

DRAFT

TOWNSHIP OF WEST LINCOLN

ZONING BY-LAW

DRAFT – SEPTEMBER 2015



318 CANBOROUGH STREET
PO BOX 400
SMITHVILLE, ONTARIO
L0R 2A0

TABLE OF CONTENTS

PART 1. ADMINISTRATION	2
1.1 TITLE	2
1.2 SCOPE AND APPLICATION	2
1.3 INTERPRETATION	3
1.4 TECHNICAL REVISIONS	5
1.5 EFFECTIVE DATE	5
1.6 REPEAL OF FORMER BY-LAWS	5
1.7 TRANSITION MATTERS	5
PART 2. DEFINITIONS	7
PART 3. GENERAL PROVISIONS	26
3.1 ACCESSORY BUILDINGS OR STRUCTURES AND ACCESSORY USES	26
3.2 ACCESSORY DWELLINGS AND DWELLING UNITS	28
3.3 ALLOWABLE PROJECTIONS	30
3.4 BED AND BREAKFAST ESTABLISHMENTS	31
3.5 EXISTING USES, LOTS, BUILDINGS AND STRUCTURES	31
3.6 GROUP HOMES	33
3.7 HOME OCCUPATIONS	33
3.8 KENNELS AND PET CARE ESTABLISHMENTS	34
3.9 LANDSCAPING AND PLANTING STRIPS	35
3.10 MINIMUM DISTANCE SEPARATION	36
3.11 ON-FARM DIVERSIFIED USES	37
3.12 PARKING AND LOADING FACILITIES	38
3.13 PROHIBITED USES	47
3.14 PUBLIC USES	48
3.15 RENEWABLE ENERGY SYSTEMS	48
3.16 REQUIREMENTS FOR LOTS	49
3.17 SERVICES REQUIRED	49
3.18 SETBACKS TO PIPELINES	50
3.19 SETBACKS TO PUBLIC STREETS	50
3.20 SETBACKS TO RAILWAYS	50
3.21 SIGHT TRIANGLES	50
3.22 SIGNS	51
3.23 SWIMMING POOLS	51
3.24 TEMPORARY USES	52
3.25 WASTE STORAGE ENCLOSURES	53
3.26 WAYSIDE PITS OR QUARRIES	53
PART 4. ESTABLISHMENT OF ZONES	54
4.1 ESTABLISHMENT OF ZONES	54
4.2 MULTIPLE USES AND MULTIPLE ZONES	55
4.3 SPECIAL PROVISION AND SYMBOLS	55

DRAFT

PART 5. AGRICULTURAL ZONES..... 56
5.1 APPLICABLE ZONES.....56
5.2 PERMITTED USES56
5.3 REGULATIONS57

PART 6. RESIDENTIAL ZONES 58
6.1 APPLICABLE ZONES.....58
6.2 PERMITTED USES58
6.3 REGULATIONS59

PART 7. COMMERCIAL ZONES..... 61
7.1 APPLICABLE ZONES.....61
7.2 PERMITTED USES61
7.3 REGULATIONS62

PART 8. EMPLOYMENT ZONES 63
8.1 APPLICABLE ZONES.....63
8.2 PERMITTED USES63
8.3 REGULATIONS64

PART 9. INSTITUTIONAL ZONES 65
9.1 APPLICABLE ZONES.....65
9.2 PERMITTED USES65
9.3 REGULATIONS66

PART 10. OPEN SPACE ZONES 67
10.1 APPLICABLE ZONES.....67
10.2 PERMITTED USES67
10.3 REGULATIONS68

PART 11. ENVIRONMENTAL ZONES..... 69
11.1 APPLICABLE ZONES.....69
11.2 PERMITTED USES69
11.3 REGULATIONS69

PART 12. OTHER ZONES 70
12.1 OTHER ZONES70
12.2 PERMITTED USES70
12.3 REGULATIONS70

PART 13. SPECIAL PROVISIONS 71
13.1 HOLDING PROVISIONS71
13.2 SITE-SPECIFIC PROVISIONS.....71
13.3 TEMPORARY USE PROVISIONS.....73

SCHEDULE A - ZONING MAPS

SCHEDULE B - MINIMUM DISTANCE SEPARATION (MDS I, MDS II) FORMULAE

DRAFT

ZONING BY-LAW

DRAFT – SEPTEMBER 2015

A By-law to restrict the use of land and the erecting, locating, or using of buildings or structures, and to regulate the use of land, buildings, and structures.

COUNCIL ENACTS AS FOLLOWS:

PART 1. ADMINISTRATION

1.1 TITLE

This By-law shall be cited as "The *Township* of West Lincoln Zoning By-Law" and may be referenced herein as "this By-law".

1.2 SCOPE AND APPLICATION

1.2.1 Administration and Enforcement

This By-law shall be administered by the municipal staff as appointed by the Council of the *Township* of West Lincoln. The Chief Building Official and any Inspector appointed under the Building Code Act are each assigned the responsibility of enforcing this By-law for the purposes of Section 49 of the Planning Act.

1.2.2 Area Subject to By-law

This By-law applies to all land within the boundaries of the *Township* of West Lincoln as shown on the Zoning Maps forming Schedule "A" of this By-law.

1.2.3 Conformity and Compliance Requirements

- a) No land shall be used and no *building* or *structure* shall be *erected*, altered or used except in conformity with the permitted uses of this By-law and in compliance with the regulations of this By-law.
- b) No municipal permit, certificate or license shall be issued for the *use* of land or for the *erection*, alteration or *use* of any *building* or *structure* that is not in conformity and compliance with this By-law.
- c) No *person*, other than a *public authority*, shall create or alter the boundaries of any *lot* by conveyance or otherwise such that the *lot* does not comply with the requirements of this By-law. For any *lot* that is not in compliance with the requirements of this By-law on the effective date, and where the acquisition of land by a *public authority* alters the boundaries or area of a *lot* in a manner that results in non-compliance with the regulations of this By-law, the requirements of Section 3.5 shall apply.
- d) To the extent of any conflict among the provisions of this By-law, the more restrictive provisions shall apply.

1.2.4 Compliance with Other Legislation

- a) Nothing in this By-law shall exempt any *person* from the requirement to comply with other By-laws of the *Township* of West Lincoln and regulations of the *Regional Municipality* of Niagara, Niagara Peninsula Conservation Authority, Province of Ontario, and Government of Canada, that may affect the *use* of land or the *erection*, *use* or alteration of *buildings* or *structures*.
- b) To the extent of any conflict or inconsistency between this By-law and any other By-law of the *Township* of West Lincoln, the more restrictive By-law shall prevail.

- c) To the extent of any conflict with this By-law, the regulations of the *Regional Municipality* of Niagara, Province of Ontario, or Government of Canada shall prevail.
- d) Where a permit has been issued by the Niagara Peninsula Conservation Authority, the provisions or conditions set out in the permit shall supersede the provisions of this By-law where more restrictive.
- e) References to “the Zoning By-law” or “By-law 79-14” or similar references contained in other By-laws or documents of the *Township* of West Lincoln shall be deemed to refer to this By-law.

1.2.5 Validity and Severability

A decision of a court of competent jurisdiction that one or more of the provisions of this By-law or any portion of the Zoning Maps to this By-law are invalid in whole or in part does not affect the validity, effectiveness, or enforceability of the other provisions or parts of the provisions of this By-law.

1.2.6 Violations and Penalties

Every *person* who contravenes a provision of this By-law and, if the *person* is a corporation, every director or officer of the corporation who knowingly concurs in the contravention, is guilty of an offence and on conviction is liable to fines under the Planning Act.

1.3 INTERPRETATION

1.3.1 Definitions

For convenience, terms that are *italicized* are defined in Part 2 of this By-law. This does not apply to the titles of Parts, Sections and Subsections. Certain defined terms listed in Part 2 of this By-law are reversed and this is done solely for the ease and convenience of locating and identifying the term with other like terms and does not alter the meaning of the term or its usage throughout the by-law.

1.3.2 Discretionary and Mandatory Wording

The words “must” and “shall” are mandatory. The word “may” is not mandatory. “May” is used to indicate where certain circumstances may or may not be applicable.

1.3.3 Examples and Illustrations

Examples and illustrations, where provided, are for clarification and convenience and do not form part of this By-law.

1.3.4 Legislative References

Any reference to legislation or regulations or sections thereof approved by another *public authority* shall include any amendments or successors thereto.

1.3.5 Measurements

All measurements of length, area or *height* used to determine compliance with the regulations of this By-law shall be subject to the normal mathematical rules of rounding numbers and the level of accuracy expressed in the regulations of this By-law, as follows:

- a) For regulations expressed as a whole number, measurements less than 0.5 shall be rounded downward to the nearest whole number, and measurements greater than 0.5 shall be rounded upward to the nearest whole number;
- b) For regulations expressed as a number with one decimal place, measurements less than 0.05 shall be rounded downward to the nearest one-tenth unit, and measurements greater than 0.05 shall be rounded upward to the nearest one-tenth unit;
- c) For regulations expressed as a ratio or percentage, measurements shall not be subject to rounding.

1.3.6 Zoning Maps

The Zoning Maps comprising Schedule “A” show the boundaries and extent of all *zones*. These maps, together with all notations, references, and other information form part of this By-law. The following rules shall apply to determine the location of the boundary of any *zone* on the Zoning Maps where it is shown:

- a) As following a street, lane, railway, right-of-way, transmission corridor, or watercourse, the boundary shall be the centre-line of the applicable feature, provided that where any of these features as shown on a Zoning Map is closed or diverted after the effective date of this By-law, the property formerly in said street feature shall be included within the *zone* of the adjoining property on either side of the said closed or diverted feature, except where the land on either side of the feature is in different *zones* in which case the *zone* boundary shall be the former centreline of the said closed or diverted feature;
- b) As following the *lot frontage* on a future *lot* shown on a draft approved Plan of Subdivision or Condominium, the boundary shall be the centre-line of the future *public street* being constructed;
- c) As following any other *lot line* on an *existing lot* or a future *lot* shown on a draft approved Plan of Subdivision or Condominium, the boundary shall be the *existing* or future *lot line*;
- d) As running substantially parallel to a *lot line* abutting any *street* and the distance from that *street* is not indicated, the boundary shall be parallel to the applicable *lot line* and the distance shall be determined according to the scale shown on the Zoning Maps;
- e) As following a *lot line* abutting an unopened road allowance, the boundary shall be the centre-line of such road allowance;
- f) As following a shoreline, the boundary shall follow such shoreline and in the event of a natural change in the shoreline, the boundary shall be construed as moving with the actual shoreline;
- g) As an Environmental Protection (EP) *Zone*, the boundary shall follow the limits of identified natural environment features and any associated buffer area required to protect the environmental features and their ecological functions which shall be based on the most detailed resource mapping available and may be more precisely determined in consultation with the Conservation Authority or other agencies having jurisdiction in the area, and where detailed resource mapping becomes available after the effective date of this By-law the limits of the EP *zone* boundary may be refined without the requirement for a zoning by-law amendment, and all requirements of this by-law shall be applied relative to the revised

interpretation of the EP *zone* boundary, including any applicable setbacks and the uses and regulations of the adjacent *zone* on the same *lot* shall apply;

- h) As following the limits of the *Township*, the boundary shall be the limits of the *Township*; and
- i) Where none of the above provisions apply, the *zone* boundary shall be scaled from the Zoning Maps.

1.4 TECHNICAL REVISIONS

The following revisions may be made to this By-law by the *Township* of West Lincoln at any time without the need for an amendment:

- a) Corrections to grammar, punctuation or typographical errors or formatting revisions that do not change the intent of the provisions;
- b) Additions or revisions to technical information on maps or schedules that does not affect the zoning of land including, but not limited to, matters such as updating and correcting base map information (roads, assessment parcels and labels), keys, legends or title blocks; and
- c) Changes to appendices, footnotes, headings, indices, marginal notes, tables of contents, illustrations, historical or reference information, page numbering, footers and headers, which do not form a part of this by-law and are editorially inserted for convenience of reference only.

1.5 EFFECTIVE DATE

This By-law is effective on the date it is passed by the Council of the *Township* of West Lincoln, subject to the appeal provisions of the Planning Act.

1.6 REPEAL OF FORMER BY-LAWS

Township of West Lincoln Zoning By-law 79-14, and all amendments thereto, are repealed on the effective date of this By-law.

1.7 TRANSITION MATTERS

1.7.1 Building Permit Applications Filed Prior to Effective Date

Notwithstanding Sections 1.2 and 1.6 of this By-law, nothing in this By-law shall prevent the *erection* or alteration of a *building* or *structure* on the basis of a building permit that is issued for an application that was filed on or prior to the effective date of this By-law provided the building permit application complies with the provisions of Zoning By-law 79-14, as amended, as it read on the effective date of this By-law, all information required for a zoning review is submitted, and all required approvals under the Planning Act, if any, have been obtained.

1.7.2 Lots Conditionally Approved Prior to Effective Date

Notwithstanding Sections 1.2 and 1.6 of this By-law, where the Committee of Adjustment of the *Township* of West Lincoln or the Ontario Municipal Board has conditionally authorized the creation of a *lot* or changes to the boundaries of a *lot* under the Planning Act prior to the effective date of this By-law, the *lot* shall be deemed to comply with the *lot* frontage and *lot area*

requirements of this By-law provided the *lot* complies with the *lot* frontage and *lot area* requirements of Zoning By-law 79-14, as amended, as it read on the effective date of this By-law, and the final approval of the *lot* is granted before the conditional approval lapses.

1.7.3 Minor Variances Approved Prior to Effective Date

Notwithstanding Sections 1.2 and 1.6 of this By-law, where the Committee of Adjustment of the *Township* of West Lincoln or the Ontario Municipal Board has authorized a minor variance from the provisions of Zoning By-law 79-14, in respect of any land, *building* or *structure* and the decision of the Committee of Adjustment or the Ontario Municipal Board has become final and binding prior to the effective date of this By-law, the provisions of this By-law, as they apply to such land, *building* or *structure*, shall be deemed to be modified to the extent necessary to give effect to such minor variance.

1.7.4 Site Plan Agreements Entered Into Prior to Effective Date

Notwithstanding Sections 1.2 and 1.6 of this By-law, where the *Township* of West Lincoln has entered into a Site Plan Agreement in respect of any land, *building* or *structure* prior to the effective date of this By-law, the provisions of this By-law shall be deemed to be modified to the extent necessary to give effect to such Site Plan Agreement.

1.7.5 Expiry

- a) The relief provided by Section 1.7 of this By-law shall not continue beyond the issuance of the building permit, approval or agreement upon which the exemption is founded, at which time the provisions of Zoning By-law 79-14 shall cease to be in effect.
- b) Notwithstanding clause (a) above, the relief provided by Section 1.7 of this By-law ceases to be in effect on the date of the lapsing of the applicable approval.

PART 2. DEFINITIONS

ABATTOIR

means 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*.

ACCESSORY BUILDING OR STRUCTURE

means a detached *building* or *structure*, the *use* of which is naturally and normally incidental to, subordinate to, or exclusively devoted to a principal *use* or *building* on the same *lot*.

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*.

ADULT ENTERTAINMENT ESTABLISHMENT

means *premises* or any part thereof in which is provided, in the pursuance of a business: (a) goods, entertainment or services that are designed to appeal to erotic or sexual appetites or inclinations; or (b) body-rubs, including the kneading, manipulating, rubbing, massaging, touching or stimulating by any means of a *person's* body, performed, offered or solicited, but does not include *premises* or part thereof where body-rubs are performed, offered or solicited for the purpose of medical or therapeutic treatment and are performed or offered by *persons* otherwise duly qualified, licensed or registered to do so under the laws of the Province of Ontario.

AGRICULTURAL SERVICE AND SUPPLY ESTABLISHMENT

means *premises* used for the supply of goods, materials, equipment and/or services that support *agricultural uses*.

AGRICULTURAL USE

means the growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fiber, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm *buildings* and *structures*.

AGRICULTURE-RELATED USE

means *premises* used for *commercial uses* and *industrial uses* that are directly related to *agricultural uses* in the area, require a location that is in close proximity to *agricultural uses*, and directly provide products and/or services to *agricultural uses* as the primary business, including *agricultural service and supply establishments*, *commercial kennels*, *veterinary clinics*, and farm produce processing and storage facilities.

AGRI-TOURISM / VALUE-ADDED USES

means the *use* of land, *buildings* or *structures* for *accessory uses* to the principal *agricultural use* of the *lot*, conducted for gain or profit to support, promote and sustain the viability of the *agricultural use*, including but not limited to agricultural education and research facilities, *bed and breakfast establishments*,

farm markets and the retail sale of farm produce, pick your own facilities, farm mazes, special event facilities related to farming, and value-added assembly, fabrication, processing, packing or storage operations.

AMENITY AREA

means the common indoor and outdoor areas which are intended for recreational *use* by the occupants of a *building*/property, and may include open spaces, patios, balconies, pools, gymnasiums, communal play areas, lounges, sundecks and roof decks but shall not include service areas, *parking areas* and *driveways*.

ANIMAL SHELTER

means a *premises* used for the caring for lost, abandoned, rescued or neglected animals but does not include a *kennel* or *veterinary clinic*.

ATTIC

means the unfinished space between the roof and the ceiling of the top *storey* of a *building*.

ART GALLERY

means a *premises* used for any combination of the preservation, production, exhibition, or sale of paintings or other works of art.

AVERAGE FINISHED GRADE

means the grade elevation of the *lot* calculated as:

- (a) the average of all grades measured adjacent to the front exterior wall of the *building* on *interior lots*; and,
- (b) the average of all grades measured adjacent to each exterior wall of the *building* on *corner lots* and *through lots*.

BASEMENT

means that portion of a *building* below the first *storey*.

BED AND BREAKFAST ESTABLISHMENT

means a *dwelling* in which one or more *lodging units* is provided for the temporary accommodation of the traveling public.

BOARDING OR ROOMING HOUSE

means a *dwelling* in which three (3) or more *lodging units* are provided for the accommodation of *persons* other than the lessee, tenant or owner of said *dwelling*.

