisions:

- a) Outside display and sale shall be accessory to a commercial or industrial use in a *building* provided that:
  - i) no *required parking space* is used for such purposes;
  - ii) any area used for outside display and sale shall be maintained as *landscaped open space* or provided and maintained with a stable surface, treated so as to prevent the raising of dust or loose particles and adequately drained;
  - iii) no outside display or sale shall occupy lands within 3.0 m of a *lot line* except within the Downtown Commercial (CD) *Zone*; and
  - iv) the outside display or sale of *motor vehicles* shall be *setback* a minimum distance of 7.5 m from the *lot line* of an abutting Residential *Zone*.
  - v) No outdoor display shall be *permitted* until the main use is established.

### 4.49 Public Emergency Service Facilities

- a) Development of a *Public Emergency Service Facility* shall be *permitted* in any *permitted zone* except the Wetland (W) *zone*, on lands with a Natural Environment Areas or Natural Hazard Lands Overlay, and 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; and
  - 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;
- b) In addition to the criteria set out in subsection a), Public Emergency Service Facilities in the 'Agricultural (A)' *zone* shall be subject to the following criteria. The criteria are to be addressed through a study completed by a qualified professional land use planner which must be submitted to the satisfaction of the *County* prior to the granting of site plan approval and the issuance of the *building permit*:

# GENERAL PROVISIONS

## SECTION 4

- 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.

### 4.50 Public Uses

Nothing in this by-law, save and except for Section 4.40 (Natural Hazard Lands Overlay (Regulated Area)), shall apply to prevent the following uses in any *zone*:

- a) the use of land for a *street, park, or passive park*, including any *buildings or structures* appurtenant thereto unless otherwise prohibited, a railway line, or as a site for a public memorial or ornamental *structure* including, but not so as to limit the generality of the foregoing, a statue, a monument, a cenotaph or a fountain; or
- b) *public utility installation*; or
- c) provided that any lot, *building or structure* so used shall be designed, landscaped and maintained in general harmony with neighbourhood uses.

### 4.51 Public Utility Installations

A *public utility installation* is subject to the following regulations:

- a) It cannot be an administrative, maintenance or storage use.
- b) Where it is in a *building*, that *building* must have a form and appearance that is in general harmony with the *buildings and structures permitted* within the *zone* in which it is located.
- c) No exterior storage of goods, materials or equipment is *permitted*.

The regulations contained in 4.50 'a' to 'c' shall not apply to a *public utility installation* located in a Commercial, Industrial, Institutional or Open Space *zone*.

### 4.52 Railways and Setback from Railways

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

- a) for any use *permitted* in the Residential *Zones*, Institutional *Zones* (excluding a *cemetery*), or a *hotel*: 30 metres from a main rail line and 15 metres from all other rail lines;
- b) for any industrial, commercial or agricultural *building* requiring direct rail loading facilities: 0 metres; and

# GENERAL PROVISIONS

## SECTION 4

- c) *permitted* uses within railways shall include only those uses directly associated with the railway.

### 4.53 Rooftop Mechanical Equipment and Mechanical Penthouses

The following provisions shall apply where rooftop mechanical equipment is provided on any lot:

- a) a mechanical penthouse, including any appurtenances thereto, shall not exceed 6.0 metres in height;
- b) rooftop mechanical equipment, including any appurtenances thereto, that exceeds 2.0 metres in height shall be fully enclosed within a mechanical penthouse;
- c) rooftop mechanical equipment shall be set back a minimum of 5.0 metres from all edges of a roof if it is not fully enclosed within a mechanical penthouse or screened by an architectural feature; and
- d) a mechanical penthouse is deemed not to be a *storey* for the purposes of this by-law.

### 4.54 Setback from Municipal Drains

- a) No new *building* or *structure* or part thereof shall be *erected* or enlarged nearer to any municipal drain, than specified as follows:
  - i) In any *Agricultural Zone*, *CR Zone*, *IR Zone*, and *Parks and Open Space Zone*, 10.0 metres from the *top of bank* to an open drain and where the *top of bank* is not definable, 10.0 metres from the centre line. In the case of an enclosed drain, 5 metres from the centre line;
  - ii) In any *Residential Zone*, *Commercial Zone* (excluding the *CR Zone*), or *Institutional Zone* (excluding the *IR Zone*), 5 metres from the *top of bank* of an open drain and where the *top of bank* is not definable, 5 metres from the centre line; and
  - iii) Subsection a) shall not apply to *existing buildings* or *structures*;
- b) Notwithstanding subsection a), if the working area described in a municipal drainage by-Law is greater than in subsection a), the working area *setback* shall apply.

### 4.55 Secondary Suites

Notwithstanding any other provisions of this by-Law to the contrary, the following provisions outlined in Table 4.55 shall apply so as to permit the construction of a *secondary suite* as an *accessory use* to a single-detached, *semi-detached dwellings* or *street townhouse dwellings*, where *permitted*:

# GENERAL PROVISIONS

## SECTION 4

Table 4.55: Secondary Suites

Provisions	Secondary Suites
Number of secondary suites per lot	i) Maximum of 2 <i>secondary suites</i> per lot. The principal <i>dwelling</i> must be a legally permitted <i>use</i> on the <i>lot</i> . Where 2 secondary suites are located on a <i>lot</i> , 1 <i>secondary suite</i> is required to be located within the principal <i>dwelling</i> .
Permitted dwelling types	i) The <i>secondary suite</i> may be contained within the principal <i>dwelling</i> or in an attached or detached <i>accessory structure</i> on the <i>lot</i> associated with a single-detached or <i>semi-detached dwelling</i> .
Maximum secondary suite size (per unit)	i) No greater than 40% of the <i>gross floor area</i> of the principal residential <i>dwelling</i> on the <i>lot</i> , up to a maximum size of 100 square metres.
Maximum number of bedrooms (per unit)	i) The <i>secondary suite</i> shall have a maximum of 3 bedrooms.
General provisions (per unit)	<p>i) The <i>secondary suite</i> shall comply with the provisions of the applicable <i>zone</i> and the general provisions.</p> <p>ii) The <i>second dwelling</i> unit shall not be severed from the <i>lot</i> of the principal <i>dwelling</i>.</p> <p>iii) The <i>secondary suite</i> shall comply with all applicable Provincial building and fire code requirements.</p> <p>iv) The <i>secondary suite</i> is to be sited in close proximity to the principal farm residence or <i>building</i> cluster, if located on a farm.</p>
Parking (per unit)	<p>i) In addition to the parking requirements for the principal <i>dwelling</i> in accordance with the provisions of Section 5.0, the required additional <i>parking spaces</i> for a <i>secondary suite</i> shall be located on the same <i>lot</i>, in accordance with the following:</p> <ul style="list-style-type: none"> <li>• a minimum of 1 additional off-street <i>parking space</i> shall be provided; and</li> <li>• the required secondary suite <i>parking space</i> may be provided in tandem with the required <i>parking spaces</i> for the principal <i>dwelling</i>.</li> </ul> <p>ii) A minimum of 40% of the <i>front yard</i> of a lot used for <i>secondary suite</i> purposes shall be provided and maintained as landscaped open space and such open space shall not be utilized for parking space and/or driveway purposes.</p>
Entrances (per unit)	<p>i) Must be separate from the entrance provided for the principal <i>dwelling</i>. For a secondary suite that is contained within or attached to the principal <i>dwelling</i>, the separate entrance may be accessed from the outside of the <i>building</i> or from a common hallway or stairway from inside the <i>building</i>.</p> <p>ii) Where only one entrance to the <i>secondary suite</i> is provided, it must not be from the inside of a garage, unless the garage has a separate entrance that provides direct outdoor access.</p> <p>iii) Where the only entrance to a secondary <i>dwelling unit</i> is provided from the <i>rear yard</i> or <i>side yard</i>, the entrance must be accessed by a continuous, unobstructed walkway of at least 1 metre wide between the main wall of the <i>building</i> and the <i>side lot line</i>.</p>

# GENERAL PROVISIONS

## SECTION 4

**Table 4.55: Secondary Suites**

Provisions	Secondary Suites
Detached secondary suites (per unit)	<ul style="list-style-type: none"> <li>i) The maximum permitted <i>height</i> for a detached <i>secondary suite</i> shall be 5 metres in the urban areas and 6.5 metres in the Agricultural and Hamlet Residential Zones.</li> <li>ii) Detached <i>secondary suites</i> shall only be permitted on a <i>lot</i> that has a minimum <i>lot area</i> equal to or greater than 1,000 square metres.</li> <li>iii) Detached <i>secondary suites</i> shall comply with the <i>zone</i> provisions and general provisions of the applicable <i>zone</i> category as the principal <i>use</i> on the <i>lot</i>.</li> </ul>
Restricted areas	<p>Secondary suites and associated parking areas shall not be permitted:</p> <ul style="list-style-type: none"> <li>i) within Natural Hazard Lands Overlay (Regulated Area) unless approved by the applicable Conservation Authority in accordance Section 4.40.2 of this By-law;</li> <li>ii) on a lot that is only accessible by a private road;</li> <li>iii) within the Lakeshore Residential (RL) zone; and</li> <li>iv) on a lot containing a <i>rooming house, group home dwelling, or a garden suite</i>.</li> <li>v)</li> </ul>

### 4.56 Sight (or Daylight) Triangles

- a) Any *building, structure, sign* or use which would obstruct or impair the vision of a *vehicle* operator, or any fence or vegetation exceeding 1.0 metres in height above *finished grade* shall be prohibited within any *sight (or daylight) triangle*. This provision shall not apply to field crops or a wire *farm* fence.
- b) A *sight (or daylight) triangle* shall be measured back from the point of any at-grade intersection of two or more *street lines* on a *corner lot* and a railway right-of-way in accordance with the *street* classification as identified on Schedule F of the *County Official Plan* and Table 4.56:

**Table 4.56: Minimum Sight (or Daylight) Triangle Requirements**

Street Classification	Intersecting Street Classification	Minimum Sight Triangle (m)
<i>Local Road</i>	<i>Local Road</i>	3.0
	<i>Collector Road</i>	5.0
	<i>Arterial Road</i>	8.0
<i>Collector Road</i>	<i>Local Road</i>	5.0
	<i>Collector Road</i>	5.0
	<i>Arterial Road</i>	8.0
<i>Arterial Road</i>	<i>Local Road</i>	8.0
	<i>Collector Road</i>	8.0
	<i>Arterial Road</i>	10.0
<i>Rail line Right-of-way</i>	<i>All Streets</i>	15.0

- c) The values in Table 4.56 shall be considered the minimum and a Transportation Study and Traffic Functional Design Study shall be required by the County in order to help determine the roadway requirements.



# GENERAL PROVISIONS

## SECTION 4

### 4.57 Site Lighting

Site Lighting fixtures that are designed to provide exterior illumination on any lot or building shall be installed with the light directed downward and directed or deflected away from adjacent lots and streets and shall not be in conflict with traffic signals.

### 4.58 Special Policy Areas – Grand River Dunnville

Notwithstanding any provisions set out in this by-law, where lands are within the Grand River Dunnville Special Policy Area 1, 2, or 3 on Schedule C to this by-law, the following shall apply.

- a) No new buildings, structures and major additions (i.e. more than 50% of existing floor area of existing buildings or structures), shall be permitted below:
  - i) the level of the Regulatory Flood in Area 1 which for the purpose of this Special Policy Area shall be an elevation of 179.0 m. (587.3 ft) Canadian Geodetic Datum (C.G.D.)
  - ii) the level of the Regulatory Flood in Area 2 which for the purpose of this Special Policy Area shall be an elevation of 176.5 m (579.1 ft) C.G.D. and
  - iii) the level of the 100 Year Flood in Area 3 which for the purpose of this Special Policy Area shall be an elevation 178.7 m (586.3 ft) C.G.D.;
- b) Minor additions or alterations less than 50% of the floor area of existing buildings and structures may be permitted below the elevations identified in ‘a’ but shall not be lower than existing elevations;
- c) Bulk storage facilities for dangerous, flammable, explosive, toxic or corrosive materials below the elevations identified in policy 2.C.1).13 a) shall not be permitted;
- d) New nursing homes, homes for the aged or assisted living group homes and correctional group homes shall only be permitted where the building is flood proofed to the elevations as set out above and dry land access to the building (i.e. less than 0.3 m of flood waters during a regulatory flood event, or within Area 3, a 1:100 year flood event) can be provided.

### 4.59 Surplus Farm Dwelling Severance Properties

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

- a) notwithstanding the *Permitted Uses* in the ‘Agricultural (A)’ *zone*, a *single detached dwelling* and *home-based business* shall not be *permitted* on the remaining agricultural parcel resulting from the surplus farm *dwelling* severance;
- b) no *existing* or proposed *building* or *structures* on either the severed or retained parcels shall be used for the purpose of a feedlot, housing of *livestock* or manure storage unless they comply with the Minimum Distance Separation (MDS) formula and *Nutrient Management Act*, as amended from time to time;

# GENERAL PROVISIONS

## SECTION 4

- 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 and deemed to comply with this by-law;
- 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*;
- f) for any lands becoming subject to this section, a special provision within the Agriculture (A) Zone of A.1] 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*.

### 4.60 Swimming Pools and Hot Tubs

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

- a) not occupy any part of a *front yard*, or *required exterior side yard*;
- b) not be nearer than 1.0 metre of an *interior lot line* or a *rear lot line*;
- c) in the case of any patio or walk situated at ground level around a swimming pool, be *permitted* to extend no closer than 0.5 metres to any *interior lot line*;
- d) the maximum height of a swimming pool shall be 2.0 metres above *finished grade*; and
- e) no outdoor swimming pool or hot tub shall be considered part of the *lot coverage* of a lot.

### 4.61 Temporary Dwelling

Notwithstanding Section 4.63 l) of this by-law, a temporary dwelling is permitted as follows:

- a) the use of a *recreational vehicle* as a *principal place of residence* on a vacant parcel of land while the principal dwelling is being constructed with an upscale time limit of one year. Any time limit beyond 1 year would require a temporary use by-law;
- b) the use of a *recreational vehicle* as a *principal place of residence* on a parcel of land containing a principal dwelling and where said principal dwelling is being demolished and replaced with a new principal dwelling. The permission for the *recreational vehicle* residency is limited to a maximum of one year. Any time limit beyond 1 year would require a temporary use by-law, and
- c) the use of an existing principal dwelling where said dwelling is to be demolished and replaced with a new principal dwelling. Occupancy of the existing principal dwelling is permitted during the construction of the new principal dwelling on the same lot with an upscale time limit of one year or when the new dwelling is occupied, whichever is less.

# GENERAL PROVISIONS

## SECTION 4

### 4.62 Uses Permitted in all Zones

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

- a) *street*, traffic *signs* and traffic signals;
- b) *public emergency service facility* subject to the provisions of Section 4.49;
- c) *public utility installations* subject to the provisions of Section 4.51;
- d) *film production*;
- e) water or sewage *treatment plant* including any accessory public utility *yard*;
- f) gas, oil or water pipeline, powerline, telecommunications *infrastructure*, or any similar utility service line including any substation, transformer or similar *utility service building* or *structure* associated therewith, excluding any public utility *yard*;
- g) railway line excluding any accessory station, depot or *yard*;
- h) *park* or *passive park*;
- i) *signs* and billboards except within a Residential *zone* and in accordance with the *County's* Sign By-law;
- j) *buildings*, *structures* and uses accessory to any *permitted* use subject to the provisions of Section 4.2 (*Accessory Uses, Buildings and Structures to Residential Uses*) and Section 4.3 (*Accessory Uses, Buildings and Structures to Non-Residential Uses*);
- k) public washrooms and change houses for bathers;
- l) swimming pools and hot tubs accessory to any *permitted* use subject to the provisions of Section 4.60 (*Swimming Pools and Hot Tubs*);
- m) construction camp, work camp, tool shed, scaffold or other *buildings* and *structures* accessory to and necessary for construction work on a premises, but only until such construction work is completed or abandoned. For the purpose of this subsection, failure to proceed expeditiously with the construction work shall constitute abandonment of such work;
- n) any *building* or *structure* accessory to exploration, drilling or pumping of petroleum or natural gas, but only until the work is completed or abandoned. For the purpose of this subsection, failure to proceed expeditiously with any work shall constitute abandonment of such work;
- o) *special event sales* ancillary to a *place of worship*, *community centre*, public service club or *park* or retail sales accessory to *permitted* uses within *buildings* owned or controlled by the *County* or Province or agencies thereof;
- p) aids to navigation;
- q) dock, pier or wharf;

# GENERAL PROVISIONS

## SECTION 4

- r) Canada Post mail boxes and superboxes;
- s) *model homes* or temporary sales and rental office for the sale, rental or promotion of land and development subject to the provisions of Section 4.39 (*Model Homes* and Temporary Sales Offices); and
- t) stormwater management ponds.

Notwithstanding the *permitted* uses above, no *building* or *structure* shall be *permitted* in a Wetland Zone, or in a natural feature *setback* subject to Section 4.40 (Natural Environment Areas and Hazard Lands Overlay), except for maintenance and storage *buildings* accessory to a public *park* use within the Wetland Zone.

### 4.63 Uses Prohibited in All Zones

Unless specifically *permitted* in a *zone* under Section 6 through 11, no land shall be used for the following:

- a) ammonia manufacture;
- b) commercial manufacturing of fertilizers from dead animals or from human or animal waste;
- c) industrial liquid waste disposal well;
- d) industrial waste landfill site;
- e) industrial waste lagoon;
- f) manufacture of explosives;
- g) manufacturing of a hazardous substance;
- h) sanitary landfill;
- i) stock yards;
- j) tannery;
- k) the racing or any other similar competition involving *vehicles* whether sanctioned or unsanctioned unless authorized as a special event by a license issued pursuant to a by-Law passed under the *Municipal Act*;
- l) the use of any *recreational vehicle* as a *principal place of residence*;
- m) *thermal destructor*;
- n) *accessory use* to any *permitted* use until the main use is established; and
- o) solidification process plant for industrial waste.

# PARKING & LOADING REQUIREMENTS

## SECTION 5

### 5 Parking & Loading Requirements

#### 5.1 Minimum Number of Required Parking Spaces

Any *building, structure* or use shall have *parking spaces* provided and maintained on the lot in accordance with Table 5.1:

Table 5.1: Minimum Number of Required Parking Spaces	
Type of Use	Minimum Parking Spaces Required
<b>Non-Residential Uses</b>	
Accessory retail use	1 per 19 square metres of <i>gross leasable floor area</i>
<i>Animal Hospital</i> <i>Animal Kennel</i> <i>Animal Kennel, Municipal</i>	1 per 40 square metres of <i>gross leasable floor area</i>
<i>Auction Centre</i>	1 for every 10 square metres of <i>gross leasable floor area</i>
<i>Automobile Gas Station</i>	1 for each gas bar pump
<i>Automobile service station</i> <i>Automobile body shop</i>	3 per service bay
<i>Building Supply Establishment</i> including associated uses <i>Garden centre and tree and plant nursery</i>	1 for every 90 square metres of <i>gross leasable floor area</i>
<i>Cemetery</i>	5
College, University, or Technical University/Institution <i>Trade School</i> <i>Training and Rehabilitation Centre</i>	1 for 50 square metres of <i>gross leasable floor area</i>
<i>Contractor's yard</i> <i>Contractor supply and service shop,</i> <i>Contractors shop</i>	1.0 per 95.0 square metres of <i>gross leasable floor area</i>
Country Club, <i>Private Club,</i> <i>Bar or Night Club,</i>	1 for every 10 square metres of <i>gross leasable floor area</i>
<i>Cultural Facility (Library)</i>	1 for every 35 square metres of <i>gross leasable floor area</i>
<i>Cultural Facility (Museum)</i>	1 per 20 square metres of <i>gross leasable floor area</i>
<i>Day Care Nursery</i>	1 per 40 square metres of <i>gross leasable floor area</i>

# PARKING & LOADING REQUIREMENTS

## SECTION 5

Table 5.1: Minimum Number of Required Parking Spaces	
Type of Use	Minimum Parking Spaces Required
Driving Range	1 per tee
<i>Dry Cleaning Distribution Station</i>	2
<i>Dry Cleaning Establishment</i>	1 per 40 square metres of <i>gross leasable floor area</i>
<i>Elementary School</i>	2 for each classroom including laboratories, libraries and workshops
<i>Farm Produce Outlet</i>	1 for every 30 square metres of <i>gross leasable floor area</i> but no less than 2
Bank or <i>Financial Institution</i>	1 for every 20 square metres of <i>gross leasable floor area</i> plus 3 standing for any associated <i>drive-through</i> use
<i>Cannabis Production Facility</i>	1 per 100 square metres of <i>gross floor area</i>
<i>Funeral Home</i>	1 for every 20 square metres of <i>gross leasable floor area</i>
<i>Golf Course</i>	5 per hole
<i>Heavy Manufacturing</i> <i>Light Manufacturing (Industrial Use)</i> <i>Warehouse</i> <i>Wholesale Outlet</i>	1 for every 100 square metres of <i>gross floor area</i> up to 7,000 square metres, plus 0.6 <i>parking spaces</i> per 100 square metres of <i>gross floor area</i> over 7,000 square metres of <i>gross floor area</i>
<i>Hospital</i>	3 per bed
<i>Hotel</i>	1 for each guest room plus the applicable requirement for any other use contained therein
i) <i>Home occupation and home industry</i> , excluding a <i>Medical Office</i> , of a Health Service Practitioner, where customers and / or clients attend at the site	1
ii) <i>Home occupation and home industry</i> where customers and / or clients do not attend at the site	0
<i>Laundromat</i>	1 for every 9 square metres of <i>gross leasable floor area</i>
Liquor or Beer Store	1 per 14 square metres of <i>gross floor area</i>
<i>Marina</i>	1 for every 2 <i>boat slips</i>
<i>Medical Office</i>	1 per 25 square metres of <i>gross leasable floor area</i>

# PARKING & LOADING REQUIREMENTS

## SECTION 5

Table 5.1: Minimum Number of Required Parking Spaces	
Type of Use	Minimum Parking Spaces Required
<i>Microbrewery</i>	1 per 40 square metres of <i>gross leasable floor area</i>
<i>Office, business (excluding a Medical Office)</i>	1 per 30 square metres of <i>gross leasable floor area</i>
Other commercial uses	1 per 28 square metres of <i>gross leasable floor area</i>
Other industrial uses	1 per 45 square metres of <i>gross leasable floor area</i> up to 3,000 square metres, plus 1 <i>parking space</i> for each additional 100 square metres of <i>gross leasable floor area</i> up to 6,000 square metres, and 1 <i>parking space</i> for each 200 square metres of <i>gross leasable floor area</i> over 6,000 square metres
Other institutional uses	1 per 35.0 square metres of <i>gross leasable floor area</i> ; or one <i>parking space</i> for each four employees plus a parking area for visitors with a minimum capacity of 10.0 <i>parking spaces</i> (for government offices, <i>buildings</i> and facilities)
Other non-residential uses	1 for every 35 square metres of <i>gross leasable floor area</i>
<i>Outdoor patio</i>	1 per 9.0 square metres of <i>gross leasable floor area</i>
<i>Personal Service Shop</i>	1 for every 20 square metres of <i>gross leasable floor area</i>
<i>Place of Entertainment (Bowling Alley)</i>	3 per <i>bowling lane</i>
<i>Place of Entertainment (Theatres)</i>	0.40 per seat
<i>Place of Entertainment, Cultural Facility</i>	1 per 15 square metres <i>gross leasable floor area</i>
<i>Place of Sports and Recreation (Arena, Auditorium, Stadium, Gymnasium, Skating Rink)</i> <i>Place of Assembly (Assembly Hall, Dance Hall or Banquet Hall)</i> <i>Community Centre</i>	1 for every 8 fixed seats or for every 10 square metres of <i>gross leasable floor area</i> , where there are no fixed seats.
<i>Place of Sports and Recreation (Curling Rink)</i>	5 per curling sheet
<i>Place of Worship</i>	1.0 per 4 persons capacity in the largest place of assembly



# PARKING & LOADING REQUIREMENTS

## SECTION 5

Table 5.1: Minimum Number of Required Parking Spaces	
Type of Use	Minimum Parking Spaces Required
<i>Research and development facility</i>	1 per 28 square metres of <i>gross leasable floor area</i> on the first floor plus 1 <i>parking space</i> for every 37 square metres of <i>gross leasable floor area</i> above the first floor
<i>Restaurant</i> <i>Restaurant, Fast Food</i> <i>Restaurant, Drive-Through</i>	0.25 per seat and 0.13 per associated exterior patio seat, plus 10 for stacked spaces for any associated <i>drive-through use</i>
<i>Restaurant, Take-out</i>	1 for every 20 square metres of <i>gross floor area</i>
<i>Retail Store (Big Box/Large Format Retail Establishments)</i>	1 per 30 square metres <i>gross leasable floor area</i>
<i>Retail Store</i> <i>Boutique</i> <i>Merchandise Service Shop</i>	1 per 25 square metres of <i>gross leasable floor area</i>
<i>Retirement Home</i> <i>Long Term Care Home</i> <i>Hostel</i>	1 per 3 guest rooms or beds
<i>Secondary School</i>	3 per classroom plus any <i>required spaces</i> for an auditorium, theatre, stadium, laboratories, library or workshops
<i>Self-storage units</i>	1 <i>parking space</i> per 650 square metres of <i>gross floor area</i> , inclusive of all storage areas and accessory office uses.
Shopping Plaza (with three or more units)	1 per 30 square metres of <i>gross leasable floor area</i>
<i>Supermarket</i>	1 <i>parking space</i> per 18 square metres of <i>gross leasable floor area</i>
<i>Taxi establishment</i>	1 <i>parking space</i> per taxi
<i>Truck Terminal:</i>	1 per 20 square metres of <i>gross leasable floor area</i> , plus 1 <i>parking space</i> for every 150 square metres of <i>gross floor area</i> for the non-office component
<i>Vehicle sales and/or rental establishment</i>	5 <i>parking spaces</i> or 1 per every 23 square metres of <i>gross leasable floor area</i> (excluding outdoor display and storage of vehicles), whichever is greater, plus 4 <i>parking spaces</i> per repair bay

# PARKING & LOADING REQUIREMENTS

## SECTION 5

Table 5.1: Minimum Number of Required Parking Spaces	
Type of Use	Minimum Parking Spaces Required
<b>Residential Uses</b>	
Accessory Dwelling Unit in a Non-residential Building and secondary suite	1 for each dwelling unit
Apartment Dwelling Tri-Plex Four-Plex	1.25 for each dwelling unit (refer to Section 5.1.1 for visitor parking)
Apartment Dwelling in the Downtown Commercial (CD) Zone	0.5 for each dwelling unit (refer to Section 5.1.1 for visitor parking). Notwithstanding, where less than 5 apartment dwelling units proposed, the required apartment dwelling parking shall be nil
Rooming House, Bed and Breakfast Establishment	2 for each dwelling unit plus 1 space for each room for boarder or rentable room
Group Home Dwelling	1 parking space per 3 supervised group home residents that can be accommodated in the group home dwelling, in addition to the required parking spaces for the dwelling
Single Detached Dwelling, Semi-Detached Dwelling Duplex Dwelling Vacation Home Dwelling Street Townhouse Dwelling Group Townhouse Dwelling Stacked Townhouse Dwelling Back-to-Back Townhouse Dwelling	2 for each dwelling unit

### 5.1.1 Visitor Parking

For apartment dwellings, group townhouse dwellings, stacked townhouse dwellings, and back-to-back townhouse dwellings, parking spaces shall be provided and used to accommodate the vehicles of persons visiting the dwelling units at a ratio of 1 additional visitor parking space for every 10 dwelling units or part thereof. All required visitor parking spaces shall be clearly identified, demarcated and signed accordingly.

### 5.1.2 Shared Parking Requirements for Mixed Use Developments

For mixed-use developments where more than one of the uses listed in the table below are located on the same lot, the overall parking requirement may be reduced through sharing of

# PARKING & LOADING REQUIREMENTS

## SECTION 5

*parking spaces*, and the cumulative total of *parking spaces required* for all the uses on the lot may be calculated as follows:

- a) Calculate the *required parking spaces* for each use in the mixed-use development;
- b) Multiply the number of *parking spaces required* in the By-law by the occupancy rate for each use in each of the three time periods;
- c) For each time period add the *parking space* calculations for all the uses to arrive at a cumulative total; and
- d) The largest cumulative total of all the uses in any time period is the minimum number of *required parking spaces required* for the lot.

Use	Morning Occupancy Rate	Afternoon Occupancy Rate	Evening Occupancy Rate
Business Office (including Medical Office)	100	95	10
Retail/Commercial	60	100	85
Restaurant	20	60	100
Residential Visitor	20	35	100
Hotel	70	70	100
Place of Sports and Recreation Community Centre Cultural Facility Place of Assembly	60	80	100

All *required parking spaces* must be accessible for all uses at all times and may not be reserved for any specific user.

### 5.1.3 Calculation of Required Parking Spaces

- a) Rounding
  - i) 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.
- b) Multiple Uses on a Lot
  - i) 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, unless the Section 5.1.2 (Shared *Parking Spaces* for Mixed Use Developments) apply.
- c) *Building Additions*
  - i) *Parking spaces* shall be provided for any addition to a *building* or *structure* or a change in use, except that, where a *building* or *structure* has less than the *required parking spaces* as of the effective date of this By-law, this By-law shall not be interpreted to

# PARKING & LOADING REQUIREMENTS

## SECTION 5

require that the deficiency be made up in the event of an addition or change of use provided that any parking *required* for such addition or change of use is provided.

### 5.2 Parking Area Regulations

#### 5.2.1 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*.

#### 5.2.2 Prepared Surface

Any *required parking space* or a *parking lot* shall be a prepared surface consisting of gravel, concrete, asphalt or similar hard surfaced materials.

#### 5.2.3 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 5.8 metres.
- b) Notwithstanding anything to the contrary, 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 5.8 metres.
- c) A parallel *parking spaces* shall have a width of 2.7 metres and a depth of 6.5 metres.
- d) Angled *parking spaces* shall be based upon a rectangular shape in accordance with subsection 5.2.3 a).
- e) A *tandem parking space* shall have a width of 3.0 metres and a minimum length of 11 metres..

#### 5.2.4 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 <i>Parking Space</i> :	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

# PARKING & LOADING REQUIREMENTS

## SECTION 5

### c) Less than 20 *Parking Spaces*:

Within a Residential, Institutional or Commercial *Zone*, excluding CD and CG Zones, where the application of the parking standards as set out in Section 5.1 results in a requirement for less than 20 *motor vehicle parking spaces* a joint ingress and egress driveway is *permitted* with a minimum width of 4.5 metres.

### 5.2.5 Shared Driveways and Aisles

A driveway or *parking aisle* may be shared by two abutting properties if the following criteria is satisfied:

- a) a legal right-of-way is established over the mutual driveway or *parking aisles* guaranteeing access for each abutting property to a *street*; and
- b) a maintenance agreement for the mutual driveway or *parking aisle* is entered into between the affected property owners.

### 5.2.6 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 Section 5.2.4.
- c) All *parking spaces* located within a *private garage* shall be included in the spaces counted towards the requirements for the lot.
- d) All *parking spaces* within a *private garage* shall be exclusive of protrusions that may compromise complying with the requirements of this By-law.
- e) The minimum *front yard setback* of a detached or attached garage, which faces the *street*, shall be 6.0 metres. Where the detached or attached garage faces a *side lot line*, the minimum *side yard setback* shall be 6.0 metres.

### 5.2.7 Garages Accessed by a Rear Lane

The following additional provisions shall apply to garages accessed by a rear *lane*:

- a) The minimum *rear yard* for a garage accessed by a rear *lane* shall be 0.6 metres.
- b) The minimum *interior side yard* of a garage accessed by a rear *lane* shall be equal to the *interior side yard required* for the main *building*. Notwithstanding this provision, a detached *private garage* may share a *common wall* with an adjacent detached *private garage* on an abutting lot.

# PARKING & LOADING REQUIREMENTS

## SECTION 5

- c) The maximum floor area of a garage accessed by a rear *lane* shall not exceed 20% of the *lot area*. For the purposes of this provision, the floor area of the garage shall not include a staircase or landing used to access the garage or any second *storey* above the garage.
- d) The maximum height of a detached garage accessed by a rear *lane* shall be 6.0 metres.
- e) A *private garage* accessed by a rear *lane* shall not be located closer than 6.0 metres to the principal *dwelling* on the same lot.

### 5.2.8 Residential 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.
- b) Notwithstanding subsection (a) above, the minimum width of a driveway shall be 2.4 metres in a front and *interior side yard* where a detached *private garage* is provided in a *rear yard*.
- c) The maximum width of a driveway shall be:
  - i) 6.0 metres for a lot having a *lot frontage* of 12.0 metres or less;
  - ii) Equal to 50% of the *lot frontage* on a lot having greater than 12.0 metres and less than 18.0 metres of *lot frontage*; or,
  - iii) 9.0 metres for a lot having a *lot frontage* equal to or greater than 18.0 metres.
- d) Notwithstanding subsection (d) above, one walkway access may be connected to each side of a driveway. The maximum width of the walkway access at the point of attachment shall be 1.8 metres.
- e) A maximum of one driveway per residential *lot* is *permitted*.

### 5.2.9 Projection of an Attached Garage

- a) The wall of an attached garage facing the *street* in an R1-B, R1-C and R2 *Zone* shall project no more than 3.5 metres from the front wall of the *dwelling*.
- b) This projection shall be measured from the wall of the garage facing the *front lot line* to the nearest structural element of the front wall of the *dwelling* facing the *front lot line*, including any covered porch which extends along the entire front wall of the *dwelling*, but excluding eaves, stairs or gutters.
- c) This provision shall not apply where:
  - i) the front wall of the *dwelling* and the wall of the attached garage containing the opening for vehicular access do not face the same *lot line*, or
  - ii) the width of the attached garage is less than 60 per cent of the width of the *dwelling*.

# PARKING & LOADING REQUIREMENTS

## SECTION 5

### 5.2.10 Commercial Parking Driveway Requirements

A commercial driveway providing access to *parking spaces*, a parking garage or a *parking lot* shall have a minimum two way traffic width of 7 metres at property line and a maximum two way traffic width of 10.0 metres.

### 5.2.11 Snow Storage Requirements

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*.

### 5.2.12 Location of Parking on a Lot

- a) 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 120 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.
- b) 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.
- c) Parking areas may be located in any *yard* except as follows:
  - i) 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*.
  - ii) for *triplex dwellings, fourplex dwellings, street townhouses, and rooming houses*, *required parking spaces* shall be permitted within the *required front yard* or *required exterior side yard* up to a maximum of 50% of said yard.
  - iii) for *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*.
  - iv) for non-residential *zones*, no *parking lot* shall be located closer than 4.5 metres of any *interior lot line* abutting a Residential *zone*.
- d) Notwithstanding the provisions in above 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*.
- e) Notwithstanding the requirements of Section 5.2.12, within the Downtown Commercial zone, or any Commercial, Institutional or Open Space *Zone*, *required motor vehicle parking* may encroach onto a boulevard associated with a public *road* allowance provided



# PARKING & LOADING REQUIREMENTS

## SECTION 5

that such parking will not interfere with pedestrian or vehicular traffic or municipal *infrastructure* and only where a formal approval has been obtained from the *County*.

### 5.2.13 Use of Parking Areas

- a) 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.
- b) Notwithstanding the above, a *required* parking area may be used for a temporary *garden centre and tree and plant nurse*y associated with a commercial use provided:
  - i) no more than 20% the majority of the *parking spaces* may be used for a temporary *garden centre and tree and plant nurse*y; and
  - ii) the temporary *garden centre and tree and plant nurse*y does not obstruct access to a fire route.

### 5.2.14 Parking of Vehicles in Residential Zones

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*. no *parking space* shall be *permitted* within an auto shelter located within the *required front yard* or *exterior side yard* of a lot.

### 5.2.15 Tandem Parking Permitted

Where off-*street* parking is *required* as per Table 5.1 of this by-law, a portion of the *required parking spaces* may be provided by *tandem parking spaces* in accordance with the following conditions:

- a) An office use, industrial use, institutional use, or a *warehouse* use may provide a maximum of 20% of the *required parking spaces* as *tandem parking spaces* provided that such *tandem parking spaces* are designated and clearly marked as employee parking;
- b) A *funeral home* or a *place of worship* may provide a maximum of 30% of the *required parking spaces* as *tandem parking spaces*; and
- c) A *duplex dwelling*, *semi-detached dwelling*, *single-detached dwelling* or a *street townhouse dwelling* may provide one tandem parking space per dwelling unit.

## 5.3 Downtown Parking Credit

- a) For any *permitted* use, within the Downtown Commercial zone, located in all or part of a *building existing* prior to June 1, 2009; no additional *parking spaces* are *required* provided

# PARKING & LOADING REQUIREMENTS

## SECTION 5

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 leasable floor area*, this subsection shall not apply.

- b) Within the Downtown Commercial zone, 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 Section 5.1 (Minimum Number of *Required Parking Spaces*).

### 5.4 Parking Credit

#### 5.4.1 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 5.3 (Downtown Parking Credit); or
- b) the requirements of Section 5.1 (Minimum Number of *Required Parking Spaces*); 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 5.1 (Minimum Number of *Required Parking Spaces*).

### 5.5 Accessible Parking Spaces

#### 5.5.1 Minimum Number of Required Accessible Parking Spaces

The *required* minimum number of accessible *parking spaces* shall be calculated in accordance with Table 5.5, and included in the total minimum number of *parking spaces required* on the lot in accordance with Section 5.1 (Minimum Number of *Required Parking Spaces*):

Table 5.5: Minimum Number of Required Accessible Parking Spaces	
Total Number of Required Parking Spaces	Minimum Number of Accessible Parking Spaces (1)
1 to 12	1 ( <i>required</i> to be a Type A accessible <i>parking space</i> )
13 to 100	4% of total; 50% Type A and 50% Type B
101 to 200	1 + 3% of total; 50% Type A and 50% Type B
201 to 1,000	2 + 2% of total; 50% Type A and 50% Type A
Over 1,000	11 + 1% of total; 50% Type A and 50% Type B

# PARKING & LOADING REQUIREMENTS

## SECTION 5

Notes: (1) Accessible *parking spaces* shall not be *required* for residential uses, except for *apartment dwellings*, and condominium *townhouse dwellings* where they shall be calculated and designated based on the *required* number of visitor *parking spaces*.

### 5.5.2 Calculation of Accessible *Parking Spaces*

- a) Rounding
  - i) Where part of an accessible *parking space* is *required*, such part shall be considered one accessible *parking space* for the purpose of calculating the minimum total accessible *parking space* requirements.
- b) Type of Accessible *Parking Spaces Required*
  - i) Where an even number of accessible *parking spaces* are *required*, an equal number of Type A and Type B accessible *parking spaces* shall be provided.
  - ii) Where an odd number of accessible *parking spaces* are *required*, the number of accessible *parking spaces* shall be divided equally between Type A and Type B accessible *parking spaces*, but the additional odd-numbered accessible *parking space* may be a Type B accessible *parking space*.
- c) *Building Additions*
  - i) Accessible *parking spaces* shall be provided for any addition to a *building* or *structure* or a change in use, except that, where a *building* or *structure* has less than the *required* accessible *parking spaces* as of the effective date of this By-law, this By-law shall not be interpreted to require that the deficiency be made up in the event of an addition or change of use provided that any accessible *parking space required* for such addition or change of use is provided.

### 5.5.3 Accessible *Parking Space Dimensions and Requirements*

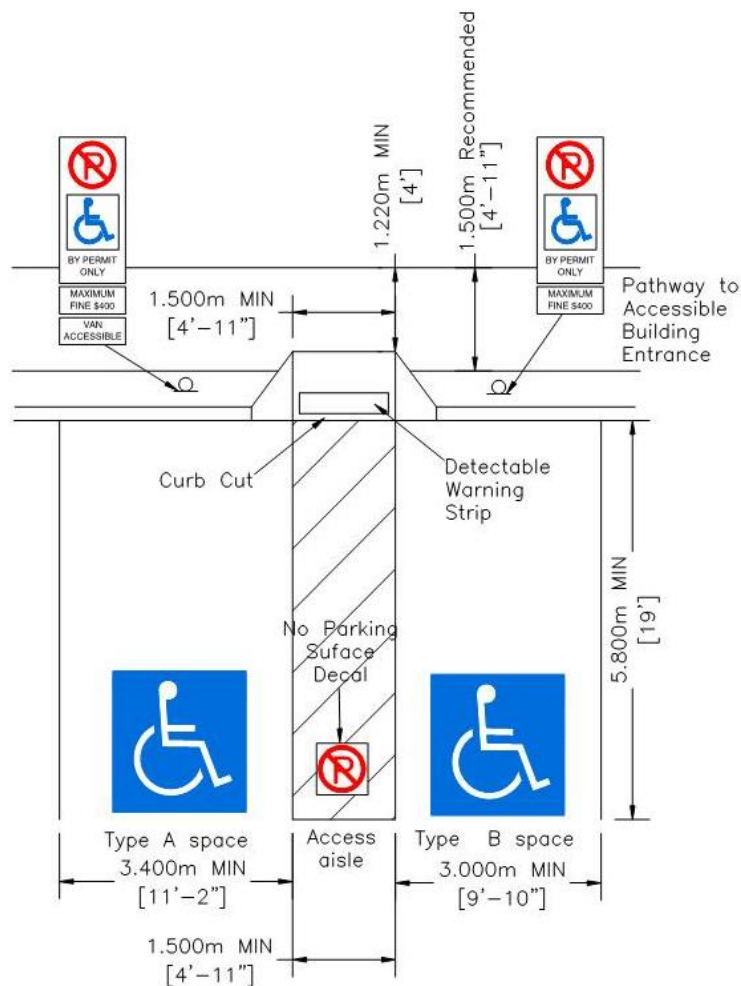
- a) The minimum dimensions for a Type A accessible *parking space* are 5.8 m in length, 3.4 m in width, and a vertical clearance of 2.1 m, with an adjacent unobstructed pedestrian access aisle of 1.5 m x 5.8 m.
- b) The minimum dimensions for a Type B accessible *parking space* are 5.8 m in length, 3.0 m in width, and a vertical clearance of 2.1 m, with an adjacent unobstructed pedestrian access aisle of 1.5 m x 5.8 m.
- c) The 1.5 metre unobstructed pedestrian access aisle may be shared by two abutting accessible *parking spaces* and must meet the following requirements:
  - i) The unobstructed pedestrian access aisle shall extend the full length of the accessible *parking space*; and
  - ii) The unobstructed pedestrian access aisle shall be marked with high tonal contrast diagonal lines, to discourage parking in them, where the surface is asphalt, concrete or some other hard surface.

# PARKING & LOADING REQUIREMENTS

## SECTION 5

- d) Accessible *parking spaces* shall be designated with a painted accessibility insignia and an accessible permit parking *sign*.
- e) Accessible *parking spaces* shall be located on the same lot and provided nearest the point of an accessible entrance to the *building* and shall be clearly identified, demarcated and *signed* accordingly for convenient access.
- f) Barrier free access shall be provided from each accessible *parking space* to an accessible *building* entrance. The paths between the accessible *parking spaces* and the *building(s)* main entrance shall be accessible to *persons* with disabilities, such as being level with the established grade through appropriate means such as ramps and depressed curbs, and comprise a hard surface such as asphalt, concrete or some other hard surface.

*Illustration of barrier free path of travel*



# PARKING & LOADING REQUIREMENTS

## SECTION 5

### 5.6 Requirements for Loading Spaces

#### 5.6.1 Minimum Number of Required Loading Spaces

The minimum number of *required loading spaces* shall be provided and maintained on a lot in accordance with Table 5.6:

Table 5.6: Minimum Number of Required Loading Spaces	
Use	Minimum Number of Loading Spaces
<b>Residential Uses</b>	
i) <i>Building</i> containing less than 30 <i>apartment dwelling units</i>	None
ii) <i>Building</i> containing 30 or more <i>apartment dwelling units</i>	1
<b>Offices and Medical Offices</b>	
i) Less than 2,000.0 m <sup>2</sup> of <i>gross leasable floor area</i>	None
ii) 2,000.0 m <sup>2</sup> of <i>gross leasable floor area</i> up to and including 10,000.0 m <sup>2</sup> of <i>gross leasable floor area</i>	1
iii) More than 10,000.0 m <sup>2</sup> of <i>gross leasable floor area</i>	2
<b>Other Commercial, Institutional and Industrial Uses</b>	
i) Less than 500 m <sup>2</sup>	None
ii) Over 500 m <sup>2</sup> up to and including 2,500 m <sup>2</sup>	1
iii) Over 2,500 m <sup>2</sup> up to and including 10,000 m <sup>2</sup>	2
iv) Over 10,000 m <sup>2</sup>	2, plus 1 additional space for each 10,000 m <sup>2</sup> of total <i>gross leasable floor area</i> of part thereof in excess of 10,000 m <sup>2</sup>

#### 5.6.2 Calculation of Required Loading Spaces

##### a) Rounding

- i) Where the calculation for the purposes of meeting this provision results in a partial *loading space*, a full *loading space* shall be provided for the partial *loading space*.

##### b) Multiple Uses on a Lot

- i) When a *building, structure* or lot accommodates more than one type of use, the *loading space* requirement for such *building, structure* or lot shall be the sum of the requirements for the separate uses thereof.

##### c) *Building* Additions

- i) *Loading spaces* shall be provided for any addition to a *building* or *structure* or a change in use, except that, where a *building* or *structure* has less than the required *loading spaces* as of the effective date of this by-law, this by-law shall not be interpreted to require that the deficiency be made up in the event of an addition or change of use

# PARKING & LOADING REQUIREMENTS

## SECTION 5

provided that any *loading spaces required* for such addition or change of use is provided.

### 5.6.3 Loading Space Dimensions and Requirements

- a) Each off-street *loading space* 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 maneuvering of vehicles using the loading docks. Such maneuvering 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*.
- d) Institutional uses shall provide passenger loading areas. Passenger loading areas shall not obstruct the access of any parking area or *parking space*.
- e) A *loading space* shall not be *permitted* in any *required yard setback*, a *required front yard* or *required exterior side yard*;
- f) A *loading space* shall not be *permitted* between the main wall of a *building* oriented toward a *front lot line* or *exterior side lot line* and the applicable *front lot line* or *exterior side lot line*.
- g) No part of any *loading space* shall be located closer than 3.0 m to any *interior side lot line* or rear *lot line* abutting a Residential Zone and 1.0 m abutting any other zone.
- h) Access to *loading spaces* shall be provided by a driveway, aisle or *lane* which is at least 6.0 metres wide and provides direct access to a *street*.

### 5.7 Bicycle Parking Requirements

#### 5.7.1 Minimum Number of Required Bicycle Parking Spaces

The minimum number of *bicycle parking spaces* shall be provided and maintained on a lot in accordance with Table 5.7.

