

# **Zoning By-law of the Municipality of Bayham**

**No. Z456-2003**



**TABLE OF AMENDMENTS TO THE  
MUNICIPALITY OF BAYHAM ZONING BY-LAW No. 456-2003  
INCLUDED IN THIS CONSOLIDATION**

ZBLA #	Applicant	Text Change	Page #	Map Change	Page #	Date Passed by Council
Z457-2003	John & Elizabeth Keszler	-	-	✓	A-64	July 3, 2003
Z458-2003	Ronald Spears	-	-	✓	I-5	July 17, 2003
Z459-2003	Thomas & Joan Foote	-	-	✓	A-6	August 7, 2003
Z460-2004	Municipality (Windmills)	✓	2-25, 4-12, 4-21, Sec. 30	-	-	March 4, 2004
Z461-2003	Dan & Tina Froese	-	-	✓	A-56	September 4, 2003
Z462-2003	FabCo	-	-	-	-	<b>REFUSED</b>
Z463-2003	Beausoleil	-	-	✓	D-1	September 18, 2003
Z464-2003	Benner Farms	✓	5-8	✓	A-38	October 16, 2003
Z465-2003	Michael & Dianne McQuiggan	-	-	✓	A-40	December 18, 2003
Z466-2003	Kielly / Stewart	✓	5-8	✓	A-14 A-15	December 18, 2003
Z467-2004	Burwell	-	-	✓	A-17 B	February 5, 2004
Z468-2004	Beausoleil	-	-	✓	D-1	February 19, 2004
Z469-2004	Valcke	✓	21-4	✓	A-36	March 4, 2004 (upon approval of site plan)
Z470-2004	AIM - Erie Shores	-	-	✓	A-71, A-72, A-78, A-79	March 4, 2004
Z471-2004	AIM - Erie Shores	-	-	✓	A-65, A-66, A-73	March 4, 2004
Z472-2004	AIM - Erie Shores	-	-	✓	A-82, A-83	March 4, 2004
Z473-2004	AIM - Erie Shores	-	-	✓	A-77, A-84	March 4, 2004
Z474-2004	Underhill	✓	6-2	✓	A-74	May 20, 2004
Z475-2004	Underhill	✓	6-2	✓	A-74	May 20, 2004
Z476-2004	Chambers	✓	29-2	✓	A-62	July 15, 2004

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Z477-2004	Hicks	-	-	-	-	<b>REFUSED</b>
Z478-2004	Froggett	-	-	✓	A-60	August 5 <sup>th</sup> , 2004
Z479-2004	Penner	✓	10-4	✓	H-1	September 2 <sup>nd</sup> , 2004
Z480-2004	Yallop	✓	29-2	✓	A-14	September 2 <sup>nd</sup> , 2004
Z481-2004	McLaughlin	✓		✓		<b>APPLICATION WITHDRAWN</b>
Z482-2004	Pettigrew	-	-	✓	H-1	Sept. 16 <sup>th</sup> , 2004
Z483-2004	Municipality (Housekeeping)	✓	5-8, 15-2, 25-5	✓	A-7, 8, 17, 31, 41, 48, 67, 68, 74, F-2, I-5	October 7 <sup>th</sup> , 2004
Z484-2004	Kinsey	-	-	✓	A-57	October 21 <sup>st</sup> , 2004
Z485-2004	Foris	✓	29-1	✓	A-48	October 21 <sup>st</sup> , 2004
Z486-2004	Rimnyak	✓	29-2	✓	A-60	October 21 <sup>st</sup> , 2004
Z487-2004	Dyck	✓	29-1	✓	A-49	October 21 <sup>st</sup> , 2004
Z488-2004	Dygos	✓	29-1	✓	A-49	November 4 <sup>th</sup> , 2004
Z489-2004	D&E Penner	✓	7-5	✓	A-53	November 4 <sup>th</sup> , 2004
Z490-2004	G. Underhill Farms	-	-	✓	A-73	November 4 <sup>th</sup> , 2004
Z491-2004	Black	-	-	✓	A-14, 15	November 4 <sup>th</sup> , 2004
Z492-2004	Graydon	-	-	✓	A-2	November 4 <sup>th</sup> , 2004
Z593-2004	Walcarius	-	-	✓	G	November 4 <sup>th</sup> , 2004
Z494-2004						
Z495-2004	Wizniak	✓	29-2	✓	A-56	December 2, 2004
Z496-2004	Haayema (Eden Golf Course)	✓	25-4	✓	A-24	May 19, 2005
Z497-2005	Martin	✓	5-9	✓	A-9	March 2, 2005
Z498-2005	Harms (Holding Removal)	-	-	✓	C	March 3, 2005

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Z499-2005	Harms	-	-	✓	C	April 7, 2005
Z500-2005	AIM – Erie Shores	-	-	✓	A-73	April 7, 2005
Z501-2005	AIM – Erie Shores	-	-	✓	A-75, 76, 83	April 7, 2005
Z502-2005	VanLeeuwen (Holding Zone)	-	-	✓	D-2	April 7, 2005
Z503-2005	Ketchabaw	-	-	✓	A-12	May 19, 2005
Z504-2005	Rousseau	✓	5-9	✓	A-74	May 19, 2005
Z505-2005	J. Underhill	-	-	✓	A-73	June 2, 2005
Z506-2005	McLaughlin	✓	13-2	✓	A-7	<b>WITHDRAWN</b>
Z507-2005	Tupper	✓	5-10	✓	A-7	August 18 <sup>th</sup> , 2005
Z508-2005	Ens	-	-	✓	A-40	July 7 <sup>th</sup> , 2005
Z509-2005	Zawierucha	-	-	✓	I-2	July 7 <sup>th</sup> , 2005 – Final Reading Deferred
Z510-2005	Eden Golf (holding removal)	-	-	✓	A-24	<b>WITHDRAWN</b>
Z511-2005	Schafer	✓	5-11, 6-3	✓	A-31	September 15, 2005
Z512-2005	Cowan	✓	24-3	✓	A-21	September 15, 2005
Z513-2005	Housekeeping 2005	✓	10-5	✓	A-7, A-10, A-17, A-24, A-26, A-31, A-64, A-73, A-77, F-2, I-2	October 20, 2005
Z514-2005	Barclay	-	-	✓	F-1	November 17, 2005
Z515-2005	NEZ Farms	-	-	✓	A-69	December 1, 2005
Z516-2005	Dygos	✓	29-1	✓	A-49	December 1, 2005
Z517-2005	Blondeel (Highway Meadows)	✓		✓		<b>WITHDRAWN</b>
Z518-2006	VanQuathem	-	-	✓	D-1	January 12, 2006
Z519-2006	Ball	✓	6-3, 7-5	✓	A-32	March 3, 2006
Z520-2006	Hermann	-	-	✓	A-43, A-44	March 3, 2006

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Z521-2006	Chesterman Leasing Inc.	✓	21-4	✓	A-2	July 13, 2006
Z522-2006	Benner Farms	✓	5-8	-	-	June 7, 2006
Z523-2006	Donelan	✓	10-5	✓	H-2	May 4, 2006
Z524-2006	C.M. Church / Peters	-	-	✓	C	May 4, 2006
Z525-2006	Blondeel (Straffordville)	-	-	✓	F-3	May 18, 2006
Z526-2006	Blondeel	-	-	✓	A-41	June 15, 2006
Z527-2006	Klassen	✓	18-4	✓	H-2	<b>REFUSED</b>
Z528-2006	Underhill	✓	6-3	✓	A-73	September 7, 2006
Z529-2006	Eden Golf (holding removal)	-	-	✓	A-24	June 15, 2006
Z530-2006	Wieler (Temporary)	✓	29-2	✓	A-9	July 13, 2006
Z531-2006	McLaughlin	✓	20-2	✓	A-7	August 17, 2006
Z532-2006	Magyar (holding removal)	-	-	✓	C	August 17, 2006
Z533-2006	Griesbach (holding removal)	-	-	✓	I-5	September 7, 2006 (upon approval of site plan)
Z534-2006	VanQuathem	✓	6-3, 7-5	✓	A-49	October 19, 2006
Z535-2006	Bergen	✓	5-12	✓	A-64	October 19, 2006
Z536-2007	Beausoleil (holding removal)	-	-	✓	F-1	February 1, 2007
Z537-2007	Magyar (holding removal)	-	-	✓	C	March 1, 2007
Z538-2007	Municipality (Calton Cemetery)	-	-	✓	A-57	March 22, 2007
Z539-2007	Elizabeth Street Subdivision	✓	10-5	✓	I-6	June 7, 2007
Z540-2007	Morrell	✓	26-2	✓	H-2	June 7, 2007
Z541-2007	Martens (holding removal)	-	-	✓	H-2	May 17, 2007
Z542-2007	Straffordville Gospel Hall	✓	7-6	✓	A-41	June 21, 2007

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Z543-2007	Corinth Mennonite Church	-	-	✓	C	June 7, 2007
Z544-2007	Chambers (Temporary)	✓	29-2	✓	A-62	August 16, 2007
Z545-2007	Graydon (Temporary)	✓	29-2	✓	A-12	August 16, 2007
Z546-2007	Redsell (Temporary)	✓	29-2	✓	I-5	August 16, 2007
Z547-2007	Harms (holding Removal)	-	-	✓	H-2	August 16, 2007
Z548-2007	Dyck (Temporary)	✓	29-2	✓	A-49	September 20, 2007
Z549-2007	Rimnyak (Temporary)	✓	29-2	✓	A-60	September 20, 2007
Z550-2007	McQuiggan	✓	7-6	✓	A-48	October 4, 2007
Z551-2007	Yallop (Temporary)	✓	29-2	✓	A-14	October 4, 2007
Z552-2007	Redsell (Temporary)	✓	29-2	✓	I-5	October 18, 2007
Z553-2007	Borm	-	-	✓	A-57	<b>Withdrawn</b>
Z554-2007	DeCloet	-	-	✓	A-40	November 1, 2007
Z555-2007	Graydon	-	-	✓	A-6	December 6, 2007
Z556-2008	Housekeeping 2007	✓		✓	A-5, A-29, A-43	January 17, 2008
Z557-2008	Vandendriessche Valley Farms Ltd.	-	-	✓	A-60	January 17, 2008
Z558-2008	Berzinis	✓	6-4	✓	A-75	February 7, 2008
Z559-2008	Wizniak	✓	29-2	✓	A-56	February 7, 2008
Z560-2008	Parker	-	-	✓	A-74	April 3, 2008
Z561-2008	Crevits	✓	29-2	✓	A-70	May 15, 2008
Z562-2008	Harms (Holding Removal)	-	-	✓	H-2	June 19, 2008
Z563-2008	Harms (Straffordville)	✓	10-5	✓	F-3	July 3, 2008
Z564-2008	Borm	-	-	✓	A-57	August 7, 2008

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Z565-2008	Anderson	✓	5-8	-	-	August 7, 2008
Z566-2008	Drieghe	-	-	✓	A-61	August 7, 2008
Z567-2008	Graydon (holding removal)	-	-	✓	A-2	September 4, 2008
Z568-2009	Rimnyak	-	-	✓	A-60	March 19, 2009
Z569-2009	Schwartz	-	-	✓	A-16	March 19, 2009
Z570-2009	NEZ Farms	-	-	✓	A-69	March 19, 2009
Z571-2009	Borm	✓	21-4	✓	A-57	OMB Order Date: November 30, 2009
Z572-2009	Dyck	✓	29-2	✓	A-29	August 13, 2009
Z573-2009	Guenther	-	-	✓	C	August 13, 2009
Z574-2009	Blondeel	✓	7-6	✓	A-41	December 17, 2009
Z575-2009	Underhill (Otter's Edge)	✓	5-12	✓	A-73, A-74	December 17, 2009
Z576-2010	Dwelling Units	✓		-	-	April 1, 2010
Z577-2010	Csinos - Temporary	✓	29-2	✓	A-73	April 1, 2010
Z578-2010	Oakley	✓	21-6	✓	A-34	May 6, 2010
Z579-2010	Moore	✓	9-4	✓	D-2	May 20, 2010
Z580-2010	Wieler	✓	21-6	✓	A-9	First and Second Reading Only
Z581-2010	911772 Ontario (Phillips)	-	-	✓	A-12	June 17, 2010
Z582-2010	Peters	✓	5-11	✓	A-27	Withdrawn
Z583-2010	Jo-Lynn Subdivision	✓	10-5	✓	I-6	September 2, 2010
Z584-2010	Graydon Enterprises	-	29-2	-	A-12	Refused as Z597-2011
Z585-2010	Weeda	-	-	✓	H-2	November 4, 2010
Z586-2010	Peters Holding Removal	-	-	✓	C	December 16, 2010

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Z587-2011	Csinos	-	-	✓	A-82	March 24, 2011
Z588-2011	Grewal	-	-	✓	F-1	July 21, 2011
Z589-2011	Dennis	✓	5-12	✓	A-65	July 21, 2011
Z590-2011	James	✓	7-6	✓	A-50	July 21, 2011
Z591-2011	Davis	✓	5-12	✓	A-27	July 21, 2011
Z592-2011	HMCS Ojibwa	-	-	✓	I-5	August 4, 2011
Z593-2011	Jurenas	✓	7-7	✓	A-19	August 18, 2011
Z594-2011	Best Line	✓	7-7	✓	A-5	September 1, 2011
Z595-2011	Wintermute	✓	8-5	✓	A-62	September 1, 2011
Z596-2011	Southwick	-	-	✓	H-2	October 20, 2011
Z597-2011	Graydon	-	-	-	-	<b>REFUSED</b>
Z598-2011	Wiebe	✓	5-12	✓	A-39	November 3, 2011
Z599-2011	Bayham (Firehall)	-	-	✓	I-1	November 3, 2011
Z600-2012	Housekeeping	✓	-	✓	-	February 2, 2012
Z601-2012	Friesen	✓	7-7	✓	A-61	January 26, 2012
Z602-2012	Nasswetter	✓	7-8	✓	A-60	March 15, 2012
Z603-2012	Teichroeb	-	9-5	✓	A-29, E	February 21, 2013
Z604-2012	Klassen	✓	9-5	✓	E	June 7, 2012
Z605-2012	Highway Meadows	✓	12-2	✓	A, 14	January 24, 2013
Z606-2012	MacNeil (Jo-Lynn Pt. Burwell)	✓	10-6	-	-	June 7, 2012
Z607-2012	Smuck-Cemetery	-	-	✓	A-53	June 7, 2012
Z608-2012	Morrison	✓	5-13	✓	A-58	July 19, 2012

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Z609-2012	Thiessen	-	-	✓	D-1	September 6, 2012
Z610-2012	AG Advisory Committee	✓	*Multiple	-	-	September 20, 2012
Z611-2012	Bayham (Richmond)	✓	3-2	✓	E	September 20, 2012
Z612-2012	Froese	✓	7-8	✓	A-61	October 4, 2012
Z613-2013	Chambers (Temp)	✓	29-3	✓	A-62	February 21, 2013
Z614-2013	Stewart	✓	5-13, 7-8	✓	A-14, A-15	February 21, 2013
Z615-2013	Wieler	-	-	✓	H	February 21, 2013
Z616-2013	Bayham (Straffordville)	✓	10-6	✓	F	March 7, 2013
Z617-2013	Dundee Energy LP	✓	25-4	✓	I-4	April 18, 2013
Z618-2013	PB Non-Profit	✓	10-7	✓	I-5	May 2, 2013
Z619-2013	Straffordville EMC	-	-	✓	F	June 20, 2013
Z620-2013	Sorenyi (holding removal)	-	-	✓	F-1	July 18, 2013
Z621-2013	Siemens	✓	10-6	✓	H-1	August 15, 2013
Z622-2013	Marlax	-	-	✓	I-5	August 15, 2013
Z623-2013	Ketchabaw	✓	6-3	✓	A-26	September 5, 2013
Z624-2013	Pressey	✓	7-7	✓	A-58	October 3, 2013
Z625-2013	C D Phillips (Holding Removal)	-	-	✓	G	October 3, 2013
Z626-2013	Nasswetter	-	-	✓	A-64	October 17, 2013
Z627-2014	Bayham Zoning By-law 5 Year Update	✓	Various	✓	Various	March 26, 2014
Z628-2014	Froese	✓	20-3	✓	A-8	August 21, 2014
Z629-2014	Lighthouse Gospel Church	-	-	✓	I	June 5, 2014
Z630-2014	Breedon	-	-	✓	E	June 5, 2014
Z631-2014	Bayham (Port Burwell)	-	-	✓	I	Nov 25, 2014

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**MUNICIPALITY OF BAYHAM**

**ZONING BY-LAW No. Z456-2003**

**A By-law to regulate the use of land, and the character, location and use of buildings and structures  
in the Municipality of Bayham**

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**WHEREAS** the Council of the Corporation of the Municipality of Bayham deems it necessary to enact a Zoning By-law;

**NOW THEREFORE** the Council of the Corporation of the Municipality of Bayham, pursuant to the Planning Act, and all other powers thereunto enabling, enacts as follows:

**SECTION 1      INTERPRETATION AND ADMINISTRATION**

---

1.1    **Title**

This By-law shall be known as the “Zoning By-law” of the Corporation of the Municipality of Bayham.

1.2    **Application**

The provisions of this By-law shall apply to all lands within the boundaries of the Corporation of the Municipality of Bayham as now or hereafter legally constituted.

1.3    **Scope**

No land shall be used and no buildings or structures shall be erected, altered, or used within the Municipality of Bayham except in accordance with the provisions of this By-law and except as permitted by this By-law.

1.4    **Minimum Requirements**

In interpreting and applying the provisions of this By-law, they are held to be the minimum requirements for the promotion of the health, safety, comfort, convenience, and general welfare of the inhabitants of the Municipality.

1.5    **Meaning of Shall**

In this By-law, the word “shall” is always construed as mandatory.

1.6    **Number and Gender**

In this By-law, unless the contrary intention appears otherwise, words imparting the singular number or the masculine gender only shall include more persons, parties, or things of the same kind than one, and females as well as males, and the converse.

1.7    **Administration**

This By-law shall be administered by the Building Inspector or such other person, as the Council of the Municipality of Bayham designates.

1.8    **Inspection of Premises**

The Building Inspector or any other person acting under the direction of Council, may, at

any reasonable hour, enter and inspect a property or premises where there is reason to believe that any land has been used or any building or structure has been erected, altered, or enlarged, or used in violation of any of the provisions of this By-law.

1.9 **Application for Building Permits**

In addition to all other requirements of the Ontario Building Code or any other building code or building by-law, every applicant for a building permit shall file with his application a plan, in duplicate, drawn to scale, in metric measurements, showing the true dimensions of the lot proposed to be built upon or otherwise developed, the proposed location, grade, height and dimensions of the building or work in respect of which the permit is applied for and the location on such lot of every existing building, together with a statement, signed by the owner, disclosing the exact use proposed for each aforesaid building and giving all information necessary to determine whether or not such building and the proposed use thereof conform with the requirements of this By-law.

1.10 **Buildings to be Moved**

No building, residential or otherwise shall be moved within the limits of the Municipality or shall be moved into the Municipality from outside, without a permit from the Building Inspector.

1.11 **Licences and Permits**

No municipal permit, certificate, or licence shall be issued, where the said permit is required for a proposed use of land or a proposed erection, alteration, enlargement or use of any building or structure, which is in violation of any provision of this By-law.

1.12 **Violations and Penalties**

- 1.12.1 Pursuant to Section 67 of the Planning Act, any person who uses land, or erects or uses any building or structure on any part of any lot, building or structure in a manner contrary to any provision of this By-law, or who causes or permits such use or erection, or who violates any provision of this By-law, or causes or permits such violation, is guilty of an offence, and upon conviction is liable: on a first conviction to a fine of not more than \$25,000; and on a subsequent conviction to a fine of not more than \$10,000 for each day or part thereof upon which the contravention has continued after the day on which he was first convicted.
- 1.12.2 Where a corporation is convicted of contravening any provisions of this By-law, the maximum penalty that may be imposed is: on a first conviction a fine of not more than \$50,000; and on a subsequent conviction a fine of not more than \$25,000 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted.
- 1.12.3 Each day of violation shall constitute an offence.
- 1.12.4 Any building or structure, which contravenes any provision of this By-law, may be removed or altered at the instance of the Corporation, pursuant to the provisions of the Municipal Act, or the Planning Act, as amended.

1.13 **Remedies**

Where any building is or is proposed to be erected, altered, reconstructed, extended or enlarged, or any building or part thereof is or is proposed to be used, or any land is or is proposed to be used, in contravention of the provisions of this By-law, the same may be restrained by action at the instance of any ratepayer, or a member of the Council of the Municipality of Bayham pursuant to the provisions of the Planning Act, as amended from time to time.

1.14 **Repeal of Existing By-laws**

From the coming into force of this By-law all previous by-laws passed under Section 34 of the Planning Act, or a predecessor thereof, shall be deemed to have been repealed except to the extent that any of the said by-laws prohibits the use of any land, building or structure for a purpose that is also prohibited by this By-law.

1.15 **Application of Other By-laws**

Nothing in this By-law shall serve to relieve any person from the obligation to comply with the requirements of the Building By-law or any other by-law of the Municipality in force from time to time or the obligation to obtain any license, permit, authority or approval required under any by-law of the Municipality.

1.16 **Validity**

Should any section, clause or provision of this By-law be held by a court of competent jurisdiction to be invalid, the validity of the remainder of the By-law shall not be affected.



1.17 **Effective Date**

This By-law shall come into force:

- a) Where no notice of objection has been filed with the Municipal Clerk within the time prescribed by the Planning Act and regulations pursuant thereto, upon the expiration of the prescribed time; or
- b) Where notice of objection has been filed with the Municipal Clerk within the time prescribed by the Planning Act and regulations pursuant thereto, upon the approval of the Ontario Municipal Board.

## SECTION 2 DEFINITIONS

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For the purposes of this By-law, the definitions given herein shall govern.

- 2.1 **ABATTOIR**, shall mean a building, structure or lot or part thereof where animals are slaughtered for the purposes of processing meat into food for human consumption; and where meat products are produced, processed, handled, or stored.
- 2.2 **ACCESSORY**, shall mean a use, a building, or structure that is normally incidental, subordinate, and exclusively devoted to a main use, building, or structure and that is located on the same lot therewith.
- 2.3 **ACCESSORY LIVING QUARTER,S** shall mean living quarters within an accessory building located on the same premises as the main building for the sole use of persons employed on the premises or members of the dwelling unit of the main building, such dwelling unit having no kitchen facilities and not rented or otherwise used as a separate dwelling unit.
- 2.4 **ADULT ENTERTAINMENT PARLOUR**, shall mean any premises or part thereof, used in pursuance of any trade, calling, business or occupation, for the purpose of a live performance, exhibition or activity designed to appeal to erotic or sexual appetites or inclinations, of which a principal feature or characteristic is the nudity or partial nudity of any person, and in respect of which the word “nude”, “naked”, “topless”, “bottomless”, or “sexy”, or any other word, picture, symbol or representation having like meaning or implication may be used on any sign, advertisement, or advertisement device, and without limiting the generality of the foregoing, includes any performance, exhibition, or activity involving striptease dancers, exotic dancers, wet clothing contests, or best body part contests.
- 2.5 **AGRICULTURAL INDUSTRIAL ESTABLISHMENT**, shall mean the use of land and/or buildings or structures for the manufacturing and wholesale and/or retail sales of goods that are necessary to support agricultural uses. These include such goods as farm machinery and equipment used for tillage of soil, the planting, spraying, harvesting, transporting, treatment, processing and storage of grain, forage, feed, or forest products, products used for the housing and husbandry of livestock, poultry and fur-bearing animals, and the storage, handling and processing of milk, eggs, and manure and the manufacture of sub-surface drainage materials and equipment.
- 2.6 **AGRICULTURAL PROCESSING ESTABLISHMENT**, shall mean the use of land and/or buildings or structures for the processing of products derived from agricultural uses, as defined in this By-law. These products shall include such items as seed, grain, feed and forage, fruits and vegetables, livestock and poultry processing. Activities such as storage, treatment, assembly, sales and transport of these products may be included. A cheese factory, egg grading station, sawmill, abattoir, rendering plant and dead stock removal facility are examples of permitted uses. Extensions of this use may also include the grading, sorting, packing, drying or processing of crops and produce produced on properties that form part of the farm operation where the facility is located. Also includes taking a marketable farm commodity produced on land owned or controlled through rental, lease and/or sharecropping arrangements by the same farmer or farmers and increasing its value by further preparing it, storing it, and/or selling it directly to consumers.
- 2.7 **AGRICULTURAL SERVICE ESTABLISHMENT**, shall mean the use of land and/or buildings or structures for the purposes of buying or selling commodities and services that are necessary to support agricultural uses as defined in this By-law. These shall include such sales

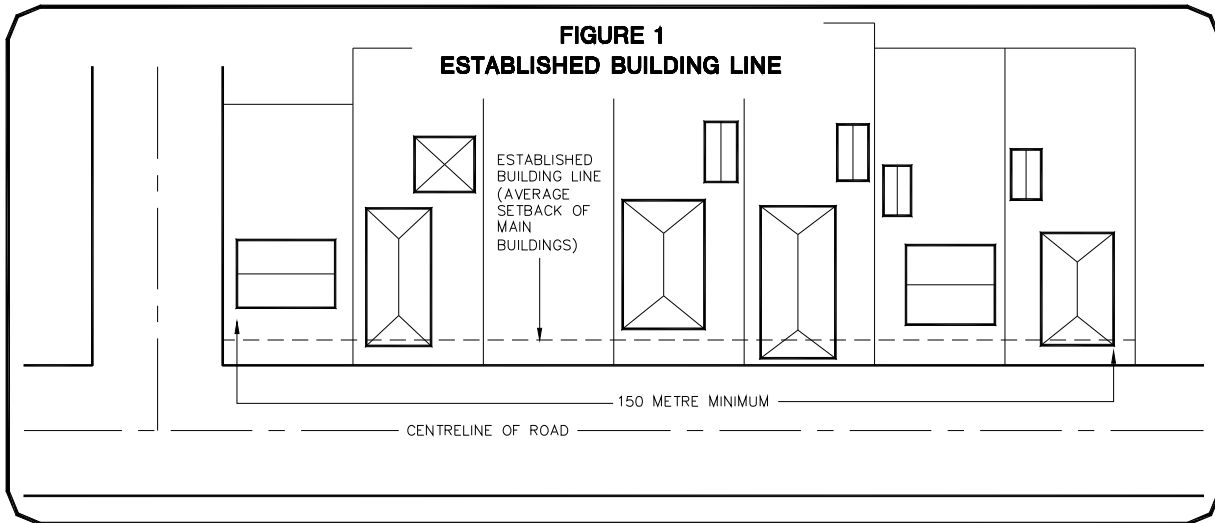
and services as welding and machinery repairs, farm drainage and excavation, agriculturally-related trucking, well-drilling, contracting and trades related to farm buildings and structures, and custom spray, tillage, planting and harvesting services.

- 2.8 **AGRICULTURAL SUPPLY ESTABLISHMENT**, shall mean the use of land and/or buildings or structures for the purpose of supply of goods, materials or services that are necessary to support agricultural uses as defined by this By-law. These shall include such goods and services as sale, processing and storage of seed, feed, fertilizer and chemical products, farm machinery and equipment sales and service, and animal and poultry health and breeding services.
- 2.9 **AGRICULTURAL USE**, shall mean the cultivation of land, the production of crops, the breeding, raising and care of livestock and the selling of such crops/livestock or the product of such crops/ livestock raised on the premises, and without limiting the generality of the foregoing includes animal husbandry, and the raising and harvesting of field, bush, tobacco, tree or vine crops, truck gardening, nurseries, greenhouses, mushroom farming and sod farming including the related sights, sounds, smells, and noises.
- 2.10 **ALTER**, when used in reference to a building or structure or part thereof, shall mean to change any one or more of the internal or external dimensions of such building or structure or to change the type of construction of the exterior walls or roof thereof. When used in reference to a lot, the word “alter” means to change the width, depth, or area of any required yard, setback, landscaped open space, or parking area, or to change the location of any boundary of such lot with respect to a street or lane, whether such alteration is made by conveyance or alienation of any portion of said lot, or otherwise.
- 2.11 **ANIMAL AND POULTRY HEALTH AND BREEDING SERVICE**, shall mean the premises of a veterinary surgeon where animals, birds or other livestock are treated or kept, or the facility used for the insemination of livestock or poultry.
- 2.12 **ANIMAL CLINIC or HOSPITAL**, shall mean any building containing more than two rooms, used or intended for use for the purpose of a veterinarian practice.
- 2.13 **ANTIQUÉ STORE**, shall mean a building, or part thereof used for the refurbishing, restoration, refinishing and/or resale of items which due to their age have an increased quality, but which does not include the sale of used motor vehicles.
- 2.14 **APIARY**, shall mean a place in which a number of beehives are kept, a bee farm.
- 2.15 **ASSEMBLY HALL**, shall mean a building or part of a building in which facilities are provided for such purposes as meetings for civic, educational, political, religious, or social purposes and may include a banquet hall or private club.
- 2.16 **ATTACHED**, shall mean a building otherwise complete in itself, which depends for structural support, or complete enclosure, upon a division wall or walls shared in common with an adjacent building or buildings.
- 2.17 **ATTIC**, shall mean the portion of a building situated wholly or part within the roof and which is not one-half storey.

