

**THE CORPORATION OF  
THE MUNICIPALITY OF KINCARDINE  
BY-LAW NUMBER 2003-25**

**A BY-LAW TO REGULATE  
THE USE OF LANDS AND THE CHARACTER, LOCATION  
AND USE OF BUILDINGS AND STRUCTURES  
IN THE MUNICIPALITY OF KINCARDINE**

Please note original Comprehensive Zoning By-Law duly completed as to signatures and the corporate seal is filed separately in the Records Area

**June 2012 Office Consolidation**

LIST OF AMENDMENTS TO COMPREHENSIVE ZONING BY-LAW 2003-25

Section	Zone Class	By-Law Number	Property Description
Multiple	Multiple	2005-013	Housekeeping
Multiple	Multiple	2012-043	Update/Plan Conformity
9.3.5	A1-e	2004-56	Lot 17, Con.8 (Bruce Twp)
9.3.9	A1-j	2004-56	Lot 17, Con.8 (Bruce Twp)
9.3.11	A1-l	2004-88	Pt.Lots 9 & 10, Con.1, NDR (Kin.Twp)
9.3.13a	A1-n	2005-008	Lot 40, Con. 1, NDR (Kin.Twp)
9.3.13b	A1-o	2005-008	Lot 40, Con. 1, NDR (Kin.Twp)
9.3.14a	A1-p-H	2005-010	Pt.Lot 5, Con. 1 (Bruce Twp)
9.3.14b	A1-q	2005-010	Pt.Lot 5, Con. 1 (Bruce Twp)
9.3.15	A1-r	2005-135	Lot 5, Con. 5 (Kin.Twp)
9.3.16	A1-s	2005-109	Lot 11, Con. 12 (Kin.Twp)
9.3.17	A1-t	2005-134	Pt.Lot 21, Con. 14, (Bruce Twp)
9.3.18	A1-u	2005-130	Pt. Lot 1, Con. 12 (Kin.Twp)
9.3.19a	A1-v	2006-004	Lot 1, Con. 10 (Kin.Twp)
9.3.19b	A1-w	2006-004	Lot 1, Con. 10 (Kin.Twp)
9.3.20	A1-x	2006-050	Lot 33, Con. 2 (Bruce Twp)
9.3.21	A1-y	2006-146 & 2007-103	Pt.Lot 9, Con.7 (Bruce Twp)
	A1-z		
9.3.23	A1-aa	2006-144 & 2006-311	Pt.Lot 11, Con. 3 (Bruce Twp)
9.3.24	A1-ab	2006-140	Pt.Lot 9 & Lot 10, Con. 6 (Bruce Twp)
	A1-ac		
9.3.26	A1-ad	2006-142	Lot 21, Con. 5 (Bruce Twp)
	A1-ae		
9.3.28	A1-af	2006-154	Lot 11, Concession 14 (Bruce Twp)
9.3.29	A1-ag	2006-155	Lot 12, Concession 14 (Bruce Twp)
9.3.40			N Pt Lots 6 & 7, Concession 12 (Bruce Twp)
	A1-as	2006-170	
9.3.41	A1-at	2006-171	Lot 13, Concession 12 (Bruce Twp)
9.3.46	A1-ay	2006-177	Lot 6, Concession 11 (Bruce Twp)
9.3.47	A1-az	2006-178	Lot 7, Concession 11 (Bruce Twp)
9.3.48	A1-bb	2006-180	Lot 11, Concession 11 (Bruce Twp)
9.3.49			N 1/2 Lot 14 , Concession 11(Bruce Twp)
	A1-bc	2006-181	
9.3.50	A1-bd	2006-182	Lot 16, Concession 11 (Bruce Twp)
9.3.51	A1-be	2006-183	Lot 17, Concession 11 (Bruce Twp)
9.3.52	A1-bf	2006-184	Lot 18, Concession 11 (Bruce Twp)
9.3.55	A1-bj	2006-188	Lot 16, Concession 10 (Bruce Twp)
9.3.56	A1-bk	2006-189	Lot 1, Concession 9 (Bruce Twp)
9.3.57	A1-bl	2006-190	Lot 3, Concession 9 (Bruce Twp)
9.3.58	A1-bm	2006-191	Lot 4, Concession 9 (Bruce Twp)
9.3.59	A1-bn	2006-192	N 1/2 Lot 5, Concession 9 (Bruce Twp)
9.3.60			W Pt Lot 12, Concession 9 (Bruce Twp)
	A1-bo	2006-193	
9.3.61	A1-bq	2006-195	Lot 17, Concession 9 (Bruce Twp)
9.3.62	A1-br	2006-196	Lot 19, Concession 9 (Bruce Twp)
9.3.63	A1-bs	2006-197	Lot 20, Concession 9 (Bruce Twp)
9.3.64			Pt Lot 20, Lot 21, Concession 9 (Bruce Twp)
	A1-bt	(2006-198) 2008-153	
9.3.65	A1-bu	2006-199	Lot 22, Concession 9 (Bruce Twp)
9.3.66			Lots 6, 7 & 8, Concession 8 (Bruce Twp)
	A1-bv	2006-200	

9.3.67	A1-bw	2006-201	Lot 9, Concession 8 (Bruce Twp)
9.3.68	A1-bx	2006-202	Lot 12, Concession 8 (Bruce Twp)
9.3.69	A1-by	2006-203	Lot 14, Concession 8 (Bruce Twp)
9.3.70	A1-bz	2006-204	Lot 15, Concession 8 (Bruce Twp)
9.3.71	A1-ca	2006-205	W Pt Lot 16, Concession 8 (Bruce Twp)
9.3.72	A1-cb	2006-206	Lot 17, Concession 8 (Bruce Twp)
9.3.73	A1-cc	2006-207	Lot 18, Concession 8 (Bruce Twp)
9.3.74	A1-cd	2006-208	Lot 23, Concession 8 (Bruce Twp)
9.3.75	A1-ce	2006-209	Lot 24, Concession 8 (Bruce Twp)
9.3.76	A1-cf	2006-210	S Pt Lot 25, Concession 8 (Bruce Twp)
9.3.77	A1-ch	(2006-214) 2008-153	Lot 3, Concession 7 (Bruce Twp)
9.3.78	A1-ex	(2006-215) 2008-153	Lot 4, Concession 7 (Bruce Twp)
9.3.79	A1-ci	2006-216	Lot 9, Concession 7 (Bruce Twp)
9.3.80	A1-cj	2006-217	Lot 10, Concession 7 (Bruce Twp)
9.3.81	A1-ck	2006-218	Lot 19, Concession 7 (Bruce Twp)
9.3.82	A1-cl	2006-219	Lot 23, Concession 7 (Bruce Twp)
9.3.83	A1-cm	2006-220	Lot 24, Concession 7 (Bruce Twp)
9.3.84	A1-cn	2006-221	Lot 25, Concession 7 (Bruce Twp)
9.3.85	A1-co	2006-222	Lot 26, Concession 7 (Bruce Twp)
9.3.86	A1-ez	2006-224	Lot 'J', Concession 6 (Bruce Twp)
9.3.87	A1-cp	(2006-225) 2008-153	Lot 1, Concession 6 (Bruce Twp)
9.3.88	A1-cq	(2006-226) 2008-153	Lot 2, Concession 6 (Bruce Twp)
9.3.89	A1-cr	2006-227	Lot 3, Concession 6 (Bruce Twp)
9.3.90	A1-ct	2006-229	E 1/2 Lot 13, Concession 6 (Bruce Twp)
9.3.91	A1-cu	2006-230	Lot 14, Concession 6 (Bruce Twp)
9.3.92	A1-cv	2006-231	Lot 15, Concession 6 (Bruce Twp)
9.3.93	A1-cw	2006-232	Lot 17, Concession 6 (Bruce Twp)
9.3.94	A1-cx	2006-233	Lot 18, Concession 6 (Bruce Twp)
9.3.96	A1-cz	2006-235	W 1/2 Lot 20, Concession 6 (Bruce Twp)
9.3.97	A1-db	2006-237	Part Lot 4, Concession 5 (Bruce Twp)
9.3.98	A1-dc	2006-238	Part Lot 5, Concession 5 (Bruce Twp)
9.3.99	A1-dd	2006-239	Part Lot 7, Concession 5 (Bruce Twp)
9.3.100	A1-de	2006-240	Part Lot 8, Concession 5 (Bruce Twp)
9.3.101	A1-df	2006-241	Part Lot 9, Concession 5 (Bruce Twp)
9.3.102	A1-dg	2006-242	Part Lot 10, Concession 5 (Bruce Twp)
9.3.103	A1-dh	2006-243	Part Lot 16, Concession 5 (Bruce Twp)
9.3.104	A1-di	2006-244	Part Lot 17, Concession 5 (Bruce Twp)
9.3.105	A1-dj	2006-245	Part Lot 3, Concession 4 (Bruce Twp)
9.3.106	A1-dk	2006-246	Part Lot 4, Concession 4 (Bruce Twp)
9.3.107	A1-dl	2006-247	Lot 5, Concession 4 (Bruce Twp)
9.3.108	A1-dm	2006-248	Part Lot 6, Concession 4 (Bruce Twp)
9.3.109	A1-do	2006-250	E 1/2 Lot 9, Concession 4 (Bruce Twp)
9.3.110	A1-dp	2006-251	Part Lot 10, Concession 4 (Bruce Twp)
9.3.111	A1-dq	2006-252	Part Lot 11, Concession 4 (Bruce Twp)
9.3.112	A1-dr	2006-253	Part Lot 12, Concession 4 (Bruce Twp)
9.3.113	A1-ds	2006-254	Part Lot 13, Concession 4 (Bruce Twp)
9.3.114	A1-dt	2006-255	W 1/2 Lot 14, Concession 4 (Bruce Twp)
9.3.116	A1-dv	2006-257	Lot 15, Concession 4 (Bruce Twp)
9.3.119	A1-fl	2010-115	Part of Lot 19, Conc. 6 (Bruce Twp)
9.3.120	A1-es	2006-159	Lot 'I', Concession 13 (Bruce Twp)
9.3.121	A1-et	2006-160	West 1/2 Lot 'J', Concession 13 (Bruce Twp)

			Twp)
9.3.122	A1-al	2006-162	Lot 10, Concession 13 (Bruce Twp)
9.3.123	A1-eu	2006-168	Lot 'H', Concession 12 (Bruce Twp)
9.3.124	A1-ba	2006-179	Lot 8, Pt lot 9 & 10, Concession 11 (Bruce Twp)
9.3.125	A1-bi	2006-187	Lot 2 & W 1/2 Lot 3 , Concession 10 (Bruce Twp)
9.3.126	A1-bp	2006-194	E Pt Lot 13 & Lot 14, Concession 9 (Bruce Twp)
9.3.127	A1-cg	(2006-213) 2008-153	Lots 1, Concession 7 (Bruce Twp)
9.3.128	A1-cs	2006-228	Lots 11 & 12 , Concession 6 (Bruce Twp)
9.3.129	A1-da	2006-236	E 1/2 Lot 2 and, Lot 3, Concession 5 (Bruce Twp)
9.3.130	A1-dn	2006-249	E 1/2 Lot 7, Lot 8, W 1/2 Lot 9, Concession 4 (Bruce Twp)
9.3.131	A1-ev	2006-175	Lot 'H', Concession 11 (Bruce Twp)
9.3.132	A1-ey	2006-223	E ½ Lot 'H' & Lot 'I', Concession 6 (Bruce Twp)
9.3.133	A1-ew	2006-211	Lot 'E', Concession 7 (Bruce Twp)
9.3.137	A1-eb	OMB Decision PL080936	Lot 28, Con 5 (Kin.Twp)
9.3.138	A1-ec	2009-024	Lot 19, Con. 11 (Bruce Twp)
9.3.140	A1-ee	2009-026	Lot 20, Con. 11 (Bruce Twp)
9.3.142	A1-eg	2009-028	Lot 14, Con. 14 (Bruce Twp)
9.3.143	A1-eh	2002-021	Pt.Lot 28, Con 'A' (Kin.Twp)
9.3.144	A1-ei	2004-53	Pt.Lot 'E', Con 9 and Pt.Lot 'E', Con. 10 (Bruce Twp)
9.3.145	A1-ej	2004-086	Pt.Lot 47 to Pt.Lot 49, Con.'A' (Kin.Twp)
9.3.146	A1-ek	2004-144	Lot 2, Alma N/S, Pt.Park Lot 1, Alma N/S, Pt.Park Lots 1 & 2, McNabb S/S, Inverhuron (Bruce Twp)
9.3.147	A1-el	2004-144	Lot 2, Alma N/S, Pt.Park Lot 1, Alma N/S, Pt.Park Lots 1 & 2, McNabb S/S, Inverhuron (Bruce Twp)
9.3.148	A1-em	2004-174	Lot 'H', Con.1 (Bruce Twp)
9.3.150	A1-eo	2006-282 and 2006-359	Pt.Lot 52 to 54, Con.'C' (Kin.Twp)
9.3.152	A1-eq	2005-148	Pt.Lots 36& 37' Con 'A' (Kin.Twp)
9.3.153	A1-er	2006-299	Pt.Lot 50, Con.1, NDR (Kin.Twp)
9.3.155	A1-fb	2007-041	Pt.Lots 29 &30, Con.'A' (Kin.Twp)
9.3.156	A1-fc	2008-122	N.Pt.Lot 'E', Con. 10 (Bruce Twp)
9.3.157	A1-fd	2008-122	N.Pt.Lot 'E', Con. 10 (Bruce Twp)
9.3.160	A1-fg	2010-023	Lot 19, Con. 6 (Bruce Twp)
9.3.163	A1-fj	2010-097	Pt.Lot 24, Con.'A' (Part 1, 3R-2710)(Kin.Twp)
9.3.165	A1-fl	2010-115	Pt.Lot 19, Con. 6 (Bruce Twp)
9.3.167	A1-fn	2010-116	Pt. Lot 4, Con. 11 (Bruce Twp)
9.3.168	A1-fo	2011-081	Lot 33, Con. 12 (Kin.Twp)
9.3.169	A1-fp	2011-097	Pt.Lot 13, W.Pt.Lot 14, Con.8, (Kin.Twp)
9.3.170	A1-fq	2011-114	Lot 9, Con. 8 (Kin.Twp)
9.3.171	A1-fr	2012-028	Pt. Lot 9 and Lot 10, Conc. 13, and Pt. Lot 9 and Lot 10, Conc. 14 (Bruce Twp)
9.3.172	A1-fs	tentative	Lot 25, Con. 7 and Pt.Lot 25, Con.8 (Bruce Twp.)
9.3.173	A1-ft	tentative	Lot 28, Con. 5 (Bruce Twp.)

12.3.6	R1-f	2008-169	Pt.Lot 18, Park Lot 7, Pt.Park Lot 9, Plan 10, Con. 'A' (being Part 1, 3R-3896 and Parts 1 & 2, 3R-4690)
12.3.13	R1-n	2003-117	Pt.Lot 27, Con. 'A' (Kin.Twp)
12.3.14	R1-o	2003-167	Pt.Lots 49 & 50, Con. 'A' (Kin.Twp)
12.3.15	R1-p	2005-013	Multiple Properties
12.3.16	R1-q	2004-67	Pt.Lot 16, Con. 7 (Kin.Twp)
12.3.21	R1-v	2004-169	Pt.Lot 9 (Part2, 3R-3724) and Pt.Park.Lot 4, Russell N/S, (Part 1, 3R-3724)(Town of Kincardine)
12.3.22	R1-w	2005-013	Pt.Lot 64, Con. 'A' (Kin.Twp)
12.3.23	R1-x		
12.3.24	R1-y-H	2005-023	Pt.Lots 47 & 48, Con. 'A' (Kin.Twp)
12.3.25	R1-z	2005-013	Pt.Lot 51, Con. 'A' (Kin.Twp)
12.3.26	R1-aa	2005-130	Pt.Lot 31, Plan 76, and Pt.Lots 73 & 74, King, Plan 210 (Village of Tiverton)
12.3.27	R1-ab	2005-180	Pt.Park Lot 12, Plan 10 (Kin.Twp)
12.3.28	R1-ac-H	2006-030	Lot 70, Lake Range (Bruce Twp)
12.3.29	R1-ad	2006-264	Pt.Lot 58, Con. 'A' (Kin.Twp)
12.3.30	R1-ae	2006-286	Pt.Lot 5, Con. 6 (Bruce Twp)
12.3.32	R1-ag	2006-301	Pt.Lot 1 and Lot 2, Plan 164; and Lot 25 Campbell N/S; and Lots 9-11, Campbell W/S; and Lots 12 to 15, Campbell E/S, Plan 151 (Town of Kincardine)
12.3.33	R1-ah	2004-007	P.Park Lot 35, Plan 4 (Town of Kincardine)
12.3.34	R1-ai	2007-064	Pt.Lots A, B & C, Con. 'A' (Town of Kincardine)
12.3.35	R1-aj	2012-043	W. Pt Lot 27, Plan 4 (Town of Kincardine)
12.3.36	R1ak	2007-080	Pt.Lots 17 & 18, Huron E/S (Town of Kincardine)
12.3.37	R1-al	2007-104 & 2010-141	Pt.Lot 52, Con.'A' (Kin.Twp)
12.3.38	R1-am	2007-292	Pt.Lot 45, Con. 'A' (Kin.Twp)
12.3.39	R1-an	2007-202 & 2008-199	Pt.Lot 49, Con. 'A' (Kin.Twp)
12.3.40	R1-ao		
12.3.41	R1-ap	2008-021	Pt.Lot 6, Con. 6 (Bruce Twp)
12.3.42	R1-aq	2008-051	
12.3.44	R1-as	2009-040	Pt.Goderich Street, Pt.Railway Resreve, (Parts 3, 4, 5 & 6, 3R-6519)(Town of Kincardine)
12.3.45	R1-at	2009-177	Lots 5 & 6, Plan 114 (Bruce Twp)
12.3.46	R1-au	2010-027	Pt.Lots 1 & 2, S/S Durham (Part 1, 3R-4700)(Town of Kincardine)
12.3.47	R1-av	2011-034	Pt.Park Lot 'A', Townplot of Port Head (Part 2, 3R-9012)(Kin.Twp)
12.3.48	R1-aw	2011-037	Pt.Lots 41 to 43, Lake Range (Bruce Twp)
12.3.49	R1-ax	tentative	Lots 34 & 35, E/S Victoria, Inverhuron (Bruce Twp)

12.3.50	R1-ay	2011-127	Pt. Lots 57&58, Con. 'A', including all Block 28, Plan 3M-216 (Kin.Twp)
12.3.51	R1-az	2012-002	Part Lot 16, Concession 6, (Kincardine Twp.)
14.3.1	R3-a	2007-003	Lot 6, Plan 4 (Town of Kincardine)
14.3.10	R3-k-H	2007-064	Pt.Lots A, B & C, Con. 'A' (Town of Kincardine)
14.3.12	R3-m	2009-152	Lot 32, Plan 61, Queen E/S ((Town of Kincardine)
14.3.13	R3-n	2010-098	Lot 31, Plan 76, E/S King (Village of Tiverton)
14.3.14	R3-o	2011-142	Lot 2 & 3, Plan 4 (Town of Kincardine)
14.3.15	R3-p	2011-125	Lot 7 to 9, Part Block 'C', Plan 104 (Village of Tiverton)
14.3.16	R3-q	2012-029	Lot 4, W/S Princes, Pt Clinton Street, Pt. Elgin Market, Townplot of Penetangore (being Parts 3, 6 and 7, RP 3R-6613) -Town
15.3.3	R4-c	2005-013	Lots 15 & 16, Plan 4 (Town of Kincardine)
15.3.6	R4-f-H	2006-301	Pt.Lot 1 and Lot 2, Plan 164; and Lot 25 Campbell N/S; and Lots 9-11, Campbell W/S; and Lots 12 to 15, Campbell E/S, Plan 151 (Town of Kincardine)
15.3.7	R4-g	2007-345 and 2008-198	Block 'F', Walsh E/S, Plan M-33 (Town of Kincardine)
15.3.9	R4-i-H	2012-048	Lot 14 E/S Princes, Pt.Lot 14 W/S Victoria (Town of Kincardine)
15.3.10	R4-j	2010-026 and 2010-120	Lot 35, E/S Queen (Town of Kincardine)
15.3.11	R4-k	2010-063	Lot 30, Plan 61, W/S Queen (Town of Kincardine)
15.3.12	R4-l	2011-141	Lot 5 & 6, Plan 4, W/S Huron (Town of Kincardine)
15.3.13	R4-m-H	2012-029	Lot 4, W/S Princes, Pt Clinton Street, Pt. Elgin Market, Townplot of Penetangore (being Parts 3, 6 and 7, RP 3R-6613) -Town
16.3	R5-a		Not Used at This Time
17.5.4	C1-d	2009-153	Lot 30 and Pt.Lot 31, Plan 121 ((Part 1, 3R-7044)(Village of Tiverton)
17.5.5	C1-e	2010-003	Parts 1&2, 3R-3413, W/S Queen

			(Town of Kincardine)
17.5.6	C1-f	2010-012	Lot 'B', Part Alleyway, Plan 246 (Parts 1 to 3, 3R-5971 (Town of Kincardine)
17.5.7	C1-g	2011-036	S.Part Lot 'A', Plan 61 (Town of Kincardine)
17.5.9	C1-i	2012-043	Lot 46, 47, 50 and Pt. Lot 82, King W/S, Plan 210 (Tiverton)
18.4.7	C2-g	2004-105	Pt.Park Lot 16, Plan 4 (Parts 1&2, 3R-3564)(Town of Kincardine)
18.4.8	C2-i & C2-j	2006-005	Pt. Block 'J', Plan M1 (Parts 1, 2 & 3, 3R-253)(Town of Kincardine)
18.4.9	C2-k	2006-049	Block 'R', Plan 3M-98 (Town of Kincardine)
18.4.10	C2-l	2006-285 and 2006-310	Pt.Block 'R', Plan 3M-98(Part 2, 3R-8324)(Town of Kincardine)
18.4.11	C2-m	2007-033 and 2007-275	Lots 'F' & 'G', Plan 61 and Lot 10, Plan 127 (Town of Kincardine)
18.4.12	C2-n	2008-095	Lot 40, Plan 4 (Town of Kincardine)
18.4.13	C2-q	2012-043	Pt. Lot 1, Con. 1 NDR, and Pt.Lot 1, Con. 2 NDR (Town)
19.4.3	C3-c	2012-043	
19.4.5	C3-e	2003-148	Pt.Lot 50, Con. 1, NDR(Part 1, 3R-3688 and Part 1, 3R5696 and Parts 1&3, 3R-1533 (Kin.Twp)
19.4.6	C3-f	2006-286	Pt.Lot 5, Con.6 (Bruce Twp)
19.4.7	C3-g	2010-114	Pt. Lot 15, Con. 6 (Kin.Twp)
20.3.2	C4-c	2010-013	Lot 13 & 14, Plan 4 (Town of Kincardine)
21.4.1	C5-a	2010-096 and 2011-102	Pt.Park Lot 4, S/S Argyle and Pt.Park Lot 4, N/S Princess, Inverhuron (Bruce Twp)
22.5.6	C6-f	2008-006, 2008-096, 2008-097 and 2012-043	Pt.Lots 1 & 2, Con. 1, SDR (Town of Kincardine)
22.5.7	C6-g	2012-043	
22.5.9	C6-i	2012-043	
23.2	C7-a		
24.3	C8-a		Not Used at This Time
26.3	M2-a		Not Used at This Time

27.4.10	ACI-k-H	2006-265	Pt.Lot 1, Con. 4 (Kin.Twp)
27.4.16	ACI-q	2012-043	
27.4.18	ACI-s-H	2005-111	Pt.Lot 30, Con. 5 (Bruce Twp)
27.4.19	ACI-t	2004-019	Lot 30, Con. 4 (Bruce Twp)
27.4.20	ACI-u	2004-089 and 2006-095	Pt.Lot 5, Con. 7 (Bruce Twp)
27.4.21	ACI-v	2008-005	Pt.Lots 33 & 34, Con 'A' (Kin.Twp)
27.4.22	ACI-w	2008-052 and 2012-043	
27.4.23	ACI-x	2011-011	Lot 2 and W.Pt.Lot 3, Con, 9 (Kin.Twp)
27.4.24	ACI-y	2012-043	Pt. Lot 6, Con. 10 (Bruce)
28.3	RCI-a		Not Used at This Time
29.4.1	ECI-a	2004—020 and 2011-012	Pt.Lot 'D', Con4(Lot 15, Plan 3M-113)(Bruce Twp)
29.4.2	ECI-b	2009-103	Part Lot 1, Plan 3M-113 (Part 1, 3R-4077)(Bruce Twp)
31.4.2	I-b-H	2003-062	Pt.Lot 1, Con. 1 (Part 1, 3R-3504)(Village of Tiverton)
31.4.4	I-d-H	2005-069	Pt.Lot 3, Con. 1, SDR (Town of Kincardine)
31.4.5	I-e	2009-177	Lot 5 & 6, Plan 114 (Bruce Twp)
31.4.6	I-f	2004-169 and 2012-043	Pt.Lot 9(Part 2, 3R-3724) and Pt.Park Lot 4, Russell N/S(Part1, 3R-3724)(Town of Kincardine)
32.3.1	OS-a	2004-083	Pt.Lot 51, Con. 'C' (Kin.Twp)
33.4.1	WD-a	2010-140	Pt.Lot 15, Copn. 5 (Kin.Twp)
34.6.4	EP-d	2006-030	Lot 70, Lake Range (Bruce Twp)
34.6.5	EP-e	2003-167	Pt.Lot 49 & 50, Con.'A' (Kin.Twp)
34.6.6	EP-f	2004-083	Pt.Lot 51, Con.'C' (Kin.Twp)
34.6.7	EP-g	2006-031	Block 'B', Plan M-35 and Pt.Lot 4, West of Saugeen and Goderich or Huron (Town of Kincardine)
34.6.8	EP-i	2005-013	Pt.Lot 4, Con.12 (Kin.Twp)
34.6.9	EP-j	2006--263	Lots 11 & 12 Plan 347 (Town of Kincardine)
34.6.10	EP-k	2006-264	Pt.Lot 58, Con. 'A' (Kin.Twp)
34.6.11	EP-l	2008-006	Pt.Lot 2 & 3, Con. 1, SDR (Town of Kincardine)
34.6.12	EP-m	2007-292	Pt.Lot 45, Con. 'A' (Kin.Twp)
34.6.13	EP-n	2009-040	Pt.Goderich Street, Pt.Railway Resreve, (Parts 3, 4, 5 & 6, 3R-6519)(Town of Kincardine)
34.6.14	EP-o	2010-064	Lot 14, Plan 372 (Bruce Twp)
34.6.15	EP-p	2010-140	Pt.Lot 15, Con. 5 (Kin.Twp)



34.6.16	EP-g	2011-010	Lot 17, Plan 372(Bruce Twp)
34.6.17	EP-r	2011-139	Lot 16, Plan 347 (Town of Kincardine)
35.3.2	PD-b	2005-013	Pt.Lots 57&58, Con. 'A' (Kin.Twp)
35.3.9	PD-j	2012-043	Various
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## **THE RESTRICTED AREA BY-LAW NUMBER 2003-25**

### **OF THE**

### **CORPORATION OF THE MUNICIPALITY OF KINCARDINE**

A By-law, under the provisions of Section 34 of The Planning Act, 1990, as amended, to regulate the use of lands and the character, location and use of buildings and structures and to prohibit certain uses of land and the erection and use of certain buildings and structures in various areas of The Corporation of the Municipality of Kincardine.

WHEREAS The Municipal Corporation of the Municipality of Kincardine considers it advisable to permit and regulate residential and non-residential development, establish provisions for lot area, lot frontage, yards, lot coverage, loading and parking requirements, dwelling unit size, planting strips and other additional provisions.

AND WHEREAS The Municipal Council further considers it advisable to restrict, prohibit and regulate the use of land situated within the defined areas, as hereinafter designated, for the purpose of regulating and prohibiting development of particular lands that would create an adverse effect on The Corporation, or would jeopardize future orderly development and expansion, to produce areas of compatible characteristics, and to provide protection for the residents against undesirable uses.

NOW THEREFORE The Council of The Corporation of the Municipality of Kincardine enacts as follows:

#### **SECTION 1 – TITLE**

This By-law shall be known as 'THE COMPREHENSIVE ZONING BY-LAW' of the Municipality of Kincardine.

#### **SECTION 2 – APPLICATION OF BY-LAW**

No building or structure shall hereafter be erected or altered and the use of any building, structure or lot shall hereafter not be changed in whole or in part except in conformity with the provisions of this By-law.

#### **SECTION 3 – INTERPRETATION (TEXT)**

- .1 The particular shall control the general;
- .2 The word 'shall' is mandatory and not discretionary; and the word 'may' is permissive;
- .3 Words used in the present tense shall include the future; and words used in the singular number shall include the plural and the plural shall include the singular, unless the context clearly indicates the contrary; A 'Building' or 'Structure' includes any part thereof.

#### **SECTION 4 – ADMINISTRATION, ENFORCEMENT AND PENALTIES**

##### **4.1 ADMINISTRATION**

This By-law shall be administered by the Chief Building Official or by a Zoning Administrator appointed by Council.

##### **4.2 BUILDING AND OTHER PERMITS**

Notwithstanding the provisions of the Corporation's Building By-law or any other By-law of the Corporation, no building permit or occupancy permit shall be issued where the proposed building,

structure or use would be in violation of any of the provisions of this By-law, and/or Section 8 of the Building Code Act, S.O. 1992, c.23.

#### **4.3 APPLICATION FOR PERMITS**

In addition to all the requirements of the Corporation's Building By-law or any other By-law of the Corporation, every application for a building permit shall be accompanied by a plan in duplicate (one copy of which shall be retained by the Chief Building Official drawn to scale and showing the following:

- a) The true dimensions of the lot to be built upon or otherwise used.
- b) The proposed location, height and dimension of any building, structure or use proposed for such lot.
- c) Proposed locations and dimensions of any yard, setback, landscaped open space, off-street parking space or off-street loading facilities required by this By-law.
- d) The location of all existing buildings or structures on the lot shown on the plan.
- e) A statement signed by the owner, disclosing the exact use proposed for each aforesaid building, structure or use and giving all information necessary to determine if such proposed or existing building, structure or use conforms to the requirements of this By-law.

#### **4.4 INSPECTION OF PREMISES**

The Chief Building Official or Zoning Administrator or any officer or employee of the Corporation, upon producing proper identification, may enter at all reasonable times to inspect and examine any building or premises for which a permit or order has been issued. No officer or person acting under his instruction shall enter any room or place used as a dwelling unit without the consent of the owner or without a warrant issued pursuant to The Provincial Offences Act.

#### **4.5 VIOLATIONS AND PENALTIES**

- .1 Every person who contravenes any of the provisions of this By-law is guilty of an offence and on conviction is liable,
  - i) on the first conviction to a fine of not more than twenty thousand dollars (\$20,000); and,
  - ii) on a subsequent conviction to a fine of not more than ten thousand dollars (\$10,000) for each day or part thereof upon which the contravention has continued after the day on which he/she was first convicted.
- .2 Where a corporation contravenes any of the provisions of this By-law, the maximum penalty that may be imposed is:
  - i) on a first conviction to a fine of not more than fifty thousand dollars (\$50,000); and,
  - ii) on a subsequent conviction a fine of not more than twenty-five thousand dollars (\$25,000) for each day or part thereof upon which the contravention continued after the day on which the corporation was first convicted.
- .3 Every such fine shall be recoverable under The Provincial Offences Act, all the provisions of which apply, except that any imprisonment shall be as provided in The Municipal Act.

#### **4.6 VALIDITY**

If any section, clause or provision 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 and it is hereby declared to be the intention that all remaining sections, clauses or provisions of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

#### **4.7 CERTIFICATE OF OCCUPANCY**

No change shall be made in the type of use of any lot covered by this By-law, of any building or structure on any such lot or of any part of such lot, building or structure, until the Chief Building Official has issued a Certificate of Occupancy to the effect that the proposed use complies with this By-law.



## **SECTION 5 – DEFINITIONS**

For the purpose of this By-law, the Definitions and interpretations given in this section shall govern application of the By-law, unless the context requires otherwise.

'ABATTOIR' means a building or structure specifically designed to accommodate the penning and slaughtering of livestock and the preliminary processing of animal carcasses and may include the packing, treating, storing and sale of the product on the premises.

'ACCESSORY' shall mean a use, building or structure that is normally incidental, subordinate and exclusively devoted to and located on the same lot as the main use, building or structure but does not include a building or structure used for human habitation.

'AGRICULTURE PRODUCE WAREHOUSE' shall mean a building or part of a building used for the storage of agricultural produce and may include facilities for wholesale distribution or an accessory retail commercial outlet for the sale of such agricultural produce to the general public.

'AGRICULTURE, GENERAL' means the cultivation of land; of row, field and berry crops; including greenhouse and horticultural crops; raising of livestock; raising of other animals for food, fur, or fibre, including poultry and fish; aquaculture; apiaries; greenhouses; forestry/silviculture; maple syrup production; and associated on-farm buildings and structures.

'AGRICULTURE, SPECIALIZED' shall mean an area where specialty crops such as tender fruits (peaches, cherries, plums), grapes, other fruit crops, vegetable crops, greenhouse crops, and crops from agriculturally developed organic soil lands are predominately grown, usually resulting from soils that have suitability to produce specialty crops, or lands that are subject to special climatic conditions, or a combination of both; and/or a combination of farmers skilled in the production of specialty crops, and of capital investment in related facilities and services to produce, store, or process specialty crops.

'AGRITAINMENT' means the accessory use of land, buildings or structures for the purpose of a "u-pick" fruit and/or vegetable operation; seasonal food preparation and service; on-farm winery; on-farm markets, livestock shows/demonstrations; all of a temporary or seasonal nature, and may include such things as a corn maze, sleigh rides, and other entertainment. All operations shall consist of a minimum of 75% on-farm produce but shall not include any other use herein defined.

'AIRPORT' means any area of land, water (including frozen surface thereof) or other supporting surface, used or designed, prepared, equipped or set apart for use either in whole or in part for the arrival and departure, movement or servicing of aircraft, and includes any buildings, installation and equipment in connection therewith for which an airport license has been issued by Transport Canada.

'AIRCRAFT HANGAR' means a building or structure designed and used for the shelter of aircraft.

'AIRPORT STRIP' means the land area containing one or more runways plus additional graded land on both sides and both ends of the runway or runways.

'ALTER' shall mean, when used in reference to a building or part thereof, means to change any one or more of the internal or external dimensions of such building or to change the type of construction of the exterior walls or roof thereof.

When used in reference to a lot, the word 'alter' means:

- a) to change the area, frontage or depth thereof, or
- b) to change the width, depth, or area of any required yard setback, landscaped open space or parking area, or
- c) to change the location of any boundary of such lot with respect to a street or land, whether such alteration is made by conveyance or alienation of any portion of said lot, or otherwise. The word 'altered' and 'alteration' shall have a corresponding meaning.

'ASSEMBLY HALL' shall mean a building or part of a building in which facilities are provided for such purposes as meetings for civic, educational, political, recreational, religious, or social purposes and shall not include a banquet hall.

'ATTACHED' when used in reference to a building, means a building otherwise complete in itself which depends for structural support or complete enclosure upon a division wall or division walls shared in common with adjacent building or buildings.

*(Added by By-Law No. 2005-013 – Housekeeping)*

'AUDITORIUM' shall mean a room, hall or building used for public gatherings.

'AUTOMOBILE CAR WASH' means a building or structure or lot used solely for the washing and cleaning of motor vehicles and shall not include any other automobile use defined in this By-law.

'AUTOMOBILE GAS BAR' means a lot containing not more than eight fuel/propane pumps and may include a structure of not greater than 18.5 square metres (199 sq. ft.) used for the sale of fuel but shall not include any other automobile use defined in this By-law.

'AUTOMOBILE REPAIR ESTABLISHMENT' means a building and/or lot used for the servicing, repair, polishing and greasing of 'motor vehicles' and may include motor vehicle body repair and painting, the sale of automotive accessories and related products and a 'Automobile Rental Establishment' and a 'Automobile Sales Establishment', but shall not include any other automobile use defined in this By-law.

'AUTOMOBILE RENTAL ESTABLISHMENT' means a building and/or lot used for the leasing or renting of 'motor vehicles', but shall not include any other automobile use defined in this By-law.

'AUTOMOBILE SALES ESTABLISHMENT' means a building and/or lot used for the display and sale of new or used 'motor vehicles' and may include the servicing, repair, polishing, oiling and greasing of motor vehicles, the sale of automotive accessories and related products and a 'Automobile Rental Establishment', but shall not include any other automobile use defined in this By-law.

'AUTOMOBILE SERVICE STATION' means a building and/or lot used for the servicing, repair, polishing, oiling and greasing of 'motor vehicles' and may include motor vehicle body repair, painting, the sale of automotive accessories and related products and a 'Automobile Rental Establishment', a 'Automobile Gas Bar' and a 'Automobile Sales Establishment' but shall not include any other automobile use defined in this By-law.

'BANQUET HALL' means a building or part thereof, used for the gathering together of groups of persons for specific functions including the consumption of food and drink. Full kitchen facilities shall be provided on the premises.

'BASEMENT' shall mean that portion of a building between two floor levels, which is partly underground but which has at least one-half of its height, from finished floor to finished ceiling above the adjacent finished grade level for at least 75% of the building perimeter.

'BED AND BREAKFAST' shall mean an owner or operator occupied single detached dwelling, containing three guest rooms or less, used or maintained specifically for the accommodation of the public, in which the owner or operator supplies, for hire or gain, lodgings with or without meals.

'BUILDING' shall mean any structure other than a fence being a permanent edifice fixed to, or supported by the soil, and used or intended to be used for the shelter, accommodation or enclosure of persons, animals or personal possessions.

'BUILDING BY-LAW' means any 'Building By-law' within the meaning of the Planning Act and the Building Code Act.

'BUILDING, PRINCIPAL' or 'PRINCIPAL STRUCTURE' means the building or structure in which the principal use of the lot on which it is situated is conducted.

'BUILDING SETBACK' means the minimum horizontal distance between a lot line and the nearest part of any building or structure on the lot.

'BUILDING SUPPLY AND SALES' means the use of land, building or structure for the sale, storage and/or display of goods, merchandise or equipment used in building and construction but does not include the sale of appliances, audio-visual equipment, home furnishings or furniture.

'BULK SALES ESTABLISHMENT – AGRICULTURAL' means the use of land, structure or building for the purposes of buying, selling, storing, grading and handling of seed, feed, fertilizer and other agricultural products in bulk quantities, together with scales and a sales/administrative office for such products.

'BULK FUEL DEPOT' means the use of land, buildings or structures for the storage and distribution of fuels, gases, or oils and may include as an accessory use a commercial card/key lock facility but shall not include any other use defined in this By-law.

'BUSINESS OR PROFESSIONAL OFFICE' means any building or part thereof in which one or more persons are employed in the management, direction or conducting of an agency, business, brokerage, or labour organization and includes a bank or trust company, post office, and a government office but shall not include a 'retail store' or any other use herein defined.

'BUS DEPOT' means the use of land, buildings or structures where commercial motor vehicles pick up and discharge fare paying passengers, and may include as an accessory use a ticket office, a restaurant, luggage checking and/or parcel shipping facilities, and offices accessory to the main use, but does not include the display or sale of any automobile or commercial motor vehicle.

'CAMPGROUND' means a lot used for the parking and use of motor homes, travel trailers, tent-trailers, tents or similar transportable accommodation together with all yards and open space defined in this By-law and may include a swimming pool, convenience store, laundromat, miniature golf course, playground, athletic fields, tennis or badminton courts and an administrative building for the campground. The use of mobile home(s), park model trailer(s), or other transportable accommodation on a permanent year-round basis shall not be permitted. Off-season storage of travel trailers, tent trailers, motor homes or similar transportable accommodation shall be permitted.

'CAMPSITE' means a parcel of land within a campground intended for occupancy by motor homes, travel trailers, tents, camper trailers, and similar recreational vehicles together with all yards defined by this By-law.

'CANOPY' shall mean a roof with no enclosing walls over an entrance to a building, structure or gasoline pump island.

'CARPORT' means a roof covered structure accessory to the main dwelling and used for the storage of privately owned motor vehicles. Only piers or columns shall support the roof of said structure so that at least 40% of its wall area is unenclosed.

'CELLAR' shall mean that portion of a building between two floor levels of which more than 50% of its height from finished floor to finished ceiling is below the adjacent finished grade level for at least 75% of the building perimeter.

'CEMETERY' means a cemetery or columbarium within the meaning of The Cemetery Act of Ontario, as amended.

'CENTRE LINE' means the centre line of any street, lane, roadway, railway or railway right-of-way.

'CERTIFICATE OF OCCUPANCY' means a certificate issued by the Chief Building Official certifying that the subject building or structure has been constructed in accordance with the Building Code Act and meets applicable Municipal or Provincial regulations and may be occupied and used for the use requested.

'CHIEF BUILDING OFFICIAL' means the officer or employee appointed by By-law of the Corporation of the Municipality of Kincardine charged with the duty of enforcing the provisions of the Building By-law of the Corporation, Building Code Act and its applicable regulations.

'CLINIC' shall mean a building or part of a building that is used by physicians, dentists, and/or drugless practitioners and the like, their staff and their patients for the purpose of consultation, diagnosis and office treatment. A 'clinic' may also include administrative offices, waiting rooms, treatment rooms, laboratories, pharmacies and dispensaries directly associated with the clinic, but shall not include accommodation for in-patient care or operating rooms for major surgery.

'COMMERCIAL SCHOOL OR COLLEGE' means a place of instruction in any subject for profit or gain, but does not include a public school, separate school or private school as identified under the Public Schools Act or a Day Care Nursery (Licensed) as defined in this By-law.

*(Added by By-Law No. 2005-013 – Housekeeping)*

'COMMERCIAL MOTOR VEHICLE' means a motor vehicle having permanently or temporarily attached thereto a truck or delivery body and includes, but shall not be limited to, ambulances, hearses, casket wagons, fire apparatus, motor buses, and tractors used for hauling purposes on the highways.

'COMMERCIAL MOTOR VEHICLE REPAIR ESTABLISHMENT' means a building and/or lot used for the servicing, repair, cleaning, washing, polishing and greasing of commercial motor vehicles and 'truck-trailers' and may include body repair, welding and painting but shall not include any other automobile use defined in this By-law.

'COMMERCIAL MOTOR VEHICLE SALES ESTABLISHMENT' means a building and/or lot used for the display and sale of new or used 'commercial motor vehicles' and 'truck-trailers' and may include the servicing, repair, cleaning, washing, polishing and greasing of commercial motor vehicles and truck-trailers, the sale of commercial motor vehicle and truck-trailer accessories and related products and the leasing of commercial motor vehicles and truck-trailers, but shall not include any other automobile use defined in this By-law.

'COMMERCIAL USE' means the use of any land, building or structure for the purpose of offices or retail buying or selling of commodities and services, but does not include use for warehousing, wholesaling, manufacturing or assembling of goods.

'COMPUTER/DATA PROCESSING CENTRE' means a building or part of a building used for the input, processing and printing of computerized data or engaged primarily in service transactions electronically or through a communication medium and without limiting the generality of the foregoing, may include such establishments as credit card information centres, virtual banking services, on-line services and telephone solicitation services, but shall not include any walk-in or off-the-street traffic or any retail or manufacturing of goods for sales.

'CONDOMINIUM' means a building in which each individual unit is held in separate private ownership and all floor space, facilities and outdoor areas used in common by all tenants are owned, administered and maintained by a corporation created pursuant to the provisions of the appropriate statute.

'CONSERVATION' means the preservation and careful management of the environment and of natural resources.

'CONSERVATION AREA' means an area of land owned or leased by a public authority and used for flood or erosion control purposes and/or day use recreational purposes.

'CONSTRUCTION TRAILER' means a building or structure that is designed to be made mobile and is self-propelled or drawn by a separate vehicle, and is used for the purpose of storage or administration on a site while building construction is taking place.