Table 5.7: Minimum Number of Required Bicycle Parking Spaces	
Use	Minimum Number of Bicycle Parking Spaces
<b>Residential Uses</b>	
i) <i>Apartment Dwelling</i>	0.25 spaces per <i>apartment dwelling</i> unit
ii) <i>Retirement Home</i>	0.25 spaces per suite, room or unit
<b>Office and Commercial Uses</b>	
i) Business Office, or Medical Office	1.0 spaces per 200.0 m <sup>2</sup> of <i>gross leasable floor area</i>
ii) <i>Retail Store</i> or any retail commercial use	1.0 spaces per 200.0 m <sup>2</sup> of <i>gross leasable floor area</i>

# PARKING & LOADING REQUIREMENTS

## SECTION 5

Table 5.7: Minimum Number of Required Bicycle Parking Spaces	
Use	Minimum Number of Bicycle Parking Spaces
iii) Restaurant, Restaurant, fast food, or Restaurant, take-out Restaurant	1.0 spaces per 100.0 m <sup>2</sup> of <i>gross leasable floor area</i>
<b>Institutional Uses</b>	
i) <i>School, Elementary or Private School</i>	1.0 space per 20 students / employees
ii) <i>School, Secondary</i>	1.0 space per 10 students / employees
iii) <i>School, Post-Secondary</i>	1.0 space per 20 students / employees
iv) <i>Community Centre</i>	2.0 spaces plus 1.0 per 500m <sup>2</sup> of <i>gross leasable floor area</i>
ii) <i>Trade School</i>	1.0 space per 200.0 m <sup>2</sup> of <i>gross leasable floor area</i>

### 5.7.2 Calculation of Bicycle Parking Space

- a) Rounding
  - i) Where part of a *bicycle parking space* is *required*, such part shall be considered one *bicycle parking space* for the purpose of calculating the minimum total *bicycle parking space* requirements.
- b) Multiple Uses on a Lot
  - i) Where a *building* or *structure* accommodates more than one type of use, as defined in this By-law, the *bicycle parking space* requirement for the whole *building* shall be the sum of the requirements for the individual uses.
- c) *Building* Additions
  - i) *Bicycle parking spaces* shall be provided for any addition to a *building* or *structure* or a change in use, except that, where a *building* or *structure* has less than the required *bicycle parking spaces* as of the effective date of this by-law, this by-law shall not be interpreted to require that the deficiency be made up in the event of an addition or change of use provided that any bicycle parking required for such addition or change of use is provided.

### 5.7.3 Bicycle Parking Space Dimensions and Requirements

- a) A *bicycle parking space* shall be an unobstructed space with a minimum dimension of 0.6m wide by 1.8 m in length. A bicycle rack shall be provided to enable a bicycle to be locked in place.
- b) *Bicycle parking spaces* shall be accessed by an unobstructed aisle with a minimum width of 1.5m.



# PARKING & LOADING REQUIREMENTS

## SECTION 5

- c) *Bicycle parking spaces* shall be provided with convenient access to the principal *building* entrance and shall be located within 35m of a principal *building* entrance and shall not occupy or impede any pedestrian access or parking area.
- d) Notwithstanding any other provision of this By-law, *bicycle parking spaces* shall be *permitted* in any *yard*, provided they are no closer than 0.6m to any *lot line*, and shall not be located within a *sight triangle*.

# RESIDENTIAL ZONES

## SECTION 6

### 6 Residential Zones

No land shall be used, no *buildings* or *structures* shall be *erected* and no lot shall be altered in the Residential Zones except in accordance with the applicable General Provisions (Section 4.0) and Parking and Loading Requirements (Section 5.0) and the following:

#### 6.1 List of Applicable Zones

Urban Residential Type 1 ( <i>single detached</i> )	R1 (A, B, C)
Urban Residential Type 2 ( <i>semi detached/duplex dwelling</i> )	R2
Urban Residential Type 3 ( <i>tri-plex dwelling/four-plex</i> )	R3
Urban Residential Type 4 ( <i>townhouse dwellings</i> )	R4
Urban Residential Type 5 ( <i>apartment</i> )	R5
Urban Residential Type 6 ( <i>apartment</i> )	R6
Hamlet Residential	RH
Lakeshore Residential	RL

#### 6.2 Permitted Uses

Uses *permitted* in the Residential Zones are denoted by the symbol “●” in the column applicable to that Zone and corresponding with the row for a specific *permitted* use in Table 6.1 below. Where the letter “E” is identified following the symbol “●”, only legally *existing* uses shall be *permitted*. Where the letter “A” is identified following the symbol “●”, the use is only *permitted* as an *accessory use* to another *permitted* use. Where a *permitted* use is subject to use specific general provisions, a notation has been added to the *permitted* use and reference should be made to the General Provisions in Section 4.

**Table 6.1: Permitted Uses in the Residential Zones**

Uses	R1	R2	R3	R4	R5	R6	RH	RL
<b>a) Residential Uses</b>								
<i>Bed and breakfast establishment</i> <i>(refer to Section 4.7)</i>	●	●	●				●	●
<i>Single detached dwelling</i>	●	●	●				●	● <sup>E</sup>
<i>Semi-detached dwelling</i>		●	●					
<i>Duplex dwelling</i>		●	●					
<i>Tri-plex dwelling</i>			●					
<i>Four-plex dwelling</i>			●					
<i>Rooming house</i>			●					
<i>Street townhouse dwelling</i>				●				
<i>Group townhouse dwelling</i>				●				
<i>Stacked townhouse dwelling</i>				●				

# RESIDENTIAL ZONES

## SECTION 6

**Table 6.1: Permitted Uses in the Residential Zones**

Uses	R1	R2	R3	R4	R5	R6	RH	RL
<i>Back-to-back townhouse dwelling</i>				•				
<i>Apartment dwelling</i>				• <sup>E</sup>	•	•		
<i>Group home dwelling</i> (refer to Section 4.26)	•	•	•					
<i>Vacation home dwelling</i> (refer to Section 4.14)								•
<i>Secondary Suite</i> (refer to Section 4.55)	• <sup>A</sup>	• <sup>A</sup>	• <sup>A</sup>				• <sup>A</sup>	
<i>Garden Suite</i> (refer to Section 4.24)	• <sup>A</sup>						• <sup>A</sup>	
<i>Home-based business, home office</i> (refer to Section 4.27.1)	• <sup>A</sup>	• <sup>A</sup>	• <sup>A</sup>	• <sup>A</sup>	• <sup>A</sup>	• <sup>A</sup>	• <sup>A</sup>	• <sup>A</sup>
<i>Home-based business, home occupation</i> (refer to Section 4.27.2)	• <sup>A</sup>	• <sup>A</sup>	• <sup>A</sup>	• <sup>A</sup>			• <sup>A</sup>	• <sup>A</sup>
<i>Home-based business, home industry</i> (refer to Section 4.27.3)							• <sup>A</sup>	
<i>Backyard Hens</i> (refer to Section 4.6)							• <sup>A</sup>	

**Notes:**

(1) Where a *vacation home dwelling* is located on a *private road*, a Limited Servicing Agreement is required.

# RESIDENTIAL ZONES

## SECTION 6

### 6.3 Zone Provisions

No person shall within any Residential Zone use or permit the use of any lot or *erect, alter* or use any *building or structure* except in accordance with the zone standards in Tables 6.2a and 6.2b below. Any numbers in parentheses following the particular regulation, zone heading, or applicable standard indicates that one or more additional regulations apply to *buildings and structures* in the applicable Zone, which are listed below the table.

**Table 6.2a: Zone Provisions for the Residential Zones**

Zone Provision	R1-A	R1-B	R1-C	RH			RL	R2 (1)	
				With no municipal sanitary services (only municipal water service)	With municipal sanitary services	With municipal sanitary and water service		Semi-detached	Duplex
Minimum Lot Area (Interior Lot)	450 sq. m	360 sq. m	235 sq. m	1,855 sq. m	925 sq. m	465 sq. m	925 sq. m	255 sq. m.	450 sq. m.
Minimum Lot Area (Corner Lot)	540 sq. m.	412 sq. m.	280 sq. m.	1,855 sq. m.	925 sq. m.	560 sq. m	925 sq. m.	345 sq. m.	540 sq. m
Minimum Lot Frontage (Interior Lot)	15.0 m	12.0 m	8.0 m	30.0 m	18.0 m	15.0 m	18.0 m	7.5 m	15.0 m
Minimum Lot Frontage (Corner Lot)	18.0 m	15.0 m	10.0 m	30.0 m	18.0 m	18.0 m	24.0 m	11.5 m	18.0 m
Minimum Front Yard	6.0 m	6.0 m	6.0 m	9.0 m	9.0 m	9.0 m	7.0 m	6.0 m or 3.0m (where a detached private garage or parking space is accessed via a rear lane)	6.0 m or 3.0m (where a detached private garage or parking space is accessed via a rear lane)
Minimum Exterior Side Yard	4.0 m	4.0 m	3.0 m	9.0 m	9.0 m	9.0 m	7.0 m	4.0 m	4.0 m
Minimum Interior Side Yard (with Attached Private Garage)	1.2 m on each side	1.0 m on each side	1.0 m on each side	1.2 m on each side	1.2 m on each side	1.2 m on each side	1.2 m on each side	1.2 m on each side	1.2 m on each side
Minimum Interior Side Yard (with Detached Private Garage or Parking Space Accessed via the Front Yard)	3.0 m and 1.2 m	3.0 m and 1.0 m	3.0 m and 1.0 m	3.0 m and 1.2 m	3.0 m and 1.2 m	3.0 m and 1.2 m	3.0 m and 1.2 m	3.0 m and 1.2 m	3.0 m and 1.2 m

# RESIDENTIAL ZONES

## SECTION 6

Table 6.2a: Zone Provisions for the Residential Zones

Zone Provision	R1-A	R1-B	R1-C	RH			RL	R2 (1)	
				With no municipal sanitary services (only municipal water service)	With municipal sanitary services	With municipal sanitary and water service		Semi-detached	Duplex
Minimum <i>Interior Side Yard</i> (with Detached <i>Private Garage</i> or <i>Parking Space</i> Accessed via a <i>Rear Lane</i> )	3.0 m and 1.2 m	3.0 m and 1.0 m	1.2 m and 1.0 m	3.0 m and 1.2 m	3.0 m and 1.2 m	3.0 m and 1.2 m	3.0 m and 1.2 m	1.2 m on each side	1.2 m on each side
Minimum <i>Rear Yard</i>	7.5 m	7.5 m	7.0 m	9.0 m	9.0 m	9.0 m	9.0 m	7.5 m	7.5 m
Maximum <i>Building Height</i>	11.0 m	11.0 m	11.0 m	11.0 m	11.0 m	11.0 m	11.0 m	11.0 m	11.0 m
Minimum <i>Gross Floor Area</i> :	70 sq. m.	65 sq. m.	55 sq. m.	70 sq. m.	70 sq. m.	70 sq. m.	65 sq. m.	65 sq. m.	65 sq. m per dwelling unit
Minimum <i>Landscaped Open Space – Required Front Yard</i>	50%	50%	50%	NA	NA	NA	NA	50%	50%

**Notes:**

- (1) *Single Detached Dwellings* are permitted in the R2 Zone subject to the applicable R1-B zone provisions.

# RESIDENTIAL ZONES

## SECTION 6

Table 6.2b: Zone Provisions for the Residential Zones			
Zone Provision	R3 (1)		
	Tri-plex	Four-plex	Rooming House (2)
Minimum <i>Lot Area (Interior Lot)</i>	580 sq. m.	660 sq. m.	440 sq. m.
Minimum <i>Lot Area (Corner Lot)</i>	680 sq. m.	765 sq. m.	540 sq. m.
Minimum <i>Lot Frontage (Interior Lot)</i>	17.0 m	19.5 m	15.0 m
Minimum <i>Lot Frontage (Corner Lot)</i>	20.0 m	22.5 m	18.0 m
Minimum <i>Front Yard</i>	6.0 m	6.0 m	6.0 m
Minimum <i>Front Yard</i> (where a detached <i>private garage</i> or <i>parking space</i> is accessed via a <i>rear lane</i> )	6.0 m	6.0 m	6.0 m
Minimum <i>Exterior Side Yard</i>	6.0 m	6.0 m	6.0 m
Minimum <i>Interior Side Yard:</i>	3.0 m and 1.2 m	3.0 m	3.0 m and 1.2 m
Minimum <i>Rear Yard</i>	12.0 m	12.0 m	9.0 m
Maximum <i>Building Height</i>	11.0 m	11.0 m	11.0 m
Minimum <i>Gross Floor Area:</i>	65 sq. m per <i>dwelling unit</i>	65 sq. m. per <i>dwelling unit</i>	90 sq. m per <i>dwelling unit</i>
Minimum <i>Landscaped Open Space – Required Front Yard</i>	30%	30%	30%

**Notes:**

- (1) *Single Detached Dwellings, Semi-Detached Dwellings and Duplex Dwellings* are permitted in the R3 Zone subject to the applicable R2 zone provisions.
- (2) *Rooming house:*
  - a) Minimum guest room area: 8.0 sq. m.
  - b) *Yard Exemptions:* Any *dwelling* having any *yard* less than that *required* by this by-law may be converted or altered to a *rooming house* provided:
    - i. the *dwelling* existed prior to the passing of this by-law;
    - ii. the *dwelling* does not contain less than 90 sq. m. of *gross leasable floor area*; and
    - iii. any extension or addition complies to the *yard* requirements of this by-law.

# RESIDENTIAL ZONES

## SECTION 6

Table 6.2c: Zone Provisions for the Residential Zones

Zone Provision	R4 (1)				R5	R6
	Street townhouses (Per unit)	Group townhouses (Per unit)	Stacked townhouses (Per block)	Back-to-back townhouses (Per block)		
Minimum Lot Area ( <i>Interior Lot</i> )	156 sq. m. or 163 sq. m. (with parking accessed via a rear lane)	195 sq. m. or 215 sq. m. (with parking accessed via a rear lane)	120 sq. m.	480 sq. m.	NA	NA
Minimum Lot Area ( <i>Corner Lot</i> )	215 sq. m. (with attached private garage) or 192 sq. m. (with parking accessed via a rear lane)	215 sq. m. (with attached private garage) OR 215 sq. m. (with parking accessed via a rear lane)	120 sq. m.	480 sq. m.)	NA	NA
Minimum Lot Frontage ( <i>Interior Lot</i> )	5.5 m or 6.0 m per unit (with parking accessed via a rear lane)	5.5 m or 6.0 m per unit (with parking accessed via a rear lane); and 30.0m (for entire block)	8.0 m	15.0 m	NA	NA
Minimum Lot Frontage ( <i>Corner Lot</i> )	8.0 m or 7.5 m per unit (with parking accessed via a rear lane)	8.0 m or 7.5 m per unit (with parking accessed via a rear lane); and 30.0m (for entire block)	8.0 m	15.0 m	NA	NA
Minimum Front Yard	6.0 m (with attached private garage)	6.0 m (with attached private garage)	6.0 m	6.0 m)	3.0 m (or the established building line on the block, whichever is greater)	3.0 m (or the established building line on the block, whichever is greater)
Minimum Front Yard (where a detached private garage or parking space is accessed via a rear lane)	3.0 m	3.0 m	3.0 m	NA	NA	NA



# RESIDENTIAL ZONES

## SECTION 6

Table 6.2c: Zone Provisions for the Residential Zones

Zone Provision	R4 (1)				R5	R6
	Street townhouses (Per unit)	Group townhouses (Per unit)	Stacked townhouses (Per block)	Back-to-back townhouses (Per block)		
Minimum <i>Exterior Side Yard</i>	3.0 m	3.0 m	3.0 m	3.0 m	3.0 m (or the established <i>building</i> line on the block, whichever is greater)	3.0 m (or the established <i>building</i> line on the block, whichever is greater)
Minimum <i>Interior Side Yard:</i>	1.2 m (0.0 m along <i>common wall</i> )	2.0 m (between <i>group townhouse dwellings</i> )	2.0 m	2.0 m	4.0 m	4.0 m
Minimum <i>Rear Yard</i>	7.5 m; 13.5 m (with parking accessed via a rear <i>lane</i> )	7.5 m; 13.5 m (with parking accessed via a rear <i>lane</i> )	7.5 m; 13.5 m (with parking accessed via a rear <i>lane</i> )	NA	9.0 m	9.0 m
Maximum <i>Building Height</i>	11.0 m	11.0 m	11.0 m	11.0 m	18.0 m (5 <i>storeys</i> )	29.0 m (8 <i>storeys</i> )
Minimum <i>Amenity Area</i>	NA	NA	NA	NA	20 sq. m per dwelling unit	20 sq. m per dwelling unit
Minimum <i>Gross Floor Area:</i>	65 sq. m	65 sq. m	65 sq. m	65 sq. m	40 sq. m. per <i>dwelling unit</i>	40 sq. m. per <i>dwelling unit</i>
Maximum <i>Floor Area Ratio</i>	NA	NA	NA	NA	1.5 (2)	2.0 (2)
Minimum <i>Landscaped Open Space – Required Front Yard</i>	30%	30%	20%	20%	NA	NA

**Notes:**

- (1) *Apartment Dwellings* may be permitted in the R4 Zone subject to the applicable R5 zone provisions, and to a maximum height of 11.0 m (3 *storeys*).
- (2) Maximum *Floor area ratio* is calculated by dividing *gross leasable floor area* by the *lot area*.

# RESIDENTIAL ZONES

## SECTION 6

### 6.4 Special Exceptions

#### 6.4.1 R1-A,B,C – Urban Residential Type 1

##### 6.4.1.1 Type 1-A

###### 6.4.1.1.1 R1-A.1

##### 6.4.1.2 Type 1-B

###### 6.4.1.2.1 R1-B.1

###### 6.4.1.2.2

##### 6.4.1.3 Type 1-C

###### 6.4.1.3.1 R1-C.1

#### 6.4.2 R2 – Urban Residential Type 2

##### 6.4.2.1 R2.1

#### 6.4.3 R3 – Urban Residential Type 3

##### 6.4.3.1 R3.1

#### 6.4.4 R4 – Urban Residential Type 4

##### 6.4.4.1 R4.1

#### 6.4.5 R5 – Urban Residential Type 5

##### 6.4.5.1 R5.1

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

- i. Notwithstanding the zone provisions under Section 6.3, a left interior side yard of 3 m is permitted.
- ii. Notwithstanding the zone provisions under Section 6.3, a minimum gross floor area of 38.5 m<sup>2</sup> is permitted for one unit.
- iii. Notwithstanding the zone provisions of Section 5.1, a minimum of 100 parking spaces is permitted. [1218-HC/21]

#### 6.4.6 R6 – Urban Residential Type 6

##### 6.4.6.1 R6.1

# RESIDENTIAL ZONES

## SECTION 6

### 6.4.7 RH – Hamlet Residential

#### 6.4.7.1 RH.1

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

##### Part 1

That notwithstanding the 'Hamlet Residential (RH)' Zone provisions contained in Section 6, the following shall apply:

- The minimum lot size shall be 1,830 square metres. [1213-HC/21]

#### 6.4.7.2 RH.2

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

- i. The lot line abutting Front Street South shall be deemed to be the front lot line.
- ii. That notwithstanding the provisions of the Zoning By-law, the building existing on the subject lands shall be deemed to conform to the Zoning By-law. [1230-HC/21]

### 6.4.8 RL – Lakeshore Residential

#### 6.4.8.1 RL.1

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

##### Part 1

That notwithstanding the permitted uses in the 'Agricultural (A)' Zone contained in Section 11 and the permissions included in Section 4.40.2 'Natural Hazard Lands Overlay', no development shall be permitted on the lands shown as Part 1 on Map "B" attached to this by-law.

##### Part 2

- i. That notwithstanding Subsection 4.23 'Frontage on an Improved Street', a cottage and accessory residential structures are permitted on the lands shown as Part 2 on Map "B" attached to this by-law.
- ii. That notwithstanding the 'Lakeshore Residential (RL)' Zone provisions contained in Section 6, the following shall apply:
  - The minimum lot frontage shall be 0 metres on an improved street
  - The front lot line shall be deemed the lot line abutting Erie Heights Line [1206-HC/20]

#### 6.4.8.2 RL.2

# RESIDENTIAL ZONES

## SECTION 6

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

- a) Notwithstanding the provisions of Section 4.23 'Road Frontage on an Improved Street', the subject lands shall be permitted to gain access from the private road in existence on the date of passing of this by-law. [1228-HC/21]

### 6.4.8.3 RL.3

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

#### Part 2

That notwithstanding the provisions of Section 4.2 'Accessory Uses, Buildings and Structures to Residential uses', the shed existing on Part 2 of the Subject Lands on the date of passage of this By-law may continue without a principle use. [1224-HC/21]

### 6.3.8.4 RL.4

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

- That notwithstanding the provisions of Section 4.23 'Road Frontage on an Improved Street' and Section 6.3 'Zone Provisions for Residential Zones', a vacation home is permitted to be erected, altered or enlarged on the subject lands which front onto a private road. [1231-HC/21]

### 6.3.8.5 RL.5

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

- i. That notwithstanding the provisions of Section 4.23 'Road Frontage on an Improved Street' and Section 6.3 'Zone Provisions for Residential Zones', a vacation home is permitted to be erected, altered or enlarged on the subject lands which front onto a private road.
- ii. Notwithstanding the definition of "vacation home" in said By-law HC 1-2020 and for the purposes of this By-law, a "seasonal vacation home" shall be defined as a dwelling containing only one dwelling unit which is used as a seasonal place of residence on an occasional basis from April 1st to October 31st in the same calendar year for recreation and relaxation purposes. Occupation of the vacation home outside of April 1st to October 31st is not permitted.
- iii. That notwithstanding the provisions of Section 6.2.a the required front, rear and exterior side yard setbacks shall be 4.6 metres. [1241-HC/21]

# COMMERCIAL AND MIXED USE ZONES

## SECTION 7

### 7 Commercial and Mixed Use Zones

No land shall be used, no *buildings* or *structures* shall be *erected* and no lot shall be altered in the Commercial and Mixed Use Zones except in accordance with the applicable General Provisions (Section 4.0) and Parking and Loading Requirements (Section 5.0) and the following:

#### 7.1 List of Applicable Zones

Downtown Commercial	CD
General Commercial	CG
Service Commercial	CS
Neighbourhood Commercial	CN
Hamlet Commercial	CH
Rural Commercial	CR
Marine Commercial	CM

#### 7.2 Permitted Uses

Uses *permitted* in the Commercial and Mixed Use Zones are denoted by the symbol “●” in the column applicable to that *Zone* and corresponding with the row for a specific *permitted* use in Table 7.1 below. Where the letter “E” is identified following the symbol “●”, only legally *existing* uses shall be *permitted*. Where the letter “A” is identified following the symbol “●”, the use is only *permitted* as an *accessory use* to another *permitted* use. Where a *permitted* use is subject to use specific general provisions, a notation has been added to the *permitted* use and reference should be made to the General Provisions in Section 4.

Table 7.1: Permitted Uses in the Commercial and Mixed Use Zones							
Uses	CD	CG	CS	CN	CH	CR	CM
<b>a) Residential Uses</b>							
<i>Bed and breakfast establishment</i> <i>(refer to Section 4.7)</i>	●	●	●	●	●	●	
<i>Single detached dwelling</i>	● <sup>E</sup>	● <sup>E</sup>	● <sup>E</sup>	● <sup>E</sup>	● <sup>E</sup>	●	● <sup>E</sup>
<i>Semi-detached dwelling</i>	● <sup>E</sup>	● <sup>E</sup>	● <sup>E</sup>	● <sup>E</sup>			
<i>Duplex dwelling</i>	● <sup>E</sup>	● <sup>E</sup>	● <sup>E</sup>	● <sup>E</sup>			
<i>Tri-plex dwelling</i>	● <sup>E</sup>	● <sup>E</sup>					
<i>Four-plex dwelling</i>	● <sup>E</sup>	● <sup>E</sup>					
<i>Rooming house</i>	● <sup>E</sup>	● <sup>E</sup>					
<i>Back-to-back townhouse dwelling</i>	● (2)						
<i>Street townhouse dwelling</i>	● (2)						
<i>Stacked townhouse dwelling</i>	● (2)						
<i>Group townhouse dwelling</i>	● (2)						
<i>Apartment dwelling</i>	● (3)						
<i>Accessory dwelling unit</i>	● (1)	● (1)		● (1)	● (1)	● (1)	
<i>Vacation home dwelling</i>			● <sup>E</sup>				● <sup>E</sup>

# COMMERCIAL AND MIXED USE ZONES

## SECTION 7

**Table 7.1: Permitted Uses in the Commercial and Mixed Use Zones**

Uses	CD	CG	CS	CN	CH	CR	CM
<i>Home-based business, home office</i> <i>(refer to Section 4.27.1)</i>	● <sup>A</sup>	● <sup>A</sup>	● <sup>A</sup>	● <sup>A</sup>	● <sup>A</sup>	● <sup>A</sup>	● <sup>A</sup>
<i>Home-based business, home occupation</i> <i>(refer to Section 4.27.2)</i>	● <sup>A</sup>	● <sup>A</sup>	● <sup>A</sup>	● <sup>A</sup>	● <sup>A</sup>	● <sup>A</sup>	● <sup>A</sup>
<i>Home-based business, home industry</i> <i>(refer to Section 4.27.3)</i>					● <sup>A</sup>	● <sup>A</sup>	● <sup>A</sup>
<b>(b) Commercial Uses</b>							
<i>Agricultural service and supply establishment</i>			●		●	●	
<i>Animal hospital</i>	●	●	●		●	●	
<i>Auction centre</i> <i>(refer to Section 4.4)</i>	●	●					
<i>Automobile body shop</i>						●	
<i>Automobile gas station</i> <i>(refer to Section 4.5)</i>	● <sup>E</sup>	● <sup>E</sup>	●			●	
<i>Automobile service station</i>	● <sup>E</sup>	●	●		●	●	
<i>Automobile washing establishment</i>	● <sup>E</sup>	●	●		● <sup>E</sup>	● <sup>E</sup>	
<i>Bake shop</i>	●	●	●	●	●	●	
<i>Bakery, commercial</i>							
<i>Bar or night club</i>	●		●				
<i>Boutique</i>	●	●	●		●		
<i>Building supply establishment</i>	● <sup>E</sup>		●				
<i>Bus terminal</i>	●	●					
<i>Business Support Service</i>		●	●		●	●	
<i>Commercial greenhouse</i> <i>(refer to Section 4.12)</i>					●		
<i>Custom workshop</i>		●	●				
<i>Day care nursery</i>		●		●	●		
<i>Department store</i>	●						
<i>Dry cleaning distribution station</i>	●	●	●	●	●	●	
<i>Dry cleaning establishment</i>			●				
<i>Farmers market</i>	●		●				
<i>Farm supply outlet</i>						●	
<i>Financial institution</i>	●	●			●		
<i>Fruit and vegetable outlet</i>	●		● 200m <sup>2</sup> max	●	●	●	
<i>Funeral home</i>	● <sup>E</sup>	●			●		

# COMMERCIAL AND MIXED USE ZONES

## SECTION 7

**Table 7.1: Permitted Uses in the Commercial and Mixed Use Zones**

Uses	CD	CG	CS	CN	CH	CR	CM
Garden centre and tree and plant nursery	● <sup>E</sup>		●		●	●	
Hotel	●	●	●				
Laundromat	●	●		●			
Merchandise service shop	●	●	●		●		
Microbrewery		●	●		●		
Office, business	●	●	●		●		●
Office, medical	●	●	●		●		
Outdoor Storage (refer to Section 4.47)			● <sup>A</sup>			● <sup>A</sup>	● <sup>A</sup>
Parking lot or structure	●	●	●				●
Personal service shop	●	●	●	●	●		
Pharmacy	●	●	●		●		
Place of entertainment	●	●			●		
Place of sports and recreation		●	●		●		
Printing and publishing establishment	●	●					
Private club	●	●	●		●		● <sup>A</sup>
Restaurant	●	●	●	●	●	●	●
Restaurant, drive-thru		●	●				
Restaurant, fast food	●	●	●				
Restaurant, take-out	●	●	●	●	●	●	●
Retail store	●	●	● 200m <sup>2</sup> max	● 200m <sup>2</sup> max	● 280m <sup>2</sup> max	● 280m <sup>2</sup> max	● 200m <sup>2</sup> max
School, trade	●	●	●		●		
Self-storage units			●			●	
Supermarket	●						
Swimming pool sales and service establishment			●				
Taxi Establishment	●	●					
Vehicle sales and/or rental establishment	● <sup>E</sup>	●	●		●		
Wholesale outlet	● <sup>E</sup>	●					
<b>(c) Marine Commercial and Industrial Uses</b>							
Boathouse							●
Marina							●
Tourist Cabin							●
<b>(d) Industrial Uses</b>							
Contractors shop	● <sup>E</sup>						



# COMMERCIAL AND MIXED USE ZONES

## SECTION 7

**Table 7.1: Permitted Uses in the Commercial and Mixed Use Zones**

Uses	CD	CG	CS	CN	CH	CR	CM
<i>Contractor supply and service shop</i>	• <sup>E</sup>						
<b>(e) Institutional Uses</b>							
<i>Cemetery</i>					•		
<i>Community centre</i>		•	•	• <sup>E</sup>	•		
<i>Cultural facility</i>	•	•			•		•
<i>Hospital</i>	•	•			•		
<i>Hostel</i>	•	•			•		
<i>Long Term Care Home</i>	• <sup>E</sup>	•		•	•		
<i>Place of assembly</i>	•	•	•		•	•	
<i>Place of worship</i>	•	•	•	• <sup>E</sup>	•		
<i>Retirement home</i>	• <sup>E</sup>	•		•	•		
<i>School</i>		•			•		
<i>Training and rehabilitation centre</i>		•	•		•		
<b>(f) Parks and Open Space Uses</b>							
<i>Golf course</i>					•		

**Notes:**

- (1) An accessory *dwelling* unit may be *permitted* in a non-residential *building*, but excluding an *automobile body shop*, *automobile gas station*, *automobile service station*, or *automobile washing establishment*.
- (2) *Street townhouse dwelling* and *group townhouse dwelling* are *permitted* provided they do not have frontage on the following *streets*:
  - i) Argyle Street, in Caledonia;
  - ii) Talbot Street, in Cayuga
  - iii) Main Street, Queen Street, Broad Street, Chestnut Street, Lock Street, in Dunnville;
  - iv) Main Street, King Street, in Hagersville
  - v) Main Street, Talbot Street, in Jarvis; and
  - vi) Keith Richardson Parkway, Nanticoke Creek Parkway, in Townsend.
- (3) Residential uses are not be permitted in the street level storefront portion of a building. Any dwelling units in the CD Zone shall not occupy more than 50 percent of the *gross floor area* of the first storey. All frontages of a building's first storey shall be dedicated to non-residential uses.

# COMMERCIAL AND MIXED USE ZONES

## SECTION 7

### 7.3 Zone Provisions

No person shall within any Commercial and Mixed Use Zone use or permit the use of any lot or erect, alter or use any building or structure except in accordance with the zone standards in Table 7.2 below. Any numbers in parentheses following the particular regulation, zone heading, or applicable standard indicates that one or more additional regulations apply to buildings and structures in the applicable Zone, which are listed below the table.

**Table 7.2: Zone Provisions for the Commercial Zones**

Zone Provision	CD	CG	CS	CN	CH	CR	CM
Minimum Lot Area	NA	NA	450 sq. m. (Interior lot), 540 sq. m (Corner lot) or 1,855 sq. m (with no municipal sanitary service)	450 sq. m. (Interior lot), or 540 sq. m (Corner lot)	1,855 sq. m.	1,855 sq. m.	450 sq. m. (Interior lot with municipal services), 540 sq. m (Corner lot with municipal services), 1,855 sq. m (no municipal services)
Minimum Lot Frontage (Interior Lot)	NA	NA	15 m (with municipal services), OR 30 m (with no municipal services)	15.0 m	30.0 m	30.0 m	15 m (with municipal services), OR 30 m (with no municipal services)
Minimum Lot Frontage (Corner Lot)	NA	NA	18 m (with municipal services), OR 30 m (no municipal services)	18.0 m	30.0 m	30.0 m	18 m (with municipal services), OR 30 m (no municipal services)
Minimum Front Yard	0.0 m	6.0 m	7.0 m	6.0 m	6.0 m	13.0 m	6.0 m
Maximum Front Yard	3.0 m	NA	NA	NA	NA	NA	NA
Minimum Exterior Side Yard	0.0 m	6.0 m	7.0 m	6.0 m	6.0 m	13.0 m	6.0 m
Maximum Exterior Side Yard	3.0 m	NA	NA	NA	NA	NA	NA
Minimum Interior Side Yard	0.0 m, or 3.0 m (where it abuts any Residential Zone)	0.0 m, or 3.5 m (where it abuts any Residential Zone)	3.0 m	3.0 m	3.0 m; or 1.2 m (where a private garage is attached to a dwelling)	3.0 m	3.0m

# COMMERCIAL AND MIXED USE ZONES

## SECTION 7

**Table 7.2: Zone Provisions for the Commercial Zones**

Zone Provision	CD	CG	CS	CN	CH	CR	CM
Minimum Rear Yard	0.0 m, or 6.0 m (where it abuts any Residential Zone)	0.0 m, or 6.0 m (where it abuts any Residential Zone)	9.0 m	9.0 m	9.0 m	9.0 m	9.0 m
Minimum Amenity Area	20 sq. m. (for apartment dwellings - per dwelling unit)	NA	NA	NA	NA	NA	NA
Minimum Landscaped Open Space	NA	15%	15%	15%	15%	15%	15%
Maximum Building Height	24.0 m (1) in Caledonia and Dunnville; and 16.0 m (1) in Cayuga, Townsend, Hagersville and Jarvis	16.0 m	12.0 m	16.0 m	11.0 m	11.0 m	11.0 m
Minimum Gross Floor Area	40 sq. m. per dwelling unit	40 sq. m. per dwelling unit	40 sq. m., per dwelling unit, or 70 sq. m. (for a single detached dwelling)	40 sq. m. per dwelling unit	55 sq. m. per dwelling unit, or 70 sq. m. (for a single detached dwelling)	40 sq. m., per dwelling unit, or 70 sq. m. (for a single detached dwelling)	NA
Maximum Lot Coverage	80%	80%	NA	NA	NA	NA	NA
Other:	NA	NA	Maximum Gross Leasable Floor Area: 200 sq. m. (for a Retail Store, fruit and vegetable outlet)	Maximum Gross Leasable Floor Area: 200 sq. m. (for a commercial use)	Maximum Gross Leasable Floor Area: 280 sq. m. (for a Retail Store)	Maximum Gross Leasable Floor Area: 280 sq. m. (for a Retail Store, fruit and vegetable outlet)	Maximum Gross Leasable Floor Area: 200 sq. m. (for a Retail Store)

# COMMERCIAL AND MIXED USE ZONES

## SECTION 7

### **Notes**

- (1) Notwithstanding the maximum *permitted building height*, the maximum *permitted building height* above the 2nd *storey*, shall not exceed a 45 degree *angular plane* measured from the rear property line or interior property line that directly abuts a Residential *Zone*.

# COMMERCIAL AND MIXED USE ZONES

## SECTION 7

### 7.4 Special Exceptions

#### 7.4.1 CD – Downtown Commercial

##### 7.4.1.1 CD.1

#### 7.4.2 CG – General Commercial

##### 7.4.2.1 CG.1

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

- i. That notwithstanding Subsection 7.2 'Permitted Uses in the General Commercial Zone, only the following uses are 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, a small scale accessory greenhouse, a patio with seating for 20 patrons and a maximum of three (3) Inn/Hotel rooms. Drive-thru use is not permitted.
- ii. The following provisions will be applicable to the patio use.
  - a) The hours of operation for the patio will cease at 11pm in accordance with the County's Noise By-law;
- iii. That on the lands delineated as having reference to this subsection that notwithstanding Section 7.3 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.
- iv. That on the lands delineated as having reference to this subsection that notwithstanding the provisions of Section 5.1 of By-law HC 1-2020 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.
- v. That on the lands delineated as having reference to this subsection that notwithstanding Section 4.56 Sight Triangle a reduced sight triangle measuring 6 metres by 9 metres. [1239-HC/21]

#### 7.4.3 CS – Service Commercial

##### 7.4.3.1 CS.1

#### 7.4.4 CN – Neighbourhood Commercial

##### 7.4.4.1 CN.1

Notwithstanding the provisions of Section 7, the following special provisions shall apply to lands Zoned CN.1.

a) PERMITTED USES:

The following, in addition to the uses permitted within the CN Zone, shall also be permitted:

- i. business office

# COMMERCIAL AND MIXED USE ZONES

## SECTION 7

- ii. medical office
- iii. merchandise service shop
- iv. craft and souvenir shop
- v. printing and publishing establishment
- vi. parking lot

b) ZONE PROVISIONS:

The balance of the CN Zone provisions shall continue to apply.

### **7.4.5 CH – Hamlet Commercial**

#### **7.4.5.1 CH.1**

### **7.4.6 CR – Rural Commercial**

#### **7.4.6.1 CR.1**

### **7.4.7 CM – Marine Commercial**

#### **7.4.7.1 CM.1**

# INDUSTRIAL ZONES

## SECTION 8

### 8 Industrial Zones

No land shall be used, no *buildings* or *structures* shall be *erected* and no lot shall be altered in the *Industrial Zones* except in accordance with the applicable General Provisions (Section 4.0) and Parking and Loading Requirements (Section 5.0) and the following:

#### 8.1 List of Applicable Zones

Marine Industrial Zone	MM
Heavy Industrial Zone	MH
General Industrial Zone	MG
Light Industrial Zone	ML
Rural Industrial Zone	MR
Disposal Industrial Zone	MD
Extractive Industrial Zone	MX

#### 8.2 Permitted Uses

Uses *permitted* in the Commercial and Mixed Use Zones are denoted by the symbol “●” in the column applicable to that Zone and corresponding with the row for a specific *permitted* use in Table 8.1 below. Where the letter “E” is identified following the symbol “●”, only legally *existing* uses shall be *permitted*. Where the letter “A” is identified following the symbol “●”, the use is only *permitted* as an *accessory use* to another *permitted* use. Where a *permitted* use is subject to use specific general provisions, a notation has been added to the *permitted* use and reference should be made to the General Provisions in Section 4.

**Table 8.1: Permitted Uses in the Industrial Zones**

Uses	MM	MH	MG	ML	MR	MD	MX
<b>a) Residential uses</b>							
Single detached dwelling					● <sup>E</sup>	● <sup>E</sup>	
Home-based business, home occupation (refer to Section 4.27.2)					● <sup>A</sup>	● <sup>A</sup>	
Home-based business, home industry (refer to Section 4.27.3)					● <sup>A</sup>	● <sup>A</sup>	
<b>(b) Agriculture uses</b>							
Agriculture use		● <sup>E</sup>			●	●	●
Agriculture-related processing (refer to Section 4.44)		●	●	●	●	●	●
Bunk house					●	●	●
Cannabis Production Facility		●	●	●	●	●	●
Farm produce outlet (refer to Section 4.44)					●	●	●
Farm stand (refer to Section 4.44)					●	●	●
<b>(c) Commercial uses</b>							
Adult entertainment establishment			●				



# INDUSTRIAL ZONES

## SECTION 8

**Table 8.1: Permitted Uses in the Industrial Zones**

Uses	MM	MH	MG	ML	MR	MD	MX
<i>Animal hospital</i>		•	•	•	•	•	•
<i>Agricultural service and supply establishment</i>		•	•	•	•		
<i>Animal kennel</i>					•	•	•
<i>Animal kennel, Municipal</i>		•			•	•	•
<i>Auction centre</i> <i>(refer to Section 4.4)</i>		•	•	•			
<i>Automobile body shop</i>		•	•		•		
<i>Automobile gas station</i> <i>(refer to Section 4.5)</i>		•	•				
<i>Automobile service station</i>		•	•	•	•		
<i>Automobile washing establishment</i>		•	•	•			
<i>Bakery, commercial</i>		•	•	•			
<i>Building supply establishment</i>		•	•		•		
<i>Business support services</i>			•	•	•		
<i>Commercial greenhouse</i> <i>(refer to Section 4.12)</i>		•	•	•	•	•	•
<i>Commercial radio, television and tele-communication towers (but excluding any office or studio associated therewith)</i>		•	•	•	•	•	•
<i>Custom workshop</i>		•	•	•	•		
<i>Day care nursery</i>			•	•	•		
<i>Dry cleaning establishment</i>		•	•	•			
<i>Farmers market</i>							
<i>Farm supply outlet</i>		•	•		•		
<i>Merchandise service shop</i>		•	•	•			
<i>Microbrewery</i>		•	•	•			
<i>Office, business</i>	•	•	•	•	•		
<i>Outdoor Storage</i> <i>(refer to Section 4.47)</i>	• <sup>A</sup>	•	• <sup>A</sup>	• <sup>A</sup>	• <sup>A</sup>	• <sup>A</sup>	• <sup>A</sup>
<i>Place of sports and recreation</i>		•	•	•			
<i>Printing and publishing establishment</i>		•	•	•			
<i>Restaurant</i>		•	•	•			
<i>Retail uses, accessory</i>	• <sup>A</sup>	• <sup>A</sup>	• <sup>A</sup>	• <sup>A</sup>	• <sup>A</sup>	• <sup>A</sup>	
<i>School, trade</i>			•	•			
<i>Self-storage units</i>		•	•	•			
<i>Towing establishment</i>		•	•	•			
<i>Vehicle sales and/or rental establishment</i>		•	•	•			

# INDUSTRIAL ZONES

## SECTION 8

**Table 8.1: Permitted Uses in the Industrial Zones**

Uses	MM	MH	MG	ML	MR	MD	MX
<i>Wholesale outlet</i>		•	•	•			
<b>(d) Marine Commercial and Industrial uses</b>							
<i>Boathouse</i>	•						
<i>Dry dock facilities, boat repair shop and other marine trades</i>	•						
<i>Marina</i>	•						
<i>Marine craft and equipment sales</i>	•						
<i>Marine craft salvage yard</i>	•						
<i>Processing and sale of fish</i>	•						
<b>(e) Industrial uses</b>							
<i>Abattoir</i>		•					
<i>Concrete and asphalt plant</i>		•					•
<i>Contractors shop</i>		•	•		•		
<i>Contractor supply and service shop</i>		•	•		•		
<i>Contractor's yard</i>		•	•	•	•		
<i>Fuel storage depot</i>		•	•		•		
<i>Industrial garage</i>		•	•	•			
<i>Manufacturing, Heavy</i>		•					
<i>Manufacturing, Light</i>		•	•	•	•		
<i>Pit or quarry</i>							•
<i>Public utility yard</i>		•	•	•	•	•	
<i>Research and development facility</i>		•	•	•			
<i>Recreational vehicle storage</i>	• <sup>A</sup>	• <sup>A</sup>	• <sup>A</sup>	• <sup>A</sup>	• <sup>A</sup>	• <sup>A</sup>	• <sup>A</sup>
<i>Salvage yard</i>		•				•	
<i>Truck terminal</i>		•	•				
<i>Warehouse</i>	• <sup>A</sup>	•	•	•	•		
<i>Waste disposal site</i>						•	
<i>Waste processing facility</i>		•				•	
<i>Waste recycling centre</i>		•				•	
<i>Waste transfer site</i>		•				•	
<b>(f) Institutional uses</b>							
<i>School, trade</i>			•	•			

### 8.3 Zone Provisions

No person shall within any Industrial Zone use or permit the use of any lot or erect, alter or use any building or structure except in accordance with the zone standards in Table 8.2 below. Any numbers in parentheses following the particular regulation, zone heading, or applicable standard

# INDUSTRIAL ZONES

## SECTION 8

indicates that one or more additional regulations apply to *buildings* and *structures* in the applicable *Zone*, which are listed below the table.

**Table 8.2: Zone Provisions for the Industrial Zones (1)**

Zone Provision	MM	MH	MG	ML	MR	MD	MX
Minimum <i>Lot Area</i>	1,855 sq. m.	7,500 sq. m.	1,855 sq. m.	1,855 sq. m.; or 700 sq. m. (with municipal sanitary services)	1,855 sq. m.	NA	NA
Minimum <i>Lot Frontage</i>	30.0 m	60.0 m	30.0 m	30.0 m; or 18.0m (with municipal sanitary services)	30.0 m	30.0 m	NA
Minimum <i>Front Yard</i>	6.0 m	18.0 m	6.0 m	6.0 m	13.0 m	13.0 m	30.0 m (for <i>Concrete and Asphalt Plant</i> ), OR 13.0 m (for all other industrial uses)
Minimum <i>Exterior Side Yard</i>	6.0 m	18.0 m	6.0 m	6.0 m	13.0 m	13.0 m	30.0 m (for <i>Concrete and Asphalt Plant</i> ), OR 13.0 m (for all other industrial uses)
Minimum <i>Interior Side Yard</i>	3.0 m	7.5 m or 20 m (abutting an Agriculture Zone)	3.0 m; or 20.0 m (abutting a Residential Zone)	3.0 m	5.0 m	13.0 m; or 5.0m (for <i>existing</i> uses)	45.0 m (for <i>Concrete and Asphalt Plant</i> ), OR 5.0 m (for all other industrial uses)
Minimum <i>Rear Yard</i>	9.0 m; or 0.0m (where rear <i>lot line</i> abuts Lake Erie or a navigable watercourse)	7.5 m	9.0 m	9.0 m	9.0 m	13.0 m; or 9.0m (for <i>existing</i> uses)	45.0 m (for <i>Concrete and Asphalt Plant</i> ), OR 9.0 m (for all other industrial uses)
Minimum <i>Landscaped Open Space</i>	10%	10%	10%	10%	10%	NA	NA

# INDUSTRIAL ZONES

## SECTION 8

Table 8.2: Zone Provisions for the Industrial Zones (1)

Zone Provision	MM	MH	MG	ML	MR	MD	MX
Maximum Building Height	11.0 m	Subject to a 45 degree <i>angular plane</i> (measured from the property line of an adjacent Residential or Agricultural Zone)	11.0 m	11.0 m	11.0 m	11.0 m	11.0 m (for all industrial uses, except a <i>Concrete and Asphalt Plant</i> )
Maximum Lot Coverage	NA	65%	60%	45%	NA	NA	NA
Other:	NA	NA	NA	NA	Minimum setback from an <i>existing dwelling</i> on an adjacent lot: 30.0m	Minimum setback from an <i>existing dwelling</i> on an adjacent lot: 30.0m	NA

**Notes:**

- (1) *Agriculture uses* and related residential *dwelling*s shall conform to the general provisions of the Agricultural Zone (A).

