

**THE CORPORATION OF THE MUNICIPALITY OF KINCARDINE**



**BY-LAW**

**No. 2025 - 052**

**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, the original Comprehensive Zoning By-law duly completed as to  
signatures and the corporate seal is filed separately in the Records Area.**

FINAL FOR COUNCIL ADOPTION  
April 23, 2025

LIST OF AMENDMENTS TO COMPREHENSIVE ZONING BY-LAW 2025-052:

[illegible]

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# **PART A – GENERAL**

## **Section 1: General**

The Restricted Area By-law Number 2025-052 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:

### **1.1 Title**

This By-law shall be known as “The Comprehensive Zoning By-law” of the Municipality of Kincardine.

### **1.2 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.

### **1.3 Interpretation**

The following shall apply to the interpretation of this Zoning By-law:

- a) The particular shall control the general.
- b) The word 'shall' is mandatory and not discretionary.
- c) The word may is permissive.
- d) Words used in the present tense shall include the future.
- e) Words used in the singular number shall include the plural and the plural shall include the singular, unless the context clearly indicates the contrary.
- f) A 'Building' or 'Structure' includes any part thereof.

### **1.4 Administration**

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

### **1.5 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 the Building Code Act, S.O. 1992, c.23.

### **1.6 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.

## **1.7 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.

## **1.8 Violations and Penalties**

### **1.8.1 Contravention**

Every person who contravenes any of the provisions of this By-law is guilty of an offence and on conviction is liable:

- a) on the first conviction to a fine of not more than twenty thousand dollars (\$20,000); and,
- b) 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.

### **1.8.2 Penalty**

Where a corporation contravenes any of the provisions of this By-law, the maximum penalty that may be imposed is:

- a) on a first conviction to a fine of not more than fifty thousand dollars (\$50,000); and,
- b) 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.

### **1.8.3 Fines**

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.

## **1.9 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.

### **1.10 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 or a person designated by the Chief Building Official has issued a Certificate of Occupancy to the effect that the proposed use complies with this By-law.

### **1.11 Technical Revisions**

Revisions may be made to this By-law without the need for a zoning by-law amendment in the following cases:

- a) Correction of numbering, cross-referencing, grammar, punctuation or typographical errors or revisions to format in a manner that does not change the intent of a provision;
- b) Adding or revising technical information on maps or schedules that does not affect the zoning of lands including, but not limited to, matters such as updating or correcting lot line information; updating and correcting infrastructure information; wellhead protection areas; conservation authority regulated lands, and top-of-bank features; keys, legends or title blocks; and
- c) Changes to appendices, footnotes, headings, indices, marginal notes, tables of contents, illustrations, historical or reference information, page numbering, do not form a part of this by-law and are editorially inserted for convenience of reference only.

## Section 2: 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.

### A

#### **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.

#### **Abandoned**

means the failure to proceed expeditiously with the construction of a work.

#### **Accessory**

A land use that is supportive of and secondary to the primary use assigned to a given designated property.

#### **Accessory Apartment Unit**

See 'DWELLING, ACCESSORY APARTMENT UNIT'

#### **Additional Residential Unit**

See 'DWELLING, ADDITIONAL RESIDENTIAL UNIT'

#### **Adjacent**

means:

- a) for the purposes natural heritage resources, those lands contiguous to a specific natural heritage feature or area where it is likely that development or site alteration would have a negative impact on the feature or area. The extent of the adjacent lands may be recommended by the Province or based on municipal approaches which achieve the same objectives;
- b) for the purposes of cultural heritage resources, those lands contiguous to a protected heritage.

#### **Adverse Effects**

As defined in the Environmental Protection Act, means one or more of:

- a) Impairment of the quality of the natural environment for any use that can be made of it;
- b) Injury or damage to property or plant or animal life;
- c) Harm or material discomfort to any person;

- d) An adverse effect on the health of any person;
- e) Impairment of the safety of any person;
- f) Rendering any property or plant or animal life unfit for human use;
- g) Loss of enjoyment of normal use of property; and,
- h) Interference with normal conduct of business.

### **Affordable**

means:

- a) in the case of ownership housing, the least expensive of:
  - i) housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low- and moderate-income households; or
  - ii) housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area;
- b) in the case of rental housing, the least expensive of:
  - i) a unit for which the rent does not exceed 30 percent of gross annual household income for low- and moderate-income households; or
  - ii) a unit for which the rent is at or below the average market rent of a unit in the regional market area.
- c) 'Affordable' may also be otherwise defined by the Province.

### **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.

### **Agricultural Uses**

means the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for farm labour when the size and nature of the operation requires additional employment.

### **Agriculture Related Use(s)**

means those farm related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.

**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.

**Agritourism**

means farm-related tourism uses that promote the enjoyment, education or activities related to the farm operation.

**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.

**Ancillary**

See 'ACCESSORY'

**Archaeological Resources**

includes artifacts, archaeological sites, marine archaeological sites, as defined under the *Ontario Heritage Act*. The identification and evaluation of such resources are based upon archaeological assessments carried out by archaeologists licenced under the *Ontario Heritage Act*.

**Areas of Archaeological Potential**

means areas with the likelihood to contain archaeological resources, as evaluated using processes and criteria that are established under the *Ontario Heritage Act*.

**Areas of Natural and Scientific Interest ("ANSI")**

means areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education.

**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.

**Attainable**

in relation to housing, as otherwise defined by the Province.

**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.

## **B**

**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.

**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.

**Bed And Breakfast**

means a single-detached residential dwelling, not containing a secondary unit or garden suite, with no greater than four guest rooms which provide short-stay overnight accommodation for the travelling or vacationing public. A bed and breakfast establishment does not include a hotel, motel, group home, lodging house, or restaurant.

**Brownfield Site**

means an undeveloped or previously developed parcel or site that may be contaminated. Brownfields are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant.

**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. Please also refer to the Ontario Building Code Act.

**Building By-law**

means any 'Building By-law' within the meaning of the *Planning Act* and the *Ontario Building Code Act*.

**Building – Principal**

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.

**Building Height**

See 'HEIGHT'.

**Built Heritage Resource**

means a building, structure, monument, installation or any manufactured or constructed part or remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Indigenous community.

**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.

## C

**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.

**Cannabis Cultivation**

means any activities associated with the growing, farming, production, processing, research, testing, packaging, destruction, storing, or distribution of cannabis. Cannabis Cultivation activities are required to be licensed or authorized by Health Canada and/or another government agency responsible for the regulation of the proposed activities.

**Cannabis Facility**

means any facilities, buildings, structures, accessory structures, crops, fields, or lands that are used, designed, intended for, or associated with Cannabis Cultivation. A Cannabis Facility could include all, some, or none of the following components: greenhouses, warehouses, laboratories, processing facilities, administrative offices, and shipping facilities. A Cannabis Facility can include an Open Air Cannabis Facility and an indoor Cannabis Facility, and excluding any cannabis retail stores.

**Cannabis Facility, Open Air**

means specifically any Cannabis Facility that is considered outdoor and / or is not restricted from outdoor air via closable windows, doors, walls, etc. A Cannabis Facility, Open Air, includes, but is not limited to, crops and fields.

**Cannabis Facility, Security**

means an accessory building or structure associated with Cannabis Facilities, Open Air Cannabis Facilities, or Cannabis Cultivation that is solely used for the purposes of ensuring the security of the Cannabis Facilities or Cannabis Cultivation which it is associated. The storage of materials, either indoor or outdoor, related to Cannabis Cultivation are prohibited in Cannabis Security Facilities.

**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.

**Child Care**

means the temporary care for or supervision of a child including providing for a child's safety, well-being or development, in the absence of the child's guardian and for a continuous period that does not exceed 24 hours, in accordance with the *Child Care and Early Years Act, 2014* including any amendments, or its successor, and provided it also meets the definition of Child Care Centre, Home-Based Child Care, or Un-Licensed Child Care.

**Child Care Centre**

shall mean a premises operated by a person who is licenced by the province to operate a childcare centre at the premises.

**Child Care, Home-Based**

means a premise operated at a dwelling by one or more childcare provider(s) that are regulated by a home childcare agency. Home-based Child Care is provided by one (1) childcare provided for no more than six (6) children; or, two (2) childcare providers for no more than twelve (12) children.

**Child Care, Un-Licensed**

means childcare provided at a premises that is not a "child care centre", or a private school within the meaning of the Education Act. Unlicensed Child Care is provided for no more than five (5) children where the group of children does not include more than two (2) children who are younger than two (2) years old.

**Class One Street**

See 'STREET – CLASS ONE'

**Class Two Street**

See 'STREET – CLASS TWO'

**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 Commercial 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.

**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 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 or site 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**

In regard to cultural heritage resources, means the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment that has been approved, accepted or adopted by the relevant planning authority and/or decision-maker. Mitigative measures and/or alternative development approaches should be included in these plans and assessments..

**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**

See 'TRAILER – CONSTRUCTION'

**Contiguous**

means lands that are situated in sufficiently close proximity such that development or site alteration could reasonably be expected to produce one or more of the following impacts: alterations to existing hydrological or hydrogeological regimes; clearing of existing vegetation; erosion and sedimentation; or producing a substantial disruption of existing natural linkages or the habitat of a significant species.

**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.

**Corner Lot**

See 'LOT – CORNER'

**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.

**Cultural Heritage Landscape**

means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Indigenous community. The area may include features such as buildings, structures, spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association.

**Cultural Heritage Resources**

means Built Heritage Resources, Cultural Heritage Landscapes, and Archaeological Resources or Areas of Archaeological Potential, which include but are not limited to:

- a) Buildings;
- b) Structures;
- c) Monuments;
- d) Cemeteries;
- e) Scenic roads;
- f) Vistas/viewsheds;
- g) Culturally significant natural features;
- h) Movable objects; and,
- i) Cultural traditions.

**D****Data Processing Centre**

See 'COMPUTER PROCESSING CENTRE'

**Development**

means the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the Planning Act. Development does not include:

- a) activities that create or maintain infrastructure authorized under an environmental assessment process; or
- b) works subject to the Drainage Act.

**Drinking Water Threat**

means an activity or condition that adversely affects or has the potential to adversely affect the quality or quantity of any water that is or may be used as a source of drinking water and includes an activity or condition that is prescribed by regulation as a drinking water threat.

**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, but does not include a field access for farm equipment.

**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, further categorized through the following:

**Dwelling – Accessory Apartment Unit**

means a residential dwelling unit that is wholly contained within a non-residential building and is secondary to a non-residential primary use.

**Dwelling – Accessory Detached**

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.

**Dwelling – Accessory Dwelling Unit**

means a dwelling unit, located on the same lot therewith, which is part of the permitted Non-Residential Use building or structure.

**Dwelling – Additional Residential Unit**

means a residential dwelling unit either wholly contained within a 'Dwelling, Single Detached', a 'Dwelling, Semi-detached', 'Dwelling, Duplex', or a 'Dwelling, Row', or wholly contained within an accessory building on a lot containing a 'Dwelling, Single Detached', a 'Dwelling, Semi-detached', 'Dwelling, Duplex' or a 'Dwelling, Row' and is secondary to a primary residential unit.

**Dwelling – Apartment**

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' does not include any other dwelling otherwise defined herein.

**Dwelling – Boarding House**

shall mean an 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.

**Dwelling – Duplex**

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.

**Dwelling – Mobile Home**

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.

**Dwelling – Quadraplex**

shall mean a building that consists of two (2) attached Duplex Dwellings.

**Dwelling – Residential Non-Farm Detached**

shall mean a detached dwelling located on a non-farm lot.

**Dwelling – Row**

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. Row dwelling may also be referred to as a townhouse.

**Dwelling – Seasonal**

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.

**Dwelling – Semi-Detached**

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.

**Dwelling – Single Detached**

shall mean a building containing one dwelling unit. This does not include mobile homes, camping trailers or house trailers.

**Dwelling – Triplex**

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.

**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.

**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.

**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.

# E

## **Ecological Function**

The natural processes, products or services that living and non-living environments provide or perform within or among species, ecosystems and landscapes, including hydrologic functions and biological, physical, chemical and socio-economic interactions.

## **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. Such facilities shall also include a battery storage component.

## **Emergency Services Facility**

means a building that houses emergency personnel, their supplies, equipment and vehicles, such as a Fire Hall, Police Station, and Ambulance Station.

## **Employment Area**

means those areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities.

## **Endangered Species**

means a species that is classified as “Endangered Species” on the Species at Risk list, as updated and amended from time to time.

## **Environmental Assessment**

means a process for the authorization of an undertaking under legislation such as the Environmental Assessment Act, and the Ontario Energy Board Act.

## **Environmental Impact Study**

means a study prepared in accordance with established procedures to identify and/or refine the boundaries of elements of the Natural System, identify the potential impacts of proposed development or site alteration on such elements, and recommend a means of preventing or minimizing these impacts through avoidance or mitigation and a means to enhance or restore the Natural System.

## **Environmentally Significant Discharge Areas**

Lands where groundwater discharges to the surface of the soil or to surface water bodies to sustain wetlands, fisheries, or other specialized natural habitats.

**Environmentally Significant Recharge Areas**

Means Lands where water infiltrates into the ground to replenish an aquifer that sustains, in full or in part, natural features.

**Equestrian Centre**

See 'RIDING STABLE'

**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.

**Erosion Hazard**

The loss of land, due to human or natural processes, that poses a threat to life and property. The erosion hazard limit is determined using considerations that include the 100-year erosion rate (the average annual rate of recession extended over a one-hundred-year time span), an allowance for slope stability, and an erosion/erosion access allowance.

**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.

**Exterior Lot Line**

See 'LOT LINE – EXTERIOR'

# F

## **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 a family unit 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 bodybuilding and exercise classes, and may include associated facilities such as a sauna, swimming pool and solarium.

**Flood Fringe**

for watercourses and small inland lake systems, the outer portion of the floodplain between the floodway and the limit of the flooding hazard. Depths and velocities of flooding are generally less severe in the flood fringe than those experienced in the floodway.

**Floodplain**

for watercourses and small inland lake systems, the area, usually lowlands adjoining a watercourse, which has been or may be subject to flooding hazards.

**Flooding Hazard**

means the inundation, under the conditions specified below, of areas adjacent to a shoreline or a river or stream system and not ordinarily covered by water:

- a) along the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes, the flooding hazard limit is based on the one-hundred-year flood level plus an allowance for wave uprush and other water related hazards;
- b) along river, stream and small inland lake systems, the flooding hazard limit is the greater of:
  - i) the flood resulting from the rainfall actually experienced during a major storm such as the Hurricane Hazel storm (1954) or the Timmins storm (1961), transposed over a specific watershed and combined with the local conditions, where evidence suggests that the storm event could have potentially occurred over watersheds in the general area;
  - ii) the one-hundred-year flood; and
  - iii) a flood which is greater than i. or ii. which was actually experienced in a particular watershed or portion thereof as a result of ice jams and which has been approved as the standard for that specific area by the Minister of Natural Resources and Forestry;
- c) except where the use of the one-hundred-year flood or the actually experienced event has been approved by the Minister of Natural Resources and Forestry as the standard for a specific watershed (where the past history of flooding supports the lowering of the standard).

**Floodproofing And Flood Damage Reduction Measures**

means a combination of structural changes and/or adjustments incorporated into the design and/or construction of buildings, structures or properties for the purpose of reducing flood damages.

**Floodproofing Standard**

means the combination of measures incorporated into the basic design and/or construction of buildings, structures, or properties to reduce or eliminate flooding hazards, wave uprush and other water related hazards along the shorelines of the Great Lakes - St. Lawrence River

System and large inland lakes, and flooding hazards along river, stream and small inland lake systems.

### **Floodway**

means for watercourses and small inland lake systems, the portion of the floodplain where development and site alteration would cause a danger to public health and safety or property damage. Where the One Zone concept is applied, the floodway is the entire contiguous floodplain. Where the Two Zone concept is applied, the floodway is the contiguous inner portion of the floodplain, representing that area required for the safe passage of flood flow and/or that area where flood depths and/or velocities are considered to be such that they pose a potential threat to life and/or property damage. Where the Two Zone concept applies, the outer portion of the floodplain is the flood fringe. In all cases, the floodway includes areas of inundation that contain high points of land not subject to flooding.

### **Floor Area- Gross**

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.

### **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 – 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.

### **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.

**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**

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

**Front Lot Line**

See 'LOT LINE – FRONT'

**Front Yard**

See 'YARD – FRONT'

**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.

## G

**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.

**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. A garden suite is considered an Additional Residential Unit (see Dwelling – Additional Residential Unit).

**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, Commercial**

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 Developable Hectare**

Shall mean the total area of the proposed development minus the area of any lands designated or zoned Environmental Protection, Hazard, Natural Environment, Natural Hazard, or similar constraint in the County of Bruce Official Plan, Municipality of Kincardine Official Plan or Comprehensive Zoning By-law. When considering proposals with more than one land use, the uses may be separated for determining applicable density.

**Gross Floor Area**

See 'FLOOR AREA – GROSS'

**Groundwater Feature**

means water-related features in the earth's subsurface, including recharge/discharge areas, water tables, aquifers and unsaturated zones that can be defined by surface and subsurface hydrogeologic investigations.

**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.

## **H**

### **Hazardous Lands**

means property or lands that could be unsafe for development due to naturally occurring processes. Along the shorelines of the Great Lakes - St. Lawrence River System, this means the land, including that covered by water, between the international boundary, where applicable, and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along the shorelines of large inland lakes, this means the land, including that covered by water, between a defined offshore distance or depth and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along river, stream and small inland lake systems, this means the land, including that covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits.

### **Hazardous Sites**

means property or lands that could be unsafe for development and site alteration due to naturally occurring hazards. These may include unstable soils (sensitive marine clays [leda], organic soils) or unstable bedrock (karst topography).

**Hazardous Waste**

means waste that requires special precautions in its storage, handling, collection, transportation, treatment or disposal, to prevent damage to persons, property or the environment and includes explosives, flammable, volatile, radioactive, toxic, and pathological waste.

**Height**

shall mean the vertical distance between the average 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.

**Height of Building**

See 'HEIGHT'

**Heritage Impact Assessment**

means a study to determine if cultural heritage resources will be negatively impacted by a proposed development and/or site alteration. It can also demonstrate how the cultural heritage resource will be conserved in the context of development or site alteration. Mitigative or avoidance measures or alternative development approaches may also be recommended.

**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 Based Child Care**

See 'CHILD CARE, HOME BASED'

**Home Occupation**

means the use of a part of a dwelling unit for a service or profession by at least one of the permanent residents of such dwelling unit and which is clearly secondary to the main use of the dwelling unit.

**Home Occupation – Agricultural Business**

means a home occupation for the sale of farm products produced/grown or raised on the property. 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.

**Home Occupation – Household And Domestic Arts**

means a home occupation for 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.

**Home Occupation – Professional Use**

means a home occupation for 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.

**Home Occupation – Trades Persons**

means a home occupation for 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. Home Occupation – Trades Persons 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'.

**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 adults 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 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.

**Housing Options**

means a range of housing types such as, but not limited to single-detached, semidetached, rowhouses, townhouses, stacked townhouses, multiplexes, additional residential units, tiny homes, multi-residential buildings and uses such as, but not limited to life lease housing, co-ownership housing, co-operative housing, community land trusts, affordable housing, housing for people with special needs, and housing related to employment, institutional or educational uses.

**Hydrologic Function**

means the functions of the hydrological cycle that include the occurrence, circulation, distribution and chemical and physical properties of water on the surface of the land, in the soil and underlying rocks, and in the atmosphere, and water's interaction with the environment including its relation to living things.

**I****Individual On-Site Sewage Services**

means sewage systems, as defined in O. Reg. 332/12 under the Building Code Act, 1992, that are owned, operated and managed by the owner of the property upon which the system is located.

**Individual On-Site Water Services**

means individual, autonomous water supply systems that are owned, operated and managed by the owner of the property upon which the system is located.

**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.

**Industrial Training Facility**

means the use of any building or structure or part thereof in which vocational and technical skills involving the use, operation and maintenance of industrial equipment or processes are taught, including industrial equipment and processes associated with or related to any Energy Centre Use or to the products or byproducts of the Bruce Nuclear Power Development (BNPD).

**Infrastructure**

means physical structures (facilities and corridors) that form the foundation for development. Infrastructure includes: sewage and water systems, septage treatment systems, stormwater management systems, waste management systems, electricity generation facilities, electricity transmission and distribution systems, communications/telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.

**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.

**Institution – Major**

means uses that serve a broader regional community, including educational facilities (i.e. a secondary school), health care facility (i.e. a hospital) and other similar large-scaled institutional uses.

**Institution – Small Scale**

means those institutional uses that are generally compatible with residential land uses, such as elementary schools.

**Intensification**

means the development of a property, site or area at a higher density than currently exists through:

- a) redevelopment, including the reuse of brownfield sites;
- b) the development of vacant and/or underutilized lots within previously developed areas;
- c) infill development; and
- d) the expansion or conversion of existing buildings.

**Intensification - Residential**

means intensification of a property, site or area which results in a net increase in residential units or accommodation and includes:

- a) redevelopment, including the redevelopment of brownfield sites;
- b) the development of vacant or underutilized lots within previously developed areas;
- c) infill development;
- d) development and introduction of new housing options within previously developed areas;
- e) the conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and
- f) the conversion or expansion of existing residential buildings to create new residential units or accommodation, including accessory apartments, additional residential units, rooming houses, and other housing options.

**Interior Lot Line**

See 'LOT LINE – INTERIOR'

**J****K****Kennel**

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

**L****Laboratory**

See 'RESEARCH ESTABLISHMENT'

**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.

**Legal Non-Conforming**

shall mean a lawfully-established 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.

**Legal Non-Complying**

shall mean a lawfully-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.

**Limited Service**

may include the reduction in services such as: 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.

**Limited Services Agreement**

shall mean an Agreement with the Corporation or the County which pertains to Limited Service.

**Linkages**

means areas that connect natural features along which plants and animals can propagate, genetic interchange can occur, populations can move in response to environmental changes and life-cycle requirements, and species can be replenished from other natural features. Linkages can also include those areas currently performing, or with the potential to perform, through restoration, linkage functions. Although linkages help to maintain and improve natural features, they can also serve as important natural features in their own right.

**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, lambs, 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 – 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 - Interior**

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

**Lot - Non-Farm**

shall mean a parcel of land having an area of 4 ha (10 ac) or less that is located in an 'Agriculture' 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 lot lines to a street, lane or navigable waterway.

**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 Coverage**

shall mean the percentage of the total lot area covered by principal buildings or structures (as measured from the building footprint), above finished grade level; but shall not include swimming pools, hot tubs, spas, flatworks, uncovered decks/patios under 600mm in height 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 Line**

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

**Lot Line – Exterior**

means any lot line other than a front lot line or rear lot line abutting a street or lane.

**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 – Interior**

means any lot line connecting the front and rear lot lines which does not abut a street.

**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.

## **M**

**Major Facilities**

means facilities which may require separation from sensitive land uses, including but not limited to airports, manufacturing uses, transportation infrastructure and corridors, rail facilities, marine facilities, sewage treatment facilities, waste management systems, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities.

**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.

**Minimum Distance Separation Formulae ("MDS")**

means formulae and guidelines developed by the Province, as amended from time to time, to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.

**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 Park Site**

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.

**Mobile Tiny Home**

See 'TINY HOME – MOBILE'

**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:

**Motel – Housekeeping Unit**

means a unit for the overnight accommodation of the travelling public which may include sanitary and food preparation facilities.

**Motel – 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 Sewage Services**

means a sewage works within the meaning of section 1 of the *Ontario Water Resources Act* that is owned or operated by the Municipality.

**Municipal Water Services**

means a municipal drinking-water system within the meaning of section 2 of the *Safe Drinking Water Act*, 2002.

**Museum**

means an institution that is established for the purpose of acquiring, conserving, studying, interpreting, assembling and exhibiting to the public for its instruction and enjoyment, a collection of artifacts of historical interest.

# N

## **Natural Heritage Features and Areas**

means features and areas, including significant wetlands, significant coastal wetlands, other coastal wetlands in Ecoregions 5E, 6E and 7E, fish habitat, significant woodlands and significant valley lands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Mary's River), habitat of endangered species and threatened species, significant wildlife habitat, and significant areas of natural and scientific interest, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

## **Natural Heritage System**

means a system made up of natural heritage features and areas, and linkages intended to provide connectivity (at the regional or site level) and support natural processes which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species, and ecosystems. These systems can include natural heritage features and areas, federal and provincial parks and conservation reserves, other natural heritage features, lands that have been restored or have the potential to be restored to a natural state, areas that support hydrologic functions, and working landscapes that enable ecological functions to continue. The Province has a recommended approach for identifying natural heritage systems, but municipal approaches that achieve or exceed the same objective may also be used.

## **Negative Impacts**

means:

- a) degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features, and their related hydrologic functions, due to single, multiple or successive development or site alteration activities;
- b) in regard to fish habitat, any permanent alteration to, or destruction of fish habitat, except where, in conjunction with the appropriate authorities, it has been authorized under the Fisheries Act; and
- c) in regard to other natural heritage features and areas, degradation that threatens the health and integrity of the natural features or ecological functions for which an area is identified due to single, multiple or successive development or site alteration activities.

## **Non-Residential**

means designed, intended or used for a purpose other than a dwelling unit.

## **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. A nursing home may include Hospice and Long Term Care Homes.

## **O**

### **On-Farm Diversified Use ("OFDU")**

means uses that are secondary to the principal agricultural use of the property and are limited in area. On-Farm Diversified Uses include, but are not limited to, home occupations, home industries, agritourism uses, and uses that produce value added agricultural products. Ground-mounted solar facilities are permitted in prime agricultural areas, including specialty crop areas, only as On-Farm Diversified Uses. On-Farm Diversified Uses may be further informed by Provincial guidelines.

### **One Hundred Year Flood**

for river, stream and small inland lake systems, means that flood, based on an analysis of precipitation, snow melt, or a combination thereof, having a return period of 100 years on average, or having a 1% chance of occurring or being exceeded in any given year.

### **One Hundred Year Flood Level**

means:

- a) for the shorelines of the Great Lakes, the peak instantaneous still water level, resulting from combinations of mean monthly lake levels and wind setups, which has a 1% chance of being equalled or exceeded in any given year;
- b) in the connecting channels (St. Mary's, St. Clair, Detroit, Niagara and St. Lawrence Rivers), the peak instantaneous still water level which has a 1% chance of being equalled or exceeded in any given year; and
- c) for large inland lakes, lake levels and wind setups that have a 1% chance of being equalled or exceeded in any given year, except that, where sufficient water level records do not exist, the one-hundred-year flood level is based on the highest known water level and wind setups.

### **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.

# P

## **Park**

means an area of land which is owned publicly or privately, 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.

## **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.

## **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'.

**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.

**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, and may include a privacy fence that is at least 2.0 metres tall.

**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.

**Prime Agricultural Area**

means areas where prime agricultural lands predominate. This includes areas of prime agricultural lands and associated Canada Land Inventory Class 4 through 7 lands, and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture. Prime agricultural areas may be identified by the Ontario Ministry of Agriculture, Food and Rural Affairs using guidelines developed by the Province as amended from time to

time. A prime agricultural area may also be identified through an alternative agricultural land evaluation system approved by the Province.

**Prime Agricultural Land**

means specialty crop areas and/or Canada Land Inventory Class1, 2, and 3 lands, as amended from time to time, in this order of priority for protection.

**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.

**Principal Building**

See 'BUILDING – PRINCIPAL'

**Principal Structure**

See "BUILDING – PRINCIPAL'

**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.

**Private Communal Sewage Services**

means a sewage works within the meaning of section 1 of the *Ontario Water Resources Act* that serves six or more lots or private residences and is not owned by the Municipality.

**Private Communal Water Services**

means a non-municipal drinking-water system within the meaning of section 2 of the *Safe Drinking Water Act, 2002* that serves six or more lots or private residences.

**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 Service Facility**

means land, buildings and structures, including but not limited to schools, hospitals and community recreation facilities, for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health, child care and educational programs, including elementary, secondary, post-secondary, longterm care services, and cultural services. Public service facilities do not include infrastructure.

**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.

## Q

**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.

## R

**Rear Lot Line**

See 'LOT LINE – REAR'

**Rear Yard**

See 'YARD – REAR'

**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**

See 'RECREATION FACILITY'

**Recreation Facility**

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'.

**Redevelopment**

means the creation of new units, uses or lots on previously developed land in existing communities, including brownfield sites.

**Regional Recharge Areas**

Means a large natural feature where considerable deposits of sand and gravel allow for the infiltration of large quantities of rainfall and snowmelt deep into the ground. Regional Recharge Areas serve two important functions. From an environmental perspective, groundwater discharge from the shallow aquifers located within Regional Recharge Areas sustains a wide range of aquatic habitats and ecosystems. This groundwater discharge also provides a high percentage of the baseflow to surrounding rivers and cold-water streams and therefore is critical to maintaining the health the Region and downstream communities. The second function of Regional Recharge Areas is to replenish deep underground aquifers that serve as a source for a significant share of the municipal drinking-water supply.

**Regulatory Flood**

means the inundation under a flood resulting from the rainfall experienced during the Hurricane Hazel storm (1954) or the 100-year flood, wherever it is greater, the limits of which define the flooding hazard.

**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**

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.

## **Residential Intensification**

See 'INTENSIFICATION - RESIDENTIAL'

### **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.

### **Restaurant – Drive Through**

means a building or structure, or part thereof used to prepare food and offer for sale for immediate consumption, with facilities for patrons to order, pay for, and pick-up the prepared food without leaving their vehicle.

### **Restaurant – Refreshment Vehicle**

means a means any vehicle from which refreshments are sold for human consumption, and which includes a Located Refreshment Vehicle, Mobile Refreshment Vehicle and a Refreshment Cycle. The location and provisions for a Refreshment Vehicle are not regulated by this Zoning By-law. A Refreshment Vehicle may only be permitted in accordance with the Corporation's Licensing By-law.

### **Restaurant – Take Out**

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.

### **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 an overall 'retail floor area' of 929 square metres, with an individual store having an area of 232 square metres in a large-format building, and does not include any establishment otherwise defined or classified in this By-law.

**Retirement Home**

shall mean a building that provides accommodation in the form of dwelling units, which may not have cooking facilities, and which have a separate entrance from a common hall and where common facilities for the preparation and consumption of food are provided and where common facilities may also be provided for such uses as laundry, entertainment, fitness and recreation, personal services, convenience commercial, restaurant, and health and medical care including pharmacy and medical office uses

**Riding Stable**

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.

## **S**

**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.

**Sawmill**

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.

**Section 59 Notice**

refers to the requirements under Section 59 of the Clean Water Act, which requires issuance of a notice from the Township's Risk Management Official before permitting an activity that is considered a restricted land use as identified in the Source Protection Plans.

**Sensitive Land Uses**

means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land uses may be a part of the natural or built environment. Examples may include, but are not limited to residences, childcare centres, and educational and health facilities. Sensitive Land Uses may be further informed by Provincial guidelines.

**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 lot line or site feature to the nearest part of any building or structure on a lot.

**Sewage and Water Services**

includes municipal sewage services and municipal water services, private communal sewage services and private communal water services, individual on-site sewage services and individual on-site water services, and partial services.

**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.

**Sewage Disposal System – Communal**

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 Province as required.

**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.

**Short Term Rental Accommodation** means a dwelling unit that is used to provide sleeping accommodations for any period of less than 28 consecutive days and is operated by the owner of the property. Short term rental accommodation shall not include an inn, hotel, bed and breakfast establishment, boarding house dwelling or similar commercial or institutional use.

**Side Lot Line**

See 'LOT LINE – SIDE'

**Side Yard**

See 'YARD – SIDE'

**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 the projected street 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.

**Significant**

means:

- a) in regard to wetlands, coastal wetlands and areas of natural and scientific interest, an area identified as provincially significant by the Ontario Ministry of Natural Resources and Forestry using evaluation procedures established by the Province, as amended from time to time;
- b) in regard to woodlands, an area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history. These are to be identified using criteria established by the Ontario Ministry of Natural Resources and Forestry;
- c) in regard to other features and areas in policy 2.1, ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or natural heritage system;

- d) in regard to mineral potential, an area identified as provincially significant through evaluation procedures developed by the Province, as amended from time to time, such as the Provincially Significant Mineral Potential Index; and
- e) in regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest. Processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the Ontario Heritage Act.

Criteria for determining significance for the resources identified in sections (c)-(d) are recommended by the Province, but municipal approaches that achieve or exceed the same objective may also be used. While some significant resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation.

### **Significant Drinking Water Threat**

means a drinking water threat that, according to a risk assessment, poses or has the potential to pose a significant risk (Source: Clean Water Act).

### **Silviculture**

See 'FORESTRY'

### **Site Alteration**

means activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site.

### **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.

### **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.

**Street - Class One**

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**

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 – 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.

**Street Line**

Shall mean the limit of the road or street allowance and is the dividing line between a lot and a street.

**Structural Tiny Home**

See 'TINY HOME – STRUCTURAL'

**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 object 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.

**Surface Water**

Water-related features on the earth's surface, including headwaters, rivers, stream channels, inland lakes, seepage areas, recharge/discharge areas, springs, wetlands, and associated riparian lands that can be defined by their soil moisture, soil type, vegetation or topographic characteristics.

**Swimming Pool**

means any body of water located indoors or outdoors as defined in the municipal swimming pool By-law.

## T

**Tavern**

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.

**Threatened Species**

means a species that is classified as "Threatened Species" on the Species at Risk in Ontario List, as updated and amended from time to time.

**Tillable Hectares**

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

**Tiny Home**

means a small, private, self-contained dwelling unit, either structural or mobile as defined in this Zoning By-law, that usually contains the following attributes: A living area, dining area, kitchen facilities, bathroom facilities, washroom facilities, and a sleeping area; Intended for year-round use; and Meets the definition of 'TINY HOME – STRUCTURAL' or 'TINY HOME – MOBILE'.

**Tiny Home – Structural**

means a small, private, self-contained dwelling unit that meets the definition of a Tiny Home included in this Zoning By-law and is permanently attached to the ground, with the intention of not relocating the structure.

**Tiny Home – Mobile**

means a small, private, self-contained dwelling unit that meets the definition of a Tiny Home included in this Zoning By-law and is constructed, erected, or placed on a towable trailer system but is not drivable or able to move under their own power, shall not be constructed in a manner which legally requires a license plate, and must be securely attached to the ground during occupation.

**Top of Bank**

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.

**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 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.

**Travel Trailer Service Establishment**

See 'TRAVEL TRAILER SALES ESTABLISHMENT'

**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.

**Transport Trailer**

See 'TRAILER – TRANSPORT'

**Travel Trailer**

See 'TRAILER – TRAVEL'

## U

**Use**

Shall mean:

- a) 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'.

- b) as a noun, means any of the following depending on the context:
  - i) any purpose for which land, buildings or other structures may be arranged, designated, designed, intended, maintained, or occupied, or
  - ii) any occupation, business, activity, or operation carried on, or intended to be carried on, in a building or other structure or on land, or
  - iii) 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.

## V

### **Valleylands**

means a natural area that occurs in a valley or other landform depression that has water flowing through or standing for some period of the year.

### **Vendors Market**

means an occasional or periodic sales activity where one or more vendors offer goods for sale to the public, such as but not limited to agricultural products, prepared food products, arts and crafts, and new and used goods. A Vendors Market may consist of freestanding booths, tables, stands, tents or similar portable or semi-portable structures located outdoors or indoors. This does not include private garage sales.

### **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 – SmallAnimal**

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.

### **Vulnerable**

means surface and/or ground water that can be easily changed or impacted.

# W

## **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.

## **Watershed**

means an area that is drained by a river and its tributaries.

## **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**

shall mean a temporary pit 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.

**Wayside Quarry**

shall mean a temporary 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.

**Wellhead Protection Area ("WHPA")**

means an area that is related to a wellhead and within which it is desirable to regulate or monitor drinking water threats.

**Wetland**

means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens. Periodically soaked or wetlands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition.

**Wholesale Use**

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

**Wildlife Habitat**

means areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or non-migratory species.

**Woodlands**

means treed areas that provide environmental and economic benefits to both the private landowner and the general public, such as erosion prevention, hydrological and nutrient cycling, provision of clean air and the long-term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities, and the sustainable harvest of a wide range of woodland products. Woodlands include treed areas, woodlots or forested areas and vary in their level of significance at the local, regional and provincial levels. Woodlands may be delineated according to the *Forestry Act* definition or the Province's Ecological Land Classification system definition for "forest".

**Wind Generation System ("WGS")**

means any device such as a wind charger, windmill, or wind turbine that converts wind energy to electrical energy.

**Wind Generation System - Commercial ("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.

## **X**

## **Y**

### **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 - Front**

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 – Interior Side**

shall mean a side yard other than an exterior side yard.

