

TOWNSHIP OF WEST LINCOLN

ZONING BY-LAW BY-LAW NO. 79-14

A By-law to prohibit the use of land and the erection or use of buildings or structures, except for certain purposes; to regulate the height, bulk, location, size, floor area, spacing, character and use of buildings or structures; to require loading and parking facilities for buildings or structures erected or used for certain purposes, and to prohibit the making or establishment of pits and quarries within defined areas of the Township of West Lincoln.

THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN ENACTS AS FOLLOWS:

SECTION 1: TITLE

This By-law may be cited as "The Zoning By-Law of the Township of West Lincoln".

SECTION 2: DEFINED AREA

This By-law applies to all land within the boundaries of the Township of West Lincoln.

SECTION 3: DEFINITIONS

In this By-law, unless the context otherwise requires,

3.1 "Abattoir"

Shall mean a building or structure specifically designed to accommodate the penning and slaughtering of live animals and the preliminary processing of animal carcasses and may include the packing, treating, storing and sale of the product on the premises.

3.1a "Accessory Building or Structure"

- (a) means a detached building or structure that is not used for human habitation, but the use of which is naturally and normally incidental to, subordinate to or exclusively devoted to a principal use or building and located on the same lot therewith, and
- (b) includes a detached private garage, a detached carport, and a private kennel.

3.2 "Accessory Use"

means a use naturally and normally incidental to, subordinate to or exclusively devoted to a principal use and located on the same lot therewith.

3.2a "Adult Entertainment Parlour"

Means any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, goods or services appealing to or designed to appeal to erotic or sexual appetites or inclinations.

In this definition:

- (a) "goods" includes books, magazines, pictures, slides, film, phonograph records, pre-recorded magnetic tape and any other reading, viewing or listening matter;

- (b) "to provide" when used in relation to goods includes to sell, offer to sell or display for sale, by retail or otherwise such goods, and "providing" and "provision" have corresponding meanings;
- (c) "to provide" when used in relation to services includes to furnish, perform, solicit, or give such services and "providing" and "provision" have corresponding meanings;
- (d) "services" included activities, facilities, performances, exhibitions, viewing and encounter;
- (e) "services" designed to appeal to erotic or sexual appetites or inclinations includes;
 - (i) services of which a principal feature or characteristic is the nudity or partial nudity of any person,
 - (ii) services in respect of which the word "nude", "naked", "topless" "bottomless", "sexy" or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement. (By-law # 87-54)

3.3 "Agricultural Use"

- (a) means a use of land, building or structure for the purpose of animal husbandry, bee-keeping, dairying, fallow, field crops, forestry, fruit farming, horticulture, market gardening, medical marijuana growth and accessory processing facilities (subject to a site specific zone amendment), pasturage, poultry keeping, farm greenhouses, or any other farming use, and (By-law 2014-17)
- (b) includes the growing, raising, packing, treating, storing, and sale of produce produced on the premises and other similar uses customarily carried on in the field of general agriculture and which are not obnoxious.

3.4 "Alter"

means any alteration in a bearing wall or partition, column, beam, girder, or other supporting member of a building or structure, or any increase in the area or cubic contents of a building structure.

3.5 "Amenity Area"

means the area situated within the boundaries of a project and intended for recreational purposes, which may include open spaces, patios, balconies, communal play area, lounges, sundecks and roof decks but shall not include the area occupied at grade by the buildings, service areas, parking and driveways.

3.6 "Animal Hospital"

means the premises of a veterinary surgeon where animals, birds or other livestock are treated or kept.

3.7 "Apartment House"

- (a) means a separate building containing five or more dwelling units each of which is occupied by only one family, and which units have a common entrance from the street level, but
- (b) does not include a boarding or rooming house.

3.7a "Arcade"

means any establishment or part or parts of an establishment containing 3 or more arcade machines operated for gain, including where the operation of such game machines for gain is an accessory use or is not the primary use of the establishment. (By-law # 82-14)

3.7b "Arcade Machine"

means any mechanical game machine or electronic game machine including a pinball machine operated for gain or profit. (By-law # 82-14)

3.8 "Attic"

means that portion of a building wholly or in part within the roof and which is not a one-half storey.

3.9 "Automobile Service Station"

(a) means a building or place

(i) where gasoline or other motor fuels are kept for sale and for delivery directly into a motor vehicle, and

(ii) used only for the sale and delivery described in Clause (i) of this subparagraph and for the performance of minor running repairs essential to the actual operation of motor vehicles and for the sale to the motoring public of goods usual to the trade, but

(b) does not include a public garage or an automatic car washing establishment.

3.9a "Average Finished Grade"

Shall mean with reference to a building or structure the average elevation of the finished grade of the ground immediately surrounding such structure, exclusive in both cases of any artificial embankment or entrenchment. (By-law 2010-03)

3.10 "Bachelor Unit"

(a) means a dwelling unit in which only one room or part thereof contains sleeping accommodation, and which room is used as a living or dining room, or both, as well as for sleeping purposes but,

(b) does not mean or include a dwelling unit containing one or more rooms designed exclusively for sleeping accommodation.

3.11 "Basement"

Means that portion of a building between two floor levels which is partly underground but which has at least half of its height, from finished floor to underside of floor joists of the next above storey, above the adjacent average finished grade level adjacent to the exterior walls of the building and in which the height from finished grade to underside of the floor joists of the next above storey is less than 2 metres.

3.11a "Bakery"

Means a factory for producing, mixing or baking bread, biscuits, ice cream cones, cakes, pies, buns or bagels or any other bakery product of which flour is the principal ingredient. Accessory retail facilities associated with the bakery will only be permitted provided the

accessory retail use does not exceed 15% of the Gross Floor Area. (By-law 2012-25)

3.11b "Brew on Premises"

Means an establishment where the public can rent facilities and equipment, and purchase materials necessary for the making of beer and/or wine for their personal consumption.
(By-law 2012-25)

3.12 "Boarding or Rooming House"

- (a) means a dwelling in which lodging with or without meals is supplied for gain to three (3) or more persons other than the lessee, tenant or owner of said dwelling, or any member of his family, but
- (b) does not mean or include a motel, hotel, hospital, or similar commercial or institutional use, or apartment house.

3.13 "Building"

means a structure having a roof supported by columns or walls or supported directly on the foundation and used or intended for use as a shelter or accommodation for persons, animals or goods.

3.13a "Business, Professional Office or Administrative Office"

Shall mean a building or part of a building in which one or more persons are employed in the management, direction or conducting of a business or where professionally qualified persons and their staff service clients or patients who seek advice, consultation or treatment and may include the administration offices of a non-profit or charitable organization.
(Amended by By-law 2006-135)

3.14 "Car Dealership"

Shall mean a building or lot used solely for the display and sale or lease of motor vehicles.
(By-law 2005-02)

3.15 "Carport"

means a building or structure or part thereof, at least forty percent (40%) of the area of the perimeter faces of which are open and unobstructed by any wall, door, post or pier,

- (a) which is used for the temporary parking or storage of private passenger motor vehicles or commercial vehicles of less than one (1) tonne maximum capacity, and
- (b) wherein neither servicing or repairing is carried on for profit.

3.16 "Car Wash"

- (a) means a place or building where motor vehicles are washed, cleaned or polished for compensation including coin wash, but
- (b) does not include a service station or a public garage where car washing is done only as incidental to the operation of such service station or public garage.

3.17 "Cellar"

means that portion of a building between two floor levels,

- (a) which is partly or wholly underground, and
- (b) which has more than one-half of its height from finished floor to finished ceiling, below average finished grade level adjacent to the exterior walls of the building?

3.18 "Cemetery"

means a cemetery or columbarium within the meaning of the Cemeteries Act, being Chapter 57 of the Revised Statutes of Ontario, 1970, as amended from time to time.

3.19 "Church"

means a building set aside by any religious organization for public worship, and may include a rectory, or manse, assembly hall, day nursery, or religious school associated therewith or accessory thereto.

3.20 "Clinic"

means a building or part therein used by qualified medical practitioners, dentists, osteopaths, or other drugless practitioners, numbering more than two for public or private medical, surgical, physiotherapeutic or other human health purpose except when included within or accessory to a private or public hospital.

3.21 "Club"

- (a) means a building or part of a building used as a meeting place for members or an organization, and
- (b) includes a lodge, a fraternity or sorority house and a labour union hall.

3.22 "Commercial"

means the use of land, building or structure for the purpose of buying and/or selling commodities, and supplying of services as distinguished, from such uses as manufacturing or assembling of goods, warehousing, transport terminals, construction and other similar uses.

3.23 "Commercial Club"

means any club other than a private club.

3.23a "Convenience Retail Shop"

means a building or portion of a building wherein groceries, tobacco, confections, periodicals and other similar items are offered for sale to serve the daily or occasional needs of residents of the immediate neighbourhood. (By-law # 91-50)

3.24 "Cleaning or Pressing Shop"

means a building or part thereof used for the purposes of receiving articles or goods of fabric to be subjected to the process of dry cleaning, dry dyeing or pressing.

3.25 "Council"

means the Council of the Corporation of the Township of West Lincoln.

3.26 "Custom Workshop"

- (a) means a building or part of a building used by a trade, craft or guild for the manufacture in small quantities of made-to-measure clothes or articles and
- (b) includes upholstering but does not include metal spinning, woodworking or furniture manufacture, or any factory production or any shop or factory otherwise classified or defined in this By-law.

3.27 "Daylighting Triangle"

means an area free of buildings or structures and which area is to be determined by measuring from the point of intersection of street lines on a corner lot, the distance required by this By-law along each such street line and joining such points with a straight line and the triangular-shaped land between the intersecting street lines and the straight line joining the points the required distance along the street lines is the "day lighting triangle".

3.28 "Day Nursery"

means a day nursery as defined in the Day Nurseries Act, Revised Statutes of Ontario, 1970, as amended from time to time.

3.28a "Dry Cleaning Facility"

Means a building, or portion thereof where dry cleaning, dying, cleaning or pressing of articles or goods of fabric is carried on.
(By-law 2012-25)

3.29 "Dwelling"

means a separate building containing one or more dwelling units.

3.30 "Dwelling, Converted"

means a dwelling altered to contain a greater number of dwelling units.

3.31 "Dwelling, Duplex"

means a separate building of two (2) or more storeys divided horizontally into not more than two (2) dwelling units, each of which is completely on a separate storey, and which building is not used by not more than two (2) families.

3.32 "Dwelling, Fourplex"

means a separate building containing only four (4) dwelling units and used by not more than four (4) families.

3.33 "Dwelling, One Family Detached"

means a separate building containing not more than one dwelling unit and is used by not more than one family.

3.34 "Dwelling, Semi-Detached"

means a separate building divided vertically into not more than two (2) dwelling units, and which dwelling units may be held in separate ownership and which building is used by not more than two (2) families.

3.35 "Dwelling, Split Level"

means a dwelling containing three (3) or more sections at different levels where the difference in elevation is not less than one metre nor more than 2 metres between any such section and the next horizontally adjoining section, and two (2) or more of such sections are to contain one or more habitable rooms.

3.36 "Dwelling, Townhouse"

means a separate building divided vertically into more than three (3) but fewer than nine (9) dwelling units on the same level.

3.37 "Dwelling, Triplex"

means a separate building containing only three (3) dwelling units and used by not more than three (3) families.

3.38 "Dwelling Unit"

- (a) means one room or a suite of rooms in a building used or designed or intended to be used by only one family as a single, independent and separate housekeeping establishment,
 - (i) in which food preparation and sanitary facilities are provided for the exclusive use of such family, and
 - (ii) which has a private entrance from outside the building or from a common hallway or stairway inside the building, but
- (b) does not mean or include a tent, cottage, cabin, trailer, mobile home, or a room or suite of rooms in a boarding or rooming house, in a hotel, motel, motor hotel, or tourist home.

3.38a "Easement"

Shall mean the right of use over the property of another land owner and right to ingress and egress and which shall not be stopped up or blocked by the owner.
(Amended by By-law 2006-135)

3.39 "Erect"

- (a) means, with reference to a building or structure, build, construct, reconstruct or enlarge, and
- (b) includes:
 - (i) any physical operation such as excavating, filling, grading, or draining preparatory to building, construction, reconstruction, and
 - (ii) the moving of a building or structure from one location to another, and "erected" and "erection" have a corresponding meaning.

3.40 "Existing"

means existing on the date of the passing of this By-law.

3.41 "Family" means

- (a) a person or two (2) or more persons interrelated by bonds of consanguinity, marriage or legal adoption, and together with not more than two (2) persons unrelated to such persons, or

- (b) not more than five (5) unrelated persons living together as a single, independent and separate housekeeping unit in one dwelling unit and for the purpose of this paragraph, the word "family" includes and shall be deemed to include gratuitous guests and bona fide servants employed as such on the premises containing the said dwelling unit. (By-law # 87-03)

This definition shall not be construed to permit a "group home" as otherwise defined in this by-law.

"Farm Service Establishment"

means a welding shop, a public garage including an engine and autobody repair shop, plumbing shop, electrical shop, including electric motor repair shop, carpentry shop, and machinery repair shop.

3.42a "Farm Help House, Permanent"

means a detached dwelling located on the same lot and accessory to an agricultural use. The structure shall be provided and maintained by the owner or operator for the accommodation of persons employed full-time in agriculture by the owner of the lot. The owner must demonstrate that the size and/or nature of the farm operation make the construction of such a dwelling, and employment of such help necessary. (By-law # 2003-39)

3.43 "Floor Area"

means with reference to a building, the total habitable floor area within a building which area is measured between the exterior faces of the exterior walls or from the centreline of a common or party wall, but excluding any private garage, breezeway, porch, veranda, balcony, sun room, attic, basement, or cellar.

3.43a "Leasable Floor Area"

means the sum of the area of all floors of a building measured from the interior surface of the exterior walls including basements, cellars, attics, garages, sunrooms, verandas and porches but excluding the following:

- (a) any area not capable of being used for any permitted commercial use which area may include, without restricting the generality of the foregoing enclosed mall areas, public corridors, public washrooms, utility rooms, and utility and service corridors, and
- (b) storage areas
 - i in which the public cannot nor does not have access; and
 - ii which are capable of being used for no other purpose than storage of goods, fixtures and equipment; and
- (c) 15 per cent of the total floor area of an enclosed mall. (By-law # 91-50)

3.44 "Floor Area, Gross"

means the aggregate of the floor areas of all the storeys of all buildings on a lot expressed as a percentage of the lot area, and including the floor area of any basement but not of any cellar or sub cellar, which floor areas are measured between exterior faces of the exterior walls of the building at each floor level but excluding car parking areas within the building and, for the purpose of this paragraph the walls of an inner court are and shall be deemed to be exterior walls, and the gross floor area in each Zone applies only that portion of such

lot that is located within said Zone.

3.45 "Floor Area, Ground"

means the floor area of the lowest storey of a building approximately at or first above the finished grade level excluding any basement, cellar or sub cellar, which area is measured between the exterior faces of the exterior walls at the floor level of such a storey, but

- (a) excludes car parking areas within the building, and
- (b) for the purpose of this paragraph the walls of an inner court are and shall be deemed to be exterior walls.

3.46 "Garage, Private"

means a building or part thereof used for the temporary parking or storage of private passenger motor vehicles or commercial vehicles of less than one tonne maximum capacity and wherein neither servicing or repairing is carried on for remuneration.

3.47 "Garage, Public"

- (a) a building or place where motor vehicles are kept or stored for remuneration or repair or a building or place used as a motor vehicle repair shop, but
- (b) does not include an automatic car washing establishment, a motor vehicle sales lot or an automobile service station.

A Public Garage may also include the incidental retail sale to the general public of automotive parts and accessories and motor vehicles, not to exceed a total of six plated or unplated motor vehicles at any one time, as an accessory use to a Public Garage.
(By-law 2006-135)

3.48 "Gasoline Bar"

means one (1) or more pump islands, each consisting of one (1) or more gasoline pumps and a shelter having a floor area of not more than 9 square metres, excluding washrooms, which shall not be used for the sale of any product other than liquids and small accessories required for the operation of motor vehicles and shall not be used for repairs, oil changes or greasing.

3.49 "Greenhouse, Commercial"

means a building for the growing of flowers, plants, shrubs, trees and similar vegetation which are not necessarily transplanted outdoors on the same lot containing such greenhouse, but are sold directly from such lot at wholesale or retail.

3.50 "Greenhouse, Farm"

means a building used for the growing of plants, shrubs, trees and similar vegetation to be later transplanted outdoors principally for the farmer's use on his farm and not for wholesale or retail sale except in the case where the farmer wishes to sell some of his surplus crops on a small scale basis keeping in mind that the principal use of the greenhouse is not for commercial purposes. (By-law # 80-16)

3.50A "Group Home" means

a single housekeeping unit in a residential dwelling in which three to six residents (excluding staff or receiving family) live as a family under responsible supervision consistent with the requirements of its residents. The home shall be licensed or approved under

provincial statute. (By-law # 87-03)

3.51 "Habitable Room"

means a room in a dwelling used or intended to be used primarily for human occupancy, but does not include a bathroom, toilet room, serving or storage pantry, laundry and corridor.

3.52 "Homes for the Aged"

means an institution to which the Homes for the Aged and Rest Home Act, being Chapter 206 of the Revised Statutes of Ontario, 1970, as amended from time to time, applies and any home for Senior Citizens sponsored and administered by any public agency or any Federal, Provincial, or Municipal Governments or agencies, or by public subscription or donation or by any combination thereof, and such homes shall include auxiliary uses such as club and lounge facilities usually associated with Senior Citizens' developments.

3.53 "Height"

means with reference to a building the vertical distance measured from the average finished grade level at the front elevation of such a building to

(a) in the case of a flat roof, the highest point of the roof surface, or the parapet, whichever is greater and

(b) in the case of a pitched roof, a point midway between the eaves and the ridge,

but in calculating the height of a building, any construction used as ornament or for the mechanical operation of the building such as a mechanical penthouse, or a chimney tower, cupola or steeple is not to be included.

3.53a "Home Industry"

Shall mean a gainful occupation including carpentry, electrical, woodworking, window framing, welding, plumbing, machine or auto repair shop, service shop or blacksmith, conducted in whole or in part in an accessory building to a single family detached dwelling by the residents, provided that:

(a) there is no external advertising other than a sign erected in accordance with any By-laws of the Corporation regulating signs;

(b) there is no outside storage of goods, materials or equipment unless fully enclosed by a fence or other enclosure which provides visual screening;

(c) such home industry is not an obnoxious trade, business or manufacture;

(d) such home industry is clearly secondary to the main residential use and does not change the residential character of the dwelling;

(e) not more than 2 persons, other than the owner, are employed therein on a full-time basis; and,

(f) such home industry satisfies all requirements of the Ontario Building Code and all applicable By-laws and Regulations.

(g) the lot shall be an existing lot with not less than 24 metres of frontage and 60 metres of depth and a total area of not less than 1,850 square metres.
(By-law 2006-135)

3.54 “Home Occupation”

No home occupation shall be permitted in any zone unless such home occupation complies with the following provisions:

(a) GENERAL

- i. The home occupation shall be permitted in a single detached dwelling unit, semi-detached dwelling unit or duplex dwelling unit only, and it shall be clearly incidental and secondary to the main residential use and it shall not change the residential character of the dwelling;
- ii. The ground floor area of any dwelling unit containing a home occupation shall be not less than 55 sq. m;
- iii. Only one home occupation shall be permitted per dwelling unit.
- iv. One (1) non-illuminated sign having a maximum area of 0.2 square metres shall be permitted on the property to advertise the home occupation. The sign shall not be located within a daylighting triangle and shall not be closer than 1 metre to a property line.

(b) SIZE

Not more than 25% of the gross floor area of a dwelling unit shall be used for the purpose of a home occupation.

(c) NO ACCESSORY BUILDINGS OR GARAGES

No accessory building, attached garage or detached garage shall be erected, altered or used for the purposes of a home occupation.

(d) OCCUPANCY

Any dwelling unit containing a home occupation shall be operated by an occupant of the dwelling unit and have no employees other than those resident in the dwelling unit. A home occupation cannot be used for the purpose of employees, other than those residing in the dwelling unit, to report to work from or pick up or make deliveries there from.

(e) ADVERTISING

There shall be no external display or advertising other than a lawful sign, to indicate to persons outside that any part of the dwelling unit is being used for a purpose other than residential.

(f) SALES OR RENTALS

On any lot containing a home occupation, there shall be no goods, wares or merchandise, other than those produced on the premises, offered or exposed for sale or rent on such premises.

(g) OPEN STORAGE AREA

No part of any lot containing a home occupation shall be used as an open storage area accessory to that home occupation use.

(h) PERMITTED USES

Only the following uses are permitted as home occupations:

- personal service shop
- professional office
- business office
- home office of a tradesman performing work off-site
- hair salon
- aesthetician
- caterer's establishment, provided there is compliance with all local and Regional requirements
- carpentry and woodworking
- retail sale of goods manufactured on-site, including plant material
- manicures and pedicures
- massages performed by a Registered Massage Therapist duly licensed by Province
- music instruction

(j) MECHANICAL EQUIPMENT

In the conduct of a home occupation, no mechanical equipment, except that ordinarily used for household tasks or recreational hobbies, shall be used.

(k) PARKING

In addition to the required parking for the dwelling unit, a minimum of one (1) space shall be provided on-site for the home occupation. (By-law 2006-135)

3.55 "Hospital, Private"

means a hospital as defined by The Private Hospital Act, being Chapter 361 of the Revised Statutes of Ontario, 1970, as amended from time to time, and a sanatorium as defined by the Private Sanitaria Act, being Chapter 363 of the Revised Statutes of Ontario, 1970, as amended from time to time.

3.56 "Hospital, Public"

means an institution as defined by The Public Hospitals Act being Chapter 378 of the Revised Statutes of Ontario 1970, as amended from time to time.

3.57 "Hotel" means

- (a) a building or connected buildings consisting of at least ten (10) individual rental units used mainly for the purpose of catering to the needs of the travelling public by furnishing sleeping accommodations with or without food, but
- (b) does not include rooming or boarding houses or apartments.

3.57a "Industrial Use"

Shall mean the use of land, buildings or structures for the manufacturing, processing, fabricating or assembly of raw materials or goods, warehousing or bulk storage of goods and related accessory uses. (By-law 2006-135)

3.58 "Institutional" means

- (a) the use of land, buildings or structures for religious, charitable, educational, health or welfare purposes, and
- (b) includes churches, places of worship, public or private schools, day nursery, public or private hospital, children's home, nursing home, home for the aged or infirm, monastery, convent or training school.

3.59 "Livestock Operation"

Shall mean the use of land, building or structure for the raising of fowl, or animals where the number of livestock and separation distances are determined in accordance with the Minimum Distance Separation Formulas, as amended from time to time, are housed. Such operations shall also comply with all applicable Nutrient Management rules and regulations. For the purpose of this by-law an intensive animal operation shall be deemed to be an operation not in compliance with the above. (By-law 2006-135)

3.60 "Kennel, Commercial"

Is a kennel where the primary purpose of the facility is for:

- (a) the boarding of dogs for hire or gain and/or;
- (b) where the primary purpose of the facility is for the breeding of dogs for commercial gain; and/or
- (c) where the primary purpose of the facility is for the training of dogs;

No commercial kennel may have more than 50 dogs at one time, excluding pups under ten (10) weeks of age, except by amendment to this by-law. (By-law 2010-98)

3.61 "Kennel, Private"

Is a kennel where five or more dogs, excluding pups under ten (10) weeks of age, are kept for personal use such as hunting dogs, or show dogs kept for the purpose of training or are kept as pets; and where there is no boarding and no revenue derived from the kennel. No private kennel may have more than 20 dogs at one time, excluding pups under ten (10) weeks of age, except by amendment to this by-law. (By-law 2010-98)

3.62 "Landscaping"

- (a) means an area not built upon and not used for any purpose other than as a landscaped area which may include grass, shrubs, flowers, trees, and similar types of vegetation, and paths, walks, patios, fences, and similar appurtenances, but
- (b) does not include parking areas, parking lots, driveways or ramps.

3.63 "Lane"

means any passageway or right-of-way shown on a registered plan other than a street.

3.64 "Loading Space"

means an area of land which is provided and maintained upon the same lot or lots upon which the principal use is located and which area,

- (a) is provided for the temporary parking of one commercial motor vehicle while merchandise or materials are being loaded or unloaded from such vehicle, and such parking is not for the purpose of offering commodities for sale or display, and
- (b) is adequate for the temporary parking of one commercial vehicle, and

- (c) is not less than 3.5 metres in width nor less than 9 metres in length, nor less than 4.5 metres in clear and unobstructed height, exclusive of any land used for access, manoeuvring, driveway or similar purpose, and
- (d) is not upon or partly upon any street, lane or alley, and
- (e) has adequate access to permit ingress and egress of a commercial motor vehicle from a street by means of driveways, aisles, manoeuvring areas or similar areas, no part of which access is to be used for the temporary parking or storage of any motor vehicle.

3.65 "Lot"

means a parcel or tract of land,

- (a)
 - (i) which is a whole lot as shown on a Registered Plan of Subdivision, but a Registered Plan of Subdivision for the purposes of this paragraph does not include a Registered Plan of Subdivision which has been deemed not to be a Registered Plan of Subdivision under a By-Law passed pursuant to Section 29 of The Planning Act, being Chapter 349 of the Revised Statutes of Ontario, 1970, as amended from time to time; or
 - (ii) is a separate parcel of land without any adjoining lands being owned by the same owner as of the date of passing of this By-law; or
 - (iii) the description of which is the same as in a deed which has been given consent pursuant to Section 29 of The Planning Act, being Chapter 349 of the Revised Statutes of Ontario, 1970, as amended from time to time; or
 - (iv) is the whole remnant remaining to an owner or owners after a conveyance made with consent pursuant to Section 29 of The Planning Act, being Chapter 349 of the Revised Statutes of Ontario, 1970, as amended from time to time;
- (b) which fronts on a street that has been opened, improved maintained and assumed for public use by the Municipality or the Regional Municipality of Niagara unless such street is within a Plan of Subdivision registered pursuant to Subsection 33(16) of The Planning Act, Revised Statutes of Ontario, 1970 and in accordance with any requirements under The Registry Act or The Land Titles Act, after the date of passing of this By-law, in which case the responsibility for such street for public use is not required to have been accepted or assumed by the municipality pursuant to the municipality entering into a subdivision agreement for the purpose of this paragraph, and
- (c) for the purpose of this paragraph, no parcel or tract of land that ceases to be a lot by reason only of the fact that a part or parts of it had or have been conveyed to or acquired by the Municipality, the Regional Municipality of Niagara, Her Majesty in the Right of Ontario, or Her Majesty in the Right of Canada.

3.65a "Lot, Farm Related Residential"

means a lot as defined in Subsection 3.64 hereof and which has been approved by the Regional Municipality of Niagara Land Division Committee in accordance with the appropriate policies of the West Lincoln and the Regional Niagara Official Plans.
(By-law 80-16)

3.66 "Lot Area"

means the total horizontal area within the lot lines of a lot and in the case of a corner lot having street lines rounding at the corner with a radius of 6 metres or less, the area of such a lot is to be calculated as if the lot lines were projected to this point of intersection.

3.67 "Lot, Corner" means

- (a) a lot situated at the intersection of and abutting on two (2) or more streets where one street meets definition 3.115 and the other street may be opened or unopened and in the ownership of the Corporation of the Township of West Lincoln, or (By-law 2007-43)
- (b) a lot abutting on one (1) or more parts of the same street or of two (2) or more streets in which an interior angle of less than one hundred and thirty five degrees (135°) is contained by the two (2) straight lines which join the foremost point of the lot with the two (2) points at which the lot lines meet the street or streets.

3.68 "Lot Coverage" means

- (a) that percentage of the lot area covered by all buildings and structures above ground level, but (By-law 2007-43)
- (b) does not include that portion of the lot area which is occupied by a building or portion thereof and which is completely below ground level, and for the purpose of this paragraph, the lot coverage in each Zone applies and shall be deemed to apply to only that portion of such lot that is located within said Zone.
- (c) For the purposes of calculating lot coverage, a swimming pool shall not cover more than 50% of the area of a side or rear yard and shall not be factored into the calculation of total maximum lot coverage for the respective zone, but shall be constructed in compliance with Section 7.17. (By-law 2007-43)

3.69 "Lot Depth"

means the horizontal distance between the front and rear lot lines, but where the front and rear lot lines are not parallel, the lot depth is the length of a line joining the midpoints of such lot lines.

3.70 "Lot, Far-side Corner"

means the corner lot which abuts a street in which the legal direction of traffic in the lane of such street nearest such lot is away from the intersection of such street with the intersecting street that abuts such lot.

3.71 "Lot Frontage"

means the horizontal distance between the side lot lines measured along the front lot line, but where the front lot line is not a straight line or where the side lot lines are not parallel, the lot frontage is to be measured by a line 9 metres back from and parallel to the chord of the lot frontage, and for the purpose of this paragraph, the chord of the lot frontage is a straight line joining the two (2) points where the side lot lines intersect the front lot line.

3.72 "Lot, Interior"

means a lot other than a corner lot.

3.73 "Lot Line"

means any boundary of a lot.

3.74 "Lot Line, Front"

- (a) means the lot line that divides the lot from the street, but
- (b) in the case of a corner lot the shorter street line shall be deemed the front lot line and the longer street line shall be deemed to be a side lot line, but
- (c) in the case of a corner lot with two (2) street lines of equal length, the lot line that abuts the wider street, or abuts the Regional Road or Highway shall be deemed to be the front lot line, and in the case of both streets being under the same jurisdiction, or of the same width, the owner of such corner lot may designate either street line as the front lot line.

3.75 "Lot Line, Rear"

means the lot line opposite the front lot line.

3.76 "Lot Line, Side"

means a lot line other than a front or rear lot line.

3.77 "Lot, Near-Side Corner"

means a corner lot which abuts a street in which the legal direction of traffic in the lane of such street near such lot is towards the intersection of such street with the intersecting street that abuts such lot.

3.78 "Lot, Reversed Corner"

means a corner lot, the flankage of which is substantially a continuation of the front lot line of the lot to its rear.

3.79 "Lot, Through"

means a lot other than a corner lot, having separate frontages on two streets.

3.79a "Medium Care Residence"

means a residential building where lodging is provided with or without meals, where nursing and medical care may be provided and may include recreational and accessory uses. (By-law # 86-26)

3.79aa "Medical Marihuana Growth and Accessory Processing Facility"

Means a wholly enclosed building or structure used for the cultivation of medical marihuana with the accessory processing, testing, destruction, packaging and shipping of marihuana used for medical purposes as permitted and licensed under the federal government's Marihuana for Medical Purposes Regulations (MMPR) as amended from time to time, or any successors thereto.
(By-law 2014-17)

3.79ab "Medical Marihuana Processing Facility"

Means a wholly enclosed building or structure used for the processing, testing, destruction, packaging and shipping of marihuana used for medical purposes as permitted and licensed

under the federal government's Marihuana for Medical Purposes Regulations (MMPR) as amended from time to time, or any successors thereto. (By-law 2014-17)

3.79b "Minimum Distance Separation Formula (MDS I)"

MDS I applies when proposing new development, such as lot creation, building permits on existing lots of record, rezoning or redesignation of agricultural land to permit development, in proximity to existing livestock facilities. MDS I only imposes minimum required setbacks to livestock facilities. MDS I separation distances do not apply to abattoirs, apiaries, assembly yards, fairgrounds, feed storages, greenhouses, kennels, machinery sheds, mushroom farms, pastures, slaughter houses, stockyards, temporary field storages of manure, or livestock facilities that are less than 10m² (108ft²) in floor area. MDS I is not applied between a dwelling and a livestock facility located on the same lot of record. MDS I applies to empty livestock facilities (based on capacity) if they are structurally sound and reasonably capable of housing livestock, or storing manure or organic materials treated through an anaerobic digester. (By-law 2006-135)

3.79c "Minimum Distance Separation Formula (MDS II)"

MDS II applies when applying for a building permit to build new or expand a livestock facility or manure storage facility or when converting a livestock facility to a different livestock facility. MDS II applies to all livestock facilities. MDS II separation distances do not apply to abattoirs, apiaries, assembly yards, fairgrounds, feed storages, greenhouses, kennels, machinery sheds, mushroom farms, pastures, slaughter houses, stockyards, temporary field storages of manure, or livestock facilities that are less than 10 m² (108 ft²) in floor area. MDS II calculations apply to all neighbouring non-farm uses on separate property. MDS II only applies when a building permit is required for a new, enlarged or modified livestock facility. (By-law 2006-135)

3.80 "Mobile Home"

means any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or being propelled by the motor vehicle, notwithstanding that such vehicle is jacked up or that its running gear is removed, but not including any vehicle unless it is used or intended for the living, sleeping, or accommodation of persons therein for permanent year-round use.

3.81 "Mobile Home Park"

means a parcel of land with mobile home sites for lease or rent specifically intended for the placement of mobile homes for non-transient use and shall include all accessory buildings necessary to the operation of the park such as offices, laundry facilities, storage lockers, and recreational facilities.

3.82 "Mobile Home Site"

means an area of land within a mobile home park that is or is intended to be occupied by one mobile home or similar vehicle within the meaning of a mobile home in Subsection 3.79 of this Section, with adequate access to a driveway or public street, and for the purpose of this By-law:

- (a) the provisions of Subsections (63), (64), (65), (66), (67), (68), (69), (70),(71), (72), (73), (74), (75), (76) and (77), of this section shall apply mutatis mutandis, and
- (b) in the driving the meaning of paragraph (a) hereof, the reference to "Lot" and "Street" in the Subsections shall be deemed to be reference to "Mobile Home Site" and "Driveway" respectively, as the case may be.

3.83 "Motel, or Motor Hotel"

means a building or buildings consisting of a number of individual rental units, used for catering to the needs of the travelling public by furnishing sleeping accommodations with or without food.

3.84 "Motor Home"

means a self-propelled vehicle designed for temporary living, sleeping and eating accommodation of persons.

3.85 "Motor Vehicle Sales Room"

(a) means a building or place where new or new and used motor vehicles, as defined by The Public Transportation and Highway Improvement Act, being Chapter 201 of the Revised Statutes of Ontario, 1970, as amended from time to time, are kept for display or sale, or both, by an agent or dealer authorized by a motor vehicle manufacturer to sell such new motor vehicles.

(b) includes a lot used solely in connection with the building or place described in sub-paragraph (a) of this paragraph if that lot is not used exclusively for the sale and display of used motor vehicles.

3.85a Municipal Drain

Means a municipal drain pursuant to the The Drainage Act, R.S.O. 1990.
(As Amended by By-law 2007-43)

3.86 "Municipality"

means the Corporation of the Municipality of the Township of West Lincoln.

3.86a "Navigable Waterway"

As defined in the Beds of Navigable Waters Act, R.S.O. 1990, c. B.4 and as determined by a judge at a court proceeding. (By-law 2006-135)

3.86b "Non-Complying Use"

Shall mean a use, building or structure, permitted by the provisions for the zone in which such use, building or structure is located, which does not meet the zone provisions with respect to yards, lot area, frontage, parking, setback, or any other provisions of this By-law applicable to that zone. (By-law 2006-135)

3.87 "Non-Conforming Use"

Shall mean a use, building or structure not permitted by the permitted use provisions of this By-law for the zone in which such use, building or structure is located, as of the date of the passing of this By-law. (By-law 2006-135)

3.88 "Nursing Home"

means a nursing home as defined under The Nursing Home Act, Revised Statutes of Ontario, 1970, as amended from time to time.

3.88a "Nutrient Unit" (NU)

An amount of nutrients that give a fertilizer replacement value of the lower of 43 kilograms of nitrogen, or 55 kilograms of phosphate as nutrient (as defined in Ontario Regulation 267/03 made under the Nutrient Management Act, 2002, as amended).
(By-law 2007-15)

3.88b "Obnoxious Use"

Shall mean a use which, from its nature or operation, creates a nuisance or is liable to become a nuisance or offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust, light, or objectionable odour, or by reason of the matter, waste or other material generated by the user, and without limiting the generality of the foregoing shall include any uses which may be declared to be a health hazard under the Health Protection and Promotion Act, as amended. Permitted uses which are operating in accordance with all applicable Federal, Provincial and Municipal rules and regulations are deemed not to be obnoxious. (By-law 2006-135)

3.89 "Office"

means one or more rooms in a building which are used for the conduct of business activity.

3.89a "Outside Storage"

Shall mean the storage of goods, merchandise or equipment in the open air and in unenclosed portions of buildings which are open to the air on the sides.
(By-law 2006-135)

3.90 "Park, Private"

means a recreational area other than a public park and including therein one (1) or more of the following: swimming pools, wading pools, refreshment rooms, camping areas, tennis courts, bowling greens, gardens, golf courses, or similar open space.

3.91 "Park, Public"

means an area owned or controlled by the Municipality of West Lincoln or by any Board or Commission or other authority established under any Statute of the Province of Ontario.

3.92 "Parking Area"

means an area of land which is provided and maintained upon the same lot or lots upon which the principal use is located and which area,

- (a) comprises all parking spaces, of at least the minimum number required by the provisions of this By-law, and all driveways, aisles, manoeuvring areas, entrances, exits, and similar areas used for the purpose of gaining access to or egress from the said parking spaces, and
- (b) is provided and maintained in accordance with all applicable provisions of this By-law.

3.93 "Parking Space"

means an area of land which is provided and maintained upon the same lot or lots upon which the principal use is located and which area,

- (a) is provided for the temporary parking or storage of one (1) motor vehicle other than for the purpose of offering commodities for sale or display,

- (b) is adequate for the temporary parking or storage of one (1) motor vehicle and may be located within a private garage, building, carport, or covered area,
- (c) is not less than 3 metres in width nor less than 6 metres in length, exclusive of any land used for access, manoeuvring, driveway or similar purpose, and
- (d) has adequate access to permit ingress and egress of a motor vehicle from a street by means of driveways, aisles, manoeuvring areas or similar areas, no part of which access is to be used for the temporary parking or storage of any motor vehicle.

3.94 "Person"

includes an individual, association, firm, partnership, corporation, trust, incorporated company, organization, trustee or agent, and the heirs, executors, or other legal representatives of a person to whom the same can apply according to law.

3.95 "Personal Service Shop" means

- (a) a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons, and without limiting the generality of the foregoing,
- (b) includes such establishments as barber shops, beauty parlours, automatic laundry shops, hairdressing shops, shoe repair and shoe shine shops, and depots for collecting dry cleaning and laundry.

3.95 a) "Pet Care Establishment"

Is a business for grooming, training or the day-care of pets, but where no pets are kept overnight, and does not include the sale of pets. (By-law 2010-98)

3.96 "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, but does not include a wayside pit.

3.97 "Pit, Wayside"

means a temporary pit opened and used by a public road authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

3.98 "Place of Recreation or Recreation"

means a motion picture or other theatre, arena, auditorium, public hall, billiard or pool room, bowling alley, ice or roller skating rink, dance hall or music hall, but does not include any place of entertainment or amusement otherwise defined or classified herein.

3.98a "Planting Strip"

means an area of landscaped open space located immediately adjacent to a lot line or portion thereof and on which is situated one or more of the following screening devices:

- (a) a continuous row of trees;
- (b) a continuous hedgerow of evergreens or shrubs;
- (c) a berm;
- (d) a wall; or
- (e) an opaque fence. (By-Law # 91-50)

3.98b “Pre-fabricated Shipping Container”

Shall mean a pre-fabricated metal container that is conventionally used for the purpose of shipping goods, but does not include a truck body, trailer or transport trailer. For the purpose of this definition, a pre-fabricated shipping container does not have wheels and cannot be capable of human habitation. (By-law 2006-135)

3.99 "Private Club"

means a building or part of a building used as a meeting place for members of an organization not operated for profit or of an athletic, social or recreational club not operating for profit.

3.100 "Public Utility"

means an includes any person , firm, corporation, municipal department or board duly authorized to furnish and furnishing under Municipal Regulations to the public, electricity, gas, telephone, telegraph or water.

3.101 "Quarry"

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

3.102 "Quarry, Wayside"

means a temporary quarry opened and used by a public road authority solely for the purpose of a particular project or contract or road construction and not located on the road right-of-way.

3.102a “Recreation, Active“

Shall mean the use of lands, water and/or building for the purpose of organized active leisure activities and shall include an arena, a golf course and a sports field, and motorized vehicle trails. (By-law 2006-135)

3.102b “Recreation, Passive”

Shall mean the use of the land and/or water for the purpose of passive leisure activity and shall include a park, a garden, a picnic area and the like, equestrian and hiking trails, as well as a playlot with activity equipment for children. (By-law 2006-135)

3.102c “Recreation Centres”

Means a place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities completely conducted indoors. (By-law 2012-25)

3.103 "Recreational Use" means

- (a) the use of land for parks, playgrounds, tennis courts, lawn bowling greens, indoor and outdoor skating rinks, athletic fields, golf courses, picnic areas, swimming pools, day camps, community centres, and all similar uses, together with necessary and accessory buildings and structures, but

(b) does not include a track for the racing of animals, motor vehicles, snowmobiles, all terrain vehicles, or motorcycles, or golf driving ranges, or miniature golf courses.

(c) and shall not include an arcade. (By-law # 82-14)

3.103a "Recreational Trailer"

Shall mean a vehicle designed, intended, and used exclusively for travel, recreation, or vacation and which is capable of being drawn by a motor vehicle and shall include tent trailers and similar transportable accommodation, and a trailer for the explicit transportation of boats, ATVs or snow mobiles.

3.103b "Recreational Vehicle"

Shall mean any motor vehicle designed for temporary living, sleeping and eating accommodation of persons.

3.104 "Regional Municipality"

means the Corporation of the Regional Municipality of Niagara.

3.105 "Residential"

means the use of land, buildings or structures for human habitation.

3.106 "Restoration"

means the re-establishment of any building or structure in the case of partial or complete destruction caused by fire, lightning, explosion, tempest, flood or Act of God, or demolition by order of the Township of West Lincoln, the Health Unit or any other authority for safety, health or sanitation requirements.

3.107 "Retail Shop"

means a building or part thereof in which goods, wares, merchandise, substances, articles or things are offered or kept for sale by retail directly to the public.

3.107a "Right of Way"

Shall mean an area of land that is legally described in a registered deed for the provision of private access on which there is usually a lane. (By-law 2006-135)

3.107b "Salvage Yard"

Shall mean land or buildings used for an automobile wrecking yard or premises, the keeping and/or storing, of used building products, bicycles, automobile tires, old metal, other scrap material or salvage and where such materials are bought, sold, exchanged, baled, packed, disassembled or handled for further use. (By-law 2006-135)

3.108 "Sanitary Sewer"

means an adequate system of underground conduits which carry sewage to an adequate place of treatment which meets with the approval of the Minister of the Environment.

3.109 "School" means

(a) a school under the jurisdiction of the County or Separate School Board, or any other school established and maintained either wholly or partially at public expense

whether or not the same is also a boarding school, and

(b) includes any dormitory building accessory to such school.

3.110 "Service Industries"

means the processing of milk and dairy products, the processing of baked goods, a public garage including engines and body repair shop, a printing establishment, a laundry or cleaning establishment, a paint shop, plumbing shop, sheet metal shop, and similar uses.

3.110a "Sensitive Land Use"

Means any building or associated amenity area (i.e. may be indoor or outdoor space) which is not directly associated with an industrial use, where humans or the natural environment may be adversely affected by emissions generated by the operation of a nearby industrial facility.

(By-law 2012-25)

3.111 "Service Shop"

(a) means a building or part thereof used for the sale or repair of household articles, and

(b) includes radio, television and appliance repair shops, but

(c) does not include industrial or manufacturing uses or motor vehicle repair shops.

3.112 "Shopping Centre"

means a building or buildings containing a group of commercial establishments planned, designed, developed and managed as a unit by an owner or by a group of owners or tenants acting in collaboration.

3.113 "Sign" means

(a) a display board, screen, cloth or structure having characters, letters or illustrations, applied thereto or displayed therein in any manner, and

(b) includes:

(i) a sign within a building that is visible from a street, and

(ii) the posting or painting of an advertisement or notice on any building or structure.

3.114 "Storey"

means that portion of a building, other than an attic, basement or cellar, included between the surface of any floor and the surface of the floor, roof deck or deck ridge next above it.

3.115 "Storey, One-Half"

means that portion of a building situated wholly or in part within the roof and in which there is sufficient space to provide a height between finished floor and finished ceiling of between 1.5 metres and 2.3 metres over a floor area which is not less than one-third (1/3) nor more than two-thirds (2/3) of the floor area of the storey next below.

3.116 "Street"

means a highway:

- (a) as defined under The Highway Traffic Act, being Chapter 202 of The Revised Statutes of Ontario, 1970, as amended from time to time, and The Municipal Act, being Chapter 284 of The Revised Statutes of Ontario, 1970, as amended from time to time, and
- (b) which has been opened, improved, maintained and assumed for public use by the Municipality or the Regional Municipality unless it is within a Plan of Subdivision registered pursuant to Subsection 33 (16) of The Planning Act, Revised Statutes of Ontario, 1970, and in accordance with any requirements under The Registry Act or The Land Titles Act after the date of the passing of this By-law, in which case the responsibility for such street for public use is not required to have been accepted or assumed by the Municipality pursuant to the Municipality entering into a Subdivision Agreement,
- (c) but does not include any highway that is not maintained on a year-round basis.
- (d) for the purpose of setback provisions in respective zones only, a street shall include an unopened road allowance that is owned by the Corporation of the Township of West Lincoln. (By-law 2007-43)

3.117 "Street Line"

means any lot line that divides a lot from a street.

3.117a "Structure"

shall mean anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil and/or any other structure including manure storage facilities. For the purposes of this by-law "structure" does not include a fence, hedge, or light standard, pergola, arbour, or air conditioning unit or any deck, patio or walkway that is less than 15 cm above average finished grade.
(By-law 2007-43) (By-law 2010-82)

3.117b "Studio"

Shall mean a building or part thereof used as the workplace of a photographer, craftsman, or artist or for the instruction of art, music, dancing, languages, or similar disciplines. The sale of any artifacts produced therein shall be permitted only as an accessory use.
(By-law 2006-135, 2007-43)

3.118 "Swimming Pool"

means any body of water permanently located outdoors, contained by artificial means and used and maintained for the purpose of swimming, wading, diving or bathing.

3.119 "Temporary Building"

shall mean a building or structure intended for removal or demolition within a prescribed time not exceeding two (2) years as set out in a building permit.

3.120 "Temporary Farm Help Accommodation"

means a detached trailer or portable structure used or intended to be used: (By-law 2003-39)

- (a) for seasonal accommodation of workers of the owner or operator of a farm provided such seasonal employees perform their duties on such farm, and

- (b) in which lodging with or without meals is supplied or intended to be supplied to such employees, and
- (c) the owner or operator of a farm must demonstrate that the size and/or nature of the farm operation make the construction of such accommodation, and employment of such help necessary; and
- (d) in which the use is neither for profit nor reward nor gain, and
- (e) temporary is defined as accommodation for a maximum time span of nine (9) months in a twelve (12) month period. (By-law 2003-39)

3.120a "Top of Bank"

Shall mean the upper edge of the slope of a stream valley or shoreline where the slope intersects the horizontal plain of the floodplain identified and regulated by the Conservation Authority pursuant to the Conservation Authorities Act. (By-law 2006-135)

3.121 "Township"

means the Corporation of The Township of West Lincoln.

3.122 "Trailer"

Shall mean any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, notwithstanding that such vehicle is jacked up or that its running gear is removed, but not including any vehicle. (By-law 2010-04)

3.123 "Trailer Park"

means any land in or upon which any trailer is used or intended to be used for temporary human occupation.

3.1245 "Trailer Site"

means an area of land within a trailer park that is or is intended to be occupied by one (1) trailer, or similar vehicle within the meaning of a trailer in Clause 3.121 of this Section, with adequate access to a driveway or a public street, and for the purpose of this By-law:

- (a) the provisions of Subsections (63), (64), (65), (66), (67), (68), (69), (70), (71), (72), (73), (74), (75), (76), and (77) of Subsection 3 shall apply mutatis mutandis, and
- (b) in deriving the meaning of paragraph (a) hereof, the references to "Lot" and "Street" in the Subsections referred to in paragraph (a) hereof shall be deemed to be references to "Trailer Site" and "Driveway" respectively, as the case may be.

3.124 "Undertaker's Establishment"

means any premises where preparation of the dead human body for internment or cremation is undertaken.

3.126 "Use"

means the purpose for which any land, building, structure or premises or part thereof,

- (a) is arranged, designed or intended to be used, or

(b) is or may be occupied or maintained,
and the word "used" has a corresponding meaning.

3.127 "Waste Disposal Area"

means a place where garbage, refuse or domestic or industrial waste is disposed of or dumped.

3.1287 "Yard" means

(a) an open, uncovered space on a lot appurtenant to a building and unoccupied by buildings or structures except as may be expressly permitted in this By-law, and in determining yard measurements the minimum horizontal distance from the respective lot lines is to be used, but

(b) does not include a court yard.

3.129 "Yard, Front"

Shall mean a yard extending across the full width of a lot between the front lot line and the nearest wall of the main building or structure on the lot. (By-law 2006-135)

3.130 "Yard, Minimum front"

Shall mean the minimum depth of a front yard on a lot between the front lot line and the nearest wall of the main building or structure on the lot. (By-law 2006-135)

3.131 "Yard, Minimum Rear"

means the minimum depth of a rear yard on a lot between the rear lot line and the nearest wall of any main building or structure on the lot.

3.132 "Yard, Minimum Side"

means the minimum width of a side yard on a lot between a side lot line and the nearest wall of any building or structure on the lot.

3.133 "Yard, Rear"

means a yard extending across the full width of a lot between the rear lot line and the nearest wall of any main building or structure on the lot.

3.134 "Yard, Side"

means a yard extending from the front yard to the rear yard of a lot, and between a side lot line and the nearest wall of any building or structure on the lot.

3.135 Words used in the present tense include the future tense and the converse.

3.136 Words used in the plural number include the singular number and the converse.

SECTION 4: ZONES

The following zones are established within the Township of West Lincoln, and such zones may be referred to by the appropriate symbols:

<u>ZONES</u>	<u>SYMBOLS</u>
Restricted Agricultural	A1
Agricultural	A2
Residential	R1
Residential	R2
Residential	R3
Residential	R4
Residential Multiple	RM1
Residential Multiple	RM2
Residential Multiple	RM3
Rural Residential	RuR
Development	D
Trailer Park	T2
Local Commercial	C1
General Commercial	C2
Highway Commercial	C3
Rural Commercial	RC
Industrial	M1
Public Industrial	M2
Institutional	I
Public	P
Open Space	01
Hazard	H

SECTION 5: ZONING MAPS AND SETBACK REQUIREMENTS

The following maps and schedules, together with notations and references shown thereon, are hereby declared to form part of this By-law:

- (a) Schedule "A" comprising:
 - (i) the map titled 'Map 1 and Key to Maps 2 to 16 to Schedule "A" and
 - (ii) Zoning Maps 2 to 16 to Schedule "A".
- (b) Schedule "B" - "Setback Requirements".
- (c) Schedule "C" - "Minimum Distance Separation (MDS) Formulae".

SECTION 6: INTERPRETATION

6.1 General

In their interpretation and application, the provisions of the By-law shall be held to be the minimum requirements adopted for the promotion of the public health, safety, convenience or general welfare. Whenever the requirements of this By-law are at variance with the requirements of any other By-law, the most restrictive on the By-law imposing the higher standards, shall govern and apply. Nothing in this By-law shall be construed to exempt any person from complying with the requirements of any By-law of the Township or the Regional Municipality of Niagara, or from any law of the Province of Ontario or of Canada, or any regulation under the provisions of the Conservation Authorities Act of a Conservation Authority having jurisdiction.

6.2 Symbols

The symbols set opposite the name of each zone respectively in Section 4 hereof and used in Schedule "A" attached hereto, refer to the appropriate zones established in this By-law.

6.3 Defined Areas

The extent and boundaries of all zones are shown on Schedule "A" and all such zones are hereby defined as areas to which the provisions of this By-law shall respectively apply.

6.4 Zone Boundaries

When determining the boundary of any zone as shown on any schedule forming part of this By-law, the following provisions shall apply:

- (a) A boundary indicated as following a highway, street or lane shall be this centre line of such highway, street or lane.
- (b) A boundary indicated as following a watercourse, creek, stream, or the right-of-way of a railway, an electrical, gas or oil transmission line shall be the centre line of such watercourse, creek, stream, or right-of-way.
- (c) A boundary indicated as following a shoreline shall follow such shoreline, and in the event of change in the shoreline, the boundary shall be construed as moving with the actual shoreline.
- (d) A boundary indicated as approximately following lot lines shown on a registered plan of subdivision or municipality lines shall follow such lot lines.
- (e) Where a boundary is indicated as approximately parallel to a street line or other feature indicated in Clauses (a), (b) or (c) of this Subsection, and the distance from such street line or other feature is not indicated, and Clause (d) above is not applicable, such boundary shall be construed as being parallel to such street line or other feature, and the distance therefrom shall be determined according to the scale shown on the appropriate Schedule "A", attached hereto.
- (f) A boundary indicated as following the limits of municipality shall follow such limits.
- (g) In the event that a feature indicated in Clause (a) or (b) of this Section is located between two or more different zones, the zone boundaries shall be the centre line of such feature.

6.5 Closings

In the event a dedicated street or lane shown on any schedule forming part of this By-law is closed, the property formerly in such street or lane shall be included within the zone of the adjoining property on either side of such closed street or lane. If a closed street or lane is the boundary between two or more different zones, the new zone boundaries shall be the former centre line of the closed street or lane.

6.6 Certain Words

In this By-law the word "shall" is mandatory.

SECTION 7: GENERAL PROVISIONS FOR ALL ZONES

7.1 Scope and Effect

No person shall use any land or erect or use any building or structure except in conformity with the provisions of this By-law respecting the Zone:

- (a) in which such land, building or structure is located, or
- (b) in which it is proposed to use any land or to erect or use any building or structure.

7.2 Requirement for Lot

Except as otherwise provided in this By-law, no building or structure shall be erected, altered, extended or enlarged except upon a lot nor shall any land be used for any permitted use unless it comprises a lot; but this provision shall not prevent the use of any parcel or tract of land for agricultural purposes excluding the erection or enlargement of any building or structure except a fence.

7.3 Restrictions on Changes

- (a) The purpose for which any land or building is used shall not be changed, no new building or addition to any existing building shall be erected and no land shall be severed from a lot, if such change, erection or severance creates a situation that contravenes any of the provisions of this By-law applicable to each individual remaining building, accessory building or lot.
- (b) Notwithstanding the provisions of Clause (a) of this Subsection, no person shall be deemed to have contravened any provision of the this By-law if only a part or parts of any lot or parcel has or have been conveyed to or acquired by the Township of West Lincoln, Regional Municipality of Niagara, Her Majesty in the right of Ontario or Her Majesty in the Right of Canada.

7.4 Other By-laws and Requirements

Nothing in this By-law shall operate to relieve any person from the requirements of the building By-law or any other By-law or requirement of the Municipality in force from time to time, or the obligation to obtain any license, permit, authority or approval required under any By-law of the Municipality.

7.5 Minimum Lot Areas

Subject to the provisions of Subsection 7.24, the minimum lot area shall be as contained in the appropriate section of this By-law for the zone in which the lot is located or such larger area as may be required by the Niagara (Regional Area) Health Unit or any other authority having jurisdiction pursuant to the provisions of The Public Health Act.