# INDUSTRIAL ZONES

## SECTION 8

### **8.4 Special Exceptions**

#### **8.4.1 MM – Marine Industrial**

##### **8.4.1.1 MM.1**

#### **8.4.2 MH – Heavy Industrial**

##### **8.4.2.1 MH.1**

#### **8.4.3 MG – General Industrial**

##### **8.4.3.1 MG.1**

#### **8.4.4 ML – Light Industrial**

##### **8.4.4.1 ML.1**

#### **8.4.5 MR – Rural Industrial**

##### **8.4.5.1 MR.1**

#### **8.4.6 MD – Disposal Industrial**

##### **8.4.6.1 MD.1**

#### **8.4.7 MX – Extractive Industrial**

##### **8.4.7.1 MX.1**

# INSTITUTIONAL ZONES

## SECTION 9

### 9 Institutional Zones

No land shall be used, no *buildings* or *structures* shall be *erected* and no lot shall be altered in the *Institutional Zones* except in accordance with the applicable General Provisions (Section 4.0) and Parking and Loading Requirements (Section 5.0) and the following:

#### 9.1 List of Applicable Zones

Community Institutional	IC
Neighbourhood Institutional	IN
Rural Institutional	IR

#### 9.2 Permitted Uses

Uses *permitted* in the *Institutional Zones* are denoted by the symbol “●” in the column applicable to that *Zone* and corresponding with the row for a specific *permitted* use in Table 9.1 below. Where the letter “E” is identified following the symbol “●”, only legally *existing* uses shall be *permitted*. Where the letter “A” is identified following the symbol “●”, the use is only *permitted* as an *accessory use* to another *permitted* use. Where a *permitted* use is subject to use specific general provisions, a notation has been added to the *permitted* use and reference should be made to the General Provisions in Section 4.

**Table 9.1: Permitted Uses in the Institutional Zones**

Uses	IC	IN	IR
<b>a) Residential uses</b>			
Single detached dwelling	● <sup>E</sup>	● <sup>E</sup>	● <sup>E</sup>
Dwelling unit in a permitted building	● <sup>A</sup>	● <sup>A</sup>	● <sup>A</sup>
Home-based business, home office (refer to Section 4.27.1)	● <sup>A</sup>	● <sup>A</sup>	● <sup>A</sup>
Home-based business, home occupation (refer to Section 4.27.2)	● <sup>A</sup>	● <sup>A</sup>	● <sup>A</sup>
<b>(b) Commercial uses</b>			
Animal hospital			●
Boutique	● <sup>A</sup>		
Day care nursery	●	●	●
Financial institution	● <sup>A</sup>		
Funeral home	●		
Office, medical	●	●	●
Pharmacy	● <sup>A</sup>		
Place of entertainment	●		
Place of sports and recreation	●		●
Private club	●		●
Restaurant	● <sup>A</sup>		
Restaurant, fast food	● <sup>A</sup>		
Restaurant, take-out	● <sup>A</sup>		
Retail store	● <sup>A</sup>		

# INSTITUTIONAL ZONES

## SECTION 9

**Table 9.1: Permitted Uses in the Institutional Zones**

Uses	IC	IN	IR
School, trade	•		
<b>(c) Institutional uses</b>			
Cemetery	•	•	•
Community centre	•	•	•
Cultural facility	•	•	•
Hospital	•		
Hostel	•	•	
Long Term Care Home	•	•	
Office, business	•		
Place of assembly	•		•
Place of worship	•	•	•
Retirement Home	•	•	
School, Elementary	•	•	•
School, Private	•	•	•
School, Secondary	•	•	•
School, Post-Secondary	•		•
Training and rehabilitation centre	•		•
<b>(d) Parks and Open Space uses</b>			
Fair or Exhibition Grounds	•		•
Golf course	•		•

### 9.3 Zone Provisions

No person shall within any Institutional Zone use or permit the use of any lot or *erect, alter* or use any *building* or *structure* except in accordance with the *zone* standards in Table 9.2 below. Any numbers in parentheses following the particular regulation, *zone* heading, or applicable standard indicates that one or more additional regulations apply to *buildings* and *structures* in the applicable *Zone*, which are listed below the table.

**Table 9.2: Zone Provisions for the Institutional Zones**

Zone Provision	IC		IN		IR
	With no municipal services	With municipal services	With no municipal services	With municipal services	
Minimum Lot Area (Interior Lot)	1,855 sq. m.	450 sq. m.	1,855 sq. m.	450 sq. m.	1,855 sq. m.
Minimum Lot Area (Corner Lot)	1,855 sq. m.	540 sq. m.	1,855 sq. m.	540 sq. m.	1,855 sq. m.
Minimum Lot Frontage (Interior Lot)	30.0 m	15.0 m	30.0 m	15.0 m	30.0 m



# INSTITUTIONAL ZONES

## SECTION 9

**Table 9.2: Zone Provisions for the Institutional Zones**

Zone Provision	IC		IN		IR
	With no municipal services	With municipal services	With no municipal services	With municipal services	
Minimum <i>Lot Frontage (Corner Lot)</i>	30.0 m	18.0 m	30.0 m	18.0 m	30.0 m
Minimum <i>Front Yard</i>	7.0 m	7.0 m	7.0 m	7.0 m	13.0 m
Minimum <i>Exterior Side Yard</i>	7.0 m	7.0 m	7.0 m	7.0 m	13.0 m
Minimum <i>Interior Side Yard</i>	3.0 m	3.0 m	3.0 m	3.0 m	3.0 m
Minimum <i>Rear Yard</i>	9.0 m	9.0 m	9.0 m	9.0 m	9.0 m
Minimum <i>Landscaped Open Space</i>	30%	30%	30%	30%	30%
Maximum <i>Building Height</i>	11.0 m	11.0 m	11.0 m	11.0 m	11.0 m

# INSTITUTIONAL ZONES

## SECTION 9

### 9.4 Special Exceptions

#### 9.4.1 IC – Community Institutional

##### 9.4.1.1 IC.1

#### 9.4.2 IN – Neighbourhood Institutional

##### 9.4.2.1 IN.1

#### 9.4.3 IR – Rural Institutional

##### 9.4.3.1 IR.1

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

- i. That notwithstanding Subsection 9.2 'Permitted Uses in the Rural Institutional Zone (IR)', a school and day nursery shall be prohibited on the subject lands.
- ii. That notwithstanding Subsection 5.2.12 'Location of Parking on a Lot', the following shall apply:
  - No parking lot shall be located closer than 3 metres to the left (south) interior lot line abutting a residential zone.
  - For all other lot lines, no parking lot shall be located closer than 4.5 metres of any interior lot line abutting a residential zone. [1208-HC/20]

# OPEN SPACE & WETLAND ZONES

## SECTION 10

### 10 Open Space and Wetland Zones

No land shall be used, no *buildings* or *structures* shall be *erected* and no lot shall be altered in the Open Space and Wetland Zones except in accordance with the applicable General Provisions (Section 4.0) and Parking and Loading Requirements (Section 5.0) and the following:

#### 10.1 List of Applicable Zones

Open Space Zone                    OS  
 Wetland Zone                        W

#### 10.2 Permitted Uses

Uses *permitted* in the Open Space and Wetland Zones are denoted by the symbol “●” in the column applicable to that *Zone* and corresponding with the row for a specific *permitted* use in Table 10.1 below. Where the letter “E” is identified following the symbol “●”, only legally *existing* uses shall be *permitted*. Where the letter “A” is identified following the symbol “●”, the use is only *permitted* as an *accessory* use to another *permitted* use. Where a *permitted* use is subject to use specific general provisions, a notation has been added to the *permitted* use and reference should be made to the General Provisions in Section 4.

**Table 10.1: Permitted Uses in the Open Space and Wetland Zones**

Uses	OS	W
<b>a) Residential uses</b>		
Single detached dwelling	● <sup>E</sup>	
Home-based business, home office (refer to Section 4.27.1)	● <sup>A</sup>	
Home-based business, home occupation (refer to Section 4.27.2)	● <sup>A</sup>	
<b>(b) Agriculture uses</b>		
Agriculture use		
<b>(c) Commercial Uses</b>		
Parking lot or structure		
Retail uses, accessory	● <sup>A</sup>	
<b>(d) Marine Commercial and Industrial uses</b>		
Boathouse		
<b>(g) Parks and Open Space uses</b>		
Campground (refer to Section 4.8)	●	
Conservation Area	●	●
Fair or Exhibition Grounds	●	
Golf course	●	
Hunting, trapping and fishing preserve		●
Park	●	●
Tent and trailer park	●	

# OPEN SPACE & WETLAND ZONES

## SECTION 10

**Table 10.1: Permitted Uses in the Open Space and Wetland Zones**

Uses	OS	W
Woodlot management	•	•

### 10.3 Zone Provisions

No *person* shall within any Open Space and Wetland *Zone* use or permit the use of any lot or *erect, alter* or use any *building or structure* except in accordance with the *zone* standards in Table 10.2 below. Any numbers in parentheses following the particular regulation, *zone* heading, or applicable standard indicates that one or more additional regulations apply to *buildings* and *structures* in the applicable *Zone*, which are listed below the table.

**Table 10.2: Zone Provisions for the Open Space and Wetland Zones**

Zone Provision	OS	W
Minimum <i>Lot Area</i>	1,855 sq. m,	NA
Minimum <i>Lot Frontage</i>	30.0 m	NA
Minimum <i>Front Yard</i>	13.0 m	NA
Minimum <i>Exterior Side Yard</i>	13.0 m	NA
Minimum <i>Interior Side Yard</i>	3.0 m	NA
Minimum <i>Rear Yard</i>	13.0 m	NA
Maximum <i>Building Height</i>	11.0 m	NA
Minimum <i>Gross Leasable Floor Area</i>	55 sq. m. per <i>dwelling unit</i> ; (except a one family <i>dwelling</i> house which shall have a minimum <i>gross leasable floor area</i> of 70 sq. m.)	NA
Maximum <i>Gross Leasable Floor Area</i>	NA	NA
Other:	NA	All lot and <i>building</i> requirements for lands <i>zoned</i> W shall be as they <i>existed</i> on the date of adoption of this By-law; and Uses are subject to the approval of the <i>County</i> , in consultation with the Conservation Authority.

# OPEN SPACE & WETLAND ZONES

## SECTION 10

### **10.4 Special Exceptions**

#### **10.4.1 OS – Open Space**

##### **10.4.1.1 OS.1**

#### **10.4.2 W – Wetland**

##### **10.4.2.1 W.1**

# AGRICULTURAL & FUTURE DEVELOPMENT ZONES

## SECTION 11

### 11 Agricultural & Future Development Zones

No land shall be used, no *buildings* or *structures* shall be *erected* and no lot shall be altered in the Agricultural and Future Development Zones except in accordance with the applicable General Provisions (Section 4.0) and Parking and Loading Requirements (Section 5.0) and the following:

#### 11.1 List of Applicable Zones

Agricultural Zone     A  
 Development Zone    D

#### 11.2 Permitted Uses

Uses *permitted* in the Agricultural and Future Development Zones are denoted by the symbol “●” in the column applicable to that *Zone* and corresponding with the row for a specific *permitted* use in Table 11.1 below. Where the letter “E” is identified following the symbol “●”, only legally *existing* uses shall be *permitted*. Where the letter “A” is identified following the symbol “●”, the use is only *permitted* as an *accessory use* to another *permitted* use. Where a *permitted* use is subject to use specific general provisions, a notation has been added to the *permitted* use and reference should be made to the General Provisions in Section 4.

Table 11.1: Permitted Uses in the Agricultural and Future Development Zones		
Uses	A	D
<b>a) Residential uses</b>		
<i>Bed and breakfast establishment</i> <i>(refer to Section 4.7)</i>	●	
<i>Single detached dwelling</i>	●	● <sup>E</sup>
<i>Secondary Suite</i> <i>(refer to Section 4.55)</i>	● <sup>A</sup>	
<i>Home-based business, home office</i> <i>(refer to Section 4.27.1)</i>	● <sup>A</sup>	● <sup>A</sup>
<i>Home-based business, home occupation</i> <i>(refer to Section 4.27.2)</i>	● <sup>A</sup>	● <sup>A</sup>
<i>Home-based business, home industry</i> <i>(refer to Section 4.27.3)</i>	● <sup>A</sup>	● <sup>A</sup>
<i>Group Home Dwelling</i> <i>(refer to Section 4.26)</i>	● <sup>A</sup>	
<i>Garden Suite</i> <i>(refer to Section 4.24)</i>	● <sup>A</sup>	
<b>(b) Agriculture uses</b>		
<i>Agriculture use</i>	●	●
<i>Agriculture use, on-farm diversified</i> <i>(refer to Section 4.44)</i>	●	● <sup>E</sup>
<i>Agriculture-related processing</i> <i>(refer to Section 4.44)</i>	●	● <sup>E</sup>
<i>Bunk house</i>	●	● <sup>E</sup>
<i>Cannabis Production Facility</i>	●	

# AGRICULTURAL & FUTURE DEVELOPMENT ZONES

## SECTION 11

**Table 11.1: Permitted Uses in the Agricultural and Future Development Zones**

Uses	A	D
<i>Farm produce outlet</i> (refer to Section 4.44)	•	• <sup>E</sup>
<i>Farm stand</i> (refer to Section 4.44)	•	• <sup>E</sup>
<i>Forestry Use</i>	•	•
<b>(c) Commercial uses</b>		
<i>Animal hospital</i>	•	• <sup>E</sup>
<i>Animal kennel</i> (refer to Section 4.33)	•	• <sup>E</sup>
<i>Commercial greenhouse</i> (refer to Section 4.12)	•	• <sup>E</sup>
<i>Recreational vehicle storage</i>	• <sup>A</sup>	

### 11.3 Zone Provisions

No person shall within any Agricultural and Future Development Zone use or permit the use of any lot or erect, alter or use any building or structure except in accordance with the zone standards in Table 11.2 below. Any numbers in parentheses following the particular regulation, zone heading, or applicable standard indicates that one or more additional regulations apply to buildings and structures in the applicable Zone, which are listed below the table.

**Table 11.2: Zone Provisions for the Agricultural and Future Development Zones**

Zone Provision	A	D
Minimum Lot Area to keep livestock	2 ha, except for the housing of backyard hens.	N/A
Minimum Lot Area	1,855 sq. m	10,000 sq. m.
Minimum Lot Frontage (Interior Lot)	30 m	180 m
Minimum Lot Frontage (Exterior Lot)	36 m	180 m
Minimum Front Yard	13.0 m	13.0 m
Minimum Exterior Side Yard	13.0 m	13.0 m
Minimum Interior Side Yard	3.0 m	6.0 m
Minimum Rear Yard	9.0 m	13.0 m
Maximum Building Height	11.0 m	11.0 m
Minimum Gross Floor Area (per dwelling)	70 sq. m	80 sq. m.

# AGRICULTURAL & FUTURE DEVELOPMENT ZONES

## SECTION 11

### 11.4 Special Exceptions

#### 11.4.1 A – Agriculture

##### 11.4.1.1 A.1

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

- a. Notwithstanding the provisions of Section 11.2 – Permitted Uses in the “Agricultural (A)” zone, Residential Uses such as Bed and Breakfast, Single detached dwelling, Secondary Suite, Home-based Business, Home Office, Home Occupation and Home Industry are to be removed from the list of permitted uses. [1212-HC/20] [1215-HC/21] [1216-HC/21] [1223-HC/21] [1229-HC/21]

##### 11.4.1.2 A.2

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

###### Part 1

- i. That notwithstanding Subsection 11.2 ‘Permitted Uses in the Agricultural & Future Development Zones’, a single detached dwelling and all other residential uses shall be prohibited on the subject lands.

###### Part 2

- ii. That notwithstanding the Agricultural Zone provisions contained in Section 11.3, the following shall apply:
  - The minimum lot frontage shall be 20 metres on an improved street.
  - The height and size of the existing dwelling and two residential accessory structures existing on the date of passing of this by-law are grandfathered.[1214-HC/21]

##### 11.4.1.3 A.3

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

- a) Notwithstanding the provisions of Section 11.2 – Permitted Uses in the ‘Agriculture (A)’ Zone, Residential Uses such as Bed and Breakfast, Single detached dwelling, Secondary Suite, Home-based Business, Home Office, Home Occupation and Home Industry are to be removed from the list of permitted uses.
- b) Notwithstanding the provisions of Section 4.23 that the lot has the minimum required frontage on an improved street is not applicable. [1220-HC/2021]

##### 11.4.1.4 A.4

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



# AGRICULTURAL & FUTURE DEVELOPMENT ZONES

## SECTION 11

- i. That notwithstanding Subsection 11.2 'Permitted Uses in the Agricultural & Future Development Zones', a seasonal vacation home and residential accessory buildings shall be permitted on the subject lands.
- ii. That notwithstanding Subsection 11.2 'Permitted Uses in the Agricultural & Future Development Zones' the following uses are prohibited on the subject lands: bed and breakfast, single detached dwelling, secondary suite, home-based businesses, on-farm diversified uses, agriculture-related processing, bunk house, cannabis production facility, farm produce outlet, farm stand, animal hospital, animal kennel, commercial greenhouse, and recreational vehicle storage are prohibited on the subject lands.
- iii. Notwithstanding the definition of "vacation home" in said By-law HC 1-2020 and for the purposes of this By-law, a "seasonal vacation home" shall be defined as a dwelling containing only one dwelling unit which is used as a seasonal place of residence on an occasional basis from April 1<sup>st</sup> to October 31<sup>st</sup> in the same calendar year for recreation and relaxation purposes. Occupation of the vacation home outside of April 1<sup>st</sup> to October 31<sup>st</sup> is not permitted.
- iv. Section 4.23 'Frontage on an Improved Street' shall not apply for the purposes of construction of a vacation home and residential accessory buildings.
- v. That notwithstanding Section 11.3 Zone Provisions for the Agricultural and Development Zones, the required lot frontage shall be 0 metres on an improved street. [1236-HC/21]

### 11.4.1.5 A.5

#### Part 2

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

- a) Notwithstanding the provisions of Section 4.2.f – lot area of accessory structures – to permit the existing oversized accessory structure with an approximate size of 300 square metres." [1229-HC/21]

### 11.4.2 D – Development

# ZONE EXCEPTIONS

## SECTION 12

### 12 Zone Exceptions From Former By-laws

#### 12.1 Dunnville

- DUN37.1 That the Minimum Lot Area and Minimum Lot Frontage requirements of the A Zone (Subsection 30.2 (a) and 30.2 (b)) shall not apply to the subject lands provided that the following shall apply in lieu thereof:
- (a) Minimum Lot Area 2 hectares
  - (b) Minimum Lot Frontage 45 metres
- DUN37.2 That notwithstanding the permitted uses in the A Zone (Subsection 30.1(h)) a one family dwelling house shall not be permitted on the lands delineated by this Subsection.
- DUN37.3 That notwithstanding the permitted uses in the A Zone (Subsection 30.1 (h)) a one family dwelling house shall not be permitted on the lands delineated by this Subsection.
- DUN37.4 That notwithstanding the permitted uses in the A Zone (Subsection 30.1 (h)) a one family dwelling house shall not be permitted on the lands delineated by this Subsection.
- DUN37.5 That, on the lands delineated as having reference to this subsection, the following provisions shall apply:
- a) Notwithstanding permitted uses of the “Seasonal Residential Zone (RS)” (subsection 15.1), a one family dwelling house shall also be permitted.
  - b) Subsection 6.16 (Frontage of an Improved Street) shall not apply.
  - c) In lieu of the definition of “Street Line” (Subsection 4.95), the boundary of the adjacent right-of-way shall be deemed to be the street line.
- DUN37.6 That notwithstanding the permitted uses in the A Zone (Subsection 30.1) gypsum settling ponds shall also be permitted on the lands delineated by this Subsection.
- DUN37.7 That notwithstanding the permitted uses in the A Zone (Subsection 30.1 (h)) a one family dwelling house shall not be permitted on the lands delineated by this Subsection.
- DUN37.8 That notwithstanding the permitted uses in the A Zone (Subsection 30.1 (h)) a one family dwelling house shall not be permitted on the lands delineated by this Subsection.
- DUN37.9 That notwithstanding the permitted uses in the A Zone (Subsection 30.1 (h)) a one family dwelling house shall not be permitted on the lands delineated by this Subsection.

# ZONE EXCEPTIONS

## SECTION 12

- DUN37.10 That notwithstanding the permitted uses in the A Zone (Subsection 30.1) a hunters and anglers club and a gun club shall also be permitted on the lands delineated by this Subsection.
- DUN37.11 That notwithstanding the permitted uses in the A Zone (Subsection 30.1), a hunters and anglers club and a gun club shall also be permitted on the lands delineated by this Subsection.
- DUN37.12 That notwithstanding the permitted uses in the HL Zone (Subsection HAL36.1) a hunters and anglers club and a gun club shall also be permitted on the lands delineated by this Subsection.
- DUN37.13 This section repealed (4-DU 2000) and replaced with the following:
- That, in addition to the permitted uses of the “Rural Industrial (MR)” zone (Subsection 26.1), the following uses shall also be permitted on the lands delineated by this subsection:
- a) hardware store;
  - b) gas station;
  - c) farm and feed supply;
  - d) pet food supply; and
  - e) garden centre.
- DUN37.14 That notwithstanding Subsection 6.15 a maximum of three dwelling units shall be permitted on the lands delineated by this Subsection.
- DUN37.15 That notwithstanding the minimum lot frontage requirement in the RH Zone (Subsection 14.2 (b)) the minimum lot frontage shall be 28 metres on the lands delineated by this Subsection.
- DUN37.16 That notwithstanding Subsection 6.15 a maximum of two dwelling units shall be permitted on the lands delineated by this Subsection.
- DUN37.17 That notwithstanding the permitted uses or the minimum lot area requirement in the RH Zone (subsections 14.1 and 14.2 (a)) the permitted use shall be a summer cottage and the minimum lot area shall be 1 152 square metres on the lands delineated by this Subsection.
- DUN37.18 That notwithstanding the minimum front yard requirement in the R2 Zone (Subsection 9.2 (c) (i)) the minimum front yard shall be the established building line on the lands delineated by this Subsection.
- DUN37.19 That notwithstanding Subsection 6.15 a maximum of two dwelling units shall be permitted on the lands delineated by this Subsection.
- DUN37.20 That notwithstanding the permitted uses in the CH Zone (Subsection 19.1) a retail furniture establishment shall also be permitted on the lands delineated by this Subsection.
- DUN37.21 Removed (June 2019)

# ZONE EXCEPTIONS

## SECTION 12

- DUN37.22 That notwithstanding subsection 6.16 or the permitted uses in the HL Zone (Subsection HAL36.1) a summer cottage shall also be permitted on the lands delineated by this Subsection and more accurately shown on Schedule 3.22.1 in accordance with the following:
- (a) Minimum Lot Area - 580 square metres
  - (b) Minimum Lot Frontage - 15 metres
  - (c) Minimum Yard Requirements:
    - (i) front yard - 9 metres
    - (ii) interior side yard - 3 metres on one side and 1 metre on the other side
    - (iii) rear yard - 12 metres
  - (d) Maximum Building Height - 11 metres
  - (e) Maximum Lot Coverage - 35 percent
- DUN37.23 That notwithstanding Subsection 6.3.3 the existing unenclosed porch may be enclosed on the lands delineated by this Subsection and more accurately shown on Schedule 3.23.1.
- DUN37.24 That notwithstanding the permitted uses in the HL Zone (Subsection HAL36.1) a one family dwelling house shall also be permitted on the lands delineated by this Subsection and more accurately shown on Schedule 3.24.1 in accordance with the following:
- (a) Minimum Lot Area - 1 254 square metres
  - (b) Minimum Lot Frontage - 45 metres
  - (c) Minimum Yard Requirements:
    - (i) front yard - 19 metres
    - (ii) interior side yard - 3 metres on one side and 25 metres on the other side
  - (d) Maximum Building Height - 11 metres
  - (e) Maximum Lot Coverage - 25 percent
- DUN37.25 That notwithstanding the permitted use in the HL Zone a one family dwelling house shall also be permitted on the lands delineated by this Subsection subject to the General Zone Provisions of the A Zone (Subsection 30.2).
- DUN37.26 A. That the permitted uses of the A Zone (Subsection 30.1) shall not apply to the subject lands and that a summer cottage shall be permitted on the land identified by this Subsection number on Schedule "A10" and more accurately shown on Schedule DUN37.26.1 as subject lands.
- B. That the provisions of Subsection 6.16 Frontage on an Improved Street shall not apply to the subject lands.
- DUN37.27 A. That the permitted use of the A Zone (Subsection 30.1) shall not apply to the subject lands and that a summer cottage shall be permitted on the land identified by this Subsection number on Schedule "A10" and more accurately shown on Schedule DUN37.27.1 as subject lands.
- B. That the provisions of Subsection 6.16 Frontage on an Improved Street shall not apply to the subject lands.

# ZONE EXCEPTIONS

## SECTION 12

- DUN37.28 A. That the permitted uses of the IC Zone (Subsection 31.1) shall not apply to the subject lands identified on Schedule A4-B by this Subsection and that the following permitted uses shall be allowed on the subject lands:
- (a) clinic
  - (b) accessory uses to a hospital
- DUN37.29 That the permitted uses of the RS Zone (Subsection 15.1 (a)) shall not apply to the subject lands and a one family dwelling house shall be permitted on the lands identified on Schedule "A7" by this Subsection number.
- DUN37.30 That in addition to the permitted uses of the OST Zone (Subsection 35.1) a sand pit shall also be permitted on the subject lands, identified on Schedule "A1" by this Subsection number, in accordance with the provisions of the MX Zone (Subsection 28.2).
- DUN37.31 That the Minimum Lot Frontage and Minimum Yard Requirement of the R1 Zone (Subsection 8.2 (b) and 8.2 (c)) shall not apply to the subject lands, provided that the following shall apply.
- (a) Minimum Lot Frontage 10 metres
  - (b) Minimum Yard Requirements:
    - i) front yard 2 metres
    - ii) interior side yard .09 metres on one side  
1.5 metres other side
    - iii) rear yard 9 metres
- DUN37.32 That the Permitted Uses of the HL Zone (Subsection HAL36.1) shall not apply to the subject land and a one family dwelling house and accessory uses shall be permitted on the lands identified by this Subsection number of Schedule "A1" and more accurately shown on Schedule DUN37.32.1 as subject lands in accordance with the provisions of Subsection 14.2 of By-law 1-DU 80.
- DUN37.33 That on the lands delineated as having reference to this subsection, the following provisions shall apply:
- (a) That in addition to the permitted uses of the A Zone (Subsection 30.1), automobile sales, open storage, and the repair of farm implements and motor vehicles shall also be permitted on a portion of the lands identified by this subsection number on Schedule "A4-A" and more accurately shown on Schedule DUN37.33.1 as subject lands.
  - (b) maximum useable area - 0.5 acres (0.2 hectares).
- DUN37.34 That the permitted uses of the R3 Zone (Subsection 10.1 (a)) shall not apply to the subject lands, and a one family dwelling house shall be permitted in accordance with the following provisions:
- (a) Minimum Lot Area 271 square metres

# ZONE EXCEPTIONS

## SECTION 12

- (b) Minimum Lot Frontage 10 metres
- (c) Minimum Front Yard 3 metres
- (d) Minimum Side Yards .3 metres on one side  
2 metres on the other side
- (e) Minimum Rear Yard 6 metres

DUN37.35 That the Permitted Uses of the HL Zone (Subsection HAL36.1) shall not apply to the subject lands and one summer cottage and accessory uses shall be permitted on the lands identified by this subsection number on Schedule "A10" and more accurately shown on Schedule DUN37.35.1 as subject lands in accordance with the following provisions:

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

DUN37.36 (a) That the provisions of Subsection 6.16 Frontage on an Improved Street shall not apply to the subject lands provided no dwelling shall be permitted on the subject lands.

DUN37.37 That in addition to the permitted uses of the A Zone (Subsection 30.1), a contractors yard including any buildings associated therewith shall also be permitted on a portion of the lands identified by this Subsection number on Schedule "A2" and more accurately shown on Schedule DUN37.DUN37.1 as subject lands.

DUN37.38 (a) That the permitted uses of the A Zone (Subsection 30.1) shall not apply to the subject lands and that a summer cottage shall be permitted on the lands identified by this Subsection number on Schedule "A10" and more accurately shown on Schedule DUN37.38.1 as subject lands.

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

DUN37.39 That the Permitted Uses and Zone Provisions of the HL Zone (Subsection HAL36.1 and HAL36.2) shall not apply to the subject lands and a public utility yard and municipal dog pound in a wholly enclosed building shall be permitted on the lands identified by this Subsection number on Schedule "A4-B" and more accurately shown on Schedule DUN37.39.1 as subject lands in accordance with the provisions of Subsection 24.2 of By-law 1-DU 80.

# ZONE EXCEPTIONS

## SECTION 12

DUN37.40 That in addition to the permitted uses of the A Zone (Subsection 30.1) gypsum settling ponds shall also be permitted on the lands identified by this Subsection number on Schedules "A2" and "A8".

DUN37.41 This section repealed (By-Law 3-DU-83) and replaced with the following:

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

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

DUN37.42 That on the lands identified as having reference to this subsection, the following provisions shall apply:

- a) That, in addition to the permitted uses of the “Agricultural Zone (A)” (subsection 30.1) and “Light Industrial Zone (ML)” (subsection DUN37.194B), the following uses are permitted:
  - i) short term shows and events, as defined herein:

“SHORT TERM SHOWS AND EVENTS” shall mean the use of land, buildings, or structures for the purpose of entertainment or amusement such as musical concerts, trade shows, air shows, car shows, home and garden shows, fundraising events, reunions, fairs, festivals and horse, pet, poultry or other livestock shows

# ZONE EXCEPTIONS

## SECTION 12

for a short term. Short term, for the purposes of this definition, shall mean not longer than 7 days of consecutive duration for any individual show or event and a maximum of 70 days during any calendar year for the total of all *short term shows and events*;

- ii) retail sales of goods, wares, merchandise, food, substances, articles or things as an accessory use to short term shows and events;
- iii) airport; and
- iv) Notwithstanding the provisions of subsection 6.15 (Number of Dwelling Houses Per Lot), a maximum of three (3) one family dwelling houses shall be permitted on the lands identified as having reference to this subsection.

- DUN37.43 That the Permitted Uses of HL Zone (Subsection HAL36.1) shall not apply to the subject land and a one family dwelling house and accessory uses shall be permitted on the lands identified by this Subsection number of Schedule "A5" and more accurately shown on Schedule DUN37.43.1 as subject lands in accordance with the provisions of Subsection 14.2 of By-law 1-DU 80.
- DUN37.44 That in lieu of the minimum lot frontage requirements of the RS Zone (subsection 15.2(b)) the Minimum Lot Frontage shall be 28.5 metres on the lands identified as having reference to this subsection.
- DUN37.45 That the Minimum Lot Frontage provision of the "A" Zone (Subsection 30.2 (b)) shall not apply to the subject lands and the Minimum Lot Frontage shall be 22 metres on the lands identified by this Subsection number on Schedule "A2".
- DUN37.46 That in addition to the uses permitted in the "Agricultural Zone (A)" (subsection 30.1), a rest and retirement group home for a maximum of 15 adults with special needs shall also be permitted on lands delineated as having reference to this subsection.
- DUN37.47
- (a) That the minimum lot area and minimum lot frontage provisions of the CM Zone (subsections 22.2 (a) and 22.2 (b)) shall not apply to the subject lands identified by this Subsection number on Schedule A4-B
  - (b) That the provisions of Subsection 22.2 (c) minimum yard requirements of By-law 1-DU 80, as amended, shall not apply to the location of docks, boat slips and any similar uses.
- DUN37.48
- (a) That the minimum lot frontage requirements of the CM Zone (Subsection 22.2 (b)) shall not apply to the subject lands provided that the following shall apply in lieu thereof:



# ZONE EXCEPTIONS

## SECTION 12

i) Minimum Lot Frontage 21 metres

- (b) That the location of the existing buildings on the subject lands shall be deemed to conform with the yard requirements of the CM Zone provided that any new buildings or additions shall conform with the provisions of Subsection 22.2 (c) of By-law 1-DU 80.
- (c) That the provisions of Subsection 22.2 (c) minimum yard requirements of By-law 1-DU 80, as amended, of the Town of Dunnville shall not apply to the location of docks, boat slips and any similar uses.

DUN37.49

That in addition to the permitted uses of the HL Zone (Subsection HAL36.1) a summer cottage shall be permitted on the subject lands identified by this Subsection number on Figure 2 on Schedule "A6" subject to the Zone provisions of the RS Zone (Subsection 15.2) and the following:

Minimum Elevations:

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

Exemptions:

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

DUN37.50

(a) That in addition to the permitted uses of the IC Zone (Subsection 31.1) the following uses shall also be permitted on the lands identified by this Subsection:

- (i) racquet and fitness centre
- (ii) business and professional offices

(b) That the off-street parking provisions of subsections 7.1 (b) and 7.8 of By-law 1-DU 80 of the Town of Dunnville shall not apply to the racquet and fitness centre and the following shall apply in lieu thereof.

# ZONE EXCEPTIONS

## SECTION 12

- (i) each parking space shall have a minimum width of 2.7 metres and a minimum length of 5.4 metres
- (ii) 3 parking spaces per court which shall include the usable floor area devoted to washrooms, change rooms, sauna, shower and whirlpool areas.
- (iii) 1 parking space for every 4 persons according to designed maximum capacity of the lounge area.
- (iv) in addition to the foregoing, 1 parking space for every 19 square metres of remaining usable floor area, or part thereof.

DUN37.51 That in addition to the permitted uses of the RS Zone (Subsection 30.1) a day nursery shall also be permitted on the lands identified by this Subsection number on Schedule "A4A".

DUN37.52 (a) That in addition to the permitted uses of the RS Zone (Subsection 15.1) a one family dwelling house shall be permitted on the lands identified by this Subsection number on Figure 1 on Schedule "A9".

(b) That the provision of Subsection 15.2 (b) minimum lot frontage shall not apply and the following shall apply in lieu thereof.

Minimum lot frontage            15 metres.

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

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

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

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

DUN37.53 That in addition to the uses permitted in the Community Institutional Zone (subsection 31.1) a parking lot shall also be permitted on the lands identified as having reference to this subsection.

DUN37.54 That on the lands delineated as having reference to this subsection on Schedule "A4-A" the following provisions shall apply:

(a) Any apartment dwelling house shall be limited to a maximum of 44 dwelling units

# ZONE EXCEPTIONS

## SECTION 12

- (b) Subsection 7.8 (c) shall not apply to any apartment dwelling house for senior citizens provided that a minimum of 10 parking spaces shall be provided
- (c) Subsection 12.2 (b) Maximum Floor Area Ratio shall not apply
- (d) Subsection 12.2 (d) shall not apply provided that the Minimum Usable Floor Area shall be 33 square metres in lieu thereof
- (e) Notwithstanding subsection 12.2 (a), any yards existing shall be deemed to conform to this By-law provided that any building or structure hereafter erected shall conform to the provisions of subsection 12.2 (a).

DUN37.55

DUN37.56 That in addition to the uses permitted in the Community Institutional Zone (subsection 31.1) a parking lot shall also be permitted on the lands identified as having reference to this subsection.

DUN37.57A (a) That on the lands delineated as having reference to this subsection on Schedule "A4-4" the following provisions shall apply in lieu of the provisions of Section 11:

11.1 Permitted Uses

street townhouses, home occupation.

11.2 Zone Provisions

11.2.1 Street Townhouses

- (a) Minimum Lot Area - 240 square metres for each dwelling unit; except where every dwelling unit has a private garage forming an integral part of each dwelling unit in which case the minimum lot area shall be 170 square metres for each dwelling unit.
- (b) Minimum Lot Frontage - 20 metres
- (c) Minimum Yard Requirements:
  - (i) front yard - 4.5 metres
  - (ii) exterior side yard - 3.5 metres
  - (iii) interior side yard - 3 metres. In the case of a lot being subdivided for the purpose of separate ownership of street townhouse dwelling units no interior side yard need be provided along the

# ZONE EXCEPTIONS

## SECTION 12

common side lot line between the lots created by the subdivision.

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

DUN37.57B Removed (8-DU-88)

DUN37.58 That on the lands delineated as having reference to this subsection on Schedule "A1" the following provision shall apply:

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

# ZONE EXCEPTIONS

## SECTION 12

- DUN37.59 That on the lands delineated as having reference to this subsection on Schedule "A9", Figure 1, a maximum of 26 sites shall be permitted.
- DUN37.60 That in lieu of the permitted uses of the "Open Space Zone (OS)" (subsection 34.1) on the land delineated as having reference to this subsection a park shall be permitted.
- DUN37.61 That in lieu of the permitted uses of the "Seasonal Residential Zone (RS)" subsection 15.1) a parking lot shall be permitted.<sup>87</sup>
- DUN37.62 Repealed by By-law No. 23-DU 92.
- DUN37.63 That the lands delineated as having reference to this subsection on Schedule "A9" the following provisions shall apply:
- (a) Subsection 15.2(a) Minimum Lot Area shall not apply provided that the minimum lot area shall be 929 square metres
  - (b) That the provisions of Subsection 6.16 frontage on an Improved Street shall not apply to the subject lands.
- DUN37.64 That in addition to the uses permitted in the Agricultural Zone (A) (Subsection 30.1) a wood working shop shall also be permitted on the lands identified by this subsection provided the entire operation is carried on within the existing building.
- DUN37.65 (a) That Subsection 10.2(b) Minimum Lot Frontage not apply and the Minimum Lot Frontage shall be 18 metres.
- (b) That Subsection 6.6 Location of a Habitable Room shall not apply.
- DUN37.66 That in addition to the uses permitted in the Seasonal Residential Zone (subsection 15.1) a one family dwelling house shall also be permitted on the lands identified as having reference to this subsection.
- DUN37.68 That on the lands delineated as having reference to this subsection on Schedule "A6" the following provisions shall apply:
- (a) That in addition to the uses permitted in the Seasonal Residential Zone (subsection 15.1) a one family dwelling house shall be permitted.
  - (b) That the Minimum Lot Area (subsection 15.2 (a)) shall not apply provided that the minimum lot area shall be 1390 square metres.
  - (c) That the Minimum Lot Frontage (subsection 15.2 (b)) shall not apply provided that the minimum lot frontage shall be 22 metres.
- DUN37.69 That subsection DUN37.2 of the Regional Municipality of Haldimand-Norfolk Zoning By-Law 1-DU 80, as amended, of the Town of Dunnville shall not apply to the subject lands.

# ZONE EXCEPTIONS

## SECTION 12

- DUN37.71 That on the land delineated as having reference to this subsection on Schedule A9, Figure 1, the following provisions shall apply:
- (a) That in addition to the uses permitted in the Seasonal Residential Zone (subsection 15.1) a one family dwelling house shall be permitted.
  - (b) That the Minimum Lot Area (subsection 15.2 (a)) shall not apply and the Minimum Lot Area shall be 1765 square metres.
- DUN37.72 That on land delineated as having reference to this subsection on Schedule A10, Figure 1, the following provision shall apply:
- (a) That subsection 15 (2) (c) (i) minimum yard requirements - front yard shall not apply and the minimum yard requirements - front yard shall be 4.5 metres.
  - (b) That subsection 6.16 shall not apply to the land delineated as having reference to this subsection.
- DUN37.73 That in addition to the permitted uses of the RH Zone (subsection 14.1) the following uses shall also be permitted on the lands identified by this subsection:
- (i) gas line and gas meter repair and installation business, provided that there be no outside material storage and that the gas line and gas meter repair and installation business not utilize a floor area of more than 223 square metres.
- DUN37.74 That subsection 30.2 (c) (i) Minimum Front Yard shall not apply and that the Minimum Front Yard shall be 30 metres.
- DUN37.75 Deleted.
- DUN37.76 That the total number of townhouse units located on lands delineated as having reference to this subsection shall not exceed 64.
- DUN37.77 That on the lands delineated as having reference to this subsection on Schedule A7 the following provisions shall apply:
- (a) That in addition to the Permitted Uses (15.1) of the Seasonal Residential Zone, a one family dwelling house shall be permitted.
  - (b) That subsection 15.2 (b) Minimum Lot Frontage shall not apply and the minimum lot frontage for that portion of the lands south of the Lakeshore Road shall be 23 metres.
- DUN37.78 That the lands delineated as having reference to this subsection on Schedule A6 Figure 1 the following provisions shall apply:
- (a) Subsection 15.2(a) Minimum Lot Area shall not apply provided that the minimum lot area shall be 1025 square metres.

# ZONE EXCEPTIONS

## SECTION 12

- (b) That the provisions of subsection 6.16 frontage on an improved street shall not apply to the subject lands.
- DUN37.79 That, in addition to the permitted uses of the MM Zone (subsection 25.1), a single family dwelling house shall also be permitted on the lands delineated by this subsection.
- DUN37.81 That, on the lands identified as having reference to this subsection, one dwelling unit may include a group home.
- DUN37.81A That notwithstanding the definition of "STREET", for the purpose of establishing street lines and yard requirements, the lands delineated by this subsection shall be deemed to be a street.
- DUN37.82 That notwithstanding the interior side yard requirement of the RH Zone the easterly interior side yard shall be 9 metres on the easterly lot within Parcel 2 of the lands delineated by this subsection.
- DUN37.83 That, on lands delineated as having reference to this subsection, the following provisions shall apply:
- (a) Subsection 6.16, Frontage on an Improved Street, shall not apply.
  - (b) In lieu of the definition of "STREET LINE" (subsection 4.95), the boundary of the adjacent railway right-of-way shall be deemed to be the street line.
  - (c) Notwithstanding the uses permitted in the Agricultural Zone, a storage building accessory to a marina shall also be permitted on Part 1.
  - (d) Notwithstanding the uses permitted in the "Agricultural Zone (A)" (subsection 30.1) a restaurant accessory to a marina shall also be permitted on Part 1.
  - (e) Notwithstanding subsection 6.24.2 (Location of Guest Houses) a maximum of four guest houses shall be permitted on Part 1.
  - (f) Notwithstanding subsection 5.3 (More than one Zone on a Lot) and subsection 30.2 (Agricultural General Zone Provisions) development of the lands shall take place according to the provisions of the "Marine Commercial Zone (CM)".
  - (g) The maximum useable floor area shall be 405 square metres on Part 1.
- DUN37.84 That on the lands identified as having reference to this subsection the following provisions shall apply:
- (a) One dwelling unit may include a group home.
  - (b) In lieu of the definition of a group home (subsection 4.40) group home shall mean a dwelling house that is licensed or funded under an Act of Parliament of Canada or the Province of Ontario for the accommodation of a maximum of seven persons, exclusive of staff, living under psychiatric supervision in a single housekeeping unit and who, by reason of their mental status, require a group living arrangement for their well being.

# ZONE EXCEPTIONS

## SECTION 12

- DUN37.85 That, notwithstanding the definition of "STREET", for the purpose of establishing street lines and yard requirements, the lands delineated by this subsection shall be deemed to be a street.
- DUN37.86 That on the lands delineated as having reference to this subsection, the following provisions shall apply:
- (a) Subsection 6.16, Frontage on an Improved Street, shall not apply.
  - (b) In lieu of the definition of "STREET LINE" (subsection 4.95), the southerly boundary of the adjacent right-of-way shall be deemed to be the street line.
- DUN37.87 That in addition to the uses permitted in the Seasonal Residential Zone (subsection 15.1) a one family dwelling house shall also be a permitted use on the lands delineated as having reference to this subsection.
- DUN37.88 That, on the lands delineated as having reference to this subsection, the following provisions shall apply:
- (a) In addition to the uses permitted in the Rural Industrial Zone (subsection 26.1), a concrete products manufacturing operation shall also be permitted.
  - (b) Notwithstanding anything contrary contained herein, the lands delineated by this subsection shall be deemed to be an Interior Lot and the southerly boundary of said lands shall be deemed to be the Front Lot Line.
  - (c) In lieu of subsection 26.2(c) (i), the minimum front yard shall be 9 metres.
- DUN37.89 That on the lands delineated as having reference to this subsection, the following provisions shall apply:
- (a) in addition to the uses permitted in the Rural Industrial Zone (subsection 26.1) the sale of arts, crafts and camping supplies and a take-out restaurant shall also be permitted, excluding open storage accessory thereto.
  - (b) maximum usable commercial floor area - 140 square metres.
  - (c) maximum usable take-out restaurant floor area - 42 square metres.
- DUN37.90 Replaced by DUN37.232 (451-HC-06)
- DUN37.90A THAT on the lands delineated as having reference to this subsection, the Minimum Lot Area and Minimum Lot Frontage requirements of the Hamlet Residential Zone (subsections 14.2(a) and (b) shall not apply and the following shall apply, in lieu thereof:



# ZONE EXCEPTIONS

## SECTION 12

- a) Minimum Lot Area – 4500 square metres
  - b) Minimum Lot frontage – 61 metres.
- DUN37.91 That the following shall apply to the lands delineated as having reference to this subsection:
- a) Subsection 5.3 (More Than One Zone on a Lot) shall not apply.
  - b) Notwithstanding the uses permitted in the Hazard Land Zone (subsection HAL36.1) a one family dwelling shall be permitted.
  - c) Development of the lands shall be in accordance with the provisions of the Agricultural Zone except subsections 3.2(b) and 30.2(c) (iii) for which the following shall apply, in lieu thereof:
    - (i) Minimum Lot Frontage – 24.25 metres
    - (ii) Minimum Interior Side Yard – 3.6 metres.
- DUN37.92 That notwithstanding subsection 6.15, a single family dwelling shall be permitted on the lands delineated by this subsection and the boundaries of said subject lands shall be used to calculate Zone Provisions.
- DUN37.93 (a) Notwithstanding the uses permitted in the Hazard Land Zone (SubsectionHAL36.1) a one family dwelling shall be permitted.
- (b) Development of the lands shall be in accordance with the provisions of the Hamlet Residential Zone (RH) except Subsections 14.2 (a) for which the following shall apply, in lieu therefore:
- (i) Minimum Lot Area – 1,400 square metres
  - (ii) Minimum Lot Frontage – 28 metres
- (c) In addition to the Provisions of the Hamlet Residential Zone (RH), the following provision shall also apply to the subject lands:
- (i) Minimum Elevation 177.2 metres above sea level Geodetic Survey of Canada Datum, for any external openings to a room, basement or cellar of a dwelling house.
- DUN37.94 THAT on the lands delineated as having reference to this subsection on Schedule A2 the following provisions shall apply:
- (a) That in addition to the permitted uses (30.1) of the Agricultural Zone, a training and rehabilitation centre shall be permitted.
  - (b) That subsection 4.98 shall not apply to the lands delineated by this subsection.
  - (c) That for the purposes of this subsection, a "Training and Rehabilitation Centre" shall mean an area of land and buildings where facilities are provided and operated by a private, non-profit religious institution for the rehabilitation and training of persons who are experiencing addictive behavior as a result of substance abuse and will include living

# ZONE EXCEPTIONS

## SECTION 12

quarters for the accommodation of a maximum of ten (10) such persons plus appropriate supervisory personnel.

- (d) That, in addition to the general zone provisions (30.2) of the Agricultural Zone, the following provision shall apply:

Maximum usable floor area - 445.0 square metres.