### **Yard - Rear**

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**

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.

# Z

## **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 3: General Provisions for All Zones**

### **3.1 Accessory Apartment Unit**

#### **3.1.1 Prohibition**

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 Apartment Unit except in accordance with the provisions of this subsection.

#### **3.1.2 Location**

Accessory Apartment Units are permitted in non-residential buildings provided the following requirements are met:

- a) The Accessory Apartment Unit is located above the first storey of, and within, the building or structure in which the non-residential use is contained;
- b) The Accessory Apartment Unit is located behind or above the commercial use; and
- c) The Accessory Apartment Unit forms an integral part of the building or structure in which the non-residential use is contained.
- d) The Accessory Apartment Unit is not located within a natural hazard area as defined by SVCA.
- e) There is safe access to the Accessory Apartment Unit in accordance with Section 3.27.

#### **3.1.3 Setbacks**

Minimum setbacks and yards required for an Accessory Apartment Unit shall be provided in accordance with the minimum setback and yard provisions for the principal non-residential building or structure in which the Accessory Apartment Unit is contained.

### **3.2 Additional Residential Units in Agriculture Zones**

#### **3.2.1 Maximum Number and Location of Additional Residential Units**

Wherean 'AdditionalResidentialUnit'islistedasapermitteduseonalotinthe'Agricultural' zones:

- a) Themaximumnumberofresidentialunitsshallbetwo(2),whichincludestheprincipal unitandone(1)'AdditionalResidentialUnit'.
- b) An'AdditionalResidentialUnit'maybepermittedwithintheprincipaldwellingorwithin adetachedaccessorybuildingonthesamelotastheprincipaldwelling.
- c) Notwithstandinga),an'AdditionalResidentialUnit'shallnotbepermittedonalotthat islegal non-conformingwithrespecttolotareaorlotwidth,exceptwherethelotarea is4,000squaremetres(0.4hectares)orgreater.

### 3.2.2 Regulations forAdditionalResidentialUnits

WherepermittedbythisBy -law,nopersonshalluseanypartofabuildingorstructureasan 'AdditionalResidentialUnit'exceptinaccordancewiththefollowingprovisions:

- a) ApplicablepermitsundertheOntarioBuildingCodehavebeenprovidedbytheChief BuildingOfficial.
- b) An'AdditionalResidentialUnit'shallconnecttowaterandsewerservices.
- c) An'AdditionalResidentialUnit'shallonlybepermittedwheresufficientwaterservice andsewerorsepticcapacityexistsorcanbemadeavailable.
- d) Alotcontainingan'AdditionalResidentialUnit'mustfrontonaClassOneStreet.
- e) An'AdditionalResidentialUnit'mustsharetheparkingareaprovidedfortheprincipal dwellingunitandnonewdrivewayshallbecreated,exceptwhereanadditional drivewayispermittedinaccordancewithSection4.3:Driveways.
- f) One(1)parkingspaceshallbeprovidedforan'AdditionalResidentialUnit'.
- g) An'AdditionalResidentialUnit'shallcomplywiththezoneprovisionsfortheprincipal dwellingunit,exceptwherelocatedwithinadetachedaccessorybuilding .
- h) An'AdditionalResidentialUnit'withinadetachedaccessorybuildingshallbein accordancewiththerequirementsofSection6:AccessoryStructuresandUsesin AgricultureZones.
- i) AmobilehomeconformingtoCSAZ240MHSeries'ManufacturedHome'asidentified intheOntarioBuildingCodemaybepermittedasan'AdditionalResidentialUnit'.

- j) An 'Additional Residential Unit' within a detached accessory building shall be located a maximum distance of 50 metres from the Farm Building Cluster.
- k) An 'Additional Residential Unit' within a detached accessory building shall meet applicable Minimum Distance Separation guidelines, except where such dwelling unit is located no closer to existing manure storage, anaerobic digesters or livestock facilities than the principal dwelling unit, or in accordance with Section 3.19.1: Minimum Distance Separation Applicability.
- l) Where a 'Home Occupation' exists within the principal dwelling unit on a lot, a 'Home Occupation' may be permitted within an 'Additional Residential Unit'.
- m) The 'Additional Residential Unit' is not located within a natural hazard area as defined by SVCA.
- n) There is safe access to the 'Additional Residential Unit' in accordance with Section 3.27.

### 3.2.3 Severability

An 'Additional Residential Unit' located within a detached accessory building shall not be severed from its primary residential use.

## 3.3 **Additional Residential Units in Residential Zones**

### 3.3.1 Maximum Number and Location of Additional Residential Units

Where an 'Additional Residential Unit' is listed as a permitted use in the 'Residential' zones on a lot serviced with full municipal water and sanitary services:

- a) The maximum number of residential units shall be three (3), which includes the principal unit and a maximum of two (2) 'Additional Residential Units'.
- b) An 'Additional Residential Unit' shall be permitted within the principal dwelling or within a detached accessory building on the same lot as the principal dwelling.

Where an 'Additional Residential Unit' is listed as a permitted use in the 'Residential' zones on a lot serviced with partial municipal services or private services:

- a) The maximum number of residential units shall be two (2), which includes the principal unit and one (1) 'Additional Residential Unit'.

- b) An 'Additional Residential Unit' may be permitted within the principal dwelling or within a detached accessory building on the same lot as the principal dwelling, except in the Rural Recreation Area designation of the Bruce County Official Plan where an 'Additional Residential Unit' may only be permitted within the principal dwelling.
- c) Notwithstanding a), an 'Additional Residential Unit' shall not be permitted on a lot that is legal non-conforming with respect to lot area or lot width, except where the lot area is 4,000 square metres (0.4 hectares) or greater.

### 3.3.2 Regulations for Additional Residential Units

Where permitted by this By-law, no person shall use any part of a building or structure as an 'Additional Residential Unit' except in accordance with the following provisions:

- a) Applicable permits under the Ontario Building Code have been provided by the Chief Building Official.
- b) An 'Additional Residential Unit' shall connect to water and sewers services.
- c) An 'Additional Residential Unit' shall only be permitted where sufficient water service and sewer or septic capacity exists or can be made available.
- d) A lot containing an 'Additional Residential Unit' must front on a Class One Street.
- e) An 'Additional Residential Unit' must share the parking area provided for the principal dwelling unit and no new driveway shall be created, except where an additional driveway is permitted in accordance with Section 4.3: Driveways.
- f) One (1) parking spaces shall be provided for an 'Additional Residential Unit'.
- g) An 'Additional Residential Unit' shall comply with the zone provisions for the principal dwelling unit, except where located within a detached accessory building,
- h) An 'Additional Residential Unit' within a detached accessory building shall be in accordance with the requirements of Section 10: Accessory Structures and Uses in Residential Zones.
- i) Where a 'Home Occupation' exists within the principal dwelling unit on a lot, a 'Home Occupation' may be permitted within an 'Additional Residential Unit'.
- j) The 'Additional Residential Unit' is not located within a natural hazard area as defined by SVCA.

- k) There is safe access to the 'Additional Residential Unit' in accordance with Section 3.27.

### 3.3.3 Severability

An 'Additional Residential Unit' located within a detached accessory building shall not be severed from its primary residential use.

## 3.4 **Agriculture Uses**

### 3.4.1 Agricultural Uses Criteria

Where Agricultural Uses are listed as a permitted use, the following criteria shall apply per the Ontario Ministry of Agriculture, Food, and Rural Affairs' Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas, 2016:

- a) An agricultural use shall include the growing of crops, including nursery, biomass and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish but not including companion or zoo animals; aquaculture; apiaries; agro-forestry; and maple syrup production; and
- b) An agricultural use shall include associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for farm labour when the size and nature of the operation requires additional employees and is permitted by this By-law.

### 3.4.2 Uses not considered as Agricultural-Uses

Agriculture uses shall generally not include the following: Dog kennels; Grain dryers or mechanical garages serving several producers / customers; Retail operations; Landscape businesses; Off-season vehicle storages; Recreational facilities such as campsites, golf courses, fairgrounds, or racetracks; and Restaurants, among other uses.

## 3.5 **Agriculture-Related Uses**

### 3.5.1 Criteria for Agriculture-Related Uses

Where Agriculture-Related Uses are listed as a permitted use, the following criteria shall apply to full-time, intermittent, and temporary uses per the Ontario Ministry of Agriculture, Food, and Rural Affairs' Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas, 2016. All proposed agriculture-related uses:

- a) Shall meet the definition of Agriculture-Related Use 'provided for in this By-law, and:
  - i) may include farm-related commercial uses such as retailing of agriculture-related products, livestock assembly yards, and farm equipment repair shops provided they meet all criteria outlined in this Zoning By-law; and
  - ii) may include farm-related industrial uses provided such as feed mills, grain dryers, cold storage facilities, fertilizer storage, and biomass pelletizers provided they meet all criteria outlined in this Zoning By-law.
- b) Shall be compatible with, and shall not hinder, surrounding agricultural operations. Such compatibility shall be based on the following, and where any incompatibility is identified, sufficient mitigation measures shall be provided to the satisfaction of the Municipality of Kincardine before the use may proceed:
  - i) Ensure surrounding agricultural operations are able to pursue their agricultural practices without impairment or inconvenience;
  - ii) Uses should be appropriate to available rural services (e.g., do not require the level of road access, water and wastewater servicing, utilities, fire protection and other public services typically found in settlement areas);
  - iii) Maintain the agricultural/rural character of the area;
  - iv) Meet all applicable provincial air emission, noise, water and wastewater standards and receive all relevant environmental approvals;
  - v) The cumulative impact of multiple uses in prime agricultural areas should be limited and not undermine the agricultural nature of the area; and
  - vi) Any other specific criteria outlined by the Municipality of Kincardine.
- c) Shall be directly related to farm operations in the area by providing products or services that are associated with, required by, or enhance agricultural operations in the area, with 'the area' referring to how far farmers will reasonably travel for the agriculture-related products or services;
- d) Shall directly and explicitly support agriculture by providing products or services that are associated with, required by, or enhance agricultural operations in the area, with 'the area' referring to how far farmers will reasonably travel for the agriculture-related products or services;

- e) Shall serve farm operations as a primary function or main activity of the business by directly providing products and/or services to farm operations to serve an agricultural need or create opportunity for agriculture at any stage of the supply chain. This shall not include:
  - i) General-purpose industrial or commercial uses that serve a broad customer base, even if farm operators are part of the customer base; and
  - ii) Uses that process and/or store predominantly non-agricultural source material such as compost, yard waste, and food processing waste, even if the source material is spread on farmland.
- f) Shall result in more efficient or effective operations of the agriculture-related use as a direct result of close proximity to farm operations.

#### 3.5.2 Uses not considered as Agriculture-Related Uses

Agriculture-related uses shall generally not include the following: Large food processing plants; Large wineries; Micro-breweries; Contractors yards; Construction companies; Landscapers facilities; Antique businesses; Studio; Furniture makers; Institutions such as schools or churches; Seasonal boat or trailer storage; or Veterinary clinics, among others.

### **3.6 Not Used at this Time**

### **3.7 Bed and Breakfast Establishment**

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

#### 3.7.1 Residential Character

The residential character of the dwelling shall not be changed, and no food or drink shall be offered or kept for sale for persons who are not guests of the establishment.

#### 3.7.2 Employment

No persons other than residents of the dwelling shall be employed except as is necessary for housekeeping purposes.

### 3.7.3 Guest Restrictions

No Bed and Breakfast Establishment shall provide more than 4 guest rooms for overnight accommodation, and the maximum number of guests permitted to lodge within a Bed and Breakfast Establishment shall be eight (8).

### 3.7.4 Parking

In addition to the parking space 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.

### 3.7.5 Signage

There shall be no onsite advertising other than a plate or fascia sign as per the Corporation's Sign By-law. Advertising shall be in compliance with the Corporation's Sign By-law.

## **3.8 Cannabis**

The following provisions apply to all Cannabis Cultivation – indoor uses, Cannabis Cultivation – outdoor uses, cannabis analytical testing facilities, cannabis drug production facilities, cannabis processing facilities, and cannabis research facilities where permitted by this Zoning By-law.

### 3.8.1 License and Applications

- a) A license to regulate any Cannabis Facility or Cannabis Cultivation operation may apply to one property at a time; concurrent application to multiple lots is prohibited;
- b) All development in relation to the establishment of or expansion to a Cannabis Facility shall be subject to Site Plan Control;
- c) Cannabis Cultivation and Cannabis Facilities shall only be permitted through an amendment to this Zoning By-law.
- d) The Committee of Adjustment shall not permit any minor variances to the Zoning requirements for Cannabis Cultivation, Cannabis Facilities, or any relation thereto, such requests shall only be considered by way of a Zoning By-law Amendment.

### 3.8.2 Location

All cannabis-related uses are only permitted within a wholly enclosed building, with the exception of Open Air Cannabis Facilities and Cannabis Cultivation where permitted by this Zoning By-law, however, no form of Cannabis Cultivation is permitted within a dwelling.

### 3.8.3 Accessory Uses and Structures

- a) An accessory structure associated with Cannabis Facilities or Cannabis Cultivation shall be setback a minimum of 50 metres from any lot line.
- b) Notwithstanding provision "a)" above, an accessory structure associated with Cannabis Facilities or Cannabis Cultivation that is used for security purposes may be located in any required yard and is not required to apply with the minimum front, side, or rear yard setbacks of this Zoning By-law.
- c) Security Cannabis Facilities are not required to comply with the minimum front, side or rear yard setbacks of this Zoning By-law.
- d) Outdoor Storage is prohibited for any Cannabis Facility or any lands associated with Cannabis Cultivation, including Open Air Cannabis Facilities.

### 3.8.4 Cannabis Separations in Industrial Zones with Air Treatment Control

Where established in an Industrial Zone and equipped with an air treatment control unit, any Cannabis Facility or portion thereof which is used for Cannabis Cultivation shall be:

- a) a minimum of 70 metres from any Residential Zone, Institutional Zone, Open Space Zone, Agriculture Zone, or associated sensitive land use; and
- b) a minimum of 150 metres from any dwelling, public school, private school, place of worship, or day care.

### 3.8.5 Cannabis Separations in Agriculture Zones with Air Treatment Control

Where established in an Agriculture Zone and equipped with an air treatment control unit, any Cannabis Facility or portion thereof which is used for Cannabis Cultivation shall be:

- a) a minimum of 150 metres from any Residential Zone, Institutional Zone, Open Space Zone, or associated sensitive land use; and
- b) A minimum of 150 metres from any dwelling, public school, private school, place of worship, or day care.

### 3.8.6 Cannabis Separations in any Zones without Air Treatment Control

Where a Cannabis Facility is not equipped with an air treatment control unit, any Cannabis Facility or portion thereof which is used for Cannabis Cultivation shall be a minimum of 300 metres from any dwelling, public school, private school, place of worship, or day care.

### 3.8.7 Measurement of Cannabis Separations

When measuring a minimum separation distance between a Cannabis Facility and any Residential Zone, Institutional Zone, Open Space Zone, Agriculture Zone, or associated sensitive land use, such distances shall be measured from the edge of the Cannabis Facility (including any outdoor elements, such as a crop line), and extend to:

- a) The nearest exterior wall of any residential use in the Agriculture Zone;
- b) The nearest lot line for any residential use in the Residential Zones;
- c) To the nearest lot line for any institutional use in any Zone; and
- d) To the nearest lot line for any open space or recreational use in any Zone.

### 3.8.8 Planting Strip

Where a Cannabis Facility is located adjacent to a Residential, Institutional, or Open Space/Recreational Zone, a 3-metre-wide planting strip shall be provided along the shared lot line in accordance with the requirements of Section 3 of this Zoning By-law.

### 3.8.9 Lighting

Where a Cannabis Facility utilizes private lighting facilities during Cannabis Cultivation, such lighting shall be directed downwards and located or arranged to deflect glare away from any adjacent uses, streets, windows, and skies.

### 3.8.10 Cannabis Sales

The sale of cannabis or cannabis related products is not permitted as an accessory use to any Cannabis Cultivation use or any Cannabis Facility.

### 3.8.11 Indoor Cannabis Cultivation

Notwithstanding any other provisions in this Zoning By-law to the contrary, the following additional requirements shall apply to Cannabis Cultivation – indoor uses, cannabis analytical

testing facilities, cannabis drug production facilities, cannabis processing facilities, and cannabis research facilities, where permitted by this Zoning By-law:

- a) Cannabis Cultivation and Cannabis Facilities shall only be permitted through an amendment to this Zoning By-law. Any site-specific permissions for such uses must include a minimum distance separation from sensitive land uses in accordance with Section 3 of this Zoning By-law.
- b) Cannabis Cultivation and Cannabis Facilities shall only be permitted in new, purpose-built buildings or structures equipped with an air treatment control system. Existing buildings or structures shall not be converted or retrofitted for Cannabis Cultivation or as a Cannabis Facility.
- c) Any expansion of, or alteration to, an existing Cannabis Cultivation or Cannabis Facility shall comply with the requirements of this Zoning By-law.
- d) Cannabis Cultivation and Cannabis Facilities shall not become a nuisance because of odours or fumes at any time, all Indoor Cannabis Cultivation activities and Cannabis Facilities must utilize an efficient air treatment control system.
- e) Where permitted, the following provisions apply to indoor Cannabis Cultivation uses:

	<b>MICRO-CULTIVATION AND MICRO-PROCESSING (*1)</b>	<b>STANDARD-CULTIVATION AND STANDARD- PROCESSING (*1)</b>
Minimum Lot Area	3 ha	10 ha
Minimum Lot Frontage	100 metres	200 metres
Minimum Front Yard	20 metres	80 metres
Minimum Interior Side Yard	15 metres (*2)	40 metres (*3)
Minimum Exterior Side Yard	20 metres	80 metres
Minimum Rear Yard	15 metres (*2)	40 metres (*3)
Maximum Lot Coverage	30%	30%

(\*1) as defined by Federal Regulation SOR-2018-144.

(\*2) Except where ventilating fans in a wall exhaust into the respective side or rear yard, in which case the minimum side or rear yard setback shall be 25 metres.

(\*3) Except where ventilating fans in a wall exhaust into the respective side or rear yard, in which case the minimum side or rear yard setback shall be 60 metres.

### **3.8.12 Outdoor Cannabis Cultivation**

Notwithstanding any other provisions of this By-law to the contrary, the following additional requirements shall apply to outdoor Cannabis Cultivation uses where permitted:

- a) Any Open Air Cannabis Facility or with no air treatment control system shall have a minimum distance separation of 300 metres from a sensitive use, such as residential or institutional uses, in accordance with Section 3 of this Zoning By-law.
- b) Any Open Air Cannabis Facility shall be setback a minimum of 50 metres from the lot lines on which the facility is located.
- c) Where an outdoor Cannabis Cultivation operation or Open Air Cannabis Facility is established in accordance with this Zoning By-law, including the appropriate setbacks and minimum distance separations, the subsequent establishment of a proximal sensitive use shall not result in the non-compliance of the Cannabis Facility.

## **3.9 Conflicting Regulations**

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

## **3.10 Drainage of Lots**

In all zones, other than an Agriculture zone, all lands, buildings, and structures shall provide adequate drainage so as to not cause adverse effects to adjacent properties from the flow of surface water.

## **3.11 Established Building Line Setback**

On any residential lot in an 'R1', 'R2', or 'R3' Residential Zone, where the lot is vacant or a residential dwelling ceases to exist, and the subject lot is located between two lots each containing an existing residential building, and where both adjacent residential buildings do not meet the minimum front yard setback for the zones in which they are located, a single detached dwelling may be erected on the subject residential lot with a front lot line being the same as whichever adjacent residential building is setback furthest from the street line.

## **3.12 Existing Lots**

An existing lot that does not meet the lot area and/or lot frontage requirements of the zone in which it is located, 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 Street, Class 2 Street, or Private Street.

### **3.13 Frontage on a Class One Street**

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.

#### **3.13.1 Class One Street Identification**

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

### **3.14 Frontage on a Class Two Street / Private Street**

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

#### **3.14.1 Private Street Identification**

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

#### **3.14.2 Private Street Classification**

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

#### **3.14.3 Street Lines for Private Streets**

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.

### **3.15 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.

### **3.16 Home Occupations**

#### **3.16.1 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, provided that:

- a) The said dwelling is occupied as a place of residence by the individual operating the Home Occupation – Professional Use;
- b) The Home Occupation – Professional Use shall be clearly secondary to the principal residential use of the lot and/or building or part thereof, 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 principal residential 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;
- e) Where the Home Occupation – Professional Use 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;
- h) One off-street parking space is provided for every twenty square metres of floor area occupied by the Home Occupation – Professional Use;
- i) No mechanical equipment is used except that is reasonably consistent with the use of a dwelling; and
- j) The Home Occupation – Professional Use shall not create or become a nuisance in regard to noise, odours, vibrations, traffic generation or parking.

#### **3.16.2 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 provided that:

- a) The Home Occupation – Household and Domestic Arts shall be conducted only by residents of the principal residential dwelling and all articles sold are reproduced by residents of the principal residential dwelling;
- b) The Home Occupation – Household and Domestic Arts shall be clearly secondary to the principal residential use of the lot and/or building or part thereof, 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 – Household and Domestic Arts ;
- d) There shall be no advertising other than a plate or facia sign as per the Corporation's Sign By -law;
- e) There shall be no external storage of goods or materials;
- f) The amount of the dwelling's total floor area utilized by the Home Occupation – Household and Domestic Arts for office spaces shall not exceed 30% of the dwelling's total floor area;
- g) Where the Home Occupation – Household and Domestic Arts 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 – Household and Domestic Arts ;
- i) No mechanical equipment is used except that which is reasonably consistent with the use of a dwelling; and
- j) The Home Occupation – Household and Domestic Arts shall not create or become a nuisance in regard to noise, odours, vibrations, traffic generation or parking.

### 3.16.3 Agricultural Business

Where listed as a permitted use, a Home Occupation – Agricultural Business may be permitted within an Accessory Detached Dwelling 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 and shall not change the agricultural character of the area;

- b) Where the Home Occupation – Agricultural Business 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 residents of the principal residential dwelling unit and all articles are reproduced and/or sold, and all services provided, shall be by residents of the principal residential dwelling;
- d) There shall be no more than 1 assistant who is not a resident in the principal residential dwelling unit ;
- e) There shall be no advertising other than a plate or facia sign as per the Corporation's Sign By-law;
- f) The amount of the dwelling's total floor area utilized by the Home Occupation – Agricultural Business for office spaces shall not exceed 30% of the dwelling's total floor area;
- g) There is no external storage of goods or equipment unless fully enclosed by a fence or other enclosure which provides visual screening; and
- h) The Home Occupation – Agricultural Business shall not create or become a nuisance in regard to noise, odours, vibrations, traffic generated or parking.

#### 3.16.4 Trades Persons

Where listed as a permitted use, Home Occupation – Trades Persons may be permitted within an accessory detached dwelling or single detached dwelling, 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 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 be no more than 1 assistant who is not a resident in the principal residential dwelling unit ;
- d) One accessory building may be used for the storage of equipment, vehicles and supplies, provided that not more than 100 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 – Trades Persons 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 – Trades Persons shall not create or become a nuisance in regard to noise, odours, vibrations, traffic generated or parking.

### **3.17 Legal Non-Complying Buildings**

#### **3.17.1 Continuation**

Nothing in this By-law shall apply to prevent the use of any existing 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 day of passing of this By-law, provided it continues to be used for that purpose.

#### **3.17.2 Strengthening to a Safe Condition**

Nothing in this By-law shall prevent any legal non-complying existing lot, building, structure, or part thereof, from being strengthened to a safe condition, provided such alteration, repair, or replacement does not increase the non-compliance of the existing lot, building, structure, or any part thereof.

#### **3.17.3 Permitted Extensions of Legal Non-Complying Buildings**

Nothing in this By-law shall prevent any legal non-complying existing building, structure, or part thereof, from being subject to a vertical or horizontal extension, enlargement, alteration, renovation or addition, even though such existing, building, structure, or any part thereof, does not comply with one or more of the provisions of this By-law, provided such extension or addition itself does not further reduce the non-compliance.

#### 3.17.4 Permitted Replacement of Legal Non-Complying Buildings

Nothing in this By-law shall prevent any legal non-complying building, structure, or any part thereof, from being replaced, even though the original structure did not conform with one or more of the provisions of this By-law, provided that:

- a) such replacement does not further reduce the non-conformity of the original building, structure, or any part thereof, that is being replaced;
- b) where such replacement is proposed to exceed the dimension of the original building, structure, or any part thereof, all provisions of the applicable zone are applied to the portion of the building or structure that exceeds the dimension of the original building, structure, or any part thereof; and
- c) such replacement is completed within 18 months of the removal of the original building.

#### 3.17.5 Permitted Replacement of Legal Non-Complying Building and MDS Application

Nothing in this By-law shall prevent any legal non-complying building, structure, or any part thereof, from being replaced where the building, structure, or any part thereof, was destroyed by fire or an act of nature, even though the original structure did not conform with one or more of the provisions of this By-law, and the following shall apply with respect to Minimum Distance Separation requirements:

- a) Where a building, structure, or any part thereof is destroyed by fire or an act of nature, Minimum Distance Separation (MDS) formulae requirements will not be applied when the building or structure is rebuilt provided that it is built no closer to livestock facilities than the original Legal Non-Complying building, structure, or part thereof; and
- b) Where a agricultural or livestock building, structure, or any part thereof is destroyed by fire or an act of nature, Minimum Distance Separation (MDS) formulae requirements will not be applied when the building or structure is rebuilt provided that it is built no closer to sensitive uses than the original Legal Non-Complying building, structure, or part thereof.

#### 3.17.6 Zoning By-law Amendment or Severance

In the case of an approved Zoning By-law Amendment or Severance application, permitted and legally established existing buildings, structures or driveway shall be deemed to comply with

any applicable zone regulations, except parking and loading requirements resulting from such Zoning By-law Amendment or Severance application.

### **3.18 Legal Non-Conforming Uses**

#### **3.18.1 Continuation of Existing Uses**

Nothing in this By-law shall apply to prevent the use of any existing 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.

#### **3.18.2 Change of Use**

Nothing in this By-law shall prevent a change in the use of an existing lot, building, or structure where the existing use is not permissible within the zone in which the existing lot, building, or structure is located, provided the desired use is permissible within the same zone, or the use is deemed to be compatible as approved through an application under the *Planning Act* or any other applicable legislation.

#### **3.18.3 Existing Detached Dwellings**

A detached dwelling which legally existed on the date of passing of this By-law, and is located in any 'C' – Commercial zone, 'EP1' – Environmental Protection One zone or 'EP2' – Environmental Protection Two zone, may be altered or enlarged in accordance with the provisions of the 'R1' -Residential One zone provisions. Written approval from the SVCA is required for dwellings in the EP1 zone and SVCA regulated areas.

#### **3.18.4 Building Permit Issued**

Nothing in this By-law shall apply to prevent the erection or use of any building or structure for a purpose prohibited by this By-law for which a permit was 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 for the purpose for which it was erected, 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.

### **3.19 Minimum Distance Separation**

#### **3.19.1 Applicability**

Notwithstanding any other provisions of this By-law to the contrary, all new land uses, including the creation of lots, 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). The application of MDS I does not apply to dwellings on lots that existed prior to March 1, 2017 and are 4 ha or less in area as provided in “The Minimum Distance Separation Document” – Publication 853 as amended.

#### **3.19.2 Minimum Distance Separation I**

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 and 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).

#### **3.19.3 Minimum Distance Separation II**

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).

### **3.20 Ministry of Transportation**

#### **3.20.1 Permit required**

Provincial Highways are under the jurisdiction of the Ministry of Transportation (MTO). In addition to all municipal requirements, Ministry of Transportation approvals and permits are required for land development, change in land use, access, signs, works or activities within MTO’s permit control area under the *Public Transportation and Highway Improvement Act*.

All applicants proposing new development or changes to existing development on lands within MTO’s permit control area are advised to consult with the Ministry of Transportation prior to making formal applications under the *Planning Act*.

### **3.21 Number of Detached Dwellings Per Lot**

#### **3.21.1 All Zones**

Unless otherwise provided for in this by-law in any zone where detached dwellings are permitted, not more than one primary detached dwelling shall be permitted on a lot, excepting however the instance in which an existing residential dwelling is to be replaced by the construction of a new residential dwelling on the same lot, in which case the lands will be subject to an Agreement between the Owner and Municipality stating that the existing dwelling may be occupied or used as provisional accommodation during the construction of the new dwelling, provided the existing dwelling is demolished within six months of receiving occupancy for the new dwelling.

#### **3.21.2 Additional Provisions for Agriculture Zones**

In Agriculture zones, provisional accommodation may alternatively include a mobile home, or trailer for temporary use of up to six months after receiving occupancy for the new dwelling. At which time any provisional accommodation shall be removed.

### **3.22 On-Farm Diversified Uses**

#### **3.22.1 Criteria for On-Farm Diversified Uses**

Where On-Farm Diversified Uses are listed as a permitted use, the following criteria shall apply to full-time, intermittent, and temporary uses per the *Ontario Ministry of Agriculture, Food, and Rural Affairs' Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas, 2016*:

- a) The On-Farm Diversified Use must be located on a farm property that is actively in agricultural use, provided:
  - i) The agricultural use is not primarily for the use or consumption by members of the farm household of the owner / operator of the farm operation; and
  - ii) The agricultural use is not a hobby farm, or for purposes of pastime or recreation; and
  - iii) The agricultural use is not intended as a park or community garden;
- b) The On-Farm Diversified Use must be temporally secondary to the principal agricultural use of the property, and where a temporary or intermittent use is being considered, such as an event space, the frequency and timing of events must not interfere with the principal agricultural use of the property or the surrounding area;

- c) The On-Farm Diversified Use on a single lot must be limited in area and shall not exceed a cumulative maximum of 2% of the total lot area, up to a maximum area of 1 hectare, which is to be measured as the total footprint of the uses including any buildings, outdoor storage, landscaped areas, berms, well and septic systems, parking and new access roads;
- d) All proposed On-Farm Diversified Use shall meet the definition of On-Farm Diversified Use 'provided for in this By-law;
- e) More than one On-Farm Diversified Use may be permitted on a single lot;
- f) All proposed On-Farm Diversified Use shall be compatible with, and shall not hinder, surrounding agricultural operations. Such compatibility shall be based on the following, and where any incompatibility is identified, sufficient mitigation measures shall be provided to the satisfaction of the Municipality of Kincardine before the use may proceed:
  - i) Soil compaction;
  - ii) Noise;
  - iii) Trespass;
  - iv) Servicing;
  - v) Number of persons attracted to the use (i.e.: employees and customers);
  - vi) Agricultural character;
  - vii) Environmental standards;
  - viii) Cumulative impact on agricultural nature of prime agricultural areas; and
  - ix) Any other specific criteria outlined by the Municipality of Kincardine.
- g) All proposed On-Farm Diversified Use s shall be required to demonstrate why it is not better suited in a settlement area ;
- h) Any new driveways, laneways, or access points shall require the appropriate entrance permit;
- i) Any proposed signage shall conform to the Municipal Sign By-law.

### 3.22.2 Uses not considered as On-Farm Diversified Uses

On-Farm Diversified Uses shall generally not include, among others: Large-scale equipment or vehicle dealerships; Hotels; Manufacturing plants; Uses with high water or sewage service needs; Large-scale recurring events with permanent structures; Large-scale recreational facilities such as golf courses, soccer fields, or arenas; Uses that generate significant traffic; and Institutional uses.

## 3.23 **Permitted Uses in All Zones**

### 3.23.1 Construction Facilities

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.

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 the temporary building or construction facility is otherwise approved by the Chief Building Official.

### 3.23.2 Multi-Purpose Use Recreational Trails

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 in accordance with the Zoning By-law. Permitted uses may include hiking, horseback riding, bicycling, cross country skiing, snowmobiling, and all terrain vehicles (ATVs) in accordance with all applicable By-laws and Regulations of the Corporation, County, or other public body.

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.

### 3.23.3 Services and Utilities

- a) 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 water main; 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 services subject to there being no outdoor storage of goods, materials or equipment.
- b) An accessory building which is essential to the use of the subject lands, 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.
- c) Notwithstanding the generality of the foregoing, Corporation approval does not apply to any undertaking that has been approved under the Environmental Assessment Act.
- d) 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.

### 3.23.4 Sewage Disposal Systems

A 'sewage disposal system' shall be permitted in all zones except in the 'Environmental Protection One (EP1)' and 'Environmental Protection Two (EP2)' zones, unless such system is a replacement, or repair. Replacement or repairs in the EP1 zone must receive authorization through the Saugeen Valley Conservation Authority (SVCA). Replacement or repairs in the EP2 zone must receive authorization through the County of Bruce. A 'communal sewage disposal system' or a 'sewage treatment plant' must be zoned accordingly.

### 3.23.5 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.

### 3.23.6 Statues and Other Ornamental Structures

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

## 3.24 **Planting Strips and Privacy Fences**

### 3.24.1 Components

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.

### 3.24.2 Required Locations

Except as otherwise provided, a Planting Strip/Privacy Fence shall be provided in accordance with the requirements of this By-law 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 otherwise required by this By-law.

### 3.24.3 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.

## 3.25 **Public Uses, Buildings, and/or Structures**

Notwithstanding the policies of Section 3, 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.

### **3.26 Requirements for Kennels**

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 if any such uses exist on adjacent lots. 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.

### **3.27 Safe Access**

The ability for the public and emergency operations personnel to safely access hazardous lands during an emergency (such as a flood or erosion event) is an important factor when considering any application for development. The SVCA shall review development applications within the Environmental Protection One (EP1) and the County of Bruce shall review development applications in Environmental Protection Two (EP2) to ensure access to development is safe and appropriate for the proposed use and the natural hazard, in accordance with provincial policy.

### **3.28 Setback from Airport Zone**

Notwithstanding any 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, where the highest point of said building, structure, or addition thereto would exceed the highest point of which will exceed the following heights, all of which are to be measured in metres Above Sea Level ("ASL"):

- a) In Area 1, no new buildings or structures are permitted;
- b) In Area 2, the maximum height of buildings or structures is 235 metres ASL;
- c) In Area 3, the maximum height of buildings or structures is 240 metres (ASL);
- d) In Area 4, the maximum height of buildings or structures is 245 metres (ASL);
- e) In Area 5, the maximum height of buildings or structures is 250 metres (ASL);
- f) In Area 6, the maximum height of buildings or structures is 255 metres (ASL);
- g) In Area 7, the maximum height of buildings or structures is 260 metres (ASL);
- h) In Area 8, the maximum height of buildings or structures is 265 metres (ASL);
- i) In Area 9, the maximum height of buildings or structures is 270 metres (ASL);

- j) In Area 10, the maximum height of buildings or structures is 275 metres (ASL);
- k) In Area 11, the maximum height of buildings or structures is 280 metres (ASL);
- l) In Area 12, the maximum height of buildings or structures is 285 metres (ASL);
- m) In Area 13, the maximum height of buildings or structures is 290 metres (ASL);
- n) In Area 14, the maximum height of buildings or structures is 295 metres (ASL);
- o) In Area 15, the maximum height of buildings or structures is 300 metres (ASL);
- p) In Area 16, the maximum height of buildings or structures is 305 metres (ASL);
- q) In Area 17, the maximum height of buildings or structures is 310 metres (ASL).

### 3.28.2 Heights in Airport Vicinity

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.

## 3.29 **Setbacks from Waste Disposal Sites**

### 3.29.1 Separations

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' or 'sewage treatment plant' either within or outside of the limits of the Corporation. Studies completed as part of an Environmental Assessment process may provide additional direction and requirements regarding separation distances.

### 3.29.2 Legal Non-Complying and Legal Non-Conforming

Notwithstanding the Legal Non-Complying and Legal Non-Conforming provisions herein, additions, enlargements, and alterations to existing buildings and structures shall be permitted in accordance with the applicable zoning designation.

### **3.30 Shipping Containers**

#### **3.30.1 Prohibition**

No person shall place a shipping container in any Zone except in accordance with this By-law.

#### **3.30.2 Permitted Zones**

The use of a shipping container is only permitted in a Rural, Agriculture, Industrial, ACI, ECI, or Commercial Zone as an ancillary use to a permitted use on a lot where a principal building exists, and provided the lot meets the following requirements:

- a) In an Industrial Zone a shipping container is only permitted on a lot with a minimum lot area of 0.3 hectares.
- b) In a Rural or Agriculture Zone a shipping container is only permitted on a lot with a minimum lot area of 2.0 hectares.

#### **3.30.3 Maximum Number of Shipping Containers**

Unless stated elsewhere in this By-law the number of shipping containers permitted ancillary to a permitted use for storage purposes is limited to the following:

- a) A maximum of three (3) in an Industrial, ACI, and ECI Zone; and
- b) A maximum of two (2) in the Rural, Agriculture, and Commercial Zones.