7.6 Restoration to a Safe Condition

Nothing in this By-law shall prevent the strengthening or restoration to a safe condition of any building or structure, provided that such strengthening or restoration will not increase the height, area or volume so as to contravene the provisions of this By-law.

7.7 Uses Permitted In All Zones

- (a) Nothing in this By-law shall prevent the use of any land as a public street or public park.

- (b) Nothing in this By-law shall prevent the use of any land for the erection of buildings or structures, or the installation of other facilities essential to the operation of public utilities as defined in The Public Utilities Corporation Act, provided that any such use, building or structure shall be in substantial compliance with the relevant provisions of this By-law and shall not adversely affect the character or amenity of the neighbourhood in which same is located.
- (c) Nothing in this By-law shall prevent the erection of any properly authorized traffic sign or signal, or any sign or notice of any local or other government department or authority.

7.7A Accessory Building Provisions

7.7A.1 Accessory Buildings and Structures in a Residential, Development or Trailer Park Zone (By-law 2014-103)

7.7A.1 “Accessory Building and Structures in a Residential, Development or Trailer Park Zone

- a) No accessory building or structure shall be used for any occupation for gain or profit conducted within or accessory to a dwelling unit or on the lot, except as specifically permitted in this By-Law.
- b) No accessory building or structure, or part thereof, shall be used for human habitation, except as specifically permitted in this subsection.
- c) Any accessory building or structure, or part thereof, may be allowed for human habitation within a residential zone in accordance with Section 7.34.
- d) Accessory buildings and structures shall be erected only in an interior side yard or rear yard.
- e) Setbacks for accessory buildings and structures:
 - i. 1.5 m from any wall of the main building excluding attached decks and porches;
 - ii. 1.2 m from the rear lot line;
 - iii. 1.2 m from the interior side lot line; and
 - iv. 3 m, plus any applicable distance specified in Schedule “B”, from a lot line abutting a street;
 - v. 0m for decks or porches on the common lot line of the common wall of multiple attached residential units in the rear yard.
- f) The maximum height for an accessory building or structure shall be 5 m except that the maximum height for an accessory building or structure that includes an accessory apartment shall not exceed 8 m within a residential zone.
- g) The maximum lot coverage for all accessory buildings and structures on a lot shall be eight (8) percent, however, under no circumstance shall the lot coverage exceed the maximum lot coverage for all buildings and structures provided in the respective zone.
- h) The regulations governing the location of any accessory building or structure in relation to a lot line shall not apply to prevent the erection or use of a jointly-owned double garage which services two dwellings whose common lot line shall be the dividing line of such garage.

- i) No accessory building or structure shall be erected prior to the erection of the permitted dwelling on the same lot except where it is necessary for the storage of tools and materials for use in connection with the construction of such dwelling, a building permit has been issued for said dwelling and said building permit remains active. No accessory building shall be used prior to the erection of such dwelling for any purpose other than accessory residential storage.
- j) All provisions of 7.34 also apply.

7.7A.2 Accessory Buildings and Structures in a Commercial, Institutional or Open Space Zone

- (a) No accessory building or structure, or part thereof, shall be used for human habitation, except as specifically permitted in this By-Law.
- (b) Setbacks for accessory buildings and structures:
 - i. 3 m from any wall of the main building;
 - ii. 1.2 m from the rear lot line;
 - iii. 1.2 m from the interior side lot line; and
 - iv. 4.5 m, plus any applicable distance specified in Schedule "B", from a lot line abutting a street.
- (c) The maximum height for an accessory building or structure shall be 6 m.
- (d) The maximum lot coverage for all accessory buildings and structures on a lot shall be eight (8) percent, however, under no circumstance shall the lot coverage exceed the maximum lot coverage for all buildings and structures provided in the respective zone.
- (e) For any proposed accessory building or structure within the Central Business District (CBD), the minimum setback from the interior side lot line shall be 0 m.
- (f) No accessory building or structure shall be erected prior to the erection of the main building on the same lot except where it is necessary for the storage of tools and materials for use in connection with the construction of such main building and a building permit has been issued for said main building. No accessory building shall be used prior to the erection of such main building for any purpose other than such storage.
(By-law 2010-03)

7.7A.3 Accessory Buildings and Structures in an Industrial Zone

- (a) No accessory building or structure, or part thereof, shall be used for human habitation, except as specifically permitted in this By-Law.
- (b) Setbacks for accessory buildings and structures:
 - i. 3 m from any wall of the main building;
 - ii. 7.5 m from the rear lot line;
 - iii. 5 m from the interior side lot line; and
 - iv. 15 m, plus any applicable distance specified in Schedule "B", from a lot line abutting a street.
- (c) The maximum height for an accessory building or structure shall be 10 m.
- (d) The maximum lot coverage for all accessory buildings and structures on a lot shall be eight (8) percent, however, under no circumstance shall the lot coverage exceed the maximum lot coverage for all buildings and structures provided in the respective

zone.

- (e) No accessory building or structure shall be erected prior to the erection of the main building on the same lot except where it is necessary for the storage of tools and materials for use in connection with the construction of such main building and a building permit has been issued for said main building. No accessory building shall be used prior to the erection of such main building for any purpose other than such storage. (By-law 2010-03)

7.7A.4 “Accessory Building and Structures in an Agricultural Zone”

(By-law 2014-103)

- a) No accessory building or structure shall be used for any occupation for gain or profit conducted within or accessory to a dwelling unit, or on the lot, except as specifically permitted in this By-Law.
- b) Minimum Distance Separation (MDS) will apply to new accessory apartments being built in the “Restricted Agricultural (A1)” and “Agricultural (A2)” zones.
- c) The accessory building or structure shall only be permitted as an accessory use to the residential use of the property not the agricultural use.
- d) The accessory building which includes the accessory apartment shall be located behind the front wall of the main dwelling.
- e) Setbacks for accessory building and structures which include an accessory apartment:
 - i. 1.5 m from any wall of the residential dwelling excluding attached decks and porches to ensure accessory building and structures are located within the same cluster of buildings as the main dwelling on the property;
 - ii. 15 m from the rear lot line; and
 - iii. 5 metres from the interior side lot line.
- f) The accessory dwelling located in an accessory building or structure, shall comply with the floor area requirements as outlined in Section 7.34.
- g) The maximum height for an accessory residential building or structure shall not exceed 8 m.
- h) The private sewage **system** for the property shall be capable of supporting the intensified use in accordance with the Ontario Building Code.
- i) All provisions of 7.34 also apply.

7.8 Temporary Uses

- (a) Nothing in this By-law shall prevent the use of any land, for existing dwelling or the erection or use of any temporary building, prefabricated shipping container or structure for a construction camp, work camp, tool shed, scaffold or other temporary building or structure incidental to and necessary for construction work on the premises provided that a building permit has been issued and not expired and the building/structure meets the minimum setback requirements of the applicable zone, but only for so long as such use, building or structure is necessary for such construction work which has not been finished or abandoned. (By-law 2007-43)

- (b) Nothing shall prevent the use of a mobile home, motor home or trailer for the temporary accommodation of the farm family where the farm dwelling has been completely or partially destroyed by fire, lightning, explosion, tempest, flood or Act of God, subject to the property owner entering into an agreement with the Township to allow the temporary use of a mobile home during the construction of a new dwelling unit or where its demolition is by order of the Corporation of the Township of West Lincoln, the Niagara (Regional Area) Health Unit or other authority, for safety, health or sanitation requirements in a Restricted Agricultural A1 Zone, an Agricultural A2 Zone or a Rural Residential RuR zone.
- (c) Nothing in this By-law shall prevent the erection of a temporary sales office in a residential subdivision incidental to construction and sale of houses in such residential subdivisions until construction has been finished or discontinued for sixty (60) days but no such office shall be established within 50 metres of any occupied dwelling.
- (d) Council may pass a Temporary Use By-law for a maximum of 3 years, with possible extensions of 3 years thereafter, for the temporary use of property provided that the use is in compliance with the Township's Official Plan, the Regional Policy Plan, the Provincial Policy Statement and any and all applicable regulations. A Temporary Use By-law may be passed for a maximum of 10 years for garden suites with possible extensions of 3 years thereafter. (By-law 2006-136)

7.9 Prohibited Uses

- (a) Except as otherwise specifically permitted in this By-law, the following uses are prohibited in any Zone:
 - i. Blood Boiling,
 - ii. Bone Boiling,
 - iii. Refining coal oil or petroleum products,
 - iv. Extracting oil from fish or animal matter,
 - v. Storing Hides,
 - vi. A slaughterhouse or abattoir where animals are butchered for gain or market,
 - vii. A piggery wherein pigs are fed treated garbage or other treated refuse,
 - viii. Tallow melting,
 - ix. Soap boiling,
 - x. Tripe boiling,
 - xi. Tanning hides or skins,
 - xii. Manufacturing gas,
 - xiii. Manufacturing glue,
 - xiv. Commercial manufacturing of fertilizers from dead animals or from human or animal waste,
 - xv. A track for the racing of motor vehicles, motorcycles, go-carts or snowmobiles is prohibited in all zones, except the A1 and A2 zones. In A1 and A2 zones a track for the racing of motor vehicles, motorcycles, go-carts or snowmobiles shall not exceed more than 3 vehicles at one time,
 - xvi. A trailer camp as defined in Subsection 15 of Section 383 of The Municipal Act , being chapter 284 of The Revised Statutes of Ontario, 1970, as amended from time to time,
 - xvii. The use of any trailer for human habitation, except as otherwise specified in Section 7.8, 9.1(d) and 17.
 - xviii. Dumping of industrial by-products of any kind,
 - xix. Storage of toxic wastes which include PCB's,
 - xx. A junk-yard, salvage yard, automobile wrecking yard, or the collection, storage or sale of junk, salvage, partially or completely dismantled motor vehicles or trailers, or parts of motor vehicles or trailers,
 - xxi. Locating or storing on any land for any purpose whatsoever any disused

- railroad car, street car body, truck body, automobile body, or trailer without wheels whether or not the same is situated on a foundation; and
- xxii. Locating pre-fabricated shipping containers except as otherwise specified in Zoning By-law 79-14, as amended.
 - xxiii. Keeping or raising of any bull, ox, cow, horse, sheep, goat, pig or other cattle or any poultry, exotic bird, or any reptile or any wild animal including any tamed or domesticated wild animal or exotic bird on any residential lot or in any building or structure on such lot or in any building or structure in a Residential Zone, but this shall not prevent the keeping of up to four (4) of any type of household pet, such as dogs, cats, hamsters, mice, rabbits, turtles. (By-law 2010-98)
 - xxiv. Adult Entertainment Parlours
 - xxv. Obnoxious uses as defined in Section 3.

- (b) In addition to the uses prohibited in Clause (a) of this Subsection, any use is prohibited which from its nature of the materials used therein is declared under Health Protection and Promotion Act, as amended or any regulations adopted there under to be a noxious trade, business or manufacture.
- (c) In addition to the uses prohibited in Clause (a) of this Subsection, all uses of land and the erection or use of any building or structure for a purpose not permitted under the "Permitted Use" Subsection of one or more zones established by the By-law are and shall be deemed to be prohibited in each such zone, except for those uses of land and the erection or use of any building or structure for a purpose expressly permitted under the applicable provisions of Section 7 hereof.
(By-law 2006-136)

7.10 ~~Obnoxious Uses~~

(Deleted by By-law 2006-136)

7.11 Pits and Quarries, Wayside Pits and Wayside Quarries

- (a) Extraction of mineral aggregates shall only be permitted by rezoning to an appropriate zone.
- (b) A wayside pit or a quarry used for public authority contracts shall be permitted in any zone except a Residential Zone or a Provincially Significant wetland or area of Provincial Significance subject to the terms and conditions of a valid permit by the Minister of Natural Resources, or without amendment to the Official Plan or this by-law. (By-law 2006-136)

7.12 Truck, Bus and Coach Bodies

Notwithstanding anything contained in this By-law, no truck, bus, coach, street car body or structure or any kind, other than a dwelling unit erected and used in accordance with this and all other By-laws of the Municipality, shall be used for human habitation, whether or not the same is mounted on wheels or other form of mounting or foundation.

7.13 Multiple Uses

Notwithstanding anything contained in this By-law, where any land, building or structure is used for more than one purpose, all provisions of this By-law relating to each use shall be complied with, and in no case shall a dwelling be located within 3 metres of any other building on the lot except a building accessory to such dwelling.

7.14 Residential Uses

- (a) Except as otherwise specifically permitted in this By-law no person shall erect or use any building as a dwelling upon any lot *except* for which a building permit has been

issued, a building erected or used or intended to be used for residential purposes. And in case of a temporary construction dwelling the owner has agreed to demolish the existing dwelling and enter into an agreement with the Township.
(By-law # 2001-117)

- (b) Notwithstanding anything contained in this By-law no person shall use or occupy any building for residential purposes:
 - i. unless such building has been completed and finished in all respects in accordance with the plans and specification filed upon application for the building permit, and
 - ii. unless such building is serviced with a municipal water supply or by a pressure water supply system, and with a municipal sanitary sewer system or a septic tank disposal system or other Government approved disposal system.

7.15 Basement or Cellar

No dwelling unit shall in its entirety be located in a cellar. If any portion of a dwelling unit is located in a cellar, such portion of the dwelling unit shall be used as a furnace room, laundry room, storage room, recreation room, or for a similar use only and shall not be used for sleeping or eating accommodation.

However, a dwelling unit, in its entirety, may be located in a basement provided the finished floor level of such basement is not below the level of the sanitary or storm sewer serving the building or structure in which such basement is located and provided further that the floor level of such basement is not more than 1.2 metres below the adjacent finished grade. Such development shall comply with all of the provisions of this plan.
(By-law 2006-136)

7.16 Railway Crossing and Sight Distance

Notwithstanding anything contained in this By-law, where any public street crosses a railway at the same grade, no building or structure shall be erected within 46 metres of the point of intersection of the centre line of both the railway and the street.

7.17 Swimming Pools

Notwithstanding anything contained in this By-law, a swimming pool is permitted as an accessory use to permitted residential or agricultural use,

- (a) in the side yard of any lot if
 - i. no part of such pool is located closer to any lot line or street line than the minimum distance required for the principal building located on such lot, and
 - ii. the maximum height of such pool is 1.2 metres above the average finished grade level of the ground adjoining and within 9 metres of such pool, and
 - iii. any building or structure, other than a dwelling, required for changing clothing or for pumping or filtering facilities, or other similar accessory uses, complies with the provisions of this By-law respecting accessory buildings on such lot, or
- (b) in the rear yard of any lot if no part of such pool is located closer to any lot or street line than the minimum distance required for an accessory building located on such lot,

and every swimming pool shall be enclosed by a fence of at least 1.2 metres with an automatic self locking gate and shall be in accordance with the Pool Fencing By-law of this municipality as amended from time to time. (By-law 2006-136)

7.18 Signs

Signs shall be permitted in all zones subject to the provisions of the Township of West Lincoln Sign By-law. Notwithstanding the foregoing, until such time as a Sign By-law is enacted, signs shall be permitted only in the following zones as specified in Clauses (a) to (j) inclusive of this Subsection:

(a) All Zones

- i. an authorized traffic sign or signal,
- ii. a public election list or other proclamation by governmental authority,
- iii. a "No Trespassing" or other announcement or sign other than an advertisement,
- iv. a sign incidental to construction on the premises, a non-illuminated real estate sign not exceeding 0.5 square metre in area, advertising the sale, rental or lease of any lot or premises, and,
- v. a nameplate not exceeding 0.2 square metres in area indicating the name of the occupant of a dwelling on the lot.

(b) Restricted Agricultural A1 Zone and Agricultural A2 Zone

- i. a temporary roadside sign,
- ii. a non-illuminated sign not exceeding 1 square metre in area advertising the sale of the premises or of agricultural products raised or produced on the premises,
- iii. a sign not exceeding 0.3 square metres in area indicating the name and profession of a qualified medical practitioner or dentist,
- iv. a sign permitted in a Highway Commercial C3 Zone for a permitted commercial use, and
- v. for a school, church or institutional use, a sign permitted under Clause (i) of this Subsection.

(c) All Residential Zones

A sign not exceeding 0.3 square metres in area indicating the name and profession of a qualified medical practitioner or dentist, as permitted in Subsection 10.2.

(d) Development D Zone

- i. a temporary roadside sign, and
- ii. a non-illuminated sign not exceeding 1 square metre in area advertising the sale of the premises or of agricultural products raised or produced on the premises.

(e) Local Commercial C1 Zone

One business sign for each business and on each frontage or flankage facing a street not exceeding 0.2 square metres in area for each metre of lot frontage or lot flankage, and attached to the main building or projecting not more than 0.4 metre therefrom.

(f) General Commercial C2 Zone

One or more business signs advertising businesses or services lawfully conducted on the lot not exceeding 0.3 square metres in aggregate area for each metre of street line abutting the lot, and attached to the main building or projecting not more than 1.5 metres therefrom.

(g) Highway Commercial C3 Zone and Rural Commercial RC Zone

One or more business signs advertising businesses or services lawfully conducted on the lot not exceeding 0.7 square metres in aggregate area for each metre of street line abutting the lot, and attached to the main building or projecting not more than 2 metres therefrom, or on a pylon or similar structure situated on the ground.

(h) Industrial M1 Zone, Public Industrial M2 Zone and Deferred Industrial M3 Zone

- i. One or more business signs advertising or identifying the industrial firm or uses on the lot, and attached to a building, or a pylon or similar structure on the ground, and
- ii. A non-illuminated sign not exceeding 1 square metre in area advertising the sale of land.

(i) Institutional I Zone and Public P Zone

One or more signs or bulletin boards identifying the name of the premises and indicating other information concerning the premises such as traffic directional signs and parking area signs, not exceeding 0.7 square metre in aggregate area for each metre of street line abutting the lot, and attached to a building, or on a pylon or similar structure situated on the ground.

(j) Open Space 01 Zone, Hazard H Zone and Trailer Camp T2 Zone

- i. A sign permitted in a Restricted Agricultural A1 Zone and Agricultural A2 Zone, and
- ii. One or more signs identifying the name of the premises and indicating other information concerning the premises such as traffic directional signs and parking area signs, not exceeding 0.7 square metre in aggregate area for each metre of street line abutting the lot, and attached to a building, or on a pylon or similar structure on the ground.

7.19 Off-Street Parking Requirements

(a) Every building or structure erected, enlarged or used in accordance with the provisions of this By-law, shall:

- i. be provided with the required number of parking spaces on the same lot or on an appropriately zoned lot within 30 metres of the site as specified hereunder;

- ii. except that this provision shall not apply within the “Central Business District of the General Commercial (C2) Zone” as designated on Schedule “A” attached hereto or shall be exempt from the provision of parking spaces in accordance with an agreement with Council pursuant to Section 39 of The Planning Act, R.S.O. 1990;
- iii. be provided with the required number of Handicapped Parking Spaces in accordance with the applicable regulations.

Minimum Parking Requirements for Certain Uses

<u>Use</u>	<u>Minimum Parking Facilities Required</u>
<u>RESIDENTIAL USES</u>	
Residential (other than listed herein)	1 parking space per dwelling unit
Multiple Dwelling Units, Apartments and Townhouse Dwellings	1.5 parking spaces per dwelling unit
Trailer Camp and Mobile Park	1 space for each for each Trailer or Mobile Home plus 1 visitor parking space for each 10 trailers or mobile home site.
Boarding Houses and Tourist Homes	1 space for each room
<u>COMMERCIAL USES</u>	
Banks, business and professional offices and medical centres	1 space for every 28 square metres of leasable floor area.
Hotels and Motels	1 parking space per guest room, plus parking for any on-site restaurant or tavern provided in accordance with regulations in this By-law
Bingo Hall	1 parking space per 1.5 sq.m. of floor area devoted to public use
Tavern	1 parking space for every 3.0 sq.m. of gross floor area
Eating Establishment – Take-out or Drive-In	1 parking space for every 30 sq.m. devoted to public use
Eating Establishment – Eat-in	1 parking space per 4 persons seating capacity
Offices and Public Buildings	1 parking space for every 28 sq.m. of gross floor area
Bowling Alley	3 parking spaces for every bowling lane
Curling Rink	4 parking spaces for every curling sheet

Retail Store, Shop or Workshop (excluding furniture stores and factory outlets)	1 parking space for every 30 sq. m. of gross floor area
Furniture Store or Warehouse Showroom	1 Parking space for every 100 sq.m. of gross floor area
Shopping Centre	1 parking space for every 20 sq.m. of gross floor area
Automobile Service Station	1 parking space for every 50 sq.m. of gross floor area
Other Commercial Uses	1 parking space for every 28 sq.m. of gross floor area
Supermarket	1 parking space for every 20 sq. m. of gross floor area
Retail lumber and building supplies outlets	1 space for each 28 sq. m. or fraction thereof of retail floor area with a minimum of 6 spaces.
Undertaking Establishment	1 parking space per 5 persons seating capacity in a chapel or auditorium or a minimum of 10 parking spaces per visitation room.
Physician's or dentist's office In private residence or clinic	Four spaces for each physician or dentist using the residence or clinic

PUBLIC AND INSTITUTIONAL USES

Hospitals and Nursing Homes	1 parking space for every 2 beds
Theatre, Auditorium, Assembly Hall, Community Centre, Place of Worship	The greater of: a) 1 parking space per 5 fixed seats or fraction thereof; or b) 1 parking space for every 5 persons maximum design capacity; or c) 1 parking space per 15 sq. m of gross floor area.
School, Elementary	1.5 parking spaces per classroom and 1 space for every 9 sq. m of floor area for any gymnasium or auditorium.
School, Secondary	The greater of: a) 1 parking space per 5 classroom seats; or b) 1 parking space per 15 sq. m of floor area in the gymnasium; or c) 1 parking space per 15 sq. m of floor area in the auditorium.
Government Building, Library:	1 parking space per 30 m ² of gross floor area
Fire Hall:	1 parking space per 30 m ² of gross floor area;

however, any portion of a Fire Hall used to park fire trucks shall not be factored into this calculation

Municipal Public Works Building:

1 parking space per 30 m² of gross floor area; however, any portion of a Public Works Building used to park/store equipment shall not be factored into this calculation

INDUSTRIAL USES

Industrial Establishment 1 parking space for every 100 sq. m. of gross floor area or every 2 employees, whichever is the greater.

(b) CALCULATION OF PARKING REQUIREMENTS

- i. Where a part of a parking space is required in accordance with this By-law, such part shall be considered 1 parking space for the purpose of calculating the total parking requirement for the said use.
- ii. Where a building, structure or lot accommodates more than one type of use, the total parking space requirements for such building, structure or lot shall be the sum of the requirements for the separate uses thereof, except that in the case of a shopping centre, the uses of which has not been clearly determined at the time of construction, the parking space requirement for shopping centre shall apply.
- iii. Parking spaces required in accordance with this By-law shall not include any parking spaces used or intended to be used primarily for the storage or parking of vehicles for hire and gain, display or sale.
- iv. Where the number of parking spaces required is based upon the seating or other capacity of a building or structure, such capacity shall be deemed to be the same as the maximum capacity for such building or structure permitted by The Ontario Building Code, or where applicable, The Liquor Licensing Board of Ontario, whichever capacity is the lesser, except that where seating is provided in the form of fixed benches or pews, 0.6 m of each such bench or pew shall be considered as equally one seat.

(c) INGRESS AND EGRESS

- i. Ingress and egress, to and from the required parking spaces and areas, shall be provided by means of unobstructed driveways or passageways at least 3.0 m, where only one-way traffic is permitted and have a minimum width of 7.5 m but not more than 9.0 m in perpendicular width where two-way traffic is permitted.
- ii. the maximum width of any joint ingress and egress driveway ramp measured along the street line shall be 13 m for commercial, industrial and agriculturally zoned properties and 9 metres for residentially zoned properties. (By-law 2010-82)
- iii. 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 m.
- iv. Except in Residential zones, the minimum distance between driveways measured along the street line intersected by such driveways shall be 7.5 m.
- v. The minimum angle of intersection between a driveway and a street line shall

be 60 degrees.

- vi. Notwithstanding the requirements of items (i) through (vi) above, the ingress and egress requirements of the Regional Municipality of Niagara shall apply along all Regional Roads.
- vii. Nothing in this Subsection shall apply to prevent the use of a right-of-way as a means of obtaining access to a parking area provided the said right-of-way has been legally established for such purpose.

(d) ILLUMINATION

Where parking areas are illuminated, lighting fixtures shall be arranged, designed and installed so that the light is directed downward and deflected away from adjacent lots and travelled public streets.

(e) DIMENSIONS OF PARKING SPACES

A parking space required hereby shall be in accordance with Schedule "D" as attached, except:

- i. Except as otherwise provided in this Clause, where the side of a parking space abuts either a lot line or a wall, a column, a pillar, a tree, a fence, a pole or other obstruction or part thereof which is 0.5 m or more in height above the level of such parking space, the minimum width of the said parking space shall be 3 m; and
- ii. Except as otherwise provided in this Clause, where a parking space abuts an area of landscaped open space or a pedestrian walkway greater than 1 metres in width and located on the same lot therewith, the minimum width of such parking space shall be 2.4 metres and the minimum depth shall be 5.5 metres. (By-law 2006-136)

7.20 Off-Street Loading Requirements

For every building or structure to be erected for, altered for, or its use converted to a commercial or industrial use, involving the frequent shipping, loading, and unloading of persons, animals, goods, wares or merchandise, off-street loading facilities shall be provided and maintained upon the lot on which the principal use is located and in accordance with the following table:

Minimum Loading Requirements

<u>Gross Floor Area</u>	<u>Minimum Loading Facilities Required</u>
1. Commercial Uses:	
185 square metres or less	None
186 square metres to 900 square metres	1 loading space
over 900 square metres	2 loading spaces plus a minimum of 1 additional loading space for each 1,400 square metres or fraction thereof in excess of 900 square metres.
2. Industrial Uses:	
420 square metres or less	None

421 square metres to 2,300 square metres	1 loading space
2,301 square metres to 7,000 square metres	2 loading spaces
Over 7,000 square metres	3 loading spaces plus a minimum of 3 additional loading spaces for each 9,000 square metres or fraction thereof in excess of 7,000 square metres.

7.21 Parking and Loading Facilities

- (a) Any parking area, parking space, loading space, driveway, manoeuvring area or aisle required to be provided or permitted according to the provisions of this By-law for any use in any Zone, other than parking facilities for a one-family detached dwelling or for any agricultural use shall be provided and maintained with a concrete, asphalt, or bituminous gravel surface and adequate drainage facilities.
- (b) All parking facilities required to be provided or permitted according to the provisions of this By-law for any use in any Zone, other than parking facilities for a one-family single detached dwelling, for a converted dwelling in any Restricted Agricultural A1 or Agricultural A2 Zone or Development D Zone, or for any agricultural use, shall be provided with suitable lighting facilities which shall be so installed and maintained as to ensure that the light is deflected away from all streets, highways and nearby Residential Zones or lots used for residential purposes.

7.22 Yard Requirements

Every part of any yard required to be provided in any zone shall be open and unobstructed by any structure from the ground to the sky, except that:

- (a) sills, belt courses, cornices, chimney breasts, bay windows, or pilasters may project into any required yard a distance of not more than 0.6 metre,
- (b) eaves or gutters, for other than an accessory building, may project into any required yard a distance of not more than 0.6 metre,
- (c) uncovered balconies, decks or unenclosed porches may project into the required front yard a distance of not more than 1.5 metres. Uncovered balconies, decks or unenclosed porches may project into the required rear yard a distance of not more than 3 metres, (By-law 2010-82)
- (d) fire escapes may project into any required side or rear yard a distance of not more than 1.5 metres,
- (e) accessory buildings may be erected in accordance with the applicable provisions of this By-law,
- (f) signs may be erected in accordance with the provisions of this By-law and of any Sign By-law, of the Municipality,
- (g) light standards, fuel pump islands and fuel pumps of automobile service stations may be erected in accordance with the applicable provisions of this By-law, and
- (h) fences, freestanding walls, flagpoles, antennae, light standards, and similar accessory structures and appurtenances, and hedges, trees and shrubs are

permitted but in the case of:

- i. a residential interior lot situated in any Residential Zone, no structure, hedge or obstruction that is more than 0.8 metre in height is permitted within 3 metres of any street line, and
 - ii. a residential corner lot situated in any Residential Zone, no structure, hedge or obstruction is permitted within the daylighting triangle. Such structure, hedge or obstruction shall not impede vision.
(By-law 2006-136)
- (i) eaves or gutters or overhangs for accessory buildings may project into any required yard a distance of not more than 0.3 metres. (By-law 2010-82)

7.23 Semi-Detached Dwelling Lots

Nothing in this By-law shall prevent the subdivision of any lot on which is erected a semi-detached dwelling into two parts divided in part by the centre line of the common or party wall separating the two dwelling units in such dwelling.

7.24 Non-Conforming Uses, Buildings, Structures and Lots

(a) DISCONTINUATION OF USE

Where a use, building or structure which was established prior to the date of the passing of this By-law has been used for a purpose not permitted in the zone in which it is situated but said use has been discontinued for a period of twelve consecutive months or longer, the said building or structure may only be used again for a use that conforms to this By-law.

(b) REBUILDING OR REPAIR PERMITTED

Nothing in this By-law shall prevent the rebuilding or repair of an existing building or structure, even though such building or structure or the lot on which such building or structure is located does not conform to one or more of the provisions of this By-law, provided that the dimensions of the original building or structure are not increased, the use thereof is not altered and the yards appurtenant thereto are not reduced except in accordance with the provisions of this By-law.

(c) CHANGE OF USE

A use of a lot, building or structure which under the provisions hereof is not permissible within the zone in which such lot, building or structure is located shall not be changed except to a use which is so permissible within such zone. Such change of use may be subject to the Ontario Building Code and Development Charges By-law.

(d) EXTENSIONS PERMITTED

Nothing in this By-law shall prevent a vertical or horizontal extension or addition from being made to an existing building or structure on a lot, even though such building, structure or lot does not conform to one or more of the provisions of this By-law, provided such extension or the addition itself is designed, located, used and otherwise complies with the provisions of this by-law, with the exception that no extensions or additions will be permitted in a Hazard Zone. Any extension shall obtain all appropriate permits under the Ontario Building Code and may be subject to the Development Charges By-law.

Notwithstanding these requirements, Subsection 7.33 (d) may apply in certain instances to permit a proposed addition to an existing dwelling which does not meet the MDS I setback requirements of the Restricted Agricultural A1 zone and the Agricultural A2 zone.
(By-law 2009-52)

(e) EXCEPTIONS FROM LOT FRONTAGE AND AREA REQUIREMENTS

Notwithstanding anything contained in this By-law, a parcel which is situated in any zone, and which parcel lacks either the required frontage or area, or both the required frontage and area, for a lot in the respective zone, is and shall be deemed to be a lot provided that:

- i. the description of such parcel is the same as in a deed registered on or prior to the date of passing of this By-law, and
- ii. such parcel could have been conveyed legally on the date of the passing of this By-law by way of deed, transfer, mortgage, charge or agreement of sale and purchase without consent under Section 29 of The Planning Act being Chapter 349 of the Revised Statutes of Ontario, 1970, as amended from time to time, and
- iii. such parcel has a frontage of 15 metres minimum to a street, and
- iv. all relevant regulation made under Health Protection and Promotion Act, as amended and all relevant requirements of the Niagara (Regional Area) Health Unit or any other authority having jurisdiction are complied with,
- v. all other requirements of such zone are complied with.

(f) REPLACEMENT OF NON-CONFORMING BUILDINGS

Any building may, in the case of its complete destruction, be replaced with a new building for the same purpose or in the case of its partial destruction, be reconstructed within one year for the same purpose where the complete or partial destruction, as the case may be, is caused by fire, lightning, explosion, tempest, flood or Act of God, or where its demolition is by order of the Corporation of the Township of West Lincoln, the Niagara (Regional Area) Health Unit or other authority, for safety, health or sanitation requirements, provided that:

- i. such destroyed or demolished building was lawfully used at the date of its particular complete destruction, or its demolition,
- ii. such residential building as replaced or reconstructed shall not contain a greater number of dwelling units than lawfully existed in the destroyed or demolished building at the date of its partial or complete destruction or demolition.
- iii. the gross floor area of such building as replaced or reconstructed does not exceed the gross floor area existing at the date of its partial or complete demolition, or where the floor area of the destroyed or demolished building was less than the minimum floor area permitted in the applicable zone under this By-law, such building, as replaced or reconstructed, shall not contain a lesser floor area than lawfully existed in the destroyed or demolished building at the date of its partial or complete destruction, or demolition,
- iv. where any yard existing at the date of the partial or complete destruction or demolition of such building does not comply with the minimum yard required in the applicable zone under this By-law or the MDS 1 formula, then such yard and/or distance as calculated by MDS 1 shall be not be less than the

yard existing at the date of the partial or complete destruction or demolition of such building, (By-law 2007-15)

- v. the height of such building, as replaced or reconstructed, shall not exceed the maximum height permitted in the applicable zone under this By-law. (By-law 2006-136)

7.25 Replacement of Residential Buildings

(Deleted by By-law 2006-136)

7.26 Replacement of Buildings Other Than Residential Buildings

(Deleted by By-law 2006-136)

7.27 Setback Requirements Schedule "B" and Minimum Yard Requirements

Where the regulations of a zone include a requirement that the minimum yard of a lot or parcel of land shall be a specific number of metres "plus an applicable distance as specified in Schedule "B" of this By-law, such minimum yard shall be determined by measuring at right angles from the centre line of the public street abutting such yard in the direction of such lot or parcel of land a distance equal to the sum of:

- (a) the said specific number of metres in the relevant regulation on such particular zone, and
- (b) the distance in metres specified in said Schedule "B" for the public street abutting such lot or parcel of land,

but in no case shall the minimum yard be less than the said specific number of metres in the relevant regulation of such particular zone.

7.28 Servicing Requirements

- (a) On lands shown on Map 2 to Schedule "A", new residential uses in Residential R1, Residential R2, Residential Multiple RM1, Residential Multiple RM2, and Development D Zones, shall be permitted only with municipal water supply facilities and municipal sanitary sewage disposal facilities.
- (b) On lands shown on Map 2 to Schedule "A", new Industrial and new Commercial uses shall be permitted only with municipal water supply facilities and municipal sanitary sewage disposal facilities.

7.29 Hazard Lands and Conservation Authority Regulations

Except for uses, buildings and structures permitted in accordance with the provisions of Subsection 7.7, the provisions of Section 28 Hazard H Zone apply to those lands in the Township situated between any stream or watercourse shown on Schedule "A" and its high water mark.

Conservation Authority Regulations affect certain area such as floodplains, steep slopes, wetlands, and watercourse within its watershed limits. Lands adjacent to these physical features may lie within a regulated area and a permit from the Conservation Authority may be required for the construction of buildings and structures, the placing and removing of fill of any kind or the alteration of waterways. Prior to the commencement of any of the above activities, the Conservation Authority shall be contacted to determine if their regulations apply to the lands. Written documentation shall be submitted with any application for building permit to outline the standards of the Conservation Authority that shall apply.

(By-law 2006-136)

7.30 Provisions for Liquid Manure Storage Facilities

Liquid manure storage facilities shall only be constructed and located in conformity with the following requirements:

- (a) be constructed in a manner that is acceptable to, and approved by the Ontario Ministry of Agriculture & Food;
- (b) be enclosed by a farm or chain link fence designed to prohibit access to the liquid manure storage facilities by persons or livestock;
- (c) be sited in accordance with the requirements of the MDS II, included herein as part of Schedule "C"; and (By-law 2007-15)
- (d) be erected or constructed not less than 30 metres from any lake, pond, stream, watercourse, municipal drain or field drain tile. (By-law # 91-81)

7.31 Open Storage in Residential Zones

- (a) No person shall store in any Residential Zone motor vehicles (except trailer or recreation vehicle) exceeding a one tonne carrying capacity, or the overall length of 7.7 metres, or the overall height of 2.6 metres, or any motor vehicle equipped with stake body or equipment or materials including motor vehicles without current license plates unless they are kept within a wholly enclosed building.
- (b) Notwithstanding any other provision in this Zoning By-law the following provisions governing trailers, recreational trailers and recreational vehicles shall apply in all residential zones:
 - i. One recreational vehicle or recreational trailer, not more than 3.6 m. in height, may be parked on the driveway in any front yard or on the driveway of any exterior side yard between May 1st and October 31st provided it does not occupy a parking space required by this By-law. At any time, one recreational vehicle or recreational trailer, not more than 3.6 m. in height, may be stored in an interior side yard or rear yard;
 - ii. Notwithstanding (i) above, a recreational trailer, not more than 3.6 m. in height, used explicitly for the transporting of snow mobiles may be parked on the driveway in any front yard or on the driveway of any exterior side yard between November 1st, and April 30th, provided it does not occupy a parking space required by this By-law. At any time, any such recreational trailer, not more than 3.6 m. in height, may be stored in an interior side yard or rear yard;
 - iii. For the purpose of (i) and (ii), height shall be measured from the bottom of the wheels to the highest point of said recreational vehicle or recreational trailer, including any load thereon, but excluding any antenna or satellite dish;
 - iv. Under no circumstance shall any part of a recreational vehicle or recreational trailer protrude into the municipal road allowance or a private road allowance;
 - v. A recreational vehicle or recreational trailer shall maintain a 3 m. setback from any window of a dwelling on a neighbouring lot;
 - vi. A recreational vehicle or recreational trailer that is parked in an interior side yard or rear yard shall maintain a 1.2 m. setback from all lot lines;

- vii. Under no circumstance shall any part of a recreational vehicle or recreational trailer be used for human habitation except as permitted by the Zoning By-law; and
- viii. Any other type of trailer shall only be parked in a rear or interior side yard. (By-law 2010-04)

7.32 Reconstruction of Non-Conforming Agricultural Buildings and Structures

Nothing in this By-law shall apply to prevent the reconstruction of any lawful non-conforming or conforming agricultural building or structure situated in any Agricultural Zone in the case of partial or complete destruction caused by fire, lightning, explosion, tempest, flood or Act of God, or demolition by order of the Corporation of the Township of West Lincoln, Niagara (Regional Area) Health Unit or other authority for safety, health or sanitation requirements, provided that:

- (a) such building or structure, as replaced or reconstructed, shall not have in total a greater livestock housing capacity than lawfully existed in the destroyed or demolished building or structure at the date of its partial or complete destruction, or demolition; and
- (b) where any yard existing at the date of the partial or complete destruction or demolition of such building or structure does not comply with the minimum yard or minimum setback required in the Agricultural Zones or the distance calculated by the MDS II, such yard and/or the distance calculated by MDS I shall not be reduced in size by reason of such reconstruction of such building or structure; or
- (c) if such building or structure is to be replaced or reconstructed so that it provides a greater livestock housing capacity than lawfully existed in the destroyed or demolished building or structure at the date of its partial or complete destruction or demolition, such building or structure shall not be replaced or reconstructed except in accordance with the provisions of the Agricultural Zones and the provisions of MDS II. (By-law 2006-136, 2007-15)

7.33 Development In or Adjacent To A Restricted Agricultural A1 or an Agricultural A2 Zone

Notwithstanding anything contained in the By-law, no Residential, Commercial, Industrial, Institutional, Public or Open Space use on a separate lot shall be established after the date of passing of this By-law adjacent to a building or structure used for the housing of livestock, poultry or other fur bearing animal and conversely no new buildings or structures or the enlargement of an existing building or structure for the housing of livestock or other fur-bearing animal shall be established on a separate lot adjacent to one of the foregoing non-farm uses, except in accordance with the following additional setback requirements:

- (a) no non-farm use including a residential use accessory to a permitted adjacent agricultural use shall be established or enlarged adjacent to buildings or structures used for the housing of livestock, poultry or other fur-bearing animals except in accordance with the requirements of MDS I included herein as part of Schedule "C"
- (b) no building or structure used for the housing of livestock, poultry or other fur-bearing animal shall be enlarged, remodelled, or established adjacent to an existing non-farm use except in accordance with the requirements of MDS II included herein as part of Schedule "C" (By-law 2006-136, 2007-15)
- (c) For the purpose of calculating MDS II for a first or expanding livestock facility, inactive cemeteries (as designated by the Township) located in an Open Space O1 zone shall be treated as a Type A land use. (By-law 2007-15)

- (d) Notwithstanding the MDS I requirements of 7.33 above, expansions to existing dwellings that do not meet the MDS I setback(s) requirement are allowed, provided:
 - i. The existing MDS I setback(s) is not reduced beyond the encroachment established by the existing dwelling; and
 - ii. The expansion is less than the minimum floor area provisions of the zone in which the dwelling is located.
 (By-law 2009-52)

- (e) Notwithstanding the agricultural building setbacks found in Subsections 8.2.1 d) e) and f) and Subsections 9.2.1 d) e) and f) of this Zoning By-law, the larger setback of either the MDS II calculation or the required building setback for any subsection noted above shall apply in all instances.
 (By-law 2009-52)

7.34 Accessory Apartments

Any single detached dwelling or semi-detached dwelling located in any “Residential (R1, R2, R3 and RuR)”, “Restricted Agricultural (A1)” and “Agricultural (A2)” zones may be internally converted or maybe connected by way of an addition to the existing building to provide one additional **secondary** dwelling unit, subject to the following requirements:

- a) Only one accessory apartment per lot is permitted either within the main building or one accessory building on the same property.
- b) When an accessory apartment is situated within an accessory building such accessory apartment should be accessory to the main use of the accessory building and be situated above the primary use of the building.
- c) Where the parcel proposed for an accessory apartment is not serviced by a municipal sewer system and/or municipal water distribution system, the minimum lot size of the parcel shall be not less than 0.4 ha and that the private septic system for the property shall be capable of supporting the intensified use in accordance with the Ontario Building Code. In all cases, such accessory apartments located within the Urban area of Smithville shall have full water and sewer services. If service limitations exist, then the accessory apartment is not permitted.
- d) **Floor area of accessory dwelling unit:**
 - **Minimum 40m²**
 - **Maximum 100m²**

Floor area of the accessory dwelling unit shall not be in excess of 40% of the total floor area of the residential building, and shall not exceed 100 m².
- e) One additional parking space for the accessory apartment shall be provided on site, **and only one residential driveway is permitted per property.**
- f) The external appearance and character of the subject building is to be preserved. Additions shall be architecturally similar to the existing building **or the main building** whenever possible.
- g) An accessory apartment will not be permitted in the cellar area of a single detached dwelling, or accessory building.
- h) Any accessory apartment located in the basement area of a single detached dwelling is required to have window openings to each bedroom and the living area of the accessory apartment **that** meet the minimum requirements of the Ontario Building Code.
- i) The accessory building used for accessory residential purposes shall be located within the cluster of buildings on the property and shall not be severed for separate residential purposes.
- j) Existing illegal Accessory Apartments will continue to be recognized as illegal until compliance with these provisions is achieved.

(Deleted By-law 2006-136) (By-law 2014-103)

7.35 Multiple Zones

Any parcel or lot that is located in more than one zone shall be subject to the provisions of each zone and for the purposes of this Subsection, the zone lines shall be deemed to be a lot line except as provided in Clause (a) and (b) of this Subsection:

- (a) Except as provided for in Subsection 7.24, any parcel or lot which is partly within a Restricted Agricultural A1 Zone and/or an Agricultural A2 Zone and/or a Hazard H Zone shall require a minimum frontage of 180 metres and a minimum area of 16 hectares, provided the Hazard H Zone does not exceed 50% of the lot area.
- (b) Any portion of a lot that is in a Hazard H Zone may be used in determining the frontage, area, coverage and yard requirements for that lot.

7.36 Group Homes

A group home, licensed by the appropriate Provincial Ministry, shall be permitted within any one-family detached dwelling, a semi-detached or duplex dwelling, subject to the requirements of this Subsection:

- (a)
 - i. The following types of group home shall be permitted without a rezoning:
 - Approved Homes (psychiatric care)
 - Homes for Special Care (psychiatric care)
 - Supportive Housing Programmes, Adult Community Mental Health Programmes
 - Children's Residence
 - Accommodation Services for the Developmentally Handicapped
 - Satellite Residence for Seniors
 - Homes for Physically Disabled Adults
 - ii. The following types of group home may be permitted subject to a rezoning based on the merits of each application:
 - Halfway Houses for Socially Disadvantaged
 - Halfway Houses for Alcoholics
 - Halfway Houses for Ex-Offenders
 - Community Resource Centres
- (b) A group home shall have a maximum of six residents excluding staff or receiving family.
- (c) Save as hereinafter provided, a group home in any zone in which single family residential uses are permitted shall not be within 450 metres (1,500 feet) of another group home.
- (d) A group home in any area zoned Agricultural A1 or Agricultural A2 shall not be within one kilometre of another group home. (By-law 87-03)

7.37 Niagara Road 12 Landfill Site

Development within 500 metres of the boundary of the Niagara Road 12 Landfill Site may only be permitted if:

- (a) The lands shown outside the Niagara Road 12 Landfill Site described in Schedule "A" as "Area of Possible Influence" are generally within 500 metres of the proposed waste disposal or fill area of the Landfill. In order to ensure the safety of the Landfill and Area of Possible Influence.
 - i. Proponents seeking an amendment to the By-Law or making a consent application shall consult with the Ministry of the Environment to ensure that the

provisions contained in the Ministry's Policy Manual 07-07, dated November 18, 1987, comprised of guidelines for land uses near the Landfill, are addressed. In this regard, the proponent must demonstrate that an assessment has been carried out to the satisfaction of the Ministry of the Environment and the Township of West Lincoln with respect to how a proposed land use will adversely affect and/or be adversely affected by the presence of the Landfill. This provision does not affect applications for building permits that do not require an amendment to the By-law.

- ii. If potential adverse effects to public health and safety or the natural environment are identified as a result of the proposal, then the proponent must also implement any preventative, mitigative, and/or remedial measures to the satisfaction of the Ministry of the Environment and the Township of West Lincoln. Specific factors which must be considered in the assessment include, but are not limited to the following:
 - Engineering design of the Landfill.
 - Landfill generated gases.
 - Quality and quantity of ground and surface water.
 - Odour, litter and dust.
 - Traffic and noise. (By-law # 91-78)
(formerly By-law # 91-52 repealed by 91-78)

7.38 Home Occupations, Home Industry, and Bed and Breakfast Establishments

Home Occupations, Home Industries and Bed and Breakfast Establishments as defined in Section 3 shall be permitted by Zoning By-law Amendment, or specifically identified as a permitted use in specific zone categories.
(By-law 2006-136)

7.39 Nutrient Management

New or expanding livestock facilities greater than 5 nutrient units in size shall be required to complete a Nutrient Management Plan or Strategy in accordance with the Nutrient Management Act and the Ministry of Agriculture, Food and Rural Affairs. The preparation of nutrient management plans and strategies enhances the protection of Ontario's water resources by minimizing the effects of livestock manure and other nutrients that are stored on farm properties or land applied. (By-law 2006-136)

7.40 Landscaping and Planting Strips

(a) REQUIREMENTS FOR USES ABUTTING RESIDENTIAL ZONES

Where a lot is used for a non-residential purpose or a residential development consisting of 3 or more dwelling units, and the interior side or rear lot line or portion thereof abuts a Residential zone, then a strip of land adjoining such abutting lot line, or portion thereof, shall be used for no other purpose than a planting strip in accordance with the provisions of this subsection.

(b) WIDTH

Where land is required to be used for no other purpose than a planting strip, it shall have a minimum width of 1.5 m measured perpendicular to the lot line it adjoins unless otherwise specified in Zoning By-law 79-14, as amended.

(c) DRIVEWAYS OR WALKS

In all cases where ingress and egress driveways or walks extend through a planting strip, it shall be permissible to interrupt the strip within 3.0 m of the edge of such driveway or within 1.5 m of the edge of such walk.

(d) **LANDSCAPED OPEN SPACE**

A planting strip referred to in this subsection may form part of any landscaped open space required by this By-law.

(e) **PLANTING**

Planting strips shall be planted with vegetation, the details of which being regulated through Site Plan Control.

- i. Where a fence, wall, row of trees or hedgerow is provided as part of a planting strip required by this By-law, such fence, wall, row of trees or hedgerow shall be designed to have an ultimate height of not less than 1.5 m above the elevation of the ground at the nearest lot line, except that within the sight triangle the maximum height of any such landscaping materials shall not be greater than 0.8 metres.
- ii. The owner of any lot whereupon a planting strip is required hereby shall be solely responsible for providing and maintaining such planting strip in accordance with the provisions hereof.

(By-law 2006-136)

7.41 Daylighting Triangles

On a corner lot within the triangular space formed by the street lines and a line drawn from a point in one street line to a point in the other street line, each such point being 7.0 m measured along the street line from the point of intersection of the street lines, no sign, fence, landscaping, building or structure shall be greater than 0.8 m in height above the elevation of the ground at the street line regardless of whether or not any such landscaping materials form part of a required planting strip. Such triangular space may hereinafter be called a daylighting triangle. Where the 2 street lines do not intersect at a point, the point of the intersection of the street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines. Notwithstanding these requirements, the sight/daylighting triangle provisions of any legislation or regulation of the Region of Niagara and the Province of Ontario shall apply along all Regional Roads.

(By-law 2006-136)

7.42 Garden Suites

Garden Suites are permitted in the Township of West Lincoln in accordance with the provisions of the Planning Act, Section 39.1. As a condition to passing a by-law authorizing the temporary use of a garden suite under the Planning Act, the Municipal Council may require the owner of the suite or any other person to enter into an agreement with the municipality dealing with such matters related to the temporary use of the garden suite as the council considers necessary or advisable, including:

- i. The installation, maintenance and removal of the garden suite;
- ii. The period of occupancy of the garden suite by any of the persons named in the agreement; and
- iii. The monetary or other form of security that the council may require for actual or potential costs to the municipality related to the garden suite.
- iv. The garden suite shall not exceed a maximum floor area of 100 square metres and shall be designed to be portable.

(By-law 2006-136)

7.43 Commercial and Private Kennels

In addition to the regulations governing the zone in which this use is permitted, the following additional regulations shall also apply to any new "Commercial and Private Kennels":

- (a) Shall be in accordance with the definition of 3.59 and 3.60 as amended from time to time.
- (b) Shall be on a lot with at least 4 ha of land and secondary to the main use of the property.
- (c) Any buildings or structures used in conjunction with a commercial or private kennel shall be a minimum of 150 m from an existing dwelling on any adjacent lot. Where an adjacent lot is vacant, any buildings or structures used in conjunction with a commercial or private kennel must be a minimum of 75 metres from the common lot line.
- (d) Any new dwellings on adjacent lands to a Commercial or Private Kennel shall be located a minimum of 150 metres from the existing licensed private or commercial kennel.
- (e) Dog runs, pens, dog enclosures and all structures used in connection with the operation (including exercising yards) shall be at least 15 metres from any drilled well and 30 metres from any dug well.
- (f) Dog runs, pens, and enclosures shall be enclosed with a solidly constructed, board on board fencing with a minimum height of 1.8 metres so as to fully obstruct the visibility of the pets from neighbouring properties, and to prevent the escape of pets.
- (g) in addition, at least one additional buffer technique of: shrubs, hedging, trees, adequate berming or other sound attenuation techniques shall be required to the satisfaction of the Township through Site Plan Control.

(By-law 2010-98)

7.44 Pet Care Establishment

In addition to the regulations governing the zone in which this use is permitted, the following additional regulations shall also apply to "Pet Care Establishments":

- (a) The establishment as defined in 3.94a shall operate only between the hours of 7:00 am and 11:00 pm, in accordance with all applicable by-laws.
- (b) An establishment shall be within a wholly enclosed building and shall not be located closer than 150 m to any residential dwelling unit in separate ownership in a residential zone.
- (c) In the case of an establishment which also includes an outdoor pen, the outdoor pen area shall not be located closer than 150 m to any residential dwelling unit, excluding of the Pet Care Establishment operator's dwelling unit.
- (d) Any outdoor run associated with any new Pet Care Establishments shall be enclosed with solid board on board constructed fencing with a minimum height of 1.8 metres so as to fully obstruct the visibility of the pets from the neighbouring properties, and prevent the escape of pets.
- (e) Where a Pet Care Establishment is located within a C1, C2 or C3 zone, it is exempt from any setback provisions found in subsection b) an c) above, "Pet Care Establishments."

(By-law 2010-98)

SECTION 8: RESTRICTED AGRICULTURAL A1 ZONE

No person shall within any Restricted Agricultural A1 Zone, use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

8.1 Permitted Uses

- (a) i. Agricultural uses, and uses, buildings and structures accessory thereto including farm greenhouses but excluding,
 - 1. intensive animal operations, and,
 - 2. commercial greenhouses.
- ii. One one-family detached dwelling on one lot, and uses, buildings and structures accessory thereto.
- iii. Prefabricated shipping container as an accessory structure to existing agricultural buildings not to exceed the following requirements:
 - 1 prefabricated shipping container per 4.0 hectares of Land, but not exceeding a total of 5 prefabricated shipping containers per property.
(By-law 2007-43)
- (b) Dwelling existing at the date of the passing of this By-law and enlargement thereof, and uses, buildings, and structures accessory thereto.
- (c) The office of a qualified medical practitioner or dentist located within a one-family detached dwelling which such qualified medical practitioner or dentist uses as his private residence.
- (d) Home occupations.
- (f) Institutional uses, and uses, buildings and structures accessory thereto.
- (g) Commercial and Private Kennels (By-law 2010-98)
- (h) Pet Care Establishments (By-law 2010-98)

8.2.1 Regulations for Uses Permitted in Clause (a) of Subsection 8.1

- (a) Minimum Lot Frontage 180 metres
- (b) Minimum Lot Area 16 hectares
- (c) Maximum Lot Coverage 12.5 percent (By-law 98-73)
- (d) Minimum Front Yard:
 - i. For dwellings and buildings accessory thereto, 15 metres plus any applicable distance as specified in Schedule "B".
 - ii. For buildings and structures not included in paragraph (i) of this Clause, 20 metres plus any applicable distance as specified in Schedules "B".
(By-law 2009-51)
- (e) Minimum Side Yard:
 - i. 5 metres for dwellings and buildings accessory thereto, except that the

minimum side yard abutting a street shall be 15 metres plus any applicable distance as specified in Schedule "B".

- ii. For buildings and structures not included in paragraph (i) of this Clause, 15 metres except that:
 - the minimum side yard abutting a street shall be 20 metres plus any applicable distance as specified in Schedules "B".
 - the minimum side yard abutting an Agricultural A2 Zone shall be 15 metres (By-law 2009-51)

(f) Minimum Rear Yard:

- i. 15 metres for dwelling and buildings accessory hereto, except that the minimum rear yard abutting a street shall be 15 metres plus any applicable distance as specified in Schedule "B".
- ii. For buildings and structures not included in paragraph (i) of this clause, 15 metres except that:
 - the minimum rear yard abutting a street shall be 20 metres plus any applicable distance as specified in Schedules "B".
 - the minimum rear yard abutting an Agricultural A2 Zone shall be 15 metres. (By-law 2009-51)

(g) Minimum Floor Area for Dwelling:

- | | | |
|------|--------------------------------|-------------------|
| i. | 1 Storey | 100 square metres |
| ii. | 1-1/2 Storey
or Split Level | 120 square metres |
| iii. | 2 or 2-1/2 Storey | 150 square metres |

Where no basement or cellar is provided, the applicable minimum floor area shall be increased by 18 square metres.