DUN37.96 That on lands delineated as having reference to this subsection, the following provisions shall apply;

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

DUN37.97 That, on the lands identified as having reference to this subsection, the Minimum Lot Area requirements of the Seasonal Residential Zone (subsection 15.2 (a)) shall not apply, in lieu thereof:

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

DUN37.98 That, on the lands identified as having reference to this subsection, in addition to the requirements of the Agricultural Zone (subsection 30.2) the following provision shall apply:

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

DUN37.99 This section repealed (By-laws 7-DU-91 and 8-DU-91).

DUN37.100 THAT, on the lands delineated as having reference to this subsection, the following provisions shall apply:

- a) That in addition to the uses permitted in the Highway Commercial Zone (CH) (Subsection 19.1) the following uses shall be permitted:
- i) custom workshop and sales incidental thereto
  - ii) industrial garage
  - iii) warehouse
  - iv) facilities and offices for engineering, surveying and any similar activity
  - v) merchandise service shop
  - vi) contractor's yard, as defined herein

# ZONE EXCEPTIONS

## SECTION 12

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

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

DUN37.101 THAT the following shall apply to the lands delineated as having reference to this subsection:

- a) Subsection 5.3 (more than one zone on a lot) shall not apply
- b) Notwithstanding the uses permitted in the Hazard Land Zone (subsection HAL36.1) a one family dwelling shall be permitted)
- c) Development of the lands shall be in accordance with the provisions of the Agricultural Zone (A) except subsections 30.2 (c) (i), 30.2 (c) (iii) and 30.2 (c) (iv), for which the following shall apply, in lieu thereof:
  - i) Minimum Front Yard 11 metres
  - ii) Interior Side Yard (Right) 23 metres
  - iii) Minimum Rear Yard 9 metres
- d) In addition to the provisions of the Agricultural Zone (A), the following provision shall also apply to the subject lands.
  - i) Minimum elevation 176.0 metres, above Sea Level Geodetic Survey of Canada Datum, for any external openings to a room, basement or cellar of a dwelling.
- e) Subsection 6.16, Frontage on an improved street, shall not apply.
- f) In lieu of the definition of "street line" (Subsection 4.95), the easterly boundary of the adjacent right-of-way shall be deemed to be the street line.<sup>126</sup>

# ZONE EXCEPTIONS

## SECTION 12

DUN37.102 The following provisions shall apply to the lands identified as Part 1 on Schedule DUN37.102:

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

The following provisions shall apply to the lands identified as Part 2 on Schedule DUN37.102:

- c) Notwithstanding the provisions of Subsection 23.1 – Permitted Uses of the ‘General Industrial (MG)’ zone, permitted uses shall be limited to the following:
  - i) Light industrial uses, including:
    - manufacturing
    - fabrication
    - assembly and processing
    - warehousing
    - bulk storage tanks
    - service and maintenance operations
    - research and development laboratories and facilities and other similar uses
    - product distribution services
    - communications facilities
  - ii) private sector commercial or trade schools
  - iii) parks and open space linkages
  - iv) public or private sector utilities and storm water management and transportation facilities
  - v) Ancillary open storage is permitted in conjunction with any other permitted use. In addition, an ancillary retail sales show room and/or an ancillary office component may be permitted as an integral component of a building that accommodates any other permitted land use provided that:
    - i) the retail sales showroom and/or office component is directly related to the primary use; and

# ZONE EXCEPTIONS

## SECTION 12

- ii) the retail sales showroom and/or office component does not constitute more than 25 percent of the Gross Floor Area of the building.

DUN37.103 That, in addition to the uses permitted in the "Seasonal Residential Zone (RS)" (Subsection 15.1) a one family dwelling house shall also be permitted on the lands identified as having reference to this subsection.

DUN37.104 That the lands delineated as having reference to this subsection on Schedule A10, Figure 1, the following provisions shall apply:

That notwithstanding Subsection 15.1, or the zone provisions, of the "Seasonal Residential Zone (RS)" the lands delineated by this subsection and more accurately shown on Subsection DUN37.104 shall be in accordance with the following:

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

DUN37.105 Removed by 26-DU-99 (REPLACED BY DUN37.208)

DUN37.107 That, on the lands delineated as having reference to this subsection, the following provisions shall apply:

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

DUN37.108 That, in addition to the uses permitted in the "Seasonal Residential Zone (RS)" (Subsection 15.1) a one family dwelling home shall also be permitted on the lands identified as having reference to this subsection.

DUN37.109 That on the lands delineated as having reference to this subsection, in addition to the uses permitted in the Seasonal Residential Zone (Subsection 15.1) a one family dwelling house shall also be a permitted use.

DUN37.110 (a) That the permitted uses of the "Disposal Industrial Zone (MD)" (Subsection 27.1) shall not apply to the lands identified as Parcel 2 on Schedule DUN37.110.1 and that the uses permitted on this parcel shall be restricted to the following for "Buffer" purposes:

- i) weigh scales,
- ii) landfill utility,
- iii) servicing and control structures, facilities and operations

# ZONE EXCEPTIONS

## SECTION 12

- iv) equipment and maintenance buildings,
  - v) composting recycling and reuse facilities and operations
  - vi) household hazardous waste collection facilities,
  - vii) monitoring wells and sampling stations,
  - viii) screening measures, including berms and planning strips
  - xi) other uses accessory to a waste management operation.
- (b) That the permitted uses of the “Agricultural Zone (A)” (subsection 30.1) shall not apply to the lands identified as Parcel 3 on Schedule DUN37.110.1 and that the uses permitted on this parcel shall be restricted to forestry management and other uses which assist in the conservation of management of natural features in addition to monitoring wells and sampling stations.
- DUN37.111 That on the lands delineated as having reference to this subsection on Schedule “A10”, Figure 2, the following provisions shall apply:
- (a) That in addition to the uses permitted in the “Hazard Land Zone (HL)” (Subsection HAL36.1), a summer cottage shall be permitted.
  - (b) Development of the lands shall be in accordance with the following provisions:
    - i) Minimum Lot Area 465 square metres
    - ii) Minimum Lot Frontage 13.25 metres
    - iii) Minimum Yard Requirements:
      - a) Front Yard 9 metres
      - b) Interior Side Yard 3 metres
    - iv) Minimum elevation of 177.2 metres above sea level Geodetic Survey of Canada Datum, for any external openings to a room, basement or cellar of a dwelling house.
  - (c) Notwithstanding subsection 6.22 (c), an unenclosed porch and steps may project 1.2 metres into the required right interior side yard.
- DUN37.112 That on the lands delineated as having reference to this subsection of Schedule “A6”, Figure 1, the following provisions shall apply:
- a) That in addition to the uses permitted in the “Seasonal Residential Zone (RS)” (Subsection 15.1) a one family dwelling house shall also be permitted on the lands identified as having reference to this subsection.
  - b) That the Minimum Right Interior Side Yard Requirement of the “RS” Zone (Subsection 15.2 (c) (iii)) shall not apply to the subject lands and the Minimum Right Interior Side Yard shall be 0.9 metres on the lands identified by this subsection.
  - c) That, notwithstanding Subsection 6.22 (c), an unenclosed porch and steps may project 2.0 metres into the required front yard.

# ZONE EXCEPTIONS

## SECTION 12

- DUN37.113 That on lands delineated as having reference to this subsection on Schedule 'A4-B' the following provisions shall apply:
- a) That notwithstanding the provisions of Section 10.1- *Permitted Uses* of the 'Urban Residential Type 3 (R3)' zone, permitted uses shall be limited to:
    - i. One family dwelling house in accordance with the provisions of the R1 zone;
    - ii. Two family dwelling house in accordance with the provisions of the R2 zone;
    - iii. Three family dwelling house; and
    - iv. Home occupation.
  - b) That on the lands delineated as having reference to this subsection, development of the lands shall be in accordance with the provisions of the 'Urban Residential Type 3 Zone (R3)' except subsection 10.2.1(b), 10.2.1(c)(i), and 10.2.1(c)(iii) for which the following shall apply in lieu thereof:

i)	Lot Frontage	21.44 metres
ii)	Front Yard Setback	0.96 metres
iii)	Interior Side Yard (Right)	0.19 metres
iv)	Interior Side Yard (Left)	1.73 metres
  - c) That notwithstanding the provisions of Section 5.5 – *Establishment of Holding Zones*, building permits may be issued to facilitate the alteration or construction of buildings and structures on the subject lands provided that any building construction, addition or alteration will not facilitate the development of an additional third dwelling unit.
- DUN37.114 That the permitted uses of the "Community Institutional Zone (IC)" shall not apply to the subject lands identified on Schedule "A4-B" by this subsection and that the following permitted uses shall be allowed on the subject lands:
- a) Clinic
  - b) Existing one family dwelling houses.
- DUN37.116 That on the lands delineated as having reference to this subsection the following shall apply:
- a) That subsection 6.16, Frontage on an Improved Street, shall not apply.
  - b) In lieu of the definition of "street line" (subsection 4.95) the westerly boundary of the adjacent right-of-way shall be deemed to be the street line.
- DUN37.117 That on the lands delineated as having reference to this subsection on Schedule "A10", Figure 1, the following shall apply:
- a) That subsection 6.16, Frontage on an Improved Street, shall not apply.
  - b) In lieu of the definition of "front lot line" (subsection 4.95) the southerly boundary of the adjacent right-of-way shall be deemed to be the front lot line.
  - c) Notwithstanding subsection 5.3, More than One Zone on a Lot, lands zoned "Agricultural (A)" may be used in the calculation of any required yard.

# ZONE EXCEPTIONS

## SECTION 12

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

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

DUN37.118 That in lieu of the Minimum Lot Frontage requirements of the "Urban Residential Type 2 Zone (R2)" (subsection 9.2(b)) the Minimum Lot Frontage shall be 16.76 metres on the lands delineated as having reference to this subsection. In the case of a lot being subdivided for the purpose of separate ownership of semi-detached dwelling units, the minimum lot frontage shall be 8 metres for each subdivided lot.

DUN37.119 That on the lands delineated as having reference to this subsection on Schedule "A10", Figure 2, the following provisions shall apply:

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

DUN37.120 That on the lands delineated as having reference to this subsection on Schedule "A10", Figure 2, in addition to the uses permitted in the "Seasonal Residential Zone (RS)" (subsection 15.1) a one family dwelling house shall also be permitted.

DUN37.121 That on the lands delineated as having reference to this subsection on Schedule "A9", Figure 2, the following provisions shall apply:

- (a) Subsection 6.16, Frontage on an Improved Street, shall not apply.
- (b) In lieu of the definition of "street line" (subsection 4.95) the southerly boundary of the adjacent right-of-way shall be deemed to be the street line.
- (c) Development of the lands shall take place in accordance with the provisions of the "Seasonal Residential Zone (RS)", except subsections 15.2(b) and 15.2(c) (iv) for which the following shall apply, in lieu thereof:



# ZONE EXCEPTIONS

## SECTION 12

- i) Minimum Lot Frontage 25 metres
- ii) Minimum Rear Yard 42 metres

DUN37.122 That on the lands delineated as having reference to this subsection on Schedule "A4-B" the following provisions shall apply:

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

DUN37.123 That on the lands delineated as having reference to this subsection the following shall apply:

- (a) That in addition to the uses permitted in the "Hazard Land Zone (HL)" (subsection HAL36.1) a summer cottage shall be permitted on the lands identified as having reference to this subsection.  
06/93 06/94
- (b) That development of the lands shall take place in accordance with the provisions of the "Seasonal Residential Zone (RS)", except subsections 15.2(a), 15.2(c)(i), 15.2(c)(iii) and 15.2(e) for which the following shall apply in lieu thereof:
  - a) Minimum Lot Area 575 square metres
  - b) Front Yard Setback 0 metres
  - c) Interior Side Yard:
    - Left 0 metres
    - Right 17 metres
  - d) Maximum Useable Floor Area 130 square metres.
  - e) Maximum Building Height 4.27 metres.

# ZONE EXCEPTIONS

## SECTION 12

- DUN37.124 That notwithstanding the lot frontage and interior side yard requirements of the "Urban Residential Type 1 Zone (R1)" the minimum lot frontage shall be 16.5 metres and the northerly side yard shall be 6 metres.
- DUN37.125 That in addition to the uses permitted in the "Light Industrial Zone (ML)" (Subsection 24.1) a brewery shall also be permitted on the lands delineated as having reference to this subsection.
- DUN37.126 That on the lands delineated as having reference to this subsection, the following provisions shall apply;
- a) That in addition to the use permitted in the "Urban Residential Type 3 Zone (R3)" (Subsection 10.1) a five family dwelling house shall also be permitted.
  - b) That development of the lands shall take place in accordance with the provisions of the "Urban Residential Type 3 Zone (R3)" except subsections 10.2.2(b), 10.2.2 (c) (i) and 10.2.2 (c) (iii) for which the following shall apply in lieu thereof;
    - i) Minimum Lot Frontage 20 metres
    - ii) Minimum Front Yard 2 metres
    - iii) Minimum Interior Side Yard 1.5 metres
  - c) Notwithstanding Subsection 7.2.3 (c), Location of Parking on a Lot, parking shall be permitted within the required exterior side yard for a distance of 18 metres north of Centre Lane.
- DUN37.127 That, notwithstanding Subsection 30.2(c) (iii) the left interior side yard requirements shall be 4.4 metres on the lands delineated as having references to this subsection.
- DUN37.128 That on the lands delineated as having reference to this subsection on Schedule "A4-B", the following provisions shall apply:
- a) That in addition to the uses permitted in the "Hazard Land Zone (HL)" (subsection HAL36.1), a restaurant shall be permitted.
  - b) That, for the purpose of this By-law, the adjacent lane, immediately south of the lands, shall be deemed to be a "street" for the purpose of gaining access to the rear yard for parking purposes.
  - c) That development of the lands shall be in accordance with the following provisions:
    - i) Minimum Lot Area 510 metres
    - ii) Minimum Lot Frontage 16 metres
    - iii) Minimum Yard Requirements
      - a) Front Yard 4.80 metres
      - b) Right Interior Sideyard 0.40 metres
      - c) Exterior Sideyard 0.95 metres
      - d) Rear Yard 3.5 metres
    - iv) Maximum Lot Coverage 80 per cent

# ZONE EXCEPTIONS

## SECTION 12

- v) Maximum Building Height 11 metres
  - vi) Minimum Services - every use shall be connected a public water system and a public sanitary sewer system
- d) That the off-street parking provisions of subsections 7.8 of Zoning By-law 1-DU-80 of the Town of Dunnville shall not apply to the subject lands and that a minimum of 9 spaces shall be provided.
- DUN37.129 That on lands delineated as having reference to this subsection the following provisions shall apply:
- a) That the permitted uses of the Rural Industrial Zone (MR) (subsection 26.1) shall not apply to the subject lands and the following uses shall be permitted on the lands identified by this subsection on said Schedule "A1":
    - i) fertilizer dealership
    - ii) farm machinery and equipment supply and repair shop
    - iii) public utility yard
    - iv) animal hospital
    - v) custom workshop
    - vi) vehicle sales and rental establishment and may include open storage accessory thereto
    - vii) any use permitted in the A zone in accordance with the provisions of that Zone
    - viii) open storage accessory to any permitted use
  - b) That development of the lands shall be in accordance with the provisions of the Rural Industrial Zone (MR) except subsections 26.2(c)(i) (front yard), 26.2(c)(iii) (interior side yard), 26.2(c)(iv) (rear yard), for which the following shall apply in lieu thereof:
    - i) Minimum front yard - 14 metres
    - ii) Minimum interior sideyard (left) - 1.5 metres
    - iii) Minimum rear yard - 1.5 metres
- DUN37.130 That on the lands delineated as having reference to this subsection on Schedule "A4-B" the following provisions shall apply:
- a) That in addition to the uses permitted in the "Rural Industrial Zone (MR)" (subsection 26.1) a greenhouse shall also be permitted from April through October inclusive in the same calendar year.
  - b) That notwithstanding the minimum front yard requirement of the "Rural Industrial Zone (MR)" (subsection 26.2 (c)(i)) the minimum front yard shall be 3 metres for the purpose of erecting a greenhouse.
- DUN37.131 That notwithstanding the rear yard setback requirement (subsection 8.2(iv)) of the "Urban Residential Type 1 Zone (R1)" the minimum rear yard shall be 6.8 metres on the lands delineated as having reference to this subsection.
- DUN37.132 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

# ZONE EXCEPTIONS

## SECTION 12

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

### 16.2 Zone Provisions

- a) Minimum Yard Requirements
  - i) front yard 3 metres
  - ii) exterior side yard 6 metres
  - iii) interior side yard 3 metres
  - iv) rear yard 8 metres
- b) Maximum Lot Coverage 80 percent
- c) Maximum Building Height 11 metres
- d) Maximum Useable Floor Area 40 sq metres per apartment dwelling unit
- (c) Notwithstanding subsection 7.2.3(c) (Location of Parking on a Lot) one parking space shall be permitted within the required exterior side yard.
- (d) Notwithstanding subsections 7.3 (Visitor Parking Spaces) and 7.8(c) (Number of Parking Spaces) a minimum of two parking spaces shall be provided.
- (e) That subsection 6.6 (Location of Habitable Rooms) shall not apply.

DUN37.133 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

- (a) Notwithstanding the uses permitted in the "Hazard Land Zone (HL)" (subsection HAL36.1) a summer cottage shall also be permitted.
- (b) Notwithstanding the provisions of the "Hazard Land Zone (HL)" (subsection HAL36.2) and "Seasonal Residential Zone (RS)" (subsection 15.2) development of the lands shall be in accordance with the following:
  - i) Minimum Lot Area 760 sq metres
  - ii) Minimum Lot Frontage 12 metres
  - iii) Minimum Yard Requirements:
    - a) interior side yard (left) 2.2 metres
    - b) interior side yard (right) 0.6 metres
    - c) front yard 9 metres
    - d) rear yard 9 metres
  - iv) Maximum Building Height 11 metres
  - v) Minimum Useable Floor Area 65 sq metres
  - vi) Minimum Elevation of 176.2 metres above sea level, Geodetic Survey of Canada Datum, for any external openings to a room, basement or cellar of a dwelling house.

# ZONE EXCEPTIONS

## SECTION 12

- DUN37.134 That in addition to the uses permitted in the "Light Industrial Zone (ML)" (subsection 24.1) a restaurant shall also be permitted on the lands delineated as the subject lands.
- DUN37.135 That on the lands delineated as having reference to this subsection, the following provisions shall apply:
- (a) That in addition to the permitted uses of the "General Commercial Zone (CG)" (subsection 16.1) a brewery and facilities and offices for engineering, surveying and any other similar activity shall also be permitted.
  - (b) That in addition to the Zone Provisions of "General Commercial (CG)" (subsection 16.2) no building or structure or part thereof shall be erected or enlarged nearer than 10 metres, measured horizontally outwards, from the creek's top of bank.
- DUN37.136 That on the lands delineated as having reference to this subsection, the following provisions shall apply:
- a) That the development of Parcel "A" of the lands delineated by this subsection shall be in accordance with the provisions of the "R4" Zone except for subsection 11.2.2(c) (iii) for which the following shall apply in lieu thereof:
    - i) Minimum Interior Side Yard Right 3 metres, Left 9.2 metres
  - b) That the permitted uses of the "Hazard Land Zone (HL)" (subsection HAL36.1) shall not apply and no buildings shall be located on the Parcel "B" of the lands delineated by this subsection.
- DUN37.137 That on the lands delineated as having reference to this subsection, the following provisions shall apply:
- (a) Development of the lands shall be in accordance with the provisions of the "R3" Zone except subsections 10.2.2 (b), 10.2.2 (c) (i) and 10.2.2 (c) (iii) for which the following shall apply in lieu thereof:
    - i) Minimum lot frontage 21 metres
    - ii) Minimum front yard 1.7 metres
    - iii) Minimum interior side yard Right 1.2 metres Left 5 metres
  - (b) Notwithstanding subsection 6.8 (c) no building or structure which is accessory to the permitted residential use shall occupy more than 15 percent of the lot area.
- DUN37.138 Repealed by By-law 961-HC/16.
- DUN37.139 That on the lands delineated as having reference to this subsection, the minimum front yard requirement of the "Agricultural Zone (A)" (subsection 30.2 (c) (i)) shall not apply and the minimum front yard shall be 35.5 metres in lieu thereof.

# ZONE EXCEPTIONS

## SECTION 12

DUN37.140 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

- (a) In addition to the uses permitted in the "Hazard Land Zone (HL)" (subsection HAL36.1), a one family dwelling house, home occupation, and a processing, manufacturing and light assembly plant not requiring municipal treatment of either water or sewage shall also be permitted.
- (b) The zone provisions of the "Hazard Land Zone (HL)" (subsection HAL36.2) shall not apply and the following shall apply in lieu thereof:
  - i) Minimum Lot Area 1,550 square metres
  - ii) Minimum Lot Frontage 30 metres
  - iii) Minimum Yard Requirements
    - a) Interior Side Yard 6 metres
    - b) Front Yard 11 metres
    - c) Rear Yard 13 metres
  - iv) Maximum Building Height 11 metres
  - v) Minimum Usable Floor Area 70 square metres
- (c) Notwithstanding subsection DUN37.140(b), any existing yard shall be deemed to conform to this by-law.
- (d) Notwithstanding subsection DUN37.140(c), no building or structures shall be erected except in accordance with the zone provisions of subsection DUN37.140(b).

DUN37.141 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

- (a) In addition to the uses permitted in the "Hazard Land Zone (HL)" (subsection HAL36.1), a one family dwelling house and home occupation shall also be permitted.
- (b) The zone provisions of the "Hazard Land Zone (HL)" (subsection HAL36.2) shall not apply and the following shall apply in lieu thereof:
  - i) Minimum Lot Area 1,550 square metres
  - ii) Minimum Lot Frontage 30 metres
  - iii) Minimum Yard Requirements
    - a) Interior Side Yard 6 metres
    - b) Front Yard 11 metres
    - c) Rear Yard 13 metres
  - iv) Maximum Building Height 11 metres
  - v) Minimum Usable Floor Area 70 square metres
- (c) Notwithstanding subsection DUN37.141(b), any existing yard shall be deemed to conform to this by-law.
- (d) Notwithstanding subsection DUN37.141(c), no building or structure shall be erected except in accordance with the zone provisions of subsection DUN37.141(b).

# ZONE EXCEPTIONS

## SECTION 12

- DUN37.142 That on the lands delineated as having reference to this subsection, the following provisions shall apply:
- (a) In addition to the permitted uses of the "Seasonal Residential Zone (RS)" (subsection 15.1) a one family dwelling house shall also be permitted on lands identified as Parcel "1" and more accurately shown on Schedule DUN37.142.1.
  - (b) Notwithstanding the permitted uses of the "RS Zone" no buildings or structures may be permitted on lands identified as Parcel "2" and more accurately shown on Schedule DUN37.142.1.
- DUN37.143 That in addition to the uses permitted in the Seasonal Residential Zone (subsection 15.1) a one family dwelling house shall also be permitted.
- DUN37.144 That in addition to the uses permitted in the Seasonal Residential Zone (subsection 15.1) a one family dwelling house shall also be permitted.
- DUN37.145 That in addition to the uses permitted in the Seasonal Residential Zone (subsection 15.1) a one family dwelling house shall also be permitted.
- DUN37.146 That in addition to the uses permitted in the Seasonal Residential Zone (subsection 15.1) a one family dwelling house shall also be permitted.
- DUN37.147 That on the lands delineated as having reference to this subsection, the following provisions shall apply:
- (a) In addition to the permitted uses of the "Agricultural Zone (A)" (subsection 30.1), the sale of agriculturally related products, including: fertilizers; potting soil; peat moss and pesticides, shall be permitted as a secondary use to a farm produce outlet.
  - (b) Any sale of agriculturally related products shall:
    - i) be confined within a building; and
    - ii) not occupy more than 30 square metres of floor area, measured from the inside face of exterior walls.
  - (c) Open storage of agriculturally related products shall be prohibited.
  - (d) For the purpose of this provision, farm produce shall not be considered to be an agriculturally related product.
  - (e) Notwithstanding the minimum front yard requirement [subsection 30.2(c) (i)], the minimum front yard shall be 28 metres for the purpose of any new construction.
- DUN37.148 That in addition to the uses permitted in the "Agricultural Zone" (subsection 30.1), the service, sale and display of recreational vehicles shall also be permitted.
- (a) That notwithstanding the provisions of Section 5.5 – Establishment of Holding Zones, building permits may be issued to facilitate the construction of buildings and structures for uses permitted in the

# ZONE EXCEPTIONS

## SECTION 12

'Agricultural (A)' zone provided that any building construction, addition or alteration will not facilitate the development of the service, sale or display of recreational vehicle operation. The development of a service, sales and display of recreational vehicle operation cannot take place until a formal site plan approval is granted by the County and the holding provision is removed.

- (b) That notwithstanding any other provisions in this by-law, the permitted uses of Section 30 – Agricultural Zone (A) shall be exempted from site plan control and the Provisions of Section 41 of the *Planning Act*.

DUN37.150

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

- (a) The permitted uses of the "General Industrial Zone (MG)" (subsection 23.1) shall not apply to the subject lands and the following uses shall apply in lieu thereof:
- i) processing, manufacturing and light assembly plant provided there is not a high requirement of municipal treatment in either strength or quantity of waste, sewage or municipal water
  - ii) fertilizer dealership
  - iii) fuel storage depot for home and farm sales
  - iv) truck terminal
  - v) railway terminal and yards
  - vi) research and development facilities
  - vii) industrial supply establishment
  - viii) retail sales related to an industry on the same lot
  - ix) industrial offices
  - x) merchandise service shop
  - xi) lumber yard and building supply establishment
  - xii) custom workshop
  - xiii) printing and publishing establishment
  - xiv) dry cleaning establishment
  - xv) automobile service station
  - xvi) vehicle sales and rental establishment
  - xvii) farm implement sales and service establishment
  - xviii) industrial garage
  - xix) warehouse
  - xx) wholesale establishment
  - xxi) facilities and offices for engineering, surveying and any similar activity
  - xxii) dairy
  - xxiii) bakery
  - xxiv) contractor's yard
  - xxv) public utility yard
  - xxvi) fire hall
  - xxvii) police station
  - xxviii) ambulance service
  - xxix) animal hospital
  - xxx) open storage accessory to any use permitted



# ZONE EXCEPTIONS

## SECTION 12

- xxx) That development of the lands shall take place in accordance with the provisions of the "General Industrial Zone (MG)" (subsection 23.2) except subsections 23.2 (c)(ii) and 23.2 (f) for which the following shall apply in lieu thereof:
    - i) minimum exterior side yard – 14 metres
    - ii) open storage – open storage shall be prohibited in the required front yard and required exterior side yard and shall be screened within 14 metres of any property line.
- DUN37.151 That in addition to the Permitted Uses of the "Seasonal Residential Zone (RS)" (subsection 15.1) a one family dwelling house shall also be permitted on the lands identified as having reference to this subsection.
- DUN37.153 That on the lands identified as having reference to this subsection, the following provisions shall apply:
- a) In addition to the permitted uses of the "Agricultural Zone (A)" (subsection 30.1), the sale of fish and tackle accessories shall also be permitted.
  - b) In addition to the permitted uses of the "Hazard Land Zone (HL)" (subsection HAL36.1) and notwithstanding any provision to the contrary, the sale of fish and tackle accessories shall be permitted in accordance with the following provisions:
    - i) the sale of fish and tackle accessories shall be permitted only from within the existing accessory building;
    - ii) no building or structure shall be altered or erected for the sale of fish and tackle accessories within the limits of the "Hazard Land Zone (HL)".
  - c) Any sale of fish and tackle accessories shall:
    - i) be confined entirely within a building;
    - ii) not occupy more than 30 square metres of floor area, measured from the inside face of exterior walls.
  - d) Open storage of fish and tackle accessories shall be prohibited.
- DUN37.154 That on the lands delineated as having reference to this subsection, the following provisions shall apply:
- (a) That development of the lands shall take place in accordance with the provisions of the "General Commercial Zone (CG)" (subsection 16.2) except subsections 16.2(a) (i) and 16.2(b) for which the following shall apply in lieu thereof:
    - i) Front Yard Setback 0 metres
    - ii) Maximum Lot Coverage 100 percent
  - (b) That the provisions of subsection 7.8 (Number of Parking Spaces) shall not apply.
- DUN37.155 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

# ZONE EXCEPTIONS

## SECTION 12

- (a) In addition to the permitted uses of the "Agricultural Zone (A)" (subsection 30.1) the following uses shall also be permitted:
  - (i) farm implement sales and service establishment and may include open storage accessory thereto.
  - (ii) truck sales and service establishment and may include open storage accessory thereto, as a secondary use to a farm implement sales and service establishment.
- (b) The minimum front yard setback requirement (subsection 30.2(c) (i)) shall not apply and for the purposes of new construction the minimum setback shall be 28 metres in lieu thereof.

DUN37.156 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

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

DUN37.157 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

- a) Development shall take place in accordance with the provisions of the "Agricultural Zone (A)" (subsection 30.2) except subsection 30.2(b) and 30.2(c) for which the following shall apply in lieu thereof:
  - i) minimum lot frontage 24 metres
  - ii) minimum interior side yard setback
    - right 11 metres
    - left 1.65 metres.

DUN37.158 That on the lands delineated as having reference to this subsection the following provisions shall apply:

- a) Notwithstanding the provisions of the "Urban Residential Type 6 Zone" (subsection 13.2) development of the lands shall take place in accordance with the following provisions:
  - i) Front Yard 5.0 metres
  - ii) Interior Side Yard
    - Left 0.3 metres
    - Right 2.5 metres
  - iii) Rear Yard 2.5 metres
  - iv) Maximum Number of Dwelling units 50
  - v) Maximum Building Height 6 storeys
  - vi) Minimum Usable Floor Area 40 square metres per square unit
  - vii) Minimum Services - every apartment dwelling house shall be connected to a public water system and a public sanitary sewer system.

# ZONE EXCEPTIONS

## SECTION 12

- b) Notwithstanding subsection 4.52.2, Rear Lot Line shall mean the lot line farthest from and opposite the front lot line.
  - c) Notwithstanding subsection DUN37.158 a) i) of this By-law, a canopy and awning may project into the required front yard setback a distance of 4.5 metres.
  - d) Notwithstanding subsection 7.1 (b), Individual Parking Spaces, each parking space shall have a minimum width of 2.75 metres and a minimum length of 5.5 metres.
  - e) Notwithstanding subsection 7.2.3 (c), Location of Parking on a Lot, visitor parking spaces shall be permitted in the required front yard setback.
  - f) Notwithstanding subsection 7.3, Visitor Parking Spaces, visitor parking spaces shall be provided in the ratio of 1 space for every 3 dwelling units or part thereof.
  - g) Notwithstanding subsection 7.8 (c), Number of Parking Spaces, 1 parking space shall be provided and maintained for each apartment dwelling house.
- DUN37.159 That, notwithstanding subsection 26.2(c) (iii) of the “Rural Industrial Zone (MR)”, the minimum right interior side yard shall be 15 metres on the lands delineated as having reference to this subsection.
- DUN37.160 a) That, notwithstanding subsection 16.2(a) (iv) of the “General Commercial Zone (CG)”, the minimum rear yard shall be 0.3 metres in lieu thereof.
- b) That the provisions of subsection 7.8 (Number of Parking Spaces) shall not apply and a minimum of 13 (thirteen) parking spaces shall be provided in lieu thereof.
- DUN37.161 That in addition to the permitted uses in the “Light Industrial Zone (ML)” (subsection 24.1) a restaurant shall also be permitted on the lands delineated as having reference to this subsection.
- DUN37.162 That on the lands delineated as having reference to this subsection, the following provisions shall apply:
- a) That subsection 6.16 (Frontage on an Improved Street) shall not apply.
  - b) In lieu of the definition of “Street Line” (subsection 4.95) the easterly boundary of the adjacent right-of-way shall be deemed to be the street line.
  - c) That development of the lands shall be in accordance with the provisions of the “Seasonal Residential Zone (RS)” (subsections 15.2)

# ZONE EXCEPTIONS

## SECTION 12

except subsections 15.2(b), 15.2(c) (iii) and 15.2 (e) for which the following shall apply in lieu thereof:

- i) Minimum Lot Frontage 20 metres
- ii) Minimum Interior Side Yard
  - a) Right 20 metres
  - b) Left 1.5 metres

DUN37.163 Notwithstanding subsection 5.3 (More Than One Zone on a Lot), any portion of the lands zoned Hazard Land may be used in the calculation of the required Agricultural Zone provisions (subsection 30.2) on the lands delineated as having reference to this subsection.

DUN37.164 That on the lands delineated as reference to this subsection, the following provisions shall apply:

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

- i) Minimum Lot Area 1175 square metres
- ii) Minimum Lot Frontage 16 metres

DUN37.165 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

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

- i) Minimum Lot Area 235 square metres
- ii) Minimum Lot Frontage 6 metres
- iii) Minimum Yard Requirements
  - a) Interior Side Yard 1.2 metres
  - b) Exterior Side Yard 1.2 metres
  - c) Front Yard 0 metres
  - d) Rear Yard 8.2 metres
- iv) Maximum Building Height 11 metres
- v) Maximum Usable Floor Area 90 square metres

DUN37.166 That on the lands delineated as having reference to this subsection the following provisions shall apply:

- a) That development of the lands shall be in accordance with the provisions of the “Special Industrial Zone (MS)” (subsection 29.2)

# ZONE EXCEPTIONS

## SECTION 12

except subsections 29.2 (a) and 29.2(b) for which the following shall apply in lieu thereof:

- a) Minimum Lot Area 1.25 hectares
- b) Minimum Lot Frontage 60 metres

- b) That, notwithstanding subsection 29.2(c), any existing buildings or structures existing shall be deemed to conform to this By-law provided that any building or structure hereafter erected shall conform to the provisions of subsection 29.2(c).

DUN37.167 That in addition to the permitted uses of the “Hamlet Residential Zone (RH)” (subsection 14.1); a four-family dwelling house shall also be permitted on the lands delineated as having reference to this subsection.

DUN37.168 That on the lands delineated as having reference to this subsection the following provisions shall apply:

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

- i) Minimum Lot Area 1700 square metres
- ii) Minimum Lot Frontage 25 metres.

DUN37.169 That on the lands delineated as having reference to this subsection the following provisions shall apply:

- a) That in addition to the permitted uses of the “Hazard Land Zone (HL)” (subsection HAL36.1) a one family dwelling house shall also be permitted.
- b) Subsection 6.16 (Frontage on an Improved Street) shall not apply.
- c) In lieu of the definition of “street line” (subsection 4.95), the westerly boundary of the adjacent right-of-way shall be the street line.
- d) Development of the lands shall be in accordance with the following provisions in lieu of Section HAL36.2(Hazard Land Zone Provisions) of Zoning By-law 1-DU 80:

- i) Minimum Lot Area 2800 square metres
- ii) Minimum Lot Frontage 30 metres
- iii) Minimum Yard Requirements

# ZONE EXCEPTIONS

## SECTION 12

- a) interior side yard (left) 13 metres
- b) interior side yard (right) 13 metres
- c) front yard 11 metres
- d) rear yard 7 metres

- iv) Maximum Building Height 11 metres
- v) Minimum Usable Floor Area 70 square metres
- vi) Maximum Usable Floor Area 130 square metres
- vii) Minimum Elevation for any external openings to a Dwelling Geodetic Survey of Canada Datum House. 176.8 metres above sea level,

- DUN37.170 That on the lands delineated as Parts 1 and 2 on Map B attached to and forming part of this by-law, the following provisions shall apply:
- a) In lieu of the definition of ‘townhouse’ (section 4.27.5); shall mean a dwelling house comprising 2 to 5 dwelling units with each dwelling unit being divided one from the other by an above grade vertical common wall a minimum of 10 square metres in area, and with each dwelling unit having direct access to a yard.
  - b) Notwithstanding subsection 11.2.2 (b) “Urban Residential Type 4 (R4)”, the minimum lot frontage requirement shall be 12 metres.

- DUN37.171 That on the lands delineated as having reference to this subsection the following provisions shall apply:
- (a) That subsection 6.16 (Frontage on an Improved Street) shall not apply.
  - (b) In lieu of the definition of “Street Line” (subsection 4.95) the southerly boundary of the adjacent right-of-way shall be deemed to be the street line.
  - (c) Notwithstanding subsection 15.2(b) of the “Seasonal Residential Zone (RS)”, the Minimum Lot Frontage requirement shall be 15 metres.

- DUN37.172 That, notwithstanding subsection 15.2 (Seasonal Residential Zone Provisions), development of the lands delineated as having reference to this subsection shall be in accordance with the following:
- a) Minimum Lot Area 739 square metres
  - b) Minimum Lot Frontage 27 metres
  - c) Minimum Yard Requirements
    - i) Front Yard 2.3 metres
    - ii) Interior Side Yard (left) 12.6 metres
    - iii) Interior Side Yard (right) 1.3 metres
    - iv) Rear Yard 15 metres
  - d) Maximum Building Height 6 metres
  - e) Maximum Usable Floor Area 100 square metres

# ZONE EXCEPTIONS

## SECTION 12

- DUN37.173 That on the lands delineated as having reference to this subsection the following provisions shall apply:
- (a) That notwithstanding subsection 8.2(c) (iv) of the “Urban Residential Type 1 Zone (R1)”, the minimum rear yard shall be 1.95 metres in lieu thereof.
  - (b) That notwithstanding subsection 8.2 (c)(i) (Front Yard Setback) and 6.8(b) (Accessory Uses to Residential Uses), any existing buildings or structures shall be deemed to conform to this By-law provided that any building or structure hereafter erected shall conform to the provisions of subsection 8.2(c)(i) and 6.8(b).
- DUN37.174 That development of the lands delineated as having reference to this subsection shall be in accordance with the following:
- (a) That in addition to the permitted uses of the “Hamlet Residential Zone (RH)” (subsection 14.1); a take-out restaurant shall also be permitted.
  - (b) That in addition to the provisions of the “Hamlet Residential Zone (RH)” (subsection 14.2); a take-out restaurant shall be limited to a maximum usable floor area 28 square metres.
  - (c) That the provisions of subsection 7.8(r) (Number of Parking Spaces-Uncensored Restaurant) shall not apply and a minimum of 5(five) parking spaces shall be provided for a take-out restaurant in lieu thereof.
- DUN37.175 That on the lands delineated as having reference to this subsection, the following provisions shall apply:
- a) That subsections 16.2(a) (i) (Front Yard Setback) and 16.2 (b) (Maximum Lot Coverage) of the “General Commercial Zone (CG)” shall not apply.
  - b) That the provisions of subsection 7.8 shall not apply to an assembly hall.
- DUN37.176 That in addition to the permitted uses of the “Seasonal Residential Zone (RS)” (subsection 15.1), a one family dwelling house shall also be permitted on the lands delineated as having reference to this subsection.
- DUN37.177 That, on each of the parcels of land delineated as having reference to this subsection, the following provisions shall apply:
- (a) Subsection 6.16 (Frontage on an Improved Street) shall not apply.
  - (b) In lieu of the definition of “Street Line” (subsection 4.95), the southerly boundary of the adjacent right-of-way shall be deemed to be the street line.

# ZONE EXCEPTIONS

## SECTION 12

- (c) Notwithstanding subsection 15.2(b) of the “Seasonal Residential Zone (RS)”, the minimum lot frontage requirement shall be 20 metres in lieu thereof.
  - (d) In addition to the zone provisions of the “Seasonal Residential Zone (RS)” (subsection 15.2), the minimum elevation for openings shall be 179 metres GSC.
  - (e) In addition to the zone provisions of the “Seasonal Residential Zone (RS)” (Subsection 15.2), the maximum ground floor area shall be 115 square metres.
- DUN37.178 That, in addition to the permitted uses of the “Seasonal Residential Zone (RS)” (subsection 15.1), a one family dwelling house shall also be permitted on the lands delineated as having reference to this subsection.
- DUN37.179 That, on the lands delineated as having reference to this subsection, the following provisions shall apply:
- (a) The minimum lot frontage requirement of the “Agricultural Zone (A)” (subsection 30.2 (b)) shall not apply to the lands identified as Parcel 1 on the attached Schedule DUN37.179.1 and the minimum lot frontage shall be 4.5 metres.
  - (b) The permitted uses of the “Hazard Land Zone (HL)” (subsection HAL36.1), shall not apply and no buildings or structures may be permitted on the lands identified as Parcel 2 on Schedule DUN37.179.1.
  - (c) In addition to the permitted uses of the “Hazard Land Zone (HL)” (subsection HAL36.1), structures accessory to a residential or agricultural use shall be permitted on lands identified as Parcel 3 on Schedule DUN37.179.1 provided the lowest finished floor level is above 179.1 metres (587.6 feet) CGD.
- DUN37.180 That on the lands delineated as having reference to this subsection, the following provisions shall apply:
- a) In lieu of the permitted uses of the “Highway Commercial Zone (CH)” (subsection 20.1) only a warehouse accessory to a retail furniture establishment shall be permitted.
  - b) In addition to the zone provisions of the “Highway Commercial Zone (CH)” (subsection 20.2) the usable floor area for a warehouse shall be limited to a maximum of 465 square metres.
- DUN37.181 That, in addition to the permitted uses of the “Seasonal Residential Zone (RS)” (subsection 15.1), a one family dwelling house shall also be permitted on the lands delineated as having reference to this subsection.



# ZONE EXCEPTIONS

## SECTION 12

- DUN37.182 That, notwithstanding subsection 16.2(a), any existing buildings or structures, identified on Schedule DUN37.182.1, shall be deemed to conform to this By-law provided that any building or structure hereafter erected shall conform to the provisions of 16.2(a).
- DUN37.183 That, notwithstanding the provisions of the "R3" Zone, any existing buildings or structures located on lands delineated as having reference to this subsection shall be deemed to conform to this By-law provided that any building or structure hereafter erected shall conform to the provisions of the "R3" Zone.
- DUN37.184 That, notwithstanding the provisions of the "R3" Zone, any existing buildings or structures located on land delineated as having reference to this subsection shall be deemed to conform to this By-law provided that any building or structure hereafter erected shall conform to the provisions of the "R3" Zone.
- DUN37.185 That, in addition to the permitted uses of the "Seasonal Residential Zone (RS)" (subsection 15.1), a one family dwelling house shall also be permitted on the lands delineated as having reference to this subsection.
- DUN37.186 That, on the lands delineated as having reference to this subsection, the following provisions shall apply:
- a) Subsection 6.16, Frontage on an improved Street, shall not apply.
  - b) In lieu of the definition of "Street Line" (subsection 4.95), the boundary of the adjacent railway right-of-way shall be deemed to be the street line.
  - c) Notwithstanding subsection 5.2, More Than One Zone on a Lot, development of the lands shall take place in accordance with the provisions of the "Open Space-Tent and Trailer Zone (OST).
- DUN37.187 That the provisions of subsection 30.2(c) (iii) (interior side yard) shall not apply to one greenhouse service corridor, provided that said greenhouse service corridor shall not exceed a maximum width of 6 metres.
- DUN37.188 That on the lands identified as having reference to this subsection, the following provisions shall apply:
- a) In addition to the permitted uses of the "Seasonal Residential Zone (RS)" (subsection 15.1) a one family dwelling house shall also be permitted.
  - b) In lieu of the provisions of subsections 15.2(a) (Minimum Lot Area), 15.2(b) (Minimum Lot Frontage) and 15.2(c) (iii) (Minimum Interior Side Yard), the following provisions shall apply:

# ZONE EXCEPTIONS

## SECTION 12

- i) Minimum Lot Area 1200 square metres
    - ii) Minimum Lot Frontage 15 metres
    - iii) Minimum Interior Side Yard 1.45 metres on one side and 0.55 metres on the other side
  
  - c) In addition to the zone provisions on the “Seasonal Residential Zone (RS)” (subsection 15.2), any openings shall be above ground at a minimum elevation of 180.3 metres CGD.
- DUN37.189 That on the lands identified as having reference to this subsection, the following provisions shall apply:
- (a) In addition to the permitted uses of the “Hazard Land Zone (HL)” (subsection HAL36.1), a summer cottage shall also be permitted.
  - (b) In lieu of the provisions of subsections HAL36.2(a) (iii) (Minimum Interior Side Yard), the minimum interior side yard shall be 6 metres on one side and 5.5 metres on the other side.
- DUN37.190 That the provisions of subsection 6.16 (Frontage on an Improved Street) shall not apply to the lands identified as having reference to this subsection.
- DUN37.191 That notwithstanding the provisions of subsection 6.15 (Number of Dwelling Houses Per Lot), a maximum of two one family dwellings shall be permitted on the lands identified as having reference to this subsection.
- DUN37.192 That in addition to the permitted uses of the “Rural Commercial Zone (CR)” (subsection 21.1), a truck terminal and service establishment shall also be permitted on the lands identified as having reference to this subsection.
- DUN37.193 That, on the lands delineated as having reference to this subsection, the permitted uses of the “Hamlet Residential Zone (RH)” (Subsection 14.1) shall not apply and the uses permitted on this parcel shall be restricted to an unenclosed deck projecting a distance of not more than 4.3 metres.
- DUN37.194A Repealed by By-law 846-HC/13
- DUN37.194B That on the lands identified as having reference to this subsection, the following provisions shall apply:
- a) Notwithstanding the permitted uses of the “Light Industrial Zone (ML)” (subsection 24.1), permitted uses are as follows:
    - i) processing, manufacturing and light assembly plant;
    - ii) research and development facilities;
    - iii) industrial supply establishment;
    - iv) industrial offices;
    - v) merchandise service shop;

# ZONE EXCEPTIONS

## SECTION 12

- vi) custom workshop;
  - vii) warehouse;
  - viii) airport;
  - ix) flea market;
  - x) outdoor storage as an accessory use to a permitted use;
- b) Notwithstanding subsection 24.2 (e), maximum lot coverage shall be 20 percent; and
- c) The provisions of subsection 24.2 (d) with respect to maximum building height shall not apply.

DUN37.195 Repealed by By-law 846-HC/13

DUN37.196 That, on lands delineated as having reference to this subsection, the following provisions shall apply:

- a) The provisions of the Urban Residential Type 3 Zone (subsection 10.2) shall not apply and the following shall apply in lieu thereof:
- a. Minimum Lot Area – 940 square metres. In the case of a lot with such minimum area being subdivided for the purpose of separate ownership of dwelling units the minimum lot area shall be 230 square metres for each subdivided lot.
  - b. Minimum Lot Frontage – 30 metres. In the case of a lot with such minimum frontage being subdivided for the purpose of separate ownership of dwelling units the minimum lot frontage shall be 7.8 metres for each subdivided lot.
  - c. Minimum Yard Requirements
    - i) front yard 6 metres
    - ii) exterior side yard 6 metres
    - iii) interior side yard 3 metres; except where a lot is subdivided for the purpose of separate ownership of dwelling units no interior side yard need be provided along the common side lot line between the lots created by the subdivision.
    - iv) rear yard 7.3 metres
  - d. Maximum Building Height – 11 metres
  - e. Minimum Useable Floor Area – 65 square metres per dwelling unit
  - f. Minimum Services – every dwelling unit shall be connected to a public water system and a public sanitary sewer system.