BUILDING

means a combination of walls, roofs and floors comprising a structural system serving the function thereof.

CAMPING ESTABLISHMENT

means a *lot* consisting of *camp sites* maintained as grounds for temporary recreational camping in tents and/or *recreational vehicles*.

CAMP SITE

means a defined area within a *camping establishment* of a *lot* designed for camping in tents and/or the parking of one *recreational vehicle* for camping purposes.

CASINO

means a *premises* used for gambling activities, including games of chance such as card games, dice games, wagering, and game machines or devices, for money or other items of value, but does not include bingo halls or any other *place of entertainment*.

CEMETERY

means land that has been established or recognized as a *cemetery* under the laws of the Province of Ontario that is used for the interment of human remains and may include a mausoleum or columbarium.

CONSERVATION USE

means the *use* of land dedicated towards the preservation, protection and/or improvement of components of the natural environment through management and maintenance.

DAY CARE

means a *premises* that is licensed in accordance with the Day Nurseries Act where more than five children are provided with temporary care and/or guidance for a continuous period not exceeding twenty-four hours.

DAY CARE, PRIVATE HOME

means a *dwelling* used for the temporary care of five or fewer children, other than children residing in the *dwelling* as a principal residence, for a continuous period not exceeding 24 hours.

DRIVE-THROUGH FACILITY

means the *use* of a *lot*, *building* or *structure*, to provide or dispense products or services through an attendant, a window, or an automated machine including an order box with or without voice communication, or parts thereof, to *persons* remaining in *motor vehicles* in a designated *stacking lane*.

DRIVEWAY

means an unobstructed driving route located within a *parking area* and designed to provide access between a *public street* or condominium road and a *parking space, aisle, or loading space*, or between two *parking areas*, by *motor vehicles*.

DRY CLEANING/LAUNDRY DEPOT

means *premises* used for the purpose of collection and distribution of clothing or fabric goods to be subjected to laundering or dry-cleaning elsewhere, and includes a self-service laundromat with one or more washers and drying, ironing, finishing and incidental equipment, but does not include a *dry cleaning/ laundry establishment*.

DRY CLEANING/LAUNDRY ESTABLISHMENT

means *premises* used for laundering or dry-cleaning clothing or fabric goods.

DWELLING

means a separate *building* containing one or more *dwelling units*.

DWELLING, ACCESSORY

means a *dwelling unit* which is accessory to a permitted principal non-*residential use*.

DWELLING, ACCESSORY FARM

means a *dwelling* or part thereof used for the accommodation of employees of an *agricultural use*.

DWELLING, APARTMENT

means a residential *building* containing five or more *dwelling units* which have a common entrance from the street level and are connected by a common corridor, but does not include a *boarding or rooming house*.

DWELLING, CONVERTED

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

DWELLING, DUPLEX

means a *dwelling* containing not more than two (2) *dwelling units*, each of which is completely on a separate *storey*.

DWELLING, FOURPLEX

means a *dwelling* containing four (4) *dwelling units*.

DWELLING, SEMI-DETACHED

means a *dwelling* divided by a common wall into two (2) attached *dwelling units*, each having a separate entrance from the exterior of the *dwelling*.

DWELLING, SINGLE DETACHED

means a *dwelling* containing one *dwelling unit*.

DWELLING, STREET TOWNHOUSE

means a townhouse *dwelling* wherein each *dwelling unit* is located on a separate *lot*.

DWELLING, TOWNHOUSE

means a *dwelling* divided by common walls into three (3) or more attached *dwelling units*, to a maximum of nine (9) *dwelling units*, each having a separate entrance from the exterior of the *dwelling*.

DWELLING, TRIPLEX

means a *dwelling* containing three (3) *dwelling units*.

DWELLING UNIT

means a place of residence containing one or more *habitable rooms* with separate kitchen and bathroom facilities for the private *use* of a single housekeeping unit, but does not include a cabin, cottage, *hotel/motel*, *boarding/rooming house* room(s), *mobile home*, *recreational vehicle*, tent or *trailer*.

ERECT

means to build, construct, reconstruct, move or enlarge a *building* or *structure*, and includes any physical operation and preparatory work such as excavating, filling, grading, or draining land for a *building* or *structure*.

EXISTING

means *existing* on the effective date of this By-law.

FINANCIAL INSTITUTION

means a *premises* used to provide financial services to the public.

FLOOR AREA

means the total area of all floors in a *building*, measured between the exterior faces of the exterior walls or from the centre line of the common walls of the *building* at each floor level, excluding *attics*, *basements*, *private garages* and any *floor area* with a ceiling *height* less than 2.2 metres unless otherwise specified in this By-law.

FLOOR AREA, GROSS LEASABLE

means the total area of all floors in a *building*, measured from the interior faces of the exterior walls, but does not include any area not capable of being used for a permitted *commercial use* such as enclosed mall areas, public corridors, public washrooms, utility rooms and utility service corridors, loading and storage areas that are inaccessible to the public.

FLOOR AREA, GROSS

means the aggregate of the *floor areas* of all the *storeys* of all *buildings* and *structures* on a *lot*.

FLOOR AREA, GROUND

means the *floor area* of the lowest *storey* of a *building* at or first above the *average finished grade* excluding any *basement*.

FUNERAL HOME

means a *premises* used for providing funeral supplies and services to the public and includes facilities intended for the preparation of the human body for internment or cremation off site.

GARDEN SUITE

means a detached *accessory building* that contains one *dwelling unit*, is designed to be portable and is located on the same *lot* as an *existing dwelling*.

GARAGE WIDTH

means the width of a *private garage* measured between the inside faces of the interior walls at the narrowest point of the *private garage*, or the width of the garage door, whichever is greater.

GARAGE, PRIVATE

means a portion of a *dwelling* or a detached *accessory building or structure* accessory to a *dwelling* designed or primarily used for the parking of private *motor vehicles*, permitted *commercial motor vehicles*, and/or *recreational vehicles*, and includes carports.

GREENHOUSE

means a *building* for the growing of flowers, plants, shrubs, trees and similar vegetation but shall not include a garden centre or landscaping business.

GROUP HOME

means a *premises* used to provide supervised living accommodation, licensed or funded under Province of Ontario or Government of Canada legislation, for three to six *persons*, exclusive of staff, living together in a single housekeeping unit because they require a group living arrangement.

HABITABLE ROOM

means a room in a *dwelling unit* designed for living, sleeping, eating or food preparation.

HEIGHT

means the vertical distance measured from the *average finished grade* to the highest point of a *building* or *structure*, except in the case of a pitched roof where the distance shall be measured to the midway point between the eaves and the ridge.

HOME OCCUPATION

means the *accessory use* of a *dwelling* or of a *building* or *structure* accessory to a permitted residential or *agricultural use*, for an occupation or business which results in a product or service.

HOSPITAL

means any public or private health care facility established and approved under the laws of the Province of Ontario for the treatment and care of human health, and may include laboratories, research and educational facilities, pharmacies and accessory retail and food services.

HOTEL/MOTEL

means a *premises* that contains *lodging units* with or without private cooking facilities that are rented on a temporary basis to the public, equipped to be occupied as temporary accommodation for the public, and may contain accessory meeting rooms, banquet facilities and recreational amenities.

INFRASTRUCTURE

means drainage and stormwater management facilities, electricity distribution systems, flood control *structures*, natural gas distribution systems, oil and gas pipelines, public transit systems, railways, roads, sewers, telecommunications lines and other cabled services, watermains and related *buildings* or *structures* located within a public right of way or easement controlled by a *public authority*, and related service laterals for individual *lots*, excluding *renewable energy systems*.

KENNEL, COMMERCIAL

means a *premises* primarily for the boarding and/or breeding and/or training of dogs for hire or gain.

KENNEL, PRIVATE

means the *accessory use* of land, *buildings* or *structures* for the keeping and/or training of five (5) or more dogs as pets and/or for personal *use*, and there is no boarding and no revenue derived from the *kennel*.

LANDSCAPED OPEN SPACE

means the calculation of the horizontal area of a *lot* covered by *landscaping*, expressed as a percentage of the *lot area*.

LANDSCAPING

means an outdoor area of a *lot* not covered by *buildings* or *structures* and comprised exclusively of vegetation such as grass, shrubs, flowers and trees, and/or other permeable surfaces used for walks, patios, decks, fences and decorative surface treatments, but does not include *parking areas* or driveways.

LOADING SPACE

means an unobstructed area of land that is used for the temporary parking of one or more *commercial motor vehicles* while merchandise or materials are being loaded to or unloaded from such vehicle.

LODGING UNIT

means a room provided for rent or hire, which is used or designed to be used as a sleeping accommodation.

LONG TERM CARE FACILITY

means a *premises* licensed pursuant to the laws of the Province of Ontario, where a broad range of personal care, support and health services are provided for residents in a supervised setting, and may include one or more *accessory uses*, such as common dining, lounging, kitchen and recreational areas, and administrative and *medical offices*.

LOT

means one parcel or tract of land that is registered as a legally conveyable parcel of land in the Land Registry Office which is:

- a whole *lot* as shown on a Registered Plan of Subdivision except those which have been deemed not to be a Registered Plan of Subdivision under a by-law enacted pursuant to the Planning Act; or
- a separate parcel of land without any adjoining lands being owned by the same owner as of the effective date of this By-law; or
- a separate parcel of land, the description of which is the same as in a deed which has been given consent pursuant to the Planning Act; or
- a separate parcel of land being the whole remnant remaining to an owner or owners after a conveyance made with consent pursuant to the Planning Act;

and 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 the Planning Act and in accordance with any requirements under The Registry Act or The Land Titles Act, after the effective date 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 purposes of this By-law, no parcel or tract of land 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 any public agency.

LOT AREA

means the total horizontal land area within the *lot lines* of a *lot*.

LOT, CORNER

means a *lot* at the intersection of two or more *public streets* or upon two parts of the same *public street* with such street or streets containing an angle of not more than 135 degrees.

LOT COVERAGE

means the horizontal area of that part of the *lot* covered by all roofed *structures* and *buildings* above ground level, excluding permitted eave projections and balconies, expressed as a percentage of the *lot area*.

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 meters 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*. In the case of a *corner lot* with a *sight triangle*, the exterior *side lot line* shall be deemed to extend to its hypothetical point of intersection with the extension of the *front lot line* for the purposes of calculating *lot frontage*.

LOT, INTERIOR

means a *lot* other than a *corner lot*, *through lot* or *through corner lot*.

LOT LINE

means any boundary of a *lot*.

LOT LINE, FRONT

means the *lot line* that divides the *lot* from the *public street*. For a *corner lot*, *through lot*, or *through corner lot*, the shortest of the *lot lines* that divides the *lot* from the *public street* shall be deemed to be the *front lot line*. On a *corner lot*, *through lot* or *through corner lot* where such *lot lines* are of equal length and where one *lot line* abuts a Regional road or Provincial highway, the *front lot line* shall be deemed to be that *lot line* which abuts the Regional road or Provincial highway. On a *corner lot*, *through lot* or *through corner lot* where such *lot lines* are of equal length and where both *lot lines* abut *public streets* under the same jurisdiction, the *Township* may designate which *lot line* is the *front lot line*.

LOT LINE, REAR

means the *lot line* opposite to, and most distant from, the *front lot line*, but where the *side lot lines* intersect, the *rear lot line* shall be the point of intersection of the *side lot lines*.

LOT LINE, SIDE

means *interior side lot lines* and *exterior side lot lines*.

LOT LINE, INTERIOR SIDE

means a *lot line* other than a *front*, *rear* or *exterior side lot line*.

LOT LINE, EXTERIOR SIDE

means the *lot line* of a *corner lot*, other than the *front lot line*, which divides the *lot* from a *public street*. For a *through corner lot*, the *exterior side lot line* is the *lot line* which divides the *lot* from a *public street* and meets the *front lot line*.

DRAFT

LOT, THROUGH

means a *lot* bounded by a *public street* on two opposite *lot lines*, but does not include a *corner lot* or *through corner lot*.

LOT, THROUGH CORNER

means a *lot* bounded by *public streets* on three or more *lot lines*

MINERAL AGGREGATE OPERATION

means lands under license or permit, other than for *wayside pits and quarries*, issued in accordance with the Aggregate Resources Act, or successors thereto, and includes land not designated under the Aggregate Resources Act, that is used for established pits and quarries *existing* on the effective date of this By-law, and including adjacent land under agreement with or owned by the operator for the continuation of the operation; and includes associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related products.

MINIMUM DISTANCE SEPERATION (MDS)

means the mathematical tool to determine a recommended distance between livestock and manure storage facilities and *non-agricultural uses*.

MOBILE HOME

means any *dwelling* that is designed to be mobile, and constructed or manufactured to provide a permanent residence for one or more *persons* in accordance with the applicable Canadian Standards Association standard, but does not include a park model home, travel *trailer* or tent *trailer* or *trailer* otherwise designed.

MOBILE HOME PARK

means a *lot* or part thereof designed and used for the location of two or more occupied *mobile homes* and shall include *accessory buildings or structures* for *offices*, laundry facilities, recreational amenities, maintenance facilities and similar *uses* integral to the park operation.

MOBILE HOME SITE

means that part of a *lot* designed and reserved for one *mobile home* within a permitted *mobile home park*.

MODEL HOME

means a *building* that is temporarily used as a sales office or as an example of the type of *dwelling* offered for sale in a related development and which is not occupied or used as a *dwelling*.

MOTOR VEHICLE

means an automobile, motorcycle, motor-assisted bicycle, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car or other *motor vehicles* running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road-building machine.

DRAFT

MOTOR VEHICLE BODY SHOP

means a *premises used* for the painting and repairing of the interior, exterior, or undercarriage of *motor vehicle* bodies.

MOTOR VEHICLE, COMMERCIAL

means a *motor vehicle* having permanently attached thereto a truck or delivery body and includes an ambulance, hearse, casket wagon, fire apparatus, police patrol, motor bus and tractor used for hauling purposes on the highways and any vehicle bearing commercial license plates.

MOTOR VEHICLE DEALERSHIP

means a *premises used* for the sale and/or rental of *motor vehicles* and may include, as *accessory uses*, a *motor vehicle service station* and *motor vehicle body shop*.

MOTOR VEHICLE GASOLINE BAR

means a *premises* where fuel for *motor vehicles* is kept and dispensed for sale, and may include an accessory *retail store*, but shall not include a *motor vehicle repair establishment* or a *motor vehicle washing establishment*.

MOTOR VEHICLE REPAIR ESTABLISHMENT

means a *premises* for the service, maintenance and repair of *motor vehicles*, and may include the accessory retail sale of automotive parts and accessories and *motor vehicle* sales, lease and/or rental, but does not include a *motor vehicle body shop*.

MOTOR VEHICLE SERVICE STATION

means a *premises* where fuel for *motor vehicles* is kept and dispensed for sale, which may include the following *accessory uses*: *retail store*, *motor vehicle repair establishment* and *motor vehicle washing establishment*, but does not include a *motor vehicle body shop*.

MOTOR VEHICLE WASHING ESTABLISHMENT

means a *premises used* for the mechanical or manual washing, cleaning or polishing of *motor vehicles*.

MUNICIPAL DRAIN

means a *municipal drain* pursuant to the Drainage Act.

MUNICIPALITY

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

NON-COMPLYING

means a *building*, *structure* or *lot* that does not comply with the regulation(s) of this By-law.

NON-CONFORMING

means a *use* that is not a permitted *use* in the *zone* in which the said *use* is located.

OBNOXIOUS USE

means 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.

OFFICE

means a *premises* where the affairs of businesses, professions, services, industries, governments, non-profit organizations or like activities are conducted, in which the chief product of labour is information services.

OFFICE, MEDICAL

means a *premises* designed and used for the diagnosis, examination, and treatment of human patients by a medical professional licensed by the Province of Ontario, including pharmacies and dispensaries, waiting rooms, treatment rooms and laboratories, but shall not include overnight accommodation for in-patient care.

ON-FARM DIVERSIFIED USES

means the *use* of land, *buildings* or *structures* for *accessory uses* to the principal *agricultural use* of the *lot*, conducted for gain or profit to support, promote and sustain the viability of the *agricultural use*, including *agricultural service and supply establishments*, *agri-tourism/value added uses*, *bed and breakfast establishments*, *home occupations*, *pet care establishments*, *private kennels*, *service shops* and *veterinary clinics*.

OUTSIDE STORAGE

means an area of land used for the storage of goods and materials in conjunction with a business located within a *building* or *structure* on the same *lot*.

PARK, PRIVATE

means an area of land not owned or managed by a *public authority* that is designed or maintained for outdoor recreational purposes.

PARK, PUBLIC

means an area of land owned or managed by a *public authority* that is designed or maintained for outdoor recreational purposes.

PARKING AISLE

means an unobstructed driving route located within a *parking area* and designed to provide access to *parking spaces* by *motor vehicles*, and that is connected to a *driveway* but does not include a *driveway*.

PARKING AREA

means an area of a *lot* consisting of one or more *driveways*, *parking aisles* and *parking spaces* located outdoors or in a *structure*.

PARKING FACILITY, BICYCLE

means an unobstructed area for the parking of one or more bicycles:

- with an adjacent pole, rack or other fixture anchored to the ground or to a permitted *building* or *structure* to which one or more bicycles can be secured; or
- an enclosed storage space within which one or more bicycles can be secured.

PARKING SPACE

means an unobstructed area for the parking of a *motor vehicle*.

PERSON

means any individual human being, association, firm, partnership, corporation, trust, incorporated company, organization, trustee or agent, the heirs, executors, or other legal representatives of a *person* to whom the same can apply according to law.

PERSONAL SERVICE SHOP

means a *premises* for providing services involving the care of *persons* or their apparel, and without limiting the generality of the foregoing, includes a barber shop, a beauty salon, a day spa, a nutrition centre, a *dry cleaning depot*, a photographer's *studio*, a shoe repair establishment, a tailor, a tanning salon, a travel agent or similar service establishments.

PET CARE ESTABLISHMENT

means a *premises* for the grooming, training and/or day-care of pets, but where no pets are kept overnight, and does not include the sale of pets.