- (h) Maximum Height for a Dwelling 2-1/2 Storeys

8.2.2 Supplementary Regulations (MDS) for Permitted Uses of Subsection 8.1

Notwithstanding the requirements of (d), (e) and (f) of Subsection 8.2.1 above, any permitted use in Subsection 8.1 shall be subject to the requirements of Subsection 7.33. (By-law 2007-15)

8.2.3 Supplementary Regulations for Dwellings Permitted in Clause (a) of Subsection 8.1

All lots with a minimum lot area of less than 1 hectare existing at the date of passing of the By-law and all lots hereafter granted consent shall be subject to the provisions of Section 15, Rural Residential RuR Zone. (By-law 80-16)

8.3.1 Regulations for Enlargement of Existing Dwellings Permitted in Clause (b) of Subsection 8.1

(Deleted by By-law 2007-43)

8.3.2 Regulations for Accessory Buildings Permitted in Clause (b) of Subsection 8.1

- (a) Maximum Lot Coverage - 1 percent provided that the lot coverage of all buildings on the lot does not exceed 20 percent.
- (b) Minimum Distance from Main Building - 1.5 metres provided that in no case shall

any overhang, eaves or gutter project into this required minimum area which shall be clear of any obstruction from the ground to the sky.

(c) Minimum Yard Requirements:

- i. The minimum yard abutting a public street shall be 12 metres plus any applicable distance as specified in Schedule "B".
- ii. Except as provided in paragraph (i) of this Clause, no accessory building shall be located within 2 metres of a side or rear lot line.
- iii. In no case shall any overhang, eaves or gutter project more than 0.3 metres into any required minimum yard.

(d) Maximum Height 5 metres.

8.4 Regulations for the Office of a Qualified Medical Practitioner or Dentist Permitted in Clause (c) of Subsection 8.1

- (a) The floor area of such office shall not exceed 25 percent of the floor area of such a dwelling.
- (b) Such office shall not be used as a clinic or hospital.
- (c) A minimum number of 4 parking spaces for each doctor or dentist using such dwelling shall be provided and maintained on the lot containing such office and in other than the front yard.
- (d) All parking spaces shall be screened by means of a hedge or fence from all adjacent lots located in any Residential Zone or used for residential purposes.

8.5 Regulations for Institutional Uses Permitted in Clause (e) of Subsection 8.1

The provisions of Section 25, Institutional I Zone, shall apply, mutatis mutandis, to institutional uses, and uses, buildings and structures accessory thereto.

SECTION 9: AGRICULTURAL A2 ZONE

No person shall within any Agricultural A2 Zone, use any land, or erect, alter or use any building, structure, except in accordance with the following provisions:

9.1 Permitted Uses

- (a)
 - i. Agricultural uses and commercial greenhouses and uses, buildings and structures accessory thereto.
 - ii. One one-family detached dwelling on one lot, and uses, buildings and structures accessory thereto.
 - iii. Prefabricated shipping container as an accessory structure to existing agricultural buildings not to exceed the following requirements:
 - 1 prefabricated shipping container per 4.0 hectares of Land, but not exceeding a total of 5 prefabricated shipping containers per property.
(By-law 2007-43)
 - iv. Medical marihuana growth and accessory production facilities, subject to a site specific zoning amendment. (By-law 2014-17)
- (b) Dwellings existing at the date of the passing of this By-law and enlargement thereof, and uses, buildings and structures accessory thereto.
- (c) Commercial kennels.
- (d) Temporary Farm Help Accommodations in accordance with Section 9.2.2(d).
- (e) Permanent Farm Help Houses in accordance with Section 9.2.2(e). (By-law #2003-39)
- (f) Home Occupation as defined in Section 3.53 (By-law 2007-43)
- (g) Commercial and Private Kennels (By-law 2010-98)
- (h) Pet Care Establishments (By-law 2010-98)

9.2.1 Regulations for Uses Permitted in Clause (a) of Subsection 9.1

- (a) Minimum Lot Frontage 180 metres
- (b) Minimum Lot Area 16 hectares
- (c) Maximum Lot Coverage 12.5 percent (By-law # 98-73)
- (d) Minimum Front Yard:
 - i. For dwellings and buildings accessory thereto, 15 metres plus any applicable distance as specified in Schedule "B".
 - ii. For buildings and structures not included in paragraph (i) of this Clause, 20 metres plus any applicable distance as specified in Schedules "B".
(By-law 2009-51)
- (e) Minimum Side Yard:
 - i. 7.5 metres for dwellings and buildings accessory thereto, except that the minimum side yard abutting a street shall be 15 metres plus any applicable

distance as specified in Schedule "B".

- ii. For buildings and structures not included in paragraph (i) of this Clause, 15 metres except that the minimum side yard abutting a street shall be 20 metres plus any applicable distance as specified in Schedules "B".
(By-law 2009-51)

(f) Minimum Rear Yard:

- i. 15 metres for dwellings and buildings accessory thereto, except that the minimum rear yard abutting a street shall be 15 metres plus any applicable distance as specified in Schedule "B".
- ii. For buildings and structures not included in paragraph (i) of this Clause, 15 metres except that the minimum rear yard abutting a street shall be 20 metres plus any applicable distance as specified in Schedules "B".
(By-law 2009-51)

(g) Minimum Floor Area for a Dwelling:

- | | | |
|------|--------------------------------|-------------------|
| i. | 1 Storey | 100 square metres |
| ii. | 1-1/2 Storey or
Split Level | 120 square metres |
| iii. | 2 or 2-1/2 Storey | 150 square metres |

Where no basement or cellar is provided, the applicable minimum floor area shall be increased by 18 square metres.

(h) Maximum Height for a Dwelling 2-1/2 Storeys

9.2.2 Supplementary Regulations (MDS) Permitted Uses of Subsection 9.1

- (a) Notwithstanding the requirements of (d), (e) and (f) of Subsection 9.2.1 above, any permitted use in Subsection 9.1 shall be subject to the requirements of Subsection 7.33. (By-law 2007-15)

- (b) Notwithstanding the requirements of Clauses (d), (e) and (f) of Subsection 9.2.1 above, a building or structure hereafter erected or used for the growing of mushrooms, ~~or commercial greenhouses~~, (By-law #84-30)

- i. shall meet the following yard requirements:

1. Minimum Front Yard - 150 metres plus any applicable distance as specified in Schedule "B"
2. Minimum Side Yard - 75 metres except that the minimum side yard abutting a street shall be 150 metres plus any applicable distance as specified in Schedule "B".
3. Minimum Rear Yard - 75 metres except that the minimum rear yard abutting a street shall be 150 metres plus any applicable distance specified in Schedule "B", and

- ii. shall not be located at a distance of less than 150 metres from any occupied dwelling situated on a neighbouring lot or parcel in any Restricted Agricultural A1 Zone or Agricultural A2 Zone or Rural Residential RuR Zone.

- iii. shall not be located at a distance of less than 300 metres from a Residential Zone or an Institutional Zone, excluding a Rural Residential RuR Zone.

- iv. shall not be located at a distance of less than 30 metres from the top of the bank of any stream or watercourse. (By-law # 80-16)

(c) Supplementary Regulations for Temporary Farm Help Accommodations

- i. no temporary farm help accommodation shall be used as a permanent dwelling.
- ii. a temporary farm help accommodation shall be provided with adequate septic and water supply to the satisfaction of the Regional Niagara Health Services Department.
- iii. a temporary farm help accommodation shall be located a minimum of 5 metres from any other structure located on the same lot or in accordance with the Building Code.
- iv. a temporary farm help accommodation shall be subject to the requirements of Section 9.2.1 (d), (e) and (f).
- v. no temporary farm help accommodation shall be located in the front yard.
- vi. the owner or operator of a farm must demonstrate to the satisfaction of the Township that the size and/or nature of the farm operation make the construction of such accommodation and employment of such help necessary

(d) Supplementary Regulations for a Permanent Farm Help House

- i. a permanent farm help house shall be provided with adequate septic and water supply to the satisfaction of the Regional Niagara Health Services Department.
- ii. a temporary farm help accommodation shall be located a minimum of 5 metres from any other structure located on the same lot or in accordance with the Building Code.
- iii. a permanent farm help house shall be subject to the requirements of Section 9.2.1 (d), (e) and (f). (By-law # 2003-39)
- iv. the owner or operator of a farm must demonstrate to the satisfaction of the Township that the size and/or nature of the farm operation make the construction of such accommodation, and employment of such help necessary (By-law 2007-43)

(By-law 2010-98)

9.2.3 Supplementary Regulations for Dwellings Permitted in Clause (a) of Subsection 9.1

The provisions of Subsection 8.2.3 apply to dwellings permitted in Clause (a) of Subsection 9.1. (By-law 80-16)

9.3.1 Regulations for Uses Permitted in Clause (b) of Subsection 9.1

(Deleted by By-law 2007-43)

9.4 Supplementary Regulations for Greenhouses Permitted in Clause (a) of Subsection 9.4.1

- (a) Minimum Lot Frontage 100 metres (By-law # 99-27)
- (b) Minimum Lot Area 2 hectares
- (c) Maximum Lot Coverage 70 percent (By-law # 99-27)
- (d) Minimum Front Yard 30 metres (By-law # 99-27)
- (e) Minimum Side Yard and Minimum Rear Yard 15 metres, except where ventilating fans exhaust into the respective side yard or rear yard, the minimum shall be 25 metres.
- (f) Supplementary Setback Distances
 - i. All greenhouses shall be located a minimum distance of 45 metres from any residential use on an adjacent lot.
 - ii. No manure, compost or equipment storage area shall be permitted within 30 metres of a street or a residential use on an adjacent lot. (By-law # 99-27)
- (g) (Deleted by By-law 2007-43)

9.5 Supplementary Regulations for Medical Marihuana Growth and Production Facilities Permitted in Clause (a) of Subsection 9.1 (By-law 2014-17)

- (f) Supplementary Regulations
 - i. All medical marihuana growth and accessory processing facilities shall be located a minimum setback of 150 metres from neighbouring lot lines.
 - ii. No outside storage of goods, materials or supplies is permitted in association with medical marihuana growth and accessory processing facilities.
 - iii. Where a building or structure consists of more than 10% glass and where artificial lighting is required, a board on board fence of a minimum 1.8 metres in height shall be provided and maintained adjacent to every portion of any lot line that abuts a Residential Zone or residential use.
 - iv. Notwithstanding iii above, a 1.8 metre fully enclosed security fence shall be installed around the entire area most used for the medical marihuana growth and accessory processing facility.

SECTION 10: GENERAL PROVISIONS FOR RESIDENTIAL ZONES

10.1 Residential Zones

The following Zones are hereby classified as Residential Zones to which the provisions of this Section apply:

<u>Zone</u>	<u>Symbol</u>
Residential 1	R1
Residential 2	R2
Residential 3	R3
Residential 4	R4 (By-law 2007-117)
Residential Multiple 1	RM1
Residential Multiple 2	RM2
Residential Multiple 3	RM3 (By-law 2007-117)
Rural Residential	RuR
Development	D

10.2 Additional Permitted Uses

In addition to the permitted uses, expressly applying to Residential Zones R1, R2, and RuR, in such Zones the office of a qualified medical practitioner or dentist may be located within a one family detached dwelling which such qualified medical practitioner or dentist uses as his private residence provided, however, that:

- (a) the floor area of such office shall not exceed 25 percent of the floor area of such dwelling,
- (b) such office shall not be used as a clinic or hospital,
- (c) a minimum number of 4 parking spaces for each doctor or dentist using such dwelling shall be provided and maintained on the lot containing such office and in other than the front yard, and
- (d) all parking spaces shall be screened by means of a hedge or fence from all adjacent lots located in any Residential Zone or used for residential purposes.

10.3 Accessory Buildings

(Deleted by By-law 2010-03)

10.4 Parking Requirements

- (a) Parking shall only be permitted in the established front yard on the designated single or double driveway. Driveways shall cover less than 50% of the required front yard. Parking spaces for duplex, triplex, fourplex and other multiple residential developments exceeding 4 units shall be located in other than the required front yards. (By-law 2007-43)
- (b) No part of any yard of any lot shall be used for the storage of the body of any automobile, truck, bus or coach.
- (c) In Residential Multiple RM1, RM2 **and** RM3 Zones, a minimum of one and one-half parking space per dwelling unit shall be provided. (By-law 2007-117)
- (d) Not more than 50 percent of the aggregate of the side yard and rear yard of any lot shall be occupied by parking spaces.

10.5 Servicing Requirements
(Deleted by By-law 2007-43)

10.6 Existing Dwellings
(Deleted by By-law 2007-43)

10.7 Additional Requirements (MDS)

The provisions of Clause (a) of Subsection 7.33 shall apply to all lands within a Residential Zone except for those lands within the Smithville urban service area as delineated on Schedule "A". (By-law 2007-15)

10.8 Through Lots in a Residential Zone

A through lot shall be deemed to have two front yards for the purpose of establishing setback requirements. (By-law # 80-16)

10.9 Side Yard Setbacks

The side yard setback for the common/party wall dividing abutting dwelling units shall be 0 metres. (By-law 2008-20)

10.10 Lot Coverage

Following the lifting of Part Lot Control or Consent approval the Lot Coverage existing on the date of approval for the interior dwelling unit shall be deemed to be the Maximum Lot Coverage as of the date of approval.
(By-law 2010-03)

SECTION 11: RESIDENTIAL R1 ZONE

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

11.1 Permitted Uses

- (a) One one-family detached dwelling on one lot.
- (b) Uses, buildings and structures accessory to the foregoing permitted use subject to the Accessory Building Provisions of Section 7.7A. (By-law 2010-03)
- (c) Home Occupation as defined in Section 3.53 (By-law 2007-43)

11.2 Regulations for Dwellings

	<u>Hamlet Development With No Services</u>	<u>With Both Municipal Water and Sanitary Sewer</u>
(a) Minimum Lot Frontage	45 metres (By-law # 80-16, 99-04, 99-75)	21 metres
(b) Minimum Lot Area	0.4 hectare (By-law # 80-16)	800 square metres
(c) Maximum Lot Coverage	20 percent (By-law 2010-03)	35 percent
(d) Minimum Front Yard	7.5 metres <u>plus</u> any applicable distance as specified in Schedule "B".	
(e) Minimum Side Yard	3 metres except as provided in paragraphs i ii and iii of this Clause.	
	i.	An attached garage or attached carport with no rooms above may be erected at a distance of not less than 1 metre from a side lot line which does not abut a street.
	ii.	On an interior lot where no attached carport is provided, the minimum side yard on one side shall be 5 metres.
	iii.	On a corner lot, the minimum side yard abutting a street shall be 6 metres <u>plus</u> any applicable distance as specified in Schedule "B".
(f) Minimum Rear Yard	10 metres	
(g) Minimum Floor Area		
	i.	1 Storey 120 square metres
	ii.	1-1/2 Storey or Split Level 140 square metres
	iii.	2 or 2-1/2 Storey 160 square metres

Where no basement or cellar is provided, the applicable minimum floor area shall be increased by 18 square metres.

(h) Maximum Height

2-1/2 Storeys

11.3 Regulations for Accessory Buildings

(Repealed by By-law 2010-03)

SECTION 12: RESIDENTIAL R2 ZONE

No person shall within any Residential R2 Zone, use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

12.1 Permitted Uses

- (a) One one-family detached dwelling on one lot.
- (b) Uses, buildings and structures accessory to the foregoing permitted use subject to the Accessory Building Provisions of Section 7.7A. (By-law 2010-03)
- (c) Home Occupation as defined in Section 3.53. (By-law 2007-43)

12.2 Regulations for Dwellings

	With Both Municipal Water and Sanitary Sewer
(a) Minimum Lot Frontage	18 metres
(b) Minimum Lot Area	550 square metres
(c) Maximum Lot Coverage	40 percent
(d) Minimum Front Yard	7.5 metres <u>plus</u> any applicable distance as specified in Schedule "B"
(e) Minimum Side Yard	1.5 metres except as provided in paragraphs i, ii and iii of this Clause: <ul style="list-style-type: none">i. An attached garage or attached carport with no rooms above may be erected at a distance of not less than 1 metre from a side lot line which does not abut a street.ii. On an interior lot where no attached garage or attached carport is provided, the minimum side yard on one side shall be 4 metres.iii. On a corner lot, the minimum side yard abutting a street shall be 5 metres <u>plus</u> any applicable distance as specified in schedule "B".
(f) Minimum Rear Yard	10 metres
(g) Minimum Floor Area:	
i. 1 Storey	95 square metres
ii. 1-1/2 Storey or Split Level	110 square metres
iii. 2 or 2-1/2 Storey	130 square metres
	Where no basement or cellar is provided the applicable minimum floor area shall be increased by 18 square metres.
(h) Maximum Height	2-1/2 Storeys

12.3 Regulations for Accessory Buildings

(Repealed by By-law 2010-03)

SECTION 12A:**RESIDENTIAL R3 ZONE**

No person shall within any Residential R3 Zone, use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

12A.1 Permitted Uses

- (a) One one-family detached dwelling on one lot.
- (b) Uses, buildings and structures accessory to the foregoing permitted use subject to the Accessory Building Provisions of Section 7.7A.
(By-law 2010-03)

12A.2 Regulations for Dwellings

With Both Municipal Water
and Sanitary Sewer

- | | | |
|-----|---------------------------------|---|
| (a) | Minimum Lot Frontage | 15 metres for an interior lot and 18 metres for a corner lot |
| (b) | Minimum Lot Area | 475 square metres |
| (c) | Maximum Lot Coverage | 45 percent (By-law 2007-117) |
| (d) | Minimum Front Yard | 6 metres <u>plus</u> any applicable distance as specified in Schedule "B". |
| (e) | Minimum Side Yard | 1.2 metres except as provided in paragraphs i, ii and iii of this Clause: <ul style="list-style-type: none"> i. An attached garage or attached carport with no rooms above may be erected at a distance of not less than 1 metre from a side lot line which does not abut a street. ii. On an interior lot where no attached garage or attached carport is provided the minimum side yard on one side shall be 4 metres. iii. On a corner lot, the minimum side yard abutting a street shall be 4.5 metres <u>plus</u> any applicable distance as specified in Schedule "B". |
| (f) | Minimum Rear Yard | 7.5 metres (By-law 2007-117) |
| (g) | Minimum Floor Area: | |
| | i. 1 Storey | 80 squaremetres |
| | ii. 1-1/2 Storey or Split Level | 110 square metres |

iii. 2 or 2-1/2 Storey 130 square metres

Where no basement or cellar is provided the applicable minimum floor area shall be increased by 18 square metres.

(h) Maximum Height 2-1/2 Storeys

12A.3 Regulations for Accessory Buildings

(Repealed by By-law 2010-03)

SECTION 12B:**RESIDENTIAL R4 ZONE****12B.1 Permitted Uses**

- (a) One one-family detached dwelling.
- (b) Uses, buildings and structures accessory to the foregoing permitted use subject to the Accessory Building Provisions of Section 7.7A. (By-law 2010-03)

12B.2 Regulations for Dwellings

- | | | |
|-----|----------------------|--|
| (a) | Minimum Lot Frontage | 13 metres for an interior lot
15 metres for a corner lot |
| (b) | Minimum Lot Area | 400 square metres |
| (c) | Maximum Lot Coverage | 45 percent |
| (d) | Minimum Front Yard | 6.5 metres <u>plus</u> any applicable distance as specified in Schedule "B" |
| (e) | Minimum side Yard | 1.2 metres except that an attached garage or attached car port with no rooms above may be erected at a distance of not less than 1 metre from a side lot line which does not abut a public street |
| (f) | Minimum Side Yard | 4.5 metres abutting a public street |
| (g) | Minimum Rear Yard | 7.5 metres |
| (h) | Minimum Floor Area | <ul style="list-style-type: none"> i. 1 storey 80 square metres ii. 1^{1/2} storey or split level 110 square metres iii. 2^{1/2} storeys 130 square metres where no basement or cellar is permitted the applicable minimum floor area shall be increased by 9 square metres |
| (i) | Maximum Height | 2 ^{1/2} storeys |
| (j) | Parking | where dwellings front a private condominium street one additional parking space for every two units in addition to the requirements of Section 7.19, shall be provided on lands within the condominium plan |
| (k) | Streets | May be public or private; where private Streets in a plan of condominium, there shall be a minimum pavement width of 7.5 metres |

12B.3 Regulations for Accessory Buildings

(Repealed by By-law 2010-03)

SECTION 13: RESIDENTIAL MULTIPLE RM1 ZONE

No person shall within any Residential Multiple RM1 Zone, use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

13.1 Permitted Uses

- (a) One one-family detached dwelling.
- (b) One semi-detached dwelling.
- (c) One duplex dwelling.
- (d) The conversion of a one one-family detached dwelling existing at the date of the passing of this by-law to a duplex or semi-detached dwelling.
- (e) Uses, buildings and structures accessory to the foregoing permitted uses subject to the Accessory Building Provisions of Section 7.7A. (By-law 2010-03)

13.2 Regulations for One-Family Detached Dwellings Permitted in Clause (a) of Subsection 13.1

The provisions of Subsection 12.2 shall apply, mutatis mutandis, with respect to one-family detached dwellings.

13.3 Regulations for Uses Permitted in Clauses (b) and (c) of Subsection 13.1

		<u>With Both Municipal Water and Sanitary Sewer</u>	
(a)	Minimum Lot Frontage	24 metres 12 metres/unit (By-law 2008-20)	
(b)	Minimum Lot Area	720 square metres 360 square metres/unit (By-law 2008-20)	
(c)	Maximum Lot Coverage	40 percent	
(d)	Minimum Front Yard	7.5 metres <u>plus</u> any applicable distance as specified in Schedule "B".	
(e)			
	i.	For a Semi-Detached <u>Building</u>	For Each Dwelling Unit of a Semi-Detached <u>Building</u>
	<u>Minimum Side Yard</u>		
	Without garage	3 metres	3 metres on one side or carport
	With a garage or carport	2 metres plus 0.5 metre for each additional storey or part thereof	2 metres on one side plus 0.5 metre for each additional storey or part thereof

	Abutting a street	6 metres plus any applicable distance as specified in Schedule "B".
ii.	Minimum Side Yard for a Duplex Dwelling	2 metres on each side plus 0.5 metre on each side for each additional storey or part thereof above the first storey, except as provided in paragraphs (A) and (B) of this Clause: <ol style="list-style-type: none"> 1. On an interior lot where no attached garage or attached carport is provided, the minimum side yard on one side shall be 3 metres. 2. On a corner lot the minimum side yard abutting a street shall be 6 metres <u>plus</u> any applicable distance as specified in Schedule "B".
(f)	Minimum Rear Yard	7.5 metres (By-law 2007-117)
(g)	Minimum Floor Area	84 square metres per dwelling unit except that where no basement or cellar is provided the minimum floor area shall be increased by 9 square metres per dwelling unit.
(h)	Maximum Height	2-1/2 Storeys

13.4 Regulations for Conversion Permitted in Clause (d) or Subsection 13.1

- (a) The dwelling to be converted shall be structurally suitable for the conversion.
- (b) No outside stairway shall be used or erected as an appurtenant structure for the dwelling except an unenclosed fire escape.
- (c) The minimum floor area per dwelling unit shall be as set out in the following table:

<u>Type of Dwelling Unit</u>	<u>Minimum Floor Area</u>
i. Bachelor Unit	42 square metres
ii. One-Bedroom Unit	51 square metres
iii. Two-Bedroom Unit	60 square metres
iv. Unit comprising three or more bedrooms	70 square metres plus 7 square metres for each bedroom in excess of three.

- (d) A minimum of one parking space shall be provided for each dwelling unit in the converted dwelling.

13.5 Regulations for Accessory Buildings Permitted in Clause (e) of Subsection 13.1

(Repealed by By-law 2010-03)

SECTION 14: RESIDENTIAL MULTIPLE RM2 ZONE

No person shall within any Residential Multiple RM2 Zone, use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

14.1 Permitted Uses

- (a) Semi-detached dwelling.
- (b) Duplex dwelling.
- (c) Triplex dwelling.
- (d) Fourplex dwelling.
- (e) Group Townhouse dwelling.
- (f) Street Townhouse dwelling.
- (g) Uses, buildings and structures accessory to the foregoing permitted uses subject to the Accessory Building Provisions of Section 7.7A. (By-law 2010-03)
- (h) Residential uses existing at the date of passing of this By-law and building accessory thereto subject to the Accessory Building Provisions of Section 7.7A. (By-law 2010-03)

14.2 Regulations for Dwellings Permitted in Clauses (a) and (b) of Subsection 14.1

The provisions of Subsection 13.3 shall apply, mutatis mutandis, with respect to the uses permitted in Clauses (a) and (b) of Subsection 14.1.

14.3 Regulations for Triplex Dwellings Permitted in Clauses (c) of Subsection 14.1

- | | | |
|-----|----------------------|--|
| (a) | Minimum Lot Frontage | 24 metres
9.5 metres/exterior unit (By-law 2008-20)
7 metres/interior unit (By-law 2008-20) |
| (b) | Minimum Lot Area | 750 square metres
293 square metres/exterior unit (By-law 2008-20)
215 square metres/interior unit (By-law 2008-20) |
| (c) | Maximum Lot Coverage | 40 percent (By-law 2007-117) |
| (d) | Minimum Front Yard | 7.5 metres <u>plus</u> any applicable distance as specified in Schedule "B". |
| (e) | Minimum Side Yard | 2.5 metres except as provided in paragraphs i, ii and iii of this Clause: <ul style="list-style-type: none">i. An attached garage or attached carport with no rooms above may be erected at a distance of not less than 2 metres from a side lot line which does not abut a street.ii. On an interior lot where no attached garage or attached carport is provided, the minimum side yard on one side shall be 5.5 metres.iii. on a corner lot the minimum side yard abutting a street shall be 7.5 metres <u>plus</u> any applicable distance as specified in Schedule "B". |

(f)	Minimum Rear Yard	7.5 metres (By-law 2007-117)
(g)	Minimum Floor Area	84 square metres per dwelling unit except that where no basement or cellar is provided the minimum floor area shall be increased by 9 square metres per dwelling unit.
(h)	Maximum Height	2-1/2 Storeys

14.4 Regulation for Fourplex Dwellings Permitted in Clause (d) of Subsection 14.1

(a)	Minimum Lot Frontage	30 metres (By-law 2008-20) 9 metres/exterior unit (By-law 2008-20) 6 metres/interior unit (By-law 2008-20)
(b)	Minimum Lot Area	1000 square metres (By-law 2008-20) 300 square metres (By-law 2008-20) 200 square metres (By-law 2008-20)
(c)	Maximum Lot Coverage	40 percent (By-law 2007-117)
(d)	Minimum Front Yard	7.5 metres <u>plus</u> any applicable distance as specified in Schedule "B".
(e)	Minimum Side Yard	3 metres except as provided in paragraphs i, ii and iii of this Clause: <ul style="list-style-type: none"> i. An attached garage or attached carport with no rooms above may be erected at a distance of not less than 2 metres from a side lot line which does not abut a street. ii. On an interior lot where no attached garage or attached carport is provided, the minimum side yard on one side shall be 5.5 metres. iii. On a corner lot the minimum side yard abutting a street shall be 7.5 metres <u>plus</u> any applicable distance as specified in Schedule "B".
(f)	Minimum Rear Yard	8 metres (By-law 2008-20)
(g)	Minimum Floor Area	84 square metres per dwelling unit except that where no basement or cellar is provided, the minimum floor area shall be increased by 9 square metres per dwelling unit.
(h)	Maximum Height	2-1/2 Storeys

14.5 Regulations for Group Townhouse Dwellings Permitted in Clause (e) of Subsection 14.1

(a)	Minimum Lot Frontage	38 metres
(b)	Minimum Lot Area	1400 square metres

- (c) Maximum Lot Coverage 25 percent
- (d) Yard Requirements:
- i. Minimum Front yard 7.5 metres plus any applicable distance as specified in Schedule "B".
 - ii. Minimum Side Yard 5 metres except as provided in Paragraph (A) of this Clause:
 1. On a corner lot the minimum side yard abutting a street shall be 7.5 metres plus any applicable distance as specified in Schedule "B".
 - iii. Minimum Rear Yard 10 metres
 - iv. Minimum Distance Between Buildings on the Same Lot;
 1. Any face of one Townhouse dwelling shall be no closer to any side of another Townhouse dwelling than 9 metres.
 2. Any face of any Townhouse dwelling shall be no closer than 15 metres to any face of another Townhouse dwelling.
 3. Any side of any Townhouse dwelling shall be no closer than 9 metres to any side of another Townhouse dwelling.
 - v. Minimum Distance Between Buildings and Driving Lanes and Parking Areas on the Same Lot:
 1. No side of a Townhouse dwelling shall be closer than 3 metres to any driving lane.
 2. No side of a Townhouse dwelling shall be closer than 3 metres to any parking area except that where a parking space is provided for a specific dwelling unit; such space may be adjacent to that specific unit.
 3. No face of a Townhouse dwelling shall be closer than 6 metres to any driving lane.
 4. No face of a Townhouse dwelling shall be closer than 5 metres to any parking area, except that where a parking space is provided for a specific dwelling unit such space may be adjacent to that specific unit.
- (e) Minimum Distance Between and Abutting Residential Zone and Driving Lanes And Parking Areas:
- i. No driving lane shall be closer than 3 metres to any lot line abutting any Residential Zone.
 - ii. No parking area shall be closer than 6 metres to any lot line abutting any Residential Zone, except that the regulations governing the location of a Driving Lane and a Parking Area in relation to a lot line shall not apply to prevent the use of a jointly owned Driving Lane or Parking Area which services two (2) Townhouses dwellings on adjoining lots, which Driving Lane or Parking Area contains the dividing line of such Driving Lane or Parking Area.

(f)	Minimum Floor Area	84 square metres per dwelling unit except that where no basement or cellar is provided, the minimum floor area shall be increased by 9 square metres per dwelling
(g)	Maximum Height	3 Storeys
(h)	Minimum Amenity Area	35 percent of lot area

14.6 Regulations for Street Townhouse Dwellings Permitted in Clause (f) of Subsection 14.1

(a)	Minimum Lot Frontage	34 metres (By-law 2008-20)
(b)	Minimum Lot Frontage Per Dwelling Unit	10 metres exterior unit (By-law 2008-20) 7 metres interior unit (By-law 2008-20)
(c)	Minimum Lot Area	1100 square metres (By-law 2008-20)
(d)	Minimum Lot Area Per Dwelling Unit	325 square metres/exterior units (By-law 2008-20) 230 square metres/interior units (By-law 2008-20)
(e)	Maximum Lot Coverage	35 percent
(f)	Minimum Front Yard	7.5 metres <u>plus</u> any applicable distance as specified in Schedule "B".
(g)	Minimum Side Yard	3 metres except as provided for in paragraph (i) of this Clause: (i) on a corner lot the minimum side yard abutting the street shall be 7 metres <u>plus</u> any applicable distance as specified in Schedule "B".
(h)	Minimum Rear Yard	10 metres
	i. Minimum Floor Area	84 square metres per dwelling unit except that where no basement or cellar is provided, the minimum floor area shall be increased by 9 square metres per dwelling.
(j)	Maximum Height	3 Storeys

14.7 Regulations for Accessory Buildings Permitted in Clause (g) of Subsection 14.1

(Repealed by By-law 2010-03)

No person shall within any residential Multiple RM3 Zone, use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

14A.1 Permitted Uses

- (a) Semi-detached dwelling
- (b) Triplex dwelling
- (c) Fourplex dwelling
- (d) Townhouse dwelling
- (e) Uses, buildings and structures accessory to the foregoing permitted uses subject to the Accessory Building Provisions of Section 7.7A. (By-law 2010-03)

14A.2 Regulations for Semi-Detached Dwellings

- | | | |
|-----|----------------------|---|
| (a) | Minimum Lot Frontage | 18 metres/9 metres per unit |
| (b) | Maximum Lot Area | 600 square metres/300 square metres per individual lot |
| (c) | Maximum Lot Coverage | 45% |
| (d) | Minimum Front Yard | 6.5 metres <u>plus</u> any applicable distance as Specified in Schedule "B" |
| (e) | Minimum Side Yard | 2 metres on each side for a Duplex dwelling
Plus 0.5 metres for each additional storey or part thereof above the first storey, except as provided in Paragraphs (A) and (B) of this Clause |
| | | i. On an interior lot where no attached garage or attached carport is provided, the minimum side yard on one side shall be 3 metres |
| | | ii. On a corner lot the minimum side yard abutting a public street shall be 6 metres plus any applicable distance as specified in Schedule "B" |
| (f) | Minimum Rear Yard | 7.5 metres |
| (g) | Minimum Floor Area | 84 square metres per dwelling unit except That where no basement or cellar is provided; the minimum floor area shall be increased by 9 square metres per dwelling unit |
| (h) | Maximum Height | 2 ^{1/2} Storeys |

14A.3 Regulations for Triplex Dwellings

- | | | |
|-----|----------------------|---|
| (a) | Minimum Lot Frontage | 24 metres
9 metres/exterior unit
6 metres/interior unit |
| (b) | Minimum Lot Area | 750 square metres |

(c)	Minimum Lot Area/Unit	188 square metres for interior unit 282 square metres for exterior unit
(d)	Maximum Lot Coverage	45%
(e)	Minimum Front Yard	6.5 metres <u>plus</u> any applicable distance as Specified in Schedule "B"
(f)	Minimum Side Yard	2.0 metres except as provided in Paragraphs (i), (ii) and (iii) of this Clause:
		<ul style="list-style-type: none"> i. An attached garage or attached carport with no rooms above may be erected at a distance of not less than 1.2 metres from a side lot line which does not abut a public street. ii. On an interior lot where not attached garage or attached carport is provided, the minimum side yard on one side shall be 3.0 metres iii. On a corner lot the minimum side yard abutting a public street shall be 6.0 metres <u>plus</u> any applicable distance as specified in Schedule "B"
(a)	Minimum rear Yard	7.5 metres
(b)	Minimum Floor Area	84 square metres per dwelling unit except That where no basement or cellar is the Minimum floor area shall be increased by 9 Square metres per dwelling unit
(c)	Maximum Height	2 ^{1/2} Storeys

14A.4 Regulations for Fourplex Dwellings

(a)	Minimum Lot Frontage	30 metres 9 metres/exterior unit 6 metres/interior unit
(b)	Minimum Lot Area	900 square metres
(c)	Minimum Lot Area Per Dwelling Unit	270 square metres for exterior unit 180 square metres for interior unit
(d)	Maximum Lot Coverage	45 %
(e)	Minimum Front Yard	6.5 metres <u>plus</u> any applicable distance as specified in Schedule "B".
(f)	Minimum Side Yard	2.0 metres except as provided in paragraphs (i), (ii) and (iii) of this Clause:
		<ul style="list-style-type: none"> i. An attached garage or attached carport with no rooms above may be erected at a distance of not less than 1.2 metres from a side lot line which does not abut a street.

- ii. On an interior lot where no attached garage or attached carport is provided, the minimum side yard on one side shall be 3.0 metres.
 - iii. On a corner lot the minimum side yard abutting a street shall be 6.0 metres plus any applicable distance as specified in Schedule "B".
- (g) Minimum Rear Yard 7.5 metres
- (h) Minimum Floor Area 84 square metres per dwelling unit except that where no basement or cellar is provided, the minimum floor area shall be increased by 9 square metres per dwelling unit.
- (i) Maximum Height 2 ½ Storeys

14A.5 Regulations for Townhouse Dwellings

- (a) Minimum Lot Frontage 30 metres
9 metres/exterior unit
6 metres/interior unit
- (b) Minimum Lot Area Per Dwelling Unit 270 square metres for exterior unit
180 square metres for interior unit
- (c) Maximum Lot Coverage 45 %
- (d) Minimum Front Yard 6.5 metres plus any applicable distance as specified in Schedule "B".
- (e) Minimum Side Yard 1.5 metres except as provided for in paragraph (i) of this Clause:
- i. on a corner lot the minimum side yard abutting the street shall be 6.0 metres plus any applicable distance as specified in Schedule "B".
- (f) Minimum Rear Yard 7.5 metres
- (g) Minimum Floor Area 84 square metres per dwelling unit except that where no basement or cellar is provided, the minimum floor area shall be increased by 9 square metres per dwelling.
- (h) Maximum Height 3 Storeys

14A.6 Additional Regulations

- (a) Minimum Distance Between Buildings on the Same Lot:
- i. Any face of one Townhouse dwelling shall be no closer to any side of another Townhouse dwelling than 7.5 metres

- ii. Any face of any Townhouse dwelling shall be no closer than 12 metres to any face of another Townhouse dwelling
 - iii. Any side of any Townhouse dwelling shall be no closer than 4.0 metres to any side of another Townhouse dwelling
- (b) Minimum Distance Between Buildings, Driving Lanes and Parking Areas on the Same Lot:
- i. No side of a Townhouse dwelling shall be closer than 3 metres to any driving lane
 - ii. No side of a Townhouse dwelling shall be closer than 3 metres to any parking area except that where a parking space is provided for a specific dwelling unit; such space may be adjacent to that specific unit
 - iii. No face of a Townhouse dwelling shall be closer than 6 metres to any driving lane
 - iv. No face of a Townhouse dwelling shall be closer than 5 metres to any parking area, except that where a parking space is provided for a specific dwelling unit; such space may be adjacent to that specific unit
- (c) Condominium Requirements:
- i. Where dwellings front a private condominium street an additional parking space for every two units (in addition to the requirements of Section 7.19) shall be provided on lands within the condominium plan
 - ii. Where dwellings front a private street, the street in the condominium plan shall have a minimum width of 7.5 metres of paved surface

14A.7 Regulations for Accessory Buildings

(Repealed by By-law 2010-03)

SECTION 15: RURAL RESIDENTIAL RuR ZONE

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

15.1 Permitted Uses

- (a) One one-family detached dwelling.
- (b) Uses, buildings and structures accessory to the foregoing permitted use including not more than 1 pre-fabricated shipping container, subject to the Accessory Building Provisions of Section 7.7A (By-law 2007-43) (By-law 2010-03)
- (c) Home occupations.
- (d) Pet Care Establishments (By-law 2010-98)

15.2 Regulations for Dwellings

- (a) Minimum Lot Frontage 45 metres (By-law # 99-75)
- (b) Minimum Lot Area 0.4 hectare
- (c) Maximum Lot Coverage 20 percent (By-law 2010-03)
- (d) Minimum Front Yard 15 metres plus any applicable distance as specified in Schedule "B".
- (e) Minimum Side Yard 3 metres except as provided in paragraphs (i), (ii) and (iii) of this Clause:
 - i. An attached garage or attached carport with no rooms above may be erected at a distance of not less than 3 metres from a side lot line which does not abut a street.
 - ii. On an interior lot where no attached garage or attached carport is provided, the minimum side yard on one side shall be 7.5 metres.
 - iii. On a corner lot the minimum side yard abutting a street shall be 9 metres plus any applicable distance as specified in schedule "B".
- (f) Minimum Rear Yard 15 metres
- (g) Minimum Floor Area:
 - i. 1 Storey 110 square metres
 - ii. 1-1/2 Storey or Split Level 120 square metres
 - iii. 2 or 2-1/2 Storey 140 square metres

Where no basement or cellar is provided, the applicable minimum floor area shall be increased by 18 square metres.

(h) Maximum Height

2-1/2 Storeys

15.3 Regulations for Accessory Buildings

(Repealed by By-law 2010-03)

SECTION 16: DEVELOPMENT D ZONE

No person shall within any development D zone use any land, or erect, or use any building or structure except in accordance with the following provisions:

16.1 Permitted Uses

- (a) Agricultural uses, buildings and structures including one one-family detached dwelling on one lot, but excluding intensive animal operations, mushroom farms, hatcheries, commercial greenhouses, and commercial dog kennels.
- (b) One-family detached dwellings existing at the date of the passing of this By-law, and uses, buildings and structures accessory thereto.
- (c) Home occupations.

16.2 Regulations for Agricultural Uses Permitted in Clause (a) of Subsection 16.1

- (a) Minimum Lot Frontage As existing at the date of the passage of Zoning By-law 79-14 (By-law 2007-43)
- (b) Minimum Lot Area 4 hectares
- (c) Maximum Lot Coverage 20 percent except that uses, buildings and structures, other than dwellings, shall not exceed 1 percent.
- (d) Minimum Front Yard:
 - i. For dwellings and buildings accessory thereto, 15 metres plus any applicable distance as specified in Schedule "B".
 - ii. For buildings and structures not included in paragraph (i) of this Clause, 30 metres plus any applicable distance as specified in Schedule "B".
- (e) Minimum Side Yard:
 - i. 3 metres for dwellings and buildings accessory thereto, except that the minimum side yard abutting a street shall be 9 metres plus any applicable distance as specified in Schedule "B".
 - ii. For buildings and structures not included in paragraph (i) of this Clause, 15 metres except that the minimum side yard abutting a street shall be 15 metres plus any applicable distance as specified in Schedule "B".
- (f) Minimum Rear Yard:
 - i. 15 metres for dwellings and buildings accessory thereto, except that the minimum rear yard abutting a street shall be 15 metres plus any applicable distance as specified in Schedule "B".
 - ii. For buildings and structures not included in paragraph (i) of this Clause, 15 metres except that the minimum rear yard abutting a street shall be 30 metres plus any applicable distance as specified in Schedule "B".
- (g) Minimum Floor Area for Dwelling:
 - i. 1 Storey 100 square metres

- ii. 1-1/2 Storey or Split Level 120 square metres
- iii. 2 or 2-1/2 Storey 140 square metres

Where no basement or cellar is provided, the applicable minimum floor area shall be increased by 18 square metres.

- (h) Maximum Height for a Dwelling 2-1/2 Storeys

16.3 Regulations for Enlargement of Existing Dwellings Permitted in Clause (b) of Subsection 16.1

- (a) Maximum Lot Coverage 20 percent
- (b) Minimum Front Yard 9 metres plus any applicable distance as specified in Schedule "B"
- (c) Minimum Side Yard
 - i. 3 metres except as provided for in paragraphs (i) and (ii) of this Clause:
 - ii. The minimum side yard abutting a street shall be 9 metres plus any applicable distance as specified in Schedule "B".
 - ii. On an Interior lot where no attached garage or attached carport is provided, the minimum side yard on one side shall be 5 metres.
- (d) Minimum Rear Yard 10 metres
- (e) Maximum Height 2-1/2 Storeys

16.4 Regulations for Accessory Buildings Permitted in Clause (b) of Subsection 16.1

(Repealed by By-law 2010-03)

SECTION 17: TRAILER PARK T2 ZONE

No person shall within any Trailer Park T2 Zone use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

17.1 Permitted Uses

- (a) Trailer parks and uses, buildings and structures accessory thereto, and subject to the Accessory Building Provisions of Section 7.7A. (By-law 2010-03)
- (b) One one-family detached dwelling on one lot and uses, buildings and structures accessory thereto and subject to the Accessory Building Provisions of Section 7.7A. (By-law 2010-03)

17.2 Regulations for Permitted Uses in Clause (a) of Subsection 17.1 Hereof

- (a) Minimum Lot Frontage 60 metres
- (b) Minimum Lot Area 2 hectares
- (c) No trailer shall be permitted except upon a trailer site.
- (d) Minimum Yard Requirements No trailer, building or structure shall be located:
 - i. within 15 metres of any public street plus any applicable distance as specified in Schedule "B".
 - ii. no trailer, building or structure shall be located within 7.5 metres of a side or rear lot line that does not abut a public street, or within 15 metres of the boundary of any Residential Zone.

17.3 Regulations for Trailer Sites

- (a) Minimum Trailer Site Area 185 square metres but in no case shall the number of trailer sites in a trailer camp exceed 30 per hectare of land within such Trailer Park Zone.
- (b) Minimum Trailer Site Frontage 9 metres
- (c) Required Access: Each trailer site shall be accessible by means of a driveway:
 - i. at least 3.5 metres in width where the driveway is for one-way traffic, or
 - ii. at least 7.5 metres in width where the driveway is for two-way traffic.

17.4 Regulations for Uses Permitted in Clause (b) of Subsection 17.1 Hereof

The provisions of Clauses (a) and (b) of Subsection 15.2 hereof and of Clauses (d) to (h) inclusive of Subsection 15.2 hereof, and of Subsection 15.3 hereof, shall apply to uses permitted in Clause (b) of Subsection 17.1 hereof.

SECTION 18: GENERAL PROVISIONS FOR COMMERCIAL ZONES

18.1 Commercial Zones

The following zones are hereby classified as Commercial Zones to which the provisions of this Section apply:

<u>ZONE</u>	<u>Symbol</u>
Local Commercial	C1
General Commercial	C2
Highway Commercial	C3
Rural Commercial	RC

18.2 Minimum Landscaping Requirements

A landscaping area in the form of a planting strip having a minimum width of 1.5 metres shall be provided and thereafter maintained adjacent to every portion of any lot line that abuts any Residential Zone.

18.3 Converted Buildings Deleted by By-law 2007-43

18.4 Regulations for Accessory Residential Uses as Permitted in Commercial Zone C1, C2, C3 and RC

- (a) Minimum Lot Area Per Dwelling Unit - The minimum lot area per dwelling unit shall be equal to the minimum lot area required in the respective Commercial Zones as set out in Sections 19, 20, 21, and 22 of this By-law.
- (b) Location - Entirely within the Commercial structure in other than the basement, cellar or ground floor of any building, except that a residential use may be located on the ground floor of a motel, hotel or motor hotel.
- (c) Minimum Floor Area Per Dwelling Unit - The minimum floor area per dwelling unit shall be in accordance with the following schedule:

<u>TYPE OF DWELLING UNIT</u>	<u>MINIMUM FLOOR AREA</u>
Bachelor Unit	42 square metres
One-Bedroom Unit	55 square metres
Unit Comprising Two or More Bedrooms	70 square metres <u>plus</u> 9 square metres for each additional bedroom over two.

- (d) Minimum Parking Requirements - In addition to the minimum number of parking spaces required for the principal use of a lot, a minimum of one parking space per dwelling unit shall be provided on the same lot.
- (e) Accessory Residential uses shall not be permitted attached to a service station. (By-law # 91-50)

18.5 Supplementary Regulations for Accessory Residential Uses in a Rural Commercial RC Zone

Notwithstanding any other provisions of this By-Law, a one-family detached dwelling may be permitted on the same lot as an accessory use in a Rural Commercial RC Zone provided that:

- (a) the commercial use is established as the principal use on such lot prior to the erection and use of such dwelling, and
- (b) all regulations for the commercial use are complied with, and the regulations in Section 15 shall apply to the residential uses.

18.6 Additional Requirements (MDS)

The provisions of Clause (a) of Subsection 7.33 shall apply to all lands within a Commercial Zone except for those lands within the Smithville Urban Service Area as delineated on Schedule "A".

(By-law 2007-15)

18.7 Arcade Machines

In addition to the permitted uses, expressly applying to Commercial Zones C1, C2, C3 and RC, in such Zones not more than 2 arcade machines may be permitted in any one premise as an accessory use to any other permitted commercial use except as provided for in Section 29 of By-law No. 79-14. (By-law 82-14)

SECTION 19: LOCAL COMMERCIAL C1 ZONE

No person shall within any Local Commercial C1 Zone, use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

19.1 Permitted Uses

- (a) Retail shops, banks, personal service shops, service shops, but excluding all commercial establishments with drive-in or curbside service.
- (b) Residential uses accessory to any permitted use in Clause (a) of this Subsection.
- (c) Uses, buildings and structures accessory to any permitted use in Clause (a) and (b) of this Subsection, but excluding open storage as an accessory use, subject to the Accessory Building Provisions of Section 7.7A. (By-law 2010-03)
- (d) Pet Care Establishments (By-law 2010-98)

19.2 Regulations for Permitted Uses in Clause (a) of Subsection 19.1

- (a) Minimum Lot Frontage 15 metres
- (b) Minimum Lot Area 700 square metres
- (c) Maximum Lot Coverage 30 percent
- (d) Maximum Gross Floor Area 45 percent of lot area except that no commercial uses shall occupy more than 280 square metres.
- (e) Minimum Front Yard 9 metres plus any applicable distance as specified in Schedule "B".
- (f) Minimum Side Yard:
 - i. 5 metres abutting a side lot line which is the boundary of any Residential Zone.
 - ii. 6 metres for the side yard abutting a street plus any applicable distance as specified in Schedule "B".
- (g) Minimum Rear Yard 7.5 metres except as provided in paragraphs (i) and (ii) of this Clause:
 - i. The minimum rear yard abutting any Residential Zone shall be 14 metres.
 - ii. The minimum rear yard abutting a street shall be 7.5 metres plus any applicable distance as specified in Schedule "B".
- (h) Maximum Building Height 2 Storeys
 - i. Minimum Parking Requirements - No parking space or part thereof shall be located and no land shall be used for the temporary parking or storage of any motor vehicle within 0.6 metres of any street line, or within 1.5 metres of the

boundary of any Residential Zone.

19.3 Regulations for Accessory Buildings Permitted in Clause (c) Subsection 19.1

(Repealed by By-law 2010-03)

SECTION 20: GENERAL COMMERCIAL C2 ZONE

No person shall within any General Commercial C2 Zone use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

20.1 Permitted Uses

- (a) Ambulance service;
Banks;
Business and professional offices;
Car wash;
Clinics (medical, dental, etc.);
Commercial schools;
Custom workshops;
Gas Bar;
Government offices including federal, provincial, municipal, public utility and public board or agency offices;
Hotels;
Liquor, beer and wine stores;
Nursery School
Personal service shops;
Places of entertainment or recreation;
Printing establishments;
Private or commercial clubs;
Public or private parking;
Public transportation depots;
Restaurants;
Retail shops;
Service shops;
Shopping centres (as defined in Section 3.111)
Studios;
Taverns;
Taxi establishment;
Undertaking establishments; (By-law # 91-50, # 99-86)
Pet Care Establishments (By-law 2010-98)
- (b) Secondary permitted uses include residential units, subject to Section 18.4. (By-law # 91-50)
- (c) Uses, buildings and structures accessory to any permitted use in Clauses (a) and (b) but excluding outdoor storage as an accessory use, subject to the Accessory Building Provisions of Section 7.7A. (By-law 91-50) (By-law 2010-03)
- (d) No additional arcades shall be permitted and existing arcades shall be limited to the number of arcade machines existing as of the 15th day of March 1982. (By-law # 91-50)

20.2 Regulations for Permitted Uses in Clause (a) of Subsection 20.1 Other than a Car Wash and Gas Bar (By-law # 99-86)

- (a) Minimum Lot Frontage 30 metres (By-law 99-86)
- (b) Minimum Lot Area 1400 square metres (By-law 99-86)
- (c) Maximum Lot Coverage 40 percent
- (d) Minimum Landscaped Open Space 20 percent (By-law 99-86)
- (e) Minimum Front Yard 9 metres plus any applicable distance

as specified in Schedule "B".

- (f) Minimum Side Yard:
 - i. 5 metres abutting a side lot line which is the boundary of any Residential Zone.
 - ii. 6 metres abutting a street plus any applicable distance as specified in Schedule "B". (By-law 99-86)

- (g) Minimum Rear Yard 7.5 metres except as provided in paragraphs i and ii of this Clause:
 - i. The minimum rear yard abutting any Residential Zone shall be 12 metres. (By-law 99-86)
 - ii. The minimum rear yard abutting a street shall be 9 metres plus any applicable distance as specified in Schedule "B".

- (h) Maximum Building Height 10 metres
 - i. Minimum Parking Requirements - No parking space or part thereof shall be located and no land shall be used for the temporary parking or storage of any motor vehicle within 1.5 metres of any street line, or within 3 metres of the boundary of any Residential Zone. (By-law 99-86)

20.3 Regulations for Accessory Buildings Permitted in Clause (c) of Subsection 20.1

- (a) (Repealed by By-law 2010-03)

20.4 Regulations for a Car Wash and Gas Bar

In accordance with the provisions of Section 21.3 of the Highway Commercial C3 Zone (By-law # 99-86)

20.5 Regulations for Permitted Uses in the Central Business District Area

- (a) Minimum Lot Frontage No minimum required
- (b) Minimum Lot Area No minimum required
- (c) Minimum Lot Coverage No maximum
- (d) Minimum Front Yard 6 metres plus any applicable distance as specified in Schedule "B", except that no setback is required for any building abutting Regional Roads 14 and 20.

- (e) Minimum Side Yard:
 - i. 0 metres, except that where the side lot line abuts a Residential Zone, 3 metres is required.
 - ii. 6 metres abutting a street plus any applicable distance as specified in Schedule "B", except that no setback is required for any building abutting Regional Roads 14 and 20.

- (f) Minimum Rear Yard 6 metres except as provided in paragraphs (i) and (ii) of this Clause:
- i. The minimum rear yard abutting any Residential Zone shall be 12 metres.
 - ii. The minimum rear yard abutting a street shall be 6 metres plus any applicable distance as specified in Schedule "B".
- (g) Maximum Building Height 10 metres
- (h) Minimum Parking Requirements No parking space or part thereof shall be located and no land shall be used for the temporary parking or storage of any motor vehicle within 0.6 metres of any street line, or within 1.5 metres of the boundary of any Residential Zone. (By-law 99-100)

SECTION 21: HIGHWAY COMMERCIAL C3 ZONE

No person shall within any Highway Commercial C3 Zone use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

21.1 Permitted Uses

- (a) Automatic or coin operated car washing establishments where sanitary sewers and municipal water is available;
Automobile service stations;
Building supply sales in wholly enclosed buildings;
Business and professional offices;
Construction trades suppliers;
Farm implement sales and service;
Feed and fertilizer dealers
Machinery and equipment sales, service and rental;
Motels, motor hotels and hotels;
Motor vehicle sales rooms and car lots;
Nursery or garden centres;
Places of entertainment or recreation;
Plumbing, heating, air conditioning sales and service;
Private or public clubs;
Public garage;
Public or private parking lots;
Recreational uses;
Restaurants;
Service shops;
Shopping centres (as defined in Section 3.111) less than 929 square metres, permitting only those commercial uses contained herein;
Swimming pool sales and service;
Taxi establishments;
Trailer and recreational vehicle sales, service and rental;
Undertaking establishments. (By-law # 91-50, # 99-04)
- (b) Residential uses accessory to a motel or motor hotel.
- (c) Uses, buildings and structures accessory to any permitted use, but excluding outdoor storage as an accessory use, subject to the Accessory Building Provisions of Section 7.7A (By-law # 91-50) (By-law 2010-03)
- (d) Commercial and Private Kennels (By-law 2010-98)
- (e) Pet Care Establishments (By-law 2010-98)

21.2 Regulations for Permitted Uses in Clause (a) of Subsection 21.1 Other Than Automobile Service Stations

- (a) Minimum Lot Frontage 30 metres
- (b) Minimum Lot Area 1400 square metres
- (c) Maximum Lot Coverage 30 percent
- (d) Maximum Gross Floor Area 50 percent of lot area
- (e) Minimum Front Yard 20 metres plus any applicable distance as specified in Schedule "B"

- (f) Minimum Side Yard 3 metres except as provided in paragraphs (i) and (ii) of this Clause:
- i. 6 metres abutting a side lot line which is the boundary of any Residential Zone.
 - ii. 6 metres for the side yard abutting a public street plus any applicable distance as specified in Schedule "B".
- (g) Minimum Rear Yard 7.5 metres except as provided in paragraphs (i) and (ii) of this Clause:
- i. The minimum rear yard abutting any Residential Zone shall be 10.5 metres.
 - ii. The minimum rear yard abutting a street shall be 9 metres plus any applicable distance as specified in Schedule "B".
- (h) Maximum Building Height 10.5 metres
- (i) Minimum Parking Requirements No parking space of part thereof shall be located and no land shall be used for the temporary parking or storage of any motor vehicle within 1.5 metres of any street line, or within 5 metres of the boundary of any Residential Zone.