'CONTRACTOR'S YARD' means a lot, building or structure where a 'Trades Person' conducts business and may include office space and the outdoor storage of heavy equipment and building materials and may include the retail sale of supplies used in their trade.

'CONVENIENCE STORE' shall mean a retail establishment in which articles for sale are restricted to a limited range of primarily food items such as milk, bread, soft drinks, ice cream, canned and bottled goods, snacks and candy, frozen meat, and to complement such items may include the limited sale of magazines, toiletries, and tobacco products.

'CORPORATION' shall mean The Corporation of The Municipality of Kincardine.

'COUNCIL' shall mean The Municipal Council of The Corporation of The Municipality of Kincardine.

'COUNTY' means The Corporation of The County of Bruce.

'DAY CARE NURSERY (LICENSED)' means a day nursery as defined in the Day Nurseries Act, R.S.O., as amended.

'DRIVEWAY' means a vehicular passageway having at least one end thereof connected to a public thoroughfare, and providing ingress to and/or egress from a lot.

'DRIVING ACADEMY' means the use of land, buildings or structures where the training for the proper use of motorized vehicles is conducted; but does not include the training for the proper use of tractor-trailers.

'DRY CLEANING ESTABLISHMENT' means a building where any one or more of dry cleaning, dyeing, cleaning or pressing of articles or goods of fabric is or are carried on.

'DWELLING' shall mean a building designed and occupied or capable of being occupied as a residence of one or more persons, within the following:

- a) 'Accessory Detached Dwelling' shall mean a detached dwelling which is incidental, subordinate, exclusively devoted to and located on the same lot as the principal use, building or structure.
- b) 'Accessory Dwelling Unit – Apartment' means a dwelling unit, located on the same lot therewith, which is part of the permitted Non-Residential Use building or structure.
- c) 'Apartment Dwelling' shall mean the whole of a building or structure that contains five or more dwelling units, which have separate entrances or a common entrance from street level serviced by a common corridor. An 'apartment dwelling house' does not include any other dwelling otherwise defined herein.
- d) 'Boarding House' shall mean a owner occupied dwelling unit containing not more than ten (10) guest rooms maintained for the sleeping accommodation of the public, in which the owner or head lessee supplies, for hire or gain, lodgings with or without meals for but does not include any other establishment otherwise defined in the By-law.
- e) 'Dwelling Unit' shall mean a private suite of two or more rooms designed or intended for occupation by one or more persons, in which sanitary conveniences are provided, and in which facilities are provided for cooking or for the installation of cooking equipment, and in which a heating system is provided, and containing a private entrance from outside the building or from a common hallway or stairway inside.
- f) 'Dwelling Unit, Bachelor' shall mean a dwelling unit consisting of one bathroom and not more than two habitable rooms designed to provide living, dining, sleeping and kitchen accommodation in appropriate individual or combination of rooms.

*(Deleted and replaced by By-Law No. 2005-013 – Housekeeping)*

g) 'Duplex Dwelling' shall mean the whole of a building that is divided horizontally into two separate dwelling units, exclusive of a basement, each of which has an independent entrance either directly from the outside or through a common vestibule.

h) 'Mobile Home Dwelling' shall mean a single detached residential dwelling unit designed for transportation after manufacture on streets or highways on its own wheels or on a flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities and the like. A travel trailer is not to be considered a mobile home.

i) 'Residential Non-Farm Detached Dwelling' shall mean a detached dwelling located on a non-farm lot.

j) 'Row Dwelling' shall mean the whole of a building that is divided vertically into three or more dwelling units, each of which has independent entrances to a front and rear yard immediately abutting the front and rear walls of each dwelling unit.

k) 'Seasonal Dwelling' shall mean a dwelling unit constructed and used as a secondary place of residence for seasonal vacations and recreational purposes and not as the sole residence of the owner or occupant thereof and is not intended for permanent occupancy, notwithstanding that it may be designed and /or constructed for year round or permanent human habitation.

l) 'Secondary Suite' means a dwelling unit ancillary to and contained within the same building as its principal dwelling unit.

m) 'Semi-Detached Dwelling' shall mean one of a pair of two attached single dwelling units divided vertically by a fire separation wall, each of which has an independent entrance either directly from the outside or through a common vestibule.

n) 'Single Detached Dwelling' shall mean a building containing one dwelling unit. This does not include mobile homes, camping trailers or house trailers.

o) 'Split-Level Dwelling' shall mean a building containing one or more dwelling units, in which the first floor above finished grade of each dwelling unit is so constructed as to create two or more different levels. These different levels of the first floor shall all be considered as part of the same storey except where the vertical distance between two different levels exceeds one metre; in which case, the two levels shall be considered as separate storeys.

p) 'Triplex Dwelling' shall mean the whole of a building that is divided horizontally into three separate dwelling units each of which has an independent entrance either directly from the outside or through a common vestibule.

*(Deleted and replaced by By-Law No. 2005-013 – Housekeeping)*

q) 'Quadraplex Dwelling' shall mean a building that consists of two (2) attached Duplex Dwellings.

'DWELLING UNIT FLOOR AREA' shall mean the habitable area contained within the inside walls of a dwelling unit, excluding any private garage, carport, porch, veranda, unfinished attic, cellar or basement, and excluding public or common halls or stairways.

'ERECT' shall mean to build, construct, reconstruct and relocate, in compliance with the Ontario Building Code, and, without limiting the generality of the foregoing, shall also include:

- a) Any preliminary physical operation such as excavating, filling or draining.
- b) Altering any existing building or structure by an addition, enlargement, extension or any other material or structural change.
- c) Any work necessitating a building permit as required under the Ontario Building Code.

'EXISTING LOT' unless otherwise indicated, means existing on the date of passing of the By-law. A substandard lot, which does not comply with the minimum, lot area and/or lot frontage requirements of this by-law may be increased in area and/or lot frontage and still be considered an existing lot for the purposes of this by-law.

'FACTORY SALES OUTLET' means an accessory use to an industrial use in which the goods, wares, or merchandise manufactured on the premises are offered for sale.

'FAMILY RESOURCE CENTRE' means a place of transitional residence providing shared cooking, living, recreational, sleeping and sanitary facilities to women and their children during a crisis in their lives that may endanger their emotional, mental, social or physical condition or legal status. A 'family resource centre' as defined herein shall only be permissible if operated in accordance with the terms and stipulations of an agreement between its operators and the Ministry of Community and Social Services and in accordance with a hostel agreement under the General Welfare Act between its operators and the Corporation of the County of Bruce, and shall provide responsible supervision and counselling consistent with the particular requirements of its residents.

'FARM' shall mean a parcel of land together with its dependent buildings including all associated on-farm buildings and structures held for the purpose of agricultural use.

'FARM IMPLEMENT ESTABLISHMENT' shall mean the use of land buildings or structures for the sale of, storage or repair of new or used agricultural equipment and machinery directly associated with the operation of a farm and may include as an accessory use the display, sale, storage, servicing, and repair of snowmobiles, ATV's, small engines, and lawn care equipment and related products but does not include any other use(s) defined herein.

'FARM IMPLEMENT REPAIR' shall mean the use of land buildings or structures for the sale of, storage or repair of new or used agricultural equipment and machinery directly associated with the operation of a farm but does not include any other use(s) defined herein.

'FEED MILL & ELEVATOR' shall mean a building or structure that is designed to store any type of grain, field or row crop and may include a cleaning and drying facility, scales, and an administration building.

'FITNESS CENTRE' means a building in which facilities are provided for recreational athletic activities including but not limited to body-building and exercise classes, and may include associated facilities such as a sauna, swimming pool and solarium.

'FLOOR AREA, GROUND' shall mean the floor area of the lowest storey of a building, approximately at or first above the finished grade level, excluding any basement, cellar or subcellar, which area is measured between the exterior faces of the exterior walls at the floor level of such storey, but excludes car parking areas within the building.

'FLOOR AREA, USEABLE' shall mean the sum of the horizontal areas of each floor, whether any such floor is above or below grade, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, but shall not include:

- a) Any floor area of the building or structure which is used for heating equipment, storage or parking of motor vehicles, locker storage and laundry facilities, children's play areas and other accessory uses.
- b) Enclosed malls when used as a common area between stores.

'FLOOR AREA, TOTAL' shall mean the sum of the horizontal areas of each floor, whether any such floor is above or below grade, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, excluding any area used for the storage and parking of motor vehicles.

'FOOD PROCESSING, PRIMARY' means the use of lands, buildings or structures for a 'dry industrial use' where berry, row or field crops are washed, cleaned, screened, sifted graded, waxed, or crushed, but excludes any further processing.

'FOOD PROCESSING, SECONDARY' means the use of lands, buildings or structures for a 'dry industrial use' where agricultural produce, including meat and poultry products, are washed, cleaned, dusted, waxed, cooked, steamed or otherwise prepared and packaged and may include the storage and sale of the finished product on the premises but shall not include an abattoir or any other use defined herein.

'FORESTRY/SILVICULTURE' means the management and care of trees, the planting and the harvesting of trees or parts thereof for commercial or personal purposes.

'FUNERAL HOME' means a commercial use for the purpose of furnishing funeral supplies and services to the public and includes facilities for the preparation of dead human bodies for interment or cremation.

'GARAGE, PRIVATE' means a detached accessory building or portion of a dwelling designed and used for the sheltering of private motor vehicles, travel trailers, boats, and the storage of household equipment incidental to the residential occupancy and in which no business, occupation or service is conducted.

'GARAGE, PUBLIC' shall mean a municipal, county or provincial facility used for the storage and servicing of road construction and maintenance equipment and materials.

'GARDEN SUITE' means a detached single storey residential dwelling unit accessory to a principal residence that offers alternative accommodation to a senior or disabled family member, and is removable.

'GAZEBO' means a freestanding roofed accessory structure which is not enclosed, except for screening or glass and which is utilized for the purposes of relaxation in conjunction with a residential dwelling but shall not include any other use or activity defined or classified in this By-law

'GREENHOUSE' means an enclosed structure, or collection of structures, covered with a rigid or flexible glazing material, with sides that may or may not open to the air, in which the environment is controlled for the cultivation or protection of plants for all or part of the year.

'GROSS FLOOR AREA' means in the case of a dwelling, the aggregate of all habitable rooms from the exterior walls, but excluding any detached accessory buildings, a breezeway, unenclosed sunroom, porch and/or verandah, attic, cellar or basement. In the case of a building other than a dwelling shall mean the aggregate of the area of all floors devoted to retail sales, customer service and or/office use, manufacturing, and warehousing measured from the outside face of exterior walls but shall not include mezzanine areas, mechanical rooms, common walls, stair wells, garbage and electrical rooms, parking structures and similar uses ancillary to the main use.

'GOLF COURSE' means a public or private area operated for the purpose of playing golf and may include a miniature golf course, restaurant, maintenance buildings and administration buildings if located on the same property and are considered accessory uses;

'GOLF DRIVING RANGE' means an open air recreation facility where the sport of golf is practised from individual tees and which may include accessory structures to house the tees, a kiosk for golf balls and golf club rentals and a structure from which the golfers tee-off.

'GRADE FINISHED' shall mean the average elevation of the finished surface of the ground where it meets the exterior wall of a building.

'GROUP HOME, TYPE ONE' means a single housekeeping unit in a residential dwelling in which up to three (3) residents with special care needs, including seniors or individuals who are developmentally and/or physically challenged or mentally ill, live under responsible supervision consistent with the



requirements of the residents. 'Residents' do not include staff or the receiving family. A type one group home is licensed and/or funded under Federal or Provincial Statute and in compliance with Municipal By-laws.

'GROUP HOME, TYPE TWO' means a single housekeeping unit in a residential dwelling in which more than three (3) and up to ten (10) residents with special care needs, including seniors or individuals who are developmentally and/or physically challenged or mentally ill, live under responsible supervision consistent with the requirements of the residents. 'Residents' do not include staff or the receiving family. A type two group home is licensed and/or funded under Federal or Provincial Statute and in compliance with Municipal By-laws.

'GROUP HOME, TYPE THREE' means a single housekeeping unit in a residential dwelling, such as a halfway house, in which residents with special care needs, including individuals such as ex-offenders or those recovering from substance abuse, reside on a short term basis under responsible supervision consistent with the requirements of the residents. 'Residents' do not include staff or the receiving family. A type three group home is licensed and/or funded under Federal or Provincial Statute and in compliance with Municipal By-laws.

'HEIGHT' AND 'HEIGHT OF BUILDING' shall mean the vertical distance between the finished grade at the front of the building, and:

- a) In the case of a flat roof, the highest point of the roof surface or the parapet, whichever is the greater;
- b) In the case of a mansard roof, the roof deck line;
- c) In the case of a gable, hip or gambrel roof, the mean height between the eaves and ridge;
- d) A tower, cupola, steeple, elevator shaft or other similar roof structure which is used only as an ornament or to house the mechanical equipment of any building, shall be disregarded in calculating the height of such a building.

'HISTORIC SITE' means an area containing buildings or places in which historic events occurred, or having special public value because of notable architectural or features relating to the cultural or artistic heritage of the community.

'HOME OCCUPATION' means an occupation or business conducted for gain or profit as a secondary use within a single detached dwelling or accessory building in accordance with the provisions of the zone in which it is located.

'HOSPITAL' means a hospital as defined under The Public Hospitals Act, R.S.O. as amended, or under The Private Hospitals Act, R.S.O. 1980, as amended.

'HOSTEL' means an establishment in which men only or women only are harboured, received, or lodged for hire for a single night or for less than a week at one time, except a hotel, tourist home or private hospital.

'HOTEL' means a building or structure used mainly for the purposes of catering to the needs of the travelling public by furnishing sleeping accommodation with no cooking facilities in any individual room or suite of rooms of not less than ten guest rooms. and may include meeting rooms, recreational facilities and a 'restaurant' and permanent staff quarters, but does not include any other establishment otherwise defined or classified in this By-law.

'INDUSTRIAL USE' means the use of any land, building or structure for the purpose of compounding, processing, packaging, crating, bottling, packing, manufacturing, assembling, making, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, or adapting for sale any good, substance, or article, or any part thereof, as distinguished from the buying and selling of commodities [commercial use] and the supplying of personal services.

'INDUSTRIAL USE, LIGHT' means an industrial use which is wholly enclosed within the building except for parking and loading facilities, and outside storage is accessory to the permitted uses and which in its

operation does not ordinarily result in emission from the building of odours, fumes, noise, cinder, vibrations, heat, glare or electrical interference.

'INDUSTRY, NON-EFFLUENT PRODUCING' means an industrial use where the manufacturing process does not include or require direct consumption of water and where the only wastewater discharges are from auxiliary facilities such as washrooms, the indirect cooling of machinery and/or the pressure testing of equipment.

'INDUSTRIAL MALL' means a building or structure held in single ownership, or by participants in a condominium Corporation or cooperative, and divided into units for separate occupancy by different permitted industrial uses for which common loading, parking and waste disposal facilities and other common services may be provided and where no individual occupant is identifiable as a dominant occupant of the building.

'INSTITUTION' shall mean any land, building, structure, or part thereof, used by any organization, group, corporation or association, for the promotion of charitable, educational, religious or benevolent objectives and not for profit or gain.

'KENNEL' shall mean a place where dogs or other household pets, other than poultry, are bred and raised for sale and/or boarded.

'LANDSCAPED OPEN SPACE' shall mean open unobstructed space at grade on a lot which is suitable for the growth and maintenance of grass, flowers, bushes and other landscaping and includes any patio or similar area but does not include any driveway, ramp, or sidewalk whether surfaced or not, any curb, parking area or any open space beneath or within any building or structure.

'LANE' shall mean a public or private roadway that is not more than 9 metres in width and which affords a secondary means of vehicular access to abutting lots.

'LAUNDROMAT' shall mean a building or structure where the service of coin or card operated laundry machines, using only water, detergents and additives are made available to the public for the purpose of laundry cleaning.

*(Deleted and replaced by By-Law No. 2005-013 – Housekeeping)*

'LIMITED SERVICE' may include: Fire protection when weather and roadway conditions do not permit the safe entry of fire trucks, drainage works, road maintenance, snow clearance, municipal water, municipal sewer, street lighting, sidewalk, curbs, gutters, tree planting or any other service whatsoever other than the ones mentioned above.

'LIVESTOCK' means fur or fibre bearing animals or any other domestic animal used for consumption, propagation, or for intended profit or gain, and without limiting the generality of the foregoing includes: dairy and beef cattle, lamas, alpacas, horses, swine, sheep, laying hens, chicken and turkey broilers, turkeys, goats, geese, mink and rabbits.

'LIVESTOCK ASSEMBLY YARD' shall mean a lot, building, structure or confined land area for temporarily holding animals for shipping.

'LIVESTOCK AUCTION BARN' shall mean a lot, building, structure or confined land area used as a livestock auction facility and may include the auction of agriculturally related chattels on an incidental or accessory basis only.

'LIVESTOCK FACILITY' means barn(s), building(s) or structure(s) where livestock are housed; including the associated 'manure storage structure(s)'.

'LIVESTOCK HOUSING CAPACITY' shall mean the maximum number of livestock that can be accommodated in a livestock facility at any one time.

'LIVESTOCK UNIT' shall mean the equivalent values for various types of animals and poultry based upon manure production and production cycles.

'LOT' shall mean a parcel of land described in a deed or other document legally capable of conveying title to or interest in land, or shown as a lot or block on a Registered Plan of Subdivision.

'LOT AREA' shall mean the total horizontal area within the lot lines of a lot, excluding the horizontal area of such lot covered by water. In the case of corner lots having a street line rounding of a radius 6 metres or less, the lot area of such lot shall be calculated as if the lot lines were produced to their point of intersection.

'LOT, CORNER' shall mean a lot having two intersecting lot lines, or their extensions in the case of a curve, both of which divide the lot from a street, streets or a lane and which intersect at an angle not exceeding 135 degrees.

'LOT COVERAGE' shall mean the percentage of the total lot area covered by buildings or structures, including accessory buildings or structures, above finished grade level; but shall not include swimming pools or septic systems.

'LOT DEPTH' means the horizontal distance between the front and rear lot lines. If the front and rear lot lines are not parallel, 'lot depth' shall be measured as the length of a straight line joining the middle of the front lot line with the middle of the rear lot line. Where there is no rear lot line, 'lot depth' shall be measured as 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 the horizontal distance between the side lot lines, such distance being measured perpendicularly to the line joining the middle of the front lot line with either the middle of the rear lot line or the apex of the triangle formed by the side lot lines at the minimum distance from the front lot line at which erection of building or other structure is permitted by this By-law.

'LOT, INTERIOR' shall mean a lot other than a corner lot and having frontage on one street or lane only.

'LOT LINE, EXTERIOR or 'EXTERIOR LOT LINE' means any lot line other than a front lot line or rear lot line abutting a street or lane.

'LOT LINE' shall mean any boundary of a lot or the vertical projection thereof.

'LOT LINE, FRONT' shall mean in the case of an interior lot, a line dividing the lot from a street or a lane. In the case of a corner lot, the shorter lot line abutting the street shall be named the front lot line and the longer lot line abutting the street shall be deemed an exterior side lot line. In the case of a through lot, the lot line where the principal access to the lot is provided shall be deemed to be the front lot line.

'LOT LINE, REAR' shall mean the lot line farthest from and opposite to the front lot line.

'LOT LINE, SIDE' shall mean a lot line other than the front or rear lot line.

'LOT, NON-FARM' shall mean a parcel of land having an area of 4 ha (10 ac) or less that is located in an 'Agricultural' or 'Rural' area and is described in a deed or other document legally capable of conveying title to or interest in land.

'LOT, THROUGH' shall mean a lot which has access on two opposite sides to a street or a lane.

'MANUFACTURING' means compounding, processing, packaging, crating, bottling, packing, assembling, making, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, or adapting for sale any good, substance, or article, or any part thereof.

'MANURE STORAGE STRUCTURE' means a permanent structure, or part of a permanent structure, designed for the containment of liquid manure or solid manure, including structures made of earth.

'MARINA' means a building, structure or place, containing docking facilities and located on a navigable waterway, where boats or boat accessories are stored, serviced, repaired or kept for sale and where facilities for the sale of marine fuels and lubricants may be provided.

'MARINE, RECREATION AND SMALL ENGINE ESTABLISHMENTS' shall mean a building and/or lot used for the display, sale, storage, servicing, repair, cleaning, polishing and lubricating of boats, motorcycles, snowmobiles, ATV's, lawn care equipment, marine engines and related products, or the leasing or renting of any of the above.

'MATERIAL RECYCLING FACILITY' means a facility that is not a salvage yard, and in which recoverable resources, such as newspapers, magazines, books, and other paper products, glass, metal cans, and other products are recycled, reprocessed and treated to return such products or materials to a condition in which they may again be used for production.

'MOBILE HOME' means any dwelling that is designed to be made mobile, and is constructed or manufactured to provide a permanent or seasonal residence; but does not include a travel trailer or tent trailer otherwise designed. A mobile home shall be distinguished from other forms of prefabricated transportable housing by a design which permits and features ready transportation from place to place, and not a design which intends to be moved only once to a final location.

'MOBILE HOME LOT' means a parcel of land within a mobile home park intended for occupancy by one mobile home unit and complies with all yard and open space requirements of this By-law.

'MOBILE HOME PARK' means a parcel of land containing two or more mobile home lots and which is under single management and ownership and which is designed and intended for residential or seasonal use where such residential occupancy is in mobile homes exclusively.

'MOBILE HOME PARK ROAD' means a space within a mobile home park designed and intended as a means of vehicular access to abutting mobile home lots; such mobile home park road may or may not be open to the general public on an equal basis.

'MOBILE HOME OPEN SPACE' means a space within a mobile home park designed and intended as a place of recreation for the common use by the residents of such mobile home park, and which may or may not be open to the general public on an equal basis.

'MOTEL' means one or more buildings used primarily for the purpose of catering to the travelling public by furnishing temporary or transient sleeping accommodation in rooms having independent entrances to a front or rear yard. A motel may include permanent staff quarters, meeting rooms, recreational facilities, an accessory 'restaurant', 'sleeping units' and 'housekeeping units', but does not include any other establishments otherwise defined or classified in this By-law. For the purposes of this Section:

(a) "Housekeeping Unit" means a unit for the overnight accommodation of the travelling public which may include sanitary and food preparation facilities.

(b) "Sleeping Unit" means a unit for the overnight accommodation of the travelling public, but does not include food preparation facilities.

'MOTOR HOME' shall mean a self-propelled dwelling unit.

'MOTOR VEHICLE' means an automobile, truck, motorcycle and any other vehicle propelled or driven otherwise than by muscular power but does not include commercial motor vehicles, cars of electric or steam railways or other motor vehicles running only upon rails.

'MUNICIPAL DRAIN' shall mean a drainage works as defined by The Drainage Act, as amended.

'MUNICIPAL WATER' means a distribution system of underground piping and related storage, including pumping and purification appurtenances operated by a municipal corporation and/or the Ministry of the

Environment and/or any public utilities commission for public use and which have been approved by the Ministry of the Environment.

'MUSEUM' means a public museum within the meaning of The Mortmain and Charitable Uses Act, R.S.O., as amended.

'NON-CONFORMING USE' shall mean a use, building or structure, or part thereof which does not conform or comply with the permitted uses in, or regulations of, this By-law as of the date of the passing thereof.

'NON-COMPLYING USE' shall mean a permitted use of land, building or structure existing at the date of passing of this By-law that does not comply with a provision or provisions of their respective zone.

'NON-RESIDENTIAL' means designed, intended or used for a purpose other than a dwelling.

'NURSERY' shall mean a place where trees, shrubs, plants or other horticultural/landscaping material is grown or stored for the purpose of retail sale or wholesale together with the sale of soil, planting materials, fertilizers or similar amendments or materials, lawn and garden equipment, or lawn furnishings.

'NURSING HOME' shall mean any premises maintained and operated for persons needing help in domestic care or nursing care in which the owner or operator supplies lodgings with meals for the residents.

'OPEN STORAGE' means the storage of goods, merchandise or equipment in the open air and in unenclosed portions of buildings that are open to the air on the sides. For the purposes of this By-law, the overnight parking of vehicles shall not be deemed to be outside storage.

'PARKING AREA' shall mean an area provided for the parking of motor vehicles and may include aisles, parking spaces, and related ingress and egress lanes, but shall not include any part of a public street. 'Parking Area' may include a private garage.

'PARKING LOT' shall mean a private or public parking area forming the principal use of a lot, owned or used by the general public.

*(Deleted and replaced by By-Law No. 2005-013 – Housekeeping)*

'PARKING SPACE' shall mean an area for the parking or storage of motor vehicles, and may include a private garage or carport.

'PERSON' shall mean any human being and includes any association, partnership, corporation, Municipal Corporation, agent, or trustee and their heirs, executors and assigns, or other legal representatives of a person to whom the context can apply according to law.

'PERSONAL SERVICE ESTABLISHMENT' means a business where professional or personal services are provided for gain and where the retail sale of goods, wares, merchandise or articles is only accessory to the provisions of such services, including, but without limiting the generality of the foregoing, the following: barber shops, beauty shops, tailor shops, shoe repair shops, wine and or beer making establishments. Personal service establishment shall not include sexually oriented establishments.

'PIT' means a place where unconsolidated gravel, stone, sand, earth, clay, fill, mineral or other material is being or has been removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes, but does not include a wayside pit.

'PLACE OF ENTERTAINMENT' means a motion picture or other theatre, billiard or pool room, bowling alley, arcade establishment but does not include any place of entertainment or amusement otherwise defined or classified in this By-law.

'PLACE OF WORSHIP' means a building that is owned or occupied by a religious congregation or religious organization and dedicated exclusively to worship and may include therein an 'assembly hall'; 'banquet hall'; 'accessory dwelling unit'; and, an 'accessory business office';

*(Deleted and replaced by By-Law No. 2005-013 – Housekeeping)*

'PLANTING STRIP' shall mean the space on a lot upon which shrubs, trees, flowers or grass are grown to a height of not less than 2.0 metres in accordance with the provisions of this By-Law.

'PLAYGROUND' means an area of open space, equipped with children's equipment, such as slides, swings or wading pools.

'PORTABLE ASPHALT PLANT' shall mean a facility with equipment designed to heat and dry aggregate and mix aggregate with bituminous asphalt to produce asphalt paving material and includes stockpiling and storage of bulk materials used in the process; and which is not of permanent construction but which is to be dismantled at the completion of the construction project.

'PRIVACY FENCE' shall mean a solid and continuous fence constructed of suitable material to a height of not less than 2.0 metres so as to provide a year round visual barrier.

'PRINCIPAL' shall mean, when used to describe a use, building or structure, that which constitutes the main use of a lot, and to which any other use, building or structure is subordinate.

'PUBLIC PARK' means an area of land which is owned by a public agency, and which may include therein one or more athletic fields, field houses, bleachers, wading pools, bandstands, outdoor ice skating rinks, tennis or badminton courts, bowling greens, fairgrounds, picnic area, historic site, interpretive centre, maintenance buildings or other such similar uses.

'PUBLIC BUILDING' means any building or structure owned or leased by the Corporation, County, any local board or commission of either the Corporation or the County, any Conservation Authority, any Ministry or Commission of the Province of Ontario or the Government of Canada, and in which office or general administration activities are conducted.

'PUBLIC GARAGE' shall mean a lot, building or structure used by a county, municipal, provincial or 'public utility' for the storage and servicing of 'public utility' equipment; vehicles; road construction and maintenance equipment; outdoor storage of utility poles, wire, road construction materials and other assorted materials and may include an administration office and fuel pumps.

'PUBLIC UTILITY' means any water works, sewerage works, gas works, electric heat, light or power works, telegraph and telephone works, cable television works, and works for the transmission of gas, oil, water or electrical power or energy, or any similar works supplying the general public with necessary services or conveniences.

'PUBLIC UTILITY BUILDING' means a lot, building or structure used in conjunction with the supply of a 'public utility' including a municipal water supply well, a water or sewage pumping station, a water treatment facility, a water storage reservoir, a gas regulator building, a hydro substation, a telephone building for exchange, long distance or repeater uses.

'QUARRY' means a place where consolidated rock has been or is being removed by means of an open excavation to supply materials for construction, industrial or manufacturing purposes, but does not include a wayside quarry or open pit metal mine.

'RECREATION, PASSIVE' shall mean the use of land and/or water for the purpose of passive leisure activity and without limiting the generality of the foregoing, shall include: a park, a garden, a picnic area and the like, as well as a playground.

'RECREATION CENTRE' means land, buildings or structures used for the purpose of active leisure activities and shall include an arena, swimming pool, community centre, curling rink, outdoor ice rink, and uses accessory thereto.

'RECYCLING DEPOT' means a building or structure or lot used for temporary storage of recyclable materials but does not include a 'material recycling facility'.

'RENTAL ESTABLISHMENT' means a lot, building or structure where equipment generally used for residential, commercial and industrial construction and maintenance are offered for rent or lease.

'RESEARCH ESTABLISHMENT/LABORATORY' means a building or structure in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

'RESTAURANT'

(a) 'Restaurant' means a building or structure or part thereof used to prepare food and offer for sale for immediate consumption within the building or structure, or adjacent patio and may include an accessory take-out service.

(b) 'Take-Out Restaurant' means a building or structure or part thereof where food is prepared and offered for sale to the public to be taken out and/or delivered, for consumption off the premises.

(c) 'Portable Food Outlet' means a trailer, tent or vehicle that is designed to be made mobile, from which food is prepared and offered for sale to the public for consumption outside. A Portable Food Outlet may only be permitted in accordance with the Corporation's Licensing By-law.

'RETAIL FLOOR AREA' means the aggregate of the areas of all rooms where goods and services are made available for sale but shall not include storage or maintenance areas.

'RETAIL STORE' shall mean a building or part of a building in which goods, wares, merchandise, substances, articles or things are offered or kept for sale but does not include any establishment otherwise defined or classified herein.

'RETAIL, LARGE FORMAT' means the use of a building, structure or a portion thereof for the sale or display of merchandise to the public and includes the storage of merchandise on or about the premises in quantities sufficient only to supply the establishment provided the building or structure in which the use is contained exceeds a 'retail floor area' of 232 square metres and does not include any establishment otherwise defined or classified in this By-law.

'RIDING STABLE/EQUESTRIAN CENTRE' means the use of buildings or structures for the boarding of horses, exercising of horses, the training of horses and riders, a tack shop, and the staging of equestrian events, but shall not include the racing of horses.

'SALVAGE YARD' shall mean an establishment where goods, wares, merchandise or articles are sold or processed for further use or where such goods, wares, merchandise or articles are stored wholly or partly in the open and includes a junkyard, scrap metal yard and an automobile wrecking yard or premises.

'SAW OR PLANING MILL' means a building, structure or area where timber is cut, sawed or milled, either to finished lumber or as an intermediary step and may include facilities for the kiln drying of lumber, an administrative office and temporary storage of timber and finished products.

'SCHOOL' means a school under the jurisdiction of a Board as defined in The Education Act.

'SCHOOL BUS' means a vehicle for transporting persons to or from school as defined in the Highway Traffic Act, R.S.O., Chapter 202, as amended.

'SCHOOL BUS STORAGE' includes a lot and/or premises for the storage of school buses.

'SERVICE ESTABLISHMENT' shall mean a building or part of a building for the servicing or repairing of articles, goods or materials, and in which no product is manufactured, and sales are accessory to the main use; but does not include automotive or marine service establishments.

'SETBACK' means the shortest horizontal distance from a specified line to the nearest part of any building or structure on a lot.

'SEWAGE':

a) 'Communal Sewage Disposal System' means those sewage works approved under the Ontario Water Resource Act RSO 1990 or the Building Code Act for the common use of more than five units [in the total development area] of full-time or seasonal residential or industrial/commercial occupancy or other occupancy as determined by the Chief Building Official. A 'communal sewage disposal system' shall be inspected and approved by the Chief Building Official; Grey Bruce Health Unit or the Ministry of Environment as required.

b) 'Privy' means a Class I System as defined by regulations made under the Environmental Protection Act.

c) 'Sanitary Sewer' or 'Municipal Sewer' means a system of underground conduits, operated by a municipal corporation or by the Ministry of the Environment that carries sewage to a place of treatment which meets with the approval of the Ministry of Environment.

d) 'Sewage Disposal System' means an individual autonomous system that is owned, operated and managed by the owner of the property upon which the system is located and which does not serve more than five residential lots. A 'sewage disposal system' shall be inspected and approved by the Chief Building Official; Grey Bruce Health Unit or the Ministry of Environment as required.

e) 'Sewage Treatment Plant' means a facility that meets the approval of the Ministry of Environment used for treatment of domestic, commercial and/or industrial sewage and shall include sewage lagoons.

'SHARED USE PARKING' means the development and use of parking areas on separate properties for joint use by businesses.

'SITE PLAN' shall mean a scale drawing prepared to illustrate the relation between the lot lines and the uses, buildings or structures existing or proposed on a lot, including such details as parking areas, walkways, landscaped areas, lighting, building areas, minimum yards, floor areas, easements, drainage contours, and areas for special uses.

*(Deleted and replaced by By-Law No. 2005-013 – Housekeeping)*

'SIGHT VISIBILITY TRIANGLE' means an area free of motor vehicles, buildings, planting areas or structures and which does not contain a fence, hedge or trees over 0.5 metres (20 inches) to 3.0 metres in height and which area is to be determined by measuring from the point of intersection of property lines on a corner lot, the distance required by this By-Law along such street line and joining such points with a straight line and includes both the triangular-shaped land between the intersecting street lines and the straight line joining the points the required distance along the street lines.

'STOREY' shall mean that portion of a building, other than the basement or cellar, which lies between any floor and the roof or ceiling above such floor.

'STOREY, ONE-HALF' shall mean a portion of a building situated wholly or in part within a sloping roof and in which there is sufficient space to provide a height between finished floor and finished ceiling of at least seven feet, seven inches for at least one-half (1/2) but less than two-thirds (2/3) of the area of the floor below.

'STREET' shall mean a roadway that affords a means of access to abutting lots but does not include a lane.

*(Deleted and replaced by By-Law No. 2005-013 – Housekeeping)*



'STREET, CLASS ONE (1)' shall mean streets with a minimum right-of-way width of 20 metres under the jurisdiction of the Corporation and shown as reference on Schedule "A" to this By-Law, to which the Corporation within reasonable limits will provide a level of municipal service as is customarily practiced by the Corporation. For the purposes of this By-Law, County and Provincial Roads shall be considered to be Class 1 Streets.

'STREET, CLASS TWO (2)' shall mean streets under the jurisdiction of the Corporation and shown as reference on Schedule 'A' to this By-law to which the Corporation provides "limited services" including snow clearance or ploughing.

'STREET LINE' shall mean the limit of the road or street allowance and is the dividing line between a lot and a street.

'STREET, PRIVATE' shall mean streets or lanes not under the jurisdiction of the Corporation, shown as reference on Schedule 'A' to this By-law. The Corporation may not provide any level of municipal service as is customarily practiced by the Corporation.

'STRUCTURE' means anything constructed or erected, the use of which requires location on the ground, or on water, or attachment to something having a fixed location on the ground or on water, and without limiting the generality of the foregoing, includes walls, floors, roofs, signs and billboards, private outdoor swimming pools, satellite dishes, and a objects designed and intended to float, but does not include hedges and fences or sewage disposal systems.

'SUPERMARKET' means a large format retail establishment which is used for the retailing of grocery needs and may include a dry cleaning establishment, florist, pharmacy, photo finishing place and catalogue outlet.

'SWIMMING POOL' means any body of water located indoors or outdoors as defined in the municipal swimming pool by-law.

'TAVERN/BAR' means a building or part thereof where, in consideration therefore, liquor, beer or wine or any combination thereof, are served for consumption on the premises with or without food.

'TEMPORARY USE' means a use established for a fixed period of time with the intent to discontinue such upon the expiration of the time period.

'TILLABLE HECTARES' shall mean the total area of land measured in hectares including pasture that can be worked or cultivated.

'TOP' in relation to a bank of surface water means:

- a) the edge of a defined channel or a bank of surface water, where there is a sharp change from the steep slope of the channel or bank to the shallower slope of the field area; or
- b) where no such break in slope exists, the normal full extent of the watercourse when it contains the maximum volume of water without flooding.

*(Added by By-Law No. 2005-013 – Housekeeping)*

'TOURISM BOOTH' shall mean a building used for the purposes of providing information to the public; and of storing and selling Municipally-related products and limited confectionery items.

'TRADES PERSON' shall mean an individual employed in the building trades construction industry, including bricklayers and stonemasons; carpenters and joiners; electricians; lathers; painters; decorators and paper-hangers; plasterers; plumbers and steamfitters; sheet metal workers; general contractors; flooring and carpet layers or home decorators or other the like which provides an installation service but does not include the wholesale or retail sale of construction materials or supplies, home improvement supplies or a 'Personal Service Shop'; 'Contractor's Yard' or 'Retail Store'.

'TRANSPORT DEPOT' means a building, structure or place where trucks or tractor trailers are rented, leased, kept for hire, or stored or parked for remuneration, or from which trucks or transports, stored or parked on the property, are dispatched for hire as common carriers and may include as an accessory use a commercial card/key lock facility.

'TRAVEL TRAILER SALES/SERVICE ESTABLISHMENT' shall mean a building and/or lot used for the display, sale, storage, servicing, repair, or cleaning of new or used recreational vehicles and accessories and may include as an accessory use, the sale of motorcycles, snowmobiles, ATV's, lawn care equipment and related products, or the leasing or renting of any of the above.

'TRACTOR TRAILER' means any type of trailer vehicle that is hauled by a commercial motor vehicle and is used primarily for the transportation of equipment and goods and for which a permit has been issued under vehicle permit legislation including, a single or multi-axle semi-trailer where part of the load is carried on the heavy truck by means of the upper and lower coupler assembly and a full load bearing trailer.

'TRAILER, CONSTRUCTION' means a building or structure that is designed to be made mobile and drawn by a separate vehicle, and is used for the purpose of storage, administration and or temporary accommodation provided work is in progress and a valid building permit is in effect for the work being undertaken, for a period not exceeding two years from the date of issuance of the building permit.

'TRAILER, TRANSPORT' means any vehicle so constructed that it is suitable for being attached to a motor vehicle and capable of being used for transporting goods, materials, equipment or livestock notwithstanding that such vehicle is jacked up or that its running gear is removed.

'TRAILER, TRAVEL' means a structure designed, intended and used exclusively for travel, recreation and vacation and which is capable of being drawn or propelled by a motor vehicle or is self propelled and includes tent trailers or similar transportable accommodation, but not a mobile home.

'TRANSMISSION TOWER' means a structure, over 20 metres in height, designed and erected for the purpose of transporting or carrying hydroelectric power in quantities equal to, or greater than, 100,000 volts.

'USE', as a verb, means anything permitted by the owner or occupant of any land, building or structure, directly or indirectly, or by or through any trustee, tenant, servant or agent acting for or with the knowledge and assent of such owner or occupant, for the purpose of making use of the said land, building or structure. The phrase 'used for' includes 'arranged for', 'designed for' 'maintained for' or 'occupied for'.

'USE' as a noun, means any of the following depending on the context:

- a) any purpose for which land, buildings or other structures may be arranged, designated, designed, intended, maintained, or occupied, or
- b) any occupation, business, activity, or operation carried on, or intended to be carried on, in a building or other structure or on land, or
- c) the name of a tract of land or a building or other structure which indicates the purpose for which it is arranged, designated, intended, maintained or occupied.

'VETERINARY, CLINIC' means a building or structure dedicated to the medical care and treatment of 'livestock', domestic or other animals and includes provision for their overnight accommodation but does not include kennels, outdoor pens, runs or outdoor enclosures. A 'Veterinary Clinic' may also include administrative offices, waiting rooms, treatment rooms, laboratories, pharmacies and dispensaries directly associated with the clinic.

'VETERINARY, CLINIC (SMALL ANIMAL)' means a building or structure dedicated to the medical care and treatment of household pets/animals and includes provision for their overnight accommodation but does not include kennels, outdoor pens, runs or outdoor enclosures. A 'Veterinary Clinic (Small

Animal)' may also include administrative offices, waiting rooms, treatment rooms, laboratories, pharmacies and dispensaries directly associated with the clinic.

'VIDEO OUTLET/RENTAL ESTABLISHMENT' means the use of the lands, buildings or structures for the purpose of renting videocassette recorders and/or video disc players and/or the rental of video tapes and/or discs.

'WAREHOUSE' shall mean lands, buildings or part of a building used or intended to be used for the bulk storage and distribution of goods, merchandise or materials and may include a 'Transport Depot'.

'WAREHOUSE, MINI-STORAGE' shall mean a building designed for the rental of separate storage areas usually with individualized external access for storage of personal property. Outdoor storage shall be permitted in accordance with the provisions of the applicable zone.

'WASTE DISPOSAL SITE' means any land upon, into or through which waste is deposited or processed and any machinery or equipment or operation for the treatment or disposal of waste, but does not include the treatment or disposal of liquid industrial waste or hazardous waste.

'WATERCOURSE' means the natural channel for a stream and for the purpose of this By-law, includes the natural channel for intermittent streams.

'WATER FRONTAGE' means that part of a piece of land that fronts on and provides access to a bay or lake or navigable waterway.

'WATER WELL' means an underground source of water which has been rendered accessible by the drilling or digging of a hole from ground level to the water table and may include a private piped water system from a surface water source.

'WAYSIDE PIT OR WAYSIDE QUARRY' shall mean a temporary pit or quarry opened and used by or for a public authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

'WHOLESALE USE' means any establishment that sells merchandise to others for resale and/or to industrial or commercial users.

'WIND GENERATION SYSTEM (WGS)': means any device such as a wind charger, windmill, or wind turbine that converts wind energy to electrical energy.

'YARD' shall mean a space, appurtenant to a building located on the same lot as the building, and which space is open, uncovered and unoccupied from ground to sky except for such accessory buildings, structures or uses as are specifically permitted elsewhere in this By-law.

'YARD, EXTERIOR SIDE' shall mean a yard between the nearest part of any main building and street, extending from the front lot line to the rear lot line.

'YARD, INTERIOR SIDE' shall mean a side yard other than an exterior side yard.

'YARD, FRONT' or 'FRONT YARD' shall mean a yard extending across the full width of the lot between the front lot line of the lot and the nearest part of any principal building on the lot, but does not include any exterior side yard.

'YARD, REAR' or 'REAR YARD' shall mean a yard extending across the full width of the lot between the rear lot line of the lot and the nearest part of any building on the lot, but does not include any exterior side yard.

'YARD, SIDE' or 'SIDE YARD' shall mean a yard extending from the front yard to the rear yard between the side lot line and the nearest part of any building on the lot.

'ZONE' means an area delineated on a Zoning Map Schedule and established and designated by this By-law for a specific use.

'ZONING ADMINISTRATOR' shall mean the Chief Building Official or other employee of The Corporation charged with the duty of enforcing the provisions of the Building and Zoning By-laws of The Corporation.

## **SECTION 6 – GENERAL PROVISIONS FOR ALL ZONES**

### **6.1 APPLICATION OF BY-LAW**

No building or structure shall hereafter be erected or altered and the use of any building, structure or lot shall hereafter not be changed in whole or in part except in conformity with the provisions of this By-law.

### **6.2 PERMITTED USES IN ALL ZONES**

#### **6.2.1 Services and Utilities**

.1 Nothing contained in this By-law shall prevent the Corporation; any telephone, cable or communications utility company; any agency or department of the Federal, Provincial or County Government; any company holding a Provincial license to transport or distribute natural gas; an electric service provider; a railway company and any local or County Board or Commission from: installing a watermain; sanitary sewer main; sewage or water pumping station; storm sewer main; gas main; electric power transformer/distribution station; transmission tower; communications tower; pipeline; overhead or underground electric line, cable service, or telephone line; road or street; any essential accessory building(s) required to house equipment; or other use for the purposes of the public service subject to there being no outdoor storage of goods, materials or equipment.

.2 An 'essential accessory building', sewage and/or water pumping station or 'water well' owned and operated by, or for, the Corporation, may be erected within 3 metres of the lot lines and shall be exempt from the lot size and lot coverage provisions of the zone in which it is located.

.3 Notwithstanding the generality of the foregoing, Corporation approval does not apply to any undertaking that has been approved under the Environmental Assessment Act.