PLACE OF ENTERTAINMENT

means *premises* used for facilities for the entertainment of the public including a cinema, live theatre, concert hall, planetarium, or other similar *use*, as well as facilities for the playing of games for the amusement of the public including billiard rooms, bowling alleys, laser games, electronic games, indoor miniature golf courses and bingo halls but does not include *casinos* or any other establishment accommodating gambling or gaming services, an *adult entertainment establishment*, nightclub, or a sports facility.

DRAFT

PLACE OF WORSHIP

means a *lot, building or structure*, or part thereof, used for the practice of religion and faith-based spiritual purposes where people assemble for religious worship, faith-based teaching, fellowship and community social outreach.

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 continuous row of trees, a continuous hedgerow of evergreens or shrubs, a berm, a wall or an opaque fence.

PRE-FABRICATED SHIPPING CONTAINER

means 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*, and does not have wheels and cannot be capable of human habitation.

PREMISES

means the area of a *building* occupied or used by a business or enterprise. In a multiple tenancy *building* occupied by more than one (1) business, each business area shall be considered separate *premises*. Each individual unit proposed and/or registered in a draft Plan of Condominium and occupied or used by a business or enterprise shall also be considered an individual *premises*.

PRIVATE CLUB

means a *premises* used as a meeting place by members and guests of members of non-profit and non-commercial organizations for community, social or cultural purposes, but does not include *uses* that are normally carried out as a commercial business.

PUBLIC AUTHORITY

means any Federal, Provincial, Regional or Municipal government commission, board, or authority and includes utilities which provide *infrastructure* for *public use*.

PUBLIC USE

means any *use* of land, *buildings* or *structures* by or on behalf of a *public authority*.

RECREATIONAL VEHICLE

means a vehicle requiring a license and designed to be used primarily for travel, recreation or vacationing and includes such vehicles commonly known as travel *trailers*, camper *trailers*, truck camper, motor homes, boats, snowmobiles or other similar vehicles but does not include a *mobile home*.

RECREATION FACILITY

means *premises* in which indoor facilities are provided for the purpose of instruction, conduct, practice, and training for sports, physical exercise and/or the arts, and without limiting the generality of the foregoing, includes arenas, bowling alleys, community centers, dance *studios*, gymnasias, indoor

sports fields and sport courts, fitness centers, martial arts schools, music *studios*, *swimming pools* and similar facilities, but shall not include a *place of entertainment*.

REGIONAL MUNICIPALITY

means the Corporation of the *Regional Municipality* of Niagara.

RENEWABLE ENERGY SYSTEM

means a structure or facility that generates electricity from an energy source that is renewed by natural processes and includes wind, water, biomass, biogas, biofuel, solar energy, geothermal energy, tidal forces and other renewable energy sources.

RESTAURANT

means a *premises* where meals or refreshments are provided to order, and may include table service on an accessory patio.

RETAIL STORE

means a *premises* in which goods, wares, merchandise, substances, articles or things are displayed, rented or sold directly to the public.

RETIREMENT HOME

means a *building* or part thereof designed exclusively to accommodate seniors or other special needs users with central kitchen and dining facilities, common indoor and outdoor *amenity areas*, consisting of either *dwelling units* or assisted living units or both.

SALVAGE YARD

means land and/or *buildings* used for a *motor vehicle* 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, exchanged, baled, packed, dissembled, handled or otherwise processed for further *use*.

SCHOOL, COMMERCIAL

means a *premises* used as a school conducted for gain, including a *studio* of a dancing teacher or a music teacher, an art school, a golf school, school of calisthenics, business or trade school and any other such specialized school.

SCHOOL, PRIVATE

means a *lot*, *building*, *structure*, or part thereof where academic instruction in a full range of the subjects of the elementary or secondary school courses of study is provided.

SCHOOL, PUBLIC

means a *lot*, *building*, *structure*, or part thereof, where academic instruction in a full range of the subjects of the elementary or secondary school courses of study is provided under the jurisdiction of a school board established by the Province of Ontario.

SERVICE SHOP

means a *premises* for the servicing or repair of household articles, or from which the services of a construction trade or contractor are offered, but does not include a *motor vehicle repair establishment*.

SETTLEMENT AREA

means all land within the area delineated by a *settlement area* boundary shown on Schedule “A” to this By-law.

SIGHT TRIANGLE

means a triangular area on a *lot* determined by measuring a specified distance along each *street line* and joining such points with a straight line. At the intersection of a *public street* and railway, the triangular area shall be determined by measuring a specified distance along the centre line of the *public street* and the centre line of the railway.

SHOPPING CENTER

means a *premises* of multiple *commercial uses* that is designed and functions as a unit either in a single *building* or in multiple *buildings* on the same *lot* or on abutting *lots*.

SIGN

means any board, plate, panel, object, surface or device upon, within, against, through or by which there is inscribed, painted, affixed, borne, or projected any declaration, demonstration, insignia or illustration used for the purpose of direction, information, advertisement, promotion or identification including any related *sign structure*, structural trim, and advertising device.

STACKING LANE

means a continuous on-site queuing lane that includes *stacking spaces* for *motor vehicles* which is separated from other vehicular traffic and pedestrian circulation by barriers, markings, or *signs*.

STACKING SPACE

means a rectangular space designed to be used for temporary queuing of a *motor vehicle* in a *stacking lane*.

STOREY

means that portion of a *building* between the surface of a floor and the floor, ceiling or roof immediately above, but does not include an *attic* or *basement*.

STREET LINE

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

STREET, PUBLIC

means a roadway owned and maintained on a year-round basis by a *public authority*. For the purposes of identifying a *lot* as a *corner lot*, *through lot* or *through corner lot*, determining *street lines*, *front lot lines* and

exterior side lot lines, and applying the *yard* and setback requirements of this By-law, an unopened road allowance owned by a *public authority* is deemed to be a *public street*.

STRUCTURE

means anything that is *erected*, built or constructed of parts joined together and attached or fixed permanently to the ground or any other *structure*, including manure storage facilities.

STUDIO

means a *premises* used primarily for the instruction and performance of art, dancing, language, music, photography or similar *uses*, and includes the retail sale of artifacts produced on the *premises* as an *accessory use*.

SWIMMING POOL

means any outdoor body of water contained by artificial means, in which the depth of water of any point exceeds 0.5 meters and which is used or capable of being used for swimming, wading, diving or bathing.

TOWNSHIP

means the Corporation of The *Township* of West Lincoln.

TRAILER

means 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 *motor vehicle*.

USE

means the purpose for which any *lot*, *building*, *structure* or *premises* is arranged, designed, intended, occupied or maintained.

USE, COMMERCIAL

means the *use* of land, *buildings* or *structures* for the supply for sale of goods and services.

USE, INDUSTRIAL

means the *use* of land, *buildings* or *structures* for manufacturing, processing, fabricating, assembling, warehousing or storing of raw materials or goods and related *accessory uses*.

USE, INSTITUTIONAL

means the *use* of land, *buildings* or *structures* for social, educational, health or religious purposes and related *accessory uses*.

USE, NON-AGRICULTURAL

means the use of land, *buildings* or *structures* for a purpose other than an *agricultural use*, including, but not limited to a *commercial use*, *industrial use*, *institutional use* and *residential use*, but not including *agriculture-related uses* and *on-farm diversified uses*.

USE, RESIDENTIAL

means the *use* of a *building* or *structure* as a *dwelling* and related *accessory uses*.

VETERINARY CLINIC

means a *premises* used for the diagnosis, examination, treatment and overnight care of animals supervised by a licensed veterinarian, all within enclosed *buildings*.

WASTE MANAEMENT FACILITY

means a *lot*, *building* or *structure* approved under the Environmental Assessment Act and/or the Canadian Environmental Assessment Act for the deposit, disposal, handling, storage, transfer, treatment or processing of waste.

WASTE STORAGE ENCLOSURE

means a solid, opaque wall or fence with a gate that screens an area of a *lot* and containers used for waste storage accessory to the primary *use* of the *lot*.

WAYSIDE PITS AND QUARRIES

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

YARD

means an open, uncovered, unoccupied space appurtenant to and located on the same *lot* as a *building*, and in determining *yard* measurements the minimum horizontal distance between the applicable *lot line* and the nearest point of the *building* shall be used unless otherwise specified by this By-law.

YARD, EXTERIOR SIDE

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

YARD, FRONT

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

YARD, INTERIOR SIDE

means a *yard* other than an *exterior side yard* that extends from the *front yard* to the *rear yard* between the *interior side lot line* and the nearest wall of a *building* or *structure* on the *lot*.

DRAFT

YARD, REAR

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

YARD, REQUIRED

means a *yard* required by this by-law.

YARD, SIDE

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

ZONE

means a designated area of land *use(s)* shown on the Zoning Maps of this By-law.

PART 3. GENERAL PROVISIONS

3.1 ACCESSORY BUILDINGS OR STRUCTURES AND ACCESSORY USES

The following regulations apply to *accessory buildings or structures* and *accessory uses*:

- a) Where this By-law permits a *lot* to be used or a *building or structure* to be *erected* or used for a permitted *use*, that *use* shall include any *accessory building or structure* and any *accessory use*.
- b) An *accessory building or structure* shall not be used for human habitation or an occupation for gain or profit, except if specifically permitted by this By-law.
- c) An *accessory building or structure* and *accessory use* shall be located on the same *lot* as the primary *use* to which it is associated.
- d) An *accessory building or structure* shall not be *erected* on a *lot* prior to the *erection* of the main *building* on the *lot* or prior to the establishment of the primary *use* to which it is associated, except if specifically permitted by this By-law.
- e) An *accessory building or structure* or part thereof shall not be located within an easement that is in favour of a *public authority*.
- f) An *accessory building or structure* shall not include any storage or shipment container, portable storage unit, repurposed *motor vehicle* or *trailer*, in whole or in part, except in an Employment *Zone*.
- g) Certain *accessory buildings or structures* and *accessory uses* are subject to additional regulations contained in other Subsections of this By-law as follows:
 - i. *Accessory dwellings*: refer to Subsection 3.2.1;
 - ii. *Accessory farm dwellings*: refer to Subsection 3.2.2;
 - iii. *Agri-tourism / value-added uses*: refer to Section 3.11;
 - iv. Allowable projections: refer to Section 3.3;
 - v. *Bed and breakfast establishments*: refer to Subsection 3.4;
 - vi. *Bicycle parking facilities*: refer to Subsection 3.12.4;
 - vii. *Drive-through facilities*: refer to Subsection 3.12.3;
 - viii. *Garden suites*: refer to Subsection 3.2.5;
 - ix. *Home occupations*: refer to Subsection 3.7;
 - x. *Landscaping and planting strips*: refer to Section 3.9;
 - xi. *On-farm diversified uses*: refer to Section 3.11;
 - xii. Parking and loading facilities: refer to Section 3.12;
 - xiii. *Private garages*: refer to Subsection 3.12.7;
 - xiv. *Renewable energy systems*: refer to Section 3.15;
 - xv. *Signs*: refer to Section 3.22;
 - xvi. *Swimming pools*: refer to Subsection 3.23;
 - xvii. *Waste storage enclosures*: refer to Subsection 3.25.
- h) In addition to the above, an *accessory building or structure* shall comply with the regulations in Table 1.

DRAFT

Table 1: Regulations for Accessory Buildings and Structures

Regulation	<i>Accessory Buildings or Structures in an Agricultural Zone</i>	<i>Accessory Buildings or Structures in a Residential Zone or Accessory to a Dwelling in any Non-Agricultural Zone</i>	<i>Accessory Buildings or Structures in a Commercial, Institutional or Open Space Zone</i>	<i>Accessory Buildings or Structures in an Employment Zone</i>
Permitted <i>yards</i>	<i>Interior Side Yard</i> <i>Rear Yard</i>		All <i>Yards</i>	
Minimum setback from <i>front lot line</i>	No closer to the <i>front lot line</i> than the main <i>building</i>		4.5 metres	15 metres
Minimum setback to <i>exterior side lot line</i>	12 metres	No closer to the <i>exterior side lot line</i> than the main <i>building</i> , except that a detached <i>private garage</i> in the <i>rear yard</i> shall not be located any closer than 6 metres to the <i>exterior side lot line</i>		
Minimum setback to <i>interior side lot line</i>	2 metres	1.2 metres, except that this shall not apply to prevent a permitted detached <i>private garage</i> which services two <i>dwelling</i> s that are each on a separate <i>lot</i>	1.2 metres, or as required in the applicable <i>zone</i> where a lesser <i>interior side yard</i> is required for the main <i>building</i>	5 metres
Minimum setback to <i>rear lot line</i>		1.2 metres		7.5 metres
Maximum <i>height</i>	5 metres		6 metres	10 metres
Maximum <i>lot coverage</i>	1% of the <i>lot area</i> , provided the <i>lot coverage</i> shall not exceed the maximum <i>lot coverage</i> requirement for all <i>buildings</i> and <i>structures</i> in the respective <i>zone</i>	8% of the <i>lot area</i> , provided the <i>lot coverage</i> shall not exceed the maximum <i>lot coverage</i> requirement for all <i>buildings</i> and <i>structures</i> in the respective <i>zone</i>		
Minimum setback from main <i>building</i>	1.5 metres, provided that no projections are permitted into this required setback		3 metres	

3.2 ACCESSORY DWELLINGS AND DWELLING UNITS

3.2.1 Accessory Dwellings

The following regulations apply to *accessory dwellings*:

- a) An *accessory dwelling* shall be located within a main *building* containing an *existing* primary use on a *lot* where both the primary use and an *accessory dwelling* are permitted by the applicable *zone*.
- b) A maximum of one (1) *accessory dwelling* is permitted on a *lot*, except where permitted otherwise by the applicable *zone*.
- c) Where permitted in a Commercial *Zone*, an *accessory dwelling* is only permitted within the same *building* as a permitted *art gallery, commercial school, dry cleaning/laundry depot, financial institution, office* including a *medical office, personal service shop, private club, restaurant, retail store, service shop* or *studio*, and shall be located above the first *storey* of the commercial *building*.

3.2.2 Accessory Farm Dwellings

The following regulations apply to *accessory farm dwellings*:

- a) An *accessory farm dwelling* shall be located on a *lot* having a minimum *lot area* of 10 hectares and containing a permitted *agricultural use* and an associated *single detached dwelling*, where permitted by the applicable *zone*.
- b) A maximum of one (1) *dwelling unit* shall be permitted within an *accessory farm dwelling* in addition to the primary *single detached dwelling* on the *lot*.
- c) An *accessory farm dwelling* shall be located within one (1) of following:
 - i. An *accessory building or structure* in accordance with Section 3.1 excluding Clause 3.1 (b), that is within 50 metres of the primary *single detached dwelling* on the *lot*; or
 - ii. A *converted dwelling* in accordance with Subsection 3.2.3; or
 - iii. A *garden suite* in accordance with Subsection 3.2.5.
- d) Access to the required parking for the *accessory farm dwelling* shall be provided from the same *driveway* that provides access to the primary *single detached dwelling* on the *lot*.

3.2.3 Converted Dwellings

The following regulations apply to *converted dwellings*:

- a) A *converted dwelling* shall be located within a *single detached dwelling* or *semi-detached dwelling* and only where permitted by the applicable *zone*.
- b) A maximum of one (1) additional *dwelling unit* shall be permitted within a *converted dwelling*, except where permitted otherwise by the applicable *zone*.
- c) The additional *dwelling unit* shall be limited to a maximum of 40% of the *floor area* of the *single detached dwelling* or *semi-detached dwelling*. For the purposes of this Subsection, the *floor area* shall include all area within a *basement* but shall not include a *private garage, attic* and any *accessory building or structure*.

- d) Any separate entrance and exit to the additional *dwelling unit* shall be oriented toward the *exterior side lot line, interior side lot line, or rear lot line*.
- e) A *converted dwelling* shall not be permitted on a *lot* that is used for a *bed and breakfast establishment, boarding or rooming house, garden suite or group home*.

3.2.4 Dwelling Units

The following regulations apply to *dwelling units*:

- a) Except where specifically permitted otherwise in this By-law, a maximum of one (1) *dwelling unit* is permitted on a *lot*.
- b) No *person* shall *erect, use or occupy any building or structure* as a *dwelling unit* unless a *building permit* has been issued for the *building* intended to be *erected* or used for residential purposes, such *building* has been completed and finished in all respects in accordance with the plans and specification approved for the *building permit*, and such *building* is serviced with a municipal sewage services and municipal water services or, where permitted by the applicable *zone*, private sewage services and private water services approved for the *lot* upon which the *building* is located.
- c) No truck, bus, coach, street car body or structure of 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.
- d) No *dwelling unit* shall in its entirety be located in a *basement* unless the finished floor level of such *basement* is above 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 *average finished grade*.

3.2.5 Garden Suites

The following regulations apply to *garden suites*:

- a) A *garden suite* shall be subject to Temporary Use By-law and, as a condition to passing a by-law authorizing a *garden suite*, the owner of the *lot* shall enter into an agreement pursuant to the Planning Act with and satisfactory to the *Municipality* dealing with such matters related to the temporary use of the *garden suite* as the Council considers necessary, 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*.
- b) A *garden suite* shall be accessory to and located on the same *lot* used for a *single detached dwelling* where permitted by the applicable *zone*.
- c) A maximum of one (1) *garden suite* shall be permitted on a *lot*.
- d) A *garden suite* shall not exceed a maximum *floor area* of 100 square metres.

- e) Access to the required parking for the *garden suite* shall be provided from the same *driveway* that provides access to the *single detached dwelling* on the *lot*.