# ZONE EXCEPTIONS

## SECTION 12

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

DUN37.197

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

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

DUN37.198

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

- a) Subsection 4.52.1 (Front Lot Line) shall not apply and the westerly lot line abutting George Street shall be defined as the front lot line in lieu thereof.
- b) The minimum lot frontage requirement of the “Urban Residential Type 4 Zone (R4)” (subsection 11.2.2(b)) shall not apply and the minimum lot frontage shall be 7.8 metres in lieu thereof.
- c) The minimum interior side yard setback requirement of the “Urban Residential Type 4 Zone (R4)” (subsection 11.2.2(c)(iii)) shall not apply and the minimum interior side yard shall be 6.0 metres in lieu thereof.
- d) Notwithstanding subsection 6.13 (Boundary Fences in Residential Zones), the maximum height of a boundary fence shall be 2.3 metres.
- e) Notwithstanding subsection 6.22 (c) (Exemptions from Yard Provisions), unenclosed decks, privacy walls and privacy fences may project a maximum of 4.3 metres into the required rear yard.
- f) In addition to the permitted uses of the “Urban Residential Type 4 Zone (R4)” (subsection 11.1), a private club accessory to a group townhouse development may be permitted.

DUN37.199(A) Repealed by By-law 504-HC/07

DUN37.199(B)

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

# ZONE EXCEPTIONS

## SECTION 12

- a) In addition to the permitted uses of the “Hazard Land Zone (HL)” (subsection HAL36.1) a one family dwelling house shall also be permitted.
- b) Development of the lands shall be in accordance with the following provisions in lieu of Section HAL36.2 (Hazard Land Zone Provisions) of Zoning By-law 1-DU 80:
  - i) Minimum Lot Area 610 square metres
  - ii) Minimum Lot Frontage 21 metres
  - iii) Minimum Yard Requirements
    - a) exterior side yard 3 metres
    - b) interior side yard (right) 1.2 metres
    - c) front yard 6 metres
    - d) rear yard 9 metres
  - iv) Maximum Building Height 11 metres
  - v) Maximum Usable Floor Area 130 square metres
  - vi) Minimum Elevation for Any Dwelling House Geodetic External Openings to a Survey of Canada Datum 177.1 metres above seas level.

DUN37.200 That, on the lands delineated as having reference to this subsection, the following provisions shall apply:

- a) In addition to the permitted uses of the “Hazard Land Zone” (subsection HAL36.1), a summer cottage shall also be permitted.
- b) In addition to the zone provisions of the “Hazard Land Zone” (subsection HAL36.2), the maximum usable floor area for a summer cottage shall be 125 square metres.
- c) Subsection 6.16 (Frontage on an Improved Street) shall not apply.
- d) In lieu of the definition of “Street Line” (subsection 4.95), the southerly boundary of the adjacent right-of-way shall be deemed to be the street line.

DUN37.201 That on the lands identified as having reference to this subsection, the following provisions shall apply:

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

DUN37.202 That, in addition to the permitted uses of the “Light Industrial Zone (ML)” (subsection 24.1), a training and rehabilitation centre shall also be permitted on the lands identified as having reference to this subsection.

# ZONE EXCEPTIONS

## SECTION 12

- DUN37.203 That on the land identified as having reference to this subsection, the following provisions shall apply:
- a) In addition to the permitted uses of the “Rural Industrial Zone (MR)” (subsection 26.1), the following uses shall also be permitted:
    - i) contractor’s yard, as defined herein:

“Contractor’s Yard” shall mean a yard of any building trade or other contractor used as a depot for the storage and maintenance of equipment used by the contractor, such as excavating equipment and septic service equipment. Also includes the stockpiling or storage of materials and supplies used by the contractor;
    - ii) sale of pipes, fittings and culverts as an accessory use to a contractor’s yard;
    - iii) industrial garage;
    - iv) municipal recyclable processing area, as defined herein:

“Municipal Recyclable Processing Area: shall mean an area used for the separating, baling and compacting of recyclables under a municipal collection program.
- DUN37.204 That on the land identified as having reference to this subsection, the following provisions shall apply:
- a) In addition to the permitted uses of the “Hazard Land Zone (HL)” (subsection HAL36.1) a summer cottage shall be permitted in accordance with the following:

Minimum Interior Side Yard	1.2 metres
Maximum Building Height	11 metres
Minimum Usable Floor Area	65 square metres
  - b) Subsection 6.16 (Frontage on an Improved Street) shall not apply to a summer cottage within the limits of the “Hazard Land Zone (HL).”
- DUN37.205 That, notwithstanding the provisions of subsection 6.15 (Number of Dwelling Houses per Lot) and subsection 4.27 (“Dwelling House”), and in addition to the permitted uses of the “Agricultural Zone (A)” (subsection 30.1), on the lands identified as having reference to this subsection a maximum of two one family dwelling houses shall be permitted, of which one dwelling house may be a mobile home.
- DUN37.206 That, in addition to the permitted uses of the “Rural Commercial Zone (CR)” (subsection 21.1); an industrial garage shall also be permitted on the lands identified as having reference to this subsection.

# ZONE EXCEPTIONS

## SECTION 12

- DUN37.207 That, in addition to the permitted uses of the “Hazard Land Zone (HL)” (subsection HAL36.1); a parking lot shall also be permitted on the lands identified as having reference to this subsection.
- DUN37.208 That on the lands identified as having reference to this subsection, the following provisions shall apply:
- a) In lieu of the permitted uses of the “Urban Residential Type 4 Zone (R4)” (subsection 11.1), uses of the subject lands shall be limited to:
    - i) a maximum of fifty (50) one family dwelling houses
    - ii) a place of recreation and private club located on the same lot as a one family dwelling house
  - b) In lieu of subsection 11.2 (Zone Provisions) development of the lands shall be in accordance with the following:
    - i) Minimum Lot Area 43,000 square metres
    - ii) Minimum Lot Frontage 250 metres
    - iii) Minimum Yard Requirements
      - a) front yard 6 metres
      - b) interior side yard 6 metres
      - c) rear yard 15 metres
    - iv) Maximum Building Height 11 metres
    - v) Minimum Usable Floor Area 70 square metres per dwelling unit
    - vi) Minimum Elevation for Any Geodetic External Openings to a survey of Canada Datum Dwelling House 176.5 metres above sea level,
    - vii) Minimum Services every dwelling unit shall be connected to a public water system and a public sanitary sewer system.
  - c) Notwithstanding subsection 6.8 (Accessory Uses to Residential Uses) and subsection 6.21 (Building Separation From Railways) any building or structure which is accessory to a permitted use may be located within any yard but not less than 1.0 metre to any lot line.
- DUN37.209 That on the lands delineated as having reference to this subsection, the following provisions shall apply:
- a) Subsection 6.16, Frontage on an Improved Street, shall not apply.
  - b) In lieu of the definition of “FRONT LOT LINE” (subsection 4.52.1), the northerly boundary of the said subject lands shall be deemed to be the front lot line.
- DUN37.210 That notwithstanding the permitted uses of the ‘Rural Commercial Zone (CR)’ (Subsection 21.1), the permitted uses on the lands identified as having reference to this subsection shall be limited to the following:
- i) farm implement sales and service establishment and may include open storage accessory thereto;
  - ii) farm.

# ZONE EXCEPTIONS

## SECTION 12

- DUN37.211 That on the lands delineated as having reference to this subsection, the following provisions shall apply:
- a) In addition to the permitted uses of the “Hazard Land Zone (HL)” (subsection HAL36.1) a one family dwelling house shall also be permitted.
  - b) In lieu of subsection HAL36.2 (Zone Provisions) development of the lands shall be in accordance with the following:
    - i) Minimum Lot Area 348 square metres
    - ii) Minimum Lot Frontage 8.5 metres
    - iii) Minimum Yard Requirements
      - a) left interior side yard 0.2 metres
      - b) right interior side yard 2.5 metres
      - c) front yard 4.7 metres
      - d) rear yard 11.5 metres
    - iv) Maximum Building Height 11 metres
    - v) Maximum Usable Floor Area 173 square metres
    - vi) Minimum Elevation for Any Dwelling House 178.75 metres above External Openings to a sea level, C.G.D.
- DUN37.212 a) Notwithstanding the permitted uses of the “Service Commercial Zone (CS)” (subsection 17.1), permitted uses are limited to the following:
- i) vehicle sales and rental establishment and may include open storage accessory thereto, subject to the following provisions:
    - a) In lieu of subsection 17.2 (c) (interior side yard), the following provisions shall apply:
 

Minimum Left Interior Side Yard	3 metres
Minimum Right Interior Side Yard	0.1 metres
  - ii) any use permitted in the “Urban Residential Type 2 Zone (R2)” is permitted on the same lot as a vehicle sales establishment, in accordance with the following provisions:
    - a) Minimum Lot Area 1000 square metres
    - b) Minimum Lot Frontage 20 metres
    - 06/00 04/01 12/99 06/00
    - c) Minimum Yard Requirements:
 

Front Yard	5 .5 metres
Left Interior Side Yard	3 metres
Right Interior Side Yard	1.2 metres
Rear Yard	9 metres
    - d) Maximum Building Height 11 metres
- DUN37.213 That, in addition to the permitted uses of the “General Commercial Zone (CG)” (subsection 16.1), a custom workshop shall also be permitted on the lands identified as having reference to this subsection.



# ZONE EXCEPTIONS

## SECTION 12

DUN37.214 That, on the lands delineated as having reference to this subsection, the following provisions shall apply:

- a) In lieu of the permitted uses of the “Seasonal Residential Zone (RS)”, permitted uses shall be limited to a summer cottage.
- b) Subsection 6.16 (Frontage on an Improved Street) shall not apply.
- c) In lieu of the definition of “Street Line” (subsection 4.95), the southerly boundary of the 20 foot wide right-of-way traversing the subject lands shall be deemed to be the street line.
- d) In lieu of the provision of the “Seasonal Residential Zone (RS)” for Minimum Rear Yard (subsection 15.2(c)(iv)), the following provision shall apply:
  - i) Minimum Rear Yard 40 metres

DUN37.215 That, on lands delineated as having reference to this subsection, the following provisions shall apply:

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

DUN37.216 (a) That in addition to the permitted uses of the “Hamlet Residential Zone (RH)”(subsection 14.1), the following uses shall also be permitted:

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

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

# ZONE EXCEPTIONS

## SECTION 12

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

DUN37.217 That in lieu of subsection 26.2 (c) (Minimum Yard Requirements), the following provisions shall apply:

- (i) front yard 1 metre
- (ii) exterior side yard 1 metre
- (iii) interior side yard 1 metre
- (iv) rear yard 1 metre

DUN37.218 a) That, notwithstanding the permitted uses of the “General Commercial Zone (CG)” (subsection 16.1), the permitted uses on the lands identified as having reference to this subsection shall be limited to the following:

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

For the purposes of this by-law “supermarket” shall mean a building possessing a minimum gross leasable floor area of 2787 metres squared, in which the main use is the retail sale of a balanced line of goods such as canned, bottled, packaged and frozen foods, fresh meat and poultry, fish, fresh fruits and vegetables, prepared food products, bakery products, dairy products, candy and confectionary and other food products. In addition, newspapers, magazines, paper products, soft drinks, tobacco products, health and beauty aids, housewares, flowers and plants and other non-food items may be sold. Services may also be offered for sale provided that they are subordinate to the main use.

# ZONE EXCEPTIONS

## SECTION 12

- (ii) One tires/batteries/accessories retail store, such as but not limited to Canadian Tire, possessing a minimum floor area of no less than 2320 metres squared of gross leasable floor area.
  - b) The permitted uses of the subject lands shall not be interpreted to include a department store or retail warehouse, such as but not limited to Wal-Mart, Zellers, Costco, Home Depot or Business Depot.
  - c) Any building or structure shall have its lowest opening above 176.9 metres above sea level, Geodetic Survey of Canada Datum.
- DUN37.219
  - a) That in addition to the permitted uses of the “Neighbourhood Institutional Zone (IN)” (subsection 32.1), the following use shall also be permitted:
    - (i) Training and Rehabilitation Centre, as defined herein:

“Training and Rehabilitation Centre” shall mean an area of land, building or part of a building where facilities are provided and operated by social or public agencies for the rehabilitation and training of physically or developmentally handicapped persons, but may not include living quarters for the accommodation of such persons.
    - b) In lieu of subsection 32.2(c)(i) (minimum Front Yard) and subsection 32.2(c)(iii) (Interior Side Yard), the following provisions shall apply:

(i)	Minimum Front Yard	4.4 metres
(ii)	Minimum Right Interior Side Yard	2 metres
(iii)	Minimum Left Interior Side Yard	3 metres
    - c) In lieu of subsection 6.22(c) (Projection of Structures into Required Yard) an unenclosed porch may project into the required front yard a distance of not more than 4.4. metres.
- DUN37.220
  - a) That in addition to the permitted uses of the “Urban Residential Type 2 Zone (R2)” (subsection 9.1), a “Group Home” shall also be permitted.
  - b) Notwithstanding subsection 4.40 (“GROUP HOME”), a “Group Home” shall mean a dwelling house that is licensed or funded under an Act of Parliament or Canada or the Province of Ontario for the accommodation of up to 4 persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social or physical condition, require a group living environment for their well-being.
- DUN37.221
  - That on the lands delineated by this subsection, the following provisions shall apply:
    - a) The provisions of subsection 6.16 (Frontage on an Improved Street) shall not apply;

# ZONE EXCEPTIONS

## SECTION 12

- b) Notwithstanding the provisions of subsection 23.2(b) (Minimum Lot Frontage) the following shall apply in lieu thereof:

Minimum Lot Frontage – 0 metres;

- c) In addition to the provisions of subsection 23.1 (Permitted Uses) the following uses shall also be permitted:
  - i. marine craft salvage yard;
  - ii. dry dock facilities, boat repair shop and other marine trades;
  - iii. boathouse.

DUN37.222 That on the lands delineated by this subsection, the following provisions shall apply:

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

DUN37.223 That on the lands delineated by this subsection, the following provisions shall apply:

- 1) In addition to the permitted uses of the “Seasonal Residential Zone (RS)” a one family dwelling house shall also be permitted
- 2) In lieu of subsection 15.2(c)(iv) (Minimum Rear Yard) the minimum rear yard shall be 47.5 metres
- 3) In lieu of subsection 4.52.2 (Rear Lot Line) the rear lot line shall be the “Water’s Edge November 3, 2000” as identified on Schedule DUN37.223.1, being Surveyors Real Property Report prepared by Rasch & Chambers Ltd., dated November 24, 2000.

DUN37.224a That on the lands delineated by this subsection, the following provisions shall apply in lieu of subsection 5.3 (More than One Zone on a Lot):

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

DUN37.224b That on the lands delineated by this subsection, the following provisions shall apply:

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

# ZONE EXCEPTIONS

## SECTION 12

- b) two family dwelling house in accordance with the provisions of the R2 Zone
- c) three family dwelling house in accordance with the following provisions:
  - (i) minimum lot area 800 square metres
  - (ii) minimum lot frontage 20 metres
  - (iii) minimum yard requirements:
    - front yard 6 metres
    - exterior side yard 3.3 metres
    - interior side yard 4.5 metres
    - rear yard 13 metres
  - (iv) maximum building height 11 metres
- d) Notwithstanding the provisions of subsection 6.8(c), no building or structure, which is accessory to a permitted three family dwelling house shall occupy more than 18% of the lot area, exclusive of any lot area occupied by a swimming pool.

DUN37.225

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

- a) That the maximum building height provisions of the R1 zone subsection 8.2(d), shall not apply to the lands identified as having reference to this subsection and more accurately shown as Part 1 on Schedule DUN37.225 and the following shall apply in lieu thereof:

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

- b) That a minimum setback of 37 metres from the edge of the railway right-of-way shall apply to the construction of dwellings on the lands identified as having reference to this subsection and more accurately shown as Part 2 on Schedule DUN37.225.

And further, notwithstanding Section 6.8(b) of By-Law 1-DU 80, Accessory Uses to Residential Uses, for the lands shown as Part 2 on Schedule DUN37.225, accessory structures such as unenclosed decks, garages and sheds are permitted within the minimum yard of 37 metres in compliance with the setback requirements for accessory structures to residential uses in By-Law 1-DU 80.

- c) That a minimum setback of 37 metres from the edge of the railway right-of-way and a minimum rear yard of 7.5 metres shall apply to the lands identified as having reference to this subsection and more accurately shown as Part 3 on Schedule DUN37.225.
- d) That the minimum rear yard provision of the R1 zone (subsection 8.2(c)(iv)), shall not apply to the lands identified as having reference to this subsection and more accurately shown as Part 4 on Schedule DUN37.225 and the following shall apply in lieu thereof:

# ZONE EXCEPTIONS

## SECTION 12

Minimum Rear Yard: 7.5 metres

- e) That for the sole purpose of calculating lot frontage, lot frontage shall be determined using the definition of lot frontage (subsection 4.51) with a front yard setback of 9 metres for all lands identified as the subject lands on Schedule DUN37.225.

DUN37.226 That the following provisions shall apply to the land delineated by this subsection:

- a) The permitted uses of the “Agricultural Zone (A)” (Subsection 30.1) shall not apply and that a summer cottage shall be permitted;
- b) The provisions of Subsection 6.16 (Frontage on an Improved Street) shall not apply;
- c) In lieu of the definition of “STREET LINE” (subsection 4.95), the northerly boundary of the adjacent right-of-way shall be deemed to be the street line.

DUN37.228 Development of the lands delineated by this subsection shall occur in accordance with the provisions of the “Agricultural Zone (A)”, subject to the following:

- a) In addition to the provisions of Subsection 6.8.1(a) (Accessory Uses to Residential Uses), a maximum of one (1) residential accessory building is permitted to have a maximum building height of 10.6 metres;
- b) Notwithstanding the provisions of Subsection 30.1 (Permitted Uses), the keeping of livestock is not permitted;
- c) That Schedule DUN37.228.1 be added to Section DUN37.

DUN37.229 That in addition to the permitted uses of the “Urban Residential – Type 3 (R3)” zone (Subsection 10.1) an assembly hall with a maximum floor area of 92 square metres may also be permitted within the existing dwelling.

DUN37.230 That the lands delineated as having reference to this subsection the following provisions shall apply:

- a) That subsection 6.16 (Frontage on an Improved Street) shall not apply;
- b) In lieu of the definition of “STREET LINE” (Subsection 4.95) the south-easterly boundary of the adjacent right-of-way shall be deemed to be the street line;
- c) Notwithstanding Subsection 15.2(b) of the “Seasonal Residential (RS)” zone, the Minimum Lot Frontage requirement shall be 20 metres;

# ZONE EXCEPTIONS

## SECTION 12

- d) no buildings or structures shall be erected within the 100 year erosion limit as identified by the Niagara Peninsula Conservation Authority.

DUN37.231 That the following provisions shall apply on the lands delineated by this subsection:

- a) For the purposes of this section of DUN37.231, the following special provisions shall apply to Parcels '1' and '2', shown on Map B, inclusive of one another and prior to subdivision:

- i) the minimum lot area shall be 611.25 square metres;
- ii) the minimum lot frontage shall be 16.71 metres;
- iii) the minimum exterior side yard shall be 4.26 metres;
- iv) the minimum rear yard shall be 6.7 metres;
- v) an unenclosed porch may project 1.52 metres into the front yard;
- vi) an unenclosed porch may project 1.52 metres into the exterior side yard.

- b) For the purposes of this section of DUN37.231, the following special provisions shall apply to Parcels '1' and '2', shown on Map B, exclusive on one another and subdivided for the purpose of separate ownership:

### Parcel 1

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

### Parcel 2

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

DUN37.232 That on the lands delineated as having reference to this subsection the following provisions shall apply:

- a) That notwithstanding the provisions of Subsection 31.1, Community Institutional (IC) Zone – Permitted Uses, the uses permitted shall be limited to the following:

- i) Hospital
- ii) Clinic
- iii) Nursing Home
- iv) Retirement Home
- v) Apartment dwelling house
- vi) Uses accessory thereto

- b) That in lieu of Section 31.2 (c)(iii) of the Community Institutional (IC) zone, the minimum interior side yard setback (left) shall be 0 metres for the portion of the interior side yard which intersects and is

# ZONE EXCEPTIONS

## SECTION 12

perpendicular to Lock Street West, commencing at a point 47 metres north of the front property line and extending a distance of 27.5 metres to the north of that point.

c) That in lieu of Section 31.2 (c)(i) of the Community Institutional (IC) zone, the minimum front yard setback for a parking lot canopy shall be 6.2 metres.

d) That for the purposes of this By-law, 'retirement home' shall be defined as follows:

"A complex for seniors which offers some personal care assistance to residents as well as a comprehensive services package including but not limited to meals, housekeeping, activities, transportation and security."

e) That in lieu of Section 7 – Off-Street Parking, the minimum number of off-street parking spaces shall be 90.

DUN37.233 That the following provisions shall apply on the lands delineated by this subsection:

a) In lieu of subsection 11.2.2 (c)(iv), minimum yard requirements for Group Townhouses, Two, Three and Four Family Dwelling Houses, the minimum rear yard setback shall be 6.7 metres.

b) In lieu of subsection 6.22 (d), Exemptions from Yard Provisions, unenclosed patios and decks above the finished grade of the lot may project a maximum of 2.5 metres into a required yard.

c) A maximum of 35 dwelling units only shall be permitted on the subject lands. *(This subsection added by OMB order)*

DUN37.234 That the following provisions shall apply on the lands delineated by this subsection:

a) Subsection 6.16, Frontage on an Improved Street, shall not apply.

DUN37.235 That on the lands delineated as having reference to this subsection the following provisions shall apply:

a) That Subsection 6.16 (Frontage on an Improved Street) shall not apply.

b) In lieu of the definition of 'Street Line' (Subsection 4.95) the southerly boundary of the adjacent right-of-way shall be deemed to be the street line.

c) Notwithstanding Subsection 15.2 (b) of the 'Seasonal Residential Zone (RS)', the minimum lot frontage shall be 11.97 metres (39.27 feet).



# ZONE EXCEPTIONS

## SECTION 12

- d) No buildings or structure shall be erected within the revised 100 year erosion limit, herein identified by the Niagara Peninsula Conservation Authority as being located 34 metres inland from the toe of the bank of Lake Erie, unless adequate shoreline protection is established prior to construction.
- DUN37.236 That on the lands delineated as having reference to this subsection the following provisions shall apply:
- a) In lieu of the provisions of Subsection 6.8.1 (a), Accessory Uses to Residential Uses, a maximum of one (1) residential accessory building is permitted to have a maximum building height of 7.92 metres (26 feet).
- DUN37.237 That on lands delineated as having reference to this subsection the following provisions shall apply:
- a) That in addition to the permitted uses of Subsections DUN37.42 and DUN37.194-B, a tent and trailer park shall also be permitted.
- b) That for the purposes of this By-law a maximum of 50 tent and trailer lots shall be permitted, the use of which shall be limited to individuals of groups directly associated with the use of the skydiving operation located on the subject lands on the date of this By-law.
- c) That should the skydiving operation cease to exist as an operational business, 'tent and trailer park' shall be discontinued as a permitted use.
- d) That Subsection 6.16 (Frontage on an Improved Street) shall not apply.
- DUN37.238 That on the lands delineated as having reference to this subsection, the following provisions shall apply:
- a) In lieu of the permitted uses of the 'General Commercial (CG)' zone, the subject lands shall only be used for the retail sale of pet products, garden products, agricultural products and the processing and warehousing of feed.
- DUN37.239 Appealed to OMB
- DUN37.240
- i) That the minimum lot area for Parcel 1 on Schedule DUN37.240 shall be 0.59 hectares, after subdivision has taken place.
- ii) That the minimum lot area for Parcel 2 on Schedule DUN37.240 shall be 0.59 hectares, after subdivision has taken place.

# ZONE EXCEPTIONS

## SECTION 12

- iii) That the minimum lot area for Parcel 3 on Schedule DUN37.240 shall be 1.19 hectares, after subdivision has taken place.

DUN37.241 That on the lands delineated as having reference to this subsection the following provisions shall apply:

- a) Parcel 1 on Schedule DUN37.241.1.
- b) In lieu of Subsection 30.2 (d) (ii), Minimum Yard Requirements, an exterior side yard setback of 12 metres is permitted for the existing dwelling unit located on Parcel 2 on Schedule DUN37.241.1.<sup>266</sup>

DUN37.242 *This section not used, application refused.*

DUN37.243 That the provisions of Subsection 9.2 (c) (iv) Minimum rear yard shall not apply to the lands identified as having reference to this subsection, and the following shall apply in lieu thereof:

- a) Minimum rear yard: 6.7 metres

DUN37.244 That the provisions of Subsection 9.2 (c) (iv) Minimum rear yard shall not apply to the lands identified as having reference to this subsection, and the following shall apply in lieu thereof:

- a) Minimum rear yard: 4.9 metres

DUN37.245 That the provisions of subsection 8.2 (a) Minimum Lot Area shall not apply to the lands identified as having reference to this subsection, and the following shall apply in lieu thereof:

- a) Minimum lot area 366 square metres
- b) Minimum lot frontage 11.6 metres
- c) Minimum useable floor area 65 square metres.

DUN37.246 i) That notwithstanding the permitted uses of the 'Community Institutional (IC)' zone, subsection 31.1, uses shall be limited to the following and shall only be permitted within the existing dwelling structure, with the exception of a parking lot:

- a) clinic
- b) health care offices
- c) retirement home
- d) uses accessory thereto.

ii) That for the purposes of this By-Law, a 'retirement home' shall be defined as follows:

"A complex for seniors which offers some personal care assistance to residents as well as a comprehensive services package including but not limited to meals, housekeeping, activities, transportation and security."

# ZONE EXCEPTIONS

## SECTION 12

- iii) That for the purposes of this By-law, 'health care offices' shall be defined as follows:  
"A building or part of a building used in administrating, directing, managing or conducting the affairs of the hospital and various health care-related agencies, groups and foundations."
  - iv) That any parking lot which is to be operated in conjunction with the hospital campus shall be located within the rear yard of the subject lands and shall be subordinate to another use on those lands.
- DUN37.247
- i) That notwithstanding the permitted uses of the 'Community Institutional (IC)' zone, subsection 31.1, uses shall be limited to the following and shall only be permitted in the existing dwelling structure:
    - a) clinic
    - b) health care offices
    - c) uses accessory thereto.
  - ii) That for the purposes of this By-law, 'health care offices' shall be defined as follows:  
"A building or part of a building used in administrating, directing, managing or conducting the affairs of the hospital and various health care-related agencies, groups and foundations."
- DUN37.248
- i) That in addition to the permitted uses in Subsection 31.1 of the 'Community Institutional (IC)' zone, a boarding or lodging house is also permitted.
  - ii) That a maximum of ten (10) guest rooms will be permitted.
  - iii) That Subsection 6.16, Frontage on an Improved Street, shall not apply.
- DUN37.250
- i) That notwithstanding the permitted uses in the 'Community Institutional (IC)' zone, subsection 31.1, uses shall be limited to a nursing home, health care offices and uses accessory to a nursing home.
  - ii) That for the purposes of this By-law, 'health care offices' shall be defined as follows:  
"A building or part of a building used in administrating, directing, managing or conducting the affairs of the hospital and various health care-related agencies, groups and foundations."
  - iii) That in lieu of Section 7, the minimum number of off-street parking spaces shall be 22.
  - iv) That in lieu of Section 31.2 (c)(iii), the minimum interior side yard (right) shall be 0 metres for the portion of the interior side yard which intersects and is perpendicular to Lock Street West, commencing at a

# ZONE EXCEPTIONS

## SECTION 12

point 7.5 metres north of the front property line and extending a distance of 14.5 metres to the north of that point.

DUN37.251 That on the lands delineated as having reference to this subsection the following provisions shall apply:

- a) That in lieu of Section 31.2 (c)(iii) of the 'Community Institutional (IC)' zone, the minimum interior side yard (right) shall be 0 metres for the portion of the interior side yard which intersects and is perpendicular to Lock Street West, commencing at a point 45 metres north of the front property line and extending a distance of 29.5 metres to the north of that point.
- b) That in lieu of Section 31.2 (c)(iii) of the 'Community Institutional (IC)' zone, the minimum interior side yard (right) shall be 0 metres for the portion of the interior side yard which intersects and is perpendicular to Lock Street West, commencing at a point 7.5 metres north of the front property line and extending a distance of 14.5 metres to the north of that point.
- c) That in lieu of Section 31.2 (c)(iv) of the 'Community Institutional (IC)' zone, the minimum rear yard setback shall be 6.4 metres.
- d) That notwithstanding the provisions of Subsection 31.1, 'Community Institutional (IC)' zone – Permitted Uses, health care offices shall also be permitted.
- e) That for the purposes of this By-law, 'health care offices' shall be defined as follows:

“A building or part of a building used in administrating, directing, managing or conducting the affairs of the hospital and various health care-related agencies, groups and foundations.”
- f) That in lieu of Section 7 – Off-Street Parking, the minimum number of off-street parking spaces shall be 62.

DUN37.252 That on lands delineated as having reference to this subsection the following provision shall apply:

- a) The keeping of livestock shall be prohibited in the existing livestock facility located on the subject lands on the date of the passing of this by-law.

DUN37.253 i) That in lieu of Section 9.2 (a), the minimum lot area for an interior lot shall be 588 square metres.

- ii) That in lieu of Section 9.2 (a), the minimum lot area for a corner lot shall be 597 square metres.

# ZONE EXCEPTIONS

## SECTION 12

- iii) That in lieu of Section 9.2 (a), the minimum lot area for a subdivided lot shall be 294 square metres.
- iv) That in lieu of Section 9.2 (c)(ii), the minimum exterior side yard shall be 2 metres.
- v) That in lieu of Section 9.2 (c)(iii), the minimum interior side yard shall be 1.2 metres.
- vi) That in lieu of Section 9.2 (c)(iv), the minimum rear yard setback shall be 6 metres.

DUN37.254 The following provisions shall apply to the lands identified as Part 1 on Schedule DUN37.254:

- i) That in lieu of Section 9.2 (a), the minimum lot area for an interior lot shall be 528 square metres.
- ii) That in lieu of Section 9.2 (a), the minimum lot area for a corner lot shall be 638 square metres.
- iii) That in lieu of Section 9.2 (a), the minimum lot area for a subdivided lot shall be 264 square metres.
- iv) That in lieu of Section 9.2 (c)(i), the minimum front yard setback shall be 4 metres for the dwelling and 6 metres for the attached garage.
- v) That in lieu of Section 9.2 (c)(ii), the minimum exterior side yard shall be 5 metres.
- vi) That in lieu of Section 9.2 (c)(iii), the minimum interior side yard shall be 1.2 metres.
- vii) That in lieu of Section 9.2 (c)(iv), the minimum rear yard setback shall be 6 metres.

### **PART 2 REPEALED AND REPLACED BY DUN37.313**

DUN37.255 i) That in addition to the permitted uses in Subsection 15.1 of the 'Seasonal Residential (RS)' zone, a one family dwelling house is also permitted.

DUN37.256 i) That in addition to the permitted uses in Subsection 24.1 of the 'Light Industrial (ML)' zone, a movie rental establishment is also permitted.

ii) That in lieu of Subsection 24.2(c)(ii), 'Zone Requirements' of the 'ML' zone, the minimum exterior side yard setback shall be 3 metres.

iii) That for the purpose of this By-law, the lot line parallel to and abutting Broad Street East shall be deemed to be the front property line.

# ZONE EXCEPTIONS

## SECTION 12

- DUN37.257 That on the lands delineated as having reference to this subsection the following provisions shall apply:
- a) That Subsection 6.16 (Frontage on an Improved Street) shall not apply.
- DUN37.258 *This section not used, application refused.*
- DUN37.259 That on lands delineated as having reference to this subsection the following provision shall apply:
- a) The keeping of livestock shall be prohibited in the existing livestock facility located on the subject lands on the date of the passing of this by-law.
- DUN37.260 The following provisions shall apply to the lands identified as Part 1 on Map 'B':
- a) That in lieu of Subsection 14.2 (a) of the 'Hamlet Residential (RH)' zone, the minimum lot area shall be 1,500 m<sup>2</sup>.
  - b) That Subsection 6.16 (Frontage on an Improved Street) shall not apply.
- DUN37.261 That on lands delineated as having reference to this subsection the following provision shall apply:
- a) The keeping of livestock shall be prohibited in the existing livestock facility located on the subject lands on the date of the passing of this by-law.
- DUN37.262 i) That in addition to the permitted uses in Subsection 15.1 of the 'Seasonal Residential (RS)' zone, a one family dwelling house is also permitted.
- DUN37.263 That on the lands delineated as having reference to this subsection the following provisions shall apply:
- i) That in lieu of Section 31.2 (c)(i), Community Institutional (IC) Zone Provisions – Minimum Yard Requirements, the minimum front yard setback shall be 5.29 metres;
  - ii) That in lieu of Section 31.2 (c)(iii), Community Institutional (IC) Zone Provisions – Minimum Yard Requirements, the minimum interior side yard setback shall be 0.02 metres;
  - iii) That in lieu of Section 31.2 (d), Community Institutional (IC) Zone Provisions, the maximum building height shall be 24 metres;
  - iv) That in lieu of Section 6.10 (a), Accessory Uses to Non-Residential Uses, the minimum interior side yard setback for an accessory structure shall be 1.38 metres;

# ZONE EXCEPTIONS

## SECTION 12

- v) That in lieu of Section 6.22 (c), Exemptions From Yard Provisions, steps may encroach a maximum of 5.29 metres into the front yard setback; and
  - vi) That in lieu of Section 7.8 (k), Number of Parking Spaces – Non-Residential, the minimum number of parking spaces required shall be 15.
- DUN37.264 That on the lands delineated as having reference to this subsection the following provisions shall apply:
- i) That Subsection 6.16 (Frontage on an Improved Street) shall not apply.
  - ii) In lieu of the definition of ‘Street Line’ in Subsection 4.95, the southerly boundary of the adjacent right-of-way shall be deemed to be the street line.
  - iii) That in addition to the permitted uses in Subsection 15.2 (b) of the ‘Seasonal Residential (RS)’ zone, the minimum lot frontage shall be 11.97 metres.
- DUN37.265 That on the lands delineated as having reference to this subsection the following provisions shall apply:
- i) That notwithstanding the provisions of Subsection 26.1, Rural Industrial (MR) Zone – Permitted Uses, the uses permitted shall be limited to grain bins.
  - ii) That notwithstanding the provision of Subsection 26.2 (d), Rural Industrial (MR) Zone- Zone Provisions, the maximum building height shall be 17 metres.
- DUN37.266
- i) That in addition to the permitted uses in Subsection 26.1 of the Rural Industrial (MR) zone, a take-out restaurant is also permitted;
  - ii) That in lieu of Subsection 26.2 (c)(i), Rural Industrial (MR) Zone – Zone Provisions, the minimum front yard setback shall be 9 metres;
  - iii) That in lieu of Subsection 26.2 (c)(iii), Rural Industrial (MR) Zone – Zone Provisions, the minimum interior side yard (right) setback shall be 0 metres;
  - iv) That the reductions to the Zone Provisions shall apply to only the take-out restaurant existing on the date of passage of this by-law.
- DUN37.267
- i) That in addition to the permitted uses in Subsection 15.1 of the ‘Seasonal Residential (RS)’ zone, a one family dwelling house is also permitted.

# ZONE EXCEPTIONS

## SECTION 12

- DUN37.268 That on the lands delineated as having reference to this subsection the following provisions shall apply:
- i) That in lieu of Section 9.2 (b) of the 'Urban Residential Type 2 (R2)' zone, the minimum lot frontage shall be 19.59 metres.
  - ii) That in lieu of Section 9.2 (c)(iii) of the 'Urban Residential Type 2 (R2)' zone, the minimum interior side yard setback shall be 1.2 metres.
  - iii) That in lieu of Section 9.2 (c)(iv) of the 'Urban Residential Type 2 (R2)' zone, the minimum rear yard setback shall be 8 metres.
- DUN37.269 The following provisions shall apply to the lands identified on Schedule DUN37.269:
- i) That in lieu of Section 11.2.1 (c)(iii) of the 'Urban Residential Type 4 (R4)' zone, the minimum interior side yard setback shall be 1.52 metres.
- DUN37.270 The following provisions shall apply to the lands identified as Part 1 on Schedule DUN37.270:
- i) That in lieu of Subsection 14 (b) of the 'Hamlet Residential (RH)' zone, the minimum lot frontage shall be 28 metres.
  - ii) That in lieu of Subsection 14 (c)(i) of the 'Hamlet Residential (RH)' zone, the exterior side yard setback shall be 3.46 metres for the dwelling existing on the date of passing of this by-law.
- The following provisions shall apply to the lands identified as Part 2 on Schedule DUN37.270:
- i) That all development be set back a minimum of 15 metres from the edge of the watercourse traversing the east portion of the subject lands.
  - ii) That the 15 metres development setback shall remain undisturbed as a naturalized buffer and that any changes to the naturalized state shall be approved by the Niagara Peninsula Conservation Authority.
- DUN37.271 That on the lands delineated as having reference to this subsection the following provisions shall apply:
- a) The keeping of livestock shall be prohibited on the subject lands.
  - b) That in lieu of Subsection 6.8.1 (a) 'Accessory Uses to Residential Uses', the maximum building height shall be 9.75 metres for the former livestock facility existing on the date of passage of this by-law.
- DUN37.272 That on lands delineated as having reference to this subsection the following provision shall apply:



# ZONE EXCEPTIONS

## SECTION 12

- 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.
- DUN37.273 That on lands delineated as having reference to this subsection the following provision shall apply:
- a) That in lieu of Subsection 6.15 'Number of Dwelling Houses Per Lot', a maximum of two (2) dwelling houses shall be permitted.
- DUN37.275 The following provisions shall apply to the lands identified as Parts 2 and 3 on Schedule DUN37.275:
- a) That in lieu of Section 29.2 (a) of the 'Special Industrial' zone, the minimum lot area shall be 1.2 hectares.
- b) That in lieu of Section 29.2 (b) of the 'Special Industrial' zone, the minimum lot frontage shall be 38 metres.
- c) That in lieu of 29.2 (e) of the 'Special Industrial' zone, the minimum setback between the existing abattoir and the dwelling to the immediate north existing on the date of passage of this by-law, shall be 55 square metres.
- d) That the maximum useable floor area of an abattoir shall be 440 m<sup>2</sup>.
- DUN37.276 i) That in addition to the permitted uses in Subsection 9.1 of the 'Urban Residential Type 2 (R2)' zone, a medical clinic for a single general practitioner is also permitted.
- ii) That in lieu of Section 8.2 (c)(iii) of the 'Urban Residential Type 1 (R1)' zone, the minimum interior side yard (right) setback shall be 1.06 metres.
- DUN37.277 The following provisions shall apply to the lands identified as Parts 1 and 2 on Map 'B':
- a) That in addition to the permitted uses in Subsection 15.1 of the 'Seasonal Residential (RS)' zone, a one family dwelling house is also permitted.
- b) That in lieu of Subsection 15.2(c)(i) Zone Provisions of the 'Seasonal Residential (RS)' zone, the front yard setback shall be 5.1 metres for the dwelling existing on the date of passing of this by-law.
- DUN37.278 i) That in addition to the permitted uses in Subsection 15.1 of the 'Seasonal Residential (RS)' zone, a one family dwelling house is also permitted.
- DUN37.279 The following provision shall apply to the lands identified as Part 2 on Schedule DUN37.279:

# ZONE EXCEPTIONS

## SECTION 12

- a) That in lieu of Section 30.2(b) – General Zone Provisions of the ‘Agricultural (A)’ zone, the minimum lot frontage shall be 20 metres.

DUN37.280 That notwithstanding the provisions of Section 30.1 – Permitted Uses of the ‘Agricultural (A)’ zone, a one family dwelling house is not permitted.

DUN37.282 A) Permitted Uses:

On the lands having reference to this subsection, the following uses shall be permitted:

- i) One General Merchandise Store;
- ii) Retail Establishments;
- iii) Service Commercial Uses permitted in Subsection 17.1 (Service Commercial Zone);
- iv) Personal Service Shop;
- v) Bank

B) General Regulations:

In addition to the applicable regulations contained in Section 6 (General Provisions), the following regulations shall also apply to lands having reference to this subsection:

- i) The maximum Gross Commercial Floor Space (GCFS) of all buildings, structures and uses shall be 11,612.5 sq. m.;
- ii) The maximum GCFS of the General Merchandise Store shall be 8,361 sq. m.;
- iii) The maximum GCFS dedicated to the sale and display of food items in the General Merchandise Store shall be 745 sq. m.;
- iv) In the buildings not containing the General Merchandise Store:
  - a) The maximum GCFS dedicated to the sale of Department Store Type Merchandise (DSTM) shall be 1,858 sq. m.;
  - b) The following uses shall be prohibited:
    - i. Pharmacy;
    - ii. Supermarket;
    - iii. Hardware store;
    - iv. Florist shop;
    - v. Jewellery store;
    - vi. Office and stationary supplies store

C) Phase 1 Development Regulations:

- i) A maximum of one (1) building with a maximum GCFS of 8,361 sq. m. for a General Merchandise Store shall be permitted in Phase 1; and,

# ZONE EXCEPTIONS

## SECTION 12

- ii) A maximum of two (2) buildings with a maximum aggregate GCFS of 1,858 sq. m for all other permitted uses (other than a General Merchandise Store) shall be permitted in Phase 1.

### D) Phase 2 Development Regulations:

- i) A maximum of one (1) building with a maximum GCFS of 1,393.5 sq. m. shall be permitted in Phase 2, and
- ii) No business shall be permitted to open to the public in Phase 2 prior to April 1, 2009.

### E) Elevations:

All building openings and first floor areas are to be situated above the Regional Storm elevation of 176.42 m. CGM.

### F) Definitions:

On the lands having reference to this subsection, the following Definitions shall apply:

- i) A “**General Merchandise Store**” shall mean an establishment engaged in a wide range of merchandising, which may include, but not be limited to Department Store Type Merchandise, food store merchandise, restaurant, travel office, eye/vision centre, garden supplies, pharmacy, public garage including automotive service, repair and sale of automotive parts, photographic studio, and film processing.
- ii) “Gross Commercial Floor Space” or “GCFS” means the gross floor area of any buildings measured from the exterior face of the outside walls and excluding ancillary outdoor display areas and ancillary seasonal exterior garden center(s). An ancillary outdoor display area and/or ancillary seasonal exterior garden center shall not be contained within the building or roofed except for a weather protective canopy for the ancillary seasonal exterior garden center and shall not displace required parking, loading, laneways or driveways.

DUN37.284

a) That in lieu of Section 9.2(a) – Zone Provisions of the ‘Urban Residential Type 2 (R2)’ zone, the minimum lot area shall be 490 square metres.

b) That in lieu of Section 9.2(b) – Zone Provisions of the ‘Urban Residential Type 2 (R2)’ zone, the minimum lot frontage shall be 15.7 metres.

c) That in lieu of Section 9.2(c) (i) – Zone Provisions of the ‘Urban Residential Type 2 (R2)’ zone, the minimum front yard setback shall be 1.36 metres.

# ZONE EXCEPTIONS

## SECTION 12

d) That in lieu of Section 9.2(c) (ii) – Zone Provisions of the ‘Urban Residential Type 2 (R2)’ zone, the minimum exterior side yard setback 0.83 metres.

e) That in lieu of Section 7.2.3(a) – Off-Street Parking, a maximum of 4 parking spaces may be permitted in the rear yard.

f) That a maximum driveway width of 6 metres is permitted.

DUN37.285 The following provisions shall apply to the lands identified as Part 1 on Map ‘B’ and Schedule DUN37.285:

a) That in lieu of Section 6.8.1(a) – Accessory Uses to Residential Uses, the maximum permitted height for an accessory building shall be 8.3 metres.

The following provisions shall apply to the lands identified as Part 2 on Map ‘B’ and Schedule DUN37.285:

a) That the keeping of livestock shall be prohibited in the livestock facility existing on the date of passage of this by-law.

b) That in lieu of Subsection 30.2(c) (iii) - Zone Provisions of the ‘Agricultural (A)’ zone, the minimum interior side yard setback shall be 3.2 metres for the storage shed existing on the date of passing of this by-law.

c) That in lieu of Subsection 30.2(c)(iii) - Zone Provisions of the ‘Agricultural (A)’ zone, the minimum interior side yard setback shall be 5.4 metres for the corn crib existing on the date of passing of this by-law.

DUN37.286 a) That in addition to the uses permitted in the ‘Agricultural (A)’ zone, a wind farm is also permitted on the subject lands;

DUN37.287

DUN37.288

DUN37.289

DUN37.290

DUN37.295

b) That for the purposes of this by-law a ‘wind farm’ shall mean a development of a maximum of one (1) or more wind turbines, together with any related appurtenances, intended to provide electricity off-site for sale to an electrical utility, or other intermediaries;

c) That for the purposes of this by-law a ‘wind turbine’ shall mean a structure including tower, nacelle, blades and related appurtenances, designed, erected and maintained under the appropriate qualified supervision, and used for the conversion of wind energy into electricity for sale to an electrical utility or other intermediaries. Installation of a wind turbine shall be limited to a turbine that is 121 metres in height and 8.2 metres in width, or something of the same or lesser height and width. The height of the wind turbine shall be measured from the highest point of the tower, to the lowest grade elevation at the base of the tower;

# ZONE EXCEPTIONS

## SECTION 12

d) The location envelope for the wind turbine is conceptual in nature and will be finalized at the site plan stage without the need for further amendment to this by-law. If the final location for the base of the turbine results in a final location which is outside the location envelope or which contravenes any other setback requirement established in this by-law, then the turbine will not be constructed;

e) That in lieu of Section 30.2(c) – General Zone Provisions of the ‘Agricultural (A)’ zone, the minimum front yard, exterior side yard, interior side yard and rear yard setbacks for a wind turbine shall be 1.0 times the total length of the rotor blade, plus 10.0 metres, but shall not be less than 30 metres;

f) That the minimum setback of a wind turbine from any registered access easement or right-of-way shall be 1.0 times the total length of the rotor blade, plus 10.0 metres, but shall not be less than 30 metres;

g) That the minimum setback of a wind turbine from an on-site residential use shall be 1.25 times the height of the wind turbine or 250 metres, whichever is greater;

h) That the minimum setback of a wind turbine from an existing off-site residential dwelling or existing institutional building shall be the distance from the residential dwelling or institutional building to the perimeter of the location envelope or 300 metres, whichever is greater;

i) That the minimum setback of a wind turbine from all residential and institutional zones shall be the distance from the closest part of the residential or institutional zone to the perimeter of the location envelope or 300 metres, whichever is greater;

j) That the use of the lot for wind turbine structures, accessory buildings and structures, road access, storage areas and any area removed from agricultural production shall not exceed 5% of the lot area;

k) The maximum height for a turbine shall be 121 metres as measured from the base of the tower to the tip of the blade;

l) An obsolete, unsafe and/or non-functioning wind turbine must be removed from the subject lands within six (6) months of the cessation of operations; and

m) The minimum lot size for a wind farm shall be 5 hectares.

