The Corporation of the Township of

ENNISKILLEN

Zoning By-law 58 of 2015

Passed by Council on September 22, 2015

Prepared with the assistance of:
The County of Lambton Planning & Development Services Department
Consolidation September 2026

SUMMARY OF AMENDMENTS

B/L 28 of 2016 May 17, 2016	Wayne Anderson a/f Karen Thompson 3110 Shiloh Line A1 to A-ND	Signed By-law
B/L 42 of 2016 August 23, 2016	Clayton McLauchlin 4172 Black Ash Road A1 to A-ND	Signed By-law
B/L 44 of 2016 September 6, 2016	Bruce Cox 5675 Lasalle Line A1 to A-ND	Signed By-law
B/L 46 of 2016 September 6, 2016	Racher Farms 4012 Shiloh Line A1 to A-ND	Signed By-law
B/L 28 of 2017 June 6, 2017	Kenneth Dobbin 5092 Courtright Line A1 to A-ND	Signed By-law
B/L 53 of 2017 October 10, 2017	Racher Farms 4422 Oil Heritage Road A1 to A-ND	Signed By-law
B/L 4 of 2018 January 9, 2018	Municipal Housekeeping - MDS	Signed By-law
B/ L 40 of 2018 May 8, 2018	Ken & Pam Dobbin 4942 Oil Springs Line A1 to A-ND	Signed By-law
B/L 83 of 2018 November 27, 2018	Municipal Addition of Shipping Container Provisions	Signed By-law
B/L 27 of 2019 April 16, 2019	Kevin McCallum 4847 Shiloh Line A1 to A-ND	Signed By-law
B/L 28 of 2019 April 16, 2019	DWW Farms Ltd. c/o Jansen 2624 Mandaumin Road A1 to A-ND	Signed By-law
B/L 34 of 2020 July 6, 2020	Mark Hunter & LMH/DST Farms 5830 Courtright Line A1 to A-ND	Signed By-law
B/L 35 of 2020 July 6, 2020	Roger Buurma/Lasalle Farms 5272 Aberfeldy Line A1 to A-ND	Signed By-law

SUMMARY OF AMENDMENTS

B/L 50 of 2020 Sept. 21, 2020	Wayne & Melissa McKay 4607 Churchill Line A1 to A-ND	Signed By-law
B/L 69 of 2020 December 21, 2020	Donna Mae Teskey 3263 Petrolia Line A1 to A1-ND	Signed By-law
B/L 21 of 2022 April 4, 2022	Wayne & Deb Dupuis 5706 Petrolia Line A1 to A1-ND and A1(5)	Signed By-law
B/L 28 of 2022 April 19, 2022	Ryan & Kyra Bright 3725 Shiloh Line A1 to A1-ND	Signed By-law
B/L 55 of 2022	Gail Moore and Cheryl Cuthbertson 3749 Lasalle Line A1 to R2 (Marthaville)	Signed By-law
B/L 9 of 2024	Grey Oil Springs Venture Ltd. 3826 Courtright Line A1 to A-ND	Signed By-law
B/L 14 of 2024 February 20, 2024	Bomar Electric Ltd. 3901 Petrolia Line C1 to C1-1	Signed By-law
B/L 32 of 2024 July 15, 2024	Anton & Rita Felder 4703 Churchill Line A1 to A-ND	Signed By-law
B/L 34 of 2024	Patricia Dobbin 3826 LaSalle Line A2 to R2	Signed By-law
B/L 46 of 2023	Enniskillen Pepper Co. Ltd. 4352-4376 Lasalle Line Additions to definitions, Amendments to A1(6), A1(7) and CM(1) zones	OLT Decision OLT-23-000942
B/L 47 of 2023	Ken Dobbin 5153 Shiloh Line A1 to A-ND	Signed By-law
B/L 22 of 2025	1499031 Ont. Ltd (c/o Dave Munro) 5175 Oil Springs Line A1 to A-ND	Signed By-law