- 2.18 **AUCTION SALES FACILITIES**, shall mean a building, structure, or portion thereof used for the retail sale of articles or goods to the members of the public bidding the highest offer for the article or goods during the sale proceedings.
- 2.19 **BAKERY**, shall mean a building, or part thereof, used for producing, mixing, compounding, or baking bread, biscuits, cakes or other baked products, which may or may not include a retail store where such products are sold.
- 2.20 **BASEMENT**, shall mean that portion of a building between two floor levels which is partly underground but which has at least one-half of its height from finished floor to finished ceiling above adjacent finished ground surface or grade.
- 2.21 **BED AND BREAKFAST LODGING or TOURIST HOME**, shall mean a dwelling unit or part of a dwelling unit used for the purpose of catering to the needs of the traveling public, by supplying food and furnishing sleeping accommodations to a maximum of four (4) separate guest rooms, and a maximum of eight (8) individual guests.
- 2.22 **BOARDING HOUSE or ROOMING HOUSE**, shall mean any house or building or portion thereof in which the proprietor resides and supplies, for hire or gain to more than two persons, lodging and/ or meals, but shall not include a hotel, motel, hospital, tourist home, home for the young or the aged, or institution, or restaurant accommodating the general public.
- 2.23 **BOATHOUSE**, shall mean a structure constructed for the purpose of storing boats and accessories but it shall not include a dwelling.
- 2.24 **BUFFER STRIP**, shall mean an area used for no other purpose than the planting of a continuous row of trees or an unpierced hedgerow of natural evergreens or shrubs, not less than 1.2 metres in height at the time of planting, immediately adjacent to the lot line or portion thereof, along with such planting strip shall be landscaped and planted with ornamental shrubs, flowering shrubs, flower beds, man-made landscape materials or a combination thereof and may also contain a closed board, picket or chain-linked fence with a minimum height of 1.2 metres.
- 2.25 **BUILDING**, shall mean any structure whether temporary or permanent, used or intended for sheltering any use or occupancy but shall not include a boundary wall, fence, travel trailer, camping trailer, truck camper, motor home or tent.
- 2.26 **BUILDING AREA**, shall mean an area designated on a zoning map or zoning map schedule as "Building Area" which defines the area of a lot within which permitted buildings or other structures may be erected, used, and maintained and shall be calculated by deducting all required yard areas and setbacks from the gross lot area.
- 2.27 **BUILDING BY-LAW**, shall mean any building by-law within the meaning of the Building Code Act.
- 2.28 **BUILDING INSPECTOR**, shall mean the officer or employee of the Municipality for the time being charged with the duty of enforcing the provisions of this By-law, the Ontario Building Code, or any other building code or building by-law of the Municipality.
- 2.29 **BUILDING LINE**, shall mean a line within a lot drawn parallel to a lot line. It establishes the minimum distance between the lot line and any building, or structure that may be erected. Where

the lot line is a curve, the building line shall be a line drawn parallel to the chord of the arc constituting the lot line. A chord is a straight line joining two (2) points on a curve.

- 2.30 **BUILDING LINE, ESTABLISHED**, shall mean a line within a lot drawn parallel to a lot line created by measuring the average setback of existing buildings, where at least five main buildings have been erected on any one side of a continuous 150.0 metre strip of land fronting on a street or road.



*NOTE: THIS FIGURE IS FOR ILLUSTRATIVE PURPOSES ONLY AND DOES NOT FORM PART OF THIS BY-LAW*

- 2.31 **BUILDING OPENING**, shall mean a door, window or similar opening in a building.
- 2.32 **BULK SALES ESTABLISHMENT**, shall mean the use of land, buildings, or structures for the purpose of buying and selling building materials, ice, and allied chemicals but does not include any manufacturing, assembling, or processing uses.
- 2.33 **BUS DEPOT**, shall mean a facility for the boarding and de-boarding of passengers from inter-city bus travel and may include ancillary commercial facilities, public washrooms, ticket sales areas, and offices for building personnel.
- 2.34 **CAMPGROUND**, shall mean a use consisting of at least five camping sites, licensed under the provisions of the Municipal Act, as amended, and comprising land used or maintained for seasonal recreational activity as grounds for the camping or parking of a tent, motor home, travel trailer, or truck camper, but not a mobile home.
- 2.35 **CANTILEVERED WALL**, shall mean an exterior front, side, or rear wall of a building that may project from a "Main Wall" into a "Yard" in accordance with the provisions of Section 4.26 of this By-law.
- 2.36 **CARPORT**, refer to the definition of Garage, Private.
- 2.37 **CATERER'S ESTABLISHMENT**, shall mean an establishment in which food and beverages are prepared for consumption on or off the premises to customers but does not include a restaurant.

- 2.38 **CELLAR**, shall mean that portion of a building between two floor levels which is partly or wholly underground but which has more than one-half of its height from finished floor to ceiling below adjacent finished ground surface or grade.
- 2.39 **CEMETERY**, shall mean land that is set apart or used as a place for the interment of the dead or in which human bodies and/or pets have been buried.
- 2.40 **CHURCH or PLACE OF WORSHIP**, shall mean a building dedicated to religious worship and may include a church hall, church auditorium, Sunday school, parish hall, church day nursery, synagogue and temple.
- 2.41 **CLINIC**, shall mean any building or portion thereof containing two or more offices used or intended for use for any of the purposes of medical or dental practice, and without limiting the generality of the foregoing includes the offices or consulting rooms of members of the medical or dental professions or a chiropractor.
- 2.42 **CLUB**, shall mean a building used or intended to be used as a meeting place for the members of an organization, association, fraternal order, or similar type group, not operated for profit and wherein athletic facilities, dining rooms, and beverage rooms may or may not be provided.
- 2.43 **COMMERCIAL FISHING OPERATION**, shall mean an establishment involved in the harvest and processing of marine life, for the purpose of retail or wholesale trade, which may include a bait fish operation, or a fishing charter operation, and shall include all buildings, and structures associated with such operation.
- 2.44 **COMMERCIAL GREENHOUSE**, shall mean any building or structure where fruits, vegetables, flowers, trees, shrubs or plants are produced by controlled temperature and/or humidity for the purpose of selling such products, and which may include a garden centre as a commercial accessory use.
- 2.45 **COMMERCIAL USE**, shall mean the use of land or buildings for the purposes of buying and/or selling, and/or leasing commodities and supplying services.
- 2.46 **COMMUNITY CENTRE**, shall mean a building used for community activities and not for commercial purposes, the control of which is vested in the Municipality, a local board, or trustees.
- 2.47 **CONSERVATION AREA**, shall mean an area of land owned by a conservation authority, the Municipality of Bayham, or the Province and used solely for the preservation and enhancement of the natural environment.
- 2.48 **CONTRACTOR'S YARD OR SHOP**, shall mean the use of land, buildings or structures for the purpose of storing construction, excavation or plant equipment, vehicles, or material or performing shop work or assembly work by any building trade contractor.
- 2.49 **CONVENIENCE PLAZA**, shall mean a group of not more than four (4) convenience stores or personal service shops located adjacent to one another under one roof with separate entrances, all of which front on an improved street or road which provide off-street parking.
- 2.50 **CONVENIENCE STORE**, shall mean a retail store supplying groceries and other daily household necessities to an immediate surrounding residential area.

- 2.51 **COVERAGE**, shall mean in the case of a residential building or structure that portion or percentage of the area of any lot upon which buildings or structures are erected or permitted to be erected on the lot (not including an outdoor swimming pool or open deck) measured at the level of the lowest storey containing habitable rooms, and in the case of a non-residential building or structure that portion or percentage of the area of buildings or structures erected or permitted to be erected on the lot measured at the level of the lowest storey above grade, including in both cases all porches and verandahs, steps, cornices, eaves, bay windows, chimneys.
- 2.52 **DAY CARE CENTRE**, means a premises that receives more than five children who are not of common parentage, primarily for the purpose of providing temporary care and guidance, for a continuous period, not exceeding 24 hours, when the children are:
- a) Under 18 years of age in the case of a day nursery for children with a developmental handicap; and
  - b) Under 12 years of age in all other cases.
- 2.53 **DERELICT MOTOR VEHICLE**, shall mean a motor vehicle that has no market value as a means of transportation or as an instrument of husbandry, or is inoperable and may not have current license plates when required.
- 2.54 **DOCK**, shall mean a structure on land or in the water to be used for transferring goods or passengers to or from a boat or airplane.
- 2.55 **DOG POUND**, shall mean the use of land or buildings for the purposes of impounding dogs pursuant to a by-law of the Municipality and where such dogs are kept for a minimum redemption period as defined in the Animals for Research Act, as amended from time to time.
- 2.56 **DRIVEWAY**, shall mean a private passageway for a motor vehicle, having at least one end thereof connected to a road, and providing the principal means of vehicular access to a lot.
- 2.57 **DWELLING**, shall mean a building, occupied or capable of being occupied exclusively as a home, residence or sleeping place by one or more persons, but shall not include hotels, boarding houses, rooming houses, motels, institutions, mobile homes, group homes, crisis housing or living quarters for a caretaker, watchman, or other person or persons using living quarters which are accessory to a non-residential building or structure.
- 2.58 **DWELLING, APARTMENT**, shall mean a dwelling, consisting of four or more dwelling units which units have a common entrance from the street level and the occupants of which have the right to use, in common, halls and/or stairs and/or elevators and yards.
- 2.59 **DWELLING, BLOCK TOWNHOUSE**, shall mean a townhouse dwelling that is part of a condominium, co-operative or rental project with a private internal traffic circulation system or direct access from a public street.
- 2.60 **DWELLING, CONVERTED**, shall mean a dwelling originally designed as a single-detached dwelling unit, which because of size or design is, or can be converted by partition and the addition of sanitary facilities and cooking facilities into more than one dwelling unit.
- 2.61 **DWELLING, DOUBLE DUPLEX or QUADRUPLEX**, shall mean a building that consists of two (2) duplexes attached to each other.

- 2.62 **DWELLING, DUPLEX**, shall mean a building that is divided horizontally into two (2) dwelling units each of which has an independent entrance either directly or through a common vestibule.
- 2.63 **DWELLING, FOUR UNIT**, shall mean a dwelling designed and intended for occupancy of four dwelling units.
- 2.64 **DWELLING, MAISONETTE**, shall mean a building designed to contain more than three (3) dwelling units each having an entrance from a common hallway or stairway inside the building and a separate outside entrance.
- 2.65 **DWELLING, MODULAR**, shall mean a house that is intended for residential purposes and that is constructed by assembling manufactured modular units on a permanent foundation, each of which comprises at least one room or living area, has been manufactured to comply with the A277 series of standards prescribed by the Canadian Standards Association, and bears the seal of that Association attesting to such compliance.
- 2.66 **DWELLING, MULTI-UNIT**, shall mean the whole of a dwelling used, designed or intended to be used for occupancy as three (3) or more separate dwelling units. This definition shall not include any dwelling or building otherwise defined or specifically named elsewhere in this By-law.
- 2.67 **DWELLING, ROW HOUSE**, shall mean a building that is divided vertically into three (3) or more dwelling units, each of which has independent entrances.
- 2.68 **DWELLING, SEASONAL**, shall mean a seasonal residential building or structure used or intended to be used for recreational rest or relaxation throughout the year, but not used or intended to be used as a primary residence and/or permanent dwelling.
- 2.69 **DWELLING, SEMI-DETACHED**, shall mean a building that is divided vertically into two (2) dwelling units each of which has an independent entrance either directly or through a common vestibule.
- 2.70 **DWELLING, SINGLE-DETACHED**, shall mean a completely detached, freestanding dwelling unit, but does not include a mobile home.
- 2.71 **DWELLING, STACKED TOWNHOUSE**, shall mean a townhouse dwelling with dwelling units also divided horizontally, each of which has an independent access form the outside ground level or through a common entrance hall.
- 2.72 **DWELLING, SUPPLEMENTARY FARM**, shall mean a building or structure including a mobile home, which is used or intended to be used by a bona fide farm operation, for accommodating supplementary farm labour for a period not exceeding eight (8) months in any one calendar year.
- 2.73 **DWELLING, TOWNHOUSE or ROWHOUSE**, shall mean a separate building containing three (3) or more attached single units with a common masonry wall dividing the two dwelling units vertically, each of which has an independent entrance either directly or through a common vestibule.
- 2.74 **DWELLING, TRIPLEX**, shall mean a building that is divided into three (3) separate dwelling units, each of which has an independent entrance either directly or through a common vestibule.



- 2.75 **DWELLING, TWO-UNIT**, shall mean a dwelling designed and intended and/or used for occupancy by people living independently of each other including duplex or semi-detached houses.
- 2.76 **DWELLING UNIT**, shall mean one or more habitable rooms occupied or capable of being occupied as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the use of such occupants, with a private entrance from outside the building or from a common hallway or stairway inside the building.
- 2.77 **DWELLING UNIT, BACHELOR**, shall mean a dwelling unit consisting of one (1) bathroom and not more than one (1) habitable room, providing therein living dining, sleeping and kitchen accommodation.
- 2.78 **EATING ESTABLISHMENT**, shall mean a building or part of a building where food is offered for sale or sold to the public for consumption, and includes such uses as a restaurant, café, cafeteria, ice cream parlour, tea or lunch room, dairy bar, coffee shop, snack bar, refreshment room or stand, drive-in eating establishment, or take-out eating establishment; but does not include a boarding house.
- 2.79 **EFFECTIVE DATE**, shall mean the date that this By-law shall be deemed to come into full force and effect upon the issuance of a formal order pursuant to Section 34(21) of the Planning Act, as amended and revised from time to time.
- 2.80 **ERECT**, shall include build, construct, reconstruct, alter and relocate and, not to limit the generality of the foregoing, shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, structurally altering any existing building or structure by an addition, deletion, enlargement or extension.
- 2.81 **EXISTING**, shall mean legally existing as of the date of the passing of this By-law.
- 2.82 **FAIRGROUNDS**, shall mean a lot owned and operated by an agricultural society incorporated under the Agricultural and Horticultural Societies Act, as amended, from time to time.
- 2.83 **FARM**, shall mean one or more lots, held for the purpose of agricultural use by a single operation, together with or without its dependent buildings including one single detached dwelling with private garage as the principal farm dwelling, one additional single detached dwelling or modular home as supplementary housing to the farm operation, barns, pens, sheds, and similar accessory buildings except that in areas where buildings and structures are prohibited such use shall refer only to the land.
- 2.84 **FARM EQUIPMENT SALES AND SERVICE**, shall mean the use of land, buildings, or structures, or portions thereof, where farm vehicles and equipment are stored for the purposes of sale, lease, or hire and where such vehicles and equipment are repaired or serviced for purposes of being maintained in an operable condition.
- 2.85 **FARM FUEL SALES**, shall mean the use of land, buildings, or structures, or portions thereof, where gasoline or other motor fuels are kept for sale and for delivery into farm vehicles, but does not include the sale of any such fuels to vehicles which are not directly involved in the operation of farming.

- 2.86 **FARM PRODUCE OUTLET**, shall mean a use, which is permitted on a seasonal basis, and is accessory to a permitted farm, which consists of the retail sale of agricultural products produced in the area which such outlet is located, and which does not include any permanent buildings or structures.
- 2.87 **FEED MILL**, shall mean a building or structure used for the purpose of processing food for animals, and which may include a retail operation for the sale of such products.
- 2.88 **FERTILIZER PLANT**, shall mean the use of land, buildings, and structures, or portions thereof, where natural and synthetic materials are processed for the purpose of producing materials to increase soil fertility, and which may include the retail sale of such products.
- 2.89 **FINANCIAL INSTITUTIONS**, shall mean an establishment that provides money management services directly to the public, including a bank, trust company, credit union, securities dealer, finance companies and stockbrokers, but not including the offices or administrative offices, which shall be considered to be offices for the purposes of this By-law.
- 2.90 **FLOOD AND EROSION CONTROL**, shall mean any lands, buildings or structures, and any appurtenances to such, operated and/or maintained by a public authority, and used for the purpose of regulating water levels and protecting adjacent lands on both natural and man-made bodies of water.
- 2.91 **FLOOR AREA**, shall mean the sum of the areas of all floors of a building measured from the outside of all exterior walls exclusive of any attic, basement, cellar, garage, verandah, porch or sunroom unless such enclosed porch or sunroom is an integral part of the building and habitable in all seasons, and excluding any floor area with a ceiling height of less than two (2.0) metres.
- 2.92 **FLOOR AREA, COMMERCIAL**, shall mean the sum of the areas of all floors of a building or part thereof used for commercial purposes measured between the internal faces of the exterior walls, excluding the furnace-room, laundry-room, or washroom, stairwell or any area designed or used permanently for storage space.
- 2.93 **FLOOR AREA, GROUND**, shall mean the area of a building or structure measured from the outside of all exterior walls, at grade, exclusive of any accessory building, garage, basement, cellar, terrace, verandah, open or enclosed porch or sunroom, unless such sunroom or enclosed porch is an integral part of the building and habitable in all seasons.
- 2.94 **FOOD PROCESSING PLANT**, shall mean a building, or part thereof, other than a restaurant or refreshment room in which agricultural products are packed, frozen, prepared, processed, preserved, graded or stored for eventual human consumption, and includes a cannery, a flour mill, a dairy, a bakery, or an egg grading station, but does not include an abattoir or any premises used for the slaughtering of animals or the boiling of blood, tripe or bones.
- 2.95 **FORESTRY USE**, shall mean the general raising and harvesting of wood and without limiting the generality of the foregoing includes the raising and cutting of fuel wood, pulp wood, lumber, Christmas trees, and other forest products.
- 2.96 **FUNERAL HOME**, shall mean a building where preparation of the dead human body for interment or cremation is undertaken.

- 2.97 **GAME PRESERVE**, shall mean any lands, buildings, or structures where wild animals, birds, waterfowl or fish are kept for the purpose of hunting for food or for sport.
- 2.98 **GARDEN SUPPLY CENTRE**, shall mean the use of land, buildings or structures for the purpose of buying, selling and raising of plants, shrubs and trees and includes the storage and sale of accessory products generally used for landscaping and gardening purposes.
- 2.99 **GARAGE, PRIVATE or CARPORT**, shall mean a building or portion of a building designed for the storage of not more than three (3) private motor vehicles and the storage of household equipment incidental to residential occupancy, wherein no service for profit is rendered; and where such structure is within two (2.0) metres of the main building, it shall be deemed to be part of the main building and not an accessory building.
- 2.100 **GARAGE, PUBLIC**, shall mean a building or structure other than a private garage where motor vehicles are kept or stored for remuneration or repair, including the complete repair to automobile bodies, motor cycles, frames, or motors, and the painting, upholstering, washing, and cleaning of such vehicles, and may include an automobile service station.
- 2.101 **GAS**, shall mean natural gas, manufactured gas, propane-arc gas, or any mixture of any of them.
- 2.102 **GAS BAR**, shall mean a lot containing gasoline, diesel fuel or propane dispensing devices and a structure used for the sale of fuel and lubricants for vehicles.
- 2.103 **GOLF COURSE**, shall mean a public or private area operated for the purpose of playing golf including a par three golf course, driving range, miniature golf course, or combination thereof.
- 2.104 **GRADE LEVEL**, shall mean, when used with reference to a building, the average elevation of the finished surface of the ground where it meets the exterior of the front of such building, and when used with reference to a structure means the average elevation of the finished grade of the ground immediately surrounding such structure, exclusive in both cases of any artificial embankment or entrenchment, and when used with reference to a road means the elevation of the road established by the authority having jurisdiction.
- 2.105 **GRAIN HANDLING AND STORAGE FACILITIES**, shall mean buildings and structures used for the purpose of drying, processing, storage, and/or wholesale trade of harvested agricultural grains.
- 2.106 **GROUP HOME**, shall mean a single housekeeping unit in a residential dwelling in which three to ten residents (excluding supervisory staff or the receiving persons) live as occupants under responsible supervision consistent with the requirements of its residents. The home shall be in compliance with Municipal by-laws and shall be licensed and/or approved for funding under Provincial statute.
- 2.107 **GROUPED HOUSING**, shall include two (2) or more separate dwelling units which may be comprised of but not limited to: semi-detached duplex, triplex, double duplex, converted dwellings or townhouse, rowhouse, maisonette dwellings and/or an apartment building located on the same lot, which lot may or may not be retained under one ownership.
- 2.108 **HAZARD LAND**, shall mean land which exhibits, or potentially exhibits, a hazardous condition as a result of its susceptibility to flooding, erosion, subsidence, inundation, or the presence of

organic soils or steep slopes, where the cost of construction of satisfactory waterworks, sewage or drainage facilities is prohibitive.

- 2.109 **HEIGHT**, when used with reference to a building or structure shall mean the vertical distance between the horizontal plane through:
- a) The highest point of the roof assembly in the case of a building with a flat roof or a deck roof;
  - b) Be average level of a one-slope roof, between the ridge and the eaves, provided that a roof having a slope of less than twenty (20) degrees with the horizontal shall be considered a flat roof;
  - c) The average level between eaves and ridges in the case of a roof type not covered in sub-sections a) and b).
- 2.110 **HOME OCCUPATION**, shall mean an occupation for gain or support conducted entirely within a dwelling, as a secondary use by persons residing on the premises and which is clearly secondary to the main use of the dwelling unit.
- 2.111 **HOME OCCUPATION, AGRICULTURAL**, shall mean an occupation for gain or support, associated with an agricultural use or a residential use, which serves agricultural uses and which is conducted by only persons residing on the premises.
- 2.112 **HOSPITAL**, shall mean a hospital as defined by the Private Hospitals Act, and a sanatorium as defined by the Private Sanatorial Act, and a hospital as defined by the Public Hospitals Act.
- 2.113 **HOTEL**, shall mean any hotel, tavern, inn, lounge, or public house in one main building or in two or more buildings used mainly for the purposes of catering to the needs of the traveling public by supplying food and furnishing sleeping accommodation of not less than five (5) guest rooms, which guest rooms contain no provisions for cooking, and shall include all such buildings operating under the Liquor License Act, and the Tourist Establishments Act, as amended from time to time.
- 2.114 **INDUSTRIAL USE, GENERAL**, shall mean the use of land, buildings or structures for the purpose of manufacturing, assembling, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing, storing, or adapting for sale of any goods, substance, article or thing, including the storage of building and construction equipment and materials, but not including any obnoxious industry, mine, pit, quarry or oil well.
- 2.115 **INDUSTRIAL USE, LIGHT**, shall mean the manufacturing assembly or processing of component parts to produce finished products suitable for retail or service trade but does not include food, beverage, tobacco, rubber, leather, textiles and knitting, wood, printing, metal fabricating or similar industries if these operations involve stamping presses, furnaces, machinery, or the emission of any air, noise or water pollution, that can be smelled, heard or otherwise perceived outside of the building used for such purposes.
- 2.116 **INSTITUTIONAL USE**, shall mean the use of land, buildings or other structures for a public or social purpose but not for commercial purposes. These uses may include governmental, religious, educational, charitable, philanthropic, or other similar non-commercial uses and notwithstanding the generality of the foregoing institutional uses may include: schools, museums, churches, municipal offices and hospitals.

- 2.117 **KENNEL, ANIMAL**, shall mean any lot, building or structure on or within which four (4) or more domesticated animals more than four (4) months of age are housed, groomed, bred, boarded, trained, or sold and which may offer provisions for minor medical treatment, but does not include a animal clinic or hospital.
- 2.118 **LANDING STRIP**, shall mean a strip of ground used or capable of being used for the landing and takeoff of aircraft.
- 2.119 **LANDSCAPED AREA**, shall mean an area not built upon and not used for any purpose other than as a landscaped area which may include grass, shrubs, flowers, trees and similar types of vegetation and appurtenances, but does not include parking areas, parking lots, driveways or ramps.
- 2.120 **LANE or ALLEY**, shall mean a public thoroughfare which affords a means of access to abutting lots but which is not intended for general traffic circulation.
- 2.121 **LAUNDRY ESTABLISHMENT**, shall mean a building, or part thereof, in which the business of a laundry is conducted on the ground floor, in which only water and detergent are used, and the drying, ironing, and finishing of such goods are conducted, which emits no odours, fumes, noise or vibration causing a nuisance or inconvenience within or outside the premises. A laundry establishment may include a self-service, coin operated laundromat.
- 2.122 **LIBRARY**, shall mean a building, or part thereof, used for the public display and lending of books, and other reading and audio visual materials to the public, which is operated by a public authority.
- 2.123 **LIVESTOCK**, shall mean farm animals kept for use, for propagation, or intended for profit and includes dairy and beef cattle, horses, swine, sheep, laying hens, chicken and turkey broilers, turkeys, goats, geese, ducks, mink and rabbit, but excluding animals such as pets raised or housed for recreational or hobby purposes.
- 2.124 **LIVESTOCK SALES BARNs AND MARKETING YARDS**, shall mean the lands, buildings, and structures where livestock and agricultural produce is stored temporarily for the purpose of wholesale trade, and may include the offices of such personnel employed on the premises.
- 2.125 **LOADING SPACE**, shall mean a space or bay located on a lot which is used or intended to be used for the temporary parking of any commercial vehicle while loading or unloading goods, merchandise, or materials used in connection with the main use of the lot or any building thereon, and which has an unobstructed access to a street or lane.
- 2.126 **LOT**, all of the land held or owned under distinct and separate ownership from the ownership of the fee or equity of redemption in abutting land and shall be described in a registered deed or other document legally capable of conveying land or shown as a lot or block on a registered plan of subdivision including any of its parts which are subject to a right-of-easement but does not include a lot or a block on a registered plan of subdivision which has been deemed not to be a registered plan of subdivision by a by-law passed pursuant to the Planning Act, as amended from time to time.
- 2.127 **LOT AREA**, shall mean the total horizontal area within the lot lines of a lot, except in the case of a corner lot having street lines rounding at the corner with a radius of six (6.0) metres, or less,



- 2.128 **LOT, CORNER**, shall mean a lot situated at the intersection of and abutting upon two (2) streets at least ten (10) metres in width, and where such streets are curved, or, in the case of a singular street with a curve of not more than 135 degrees, the angle of intersection of the tangents to the street lines, drawn through the extremities of the interior lot lines provided that:
- a) In the latter case, the corner of the lot shall be deemed to be that point on the street line nearest to the point of intersection of the said tangents; and
  - b) Any portion of a corner lot distant more than thirty (30) metres from the corner, measured along the street line shall be deemed to be an interior lot.
- 2.129 **LOT DEPTH**, shall mean the horizontal distance between the front and rear lot lines. If these lines are not parallel, it shall be the length of a line joining the midpoints of the front and rear lot lines. When there is no rear lot line, lot depth means the length of a straight line joining the middle of the front lot line with the apex of the triangle formed by the side lot lines.
- 2.130 **LOT FRONTAGE**, shall mean the horizontal distance between the side lot lines of a lot measured at right angles, but where such lot lines are not parallel, the lot frontage shall be measured perpendicularly to the line joining the centre of the front and the centre of the rear lot lines at a point six (6.0) metres back from the front lot line and where such lot lines meet, the lot frontage shall be measured perpendicularly to the line adjoining the apex of the triangle formed by the side lot lines and a point six (6.0) metres back from the front lot line, and where the side lot lines are curved, the lot frontage shall be measured along the line between the interior side lot line and the intersection of the tangents to the street lines, drawn through the extremities of the front lot line and exterior side lot line.
- 2.131 **LOT, INTERIOR**, shall mean a lot other than a corner lot.
- 2.132 **LOT LINES**, shall mean the boundary lines of a lot defined as follows:
- a) Front Lot Line shall mean, except in the case of a corner lot, the line dividing the lot from the street; in the case of a corner lot the shorter boundary line abutting the street shall be deemed the front lot line and the longer boundary line abutting the street shall be deemed the side lot line, in case each of such lot lines should be of equal length, the front lot line shall be deemed to be the front lot line as established in the block by prior construction.
  - b) In the case of a through lot, the shorter boundary dividing the lot from the street shall be deemed to be the front lot line and the opposite longer boundary shall be deemed to the rear lot line. In case each of such lot lines should be of equal length, the front lot line shall be deemed to be the front lot line as established in the block by prior construction.
  - c) Rear Lot Line shall mean the lot line farthest from or opposite to the front lot line. Side Lot Line shall mean a lot line other than a front or rear lot line.
  - d) In the case of a lot fronting on a navigable waterway, whether access is gained to the lot from a public street or not, the front lot line shall be the lot line closest to or adjacent to the navigable waterway. Such line shall be determined by joining the points of intersection of the side lot lines and the high water mark or the landward side of the shoreline reserve.