.4 Any electric power facilities and any receiving or transmitting tower and facilities of any radio or television station existing on the date of passing of this By-law are permitted.

#### **6.2.2 Construction Facilities**

.1 A tool shed, scaffold or other building or structure incidental to construction on the lot where it is situated and only for so long as it is necessary for the work in progress and until the work is completed or abandoned. In addition to any sheds, scaffolds, or other structures incidental to building construction, accessory sales offices may be permitted in any Zone for so long as the same is necessary for work in progress which has neither been finished, nor abandoned, provided such sales office is provided for in a Subdivider's Agreement which is in effect. 'Abandoned' in this subsection shall mean the failure to proceed expeditiously with the construction of a work.

.2 In any zone, such temporary buildings and construction facilities shall be permitted for a period lasting no longer than twelve (12) months commencing on the date on which the Building Permit is issued unless approved by the Chief Building Official.

#### **6.2.3 Statues and Other Ornamental Structures**

A statue, monument, fountain, cenotaph or other such memorial or ornamental structure shall be permitted in any zone.

#### **6.2.4 Signs and Signals**

All signs and traffic signals shall be permitted in all zones in conformity with the Municipal Sign By-law and the requirements of the appropriate regulatory authority.

#### **6.2.5 Sewage Disposal Systems**

.1 A 'sewage disposal system' shall be permitted in all zones except in the 'Environmental Protection (EP)' and 'Environmental Protection 1 (EP-1)' zones. A 'privy' may be permitted only in the Agriculture

(A1), Extractive Industrial (M2), and Waste Disposal (WD) zones subject to approval by the Chief Building Official.

.2 A 'communal sewage disposal system' or a 'sewage treatment plant' must be zoned accordingly.

#### 6.2.6 Multi-Purpose Use Recreational Trails

.1 Multi-purpose recreational trails (paths) are routes owned, constructed or under reserve to the Corporation, County or other public body, and may be open to the public. Multi-purpose recreational trails shall be permitted in all zones. Permitted uses may include hiking, horseback riding, bicycling, cross country skiing, snowmobiling, all terrain vehicles (ATVs) in accordance with all applicable By-laws and Regulations of the Corporation, County or other public body.

*(Deleted and replaced by By-Law No. 2005-013 – Housekeeping)*

.2 Motorized vehicles, except snowmobiles, shall be prohibited from Provincially Significant Wetlands, Areas of Natural and Scientific Interest (ANSI), and other environmentally sensitive lands as determined by a public body.

### **6.3 PUBLIC USES, BUILDINGS AND/OR STRUCTURES**

Notwithstanding the policies of Section 6.2.1, the erection of any building or structure designed for use as an office, storage or other uses, and the use of land for outside storage, by the Corporation; any telephone, cable or communications utility company; any agency or department of the Federal, Provincial or County Government; any company holding a Provincial license to transport or distribute natural gas; an electric service provider; a railway company and any local or County Board or Commission must conform to the provisions of this By-law.

### **6.4 ACCESSORY BUILDINGS AND STRUCTURES**

#### 6.4.1 Prohibited Structures

For the purposes of this section, mobile homes, travel trailers, railway cars, cabooses, construction trailers, transport trailers, and buses shall not be used as accessory buildings or structures.

#### 6.4.2 Use of Accessory Buildings and Structures

Where this By-law provides that a lot may be used or a building or structure may be erected or used for a purpose, that purpose shall include any accessory building or structure or accessory use, but shall not include: (i) any occupation for gain or profit conducted within or accessory to a dwelling unit except as defined as home occupations in this By-law; or (ii) any building used for human habitation.

#### 6.4.3 Location of Accessory Building or Structure

.1 Except as otherwise provided herein, any accessory building or structure may be erected in any yard except a front yard or exterior side yard, and shall comply with the yard requirements of the zone in which such building or structure is situated.

.2 Notwithstanding any other provisions of this By-law to the contrary, in a Residential Zone an accessory building or structure may be erected

- i) In an interior side or rear yard located no closer than 1 metre to the interior side and rear lot lines.
- ii) On lots which adjoin a navigable body of water, detached garages and accessory buildings may be located in the front yard provided that such garage or accessory building is not located closer than six metres from the front lot line and 1 metres from any side lot line. This also includes any lot that is separated from a body of water only by an unopened Municipal road allowance.
- iii) In the case of a Through Lot, the rear yard setback requirement of such lot for an accessory building or structure shall be equal to the front yard setback requirement of the principal building.

- iv) Mutual garages may be erected across the interior side lot line common to any two adjoining lots provided that: the garages for both lots are designed as one building; a common wall, on and along the side lot line, shall divide the garages; and, the garages for both lots shall be erected simultaneously.

.3 Notwithstanding any other provisions of this By-law to the contrary, on a 'Non-Farm Lot' in a Agricultural Zone an accessory building or structure may be erected and used in an interior side or rear yard but shall be located no closer than 2 metres to the interior side and rear lot lines.

NOTE: Where a property abuts a Provincial Highway the setback requirement of the Ministry of Transportation shall prevail.

**6.4.4 Height**

Except as otherwise provided herein, the maximum height for all accessory buildings and structures shall be as follows:

- i) All Residential Zones, 4.5 metres;
- ii) In all other zones, no accessory building shall contain more than two storeys.

**6.4.5 Coverage**

The area of all accessory buildings and structures on a lot shall not exceed 15% of the lot area; except on lots within the 'M1' or 'ECI' zones, where the total lot coverage of all accessory buildings or structures on a lot shall not exceed 50% of the total lot area.

**6.4.6 Establishment of an Accessory Building or Structure**

Notwithstanding any of the provisions of this By-law, no accessory building or structure shall be erected or used until the principal building, structure or use is erected to the satisfaction of the Chief Building Official and in compliance with the provisions of this By-law. This shall not apply to those uses covered under Section 6.2.2 Construction Facilities.

**6.5 ACCESSORY DWELLING UNIT - APARTMENT**

Where permitted by this By-law as an accessory or residential use, no person shall use any part of a non-residential building as an Accessory Dwelling Unit – Apartment except in accordance with the following provisions:

.1 Dwelling units are permitted above the first storey and behind the commercial use and forming an integral part of the building or structure containing a permitted non-residential use.

.2 Minimum setbacks and yards shall be provided in accordance with the minimum setback and yard provisions for the non-residential building or structure in which the dwelling unit is contained.

*(Subsection 6.5.3 and 6.5.4 are deleted in their entirety by By-Law No. 2005-013 – Housekeeping)*

.5 The minimum dwelling unit gross floor area shall be as follows:

Dwelling Unit	Minimum Dwelling Unit Gross Floor Area
Bachelor dwelling unit	35 square metres
Dwelling Unit containing one bedroom	50 square metres
Dwelling Unit containing two bedrooms	60 square metres
Dwelling Unit containing more than two bedrooms	60 square metres plus 10 square metres for each bedroom in excess of two

## **6.6 NON-COMPLYING BUILDINGS**

### 6.6.1 Strengthening to a Safe Condition

Nothing in this By-law shall prevent the strengthening to a safe condition of any building or structure or part of any such building or structure which does not comply with the provisions of this By-law, provided such alteration or repair does not increase the height, habitable space, size, or change the use of such building or structure.

### 6.6.2 Permitted Extensions of Non-Complying Buildings

Nothing in this By-law shall prevent an accessory use, extension or an addition being made to a building or structure, which is used for a purpose specifically permitted within the zone in which such building or structure is located, and which building or structure legally existed at the date of passing of this By-law, but which building or structure does not comply with one or more of the Zone Provisions of this By-law, provided such accessory use, extension or addition does not contravene any of the provisions of this By-law.

### 6.6.3 Permitted Replacement of Non-Complying Buildings

Nothing in this By-law shall prevent the replacement of any building or structure which is destroyed by fire or an act of nature, which does not conform with one or more of the provisions of this By-law, provided that:

- a) such replacement does not increase the amount of habitable space, the height, size, or change the use of such building or structure; and
- b) such replacement shall comply, with all applicable yard provisions of the applicable zone, if possible, and does not reduce the original non-complying yard dimensions.

## **6.7 NON-CONFORMING USES**

### 6.7.1 Continuation of Existing Uses

Nothing in this By-law shall apply to prevent the use of any lot, building or structure for any purpose prohibited by this By-law if such lot, building or structure was lawfully used for such purpose on the date of passing of this By-law, so long as it continues to be used for that purpose.

### 6.7.2 Change of Use

Nothing in this By-law shall prevent a change in the use of a lot, building or structure which under the provisions hereof is not permissible within the zone in which such lot, building or structure is located if the use is changed to a use which is permissible within such zone, or such other compatible uses as may be approved by a Minor Variance under the Planning Act and any other applicable legislation.

### 6.7.3 Existing Detached Dwellings

A detached dwelling legally existing at the date of passing of this By-law and located in any 'C' – Commercial zone, may be altered or enlarged in accordance with the provisions of the 'R1' -Residential Zone One Zone.

### 6.7.4 Building Permit Issued

Nothing in this By-law shall apply to prevent the erection or use for a purpose prohibited by this By-law of any building or structure for which a permit has been issued under the Building Code Act, prior to the date of the passing of this By-law, provided that:

- a) when erected, the building or structure is used and continues to be used for the purpose for which it was erected; and
- b) the permit has not been revoked under the Building Code Act; and
- c) the erection of such building or structure is commenced within two years after the date of the passing of this By-law and such building or structure is completed within a reasonable time after the erection thereof is commenced.



## **6.8 CONFLICTING REGULATIONS**

Where a combination of permitted uses results in conflicting regulations, the most restrictive regulations shall apply.

## **6.9 GREATER RESTRICTIONS**

This By-law shall not be effective to reduce or mitigate any restrictions lawfully imposed by a government authority having jurisdiction to make such restrictions.

## **6.10 NUMBER OF DETACHED DWELLINGS PER 'R' – RESIDENTIAL ZONE LOT**

In any 'R' – Residential zone where detached dwellings are permitted, not more than one detached dwelling shall be permitted on a lot, excepting however that an existing residential dwelling is permitted, subject to an Agreement between the Owner and Municipality, during construction and until such time as a second residential building can be occupied on a lot, in order to facilitate replacement of an existing dwelling.

## **6.11 FRONTAGE ON A CLASS ONE (1) STREET**

.1 No person shall erect any building or structure, or increase the height size or volume of existing structures, in any zone unless the lot upon which such building or structure is to be erected fronts upon a Class One Street; or, in the case of a lot on a Registered Plan of Subdivision/Registered Plan of Condominium, unless a 'Subdivider's Agreement' with the Corporation is in effect.

.2 Class One Streets are identified on Schedule 'A' for interpretation purposes only.

## **6.12 FRONTAGE ON A CLASS TWO (2) STREET/PRIVATE STREET**

.1 No person shall erect any building or structure, or increase the height, size or volume of existing structures, in any zone fronted by a Class Two Street or Private Street unless the owner of the lot upon which such building or structure is to be erected or increased in height, size or volume has entered into a 'Limited Service Agreement' with the Corporation.

.2 Class Two Streets and Private Streets are identified on Schedule 'A' for interpretation purposes only.

*(Replaced by By-Law No. 2005-013 – Housekeeping)*

## **6.13 HOME OCCUPATION – PROFESSIONAL USE**

Where listed as a permitted use, Home Occupation – Professional Use may be permitted within a single detached dwelling unit, or an accessory structure, by professional practitioners, such as but not limited to: accountants, architects, auditors, dentists, optometrists, engineers, insurance agents, land surveyors, lawyers, medical practitioners, chiropractors, notaries, planners, realtors, photographers, hairdressers, consultants, provided that:

- a) The said dwelling is occupied as a place of residence by the individual operating the home occupation;
- b) The Home Occupation – Professional Use shall be clearly secondary to the main use of the lot and/or building or part thereof, which is residential, and shall not change the residential character of the lot and/or building or part thereof;
- c) There shall be no more than 1 assistant who is not a resident in the building;
- d) The amount of the dwellings total floor area utilized by the Home Occupation – Professional Use shall not exceed 30 % of the dwelling's total floor area;  
*(Deleted and replaced by By-Law No. 2005-013 – Housekeeping)*
- e) Where the home occupation is located within an accessory building, not more than 100 square metres shall be devoted to such use.
- f) There shall be no advertising other than a plate or fascia sign as per the Corporation's Sign By-law;
- g) There is no external storage of goods or materials;  
*(Deleted and replaced by By-Law No. 2005-013 – Housekeeping)*
- h) One off-street parking space is provided for every twenty square metres of floor area occupied by the home occupation;  
*(Deleted and replaced by By-Law No. 2005-013 – Housekeeping)*

- i) No mechanical equipment is used except that is reasonably consistent with the use of a dwelling; and
- j) The home occupation shall not create or become a nuisance in regard to noise, odours, vibrations, traffic generation or parking.

*(Replaced by By-Law No. 2005-013 – Housekeeping)*

#### **6.14 HOME OCCUPATION – HOUSEHOLD AND DOMESTIC ARTS**

Where listed as a permitted use, Home Occupation – Household and Domestic arts may be permitted within a single detached dwelling unit, or an accessory structure. Household and Domestic Arts includes uses such as, but not limited to, dressmaking; instruction in music, dancing, arts and crafts to not more than six pupils at any one lesson; tailoring; weaving; painting; sculpting; moulding; or otherwise making or repairing of garden or household ornaments, articles of clothing, and personal effects or toys, provided that:

- a) The Home Occupation –Household and Domestic Arts shall be conducted only by members of the family residing on the premises and all articles sold are produced by members of the family;
- b) The Home Occupation –Household and Domestic Arts shall be clearly secondary to the main use of the lot and/or building or part thereof which is residential, and shall not change the residential character of the lot and/or building or part thereof;
- c) Only residents of the dwelling may assist in the operation of the home occupation;
- d) There shall be no advertising other than a plate or facia sign as per the Corporation’s Sign By-law;
- e) There is no external storage of goods or materials;
- f) The amount of the dwelling’s total floor area utilized by the home occupation for office space shall not exceed 30 % of the dwelling’s total floor area;
- g) Where the home occupation is located within an accessory building, not more than 100 square metres shall be devoted to such use;
- h) One off-street parking space is provided for every twenty square metres of floor area occupied by the home occupation;
- i) No mechanical equipment is used except that which is reasonably consistent with the use of a dwelling; and
- j) The home occupation shall not create or become a nuisance in regard to noise, odours, vibrations, traffic generation or parking.

*(Replaced by By-Law No. 2005-013 – Housekeeping)*

#### **6.15 HOME OCCUPATION – AGRICULTURAL BUSINESS**

Where listed as a permitted use, a Home Occupation – Agricultural Business may be permitted within an ‘Accessory Detached Dwelling’, and shall be limited to the sale of farm products produced/grown or raised on the property. Further, where listed as a permitted use, a Home Occupation – Agricultural Business may be permitted within an accessory building and shall be limited to a nursery; food processing, primary; food processing, secondary; industrial use, non-effluent producing; bulk sales establishment – agricultural; provided that:

- a) The Home Occupation – Agricultural Business shall be clearly secondary to the main agricultural use of the lot and/or building, or part thereof which is and shall not change the agricultural character of the area;
- b) Where the home occupation is located within an accessory building, not more than 100 square metres shall be devoted to such use;
- c) The Home Occupation – Agricultural Business shall be conducted only by members of the family residing on the premises and all articles are produced and/or sold by members of the family and all services are provided by members of the family except for the employment of one (1) assistant who does not reside on the property;
- d) There shall be no advertising other than a plate or facia sign as per the Corporation’s Sign By-law;
- e) The amount of the dwelling’s total floor area utilized by the home occupation for office space shall not exceed 30 % of the dwelling’s total floor area;
- f) There is no external storage of goods or equipment unless fully enclosed by a fence or other enclosure which provides visual screening; and
- g) The home occupation shall not create or become a nuisance in regard to noise, odours, vibrations, traffic generated or parking.

### **6.16 HOME OCCUPATION – TRADES PERSONS**

Where listed as a permitted use, Home Occupation - Trades Persons may be permitted within a single detached dwelling. A Home Occupation - Trades Persons include individuals employed in the building trades construction industry, including bricklayers and stonemasons; carpenters and joiners; electricians; lathers; painters; decorators and paper-hangers; plasterers; plumbers and steamfitters; sheet metal workers; general contractors; flooring and carpet layers or home decorators or other the like which provides an installation service but does not include the wholesale or retail sale of construction materials or supplies, home improvement supplies or a 'Personal Service Shop'; 'Contractors Yard' or 'Retail Store', provided that:

- a) The Home Occupation – Trades Persons shall be clearly secondary to the main agricultural use of the lot and/or building, or part thereof which is and shall not change the agricultural character of the area;
- b) The said dwelling is occupied as a residence by the professional user;
- c) There shall not be more than one assistant who is not a resident in the dwelling operating the business from the property;
- d) One accessory building may be used for the storage of equipment, vehicles and supplies, provided that not more than one hundred square metres of the accessory building is devoted to such use. Accessory buildings shall not be used for retailing, processing or manufacturing purposes;
- e) There shall be no advertising other than a plate or fascia sign as per the Corporation's Sign By-law;
- f) The amount of the dwelling's total floor area utilized by the home occupation for office space shall not exceed 30 % of the dwelling's total floor area;
- g) There is no external storage of goods or materials, including heavy equipment such as excavation machinery, or any vehicles not licensed for the road;
- h) Home Occupation – Trades Persons shall not include the retail sales of building or construction supplies nor automobile, small engine or machinery repair; and
- i) The home occupation shall not create or become a nuisance in regard to noise, odours, vibrations, traffic generated or parking.

### **6.17 BED AND BREAKFAST ESTABLISHMENT**

Where permitted by this By-law, a Bed and Breakfast Establishment will be subject to the following provisions:

- (i) The residential character of the dwelling shall not be changed;
- (ii) No Bed and Breakfast Establishment shall provide more than three (3) guest rooms for overnight accommodation;
- (iii) Maximum number of guests permitted to lodge within a Bed and Breakfast Establishment shall be eight (8);
- (iv) No persons other than residents of the detached dwelling shall be employed except as is necessary for housekeeping purposes;
- (v) Each guest room shall have a minimum floor area of 7 square metres;
- (vi) No food or drink shall be offered or kept for sale for persons who are not guests of the establishment;
- (vii) In addition to the two parking spaces a single detached dwelling is required to have by this By-law, a Bed and Breakfast Establishment shall provide one additional space for each guest room; and,
- (viii) There shall be no advertising other than a plate or fascia sign as per the Corporation's Sign By-law.

*(Replaced by By-Law No. 2005-013 – Housekeeping)*

### **6.18 LOADING SPACE REQUIREMENTS**

The owner or occupant of any lot, building or structure in an Industrial Zone, Institutional Zone, Commercial Zone, (with the exception of a 'C1 General Commercial' zone), Agricultural Commercial / Industrial Zone, or Rural Commercial / Industrial Zone, erected or used for any purpose involving the receiving, shipping, loading or unloading of persons, animals, goods, wares and merchandise, or raw materials, shall provide on the lot occupied by the building or structure and not forming part of a street or lane, within the zone in which such use is located, loading or unloading facilities in accordance with the following regulations:

#### 6.18.1 Required Number of Loading Spaces

<b>Total Floor Area of Building or Structure</b>	<b>Number of loading spaces required</b>
Less than 4,000 square metres	1
4,000 square metres to 10,000 square metres	2
10,001 square metres plus	2, plus one additional space for each additional 10,000 square metres of floor area

#### 6.18.2 Loading Space Dimensions

Each loading space shall be a minimum of 9 metres long; a minimum of 3.5 metres wide; and have a minimum vertical clearance of at least 4 metres.

#### 6.18.3 Access

Access to loading or unloading spaces shall be by means of a driveway at least 6 metres wide contained within the lot on which the spaces are located and leading to a street or lane located within or adjoining the Commercial or Industrial Zone.

#### 6.18.4 Loading Space Surface

The driveways, loading and unloading spaces shall be asphalt or concrete. In cases of those lands zoned C5, C8, ACI, and RCI the driveway, loading and unloading spaces shall be maintained with a stable surface that is treated so as to prevent the raising of dust or loose particles. They shall, before being used, be constructed of one of the following: crushed stone, slag, gravel, crushed brick (or tile), cinders, asphalt, concrete, or Portland Cement binder for a combined depth of at least 15 centimetres and with provisions for drainage facilities. Drainage shall be provided so as to prevent the flow of water on to adjoining lots.

#### 6.18.5 Location

The loading space or spaces required shall be located in the interior side or rear yard unless set back from the street line a minimum distance of 30.5 metres.

#### 6.18.6 Landscaping

Where a loading area adjoins any residential zone or a street then a Planting Strip/Privacy Fence in accordance with Section 6.21 shall be provided within the lot requiring such loading area and along the lot lines adjoining such residential zone or street.

#### 6.18.7 Application of Loading Space Requirements

When a building or structure has insufficient loading spaces on the date of passing of this By-law to conform to the provisions herein, this by-law shall not apply to require that the deficiency be made up prior to the construction of any addition. In the case of an expansion or enlargement of an existing building or structure, the requirement for the provision of additional loading spaces shall be based on said expansion or enlargement. Notwithstanding Section 6.18, where the building or structure is deficient in loading spaces, a loading space shall be required for an expansion of 25 square metres or greater and less than 100 square metres.

*(Replaced by By-Law No. 2005-013 – Housekeeping)*

### **6.19 EXISTING LOTS**

An existing lot, that does not meet the lot area and/or lot frontage as required in the associated zone provisions which the property is zoned, may be used and a building or structure erected, altered or used on such existing lot, provided that all other requirements of this By-law are complied with, and the lot has frontage on a Class 1, Class 2 Street or Private Street.

### **6.20 OFF-STREET PARKING REQUIREMENTS**

The owner of every building or structure erected or used for any of the purposes hereinafter set forth shall provide and maintain for the sole use of the owner, occupant or other persons entering upon or making use of the said premises from time to time, parking spaces and areas as follows:

6.20.1 Required Number of Off Street Parking Spaces

Permitted Use	Minimum Number of Spaces
Single Detached Dwelling; Duplex Dwelling; Semi-Detached Dwelling; Residential Non-Farm Detached Dwelling; Accessory Detached Dwelling	2 spaces per dwelling unit.
Triplex Dwelling; Quadraplex Dwelling; Row Dwelling with 4 or fewer dwelling units	1 space per dwelling unit plus 1 space for every 3 dwelling units, or fraction thereof, to be set aside for and visually identified as visitor's parking.
Hospital, Nursing Home	1 space for every 3 beds, or fraction thereof.
Dwelling Units not otherwise specified herein	1 space per dwelling unit plus 1 space for every 4 dwelling units, or fraction thereof, to be set aside for and visually identified as visitor's parking.
Hotel; Motel; Boarding House	1 space per housekeeping unit, sleeping unit or guest room, plus 1 space for each 20 square metres of floor area or fraction thereof used for restaurants, for the dispensing of food or drink, or for the assembly of people.
Church	One space for each 6 fixed seats or fraction thereof, or if no fixed seats, 1 space for each 10 square metres of floor area, or fraction thereof, used for seating, plus 1.5 spaces for each classroom and one additional space for each office.
Place of Entertainment; Institution; Assembly Hall; Banquet Hall; Museum	1 space for each 5 fixed seats, or fraction thereof or where no fixed seats 1 space for each 5 square metres of floor area, or fraction thereof.
Fitness Centre; Recreation Centre; Equestrian Centre	1 space per each of 5 fixed seats or fraction thereof or where no fixed seats 1 space per 10 square metres of gross floor area or fraction thereof whichever is greater
School (Elementary); Day Care Nursery (Licensed)	1.5 spaces for each classroom plus one additional space for each office.
School (Secondary); Commercial College, or School	8 spaces for each classroom plus 3 additional spaces for each office or, if the school contains a place of assembly, according to the requirement for such place of assembly, whichever is greater.
Funeral Home	1 space for each 5 fixed seats, or where no fixed seats, 1 space for each 5 square metres of floor area in reposing rooms or fraction thereof, plus 1 space per funeral home vehicle.

Business or Professional Office; Clinic; Veterinary Clinic; Veterinary Clinic (Small Animal); Public Building; Public Garage; Computer/Data Processing Centre; Research Establishment/ Laboratory	1 space for each 20 square metres of gross floor area, or office fraction thereof.
Restaurant	1 space for each 5 square metres of building floor area or fraction thereof, devoted to public use.
Restaurant, Drive-In; Restaurant, Take-out, Restaurant, Portable Food Outlet	1 space for each 3 square metres of sales or service area, or fraction thereof.
Retail Store, Personal Service Establishment, Convenience Store, Supermarket; Retail, Large Format; Factory Sales Outlet; Video Sales/Rental Outlet; Dry Cleaning Establishment; Service Establishment	1 space for each 20 square metres of sales or service area, or fraction thereof.
Laundromat	1 space for each four dry machines, or 1 space for each 20 square metres of gross floor area, or fraction thereof, whichever is greater
Automobile Car Wash	3 spaces per car wash bay
Travel Trailer Sales/Service Establishment; Recreational Vehicle or Marine, Recreation and Small Engine Establishments; Farm Implement Establishment; Automobile Rental Establishment; Automobile Gas Bar	1 space for each 20 square metres of gross floor area or fraction thereof
Automobile Service Establishment; Automobile Repair Establishment; Commercial Motor Vehicle Sales/Service Establishment	3 spaces per service bay, or a minimum of 3 spaces, whichever is greater
Place of Entertainment	1 space for each 40 square metres of gross floor area or fraction thereof
Industrial Use; Industrial Use, Light; Industrial Use, Dry; Abattoir; Energy Centre Industrial Uses not otherwise specified herein	1 space for each 100 square metres of gross floor area or fraction thereof, plus 1 space for each 40 square metres, or fraction thereof, devoted to office use
Warehouse; Warehouse, Mini-Storage; Bulk Sales Establishment – Agricultural; Feed Mill & Elevator; Food Processing Primary; Food Processing, Secondary; Agricultural Produce Warehouse; Contractors Yard	1 space for each 100 square metres of gross floor area or fraction thereof for the wholesaling, warehousing or storage uses plus 1 space for each 40 square metres or fraction thereof devoted to office use
Commercial Use not otherwise specified herein	1 space for each 20 square metres of gross floor area or fraction thereof
Library	1 space for each 750 square metres of gross floor area, or fraction thereof, plus 3 spaces for each 4 employees, or fraction thereof

Golf Course	2 per hole plus 1 space for each 20 square metres of floor area or fraction thereof used for a restaurant; for the dispensing of food or drink, the assembly of people or office uses.
Conservation Area; Public Park	Not Required
Building Supply & Sales; Nursery; Rental Establishment	1 space for each 100 square metres of gross floor area or fraction thereof for warehousing or storage uses plus 1 space for each 20 square metres of sales or service area, or fraction thereof plus 1 space for each 40 square metres or fraction thereof devoted to office use.
Salvage Yard; Waste Disposal Uses; Livestock Assembly Yard; Bulk Fuel Depot; Bus Depot; Kennel; Driving Academy; Agritainment	3 spaces
Marina	1 space for each 3 boat slips/docking spaces
All other Permitted Uses not otherwise specified herein	3 spaces

**6.20.2 Handicapped Parking Spaces**

.1 Included in the number of parking spaces required in Section 6.20.1 for all uses, shall be Handicapped parking spaces designed in accordance with the following:

<u>Parking Spaces Required</u>	<u>Number of Handicapped Spaces Required</u>
10-25	1
26-50	2
51-75	3
76-100+	4

.2 The minimum parking space width for handicapped parking shall be 4 metres. Where two or more angled handicapped parking spaces are located together, the minimum parking space width shall be 3 metres.

*(Replaced by By-Law No. 2005-013 – Housekeeping)*

**6.20.3 Outdoor Seating Areas**

Where outdoor seating is provided in conjunction with a permitted use, parking spaces shall be provided in accordance with Section 6.20.1 'Required Number of Off-Street Parking Spaces' of this By-law. For the purposes of Section 6.20.1, an outdoor seating area shall be considered as part of the 'building floor area' or 'gross floor area' as the case may be, for the purposes of calculating required spaces.

**6.20.4 Parking Area Surface**

.1 Each parking area and driveway connecting the parking area with a street shall be maintained with a stable surface that is treated so as to prevent the raising of dust or loose particles. They shall, before being used, be constructed of one of the following: crushed stone, slag, gravel, crushed brick, (or tile), cinders, asphalt, concrete, or Portland cement binder, for a combined depth of at least 15 centimetres and with provisions for drainage facilities.

.2 In the case of a dwelling containing four or more dwelling units or a property zoned 'C1 – General Commercial' such parking area and driveway shall be paved with an asphalt or concrete surface and have all parking stalls adequately marked and maintained.

6.20.5 More Than One Use on a Lot

When a building or structure accommodates more than one type of use as set out in paragraph one (1) of this subsection, the parking space requirement for the whole building shall be the same as the requirements for the separate parts of the building occupied by the separate types of use.

6.20.6 Use of Parking Spaces and Areas

Any area where off-street parking is permitted under this By-law shall be used only for the parking of operative vehicles, and for vehicles used in operations incidental to the permitted uses in that area.

6.20.7 Parking Area Location On Lot

Surface parking areas shall be permitted in the required yards of the Zones contained in this By-law, as follows:

Zone	YARD IN WHICH REQUIRED PARKING AREA PERMITTED
Open Space, Commercial, Environmental Protection, Planned Development, Institutional	All yards provided that no part of any parking area, and other than a driveway, is located closer than 1 metre to any street line and no closer than 1.5 metres from any property line abutting a residential zone.
Residential – except Apartment Dwelling House	All yards provided that no part of any parking area, other than a driveway, is located closer than 1.5 metre to any street line and provided further that no more than the greater of 50% of the width of a front yard or exterior yard as measured along a front lot line or exterior lot line, or the minimum width of a driveway, shall be devoted to parking areas.
Residential – Apartment Dwelling House	All yards provided that no part of any parking area, other than a driveway, is located closer than 7.5 metres to any street line and no closer than 1.5 metres to any side lot line.
Industrial	Interior side and rear yards only provided that no part of any parking area, other than a driveway is located closer than 1 metre to any street line, or 1.5 metres from any property line abutting a residential zone.

6.20.8 Provisions and Location of Spaces

.1 Parking spaces shall be provided at the time of erection of any building or structure, or at the time any building or structure is enlarged.

.2 Parking spaces shall be located on the same lot or within the same building as the use for which said parking is required.

.3 However, where the owner of a building or structure proposes to provide the required parking spaces and areas in a location other than on the same lot as the use that requires such spaces and areas, then such parking shall be located not more than 150 metres from the said lot. Such parking



shall not be considered as required parking for the use of the lands upon which the parking spaces are situated.

.4 Should it not be possible to accommodate the required number of parking spaces on site or within 150 metres of the site, Council may, if appropriate, require the owner to enter into an agreement under Section 40 of the Planning Act 1990, as amended, for the payment of cash in lieu of parking.

#### 6.20.9 Driveways

- .1 A driveway shall have a minimum width of 3 metres and maximum of 9 metres.
- .2 The maximum width of any joint entrance and exit driveway measured along the street line shall be 9 metres.
- .3 The minimum distance between a driveway and an intersection of street lines measured along the street line intersected by such driveway shall be 7.5 metres.
- .4 The minimum angle of intersection between a driveway and a street line shall be 60 degrees.
- .5 Every lot shall be limited to the following number of driveways:
  - i. Up to the first 30 metres of frontage measured along the street line – not more than 1 driveway.
  - ii. For each additional 30 metres of frontage measured along the street line – not more than 1 additional driveway to a maximum of three driveways.
- .6 All driveways shall require a permit from the appropriate approval authority.

*(Added by By-Law No. 2005-013 – Housekeeping)*

#### 6.20.10 Size and Accessibility of Parking Spaces

Every parking space shall maintain a minimum area and width and shall be accessible from unobstructed manoeuvring aisles, in accordance with the following regulations:

##### .1 Angle Parking

<b>Angle in Degrees</b>	<b>Parking Space in Length</b>	<b>Manoeuvring Aisle Width</b>	<b>Parking Space in Width</b>
30	4.6 m (15.1 ft)	3.7 m (12.1 ft)	2.9 m (9.5 ft)
45	5.5 m (18 ft)	4.0 m (13.1 ft)	2.9 m (9.5 ft)
60	5.8 m (19 ft)	5.5 m (18 ft)	2.9 m (9.5 ft)
90	6.0 m (19.7 ft)	7.3 m (24 ft)	2.9 m (9.5 ft)

##### .2 Parallel Parking

<b>Parking Space Length</b>	<b>Parking Space Width</b>	<b>Manoeuvring Aisle Width</b>
6.7 m (22 ft)	3.0 m (9.8 ft)	3.0 m (9.8 ft)

#### **6.21 PLANTING STRIPS/PRIVACY FENCE**

A required Planting Strip/Privacy Fence shall consist of an opaque fence **or** a dense screen of shrubs and/or evergreen trees, planted or designed in such a manner as to provide a year round visual barrier.

*(Replaced by By-Law No. 2005-013 – Housekeeping)*

##### 6.21.1 Required Locations

Except as otherwise provided, a Planting Strip/Privacy Fence shall be provided in accordance with the requirements of Section 6.21 where a lot is zoned or used for Industrial, Commercial, or Institutional uses and:

- a) where the interior side lot line or rear lot line of such lot abuts any lot used or zoned for Residential or Planned Development purposes; or
- b) where such lot is in an Industrial zone and the exterior lot line or rear lot line abuts a street line and the opposite street line abuts a Residential zone; or
- c) where such lot abuts a Class One (1) Street; or
- d) where otherwise required by this By-Law.

#### 6.21.2 Height & Width of Planting Strip/Privacy Fence

.1 Except as otherwise provided, the Height and Width of a Planting Strip or a Privacy Fence shall be established through a Site Plan Control Agreement.

#### 6.21.3 Interruption for Driveways

In all cases where access and exit driveways extend through a planting strip or privacy fence, it shall be permissible to interrupt the strip/fence within 3 metres of the edge of such driveway.

### **6.22 SIGHT TRIANGLES**

On a corner lot, a building, structure, a fence or any landscaping shall not be erected or parking be established in such a manner as to obstruct vision between a height of 0.5 metres and 3 metres above the centre-line grade of the intersecting streets in the triangular area bounded by the street lot lines of the corner lot and a line joining points along the street lot lines, 7.5 metres from the point of intersection. This section shall not apply to a 'principal building' in the 'C1' General Commercial Zone.

#### 6.22.1 At Street Intersections with County or Provincial Roads

.1 In all zones, on a corner lot having frontage on a County or Provincial Road, no building or structure shall be erected and no vehicle shall be parked in such a manner as to materially impede vision above a height of 0.5 metres above the centre line grade of the intersecting streets in the triangular area bounded by the street lines of the corner lot and a line from the points along said street lines distant 30 metres from the point of intersection of the said street lines.

.2 The provisions of this Section shall not apply to built-up areas as defined herein, Towns, Hamlets, Villages or Cities as identified in the Bruce County Official Plan; however, a line from the points along said street lines distant 15 metres from the point of intersection of the said street lines.

### **6.23 THROUGH LOTS**

Where a lot has frontage on and vehicle access from more than one street or lane, such lot shall provide 'yards' on each street or lane with minimum distances equal to the front yard required by the zone or zones in which each yard is located.

### **6.24 YARD ENCROACHMENTS**

.1 Sills, chimneys, cornices, eaves, gutters, parapets, pilasters or other architectural features may project into any required yard a maximum distance of 0.5 metres.

.2 Flagpoles, garden trellises, fences, retaining walls, walkways, patios, arbours or similar structures shall be permitted in any required yard.

.3 In any Residential Zone, clothes lines/poles shall only be permitted in the interior side and rear yard.

*(Replaced by By-Law No. 2005-013 – Housekeeping)*

.4 Unenclosed porches, unenclosed fire escapes, balconies, covered or uncovered steps, may project into any required yard a maximum distance of 1.5 metres, provided that a minimum of a 1 metre yard setback is maintained from any interior side lot line or rear lot line and provided that a minimum of 3 metres is maintained from any front lot line or exterior lot line.

.5 An unenclosed gazebo may be erected in any yard provided that a 1 metre setback is maintained from any interior side lot line or rear lot line and provided that a 3 metre setback is maintained from any front lot line or exterior lot line.

.6 Decks/Patios, Attached or Unattached:

- a) A deck/patio under 0.6 metres in height above ground level may project into any required yard provided that a minimum of a 1 metre yard setback is maintained from any interior side lot line or rear lot line and provided that a minimum of a 3 metres is maintained from any front or exterior lot line.
- b) A deck/patio over 0.6 metres or more in height above ground level may project into the required interior side yard or rear yard provided a 1 metre setback is maintained from the lot line; and, may project into the required front yard and/or exterior side yard a maximum of 1.5 metres, provided that a minimum 4.5 metre setback is maintained from any front lot line or exterior lot line.

#### **6.25 ESTABLISHED BUILDING LINE SETBACK**

On any vacant lot in an 'R1', 'R2', or 'R3' Residential Zone, such lot being located between two existing residential buildings on each side of the vacant lot and both residential buildings encroach on the required front yard, a single detached dwelling may be erected on the subject lot, the front wall of which is in line with the front wall of the existing building located furthest from the street line.

#### **6.26 EXCEPTIONS TO MAXIMUM HEIGHT REGULATIONS**

The regulations prescribing the maximum height of any building or structure shall not, in any zone, apply to the following, provided that such features are erected only to such heights as is necessary to accomplish their purposes: antennas and radio or television receiving or transmitting equipment, grain elevators, electric power generation facilities, farm silo or barns, church spires, belfries, cupolas, towers or domes not used for human occupancy, chimneys, ventilators, skylights, water tanks, scenery lofts, bulk heads, firewalls, and similar features and necessary mechanical appurtenances accessory to the building on which they are erected. In no event shall any structure exceed 20 metres in a Residential zone, or 45 metres in all other zones.

#### **6.27 ZONING OVER WATER BODIES**

For the purposes of this By-law, all lands below the high water mark, or from the inland side of any shore road allowance, are zoned Environmental Protection. Such Environmental Protection Zone shall extend to the international boundary where applicable and shall include Andrews Creek, Kincardine Creek, Penetangore River and all inland lakes over 0.5 hectares in area.

#### **6.28 WATERCOURSE SETBACKS**

Notwithstanding any yard provisions of this By-law the most restrictive of this By-law shall be maintained, such that no person shall hereafter erect any permanent building or structure closer than 15 metres to the top of the bank of any watercourse, open or enclosed municipal drain.

#### **6.29 SETBACKS FROM WASTE DISPOSAL AREAS**

.1 No building or structure erected and used for human habitation shall be located closer than 150 metres from any area zoned for and containing a 'waste disposal site' either within or outside of the limits of the Corporation

.2 No building or structure erected and used for human habitation shall be located closer than 150 metres from any area zoned for and containing a 'sewage treatment plant' either within or outside of the limits of the Corporation.

.3 Notwithstanding subsections 6.29.1 and 6.29.2, additions, enlargements and alterations to existing buildings and structures shall be permitted in accordance with the applicable zoning designation.

### 6.30 COUNTY ROAD AND MUNICIPAL STREET SETBACKS

.1 No building or structure shall be erected within a distance of 33 metres from the centre line of any County Road (see Note below).

.2 Notwithstanding the provisions of Section 6.30.1, between two permanent dwellings on the same side of the road, separated by not more than 100 metres, the minimum setback shall be the average of the setbacks of the two adjacent buildings plus 2 metres, or 33 metres from the centre line of any County Road, whichever is the lesser.

.3 Notwithstanding the provisions of Section 6.30.1, within 30 metres of an existing permanent dwelling where Section 6.30.2 would not apply, the minimum setback shall be the average of: the setback of the existing dwelling plus 33 metres ( $((x \text{ metres} + 33)/2)$ ), from the centre line of any County Road, whichever is the lesser.

.4 The provisions of Section 6.30.1, shall not apply where a County road is within the urban area boundaries of Kincardine, Tiverton, Inverhuron, Glammis or North Bruce or other built-up areas as defined in the Highway Traffic Act, where building setbacks are regulated elsewhere in this By-law.

**NOTE:** Any proposed development taking place on properties located adjacent to a Provincial highway will be subject to the safety and geometric requirements of the Ministry of Transportation. As such, permits will be required from the Ministry of Transportation prior to any construction and/or grading being undertaken.

### 6.31 SETBACK FROM AIRPORT ZONE

Notwithstanding Section 6.26 or any other provisions of this By-Law to the contrary, within those areas identified on Schedule 'C' as Area 1 through Area 17, no person shall erect or construct any building or structure, or any addition to any existing building or structure, the highest point of which will exceed the following heights:

- i) In Area 1, no new buildings or structures are permitted;
- ii) In Area 2, the maximum height of buildings or structures is 235 metres Above Sea Level (ASL);
- iii) In Area 3, the maximum height of buildings or structures is 240 metres Above Sea Level (ASL);
- iv) In Area 4, the maximum height of buildings or structures is 245 metres Above Sea Level (ASL);
- v) In Area 5, the maximum height of buildings or structures is 250 metres Above Sea Level (ASL);
- vi) In Area 6, the maximum height of buildings or structures is 255 metres Above Sea Level (ASL);
- vii) In Area 7, the maximum height of buildings or structures is 260 metres Above Sea Level (ASL);
- viii) In Area 8, the maximum height of buildings or structures is 265 metres Above Sea Level (ASL);
- ix) In Area 9, the maximum height of buildings or structures is 270 metres Above Sea Level (ASL);
- x) In Area 10, the maximum height of buildings or structures is 275 metres Above Sea Level (ASL);
- xi) In Area 11, the maximum height of buildings or structures is 280 metres Above Sea Level (ASL);
- xii) In Area 12, the maximum height of buildings or structures is 285 metres Above Sea Level (ASL);
- xiii) In Area 13, the maximum height of buildings or structures is 290 metres Above Sea Level (ASL);
- xiv) In Area 14, the maximum height of buildings or structures is 295 metres Above Sea Level (ASL);

- xv) In Area 15, the maximum height of buildings or structures is 300 metres Above Sea Level (ASL);
- xvi) In Area 16, the maximum height of buildings or structures is 305 metres Above Sea Level (ASL);
- xvii) In Area 17, the maximum height of buildings or structures is 310 metres Above Sea Level (ASL).

**NOTE:** In the hatched area referred to as the 'Airport Vicinity', shown in Appendix 'A' of this By-law, regard shall be given to the maximum permitted height of structures due to their proximity to the Kincardine Municipal Airport, in order to minimize the impact of development on the safe operation of aircraft and public safety.

### **6.32 STORAGE OF UNLICENSED VEHICLES AND TRAILERS**

The parking or storage of any unlicensed vehicles, travel trailers or disabled boats within a Residential Zone shall be prohibited unless such vehicle is stored in an enclosed garage or other accessory building. However, one boat and one unoccupied travel trailer may be stored in a side or rear yard.

### **6.33 SIGNS**

Except otherwise provided to prevent the construction, alteration or use of any sign provided such sign complies with the By-laws of the Corporation of the Municipality of Kincardine that regulates signs.

### **6.34 SECONDARY SUITES**

One secondary suite is permitted in 'Residential' zones, within a 'Single detached dwelling', 'Semi-detached dwelling' or 'Row dwelling' provided that:

- i. *The lot has frontage on a Class One (1) Street;*
- ii. It does not change the streetscape character along the road on which it is located;
- iii. It is not a stand-alone principal unit, capable of being severed;
- iv. Appropriate services are or can be made available;
- v. In the case of a 'Semi-detached dwelling' or 'Row dwelling' that each principle dwelling unit is located on a separate lot;
- vi. That one 'additional' parking space is provided for the 'secondary suite'; and,
- vii. The principal and 'secondary suite' must share the parking and yards provided for the principal dwelling unit, and no new driveway may be created.

Where a 'Secondary Suite' is located on a lot, a Garden Suite is not permitted on that lot.

### **6.35 WAYSIDE PITS / WAYSIDE QUARRIES/ PORTABLE ASPHALT PLANTS**

Wayside Pits, Wayside Quarries and Portable Asphalt Plants shall be permitted in any zone, save and except those areas of existing development or particular environmental sensitivity which have been determined to be incompatible with extraction and associated activities.