#### **3.30.4 Regulations for Shipping Containers**

- a) A shipping container must not exceed a height of 3 metres and a total length of 12.5 metres.
- b) A shipping container must not be stacked on top of another shipping container.

#### **3.30.5 Location**

- a) A shipping container must be located in an interior side or rear yard, meet the minimum yard requirements from the zone in which it is located and be setback a minimum of 30 metres from any street line. In a Rural or Agriculture Zone, a shipping container must also be setback a minimum of 15 metres from any interior side lot line.

- b) A shipping container must not be located in a required parking area or encroach into a required landscaped area.
- c) A shipping container must not be placed for the purpose of display or advertising.

### 3.30.6 Design

A shipping container which has obtained proper design and structural engineering analysis for its intended use and has obtained a building permit, may be sited on a lot in accordance with the zoning provisions for an accessory structure .

### 3.30.7 Use

Notwithstanding any other provision to the contrary, a shipping container must not be used for the purpose of a commercial storage facility or for human habitation, unless appropriately designed for such intended use to the satisfaction of the Chief Building Official.

### 3.30.8 Exception for Residential Moving

Notwithstanding the provisions of this section, a shipping container having a maximum height of 3 metres and a maximum length of 6 metres is permitted in the driveway on a residential zoned lot for a period not exceeding ten (10) days and only for the purpose of loading or unloading of household items during the process of moving. In no case may a shipping container encroach onto a public sidewalk, be located closer than 0.3 metres from the back of curb in situations where no sidewalk exists or creates a safety line obstruction.

### 3.30.9 Exception for Construction Storage

Notwithstanding the provisions of this section, a shipping container is permitted on a construction site in any zone being developed on a stand-alone basis or under a plan of subdivision for the purpose of storing equipment and materials incidental to construction, subject to the following:

- a) The shipping container may have a maximum height of 3 metres and a maximum length of 12.5 metres;
- b) No more than two (2) shipping containers are permitted on a lot; and
- c) The shipping container(s) must be removed within the lesser of one year after the start of the work or 30 days after the completion of the work.

### 3.30.10 Visual Buffering

A visual barrier is required between a shipping container and a street line, an interior side lot line, and a rear lot line. A shipping container must not be used for the purpose of screening or fencing.

### 3.31 Short-term Rental Accommodation

- a) Short Term Rental Accommodation shall be a permitted use in any zone that permits a dwelling.
- b) Short Term Rental Accommodation may be further regulated by By-law passed by the Corporation.

### 3.32 Sourcewater Protection

#### 3.32.1 Identification of Vulnerable Areas

- a) Vulnerable Areas as illustrated on the maps attached hereto as Schedule 'B' represent Wellhead Protection Areas (WHPAs), Intake Protection Zones (IPZs) and Events Based Areas (EBAs), and the associated level of vulnerability for municipal water sources serving the Municipality.
- b) A WHPA illustrates three time-related capture zones including a 100-metre radius surrounding the well (WHPA-A), 2-year travel time for water to enter the well (WHPA-B), and 5 year travel time for water to enter the well (WHPA-C).
- c) The degree of vulnerability of a WHPA is represented in Schedule B by a vulnerability score. The vulnerability score can range from 1 to 10, with 10 being the most vulnerable. WHPAs that are considered to be the most vulnerable to surface activities are assigned a vulnerability score of 8 to 10, with the degree of vulnerability generally decreasing the further away from the well.

#### 3.32.2 Use Prohibitions and Regulations within Vulnerable Areas

- a) Land uses identified as being Restricted Land Uses within the Source Protection Plan within the Vulnerable Areas identified below may be prohibited or may require approval of a risk management plan prior to being established. Consultation with the Risk Management Official and a Section 59 notice from the Risk Management Official shall be required as part of a complete application for approval under the *Planning Act* to establish any use, buildings, or structures on lands where such use, building, or structure may include activities restricted by the Source Protection Plan. Activities which, depending on the vulnerability of the wellhead protection area or

intake protection zone where they are located, may be subject to specific policies in the Source Protection Plan include the following significant drinking water threats as prescribed by Ontario Regulation 287/07 of the Clean Water Act, 2006:

- i) Waste disposal sites within the meaning of Part V of the *Environmental Protection Act*.
- ii) The establishment, operation or maintenance of a system that collects, stores, transmits, treats or disposes of sewage.
- iii) The application of agricultural source material to land.
- iv) The storage of agricultural source material to land.
- v) The management of agricultural source material.
- vi) The application of non-agricultural source material to land.
- vii) The handling or storage of non-agricultural source material.
- viii) The application of commercial fertilizer to land.
- ix) The handling and storage of commercial fertilizer.
- x) The application of pesticide to land.
- xi) The handling and storage of pesticide.
- xii) The application of road salt.
- xiii) The handling and storage of road salt.
- xiv) The storage of snow.
- xv) The handling and storage of fuel.
- xvi) The handling and storage of a dense non-aqueous phase liquid (excluding incidental volumes for personal/domestic use).
- xvii) The handling and storage of an organic solvent.

- xviii) The management of runoff that contains chemicals used in the de-icing of aircraft.
  - xix) An activity that takes water from an aquifer or a surface water body without returning the water taken to the same aquifer or surface water body.
  - xx) An activity that reduces the recharge of an aquifer
  - xxi) The use of land as livestock grazing or pasturing land, an outdoor confinement area or farm-animal yard.
- b) Within the Saugeen Source Protection Plan Area illustrated in Schedule B, Section 4.31.2a) shall not apply to solely residential land uses that involve the following significant drinking water threat activities:
- i) Waste disposal sites within the meaning of Part V of the *Environmental Protection Act*.
  - ii) The establishment, operation or maintenance of a system that collects, stores, transmits, treats or disposes of sewage.
  - iii) The application of agricultural source material to land.
  - iv) The storage of agricultural source material to land.
  - v) The management of agricultural source material.
  - vi) The application of non-agricultural source material to land.
  - vii) The handling or storage of non-agricultural source material.
  - viii) The application of commercial fertilizer to land.
  - ix) The handling and storage of commercial fertilizer.
  - x) The application of pesticide to land.
  - xi) The handling and storage of pesticide.
  - xii) The application of road salt.
  - xiii) The handling and storage of road salt.

- xiv) The storage of snow.
- xv) The management of runoff that contains chemicals used in the de-icing of aircraft.
- xvi) The use of land as livestock grazing or pasturing land, an outdoor confinement area or farm-animal yard.

### 3.32.3 Individual Septic Systems

- a) Notwithstanding any other provision of this By-law to the contrary, the following shall apply to WHPAs with a vulnerability score of 10 as identified on Schedule B:
  - i) New lots created through severance or plan of subdivision shall be serviced by municipal sanitary sewers or where an on-site septic system can be located outside the limits of the WHPA with a vulnerability score of 10 as identified on Schedule 'B'.
  - ii) Where no municipal sanitary sewers exist and where septic systems already exist, new or replacement private septic systems shall be located as far as practically possible from the wellhead while remaining in compliance of the Ontario Building Code.

### 3.32.4 Waste Disposal Sites within Vulnerable Areas

- a) Notwithstanding any other provision of this By-law to the contrary, the following uses shall be prohibited within WHPAs with a vulnerability score of 8 or 10 as identified on Schedule B, where they would be a significant drinking water threat:
  - i) Land disposal of petroleum refining waste within the meaning of clause (d) of the definition of "land disposal" in section 1 of Regulation 347 (General – Waste Management) R.R.O. 1990 made under the *Environmental Protection Act*.
  - ii) Land disposal of municipal waste, hazardous waste, liquid industrial waste, or commercial waste within the meaning of clauses (a) and (b) of the definition of "land disposal" in section 1 of Regulation 347 (General – Waste Management) R.R.O. 1990 made under the *Environmental Protection Act*.
  - iii) Land disposal of liquid industrial waste, industrial waste, or commercial waste within the meaning of clause (c) of the definition of "land disposal" in section

### **3.33 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 with an exception being that one boat and one unoccupied travel trailer may be stored in a side or rear yard. Such storage of any unlicensed or derelict vehicle, trailer, boat, shall be in accordance with the Municipality's Clean and Clear Yards By-law and/or Property Standards By-law.

### **3.34 Through Lots**

Where a lot has frontage on, and / or vehicular access from, a street or lane along the front lot line and rear lot line, such lot will provide 'yards' on each street or lane which it fronts, where the minimum setback from the street or lane shall be equal to the front yard requirement for the zone in which each yard is located.

### **3.35 Vendors Market**

#### **3.35.1 Permitted Zones**

Vendors Market shall be a permitted use in the General Commercial ("C1"), Highway Service Commercial ("C2"), Hamlet Highway Commercial ("C3"), Local Commercial ("C4"), Resort Commercial ("C5"), Business Park ("C6"), Rural Commercial / Industrial ("RCI"), Institutional ("I"), and Open Space ("OS") Zones.

#### **3.35.2 Provisions**

The following provisions shall apply to all Vendors Markets:

- a) The Vendors Market shall be clearly secondary to the main use of the lot and/or building or part thereof;
- b) An outdoor Vendors Market shall occupy no more than 20% of the lot area, except where the lots is owner by a public agency;
- c) Notwithstanding the provisions of the applicable zone, where a Vendors Market is a permitted use and consists solely of freestanding outdoor booths, tables, stands, tents, or similar portable or semi-portable structures, no freestanding outdoor booth, table, stand, tent, or similar portable or semi-portable structure shall be located closer than 3 m to any lot line abutting a Residential Zone or Use;

- d) There are no parking requirements specific to the Vendors Market;
- e) Signage shall be as per the Corporation's Sign By-law;
- f) There shall be no external storage of goods or materials excluding sales or display areas; and
- g) The Vendors Market shall not create or become a nuisance in regard to noise, odours, vibrations, traffic generation or parking.

### **3.36 Wayside Pits, Wayside Quarries, and 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.

### **3.37 Yard Encroachments**

#### **3.37.1 Permitted Yard Encroachments**

All buildings, structures, and any part thereof shall be subject to the applicable zone provisions, with the following exceptions:

- a) Sills, window wells, chimneys, cornices, eaves, gutters, parapets, pilasters or other architectural features may project into any required yard a maximum distance of 0.5 metres.
- b) Flagpoles, garden trellises, fences, retaining walls, walkways, patios, arbours, and similar structures shall be permitted in any required yard;
- c) In any Residential Zone, clothes lines/poles shall only be permitted in the interior side and rear yards;
- d) Unenclosed porches, unenclosed fire escapes, balconies, and covered or uncovered steps may project into any required yard a maximum distance of 1.5 metres, provided that a minimum setback of 1 metre is maintained from any interior side lot line or rear lot line and provided that a minimum setback of 3 metres is maintained from any front lot line or exterior lot line;

- e) An unenclosed gazebo may be erected in any yard provided 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;
- f) Decks/Patios, Attached or Unattached:
  - i) A deck/patio less than 0.6 metres in height-from ground level may project into any required yard, provided that a minimum setback of 1 metre is maintained from any interior side lot line or rear lot line, and provided that a minimum setback of 3 metres is maintained from any front lot line and exterior lot line.
  - ii) A deck/patio 0.6 metres or more in height from ground level may project into the required interior side yard or rear yard provided that a minimum setback of 1 metre is maintained from the interior side lot line and rear lot line.
  - iii) A deck/patio 0.6 metres or more in height from ground level may project into the required front yard and / or exterior side yard a maximum of 1.5 metres, provided that a minimum setback of 4.5 metres is maintained from the front lot line and exterior lot line.

### **3.38 Zoning Over Waterbodies**

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 'EP1 - Environmental Protection One. 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.

## Section 4: Parking

### 4.1 All Off-Street Parking Requirements

The owner of every building or structure erected or used for any of the purposes outlined herein 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:

#### 4.1.1 Required Number of Off-Street Parking Spaces

Parking shall be provided in accordance with the following:

- a) Notwithstanding the requirements of the subsequent table, no parking spaces shall be required for non-residential uses within the 'C1' General Commercial Zone, and one parking space shall be provided per residential unit. This includes Hotels and Motels in a 'C1' General Commercial Zone, which shall only be required to provide 1 parking space per housekeeping unit, sleeping unit or guest room.
- b) All identified uses shall provide parking in accordance with the provisions of the by-law, except that parking requirements (and associated manoeuvring aisles) may be reduced if supported through a site-specific parking study and approved by the Zoning Administrator or designate.
- c) Where the calculation of the total required parking spaces, results in a fraction, the requirement shall be the next higher whole number.

PERMITTED USE	MINIMUM NUMBER OF SPACES
Single Detached Dwelling Duplex Dwelling Semi-Detached Dwelling Residential Non-Farm Detached Dwelling Accessory Detached Dwelling Townhouse	1 space per dwelling unit (Carports and garages may be included in the calculation).
Hospital Nursing Home	1 space for every 3 beds, or fraction thereof.
Dwelling Units not otherwise specified herein	1 space per dwelling unit.

	Visitor Parking: 0.25 spaces per dwelling unit.
Hotel Motel Boarding House	1 space per housekeeping unit, sleeping unit or guestroom, 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 where no fixed seats 1 space for each 10 square metres of floor area, or fraction thereof.
Fitness Centre Recreation Facility Equestrian Centre	1 space per each of 5 fixed seats or fraction thereof 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 space for each classroom plus one additional space for each office.
School (Secondary) Commercial College Commercial School	3 spaces for each classroom plus 1 additional space for each office or, if the school contains a place of assembly, according to the requirement for such place of assembly, whichever is greater.
Portable classroom	1 parking space per portable.
Funeral Home	1 space for each 5 fixed seats, or where no fixed seats, 1 space for each 10 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 40 square metres of gross floor area, or office fraction thereof.
Restaurant	1 space for each 10 square metres of building floor area or fraction thereof, devoted to public use.
Restaurant - Drive Through Restaurant - Take-out	1 space for each 5 square metres of sales or service area, or fraction thereof.
Retail Store Personal Service Establishment Convenience Store Supermarket Retail - Large Format Factory Sales Outlet  Dry Cleaning Establishment Service Establishment	1 space for each 30 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 Establishments Recreational Vehicle or Marine Establishments Recreation and Small Engine Establishments Farm Implement Establishment	1 space for each 30 square metres of gross floor area or fraction thereof.

Automobile Rental Establishment Automobile Gas Bar	
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 30 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	1 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 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 Agriculture	3 spaces
Marina	1 space for each 4 boat slips/docking spaces
All other Permitted Uses not otherwise specified herein	1 space per 30 square metres of gross floor area.

#### 4.1.2 Outdoor Seating Areas and Off-Street Parking

Where outdoor seating is provided in conjunction with a permitted use, the outdoor area containing such seating shall be included in the 'building floor area' or 'gross floor area' for the use which the seating is associated with, and parking spaces shall be provided in accordance with the 'Required Number of Off-Street Parking Spaces' Section of this By-law.

#### 4.1.3 Parking Area Surface

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. The following exceptions shall apply:

- a) 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.

#### 4.1.4 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.

#### 4.1.5 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.

#### 4.1.6 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	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	All yards provided that no part of any parking area, other than a driveway, is located closer than 4.5 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.

#### 4.1.7 Provisions and Location of Spaces

The following shall apply with respect to the provision and location of parking spaces:

- a) 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 ;
- b) Parking spaces shall be located on the same lot or within the same building as the use for which said parking is required ;
- c) 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 land upon which the parking spaces are situated ;
- d) 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 ;

#### 4.1.8 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:

a) Angle Parking

ANGLE IN DEGREES	PARKING SPACE LENGTH	MANOEUVRING AISLE WIDTH	PARKING SPACE WIDTH
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)	6.1m (20ft)	2.9 m (9.5 ft)

b) Parallel Parking

PARKING SPACE LENGTH	PARKING SPACE WIDTH	MANOEUVRING AISLE WIDTH
6.7 m (22 ft)	3.0 m (9.8 ft)	3.0 m (9.8 ft)

## 4.2 Barrier-Free Parking Spaces

### 4.2.1 Required Number of Spaces

Included in the number of parking spaces required in Section 4.1 for all Uses, shall be Barrier-Free parking spaces designed in accordance with the following:

REQUIRED PARKING FROM SECTION 4.1	BARRIER-FREE SPACES REQUIRED
10-25	1
26-50	2
51-75	3
76-100+	4

#### 4.2.2 Division of Type A and Type B

Where the Table in Section 4.2.1 requires an even number of barrier-free parking spaces, there shall be an equal number of Type A and Type B parking spaces. Where the Table in Section 4.2.1 requires an odd number of barrier-free parking spaces, the additional space may be a Type B space.

#### 4.2.3 Barrier-Free Parking Space Dimensions

The minimum parking space width for Barrier-Free parking shall be 3.4 metres by 5.5 metres for a 'Type A' and 'Type B' parking space. For both parking space types, an unobstructed 2 metre pathway shall be provided alongside each parking space. Where two or more angled Barrier-Free parking spaces are located together, a mixture of 'Type A' and 'Type B' parking spaces shall be provided, and the 2-metre pathway may be shared between spaces. Such access aisle may be reduced to 1.5m in accordance with Section 3.1.4.2 of the 2021 Facility Accessibility Design Standards (FADS) as amended.

### 4.3 **Driveways**

The following shall apply with respect to driveways:

- a) A driveway shall have a minimum width of 3 metres and maximum width of 9 metres.
- b) The maximum width of any joint entrance and exit driveway measured along the street line shall be 9 metres.
- c) 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.
- d) The minimum angle of intersection between a driveway and a street line shall be 60 degrees.
- e) 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.

- f) On a corner lot one additional driveway may be permitted from an exterior side yard for each 30m of street line.
- g) All driveways shall require a permit from the appropriate approval authority.

#### 4.4 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 regulations herein.

##### 4.4.1 Number of Required 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.

##### 4.4.2 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.

##### 4.4.3 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.

##### 4.4.4 Loading Space Surface

The driveways, loading and unloading spaces shall be asphalt or concrete. In cases of those lands zoned C5, C7, M1, M2, ACI, RCI, and ECI 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.

#### **4.4.5 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 in a front yard, and 10 metres in an exterior side yard.

#### **4.4.6 Landscaping**

Where a loading area adjoins any residential zone or a street, a Planting Strip / Privacy Fence shall be provided in accordance with Section 3 and located within the lot requiring such loading area, along the lot lines adjoining such residential zone or street.

#### **4.4.7 Application of Loading Space Requirements**

When a building or structure has insufficient loading spaces on the date of passing of this By-law, and as a result, does not 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 3, 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.

### **4.5 Sight Triangles**

#### **4.5.1 Corner Lots**

On corner lots, no building, structure, fence, or landscaping shall be established, nor any parking spaces be established, in any manner that would otherwise obstruct vision between 0.5 metres above grade and 3.0 metres above grade, in the area measuring 7.5 metres along each projected street line of the corner lot and beginning at the point of intersection of the two streets which the corner lot has frontage on, excepting only that this section shall not apply to a 'principal building' in the 'C1' General Commercial Zone.

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

In all zones, no building, structure, fence, or landscaping shall be established, nor any parking spaces be established, in any manner that would impede vision over 0.5 metres above grade, in the area measuring 30 metres along each exterior frontage of the corner lot and beginning at the point of intersection of the two streets which the corner lot has frontage on. Except:

#### 4.5.3 Exception

The provisions of Section 4.5.2 shall not apply to built-up areas as defined herein, including 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 said street lines shall be applicable.

## **Section 5: Establishment 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.

### **5.1 Establishment of Zones**

C1 – General Commercial  
C2 – Highway Service Commercial  
C3 – Hamlet Highway Commercial  
C4 – Local Commercial  
C5 – Resort Commercial  
C6 – Business Park  
C7 – Travel Trailer Park and Campground  
C8 – Mixed Use  
A1 – Agriculture – General  
A2 – Agriculture – Small Holdings  
A3 – Agriculture – Rural  
R1 – Residential One  
R2 – Residential Two  
R3 – Residential Three  
R4 – Residential Four  
R5 – Residential Five  
R6 – Residential Six  
M1 – General Industrial  
M2 – Extractive Industrial  
ACI – Agricultural Commercial / Industrial  
RCI – Rural Commercial / Industrial  
ECI1 – Energy Centre Industrial Light  
ECI2 – Energy Centre Industrial Heavy  
AP – Airport  
I – Institutional  
WD – Waste Disposal  
OS – Open Space  
EP1 – Environmental Protection One  
EP2 – Environmental Protection Two  
PD – Planned Development

## **5.2 Holding ("H") Provisions**

Certain lands may be subject to Holding Provisions, which are denoted by the symbols "(H1), (H2), (H3) [...]" etc., as a suffix to the zone category outlined in Section 4: Establishment of Zones. These Holding Provisions can be found in Section 43 of this By-law.

Where a holding symbol is shown, the provisions of this Section apply. Where a holding symbol is applied to lands, it will direct if and how the lands may be developed until such a time as the holding symbol is removed. Each holding provision includes a description of what is required prior to the Holding Provision being lifted.

- a) Municipal Council must pass a By-law to remove the holding symbol once they are satisfied that the conditions for removing the holding symbol have been met, unless the Municipal Council has provided delegated authority to Staff.
- b) Notwithstanding the provisions of this section, alterations, additions or enlargements to existing residential building or structures and accessory structures will be permitted provided such buildings and structures were lawfully used for residential purposes on the date of the passing of this By-law and provided such alterations, additions or enlargements conform to the relevant sections of this By-law.

## **5.3 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.

## **5.4 Zoning Symbols**

The symbols listed in Section 5.1 of this Zoning By-law may be used to refer to the buildings and structures, and the uses thereof, permitted by this By-law in the coordinating Zone; and wherever in this By-law the word 'Zone' is preceded by any of the zone symbols included in Section 5.1, such zone shall mean any corresponding area within the Municipality of Kincardine, within the scope of the By-law and delineated by the Zoning Map, and as shown by the same symbol.

## **5.5 Boundaries of Zones**

Where any uncertainty exists as to the location of a boundary of any one of the zones described in Section 5, 'Classification of Zones', as shown on the Zoning Map, the following rules shall apply:

- a) 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.
- b) 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.
- c) 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.

## **5.6 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 'EP1', EP2' or 'OS' such portion may be used to satisfy the side yard, rear yard or front yard setback provisions.

## **PART B – AGRICULTURE ZONES**

## **Section 6: Accessory Structures and Uses in Agriculture Zones**

### **6.1 Prohibited Structures**

Unless otherwise specified, travel trailers, railway cars, cabooses, construction trailers, transport trailers, and buses, shall not be used as accessory buildings or structures in Agriculture zones.

### **6.2 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 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 any building used for human habitation except as permitted by the General Provisions Section 3 of this Zoning By-law. This provision shall not apply to Agriculture-Related Uses or On-Farm Diversified Uses.

### **6.3 Location of Accessory Buildings or Structures**

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

Notwithstanding any other provisions of this By-law to the contrary, in an Agriculture – Small Holdings 'A2' zone and A3 Agriculture - Residential Zone an accessory building or structure may be erected as follows:

- a) For Non-Farm Lots which are 4 hectares or less in size, in an interior side or rear yard located no closer than 2 metres to the interior side and rear lot lines.
- b) 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 2 metres from any side lot line. This also includes any lot that is separated from a body of water only by a Municipal Road allowance or private street.
- c) 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.

- d) Where a property abuts a Provincial Highway or County Road, the setback requirements of the Ministry of Transportation or the County of Bruce, respectively, shall prevail.

## **6.4 Height**

The maximum height for all accessory buildings and structures shall be 15 metres for lots equal to or less than 4 hectares. There shall be no maximum height for Agriculture accessory structures on farm lots greater than 4 hectares.

## **6.5 Coverage**

The cumulative area of all accessory buildings and structures shall not exceed 15% of the total lot area. Accessory building lot coverage is calculated separately from the principal building and shall be an independent statistic.

## **6.6 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.

## **6.7 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 'Residential Non-Farm Detached Dwelling'.

## Section 7: Agriculture - General ("A1")

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

### 7.1 Permitted Uses

#### 7.1.1 Residential

- a) Accessory Detached Dwelling; Primary Farm Dwelling
- b) Additional Residential Unit
- c) Uses/structures accessory to the permitted uses

#### 7.1.2 Non-Residential

- a) Agricultural Uses
- b) Agricultural-Related Uses
- c) Agriculture, Specialized
- d) Bed and Breakfast
- e) Conservation
- f) Group Home – Type One
- g) Home-based Child Care
- h) Unlicensed Child Care
- i) Home Occupation – Agricultural Business
- j) Home Occupation – Household and Domestic Arts
- k) Home Occupation – Professional Use
- l) Home Occupation – Trades Persons
- m) Kennel
- n) On-Farm Diversified Uses
- o) Uses/structures accessory to the permitted uses

### 7.2 Zone Provisions

Minimum lot area	39 hectares (*1)
Maximum lot area	N/A
Minimum lot frontage	100 metres
Minimum side yard (exterior and interior)	20 metres
Minimum rear yard	20 metres

Minimum front yard	20 metres
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*(\*1) Lots existing as of the date of passing of this By-law which do not meet the minimum lot area requirements for a Farm Lot are deemed to comply.*

### **7.3 Additional Agriculture – General Zone Provisions**

#### **7.3.1 Dwelling Units**

With respect to dwelling units in the Agriculture - General zone, the following shall apply:

- a) In addition to an 'Accessory Detached Dwelling', a maximum of one 'Additional Residential Unit' may be erected on a lot.
- b) 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.
- c) 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.
- d) The principal dwelling shall adhere to the yard provisions for the Agriculture - General Zone, except for lots smaller than 20 hectares, which shall adhere to the yard provisions in the Agriculture – Small Holdings Zone.
- e) An 'Additional Residential Unit' shall be subject to the provisions of Section 3.2: Additional Residential Units in Agricultural Zones.
- f) Accommodation for farm labour is a permitted 'Agricultural Use' and may be provided in addition to an 'Accessory Detached Dwelling' or an 'Additional Residential Unit' on a Farm Lot and shall be located a maximum of 50 metres from the farm building cluster.

## Section 8: Agriculture – Small Holdings ("A2")

No person shall within the A2: Agriculture – Small Holdings Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

### 8.1 Permitted Uses

#### 8.1.1 Residential

- a) Additional Residential Unit
- b) Residential Non-Farm Detached Dwelling
- c) Uses/structures accessory to the permitted uses.

#### 8.1.2 Non-Residential

- a) Bed and Breakfast Establishment
- b) Conservation Area
- c) Home Occupation – Household and Domestic Arts
- d) Home Occupation – Professional Use
- e) Home Occupation – Trades Persons
- f) Kennel
- g) Livestock Facility, secondary to the primary residential use, to the satisfaction of the Municipality
- h) Uses/structures accessory to the permitted uses.

### 8.2 Zone Provisions

Minimum lot area	0.4 hectares (*1)
Maximum lot area	4.0 hectares
Minimum lot frontage	24 metres
Minimum interior side yard	3 metres
Minimum exterior side yard	6 metres
Minimum rear yard	7.5 metres
Minimum front yard	6 metres
Maximum lot coverage (Principal Building)	10%

*(\*1) Lots existing as of the date of passing of this By-law which do not meet the minimum lot area requirements for a Non-Farm Lot are deemed to comply.*

### **8.3 Additional Agriculture – Small Holdings Zone Provisions**

#### **8.3.1 Dwelling Units**

With respect to dwelling units in the Agriculture – Small Holdings Zone, the following shall apply:

- a) In addition to a 'Residential Non-Farm Detached Dwelling', a maximum of one 'Additional Residential Unit' may be erected on a lot.
- b) 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.
- c) 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.
- d) A 'Residential Non-Farm Detached Dwelling' shall conform to all yard provisions of the Agriculture – Small Holdings Zone.
- e) An 'Additional Residential Unit' shall be subject to the provisions of Section 3.2: Additional Residential Units in Agriculture Zones.

## **Section 9: Agriculture – Rural ("A3")**

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

### **9.1 Non-Farm Lot Permitted Uses**

#### **9.1.1 Residential**

- a) Additional Residential Unit
- b) Residential Non-Farm Detached Dwelling
- c) Uses/structures accessory to the permitted uses

#### **9.1.2 Non-Residential**

- a) Bed and Breakfast Establishment
- b) Conservation Area
- c) Group Home – Type One
- d) Home Occupation – Household and Domestic Arts
- e) Home Occupation – Professional Use
- f) Home Occupation – Trades Persons
- g) Home-based Child Care
- h) Kennel
- i) Livestock Facility, secondary to the primary residential use, to the satisfaction of the Municipality
- j) Unlicensed Child Care
- k) Uses/structures accessory to the permitted uses

### **9.2 Farm Lot Permitted Uses**

#### **9.2.1 Residential**

- a) Accessory Detached Dwelling
- b) Additional Residential Unit
- c) Uses/structures accessory to the permitted uses

#### **9.2.2 Non-Residential**

- a) Agricultural Uses
- b) Agricultural-Related Uses
- c) Agriculture, Specialized

- d) Bed and Breakfast
- e) Conservation
- f) Home Occupation – Agricultural Business
- g) Home Occupation – Household and Domestic Arts
- h) Home Occupation – Professional Use
- i) Home Occupation – Trades Persons
- j) Kennel
- k) On-Farm Diversified Uses
- l) Uses/structures accessory to the permitted uses

### 9.3 Zone Provisions

	NON-FARM LOT	FARM LOT
Minimum lot area	0.4 hectares (*1)	20.0 hectares (*1)
Maximum lot area	4.0 hectares (*2)	N/A
Minimum lot frontage	24 metres	100 metres
Minimum interior side yard	3 metres	20 metres
Minimum exterior side yard	6 metres	20 metres
Minimum rear yard	7.5 metres	20 metres
Minimum front yard	6 metres	20 metres
Maximum lot coverage (Principal Building)	10%	n/a

(\*1) Lots existing as of the date of passing of this By-law which do not meet the minimum lot area requirements for a Farm Lot are deemed to comply.

(\*2) Lots existing at the date of passing of the By-law greater than 4 hectares are considered a Farm Lot.

### 9.4 Additional Agriculture – Rural Zone Provisions

#### 9.4.1 Dwelling Units

With respect to dwelling units in the Agriculture – Rural Zone, the following shall apply:

- a) In addition to a 'Residential Non-Farm Detached Dwelling', a maximum of one 'Additional Residential Unit' may be erected on a Non-Farm Lot.

- b) In addition to an 'Accessory Detached Dwelling', a maximum of one 'Additional Residential Unit' may be erected on a Farm Lot.
- c) 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.
- d) 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.
- e) An 'Accessory Detached Dwelling' or 'Residential Non-Farm Detached Dwelling' shall conform to all yard provisions of the Agriculture - Rural Zone, except for lots smaller than 20 hectares, which shall adhere to the yard provisions for a Non-Farm Lot.
- f) An 'Additional Residential Unit' shall be subject to the provisions of Section 3.2: Additional Residential Units in Agriculture Zones.
- g) Accommodation for farm labour is a permitted 'Agricultural Use' and may be provided in addition to an 'Accessory Detached Dwelling' or an 'Additional Residential Unit' on a Farm Lot and shall be located a maximum distance of 50 metres from the farm building cluster.

## **PART C - RESIDENTIAL ZONES**

## **Section 10: Accessory Structures and Uses in Residential Zones**

### **10.1 Prohibited Structures**

Unless otherwise specified, mobile homes, travel trailers, railway cars, cabooses, construction trailers, transport trailers, buses, and shipping containers shall not be used as accessory buildings or structures in residential zones.

### **10.2 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 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 any building used for human habitation, except as permitted by the General Provisions Section 3 of this Zoning By-law.

### **10.3 Location of Accessory Building or Structure**

- a) 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.
- b) Notwithstanding any other provisions of this By-law to the contrary, in a Residential Zone an accessory building or structure may be erected as follows:
  - i) In an interior side or rear yard located no closer than 1 metre to the interior side and rear lot lines.
  - ii) In an exterior side yard, provided it is no closer than the minimum setback requirement of the principal building.
  - iii) 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 metre from any side lot line. This also includes any lot that is separated from a body of water only by a Municipal Road allowance or private street.

- iv) 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.
- v) 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.
- c) Where a property abuts a Provincial Highway or County Road, the setback requirements of the Ministry of Transportation or the County of Bruce, respectively, shall prevail.

## **10.4 Height**

Except as otherwise provided herein, the maximum height for all accessory buildings and structures in a Residential Zone shall be 6 metres. Height shall be measured in accordance with the definition included in this Zoning By-law.

## **10.5 Coverage**

The area of all accessory buildings and structures on a residential lot shall not exceed 15% of the lot area. This shall be calculated separately from the primary structure, which has separate lot coverage requirements.

## **10.6 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.

## Section 11: Residential One ("R1")

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

### 11.1 Permitted Uses

#### 11.1.1 Residential

- a) Additional Residential Unit
- b) Duplex Dwelling
- c) Semi-Detached Dwelling
- d) Single Detached Dwelling
- e) Uses/structures accessory to the permitted uses

#### 11.1.2 Non-Residential

- a) Bed and Breakfast Establishment
- b) Child Care Centre
- c) Group Home – Type One, in a Single Detached Dwelling
- d) Home Occupation – Household and Domestic Arts
- e) Home Occupation – Professional Uses
- f) Home-based Child Care
- g) Nursing Home
- h) Park
- i) Place of Worship
- j) Unlicensed Child Care
- k) Uses/structures accessory to the permitted uses

### 11.2 Zone Provisions for Duplex Dwelling

Minimum lot area	500 square metres
Minimum lot area (corner lot)	500 square metres
Minimum lot frontage	12 metres
Minimum lot frontage (corner lot)	12 metres
Minimum interior side yard	2.4 metres on one side 1.2 metres on the other side
Minimum interior side yard with an attached garage or carport	1.2 metres (both sides)

Minimum exterior side yard	5 metres
Minimum rear yard	7.5 metres
Minimum rear yard (corner lot)	2.4 metres
Minimum front yard	6 metres
Maximum lot coverage (principal building)	45%
Maximum height (principal building)	10.5 metres

### 11.3 Zone Provisions for Semi-Detached Dwellings on Same Lot

Minimum lot area	650 square metres
Minimum lot area (corner lot)	800 square metres
Minimum lot frontage	20 metres
Minimum lot frontage (corner lot)	24 metres
Minimum interior side yard	2.4 metres on one side 1.2 metres on the other side
Minimum interior side yard with an attached garage or carport	1.2 metres (both sides)
Minimum exterior side yard	5 metres
Minimum rear yard	7.5 metres
Minimum rear yard (corner lot)	2.4 metres
Minimum front yard	6 metres
Maximum lot coverage (principal building)	45%
Maximum height (principal building)	10.5 metres

### 11.4 Zone Provisions for Semi-Detached Dwellings on Separate Lots

Minimum lot area	325 square metres
Minimum lot area (corner lot)	400 square metres
Minimum lot frontage	10 metres
Minimum lot frontage (corner lot)	12 metres
Minimum interior side yard	2.4 metres (*1)
Minimum interior side yard with an attached garage or carport	1.2 metres (*1)
Minimum exterior side yard	5 metres

Minimum rear yard	7.5 metres
Minimum rear yard (corner lot)	2.4 metres
Minimum front yard	6 metres
Maximum lot coverage (principal building)	45%
Maximum height (principal building)	10.5 metres

(\*1) Where there is a shared interior lot line the minimum interior side yard setback shall be 0 metres.

### 11.5 Zone Provisions for Single Detached Dwellings

	<b>FULL Municipal Services</b>	<b>PARTIAL Municipal Services</b>	<b>NO Municipal Services</b>
Minimum lot area	464 square metres	1,800 square metres	4,000 square metres
Minimum lot area (corner lot)	464 square metres	1,800 square metres	4,000 square metres
Minimum lot frontage	15 metres	30 metres	30 metres
Minimum lot frontage (corner lot)	18 metres	30 metres	30 metres
Minimum interior side yard	2.4 metres on one side 1.2 metres on other side	2.4 metres on one side 1.2 metres on other side	2.4 metres on one side 1.2 metres on other side
Minimum interior side yard with an attached garage or carport	1.2 metres (both sides)	1.2 metres (both sides)	1.2 metres (both sides)
Minimum exterior side yard	5 metres	5 metres	5 metres
Minimum rear yard	7.5 metres	7.5 metres	7.5 metres
Minimum rear yard (corner lot)	2.4 metres	2.4 metres	2.4 metres
Minimum front yard	6 metres	6 metres	6 metres
Maximum lot coverage (principal building)	45%	45%	45%
Maximum height (principal building)	10.5 metres	10.5 metres	10.5 metres

## **11.6 Zone Provisions for Non-Residential Uses**

- a) Bed and Breakfast Establishment, Home Occupation – Household and Domestic Arts, Home Occupation – Professional Uses, Home-based Child Care, and Unlicensed Child Care uses shall be subject to the Single Detached Dwelling Provisions.
- b) Park uses shall be subject to the Open Space Zone Provisions
- c) Child Care Centre, Place of Worship, and Group Home – Type One, and Nursing Home shall be subject to the Institutional Zone provisions

## **11.7 Additional Residential One Zone Provisions**

### **11.7.1 Servicing**

All uses within the Residential One (“R1”) Zone shall be on Full Municipal Services, except where specified for single detached dwellings. Any legally existing uses, as determined in accordance with this By-law, that are not on full municipal services may be permitted to continue, however future development of the site shall require a connection to municipal services, where available.