- 2.133 **LOT, THROUGH**, shall mean a lot bounded on two opposite sides by streets. Provided, however, that if any lot qualifies as being a corner lot and a through lot as hereinbefore defined, such lot shall be conclusively deemed to be a corner lot.
- 2.134 **LUMBER (BUILDING MATERIALS) YARD**, shall mean the use of land, buildings, and/or structures for the purposes of milling, storage, and wholesale sales of a broad range of building materials and tools, which may include a retail operation.
- 2.135 **MAIN BUILDING**, shall mean the building designed or used for the principal use on the lot.
- 2.136 **MAIN USE**, shall mean the predominant purpose for which any land, buildings, structures, premises or part thereof is designed, used or maintained.
- 2.137 **MAIN WALL**, shall mean the exterior front, side, or rear wall of a building, and all structural members essential to the support of a fully enclosed space or roof.
- 2.138 **MANURE STORAGE AREA**, shall mean land, buildings or structures used for the storage of manure generated by livestock.
- 2.139 **MARINA**, shall mean an establishment where boats are stored, rented, or hired, and/or where boats, boat motors, or boat accessories are sold, repaired, or refueled, and may include a building or structure for the sale of accessories, supplies, and/or refreshments.
- 2.140 **MARKET GARDEN OPERATIONS**, shall mean the use of land, buildings, or structures for the purpose of selling fruits, vegetables and flowers, and which may include a retail component as a commercial accessory use.
- 2.141 **MEAT PACKING OPERATION**, shall mean any land, building, structure, or part thereof used for the processing of meat, poultry, and fish products.
- 2.142 **MINIMUM DISTANCE SEPARATION**, shall mean the tool used to determine recommended distances between a livestock facility and another land use, and such distances shall be determined by the publications known as **MINIMUM DISTANCE SEPARATION I** and **MINIMUM DISTANCE SEPARATION II** developed by the Ontario Ministry of Agriculture and Food, as amended from time to time.
- a) **MINIMUM DISTANCE SEPARATION I**, shall mean the minimum distance separation for new development from existing livestock facilities.
- b) **MINIMUM DISTANCE SEPARATION II**, refers to the minimum distance separation for new or expanding livestock facilities from existing or approved development.
- 2.143 **MOBILE HOME**, shall mean a building or structure designed to be transported after fabrication, either on its own wheels, on a flatbed, on a separate trailer, or on detachable wheels, and which is suitable for occupancy as a dwelling unit except for minor and incidental unpacking and assembly operations, and placement on a mobile home stand, and connection to utilities if available, and which may have an individual sewage holding reservoir, or be capable of connection to a communal or public sewage disposal system, but shall not include a modular home.



- 2.144 **MOBILE HOME LOT**, shall mean a parcel of land which is described in a deed or other document legally capable of conveying land, or a parcel of land which is shown as a lot or block on a registered plan of subdivision and which is intended for the placement of a mobile home.
- 2.145 **MOBILE HOME, DOUBLE-WIDE**, shall mean a mobile home dwelling unit consisting of two sections, separately towable, but designed to be joined together into one integral unit. Double-wide units shall be defined as a unit greater than 6.0 metres in width.
- 2.146 **MOBILE HOME, EXPANDABLE**, shall mean a single-wide mobile home, which is transported in one load but incorporates parts that may be folded, collapsed or telescoped inside the unit during transportation and extended on-site to provide additional living space.
- 2.147 **MOBILE HOME PARK**, shall mean a lot or portion thereof used for the siting of mobile homes and/or park model trailers and includes those uses, buildings and structures accessory to the operation of the park and the needs of park residents.
- 2.148 **MOBILE HOME, SINGLE-WIDE**, shall mean a mobile home dwelling unit, designed to be towed in one load, which does not exceed 6.0 metres in width. The layout of the rooms is linear.
- 2.149 **MOBILE HOME SITE**, shall mean an area of land within a mobile home park that is intended to be occupied by one mobile home and which may be owned by the occupant of the mobile home or by the owner of the mobile home park.
- 2.150 **MOBILE HOME SUBDIVISION**, shall mean a mobile home development registered as a plan of subdivision containing lots under freehold tenure.
- 2.151 **MOTEL**, shall mean one building, or two (2) or more detached buildings for the purpose of catering to the needs of the traveling public by furnishing sleeping accommodation with or without supplying food and shall include a motor court, auto court, and all such buildings operating under the Liquor License Act, and the Tourist Establishments Act.
- 2.152 **MOTOR HOME**, shall mean a structure built on and made an integral part of a self-propelled motor vehicle chassis other than a passenger automobile chassis, primarily designed to provide temporary living quarters for recreation camping and travel use.
- 2.153 **MOTOR VEHICLE**, shall mean a wheeled self-propelling vehicle for the transportation of passengers and goods and without limiting the generality of the foregoing includes automobiles, trucks, buses, ambulances, hearses, motor homes and tractors.
- 2.154 **MOTOR VEHICLE BODY SHOP**, shall mean a building or structure where motor vehicles are kept for repair including the complete repair to vehicle bodies, frames, chassis, or motors and the painting, upholstering, glass replacement and cleaning of such vehicles.
- 2.155 **MOTOR VEHICLE SALES ESTABLISHMENT**, shall mean a parking lot, building or lot where motor vehicles are hired, kept or used for hire, or where such vehicles and accessories are stored or kept for sale, and where motor vehicles may be oiled, greased or washed, or have their ignition adjusted, tires inflated or batteries charged or where repairs essential to the actual operation of motor vehicles are executed or performed.
- 2.156 **MOTOR VEHICLE SERVICE STATION**, shall mean a building or part of a building on a clearly defined space or a lot used for the retail sale of lubricating oils and types of gasoline, and

may include the sale of automobile accessories, and where only the servicing and minor repairs essential to the operation of motor vehicles are executed or performed. It may also include the washing of motor vehicles.

- 2.157 **MOTOR VEHICLE WRECKING ESTABLISHMENT**, shall mean a building and/or lot used for the wrecking or dismantling of motor vehicles and for the storage and sale of scrap material, salvage and parts obtained there from, but shall not include any other automotive use defined in this By-law.
- 2.158 **MUNICIPAL DRAIN**, shall mean drainage works as defined by the Drainage Act, as amended and revised from time to time.
- 2.159 **MUNICIPALITY**, shall mean the Corporation of the Municipality of Bayham.
- 2.160 **NON-AGRICULTURAL**, when used with reference to a building, structure, or use shall mean designed, intended or used for purposes other than those of an agricultural use.
- 2.161 **NON-COMPLYING**, shall mean a building or structure which does not comply or agree with the regulations of this By-law as of the date of passing thereof, but does not include a non-conforming use, building, or structure.
- 2.162 **NON-CONFORMING**, shall mean a use, building or structure, which is not a use, building or structure permitted in the zone in which the said use, building or structure is situated.
- 2.163 **NON-RESIDENTIAL**, when used with reference to a building, structure or use, shall mean designed, intended or used for purposes other than those of a dwelling.
- 2.164 **NURSING HOME** or **REST HOME**, shall mean a building in which the proprietor supplies for hire or gain lodging with or without meals, and, in addition, provides nursing, medical or similar care and treatment, if required, and shall include a rest home or convalescent home.
- 2.165 **OCCUPANCY**, shall mean to reside in as owner or tenant on a permanent or temporary basis.
- 2.166 **OFFICE, GENERAL**, shall mean any building or part of a building in which one or more persons are employed in the management, direction or conducting of an agency, business, labour or fraternal organization, but excludes such uses as retail sale, manufacture, assembly or storage of goods, or places of assembly and amusement.
- 2.167 **OFFICE, PROFESSIONAL**, shall mean any office used by professionally qualified persons, for the purposes of giving advice, consultation or treatment to clients or patients.
- 2.168 **OIL**, shall mean crude oil, and includes any hydrocarbon that can be recovered in liquid form from a pool through a well.
- 2.169 **OPEN SPACE**, shall mean an unoccupied space open to the sky except such land as is used or required for parking purposes by this by-law, and shall include recreational facilities, landscaped areas, patios, walkways, and residential driveways.
- 2.170 **OPEN STORAGE**, shall mean the storage of goods, merchandise or equipment in the open air and in unenclosed portions of buildings that are open to the air on one (1) or more sides.

- 2.171 **OWNER**, shall mean the person who holds legal title to a piece of property.
- 2.172 **PARK, PRIVATE**, shall mean a park not open to the general public and which may be operated for commercial gain.
- 2.173 **PARK, PUBLIC**, shall mean an area of open land, maintained or owned by the Municipality or a public authority for the enjoyment, health and well being of the public and normally open to the public.
- 2.174 **PARKING LOT**, shall mean an area provided for the temporary parking of two or more motor vehicles and may include aisles, parking spaces and related entrance and exit lanes, but shall not include any part of a public street.
- 2.175 **PARKING SPACE**, shall mean an area enclosed in a principal building, in an accessory building, or unenclosed, having an area of not less than 14.4 square metres and measuring 2.4 metres by 6 metres, exclusive of aisles or driveways and accessible to a street or lane and set aside for the purpose of the temporary parking or storage of a motor vehicle.
- 2.176 **PERMITTED**, shall mean permitted by this By-law.
- 2.177 **PERSON**, shall include an individual, an association, a firm, a partnership, an incorporated company, municipal corporation, agent or trustee and their heirs, executors, or other legal representatives of a person to whom the context of this By-law can apply according to law.
- 2.178 **PERSONAL SERVICE SHOP**, shall mean a building, or part thereof, in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons, comprising the premises of a barber, hairdresser, beautician, tailor, dressmaker and/or shoemaker. The sale of merchandise shall be permitted only as an accessory use to the personal service provided.
- 2.179 **PIT**, shall mean any opening, quarrying, or excavation of or in the ground, licensed under the Aggregate Resources Act, as amended, for the purpose of removing rock, sand, gravel, earth, clay, or limestone, and may include the processing thereof such as screening, sorting, washing, crushing, and other similar operations.
- 2.180 **PITS AND QUARRIES, WAYSIDE**, shall mean a temporary pit or quarry opened and used by a public road authority on the basis of a permit issued pursuant to the Aggregate Resources Act, as amended, solely for the purpose of a particular project or road construction contract and not located on the road right-of-way.
- 2.181 **PLACE OF ENTERTAINMENT**, shall mean a building or part thereof used for the purposes of an arena, auditorium, public hall, billiard or pool rooms, bowling alley, and ice or roller rink but does not include all other places of amusement not specifically listed.
- 2.182 **PLANT NURSERY**, shall mean the use of land, buildings, or structures where trees, shrubs, or plants are grown for the purpose of buying and selling such products, and which may include a garden centre as a commercial accessory use.
- 2.183 **PLANTING STRIP**, shall mean an area located inside a property line used for the planting and maintenance of a continuous row of trees or unpierced hedgerow of natural evergreens or shrubs

not less than 1.2 metres (4.0 feet) in height at the time of planting, with the remainder of such an area used for both natural and man-made landscape materials, and does not include a fence.

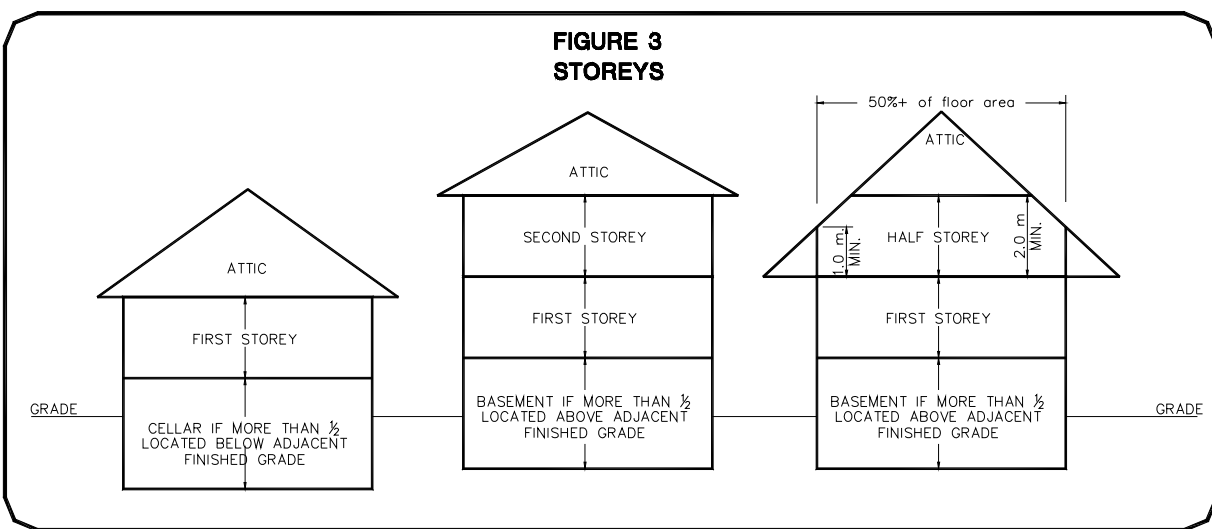
- 2.184 **PORCH**, shall mean a roofed, open gallery, or portico attached to the exterior of a building.
- 2.185 **PORTABLE ASPHALT PLANT**, shall mean a facility with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process, and which is not of permanent construction, but which is to be dismantled at the completion of the construction project.
- 2.186 **POST OFFICE**, shall mean a building, or part thereof where communications and postal services are provided to both businesses and the public such as fax machines, mailboxes, Internet links, and/or package shipping and receiving.
- 2.187 **PRIVATE CLUB**, shall mean a lawn bowling, tennis, badminton or other athletic, social or recreational club located on private lands and not operated for profit and includes the premises of a fraternal organization.
- 2.188 **PUBLIC AUTHORITY**, shall mean any school board, public utility commission, transportation commission, public library board, board of parks management, board of health, board of commissioners of police, planning boards or commission or committee of local authority established or exercising any power or authority under any general or special statute of Ontario with respect to any of the affairs or purposes of a municipality or a portion thereof, and includes any committee or local authority established by by-law of the Council of the Municipality.
- 2.189 **PUBLIC SERVICES**, shall mean the buildings, structures and other related works necessary for supplying water, gas, oil, electricity, steam, hot water, telephone services, telecommunication services, sewage collection and treatment facilities and other services provided by a public authority.
- 2.190 **PUBLIC UTILITY FACILITIES**, shall mean the use of land, buildings, or structures by a public authority in connection with the supply and distribution of utilities and, without limiting the generality of the foregoing, may include a water or sewage pumping station, a water storage reservoir, a sewage treatment plant, an electric power transformer station, a telephone repeater station, a communications tower, but excludes a waste disposal site or transmission utility corridor.
- 2.191 **PUBLISHING ESTABLISHMENT, PUBLISHING (NEWSPAPER)**, shall mean a building, or part thereof used for the purpose of printing, lithographing, or publishing, and which may include the reproduction of visual copy by blueprinting, photocopying, or small offset process.
- 2.192 **QUARRY**, shall mean a place where consolidated rock has been or is being removed by means of an open excavation, and includes the processing thereof for commercial purposes including screening, sorting, washing, crushing, and other similar operations, including required buildings and structures.
- 2.193 **RAMP**, a sloping roadway leading away from one level to another.

- 2.194 **RECREATIONAL FACILITIES**, shall mean a building or portion thereof designed and intended to accommodate one or more leisure or sporting activities and shall include an arena, aquatic centre, tennis, squash and racquetball courts, dance studios and fitness centres.
- 2.195 **RECREATIONAL USE, ACTIVE**, shall mean the use of land, water and/or building for the purpose of organized active leisure activities and shall include an arena, a golf course and a sports field, and motorized vehicle trails.
- 2.196 **RECREATIONAL USE, PASSIVE**, shall mean the use of land and/or water for the purpose of passive leisure activity and shall include a park, a garden, a picnic area and the like, equestrian and hiking trails, as well as a play lot with activity equipment for children.
- 2.197 **RENDERING PLANT**, shall mean a building, or part thereof, where any animals are reduced, converted, or otherwise processed for the purpose of producing agricultural by-products, but shall not include an abattoir.
- 2.198 **RESIDENTIAL USE**, means the use of a building or structure or parts thereof as a dwelling.
- 2.199 **RESTAURANT**, shall mean a building or part of a building where food is prepared and offered or kept for retail sale to the public for consumption either on or off the premises and includes such uses as a café, cafeteria, tea or lunch room, dairy bar, coffee shop, snack bar or refreshment room or stand. This definition shall not include a Drive-In or Take-Out Restaurant.
- 2.200 **RESTAURANT, DRIVE-IN or TAKE-OUT**, shall mean a building, or portion thereof, designed, used or intended for the sale of food or refreshments to the general public, and where such food or refreshment may be made available to a person while in his motor vehicle or while within the building, and where provision may be made for the consumption of such food or refreshment by the person while in his motor vehicle, or within the building, or elsewhere on the site.
- 2.201 **RETAIL FLOOR COVERING STORE**, shall mean a retail store devoted to the sale of floor coverings for home and office use, where a small portion of the gross floor area may be devoted to products accessory to the main use. Such goods may include carpeting, tile, wood, linoleum, and products required for the cleaning and maintenance of such products.
- 2.202 **RETAIL FURNITURE STORE**, shall mean a retail store devoted to the sale of movable contents of a room, home or office where a small proportion of the gross floor area may be devoted to the sale of home/office electronics, computers or audio/visual equipment. Such goods may include furniture, light fixtures, clocks, organs or pianos, carpet or indoor window coverings.
- 2.203 **RETAIL STORE**, shall mean a building or part of a building in which goods, wares, merchandise, substances, articles or things are offered or kept for retail sale to the public, and offices, servicing, manufacturing, repairing, warehousing or storage functions accessory thereto, but does not include a restaurant.
- 2.204 **RIDING STABLE**, shall mean an establishment that offers horses for hire or instruction in horsemanship.
- 2.205 **RIFLE RANGE AND TRAP SHOOTING RANGE OR CLUB**, shall mean lands, buildings and structures used for the purpose of discharging firearms or any other weaponry at a non-living

fixed or moving target for the purpose of practice or enjoyment, but does not include a game preserve.

- 2.206 **RIGHT-OF-WAY or EASEMENT**, shall mean any right, liberty or privilege in, over, along, or under land, which a person may have with respect to any land in the Municipality.
- 2.207 **RURAL-RESIDENTIAL USE**, shall mean the use of land for a single-detached dwelling and accessory buildings on a lot which has been created by a consent, under the provisions of Section 52 of the Planning Act, or a predecessor thereof, as amended from time to time.
- 2.208 **SALVAGE YARD**, shall mean, an establishment where goods, wares, merchandise, substances, articles or things are processed for further use, and where such goods, wares, merchandise, articles or things are stored wholly or partly in the open and includes a junk or scrap metal yard and an automobile wrecking yard.
- 2.209 **SANITARY SEWAGE FACILITIES, MUNICIPAL**, shall mean a publicly-owned and operated system whereby sanitary sewage is pumped, transported or piped from any or all buildings in the municipality to a central collection station for processing and discharge pursuant to the regulations of the Ontario Ministry of the Environment.
- 2.210 **SCHOOL**, shall mean any school established and maintained by the Thames Valley District School Board or the London District Catholic School Board.
- 2.211 **SCHOOL, PRIVATE**, shall mean a school, other than an elementary school, secondary school, adult secondary school, community college school, university school or a commercial school, under the jurisdiction of a private board of directors, trustees, or governors, a religious organization or a charitable institution, used primarily for the instruction of students receiving primary and/or secondary education.
- 2.212 **SENIOR CITIZEN HOME**, shall mean a multiple housing unit for the aged where over fifty (50) percent of the dwelling units are designed, intended and/or used for persons sixty (60) years of age or over.
- 2.213 **SERVICE SHOP**, shall mean any building or part thereof where appliances, equipment, instruments, and machinery are sold, serviced, or repaired and includes building trades establishments but excludes any manufacturing, processing, or wholesaling.
- 2.214 **SETBACK**, shall mean the horizontal distance from the centre line of the street allowance, measured at right angles to such centre line, to the nearest part of any building or structure on a lot.
- 2.215 **SETBACK FROM WATER**, shall mean the horizontal distance between the normal or controlled high water mark of any navigable waterway and the nearest part of any main wall of any building or structure.
- 2.216 **SHOPPING CENTRE**, shall mean a building or group of buildings planned, designed, developed and managed as one unit having common off-street parking provided on the site and which building or buildings are designed and which function as a unit accommodating a minimum of five (5) separate businesses.

- 2.217 **SIGN**, shall mean a name, identification, description, devise, display, or illustration which is affixed to, or represented directly or indirectly upon a building, structure or lot and which directs attention to an object, product, place, activity, person, institution, organization or business.
- 2.218 **STOREY**, shall mean the portion of the building, other than the basement or cellar, which lies between the surface of the floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling or roof next above it.
- 2.219 **STOREY, FIRST**, shall mean the lowest storey of a building, excluding the basement or cellar.
- 2.220 **STOREY, HALF**, shall mean the portion of a building located wholly or partly within a sloping roof, having side walls not less than one (1.0) metre in height and the ceiling with a minimum height of two (2.0) metres over an area equal to a least fifty (50) percent of the area of the floor



next below.

- 2.221 **STREET or ROAD**, shall mean a public highway as defined by the Municipal Act.
- 2.222 **STREET, ARTERIAL or ROAD, ARTERIAL**, shall mean a street or road under the jurisdiction of the Province of Ontario or the County of Elgin.
- 2.223 **STREET LINE**, shall mean the limit of the street allowance and is the dividing line between a lot and a street.
- 2.224 **STRUCTURE**, shall mean any material, object, or work erected as a unit or constructed or put together of connected or dependent parts or elements whether located under, on, or above the surface of the ground, but does not include a sign, fence, or boundary wall.
- 2.225 **TAVERN**, shall mean an establishment operating under the Liquor Licence Act, as amended from time to time, where alcoholic beverages are sold for consumption on the premises.
- 2.226 **TAXI SERVICE ESTABLISHMENT**, shall mean lands, buildings, and structures used as a dispatch office or intended for the parking of taxis and/or limousines when not engaged in transporting persons or goods.

- 2.227 **THEATRE**, means a building, or part thereof, used for the presentation of the performing arts or motion pictures.
- 2.228 **TOURIST HOME**, refer to the definition of Bed and Breakfast Lodging.
- 2.229 **TRAILER, PARK MODEL**, shall mean a building or structure that is built on a single chassis mounted on wheels and which is capable of complete relocation; and which is designed for use as a seasonal dwelling; and which shall be connected to communal or municipal services and utilities necessary for operation of installed fixtures and appliances; and which shall not have a gross floor area that exceeds 50 m<sup>2</sup>, nor a width that is greater than 2.6 metres.
- 2.230 **TRAILER, TRAVEL**, shall mean a vehicle, including a camping trailer, designed, used, or intended for the living, sleeping, eating, or accommodation of persons therein for seasonal recreational travel; and which is either self propelled or constructed such that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle.
- 2.231 **TRAVEL TRAILER LOT**, means a parcel of land intended to be used by no more than one (1) travel trailer.
- 2.232 **TRAVEL TRAILER PARK**, means a parcel of land under single ownership, which provides accommodation for travel trailers.
- 2.233 **TRUCK CAMPER**, shall mean a portable structure, designed to be loaded onto, or affixed to, the bed or chassis of a truck, constructed to provide temporary living quarters for recreation, camping or travel use.
- 2.234 **TRUCK TERMINAL**, shall mean the use of land, buildings, or structures, or portions thereof, where transports are stored, rented, leased, kept for hire, or parked for remuneration or from which trucks or transports are dispatched as common carriers, or where goods are stored temporarily for further shipment.
- 2.235 **USE**, when used as a noun, shall mean the purpose for which any land, building or structure is designed, arranged or intended to be occupied or used, or for which it is occupied, used or maintained. **USE**, when used as a verb or “to use” shall have a corresponding meaning.
- 2.236 **USE, CONTINUOUS**, in the context of Section 4.10 **NON-CONFORMING USES**, shall mean the continuous use of any lot, building or structure notwithstanding a change of ownership of the property where the use is located. Use shall further be deemed to be continuous if, after having ceased, the same use recommences within a period of one (1) year from the date of cessation and/or if a structure is destroyed or damaged, it is rebuilt or repaired for the same use within a period of one (1) year from the date of its destruction or damage.
- 2.237 **VEHICLE**, includes a motor vehicle, trailer, traction, traction engine, farm tractor, road-building machine, motorized snow vehicle and any vehicle drawn, propelled or driven by any kind of power.
- 2.238 **WAREHOUSE**, shall mean a building or portion thereof designed, used, or intended for the storage of goods, wares, merchandise, articles, or things that may include the selling or distribution thereof at wholesale.



- 2.239 **WASTE DISPOSAL SITE**, shall mean any land or land covered by water, licensed under the provisions of the Environmental Protection Act, as amended, from time to time, upon, into, or through which, or building or structure in which, waste is deposited or processed, and any machinery and equipment or operation required for the treatment or disposal of waste, and may include a solid waste transfer site, and recycling operation.
- 2.240 **WATER FRONTAGE**, means the boundary of a lot directly abutting an original shoreline reserve or a front lot line, as defined by Section 2.133.
- 2.241 **WATER SUPPLY, COMMUNAL**, shall mean a privately owned and operated system whereby water is piped to more than one dwelling unit, or to more than one commercial use, or to more than one institutional use, or combination thereof, situated on separate lots.
- 2.242 **WATER SUPPLY SYSTEM, PUBLIC**, shall mean a publicly owned and operated system whereby water is piped to more than one dwelling unit, or to more than one commercial use, or to more than one industrial use, or to more than one institutional use, or combination thereof, situated on separate lots.
- 2.243 **WATER WELL-HIGH YIELD**, shall mean a hole and any structure appurtenant thereto, drilled into a geological formation of Cambrian or more recent age, with a yield of 3.8 litres of water per second or greater.
- 2.244 **WELDING AND MACHINE SHOP**, shall mean a building or portion thereof where farm equipment and machinery and/or small engines are serviced or repaired.
- 2.245 **WELL**, shall mean a hole and any structure appurtenant thereto, drilled into a geological formation of Cambrian or more recent age for the production of fresh water.
- 2.246 **WRECKING YARD**, shall mean an establishment with a commercial wrecking licence where goods, wares, merchandise, substances, or articles are stored wholly or partly in the open and includes a junk, scrap metal or salvage yard and an automobile wreacking yard.
- 2.247 **YARD**, shall mean a space, appurtenant to a building or structure, located on the same lot as the main building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such buildings, structures, or uses as are specifically provided for elsewhere in this By-law.
- 2.248 **YARD, FRONT**, shall mean a yard extending across the full width of the lot between the front lot line of the lot and the nearest main wall of any main building or structure on the lot. **“FRONT YARD DEPTH”** means the least horizontal dimension between the front lot line of the lot and the nearest main wall of any main building or structure on the lot.
- 2.249 **YARD, REAR**, shall mean a yard extending across the full width of the lot between the rear lot line of the lot and the nearest main wall of any main building or structure on the lot. **“REAR YARD DEPTH”** means the least horizontal dimension between the rear lot line of the lot and the nearest main wall of any main building or structure on the lot.
- 2.250 **YARD, SIDE**, shall mean a yard extending from the front yard to the rear yard and from the side lot line of the lot to the nearest main wall of any building or structure on the lot. **“SIDE YARD WIDTH”** means the least horizontal dimensions between the side lot line of the lot and the nearest main wall of any main building or structure on the lot.





## **SECTION 3            ZONES AND ZONING MAP**

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### **3.1    Establishment of Zones**

For the purposes of this By-law, the maps hereto attached as Schedule “A”, Maps 1 to 15 inclusive, Schedule “B”, Schedule “C”, Schedule “D” Schedule “E”, Schedule “F”, Schedule “G”, Schedule “H”, and Schedule “I”, shall be referred to as the “Zoning Maps” for the Municipality of Bayham and the zoning maps shall be divided into one or more of the following zones:

ZONE	SYMBOL
Agricultural	A1/A1-A
Special Agricultural	A2
Hamlet Residential	HR
Rural Residential	RR
Estate Residential	ER
Village Residential 1	R1
Village Residential 2	R2
Mobile Home Park	MH
Farm Commercial	FC
Rural Commercial	RC
Highway Commercial	HWC
Hamlet Commercial	HC
Central Business District	C1
Local Commercial	C2
Tourist Commercial	C3
Farm Industrial	M1
Rural Industrial	M2
Extractive Industrial	M3
Urban Industrial	M4
Institutional	I
Open Space	OS1/OS2

### **3.2    Use of Zone Symbols**

The symbols listed in Section 3.1 shall be used to refer to land, buildings, and structures and the uses thereof permitted by this By-law in the said zones, and wherever in this By-law the word “Zone” is used, preceded by any of the said symbols, such zones shall mean any area within the Municipality of Bayham delineated on the zoning maps and designated thereon by the said symbol.