SUMMARY OF AMENDMENTS

B/L 42 of 2025	Fred and Pat Sterling 2960 Oil Heritage Rd CM & Ep-H to A1, A-ND & EP-H	Signed By-law
B/L 57 of 2025	Rodney Podolinsky 4640 Petrolia Line A1 to A1(8)	Signed By-law
B/L 39 of 2026	Township of Enniskillen Amend General Provisions regarding Shipping Containers	Signed By-law
B/L 41 of 2026	Charles & Darlene Lassaline 3535 Shiloh Line A1 to A-ND	Signed By-law

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TOWNSHIP OF ENNISKILLEN
ZONING BY-LAW 58 OF 2015

Whereas Section 34 of the Planning Act, R.S.O. 1990, Chap. P. 13 as amended from time to time, allows a governing body of a Municipal Corporation to pass By-laws to regulate the Use of land and the character, location and Use of Buildings and Structures;

Be it therefore enacted by the Municipal Council of the Corporation of the Township of Enniskillen as follows:

SECTION 1 - ADMINISTRATION, ENFORCEMENT & INTERPRETATION

1.1 Title

This By-law shall be known as the Zoning By-law of the Corporation of the Township of Enniskillen.

1.2 Application

The provisions of this By-law shall apply to all lands within the boundaries of the Corporation of the Township of Enniskillen.

1.3 Scope

No lands shall be used and no Buildings or Structures shall be Erected, Altered, enlarged or used within the Township of Enniskillen except in conformity with the provisions of this By- law.

1.4 Repeal of Existing By-Laws

From the coming into force of this By-law, all previous By-laws passed under Section 34 of the Planning Act, R.S.O. 1990, Chap. P. 13, as amended, or a predecessor thereof, shall be deemed to have been repealed.

1.5 Validity / Severability

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.

1.6 Effective Date

This By-law shall be deemed to be valid and to have come into force on the day of passing hereof.

1.7 Compliance with Other Restrictions

This By-law shall not reduce any restrictions lawfully imposed by a governmental authority having jurisdiction to make such restrictions.

Where an act or statute of Provincial or Federal Parliament is referenced in whole or in part in this By-law, it shall include the current act or statute, all amendments and successors.

1.8 Entry and Inspection of Premises

Pursuant to Section 49 of the Planning Act, R.S.O. 1990, Chap. P. 13, as amended, a By-law Enforcement Officer or any Person acting under his or her instructions may, at all reasonable times and upon producing proper identification, enter and inspect any property on or in respect of which he or she believes the contravention of this By-law is occurring.

A By-Law Enforcement Officer or any Person acting under his or her instructions shall not enter any room or place actually used as a Dwelling without requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a search warrant issued under Section 158 of the Provincial Offences Act, R.S.O. 1990, Chap. P.33 as amended.

1.9 Violations and Penalties

Pursuant to Section 67 of the Planning Act, R.S.O. 1990, Chap. P. 13 as amended, any person who contravenes this By-law is guilty of an offence and on conviction is liable:

a) On a first conviction to a fine of not more than $25,000; and
b) 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 the person was first convicted.

Where a corporation is convicted for contravening this By-law the maximum penalty that may be imposed is:

a) On a first conviction a fine of not more than $50,000; and
b) 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.

1.10 Restraining Violations

Any violation of this By-law may be restrained by action at the instance of a ratepayer or the Corporation of the Township of Enniskillen pursuant to the provisions of Section 440 of the Municipal Act 2001, Chap. M. 25, as amended.

1.11 Licenses and Permits

No municipal permit, certificate or license shall be knowingly issued, where such is required, for a proposed Use of land or proposed erection, Alteration, enlargement or Use of any Building or Structure which is in violation of any of the provisions of this By-law. The issuance of any permit, certificate or license shall not, however, constitute an acknowledgement that the provisions of this By-law have been complied with.

1.12 Requests for Amendments and Fees

Applications for minor variances from the provisions of this By-law may be made to the Municipality to be heard by a Committee of Adjustment pursuant to Section 45 (1) of the Planning Act, R.S.O. 1990.