21.3 Regulations for Automobile Service Stations and Gas Bars

- (a) Minimum Lot Frontage 46 metres
- (b) Minimum Lot Area
- i. Automobile Service Station 4000 square metres
 - ii. Automobile Service Station and Car Wash 5600 square metres
 - iii. Gas Bar and Convenience Retail Shop 2400 square metres
- (c) Maximum Lot Coverage 30 percent
- (d) Minimum Front Yard
- i. 15 metres plus any applicable distance specified in Schedule "B".
 - ii. For a gas bar kiosk 7.5 metres
- (e) Minimum Side Yard
- i. 7.5 metres except that the minimum side yard abutting a street shall be 15 metres plus any applicable distance as specified in Schedule "B".
 - ii. No car wash shall be located adjacent to a Residential Zone.

- (f) Minimum Rear Yard
- i. 7.5 metres except that the minimum rear yard abutting a street shall be 15 metres plus any applicable distance as specified in Schedule "B".
 - ii. No car wash shall be located adjacent to a Residential Zone.
- (g) Maximum Building Height 10.5 metres
- (h) Daylighting Triangle On a corner lot a daylighting triangle of 15 metres minimum shall be provided.
- (i) Maximum Convenience Retail Shop Floor Area 185 square metres
- (j) Minimum Parking Requirements No parking space or part thereof shall be located and no land shall be used for the temporary parking or storage of any motor vehicle within 1.5 metres of any street line, or within 5 metres of the boundary of any Residential Zone.
- (k) Location of Certain Structures:
- i. Light standards, signs, fuel pump islands and fuel pumps may be located in any required minimum yard at a distance of not less than 5 metres from any street line but no part of a required daylighting triangle shall be construed to be part of a required minimum yard for the purposes of this paragraph.
 - ii. The width of an entrance or exist ramp shall be not less than 7.5 metres nor more than 10.5 metres measured along the street line.
 - iii. No entrance or exist ramp shall be located within 3 metres of the side or rear lot line that abuts an adjoining lot.
 - iv. No entrance or exist ramp shall be located within 9 metres of any other ramp measured along the street line.
 - v. Propane storage tanks in conjunction with an automobile service station or gas bar shall be located a minimum of 15 metres from a street line, 10 metres from a lot line and 15 metres from any residential use or Residential Zone. (By-law 91-50)

SECTION 21A: SHOPPING CENTRE C4 ZONE

21.2 Permitted Uses

- (a) Shopping centres (as defined in section 3.111) equal to or greater than 929 square metres permitting: -
- Business and Professional Offices;
 - Car Wash
 - Clinics
 - Commercial Schools
 - Gas Bars
 - Government Offices including Federal, Provincial, Municipal, Public Utility and Public Board or Agency Offices
 - Liquor and Beer Store

- Personal Service Shops;
- Places of Entertainment or Recreation
- Private or Commercial Clubs
- Restaurants
- Retail Shops
- Taverns

- (b) No additional arcades shall be permitted and existing arcades shall be limited to the number of arcades shall be limited to the number of arcade machines existing as of the 15th day of March, 1982.

21A.2 Regulations for Shopping centres permitted in clause (a) of Section 21A.1

- | | | |
|-----|--|--|
| (a) | Minimum Lot Frontage | 46 metres |
| (b) | Minimum Lot Area | 1 hectare |
| (c) | Minimum Lot Coverage | 30 percent |
| (d) | Maximum Gross Floor Area | 50 percent of lot area |
| (e) | Minimum Front Yard | 20 metres <u>plus</u> any applicable distance as specified in Schedule “B” |
| (f) | Minimum Side Yard | 3 metres except as provided in Paragraphs (i) and (ii) of this clause:- |
| | i. | 6 metres abutting a side lot line which is the boundary of any Residential Zone |
| | ii. | 6 metres for the side yard abutting a public street <u>plus</u> any applicable distance as specified in Schedule “B”. |
| (g) | Minimum Rear Yard | 7.5 metres except as provided in paragraphs (i) and (ii) of this clause:- |
| | i. | The minimum rear yard abutting any Residential zone shall be 10.5 metres |
| | ii. | The minimum rear yard abutting a public street shall be 9 metres <u>plus</u> any applicable distance as specified in Schedule “B”. |
| (h) | Maximum Building Height | 10.5 metres |
| (i) | Minimum Parking Requirements – No parking space or part thereof shall be located and no land shall be used for the temporary parking or storage of any motor vehicle within 1.5 metres of any street line, or within 5 metres of the boundary of any Residential Zone. | |

SECTION 22: RURAL COMMERCIAL RC ZONE

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

22.1 Permitted Uses

- (a) Building supply sales, farm implement sales and service establishments, feed and fertilizer dealers, animal hospitals in wholly enclosed buildings, retail farm supply stores, public garages, general trucking uses, livestock trucking uses, fuel storage depots, general store, and farm service establishments.
- (b) Residential uses accessory to any permitted use in Clause (a) of this Subsection subject to provisions contained in Section 18.5 (By-law 2007-43)
- (c) Uses, buildings and structures accessory to any permitted use in Clause (a) and (b) of this Subsection including not more than 2 pre-fabricated shipping containers, subject to the Accessory Building Provisions of Section 7.7A. (By-law 2007-43) (By-law 2010-03)

22.2 Regulations for Permitted Uses in Clause (a) of Subsection 22.1

- (a) Minimum Lot Frontage 60 metres
- (b) Minimum Lot Area 4000 square metres
- (c) Maximum Lot Coverage 30 percent
- (d) Maximum Gross Floor Area 50 percent of lot area
- (e) Minimum Front Yard 20 metres plus any applicable distance as specified in Schedule "B".
- (f) Minimum Side Yard 6 metres except as provided in paragraphs (i) and (ii) of this Clause:
 - i. 12 metres abutting a side lot line which is the boundary of any Residential Zone.
 - ii. 12 metres for the side yard abutting a street plus any applicable distance as specified in Schedule "B".
- (g) Minimum Rear Yard 8 metres except as provided in paragraphs (i) and (ii) of this Clause:
 - i. The minimum rear yard abutting any Residential Zone shall be 10 metres.
 - ii. The minimum rear yard abutting a street shall be 12 metres plus any applicable distance as specified in Schedule "B".
- (h) Maximum Building Height 15 metres
- (i) Minimum Parking Requirements No parking space or part thereof shall be located and no land shall be used for the

temporary parking or storage of any motor vehicle within 2 metres of any street line, or within 5 metres of the boundary of any Residential Zone

22.3 Regulations for Accessory Buildings Permitted in Clause (c) of Subsection 22.1

(Repealed by By-law 2010-03)

SECTION 23: INDUSTRIAL M1 ZONE

No person shall within any Industrial M1 Zone use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

23.1 Permitted Uses

- (a) Agricultural uses, excluding human habitation, intensive animal operations, commercial growing of mushrooms and commercial greenhouses.
- (b) Warehousing and wholesaling uses, and any manufacturing or industrial uses which are not obnoxious by reason of the emission of odour, dust, smoke, gas, fumes, noise, cinders, vibration, refuse matter or water-carried waste, and uses accessory thereto saving and excepting human habitation.
- (c) Uses, buildings and structures accessory to any use permitted in Clause (a) of this Subsection, saving and excepting human habitation, including not more than 2 pre-fabricated shipping containers, subject to the Accessory Building Provisions of Section 7.7A. (By-law 2007-43) (2010-03)
- (d) Medical marihuana growth and accessory processing facilities and medical marihuana processing facilities, subject to a site specific zoning amendment. (By-law 2014-17)

23.2 Open Air Operations, Storage and Display

Open air operations, storage and display of goods or materials are prohibited in any front yard, or in any side yard or rear yard which abuts a Provincial Highway.

All growing, production and storage associated with medical marihuana growth and accessory processing facilities and medical marihuana processing facilities must occur within a wholly enclosed building. All outside storage and production is prohibited. (By-law 2014-17)

23.3 Regulations for Permitted Uses in Subsection 23.1

- (a) Minimum Lot Frontage 46 metres
- (b) Minimum Lot Area 2050 square metres
- (c) Maximum Lot Coverage 50 percent
- (d) Maximum Gross Floor Area 75 percent of lot area
- (e) Minimum Front Yard 15 metres plus any applicable distance as specified in Schedule "B".
- (f) Minimum Side Yard 5 metres except as provided in paragraphs (i) and (ii) of this Clause:
 - i. 15 metres abutting a side lot line which is the boundary of any Residential Zone.
 - ii. 10 metres for the side yard abutting a street plus any applicable distance as specified in Schedule "B".

- (g) Minimum Rear Yard 7.5 metres except as provided in paragraphs (i), (ii) and (iii) of this Clause:
 - i. 15 metres abutting a rear lot line which is the boundary of any Residential Zone.
 - ii. No rear yard need be provided abutting any railway right-of-way or railway siding.
 - iii. For the purpose of this Section, any rear yard abutting a street shall be deemed to be a front yard and all provisions herein relating to front yards shall apply thereto.
- (h) Minimum Parking Requirements for other than Agricultural Uses, in accordance with Section 7, and maximum of 5 visitor parking spaces shall be permitted in the required front yard or along the front wall of the building: (By-law 2007-43)
- (i) Minimum Loading Requirements - No loading space shall be established in any front yard and any loading space established in any side or rear yard shall comply with the provisions of Subsection 3.62 and Subsection 7.20 hereof.
- (j) Minimum Landscaping Requirements - A landscaping area shall be provided and thereafter maintained in the entire front yard, except where front yard parking is established under the provisions of paragraph (ii) of Clause (h) of this Subsection in which case the remainder of the area shall be landscaped and a landscaping area in the form of a planting strip 3 metres in depth shall be provided across the entire frontage except for provisions for ingress and egress which shall not exceed 33-1/3 percent of the entire frontage.
- (k) Where the buildings and structures for a medical marihuana growth and accessory processing facility or medical marihuana processing facility consists of more than 10% glass and where artificial lighting is required, a 1.8 metre high board fence shall be provided and maintained adjacent to every portion of any lot line that abuts a Residential Zone or residential use. (By-law 2014-17)
- (l) All medical marihuana growth and accessory processing facilities and medical marihuana processing facilities shall be located a minimum distance of 45 metres from any residential or institutional use on an adjacent lot. (By-law 2014-17)
- (m) Notwithstanding (l) above, a 1.8 metre fully enclosed security fence shall be installed around the entire area used for the medical marihuana growth and accessory processing facility. (By-law 2014-17)

23.4 Additional Requirements (MDS)

The provisions of Clause (a) of Subsection 7.33 shall apply to all lands within an Industrial M1 Zone except for those lands within the Smithville Urban Service Area as delineated on Schedule "A".
(By-law 2007-15)

SECTION 24: PUBLIC INDUSTRIAL M2 ZONE

No person shall within any Public Industrial M2 Zone use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

24.1 Permitted Uses

- (a) Industrial, manufacturing, storage, servicing and processing operations carried on by, or on behalf of, a Municipal, Provincial or Federal Government or Utility agency, and, without limiting the generality of this Clause, including facilities for the treatment, pumping and storage of water, facilities for the pumping and treatment of sewage, work yards, waste disposal areas and public incinerators.
- (b) Uses, buildings and structures accessory to any use permitted in Clause (a) of this Subsection, saving and excepting human habitation including not more than 2 pre-fabricated shipping containers, subject to the Accessory Building Provisions of Section 7.7A. (By-law 2007-43) (By-law 2010-03)

24.2 Regulations

- (a) Minimum Lot Frontage 30 metres
- (b) Minimum Lot Area 1400 square metres
- (c) Maximum Lot Coverage 30 percent
- (d) Minimum Yard Requirements - No building or structure shall be used or erected within 7.5 metres of any lot line which does not abut a public street, or within 30 metres of the boundary of any Residential Zone, or at lesser distance from any public street than 15 metres plus any applicable distance as specified in Schedule "B".
- (e) Minimum Parking Requirements:
 - i. Parking spaces shall be provided on the same lot on which the principal use is located, sufficient in number to accommodate the employees of, and the visitors to, the public industrial use or uses on such lot.
 - ii. No parking space or part thereof shall be located and no land shall be used for the temporary parking or storage of any motor vehicle within 3 metres of any lot line, or within 15 metres of any street line or boundary of any Residential Zone.
- (f) Minimum Loading Requirements:
 - i. Off-street loading spaces shall be provided on the same lot on which the principal use is located, sufficient in number to provide for the needs of the public industrial operation taking place on such lot.
 - ii. No loading space or part thereof shall be located and no land shall be used for loading purposes within 3 metres of any lot line, or within 15 metres of any street line or boundary of any Residential Zone.
- (g) Minimum Landscaping Requirements:

A landscaping area in the form of a planting strip having a minimum width of 3 metres shall be provided and thereafter maintained adjacent to every portion of any lot line that abuts the boundary of any lot used for residential purposes or the boundary of any Residential Zone, Institutional I Zone and Open Space 01 Zone.

24.3 Additional Requirements (MDS)

The provisions of clause (a) of Subsection 7.33 shall apply to all lands within a Public Industrial M2 Zone except for those lands within the Smithville Urban Service Area as delineated on Schedule "A". (By-law 2007-15)

SECTION 24A: NIAGARA ROAD 12 LANDFILL SITE - WASTE DISPOSAL FILL AREA ZONE

No person shall within the Niagara Road 12 Landfill Site - Waste Disposal Fill Area Zone, alter or use any building or structure except in accordance with the following provisions:

24A.1 Permitted Uses

- (a) The disposal of solid residential, municipal, institutional, commercial and non-hazardous industrial waste.
- (b) The processing and composting of solid waste.
- (c) Accessory Uses, subject to the Accessory Building Provisions of Section 7.7A. (By-law 2010-03)

SECTION 24B: NIAGARA ROAD 12 LANDFILL SITE - BUFFER ZONE

No person shall within the Niagara Road 12 Landfill Site - Buffer Zone, alter or use any building or structure except in accordance with the following provisions:

24B.1 Permitted Uses

- (a) Weigh scales; landfill utility, servicing and control structures, facilities and operation; maintenance and equipment buildings; monitoring facilities including observation wells and sampling stations; screening measures including the construction of berms and tree planting; composting operations and facilities; recycling and reuse operations and facilities; household hazardous waste collection facilities.
- (b) Accessory Uses, subject to the Accessory Building Provisions of Section 7.7A. (By-law 2010-03)
- (c) Natural/Open Space.

SECTION 24C: NIAGARA ROAD 12 LANDFILL SITE - BUFFER AND HAZARD LANDS ZONE

No person shall within the Niagara Road 12 Landfill Site - Buffer and Hazard Lands Zone, erect, alter or use any building or structure. The following provisions shall apply to the use of this Zone:

- (a) The lands shall be conserved and activities restricted to the enhancement, improvement and protection of the woodlot and as established in the Woodlot Improvement Agreement.
- (b) The tributary watercourse shall be maintained and where necessary, improved for drainage purposes. (By-law 91-78)
(formerly By-law 91-52 repealed by 91-78)

SECTION 24D: RESTRICTIVE EMPLOYMENT ZONE (M3)
(By-law 2012-25)

24D.1 Permitted uses

No person shall hereafter change the use of any building, structure or land or erect or use any building, or structure in a Restrictive Employment 'M3' Zone, except for the following uses:

24D.1 (a) Public Uses:

- Fire Halls
- Police Stations
- Public Works Facilities
- Electric Company Works Facilities
- Post Distribution Facilities
- Recreational Centres and Arenas

(b) Commercial Uses:

- Offices (Large scale that do not fit in the Core Area)
- Auctioneer Establishments;
- Halls or Clubs
- Places of Assembly
- Brew Your Own Premises
- Bakery Premises
- Caterer's Premises
- Dry Cleaning Facility
- Print Shops
- Veterinarian Clinic and Pet Boarding Establishments
- Rental and Service/Repair Shops
- Security Service Premises
- Designers' Studios
- Electronic Sales and Repair Establishments
- Computer Assembly and Repair Services & Software Development
- Vehicle Service and Repair Shops not including painting facilities
- Car Washing Premises
- Vehicle Rental Premises
- Nurseries
- Commercial Trade Schools and Training Facilities
- Indoor Self Storage

(c) Light Industrial Uses:

Light Industrial Uses involving light manufacturing, processing of semi-manufactured goods or assembly of manufactured goods that only involve indoor activities, but not including any uses that would be classified as a Class II or III use according to Ministry of the Environment D-6 Guidelines and other regulations due to their scale; their process and/or their operation and intensity that could result in noise emissions occasionally or frequently audible off the property, frequent and occasionally intense or persistent dust and/or odour emissions that travel off the property; and/or ground-borne vibration that can be perceived off the property.

24D.1.1 The types of uses permitted in a Restrictive Employment 'M3' Zone shall not adversely affect adjoining land uses through the emission of noise, dust, vibration or odour.

24D.1.2 On lands zoned Restrictive Employment 'M3', Light Industrial uses shall not be located on the same lot as Public uses.

24D.2 Regulations for uses permitted in 24B.1

24D.2.1 In a Restrictive Employment (M3) Zone, no person shall hereafter erect or use a building except in conformity with the following requirements:

- (a) Minimum lot area: 2,000 square metres
- (b) Maximum Lot Area: 4,000 square metres
- (c) Minimum lot frontage: 40 metres
- (d) Minimum front yard setback: 10 metres
- (e) Minimum exterior side yard setback: 10 metres except as provided in paragraph (i) of this clause:
 - i. 15 metres for exterior side yards abutting a Residential, Open Space, or Institutional Zone
- (f) Minimum interior side yard setback: 4.5 metres except as provided in paragraph (i) and (ii) of this clause:
 - i. For uses defined in Section 24B.1 (a) & (b) 10.0 metres for interior side yards abutting a Residential, Open Space, or Institutional Zone.
 - ii. For uses defined in Section 24B.1 (c) 15 metres for interior side yards abutting a Residential, Open Space, or Institutional Zone.
- (g) Minimum rear yard setback: 7.5 metres except as provided in paragraph (i) and (ii) of this clause:
 - i. For uses defined in Section 24B.1 (a) & (b) 10 metres for Rear yards abutting a Residential, Open Space, or Institutional Zone.
 - ii. For uses defined in Section 24B.1 (c) 15 metres for Rear yards abutting a Residential, Open Space, or Institutional Zone.
- (h) Maximum building height : 15 metres
- (i) Maximum gross floor area as % of lot area: 50%
- (j) Maximim Lot Coverage: 50%
- (k) Minimum landscaped area: 25%

24D.3 Additional Requirements

24D.3.1 Outdoor storage associated with the Commercial Use shall only be permitted in an interior side yard or rear yard, shall be entirely enclosed by a 1.8 m tall solid board-on-board fence or equivalent, and any outdoor stored items shall not be stored at a height greater than 1.8 metres.

24D.3.2 Outdoor Storage associated with the Light Industrial Use shall be limited to the outdoor storage of finished products and equipment used as part of the manufacturing process

and shall not include the storage of raw materials or products used within or as part of the manufacturing process. Outdoor storage as part of the Light Industrial Use shall be in accordance with Section 24D.3.1

- 24D3.3** Any lot line that abuts a Sensitive Land Use shall provide a vegetative buffer at a minimum width of 3.0 metres along the length of the entire lot line, excluding any portion of a lot line within 3 m of a street. The details of the vegetative buffer will be established at the time of an application for Site Plan Control.
- 24D.3.4** Landscaping shall be provided in the portions of the required front yard where there are no parking or ingress/egress facilities. The details of the landscaping will be established at the time of an application for Site Plan Control.
- 24D.3.5** A retail operation ancillary to a permitted use is permitted. The maximum size of any ancillary retail use associated with a permitted use shall be not more than 15% of the gross floor area of the main use.
- 24D.3.6** Parking shall be provided in accordance with Section 7.19 “Off Street Parking requirements” and the following additional provisions:
- (a) Parking shall be permitted within a side yard (interior or exterior) or rear yard. Parking in a front yard shall only be permitted where there has been extensive landscaping provisions made. The details of the landscaping shall be detailed at the time of an application for Site Plan Control.
 - (b) No parking space or area shall be permitted within 1.5 metres of a lot line, or within 3.0 metres of a lot line adjacent to a Residential or Open Space Zone.
 - (c) Parking of Trucks and vehicles is not permitted within 10 metres of a Residential or Open Space Zone when the truck or vehicle exceeds one of the following:
 - i. A registered gross vehicle weight of 3,000 kg; or
 - ii. An overall length of 6 metres; or
 - iii. An overall height of 2.6 metres
 - (d) All required Loading Spaces shall not be permitted within 6.0 metres of a lot line adjacent to a Residential or Open Space Zone.
 - (e) A minimum of 5% of all required parking spaces shall be Accessible Parking spaces.

SECTION 25: INSTITUTIONAL I ZONE

No person shall within any Institutional I Zone use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

25.1 Permitted Uses

- (a) Institutional uses and private clubs as defined in Section 3. (By-law 2007-43)
- (b) Uses, buildings and structures accessory to any use permitted in Clause (a) of this Subsection, subject to the Accessory Building Provisions of Section 7.7A. (By-law 2010-03)

25.2 Regulations for Schools

- (a) Minimum Lot Frontage 90 metres
- (b) Minimum Lot Area 1.6 hectares
- (c) Minimum Front Yard 15 metres plus any applicable distance as specified in Schedule "B".
- (d) Minimum Side Yard 7.5 metres except that the minimum side yard abutting a street shall be 7.5 metres plus any applicable distance as specified in Schedule "B".
- (e) Minimum Rear Yard 7.5 metres except that the minimum rear yard abutting a street shall be shall be 7.5 metres plus any applicable distance as specified in Schedule "B".
- (f) Minimum Parking Requirements No parking space or part thereof shall be located and no land shall be used for the temporary parking or storage of any motor vehicle within 1.5 metres of any lot line, or within 7.5 metres of any street line, or within 3 metres of the boundary of any Residential Zone.
- (g) Minimum Landscaping Requirements A landscaping area in the form of a planting strip having a minimum width of 1.5 metres shall be provided and thereafter maintained adjacent to every portion of any lot line that abuts any Residential Zone.
- (h) Maximum Height 12 metres

25.3 Regulations for Permitted Uses Other Than Schools

- (a) Minimum Lot Frontage 30 metres
- (b) Minimum Lot Area 2050 square metres
- (c) Maximum Lot Coverage 50 percent
- (d) Minimum Front Yard 15 metres plus any applicable distance as specified in Schedule "B".

(e)	Minimum Side Yard	5 metres except that the minimum side yard abutting a street shall be 9 metres <u>plus</u> any applicable distance as specified in Schedule "B".
(f)	Minimum Rear Yard	7.5 metres except that the minimum rear yard abutting a street shall be 7.5 metres <u>plus</u> any applicable distance as specified in Schedule "B".
(g)	Maximum Height	15 metres
(h)	Minimum Parking Requirements	No parking space or part thereof shall be located and no land shall be used for the temporary parking or storage of any motor vehicle within 1.5 metres of any lot line, or within 7.5 metres of any street line or within 3 metres of the boundary of any Residential Zone.
(i)	Minimum Landscaping Requirements	A Landscaping area in the form of a planting strip having a minimum width of 1.5 metres shall be provided and thereafter maintained adjacent to every portion of any lot line that abuts any Residential Zone.

25.4 Additional Requirements (MDS)

The provisions of clause (a) of Subsection 7.33 shall apply to all lands within an Institutional I Zone except for those lands within the Smithville Urban Service Area as delineated on Schedule "A". (By-law 2007-15)

SECTION 26: PUBLIC P ZONE

No person shall within any Public P Zone use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

26.1 Permitted Uses

- (a) Public uses and operations carried on by , or on behalf of, a Municipal, Provincial or Federal Government or agency thereof , and, without limiting the generality of this Clause, including municipal offices, libraries, post offices, police stations, public hospitals, fire halls, weigh-scales and fruit and vegetables inspection stations, but not including those uses permitted in the Public Industrial M2 Zone.
- (b) Uses, buildings and structures accessory to any use permitted in Clause (a) of this Subsection, subject to the Accessory Building Provisions of Section 7.7A. (By-law 2010-03)

26.2 Regulations

- (a) Maximum Lot Coverage 50 percent
- (b) Minimum Yard Requirements No building or structure shall be used or erected within 7.5 metres of any lot line, or within 15 metres of any street line, or within 30 metres of the boundary of any Residential Zone.
- (c) Minimum Parking Requirements:
 - i. Parking spaces shall be provided on the same lot on which the principal use is located, sufficient in number to accommodate the employees of, and the visitors to, the public use or uses on such lot.
 - ii. No parking space or part thereof shall be located and no land shall be used for the temporary parking or storage of any motor vehicle within 1.5 metres of any street line or boundary of any Residential Zone.
- (d) Minimum Landscaping Requirements A landscaping area in the form of a planting strip having a minimum width of 1.5 metres shall be provided and thereafter maintained adjacent to every portion of any lot line that abuts the boundary of any Residential Zone.

26.3 Additional Requirements (MDS)

The provisions of clause (a) of Subsection 7.33 shall apply to all lands within a Public P Zone except for those lands within the Smithville Urban Service Area as delineated on Schedule "A". (By-law 2007-15)

SECTION 27: OPEN SPACE 01 ZONE

No person shall within any Open Space 01 Zone use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

27.1 Permitted Uses

- (a) Recreational uses, and uses, building and structures accessory thereto, subject to the Accessory Building Provisions of Section 7.7A. (By-law 2010-03)
- (b) Residential uses only to the extent necessary for maintenance and security staff of any principal use set out in Clause (a) of Subsection 27.1 hereof provided such residential uses are located on the same lot as such principal use and provided such staff is employed on the premises, and buildings and structures accessory thereto, subject to the Accessory Building Provisions of Section 7.7A. (By-law 2010-03)
- (c) Cemeteries, mausoleums, crematoriums and columbarium and uses, buildings and structures and accessory thereto, subject to the Accessory Building Provisions of Section 7.7A. (By-law 2010-03)

27.2 Regulations for Permitted Uses in Clause (a) and (b) of Subsection 27.1 Hereof

- (a) Minimum Lot Frontage 15 metres
- (b) Maximum Lot Coverage 10 percent
- (c) Minimum Yard Requirements No building or structure shall be used or erected within 7.5 metres of any lot line which does not abut a public street, or within 15 metres of the boundary of any Residential Zone, or at a lesser distance from any public street than 15 metres plus any applicable distance as specified in Schedule "B".
- (d) Minimum Parking Requirements No parking space or part thereof shall be located and no land shall be used for the parking or storage of any motor vehicle within 3 metres of any lot line which does not abut a public street, or within 7.5 metres of any street line or boundary of any Residential Zone.

27.3 Regulations for Permitted Uses in Clause (c) of Subsection 27.1 Hereof

- (a) Minimum Lot Area 0.8 hectare
- (b) Minimum Front Yard 5.0 metres plus any applicable distance as specified in Schedule "B".
- (c) Minimum Side and Rear Yard:
 - i. For the side or rear yard not abutting a street, 15 metres for a building and 3.0 metres for a monument.
 - ii. For the side or rear yard abutting a street:
 - 1. 15 metres for a building plus any applicable distance as specified in Schedule "B", and

2. 5.0 metres for a monument plus any applicable distance as specified in Schedule "B".

27.4 Additional Requirements (MDS)

The provisions of clause (a) of Subsection 7.33 shall apply to all lands within an Open Space 01 Zone except for those lands within the Smithville Urban Service Area as delineated on Schedule "A". (By-law 2007-15)

SECTION 28: HAZARD H ZONE

No person shall within any Hazard H Zone use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

28.1 Permitted Uses

- (a) Agricultural uses, and buildings and structures accessory thereto, but excluding human habitation, intensive animal operations, commercial growing of mushrooms and commercial greenhouses.
- (b) Dwellings existing at the date of the passing of this By-law and uses, buildings and structures accessory thereto, but not conversion or enlargement thereof.
- (c) Parks, playgrounds, tennis courts, lawn bowling greens, outdoor natural rinks, athletic fields, picnic areas and boat launching ramps, shelters and docking facilities, together with necessary accessory structures, saving and excepting human habitation. **(By-law 2007-43)**

28.2 Regulations for Uses Permitted in Clause (a) of Subsection 28.1

- (a) Maximum Lot Coverage 20 percent
- (b) Minimum Front Yard 30 metres plus any applicable distance as specified in Schedule "B".
- (c) Minimum Side Yard 15 metres except that the minimum side yard abutting a street shall be 15 metres plus any applicable distance as specified in Schedule "B".
- (d) Minimum Rear Yard 15 metres except that the minimum rear yard abutting a street shall be 30 metres plus any applicable distance as specified in Schedule "B".

28.3 Regulations for Accessory Buildings Permitted in Clause (b) of Subsection 28.1

The provisions of Subsection 8.3.2 shall apply, mutatis mutandis, to uses permitted in Clause (b) of Subsection 28.1.

28.4 Regulations for uses Permitted in Clause (c) of Subsection 28.1

- (a) Minimum Lot Frontage 45 metres
- (b) Minimum Lot Area 4000 square metres
- (c) Maximum Lot Coverage 10 percent
- (d) Minimum Yard Requirements No building shall be used or erected within 8 metres of any lot line which does not abut a public street, or within 15 metres of the boundary of any Residential Zone, or at a lesser distance from any public street than 15 metres plus any applicable distance as specified in Schedule "B".

(e) Minimum Parking Requirements

No Parking space or part thereof shall be located and no land shall be used for the parking or storage of any motor vehicle within 3 metres of any lot line which does not abut a public street, or within 8 metres of any street line or boundary of any Residential Zone.

SECTION 29: EXCEPTIONS

The following provisions shall have effect notwithstanding anything else in this By-law and the other provisions of this By-law shall be deemed to be amended insofar as is necessary to give effect thereto.

**Exception Numbers
(used with various
classifications as
shown on Schedule "A")**

Provisions

A2-101	In addition, this land may be used for a service station and RC-101 uses, buildings, and structures accessory thereto.
RC-102	In addition, the land may be used for a variety store and the sale of gasoline and uses, buildings, and structures accessory thereto.
103	(Deleted by resolution of Council prior to adoption of Zoning By-law No. 79 14.)
A2-104	In addition, this land may be used for an abattoir and A2-104 meat market and uses, buildings, and structures accessory thereto.
105	In addition, this land may be used for the production and sale of rabbit products and uses, buildings, and structures thereto.
A2-106	In addition to the uses permitted in the Agricultural A2 Zone, this land may be used for a sawmill for the production, manufacture, drying, chemical processing, treating, outside storage and sale of lumber, fence posts, and wood products of every nature and description, all in accordance with the regulations of the Ministry of the Environment, and uses, buildings and structures accessory thereto (By-law No. 83-9, #62).
107	In addition, this land may be used for a sawmill and uses, buildings, and structures accessory thereto.
108	In addition, this land may be used for the production and sale of cut stone products and uses, buildings, and structures thereto.
R1-109	Deleted by By-law No. 87-53 (#115).
A2-110	In addition, this land may be used for the storage and sale of propane and uses, buildings, and structures thereto.
111	Deleted by By-law No. 91-50 (#191).
RC-112	In addition, this land may be used for a trenching and excavating business and uses, buildings, and structures thereto (By-law No. 79-28).
RC-113	In addition, this land may be used for a construction business and uses, buildings and structures accessory thereto.
A2-113	In addition, this land may be used for a construction business and uses, buildings and structures accessory thereto (By-law No. 79-33, #11).
RuR-114	In addition, this land may be used for a brake and alignment shop and uses,

buildings, and structures accessory thereto.

- RuR-115 In addition, this land may be used for siding business and uses, buildings, and structures accessory thereto.
- RC-116 In addition, this land may be used for a used car lot and uses, buildings, and structures accessory thereto.
- RC-117 In addition, this land may be used for the manufacture and sale of recreational trailers and uses, buildings, and structures accessory thereto.
- RC-118 In addition, this land may be used for a motel and uses, buildings, and structures accessory thereto.
- 119 In addition, this land may be used for a restaurant and the sale of gasoline and uses, buildings, and structures accessory thereto.
- 120 In addition, this land may be used for a race track for motorized vehicles and uses, building, and structures accessory thereto.
- A2-121 In addition, this land may be used for a wrecking and salvage business and uses, buildings, and structures accessory thereto. (By-law No. 79-33, #11)
Approved by OMB
- A2-122 Notwithstanding the provisions of the A2 Zone indicated as A2-122 on Schedule "A", Map 1, the lands shall only be used for the manufacture and sale of wood pallets and uses, buildings and structures accessory thereto and shall be subject to the following provisions:
- | | | |
|---|---|---------------|
| Minimum Lot Frontage | - | 79 metres. |
| Minimum Lot Area | - | 1.5 hectares. |
| Minimum Westerly Side Yard
Setback for Existing Workshop | - | 6.5 metres. |
| Minimum Easterly Side Yard
Setback for Existing Workshop | - | 10.6 metres. |
- (By-law No. 98-109, #289)
- A2-123 In addition, this land may be used for the sale of lawn ornaments, a gift shop and snack bar and uses, buildings, and structures accessory thereto (By-law No. 79-34, #12 and By-law No. 85-7, #81)
- 124 In addition, this land maybe used for the sale of swimming pools and uses, buildings, and structures accessory thereto.
- 125 In addition, this land may be used for a fuel depot and uses, buildings, and structures accessory thereto.
- C1-126 & A2-126 In addition, this land may be used for an animal hospital and uses, buildings, and structures accessory thereto. (#11 & #12)
- ~~427~~ (By-law No. 79-35, #13) (Deleted by By-law No. 91-50, #191)
- C1-128 In addition, this land may be used for sales and service of auto parts and supplies, Class "A" and "B" garage, automotive machine shop, lawn and garden equipment sales and service, snowmobile sales, repairs, parts and service, engine sales, repairs, parts and service, contractor small equipment sales, repairs and service, small equipment rental service, recreational vehicle sales, parts, and service and uses, building and structures accessory to the foregoing permitted uses.

129	(Not Used)
A2-130	In addition, this land may be used for a racetrack for the racing of dogs and uses, buildings and structures accessory thereto (By-law No. 79-32, #10)
A2-131	In addition, this land may be used for an auction business and uses, buildings and structures accessory thereto (By-law No. 79-33, #11)
A2-132	In addition, this land may be used for an automobile repair shop and uses, buildings and structures accessory thereto.
A2-133 & RuR-133	In addition, this land may be used for a well drilling business and uses, buildings and structures accessory thereto (By-law No. 79-34, #12)
A2-134	In addition, this land may be used for a garden centre and uses, buildings and structures accessory thereto (By-law No. 79-34, #12)
A2-135	Notwithstanding the provisions of the Agricultural A2 Zone, the lands indicated as A2-135 on Schedule 'A' Map 1, shall be subject to the following provisions: <ul style="list-style-type: none"> (a) Minimum Lot Area -11.2 hectares. (b) The lands shall not be used for any type of residential use. (c) In addition to the permitted uses of the Agricultural A2 Zone, the lands may also be used for a gun club and uses, buildings and structures accessory thereto. <p>All other provisions of the Zoning By-law shall apply (By-law No. 99-31, #297)</p>
136	(Not Used)
A2-137	In addition, this land may be used for a poultry processing operation, and uses, buildings and structures accessory thereto (By-law No. 79-45, #17)
A2-138	Notwithstanding the provisions of the Agricultural A2 Zone, the lands indicated as A2-138 on Schedule "A", Map 1 shall be subject to the following provision: <ul style="list-style-type: none"> (a) Minimum Lot Frontage - 44 metres (By-law No. 99-60, #302)
RC-139	In addition, this land may be used by the owner for the sale of recreational trailers and services.
A2-140	In addition, this land may be used by the owner for the inside storage of cars and trucks in a building known as inside storage compound as well as welding and repair shop (By-law No. 80-22, #33)
A2-141	In addition to the permitted used in the "Agricultural (A2)" Zone, this land may be used as a Salvage and Wrecking Yard. <p>Notwithstanding the provisions of the "Agricultural (A2) Zone, the following regulations apply to this lands for the Salvage and Wrecking Yard use:</p> <ul style="list-style-type: none"> (a) Minimum Lot Frontage 28.0 metres (b) Minimum Lot Area 0.96 hectares (c) Maximum Lot Coverage 5.0 %

- (d) Minimum Front Yard 20.0 metres
 - (e) Minimum East Side Yard 9.1 metres
 - (f) Minimum West Side Yard 6.7 metres
 - (g) Minimum Rear Yard 7.5 metres
 - (h) Maximum Building Height 5.3 metres
 - (i) No outdoor storage or parking shall be permitted in the front yard
- (By-Law 2001-39)

- A2-142 In addition, this land and the one existing building may be used for a saw mill, requiring a 1.8 metre fence along the east side of the building and any expansion shall be to the rear of the present building. Any signs installed shall conform to Section 7.18 (b) (ii) of By-law No. 79-14 (By-law No. 80-48, #39).
- A2-143 In addition, this land may only be used for the storage, repairs, and rental of all types of trailers, boats and snowmobiles (By-law No. 80-51, #40).
- RC-144
- (a) This land may only be used for the service and repair of trucks, construction equipment and farm tractors, machinery and equipment and uses, buildings and structures accessory thereto.
 - (b) The provisions of Clause (a) of Subsection 7.33 shall not restrict the use of these lands as specified in Clause (a) of this exception (By law No. 80-56, #41)
- A2-145 In addition, this land and existing house may be used for the purpose of a Day Care Centre (By-law No. 80-57, #42)
- A2-146 Notwithstanding the provisions of Section 9.2.1(b) of By-law 79-14 as amended, nothing shall prevent the expansion of the existing greenhouse operation (By-law No. 81-13, #45)
- A2-147 Notwithstanding the provisions of Section 9.1(a)(ii) of By-law 79-14 as amended, a second one-family detached dwelling used for farm help only may be permitted on the subject property (By-law No. 81-19, #47). (Repealed by By-law No. 85-17)
- A2-148 Notwithstanding the provisions of Section 9.1(a)(ii) of By-law 79-14 as amended, a second one-family detached dwelling used for farm help only may be permitted on the subject property (By-law No. 81-21, #49)
- A2-149 Notwithstanding the provisions of Section 9.1(a)(ii) of By-law 79-14 as amended, a second one-family detached dwelling used for farm help only may be permitted on the subject property (By-law No. 81-23, #50)
- A2-150 Notwithstanding the provisions of Section 9.1 of By-law 79-14 as amended, this By-law shall not prevent the use of the land shown on Schedule "A" attached to this By-law for the purpose of repairing and rebuilding farm related machinery and equipment engines and to permit the sale and service of farm machinery (By-law No. 81-50, #57)
- A2-151 Notwithstanding the provisions of Section 9.1(a)(ii) of By-law 79-14 as amended, a second one-family detached dwelling used for farm help only may be permitted on the subject property (By-law No. 81-32, #52).
- A2-152 Notwithstanding the provisions of Section 9.1(a)(ii) of By-law 79-14 as amended, a second one-family detached dwelling used for farm help only may be permitted on the subject property (By-law No. 81-36, #54).
Repealed by By-law 2006-126 (A2-394)

- RuR-153 Notwithstanding the provisions of the Rural Residential Zone nothing shall prevent the keeping or raising of exotic birds. The building shall be situated on the property as per Schedule "B" to By-law 81-43, and be no larger than 3.7 metres x 12.2 metres x 2.4 metres to house no more than 100 birds. All other provisions of the RuR Zone shall apply (By-law No. 81-43, #55)
- A2-154 Notwithstanding the provisions of Section 9.1(a)(i) of By-law 79-14 as amended, this land will permit a garage for the purpose of cars, trucks and farm machinery repairs and service to be carried on within an existing building of specific size 9.1 metres x 12.2 metres x 5.5 metres on the eastern part of the property 83.8 metres x 96 metres (By-law No. 81-44, #56)
- A2-155 Notwithstanding the provisions of Section 9.1 of By-law 79-14 as amended, this By-law shall not prevent the use of the land shown on Schedule "A" attached to this by-law for the purpose of auto body repair (By-law 82-9, #58) See R1-By-law No. 96-97
- ~~C2-156 & C3-156~~ (By-law No. 82-14, #59). Deleted by By-law No. 91-50, #191.
- RuR-157 In addition to the uses permitted in Subsection 15.1 of Zoning By-law 79-14 as amended, this land may also be used for an asphalt paving business including the storage of related equipment, and uses buildings and structures accessory thereto (By-law No. 83-12, #63)
- A2-158 In addition to the provisions of Section 9.1 of By-law 79-14 as amended, this By-law shall not prevent the use of the land shown on Schedule "A" attached to this By-law for the purpose of a farm help house (By-law No. 83-8, #61)
- I-159 Notwithstanding the uses permitted in the "Institutional I Zone", these lands may be used for a private school and shall include associated dormitory, academic and vocational, and recreational facilities, parade square, dining facilities and all uses buildings and structures accessory thereto.
- (a) Minimum Lot Frontage – as existing
 (b) Minimum Lot Area – as existing
 (c) All other regulations of Subsection 25.2 shall apply (By-law No.83-19, #65)
- A2-160 In addition to the provisions of Section 9.1 of By-law No. 79-14 as amended this By-law shall not prevent the use of the land shown on Schedule "A" attached to this By-law for the purpose of a farm help house (By-law No. 83-21, #66)
- A2-161 (a) In addition to the uses permitted in the "Agricultural A2 Zone" but Excluding dwellings permitted therein, this land may be used for a wrecking and salvage business and uses, buildings and structures accessory thereto (By-law No.83-26, #67)
 By-law No. 84-12
- (b) A solid board or metal fence 2.4 metres minimum height shall be constructed and maintained around the perimeter of the affected lands within which dismantled automobiles, machinery and equipment shall be stored. (By-law No. 83.26, #67)
 By-law No. 84-12.

- A2-162 No dwelling shall be permitted on this land (By-law No. 83-26, #67). Repealed by By-law No. 84-12.
- C3-163 This land may only be used for an automobile service station, a public garage, the retail sale of merchandise normally incidental to the operation of an automobile service station or public garage, and uses, buildings and structures accessory thereto (By-law No. 83-27, #68)
- A2-164 In addition to the provisions of Section 9.1 of By-law No. 79-14 as amended, this By-law shall not prevent the use of the land shown on Schedule "A" attached to this By-law for the purpose of a Farm Help House (By-law No. 83-32, #69)
- A2-165 In addition to the uses permitted in the Agricultural A2 Zone, this land may also be used for a welding shop and uses, buildings and structures accessory thereto (By-law No. 83-6, #72)
- C2-166 In addition to the uses permitted in the "General Commercial C2 Zone" this land may be used exclusively for apartments or apartments in conjunction with a permitted commercial use (By-law No. 84-21, #75)
- C2-166 In addition to the uses permitted in the "General Commercial C2 Zone" this land may be used exclusively for an apartment or an apartment in conjunction with a permitted commercial use (By-law No. 85-18, #85)
- A2-167 In addition to the provisions of Section 9.1 of By-law No. 79-14 as amended, this By-law shall not prevent the use of the land shown on Schedule "A" attached to this By-law for the purpose of a farm help house (By-law No. 84-34, #79)
- RC-168 In addition to the permitted uses in the Rural Commercial RC Zone, this land may be used for a furniture making and repair business and uses, buildings, and structures accessory thereto. No further residential development shall be permitted on this land (By-law No. 85-6, #80, Amended by 89-60, #144). Repealed by By-law 2000-01
- A2-168 Notwithstanding the provisions of the Agricultural (A2) Zone, the lands indicated as A2-168 on Schedule 'A' Map 1, shall not be used for any type of residential use and shall be subject to the following provisions:
- | | | |
|-----|---|-----------|
| (a) | Minimum Front Yard | 22 metres |
| (b) | Minimum Westerly Side Yard | 9 metres |
| (c) | Minimum Rear Yard | 21 metres |
| (d) | Maximum Lot Coverage | 3.5% |
| (e) | Any further development may require that an Environmental Impact Study (EIS) be prepared. | |
- A2-169 Only one dwelling shall be permitted on this land (By-law No. 85-17, #84)
- A1-170 In addition to the permitted uses in the "Agriculture A1 Zone", this land may be used for cutting, wrapping and sale of meat and uses, buildings and structures accessory thereto (By-law No. 85-30, #87)
- A2-171 In addition to the permitted uses in the 'Agriculture A2 Zone", this land may be used for the making of cement curbs and cement patio products and to permit a second dwelling, uses, buildings and structures accessory thereto (By-law No. 85-31, #88)
- RC-172 In addition to the permitted uses in the Rural Commercial RC Zone, this land

may be used for a furniture manufacturing business and uses, buildings and structures accessory thereto. Residential development shall be prohibited on these lands (By-law No. 85-32, #89)
(By-law No. 90-64, #173)

A2-173 In addition to the permitted uses in the A2 Agriculture Zone, this land may be used for meat packing and cold storage and shipping facilities, buildings and structures accessory thereto (By-law No. 85-33, #90)

A2-174 In addition to the permitted uses in the A2 Agriculture Zone, this land may be used for a machine shop, buildings and structures accessory thereto (By-law No. 86-20, #92)

RM2-174A Notwithstanding any provisions of this by-law, the Residential Multiple RM2 Zone provisions are amended insofar as required to permit the following:

(a) Permitted Uses

- i. a maximum of 122 unit group townhouse dwellings.
- ii. a 32 unit apartment building.
- iii. recreation and accessory uses, buildings and structures related to the foregoing permitted uses.

(b) Regulations

- i. Maximum Lot Coverage 25%
- ii. Minimum Distance Between Any Building and Any Lot Line 9 metres
- iii. Minimum Width of Driving Lanes 5 metres
- iv. Location of Parking Areas:
No parking area shall be located closer than 3 metres to any adjacent R1, R2 or RM1 Zone.
- v. Minimum Parking Requirement:
 - (A) Townhouse Units 1 parking space per dwelling unit.
 - (B) Apartment Building Parking for apartment building shall be provided at the rate of 1.5 spaces per unit.
- vi. Minimum Floor Area for a Townhouse Unit 75 square metres
- vii. Maximum Building Height 7 metres
- viii. Minimum Landscaping & Amenity Area 35% of Lot Area
- ix. Minimum Distance Between Buildings 5 metres
- x. Supplementary Provisions:
No building or structure of any kind shall be located within 3 metres of the floodline of Twenty Mile Creek as determined by the Niagara Peninsula Conservation Authority.
- xi. The development of this site shall be subject to a site plan control agreement pursuant to Section 40 of the Planning Act

(By-law No. 88-68, #126)

(By-law No. 94-87, #247)

Notes: A6/89 permitted a rear yard of 7.5 metres within Phase 1.

A2/90 permitted a side yard distance of 3 metres between buildings within Phase 1.
XA-024-97 (Various setback modifications)
See File A-024097WL
XA-8-02 to permit construction of townhouses in blocks of two(2) units; and to confirm the original setback variances as approved un File A-024-97

M1-175

Notwithstanding any provisions of the By-law, the Industrial M1 Zone provisions are amended insofar as is necessary to permit only the following:

(a) Permitted Uses

(i) Motor vehicle recycling and salvage operations. For the purposes of this paragraph motor vehicle recycling and salvage operations shall only include the dismantling (stripping) and crushing (flattening) of motor vehicles. The flattening or crushing of motor vehicle bodies from other recycling and salvage operations shall be prohibited. Scrap processing of any kind shall strictly be prohibited. Scrap processing shall not be construed to include flattening or crushing of motor vehicle bodies.

- Storage of motor vehicles and motor vehicle parts.
- Sale of motor vehicle parts.
- Accessory warehouse, office and customer parking facilities.
- Agricultural uses.
- Accessory residential uses.
- Uses, building and structures accessory to the foregoing permitted uses.

(b) Regulations

- i. All operations shall be enclosed by a chain link fence, minimum height of 2.1 metres.
- ii. No piling of wrecked or dismantled automobiles shall be permitted.
- iii. The crushing or flattening of motor vehicles shall only be permitted on the east half of Lot 20, Concession 4, south of the Ontario Hydro tower line.
- iv. Signs shall be limited to 1 building fascia sign not exceeding 4.6 square metres in area and 1 ground or pylon sign not exceeding 9.3 square metres in area or 6 metres in height.
- v. All new buildings and structures shall comply with the provisions of the Industrial M1 Zone. Existing buildings and structures shall be deemed to comply with by-law provisions.
- vi. Existing customer parking shall be permitted in the front yard

(By-law No. 88-60, #125)

M1-176

Notwithstanding any provisions of this By-law, the Industrial M1 Zone provisions are amended insofar as is necessary to permit only the following:

(a) Permitted Uses

- i. Office, warehouse, sale and storage of motor vehicle parts, dismantling of motor vehicles and customer parking facilities accessory to the adjacent motor vehicle recycling and salvage operation.
- ii. Delivery or removal of wrecked motor vehicles to the adjacent motor vehicle recycling and salvage operation shall not be permitted through the front yard.
- iii. Accessory residential uses.

(b) Regulations

- i. The minimum front yard for all buildings shall be 180 metres. Customer parking shall be set back a minimum distance of 60 metres from the street and shall be permitted in the front yard notwithstanding any other provisions of Zoning By-law 79-14, as amended.

- ii. The minimum westerly side yard for all buildings shall be 80 metres. Said side yard shall be reserved exclusively for a treed landscape buffer area.
- iii. Signs shall be limited to 1 building fascia sign not exceeding 4.6 square metres in area and 1 ground or pylon sign not exceeding 9.3 square metres in area or 6 metres in height.
- iv. All buildings and structures shall comply with the requirements of the Industrial M1 Zone

(By-law No. 88-60, #125)

A2-177

Notwithstanding the provisions of this By-law, the Agricultural A2 Zone provisions are amended insofar as is necessary to permit the following:

(a) Permitted Uses

- i. An earthen berm minimum width of 10 metres and a minimum height of .9 metres. A concrete block wall minimum height 1.8 metres shall be constructed on top of the berm, combined berm/wall height of 2.7 metres. The combination berm/wall shall be supplemented by an effective tree screen in accordance with the Site Plan Agreement.

The berm shall not be required through existing forested areas. Where the berm is not provided, a solid wood fence shall be provided and maintained in the west and south buffer in accordance with the Site Plan Agreement.

- ii. Two rows of coniferous trees, minimum height of 1.8 metres, shall be provided and maintained along the westerly limit of the motor vehicle recycling and salvage operation. In addition, coniferous seedlings shall be planted and maintained to provide an effective tree screen.
- iii. Coniferous trees, minimum height of 1.8 metres; shall be provided and maintained to supplement natural vegetation and screening along the easterly limit of the motor vehicle recycling and salvage operation

(By-law No. 88-60, #125), (By-law No. 94-92 replaces A2-177(a) (i), #234)

RC-178

Notwithstanding the uses permitted in the Rural Commercial Zone, this land shall only be used for the storage and sale of fuels and lubricants, the storage and sale of feed and fertilizer and uses, buildings and structures accessory thereto (By-law No. 86-35, #94)

A2-179

No dwelling shall be permitted on the subject lands (By-law No. 86-48, #98), (By-law No. 86-51, #99), (By-law No. 87-23, #106), (By-law No. 87-29, #109), (By-law 87-40, #110), (By-law No. 88-39, #122), (By-law No. 88-40 #123), (By-law No. 88-102, #134), (By-law No. 89-13, #138), (By-law No. 89-61, #145)

A2-180

A second one family detached dwelling , to be used only as a farm help house, shall be permitted on the subject lands (By-law No. 86-47, #95), (By-law No. 86-56, #101), (By-law No. 88-101, #133).
By-law 86-47 Deleted by By-law 2005-102

RM1-181

The minimum Side yard shall be 1.5 metres (By-law No. 87-17, #104)

C3-182

- (a) The permitted uses shall be restricted to an auto body shop and the repair of motor vehicles and farm equipment and uses, buildings and structures accessory thereto including a one-family detached dwelling.

- (b) The maximum coverage shall be 12 percent
(By-law No. 88-89, #131)
- RuR-183 (a) A greenhouse and flower shop shall also be permitted accessory to the permitted residential use.
(b) The maximum lot coverage for the greenhouse shall be 5% of the lot area
(By-law No. 88-78, #130)
- RuR-186 The minimum lot area shall be 0.39 hectare (By-law No. 88-33, #121)
- A2-187 The minimum lot area shall be 3.2 hectares (By-law No. 88-77, #129)
- R1-188 The minimum lot frontage shall be 30 metres (By-law No. 88-120, #135)
- RC-189 (a) No dwelling shall be permitted on the subject lands;
(b) The minimum lot frontage shall be 55.86 metres (183.25 feet);
(c) The minimum front yard depth shall be 19.23 metres (63.1 feet); and
(d) The minimum side yard shall be 3.05 metres (10 feet)
(By-law No. 88-42, #124)
- C3-190 This land may only be used for an automobile service station, a public garage, a variety store, a gas bar, a farm equipment repair business and uses, buildings and structures accessory thereto (By-law No. 89-37, #140), Repealed by By-law No. 90-3, #156
- RC-191 (a) Subject to the provisions of the Rural Commercial RC Zone, the subject lands may be used as a butcher shop, which shall only include the cutting, wrapping and sale of meat, and uses, buildings and structures accessory thereto.
(b) The minimum lot frontage shall be 45 metres.
(c) No residential use shall be permitted
(By-law No. #88-100, #132), (By-law #90-5, #158)
- A2-193 (a) A second one-family detached dwelling, to be used only as a farm help house, shall be permitted on the subject lands.
(b) The minimum lot area shall be 12.50 hectares
(By-law No. 89-11, #136)
- RC-194 (a) Notwithstanding Subsection 22.1 (a), (b) and (c) of Zoning By-law No 79-14, as amended, the uses permitted on the subject lands shall be restricted to a public garage for general repairs, an accessory detached dwelling, and uses, buildings and structures accessory to either of these permitted uses. The public garage use for general repairs shall exclude body work, tire repair and replacement, spring work, and any repairs to trailers. With the exception of farm tractors, only licensed vehicles may be repaired and stored on site.
(b) Notwithstanding Subsection 18.5 (a) of Zoning By-law No 79-14, as amended, the permitted public garage is deemed to be the principal use and the existing residential dwelling is deemed to be an accessory residential use, and it is hereby recognized that the principal commercial use will be established on the lot after, rather than prior to, the erection and use of the existing dwelling.

- (c) Notwithstanding Subsections 22.2 (c) and 22.3 (c) of Zoning By-law No. 79-14, as amended, the maximum commercial lot coverage including buildings or structures accessory to the commercial use, shall not exceed 4.5 per cent of the lot area.
- (d) Notwithstanding Subsection 15.5 (c) of Zoning By-law No. 79-14, as amended, the maximum residential lot coverage, including buildings or structures accessory to the residential use, shall not exceed 4 per cent of the lot area.
- (e) Notwithstanding Subsection 22.2 (d) of Zoning By-law No. 79-14, as amended, the maximum Commercial Gross floor area shall not exceed 5.5 per cent of the lot area.
- (f) Notwithstanding Section 18.2 of Zoning By-law No. 79-14, as amended, a landscaping area in the form of a planting strip having a minimum width of 1.5 metres shall not be required adjacent to the northerly lot line of the subject lands which abuts an existing "Rural Residential RuR Zone.
- (g) In addition to the regulations of Section 22.2 of Zoning By-law 79-14, as amended and the regulations as set out above, all site development shall be in compliance with the Site Plan attached to the OMB order."

Subject to a Site Plan Approved by the OMB under Order Z880235, found as Schedule 'A-1' Site Plan: RC-194, consolidated beside Schedule 'A' Map 12.