## Section 12: Residential Two ("R2")

In any 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:

### 12.1 Permitted Uses

#### 12.1.1 Residential

- a) Additional Residential Unit
- b) Duplex dwelling
- c) Semi-detached dwelling
- d) Single detached dwelling
- e) Uses/structures accessory to the permitted uses

#### 12.1.2 Non-Residential

- a) Bed and Breakfast Establishment
- b) Child Care Centre
- c) Group Home - Type 1, in a Single detached dwelling
- d) Home Occupation – Household and Domestic Arts
- e) Home Occupation – Professional in accordance with Section 3
- f) Home-based Child Care
- g) Park
- h) Place of Worship
- i) Unlicensed Child Care
- j) Uses/structures accessory to the permitted uses

### 12.2 Zone Provisions for Duplex Dwelling

Minimum lot area	500 square metres
Minimum lot area (corner lot)	500 square metres
Minimum lot frontage	12 metres
Minimum lot frontage (corner lot)	12 metres
Minimum interior side yard	2.4 metres on one side 1.2 metres on other side
Minimum interior side yard with an attached garage or carport	1.2 metres (on both sides)
Minimum exterior side yard	5 metres

Minimum rear yard	7.5 metres
Minimum rear yard (corner lot)	2.4 metres
Minimum front yard	6 metres
Maximum lot coverage (principal building)	50%
Maximum height (principal building)	10.5 metres

### 12.3 Zone Provisions for Semi Detached Dwellings on Separate Lots

Minimum lot area	300 square metres
Minimum lot area (corner lot)	400 square metres
Minimum lot frontage	10 metres
Minimum lot frontage (corner lot)	12 metres
Minimum interior side yard	2.4 metres (*1)
Minimum interior side yard with an attached garage or carport	1.2 metres (*1)
Minimum exterior side yard	5 metres
Minimum rear yard	7.5 metres
Minimum rear yard (corner lot)	2.4 metres
Minimum front yard	6 metres
Maximum lot coverage (principal building)	50%
Maximum height (principal building)	10.5 metres

(\*1) Where there is a shared interior lot line the minimum interior side yard setback shall be 0 metres.

### 12.4 Zone Provisions for Semi-Detached Dwellings on Same Lot

Minimum lot area	600 square metres
Minimum lot area (corner lot)	700 square metres
Minimum lot frontage	20 metres
Minimum lot frontage (corner lot)	23 metres
Minimum interior side yard	2.4 metres
Minimum interior side yard with an attached garage or carport	1.2 metres
Minimum exterior side yard	5 metres

Minimum rear yard	7.5 metres
Minimum rear yard (corner lot)	2.4 metres
Minimum front yard	6 metres
Maximum lot coverage (principal building)	50%
Maximum height (principal building)	10.5 metres

## 12.5 Zone Provisions for Single Detached Dwelling

Minimum lot area	325 square metres
Minimum lot area (corner lot)	325 square metres
Minimum lot frontage	9 metres
Minimum lot frontage (corner lot)	12 metres
Minimum interior side yard	2.4 metres on one side 1.2 metres on the other side
Minimum interior side yard with an attached garage or carport	1.2 metres (both sides)
Minimum exterior side yard	5 metres
Minimum rear yard	7.5 metres
Minimum rear yard (corner lot)	2.4 metres
Minimum front yard	6 metres
Maximum lot coverage (principal building)	50%
Maximum height (principal building)	10.5 metres

## 12.6 Zone Provisions for Non-Residential Uses

- a) Bed and Breakfast Establishment, Home Occupation – Household and Domestic Arts, Home Occupation – Professional Uses, Home-based Child Care, and Unlicensed Child Care uses shall be subject to the Single Detached Dwelling Provisions.
- b) Park uses shall be subject to the Open Space Zone Provisions
- c) Child Care Centre, Place of Worship, and Group Home – Type 1, and Nursing Home shall be subject to the Institutional Zone provisions.

## **12.7 Additional Residential Two Zone Provisions**

### **12.7.1 Servicing**

All uses within the Residential Two ("R2") Zone shall be on Full Municipal Services. Any legally existing uses, as determined in accordance with this By-law, that are not on full municipal services may be permitted to continue, however future development of the site shall require a connection to municipal services, where available.

## Section 13: Residential Three ("R3")

In any 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:

### 13.1 Permitted Uses

#### 13.1.1 Residential

- a) Additional Residential Unit
- b) Boarding House
- c) Duplex dwelling
- d) Quadraplex dwelling
- e) Row dwelling
- f) Semi-detached dwelling
- g) Single detached dwelling
- h) Triplex dwelling
- i) Uses/structures accessory to the permitted uses

#### 13.1.2 Non-Residential

- a) Bed and Breakfast Establishment
- b) Child Care Centre
- c) Group Home - Type 1, in a Single detached dwelling
- d) Home Occupation – Household and Domestic Arts
- e) Home Occupation – Professional Use
- f) Home-based Child Care
- g) Nursing Home
- h) Park
- i) Place of Worship
- j) Unlicensed Child Care
- k) Uses/structures accessory to the permitted uses

### 13.2 Zone Provisions for a Boarding House

Minimum lot area	464 square metres
Minimum lot area (corner lot)	500 square metres
Minimum lot frontage	12 metres
Minimum lot frontage (corner lot)	15 metres

Minimum interior side yard	2.4 metres on one side 1.2 metres on the other side
Minimum interior side yard with an attached garage or carport	1.2 metres (both sides)
Minimum exterior side yard	5 metres
Minimum rear yard	7.5 metres
Minimum rear yard (corner lot)	2.4 metres
Minimum front yard	6 metres
Maximum lot coverage (principal building)	50%
Maximum height (principal building)	11 metres

### 13.3 Zone Provisions for Duplex Dwelling

Minimum lot area	500 square metres
Minimum lot area (corner lot)	500 square metres
Minimum lot frontage	12 metres
Minimum lot frontage (corner lot)	12 metres
Minimum interior side yard	2.4 metres on one side 1.2 metres on the other side
Minimum interior side yard with an attached garage or carport	1.2 metres (both sides)
Minimum exterior side yard	5 metres
Minimum rear yard	7.5 metres
Minimum rear yard (corner lot)	2.4 metres
Minimum front yard	6 metres
Maximum lot coverage (principal building)	50%
Maximum height (principal building)	11 metres

### 13.4 Zone Provisions for Quadruplex Dwelling

Minimum lot area	800 square metres
Minimum lot area (corner lot)	800 square metres
Minimum lot frontage	20 metres
Minimum lot frontage (corner lot)	24 metres

Minimum interior side yard	2.4 metres
Minimum exterior side yard	5 metres
Minimum rear yard	7.5 metres
Minimum rear yard (corner lot)	2.4 metres
Minimum front yard	6 metres
Maximum lot coverage (principal building)	50%
Maximum height (principal building)	11 metres

### 13.5 Zone Provisions for Row Dwelling

Minimum lot area (interior unit(s))	160 square metres
Minimum lot area (end unit)	200 square metres
Minimum lot frontage (interior unit(s))	4.5 metres
Minimum lot frontage (end unit)	5.7 metres
Minimum interior side yard	2.4 metres (*1)
Minimum exterior side yard	5 metres
Minimum rear yard	7.5 metres
Minimum rear yard (corner lot)	2.4 metres
Minimum front yard	6 metres
Maximum lot coverage (principal building)	60%
Maximum height (principal building)	11 metres
Maximum density for stacked row dwellings / townhouses	50 units per hectare

(\*1) Where there is a shared interior lot line between an interior unit and an end unit, or two interior units, the minimum interior side yard setback shall be 0 metres.

### 13.6 Zone Provisions for Semi Detached Dwellings on Separate Lots

Minimum lot area	300 square metres
Minimum lot area (corner lot)	400 square metres
Minimum lot frontage	10 metres
Minimum lot frontage (corner lot)	12 metres
Minimum interior side yard	2.4 metres (*1)

Minimum interior side yard with an attached garage or carport	1.2 metres (*1)
Minimum exterior side yard	5 metres
Minimum rear yard	7.5 metres
Minimum rear yard (corner lot)	2.4 metres
Minimum front yard	6 metres
Maximum lot coverage (principal building)	50%
Maximum height (principal building)	11 metres

(\*1) Where there is a shared interior lot line the minimum interior side yard setback shall be 0 metres.

### 13.7 Zone Provisions for Semi-Detached Dwellings on Same Lot

Minimum lot area	600 square metres
Minimum lot area (corner lot)	700 square metres
Minimum lot frontage	20 metres
Minimum lot frontage (corner lot)	23 metres
Minimum interior side yard	2.4 metres on one side 1.2 metres on other side
Minimum interior side yard with an attached garage or carport	1.2 metres (on both sides)
Minimum exterior side yard	5 metres
Minimum rear yard	7.5 metres
Minimum rear yard (corner lot)	2.4 metres
Minimum front yard	6 metres
Maximum lot coverage (principal building)	50%
Maximum height (principal building)	11 metres

### 13.8 Zone Provisions for Single Detached Dwellings

Minimum lot area	325 square metres
Minimum lot area (corner lot)	325 square metres
Minimum lot frontage	9 metres
Minimum lot frontage (corner lot)	12 metres

Minimum interior side yard	2.4 metres on one side 1.2 metres on other side
Minimum interior side yard with an attached garage or carport	1.2 metres (on both sides)
Minimum exterior side yard	5 metres
Minimum rear yard	7.5 metres
Minimum rear yard (corner lot)	2.4 metres
Minimum front yard	6 metres
Maximum lot coverage (principal building)	50%
Maximum height (principal building)	11 metres

### 13.9 Zone Provisions for Triplex Dwelling

Minimum lot area	650 square metres
Minimum lot area (corner lot)	650 square metres
Minimum lot frontage	18 metres
Minimum lot frontage (corner lot)	18 metres
Minimum interior side yard	2.4 metres
Minimum exterior side yard	5 metres
Minimum rear yard	7.5 metres
Minimum rear yard (corner lot)	2.4 metres
Minimum front yard	6 metres
Maximum lot coverage (principal building)	50%
Maximum height (principal building)	11 metres

### 13.10 Zone Provisions for Non-Residential Uses

- a) Bed and Breakfast Establishment, Home Occupation – Household and Domestic Arts, Home Occupation – Professional Uses, Home-based Child Care, and Unlicensed Child Care uses shall be subject to the Single Detached Dwelling Provisions.
- b) Park uses shall be subject to the Open Space Zone Provisions
- c) Child Care Centre, Place of Worship, and Group Home – Type 1, and Nursing Home shall be subject to the Institutional Zone provisions.

## **13.11 Additional Residential Three Zone Provisions**

### **13.11.1      Servicing**

All uses within the Residential Three ("R3") Zone shall be on Full Municipal Services. Any legally existing uses, as determined in accordance with this By-law, that are not on full municipal services may be permitted to continue, however future development of the site shall require a connection to municipal services, where available.

## Section 14: Residential Four ("R4")

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:

### 14.1 Permitted Uses

#### 14.1.1 Residential

- a) Apartment dwelling
- b) Uses/structures accessory to the permitted uses

#### 14.1.2 Non-Residential

- a) Child Care Centre
- b) Accessory commercial uses on main floor of a residential building (See Section 14.3)
- c) Nursing Home
- d) Park
- e) Place of Worship
- e) Retirement Home
- f) Uses/structures accessory to the permitted uses

### 14.2 Zone Provisions for Apartment Dwelling

Minimum lot area	100 square metres per dwelling unit
Minimum lot frontage	30.5 metres
Minimum interior side yard	6 metres
Minimum exterior side yard	5 metres
Minimum rear yard	7.5 metres
Minimum rear yard (corner lot)	7.5 metres
Minimum front yard	6 metres
Maximum lot coverage (principal building)	50%
Maximum height (principal building)	18 metres
Maximum density	95 units per hectare

### **14.3 Zone Provisions for Non-Residential Uses**

- a) Park uses shall be subject to the Open Space Zone Provisions.
- b) Child Care Centre, Nursing Home, and Retirement Home shall be subject to the Institutional Zone provisions.
- c) Commercial uses shall be subject to the Local Commercial Zone provisions.

### **14.4 Additional Residential Four Zone Provisions**

#### **14.4.1 Servicing**

All uses within the Residential Four ("R4") Zone shall be on Full Municipal Services. Any legally existing uses, as determined in accordance with this By-law, that are not on full municipal services may be permitted to continue, however future development of the site shall require a connection to municipal services, where available.

## Section 15: Residential Five ("R5")

In any 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:

### 15.1 Permitted Uses

#### 15.1.1 Residential

- a) Mobile Home Park Site
- b) Mobile Home Park
- c) Mobile Home
- d) One (1) Accessory Detached Dwelling to a Mobile Home Park
- e) Uses accessory to the permitted uses

#### 15.1.2 Non-Residential

- a) Accessory commercial uses which support the Mobile Home Park / Site residents
- b) Park
- c) Uses/structures accessory to the permitted uses

### 15.2 Zone Provisions for Mobile Home Park

Minimum lot area	4 hectares
Minimum lot frontage	30 metres
Minimum interior side yard	4.5 metres
Minimum exterior side yard	7.5 metres
Minimum rear yard	7.5 metres
Minimum front yard	7.5 metres
Maximum density	25 mobile homes per hectare
Maximum height	10 metres
Minimum open space	10%

### 15.3 Zone Provisions for Mobile Home Park Site

Minimum lot area	325 square metres
Minimum lot frontage	13 metres

Minimum interior side yard	2 metres
Minimum exterior side yard	3 metres
Minimum rear yard	3 metres
Minimum front yard	3 metres
Maximum lot coverage (principal mobile home)	40%

## **15.4 Zone Provisions for Non-Residential Uses**

- a) Park uses shall be subject to the Open Space Zone provisions.
- b) Commercial uses shall be subject to the Local Commercial Zone provisions.

## **15.5 Additional Residential Four Zone Provisions**

### **15.5.1 Access & Roads**

Each mobile home site 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.

### **15.5.2 Services**

Each mobile home site/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.

### **15.5.3 Parking**

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

### **15.5.4 Additions and Accessory Structures - Mobile Home Site**

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 site are maintained. No more than two (2) accessory buildings or structures shall be permitted on a mobile home site.

#### 15.5.5 Accessory Structures - Mobile Home Park

Buildings and structures accessory to the mobile home park 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 for the mobile home park and a mobile home site shall be no less than 10 metres.

#### 15.5.6 Mobile Home Site 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 sites.

#### 15.5.7 Mobile Home Park Planting Area/Visual Screening

A Planting Area/Visual Screening shall be provided around a Mobile Home Park in accordance with Section 3.

## Section 16: Residential Six ("R6")

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

### 16.1 Permitted Uses

#### 16.1.1 Residential

- a) Mobile Tiny Home
- b) Structural Tiny Home
- c) Uses/structures accessory to the permitted uses

#### 16.1.2 Non-Residential

- a) Accessory commercial uses which support the Mobile/Structural Tiny Home residents
- b) Assembly Hall
- c) Communal Storage Facilities
- d) Maintenance Buildings
- e) Park
- f) Recreation Facility
- g) Uses/structures accessory to permitted uses

### 16.2 Zone Provisions for Mobile or Structural Tiny Homes

Minimum lot area	100 square metres
Minimum lot area (corner lot)	100 square metres
Maximum lot area	400 square metres
Minimum lot frontage	13 metres
Minimum lot frontage (corner lot)	13 metres
Minimum interior side yard	2.4 metres
Minimum exterior side yard	5 metres
Minimum rear yard	6 metres
Minimum rear yard (corner lot)	2.4 metres
Minimum front yard	6 metres
Maximum lot coverage	40%

Maximum height (principal building)	7 metres
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### **16.3 Zone Provisions for Non-Residential Uses**

- a) Assembly Hall, Maintenance Buildings, Communal Storage Facilities, and Recreation Facilities shall be subject to the General Commercial ("C1") zone provisions.
- b) Park uses shall be subject to the Open Space ("OS") zone provisions.
- c) Commercial uses shall be subject to the Local Commercial Zone provisions.

### **16.4 Additional Residential Six Zone Provisions**

#### **16.4.1 Height Measurements for Mobile Tiny Homes**

For Mobile Tiny Homes, height is measured from bottom of tires to the top of the highest exterior point on the house, including any protrusions.

#### **16.4.2 Height Measurement for Structural Tiny Homes**

For Structural Tiny Homes, height is measured in accordance with the definition included in this By-law.

#### **16.4.3 Essential Services**

Tiny Homes shall provide all essential services including, but not limited to, electrical connections, water, wastewater, and sewer or septic.

#### **16.4.4 Access**

Tiny Homes are required to have a minimum of one unobstructed path to the entrance of the unit being a minimum of 1.1 metre in width and a maximum of 1.8 metres in width.

#### 16.4.5 Driveway and Parking Requirements

Tiny Homes shall be subject to the parking requirements for a single detached dwelling as included in the General Provisions section of this Zoning By-law. Tandem parking shall be permitted.

#### 16.4.6 Servicing

All uses within the Residential Six ("R6") Zones shall be on Full Municipal Services. Any legally existing uses, as determined in accordance with this By-law, that are not on full municipal services may be permitted to continue, however future development of the sites shall require a connection to municipal services, where available.

## **PART D - COMMERCIAL ZONES**

## **Section 17: Accessory Structures and Uses in Commercial Zones**

### **17.1 Prohibited Structures**

Unless otherwise specified, mobile homes, travel trailers, railway cars, cabooses, construction trailers, transport trailers, buses, and shipping containers shall not be used as accessory buildings or structures in commercial zones.

### **17.2 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 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 any building used for human habitation.

### **17.3 Location of Accessory Building or Structure**

- a) 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.
- b) Where a property abuts a Provincial Highway or County Road, the setback requirements of the Ministry of Transportation or the County of Bruce, respectively, shall prevail.

### **17.4 Height**

Except as otherwise provided herein, the maximum height for all accessory buildings and structures shall be 6 metres and shall be measured in accordance with the definition of "Building Height" in this By-law.

### **17.5 Coverage**

The area of all accessory buildings and structures on a commercial lot shall not exceed 15% of the lot area. This shall be calculated separately from the primary structure, which has separate lot coverage requirements.

## **17.6 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.

## **Section 18: General Commercial ("C1")**

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:

### **18.1 Permitted Uses**

#### **18.1.1 Residential**

- a) Accessory Apartment Unit
- b) Apartment Dwelling
- c) Single Detached Dwelling existing at the date of passing of this By-law
- d) Uses/structures accessory to the permitted uses

#### **18.1.2 Non-Residential**

- a) Assembly Hall
- b) Automobile Rental Establishment
- c) Banquet Hall
- d) Bus Depot
- e) Business or Professional Office
- f) Cannabis Sales (licenced)
- g) Child Care Centre
- h) Church
- i) Clinic
- j) Commercial College or Commercial School
- k) Convenience Store
- l) Driving Academy
- m) Dry Cleaning Establishment
- n) Fitness Centre
- o) Funeral Home
- p) Hotel or Motel
- q) Institution
- r) Laundromat
- s) Library
- t) Museum
- u) Park
- v) Parking Lot
- w) Personal Service Establishment
- x) Place of Entertainment
- y) Public Building

- z) Public Service Facility
- aa) Recreation Facility
- bb) Research Establishment/Laboratory
- cc) Restaurant - Take-out
- dd) Restaurant
- ee) Retail Store
- ff) Tavern/Bar
- gg) Vendors Market
- hh) Veterinary Clinic (Small Animal)
- ii) Uses/structures accessory to the permitted uses

## 18.2 Zone Provisions for Residential Uses

- a) Single Detached Dwellings existing at the date of passing of this By-law shall be subject to the Residential One ("R1") zone provisions.
- b) Accessory Apartment Units shall be subject to the provisions of Section 3.5.
- c) Apartment Dwellings are permitted in the General Commercial 'C1' zone above the first storey and behind the commercial use of the building or structure containing a permitted non-residential use. Lobbies and common areas associated with the apartment use are permitted on the ground floor. Minimum setbacks and yards required for an Apartment Dwelling shall be provided in accordance with the minimum setback and yard provisions for the non-residential building or structure in which the Apartment Dwelling is contained.
- d) Parking shall be provided in accordance with Section 4.

## 18.3 Zone Provisions for Non-Residential Uses

Minimum lot area	85 square metres
Minimum lot frontage	5 metres
Minimum interior side yard	3 metres (*1) (*2)
Minimum exterior side yard	0 metres
Minimum rear yard	6 metres (*3)
Minimum front yard	0 metres
Maximum lot coverage (principal building)	n/a
Maximum height (principal building)	22 metres

Minimum planting strip and privacy fence requirements	(*4)
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*(\*1) Where abutting another C1 zone, the minimum interior side yard setback is 0 metres.*

*(\*2) Where a legally established C1 building or lot abuts a R1 or R2 zone prior to the date of this By-law, the existing setback is deemed to comply.*

*(\*3) Where abutting a public lane or a public parking lot, the minimum rear yard setback is 0 metres.*

*(\*4) In accordance with Section 3.*

## **18.4 Additional General Commercial Zone Provisions**

### **18.4.1 Planting Strip / Privacy Fence**

A Planting Strip/Privacy Fence along an Interior Side Yard is required when a 'C1' zone abuts any 'R – Residential' zone. Refer to Section 3 for provisions on Planting Strips and Privacy Fences.

### **18.4.2 Multiple Buildings on One Lot**

More than one principal building, or structure, shall be permitted on a lot provided that all other provisions of this By-law are adhered to.

## **Section 19: Highway Service Commercial ("C2")**

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:

### **19.1 Permitted Uses**

#### **19.1.1 Non-Residential**

- a) Assembly Hall
- b) Automobile Car Wash
- c) Automobile Gas Bar
- d) Automobile Rental Establishment
- e) Automobile Repair Establishment
- f) Automobile Sales Establishment
- g) Automobile Service Establishment
- h) Banquet Hall
- i) Building Supply and Sales
- j) Bus Depot
- k) Business or Professional Office
- l) Child Care Centre
- m) Clinic
- n) Commercial College or Commercial School
- o) Convenience Store
- p) Donation Centre
- q) Dry-Cleaning Establishment
- r) Farm Implement Establishment
- s) Fitness Centre
- t) Greenhouse, Commercial
- u) Hotel or Motel
- v) Laundromat
- w) Marine, Recreation and Small Engine Establishment
- x) Nursery
- y) Parking Lot
- z) Personal Service Establishment
- aa) Place of Entertainment
- bb) Public Service Facility
- cc) Recreation Facility
- dd) Rental Establishment
- ee) Restaurant - Drive Through
- ff) Restaurant - Take-out

- gg) Restaurant
- hh) Retail - Large Format
- ii) Retail store
- jj) Supermarket
- kk) Transport Depot
- ll) Travel Trailer Sales Establishment
- mm) Vendors Market
- nn) Veterinary Clinic
- oo) Uses/structures accessory to the permitted uses

## 19.2 Zone Provisions for All Other Non-Residential Uses

Minimum lot area	1,390 square metres
Minimum lot frontage	45 metres
Minimum interior side yard	4.5 metres
Minimum exterior side yard	6 metres (*1)
Minimum rear yard	6 metres
Minimum front yard	6 metres (*1)
Maximum lot coverage (principal building)	40%
Maximum height (principal building)	12 metres

(\*1) Where a property abuts a Provincial Highway or County Road, the setback requirements of the Ministry of Transportation or the County of Bruce, respectively, shall prevail.

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

Minimum lot area	1,390 square metres
Minimum lot frontage	38 metres
Minimum interior side yard	6 metres
Minimum exterior side yard	15 metres (*1) (*2)
Minimum rear yard	7.5 metres
Minimum front yard	15 metres (*1)(*2)
Maximum lot coverage (principal building)	40%
Maximum height (principal building)	12 metres

*(\*1) The minimum distance between any portion of a gasoline pump, natural gas and/or propane refueling pump and any property line shall be 7.5 metres. 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 the property line.*

*(\*2) Where a property abuts a Provincial Highway or County Road, the setback requirements of the Ministry of Transportation or the County of Bruce, respectively, shall prevail.*

## **19.4 Zone Provisions for Hotels and Motels**

Minimum lot area	690 square metres
Minimum lot frontage	18 metres
Minimum interior side yard	3 metres (*1)
Minimum exterior side yard	6 metres (*2)
Minimum rear yard	6 metres
Minimum front yard	6 metres (*2)
Maximum lot coverage (principal building)	40%
Maximum height (principal building)	12 metres

*(\*1) Where abutting a Residential Zone, the minimum interior side yard setback is 6 metres.*

*(\*2) Where a property abuts a Provincial Highway or County Road, the setback requirements of the Ministry of Transportation or the County of Bruce, respectively, shall prevail.*

## **19.5 Additional Highway Service Commercial Zone Provisions**

### **19.5.1 Multiple Buildings on One Lot**

More than one principal building, or structure, shall be permitted on a lot provided that all other provisions of this By-law are adhered to.

## **Section 20: Hamlet Highway Commercial ("C3")**

In any C3 – Hamlet 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:

### **20.1 Permitted Uses**

#### **20.1.1 Residential**

- a) Accessory Apartment Unit

#### **20.1.2 Non-Residential**

- a) Automobile Car Wash
- b) Automobile Gas Bar
- c) Automobile Repair Establishment
- d) Automobile Sales Establishment
- e) Automobile Service Station
- f) Bulk Fuel Depot
- g) Bus Depot
- h) Business or Professional Office
- i) Child Care Centre
- j) Convenience Store
- k) Farm Implement Establishment
- l) Laundromat
- m) Park
- n) Parking Lot
- o) Personal Service Establishment
- p) Public Service Facility
- q) Restaurant - Take-out
- r) Restaurant
- s) Retail store
- t) Vendors Market
- u) Veterinary Clinic
- v) Warehouse, Mini Storage
- w) Uses/structures accessory to the permitted uses

### **20.2 Zone Provisions for Residential Uses**

- a) Accessory Apartment Units shall be subject to the provisions of Section 3.

## 20.3 Zone Provisions for Non-Residential Uses

	<b>FULL Municipal Services</b>	<b>PARTIAL Municipal Services</b>	<b>NO Municipal Services</b>
Minimum lot area	464 square metres	2,000 square metres	4,000 square metres
Minimum lot frontage	15 metres	30 metres	45 metres
Minimum interior side yard	10 metres	10 metres	10 metres
Minimum exterior side yard	15 metres (*1) (*2)	15 metres (*1) (*2)	15 metres (*1) (*2)
Minimum rear yard	10 metres	10 metres	10 metres
Minimum front yard	15 metres (*1) (*2)	15 metres (*1) (*2)	15 metres (*1) (*2)
Maximum lot coverage (principal building)	40%	40%	40%
Maximum height (principal building)	12 metres	12 metres	12 metres

(\*1) Where a property abuts a Provincial Highway or County Road, the setback requirements of the Ministry of Transportation or the County of Bruce, respectively, shall prevail.

(\*2) The minimum distance between any portion of a gasoline pump, natural gas and/or propane refueling pump and any property line shall be 7.5 metres. 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 the property line.

## 20.4 Additional Hamlet Highway Commercial Zone Provisions

### 20.4.1 Multiple Buildings on One Lot

More than one principal building, or structure, shall be permitted on a lot provided that all other provisions of this By-law are adhered to.

## Section 21: Local Commercial ("C4")

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:

### 21.1 Permitted Uses

#### 21.1.1 Non-Residential

- a) Business or Professional Office
- b) Convenience Store
- c) Laundromat
- d) Park
- e) Personal Service Establishment
- f) Restaurant - Take-out
- g) Restaurant
- h) Vendors Market
- i) Uses/structures accessory to the permitted uses

### 21.2 Zone Provisions for Non-Residential Uses

Minimum lot area	930 square metres
Minimum lot frontage	30 metres
Minimum interior side yard	3 metres
Minimum exterior side yard	6 metres
Minimum rear yard	6 metres
Minimum front yard	6 metres
Maximum lot coverage (principal building)	40%
Maximum height (principal building)	4.5 metres
Maximum commercial floor area (per use)	140 square metres
Maximum commercial floor area (entire property)	560 square metres

### 21.3 Additional Local Commercial Zone Provisions

#### 21.3.1 Multiple Buildings on One Lot

More than one principal building, or structure, shall be permitted on a lot provided that all other provisions of this By-law are adhered to.

## Section 22: Resort Commercial ("C5")

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:

### 22.1 Permitted Uses

#### 22.1.1 Residential

Residential uses are prohibited in the Resort Commercial Zone unless established through a site-specific provision.

#### 22.1.2 Non-Residential

- a) Hotel or Motel
- b) Marina
- c) Marine, Recreation and Small Engine Establishment
- d) Park
- e) Parking Lot
- f) Place of Entertainment
- g) Recreation Facility
- h) Restaurant - Take-out
- i) Restaurant
- j) Vendors Market
- k) Uses/structures accessory to the permitted uses

### 22.2 Zone Provisions for All Other Non-Residential Uses

Minimum lot area	700 square metres
Minimum lot frontage	15 metres
Minimum interior side yard	3 metres (*1) (*2)
Minimum exterior side yard	3 metres
Minimum rear yard	7.5 metres (*3)
Minimum front yard	6 metres
Maximum lot coverage (principal building)	40%
Maximum height (principal building)	10.5 metres
Maximum commercial floor area (per use)	140 square metres
Maximum commercial floor area (entire property)	560 square metres

- (\*1) Where abutting a C5 zone, the minimum interior side yard setback shall be 0 metres.*
- (\*2) Where abutting a Residential zone, the minimum interior side yard shall be 6 metres.*
- (\*3) Where abutting a public parking lot, the rear yard setback shall be 0 metres.*

### **22.3 Zone Provisions for Hotels and Motels**

Minimum lot area	690 square metres
Minimum lot frontage	18 metres
Minimum interior side yard	3 metres (*1)
Minimum exterior side yard	6 metres
Minimum rear yard	6 metres
Minimum front yard	6 metres
Maximum lot coverage (principal building)	40%
Maximum height (principal building)	12 metres

- (\*1) Where abutting a Residential Zone, the minimum interior side yard setback is 6 metres.*

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

Minimum lot area	1,390 square metres
Minimum lot frontage	38 metres
Minimum interior side yard	6 metres (*1)
Minimum exterior side yard	15 metres (*1) (*2)
Minimum rear yard	7.5 metres (*1)
Minimum front yard	15 metres (*1) (*2)
Maximum lot coverage (principal building)	40%
Maximum height (principal building)	12 metres

- (\*1) Where abutting a navigable waterway, the setback requirements for that yard shall be 0 metres.*

- (\*2) The minimum distance between any portion of a gasoline pump, natural gas and/or propane refueling pump and any property line shall be 7.5 metres. 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 the property line.*

## **22.5 Additional Resort Commercial Zone Provisions**

### **22.5.1 Multiple Buildings on One Lot**

More than one principal building, or structure, shall be permitted on a lot provided that all other provisions of this By-law are adhered to.

## **Section 23: Business Park ("C6")**

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:

### **23.1 Permitted Uses**

#### **23.1.1 Residential**

Residential uses may be permitted through a site-specific Zoning By-law Amendment (see 'C8' zone regulations).

#### **23.1.2 Non-Residential – Commercial Uses**

- a) Assembly Hall;
- b) Automobile Car Wash;
- c) Automobile Gas Bar;
- d) Automobile Rental Establishment;
- e) Automobile Repair Establishment;
- f) Automobile Sales Establishment;
- g) Automobile Service Station;
- h) Banquet Hall;
- i) Building Supply & Sales;
- j) Bus Depot;
- k) Business or Professional Office;
- l) Clinic;
- m) Commercial College or Commercial School;
- n) Convenience Store;
- o) Dry-Cleaning Establishment;
- p) Farm Implement Establishment;
- q) Fitness Centre;
- r) Funeral Home;
- s) Hotel or Motel;
- t) Laundromat;
- u) Marine, Recreation and Small Engine Establishments;
- v) Nursery;
- w) Personal Service Establishment;
- x) Place of Entertainment;
- y) Rental Establishment;
- z) Restaurant - Drive Through;
- aa) Restaurant - Take-out;

- bb) Restaurant;
- cc) Retail - Large Format;
- dd) Service Shop;
- ee) Supermarket;
- ff) Tourism Booth;
- gg) Training Facility;
- hh) Travel Trailer Sales Establishment;
- ii) Vendor's Market;
- jj) Veterinary Clinic.
- kk) Uses/structures accessory to the permitted uses;

### 23.1.3 Non-Residential – Light Industrial Uses

- a) Commercial Motor Vehicle Repair Establishment;
- b) Commercial Motor Vehicle Sales Establishment;
- c) Computer/Data Processing Centre;
- d) Contractors Yard;
- e) Industrial Use - Light;
- f) Public Garage;
- g) Research Establishment /Laboratory;
- h) Warehouse - Mini Storage; and
- i) Warehouse;
- j) Uses/structures accessory to the permitted uses.

## 23.2 Zone Provisions for Commercial Uses

Minimum lot area	n/a
Minimum lot frontage	15 metres
Minimum interior side yard	4 metres on one side 1.2 metres on other side (*2)
Minimum exterior side yard	6 metres (*1)
Minimum rear yard	6 metres (*1) (*2)
Minimum front yard	6 metres (*1)
Maximum lot coverage (principal building)	75%
Maximum height (principal building)	26 metres
Minimum separation distance between principal buildings on same lot	4.6 metres

*(\*1) Where a property abuts a Provincial Highway or County Road, the setback requirements of the Ministry of Transportation or the County of Bruce, respectively, shall prevail.*

*(\*2) Where any interior side yard or rear yard abuts a Planned Development Zone, Residential Zone, or Residential Use, the minimum setback for that yard shall be 30 metres.*

### **23.3 Zone Provisions for Light Industrial Uses**

Minimum lot area	1,850 square metres
Minimum lot frontage	30 metres
Minimum interior side yard	4 metres on one side 1.2 metres on other side (*2)
Minimum exterior side yard	12 metres (*1)
Minimum rear yard	7.5 metres (*1) (*2)
Minimum front yard	12 metres (*1)
Maximum lot coverage (principal building)	75%
Maximum height (principal building)	12 metres
Minimum separation distance between principal buildings on same lot	4.6 metres

*(\*1) Where a property abuts a Provincial Highway or County Road, the setback requirements of the Ministry of Transportation or the County of Bruce, respectively, shall prevail.*

*(\*2) Where any interior side yard or rear yard abuts a Planned Development Zone, Residential Zone, or Residential Use, the minimum setback for that yard shall be 15 metres.*

### **23.4 Additional Business Park Zone Provisions**

#### **23.4.1 Open Storage and Outdoor Display Areas**

- a) 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 principal building on the lot;
  - ii) Such open storage complies with the minimum yard requirements of the C6 zone; and

- iii) Such open storage is visually screened from the street by a fence, wall or Planting Strip.
- b) 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;
  - ii) The items displayed in the Outdoor Display Areas are related to the 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 3.

#### 23.4.2 Planting Strip

Notwithstanding Section 3 '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 or when abutting a residential use along the front lot line (street line).

#### 23.4.3 Landscaped Open Space

- a) 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'.
- b) 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'.
- c) In expansive parking areas landscaping shall be provided to create visual breaks. The equivalent of one landscaped space for every 50 parking spaces shall be provided.

#### 23.4.4 Multiple Buildings on One Lot

More than one principal building, or structure, shall be permitted on a lot provided that all other provisions of this By-law are adhered to.

#### 23.4.5 Automobile Gas Bars & Automobile Service Station

Minimum setbacks for gasoline pumps, natural gas and/or propane facilities are required. The minimum distance between any portion of a gasoline pump, natural gas and/or propane refueling pump and any property line shall be 7.5 metres. 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 the property line.

#### 23.4.6 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.

#### 23.4.7 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.

## Section 24: Travel Trailer Park and Campground ("C7")

In any C7 – Travel Trailer Park and Campground Zone, no person shall use any building, structure or land nor erect any building or structure except in accordance with the following provisions:

### 24.1 Permitted Uses

#### 24.1.1 Residential

- a) One (1) Accessory Detached Dwelling to a Travel Trailer Park/Campground
- b) Single Detached Dwelling existing at the date of passing of this By-law
- c) Uses/structures accessory to the permitted uses

#### 24.1.2 Non-Residential

- a) Campground
- b) Park
- c) Uses/structures accessory to the permitted uses

### 24.2 Zone Provisions for Residential Uses

- a) A Single Detached Dwelling existing at the date of passing of this By-law shall be regulated by the R1 zone provisions.
- b) Buildings and structures accessory to the travel trailer park shall be permitted provided that the yard and setback provisions for the travel trailer park are maintained.