3.3 ALLOWABLE PROJECTIONS

3.3.1 Allowable Projections into Required Yards

The following projections of *buildings* and *structures* into *required yards* are permitted in accordance with Table 2:

Table 2: Allowable Building and Structure Projections into Required Yards

<i>Building or Structure</i> and related appurtenances	<i>Applicable Yards</i>	<i>Maximum Projection into Required Yard</i>
Air conditioners, heat pumps, <i>swimming pool</i> pumps, filters, heaters and any appurtenances thereto	<i>Interior side, rear</i>	Up to 0.6 metre from the applicable <i>lot line</i>
Awnings, canopies, cornices, coves, belt courses, eaves, gutters, overhangs, pilasters, sills, or other weather shield	All	0.6 metre for main <i>building</i> 0.3 metre for <i>accessory building</i> or <i>structure</i>
Balconies and decks, uncovered and unenclosed	<i>Front, exterior side</i>	1.5 metres
	<i>Rear</i>	3 metres
Barrier-free accessibility ramps and lifts, uncovered and unenclosed	All	Up to 0 metre from the <i>lot line</i>
Bay, box or bow windows, without foundations, 3 metres or less in width and <i>height</i>		0.6 metre
Chimneys and gas fireplaces and chases	See below	See below
Fences, freestanding walls and retaining walls, in accordance with the <i>Township's</i> by-laws regulating fences		
0.8 metre or less in <i>height</i>	All	Up to 0 metre from the <i>lot line</i>
greater than 0.8 metre and less than 1.8 metres in <i>height</i>		Up to 3 metres from <i>street lines</i>
Fire escapes	<i>Interior side, rear</i>	1.5 metres
Fuel pumps, fuel pump islands and charging stations for <i>motor vehicles</i>	All	Up to 5 metres from <i>street lines</i>
<i>Landscaping</i> and related <i>structures</i> including garden trellises, pergolas, play structures, swings and similar <i>accessory structures</i> , and plantings such as hedges, shrubs, trees and other vegetation that is:		See below
0.8 metre or less in <i>height</i>		Up to 0 metre from the <i>lot line</i>
greater than 0.8 metre and less than 1.8 metres in <i>height</i>		Up to 3 metres from <i>street lines</i>
Poles, antennae, clothes lines, flagpoles, light standards, and similar <i>accessory structures</i> and appurtenances		Up to 3 metres from <i>street lines</i>
Porches, unenclosed, 4.5 metres or less in <i>height</i>	<i>Front, exterior side</i>	1.5 metres
	<i>Rear</i>	3 metres
Stairs above grade, uncovered and unenclosed, for access to a main <i>building</i>	<i>Front, exterior side</i>	Up to 1.5 metres from the applicable <i>lot line</i>
	<i>Interior side</i>	Up to 0.6 metre from the <i>lot line</i>
	<i>Rear</i>	Up to 4 metres from the <i>lot line</i>
Stairs below grade, uncovered, for access to a main <i>building</i>		

Note: no projection shall be permitted within a *sight triangle* required in accordance with Section 3.21.

3.3.2 Exceptions to Height Requirements

The following exceptions apply to the *height* requirements of this By-law:

- a) Architectural *building* features and appurtenances such as, but not limited to, belfries, chimneys, clock towers, cupolas, finials, spires, and weather vanes, are permitted to exceed the maximum *height* requirements of the applicable *zone*, where associated with and normally incidental to a main *building* and a principal *use* on the *lot* which are permitted in the applicable *zone* and provided that all other requirements of the *zone* are complied with.
- b) Non-habitable rooftop structures, equipment and appurtenances and related screens or enclosures are permitted to exceed the maximum height requirements of the applicable *zone* to a maximum of 6 metres in additional *height* above the top of the roof of the *building*, where associated with and normally incidental to a main *building* and a principle *use* on the *lot* which are permitted in the applicable *zone*, and provided that all other requirements of the *zone* are complied with. Where not enclosed in a penthouse or otherwise screened from view, such equipment shall be setback a minimum of 5 metres from all edges of the roof of the associated main *building*.
- c) Non-habitable *buildings* and *structures* associated with a permitted *agricultural use* or *agriculture-related use*, including but not limited to a barn, feed mill, grain elevator or silo, are permitted to exceed the maximum *height* requirements of the applicable *zone*, provided that all other requirements of the *zone* are complied with.
- d) Towers designed to be occupied for access and maintenance only and associated with approved communications services or other approved *infrastructure*, water towers and standpipes owned or operated by a *public authority*, are permitted to exceed the maximum *height* requirements of the applicable *zone*, provided that all other requirements of the *zone* are complied with, where applicable. Towers associated with a wind turbine or other *renewable energy system* that is subject to the requirements of this By-law shall be in accordance with the requirements of Section 3.15.

3.4 BED AND BREAKFAST ESTABLISHMENTS

The following regulations apply to *bed and breakfast establishments*:

- a) A *bed and breakfast establishment* shall be located within a *single detached dwelling* and only where permitted by the applicable *zone*.
- b) A maximum of one (1) *bed and breakfast establishment* shall be permitted on a *lot*.
- c) A *bed and breakfast establishment* shall have a maximum of two (2) *lodging units* which shall in total not exceed 50% of the *gross floor area* of the *dwelling*.
- d) A *bed and breakfast establishment* shall be operated by the *person* or *persons* whose principal residence is the *dwelling* in which the *bed and breakfast establishment* is located.

3.5 EXISTING USES, LOTS, BUILDINGS AND STRUCTURES

The following regulations apply to *existing non-conforming uses* and *existing non-complying lots, buildings and structures*:

- a) This By-law shall not apply to prevent the *use* of any *existing lot, building or structure* for any purpose prohibited by this By-law, provided:
 - i. The *existing lot, building or structure* was lawfully used for such purpose prior to the effective date of this By-law and continues to be used for that purpose; and,
 - ii. If the *use* has been discontinued for a period of twelve months or longer, the *lot, building or structure* shall be used in accordance with this By-law.

- b) This By-law shall not apply to prevent the *use* of a *lot* that does not meet the minimum *lot area* or *lot frontage* requirements of the applicable *zone*, provided:
 - i. The *lot* was lawfully in existence prior to the effective date of this By-law; and,
 - ii. The *use* is permitted in accordance with this By-law; and,
 - iii. The required municipal sewage services and municipal water services or private sewage services and private water services are approved for the *lot*; and,
 - iv. The boundaries of the *lot* shall not be altered except in accordance with the requirements of this By-law.

- c) This By-law shall not apply to prevent *buildings and structures* to be *erected*, enlarged, repaired, renovated or replaced on a *lot* that does not meet the minimum *lot area* or *lot frontage* requirements of the applicable *zone*, provided:
 - i. The *lot* was lawfully in existence prior to the effective date of this By-law; and,
 - ii. The *use* is permitted in accordance with this By-law; and,
 - iii. The *buildings and structures* comply with the Bylaw; and,
 - iv. The required municipal sewage services and municipal water services or private sewage services and private water services are approved for the *lot*; and,
 - v. The boundaries of the *lot* shall not be altered except in accordance with the requirements of this By-law.

- d) This By-law shall not apply to prevent the enlargement, repair, renovation or replacement of a *building or structure* that does not comply with the provisions of this By-law, provided:
 - i. The *building or structure* was legally *erected* or altered in accordance with the By-laws in force at the time of construction; and,
 - ii. The enlargement, repair, renovation or replacement does not further increase the extent or degree of non-compliance; and,
 - iii. The *building or structure* complies with all other applicable provisions of this By-law.

- e) For any *lot* that is not in compliance with the requirements of this By-law on the effective date, no *person*, other than a *public authority*, shall alter the boundaries of the *lot* in a manner that would increase the extent of the non-compliance.

- f) Where the acquisition of land by a *public authority* alters the boundaries or area of a *lot* in a manner that results in non-compliance with any regulation of this By-law, this By-law shall not apply to prevent the continued *use* of the *lot* and of any *buildings and structures* in existence on the *lot* on the date of the acquisition, provided:
 - i. The extent of the non-compliance shall not be increased on or after the date of the acquisition, except by further acquisition of land by a *public authority*; and,
 - ii. The *use* conforms with the permitted uses of this By-law or is permitted to continue as a lawfully *existing non-conforming use* in accordance with this By-law; and,

- iii. This provision shall not apply where the conveyance of any part or parts of the *lot* to any *public authority* is required as a condition of an approval required for the creation of a *lot*, or where the construction of a new *building* or *structure* or addition to a *building* or *structure* subsequent to the conveyance would further increase the extent or degree of non-compliance; and,
- iv. Where this provision applies and a new *building* or *structure* is proposed:
 - 1. *Lot area*, *lot frontage*, and *lot coverage* shall be calculated using the original *lot* including the part(s) conveyed to or acquired by the *public authority*; and,
 - 2. All other regulations shall be calculated using the remainder of the *lot* not conveyed to or acquired by the *public authority*.

3.6 GROUP HOMES

The following regulations apply to *group homes*:

- a) A *group home* shall be located within a *single detached dwelling* and only where permitted by the applicable *zone*.

3.7 HOME OCCUPATIONS

The following regulations apply to *home occupations*:

- a) A *home occupation* shall be located entirely within a *dwelling*, except where specifically provided otherwise in this By-law, and only where permitted by the applicable *zone*.
- b) The residential appearance and character of the *dwelling* shall be maintained.
- c) A maximum of one (1) *home occupation* shall be permitted per *dwelling unit*.
- d) A *home occupation* shall only be permitted where the *ground floor area* of the *dwelling unit* is not less than 55 square metres and shall occupy a maximum of 25% of the *gross floor area* of the *dwelling*.
- e) A *home occupation* shall not be located within an *accessory building or structure* or *private garage*, except a *home occupation* that is accessory to a permitted *dwelling* on a *lot* located in the *Agricultural Zone* or *Rural Residential Zone* provided:
 - i. The *lot* has a minimum *lot frontage* of 24 metres; and,
 - ii. The *lot* has a minimum *lot area* of 1,850 square metres; and,
 - iii. The *accessory buildings or structures* comply with the requirements of Subsection 3.1.
- f) A *home occupation* shall be operated exclusively by the *person* or *persons* whose principal residence is the *dwelling* in which the *home occupation* is located, and no *person* who does not reside in the *dwelling* as a principal residence shall be employed by the *home occupation*. Notwithstanding this requirement, where a *home occupation* is permitted to be located in an *accessory building* on a *lot* in the *Agricultural Zone* or *Rural Residential Zone*, a maximum of two (2) *persons* other than the residents of the *dwelling* are permitted to be employed in the *home occupation*.
- g) A *sign* is permitted to be displayed on the *lot* for the *home occupation*, provided:
 - i. A maximum of one (1) *sign* is permitted on a *lot* for each permitted *home occupation*; and,
 - ii. The *sign* shall not be illuminated; and,

- iii. The *sign* shall have a maximum area of 0.2 square metres per side; and,
 - iv. The *sign* shall be setback a minimum of 1 metre to all *lot lines* and shall not be located within a *sight triangle*; and,
 - v. The maximum *height* of the *sign* shall be 0.8 metre; and,
 - vi. The *sign* shall comply with the *Township's* Sign By-law.
- h) There shall be no goods, wares or merchandise offered for sale or rent on the *lot* other than those produced on the *lot* as part of the *home occupation*.
- i) *Outside storage* is not permitted as part of a *home occupation*.
- j) In the conduct of a *home occupation*, no machinery or processes which emit noise, vibration, glare, fumes, odour, dust, radio or television interference beyond the *lot* containing the *home occupation* are permitted.
- k) Only the following uses are permitted as a *home occupation*:
- i. *Art gallery*;
 - ii. *Commercial school*;
 - iii. *Medical office*;
 - iv. *Office*;
 - v. *Personal service shop*;
 - vi. *Private home day care*;
 - vii. Retail sale of items produced on the *lot*;
 - viii. *Studio*.
- l) Where a *home occupation* is permitted to be located in an *accessory building or structure* on a *lot* in the *Agricultural Zone* or *Rural Residential Zone*, the following additional *uses* are permitted as a *home occupation* and shall be subject to the requirements of this Section:
- i. *Agricultural service and supply establishment*, subject to Subsection 3.11;
 - ii. *Agri-tourism/value-added uses*, subject to Subsection 3.11;
 - iii. *On-farm diversified uses*, subject to Subsection 3.11;
 - iv. *Pet care establishment*, subject to Subsection 3.8.2;
 - v. *Private kennel*, subject to Subsection 3.8.1;
 - vi. Retail sale of items produced on the *lot*, including agricultural products;
 - vii. *Service shop*;
 - viii. *Veterinary clinic*.

3.8 KENNELS AND PET CARE ESTABLISHMENTS

3.8.1 Commercial Kennels and Private Kennels

The following regulations apply to *commercial kennels* and *private kennels*:

- a) A *commercial kennel* and a *private kennel* shall be located only where permitted by the applicable *zone*, except that a *private kennel* is also permitted as a *home occupation* in the *Agricultural Zone* and *Rural Residential Zone* subject to the requirements of Section 3.7 and this Section.
- b) A *commercial kennel* and a *private kennel* shall comply with the regulations of the applicable *zone* and the following:

- i. Minimum *lot area*: 4 hectares
- ii. Minimum *lot line* setbacks: 75 metres measured to all *lot lines* where the adjoining *lot* is used or permitted to be used for a *dwelling*
- iii. A *private kennel* shall have a maximum *gross floor area* of 100 square metres.
- iv. Dog runs, pens, enclosures and all *structures* used in connection with the operation (including exercising yards) shall be:
 - 1. Enclosed by a *planting strip* including solid opaque fencing having a minimum *height* of 1.8 metres and at least one other screening device;
 - 2. Setback at least 15 metres from any drilled well and 30 metres from any dug well.

3.8.2 Pet Care Establishments

The following regulations apply to *pet care establishments*:

- a) A *pet care establishment* shall be located only where permitted by the applicable *zone*, except that a *pet care establishment* is also permitted as a *home occupation* in the Agricultural *Zone* and Rural Residential *Zone* subject to the requirements of Section 3.7 and this Section.
- b) A *pet care establishment* shall be wholly enclosed within a permitted *building*.
- c) A *pet care establishment* that is located within any non-commercial *zone* shall comply with the regulations of the applicable *zone* and the following:
 - i. Minimum *lot line* setbacks: 75 metres measured to all *lot lines* where the adjoining *lot* is used or permitted to be used for a *dwelling*
 - ii. Maximum *gross floor area*: 100 square metres.

3.9 LANDSCAPING AND PLANTING STRIPS

3.9.1 Landscaped Open Space

The following regulations apply to *landscaped open space*:

- a) A minimum of ten percent (10%) of the area of every *lot* on which a *building* or *structure* is erected shall be used and maintained as *landscaped open space*, unless otherwise provided in this By-law.
- b) In order to qualify as part of the area of a *lot* for the purposes of meeting the minimum *landscaped open space* requirements of this By-law, an individual *landscaped open space* shall have a minimum continuous area of 10 square metres and shall not be less than 1 metre in dimension at its narrowest point.
- c) *Landscaping* provided on the roof of a *building* shall be included in the calculation of required *landscaped open space*, provided it meets the minimum size requirements of Clause (b) of this Subsection.
- d) Where there is a conflict among two different *landscaped open space* requirements of this By-law, the provision requiring the greater amount of *landscaped open space* shall apply.

3.9.2 Planting Strips

The following regulations apply to *planting strips*:

- a) *Plantings strips* shall be provided as follows:
 - i. Along the *interior side lot line* and the *rear lot line* of a *lot* that is used for a non-residential purpose, where the applicable *lot line* adjoins a *lot* within a Residential *zone*; and,
 - ii. Along the *interior side lot line* and the *rear lot line* of a *lot* that is used for a *dwelling* with 5 or more *dwelling units*; and,
 - iii. Along the *street line* where a *parking area* is located adjacent to a *public street*; and,
 - iv. Along the *lot lines* of a *lot* where a *parking area* is located adjacent to an *interior side lot line* or *rear lot line* of a *lot* in a Residential *zone*; and,
 - v. In accordance with the requirements of the applicable *zone*.
- b) The area of a *lot* required as *planting strips* may form part of the minimum *landscaped open space* required by this By-law.
- c) Where an area of a *lot* is required to be used for no other purpose than a *planting strip*, it shall have a minimum width of 1.5 metres measured perpendicular to the adjoining *lot line* unless otherwise specified in this By-law.
- d) Required *planting strips* shall be uninterrupted along their entire length except for required *driveways* and walkways which shall be permitted to interrupt the *planting strip* within 3 metres of the edge of a required *driveway* or within 1.5 metres of the edge of a walkway. For the purposes of this Subsection, a walkway that interrupts a required *planting strip* shall have a maximum width of 2 metres.
- e) *Planting strips* shall be planted with vegetation except for any required fence or wall that forms part of the *planting strip* to achieve the required screening.
- f) Where a fence, wall, row of trees or hedgerow forms part of a *planting strip* required by this By-law, it shall have a minimum *height* of 1.5 metres measured from the *average finished grade*. Within a required *sight triangle*, the *height* of the *planting strip* shall not exceed 0.8 metre measured from *average finished grade*. For the purposes of this Section, the *average finished grade* shall be measured along the nearest *lot line*.

3.10 MINIMUM DISTANCE SEPARATION

3.10.1 Compliance with Minimum Distance Separation I (MDS I) Guidelines

The following regulations apply to *non-agricultural uses, buildings and structures*:

- a) Notwithstanding the *yard* or setback requirements of this By-law to the contrary, all *lots, buildings and structures* to be used for a *non-agricultural use* outside of a *settlement area* shall comply with the *Minimum Distance Separation I (MDS I) Guidelines* attached as Schedule “B” to this By-law.
- b) The requirements of this Subsection shall not apply to prevent the continuation of an *existing non-agricultural use*, the alteration of the boundaries of an *existing lot*, or the enlargement, repair, renovation or replacement of *existing buildings and structures* outside of a *settlement area*.
 - i. In accordance with Section 3.5; and,
 - ii. Provided that, for any *existing non-agricultural use, lot, building or structure* that does not comply with MDS I, the extent of the non-compliance shall not be further increased.

- c) Nothing in this Subsection shall provide relief from the requirement for all *buildings* and *structures* to comply with the minimum *yard* and setback requirements of the applicable *zone* and the General Provisions of this By-law.