- R1-195 Notwithstanding the provisions of the "Residential R1 Zone", the minimum south side yard shall be 27.5 metres (90 feet)
(By-law No. 89-44, #136)
- R1-196 The subject lands are located in the vicinity of a proposed multi-municipal landfill site
(By-law No. 89-70, #147)
- P-196 Minimum Front Yard 7.5 metres
(By-law No. 89-74, #148)
- R1-196 The minimum frontage shall be 42.6 metres
(By-law No. 89-81, #150)
- RC-199
 - (a) Only the following uses shall be permitted in accordance with the provisions of the "Rural Commercial RC Zone":
 - Farm supply store
 - Greenhouse manufacturer/distributor
 - farm produce outlet
 - contracting businesses
 - building supply
 - tool and equipment rental outlets
 - welding and machine shop
 - repair garage
 - sign painter, and
 - accessory uses, building and structures.
 - (b) Minimum Lot Frontage 49 metres
 - (c) Minimum South Side Yard 2 metres

	(d) Minimum North Side Yard (By-law No. 90-23, #162)	5 metres.				
R1-200	Minimum South Side Yard (By-law No. 90-23, #162)	10 metres				
A2-201	Minimum Lot Area (By-law No. 90-45, #166)	15 hectares.				
R1-202	<p>The minimum rear yard setback for Lots 6 and 9 as shown on the draft plan of subdivision shall be 35 metres.</p> <p>The minimum rear yard setback for Lots 7 and 8 as shown on the draft plan of subdivision shall be 35 metres.</p> <p>The minimum side yard setback for Lot 5 as shown on the draft plan of subdivision shall be 15 metres.</p> <p>The minimum lot frontage for Lots 4 and 5 shall be 34 metres. (No By-law No., #215). Repealed by By-law # 98-84</p>					
A1-203	<p>Notwithstanding the regulations pertaining to a "Restricted Agricultural A1 Zone" of By-law 79-14, as amended, the following regulations shall apply:</p> <table border="0"> <tr> <td>Minimum Lot Frontage</td> <td>56 metres</td> </tr> <tr> <td>Minimum Lot Area (By-law #90-44, #165)</td> <td>2 hectares.</td> </tr> </table>		Minimum Lot Frontage	56 metres	Minimum Lot Area (By-law #90-44, #165)	2 hectares.
Minimum Lot Frontage	56 metres					
Minimum Lot Area (By-law #90-44, #165)	2 hectares.					
R1-204	<p>Notwithstanding the regulations pertaining to a "Residential R1 Zone" of By-law No. 79-14, as amended, the following regulations shall apply:</p> <table border="0"> <tr> <td>Minimum Lot Frontage</td> <td>21 metres</td> </tr> <tr> <td>Minimum Lot Area (By-law #90-44, #165)</td> <td>0.25 hectares.</td> </tr> </table>		Minimum Lot Frontage	21 metres	Minimum Lot Area (By-law #90-44, #165)	0.25 hectares.
Minimum Lot Frontage	21 metres					
Minimum Lot Area (By-law #90-44, #165)	0.25 hectares.					
A2-205	<p>(a) <u>Permitted Uses</u> Notwithstanding the uses permitted in an "Agricultural A2 Zone", Section 9.1 of By-law 79-14, as amended, the following uses shall also be permitted:</p> <ol style="list-style-type: none"> i. The manufacture, assembly and servicing of indoor and outdoor environmental control curtain systems, plant transportation systems and other related products for the Horticultural and Agricultural greenhouse industry. ii. Buildings and structures required to house manufacturing or assembly equipment or machinery required for the aforementioned uses, service and storage facilities and other uses, buildings and structures accessory thereto. iii. Offices for administration, sales and related uses. <p>(b) <u>Open Air Operations, Storage and Display</u> Open air operations, storage and display of goods or materials shall not be permitted in any yard abutting a street and shall be suitably fenced and screened.</p>					

- (c) Regulations For Uses Permitted
- i. Minimum Lot Area 6.5 hectares
 - ii. Maximum Lot Coverage 7.5%
 - iii. Maximum Building Height 5.5 metres
 - iv. Minimum Parking Requirements:
The minimum number of parking spaces shall be subject to, mutatis mutandis, to Section 24.2 (e) of Zoning By-law #79-14, as amended.
 - v. Minimum Loading Requirements:
The Minimum number of loading spaces shall be subject to, mutatis mutandis, to Section 23.3 (h) of Zoning By-law #79-14, as amended.
 - v. Minimum Landscaping Requirements:
All buildings, structures, storage facilities and accessory buildings and structures shall be suitably fenced and screened.
 - vii. All ponds, or open bodies of water shall be enclosed by a fence having a minimum height of 1.2 m. Access to the pond will be via an automatic self closing gate
- (By-law No. 90-47, #168)

A1-206

- (a) In addition to the permitted uses in the "Restricted Agricultural A1 Zone" of Section 8.1 of By-Law No. 79-14, as amended, this by-law shall also permit the following uses:
- i. Wholesale farm supply and distribution operation.
 - ii. Uses, buildings and structures accessory to the permitted use in Clause (i) of this Subsection.
- (b) Regulations for Uses Permitted:
- i. Minimum Lot Frontage 120 metres
 - ii. Minimum Lot Area 1.4 hectares
 - iii. Maximum Lot Coverage 8 percent
 - iv. Maximum Building Height 5.5 metres
 - v. Minimum Landscaping Requirements:
All buildings structures, storage facilities and accessory uses, building and structures permitted in Clauses (a) and (b) of this By-law shall be suitably fenced and screened
- (By-law No. 90-46, #167)

R2-207

- (a) No lot frontage to a public street is required for Parts 1 and 2 as indicated on Schedule 'A' attached hereto. The front lot line is deemed to be the east lot line of Parts 1 and 2.
- (b) The following regulations shall pertain to Part 2 as shown on attached Schedule 'A':
- i. Minimum side yard setback on the north side abutting Part 1 lot line 1.25 metres.
 - ii. Minimum front yard setback from the east lot line (Highway Commercial Zone) 35.0 metres.
 - iii. Minimum side yard setback on the south side abutting Registered Plan 30M-161 (Old Farm Inn Estates) lot line 4.0 metres
- (By-law No. 90-48, #169)

- R1-208
- (a) The minimum lot frontage shall be in accordance with the approved plan of subdivision for Beaver Creek Estates.
 - (b) The minimum lot area for each lot shall be 0.4 hectares, and may include the valley land, "Hazard H Zone", of Beaver Creek. Notwithstanding the inclusion of the Hazard Zone for the purposes of determining minimum lot area, that portion of each lot within the Residential R1-208 Zone shall satisfy the requirements of the Regional Niagara Health Services Department for the installation of a private sewage disposal system on each lot.
 - (c) The regulatory flood elevation of 175.39 metres GSC shall be deemed to be the delineation of the zone line between the "Hazard H Zone" and "Residential R1-208 Zone".
 - (d) The minimum rear yard set back for lands adjacent to Beaver Creek shall be 7.5 metres from the "Hazard H Zone"
(By-law 90-48, #170)
- R1-209
- (a) The regulatory flood elevation of 174 metres GSC shall be deemed to be the delineation of the Zone line between the "Hazard - H Zone" and "Residential - R1-209 Zone".
 - (b) The minimum building setback of lands adjacent to Beaver Creek shall be 7.5 metres from the "Hazard H Zone"
(By-law No. 90-57, #172)
- A2-210
- The minimum side yard setback on the east side abutting the lot line of part one Reference Plan 30R-4942 shall be 22.5 metres
(By-law No. 90-56, #171)
- A2-211
- (a) Permitted uses shall only include a welding and carpentry shop, a storage building for constructing equipment and uses, buildings and structures accessory thereto.
 - (b) Residential development shall be prohibited on these lands.
 - (c) Minimum Lot Frontage 28 metres.
 - (d) Minimum Lot Area 5.2 hectares.
 - (e) Minimum side yard adjacent to the road allowance between Concession 2 and 3 shall be 12 metres.
 - (f) Minimum Side Yard between existing barn and east lot line 7.5 metres
(By-law No. 90-65, #174)
- A2-212
- The minimum front yard shall be 145 metres.
- The minimum separation distance between any dwelling on the subject property and the existing livestock barn to the northeast shall be 162.5 metres
(By-law No. 90-72, #175)
- A2-213
- (a) Minimum Frontage 6 metres.
 - (b) Minimum Lot Area 3.3 hectares.
- (By-law No. 90-73, #176)
- I-214
- (a) Notwithstanding the uses permitted in the Institutional I Zone, only 32 residential apartment dwelling units, and uses, buildings and structures accessory thereto, shall be permitted in the Institutional I-214 Zone, established herein.

- (b) No lot frontage to a public street shall be required. The front lot line is deemed to be the west lot line of the subject property.
- (c) The Regulatory Flood Elevation of 183.42 metres GSC shall delineate the Zone line between the "Hazard H Zone" and "Institutional I-214 Zone".
- (d) Minimum Yard Requirements:
 - i. (A) Minimum Front Yard 45 metres.
(B) An unenclosed driveway canopy may extend a maximum of 8 metres into the minimum front yard from the building face.
 - ii. Minimum North Side Yard 9.0 metres.
 - iii. Minimum South Side Yard 4.5 metres.
(to Hazard Zone)
 - iv. Minimum Rear Yard 15 metres.
 - v. Maximum Building Height 2 storeys.
- (e) A minimum of 41 parking spaces shall be provided. Parking Spaces may be located within the adjacent Hazard H Zone, subject to the approval of the Niagara Peninsula Conservation Authority
(By-law No. 90-79, #178)

R1-215 The subject lands are located in the vicinity of a proposed multi-municipal landfill site
(By-law No. 90-75, #177)

A2-By-law No. 90-88 (a) That the lands described as Part 1 on Schedule 90-88 "A" attached and forming part of that by-law shall be used for no other purpose than a communication tower and unmanned equipment building.

(b) Notwithstanding the provisions of By-law No. 79-14, as amended, to the contrary, the minimum lot area for the residential use of Part 2 of Schedule 90-88 "A" attached to and forming part of that by-law shall be 5.74 hectares of land (#180).

C1-By-law No. 90-93 (a) Notwithstanding the provisions of Section 19 of By-law No. 79-14 to the contrary, the lands described on Schedule 90-93 "A" attached to and forming part of that by-law, shall be used for a residential dwelling unit on the second floor in conjunction with the permitted uses.

(b) Notwithstanding the provisions of Section 19.2 of By-law No. 79-14 to the contrary, the minimum building setback from the easterly residential zone shall be .5 metres (#181).

A2-By-law No. 91-9 (a) Notwithstanding the provisions of By-law No. 79-14, as amended, to the contrary, the lands described as Part 1 of Schedule 91-9 "A" attached and forming part of that by-law shall have a minimum lot frontage of 96.2 feet.

(b) Notwithstanding the provisions of By-law No. 79-14, as amended, to the contrary, the lands described as Part 2 of Schedule 91-9 "A" attached and forming part of that by-law shall have a minimum lot frontage of 214 feet (#183).

A2-By-law No. 91-19 The lands described on Schedule 91-19 "A" attached to and forming part of

that by-law shall be used for no other purpose than agricultural uses and commercial greenhouses and uses, buildings and structures accessory thereto (#185).

R2-By-law No. 91-33 Notwithstanding anything contained in By-law No. 79-14 to the contrary, the lands described as Part 1 on Schedule 91-33 "A" attached and forming part of that by-law shall be used for no other purpose than single-family dwellings and buildings accessory thereto, subject to the following requirements:

By-law No. 91-33
(Blue Ribbon Estates
Single Detached Lots)

- i. Minimum lot frontage of 15 metres per lot.
- ii. Minimum lot area of 506 square metres per lot (#186).

RM2-By-law No. 91-33 Notwithstanding anything contained in By-law No. 79-14 to the contrary, the lands described as Parts 2 and 3 on Schedule 91-33 "A" attached and forming part of that by-law shall be used for no other purpose than street townhouse dwellings and buildings accessory thereto, subject to the following requirements:

RM2-
By-law No. 91-33
(Blue Ribbon Estates
Block Townhouse Units)

- i. Maximum number of dwelling units - 20 units for Part 2 and 34 units for Part 3.
- ii. Minimum front yard setback of 6 metres from property line.

RM2-By-law No. 91-33
(Blue Ribbon Estates
Block Townhouse Units)

- iii. Minimum rear yard setback of 7.5 metres and 30 metres for Part 3 adjacent to CP Rail Line.
- iv. Minimum side yard setback on corner lots of 5 metres.
- v. Minimum distance between buildings of 4 metres.
- vi. Parking requirement of 2 spaces per dwelling unit (#186).

Note: A2/95 reduced the minimum lot area for the townhouse units to 180 square metres per unit.

A2-By-law No. 91-42 The lands described as Part 1 on Schedule 91-42 "A" attached and forming part of that by-law shall be used for no other purpose than for agricultural uses and commercial greenhouses and uses, buildings and structures accessory thereto (#187).

R1-By-law No. 91-43 Notwithstanding anything contained in By-law No. 79-14 to the contrary, the lands described as Part 2 on Schedule 91-43 "A" attached and forming part of that by-law shall be subject to the following requirement:

- i. Minimum lot frontage of 38.7 metres (#188).

R1-By-law No.91-50 Notwithstanding anything contained in Zoning By-law No. 79-14 to the contrary, this property may be used for an auto body repair shop, motor vehicle repair shop, auto and truck sales, general welding and fabricating uses and uses, buildings and structures accessory thereto (Amendment No.1, #191).

R1-
By-law No.91-50
Section 12(a)(ii)

C2-By-law No. 91-50 Notwithstanding anything contained in Zoning By-law No. 79 to the contrary, this property may also be used for a feed and grain operation and uses, buildings and structures accessory thereto. (Amendment No.4, #191)

C2-
By-law No. 91-50
Section 12(c) (ii)

C2-By-law No. 91-50 Notwithstanding anything contained in Zoning By-law No. 79-14 to the contrary, this property may also be used for auto parts sales and automobile repair and uses, buildings and structures accessory thereto (Amendment No. 5, #191).

C2-By-law No. 91-50
Section 12(d) (ii)

C2-By-law No. 91-50 Notwithstanding anything contained in Zoning By-law No. 79- 14 to the contrary, this property may also be used for an automobile service station and uses, buildings and structures accessory thereto

C2-By-law No. 91-50
Section 12(e)

(Amendment No. 6 and 7, #191).

C2-By-law No. 91-50 Notwithstanding anything contained in Zoning By-law No. 79- 14 to the contrary, this property may also be used for an electrical contractor's shop and uses, buildings and structures accessory thereto (Amendment No. 10, #191).

C2-By-law No. 91-50 Notwithstanding the permitted uses of the General Commercial C2 Zone, this property shall be limited to the following permitted uses: business and professional offices; medical and dental offices; medical labs; x-ray, ultrasound and physiotherapy facilities; drug dispensary; medical clinics; and uses, buildings and structures accessory thereto (Amendment No. 11, #191).

R2-By-law No. 91-50 Notwithstanding anything contained in Zoning By-law No. 79- 14 to the contrary, this property may also be used for pump and plumbing service and repairs, welding and fabricating and general mechanical repairs and uses, buildings and structures accessory thereto (Amendment No. 12, #191).

A2-Niagara Road 12 Landfill Site "Buffer Zone" By-law No. 91-78 That the applicable provisions respecting Minimum Yard Requirements of Zoning By-law 79-14 for the "Public Industrial M2 Zone" shall apply to the lands defined as "Landfill-Buffer Zone" affected by By-law No. 91-78 (#200).

A2-Niagara Road 12 Landfill Site – Buffer Hazard Lands Zone By-law No. 91-78 That the land defined on Schedule "A" to By-law 91-78 as "Buffer and Hazard Lands" will restrict the uses to the conservation and enhancement of the natural land and environment (#200).

RM2-By-law No. 91-53 Notwithstanding anything contained in By-law #79-14 to the contrary the land described as Part 2 on Schedule 91-53"A" attached to and forming part of that by-law shall be used for no other purpose than group townhouse dwellings and buildings accessory thereto, subject to the following requirements:

- i. Minimum Lot Frontage 20 metres.
- ii. Minimum setback to the northern lot line shall be 7.5 metres.
- iii. Minimum setback to the southerly lot line shall be 7.5 metres.
- iv. Minimum setback to the eastern lot line shall be 5.0 metres.
- v. Minimum setback to the westerly lot line shall be 5.0 metres.
- vi. No face (front or rear) of any building shall abut the eastern or western lot lines.
- vii. No exterior side wall shall contain windows.
- viii. Parking will be provided at a ratio of 2 parking spaces per unit.
- ix. An amenity area is to be provided with a minimum area of 120 square metres.
- x. Maximum height - 2-1/2 storeys (#193).

RM1-By-law No. 91-63 Notwithstanding anything contained in By-law #79-14 to the contrary the land described on Schedule 91-63"A" attached to and forming part of that by-law shall be used for no other purpose than for a single family dwelling or duplex dwelling and buildings accessory thereto, subject to the following requirements:

- i. Minimum Lot Frontage 17 metres.
- ii. Minimum Front Yard Setback 4.8 metres.
- iii. Minimum Southerly Side Yard Setback 1.2 metres.
- iv. Minimum Northerly Side Yard Setback 7.0 metres (#195).

R1-By-law No. 91-64 Notwithstanding the permitted uses of the Residential R1 Zone, a daycare

facility is included as a permitted use on those lands described on Schedule 91-64"A" attached to and forming part of that By-law (#196).

A2-By-law No. 91-75 Notwithstanding anything contained in By-law No. 79-14 to the contrary, the lands described as Part 1 on Schedule 91-75"A" attached to and forming part of that by-law shall have a minimum lot frontage of 30.4 metres (100 feet) (#197).

A2-By-law No. 91-75 Notwithstanding anything contained in By-law No. 79-14 to the contrary, the lands described as Part 2 on Schedule 91-75"A" attached to and forming part of that by-law shall be used for no other purpose than for agricultural uses and commercial greenhouses and uses, buildings and structures accessory thereto (#197).

~~G2-By-law No. 91-77~~ Repealed by By-law 2005-02

R2-By-law No. 91-83 Notwithstanding the provisions of the 'Residential R2' Zone, the minimum lot frontage on the lands described as Part 1 on Schedule 91-83"A" attached to and forming part of that by-law shall be 16.7 metres (55 feet)(#202).

RM1-By-law No. 92-3 Notwithstanding anything contained in By-law No. 79-14 to the contrary, the lands described on Schedule 92-3"A" attached to and forming part of that By-law shall be used for no other purpose than for a single family dwelling or a duplex dwelling and buildings accessory thereto, subject to the following special provisions:

- i. Minimum Lot Frontage 21 metres.
- ii. The parking of motorized vehicles in the front yard is prohibited (#204).

A2-By-law No. 92-21 Notwithstanding the provisions of By-law 79-14, as amended, to the contrary, the northern boundary of lands described as Part 1 on Schedule 92-21"A" attached to and forming part of that by-law shall be deemed to be the lot frontage of the lands shown as Part 2 on Schedule 92-21"A" (#205).

A2-By-law No. 92-21 Notwithstanding the provisions of By-law 79-14, as amended, to the contrary, the minimum lot frontage for the lands described as Part 2 on Schedule 92-21"A" attached to and forming part of that by-law shall be 20 metres (#205).

C3-By-law No. 92-27 Notwithstanding anything contained in By-law 79-14 to the contrary, the lands described on Schedule 92-27"A" attached to and forming part of that by-law shall be subject to the following requirements:

- i. Minimum Easterly Side Yard Setback - 0 metres.
- ii. Minimum Parking Setback from the Northerly Lot Line shall be 1.5 metres (#206).

A2-By-law No. 92-31 Notwithstanding the provisions of By-law 79-14, as amended, to the contrary, no development shall take place within 7.5 metres of the southerly limit of the 185 metre contour line on the lands of Schedule 92-31"A" attached to and forming part of that by-law (#207).

A2-By-law No. 92-53 Notwithstanding the provisions of By-law 79-14, as amended, to the contrary, the minimum lot frontage for the lands described on Schedule 92-53"A" attached to and forming part of that by-law shall be 8.8 metres (#210).

R2-By-law No. 93-6 Riverview Estates Notwithstanding anything contained in the 'Residential R2' Zone of By-law #79-14 to the contrary, lands described on Schedule 93-6"A" attached to and forming part of that by-law shall be subject to the following provisions:

- i. Minimum Lot Frontage 15 metres per lot.
- ii. Minimum Lot Area 470 square metres (#212).

- A2-By-law No. 93-17 (a) Notwithstanding anything contained in Zoning By-law 79-14, to the contrary, the lands described on Schedule 93-17"A" attached to and forming part of that by-law shall be used for no other purpose than for agricultural uses, commercial greenhouses, and uses, buildings and structures accessory thereto.
- (b) Notwithstanding anything contained in Zoning By-law 79-14, to the contrary, the lands described on Schedule 93-17"A" attached to and forming part of that by-law shall be subject to the following provisions:
- | | | |
|-------|--|-------------|
| (i) | Minimum Lot Frontage | 99 metres. |
| (ii) | Minimum Front Yard Setback | 9.0 metres. |
| (iii) | Minimum North Side Yard Setback | 3.0 metres. |
| (iv) | Minimum South Side Yard Setback | 7.5 metres. |
| (v) | Minimum Distance from Dwellings on adjacent properties (#213). | 11.7 metres |
- A2-By-law No. 93-26 Notwithstanding the provisions of By-law 79-14, as amended, to the contrary, the minimum lot area for the lands described on Schedule 93-26"A" attached to and forming part of that by-law shall be 7.26 hectares (#214).
- A2-By-law No. 93-37 (a) Notwithstanding the provisions of By-law 79-14, as amended, to the contrary, the northern boundary of the lands described as Part 1 on Schedule 93-37"A" attached to and forming part of that by-law shall be deemed to be the lot frontage of the lands shown as Part 2 on Schedule 93-37"A".
- (b) Notwithstanding the provisions of By-law 79-14, as amended, to the contrary, the minimum lot frontage for the lands described as Part 2 on Schedule 93-37"A" attached to and forming part of that by-law shall be 6 metres (#217).
- RC-By-law No. 93-35 Notwithstanding the permitted uses of the "Rural Commercial RC Zone, the sale of motor vehicles is included as a permitted use on those lands described on Schedule 93-35"A" attached to and forming part of that by-law (#218).
- RC-By-law No. 93-51 Notwithstanding the provisions of By-law 79-14, as amended to the contrary, the minimum rear yard setback on the lands described on Schedule 93-51"A" attached to and forming part of that by-law shall be 7.2 metres (#219).
- RuR-By-law No. 93-56 Notwithstanding anything contained in the "Rural Residential RuR" Zone of By-law No. 79-14 to the contrary, the lands shown as Part 1 and Part 2 on Schedule 93-56"A" attached to and forming part of that by-law shall be subject to the following provision:
- | | | |
|----|------------------|------------------|
| i. | Minimum Lot Area | 44 acres (#220). |
|----|------------------|------------------|
- A2-By-law No. 93-65 Notwithstanding anything contained in the "Agricultural A2" Zone of By-law No. 79-14 to the contrary, the lands described as Part 2 on Schedule 93-65"A" attached to and forming part of that by-law shall be subject to the following provision:
- | | | |
|----|------------------|-----------------------|
| i. | Minimum Lot Area | 14.9 hectares (#221). |
|----|------------------|-----------------------|
- A2-By-law No. 93-86 (a) Notwithstanding the provisions of Zoning By-law 79-14, as amended, to the contrary, the lands described on Schedule 93-86"A" attached to and forming part of that by-law shall not be used for the

construction of a single family dwelling.

- (b) Notwithstanding the provisions of Zoning By-law 79-14, as amended, to the contrary, the minimum lot frontage for lands described on Schedule 93-86"A" attached to and forming part of that by-law shall be 174.3 metres (#223).

RC-By-law No. 94-3 Notwithstanding anything contained in By-law 79-14, as amended to the contrary, an accessory residential unit shall be permitted on the ground floor on the lands described on Schedule 94-3"A" attached to and forming part of that by-law (#224).

A2-By-law No. 94-4 Notwithstanding the provisions of By-law 79-14, as amended, to the contrary, the northern boundary of the access easement, more particularly described as Part 1 on Reference Plan 30R-7683, shall be deemed to be the lot frontage of the lands on Schedule 94-4"A" attached to and forming part of that by-law (#225).

A2-By-law No. 94-9 A single family detached dwelling is a permitted use on those lands described on Schedule 94-9"A" attached to and forming part of that by-law (#226).

A2-By-law No. 94-41 Notwithstanding the provisions of Zoning By-law 79-14, as amended to the contrary, lands as described on Schedule 94-41"A" attached to and forming part of that by-law shall not be used for the construction of a single family dwelling (#228).

A2-By-law No. 94-49 Notwithstanding anything contained in By-law 79-14, as amended by By-law No. 79-45 to the contrary, a second dwelling is permitted on lands described in Schedule 94-49"A" attached to and forming part of that by-law (#229).

A2-By-law No. 93-81 Notwithstanding the provisions of By-law 79-14 as amended to the contrary, the minimum lot area for lands described on Schedule 93-81"A" attached to and forming part of that By-law shall be 3.1 hectares (#230).

RC-By-law No. 94-64 Notwithstanding the provisions of the "Rural Commercial RC" Zone, the westerly side yard setback shall be 4.5 metres (#233).

A2-By-law No. 94-93 Notwithstanding anything contained in the "Agricultural A2" Zone to the contrary, the lands described on Schedule 94-93"A" attached to and forming part of that by-law shall be subject to the following provision:

- i. A maximum of four apartment units shall be permitted (#235).

RC-By-law No. 94-94 (a) Notwithstanding anything contained in the "Rural Commercial RC" Zone to the contrary, this Zone shall permit the following:

building supply sales
farm implement sales and service establishments
feed and fertilizer dealers
animal hospitals in wholly enclosed buildings
retail farm supply stores
public garages
general store
farm service establishments
retail shops
personal service shops
and uses, buildings and structures accessory thereto

- (b) Notwithstanding the provisions of the "Rural Commercial RC" Zone to

the contrary, an accessory residential use shall be permitted on the ground floor of the Commercial operation (#236).

- A2-By-law No. 95-18 Notwithstanding the provisions of Zoning By-law 79-14, as amended to the contrary, land as described on Schedule 95-18"A" attached to and forming part of that by-law shall not be used for the construction of a single family dwelling (#237).
- A2-By-law No. 95-12 Notwithstanding the provisions of Zoning By-law 79-14, as amended to the contrary, land as described on Schedule 95-12"A" attached to and forming part of that by-law shall permit a farm feed dealership (#238).
- A2-By-law No. 95-38 Notwithstanding anything contained in the "Agricultural A2" Zone to the contrary, this Zone shall preclude construction of a dwelling on the lands described on Schedule 95-38"A" attached to and forming part of that by-law (#239).
- A1 & A2
By-law No. 95-39 Notwithstanding provisions of the "Agricultural A1" Zone and "Agricultural A2" Zone to the contrary, those lands shown as Part 2 on Schedule 95-39"A" attached to and forming part of that by-law shall have a lot frontage of 46 metres (#240).
- R1-By-law No. 95-40 Notwithstanding the provisions of the "Residential R1" Zone, the minimum lot frontage on the lands as shown on By-law No. 95-40"A" attached to and forming part of that by-law shall be 41.5 metres (#241).
- R1-By-law No. 95-44 Notwithstanding the provisions of the "Residential R1" Zone, a 15 metre vegetative buffer shall be established on either side of the drainage ditch on the property in which no structure or development shall take place (#242).
- A2-By-law No. 95-54 Notwithstanding the provisions of the "Agricultural A2" Zone to the contrary those lands as shown as Part 2 on Schedule 95-54"A" attached to and forming part of that by-law shall have a lot area of 11.3 hectares (28 acres) (#243).
- RC-By-law No. 95-55 Notwithstanding the provisions of the "Rural Commercial RC" Zone to the contrary those lands as shown on Schedule 95-55"A" attached to and forming part of that by-law shall be subject to the following special provisions:
- i. Parking and storage is prohibited in the front yard.
 - ii. A public garage is not a permitted use on these lands.
- R2-By-law No. 94-86 Notwithstanding the provisions of By-law 79-14, as amended to the contrary, the minimum lot frontage of the lands described on Schedule 94-86"A" attached to and forming part of that by-law shall be 16 metres (#245).
- A2-By-law No. 94-18 That Map 2 to Schedule 'A' attached to and forming part of Zoning By-law 79-14, as amended, is hereby further amended by permitting a dwelling on the north side of North Creek for the purposes of a farm retirement dwelling on those lands described on Schedule 94-18"A" attached hereto and forming part of this by-law (#246).
- A2-By-law No. 95-21 (a) Notwithstanding the provisions of Zoning By-law 79-14, as amended to the contrary, lands as described on Schedule 95-21"A" attached to and forming part of that by-law shall not be used for the construction of a single family dwelling.
- (b) Notwithstanding the provisions of Zoning By-law 79-14, as amended to the contrary, the minimum lot frontage on the lands as described on Schedule 95-21"A" shall be 163 metres (#248).

A2-By-law No. 96-8 Notwithstanding anything contained in the "Agricultural A2" Zone to the contrary, this Zone shall permit a lot frontage of 15 metres on the lands described on Schedule 96-8"A" attached to and forming part of that by-law (#251).

A2-By-law No. 96-9 (a) Notwithstanding anything contained in the "Agricultural A2" Zone to the contrary, this Zone shall permit a lot frontage of 31 metres on the lands described as Part 1 on Schedule 96-9"A" attached to and forming part of that by-law.

(b) Notwithstanding anything contained in the "Agricultural A2" Zone to the contrary, this Zone shall permit a lot frontage of 9 metres on the lands described on Schedule 96-9"A" attached to and forming part of that by-law (#252).

Mixed Use Commercial

(a) Notwithstanding anything contained in By-law #79-14, Zone-By-law No. 96-10 as amended to the contrary, the following uses shall be permitted in the "Mixed Use Commercial" Zone on the lands shown on Schedule 96-10"A" attached to and forming part of that by-law:

i. Permitted uses

business, professional and government offices,
personal service shops such as a barber shop, hair dresser,
shoe repair and dry cleaner,
clinics (medical, dental, etc.),
a custom workshop,
printing establishment,
service shops,
studios, and
a maximum of three residential units.

(b) The setback provisions of the "Commercial C2" Zone shall apply to the lands described on Schedule 96-10"A" attached to and forming part of that by-law (#253).

RC-By-law No. 96-72 Notwithstanding the provisions of the "Rural Commercial RC" Zone, the following are the permitted uses on the property:

farm implement sales and service
feed and fertilizer dealer
public garage
general trucking uses
livestock trucking uses
general contracting use
farm service establishments
all uses permitted in the "Public Industrial M2" Zone (#256).

A2-By-law No. 96-73 Notwithstanding anything contained in the "Agricultural A2" Zone to the contrary, this Zone shall permit a second dwelling for the purposes of a farm helphouse on the lands described on Schedule 96-73"A" attached to and forming part of that by-law #257).

A2-By-law No. 96-91 (a) Notwithstanding the provisions of the "Agricultural A2" Zone the following additional uses shall be permitted on the lands shown on Schedule 96-91"A" attached to and forming part of that by-law:

i. Recreational Uses and uses, buildings and structures accessory thereto.

- ii. Uses, buildings and structures associated with the Smithville Fair.
 - iii. One residential unit as required for the maintenance and security staff of any principle use on the subject land, provided that such staff are employed on the premises. No other residential uses are permitted on the property.
- (b) Notwithstanding the provisions of Section 7.33 of the Zoning By-law, for the purposes of calculating the minimum distance separation from any livestock operation to an adjacent land use, the lands as shown on Schedule 96-91"A" shall be considered vacant agricultural land.
 - (c) Notwithstanding any provision contained in the Township of West Lincoln's Zoning By-law, any livestock operation in proximity to the lands as shown on Schedule 96-91"A" due to encroachment of the minimum distance separation, can modify, rebuild or reconstruct any buildings or structures arising from damage, demolition, complete or partial destruction howsoever caused.
 - (d) Notwithstanding the provisions contained in the Township of West Lincoln Zoning By-law, the following special provisions shall pertain to the existing dwelling known municipally as 2598 South Grimsby Road 6 (J. & C. Shields):
 - i. Setbacks for buildings, structures and recreational fields 800 feet.
 - ii. Minimum distance of vehicular entrance to existing dwelling 300 feet.
 - iii. Minimum distance of any parking lots to the existing dwelling 600 feet.
 - iv. Minimum distance of lighting structures to existing dwelling 1000feet
 - (e) In addition to the provisions of the "Agricultural A2" Zone, the subject lands will require a berm along the perimeter of South Grimsby Road 6 (except for entrance ways) with a height of no less than 5 feet with a vegetation buffer of not less than 5 feet.
 - (f) In addition to the provisions of the "Agricultural A2" Zone, all public walkways and bicycle paths shall be set back a minimum of 75 feet from any adjacent residential use (#259).

R1-By-law No. 96-97 Notwithstanding the provisions of the "Residential R1" Zone to the contrary, Part 1 on Schedule 96-97"A" attached to and forming part of that by-law shall have a minimum lot frontage of 42.67 metres and minimum lot area of .39 hectares (#260).
See By-law 82-9

- A2-155 (a) Notwithstanding anything contained in the "Agricultural By-law No. 96-97 A2" Zone to the contrary those lands as shown as Part 2 on Schedule 96-97"A" attached to and forming part of that by-law shall not permit a single family dwelling.
- (b) Notwithstanding the provisions of the "Agricultural A2" Zone to the contrary, Part 2 on Schedule 96-97"A" attached to and forming part of that by-law shall have a minimum lot frontage of 21.34 metres and a lot area of .32 hectares.
- (c) Notwithstanding anything contained in Zoning By-law #79-14 to the contrary, that portion of the property beyond a distance of 62.5 metres from the front property line shall be enclosed along the perimeter of the property by a 1.8 metre high board-on-board privacy fence.
- (d) Notwithstanding anything contained in Zoning By-law #79-14 to the contrary,

sandblasting will only be permitted indoors or with a self-contained sandblasting unit.

- (e) Notwithstanding anything contained in Zoning By-law #79-14 to the contrary, no parking or storage will be permitted within 62.5 metres of the front property line (#260).

A2-By-law No. 96-96

- (a) Notwithstanding anything contained in the "Agricultural A2" Zone to the contrary, the portion of the lands as described on Schedule 96-96"A" attached to and forming part of that by-law may be used as a post office.
- (b) Notwithstanding anything contained in the "Agricultural A2" Zone to the contrary, the lands as denoted on Schedule 96-96"A" attached to and forming part of that by-law shall permit a minimum front yard setback for the post office of 35 feet (10.6 metres) (#261).

C1-By-law No. 97-12 Notwithstanding the provisions of the Local Commercial C1 Zone, the minimum front yard setback shall be 8.8 metres (#263A).

RuR-216 Notwithstanding the provisions of the Rural Residential RuR Zone, the lands indicated as RuR-216 on Schedule A, Map 3, shall be subject to the following provisions:

- (a) Minimum Front Yard Setback - 30.5 metres
 - (b) Minimum Setback from C P Railway - 30 metres
- (By-law No. 97-26, #264)

A2-217 Notwithstanding the provisions of the Agricultural A2 Zone, the lands indicated as A2-217 on Schedule A, Map 3, shall not be used for any type of residential use and shall be subject to the following provision:

- (a) Minimum Lot Frontage - 174 metres
- (By-law No. 97-27, #265)

A1-218 Notwithstanding the provisions of the Restricted Agricultural A1 Zone, the lands indicated as A1-218 on Schedule 'A' shall be subject to the following provision:

- (a) Maximum Lot Coverage for Accessory Buildings - 5.2%
- (By-law No. 97-49, #266)

A2-219 Notwithstanding the provisions of the Agricultural A2 Zone, the lands indicated as A2-219 on Schedule 'A' shall not be used for any type of residential use (By-law No. 97-49, #266)

A1-220 Notwithstanding the provisions of the Restricted Agricultural A1 Zone, the lands indicated as A1-220 on Schedule 'A' shall be subject to the following provision:

- a) Maximum Lot Coverage for Accessory Buildings - 7.9%
- (By-law No. 97-50, #267)

A2-221 Notwithstanding the provisions of the Agricultural A2 Zone, the lands indicated as A2-221 on Schedule 'A' shall not be used for any type of residential use (By-law No. 97-50, #267)

M1-222 Notwithstanding the provisions of the "M1" Zone, the subject lands zoned M1-222

on Schedule 'A' shall be subject to the following amended provisions:

1. Notwithstanding the provisions of the Industrial M1 Zone, in addition to the permitted uses of the Industrial M1 Zone, the lands zoned M1-222, may also be used for an abattoir for the slaughter and processing of poultry and a retail outlet accessory thereto.
2. Notwithstanding the provisions of Section 23, not more than 7 loading spaces shall be permitted in the front yard. Notwithstanding Section 23, the loading space and access areas shall be permitted in front of the main building.
3. Notwithstanding any other provision of the Zoning By-law, the minimum ingress/egress width for two-way traffic shall be 5.5 m.
4. Notwithstanding any other provision in the Zoning By-law, the minimum parking aisle width shall be 5.5 m.
5. All other requirements of the M1 Zone and By-law 79-14 continue to apply. (By-law 2010-65 deletes 97-73 and 2005-29 M1-222 provisions)

A2-223 Notwithstanding the provisions of the Agricultural A2 Zone, the lands indicated as A2-223 on Schedule 'A', shall not be used for any type of residential use
(By-law No. 97-74, #271)

R2-224 Milan – not used (refused by OMB).

A2-225 Notwithstanding the provisions of the Agricultural A2 Zone, in addition to the permitted uses of the Agricultural A2 Zone, the lands indicated as A2-225 on Schedule 'A' may also be used for an agricultural welding and repair shop and shall be subject to the following provision:

- (i) Minimum Easterly Side Yard - 6 metres for an Agricultural Welding & Repair Shop
(By-law No. 97-82, #272)

R1-226 Notwithstanding the provisions of the Residential R1 Zone, the lands indicated as R1-226 on Schedule 'A' Map 7, shall be subject to the following provision:
(a) Minimum Lot Frontage 34 metres.
(By-law No. 98-21, #275)

R1-227 Notwithstanding the provisions of the Residential R1 Zone, the lands indicated as R1-227 on Schedule 'A' Map 7, shall be subject to the following provision:
(a) Minimum Lot Frontage 28 metres.
(By-law No. 98-21, #275)

A2-228 Notwithstanding the provisions of the Agricultural A2 Zone, the lands indicated as A2-228 on Schedule 'A' Map 1, shall not be used for any type of residential use.
(By-law No. 98-40, #276)

A2-229 Notwithstanding the provisions of the Agricultural A2 Zone, the lands indicated as A2-229 on Schedule 'A' Maps 1 and 12, shall be subject to the following provision:

- (a) Minimum Lot Frontage - 149 metres.

(By-law No. 99-03, #291)

RM1-230
Northridge Drive

Notwithstanding the provisions of the Residential Multiple RM1 Zone, for single detached dwellings semi-detached dwellings, the lands indicated as RM1- 230 on Schedule 'A' Map 2 shall be subject to the following provisions:

Minimum Lot Frontage 10 metres per unit.
Minimum Lot Area 300 square metres per unit.
Minimum Front Yard Setback 7 metres

Minimum Interior Side Yard Setback - 1.2 metres on each side -
except that where no attached garage is provided, the minimum side yard on one side shall be 3 metres. No interior side yard is required for a semi-detached dwelling between the common vertical wall dividing one units from another

(By-law No. 98-49, #277)

RC-231
Linde

Notwithstanding the provisions of the Rural Commercial RC Zone, in addition to the permitted uses of the Rural Commercial RC Zone, the lands indicated as RC-231 on Schedule 'A' Map 1, may also be used for a motor vehicle sales room for the retail sale of not more than six unplated motor vehicles at any one time, as an accessory use to a public garage and/or a farm service establishment, and shall be subject to the following provisions:

- (a) Minimum Rear Yard 7 metres. (By-law No. 98-50, #284)
- (b) That any future severance of the house from the rural commercial property be prohibited**
- (c) Minimum front yard setback of 15 metres to the existing dwelling**
- (d) All other provisions of the Rural Commercial Zone continue to apply**

(By-law 2015-67)

R2-232
Anastasio Estates
Phase 2

Notwithstanding the provisions of the Residential R2 Zone, for single detached dwellings, the lands indicated as R2-232 on Schedule 'A' Map 2 shall be subject to the following provisions:

- (a) Minimum Lot Frontage - 15 metres for an interior lot and 18 metres for a corner lot.
- (b) Minimum Lot Area 475 square metres.
- (c) Minimum Yard Requirements
 - i. Front Yard 6 metres
 - ii. Exterior Side Yard 4.5 metres.
Where an entrance to a garage faces an exterior side yard, the minimum side yard for the garage shall be 6 metres.
 - iii. Interior Side Yard 1.2 metres on each side, except that where no attached garage is provided, the minimum side yard on one side

shall be 3 metres.

iv. Rear Yard 7.5 metres
(By-law No. 98-61, #293)

RM2-233

Notwithstanding the provisions of the Residential Multiple RM2 Zone, for semi-detached dwellings, the lands indicated as RM2-233 on Schedule 'A' Map 2 shall be subject to the following provisions:

SEMI-DETACHED DWELLINGS

(a) Minimum Lot Frontage 18 metres
(b) Minimum Lot Area 540 square metres
(c) Minimum Lot Area per Dwelling Unit 270 square metres

(d) Minimum Yard Requirements
i. Front Yard 6 metres

ii. Exterior Side Yard 4.5 metres.
Where an entrance to a garage faces an exterior side yard, the minimum exterior side yard for the garage shall be 6 metres.

iii. Interior Side Yard 1.2 metres on each side, except that where no attached garage is provided, the minimum side yard on one side shall be 3 metres. No interior side yard is required for a semi-detached dwelling between the common vertical wall dividing one unit from another.

iv. Rear Yard 7.5 metres

(e) Maximum Lot Coverage 40%.

RM2-233(continued)

Notwithstanding the provisions of the Residential Multiple RM2 Zone, for street townhouse dwellings, the lands indicated as RM2-233 on Schedule 'A' Map 2 shall be subject to the following provisions:

STREET TOWNHOUSE DWELLINGS

(a) Minimum Lot Frontage Per Unit 6.7 metres for an interior lot and 11 metres for a corner lot.

(b) Minimum Lot Area Per Dwelling Unit 210 square metres for an interior lot and 300 square metres for a corner lot

(c) Minimum Yard Requirements
i. Front Yard 6 metres

	ii. Exterior Side Yard	4.5 metres. Where an entrance to a garage faces an exterior side yard, the minimum exterior side yard for the garage shall be 6 metres
	iii. Interior Side Yard	1.2 metres for end units. No interior side yard is required for a semi-detached dwelling between the common vertical wall dividing one unit from another.
	iv. Rear Yard	7.5 metres.
	(d) Maximum Lot Coverage	40%.
	(e) Minimum Dwelling Unit Area (By-law No. 98-61, #293)	75 square metres.
A2-234	Notwithstanding the provisions of the Agricultural A2 Zone, the lands indicated as A2-234 on Schedule 'A' Map 1, shall be subject to the following provision:	
	(a) Maximum Lot Coverage for Accessory Buildings (By-law No. 98-59, #278)	5.5%.
A2-235	Notwithstanding the provisions of the Agricultural A2 Zone, the lands indicated as A2-235 on Schedule 'A' Map 1, shall not be used for any type of residential use. (By-law No. 98-59, #278)	
A2-236	Notwithstanding the provisions of the Agricultural A2 Zone, in addition to the permitted uses of the Agricultural A2 Zone, a second single detached dwelling is permitted on the lands indicated as A2-236 on Schedule 'A' Map 1. (By-law No. 98-75, #280)	
A2-237	Notwithstanding the provisions of the Agricultural A2 Zone, in addition to the permitted uses of the Agricultural A2 Zone, the lands indicated as A2-237 on Schedule 'A' Map 1, may also be used for a gun club and firing range and uses, buildings and structures accessory thereto, and shall be subject to the following provision: Any development further to the south and west of the existing buildings and structures may require that an Environmental Impact Study (EIS) be prepared (By-law No. 98-60, #294)	
RM2-238	Notwithstanding the provisions of the Residential Multiple RM2 Zone, the lands indicated as RM2-238 on Schedule 'A' Map 2, shall be subject to the following provision: (a) Minimum Lot Frontage	
		13.7 metres. For the subject lands, the frontage of the lands zoned RM2-238 shall be located on the west side of Griffin

(By-law No. 98-76, #279)

- RC-239 Notwithstanding the provisions of the Rural Commercial RC Zone, the lands indicated as RC-239 on Schedule 'A' Map 12, shall be subject to the following provision:
 (a) Minimum Lot Frontage - 51 metres.
 (By-law No. 98-81, #283)
- RC-240 Notwithstanding the provisions of the Rural Commercial RC Zone, the lands indicated as RC-240 on Schedule 'A' Map 12, shall be subject to the following provision:
 (a) Minimum Lot Frontage - 46 metres.
 (By-law No. 98-81, #283)
- R2-241 Notwithstanding the provisions of the Residential R2 Zone, the lands indicated as R2-241 on Schedule 'A' Map 2, shall be subject to the following provision:
 (a) Minimum Northerly Side Yard Setback - 5 metres.
 (By-law No. 98-82, #285)
- R2-242 Notwithstanding the provisions of the Residential R2 Zone, the lands indicated as R2-242 on Schedule 'A' Map 2, shall be subject to the following provision:
 (a) Minimum Southerly Side Yard Setback - 5 metres.
 (By-law No. 98-82, #285)
- A2-243 *Repealed by By-law No. 99-88*
- A2-244 Notwithstanding the provisions of the Agricultural A2 Zone, the lands indicated as A2-244 on Schedule 'A' Map 1, shall not be used for any type of residential use and shall be subject to the following provision:
 (a) Minimum Lot Area - 9.5 hectares.
 (By-law No. 98-95, #288)
- R2-245 Notwithstanding the provisions of the Residential R2 Zone, the lands indicated as R2-245 on Schedule 'A' Map 2, shall be subject to the following provisions:
 (a) Minimum Lot Frontage - 15 metres for an interior lot and 18 metres for a corner lot. Minimum Lot Area - 500 square metres.
 (By-law No. 98-112, #290)
- A2-246
 Leisureplex Notwithstanding the provisions of the Agricultural A2 Zone, the lands indicated as A2-246 on Schedule 'A' Map 1, shall be subject to the following provision:

 No soil disturbance or the erection or placing of any buildings or structures shall take place on these lands because this property is identified as containing a potentially significant archaeological site.
 (By-law No. 99-26, #295)
- A1-247 Notwithstanding the provisions of the Restricted Agricultural A1 Zone, the lands indicated as A1-247 on Schedule 'A' Map 1, shall be subject to the following provisions:

 (a) Minimum Lot Frontage 124 metres.
 (b) Minimum Lot Area 1.9 hectares.
 (By-law No. 99-32, # 298)

- A2-248 Notwithstanding the provisions of the Agricultural A2 Zone, the lands indicated as A2-248 on Schedule 'A' Map 1, shall not be used for any type of residential use and shall be subject to the following provision:
- (a) Minimum Lot Frontage 156 metres.
(By-law No. 99-32, #298)
- RC-249 Notwithstanding the provisions of the Rural Commercial RC Zone, in addition to the permitted uses of the Rural Commercial Zone, the lands indicated as RC-249 on Schedule 'A' Map 11 may also be used for a motor vehicle sales room.
(By-law No. 99-33, #299, amended as follow:
- Agri-Plastics Notwithstanding the provisions of the Rural Commercial RC Zone, the following additional provisions apply:
- (a) In addition to the permitted uses of the Rural Commercial Zone, the lands zoned RC- 249 may also be used for a motor vehicle sales room, and a light manufacturing operation which creates moulded plastics products;
- (b) All applicable Ministry of Environment approvals, including any Certificates of Approval, shall be obtained by the owner;
- (c) **No outside operations associated with the moulded plastics manufacturing shall be permitted;**
- (d) **Outside storage of finished products shall only be permitted in the areas shown on the registered site plan for the subject lands and fully screened from public view;** and
- (e) All other provisions of the RC Zone and By-law 79-14 continue to apply.
(By-law 20112-05)
- R1-250 Notwithstanding the provisions of the Residential R1 Zone, for single detached dwellings, the lands indicated as R1-250 on Schedule 'A', Map 5 shall be subject to the following provisions:
- (a) Minimum Front Yard 15 metres.
(b) Minimum Rear Yard 15 metres from the top of the bank of the Welland River.
(By-law No. 99-62, #300)
- A2-251 Notwithstanding the provisions of the Agricultural A2 Zone, the lands indicated as A2-251 on Schedule "A", Map 1 shall not be used for any type of residential use and shall be subject to the following provisions:
- (a) Minimum Lot Frontage 89 metres.
(b) Minimum Lot Area 5 hectares.
(By-law No.99 60, #302)
- R3-252 Notwithstanding the provisions of the Residential R3 Zone, the lands indicated as R3252 on Schedule "A", Map 2 shall be subject to the following provisions:
- (a) Minimum Lot Frontage 15.3 metres.
(b) Minimum Easterly Side 4.5 metres.Yard Setback
(By-law No. 99-59, #303)
- A1-253 Notwithstanding the provisions of the Restricted Agricultural A1 Zone, the lands indicated as A1-253 on Schedule "A" Map 2 shall be subject to the following provisions:

- (a) Minimum Lot Frontage -20 metres.
 - (b) Minimum Lot Area -4 hectares.
 - (c) Minimum Front Yard Setback-80 metres.
- (By-law No. 99-59, #303)

A2-254 Notwithstanding the provisions of the Agricultural (A2) Zone, in addition to the permitted uses of the Agricultural A2 Zone, the lands indicated as A2-254 on Schedule 'A' Map 1, may also be used for an abattoir for the slaughter and processing of poultry, and shall be subject to the following provision:

- (a) Maximum Floor Area of the Abattoir -237 square metres.
- (By-law No. 99-67, #304)

RuR-255 Notwithstanding the provisions of the Rural Residential (RuR) Zone, the lands indicated as RuR-255 on Schedule 'A' Map 10, shall be subject to the following provision:

- (a) Minimum Westerly Side Yard of the Existing Dwelling -2.7 metres.
- (By-law No. 99-66, #306)

A2-256 Notwithstanding the provisions of the Agricultural (A2) Zone, the lands indicated as A2-256 on Schedule 'A' Map 10, shall be subject to the following provisions:

- (a) Minimum Lot Frontage 34 metres.
 - (b) Minimum Lot Area 6.2 hectares.
- (By-law No. 99-66, #306)

A2-257 Notwithstanding the provisions of the Agricultural (A2) Zone, in addition to the permitted uses of the Agricultural A2 Zone, the lands indicated as A2-257 on Schedule 'A' Map 1, may also be used for an egg storage warehouse, and shall be subject to the following provision:

- (a) Maximum Floor Area of the Egg Storage Warehouse 280 square metres
- (By-law No. 99-87, #309)

R3-258 Station Meadows Notwithstanding the provisions of the Residential (R3) Zone, in addition to the provision of the R3 Zone, a setback of 30 metres from the CPR right-of-way is required. This exception applies to Part 2 of Schedule B and shown as Lots 4, 5, and 6.

(By-law No. 2000-27, #319)

R1-259 Carl Thomas Notwithstanding the provisions of the Residential Zone, the By-law permits a Post Office for a three year time period beginning March 20th, 2000.

(By-law No. 2000-23, #317)
 Repealed by By-law 2003-04

A2-260 Koudys Withdrawn

RC-261 Davis Notwithstanding the provisions of the Rural Commercial RC Zone, Part 1 of the subject lands permits the lands to be used as a Feed Store and Warehouse.