### 24.3 Zone Provisions for Non-Residential Uses

Minimum lot area	4 hectares
Minimum lot area (campsite)	235 square metres
Maximum lot area	20 hectares
Minimum lot frontage	60 metres
Minimum interior side yard	15 metres (*1) (*2)
Minimum exterior side yard	15 metres (*1) (*2)
Minimum rear yard	15 metres (*1) (*2)

Minimum front yard	15 metres (*1) (*2)
Maximum density of campsites per campground	30 campsites per hectare
Minimum open space (entire campground)	10%
Maximum number of campsites	300

(\*1) Where a lot line abuts a C7 Zone, the minimum setback to a campground site within that yard shall be 5 metres.

(\*2) Where a property abuts a Provincial Highway or County Road, the setback requirements of the Ministry of Transportation or the County of Bruce, respectively, shall prevail.

## **24.4 Additional Travel Trailer Park and Campground Zone Provisions**

### **24.4.1 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.

### **24.4.2 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.

### **24.4.3 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.

### **24.4.4 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.

### **24.4.5 Multiple Buildings on One Lot**

More than one principal building, or structure, shall be permitted on a lot provided that all other provisions of this By-law are adhered to.

## **Section 25: Mixed Use ("C8")**

In any Mixed Use ("C8") Zone, no person shall use any building, structure or land or erect any building or structure except in accordance with the following provisions:

### **25.1 Permitted Uses**

#### **25.1.1 Residential**

- a) Accessory Apartment Unit
- b) Apartment Dwelling
- c) Quadraplex Dwelling
- d) Row Dwelling
- e) Triplex Dwelling
- f) Uses/structures accessory to the permitted uses

#### **25.1.2 Non-Residential**

- a) Business or Professional Office
- b) Child Care Centre
- c) Commercial College or Commercial School
- d) Convenience Store
- e) Driving Academy
- f) Fitness Centre
- g) Hotel or Motel
- h) Laundromat
- i) Medical Clinic
- j) Park
- k) Personal Service Establishment
- l) Public Service Facility
- m) Restaurant - Take-out
- n) Restaurant
- o) Retail Store
- p) Studio
- q) Warehouse, mini storage
- r) Uses/structures accessory to the permitted uses

### **25.2 Zone Provisions for Residential Uses**

- a) An Accessory Apartment Unit shall be regulated by Section 3.

- b) An Apartment Dwelling shall be regulated per the R4 zone, with the maximum permitted height being 18 metres.
- c) A Quadraplex Dwelling, Row Dwelling, and Triplex Dwelling shall be regulated per the R3 zone.

### 25.3 Zone Provisions for Non-Residential Uses

Minimum lot area	n/a
Maximum lot area	n/a
Minimum lot frontage	15 metres
Minimum interior side yard	4 metres
Minimum exterior side yard	4 metres
Minimum rear yard	4 metres
Minimum front yard	4 metres
Maximum lot coverage	50%
Maximum height	18 metres

### 25.4 Additional Mixed Use Zone Provisions

#### 25.4.1 Residential Component

Residential uses as outlined above may be either integrated above the ground floor of a mixed-use building or located within a separate building on a mixed-use site. Standalone residential buildings may be permitted when demonstrated they form part of an overall mixed-use site that will be built in phases.

Residential uses may also include consideration of long-term care facilities and retirement homes, to be evaluated on a site-specific basis and implemented through the Zoning By-law.

#### 25.4.2 Landscaping

Landscaping shall be provided between any Mixed-Use site and the adjacent highway, except for designated entrances and exits; and between a Mixed-Use site and an abutting Residential use.

#### 25.4.3 DriveThrough Establishments

Drive-through proposals may be considered, subject to submission of supporting documentation demonstrating the facility will not conflict with the planned character of the area or residential uses.

#### 25.4.4 Phasing

It may be necessary to regulate minimum/maximum amount of commercial floor area and/or residential area in one or multiple phases through site -specific regulations.

#### 25.4.5 Existing uses

Existing sites where only one use currently exists may transition to a more mixed use in the future, but in the interim are deemed to conform to the Mixed -Use zone.

#### 25.4.6 Multiple Buildings on One Lot

More than one principal building, or structure , shall be permitted on a lot provided that all other provisions of this By -law are adhered to.

## **Part E – INDUSTRIAL, AIRPORT, INSTITUTIONAL, AND WASTE DISPOSAL ZONES**

## **Section 26: Accessory structures and uses in Industrial, Airport, Institutional, and Waste Disposal Zones**

### **26.1 Prohibited Structures**

Unless otherwise specified, mobile homes, travel trailers, railway cars, cabooses, construction trailers, transport trailers, buses, and shipping containers shall not be used as accessory buildings or structures in industrial, airport, institutional or waste disposal zones.

### **26.2 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 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 any building used for human habitation.

### **26.3 Location of Accessory Building or Structure**

- a) 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.
- b) Where a property abuts a Provincial Highway or County Road, the setback requirements of the Ministry of Transportation or the County of Bruce, respectively, shall prevail.

### **26.4 Height**

Except as otherwise provided herein, the maximum height for all accessory buildings and structures shall be in accordance with the building height provisions of the specific zone.

### **26.5 Coverage**

The area of all accessory buildings and structures on a commercial lot shall not exceed 15% of the lot area.

## **26.6 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.

## Section 28: General Industrial ("M1")

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:

### 28.1 Permitted Uses

#### 28.1.1 Non-Residential

- a) Automobile Repair Establishment
- b) Bulk Fuel Depot
- c) Business or Professional Office
- d) Commercial Motor Vehicle Repair Establishment
- e) Commercial Motor Vehicle Sales Establishment
- f) Computer/Data Processing Centre
- g) Contractors Yard
- h) Convenience Store
- i) Factory Sales Outlet
- j) Industrial Use
- k) Manufacturing
- l) Parking Lot
- m) Public Garage
- n) Rental Establishment
- o) Research Establishment /Laboratory
- p) Transport Depot
- q) Veterinary Clinic
- r) Warehouse, Mini Storage
- s) Warehouse
- t) Wholesale Outlet
- u) Uses/structures accessory to the permitted uses

### 28.2 Zone Provisions for Non-Residential Uses

	<b>FULL Municipal Services</b>	<b>PARTIAL Municipal Services</b>	<b>NO Municipal Services</b>
Minimum lot area	1,850 square metres	3,000 square metres	4,000 square metres
Minimum lot frontage	20 metres	30 metres	40 metres
Minimum interior side yard	3 metres (*1)	3 metres (*1)	3 metres (*1)

Minimum exterior side yard	9 metres	9 metres	9 metres
Minimum rear yard	7.5 metres (*1)	7.5 metres (*1)	7.5 metres (*1)
Minimum front yard	9 metres	9 metres	9 metres
Maximum lot coverage (principal building)	50%	50%	50%
Maximum height (principal building)	20 metres	20 metres	20 metres

(\*1) Where a property line abuts a Residential Zone, the setback for that yard shall be 7.5 metres.

## 28.3 Additional General Industrial Zone Provisions

### 28.3.1 Open Storage

The open storage of goods or materials shall be permitted only in the rear yard of the main building and provided that:

- a) Such open storage is accessory to the use of the main building on the lot;
- b) 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;
- c) 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;
- d) 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.

### 28.3.2 Multiple Buildings on One Lot

More than one principal building, or structure, shall be permitted on a lot provided that all other provisions of this By-law are adhered to.

**Section 29: Extractive Industrial ("M2")**

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:

**29.1 Permitted Uses**

**29.1.1 Non-Residential**

- a) Buildings, structures and uses accessory to a permitted use, including a private gasoline pump island and an open storage area
- b) Pit
- c) Portable Asphalt Plant
- d) Portable Concrete Plant
- e) Quarry
- f) Wayside Pit or Quarry

**29.2 Zone Provisions for Non-Residential Uses**

Minimum lot area	1 hectare
Minimum lot frontage	30 metres
Minimum driveway setback from any property lines	15 metres

**29.3 Additional Extractive Industrial Zone Provisions**

**29.3.1 Excavation**

No excavation can occur within the ‘excavation setback area’ of the site. ‘Excavation setback area’ means the area within:

- a) 15 metres from the boundary of the licensed area; and
- b) 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
- c) 30 metres from the top of bank of a watercourse; and
- d) 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.

- e) Every face of a gravel pit or stone quarry that is excavated to the limit established by Section 26 shall be sloped from that limit to no greater than 45 degrees off horizontal.

#### 29.3.2 Planting Areas

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.

#### 29.3.3 Location

No aggregate pile, topsoil pile, overburden pile, or processing plant of any type, or any building or structure shall be located within:

- a) 30 metres of the boundary of the site; and
- b) 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 a land zoned Residential or Institutional when an aggregate licence is issued.

#### 29.3.4 Vegetation

Adequate vegetation shall be established and maintained to control erosion of any topsoil or overburden on the site.

#### 29.3.5 Multiple Buildings on One Lot

More than one principal building, or structure, shall be permitted on a lot provided that all other provisions of this By-law are adhered to.

## Section 30: Agriculture Commercial / Industrial ("ACI")

No person shall within the ACI – Agriculture 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:

### 30.1 Permitted Uses

#### 30.1.1 Non-Residential

- a) Abattoir
- b) Bulk Sales Establishment – Agricultural
- c) Contractor's Yard
- d) Farm Implement Establishment
- e) Feed Mill & Elevator
- f) Food Processing, Primary
- g) Greenhouse, Commercial
- h) Livestock Assembly Yard
- i) Lumber Yard
- j) Nursery
- k) Renewable energy facility
- l) Veterinarian Clinic (agriculture-related)
- m) Uses/structures accessory to the permitted uses

### 30.2 Zone Provisions for Residential Uses

- a) Single Detached Dwellings existing at the date of passing of this By-law shall be subject to the Residential One ("R1") zone provisions.

### 30.3 Zone Provisions for Non-Residential Uses

	<b>PRIVATE Services</b>	<b>COMMUNAL Services (*1)</b>
Minimum lot area	4,000 square metres	3,000 square metres
Minimum lot frontage	30 metres	30 metres
Minimum interior side yard	5 metres	5 metres
Minimum exterior side yard	15 metres	15 metres
Minimum rear yard	10 metres	10 metres
Minimum front yard	15 metres	15 metres
Maximum lot coverage (principal building)	25%	25%

Maximum height (principal building)	15 metres	15 metres
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*(\*1) Communal Servicing provisions shall apply to any property with one or more communal services.*

## **30.4 Additional Agriculture Commercial / Industrial Zone Provisions**

### **30.4.1 Multiple Buildings on One Lot**

More than one principal building, or structure, shall be permitted on a lot provided that all other provisions of this By-law are adhered to.

## **Section 31: Rural Commercial / Industrial ("RCI")**

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:

### **31.1 Permitted Uses**

#### **31.1.1 Non-Residential**

- a) Abattoir
- b) Agricultural Produce Warehouse
- c) Buildings, structures and uses accessory to a permitted use
- d) Bulk Fuel Depot
- e) Bulk Sales Establishment – Agricultural
- f) Contractor's Yard
- g) Farm Implement Establishment
- h) Feed Mill & Elevator
- i) Food Processing, Primary
- j) Greenhouse, Commercial
- k) Industrial Use - Dry limited to welding shops, blacksmith shops and wood fabricating
- l) Livestock Assembly Yard
- m) Livestock Auction Barn
- n) Lumber Yard
- o) Marine, Recreation and Small Engine Establishments
- p) Public Garage
- q) Renewable energy facility (battery storage)
- r) Riding Stable/Equestrian Centre
- s) Salvage Yard
- t) Saw or Planing Mill
- u) School Bus Storage
- v) Vendors Market
- w) Veterinarian Clinic (agriculture-related)
- x) Warehouse, mini storage
- y) Uses/structures accessory to the permitted uses

## 31.2 Zone Provisions for Non-Residential Uses

	<b>PRIVATE Services</b>	<b>COMMUNAL Services (*1)</b>
Minimum lot area	4,000 square metres	3,000 square metres
Minimum lot frontage	30 metres	30 metres
Minimum interior side yard	5 metres	5 metres
Minimum exterior side yard	15 metres	15 metres
Minimum rear yard	10 metres	10 metres
Minimum front yard	15 metres	15 metres
Maximum lot coverage (principal building)	25%	25%
Maximum height (principal building)	15 metres	15 metres

*(\*1) Communal Servicing provisions shall apply to any property with one or more communal services.*

## 31.3 Additional Rural Commercial Industrial Zone Provisions

### 31.3.1 Multiple Buildings on One Lot

More than one principal building, or structure, shall be permitted on a lot provided that all other provisions of this By-law are adhered to.

## **Section 32: Energy Centre Industrial Light ("ECI1")**

No person shall within the ECI – Energy Centre Industrial Light Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

### **32.1 Permitted Uses**

#### **32.1.1 Non-Residential Primary Uses**

- a) Agriculture
- b) Computer/Data Processing Centre
- c) Contractor's Yard
- d) Convenience Store
- e) Factory Sales Outlet
- f) Industrial Mall
- g) Industrial Training Facility
- h) Industrial Use - Light
- i) Industrial Use, Non-Effluent Producing
- j) Offices, related to a permitted use
- k) Park
- l) Rental Establishment
- m) Research Establishment/Laboratory
- n) Service Establishment
- o) Warehouse
- p) Wholesale Outlet

#### **32.1.2 Non-Residential Accessory Uses**

- a) Restaurant being no more than 40% of the total floor area of the principal structure;
- b) Uses/structures accessory to the permitted uses.

## 32.2 Zone Provisions

	<b>FULL Municipal Services</b>	<b>PARTIAL Municipal Services</b>	<b>NO Municipal Services</b>
Minimum lot area	1,850 square metres	3,000 square metres	4,000 square metres
Minimum lot frontage	20 metres	30 metres	40 metres
Minimum interior side yard	6 metres (*1)	6 metres (*1)	6 metres (*1)
Minimum exterior side yard	6 metres	6 metres	6 metres
Minimum rear yard	7.5 metres	7.5 metres	7.5 metres
Minimum front yard	6 metres	6 metres	6 metres
Maximum lot coverage (principal building)	75%	75%	75%
Maximum height (principal building)	12 metres	12 metres	12 metres

(\*1) 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.

## 32.3 Additional Energy Centre Industrial Light Zone Provisions

### 32.3.1 Landscaped Open Space

- a) A minimum of 3 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'.
- b) A minimum of 1.5 metres of 'Landscaped Open Space' shall be provided along all private shared lot lines, 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'.

### 32.3.2 Open Storage

The open storage of goods or materials shall be permitted only to the rear of the main building and provided that:

- a) Such open storage is accessory to the use of the main building on the lot;

- b) 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;
- c) 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;
- d) 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.

### 32.3.3 Off-Street Parking

Off-Street Parking shall be provided in compliance with Section 3 except in the following instances:

- a) The required number of spaces may be reduced up to 75% based on the occupancy of the building and number of employees, to the satisfaction of the municipality; and
- b) Surface parking areas shall be permitted in all yards provided that no part of any parking area, other than a driveway is located closer than 1 metre to any street line .

### 32.3.4 Multiple Buildings on One Lot

More than one principal building, or structure , shall be permitted on a lot provided that all other provisions of this By -law are adhered to.

## **Section 33: Energy Centre Industrial Heavy ("ECI2")**

No person shall within the ECI – Energy Centre Industrial Heavy Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

### **33.1 Permitted Uses**

#### **33.1.1 Non-Residential Primary Uses**

- a) Agriculture
- b) Bulk Fuel Depot
- c) Computer/Data Processing Centre
- d) Contractor's Yard
- e) Greenhouse, Commercial
- f) Industrial Mall
- g) Industrial Training Facility
- h) Industrial Use
- i) Manufacturing
- j) Offices
- k) Public Park
- l) Rental Establishment
- m) Research Establishment/Laboratory
- n) Service Establishment
- o) Transport Depot
- p) Warehouse associated with a permitted use
- q) Wholesale Outlet associated with a permitted use

#### **33.1.2 Non-Residential Accessory Uses**

- a) Convenience Store
- b) Factory Sales Outlet
- c) Offices
- d) Restaurant
- e) Uses/structures accessory to the permitted uses

### 33.2 Zone Provisions

Minimum lot area	1 hectare
Minimum lot frontage	30 metres
Maximum lot coverage	75%
Minimum front yard setback	9 metres
Minimum exterior side yard setback	9 metres
Minimum interior side yard setback	6 metres (*1)
Minimum rear yard setback	10 metres

*(\*1) 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.*

### 33.3 Additional Energy Centre Industrial Heavy Zone Provisions

#### 33.3.1 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:

- a) Where the slope is 0%, the minimum setback from the riverbed centre is 15 metres;
- b) Where the slope is 10%, the minimum setback from the riverbed centre is 27 metres;
- c) Where the slope is 20%, the minimum setback from the riverbed centre is 40 metres; and
- d) Where the slope is 30%, the minimum setback from the riverbed centre is 52 metres.

#### 33.3.2 Multiple Buildings on One Lot

More than one principal building, or structure, shall be permitted on a lot provided that all other provisions of this By-law are adhered to.

## Section 34: Airport ("AP")

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:

### 34.1 Permitted Uses

#### 34.1.1 Non-Residential Primary Uses

- a) Aircraft hangar
- b) Airport strip
- c) Driving academy
- d) Restaurant

#### 34.1.2 Non-Residential Accessory Uses

- a) Administration and control buildings
- b) Bulk fuel storage
- c) Business Office
- d) Flight school
- e) Maintenance buildings
- f) Open storage area
- g) Parking lot
- h) Terminal
- i) Buildings, structures and uses accessory to a permitted use

### 34.2 Zone Provisions for Non-Residential Uses

Minimum lot area	n/a
Minimum lot frontage	30 metres
Maximum lot coverage (principal building)	30%
Minimum front yard setback	45 metres
Minimum exterior side yard setback	10 metres
Minimum interior side yard setback	10 metres
Minimum rear yard setback	15 metres
Maximum number of driveways	2 per lot

### **34.3 Additional Airport Zone Provisions**

#### **34.3.1 Open Storage Areas**

No open storage area shall be permitted except in accordance with the following provisions:

- a) No open storage area shall be permitted in a front yard or exterior side yard;
- b) 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
- c) 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.

#### **34.3.2 New Buildings and Structures**

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.

#### **34.3.3 Multiple Buildings on One Lot**

More than one principal building, or structure, shall be permitted on a lot provided that all other provisions of this By-law are adhered to.

## **Section 35: Institutional ("I")**

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:

### **35.1 Permitted Uses**

#### **35.1.1 Residential**

- a) Accessory Apartment Unit
- b) A Single Detached Dwelling existing as of the date of passing of this By-law

#### **35.1.2 Non-Residential**

- a) Cemetery
- b) Clinic
- c) Child Care Centre (Licensed)
- d) Hospital
- e) Institution
- f) Legion
- g) Nursing Home
- h) Public Building
- i) Public Service Facility
- j) Park
- k) Place of Worship
- l) Retirement Home
- m) Schools/College
- n) Vendors Market
- o) Uses/structures accessory to the permitted uses

### **35.2 Zone Provisions for Residential Uses**

- a) Accessory Apartment Units shall only be permitted for Places of Worship and shall be subject to the provision of Section 3.
- b) Single Detached Dwellings existing at the date of passing of this By-law shall be subject to the Residential One ("R1") zone provisions.

### 35.3 Zone Provisions for Non-Residential Uses

	<b>FULL Municipal Services</b>	<b>PARTIAL Municipal Services</b>	<b>NO Municipal Services</b>
Minimum lot area	550 square metres	1,800 square metres	4,000 square metres
Minimum lot frontage	15 metres	30 metres	40 metres
Minimum lot frontage (corner lot)	18 metres	33 metres	43 metres
Minimum interior side yard	2 metres	5 metres	5 metres
Minimum exterior side yard	10 metres	10 metres	10 metres
Minimum rear yard	10 metres	10 metres	10 metres
Minimum front yard	7.5 metres	7.5 metres	7.5 metres
Maximum lot coverage (principal building)	40%	25%	15%
Maximum height (principal building)	14 metres	14 metres	14 metres

### 35.4 Additional Institutional Zone Provisions

#### 35.4.1 Ground Floor Area

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.

#### 35.4.2 Multiple Buildings on One Lot

More than one principal building, or structure, shall be permitted on a lot provided that all other provisions of this By-law are adhered to.

## Section 36: Waste Disposal ("WD")

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:

### 36.1 Permitted Uses

#### 36.1.1 Non-Residential

- a) An accessory building or structure for the purpose of administration or storage facilities
- b) Communal Sewage Disposal System
- c) Material Recycling Facility
- d) Sewage Treatment Plant
- e) Waste Disposal Site
- f) Uses/structures accessory to the permitted uses

### 36.2 Zone Provisions for Non-Residential Uses

Minimum lot area	n/a
Minimum lot frontage	20 metres
Maximum lot coverage (principal building)	20%
Minimum front yard setback	15 metres
Minimum exterior side yard setback	15 metres
Minimum interior side yard setback	15 metres
Minimum rear yard setback	15 metres
Minimum setback from any lot line to dump / dispose of waste material	30 metres
Maximum building height	10 metres (*1)
Minimum driveway separation	22 metres

(\*1) Accessory structures shall have a maximum height of 6 metres.

### **36.3 Additional Waste Disposal Zone Provisions**

#### **36.3.1 Planting Areas**

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.

## **PART F – OTHER ZONES**

## **Section 38: Accessory structures and uses in Other Zones**

### **38.1 Prohibited Structures**

Unless otherwise specified, mobile homes, travel trailers, railway cars, cabooses, construction trailers, transport trailers, buses, and shipping containers shall not be used as accessory buildings or structures in 'other' zones.

### **38.2 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 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 any building used for human habitation.

### **38.3 Location of Accessory Building or Structure**

- a) 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.
- b) Where a property abuts a Provincial Highway or County Road, the setback requirements of the Ministry of Transportation or the County of Bruce, respectively, shall prevail.

### **38.4 Height**

Except as otherwise provided herein, the maximum height for all accessory buildings and structures shall be in accordance with the building height provisions of the specific zone.

### **38.5 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.

## Section 39: Open Space ("OS")

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:

### 39.1 Permitted Uses

#### 39.1.1 Residential

- a) Accessory Dwelling Unit, in accordance with Section 11 (R1) provisions and used only as an accessory use to a 'Golf Course'.

#### 39.1.2 Non-Residential

- a) Auditorium
- b) Golf Course
- c) Park
- d) Parking Lot
- e) Playground
- f) Recreation Facility
- g) Swimming Pool
- h) Uses/structures accessory to the permitted uses
- i) Vendors Market

### 39.2 Zone Provisions for Residential Uses

Accessory Apartment Units shall only be permitted as secondary to a Golf Course and shall be subject to the provisions of Section 3.

### 39.3 Zone Provisions for Non-Residential Uses

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

## **Section 40: Environmental Protection One ("EP1")**

The Environmental Protection One (EP1) zone reflects Natural Hazards as determined by the Saugeen Valley Conservation Authority (SVCA). The EP1 zone may also include features identified as part of the Natural Heritage System as contained within the Municipality of Kincardine Official Plan.

No person shall within any Environmental Protection One 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:

### **40.1 Permitted Uses**

#### **40.1.1 Residential**

New residential uses are prohibited in the Environmental Protection One Zone. Existing residential uses and accessory buildings shall be permitted to continue.

#### **40.1.2 Non-Residential**

- a) Non-Structural Agriculture Uses
- b) Conservation Area
- c) Park
- d) Passive Recreation
- e) Uses/structures accessory to the permitted uses

### **40.2 Additional Environmental Protection One Zone Provisions**

#### **40.2.1 Repair, Renovation, or Replacement or Reconstruction in the EP1 Zone**

Nothing in this By-law shall prevent the repair, renovation, or replacement of a legally-established building or structure within the EP1 zone provided that there is no increase to the building size, height, volume, or habitable space except that height or volume may be increased, without increasing habitable area, in order to address elevations relative to natural hazards and in conformity with a permit issued by the Conservation Authority.

Where a structure is subject to renovation or repair, any portion that is located on municipal property will require the owner to enter into an encroachment agreement with the Municipality. Where a structure is wholly replaced the new structure must be located entirely within property associated with the structure.

The repair, replacement, or reconstruction of a legally established building or structure may be permitted as follows subject to approval from the SVCA :

- a) Shall be relocated to be entirely within the subject lands;
- b) May be relocated to be further from the source of the hazard;
- c) Shall not further increase the non-compliance from the source of the hazard (e.g. the lake) than the existing building or structure ;
- d) The shape of the structure may be modified to support (a), (b), and/or (c), provided there is no increase in overall size, height or volume and provided that Building Codes setbacks and separation distances are maintained;
- e) May have minor realignments in order to be more aligned with property boundaries or to align with the yard setback provisions of Section 11 the 'R1' zone.
- f) Where there is room on the subject lands, the new building or structure be relocated further away from the source of the hazard than the existing building or structure; and
- g) Ingress/egress be made safe or improved from the existing conditions where appropriate, and where new hazards are not created.

#### 40.2.2 Structures Prohibited

All new buildings and structures shall be prohibited in a EP 1 zone except for the following:

- a) those necessary for flood and/or erosion control purposes;
- b) buildings or structures (new or replacement) approved by the Saugeen Valley Conservation Authority (SVCA) through the applicable permit process.

#### 40.2.3 Interpretation of "EP 1" Zone Boundaries

The Environmental Protection One Zone boundaries identified on Schedule 'A' are intended to generally identify areas of existing or potential natural hazards , and may also include significant woodlands, areas of natural or scientific interest and areas of provincial natural significance . Environmental Protection One (EP1) zone boundaries are subject to minor changes without a formal amendment to this By-law when approved in writing by Saugeen Valley Conservation Authority (SVCA) and the Chief Building Official of the Corporation in consultation with the County of Bruce. EP1 boundary changes may require supporting technical studies, including but not limited to: a flood plain study, slope stability study , dynamic beach hazard assessment or environmental impact study . Changes to the EP 1 boundaries shall be incorporated when

required in a subsequent Zoning By-law consolidation. Where the boundary of the EP1 zone is revised, the abutting land use zone or zones shall apply.

## **Section 41: Environmental Protection Two ("EP2")**

The Environmental Protection Two (EP2) zone reflects features identified as part of the Natural Heritage System as contained within the Municipality of Kincardine Official Plan which are not captured within the EP1 zone.

No person shall within any EP2 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:

### **41.1 Permitted Uses**

#### **41.1.1 Existing uses and structures**

Existing uses and structures shall be permitted to continue. Minor extensions or enlargements of existing buildings and structures shall be discouraged and will only be permitted if consistency is demonstrated with the applicable policies of the Municipality of Kincardine Official Plan.

#### **41.1.2 Permitted uses**

- a) Agriculture Uses
- b) Conservation Area
- c) Park
- d) Passive Recreation
- e) Uses/structures accessory to the permitted uses

### **41.2 Additional Environmental Protection Two Zone Provisions**

#### **41.2.1 Repair, Renovation, or Replacement in the EP2 Zone**

Nothing in this By-law shall prevent the repair, renovation, or replacement of a legally-established building or structure within the EP2 zone.

Where a structure is subject to renovation or repair, any portion that is located on municipal property will require the owner to enter into an encroachment agreement with the Municipality. Where a structure is wholly replaced the new structure must be located entirely within property associated with the structure.

Thereplacementofalegally -establishedbuildingorstructuremayvaryfromthelocationofthe existingbuildingor structureasfollows:

- a) Shall berelocatedtobeentirelywithinthesubjectlands;
- b) Mayberelocatedtobefurtherfromthe relevantnaturalheritagefeature ;
- c) Theshapeofthestructuremaybemodifiedtosupport(a) and/ or( b),provided that Building Codesetbacksandseparationdistancesaremaintained;
- d) Mayhaveminorrealignmentsinordertobemorealignedwithpropertyboundaries ortoalignwiththeyardsetbackprovisionsofSection11of the'R1'zone.

#### 41.2.2 StructuresProhibited

All new buildingsandstructuresshallbeprohibitedinaEP 2zoneexceptforthefollowing:

- a) thosenecessaryforfloodand/orerosioncontrolpurposes;
- b) unenclosedpicnicshelters/structures;
- c) washroomfacilitiesassociatedwitha Park orConservationArea;
- d) buildings foressentialpublicutilities;

#### 41.2.3 Interpretationof"EP 2"ZoneBoundaries

TheEnvironmentalProtection Two ZoneboundariesidentifiedonSchedule'A'areintendedto generallyidentify significantwoodlands, areasofnaturalorscientificinterestandareasof provincialnaturalsignificance. EnvironmentalProtection Two (EP2) zoneboundariesaresubject tominorchangeswithoutaformalamendmenttothisBy -lawwhenapprovedinwritingbythe ChiefBuildingOfficialoftheCorporation inconsultationwiththeCountyofBruce butmay requiresupportingdocumentationsuchasan EnvironmentalImpact Study.ChangestotheEP 2 boundariesshallbeincorporatedwhenrequiredin a subsequent Zoning By-lawconsolidation. WheretheboundaryoftheEP 2 zoneisrevised,theabuttinglandusezoneorzonesshallapply.

## Section 42: Planned Development ("PD")

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:

### 42.1 Permitted Uses

#### 42.1.1 Residential

Notwithstanding their PD Zoning designation, any single-detached dwelling existing at the date of passing of this By-law, may be expanded, altered, replaced, repaired or enlarged in accordance with the provisions of the 'R1' zone where the lot fronts onto a Class One street. If a lot fronts onto a Class Two street or an unopened road allowance, the dwelling may be expanded, altered, replaced, repaired or enlarged in accordance with the provisions of the 'R1' zone provided the property has executed a Limited Services Agreement with the Municipality of Kincardine. Such single detached dwelling shall align with the 'R1' zone provisions, but in no case shall such expansion, alteration, repair, enlargement or replacement further reduce the non-compliance.

Buildings and structures accessory to a single detached dwelling existing at the date of passing of this By-law, may be erected, expanded, altered, replaced, repaired or enlarged in accordance with the provisions of Section 10 'Accessory Buildings and Structures'.

#### 42.1.2 Non-Residential

- a) Uses, buildings and structures existing at the date of passing of this By-law
- b) Permitted Uses in the EP1 or EP2 zones provided that no buildings or structures are erected
- c) Erection of accessory buildings
- d) Expansions/enlargements to existing agricultural buildings shall comply with the setbacks within the A1 - Agricultural zone and applicable MDS requirements.

## **PART G – SITE SPECIFIC AND HOLDING PROVISIONS**

## **Section 43: Holding Provisions**

### **43.1 Not Used at this Time**

### **43.2 Catchall Holding Provisions**

#### **43.2.1 "H1"**

Prior to removal of the 'H-Holding' provision, site alteration and development shall be prohibited. Council may consider removal of the Holding Provision in accordance with the Planning Act, R.S.O. 1990:

- a) once the Municipality is satisfied that an Archaeological Assessment has been:
  - i) conducted by an archaeologist licensed in the Province of Ontario;
  - ii) confirmed by the appropriate Ministry to have been accepted into the Ontario Public Register of Archaeological Reports; and,
  - iii) included engagement with the Saugeen Ojibway Nation and interested Indigenous Communities in accordance with applicable processes and standards; and,
- b) once the Municipality is satisfied that the recommendations of the Archaeological Assessment (if any) have been implemented;
- c) The area of the 'H1-Holding' provision that may be lifted shall be limited to the area included in the Archaeological Assessment.

#### **43.2.2 "H2"**

Prior to removal of the 'H-Holding' provision, site alteration and development shall be prohibited. Council may consider removal of the Holding Provision in accordance with the Planning Act, R.S.O. 1990:

- a) once satisfied that the site can be appropriately serviced, as addressed to the satisfaction of the Chief Building Official.

#### **43.2.3 "H3"**

Prior to removal of the 'H-Holding' provision, site alteration and development shall be prohibited. Council may consider removal of the Holding Provision in accordance with the Planning Act, R.S.O. 1990:

- a) once satisfied that the site can be appropriately graded, as addressed to the satisfaction of the Chief Building Official.

#### 43.2.4 "H4"

Prior to removal of the 'H -Holding' provision, site alteration and developments shall be prohibited. Council may consider removal of the Holding Provision in accordance with the Planning Act, R.S.O. 1990:

- a) once the Municipality is satisfied that Stormwater Management Report has been prepared and accepted by the Municipality and Saugeen Valley Conservation Authority (SVCA).

#### 43.2.5 "H5"

Prior to removal of the 'H -Holding' provision, site alteration and developments shall be prohibited. Council may consider removal of the Holding Provision in accordance with the Planning Act, R.S.O. 1990:

- a) once it is satisfied that a market analysis study has been completed to identify the long term economic impact of retail warehousing uses on the commercial base of the community, specifically in the downtown core.
- b) The Market Analysis Study shall be completed by a qualified, independent third party approved by Council. 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.
- c) Notwithstanding, 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.

#### 43.2.6 "H6"

Prior to removal of the 'H -Holding' provision, site alteration and developments shall be prohibited. Council may consider removal of the Holding Provision in accordance with the Planning Act, R.S.O. 1990:

- a) once the Municipality is satisfied that a satisfactory Record of Site Condition has been accepted by the appropriate Approval Authority.

#### 43.2.7 "H7"

Prior to removal of the 'H -Holding' provision, site alteration and developments shall be prohibited. Council may consider removal of the Holding Provision in accordance with the Planning Act, R.S.O. 1990:

- a) once the Municipality is satisfied that an Environmental Impact Study, Comprehensive Evaluation Report, or other study has been prepared to demonstrate that the proposed development will not negatively impact the ecological function of the subject lands or those abutting.

#### 43.2.8 "H8"

Prior to removal of the 'H -Holding' provision, site alteration and developments shall be prohibited. Council may consider removal of the Holding Provision in accordance with the Planning Act, R.S.O. 1990:

- a) once satisfied that all traffic related to the site can be appropriately managed, as addressed to the satisfaction of the Chief Building Official.

#### 43.2.9 "H9"

Prior to removal of the 'H -Holding' provision, site alteration and developments shall be prohibited. Council may consider removal of the Holding Provision in accordance with the Planning Act, R.S.O. 1990:

- a) once satisfied that 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 to and approved by the Municipality of Kincardine.

#### 43.2.10 "H10"

Prior to removal of the 'H -Holding' provision, site alteration and developments shall be prohibited. Council may consider removal of the Holding Provision in accordance with the Planning Act, R.S.O. 1990:

- a) once satisfied that the applicant has provided a scaled parking plan to the Municipality which has been accepted by the Chief Building Official.

#### 43.2.11 "H14"

Prior to removal of the 'H -Holding' provision, site alteration and developments shall be prohibited. Council may consider removal of the Holding Provision in accordance with the Planning Act, R.S.O. 1990:

- a) once satisfied that a Subdivision Agreement has been entered into with the Municipality and appropriately registered.

#### 43.2.12 "H17"

Prior to removal of the 'H-Holding' provision, site alteration and development shall be prohibited. Council may consider removal of the Holding Provision in accordance with the Planning Act, R.S.O. 1990:

- a) once satisfied that written confirmation has been received by the Municipality that the requirements of the Ministry of Natural Resources have been met. The Ministry of Natural Resources may require that certain plans, studies, or reports be prepared to their satisfaction prior to providing their clearance.

### **43.3 Site Specific Holding Provisions**

#### 43.3.1 "H20"

Prior to removal of the 'H-Holding' provision, site alteration and development shall be prohibited. Council may consider removal of the Holding Provision in accordance with the Planning Act, R.S.O. 1990, once satisfied that the following has been addressed to the satisfaction of the Saugeen Valley Conservation Authority (SVCA):

- 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.

#### 43.3.2 "H21"

Prior to removal of the 'H-Holding' provision, site alteration and development shall be prohibited. Council may consider removal of the Holding Provision in accordance with the Planning Act, R.S.O. 1990, once satisfied that the following has been addressed to the satisfaction of the Municipality:

- a) that 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 (SVCA); and
- b) that a Justification Report has demonstrated compatibility with existing uses, and in accordance with the Official Plan, to the satisfaction of the Municipality. The report may include smoke, noise, dust, odour, vibration, traffic or other studies as the Municipality deems appropriate in the circumstances, to demonstrate that impacts from adverse effects will be acceptable.

#### 43.3.3 "H23"

Prior to removal of the 'H -Holding' provision, site alteration and developments shall be prohibited. Council may consider removal of the Holding Provision in accordance with the Planning Act, R.S.O. 1990, once satisfied that the following has been addressed to the satisfaction of the Municipality:

- a) 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.