### 3.3 Holding Zones

In any zone which is accompanied by the holding symbol “h”, the uses normally permitted by that zone for lands, buildings or structures may only be allowed when the holding symbol is removed by amendment to this By-law or any subsequent holding by-law. Permitted uses, when the holding symbol (h) is applied, are limited to those that existed on the date when the holding by-law was passed. The purpose of individual holding zones is as follows:

- a) h1 Purpose: To ensure public health and safety, an agreement with the Municipality, or the satisfying of conditions of severance, which address impacts of new development to the applicable proposed water supply system and/or sewage treatment and disposal system; and which may include issues relating to water capacity, water quantity, water quality, and financial costs will be required prior to the removal of the “h1” zone symbol.
- b) h2 Purpose: To ensure orderly development, a subdivision agreement with the Municipality, which addresses financial and servicing impacts of new development to the Municipality, will be required prior to the removal of the “h2” zone symbol.
- c) h3 Purpose: To ensure the mitigation of impacts to natural heritage features and their ecological functions, an Environmental Impact Study will be required prior to the removal of the “h3” zone symbol.
- d) h4 Purpose: To ensure parcels of land do not become landlocked, proof of access to a public right-of-way by the proponent will be required prior to the removal of the “h4” zone symbol.

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### 3.4 Application of Regulations

No person shall within any zone use any land or erect, build, construct, reconstruct, relocate, excavate for, alter, add to, enlarge, extend or use any building or structure, except in conformity with this By-law for the zone in which such land, building, structure or use is located.

### 3.5 Defined Areas

All zones may be subdivided into one or more defined areas within which greater or lesser restrictions shall apply. These defined areas shall be designated by reference to the symbol of the zone within which each such defined area is located together with a number so as to differentiate different defined areas within a zone from each other and from other areas within the zone.

### 3.6 Exceptions for Defined Areas

Within any zone there may apply exceptions with respect to a defined area and, in addition to such exceptions, all provisions of this By-law including the general use regulations and the special use regulations applicable to the zone within which the defined area is located shall apply to the defined areas; provided that, unless a contrary intention appears from the exceptions, the following shall apply:

- a) If the exceptions establish regulations different from the general provisions of this By-law, including the general use regulations and special use regulations applicable to the zone within which the defined area is located, the exceptions shall supersede and prevail over such corresponding regulations of this By-law.

- b) If the exceptions establish one (1) or more specifically permitted uses of the defined area, such permitted use or uses shall be the only purpose or purposes for which land, buildings or structures within the defined area may be used; and
- c) If the exceptions specifically permit one (1) or more uses in addition to those otherwise permitted in the zone within which the defined area is located, any and all of the other exceptions applicable to the defined area shall also apply to the additional permitted use or uses and not only to the uses not otherwise permitted in the zone.

### 3.7 **Multiple Zones**

Where a lot is subdivided into more than one zone, the regulations applicable to these zones shall apply to the respective areas so zoned, and the zone lines shall be deemed to be lot lines for the purposes of this By-law.

### 3.8 **Interpretation of Zone Boundaries**

Where any uncertainty exists as to the location of the boundary of any of the said zones as shown on the zoning maps, the following shall apply:

- a) Unless otherwise shown, the boundary of the zones as shown on the zoning maps are the centre lines of the road allowance or lot lines and the projection thereof
- b) Where a zone boundary is indicated as approximately following lot lines, such lot lines shall be deemed to be the said zone boundary;
- c) Where a zone boundary is indicated as approximately parallel to the line of any road and the distance from such road is not indicated, such zone boundary shall be construed as being parallel to such road and the distance therefrom shall be determined by the use of the scale shown on the zoning maps;
- d) Unless otherwise indicated, a road, railway right-of-way, or watercourse included on the zoning maps is included within the zone of the adjoining lands on either side thereof; and where such road, right-of-way, or watercourse serves as a boundary between two or more different zones, a line midway in such road, street, lane, right-of-way, or watercourse and extending in the general direction of the long division thereof is considered the boundary between zones unless specifically indicated otherwise;
- e) In the event a road, street, lane or railway right-of-way shown on the zoning maps is closed, the land formerly in said road or right-of-way shall be included within the zone of the adjoining land on either side of the said closed road or right-of-way, and the zone boundary shall be the former centre line of the said closed road or right-of-way;
- f) Where any zone boundary is left uncertain after application of the preceding provisions, then the boundary line shall be determined according to the scale on the zoning maps in the office of the Municipality.

### 3.9 **Conservation Authority Regulation Limit**

- 3.9.1 Any zone which is accompanied by the hatch/shading symbol identified as “conservation authority regulation limit”, the uses normally permitted by that zone for lands, buildings or structures may only be allowed when written approval is obtained from the

Conservation Authority. Permitted uses, when the “conservation authority regulation limit” symbol is applied, are limited to those that existed on the date when the holding by-law was passed.

### 3.9.2

The conservation authority regulation limit does not delimit the extent of all the areas regulated by the Regulation (Ontario Regulation 178/06). Mapping will be periodically updated by the Conservation Authority as more detailed information becomes available. The areas described in the text of the Regulation prevail over the delineated boundary or where a line is absent.

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#### 4.1 **Application**

The provisions of this section apply in all zones except as may be indicated otherwise by this By-law.

#### 4.2 **Accessory Uses**

Accessory uses, buildings or structures, are permitted in any yard, in any zone, subject to the provisions of this By-law for the particular zone in which said building or use is located, and provided that any accessory building or use:

- a) Shall not be used for human habitation, except where a dwelling unit is a permitted accessory use;
- b) Shall not be built closer to the front lot line or side lot line than the minimum distance required by this By-law for the main building on the lot;
- c) With the exception of buildings and structures for farm uses, shall not be located in the front yard or the exterior side yard, in the case of a corner lot;
- d) With the exception of buildings and structures for farm uses, shall not be built closer to the street than the main building is to that street; except in the case of through lots and through lots deemed to be corner lots where the accessory building shall not be closer to the street line at the rear lot than the required front yard set-back for adjacent lot;
- e) Shall not be built closer than one (1.0) metre to any lot line except:
  - i. That common semi-detached private garages or carports may be centred in the mutual lot line;
  - ii. That where a lot line abuts a public lane an accessory building may be located not less than one-half (0.5) metre from said lane.
- f) With the exception of buildings and structures for farm uses, shall not exceed ten (10) percent coverage of the total lot area;
- g) With the exception of buildings and structures for farm uses, shall not exceed six (6.0) metres in height or contain more than two storeys;
- h) Shall not be built within two (2.0) metres of the main building or another accessory building;
- i) Shall not be considered as an accessory building if attached to the main building in any way;
- j) Shall not be considered an accessory building if located completely underground.

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#### 4.3 **Commercial Accessory Uses**

Notwithstanding any other provisions of this By-law, where a commercial use is permitted as an accessory use in an industrial zone, it shall be erected within two (2.0) metres of the main building, shall not exceed ten (10) percent of the total floor area of the main building, or shall not exceed a maximum floor area of two hundred and eighty (280.0) square metres, whichever is less. Where no building exists, such commercial accessory use shall not exceed one hundred (100.0) square metres of floor area.

#### 4.4 Residential Accessory Uses

Notwithstanding any other provisions of this By-law, where one dwelling unit is permitted as an accessory use in a commercial, industrial, institutional, or open space zone, the minimum lot area shall be nine hundred and fifty (950.0) square metres over and above the minimum requirements of the zone in which it is erected, and, in the case of a single detached dwelling, the maximum building height for the dwelling unit shall be nine (9.0) metres, and the minimum floor area shall be eighty (80.0) square metres, and in the case of a dwelling unit permitted as an accessory use in a commercial zone, it shall be contiguous to the main commercial use, be above or in the rear of the main commercial use, and be used as the residence of the owner or operator, or an employee of the owner or operator, of the main commercial use.

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##### 4.4.1

Notwithstanding any other provisions of this By-law, where one dwelling unit is permitted as an accessory use in a commercial, industrial, institutional, or open space zone, the minimum lot area shall be nine hundred and fifty (950.0) square metres over and above the minimum requirements of the zone in which it is erected unless it is serviced by both municipal water and sewer services, in which case no additional lot area is required.

##### 4.4.2

In the case of a single detached dwelling, the maximum building height for the dwelling unit shall be nine (9.0) metres, and the minimum floor area shall be eighty (80.0) square metres.

##### 4.4.3

In the case of a dwelling unit permitted as an accessory use in a commercial zone, such dwelling unit shall be contiguous to the main commercial use, and be located above, below or in the rear of the main commercial use.

##### 4.4.4

Residential accessory uses shall be used as the residence of the owner or operator, or an employee of the owner or operator, of the main use, except that in commercial zones, such dwelling units may be occupied by any person, provided the main commercial use is not considered an obnoxious or dangerous use.

#### 4.5 Home Occupations

Where a home occupation is permitted in a particular zone, the following provisions shall apply:

- a) No outside storage of materials, containers, or finished products is permitted;
- b) The character of the dwelling as a private residence shall not change, nor shall a public nuisance particularly in regard to noise, traffic or parking be created;
- c) No mechanical equipment shall be used in the operation, which would result in any undue noise, fumes, dust, or odour escaping to any adjoining premise;
- d) Shall not occupy more than 25 percent of the total floor area of the dwelling unit including basement or cellar area used for home occupation or as living quarters, or forty (40.0) square metres whichever is the lesser. For greater clarity, such uses include the offices or consulting room for a profession such as a physician, dentist, chiropractor, lawyer, engineer, accountant, teacher or musical instructor, the office for a trade such as a painter, plumber, carpenter, or electrician and the workroom for a dress- maker, milliner, or hairdresser, but does not include or permit a clinic, any retail shop, tea room, tourist home, convalescent home,

mortuary, funeral parlour, dancing school, rooming house, boarding house, hairdressing if more than two persons are engaged in the business, or any similar use or other commercial use or institutional use or a workshop, storage yard, parking area or plant for any of the trades.

- e) The home occupation shall not involve the use of the premises as a base of operation for persons who are employed by or associated with the home occupation, nor shall the premises be used to assemble or rally such persons for transportation to a work site;
- f) There shall be no visible indication that the home occupation is being carried on within the dwelling unit except that one sign no larger than 0.5 square metres attached to the dwelling unit shall be permitted to show the name and callings of the residents concerned;
- g) No retail use of the dwelling unit shall be permitted as a home occupation, except retail sales of a finished article associated with the businesses noted in subsection d);
- h) No institutional use of the dwelling unit shall be permitted as a home occupation;
- i) No manufacturing or assembly shall be carried on or in connection with the home occupation except for the fabrication of handmade articles of clothing, arts or crafts;
- j) No lodging shall be provided in connection with a home occupation, however, this subsection does not preclude or prohibit the establishment or operation of a tourist home as defined by this By-law and where permitted by this By-law;
- k) No lands, premises, detached garages or accessory buildings associated with the dwelling unit shall be used in connection with the home occupation;
- l) Not more than one (1) home occupation shall be permitted per dwelling unit or lot;
- m) No more than 5 persons permitted in dwelling at one time to receive treatment, services, or instructions;
- n) No more than 2 persons may be employees of home occupation which are not permanent residents of dwelling, and shall clearly serve a support role to the home occupation;
- o) No animal, corpse, bacteria, or virus shall be brought into dwelling in connection with a home occupation;
- p) No delivery of materials to the dwelling unit from a vehicle that has a gross registered weight exceeding 5,000 kilograms.

4.5.1 No household sale shall be permitted except where a premises has a dwelling unit, and there shall not be more than two household sales per annum at one location and no such sale shall exceed two days in duration.

#### 4.6 **Agricultural Home Occupations**

Where an agricultural home occupation is permitted in a particular zone, the following provisions shall apply:

- a) Storage of materials, containers or finished products in the front or side yards

shall not be permitted;

- b) Any building or structure, excluding that for residential use, used for an agricultural home occupation shall not exceed seventy (70.0) square metres of floor area;
- c) Agricultural home occupations shall include only a carpentry shop, a welding shop, a machine shop, a small tool repair shop, and home craft operations such as pottery, weaving operation, baking, canning of preserves, ice cream production, flowers, candle making, quilting and other related farmers' market products.
- d) Farm processing uses outlined above shall have a primary product which is grown on the farming operation which is operated by the farm operation owner; may permit a maximum of five (5) additional employees; may include a processing facility to a maximum of 464.5 square metres; and may include an associated retail area not exceeding 70.0 square metres.

#### 4.7 **Public Uses**

The provisions of this By-law shall not apply to the use of any land or to the erection, alternation or use of any building or structure, or portion thereof, for the purpose of public service by a public authority or public utility provided:

- a) The lot coverage, setback and yard requirements prescribed for the zone in which such land, building or structure is located are complied with except in the case of buildings and structures erected prior to the date of the passing of the By-law in which case the requirement does not apply;
- b) No goods, material, or equipment shall be stored in the open in a residential zone or in a lot adjacent to a residential zone;
- c) Any building erected in a residential zone under the authority of this paragraph shall be designed and maintained in general harmony with residential buildings of the type permitted in the zone;
- d) Any parking and loading regulations for these uses are complied with;
- e) Notwithstanding the generality of the foregoing, electric power facilities shall not be required to comply with the setback or yard requirements of this By-law.

#### 4.8 **Prohibited Uses**

4.8.1 The following uses shall be prohibited in any zone unless otherwise provided for:

- a) The use of any land or the erection and use of any building or structure for the purposes of wrecking yards, salvage yards, dumps, the collection of rags, junk, any refuse, scrap iron, or other scrap metals;
- b) No land shall be used, and no buildings or structures shall be erected, used, or altered in any zone for the industrial manufacture of coal oil, rock oil, fuel oil, burning fluid gas, naphtha, benzene, gasoline, dynamite, dualene, nitro-glycerine, gun powder, petroleum and petroleum liquid material which is likely to create danger to health, or danger from fire or explosion;
- c) The location, storage and use of a single-wide mobile home, a double-wide mobile home, a single-wide modular home, a double-wide modular home, or an expandable mobile home for the purposes of residential, commercial, industrial,

or institutional uses;

- 4.8.2 Any use is prohibited which by its nature or by the materials used therein is declared under the Public Health Act, as amended and revised from time to time, or any regulations adopted thereunder to be a noxious or offensive trade, business or manufacture.

4.9 **Obnoxious Uses**

Nothing in this By-law shall be construed to permit the use of land for the erection or use of a building or structure for any purpose that is likely to become a nuisance or offensive:

- a) By the creation of noise or vibrations;
- b) By reason of the emission of gas, fumes, dust or objectionable odour;
- c) By reason of the unsightly storage of goods, wares, merchandise, salvage, or refuse matter or other such material.

4.10 **Non Conforming Uses**

The provisions of this By-law shall not apply:

- a) To prevent the use of any land, building or structure for any purpose prohibited by this By-law if such land, building or structure was lawfully used for such purpose on the effective date so long as it continues to be used for that purpose; or
- b) To prevent the erection or use for a purpose prohibited by the By-law of any building or structure for which a permit has been issued under Section 8 of the Building Code Act, as amended, prior to the day of the passing of the By-law, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the permit has not been revoked under Section 8 of the Building Code Act, as amended.
- c) Where for any reason, the use of land, building or structure for a use not permitted by this By-law, has ceased and is not resumed within a 12-month period of the date of ceasing; such non-conforming use shall be in conformity with the provisions covering the zone in which the land, building or structure is located.

4.11 **Non-Complying Uses**

Where a building or structure has been erected prior to the effective date on a lot having less than the minimum frontage and/or area, or having less than the minimum setback and/or side yard and/or rear yard required by this By-law, the said building may be enlarged, reconstructed, repaired or renovated provided that:

- a) The alterations enlargement, reconstruction, repair or renovation does not further reduce a front yard and/or side yard and/or rear yard and/or setback having less than the minimum required by this By-law; and
- b) All other applicable provisions of this By-law are complied with.

4.12 **Temporary Uses**

Notwithstanding any other provisions of this By-law, uses such as a construction camp or

other such temporary work camp, a tool shed, mobile home, scaffold, sign or other building incidental to construction are permitted in any zone provided that:

- a) Such uses or buildings are used only as long as same are necessary for work in progress which has neither been finished nor abandoned, or a period of one year whichever is less, and;
- b) Such uses or buildings are removed when the work for which they were permitted is terminated;
- c) Where a building is being used as temporary living quarters, it is used only as long as necessary for work in progress, or a period of 2 years, whichever is less, and that such building is removed within 60 days of issuance of an occupancy permit by the Chief Building Official.

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#### 4.13 Existing Lots

Notwithstanding any other provisions of this By-law, existing lots with less than the required lot area or lot frontage may be developed for the use specified in the appropriate zone provided all other regulations of the By-law are satisfied, and in the case of lots where buildings or structures requiring sanitary sewage facilities are to be erected therein:

- a) Such lots are serviced by approved sanitary sewage services;
- b) Such lots have a minimum frontage of twenty (20.0) metres on a public street where a public water supply is not available;
- c) Such lots have a minimum lot area of thirteen hundred (1300.0) square metres where a public water supply is not available;
- d) If access is only by an existing, private right of way, development may occur if permission is granted, in writing, for the use of the right-of-way from both the Municipality and the holder of title of the right-of-way.

#### 4.14 Municipal Drains and Watercourses

4.14.1 Notwithstanding any other provisions of this By-law, no permanent buildings or structures shall be erected or used:

- a) Closer than seven and one-half (7.5) metres from the top-of-bank of a municipal drain having a width of less than four and one-half (4.5) metres from top-of-bank to top-of-bank;
- b) Closer than eighteen and one-half (18.5) metres from the top-of-bank of a municipal drain having a width of between four and one-half (4.5) metres and seven and one-half (7.5) metres from top-of-bank to top-of-bank;
- c) Closer than thirty and one-half (30.5) metres from the top-of-bank of a municipal drain which is seven and one-half (7.5) metres or more from top-of-bank to top-of-bank;
- d) Closer than four and one-half (4.5) metres from the centre line of a municipal tile drain;
- e) Closer than fifteen (15.0) metres from the top-of-bank of a natural watercourse or within an area which is equal to fifteen (15.0) metres plus one-half the width of the stream from the centre line of the watercourse, whichever is greater;

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- f) Closer from the top-of-bank of the Lake Erie shoreline than  $D = 3h + 100R$  where  $D$  = setback (in metres),  $h$  = elevation above Lake Erie (metres),  $100$  = constant representing 100 years of protection and  $R$  = rate of erosion in metres per year at the point under consideration.

- 4.14.2 Notwithstanding any other provisions of this By-law, no permanent buildings or structures shall be erected or used on lands which exhibit, or potentially exhibit, a hazardous condition as a result of their susceptibility to flooding, erosion, subsidence, inundation or the presence of organic soils or steep slopes.
- 4.14.3 Where in this By-law a front, side or rear yard is required, and part of the area of the lot is, covered by water or marsh for more than two (2) months in the year, or is beyond the rim of a river bank or watercourse, or between the top and toe of a cliff or embankment having a slope of thirty (30) degrees or more from the horizontal, then the required yard shall be measured from the nearest main wall of the main building on the lot to the nearest edge of said area covered by water or marsh, or to the rim of said river bank or watercourse, or to the top of the said cliff or embankment.
- 4.14.4 Any application for a building permit on a lot in any zone within the Municipality may be referred by the Building Inspector to the Conservation Authority for analysis of the severity and location of hazardous natural conditions before issuance of the said permit.
- 4.14.5 Notwithstanding any other provision of this By-law, a building in any zone within the Village of Port Burwell shall not be closer than 7.5 metres to the top of the bank of any watercourse, or municipal drainage ditch, permanent or intermittent, which is not navigable. In the case of hazard land, no part of any building shall be constructed closer than 7.5 metres to the nearest point of the area to which the hazardous condition is deemed to exist.

4.15 **Truck, Bus, and Coach Bodies or Travel Trailers, Truck Campers, Motor Homes or Tents Used for Human Occupancy**

- 4.15.1 Except as expressly permitted by this By-law; no truck, bus, coach or streetcar body shall be used for human occupancy within the Municipality whether or not the same is mounted on wheels;
- 4.15.2 No travel trailer, truck camper, motor home, or tent shall be used for the living, sleeping or eating accommodation of persons within the Municipality for more than thirty (30) days unless such travel trailer, truck camper, or motor home is located in a campground licensed by the Municipality, and provided, however, that this provision shall not prevent the use of tents or trailers for children's play or for picnics or for the occasional accommodation of guests for not more than one (1) week in any Residential Zone

4.16 **Main Access Limitations**

The main access to a dwelling unit shall not be by means of an outside staircase having more than ten (10) risers or a height of one and one-half (1.5) metres unless to satisfy a condition of floodproofing requirements as imposed by the Long Point Region Conservation Authority.



4.17 **Street Frontage of Building Lots**

Except as hereinafter provided in this By-law, no person shall erect a building or structure and no person shall use any land, building, or structure, unless the lot or parcel to be so used or upon which the building is situated, erected or proposed to be erected abuts or fronts on a public street or public road, and is maintained by such authority in such a manner so as to permit its use by vehicular traffic, provided that a building or structure may be erected on a lot within a registered plan of subdivision in accordance with the provisions of a subdivision agreement in respect of such plan of subdivision, notwithstanding that the streets within such plan of subdivision have not been assumed and are not being maintained by the Municipality.

4.18 **Structures In Water**

No person shall erect, alter or use any structure located in a navigable watercourse, except in compliance with the Beds of Navigable Waters Act, the Lakes and Rivers Improvement Act, the Navigable Waters Act or other applicable Act or legislation as amended from time to time.

4.19 **Sight Restrictions on Corner Lot**

4.19.1 Notwithstanding any other provisions of the By-law, and except in any hamlet or village commercial zone, on a corner lot, no driveway shall be located, nor shall any shrubs or foliage be planted or maintained (more than 0.8 metres high) which obstruct the view of a driver or a vehicle approaching the intersection and no building or structure shall be erected, at a distance as established by the following table:

<b>Interior Angle Formed by Intersection of Street Lines</b>	<b>Distance from Point of Intersection of Street Lines</b>
20 degrees or less	26.0 metres
21 - 30 degrees	18.0 metres
31 - 40 degrees	13.5 metres
41 - 50 degrees	10.5 metres
51 - 60 degrees	9.0 metres
61 - 80 degrees	7.5 metres
81 - 110 degrees	6.0 metres

- 4.19.2 In all zones, on a lot abutting a railway where the railway and a street intersect at the same grade, no building or structure shall be erected in such a manner as to materially impede vision above a height of 0.6 metres above the centreline grade of the intersecting street in the triangular area bounded by the railway and the street line and a line from the points along such railway and such street line distant 50 metres from the point of the intersection thereof.
- 4.19.3 Where such railway intersection is unprotected, the sighting triangle will be increased to 90 metres along the streetline, and a distance of 400 metres measured along the railway or a distance required by Transport Canada.

4.20 **Private Garages on Corner Lots**

Notwithstanding any other provisions of this By-law, no private garage on any corner lot shall be located closer than six (6.0) metres to the street line.

4.21 **Minimum Setback from Arterial Roads (Streets)**

- 4.21.1 Notwithstanding any other provision of this By-law, where a building or structure is erected adjacent to a Provincial Highway, or a County Road, and in the absence of an established building line as determined by the Ontario Ministry of Transportation, the County of Elgin or the Municipality of Bayham, as the case may be, minimum setbacks from such arterial streets or arterial roads shall be as follows:
- a) Provincial Highway: Varies. Subject to the review and approval of the Ministry of Transportation
  - b) County Road: 26.0 metres from the centre line of the right-of-way
- 4.21.2 Notwithstanding any other provision of this By-law, a building or structure in any zone on a public road allowance which is less than 20.0 metres wide, shall be set back 10.0 metres in addition to the required minimum front yard for that zone measured from the centre line of the road allowance.
- 4.21.3 Any development located adjacent to a Provincial highway will be carried out in accordance with the safety and geometric requirements as well as the access and building permit controls of the Ministry of Transportation. Any proposed access to a Provincial highway will be subject to the prior approval of the Ministry of Transportation. MTO permits must be obtained prior to any construction and/or grading taking place on any lands adjacent to a Provincial Highway.

4.22 **Established Building Line on Streets or Roads**

Notwithstanding any other subsequent provisions of this By-law, where a single-detached dwelling or accessory use thereto is to be erected within a built-up area where there is an established building line, such dwelling or accessory use may be erected closer to the street line or to the centre line of the street or road, as the case may be, than required by this By-law provided such dwelling or accessory use is not erected closer to the street line or to the centre line of the street or road, as the case may be, than the established building line on the date of passing of this By-law.

4.23 **Use of Yards on Lands Without Buildings**

Where land is used for or in connection with residential, commercial, industrial, or

institutional uses but without any buildings or structures therein, all yards required by this By-law on a lot in the respective use zone shall be provided and maintained as yards and the applicable regulations shall apply, except where the land or lot is used for gardening or open space purposes not prohibited by this By-law in such use zone.

4.24 **Yard and Open Space Provisions for All Zones**

No part of a yard or other open space required abutting any building for the purpose of complying with the provisions of this By-law shall be included as part of a yard or other open space similarly required for another building.

4.25 **Permitted Encroachments in Yards**

Unless otherwise specified in this By-law, every part of any yard required by this By-law shall be open and unobstructed by any structure from the ground to the sky, provided, however, that those structures listed below shall be permitted to project into the yards indicated for the distance specified:

<b>STRUCTURE</b>	<b>PERMITTED YARD</b>	<b>MAXIMUM PROJECTION FROM MAIN WALL</b>
Window sills, cornices, eaves, gutters, pilasters, belt courses	Any yard	0.5 metres
Fire escapes and exterior staircases	Rear yard only	1.5 metres
Bay windows, chimneys and awnings	Any yard	1.0 metre
Open, roofed porches not exceeding one storey in height, uncovered terraces	Any yard	3.0 metres provided it is no closer than 1.2 metres to any lot line
Cantilevered wall	Any yard	0.7 metres, provided it is no closer than 1.2 metres to any lot line (Z556-2008)
Balconies	Front and rear yards only; any yard for apartment buildings	2.0 metres
Clothes poles, signs, garden trellises, light standards and accessibility ramps	Any yard	No maximum
Heat pumps, air exchangers, air conditioners	Any yard	1.5 metres
Open decks	Rear and side yard	No maximum provided it is no closer than 1.2 metres to any lot line.
	Front yard	3.0 metres

#### 4.26 **Enclosures**

Enclosures to any porch or terrace shall be limited to one (1.0) metre in height exclusive of roof supports but this shall not prohibit the enclosure of a porch or terrace by laticing or screening or any other form of enclosure provided at least fifty (50) percent of the surface area of the said enclosure is open and unobstructed to the air.

#### 4.27 **Buffer Strips**

- 4.27.1 A buffer strip shall be located within the zone for which it is required; it shall be planted, nurtured and maintained by the owner of the lot on which the buffer strip is located, and replacement of trees and plants be made by the owner, as necessary from time to time.
- 4.27.2 In all cases where access driveways extend through a buffer strip, it shall be permissible to interrupt the strip within three (3.0) metres of the edge of such driveway.
- 4.27.3 A buffer strip may form part of any required landscaped open space, including the required front, side and rear yards.
- 4.27.4 Where a commercial zone or an industrial zone abuts a residential zone, an institutional zone, or an open space zone, a strip of land not less than four and one-half (4.5) metres in width adjacent to and inside the commercial zone boundary shall not be used for any other purpose than a buffer strip.
- 4.27.5 Where an institutional zone abuts a residential zone, a strip of land not less than three (3.0) metres in width adjacent to and inside the institutional zone boundary shall not be used for any other purpose than a buffer strip.
- 4.27.6 A buffer strip shall be used for no other purpose than for the erection of a fence or the planting of a continuous row of natural evergreens or natural shrubs, immediately adjacent to the lot line or portion thereof along which such buffer strip is required hereunder. The remainder of the strip shall be landscaped and planted with ornamental shrubs, flowering shrubs, flowerbeds or a combination thereof.

#### 4.28 **Height**

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The height regulations of this By-law shall not apply to any silo, grain handling equipment, wind turbines, wind testing towers, ornamental dome, chimney, communications tower, cupola, steeple, church spire, water storage tank, elevator enclosure, flag pole, skylight, clock towers, ventilators, antennae, radio or television receiving or transmitting equipment, or any accessory mechanical appurtenances. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve.

#### 4.29 **Commercial and Industrial Zones Abutting or Adjacent to Residential, Institutional, and Open Spaces Zones**

Where any commercial zone or industrial zone fronts on a street or road opposite to, or directly abuts any residential zone, institutional zone, or open space zone, the following provisions shall be complied with:

- a) No parking of vehicles with capacity over nine hundred (900) kilos shall be permitted in any side yard adjacent to the neighbouring zone within 4.5 metres;

- b) No loading space shall be located in, nor open onto, any side yard adjacent to the neighbouring zone within 4.5 metres;
- c) A buffer strip shall be provided in accordance with the provisions of Section 4.28.