### **6.36 MINIMUM DISTANCE SEPARATION**

.1 Notwithstanding any other provisions of this By-law to the contrary, all new land uses including the creation of lots and including but not limited to lands to be rezoned to permit a residential, institutional, commercial, industrial, recreational or non-farm dwelling use will comply with the Provincial Minimum Distance Separation I (MDS I) Guidelines (as amended from time to time).

.2 Notwithstanding any provisions of this By-law to the contrary, a residential, institutional, commercial, industrial or recreational use, or non-farm dwelling use to be located upon a vacant existing lot of record, or a new lot created by a Land Division Committee, must comply with the Minimum Distance Separation I (MDS I) Guidelines (as amended from time to time)

.3 Notwithstanding any other yard or setback provisions of this By-law to the contrary, no 'livestock facility' or 'manure storage structure' shall be erected, permitted, and/or expanded/enlarged unless it complies with the Minimum Distance Separation II (MDS II) Guidelines (as amended from time to time).

### **6.37 REQUIREMENTS FOR KENNELS**

.1 New dog kennel buildings and structures and/or additions to existing dog kennel buildings and/or structures must be located at a distance of not less than 300 metres from an existing residential, institutional, recreational use or another kennel situated on adjacent lots.

.2 New dog kennel buildings and structures and/or additions to existing dog kennel buildings and/or structures shall be considered an accessory use or building.

### **6.38 DRAINAGE OF LOTS**

In all zones, other than an Agricultural zone, all lands, buildings and structures shall provide adequate drainage so as to prevent the flow of surface water onto adjoining lots.

### **6.39 SETBACKS FROM PRIVATE STREETS**

A 'Private Street' shall be considered to be a 'street' for the purposes of determining setbacks this By-law.

The closest edge of a 'private street', right-of-way, easement etc. shall be considered as the 'street line' for the purposes of determining setbacks, for lots accessed by means of a 'private street', right-of-way, easement etc.

## **SECTION 7 – ESTABLISHMENT OF ZONES**

### **7.1 CLASSIFICATION OF ZONES**

For the purpose of this By-law, the Municipality of Kincardine is divided into the following zones, and the lands included in each zone are shown on the Zoning Map that forms Schedule 'A' to this By-law.

<u>Symbol</u>	<u>Title</u>
A1	General Agriculture
R1	Residential One
R2	Residential Two
R3	Residential Three
R4	Residential Four
R5	Residential Five
C1	General Commercial
C2	Highway Service Commercial
C3	Hamlet Highway Commercial
C4	Local Commercial
C5	Resort Commercial
C6	Business Park
C7	Hamlet Commercial
C8	Travel Trailer Park and Campground
M1	General Industrial
M2	Extractive Industrial
ACI	Agriculture Commercial / Industrial
RCI	Rural Commercial / Industrial
ECI	Energy Centre Industrial
AP	Airport
I	Institutional
OS	Open Space
WD	Waste Disposal
EP	Environmental Protection
PD	Planned Development

#### **7.1.1 Holding ('h') Zone**

.1 Where any of the zone symbols described in Section 7.1 'Classification of Zones' above are preceded by the Holding Classification 'h', the removal of the Holding Classification and the use of the land in accordance with the zone symbol following the 'h' will occur in accordance with the Town of Kincardine Official Plan and/or the Bruce County Official Plan.

.2 In the interim, before the Holding Classification is removed, no person shall use any land, building or structure for any purpose except those uses, buildings or structures which legally existed on the date of the passing of this By-law.

### **7.2 INCORPORATION OF ZONING MAP**

The extent of the boundaries of all the zones are shown on the Zoning Map which is Schedule 'A' of this By-law, and which consists of the sectional parts of the zoning map and such maps together with everything shown therein and all succeeding amendments thereto are hereby incorporated into and are declared to form part of this By-law.

### **7.3 ZONING SYMBOLS**

The symbols listed in Section 7.1 'Classification of Zones' of this By-law may be used to refer to buildings and structures and the uses of buildings and structures permitted by this By-law in the said

zone; and whenever in this By-law the word 'Zone' is used preceded by any of the said symbols such zones shall mean any area within the Municipality of Kincardine within the scope of this By-law delineated on the Zoning Map and as shown therein by the said symbol.

#### **7.4 BOUNDARIES OF ZONES**

.1 Where any uncertainty exists as to the location of a boundary of any one of the zones described in Section 7.1 'Classification of Zones' as shown on the Zoning Map the following rules shall apply:

.2 Where the boundaries are indicated as following approximately the centre line of streets, lanes, right-of-ways, or their productions, such centre lines shall be deemed to be the boundary.

.3 Where the zone boundaries are indicated as approximately following lot lines such lot lines shall be deemed to be the said boundaries on the passing of this By-law.

.4 Where the zone boundaries are indicated as approximately parallel to any street and the distance of the zone boundary from such street is not indicated, such zone boundary shall be construed as being parallel to such street and the distance there from shall be determined by the use of the scale of the said Zoning Map.

*(Added by By-Law No. 2005-013 – Housekeeping)*

#### **7.5 MORE THAN ONE ZONE ON A LOT**

Where a lot has two or more of its parts classified in different zones, then the provisions for each zone shall apply to each part as if said part was a separate lot, excepting however where a portion of a property is zoned 'EP' or 'OS' such portion may be used to satisfy the side yard, rear yard or front yard setback provisions.



**SECTION 8- NOT USED AT THIS TIME**

## **SECTION 9 – GENERAL AGRICULTURE – A1**

### **9.1 PERMITTED USES**

No person shall within the A1 – General Agriculture Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

#### **NON-FARM LOT**

A 'Residential Non-Farm 'Single Detached Dwelling' in accordance with Section 9.3	Home Occupation – Professional Use in accordance with Section 6.13
Bed and Breakfast Establishment in accordance with Section 6.17	Home Occupation – Household and Domestic Arts in accordance with Section 6.14
Conservation Area	Home Occupation – Trades Persons in accordance with Section 6.16
Group Home Type 1	Kennel in accordance with Section 6.37

#### **FARM LOT**

'Accessory Detached Dwelling' in accordance with Section 8.1	Group Home Type 1
Agriculture, General	Home Occupation – Professional Use in accordance with Section 6.13
Agritainment	Home Occupation – Household and Domestic Arts in accordance with Section 6.14
Agriculture, Specialized	Home Occupation – Agricultural Business in accordance with Section 6.15
Bed and Breakfast Establishment in accordance with Section 6.17	Home Occupation – Trades Persons in accordance with Section 6.16
Conservation	Kennel in accordance with Section 6.37

### **9.2 ZONE PROVISIONS**

No person shall within any A1 – General Agriculture Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

<b>PROVISIONS</b>	<b>FARM LOT</b>	<b>NON-FARM LOT</b>
Minimum lot area	39 hectares	0.5 hectares
Maximum lot area	N/A	4.0 hectares
Minimum lot frontage	100 metres	24 metres
Minimum side yard	20 metres	3 metres
Minimum rear yard	20 metres	7.5 metres
Minimum front yard	20 metres	6 metres
Minimum ground floor area	Not applicable	70 square metres
Maximum lot coverage (Principal Building)	15%	10%

### 9.3 DWELLING UNITS

- .1 In any Agriculture Zone, a maximum of one 'Accessory Detached Dwelling' or 'Residential Non-Farm 'Single Detached Dwelling' may be erected on a lot.
- .2 Two or more dwellings shall be permitted on one lot in cases where one lot, containing a dwelling(s), legally merges with an adjoining lot, containing a dwelling(s), to form one larger lot containing two or more dwellings.
- .3 Where two or more such detached dwellings lawfully exist on any single lot as of the date of passing of the By-law, such dwellings are permitted by this By-law so long as they continue to be used for that purpose.
- .4 An 'Accessory Detached Dwelling' or a 'Residential Non-Farm 'Single Detached Dwelling' shall conform to all yard provisions of the Agricultural Zone.

### 9.4 SWIMMING POOLS IN AGRICULTURE ZONES

In an Agriculture Zone, a swimming pool may be located in the front yard, provided that the swimming pool meets all yard requirements that apply to the 'Accessory Detached Dwelling' or Non-Farm 'Single Detached Dwelling'.

### 9.5 SPECIAL PROVISIONS

- .1 By-law No.: Multiple by-laws  
Subject Lands: Multiple locations  
Special Zone: **'A1-a'**  
Exception to Zone Provisions:
  - (i) No residential buildings or structures shall be permitted.
- .2 By-law No.: 98-43  
Subject Lands: Not available  
Special Zone: **'A1-b'**  
Exception to Zone Provisions:
  - (i) May contain a welding operation that services primarily farm implements and machinery;
  - (ii) The welding of other, non-farm good may be permitted as a minor component of this operation;
  - (iii) One building used in conjunction with the welding operation may be erected on the subject property, the subject building may be erected closer to the front lot line than the principal building, but no closer than 22.8 metres.
- .3 By-law No.: 82-6  
Subject Lands: Not available  
Special Zone: **'A1-c'**  
Exception to Zone Provisions:
  - (i) Used for the purposes of training, boarding and exercising horses and horseback riding instruction and uses accessory thereto.
- .4 By-law No.: 91-14 (Canadian Agra)  
Subject Lands: Pt Lts 29 and 30, Con 'A' (Kincardine Twp)  
Special Zone: **'A1-d'**  
Exception to Zone Provisions:
  - (i) Shall only be used for the purposes of office commercial uses related to the general administration of the Bruce Energy Centre, or a related industry, or airport-related office commercial uses;
  - (ii) Accessory uses for the purpose of a restaurant, parking of aircraft on an open concrete apron adjacent to and connected to adjacent airport by means of a taxi-way, an executive suite;

- (iii) Gross floor area shall be 25% of the total 'Lot area' or 2,600 square metres, whichever is less. 'Lot area' shall be defined as the total area zoned 'A1-d';
  - (iv) The total floor area devoted to the accessory uses permitted above shall be limited to 10% of the gross floor area;
  - (v) Minimum 'open space' provided shall be 50% of total lot area;
  - (vi) Off-street parking for office and related accessory commercial uses shall be provided at a ratio of one space for each 28 square metres of floor space;
  - (vii) Minimum Front Yard, Side Yard, and Rear Yard Setback shall be 10 metres;
  - (viii) Minimum 'Lot Frontage' shall be 300 metres;
  - (ix) Minimum 'Lot area' shall be 59,140 square metres;
  - (x) Maximum building height shall be 20 metres, except where further restricted by any other authority or Zoning By-law provisions applicable in the vicinity of an airport;
  - (xi) The parking of aircraft on an open, concrete apron shall be allowed, but shall not exceed 25% of the total lot area in size;
  - (xii) All aspects of the site development including buildings, landscaped areas, parking areas for vehicles and for aircraft, access and exits to and from the property shall comply with the approved site plan;
  - (xiii) No part of the lot within six (6) metres of the front lot line, in a front yard, that is not used for driveways, shall be used for parking and any part thereof not used for driveways shall be adequately landscaped.
- .5 By-law No.: 2004-56 (Underwood Farms [1981] Ltd.)  
 Subject Lands: Lt 17, Con 8 (Bruce Twp)  
 Special Zone: **'A1-e'** (and 'A1-j')  
 Exception to Zone Provisions:  
 (i) No residential buildings or structures shall be permitted; and  
 (ii) The minimum lot area shall be 38.46 hectares.
- .6 By-law No.: NOT USED AT THIS TIME  
 Subject Lands:  
 Special Zone: **'A1-g'**  
 Exception to Zone Provisions:
- .7 By-law No.: 1998-7  
 Subject Lands: Pt Lot 4, Con 10 (Kincardine Twp)  
 Special Zone: **'A1-g'**  
 Exception to Zone Provisions:  
 (i) A cemetery developed in accordance with the 'I – Institutional' zone provisions shall be permitted.
- .8 By-law No.: 84-39 (Housekeeping)  
 Subject Lands: Lts 34 –37, Con 'A' (Kincardine Twp)  
 Special Zone: **'A1-i'**  
 Exception to Zone Provisions:  
 (i) The Separation Distance requirements from the existing livestock buildings or manure storage facilities shall be 609 metres for an Animal Unit size over 500.
- .9 By-law No.: 2004-56 (Underwood Farms [1981] Ltd.)  
 Subject Lands: Lt 17, Con 8 (Bruce Twp)  
 Special Zone: **'A1-j'** (and 'A1-e')  
 Exception to Zone Provisions:  
 (i) Existing buildings and structures may be permitted as they existed on November 5, 1991;  
 (ii) The minimum lot area shall be 1.9 hectares; and  
 (iii) The minimum lot frontage shall be 83 metres.
- .10 By-Law No.: NOT USED AT THIS TIME

- .11 By-Law No: 2004-88 (Lutheran Church – Canada, East District c/o Anna Fierling)  
 Subject Lands: Pt Lts 9 and 10, Con 1 NDR (Kincardine Twp)  
 Special Zone: **'A1-l'** (and 'l')  
 Exception to Zone Provisions:  
 (i) The minimum lot area shall be 37.52 ha;  
 (ii) The minimum front yard setback shall be 15.0 m;  
 (iii) The minimum side yard setback shall be 10.0 m.
- .12 By-Law No.: NOT USED AT THIS TIME
- .13 a By-Law No: 2005-008 (Bert & Martha Sol)  
 Subject Lands: Lt 40, Con 1 NDR (Kincardine Twp)  
 Special Zone: **'A1-n'** (and 'A1-o')  
 Exception to Zone Provisions:  
 (i) Section 6.4.3.3. Location of Accessory Building or Structure shall not apply to buildings or structures existing as of the date of passage of the By-law.
- .13 b  
 Special Zone: **'A1-o'** (and 'A1-n')  
 Exception to Zone Provisions:  
 (i) The construction of any new residential buildings and/or structures shall be prohibited;  
 (ii) The minimum lot area shall be 19.15 hectares.
- .14a By-Law No: 2005-010 (Bluewater Sanitation Inc. c/o Michael Cowie)  
 Subject Lands: Pt Lt 5, Con 1 (Bruce Twp)  
 Special Zone: **'A1-p-h'**  
 Exception to Zone Provisions:  
 (i) The 'portable toilet rental business' shall be a permitted use;  
 (ii) The treatment of raw sewage through the 'lime stabilization process' shall be a permitted use;  
 (iii) The lands shall be subject to Site Plan Control; and  
 (iv) The 'h – Holding' provision may be removed once the following condition has been met:  
 a. A statement from the Chief Building Official or a qualified individual that all Certificates of Approval for land disposal of wastes, other than "hauled sewage from portable toilets and residential establishments" (within the Ministry of the Environment's Definition), have been obtained.
- .14b Special Zone: **'A1-q'**  
 Exception to Zone Provisions:  
 (i) The minimum lot area shall be 5.01 ha; and  
 (ii) The setbacks from all buildings and structures shall be no less than as they existed as of the date of passing of this By-law. All further enlargements, expansions, construction etc. shall comply with the requirements of By-law 2003-25.
- .145 By-Law No: 2005-135 (Jonathan & Therese Skinner)  
 Subject Lands: Lt 5, Con 5 (Kincardine Twp)  
 Special Zone: **'A1-r'** (and 'A1-a')  
 Exception to Zone Provisions:  
 (i) Notwithstanding *Section 6.4.3.3 Location of Accessory Building or Structure* the tool shed may be located in the front yard, as it existed on the date of passage of the By-law.
- .16 By-Law No: 2005-109 (Joseph & Clara Ebersol)  
 Subject Lands: Lt 11, Con 12 (Kincardine Twp)  
 Special Zone: **'A1-s'**  
 Exception to Zone Provisions:  
 (i) Notwithstanding Section 8.1 Accessory Detached Dwellings, a second 'Accessory Detached Dwelling' may be erected; and  
 (ii) The second 'Accessory Detached Dwelling' shall be constructed/ located within 18.3 metres (60 feet) of the existing dwelling as it existed as of the date of passage of this By-law;

- (iii) The second 'Accessory Detached Dwelling' shall be exclusively for the use of person's employed/working on the subject lands.
- .17 By-Law No: 2005-134 (Mark & Heather Porter)  
 Subject Lands: Pt Lt 21, Con 14 (Bruce Twp)  
 Special Zone: 'A1-t' (and 'M2')  
 Exception to Zone Provisions:
- (i) No residential buildings or structures shall be permitted; and
  - (ii) The minimum lot area shall be no less than 32.24 hectares (79.92 acres).
- .18 By-Law No: 2005-130 (Ruthven c/o Davidson)  
 Subject Lands: Pt Lt 1, Con 12 (Kincardine Twp)  
 Special Zone: 'A1-u' (and 'R1-aa')  
 Exception to Zone Provisions:
- (i) The minimum lot area shall be no less the 13.11 ha;
  - (ii) The minimum lot frontage shall be no less then 39.62 m;
  - (iii) For the purpose of this By-law the lot frontage shall be defined as those lands abutting James Street.
- .19a By-Law No: 2006-004 (Aaron & Martha Zehr c/o Glen Wylds)  
 Subject Lands: Lt 1, Con 10 (Kincardine Twp)  
 Special Zone: 'A1-v' (and 'A1-w')  
 Exception to Zone Provisions:
- (i) The drive shed shall be permitted in the front yard, and the minimum side yard and rear yard setbacks shall be no less than 1.5 metres as existed for the drive shed on the date of passage of the By-law;
  - (ii) The minimum lot frontage shall be no less than 12.19 m.
- .19b  
 Special Zone: 'A1-w' (and 'A1-v')  
 Exception to Zone Provisions:
- (i) The construction of any new residential buildings and/or structures shall be prohibited;
  - (ii) The minimum lot area shall be no less than 38.5 ha.
- .20 By-Law No: 2006-050 (Brad & Colleen Card)  
 Subject Lands: Lt 33, Con 2 (Bruce Twp)  
 Special Zone: 'A1-x'  
 Exception to Zone Provisions:
- (i) No development shall be permitted within 120 metres of the 'EP' zone boundary, without the approval of the Saugeen Valley Conservation Authority.
- .21 By-Law No: 2006-146 and 2007-103 (Enbridge Ontario Wind Power LP)  
 Subject Lands: Pt Lt 9, Con 7 (Bruce Twp)  
 Special Zone: 'A1-y' Exception to Zone Provisions: WIND FARM
- (i) An electrical substation shall be a permitted use. For the purposes of this By-law, an 'electrical substation' shall be defined as lands, buildings and/or structures or parts thereof containing a subsidiary station of an electricity generation, transmission and distribution system where voltage is transformed from high to low or the reverse using transformers;
  - (ii) For the purposes of this By-law, the lot lines are as follows:
    - a. The Front Lot Line shall be deemed to be the southerly 'A1-y-H' zone line;
    - b. The Rear Lot Line shall be deemed to be the northerly 'A1-y-H' zone line.
  - (iii) For the purposes of this By-law, the following setbacks shall apply:
    - a. The Front Yard Setback shall be no less than 5 m;
    - b. The Rear Yard Setback shall be no less than 5 m;
    - c. The Side Yard Setbacks shall be no less than 5 m.
  - (iv) The lands shall be subject to Site Plan Control;
  - (v) The 'H' provision may be removed once the following conditions have been met:
    - a. A Site Plan Control Agreement has been registered on title.

- b. A 'Decommissioning Plan' outlining the anticipated costs of the removal of the substation and site remediation and to include the anticipated obligations of the landowner and/or Project operator has been submitted and approved by the Municipality of Kincardine.
- .22 By-Law No.: NOT USED AT THIS TIME  
 Subject Lands:  
 Special Zone: **'A1-z'**  
 Exception to Zone Provisions:
- .23 By-Law No: 2006-144 and 2006-311 (Suncor Energy Products Inc. (Jay Regnier) on behalf of Kenvel Farms Ltd. c/o IBI Group (William Pol))  
 Subject Lands: Pt Lt 11, Con 3 (Bruce Twp)  
 Special Zone: **'A1-aa'**  
 Exception to Zone Provisions:
- (i) An electrical substation shall be a permitted use. For the purposes of this By-law, an 'electrical substation' shall be defined as lands, buildings and/or structures or parts thereof containing a subsidiary station of an electricity generation, transmission and distribution system where voltage is transformed from high to low or the reverse using transformers;
  - (ii) For the purposes of this By-law, the lot lines are as follows:
    - a. The Front Lot Line shall be deemed to be the westerly 'A1-aa-H' zone line;
    - b. The Rear Lot Line shall be deemed to be the easterly 'A1-aa-H' zone line.
  - (iii) For the purposes of this By-law, the following setbacks shall apply:
    - a. The Front Yard Setback shall be no less than 15 m;
    - b. The Rear Yard Setback shall be no less than 5 m;
    - c. The Side Yard Setback shall be no less than 5 m.
  - (iv) The lands shall be subject to Site Plan Control;
  - (v) The 'H' provision may be removed once the following conditions have been met:
    - a. A Site Plan Control Agreement, that is satisfactory to the Municipality of Kincardine and the Saugeen Valley Conservation Authority, has been registered on title.
    - b. A 'Decommissioning Plan' outlining the anticipated costs of the removal of the substation and site remediation and to include the anticipated obligations of the landowner and/or Project operator has been submitted and approved by the Municipality of Kincardine.
- .24 By-Law No: 2006-140 (Tony Lang Farms Ltd. c/o Katie Dettman)  
 Subject Lands: Pt Lt 9 and Lt 10, Con 6 (Bruce Twp)  
 Special Zone: **'A1-ab'**  
 Exception to Zone Provisions:
- (i) The minimum lot frontage shall be no less than 18 m; and
- .25 By-Law No.: NOT USED AT THIS TIME  
 Subject Lands:  
 Special Zone: **'A1-ac'**  
 Exception to Zone Provisions:
- .26 By-Law No: 2006-142 (Hank & Barb Van Moorsel c/o Bruce & John Roppel)  
 Subject Lands: Lt 21, Con 5 (Bruce Twp)  
 Special Zone: **'A1-ad'**  
 Exception to Zone Provisions:
- (i) The Minimum Distance Separation I (MDS I) base distance shall be no less than 108 m.
- .27 By-Law No.: NOT USED AT THIS TIME  
 Subject Lands:  
 Special Zone: **'A1-ae'**  
 Exception to Zone Provisions:

**.28 through .119** Exception to Zone provisions:

- i) A 'Commercial Wind Generation System (CWGS)' consisting of no more than one (1) 'Wind Generating System (WGS)' shall also be permitted;

<b>Subsection</b>	<b>By-law Number</b>	<b>Subject Lands</b>	<b>Special Zone</b>
.28	2006-154	Lot 11, Concession 14	<b>A1-af</b>
.29	2006-155	Lot 12, Concession 14	<b>A1-ag</b>
.30		<b>NOT USED AT THIS TIME</b>	<b>A1-ah</b>
.31		<b>NOT USED AT THIS TIME</b>	<b>A1-ai</b>
.32		<b>NOT USED AT THIS TIME</b>	<b>A1-aj</b>
.33		<b>NOT USED AT THIS TIME</b>	<b>A1-ak</b>
.34		<b>NOT USED AT THIS TIME</b>	<b>A1-am</b>
.35		<b>NOT USED AT THIS TIME</b>	<b>A1-an</b>
.36		<b>NOT USED AT THIS TIME</b>	<b>A1-ao</b>
.37		<b>NOT USED AT THIS TIME</b>	<b>A1-ap</b>
.38		<b>NOT USED AT THIS TIME</b>	<b>A1-aq</b>
.39		<b>NOT USED AT THIS TIME</b>	<b>A1-ar</b>
.40	2006-170	N Pt Lots 6 & 7, Concession 12	<b>A1-as</b>
.41	2006-171	Lot 13, Concession 12	<b>A1-at</b>
.42		<b>NOT USED AT THIS TIME</b>	<b>A1-au</b>
.43		<b>NOT USED AT THIS TIME</b>	<b>A1-av</b>
.44		<b>NOT USED AT THIS TIME</b>	<b>A1-aw</b>
.45		<b>NOT USED AT THIS TIME</b>	<b>A1-ax</b>
.46	2006-177	Lot 6, Concession 11	<b>A1-ay</b>
.47	2006-178	Lot 7, Concession 11	<b>A1-az</b>
.48	2006-180	Lot 11, Concession 11	<b>A1-bb</b>
.49	2006-181	N 1/2 Lot 14 , Concession 11	<b>A1-bc</b>
.50	2006-182	Lot 16, Concession 11	<b>A1-bd</b>
.51	2006-183	Lot 17, Concession 11	<b>A1-be</b>
.52	2006-184	Lot 18, Concession 11	<b>A1-bf</b>
.53		<b>NOT USED AT THIS TIME</b>	<b>A1-bg</b>
.54		<b>NOT USED AT THIS TIME</b>	<b>A1-bh</b>
.55	2006-188	Lot 16, Concession 10	<b>A1-bj</b>
.56	2006-189	Lot 1, Concession 9	<b>A1-bk</b>
.57	2006-190	Lot 3, Concession 9	<b>A1-bl</b>
.58	2006-191	Lot 4, Concession 9	<b>A1-bm</b>
.59	2006-192	N 1/2 Lot 5, Concession 9	<b>A1-bn</b>
.60	2006-193	W Pt Lot 12, Concession 9	<b>A1-bo</b>
.61	2006-195	Lot 17, Concession 9	<b>A1-bq</b>
.62	2006-196	Lot 19, Concession 9	<b>A1-br</b>
.63	2006-197	Lot 20, Concession 9	<b>A1-bs</b>
.64	(2006-198) 2008-153	Pt Lot 20, Lot 21, Concession 9	<b>A1-bt</b>
.65	2006-199	Lot 22, Concession 9	<b>A1-bu</b>
.66	2006-200	Lots 6, 7 & 8, Concession 8	<b>A1-bv</b>
.67	2006-201	Lot 9, Concession 8	<b>A1-bw</b>
.68	2006-202	Lot 12, Concession 8	<b>A1-bx</b>
.69	2006-203	Lot 14, Concession 8	<b>A1-by</b>
.70	2006-204	Lot 15, Concession 8	<b>A1-bz</b>
.71	2006-205	W Pt Lot 16, Concession 8	<b>A1-ca</b>
.72	2006-206	Lot 17, Concession 8	<b>A1-cb</b>
.73	2006-207	Lot 18, Concession 8	<b>A1-cc</b>
.74	2006-208	Lot 23, Concession 8	<b>A1-cd</b>
.75	2006-209	Lot 24, Concession 8	<b>A1-ce</b>



.76	2006-210	S Pt Lot 25, Concession 8	A1-cf
.77	(2006-214) 2008-153	Lot 3, Concession 7	A1-ch
.78	(2006-215) 2008-153	Lot 4, Concession 7	A1-ex
.79	2006-216	Lot 9, Concession 7	A1-ci
.80	2006-217	Lot 10, Concession 7	A1-cj
.81	2006-218	Lot 19, Concession 7	A1-ck
.82	2006-219	Lot 23, Concession 7	A1-cl
.83	2006-220	Lot 24, Concession 7	A1-cm
.84	2006-221	Lot 25, Concession 7	A1-cn
.85	2006-222	Lot 26, Concession 7	A1-co
.86	2006-224	Lot 'J', Concession 6	A1-ez
.87	(2006-225) 2008-153	Lot 1, Concession 6	A1-cp
.88	(2006-226) 2008-153	Lot 2, Concession 6	A1-cq
.89	2006-227	Lot 3, Concession 6	A1-cr
.90	2006-229	E 1/2 Lot 13, Concession 6	A1-ct
.91	2006-230	Lot 14, Concession 6	A1-cu
.92	2006-231	Lot 15, Concession 6	A1-cv
.93	2006-232	Lot 17, Concession 6	A1-cw
.94	2006-233	Lot 18, Concession 6	A1-cx
.95		<b>NOT USED AT THIS TIME</b>	A1-cy
.96	2006-235	W 1/2 Lot 20, Concession 6	A1-cz
.97	2006-237	Part Lot 4, Concession 5	A1-db
.98	2006-238	Part Lot 5, Concession 5	A1-dc
.99	2006-239	Part Lot 7, Concession 5	A1-dd
.100	2006-240	Part Lot 8, Concession 5	A1-de
.101	2006-241	Part Lot 9, Concession 5	A1-df
.102	2006-242	Part Lot 10, Concession 5	A1-dg
.103	2006-243	Part Lot 16, Concession 5	A1-dh
.104	2006-244	Part Lot 17, Concession 5	A1-di
.105	2006-245	Part Lot 3, Concession 4	A1-dj
.106	2006-246	Part Lot 4, Concession 4	A1-dk
.107	2006-247	Lot 5, Concession 4	A1-dl
.108	2006-248	Part Lot 6, Concession 4	A1-dm
.109	2006-250	E 1/2 Lot 9, Concession 4	A1-do
.110	2006-251	Part Lot 10, Concession 4	A1-dp
.111	2006-252	Part Lot 11, Concession 4	A1-dq
.112	2006-253	Part Lot 12, Concession 4	A1-dr
.113	2006-254	Part Lot 13, Concession 4	A1-ds
.114	2006-255	W 1/2 Lot 14, Concession 4	A1-dt
.115		<b>NOT USED AT THIS TIME</b>	A1-du
.116	2006-257	Lot 15, Concession 4	A1-dv
.117		<b>NOT USED AT THIS TIME</b>	A1-dw
.118		<b>NOT USED AT THIS TIME</b>	A1-dx
.119	2010-115	Part of Lot 19, Conc. 6	A1-fl

**.120 through .130**

Exception to Zone provisions:

- i) A 'Commercial Wind Generation System (CWGS)' consisting of no more than two (2) 'Wind Generating Systems (WGS) shall also be permitted;

.120	2006-159	Lot 'I', Concession 13	A1-es
.121	2006-160	West 1/2 Lot 'J', Concession 13	A1-et
.122	2006-162	Lot 10, Concession 13	A1-al
.123	2006-168	Lot 'H', Concession 12	A1-eu

.124	2006-179	Lot 8, Pt lot 9 & 10, Concession 11	<b>A1-ba</b>
.125	2006-187	Lot 2 & W 1/2 Lot 3 , Concession 10	<b>A1-bi</b>
.126	2006-194	E Pt Lot 13 & Lot 14, Concession 9	<b>A1-bp</b>
.127	(2006-213) 2008-153	Lots 1, Concession 7	<b>A1-cg</b>
.128	2006-228	Lots 11 & 12 , Concession 6	<b>A1-cs</b>
.129	2006-236	E 1/2 Lot 2 and, Lot 3, Concession 5	<b>A1-da</b>
.130	2006-249	E 1/2 Lot 7, Lot 8, W 1/2 Lot 9, Concession 4	<b>A1-dn</b>

**.131 and .132** Exception to Zone provisions:

- i) A 'Commercial Wind Generation System (CWGS)' consisting of no more than three (3) 'Wind Generating Systems (WGS)' shall also be permitted;

.131	2006-175	Lot 'H', Concession 11	<b>A1-ev</b>
.132	2006-223	E ½ Lot 'H' & Lot 'I', Concession 6	<b>A1-ey</b>

**.133** Exception to Zone provisions:

- i) A 'Commercial Wind Generation System (CWGS)' consisting of no more than four (4) 'Wind Generating Systems (WGS)' shall also be permitted;

.133	2006-211	Lot 'E', Concession 7	<b>A1-ew</b>
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**28 through .133**

- (ii) For the purposes of this By-law the following Definitions shall apply:

**COMMERCIAL WIND GENERATION SYSTEM (CWGS):** means one or more Wind Generating Systems (WGS), that singly or collectively produce more than a total of 40 kilowatts (kW) based on 'nameplate rating capacity' and are connected to the provincial transmission grid.

**WIND GENERATION SYSTEM (WGS):** means any device such as a wind charger, windmill, or wind turbine that converts wind energy to electrical energy.

- (iii) For the purposes of this By-law the following Provisions and Notes 1, 2 and 3 shall apply:

Feature	Provision/Regulation
'CWGS' Minimum Setback to a 'Rural Residential Cluster' <sup>Note 1</sup>	600 metres (1968.5 feet)
'CWGS' Minimum Setback to lands within a 'Settlement Area' <sup>Note 2</sup>	700 metres (2296.6 feet)
'WGS' Minimum Setback to: Residential uses or structures designed for human habitation on the same lot as a 'WGS'	1.10 times the 'Total WGS Height' <sup>Note 3</sup>
'WGS' Minimum Setback to: County or Provincial road or highway	1.25 times the 'Total WGS Height' from the right-of-way line
'WGS' Minimum Setback to: Front Yard or Exterior Side Yard	'Total WGS Height' minus 10 metres (33 ft.)
Maximum 'Total WGS Height'	121.0 metres (397 feet)
Signs/Advertising/Logos	Advertising signs or logos on any 'WGS' shall be prohibited; a maximum of 2 project identification signs not to exceed 1.49 square metres (16 square feet) in area or 2.44 metres (8 feet) in height shall be permitted.

**Note 1.** A 'Rural Residential Cluster' means four (4) or more residential lots, each lot being less than 0.8 hectares (2 acres) in area, that share a common boundary including lots located across a roadway.

**Note 2.** A 'Settlement Area' means any urban area or rural settlement area that is designated in the Kincardine Official Plan or County of Bruce Official Plan for development such as, but not limited to, Underwood, Inverhuron, North Bruce, Shoreline Development Area etc.

**Note 3.** 'Total WGS Height' is measured from average grade to the uppermost extension of any blade, or the maximum height reached by any part of the turbine whichever is greater.

- (iv) The 'WGS' Minimum Setback to an 'Interior Side Yard' or 'Rear Yard' shall be no less than '1.0 times the Total WGS Height [1.0 x Total WGS Height]' excepting however the setback may be reduced to 0 metres (0 feet) provided that:
- The abutting landowner is the same registered owner as that of the lands to which approval for a 'WGS' applies; or
  - The abutting landowner has also signed both an option agreement and has a lease/easement agreement permitting the erection of a 'WGS'; or
  - The abutting landowner has also signed both an option agreement and has a lease/easement agreement permitting the construction of project infrastructure i.e., access roads and/or electricity transmission line on the abutting lands; or
  - The 'Interior Side Yard' or 'Rear Yard' abuts the Hydro One right-of-way 230 kV transmission corridor.
- (v) The 'H – Holding' provision may be removed once the following conditions have been met:
- An 'Operational Protocol and Emergency Services Plan' for dealing with Extreme Weather Conditions to include potential Icing and High Wind situations has been filed with the Municipality of Kincardine by Enbridge.
  - A 'Site Plan Agreement' as per Section 41(7)(c) has been registered as per Section 41(10) of the Planning Act RSO 1990 as amended.
  - A 'Stage 2 Archaeological Study' has been prepared, submitted, reviewed and approved by the Ministry of Citizenship and Culture, and any recommendations of the Report and/or Ministry have been implemented.
  - A 'Decommissioning Plan' outlining the anticipated costs of turbine removal and site remediation and to include the anticipated obligations of the landowner and/or Project operator has been submitted and approved by the Municipality of Kincardine.
  - A letter certifying that the conditions as per clause iv) above have been met has been filed with the Municipality of Kincardine by Enbridge.
  - A copy of the Environmental Screening 'Statement of Completion' has been deposited with the Municipality of Kincardine.

**NOTE: Exceptions to 'WIND FARM' By-laws**

- (i) Number of 'WGS' range from (1) to (4)
- (iii) Various By-laws subject to 600 m setback to lands within a 'Settlement Area', <sup>Note 2</sup> as opposed to 700m

.134 By-Law No: NOT USED AT THIS TIME

Subject Lands:

Special Zone: **'A1-dy'**

Exception to Zone Provisions:

.135 By-Law No: NOT USED AT THIS TIME

Subject Lands

Special Zone: **'A1-dz'**

Exception to Zone Provisions:

.136 By-law No: NOT USED AT THIS TIME

Subject Lands:

Special Zone: **'A1-ea'**

.137 By-law No.: 2009 – OMB PL090158 (Albrecht)

Subject Lands: Lot 28, Concession 5 (Kincardine Twp.)

Special Zone: **'A1-eb'**

Exception to Zone Provisions:

- (i) Notwithstanding Section 8.1 of By-law 2003-25 as amended, a second 'Accessory Detached Dwelling' is permitted; and
  - (ii) The second 'Accessory Detached Dwelling' shall be constructed/located within 30 metres (100 feet) of the other buildings as they existed on the date of passage of this By-law;
  - (iii) The second 'Accessory Detached Dwelling' shall be exclusively for the use of person's employed/working on the subject lands.
- .138 By-law No.: 2009 - 024 (MacGillivray Farms)  
 Subject Lands: Lot 19, Concession 11 (Bruce Twp.)  
 Special Zone: 'A1-ec' and 'A1-a'  
 Exception to Zone Provisions:
- (i) The minimum lot area shall be 0.43 hectares.
- .139 By-law No.: **NOT USED AT THIS TIME**  
 Subject Lands:  
 Special Zone: 'A1-ed'  
 Exception to Zone Provisions:
- .140 By-law No.: 2009 - 026 (MacGillivray, Donelda )  
 Subject Lands: Lot 20, Concession 11 (Bruce Twp.)  
 Special Zone: 'A1-ee'  
 Exception to Zone Provisions:
- (i) No residential buildings or structures shall be permitted; and
  - (ii) The minimum lot area shall be 38.75 hectares.
- .141 By-law No.: **NOT USED AT THIS TIME**  
 Subject Lands:  
 Special Zone: 'A1-ef'  
 Exception to Zone Provisions:
- .142 By-law No.: 2009 - 028 (Porter\_Walma)  
 Subject Lands: Lot 14, Concession 14 (Bruce Twp.)  
 Special Zone: 'A1-eg'  
 Exception to Zone Provisions:
- (i) No residential buildings or structures shall be permitted.
  - (ii) The minimum lot area shall be no less than 38.4 hectares (94.9 acres).
- .143 By-law No.: 2002-21 (OMB Case No. PL030296, August 24, 2009)  
 Subject Lands: Pt Lt 28, Con 'A' (Kincardine Twp)  
 Special Zone: 'A1-eh'  
 Exception to Zone Provisions:
- (i) The minimum lot area shall be 3.72 hectares
  - (ii) The two (2) existing dwellings shall be permitted on the same lot
- .144 By-Law No: 2004-53 (Gerald & Marion Weber)  
 Subject Lands: Pt Lt 'E', Con 9 and Pt Lt 'E', Con 10 (Bruce Twp)  
 Special Zone: 'A1-ei'  
 Exception to Zone Provisions:
- (i) The minimum lot area shall be 27.4 hectares.
- .145 By-Law No: 2004-86 (Jennifer Fulford)  
 Subject Lands: Pt Lt 47 to Pt Lt 49, Con 'A' (Kincardine Twp)  
 Special Zone: 'A1-ej' (and 'A1-a')  
 Exception to Zone Provisions:
- (i) The minimum rear yard setback shall be 1.5 m (5.0 ft).

- .146 By-Law No: 2004-144 (Eugene Bourgeois c/o Tom & Cati Van Veen)  
 Subject Lands: Lt 2 Alma N/S, Pt Pk Lt 1 Alma St N/S, Pt Pk Lts 1 and 2 McNabb St S/S  
 Inverhuron (Bruce Twp)  
 Special Zones: 'A1-ek'  
 Exception to Zone Provisions:  
 (i) The minimum lot area shall be 0.52 hectares;  
 (ii) The minimum lot frontage shall be 33.7 metres; and  
 (iii) The setbacks for all buildings and structures shall be no less than as they existed as of the date of the passing of this By-law. All further enlargements, expansions, construction etc. shall comply with the requirements of By-law 2003-25.
- .147 By-Law No: 2004-144 (Eugene Bourgeois c/o Tom & Cati Van Veen)  
 Subject Lands: Lt 2 Alma N/S, Pt Pk Lt 1 Alma St N/S, Pt Pk Lts 1 and 2 McNabb St S/S  
 Inverhuron (Bruce Twp)  
 Special Zones: 'A1-el'  
 Exception to Zone Provisions:  
 (i) The minimum lot area shall be 15.09 hectares;  
 (ii) The minimum lot frontage shall be 366 metres; and  
 (iii) The setbacks for all buildings and structures shall be no less than as they existed as of the date of the passing of this By-law. All further enlargements, expansions, construction etc. shall comply with the requirements of By-law 2003-25.
- .148 By-Law No: 2004-174 (Stanley & Freda Price)  
 Subject Lands: Lt H, Con 1 (Bruce Twp)  
 Special Zone: 'A1-em'  
 Exception to Zone Provisions:  
 (i) A 'Garden Suite' shall be a permitted temporary use. For the purposes of this By-law, the term 'Garden Suite' shall mean a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to the existing residential structure and that is designed to be portable.  
 (ii) The Council of the Corporation of the Municipality of Kincardine may require the owner of the subject lands or any other persons to enter into an Agreement with the Municipality;  
 (iii) The period of time for which this By-law shall be in effect, shall not exceed ten (10) years from the day of the passing of the by-law (i.e. 17<sup>th</sup> day of November 2014) or sooner should the occupants no longer require the temporary use of the building for the purpose of a 'Garden Suite'.
- .149 By-Law No: **NOT USED AT THIS TIME**  
 Subject Lands:  
 Special Zone: 'A1-en'  
 Exception to Zone Provisions:
- .150 By-Law No: 2006-282 and 2007-359; and (OMB Case No. PL030296, August 24, 2009)  
 (Kevin & Nancy Cruickshank c/o Cuesta Planning Consultants Inc.)  
 Subject Lands: Pt Lts 52 to 54, Con 'C' (Kincardine Twp)  
 Special Zone: 'A1-eo'  
 Exception to Zone Provisions:  
 (i) For the purposes of this By-law the following Definitions shall apply:
- COMMERCIAL WIND GENERATION SYSTEM (CWGS):** means one or more Wind Generating Systems (WGS), that singly or collectively produce more than a total of 40 kilowatts (kW) based on 'nameplate rating capacity' and are connected to the provincial transmission grid.
- WIND GENERATION SYSTEM (WGS):** means any device such as a wind charger, windmill, or wind turbine that converts wind energy to electrical energy.

**ELECTRICAL SUBSTATION:** means lands, buildings and/or structures or parts thereof containing a subsidiary station of an electricity generation, transmission and distribution system where voltage is transformed from high to low or the reverse using transformers.

(i) A 'Commercial Wind Generation System (CWGS)' consisting of no more than five (5) 'Wind Generating System (WGS)' shall also be permitted and shall be located as follows:

'WGS1' shall be located within +/- 5 metres of UTM Datum WGS 84, Zone 17, 455,094 E and 4,899,388 N;

'WGS2' shall be located within +/- 5 metres of UTM Datum WGS 84, Zone 17, 454,386 E and 4,899,246 N;

'WGS3' shall be located within +/- 5 metres of UTM Datum WGS 84, Zone 17, 454,103 E and 4,899,088 N;

'WGS4' shall be located within +/- 5 metres of UTM Datum WGS 84, Zone 17, 454,363 E and 4,899,575 N;

'WGS5' shall be located within +/- 5 metres of UTM Datum WGS 84, Zone 17, 454,781 E and 4,899,526 N;

(ii) An electrical substation shall also be permitted.

(iv) The 'Maximum Total WGS Height' shall not exceed 121 metres (397 feet).

(v) Advertising signs or logos on any 'WGS' shall be prohibited; a maximum of 2 project identification signs not to exceed 1.49 square metres (16 square feet) in area or 2.44 metres (8 feet) in height shall be permitted.

.151 By-law No.: **NOT USED AT THIS TIME**

Subject Lands:

Special Zone: '**A1-ep**'

Exception to Zone Provisions:

.152 By-law No.: 2005-148 (H.J. Sieber Farms Ltd. (Helga Sieber) c/o Allen G. Wickert)

Subject Lands: Pt Lts 36 and 37, Con 'A' (Kincardine Twp)

Special Zone: '**A1-eq**' (and 'A1-a')

Exception to Zone Provisions:

(i) The setbacks for all buildings and structures shall be no less than as they existed as of the date of the passing of this By-law. All further enlargements, expansions, construction etc. shall comply with the requirements of By-law 2003-25.

.153 By-law No.: 2006-299 (Elmer & Leah Kuepfer)

Subject Lands: Pt Lt 50, Con 1 NDR (Kincardine Twp)

Special Zone: '**A1-er**' (and 'R1')

Exception to Zone Provisions:

(i) The minimum lot area shall be no less than 12.75 ha.