3.10.2 Compliance with Minimum Distance Separation II (MDS II) Guidelines

The following regulations apply to *agricultural uses, buildings* and *structures*:

- a) Notwithstanding the *yard* or setback requirements of this By-law to the contrary, all *buildings* and *structures* to be used for housing livestock or manure storage or anaerobic digesters, including any alterations, enlargements, renovations or replacements thereof, shall comply with the *Minimum Distance Separation II (MDS II) Guidelines* attached as Schedule “B” to this By-law.
- b) *Buildings* and *structures* to be used for housing livestock or manure storage or anaerobic digesters shall not be permitted on any *lot* or part thereof that is located within a *settlement area*. This Subsection shall not apply to prevent the continued *use* of *existing lots, buildings* and *structures* within a *settlement area* that were lawfully used for one or more of these purposes on the effective date of this By-law:
 - iii. In accordance with Section 3.5; and,
 - iv. Provided that, for any *existing building* or *structure* that is subject to MDS II the *building* or *structure* shall not be altered, renovated, repaired or replaced in a manner that would increase the required separation distance calculated in accordance with Schedule “B”.
- c) Notwithstanding this Subsection, an *existing* manure storage system which does not meet the MDS II requirements may be replaced by a more compatible system which results in a reduction in the required separation distance calculated in accordance with Schedule “B”, provided the livestock housing capacity is not increased.
- d) Nothing in this Subsection shall provide relief from the requirement for all *buildings* and *structures* used for housing livestock or manure storage or anaerobic digesters to comply with the minimum *yard* and setback requirements of the applicable *zone* and the General Provisions of this By-law.

3.11 ON-FARM DIVERSIFIED USES

The following regulations apply to *on-farm diversified uses*:

- a) An *on-farm diversified use* shall be located on a *lot* containing a permitted *agricultural use* and associated *single detached dwelling*, where permitted by the applicable *zone*.
- b) A maximum of one (1) *on-farm diversified use* shall be permitted on a *lot*, except where specifically permitted otherwise by this By-law.
- c) *On-farm diversified uses* shall comply with the following:
 - i. The requirements of Section 3.1 applicable to *accessory buildings or structures* and *accessory uses*; and,
 - ii. The requirements of Section 3.4, for *bed and breakfast establishments*; and,
 - iii. The requirements of Section 3.7, for *home occupations*; and,
 - iv. The requirements of Section 3.8, for *private kennels* and *pet care establishments*; and,
 - v. All other applicable General Provisions and requirements of the applicable *zone*.

3.12 PARKING AND LOADING FACILITIES

3.12.1 Applicability and General Requirements

The following regulations apply to parking and loading facilities:

- a) Parking and loading facilities shall be provided and maintained for the identified *uses* of *lots*, *buildings* and *structures* in accordance with the requirements of this Section.
- b) Notwithstanding Clause (a) of this Subsection to the contrary, the requirements of this By-law for providing and maintaining parking and loading facilities shall not apply to *existing uses* of *existing lots*, *buildings* and *structures* provided:
 - i. The *existing use*, *lot*, *building* or *structure* was lawfully in existence prior to the effective date of this By-law; and,
 - ii. Where there is a change in *use* of a *lot*, *building* or *structure*, parking and loading facilities shall be provided and maintained for such new *use* in accordance with the requirements of this Section, except that no additional parking or loading facilities shall be required for a change in *use* of an *existing lot*, *building* or *structure* located in the Core Commercial (C1) Zone; and,
 - iii. If the number of *dwelling units*, the *floor area* or the seating capacity within a *building* or *structure* is increased, parking and loading facilities shall be provided for such increased *dwelling units*, *floor areas* and seating capacity in accordance with the requirements of this Section.
- c) Parking and loading facilities shall be provided and maintained on the same *lot* as the *uses*, *buildings* and *structures* for which the facilities are required, unless specifically required otherwise in this By-law.
- d) Where a *lot*, *building* or *structure* accommodates more than one *use*, the required parking and loading facilities shall be calculated as the sum of the required facilities for each *use*, unless specifically required otherwise in this By-law.
- e) Where the calculation of required *bicycle parking facilities*, *loading spaces*, *parking spaces* or *stacking space* exceeds a whole number by 0.25 or greater, the calculation shall be rounded up to the next whole number to determine the total requirement.
- f) Any area of a *lot*, *building* or *structure* that is used, designed or otherwise intended to be used primarily for storage, *outside storage* or display of items for sale shall not be included as required parking or loading facilities.
- g) Where *parking space* requirements are to be calculated based upon the seating or other capacity of a *lot*, *building* or *structure*, such capacity shall be deemed to be the same as the maximum capacity for such *lot*, *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, every 0.6 metre of each such bench or pew shall be considered as one (1) seat.
- h) Parking and loading facilities for *commercial uses*, *industrial uses*, *institutional uses*, and *residential uses* with five (5) or more *dwelling units* on a *lot*, shall be provided with suitable lighting facilities. Where parking and loading facilities 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*.

- i) Parking and loading facilities required to be provided by this By-law for a *non-agricultural use* in a *settlement area* shall be provided and maintained with an asphalt, concrete, interlocking brick or stone, bituminous gravel or similar hardscaped surface. For *agricultural uses* and for other *uses* that are located outside of a *settlement area*, a gravel or similar surface shall also be permitted. All parking and loading facilities shall be surfaced to provide stability, prevent erosion and the raising of dust, be usable in all seasons, and facilitate the drainage and infiltration of surface water.

3.12.2 Driveways and Parking Aisles

The following regulations apply to *driveways* and *parking aisles*:

- a) Access to and from parking and loading facilities shall be provided and maintained by permitted *driveways*, and by *parking aisles* where required for access to and from *parking spaces*.
- b) *Driveways* and *parking aisles* shall have minimum and maximum widths in accordance with Table 3.

Table 3: Minimum and Maximum Widths for Driveways and Parking Aisles

Type of <i>Driveway</i> or <i>Parking Aisle</i>	Minimum Width	Maximum Width
<i>Driveways for residential uses with less than five (5) dwelling units:</i>		
<i>Driveway for a dwelling with a private garage</i>	3 metres	<i>Garage width plus 0.5 metre or 50% of the lot frontage, whichever is greater, to a maximum of 9 metres</i>
<i>Driveway for a dwelling with no private garage</i>		<i>50% of the lot frontage, to a maximum of 9 metres</i>
<i>Driveways for residential uses with five (5) or more dwelling units and non-residential uses:</i>		
Single traffic lane for travel in one direction	3 metres	4.5 metres
Double traffic lane for travel in one or two directions	7.5 metres	9 metres
Double traffic lane for travel in one or two directions plus one or more dedicated turning lanes where required in accordance with an approved site plan	9 metres	16 metres
<i>Parking aisles:</i>		
<i>Parking aisles for parking spaces angled 75 or 90 degrees to a line parallel to the aisle</i>	6 metres	7.5 metres
<i>Parking aisles for parking spaces angled 60 degrees to a line parallel to the aisle</i>	5 metres	
<i>Parking aisles for parking spaces angled 45 degrees to a line parallel to the aisle</i>	4 metres	
<i>Parking aisles for parallel parking spaces</i>	5 metres	

Note: the *driveway* width shall be measured along the *street line*, and the minimum and maximum *driveway* widths shall apply along the entire length of the *driveway* on the *lot*.

- c) For a *driveway* that provides access to and from a *public street*, the minimum length of the *driveway* shall be 6 metres measured from the *street line*.
- d) No *driveway* shall exceed 50% of the area of a *required yard*.
- e) *Driveways* shall be located as follows:
 - i. A *driveway* for a *residential use* with less than five (5) *dwelling units* shall be located no closer to the *interior side lot line* than the minimum *interior side yard* required for the *private garage* on a *lot* where the *dwelling* includes a *private garage*, or for the *dwelling* on a *lot* with no *private garage*;
 - ii. A *driveway* for a *residential use* with five (5) or more *dwelling units* or for a *non-residential use* shall be located no closer than 3 metres to a *lot line* that adjoins a *lot* within a Residential *zone*;
 - iii. All other *driveways* shall not be located closer than 1.5 metres to an *interior side lot line* or a *rear lot line*, except for a permitted *driveway* located in the *rear yard* of a *through lot* and a permitted shared *driveway* for two adjoining *lots* that are in the same *zone*.
- f) The minimum distance between a *driveway* and an intersection of *street lines* measured along the *street line* intersected by such *driveway* shall be 7.5 metres.
- g) Notwithstanding Clause (d) of this Subsection, *driveways* for *residential uses* on a *corner lot* may be located closer than 7.5 metres to an intersection of *street lines* provided:
 - i. There are less than five (5) *dwelling units* on the *lot*; and,
 - ii. The *lot* cannot accommodate a permitted *driveway* of the required minimum and maximum width prescribed by Table 3 in a required location on the *lot* that is a minimum distance of 7.5 metres from the nearest intersection of *street lines*; and,
 - iii. The *driveway* is located nearest to the *side lot line* that is furthest from the intersection of *street lines* and in accordance with all other requirements of this By-law.
- h) The maximum number of *driveways* permitted on a *lot* shall be:
 - i. One (1) *driveway* for *lots* having a *front lot line* or *exterior side lot line* that is 18 metres or less in length measured along the *street line*;
 - ii. Two (2) *driveways* for *lots* having a *front lot line* or *exterior side lot line* of more than 18 metres in length measured along the *street line*;
 - iii. Three (3) *driveways* for *lots* having a *front lot line* and/or *exterior side lot line* of 100 metres or more in total length measured along the *street line(s)*.
- i) The minimum angle of intersection between a *driveway* and a *street line* shall be 60 degrees.
- j) Notwithstanding the requirements of this Subsection, the *driveway* requirements of the *Regional Municipality* of Niagara shall apply along all Regional Roads.

3.12.3 Drive-through Facilities

The following regulations apply to *drive-through facilities*:

- a) A *drive-through facility* shall be located on a *lot* containing a permitted *commercial use* and only where permitted by the applicable *zone*.
- b) A *drive-through facility* shall include a minimum of eight (8) designated *stacking spaces* for a *restaurant* or *motor vehicle washing establishment* and a minimum of two (2) *stacking spaces* for any other *commercial use*.
- c) A *stacking space* shall be a minimum of 5.5 metres in length and 3.0 metres in width.
- d) A *stacking lane* shall not be permitted within 20.0 metres of a *lot line* of a *lot* in a Residential Zone.
- e) Notwithstanding Clause (d) of this Subsection, the required setback may be reduced to a minimum of 7.5 metres where:
 - i. An acoustic wall, berm or other noise controls certified by a professional engineer, is installed prior to operation of the *drive-through facility* to mitigate the noise impacts; and,
 - ii. The noise levels shall not exceed the maximum levels specified by the Ministry of Environment’s NPC-300 – Environmental Noise Guideline, as amended, for stationary sources of noise.
- f) *Stacking spaces* shall not be included in the calculation of required parking spaces
- g) *Stacking spaces* shall not be located within any *parking aisle* or *driveway*.

3.12.4 Off-Street Bicycle Parking Facility Requirements

The following regulations apply to *bicycle parking facilities*:

- a) *Bicycle parking facilities* shall be provided and maintained for the identified *uses* of *lots*, *buildings* and *structures* in accordance with Table 4.

Table 4: Required Bicycle Parking Facilities

<i>Use</i>	Minimum <i>Bicycle Parking Facilities</i> to be Provided (number of bicycles to be accommodated)	
Any <i>use</i> located outside of a <i>settlement area</i> and any <i>use</i> not specifically listed below	No minimum requirement	
<i>Art gallery, commercial school, day care, financial institution, medical office, office, personal service shop, place of entertainment, private club, recreation facility, restaurant, retail store, service shop, shopping center, studio</i>	The greater of 2 or 1 per 1,000 m ² of <i>gross floor area</i>	
<i>Apartment dwelling</i>	1 per <i>dwelling unit</i>	
<i>Industrial use</i>	2 plus 0.25 per 1,000 m ² of <i>gross floor area</i>	
<i>Long-term care facility, retirement home</i>	The lesser of 5 or 0.25 per <i>lodging unit</i>	
<i>School, private or public</i>	Elementary <i>school</i>	0.25 per classroom, excluding portables
	Secondary <i>school</i>	0.5 per classroom, excluding portables

- b) Notwithstanding Clause (a) of this Subsection, in no case shall the number of bicycles required to be accommodated exceed 30 for any use.

3.12.5 Off-Street Loading Facility Requirements

The following regulations apply to loading facilities:

- a) *Loading spaces* shall be provided and maintained for the identified uses of *lots, buildings* and *structures* in accordance with Table 5.

Table 5: Required Loading Facilities

<i>Use</i>		Minimum Number of Loading Spaces to be Provided
Any use located outside of a <i>settlement area</i> and any use not included below		No minimum requirement
Any <i>commercial, industrial</i> or <i>institutional use</i> that includes receiving and/or shipping and/or transport of goods, supplies or other materials to or from the <i>lot</i>	<i>Gross floor area:</i> 450 m ² or less	No minimum requirement
	451 m ² to 900 m ²	1 <i>loading space</i> (9 metre length)
	901 m ² to 1,850 m ²	1 <i>loading space</i> (18 metre length)
	1,851 m ² to 7,400 m ²	2 <i>loading spaces</i> (18 metre length)
	7,400 m ² to 13,000 m ²	3 <i>loading spaces</i> (18 metre length)
	Each additional 7,400 m ²	1 <i>loading space</i> (18 metre length)
	<i>Apartment dwelling</i> containing 50 or more <i>dwelling units</i>	
<i>Motor vehicle dealership</i>		1 <i>loading space</i> (18 metre length)

Note: the minimum length of a *loading space* required for a *medical office* or *office* shall be 9 metres.

- b) *Loading spaces* shall have minimum dimensions as follows:
 - i. Minimum width: 3.5 metres;
 - ii. Minimum length: in accordance with Table 5 and in no case less than 9 metres;
 - iii. Minimum vertical clearance: 4.2 metres,
- c) *Loading spaces* shall be located as follows:
 - i. Abutting or within the *building* for which the *loading space* is provided; and,
 - ii. No closer than 7.5 metres to any *lot line* of a *lot* in a Residential Zone, except if the *loading spaces* is located entirely within a permitted *building* or *structure* or is required on a *lot* in a Residential Zone; and,
 - iii. Not within any required *yard, front yard* or *exterior side yard*.

3.12.6 Off-Street Motor Vehicle Parking Facility Requirements

The following regulations apply to *motor vehicle* parking facilities:

- a) *Parking spaces* for *motor vehicles* shall be provided and maintained for the identified uses of *lots, buildings* and *structures* in accordance with Table 6.

DRAFT

Table 6: Required Parking Facilities

<i>Use</i>		<i>Minimum Number of Parking Spaces to be Provided</i>
Residential uses		
<i>Apartment dwelling or townhouse dwelling</i>		1.5 <i>parking spaces per dwelling unit</i>
<i>Boarding or rooming house</i>		1 <i>parking space per lodging unit</i>
<i>Group home</i>		2 <i>parking spaces</i>
<i>Mobile home park</i>		1 <i>parking space per mobile home park site</i>
<i>Residential uses not specifically listed above</i>		1 <i>parking space per dwelling unit</i>
Accessory residential uses		
<i>Accessory dwelling</i>		1 <i>parking space</i>
<i>Accessory farm dwelling</i>		1 <i>parking space</i>
<i>Bed and breakfast establishment</i>		1 <i>parking space per lodging unit</i>
<i>Garden suite</i>		1 <i>parking space</i>
<i>Home occupation</i>	<i>Any use not separately defined</i>	1 <i>parking space</i>
	<i>Medical office</i>	4 <i>parking spaces</i>
	<i>Other defined use</i>	See below
	<i>Where up to two (2) outside employees are permitted</i>	2 <i>parking spaces</i>
Agriculture-related uses		
<i>Agricultural service and supply establishment</i>		1 <i>parking space per 40 m² of gross floor area, plus 1 parking space per 100 m² of gross floor area used for warehousing / wholesaling</i>
<i>Agriculture-related use not separately defined</i>		1 <i>parking space per 40 m² of gross floor area</i>
<i>Agri-tourism / value-added uses</i>		
<i>On-farm diversified uses</i>		
Commercial uses		
<i>Adult entertainment establishment</i>		1 <i>parking space per 20 m² of gross floor area</i>
<i>Animal shelter</i>		1 <i>parking space per 40 m² of gross floor area</i>
<i>Art gallery</i>		1 <i>parking space per 30 m² of gross floor area</i>
<i>Casino</i>		1 <i>parking space per 30 m² of gross floor area</i>
<i>Commercial uses not separately defined</i>		1 <i>parking space per 30 m² of gross floor area</i>
<i>Day care</i>		1.5 <i>parking spaces per classroom plus 1 parking space per 40 m² of gross floor area</i>
<i>Dry cleaning/ laundry depot</i>		1 <i>parking space per 30 m² of gross floor area</i>
<i>Dry cleaning/ laundry establishment</i>		
<i>Financial institution</i>		Greater of 5 <i>parking spaces</i> or 1 <i>parking space per 28 m² of gross leasable floor area</i>
<i>Funeral home</i>		Greater of 1 <i>parking space per 5 seats in a chapel or auditorium</i> or 10 <i>parking spaces per visitation room</i>
<i>Hotel/ Motel</i>		1 <i>parking space per lodging unit, plus required parking spaces for any floor areas used for other commercial uses</i>
<i>Kennel, commercial or private</i>		1 <i>parking space per 40 m² of gross floor area</i>