DUN37.291 a) That in addition to the uses permitted in the ‘Agricultural (A)’ zone, a wind  
DUN37.292 farm is also permitted on the subject lands;

DUN37.293  
DUN37.294

b) That for the purposes of this by-law a ‘wind farm’ shall mean a  
DUN37.299 development of one (1) or more wind turbines, together with any related appurtenances, intended to provide electricity off-site for sale to an electrical utility, or other intermediaries;

# ZONE EXCEPTIONS

## SECTION 12

- c) That for the purposes of this by-law a 'wind turbine' shall mean a structure including tower, nacelle, blades and related appurtenances, designed, erected and maintained under the appropriate qualified supervision, and used for the conversion of wind energy into electricity for sale to a electrical utility or other intermediaries. Installation of a wind turbine shall be limited to a turbine that is 121 metres in height and 8.2 metres in width, or something of the same or lesser height and width. The height of the wind turbine shall be measured from the highest point of the tower, to the lowest grade elevation at the base of the tower;
- d) The location envelope for the wind turbine is conceptual in nature and will be finalized at the site plan stage without the need for further amendment to this by-law. If the final location for the base of the turbine results in a final location which is outside the location envelope or which contravenes any other setback requirement established in this by-law, then the turbine will not be constructed;
- e) That in lieu of Section 30.2(c) – General Zone Provisions of the 'Agricultural (A)' zone, the minimum front yard, exterior side yard, interior side yard and rear yard setbacks for a wind turbine shall be 1.0 times the total length of the rotor blade, plus 10.0 metres, but shall not be less than 30 metres;
- f) That the minimum setback of a wind turbine from any registered access easement or right-of-way shall be 1.0 times the total length of the rotor blade, plus 10.0 metres, but shall not be less than 30 metres;
- g) That all development be set back a minimum of 15 metres from the edge of the watercourse traversing the subject lands;
- h) That the minimum setback of a wind turbine from an on-site residential use shall be 1.25 times the height of the wind turbine or 250 metres, whichever is greater;
- i) That the minimum setback of a wind turbine from an existing off-site residential dwelling or existing institutional building shall be the distance from the residential dwelling or institutional building to the perimeter of the location envelope or 300 metres, whichever is greater;
- j) That the minimum setback of a wind turbine from all residential and institutional zones shall be the distance from the closest part of the residential or institutional zone to the perimeter of the location envelope or 300 metres, whichever is greater;
- k) That the use of the lot for a wind turbine structure, accessory buildings and structures, road access, storage areas and any area removed from agricultural production shall not exceed 5% of the lot area;
- l) The maximum height for a turbine shall be 121 metres as measured from the base of the tower to the tip of the blade;

# ZONE EXCEPTIONS

## SECTION 12

- m) An obsolete, unsafe and/or non-functioning wind turbine must be removed from the subject lands within six (6) months of the cessation of operations; and
  - n) The minimum lot size for a wind farm shall be 5 hectares.
- DUN37.296
- a) The following provision shall apply to the lands identified as Parts 1 and 2 on Map 'B' and Schedule DUN37.296:
    - i) That in addition to the permitted uses of Section 15.1 – Seasonal Residential (RS) zone, a one family dwelling house is permitted.
  - b) The following provision shall apply to the lands identified as Part 3 on Map 'B' and Schedule DUN37.296:
    - i) That in addition to the permitted uses of Section 26.1 – Rural Industrial (MR) zone, the lands may be used as an access for a concrete products manufacturing operation.
  - c) The following provision shall apply to the lands identified as Parts 3 and 8 on Map 'B' and Schedule DUN37.296:
    - i) That in lieu of Section 26.2 (b) Zone Provisions – Rural Industrial (MR) zone, the minimum lot frontage shall be 10.6 metres.
  - d) The following provision shall apply to the lands identified as Parts 4 and 9 on Map 'B' and Schedule DUN37.296:
    - i) That in lieu of Section 30.2 (b) Zone Provisions – Agricultural (A) zone, the minimum lot frontage shall be 11.6 metres.
  - e) The following provision shall apply to the lands identified as Parts 5 and 6 on Map 'B' and Schedule DUN37.296:
    - i) That in addition to the permitted uses of Section 15.1 – Seasonal Residential (RS) zone, a one family dwelling house is permitted.
  - f) The following provision shall apply to the lands identified as Part 7 on Map 'B' and Schedule DUN37.296:
    - i) That in addition to the permitted uses of Section 15.1 – Seasonal Residential (RS) zone, a one family dwelling house is permitted.
- DUN37.297
- i) That notwithstanding the provisions of Section 30.1 – Permitted Uses of the 'Agricultural (A)' zone, a one family dwelling house is not permitted.

# ZONE EXCEPTIONS

## SECTION 12

- ii) That the keeping of livestock shall be prohibited in the livestock facility existing on the date of passage of this by-law.
  
- DUN37.298 That notwithstanding the provisions of Section 30.1 - Permitted Uses of the 'Agricultural (A)' zone, a one family dwelling house is not permitted.
  
- DUN37.300 That on the lands delineated as having reference to this subsection, Section 8.2(f) Minimum Services – Urban Residential Type 1 (R1) Zone, shall not apply to the lands so that the existing dwelling is permitted without connection to a public sanitary sewer system.
  
- DUN37.301 That in addition to the uses permitted in the “Agricultural (A)” Zone (Section 30) a place of worship may be permitted as an additional use on the lands having reference to this subsection.
  
- DUN37.302 Repealed by By-law 557-HC-08
  
- DUN37.303
  - i) The following provisions shall apply to the lands identified as Part 1 on Map 'B':
    - a) That the keeping of livestock shall be prohibited in the livestock facility existing on the date of passage of this by-law;
    - b) That in lieu of Section 6.8(a) – Accessory Uses to Residential Uses the maximum permitted height of a residential accessory building shall be 6.3 metres.
  - ii) The following provisions shall apply to the lands identified as Part 2 on Map 'B':
    - a) That notwithstanding the provisions of Section 30.1 – Permitted Uses of the 'Agricultural (A)' zone, a one family dwelling house and home occupation are not permitted.
  
- DUN37.304 That on the lands delineated as having reference to this subsection the following provision shall apply:
  - a) THAT Section 5.3 More Than One Zone on a Lot shall not apply to those lands identified as the subject lands on Maps 'A' and 'B', attached to and forming part of the by-law and as described above.
  
- DUN37.305A Notwithstanding Subsection HAL36.1 Hazard Land Zone – Permitted Uses, the existing dwelling and existing shed shall be deemed to conform to this by-law.
  
- DUN37.305B That, on lands delineated as having reference to this subsection, the following provisions shall apply:
  - a) That subsection 16.1 (Permitted Uses) of the “General Commercial Zone (CG)” shall also include an emergency shelter.



# ZONE EXCEPTIONS

## SECTION 12

b) For the purposes of this by-law, “Emergency Shelter” is defined as a part of the building that is approved by the Board of Directors of the Youth Impact Centre to be used for the temporary care of the socially displaced youth.

c) The Emergency Shelter shall be located on the second floor of the existing building and have a maximum floor area of 212.31 square metres.

DUN37.306A i) The following provisions shall apply to the lands identified as Part 2 on Map ‘B’:

a) That notwithstanding the provisions of Section 30.1 – Permitted Uses of the ‘Agricultural (A)’ zone, a one family dwelling house and home occupation are not permitted.

DUN37.306B That on the lands delineated as having reference to this subsection, the following provisions shall apply:

a) In addition to the uses permitted in the ‘Rural Industrial Zone (MR)’ zone, a vehicle sales establishment may also be permitted.

b) The number of sales vehicles in the display lot shall not exceed 10 at any given time.

c) That parking in the display lot shall not be permitted within 3 m of the existing Highway 3 right of way.

d) That a ‘Holding (H)’ provision be affixed to the zoning of the property until an amendment to site plan SP-HA-8-2003 has been approved to address location of the private water supply, stormwater management, signage, customer parking, fencing mutual entrance requirements and emergency access. Additionally, written confirmation from the Ministry of Transportation will be required indicating that their requirements for a mutual entrance and any easements if required has been satisfied and that a 0.3m reserve has been conveyed to the Ministry and commercial entrance and encroachment permits have been obtained.

DUN37.307 i) That notwithstanding the permitted uses in the ‘Agricultural (A)’ Zone (Subsection 30.1) no dwelling is permitted on Part A;

ii) That the keeping of livestock shall be prohibited in the barn/shed on Part B; and

iii) That the front yard setback of the severed lands shall be 3 metres for the existing dwelling.

DUN37.308 i) That on the lands delineated as having reference to Part 1 of this subsection the following provisions shall apply:

a) The minimum lot area shall be 680.5 square metres

b) The minimum lot frontage shall be 17.68 metres

c) The minimum front yard setback shall be 6.1 metres

# ZONE EXCEPTIONS

## SECTION 12

ii) That on the lands delineated as having reference to Part 2 of this subsection the following provisions shall apply:

- a) The minimum lot area shall be 1112.25 square metres
- b) The minimum front yard setback shall be 2.7metres
- c) The minimum interior side yard setback shall be 0.7 metres
- d) The maximum height of an accessory use shall be 5.2 metres
- e) The minimum front yard setback for an accessory use shall be 5.2 metres
- f) The minimum side yard setback for an accessory use shall be 1.5 metres.

DUN37.309 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

- a) a one family dwelling house shall not be permitted.

DUN37.310 That on lands delineated as having reference to this subsection, the following provisions shall apply:

- a) That notwithstanding the provisions of Section 30.1 – Permitted Uses of the ‘Agricultural (A) zone, a single family dwelling house and home occupation shall not be permitted.

DUN37.311 That on lands delineated as having reference to this subsection, the following provisions shall apply:

- a) That notwithstanding the provisions of Section 30.1 – Permitted Uses of the ‘Agricultural (A) zone, a single family dwelling house and home occupation shall not be permitted.

DUN37.312 a) Permitted Uses:

That notwithstanding the provisions of Section 26.1 – Permitted Uses of the ‘Rural Industrial (MR)’ zone, permitted uses shall be limited to:

- i) Animal hospital;
- ii) Retail sales of arts and crafts, groceries, and eco-friendly products;
- iii) Commercial office and meeting space;
- iv) Personal service shop;
- v) Fuel storage depot for home and farm sales;
- vi) Any use permitted in the ‘A’ Zone in accordance with the provisions of that zone;
- vii) Open storage accessory to any permitted use.

b) General Provisions:

In addition to the applicable regulations contained in Section 6 (General Provisions), the following regulations shall also apply to lands having reference to this subsection:

# ZONE EXCEPTIONS

## SECTION 12

- i) A residential use must be maintained on the subject lands in conjunction with additional permitted uses;
- ii) A drive through window is not permitted;
- iii) For the purposes of this by-law, “Arts and Crafts” are defined as products of artistic production or creation that have been made by a person’s own skill and/or hands;
- iv) The outdoor retail sales of Arts and Crafts shall only be permitted from May through October inclusive in the same calendar year;
- v) That all aspects of the commercial office and meeting space, personal service shop, and retail sales of groceries and eco-friendly products be conducted within the existing accessory building on the subject lands;
- vi) That all aspects of the commercial office and meeting space be limited to a maximum usable floor area of 35 square metres within the existing accessory building on the subject lands;
- vii) That the retail sales of groceries and eco-friendly products be limited to a maximum usable floor area of 37 square metres within the existing accessory building on the subject lands;
- viii) That all aspects of the personal service shop be limited to a maximum usable floor area of 9 square metres within the existing accessory building on the subject lands.

DUN37.313A

The following provisions relating to Section 9.2 (Zone provisions in the Urban Residential Type 2 zone – Two Family Dwelling House) shall apply to the lands identified as Parts ‘A’ and ‘B’ shown on Maps A and B attached hereto:

- a) That in lieu of section 9.2(a), the minimum lot area shall be 264.2 square metres.
- b) That in lieu of section 9.2(c) (i), the minimum front yard shall be 4.05 metres.
- c) That in lieu of section 9.2(c) (iv), the minimum rear yard shall be 6.03 metres.

DUN37.313B

- a) The following provision shall apply to the lands identified as Part A on Map ‘B’:
  - i) That notwithstanding the provisions of Section 30.1- Permitted Uses of the ‘Agricultural (A)’ Zone, a single detached dwelling house and home occupation shall not be permitted.

# ZONE EXCEPTIONS

## SECTION 12

- b) The following provision shall apply to the lands identified as Part B of Map 'B':
  - i) That notwithstanding the provisions of Section 30.2 (c) Minimum Yard Requirements, a minimum front yard setback of 11.6 metres shall be permitted for the residential dwelling existing on the date of passing of this by-law.

DUN37.314 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

- a) That in addition to the uses permitted in Section 15.1 [Permitted Uses of the "Seasonal Residential Zone (RS)], a personal service shop and a single detached dwelling house shall also be permitted;
- b) That in lieu of subsection 15.2 zone provisions in the Seasonal Residential Zone, the following shall apply:
  - i) the Minimum Lot Area shall be 1390 square metres;
  - ii) the Minimum Lot Frontage shall be 22 metres;
  - iii) the Maximum Floor Area for the personal service shop use shall be 10.2 square metres;
- c) That all business signage shall be restricted to a maximum size of 0.5 square metres;
- d) That a maximum of one employee in addition to the property owner shall be permitted;
- e) That all retail sales of goods, merchandise, substances, articles or things shall be prohibited;
- f) That outdoor storage shall be prohibited;
- g) That a minimum of 4 parking spaces shall be required for the use; and
- h) That special provision DUN37.68 shall not apply to the subject lands.

DUN37.315 a) General Provisions

That notwithstanding the applicable regulations contained in Section 6 (General Provisions), subsection 6.16 Frontage on an Improved Street shall not apply.

b) Zone Provisions

That notwithstanding the provisions of Section 15.2 – Zone Provisions of the 'Seasonal Residential (RS)' zone, subsection 15.2 (b) Minimum Lot Frontage shall be nil."

DUN37.316 a) The following provisions shall apply to the lands identified as Part 1 on Schedule DUN37.316:

Notwithstanding the provisions of Subsection 23.1 – Permitted Uses of the 'General Industrial (MG)' zone, permitted uses shall be limited to the following:

# ZONE EXCEPTIONS

## SECTION 12

- i) Light industrial uses, including:
    - manufacturing
    - fabrication
    - assembly and processing
    - warehousing
    - bulk storage tanks
    - service and maintenance operations
    - research and development laboratories and facilities and other similar uses
    - product distribution services
    - communications facilities
  - ii) private sector commercial or trade schools
  - iii) parks and open space linkages
  - iv) public or private sector utilities and storm water management and transportation facilities
  - v) Ancillary open storage is permitted in conjunction with any other permitted use. In addition, an ancillary retail sales show room and/or an ancillary office component may be permitted as an integral component of a building that accommodates any other permitted land use provided that:
    - the retail sales showroom and/or office component is directly related to the primary use; and
    - the retail sales showroom and/or office component does not constitute more than 25 percent of the Gross Floor Area of the building
  - vi) arena
  - vii) community center
- b) The following provisions shall apply to the lands identified as Part 2 on Schedule DUN37.316:

Notwithstanding the provisions of Subsection 23.1 –Permitted Uses of the ‘General Industrial (MG)’ zone, permitted uses shall be limited to the following:

- i) all types of commercial offices
- ii) prestige industrial uses, including enclosed warehousing, limited product distribution services, research and development facilities, communications facilities, and manufacturing and processing operations deemed not to be obnoxious by reason of dust, odour, fumes, particulate matter, noise and/or excessive vibrations
- iii) private sector commercial or trade schools
- iv) parks and open space linkages
- v) public or private sector utilities and storm water management and transportation facilities
- vi) ancillary open storage is not permitted
- vii) arena
- viii) community center

# ZONE EXCEPTIONS

## SECTION 12

- c) Notwithstanding the provisions of Section 7 – Off-Street Parking, the minimum number of parking spaces shall be 300, including a minimum of 8 barrier-free spaces.

- d) That for the purposes of this by-law, an arena shall be defined as:

“An indoor facility where public entertainment, shows or sports events may take place. An arena may include accessory uses such as concession stand, tuck shop, meeting rooms, offices, multi-purpose room, fitness and recreation facilities and parks work area / storage.”

- e) That for the purposes of this by-law, a community center shall be defined as:

“A place, building or part of a building where facilities are provided for uses such as community functions, meetings, weddings, conferences, learning forums, seminars and workshops.”

DUN37.318 That, on lands delineated as having reference to this subsection, the following provisions shall apply:

- a) That the permitted uses shall be limited to a hospital, clinic and parking lot;
- b) That in lieu of subsection 7.2.3 (d) (Off Street Parking), the following shall apply:
  - i) The minimum Interior Side Yard Right – 2 metres.

DUN37.319 That on the lands delineated as having reference to this subsection, and identified as Part A and Part B on Map “B” the following provisions shall apply:

- a) That in addition to the uses permitted in Subsection 30.1 of the ‘Agricultural (A)’ zone of By-law 1-DU 80, as amended, a ‘Farmhouse Dining Facility’ and ‘Farm Related Retail Establishment’ may also be permitted on the lands described in clause 1 of this by-law for a temporary period commencing February 16, 2010 and expiring on February 16, 2013.
- b) For the purposes of this by-law, a ‘Farmhouse Dining Facility’ shall be defined as follows:

‘A building or a part of a building where food is produced in relation to a specific agriculturally oriented event or function held on the property and which utilizes at least some products produced on the property. All food offered for sale or sold to the public is intended for immediate consumption either within the building or elsewhere on the subject lands. A farmhouse dining facility may include a commercial kitchen and a dining area.’

# ZONE EXCEPTIONS

## SECTION 12

(c) All aspects of the 'Farmhouse Dining Facility' – maximum usable floor area of 144 square metres within an existing accessory building on the subject lands.

(d) For the purposes of this by-law, a 'Farm Related Retail Establishment' shall be defined as follows:

'A place, building, or part of a building used for the retail sale of agricultural products such as vegetables, fruits and other staple crops produced on a property owned by the subject property owner; food products which utilize at least some produce that is grown on the property; or products directly related to the agri-tourism events held on the property.'

(e) All aspects of the 'Farm Related Retail Establishment' - maximum usable floor area of 44 square metres within an existing accessory building on the subject lands.

DUN37.320 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

a) The keeping of livestock shall be prohibited on the subject lands on the date of passing on this by-law;

b) That notwithstanding the provisions of Section 30.2 (c) Minimum Yard Requirements, a minimum interior side yard (left of 4.9 metres shall be permitted for the residential dwelling existing on the date of passing of this by-law.

c) That notwithstanding the provisions of Section 6.8.1 (a) Accessory Uses to Residential Uses, a maximum building height of 6.9 metres shall be permitted for the residential accessory building existing on the date of passing of this by-law.

DUN37.321 a) That on the lands delineated as having reference to this subsection, the following provision shall apply:

i) That notwithstanding the provisions of Section 30.1 – Permitted Uses of the 'Agricultural (A)' Zone, a single detached dwelling house (one family dwelling) and home occupation shall not be permitted.

DUN37.322 That on lands delineated as having reference to this subsection the following provision shall apply:

i) That notwithstanding the provision of Section 9.2 (b) Minimum Lot Frontage, a minimum lot frontage of 18.2 metres shall be permitted. In the case of a lot with such minimum lot frontage being subdivided for the purpose of separate ownership of semi-detached dwelling units the minimum lot frontage shall be 9.1 metres for each subdivided lot.

# ZONE EXCEPTIONS

## SECTION 12

- DUN37.323            That on the lands delineated as having reference to this subsection, the following provisions shall apply:
- a)    That in addition to the permitted uses in Subsection 15.1 of the Seasonal Residential (RS) zone, a one family dwelling house is also permitted.
- DUN37.324            That on the lands delineated as having reference to this subsection, the following provisions shall apply:
- Part 1:
- a)    Notwithstanding the provisions of Section 30.1 – Permitted Uses in the “Agricultural (A)” zone, a one family dwelling shall not be permitted.
- Part 2:
- a)    Notwithstanding the provisions of section 30.2 (c) (iv)- General Provisions-Agriculture, the minimum required rear yard setback shall be 9.1 metres.
- DUN37.325            That on the lands delineated as having reference to this subsection, the following provision shall apply:
- a)    General Provisions
    - i.    That notwithstanding the applicable regulations contained in Section 6 (General Provisions), subsection 6.16 *Frontage on an Improved Street* shall not apply.
  - b)    Zone Provisions
    - i.    That notwithstanding Section 30.1 *Permitted Uses of the ‘Agricultural Zone (A)’*, a One Family Dwelling shall not be permitted.
    - ii.   That notwithstanding Section 30.1 *Permitted Uses of the ‘Agricultural Zone (A)’*, a Summer Cottage shall be permitted.
    - iii.   That notwithstanding the provisions of Section 30.2 *General Provisions of the Agricultural (A) zone*, subsection 30.2 (a) *Minimum Lot Area* shall be 1,350 square metres.
    - iv.   That notwithstanding the provisions of Section 30.2 *General Provisions of the Agricultural (A) zone*, subsection 30.2 (b) *Minimum Lot Frontage* shall be nil.
    - v.    That for the purposes of this by-law, the southerly lot line that is parallel to and abutting the north side of the east-west extension of Windy Line shall be deemed to be the front lot line.



# ZONE EXCEPTIONS

## SECTION 12

- vi. That for the purposes of this by-law, the westerly lot line parallel to and abutting the west side of the north-south extension of Windy Line shall be deemed to be the exterior side lot line.
- vii. That for the purposes of this by-law, the easterly lot line perpendicular to the north side of the east-west extension of Windy Line shall be deemed to be the interior lot line (right).

DUN37.326 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

- a) Notwithstanding the provisions of Section 30.1 – Permitted Uses in the “Agricultural (A)” zone, a one family dwelling and home based business shall not be permitted on the subject lands.

DUN37.327 a) That on the lands delineated as having reference to this subsection, the following provision shall apply:

- i) That notwithstanding the provisions of Section 30.1 – Permitted Uses of the ‘Agricultural (A)’ Zone, a single detached dwelling house (one family dwelling) shall not be permitted.”

DUN37.328 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

- a) Notwithstanding the provisions of Section 30.1 – Permitted Uses in the “Agricultural (A)” zone, a one family dwelling shall not be permitted on the subject lands.

DUN37.329 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

- a) Notwithstanding the provisions of Section 30.1 – Permitted Uses in the “Agricultural (A)” zone, a one family dwelling shall not be permitted on Part 2.
- b) That housing of livestock shall be prohibited in the barn existing on Part 1 on the date of passing of this by-law.
- c) That notwithstanding the provisions of Section 6.8.1(a) – Accessory Uses to Residential Uses, the maximum permitted height for the accessory building existing on Part 1 on the date of passage of this by-law shall be 10.2 metres.

DUN37.330 That on the lands delineated as having reference to this subsection, the following provision shall apply:

- a) In addition to the applicable regulations and provisions contained in this By-law, Section 6.28 Surplus Farm Dwelling Severance Properties shall also apply to the lands

# ZONE EXCEPTIONS

## SECTION 12

having reference to this subsection and shall supercede any section of the By-law with which there is a conflict.”

DUN37.331 a) General Provisions

- i) That notwithstanding the provisions of Section 6.8(a) Accessory Uses to Residential Uses, maximum building heights of 10.9 metres and 7.3 metres shall be permitted for the residential accessory buildings existing on the date of passing of this by-law.
- ii) That notwithstanding the provisions of Section 6.8(e) Accessory Uses to Residential Uses, a maximum floor area of 263 square metres for all residential buildings existing on the date of passing of this by-law shall be permitted.
- iii) That notwithstanding the provisions of Section 15.2(a) Minimum Lot Area, the Minimum lot size shall be 1.5 hectares.

b) Permitted Uses

- i) That notwithstanding the provisions of Sections 15.1 Permitted Uses In the ‘Seasonal Residential Zone (RS)’, a single detached residential Dwelling (one family dwelling house) shall also be permitted.
- ii) That a maximum of one (1) single detached dwelling be permitted on the subject lands.

DUN37.332 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

- a) Notwithstanding the provisions of Section 30.1 – *Permitted Uses in the “Agricultural (A)” zone*, a one family dwelling house shall not be permitted on Part 1.
- b) That housing of livestock shall be prohibited in the accessory building located on Part 2 on the date of passing of this by-law.
- c) That notwithstanding the provisions of Section 6.8.1 (e) – *Accessory Uses to Residential Uses*, the maximum permitted lot coverage for the accessory buildings existing on Part 2 on the date of passage of this by-law shall be 288 square metres.

DUN37.333 That on the lands identified as having reference to this subsection, the following provisions shall apply:

- a) Notwithstanding the provisions of Section 19.1 – *Permitted Uses of the ‘Highway Commercial (CH)’ zone*, permitted uses shall include:
  - i. restaurant;

# ZONE EXCEPTIONS

## SECTION 12

- ii. vehicle sales and/or rental establishment and may include open storage accessory thereto;
  - iii. farm implement sales and service establishment and may include open storage accessory thereto;
  - iv. office;
  - v. government and public utility offices;
  - vi. research and development facilities;
  - vii. enclosed warehouse;
  - viii. processing, manufacturing and light assembly plant which are deemed not to be obnoxious by reason of dust, odour, fumes, particulate matter, noise and/or excessive vibrations;
  - ix. fitness and/or health care facility;
  - x. trade school;
  - xi. park;
  - xii. day nursery;
  - xiii. place of worship;
  - xiv. retail establishment;
  - xv. convenience store;
  - xvi. pharmacy and personal care store;
  - xvii. service commercial store.
- b) For the purposes of this by-law, a 'Retail Establishment' shall be defined as follows:
- 'A building or a part of a building in which the main use is the retail of non-food general merchandise; apparel & accessories; furniture and home furnishings; electronics & appliances; sporting goods, hobby, music & books, or other miscellaneous non-food retail. Liquor/beer retail outlets are not included in this category. A pharmacy and personal care store; convenience store and service commercial store as defined herein are also not included in this category.'*
- c) For the purposes of this by-law, a 'Pharmacy and Personal Care Store' shall be defined as follows:
- 'A building or a part of a building in which the main non-retail use is the retail of prescription drugs; cosmetics, beauty supplies and perfumes; optical goods; and other health and personal care items including but not limited to vitamin supplements, non-prescription drugs, health appliances, and similar items.'*
- d) For the purposes of this by-law, a 'Service Commercial Store' shall be defined as follows:
- 'A building or a part of a building in which the main non-retail commercial use is a service type use which may include, but not be limited to, a barber shop, beauty salon, dressmaking shop, shoe repair shop, tailor shop, photographic studio, music studio, real-estate office, travel agency, insurance brokerage, accountant office, architect office, dentist office, or other similar use. Financial Institution and Restaurant are not included in this category.'*

# ZONE EXCEPTIONS

## SECTION 12

- e) The following uses are prohibited on the subject lands:
  - i. Liquor/Beer Retail Outlet as defined herein;
  - ii. Financial Institution as defined herein.
  
- f) For the purposes of this by-law, a 'Liquor/Beer Retail Outlet' shall be defined as follows:

*'A place, building or a part of a building used solely for the retail sale of beer, wine and liquor products not intended for immediate consumption. A Liquor/Beer Retail Outlet excludes a Restaurant as defined.'*
  
- g) For the purposes of this by-law, a 'Financial Institution' shall be defined as follows:

*'A place, building or a part of a building that focuses on dealing with financial transactions, such as investments, loans and deposits and which may include a use such as bank, trust company, savings and loan association or investment company.'*
  
- h) Notwithstanding any provisions contained in Subsection 19.2, the minimum gross useable floor area for a Retail Establishment, as permitted and defined herein, shall be 465 square metres.
  
- i) Notwithstanding any provisions contained in Subsection 19.2, the maximum gross useable floor area for all Retail Establishments combined shall be 1,300 square metres.
  
- j) Notwithstanding any provisions contained in Subsection 19.2, a Pharmacy and Personal Care Store, as permitted and defined herein, shall have a maximum gross useable floor area of 557 square metres.
  
- k) Notwithstanding any provisions contained in Subsection 19.2, a Convenience Store shall have a maximum gross useable floor area of 93 square metres.
  
- l) Notwithstanding any provisions contained in Subsection 19.2, the maximum gross useable floor area for all combined Restaurant(s) and Service Commercial Store(s), as permitted and defined herein, shall be 465 square metres.
  
- m) Notwithstanding any provisions contained in Subsection 19.2, a Restaurant shall have a minimum gross useable floor area of 280 square metres.
  
- n) Notwithstanding any provisions contained in Subsection 19.2, the maximum gross useable floor area for all combined Retail Establishments, Convenience Store, Pharmacy and Personal Care Store and Service Commercial Stores shall be 2,415 square metres.

# ZONE EXCEPTIONS

## SECTION 12

DUN37.334 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

### Part A

- a) That notwithstanding the provisions of Section 30: *Permitted Uses of the Agricultural Zone*, a one family dwelling (single detached residential dwelling) shall not be permitted on Part A.

### Part B

- a) That the keeping of livestock shall be prohibited in any buildings located on Part B.
- b) That notwithstanding Section 6.8, Subsection 6.8 (a) shall not apply to any of the accessory buildings existing on the date of passage of this by-law.
- c) That notwithstanding Section 6.8, Subsection 6.8 (e) shall not apply to any of the accessory buildings existing on the date of passage of this by-law.

DUN37.335 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

### Part 1

- a) That housing of livestock shall be prohibited in the barns existing on Part 1 on the date of passing of this by-law.
- b) That notwithstanding Section 6.8 (a) – *Accessory Uses to Residential Uses*, the maximum height for the building existing on Part 1 on the date of passage of this by-law shall be 12.5 metres.
- c) That notwithstanding Section 6.8 (e) – *Accessory Uses to Residential Uses*, the maximum useable floor area for the building existing on Part 1 on the date of passage of this by-law shall be 718 square metres.

### Part 2

- a) Notwithstanding the Provisions of Section 30.1 – *Permitted Uses in the 'Agricultural (A)' zone*, a one family dwelling shall not be permitted on the subject lands.

DUN37.336 That on the lands delineated as having reference to this subsection, the following Provision shall apply:

- a) That in addition to Subsection 15.1 – *Permitted Uses of the 'Seasonal Residential (RS)' zone*, a one family dwelling house is also permitted.

DUN37.337 That on the lands delineated as having reference to this subsection, the following Provisions shall apply:

# ZONE EXCEPTIONS

## SECTION 12

- a) That in addition to Subsection 15.1 *Permitted Uses of the Seasonal Residential (RS) Zone*, a one family dwelling house is also permitted.

DUN37.338 That the following provisions shall apply to the lands identified as Part A and Part B on Map 'B':

- a) That notwithstanding the provisions of Section 6.8 *Accessory Uses to Residential Uses*, a minimum front yard setback of 8 metres shall be permitted for the residential accessory building existing on the date of passing of this by-law.
- b) That notwithstanding the provisions of Sections 14.2(a) and 30.2(a) *Minimum Lot Area*, a minimum lot area of 3,500 square metres shall be required.
- c) That notwithstanding the provisions of Sections 14.2(b) and 30.2(b) *Minimum Lot Frontage*, a minimum lot frontage of 48 metres shall be required.

The following provision shall apply to the lands identified as Part C on Map 'B':

- a) The keeping of livestock shall be prohibited in the agricultural accessory buildings that existed on the date of passage of this by-law.

DUN37.340 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

### Part 1

- a) Notwithstanding the provisions of Section 30.1 – *Permitted Uses in the "Agricultural (A)" zone*, a one family dwelling shall not be permitted on the subject lands.

### Part 2

- a) That housing of livestock shall be prohibited in the barns existing on Part 2 on the date of passing of this by-law.
- b) That notwithstanding Section 6.8(e) – *Accessory Uses to Residential Uses*, the maximum useable floor area for the buildings existing on Part 2 on the date of passage of this by-law shall be 527 square metres.

DUN37.341 That on the lands identified as having reference to this subsection, the following provisions shall apply:

- a) Notwithstanding the provisions of Section 13.1 – *Permitted Uses of the 'Urban Residential Type 6 (R6)' zone*, permitted uses shall include;

# ZONE EXCEPTIONS

## SECTION 12

- i. a maximum of two (2) apartment dwelling houses, with a maximum of eight (8) dwelling units being permitted in each apartment dwelling house;
  - ii. a maximum of fourteen (14) group townhouse units;
- b) That for the purposes of this by-law, Section 6.15 – *Number of Dwelling Houses Per Lot*, shall not apply.
- c) That for the purposes of this by-law, the lot lines from which all development setbacks shall be measured shall be defined as follows:
  - i. the front lot line shall be the property line parallel to and abutting South Cayuga Street;
  - ii. the rear lot line shall be the property line parallel to and abutting the rear yards of the residential lots fronting onto Forest Street;
  - iii. all other lot lines shall be considered interior lot lines.
- d) The following provisions apply to any group townhouse development on the subject lands;
  - i. For the purposes of this by-law, ‘group townhouses’ shall be defined as follows:

*‘A dwelling house comprising four or more dwelling units with each dwelling unit being divided one from the other by an above grade vertical common wall a minimum of 10 square metres in area, and with each dwelling unit having direct access to a yard.’*
  - ii. That for purposes of this by-law, the ‘group townhouse’ provisions contained in Section 11 shall not apply.
  - iii. That for the purposes of this by-law, the minimum useable floor area shall be 65 square metres per unit.
  - iv. That for the purposes of this by-law, the minimum setbacks for group townhouses shall be:
    - (i) front yard – 6 metres
    - (ii) rear yard -- 6 metres
    - (iii) interior side yard – 1.5 metres.
- v. That for the purposes of this by-law the minimum separation distance between group townhouse blocks shall be 2 metres.
- vi. That for the purposes of this by-law, requirements for minimum lot area, minimum lot frontage and frontage on an improved street shall not apply.
- vii. That for the purposes of this by-law, the maximum building height for group townhouses shall be 9 metres.
- viii. That for the purposes of this by-law, windows or dormers on the upper floor of any group townhouse shall only be permitted on the south side of the building. Windows or dormers on the north side of the upper floor of a group townhouse shall be prohibited.

# ZONE EXCEPTIONS

## SECTION 12

- e) The following provisions apply to any apartment dwelling house development on the subject lands:
  - i. Notwithstanding any provisions contained in subsection 13.2, the minimum yard requirements shall be as follows:
    - (i) front yard – 4 metres
    - (ii) interior side yard (right) – 4.3 metres
    - (iii) interior side yard (left) – 12 metres
    - (iv) rear yard – 25 metres.
  - ii. That for the purposes of this by-law, the maximum floor area ratio for apartment dwelling houses shall not apply.
  - iii. That for the purposes of this by-law, the minimum useable floor area shall be 65 square metres per unit.
  - iv. Notwithstanding any provision contained in subsection 13.2, the maximum building height of any apartment dwelling house shall be 4 storeys.

DUN37.342 That the following provision shall apply to the lands identified as 'Subjects Lands' on Maps 'A' and 'B':

- i. That Sections 30.2(c) *Minimum Yard Requirements* and 6.8 *Accessory Uses to Residential Uses* shall not apply to the single detached residential dwelling or accessory buildings existing on the date of passing of this by-law. These provisions shall apply to any new buildings proposed in the future.

DUN37.343 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

### Part 1

- i. That notwithstanding Section 6.15 *Number of Dwelling Houses per Lot* and Section 15 *Seasonal Residential Zone*, a maximum of two (2) seasonal dwellings, which exist on Part 1 on the date of passing of this by-law, may be permitted for a temporary time period commencing May 21, 2013 and expiring May 21, 2014.
- ii. That notwithstanding Section 15.2 (e) *Minimum Useable Floor Area*, the Minimum Useable Floor Area for the seasonal dwellings existing on Part 1 on the date of passage of this by-law shall be 60 square metres.
- iii. That notwithstanding the provisions of Section 15.1 *Permitted Uses in the 'Seasonal Residential Zone (RS)'* a single detached residential dwelling (one family dwelling house) shall also be permitted.



# ZONE EXCEPTIONS

## SECTION 12

### Part 2

- i. That notwithstanding the provisions of Section 15.1 *Permitted Uses in the 'Seasonal Residential Zone (RS)'* a single detached residential dwelling (one family dwelling house) shall also be permitted.
- DUN37.344 That on the lands delineated as having reference to this subsection, the following provisions shall apply:
- a) That notwithstanding Section 19.1 *Permitted Uses*, the following additional use is permitted on the subject lands:
- i) Laundromat with a total maximum gross useable floor area of 197 square metres.
- b) That notwithstanding 19.2(e) *Maximum Useable Floor Area of a Convenience Store*, maximum useable floor area shall be 285 square metres for the building existing on the date of passage of this by-law.
- c) That notwithstanding Section 7.10 *Number of Parking Spaces*, minimum number of parking spaces shall be 25 for the building existing on the date of passage of this by-law.
- DUN37.345 That on the lands delineated as having reference to this subsection, the following provisions shall apply:
- a) Notwithstanding the provisions of Section 30.1 – *Permitted Uses in the 'Agricultural (A)'* zone, a one family dwelling house shall not be permitted on Part 2.
- b) That notwithstanding the provisions of Section 30.2 (c) i – *Front Yard*, the minimum front yard requirement for the dwelling existing on Part 1 on the date of passage of this by-law shall be 7.44 metres.
- DUN37.346 That, on lands delineated as having reference to this subsection and being referred to as 'Subject Lands', the following provision shall apply:
- a) Notwithstanding the provisions of Section 30.1 – *Permitted Uses in the 'Agricultural (A)'* zone, a one family dwelling house and home occupation shall not be permitted.
- DUN37.347 That on the lands delineated as Part 1 on Map B attached to and forming part of this by-law, the following provisions shall apply:
- i. Notwithstanding the provisions of Section 10.1 (d), a maximum of 9 –four family dwelling houses shall be permitted on a lot.

# ZONE EXCEPTIONS

## SECTION 12

- ii. Notwithstanding the provisions of Section 10.2.2 (a), the minimum lot area shall be 6,848 square metres.
- iii. Notwithstanding the provisions of Section 10.2.2 (b), the minimum lot frontage shall be 69 metres.
- iv. Notwithstanding the provisions of Section 10.2.2 (c)(ii), the minimum exterior side yard setback shall be 5 metres.
- v. Notwithstanding the provisions of Section 10.2.2 (c)(iii), the minimum interior side yard setback shall be 5 metres.
- vi. Notwithstanding the provisions of Section 10.2.2 (c)(iv), the minimum rear yard setback shall be 7.5 metres.
- vii. Notwithstanding the provisions of Section 7 *OFF Street Parking*, a minimum of 53 parking stalls shall be required and is based on the following:
  - a. One bedroom units shall require a minimum of 1 parking stall;
  - b. Two bedroom units or greater shall require a minimum of 1.5 stalls.
- viii. Minimum Separation between quadraplex dwellings shall be 3.0 metres.

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

- i. Notwithstanding the provisions of Section 11.2.2 (b)(ii), the minimum lot frontage for a corner lot shall be 10 metres.
- ii. Notwithstanding the provisions of Section 11.2.2 (c), the minimum front yard setback shall be 3.2 metres.
- iii. Notwithstanding the provisions of Section 11.2.2 (g), the minimum rear yard setback shall be 3.9 metres for the southerly end unit of the townhouse block located within the south-east corner of the subject lands.
- iv. Notwithstanding the provisions of Section 7.1.3 (c), a parking space shall have dimensions of 3.0 metres X 6.0 metres.

DUN37.348 That, on lands delineated as having reference to this subsection, the following Provisions shall apply:

- a) Notwithstanding the provisions of Section 14.2 (a), the minimum lot area shall be 1532 square metres.
- b) Notwithstanding the provisions of Section 14.2 (b), the minimum lot frontage shall be 22.8 metres.

# ZONE EXCEPTIONS

## SECTION 12

- c) Notwithstanding the provisions of Section 14.2 (c)(iii), the minimum interior side yard (right) setback shall be 2.1 metres.

DUN37.349 That on the lands delineated as the 'Subject Lands' on Map B attached to and Forming part of this by-law, the following provisions shall apply:

- i. Notwithstanding the provisions of Section 9.2 (a) when a lot is to be subdivided for the purpose of separate ownership of semi-detached dwelling units the minimum lot area shall be 265 square metres.
- ii. Notwithstanding the provisions of Section 9.2 (b), the minimum lot frontage shall be 9.5 metres for each subdivided lot.
- iii. Notwithstanding the provisions of Section 9.2 (c)(ii), the minimum exterior side yard shall be 2.4 metres.
- iv. Notwithstanding the provisions of Section 9.2 (c)(iv), the minimum rear yard setback shall be 5.5 metres.
- v. Notwithstanding the provisions of Section 4.88, the definition of "*Sight Triangle*" shall not apply to the lands identified as having reference to this subsection and the following definition shall apply in lieu thereof:

"SIGHT TRIANGLE" shall mean the triangular space formed by the intersecting street lines of a corner lot and a line drawn from a point on one of the street lines to a point on the other street line, each point being measured 6 metres from the point of intersection of the street lines.

DUN37.350 That, on lands delineated as having reference to this subsection, the following Provisions shall apply:

### Part A

- a) Notwithstanding the provisions of Section 9.2 (c)(iii) – *Minimum Yard Requirements*, a minimum interior side yard of 1.2 metres is permitted for any two family dwelling house constructed on Part A.

### Part B

- b) That notwithstanding the provisions of Section 32.2 (c)(ii) – *Zone Provisions*, the minimum exterior side yard for the existing school building on Part B on the date of passage of this by-law shall be 0.80 metres.
- c) That notwithstanding the provisions of Section 32.2 (c)(iv) – *Zone Provisions*, the minimum rear yard setback for the existing school building on Part B on the date of passage of this by-law shall be 6.08 metres.

DUN37.351 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

# ZONE EXCEPTIONS

## SECTION 12

a) That in addition to the uses permitted in Section 32.1 – *Permitted Uses* – the use of an “assisted living facility” is also permitted.

b) For the purposes of this By-law an “assisted living facility” shall be defined as:

“A building or part of a building that provides housing, in the form of private bedrooms or living units (excluding full kitchens), where such accommodations have an entrance from a common hall and where the building provides communal facilities such as kitchen/dining facilities, laundry facilities, and/or lounges, and where recreational and/or medical facilities are provided. An assisted living facility shall provide at least one or more support services by an operator to three or more adults that are not related by blood or marriage to the operator.”

c) Notwithstanding the provisions of Section 32.2 (c)(iv), The minimum rear yard setback is 7.3 metres.

d) Notwithstanding the provisions of Section 32.2 (d), The maximum building height shall be 3 storeys.

e) Notwithstanding the provisions of Section 7.2.3 (d), The minimum setback for a parking lot shall be 1.0 metres.

DUN37.352 That, on lands delineated as having reference to this subsection and being referred to as ‘Subject Lands’, the following provision shall apply:

### Part 1

a) Notwithstanding the provisions of Section 30.1 – *Permitted Uses in the “Agricultural (A)”zone*, a one family dwelling house and home occupation shall not be permitted.

### Part 2

a) Notwithstanding the provisions of Section 6.8(e) – *Maximum Permitted Useable Floor Area for Accessory Uses*, shall not apply to accessory buildings existing of the date of passing of the by-law, and that a maximum floor area of 270 square metres be permitted.

DUN37.353 That, on lands delineated as having reference to this subsection and being referred to as ‘Subject Lands’, the following provision shall apply:

### Part 1

a) Notwithstanding the provisions of Section 30.1 – *Permitted Uses in the “Agricultural (A)”zone*, a one family dwelling house and home occupation shall not be permitted.

# ZONE EXCEPTIONS

## SECTION 12

### Part 2

- a) Notwithstanding the provisions of Section 6.8(e) – *Maximum Permitted Useable Floor Area for Accessory Uses*, shall not apply to accessory buildings existing on the date of passing of the by-law, and that a maximum floor area of 357 square metres be permitted.

DUN37.354 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

- a) That, in addition to Subsection 15.1 – *Permitted Uses of the “Seasonal Residential (RS)” zone*, a one family dwelling house is also permitted.
- b) That notwithstanding the provisions of Section 15.2(a) – *Minimum Lot Area*, the minimum lot area requirement shall be 684 square metres.
- c) That notwithstanding the provisions of Section 15.2(b) – *Minimum Lot Frontage*, the minimum lot frontage requirement shall be 15 metres.
- d) That notwithstanding the provisions of Section 15.2(c)(i) – *Minimum Yard Requirements, Front Yard*, the minimum front yard requirement shall be 6 metres.
- e) That notwithstanding the provisions of Section 15.2(c)(iii) – *Minimum Yard Requirements, Interior Side Yard (right)*, the minimum interior side yard requirement shall be 1.8 metres.
- f) That notwithstanding the provisions of Section 15.2(e) – *Minimum Useable Floor Area*, the minimum useable floor area requirement shall be 63 square metres.

DUN37.355 That on lands delineated as having reference to this subsection and being referred to as ‘Subject Lands’, the following provisions shall apply:

#### Part 1:

- a) Notwithstanding the provisions of Section 26.1 – *Permitted Uses* – in the ‘Rural Industrial (MR)’ zone, the permitted uses shall be limited to the following:
  - I. Contractor’s yard

#### Part 2:

- a) Notwithstanding the provisions of Section 26.1 – *Permitted Uses* – in the ‘Rural Industrial (MR)’ zone, the permitted uses shall be limited to the following:
  - I. Garden centre;
  - II. Warehouse addition; and
  - III. Commercial greenhouses.

### Part 3

# ZONE EXCEPTIONS

## SECTION 12

- a) Notwithstanding the provisions of Section 30.2 (b) – *General Provisions* – in the ‘Agriculture (A)’ zone, the minimum lot frontage shall be 0 metres.
- DUN37.556 That, on lands delineated as having reference to this subsection and being referred to as ‘Subject Lands’, the following provision shall apply:  
Part 3:
- a) Notwithstanding the provisions of Section 19.2 (b) – *Zone Provisions* – in the ‘Highway Commercial (CH)’ zone, the minimum lot frontage shall be 13.8 metres.
- DUN37.557 That, on lands delineated as having reference to this subsection and being referred to as ‘Subject Lands’, the following provision shall apply:
- a) Notwithstanding the provisions of Section 30.1 – *Permitted Uses in the ‘Agricultural A)’ zone*, a “farmstand equipment and agricultural equipment service establishment” shall be permitted.
- b) For the purpose of this subsection, a Farmstand Equipment and Agricultural Equipment Service Establishment shall mean: “an establishment for the maintenance and repair of farmstead equipment and agricultural equipment. Farmstead equipment is equipment that remains in a stationary position such as augers, elevators, silo unloaders and other similar types of handling equipment. Agricultural equipment refers to tractors and other non-stationary machinery.
- c) Outdoor storage is permitted and shall be screened from view of the street and adjacent properties by a visual barrier with a minimum height of 1.8 metres.
- DUN37.558 That on the lands delineated as having reference to this subsection, the following provisions shall apply:
- a) That in addition to the uses permitted in Subsection 30.1 of the ‘Agricultural (A)’ zone and Subsection 24.1 of the ‘Light Industrial (ML)’ zone of By-law 1-DU 80, as amended, an ‘Emergency Tactical Driver Training Facility’ may also be permitted on the lands described in clause 1 of this By-law.
- b) That for the purposes of this By-law, ‘Emergency Tactical Driver Training Facility’ shall be defined as follows:
- d) ‘The use of facilities, both indoor and outdoor, for the purpose of emergency tactical driver training. The permitted activities shall include classroom lectures and emergency tactical driving practical training encompassing basic driving emergency response, motorcade operations, convoy operations, advanced tactical driving, single vehicle evasive training, route assessment and planning, vehicle surveillance and counter surveillance, vehicles disabled counter ambush training, and counter attack team training. Prohibited activities shall include drifting, gripping, racing, lapping and other extreme driving techniques.’