(By-law No. 2000-41, #321)

- A2-262
Dobrucki
- Notwithstanding the provisions of the Agricultural A2 Zone the subject lands shown as Part 2 may be used for Agricultural Purposes Only (APO). No residential development is permitted.
(By-law No. 2000-42, #322)
- A2-263
Koabel
- Notwithstanding the provisions of the Agricultural A2 Zone the subject lands shown as Part 2 may be used for Agricultural Purposes Only (APO). No residential development is permitted.
(By-law No. 2000-40, #320)
- 01-264
Church-Bismark
- Notwithstanding the provisions of the Open Space (01) Zone. The lands in addition to the Open Space uses may be used for institutional uses and shall have a minimum lot area of 0.46 hectares.
(By-law No. 2000-57, #323)
- A2-265
Petrooulos
- Notwithstanding the provisions of the Agricultural (A2) Zone, the lands indicated as Part 1 on Schedule 'A', Map 1 shall be subject to the following provisions:
- (a) Minimum Lot Frontage -173 metres
 - (b) Minimum Lot Area - 10 hectares
 - (c) Minimum Westerly Side Yard - 18 metres
for the existing poultry barn
- (By-law No. 2000-58, #324)
- A2-266
Petrooulos
- Notwithstanding the provisions of the Agricultural (A2) Zone, the lands indicated as Part 2 on Schedule 'A', Map 1 shall be subject to the following provisions:
- (a) Minimum Lot Frontage -144 metres
 - (b) Minimum Lot Area - 8 hectares
 - (c) Minimum Easterly Side Yard.
for the existing southerly poultry barn -15 metres
- (By-law No. 2000-58, #324)
- A2-267
Krasko
- Notwithstanding the provisions of the Agricultural (A2) Zone, the lands indicated as Part 1 on Schedule 'A', Map 1 shall be subject to the following provisions:
- (a) Preclude any residential development
 - (b) Minimum Lot Frontage - 36 metres
 - (c) Minimum Lot Area -0.2 hectares
 - (d) Recognize the location of the existing natural gas meter pump sheds.
- (By-law No. 2000-68, #325)
- A2-268
Krasko
- Notwithstanding the provisions of the Agricultural (A2) Zone, the lands indicated as Part 2 on Schedule 'A', Map 1 shall be subject to the following provisions:
- (a) Minimum Lot Area - 6 hectares
- (By-law No. 2000-68, #325)
- A2-269
Grummitt
- Notwithstanding the provisions of the Agricultural (A2) Zone, the lands

indicated as Part 2 on Schedule 'A' and 'B' shall be used for Agricultural Purposes Only (APO) and shall not be used for any type of residential use and shall be subject to the following provision:

- (a) Minimum northerly side yard for the agricultural building located on Part 2 - 7.6 metres
- (b) Minimum lot frontage for Part 2 - 53 metres
(By-law No. 2000-79, #326)

RuR-270
Gilman

Notwithstanding the provisions of the Rural Residential (RuR) Zone, the minimum lot area of the property shall be 3.4 hectares.
(By-law No. 2000-80, #327)

A2-271
B.R. Babcock

Notwithstanding the provisions of the Agricultural (A2) Zone the subject lands shall be subject to the following provisions:

- (a) Minimum Lot Frontage - 49 metres
- (b) Minimum Lot Area - .67 hectares
(By-law No. 2000-88, #329)

C1-272
Rogers Wireless

Notwithstanding the provision of the Local Commercial (C1) Zone the subject lands may be used for a communication tower and shelter.
(By-law No. 2000-89, #330)

R1-273
Dobrucki

Notwithstanding the provisions of the Residential R-1 Zone the lands indicated as R1-273 on Schedule 'A', Map 1 shall be subject to the following provisions:

- (a) Minimum Lot frontage - 43.5 metres
(By-law No. 2000-102, #332)

A2-274
McCollum

Notwithstanding the provisions of Section 9.2.1(a), the lands indicated as A2-274 shall be subject to the following provision:

- (a) Minimum Lot Frontage: 100.7 metres
(By-law No. 2001-06, #334)

RC-275
Okimi

- (a) Notwithstanding the provisions of the "Rural Commercial (RC)" zone, the subject lands shall be limited to the following permitted uses:
 - i. Building supply sales
 - ii. Farm implement sales and service
 - iii. Feed and fertilizer dealer
 - iv. Ornamental concrete sales and manufacturing
 - v. Gift shop store
 - vi. Snack bar uses
 - vii. Retail sales of office furniture, supplies and equipment
 - viii. Retail sales of home furniture
 - ix. Animal hospital and clinic
 - x. Retail farm supply store
 - xi. Farm service establishment
 - xii. General store

xiii. Nursery or garden centre

- (b) Notwithstanding the provisions of the “Rural Commercial (RC)” zone, outdoor storage as an accessory use is not permitted beyond the area used as such at the time of passing of this By-law.
- (c) Notwithstanding any provisions of By-law 79-14, as amended, to the contrary, no development, site alterations or outdoor storage shall take place within 15.0 metres of lands zoned “Hazard (H)” (By-law No. 2001-07, #336)

R1-276
Kemp

In addition to the permitted uses in the Residential (R1) Zone, a general store with a maximum floor area of 300 square feet may also be permitted within the existing dwelling unit located on the lands.
(By-law No. 2001-05, #335)
REPEALED BY BY-LAW 2005-20

A1-277
Lof

Notwithstanding the provisions of the “Agricultural (A1)” Zone, the lands indicated as “A1-277” on Schedule ‘A’, Map 1, shall be subject to the following provision:

- (a) Minimum lot frontage: 137.0 metres
 - (b) Minimum lot area: 1.6 hectares
- (By-law No. 2001-40, #339)

A2-278
Lof

Notwithstanding the provisions of the “Agricultural (A2)” Zone, the lands indicated as “A2-278” on Schedule ‘A’, Map 1, shall not be used for any type of residential use and shall be subject to the following provision:

- (a) Minimum lot frontage: 114.0 metres
- (By-law No. 2001-40, #339)

A2-279
Woerlen

Notwithstanding the provisions of the Agricultural (A2) Zone, the lands indicated as A2-279 on Schedule ‘A’ and ‘B’, shall not be used for any type of residential use and shall be subject to the following provision:

- (a) Minimum lot frontage: 166.44 metres
- (By-law No. 2001-38, #338)

RuR-280
Pollard

Notwithstanding the provisions of the “Rural Residential” Zone, the lands indicated as “RuR-280” on Schedule ‘A’, Map 1, shall be subject to the following provision:

- (a) Minimum lot area: 1.0 hectares
- (By-law No. 2001-44, #341)

R1-281
Mildenberger

Notwithstanding the provisions of Section 11.3 to the contrary, the lands indicated as R1-281 shall be subject to the following provision:

- (a) Minimum Interior Side Yard for an Accessory Building: 0.7 metres
- (By-law No. 2001-56, #342)

A1-282
Mildenberger

Notwithstanding the provisions of Section 8.2.1 to the contrary, the lands indicated as A1-282 shall be subject to the following provisions:

- (a) Minimum Lot Frontage: 57.0 metres
 - (b) Minimum Lot Area: 4.0 hectares
- (By-law No. 2001-56, #342)

A2-283
Aantjes

Notwithstanding the provisions of the "Agricultural (A2)" Zone, the lands indicated as "A2-283" on Schedule 'A', Map 1, shall not be used for any type of residential use and shall be subject to the following provision:

- (a) Minimum lot frontage: 163.0 metres
- (By-law No. 2001-69, #343)

A2 (H)-284
Nathan Boersma

Notwithstanding the provisions of the "Agricultural (A2)" Zone, the lands indicated as "A2(H)-284" on Schedule 'A', Map 1, shall be subject to the following provision:

- (a) Minimum lot frontage: 0 metres
 - (b) Minimum lot area: 3.2 hectares (7.9 acres)
 - (c) Building set back from the northerly property line: 7.5 metres
- (By-law No. 2001-70, #344)

A2-285
Graham

Notwithstanding the provisions of the Agricultural (A2) Zone to the contrary, the lands indicated as A2-285 shall be subject to the following provision:

- (a) Minimum lot frontage: 98.2 metres
 - (b) Minimum lot area: 1.6 hectares
- (By-law No. 2001-71, # 345)

A2-286
Lane

Notwithstanding the provisions of the Agricultural (A2) Zone to the contrary, the lands indicated as A2-286 shall be subject to the following provision:

- (a) Minimum lot frontage: 45.7 metres
 - (b) Minimum lot area: 2.7 hectares
- (By-law No. 2001-72, #346)

A2-287
Lunshof

Notwithstanding the provisions of the "Agricultural (A2)" Zone, the lands indicated as "A2-287" on Schedule 'A', Map 1, may be used for a Home Industry subject to the following provisions:

- (a) The property may be used for the sale and repair of tractors. This use is to be secondary to the primary residential use of the lands.
- (b) The business is to be operated by the owner/occupant of the lands without the assistance of employees.
- (c) No further expansions to the business are permitted.
- (d) For advertising purposes the display of tractors shall be limited to no more than 4 units.

(By-law No. 2001-85, #348) REPEALED BY BY-LAW 2005-21

A2-288
Gossifidou

Notwithstanding the provisions of the "Agricultural (A2)" Zone, the lands indicated as "A2-288" on Schedule 'A', Map 1, is subject to the following provisions:

- (a) Reduced lot frontage of 30.48 meters (100 feet) on an open road allowance.
(By-law No. 2002-11, #368)

R1-289
Vis

Notwithstanding the provisions of the Residential R1 Zone, the lands indicated as R1-289 on Schedule 'A', Map 1, shall be subject to the following provision:

- (a) Minimum front yard setback 1.3 metres
 - (b) Minimum side yard setback 2.4 metres
- (By-law No. 2001-108, #350; 2005-93, #419)
Repealed by By-law 2005-93

A2-290
O'Sullivan

Notwithstanding the provisions of the Agricultural (A2) Zone to the contrary, the lands indicated as A2-290 shall be subject to the following provision:

- (a) Minimum lot frontage: 101 metres
 - (b) Minimum lot area: 2.1 hectares
- (By-law 2001-116, Pending on OMB decision)
Repealed by By-law 2006-50

A2-291
Goodin

Notwithstanding the provisions of the Agricultural (A2) Zone to the contrary, the lands indicated as A2-291 shall be subject to the following provision:

- (a) Minimum lot frontage: 68 metres
 - (b) Minimum lot area: 10.3 hectares
- (By-law No. 2002-05, #353)

A2-292
Lapenoires Golf Inc.

Notwithstanding the provisions of the Agricultural (A2) Zone to the contrary, the lands indicated as A2-292 may in addition to the agricultural uses, be used as a golf course. In addition any development or site alteration is the area designated as Provincially Significant Wetlands in the Township's Official Plan and will require an Environmental Impact Study.
(By-law No. 2002-04, #355)

RC-293
Buist

Notwithstanding the provisions of the "Rural Commercial (RC)" Zone, the lands on Schedule 'A', Map 1, may be used for Rural Commercial uses subject to the following provisions:

- (a) To permit the incidental retail sale of 20 unplated motor vehicles, whereas no more than 6 unplated motor vehicles are permitted;
 - (b) To permit a frontage of 43 metres, whereas 60 metres are required;
 - (c) To permit a lot area of approximately 1,700 square metres, whereas 4000 square metres are required;
 - (d) To permit a westerly side yard setback of 7.0 metres, whereas 12 metres abutting a Residential side lot line is required.
- (By-law No. 2002-03, #354)
Amended by By-law 2003-70 to RC-322
Repealed by By-law 2005-27

A2-294
Goncol

Notwithstanding the provisions of the Agricultural (A2) Zone to the contrary, the lands indicated as A2-294 shall be subject to the following provision:

- (a) Minimum lot frontage 178 feet
 - (b) Minimum lot area 9 acres
 - (c) Minimum exterior side yard 4.6 metres
 - (d) Accessory building side yard setback 7.0 metres
- (By-law No. 2002-13, #357)

A2-295
Greenwood

Notwithstanding the provisions of the Agricultural (A2) Zone, the lands indicated as A2-295 on Schedule 'A', shall not be used for any type of residential use.
(By-law No. 2002-12, #356)

RuR-296
Greenwood

Notwithstanding the provisions of the Agricultural RuR Zone, the lands indicated as RuR-296 on Schedule 'A' shall be subject to the following provision:

Minimum lot frontage: 125 feet
(By-law No. 2002-12, #356)

P-297
McMurchie Parking Lot Withdrawn

A2-298
Heaslip Farms

Notwithstanding the provisions of the Agricultural (A2) Zone, the lands indicated as Part 1 on Schedule 'A', shall not be used for any type of residential use.
(By-law 2002-19, #358)

RuR-299
Heaslip Farms

Notwithstanding the provisions of the Agricultural RuR Zone, the lands indicated as Part 2 on Schedule 'A' shall be subject to the following provisions:

- (a) Legalize the existing location of an accessory building in the front yard of a residential zone. Prohibit the use of the existing agricultural buildings for any other use except accessory to the residential use.
(By-law No. 2002-19, #358)

A2-300
Muzyka

Notwithstanding the provisions of the "Agricultural (A2)" Zone, the lands indicated as "A2-300" on Schedule 'A', Map 1, is subject to the following provisions:

- (a) Reduced lot frontage of 100 metres (330 feet).
(By-law No. 2002-40, #359)

R2-301
Catalina Estates

Notwithstanding the provisions of the "Residential R2" Zone, the lands indicated as "R2-301" and on Schedule 'A', Map 1, is subject to the following provisions:

- (a) Reduced rear yard setback of 6.0 metres from 10.0 metres.
(By-law No. 2002-42, #361)

R2-302
Catalina Estates

Notwithstanding the provisions of the “R2-245” Zone, the lands indicated as “R2-302” and on Schedule ‘A’, Map 1, is subject to the following provisions:

- (a) Reduced rear yard setback of 6.0 metres from 10.0 metres.
- (b) Minimum Lot Frontage - 15 metres for an interior lot and 18 metres for a corner lot.
- (c) Minimum Lot Area - 500 square metres.
(By-law No. 2002-42, #361)

R2-303
Caponi

Notwithstanding the provisions of the “Residential R2” Zone, the lands indicated as Part 1 on Schedule ‘A’, Map 1, is subject to the following provisions:

- (a) Reduced front yard setback of 6.15 metres from 7.5 metres;
- (b) Reduced lot frontage of 14.02 metres from 18 metres;
- (c) Reduced minimum side yard setback of 1.31 metres, on the west side of the property, from 4 metres;
- (d) Reduced minimum floor area for a 1½ storey dwelling of 91.79 square metres from 110 square metres; and
- (e) Allow for an existing parking pad to be located within the front yard of the existing residential property.
(By-law No. 2002-41, #360)

C1-304
Caponi

Notwithstanding the provisions of the Local Commercial C1 Zone, the lands indicated as Part 2 on Schedule ‘A’ is subject to the following provisions:

- (a) Reduced minimum front yard setback of 4.82 metres from 9 metres;
- (b) Allow for a maximum lot coverage of 31.8% whereas 30% is permitted;
- (c) Reduced easterly side yard setback of 0.5 metres from 5 metres; and
- (d) Allow for a residential dwelling unit on the second floor in conjunction with the permitted uses.

(By-law No. 2002-41, #360)

(By-law No. 2003-68, #383)

RM2-305

Notwithstanding the provisions of the Residential Whitwell Multiple (RM2) Zone to the contrary, the lands indicated as RM2-305 shall be subject to the following provision:

- (a) Minimum easterly side yard setback of 1.5 metres (5 feet).
(By-law No. 2002-54, #363)

RM2-306

Notwithstanding the provisions of the “Residential Weijts Investments MultipleRM2” Zone, the lands indicated as Part 1 on Schedule ‘A’, Map 1, is subject to the following provisions:

- (a) Minimum lot frontage of 30.48 metres (100 feet);
- (b) Maximum building height of 3-stories;
- (c) Maximum lot coverage of 43.5%;
- (d) Minimum front yard setback of 8.05 metres (26.4 feet);
- (e) Minimum rear yard setback of 0 metres;

- (f) Minimum northerly side yard setback of 3.9 metres (12.8 feet);
 - (g) Minimum southerly side yard setback of 11.8 metres (38.8 feet);
 - (h) Provides 20 parking spaces, including 8 parking spaces located in the front yard;
 - (i) Allow for 85% of the aggregate of the side yard and rear yard to be occupied by parking spaces; and
 - (j) Maximum number of units 15.
- (By-law No. 2002-70, #366)

A2-307 Notwithstanding the provisions of the Agricultural Harvey (A2) Zone to the contrary, the lands indicated as A2-307 shall be subject to the following provisions:

- (a) Minimum lot frontage 150 feet
- (b) Minimum lot area 10.1 acres
- (c) That a minimum setback of 15 metres be maintained for any new buildings or structures from the watercourse found on the north end of the site. In addition no fill material is permitted within this 15 metre buffer.

(By-law No. 2002-68, #365)
 REPEALED BY BY-LAW 2004-115

A2-308
 Buttino

Notwithstanding the provisions of the "Agricultural (A2)" Zone, the lands indicated as "A2-308" on Schedule 'A', Map 1, is subject to the following provisions:

- (a) Reduced lot frontage of 174.5 metres (572.6 feet).
- (b) Reduced lot area of 3.69 hectares (10.08 acres).

Notwithstanding the provisions of Section 3.64 to recognize a lot that was created through the Partition Act.
 (By-law No. 2002-89, #369)

P-309
 Caistorville Library

Notwithstanding the provisions of the Public (P) Zone to the contrary, the lands indicated as P-309 shall be subject to the following provisions:

- (a) No building or structure shall be erected within 10 metres from any property line or street line.
- (By-law No. 2002-91, #370)

A2-310
 Budacki

Notwithstanding the provisions of the Agricultural (A2) Zone to the contrary, the lands indicated as A2-310 shall be subject to the following provisions:

- (a) Minimum lot frontage 54 metres (177 feet)
- (b) Minimum lot area 3.6 hectares (8.9 acres)
- (c) To permit a minimum side yard setback for an existing accessory structure of 3.7 metres, (12 feet) whereas 7.5 metres (24.6 feet) are required.

(By-law No. 2002-98, #371)

R3-311
 Andy Alma

Notwithstanding the provisions of the "Residential (R3)" Zone, the lands indicated as "R3-311" on Schedule 'A', Map 1, are subject to the following provisions:

- (a) Reduced lot frontage of 15 metres where 18 metres is required for a corner lot.
(By-law No. 2002-99, #386) EXCEPTION DELETED BY BY-LAW 2005-19

R1-312
VanWoudenberg

Notwithstanding the provisions of the Residential (R1) Zone to the contrary, the lands indicated as R1-312 shall be subject to the following provision:

- (a) Minimum lot frontage of 20.15 metres (66.1 feet).
(By-law No. 2002-108, #373)

A2-313
McDougall

Notwithstanding the provisions of the Agricultural (A2) Zone, the lands indicated as Part 1 on Schedule 'A', shall not be used for any type of residential use.
(By-law No. 2003-03, #374)

A2-314
McDougall

Notwithstanding the provisions of the Agricultural (A2) Zone, the lands indicated as Part 2 on Schedule 'A' shall be subject to the following provisions:

- (a) to permit a reduced front yard setback of 9.75 metres for the existing single family dwelling.
(b) to permit an existing uncovered porch that projects 2.43 metres into the required front yard set back.
(By-law No. 2003-03, #374)

R1-315
Carl Thomas

Notwithstanding the provisions of the Residential (R1) Zone to the contrary, the lands indicated as Part 2 on Schedule 'A', may in addition to residential uses, be used as a post office.
(By-law No. 2003-04, #375)
Repeals By-law 2000-23

R1-316
Cochrane

Notwithstanding the provisions of the Residential (R1) Zone to the contrary, the lands indicated as the subject lands on Schedules 'A' & 'B', shall be subject to the following provisions:

- (a) Minimum Lot Frontage 37.7 metres.
(b) Minimum Lot Area 0.18 hectares
(By-law No. 2003-16, #376)

A2-317
Knuth

Notwithstanding the provisions of the Agricultural (A2) Zone, the lands indicated as the subject lands on Schedule 'A' shall be subject to the following provisions:

- (a) Minimum Lot Frontage 175 metres
(b) Minimum Lot Area 9.7 hectares
(By-law No. 2003-27, #377)

R1-318
Liberale

Notwithstanding the provisions of the Residential (R1) Zone, the lands indicated as the subject lands on Schedule 'A' Map 8 shall be subject to the following provision:

- (a) Minimum Lot Frontage 20 feet on Abingdon Rd.
(By-law No. 2003-38, #378)

R1-319
Westerside
869529 Ontario Inc.

Notwithstanding the provisions of the Residential (R1) Zone to the contrary, the lands indicated as R1-319 shall be subject to the following provision:

- (a) Minimum lot frontage of 20 metres on Regional Road No. 73 (Mud Street) and Regional Road No. 8 (Grassie Road)
(By-law No. 2003-58, #380)

RM2-320
Caponi

Notwithstanding the provisions of the "Residential RM2" Zone, the lands indicated on Schedule 'A', Map 1, are subject to the following provisions:

Subsection 14.3 (d) to permit an existing front yard setback of approximately 4.8 metres (15.8 feet) whereas 7.5 metres (24.6 feet) are required; and

Subsection 14.3 (e) to permit an existing minimum side yard setback of 1.2 metres (4.0 feet) whereas 2.5 metres (8.2 feet) are required.
(By-law No. 2003-68, #383)

R1-321
Buist

Notwithstanding the provisions of the "Residential (R1)" Zone, the lands indicated as R1-321 uses subject to the following provisions:

- (a) To permit a lot frontage of 36 metres, whereas 45 metres are required;
- (b) To permit a lot area of approximately 0.85 acres whereas 1 square acre is required;
- (c) To permit an easterly side yard setback of 2.7 metres, whereas 3 metres is required.
- (d) No development will be permitted within 7.5 metres from the top of bank."

(By-law No. 2003-70, #381)

RC-322
Buist

Notwithstanding the provisions of the "Rural Commercial (RC)" Zone, the lands indicated as RC-322 on Schedule 'A', may be used for Rural Map 6 Commercial uses subject to the following provisions:

- (a) To permit the incidental retail sale of 20 unplated motor vehicles, whereas no more than 6 unplated motor vehicles are permitted;
- (b) To permit a lot frontage of 43 metres, whereas 60 metres are required;
- (c) To permit a lot area of approximately 1,700 square metres, whereas 4000 square metres are required;
- (d) To permit a westerly side yard setback of 7.0 metres, whereas 12 metres abutting a residential side lot line is required.
- (e) No development will be permitted within 7.5 metres from the top of bank."

(By-law No. 2003-70, #381)

DELETED BY BY-LAW 2005-27

A2-323
Ciraolo

Notwithstanding the provisions of the "Agricultural (A2)" Zone, the lands indicated as "A2-323" on Schedule 'A', Map 1, is subject to the following provisions:

- (a) Reduced lot frontage of 45 meters (150 feet) on an open road allowance.
(By-law No. 2003-69, # 382)

C2-324
Killins

Notwithstanding the provisions of the “General Commercial C2” Zone, the lands indicated as Part 1 on Schedule ‘A’, Map 1, is subject to the following provisions:

- (a) To permit a reduced side yard setback abutting a public street (McMurchie Lane) from 6.0 metres to 1.29 metres on the north side of the existing structure; and
(b) To permit a reduced rear yard setback from 6 metres to 0 metres on the west side of the existing structure.

(By-law No. 2003-79, # 385)

C2-325
Zantingh

Notwithstanding the provisions of the General Commercial C2 Zone, the lands indicated as Part 2 on Schedule ‘A’ is subject to the following provision:

- (a) To permit a reduced side yard setback abutting a public street (McMurchie Lane) from 6 metres to 5.5 metres on the north side of the existing structure.

(By-law No. 2003-79, # 385)

RC-326
Vitoria

Notwithstanding the provisions of the Rural Commercial (RC) Zone to the contrary, the lands indicated as the subject lands on Schedule ‘A’, may permit the construction of a single family dwelling, located in the front yard, prior to the establishment of a commercial use.

(By-law No. 2003-80, # 384)

A2-327
Zion

Notwithstanding the provisions of the Agricultural (A2) Zone, the lands indicated as parts 1 to 4 on Schedule ‘A’ may have a minimum lot area of 6.7 ha (16.7 acres) whereas 16 ha (40 acres) are required.

Part 1 – In addition to the uses permitted in Agricultural (A2) zone, the lands indicated as Part 1 may be permitted to be used for a church, a rectory and uses accessory thereto.

Part 2 – Rezoned to Hazard (H) Zone, which is determined to be 7.5 metres either side of the existing waterway.

Parts 3 & 4 – Agricultural uses as provided in the Agricultural A2 zone.
(By-law No. 2004-7, #388)

R1-328
Sherk

Notwithstanding the provisions of the Residential as the subject lands on Schedule “A” shall be subject to the following provisions:

- a) Minimum Lot Frontage 40 metres
b) Minimum Lot Area 0.16 hectares
c) To permit a reduced easterly side yard setback of 1.15 metres for the existing accessory structure;

(By-law No. 2003-112, # 387)

A2-329

Notwithstanding the provisions of the Agricultural (A2) Zone, the lands

Vitucci	indicated as Part 2 on Schedule 'A', shall be subject to the following provisions:
	<ul style="list-style-type: none"> a) Permit Agricultural Purposes Only and prohibit the land to be used for any type of residential use for a minimum of 10 years b) Permit a minimum lot area of 11.46 hectares c) Permit an interior side yard setback of 22.3 metres for existing accessory buildings, (By-law No. 2004-11, #389)
RuR-330 Vitucci	Notwithstanding the provisions of the "Rural Residential RuR" zone, the lands indicated as Part 1 on Schedule "A" shall be subject to the following provisions:
	<ul style="list-style-type: none"> a) Permit a rear yard dwelling setback of 10.67 metres for the existing single family dwelling. (By-law No. 2004-11, #389)
A2-331 Hysert	Notwithstanding the provisions of the Agricultural (A2) Zone, the lands indicated as Part 3 on Schedule 'A', shall be subject to the following provisions:
	<ul style="list-style-type: none"> (a) Permit a minimum lot area of 6.4 hectares. (By-law No. 2004-12, #390)
A2-332 Dinga	Notwithstanding the provisions of the Agricultural (A2) Zone, the lands indicated as Part 2 on Schedule 'A', shall be subject to the following provisions:
	<ul style="list-style-type: none"> (a) Permit Agricultural Purposes Only and prohibit the land to be used for any type of residential use for a minimum of 10 years. (b) Permit a minimum lot area of 6.01 hectares (By-law No. 2004-22, #391)
RuR-333 Dinga	Notwithstanding the provisions of the "Rural Residential RuR" zone, the lands indicated as Part 1 on Schedule "A" shall be subject to the following provisions:
	<ul style="list-style-type: none"> (a) Permit maximum lot coverage of 5.7 % for accessory buildings (a) Permit a maximum building height of 5.5 metres for accessory buildings (b) Permit four apartment units on site. (By-law No. 2004-22, #391)
A2-334 DeBoer	Notwithstanding the provisions of the Agricultural as Part 1 on Schedule "A", shall be subject to the following provisions:
	<ul style="list-style-type: none"> (a) Permit Agricultural Purposes Only and prohibit the land to be used for any type or residential use for a minimum of 10 years. (By-law No. 2004-32, #392)
RM2-335 Anastasio Ph3	Notwithstanding the provisions of the Residential Multiple (RM2) Zone, the lands indicated as Part 2 on Schedule "A", shall be subject to the following provisions:
	Permitted Uses: Single Family Residential and semi-detached residential.
	Single Family Residential – refer to regulations for single family dwellings, Section 12A Residential R3 Zone.

Semi-Detached Dwellings – refer to regulations contained in Section 14, the Residential Rm2 Zone.
(By-Law No. 2004-80, #393)

A2-336
Vitucci

Notwithstanding the provisions of the Agricultural as Part 2 on Schedule “A”, shall be subject to the following provisions:

- (a) To permit Agricultural Purposes Only and prohibit the land to be used for any type of residential use for a minimum of 10 years.
- (b) To prohibit any kind of livestock operation in the existing barns.
- (c) To permit a front yard setback of 21.0 metres for an existing agricultural building

(By-Law 2004-105, #394)

RuR-337
Vitucci

Notwithstanding the provisions of the “Rural Residential RuR” zone, the lands indicated as Part 1 on Schedule “A” shall be subject to the following provisions:

- (a) To permit a side yard setback of 0.2 metres for an existing accessory building.

(By-Law 2004-105, #394)

A2-338
MacDougall

Notwithstanding the provisions of the Agricultural (A2) Zone, the lands indicated as Part 2 on Schedule “A”, shall be subject to the following provisions:

- (a) To permit a minimum lot area of 5.57 hectares
- (b) To permit a minimum lot frontage of 104.67 metres
- (c) To permit a westerly side yard setback of 2.43 metres for an existing agricultural building (Building A as indicated on Schedule “B” to this By-law)
- (d) To permit a minimum westerly side yard setback of 11.58 metres for an existing agricultural building (Building B as indicated on Schedule “B” to this By-Law)

(By-Law 2004-106, #395)

Deleted by By-law 2005-85

RuR-339
MacDougall

Notwithstanding the provisions of the “Rural Residential RuR” zone, the lands indicated as Part 1 on Schedule “A” shall be subject to the following provisions:

- (a) To permit a minimum easterly side yard setback of 0.51 metres for an existing accessory building (Building C as indicated on Schedule “B” to this By-law).
- (b) To permit a minimum easterly side yard setback of 0.39 metres for an existing accessory building (Building D as indicated on Schedule “B” to this By-law).

(By-Law 2004-106, #395)

A2-340
Begin

Notwithstanding the provisions of the Agricultural (A2) Zone, the lands indicated as Part 1 on Schedule “A” shall be subject to the following provisions:

- (a) To permit a minimum lot area of 1.27 hectares
- (b) To permit a minimum lot frontage of 42.9 metres

(By-Law 2004-114, #396)

- A2-341
Begin
- Notwithstanding the provisions of the “Agricultural (A2) zone, the lands indicated as Part 2 on Schedule “A” shall be subject to the following provisions:
- (a) To permit Agricultural Purposes Only and prohibit the land to be used for any type of residential use for a minimum of 10 years.
(By-law 2004-114, #396)
- RuR-342
Harvey
- Notwithstanding the provisions of the “Rural Residential (RuR) Zone, the lands indicated as Part 1 on Schedule “A”, shall be subject to the following provisions:
- (a) To permit a side yard setback of 2.28 metres
(By-Law 2004-115, #397)
- A2-343
Harvey
- Notwithstanding the provisions of the “Agricultural (A2) zone, the lands indicated as Part 2 on Schedule “A” shall be subject to the following provisions:
- (a) To permit a minimum lot area of 4.26 hectares
(b) To permit a minimum lot frontage of 45.72 metres
(c) To permit a minimum side yard for an existing dwelling of 3.65 metres
(d) To permit a minimum side yard for an existing accessory building of 2.40 metres
(e) To impose a minimum building setback of 15.0 metres for any new buildings or structures from the watercourse found on the north end of the site. In addition, no fill material is permitted within this 15.0 metre buffer area.
(By-Law 2004-115, #397)
- RC-344
DEVRIES
- Notwithstanding the provisions of the Rural Commercial zone, the lands indicated as the subject lands shown on Schedule ‘B’, shall be subject to the following provisions:
- (a) To permit only accessory buildings on the 4.6 acres (Part 1) to the north of the rural commercial grain elevator operation as indicated on Schedule ‘B’ and that Part 1 be subject to the regulations for accessory buildings in the Rural Commercial zone.
(b) The lands shall be zoned with a holding symbol until the owner provides the Township with confirmation that all parts of the rural commercial operation merged in title.
(By-Law 2004-129, #398)
H Symbol Removed by By-law 2005-31
- A2-345
DEVRIES
- Notwithstanding the provisions of the “Agricultural A2” zone, the lands indicated as the subject lands on Schedule ‘C’ shall be subject to the following provisions:
- (a) To permit a minimum lot frontage of 36.5 metres.
(By-Law 2004-129, #398)
- C2-346
Boersma
- Notwithstanding the provisions of the General Commercial C2 Zone, the lands indicated as on Schedule ‘A’, shall be subject to the following provisions:
- (a) A three metre wide landscape strip along the westerly

- property line.
- (b) Minimum building setback of 15 metres from the westerly property line.
- (c) No accessory residential uses will be permitted.
- (d) In addition to the permitted uses in a General Commercial C2 zone, a car dealership will also be permitted on Part 1 of the subject lands as indicated on Schedule 'A'.

(By-Law 2005-02, #399)

Repealed By-law 2004-128 and By-law 91-77

A2-347
MOUS

Notwithstanding the provisions of the Agricultural (A2) Zone, the lands indicated as the subject lands on Schedule 'A' shall be subject to the following provisions:

- (a) To permit Agricultural Purposes Only and prohibit the land to be used for any type of residential use for a minimum of 10 years.

(By-Law 2005-18, #400)

A2-348
Drenth-Vandyke

Notwithstanding the provisions of the "Agricultural (A2)" Zone, the lands indicated as Part 1 on Schedule 'A' shall be subject to the following provisions:

- (a) To permit a minimum lot frontage of 46.5 metres.
- (b) To permit a minimum easterly side yard setback of 1.1 metres for the existing agricultural building (Building A as indicated on Schedule 'B' to this By-law).
- (c) To permit a minimum front yard setback of 17.1 metres for an existing agricultural building (Building A as indicated on Schedule 'B' to this By-law).

(By-Law 2005-20, #401)

R1-276
Drenth-Vandyke

Notwithstanding the provisions of the "Residential (R1)" zone, the lands indicated as Part 2 on Schedule 'A' May also be used for:

- (a) A general store with a maximum floor area of 300 square feet may also be permitted within the existing dwelling unit located on the lands.

(By-Law 2005-20, #401) Repeals By-law 2001-05

A2-349
Lunshof

Notwithstanding the provisions of the "Agricultural (A2)" Zone, the lands indicated as Part 1 on Schedule 'A' shall be subject to the following provisions:

- (a) The property may be used for a Home Industry for the sale and repair of tractors. This use is to be secondary to the primary residential use of the lands.
- (b) The business is to be operated by the owner/occupant of the lands without the assistance of employees.
- (c) No further expansions to the business are permitted.
- (d) For advertising purposes the display of tractors shall be limited to no more than 4 units.
- (d) To permit a minimum lot area of 1.98 acres.
- (e) To permit a minimum lot frontage of 38.4 metres.
- (f) To permit a minimum easterly side yard setback of 3.0 metres for the existing dwelling.

(By-Law 2005-21, #402)

Repeals By-law 2001-85

R3-350

Notwithstanding the provisions of the Residential R3 Zone, the

Alma	lands indicated as the subject lands on Schedule 'A' shall be subject to the following provisions: (a) To permit a minimum lot frontage of 15 metres for a corner lot. (b) To permit a minimum side yard setback of 1.5 metres for a side yard abutting a street. (By-Law 2005-19, #403) Deletes Exception R3-311 (By-law 2002-99)
RuR-351 Devries	Notwithstanding the provisions of the the land shown as Part 1 on Schedule 'A' and Schedule 'B' is subject to the following provisions: (a) Minimum Front Yard Setback of 12.4 metres for the existing dwelling (Building A as indicated on Schedule 'B'). (b) Maximum Height of 10.3 metres for an existing accessory building (Building B as indicated on Schedule 'B'). (c) Maximum Height of 5.5 metres for an existing accessory building (Building C as indicated on Schedule 'B'). (By-Law 2005-28, #404)
A2-352 Devries	Notwithstanding the provisions of the "Agricultural A2" Zone, the land shown as Part 2 on Schedule 'A' is subject to the following provision: (a) To permit Agricultural Purposes Only and prohibit the land to be used for any type of residential use for a minimum of 10 years. (By-Law 2005-28, #404)
M1-222 Niagara Country Fresh	Notwithstanding the provisions of the Industrial M1 Zone, in addition to the permitted uses of the Industrial M1 Zone, the lands indicated as M1-222 on Schedule 'A', Map 2, may also be used for an abattoir for the slaughter and processing of poultry and a retail outlet accessory thereto (By-law No. 97-73, #270 & By-law 2005-29, #405)
RuR-353 Fois	Notwithstanding the provisions of the "Rural Residential (RuR)" Zone, the land shown as Part 1 on Schedule 'A' and Schedule 'B' is subject to the following provisions: (a) Minimum Front Yard Setback of 4.7 metres for an existing dwelling (Building A as indicated on Schedule 'B'). (b) Maximum Height of 10.0 metres for an existing accessory building (Building B as indicated on Schedule 'B'). (c) Maximum Lot Coverage of 6.2% for accessory buildings. (By-Law 2005-30, #406)
A2-354 Fois	Notwithstanding the provisions of the "Agricultural A2" Zone, the land shown as Part 2 on Schedule 'A' is subject to the following provision: (a) To permit Agricultural Purposes Only and prohibit the land to be used for any type of residential use for a minimum of 10 years. (By-Law 2005-30, #406)
RC-355 Buist	Notwithstanding the provisions of the "Rural Commercial (RC)" Zone, the lands on the attached Schedule, may be used for Rural Commercial uses subject to the following provisions:

- (a) To permit a minimum front yard of 5.82 metres whereas 20 metres is required;
 - (b) To permit the incidental retail sale of 20 unplated motor vehicles, whereas no more than 6 unplated motor vehicles are permitted;
 - (c) To permit a lot frontage of 43 metres, whereas 60 metres is required;
 - (d) To permit a lot area of approximately 1,700 square metres, whereas 4000 square metres is required;
 - (e) To permit a westerly side yard setback of 7.0 metres, whereas 12 metres abutting a residential side lot line is required.
 - (f) No development will be permitted within 7.5 metres from the top of bank.
- (By-law 2005-27, #407)

A2-356
Chechalk

Notwithstanding the provisions of the "Agricultural A2" Zone, the land shown as Part 1 on Schedule 'A' is subject to the following provision:

- (a) To permit Agricultural Purposes Only and prohibit the land to be used for any type of residential use.
- (By-law 2005-37, #408)

A2-357
Chechalk

Notwithstanding the provisions of the "Agricultural A2" Zone, the land shown as Part 2 on Schedule 'A' and Schedule 'B' is subject to the following provisions:

- (a) Minimum Lot Area of 6.47 hectares.
- (b) Minimum Front Yard Setback of 2.13 metres for the existing dwelling (Building A as indicated on Schedule 'B').
- (c) Minimum Front Yard Setback of 10.39 metres for an existing barn (Building B as indicated on Schedule 'B').
- (d) Minimum Side Yard Setback of 15.02 metres for an existing barn (Building B as indicated on Schedule 'B').

(By-law 2005-37, #408)

A2-358
Vishals Gas

Notwithstanding the provisions of the "Agricultural A2" Zone, the land shown as Part 1 on Schedule 'A' is subject to the following provisions:

- (a) Minimum Lot Area of 4.26 hectares.
- (By-law 2005-50, #409)

01-359
Caistorville
United
Church

Notwithstanding the provisions of the "Open Space 01" Zone, the subject land shown on Schedule "A" shall only be used as a cemetery and is subject to the following provisions:

- (a) Minimum Lot Area of 0.2 hectares
- (By-law 2005-75, #410)

C3-360
LeBlanc

Notwithstanding the provisions of the "Commercial Leblanc C3" Zone, the land shown as Part1 on Schedule "A" subject to the following provision:

- (a) Minimum Lot Frontage of 20 metres
 - (b) Minimum Lot Area of 1,300 Square Metres
 - (c) Minimum Side Yard of 5 Metres
- (By-law 2005-53, #411)

R1-361

Notwithstanding the provisions of the Residential R1 zone in addition

Brown
Abingdon Church

to the permitted uses in the Residential R1 zone, the subject land shown on Schedule 'A' shall be permitted to be used for a day care facility.

In addition, notwithstanding the provisions of the Residential R1 zone, the deficiencies relating to the minimum lot area, minimum lot frontage maximum lot coverage, minimum front yard setback, minimum side yard setback, minimum rear yard for the existing brick church (including addition) and frame shed as shown on Schedule 'B' shall be recognized and deemed to comply to the R1 zoning.
(By-law 2005-121, #412)

A2-362
Briar Meadows

Notwithstanding the provisions of the Agricultural (A2) Zone, the lands indicated as the subject lands on Schedule 'A' shall be subject to the following provisions:

- (a) To permit Agricultural Purposes Only and prohibit the land to be used for any type of residential use.
(By-law 2005-67, #413)
- (b) The limit of 50 dogs does not apply and no more than 52 dog runs may be present on the property in association with the commercial kennel.
- (c) All other provisions of by-law 79-14, as amended, continue to apply.
(Amended by By-law 2010-85)

A2-363
Kiers

Notwithstanding the provisions of the Agricultural (A2) Zone, the lands Indicated as the subject lands on Schedule 'A' shall be subject to the following provisions:

- (a) To permit Agricultural Purposes Only and prohibit the land to be used for any type of residential use.
(By-law 2006-74, #414)

RC-364 (H)
Randeno

Notwithstanding the provisions of the Rural Commercial (RC) Zone to the contrary, the lands zoned as RC-364 on Schedule 'A', may permit the following:

- (a) Construction of a single family dwelling, located in the front yard, prior to the establishment of a common use.
- (b) Only the following commercial uses shall be permitted:
 - Farm supply store
 - Greenhouse manufacture/distributor
 - Farm produce outlet
 - Contracting Business
 - Building supply
 - Tool and equipment rental outlets
 - Welding and machine shop
 - Repair garage
 - Sign painter
 - Accessory uses, buildings and structures
- (c) Minimum Lot Frontage 49 metres
- (d) Minimum Front Yard Setback 40 metres
- (e) Minimum South Side Yard for residential use 27 metres
- (f) Minimum south Side Yard for commercial use 2 metres
- (g) Minimum North Side Yard 5 metres
- (h) Maximum Lot Coverage for Dwelling 5%
- (i) The lands shall be zoned with a holding symbol until the owner obtains and provides the Township with

confirmation that the site has adequate area to accommodate an approved septic system in accordance with Part 8 of the Ontario Building Code to the satisfaction of the Chief Building Official for both the residence and a viable commercial operation.

(By-law 2006-142, #415)

*Deletes exception RC-199 as enacted through By-law 90-23

RC-365 (H)
Ticchiarelli

Notwithstanding the provisions of the Rural commercial (RC) Zone to the contrary, the lands are zoned as RC-365 on Schedule 'A', may permit the following:

- (a) Construction of a single family dwelling, located in the front yard, prior to the establishment of a commercial use.
- (b) Only the following commercial uses shall be permitted:
 - Farm supply store
 - Greenhouse manufacturer/distributor
 - Farm produce outlet
 - Contracting business
 - Building supply
 - Tool and equipment rental outlets
 - Welding and machine shop
 - Repair garage
 - Sign painter
 - Accessory uses, buildings and structure
- (c) Minimum Lot Frontage 49 metres
- (d) Minimum Front Yard Setback 40 metres
- (e) Minimum South Side Yard for residential use 27 metres
- (f) Minimum South Side Yard for commercial use 2 metres
- (g) Minimum North Side Yard 5 metres
- (h) Maximum Lot Coverage for Dwelling 5%
- (i) The lands shall be zoned with a holding symbol until the owner obtains and provides the Township with confirmation that the site has adequate area to accommodate an approved septic system in accordance with Part 8 of the Ontario Building Code to the satisfaction of the Chief Building Official for both the residence and a viable commercial operation.

*Deletes exception RC-199 as enacted through By-law 90-23
(By-law 2006-141, #416)

A2-366
MacDougall

Notwithstanding the provisions of the Agricultural (A2) Zone, the lands indicated as the subject lands on Schedule 'A', shall be subject to the following provisions:

- (a) To permit Agricultural Purposes Only and prohibit the land to be used for any type of residential use.
- (b) To permit a minimum lot area of 5.24 hectares.

- (c) To permit a minimum lot frontage of 40.66 metres.
- (d) To permit a minimum westerly side yard setback of 2.43 metres for an existing agricultural building (Building A as indicated on Schedule 'B' to this By-law).
- (e) To permit a minimum westerly side yard setback of 11.58 metres and a minimum easterly side yard setback of 17.67 metres for an existing agricultural building (Building B as indicated on Schedule 'B' to this By-law).

(By-law 2005-85, #417)

Deletes Exception A2-338 enacted by By-law 2004-106.

R3-367
Smithville Estates-
Brookside

Notwithstanding the provisions of the Residential (R3) Zone, the lands indicated as Part 3 on Schedule 'A', shall be subject to the following provisions:

- (a) Minimum side yard for a Corner Lot: 4 metres
(By-law 2005-86, #418)

RM2-368
Smithville Estates-
Brookside

Notwithstanding the provisions of the Residential on Multiple (RM2) Zone, the lands indicated as Part 4 Schedule 'A', shall be subject to the following provisions for street townhouse units and triplex units:

- (a) Minimum side yard: 1.5 metres
 - (b) Minimum side yard abutting a corner 3.0 metres
 - (c) Minimum rear yard: 9.0 metres
 - (d) Encroachment of unenclosed porch into the front or rear yard of 1.6 metres
 - (e) No specified lot coverage (lot coverage will be controlled with compliance with the approved setback provisions)
- (By-law 2005-86, #418) (By-law 2010-82)

RM2-369
Smithville Estates –
Brookside

Notwithstanding the provisions of the Residential Multiple (RM2) Zone, the lands indicated as Part 5 on Schedule 'A', shall be subject to the following provisions for street townhouse units and triplex units:

- (a) Minimum side yard: 1.5 metres
 - (b) Minimum side yard abutting a corner 3.0 metres
 - (c) Minimum rear yard: 6.7 metres (corner to end unit)
7.0 metres (central unit)
8.7 metres (interior end unit)
 - (d) Encroachment of unenclosed porch into front or rear yard of 1.6 metres
 - (e) No specified lot coverage (lot coverage will be controlled with compliance with the approved setback provisions)
- (By-law 2005-86, #418) (By-law 2010-82)

RM2-370
Smithville Estates-
Brookside

Notwithstanding the provisions of the Residential Multiple (RM2) Zone, the lands indicated as Part 6 on Schedule 'A', shall be subject to the following provisions for street townhouse units and triplex units:

- (a) Minimum side yard: 1.5metes
- (b) Minimum side yard abutting a corner 3.0 metres
- (c) Minimum rear yard: 7.9 metres (corner end unit)
9.0 metres (central and interior end)
- (d) Encroachment of unenclosed porch into the front or rear yard of 1.6 metres

	(e) No specified lot coverage (lot coverage will be controlled with compliance with the approved setback provisions) (By-law 2005-86, #418) (By-law 2010-82)
R1-289 Feenstra	Notwithstanding the provisions of the Residential R1 Zone, the lands indicated as Part 1 of the subject lands on Schedule 'A', shall be subject to the following provisions: (a) Minimum front yard setback 1.3 metres (b) Minimum side yard setback 2.4 metres (By-law 2005-93, #419; By-law 2001-108, #350) Repeals By-law 2001-108
RuR-371 Gkiokas	Notwithstanding the provisions of the "Rural Residential (RuR)" zone, the lands indicated as Part 1 of the subject lands on Schedule 'A', shall be subject to the following provision: (a) A Minimum Distance Separation of 77 metres from the house to the poultry barns located on Part 2. (By-law 2005-102, #420)
A2-372 Gkiokas	Notwithstanding the provisions of the Agricultural (A2) Zone, the lands indicated as Part 2 of the subject lands on Schedule 'A', shall be subject to the following provisions: (a) To permit a minimum lot area of 10.2 hectares. (b) To permit a minimum lot frontage of 109.0 metres. (c) To permit a minimum westerly side yard setback of 10.0 metres for an existing agricultural building only (Building A as indicated on Schedule 'B' to this By-law). (By-law 2005-102, #420) Repeals By-law 86-47
RM2-373 Georgakakos Anastasio Phase 3	Notwithstanding the provisions of the Residential Multiple 676658 Ontario Inc. (RM2) Zone, Lots 35 to 41 on Plan 30M-343, the lands indicated as the subject lands on Schedule 'A', shall be Subject to the following provisions:
Stage 1	(a) Minimum Front Yard Setback: 6 metres (By-law 2005-94, #421)
R3-374 (H)	Not used
R3-375 (H)	Not used
RuR-376 Boverhof	Notwithstanding the provisions of the "Rural Residential (RuR)" Zone, the land shown as Part 1 on Schedule 'A' is subject to the following provisions: (a) Minimum Front Yard Setback of 9.97 metres of an Existing dwelling. (By-law 2005-103, #422)
A2-377 Boverhof	Notwithstanding the provisions of the "Agricultural A2" Zone, the land shown as Part 2 on Schedule 'A' is subject to the following provision:

- (a) To permit Agricultural Purposes Only and prohibit the land to be used for any type of residential use.
(By-law 2005-103, #422)

A2-378
Nieuwold &
Hultink

Notwithstanding the provisions of the "Agricultural (A2) Zone, the land shown as Part 1 on Schedule 'A' is subject to the following provisions:

- (a) Minimum Lot Area 4.1 hectares
(By-law 2005-104, #423)

A2-379
Nieuwold &
Hultink

Notwithstanding the provisions of the "Agricultural A2" Zone, the land shown as Part 2 on Schedule 'A' is subject to the following provisions:

- (a) Minimum Lot Area 2.0 hectares
(b) Minimum Lot Frontage 121.92 metres
(By-law 2005-104, #423)

A2-380
Vuckovic

Notwithstanding the provisions of the "Agricultural A2" Zone, the subject land shown on Schedule 'A' is subject to the following provisions:

- (a) to permit Agricultural Purposes Only and prohibit the land to be used for any type of residential use in perpetuity.
(b) Minimum Lot Frontage 56.0 metres
(c) Minimum Lot Area 10 hectares
(By-law 2006-10, #424)

A2-381
Warner/
Lammers

Notwithstanding the provisions of the "Agricultural A2" Zone, the subject land shown on Schedule 'A' is subject to the following provisions:

- (a) Minimum Lot Frontage 165 metres
(b) Minimum Lot Area 8 hectares
(By-law 2006-09, #425)

A2-382
Franc

Notwithstanding the provisions of the "Agricultural A2" Zone, the subject land shown on Schedule 'A' and Schedule 'B' is subject to the following provisions:

- (a) That the lot frontage is deemed to be South Grimsby Road 15
(b) Minimum Front Yard for the existing Building 'A' only 11.5 metres
(c) Minimum Front Yard for the existing Building 'B' only 6.0 metres
(d) Minimum Front Yard for the existing Building 'C' only 12.0 metres
(By-law 2006-33, #426)

A2-383
Comfort

Notwithstanding the provisions of the "Agricultural A2" Zone, the subject land shown on Schedule 'A' is subject to the following provisions:

- (a) To permit Agricultural Purposes Only and prohibit the land to be used for any type of residential use in perpetuity.

(b) Minimum Lot Area 6.72 hectares
(By-law 2006-34, #427)

RuR-384
Pye

Notwithstanding the provisions of the "Rural Residential" Zone, the subject land shown on Schedule 'A' is subject to the following provisions:

- (a) Minimum Lot Frontage 19.8 metres
(b) Recognize an existing accessory apartment with 2 bedrooms.
(By-law 2006-46, #428)

R1-385
Liberale

Notwithstanding the provisions of the "Residential R1" Zone, the subject land is shown as Part 1 on Schedule 'A' is subject to the following provisions:

- (a) Minimum Lot Frontage 17.7 metres
(By-law 2006-63, #429)

C1-386
VanLeeuwen

Notwithstanding the provisions of the "Local Commercial C1" Zone, the subject land shown on Schedule 'A' shall be subject to the following provisions:

(a) Only one of the following uses may be permitted in the existing building:

- i. One single-family detached dwelling and uses, buildings and structures will be permitted as a primary use.
- ii. One single family dwelling unit may be permitted on the second floor of the building as a secondary use to one of the following permitted commercial uses.
- .iii. Business and professional office limited to legal, financial, real estate
- iv. Doctor or Dentist Office (limited to no more than 2 medical professionals)
- v. Clinic for massage therapy, naturopathy, homeopathy
Custom Workshop

Service Shop which shall mean a building or part thereof used for the sale or repair of household articles, and includes radio, television and small appliance repair shops, but does not include industrial or manufacturing uses or motor vehicle repair shops

Studio which shall mean the workshop or atelier of an artist; a place for instruction and experimentation in one of the performing arts including but not so as to limit the generality of the foregoing, acting, singing, dancing, playing musical instruments

(b) Regulations for uses permitted:

- i. Minimum side yard abutting a street for the existing dwelling
2.3 metres
- ii. Minimum rear yard abutting a Residential zone
11.4 metres.

(c) Minimum Parking Requirements:

- i. The minimum number of parking spaces shall be subject to Section 7.19 and Section 18.4(d).

- (d) Any new main building shall require a Zoning By-law Amendment.
(Bylaw 2006-64, #430)

RM2-387
VanLeeuwen

Notwithstanding the provisions of the "Residential Multiple" Zone, the subject land shown on Schedule 'A' shall be subject to the following provisions:

- (a) Up to 10 group townhouse units
- (b) Minimum lot frontage 19 metres
- (c) Minimum side yard 1.5 metres
- (d) Minimum rear yard 7.5 metres
- (e) The townhouse units shall have frontage on a private condominium road.
- (f) Minimum Distance for a parking area to any lot line abutting any Residential zone 3 metres
- (g) Minimum Distance for a parking area to a side wall of a townhouse unit where no windows are situated on the ground floor 1.5 metres
(By-law 2006-65, #430)

A2-388
Van Buuren

Notwithstanding the provisions of the "Agricultural A2" Zone, the subject land shown on Schedule 'A' is subject to the following provisions:

- (a) Permit the reconstruction of a dwelling known as 7880 Concession 7 Road.
- (b) Permit the dwelling known as 7892 Concession 7 Road as existing at the date of the passing of this By-law.
- (c) Minimum Front yard 15.1 metres for existing barn only
- (d) Minimum Side yard 9.0 metres for existing silos only
- (e) Minimum Side yard 4.5 metres for existing dwelling only
(By-law 2006-88, #431)

Repealed and Amended by By-law 2006-147

R1-389
Merritt

Notwithstanding the provisions of the Residential R1 zone, the lands indicated as the subject lands shown on Schedule 'A', shall be subject to the following provisions:

- (a) The existing lot area and lot frontage are deemed to be the minimum lot area and lot frontage for lands zoned R1-389
- (b) The yard and setback requirements established by the location of the existing building are hereby deemed to be the minimum yard and setback requirements where deficient from the requirements of the R1 zone.
- (c) The lands shall be zoned with a holding symbol until the owner provides the Township with confirmation that:
 - a. A Record of Site Condition has been registered with the Ministry of the Environment in accordance with Ontario Regulation 153/04; and
 - b. The site has adequate area to accommodate an approved septic system in accordance with Part 8 of the Ontario Building Code to the satisfaction of the Chief Building Official.

(By-law 2006-100, #432)

Holding Symbol Removed by By-law 2006-116

R3-390
Spring Creek
Estates

Notwithstanding the provisions of the Residential (R3) Zone, the subject lands indicated as R3-390 on Schedule 'A', shall be subject to the following:

- (a) Minimum Rear Yard: 7.5 metres
 - (b) Minimum side yard setback on one side where no attached garage or attached carport is provided: 3.0 metres
- (By-law 2006-129, #433)

A2-391
Rehner

Notwithstanding the provisions of the "Agricultural A2" Zone, the subject land shows as Part 1 on Schedule 'A' is subject to the following provisions:

- (a) To permit Agricultural Purposes Only and prohibit the land to be Used for any type of residential use in perpetuity.
- (By-law 2006-113, #434)

A2-392
Rehner

Notwithstanding the provisions of the "Agricultural A2" Zone, the subject land Shown as Part 2 on Schedule 'A' is subject to the following

- (a) Minimum Lot Frontage 112 metres
 - (b) Minimum Lot Area 1.4 hectares
 - (c) Maximum Livestock Units Permitted 2 units
- (By-law 2006-113, #434)

A2-393
Agri-Plastics

Notwithstanding the provisions of the "Agricultural A2" Zone, the subject land shown as on Schedule 'A' is subject to the following provisions:

- (a) To permit a primarily agriculturally related plastic manufacturing warehousing and distribution operation.
 - (b) Minimum Lot Area 1.5 hectares
 - (c) Minimum Lot Frontage 130 metres
 - (d) Minimum Lot Coverage 30%
 - (e) Minimum Side Yard Setback(existing building) 21.3 metres
 - (f) Minimum Side Yard Setback(proposed building) 13 metres
 - (g) Minimum Side Yard Setback for Silo 0 metres
 - (h) Minimum Rear Yard Setback 18 metres
 - (i) Minimum Non-Agricultural Production 10%
 - (j) That 6 metres of a laneway servicing the industrial property may be Partially located on the agricultural lands to the west.
- (By-law 2006-115, #435)

A2-394
Cro-Quail

Notwithstanding the provisions of the Agricultural A2 zone, lands zoned A2-394 on Schedule 'A', Map 1, may also be used for an abattoir for the slaughter and processing of poultry and shall comply with all provisions of the Agricultural A2 zone. In addition, such use shall comply with all applicable Provincial and Federal regulations and shall not exceed 650 square metres in building area.