**4.30 Loading Spaces**

No person shall erect or use any building or structure in any Commercial or Industrial Zone which involves the movement of goods, merchandise or materials, nor in any other zone as required by this By-law, unless loading spaces are provided and maintained in accordance with the following provisions:

- a) One (1) loading space shall be provided on the same premises for every 278 m<sup>2</sup> or fraction thereof of the total floor area;
- b) Loading spaces shall not be less than 3.0 metres in width and 7.5 metres in length;
- c) Loading spaces shall not have less 4.5 metres of vertical clearance;
- d) Adequate driveway space shall be provided to permit the safe maneuvering, loading and unloading of vehicles on the lot such that they do not cause an obstruction or a hazardous condition on adjacent streets or sidewalks and loading spaces shall have access to a street or lane which has a minimum width from the rear lot line of the lot to the centre line of the lane of 3.0 metres;
- e) Adequate drainage facilities shall be provided in accordance with requirements of the Municipality;
- f) Loading spaces shall be surfaced in accordance with the requirements of the Municipality; The illumination of loading spaces shall be arranged so that the light is diverted away from any Residential, Open Space or Institutional Zone; and
- g) The location of loading spaces shall be restricted to the rear yard where a lot has access at both the front and rear to a street or road.

**4.31 Parking Requirements**

4.31.1 The erection of a building in any zone after the passing of this By-law requires on site parking in accordance with the standards listed below.

4.31.2 A parking stall is to be a minimum of 5.5 metres x 2.7 metres. A barrier-free parking stall is to be a minimum of 5.5 metres x 3.9 metres.

Type of Use Or Building	Parking Required
Agri-Tourism, Commercial greenhouses, Market garden operations, Plant nurseries	One (1) parking space per 40 m <sup>2</sup> of gross floor area
Auditoria, theatres, arenas, halls, museums and community centres	One (1) parking space per 7 seats or 35 m <sup>2</sup> of gross floor area whichever is greater
Churches	One (1) parking space per each 4 persons church capacity
Commercial uses/Retail	One (1) parking space per 25.0 m <sup>2</sup> of gross floor area

Type of Use Or Building	Parking Required
Dwelling unit in a single detached or semi-detached dwelling	Two (2) parking spaces per unit
Dwelling unit in a triplex, multi-unit, linked, maisonette, row-house, or apartment dwelling, or a building containing both commercial and residential uses	One and one-half (1.5) parking spaces per dwelling unit
Group home residences	One and one-quarter (1.25) parking spaces per receiving family and/or one (1) parking space for each staff on duty at any time, plus one (1) parking space for each two (2) beds or each 37.0 m <sup>2</sup> of floor area or part thereof, whichever is the greater
Home occupation	One (1) off-street parking space for 28.0 m <sup>2</sup> or part thereof of floor area devoted to said use in addition to that required for the dwelling
Hotel, motel	One and one-quarter (1.25) parking spaces per unit
Industrial uses/Manufacturing	One (1) parking space per 50.0 m <sup>2</sup> of gross floor area
Libraries	A minimum of ten (10) parking spaces or one (1) parking space per 28.0 m <sup>2</sup> , or part thereof, of building floor space, whichever is greater
Marina	One (1) parking space for every two (2) slips
Motor vehicle service station	Five (5) parking spaces per service bay
Nursing homes	One (1) parking space per 2 beds
Office uses- medical/dental	One (1) parking space per 20.0 m <sup>2</sup> of gross floor area.
Public recreation facility	One (1) parking space per 35.0 m <sup>2</sup> of gross floor area
Restaurants	One (1) parking space per 15.0 m <sup>2</sup> of gross floor area
Restaurant, eat-in or take-out	One (1) parking space per 8.0 m <sup>2</sup> of gross floor area
Senior citizens housing	One (1) parking space per unit
Shopping centres	One (1) parking space per 17.0 m <sup>2</sup> of gross floor area
Schools	One (1) parking space for each teaching staff member plus one (1) additional parking space for each 20.0 m <sup>2</sup> or part thereof of auditorium floor space.
Tavern	One (1) parking space per 6.0 m <sup>2</sup> of gross floor area
Tourist homes, bed and breakfast establishments, boarding and rooming house (Z556-2008)	One (1) parking space per guest room, plus one (1) space for an owner/operator (Z556-2008)
Travel trailer parks	One (1) parking space per unit and one (1) parking space for every four (4) units for visitor parking

Type of Use Or Building	Parking Required
Warehouse use	One (1) parking space per 100.0 m <sup>2</sup> of gross floor area

#### 4.32 **Parking Regulations in Residential Zones**

- 4.32.1 No motor vehicle shall be parked or stored in any residential zone other than a private passenger automobile, a motor home, travel trailer, truck camper, or school bus, or in the case of a commercial motor vehicle as provided for in Section 4.32.2 and 4.32.3 of this By-law.
- 4.32.2 No commercial motor vehicle, having a gross vehicle weight of greater than four thousand (4000) kilograms, shall be parked or stored in a residential zone, unless such vehicle is parked or stored in a private garage or an accessory building.
- 4.32.3 No commercial motor vehicle, having a gross vehicle weight of greater than four thousand (4000) kilograms, shall idle for an extended period of time in a residential zone, other than a Rural Residential (RR) Zone
- 4.32.4 All parking spaces in any residential zone shall be located in an attached or detached private garage, or in a driveway, or in a side or rear yard provided that the lot coverage of the spaces shall not exceed fifteen (15) percent of the total lot area.

#### 4.33 **Driveway Regulations Where a Driveway is Required to Serve a Residential Use**

- 4.33.1 The maximum width of a driveway, measured along the street line shall be nine (9.0) metres.
- 4.33.2 The minimum distance between a driveway and an intersection of street lines measured along the street line intersected by such driveway shall be nine (9.0) metres.
- 4.33.3 The minimum distance between an interior side lot line and any driveway, with the exception of a mutual or common driveway, shall be one (1.0) metre.
- 4.33.4 The interior angle formed between the street line and the centre line of any driveway shall not be less than forty-five (45) degrees.

#### 4.34 **Standards for Parking Areas**

Where in this By-law, parking areas are required or permitted, all drainage, surfacing and illumination shall be done in accordance with the requirements of the Municipality.

**4.35 Yards Where Parking is Permitted**

- 4.35.1 Notwithstanding the yard and setback provisions of this By-law to the contrary, uncovered surface parking areas shall be permitted in the required yards or in the area between the required road allowance and the required setback.
- 4.35.2 Parking areas shall be permitted in all yards provided that no part of any parking area, other than a driveway, is located closer than 1.0 metre (3.3 ft.) to any street line, except in any residential zones, where parking shall not be permitted within the front yard unless such parking is situated within a driveway as defined in this By-law

**4.36 Additions to Uses With Non—Complying Parking Conditions**

Where a building or structure has insufficient parking spaces on the date of passing of this by-law to conform to the requirements herein, this By-law shall not be interpreted to require that the deficiency be made up prior to the construction of any addition or a change of use provided, however, that any additional parking spaces required by this By-law for such addition or change of use are provided in accordance with all provisions hereof respecting parking spaces and parking areas.

**4.37 Moving of Buildings**

In all zones no buildings shall be moved within the limits of the municipality, or shall be moved from outside the municipality into the municipality without a permit from the Building Inspector.

**4.38 Wayside Pits and Quarries and Portable Asphalt Plants**

Wayside pits and quarries and portable asphalt and concrete plants shall be permitted in all zone categories without amendment to the Zoning By-law, except zones that are established to recognize existing development or areas of particular environmental sensitivity upon which wayside pits may be prohibited.

**4.39 Development of Closed Waste Disposal Sites**

Section 45 of the Environmental Protection Act prohibits the use of a waste site for any type of development for a period of 25 years after closure. Notwithstanding any other provisions of the By-law the properties identified herein will be prohibited from development of buildings and structures until such time as deemed permissible by the Ontario Ministry of the Environment.

**4.40 Minimum Setbacks from Obnoxious Uses**

Notwithstanding any other provision of this By-law or the requirements which may be prescribed by the Province of Ontario, the following minimum setbacks shall be maintained from existing or proposed sensitive land uses including non-farm non-accessory residential uses which are not accessory or related to the following obnoxious uses:

<b>Obnoxious Uses</b>	<b>Minimum Setback</b>
Commercial or custom grain handling or drying operation:	305 metres



Former and active waste sites including landfill sites:	
Where methane gas/leachate study has determined the need for technical controls for gas and leachate	30 metres
Where methane gas/leachate studies have not been undertaken:	300 metres
Sewage lagoons:	400 metres
Solid waste transfer sites and/or waste recycling depots:	200 metres

4.41 **Group Homes**

Notwithstanding any other provisions in this By-law, no group home shall be located closer than 200.0 metres from another group home.

4.42 **Restoration to a Safe Condition**

Nothing in this By-law shall prevent the strengthening or restoration to a safe condition of any building or structure provided such alteration or repair does not increase the height or size or change the use of such building or structure.

4.43 **Reduction of a Lot Area**

No lot shall be reduced in area, either by the conveyance or alienation of any portion thereof, or otherwise, so that any building or structure on such lot shall have a lot coverage or a ground floor area that exceeds, or a front yard, rear yard, side yard, frontage or a lot area that is less than that permitted by this By-law for the zone in which such lot is located; and

If any such reduction in the area of a lot occurs, no building or structure located on the lot shall be used until the requirements of this By-law applicable thereto are complied with.

4.44 **Floor Area**

4.44.1 No person shall erect or use a dwelling unit that is not in compliance with the following minimum floor area requirements:

Dwelling Unit	Minimum Floor Area
Bachelor:	28 m <sup>2</sup>
1 bedroom:	37 m <sup>2</sup>
2 bedroom:	55 m <sup>2</sup>
3 bedroom:	70 m <sup>2</sup>
4 bedroom:	83 m <sup>2</sup>
Dwelling unit in a boarding house, rooming house or tourist house:	35 m <sup>2</sup>

4.44.2 Notwithstanding the above, the minimum floor area of a group home shall be 23.0 m<sup>2</sup> plus an additional 7.0 m<sup>2</sup> for each resident, exclusive of staff or receiving family.

4.44.3 Within any commercial zone that permits dwellings, a minimum of 19.0 m<sup>2</sup> of open space

shall be provided for the exclusive use of each dwelling unit either at ground level or on the roof of the first storey. Such open space shall not form part of any required parking area or loading space.

4.45 **Special Uses**

Nothing in this By-law shall prevent the use of land or the use or erection of a building or structure for:

- a) A carnival, circus or festival or other public gathering, each of which is held not more than twice per year, in an Institutional or Open Space Zone; or
- b) A farmer's market held not more than two (2) days per week in any zone.

4.46 **Public Water Supply and Sanitary Sewers**

4.46.1 No land shall be used in the Village of Port Burwell, as shown on Schedule "I", for commercial, residential, institutional, or industrial uses unless serviced by public water supply and public sanitary sewer.

4.46.2 No land shall be used in the Village of Straffordville, as shown on Schedule "F", for commercial, residential, institutional, or industrial uses unless municipal sanitary sewer services are provided and the applicant demonstrates the availability of potable water supply, through accepted testing procedures and provides adequate private potable water supply, for the proposed use, to the satisfaction of the Municipality of Bayham and where required to the satisfaction of the Elgin-St. Thomas Health Unit.

4.47 **Derelict Motor Vehicles**

No land in any zone shall be used for the purposes of storing and/or salvaging of derelict motor vehicles unless such land:

- a) Is licensed under the Municipal Act, as amended or revised from time to time, as a salvage yard and is specifically zoned to permit such use; or
- b) Constitutes a waste disposal site which has a certificate of approval for such purposes under the Environmental Protection Act, as amended or revised from time to time and is specifically zoned to permit such use; or
- c) Constitutes an accessory use to a public garage;
- d) Is enclosed in a building.

4.48 **Grading**

4.48.1 Excavations

No person shall make any excavations or remove any topsoil, earth, sand or gravel from any lot, alone or in conjunction with any construction work, unless the written permission of the Municipality or a building permit with respect to such construction work has first been obtained, and except in accordance with any requirements of the Municipality with respect to retention of topsoil, grading and finished elevations.

4.48.2 Removal or Leveling of Hills

This By-law shall not apply to prevent the removal or leveling of hills for the purposes of increasing or improving land for agricultural uses so long as no excavation takes place

below the average grade of the land surrounding the said hill and so long as a permit has been obtained with respect to such removal or leveling under the Aggregate Resources Act, as amended or revised from time to time.

#### 4.49 **Satellite Dishes**

A satellite dish may be erected on a dwelling and used in any zone, provided that, if not attached to a dwelling, the dish is not erected in an elevated position which exceeds the maximum height requirement for an accessory building or structure, regardless of the method of elevation used;

#### 4.50 **Swimming Pools**

The following regulations shall apply with respect to the erection or use of a swimming pool, which exceeds 0.5m in depth, and which is not enclosed or otherwise located within a building:

- a) A swimming pool is permitted as an accessory use in any zone;
- b) A swimming pool shall not contribute to lot coverage as regulated in any zone of this by-law;
- c) A swimming pool shall not be located in any yard other than a side yard or a rear yard;
- d) No part of swimming pool shall be located closer than one (1.0) metre to any lot line;
- e) No part of a swimming pool shall exceed a height of two (2.0) metres, exclusive of related structures which shall not exceed a height of four (4.0) metres;
- f) Every swimming pool shall be enclosed by a fence of at least 1.2 metres in height equipped with a gate capable of being locked and located at a distance of not less than 1 metre and not more than 10 metres from the pool;
- g) No water circulating or treatment equipment such as pumps or filters or any accessory building or structure containing such equipment, shall be located closer than 2.0 metres to any lot line, unless such equipment is installed within an existing building or structure.

#### 4.51 **Loss by Natural Causes**

Notwithstanding any other provisions of this By-law (save and except for any section dealing buildings and structures on Hazard Lands), where a building or structure is destroyed or partially destroyed by fire or other natural causes, replacement of the said building or structure to the same basic dimensions and on the same basic site may be permitted.

#### 4.52 **Lots Reduced by Public Acquisition**

- 4.52.1 Where the area of a lot is reduced by means of an acquisition of part of the lot by any authority having power of expropriation, and where such acquisition causes the lot as reduced, or any building or structure existing lawfully on the lot on the date of such acquisition, to have a lot area, lot frontage, lot coverage, parking, area of landscaped open space, setback, front yard depth, side yard depth or rear yard depth that does not conform to the requirements hereof for the zone in which such lot is located, then nothing in this

By-law shall apply to prevent the continued use of the lot as reduced as if no such acquisition had taken place, provided that:

- a) No further change is made in the dimensions, area or any other characteristics of the lot as reduced, subsequent to the date of such acquisition, that would increase the extent of the said non-conformity; and
- b) No building or structure or addition thereto is erected on the lot as reduced, subsequent to the date of such acquisition, except in accordance with all the provisions hereof for the zone in which such lot is located.

4.52.2 In the case of a road widening dedication, the land that has been or will be dedicated shall be included in any calculation for the purpose of determining lot area, coverage, height, parking, landscaped open space, floor area, floor area ratio, and the location of any permitted building or structure relative to the required side or rear yards, provided any building or structure is located wholly within the boundary of the land remaining after the dedication.

#### 4.53 **Ancillary Sale of Automobiles**

Sales of automobiles ancillary to a motor vehicle service station, public garage, or motor vehicle body shop shall be limited to maximum of six (6) automobiles being stored, kept or displayed for sale on the site at anytime.

#### 4.54 **Adult Entertainment Parlours**

4.54.1 Notwithstanding any other provision of this By-law, an Adult Entertainment Parlour shall be prohibited in any zone or on any site or location that is situated less than 500 metres from an existing residential or institutional use.

4.54.2 An Adult Entertainment Parlour shall also be prohibited in any zone or on any site or location that is situated less than 500 metres from any zone that permits residential or institutional uses.

#### 4.55 **Minimum Distance Separation Formulae**

4.55.1 The Minimum Distance Separation Formula I shall be applied to any proposed development in all zones, excluding any hamlet or village zones.

4.55.2 The Minimum Distance Separation Formula II shall be applied to any new or expanding livestock or poultry facility.

#### 4.56 **Conservation Authority Regulation Limit**

Notwithstanding any other provisions of this By-law, where lands are located within the defined area labelled as “conservation authority regulation limit” on any schedule to this By-law, no development shall be permitted without written approval from the conservation authority. Development shall mean the construction, reconstruction, erection or placing of a building or structure of any kind; any change to a building or structure that would have the effect of altering the use or potential use of the building or structure; increasing the size of the building or structure or increasing the number of dwelling units in the building or structure; site grading; or the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.

4.57 **Shipping Container or Truck Trailer used for Storage Purposes**

Where a shipping container or truck trailer is used for the purpose of storage accessory to a principal use, the following provisions shall apply:

- a) A shipping container or truck trailer may not be located in any residential zone;
- b) A shipping container or truck trailer may not be located on any parcel of land in an agricultural zone that is less than 2ha in area, unless there are no off-site dwellings within 100 metres of the parcel of land;
- c) A shipping container or truck trailer may only be located in the rear yard and must comply with the regulations of Section 4.2 Accessory Uses

**SECTION 5 AGRICULTURAL (A1/A1-A) ZONE REGULATIONS**

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**5.1 Zone Symbols**

- 5.1.1 The Agricultural (A1) Zone is intended to apply to all lots with an area of less than 40 hectares, designated “Agriculture” in the Official Plan. Where a lot has an area of less than 20 hectares, Section 4.10 Non-Conforming Uses, shall apply to the use of the lot and Section 4.11 Non-Complying Uses, shall apply to changes to existing buildings and structures.
- 5.1.2 The Agricultural (A1-A) Zone is intended to apply to all lots with an area of 40 hectares or greater designated “Agriculture” in the Official Plan.

**5.2 Permitted Uses**

No land shall be used and no buildings or structures shall be erected, used or altered in the Agricultural (A1) or Agricultural (A1-A) Zones except for the following purposes:

**Z610-2012**

- Agri-tourism Establishment;
- Agricultural use;
- Agricultural home occupation;

**Z610-2012**

- Bed and Breakfast Lodging or Tourist Home;
- Commercial greenhouse;
- Farm;
- Forestry use;
- Market garden operation;
- Farm produce outlet;
- Plant nursery;
- Home occupation;
- Landing strip;
- Riding stable;

**Z556-2008**

- Single detached dwellings lawfully in existence as of the date of the passing of this By-law or one new single detached dwelling on a vacant lot subject to all other applicable regulations of this By-law;
- Accessory use.

**5.3 Minimum Lot Area**

- A1 Zone 20.0 hectares
- A1-A Zone 40.0 hectares

**5.3.1 Supplementary Minimum Lot Area Regulations**

Notwithstanding the definition of farm in Section 2.0 of this By-law, and the permitted uses and minimum lot area requirements of subsection 5.2 of this By-law, the following

minimum existing lot areas will be required for the uses and structures described below:

<b>Z610-2012</b>	Commercial greenhouses, Market garden operations, Plant nurseries:	2.50 hectares (6.0 acres)
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5.4 **Minimum Lot Frontage**

150.0m

5.5 **Maximum Lot Coverage**

20%

5.6 **Maximum Building Height**

20.0m

5.7 **Minimum floor Area**

For a single-detached dwelling: 79.0 m<sup>2</sup>

5.8 **Minimum Front Yard Depth**

15.0 metres

5.9 **Minimum Side Yard Width**

For a single-detached dwelling: 3.0 metres

All other cases: 10.0 metres

5.10 **Minimum Rear Yard Depth**

10.0m

5.11 **Supplementary Regulations – Agricultural (A1) and Agricultural (A1-A) Zone**

5.11.1 Livestock Buildings and Structures and Mushroom Farming

Notwithstanding any other provisions of this by-law to the contrary, the following regulations shall apply for buildings and structures hereafter erected and/or used for the raising of livestock or the growing of mushrooms:

Minimum distance from any Village Residential, Hamlet Residential, Village Commercial or Hamlet Commercial Zone:	150.0 metres or the Minimum Distance Separation whichever is greater
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5.11.2 Dark Fire Tobacco Barns and Smoke Kilns

Notwithstanding the requirements of Sections 5.7 to 5.9 inclusive, the following regulations shall apply for buildings and/or structures hereafter erected and/or used for the smoke curing of tobacco:

- a) Not to be located within 200 metres of any dwelling on any property other than that property on which the smoke curing operation is situated;
- b) Not to be located within 200 metres of any opened public right-of-way.

5.12 **Exceptions - Agricultural (A1) Zone**

5.12.1

5.12.1.1 Defined Area

A1-1 as shown on Schedule “A”, Map 14 to this By-law

5.12.1.2 Permitted Uses

Apiary

5.12.1.3 Permitted Buildings and Structures

Buildings and structures for the permitted uses;

Accessory buildings and structures for the permitted uses

5.12.1.4 Minimum Lot Area

6.3 hectares (15.5 acres)

5.12.2

5.12.2.1 Defined Area

A1-A-2 as shown on Schedule “A”, Map 2 to this By-law

5.12.2.2 Prohibited Buildings and Structures

Supplementary housing to a farm operation

5.12.3

5.12.3.1 Defined Area

A1-3 as shown on Schedule “A”, Map 2 to this By-law.

5.12.3.2 Permitted Uses

Plant nurseries

Commercial greenhouses

Garden centres

One single-detached dwelling unit as an accessory use

5.12.3.3 Prohibited Uses

All uses not specifically permitted in the Site-Specific Agricultural (A1-3) Zone

5.12.3.4 Permitted Buildings and Structures

Buildings and structures for the permitted uses.

5.12.3.5 Minimum Lot Area

5.22 hectares



5.12.4

5.12.4.1

Defined Area

~~A1-4 as shown on Schedule “A”, Map 21 to this By-law.~~

Permitted Uses

~~Pet Cemetery;~~

~~Forestry Use.~~

**Deleted by  
Z512-2005**

5.12.4.2

Permitted Buildings and Structures

~~Buildings and Structures for the permitted uses.~~

5.12.4.3

Minimum Lot Area

~~6.67 hectares~~

5.12.5

5.12.5.1

Defined Area

A1-5 as shown on Schedule “A”, Map 5 to this By-law

5.12.5.2

Prohibited Buildings and Structures

Supplementary housing to a farm operation

5.12.6

5.12.6.1

Defined Area

~~A1-6 as shown on Schedule “A”, Map 36 to this By-law~~

5.12.6.2

Prohibited Uses

~~Landing strip;~~

~~Riding stable;~~

~~Supplementary housing to a farm operation~~

**Deleted by ZBLA  
No. Z469-2004**

5.12.6.3

Minimum Lot Area

~~2.0 hectares~~

5.12.6.4

Minimum Lot Frontage

~~100.0 metres~~

5.12.6.5

Minimum Side Yard Width

~~For buildings and structures used or intended — 30.0 metres~~

~~to be used for the raising of livestock~~

5.12.6.6

Supplementary Regulations for Livestock

~~The number of animal units permitted to be raised or kept in the Site Specific Agricultural (A1-6) Zone shall be in accordance with the Minimum Distance Separation II.~~

5.12.7

5.12.7.1

Defined Area

A1-7 as shown on Schedule “A”, Map 1 to this By-Law

5.12.7.2

Permitted Uses

A private school in addition to all other uses permitted in the Agricultural (A1) Zone

5.12.7.3

Minimum Lot Area

10 hectares

5.12.8

5.12.8.1

Defined Area

A1-8 as shown on Schedule “A”, Map 6 to this By-law

5.12.8.2

Permitted Uses

Dog Kennel in addition to all other uses permitted in the A1 Zone

~~5.12.9~~

~~5.12.9.1~~

~~Defined Area~~

~~A1-9 as shown on Schedule “A”, Map 4 to this By-law~~

**Deleted by ZBLA  
No. Z519-2006**

~~5.12.9.2~~

~~Permitted Uses~~

~~Spiritual retreat, campground and training centre in addition to all other uses permitted in the A1 Zone.~~

~~5.12.9.3~~

~~Minimum Lot Area~~

~~11.20 hectares (27.67 acres)~~

5.12.10

5.12.10.1

Defined Area

A1-10 as shown on Schedule “A”, Map 7 to this By-law

5.12.10.2

Permitted Uses

Private certified shooting range in addition to all other uses permitted in the A1 Zone.

5.12.10.3

Permitted Buildings and Structure

Buildings and structures for the permitted uses;

Accessory buildings and structures for the permitted uses

5.12.11

5.12.11.1

Defined Area

A1-11 as shown on Schedule “A”, Map 13 to this By-law

- 5.12.11.2 Permitted Uses  
Saw milling operation in addition to all other uses in the A1 Zone.
- 5.12.12
- 5.12.12.1 Defined Area  
A1-12 as shown on Schedule “A”, Map 6 to this By-law
- 5.12.12.2 Permitted Uses  
Woodworking and wood products manufacturing shop in addition to all other uses permitted in the A1 Zone.
- 5.12.12.3 Buffer Strip  
In accordance with Section 4.28 of this By-law
- 5.12.13
- 5.12.13.1 Defined Area  
A1-13 as shown on Schedule “A”, Map 4 to this By-law
- 5.12.13.2 Permitted Uses  
Dog Kennel in addition to all other uses permitted in the A1 Zone.
- 5.12.14
- 5.12.14.1 Defined Area  
~~A1-14 as shown on Schedule “A”, Map 20 to this By-law~~
- 5.12.14.2 Permitted Uses  
~~Dog Kennel in addition to all other uses permitted in the A1 Zone~~
- 5.12.15
- 5.12.15.1 Defined Area  
A1-A-15 as shown on Schedule “A”, Map 7 to this By-law.
- 5.12.15.2 Additional Permitted Uses  
An accessory retail use to an existing agricultural-commercial operation, to a maximum of 120 m<sup>2</sup>;  
Outdoor café area, to a maximum of 420 m<sup>2</sup>
- 5.12.16
- 5.12.16.1 Defined Area  
A1-16 as shown on Schedule “A”, Map 3 to this by-law.
- 5.12.16.2 Minimum Lot Area  
8.3 hectares

**Deleted by ZBLA  
No. Z483-2004**

**Z522-2006**

**Z614-2013**

- 5.12.16.3 Minimum Lot Frontage  
16.1 metres
- 5.12.17
- 5.12.17.1 Defined Area  
A1-17 as shown on Schedule “A”, Map 3 to this by-law.
- 5.12.17.2 Minimum Lot Area  
13.4 hectares
- 5.12.17.3 Additional Permitted Uses **Z565-2008**  
The manufacturing and retail sale of fibre-related products derived from livestock that are produced both on and off-site.
- 5.12.17.4 Maximum Building Area for Additional Permitted Uses  
90 m<sup>2</sup>
- 5.12.18
- 5.12.18.1 Defined Area  
A1-18 as shown on Schedule “A”, Map No. 1 to this by-law
- 5.12.18.2 Minimum Lot Area **Z497-2005**  
5.5 hectares
- 5.12.18.3 Permitted Uses  
Animal kennel with a maximum of ten (10) domestic animals that are more than four (4) months of age in year one, and a maximum of twenty (20) domestic animals that are more than four (4) months of age in year two in beyond;  
All other uses permitted in the A1 Zone
- 5.12.18.4 Supplemental Regulations  
Any building or structure associated with an animal kennel shall be setback a minimum of 150 metres from the nearest neighbours dwelling.
- 5.12.19
- 5.12.19.1 Defined Area  
A1-19 as shown on Schedule “A”, Map No. 14 to this by-law
- 5.12.19.2 Minimum Lot Area **Z504-2005**  
6 hectares
- 5.12.19.3 Permitted Uses  
Fruit winery and associated retail operation in addition to all other uses permitted in the A1 Zone.

5.12.20

5.12.20.1

Defined Area

A1-20 as shown on Schedule “A”, Map No. 3 to this By-law

Z507-2005

5.12.20.2

Permitted Uses

Motor vehicle body shop owned and operated by full-time residents of the A1-20 Zone;

One (1) residential dwelling;

All other uses permitted in the A1 Zone

5.12.20.3

Permitted Buildings and Structures

Existing buildings and structures

5.12.20.4

Minimum Lot Area

3000 m<sup>2</sup>

5.12.20.5

Minimum Lot Frontage

100 metres

5.12.20.6

Minimum Front Yard Depth

13.5 metres;

5.12.20.7

Minimum Rear Yard Depth

8.0 metres for existing dwelling;

1.9 metres for existing motor vehicle body shop;

0.0 metres for existing swimming pool

5.12.20.8

Outdoor Storage

Storage of materials, containers or finished products shall be restricted to an area contiguous to the east main wall of the motor vehicle body shop and shall not exceed 9.3 m<sup>2</sup> in area

5.12.20.9

Additional Regulations

A 4.5 metre buffer strip shall be required in accordance with the regulations of Section 4.28 of the Zoning By-law.