#### 43.3.4 "H24"

Prior to removal of the 'H -Holding' provision, site alteration and developments shall be prohibited. Council may consider removal of the Holding Provision in accordance with the Planning Act, R.S.O. 1990:

- a) once satisfied that municipal servicing infrastructure, in particular the sewage disposal system is, or will be, adequate to meet the demand of the proposed development

#### 43.3.5 "H26"

Prior to removal of the 'H -Holding' provision, site alteration and developments shall be prohibited. Council may consider removal of the Holding Provision in accordance with the Planning Act, R.S.O. 1990, once satisfied that the following has been addressed:

- a) a statement from the Chief Building Official or a qualified individual that all Certificates of Approval for land disposal of wastes, other than "hailed sewage from portable toilets and residential establishments" (within the Ministry of the Environment's Definition), have been obtained.

#### 43.3.6 "H28"

Prior to removal of the 'H -Holding' provision, site alteration and developments shall be prohibited. Council may consider removal of the Holding Provision in accordance with the Planning Act, R.S.O. 1990, once satisfied that the following has been addressed:

- a) an Environmental Impact Study, Comprehensive Environmental Evaluation Report, or other study has been prepared and accepted by the Municipality which demonstrates that the proposed development will not have a negative impact on the ecological functioning of the woodland or on the visual appearance of the woodland on the abutting property.

#### 43.3.7 "H29"

Prior to removal of the 'H -Holding' provision, site alteration and developments shall be prohibited. Council may consider removal of the Holding Provision in accordance with the Planning Act, R.S.O. 1990, once satisfied that the following has been addressed:

- a) an engineering report pertaining to Floodplain Analysis has been reviewed by the Municipality, County and Saugeen Valley Conservation Authority (SVCA), and approved by the appropriate approval authority. An implementing Zoning By-law Amendments shall effect the recommendations of such Floodplain Analysis and the Environmental Impact Study (Natural Heritage Environmental Impact Study, AWS, February 2015), to the satisfaction of the appropriate Approval Authority.

#### 43.3.8 "H30"

Prior to removal of the 'H -Holding' provision, site alteration and developments shall be prohibited. Council may consider removal of the Holding Provision in accordance with the Planning Act, R.S.O. 1990, once satisfied that the following has been addressed:

- 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.

#### 43.3.9 "H32"

Prior to removal of the 'H -Holding' provision, site alteration and developments shall be prohibited. Council may consider removal of the Holding Provision in accordance with the Planning Act, R.S.O. 1990, once satisfied that the following has been addressed:

- a) that Council is satisfied that municipal servicing infrastructure, in particular the sewage disposal system is, or will be, adequate to meet the demands of the proposed development.

#### 43.3.10 "H34"

Prior to removal of the 'H -Holding' provision, the lands may continue to be used as an aggregate extraction pit in compliance with the M2- extractive Industrial Zone only. Council may consider removal of the Holding Provision in accordance with the Planning Act, R.S.O. 1990, once satisfied that the following has been addressed:

- a) written confirmation has been received by the Municipality that the requirements of the Ministry of Natural Resources have been met. The Ministry of Natural Resources

- may require that certain plans, studies, or reports be prepared to their satisfaction prior to providing their clearance;
- b) written confirmation has been received by the Municipality that the aggregate license has been released on the subject lands.

#### 43.3.11 "H35"

Prior to removal of the 'H -Holding' provision, the lands may continue to be used as an aggregate extraction pit in compliance with the 'M2- extractive Industrial' Zone only. Council may consider removal of the Holding Provision in accordance with the Planning Act, R.S.O. 1990, once satisfied that the following has been addressed:

- a) written confirmation has been received from a County or Municipal Engineer that an access permit(s) has been issued;
- b) a Site Plan Agreement under Section 41 of the *Planning Act* (R.S.) 1990, as amended, has been entered into with the Municipality and Registered on Title;
- c) written confirmation has been received by the Municipality that the requirements of the Ministry of Natural Resources have been met. The Ministry of Natural Resources may require that certain plans, studies, or reports be prepared to their satisfaction prior to providing their clearance; and
- d) written confirmation has been received by the Municipality that the requirements of the Saugeen Valley Conservation Authority (SVCA) have been met. The SVCA may require that certain plans, studies, or reports be prepared to their satisfaction prior to providing their clearance.

#### 43.3.12 "H36"

Prior to removal of the 'H -Holding' provision, site alteration and developments shall be prohibited. Council may consider removal of the Holding Provision in accordance with the Planning Act, R.S.O. 1990, once satisfied that the following has been addressed:

- a) that the Municipality is satisfied through a 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 (SVCA);
- b) that a Justification Report has demonstrated compatibility with existing uses, and in accordance with the Official Plan, to the satisfaction of the Municipality. The report may include smoke, noise, dust, odour, vibration, traffic or other studies as the Municipality deems appropriate in the circumstances, to demonstrate that impacts from adverse effects will be acceptable.

#### 43.3.13 "H37"

Prior to removal of the 'H-Holding' provision, site alteration and development shall be prohibited. Council may consider removal of the Holding Provision in accordance with the Planning Act, R.S.O. 1990, once satisfied that the following has been addressed:

- a) The dwelling is serviced with municipal sewer services or when the existing septic system has been replaced by a tertiary sewage disposal system as outlined in Section 44.4.43 of this By-law.

## **Section 44: Site Specific Zone Exceptions**

### **44.1 Agriculture – General ("A1") Zone Exceptions**

#### **44.1.1 "A1-a"**

The following exceptions shall apply to the "A1-a" Zone:

- a) No residential buildings or structures shall be permitted.

#### **44.1.2 "A1-b" (By-law No. 98-43)**

The following exceptions shall apply to the "A1-b" Zone:

- a) The lands shall not be further divided. The existing lot area shall be the minimum lot area and the existing lot frontage shall be the minimum lot frontage.
- b) Residential buildings or structures are prohibited.

#### **44.1.3 "A1-c" (By-law No. 82-6)**

The following exceptions shall apply to the "A1-c" Zone:

- a) The lands shall not be further divided. The existing lot area shall be the minimum lot area and the existing lot frontage shall be the minimum lot frontage.
- b) 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 the current Zoning By-law.

#### **44.1.4 "A1-d"-(By-law No. 91-14)**

The following exceptions shall apply to the "A1-d" Zone:

- a) Shall only be used for the purposes of a Public Building or office commercial uses related to the general administration of the Bruce Energy Centre, or a related industry, or airport-related office commercial uses;
- b) 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;
- c) 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';
- d) The total floor area devoted to the accessory uses permitted above shall be limited to 10% of the gross floor area;
- e) Minimum 'open space' provided shall be 50% of total lot area;
- f) 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;

- g) Minimum Front Yard, Side Yard, and Rear Yard Setback shall be 10 metres;
- h) Minimum Lot Frontage shall be 300 metres;
- i) Minimum Lot Area shall be 59,140 square metres;
- j) 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;
- k) The parking of aircraft on an open, concrete apron shall be allowed, but shall not exceed 25% of the total lot area in size;
- l) 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;
- m) 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.

#### 44.1.5 "A1-e" (By-law No. 2004 -056)

The following exceptions shall apply to the "A1-e" Zone:

- a) The land shall not be further divided. The existing lot area shall be the minimum lot area.

#### 44.1.6 "A1-g" (By-law No. 1993 -7)

The following exceptions shall apply to the "A1-g" Zone:

- a) A cemetery developed in accordance with the Institutional zone provisions shall be permitted.

#### 44.1.7 "A1-i" (By-law No. 84- 39)

The following exceptions shall apply to the "A1-i" Zone:

- a) The Separation Distance requirements from the existing livestock buildings or manure storage facilities shall be 609 metres for a livestock unit size over 500.

#### 44.1.8 "A1-j" (By-law No. 2004 -056)

The following exceptions shall apply to the land subject to the "A1-j" Zone:

- a) Existing buildings and structures may be permitted as they existed on November 5, 1991;
- b) The minimum lot area shall be 1.9 hectares; and
- c) The minimum lot frontage shall be 83 metres.

44.1.9 "A1-l" (By-law No. 2004 -088)

The following exceptions shall apply to the "A1-l" Zone:

- a) The minimum lot area shall be 37.52 ha;
- b) The minimum front yard setback shall be 15.0 m;
- c) The minimum side yard setback shall be 10.0 m.

44.1.10 "A1-n" (By-law No. 2005-008)

The following exceptions shall apply to the land subject to the "A1-n" Zone:

- a) Section 3, as relating to the location of accessory buildings and structures shall not apply to building or structures existing as of the date of passage of this By-law.
- b) The construction of any new residential buildings and/or structures shall be prohibited;
- c) The minimum lot area shall be 19.15 hectares.

44.1.11 "A1-p" (By-law No. 2005 -010)

The following exceptions shall apply to the "A1-p" Zone:

- a) The portable toilet rental business shall be a permitted use; and
- b) The treatment of raw sewage through the lime stabilization process shall be a permitted use.

44.1.12 "A1-r" (By-law No. 2005 -135)

The following exceptions shall apply to the "A1-r" Zone:

- a) Notwithstanding Section 3 of this By-law, the tool shed may be located in the front yard, as it existed on the date of passage of the By-law.

44.1.13 "A1-s" (By-law No. 2005 -109)

The following exceptions shall apply to the "A1-s" Zone:

- a) A second 'Accessory Detached Dwelling' is permitted;
- b) 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; and
- c) The second 'Accessory Detached Dwelling' shall be exclusively for the use of person employed/working on the subject lands.

44.1.14 "A1-u" (By-law No. 2005 -130)

The following exceptions shall apply to the lands subject to the "A1-u" Zone:

- a) The minimum lot area shall be no less than 13.11 ha;
- b) The minimum lot frontage shall be no less than 39.62 m;
- c) For the purpose of this By-law, the lot frontage shall be defined as those lands abutting James Street.

44.1.15 "A1-w"

The following exceptions shall apply to the lands subject to the "A1-w" Zone:

- a) The driveway 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 driveway on the date of passage of the By-law;
- b) The minimum lot frontage shall be no less than 12.19 m;
- c) The construction of any new residential buildings and/or structures shall be prohibited;
- d) The minimum lot area shall be no less than 38.5 ha.

44.1.16 "A1-x" (By-law No. 2006 -050)

The following exceptions shall apply to the "A1-x" Zone:

- a) No developments shall be permitted within 120 metres of the 'EP' zone boundary, without the approval of the Saugeen Valley Conservation Authority (SVCA).

44.1.17 "A1-y" (By-law No. 2006 -146 & 2007-103)

The following exceptions shall apply to the lands subject to the "A1-y" Zone, specifically for Wind Farms:

- a) An electrical substation shall be 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;
- b) For the purposes of this By-law, the lot lines are as follows:
  - i) The Front Lot Line shall be deemed to be the southerly 'A1-y-H' zone line;
  - ii) The Rear Lot Line shall be deemed to be the northerly 'A1-y-H' zone line.
- c) For the purposes of this By-law, the following setbacks shall apply:
  - i) The Front Yard Setback shall be no less than 5 m;
  - ii) The Rear Yard Setback shall be no less than 5 m;
  - iii) The Side Yard Setbacks shall be no less than 5 m.

44.1.18 "A1-aa" (By-law No. 2006- 144 & 2006 -311)

The following exceptions shall apply to the "A1- aa" Zone:

- a) 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;
- b) For the purposes of this By-law, the lot lines are as follows:
  - i) The Front Lot Line shall be deemed to be the westerly 'A1-aa' zone line;
  - ii) The Rear Lot Line shall be deemed to be the easterly 'A1-aa' zone line.
- c) For the purposes of this By-law, the following setbacks shall apply:
  - i) The Front Yard Setback shall be no less than 15 m;
  - ii) The Rear Yard Setback shall be no less than 5 m;
  - iii) The Side Yard Setback shall be no less than 5 m.

44.1.19 "A1-ad" (By-law No. 2006- 142)

The following exceptions shall apply to the "A1- ad" Zone:

- a) The Minimum Distance Separation I (MDSI) based distances shall be no less than 108 m.

44.1.20 "A1-eb" (By-law No. 2009 – OMBPL090158)

The following exceptions shall apply to the "A1- eb" Zone:

- a) Notwithstanding Section 8.1 of By-law 2003 -25 as amended, a second 'Accessory Detached Dwelling' is permitted;
- b) These 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; and
- c) These second 'Accessory Detached Dwelling' shall be exclusively for the use of person's employed/working on the subject lands.

44.1.21 "A1-eh" (By-law No. 2002- 021)

The following exceptions shall apply to the "A1- eh" Zone:

- a) The minimum lot area shall be 3.72 hectares
- b) The two (2) existing dwellings shall be permitted on the same lot.

44.1.22 "A1-ej" (By-law No. 2004 -086)

The following exceptions shall apply to the land subject to the "A1-ej" Zone:

- a) The minimum rear yard setback shall be 1.5m (5.0ft).

44.1.23 "A1-em" (By-law No. 2004- 174)

The following exceptions shall apply to the "A1-em" Zone:

- a) A 'Garden Suite' shall be 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.
- b) The Council of the Corporation of the Municipality of Kincardin may require the owner of the subject lands or any other person to enter into an Agreement with the Municipality;
- c) 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'.

44.1.24 "A1-eq" (By-law No. 2005- 148)

The following exceptions shall apply to the land subject to the "A1-eq" Zone:

- a) 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 the current Zoning By-law.

44.1.25 "A1-fb" (By-law No. 2007 -041)

The following exceptions shall apply to the "A1-fb" Zone:

- a) The construction of any new residential buildings and/or structures shall be prohibited; and
- b) The minimum lot area shall be no less than 33.84ha (83.63ac ).

44.1.26 "A1-fj" (By-law No. 2010 -097)

The following exceptions shall apply to the "A1-fj" Zone:

- a) A single detached dwelling is permitted as the main use.

44.1.27 "A1-fv" (By-law No. 2014 -071)

The following exceptions shall apply to the "A1-fv" Zone:

- a) The existing 'Accessory Detached Dwelling', or a replacement dwelling, shall be the only dwelling permitted on the farm lot.

44.1.28 "A1-fw" (By-law No. 2014- 072)

The following exceptions shall apply to the "A1-fw" Zone:

- a) The minimum frontage for a Non -Farm Lot shall be 10.7 metres.

44.1.29 "A1-ge" (By-law No. 2016- 072)

The following exceptions shall apply to the "A1-ge" Zone:

- a) In addition to the permitted uses, an orchard shall also be permitted.

44.1.30 "A1-gg" (By-law No. 2016- 031)

The following exceptions shall apply to the "A1-gg" Zone:

- a) Those lands delineated as 'A1-gg' on Schedule 'A' to this By -law may be used for 'Agriculture - General (A1)' purposes in compliance with the 'A1' zone provisions contained in this By -law, excepting however, that:
  - i) The minimum lot area be no less than 106.3 hectares;
  - ii) Site alteration shall be limited to established best practices for forest management;
  - iii) A single detached dwelling is permitted; and
  - iv) Accessory building and structures in accordance with Section 6. 4 are permitted.

44.1.31 "A1-gi" (By-law No. 2016 -117)

The following exceptions shall apply to the "A1-gi" Zone:

- a) Notwithstanding their 'A1' zoning designation, those lands delineated as 'A1-gi' on Schedule 'A' to the By-law may be used for 'Agriculture - General' purposes, in compliance with the 'A1-gi' zone provisions contained in this By -law excepting however that:
  - i) Two detached accessory structures shall be permitted to be used to maximum ground floor area of 408.77 sq. m;
  - ii) Retailing, production and manufacturing of wood products shall be permitted; and
  - iii) Outdoor storage shall be permitted.

44.1.32      "A1-gp" (By-law No. 2019- 146)

The following exceptions shall apply to the "A1- gp" Zone:

- a) Notwithstanding their "A1" zoning designation, those lands delineated as "A1- gp" on Schedule "A" to the By-law may be used for Agriculture - General purposes, in compliance with the "A1-gp" zone provisions contained in this By-law excepting however that:
  - i) A special events facility for wedding receptions and similar events shall be a permitted use;
  - ii) The events facility shall be located within the barn existing on the date of the passage of this By-law;
  - iii) No more than 0.4 hectares shall be devoted to the special events facility use;
  - iv) 67 parking spaces, including three barrier-free spaces, shall be permitted on the property. Additional parking spaces may be permitted if they can be located within the 0.4 hectares devoted to the special events facility use;
  - v) Washroom facilities shall be provided by a "washroom trailer". For the purposes of this By-law a "washroom trailer" is defined as a movable facility that includes toilets, sinks, a holding tank and a water tank; and
  - vi) No food preparation shall be permitted on site. Some food assembly may be permitted.

44.1.33      "A1-gs" (By-law No. 2019- 161)

The following exceptions shall apply to the "A1- gs" Zone:

- a) The lands shall not be further divided. The existing lot area shall be the minimum lot area; and
- b) The frontage of the sites shall not be further divided. The existing lot frontage shall be the minimum lot frontage
- c)

44.1.34      "A1-qt" (By-law No. 2020 -167)

The following exceptions shall apply to the lands subject to the "A1- gt" Zone:

- a) Site alterations shall be limited to established best practices for forest management; and
- b) A driveway is permitted.

44.1.35      "A1-gz" (By-law No. 2021- 117)

The following exceptions shall apply to the "A1- gz" Zone:

- a) A Temporary Construction Office/Construction Structure is no longer permitted per the following provisions:

- b) In addition to the uses permitted under Section 9.1 Permitted Uses, a temporary office/construction structures shall also be permitted.
- c) That this By-law shall be in effect for a period terminating on June 21, 2024.
- d) Upon the expiry of the period mentioned above, the temporary office/construction structures shall be removed from the site.

#### 44.1.36 "A1-ha"

The following exceptions shall apply to the "A1-ha" Zone:

- a) A maximum of 4 horses (3 medium sized horses and a pony) for leisure riding shall also be permitted. (*By-law 2021 -190*)

#### 44.1.37 "A1-hc" (By-law No. 2022- 104)

The following exceptions shall apply to the "A1-hc" Zone:

- a) Agriculture, General; however, the raising of livestock shall not be permitted and the raising of other animals for food shall be limited to a maximum of 6 poultry;
- b) Small scale retailing of boilers and stoves;
- c) Agriculture Produce Warehouse
- d) Farm Implement Establishment
- e) Bulk Sales Establishment – Agriculture
- f) Food Processing, Primary
- g) Food Mill and Elevator

#### 44.1.38 "A1-he" (By-law No. 2022- 125)

The following exceptions shall apply to the "A1-he" Zone:

- a) A Commercial Wind Generation System (CWGS) consisting of no more than one (1) Wind Generating System (WGS) shall be permitted.

#### 44.1.39 "A1-hf" (By-law No. 2022 -159)

The following exceptions shall apply to the "A1-hf" Zone:

- a) the minimum lot frontages shall be 8m and the minimum rear yard setback of the bank barn shall be 5m.

#### 44.1.40 "A1-hi" (By-law No. 2022 -181)

The following exceptions shall apply to the "A1-hi" Zone:

- a) A second accessory detached dwelling shall be permitted.
- b) a minimum setback of 7.5m from an accessory detached dwelling to the centre line of the Slade Municipal Drain shall be permitted.

- c) the Minimum Distance Separation from an accessory detached dwelling to the horse barn on the adjoining south property shall be no less than 66.36m.
- d) An access easement agreement registered on title for perpetual access with the adjoining landowner to the south that extends to all successors shall be required prior to building permit issuance. Alternatively, access connection on an existing road allow a ewhich is opened on a year around basis and constructed to a standard of construction adequate to provide for the additional traffic generated by the proposed development shall be required to the satisfaction of the Zoning Administrator.

#### 44.1.41 "A1-hj" (By-law No. 2023 -006)

The following exceptions shall apply to the "A1- hj" Zone:

- a) The minimum lot frontage shall be no less than 10.75m.
- b) The existing barn shall not be used as a livestock facility. Construction of any new residential buildings/structures shall be prohibited.

#### 44.1.42 "A1-hl" (By-law No. 2023 -021)

The following exceptions shall apply to the "A1- hl" Zone:

- a) The Farm Lot shall have a minimum lot area of 19.4 hectares.
- b) Construction of any new residential buildings or structures shall be prohibited.

#### 44.1.43 "A1-hm" (By-law No. 2023- 159)

The following exceptions shall apply to the "A1- hm" Zone:

- a) Minimum rear yard setback for structures existing as of the date of passage of this By-law is 1.2 metres.
- b) One (1) Accessory Dwelling Unit within the principal dwelling is permitted.
- c) One additional parking space is required for the accessory dwelling unit .

#### 44.1.44 "A1-hn" (By-law No. 2023- 098)

The following exceptions shall apply to the "A1- hn" Zone:

- a) Horses are permitted for transportation purposes to the satisfaction of the Municipality of Kincardine.

#### 44.1.45 "A1-hp"

The following exceptions shall apply to the "A1- hp" Zone:

- a) The lot area (minimum) shall be 2.1 hectares;

- b) The lot frontage (minimum) shall be 20 metres;
- c) A residential building or structure shall not be permitted;
- d) A livestock facility or manure storage structure shall not be permitted.  
(By-law 2023-183)

## **44.2 Agriculture – Small Holdings (“A2”) Zone Exceptions**

### **44.2.1 “A2-a”**

The following exceptions shall apply to the “A2-a” zone:

- a) The lands shall not be further divided. The minimum lot area shall be the existing lot area and the existing lot frontage shall be the minimum lot frontage.
- b) Agricultural buildings or structures are prohibited.

### **44.2.2 “A2-b”**

The following exceptions shall apply to the “A2-b” zone:

- a) The lands shall not be further divided. The minimum lot area shall be the existing lot area and the existing lot frontage shall be the minimum lot frontage.

### **44.2.3 “A2-c”**

The following exceptions shall apply to the “A2-c” Zone:

- a) The Minimum Separation Distance I (MDS I) base distance shall be not less than 137 metres.

### **44.2.4 “A2-d”**

The following exceptions shall apply to the “A2-d” Zone:

- a) The Minimum Separation Distance I (MDS I) building base distance shall be not less than 247 metres.

### **44.2.5 “A2-e”**

The following exceptions shall apply to the “A2-e” Zone:

- a) 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.

### **44.2.6 “A2-f”**

The following exceptions shall apply to the “A2-f” Zone:

- a) The Minimum Lot Area for a Non-Farm Lot shall be 0.35 hectares.

#### 44.2.7 "A2-g"

The following exceptions shall apply to the "A2-g" Zone:

- a) The minimum for frontage for a Non-Farm Lot shall be 10.7 metres.

#### 44.2.8 "A2-i"

The following exceptions shall apply to the "A2-i" Zone:

- a) The MDS-I separation distance shall be not less than 130 metres.

#### 44.2.1 "A2-k"

The following exceptions shall apply to the "A2-k" Zone:

- a) 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.

### **44.3 Agriculture – Rural ("A3")Zone Exceptions**

### **44.4 Residential One ("R1") Zone Exceptions**

#### 44.4.1 "R1-b"

The following exceptions shall apply to the "R1-b" Zone:

- a) A retail store limited to the sale of medical equipment (wheelchairs, scooters, bathroom equipment and items of a similar nature) shall be permitted.
- b) 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.
- c) The minimum lot width shall be 11.5 metres.

#### 44.4.2 "R1-d" (By-law No. 1996-87)

The following exceptions shall apply to the "R1-d" Zone:

- a) Minimum exterior side yard shall be 1.5 metres.
- b) Minimum lot depth shall be 14.3 metres.
- c) Minimum rear yard shall be 6.7 metres.
- d) 'Lot Area' shall be defined as the total horizontal area within the lot lines of a lot.
- e) Public water supply and sanitary sewers shall be required.

#### 44.4.3 "R1-e"

The following exceptions shall apply to the "R1-e" Zone:

- a) offices and facilities associated with the sale of insurance and swimming pool supplies shall be permitted.

#### 44.4.4 "R1-f" (By-law No. 84-40, 2008 -169 & 2012 -043)

The following exceptions shall apply to the "R1-f" Zone:

- a) A 'family resource centre' and uses accessory thereto shall be permitted in the existing building in accordance with the 'Institutional' zone provisions
- b) 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.

#### 44.4.5 "R1-g" (By-law No. 1996-87 & 2002 -117)

The following exceptions shall apply to the "R1-g" Zone:

- a) Minimum lot area shall be 269 square metres.
- b) Minimum front yard shall be 1.5 metres
- c) Minimum lot depth shall be 14.3 metres.
- d) Minimum rear yard shall be 6.7 metres.
- e) Enlargements or expansion to the single detached dwelling as it existed on October 3, 1996 shall not be permitted.
- f) 'Lot Area' shall be defined as the total horizontal area within the lot lines of a lot.
- g) Public water supply and sanitary sewers shall be required.

#### 44.4.6 "R1-l" (By-law No. 1990-074)

The following exceptions shall apply to the "R1-l" Zone:

- a) 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;
- b) For the purposes of the R1-l zone, a 'street' may include an alley or private right-of-way.

#### 44.4.7 "R1-m" (By-lawNo.2001 -26&2010 -005)

Thefollowingexceptionsshallapplytothe"R1- m"Zone:

- a) The"WatercourseSetbacks"provisionsofthisBy -lawshallnotapply.

#### 44.4.8 "R1-n" (By-lawNo.2003 -117)

Thefollowingexceptionsshallapplytothe"R1- n"Zone:

- a) ThelandsfrontingontoWhippoorwillLaneshallbedeemedtobethefrontlotline.
- b) Priortodevelopment,alteration,expansion,oradditionstoexistingbuildingsor structures,alimitedserviceagreementshallbeenteredintowiththeMunicipality.

#### 44.4.9 "R1-o" (By-lawNo.2003 -167)

Thefollowingexceptionsshallapplytothe"R1- o"Zone:

- a) Thefrontageofthesiteshallnotbefurtherdivided.Theexistinglotfrontageshall betheminimumlotfrontage .

#### 44.4.10 "R1-q" (By-lawNo.2004 -67)

Thefollowingexceptionsshallapplytothe"R1- q"Zone:

- a) Theminimumlotareashallbe 1019.98 squaremetres ;and
- b) Theminimumrearyardsetbackshallbe7.0m.

#### 44.4.11 "R1-t" (By-lawNo. 92-1)

Thefollowingexceptionsshallapplytothe"R1- t"Zone:

- a) Generalandprofessionaloffices;lightmanufacturing;andwholesaleuses,in accordancewiththe'Residential'zoneprovisionsshallbepermitted.
- b) Alloutdoorstorageshallbelocatedintherearyardandshallbewhollycontained withinafencedenclosureofatleast1.8metresinheight.

#### 44.4.12 "R1-u"

Thefollowingexceptionsshallapplytothe"R1- u"Zone:

- a) ThemostnortherlylotlineofPartofBlockEshallbeconsideredtherearlotline.

#### 44.4.13 "R1-v" (By-lawNo.2004 -169)

Thefollowingexceptionsshallapplytothe"R1- v"Zone:

- a) Theminimumsideyardsetbackshallbe0.3metresfortheresidentialbuilding existingasofthedataofpassageofthe By-law;and

- b) The minimum lot frontages shall be 13.7 metres.

#### 44.4.14 "R1-w" (By-law No. 2005 -013)

The following exceptions shall apply to the "R1-w" Zone:

- a) Provisions relating to frontage on a Class One (1) Street shall not apply;
- b) The minimum lot area shall be 597.8 square metres;
- c) The minimum lot frontages shall be 19.8 metres;
- d) 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
- e) The eastern most lot lines shall be recognized as the 'front lot line'.

#### 44.4.15 "R1-x" (By-law No. 2002 -149 & 2005 -013)

The following exceptions shall apply to the "R1-x" Zone:

- a) The 'minimum lot area' shall be 0.69 ha (1.2 acres);
- b) All future development must comply with the requirements of the By-law;
- c) The housing of livestock shall be prohibited;
- d) Land zoned as EP may be used in the calculation of lot area.

#### 44.4.16 "R1-y" (By-law No. 2005 -023)

The following exceptions shall apply to the "R1-y" Zone:

- a) The frontage of the sites shall not be further divided. The existing lot frontages shall be the minimum lot frontage.
- b) The area of the sites shall not be further divided. The existing lot area shall be the minimum lot area.

#### 44.4.17 "R1-z" (By-law No. 2005 -013)

The following exceptions shall apply to the "R1-z" Zone:

- a) The 'Minimum Distance Separation' that must be maintained from the barn located to the northeast on Lot 52, Concession 'A', shall be 114 metres.

#### 44.4.18 "R1-aa" (By-law No. 2005 -130 & 2019 -021)

The following exceptions shall apply to the land subject to the "R1-aa" Zone:

- a) These setbacks for all buildings and structures shall be no less than as they existed as of the date of passing of this By-law;
- b) The minimum lot area shall be no less than 2.74 ha;
- c) The minimum lot frontages shall be no less than 12.19 m;

- d) For the purposes of this By-law, the lot frontages shall be defined as those lands abutting King Street.

#### 44.4.19 "R1-ab" (By-law No. 2005 -180)

The following exceptions shall apply to the "R1-ab" Zone:

- a) 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.
- b) The recommendations of the Chung and Vander Doelen Geotechnical Investigation, dated May 17, 2005 should be implemented for the construction of the residence in the R1 zone.

#### 44.4.20 "R1-ac" (By-law No. 2006 -030)

The following exceptions shall apply to the "R1-ac" Zone:

- a) 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';
- b) The minimum lot frontages shall be no less than 30.5 m (100 ft).

#### 44.4.21 "R1-af" (By-law No. 2007 -060)

The following exceptions shall apply to the "R1-af" Zone:

- a) A 'Church', 'Nursing Home' and 'Day Care Nursery' (Licensed) shall not be permitted and
- b) Trees shall not be removed except in accordance with the approved 'Tree Retention Plan'.

#### 44.4.22 "R1-ah" (By-law No. 2004 -07)

The following exceptions shall apply to the "R1-ah" Zone:

- a) Cedar Lane shall be considered an "improved street".

#### 44.4.23 "R1-aj" (By-law No. 2012 -043)

The following exceptions shall apply to the "R1-aj" Zone:

- a) The subject lands may be used for vehicle storage and parking as it existed on the date of passage of this By-law.

44.4.24 "R1-ak" (By-law No. 2007 -080)

The following exceptions shall apply to the "R1-ak" Zone:

- 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.

44.4.25 "R1-am" (By-law No. 2007 -292)

The following exceptions shall apply to the lands concurrently subject to the "R1-am" Zone:

- a) The minimum lot area shall be no less than 1750 square metres; and
- b) The minimum lot frontages shall be no less than 25 metres; and
- c) A 'Church', 'Nursing Home', and 'Day Care Nursery (Licensed)' shall not be permitted; and
- d) Trees shall not be removed except in accordance with the approved 'Tree Retention Plan'.

44.4.26 "R1-aq" (By-law No. 2008 -051)

The following exceptions shall apply to the "R1-aq" Zone:

- a) An Accessory building or structure may be erected no closer than 24.38 metres (80 feet) to the rear lot line.

44.4.27 "R1-as" (By-law No. 2009.040)

The following exceptions shall apply to the "R1-as" Zone:

- a) The minimum front yard setback shall be 4.5 metres.

44.4.28 "R1-at" (By-law No. 2009 -177)

The following exceptions shall apply to the "R1-at" Zone:

- a) The minimum lot area shall be no less than 978.6 square metres;
- b) The minimum lot frontages shall be no less than 24.2 metres;
- c) The minimum exterior side yard setback shall be no less than 5.3 metres for the single detached dwelling as it existed as of the date of passage of the By-law.

44.4.29 "R1-au" (By-law No. 2010 -027)

The following exceptions shall apply to the "R1-au" Zone:

- a) The minimum rear yard setback shall be 1.8 metres (5.9 feet).
- b) Prior to development, alteration, expansion, or addition to existing buildings or structures, a limited service agreement shall be entered into with the Municipality.

44.4.30 "R1-av" (By-law No. 2011 -034)

The following exceptions shall apply to the "R1-av" Zone:

- a) 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;
- b) Any portion of the subject land that is zoned 'PD' may be used to satisfy the side yard, rear yard or front yard setback provisions.

44.4.31 "R1-aw" (By-law No. 2011 -037)

The following exceptions shall apply to the "R1-aw" Zone:

- a) 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;
- b) Notwithstanding any other provision of this By-law, the minimum setback for a principal structure from any property line shall be 7.5 metres.

44.4.32 "R1-az" (By-law No. 2012 -002)

The following exceptions shall apply to the "R1-az" Zone:

- a) The land shall be serviced with a tertiary sewage treatment system, or equivalent system, capable of providing an average nitrated discharge of no more than 15 mg/L as approved by the appropriate Approval Authority.

44.4.33 "R1-ba" (By-law No. 2013 -030)

The following exceptions shall apply to the "R1-ba" Zone:

- a) The lot coverage for principal buildings shall not exceed 28% of the total lot area.
- b) Prior to development, alteration, expansion, or addition to existing buildings or structures, a limited service agreement shall be entered into with the Municipality.

44.4.34 "R1-bc" (By-law No. 2013 -129)

The following exceptions shall apply to the "R1-bc" Zone:

- a) The front lot line shall mean the line dividing the 'R1-bc' zone from the lane/right-of-way;
- b) Portions of the property that are zoned 'PD' and 'EP' may be used to satisfy the provisions for Lot Area, Lot Frontage, Side Yards and Rear Yard.
- c) Lot Coverage (Principal Building) (Maximum) shall be 40% of the total area of the 'R1-bc' zone.

44.4.35 "R1-bd" (By-law No. 2014 -016)

The following exceptions shall apply to the "R1-bd" Zone:

- a) The front lot line shall be the west lot line, being the line dividing the property from the Marine Shore Road Allowance.
- b) The Front Yard (Minimum) to buildings and structures, shall be 0.5 metre.
- c) The Exterior Lot Lines shall be the line(s) delineating the Samona Beach Lane right of-way;
- d) The Exterior Side Yard (Minimum) shall be 3.0 metres;
- e) 'General Provisions' relating to unenclosed porches, unenclosed fire escapes, balconies, covered or uncovered steps, does not apply;
- f) The setback from the front lot line for a sewage disposal system shall be not less than 3 metres.
- g) Prior to development, alteration, expansion, or addition to existing buildings or structures, a limited service agreement shall be entered into with the Municipality.

44.4.36 "R1-bf" (By-law No. 2016 -031)

The following exceptions shall apply to the "R1-bf" Zone:

- a) The maximum lot area be no greater than 0.48 hectares;
- b) Site disturbance of any sort shall not exceed 0.4 hectares of land on this lot. This notwithstanding, site alteration limited to established best practices for forest management may be permitted beyond the 0.4 hectare disturbed area.

44.4.37 "R1-bg" (By-law No. 2016 -031)

The following exceptions shall apply to the "R1-bg" Zone:

- a) The maximum lot area be no greater than 1.42 hectares;
- b) Site disturbance of any sort shall not exceed 0.4 hectares of land on this lot. This notwithstanding, site alteration limited to established best practices for forest management may be permitted beyond the 0.4 hectare disturbed area.
- c) For the purposes of this By-law, 'Home Occupation – Household and Domestic Arts' shall include 'woodworking'.

44.4.38 "R1-bh" (By-law No. 2016 -028)

The following exceptions shall apply to the "R1-bh" Zone (ref. OMB decision Case No. PL070939):

- a) The minimum exterior side yard setback be no less than 4.5m,
- b) The minimum interior side yard setback be no less than 1.2m; and, that an additional 0.6m per additional or partial storey above the first storey not apply;
- c) The maximum height – principal building be no greater than 11.0m.

44.4.39 "R1-bi" (By-law No. 2016 -028)

The following exceptions shall apply to the "R1-bi" Zone (ref. OMB decision Case No. PL070939):

- a) The minimum lot area be no less than 5,000.0 sq.m;
- b) The minimum lot frontage be no less than 10.0m;
- c) The maximum height – principal building be no greater than 11.0m.

44.4.40 "R1-bj" (By-law No. 2016 -071)

The following exceptions shall apply to the "R1-bj" Zone:

- a) In addition to the permitted uses, a 'Preserved Wood Test Site' shall also be permitted.
- b) A 'Preserved Wood Test Site' shall be defined as a site for research, investigation, field testing, and experimentation of naturally durable and treated wood products, which may include necessary accessory structures such as wood stakes and plywood boxes. '

44.4.41 "R1-bk" (By-law No. 2016 -087)

The following exceptions shall apply to the "R1-bk" Zone:

- a) A detached accessory structure be permitted in the front yard; and
- b) The maximum height of the detached accessory structure located in the front yard shall be no greater than 7.0m.

44.4.42 "R1-bl" (By-law No. 2017 -031)

The following exceptions shall apply to the "R1-bl" Zone:

- a) The minimum lot frontages shall be no less than 9.9m.
- b) A maximum of one dwelling unit per each half of the semi-detached dwellings shall be permitted.
- c) Access to Kincardine Avenue shall be limited to one access point.