(By-law 2006-126, #436)
Repeals By-law 81-36 (A2-152)
By-law effective February 16, 2007 as per OMB Decision #0417

A2-395
Dinga

Notwithstanding the provisions of the "Agricultural A2" Zone, the subject land shown as A2=395 on Schedule 'A' is subject to the following additional provisions:

- (a) To permit a home industry use for the service and repair of farm equipment by the property owner in one existing shed as indicated on schedule 'B' on by-law 2006-130.
- (b) The current lot area and yard and setback requirements

established by the location of the existing buildings are hereby deemed to be the minimum requirements for the respective buildings where deficient from the requirements for the respective buildings where deficient from the requirements of the A2 zone.
(By-law 2006-130, #437)

- RM2-396
Olde
Town Gateway
- Notwithstanding the provisions of the Residential Multiple RM2 zone, the lands indicated as RM2-396 on Schedule 'A' shall be subject to the following provisions:
- (a) To permit sixplex and eightplex dwellings regulated through Section 14.4 (fourplexes) in addition to the permitted uses of Section 14.1
 - (b) The lot frontage is deemed to be St. Catharine Street
 - (c) Minimum Lot Frontage 18.57 metres
 - (d) Minimum Front Yard Setback 3.43 metres
 - (e) Minimum Exterior Side Yard 4.47 metres
- (By-law 2007-07, #438)
- A2-397
Olesiuk
- Notwithstanding the provisions of the "Agricultural A2" Zone, the lands shown as A2-397 on Schedule 'A' is subject to the following provisions:
- (a) To permit Agricultural Purposes Only and prohibit the land to be used for any type of residential use in perpetuity.
- (By-law 2006-134, #439)
- RuR-398
Olesiuk
- Notwithstanding the provisions of the "Rural Residential RuR" Zone, the Lands shown as RuR-398 on Schedule 'A' is subject to the following provisions:
- (a) Minimum Front Yard 7 metres
- (By-law 2006-134, #439)
- RM2-399
Anastasio
Phase 4
- Notwithstanding the provisions of the Residential Multiple RM2 zone, the lands indicated as RM2-399 on Schedule 'A' shall be subject to the following provisions:
- (a) Minimum Lot Frontage (Interior) 21 metres
 - (b) Minimum Lot Frontage (corner) 23 metres
 - (c) Minimum Lot Area 665 square metres
- (By-law 2006-137, #440)
- R3-400
Anastasio
Phase 4
- Notwithstanding the provisions of the Residential (R3) Zone, the lands indicated as R3-400 on Schedule 'A', shall be subject to the following provisions:
- (a) Minimum Lot Frontage 14 metres
 - (b) Minimum Lot Area 445 square metres
- (By-law 2006-137, #440)
- R3-401
Anastasio
Phase 4
- Notwithstanding the provisions of the Residential (R3) Zone, the lands indicated as R3-401 on Schedule 'A', shall be subject to the following provisions:
- (a) Minimum Setback to Highway 20 By-pass 14 metres
- (By-law 2006-137, #440)
- RM2-402
Anastasio
Phase 4
- Notwithstanding the provisions of the Residential Multiple (RM2) Zone, the lands indicated as RM2-402 on Schedule 'a', shall be subject to the following provisions:
- (a) Minimum Lot Frontage (Interior) 21 metres

(b)	Minimum Lot Frontage (Corner)	23 metres
(c)	Minimum Lot Area	665 square metres
(d)	Maximum Height	1 storey
	(By-law 2006-137, #440)	

A2-403
Jolin

Notwithstanding the provisions of the “Agricultural A2” Zone, the subject lands shown as A2-403 and subject to Schedule ‘B’ to this By-law are subject to the following provisions:

- (a) Minimum Lot Frontage 97 metres
- (b) Minimum Lot Area 2.3 hectares
- (c) Minimum Side Yard Setback for a Residential Accessory Building of 1.5 metres to the northeast corner of the property known municipally as 9665 Regional Road 20. (Building A as indicated on Schedule ‘B’ to this By-law)
- (d) Minimum Side Yard Setback 3.6 metres (Building B as indicated on Schedule ‘B’ to this By-law)
- (e) Maximum # Nutrient Units 4 units
- (f) Maximum Building Area for Residential Accessory Buildings 250 m²
- (g) To prohibit the housing of livestock in Building A and Building B as indicated on Schedule ‘B’ to this By-law
- (h) All buildings or structures housing livestock must conform to all provisions of Zoning By-law 79-14, as amended, including Minimum Distance Separation Formulae.
- (i) Setback to Municipal Drain 6.1 metres for livestock, buildings and structures and fence will be constructed at 6 metres from the drain to keep livestock out of the drain (By-law 2007-24, #441)

RuR-404
Kosta

Notwithstanding the provisions of the “Rural Residential RuR” Zone, the subject land shown as RuR-404 on Schedule ‘A’ shall be subject to the following provisions:

- (a) In addition to the permitting one single family dwelling, no more than two of the following permitted commercial uses shall be permitted at one time:

Home Occupations as defined in Section 3;
 Custom workshop;
 Farm implement sales and service;
 Feed and fertilizer dealer;
 Farm machinery and equipment sales, service and rental;
 Home Industries as defined in Section 3;
 Nursery or garden centre;
 Day Nursery;
 Public garage;
 Service shop;
 Studio

- (b) Regulations for uses permitted:

The yard and setback requirements established by the location of the existing buildings are hereby deemed to be the minimum yard and setback requirements where deficient from the requirements of the RuR zone.

- (c) Minimum Parking Requirements:

The minimum number of parking spaces shall be subject to Section 7.19

(d) Setback to Hazard Lands

Minimum of 30 metre setback for any new buildings or structures to the lands zoned as Hazard H. This setback may be reduced with the submission and approval of an Environmental Impact Study (EIS) by the appropriate approval authority.
(By-law 2007-20, #442)

M1-405
DeHaan
Homes Inc.

Notwithstanding the provisions of the "Industrial M1" Zone, the subject land shown as M1-405 on Schedule 'A' shall be subject to the following provisions:

- (a) Permitted uses shall be restricted to landscaping and outside display area adjacent to the commercial operation to the south only, and
- (b) The existing lot area and lot frontage are deemed to be the minimum lot area and lot frontage for lands zoned M1-405
(By-law 2007-28, #443)

RM2-406
Anastasio
Estates
Phase 4

Notwithstanding the provisions of the Residential Multiple RM2 zone, the lands indicated as RM2-406 on Schedule 'A' shall be subject to the following provisions for bungalow dwellings only:

- (a) Minimum Lot Frontage (Interior) 21 metres
- (b) Minimum Lot Frontage (Corner) 23 metres
- (c) Minimum Lot Area 665 square metres
- (d) Minimum Interior Side Yard 1.5 metres
- (e) Minimum Side Yard (corner) 5.0 metres
- (f) Minimum Rear Yard 7.5 metres
- (g) Maximum Lot Coverage 45 %
- (h) Maximum Height 1 storey (Lots 4-6)
- (i) All semi-detached dwellings exceeding one storey shall meet the required setbacks contained in Zoning By-law 79-14, as amended.

(By-law 2007-29, #444)

M1-407
Pen West

Notwithstanding the provisions of the "Industrial M1" Zone, the subject land shown as M1-407 on Schedule 'A' shall be subject to the following provisions:

- (a) That the frontage be deemed along Clifford Street
(By-law 2007-42, #445)

R1-408
Old
Caistorville
Library

Notwithstanding the provisions of the "Residential R1" Zone, the subject land shown as R1-408 on Schedule 'A' shall be subject to the following provisions:

- (a) The existing lot area and lot frontage are deemed to be the minimum lot area and lot frontage for lands zoned R1-408
- (b) The yard and setback requirements established by the location of the existing building are hereby deemed to be the minimum yard and setback requirements where deficient from

the requirements of the R1 zone.
(By-law 2007-67, #446)

- RuR-410
Birrell
- Notwithstanding the provisions of the RuR (Rural Residential) zone, the subject land shown as RuR-410 on Schedule A, shall be subject to the following provisions:
- a) Minimum lot area and minimum lot frontage calculations shall include adjacent lands zoned RC-411 and the existing lot area and lot frontage are deemed to be the minimum lot area and minimum lot frontage for lands zoned RuR-410
 - b) The yard and setback requirements established by the location of existing building are hereby deemed to be the minimum yard and setback requirements where deficient from the requirements of RuR zone.
 - c) All other applicable provisions of By-law 79-14, as amended, continue to apply.

(By-law 2007-59, #447)

- RC-411
Birrell
- Notwithstanding the provisions of the RC (Rural Commercial) zone, the Subject lands shown as RC-411 on Schedule A, shall be subject to the following provisions:
- a) Minimum lot area and minimum lot frontage calculations shall include adjacent lands zoned RuR-410 and the existing lot area and lot frontage are deemed to be the minimum lot area and minimum frontage for lands zoned RC-411.
 - b) That the existing legal non-conforming use of a truck repair business may continue to operate in accordance with the non-conforming provisions of By-law 79-14 as amended.
 - c) That a woodworking operation and uses, buildings and structures accessory thereto may be permitted subject to the following additional provisions:
 - i. Main commercial building not to exceed 1,115 square metres in area,
 - ii. A minimum northerly side yard setback of 5.0 metres shall apply,
 - iii. A minimum southerly side yard setback of 3.0 metres shall apply,
 - iv. All other applicable provisions of By-law 79-14 continue to apply.

(By-law 2007-59, #447)

- RuR-412
Jocic
- Notwithstanding the provisions of the "RuR" Zone, the subject land shown as RuR-412 on Schedule 'A' shall be subject to the following provisions:
- (a) That the minimum front yard setback for the existing one-family detached dwelling shall be 1.7 metres. Should the existing dwelling be demolished, removed or otherwise cease to exist, any replacement one-family detached dwelling shall be subject to the provisions of the RuR zone.
 - (b) All other requirements of the RuR zone continue to apply.

(By-law 2007, #448)

- A2-413
Jocic
- Notwithstanding the provisions of the "A2" Zone, the subject land shown as A2-413 on Schedule 'A' shall be subject to the following provisions:
- (a) That the minimum lot frontage shall be 27.7 metres
 - (b) That the minimum lot area shall be 6.13 hectares
 - (c) All other requirements of the A2 zone shall continue to apply.

(By-law 2007-80, #448)

- RuR-414
Killins
- Notwithstanding the provisions of the "RuR" Zone, the subject land shown as RuR=414 on Schedule 'A' shall be subject to the following provisions:

- (a) That the minimum front yard setback for the existing one family detached dwelling shall be 6.5 metres. Should the existing dwelling be demolished, removed or otherwise cease to exist, any replacement one family detached dwelling shall be subject to the provisions of the RuR zone.
- (b) All other requirements of the RuR zone shall continue to apply.
(By-law 2007-81, #449)

A2-415 Killins Notwithstanding the provisions of the "A2" Zone, the subject land shown as A2-415 on Schedule 'A' shall be subject to the following provisions:

- (a) That the minimum side yard setback for the existing shed shall be 20.5 metres. Should the existing shed be demolished, removed or otherwise cease to exist, Any replacement building shall be subject to the provisions of the A2 zone.
- (b) That the lot shall be used for agricultural purposes only in perpetuity.
- (c) All other requirements of the A2 zone shall continue to apply
(By-law 2007-81, #449)

RuR-416 Taylor Notwithstanding the provisions of the section 10.3 of the Zoning By-law 79-14, the subject land shown as RuR-416 on Schedule 'A' shall be subject to the following provisions:

- (a) That the maximum height for accessory buildings or structures shall not exceed 5.2 metres.
- (b) All other requirements of the RuR Zone shall continue to apply.
(By-law 2007-82, #450)

D-417 Grimsby Notwithstanding the provisions of the "D" Zone, the subject land shown as D-417 on Schedule 'A' shall be subject to the following provisions:

- (a) The minimum lot frontage shall be 36.31 metres
- (b) The minimum lot area shall be 1.24 hectares
- (c) A one-family detached dwelling shall not be permitted
- (d) All other requirements of the D zone shall continue to apply.
(By-law 2007-85, #451)

RuR-422 Vitucci Notwithstanding the provisions of the "RuR" Zone, the subject land shown as RuR-422 on Schedule 'A' shall be subject to the following provisions:

- (a) That the minimum front yard setback for the existing single family dwelling shall be 13 metres. Should the existing dwelling be demolished, removed or otherwise cease to exist, any replacement single family dwelling shall be subject to the provisions of the RuR zone.
- (b) All other requirements of the RuR zone shall continue to apply
(By-law 2007-126, #452)

A2-423 Vitucci Notwithstanding the provisions of the "A2" Zone, the subject land shown as A2-423 on Schedule 'A' shall be subject to the following provisions:

- (a) That the lot shall be used for agricultural purposes only in perpetuity.
- (b) All other requirements of the A2 zone shall continue to apply.
(By-law 2007-126, #453)

RC-424 AgraTurf Notwithstanding the provisions of the "RC" Zone, the subject land shown as RC-424 on Schedule 'A' shall be subject to the following provisions:

- (a) Notwithstanding the permitted uses of Section 22, the lands zoned RC-424 shall

only be used for a farm implement sales and service establishment and buildings accessory thereto.

- (b) The provisions of A2-219 will continue to apply to this property in the absence of the RC-424 permitted use.
- (c) To permit the farm implement sales and service establishment building to be a maximum size of 1400 square metres.
- (d) To permit a maximum area for the farm implement sales establishment of not more than 2.1 hectares.
- (e) That all other applicable provisions of By-law 79-14 continue to apply.
(By-law 2008-06, #454)

R4-425
Grimsby
Classic
Homes

Notwithstanding the provisions of the "R4" Zone, the subject land shown as R4-425 on Schedule 'A' shall be subject to the following provisions:

- (a) That the maximum height for a single family dwelling shall be 1 storey.
- (b) All other requirements of the R4 Zone shall continue to apply.

A1-426
Grimsby
Classic
Homes

Notwithstanding the provisions of the "A1" Zone, the subject land shown as A1-426 on Schedule 'A' shall be subject to the following provisions:

- (a) The land zoned A1-426 constitutes part of a Vacant Land Condominium (2000-070 CDM) and, therefore, is considered to comply with the minimum lot frontage and minimum lot area requirements.
- (b) No buildings are permitted on the land zoned A1-426
- (c) All other requirements of the A1 Zone shall continue to comply.
(By-law 2008-41)

A2-427
Fuller

Pending

A2-428
Comfort

Notwithstanding the provisions of the Section 9 of Zoning By-law 79-14, the subject land shown as A2-428 on Schedule 'A' shall be subject to the following provisions:

- (a) Notwithstanding the permitted uses of Section 9, a mobile home may be used year-round as a temporary farm help house on the lands zoned A2-428;
- (b) The permitted use may continue until that time that it is no longer necessary, and then the mobile home must be removed.
(By-law 2008-56)

RuR-429
Beamer

Notwithstanding the provisions of the "RuR" Zone, the subject lands shown as RuR-429 on Schedule 'A' shall be subject to the following amended provisions:

- (a) That the minimum front yard setback for the existing single family dwelling shall be 11.7 metres.
- (b) That the minimum front yard setback of the existing residential accessory frame building be 9.29 metres.
- (c) That the location of the existing frame building in the front yard be recognized.
- (d) That the amended RuR provisions of this by-law shall only apply to the existing buildings and should the existing residential dwelling or residential accessory frame building be demolished, removed or otherwise cease to exist, any replacement residential accessory building shall be subject to the provisions of the RuR zone, and the General Provisions for all Residential zones.
- (e) That all other provisions of By-law 79-14, as amended continue to apply.
(By-law 2008-104)

- A2-430
Beamer Notwithstanding the provisions of the “A2” Zone, the subject lands shown as A2-430 on Schedule ‘A’ shall be subject to the following amended provisions:
- (a) That the minimum lot area for the subject lands shall be 14.4 hectares.
 - (b) That the subject lands shall be used for agricultural purposes only in perpetuity.
 - (c) That all other requirements of the A2 zone shall continue to apply.
- (By-law 2008-104)
- RC-431
Bosscher Notwithstanding the provisions of the Section 22 of Zoning By-law 79-14, the subject land shown as RC-431 on Schedule ‘A’ shall be subject to the following provisions:
- (a) Notwithstanding the permitted uses of Section 22, the lands zoned RC-431 shall only be used for an automobile service establishment and buildings accessory thereto.
 - (b) That the minimum lot frontage shall include adjacent lands zoned A2-432.
 - (c) That lot coverage shall be calculated for the RC-431 zone by using only those lands zoned as such.
 - (d) That all other applicable provisions of By-law 79-14 continue to apply.
- (By-law 2008-107)
- A2-432
Bosscher Notwithstanding the provisions of Section 9 of Zoning By-law 79-14, the subject land shown as A2-432 on Schedule ‘B’ shall be subject to the following provisions:
- (a) That the minimum lot area calculations shall include adjacent lands zoned RC-431 and that the existing lot area is deemed to be the minimum lot area for lands zoned A2-432.
 - (b) That the lot coverage shall be calculated for the A2-432 zone by using only those lands zoned as such.
 - (c) That all other applicable provisions of By-law 79-14 continue to apply.
- (By-law 2008-107)
- RuR- 432
Bosscher Notwithstanding the provisions of Section 9 of Zoning By-law 79-14, the subject land shown as A2-432 on Schedule ‘B’ shall be subject to the following provisions:
- (a) That the minimum lot area calculations shall include adjacent lands zoned RC-431 and that the existing lot area is deemed to be the minimum lot area for lands zoned A2-432.
 - (b) That the lot coverage shall be calculated for the A2-432 zone by using only those lands zoned as such.
 - (c) That all other applicable provisions of By-law 79-14 continue to apply.
- (By-law 2008-107)
- RuR-433
North
Chippawa
Testamentary
Devise Lots Notwithstanding the definition of a Lot as outlined in Section 3.64 of By-law 79-14 as amended, lands Zoned RuR-432 shall be deemed to conform to the definition of a lot as found at Section 3.64. All other provisions of the RuR Zone and Zoning By-law 79-14 shall continue to apply
- (By-law 2008-114)
- A2-434
Bush Notwithstanding the provisions of the “A2” Zone, the subject lands shown as A2-434 on Schedule ‘A’ shall be subject to the following amended provisions:
- (a) That the subject lands shall be used for Agricultural Purposes Only (APO) in perpetuity.
 - (b) That all other requirements of the A2 Zone shall continue to apply.

- R3-435(H)
Phelps
Homes
- Notwithstanding the provisions of the “R3” Zone, the subject lands shown as R3 (H) -435(H) on Schedule ‘A’ shall be subject to the following amended provisions:
- (a) Minimum side yard abutting a street shall be 4 metres.
 - (b) That all other requirements of the R3 Zone shall continue to apply
 - (c) The Holding Symbol (H) shall be removed upon confirmation from the Region of Niagara that there is sufficient sewage capacity available.
- (By-law 2009-12) (“H” symbol deleted by By-Law 2009-66)
- RM3-436(H)
Phelps
Homes
- Notwithstanding the provisions of the “RM3” Zone, the subject lands shown as RM3-436(H) on Schedule ‘A’ shall be subject to the following amended provisions:
- (a) Minimum side yard setback shall be 1.5 metres.
 - (b) Minimum side yard abutting a street shall be 3 metres.
 - (c) Unenclosed porches or decks shall be allowed to encroach into a front or rear yard not more than 1.6 metres.
 - (d) Maximum lot coverage shall be governed by building setbacks.
 - (e) That all other requirements of the RM3 Zone shall continue to apply.
 - (f) The Holding Symbol (H) shall be removed upon confirmation from the Region of Niagara that there is sufficient sewage capacity available.
- (By-law 2009-12) (“H” symbol deleted by By-Law 2009-66)
- A2-437
Colyn
(Home
Industry/
Frontage)
- Notwithstanding the provisions of the “A2” Zone and the definition of Home Industry, the subject lands shown as A2-437 on Schedule ‘A’ shall be permitted to operate an automotive restoration business as a Home Industry in addition to the permitted uses of the A2 zone, subject to the following provisions:
- (a) For the purposes of the A2-437 zone, an automotive restoration business is defined as a business whereby automobiles are assembled but not as part of an assembly line, rebuilt, or restored and may involve fabricating, welding, painting, and other activities customarily associated with automotive restoration.
 - (b) For the purposes of the A2-437 zone, an automobile shall mean a motor vehicle as defined in the *Highway Traffic Act* (1990) but does not include any motor vehicle exceeding a one ton carrying capacity.
 - (c) Notwithstanding the provisions Section 3.52a, the only Home Industry permitted will be an automotive restoration business.
 - (d) Notwithstanding the provisions of Section 3.52a, the maximum gross floor area for a home industry shall be 50 percent or 186 m², whichever is smaller.
 - (e) Notwithstanding the provisions of Section 3.52a, the Home Industry shall only be permitted within the existing 371.55 m² accessory building.
 - (f) All remaining provisions of Section 3.52a shall continue to apply
 - (g) The land shown as A2-437 is deemed to have frontage along Young Street.
 - (h) Notwithstanding the provisions of section 7.35, lands zoned A2-438 shall be considered part of the subject property for the purposes of determining lot area and lot frontage.
 - (i) All remaining provisions of the A2 zone shall continue to apply.

(By-law 2009-26)

A2-438 Colyn (PSW and Adjacent Lands) Notwithstanding the provisions of the "A2" Zone, the subject lands shown as A2-Colyn 438 on Schedule 'A' shall be subject to the following provisions:

- (a) The lands zoned A2-438 include a Provincially Significant Wetland and the associated Adjacent Lands, based on mapping from the Niagara Peninsula Conservation Authority, as of April 9, 2009.
- (b) Notwithstanding the provisions of Section 9, no development, site alteration (including, but not limited to, grading activities, septic installation, or earth removal) and, clear cutting of trees is permitted (removal of dead trees in accordance with good forestry management practices and approval from the Niagara Peninsula Conservation Authority is permitted).
- (c) Notwithstanding the provisions of section 7.35, lands zoned A2-437 and A2-438 shall be considered one lot.

(By-law 2009-26)

RM2-439 Wes- Li Gardens Extension Notwithstanding the provisions of the Residential Multiple RM2 Zone, the lands described as Residential Multiple RM2-439 on Schedule 'A' attached hereto, shall only be subject to the following provisions:

- (a) Permitted Uses:
 - i. 50 semi-detached dwelling units fronting on a private street
 - ii. 1 townhouse dwelling block of not more than 4 units fronting on a private street
 - iii. Uses accessory to the units in the foregoing permitted uses.
- (b) Division of these lands through a Phased Plan of Condominium.
 - i. Nothing in this by-law shall prevent the Condominium development of these lands in phases where interim lot lines exist prior to the next phase being registered. An interim lot line between phases of the condominium development shall not be considered a lot line for interpretation of these zone provisions.
 - ii. The phasing of these lands shall not result in more than 3 Condominium Corporations.
- (c) Regulations for the permitted uses in clause 1:
 - i. The lot frontage shall be deemed to be the lot line adjacent to Smits Cove and shall have a minimum lot frontage of 11 metres
 - ii. Minimum Lot Area 6,000 metres squared
 - iii. Maximum Lot Coverage: 30%
 - iv. Minimum Width of Private Street: 6.5 metres
 - v. Minimum Yard requirements
 - 1. Minimum Setback of Dwelling Units to the Hazard Zone Line 7.5 metres
 - 2. Minimum Setback of Dwelling units to adjacent Residential Zones 5.75 metres

- | | | |
|----|---|------------|
| 3. | Minimum side yard setback of dwelling Unit to an adjacent Residential Multiple RM2-439 Zone | 3.0 metres |
| 4. | Minimum side yard setback of dwelling units to an adjacent Institutional Zone | 3.0 metres |
| 5. | Minimum rear yard setback of dwelling Units to an adjacent Institutional Zone | 7.5 metres |
- vi. Minimum Distance Between Buildings on the Same Lot:
1. Any face of one semi-detached or townhouse dwelling shall be no closer to any side of another semi-detached or townhouse dwelling than 9 m.
 2. The side of any semi-detached dwelling unit or townhouse dwelling unit shall be no closer than 3 metres to any side of another semi-detached or townhouse dwelling unit.
 3. Any rear face of any semi-detached or townhouse dwelling unit shall not be located any closer than 15 metres to any rear face of another semi-detached or townhouse dwelling unit.
- vii. Minimum Distance Between Buildings and Private Streets and Parking Areas on the Same Lot:
1. No private street shall be closer than 1 metre to any lot line abutting any residential zone, but may narrow to a setback of 0 metres where that private street joins with a neighbouring private street.
 2. No parking area shall be located closer than 6 metres to any lot line abutting any other residential zone except where that parking area abuts the same zone, the setback of a parking area may be 0 metres.
 3. No side of any semi-detached or townhouse dwelling shall be closer than 2.5 metres away from any parking area except that where a parking space is provided for a specific dwelling unit; such space may be adjacent to that specific unit.
 4. No face of a semi-detached or townhouse dwelling shall be closer than 5 metres from any parking area, except that where a parking space is provided for a specific dwelling unit such space may be adjacent to that specific unit.
 5. No face of a semi-detached or townhouse dwelling shall be closer than 6 metres to any private street.
- viii. Minimum Parking Requirements 1 ½ spaces per dwelling unit

- ix. Minimum Floor Area 90 m²
- x. Maximum Building Height 2 ½ storeys
- xi. Encroachment Provisions: uncovered balconies, decks or unenclosed porches may project a distance of not more than 1.5 metres from the rear wall of any dwelling unit.

(By-law 2009-48)

RuR-440
Rehner &
DeVries
(Condition of
Consent)

Notwithstanding the provisions of the “RuR” Zone, the subject lands shown as RuR-440 on Schedule ‘A’ shall be subject to the following amended provisions:

- (a) Maximum Lot Area 1.52 hectares
 - (b) Maximum Nutrient Units Permitted 2 units
 - (c) The existing accessory building in the front yard and located 53 metres from Concession 2 Road shall be a permitted use. Any expansion or addition to this building shall comply with all other provisions of the Zoning By-law
 - (d) All other provisions of the RuR zone shall continue to apply
- (By-law 2009-68)

R2-441
Van Leeuwen
(Condition of
Consent)

Notwithstanding the provisions of the “R2” Zone, the subject lands shown as R2-441 on Schedule ‘A’ shall be subject to the following amended provisions:

- (a) Minimum Lot Frontage 16.4 m.
 - (b) All other provisions of the R2 zone shall continue to apply
- (By-law 2009-81)

R1-442
Adam Brown
Abbey Daycare

Notwithstanding the provisions of the “R1” Zone, the subject lands shown as R1-442 on Schedule ‘A’ shall be subject to the following amended provisions:

- (a) Notwithstanding the permitted uses of the R1 zone, the permitted uses of the lands shown as R1-442 shall only include:
 - i. A single detached dwelling, which may include an unlicensed Day Care in accordance with the *Day Nurseries Act*, or any successor Provincial or Federal Legislation.
 - ii. A Day Care licensed in accordance with the *Day Nurseries Act*, or any successor Provincial or Federal Legislation, that shall be limited to not more than 16 persons (total of children and care givers) based on the design capacity of the existing septic system.
 - iii. Under no circumstance shall this By-law permit a single detached dwelling and a licensed Day Care to be permitted in the same building at the same time. These are intended to be separate uses.
 - iv. Uses, buildings and structures accessory to the foregoing permitted uses.
- (b) Minimum Lot Area: 1011 m²
- (c) Minimum Lot Frontage: 34.8 m
- (d) Minimum Front Yard Setback 1.2 m
- (e) Minimum Side Yard (North) Setback: 1 m
- (f) Minimum Rear Yard Setback: 4.8 m
- (g) Maximum Lot Coverage: 23 Percent
- (h) Minimum Distance between an

accessory building and the main building: 0.6 m

- (i) Minimum number of parking spaces for a licensed Day Care facility 1 space per care giver
 - (j) Pick-up and drop-off for any licensed Day Care shall be situated on the abutting municipal property to the east.
 - (k) All other provisions of the R1 zone shall continue to apply.
- (By-law 2009-83)

P-443
Administration
Building

Notwithstanding the provisions of the "P" Zone, the subject lands shown as P-443 on Schedule 'A' shall be subject to the following amended provisions:

- (a) Minimum Front Yard Setback: 7.5 m
 - (b) Minimum Exterior Side Yard Setback: 7.5 m
 - (c) Minimum Rear Yard Setback: 19.0 m
 - (d) Minimum setback from the centre Line of any sanitary sewer pipe: 3.2 m
 - (e) No south facing windows shall be permitted on the second storey of any new Fire Hall building.
 - (f) Notwithstanding any other provision of the Zoning By-law, a solid board-on-board fence, 1.8 m in height, shall be required along the rear lot line and the portion of the interior side lot line extending from the rear lot line north to the portion of the interior side lot line that abuts the corner of the property described as Lot 12, Plan M30, identified as 15 Brooks Circle.
 - (g) All other provisions of the Zoning By-law shall continue to apply.
- (By-law 2009-84)

RC-444
the Artistic
Ironworks

Notwithstanding the provisions of the Section 22 of Zoning By-law 79-14, subject land shown as RC-444 shall be subject to the following provisions:

- (a) To permit the additional use of these lands for a light metal fabrication business to occur within a wholly enclosed building.
 - (b) To prohibit any outside storage on these lands
 - (c) Minimum rear yard setback 75 metres
 - (d) To require a minimum landscape strip being 3.5 metres wide along the westerly side yard of these lands. This landscape strip shall be constructed starting at a point 45 metres south of the front property line at a length not less than 45 metres long.
 - (e) To require a minimum landscape strip being 3.5 metres wide along the easterly property where the Rural Commercial RC-444 zone abuts a residential zone.
 - (f) That all other applicable provisions of By-law 79-14 continue to apply.
- (By-law 2009-82)

RM3-445
West
Niagara
Enterprises

That a maximum of 17 residential units be permitted to be constructed on the subject land with the following exceptions:
Notwithstanding the provisions of the "RM3" Zone, the subject lands shown as RM3-445 on Schedule 'A' shall be subject to the following amended provisions:

- (a) Where dwellings front on a private street, the street in the condominium plan shall have a minimum width of 6 metres of paved surface.
 - (b) All other provisions of the RM3 zone and By-law 79-14, as amended, continue to apply.
- (By-law 2009-93) (Crossings on the Twenty)

- RM3-446(H)
West
Niagara
Enterprises
- That a maximum of 10 residential units be permitted to be constructed on the subject lands, with the following exceptions:
Notwithstanding the provisions of the “RM3” Zone, the subject lands shown as RM3-446(H) on Schedule ‘A’ shall be subject to the following amended provisions:
- (a) Minimum rear yard setback shall be 6.5 metres.
 - (b) No face of a Townhouse dwelling shall be closer than 3.0 metres to any private street.
 - (c) Where dwellings front on a private street, the street in the condominium plan shall have a minimum width of 6 metres of paved surface.
 - (d) That the Holding Symbol be removed once the upgrades to St. Catharines Street have been completed to the satisfaction of the Region of Niagara.
 - (e) That all other provisions of the RM3 and By-law 79-14 continue to apply. (By-law 2009-86) (Crossings on the Twenty)
- A2-447
Hardt
- Notwithstanding the provisions of the “A2” Zone, the subject lands shown as A2-447 on Schedule ‘A’ shall be subject to the following amended provisions:
- (a) Notwithstanding the definition of a Lot as outlined in Section 3.64 of By-law 79-14 as amended, lands Zoned A2-447 shall be deemed to conform to the definition of a lot as found at Section 3.64.
 - (b) Minimum Lot Area 2.9 hectares
 - (c) All other provisions of the Zoning By-law shall continue to apply. (By-law 2009-98)
- A2-448
Dunsdon
- Notwithstanding the provisions of the “A2” Zone, the subject lands shown as A2-447 on Schedule ‘A’ shall be subject to the following amended provisions:
- (a) Notwithstanding the definition of a Lot as outlined in Section 3.64 of By-law 79-14 as amended, lands Zoned A2-447 shall be deemed to conform to the definition of a lot as found at Section 3.64.
 - (b) Minimum Lot Area 6.6 hectares
 - (c) Minimum Lot Frontage 28 metres
 - (d) All other provisions of the Zoning By-law shall continue to apply. (By-law 2009-98)
- A2-449
Magdic/Nedelko
- Notwithstanding the provisions of the Section 9 of Zoning By-law 79-14, the subject land shown as A2-449 shall be subject to the following provisions:
- (a) Notwithstanding the provisions of Section 9, the lands zoned as A2-449 shall have a minimum lot frontage of 22 metres.
 - (b) Notwithstanding the provisions of Section 9, the lands zoned as A2-449 shall have a minimum lot area of 2.8 hectares.
 - (c) Notwithstanding the provisions of Section 9, the lands zoned as A2-449 shall have a minimum rear yard setback of 109 metres.
 - (d) That all other applicable provisions of By-law 79-14 continue to apply. (By-law 2009-97)
- M1-450
Premier
- Notwithstanding the permitted uses of the “M1” Zone, the following uses shall be permitted in addition to the permitted uses of the M1 zone, on the subject land shown as M1-450 on Schedule ‘A’:
- (a) A parking lot for the parking of vehicles and commercial vehicles as a stand-alone use; and
 - (b) A truck terminal.

The following provisions shall apply to the M1-450 zone:

- (a) For the purposes of the M1-450 zone, commercial vehicles shall mean any vehicle with a carrying capacity of more than 1 ton and shall include, but not be limited to: transport trailers, other commercial trailers, buses, and heavy equipment.
- (b) For the purposes of the M1-450 zone, a truck terminal shall mean a facility where goods are brought by truck or rail, and stored temporarily until being shipped by truck or rail. A truck terminal shall also include such ancillary uses such as offices and/or maintenance bay to service only trucks using the truck terminal.
- (c) Notwithstanding the provisions Section 23, where the main use of the property is a parking lot, the maximum coverage for parking areas shall be 60 percent. For the purpose of this clause, parking area shall be considered any asphalt, concrete, gravel or other similar surface where vehicles may be parked and includes all internal lane ways and aprons.
- (d) Notwithstanding the provisions of the Zoning By-law, where the property is used for a stand-alone parking lot, parking areas shall maintain a 5 m. setback from any side or rear lot line.
- (e) Notwithstanding the provisions of the Zoning By-law, Where the property is used for a stand-alone parking lot, parking areas shall maintain a 15 m. setback plus any applicable distance as specified in Schedule B from the front lot line.
- (f) Notwithstanding the provisions of the Zoning BY-law, in the absence of any buildings on the property shown as M1-450, the front yard shall be considered a yard extending 15 m., plus any applicable distance as specified in Schedule B, back from the front lot line. Once a building is constructed, the front yard shall be defined according to the definitions of the Zoning By-law.
- (g) Notwithstanding the provisions of the Zoning BY-law, In the absence of any buildings on the subject property, the front yard shall be considered a yard extending 15 m., plus any applicable distance as specified in Schedule B, back from the front lot line across the entire area designated for parking purposes. Once a building is constructed, the front yard shall be defined according to the definitions of the Zoning By-law.
- (h) In the absence of any buildings, the front yard shall be maintained as a landscape strip, the details of which shall be addressed under Site Plan Control. Upon construction of a building, all other provisions of the Zoning By-law shall apply.
- (i) Not withstanding any other provision in this Zoning By-law, the maximum width for an entrance is 18 m.
- (j) Prior to the construction of any building or the expansion of any parking area, an archaeological assessment shall be completed, to the satisfaction of the Region of Niagara and or the Ministry of Culture.
- (k) All remaining provisions of the M1 zone shall continue to apply.
(By-law 2009-125)

C2-451
Train Station

Notwithstanding the provisions of Section 20 of Zoning By-law 79-14, the subject land shown as C2-451 shall permit the following:

- (a) Only the following uses shall be permitted:
 - museum;
 - archives;
 - tourism information office;
 - meeting space and offices for community groups and organizations;
 - and
 - any uses accessory to the above noted.
- (b) Minimum South Side Yard 1 metre

- (c) That all other applicable provisions of By-law 79-14 also continue to apply.
(By-law 2010-05)

RuR-452
Mikolasek

Notwithstanding the provisions of the "RuR" Zone, the subject lands shown as RuR 452 on Schedule 'A' shall be subject to the following amended provisions:

- (a) That in addition to the permitted uses of the RuR zone, a custom farm business is permitted as a Home Industry.
- (b) For the purpose of the RuR-452 zone, a custom farm business shall be defined as: a business that involves the provision of a variety of agriculture-based services to the surrounding agricultural community. Such services may include, ploughing, cultivating, cutting hay, and other similar activities. Servicing of farm equipment may be done accessory to the provision of agriculture-based services.
- (c) For the purpose of the RuR-452 zone, a custom farm business shall be allowed to occupy a maximum floor area of 400 m².
- (d) For the purpose of the RuR-452 zone, the setbacks for any building associated with the home industry shall be 4.5 m. from the rear lot line and 7.5 m. from a side lot line.
- (e) That all other requirements of the RuR zone shall continue to apply.
(By-law 2010-52)

A2-453
Baden K-9

Notwithstanding the provisions of the Agricultural 'A2' Zone provisions, the subject lands as shown on Schedule 'A' shall be subject to the following additional provisions:

- (a) All permitted uses of the Agricultural 'A2' Zone shall continue to apply;
- (b) **That for the purposes of the A2-453 zoning a commercial kennel shall also include a tactical canine training facility. A tactical canine training facility is defined as a use that specializes in the breeding, training, and sales of non-registered service dogs of various breeds. The training of dogs shall be for tactical, security, law enforcement and paramilitary purposes and may involve training methods on site related to tracking, building and area searches, criminal apprehension, along with the detection of explosives, narcotics, accelerants and firearm detection.**
- (c) That any buildings and structures used in conjunction with a commercial kennel as defined by Section 7.43, be a minimum of 130 metres from neighbouring dwellings to the west (3581 Sixteen Road) and to the south (3504 Sixteen Road), but must meet the required setback to all other neighbouring dwellings;
- (d) That any proposed new dwellings on neighbouring properties be located a minimum of 150 metres from the tactical canine training facility on the property shown on Schedule B.
- (e) That the canine related uses on lands zoned Agricultural with exception 'A2-453' shall be considered as part of a tactical canine training facility. Such uses, and all related accessory uses shall be permitted to continue on lands zoned A2-453.
- (f) That 115 be the maximum number of dogs, excluding pups, permitted on the property at one time.
- (g) **That a 'Board on Board' solid wood fence, shall be constructed along the westerly lot line, commencing 18 metres north of the front lot line, and extending northerly at a distance of 80 metres, and being at a minimum height of 1.8 metres.**
- (h) **That a 'Board on Board' solid wood fence, shall be constructed along**

the easterly lot line, commencing at a point 170 metres northerly from the front lot line, and extending along the easterly side yard a length of 80 metres, and being at a minimum height of 1.8 metres.

- (i) A general plan showing the layout of the site including, building, structures and training facility shall be required to delineate the nature of the use on each portion of the subject lands.
- (j) All other provisions of By-law 79-14 continue to apply.

(By Order of the OMB, Ontario Municipal Board File No.:PL101268
August 23, 2011 – By-law 2011-84)

A2-454
Jeanne Martin

Notwithstanding the provisions of the Agricultural 'A2' zone the subject lands as shown on Schedule 'A' shall only be subject to the following amending provisions:

- (a) That permitted uses shall be restricted to agricultural uses and accessory uses and one single **detached** dwelling in accordance with the A2 zone, as contained in Section 9, of By-law 79-14 which shall continue to apply; and,
- (b) That the basement of the existing home may be used for a commercial kennel (training operation only) for up to 6 dogs at one time. Further, on lands zoned A2-454 a private kennel for up to 6 dogs shall also be permitted. Such Kennel uses and accessory exercise yard shall be **setback in accordance with the requirements as outlined below; and,**
- (c) That the existing exercise yard located at the rear of the existing single detached dwelling, **shall be fully enclosed with a wire fence which shall be approved by the Township of West Lincoln with the advice of the Welland County Humane Society, sufficient to contain all dogs within the exercise area and having the following dimensions:**
- Commencing at the southeast corner of the existing home, southerly 3 metres more or less, to the south property line, thence easterly not more than 10 metres, thence northerly not more than 3 metres, thence easterly not more than 15 metres, thence northerly not more than 25 metres, thence westerly 25 metres, thence south to the north east corner of the existing house and garage;
 - Together with a solid board to board fence to be constructed and maintained by the owner to the satisfaction of the Township of West Lincoln such that visibility of adjacent lands is blocked, as follows:
 - On the north side of the exercise area, immediately adjacent to the wire fence described above, the required fence shall be not less than 1.2 metres in height, for a distance from the rear wall of the existing house and garage, easterly, not more than 4 metres, then continuing easterly at a height of 1.8 metres to the rear of the exercise area described above,
 - On the south side, commencing at the south wall of the existing house, at a point not less than 4.5 metres from the front wall of the existing house, southerly 3 metres more or less, to the south lot line, thence easterly 31.5 metres at a height of not less than 3.2 metres, thence easterly a further 24 metres more or less, to the rear lot line of the property to the south at a height of not less than 1.8 metres.

The height of all fences shall be measured from the finished grade and be

fully contained within the subject lands.

The wire fence to be completed immediately upon acceptance of this settlement by the Ontario Municipal Board. The board to board fence shall be completed not later than July 1, 2012.

- (d) No neighbouring existing residential dwelling shall be closer than 50 metres to the existing commercial (training operation only) kennel and private kennel; save and except the existing dwelling situated at 3545 Townline Road which is recognized with an existing setback of 16 metres. Any new dwellings and any expansion or enlargement of an existing dwelling on neighbouring properties shall be a minimum of 150 metres from the existing commercial (training operation only) kennel and private kennel use as permitted on lands zoned A2-454.
- (e) Any expansion or enlargement of an existing dwelling on neighbouring properties closer than 150 metres to the existing commercial and private kennel use in accordance with d) above, shall be required to sign an acknowledgement that they are expanding in proximity to an existing kennel use; and,
- (f) Any future expansion or enlargement of the existing commercial kennel and/or a new kennel use on the lands zoned A2-454 shall be permitted in accordance with the general commercial kennel provisions of Section 7.43, as amended;
- (g) All other provisions of by-law 79-14, as amended, continue to apply.
(By-law 2010-106)

A2-456
Haanstra

Notwithstanding the regulations of the Agricultural 'A2' Zone, the subject lands zoned A2-456 shall be subject to the following additional provisions:

- (a) All permitted uses and regulations of the Agricultural 'A2' Zone shall and,continue to apply except as amended below.
- (b) That the land shall be used for Agricultural Purposes Only in perpetuity.
- (c) That no livestock shall be housed in the buildings existing on the property at the date of passing of this by-law. Any new livestock barns shall meet the required Minimum Distance Separation Formula setback to neighbouring dwellings.
(By-law 2010-70)

RuR-457
Hannstra

Notwithstanding the regulations of the "RuR" Zone, the lands zoned as RuR 457 shall be subject to the following additional provisions:

- (a) That the minimum front yard setback for the existing single detached dwelling shall be 10 metres.
- (b) All other requirements of the RuR zone shall continue to apply.
(By-law 2010-70)

M1-458
Joyani

Notwithstanding the provisions of the Industrial 'M1' Zone provisions, the subject lands zoned M1-458 shall be subject to the following additional provisions:

- (a) In addition, a commercial kennel and dog care establishment may be permitted as a secondary use to the primary, permitted industrial businesses that operate on the 1.6 hectare property.

- (a) Minimum lot area per dwelling unit (exterior unit) shall be 245 m²
 - (b) Minimum lot area per dwelling unit (interior unit) shall be 155 m²
 - (c) Minimum side yard abutting a street shall be 5.5 metres
 - (d) Maximum lot coverage shall be 50%
- (By-law 2011-11)

RM3-464
Olde Town

Notwithstanding the provisions of the "RM3" zone, the subject lands shown as RM3-464 on Schedule 'A' shall be subject to the following amended provisions:

- (a) Minimum lot area per dwelling unit (exterior unit) shall be 245 m²
 - (b) Minimum lot area per dwelling unit (interior unit) shall be 155 m²
 - (c) Minimum rear yard shall be 5.5 metres
 - (d) Maximum lot coverage shall be 50%
- (By-law 2011-11)

RM3-465
Olde Town

Notwithstanding the provisions of the "RM3" zone, the subject lands shown as RM3-465 on Schedule 'A' shall be subject to the following amended provisions:

- (a) Minimum lot area per dwelling unit (exterior unit) shall be 245 m²
 - (b) Minimum lot area per dwelling unit (interior unit) shall be 155 m²
 - (c) Maximum lot coverage shall be 50%
- (By-law 2011-11)

RM3-466
DiCarlo

Notwithstanding the provisions of the "RM3" zone, the subject lands shown as "RM3-466" on Schedule 'A' shall be subject to the following amended provisions:

- a) That the minimum rear yard for the vacant land condominium Blocks 1-6 be 3.5 metres.
 - b) That the minimum rear yard for the vacant land condominium Blocks 7-11 be 4.5 metres.
 - c) That the minimum rear yard for the vacant land condominium Blocks 12-18 be 2.0 metres.
 - d) That the minimum rear yard for the vacant land condominium Blocks 19-20 be 2.0 metres.
 - e) That the minimum rear yard for condominium units (Blocks 13-14 and Blocks 19-20) be 5.5 metres.
 - f) That the fire breaks between blocks 3-4 and Blocks 8-9 be permitted to encroach into the required rear yard 1.0 metre.
 - g) That the minimum exterior side yard abutting a street be 3.5 metres (Block 20).
 - h) That the minimum distance between units be 3.0 metres (Blocks 18 and 19).
 - i) That the minimum distance between the side of a townhouse unit (Block 6) and a parking area be 0.7 metres.
 - j) That the minimum front yard setback to a driving lane for Block 1 be 2.3 metres.
 - k) That the minimum front yard setback to a driving lane for units 2-20 be 4.5 metres.
 - l) That the maximum height of the dwelling units be one storey, and no lofts shall be permitted.
 - m) That the lot area provisions of the RM3 zone do not apply.
 - n) That all other provisions of the RM3 zone continue to apply.
- (By-law 2011-20)

A2-467

Appealed to OMB

RuR-468
Jocic

Notwithstanding the provisions of the "Rural Residential RuR" Zone, the subject lands shown as RuR-468 on Schedule 'A' shall be subject to the following amended provisions:

- (a) Notwithstanding the definition of a Lot as outlined in Section 3.64 of By-law 79-14 as amended, the lands zoned RuR-468, and Hazard H, and legally described as Part of Lot 34, Concession 8, in the former Township of South Grimsby, lying east of Parts 2, 3, and 4 on 30R-5614, shall be deemed to conform to the definition of a lot as found at Section 3.64.
- (b) The minimum lot frontage of the entire parcel is 286 metres which shall be deemed to be the minimum lot frontage for the lands zoned Hazard H plus RuR-468
- (c) A minimum lot area of 1.7 hectares is hereby recognized and includes the area of the lands zoned Hazard H. A minimum lot area of 0.32 ha shall apply to the portion of these lands zoned RuR-468.
- (d) The Maximum lot coverage for the lands zoned RuR-468 shall be 20 %, and shall be based upon the area of these lands zoned RuR-468.
- (e) Minimum Southerly side yard setback 7.5 metres
- (f) All other provisions of the Rural Residential RuR Zone continue to apply. (By-law 2011-27)

RuR-469
Jocic

Notwithstanding the provisions of the "Rural Residential RuR" Zone, the subject lands shown as RuR-469 on Schedule 'A' shall be subject to the following amended provisions:

- (a) Notwithstanding the definition of a Lot as outlined in Section 3.64 of By-law 79-14 as amended, the lands zoned RuR-469, and Hazard H, and legally described as Part of Lot 34, Concession 8, in the former Township of South Grimsby, lying west of Parts 2, 3, and 4 on 30R-5614, shall be deemed to conform to the definition of a lot as found at Section 3.64.
- (b) The minimum lot frontage of the entire parcel is 305 metres which shall be deemed to be the minimum lot frontage for the lands zoned Hazard H plus RuR-469.
- (c) A minimum lot area of 3.2 hectares is hereby recognized and includes the area of the lands zoned Hazard H. A minimum lot area of 1,800 square metres shall apply to the portion of the lands zoned RuR-469.
- (d) The Maximum lot coverage for the lands zoned RuR-468 shall be 20 %, and shall be based upon the area of these lands zoned RuR-469, being 1,800 square metres.
- (e) Minimum Front Yard Setback 10 metres
- (f) Minimum Rear Yard Setback 10 metres
- (g) All other provisions of the Rural Residential RuR Zone continue to apply. (By-law 2011-27)

A2-470
Dykstra

Notwithstanding the regulations of the Agricultural 'A2' Zone, the subject lands zoned A2-470 shall be subject to the following additional provisions:

- (a) All permitted uses and regulations of the Agricultural 'A2' zone shall continue to apply, except as amended below.
- (b) The land shall be used for Agricultural Purposes Only in perpetuity. (By-law 2011-26)

RuR-471
Dykstra

Notwithstanding the regulations of the Rural Residential 'RuR' Zone, the subject lands zoned RuR-471 shall be subject to the following additional provisions:

- (a) All permitted uses and regulations of the Rural Residential 'RuR' Zone, shall continue to apply, except as amended below.
- (b) That the minimum rear yard setback for the dwelling be 10 metres.

(c) That the existing accessory building is hereby permitted in the required front yard and is deemed to conform to the regulations of the RuR Zone and Zoning By-law 79-14.
(By-law 2011-26)

A2-472
Pot

Notwithstanding the provisions of the "A2" Zone, the subject lands shown as A2-472 on Schedule 'A' shall be subject to the following amended provisions:

- (a) That the subject lands shall be used for Agricultural Purposes Only (APO) in perpetuity.
- (b) That all other requirements of the A2 zone shall continue to apply.
(By-law 2011-36)

A2-473
Boverhof

Notwithstanding the regulations of the Agricultural 'A2' Zone, the subject lands zoned A2-473 shall be subject to the following additional provisions:

- (a) All permitted uses and regulations of the Agricultural 'A2' zone shall continue to apply, except as amended below.
The land shall be used for Agricultural Purposes Only in perpetuity.
(By-law 2011-51)

RuR-474
Boverhof

Notwithstanding the regulations of the Rural Residential 'RuR' Zone, the subject lands zoned RuR-474 shall be subject to the following additional provisions:

- (a) All permitted uses and regulations of the Rural Residential 'RuR' Zone, shall continue to apply, except as amended below.
- (b) That the existing dwelling is permitted at a front yard setback of 8.0 metres
(By-law 2011-51)

I-475-H
Lincoln
Agricultural
Society

Notwithstanding the provisions of the Institutional "I" Zone, the subject lands shown as I-475 on Schedule 'A' shall only be used for an Agricultural Society use along with related buildings, structures, and uses, buildings and structures accessory thereto. All other provisions of the Institutional "I" Zone shall continue to apply.
(2011-58)

A2-476-H
Lincoln
Agricultural Society

In addition to the provisions of the Agricultural 'A2' Zone, the subject lands shown as A2-476 on Schedule 'A' shall be subject to the following provisions:

- (a) Shall also permit uses that are accessory to those lands zoned as I-475 on a temporary and occasional basis only.
- (b) May permit a Heritage Farm museum and display area.
(By-law 2011-58)

A2-477
Marini

Notwithstanding the regulations of the Agricultural 'A2' Zone, the subject lands zoned A2-477 shall be subject to the following additional provisions:

- (a) All permitted uses and regulations of the Agricultural 'A2' zone shall continue to apply, except as amended below.
- (b) The Minimum Lot Area 9.7 ha
(By-law 2011-77)

RuR-478
Marini

Notwithstanding the regulations of the Agricultural 'A2' Zone, the subject lands zoned RuR-478 shall be subject to the following additional provisions:

- (a) All permitted uses and regulations of the Rural Residential 'RuR' zone shall continue to apply, except as amended below.

- (b) The minimum lot frontage of the entire parcel is 128 metres which shall be deemed to be the minimum lot frontage for the lands zoned Hazard H plus RuR-478.

(By-law 2011-77)

A2-479
Dobrucki

Notwithstanding the regulations of the Agricultural 'A2' Zone, the subject lands zoned A2-479 shall be subject to the following additional provisions:

- (a) All permitted uses and regulations of the Agricultural 'A2' zone shall continue to apply, except as amended below.
- (b) The land shall be used for Agricultural Purposes Only in perpetuity.

(By-law 2011-73)

A2-480
Spyker

Notwithstanding the provisions of the "A2" Zone, the subject lands shown as A2-480 on Schedule 'A' shall be subject to the following amended provisions:

- (a) That the subject lands shall be used for Agricultural Purposes Only (APO) in perpetuity.
- (b) That all other requirements of Zoning By-law 79-14 shall continue to apply.

(By-law 2011-74)

RuR-481
Spyker

Notwithstanding the provisions of the "RuR" Zone, the subject lands shown as RuR-481 on Schedule "A" shall be subject to the following amended provisions:

- (a) That the rear yard setback for a dwelling shall be 7.5 metres.
- (b) That all other requirements of Zoning By-law 79-14 shall continue to apply.

(By-law 2011-74)

A2-482
Dudley Cat
Kennel

Notwithstanding the provisions of the "A2" Zone, the subject lands shown as A2-482 on Schedule 'A' shall be subject to the following amended provisions:

- (a) That the subject lands may also be used for a home industry for a cat kennel as a secondary use to an existing dwelling;
- (b) That the cat kennel may house a maximum of 50 cats for commercial purposes at one time; and
- (c) That outside storage associated with the home industry shall be prohibited; and
- (d) All other provisions of Zoning By-law 79-14 shall continue to apply.

(By-law 2011-75)

RuR-483
Meinen

Notwithstanding the provisions of the "RuR" Zone, the subject lands shown as RuR-483 on Schedule 'A' shall be subject to the following amended provisions:

- (a) That the minimum lot frontage be 30 metres.
- (b) That the Minimum Distance Separation setback to the barn and manure storage to the north east be not less than 200 metres.
- (c) That the Minimum Distance Separation setback to the barn and manure storage to the south east be not less than 300 metres.
- (d) That all other provisions of Zoning By-law 79-14 continue to apply.

(By-law 2011-76)

A2-484
Meinen

Notwithstanding the provisions of the "A2" Zone, the subject lands shown as A2-484 on Schedule 'A' shall be subject to the following amended provisions:

- (a) That the lot frontage for the subject lands are hereby deemed to be Concession 3 Road.

- (b) That all other provisions of Zoning By-law 79-14 continue to apply.
(By-law 2011-76)
- RuR-485
Meinen
- Notwithstanding the provisions of the “RuR” Zone, the subject lands shown as RuR-485 on Schedule ‘A’ shall be subject to the following amended provisions:
- (a) That the Minimum Distance Separation setback to the barn and manure storage to the north east be not less than 340 metres.
(b) That all other provisions of Zoning By-law 79-14 continue to apply.
(By-law 2011-87)
- RuR-486
Meinen
- Notwithstanding the provisions of the “RuR” Zone, the subject lands shown as RuR-486 on Schedule ‘A’ shall be subject to the following amended provisions:
- (a) That the Minimum Distance Separation setback to the barn and manure storage to the north east be not less than 285 metres.
(b) That all other provisions of Zoning By-law 79-14 continue to apply.
(By-law 2011-87)
- A2-487
Snippe
- Notwithstanding the provisions of the “A2” Zone, the subject lands shown as A2-487 on Schedule ‘A’ shall be subject to the following amended provisions:
- (a) All permitted uses and regulations of the Agricultural ‘A2’ zone shall continue to apply, except as amended below.
(b) The land shall be used for Agricultural Purposes Only in perpetuity.
(By-law 2011-86)
- A2-488
DeBoer
(The Wood Shed)
Home Industry
- Notwithstanding the provisions of the “A2” Zone, the subject lands shown as A2-488 on Schedule ‘A’ shall be subject to the following amended provisions:
- (a) That the subject lands may also be used for a home industry for a lumber sales and processing operation as a secondary use to an agricultural operation;
(b) That the home industry shall be located wholly within the existing building;
(c) That outside storage associated with the home industry shall be prohibited;
(d) That the home industry be limited in size to 1,025 square metres, or the footprint of the converted barn;
(e) That the agricultural lands be available for continued agricultural use; and
(f) All other provisions of Zoning By-law 79-14 shall continue to apply.
(By-law 2011-94)
- A2-489
- Notwithstanding the provisions of the “A2” Zone, the subject lands shown as A2-489 on Schedule ‘A’ shall be subject to the following amended provisions:
- (a) All permitted uses and regulations of the Agricultural ‘A2’ zone shall continue to apply, except as amended below.
(b) The land shall be used for Agricultural Purposes Only in perpetuity.
(By-law 2011-95)
- R3-490
Brookside Phase III
- Notwithstanding the provisions of Section 12A to the contrary on lands zoned R3-490 the R3 provisions apply except as amended below:

- (a) Property zoned R3-490 is exempt from Schedule B of Zoning By-law 79-14, and
 - (b) Minimum exterior side yard setback of 3.0 metres
 - (c) All other provisions of Zoning By-law 79-14 continue to apply (By-law 2011-96)

- R3-491
Brookside Phase III

Notwithstanding the provisions of Section 12-A to the contrary on lands zoned R3-491 the R3 provisions apply except as amended below:

 - (a) Property zoned R3-491 is exempt from Schedule B of Zoning By-law 79-14, and
 - (b) All other provisions of By-law 79-14 continue to apply (By-law 2011-96)

- RM3-492
Brookside Phase III

Notwithstanding the regulations of Section 14A to the contrary on lands zoned RM3-492, the RM3 provisions apply except as amended below:

 - (a) Property zoned RM3-492 is exempt from Schedule B of Zoning By-law 79-14; and,
 - (b) Minimum exterior side yard setback of 3.0 metres
 - (c) Minimum interior side yard of end unit of 1.5 metres
 - (d) Lot coverage provisions of Section 14.A.2 do not apply to lands zoned RM3-492; and,
 - (e) All other provisions of By-law 79-14 continue to apply (By-law 2011-96)

- RM3-493
Brookside Phase III

Notwithstanding the regulations of Section 14A to the contrary, on lands zoned RM3-493 the RM3 provisions apply except as amended below:

 - (a) Property zoned RM3-493, fronting Brookside Terrace is exempt from Schedule B of Zoning By-law 79-14; and,
 - (b) Minimum interior side yard of end unit of 1.5 metres; and,
 - (c) Lot coverage provision of Section 14.A.2. does not apply; and,
 - (d) All other regulations of Zoning By-law 79-14 continue to apply

- RM3-494
Brookside Phase III

Notwithstanding the regulations of Section 14A to the contrary, on lands zoned RM3-494. The RM3 zone provisions apply except as amended below:

 - (a) Minimum lot frontage is 15.5 metres; and,
 - (b) All other regulations of Zoning By-law 79-14 continue to apply (By-law 2011-96)

- RM3-494H
Brookside Phase III

Notwithstanding the regulations of Section 14A to the contrary, on lands zoned RM3-494-H the RM3 zone provisions, as amended by RM3-494 apply once the Holding provision is removed. The Holding provision shall only be removed once the Niagara Peninsula Conservation Authority (NPCA) has confirmed the location of the flood plain mapping. Prior to NPCA clearance, the lands zoned RM3-494-H are subject to the provisions of Section 27-Hazard H zone.
(By-law 2011-96)

- R1-H
Brookside Phase III

Notwithstanding the zoning regulations of Section 11 of Zoning By-law 79-14, lands zoned R1-H are subject to the R1 provisions once the Holding provision is removed by Township Council. The Holding provision should be removed following approval by the Niagara Peninsula Conservation Authority and consultation with the neighbouring residential property owners.