5.12.21

5.12.21.1

Defined Area

A1-21 as shown on Schedule “A”, Map No. 4 to this By-law

5.12.21.2

Minimum Lot Area

1.7 hectares

Z511-2005

5.12.21.3

Minimum Lot Frontage

85 metres

- 5.12.22 **Z535-2006**
- 5.12.22.1 Defined Area  
A1-22 as shown on Schedule “A”, Map No. 10 to this By-law
- 5.12.22.2 Additional Permitted Uses  
Machine shop operation to a maximum ground floor area of 557 m<sup>2</sup>
- 5.12.22.3 Supplemental Regulations  
A maximum of three (3) employees of the machine shop operation shall be permitted on the premises at any time
- 5.12.23 **Z575-2009**
- 5.12.23.1 Defined Area  
A1-23 as shown on Schedule “A”, Map Nos. 14 to this by-law.
- 5.12.23.2 Permitted Uses  
An existing seasonal travel trailer park in addition to all other uses permitted in the A1 Zone.
- 5.12.23.3 Permitted Buildings and Structures  
Existing buildings and structures, including a maximum of 80 serviced seasonal travel trailer sites, and a maximum of 28 un-serviced sites
- 5.12.23.4 Supplemental Regulations  
No seasonal travel trailers shall be located below the 100 year flood line without written consent from the Long Point Region Conservation Authority.
- 5.12.24
- 5.12.24.1 Defined Area **Z582-2009  
Withdrawn**  
~~A1-24 as shown on Schedule “A”, map 27 to this by law~~
- 5.12.24.2 Additional Permitted Uses  
~~Woodworking Operation to a maximum floor area of 244 m<sup>2</sup> (2624 sq. ft.)~~
- 5.12.24.3 Outdoor Storage  
~~Outdoor Storage will be limited to a maximum area of 500 m<sup>2</sup> adjacent to the building housing the woodworking facility.~~
- 5.12.24.4 Supplemental Regulations  
~~No more than four (4) employees of the woodworking operations, that is not an owner of the lands, shall be permitted in the A1-24 Zone at any time.~~

5.12.25

5.12.25.1 Defined Area

A1-25 and A1-A-25 as shown on Schedule “A,” Map 10 to this By-law.

5.12.25.2 Additional Permitted Uses

Bed & Breakfast Lodging or Tourist Home within four (4) existing dwelling units on the two lots to a maximum floor area of 448 m<sup>2</sup> (4828 ft<sup>2</sup>).

5.12.26

**Z591-2011**

5.12.26.1 Defined Area

A1-26 as shown on Schedule “A,” Map 6 to this By-law

5.12.26.2 Additional Permitted Uses

Automobile and Marine Vehicle Repair Shop within existing Accessory Building to a maximum floor area of 272 m<sup>2</sup> (2925 ft<sup>2</sup>)

5.12.26.3 Outdoor Storage

Outdoor storage will be limited to the rear yard of the accessory building used for the repair shop. Any outdoor storage must be situated 5 metres from the top of bank of any ravine/valleylands.

5.12.26.4 Supplemental Regulations

A maximum of 1 additional non-resident employee will be permitted. Hours of operation will be restricted to weekday office hours.

5.12.27

5.12.27.1 Defined Area

A1-27 as shown on Schedule “A,” Map 7 to this By-law

5.12.27.2 Minimum Lot Area

13.8 hectares

5.12.27.3 Minimum Lot Frontage

121 metres

5.12.28

5.12.28.1 Defined Area

A1-28 as shown on Schedule “A”, Map 10 to this By-law

5.12.28.2 Minimum Lot Area

9.2 hectares

**Z608-2012**

## **SECTION 6      SPECIAL AGRICULTURAL (A2) ZONE REGULATIONS**

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### **6.1    Purpose**

The Agricultural (A2) Zone is intended to apply to parcels designated “Agriculture” in the Official Plan, where new dwellings are prohibited as a result of a severance of a surplus farm dwelling.

### **6.2    Permitted Uses**

No land shall be used and no buildings or structures shall be erected, used or altered in the Agricultural (A2) Zone except for the following purposes:

Agricultural uses;

Accessory use.

### **6.3    Prohibited Uses**

Residential dwellings not existing on the date of passing of this by-law

### **6.4    Minimum Lot Area**

20.0ha

### **6.5    Minimum Lot Frontage**

150.0m

### **6.6    Maximum Lot Coverage**

20%

### **6.7    Maximum Building Height**

20.0m

### **6.8    Minimum Front Yard Depth**

15.0m

### **6.9    Minimum Side Yard Width**

10.0m

### **6.10    Minimum Rear Yard Depth**

10.0m

### **6.11    Supplementary Regulations – Agricultural (A2) Zone**

#### **6.11.1      Livestock Buildings and Structures and Mushroom Farming**

Notwithstanding any other provisions of this by-law to the contrary, the following regulations shall apply for buildings and structures hereafter erected and/or used for the raising of livestock or the growing of mushrooms:

Minimum distance from any Village Residential, Hamlet Residential, Village



Commercial or Hamlet Commercial Zone: 150.0 metres or the Minimum Distance Separation whichever is greater

6.11.2 Dark Fire Tobacco Barns and Smoke Kilns

Notwithstanding the requirements of Sections 6.7 to 6.9 inclusive, the following regulations shall apply for buildings and/or structures hereafter erected and/or used for the smoke curing of tobacco:

- a) Not to be located within 200 metres of any dwelling on any property other than that property on which the smoke curing operation is situated.
- b) Not to be located within 200 metres of any opened public right-of-way;

6.12 **Exceptions – Special Agricultural (A2) Zone**

6.12.1

6.12.1.1 Defined Area

A2-1 as shown on Schedule “A”, Map 14 to this by-law

6.12.1.2 Permitted Uses

Electrical substation and related appurtenances;

All other uses permitted in Section 6.1 of this By-law.”

Z475-2004

6.12.1.3 Holding (-h) Symbol

The Holding (h) Symbol will be removed after a site plan agreement is registered on title.

6.12.2

6.12.2.1 Defined Area

A2-2 as shown on Schedule “A”, Map No. 4 to this By-law

Z511-2005

6.12.2.2 Minimum Lot Area

13.5 hectares

6.12.3

6.12.3.1 Defined Area

A2-3 as shown on Schedule “A”, Map No. 4 and 5 to this By-law

Z519-2006

6.12.3.2 Permitted Uses

An existing assembly hall in addition to all other uses permitted in the A2 Zone

6.12.4

6.12.4.1 Defined Area

A2-4 as shown on Schedule “A”, Map No. 14 to this By-law

Z528-2006

6.12.4.2 Additional Permitted Uses

A fenced compound area for the storage of licensed recreational vehicles, boats, and

travel trailers

6.12.4.3 Prohibited Uses

All uses listed in Section 4.8 and Section 4.48 of this By-law.

6.12.4.4 Supplemental Regulations

The A2-4 Zone shall not exceed 1260 m<sup>2</sup> in area and shall remain as part of the existing lot.

The A2-4 Zone shall be subject to a Site Plan Control Agreement being entered into between the owner and the Municipality of Bayham

6.12.5

6.12.5.1 Defined Area

A2-5 as shown on Schedule “A”, Map No. 9 to this By-law

**Z534-2006**

6.12.5.2 Minimum Lot Area

39 hectares

6.12.6

6.12.6.1 Defined Area

A2-6 as shown on Schedule “A”, Map No. 15 to this By-law

**Z558-2008**

6.12.6.2 Minimum Lot Area

40 hectares

6.12.7

6.12.7.1 Defined Area

A2-7 as shown on Schedule “A”, Map 12 to this by-law.

**Z601-2012**

6.12.7.2 Minimum Lot Frontage

118 metres

6.12.8

6.12.8.1 Defined Area

A2-8 as shown on Schedule “A”5 to this By-law

**Z623-2013**

6.12.8.2 Minimum Lot Area

3.2 hectares

6.12.9

6.12.9.1 Defined Area

A2-9 as shown on Schedule “A”, Map 4 to this By-law

**Z633-2014**

6.12.9.2

Minimum Lot Area

40 hectares

## **SECTION 7 RURAL RESIDENTIAL (RR) ZONE REGULATIONS**

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### **7.1 Permitted Uses**

No land shall be used and no buildings or structures shall be erected, used or altered in the Rural Residential (RR) Zone except for the following purposes:

One single detached residential dwelling on one lot;

Home occupation;

Home occupation, agricultural;

Private garage or carport as an accessory use;

Accessory uses.

### **7.2 Permitted Buildings and Structures**

Buildings and structures for the permitted uses.

Accessory buildings and structures for the permitted uses.

### **7.3 Minimum Lot Area**

0.4ha

### **7.4 Minimum Lot Frontage**

50.0m

### **7.5 Maximum Lot Coverage**

20%

### **7.6 Maximum Building Height**

10.5m

### **7.7 Minimum Ground Floor Area for Dwellings**

79.2m<sup>2</sup>

### **7.8 Minimum Front Yard Depth**

15.0m

### **7.9 Minimum Side Yard Width**

3.0m

### **7.10 Minimum Rear Yard Depth**

15.0m

### **7.11 Regulations for Accessory Buildings**

No accessory buildings or structures shall be located within 3 metres of a side or rear lot line.

7.11.1 Regulations for Livestock Buildings and Structures

The keeping of livestock in a hobby farm context is permitted in the Rural Residential (RR) Zone where the complement of livestock is small, and shall comply with Minimum Distance Separation II.

7.12 **Minimum Distance Separation**

From the edge of a railroad right-of-way:	30.0 metres
From a sewage lagoon or solid waste disposal site:	300.0 metres
From livestock buildings and structures:	The distance determined on application of M.D.S. I

7.13 **Exceptions - Rural Residential (RR) Zone**

7.13.1

7.13.1.1 Defined Area

RR-1 as shown on Schedule “A”, Map 11 to this By-law.

7.13.1.2 Permitted Uses

One seasonal supplementary dwelling;

The commercial production of earthworms as an accessory use within the permitted dwelling.

7.13.1.3 Maximum Lot Area

8,500 m<sup>2</sup>

7.13.1.4 Minimum Lot Frontage

85.0 metres

7.13.1.5 Minimum Floor Area

55.0 m<sup>2</sup>

7.13.2

7.13.2.1 Defined Area

RR-2 as shown on Schedule “A”, Map 5 to this By-law.

7.13.2.2 Permitted Uses

Greenhouse, as an accessory use, in addition to permitted uses.

7.13.2.3 Permitted Buildings and Structures

Existing buildings and structures for the permitted uses.

7.13.3

7.13.3.1

Defined Area

RR-3 as shown on Schedule “A”, Map 2 to this By-law.

7.13.3.2

Minimum Lot Area

1.6 hectares

7.13.4

7.13.4.1

Defined Area

RR-4 as shown on Schedule “A”, Map 7 to this By-law.

7.13.4.2

Minimum Lot Frontage

61.0 metres

7.13.4.3

Minimum Dwelling Unit Floor Area

148.0 square metres

7.13.5

7.13.5.1

Defined Area

RR-5 as shown on Schedule “A”, Map 7 to this By-law.

7.13.5.2

Minimum Lot Frontage

209.0 metres

7.13.5.3

Minimum Dwelling Unit Floor Area

148.0 m<sup>2</sup>

7.13.6

7.13.6.1

Defined Area

RR-6 as shown on Schedule “A”, Map 11 to this By-law.

7.13.6.2

Permitted Buildings and Structures

Existing Buildings and Structures for the permitted uses.

7.13.7

7.13.7.1

Defined Area

RR-7 as shown on Schedule “A”, Map 7 to this By-law.

7.13.7.2

Minimum Front Yard Width

94 metres

7.13.7.3

Minimum Lot Area

2.0 hectares

7.13.8

7.13.8.1

Defined Area

RR-8 as shown on Schedule “A”, Map 6 to this By-law.

7.13.8.2

Permitted Buildings and Structures

Existing Buildings and Structures.

7.13.8.3

Minimum Separation Distance

From the nearest main wall of a dwelling to the nearest main wall of buildings of structures used for livestock: 112.0 metres

7.13.9

7.13.9.1

Defined Area

RR-9 as shown on Schedule “A”, Map No. 2 to this By-law.

7.13.9.2

Minimum Lot Area

1.37 hectares (3.39 acres)

7.13.9.3

Permitted Buildings and Structures

One single-detached residential dwelling unit

Accessory buildings and structures for the permitted uses.

7.13.10

7.13.10.1

Defined Area

RR-10 as shown on Schedule “A”, Map No. 8 to this By-law.

**Z489-2004**

7.13.10.2

Prohibited Uses

Notwithstanding the regulations of subsection 7.11.1 of this By-law, the keeping of livestock shall be prohibited.

7.13.11

7.13.11.1

Defined Area

RR-11 as shown on Schedule “A”, Map No. 5 to this By-law.

**Z519-2006**

7.13.11.2

Minimum Front Yard Depth

14 metres

7.13.12

7.13.12.1

Defined Area

RR-12 as shown on Schedule “A”, Map No. 9 to this By-law.

**Z534-2006**

7.13.12.2

Prohibited Uses

The keeping, raising, and propagation of livestock

- 7.13.13
- 7.13.13.1 Defined Area **Z542-2007**  
RR-13 as shown on Schedule “A”, Map No. 8 to this By-law.
- 7.13.13.2 Minimum Lot Area  
750 m<sup>2</sup>
- 7.13.13.3 Minimum Lot Frontage  
27 metres
- 7.13.13.4 Minimum Front Yard Setback for Existing Building  
1.0 metre
- 7.13.13.5 Supplemental Regulations  
The type and size of private sanitary sewage treatment and disposal system shall be consistent with the recommendation of the Chief Building Official.
- 7.13.14
- 7.13.14.1 Defined Area **Z550-2007**  
RR-14 as shown on Schedule “A”, Map No. 9 to this By-law
- 7.13.14.2 Regulations for Accessory Buildings  
Existing accessory buildings may be setback 1.0 metre from a side lot line
- 7.13.14.3 Prohibited Uses  
Notwithstanding the regulations of subsection 7.11.1 of this By-law, the keeping of livestock shall be prohibited
- 7.13.15
- 7.13.15.1 Defined Area **Z574-2009**  
RR-15 as shown on Schedule “A”, Map 8 to this By-law.
- 7.13.15.2 Additional Permitted Uses  
The housing of livestock to a maximum equivalent of three (3) nutrient units.
- 7.13.16
- 7.13.16.1 Defined Area **Z590-2011**  
RR-16 as shown on Schedule “A,” Map 7 to this By-law.
- 7.13.16.2 Additional Permitted Uses  
Home Occupation (model train repair/build/sell) within one Accessory Building that has a maximum floor area of 187 m<sup>2</sup> (2013 ft<sup>2</sup>)



- 7.13.16.3 Supplemental Regulations  
Hours of operation shall be limited to regular office hours. At any one time, and in addition to the resident, only one (1) assistant, who is not a resident of the said dwelling, may be employed on site.
- 7.13.17
- 7.13.17.1 Defined Area  
RR-17 as shown on Schedule “A,” Map 1 to this By-law.
- 7.13.17.2 Minimum Lot Area  
0.3 hectares
- 7.13.17.3 Minimum Lot Frontage  
42 metres
- 7.13.18
- 7.13.18.1 Defined Area  
RR-18 as shown on Schedule “A,” Map 5 to this By-law.
- 7.13.18.2 Prohibited Uses  
Notwithstanding the regulations of subsection 7.11.1 of this By-law, the keeping of livestock shall be prohibited.
- 7.13.19 Z601-2012
- 7.13.19.1 Defined Area  
RR-19 as shown on Schedule “A”, Map 12 to this By-law.
- 7.13.19.2 Minimum Front Yard Depth  
5 metres
- 7.13.19.3 Accessory Building Maximum Floor Area  
Existing Barn - 281 m<sup>2</sup>
- 7.13.19.4 Prohibited Uses  
Notwithstanding the regulations of subsection 7.11.1 of this By-law, the keeping of livestock shall be prohibited.
- 7.13.20
- 7.13.20.1 Defined Area Z602-2012  
RR-20 as shown on Schedule “A”, Map 11 to this by-law.
- 7.13.20.2 Front Yard Depth, Existing Dwelling  
10 metres

- 7.13.20.3 Rear Yard Depth, Existing Shed  
10 metres
- 7.13.20.4 Prohibited Uses  
Notwithstanding the regulations of subsection 7.11.1 of this By-law, the keeping of livestock shall be prohibited.
- 7.13.21 Z612-2012
- 7.13.21.1 Defined Area  
RR-21 as shown on Schedule “A”, Map 12 to this by-law.
- 7.13.21.2 Prohibited Uses  
Notwithstanding the regulations of subsection 7.11.1 of the By-law, the keeping of livestock shall be prohibited.
- 7.13.22
- 7.13.22.1 Defined Area  
RR-22 as shown on Schedule “A”, Map 3 to this By-law
- 7.13.22.2 Minimum Lot Frontage  
42.0 metres
- 7.13.23 Z624-2013
- 7.13.23.1 Defined Area  
RR-23 as shown on Schedule “A”10 to this By-law
- 7.13.23.2 Permitted Uses  
Animal Kennel with a maximum of three (3) domesticated animals, in addition to all other uses in the RR Zone
- 7.13.24
- 7.13.24.1 Defined Area Z632-2014  
RR-24 as shown on Schedule “A”, Map 9 to this By-law
- 7.13.24.2 Accessory Building Lot Coverage  
Existing Barn – 10.5%
- 7.13.24.3 Prohibited Uses  
Notwithstanding the regulations of Subsection 7.11.1 of this By-law, the keeping of livestock shall be prohibited.

7.13.25

7.13.25.1

Defined Area

RR-25 as shown on Schedule "A", Map 4 to this By-law

Z633-2014

7.13.25.2

Minimum Lot Frontage

20 metres

## **SECTION 8      ESTATE RESIDENTIAL (ER) ZONE REGULATIONS**

---

### **8.1    Permitted Uses**

No land shall be used and no buildings or structures shall be erected, used or altered in the Estate Residential (ER) Zone except for the following purposes:

One single detached residential dwelling on one lot;

Bed and Breakfast Lodging or Tourist Home;

Home occupation;

Home occupation, agricultural;

Private garage or carport as an accessory use;

Accessory uses.

### **8.2    Permitted Buildings and Structures**

Buildings and structures for the permitted uses;

Accessory buildings and structures for the permitted uses.

### **8.3    Minimum Lot Area**

0.4ha

### **8.4    Minimum Lot Frontage**

50.0m

### **8.5    Maximum Lot Coverage**

20%

### **8.6    Minimum Ground Floor Area for Dwellings**

100.0m<sup>2</sup>

### **8.7    Minimum Front Yard Depth**

15.0m

### **8.8    Minimum Side Yard Width**

3.0m

### **8.9    Minimum Rear Yard Depth**

15.0m

### **8.10   REGULATIONS FOR ACCESSORY BUILDINGS**

8.10.1      No accessory buildings or structures shall be located within 3 metres of a side or rear lot line.

8.10.2 Maximum Floor Area: 55.0 m<sup>2</sup>

8.11 **Regulations for Livestock Buildings and Structures**

The keeping of livestock in a hobby farm context is permitted in the Estate Residential (ER) Zone providing the complement of livestock is small and can comply with the regulations of the Minimum Distance Separation II. A certificate of compliance must be obtained from the Ontario Ministry of Agriculture and Food prior to the keeping of livestock on lands zoned Estate Residential (ER).

8.12 **Minimum Distance Separation**

From the edge of a railroad right-of-way:	30.0 metres
From a sewage lagoon or solid waste disposal site:	300.0 metres
From livestock buildings and structures:	The distance determined on application of M.D.S. I

8.13 **Exceptions - Estate Residential (ER) Zone**

8.13.1

8.13.1.1 **Defined Area**

ER-1 as shown on Schedule “A”, Map No. 4 to this By-law.

8.13.1.2 **Location of Buildings and Other Structures**

No building or private sewage disposal system shall be permitted in the area south of the 243.8 metre contour shown on Schedule “A”, Map No. 17 to this By-law.

8.13.1.3 **Setback from Break of Slope**

7.62 metres minimum for all buildings and structures on lots 3, 4, 5, 6 and 7 as shown on Schedule “A”, Map No. 17 to this By-law. The break of slope is defined as the 243.8 metre contour line for lots 3, 4 and 5, as shown on Schedule “A”, Map No. 17, and the 242.3 metre contour line for lots 6 and 7, as shown on Schedule “A”, Map No. 17.

8.13.1.4 **Regulation for Accessory Buildings**

Maximum floor area: 32.6 m<sup>2</sup>

No more than one (1) accessory building or structure shall be permitted on one lot in lands within the Special Estate Residential (ER-1) Zone.

8.13.1.5 **Prohibited Uses**

The keeping or raising of livestock.

8.13.2

8.13.2.1 **Defined Area**

ER-2 as shown on Schedule “A”, Map 12 to this By-law.

- 8.13.2.2 Minimum Lot Frontage  
36.0 metres
- 8.13.2.3 Minimum Rear Yard Setback from the 212.5 Metre Contour Elevation  
0.0 metres
- 8.13.2.4 Building, Structure and Grading Regulations  
No buildings or structures shall be constructed or regarding of land shall occur below the 212.5 metre contour elevation.
- 8.13.3
- 8.13.3.1 Defined Area  
ER-3 as shown on Schedule “A”, Map 4 to this By-law.
- 8.13.3.2 Minimum Lot Frontage  
75.0 metres
- 8.13.3.3 Minimum Side Yard Setback from the 210.0 Metre Contour Elevation  
0.0 metres
- 8.13.3.4 Building, Structure and Grading Regulations  
No buildings or structures shall be constructed, or regrading of land occur below the 210.0 metre contour elevation.
- 8.13.4
- 8.13.4.1 Defined Area  
ER-4 as shown on Schedule “A”, Map 2 to this By-law.
- 8.13.4.2 Minimum Lot Frontage  
33.0 metres
- 8.13.4.3 Minimum Lot Area  
1,800 m<sup>2</sup>
- 8.13.4.4 Minimum Side Yard Setback  
6.0 metres
- 8.13.5
- 8.13.5.1 Defined Area  
ER-5 as shown on Schedule “A”, Map No. 4 to this By-law.
- 8.13.5.2 Prohibited Uses  
The keeping or raising of livestock.

- 8.13.5.3 Minimum Lot Area  
2.4 hectares
- 8.13.5.4 Buffer Strips  
A buffer strip shall be maintained inside the Site-Specific Estate Residential (ER-5) Zone along the southern boundary adjacent to Shady Lane.
- 8.13.6
- 8.13.6.1 Defined Area  
ER-6 as shown on Schedule “A”, Map No. 6 to this By-law.
- 8.13.6.2 Minimum Lot Frontage  
30.0 metres (100.0 feet).
- 8.13.6.3 Vehicular Access Restrictions  
Notwithstanding any other provisions of this By-law, vehicular access to all buildings, structures and uses in the ER-6 Zone shall be restricted to that portion of the ER-6 Zone which constitutes existing, opened frontage on Maple Grove Line as of the date of passing of this By-law.
- 8.13.7
- 8.13.7.1 Defined Area  
ER-7 as shown on Schedule “A”, Map No. 12 to this By-law;
- 8.13.7.2 Minimum Rear Yard Depth – From the 212.5 Metre Contour Elevation  
5.0 metres
- 8.13.7.3 Building, Structure, and Grading Regulations  
No buildings or structures shall be constructed, and no re-grading of land shall occur below the 212.5 metre contour elevation as shown on Schedule, Map No. 62 to the Zoning By-law.
- 8.13.8
- 8.13.8.1 Defined Area  
ER-8 as shown on Schedule “A,” Map No. 12 to this By-law.
- 8.13.8.2 Minimum Rear Yard Setback from the 212.5 Metre Contour Elevation  
5.0 metres
- 8.13.8.3 Building, Structure and Grading Regulations  
No buildings or structures shall be constructed and no re-grading of land shall occur below the 212.5 metre contour elevation as shown on Schedule “A”, Map 62 to this By-law.
- 8.13.8.4 Regulation for Accessory Building  
Minimum Side Yard Setback from Top-of-Bank : 3 metres

Z595-2011

8-5

Minimum Rear Yard Setback from Top-of-Bank: 4 metres

Maximum Floor Area: 93 m<sup>2</sup>





**SECTION 9 HAMLET RESIDENTIAL (HR) ZONE REGULATIONS**

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9.1 **Permitted Uses**

No land shall be used and no buildings or structures shall be erected, used or altered in the Hamlet Residential (HR) Zone except for the following purposes:

- One single detached dwelling on one lot;
- Bed and Breakfast Lodging or Tourist Home;
- Converted dwelling;
- Home occupation;
- Private garage or carport as an accessory use;
- Accessory use.

9.2 **Minimum Lot Area**

- No public water supply or sanitary sewage disposal service: 1390 m<sup>2</sup>
- Public sanitary sewage disposal service, but no public water supply: 900 m<sup>2</sup>

9.3 **Minimum Lot Frontage**

- No public water supply or sanitary sewage disposal service: 22.0 metres
- Public sanitary sewage disposal service, but no public water supply: 20.0 metres

9.4 **Maximum Lot Coverage**

30%

9.5 **Maximum Building Height**

10.5m

9.5.1 **Maximum Accessory Building Height**

4.5m

9.6 **Minimum Floor Area**

79.0m<sup>2</sup>

9.7 **Maximum Floor Area for an Accessory Building**

75 m<sup>2</sup> or 8% lot coverage, whichever is less

9.8 **Minimum Front Yard Depth**

7.0 metres

9.9 **Minimum Side Yard Width**

Single detached dwelling with an	1.2 metres plus 0.5 metres for each additional
----------------------------------	--

attached garage or carport:	or partial storey above the first storey
Single detached dwelling without an attached garage or carport:	1.2 metres plus 0.5 metres for each additional or partial storey above the first storey for one side and 3.0 metres on the other side
Single detached dwelling situated on a corner lot:	4.5 metres on the side abutting a public street and 1.2 metres plus 0.5 metres for each additional or partial storey above the first storey on the other side

9.10 **Minimum Rear Yard Depth**

9.0m

9.11 **Minimum Separation Distance**

From the edge of a railway right-of-way : 30.0 metres

9.12 **Exceptions - Hamlet Residential (HR) Zone**

9.12.1

9.12.1.1 **Defined Area**

HR-1 as shown on Schedule “B” to this By-law.

9.12.1.2 **Permitted Uses**

Commercial Greenhouse in addition to all other uses permitted in the Hamlet Residential (HR) Zone.

9.12.1.3 **Permitted Buildings and Structures**

Buildings and structures for the permitted uses.

9.12.1.4 **Minimum Lot Area**

975 square metres

9.12.1.5 **Minimum Lot Frontage**

- i) For a commercial greenhouse 16 metres
- ii) For a residential dwelling 14.5 metres

9.12.1.6 **Minimum Side Yard**

2 metres on each side of each building in compliance with subsection 4.25.

9.12.2

9.12.2.1 **Defined Area**

HR-2 as shown on Schedule “E” to this By-law.

9.12.2.2 **Permitted Uses**

Service shop

Inside storage

Pumphouse for a communal well system

In addition to all other uses permitted in the Hamlet Residential (HR) Zone

9.12.2.3 Permitted Buildings and Structures

Buildings and structures for the permitted uses.

9.12.2.4 Minimum Lot Area

2625.0 square metres

9.12.2.5 Minimum Lot Frontage

79.5 square metres

9.12.3

9.12.3.1 Defined Area

HR-3 as shown on Schedule “D” to this By-law.

9.12.3.2 Permitted Uses

Dwelling two-unit;

Dwelling three-unit, in addition to uses permitted in the HR Zone.

9.12.3.3 Permitted Buildings and Structures

Buildings and structures for the permitted uses.

9.12.3.4 Minimum Lot Area

1780.0 square metres

9.12.3.5 Minimum Side Yard Width

West side 3.1 metres

East side 6.2 metres

9.12.4

9.12.4.1 Defined Area

HR-4 as shown on Schedule “D” to this By-law.

9.12.4.2 Minimum Lot Area

0.77 hectares

9.12.4.3 Minimum Lot Frontage

52.0 metres

9.12.4.4 Maximum Floor Area

Accessory Building – 167.22 m<sup>2</sup>

9.12.4.5 Minimum Side Yard Width  
Accessory Building – 3.0 metres

9.12.5

9.12.5.1 Defined Area  
HR-5(h) as shown on Schedule “D” to this bylaw;

Z579-2010

9.12.5.2 Minimum Lot Frontage  
0.0 metres

9.12.5.3 Holding Provisions  
The holding “h” provision may be removed upon:

- a) Legal access to the lands through a registered easement on the abutting westerly lands; and
- b) A development agreement with the Municipality for the provision of a suitable driveway location and the provision of municipal services.

9.12.6

9.12.6.1 Defined Area  
HR-6 as shown on Schedule “E” to this By-law

Z604-2012

9.12.6.2 Supplemental Regulations  
Where one (1) single detached dwelling is permitted, such dwelling may be in the form of a modular dwelling.

9.12.7

9.12.7.1 Defined Area  
HR-7 as shown on Schedule “E” to this By-law.

Z603-2012

9.12.7.2 Minimum Lot Front Yard Depth  
35m from centre line

9.12.7.3 Supplemental Regulations  
Amenity structures, including but not limited to gazebos, decks, and porches shall be located in the rear yard.