<i>Use</i>		Minimum Number of <i>Parking Spaces</i> to be Provided
<i>Motor vehicle body shop</i>		1 <i>parking space</i> per 50 m ² of <i>gross floor area</i>
<i>Motor vehicle dealership</i>		
<i>Motor vehicle gasoline bar</i>		
<i>Motor vehicle repair establishment</i>		
<i>Motor vehicle service station</i>		
<i>Motor vehicle washing establishment</i>		
<i>Office, including a medical office</i>		1 <i>parking space</i> per 28 m ² of <i>gross leasable floor area</i>
<i>Personal service shop</i>		1 <i>parking space</i> per 20 m ² of <i>gross leasable floor area</i>
<i>Pet care establishment</i>		1 <i>parking space</i> per 40 m ² of <i>gross floor area</i>
<i>Place of entertainment</i>		Greater of 1 <i>parking space</i> per 5 seats, or 1 <i>parking space</i> per 5 <i>persons</i> capacity, or 1 <i>parking space</i> 20 m ² of <i>gross floor area</i>
<i>Private club</i>		1 <i>parking space</i> per 30 m ² of <i>gross floor area</i>
<i>Restaurant</i>		1 <i>parking space</i> per 20 m ² of <i>gross leasable floor area</i>
<i>Retail store</i>		
<i>Service shop</i>		1 <i>parking space</i> per 20 m ² of <i>gross leasable floor area</i>
<i>Shopping center</i>		
<i>Studio</i>		1 <i>parking space</i> per 30 m ² of <i>gross floor area</i>
<i>Veterinary clinic</i>		
Public, institutional, recreational and other uses		
<i>Camping establishment</i>		1 <i>parking space</i> per <i>camp site</i>
<i>Cemetery</i>		No minimum requirement
<i>Hospital</i>		1 <i>parking space</i> per 2 beds
<i>Institutional uses</i> not separately defined		1 <i>parking space</i> per 30 m ² of <i>gross floor area</i>
<i>Long term care facility</i>		1 <i>parking space</i> per 2 <i>lodging units</i>
<i>Place of worship</i>		Greater of 1 <i>parking space</i> per 5 seats, or 1 <i>parking space</i> per 5 <i>persons</i> capacity, or 1 <i>parking space</i> 20 m ² of <i>gross floor area</i>
<i>Recreation facility</i>		
<i>Retirement home</i>		1 <i>parking space</i> per 2 <i>lodging units</i>
<i>School, commercial</i>		1 <i>parking space</i> per 30 m ² of <i>gross floor area</i>
<i>School, private or public</i>	Elementary <i>school</i>	1.5 <i>parking spaces</i> per classroom plus 1 <i>parking space</i> per 9 m ² of <i>gross floor area</i> for a gymnasium or auditorium
	Secondary <i>school</i>	Greater of 1 <i>parking space</i> per 5 classroom seats, or 1 <i>parking space</i> per 15 m ² of <i>gross floor area</i> for a gymnasium, or 1 <i>parking space</i> per 15 m ² of <i>gross floor area</i> for an auditorium
Industrial uses and processing facilities		
<i>Abattoir</i>		1 <i>parking space</i> per 100 m ² of <i>gross floor area</i>
<i>Industrial uses</i> not separately defined		1 <i>parking space</i> per 100 m ² of <i>gross floor area</i>
<i>Salvage yard</i>		1 <i>parking space</i> per 40 m ² of <i>gross floor area</i>
<i>Waste management facility</i>		1 <i>parking space</i> per 40 m ² of <i>gross floor area</i>

- b) Notwithstanding Clause (a) of this Subsection, (insert any parking relief or special cash in lieu of parking provisions here).
- c) Barrier-free *parking spaces* shall be included in the *parking spaces* required for *apartment dwellings* and *non-residential uses* in accordance with this Subsection and Table 7.

Table 7: Required Barrier-Free Parking Facilities

Total Number of <i>Parking Spaces</i> on the Lot	Minimum Number of Barrier-Free <i>Parking Spaces</i>
3 to 30 <i>parking spaces</i>	1 barrier-free <i>parking space</i>
31 to 60 <i>parking spaces</i>	2 barrier-free <i>parking spaces</i>
61 to 100 <i>parking spaces</i>	3 barrier-free <i>parking spaces</i>
Greater than 100 <i>parking spaces</i>	3 plus 1% of the total number of <i>parking spaces</i> on the <i>lot</i> shall be barrier-free <i>parking spaces</i>

- d) *Parking spaces* shall have minimum dimensions of 2.7 metres in width by 6 metres in length, except:
 - i. *Parking spaces* that are parallel to a *parking aisle* or *driveway* shall be a minimum of 6.5 metres in length;
 - ii. Barrier-free *parking spaces* shall be a minimum of 4.5 metres in width;
 - iii. Where the side of a *parking space* abuts a *building* or *structure* that has a *height* of 0.5 metre or greater, the *parking space* shall be a minimum of 3 metres in width;
 - iv. Where the side of a *parking space* abuts an area of *landscaped open space* or walkway that is greater than 1 metre in width and located on the same *lot*, the *parking space* shall be a minimum of 2.4 metres in width.
- e) *Parking spaces* shall be located in accordance with the following:
 - i. In a Residential Zone, on a *lot* with less than five (5) *dwelling units*:
 - 1. Within a permitted *private garage* or other *parking structure*; or,
 - 2. Within a permitted *driveway*, including *parking spaces* that may be in tandem, except that no *parking spaces* shall be located within a required *front yard* or a required *exterior side yard*;
 - 3. Within any other permitted *parking area* located in an *interior side yard* or *rear yard*, provided that no *parking spaces* or *parking aisles* shall be located closer than 1 metre to an *interior side lot line* or *rear lot line*, and no more than 50% of the area of any *required yard* shall be used for parking.
 - ii. In a Residential Zone, on a *lot* with more than five (5) *dwelling units*:
 - 1. Within a permitted *private garage* or other *parking structure*; or,
 - 2. Within any other permitted *parking area* located in a *side yard* or *rear yard*, provided that no *parking spaces* or *parking aisles* shall be located closer than 1.5 metres to a *side lot line* or *rear lot line*, and no more than 50% of the area of any *required yard* shall be used for parking;
 - 3. Plantings strips shall be provided where required in accordance with Subsection 3.9.2.

- iii. In any other *zone*, *parking spaces* shall be located within a permitted *parking area* in any *yard* provided:
 - 1. No part of the *parking area*, other than a permitted *driveway*, shall be located closer than 1.5 metres to any *street line*; and,
 - 2. Plantings strips shall be provided where required in accordance with Subsection 3.9.2.

- f) *Parking spaces* that are required in accordance with this Subsection shall be used only for the parking of operative, currently licensed *motor vehicles*, with the following exceptions:
 - i. The parking of commercial *motor vehicles* and *trailers* incidental to a permitted non-residential use on the same *lot*;
 - ii. The temporary parking of *commercial motor vehicles* and *trailers* on a *lot* in a Residential Zone for the purposes of incidental deliveries, moving services, home maintenance, repair or construction services, for a period not exceeding 72 hours of any month;
 - iii. The temporary parking of one *recreational vehicle* or *trailer* not exceeding 3.6 metres in *height* within a permitted *driveway* on a *lot* in a Residential Zone, only between May 1st and October 31st, provided it does not occupy a *parking space* required by this By-law;
 - iv. The temporary parking of one *recreational vehicle* or *trailer* not exceeding 3.6 metres in *height*, used explicitly for the transporting of snowmobiles, within a permitted *driveway* on a *lot* in a Residential Zone, only between November 1st and April 30th, provided it does not occupy a *parking space* required by this By-law;
 - v. For the purposes of Subclauses (iii) and (iv), *height* shall be measured from the bottom of the wheels to the highest point of said *trailer* or *recreational vehicle*, including any load thereon, but excluding any antenna or satellite dish;
 - vi. This Subsection shall not apply to prevent parking of within a permitted *building* or *parking area* in an *interior side yard* or *rear yard*, provided it does occupy a *parking space* required by this By-law;

- g) No *parking area* shall be occupied or used in a manner that obstructs or protrudes into a municipal road allowance or private right-of-way.

3.12.7 Private Garages

The following regulations apply to *private garages*:

- a) A *private garage* shall be located on a *lot* containing a permitted *residential use*.
- b) No more than one *private garage*, attached or detached, shall be permitted on a *lot* in a Residential Zone.
- c) Detached *private garages* shall be in accordance with Section 3.1 applicable to *accessory buildings or structures* and this Subsection.
- d) Attached *private garages* shall be located in accordance with the requirements of the applicable *zone*.
- e) For the purposes of meeting the parking requirements of this By-law, a *private garage* shall have a minimum *garage width* of 3 metres and a minimum depth of 5.5 metres with a maximum of one step having an allowable projection of 0.2 metre into this space.

- f) Except where otherwise specified in this By-law, the front of a *private garage* shall be located as follows:
 - i. No closer than 6 metres to a *public street*;
 - ii. No closer to a *front lot line* than a main front wall of the *dwelling* on the same *lot*;
 - iii. No closer to an *exterior side lot line* than a main exterior side wall of the *dwelling* on the same *lot*.
- g) The *height* of the garage door for an attached *private garage* shall not exceed 2.6 metres.
- h) The maximum *garage width* for an attached *private garage* shall be 50% of the total width of the *dwelling* on the *lot*, or 9.2 metres, whichever is less, except where otherwise specified in this By-law. The width of the *dwelling* shall be measured in a straight line along the main front wall of the *dwelling* between the outside edges of the side walls of the *dwelling*.

3.13 PROHIBITED USES

Unless otherwise specified in this By-law, the following uses are prohibited in any *zone*:

- a) Any use that is not specifically defined and listed in the permitted uses of a *zone* or permitted by the General Provisions of this By-law shall not be permitted in that *zone*.
- b) The refining, storage or use in manufacturing of coal oil, rock oil, water oil, naphtha, benzene, dynamite, dualine, nitroglycerin, or gunpowder, except where specifically permitted for commercial purposes. This provision shall not apply to prevent the above ground storage of such substances by a farmer, where such storage is incidental and accessory to a permitted *agricultural use*, or the use of natural gas, propane or fuel oil for purposes such as heating and cooking, in conjunction with any permitted use.
- c) The tanning or storage of uncured hides or skins.
- d) The boiling of blood, tripe, or bones for commercial purposes.
- e) The manufacturing of glue or fertilizers from dead animals or from human or animal waste.
- f) A livestock yard, livestock exchange, or dead stock yard.
- g) The extracting of oil from fish.
- h) Keeping or raising of any livestock, exotic bird, reptile or wild animal including tamed or domesticated wild animal or exotic bird or reptile on any residential *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.
- i) A junk-yard, *salvage yard*, *motor vehicle* 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*.
- j) A track for the driving, racing or testing of any motorized vehicle.
- k) A disposal site for solid waste.

- l) *Mobile homes, motor vehicles, or recreational vehicles and trailers* occupied as a permanent residence.
- m) Locating or storing on any land for any purpose whatsoever any disused railroad car, street car body, truck body, *motor vehicle* body, or *trailer* without wheels whether or not the same is situated on a foundation.
- n) Locating or storing *pre-fabricated shipping containers*.
- o) *Outside storage* of road salt, road sand or other de-icing materials at a scale or in a manner that could contaminate land or water.
- p) *Adult entertainment establishments*.
- q) *Obnoxious uses* as defined in Section 2.

3.14 PUBLIC USES

The following regulations apply to *public uses*:

- a) Public uses shall be permitted in all *zones*, in accordance with the requirements of this Section, except that permitted public uses within Environmental *Zones* shall be limited to *infrastructure* authorized under an environmental assessment process and works subject to the Drainage Act, unless otherwise specified in this By-law.
- b) Public uses shall comply with the regulations of the applicable *zone* and the applicable General Provisions of this By-law, except that this requirement shall not apply to permitted *infrastructure*.
- c) No *outside storage* shall be permitted unless such *outside storage* is specifically permitted in the applicable *zone*.
- d) Nothing in this By-law shall prevent *buildings* and *structures* used for the storage of road maintenance materials within a public works yard owned by a *public authority*.
- e) Any above-ground, utility or *public use* which is located in a Residential *Zone* shall be located and maintained in general harmony with the residential *buildings* permitted in such *Zone*.

3.15 RENEWABLE ENERGY SYSTEMS

The following regulations apply to *renewable energy systems* that are subject to this By-law:

- a) Except where specifically permitted otherwise in this By-law, a maximum of one (1) *renewable energy system* is permitted on a *lot*.
- b) Any part of an accessory *renewable energy system* that services a permitted *dwelling* shall comply with the following:
 - i. The requirements of the applicable *zone* for the main *building* on the *lot*, if located within or attached to the *dwelling*;
 - ii. The requirements of Section 3.1 applicable to *accessory buildings or structures*, if not located within or attached to the *dwelling*.

- c) Notwithstanding Clause (b) of this Section, a wind energy device that is accessory to a permitted *dwelling* may exceed the maximum *height* required for the main *building* on the *lot* by up to 3 metres measured to the top of the highest point of the device.
- d) Any part of an accessory *renewable energy system* that services a permitted *agricultural use* or any other permitted non-*residential use* in a non-residential *zone* shall comply with the following:
 - i. The requirements of the applicable *zone* for the main *building* on the *lot*, if located within or attached to a permitted main *building* or *structure*; and
 - ii. The requirements of Section 3.1 applicable to *accessory buildings or structures*, if not located within or attached to a permitted main *building* or *structure*.
- e) Notwithstanding Clauses (d) of this Section, an accessory wind energy device that services a permitted *agricultural use* or any other permitted non-*residential use* in a non-residential *zone* and that is freestanding or attached to a permitted main *building* or *structure* shall comply with the following requirements:
 - i. Maximum *height* of 30 metres measured from the *average finished grade* to the top of the highest point of the wind energy device;
 - ii. Minimum setbacks equal to the *height* of the wind energy device to all *lot lines*, measured from the base of the wind energy device to the *lot line*; and,
 - iii. Minimum setbacks equal to the *height* of the wind energy device to all *dwellings*, measured from the base of the wind energy device to the nearest wall of the *dwelling*.

3.16 REQUIREMENTS FOR LOTS

The following regulations shall apply to all *lots*, *buildings* and *structures* in any *zone*:

- a) 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 a permitted *agricultural use* excluding any *building* or *structure* except a fence.
- b) Where two or more abutting *lots* under one identical ownership are consolidated for the purpose of development, the internal *lot lines* of the original *lots* shall not be construed to be *lot lines* for the purposes of applying the regulations of the applicable *zone*, provided that all applicable regulations of this By-law relative to the consolidated *lot* development and its external *lot lines* are complied with.
- c) For land that is subject to an approved draft plan of condominium plan, and any required site plan approval, where registration of the plan is intended to occur in phases and/or stages, the lands to which the draft approved plan of condominium is to be located shall be deemed to be one *lot* for the purpose of applying the provision of this By-law.

3.17 SERVICES REQUIRED

No *lot*, *building* or *structure* in any *zone* shall be used unless the required municipal services or approved private services as set out in the applicable *zone* are available to service the *lot*, *buildings* or *structures*.

3.18 SETBACKS TO PIPELINES

3.18.1 TransCanada Pipelines

- a) Notwithstanding any other provisions of this By-Law to the contrary, no main *building* or *structure* shall be located closer than 7 metres from the limit of the right of way for a TransCanada Pipeline.
- b) Notwithstanding any other provisions of this By-Law to the contrary, no *accessory building* or *structure* shall be located closer than 3 metres from the limit of the right of way for a TransCanada Pipeline.

3.18.2 Enbridge Pipelines

- a) Notwithstanding any other provisions of this By-Law to the contrary, no *building* or *structure* used for a *dwelling* or associated with a *dwelling* shall be located closer than 3 metres from the limit of the right of way for an Enbridge Pipeline.

3.19 SETBACKS TO PUBLIC STREETS

Notwithstanding any other provisions of this By-Law to the contrary, *yard* and setback requirements adjacent to the *public streets* listed in Table 8 shall be measured a minimum distance from the centreline of the original road allowance in accordance with Table 8.

Table 8: Required Setbacks to Public Streets

<i>Public Street</i>	Required Minimum Distance from Centre Line of <i>Public Street</i> for <i>Yards</i> and <i>Setbacks</i>
<i>Public streets</i> under <i>Township</i> jurisdiction	10 metres
Regional Road 20 – outside of the Smithville <i>settlement area</i>	17.5 metres
Regional Road 20 – within the Smithville <i>settlement area</i>	10.05 metres
All other Regional Roads	13.1 metres

3.20 SETBACKS TO RAILWAYS

Notwithstanding any other provisions of this By-Law to the contrary, all *buildings* and *structures* used for a *dwelling*, *place of worship*, *day care*, or a *private or public school* shall be located no closer than 30 metres from the limit of any railway right of way.

3.21 SIGHT TRIANGLES

The following regulations apply to *sight triangles*:

- a) *Sight triangles* shall be provided and maintained on all *corner lots* where no triangular or curved area of land has been incorporated into the right of way of a *public street*, and on *lots* abutting a railway right of way where it intersects with a *public street* at grade.

- b) Within a required *sight triangle*, no *building* or *structure* or *landscaping* shall be greater than 0.8 metre in *height* above the *average finished grade* at the *street line*.
- c) *Sight triangles* shall minimum dimensions in accordance with Table 9:

Table 9: Required Sight Triangles

Intersection Type		<i>Sight Triangle Dimensions</i>
<i>Public streets</i> under <i>Township</i> jurisdiction	Residential <i>Zones</i>	6 metres
	Other <i>Zones</i>	7.5 metres
<i>Public streets</i> and railways	Mainline with signal lights or gates and spur lines without signal lights or gates	60 metres along the street by 106 metres along the railway
	Mainline without signal lights or gates	75 metres along the street by 305 metres along the railway
	Spurline with signal lights or gates	60 metres
Any intersection involving a Regional Road		In accordance with Region of Niagara requirements

3.22 SIGNS

Unless otherwise specified, the provisions of this By-law shall not apply to prevent the *erection*, alteration or *use* of any *sign* provided such *sign* complies with the Sign By-law of the *Township*.

3.23 SWIMMING POOLS

The following regulations apply to *swimming pools*:

- a) *Swimming pools* shall be located as follows:
 - i. Within the *interior side yard* or *rear yard* of a *lot* containing a permitted *agricultural use* or *residential use*;
 - ii. No closer to any *front lot line* than the main *building* on the *lot*;
 - iii. No closer to any *side lot line* than the minimum distance required for the main *building* on the *lot*, in accordance with the regulations of the applicable *zone*, measured to the water’s edge; and,
 - iv. No closer than 1.5 metres to the *rear lot line*, measured to the water’s edge.
- b) *Swimming pools* accessory to any other *use* shall be located in accordance with the minimum *yard* requirements of the applicable *zone*, measured to the water’s edge.
- c) The maximum *height* of a *swimming pool* shall be 1.2 metres measured from the *average finished grade* to the top of the pool deck or to the top edge of the pool tank, whichever is higher. For the purposes of this Subsection, the *average finished grade* shall be calculated as the average of all grades measured on the area of the *lot* surrounding the pool within a distance of 9 metres of the water’s edge.
- d) *Accessory buildings* or *structures* associated with a *swimming pool*, including decks, patios, filters, heaters, and water pumping, treatment and circulating equipment or other related *building* or *structure* shall be in accordance with Sections 3.1 and 3.3.