Applications for permission to extend or enlarge a legal Non-Conforming Use may be made to the Municipality to be heard by a Committee of Adjustment pursuant to Section 45 (2) of the Planning Act, R.S.O. 1990.

Applications for amendments to this By-law may be made to the Municipality to be heard by Council pursuant to Section 34 (10) of the Planning Act, R.S.O. 1990.

A fee as prescribed by the Corporation's By-law, which sets a tariff of fees, shall accompany every application requesting an amendment or minor variance to this By-law.

Any Person may appeal to the Ontario Municipal Board against a decision of either the Committee of Adjustment or Council by filing with the secretary-treasurer of the Committee of Adjustment or the clerk of the Municipality a notice of appeal setting out the objection to the decision and the reasons in support of the objection accompanied by the prescribed fee pursuant to Section 34 (19) or 45 (12) of the Planning Act, R.S.O. 1990.

SECTION 2 – DEFINITIONS

(Note: The words, which are capitalized within the text of the definitions and throughout this document, are also defined).

GENERAL

For the purposes of this By-law, the definitions and interpretations given in this section shall govern.

In this By-law the word "shall" is mandatory. Words in the singular include the plural. Words in the plural include the single number. Words used in the present tense include the future.

"ABATTOIR" means a Building, Structure, or Lot or part thereof used for the slaughter of Livestock or other animals for the purpose of processing or rendering.

"ACCESSORY" when used to describe a Use, Building or Structure means a Use, Building or Structure subordinate, incidental and secondary to the main Use, Building or Structure located on the same Lot therewith.

"ACCESSORY DWELLING" see **"DWELLING"**.

"ADULT ENTERTAINMENT PARLOUR" means any premises or part thereof in which is provided, in pursuit of a trade, calling, business or occupation, goods or services appealing to or designed to appeal to erotic or sexual appetites or inclinations.

"AGGREGATE STORAGE AREA" means the Use of land for the Open Storage of aggregates for sale or Use.

"AGRICULTURE" means the Use of land, for gain or profit, for the growing of crops, including Nursery, biomass, and horticultural crops; raising of Livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; agro-forestry; maple syrup production; apiary; and associated on-farm Buildings and Structures, including, but not limited to Livestock Facilities, Manure Storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment. This definition shall include a Farm Produce Outlet. **"AGRICULTURAL"** shall have a corresponding meaning.

"AGRICULTURAL IMPLEMENT SALES ESTABLISHMENT" means land, Structure or Building used for the Outdoor Display and sales of new and/or second hand farm implements and includes the servicing, repair, cleaning, polishing and greasing of farm implements, the sale of accessories and related products and the leasing or renting of farm implements.

"AGRICULTURAL PROCESSING ESTABLISHMENT" means the Use of land, Buildings and/or Structures for the processing and storage of Agricultural produce, such as a feed and grain mill.

"AGRICULTURAL SERVICE ESTABLISHMENT" means an Establishment other than a Motor Vehicle Use, that provides a non-personal service or craft which supports the Agricultural industry, including but not necessarily restricted to, farm drainage and excavation, well drilling, contracting and trades related to farm Buildings, Structures and/or equipment, custom spray, tillage, planting and harvesting services including seed cleaning and grain drying or other goods and services used in Agriculture.

"AGRICULTURAL SUPPLY ESTABLISHMENT" means the Use of land, Building and/or Structure, for purposes including but not necessarily restricted to, the sale and/or storage of seeds, fertilizers, and farm equipment. Goods or materials must be used in Agriculture.

"AGRI-TOURISM USE" means a business or activity carried out on an Agricultural Lot by Persons residing on the Lot and/or in association with a Value-Added Industry, where such business or activity is based in activities promoting hands-on education, familiarization, or

enjoyment of farm practices, farm-living, food and crop production, livestock, agricultural history, or agricultural economy. Limited, secondary activities may include recreational activities, promotion or education in local history, passive enjoyment or education in natural heritage, or the provision of a limited number of Guest Rooms to those engaging in the activities provided by the Agri-Tourism Use.