.154 By-Law No: NOT USED AT THIS TIME

Subject Lands:

Special Zone: '**A1-fa**'

Exception to Zone Provisions:

- .155 By-Law No: 2007-041 (Sieber c/o Wickert)  
 Subject Lands: Pt Lts 29 & 30, Con 'A' (Kin Twp)  
 Special Zone: 'A1-fb'  
 Exception to Zone Provisions:  
 (i) The construction of any new residential buildings and/or structures shall be prohibited;  
 and  
 (ii) The minimum lot area shall be no less than 33.84 ha (83.63 ac).
- .156 By-Law No: 2008-122 (Cotton)  
 Subject Lands: North Pt Lot E, Concession 10 (Bruce Twp)  
 Special Zone: 'A1-fc' (and 'A1-fd')  
 Exception to Zone Provisions:  
 (i) The minimum lot area shall be no less than 1.3 ha (3.3 ac)
- .157 By-Law No: 2008-122 (Cotton)  
 Subject Lands: North Pt Lot E, Concession 10 (Bruce Twp.)  
 Special Zone: 'A1-fd' (and 'A1-fc')  
 Exception to Zone Provisions:  
 (i) The minimum lot area shall be no less than 12.5 ha (31.0 ac)
- .158 By-law No.: **NOT USED AT THIS TIME**  
 Subject Lands:  
 Special Zone: 'A1-fe'  
 Exception to Zone Provisions:
- .159 By-law No.: **NOT USED AT THIS TIME**  
 Subject Lands:  
 Special Zone: 'A1- ff '  
 Exception to Zone Provisions:
- .160 By-law No.: 2010-023 (Burger)  
 Subject Lands: Lot 19, Conc. 5 (Bruce Twp)  
 Special Zone: 'A1- fg '  
 Exception to Zone Provisions:  
 (i) The minimum farm lot area shall be 38.8 hectares (95.8 acres).  
 (ii) No residential buildings or structures shall be permitted.
- .161 By-law No.: **NOT USED AT THIS TIME**  
 Subject Lands: Special Zone: 'A1- fh'  
 Exception to Zone Provisions:
- .162 By-law No.: **NOT USED AT THIS TIME**  
 Subject Lands:  
 Special Zone: 'A1-fi'  
 Exception to Zone Provisions:
- .163 By-law No.: 2010 - 097 (Hogeveen)  
 Subject Lands: Part of Lot 24, Conc. A , Part 1, 3R-2710 (Kincardine Twp)  
 Special Zone: 'A1-fj'  
 Exception to Zone Provisions:  
 (i) A single detached dwelling is permitted as the main use;
- .164 By-law No.: **NOT USED AT THIS TIME**  
 Subject Lands  
 Special Zone: 'A1-fk'  
 Exception to Zone Provisions:

- .165 By-law No.: 2010 – 115 (2006-234) (Nazube Inc.)  
 Subject Lands: Part of Lot 19, Conc. 6 (Bruce Twp)  
 Special Zone: 'A1-fl' and 'A1-a'
- Exception to Zone Provisions 'A1-fl':  
 Notwithstanding their 'A1' zoning designation, those lands delineated as 'A1-fl' on Schedule 'A' to this By-law may be used for 'Farm Lot' purposes in compliance with the 'A1' zone provisions contained in this By-law, excepting however, that:
- i. No residential buildings or structures shall be permitted;
  - ii. A 'Commercial Wind Generation System (CWGS)' consisting of no more than one (1) 'Wind Generating System (WGS) shall also be permitted, as provided in Sections 9.3.28 to 9.3.133;
- .166 By-law No.: NOT USED AT THIS TIME  
 Subject Lands:  
 Special Zone: 'A1-fm'  
 Exception to Zone Provisions:
- .167 By-law No.: 2010 – 116 (2006-176) (Ribey)  
 Subject Lands: Part of Lot 4, Conc. 11(Bruce Twp)  
 Special Zone: 'A1-fn'  
 Exception to Zone Provisions:  
 Notwithstanding their 'A1' zoning designation, those lands delineated as 'A1-fn' on Schedule 'A' to this By-law may be used for 'Farm Lot' purposes in compliance with the 'A1' zone provisions contained in this By-law, excepting however, that:
- i) No residential buildings or structures shall be permitted;
  - ii) A 'Commercial Wind Generation System (CWGS)' consisting of no more than one (1) 'Wind Generating System (WGS) shall also be permitted, as provided in Section 9.3.28 to 9.3.133;
- .168 By-law No.: 2011 - 081 (Alexander)  
 Subject Lands: Part of Lot 33, Conc. 12 (Kincardine Twp)  
 Special Zone: 'A1-fo'  
 Exception to Zone Provisions:  
 Notwithstanding their 'A1' zoning designation, those lands delineated as 'A1-fo' on Schedule 'A' to this By-law may be used for 'Non-Farm Residential' purposes in compliance with the 'A1' zone provisions contained in this By-law, excepting however, that:
- i) The Minimum Separation Distance I (MDS I) base distance shall be not less than 137 metres.
- .169 By-law No.: 2011 - 097 (Ferris Farms)  
 Subject Lands: Part of Lot 13, W.Pt. Lot 14 Conc. 8 (Kincardine Twp)  
 Special Zone: 'A1-fp'  
 Exception to Zone Provisions:  
 Notwithstanding their 'A1' zoning designation, those lands delineated as 'A1-fo' on Schedule 'A' to this By-law may be used for 'Non-Farm Residential' purposes in compliance with the 'A1' zone provisions contained in this By-law, excepting however, that:
- i) The Minimum Separation Distance I (MDS I) building base distance shall be not less than 247 metres.
- .170 By-law No.: 2011 - 114 (Lowry)  
 Subject Lands: Lot 9, Conc. 8 (Kincardine Twp)  
 Special Zone: 'A1-fq'



Exception to Zone Provisions:

Notwithstanding their 'A1' zoning designation, those lands delineated as 'A1-fq' on Schedule 'A' to this By-law may be used for 'Non-Farm Residential' purposes in compliance with the 'A1' zone provisions contained in this By-law, excepting however, that:

- (i) The Minimum Distance Separation I (MDS I) base distance shall be not less than 155 metres (508.5 ft) between adjacent livestock facilities and a dwelling.

- .171 By-law No.: 2012-028 (Weber-Porter)  
Subject Lands: Pt. Lot 9 and Lot 10, Conc. 13, and Pt. Lot 9 and Lot 10, Conc. 14 (Bruce Twp)  
Special Zone: 'A1-fr'  
Exception to Zone Provisions:  
i) Minimum lot frontage shall be 12 metres;

**SECTION 10 – NOT USED AT THIS TIME**

**SECTION 11 – NOT USED AT THIS TIME**

## **SECTION 12 – RESIDENTIAL ONE – R1**

### **12.1 PERMITTED USES**

In any R1 – Residential One Zone, no person shall use any building, structure or land nor erect any building or structure except in accordance with the following provisions:

#### **RESIDENTIAL**

- Single detached dwelling
- Semi-detached dwelling
- Duplex dwelling
- Secondary Suite in accordance with Section 6.34

#### **NON-RESIDENTIAL**

- Bed and Breakfast Establishment in accordance with Section 6.17
- Place of Worship
- Group Home - Type 1
- Home Occupation – Household and Domestic Arts in accordance with Section 6.14
- Home Occupation – Professional Uses in accordance with Section 6.13
- Day Care Nursery (Licensed)
- Nursing Home
- Public Park

### **12.2 ZONE PROVISIONS**

No person shall within any R1- Residential One Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

#### **12.2.1 Zone Provisions for Single Detached Dwellings**

<b>PROVISIONS</b>	<b>NO MUNICIPAL WATER OR SEWER</b>	<b>EITHER MUNICIPAL WATER OR SEWER</b>	<b>MUNICIPAL WATER AND SEWER</b>
Lot Area (Minimum)	<i>(Replaced by By-Law No. 2005-013 – Housekeeping)</i> 4,000 square metres	<i>(Replaced by By-Law No. 2005-013 – Housekeeping)</i> 1800 square metres	464 square metres
Lot Frontage (Minimum)	30 metres	<i>(Replaced by By-Law No. 2005-013 – Housekeeping)</i> 30 metres	15 metres
Lot Frontage – Corner Lot (Minimum)	30 metres	30 metres	18 metres
Front Yard (Minimum)	6 metres	6 metres	6 metres
Rear Yard (Minimum)	7.5 metres	7.5 metres	7.5 metres
Exterior Side Yard (Minimum)	6 metres	6 metres	6 metres
Interior Side Yard (Minimum)	2.4 metres on one side and 1.2 metres on the opposite side of the same lot plus 0.6 metres on the narrow side for each additional or partial storey above the first storey on that side. Provided that where a garage or carport is attached to the main principal building, or the lot is a corner lot, the minimum width of the interior side yard shall be 1.2 meters plus 0.6 metres for each additional or partial storey above the first storey on that side.		
Total Floor Area (Minimum)	75 square metres	75 square metres	75 square metres
Height - Principal Building (Maximum)	10.5 metres	10.5 metres	10.5 metres
Lot Coverage (Principal Building) (Maximum)	15%	20%	40%

### 12.2.2 Zone Provisions for Semi-Detached Dwellings on Full Municipal Services

When the two dwelling units in a semi-detached dwelling are both located on the same lot, the following lot area and lot width regulations shall apply:

Lot Area (Minimum)	(i) Interior Lot (ii) Corner Lot	720 square metres 810 square metres
Lot Frontage (Minimum)	(i) Interior Lot (ii) Corner Lot	24 metres 27 metres
Front Yard (Minimum)	6 metres	
Exterior Side Yard (Minimum)	6 metres	
Interior Side Yard (Minimum)	2.4 metres provided that where a garage or carport is attached to the main building, the minimum width of the interior side yard shall be 1.2 metres plus 0.6 metres for each additional or partial storey above the first storey on that side. A semi-detached dwelling unit on a separate lot shall require an interior or exterior side yard on only one side.	
Rear Yard (Minimum)	7.5 metres	
Building Height (Maximum)	10.5 metres	
Maximum Lot Coverage (Principal Building)	40 %	
Total Floor Area (Minimum)	70 square metres	

When each of the two dwelling units in a semi-detached dwelling is to be located on a separate lot, all provisions of Section 12.2.2 shall apply, except the following lot area and lot width regulations for each dwelling unit:

Lot Area (Minimum)	(i) Interior Lot (ii) Corner Lot	360 square metres 450 square metres
Lot Frontage (Minimum)	(i) Interior Lot (ii) Corner Lot	12 metres 15 metres

### 12.2.3 Zone Provisions for Duplex Dwelling on Full Municipal Services

Lot Area (Minimum)	520 square metres
Lot Width (Minimum)	15 metres
Front Yard (Minimum)	6 metres
Exterior Side Yard (Minimum)	6 metres
Interior Side Yard (Minimum)	2.4 metres on one side and 1.2 metres on the opposite side of the same lot, plus 0.6 metres on the narrow side for each additional or partial storey above the first storey on that side. Provided that where two garages or two carports are attached to the main building, or the lot is a corner lot, the minimum width of the interior side yard shall be 1.92 metres plus 0.6 metres for each additional or partial storey above the first storey on that side.
Rear Yard (Minimum)	7.5 metres

Building Height (Maximum)	10.5 metres
Maximum Lot Coverage (Principal Building)	40 %
Total Floor Area (Minimum)	70 square metres

#### 12.2.4 Zone Provisions for a Church, Nursing Home or Day Care Nursery (Licensed)

Refer to Section 31.

### 12.3 SPECIAL PROVISIONS

- .1 By-law No.: Not available  
Subject Lands: Lt 28 and Pt Lt 29 North of Albert Street, East of Queen Street (Kincardine)  
Special Zone: **'R1-a'**  
Exception to Zone Provisions:  
(i) Automobile service station permitted.  
(ii) No other type of 'Highway Commercial' use shall be permitted.
- .2 By-law No.: Not available  
Subject Lands: Pt Lt 23, Reg. Plan 61, (Kincardine)  
Special Zone: **'R1-b-h'**  
Exception to Zone Provisions:  
(i) A retail store limited to the sale of medical equipment (wheelchairs, scooters, bathroom equipment and items of a similar nature) shall be permitted. [Minor Variance approved October 9, 2002]  
(ii) One accessory dwelling unit and one non-accessory dwelling unit in the building existing on the 16th day of October 1986, (date of passage of By-law No. 4768) shall be permitted.  
(iii) The minimum lot width shall be 11.5 metres.  
(iv) The 'h' holding shall be removed after the applicants provide a scaled site plan showing parking requirements to the satisfaction of the CBO and that the applicants enter into an encroachment agreement with the Municipality.
- .3 By-law No.: 1990-33 (Christopher)  
Subject Lands: Lots 5 and 6, Plan 4 (Kincardine)  
Special Zone: **'R1-c'**  
Exception to Zone Provisions:  
(i) A dance studio, a health and fitness centre, a lounge and racquet sports facility shall be permitted and one accessory residential dwelling unit.  
(ii) Permitted expansion to the existing building shall be located in the rear, provide a side yard along the northern extent of the side yard, and does not exceed a coverage greater than 25% of the combined area of Lots 5 & 6.  
(iii) The residential dwelling unit accessory to a permitted non-residential use shall only be used as the principle residence of the owner, manager, or care-taker and shall comply with Subsection 6.2.8 'Dwelling Units Contained within a Non-Residential Building or Structure' of this By-law.
- .4 By-law No.: 1996-87  
Subject Lands: Lts 1 and 2, Plan 347 (Kincardine)  
Special Zone: **'R1-d-h'**  
Exception to Zone Provisions:  
(i) Minimum exterior side yard shall be 1.5 metres.  
(ii) Minimum lot depth shall be 14.3 metres.  
(iii) Minimum rear yard shall be 6.7 metres.

- (iv) 'Lot Area' shall be defined as the total horizontal area within the lot lines of a lot.
  - (v) Public water supply and sanitary sewers shall be required.
  - (vi) The 'h' holding shall be removed once the following provisions have been met to the satisfaction of the Municipality of Kincardine and the Saugeen Valley Conservation Authority:
    - a. The proposed revetment recommended by W.F. Baird and Associates in their July 28, 1995 report be constructed to 100 year design standards;
    - b. The proposed revetment be designed by a qualified coastal engineer and the structure built under the supervision of the engineering firm; and
    - c. Maintenance guidelines for the structure are prepared by the engineer
- .5 By-law No.: Not available  
 Subject Lands: Lot 113, Plan 819 (Kincardine Twp)  
 Special Zone: **'R1-e'**  
 Exception to Zone Provisions:  
 (i) offices and facilities associated with the sale of insurance and swimming pool supplies shall be permitted.
- .6 By-law No.: 84-40 and 2008-169 AND 2012-043(Woman's House)  
 Subject Lands: Pt Lt 17; and Pt Lot 18, Pk Lt 7, Pt Pk Lt 9 Plan 10, Concession 'A'; (being Part 1 RP 3R3896; Parts 1 and 2 RP 3R4690)  
 Special Zone: **'R1-f' (Changed 'R1-ar' to 'R1-f')**  
 Exception to Zone Provisions:  
 (i) A 'family resource centre' and uses accessory thereto shall be permitted in the existing building in accordance with the 'Institutional' zone provisions  
 (ii) 1 parking space per sleeping or guest room, plus one parking space for each 20 square metres of floor area or fraction thereof, used for assembly, restaurants or the dispensing of food or drink.
- .7 By-law No.: 1996-87 & 2002-117  
 Subject Lands: Lts 1 and 2, Plan 347 (Kincardine)  
 Special Zone: **'R1-g'**  
 Exception to Zone Provisions:  
 (i) Minimum lot area shall be 269 square metres.  
 (ii) Minimum front yard shall be 1.5 metres  
 (iii) Minimum lot depth shall be 14.3 metres.  
 (iv) Minimum rear yard shall be 6.7 metres.  
 (v) Enlargements or expansions to the single detached dwelling as it existed on October 3, 1996 shall not be permitted  
 (vi) 'Lot Area' shall be defined as the total horizontal area within the lot lines of a lot.  
 (vii) Public water supply and sanitary sewers shall be required.
- .8 By-law No.: Not available  
 Subject Lands: Not available  
 Special Zone: **'R1-i'**  
 Exception to Zone Provision  
 (i) Minimum Lot area above high water mark shall be 2 hectares.  
 (ii) Minimum sewage setback from high water mark shall be 30 metres.  
 (iii) Minimum building setback from high water mark shall be 15 metres.
- .9 By-law No.: 2002-66  
 Subject Lands: Pt Lt 18, Con 'A' [Pt 1 on 3R4138] (Kincardine Twp)  
 Special Zone: **'R1-j'**  
 Exception to Zone Provisions:  
 (i) Lands zoned 'R1-j' are existing lots of record and have frontage on a 'Private Street'. Prior to development, alteration, expansion, or additions to existing buildings or structures a limited service agreement shall be entered into with the Municipality. Private Streets are identified on Schedule 'A' for information purposes only.

- (ii) The lands are subject to Site Plan Control
  - (iii) The Saugeen Valley Conservation Authority shall be a signatory on the Site Plan Control Agreement
- .10 By-law No.: 2002-103  
 Subject Lands: Pt Lt 51, Con 'A' (Kincardine Twp)  
 Special Zone: **'R1-k'**  
 Exception to Zone Provisions:  
 (i) The lands are subject to Site Plan Control
- .11 By-Law No.: 1990-74 (Fox/Matheson)  
 Subject Lands: Pt Pk Lt 35, North Side of King Street, Plan 4 (Kincardine)  
 Special Zone: **'R1-l'**  
 Exception to Zone Provisions:  
 (i) On those lands zoned R1-l which front onto the shoreline of Lake Huron, an accessory detached garage may be constructed within 1.0 metres of the 'front lot line' or Block 'B' Plan 638 whichever is applicable ;  
 (ii) For the purposes of the R1-l zone, a 'street' may include a lane or private right-of-way
- .12 By-Law No.: 2001-26 and 2010-005  
 Subject Lands: Pt Lts 2 and 3, Con 3 SDR (Kincardine)  
 Special Zone: **'R1-m'**  
 Exception to Zone Provisions:  
 (i) Section 6.28 of this By-law shall not apply
- .13 By-law No.: 2003-117 (Plouffe)  
 Subject Lands: Pt Lt 27, Con 'A' (Kincardine Twp)  
 Special Zone: **'R1-n'**  
 Exception to Zone Provisions:  
 (i) As an existing lot of record that has access only from a Private Street (Whippoorwill Lane), a Limited Service Agreement shall be entered into with the Municipality prior to any development, alteration, expansion on the lands; and  
 (ii) The lands shall be subject to Site Plan Control; and  
 (iii) The lands fronting onto Whippoorwill Lane shall be deemed to be the front lot line.
- .14 By-law No.: 2003-167 (Susan K. Pryde c/o PSM, INC.)  
 Subject Lands: Pt Lts 49 and 50, Con 'A' (Kincardine Twp)  
 Special Zone: **'R1-o'** (and 'EP-e')  
 Exception to Zone Provisions:  
 (i) The minimum lot frontage shall be no less than 21.6 metres (70.9 feet).
- .15 By-law No.: By-Law No. 2005-013 (Housekeeping)  
 Subject Lands: Multiple locations  
 Special Zone: **'R1-p'**  
 Exception to Zone Provisions:  
 (i) Lands zoned 'R1-p' are existing lots of record and have frontage on a "Private Street". Prior to development, alteration, expansion, or additions to existing buildings or structures a limited service agreement shall be entered into with the Municipality. Private Streets are identified on Schedule 'A' for information purposes only.
- .16 By-law No.: 2004-67 (Jacqueline J. Evans)  
 Subject Lands: Pt Lt 16, Con 7 (Kincardine Twp)  
 Special Zone: **'R1-q'**  
 Exception to Zone Provisions:  
 (i) The minimum lot area shall be 1019.98 mP<sup>2P</sup>; and  
 (ii) The minimum rear yard setback shall be 7.0 m.
- .17 By-law No.: Not available  
 Subject Lands: Multiple locations

- Special Zone: **'R1-r'**  
Exception to Zone Provisions:  
(i) Lands zoned 'R1-r' are existing lots of record and have frontage on a 'Class Two (2) Street'. Prior to development, alteration, expansion, or additions to existing buildings or structures a limited service agreement shall be entered into with the Municipality. Class Two (2) Streets are identified on Schedule 'A' for information purposes only.
- .18 By-law No.: Not available  
Subject Lands: Multiple locations  
Special Zone: **'R1-s'**  
Exception to Zone Provisions:  
(i) Prior to the issuance of a building permit from the municipality, a site plan describing the proposed development shall be submitted to the Saugeen Valley Conservation Authority for review and approval. The Saugeen Valley Conservation Authority may require the owner to provide technical information and/or report(s) prepared by qualified professionals to assist in the review of a proposal.
- .19 By-law No.: 92-1  
Subject Lands: Lt 2, Plan 281 (Bruce Twp)  
Special Zone: **'R1-t'**  
Exception to Zone Provisions:  
(i) General and professional offices; light manufacturing; and wholesale uses, in accordance with the 'Residential' zone provisions shall be permitted.  
(ii) All outdoor storage shall be located in the rear yard and shall be wholly contained within a fenced enclosure of at least 1.8 metres in height.
- .20 By-law No.: Not available  
Subject Lands: Pt Lt 1, West side of Huron Terrace, Plan 4 and Pt Bldg E, South side of Broadway, Plan 4 (Kincardine)  
Special Zone: **'R1-u'**  
Exception to Zone Provisions:  
(i) The most northerly lot line of Part of Block E shall be considered the rear lot line
- .21 By-Law No.: 2004-169 (Diocese of Huron c/o T.A. Pook (Warden, Church of the Messiah) and Diane MacLeod)  
Subject Lands: Pt Lt 9 (Pt 2, RP 3R-3724) and Pt Pk Lt 4 Russell N/S (Pt 1, RP 3R-3724) (Kincardine)  
Special Zone: **'R1-v'** (and 'l-b')  
Exception to Zone Provisions:  
(i) The minimum side yard setback shall be 0.3 metres for the residential building existing as of the date of passage of the By-Law; and  
(ii) The minimum lot frontage shall be 13.7 metres.
- .22 By-Law No: 2005-013 ('Donnelly', Housekeeping)  
Subject Lands: Pt Lt 64, Con A (Kincardine Twp)  
Special Zone: **'R1-w'**  
Exception to Zone Provisions:  
(i) Section 6.11 Frontage on a Class One (1) Street shall not apply;  
(ii) The minimum lot area shall be 597.8 square metres;  
(iii) The minimum lot frontage shall be 19.8 metres;  
(iii) The minimum rear yard setback shall be 3.6 metres for the dwelling as it existed on the date of passage of the By-Law; and  
(iv) The easternmost lot line shall be recognized as the 'front lot line'.
- .23 By-law No.: 2002-149 (Nancy Ackert c/o Doug Culbert)  
2005-013 (Housekeeping)  
Subject Lands: Pt Lt 31, Con 'A' [Pts 3 and 4, RP 3R-2417] (Kincardine Twp)  
Special Zone: **'R1-x'**

Exception to Zone Provisions:

- (i) The 'minimum lot area' shall be 0.69 ha (1.2 acres);
- (ii) All future development must comply with the requirements of the by-law;
- (iii) The housing of livestock shall be prohibited;
- (iv) Lands zoned as EP may be used in the calculation of lot area.

- .24 By-Law No: 2005-023 (Raymond Murray c/o Doug Culbert)  
Subject Lands: Part Lots 47 & 48, Concession "A", Kincardine Township  
Special Zone: **'R1-y-H'**  
Exception to Zone Provisions:
- (i) The 'minimum lot frontage' shall be no less than 7.0 metres;
  - (ii) The 'minimum lot area' shall be no less than 1.8 hectares;
  - (iii) The lands shall be subject to Site Plan Control; and
  - (iv) The 'H-Holding' provision may be removed once the following condition has been met:
    - a. A statement from the Chief Building Official or a qualified municipal employee that a Site Plan Control Agreement for the subject lands has been prepared and shall be registered against title of the lands.
- .25 By-Law No: 2005-013 (Housekeeping)  
Subject Lands: Pt Lt 51, Con 'A' (Kincardine Twp)  
Special Zone: **'R1-z'**  
Exception to Zone Provisions:
- (i) The 'Minimum Distance Separation' that must be maintained from the barn located to the northeast on Lot 52, Concession 'A', shall be 114 metres.
- .26 By-Law No: 2005-130 (Donald and Norma Ruthven c/o Ron Davidson)  
Subject Lands: Pt Lt 31, Plan 76, and Pt Lts 73 and 74 King, Plan 210 (Tiverton)  
Special Zone: **'R1-aa'** (and 'A1-u')  
Exception to Zone Provisions:
- (i) The setbacks for all buildings and structures shall be no less than as they existed as of the date of passing of this By-law;
  - (ii) The minimum lot area shall be no less than 3.76 ha;
  - (iii) The minimum lot frontage shall be no less than 12.19 m;
  - (iv) For the purposes of this By-law, the lot frontage shall be defined as those lands abutting King Street.
- .27 By-Law No: 2005-180 (Jessie Ugale c/o David Bursey)  
Subject Lands: Pt Pk Lt 12, Plan 10 (Kincardine Twp)  
Special Zone: **'R1-ab'**  
Exception to Zone Provisions:
- (i) The lowest building opening is to be no lower than 98.8 metre (Note: Elevation relative to the benchmark established by George A. Davis Lot Grading Plan dated May 19, 2005 - Assumed Top Nut of Fire Hydrant to be 99.45m). In addition, the "Bottom of Footing Elevation is to be 97.00 metres.
  - (ii) The recommendations of the Chung and Vander Doeler Geotechnical Investigation, dated May 17, 2005 should be implemented for the construction of the residence in the R1 zone.
- .28 By-Law No: 2006-030 (Nancy J. O'Connor)  
Subject Lands: Lt 70, Lake Range (Bruce Twp)  
Special Zone: **'R1-ac-h'** (and 'EP-d')  
Exception to Zone Provisions:
- (i) The minimum lot area shall be no less than 0.88 ha (2.16 ac). For the purposes of this By-law, 'lot area' may include lands zoned 'EP-d';
  - (ii) The minimum lot frontage shall be no less than 30.5 m (100 ft);
  - (iii) The 'H - holding' provision may be removed once the following conditions have been met:
    - a. Final building locations for each dwelling have been approved by the Saugeen Valley Conservation Authority;



- b. Septic system approvals for each dwelling have been obtained from the Grey-Bruce Health Unit;
  - c. Septic systems are to maintain a minimum distance of 30.0 m from any surface water source that is the wetland, the northern road allowance watercourse and Lake Huron Shoreline;
  - d. A Subdivider's Agreement between the owner and the Municipality has been registered on title.
- .29 By-Law No: 2006-264 (Murray Norman, Daniel Norman and Jessie Robinson)  
 Subject Lands: Pt Lt 58, Con 'A' (Kincardine Twp)  
 Special Zone: 'R1-ad' (and 'EP-k')  
 Exception to Zone Provisions:
- (i) The existing lot of record has frontage on a 'Class Two (2) Street'. Prior to development, alteration, expansion, or additions to existing buildings or structures a Limited Service Agreement shall be entered into with the Municipality of Kincardine;
  - (ii) Prior to the issuance of a building permit from the municipality, a permit must be obtained from the SVCA in accordance with the *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation* (Ontario Regulation 169/06).
- .30 By-Law No: 2006-286 (Brad Thomas)  
 Subject Lands: Pt Lt 5, Con 6 (Underwood)  
 Special Zone: 'R1-ae' (and 'C3-f')  
 Exception to Zone Provisions:
- (i) The minimum lot area shall be no less than 3664 mP<sup>2P</sup>.
- .31 By-Law No: Not used at this time  
 Subject Lands:  
 Special Zone: 'R1-af'  
 Exception to Zone Provisions:
- .32 By-Law No: 2006-301 (Rick & Linda McQuillin)  
 Subject Lands: Pt Lt 1 and Lt 2, Plan 194; and Lt 25 Campbell N/S, Lts 9 to 11 Campbell W/S, and Lts 12 to 15 Campbell E/S, Plan 151 (Kincardine)  
 Special Zone: 'R1-ag' (and 'R4-f-h', 'R1')  
 Exception to Zone Provisions:
- (i) The minimum side yard setback shall be no less than 1.5 m as it existed for the single detached dwelling on the date of passage of the By-law; and
  - (ii) The existing barn shall be used for storage, and shall not contain livestock.
- .33 By-Law No: 2004-07 (Ingo & Lori Gollan)  
 Subject Lands: Pt Pk Lt 35, Pl 4 (Kincardine)  
 Special Zone: 'R1-ah'  
 Exception to Zone Provisions:
- (i) Cedar Lane shall be considered an "improved street".
- .34 By-Law No: 2007-064  
 Subject Lands: Pt Lts A, B and C, Con 'A' (Town)  
 Special Zone: 'R1-ai' and 'R3-k-H'  
 Exception to Zone Provisions:
- a) The minimum rear yard shall be no less than 15 metres.
- .35 By-Law No: 2012 – 043 (Rowe Motors)  
 Subject Lands: W. Pt Lot 27, Plan 4 (Town)  
 Special Zone: 'R1-aj-H'  
 Exception to Zone Provisions:

- (i) The subject lands may be used for vehicle storage and parking as it existed on the date of passage of this By-law;
- (ii) The Holding provision may be removed when a satisfactory Record of Site Condition has been accepted and approved by the appropriate Approval Authority.

- .36 By-Law No: 2007-080  
 Subject Lands: Pt Lts 17 & 18 Huron E/S (Town)  
 Special Zone: **'R1-ak'**  
 Exception to Zone Provisions:
- a) A Duplex dwelling shall be a permitted Residential use; and
  - b) The minimum front yard setback shall be no less than 4.75 metres for the existing structure as existed on the date of passage of the By-law.
- .37 By-Law No: 2007-104 and 2010-141  
 Subject Lands: Pt Lt 52, Con 'A' (Kincardine Twp)  
 Special Zone: **'R1-al'**  
 Exception to Zone Provisions:
- i. The minimum lot area shall be no less than 1392 square metres.
- .38 By-Law No: 2007-292 (Kerr)  
 Subject Lands: Pt Lt 45, Con 'A' (Kincardine Twp)  
 Special Zone: **'R1-am'**, 'EP-m', 'PD' and 'EP'  
 Exception to Zone Provisions:
- (i) The minimum lot area shall be no less than 1750 square metres; and
  - (ii) The minimum lot frontage shall be no less than 25 metres; and
  - (iii) A 'Church', 'Nursing Home', and 'Day Care Nursery (Licensed) shall not be permitted; and
  - (iv) Trees shall not be removed except in accordance with the approved 'Tree Retention Plan'.
- .39 By-Law No: 2007-202 and 2008-199  
 Subject Lands: Pt Lt 49, Con 'A' (Kincardine Twp)  
 Special Zone: **'R1-an'**  
 Exception to Zone Provisions:
- (i) the minimum lot area shall be no less than 1,393.5 m<sup>2</sup> (15,000 ft<sup>2</sup>);
- .40 By-Law No: **NOT USED AT THIS TIME**  
 Subject Lands:  
 Special Zone: **'R1-ao'**  
 Exception to Zone Provisions:
- .41 By-Law No: 2008-021 (Roppel)  
 Subject Lands: Pt Lt 6, Con 6 (Underwood)  
 Special Zone: **'R1-ap'**  
 Exception to Zone Provisions:
- (i) A hay storage shed shall also be a permitted use. Upon the erection of a single detached dwelling in accordance with the 'Residential One- R1' zone provisions, the hay storage shed shall become an accessory structure in accordance with Section 6.4 Accessory Buildings and Structures;
  - (ii) Notwithstanding Section 6.4.4 Accessory Buildings and Structures – Height, the maximum height for the hay storage shed shall be no greater than 6.25 metres;
  - (iii) The minimum front yard setback for the hay storage shed shall be no less than 30.48 metres; and
  - (iv) The minimum interior side yard setback for the hay storage shed shall be no less than 9.14 metres.

- .42 By-Law No: 2008-051 (Dickson)  
 Subject Lands:  
 Special Zone: **'R1-aq'**  
 Exception to Zone Provisions:  
 i. An Accessory building or structure may be erected no closer than 24.38 metres (80 feet) to the rear lot line.
- .43 By-Law No: **NOT USED AT THIS TIME**  
 Subject Lands:  
 Special Zone: **'R1-ar'**  
 Exception to Zone Provisions:
- .44 By-Law No: 2009-040 (Danahy)  
 Subject Lands: Part Goderich Street, Part Railway Reserve; Parts 3, 4, 5 & 6, RP 3R-6519  
 Special Zone: **'R1-as' and 'EP-m'**  
 Exception to Zone Provisions:  
 (i) The minimum front yard setback shall be 4.5 metres.  
 (ii) The lands are an existing lot of record having frontage on a 'Class Two (2) Street'. Prior to development, alteration, expansion, or additions to the existing buildings or structures a limited services agreement shall be entered into with the Municipality.
- .45 By-Law No: 2009-177 (Underwood Wesley Pastoral Charge)  
 Subject Lands: Lots 5 & 6, Plan 114 (geographic Township of Bruce)  
 2 Sanctuary Street, Underwood  
 Special Zone: **'R1-at'**  
 Exception to Zone Provisions:  
 (i) The minimum lot area shall be no less than 978.6 square metres (10,533 sq.ft.);  
 (ii) The minimum lot frontage shall be no less than 24.2 metres (79.6 ft);  
 (iii) The minimum exterior side yard setback shall be no less than 5.3 metres (17.5 feet) for the single detached dwelling as it existed as of the date of passage of the By-law.
- .46 By-Law No: 2010-027 (Sears)  
 Subject Lands: Part Lots 1 & 2 S/S Durham; Part 1, RP 3R4700 (town)  
 Special Zone: **'R1-au'**  
 Exception to Zone Provisions:  
 (i) The minimum rear yard setback shall be 1.8 metres (5.9 feet)  
 (ii) Prior to development, alteration, expansion, or additions to existing buildings or structures a limited service agreement shall be entered into with the Municipality.
- .47 By-Law No: 2011-034 (Hallay)  
 Subject Lands: Part of Park Lot 'A', Townplot of Port Head (being Part 2 of RP 3R-9012 (Kincardine township))  
 Special Zone: **'R1-av'**  
 Exception to Zone Provisions:  
 (i) For the purposes of this By-law, the front lot line shall be defined as the lot line abutting Bruce Road 23, and the lot frontage shall be the horizontal distance measured along such line;  
 (ii) Any portion of the subject lands that are zoned 'PD' may be used to satisfy the side yard, rear yard or front yard setback provisions.
- .48 By-Law No: 2011-037 (Zepf)  
 Subject Lands: Part Lots 41 to 43, Lake Range (Bruce township)  
 Special Zone: **'R1-aw'**

Exception to Zone Provisions:

- (i) For the purposes of this By-law, the front lot line shall be defined as the lot line abutting Scott's Point Road, and the lot frontage shall be the horizontal distance measured along such line;
- (ii) Notwithstanding any other provision of this By-law, the minimum setback for a principal structure from any property line shall be 7.5 metres;
- (iii) Prior to development on the subject property a Site Plan shall be submitted that is satisfactory to the Municipality; to address, among other things, building location, elevation of structures, and grading;

.49 By-Law No: 2012- tentative (Schmidt) pending decision Z-07-11.26

Subject Lands: Lots 34 & 35, E/S Victoria, Townplot of Inverhuron (Bruce township)

Special Zone: 'R1-ax'

Exception to Zone Provisions:

.50 By-Law No: 2011- 127 (Mystic Cove II)

Subject Lands: Part Lots 57 & 58, Concession 'A', Including all of Block 28, Plan 3M-216 (kincardine township)

Special Zone: 'R1-ay'

Exception to Zone Provisions:

- (i) The minimum lot frontage shall be 25.8 metres ( feet)

.51 By-Law No: 2012-002 (Kirkconnell - ARMOW)

Subject Lands: Part Lot 16, Concession 6, (kincardine township)

Special Zone: 'R1-az'

Exception to Zone Provisions:

- (i) The lands shall be serviced with a tertiary sewage treatment system, or equivalent system, capable of providing average nitrate discharge of no more than 15 mg/L as approved by the appropriate Approval Authority;

.52 By-Law No: **NOT USED AT THIS TIME**

Subject Lands:

Special Zone: 'R1-ba'

Exception to Zone Provisions:

## **SECTION 13 – RESIDENTIAL TWO – R2**

### **13.1 PERMITTED USES**

In any R2 – Residential Two Zone, no person shall use any building, structure or land nor erect any building or structure except in accordance with the following provisions:

#### **RESIDENTIAL**

- Single detached dwelling
- Semi-detached dwelling
- Duplex dwelling
- Secondary Suite in accordance with Section 6.34

#### **NON-RESIDENTIAL**

- Bed and Breakfast Establishment in accordance with Section 6.17
- Place of Worship
- Group Home - Type 1, in a Single detached dwelling
- Home Occupation – Professional in accordance with Section 6.13
- Home Occupation – Household and Domestic Arts in accordance with Section 6.14
- Day Care Nursery (Licensed)
- Nursing Home
- Public Park

### **13.2 ZONE PROVISIONS**

No person shall within any Residential Two Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

#### **13.2.1 Zone Provisions for Single Detached Dwellings on Full Municipal Services**

Lot Area (Minimum)	325 square metres
Lot Frontage (Minimum)	interior lot – 10 metres; corner lot – 15 metres
Front Yard (Minimum)	6 metres
Exterior Side Yard (Minimum)	6 metres
Interior Side Yard (Minimum)	2.4 metres, for one interior side yard and 1 metre for the opposite side of the same lot plus 0.6 metres on the narrow side for each additional or partial storey above the first storey on that side. Provided that where a garage or carport is attached to the main building, or the lot is a corner lot, the minimum width of the interior shall be one metre plus 0.6 metres for each additional or partial storey above the first storey on that side.
Rear Yard (Minimum)	7.5 metres
Building Height (Maximum)	10.5 metres
Maximum Lot Coverage (Principal Building)	50 %
Total Floor Area (Minimum)	65 square metres

### 13.2.2 Zone Provisions for Semi-Detached Dwellings on Full Municipal Services

When the two dwelling units in a semi-detached dwelling are both located on the same lot, the following lot area and lot width regulations shall apply:

Lot Area (Minimum)	(i) Interior Lot (ii) Corner Lot	600 square metres 700 square metres
Lot Frontage (Minimum)	(i) Interior Lot (ii) Corner Lot	20 metres 23.5 metres
Front Yard (Minimum)	6 metres	
Exterior Side Yard (Minimum)	6 metres	
Interior Side Yard (Minimum)	2.4 metres provided that where a garage or carport is attached to the main building, the minimum width of the interior side yard shall be 1.2 metres plus 0.6 metres for each additional or partial storey above the first storey on that side. A semi-detached dwelling unit on a separate lot shall require an interior or exterior side yard on only one side.	
Rear Yard (Minimum)	7.5 metres	
Building Height (Maximum)	10.5 metres	
Maximum Lot Coverage (Principal Building)	50 %	
Total Floor Area (Minimum)	65 square metres	

When each of the two dwelling units in a semi-detached dwelling is to be located on a separate lot, all provisions of Section 13.2.2 shall apply, except the following lot area and lot width regulations for each dwelling unit:

Lot Area (Minimum)	(i) Interior Lot (ii) Corner Lot	300 square metres 400 square metres
Lot Frontage (Minimum)	(i) Interior Lot (ii) Corner Lot	10 metres 13.5 metres

### 13.2.3 Zone Provisions for Duplex Dwelling on Full Municipal Services

Lot Area (Minimum)	520 square metres
Lot Width (Minimum)	15 metres
Front Yard (Minimum)	6 metres
Exterior Side Yard (Minimum)	6 metres
Interior Side Yard (Minimum)	2.4 metres on one side and 1.2 metres on the opposite side of the same lot, plus 0.6 metres on the narrow side for each additional or partial storey above the first storey on that side. Provided that where two garages or two carports are attached to the main building, or the lot is a corner lot, the minimum width of the interior side yard shall be 1.2 metres plus 0.6 metres for each additional or partial storey above the first storey on that side.
Rear Yard (Minimum)	7.5 metres

Building Height (Maximum)	10.5 metres
Maximum Lot Coverage (Principal Building)	45 %
Total Floor Area (Minimum)	65 square metres

### 13.2.4 Zone Provisions for a Church, Nursing Home or Day Care Nursery (Licensed)

Refer to Section 31.2

## 13.4 SPECIAL PROVISIONS

- .1 By-law No.: Not available  
Subject Lands: Pt Pk Lt 7 and 8, Plan 4 (Pts 1-5, RP 3R-2388) (Kincardine)  
Special Zone: 'R2-a'  
Exception to Zone Provisions:
- (i) May be used for the purposes of a 'group home' for the mentally handicapped, operated by an Association for the Mentally Retarded.
  - (ii) A 'group home' shall mean a pair of semi-detached dwellings in which a total of three (3) to eight (8) residents, excluding staff or host family, live consistent with the requirements of its residents. The Home shall be licensed under Provincial Statute and be in compliance with municipal By-laws.
  - (iii) Subsection Section 6.17 'Off-Street Parking Requirements' of this By-law shall apply excepting however that there will be a minimum of four (4) parking spaces.
- .2 By-law No.: **NOT USED AT THIS TIME**  
Subject Lands:  
Special Zone: 'R2-b'  
Exception to Zone Provisions:
- .3 By-law No.: 98-44 (Bruno)  
Subject Lands: Lts 1 and 2, Plan 123 (Tiverton)  
Special Zone: 'R2-c'  
Exception to Zone Provisions:
- (i) Subject lands shall be used in accordance with the 'Residential Three' zone provisions.
  - (ii) The minimum lot area shall be 350 square metres.
  - (iii) The minimum lot frontage shall be 8 metres.
  - (iv) The minimum side yard shall be 2 metres.
  - (v) The minimum ground floor area shall be 70 square metres.
  - (vi) The minimum gross floor area shall be 70 square metres.
- .4 By-law No.: Not used at this time  
Subject Lands:  
Special Zone: 'R2-d'  
Exception to Zone Provisions:

## **SECTION 14 – RESIDENTIAL THREE – R3**

### **14.1 PERMITTED USES**

In any R3 – Residential Three Zone, no person shall use any building, structure or land nor erect any building or structure except in accordance with the following provisions:

#### **RESIDENTIAL**

- Duplex dwelling
- Boarding House
- Quadraplex dwelling
- Row dwelling
- Semi-detached dwelling
- Single detached dwelling
- Triplex dwelling
- Secondary Suite in accordance with Section 6.34

#### **NON-RESIDENTIAL**

- Bed and Breakfast Establishment in accordance with Section 6.17
- Place of Worship
- Group Home – Type 1
- Home Occupation – Professional in accordance with Section 6.13
- Home Occupation – Household and Domestic Arts in accordance with Section 6.14
- Day Care Nursery (Licensed)
- Nursing Home
- Public Park

### **14.2 ZONE PROVISIONS**

No person shall within any Residential Three Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

#### **14.2.1 Zone Provisions for Triplex Dwelling on Full Municipal Services**

Lot Area (Minimum)	650 square metres
Lot Frontage (Minimum)	18 metres
Front Yard (Minimum)	6 metres
Exterior Side Yard (Minimum)	6 metres
Interior Side Yard (Minimum)	3 metres plus 0.6 metres for each additional or partial storey above the first storey.
Rear Yard (Minimum)	7.5 metres
Building Height (Maximum)	10.5 metres
Maximum Lot Coverage (Principal Building)	40 %
Dwelling Unit Floor Area (Minimum)	60 square metres

#### **14.2.2 Zone Provisions for Quadruplex Dwelling on Full Municipal Services**

Lot Area (Minimum)	800 square metres
Lot Frontage (Minimum)	24 metres
Front Yard (Minimum)	6 metres
Exterior Side Yard (Minimum)	6 metres



Interior Side Yard (Minimum)	3 metres plus 0.6 metres for each additional or partial storey above the first storey.
Rear Yard (Minimum)	7.5 metres
Building Height (Maximum)	10.5 metres
Maximum Lot Coverage (Principal Building)	40 %
Dwelling Unit Floor Area (Minimum)	60 square metres

#### 14.2.3 Zone Provisions for Row Dwelling on Full Municipal Services

Lot Area (Minimum)	160 square metres for each interior row dwelling unit, plus 200 square metres for each end row dwelling unit
Lot Frontage (Minimum)	4.5 metres per unit, plus 1.2 metres for an end row dwelling unit; and an additional 0.6 metres for each additional or partial storey above the first storey.
Front Yard (Minimum)	6 metres
Exterior Side Yard (Minimum)	6 metres
Interior Side Yard (Minimum)	2.4 metres plus 0.6 metres for each additional or partial storey above the first storey. SAME: Provided that where an end-unit is adjacent to another end-unit in the same development, the minimum width of an interior side yard (for each potential 'freehold' end unit) shall be 1.2 metres plus 0.6 metres for each additional or partial storey above the first storey.
Rear Yard (Minimum)	7.5 metres
Building Height (Maximum)	10.5 metres
Coverage (Maximum)	60%
Dwelling Unit Floor Area (Minimum)	60 square metres

#### 14.2.4 Zone Provisions for a Boarding House on Full Municipal Services

Lot Area (Minimum)	464 square metres
Lot Frontage (Minimum)	12 metres
Front Yard (Minimum)	6 metres
Exterior Side Yard (Minimum)	6 metres
Interior Side Yard (Minimum)	3 metres on one side and 1.2 metres on the opposite side (of the same lot), plus 0.6 metres on the narrow side for each additional or partial storey above the first storey on that side. Provided that where a garage or a carport is attached to the main building, or the lot is a corner lot, the minimum width of the interior side yard shall be 1.2 metres plus 0.6 metres for each additional or partial storey above the first storey on that side.
Rear Yard (Minimum)	7.5 metres

Building Height (Maximum)	10.5 metres
Maximum Lot Coverage (Principal Building)	40%

14.2.6 Zone Provisions for Single Detached Dwellings

Refer to Section 13.