- e) Every *swimming pool* shall be enclosed and secured in accordance with the *Township's* by-laws regulating fences, gates and pool enclosures.

3.24 TEMPORARY USES

3.24.1 Construction Uses

The following regulations apply to temporary construction *uses*:

- a) Notwithstanding any other provisions of this By-law to the contrary, incidental construction uses, *buildings* and *structures* are permitted on any *lot* in all *zones* provided:
 - i. The construction is in accordance with a valid *building* permit, site alteration permit or other required permit or approval; and,
 - ii. All temporary *buildings*, *structures* and materials associated with the construction are removed from the *lot* upon completion of the work or if the work is discontinued for a period of 60 days; and,
 - iii. *Buildings* and *structures* for incidental construction uses may be established on the *lot* prior to *erecting* the main *building*, provided it is used for no other purpose than storage.
- b) The provision of this By-law shall not apply to prevent incidental construction uses for approved *infrastructure*.

3.24.2 Model Homes

The following regulations apply to *model homes*:

- a) Notwithstanding any other provisions of this By-law to the contrary, *model homes* are permitted on land that is subject to an approved draft plan of subdivision or condominium for *residential uses*, provided:
 - i. The number of *model homes* shall not exceed 20 *dwelling units* or 10% of the *dwelling units* approved in the draft plan of subdivision or condominium, whichever is the lesser, or as otherwise provided in a development agreement; and,
 - ii. The *model home* is built within a *lot* defined by the draft approved plan of subdivision or condominium; and,
 - iii. The *model home* complies with all other requirements of this By-law for the applicable type of *dwelling unit* with the exception of the parking requirements; and,
 - iv. The *buildings* are used for the purpose of *model homes* only and shall not be occupied prior to the date of registration of the plan subdivision or condominium and the development agreement.

3.24.3 Temporary Sales Offices

The following regulations apply to temporary sales offices:

- a) Notwithstanding any other provisions of this By-law to the contrary, temporary sales offices are permitted on land that is subject to an approved draft plan of subdivision or condominium for *commercial uses*, *industrial uses*, *institutional uses* or *residential uses*, or on a *lot* in a *zone* that permits the proposed development, provided:

- i. The temporary sales office shall only be permitted for such period that work within a relevant plan of subdivision or condominium remains in progress, having not been finished or discontinued for 60 days; and,
- ii. The temporary sales office shall comply with the regulations of the applicable *zone*; and,
- iii. The required parking facilities shall be provided in accordance with Section 3.12; and,
- iv. The *lots* or units to be sold shall be located within the *Township*.

3.25 WASTE STORAGE ENCLOSURES

The following regulations apply to *waste enclosures*:

- a) Where the storage of waste generated or received on a *lot* is not contained within a *building*, a *waste storage enclosure* shall be provided and maintained on the *lot*.
- b) A *waste storage enclosure* shall not be located:
 - i. Within a *front yard* or *exterior side yard*; or
 - ii. Within any *required yard* adjoining a *lot line* of a *lot* in a Residential Zone; or
 - iii. Within any required *landscaped open space*, *loading space*, *parking area* or *planting strip*.
- c) This Section shall not apply to a permitted *waste management facility* or the temporary storage of waste associated with an incidental construction *use*.

3.26 WAYSIDE PITS OR QUARRIES

The following regulations apply to *wayside pits or quarries*:

- a) A *wayside pit* or a *quarry* used for *public authority* contracts shall be permitted in any *zone* except a Residential Zone or an Environmental Protection Zone, provided:
 - i. The *wayside pit* or *quarry* shall not be located closer than 150 metres to the boundary of any Residential Zone, measured from the nearest limit of the *i* operation; and,
 - ii. The *wayside pit* or *quarry* is established and operated in accordance with the terms and conditions of a valid permit by the Minister of Natural Resources.

PART 4. ESTABLISHMENT OF ZONES

4.1 ESTABLISHMENT OF ZONES

The *zones* and *zone* symbols of this By-law are established in Table 10 and apply to the land subject to this By-law as shown in Schedule “A”.

Table 10: Zones and Zone Symbols

ZONE	SYMBOL
AGRICULTURAL ZONES	
Agricultural	A
Agriculture-Related	AR
RESIDENTIAL ZONES	
Rural Residential	RuR
Residential Low Density – Type 1A	R1A
Residential Low Density – Type 1B	R1B
Residential Low Density – Type 1C	R1C
Residential Low Density – Type 1D	R1D
Residential Low Density – Type 2	R2
Residential Low Density – Type 3	R3
Residential Medium Density – Type 1	RM1
Residential Medium Density – Type 2	RM2
Residential Medium Density – Type 3	RM3
Residential High Density	RH
COMMERCIAL ZONES	
Core Commercial	C1
Neighbourhood Commercial	C2
Service Commercial	C3
Commercial Plaza	C4
EMPLOYMENT ZONES	
Office and Business Park Employment	M1
Industrial Employment	M2
Extractive Industrial	M3
INSTITUTIONAL ZONES	
Institutional	I
OPEN SPACE & RECREATION ZONES	
Open Space	OS
Open Space Recreation	OSR
ENVIRONMENTAL ZONES	
Environmental Protection	EP
OTHER ZONES	
Development	D

4.2 MULTIPLE USES AND MULTIPLE ZONES

The following regulations apply to *lots* used for multiple uses or within multiple *zones*:

- a) Notwithstanding any other provisions of this By-law to the contrary, where any land, *building* or *structure* is used for more than one purpose:
 - i. All provisions of this By-law relating to each *use* shall be complied with; and,
 - ii. No *dwelling* shall be located within 3 metres of any other *building* on the *lot* except a *building* accessory to such *dwelling*; and,
 - iii. Subclause (ii) shall not apply to permitted *accessory dwellings* within a *building* containing a permitted non-*residential use*.
- b) Where a *lot* is located in more than one *zone*:
 - i. Each portion of the *lot* shall be used in accordance with the permitted uses of the applicable *zone*; and,
 - ii. The *zone* regulations shall be applied based on the *lot lines* of the *lot*, and a *zone* boundary dividing the *lot* into two or more *zones* shall not be deemed to be a *lot line*.

4.3 SPECIAL PROVISIONS AND SYMBOLS

4.3.1 Holding Provisions

- a) Where a *zone* symbol is preceded by an upper case letter “H”, a number and a hyphen, the symbol refers to a holding provision that applies to the land as shown on Schedule “A”. The land shall be subject to the holding provision and the requirements of the *zone*. Holding provisions are established in Subsection 13.1.

4.3.2 Site-Specific Provisions

- a) Where a *zone* symbol is followed by a hyphen and a number, the symbol refers to a site-specific provision that applies to the land as shown on Schedule “A”. The land shall be subject to the site-specific provision and the requirements of the *zone*. Site-specific provisions are established in Subsection 13.2.

4.3.3 Temporary Use Provisions

- a) Where a *zone* symbol is preceded by the upper case letter “T”, a hyphen and a number, the symbol refers to a temporary *use* provision that applies to the land as shown on Schedule “A”. The land shall be subject to the temporary *use* provision until the temporary *use* provision expires, and the requirements of the *zone*. Temporary *use* provisions are established in Subsection 13.3.

PART 5. AGRICULTURAL ZONES

5.1 APPLICABLE ZONES

The permitted *uses* and regulations of Part 5 apply to land within the following *zones*:

Zone	Symbol
Agricultural Zone	A
Agriculture-Related Zone	AR

These *zones* apply to land identified with the corresponding *zone* symbol as shown in Schedule “A”.

5.2 PERMITTED USES

In the *zones* identified in Section 5.1, no *person* shall *use* or permit the *use* of any *lot* or *erect*, alter or *use* any *building* or *structure* for any purpose except in accordance with the permitted *uses* in Table 11.

Table 11: Permitted Uses in Agricultural Zones

Uses	Zones where Permitted	
	A ⁽¹⁾	AR ⁽¹⁾
<i>Accessory buildings or structures and accessory uses</i> (see s. 3.1)	A ⁽¹⁾	AR ⁽¹⁾
<i>Accessory farm dwelling</i> (see s. 3.2)	A ⁽¹⁾	
<i>Agriculture</i>	A	
<i>Agriculture-related use</i>		AR
<i>Agricultural service and supply establishment</i>	A ⁽¹⁾	AR
<i>Agri-tourism / value-added uses</i>	A ⁽¹⁾	
<i>Bed and breakfast establishment</i> (see s. 3.4)	A ⁽¹⁾	
<i>Commercial kennel</i> (see s. 3.8)		AR
<i>Converted dwelling</i> (see s. 3.2)	A ⁽¹⁾	
<i>Garden suite</i> (see s. 3.2)	A ⁽¹⁾	
<i>Group home</i> (see s. 3.6)	A ⁽¹⁾	
<i>Home occupation</i> (see s. 3.7)	A ⁽¹⁾	
<i>On-farm diversified uses</i> (see s. 3.11)	A ⁽¹⁾	
<i>Outside storage</i>	A ⁽¹⁾	AR ⁽¹⁾
<i>Pet care establishment</i> (see s. 3.8)	A ⁽¹⁾	AR
<i>Private kennel</i> (see s. 3.8)	A ⁽¹⁾	AR
<i>Renewal energy system</i> (see s. 3.15)	A ⁽¹⁾	AR ⁽¹⁾
<i>Single detached dwelling</i>	A	
<i>Service shop</i>	A ⁽¹⁾	AR
<i>Veterinary clinic</i>	A ⁽¹⁾	AR
<i>Wayside pit or quarry</i> (see s. 3.26)	A	AR

¹ Denotes uses that are only permitted accessory to or in conjunction with a permitted principal *use*.

5.3 REGULATIONS

In the *zones* identified in Section 5.1, no *person* shall *use* or permit the *use* of any *lot* or *erect*, alter or *use* any *building* or *structure* for any purpose except in accordance with the regulations in Table 12.

Table 12: Regulated for Permitted Uses in Agricultural Zones

Regulation		Zone Requirements	
		A	AR
Minimum <i>lot area</i>		40 ha	0.4 ha
Minimum <i>lot frontage</i>		100m	50m
Minimum <i>front yard</i>	<i>Dwelling</i>	15m	-
	<i>Greenhouse</i>	30m	30m
	Mushroom farm <i>building</i>	150m ⁽¹⁾	-
	Other main <i>building</i>	20m	10m
Minimum <i>exterior side yard</i>	<i>Dwelling</i>	15m	-
	<i>Greenhouse</i>	30m	30m
	Mushroom farm <i>building</i>	150 m ⁽¹⁾	-
	Other main <i>building</i>	20m	10m
Minimum <i>interior side yard</i>	<i>Dwelling</i>	5m	-
	<i>Greenhouse</i>	15m ⁽²⁾	15m ⁽²⁾
	Mushroom farm <i>building</i>	75m ⁽¹⁾	-
	Other main <i>building</i>	15m	7.5m
Minimum <i>rear yard</i>	<i>Dwelling</i>	15m	-
	<i>Greenhouse</i>	15m ⁽²⁾	15m ⁽²⁾
	Mushroom farm <i>building</i>	75m ⁽¹⁾	-
	Other main <i>building</i>	20m	7.5m
Maximum <i>lot coverage</i>	<i>Greenhouses</i>	70%	40%
	Other <i>buildings</i> or <i>structures</i>	10%	
Maximum <i>height</i>		15m	15m
Minimum <i>landscaped open space</i>		No minimum	10%
Maximum <i>outside storage</i>		5% of <i>lot area</i> ⁽³⁾	10% of <i>lot area</i> ⁽³⁾

⁽¹⁾No *building* or *structure* used for the growing of mushrooms shall be located closer than 150 metres to the nearest main wall of a *dwelling* on a separate *lot* or any *street line*, and 300 metres to the nearest boundary of an Institutional *Zone* or a Residential *Zone* other than the Rural Residential *Zone*.

⁽²⁾The minimum *interior side yard* and *rear yard* for a *greenhouse* shall be 25 metres where one or more ventilating fans exhaust into the respective *yard*.

⁽³⁾*Outside storage* for purposes other than the display of products offered for sale on the *lot* shall be located in a *rear yard* or *side yard* and screened from view from *public streets* and adjacent *lots*. No manure, compost or equipment storage area shall be permitted within 30 metres of a *street line* or a *lot line* of a separate *lot* that contains a *residential use* or the top of bank of a *municipal drain* or watercourse.

PART 6. RESIDENTIAL ZONES

6.1 APPLICABLE ZONES

The permitted *uses* and regulations of Part 6 apply to land within the following *zones*:

Zone	Symbol
Rural Residential	RuR
Residential Low Density	– Type 1A R1A
	– Type 1B R1B
	– Type 1C R1C
	– Type 1D R1D
	– Type 2 R2
	– Type 3 R3
Residential Medium Density	– Type 1 RM1
	– Type 2 RM2
	– Type 3 RM3
Residential High Density	RH

These *zones* apply to land identified with the corresponding *zone* symbol as shown in Schedule “A”.

6.2 PERMITTED USES

In the *zones* identified in Section 6.1, no *person* shall *use* or permit the *use* of any *lot* or *erect*, alter or *use* any *building* or *structure* for any purpose except in accordance with the permitted *uses* in Table 13.

Table 13: Permitted Uses in Residential Zones

Uses	Zones where Permitted											
	RuR ⁽¹⁾	R1A ⁽¹⁾	R1B ⁽¹⁾	R1C ⁽¹⁾	R1D ⁽¹⁾	R2 ⁽¹⁾	R3 ⁽¹⁾	RM1 ⁽¹⁾	RM2 ⁽¹⁾	RM3 ⁽¹⁾	RH ⁽¹⁾	
<i>Accessory buildings or structures and accessory uses</i> (see s. 3.1)												
<i>Apartment dwelling</i>										RM3	RH	
<i>Bed and breakfast establishment</i> (see s. 3.4)												
<i>Boarding or rooming house</i>										RM3 ⁽¹⁾		
<i>Converted dwelling</i> (see s. 3.2)												
<i>Duplex dwelling</i>									RM2			
<i>Fourplex dwelling</i>									RM2	RM3		
<i>Garden suite</i> (see s. 3.2)												
<i>Group home</i> (see s. 3.6)												
<i>Home occupation</i> (see s. 3.7)												
<i>Renewal energy system</i> (see s. 3.15)												
<i>Retirement home</i>												RH
<i>Semi-detached dwelling</i>						R2	R3	RM1				
<i>Single detached dwelling</i>						R2	R3					
<i>Street townhouse dwelling</i>								RM1	RM2			
<i>Townhouse dwelling</i>									RM2	RM3		
<i>Triplex dwelling</i>									RM2	RM3		

⁽¹⁾ Denotes *uses* that are only permitted accessory to or in conjunction with a permitted principal *use*.

6.3 REGULATIONS

In the zones identified in Section 6.1, no person shall use or permit the use of any lot or erect, alter or use any building or structure for any purpose except in accordance with the regulations in Tables 14 and 15.

Table 14: Regulations for Permitted Uses in Low Density and Rural Residential Zones

Regulation			Zone Requirements							
			RuR	R1A	R1B	R1C	R1D	R2	R3	
Minimum lot area	Municipal services	Single detached dwelling	0.4 ha	800m ²	550m ²	475m ²	400m ²	360m ²	300m ²	
		Semi-detached dwelling ⁽¹⁾	-					720m ²	450m ²	
	Private services	0.4 ha		-						
Minimum lot frontage	Municipal services	Corner lot	Single detached dwelling	45m	21m	18m	15m	15m	12.5m	
			Semi-detached dwelling ⁽¹⁾	-					24m	18m
		Other lot	Single detached dwelling	45m	21m	18m	15m	13m	12m	10m
			Semi-detached dwelling ⁽¹⁾	-					24m	18m
	Private services	45m		-						
Minimum front yard	Dwelling		15m	7.5m	6m	4.5m				
	Private garage		6m							
Minimum exterior side yard			9m	6m	5m	4.5m		3m		
Minimum interior side yard	Dwelling		3m		1.5m	1.2m		1.2m ⁽²⁾		
	Private garage (attached to dwelling)		0.6m ⁽³⁾							
Minimum rear yard			15m	10m		7.5m				
Maximum lot coverage	Municipal services		20%	35%	40%	45%				
	Private services		20%	-						
Maximum height			10m							
Minimum landscaped open space			35%	30%	25%					

- (1) Where each dwelling unit of a semi-detached dwelling is located on a separate lot, the minimum lot area and minimum lot frontage for each dwelling unit shall be half the requirement identified above for the applicable zone.
- (2) Where each dwelling unit of a semi-detached dwelling is located on a separate lot, no interior side yard shall be required along the common lot line of the attached wall joining the two dwelling units.
- (3) This provision shall only apply where an attached private garage is located on a lot where the nearest interior side yard on the adjoining lot is required to be 1.2 metres or greater in width. If the nearest interior side yard on the adjoining lot is permitted to be less 1.2 metres, the minimum interior side yard for the private garage shall be 1.2 metres.