# ZONE EXCEPTIONS

## SECTION 12

- c) That uses permitted within this By-law shall be limited to the buildings, structures and facilities existing on the date of passage of this By-law.
- d) That various land uses permitted within this By-law shall be identified at specific locations on a site plan developed in accordance with the recommendations of the Environmental Noise Assessment prepared by Valcoustics Canada Ltd., dated September 2013 and noise addendum prepared by Valcoustics Canada Ltd. Dated August 2015. The site plan shall be submitted to and approved by Haldimand County prior to any activities taking place on the subject lands.

DUN37.559 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

Parts 1 and 2

- a) That the westerly lot line shall be considered the front lot line for the purposes of calculating setbacks.
- b) In lieu of Section 14.2 (b), the minimum lot frontage shall be 10 metres.

Part 3

- a) Notwithstanding the provisions of sections 6.16 and 14.2 (b), minimum frontage shall be 0 metres.
- b) That the southerly lot line shall be considered the front lot line for the purposes of calculating setbacks.

DUN37.560 That on the lands delineated as having reference to subsection, the following provisions shall apply:

- a) Notwithstanding the provisions of Section 30.1 – Permitted Uses in the “Agriculture (A)” zone, a one family dwelling and home occupation shall not be permitted on Part 1.
- b) Notwithstanding provision 6.9 – Accessory Uses to Residential Uses – the existing accessory structure located on Part 2 on the date of passing of this by-law shall be a maximum area of 373 square metres.

DUN37.561 That the lands delineated as having reference to this subsection, the following provision shall apply:

- a) That in addition to Subsection 15.1 Permitted Uses of the Seasonal Residential (RS) Zone, a one family dwelling house is also permitted;
- b) In lieu of Section 15.2 (b), the minimum lot frontage shall be 25 metres.

DUN37.562 That on the lands delineated as having reference to this subsection, the following provision shall apply:

- a) That in addition to Subsection 15.1 Permitted Uses of the Seasonal Residential (RS) Zone, a one family dwelling house is also permitted.

DUN37.563 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

Part 2:

# ZONE EXCEPTIONS

## SECTION 12

- a) Notwithstanding the provisions of Section 6.8 'Accessory Uses to Residential Uses'
  - (a) the maximum building height shall be 11 metres
  - (e) the accessory structure floor area shall be 210 square metres.

Part 1 and 3:

- b) Notwithstanding the provisions of Section 28.1 – Permitted Uses in “Agricultural (A)” zone, a one family dwelling house and home occupation shall not be permitted.

DUN37.564 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

Part 1

- a) Notwithstanding the provisions of Section 9.2(c) (iii) – Minimum Yard Requirements, a minimum interior side yard of 1.2 metres is permitted for any two family dwelling house constructed on Part 1.

Part 2

- a) Notwithstanding the provisions of Section 9.2(c) (iii) – Minimum Yard Requirements, a minimum interior side yard (right) of 1.2 metres is permitted for any two dwelling housing, with the required setback to be measured from the closest point of the accessory structure that is encroaching on the site.
- b) Notwithstanding the provisions of Section 9.2(c) (iii) – Minimum Yard Requirements, a minimum interior side yard (left) of 1.2 metres is permitted for any two family dwelling house constructed on Part 2.

DUN37.565 That on the lands delineated as having reference to this subsection, the following provision shall apply:

a) General Provisions

- i. That notwithstanding the applicable regulations contained in Section 6 (General Provisions), subsection 6.16 *Frontage on an Improved Street* shall not apply and a summer cottage and residential accessory structures shall be permitted on the private road.

b) Zone Provisions

- i. That notwithstanding the provisions of Section 15 *Zone Provisions of the 'Seasonal Residential (RS)' Zone* subsection 15.(2)(b) 'Minimum Lot Frontage' shall be nil.
- ii. That for the purposes of this by-law, the southerly lot line that is parallel to and abutting the north side of Rock Point Bay Line shall be deemed to be the front lot line.

DUN37.566 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

- a) That in addition to Subsection 15.1 Permitted Uses of the Seasonal Residential (RS) Zone, a one family dwelling house is also permitted.



# ZONE EXCEPTIONS

## SECTION 12

- b) That the front lot line shall be considered the lot line bound by Johnson Road.

DUN37.567 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

- a) Notwithstanding Section 7.10.5 (a), the minimum parking stall requirement is 1 parking stall per unit.
- b) Notwithstanding the Section 16.6 – General Provisions – the subject do not require frontage on an improved street.
- c) Notwithstanding the provisions of Section 13.1 – Permitted Uses – apartment building is an additional permitted use.
- d) Notwithstanding the provisions of Section 31.2 (b) – Minimum Lot Frontage, the subject lands are permitted to have a lot frontage of 0 metres; and
- e) That the southerly lot line shall be deemed the front lot line.

DUN37.568 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

- a) That in addition to Subsection 15.1 Permitted Uses of the Seasonal Residential (RS) Zone, a one family dwelling house is also permitted.
- b) That notwithstanding the provisions of the Seasonal Residential (RS) Zone, the minimum lot frontage shall be 26.4 m.

DUN37.568 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

- a) That in addition to Subsection 15.1 Permitted Uses of the Seasonal Residential (RS) Zone, a one family dwelling house is also permitted.
- b) That notwithstanding the provisions of the Seasonal Residential (RS) Zone, the minimum lot frontage shall be 26.4 m.

DUN37.569 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

That in addition to Subsection 15.1 Permitted Uses of the Seasonal Residential (RS) Zone, a one family dwelling house is also permitted.

DUN37.570 That on the lands delineated as having reference to this subsection, the following provision shall apply:

Part 1:

That notwithstanding the provision of Section 6.8 – Accessory Uses to Residential Uses, the maximum height of the existing accessory structure (garage) shall be 7.3 metres

Part 2:

That notwithstanding the provision of Section 30.1 – Permitted Uses of the ‘Agricultural (A)’ Zone, a one family dwelling and home occupation shall not be permitted.

# ZONE EXCEPTIONS

## SECTION 12

- DUN37.571 a) Notwithstanding the Permitted Uses listed under section HAL36.1; a year Round dwelling shall be permitted in the lands identified as “Subject Lands” in Schedule B.
- b) Notwithstanding Section HAL36.2 Zone provisions, the Zone Provisions of Section 15.2 of the “Seasonal Residential Zone (RS)” shall apply, except for the interior side yard setback which shall be 1.2 metres measured between the lot line and the attached garage or foundation of the dwelling.

DUN37.572 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

### Part 1

That notwithstanding Section 14.2 *Zone Provisions of the ‘Hamlet Residential (RH)’ Zone*, on the lands having reference to this subsection, the following regulations shall apply:

- a) That notwithstanding Section 14.2 (a) the *minimum lot area* shall be 689 square metres;
- b) That notwithstanding Section 14.2 (b) the *minimum lot frontage* shall be 18.2 metres;
- c) That notwithstanding Section 14.2 (c) (i) the *minimum front yard setback* is 5.4 metres; and
- d) That notwithstanding Section 14.2 (c) (iii) the *interior side yard (left) setback* shall be 0.16 metres.

### Part 2

That notwithstanding Section 14.2 *Zone Provisions of the ‘Hamlet Residential (RH)’ Zone*, on the lands having reference to this subsection, the following regulations shall apply:

- a) That notwithstanding Section 14.2 (a) the *minimum lot area* shall be 1376 square metres;
- b) That notwithstanding Section 14.2 (b) the *minimum lot frontage* shall be 27 metres;
- c) That notwithstanding Section 14.2 (c) (i) the *minimum front yard setback* is 8.2 metres; and
- d) That notwithstanding Section 14.2 (c) an unenclosed porch and steps may project 3 metres into the required front yard.

DUN37.573 That on the lands delineated as having reference to this subsection, the following provision shall apply:

- a) That in addition to Subsection 9.1 Permitted Uses of the Urban Residential Type 2 (R2) Zone, aa Group Home with a maximum occupancy of 9 tenants is also permitted.
- b) In lieu of Section 7.10.5, the minimum parking spaces required shall be 4.

# ZONE EXCEPTIONS

## SECTION 12

- c) In lieu of Section 9.2 (c) the minimum interior side yard shall be 0.6 m
- d) In lieu of Section 6.8 (d) the minimum setback for an accessory structure shall be 0 m to recognize an existing garage.

DUN37.574 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

- i. Notwithstanding the provisions of Section 9.2 c) iii) – Minimum Yard Requirements – Interior Side Yard, the minimum interior side yard shall be 1.2 metres.

DUN37.575 a) General Provisions

That notwithstanding the applicable regulations contained in Section 6 (General Provisions), subsection 6.16 *Frontage on an Improved Street* shall not apply.

b) Zone Provisions

That notwithstanding the Provisions of Section 15.2 – *Zone Provisions* of the ‘Seasonal Residential (RS)’ Zone, subsection 15.2 (b) *Minimum Lot Frontage* shall be nil.”

DUN37.576 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

Part 1:

- a) Notwithstanding the provisions of Section 30.1 – Permitted Uses in the “Agricultural (A)” zone, a one family dwelling house and home occupation shall not be permitted.

Part 2:

- b) Notwithstanding the provisions of Section 6.8 (e) ‘Accessory Uses to Residential Uses’ of the “Agricultural (A)” zone the maximum accessory structure floor area shall be 333 metres.

DUN37.577 That on the lands delineated as having reference to this subsection, shown as Parts 3 and 4 of the subject lands on Map ‘A’ and ‘B’ attached hereto and forming part of this by-law the existing office (former dwelling) on-site shall have a minimum front yard setback of 2.5 m.

DUN37.578 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

- i. That in addition to Subsection 15.1 Permitted Uses of the Seasonal Residential (RS) Zone, a one family dwelling house is also permitted.
- ii. That notwithstanding Subsection 15.2 b) of the Seasonal Residential (RS) Zone, the minimum lot frontage shall be 5 m.

DUN37.579 That on the lands delineated as having reference to this subsection, the following provisions shall apply: That in addition to Subsection 15.1 *Permitted*

# ZONE EXCEPTIONS

## SECTION 12

*Uses of the Seasonal Residential (RS) Zone*, a one family dwelling house is also permitted.

- DUN37.580 That on the lands subject to this special provision, the existing Bed and Breakfast is deemed to comply with Zoning By-law and parking provisions.
- DUN37.581 That on the lands delineated as having reference to this subsection, the following provisions shall apply:
- i. Notwithstanding any provisions contained in subsection 12.1, the apartment dwelling house may contain a maximum of 30 dwelling units;
  - ii. Notwithstanding any provisions contained in subsection 12.2, the yard requirements shall be:
    - (i) Minimum front yard setback to building – 5.8 metres
    - (ii) Minimum front yard to building entrance – 3.3 metres
    - (iii) Maximum front yard setback to building – 7.0 metres
    - (iv) Maximum rear yard setback – 19.3 metres;
  - iii. Notwithstanding any provisions contained in subsection 6.22, the canopy may project 1.0 metre from the building entrance;
  - iv. That for the purposes of this by-law, the maximum floor area ratio shall be 0.77;
  - v. Notwithstanding any provisions contained in subsection 7.2.3, the following shall apply:
    - (i) No parking lot shall be located within 1.5 metres of the apartment dwelling house on the lot
    - (ii) No parking lot shall be located within 1.1 metres of the rear lot line
    - (iii) No parking lot shall be located within 2.0 metres of the interior lot line;
  - vi. That for the purposes of this by-law, the maximum height for an apartment dwelling house shall be 3 storeys.
- DUN37.582 That on the lands delineated as having reference to this subsection, the following provisions shall apply: That in addition to Subsection 15.1 *Permitted Uses of the Seasonal Residential (RS) Zone*, a one family dwelling house is also permitted
- DUN37.583 That on the lands delineated as having reference to this subsection, the following provisions shall apply: That in addition to Subsection 15.1 *Permitted Uses of the Seasonal Residential (RS) Zone*, a one family dwelling house is also permitted.
- iii. Notwithstanding Subsection 6.8 *Accessory Uses to Residential Uses*, the maximum height for an accessory structure shall be 6.4 metres, and the maximum floor area shall be 87 square metres.
- DUN37.584 That on the lands delineates as having reference to this subsection, the following provisions shall apply:

### Part 1

# ZONE EXCEPTIONS

## SECTION 12

That notwithstanding the permitted uses in the 'Agricultural (A)' Zone contained in Section 30, the only permitted use on a Part 1 is general access.

### Part 2

That notwithstanding the permitted uses in the 'Hazard Land (HL)' Zone contained in Section 36, the only permitted use on Part 2 is general access.

### Part 3

That notwithstanding the 'Agricultural (A)' Zone provisions contained in Section 30, the following shall apply:

- i. The minimum lot frontage shall be 27.46 metres
- ii. The minimum right interior side yard setback shall be 5.42 metres

DUN37.585 That on the lands delineated as having reference to this subsection, the following provisions shall apply: That in addition to Subsection 15.1 *Permitted Uses of the Seasonal Residential (RS) Zone*, a one family dwelling house is also permitted.

DUN37.586 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

Notwithstanding the provisions of Section 30.1 Permitted Uses in the 'Agricultural (A)' Zone, a one family dwelling house and home occupation shall not be permitted.

DUN37.587 That on the lands delineated as having reference to this subsection, the following provisions shall apply: That in addition to Subsection 21.1 Permitted Uses of the 'Rural Commercial (CR)' Zone, a one family dwelling house is also permitted.

DUN37.588 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

- a) Notwithstanding the provisions of Section 30.1 – Permitted Uses in the 'Agricultural (A)' Zone, a one family dwelling house and home occupation shall not be permitted

DUN37.589 That on the lands delineated as having reference to this subsection, in addition to the uses permitted in the CS zone, and notwithstanding anything to the contrary, all uses within the *Urban Residential Type 2 (R2 Zone)* are permitted.

## **12.2 Haldimand**

HAL36.1 That notwithstanding subsection 6.14 a maximum of two one-family dwelling houses shall be permitted on the lands delineated by this subsection.

# ZONE EXCEPTIONS

## SECTION 12

- HAL36.2 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.
- HAL36.3 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.
- HAL36.4 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.
- HAL36.5 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.
- HAL36.6 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.
- HAL36.7 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.
- HAL36.8 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.
- HAL36.9 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.
- HAL36.10 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.
- HAL36.10a That notwithstanding the provision for a tent and trailer park in Subsection HAL36.10, only a tent and trailer park ancillary to motorized racing events shall be permitted on the lands delineated by this subsection.
- HAL36.11 That the following provisions shall apply to the lands delineated by this subsection:
- HAL36.11.1 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

# ZONE EXCEPTIONS

## SECTION 12

- (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
- (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.

HAL36.11.2 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

# ZONE EXCEPTIONS

## SECTION 12

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.

HAL36.11.3 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.

HAL36.12 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



# ZONE EXCEPTIONS

## SECTION 12

- (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.

HAL36.13 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

HAL36.14 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.

HAL36.15 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

HAL36.16 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

# ZONE EXCEPTIONS

## SECTION 12

(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                                                                                                                                                                   |

HAL36.17 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.

HAL36.18 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.

HAL36.19 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.

HAL36.20 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.                             |

HAL36.21 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.

HAL36.22 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            |

# ZONE EXCEPTIONS

## SECTION 12

- (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.
- HAL36.23 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).
- HAL36.24 That the following provisions shall apply to the lands delineated by this subsection:
- HAL36.24.1 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
- HAL36.24.2 In lieu of subsection 28.2, the following shall apply to the uses permitted in subsection HAL36.24.1:
- (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
- HAL36.24.3 In lieu of subsection 6.9, no use accessory to the uses permitted in the subsection shall be located in any required yard.
- HAL36.24.4 In lieu of subsection 7.8, one parking space for every two employees on the largest shift is required.
- HAL36.25 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.
- HAL36.26 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.
- HAL36.27 That in lieu of the minimum interior side yard requirement in the R1-B Zone,

# ZONE EXCEPTIONS

## SECTION 12

0.5 metres on the west side shall apply to the lands delineated by this subsection.

- HAL36.28 Notwithstanding subsection 7.8, no parking spaces are required on the lands delineated by this subsection.
- HAL36.29 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.
- HAL36.30 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.
- HAL36.31 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.
- HAL36.32 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.
- HAL36.33 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.
- HAL36.34 (This section deleted by by-law 299-HC-06)
- HAL36.35 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.
- HAL36.36 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.

- HAL36.37 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.
- HAL36.38 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.
- HAL36.39 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.
- HAL36.40 That in addition to the uses permitted in the R3 Zone, subsection 12.1, a day

# ZONE EXCEPTIONS

## SECTION 12

nursery, may also be permitted on the lands delineated by this subsection.

HAL36.41 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.

HAL36.42 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.

HAL36.43 (This section deleted by By-Law 188-HC-04).

HAL36.44 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.

HAL36.45 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.

HAL36.46 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.

HAL36.47 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.

HAL36.48 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:

# ZONE EXCEPTIONS

## SECTION 12

- |                          |              |
|--------------------------|--------------|
| (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.

HAL36.49 That subsection 6.15 requiring frontage on an improved street, shall not apply to the lands delineated by this subsection.

HAL36.50 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.

HAL36.51 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.

HAL36.52 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.

HAL36.53 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:

- |                                |                                     |
|--------------------------------|-------------------------------------|
| (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)

# ZONE EXCEPTIONS

## SECTION 12

HAL36.54 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.

HAL36.55 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.

HAL36.56 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 HAL36.56 as subject lands.

HAL36.57 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.

HAL36.58 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. |

HAL36.59 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.

HAL36.60 Repealed.

HAL36.61 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.

HAL36.62 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.

HAL36.63 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:

# ZONE EXCEPTIONS

## SECTION 12

- (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.
- HAL36.64 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.
- HAL36.65 That subsection 8.2(g), requiring connection to a public sanitary sewer system, shall not apply to the lot delineated by this subsection.
- HAL36.66 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.
- HAL36.67 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.
- HAL36.68 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.
- HAL36.69 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.
- HAL36.70 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.
- HAL36.71 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.
- HAL36.72 (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



# ZONE EXCEPTIONS

## SECTION 12

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 HAL36.72.1 (attached to and forming part of this By-law.)
  - (e) Maximum Building Height - 11 metres
  - (f) Minimum Usable Floor Area -167sq.metres.

HAL36.73 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.

HAL36.74 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.

HAL36.75 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.

HAL36.76 That the barn existing on the lands delineated by this subsection not be used for the housing of any animals.

HAL36.77 (a) That subsection 6.15, requiring frontage on an improved street, shall not apply to the lands delineated by this subsection.

# ZONE EXCEPTIONS

## SECTION 12

- (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.
- HAL36.78 (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.
- (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 that 3.05 metres.
- HAL36.79 (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.
- (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.
- HAL36.80 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.
- HAL36.81 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.
- HAL36.82 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.
- HAL36.83 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:

# ZONE EXCEPTIONS

## SECTION 12

- i) Minimum Lot Area - 1,698 square metres
- ii) Minimum Lot Frontage - 22.8 metres.

- HAL36.84 That on the lands delineated by this subsection, the following shall apply:
- 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 HAL36.84, save and except those lands identified as having reference to subsection HAL36.84.1.
- HAL36.84.1 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>
- HAL36.85 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.
- HAL36.86 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. \*\*
- \* 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.
- HAL36.86.1 That in addition to the uses permitted in the A Zone (subsection 28.1) a contractor's yard shall also be permitted on the lands having reference to this subsection.

# ZONE EXCEPTIONS

## SECTION 12

- HAL36.87 (This section repealed by by-law 501-HC-07)
- HAL36.88 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         |
- HAL36.89 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.
- HAL36.90 THAT the provisions of subsection 28.2(b) shall not apply to the lands identified as having reference to this subsection.
- HAL36.91 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.
- HAL36.91A 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**
- HAL36.92 THAT subsection 16.1(u) shall not apply to the lands identified as having reference to this subsection.
- HAL36.93 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
  - 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

# ZONE EXCEPTIONS

## SECTION 12

- t) public utility yard
- u) trade school
- v) firehall
- w) police station
- x) ambulance service
- y) open storage accessory to a permitted use

HAL36.94 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>

HAL36.95 THAT the following provisions shall apply to the lands identified as having reference to this subsection:

HAL36.95.1 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

HAL36.95.2 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.

HAL36.96 (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.

HAL36.97 “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.

HAL36.98 Deleted by By-law No. 27H-92.

HAL36.99 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.

HAL36.99A (a) That notwithstanding subsection 13.2.3(b) a maximum of 12 dwelling  
Haldimand County Zoning By-law HC 1-2020

# ZONE EXCEPTIONS

## SECTION 12

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.

- HAL36.100 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.
- HAL36.101 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.
- HAL36.102 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.
- HAL36.103 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 HAL36.103 as the subject lands are hereby deemed to be a buffer area and no building or structure shall be erected within this buffer area.
- HAL36.104 That notwithstanding subsection 13.1 (d), an apartment dwelling house shall not be permitted on the lands identified as having reference to this subsection.
- HAL36.105 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.
- HAL36.106 That notwithstanding subsection 16.1 (i) an automobile service station shall not be permitted on the lands identified as having reference to this subsection.
- HAL36.107 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 HAL36.107.
- HAL36.108 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.
- HAL36.109 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.
- HAL36.110 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:

# ZONE EXCEPTIONS

## SECTION 12

Minimum Lot Area – 600 square metres  
Maximum Building Height – 1 storey.

HAL36.111 (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  
216 sq. m. for an End Unit Lot  
264 sq. m. for a Corner Lot
- (ii) Min. Lot Frontage: 6.0m. for an Interior Lot  
7.2m. for an End Unit Lot  
11.0m. for a Corner Lot
- (iii) Min. Front Yard Setback: 6.0m. for attached garages  
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”.

HAL36.112 (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.

HAL36.113 (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 to this subsection.

(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.

# ZONE EXCEPTIONS

## SECTION 12

- (c) That all operations of a country inn must be carried on entirely within the principle building containing the single-family dwelling house.

HAL36.114 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.
- (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.

HAL36.115 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<br>(ii) side yard 2.8 metres<br>(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                                                                         |

HAL36.116 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



# ZONE EXCEPTIONS

## SECTION 12

- iv) ventilation shaft
- v) parking area.

- HAL36.117 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.
- HAL36.118 (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.
- HAL36.119 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
- HAL36.120 (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.
- HAL36.121 Repealed by By-law 1074-HC/18.
- HAL36.122 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.

# ZONE EXCEPTIONS

## SECTION 12

- HAL36.123 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         |
- HAL36.124 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.
- HAL36.125 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.
- HAL36.126 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.
- HAL36.127 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.
- HAL36.128 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.
- HAL36.129 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 |
- HAL36.130 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.

# ZONE EXCEPTIONS

## SECTION 12

HAL36.131 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.

HAL36.132(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.

HAL36.132(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.

HAL36.133 By-law 581-HC-08 deleted By-law 25-H-93.

HAL36.134 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

HAL36.135 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.

HAL36.136 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.

HAL36.137 That the following shall apply on the lands identified as having reference to this subsection:

# ZONE EXCEPTIONS

## SECTION 12

- (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.

HAL36.138 That the provisions of subsection 28.2(b) (Minimum Lot Frontage) shall not apply on the lands identified as having reference to this subsection.

HAL36.139 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.

HAL36.140 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 HAL36.140:

(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 HAL36.140.

(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 HAL36.140.

(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 HAL36.140.

HAL36.141 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.

HAL36.142 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 HAL36.142.

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

HAL36.143 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.

HAL36.144 That the provisions of subsections 5.5, 5.6, 6.24 and 6.25, Section 35A and

# ZONE EXCEPTIONS

## SECTION 12

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.

HAL36.145 That the provisions of subsection 28.2 (b) shall not apply to the lands identified as having reference to this subsection.

HAL36.146 (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 HAL36.146 (a), no salvage yard operation shall be permitted to expand beyond the area of site occupation legally existing on August 29, 1994.

HAL36.147 (a) That notwithstanding the permitted uses of the "CG" Zone (subsection 16.1), subsection HAL36.132 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.

HAL36.148 (a) That notwithstanding the permitted uses of the "OS" Zone (subsection 32.1), subsection HAL36.132 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.

HAL36.150 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:

HAL36.150.1 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;

# ZONE EXCEPTIONS

## SECTION 12

- (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.
- HAL36.150.2 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.
- HAL36.150.3 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.
- HAL36.150.4 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.
- HAL36.150.5 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;
  - (b) fuel storage depot for home and farm sales;
  - (c) truck terminal;
  - (d) metal stamping operation.
- HAL36.150.6 For the purposes of subsection HAL36.150, 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.
- HAL36.151 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:
- HAL36.151.1 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.

# ZONE EXCEPTIONS

## SECTION 12

HAL36.151.2 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.

HAL36.151.3 Notwithstanding the zone provisions to the contrary, a minimum setback of 15 metres from the limits of any railway right-of-way shall apply.

HAL36.151.4 For the purposes of subsection HAL36.151, 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.

HAL36.152(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>

HAL36.152(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.

HAL36.153 That notwithstanding subsection 6.20(a), the minimum separation distance between any dwelling unit and the railway right-of-way shall be 10 metres.

HAL36.154 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 |

# ZONE EXCEPTIONS

## SECTION 12

- (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.
- HAL36.155 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 HAL36.155.
- HAL36.156 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.
- HAL36.157 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 HAL36.157.
- HAL36.158 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:



# ZONE EXCEPTIONS

## SECTION 12

(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 |

HAL36.159 Special provision not approved.

HAL36.161 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:

- (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).

HAL36.162 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.

# ZONE EXCEPTIONS

## SECTION 12

- (b) The only use permitted shall be a one-family dwelling house.
- (c) The minimum lot area requirement shall be 836 square metres.

HAL36.163 (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.

HAL36.164 (a) That notwithstanding the permitted uses of the A Zone (subsection 28.1) or subsection HAL36.163, 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 HAL36.164.<sup>160</sup>

HAL36.165 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 HAL36.165, the following definitions shall apply:

- 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

# ZONE EXCEPTIONS

## SECTION 12

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;

12/98

- 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 HAL36.165 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:

# ZONE EXCEPTIONS

## SECTION 12

- 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.

# ZONE EXCEPTIONS

## SECTION 12

HAL36.166 (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.

HAL36.167 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.

HAL36.168 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.

HAL36.169 The following provisions shall apply to the lands identified as having reference to this subsection:

HAL36.169.1 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.

HAL36.169.2 For the purpose of this subsection, the exterior lot line shall be deemed to be the most northern lot line of the lands.

HAL36.169.3 For the purpose of this subsection, a maximum of 18 dwelling units shall be permitted on the lands.

HAL36.170 That the following shall apply on the lands identified as having reference to Haldimand County Zoning By-law HC 1-2020

# ZONE EXCEPTIONS

## SECTION 12

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.

HAL36.171 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.

HAL36.172 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

# ZONE EXCEPTIONS

## SECTION 12

lands.

HAL36.174 (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.

HAL36.175 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.

HAL36.176 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

HAL36.178 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
- (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.

HAL36.179 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.

HAL36.180 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

# ZONE EXCEPTIONS

## SECTION 12

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.

- HAL36.181 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.
- HAL36.182 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.
- HAL36.183 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>
- HAL36.184 (a) That in addition to the permitted uses of the MD Zone (subsection 26.1), the sale of 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.
- HAL36.185 (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.
- HAL36.186 (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.
- HAL36.187 (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>



# ZONE EXCEPTIONS

## SECTION 12

HAL36.188 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.
- (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.

HAL36.189 (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.

HAL36.190 (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>

HAL36.191 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.

HAL36.192 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,

# ZONE EXCEPTIONS

## SECTION 12

shall also be permitted.

HAL36.194 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.

HAL36.195 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

HAL36.196 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.

HAL36.197 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.

HAL36.198 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.

HAL36.199 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.

HAL36.200 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

# ZONE EXCEPTIONS

## SECTION 12

consist of not more than two guest rooms and shall be secondary to a dwelling unit on the same lot.

- HAL36.201 (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.
- HAL36.202 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.
- HAL36.203 Notwithstanding subsection 8.2(b), Minimum Lot Frontage required for the lands identified as having reference to this subsection shall be 10 metres.
- HAL36.204 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.

# ZONE EXCEPTIONS

## SECTION 12

- (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.
- HAL36.205 Notwithstanding the permitted uses and provisions of the “Hamlet Residential” Zone (Section 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.
- HAL36.206 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.
- HAL36.207 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 HAL36.207.
- HAL36.208 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.
- HAL36.210 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.
- HAL36.212 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.

# ZONE EXCEPTIONS

## SECTION 12

- (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.
- HAL36.214 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.
- HAL36.215 (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.
- HAL36.216 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.
- HAL36.217 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           |
- HAL36.218 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>
- HAL36.219 (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 quest rooms and a restaurant with a maximum seating capacity of 52 persons.
- HAL36.220 (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.

# ZONE EXCEPTIONS

## SECTION 12

(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

HAL36.221 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.

HAL36.222 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.

HAL36.223 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.

HAL36.224 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.

HAL36.226 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

HAL36.227 Notwithstanding any other provision of this by-law, no parking, loading, unloading or outdoor storage shall be permitted on those elands identified as having reference to this subsection.

HAL36.229 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.

HAL36.230 Notwithstanding any other provision in this by-law, the front lot line shall be

# ZONE EXCEPTIONS

## SECTION 12

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.

HAL36.231 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.

HAL36.232 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.

HAL36.233 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 HAL36.233.

HAL36.234 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.

HAL36.235 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.

HAL36.236 Repealed by By-law 543-HC/08

HAL36.237 Repealed by By-law 543-HC/08

HAL36.238 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;

# ZONE EXCEPTIONS

## SECTION 12

- 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.
- HAL36.239 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.
- HAL36.240 (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.
- HAL36.241 (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.



# ZONE EXCEPTIONS

## SECTION 12

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

HAL36.242 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.

HAL36.243 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

HAL36.244 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.

HAL36.245 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

HAL36.246 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.

HAL36.247 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.

HAL36.248 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.

# ZONE EXCEPTIONS

## SECTION 12

- (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.

HAL36.249 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

- (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.

HAL36.250 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.

HAL36.251 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.

HAL36.252 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.

HAL36.253 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

HAL36.254 Notwithstanding the provisions of Section 9.2, “Zone Provisions”, the following provisions shall apply:

### Zone Provisions

# ZONE EXCEPTIONS

## SECTION 12

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

# ZONE EXCEPTIONS

## SECTION 12

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.

HAL36.255 BY-LAW 29-H-00 repealed by the OMB Decision 1536 (File# PL001340)

HAL36.256 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”

HAL36.257 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 HAL36.257 and that the required parking for the food store and accessory uses on the lands identified as Part 1 on Schedule HAL36.257 can be provided on the lands identified as Part 2 on Schedule HAL36.257.

HAL36.258 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.

HAL36.259 That the minimum servicing requirement for the lands delineated on Schedule HAL36.259 shall be a cistern and individual sewage disposal system. Use of a private well shall be prohibited.

HAL36.260(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.

b) That the barn located on Part 3 shall not be used for the housing of animals.

# ZONE EXCEPTIONS

## SECTION 12

- HAL36.260(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.
- HAL36.261(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.”
- HAL36.261(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.
- HAL36.265 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.
- HAL36.266 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.
- HAL36.268 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.
- HAL36.269 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

# ZONE EXCEPTIONS

## SECTION 12

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.
  8. Educational and training uses
- 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.
- 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.
- d) That the existing ambulance station plus proposed addition have a maximum building area of 470 square metres.
- e) That notwithstanding the requirements of Subsection 7.8 (number of parking spaces) and HAL36.269 c) above, 14 tandem parking spaces may be permitted for municipal services including emergency services and the ambulance station.
- f) That notwithstanding the provisions of Section 32 ‘Open Space Zone (OS)’ and Special Provision HAL36.269 a), a mobile classroom building or structure is permitted on the subject lands as an educational and/or training use.
- g) That notwithstanding Special Provision HAL36.269 c), a mobile building may utilize up to 10 existing parking spaces for a temporary time period approved by the County.

- HAL36.270 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;

# ZONE EXCEPTIONS

## SECTION 12

ii) Notwithstanding Subsection 11.2, the following provisions shall apply to the lands identified as having reference to this subsection:

- |    |                                           |              |
|----|-------------------------------------------|--------------|
| 1) | Minimum lot area-                         | 340m2        |
| 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.

HAL36.272 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.

HAL36.273 That in addition to the provisions of the “Open Space-Tent and Trailer (OST)” zone (Subsection 33.2), the following provisions shall also apply:

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.

12/02

HAL36.274 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.

HAL36.275 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          |

# ZONE EXCEPTIONS

## SECTION 12

- iv) Minimum Interior South Side Yard: 1.6 metres
- v) Minimum Interior North Side Yard: 5.6 metres
- vi) Minimum Rear Yard: 23 metres

- HAL36.276
- 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.

- HAL36.277
- That notwithstanding the permitted uses of the 'Service Commercial (CS)' zone, subsection 17.1, uses on the property shall be limited to a commercial entrance.

- HAL36.278
- 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 HAL36.278 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



# ZONE EXCEPTIONS

## SECTION 12

on Map 'B' and Schedule HAL36.278 to this By-Law, shall be deemed to be the front lot line of Lots 10,11,12,13,14, and 15.

HAL36.279 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.

HAL36.280 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.

HAL36.282 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

HAL36.283 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 HAL36.283.

HAL36.284 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;

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

# ZONE EXCEPTIONS

## SECTION 12

- 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>

- HAL36.285
- 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.
- HAL36.286
- 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>
- HAL36.287
- 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.
- HAL36.290
- 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.

# ZONE EXCEPTIONS

## SECTION 12

HAL36.291 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.

HAL36.292 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>

HAL36.293 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.

HAL36.294 (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.

HAL36.295 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.

HAL36.296 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.

HAL39.297 That in addition to the uses permitted in the CG Zone (subsection 16.1) a body shop will also be permitted.<sup>268</sup>

HAL36.298 That on the lands delineated as having reference to this subsection the following provision shall apply:

# ZONE EXCEPTIONS

## SECTION 12

- a) The keeping of livestock shall be prohibited in the exiting livestock facility located on the subject lands on the date of the passing of this by-law.
- HAL36.299
- 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.
- HAL36.301
- 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 flood area for the Videotape and Videodisc Sales and Rental Establishment shall be limited to 335 m<sup>2</sup>.
- HAL36.302
- 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 HAL36.302.
  - ii) That accessory uses to a residential use shall be permitted in the area delineated as Part 2 on Schedule HAL36.302.
- HAL36.303
- 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.
- HAL36.304
- This section deleted (205-HC-04).*
- HAL36.307
- 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.
- HAL36.309
- THAT the minimum Lot Frontage requirements of the Hamlet Residential Zone shall not apply and the following shall apply in lieu thereof:
- a) Minimum Lot Frontage: 20.7 metres.
- HAL36.310
- 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.
- HAL36.311
- i) That in addition to the permitted uses in Subsection 10.1 of the Urban

# ZONE EXCEPTIONS

## SECTION 12

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.

HAL36.312 Notwithstanding the provisions of subsection 23.2(b), the following provisions shall apply in lieu thereof:

Minimum Lot Frontage: 9.0 metres.

HAL36.313 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.

HAL36.314 (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 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

# ZONE EXCEPTIONS

## SECTION 12

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 3 and 4 as more accurately shown on Schedule HAL36.314 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.

HAL36.315 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.

HAL36.316 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

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

# ZONE EXCEPTIONS

## SECTION 12

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

HAL36.317 (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.
- (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 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 1, 2, 3 and 4 as more accurately shown on Schedule HAL36.317 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

# ZONE EXCEPTIONS

## SECTION 12

- (iii) The “Front Lot Line” for Block 3 shall be the northeasterly lot line.

HAL36.318A (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.

HAL36.318B 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
- 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

HAL36.319 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.



# ZONE EXCEPTIONS

## SECTION 12

HAL36.321 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.

HAL36.322 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.

HAL36.323 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.

HAL36.324 (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.

# ZONE EXCEPTIONS

## SECTION 12

- HAL36.325 (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.
- HAL36.326A 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 HAL36.325.
- HAL36.326B **REPEALED AND REPLACED BY HAL36.334 (538-HC-08)**
- HAL36.329 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.
- HAL36.330A 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 HAL36.329, which may house up to 50 beef cattle or equivalent nutrient units as identified under the Minimum Distance Separation Formula.<sup>295</sup>
- HAL36.330B 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.
- HAL36.331A That on the lands delineated as having reference to this subsection, the following provisions shall apply:

# ZONE EXCEPTIONS

## SECTION 12

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 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.

HAL36.331B 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.

HAL36.332A 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.

HAL36.332B 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.

HAL36.332C 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;

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

HAL36.333 The following provisions shall apply to the lands identified as the subject lands  
Haldimand County Zoning By-law HC 1-2020

# ZONE EXCEPTIONS

## SECTION 12

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 HAL36.333.

HAL36.334 a) The following provisions shall apply to the lands identified as Parts 2 and 8 on Map 'B' and Schedule HAL36.334:

- 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 HAL36.334:

- 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 HAL36.334:

- 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.

d) The following provisions shall apply to the lands identified as Parts 5 and 11 on Map 'B' and Schedule HAL36.334:

- 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.

# ZONE EXCEPTIONS

## SECTION 12

- e) The following provisions shall apply to the lands identified as Parts 6 and 12 on Map 'B' and Schedule HAL36.334:
  - 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 HAL36.334:
  - 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.

- HAL36.335 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.
- HAL36.336
- 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."
- HAL36.337 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.
- HAL36.338 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

# ZONE EXCEPTIONS

## SECTION 12

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.
- d) 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.

HAL36.339 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.

HAL36.340 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.

HAL36.341 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>

HAL36.342 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.

HAL36.343 In addition to the permitted uses in the “Community Institutional (IC)” zone, a seasonal farmers’ market shall also be permitted.

HAL36.345A 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:

# ZONE EXCEPTIONS

## SECTION 12

- 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.

HAL36.345B 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:
  - vi) library
  - vii) government offices
  - viii) arena
  - ix) 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.”

HAL36.346 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

# ZONE EXCEPTIONS

## SECTION 12

“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.

HAL36.347 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



# ZONE EXCEPTIONS

## SECTION 12

### n) Clinic

HAL36.348 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.

#### 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.

HAL36.349 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 HAL36.349.

HAL36.350 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.

HAL36.351 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.

HAL36.352 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.

# ZONE EXCEPTIONS

## SECTION 12

HAL36.353 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.

HAL36.354 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.

HAL36.355A 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.

HAL36.355B That on the lands delineated as having reference to this subsection, the Haldimand County Zoning By-law HC 1-2020

# ZONE EXCEPTIONS

## SECTION 12

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.

HAL36.356 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.

HAL36.357 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.

HAL36.358 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
  - iv. Merchandize service shop
  - v. Bank
  - vi. Office
  - vii. Antique shop

# ZONE EXCEPTIONS

## SECTION 12

- 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.

HAL36.359 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.

HAL36.360 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 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.

HAL36.361 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

# ZONE EXCEPTIONS

## SECTION 12

- 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.

HAL36.362 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.

HAL36.363 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.”

HAL36.364 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 date of passing of this by-law.

HAL36.365 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

# ZONE EXCEPTIONS

## SECTION 12

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.
- HAL36.368 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.
- HAL36.369 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.”
- HAL36.369 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 supersede any section of the By-law which there is a conflict.
- HAL36.370 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 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.

# ZONE EXCEPTIONS

## SECTION 12

- 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.

HAL36.371 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.

HAL36.372 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 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.

HAL36.373 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:

# ZONE EXCEPTIONS

## SECTION 12

i) Retail Establishment.

HAL36.374 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.

HAL36.375 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.

HAL36.376 Notwithstanding subsection 10.2 a), b) and c), *Zone Provisions of the Urban Residential Type 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:



# ZONE EXCEPTIONS

## SECTION 12

“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.

HAL36.377 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
  - 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:

# ZONE EXCEPTIONS

## SECTION 12

- 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 HAL36.377.

- 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.

# ZONE EXCEPTIONS

## SECTION 12

- 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.

HAL36.378 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;

# ZONE EXCEPTIONS

## SECTION 12

- (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;
- (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 requirement 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;

# ZONE EXCEPTIONS

## SECTION 12

- (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

# ZONE EXCEPTIONS

## SECTION 12

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,

# ZONE EXCEPTIONS

## SECTION 12

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).

HAL36.379 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.

HAL36.380 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

# ZONE EXCEPTIONS

## SECTION 12

locations until such time as 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.

HAL36.381 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.

HAL36.382 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.

HAL36.383 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:



# ZONE EXCEPTIONS

## SECTION 12

- 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.
- HAL36.384 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.
- HAL36.385 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.
- HAL36.386 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.
- HAL36.387 That on the lands delineated as having reference to this subsection, the following provision shall apply:

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.
- HAL36.388 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

# ZONE EXCEPTIONS

## SECTION 12

- 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).
- HAL36.389 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.
- HAL36.390 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.
- HAL36.391 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.
- HAL36.392 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.

# ZONE EXCEPTIONS

## SECTION 12

- 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.

HAL36.393 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.
- 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.

HAL36.394 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.

HAL36.395

### 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

# ZONE EXCEPTIONS

## SECTION 12

- 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, 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

# ZONE EXCEPTIONS

## SECTION 12

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.

# ZONE EXCEPTIONS

## SECTION 12

e) 13.2.1(g) Minimum Rear Yard	6.0 metres
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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.

# ZONE EXCEPTIONS

## SECTION 12

- 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

# ZONE EXCEPTIONS

## SECTION 12

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 par of this by-law, the following provisions shall apply:



# ZONE EXCEPTIONS

## SECTION 12

- 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*

# ZONE EXCEPTIONS

## SECTION 12

*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.
- HAL36.396 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.
- HAL36.397 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.
- HAL36.398 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 during the day and which is conducted by a qualified person or organization."
- HAL36.399 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*,

# ZONE EXCEPTIONS

## SECTION 12

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.

### **HAL36.400 DELETED BY BY-LAW 1008-HC/17**

HAL36.401 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.

HAL36.402 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 (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.

HAL36.403 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* –

# ZONE EXCEPTIONS

## SECTION 12

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.

HAL36.404 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.
- 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.

HAL36.406 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

# ZONE EXCEPTIONS

## SECTION 12

- 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.

HAL36.407 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;
- 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.

HAL36.408 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;

HAL36.409 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

# ZONE EXCEPTIONS

## SECTION 12

- 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.

HAL36.409 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.”

HAL36.410 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.

# ZONE EXCEPTIONS

## SECTION 12

- HAL36.411 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.
- HAL36.412 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.
- HAL36.413 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.
- HAL36.414 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:

    - 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

# ZONE EXCEPTIONS

## SECTION 12

- vi. components;  
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.
- HAL36.415 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.
- HAL36.416 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.
- HAL36.417 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.
  - 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.
- HAL36.418 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



# ZONE EXCEPTIONS

## SECTION 12

- 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:

- (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.

HAL36.419 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.

# ZONE EXCEPTIONS

## SECTION 12

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.

HAL36.420 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.

HAL36.421 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:
  - 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

# ZONE EXCEPTIONS

## SECTION 12

(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.

HAL36.422            Number not used.

HAL36.423        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.

HAL36.424        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.

HAL36.425        That on the lands delineated as having reference to this subsection, the Haldimand County Zoning By-law HC 1-2020

# ZONE EXCEPTIONS

## SECTION 12

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 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.

HAL36.426 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.

HAL36.427 **AT OMB – Riverside Properties/2494134 Ontario Inc.**

HAL36.428 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

# ZONE EXCEPTIONS

## SECTION 12

previously enacted Special Provision HAL36.345B, a minimum of 230 parking stalls shall be provided and are to serve all of the uses on the site in shared parking arrangement;

- ii. That a minimum of 12 of the 230 required stalls shall be of barrier-free design.

HAL36.429 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.

HAL36.430 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 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;

# ZONE EXCEPTIONS

## SECTION 12

- v) That the maximum usable floor area per retail unit shall not exceed 400 square metres;
- vi) That the maximum usable floor area for retail shall not exceed 90% of the total ground floor usable floor area of the building;
- vii) That a minimum of 10% 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.

HAL36.431 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.

HAL36.432 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 Requirements – Interior Side Yard, the minimum interior side yard shall be 1.2 metres.

HAL36.433 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

# ZONE EXCEPTIONS

## SECTION 12

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.
- 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 That on lands delineated as having reference to this subsection, the following provision shall apply:

- i. Notwithstanding any provisions of this By-law to the contrary, for Part 3, as shown on Schedule B, attached to and forming part of this By-law, the following shall apply:
  - a) Lot shall mean those lands described as Part 3, as shown on Schedule B, attached to and forming part of this By-law.
  - b) Parcel of Tied Lands (POTL) shall mean that individual portion of the lot containing the dwelling unit and associated land which is described as one parcel in the last registered

# ZONE EXCEPTIONS

## SECTION 12

instrument and which is tied to the Common Element Condominium also located within the lot.

- ii. Notwithstanding the provisions of Section 6.15 Frontage on An Improved Street, the POTLS are permitted to front onto a private (condominium) street that has been constructed and is maintained in such a manner so as to facilitate year-round use by automotive traffic.
- iii. Notwithstanding the provisions of Section 13.2.2 Zone Provisions – Group Townhouse, the following shall apply to the lot:
  - Current Minimum Provision
  - 13.2.2. (d) Minimum Exterior Side Yard
  - 13.2.2. (g) Minimum Rear Yard
  - Special Provisions
  - 3 metres exterior side yard
  - 5 metres rear yard setback
  - a) Notwithstanding Section 4.48.1, Definition for a Front Lot Line, there shall be no front lot line.
  - b) Notwithstanding Section 4.48.4, Definition for an Exterior Side Lot Line, the exterior side lot line shall be recognized as the lot line abutting Street A (Mead Road) and Street C (Nico Road).
  - c) Notwithstanding Section 4.48.2, Definition for a Rear Lot Line, the rear lot line shall be recognized as lot line farthest from and opposite the private (condominium) road.
- iv. Notwithstanding the provisions of Section 13.2.2 Zone Provisions – Group Townhouses, the following shall apply to the POTLs:
  - Current Minimum Provision
  - 13.2.2. (a)(ii) Minimum Lot Area
  - 13.2.2. (b) Minimum Lot Frontage
  - 13.2.2. (c) Minimum Front Yard
  - 13.2.2. (h) Maximum Building Height
  - Special Provisions
  - 115 square metres minimum lot area
  - 5 metres for an interior lot and 9 metres for a corner lot
  - 3 metres front yard setback
  - 12 metres
- v. Notwithstanding any section of this By-law and for the purposes of condominium registration, the frontage and size of the



# ZONE EXCEPTIONS

## SECTION 12

POTLs may be reduced to the satisfaction of the General Manager of Community & Development Services, or designate.