14.2.7 Zone Provisions for Semi-Detached Dwellings

Refer to Section 13.

14.2.8 Zone Provisions for Duplex Dwelling

Refer to Section 13.

14.2.9 Zone Provisions for a Church, Nursing Home, Day Care Nursery (Licensed)

Refer to Section 31.

**14.3 SPECIAL PROVISIONS**

- .1 By-law No.: 2007-003 (Jeff Scott)  
Subject Lands: Lt 6, Plan 4 (Kincardine)

Special Zone: **'R3-a'**

Exception to Zone Provisions:

- (i) *Section 6.10 Number of Detached Dwellings Per 'R' – Residential Zone Lot* shall not apply; a second quadraplex dwelling is permitted;
- (ii) A 'Quadraplex Dwelling' shall mean a pair of two attached duplex dwelling houses or four single dwelling units;
- (iii) The minimum rear yard setback shall be no less than 3.6 metres;
- (iv) The minimum lot frontage shall be 23.6 metres;
- (v) A planting area shall be provided consisting of no less than 2.44 metres along the side and rear lot lines, and 3.05 metres along the front lot line with the exception of areas reserved for parking and driveways;
- (vi) A 'Privacy Fence' shall be located across the rear lot line, and side lot lines to the rear of the parking area; and
- (vii) The lands shall be subject to Site Plan Control.

- .2 Bylaw No.: Not available  
Subject lands: Pt Lts 2 and 3, RP 3R-3062 (Kincardine)

Special Zone: **'R3-b'**

Exception to Zone Provisions:

- (i) A clinic and the offices of a medical practitioner, a dentist, chiropractor, lawyer, engineer, surveyor, accountant or other recognized profession shall be permitted.
- (ii) A clinic shall include a dispensary where medical prescriptions, medical supplies and related items are sold
- (iii) The maximum floor area for the dispensary shall be 70 square metres

- .3 By-law No.: Not available  
Subject Lands: Pt Lts 4 and 5, Plan 61 (Pt 3, RP 3R-1018) (Kincardine)

Special Zone: **'R3-c'**

Exception to Zone Provisions:

- (i) An elderly persons residence and accessory uses shall be permitted.
- (ii) Residential accommodation shall be confined to a maximum of 45 lodgers.
- (iii) The minimum gross floor area per lodger shall be 45 square metres. For the purposes of this paragraph 'gross floor area' shall mean the total of the horizontal areas of each floor, excluding a basement or cellar, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor.
- (iv) The minimum lot area and the minimum lot width shall be 2,500 square metres and 40 metres, respectively.

- (v) The minimum front yard shall be 15 metres
  - (vi) The minimum interior side yard and the minimum exterior side yard shall be 4 metres and 5.5 metres, respectively.
  - (vii) The minimum rear yard shall be 7 metres.
  - (viii) The building height of the existing building shall not be increased; the maximum building height of additions/ enlargements to this building shall be 12 metres.
  - (ix) The maximum lot coverage shall be 30%.
- .4 By-law No.: 1990-84 (IAL)  
 Subject Lands: Blck 'A', Plan M-34 (Kincardine)  
 Special Zone: 'R3-d'  
 Exception to Zone Provisions:
- (i) When each row dwelling unit is located on a separate lot:
  - (ii) Lot Width (minimum) – 4.5 metres.
  - (iii) Interior Side Yard (minimum) – 1.2 metres, except where a common masonry wall vertically separates two units on separate lots, in which case no interior side yard is required for that side.
  - (iv) All other regulations of Section 14.1O shall apply
- .5 By-law No.: 1991-44 (Russel Meadows)  
 Subject Lands: Lts 16 - 20, Plan 151 (Kincardine)  
 Special Zone: 'R3-e'  
 Exception to Zone Provisions:
- (i) A non-profit multiple-family dwelling complex and accessory uses shall be permitted.
  - (ii) No. of Dwelling Units (maximum), 4 quadruplex dwelling houses, 20 row dwelling units
  - (iii) Minimum Lot Area shall be 10,500 square metres
  - (iv) Minimum Lot Width shall be 100 metres
  - (v) Minimum Lot Depth shall be 85 metres
  - (vi) Minimum Front Yard shall be 6 metres
  - (vii) Minimum Exterior Side Yard shall be 6 metres
  - (viii) Minimum Interior Side Yard shall be 4.1 metres
  - (ix) Minimum Rear Yard shall be 7.5 metres
  - (x) Maximum Building Height shall be 10.5 metres
  - (xi) Maximum Lot Coverage shall be 20 %
  - (xii) Minimum Dwelling Unit Floor Area shall be 65 square metres
  - (xiii) Each quadruplex shall be 56 square metres
  - (xiv) Each row dwelling unit shall be 65 square metres
- .6 By-law No.: 1993-95 (Linklater)  
 Subject Lands: Not available  
 Special Zone: 'R3-f'  
 Exception to Zone Provisions:
- (i) A funeral home with an addition including a chapel shall be permitted.
  - (ii) The subject lands have a minimum lot area of 2,529 square metres.
  - (iii) A minimum of 20 parking spaces be provided on site.
- .7 By-law No.: 1994-14 (Agra)  
 Subject Lands: Pt Pk Lt 2, Plan 3M-99 (Kincardine)  
 Special Zone: 'R3-g'  
 Exception to Zone Provisions:
- (i) 'Parking Area Location on Lot' shall not apply therefore parking may be permitted in any of the yards.
- .8 By-law No.: 1995-78 (Galbraith)  
 Subject Lands: Lts 28 and 29, Plan 61 (Kincardine)  
 Special Zone: 'R3-i'  
 Exception to Zone Provisions:
- (i) The lands shall only be use for row houses and/or semi-detached dwellings.

- (ii) No dwelling unit shall contain more than three (3) bedrooms.
  - (iii) Parking spaces or areas may be permitted in all yards provided no parking space is located closer than 7.5 metres to any street line or closer than 1.5 metres to any side lot line.
  - (iv) Any multiple family dwellings shall be subject to Site Plan Control in accordance with the provisions of Section 41 of the Planning Act, 1990.
  - (v) That the maximum number of dwelling units shall not exceed twelve (12).
  - (vi) a minimum Playground area of 90 square metres is provided.
  - (vii) A Planting Strip shall be provided in accordance with Section 6.21 'Planting Strips/Privacy Fence' of the Comprehensive Zoning By-law.
- .9 By-law No.: 2000-65, 2000-126  
 Subject Lands: Pt Lts 16 and 17, South of Durham Street, Lts 16, 17 and Pt Lt 18, North of Lambton Street, Pt Lts 2 and 3, Plan 133, RP 3R-3572 (855 Princes Street), (Kincardine)  
 Special Zone: **'R3-j'**  
 Exception to Zone Provisions:
- (i) The minimum exterior side yard shall be 4 metres on the South side of the subject lands.
  - (ii) The minimum rear yard shall be no less than 5.2 metres for the southerly-facing buildings.
  - (iii) The front yard shall be deemed to be the lot line which abuts Princes Street.
- .10 By-law No.: 2007-064  
 Subject Lands: Part Lots A, B and C, Concession 'A' (Town)  
 Special Zone: **'R3-k-H'** and 'R1-ai'  
 Exception to Zone Provisions:
- (i) Single detached dwellings, Semi-detached dwellings, Duplex dwellings, and Boarding houses are not permitted Residential uses;
  - (ii) Uses permitted in the 'PD' zone are permitted to continue, prior to the removal of the 'H – Holding' provision;
  - (iii) The 'H – Holding' provision may be removed once the following conditions have been met:
    - a. A Site Plan has been approved for the subject lands; and
    - b. A Site Plan Agreement between the applicant and the Municipality has been entered into and registered on title.
- .11 By-Law No: **NOT USED AT THIS TIME**  
 Subject Lands:  
 Special Zone: **'R3-l'**  
 Exception to Zone Provisions:
- .12 By-Law No: 2009-152 (MacMasters)  
 Subject Lands: Lot 32, Plan 61, Queen E/S, (Town of Kincardine)  
 Special Zone: **'R3-m'**  
 Exception to Zone Provisions:
- (i) The minimum interior side yard shall be 3.05 metres on the South side of the subject lands.
  - (ii) The minimum frontage shall be no less than 25.15 metres as it existed on the date of passage of this By-law.
- .13 By-Law No: 2010-098 (Kerr – 122 King)  
 Subject Lands: Lot 31, Plan 76, E/S King, (Village of Tiverton)  
 Special Zone: **'R3-n'**  
 Exception to Zone Provisions:
- (i) Two quadraplex dwellings shall be permitted.

- (ii) The minimum rear yard shall be 7.3 metres.
  - (iii) Parking will be allowed in any yard provided that no part of any parking area, other than a driveway, is located closer than 7.5 metres to any street line and no closer than 1.5 metres to any side lot line.
- .14 By-Law No: 2011- 142 (Jeff Scott)  
 Subject Lands: Lots 2 & 3, Plan 4 (Town of Kincardine)  
 Special Zone: **'R3-o'**  
 Exception to Zone Provisions:
- (i) The lands shall be subject to Site Plan Control;
  - (ii) The interior side yard setback shall be 2.4 metres on one side and 1.2 metres on the opposite side plus 0.6 metres on the narrow side for each additional storey above the first storey.
- .15 By-Law No: 2011- 125 (Hunter)  
 Subject Lands: Lots 7 to 9. Part Block 'C', Plan 104, (Village of Tiverton)  
 Special Zone: **'R3-p'**  
 Exception to Zone Provisions:
- (i) The lands shall be subject to Site Plan Control;
- .16 By-Law No: 2012-029 Z-04-12.22 (Kerr)  
 Subject Lands: Lot 4, W/S Princes, Pt Clinton Street, Pt. Elgin Market, Townplot of Penetangore (being Parts 3, 6 and 7, RP 3R-6613) -Town  
 Special Zone: **'R3-q-H' (and 'R4-m-H')**  
 Exception to Zone Provisions:
- (i) The north lot line shall be the rear lot line;
  - (ii) The rear yard setback shall be 4.8 metres;
  - (iii) A parking area is permitted in all yards, provided that no part of any parking area, other than a driveway, is located closer than 1.5 metres to any street line;
  - (iv) The lands shall be subject to Site Plan Control;
  - (v) The 'Holding' provision may be removed upon written confirmation that the following conditions have been met:
    - a) That a suitable 'Record of Site Condition' has been filed with the appropriate authority; and
    - b) That a suitable preservation plan has been filed with the appropriate authority for the preservation of archaeological artifacts found on the property, if required.

## **SECTION 15 – RESIDENTIAL FOUR ‘R4’**

### **15.1 PERMITTED USES**

In any R4 – Residential Four Zone, no person shall use any building, structure or land nor erect any building or structure except in accordance with the following provisions:

#### **RESIDENTIAL**

- Apartment dwelling

#### **NON-RESIDENTIAL**

- Nursing Home
- Public Park

### **15.2 ZONE PROVISIONS**

No person shall within any Residential Four Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

#### **15.2.1 Zone Provisions for Apartment Dwelling**

Lot Area (Minimum) [The minimum lot area shall be the sum of the areas required for each dwelling unit on the lot:]	i) For each bachelor dwelling unit and each one bedroom unit: 93 square metres ii) For each dwelling unit having two bedrooms: 140 square metres plus 46 square metres per each additional bedroom in excess of two bedrooms
Lot Frontage (Minimum)	30.5 metres
Front Yard (Minimum)	6 metres
Exterior Side Yard (Minimum)	6 metres
Interior Side Yard (Minimum)	6 metres provided that an interior side yard adjoining an end wall containing no habitable room windows may be reduced to 2 metres.
Rear Yard (Minimum)	7.5 metres
Building Height (Maximum)	12 metres
Maximum Lot Coverage (Principal Building)	45%
Dwelling Unit Floor Area (Minimum)	i) Bachelor Dwelling Unit 35 square metres ii) One Bedroom Unit 50 square metres iii) For each additional bedroom 10 square metres

#### **15.2.2 Zone Provisions for a Nursing Home**

Refer to Section 31.

### **15.3 SPECIAL PROVISIONS**

- .1 By-law No.: Not available  
 Subject Lands: Lts 4 - 6, South Side of Harbour Street, Plan 77, and Part of Saugeen Street Road Allowance south of Harbour Street (Kincardine)  
 Special Zone: ‘R4-a’  
 Exception to Zone Provisions:  
 (i) The minimum lot area shall be 3094 square metres  
 (ii) ‘Front Lot Line’ shall mean the lot line dividing the lot from Harbour Street;  
 (iii) The minimum front yard above grade level shall be 4.5 metres, below grade 1.5 metres

- (iv) The minimum exterior side yard requirement shall not apply;
- (v) The minimum rear yard shall be 3.0 metres
- (vi) The minimum side yard shall be 5.6 metres

.2 By-law No.: 1987-52  
 Subject Lands: Bldg B, C and G, Pt Bldg F and H, (Pts 1 and 4, RP 3R-3793) (Kincardine)  
 Special Zone: 'R4-b'

Exception to Zone Provisions:

- (i) For the purpose of the subsection, a "multi-level retirement facility" shall mean any building or structure other than a private or public hospital where elderly persons may reside in apartment-type, lodge-type or nursing home accommodations; and where common facilities for the preparation and consumption of food are provided, and common lounges and recreation facilities and other basic housekeeping services as well as medical care may also be provided; and, which is licensed by the province.
- (ii) The minimum lot area shall be 2.5 hectares.
- (iii) The maximum number of storeys shall not exceed 3.
- (iv) Section 6.18 'Planting Strips' shall not apply.
- (v) 'Off-Street Parking' may be permitted in all yards, provided that no part of any parking area is located closer than 1 metres to any street line.
- (vi) There shall be 1 parking space for each apartment dwelling unit plus 1 parking space for every 4 dwelling units, or fraction thereof, to be set aside for and visually identified as visitor parking; and there shall be 1 parking space for each 2 beds in a lodge or nursing home, or fraction thereof, of which a minimum area of 21.6 metres and minimum dimensions of 3.6 metres by 6 metres shall be provided for the parking of passenger vehicles used in the transportation of wheelchair users and the ambulant disabled; and, there shall be 1 space for each 20 square metres of floor area or fraction thereof, for uses not otherwise specified herein.

.3 By-law No.: 2005-013 (Housekeeping)  
 Subject Lands: Lts 15 and 16, Plan 4 (Kincardine)  
 Special Zone: 'R4-c'

Exception to Zone Provisions:

- (i) The required setback for a parking area shall be no less than 3.35 metres from Huron Terrace for the area south of the existing apartment building.

.4 By-law No.: 2002-163 (Timeless Homes Inc.)  
 Subject Lands: Lts C, D, and E, Plan 61 (Kincardine)  
 Special Zone: 'R4-d'

Exception to Zone Provisions:

- i) The 'Building Height (maximum)' shall be no more than 18.5 metres (61.0 feet).

.5 By-law No.: **NOT USED AT THIS TIME**

Subject Lands:

Special Zone: 'R4-e'

Exception to Zone Provisions:

.6 By-law No.: 2006-301 (Rick & Linda McQuillin)  
 Subject Lands: Pt Lt 1 and Lt 2, Plan 194; and Lt 25 Campbell N/S, Lts 9 to 11 Campbell W/S, and Lts 12 to 15 Campbell E/S, Plan 151 (Kincardine)  
 Special Zone: 'R4-f-H' (and 'R1-ag, 'R1')

Exception to Zone Provisions:

- (i) The minimum lot frontage shall be no less than 18.2 m;
- (ii) The front lot line shall be deemed to be the lot line abutting a Class One (1) street; for the purposes of this By-law, that street is Campbell Avenue;
- (iii) The maximum building height shall be no greater than 16.0 m;
- (iv) A 'Planting Strip' shall be located along any lot line that abuts a zone other than 'R4-f-H';

- (v) The 'H – Holding' provision may be removed once the following conditions have been met:
  - a. A 'Site Plan Agreement' as per Section 41(7)(c) has been registered as per Section 41(10) of the Planning Act RSO 1990 as amended;
  - b. A stormwater management plan has been submitted to the satisfaction of the municipality, with consultation from the Saugeen Valley Conservation Authority.
  
- .7 By-law No.: 2007-345 and 2008-198 ('Tom Kerr')  
 Subject Lands: Block F Walsh E/S, Plan M33 (Town)  
 Special Zone: 'R4-g'  
 Exception to Zone Provisions:
  - i. The minimum lot frontage shall be no less than 22.25 m (73 ft);
  - ii. The minimum south interior side yard setback shall be no less than 3.96 m (13 ft), and the minimum north interior side yard setback shall be no less than 4.88 m (16 ft);
  - iii. Notwithstanding Section 6.20.7 Parking Area Location on Lot the south side yard setback shall be no less than 0.97 m (3.2 ft);
  
- .8 By-law No.: Not used at this time  
 Subject Lands:  
 Special Zone: 'R4-h'  
 Exception to Zone Provisions:
  
- .9 By-law No.: 2012-048 (Daigle)  
 Subject Lands: Lot 14, E/S Princes, and Part of Lot 14, W/S Victoria (Town)  
 Special Zone: 'R4-i-H'  
 Exception to Zone Provisions:
  - (i) The lands shall be subject to Site Plan Control;
  - (ii) Notwithstanding *Section 6.20.1 Required Number of Off Street Parking Spaces*, there shall be no less than 12 parking spaces;
  - (iii) Notwithstanding *6.20.10 Size and Accessibility of Parking Spaces*, the following shall be not less than:
    - a) Length: 5.4 metres (rear yard)
    - b) Width: 2.7 metres (front yard)
    - c) Manoeuvring Aisle Width: 4.6 metres
  - (iv) Notwithstanding *Section 6.20.7 Parking Area Location On Lot*, the parking area shall be no less than 1.2 metres to the front lot line, and no less than 0.0 metres to an interior side lot line.
  - (v) The minimum lot area shall be no less than 1,128 square metres as existed on the date of passage of the By-law;
  - (vi) The minimum lot frontage shall be no less than 20.1 metres as existed on the date of passage of the By-law;
  - (vii) The minimum interior side yard shall be no less than 0.69 metres (south side yard) and 4.36 metres (north side yard) as existed on the date of passage of the By-law;
  - (viii) The maximum lot coverage shall be no greater than as it existed on the date of passage of the By-law.
  - (ix) The 'H – Holding' provision may be removed when Council is satisfied that the following condition has been met:
    - a) That a Site Plan Agreement has been entered into between the owner and the municipality;
  
- .10 By-law No.: 2010-026 and 2010-120 ('Pierson-Battler')  
 Subject Lands: Lt 35 E/S Queen Street (Town)  
 Special Zone: 'R4-j'  
 Exception to Zone Provisions:



- (i) Notwithstanding Section 6.20.1 the minimum number of parking spaces shall be twenty-two (22) for development of an eighteen (18) unit apartment dwelling;
- (ii) Notwithstanding Section 6.20.7 the parking area shall be no closer than 0.5 metres to any side lot line;
- (iii) Notwithstanding Section 6.20.10 the minimum manoeuvring aisle width shall be 20.9 metres.

.11 By-law No.: 2010-063 ("Kirkconnell")  
 Subject Lands: Lt 30, Plan 61, W/S Queen Street (Town)  
 Special Zone: 'R4-k'  
 Exception to Zone Provisions:

- (i) The minimum lot frontage shall be 25.1 metres (82.5 ft).

.12 By-law No.: 2011-141 used in Z-62-11.22 ("Snobelen")  
 Subject Lands: Lots 5 & 6, Plan 4, W/S Huron (Town)  
 Special Zone: 'R4-I'  
 Exception to Zone Provisions:

- (v) The minimum Lot Area shall be 3652 square metres as it existed on the date of passage of the By-law.

.13 By-law No.: 2012- 029 used in Z-04-12.22 ("Kerr")  
 Subject Lands: Lot 4, W/S Princes, Pt Clinton Street, Pt. Elgin Market, Townplot of Penetangore (being Parts 3, 6 and 7, RP 3R-6613)  
 Special Zone: 'R4-m-H' (and 'R3-q-H')  
 Exception to Zone Provisions:

- (i) A Quadraplex Dwelling is also a permitted use;
- (ii) Multiple Buildings, being quadraplex and apartment dwellings, are permitted on the subject lands;
- (iii) The side yard setback for a quadraplex dwelling shall be 3 metres, plus 0.6 metres for each additional or partial storey above the first storey.
- (iv) The rear yard setback shall be 6 metres, plus 0.6 metres for each additional or partial storey above the first storey.
- (v) A parking area is permitted in all yards, other than a front yard.
- (vi) The lands shall be subject to Site Plan Control
- (vi) The 'H – Holding' provision may be removed upon written confirmation that the following conditions have been met:
  - b) That a suitable 'Record of Site Condition' has been filed with the appropriate authority; and
  - c) That a suitable preservation plan has been filed with the appropriate authority for the preservation of archaeological artifacts found on the property, if applicable.

## **SECTION 16 – RESIDENTIAL FIVE – R5**

### **16.1 PERMITTED USES**

In any R5 – Residential Five Zone, no person shall use any building, structure or land nor erect any building or structure except in accordance with the following provisions:

#### **RESIDENTIAL**

- One (1) Accessory Detached Dwelling to a Mobile Home Park
- Mobile Home
- Mobile Home Park
- Mobile Home Park Lot
- Public Park
- Buildings, structures and uses accessory to a permitted use in accordance with Section 16.3 – Additional Provisions Mobile Home Park

### **16.2 ZONE PROVISIONS**

No person shall within any Residential Five Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

<b>PROVISIONS</b>	<b>MOBILE HOME PARK</b>
Minimum Lot Area	4 hectares
Minimum Lot Frontage	30 metres
Minimum Front, Exterior, Side & Rear Yards	7.5 metres
Maximum Building Height	10 metres
Maximum Density	25 mobile homes per gross hectare
Mobile Home Park Open Space	Not less than 10% of gross Park area

<b>PROVISIONS</b>	<b>MOBILE HOME PARK LOT</b>
Minimum Lot Area	325 square metres
Minimum Lot Frontage	13 metres
Maximum Lot Coverage	20%

<b>PROVISIONS</b>	<b>MOBILE HOME</b>
Minimum Setback- Rear Yard	3 metres
Minimum Setback – Side Yard	2 metres
Minimum Setback – Front & Exterior Yard	3 metres
Minimum Mobile Home Unit Floor Area	40 square metres

### 16.3 ADDITIONAL PROVISIONS - MOBILE HOME PARKS

#### .1 Access & Roads

Each mobile home lot within a mobile home park shall be located on an internal mobile home park road which shall have a dust free surface and shall be a minimum traveled width of 4 metres for one-way traffic and 6 metres for two-way traffic flow.

#### .2 Services

Each mobile home lot/mobile home located within a mobile home park shall be provided with a communal or municipal water system, appropriate sewage disposal facilities, solid waste disposal, storm drainage, electrical service, street lighting, telephone and road maintenance.

#### .3 Parking

Each mobile home lot shall be provided with one car parking space and visitor parking shall be provided on the basis of one space for every three (3) mobile home lots.

#### .4 Additions and Accessory Structures - Mobile Home Lot

Additions to mobile homes and buildings and structures accessory to mobile homes shall be permitted provided that the yard setback and lot coverage provisions for the lot are maintained. No more than two (2) accessory buildings or structures shall be permitted on a mobile home lot.

#### .5 Accessory Structures - Mobile Home Park

Buildings and structures accessory to mobile homes shall be permitted provided that the yard and setback provisions for the mobile home park are maintained. The minimum separation between a permitted accessory use and a mobile home lot shall be no less than 10 metres.

#### .6 Mobile Home Lot Planting Area

A planting area having a minimum width of 1 metre and consisting of a dense screen of shrubs and evergreen trees, minimum 1 metre high when planted, providing a year round visual barrier, shall be planted and maintained along the side and rear lot lines of all mobile home lots.

#### .7 Mobile Home Park Planting Area/Visual Screening

A Planting Area/Visual Screening shall be provided around a Mobile Home Park as per Section 6.18.

#### .8 Site Plan Control

A mobile home park may be subject to Site Plan Control as per the Planning Act RSO 1990

### 16.4 SPECIAL PROVISIONS

#### .1 By-law No.: Not used at this time

Subject Lands:

Special Zone: 'R5-a'

Exception to Zone Provisions:

## **SECTION 17 – GENERAL COMMERCIAL – C1**

### **17.1 SCOPE**

General Commercial uses are permitted only within the urban area boundaries of Kincardine and Tiverton on lands designated ‘General Commercial’ in the Kincardine Official Plan

### **17.2 PERMITTED USES**

In any C1 – General Commercial Zone, no person shall use any building, structure or land nor erect any building or structure except in accordance with the following provisions:

#### **RESIDENTIAL**

- A Single Detached Dwelling existing at the date of passing of this By-law
- An ‘Accessory Dwelling Unit - Apartment in accordance with Section 6.5
- An ‘Apartment Dwelling’

#### **NON-RESIDENTIAL**

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>• Assembly Hall</li> <li>• Automobile Car Wash</li> <li>• Automobile Rental Establishment</li> <li>• Banquet Hall</li> <li>• Bus Depot</li> <li>• Business or Professional Office</li> <li>• Church</li> <li>• Clinic</li> <li>• Commercial College or School</li> <li>• Computer/Data Processing Centre</li> <li>• Day Care Nursery (Licensed)</li> <li>• Driving Academy</li> <li>• Dry Cleaning Establishment</li> <li>• Fitness Centre</li> <li>• Funeral Home</li> <li>• Hotel or Motel</li> <li>• Institution</li> <li>• Laundromat</li> </ul> | <ul style="list-style-type: none"> <li>• Marine, Recreation and Small Engine Establishments</li> <li>• Museum</li> <li>• Parking Lot</li> <li>• Personal Service Establishment</li> <li>• Place of Entertainment</li> <li>• Public Building</li> <li>• Public Park</li> <li>• Recreation Centre</li> <li>• Restaurant</li> <li>• Restaurant, Take-Out</li> <li>• Retail Store</li> <li>• Research Establishment/Laboratory</li> <li>• Service Establishment</li> <li>• Supermarket</li> <li>• Tavern/Bar</li> <li>• Veterinary Clinic (Small Animal)</li> <li>• Video Outlet/Rental Establishment</li> </ul> |
|---|--|

### **17.3 ZONE PROVISIONS**

No person shall within any General Commercial Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

<b>PROVISIONS</b>	<b>FULL MUNICIPAL SERVICES</b>
Lot Area (Minimum)	85 square metres
Lot Frontage (Minimum)	5 metres
Front Yard (Minimum)	The street line shall be the set back line
Maximum Lot Coverage (Principal Building)	65%
Exterior Side Yard (Minimum)	Not Required
Interior Side Yard (Minimum)	i) Not required when abutting an adjoining lot zoned ‘C1’ along the interior side yard lot line. ii) 3 metres
Rear Yard (Minimum)	i) Not required when the rear yard abuts a public lane or a public parking lot.

	ii) 6 metres when the rear yard does not abut a public lane or a public street
Planting Strip and/or Privacy Fence	Refer to Section 6.21 of this By-law

### 17.3.1 Zone Provisions for Single Detached Dwellings

Refer to Section 12.

### 17.3.2 Zone Provisions for a Church or Day Care Nursery (Licensed)

Refer to Section 31.

## **17.4 ADDITIONAL PROVISIONS – GENERAL COMMERCIAL**

### .1 Open Space Requirements - 'Accessory Dwelling Unit - Apartment'

Landscaped open space area(s) equivalent to the total gross floor area of each dwelling unit(s) shall be provided. For the purposes of this section, unenclosed balconies may be considered as part of the minimum open space requirement.

### .2 Off-Street Parking Regulations

Notwithstanding Section 6.17 'Off-Street Parking Requirements' of this By-law where a dwelling unit is located in a non-residential building, a minimum of one parking space shall be provided for each dwelling unit contained therein on site.

### .3 Planting Strip/Privacy Fence

A Planting Strip/Privacy Fence along an Interior Side Yard is required when a 'C1' zone abuts a 'R – Residential' zone.

## **17.5 SPECIAL PROVISIONS**

### .1 By-law No.: Not available

Subject Lands: Lt 7 and 8, North Side of Durham Street, Plan 61 (Kincardine)

Special Zone: 'C1-a'

Exception to Zone Provisions:

- (i) The maximum floor area devoted to light metal fabricating shall not exceed 40% of the total ground floor area and shall not comprise more than 275 square metres.

### .2 By-law No.: Not available

Subject Lands: Pt Lt 10, South Side of Durham Street, Town Plot of Penetangore (Kincardine)

Special Zone: 'C1-b'

Exception to Zone Provisions:

- (i) Section 17.3 'Zone Provisions' of this By-law, the minimum rear yard requirement shall not apply to the main building in which an 'automobile service station' is conducted.

### .3 By-law No.: 2002-43

Subject Lands: Lts 2 and 3, Plan 61 (Pt 1, RP 3R-6566) (Kincardine)

Special Zone: 'C1-c'

Exception to Zone Provisions:

- (i) A single detached dwelling is permitted, excepting however that:
  - a. Such dwelling use will be permitted only as long as that use is continuous and it is to be used in accordance with the 'Existing Detached Dwelling Provisions' of this By-law. If the use is changed, than the single detached dwelling use will cease to be a permitted use.
  - b. The minimum rear yard for the existing detached accessory structure on Lot 2, Part 1 3R-6566 shall be 0 meters.

### .4 By-law No.: 2009-153 ('West Ontario Auto')

Subject Lands: Lot 30 & Part Lot 31, Plan 121; Part 1, RP 3R7044 (Village of Tiverton)

Special Zone: 'C1-d'

Exception to Zone Provisions:

- (i) An 'automobile sales establishment' is a permitted use, excepting however that servicing, repair, oiling and greasing of motor vehicles is not permitted,
  - (ii) The minimum front yard shall be 6.0 metres,
  - (iii) The minimum exterior side yard shall be 6.0 metres.
- .5 By-law No.: By-law 2010-003 (Kirkconnell)  
 Subject Lands: Parts 1 & 2, RP 3R-3413 (Town)  
 Special Zone: 'C1-e'  
 Exception to Zone Provisions:
- (i) Prior to the issuance of a building permit from the municipality, a site plan describing the proposed development shall be submitted to the Saugeen Valley Conservation Authority for review and approval. The Saugeen Valley Conservation Authority may require the owner to provide technical information and/or report(s) prepared by qualified professionals to assist in the review of a proposal
  - (ii) Hotel rooms with cooking facilities are permitted;
  - (iii) Dwelling units above the commercial use are permitted.
  - (iv) The minimum off-street parking requirements shall be the number of parking spaces, as it existed at the time of passage of the By-law
- .6 By-law No.: By-law 2010-012 ('Chalmers')  
 Subject Lands: Lot 'B', Part Alleyway, Plan 246; Parts 1 to 3, RP 3R-5971 (Town)  
 Special Zone: 'C1-f'  
 Exception to Zone Provisions:
- (v) A dwelling unit above and behind the commercial use is permitted;
  - (vi) The minimum off-street parking requirements shall be the number of parking spaces as it existed at the time of passage of the By-law.
- .7 By-law No.: By-law 2011-036 ('New Seasons Restaurant')  
 Subject Lands: S Part of Lot 'A', Plan 61 (Town)  
 Special Zone: 'C1-g'  
 Exception to Zone Provisions:
- (i) Dwelling units and an apartment dwelling are also permitted;
  - (ii) The minimum off-street parking requirements shall be the number of parking spaces as it existed at the time of passage of the By-law.
  - (iii) The minimum floor area for 'general commercial' use shall be as it existed as a restaurant (street-level floor of north building) at the date of passage of this By-law;
  - (iv) Prior to the issuance of a building permit from the municipality, a site plan describing the proposed development shall be submitted to the Saugeen Valley Conservation Authority for review and approval. The Saugeen Valley Conservation Authority may require the owner to provide technical information and/or report(s) prepared by qualified professionals to assist in the review of a proposal
- .8 By-law No.: 2012-043 ('Gowing')  
 Subject Lands: Lots 46, 47, 50 and Pt. Lot 82, W/S King, Plan 210 (Tiverton)  
 Special Zone: 'C1-i'  
 Exception to Zone Provisions:
- i) In addition to the uses of the 'C1 – General Commercial' zone an Automobile Service Station is a permitted use, in accordance with the 'C2' zone provisions;

- .9 By-law No.: Not available  
Subject Lands: Multiple Locations  
Special Zone: **'C1-s'**  
Exception to Zone Provisions:
- (i) Prior to the issuance of a building permit from the municipality, a site plan describing the proposed development shall be submitted to the Saugeen Valley Conservation Authority for review and approval. The Saugeen Valley Conservation Authority may require the owner to provide technical information and/or report(s) prepared by qualified professionals to assist in the review of a proposal

## **SECTION 18 – HIGHWAY SERVICE COMMERCIAL – C2**

### **18.1 SCOPE**

Highway Service Commercial uses are permitted only within the urban area boundaries of Kincardine and Tiverton on lands designated 'Highway Commercial' in the Kincardine Official Plan

### **18.2 PERMITTED USES**

In any C2 – Highway Service Commercial Zone, no person shall use any building, structure or land or erect any building or structure except in accordance with the following provisions:

#### **RESIDENTIAL**

- Prohibited

#### **NON-RESIDENTIAL**

- Assembly Hall
- Automobile Car Wash
- Automobile Gas Bar
- Automobile Repair Establishment
- Automobile Rental Establishment
- Automobile Sales Establishment
- Automobile Service Establishment
- Banquet Hall
- Building Supply and Sales
- Bus Depot
- Commercial College or School
- Convenience Store
- Dry-Cleaning Establishment
- Farm Implement Establishment
- Hotel or Motel
- Laundromat
- Marine, Recreation and Small Engine Establishment
- Nursery
- Parking Lot
- Personal Service Establishment
- Place of Entertainment
- Rental Establishment
- Restaurant
- Restaurant, Take-Out
- Restaurant, Portable Food Outlet
- Retail, Large Format
- Travel Trailer Sales Establishment
- Veterinary Clinic
- Video Outlet/Rental Establishment

### **18.3 ZONE PROVISIONS**

No person shall within any Highway Service Commercial Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

<b>PROVISIONS</b>	<b>FULL MUNICIPAL SERVICES</b>
Lot Area (Minimum)	1,390 square metres
Lot Frontage (Minimum)	45 metres
Front Yard (Minimum)	6 metres
Exterior Side Yard (Minimum)	6 metres
Interior Side Yard (Minimum)	4.5 metres
Rear Yard (Minimum)	6 metres
Building Height (Maximum)	12 metres
Maximum Lot Coverage (Principal Building)	20 %
Planting Strip and/or Privacy Fence	Refer to Section 6.21

*(Replaced by By-Law No. 2005-013 – Housekeeping)*



18.3.1 Zone Provisions for Automobile Gas Bar/Automobile Service Station or Marine, Recreation & Small Engine Establishments

<b>PROVISIONS</b>	<b>FULL MUNICIPAL SERVICES</b>
Lot Area (Minimum)	1,390 square metres
Lot Frontage (Minimum)	38 metres
Front Yard (Minimum)	15 metres (see Footnote 'a')
Exterior Side Yard (Minimum)	15 metres (see Footnote 'a')
Interior Side Yard (Minimum)	6 metres
Rear Yard (Minimum)	7.5 metres
Building Height (Maximum)	12 metres
Maximum Lot Coverage (Principal Building)	20 %
Planting Strip and/or Privacy Fence	Refer to Section 6.21

**Footnote:**

- (a) A gasoline pump, natural gas and/or propane refueling pump may be located within any front yard or exterior side yard provided that:
- i) the minimum distance between any portion of a gasoline pump, natural gas and/or propane refueling pump and any street line shall be 7.5 metres
  - ii) where the lot is a corner lot, no portion of any gasoline pump, natural gas and/or propane refueling pump shall be located within 15 metres of the corner of intersecting streets

*(Replaced by By-Law No. 2005-013 – Housekeeping)*

18.3.2 Zone Provisions for Hotels and Motels

<b>PROVISIONS</b>	<b>FULL MUNICIPAL SERVICES</b>
Lot Area (Minimum)	690 square metres
Lot Frontage (Minimum)	18 metres
Front Yard (Minimum)	6 metres
Exterior Side Yard (Minimum)	6 metres
Interior Side Yard (Minimum)	i) When not abutting a Residential Zone 3 metres ii) When abutting a Residential Zone 6 metres
Rear Yard (Minimum)	6 metres
Building Height (Maximum)	12 metres
Maximum Lot Coverage (Principal Building)	20 %
Planting Strip and/or Privacy Fence	Refer to Section 6.21

*(Replaced by By-Law No. 2005-013 – Housekeeping)*

## 18.4 SPECIAL PROVISIONS

- .1 By-law No.: Not available  
Subject Lands: Pt Blcks 'F' and 'H', Plan M-1  
Special Zone: '**C2-a**'  
Exception to Zone Provisions:
- (i) An accessory use; artist or photographic studio; banquet hall; business or professional office; clinic; convenience store; dressmaking or tailor shop; financial office or institution
  - (ii) Institution; laundromat; parking lot; post office; restaurant; Service Establishment; taxi stand and office; wholesale use accessory to any of the foregoing uses
  - (iii) The minimum off-street parking requirement shall be 5.5 parking spaces per 93 square metres of gross floor area (1 space per 16.9 square metres).
- .2 By-law No.: Not available  
Subject Lands: Pt Pk Lt 17, Plan 4, South side of King Street (Kincardine)  
Special Zone: '**C2-b**'  
Exception to Zone Provisions:
- (i) Permitted uses shall be limited to an automobile sales garage including an auto-body repair shop but only when incidental or accessory to the aforesaid mentioned automobile sales garage use.
  - (ii) Building height shall be limited to one storey.
  - (iii) A 6 metre wide planting strip shall be provided and maintained, except for one 6 metre driveway entrance at the south easterly corner of said lands.
- .3 By-law No.: Not available  
Subject Lands: Lts 62 - 64, West side of Victoria Street, Plan 61 (Kincardine)  
Special Zone: '**C2-c**'  
Exception to Zone Provisions:
- (i) For the purposes of this sub-section, a 'Commercial Storage Building' shall mean a wholly enclosed building within which non-perishable goods and materials are stored for compensation.
  - (ii) The maximum number of uses permitted shall be limited to three uses per building.
  - (iii) The minimum front yard shall be 10 metres.
- .4 By-law No.: 2002-20  
Subject Lands: Lt 35 N/S of Broadway Street, Plan 4 (Kincardine)  
Special Zone: '**C2-d**'  
Exception to Zone Provisions:
- (i) A duplex dwelling shall be the only Permitted Use as long as the residential use is continuous. If the residential use ceases then the Permitted Uses in a C2 zone shall come into force.
  - (ii) The minimum lot frontage shall be 11.2 metres
  - (iii) The minimum west side yard shall be 2.83 metres
  - (iv) The maximum side yard encroachment for the existing steps shall be 1.93 metres
  - (v) All future development shall comply with the requirements of the by-law
- .5 By-law No.: Not available (Do-It-Centre)  
Subject Lands: Pts 2 and 3, RP 3R-4228, Pts 3 & 4, RP 3R-4529  
Special Zone: '**C2-e**'  
Exception to Zone Provisions:
- (i) Light industrial use; contractor's yard; dry cleaning establishment; Public Garage; warehouse or storage yard; retail outlet; wholesale outlet or a Business or Professional Office accessory to a permitted use; private education and/or training facility; research establishment/laboratory; Service Establishment; business or government service; storage yard, shall be permitted uses.

- .6 By-law No.: Not available  
 Subject Lands: Shopping Centre  
 Special Zone: **'C2-f'**  
 Exception to Zone Provisions:  
 (i) Notwithstanding their 'C2' zoning, those lands zoned 'C2-f' shall be used in accordance with the C2 zone provisions excepting however that only the Permitted Uses of the 'C1' zone shall be permitted.
- .7 By-law No: 2004-105 (Bruce Woods Construction)  
 Subject Lands: Pt Pk Lt 16, Plan 4, (Pts 1 and 2, Plan 3R-3564) (Kincardine)  
 Special Zone: **'C2-g'**  
 Exception to Zone Provisions:  
 (i) The permitted non-residential uses shall include a 'Contractor's Yard';  
 (ii) The minimum east side yard setback shall be 1.2 m;  
 (iii) The maximum building height shall be 5.2 m;  
 (iv) All open storage shall be in accordance with Section 25.4.1 (Additional Provisions – General Industrial Open Storage);  
 (v) The minimum lot frontage shall be 20.1 m;  
 (vi) A Planting Strip shall be provided along the front lot line with the exception of areas reserved for the driveway, in addition to the provisions of Section 6.21 (Planting Strips / Privacy Fence);  
 (vii) The lands shall be subject to Site Plan Control.
- .8 By-Law No: 2006-005 (Silver Oak Property Management Inc.)  
 Subject Lands: Pt Blck J, Plan M1 (Pts 1, 2 and 3, RP 3R-253) (Kincardine)  
 Special Zone: **'C2-i'** (and 'C2-j')  
 Exception to Zone Provisions:  
 (i) Only the Permitted Uses of the 'C1 – General Commercial' zone shall be permitted;  
 (ii) The exterior side yard setback (along Gary Street) shall be no less than 5.76 metres, as existed on the date of passage of the By-law;  
 (iii) The interior side yard setback shall be 0.0 metres, as existed on the date of passage of the By-law;  
 (iv) Notwithstanding Section 6.21.1 (c), a 'Planting Strip' shall not be required.
- Special Zone: **'C2-j'**  
 Exceptions to Zone Provisions:  
 (i) Only the Permitted Uses of the 'C1 – General Commercial' zone shall be permitted;  
 (ii) A gas bar shall be a permitted use, as existed on the date of passage of the By-law;  
 (iii) The interior west side yard setback shall be 0.0 metres, as existed on the date of passage of the By-law;  
 (iv) The interior east side yard setback shall be no less than 2.83 metres, as existed on the date of passage of the By-law;  
 (i) The interior east side yard setback shall be no less than 13.0 metres, as existed on the date of passage of the By-law;  
 (ii) A Privacy Fence, no less than 2.0 m in height, shall be provided along the extent of the east side lot line abutting the motel;  
 (iii) A 'Planting Strip' shall be provided along the east side lot line, adjacent to the existing structure located 2.83 metres from the east side lot line.
- .9 By-Law No: 2006-049 (Guy Anderson)  
 Subject Lands: Block 'R', Plan 3M-98 (Kincardine)  
 Special Zone: **'C2-k'**  
 Exception to Zone Provisions:  
 (i) A 'Food Processing Operation' shall also be a permitted use. For the purposes of this By-law, a 'Food Processing Operation' shall mean the use of lands, buildings or structures for a 'dry industrial use' where berry, row or field crops, or other agricultural produce (excluding meat and poultry products), grown on the premises, are dusted, washed, cleaned, screened, sifted, graded, waxed, crushed, cooked, steamed or otherwise

- processed and packaged, and may include the storage and sale of the finished product on the premises.
- (ii) Notwithstanding Section 6.21.1 (c), a 'Planting Strip' shall not be required.
- .10 By-Law No: 2006-285 and 2006-310 (KND Investment Corp.)  
 Subject Lands: Pt Bick 'R', Plan 3M-98 (Pt 2, RP 3R-8324) (Kincardine)  
 Special Zone: **'C2-I'**  
 Exception to Zone Provisions:  
 (i) The lands shall only be used for the purposes of a 'Public Building', limited to an Ontario Provincial Police Station;
- .11 By-Law No: 2007-033 and 2007-275 (Inverhuron Homes Inc.)  
 Subject Lands: Lts F & G, PI 61, and Lt 10, PI 127 (Kincardine)  
 Special Zone: **'C2-m'**  
 Exception to Zone Provisions:  
 i. Lands zoned 'C2-m-H' shall be considered as one lot for the following regulations;  
 ii. Notwithstanding *Section 6.20.9.2 Driveways* the maximum width of any joint entrance and exit driveway measured along the street line shall be 9.7 m;  
 iii. Outside storage shall be accessory to the principle use on the lot, and shall be located in the rear yard in compliance with the minimum requirements of the C2 zone, and shall be fenced;  
 iv. Outdoor lighting shall direct light onto the property and away from adjacent streets and uses;
- .12 By-Law No: 2008-095 (Cphoon)  
 Subject Lands: Lt 40, PI 4 (Kincardine)  
 Special Zone: **'C2-n'**  
 Exception to Zone Provisions:  
 (i) A Veterinary Clinic (Small Animal) shall be a permitted use.
- .13 By-Law No: 2012-043 (Update By-law)  
 Subject Lands: P. Lot 1, Con. 1, NDR and Pt. Lot 1, Con. 2 NDR (Kincardine Twp.)  
 Special Zone: **'C2-q'**  
 Exception to Zone Provisions:  
 i) In addition to the permitted uses in the C2 zone, the following additional uses shall also be permitted: Retail Store and Public Building.