## **SECTION 10 VILLAGE RESIDENTIAL (R1) ZONE REGULATIONS**

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### **10.1 Permitted Uses**

No land shall be used and no buildings or structures shall be erected, used, or altered in the Residential First Density (R1) Zone except for the following purposes:

Single-detached dwelling or single-detached seasonal dwelling;

Converted dwelling to a maximum of two (2) units;

Semi-detached dwelling;

Duplex dwelling;

Group home;

Home occupation;

Bed and Breakfast Lodging or Tourist Home;

Accessory uses.

### **10.2 Permitted Buildings and Structures**

One dwelling on one lot or one unit of a semi-detached dwelling on one lot;

Accessory buildings and structures to the permitted uses.

### **10.3 Minimum Lot Area**

Vienna, Port Burwell: 800 m<sup>2</sup>, or 1390 m<sup>2</sup> where no public water supply or sanitary sewage disposal service are available

Straffordville: 900 m<sup>2</sup>, or 1390 m<sup>2</sup> where no public water supply or sanitary sewage disposal service are available

### **10.4 Minimum Lot Frontage**

20m

### **10.5 Deleted**

### **10.6 Maximum Building Coverage**

30%

### **10.7 Minimum Floor Area**

80.0m<sup>2</sup>

### **10.8 Minimum Front Yard Depth**

7.0m

### **10.9 Minimum Side Yard Width**

10.9.1 Where a garage or carport is attached, the minimum width shall be 1.2 metres plus 0.5 metres for each additional or partial storey above the first storey on each side of the

combined building.

10.9.2 Where no garage or carport is attached, the minimum width shall be 1.2 metres plus 0.5 metres for each additional or partial storey above the first storey on one side of the main building and a minimum of 3 metres on the other side of the main building.

10.9.3 On a corner lot, the side yard abutting a public street shall be a minimum of 4.5 metres and the side yard on the other side of the main building shall be a minimum of 1.2 metres.

10.9.4 On a lot with a semi-detached dwelling, the interior lot line width that forms the party wall shall be 0.0 metres.

#### 10.10 **Minimum Rear Yard Depth**

7.0 metres

#### 10.11 **Regulations for Accessory Buildings**

Previous  
Section  
10.11 a)  
removed by  
Z556-2008

Notwithstanding the provisions of Section 4.2, the following shall apply:

- a) No accessory building shall be located within 6.0 metres of a public street;
- b) Maximum Height - 4.5 metres;
- c) Maximum Floor Area - 65.0 m<sup>2</sup>

#### 10.12 **Exceptions - Village Residential (R1) Zone**

10.12.1

##### 10.12.1.1 **Defined Area**

R1-1 as shown on Schedule "H" to this By-law.

##### 10.12.1.2 **Minimum Lot Area**

2.5 hectares.

##### 10.12.1.3 **Minimum Lot Frontage**

Notwithstanding any other provisions of this By-law, as now or hereafter amended, a 3.0 metre minimum lot frontage on a private road providing vehicular access to Plank Road is required.

##### 10.12.1.4 **Minimum Front Yard Depth**

7.0 metres from the required lot frontage, in accordance with Subsection 10.12.1.3 of this By-law.

##### 10.12.1.5 **Minimum Floor Area**

100.0 m<sup>2</sup>

##### 10.12.1.6 **Regulations for Buildings and Structures**

Notwithstanding any other provision of this By-law, any building or structure erected adjacent to the Exception Open Space (OS-2) Zone shall be setback a minimum distance of 15.0 metres from the 660 foot contour elevation (Canadian Geodetic Datum) (Top-of-Bank) of the Big Otter Creek and 15.0 metres from the 660 foot contour elevation

(Canadian Geodetic Datum) (Top-of-Bank) of the gully forming the eastern boundary of the Exception Village Residential (R1-1) Zone.

10.12.1.7 Accessory Uses

No accessory uses shall:

- a) Be used for human habitation;
- b) Be erected in the front yard of the lot;
- c) Be built closer to the street or road than the main building is to the street or road;
- d) Be built closer than two (2.0) metres to any lot line;
- e) Exceed eighteen and one-half (18.5) square metres of floor area or have a height exceeding three and one-half (3.5) metres;
- f) Be built within two (2.0) metres of the main building;
- g) Be considered as an accessory building if attached to the main building in any way;
- h) Be considered an accessory building if located completely underground.

10.12.1.8 Buffer Strip

A buffer strip as defined in Section 2.15 of this By-law shall be required as follow:

- a) Adjacent to the property boundary between the R1-1 Zone and Lot 12 and 13 of R.P. 54 of the Village of Vienna;
- b) Adjacent to the property boundary between the R1-1 Zone and Lot 7 of R.P. 54 of the Village of Vienna to a distance of 25.0 metres from Plank Road right-of-way;
- c) Adjacent to the property boundary between the R1-1 Zone and Lot 8 of R.P. 54 of the Village of Vienna to a distance of 25.0 metres from Plank Road right-of-way.

10.12.2

10.12.2.1 Defined Area

R1-2 as shown on Schedule "H" to this By-law

10.12.2.2 Frontage of Building Lots

Notwithstanding Section 4.18 of this By-law, the Lot Frontage in the R1-2 Zone shall comprise that portion of the R1-2 Zone which abuts the Site-Specific Floodway (FW-2) Zone.

10.12.3

10.12.3.1 Defined Area

R1-3 as shown on Schedule "H" to this By-law.

10.12.3.2 Minimum Lot Frontage

Notwithstanding Section 2.134 a) of this By-law, the front lot line shall be deemed to be the lot line situated along the Concession Road between Concessions 3 and 4.



10.12.4

10.12.4.1 Defined Area

R1-4 as shown on Schedule “H” to this By-law

**Z479-2004**

10.12.4.2 Permitted Uses

Woodworking shop and associated retail sales in addition to all other uses permitted in the R1 Zone

10.12.4.3 Maximum Floor Area

223 m<sup>2</sup> (2400 ft.<sup>2</sup>) for woodworking shop and retail sales building

10.12.5

10.12.5.1 Defined Area

R1-5 as shown on Schedule “F” to this By-law

**Z513-2005**

10.12.5.2 Permitted Uses

A private transport truck/trailer training school, including training on other mechanized heavy equipment;

Outdoor storage of trucks and trailers and other heavy equipment related to the above use;

All other permitted uses in the Village Residential 1 (R1) Zone

10.12.6

10.12.6.1 Defined Area

R1-6 as shown on Schedule “H” to this By-law

**Z523-2006**

10.12.6.2 Permitted Uses

Indoor/outdoor recreational and educational retreat facility including, but not limited to, a student day camp, an indoor climbing facility, studio and spa facilities, and accessory retail sales;

All other permitted uses in the Village Residential 1 (R1) Zone

10.12.7

10.12.7.1 Defined Area

R1-7 as shown on Schedule I to this By-law

**Z583-2010**

10.12.7.2 Minimum Lot Area

400 m<sup>2</sup>

10.12.7.3 Minimum Lot Frontage

11 metres

10.12.7.4	<u>Maximum Building Coverage</u> 40%	<div style="border: 1px solid black; padding: 2px; display: inline-block;">Z606-2012</div>
10.12.7.5	<u>Exterior Side Yard Setback</u> 1.2 metres, for any new dwelling which abuts Elizabeth Street.	
10.12.8		
10.12.8.1	<u>Defined Area</u> R1-8 as shown on Schedule F to this By-law	<div style="border: 1px solid black; padding: 2px; display: inline-block;">Z563-2008</div>
10.12.8.2	<u>Minimum Lot Area</u> 765 m <sup>2</sup>	
10.12.8.3	<u>Minimum Lot Depth</u> 40 metres	
10.12.9		
10.12.9.1	<u>Defined Area</u> R1-9 as shown on Schedule “F” to this By-law	<div style="border: 1px solid black; padding: 2px; display: inline-block;">Z616-2013</div>
10.12.9.2	<u>Minimum Front Yard Depth</u> 5.4 metres	
10.12.10		
10.12.10.1	<u>Defined Area</u> R1-10 as shown on Schedule “T” to this By-law	<div style="border: 1px solid black; padding: 2px; display: inline-block;">Z618-2013</div>
10.12.10.2	<u>Permitted Uses</u> Parking Lot in addition to all other permitted uses in the R1 Zone	
10.12.11		
10.12.11.1	<u>Defined Areas</u> R1-11 as shown on Schedule “H” to this By-law	<div style="border: 1px solid black; padding: 2px; display: inline-block;">Z621-2013</div>
10.12.11.2	<u>Permitted Uses</u> Woodworking shop in addition to all other uses permitted in the R1 Zone	
10.12.11.3	<u>Maximum Floor Area</u> 40 m <sup>2</sup> for a permitted woodworking shop	
10.12.11.4	<u>Supplementary Regulations</u> The outdoor storage of materials or goods associated with the woodworking shop shall be prohibited	



## **SECTION 11 VILLAGE RESIDENTIAL (R2) ZONE REGULATIONS**

### **11.1 Permitted Uses**

No land shall be used and no buildings or structures shall be erected, used, or altered in the Village Residential (R2) Zone except for the following purposes:

Double duplex dwelling;

Multi-unit residential use;

Triplex dwelling;

Townhouse and rowhouse dwelling;

Apartment building;

Boarding house or rooming house;

Senior citizen home;

Group home;

Home occupation;

Accessory buildings and structures.

### **11.2 Permitted Buildings and Structures**

Buildings and structures for the permitted uses;

Accessory buildings and structures for the permitted uses.

### **11.3 Minimum Lot Area**

Triplex, double duplex, townhouse, or rowhouse dwellings:	Port Burwell, Vienna:	340 m <sup>2</sup> per dwelling unit
	Straffordville:	400 m <sup>2</sup> per dwelling unit
Apartment buildings or multi-unit dwellings:	10 units or less:	325 m <sup>2</sup> for each of the first four (4) dwelling units and 93 m <sup>2</sup> for each additional dwelling unit thereafter
	More than 10 units:	340 m <sup>2</sup> per dwelling unit
Boarding or rooming house, senior citizens home, nursing home or group homes:		557 m <sup>2</sup> for the first ten (10) rooms capable of being occupied and 46 m <sup>2</sup> for each additional room thereafter.

### **11.4 Minimum Lot Frontage**

Triplex, double duplex, townhouse, or rowhouse dwellings: 25.0 metres

All other dwellings: 10.0 metres. per dwelling unit or 40.0 metres., whichever is less

### **11.5 Maximum Building Coverage**

50 %

11.6 **Minimum Floor Area**

Triplex, double duplex dwelling units: 80.0 m<sup>2</sup>

Apartment building units: 50.0 m<sup>2</sup>

Boarding or rooming house, senior citizens/nursing home or group homes: 40.0 m<sup>2</sup>

11.7 **Minimum Front Yard Depth**

6.0 metres.

11.8 **Minimum Side Yard Width**

Dwelling with an attached garage or carport:	1.2 metres plus 0.5 metres for each additional or partial storey above the first storey
Dwelling without an attached garage or carport:	1.2 metres plus 0.5 metres for each additional or partial storey above the first storey for one side and 3.0 metres on the other side
Dwelling situated on a corner lot:	4.5 metres on the side abutting a public street and a minimum of 1.5 metres on the other side

11.9 **Minimum Rear Yard Depth**

9.0 metres. or one-half the height, whichever is greater.

11.10 **Regulations for Accessory Buildings**

Notwithstanding the provisions of Section 4.2, the following shall apply:

Previous  
Section  
11.11 a)  
removed by  
Z556-2008

- a) Notwithstanding the provisions of paragraph a), no accessory building shall be located within 6.0 metres of a public street.
- b) Maximum Height - 3.5 metres.
- c) Maximum Floor Area - 18.5 square metres.

11.11 **Exceptions - Village Residential (R2) Zone**

11.11.1

11.11.1.1 **Defined Area**

R2-1 as shown on Schedule "H" to this By-law.

11.11.1.2 **Permitted Uses**

Dwelling, Four-Unit

Restaurant, drive-in or take-out, as an accessory use.

11.11.1.3 **Permitted Buildings and Structures**

Existing buildings and structures for the permitted uses.

11.11.1.4 **Minimum Floor Area**

55.0 square metres per dwelling unit.

## **SECTION 12 MOBILE HOME PARK (MH) ZONE REGULATIONS**

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### **12.1 Permitted Uses**

No land shall be used and no buildings or structures shall be erected, used or altered in the Mobile Home Park (MH) Zone except for the following purposes:

Mobile home park;

One mobile home or modular dwelling on one mobile home site;

Private garage or carport as an accessory use;

Accessory uses.

### **12.2 Minimum Lot Area**

Mobile home park: 4.0 hectares

Mobile home site without a public or communal water supply: 1200.0m<sup>2</sup>

Mobile home site with a public or communal water supply: 464.0m<sup>2</sup>

### **12.3 Minimum Lot Frontage for a Mobile Home Site**

Mobile home site without a public or communal water supply: 30.0m

Mobile home site with a public or communal water supply: 19.0m

### **12.4 Maximum Coverage**

35%

### **12.5 Maximum Building Height**

6.0m

### **12.6 Minimum Floor Area**

56.0m<sup>2</sup>

### **12.7 Minimum Front Yard Depth**

Mobile home park: 9.0m

Mobile home site: 6.0m

### **12.8 Minimum Side Yard Width**

Mobile home park: 6.0m

Mobile home site: 3.0m

### **12.9 Minimum Rear Yard Depth**

Mobile home park: 6.0m

Mobile home site: 6.0 metres

## 12.10 Minimum Separation Distance

From a mobile home park to buildings and structures used for housing livestock:	150.0 metres or the distance determined on application of M.D.S. I, whichever is greater
From a mobile home park to the edge of a solid waste disposal site:	300.0 metres
From a mobile home park to the edge of a railroad right-of-way:	75.0 metres

## 12.11 Regulations for Accessory Buildings

Notwithstanding the provisions of Section 4.2, the following shall apply:

Previous  
Section  
11.11 a)  
removed by  
Z556-2008

- a) One utility shed permitted to a maximum floor area of 12.0 m<sup>2</sup> and maximum height of 3.1m per mobile home site;
- b) Open deck permitted to a maximum 3.1 m width not to exceed mobile home length;
- c) No accessory use shall be located within 1.5 m of mobile home site septic tank;
- d) Open storage is prohibited on mobile home sites.

## 12.12 Exceptions - Mobile Home Park (MH) Zone

### 12.12.1

#### 12.12.1.1 Defined Area

MH-1 as shown on Schedule "A", Map No. 14 to this By-law.

#### 12.12.1.2 Maximum Lot Area

2.5 hectares

### 12.12.2

#### 12.12.2.1 Defined Area

MH-2 as shown on Schedule "A", Map 3 to this By-law.

Z605-2012

#### 12.12.2.2 Permitted Uses

Modular Dwelling, in addition to the existing permitted uses in the Mobile Home Park (MH) Zone

#### 12.12.2.3 Supplemental Regulations

- a) Maximum Ground Floor Area: 130m<sup>2</sup>
- b) Maximum number of bedrooms per dwelling unit: two (2)
- c) Prohibited Uses: The use of any basement or cellar space for living area, except that such space may be used for storage and mechanical purposes

## **SECTION 13 FARM COMMERCIAL (FC) ZONE REGULATIONS**

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### **13.1 Permitted Uses**

No land shall be used and no buildings or structures shall be erected, used or altered in the Farm Commercial (FC) Zone except for the following purposes:

- Farm equipment sales and service;
- Farm fuel sales;
- Agricultural service establishments;
- Agricultural supply establishments;
- One dwelling unit as an accessory use.

### **13.2 Minimum Lot Area**

2,000.0 m<sup>2</sup>

### **13.3 Minimum Lot Frontage**

30.0 metres

### **13.4 Maximum Lot Coverage**

30 %

### **13.5 Maximum Building Height**

12.0 metres

### **13.6 Minimum Front Yard Depth**

12.2 metres, or in accordance with Section 4.22

### **13.7 Minimum Side Yard Width**

- Where the farm commercial zone abuts a residential zone: 6.0 metres
- All other cases: 3.0 metres

### **13.8 Minimum Rear Yard Depth**

7.5 metres

### **13.9 Minimum Separation Distance**

From livestock buildings and structures shall be 150.0 metres or the distance determined on application of M.D.S. I, whichever is greater

### **13.10 Exceptions - Farm Commercial (FC) Zone**





## **SECTION 14 RURAL COMMERCIAL (RC) ZONE REGULATIONS**

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### **14.1 Permitted Uses**

No land shall be used and no buildings or structures shall be erected, used or altered in the Rural Commercial (RC) Zone except for the following purposes:

Animal clinic;

Garage, public;

Garden supply centre;

Retail store;

Service shop;

One dwelling unit as an accessory use.

### **14.2 Minimum Lot Area**

2,000.0 m<sup>2</sup>

### **14.3 Minimum Lot Frontage**

30.0 metres

### **14.4 Maximum Lot Coverage**

30 %

### **14.5 Maximum Building Height**

12.0 metres

### **14.6 Minimum Front Yard Depth**

12.2 metres, or in accordance with Section 4.22

### **14.7 Minimum Side Yard Width**

Where the rural commercial zone abuts a residential zone: 6.0 metres

All other cases: 3.0 metres

### **14.8 Minimum Rear Yard Depth**

7.5 metres

### **14.9 Minimum Separation Distance**

From livestock buildings and structures shall be 150.0 metres or the distance determined on application of M.D.S. I, whichever is greater

## 14.10 EXCEPTIONS - Rural Commercial (RC) Zone

### 14.10.1

#### 14.10.1.1 Defined Area

RC-1 as shown on Schedule “A”, Map No. 14 to this By-law.

#### 14.10.1.2 Permitted Uses

Bakery;

Retail sale of baked goods produced on premises.

#### 14.10.1.3 Minimum Lot Area

900 m<sup>2</sup> (9,688 ft<sup>2</sup>)

### 14.10.2

#### 14.10.2.1 Defined Area

RC-2 as shown on Schedule “A”, Map 6 to this By-law.

#### 14.10.2.2 Permitted Uses

Farm Equipment Service Shop;

Public Garage, excluding a Motor Vehicle Service Station.

#### 14.10.2.3 Permitted Buildings and Structures

Existing buildings and structures for the permitted uses.

#### 14.10.2.4 Minimum Front Yard Depth

10 metres (33 feet).

### 14.10.3

#### 14.10.3.1 Defined Area

RC-3 as shown on Schedule “A”, Map No. 2 to this By-law.

#### 14.10.3.2 Prohibited Uses

Retail store, general.

#### 14.10.3.3 Permitted Buildings and Structures

Existing buildings and structures for the permitted uses.

### 14.10.4

#### 14.10.4.1 Defined Area

RC-4 as shown on Schedule “A”, Map No. 3 to this By-law.

#### 14.10.4.2 Permitted Uses

Motor vehicle service station in addition to all other uses permitted in the RC Zone.

## **SECTION 15      HIGHWAY COMMERCIAL (HWC) ZONE REGULATIONS**

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### **15.1    PERMITTED USES**

No land shall be used and no buildings or structures shall be erected, used or altered in the Highway Commercial (HWC) Zone except for the following purposes:

Auction sales facility;

Garage, public;

Lumber yard, retail or wholesale;

Motor vehicle sales establishment;

Motor vehicle service station;

Restaurant or drive-in restaurant;

Retail home furnishing store;

Service shop;

One (1) dwelling unit as an accessory use;

Accessory uses including a retail store as an accessory use.

### **15.2    Minimum Lot Area**

2,000.0 m<sup>2</sup>

### **15.3    Minimum Lot Frontage**

30.0 metres

### **15.4    Maximum Lot Coverage**

30 %

### **15.5    Maximum Building Height**

12.0 metres

### **15.6    Minimum Front Yard Depth**

14.5m

### **15.7    Minimum Side Yard Width**

Where the rural commercial zone abuts a residential zone: 6.0 metres

All other cases: 3.0 metres

### **15.8    Minimum Rear Yard Depth**

7.5 metres

### **15.9    Minimum Separation Distance**

From the edge of a railroad right-of-way: 30.0 metres

From livestock buildings and structures: 150.0 metres or the distance determined on application of M.D.S. I, whichever is greater

15.10 **Exceptions - Highway Commercial (HWC) Zone**

15.10.1

15.10.1.1 Defined Area

HWC-1 as shown on Schedule “A”, Map No. 8 to this By-law.

15.10.1.2 Permitted Uses

Church in addition to uses permitted in the HWC Zone.

15.10.1.3 Permitted Buildings and Structures

Existing buildings and structures for the permitted uses.

15.10.2

15.10.2.1 Defined Area

HWC-2 as shown on Schedule “A”, Map No. 2 to this By-law.

15.10.2.2 Permitted Uses

Auction sales facility in addition to all other uses permitted in the HWC Zone

**Z483-2004**

15.10.2.3 Prohibited Uses

Hotel

Motel

## **SECTION 16      HAMLET COMMERCIAL (HC) ZONE REGULATIONS**

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### **16.1    Permitted Uses**

No land shall be used and no buildings or structures shall be erected, used or altered in the Hamlet Commercial (HC) Zone except for the following purposes:

- Clinic;
- Farm equipment sales and service;
- Motor vehicle service station;
- Motor vehicle sales establishment;
- Offices, general or professional;
- Parking lot;
- Personal service shop;
- Public garage;
- Restaurant;
- Restaurant, drive-in or take-out;
- Retail store;
- Service shop;
- One dwelling unit as an accessory use.

### **16.2    Minimum Lot Area**

No public water supply or sanitary sewage disposal service: 1850 m<sup>2</sup>

Public sanitary sewage disposal service, but no public water supply: 900 m<sup>2</sup>

### **16.3    Minimum Lot Frontage**

No public water supply or sanitary sewage disposal service: 30.0 metres

Public sanitary sewage disposal service, but no public water supply: 25.0 metres

### **16.4    Maximum Lot Coverage**

40 %

### **16.5    Maximum Building Height**

12.0 metres

### **16.6    Minimum Front Yard Depth**

The established building line

### **16.7    Minimum Side Yard Width**

Interior side yard: 4.5 metres

Exterior side yard: 6.0 metres

16.8 **Minimum Rear Yard Depth**

Where the rear yard abuts a residential, institutional or an open space zone: 6.0 metres

All other cases: 3.0 metres

16.9 **Exceptions - Hamlet Commercial (HC) Zone**

16.9.1

16.9.1.1 **Defined Area**

HC-1 as shown on Schedule “D” to this By-law

16.9.1.2 **Permitted Uses**

Office, general or professional

16.9.1.3 **Permitted Buildings & Structures**

Buildings and Structures for the permitted uses.

16.9.1.4 **Minimum Lot Frontage**

21.0 metres

16.9.1.5 **Minimum Front Yard Depth**

22.0 metres

16.9.1.6 **Minimum Rear Yard Depth**

22.5 metres

16.9.1.7 **Buffer Area**

In accordance with Section 4.28 this By-law.

16.9.1.8 **Minimum Off-Street Parking Spaces Required**

Eight (8)

## SECTION 17      CENTRAL BUSINESS DISTRICT (C1) ZONE REGULATIONS

---

### 17.1 Permitted Uses

No land shall be used and no buildings or structures shall be erected, used, or altered in the Central Business District (C1) Zone except for the following purposes:

Animal clinic;

Auction sales facilities;

Motor vehicle service station or public garage;

Financial institutions;

Personal service shop;

Bus station;

Bakeries;

Club, or private club;

Convenience plaza;

Funeral homes;

Hotels, motels, taverns;

Laundry and dry-cleaning establishments;

Offices, professional or general;

Public parking lot;

Publishing and printing establishment;

Hospitals and nursing homes (rest homes);

Motor vehicle sales establishment;

**Z556-2008**

Recreational facilities and place of entertainment;

Restaurants or snack bars;

Retail stores or service shops not engaged in manufacturing on the premises;

Shopping centres;

Tavern;

Taxi service establishment;

Theatre;

Bed and Breakfast Lodging or Tourist Home connected to and forming an integral part of the commercial building and located over the first storey commercial use;

**Z576-2010**

Residential uses connected to and forming an integral part of the commercial building and located above, below, or to the rear of the first storey commercial use, to a maximum of two storeys above the permitted commercial use;

Accessory uses.



17.2 **Minimum Lot Area**

Public sanitary sewage disposal service, but no public water supply: 800 m<sup>2</sup>

Public water and sanitary sewage disposal services are available: 232 m<sup>2</sup>

17.3 **Minimum Lot Frontage**

No public water supply or sanitary sewage disposal service: 20.0 metres

Public sanitary sewage disposal service, but no public water supply: 10.0 metres

17.4 **Deleted**

17.5 **Maximum Building Coverage**

100 %

17.6 **Maximum Building Height**

12.0 metres

17.7 **Minimum Front Yard Depth**

Port Burwell, Vienna: 0.0 metres, except 3.0 metres along the south side of Plank Road between Edison Drive and King Street

Straffordville: The established building line.

17.8 **Minimum Side Yard Width**

Where a yard abuts a Residential, Institutional, or Open Space Zone 4.5 metres, otherwise no side yard shall be required.

17.9 **MINIMUM REAR YARD DEPTH**

0.0 metres

**17.10 REGULATIONS FOR RESIDENTIAL USES PERMITTED IN SECTION 17.1**

- 17.10.1 The minimum lot area per dwelling unit shall be 460.0 m<sup>2</sup>, in addition to the requirements established in Section 17.2;
- 17.10.2 A minimum floor area and outdoor amenity area shall be provided in accordance with Section 4.44 Floor Area;
- 17.10.3 Pedestrian access to each dwelling unit shall be provided from an adjacent street or lane and shall be for the sole use of the occupant(s) of the said dwelling unit;
- 17.10.4 No commercial building wherein gasoline, petroleum products, paint or any other highly flammable, toxic or explosive products are handled in quantity shall have accessory dwelling units. Where such dwelling units exist and the use of the commercial establishment changes to a use involving the aforementioned products, the said dwelling units shall cease to be occupied as dwelling units.

<b>Z576- 2010</b>
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**17.11 Exceptions - Central Business District (C1) Zone**

## 17.11.1

## 17.11.1.1

Defined Area

C1-1 as shown on Schedule "F" to this By-law.

## 17.11.1.2

Minimum Side Yard Width

Where a yard abuts a residential zone: Existing side yard width

All other side yards: 6.0 metres

## 17.11.2

## 17.11.2.1

Defined Area

C1-2 as shown on Schedule "F" to this By-law.

## 17.11.2.2

Minimum Lot Area

700 m<sup>2</sup>

## 17.11.2.3

Minimum Lot Frontage

16 metres

## 17.11.2.4

Minimum Exterior Side Yard Depth

4.5 metres

## 17.11.3

## 17.11.3.1

Defined Area

C1-3 as shown on Schedule "H" to this By-law.

## 17.11.3.2

Site, Building and Lot Regulations

Notwithstanding the underlying regulation limit, nothing shall prevent the construction of

buildings or structures accessory thereto subject to compliance with the regulations in Sections 4.2, 4.3 or 4.4 of this By-law.

## **SECTION 18 LOCAL COMMERCIAL (C2) ZONE REGULATIONS**

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### **18.1 Permitted Uses**

No land shall be used and no buildings or structures shall be erected, used, or altered in the Local Commercial (C2) Zone except for the following purposes:

Auction sales facilities;

Motor vehicle service station or public garage;

Convenience plaza;

Personal service shop;

Professional office;

Clinic;

Retail store;

Service shop;

One dwelling unit as an accessory use connected to and forming an integral part of the commercial building and provided with a separate access;

Accessory uses.

### **18.2 Prohibited Uses**

Shopping centres.

### **18.3 Minimum Lot Area**

Public sanitary sewage disposal service, but no public water supply: 900 m<sup>2</sup>

Public water and sanitary sewage disposal services are available: 800 m<sup>2</sup>

### **18.4 Minimum Lot Frontage**

Public sanitary sewage disposal service, but no public water supply: 25.0m

Public water and sanitary sewage disposal services are available: 20.0m

### **18.5 Deleted**

### **18.6 Maximum Building Coverage**

40 %

### **18.7 Maximum Building Height**

6.0 metres

### **18.8 Minimum Front Yard Depth**

6.0 metres

### **18.9 Minimum Side Yard Width**

Where the yard abuts a residential zone or is an exterior side yard: 4.5m

All other cases: 0.0m

**18.10 Minimum Rear Yard Depth**

Where the yard abuts a commercial or industrial zone: 6.0m

Where the building contains residential accommodations or abuts a residential, institutional or open space zone: 10.0m

**18.11 Regulations for Accessory Residential Uses Permitted in Section 18.1**

- a) The minimum lot area per dwelling unit shall be 460.0 m<sup>2</sup>, in addition to the requirements established in Section 18.3;
- b) A minimum floor area shall be provided in accordance with Section 4.45;
- c) Pedestrian access to each dwelling unit shall be provided from an adjacent street or lane and shall be for the sole use of the occupant(s) of the said dwelling unit;
- d) No commercial building wherein gasoline, petroleum products, paint or any other highly flammable, toxic or explosive products are handled in quantity shall have accessory dwelling units. Where such dwelling units exist and the use of the commercial establishment changes to a use involving the aforementioned products, the said dwelling units shall cease to be occupied as dwelling units.