DRAFT

Table 15: Regulations for Permitted Uses in Medium and High Density Residential Zones

Regulation		Zone Requirements			
		RM1	RM2	RM3	RH
Minimum lot area (per dwelling unit)	<i>Apartment dwelling</i>	-		160m ²	120m ²
	<i>Duplex dwelling</i>	-	250m ²	-	
	<i>Fourplex dwelling</i>	-		180m ²	-
	<i>Retirement home</i>	-			120m ²
	<i>Semi-detached dwelling</i>	270m ²	-		
	<i>Street townhouse dwelling</i>	225m ²	180m ²	-	
	<i>Townhouse dwelling</i>	-	200m ²	180m ²	-
	<i>Triplex dwelling</i>	-	250m ²	200m ²	-
Minimum lot frontage	<i>Apartment dwelling</i>	-		30m	
	<i>Duplex dwelling</i>	-	24m	-	
	<i>Fourplex dwelling</i>	-	30m		-
	<i>Retirement home</i>	-			30m
	<i>Semi-detached dwelling</i>	9m/unit	-		
	<i>Street townhouse dwelling</i>	7.5m/unit	6m/unit	-	
	<i>Townhouse dwelling</i>	-	38m	30m	-
	<i>Triplex dwelling</i>	-	20m	18m	-
Minimum front yard		6m		7.5m	
Minimum exterior side yard		4.5m		6m	
Minimum interior side yard	Adjoining a lot in a low density residential zone	3m ⁽¹⁾	3m	Greater of 50% of building height or 3m	
	Adjoining a lot in any other zone	1.2m ⁽¹⁾		3m	
Minimum rear yard		7.5m			
Maximum lot coverage		40%		45%	
Minimum separation distance between dwellings on the same lot	Between exterior side walls	-	4m		
	Between exterior front or rear walls		12m		
	Between exterior front or rear walls and side walls		7.5m		
Maximum height		10m		12m	
Minimum landscaped open space		25%			
Minimum amenity area for lots with 5 or more dwelling units		-	40m ² per dwelling unit		

⁽¹⁾Where each dwelling unit of a semi-detached dwelling is located on a separate lot, and for street townhouse dwellings, no interior side yard shall be required along the common lot line of the attached wall joining two dwelling units.

PART 7. COMMERCIAL ZONES

7.1 APPLICABLE ZONES

The permitted *uses* and regulations of Part 7 apply to land within the following *zones*:

Zone	Symbol
Core Commercial	C1
Neighbourhood Commercial	C2
Service Commercial	C3
Commercial Plaza	C4

These *zones* apply to land identified with the corresponding *zone* symbol as shown in Schedule “A”.

7.2 PERMITTED USES

In the *zones* identified in Section 7.1, no *person* shall *use* or permit the *use* of any *lot* or *erect*, alter or *use* any *building* or *structure* for any purpose except in accordance with the permitted *uses* in Table 16.

Table 16: Permitted Uses in Commercial Zones

Uses	Zones where Permitted			
	C1 ⁽¹⁾	C2 ⁽¹⁾	C3 ⁽¹⁾	C4 ⁽¹⁾
<i>Accessory buildings or structures and accessory uses</i> (see s. 3.1)	C1 ⁽¹⁾	C2 ⁽¹⁾	C3 ⁽¹⁾	C4 ⁽¹⁾
<i>Accessory dwelling</i> (see s. 3.2)	C1 ⁽¹⁾			
<i>Art gallery</i>	C1			
<i>Commercial kennel</i> (see s. 3.8)			C3	
<i>Commercial school</i>	C1	C2	C3	C4
<i>Day care</i>		C2		
<i>Drive-through facility</i> (see s. 3.12)			C3	C4
<i>Dry cleaning/ laundry depot</i>	C1	C2	C3	C4
<i>Financial institution</i>	C1		C3	C4
<i>Funeral home</i>			C3	
<i>Hotel/ motel</i>			C3	
<i>Motor vehicle dealership</i>			C3	
<i>Motor vehicle gasoline bar</i>			C3	C4
<i>Motor vehicle repair establishment</i>			C3	
<i>Motor vehicle service station</i>			C3	C4
<i>Motor vehicle washing establishment</i>			C3	C4
<i>Office, including a medical office</i>	C1	C2	C3	C4
<i>Outside storage</i>			C3	C4
<i>Personal service shop</i>	C1	C2	C3	C4
<i>Pet care establishment</i> (see s. 3.8)			C3	C4
<i>Place of entertainment</i>	C1		C3	C4

Uses	Zones where Permitted			
	C1	C2	C3	C4
<i>Private club</i>	C1		C3	C4
<i>Recreation facility</i>	C1		C3	C4
<i>Restaurant</i>	C1	C2	C3	C4
<i>Retail store</i>	C1	C2	C3	C4
<i>Renewal energy system</i> (see s. 3.15)	C1 ⁽¹⁾	C2 ⁽¹⁾	C3 ⁽¹⁾	C4 ⁽¹⁾
<i>Service shop</i>	C1		C3	C4
<i>Shopping center</i>				C4
<i>Studio</i>	C1	C2	C3	C4
<i>Veterinary clinic</i>	C1		C3	C4
<i>Wayside pit or quarry</i> (see s. 3.26)			C3	C4

⁽¹⁾ Denotes *uses* that are only permitted accessory to or in conjunction with a permitted principal *use*.

7.3 REGULATIONS

In the *zones* identified in Section 7.1, no *person* shall *use* or permit the *use* of any *lot* or *erect*, alter or *use* any *building* or *structure* for any purpose except in accordance with the regulations in Table 17.

Table 17: Regulations for Permitted Uses in Commercial Zones

Regulation		Zone Requirements			
		C1	C2	C3	C4
Minimum <i>lot area</i>		-	500m ²	750m ²	900m ²
Minimum <i>lot frontage</i>		-	15m	25m	30m
Minimum <i>front yard</i>	Adjoining Regional Road 14 or 20	-	6m	9m	
	Other	6m			
Minimum <i>exterior side yard</i>	Adjoining Regional Road 14 or 20	-	6m		
	Other	6m			
Minimum <i>interior side yard</i>	Adjoining a <i>lot</i> in a Residential <i>Zone</i>	3m	5m	9m	
	Other	-	3m	6m	
Minimum <i>rear yard</i>	Adjoining a <i>lot</i> in a Residential <i>Zone</i>	6m	6m	9m	
	Other			6m	
Maximum <i>lot coverage</i>		-	45%	50%	
Maximum <i>height</i>		10m			
Minimum <i>landscaped open space</i>		-	20%	10%	
Maximum <i>outside storage</i>		-		5% of <i>lot area</i> ⁽¹⁾	
Maximum <i>gross leasable floor area</i>	Per <i>commercial use</i>	-	280m ²	-	
	Total % of <i>lot area</i>		45%	50%	

⁽¹⁾ *Outside storage* for purposes other than the display of products offered for sale on the *lot* shall be located in a *rear yard* or *side yard* and screened from view from *public streets* and adjacent *lots*.

PART 8. EMPLOYMENT ZONES

8.1 APPLICABLE ZONES

The permitted *uses* and regulations of Part 8 apply to land within the following *zones*:

Zone	Symbol
Office and Business Park Employment	M1
Industrial Employment	M2
Extractive Industrial	M3

These *zones* apply to land identified with the corresponding *zone* symbol as shown in Schedule “A”.

8.2 PERMITTED USES

In the *zones* identified in Section 8.1, no *person* shall *use* or permit the *use* of any *lot* or *erect*, alter or *use* any *building* or *structure* for any purpose except in accordance with the permitted *uses* in Table 18.

Table 18: Permitted Uses in Employment Zones

Uses	Zones where Permitted		
	M1 ⁽¹⁾	M2 ⁽¹⁾	M3 ⁽¹⁾
<i>Accessory buildings or structures and accessory uses</i> (see s. 3.1)	M1 ⁽¹⁾	M2 ⁽¹⁾	M3 ⁽¹⁾
<i>Animal shelter</i>	M1		
<i>Commercial kennel</i>	M1		
<i>Commercial school</i>	M1		
<i>Dry cleaning/ laundry establishment</i>	M1		
<i>Industrial use</i>	M1	M2	
<i>Mineral aggregate operation</i>			M3
<i>Motor vehicle body shop</i>	M1	M2	
<i>Office, including a medical office</i>	M1	M2 ⁽¹⁾	
<i>Outside storage</i>	M1 ⁽¹⁾	M2 ⁽¹⁾	M3 ⁽¹⁾
<i>Pet care establishment</i>	M1		
<i>Recreation facility</i>	M1		
<i>Renewal energy system</i> (see s. 3.15)	M1 ⁽¹⁾	M2 ⁽¹⁾	M3 ⁽¹⁾
<i>Retail store</i>	M1 ⁽¹⁾	M2 ⁽¹⁾	M3 ⁽¹⁾
<i>Service shop</i>	M1		
<i>Studio</i>	M1		
<i>Veterinary clinic</i>	M1		
<i>Wayside pit or quarry</i> (see s. 3.26)	M1	M2	M3

⁽¹⁾ Denotes *uses* that are only permitted accessory to or in conjunction with a permitted principal *use*.

8.3 REGULATIONS

In the *zones* identified in Section 8.1, no *person* shall *use* or permit the *use* of any *lot* or *erect*, alter or *use* any *building* or *structure* for any purpose except in accordance with the regulations in Table 19.

Table 19: Regulations for Permitted Uses in Employment Zones

Regulation		Zone Requirements		
		M1	M2	M3
Minimum <i>lot area</i>		2,000m ²		-
Minimum <i>lot frontage</i>		30m		-
Minimum <i>front yard</i>		15m		30m ⁽¹⁾
Minimum <i>exterior side yard</i>		10m	15m	30m ⁽¹⁾
Minimum <i>interior side yard</i>	Adjoining a <i>lot</i> in a Residential <i>Zone</i>	15m	30m	90m ⁽¹⁾
	Other	5m	7.5m	30m ⁽¹⁾
Minimum <i>rear yard</i>	Adjoining a <i>lot</i> in a Residential <i>Zone</i>	15m	30m	90m ⁽¹⁾
	Other	7.5m		30m ⁽¹⁾
Maximum <i>lot coverage</i>		50%		-
Maximum <i>height</i>		10m		15m ⁽¹⁾
Minimum <i>landscaped open space</i>		10% ⁽²⁾		-
Maximum <i>outside storage</i>		5% ⁽³⁾		-
Maximum accessory <i>retail gross floor area</i>		10% of <i>gross floor area</i>		-

- (1) Minimum *yard* requirements apply to *buildings*, *structures* and aggregate stockpiles.
- (2) A minimum of 50% of required *landscaped open space* shall be located in the *front yard*.
- (3) *Outside storage* for purposes other than the display of products offered for sale on the *lot* shall be located in a *rear yard* or *side yard* and screened from view from *public streets* and adjacent *lots*.

PART 9. INSTITUTIONAL ZONES

9.1 APPLICABLE ZONES

The permitted *uses* and regulations of Part 9 apply to land within the following *zone*:

Zone	Symbol
Institutional	I

This *zone* applies to land identified with the corresponding *zone* symbol as shown in Schedule “A”.

9.2 PERMITTED USES

In the *zone* identified in Section 9.1, no *person* shall *use* or permit the *use* of any *lot* or *erect*, alter or *use* any *building* or *structure* for any purpose except in accordance with the permitted *uses* in Table 20.

Table 20: Permitted Uses in Institutional Zone

Uses	Zones where Permitted
<i>Accessory buildings or structures and accessory uses</i> (see s. 3.1)	I ⁽¹⁾
<i>Commercial school</i>	I
<i>Day care</i>	I
<i>Funeral home</i>	I
<i>Hospital</i>	I
<i>Long term care facility</i>	I
<i>Medical office</i>	I
<i>Place of worship</i>	I
<i>Private club</i>	I
<i>Private or public park</i>	I
<i>Private or public school</i>	I
<i>Recreation facility</i>	I
<i>Renewal energy system</i> (see s. 3.15)	I ⁽¹⁾
<i>Retirement home</i>	I

⁽¹⁾ Denotes *uses* that are only permitted accessory to or in conjunction with a permitted principal *use*.

9.3 REGULATIONS

In the *zone* identified in Section 9.1, no *person* shall *use* or permit the *use* of any *lot* or *erect*, alter or *use* any *building* or *structure* for any purpose except in accordance with the regulations in Table 21.

Table 21: Regulations for Permitted Uses in Institutional Zone

Regulation		Zone Requirements
		I
Minimum <i>lot area</i>	<i>Long term care facility</i> or <i>retirement home</i>	120m ² /unit
	Other <i>institutional use</i>	2,000m ²
Minimum <i>lot frontage</i>		30m
Minimum <i>front yard</i>		7.5m
Minimum <i>exterior side yard</i>		7.5m
Minimum <i>interior side yard</i>	Adjoining a <i>lot</i> in a Residential Zone	7.5m
	<i>Private</i> or <i>public school</i>	
	Other	Greater of 50% of <i>building height</i> or 5m
Minimum <i>rear yard</i>		7.5m
Maximum <i>lot coverage</i>		50%
Maximum <i>height</i>	<i>Private</i> or <i>public school</i>	12m
	Other	15m
Minimum <i>landscaped open space</i>		10%

PART 10. OPEN SPACE ZONES

10.1 APPLICABLE ZONES

The permitted *uses* and regulations of Part 10 apply to land within the following *zones*:

Zone	Symbol
Open Space	OS
Open Space Recreation	OSR

These *zones* apply to land identified with the corresponding *zone* symbol as shown in Schedule “A”.

10.2 PERMITTED USES

In the *zones* identified in Section 10.1, no *person* shall *use* or permit the *use* of any *lot* or *erect*, alter or *use* any *building* or *structure* for any purpose except in accordance with the permitted *uses* in Table 22.

Table 22: Permitted Uses in Open Space Zones

Uses	Zones where Permitted	
	OS ⁽¹⁾	OSR ⁽¹⁾
<i>Accessory buildings or structures and accessory uses (see s. 3.1)</i>	OS ⁽¹⁾	OSR ⁽¹⁾
<i>Art gallery</i>		OSR
<i>Camping establishment</i>	OS	OSR
<i>Cemetery</i>	OS	OSR
<i>Commercial school</i>		OSR
<i>Private or public park</i>	OS	OSR
<i>Private club</i>		OSR
<i>Recreation facility</i>		OSR
<i>Renewal energy system (see s. 3.15)</i>	OS ⁽¹⁾	OSR ⁽¹⁾
<i>Studio</i>		OSR

⁽¹⁾ Denotes *uses* that are only permitted accessory to or in conjunction with a permitted principal *use*.

10.3 REGULATIONS

In the *zones* identified in Section 10.1, no *person* shall *use* or permit the *use* of any *lot* or *erect*, alter or *use* any *building* or *structure* for any purpose except in accordance with the regulations in Table 23.

Table 23: Regulations for Permitted Uses in Open Space Zones

Regulation		Zone Requirements	
		OS	OSR
Minimum <i>lot area</i>		-	2,000m ²
Minimum <i>lot frontage</i>		-	15m
Minimum <i>front yard</i>		7.5m	
Minimum <i>exterior side yard</i>			
Minimum <i>interior side yard</i>	Adjoining a <i>lot</i> in a Residential <i>Zone</i>	7.5m	7.5m
	Other	5m	Greater of 50% of <i>building height</i> or 5m
Minimum <i>rear yard</i>		7.5m	
Maximum <i>lot coverage</i>		5%	50%
Maximum <i>height</i>		10m	15m
Minimum <i>landscaped open space</i>		30%	10%

PART 11. ENVIRONMENTAL ZONES

11.1 APPLICABLE ZONES

The permitted *uses* and regulations of Part 11 apply to land within the following *zone*:

Zone	Symbol
Environmental Protection	EP

This *zone* applies to land identified with the corresponding *zone* symbol as shown in Schedule “A”.

11.2 PERMITTED USES

In the *zone* identified in Section 11.1, no *person* shall *use* or permit the *use* of any *lot* or *erect*, alter or *use* any *building* or *structure* for any purpose except in accordance with the permitted *uses* in Table 24.

Table 24: Permitted Uses in Environmental Protection Zone

Uses	Zones where Permitted
<i>Conservation use</i>	EP
<i>Public park</i> for passive recreational <i>use</i>	EP

11.3 REGULATIONS

In the *zone* identified in Section 11.1, no *person* shall *use* or permit the *use* of any *lot* or *erect*, alter or *use* any *building* or *structure* for any purpose except in accordance with the regulations in Table 25.

Table 25: Regulations for Permitted Uses in Environmental Protection Zone

Regulation	Zone Requirements
	EP
Minimum <i>lot area</i>	-
Minimum <i>lot frontage</i>	-
Minimum <i>front yard</i>	10m
Minimum <i>exterior side yard</i>	10m
Minimum <i>interior side yard</i>	10m
Minimum <i>rear yard</i>	10m
Maximum <i>lot coverage</i>	5%
Maximum <i>height</i>	5m
Minimum <i>landscaped open space</i>	95%

PART 12. OTHER ZONES

12.1 OTHER ZONES

The permitted *uses* and regulations of Part 12 apply to land within the following *zone*:

Zone	Symbol
Development	D

This *zone* applies to land identified with the corresponding *zone* symbol as shown in Schedule “A”.

12.2 PERMITTED USES

In the *zone* identified in Section 12.1, no *person* shall *use* or permit the *use* of any *lot* or *erect*, alter or *use* any *building* or *structure* for any purpose except in accordance with the permitted *uses* in Table 26.

Table 26: Permitted Uses in Other Zones

Uses	Zones where Permitted
<i>Conservation use</i>	D
<i>Public park</i> for passive recreational <i>use</i>	D
<i>Single detached dwelling</i> on <i>existing lot</i> of record, in accordance with R1A <i>Zone</i> regulations	D

12.3 REGULATIONS

In the *zone* identified in Section 12.1, no *person* shall *use* or permit the *use* of any *lot* or *erect*, alter or *use* any *building* or *structure* for any purpose except in accordance with the regulations in Table 27.

Table 27: Regulations for Permitted Uses in Other Zones

Regulation	Zone Requirements
	D
Minimum <i>lot area</i>	<i>existing</i>
Minimum <i>lot frontage</i>	<i>existing</i>
Minimum <i>front yard</i>	<i>existing</i>
Minimum <i>exterior side yard</i>	<i>existing</i>
Minimum <i>interior side yard</i>	<i>existing</i>
Minimum <i>rear yard</i>	<i>existing</i>
Maximum <i>lot coverage</i>	<i>existing</i>
Maximum <i>height</i>	<i>existing</i>
Minimum <i>landscaped open space</i>	30%