RM3-495

Notwithstanding the provisions of the RM3 zone to the contrary, the following additional provisions shall apply to lands zoned RM3-495.

- Setback of any semi-detached, triplex or townhouse unit in the RM3-495 zone shall be a minimum of 11 metres to the southwest lot line adjacent to lands zoned R3; and,
- Maximum height of any semi-detached, triplex or townhouse unit on lands zoned RM3-495 directly abutting lands zoned R3 shall not exceed 2 stories; and,
- No parking space or paved driveway surface shall be permitted within 11 metres of the southwest lot line of lands zoned RM3-495, adjacent to lands zoned R3; and,
- No parking space or paved driveway surface shall be permitted within an area extending 6 metres easterly from Streamside Drive and 25 metres northerly from the southwest lot line of the lands zoned RM3-495; and,
- All other provisions of the RM3 zone, except as amended above, continue to apply.

All other provisions of By-law 79-14, as amended, also continue to apply. (By-law 2011-108)

A2-496
Groenwold

Notwithstanding the provisions of the "Agricultural A2" Zone, the subject lands shown as A2-496 on Schedule 'A' to this By-Law shall be subject to the following amending provisions:

1. In addition to the uses of the Agricultural 'A2' Zone, the lands zoned 'A2-496' may be used to permit, as a Home Industry, a Modular Transport Business which transports mobile offices and modular buildings, subject to the following regulations:
 - a) The Modular Transport Business may include the repair of transport trucks which are used to transport mobile offices and modular buildings, and **the** repair of chassis to be connected to a mobile office or modular building to facilitate the transport of the unit;
 - b) The Home Industry shall be permitted on that portion of the subject lands having an irregular shape and described as follows:

Commencing at the northwest corner of the subject lands along the front lot line and having a maximum lot frontage of 40 metres and a depth of not more than 150 metres, an overall area of less than 7,500 m², and located to the west of the existing pond, as shown on Schedule 'B' to the **Site Plan Agreement**;
 - c) The existing workshop and storage building shall be located directly to the south of the dwelling and shall be permitted to be used as part of the Home Industry. The **total building area used for the modular transport business shall not exceed 450 m² and includes the** repair or rebuilding of **the existing** structure in its current location;
 - d) The Modular Unit Transport Business shall not include the manufacture of office trailers or modular buildings;
 - e) Not more than either 3 office trailers or modular buildings, or any combination thereof, shall be stored on the subject lands at any one time;
 - f) Not more than 2 employees on-site and 3 off-site drivers, other than the owners, shall be employed as part of the business;
 - (g) Hours of operation shall be limited to the following:

- (i) Trucks entering and exiting property between 7:00 a.m. and 9:00 p.m. Monday to Saturday, only;
 - (ii) On site employees operate between 7:00 a.m. and 9:00 p.m., Monday to Saturday, only;
 - (iii) Operation outside these hours shall be for emergency purposes only **and repairs shall only occur within a wholly enclosed building and shall comply with all other applicable law.**
- (h) A solid board **by** board fence, berm, or combination thereof, shall be established and forever maintained by the owner to the satisfaction of the Township of West Lincoln such that visibility from adjacent lands is blocked, as follows:
- (i) Such fence and berm along the western most lot line shall commence 83.1 metres from the northwest corner of the subject lands, extending to the south to a distance of not less than 40 metres in length, and at a combined minimum height of 3.0 metres;
 - (ii) The minimum height of the fence may be reduced if the fence is constructed in combination with a landscape berm, but in no circumstances can the minimum height of the combined fence and berm be reduced below 3.0 metres from current finished grade;
 - (iii) The top of the berm as shown on the **Site Plan** and as implemented in the **site plan** agreement also be planted with trees to the satisfaction of the Township of West Lincoln.
- (i) A **Site Plan** showing the layout of the site including: buildings, structures and storage areas associated with the Home Industry shall be required to delineate the nature of the use on the subject lands, such **Site Plan** shall be implemented by means of a **site plan** agreement;
- (j) A minimum front yard setback shall be 9.0 metres to recognize the location of the existing dwelling;
- (k) A minimum westerly side yard setback shall be 4.9 metres to recognize the location of the existing dwelling;
- (l) A minimum westerly side yard setback shall be 4.8 metres to recognize the location of the Home Industry Storage Building & Workshop;
- (m) A minimum lot area of the entire lot shall be 14.1 ha;
- (n) Not more than two Shipping Containers shall be permitted on the lands zoned A2-496;
- (o) **The use of Jake/Engine brakes shall be avoided where possible;**
- (p) **No inoperable trucks used to supply parts shall be kept outdoors on site;**
- (q) All other provisions of Section 9 to By-law 79-14, as amended, shall continue to apply.
- (By-law 2012-30)

A2-497
McNulty APO

Notwithstanding the provisions of the "A2" Zone, the subject lands shown as A2-497 on Schedule 'A' shall be subject to the following amended provisions:

- a) That the subject lands shall be used for Agricultural Purposes Only (APO) in perpetuity.
 - b) That all other requirements of Zoning By-law 79-14 shall continue to apply.
- (By-law 2013-31)

RuR-498
McNulty Rural
Residential

Notwithstanding the provisions of the “RuR” Zone, the subject lands shown as RuR-498 on Schedule “A” shall be subject to the following amended provisions:

- (a) That the maximum lot size shall be 2.3 hectares, which includes lands zoned as Hazard.
 - (b) That the minimum lot frontage shall be deemed to be the lands which front onto the opened and maintained portion of South Grimsby Road 13 which may include Hazard lands.
 - (c) That the rear yard setback for the dwelling shall be 12 metres.
- That all other requirements of Zoning By-law 79-14 shall continue to apply. (By-law 2012-31)

A2-499
King APO

Notwithstanding the provisions of the “A2” Zone, the subject lands shown as A2-499 on Schedule ‘A’ shall be subject to the following amended provisions:

1. That the subject lands shall be used for Agricultural Purposes Only (APO) in perpetuity.
2. That all other requirements of Zoning By-law 79-14 shall continue to apply.” (By-law 2012-39)

RuR-500
Bonshor Home
Industry

Notwithstanding the provisions of the “RuR” Zone, the subject lands shown as RuR-500 on Schedule ‘A’ shall be subject to the following amended provisions:

- (a) That the subject lands may also be used for a home industry for a veterinary clinic, animal hospital and mobile horse clinic;
- (b) That the home industry shall be located wholly within the existing accessory building;
- (c) That outside storage associated with the home industry shall be prohibited;
- (d) All other provisions of Zoning By-law 79-14 shall continue to apply. (By-law 2012-40)

A2-501
Intini
Victoria
Fireworks

Notwithstanding the provisions of the “A2” Zone, the subject lands shown as A2-501 on Schedule ‘A’ shall be subject to the following amending provisions:

- (a) That the subject lands may also be used as a home industry for a year-round fireworks sales operation, subject to the requirements of the Fire Works By-law, as amended and all other applicable Federal and Provincial regulations;
- (b) That the home industry shall be located wholly within an accessory building within the same cluster of buildings and in accordance with a general plan as approved by the Township;
- (c) That outside storage associated with the home industry shall be prohibited;
- (d) That the buildings housing the home industry be limited in size to 230 square metres of accessory building;
- (e) That the exact location of the buildings used in conjunction with the home industry be identified on a general plan, as approved by the Township and appropriate regulatory agencies at the Provincial and

- Federal level;
- (f) That the agricultural lands be available for continued agricultural use; and
- (g) All other provisions of Zoning By-law 79-14 shall continue to apply. (By-law 2012-94)

A2-502
Alma APO

Notwithstanding the provisions of the “A2” Zone, the subject lands shown as A2-502 on Schedule ‘A’ shall be subject to the following amended provisions:

1. That the subject lands shall be used for Agricultural Purposes Only (APO) in perpetuity.
2. That a minimum lot size of 12.2 hectares is hereby recognized for lands zoned A2-502.
3. That all other requirements of Zoning By-law 79-14 shall continue to apply.” (By-law 2012-62)

A2-503
Lincoln
Agricultural
Society

In addition to the provisions of the Agriculture ‘A2’ Zone on lands zoned A2-503 a heritage farm use shall be permitted subject to the following provisions:

- i. Permitted Uses:
 - a) Agriculture;
 - b) Museums and educational displays;
 - c) Displays of non-operating antique farm equipment;
 - d) Operating antique farm equipment is limited to two events not exceeding four days per year;
 - e) Accessory uses, building and structures;
- ii. Regulations for Uses:
 - a) The location of all existing buildings and structures on lands zoned A2-503 are hereby recognized where deficiencies from the provision of the A2 Zone, as follows:
 - i. Minimum front yard setback of the house 15 metres
 - ii. Minimum front yard setback of the barn 9 metres
 - b) Relocated rural buildings, operating heritage equipment and new accessory buildings (not exceeding 50m²) may be permitted on lands zoned A2-503 at a setback of not less than 30 metres from Mud Street (Regional Road 73) in compliance with all remaining A2 Zone provisions and subject to site plan approval;
 - c) There shall be no direct access or driveway from Mud Street (Regional Road 73) to lands zoned A2-503 save and except one gated entrance in front of the existing heritage barn for servicing purposes. Access shall only be from the lands zoned I-475 or A2-476.
 - d) Monster truck, motorcycle, all terrain vehicle and snowmobile competitions are prohibited;
 - e) The dimensions of the A2-503 Zone shall be depicted on Map 12;
 - f) Deleted
 - g) All other provisions of the A2 Zone apply, except as modified above, continue to apply. (By-law 2012-58)

RuR-504
Comfort Lot
Addition

Notwithstanding the provisions of the "RuR" Zone, the subject lands shown as RuR-504 on Schedule "A" shall be subject to the following amended provisions:

- (a) That the minimum front yard setback for the dwelling be 6 metres.
 - (b) That all other requirements of Zoning By-law 79-14 shall continue to apply.
- (By-law 2012-88)

I-505
St. Martin
School

Notwithstanding the provisions of paragraph 'f' of Section 25.2 of the Institutional I Zone, the lands on Schedule 'A' shall be subject to the following provisions:

- f) Minimum Parking Requirements 1.5 metres
within any lot line, or within a streetline
- (By-law 2013-25)

A2-505
Pot
APO

Notwithstanding the regulations of the Agricultural 'A2' Zone, the subject lands zoned A2-505 shall be subject to the following additional provisions:

- (a) All permitted uses and regulations of the Agricultural 'A2' zone shall continue to apply, except as amended below.
 - (b) The land shall be used for Agricultural Purposes Only in perpetuity.
- (By-law 2013-16)

RuR-506
Pot

Notwithstanding the regulations of the Rural Residential 'RuR' Zone, the subject lands zoned RuR-506 shall be subject to the following additional provisions:

- (a) All permitted uses and regulations of the Rural Residential 'RuR' Zone, shall continue to apply, except as amended below.
 - (b) That the existing dwelling is permitted at a minimum front yard setback of 10.0 metres
- (By-law 2013-16)

A2-507
Blythe & Blythe
Home Industry

Notwithstanding the provisions of the "A2" Zone, the subject lands shown as A2-507 on Schedule 'A' shall be subject to the following amending provisions:

- (a) That the subject lands may also be used as a home occupation for a financial and accounting office in an accessory building on the property;
 - (b) That the home occupation shall be located wholly within an accessory building on the property;
 - (c) All other provisions of Zoning By-law 79-14 shall continue to apply.
- (By-law 2013-24)

R2-508
R.V.L.
Contracting Inc.
(Leppert)

Notwithstanding the provisions of the "R2" Zone, the subject lands shown as R2-508 on Schedule 'A' shall be subject to the following amending provisions:

Existing Dwelling

- (e) Minimum Lot Frontage 16.46 metres
- (f) Minimum East Side Yard Setback 1.37 metres

Accessory Building

- (a) Minimum West Side Yard Setback 0.64 metres
- (b) Lot Coverage (max) 15 percent

All other provisions of Zoning By-law 79-14 shall apply.
(By-law 2013-29)

R2-509 R.V.L. Contracting Inc. (Wilkinson)	<p>Notwithstanding the provisions of the "R2" Zone, the subject lands shown as R2-509 on Schedule 'A' shall be subject to the following amending provisions:</p> <p><u>Existing Dwelling</u></p> <p>(a) Minimum Lot Frontage 16.46 metres</p> <p><u>Accessory Buildings (garage and shed)</u></p> <p>(a) Lot Coverage (max) 16 percent</p> <p>All other provisions of Zoning By-law 79-14 shall apply. (By-law 2013-29)</p>
A2-510 Verenka APO	<p>Notwithstanding the regulations of the Agricultural 'A2' Zone, the subject lands zoned A2-505 shall be subject to the following additional provisions:</p> <p>(a) All permitted uses and regulations of the Agricultural 'A2' zone shall continue to apply, except as amended below.</p> <p>(b) The land shall be used for Agricultural Purposes Only in perpetuity. (By-law 2013-27)</p>
RuR-511 Verenka Rur	<p>Notwithstanding the regulations of the Rural Residential 'RuR' Zone, the subject lands zoned RuR-506 shall be subject to the following additional provisions:</p> <p>(a) All permitted uses and regulations of the Rural Residential 'RuR' Zone, shall continue to apply, except as amended below.</p> <p>(b) That the existing dwelling is permitted at a minimum front yard setback of 7.0 metres (By-law 2013-27)</p>
A2-512 Beamer APO	<p>Notwithstanding the regulations of the Agricultural 'A2' Zone, the subject lands zoned A2-512 shall be subject to the following additional provisions:</p> <p>(a) All permitted uses and regulations of the Agricultural 'A2' Zone shall continue to apply, except as amended.</p> <p>(b) That the property be deemed to have a broken frontage along Boyle Road of not more than 330 metres</p> <p>(c) The land shall be used for Agricultural Purposes Only in perpetuity. (By-law 2013-31)</p>
RuR-513	Exception not used.
R2-514 Dufferin Street Lots	<p>Notwithstanding the provisions of the "R2" Zone, the subject lands shown as on Schedule 'A' shall be subject to the following amending provisions:</p> <p><u>Existing Dwellings</u></p> <p>Minimum Lot Frontage 12 metres</p> <p>All other provisions of Section 9 of Zoning By-law 79-14 shall continue to apply. (By-law 2013-40)</p>
R1-515 Van Iperen (864 Reg. Rd. 2)	<p>Notwithstanding the provisions of the "R1" Zone, the subject lands shown as R1-515 on Schedule 'A' shall be subject to the following amending provisions:</p> <p><u>Existing Dwelling</u></p> <p>Minimum Lot Frontage 30 metres</p>

Minimum Lot Area 0.2 hectare

All other provisions of Section 9 of Zoning By-law 79-14 shall continue to apply.

(By-law 2013-38)

A2-516
VanLeeuwen/
Feddema APO

Notwithstanding the regulations of the Agricultural 'A2' Zone, the subject lands zoned A2-516 shall be subject to the following additional provisions:

- (a) All permitted uses and regulations of the Agricultural 'A2' Zone shall continue to apply, except as amended.
- (b) That the property be deemed to have a frontage of 18 metres abutting the public road allowance. The edge of the lands abutting the Hydro One corridor shall also be deemed to be lot frontage.
- (c) The land shall be used for Agricultural Purposes Only in perpetuity.

(By-law 2013-39)

RuR-517
VanLeeuwen/
Feddema RuR Lot

Notwithstanding the regulations of the Rural Residential 'RuR' Zone, the subject lands zoned RuR-517 shall be subject to the following additional provisions:

- (a) All permitted uses and regulations of the Rural Residential 'RuR' Zone shall continue to apply, except as amended.
- (b) That the frontage be deemed to be the lot line adjacent to the corridor and the legal access to the property be deemed to be the Right-of-Way easement over the Hydro One lands registered on the title of the property.

(By-law 2013-39)

R1-518
DeHaan
Lot Area

Notwithstanding the provisions of the "R1" Zone, the subject lands shown as R1-518 on Schedule 'A' shall be subject to the following amending provisions:

Minimum Lot Area 0.39 hectares

All other provisions of Zoning By-law 79-14 shall continue to apply.
(By-law 2013-47)

R1-519
DeHaan
Lot Frontage

Notwithstanding the provisions of the "R1" Zone, the subject lands shown as R1-519 on Schedule 'A' shall be subject to the following amending provisions:

Minimum Lot Frontage 42.65 metres

Minimum Lot Area 0.39 hectares

All other provisions of Zoning By-law 79-14 shall continue to apply.
(By-law 2013-47)

A2-520
Haanstra APO

Notwithstanding the regulations of the Agricultural 'A2' Zone, the subject lands zoned A2-520 shall be subject to the following additional provisions:

- (a) All permitted uses and regulations of the Agricultural 'A2' zone shall continue to apply, except as amended below.
- (b) The land shall be used for Agricultural Purposes Only in perpetuity.

(By-law 2013-46)

RuR-521
Haanstra
Residential Lot

Notwithstanding the regulations of the Rural Residential 'RuR' Zone, the subject lands zoned RuR-521 shall be subject to the following additional provisions:

- (a) All permitted uses and regulations of the Rural Residential 'RuR' Zone, shall continue to apply, except as amended below.

- (b) That the existing dwelling is permitted at a minimum front yard setback of 13.0 metres.
- (c) That the required Minimum Distance Separation I setback to the livestock barn to the south west be not less 180 metres for the existing dwelling.

(By-law 2013-46)

O1-522
Leisureplex
Expansion

- (a) Notwithstanding the provisions of Section 7.33 of the Zoning By-law, for the purposes of calculating the minimum distance separation from any livestock operation to an adjacent land use, the lands zoned as O1-522 shall be considered vacant agricultural land.
- (b) Notwithstanding any provision contained in the Township of West Lincoln's Zoning By-law, any livestock operation in proximity to the lands zoned as O1-522 due to encroachment of the minimum distance separation to the O1-522 zone, can modify, rebuild or reconstruct any buildings or structures arising from damage, demolition, complete or partial destruction howsoever caused.
- (c) Notwithstanding the provisions contained in the Township of West Lincoln Zoning By-law, the following special provisions shall pertain to the existing dwelling known municipally as 2598 South Grimsby Road 6 (J. & C. Shields):
 - i. Setbacks for buildings, structures and recreational fields 800 feet.
 - ii. Minimum distance of vehicular entrance to existing dwelling 300 feet.
 - iii. Minimum distance of any parking lots to the existing dwelling 600 feet.
 - iv. Minimum distance of lighting structures to existing dwelling 1000 feet.
- (d) In addition to the provisions of the "Open Space O1" Zone, the subject lands will require a berm along the perimeter of South Grimsby Road 6 (except for entrance ways) with a height of no less than 5 feet with a vegetation buffer of not less than 5 feet.
- (e) In addition to the provisions of the "Open Space O1" Zone, all public walkways and bicycle paths shall be set back a minimum of 75 feet from any adjacent residential use.

(By-law 2013-49)

A2-523
Domaine Queylus
Winery Store

Notwithstanding the provisions of the "A2" Zone, the subject lands shown as A2-523 on Schedule 'A' shall be subject to the following amending provisions:

- (a) That a wine sales store not exceeding 60 square metres be permitted within the existing dwelling.
- (b) That the winery use on the property be permitted to process locally grown grapes in addition to the grapes grown on-site.
- (c) That all capable lands shall ultimately be planted and in vineyard production, and be not less than 70% of the total lands.
- (d) That a sign not exceeding 2.5 square metres advertising the winery be permitted on the property.
- (e) All other provisions of Zoning By-law 79-14 shall continue to apply.

(By-law 2013-60)

- A2-525
Moonlight Holsteins
- Notwithstanding the regulations of the Agricultural 'A2' Zone, the subject lands zoned A2-525 shall be subject to the following additional provisions:
- (a) All permitted uses and regulations of the Agricultural 'A2' zone shall continue to apply, except as amended below.
 - (b) The land shall be used for Agricultural Purposes Only in perpetuity. (By-2013-96)
- RuR-526
Moonlight Holsteins
- Notwithstanding the regulations of the Rural Residential 'RuR' Zone, the subject lands zoned RuR-526 shall be subject to the following additional provisions:
- (a) All permitted uses and regulations of the Rural Residential 'RuR' Zone, shall continue to apply, except as amended below.
 - (b) That the lot size be no more than 0.87 hectares.
 - (c) That the required Minimum Distance Separation I setback to the livestock barn to the north be not less than 160 metres for the existing dwelling. (By-law 2013-96)
- A2-527
Evans
- Notwithstanding the regulations of the Agricultural 'A2' Zone, the subject lands zoned A2-527 shall be subject to the following additional provisions:
- (a) All permitted uses and regulations of the Agricultural 'A2' Zone shall continue to apply, except as amended below;
 - (b) That lot frontage shall be deemed to be along South Grimsby Road 8.
 - (c) That the land shall be used for Agricultural Purposes Only in perpetuity. (By-law 2013-97)
- A2-528
Pam Davis
- Notwithstanding the provisions of the "A2" Zone, the subject lands shown as A2-528 on Schedule 'A' shall be subject to the following amending provisions:
- Minimum Lot Frontage 50 metres
All other provisions of Zoning By-law 79-14 shall apply.
(By-law 2013-121)
- A2-529
Dykstra
- All permitted uses and regulations of the Agricultural 'A2' Zone shall continue to apply, except as amended below;
- (a) That the land shall be used for Agricultural Purposes Only in perpetuity. (By-law 2014-03)
- RuR-530
Dykstra
- All permitted uses and regulations of the Rural Residential 'RuR' Zone shall continue to apply, except as amended below:
- (a) The rear yard setback shall be not less than 9.5 metres.
 - (b) The lot frontage shall be not less than 8 metres. (By-law 2014-03)
- C3-531
Smithville RV
- All permitted uses and regulations of the Highway Commercial 'C3' Zone shall continue to apply, except as amended below;
The front yard setback of a new commercial building shall be not less than 13 metres;
- (a) The front yard setback of the existing house shall be recognized as

- zero (0) metres;
- (b) The side yard setback of a new commercial building shall be not less than 30 metres where it abuts a Residential Zone;
- (c) That for the purposes of the C3-531 zone, a zero (0) metre setback to the common lot line shall be permitted;
- (d) That the following uses be permitted:
 - i. Storage of recreational vehicles and trailers on the property for sales and rental purposes. No seasonal storage is permitted;
 - ii. A storage/shop/garage building; and
 - iii. The existing residential dwelling at 304 St. Catharine street may be used as the recreational vehicle and trailer sales office. This building is not permitted to be used for residential purposes.
- (e) Notwithstanding the provision of Section 7.28 and the uses listed above, a storage/shop/garage building shall only be permitted on the vacant lot with use of the private services presently in existence on 304 St. Catharine Street;
- (f) That once the vacant lot and 304 St. Catharine Street are fully serviced with municipal sewer and water services, all permitted uses listed in the C3 zone shall be permitted on each property:
 - i. New buildings and development proposed on the property will be subject to the Ontario Building Code and the Ministry of Environment's requirements; and
 - ii. That once full municipal sewer and water services are made available, the owner shall connect to the services at their own expense.
- (g) That a new septic system shall not be permitted on the vacant property or 304 St. Catharine Street. Repairs to the existing system shall be in accordance with the Ontario Building Code.

(By-law 2014-72)

H-532
Smithville RV

All permitted uses and regulations of the Hazard 'H' Zone shall continue to apply, except as amended below;

- (a) Notwithstanding the limitations of Section 7.29 (floodplain policy) storage of recreational vehicles may be permitted provided the flood depths under a Regulatory Flood event do not exceed 0.3 metres and subject to the following:
 - i. All units shall be stored only, and not for active sale or retail display or seasonal storage when situated on these lands; and,
 - ii. In no instance shall such storage be permitted within the subject lands that may cause surface or ground water contamination and/or contamination of the Twenty Mile Creek; and,
 - iii. The recreational vehicle storage area shall be depicted on the site plan according to Niagara Peninsula Conservation Authority approval.

(By-law 2014-72)

C3-533
Smithville RV

All permitted uses and regulations of the Highway Commercial 'C3' Zone shall continue to apply, except as amended below;

- (a) That the existing dwelling may be expanded to a foot print not exceeding 242 square metres of habitable area;
- (b) Notwithstanding the provision of Section 7.28, the septic system of the existing dwelling maybe repaired or upgraded to accommodate the proposed expansion at the owners expense;
- (c) That once the property is fully serviced with municipal sewer and water services, all permitted uses listed in the C3 zone shall be permitted, including the following additional uses:

- i. Commercial Kitchen;
 - ii. Catering Business;
 - iii. Culinary Studio (teaching kitchen); and/or
 - iv. Bed and Breakfast.
- (d) That once full municipal sewer and water services are made available, the owner shall connect to the services at their own expense;
- (e) Upon the extension of full municipal sewer and water services, the existing residential use shall be considered secondary to the permitted uses.
- (By-law 2014-72)

A1-536
Dobrucki

Notwithstanding the regulations of the Agricultural 'A1' Zone, the subject lands zoned A2-535 shall be subject to the following additional provisions:

- (a) The minimum lot size shall be 3 hectares.
 - (b) All other provisions of the By-law 79-14 continue to apply.
- (By-law 2014-54)

M1-537
Corco/Stanpac

In addition to the regulations of the Industrial 'M1' zone, the subject lands will also be subject to the following provisions:

- (a) That the use of the property as a private parking lot be permitted as the principle use of the property.
 - (b) That the subject lands be used as part of the calculation of the total lot coverage for the lands legally described as Lots 37, 43 and 44 on Plan M94 in the former Township of South Grimsby, now in the Township of West Lincoln and owned by Melissa Hill Inc and operated by Stanpac.
 - (c) That the rear yard setback for the existing Quonset hut on the property be 3 metres.
- (By-law 2014-53)

A2-538
Bo Acres

Notwithstanding the regulations of the Agricultural 'A2' Zone, the subject lands zoned A2-538 shall be subject to the following additional provisions:

- (a) All permitted uses and regulations of the Agricultural 'A2' zone shall continue to apply, except as amended below.
 - (b) That the property be deemed to have a broken frontage of not less than 242 metres.
 - (c) That the existing barn shall not house livestock and that all new livestock barns shall comply with minimum distance separations.
 - (d) That the existing storage barn is permitted at a minimum side yard setback of 8 metres.
 - (e) The land shall be used for Agricultural Purposes Only in perpetuity.
- (By-law 2014-63)

RuR-539
Bo Acres

Notwithstanding the regulations of the Rural Residential 'RuR' Zone, the subject lands zoned RuR-539 shall be subject to the following additional provisions:

- (a) All permitted uses and regulations of the Rural Residential 'RuR' Zone, shall continue to apply, except as amended below.
 - (b) That the existing dwelling is recognized at a minimum front yard setback of 11 metres from the front lot line.
- (By-law 2014-63)

A2-540
Aalbros Farms

Notwithstanding the regulations of the Agricultural 'A2' Zone, the subject lands zoned A2-540 shall be subject to the following additional provisions:

- (a) All permitted uses and regulations of the Agricultural 'A2' Zone shall continue to apply, except as amended.
- (b) That the property be deemed to have a broken frontage along Caistor Gainsborough Townline Road of not more than 280 metres
The land shall be used for Agricultural Purposes Only in perpetuity.
(By-law 2014-88)

A2-541H
Sicard's Holiday
Campers
Expansion

In addition to the regulations of the Agricultural 'A2' Zone and the A2-459 zone, the lands zoned as A2-541 shall be subject to the following additional provisions:

- (a) That the storage of recreational vehicles for sale or for commercial storage be permitted on the subject lands.
- b) That no commercial buildings be permitted on the lands zoned A2-541.
- (c) That a 1.6 metre high chain link fence be placed at a minimum along the northerly property boundary.
- (d) That a berm at a minimum height of 1.5 metres be constructed and maintained along the property line abutting any residential lot and that a continuous row of coniferous trees be planted and maintained along the top of the northerly portion of the berm.
- (e) That no recreational vehicles shall be permitted to be stored within the regulated floodplain area as determined to the satisfaction of the Niagara Peninsula Conservation Authority.
- (f) That the Holding Symbol may be removed when a Niagara Peninsula Conservation Authority Permit is granted and a portion of the berm within the floodplain be removed to the satisfaction of the Niagara Peninsula Conservation Authority and all works contemplated by this zone are completed.

(By-law 2014-89)

P-542
Fire Station
Two
(Caistor Public
Works Yard)

In addition to the regulations of the Public 'P' Zone, the lands zoned as P-542 shall be subject to the following additional provisions:

- (a) That the storage of the Township of West Lincoln Public Works materials and equipment, be permitted on the subject lands.

(By-law 2014-94)

RuR-543
Dobrucki

All permitted uses and regulations of the Rural Residential 'RuR' Zone shall continue to apply, except as amended below:

- (a) The front yard setback to the existing dwelling shall be not less than 13.0 metres.

(By-law 2015-08)

A2-544

All permitted uses and regulations of the Agricultural 'A2' Zone shall continue to apply, except as amended below;

- (a) That the land shall be used for Agricultural Purposes Only in perpetuity.

(By-law 2015-08)

- A2-545
Leith
- Notwithstanding the regulations of the Agricultural (A2) Zone, the lands zoned A2-545 shall be subject to the following provisions:
- a) That the minimum floor area of a dwelling on the subject lands is 65 square metres.
 - b) The lands are considered to be a lot for the purposes of zoning.
(By-law 2015-06)
- A2-546
Ricker (APO)
- Notwithstanding the regulations of the Agricultural 'A2' Zone, the subject lands zoned A2-546 shall be subject to the following additional provisions:
- (a) All permitted uses and regulations of the Agricultural 'A2' Zone shall continue to apply, except as amended.
 - (b) That the property be deemed to have a broken frontage along South Chippawa Road of not less than 295 metres
 - (c) The land shall be used for Agricultural Purposes Only in perpetuity.
(By-law 2015-16)
- RuR-547
Ricker (RuR)
- Notwithstanding the regulations of the Rural Residential 'RuR' Zone, the subject lands zoned as A2-547 shall be subject to the following additional provisions:
- (a) All permitted uses and regulations of the Rural Residential 'RuR' Zone shall continue to apply, except as amended.
 - (b) That the property be deemed to have a frontage of not less than 6.3 metres along South Chippawa Road.
 - (c) That the two living units in the existing dwelling be recognized.
(By-law 2015-16)
- A2-548
Smith/Black
- Notwithstanding the regulations of the Agricultural 'A2' Zone, the subject lands zoned A2-546 shall be subject to the following additional provisions:
- (a) All permitted uses and regulations of the Agricultural 'A2' Zone shall continue to apply, except as amended.
 - (b) That the property be deemed to have a frontage along Concession 2 Road of not less than 90 metres.
 - (c) The land shall be used for Agricultural Purposes Only in perpetuity.
(By-law 2015-27)
- RuR-549
Smith/Black
- Notwithstanding the regulations of the Rural Residential 'RuR' Zone, the subject lands zoned as RuR-549 shall be subject to the following additional provisions:
- (a) All permitted uses and regulations of the Rural Residential 'RuR' Zone shall continue to apply, except as amended.
 - (b) That the side yard setback for an existing accessory building be not less than 0.4 metres.
(By-law 2015-27)

- R1-550
Pitkin
- Notwithstanding the regulations of the Residential 'R1' zone, the subject lands zoned R1-550 shall be subject to the following additional provisions:
- (a) Minimum front yard setback of 12.5 metres
 - (b) Minimum exterior side yard setback of 6.5 metres
- (By-law 2015-33)
- A2-551
Komdeur
- Notwithstanding the regulations of the Agricultural 'A2' zone, the subject lands zoned A2-551 shall be subject to the following additional provisions:
- (a) All permitted uses and regulations of the Agricultural 'A2' Zone shall continue to apply, except as amended.
 - (b) That a home industry for a landscape company is permitted with the following conditions:
 - i. No more than 2 employees other than those who live on the property;
 - ii. Limited outside storage of landscaping materials is permitted and must be screened from the road by a solid fence or treed buffer; and
 - iii. No commercial sale of landscape materials is permitted from this site.
- (By-law 2015-44)
- A2-552
Killins
- Notwithstanding the regulations of the Agricultural 'A2' zone, the subject lands zoned A2-552 shall be subject to the following additional provisions:
- (a) That the land shall be used for Agricultural Purposes Only in perpetuity.
- (By-law 2015-62)
- Rur-553
Killins
- Notwithstanding the regulations of the Rural Residential "RuR" zone, the subject lands zoned RuR-553 shall be subject to the following additional provisions:
- (a) The front yard setback to the existing dwelling shall be not less than 5.7 metres.
- (By-law 2015-62)
- A2-554
Friesen
- Notwithstanding the regulations of the Agricultural 'A2' zone, the subject lands zoned A2-554 shall be subject to the following additional provisions:
- (a) That the lot have a broken frontage of not less than 190 metres.
 - (b) That the lot have a lot size of not less than 11 hectares.
 - (c) That the land shall be used for Agricultural Purposes Only in perpetuity.
- (By-law 2015-61)

<p>RM3-555 1521115 Ontario Inc. (Leyburn)</p>	<p>Notwithstanding the provisions of the RM3 Zone, on the lands zoned RM3-555, the following additional provisions apply:</p> <ul style="list-style-type: none"> a) A residential apartment building with a maximum of 15 units shall be permitted b) A minimum of 15 parking spaces shall be provided on site c) A maximum of 4 parking spaces shall be permitted in the front yard of the property d) Minimum lot frontage shall be recognized as being 38.5 metres e) Minimum lot area shall be recognized as being 1492 square metres f) Minimum front yard setback shall be recognized as being 1.3 metres g) Minimum southerly side yard setback of the apartment building of 0 metres h) Minimum northerly side yard setback of the apartment building of 4.7 metres i) Minimum rear yard setback shall be 9.8 metres j) Lot coverage shall not be increased beyond the footprint of the structures which currently exist on the property k) All other provisions of the RM3 Zone and By-law 79-14 continue to apply (By-law 2015-70)
<p>A2-556 Linde</p>	<p>All permitted uses and provisions of the Agricultural 'A2' Zone shall continue to apply except as amended below;</p> <ul style="list-style-type: none"> (a) That the land shall be used for Agricultural Purposes Only in perpetuity. (b) That the broken frontage of 117.1 metres along Regional Road 20 be recognized as the minimum lot frontage (By-law 2015-67)
<p>A2-557 Bethlehem Farms And Custom Services Inc.</p>	<p>All permitted uses and regulations of the Agricultural 'A2' Zone and By-law 79-14 shall continue to apply, except as amended below:</p> <ul style="list-style-type: none"> (a) That the land shall be used for Agricultural Purposes in perpetuity. (By-law 2015-82)
<p>Rur-558 Bethlehem Farms And Custom Services Inc.</p>	<p>All permitted uses and regulations of the Rural Residential 'RuR' Zone and By-law 79-14 shall continue to apply, except as amended below:</p> <ul style="list-style-type: none"> (a) The front yard setback to the existing dwelling shall be not less than 8.6 metres (By-law 2015-82)
<p>A1-559 Griffin (Township initiated)</p>	<p>To permit a contractors yard, which will include the outside storage of materials, machinery and other products used in association with the use of the property, as well as permit any structures and buildings accessory thereto. Any buildings and structures will be serviced by private services. Any manufacturing that requires municipal servicing of sewer and water are prohibited on the subject lands. (By-law 2015-81)</p>

- A2-560
Bo Acres Inc.
- All permitted uses and regulations of the Agricultural 'A2' Zone shall continue to apply, except as amended below;
- (a) The land shall be used for Agricultural Purposes Only in perpetuity.
 - (b) The lot frontage shall be recognized as the total broken lot frontage of not less than 250 metres along Regional Road 65
 - (c) The front yard setback to the existing barn shall not be less than 15 metres
 - (d) The existing barn on the property shall be prohibited from housing livestock.
- (By-law 2015-94)
- RuR-561
Bo Acres Inc.
- All permitted uses and regulations of the Rural Residential 'RuR' Zone shall continue to apply, except as amended below:
- (a) The front yard setback to the existing dwelling shall not be less than 3.5 metres.
- (By-law 2015-94)
- A2-562
Paul & Doreen
Vanderzanden
- All permitted uses and regulations of the Agricultural 'A2' Zone shall continue to apply, except as amended below;
- (a) The land shall be used for Agricultural Purposes Only in perpetuity
 - (b) The existing livestock barn on the property shall be prohibited from housing livestock.
- (By-law 2015-95)
- RuR-563
Paul & Doreen
Vanderzanden
- All permitted uses and regulations of the Rural Residential 'RuR' Zone shall continue to apply, except as amended below:
- (a) The front lot line shall be deemed to be the lot line abutting Regional Road 20.
 - (b) The front yard setback to the existing dwelling shall not be less than 7.5 metres.
- (By-law 2015-95)
- A2-564
Peter Hnatko &
Son Ltd.
- Notwithstanding the regulations of the Agricultural 'A2' Zone, the subject lands zoned A2-564 shall be subject to the following Additional provisions:
- (a) All permitted uses and regulations of the Agricultural 'A2' Zone shall continue to apply, except as amended.
 - (b) That the minimum lot frontage be recognized as 158 metres.
 - (c) The land shall be used for Agricultural Purposes Only in perpetuity.
- (By-law 2015-96)
- A2-565
1863406
Ontario Inc.
- All permitted uses and regulations of the Agricultural 'A2' Zone shall continue to apply, except as amended below;
- (a) The land shall be used for Agricultural Purposes Only in perpetuity.
 - (b) The lot frontage shall be recognized as the total of the broken lot frontage of not less than 214 metres along Port Davidson Road.
 - (c) The minimum lot area shall be recognized as being 13.9 hectares. (By-law 2015-97)

- A2-566
Harmen &
Samantha
Bruinsma
- All permitted uses and regulations of the Agricultural 'A2' Zone shall continue to apply, except as amended below;
- (a) The land shall be used for Agricultural Purposes Only in perpetuity.
 - (b) The lot frontage shall be recognized as the total of the broken lot frontage of not less than 74.7 metres along Twenty Road.
(By-law 2015-112)
- RuR-567
Harmen &
Samantha
Bruinsma
- All permitted uses and regulations of the Rural Residential 'RuR' shall continue to apply, except as amended below:
- (a) The Minimum Distance Separation requirement shall be reduced to 132 metres.
 - (b) The minimum rear yard setback shall be reduced to 13.9 metres.
(By-law 2015-112)
- R3-568
RVL
Contracting Inc.
- Notwithstanding the provisions of the R3 Zone, on the lands zoned R3-568, the following additional provision shall apply:
- a) Minimum rear yard setback of 3.05 metres
 - b) A board-on-board fence measuring a minimum of 6 feet in height shall be required along the entire length of the southern boundary of the lot measuring 29.6 metres
 - c) All other provisions of By-law 79-14, as amended, continue to apply.
(By-law 2016-20)
- R3-569
RVL
Contracting Inc.
- Notwithstanding the provisions of the R3 Zone, on the lands zoned R3-569, the following additional provision shall apply:
- a) A driveway shall be permitted in the exterior side yard abutting Hornak Road at a distance not less than 14 metres from the edge of Station Street (Regional Road 14)
 - b) Minimum side yard setback of 3.05 metres
 - c) A board-on-board fence measuring a minimum of 6 feet in height shall be required along the length of the southern boundary of the lot, measuring a minimum of 24.3 metres from the western lot line to the line parallel to the eastern exterior wall of the dwelling
 - d) All other provisions of By-law 79-14, as amended, continue to apply
(By-law 2016-20)
- A2-570
Williams
- Notwithstanding the provisions of the A2 Zone and Section 7.34, on the lands zoned A2-570, the following additional provisions shall apply:
- a) One secondary dwelling unit attached to an accessory structure, at ground level, shall be permitted on the subject lands with its own septic system in accordance with the Ontario Building Code.
 - b) Maximum floor area of the secondary dwelling unit shall not be more than 45 % of the total floor area of the principal residential dwelling.
 - c) The secondary dwelling unit structure shall be located a minimum of 88 metres from the westerly side lot line.

- d) The secondary dwelling unit structure shall be located a minimum of 130 metres from the easterly side lot line.
- e) The secondary dwelling unit structure shall be located a minimum of 39 metres from the front lot line.
- f) The secondary dwelling unit structure shall be located a minimum of 480 metres from the rear lot line.
- g) All other provisions of By-law 79-14, as amended, continue to apply
(By-law 2016-38)

M1-571(-H)
Stanpac

All permitted uses and regulations of the Industrial 'M1' Zone shall continue to apply, except as amended below;

- (a) A parking lot is permitted as a primary use on the subject lands.
- (b) All other provisions of the Industrial 'M1' zone and By-law 79-14, as amended, continue to apply.
- (c) That the (-H) Holding provision be eligible to be removed once an application for Site Plan Control has been approved in accordance with Section 41 of the *Planning Act*.
(By-law 2016-56)

A2-572
Acres Inc.

All permitted uses and regulations of the Agricultural 'A2' Zone Bo shall continue to apply, except as amended below;

- (a) The land shall be used for Agricultural Purposes Only in perpetuity
- (b) The minimum lot frontage shall be 148.9 metres
- (c) All other provisions of the Agricultural A2 zone and By-law 79-14, as amended, continue to apply.
(By-law 2016-65)

RuR-573
Bo Acres Inc.

All permitted uses and regulations of the Rural Residential 'RuR' Zone shall continue to apply, except as amended below:

- (a) The minimum front yard setback for the dwelling existing at the date of the passing of this by-law shall be 9.5 metres
- (b) The minimum northerly side yard setback for the dwelling existing at the date of the passing of this by-law shall be 1 metre
- (c) All other provisions of the Rural Residential RuR zone and By-law 79-14, as amended, continue to apply.
(By-law 2016-65)

A2-574
Aantjes
(Ontario Ogra)

All permitted uses and regulations of the Agricultural 'A2' Zone shall continue to apply, except as amended below;

- (a) The land shall be used for Agricultural Purposes Only in perpetuity
- (b) The minimum lot frontage shall be considered the combined frontage of both the A2-574 and A2-575 zone, being not less than 210 metres in frontage
- (c) The minimum lot area of the lands zoned A2-574 shall be 33 hectares in size
- (d) All other provisions of the Agricultural A2 zone and By-law 79-14, as amended, continue to apply.
(By-law 2016-98)

A2-575
Aantjes
Ontario Ogra

All permitted uses and regulations of the Agricultural 'A2' Zone shall continue to apply, except as amended below;

- (a) The land shall be used for Agricultural Purposes Only in perpetuity
- (b) The land area for the A2-575 zone shall not exceed one hectare in size, and shall be located as depicted on Schedule A of this by-law
- (c) The minimum lot frontage shall be considered the combined frontage of both the A2-574 and A2-575 zone, being not less than 210 metres in frontage
- (d) The minimum front yard setback to the existing 360 sq. metre building to be used for retail related purposes shall be not less than 14 metres from the front property line
- (e) The uses within the A2-575 zone shall be limited to the retail sale and service of the following:
 - i) Materials and supplies related to agricultural drainage
 - ii) Stone and mulch in bulk storage bins
 - iii) Farm equipment sales and rentals
 - iv) Water tanks and septic tanks
 - v) Sale and service of materials accessory to each of the above permitted uses
- (f) Outdoor storage shall not be permitted except in a fully screened enclosure south of the building to be used for retail related purposes as part of the agriculturally related business
- (g) All provisions of the Township of West Lincoln's Noise By-law shall apply to the operation of the agriculturally related business on these lands
- (h) At no time shall the agriculturally related business be permitted in the absence of the principle agricultural use of the subject lands by the operator of the business
- (i) A severance of the lands zoned A2-575 from the lands zoned A2-574, as depicted on Schedule A of this by-law, shall not be permitted
- (j) All other provisions of the Agricultural A2 zone and By-law 79-14, as amended, continue to apply.

(By-law 2016-98)

RuR-576
Aantjes
Ontario Ogra

All permitted uses and regulations of the Rural Residential 'RuR' Zone shall continue to apply, except as amended below:

- (a) The minimum front yard setback for the dwelling existing at the date of the passing of this by-law shall be not less than 4.7 metres
- (b) All other provisions of the Rural Residential RuR zone and By-law 79-14, as amended, continue to apply.

(By-law 2016-98)

A2-577
Arborwood Tree
Service

Notwithstanding the zoning provisions of Section 9 of Zoning By law 79-14 for the Township of West Lincoln, the following additional zone regulations apply to the lands zoned A2-577 as outlined in details

- a) Lands zoned A2-577 are situated at 7838 Twenty Road and are comprised of 4.19 hectares of land, as shown on the attached Schedule A, divided as follows:
 - i. **3.32 hectares** = Home Industry business area (including bermed area, and 0.63 hectares of lands recognized as

- Environmental Conservation (EC) area)
- ii. **0.87 hectares** = Lands regulated by the Niagara Peninsula Conservation Authority /Environmental Protection (EP) area;
- b) The following secondary uses within the 3.32 hectare Home Industry business area can be further subdivided as follows:
- i. composting operation, not including any human waste; within berm;
 - ii. mushroom operation within an existing fully enclosed building; outside berm;
 - iii. worm growing/casting use within an existing fully enclosed building; outside berm;
 - iv. one accessory, business related building and buildings accessory to the principle agricultural use; outside berm;
 - v. grinding/mulching/lumber and firewood production; inside berm;
 - vi. area for visitor parking and accessory business related truck parking; outside berm;

Clauses b)i. and b)v. shall be contained within a bermed area within the 3.32 hectare Home Industry business area; as depicted on an approved site plan. The size and location of the accessory business related building and all related uses shall be specified on the site plan;

- c) All uses associated with the business shall be limited to that land area described on Schedule A to this by-law as the A2-577 zone, and, under no circumstances shall the footprint of the business use and accessory uses exceed 2% of the total lot area of the whole of the subject parcel (being the combined area of the A2-577 zone and the A2-578 zone);
- d) The uses of Section b) above shall only be permitted once the required uses specified in the A2-578 zone have been fully implemented;
- e) For the purposes of determining setbacks for any future structures on the subject lands, the zone boundary shall be treated as a property boundary;
- f) The minimum lot frontage of the lands shall be considered the combined frontage of both the A2-577 and A2-578 zones;
- g) A paved apron shall be installed on the entrance culvert to access the lands zoned A2-577 shall be provided prior to the uses listed in Section b) being implemented;
- h) No expansion or enlargement of the existing buildings and structures located in the EC area, while used in conjunction with the uses outlined in Section b), shall be permitted;
- i) All existing buildings are hereby deemed to comply with the Zoning By-law requirements for setbacks where they may be deficient to the provisions of the Agricultural A2 zone;
- j) No development shall occur in the 0.87 hectare area recognized as lands regulated by the Niagara Peninsula Conservation Authority/Environmental Protection (EP) area;

- k) At no time shall any components of the tree service business be permitted in the absence of the principle agricultural and nursery uses of the subject lands;
- l) Landscape/noise berms shall be required around the lumber/firewood/mulch/compost portion of the property at an ultimate height of not less than 2 metres, immediately adjacent to the area permitted for such operation;
- m) The grinding, mulching, lumber, and firewood production shall only occur within the bermed area of the lands, during the specified times as outlined in the Site Plan Agreement;
- n) All provisions of the Township of West Lincoln Noise By-law shall apply. All applicable provincial ministry approvals shall be the responsibility of the applicant/owner. Adequate separation shall be provided such that all permitted uses contained within the bermed area shall be setback not less than 250 metres from neighbouring residential uses;
- o) The area of of the business on the parcel zoned A2-577 shall be subject to the site plan control provisions of Section 41 of the *Planning Act*, RSO 1990; and,
- p) All other provisions of By-law 79-14 continue to apply. (By-law 2016-99)

A2-578
Arborwood Tree
Service

Notwithstanding the zoning provisions of Section 9 of the Zoning By-law 79-14 for the Township of West Lincoln, the following additional provisions apply to the lands zoned A2-578, as outlined in details

- a) A nursery planting area of not less than 5 hectares and the remaining agricultural crop area of the subject lands must be both fully operational and functioning prior to the specific uses in clause (b) of the A2-577 zone being implemented;
- b) The minimum lot frontage of the lands shall be considered the combined frontage of both the A2-577 and A2-578 zones;
- c) The side yard setback of the existing dwelling at the date of the passing of this by-law shall be recognized as 0 metres to the zone boundary; and,
- d) All other provisions of By-law 79-14 continue to apply. (By-law 2016-99)

SECTION 30: ADMINISTRATION

30.1 Administration

This By-law is to be administered by a person designated, from time to time, by the Council as the Zoning Administrator and in his absence by such other employee of the Municipality as the Council designates from time to time.

30.2 Certificate of Occupancy

- (a) No land is to be used or occupied, and no building or structure which has been erected or altered is to be used or changed in use, in whole or in part, until a Certificate of Occupancy has been issued by the Zoning Administrator stating that the proposed use and occupancy of such land, building or structure complies with the provisions of this By-law.
- (b) No permit for the use of any land, no building permit or other permit for the use or erection of any building or structure, no Certificate of Occupancy and no approval of any application for any municipal license is to be issued or given where the proposed use, building or structure, including a sign, is contrary to the provisions of this By-law.

30.3 Application for Certificate of Occupancy

- (a) A Certificate of Occupancy is to be applied for coincident with every application for a Building Permit.
- (b) Every Application for a Certificate of Occupancy:
 - (i) is to be accompanied by plans, in duplicate, drawn to scale of either 1:100 or 1:200, or as required by the Zoning Administrator, based upon an actual survey by an Ontario Land Surveyor and showing:
 - (A) the true shape and dimensions of the lot or any part thereof to be used, or upon which it is proposed to erect or alter any building or structure,
 - (B) the proposed location, height and dimensions of the building, structure or work in respect of which the permit is applied for,
 - (C) the location of every building or structure already erected on or erected partly on such lot,
 - (D) the proposed location of parking spaces, loading spaces, driveways, and landscaping areas, and such other information as the Zoning Administrator considers necessary to determine whether every such building, structure or work conforms with the requirements of this By-law.
 - (ii) is to be accompanied by a legal description, in duplicate, of the property based upon an accurate survey by an Ontario Land Surveyor,
 - (iii) is to be signed by the registered owner of the lot, or by the registered owner's agent duly authorized in writing, and filed with the Zoning Administrator, and
 - (iv) is to set forth in detail:
 - (a) the current and proposed use of the lot and each building or

structure, or part of each building or structure, and

- (b) all such information as the Zoning Administrator may require to determine whether every such proposed use of land, building or structure conforms with the requirements of this By-law.
- (c) The lot and the location of every building or structure to be erected thereon is to be staked out on the ground before construction is commenced.
- (d) No excavation for any building or structure is to be commenced until both a Certificate of Occupancy and a Building Permit have been issued by the Zoning Administrator and Building Inspector respectively.
- (e) The lack of a survey, or a mistake or an error or omission by any person required to comply with the provisions of this By-law does not relieve that person from liability for failure to comply with the provisions of this By-law.
- (f) *Upon an application to the Council with respect to the construction of farm buildings accessory to existing farm buildings in either an A1 or an A2 Zone for which a Building Permit or a Certificate of Occupancy is required and upon being established that all proper information has been furnished except that a site plan submitted with the said application may not have been based upon an actual survey by an Ontario Land Surveyor, the Council, upon being satisfied that no reduction of exiting setback or other requirements is involved, may by Resolution authorize the issuance of a Building Permit or Certificate of Occupancy. Notwithstanding the issuance of a Building Permit or Certificate of Occupancy, in such case the applicant shall nevertheless remain liable for failure to comply with the provisions of the By-law. (By-law # 81-20)*

30.4 Inspection of Premises

The Zoning Administrator, or any official or employee of the Municipality acting under his direction is hereby authorized to enter, at all reasonable hours, upon any property or premises in or about which there is reason to believe that provisions of this By-law are not being complied with, and for the purpose of carrying out his duties under this By-law.

SECTION 31: ENFORCEMENT

- (1) *Every person who contravenes the Zoning By-law shall on first conviction be subject to a fine of not more than \$25,000.00 and on a subsequent conviction to a fine of not more than \$10,000.00 for each day or part thereof, for which the contravention continues after the day on which the person was first convicted.*
- (2) *If the offending party is a corporation, it is subject to a maximum fine of \$50,000.00 on first conviction and a fine of not more than \$25,000.00 for each day or part thereof, for which the contravention continues after the day on which the corporation was first convicted.*
(By-law # 96-04)

SECTION 32: REPEAL OF PRECEDING BY-LAWS

- 32.1** By-law No. 751 passed the 15th day of December, 1951 by the Council of the former Township of Gainsborough and all amendments to said By-law are hereby repealed.
- 32.2** By-law No. 778 passed the 6th day of October, 1958 by the Council of the former Township of Caistor and amendments to said By-law, being By-law No. 785 passed the 2nd day of February, 1959 and By-law No. 851 passed the 4th day of November, 1963 are hereby repealed.
- 32.3** By-law No. 19-1968 passed the 19th day of July , 1968 and By-law No. 15-69 passed the 7th day of October, 1969 by the Council of the former Township of South Grimsby and all amendments to said By-laws are hereby repealed.
- 32.4** By-law No. 74-17 passed the 17th day of June, 1974, By-law No. 74-28 passed the 18th day of November, 1974, By-law No. 76-22 passed the 7th day of September, 1976, By-law No. 76-23 passed the 7th day of September, 1976, and By-law No. 78-26 passed the 17th day of October, 1978 by Council of the Township of West Lincoln, and all amendments thereto, are hereby repealed.