Any provisions of the R4 Zone not specifically identified above, are applicable as set out in Section 13 of By-law 1-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.'*

HAL36.435 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.

HAL36.435 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

# ZONE EXCEPTIONS

## SECTION 12

- 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.
- HAL36.436 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.
- HAL36.437 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.
- HAL36.438 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.
- 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.
- HAL36.439 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.
- HAL36.440 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:
- 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

# ZONE EXCEPTIONS

## SECTION 12

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.

HAL36.441 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

iv. Carpentry and millwork business

v. 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

# ZONE EXCEPTIONS

## SECTION 12

- iii. 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

HAL36.442 **NUMBER NOT USED**

HAL36.443

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:
  - 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

- iii. 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*

# ZONE EXCEPTIONS

## SECTION 12

*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

# ZONE EXCEPTIONS

## SECTION 12

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).

HAL36.444 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:

- 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.

HAL36.446 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.

HAL36.447

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
d) 10.2(c)(ii) Exterior Side	2.4 metres, except that an attached garage

# ZONE EXCEPTIONS

## SECTION 12

Yard	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

# ZONE EXCEPTIONS

## SECTION 12

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.”*



# ZONE EXCEPTIONS

## SECTION 12

- 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

# ZONE EXCEPTIONS

## SECTION 12

- 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).

- HAL36.451 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.

- HAL36.452 Part 1:

That notwithstanding the provisions of the 'Hamlet Residential (RH)' Zone of the Town of Haldimand Zoning By-law 1-H 86 to the contrary:

# ZONE EXCEPTIONS

## SECTION 12

- i. Section 14.2 (a) Minimum Lot Area shall be 1,700 square metres.
- ii. Section 14.2 (b) Minimum Lot Frontage shall be 29 metres.

### Part 2:

That notwithstanding the provisions of the 'Open Space (OS)' Zone of the Town of Haldimand Zoning By-law 1-H 86 to the contrary:

- i. Section 32.1 Permitted Uses for the lands shall be restricted to Stormwater Management Pont.
- ii. Section 32.2 (b) Minimum Lot Frontage shall be 4.00 metres.

HAL36.454 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);  
Open storage shall be prohibited in the required front yard.

HAL36.455 a) Section 28.1 (Permitted Uses) of the "Agriculture Zone (A)" shall also include:

- i. Overnight accommodations be permitted in the form of the four (4) modular units that currently exist on the site and the five (5) rooms in the clubhouse facility.
- ii. Corporate meetings and team building events are permitted up to three (3) days in length and may occur up to ten (10) times per year.
- iii. Receptions and similar social events are permitted up to ten (10) days per year.
- iv. Cooking demonstrations are permitted up to five (5) times per year.
- v. Fundraising events, including barbeques, car shows, craft sales, birds of prey demonstrations and similar events, may take place up to ten (10) days per year.
- vi. The aggregate of all events is permitted to a maximum of forty (40) days per calendar year.
- vii. The organizer will be required to obtain a clearance letter from the General Manager of Community and Development Services prior to the commencement of one of the above noted events. The following details must be submitted for review:
  - a) Submission of a written description of the events and anticipated number of attendees;
  - b) Submission of a parking plan for the anticipated number of attendees;

# ZONE EXCEPTIONS

## SECTION 12

- c) Description of any outdoor noise associated with the event including identification of the sources and intensities, and the hours at which they will occur;
  - d) Description of any outdoor activities associated with the event and duration of same;
  - e) Written clearance from the OPP and Emergency Services (EMS) prior to the event, if required (depends on the type/ scale of the event); and
  - f) Notice to abutting property owners for any events where more than one hundred (100) people are expected to attend.
- viii. The uses are to be limited in size and aerial extent to what exists on the date of passing of this by-law.

HAL36.456 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 "Agriculture (A)" zone the minimum lot frontage shall be eight (8) metres.
- b) Notwithstanding the provisions of Section 28.2 (c) 'Zone Provisions' of the "Agriculture (A)" zone the minimum rear yard setback shall be three (3) metres.

Part 2

- a) Notwithstanding the provisions of 28.1 – Permitted uses in the "Agriculture (A)" zone, a one family dwelling house and home occupation shall not be permitted.

HAL36.457

1. Zoning for Urban Residential Type 1-B (R1-B) - One and Two 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. 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

# ZONE EXCEPTIONS

## SECTION 12

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 provision 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:

# ZONE EXCEPTIONS

## SECTION 12

*"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 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 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 yard 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 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' 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:

# ZONE EXCEPTIONS

## SECTION 12

- a) Street townhouses
  - b) Group townhouses
  - c) One and two family dwelling houses subject to the provisions outlined in paragraph 7.1 of this by-law
- ii. Notwithstanding the provisions of Section 13.2.1 Zone Provisions - Street Townhouses, the following shall apply:

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
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:

# ZONE EXCEPTIONS

## SECTION 12

*"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 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 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.



# ZONE EXCEPTIONS

## SECTION 12

### 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) Stormwater management facilities

### 4. Zoning for Hazard Lands (HL)

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. No site alteration of development is permitted.

HAL36.458 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 “Agriculture (A)” zone, a one family dwelling house and home occupation shall not be permitted.

HAL36.459 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

i. Notwithstanding the provisions of Section 9.2 (c) (iii) – Minimum Yard Requirements – Interior Side Yard, the minimum interior side yard shall be 1.2 metres.

HAL36.460 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

#### Part 1

Notwithstanding the provisions of Section 28.2 (b) 'Zone Provisions' of the 'Agricultural (A)' Zone the minimum lot frontage shall be 25 metres.

HAL36.461

a) Section 28.1 (Permitted Uses) of the 'Agricultural (A)' Zone shall also include a carpentry and millwork business.

b) That notwithstanding the provisions of sections of the 'Agricultural (A)' Zone of the Town of Haldimand Zoning By-law, 1-H 86 to the contrary, the following additional provisions shall apply:

- i. Workshop or storage buildings for a carpentry and millwork business shall be limited to a maximum area of 1,100 square metres;
- ii. The number of employees shall not exceed eight (8); and
- iii. Open storage shall be prohibited in the required front yard.

HAL36.462 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

# ZONE EXCEPTIONS

## SECTION 12

- i. Notwithstanding the permitted uses under Section 28.1 permitted – A processing, manufacturing, light assembly and research facility shall be a permitted use.
- ii. Outdoor storage shall not be a permitted use.

HAL36.463 That on the lands delineated as having reference to this subsection, the following provisions shall apply:

Part 1

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.

Part 2

Notwithstanding the provisions of Section 6.7 Accessory Uses to Residential Uses, the maximum accessory structure floor area shall be 822.84 square metres.

HAL36. 464

1. Zoning for Urban Residential Type 4 (R4) – Group Townhouses

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. Notwithstanding the provisions of Section 13.1 Permitted Uses – Urban Residential Type 4 (R4), permitted uses shall include: a) Group Townhouses, including Back-to-Back Group Townhouses
- ii. Notwithstanding the provisions of Section 13.2.2 Zone Provisions – Group Townhouses, the following shall apply:

a) 13.2.2(a) Minimum Lot Area	<ul style="list-style-type: none"> <li>(i) interior lot – 89 square metres per unit</li> <li>(ii) end lot – 95 square metres per unit</li> <li>(iii) corner lot – 100 square metres per unit</li> <li>(iv) interior lot with parking accessed via rear lane – 89 square metres</li> <li>(v) end lot with parking accessed via rear lane – 95 square metres per unit</li> <li>(vi) corner lot with parking accessed via rear lane – 100 square metres per unit</li> </ul>
13.2.2(b) Minimum Lot Frontage	<p>30 metres for entire block</p> <ul style="list-style-type: none"> <li>(i) interior lot – 5.0 metres per unit</li> <li>(ii) end lot – 6.7 metres per unit</li> <li>(iii) corner lot – 7.6 metres per unit</li> <li>(iv) lots fronting on public street with parking accessed via rear lane –</li> </ul>

# ZONE EXCEPTIONS

## SECTION 12

	4.7 metres for interior unit; 6.1 metres for end unit; 7.3 metres for corner unit
13.2.2(c) Minimum Front Yard	4.5 m to dwelling; except 6.0 m to attached garage face; or  For lots fronting a public street with parking accessed via rear lane, 3.0 metres to the front of the rear lane unit. The front lot line shall be deemed to be the public street
13.2.2(d) Minimum Exterior Side Yard	2.4 m; except that an attached garage fronting on a flankage street or lane shall be 6.0 m from the flankage street or lane line
13.2.2(e) Minimum Interior Side Yard	1.2 m.; except 0.0 m. on a mutual side lot line separating 2 attached townhouse units
13.2.2(g) Minimum Rear Yard	6.0 m; or  For lots fronting a public street with parking accessed via rear lane, 3.5 metres to the dwelling, except 6.0 metres to the garage door face and 2.4 metres to corner radius for a corner unit; or  0.0m for Back-to-Back Townhouses.
13.2.2(h) Maximum Height	13.5 m

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 4.25.6 Definition of Group Townhouses, the following shall apply: “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.

*“For back-to-back townhouses, a maximum of 8 dwelling units may be attached in a contiguous structure, provided the structure is only 4 units wide and 2 units deep.”*

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.”*

# ZONE EXCEPTIONS

## SECTION 12

- 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.
- xii. A common element condominium road shall be considered a public road for the purposes of the Zoning By-law.

HAL36.465

### 2. Zoning for Urban Residential Type 4 (R4) – Street Townhouses, Group Townhouses, Back-to-Back Townhouses and Apartments

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. Notwithstanding the provisions of Section 13.1 Permitted Uses – Urban Residential Type 4 (R4), permitted uses shall include:
  - a. Street Townhouses subject to the provisions outlined in Paragraph 5.2 of this By-law
  - b. Group Townhouses subject to the provisions outlined in Paragraph 5.3 of this By-law
  - c. Back-to-Back Townhouses
  - d. Apartment Dwelling House

# ZONE EXCEPTIONS

## SECTION 12

- ii. Notwithstanding the provisions of Section 13.2.1 Zone Provisions – Street Townhouses, the following shall apply to Back-to-Back Townhouses:

13.2.1(a) Minimum Lot Area	(i) Interior Lot – 78 square metres (ii) Corner Lot – 105 square metres (iii) End Lot – 90 square metres
13.2.1(b) Minimum Lot Frontage	(i) Interior Lot – 6.0 metres per unit (ii) Corner Lot – 9.0 metres per unit (iii) End Lot – 7.2 metres per unit
13.2.1(c) Minimum Front Yard	3.0 m. to dwelling; except 6.0 m to attached garage face
13.2.1(d) Minimum Exterior Side Yard	3.0 m. to dwelling; except that an attached garage fronting on flankage street shall be 6.0 m from flankage street line
13.2.1(e) Minimum Interior Side Yard	1.2 m.; except 0.0 m on a mutual side lot line separating 2 attached townhouse unit
13.2.2(g) Minimum Rear Yard	0.0 m.
13.2.2(h) Maximum Height	14.0 m.

- iii. Notwithstanding the provisions of Section 13.2.4 Zone Provisions – Apartment Dwelling House, the following shall apply to Apartment Dwelling Houses:

13.2.4(a) Minimum Yard Requirements	(i) Front Yard – 3.0 m. (ii) Exterior Side Yard – 3.0 m. (iii) Interior Side Yard - 3.0 m.; except 7.5 m. abutting a side lot line which is the boundary of any Residential Zone (iv) Rear Yard - 3.0 m.; except 7.5 m. abutting a rear lot line which is the boundary of any Residential Zone
13.2.4(b) Maximum Floor Area Ratios	Not Applicable, however maximum density shall be 100 units per hectare
13.2.4(c) Maximum Building Height	6 storeys

Any provisions of the R4 zone not specifically identified above, are applicable as set out in Section 13 of By-law 1-H-86.

- iv. That notwithstanding Section 4.25.5 Definition of Street Townhouses, the following shall apply:

# ZONE EXCEPTIONS

## SECTION 12

*“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.*

*For back-to-back townhouses, a maximum of 8 dwelling units may be attached in a contiguous structure, provided the structure is only 4 units wide and 2 units deep.”*

- v. 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.”*

- 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 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. However, for Back-to-Back Townhouses, no accessory uses shall be permitted.
- 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; except an air conditioning unit is permitted on a front balcony above the ground floor on a Back-to-Back Townhouse.
- xi. For Townhouses, 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. For an Apartment Dwelling House, parking shall be provided at a rate of 1.25 spaces per unit, plus 1 visitor space for every 10 dwelling units or part thereof.
- xiv. The provisions under Section 6.14 (Number of Dwelling Houses Per Lot) shall not apply for Apartment Dwelling Houses.

# ZONE EXCEPTIONS

## SECTION 12

- xv. For the purposes of the lot frontage, lot area, front, side, and rear yard A common element condominium road shall be considered a public road for the purposes of the Zoning By-law.

HAL36.466

### 3. Zoning for General Commercial (CG) – Commercial and Mixed-Use Buildings

That on the lands delineated as Parts 5 and 6 on Map 'B' attached to and forming part of this by-law, the following provisions shall apply:

- i. In addition to the provisions of Section 16.1 Permitted Uses, the permitted uses shall also include:
  - (a) supermarket;
  - (b) 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;
  - (c) home improvement/building supply store;
  - (d) service commercial stores including personal service shops; restaurants; financial institutions; personal service / professional offices; and, other similar uses;
  - (e) mixed-use buildings, with residential apartment units above ground floor commercial;
  - (f) live-work townhouses, with commercial (home-based business) component on the ground floor;
  - (g) residential apartment dwellings and stacked townhouses shall be permitted, except in the north-west quadrant of the block (Part 6).
- ii. Notwithstanding the provisions of Section 16.2 Zone Provisions, the following shall apply:

16.2(a) Minimum Yard Requirements	<ul style="list-style-type: none"> <li>i. Front Yard – 3.0 m.</li> <li>ii. Exterior Side Yard – 3.0 m</li> <li>iii. Interior Side Yard - 3.0 m.; except 7.5 m. abutting a side lot line which is the boundary of any Residential Zone</li> <li>iv. Rear Yard - 3.0 m.; except 7.5 m. abutting a side lot line which is the boundary of any Residential Zone</li> </ul>
16.2(b) Maximum Building Height	3 storeys; except for buildings adjacent Street 'C', 6 storeys shall be permitted

Any provisions of the CG zone not specifically identified above, are applicable as set out in Section 16 of By-law 1-H-86.

- iii. Parking for Apartment Dwellings or other Dwelling Unit shall be provided at a rate of 1.25 spaces per unit, plus 1 visitor space for every 10 dwelling units or part thereof.

# ZONE EXCEPTIONS

## SECTION 12

1. Parking for Non-Residential uses shall be provided in accordance with Section 7 of By-law 1-H-86.
  2. Required visitor spaces for residential uses and non-residential uses can be shared.
- iv. The provisions under Section 6.14 (Number of Dwelling Houses Per Lot) shall not apply.
- v. For the purpose of this By-law, 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) “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, supermarkets as defined herein, home & auto stores and warehouse memberships clubs are not included in this category.
  - (iii) 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.
  - (iv) “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:
    - a. “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.
    - b. “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, café, cafeteria, lunch counter, tearoom or coffee shop, an outdoor patio or café.
    - c. “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.
    - d. “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



# ZONE EXCEPTIONS

## SECTION 12

(including but not limited to a real-estate office, travel agency, insurance brokerage or government office) or used for the practice 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).

HAL36.467

#### 4. Zoning for Open Space (OS)

That on the lands delineated as Part 8 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) Stormwater management facilities

HAL36.468

#### 5. Zoning for Hazard Lands (HL)

That on the lands delineated as Part 7 on Map 'B' attached to and forming part of this by-law, the following provisions shall apply:

- i. No site alteration or development is permitted, with the exception of trails as approved by the County and Conservation Authority.

#### General Provisions

The following General Provisions shall apply to the lands shown on Maps 'A' and 'B' attached to and forming part of this by-law:

- i. That the definition of a "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 being measured 7.5 metres from the point of intersection of the street lines.*

# ZONE EXCEPTIONS

## SECTION 12

- 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; 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.

HAL36.469

### 6. Zoning for Urban Residential Type 1-B (R1-B) – One and Two 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. 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 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 provision 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:

# ZONE EXCEPTIONS

## SECTION 12

*“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 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 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 yard 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 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.

### 7. Zoning for Urban Residential Type 4 (R4) – Townhouses, One and Two Family 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:
  - a) Street townhouses
  - b) Group townhouses
  - c) One and two family dwelling houses subject to the provisions outlined in paragraph 5)1. of this by-law

# ZONE EXCEPTIONS

## SECTION 12

- ii. Notwithstanding the provisions of Section 13.2.1 Zone Provisions – Street Townhouses, the following shall apply:

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.

# ZONE EXCEPTIONS

## SECTION 12

- 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 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 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.

### 12.3 Nanticoke

NANR1-A.2	Minimum lot area:	414 sq. m.
	Minimum lot frontage:	10 m.
	Minimum interior right side yard:	1 m.
	Minimum front yard:	4 m.
NANR1-A.3	Minimum lot frontage:	14 m.
	Minimum front yard:	4.8 m.
	Minimum interior side yard:	3 m. and 0.61 m.

# ZONE EXCEPTIONS

## SECTION 12

NANR1-A.4	Minimum exterior side yard:	5 metres
NANR1-B.1	Minimum Lot Area:	> Interior Lot: 300 sq. metres > Exterior Lot: 375 sq. metres
	Minimum Lot Frontage:	> Interior Lot: 10 metres > Exterior Lot: 13 metres
	Minimum Front Yard:	> 4.5 metres to the front face of the dwelling and 6.0 metres to the front of the garage
	Minimum Side Yard:	> Exterior: 3.0 metres > Interior: 1.0 metres on each side with an attached garage
NANR2.1	a) Permitted Use	Duplex dwelling
	Excluded Use	Habitable room in the basement
	b)	Minimum lot area: 448 sq. m. Minimum lot frontage: 11 m. Minimum front yard: 5 m. Minimum usable floor area: 59 sq. m. per dwelling unit Minimum number of parking spaces: 3
NANR2.2	Minimum lot area:	414 sq. m.
	Minimum interior left side yard:	0.50 m.
	Minimum lot frontage:	10 m.
NANR2.3	For the lands subject to this by-law, a minimum of 12 semi-detached units shall be provided.	
	Minimum Rear Yard:	6.5 Metres
	• Abutting a municipal drain:	6.0 metres
	Minimum Interior Side Yard:	1 Metres
	Mutual side lot line for semi-detached dwellings: On the mutual side lot line separating two attached semi-detached dwelling units, no interior side yard is required where the walls are joined, where the walls are not, a 1 metre side side yard shall be required.	
	Single detached dwelling In addition to the provisions of the R1-A zone, the following provisions shall also apply.	
	Minimum lot frontage, interior lot:	12.0 metres
	Minimum lot frontage, corner lot:	15.0 metres
	Minimum lot area, interior lot:	360.0 sq. metres

# ZONE EXCEPTIONS

## SECTION 12

Minimum lot area, corner lot: 450.0 sq. metres

Minimum Exterior Side Yard: 4 metres

Minimum Interior Side Yard: 1 metre

Minimum Rear Yard: 6.5 metres

- Abutting a municipal drain: 6.0 metres

NANR.4.1 Subsection 3.13 (Frontage on an Improve Street) shall not apply.  
Front Lot Line shall be deemed to be the easterly zoning boundary line

NANR.4.2 Permitted Use Group Townhouse

That for the purposes of this development, the definition of “Group Townhouses” shall mean a dwelling containing two or more dwelling units located on the same lot with each dwelling unit being divided one from the other by an above grade vertical common wall, a minimum of 10 square metres in area, and with each dwelling unit having direct access to a yard.

The maximum number of units per townhouse block shall be five (5).

The front lot line shall be deemed to be the north-eastern property line adjacent to Nanticoke Creek Parkway.

For the purpose of applying minimum front yard, exterior side yard and interior side yard setbacks the private road shall be deemed as the front lot line.

Minimum Interior Side Yard: 2.96 metres

NANR.4.3 A maximum of 25 single detached dwellings

Minimum Yard Requirements:

- a) Front Yard – 3.0 metres
- b) Rear Yard – 7.5 metres
- c) Exterior Side Yard – 3.0 metres

NANR5.1 Maximum building height: 4 storeys

NANRH.1 a) Permitted Use Automobile body shop  
b) Minimum rear yard: 3 m.  
Maximum useable floor area: 280 sq. m. for an automobile body shop

NANRH.2 Permitted Use Duplex dwelling

NANRH.3 Permitted Use Water haulage business

NANRH.4 Minimum rear yard: 21.3 m.

# ZONE EXCEPTIONS

## SECTION 12

NANRH.5	a) Permitted Use	Private club Vacation home Sales office within existing dwelling for the propose leasehold development
	b)	<p>Minimum overall lot area: 35.2 ha.</p> <p>Minimum front yard: 9 m.</p> <p>Maximum number of dwelling units: 389</p> <p>Maximum useable floor area per dwelling unit: 140 m<sup>2</sup></p> <p>Maximum number of bedrooms per dwelling unit: 2</p> <p>Maximum leasehold site lot coverage: 50%</p> <p>Lot coverage shall include the area of the leasehold site covered by decks and unenclosed porches.</p> <p>Maximum percentage of built dwellings to be used for vacation homes: 10%</p> <p>Minimum leasehold site front yard: 3.6 m.</p> <p>Minimum leasehold site exterior side yard: 3.6 m.</p> <p>Minimum leasehold site rear yard: 2.4 m.</p> <p>Minimum leasehold site interior side yard: 1.2 m.</p> <p>Minimum leasehold site interior side yard for an accessory building or structure: 1.2 m.</p> <p>Minimum parking spaces: 2 on each leasehold site</p> <p>Location of parking spaces: none on any private lane.</p> <p>Minimum services: every dwelling unit shall be connected to a communal water and communal sanitary sewer system.</p>

For the purpose of the lands subject to this special provision and special provision RH.5a, a “vacation home” shall mean a dwelling containing only one dwelling unit used for the purpose of vacation and recreation on a regular basis from May through October inclusive, in the same calendar year, and shall only consist of either a park model trailer built to CA/CSA – Z 241 standards (or successor standards) as defined in the Ontario Building Code, provided that the park model trailer or the model home, as the case may be, is placed on a concrete pad, has its trailer or mobile home drawbar removed and is skirted to disguise its identity as a trailer.

NANRV.1	Permitted Use	Single detached dwelling
NANRV.2	Minimum lot area:	780 sq. m.
NANRV.3	a) Sole Permitted Use	Accessory building without the need for a main use
	b)	<p>Frontage on an improved street: not required.</p> <p>An accessory building is permitted within the front yard setback on the north side of the public lane as delineated on Schedule RV.3</p> <p>Minimum front yard for an accessory building: 0.6 m.</p>



# ZONE EXCEPTIONS

## SECTION 12

Maximum useable floor area of an accessory building: 61 sq. m.  
 Maximum lot area: 244 square metres  
 Maximum lot coverage for an accessory building: 25%

- NANRV.4 Permitted Use Single detached dwelling
- NANRV.5 Setback of seasonal dwelling from breakwall: 15.0 m.
- NANRV.6 Lot frontage: 22.0 m.  
 Lot area: 1,200 sq. m.
- NANRV.7 (H) a) Permitted Use Single detached dwelling  
 b) Frontage on an Improved street: not required  
 Minimum lot area: 1,214 sq. metres  
 Minimum front yard: 4.5 metres  
 Minimum setback from a breakwall: 12.19 metres
- NANRV.8 Single detached dwelling for year round purposes  
 Minimum Lot Frontage: 13.5 metres
- NANRV.9 a) Sole Permitted Use Accessory building without the need for a main use  
 b) Minimum lot frontage: 28.9 metres  
 Minimum lot area: 710.45 square metres  
 Minimum front yard setback: 2.0 metres
- NANRV.10 Minimum lot frontage: 27.0 metres  
 Minimum lot area: 1,189.71 square metres  
 Minimum front yard setback: 7.0 metres  
 Minimum setback for a dwelling from a breakwall: 15.0 metres
- NANRV.11 a) Sole Permitted Use An accessory building is permitted on the subject lands on the north side of the private lane in absence of a primary permitted use (vacation home) Excluded Use Single Detached Dwelling  
 b) Maximum Building Height of the accessory building: 6.43 metres for the accessory building located on the north side of the private lane.
- NANRV.12 a) Excluded Use All residential development  
 b) Part 1: Minimum lot area: 1, 150 square metres  
 Part 2: Minimum lot area: 1, 625 square metres  
 Minimum interior side yard, left: as existing on date of passing of by-law for the existing dwelling.
- NANRV.13 Frontage on an improved street not required for construction of a seasonal dwelling.
- NANRV.15 a) Permitted Use Accessory structure without the need for a main use  
 Excluded Use A dwelling  
 b) Part 1 Minimum lot area: 1,000 square metres

# ZONE EXCEPTIONS

## SECTION 12

	Part 2	Minimum lot area:	778 square metres
		Minimum lot frontage:	28.37 metres
NANRV.16	Part 2, 3, 4 and 5	Sole Permitted Use:	Single detached dwelling
	Part 2	Minimum Lot Frontage:	21.9 metres
	Part 3	Minimum Lot Frontage:	22.0 metres
	Part 4	Minimum Lot Frontage:	22.5 metres
NANCD.1	Subsection 6.1.6 shall not apply.		
	Minimum Interior side yard:	0.3 m.	
	Parking lot location:	0.3 metres from rear lot line	
		1.3 metres from interior lot line	
	Number of required parking spaces:	20	
	a) Parts 1 and 2	Minimum Rear Yard Setback abutting a Residential Zone – 3 metres	
NANCH.1	Permitted Use	Pharmacy. Clinic or doctors' offices	
NANCH.2	Sole Permitted Use	Financial institution. Office, all types. Restaurant, all types.	
NANCH.3	Permitted Use	A feed mill	
NANCH.4	Permitted Use	Bingo hall. Nursing and retirement home	
NANCH.6	Number of required parking spaces:	0	
NANCH.7	REPEALED ( 623-HC/09) Permitted Use Hardware store		
NANCN.1	a) Permitted Use	Apartment building to a maximum of 4 storeys and a minimum of 24 units shall be permitted as an additional use on the same lot as a commercial use. Professional Offices Dental and/or Medical Office Bank and/or Credit Union Retail Establishment	
	Excluded Use	Drive-thru type uses shall not be permitted. Dwellings, Single detached, semi-detached and duplex.	
	b)	The front lot line shall be deemed to be the portion of lot fronting on Highway No. 3 East (Talbot Road)	
	Minimum Rear Yard	3 metres	
	Minimum Exterior Side Yard	3 metres	

# ZONE EXCEPTIONS

## SECTION 12

Minimum Distance between buildings on the same lot: 15 metres

Minimum Building Setback:

- To Municipal drain: 7 metres
- Storm Water Management Facility: 3 metres

Maximum building Height:

- For a residential apartment building: 15 metres
- For combined commercial and residential apartment building: 15 metres

For the commercial use: A maximum floor area of 800 square metres of gross leasable commercial floor area. With each individual commercial unit be limited to a maximum of 200 square metres.

Minimum Landscape Coverage: 30%

Maximum Building Coverage: 30%

Parking Requirements:

- Residential: 1.5 spaces per unit
- Commercial: 1 space per 30 m<sup>2</sup> of gross usable floor area

NANCHA.1 establishment	a) Permitted Use	Construction and industrial supply
	b) Minimum front yard:	0.57 m.
	Minimum exterior side yard:	4.7 m.
	Parking:	prohibited in front yard
NANCHA.2	Permitted Use	Dwelling containing four apartment dwelling units
NANCHA.3	Permitted Use	Hotel
NANCHA.4	Minimum front yard:	6 m.
	Minimum exterior side yard:	3 m.
	Minimum exterior side yard for an existing building:	0.6 m.
NANCR.1	a) Permitted Use	A contractor's shop; and Manufacture of ornamental concrete products with a maximum floor area of 46.5 sq. m. (500 sq. ft.) per lot on the same lot as a Garden Centre and Tree and Plant Nursery In no case shall the maximum floor area for the manufacture of ornamental concrete products exceed 46.5 sq. m. on all lands affected by By-law 49-HC-01
	b) Subsection 1.4.3 shall not apply.	Outdoor storage accessory to permitted uses: to be setback 1.3 metres from the front property line.

# ZONE EXCEPTIONS

## SECTION 12

NANMH.1	a) Permitted Use	Lumber yard and building supply outlet
	b) Minimum services:	Connection to public water and sewer systems not required.
NANMH.2	a) Permitted Use	Financial institution. Employment agency. Labour or trade organization office. Clinic or doctor's office. Dry-cleaning distribution station. Post office.
	b) Minimum lot frontage:	178 m.
	Minimum exterior side yard:	9 m.
	Minimum interior side yard:	5 m.
	Minimum rear yard:	8 m.
	Maximum building height:	11 m.
	Maximum lot coverage:	10%
NANMH.3	a) Excluded Use	Outdoor storage of materials, merchandise, chemicals, fertilizers, fluids or other items which are noxious, poisonous, corrosive, flammable or which by their nature would have an adverse effect on the ecology of the Nanticoke Creek floodplain.
	b) Minimum exterior side yard:	9 m
NANMH.4	Permitted Use	Outdoor repair of materials and equipment.
	Excluded Use	Outdoor storage of materials, merchandise, chemicals, fertilizers, fluids or other items which are noxious, poisonous, corrosive, flammable or which by their nature would have an adverse effect on the ecology of the Nanticoke Creek floodplain.
NANMH.5	a) Permitted Use	Industrial garage. Vehicle sales or rental establishment, automotive service and repair station and an auto parts shop, accessory to a permitted use.
	b) Minimum exterior side yard:	9m.
	Minimum exterior side yard:	9m.
	No more than 10 vehicles shall be displayed for sale at one time.	
NANMH.6	a) Permitted Use	Animal crematorium
	b) Minimum lot frontage:	42 m.
	Minimum lot area:	0.4 hectares
	Minimum exterior side yard:	9 m.
NANMH.7		Notwithstanding Section 7.1.2, (Specific Permitted Uses in the MH zone), a dwelling shall not be permitted.
NANMG.1	Permitted Use	Bingo Hall. Flea Market.

# ZONE EXCEPTIONS

## SECTION 12

		Accessory uses including food concessions.
NANMG.2	Permitted Use	Labour assembly hall. Offices, all types. Hotel. Convenience store. Laundromat. Personal service shop. Financial institution.
NANMG.3	Permitted Use	Labour assembly hall. Offices, all types.
	Excluded Use	Outdoor storage of granular materials within 230 metres of the lot line adjacent to Rainham Road.
NANMG.4	Minimum setback from Highway No. 6:	27.74 m.
NANMG.5	Minimum setback from Highway No. 6:	14 metres
		Minimum required parking spaces: 11 spaces for mini-storage purposes with a gross useable floor area of 5,530 square metres.
NANMP.1	Permitted Use	Bookstore. Tourist Information centre.
NANMP.2	Permitted Use	Dwelling
NANMR.1	a) Permitted Use	Transport truck repair and storage operation
	b) Outdoor storage:	limited to a maximum of 4 trucks and 6 trailers
	Minimum front yard:	14 m.
NANMR.2 and	Permitted Use	A paving contractor's yard including repair storage facilities
NANMR.3	Permitted Use	Concrete plant
NANMR.4	a) Permitted Use	A contractor's shop; Garden Centre and Tree and Plant Nursery; and Manufacture of ornamental concrete products with a maximum floor area of 46.5 sq. m. (500 sq. ft.) per lot on the same lot as a Garden Centre and Tree and Plant Nursery. In no case shall the maximum floor area for the manufacture of ornamental concrete

# ZONE EXCEPTIONS

## SECTION 12

products exceed 46.5 sq. m. on all lands affected by By-law 49-HC-01.

b) Subsection 1.4.3 shall not apply.

Minimum separation from a dwelling on an adjacent lot: 18 metres

NANMX.1 Minimum separation from a dwelling on an adjacent lot: 155 metres

NANIN.1 Permitted Use Place of sports and recreation  
Excluded Use Nursing home .  
Single detached dwelling.

NANIN.2 Permitted Use Apartments  
For the purposes of interpreting this subsection, the lands subject to this subsection are deemed to be one lot.

NANIR.1 Minimum front yard: 11.5 m.  
Any front yard setback existing on January 25, 1994 shall be deemed to conform to this By-Law.

NANIR.2 Minimum perpendicular aisle width for two-way traffic for angled parking: 6 metres

No parking lot shall be located within 2 metres of the northerly interior lot line, and 3 metres of the southerly lot line.

Minimum size of parallel parking space: 6 metres by 3 metres.

Minimum required number of parking spaces: 62

NANOS.1 Permitted Use Place of sports and recreation

NANOS.2 Permitted Use Sale and servicing of recreational vehicles and mobile homes.  
Propane sales.  
Mini golf.

NANOS.3 Excluded Use Campground

NANOS.4 Sole Permitted Use Campground dining hall.  
Accessory uses that do not require private sanitary or water services.

NANOS.5 Sole Permitted Use Park for those lands shown as Parcels 1 & 2  
on  
Schedule OS.5  
A 'park' shall mean an area of land used for horticultural and outdoor recreational

# ZONE EXCEPTIONS

## SECTION 12

		activities but excludes a tent and trailer park or campground.
NANOS.6 Management	Permitted Use Sole Permitted Use	Walking trail or recreational space without buildings or structures Municipal Drain and Storm Water Facility.
NANOS.7	Permitted uses are limited to municipal drain and walking trail	
NANOS.8	Minimum Lot Frontage:	7.5 metres
NANHL.1	Excluded Use	Boathouse, dock, pier or wharf or any similar Structure
NANHL.2 the	Permitted Use	Septic system located on the Inland side of existing breakwall
NANHL.3	a) Permitted Use b) Minimum setback from a breakwall:	Single detached dwelling 12.19 metres
NANHL.4	a) Permitted Use b) Minimum setback from a shoreline protection breakwall:	A sewage disposal system 3.2 metres
NANHL.5	a) Permitted Use b) Minimum setback for a sewage disposal system from a breakwall:	Sewage disposal system 3.0 metres
NANA.1	Permitted Use	A second single detached dwelling
NANA.2	Excluded Use	Single detached dwelling. Home occupation.
NANA.3	Permitted Use	Children's summer farm camp
NANA.4	Permitted Use	A chip wagon as delineated on Schedule A.4
NANA.5	Permitted Use Excluded Use	A nine hole golf course. Mini golf course . Putting green. A restaurant and lounge as ancillary uses
NANA.6	Permitted Use Excluded Use	A vehicle wrecking yard Sale of vehicles and parts
NANA.7	Permitted Use	Sale of propane fuel

# ZONE EXCEPTIONS

## SECTION 12

NANA.8	Minimum lot area:	2322.5 sq. m.
NANA.9	Minimum lot area:	2499 sq. m.
NANA.10	Excluded Use	Single detached dwelling . Home occupation
NANA.11	Excluded Use	Housing of livestock in existing barns
NANA.12	Subsection 3.3 (a) shall not apply to the barns existing on the subject lands as of November 5, 2001.	
NANA.13	Excludes Use	Keeping of livestock
NANA.14	Subsection 3.3 (a) shall not apply. Maximum building height for a residential accessory building: 7.1 metres	
NANA.15	Excluded Use	Housing of livestock
NANA.16	Excluded Use	Housing of livestock
NANA.17	a)Excluded Use	That in addition to the uses permitted In the 'Agricultural (A)' Zone (subsection 10.1) a multiple-residential structure containing two apartment dwelling units and a single family dwelling may be permitted and wholly enclosed within the existing footprint on the lands having reference to this section. b) Frontage on an improved street: not required
NANA.19	That on the lands delineated as having reference to this subsection the following provision shall apply: a) The keeping of livestock shall be limited to a maximum of 3 Livestock Units.	
NANA.20	Subsection 3.3 (Accessory Structures to Residential Uses) (a) and (g) shall not apply to the storage buildings existing on Part 1 of the lands as of February 7, 2005. The barn existing on Part 2 of the subject lands shall not be used to the housing of livestock.	
NANA.21	Excluded Use	Single detached dwelling Housing of Livestock In Existing Barns
NANA.22	Part 1	Excluded Use Single detached dwelling
NANA.23	a)Part 1	Excluded Use Single detached dwelling



# ZONE EXCEPTIONS

## SECTION 12

- Part 2 Excluded Use Housing of Livestock In Existing Barns
- b) Part 2 Subsection 3.3 (a) shall not apply.  
Maximum Building Height for a residential accessory building: 11.0 metres for barn existing on date of passing of by-law.  
Subsection 3.3 (g) shall not apply.  
Maximum Usable Floor Area for a residential accessory building: 636 square metres for buildings existing on the date of passing of the by-law.  
That MDS I shall not apply to the dwelling existing on the date of passing of the by-law.
- NANA.24 Part 1 Excluded Use Single detached dwelling  
Part 2 Subsection 3.3 (a) shall not apply.  
Maximum Building Height for a residential accessory building: 6.0 metres for the building existing on the date of passing of the by-law.  
  
Subsection 3.3 (g) shall not apply.  
Maximum Usable Floor Area for a residential accessory building: 587.5 square metres for the building existing on the date of passing of the by-law.
- NANA.25 Part 1 Excluded Use Single detached dwelling  
Part 2 Subsection 3.3 (a) shall not apply.  
Maximum Building Height for a residential accessory building: 5.18 metres for the building existing on the date of passing of the by-law.  
Subsection 3.3 (g) shall not apply.  
Maximum Usable Floor Area for a residential accessory building: 105.34 square metres for the building existing on the date of passing of the by-law.
- NANA.26 Excluded Use Single detached dwelling
- NANA.27 Part 1 Excluded Use Residential Dwelling Home Occupation  
Part 2 Minimum Lot frontage – 12.19 metres  
Maximum height of existing workshop-5.029 metres  
Combined lot area of accessory buildings – 249 square metres  
Existing garage and workshop shall not be used for human habitation
- NANA.28 Part A Excluded Use Residential Dwelling. Home Occupation.  
Existing barn shall not be used to house livestock.  
Existing Manure pit shall not be used for manure storage purposes.  
Part B Excluded Use Accessory building not to be used for human Habitation  
The existing accessory building shall have maximum useable floor area of 161.5 square metres.

# ZONE EXCEPTIONS

## SECTION 12

NANA.29	<p>Part 1 Minimum lot frontage of 6.1 metres shall apply.</p> <p>Part 2 Excluded Use Residential Dwelling Home Occupation</p>
NANA.30	<p>Excluded Use Housing of livestock in existing barn.</p> <p>Subsection 3.3(a) (maximum building height of accessory uses to residential uses) shall not apply to the barn and accessory garage existing on the subject lands as of June 2, 2008. The building heights existing as of June 2, 2008 are deemed to conform to Subsection 3.3(a)</p> <p>Subsection 3.3(g) (maximum floor area of accessory uses to residential uses) shall not apply to the barn and accessory garage existing on the subject lands as of June 2, 2008. The floor areas of the accessory buildings existing as of June 2, 2008 are deemed to conform to Subsection 3.3(g).</p>
NANA.31	<p>Part A Permitted Use A second existing single detached dwelling</p>
NANA.32	<p>Part B Sole Permitted Use Single detached dwelling and accessory uses in accordance with Section 3.3</p>
NANA.33	<p>Part C Excluded Use Single detached dwelling</p>
NANA.34	<p>Excluded Use Housing of livestock in existing barns Single detached dwelling. Home Occupation</p> <p>Subsection 3.3(a) (maximum building height of accessory uses to residential uses) shall be limited to the height of the existing accessory building at the date of the passing of this By-law</p> <p>Subsection 3.3(g) (maximum floor area of accessory uses to residential uses) shall be limited to the floor area of existing accessory building at the date of the passing of this By-law</p> <p>Minimum Lot frontage: 9 metres.</p>
NANA.35	<p>Permitted Use An electrical generating station fueled by natural gas.</p> <p>Maximum building height shall be 70 metres.</p> <p>Minimum development setback from adjacent Provincially Significant Wetland shall be 30 metres.</p> <p>Part 1 Excluded Use Single detached dwelling</p> <p>Part 2 Excluded Use Housing of Livestock in the existing barn</p> <p>Subsection 3.3 (a) Maximum Building Height for an Accessory Use to a Residential Use shall not apply to the barn existing on the date of passing of the by-law. The building height existing as of June 1st, 2009, 12.2 metres is deemed to conform to Subsection 3.3 (a).</p>

# ZONE EXCEPTIONS

## SECTION 12

Subsection 3.3 (g) Maximum Floor Area for an Accessory Use to a Residential Use shall not apply to the barn existing on the date of passing of the by-law. The maximum floor area existing as of June 1st, 2009, 171.9 square metres, is deemed to conform to Subsection 3.3 (g).

- NANA.36 That future residential opportunities, home occupations and home industries shall be prohibited on Part 1.  
That housing of livestock shall be prohibited on Part 2.
- NANA.37 Permitted Use Temporary dwelling
- NANA.38 Part 1 Excluded Use That future residential opportunities, home occupations and home industries shall be prohibited.  
Part 2 Minimum front yard setback shall be 9.75 metres for the dwelling existing on the date of passage of this by-law  
The gross floor area for all accessory buildings existing on the date of the passage of this by-law shall be 271 square metres.  
The maximum height shall be 9.14 metres for the accessory building existing on the date of the passage of this by-law.
- NANA.39 Excluded Use Single Detached dwelling
- NANA.40 Part A Excluded Use Single Detached Dwelling  
Home-Based Business  
Part B Excluded Use Housing of Livestock in Existing Barn  
Subsection 3.3(a) Maximum Building Height for an Accessory Use to a Residential Use shall not apply to the accessory building existing on the date of passage of this by-law. The height of the building existing as of February 15, 2011 of 5.5 metres is deemed to conform to Subsection 3.3(a).  
Subsection 3.3(g) Maximum Floor Area for an Accessory Use to a Residential Use shall not apply to the accessory building existing on the date of passage of this by-law. The maximum floor area of the building existing as of February 15, 2011 of 171.7 square metres is deemed to conform to Subsection 3.3(g).
- NANA.41 In addition to the applicable regulations and provisions contained in this By-law, Section 3.36 Surplus Farm Dwelling Severance Properties shall also apply to the lands having reference to this subsection and shall supercede any section of the By-law with which there is a conflict.”
- NANA.42 Excluded Use Single Detached Dwelling
- NANA.44 Part 1 Excluded Use Housing of Livestock in Existing Accessory Buildings

# ZONE EXCEPTIONS

## SECTION 12

Subsection 3.3(e) Maximum Floor Area for an Accessory Use to a Residential Use shall not apply to the accessory building existing on the date of passage of this by-law. The maximum floor area of the building existing as of May 22, 2012 of 459 square metres is deemed to conform to Subsection 3.3(e).

Part 2 Excluded Use Single Detached Dwelling  
Home-Based Business

NANA.45

Part 1 Subsection 3.3 (a) Maximum Building Height for an Accessory Use to a Residential Use shall not apply to the accessory building (garage) existing on the date of passing of the by-law and that the building height existing as of September 6th, 2011, being 5.4 metres, is deemed to conform to Subsection 3.3 (a)

Subsection 3.3 (g) Maximum Floor Area for an Accessory Use to a Residential Use shall not apply to the accessory building (garage) existing on the date of passage of the by-law and that the maximum floor area existing as of September 6th, 2011, being 226 square metres, is deemed to conform to Subsection 3.3 (g).

Part 2 Excluded Use Single Detached Dwelling,  
Housing of Livestock in the Barn existing as of September 6th, 2011.

NANA.46

Part 1 Excluded Use The housing of livestock in the existing accessory building(s)

Part 2 Excluded Use A single detached dwelling  
A home occupation

NANA.47

Excluded Use A single detached dwelling  
A home occupation

NANA.48

Part 1 Permitted Use Accessory structures to a maximum area of 290 square metres.

Excluded Use Single detached dwelling; and home occupation.

Part 2 Accessory structures are permitted to a maximum area of 290 square metres for all such structures existing on date of passage of this by-law.

NANA.49

Permitted Use Contractor's yard, including associated buildings and outdoor storage of materials and equipment;  
Contractor's shop, including the maintenance and repair of contractor related equipment

Excluded Use A single detached dwelling;  
The processing and sale of materials and products.

NANA.50A

Part 2  
Excluded Use Single detached dwelling and home occupation

# ZONE EXCEPTIONS

## SECTION 12

Subsection 10.1.2 (b)(i) shall not apply.

Part 1

Minimum lot frontage: 25 metres.

Subsection 3.3(e) shall not apply. Maximum usable floor area for accessory structure: 270 square metres for accessory structures existing on date of passing to the by-law.

NANA.50B	Permitted Use	Mini Storage Climate Controlled Warehouse Accessory Office Space
NANA.51	Excluded Use	Single detached dwelling and home occupation
NANA.52	Excluded Use	Single detached dwelling and home occupation
NANA.53	Part 1 Excluded Use	Single detached Dwelling Housing of Livestock in Existing Barns
	Part 2 Minimum Lot Frontage:	16 metres
NANA.54	Part 1 Permitted Uses	Asphalt manufacturing: such as polymer modified asphalt production and distribution, asphalt emulsion distribution and production.
	Part 2 Permitted Uses	Subsection 2 (g) shall not apply. Maximum building height shall be 18 metres.

# ENACTMENT OF BY-LAW

## SECTION 13


### 13 Enactment of By-law

#### 13.1 Effective Date

- a) This By-law shall come into force the day that it was passed if no appeals are received.
- b) If an appeal is received, this by-law or portions thereof shall come into force when such appeals have been withdrawn or finally disposed of whereupon the by-law, except for those parts or provisions repealed or amended, shall be deemed to have come into force and effect the day the by-law is passed.

READ a first and second time this 23<sup>rd</sup> day of November, 2020.

READ a third time and finally passed this 23<sup>rd</sup> day of November, 2020.

  
\_\_\_\_\_  
MAYOR  
\_\_\_\_\_  
CLERK

**Schedule “A” – Zoning Maps**  
**Schedule “B” – Intake Protection Zones**  
**Schedule “C” – Special Policy Area – Dunnville**

*\*\* Note: The Mapping for Schedules A, B and C form part of the Zoning By-law and are located on the Haldimand County Website for review.*