**18.12 Vehicle Storage**

In a Local Commercial (C2) Zone, any person who conducts a commercial undertaking in which commercial vehicles are stored on the premises shall provide and use for the storage of such vehicles an enclosed building that is designed, constructed and maintained in general harmony with the commercial buildings and the residential buildings in and around the Local Commercial (C2) Zone.

**18.13 Exceptions - Local Commercial (C2) Zone**

18.13.1

18.13.1.1 Defined Area

C2-1 as shown on Schedule "H" to this By-law.

18.13.1.2 Permitted Uses

Motor Vehicle Sales Establishment in addition to uses permitted in the C2 Zone.

18.13.1.3 Permitted Buildings and Structures

Existing buildings and structures for the permitted uses.

18.13.2

18.13.2.1 Defined Area

C2-2 as shown on Schedule "H" to this By-law.

18.13.2.2 Permitted Uses

Auto Wrecking Establishment in addition to uses permitted in the C2 Zone.

- 18.13.2.3 Permitted Buildings and Structures  
Existing buildings and structures for the permitted uses.
- 18.13.2.4 Minimum Lot Frontage  
17.0 metres.



## **SECTION 19      TOURIST COMMERCIAL (C3) ZONE REGULATIONS**

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### **19.1    Permitted Uses**

No land shall be used and no buildings or structures shall be erected, used, or altered in the Tourist Commercial (C3) Zone except for the following purposes:

Bed and Breakfast Lodging or Tourist Home;

Bus depot;

Commercial fishing operations, excluding any commercial processing operations;

Hotel, motel;

Marina and accessory uses, including boat storage and repairs;

Restaurant;

Retail service shop;

Tavern;

Travel trailer camping park;

Accessory use including one dwelling unit as an accessory use;

### **19.2    Minimum Lot Area**

Public sanitary sewage disposal service, but no public water supply: 900m<sup>2</sup>

Public water and sanitary sewage disposal services are available: 555m<sup>2</sup>

Tourist commercial uses providing lodging / accommodations: 555 m<sup>2</sup> for the first ten (10) rooms capable of being occupied and 46 m<sup>2</sup> for each additional room thereafter

### **19.3    Minimum Lot Frontage**

15.0m

### **19.4    Maximum Lot Coverage**

50%

### **19.5    Maximum Building Height**

12.0m

### **19.6    Minimum Floor Area**

Commercial Use: 10m<sup>2</sup>

Accessory dwelling units: In accordance with Section 4.45

Accessory single detached dwelling: 65m<sup>2</sup>

### **19.7    Minimum Front Yard Depth**

6.0 metres



19.8 **Minimum Side Yard Width**

4.5m

19.9 **Minimum Rear Yard Depth**

10.0m

19.10 **Buffer Strip**

Where a C3 Zone abuts a Residential, Institutional or Open Space Zone, a buffer strip shall be provided along the abutting lot lines having a minimum width of 2.0 metres.

19.11 **Regulations for Travel Trailer Park**

Regulations related to the establishment and operation of a travel trailer park shall be as set down by the Tourism Act, and regulations thereto as amended from time to time.

19.12 **Dwelling Units**

No commercial building wherein gasoline, petroleum products, paint or any other highly flammable, toxic or explosive products are handled in quantity shall have accessory dwelling units. Where such dwelling units exist and the use of the commercial building changes to a use involving the aforementioned products, the said dwelling units shall cease to be occupied as dwelling units.

19.13 **Exceptions - Tourist Commercial (C3) Zone**

## **SECTION 20 FARM INDUSTRIAL (M1) ZONE REGULATIONS**

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### **20.1 Permitted Uses**

No land shall be used and no buildings or structures shall be erected, used or altered in the Farm Industrial (M1) Zone except for the following purposes:

- Abattoir;
- Grain handling and storage facilities;
- Feed mill;
- Fertilizer plant;
- Food processing plant;
- Farm equipment sales and service;
- Meat packing operation;
- A commercial use as an accessory use;
- One dwelling unit as an accessory use.

### **20.2 Minimum Lot Area**

4000m<sup>2</sup>

### **20.3 Minimum Lot Frontage**

30.0m

### **20.4 Maximum Lot Coverage**

35%

### **20.5 Maximum Building Height**

12.0m

### **20.6 Minimum Front Yard Depth**

12.2 metres, or in accordance with Section 4.22

### **20.7 Minimum Side Yard Width**

7.5m

### **20.8 Minimum Rear Yard Depth**

9.0m

### **20.9 Minimum Separation Distance**

From livestock buildings and structures: 150.0 metres or the distance determined on application of M.D.S. I whichever is greater.

## 20.10 Exceptions - Farm Industrial (M1) Zone

### 20.10.1

#### 20.10.1.1 Defined Area

M1-1 as shown on Schedule “A”, Map No. 5 to this By-law.

#### 20.10.1.2 Permitted Uses

Commercial Welding Shop.

One dwelling unit as an accessory use.

#### 20.10.1.3 Prohibited Uses

The keeping or raising of livestock.

### 20.10.2

#### 20.10.2.1 Defined Area

M1-2 as shown on Schedule “A”, Map No. 5 to this By-law

#### 20.10.2.2 Prohibited Uses

Abattoir.

Meat Packing Operation.

### 20.10.3

#### 20.10.3.1 Defined Area

M1-3 as shown on Schedule “A”, Map No. 3 to this By-law

**Z531-2006**

#### 20.10.3.2 Permitted Uses

Agricultural service establishment, excluding agriculturally-related trucking;

Agricultural supply establishment;

Agricultural industrial establishment;

Warehousing of agriculturally-related products;

Boat, car, recreational vehicle, and travel trailer storage;

Welding and machine shop;

Agriculturally-related service shop;

A commercial use as an accessory use to a maximum of 150 m<sup>2</sup>;

An existing single-detached dwelling.

#### 20.10.3.3 Prohibited Uses

Truck terminal, including the storage of any trucks or trailers

#### 20.10.3.4 Outdoor Storage Regulations

Outdoor storage will be restricted to the easterly side yard and may include the storage of

boats, recreational vehicles, and travel trailers. No outdoor storage of cars is permitted.

20.10.4

20.10.4.1

Defined Area

M1-4 as shown on Schedule “A”, Map No. 8 to this By-law

<b>Z628-2014</b>
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20.10.4.2

Additional Permitted Uses

- Agricultural service establishment;
- Agricultural supply establishment;
- Agricultural industrial establishment



## **SECTION 21 RURAL INDUSTRIAL (M2) ZONE REGULATIONS**

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### **21.1 Permitted Uses**

No land shall be used and no buildings or structures shall be erected, used or altered in the Rural Industrial (M2) Zone except for the following purposes:

- Industrial use, general;
- Industrial use, light;
- A commercial use as an accessory use;
- One dwelling unit as an accessory use.

### **21.2 Minimum Lot Area**

4000m<sup>2</sup>

### **21.3 Minimum Lot Frontage**

30.0m

### **21.4 Maximum Lot Coverage**

35%

### **21.5 Maximum Building Height**

12.0m

### **21.6 Minimum Front Yard Depth**

12.2 metres, or in accordance with Section 4.22

### **21.7 Minimum Side Yard Width**

7.5m

### **21.8 Minimum Rear Yard Depth**

10.0m

### **21.9 Minimum Separation Distance**

From livestock buildings and structures: 150.0 metres or the distance determined on application of M.D.S. I whichever is greater.

### **21.10 Exceptions - Rural Industrial (M2) Zone**

#### 21.10.1

##### 21.10.1.1 Defined Area

M2-1 as shown on Schedule "A", Map 8 to this By-law.

##### 21.10.1.2 Permitted Uses

Solid waste transfer station and recycling operation in addition to uses permitted in the

M2 Zone.

21.10.2

21.10.2.1 Defined Area

M2-2 as shown on Schedule “A”, Map 11 to this By-law.

21.10.2.2 Permitted Buildings and Structures

Existing buildings and structures for the permitted uses.

21.10.3

21.10.3.1 Defined Area

M2-3 as shown on Schedule “A”, Map 14 to this By-law.

21.10.3.2 Buffer Strips

Notwithstanding any other section of this By-law to the contrary, a buffer strip of land not less than 30.0 metres in width shall be maintained along the side yard and front yard of the M2-3 Zone.

21.10.3.3 Minimum Side Yard Width

37.5 metres

21.10.3.4 Minimum Front Yard Depth

42.0 metres

21.10.4

21.10.4.1 Defined Area

M2-4 as shown on Schedule “A”, Map No. 6 to this By-law.

21.10.4.2 Permitted Uses

Motor vehicle sales establishment;

Public garage;

Service Shop;

Welding Shop;

Industrial use, light;

Commercial use as an accessory use.

21.10.4.3 Permitted Buildings and Structures

Buildings and structures for the permitted uses.

21.10.5

21.10.5.1 Defined Area

M2-5 as shown on Schedule “A”, Map No. 7 to this By-law.

- 21.10.5.2 Permitted Uses  
 A sawmill operation;  
 An accessory office use;  
 One dwelling unit as an accessory use.
- 21.10.5.3 Minimum Rear Yard Depth  
 6 metres (20 feet) for the existing sawmill building.
- 21.10.5.4 Permitted Buildings and Structures  
 Buildings and structures for the permitted uses;  
 Accessory buildings and structures for the permitted uses.
- 21.10.6
- 21.10.6.1 Defined Area  
 M2-6 as shown on Schedule “A”, Map 6 to this by-law
- 21.10.6.2 Permitted Uses  
 Salvage Yard;  
 Recycling Depot;  
 One (1) existing residential dwelling
- 21.10.6.3 Yard Depth/Width Regulations  
 The required yard depths and widths shall be the existing depth and/or width for all existing buildings and structures and in accordance with subsection 21.6 thru 21.8 for all new buildings and structures
- 21.10.7
- 21.10.7.1 Defined Area  
 M2-7 as shown on Schedule “A”, Map 3 to this by-law
- 21.10.7.2 Additional Permitted Uses  
 Agricultural and recreational vehicle sales and service operation;  
 Indoor motocross arena and storage facility as an accessory to a main permitted use.
- 21.10.8
- 21.10.8.1 Defined Area  
 M2-8 as shown on Schedule “A”, Map No. 10 to this bylaw;
- 21.10.8.2 Minimum Lot Area  
 30,000 m<sup>2</sup>
- 21.10.8.3 Maximum Lot Coverage  
 15% of the minimum lot area;

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Z571-2009



- 21.10.8.4 Minimum Side Yard Depth  
60.0 metres for the primary building (north lot line)
- 21.10.8.5 Minimum Rear Yard Depth  
30.0 metres for the primary building (east lot line);
- 21.10.8.6 Permitted Uses  
Tool and Die Design and Manufacturing Facility.
- 21.10.8.7 Defined Use  
For the purposes of the M2-8 Zone, a Tool and Die Design and Manufacturing Facility shall be defined as follows:  
  
Tool and Die Design and Manufacturing Facility: shall mean the use of land, buildings or structures for the purpose of engineering and tool design, manufacturing, fabrication, assembly, testing, prototyping, machining, milling, parts cleaning and repairing, stamping and press facility and ancillary warehousing and storage.
- 21.10.8.8 Supplemental Regulations  
A Site Plan Control Agreement be registered on title and appellants of OMB Hearing File No. PL070854-C070205 be a party to the Agreement.
- 21.10.9
- 21.10.9.1 Defined Area  
M2-9 as shown on Schedule “A”, Map No. 5 to this bylaw;
- 21.10.9.2 Minimum Lot Area  
2500 m<sup>2</sup>
- 21.10.9.3 Minimum Rear and Side Yard Depth  
0.75 metres for the existing main building
- 21.10.9.4 Minimum Rear Yard Depth  
30.0 metres for the primary building (east lot line);
- 21.10.9.5 Permitted Uses  
Light industrial uses, including an existing concrete/cement business  
One dwelling unit as an accessory use  
A commercial use as an accessory use
- 21.10.10
- 21.10.10.1 Defined Area  
M2-10 as shown on Schedule “A”, Map No. 4 to this bylaw;
- 21.10.10.2 Minimum Lot Area  
1.8 hectares

Z578-2010

## **SECTION 22      EXTRACTIVE INDUSTRIAL (M3) ZONE REGULATIONS**

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### **22.1    Permitted Uses**

No land shall be used and no buildings or structures shall be erected, used or altered in the Extractive Industrial (M3) Zone except for the following purposes:

Pit;

A commercial use as an accessory use.

### **22.2    Minimum Yard Depths**

22.2.1      For the excavation limit of a pit:

From a lot line: 15.0m

From a street or road allowance: 30.0m

From a residential or institutional zone: 90.0m

22.2.2      For buildings, plants, structures or product stockpiles accessory to the pit and located on the pit property:

From a lot line: 30.0m

From a residential or institutional zone: 90.0m

### **22.3    Buffer Strip**

Where an Extractive Industrial (M3) Zone abuts any Residential Zone a buffer strip shall be provided in accordance with the provisions of the Aggregate Resources Act and the applicable development agreement.

### **22.4    Exceptions - Extractive Industrial (M3) Zone**



## **SECTION 23      URBAN INDUSTRIAL (M4) ZONE REGULATIONS**

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### **23.1    Permitted Uses**

No land shall be used and no buildings or structures shall be erected, used, or altered in the Village Industrial (M4) Zone except for the following purposes:

Agricultural industrial establishments;

Animal hospitals;

Commercial fishing operations;

Industrial uses, general;

Industrial uses, light;

Public utility facilities and services;

Offices and retail stores as accessory uses;

One dwelling unit as an accessory use located within the main building and intended to be used for one caretaker or one person and his family employed in the manufacturing and industrial operations or uses permitted in this subsection.

### **23.2    Prohibited Uses**

Abattoir;

Grain handling and storage facilities;

### **23.3    Minimum Lot Area**

No municipal water or sewage disposal services: 2000.0m<sup>2</sup>

Public sanitary sewage disposal service, but no public water supply: 1000.0m<sup>2</sup>

Public water and sanitary sewage disposal services are available: 800m<sup>2</sup>

### **23.4    Minimum Lot Frontage**

No municipal water or sewage disposal services: 30.0m

Public sanitary sewage disposal service, but no public water supply: 25.0m

Public water and sanitary sewage disposal services are available: 20.0m

### **23.5    Maximum Lot Coverage**

50 %

### **23.6    Maximum Building Height**

12.0 metres

### **23.7    Minimum Front Yard Depth**

Abutting a County Road: 15.0m

All other cases 7.5m

23.8 **Minimum Side Yard Width**

Abutting a residential, institutional, or open space zone: 7.5m

All other cases: 4.5m

23.9 **Minimum Rear Yard Depth**

Abutting a residential, institutional, or open space zone: 10.5m

All other cases: 7.5m

23.10 **Storage**

- a) No storage shall be permitted outside the building or buildings on the lot until a fence of a minimum 1.5 metres in height is erected and maintained at all times around the area of the lot to be used for storage.
- b) No storage shall be permitted outside the building or buildings on the lot in the front yard, or in a side or rear yard which fronts, is opposite to, or abuts any residential or open space zone.

23.11 **Regulations for Accessory Residential Uses Permitted in Section 23.1**

- a) Minimum Lot Area Per Dwelling Unit: 460.0 m<sup>2</sup>
- b) Floor Area: in accordance with Section 4.45
- c) Accessory Dwelling Units attached to or enclosed within a main building are not permitted where gasoline, petroleum products, paint or any other highly flammable, toxic or explosive products are handled in quantity.

23.12 **Motor Vehicle Wrecking Yards and Scrap Metal Yards**

Where land is used for the purpose of a motor vehicle wrecking yard, scrap metal yard or similar use, the storage of derelict motor vehicles, scrap metal, junk or similar materials shall not be carried out in that part of the land designated herein as the “front yard”, “minimum side yard width” or “minimum rear yard depth” and a natural or artificial screen or buffer shall be provided to obscure the subject property from the street on which the lands abut and from any properties to the side or rear of the subject property.

23.13 **Exceptions - Industrial (M4) Zone**

23.13.1

23.13.1.1 **Defined Area**

M4-1 as shown on Schedule “F” to this By-law.

23.13.1.2 **Prohibited Uses**

Animal kennel;  
Truck terminal;  
Well driller.

23.13.2

23.13.2.1 Zone Symbol

M4-2

23.13.2.2 Permitted Uses

Adult entertainment parlour

23.13.3

23.13.3.1 Defined Area

M4-3 as shown on Schedule “B” to this By-law.

23.13.3.2 Permitted Uses

Metal and wood fabrication for manufacturing and repair of horse race carts.

23.13.3.3 Minimum Lot Frontage

7.0 metres

23.13.4

23.13.4.1 Defined Area

M4-4 as shown on Schedule “D” to this By-law.

23.13.4.2 Minimum Lot Frontage

20.0 metres



## **SECTION 24      INSTITUTIONAL (I) ZONE REGULATIONS**

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### **24.1    Permitted Uses**

No land shall be used and no buildings or structures shall be erected, used, or altered in the Institutional (I) Zone except for the following purposes:

Cemetery;  
Church with or without cemetery;  
Day care centre;  
Institutional use;  
Library;  
School;  
One dwelling unit as an accessory use  
Hospital;  
Clinic;  
Nursing home or rest home;  
Public utility facilities and services;  
Community centre;  
Accessory uses.

Staff dwellings forming an integral part of any of the above uses, which are necessarily located at the site of the work, as an integral part of such activities, provided that such buildings conform to the requirements for buildings of similar use as set out elsewhere in this By-law.

### **24.2    Minimum Lot Area**

No public water supply or sanitary sewage disposal service: 1850 m<sup>2</sup>  
Public sanitary sewage disposal service, but no public water supply: 1250 m<sup>2</sup>  
Public water and sanitary sewage disposal services are available: 1000m<sup>2</sup>

### **24.3    Minimum Lot Frontage**

No public water supply or sanitary sewage disposal service: 30.0m  
Public sanitary sewage disposal service, but no public water supply: 25.0m  
Public water and sanitary sewage disposal services are available: 20.0m

### **24.4    Maximum Lot Coverage**

40 %

### **24.5    Maximum Building Height**

12.0 metres



24.6 **Minimum Front Yard Depth**

Containing an accessory dwelling unit: 10.0m  
Abutting a commercial or industrial zone: 15.0m  
All other cases: 7.5m

24.7 **Minimum Side Yard Width**

Containing an accessory dwelling unit: 4.5m  
Abutting a commercial or industrial zone: 7.5m  
All other cases: 3.0m

24.8 **Minimum Rear Yard Depth**

Containing an accessory dwelling unit: 10.0m  
Abutting a commercial or industrial zone: 6.0m  
All other cases: 4.0m

24.9 **Minimum Separation Distance**

From livestock buildings and structures: 150.0 metres or the distance determined on application of M.D.S. I, whichever is greater

24.10 **Exceptions - Institutional (I) Zone**

24.10.1

24.10.1.1 **Defined Area**

I-1 as shown on Schedule "F" to this By-law.

24.10.1.2 **Minimum Lot Area**

1800m<sup>2</sup>

24.10.1.3 **Permitted Building and Structures**

Existing buildings and structures for the permitted uses.

24.10.2

24.10.2.1 **Defined Area**

I-2 as shown on Schedule "A", Map No. 13 to this By-law.

24.10.2.2 **Minimum Lot Frontage**

Notwithstanding subsections 2.132, 4.18, and 24.3 of this By-law, no frontage shall be required on a public road. Access to the subject lands shall be provided via an existing private right-of-way that extends south from Nova Scotia Line, through Pt. Lot 7, Concession 1, to the subject site.

24.10.2.3 **Permitted Buildings and Structures**

Buildings and structures for the permitted uses.

24.10.3

24.10.3.1 Defined Area

I-3 as shown on Schedule “A”, Map 6 to this By-law

24.10.3.2 Permitted Uses

Pet Cemetery;

Accessory uses, including one (1) single-detached dwelling

24.10.3.3 Permitted Buildings and Structures

Buildings and Structures for the permitted uses



## **SECTION 25      OPEN SPACE (OS) ZONE REGULATIONS**

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### **25.1    Permitted Uses**

- 25.1.1      No land shall be used and no buildings or structures shall be erected, used or altered in the Open Space 1 (OS1) Zone except for the following purposes:
- Agricultural Uses;
  - Boathouses without dwelling units;
  - Conservation area;
  - Forestry use;
  - Marina;
  - Passive recreational uses;
  - Parking area (public);
  - Plant Nurseries;
  - Public or private parks;
  - Public utility facilities and services including bridges and culverts;
  - Water-oriented recreational uses including docks; Accessory uses.
- 25.1.2      No land shall be used and no buildings or structures shall be erected, used or altered in the Open Space 2 (OS2) Zone except for the following purposes:
- All uses listed in the OS1 Zone;
  - Campground;
  - Fairgrounds;
  - Institutional uses or community centre;
  - Buildings and structures accessory to the above uses;

## 25.2 **OS1 Zone Regulations**

25.2.1 In the OS1 Zone, buildings and structures for the uses outlined in section 25.1 are permitted, provided that they have received written approval by the Conservation Authority, and meet the lot and building regulations outlined for the OS2 Zone.

25.2.2 In the OS1 Zone, all habitable buildings and structures are prohibited

## 25.3 **OS2 Zone Regulations**

25.3.1 Minimum Lot Area: 4000m<sup>2</sup>

25.3.2 Minimum Lot Frontage: 30.0 metres

25.3.3 Maximum Lot Coverage: 20%

25.3.4 Maximum Building Height: 12.0 metres

25.3.5 Minimum Yard Depths and Widths: 7.5 metres

25.3.6 Minimum Distance Separation from Livestock Buildings and Structures: 150.0 metres or the distance determined on application of M.D.S. I, whichever is greater.

## 25.4 **Exceptions - Open Space (OS) Zone**

25.4.1

### 25.4.1.1 Defined Area

OS2-1 as shown on Schedule “A” Map 7 to this By-law.

### 25.4.1.2 Permitted Uses

A private park including two single-detached dwellings as accessory uses and an agricultural use notwithstanding those uses prohibited by this By-law.

### 25.4.1.3 Prohibited Uses

The breeding, care of, or selling of livestock.

### 25.4.1.4 Permitted Buildings and Structures

Existing buildings and structures for the permitted uses plus two seasonal dwellings in accordance with the regulations of Section 4.12 of the By-law, as amended.

25.4.2

### 25.4.2.1 Defined Area

OS2-2 as shown on Schedule “H”, Map 2 to this By-law and defined as all lands between the 660 foot contour elevation (Canadian Geodetic Datum) and the Long Point Region Conservation Authority’s established limit of the engineered Floodway (FW) Zone of the Big Otter Creek.

- 25.4.2.2 Permitted Uses  
Existing uses on the day of passing of this By-law.
- 25.4.2.3 Permitted Buildings and Structures  
Only those buildings and structures existing on the day of passing of this By-law.
- 25.4.3
- 25.4.3.1 Defined Area  
OS2-3 as shown on Schedule “A”, Map 14 to this By-law.
- 25.4.3.2 Permitted Buildings and Structures  
Washroom and shower facilities and one (1) office building to be used in association with the permitted uses in accordance with the regulations of Section 4.14 of this By-law, as amended;  
One existing barn as an accessory use.
- 25.4.3.3 Prohibited Uses  
The breeding, care of, or selling of livestock.
- 25.4.4
- 25.4.4.1 Defined Area  
OS2-4 as shown on Schedule “H” to this By-law.
- 25.4.4.2 Permitted Uses  
One single-detached dwelling in addition to all other uses permitted in the OS Zone.
- 25.4.4.3 Permitted Buildings and Structures  
Buildings and structures for the permitted uses in accordance with plans and grades which have been approved in writing by the Conservation Authority.
- 25.4.5
- 25.4.5.1 Defined Area  
OS2-5(h) as shown on Schedule “I” to this By-law.
- 25.4.5.2 Permitted Interim Uses  
Public washrooms and concession stand.
- 25.4.6
- 25.4.6.1 Defined Area  
OS2-6 as shown on Schedule “A”, Map 6 to this By-law
- 25.4.6.2 Permitted Uses  
Rifle range and trap shooting range or club in addition to all other uses permitted in the OS Zone

25.4.7

25.4.7.1

Defined Area

OS2-7 as shown on Schedule “A”, Map 4 to this by-law

25.4.7.2

Permitted Uses

Travel trailer park

Convenience Store as an accessory use

Z483-2004

25.4.8

25.4.8.1

Defined Area

OS2-8(h) as shown on Schedule “A”, Map No. 4 to this by-law

25.4.8.2

Permitted Uses

Golf Course

Z496-2004

25.4.8.3

Supplemental Regulations

No active recreational uses shall be permitted within 49 metres of the northeast corner of the OS-8 Zone.

25.4.8.4

Holding Regulations

The “holding” symbol will prohibit development on the OS-8 Zone, and shall not be removed until such time as a development agreement is entered into and signed by both the developer and the Municipality.

25.4.9

25.4.9.1

Defined Area

OS1-9 as shown on Schedule “H” to this By-law and defined as all lands below the Long Point Region Conservation Authority’s established limit of the engineered Floodway of the Big Otter Creek.

25.4.9.2

Permitted Uses

Existing uses on the day of passing of this By-law.

25.4.9.3

Permitted Buildings and Structures

Only those buildings and structures existing on the day of passing of this By-law.

25.4.10

25.4.10.1

Defined Area

OS1-10 as shown on Schedule “H” to this By-law.

25.4.10.2

Permitted Uses, Buildings and Structures

Existing uses, buildings and structures as of the date of passing of this By-law;

A driveway to provide vehicular access to the R1-2 Zone.

## 25.4.11

25.4.11.1 Defined Area

OS1-11 as shown on Schedule “H” to this By-law.

25.4.11.2 Site, Building and Lot Regulations

- c) Permitted uses, the minimum lot area and lot frontage, the minimum front, side and rear yard depths, the maximum lot coverage and building height, shall be in accordance with the regulations of Section 17 – Central Business District (C1) of this By-law.
- d) The foregoing shall not apply to prevent the construction of buildings or structures accessory thereto subject to compliance with the regulations in Sections 4.2, 4.3 or 4.4 of this By-law.

25.4.11.3 Prohibited Uses

Hospitals and nursing homes

Institutional uses

Residential uses located to the rear of a first storey commercial use.

25.4.11.4 Building Regulations

No buildings or structures may be erected, enlarged, extended, redeveloped, constructed or altered without approval from the Long Point Region Conservation Authority

## 25.4.12

Z540-2007
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25.4.12.1 Defined Area

OS1-12 as shown on Schedule “H” to this By-law

25.4.12.2 Permitted Uses

One (1) single-detached dwelling in addition to all other uses permitted in the FW Zone

25.4.12.3 Holding (h) Symbol

The holding symbol shall remain on the lands until such time as a development permit is issued by the Long Point Region Conservation Authority and a development agreement is executed between the owners and the Municipality regarding driveway location, building location, minimum ground floor elevation, and engineered foundation design.

## 25.4.13

25.4.13.1 Defined Area

OS1-13 as shown on Schedule “A”, Map No. 14 to this By-law.

25.4.13.2 Extent of the OS1-13 Zone

All lands below the 195.0 metre elevation are within the OS1-13 Zone.



25.4.14

25.4.14.1 Defined Area

OS1-14 as shown on Schedule “A”, Map No. 11 to this By-law.

25.4.14.2 Extent of the OS1-14 Zone

All lands below the 213.5 metre elevation are within the OS1-14 Zone.

25.4.15

25.4.15.1 Defined Area

OS1-15 as shown on Schedule “A”, Map No. 7 to this By-law.

25.4.15.2 Extent of the OS1-15 Zone

All lands below the 206.0 metre elevation are within the OS1-15 Zone.

25.4.16

25.4.16.1 Defined Area

OS1-16 as shown on Schedule “I” to this By-law.

**Z617-2013**

25.4.16.2 Permitted Uses

Storage buildings and structures associated with an industrial facility in addition to all other uses permitted in the OS Zone

25.4.16.3 Maximum Lot Coverage

5% including outdoor storage areas.

## **SECTION 26      TEMPORARY (T) ZONE**

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### 26.1 **Permitted Uses**

The following temporary uses will be permitted subject to a site-specific Zoning By-law amendment for the time period ending as listed in Section 29.4:

T1: One (1) mobile home or one (1) travel trailer to be used as a site office or for accommodation for a caretaker or watchman during a large construction project.

T2: A land use activity on a specific parcel of land which is appropriate in the short term, but is otherwise prohibited in the Zoning By-law.

### 26.2 **Supplementary Regulations**

Temporary uses will be subject to the main use zoning provisions of this By-law for the applicable zone in which the temporary use is located.

### 26.3 **Expiration of Temporary Zoning**

Upon expiration of a Temporary (T) Zone, the lands subject to the temporary zoning will revert to the regulations of the underlying zone prior to temporary rezoning.

### 26.4 **Defined Areas and End Dates**

Z613- 2013
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- 26.4.1      **A1/T4** as shown on Schedule “A”, Map 12, a mobile home for a family member to care for another family member, for a period not exceeding three (3) years, ending **February 21, 2016**.