## **SECTION 19 – HAMLET HIGHWAY COMMERCIAL C3**

### **19.1 SCOPE**

Hamlet Highway Commercial uses are permitted only within the Hamlet communities of Arnow, Bervie, Glamis, Millarton, Underwood, and North Bruce as designated on Schedule 'A': Land Use (South Section) of the County of Bruce Official Plan.

### **19.2 PERMITTED USES**

In any C3 – Highway Commercial Zone, no person shall use any building, structure or land nor erect any building or structure except in accordance with the following provisions:

#### **RESIDENTIAL**

- An 'Accessory Dwelling Unit – Apartment' in accordance with Section 6.5

#### **NON-RESIDENTIAL**

- Automobile Car Wash
- Automobile Gas Bar
- Automobile Repair Establishment
- Automobile Sales Establishment
- Automobile Service Station
- Farm Implement Establishment
- Bulk Fuel Depot
- Public Park
- Parking Lot
- Restaurant
- Restaurant, Take-Out
- Restaurant, Portable Food Outlet
- Bus Depot

*(Replaced by By-Law No. 2005-013 – Housekeeping)*

### **19.3 ZONE PROVISIONS**

No person shall within any Highway Commercial Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

Lot Area (Minimum)	<ul style="list-style-type: none"> <li>i) Full municipal services 464 square metres</li> <li>ii) One municipal service 2,000 square metres</li> <li>iii) Private services 4,000 square metres</li> </ul>
Lot Frontage (Minimum)	<ul style="list-style-type: none"> <li>i) Full municipal services 15 metres</li> <li>ii) One municipal service 30 metres <i>(Amended by By-Law No. 2005-013, Housekeeping)</i></li> <li>iii) Private services 45 metres</li> </ul>
Front Yard (Minimum)	15 metres
Exterior Side Yard (Minimum)	15 metres
Interior Side Yard (Minimum)	10 metres
Rear Yard (Minimum)	10 metres
Building Height (Maximum)	12 metres
Maximum Lot Coverage (Principal Building)	20%
Planting Strip and/or Privacy Fence	Refer to Section 6.21

*(Replaced by By-Law No. 2005-013 – Housekeeping)*

### **19.4 SPECIAL PROVISIONS**

- .1 By-law No.: 98-31 (Kuepfer)  
 Subject Lands: Pt Lt 50, Con 1, NDR (Kincardine Twp)  
 Special Zone: 'C3-a'  
 Exception to Zone Provisions:

- (i) The Permitted Uses shall be limited to:
    - a. Farm Implement Establishment
    - b. Veterinary Clinic
    - c. Bulk Sales Establishment – Agricultural
    - d. Food Processing, Primary
    - e. Nursery
    - f. Kennel in accordance with Section 6.37
    - g. Industry, Non-Effluent Producing
- .2 By-law No.: 97-03 (Guerette)  
 Subject Lands: Not available  
 Special Zone: ‘**C3-b**’  
 Exception to Zone Provisions:
- (i) A detached residential dwelling may be permitted as an accessory use to the principal residence for owner, manager or caretaker of the permitted non-residential use.
- .3 By-law No.: Not used at this time  
 Subject Lands:  
 Special Zone: ‘**C3-c**’  
 Exception to Zone Provisions:
- .4 By-law No.: 83-42 (Cerson)  
 Subject Lands: Pt Lt 50, Con 1 NDR (Kincardine Twp)  
 Special Zone: ‘**C3-d**’  
 Exception to Zone Provisions:
- (i) The Permitted Uses shall be limited to:
    - a. Farm Implement Establishment
    - b. Veterinary Clinic
    - c. Bulk Sales Establishment – Agricultural
    - d. Food Processing, Primary
    - e. Nursery
    - f. Kennel in accordance with Section 6.37
    - g. Industry, Non-Effluent Producing
    - h. Automobile Repair Establishment
    - i. Commercial Motor Vehicle Repair Establishment
  - (ii) The minimum lot area shall be 1,400 square metres.
  - (iii) The minimum front yard shall be 7.5 metres.
  - (iv) The minimum side yard shall be 3.5 metres on one side and 10 metres on the opposite side.
  - (v) The maximum lot coverage shall be 35%.
- .5 By-Law No.: 2003-148 (Kinfarm Tire Ltd.)  
 Subject Lands: Pt Lt 50, Con 1 NDR (Pt 1, RP 3R-3688 and Pt 1, RP 3R-5696, and Pts 1 and 3, RP 3R-1533) (Bervie)  
 Special Zone: ‘**C3-e**’  
 Exemption to Zone Provisions:
- (i) The minimum lot area shall be 1457 square metres (15,682 square feet); and
  - (ii) The minimum rear yard setback shall be 3 metres (10 feet); and
  - (iii) The maximum lot coverage shall be 30%; and
  - (iv) The lands shall be subject to Site Plan Control.
- .6 By-Law No.: 2006-286 (Brad Thomas)  
 Subject Lands: Pt Lt 5, Con 6 (Underwood)  
 Special Zone: ‘**C3-f**’ (and ‘R1-ae’)  
 Exemption to Zone Provisions:
- (i) The minimum lot area shall be no less than 3944 square metres;
  - (ii) The existing sporting goods retail business shall be a permitted non-residential use;
  - (iii) For the purposes of this By-law, the lot lines shall be deemed as follow:
    - a. The front lot line shall be deemed to be the lot line abutting Concession 6;

- b. The exterior side lot line shall be deemed to be the lot line abutting Highway 21;
- (iv) For the purposes of the this By-law, the setbacks shall be as follow:
  - a. The minimum front yard setback shall be no less than as it existed for the primary commercial structure on the date of passage of the By-law;
  - b. The minimum exterior yard setback shall be no less than as it existed for the primary commercial structure on the date of passage of the By-law;
  - c. The minimum rear yard setback shall be no less than as it existed for the primary commercial structure on the date of passage of the By-law;
  - d. The minimum yard setbacks shall be no less than exist for the storage shed on the date of passage of the By-law.
- (v) Notwithstanding *Section 6.5 Accessory Dwelling Unit – Apartment* the existing dwelling unit within the primary commercial structure shall be permitted as existed on the date of passage of the By-law;
- (vi) Notwithstanding *Section 6.21 Planting Strips/Privacy Fence*, a planting strip is not required.

.7 By-Law No.: 2010-114 ('Bushell')

Subject Lands: Part of Lot 15, Concession 6, Kincardine Township

Special Zone: 'C3-g'

Exemption to Zone Provisions:

- (iv) An *Automobile Gas Bar* and *Bulk Fuel Storage* are not permitted;
- (v) In addition to the residential uses, a 'single detached dwelling' existing at the date of passage of this By-law, is permitted;
- (vi) In addition to the non-residential uses, a *commercial motor vehicle repair establishment* is also a permitted use;
- (vii) 'Open Storage' of goods, merchandise, materials or equipment other than those offered for sale, shall only be permitted to the side and rear of buildings and structures provided that:
  - a. Such open storage is accessory to the permitted Hamlet Highway Commercial uses on the lot; and
  - b. Such open storage is visually screened by a fence, wall or Planting Strip.
- (v) Outdoor Display Areas for goods, merchandise, materials or equipment offered for sale, shall be allowed in any yard provided that:
  - a. The Outdoor Display Areas shall be set back 6 metres from any lot line; and
  - b. The items displayed in the Outdoor Display Areas are related to the permitted Hamlet Highway Commercial uses on the lot;

## **SECTION 20 – LOCAL COMMERCIAL – C4**

### **20.1 SCOPE**

Local Commercial uses permitted only within the urban area boundaries of Kincardine and Tiverton on lands appropriately designated in the Kincardine Official Plan

### **20.2 PERMITTED USES**

In any C4 – Local Commercial Zone, no person shall use any building, structure or land nor erect any building or structure except in accordance with the following provisions:

#### **RESIDENTIAL**

- Prohibited

#### **NON-RESIDENTIAL**

- Convenience Store
- Laundromat
- Personal Service Establishment
- Public Park
- Video Outlet/Rental Establishment

### **20.3 ZONE PROVISIONS**

No person shall within any Local Commercial Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

<b>PROVISIONS</b>	<b>FULL MUNICIPAL SERVICES</b>
Lot Area (Minimum)	930 square metres
Lot Frontage (Minimum)	30 metres
Front Yard (Minimum)	6 metres
Exterior Side Yard (Minimum)	6 metres
Interior Side Yard (Minimum)	3 metres
Rear Yard (Minimum)	6 metres
Building Height (Maximum)	one storey
Planting Strip and/or Privacy Fence	Refer to Section 6.21
Maximum Lot Coverage (Principal Building)	20%
Commercial Floor Area (Maximum)	i) For any one use 140 square metres ii) Total for one lot 560 square metres

### **20.4 ADDITIONAL PROVISIONS – LOCAL COMMERCIAL**

- .1 A maximum of four (4) different Local Commercial Uses will be permitted on one lot within a 'C4' Zone.

#### **20.3 SPECIAL PROVISIONS**

- .1 By-law No.: Not used at this time  
Subject Lands:  
Special Zone: 'C4-a'  
Exception to Zone Provisions:
- .2 By-law No.: Not used at this time  
Subject Lands:  
Special Zone: 'C4-b'  
Exception to Zone Provisions:



.3 By-law No.: 2010-013 ('Bruce Community Futures Corp')  
Subject Lands: Lot 13 & 14, Plan 4 (Town)  
Special Zone: 'C4-c'  
Exception to Zone Provisions:

- i) 'Institution', 'Business or Professional Office', and 'Service Establishment' are also permitted non-residential uses.

## **SECTION 21 – RESORT COMMERCIAL – C5**

### **21.1 SCOPE**

Resort Commercial uses are permitted only within the urban area boundary of Kincardine and on lands appropriately designated in the Kincardine Official Plan.

### **21.2 PERMITTED USES**

In any C5 – Resort Commercial Zone, no person shall use any building, structure or land or erect any building or structure except in accordance with the following provisions:

#### **RESIDENTIAL**

- Prohibited

#### **NON-RESIDENTIAL**

- Hotel or Motel
- Marina
- Marine, Recreation and Small Engine Establishment
- Parking Lot
- Place of Entertainment
- Public Park
- Restaurant
- Restaurant, Take-Out
- Restaurant, Portable Food Outlet

### **21.3 ZONE PROVISIONS**

No person shall within any Resort Commercial Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

Lot Area (Minimum)	700 square metres
Lot Frontage (Minimum)	15 metres
Front Yard (Minimum)	6 metres
Exterior Side Yard (Minimum)	3 metres
Interior Side Yard (Minimum)	i) where abutting an adjoining C5 lot    Not required ii) where abutting a residential zone    6 metres iii) where abutting any other zone    3 metres
Rear Yard (Minimum)	i) where abutting a public parking lot    Not required ii) where abutting any other use    7.5 metres
Building Height (Maximum)	10.5 metres
Planting Strip and/or Privacy Fence	Refer to Section 6.21
Maximum Lot Coverage (Principal Building)	20%
Commercial Floor Area (Maximum)	i) For any one use    140 square metres ii) Total for one lot    560 square metres

#### **21.3.2 Zone Provisions for a Boarding House**

Refer to Section 14.

#### **21.3.3 Zone Provisions for a Marina, Marine, Recreation & Small Engine Establishments**

Refer to Section 18.2.2 'Zone Provisions for Automotive or Marine, Recreation and Small Engine Establishments' of this By-law excepting however, that:

- i) Where a lot abuts a public or navigable water body the yard requirements shall not apply.

21.3.4 Zone Provisions for Hotels and Motels

Refer to Section 18.2.3 'Zone Provisions for Hotels and Motels' of this By-law.

**21.4 SPECIAL PROVISIONS**

- .1 By-law No.: 2010-096 and 2011-102 (Cameron)  
Subject Lands: Part Park Lot 4, S/S Argyle and Part Lot 4, N/s Princess, Town Plot of Inverhuron (geographic Township of Bruce)  
Special Zone: **'C5-a'**  
Exception to Zone Provisions:
- i) Existing uses may continue with the 'C5-a-H' designation;
  - ii) Upon removal of the 'H-Holding', a limit of nine (9) housekeeping units are permitted;

## **SECTION 22 – BUSINESS PARK – C6**

### **22.1 SCOPE**

Business Park uses are permitted only within the urban area boundaries of Kincardine on lands designated 'Business Park' in the Kincardine Official Plan.

### **22.2 PERMITTED USES**

In any C6 – Business Park Zone, no person shall use any building, structure or land nor erect any building or structure except in accordance with the following provisions

#### **RESIDENTIAL**

- Prohibited

#### **NON-RESIDENTIAL**

<b>C6 - Large Format Commercial</b>	<b>C6 – Highway Service Commercial</b>	<b>C6 - Light Industrial</b>
<ul style="list-style-type: none"> <li>• Business or Professional Office</li> <li>• Fitness Centre</li> <li>• Funeral Home</li> <li>• Retail, Large Format</li> <li>• Service Shop</li> <li>• Supermarket</li> </ul>	<ul style="list-style-type: none"> <li>• Assembly Hall</li> <li>• Automobile Car Wash</li> <li>• Automobile Gas Bar</li> <li>• Automobile Rental Establishment</li> <li>• Automobile Repair Establishment</li> <li>• Automobile Sales Establishment</li> <li>• Automobile Service Station</li> <li>• Banquet Hall</li> <li>• Building Supply &amp; Sales</li> <li>• Bus Depot</li> <li>• Commercial College or School</li> <li>• Convenience Store</li> <li>• Dry-Cleaning Establishment</li> <li>• Farm Implement Establishment</li> <li>• Hotel or Motel</li> <li>• Laundromat</li> <li>• Marine, Recreation and Small Engine Establishments</li> <li>• Nursery</li> <li>• Personal Service Establishment</li> <li>• Place of Entertainment</li> <li>• Rental Establishment</li> <li>• Restaurant</li> <li>• Restaurant, Take-Out</li> <li>• <i>(Added by By-Law 2005-013 – Housekeeping)</i></li> <li>• Tourism Booth</li> <li>• Travel Trailer Sales Establishment</li> <li>• Veterinary Clinic</li> <li>• Video Outlet/Rental Establishment</li> </ul>	<ul style="list-style-type: none"> <li>• Commercial Motor Vehicle Repair Establishment</li> <li>• Commercial Motor Vehicle Sales Establishment</li> <li>• Computer/Data Processing Centre</li> <li>• Contractors Yard</li> <li>• Industrial Use, Light</li> <li>• Public Garage</li> <li>• Research Establishment /Laboratory</li> <li>• Warehouse</li> <li>• Warehouse, Mini Storage</li> </ul>

### **22.3 ZONE PROVISIONS**

No person shall within any Business Park Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions

<b>PROVISIONS</b>	<b>C6 - Large Format Commercial and Highway Service Commercial</b>	<b>C6 – Light Industrial</b>
Minimum Lot Area	Not applicable	1850 square metres
Minimum Lot Frontage	15 metres	30 metres
Minimum Front & Exterior Yard	6 metres (see Footnote 'a')	12 metres (see Footnote 'a')
Minimum Interior Side Yard	4 metres on one side and 1.2 metres on the other (see Footnote 'b' and 'c')	4 metres on one side and 1.2 metres on the other (see Footnote 'b' and 'c')
Minimum Rear Yard	6 metres (see Footnotes 'a', 'b' and 'c')	7.5 metres (see Footnotes 'a', 'b' and 'c')
Maximum Lot Coverage	75%	75%
Minimum Separation Distance between Principle Buildings or Structures	4.6 metres	4.6 metres

**Footnotes:**

- (a) Notwithstanding the above setback provisions, when any Front, Exterior or Rear Yard abuts Highway #9 or Highway #21, the minimum yard setback shall be 14 metres.
- (b) Notwithstanding the above setback provisions, when any Interior Side Yard or Rear Yard abuts a Planned Development, Residential zone or residential use, the minimum yard setback shall be 30 metres.
- (c) When any portion of a main building is greater than 12 metres in height, the Minimum Interior Side Yard and Minimum Rear Yard setbacks shall be increased by 0.5 metres for every metre over 12 metres.

**22.4 ADDITIONAL PROVISIONS – BUSINESS PARK**

22.4.1 Open Storage and Outdoor Display Areas

- .1 'Open Storage', of goods, merchandise, materials or equipment, other than motor vehicles, travel trailers, boats, and other recreational vehicles offered for sale, shall only be allowed to the side and rear of buildings and structures provided that:
  - i) Such open storage is accessory to the use of the principle building on the lot;
  - ii) Such open storage complies with the minimum yard requirements of the C6 zone;
  - iii) Such open storage is visually screened from the street by a fence, wall or Planting Strip.
- .2 Outdoor Display Areas for motor vehicles, travel trailers, boats, and other recreational vehicles offered for sale, shall be allowed in the front, exterior or rear yard provided that:
  - i) The Outdoor Display Areas are not permitted in any required minimum yards of the C6 zone; and
  - ii) The items displayed in the Outdoor Display Areas are related to the Large Format Commercial, Highway Service Commercial or Light Industrial use on the lot; and
  - iii) The Outdoor Display Areas shall not inhibit visibility triangles nor occupy space required for a Planting Strip as required by Section 22.4.2 or Landscaped Open Space as required by Section 22.4.3.

#### 22.4.2 Planting Strip

- .1 Notwithstanding Section 6.21 'Planting Strip/Privacy Fence' of this By-law, a 'Planting Strip' a minimum of 30 metres in width and stocked with mature coniferous and deciduous trees shall be established and maintained along the boundary between any C6 zone and any Residential zone.

#### 22.4.3 Landscaped Open Space

- .1 A minimum of 2 metres of 'Landscaped Open Space' shall be provided along all Front and Exterior yards on all lots, excepting a driveway, and no parking shall be permitted within this 'Landscaped Open Space'.
- .2 A minimum of 1.2 metres of 'Landscaped Open Space' shall be provided along all Interior and Rear yards on all lots, except where a driveway or where linked parking or a mutual driveway is utilized, and no parking shall be permitted within this 'Landscaped Open Space'.

#### 22.4.4 Loading Space

Refer to Section 6.18 'Loading Space' of this By-law.

#### 22.4.5 Off-street Parking

Refer to Section 6.20 'Off-Street Parking Requirements' of this By-law.

#### 22.4.6 Multiple Buildings on One Lot

More than one Principle building or structure shall be permitted on a lot provided that all other provisions of this By-law are adhered to.

#### 22.4.7 Offices Accessory to a Permitted Use

A business office(s) serving the principle use(s) on a lot shall be permitted.

#### 22.4.8 Automobile Gas Bars & Automobile Service Station

- .1 Minimum setbacks for gasoline pumps, natural gas and/ or propane facilities  
All gasoline pumps, natural gas and/ or propane facilities shall be setback a minimum of 7.5 metres from the curbing of the pump island to any lot line.
- .2 Entry Ramps  
Notwithstanding the provisions of any other section, there shall be no more than one entry ramp for each 15 metres of street frontage and the width of any entry ramp shall not exceed 9 metres at the street line.
- .3 Surfacing  
The surfaces of all ramps, driveways, service areas and off-street loading areas shall be surfaced with a capped, hard top substance such as asphalt, or other stable surface treated to prevent the seepage of any spilled fuel and/or other potential hazardous materials.

#### 22.4.9 Accessory Buildings & Structures

Accessory Buildings & Structures shall be located in accordance with Section 6.4 'Accessory Buildings & Structures'.

### **22.5 SPECIAL PROVISIONS**

- .1 By-law No.: 1999-10, 1999-78 (Business Park)  
Subject Lands: Pt Lt 1, Con 1 SDR (Kincardine)  
Special Zone: 'C6-a-h' (and 'C6-c-h', 'C6-d', 'C6-e')  
Exception to Zone Provisions:
  - (i) For those lands within the 'C6-a-h' zone and identified as the subject property on the attached Schedule 'A' attached hereto, Council may consider removal of the 'h' in accordance with the Planning Act, R.S.O. 1990, once it is satisfied that the policy

- requirements of the Official Plan have been met that all servicing and traffic related issues are addressed and that a Site Plan Agreement has been entered into.
- (ii) Prior to considering the removal of the 'h' for development proposals involving retail warehousing uses, Council shall be presented with a market analysis study that identifies the long term economic impact of such development on the commercial base of the community, specifically on the downtown core. A qualified independent third party, as approved by Council, shall either prepare such market studies. All costs associated with the preparation and review of such studies shall be the responsibility of the developer. Such market studies shall be presented to the BIA, Chamber of Commerce and the general public for their comment and review, prior to Council's consideration of the development proposal.
  - (iii) Notwithstanding Subsection ii) noted above, Council may exempt specific retail warehousing development proposals from preparing a market study, provided the development proposals involve the expansion of an existing business within the Municipality, or the establishment of a new business type which is not presently represented within the municipality.
- .2 By-law No.: 1999-09 (Canadian Tire)  
 Subject Lands: Pt Lt 1, Con 1 SDR (Kincardine)  
 Special Zone: 'C6-b'  
 Exception to Zone Provisions:
- (i) The minimum front yard shall be no less than 15 metres.
  - (ii) The minimum yard when abutting a 'Residential Zone' shall be no less than 30 metres.
  - (iii) The minimum yard when abutting Highway #9 or #21 shall be no less than 45 metres.
- .3 By-law No.: 1999-10, 1999-78, 2007-360 (Business Park)  
 Subject Lands: Pt Lt 1, Con 1 SDR (Kincardine)  
 Special Zone: 'C6-c-h' (and 'C6-a-h', 'C6-d', 'C6-e')  
 Exception to Zone Provisions:
- (i) For those lands within the 'C6-c-h' zone and identified as the subject property on the attached Schedule 'A' attached hereto, Council may consider removal of the 'h' in accordance with the Planning Act, R.S.O. 1990, once it is satisfied that the policy requirements of the Official Plan have been met that all servicing and traffic related issues are addressed and that a Site Plan Agreement has been entered into.
- .4 By-law No.: 1999-10  
 Subject Lands: Pt Lt 1, Con 1 SDR (Kincardine)  
 Special Zone: 'C6-d' (and 'C6-a-h', 'C6-c-h', 'C6-e')  
 Exception to Zone Provisions:
- (i) The Permitted Uses shall be limited to a 30 metre buffer area consisting of a planting strip stocked with coniferous and deciduous trees.
- .5  
 Special Zone: 'C6-e' (and 'C6-a-h', 'C6-c-h', 'C6-d')  
 Exception to Zone Provisions:
- (i) The Permitted Uses shall be limited to those permitted in the 'R1' zone and in accordance with the R1 zone provisions
- .6 By-Law No: 2008-006 (KNJ/Russ Developments/GSP), 2008-097 (KNJ/Dalron), 2008-096' (DHC/Nemeth)  
 Subject Lands: Pt Lts 2 and 3, Con 1 SDR (Town)  
 Special Zone: 'C6-f-H' and 'EP-I'  
 Exception to Zone Provisions:
- (i) The 'H – holding' provision may be removed once the following conditions have been satisfied:
    - a. A Site Plan Agreement between the owner and the Municipality has been entered into.
    - b. A Development Concept Plan showing the development pattern for the subject lands and surrounding properties in the Business Park has been approved by the

Municipality. Particular emphasis should be placed on building location, orientation, vehicular and pedestrian access, parking, drainage, and overall integration.

- c. Written confirmation that the requirements of the Ministry of Transportation have been met has been received by the Municipality.
- d. Written confirmation that the requirements of the Saugeen Valley Conservation Authority have been met has been received by the Municipality.

.7 By-Law No: **NOT USED AT THIS TIME**  
Subject Lands:  
Special Zone: **'C6-g'**  
Exception to Zone Provisions:

.8 By-Law No: **NOT USED AT THIS TIME**  
Subject Lands:  
Special Zone: **'C6-h'**  
Exception to Zone Provisions:

.9 By-Law No: **NOT USED AT THIS TIME**  
Subject Lands:  
Special Zone: **'C6-i'**  
Exception to Zone Provisions:



## **SECTION 23 – HAMLET COMMERCIAL – C7**

### **23.1 SCOPE**

Hamlet Commercial uses are permitted only within the Hamlet communities of Armow, Bervie, Glamis, Millarton, Underwood, and North Bruce as designated on Schedule 'A': Land Use (South Section) of the County of Bruce Official Plan.

### **23.2 PERMITTED USES**

No person shall within a C7 – Hamlet Commercial Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

#### **RESIDENTIAL**

- A Single Detached Dwelling existing at the date of passing of this By-law
- An 'Accessory Dwelling Unit – Apartment' in accordance with Section 6.5

#### **NON-RESIDENTIAL**

- Convenience Store
- Laundromat
- Personal Service Establishment
- Public Park
- Restaurant
- Restaurant, Take-Out
- Restaurant, Portable Food Outlet
- Veterinary Clinic
- Video Outlet/Rental Establishment

### **23.3 ZONE PROVISIONS**

No person shall within any Hamlet Commercial Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

<b>PROVISIONS</b>	<b>NO MUNICIPAL WATER OR SEWER</b>	<b>EITHER MUNICIPAL WATER OR SEWER</b>	<b>MUNICIPAL WATER AND SEWER</b>
Minimum Lot Area	2,500 square metres	1,500 square metres	550 square metres
Minimum Lot Frontage	30 metres	30 metres	15 metres
Minimum Lot Frontage – Corner Lot	43 metres	33 metres	18 metres
Minimum Front Yard	7.5 metres	7.5 metres	7.5 metres
Minimum Rear Yard	10 metres	10 metres	10 metres
Minimum Side Yard	5 metres	5 metres	1.5 metres
Minimum Exterior Side Yard	7.5 metres	7.5 metres	7.5 metres
Max. Retail floor area per non-residential use	325 square metres	325 square metres	325 square metres
Maximum Building Height – Principal Building	10 metres	10 metres	10 metres
Maximum Building Height – Accessory Structure	4 metres	4 metres	4 metres
Maximum Lot Coverage (Principal Building)	15 %	25 %	40 %

23.3.2 Zone Provisions for a Church

Refer to Section 31.

**23.4 SPECIAL PROVISIONS**

- .1 By-law No.: 98-31 (Kuepfer)  
Subject Lands: Pt Lt 50, Con 1 NDR (Kincardine Twp)  
Special Zone: 'C7-a'  
Exception to Zone Provisions:
- (i) The Permitted Uses shall be limited to the following:
    - a. Farm Implement Establishment
    - b. Veterinary Clinic
    - c. Livestock Assembly Yard
    - d. Bulk Fuel Storage
    - e. Bulk Sales Establishment – Agricultural
    - f. Food Processing, Primary
    - g. Feed Mill & Elevator
    - h. Nursery
    - i. Kennel in accordance with Section 6.37
    - j. Transport Depot
    - k. Industry, Non-Effluent Producing
- .2 By-law No.: Not used at this time  
Subject Lands:  
Special Zone: 'C7-b'  
Exception to Zone Provisions:

## **SECTION 24 – TRAVEL TRAILER PARK AND CAMPGROUND – C8**

### **24.1 PERMITTED USES**

No person shall within a C8 – Travel Trailer Park and Campground Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

#### **RESIDENTIAL**

- A Single Detached Dwelling existing at the date of passing of this By-law
- An Accessory Detached Dwelling

#### **NON-RESIDENTIAL**

- Campground

### **24.2 ZONE PROVISIONS**

No person shall within any Travel Trailer Park and Campground Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

<b>ZONE PROVISIONS</b>	<b>NON-RESIDENTIAL</b>
Minimum Lot Area Campground	4 hectares
Maximum Lot Area Campground	20 hectares
Minimum Lot Frontage Campground	60 metres
Minimum Set Back All Uses – All Lot Lines	15 metres (See Footnote 'a')
Minimum Area of Campsite	235 square metres
Maximum Density of Campsites per Campground	25 sites per hectare
Minimum Open Space per Campground	10%
Maximum Number of Campsites	300

#### **Footnotes:**

- (a) Where a yard is adjacent to an abutting property zoned 'C8', the minimum setback for each campground site from that lot line shall be 5 metres.

### **24.3 ADDITIONAL PROVISIONS – TRAVEL TRAILER PARK & CAMPGORUND**

- Access & Roads  
Each campsite within a Travel Trailer Park and Campground shall be located on an internal access road which shall have a dust free surface and shall be a minimum travelled width of 4 metres for one-way traffic and 6 metres for two-way traffic flow.
- Services  
The Travel Trailer Park and Campground shall provide a communal or municipal water system, appropriate sewage disposal facilities, solid waste disposal, storm drainage, electrical service, street lighting, telephone and road maintenance.
- Parking  
Each campsite shall be provided with one car parking space and visitor parking shall be provided on the basis of one space for every three (3) campsites.
- Campsite Planting Area

A planting area having a minimum width of 1 metre and consisting of a dense screen of shrubs and evergreen trees, minimum 1 metre high when planted shall be planted and maintained along the side and rear of all campsites.

- .5 Travel Trailer Park and Campground Planting Strip/Privacy Fence  
A Planting Strip/Privacy Fence shall be provided around a Travel Trailer Park and Campground as per Section 6.21.
- .6 Site Plan Control  
A Travel Trailer Park and Campground may be subject to Site Plan Control as per the Planning Act RSO 1990.

#### **24.4 SPECIAL PROVISIONS**

- .1 By-law No.: Not used at this time  
Subject Lands:  
Special Zone: 'C8-a'  
Exception to Zone Provisions:

## **SECTION 25 – GENERAL INDUSTRIAL – M1**

### **25.1 SCOPE**

General Industrial uses are permitted only within the urban area boundaries of Kincardine or Tiverton on lands designated 'Industrial' in the Kincardine Official Plan.

### **25.2 PERMITTED USES**

In any M1 – General Industrial Zone, no person shall use any building, structure or land nor erect any building or structure except in accordance with the following provisions:

#### **RESIDENTIAL**

- A Single Detached Dwelling existing at the date of passing of this By-law

#### **NON-RESIDENTIAL**

- Automobile Repair Establishment
- Commercial Motor Vehicle Repair Establishment
- Commercial Motor Vehicle Sales Establishment
- Computer/Data Processing Centre
- Contractors Yard
- Convenience Store
- Bulk Fuel Depot
- Factory Sales Outlet
- Industrial Use
- Parking Lot
- Public Garage
- Rental Establishment
- Research Establishment /Laboratory
- Transport Depot
- Warehouse
- Warehouse, Mini Storage

### **25.3 ZONE PROVISIONS**

No person shall within any General Industrial Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

Lot Area (Minimum)	i) Full Municipal Services 1,850 square metres ii) One Municipal Service 3,000 square metres iii) Private Services 4,000 square metres
Lot Frontage (Minimum)	i) Full Municipal Services 20 metres ii) One Municipal Service 30 metres iii) Private Services 40 metres
Front Yard (Minimum)	9 metres
Exterior Side Yard (Minimum)	9 metres
Interior Side Yard (Minimum)	i) When not abutting a Residential Zone 3 metres ii) When abutting a Residential Zone 6 metres
Rear Yard (Minimum)	7.5 metres
Maximum Lot Coverage (Principal Building)	20%
Building Height (Maximum)	15 metres

## 25.4 ADDITIONAL PROVISIONS – GENERAL INDUSTRIAL

### .1 Open Storage

The open storage of goods or materials shall be permitted only to the rear of the main building and provided that:

- i) Such open storage is accessory to the use of the main building on the lot;
- ii) Such open storage complies with the side yard requirements of this Section, and is located no closer than 3 metres to the rear lot line;
- iii) Such open storage does not cover more than 35% of the lot area or exceed twice the ground floor area of the main building on the lot, whichever is less;
- iv) Any portion of the area used for open storage where it does not adjoin the outside wall of building is concealed from view from the street by a fence or wall.

### .2 Planting Strips and/or Privacy Fence

Refer to Section 6.21 'Planting Strips' of this By-law.

### .3 Loading Space

Refer to Section 6.15 'Loading Space' of this By-law.

### .4 Off-Street Parking

Refer to Section 6.17 'Off-Street Parking Requirements' of this By-law.

## 25.5 SPECIAL PROVISIONS

### .1 By-law No.: Not used at this time

Subject Lands:

Special Zone: '**M1-a**'

Exception to Zone Provisions:

### .2 By-law No.: Not used at this time

Subject Lands:

Special Zone: '**M1-b**'

Exception to Zone Provisions:

### .3 By-law No.: 2001-23 (BNPD)

Subject Lands: Lts 11-30 Lake Range (Bruce Twp)

Special Zone: '**M1-c**'

Exception to Zone Provisions:

The following uses shall be permitted:

- (i) Electrical and heat energy plants.
- (ii) Electrical and heat energy transmission and distribution facilities.
- (iii) Ancillary facilities.
- (iv) Administrative offices, training and educational facilities and works as defined in the former Power Corporation Act.
- (v) All buildings, structures, and facilities with their associated uses existing on the Bruce Nuclear Power Development site on the date of the enactment of this By-law.
- (vi) Any additions, expansions or alterations to the buildings, structures and facilities provided the use of Bruce Nuclear Power Development does not change, and provided such addition, expansion or alteration does not contravene any provisions of this By-law.

### .4 By-law No.: Not used at this time

Subject Lands:

Special Zone: '**M1-d**'

Exception to Zone Provisions:

## **SECTION 26 – EXTRACTIVE INDUSTRIAL – M2**

### **26.1 PERMITTED USES**

No person shall within the M2 – Extractive Industrial Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

#### **RESIDENTIAL**

- Prohibited

#### **NON-RESIDENTIAL**

- Pit
- Quarry
- Portable Asphalt Plant
- Wayside Pit or Quarry
- Buildings, structures and uses accessory to a permitted use, including a private gasoline pump island and an open storage area.

### **26.2 ZONE PROVISIONS**

No person shall within any Extractive Industrial Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

Lot Area (Minimum)	1 hectare
Lot Frontage (Minimum)	30 metres
Minimum driveway setback from any property lines	15 metres

### **26.3 ADDITIONAL PROVISIONS – EXTRACTIVE INDUSTRIAL**

- .1 No excavation can occur within the 'excavation setback area' of the site. 'Excavation setback area' means the area within:
  - i) 15 metres from the boundary of the licensed area; and
  - ii) 30 metres from any part of the licensed area that abuts: a) a Class 1, Class 2 or Private Street; and/or b) land in use for residential purposes at the time the licence was issued ; and
  - iii) 30 metres from the top of bank of a watercourse ; and
  - iv) where an interior lot line in an M2 zone abuts land held in separate ownership but is also zoned M2, no 'excavation setback area' is required.
- .2 Every face of a gravel pit or stone quarry that is excavated to the limit established by Section 26.3.1 shall be sloped from that limit to no greater than 45 degrees off horizontal.
- .3 Except for entrances and exits, a planting area having a minimum width of 15 metres and consisting of a dense screen of shrubs and evergreen trees, minimum 1 metre high when planted and of a type that will attain a minimum height of 6 metres at maturity and as well provide a year round visual barrier, shall be planted and maintained along any Class 1, Class 2 or Private Street and along any lot line abutting any Residential Zone.
- .4 No aggregate pile, topsoil pile, overburden pile, or processing plant of any type, or any building or structure shall be located within:
  - i) 30 metres of the boundary of the site; and
  - ii) 90 metres of the boundary of the site abutting a Class 1, Class 2 or Private Street, or a residential dwelling existing at the time an aggregate licence is issued, or land zoned Residential or Institutional when an aggregate licence is issued.

- .5 Adequate vegetation shall be established and maintained to control erosion of any topsoil or overburden on the site.

### **26.3 SPECIAL PROVISIONS**

- .1 By-law No.: Not used at this time  
Subject Lands:  
Special Zone: 'M2-a'  
Exception to Zone Provisions:



## **SECTION 27 – AGRICULTURAL COMMERCIAL / INDUSTRIAL – ACI**

### **27.1 SCOPE**

The provisions of Section 27 apply only on lands designated 'A – Agriculture' or 'R – Rural' on Schedule 'A': Land Use (South Section) of the County of Bruce Official Plan.