44.4.43 "R1-bo" (By-law No. 2021- 129)

The following exceptions shall apply to the "R1-bo" Zone:

- a) A 'Rabbit Kennel' for a maximum of 85 rabbits is permitted; and
- b) Temporary storage of rabbit waste is permitted on the site.

44.4.44 "R1-bp" (By-law No. 2022- 089)

The following exceptions shall apply to the "R1-bp" Zone:

- a) The minimum lot size shall be no less than 2276.6m<sup>2</sup>.
- b) A zero metre (nil) front yard setback shall be permitted for the existing dwelling.
- c) While the Holding provision is in place:
  - i. The only permitted use shall be the existing one - bedroom single detached dwelling unit for seasonal occupancy.
  - ii. Should the existing septic system or any components thereof fail, replacement of the system shall be required and comprised of a tertiary sewage disposal system that is certified to meet the specifications of the CAN/BNQ 3680 600 NI standard (50% nitrate removal), as amended from time to time. Such replacements shall not be required for routine maintenance of the septic tank's internal inlet/outlet baffles or any required septic tank pumping.
  - iii. A Building Permit shall not be issued to convert the existing one-bedroom dwelling unit to a 4- season dwelling and to add additional bedrooms, fixture units, or additional floor area unless the existing septic system is replaced with a tertiary sewage disposal system as specified in c (ii) above or unless development is serviced with municipal sewer services.

#### 44.4.45 "R1-bq" (By-law No. 2022- 089)

The following exceptions shall apply to the "R1- bq" Zone:

- a) Developments shall be serviced with a tertiary sewage disposal system that is certified to meet the specifications of the CAN/BNQ 3680 -600 NI standard (50% nitrate removal), as amended from time to time. Alternatively, development may be serviced with municipal sewers.
- b) Developments shall be serviced with Municipal Water Supply.
- c) The building envelope for the primary building/structure shall be located in proximity to the geographic centre of the lot. The location of the building envelope for the primary building may take into consideration environmental and physical constraints present on the new lot.

#### 44.4.46 "R1-br" (By-law No. 2022 -090)

The following exceptions shall apply to the "R1- br" Zone:

- a) The lands fronting onto Whispering Woods shall be deemed to be the front lot line;
- b) An accessory building or structure may be erected in the exterior side yard located no closer than 6 meters;
- c) The building envelope for the primary building/structure shall be located in proximity to the geographic centre of the lot. The location of the building envelope for the primary building/structure may take into consideration environmental and physical constraints present on the lot;
- d) Prior to development, alteration, expansion, or addition to existing buildings or structures, a limited service agreement shall be entered into with the Municipality ;

- e) Developments shall be serviced with municipal water supply .

44.4.47 "R1-bs" (By-law No. 2022- 103)

The following exceptions shall apply to the "R1- bs" Zone:

- a) A Recreation Centre (Kincardine Curling Club) shall be permitted in accordance with the Open Space (OS) zone provisions.
- b) A rear yard setback of 5m shall be permitted for the existing building. All future buildings and structures, or additions to existing buildings and structures shall comply with the provisions of the Zoning By -law.

44.4.48 "R1-bt" (By-law No. 2022- 165)

The following exceptions shall apply to the "R1- bt" Zone:

- a) The minimum lot area shall be 868.62m<sup>2</sup>;
- b) The minimum lot frontage shall be 27.72m.

44.4.49 "R1-bu" (By-law No. 2022 -180)

The following exceptions shall apply to the "R1- bu" Zone:

- a) A minimum lot area of 665.5m<sup>2</sup> shall be permitted.
- b) A minimum lot frontage (Mary Street) of 16m shall be permitted.
- c) A minimum rear yard setback of 5.03m shall be permitted.
- d) A Sewage Disposal Suitability Report and Analysis shall be submitted to the satisfaction of the Chief Building Official prior to issuance of a building permit to accommodate a single detached dwelling with a secondary suite.

44.4.50 "R1-bv" (By-law No. 2023- 136)

The following exceptions shall apply to the "R1- bv" Zone:

- a) The minimum lot frontage shall be 14.06 metres;
- b) Construction and site alteration will be limited to the area identified as "Approximate Area of Impact" on the site plan in Appendix 'A' of Environmental Impact Study, WSP, November 11, 2022, as amended.

44.4.51 "R1-bw" (By-law No. 2023 -183)

The following exceptions shall apply to the "R1- bw" Zone:

- a) The lot area (minimum) shall be 461 square metres ;
- b) The lot frontage (minimum) shall be 14 metres.

44.4.52      "R1-bx" (By-law No. 2023- 200)

The following exceptions shall apply to the "R1- bx" Zone:

- a) The lot frontages shall be no less than 26 metres.
- b) The lot area shall be no less than 0.17 ha.
- c) Developments shall be serviced by an advanced tertiary sewage disposal system that achieves at least 50% nitrate removal and meets the specifications of the CAN/BNQ 3680-600 standard, as amended from time to time or by connection to a Municipal sewage disposal system.

44.4.53      "R1-by" (By-law No. 2023-200)

The following exceptions shall apply to the "R1- by" Zone:

- a) The lot frontages shall be no less than 24 metres.
- b) Developments shall be serviced by an advanced tertiary sewage disposal system that achieves at least 50% nitrate removal and meets the specifications of the CAN/BNQ 3680-600 standard, as amended from time to time or by connection to a Municipal sewage disposal system.

44.4.54      "R1-bz" (By-law No. 2023- 200)

The following exceptions shall apply to the "R1- bz" Zone:

- a) The lot frontages shall be no less than 29 metres .
- b) Developments shall be serviced by an advanced tertiary sewage disposal system that achieves at least 50% nitrate removal and meets the specifications of the CAN/BNQ 3680-600 standard, as amended from time to time or by connection to a Municipal sewage disposal system.

44.4.55      "R1-ca" (By-law No. 2023-200)

The following exceptions shall apply to the "R1- ca" Zone:

- a) The lands fronting onto Parkwood Road shall be deemed to be the front lot line.
- b) The lot frontages shall be no less than 11 metres.

44.4.56      "R1-cb" (By-law No. 2023- 200)

The following exceptions shall apply to the "R1- cb" Zone:

- a) The lot frontages shall be no less than 24 m
- b) Developments shall be serviced by an advanced tertiary sewage disposal system that achieves at least 50% nitrate removal and meets the specifications of the CAN/BNQ

3680-600 standard, as amended from time to time or by connection to a Municipal sewage disposal system.

## **44.5 Residential Two ("R2") Zone Exceptions**

### **44.5.1 "R2-a"**

The following exceptions shall apply to the "R2-a" Zone:

- a) May be used for the purposes of a 'group home'.
- b) 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.
- c) Section 3 Parking Requirements of this By-law shall apply excepting however that there will be a minimum of four (4) parking spaces.

### **44.5.2 "R2-c" (By-law No. 98-44)**

The following exceptions shall apply to the "R2-c" Zone:

- a) Subject lands shall be used in accordance with the 'Residential Three' zone provisions.
- b) The minimum lot area shall be 350 square metres.
- c) The minimum lot frontage shall be 8 metres.
- d) The minimum side yard shall be 2 metres.
- e) The minimum ground floor area shall be 70 square metres.
- f) The minimum gross floor area shall be 70 square metres.

### **44.5.3 "R2-f" (By-law No. 2016-028)**

The following exceptions shall apply to the "R2-f" Zone (ref. OMB decision Case No. PL070939):

- a) The minimum exterior side yard setback be no less than 4.5m;
- b) The minimum interior side yard setback be no less than 1.2m, and that an additional 0.6m per additional or partial storey above the first storey not apply;
- c) The maximum height – principal building be no greater than 11.0m.

### **44.5.4 "R2-g" (By-law No. 2019-021)**

The following exceptions shall apply to the "R2-g" Zone:

- a) A maximum of 28 semi- detached dwellings (14 buildings x 2 units);
- b) A maximum of one detached dwelling;
- c) Zone Provisions for Semi- detached Dwellings: as identified on Site Plan dated February 2018, Revision 3 September 2018.

- i) A minimum setback of 6. 0 metres shall be provided between the front of the dwelling and the paved private road, with said setback hereby referred to as the "front yard".
  - ii) A minimum setback of 4. 8 metres shall be provided between the side of the dwelling and the paved, private road where said dwelling abuts two private streets, with said setback hereby referred to as the exterior side yard".
  - iii) A minimum setback of 6. 7 metres shall be provided between the rear of the dwelling and the exterior property boundary, with said setback hereby referred to as the " rear yard".
  - iv) Notwithstanding the above, the required " rear yard" of one pair of semi-detached dwellings adjacent to the property' s easterly lot line shall be reduced to 4. 5 metres.
  - v) A minimum of 2. 8 metres shall be provided between the side of Unit 6 and the exterior property boundary.
  - vi) A minimum separation distance of 3. 5 metres shall be provided between buildings containing semi-detached dwellings
  - vii) The maximum building height shall be 10. 5 metres;
- d) Zone Provisions for Single-detached Dwellings: as identified on Site Plan dated February 2018, Revision 3 September 2018.
- i) A minimum setback of 3. 0 metres shall be provided between the front of the dwelling and the paved private road, with said setback hereby referred to as the "front yard".
  - ii) A minimum setback of 6. 0 metres shall be provided between the side of the dwelling and the paved, private road where said dwelling abuts two private streets, with said setback hereby referred to as the exterior side yard".
  - iii) A minimum setback of 4. 3 metres shall be provided between the rear of the dwelling and the exterior property boundary, with said setback hereby referred to as the " rear yard".
  - iv) The maximum building height shall be 10. 5 metres;
  - v) The driveway shall be located to the north of the dwelling (i.e. between the dwelling and Rae Street).

## **44.6 Residential Three ("R3") Zone Exceptions**

### **44.6.1 "R3-a" (By-law No. 2007-003)**

The following exceptions shall apply to the "R3-a" Zone:

- a) Section 3 Number of Detached Dwellings per 'R' – Residential Zone Lot shall not apply; a second quadraplex dwelling is permitted;
- b) A 'Quadraplex Dwelling' shall mean a pair of two attached duplex dwelling houses or four single dwelling units;
- c) The minimum rear yard setback shall be no less than 3.6 metres;
- d) The minimum lot frontage shall be 23.6 metres;
- e) 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;
- f) A 'Privacy Fence' shall be located across the rear lot line, and side lot lines to the rear of the parking area.

### **44.6.2 "R3-b"**

The following exceptions shall apply to the "R3-b" Zone:

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

### **44.6.3 "R3-c"**

The following exceptions shall apply to the "R3-c" Zone:

- a) An elderly persons residence and accessory uses shall be permitted.
- b) Residential accommodation shall be confined to a maximum of 45 lodgers.
- c) 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.
- d) The minimum lot area and the minimum lot width shall be 2,500 square metres and 40 metres, respectively.
- e) The minimum front yard shall be 15 metres
- f) The minimum interior side yard and the minimum exterior side yard shall be 4 metres and 5.5 metres, respectively.
- g) The minimum rear yard shall be 7 metres.

- h) The building height of the existing buildings shall not be increased; the maximum building height of additions/enlargements to this buildings shall be 12 metres.
- i) The maximum lot coverage shall be 30% .

#### 44.6.4 "R3-d" (By-law No. 1990-84)

The following exceptions shall apply to the "R3-d" Zone:

- a) When each row dwelling unit is located on a separate lot:
- b) Lot Width (minimum) – 4.5 metres.
- c) 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.
- d) All other regulations of Residential 3 Zone shall apply .

#### 44.6.5 "R3-e" (By-law No. 2013-143)

The following exceptions shall apply to the "R3-e" Zone:

- a) A non-profit multiple-family dwelling complex consisting of multiple quadruplex dwellings; multiple row dwellings; one apartment dwelling; and, accessory uses shall be permitted
- b) Minimum Lot Area shall be 11,500 square metres.
- c) Minimum Front Yard shall be 6 metres.
- d) Minimum Interior Side Yard shall be 4.1 metres.
- e) Minimum Rear Yard shall be 7.5 metres.
- f) Maximum Building Height shall be 10.5 metres.
- g) Maximum Lot Coverage (Principal Buildings) shall be 40%.
- h) Each Quadruplex Dwelling Unit shall be not less than 56 square meters gross floor area.
- i) Each Apartment Dwelling Unit shall be not less than the minimum dwelling unit gross floor area in the 'R4' zone.
- j) A Parking Area is permitted in 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.
- k) There shall be not less than one off-street parking space for each dwelling unit in the complex, plus one space for every 10 dwelling units, or fraction thereof, to be set aside for and visually identified as visitor's parking.

#### 44.6.6 "R3-f" (By-law No. 1993-95)

The following exceptions shall apply to the "R3-f" Zone:

- a) A funeral home with an addition including a chapel shall be permitted.

- b) The subject lands have a minimum lot area of 2,529 square metres.
- c) A minimum of 20 parking spaces be provided on site.

#### 44.6.7 "R3-g" (By-law No. 1994-14)

The following exceptions shall apply to the "R 3-g" Zone:

- a) 'Parking Area Location on Lot' shall not apply therefore parking may be permitted in any of the yards.

#### 44.6.8 "R3-i" (By-law No. 1995-78)

The following exceptions shall apply to the "R 3-i" Zone:

- a) The land shall only be used for row houses and/or semi-detached dwellings.
- b) No dwelling unit shall contain more than three (3) bedrooms.
- c) 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.
- d) Any multiple family dwellings shall be subject to Site Plan Control in accordance with the provisions of Section 41 of the Planning Act, 1990.
- e) That the maximum number of dwelling units shall not exceed twelve (12).
- f) a minimum Playground area of 90 square metres is provided.
- g) A Planting Strip shall be provided in accordance with Section 3.

#### 44.6.9 "R3-j" (By-law No. 2000-65, 2000 -126)

The following exceptions shall apply to the "R3- j" Zone:

- a) The minimum exterior side yard shall be 4 metres on the South side of the subject lands.
- b) The minimum rear yard shall be no less than 5.2 metres for the southerly-facing buildings.
- c) The front yard shall be deemed to be the lot line which abuts Princes Street.

#### 44.6.10 "R3-k (By-law No. 2007-064, 2012 -051, 2012 -127)

The following exceptions shall apply to the "R3- k" Zone:

- a) Single detached dwellings, Semi-detached dwellings, Duplex dwellings, and Boarding houses are not permitted Residential uses .

#### 44.6.11 "R3-m" (By-law No. 2009-152)

The following exception shall apply to the "R3-m" Zone:

- a) The minimum interior side yard shall be 3.05 metres on the South side of the subject lands.
- b) The minimum frontages shall be no less than 25.15 metres as it existed on the date of passage of this By-law.

#### 44.6.12 "R3-n" (By-law No. 2010-098)

The following exception shall apply to the "R3-n" Zone:

- a) Two quadruplex dwellings shall be permitted.
- b) The minimum rear yard shall be 7.3 metres.
- c) 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.

#### 44.6.13 "R3-o" (By-law No. 2011-142)

The following exception shall apply to the "R3-o" Zone:

- a) 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.

#### 44.6.14 "R3-q" (By-law No. 2012-029, 2013-054)

The following exception shall apply to the "R3-q" Zone:

- a) The north lot line shall be the rear lot line;
- b) The rear yard setback shall be 4.85 metres;
- c) 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.

#### 44.6.15 "R3-r" (By-law No. 2013-077)

The following exception shall apply to the "R3-r" Zone:

- a) The Residential Use shall also permit two attached triplex dwellings divided vertically by a fire separation wall, each triplex dwelling having an independent entrance either directly from the outside or through a common vestibule ;
- b) The Building Height (Maximum) shall be 12 metres, and the Dwelling Unit Floor Area (Minimum) shall be:
  - i) 35 square metres for a Bachelor Dwelling Unit;

- ii) 50 square metres for a One Bedroom Dwelling Unit, plus 10 square metres for each additional bedroom in a dwelling unit;
- c) Notwithstanding section 3, one off-street parking spaces shall be provided for each dwelling unit;
- d) The Lot Frontage (Minimum) shall be 20 metres, save and except where individual row dwellings units are on a separate lot ('freehold').

44.6.16 "R3-s" (By-law No. 2013-131)

The following exceptions shall apply to the "R3-s" Zone:

- a) The Rear Yard (Minimum) shall be 2.7 metres.

44.6.17 "R3-t" (By-law No. 2014-140)

The following exceptions shall apply to the "R3-t" Zone:

- a) Notwithstanding Section 3 the minimum number of parking spaces shall be one space per dwelling unit plus one space for every four dwelling units or fraction thereof, to be set aside for and visually identified as visitor's parking.

44.6.18 "R3-v" (By-law No. 2016-028)

The following exceptions shall apply to the "R3-v" Zone (ref. OMB decision Case No. PL 070939):

- a) The minimum exterior side yard setback be no less than 4.5m;
- b) The minimum interior side yard setback be no less than 1.8m where the height is a maximum of 11.0m; and that an additional 0.6m per additional or partial storey above the first storey not apply;
- c) The minimum interior side yard setback for an end unit be no less than 1.2m where the height is a maximum of 10.5m, and that an additional 0.6m per additional or partial storey above the first storey not apply;
- d) The minimum interior side yard setback for an interior [attached] unit be 0.0m;
- e) The maximum height – principal building no greater than 11.0m.

44.6.19 "R3-w" (By-law No. 2017-031)

The following exceptions shall apply to the "R3-w" Zone:

- a) A maximum of 5 row dwelling units shall be permitted, limited to one storey with a maximum height of 8.3 metres at the peak of the roof, and deck to be erected at ground level.
- b) A privacy fence is required to be constructed along the North property adjacent to properties fronting onto Duncan Place.
- c) A detached accessory structure may encroach no more than 1.5 metres into the front yard of the subject lands.

- d) The minimum lot frontages shall be no less than 15.24m.
- e) The north side yard shall be no less than 5.49 metres.

#### 44.6.20 "R3-x" (By-law No.2019 -007)

The following exceptions shall apply to the "R3-x" Zone:

- a) Those dwellings and structures as existing on the date of passing of this By-law are considered legal non - conforming and are permitted on the subject lands.
- b) That a maximum of three detached dwellings existing on the date of passing of this by-law may be located on a single lot.
- c) That new development on the property shall meet the provisions of the zoning By-law.

#### 44.6.21 "R3-y" (By-law No. 2020-142)

The following exceptions shall apply to the "R3-y" Zone:

- a) A maximum of 36 townhouses and a storm water management pond shall be permitted.
- b) Minimum exterior side yard setback shall be 5.2m
- c) Minimum rear yard setback shall be 6m. (By-law

#### 44.6.22 "R3-z" (By-law No.2021 -044)

The following exceptions shall apply to the "R3-z" Zone:

- a) A maximum of 4 townhouses each with a secondary dwelling unit shall be permitted.
- b) Notwithstanding the provisions of this By-law, the development is exempted from the requirement of section 6.34 such that up to four (4) townhouses can be located on one lot.

Notwithstanding the provisions of this By-law, development of the lands is exempted from the requirement to provide a 'visible visitor parking lot'.

#### 44.6.23 "R3-aa" (By-law No.2022- 144)

The following exceptions shall apply to the "R3-aa" Zone:

- a) The minimum interior side yard shall be 1.2 metres for a single detached dwelling, semi-detached dwelling and row dwelling one -storey in height, and 1.5 metres for a single detached dwelling, semi - detached dwelling and row dwelling greater than one-storey in height; and
- b) The minimum exterior side yard shall be 4.5 metres for a single detached dwelling, semi-detached dwelling and row dwelling.

44.6.24      "R3-ab" (By-law No. 2022 -144)

The following exceptions shall apply to the "R3-ab" Zone:

- a) The minimum density shall be 15 residential dwelling units per net hectare;
- b) The minimum setback between a row dwelling and a property line shall be 6.0 metres;
- c) The minimum setback between the front wall of a row dwelling and a private street shall be 6.0 metres;
- d) The minimum setback between the exterior wall of a row dwelling and a private street shall be 3.2 metres, and between the exterior wall of a row dwelling and a municipal street shall be 6.0 metres;
- e) The minimum setback between the rear wall of a row dwelling and the rear wall of another row dwelling shall be 10.0 metres.

44.6.25      "R3-ac" (By-law No. 2022- 126)

The following exceptions shall apply to the "R3-ac" Zone:

- a) A maximum of 46 townhouses shall be permitted.
- b) the following provisions shall also apply:
  - i. The back wall of a row dwelling shall maintain a minimum setback of 7.5m from the property line;
  - ii. The side wall of a row dwelling shall maintain a minimum setback of 6m from the property line;
  - iii. The front wall of a row dwelling shall maintain a minimum setback of 6m from the private road;
  - iv. The side wall of a row dwelling shall maintain a minimum setback of 0m from the side wall of an attached row dwelling and 3m from a row dwelling located in a different structure.
  - v. The minimum floor area of a row dwelling unit shall be 60m<sup>2</sup>.
  - vi. The side wall of a row dwelling shall maintain a minimum setback of 3.0 metres from the private road.

44.6.26      "R3-ad" (By-law No. 2022-144)

The following exceptions shall apply to the "R3-ad" Zone:

- a) The minimum interior side yard shall be 1.2 metres for a single detached dwelling, semi-detached dwelling and row dwelling one-storey in height, and 1.5 metres for a single detached dwelling, semi-detached dwelling and row dwelling greater than one-storey in height;
- b) The minimum exterior side yard shall be 4.5 metres for a single detached dwelling, semi-detached dwelling and row dwelling;

- c) The minimum rear yard shall be 4.5 metres for a single detached dwelling, semi-detached dwelling and row dwelling; and
- d) The maximum lot coverage (principal building) shall be 60% for a single detached dwelling, semi-detached dwelling and row dwelling.

#### 44.6.27 "R3-ae" (By-law No. 2023-121)

The following exceptions shall apply to the "R3-ae" Zone:

- a) The number of dwelling units per lot shall be three (3) which includes principal dwelling units and secondary suites;
- b) One (1) secondary suite is permitted to exist outside the principal dwelling unit as a stand-alone unit, where the principal dwelling may be a 'Single detached dwelling', 'Semi-detached dwelling' or 'Row dwelling';
- c) Each principal dwelling is not required to be located on a separate lot;
- d) The secondary suite may be erected in any yard, and shall comply with the yard requirements of the zone in which such building or structure is situated;
- e) A maximum of one (1) dwelling unit per lot may be used for Short Term Rental Accommodation.

#### 44.6.28 "R3-af" (By-law No. 2023-121)

The following exceptions shall apply to the "R3-af" Zone:

- a) The number of dwelling units per lot shall be three (3) which includes principal dwelling units and secondary suites;
- b) One (1) secondary suite is permitted to exist outside the principal dwelling unit as a stand-alone unit, where the principal dwelling may be a 'Single detached dwelling', 'Semi-detached dwelling' or 'Row dwelling';
- c) Each principal dwelling is not required to be located on a separate lot;
- d) The secondary suite may be erected in any yard, and shall comply with the yard requirements of the zone in which such building or structure is situated;
- e) The secondary suite may be accessed from a second driveway.
- f) A maximum of one (1) dwelling unit per lot may be used for Short Term Rental Accommodation.

### **44.7 Residential Four ("R4") Zone Exceptions**

#### 44.7.1 "R4-a"

The following exceptions shall apply to the "R4-a" Zone:

- a) The minimum lot area shall be 3094 square metres
- b) 'Front Lot Line' shall mean the lot line dividing the lot from Harbour Street;

- c) The minimum front yard above grade level shall be 4.5 metres, below grade 1.5 metres
- d) The minimum exterior side yard requirements shall not apply;
- e) The minimum rear yard shall be 3.0 metres
- f) The minimum side yard shall be 5.6 metres.

#### 44.7.2 "R4-b" (By-law No. 1987-052)

The following exceptions shall apply to the "R4-b" Zone:

- a) For the purpose of this 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.
- b) The minimum lot area shall be 2.5 hectares.
- c) The maximum number of storeys shall not exceed 3.
- d) Section 3 'Planting Strips' shall not apply.
- e) 'Off-Street Parking' may be permitted in all yards, provided that no part of any parking area is located closer than 1 metre to any street line.
- f) 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.

#### 44.7.3 "R4-c" (By-law No. 2005-013)

The following exceptions shall apply to the "R4-c" Zone:

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

#### 44.7.4 "R4-d" (By-law No. 2002-163)

The following exceptions shall apply to the "R4-d" Zone:

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

#### 44.7.5 "R4-f" (By-law No. 2006-301)

The following exceptions shall apply to the "R4-f" Zone:

- a) The minimum lot frontages shall be no less than 18.2m;
- b) 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;
- c) The maximum building height shall be no greater than 16.0m;
- d) A 'Planting Strip' shall be located along any lot line that abuts a zone other than 'R4-f'.

#### 44.7.6 "R4-g" (By-law No. 2007-345 & 2008-198)

The following exceptions shall apply to the "R4-g" Zone:

- a) The minimum lot frontages shall be no less than 22.25m (73ft);
- b) The minimum south interior side yard setback shall be no less than 3.96m (13ft), and the minimum north interior side yard setback shall be no less than 4.88m (16ft);
- c) Notwithstanding the contents of this By-law, Parking Area Location on Lot the south side yard setback shall be no less than 0.97m (3.2ft).

#### 44.7.7 "R4-i" (By-law No. 2012-048)

The following exceptions shall apply to the "R4-i" Zone:

- a) There shall be no less than 12 parking spaces;
- b) The following shall be no less than:
  - i) Length: 5.4 metres (rear yard)
  - ii) Width: 2.7 metres (front yard)
  - iii) Manoeuvring Aisle Width: 4.6 metres
- c) 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.
- d) The minimum lot area shall be no less than 1,128 square metres as existed on the date of passage of the By-law;
- e) The minimum lot frontages shall be no less than 20.1 metres as existed on the date of passage of the By-law;
- f) 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;
- g) The maximum lot coverage shall be no greater than as it existed on the date of passage of the By-law.

#### 44.7.8 "R4-k" (By-law No. 2010-063)

The following exceptions shall apply to the "R4-k" Zone:

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

#### 44.7.9 "R4-m" (By-law No. 2013-054)

The following exceptions shall apply to the "R4-m" Zone:

- a) A Quadraplex Dwelling is also a permitted use;
- b) Multiple Buildings, being quadraplex and apartment dwellings, are permitted on the subject lands;
- c) The side yard setback for a quadraplex dwellings shall be 3 metres, plus 0.6 metres for each additional or partial storey above the first storey.
- d) The rear yard setback shall be 6 metres, plus 0.6 metres for each additional or partial storey above the first storey.
- e) A parking area is permitted in all yards, other than a front yard.

#### 44.7.10 "R4-n" (By-law No. 2023-121)

The following exceptions shall apply to the "R4-n" Zone:

- a) The Building Height (Maximum) shall be 26 metres but not more than eight (8) stories;
- b) One off-street parking spaces shall be provided for each dwelling unit;
- c) The Lot Frontage (Minimum) shall be 20 metres;
- d) The land shall be developed at a density of not less than 30 dwelling units per hectare.
- e) The minimum number of apartment dwelling units shall be eleven (11);
- f) A main floor commercial uses shall be permitted in an apartment dwelling, limited to the following non-residential uses:
  - i. Convenience Store
  - ii. Day Care Nursery (Licensed)
  - iii. Laundromat
  - iv. Personal Service Establishment
  - v. Place of Entertainment
  - vi. Restaurant
  - vii. Restaurant, Take - Out
  - viii. Video Outlet/Rental Establishment
- g) The maximum gross commercial floor area shall be 185 square metres;
- h) The Dwelling Unit Floor Area (Minimum) shall not apply.

#### 44.7.11 "R4-p" (By-law No. 2016-028)

The following exceptions shall apply to the "R4-p" Zone (ref. OMB decision Case No. PL070939):

- a) More than one residential land or non-residential building or structure may be located on a lot;
- b) Additional Residential Unit be permitted in semi-detached dwellings and row dwellings in accordance with Section 3;
- c) The following additional uses be permitted:
  - i) Semi-detached dwellings
  - ii) Duplex dwellings
  - iii) Triplex dwellings
  - iv) Quadraplex dwellings
  - v) Row dwellings
  - vi) Nursing Home
  - vii) Retirement Home. For the purpose of the By-law "Retirement Home" shall mean a building that provides accommodation in the form of dwelling units, which may not have cooking facilities, and which have a separate entrance from a common hall and where common facilities for the preparation and consumption of food are provided and where common facilities may also be provided for such uses as laundry, entertainment, fitness and recreation, personal services, convenience commercial, restaurant, and health and medical care including pharmacy and medical office uses.
- d) The minimum exterior side yard setback be no less than 4.5m;
- e) With the exception of Apartment dwellings, Nursing Home and Retirement Home, that the maximum height for residential buildings are not greater than 11.0m;
- f) Landscaped Open Space be no less than 30%;

#### 44.7.12 "R4-q" (By-law No. 2016-028)

The following exceptions shall apply to the "R4-q" Zone (ref. OMB decision Case No. PL070939):

- a) Permitted uses and provisions be in accordance with the "R4-p" zone;
- b) The maximum height of an Apartment dwelling, Nursing Home and Retirement Home be no greater than 20.0m.

#### 44.7.13 "R4-r" (By-law No. 2019-101)

The following exceptions shall apply to the "R4-r" Zone:

- a) That an accessory office use be permitted;
- b) That multiple buildings be permitted
- c) That a maximum building height of 16 metres be permitted.

#### 44.7.14 "R4-s" (By-law No. 2021-162)

The following exceptions shall apply to the "R4-s" Zone:

- a) The single detached dwelling existing as the passage of this amendment shall be permitted
- b) The parking area is permitted to be 2.6 metres from the street line
- c) That multiple buildings be permitted.

### **44.8 Residential Five ("R5") Zone Exceptions**

### **44.9 Residential Six ("R6") Zone Exceptions**

### **44.10 General Commercial ("C1") Zone Exceptions**

#### 44.10.1 "C1-a"

The following exceptions shall apply to the "C1-a" Zone:

- a) 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.

#### 44.10.2 "C1-b"

The following exceptions shall apply to the "C1-b" Zone:

- a) Notwithstanding the General Commercial 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.

#### 44.10.3 "C1-c" (By-law No. 2012-087)

The following exceptions shall apply to the "C1-c" Zone:

- a) 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 the Planning Act, as amended, for the payment of cash in lieu of parking.
- b) General Commercial provisions relating to open space requirements for Accessory Apartment Unit shall not apply, save and except unenclosed balconies shall be provided.

#### 44.10.4 "C1-e" (By-law No. 2010-003)

The following exception shall apply to the "C1-e" Zone:

- a) Hotel rooms with cooking facilities are permitted;
- b) Dwelling units above the commercial use are permitted.
- c) 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.

#### 44.10.5 "C1-f" (By-law No. 2010-012)

The following exception shall apply to the "C1-f" Zone:

- a) A dwelling unit above and behind the commercial use is permitted;
- b) 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.

#### 44.10.6 "C1-g" (By-law No. 2011-036)

The following exception shall apply to the "C1-g" Zone:

- a) Dwelling units and an apartment dwelling are also permitted;
- b) 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.
- c) The minimum floor area for 'general commercial' uses shall be as it existed as a restaurant (street-level floor of north building) at the date of passage of this By-law.

#### 44.10.7 "C1-i" (By-law No. 2012-043)

The following exception shall apply to the "C1-i" Zone:

- a) In addition to the uses of the 'C1 - General Commercial' zone an Automobile Service Station is permitted use, in accordance with the 'C2' zone provisions.

#### 44.10.8 "C1-k" (By-law No. 2015-007)

The following exception shall apply to the "C1-k" Zone:

- a) Warehouse - Mini-Storage, shall be a permitted use primarily within a building that exists on the date of passage of this By-law;
- b) A Warehouse - Mini-Storage use shall not exceed 195 square metres; and,
- c) No outside storage shall be permitted, accessory to a Warehouse - Mini-Storage use.

#### 44.10.9 "C1-m" (By-law No. 2017-029)

The following exception shall apply to the "C1-m" Zone:

- a) Warehouse - Mini-Storage shall also be a permitted use.
- b) Outdoor storage shall be prohibited.
- c) The existing two dwelling units shall require 1 parking space per residential dwelling unit.
- d) Primary loading access to the Mini -Storage unit shall be provided from the front of the building.

#### 44.10.10 "C1-n" (By-law No. 2019-160)

The following exceptions shall apply to the "C1-n" Zone:

- a) A minimum setback of 6 metres shall be established between the northern lot line and the parking area as shown on Schedule A;
- b) Additional buffering and/or landscaping may be provided within the setback area.
- c) That a minimum number of 42 parking spaces be permitted.

#### 44.10.11 "C1-o" (By-law No. 2021-034)

The following exceptions shall apply to the "C1-o" Zone:

- a) The minimum required parking shall be 12 parking spaces; and
- b) That the 'barrier -free parking space' also be considered a 'visitor parking space'.

#### 44.10.12 "C1-p" (By-law No. 2021-150)

The following exceptions shall apply to the "C1-p" Zone:

- a) An Accessory Apartment Unit containing up to two bedrooms not exceeding 84m<sup>2</sup> shall be permitted on the second floor of a detached garage
- b) Human habitations shall only be permitted within the apartment on the second floor of the detached garage.

#### 44.10.13 "C1-q" (By-law No. 2023-022)

The following exceptions shall apply to the "C1-q" Zone:

- a) storage containers shall be a permitted accessory building or structure subordinate and incidental to commercial use.
- b) The storage containers shall be provided with a visual barrier consisting of an opaque fence or dense screen of shrubs/trees capable of providing such a visual barrier in accordance with this By -law. Such barriers shall be provided on all sides which abut any residential use or any Class One Street (King St).
- c) The provisions related to Parking Area Surfaces shall not apply. Other surface types, e.g. unpaved or granular, shall be permitted to the satisfaction of the Municipality.
- d) A minimum setback of 6 metres shall be established from the parking area to the northern lot line adjoining residential properties addressed 42 and 48 Church Street

## **44.11 Highway Service Commercial ("C2") Zone Exceptions**

### **44.11.1      "C2-b"**

The following exceptions shall apply to the "C2-b" Zone:

- a) 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.
- b) Building height shall be limited to one storey.
- c) 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.

### **44.11.2      "C2-c"**

The following exceptions shall apply to the "C2-c" Zone:

- a) 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.
- b) The maximum number of uses permitted shall be limited to three uses per building.
- c) The minimum front yard shall be 10 metres.

### **44.11.3      "C2-d" (By-law No. 2002-20)**

The following exceptions shall apply to the "C2-d" Zone:

- a) 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.
- b) The minimum lot frontage shall be 11.2 metres
- c) The minimum west side yard shall be 2.83 metres
- d) The maximum side yard encroachment for the existing steps shall be 1.93 metres.

### **44.11.4      "C2-e"**

The following exceptions shall apply to the "C2-e" Zone:

- a) 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.

#### 44.11.5 "C2-g" (By-law No. 2004 -105)

The following exceptions shall apply to the "C2-g" Zone:

- a) The permitted non-residential uses shall include a 'Contractor's Yard';
- b) The minimum east side yard setback shall be 1.2m;
- c) The maximum building height shall be 5.2m;
- d) All open storage shall be in accordance with Section General Industrial Open Storage provisions contained herein ;
- e) The minimum lot frontage shall be 20.1m;
- f) 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 3 (Planting Strips / Privacy Fence) .

#### 44.11.6 "C2-j" (By-law No. 2006 -005) (Previously C1 -j)

The following exceptions shall apply to the "C2-j" Zone:

- a) Only the Permitted Uses of the 'C1 - General Commercial' zone shall be permitted;
- b) A gas bar shall be a permitted use, as existed on the date of passage of the By-law;
- c) The interior west side yard setback shall be 0.0 metres, as existed on the date of passage of the By-law;
- d) 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.

#### 44.11.7 "C2-k" (By-law No. 2006 -049)

The following exceptions shall apply to the "C2-k" Zone:

- a) 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.
- b) A 'Planting Strip' shall not be required.

44.11.8 "C2-l" (By-law No. 2006 -285&2006 -310)

The following exceptions shall apply to the "C2-l" Zone:

- a) The land shall only be used for the purposes of a 'Public Building', limited to an Ontario Provincial Police Station.

44.11.9 "C2-m" (By-law No. 2007 -033)

The following exceptions shall apply to the "C2-m" Zone:

- a) Land zoned "C2-m" shall be considered as one lot for the following regulations;
- b) The maximum width of any joint entrance and exit driveway measured along the street line shall be 9.7m;
- c) Outside storage shall be accessory to the principal 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;
- d) Outdoor lighting shall direct light onto the property and away from adjacent streets and uses;

44.11.10 "C2-n" (By-law No. 2008 -095)

The following exceptions shall apply to the "C2-n" Zone:

- a) A Veterinary Clinic (Small Animal) shall be a permitted use.