### **27.2 PERMITTED USES**

No person shall within the ACI – Agricultural Commercial / Industrial Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

#### **RESIDENTIAL**

- A Single Detached Dwelling existing at the date of passing of this By-law
- An 'Accessory Dwelling Unit – Apartment' in accordance with Section 6.5 but not as an accessory use to a Abattoir or Livestock Assembly Yard

#### **NON-RESIDENTIAL**

- Abattoir
- Bulk Sales Establishment – Agricultural
- Farm Implement Establishment
- Feed Mill & Elevator
- Food Processing, Primary
- Livestock Assembly Yard
- Nursery
- Public Garage
- Veterinarian Clinic

### **27.3 ZONE PROVISIONS**

No person shall within any Agricultural Commercial / Industrial Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

Minimum lot area (private services)	4,000 square metres
Minimum lot area (1 or more communal service)	3,000 square metres
Minimum lot frontage	30 metres
Minimum front yard	15 metres
Minimum side yard	5 metres
Minimum rear yard	10 metres
Maximum lot coverage - Principal Building)	10 %
Minimum ground floor area	70 square metres
Maximum height	15 metres

### **27.4 SPECIAL PROVISIONS**

- .1 By-law No.: 94-02  
Subject Lands: Pt Lt 35, Con 1 NDR (Kincardine Twp)  
Special Zone: 'ACI-a'  
Exception to Zone Provisions:  
(i) Lightning rod manufacturing shall be a permitted use

- .2 By-law No.: 95-23  
 Subject Lands: Pt Lt 'E' Con 1 NDR (Bruce Twp)  
 Special Zone: '**ACI-b**'  
 Exception to Zone Provisions:  
 (i) Woodstove and related accessories sales establishment shall be a permitted use.
- .3 By-Law No.: Not available  
 Subject Lands: Pt Lt 1, Con 5 (Kincardine Twp)  
 Special Zone: '**ACI-c**'  
 Exception to Zone Provisions:  
 (i) In addition to the 'Permitted Uses' of the ACI zone, the following additional use shall also be permitted:  
 a. Automobile Service Station
- .4 By-law No.: Not available  
 Subject Lands: Lt 30, Con 'A' (Kincardine Twp)  
 Special Zone: '**ACI-d**'  
 Exception to Zone Provisions:  
 (i) Greenhouses and associated retail sales establishment shall be a permitted use.
- .5 By-law No.: Not available  
 Subject Lands: Pt Lt 41, Con 3 SDR (Kincardine Twp)  
 Special Zone: '**ACI-e**'  
 Exception to Zone Provisions:  
 (i) Automobile service establishment shall be a permitted use.
- .6 By-law No.: Not available  
 Subject Lands: Pt Lt 5, Con 2 (Bruce Twp)  
 Special Zone: '**ACI-f**'  
 Exception to Zone Provisions:  
 (i) The permitted uses shall include a 'Public Garage'
- .7 By-law No.: 98-12  
 Subject Lands: Not available  
 Special Zone: '**ACI-g**'  
 Exception to Zone Provisions:  
 (i) The minimum lot area shall be 4,300 square metres (0.43 ha).  
 (ii) The maximum lot coverage shall be 20 %.  
 (iii) The front yard shall be that portion of the property between the ACI-g zone and the 20P<sup>thP</sup> side road; the rear yard shall be that portion of the ACI-g zone north of the buildings and structures within the ACI-g zone.  
 (iv) Open storage associated with the 'ACI-g' zone shall be prohibited in all yards except the rear yard.  
 (v) The repair, fabrication and servicing of horse drawn vehicles shall be permitted.  
 (vi) The wholesale or retail of household wares or perishable goods and materials shall be prohibited
- .8 By-law No.: 2001-68  
 Subject Lands: Pt Lt 1, Con 11 (Kincardine Twp)  
 Special Zone: '**ACI-i**'  
 Exception to Zone Provisions:  
 (i) In addition to the 'Non-Residential Uses' permitted in the ACI zone, the following additional uses shall also be permitted:  
 a. Manufacturing of agricultural implements and equipment;  
 b. Industrial Use, Light limited to: machine shop, welding shop, blacksmith shop, wood fabricating operations;  
 c. Contractors Yard;  
 d. Building Supply and Sales;

- e. Saw or Planing Mill;
  - f. Riding Stable/Equestrian Centre;
  - g. Kennel;
  - h. Open storage accessory to the permitted use
  - i. Retail store or a business office accessory to a permitted use;
  - j. Buildings, structures and uses accessory to a permitted use.
- (ii) The 'minimum lot area' shall be no less than 2.2 hectares (5.4 acres)
- .9 By-law No: 84-35 (Housekeeping)  
 Subject lands: Pt Lt 1, Con 4 (Kincardine Twp)  
 Special Zone: 'ACI-j' (and 'ACI-l')  
 Exception to Zone Provisions:
- (i) Shall only be used for the purposes of a retail and/or wholesale meat and groceries market
- .10 By-law No: 2006-265 (Ross E. Young Bus Lines Ltd.)  
 Subject lands: Pt Lt 1, Con 4, (Kincardine Twp)  
 Special Zone: 'ACI-k-h'  
 Exception to Zone Provisions:
- (i) The permitted non-residential uses shall be limited to:
    - a. School Bus Storage;
    - b. Administrative Offices;
    - c. Nursery;
    - d. Training and Education Facility;
    - e. Offices accessory to a permitted use.
  - (ii) For the purposes of this By-law, 'Administrative Offices' shall be defined as a building or structure or part thereof in which one or more persons are employed in the management, direction or conducting of an agency, business, brokerage, or labour organization.
  - (iii) For the purposes of this By-law, 'Training and Education Facility' shall be defined as a building or structure or part thereof where vocational and technical skills are taught.
  - (iv) The minimum lot area shall be no less than 3345.2 mP<sup>2P</sup>.
  - (v) A Planting Area shall be provided consisting of a 3.0 metre grassed area/strip along the north side lot line and an 8 metre grassed strip along the front lot line with the exception of areas reserved for parking and driveways. Further, the existing wood fence and existing vegetation along the north lot line shall not be removed.
  - (vi) The 'H – Holding' provision may be removed once the following conditions have been met:
    - a. A 'Site Plan Agreement' as per Section 41(7)(c) has been registered as per Section 41(10) of the Planning Act RSO 1990 as amended.
    - b. The municipality has received written confirmation that the requirements of the Ministry of Transportation have been met.
- .11 By-law No: 84-35 (Housekeeping)  
 Subject lands: Pt Lt 1, Con 4 (Kincardine Twp)  
 Special Zone: 'ACI-l' (and 'ACI-j')  
 Exception to Zone Provisions:
- (i) Shall only be used for the purposes of bulk fuel storage
- .12 By-law No.: 2002-03  
 Subject Lands: Lt 'D', Con 5 (Bruce Twp)  
 Special Zone: 'ACI-m'  
 Exception to Zone Provisions:
- (i) The following uses shall be permitted:
    - a. Commercial generating system (wind turbine operation) purposes in accordance with the 'Energy Centre Industrial' shall be a permitted use.
  - (ii) Maximum height of the turbine towers shall be 150 metres, including the rotor radius.
  - (iii) Minimum setback of the turbine towers shall be 50 metres.
  - (iv) The following use shall not be permitted:

a. Greenhouses

- .13 By-law No.: 2001-24  
Subject Lands: Lt 'D', Con 5 (Bruce Twp)  
Special Zone: 'ACI-n'  
Exception to Zone Provisions:  
The following uses shall be permitted:
- (i) Administrative offices, training and educational facilities.
  - (ii) All buildings, structures and facilities with their associated uses existing on the site.
  - (iii) Any additions, expansions or alterations to the buildings, structures and facilities, provided such addition, expansion or alteration does not contravene any provisions of this By-law.
- .14 By-law No.: Not available at this time  
Subject Lands: Pt Lt 32, Con 12 (Kincardine Twp)  
Special Zone: 'ACI-o'  
Exception to Zone Provisions:
- (i) The Permitted Uses shall be limited to:
    - a. Restaurant and Accessory Residential
- .15 By-law No.: Not available at this time  
Subject Lands: Pt Lt 20, Con 'A' (Kincardine Twp)  
Special Zone: 'ACI-p'  
Exception to Zone Provisions:
- (i) In addition to the Permitted Uses of the ACI zone, the following additional uses shall also be permitted:
    - a. Commercial Motor Vehicle Repair Establishment and School Bus Storage
- .16 By-Law No.: **NOT USED AT THIS TIME**  
Subject Lands:  
Special Zone: 'ACI-q'  
Exception to Zone Provisions:
- .17 By-Law No.: 76-13 (RKM Wood Products)  
Subject Lands: Pt Lt 31, Con 4 (Bruce Twp)  
Special Zone: 'ACI-r'  
Exception to Zone Provisions:
- (i) Notwithstanding their 'ACI' zoning designation, those lands delineated as 'ACI-r' shall only be used for the purposes of a 'saw or planning mill' in accordance with the 'ACI' zone provisions.
- .18 By-Law No.: 2005-111 (KPMG Inc. Receiver Manager of Bluewater Fibre Inc.)  
Subject Lands: Pt Lt 30, Con 5 (Bruce Twp)  
Special Zone: 'ACI-s-h'  
Exception to Zone Provisions:
- (i) The permitted non-residential uses shall be limited to:
    - a. 'Bulk Sales Establishment – Agricultural';
    - b. 'Farm Implement Establishment';
    - c. 'Feed Mill & Elevator';
    - d. 'Food Processing – Primary';
    - e. 'Industry – Non-Effluent Producing limited to packaging (i.e. bagging, boxing, crating, shrink wrapping, etc.) woodworking, ornamenting and assembly';
    - f. 'Nursery';
    - g. 'Warehouse excluding a 'Transport Depot';
  - (ii) The lands shall be subject to Site Plan Control;
  - (iii) The 'H' provision may be removed once the following conditions have been met:
    - a. A statement from a certified engineer stating that all floor drains which may become

- contaminated with oils, solvents or other similar liquid/materials are not directly connected to a new/existing domestic waste treatment system on the property is provided; and
- b. A statement from a certified engineer stating that all floor drains which may become contaminated with oils, solvents or other similar liquid/materials have been connected to a total retention/separator tank **or** similar engineered system is provided; and
  - c. A statement from a certified engineer stating that a total retention/separator tank **or** a similar engineered system which separates oils, fuels, lubricants, cleaners & solvents etc. and stores all separated contaminants has been installed and is functioning according to its design specifications is provided; and
  - d. A current contract with a MOE certified carrier engaged for the disposal of materials from the total retention/separator tank **or** a similar engineered system is provided; and
  - e. A Site Plan Control Agreement has been registered on title; and
  - f. A 'Spill Contingency Plan' shall be prepared outlining the ways and means by which spills are to be prevented, managed and remediated.
- .19 By-Law No: 2004-019 (KPMG Inc., Trustee in the Estate of RKM Wood Products Ltd.)  
 Subject Lands: Lt 30, Con 4 (Bruce Twp)  
 Special Zone: **'ACI-t'**  
 Exception to Zone Provisions:
- (i) In addition to those other Permitted Uses in the 'ACI' zone, a 'Non-Effluent Producing Industry' limited to the manufacturing of wood flooring and an accessory office shall also be a Permitted Use;
  - (ii) There shall be no more than two (2) principle buildings or structures comprising the 'office building' and the 'wood flooring plant' in the ACI-t zone;
  - (iii) 'Minimum side, front, exterior and rear yard setbacks' and 'maximum lot coverage' shall be as they existed on the date of passing of this By-law.
- .20 By-Law No.: 2004-89 (William A. Tennyson In Trust)  
 2006-095 (William A. Tennyson)  
 Subject Lands: Pt Lt 5, Con 7 (Bruce Twp)  
 Special Zone: **'ACI-u'**  
 Exception to Zone Provisions:
- (i) The following definitions shall apply:
    - a. **Commercial Motor Vehicle Storage** shall mean a lot and/or premises for the storage of school buses and/or other commercial motor vehicles; and
    - b. **Recreational Vehicle Training School** shall mean a lot and/or building or structure used for instruction in the use and operation of, and limited to, motorcycles, snowmobiles and All Terrain Vehicles but shall not include the use of such facilities for races or as a 'commercial use' by the general public.
  - (ii) The permitted non-residential uses shall be limited to:
    - a. Accessory Retail;
    - b. Administrative Offices;
    - c. 'Automobile Sales Establishment';
    - d. 'Commercial Motor Vehicle Repair Establishment';
    - e. 'Commercial Motor Vehicle Sales Establishment';
    - f. 'Commercial Motor Vehicle Storage';
    - g. 'Contractor's Yard';
    - h. 'Marine, Recreation and Small Engine Establishment';
    - i. Offices accessory to a permitted use;
    - j. 'Recreational Vehicle Training School';
    - k. 'Rental Establishment';
    - l. 'Restaurant';
    - m. Training and Education Facility;
    - n. 'Warehouse'.
  - (iii) For the purposes of this By-law, 'Accessory Retail' shall be defined as goods, wares, or merchandise sold on the premises as ancillary to a permitted non-residential use.
  - (iv) For the purposes of this By-law, 'Administrative Offices' shall be defined as a building or structure or part thereof in which one or more persons are employed in the management, direction or conducting of an agency, business, brokerage, or labour organization.

- (v) For the purposes of this By-law, 'Training and Education Facility' shall be defined as a building or structure or part thereof where vocational and technical skills are taught.
- (vi) Notwithstanding *Section 6.20 Off-street Parking Requirements*, there shall no less than 93 parking spaces;
- (vii) The following zone provisions shall apply:
  - a. the minimum front yard setback shall be 43.3 m as it exists on the day of passing of the By-law;
  - b. The maximum lot coverage – Principal Building shall be no greater than 5.0 %;
  - c. The maximum ground floor area shall be no greater than 2230 mP<sup>2P</sup>.

.21 By-Law No.: 2008-005 (Resolute Land Bank Ltd.)

Subject Lands: Pt Lts 33-34, Con 'A' (Kin Twp)

Special Zone: **'ACI-v'**

Exception to Zone Provisions:

- (i) Notwithstanding *Section 27.2 Permitted Uses*, the permitted non-residential uses shall be limited to the following:
  - a) Agricultural equipment servicing;
  - b) Administration offices and training facilities for:
  - c) Farm property management, project development, land assembly, crop consulting, soil and climate protection, renewable energy from agriculture;
  - d) Bruce ECO Industrial Park (uses related to agricultural renewable energy); BNPD facilities; Western Waste Management Facility; Bruce Skills and Technology Training Facility
  - e) Storage of seed, fertilizer and farm produce;
  - f) Processing operations for agricultural products (excluding an abattoir and tannery);
  - g) Heliport

.22 By-Law No.: **NOT USED AT THIS TIME**

Subject Lands:

Special Zone: **'ACI-w'**

Exception to Zone Provisions:

.23 By-Law No.: 2011-011 (Albrecht)

Subject Lands: Lot 2 and W.Pt. Lot 3, Con 9 (Kin Twp)

Special Zone: **'ACI-x'**

Exception to Zone Provisions:

Notwithstanding their 'ACI' zoning designation, those lands delineated as 'ACI-x' on Schedule 'A' to this By-law may be used for 'Agricultural Commercial/Industrial' purposes in compliance with the 'ACI' zone provisions contained in this By-law, excepting however, that the following are also permitted uses:

- (i) A farm implement establishment, a milking machine repair service and accessory warehouse;
- (ii) An accessory office to a permitted Agricultural Commercial/Industrial use.

.24 By-Law No.: 2012-043 (previously 'C3-c')

Subject Lands: Pt Lt 6, Con 10 (Bruce Twp)

Special Zone: **'ACI-y'**

Exception to Zone Provisions:

Exception to Zone Provisions:

- (i) Motel, existing country inn, and uses accessory thereto shall be permitted in accordance with [Section 21.2 'C5 - Zone Provisions']

## **SECTION 28 – RURAL COMMERCIAL / INDUSTRIAL – RCI**

### **28.1 SCOPE**

The provisions of Section 28 apply only on lands designated 'R – Rural' on Schedule 'A': Land Use (South Section) of the County of Bruce Official Plan.

### **28.2 PERMITTED USES**

No person shall within the RCI – Rural Commercial / Industrial Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

#### **RESIDENTIAL**

- All Residential Uses permitted in the ACI Zone

#### **NON-RESIDENTIAL**

- All Non-Residential Uses permitted in the ACI Zone
- Agricultural Produce Warehouse
- Bulk Fuel Depot
- Contractor's Yard
- Industrial Use, Dry limited to welding shops, blacksmith shops and wood fabricating
- Greenhouse
- Livestock Auction Barn
- Marine, Recreation and Small Engine Establishments
- Public Garage
- Riding Stable/Equestrian Centre
- Salvage Yard
- Saw or Planing Mill
- School Bus Storage

### **28.3 ZONE PROVISIONS**

No person shall within any Rural Commercial / Industrial Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

Minimum lot area (private services)	4,000 square metres
Minimum lot area (1 or more communal service)	3,000 square metres
Minimum lot frontage	30 metres
Minimum front yard	15 metres
Minimum side yard	5 metres
Minimum rear yard	10 metres
Maximum lot coverage (Principal Building)	10 %
Minimum ground floor area	70 square metres
Maximum height	15 metres

### **28.4 SPECIAL PROVISIONS**

- .1 By-law No.: Not used at this time  
Subject Lands:  
Special Zone: 'RCI-a'  
Exception to Zone Provisions:

## **SECTION 29– ENERGY CENTRE INDUSTRIAL – ECI**

### **29.1 SCOPE**

The provisions of Section 29 apply only on lands designated 'Special Policy Area 'H' on Schedule 'A': Land Use (South Section) of the County of Bruce Official Plan.

### **29.2 PERMITTED USES**

No person shall within the ECI – Energy Centre Industrial Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

#### 29.2.1 Energy Intensive Industrial which:

- 29.2.1.1 Utilize electricity, heat energy, and/or other products or by-products of the Bruce Nuclear Power Development (BNPD) and need to be located in close proximity to BNPD to utilize the products or by-products because of financial or physical factors.
- 29.2.1.2 Utilize products or by-products of one of more uses identified in 29.2.1.1 above and need to be located in close proximity to one or more uses identified in 29.2.1.1 to utilize the said products or by-products.
- 29.2.1.3 Produce products required by one or more uses identified in 29.2.1.1 above and need to be located in close proximity to one or more uses identified in 29.2.1.1 above to allow their products to be properly or efficiently utilized.

#### 29.2.2 Secondary Uses Including:

- Administrative offices for a use identified in 29.2.1
- Restaurant
- Convenience Store
- Public Park
- (Added by By-Law No. 2005-013 – Housekeeping)*
- Factory Sales Outlet

#### 29.2.3 Agricultural Uses Including:

- Agriculture, General

### **29.3 ZONE PROVISIONS**

No person shall within any Energy Centre Industrial Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

Minimum lot area	2 hectares
Minimum lot frontage	30 metres
Maximum lot coverage (Principal Building)	50 %
Minimum front yard setback	15 metres
Minimum side yard setback	6 metres
Minimum rear yard setback	10 metres



### 29.3.2 Building Setbacks – Little Sauble River

Notwithstanding the minimum yard setbacks above, the minimum setback for all uses, buildings or structures adjacent to the Little Sauble River shall be as follows:

Percent Slope	Setback from Centre of River Bed
0 %	15 metres
10 %	27 metres
20 %	40 metres
30 %	52 metres

## 29.4 SPECIAL PROVISIONS

- .1 By-law No.: 2011-012 (PWU Training)  
Subject Lands: Pt Lt D, Con 4 (Lt 15, Plan 3M-113) (Bruce Twp)  
Special Zone: **'ECI-a'**  
Exception to Zone Provisions:
  - (i) A training facility and warehouse are permitted uses;
  - (ii) An accessory office is a permitted use.
  
- .2 By-law No.: 2009-103 (TRIX)  
Subject Lands: Part Lot 1, Plan 3M-113 (being Part 1, Plan 3R-4077) (Bruce Twp.)  
Special Zone: **'ECI-b'**  
Exception to Zone Provisions:
  - i) A wholesale outlet, warehouse, service establishment or contractor's yard are also permitted.
  
- .8 By-law No.: Not available (Bruce Energy Centre)  
Subject Lands: Not available  
Special Zone: **'ECI-h'**  
Exception to Zone Provisions:
  - (i) The 'h' holding symbol shall be removed once the Municipality is satisfied through registerable agreement or otherwise that all servicing, financing and related matters shall be met to the satisfaction of the Municipality. The Municipality shall consult with the County of Bruce, the Ministry of Environment, the Atomic Energy Control Board, the Ministry of Natural Resources and the Saugeen Valley Conservation Authority before proceeding with the removal of the 'h' holding.

## **SECTION 30 – AIRPORT – AP**

### **30.1 PERMITTED USES**

No person shall within an Airport Zone use any lot or erect or use any building or structure, for any purpose except for one or more of the following uses:

- Aircraft hangar
- Airport strip
- Driving academy
- Buildings, structures and uses accessory to a permitted use including administration and control buildings, maintenance buildings, open storage area and parking lot.

### **30.2 ZONE PROVISIONS**

No person shall within any Airport Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

Minimum lot area	Not applicable
Minimum lot frontage	30 metres
Minimum building setbacks front yard side yard rear yard	45 metres 10 metres 15 metres
Maximum lot coverage (Principal Building)	30 %
Maximum number of driveways	2 per lot

### **30.3 ADDITIONAL PROVISIONS – AIRPORT**

.1 No open storage area shall be permitted except in accordance with the following provisions:

- i) no open storage area shall be permitted in a front yard or exterior side yard;
- ii) every open storage area shall be enclosed by a wall or fence not less than 2 metres in height, constructed of uniform material, and erected no closer to any lot line than the required minimum building setbacks; and
- iii) no portion of any open storage area for combustible material shall be located closer than 30 metres or the required minimum building setback, whichever is the greater, to any lot line.

.2 Notwithstanding any other provisions of this By-law, where any lands within an Airport zone are licensed as an airport runway under the Air Regulations of the Aeronautics Act, no buildings or structures shall be erected unless in compliance with Provincial and Federal Airport regulations.

### **30.4 SPECIAL PROVISIONS**

- .1 By-law No.: 84-12 (Sieber)  
Subject Lands: Not available  
Special Zone: 'AP-a' (and 'AP-b', 'AP-c')  
Exception to Zone Provisions:
- (i) The minimum lot area shall be 12.95 hectares.
  - (ii) For the purposes of this Subsection, the lot line shall be deemed to be the lot line abutting Provincial Highway No. 21.
  - (iii) Notwithstanding Subsection 6.17 'Off-Street Parking Requirements' of this By-law, a minimum of 20 off-street parking spaces shall be provided.
  - (iv) A maximum of four (4) airport hangars shall be permitted.

- (v) Buildings, structures and uses accessory to a permitted use including administration and control buildings, maintenance buildings, open storage area, parking lot, and aircraft and vehicle access routes shall be permitted.

.2

Special Zone: **'AP-b'** (and 'AP-a', 'AP-c')

Exception to Zone Provisions:

- (i) Aircraft and vehicle access routes shall be permitted.
- (ii) Agricultural uses, provided no buildings or structures are erected shall be permitted.

.3

Special Zone: **'AP-c'** (and 'AP-a', 'AP-b')

Exception to Zone Provisions:

- (i) An accessory detached dwelling for the owner, manager or caretaker of the uses permitted within an 'AP' Zone shall be permitted.

.4 By-law No.: Not used at this time

Subject Lands:

Special Zone: **'AP-d'**

Exception to Zone Provisions:

## **SECTION 31 – INSTITUTIONAL – I**

### **31.1 PERMITTED USES**

No person shall within an I – Institutional Zone use any lot or erect or use any building or structure, for any purpose except for one or more of the following uses:

#### **RESIDENTIAL**

- A ‘Accessory Dwelling Unit – Apartment’ as an accessory use to a ‘Church’ in compliance with the provisions of Section 6.5.
- A Single Detached Dwelling existing as of the date of passing of this By-law.

#### **NON-RESIDENTIAL**

- Cemetery
- Church
- Clinic
- Day Care Nursery (Licensed)
- Hospital
- Institution
- Nursing Home
- Parking Lots
- Public Building
- Public Park
- Schools

### **31.2 ZONE PROVISIONS**

No person shall within any Institutional Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

<b>PROVISIONS</b>	<b>No Municipal Water or Sewer</b>	<b>Either Municipal Water or Sewer</b>	<b>Municipal Water and Sewer</b>
Minimum lot area	4,000 square metres	1,800 square metres	550 square metres
Minimum lot frontage	40 metres	30 metres	15 metres
Minimum lot frontage -corner lot	43 metres	33 metres	18 metres
Minimum front yard or exterior side yard	7.5 metres	7.5 metres	7.5 metres
Minimum rear yard	10 metres	10 metres	10 metres
Minimum side yard	5 metres	5 metres	2 metres
Minimum ground floor area	70 square metres	70 square metres	70 square metres
Maximum building height – principal building	10 metres	10 metres	10 metres
Maximum lot coverage	15 %	25 %	40 %

### **31.3 ADDITIONAL PROVISIONS – INSTITUTIONAL**

Structures or buildings used for recreation, administration or maintenance shall conform to the requirements of the above, save and except for the minimum ground floor area may be reduced to 30 square metres.

(Replaced by By-Law No. 2005-013- Housekeeping)

### 31.4 SPECIAL PROVISIONS

- .1 By-law No.: 84-35 (Housekeeping)  
Subject Lands: Pt Lt 53, Con 2 SDR (Kincardine Twp)  
Special Zone: 'I-a'  
Exception to Zone Provisions:
  - (i) The Permitted Uses shall be limited to a snowmobile club
  
- .2 By-law No.: 2003-62 (Municipality of Kincardine c/o Catherine McKague)  
Subject Lands: Pt Lt 1, Con 1 (Pt 1, RP 3R-3504) (Tiverton)  
Special Zone: 'I-b-H' (and 'A1' and 'EP')  
Exception to Zone Provisions:
  - (i) The minimum exterior side yard setback shall be no less than 5.9 metres (19.34 feet);
  - (ii) Notwithstanding the Definition of 'parking space', the minimum parking space length for those parking spaces only located along the north property line may be reduced to no less than 5 metres (16.4 feet); and
  - (iii) Notwithstanding 'Section 6.20.7 Parking Area Location on Lot', the parking area along the north property line shall be setback from property line no less than 1.0 metre (3.28 feet);
  - (iv) A 'Loading Space' in accordance with Section 6.18 shall be provided, excepting however that the driveway access may be reduced to 5 metres in width (16.4 feet).
  - (v) That the 'H-Holding' provision shall be removed once a 'Site Plan Agreement' as per Section 41(7) (c) has been registered as per Section 41(10) of the Planning Act RSO 1990, as amended.
  
- .3 By-law No.: Not available  
Subject Lands: Multiple locations  
Special Zone: 'I-c'  
Exception to Zone Provisions:
  - (i) The Permitted Uses shall be limited to a cemetery
  
- .4 By-law No.: 2005-069 (Reid's Heritage Group c/o The Municipality of Kincardine)  
Subject Lands: Pt Lt 3, Con 1 SDR (Kincardine)  
Special Zone: 'I-d-h'  
Exception to Zone Provisions:
  - (i) The lands shall only be used only for an Ontario Provincial Police Station.
  - (ii) That the 'H – Holding' provision may be removed once the following conditions have been met:
    - a. A Site Plan Agreement between the applicant and the municipality has been registered on title;
    - b. The following studies have been submitted, to the satisfaction of the MTO and the municipality:
      - i. Traffic Impact Study
      - ii. Stormwater Management Report
      - iii. Lot Grading Plan
  
- .5 By-law No.: By-law 2009-177 used in Z-64-09.26 (Underwood Wesley Pastoral Charge)  
Subject Lands: Lot 5 & 6, Plan 114 (Township of Bruce)  
Special Zone: 'I-e'  
Exception to Zone Provisions:
  - (i) The minimum lot area shall be no less than 635 square metres (6850 sq.ft.);
  - (ii) The minimum lot frontage shall be no less than 15.9 metres (52 ft);
  - (iii) The minimum front yard setback shall be no less than 4 metres (13.1 feet) for the church as it existed as of the date of passage of the By-law;
  - (iv) The minimum side yard setback on the south side shall be no less than 0.57 metres (1.9 ft) for the church as it existed as of the date of passage of the By-law.

- .6 By-law No.: 2004-169 (Diocese of Huron)  
Subject Lands: Pt Lt 9 (Pt 2, RP 3R-3724), and Pt Pk Lt 4, Russell Street N/S (Pt 1, RP 3R-3724)  
(Kincardine)  
Special Zone: 'I-f' (and 'R1-v')  
Exception to Zone Provisions:  
(i) The Minimum side yard setback shall be 1.8 metres for the church building existing as of the date of passage of the By-law.

## **SECTION 32 – OPEN SPACE – OS**

### **32.1 PERMITTED USES**

No person shall within any OS – Open Space Zone use any lot or erect or use any building or structure for any purpose except for one or more of the following uses:

#### **RESIDENTIAL**

- An 'Accessory Dwelling Unit - Apartment' in accordance with Section 6.5 used only as an accessory use to a 'Golf Course'

#### **NON-RESIDENTIAL**

- Campground in conjunction with a public authority *(Added by By-Law No.2005-013 – Housekeeping)*
  - Auditorium
  - Playground
  - Swimming Pool
- Golf Course
- Public Park
- Parking Lot
- Recreation Centre

### **32.2 ZONE PROVISIONS**

No person shall within any Open Space Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

Minimum lot area	Not required
Minimum lot frontage	Not required
Minimum front yard	6 metres
Minimum exterior side yard	6 metres
Minimum interior side yard	6 metres
Minimum rear yard	7.5 metres

### **32.3 SPECIAL PROVISIONS**

- .1 By-law No.: 2004-83 (Philip and Evelyn Evers [Somershill Golf Club])  
Subject Lands: Pt Lt 51, Con 'C' (Kincardine Twp)  
Special Zone: 'OS-a' (and 'EP-f')  
Exception to Zone Provisions:
  - (i) The layout of buildings and structures as they existed as of February 2004 shall not be changed or altered without the written prior approval of the Saugeen Valley Conservation Authority and any applicable approval authority.
  - (ii) The lands shall be subject to Site Plan Control.
- .2 By-law No.: Not used at this time  
Subject Lands:  
Special Zone: 'OS-b'  
Exception to Zone Provisions:

## **SECTION 33 – WASTE DISPOSAL AREAS – WD**

### **33.1 PERMITTED USES**

No person shall within any WD – Waste Disposal Zone use any lot or erect or use any building or structure for any purpose except for one or more of the following uses:

- An accessory building or structure for the purpose of administration or storage facilities
- Material Recycling Facility
- Waste Disposal Site
- Communal Sewage Disposal System
- Sewage Treatment Plant

### **33.2 ZONE PROVISIONS**

No person shall within any Waste Disposal Area use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

Lot Area (Minimum)	Not required
Lot Frontage (Minimum)	20 metres
Maximum lot coverage (Principal Building)	1 %
Minimum setback from any lot or street line for structures	15 metres
Minimum setback (dumping or disposal of any waste material) from lot line	30 metres
Maximum building height	10 metres
Minimum driveway separation	22 metres

### **33.3 ADDITIONAL PROVISIONS – WASTE DISPOSAL**

Except for entrances and exits, planting areas having a minimum width of 15 metres and consisting of a dense screen of shrubs and evergreen trees, minimum 1 metre high when planted and of a type that will attain a minimum height of 6 metres at maturity and as well provide a year round visual barrier, shall be planted and maintained along any street lot line and along any lot line abutting any Residential Zone.

### **33.4 SPECIAL PROVISIONS**

- .1 By-law No.: 2010 – 140 (Municipality of Kincardine)  
Subject Lands: Pt. Lot 15, Concession 5, Township of Kincardine  
Special Zone: 'WD-a'  
Exception to Zone Provisions:

That the permitted uses be limited to, only:

- (i) A Material Recovery Centre
- (ii) An accessory building or structure for the purpose of administration or storage facilities; and a
- (iii) Material Recycling Facility



## **SECTION 34 – ENVIRONMENTAL PROTECTION – EP**

### **34.1 PERMITTED USES**

No person shall within any EP – Environmental Protection Area Zone use any lot or erect, alter or use any building or structure for any purpose except for one or more of the following uses:

#### **RESIDENTIAL USE**

- Prohibited

#### **NON-RESIDENTIAL USE**

- Agriculture, General
- Conservation Area
- Public Park
- Passive Recreation

### **34.2 STRUCTURES PROHIBITED**

All buildings and structures shall be prohibited in a ‘EP – Environmental Protection’ zone except for the following:

- a) those necessary for flood and/or erosion control purposes;
- b) unenclosed picnic shelters/structures;
- c) washroom facilities associated with a Public Park or Conservation Area;
- d) buildings for essential public utilities.

### **34.3 INTERPRETATION OF ‘EP’ ZONE BOUNDARIES**

The Environmental Protection Zone boundaries identified on Schedule ‘A’ are intended to generally identify areas of existing or potential natural hazards, areas of natural or scientific interest and areas of provincial natural significance. Notwithstanding Section 34.1, ‘EP-Environmental Protection’ zone boundaries are subject to minor changes without a formal amendment to this By-law when approved in writing by Saugeen Valley Conservation and the Chief Building Official of the Corporation. Changes to the ‘EP’ boundaries shall be incorporated when required in subsequent By-law consolidation.

### **34.4 PROVINCIALLY SIGNIFICANT WETLANDS – SCHEDULE ‘B’**

Some areas zoned as ‘EP-Environmental Protection’ are within a “Provincially Significant Wetland”. The Bruce County Official Plan and Provincial Policies prohibit development and site alteration in these areas. Provincially Significant Wetlands are shown on Schedule ‘B’ and forming part of this By-law. For more complete information reference should be made to the Bruce County Official Plan and the Saugeen Valley Conservation Authority.

In cases where lands are identified as Provincially Significant Wetlands in Schedule ‘B’ permitted uses shall be limited to:

#### **RESIDENTIAL USE**

- Prohibited

#### **NON-RESIDENTIAL USE**

- Forestry/Silviculture
- Passive recreation, exclusive of buildings and structures
- No building or structures shall be permitted except those necessary for flood and/or erosion control purposes.

### **34.5 ZONE PROVISIONS**

No person shall within any Environmental Protection zone use any land or erect, alter or use any building or structure except in accordance with the following provisions:

PROVISIONS	FLOOD CONTROL STRUCTURES
Minimum Building Setback from any lot line	10 metres
Maximum Building Size	9 square metres
Maximum Building Height	3 metres

PROVISIONS	BUILDINGS FOR PUBLIC UTILITIES
Maximum per Lot	One (1)
Maximum Building Size	9 square metres
Maximum Building Height	5 metres
Minimum Building Setback from any lot line	10 metres

### 34.6 SPECIAL PROVISIONS

*(Deleted and replaced by By-Law No. 2005-013 – Housekeeping)*

.1 By-law No.: 93-10 (Inverhuron)

Subject Lands: Pt Lts 66 - 70, Con 'A' (Kincardine Twp)

Special Zone: **'EP-a'**

Exception to Zone Provisions:

- (i) The replacement, renovation or enlargement of existing buildings or structures may be permitted provided that a connection to a municipal sewer system approved under the Ontario Water Resources Act is obtained.
- (ii) The 'Maximum Building Height' shall not exceed 1.5 storeys or 6.1 metres above grade, whichever is the lesser.
- (iii) Section 6.8 'Frontage on a Class (1) One Street' of this By-law, shall not apply as it relates to lots fronting upon a street with a perpendicular width of less than 20 metres.
- (iv) Section 6.28 'Watercourse Setbacks' and Section 6.27 'Zoning over Water bodies' of this By-law shall not apply.
- (v) For the purposes of this paragraph where there is an established building line extending on both sides of the lot, a building or structure may be erected closer to the easterly lot line, provided such permitted building or structure is not erected closer to the easterly lot line, than the established building line. For the purposes of this clause, the Building Line will be established from the perimeter of the dwelling unit and shall not include unenclosed decks or open porches.
- (vi) The 'Minimum On-Site Parking' requirement shall be one space per dwelling unit, the 'Minimum Width' of such space shall be 2.4 metres and the 'Minimum Length' shall be 6 metres.
- (vii) No westerly expansion of any existing buildings or structures shall be permitted.
- (viii) Northerly or southerly expansion of the most northerly and southerly limits of existing buildings or structures may be permitted provided that such expansion does not comprise more than a maximum of 25 % of ground floor area of the building or structure as it existed on May 17, 1993; or, extend within 1.2 metres of the side lot line, whichever is the lesser.

.2 By-law No.: 98-20 (Doupe)

Subject Lands: Not available

Special Zone: **'EP-b'**

Exception to Zone Provisions:

- (i) Open storage accessory to a permitted use within the C2 zone shall be permitted.

.3 By-law No.: 2002-103 (Mitchell Thorn)

Subject Lands: Pt Lt 51, Con 'A' (Kincardine Twp)

- Special Zone: **'EP-c'**  
Exception to Zone Provisions:
- (i) The lands shall not be altered, regarded, filled or excavated
  - (ii) No trees shall be removed except for proper forest management practices and for safety reasons
- .4 By-law No.: 2006-030 (Nancy J. O'Connor)  
Subject Lands: Lt 70, Lake Range (Bruce Twp)  
Special Zone: **'EP-d'** (and 'R1-ac-h')  
Exception to Zone Provisions:
- (i) Vegetation removal is to be kept to a minimum. No filling, excavation or regrading will be permitted except as necessary to establish entrance/laneways from the municipal road.
- .5 By-Law No. 2003-167 (Susan K. Pryde)  
Subject Lands: Pt Lts 49 and 50, Con 'A' (Kincardine Twp)  
Special Zone: **'EP-e'** (and 'R1-o')  
Exception to Zone Provisions:
- (i) Site alteration, regrading, filling or excavation is not permitted in the EP zone, except for the works involved with the installation of approved stormwater management and watermain infrastructure;
  - (ii) Trees shall not be removed in the EP zone, except for proper forest management practices, safety reasons, approved municipal shared-use trails, works involved with the installation of approved stormwater management and watermain infrastructure, and as approved in the tree retention plan.
- .6 By-Law No: 2004-83 (Philip and Evelyn Evers [Somershill Golf Club])  
Subject Lands: Pt Lt 51, Con 'C' (Kincardine Twp)  
Special Zone: **'EP-f'** (and 'OS-a')  
Exception to Zone Provisions:
- (i) A golf course shall be a permitted use;
  - (ii) Buildings and/or structures, except those existing as of the date of passage of this by-law, shall be prohibited with the exception of those structures permitted in 'Section 34.2 Structures Prohibited – Environmental Protection Zone';
  - (iii) Site alteration, regrading, filling, or excavating on all lands in the 'EP-f' zone shall be prohibited except as permitted through Site Plan Control;
  - (iv) The lands shall be subject to Site Plan Control.
- .7 By-Law No: 2006-031 (Hunter's Ridge Subdivision)  
Subject Lands: Bldg 'B', Plan M-35 and Pt Lt 4, West of Saugeen and Goderich or Huron Road, Townplot of Penetangore (Kincardine)  
Special Zone: **'EP-g'** (and 'R1')  
Exception to Zone Provisions:
- (i) Accessory buildings and permanent structures such as swimming pools, garden sheds, garages or other similar structures or uses, are not permitted;
  - (ii) There shall be no site alteration, regrading, filling, excavation, or vegetation removal.
- .8 By-Law No.: 2005-013 (Housekeeping)  
Subject Lands: Pt Lt 4, Con 12 (Kincardine Twp)  
Special Zone: **'EP-i'**  
Exception to Zone Provisions:
- (i) An accessory structure is permitted as existed as of the date of passage of this By-Law.
- .9 By-Law No.: 2006-263 (Garry Scott Thomson)  
Subject Lands: Lts 11 and 12, Plan 347 (Kincardine)  
Special Zone: **'EP-j'**  
Exception to Zone Provisions:
- (i) A single detached dwelling shall be a permitted use;
  - (ii) The front yard setback shall be no less than 2.3 m;

- (iii) The lot shall comply with the provisions of Section 12.2 'Zone Provisions – Residential One Zone', with the exception of the minimum front yard setback;
  - (iv) Prior to the issuance of a building permit from the municipality, a permit must be obtained from the SVCA in accordance with the *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation* (Ontario Regulation 169/06).
- .10 By-Law No.: 2006-264 (Murray Norman, Daniel Norman and Jessie Robinson)  
 Subject Lands: Pt Lt 58, Con 'A' (Kincardine Twp)  
 Special Zone: 'EP-k' (and 'R1-ad')  
 Exception to Zone Provisions:
- (i) Vegetation removal is to be kept to a minimum. No filling, excavation or regrading will be permitted except as necessary and approved by the Saugeen Valley Conservation Authority.
- .11 By-Law No.: 2008-006 (KNJ/21 Russ Developments/GSP)  
 Subject Lands: Pt Lts 2 & 3, Con 1 SDR (Town)  
 Special Zone: 'EP-I' and 'C6-f-H'  
 Exception to Zone Provisions:
- (i) A stormwater management facility and related works are also a permitted use.
- .12 By-Law No: 2007-292 (Tom Kerr)  
 Subject Lands: Pt Lt 45, Con 'A'  
 Special Zone: 'EP-m'  
 Exemption to Zone Provisions:
- (i) The Permitted Uses shall be limited to 'Passive Recreation'; and
  - (ii) Site alteration, grading, filling or excavation is not permitted except in accordance with: the approved 'Lot Grading Plan'; and/or for works installed in accordance with the approved 'Stormwater Management Plan', and/or for works that form part of an approved municipal trail system; and
  - (iii) Trees shall not be removed except in accordance with the approved 'Tree Retention Plan'
- .13 By-Law No.: 2009 – 040 (Danahy)  
 Subject Lands: Pt Goderich Street, Pt Railway Reserve, Parts 3, 4, 5 & 6, RP 3R-6519 (Town)  
 Special Zone: 'EP-n' and 'R1-as'  
 Exception to Zone Provisions:
- (i) A single detached dwelling shall be a permitted use;
  - (ii) The lot shall comply with the provisions of Section 12.2 'Zone Provisions – Residential One Zone', with the exception of the minimum front yard setback of not less than 4.5 metres.
- .14 By-Law No.: 2010 – 064 (Knautz)  
 Subject Lands: Lot 14, Plan 372 (Township of Bruce)  
 Special Zone: 'EP-o' and 'PD'  
 Exception to Zone Provisions:
- (i) A deck and unenclosed porch (deck roof) is a permitted use but must maintain as a minimum, the rear yard setback to the deck as it existed on the date of passage of this By-law;
  - (ii) Subsections 6.11 and 6.12 of the By-law do not apply to the subject property, and
  - (iii) No person shall erect any building or structure or increase the height, size or volume of existing structures unless the owner has entered into a 'Limited Services Agreement' with the Corporation.
- .15 By-Law No.: 2010 – 140 (Municipality of Kincardine)  
 Subject Lands: Pt Lot 15, Concession 5 (Township of Kincardine)  
 Special Zone: 'EP-p' and 'WD-a'  
 Exception to Zone Provisions:

That the following accessory uses to a Waste Disposal Area are also permitted:

- i) an access road,
- ii) an outlet from a storm-water management pond, and
- iii) a groundwater interceptor.

.16 By-Law No.: 2011 – 010 (Bird)  
Subject Lands: Lot 17, Plan 372 (Township of Bruce)  
Special Zone: **'EP-q' and 'PD-k'**  
Exception to Zone Provisions:

- (i) A single detached dwelling shall be a permitted use;
- (ii) The lot shall comply with the provisions of Section 12.2 'Zone Provisions – Residential One Zone', with the exception:
  - a. That the minimum lot frontage and lot area shall be as it existed on the date of passage of this by-law
  - b. That the minimum front yard setback to any building or structure shall be no less than 5.27 m as it existed on the date of passage of this by-law;
  - c. That the maximum lot coverage for the principle building shall be 25 %.
- (iii) Subsections 6.11 and 6.12 of the By-law do not apply to the subject property, and
- (iv) No person shall erect any building or structure or increase the height, size or volume of existing structures unless the owner has entered into a 'Limited Services Agreement' with the Corporation.

.17 By-Law No.: 2011- 139 (Adsett)  
Subject Lands: Lot 16, Plan 347 (Town)  
Special Zone: **'EP-r'**  
Exception to Zone Provisions:

Notwithstanding other provisions of this by-law:

- (i) A single detached dwelling shall be a permitted use;
- (ii) 'Section 6.28 – Watercourse Setbacks' shall not apply;
- (iii) The minimum lot frontage shall be 15 metres;
- (iv) The minimum lot area shall be 340.9 square metres as it existed on the date of passage of the By-law;
- (v) The minimum on-site parking shall be two (2) spaces;
- (vi) The minimum front yard setback shall be 3.1 metres;
- (vii) The minimum interior side yard setback shall be 2.4 metres on one side and 1.2 metres on the opposite side;
- (viii) The minimum rear yard setback of not less than 6.4 metres;
- (ix) The Total floor area (Minimum) shall be 70 square metres;
- (x) The Height–Principal Building (Maximum) shall be 10.5 metres;
- (xi) The Lot Coverage–Principal Building (Maximum) shall be 40 percent.
- (xii) Prior to the issuance of a building permit from the municipality, a site plan describing the proposed development shall be submitted to the Saugeen Valley Conservation Authority for review and approval. The Saugeen Valley Conservation Authority may require the owner to provide technical information and/or report(s) prepared by qualified professionals to assist in the review of a proposal.

## **SECTION 35 – PLANNED DEVELOPMENT – PD**

### **35.1 PERMITTED USES**

No person shall within a PD Zone use any lot or erect or use any building or structure, for any purpose except for the following:

- Uses, buildings and structures existing at the date of passing of this By-law
- Permitted Uses in the EP zones provided that no buildings or structures are erected
- Erection of accessory buildings
- Expansions/enlargements to existing agricultural buildings shall be prohibited

### **35.2 EXISTING RESIDENTIAL DWELLINGS & ACCESSORY BUILDINGS**

.1 Notwithstanding their PD Zoning designation, any single detached dwelling existing at the date of passing of this By-law, may be expanded or enlarged in accordance with the provisions of the 'R1' zone where the lot fronts onto a Class One street; or the 'R1-r' zone where the lot fronts onto a Class 2 Street; or the 'R1-p' zone where the lot fronts onto a Private Street.

.2 Buildings and structures accessory to a single detached dwelling existing at the date of passing of this By-law, may be erected, expanded or enlarged in accordance with the provisions of Section 6.4 'Accessory Buildings and Structures'.

### **35.3 SPECIAL PROVISIONS**

- .1 By-law No.: 85-11 (Smiley)  
Subject Lands: Pt Pk Lt 'A', Con 'A' (Kincardine Twp)  
Special Zone: 'PD-a'  
Exception to Zone Provisions:  
(i) Notwithstanding any yard provisions of this By-law, no person shall hereafter erect any permanent building or structure closer than 30 metres from the top-of- bank of any body of water or watercourse.
- .2 By-law No.: 2005-013 (Housekeeping)  
Subject Lands: Pt Lts 57 and 58, Con 'A' (Kincardine Twp)  
Special Zone: 'PD-b'  
Exception to Zone Provisions:  
(i) To be used in accordance with the 'R1' zone; and  
(ii) Notwithstanding any other provisions in the By-law, Section 6.11 Frontage on a Class One (1) Street shall not apply.
- .8 By-law No.: Not available  
Subject Lands: Pt Lt 1, Con 2 SDR (Kincardine)  
Special Zone: 'PD-i'  
Exception to Zone Provisions:  
(i) An existing veterinary clinic shall be permitted.
- .9 By-law No.: Not available  
Subject Lands: Various locations  
Special Zone: 'PD-j'  
Exception to Zone Provisions:  
(i) In addition to the permitted uses in the 'PD' zone:  
a. Buildings and Structures permitted in the 'A1' zone, save and except a livestock facility are permitted;  
b. A detached residence is permitted, in accordance with the 'R1' zone provisions.
- .10 By-Law No.: 2011-010 (Z-58-10.26, 'Bird')  
Subject Lands: Lot 17, Plan 372 (Township of Bruce)

Special Zone: 'PD-k' and EP-q'  
Exception to Zone Provisions:

- (v) A single detached dwelling shall be a permitted use;
- (vi) The lot shall comply with the provisions of Section 12.2 'Zone Provisions – Residential One Zone', with the exception:
  - a. That the minimum lot frontage and lot area shall be as it existed on the date of passage of this by-law
  - b. That the minimum front yard setback to any building or structure shall be no less than 5.27 m as it existed on the date of passage of this by-law;
  - c. That the maximum lot coverage for the principle building shall be 25 %.
- (vii) Subsections 6.11 and 6.12 of the By-law do not apply to the subject property, and
- (viii) No person shall erect any building or structure or increase the height, size or volume of existing structures unless the owner has entered into a 'Limited Services Agreement' with the Corporation.

.3 By-law No.: Not used at this time  
Subject Lands:  
Special Zone: 'PD-c'  
Exception to Zone Provisions:

**SECTION 36 – ENACTMENT**

**36.1 CONFLICT WITH OTHER BY-LAWS**

In the event of any conflict or inconsistency between this By-law and other general or special By-law or the Corporation, the provisions of this By-law shall prevail.

**36.2 REPEAL**

From the coming into force of this By-law, all previous By-laws passed under Section 34 of the Planning Act, R.S.O. 1990 as amended, or a predecessor thereof, shall be deemed to have been repealed except to the extent that any of the said By-laws prohibits the use of any land, building or structure for a purpose that is also prohibited by this By-law.

**36.3 EFFECTIVE DATE**

This By-law shall come into force on the date it is passed by Council, subject to the provisions of The Planning Act, R.S.O. 1990, as amended.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 12<sup>th</sup> DAY OF FEBRUARY 2003.

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Mayor

\_\_\_\_\_  
Clerk