44.11.11 "C2-q" (By-law No. 2012 -043)

The following exceptions shall apply to the "C2-q" Zone:

- a) In addition to the permitted uses in the C2 zone, the following additional uses shall also be permitted: Retail Store and Public Building.

44.11.12 "C2-r" (By-law No. 2017 -006)

The following exceptions shall apply to the "C2-r" Zone:

- a) Notwithstanding their "C2" zoning designation, those lands delineated as "C2-r" on Schedule "A" to this By-law may be used for "Highway Service Commercial" purposes in compliance with the "C2" zone provision contained in this By-law, exception however that Business or Professional Office uses shall also be permitted.

44.11.13 "C2-t" (By-law No. 2019 -164)

The following exceptions shall apply to the "C2-t" Zone:

- a) "Warehouse, mini storage" shall be a permitted use.

#### 44.11.14 "C2-u" (By-law No. 2021-035)

The following exceptions shall apply to the "C2-u" Zone:

- a) Minimum required lot area shall be 600 square metres;
- b) Minimum required front yard setback shall be 1.5 metres;
- c) Minimum required rear yard shall be 1.0 metres;
- d) Minimum required interior side yard shall be 1.0 meters;
- e) Minimum required parking spaces may be provided in carports;
- f) Minimum required barrier free parking shall be 0 parking spaces;
- g) Maximum required lot coverage shall be 80%; and
- h) Maximum number of motel units/suites shall be 11. (*By-law 2021-35*)

#### 44.11.15 "C2-v" (By-law No. 2006-005) previously (C1-i)

The following exceptions shall apply to the lands concurrently subject to the "C2-v" Zone:

- a) Only the Permitted Uses of the 'C1 – General Commercial' zone shall be permitted;
- b) 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;
- c) The interior side yard setback shall be 0.0 metres, as existed on the date of passage of the By-law;
- d) A 'Planting Strip' shall not be required.

### **44.12 Hamlet Highway Commercial ("C3") Zone Exceptions**

#### 44.12.1 "C3-a" (By-law No. 98-31)

The following exceptions shall apply to the "C3-a" Zone:

- a) The Permitted Uses shall be limited to: Farm Implement Establishment; Veterinary Clinic; Bulk Sales Establishment – Agricultural; Food Processing, Primary Nursery; Kennel in accordance with Section 3; and Industry, Non-Effluent Producing.

#### 44.12.2 "C3-d" (By-law No. 83-42)

The following exceptions shall apply to the "C3-d" Zone:

- a) The Permitted Uses shall be limited to:
  - i) Farm Implement Establishment
  - ii) Veterinary Clinic
  - iii) Bulk Sales Establishment – Agricultural
  - iv) Food Processing, Primary
  - v) Nursery
  - vi) Kennel in accordance with Section 6.37

- vii) Industry, Non-Effluent Producing
- viii) Automobile Repair Establishment
- ix) Commercial Motor Vehicle Repair Establishment
- b) The minimum lot area shall be 1,400 square metres.
- c) The minimum front yard setback shall be 7.5 metres.
- d) The minimum side yard setback shall be 3.5 metres on one side and 10 metres on the opposite side.
- e) The maximum lot coverage shall be 35%.

#### 44.12.3 "C3-e" (By-law No. 2003 -148)

The following exceptions shall apply to the "C3-e" Zone:

- a) The minimum lot area shall be 1457 square metres (15,682 square feet);
- b) The minimum rear yard setback shall be 3 metres (10 feet);
- c) The maximum lot coverage shall be 30% .

#### 44.12.4 "C3-f" (By-law No. 2006 -286)

The following exceptions shall apply to the land subject to the "C3-f" Zone:

- a) The minimum lot area shall be no less than 3944 square metres;
- b) The existing sporting goods retail business shall be a permitted non-residential use;
- c) For the purposes of this By-law, the lot line shall be deemed as follows:
  - i) The front lot line shall be deemed to be the lot line abutting Concession 6;
  - ii) The exterior side lot line shall be deemed to be the lot line abutting Highway 21;
- d) For the purposes of this By-law, the setbacks shall be as follows:
- e) 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;
  - i) 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;
  - ii) 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;
  - iii) The minimum yard setbacks shall be no less than exist for the storage shed on the date of passage of the By-law.
- f) The existing dwelling unit within the primary commercial structure shall be permitted as it existed on the date of passage of the By-law;
- g) A planting strip is not required.

#### 44.12.5 "C3-g" (By-law No. 2010 -114)

The following exceptions shall apply to the "C3-g" Zone:

- a) An Automobile Gas Bar and Bulk Fuel Storage are not permitted;

- b) In addition to the residential uses, a 'single detached dwelling' existing at the date of passage of this By-law, is permitted;
- c) In addition to the non-residential uses, a commercial motor vehicle repair establishment is also a permitted use;
- d) '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:
  - i) Such open storage is accessory to the permitted Hamlet Highway Commercial uses on the lot; and
  - ii) Such open storage is visually screened by a fence, wall or Planting Strip.
- e) Outdoor Display Areas for goods, merchandise, materials or equipment offered for sale, shall be allowed in any yard provided that:
  - i) The Outdoor Display Areas shall be set back 6 metres from any lot line; and
  - ii) The items displayed in the Outdoor Display Areas are related to the permitted Hamlet Highway Commercial uses on the lot.

#### **44.13 Local Commercial ("C4") Zone Exceptions**

##### **44.13.1      "C4-c" (By-law No. 2010-013)**

The following exceptions shall apply to the "C4-c" Zone:

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

##### **44.13.2      "C4-d"**

The following exceptions shall apply to the "C4-d" Zone:

- a) The Permitted Uses shall be limited to the following:
  - i) Farm Implement Establishment
  - ii) Veterinary Clinic
  - iii) Livestock Assembly Yard
  - iv) Bulk Fuel Storage
  - v) Bulk Sales Establishment – Agricultural
  - vi) Food Processing, Primary
  - vii) Feed Mill & Elevator
  - viii) Nursery
  - ix) Kennel in accordance with Section 3
  - x) Transport Depot
  - xi) Industry, Non-Effluent Producing

## **44.14 Resort Commercial ("C5") Zone Exceptions**

## **44.15 Business Park ("C6") Zone Exceptions**

### **44.15.1      "C6-b" (By-law No. 1999-10, 1999-78, 2007-360, 2015-073)**

The following exceptions shall apply to the "C6-b" Zone:

- a) The minimum front yard shall be no less than 15 metres.
- b) The minimum yard when abutting a 'Residential Zone' shall be no less than 30 metres.
- c) The minimum yard when abutting Highway #9 or #21 shall be no less than 45 metres.

### **44.15.2      "C6-d" (By-law No. 1999-10)**

The following exceptions shall apply to the "C6-d" Zone:

- a) The Permitted Uses shall be limited to a 30 metre buffer area consisting of a planting strip stocked with coniferous and deciduous trees.

### **44.15.3      "C6-f" (By-law No. 2008-006)**

The following exceptions shall apply to the "C6-d" Zone:

- a) The 'H-holding' provision may be removed once the following conditions have been satisfied:
  - i) A Development Concept Plan showing the development pattern for the subject lands or an individual phase of development has been approved by the Municipality. Particular emphasis should be placed on building location, orientation, vehicular and pedestrian access, parking, drainage and overall integration. Phasing of the development will be permitted. *(By-law 2008-006)*

### **44.15.4      "C6-g" (By-law No. 2017-114)**

The following exceptions shall apply to the "C6-g" Zone:

- a) An 'Office Complex and Training Facility' is also a permitted use. For the purpose of this By-law, the 'training facility' means an ancillary use operated by an employer located within the same building for the primary purpose of providing in-classroom and practical hands-on education, training and/or retraining of new and existing employees specific to industry skills and standards.
- b) For the purposes of this By-law, the 'training facility' parking provision is 1 space for each 100 square metres of gross floor area, or fraction thereof.

#### 44.15.5 "C6-i" (By-law No. 2021-194)

The following exceptions shall apply to the "C6-i" Zone:

- a) Notwithstanding the provisions of Section 5, those lands zoned "C6-i" shall be deemed to be a lot.
- b) For the purposes of the "C6-i" zone, a 'street' may include a 'lane' or private right-of-way.
- c) The minimum setback to Highway # 21 for all buildings shall be 14 metres.
- d) In addition to the uses permitted in the C6 Zone, the Non-Residential uses in the General Commercial (C1) zone will also be permitted in conjunction with a large format commercial use having a minimum retail floor area of 929 square metres.
- e) The following residential uses are also permitted:
  - Triplex Dwelling
  - Row Dwelling (Four or more units)
  - Apartment Dwelling
  - Long Term Care Facilities
  - Nursing Home
- f) The Non-Residential Uses in (c) above shall be subject to the following:

i)	Front Yard (Minimum)	The street line shall be the setback line
ii)	Exterior Side Yard (Minimum):	Not required
iii)	Interior Side Yard (Minimum):	<ul style="list-style-type: none"> <li>• Not required when abutting other Non-Residential uses or a lane, private right-of-way, or parking lot.</li> <li>• 3 metres</li> </ul>
iv)	Rear Yard (Minimum)	<ul style="list-style-type: none"> <li>• Not required when abutting other Non-Residential uses or a lane, private right-of-way, or parking lot.</li> <li>• 3 metres.</li> </ul>
v)	Building Height (Maximum)	12 metres

- g) Triplex and Row Dwellings shall be subject to the following:

i)	Front Yard (Minimum)	6 metres
ii)	Exterior Side Yard (Minimum):	3 metres
iii)	Interior Side Yard (Minimum):	1.2 metres, except that: <ul style="list-style-type: none"> <li>• 2.4 metres to a Triplex or Row Dwelling</li> <li>• 6 metres to a mixed-use building.</li> </ul>
iv)	Rear Yard (Minimum)	7.5 metres, except that: 15 metres to a residential building or mixed-use building.
v)	Building Height (Maximum)	12 metres
vi)	Dwelling Unit Floor Area (Minimum)	60 square metres

- h) Residential apartment dwellings, long term care facilities and nursing homes shall be subject to the following:

i)	Front Yard (Minimum)	6 metres
ii)	Exterior Side Yard (Minimum):	6 metres
iii)	Interior Side Yard (Minimum):	6 metres, except that: 6 metres to a mixed-use building.
iv)	Rear Yard (Minimum)	7.5 metres, except that: 15 metres to a residential building or mixed-use building.
v)	Building Height (Maximum)	15 metres
vi)	Dwelling Unit Floor Area (Minimum)	Bachelor Dwelling Unit – 35 sq. m. One Bedroom Unit – 50 sq. m. For each additional bedroom – 10 sq. m.

- i) In addition to (g) and (h) above all residential uses on lands zoned C6-i-H' shall be setback a minimum of 150 meters from Highway # 21
- j) In addition to (g) and (h) above, any building containing a residential use shall be oriented to and have a direct pedestrian connection at a street'.
- k) The planting strip requirements of this By-law shall not apply to the lands zoned ' C6-f-H.
- l) The 'H-holding' provision may be removed once the following conditions have been satisfied:
- i) A Development Concept Plan showing the development pattern for the subject lands or an individual phase of development has been approved by the Municipality. Particular emphasis should be placed on building location, orientation, vehicular and pedestrian access, parking, drainage and overall integration. Phasing of the development will be permitted.

#### **44.16 Travel Trailer and Campground ("C7") Zone Exceptions**

#### **44.17 Mixed-Use Commercial ("C8") Zone Exceptions**

#### **44.18 General Industrial ("M1") Zone Exceptions**

##### **44.18.1 "M1-c"**

The following exceptions shall apply to the "M1-c" Zone:

- a) 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.

#### **44.19 Extractive Industrial ("M2") Zone Exceptions**

#### **44.20 Agriculture Commercial / Industrial ("ACI") Zone Exceptions**

##### **44.20.1      "ACI-a" (By-law No. 94-02)**

The following exceptions shall apply to the "ACI-a" Zone:

- a) Lightning rod manufacturing shall be a permitted use.

##### **44.20.2      "ACI-b" (By-law No. 95-23)**

The following exceptions shall apply to the "ACI-b" Zone:

- a) Woodstove and related accessories sales establishment shall be a permitted use.

##### **44.20.3      "ACI-c"**

The following exceptions shall apply to the "ACI-c" Zone:

- a) In addition to the 'Permitted Uses' of the ACI zone, the following additional use shall also be permitted: Automobile Service Station.

##### **44.20.4      "ACI-d"**

The following exceptions shall apply to the "ACI-d" Zone:

- a) Greenhouses and associated retail sales establishment shall be a permitted use.

##### **44.20.5      "ACI-f"**

The following exceptions shall apply to the "ACI-f" Zone:

- a) The permitted uses shall include a 'Public Garage'.

44.20.6      "ACI-g" (By-law No. 98-12&2015 -138)

The following exceptions shall apply to the "ACI-g" Zone:

- a) The minimum lot area shall be 4,300 square metres (0.43 ha).
- b) The maximum lot coverage shall be 20%.
- c) The front yard shall be that portion of the property between the ACI-g zone and the 20th 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.
- d) Open storage associated with the 'ACI-g' zone shall be prohibited in a yard except in the rear yard.
- e) The repair, fabrication and servicing of horse-drawn vehicles shall be permitted.
- f) The wholesale or retail of household wares or perishable goods and materials shall be prohibited.
- g) In addition, a secondary farm residence shall be permitted.
- h) These secondary farm residences may be constructed a maximum of 20.0 m from the primary residential structure.
- i) These secondary farm residences are to be occupied by a full-time employee, employed by the owner of the farm.

44.20.7      "ACI-i" (By-law No. 2001 -68)

The following exceptions shall apply to the "ACI-i" Zone:

- a) In addition to the 'Non-Residential Uses' permitted in the ACI zone, the following additional uses shall also be permitted:
  - i) Manufacturing of agricultural implements and equipment;
  - ii) Industrial Use - Light limited to: machine shop, welding shop, blacksmith shop, wood fabricating operations;
  - iii) Contractors Yard;
  - iv) Building Supply and Sales;
  - v) Saw or Planing Mill;
  - vi) Riding Stable/Equestrian Centre;
  - vii) Kennel;
  - viii) Open storage accessory to the permitted use;
  - ix) Retail store or a business office accessory to a permitted use;
  - x) Buildings, structures and uses accessory to a permitted use.
- b) The minimum lot area shall be no less than 2.2 hectares (5.4 acres).

44.20.8      "ACI-j" (By-law No. 84-35)

The following exceptions shall apply to the "ACI-j" Zone:

- a) Shall only be used for the purposes of a retail and/or wholesale meat and groceries market.

44.20.9      "ACI-k" (By-law No. 2006- 265)

The following exceptions shall apply to the "ACI-k" Zone:

- a) The permitted non-residential uses shall be limited to:
  - i) School Bus Storage;
  - ii) Administrative Offices;
  - iii) Nursery;
  - iv) Training and Education Facility;
- b) Offices accessory to a permitted use.
- c) 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.
- d) 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.
- e) The minimum lot area shall be no less than 3345.2 m<sup>2</sup>.
- f) 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.

44.20.10      "ACI-l" (By-law No. 84- 35)

The following exceptions shall apply to the "ACI-l" Zone:

- a) Shall only be used for the purposes of bulk fuel storage.

44.20.11      "ACI-m" (By-law No. 2002- 03)

The following exceptions shall apply to the "ACI-m" Zone:

- a) The following uses shall be permitted:
  - i) Commercial generating system (wind turbine operation) purposes in accordance with the 'Energy Centre Industrial' shall be a permitted use.
- b) Maximum height of the turbine towers shall be 150 metres, including the rotor radius.
- c) Minimum setback of the turbine towers shall be 50 metres.
- d) The following uses shall not be permitted:
  - i) Greenhouses, Commercial.

44.20.12      "ACI-n" (By-law No. 2001- 24)

The following exceptions shall apply to the "ACI-n" Zone:

- a) Administrative offices, training and educational facilities.
- b) All buildings, structures and facilities with their associated uses existing on the site.
- c) 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.

44.20.13      "ACI-o"

The following exceptions shall apply to the "ACI-o" Zone:

- a) The Permitted Uses shall be limited to: Restaurant and Accessory Residential

44.20.14      "ACI-p"

The following exceptions shall apply to the "ACI-p" Zone:

- a) In addition to the Permitted Uses of the ACI zone, the following additional uses shall also be permitted:
  - i) Commercial Motor Vehicle Repair Establishment and School Bus Storage.

44.20.15      "ACI-s" (By-law No. 2005 -111)

The following exceptions shall apply to the "ACI-s" Zone:

- a) The permitted non-residential uses shall be limited to:
  - i) 'Bulk Sales Establishment – Agricultural';
  - ii) 'Farm Implement Establishment';
  - iii) 'Feed Mill & Elevator';
  - iv) 'Food Processing – Primary';
  - v) 'Industry – Non-Effluent Producing limited to packaging (i.e. bagging, boxing, crating, shrink wrapping, etc.) woodworking, ornamenting and assembly';
  - vi) 'Nursery';
  - vii) 'Warehouse excluding a 'Transport Depot';

44.20.16      "ACI-t" (By-law No. 2015 -008)

The following exceptions shall apply to the "ACI-t" Zone:

- a) A facility for the growing of fruits, vegetables, herb plants, and the production of medical marijuana are permitted;
- b) Processing and sales of medical marijuana, including but not limited to storing, drying, processing, analyzing, selling, shipping and destroying of medical marijuana

- or its by-products are permitted, in accordance with the appropriate provincial legislation; and
- c) An accessory office to a permitted 'Agriculture Commercial Industrial' use on the property is also permitted.

#### 44.20.17 "ACI-u" (By-law No. 2004-089&2006-095)

The following exceptions shall apply to the "ACI-u" Zone:

- a) The following definitions shall apply:
- i) Commercial Motor Vehicle Storage shall mean a lot and/or premises for the storage of school buses and/or other commercial motor vehicles;
  - ii) 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.
- b) The permitted non-residential uses shall be limited to:
- i) Accessory Retail;
  - ii) Administrative Offices;
  - iii) 'Automobile Sales Establishment';
  - iv) 'Commercial Motor Vehicle Repair Establishment';
  - v) 'Commercial Motor Vehicle Sales Establishment';
  - vi) 'Commercial Motor Vehicle Storage';
  - vii) 'Contractor's Yard';
  - viii) 'Marine, Recreation and Small Engine Establishment';
  - ix) Offices accessory to a permitted use;
  - x) 'Recreational Vehicle Training School';
  - xi) 'Rental Establishment';
  - xii) 'Restaurant';
  - xiii) Training and Education Facility;
  - xiv) 'Warehouse'.
- c) For the purposes of this By-law, 'Accessory Retail' shall be defined as goods, wares, or merchandise sold on the premises as an ancillary to a permitted non-residential use.
- d) 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.
- e) 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.
- f) There shall be no less than 93 parking spaces;
- g) The following zone provisions shall apply:

- i) the minimum front yard setback shall be 43.3 m as it exists on the day of passing of the By-law;
- ii) The maximum lot coverage – Principal Building shall be no greater than 5.0%;
- iii) The maximum ground floor area shall be no greater than 2230 m<sup>2</sup>.

44.20.18 "ACI-v" (By-law No. 2008- 005)

The following exceptions shall apply to the "ACI-v" Zone:

- a) Notwithstanding the "ACI" Zone Permitted Uses the permitted non-residential uses shall be limited to the following:
  - i) Agricultural equipment servicing;
  - ii) Administration offices and training facilities for:
  - iii) Farm property management, project development, land assembly, crop consulting, soil and climate protection, renewable energy from agriculture;
  - iv) Bruce ECO Industrial Park (uses related to agricultural renewable energy); BNPD facilities; Western Waste Management Facility; Bruce Skills and Technology Training Facility
  - v) Storage of seed, fertilizer and farm produce;
  - vi) Processing operations for agricultural products (excluding an abattoir and tannery);
  - vii) Heliport.

44.20.19 "ACI-x" (By-law No. 2011- 011)

The following exceptions shall apply to the "ACI-x" Zone:

- a) Those lands delineated as "ACI-x" on Schedule "A" to this By-law may be used for "Agriculture 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 Agriculture Commercial/Industrial use.

44.20.20 "ACI-y" (By-law No. 2012- 043)

The following exceptions shall apply to the "ACI-y" Zone:

- a) Motel, existing country inn, and uses accessory thereto shall be permitted in accordance with (Section 22.2 Resort Commercial 'C5' – Zone provisions).

44.20.21      "ACI-z" (By-law No. 2012 -148 & 2019 -041)

The following exceptions shall apply to the "ACI-z" Zone:

- a) Notwithstanding their "ACI" zoning designation, those lands delineated as "ACI-z" on Schedule "A" to this By-law may be used for "Agriculture Commercial Industrial" purposes in compliance with the "ACI" zone provisions contained in this By-law, excepting however, that:
  - i) Residential uses are prohibited;
- b) Permitted Non-Residential uses shall be as follows:
  - i) Transport Depot
  - ii) Commercial Motor Vehicle Repair Establishment
  - iii) Greenhouse, Commercial
  - iv) Bulk Sales Establishment – Agricultural
  - v) Feed Mill and Elevator
  - vi) Agricultural Product Warehouse
  - vii) Livestock Auction Barn
  - viii) Bulk Fuel Depot
  - ix) Contractor's Yard
  - x) Industrial Use - Dry (limited to welding shops, blacksmith shops and wood fabricating)
  - xi) Marine, Recreation and Small Engine Establishment
  - xii) Salvage Yard
  - xiii) Saw and Planing Mill
  - xiv) School Bus Storage
  - xv) Public Garage.
  - xvi) Warehousing.

44.20.22      "ACI-aa" (By-law No. 2013- 130)

The following exceptions shall apply to the "ACI-aa" Zone:

- a) Residential uses are prohibited;
- b) Permitted Non-Residential uses shall also include the following:
  - i) Automobile Car Wash
  - ii) Automobile Gas Bar
  - iii) Automobile Service Station
  - iv) Restaurant
  - v) Convenience Store
  - vi) Warehouse

44.20.23      "ACI-ab" (By-law No. 2016- 032)

The following exceptions shall apply to the "ACI-      ab" Zone:

- a) Notwithstanding their 'ACI' zoning designation, those lands delineated as 'ACI-      ab' on Schedule 'A' to this By -law may be used for ' Agriculture Commercial/Industrial' purposes in compliance with the 'ACI' zone provisions contained in this By      -law, excepting however, that:
  - i) The maximum lot coverage on the subject lands shall be 20%.

44.20.24      "ACI-ac" (By-law No. 2020 -166)

The following exceptions shall apply to the "ACI-      ac" Zone:

- a) The minimum lot area (private services) shall be 1,625.80 square meters;
- b) A communication tower is a permitted use;
- c) The maximum permitted height of the communication towers shall be 88.39m.

44.20.25      "ACI-ad" (By-law No. 2021- 104)

The following exceptions shall apply to the "ACI-      ad" Zone:

- a) The permitted non -residential uses shall be limited to:
  - i) Accessory Retail;
  - ii) Administrative Offices;
  - iii) Automobile Establishment;
  - iv) Commercial Motor Vehicle Repair Establishment;
  - v) Commercial Motor Vehicle Sales Establishment;
  - vi) Commercial Motor Vehicle Storage;
  - vii) Contractor's Yard;
  - viii) Marine, recreation and Small Engine Establishment;
  - ix) Offices accessory to a permitted use;
  - x) Recreational Vehicle Training School;
  - xi) Rental Establishment;
  - xii) Restaurant;
  - xiii) Training and Education Facility;
  - xiv) Warehouse.
- b) For the purposes of this By -law, 'Accessory Retail' shall be defined as goods, wares, or merchandise sold on the premises as an ancillary to a permitted non      -residential use.
- c) 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.

- d) 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. (*By-law 2021-104*)

#### **44.21 Rural Commercial / Industrial Zone Exceptions**

#### **44.22 Energy Centre Industrial ("ECI") Zone Exceptions**

##### **44.22.1      "ECI2-a" (By-law No. 2011-012)**

The following exceptions shall apply to the "ECI2-a" Zone:

- a) A training facility and warehouse are permitted uses;
- b) An accessory office is a permitted use.

##### **44.22.2      "ECI2-b" (By-law No. 2009-103)**

The following exceptions shall apply to the "ECI2-b" Zone:

- a) A wholesale outlet, warehouse, service establishment or contractor's yard are also permitted.

##### **44.22.3      "ECI2-c" (By-law No. 2014-112)**

The following exceptions shall apply to the "ECI2-c" Zone:

- a) Per OMB PL140995, an Industrial Training facility is also a permitted use.
- b) An accessory office to a training facility is permitted.
- c) OMB PL140995 An accessory office to an Industrial facility is permitted
- d) OMB PL40995 - For the purpose of this site specific exemption, 'Industrial Training Facility' shall be defined as the use of any building or structure or part thereof in which vocational and technical skills involving the use, operation and maintenance of industrial equipment or processes are taught, including industrial equipment and processes associated with or related to any Energy Centre Use or to the products or by-products of the Bruce Nuclear Power Development (BNPD)."

##### **44.22.4      "ECI2-d"**

The following exceptions shall apply to the "ECI2-d" Zone:

- a) A training facility and warehouse are permitted uses;
- b) An accessory office is a permitted use.

## **44.23 Airport ("AP") Zone Exceptions**

### **44.23.1      "AP-a" (By-law No. 84-12)**

The following exceptions shall apply to lands subject to the "AP-a" Zone:

- a) The minimum lot area shall be 12.95 hectares.
- b) For the purposes of this Subsection, the lot line shall be deemed to be the lot line abutting Provincial Highway No. 21.
- c) A minimum of 20 off-street parking spaces shall be provided.
- d) A maximum of four (4) airport hangars shall be permitted.
- e) 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.
- f) Aircraft and vehicle access routes shall be permitted.
- g) Agricultural uses, provided no buildings or structures are erected, shall be permitted.
- h) An 'Accessory Detached Dwelling' for the owner, manager or caretaker of the uses permitted within an 'AP' Zone shall be permitted.

## **44.24 Institutional ("I") Zone Exceptions**

### **44.24.1      "I-a" (By-law No. 84-35)**

The following exceptions shall apply to the "I-a" Zone:

- a) The Permitted Uses shall be limited to a snowmobile club.

### **44.24.2      "I-b" (By-law No. 2003-062)**

The following exceptions shall apply to the "I-b" Zone:

- a) The minimum exterior side yard setback shall be no less than 5.9 metres (19.34 feet);
- b) 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
- c) The parking area along the north property line shall be setback from property line no less than 1.0 metre (3.28 feet);
- d) A 'Loading Space' shall be provided, excepting however that the driveway access may be reduced to 5 metres in width (16.4 feet).

### **44.24.3      "I-c"**

The following exceptions shall apply to the "I-c" Zone:

- a) The Permitted Uses shall be limited to a cemetery.

#### 44.24.4 "I-d" (By-law No. 2005-069)

The following exceptions shall apply to the "I-d" Zone:

- a) The lands shall only be used only for an Ontario Provincial Police Station.

#### 44.24.5 "I-e" (By-law No. 2009-177)

The following exceptions shall apply to the "I-e" Zone:

- a) The minimum lot area shall be no less than 635 square metres (6850 sq.ft.);
- b) The minimum lot frontage shall be no less than 15.9 metres (52 ft);
- c) 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;
- d) 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.

### **44.25 Open Space ("OS") Zone Exceptions**

#### 44.25.1 "OS-b" (By-law No. 2016-028)

The following exceptions shall apply to the "OS-b" Zone (ref. OMB decision Case No. PL070939):

- a) Permitted uses are limited to the following:
  - i) Uses identified in "Permitted uses in All Zones";
  - ii) Conservation;
  - iii) Passive Recreation;
  - iv) Structures accessory to permitted uses, and to facilitate lake view corridors in accordance with the Conditions of Draft Approval, such as viewing platform, decks, stairs, gazebo, unenclosed picnic shelter.

#### 44.25.2 "OS-c" (By-law No. 2016-028)

The following exceptions shall apply to the "OS-c" Zone (ref. OMB decision Case No. PL070939):

- a) Permitted uses are limited to the following
  - i) Uses identified as Permitted Uses in All Zones;
  - ii) Park
  - iii) Recreation Facility
  - iv) Auditorium
  - v) Swimming Pool
  - vi) Passive Recreation
  - vii) Playground

- viii) Accessory uses, such as a parking lot and washroom facilities.

#### 44.25.3 "OS-d"

The following exceptions shall apply to the "OS-d" Zone:

- a) Permitted uses include a Campground.

### **44.26 Waste Disposal Areas ("WD") Zone Exceptions**

#### 44.26.1 "WD-a" (By-law No. 2014-008)

The following exceptions shall apply to the "WD-a" Zone:

- a) 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;
  - iii) Material Recycling Facility; and
  - iv) A Leachate Treatment Plant.

### **44.27 Environmental Protection One ("EP1") Zone Exceptions**

#### 44.27.1 "EP1-a"

See Section 40.2.

#### 44.27.2 "EP1-b" (By-law No. 98-20)

The following exceptions shall apply to the "EP1-b" Zone:

- a) Open storage accessory to a permitted use within the C2 zone shall be permitted.

#### 44.27.3 "EP1-c" (By-law No. 2002-103)

The following exceptions shall apply to the "EP1-c" Zone:

- a) The lands shall not be altered, regraded, filled or excavated
- b) No trees shall be removed except for proper forest management practices and for safety reasons.

#### 44.27.4 "EP1-d" (By-law No. 2006-030)

The following exceptions shall apply to the "EP1-d" Zone:

- a) 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.

#### 44.27.5 "EP1-e" (By-law No. 2003- 167)

The following exceptions shall apply to the "EP 1-e" Zone:

- a) 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 water main infrastructure;
- b) 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 water main infrastructure, and as approved in the tree retention plan.
- c) The 'EP -e' zoning shall remain along the western portion for the properties and abutting Lorne Creek, but will be removed from the area in the centre of the two existing lots.

#### 44.27.6 "EP1-f" (By-law No. 2004 -083)

The following exceptions shall apply to the lands concurrently subject to the "EP 1-f" Zones:

- a) Golf courses shall be permitted use;
- b) 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 the EP Zone.

#### 44.27.7 "EP1-g" (By-law No. 2006 -031)

The following exceptions shall apply to the "EP 1-g" Zone:

- a) Accessory buildings and permanent structures such as swimming pools, garden sheds, garages or other similar structures or uses, are not permitted;
- b) There shall be no site alteration, regrading, filling, excavation, or vegetation removal.

#### 44.27.8 "EP1-j" (By-law No. 2006 -263)

The following exceptions shall apply to the "EP 1-j" Zone:

- a) A single detached dwelling shall be permitted use;
- b) The front yard setback shall be no less than 2.3m;
- c) The lot shall comply with the provisions of the 'Residential One Zone', with the exception of the minimum front yard setback .

44.27.9        "EP1-o" (By-law No. 2010- 064)

The following exceptions shall apply to the "EP 1-o" Zone:

- a) A deck and an enclosed porch (deck roof) is a permitted use but must maintain a minimum, there a yard setback to the deck as it existed on the date of passage of this By-law;
- b) Provisions relating to frontage on a Class 1 or 2 street shall not apply.

44.27.10       "EP1-p" (By-law No. 2010 -140)

The following exceptions shall apply to the "EP 1-p" Zone:

- a) 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.

44.27.11       "EP1-q" (By-law No. 2011 -010)

The following exceptions shall apply to the "EP 1-q" Zone:

- a) A single detached dwelling shall be a permitted use;
- b) The lot shall comply with the provisions of the 'Residential One Zone', with the exception:
  - i) That the minimum lot frontage and lot area shall be as it existed on the date of passage of this By-law
  - ii) 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;
  - iii) That the maximum lot coverage for the principal building shall be 25 %.
- c) Provisions relating to frontage on a Class 1 or 2 street shall not apply.

44.27.12       "EP1-r" (By-law No. 2011 -139)

The following exceptions shall apply to the "EP 1-r" Zone:

- a) A single detached dwelling shall be a permitted use;
- b) 'Watercourse Setbacks' shall not apply;
- c) The minimum lot frontage shall be 15 metres;
- d) The minimum lot area shall be 340.9 square metres as it existed on the date of passage of the By-law;
- e) The minimum on-site parking shall be two (2) spaces;
- f) The minimum front yard setback shall be 3.1 metres;
- g) The minimum interior side yard setback shall be 2.4 metres on one side and 1.2 metres on the opposite side;

- h) The minimum rear yard setback of not less than 6.4 metres;
- i) The Total floor area (Minimum) shall be 70 square metres;
- j) The Height – Principal Building (Maximum) shall be 10.5 metres;
- k) The Lot Coverage – Principal Building (Maximum) shall be 40 percent.

44.27.13 “EP1-s” (By-law No. 2013- 077)

The following exceptions shall apply to the “EP 1-s” Zone:

- a) One road and stream crossing for access to the property will also be a permitted Non-Residential use .

44.27.14 “EP1-t” (By-law No. 2016 -028)

The following exceptions shall apply to the “EP 1-t” Zone (ref. OMB decision Case No. PL070939):

- a) Permitted uses are limited to the following :
  - i) Uses identified in “Permitted Uses in All Zones”;
  - ii) Municipal servicing infrastructure including approved stormwater management facilities;
  - iii) Conservation;
  - iv) Passive Recreation;
  - v) Structures accessory to permitted uses, and to facilitate lake view corridors in accordance with the Conditions of Draft Approval, such as viewing platform, decks, stairs, gazebo, unenclosed picnic shelters.

44.27.15 “EP1-u” (By-law No. 2016- 031)

The following exceptions shall apply to the “EP 1-u” Zone:

- a) Site alterations shall be limited to established best practices for forest management.

44.27.16 “EP1-v” (By-law No. 2017 -108)

The following exceptions shall apply to the “EP1-v” Zone:

- a) A new single detached dwelling, septic system and existing accessory structures may be permitted in accordance with the plot plan prepared by W.D. INC. (dated 1/25/17);
- b) The front yard setback of the new dwelling shall be no less than 3.05m;
- c) Vegetation removal shall be prohibited, except in accordance with the development permit from Saugeen Valley Conservation Authority (SVCA).

#### 44.27.17 "EP1-w" (By-law No. 2019-042)

The following exceptions shall apply to the "EP1-w" Zone:

- a) A single detached dwelling shall be a permitted use;
- b) The side yard setback shall be no less than 1.8 metres on one side, other side shall be no less than 1.2 metres.
- c) The lot shall comply with the provisions of the 'Residential One Zone', with the exception of the minimum side yard setback.

#### 44.27.18 "EP1-x" (By-law No. 2019-061)

The following exceptions shall apply to the "EP1-x" Zone:

- a) A single detached dwelling shall be a permitted use;
- b) The lot shall comply with the provisions of the 'Residential One Zone'.

### **44.28 Environmental Protection Two ("EP2") Zone Exceptions**

#### 44.28.1 "EP2-m" (By-law No. 2007-292)

The following exceptions shall apply to the "EP2-m" Zone:

- a) The Permitted Uses shall be limited to 'Passive Recreation'; and
- b) 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
- c) Trees shall not be removed except in accordance with the approved 'Tree Retention Plan'.

### **44.29 Planned Development ("PD") Zone Exceptions**

#### 44.29.1 "PD-i"

The following exceptions shall apply to the "PD-i" Zone:

- a) An existing veterinary clinic shall be permitted.

#### 44.29.2 "PD-j"

The following exceptions shall apply to the "PD-j" Zone:

- a) In addition to the permitted uses in the 'PD' zone:
  - i) Buildings and Structures permitted in the 'A1' zone, save and except a livestock facility are permitted;

- ii) A detached residence is permitted, in accordance with the 'R1' zone provisions.

44.29.3 "PD-I" (By-law No. 2016 -140)

The following exceptions shall apply to the "PD -I" Zone:

- a) Provisions relating to Frontage on a Class One (1) Street and Frontage on a Class Two (2) Street, shall not apply.
- b) The lot line adjacent to Lake Street (unopened Road allowance) shall be deemed the front lot line.
- c) The minimum front yard setback shall be no less than 5.7m; all other 'R1' zone provisions shall apply.

## **Section 45: Enactment**

### **45.1 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.

### **45.2 Repeal of Existing By-laws**

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.

### **45.3 Application in Process**

The following application has been submitted to the Municipality of Kincardine for amendment to the Comprehensive Zoning By-law previously in force and effect in the Municipality. This 'Application in Process' has not been resolved as of the date of the passage of this By-law. It is intended that the policies of the relevant Comprehensive Zoning By-law be retained as they relate to the following 'application in-process':

- i) By-law 2025 – 042 - Gregory Andrew Shipp and Lori Anne Templeton – 9 Parkwood Road, Kincardine (former Township of Kincardine) - File No. Z-2024-068.

### **45.4 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 23<sup>rd</sup> day of April, 2025.

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Mayor

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Clerk