"AISLE" means the area used by Motor Vehicles for access to and from all off-Street Parking Spaces, but does not include an access driveway.

"ALTER" when used in reference to a Building, Structure or part thereof, means 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 area, frontage or depth thereof; to change the width, depth or area of any Required Yard, 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 of any portion of such Lot, or otherwise. "**ALTERED**" and "**ALTERATION**" shall have corresponding meanings.

"AMUSEMENT GAMES ESTABLISHMENT" means a Building or part thereof where five (5) or more pinball machines, video games, or other similar player-operated amusement devices other than a jukebox are maintained for profit, but shall not include premises licensed to sell alcohol, a seasonal fair or any Use specifically defined in this By-law.

"ANIMAL HOSPITAL" means a Building and land where animals are treated by a veterinarian and may include the following facilities: a reception area; an examination room/treatment area; a pharmacy; a Laboratory; a library; radiology equipment; supplies for the administering of anesthesia; surgical preparation area; operating room; and provisions for the confinement and long term treatment of animals. An Animal Hospital may include facilities for the performance of autopsy.

"ANTENNA" means the Use of land, Buildings or Structures for the purpose of sending or receiving electromagnetic waves. An Antenna is Accessory to a Permitted Use and shall include Antennae used exclusively for dispatch communications by the Corporation or the County, any local board of either the Corporation or the County, a Conservation Authority established by the Government of Ontario, or any Ministry or Commission of the Government of Ontario or Canada.

"APPROVED" means Approved by an appropriate authoritative body as required under the Act or Statute that legislates such establishment or development requiring approval.

"ART GALLERY" means a Building or part thereof where works of art such as paintings, sculpture, pottery, glass and weaving are displayed for public viewing and may include sales of art and/or art supplies.

"ASPHALT BATCHING PLANT" means an industrial establishment used for the production of asphalt, or asphalt products used in building or construction and includes facilities for the administration and management of the business, the stockpiling of bulk materials used in the production process or a finished product manufactured on the premises and the Open Storage and maintenance of required equipment, but does not include the retail sale of finished asphalt.

"PORTABLE ASPHALT PLANT" means a temporary asphalt batching plant established for a public Road project.

"ASSEMBLY HALL" means a Building or part of a Building used for the assembly of Persons for religious, civic, charitable, philanthropic, cultural, private recreational or private educational purposes.

"ATTACHED" means a Building otherwise complete in itself that depends for structural support, or complete enclosure, upon a division wall or walls shared in common with an adjacent Building or Buildings.

"ATTIC" means that portion of a Building situated wholly or partly within the roof of such Building and which is not a one-half Storey.

"AUCTION HALL" means a Building or Structure where a public sale is conducted by an auctioneer through a series of competing bids and may include the storage of such articles to be sold at auction.

"AUDITORIUM" means a Building or Structure where facilities are provided for athletic, civic, educational, political, religious or social events. This definition may include an arena, Community Centre, gymnasium, stadium, Theatre or similar Use.

"BAKERY" means a Building for producing, mixing, compounding or baking bread, biscuits, cakes or other baked products.

"BAKE SHOP" means a Retail Store where Bakery goods are offered for sale, some or all of which may be prepared on the premises.

"BALCONY" means a platform projecting from a Building enclosed by a railing or other barrier.

"BANK" means any Federally or Provincially chartered financial institution or business. This definition includes a Credit Union or Caisse Populaire.

"BASEMENT" means that portion of a Building between two floor levels which is partly below Finished Grade level but which has less than seventy percent (70%) of its Height (measured from finished floor to finished ceiling) below adjacent Finished Grade level.

"BED AND BREAKFAST ESTABLISHMENT" means a Home Occupation within a Single Detached Dwelling in which no more than three (3) Guest Rooms are made available by a resident of the said Dwelling for temporary accommodation of travelers. Meals or food are served only to overnight guests. The definition does not include a Hotel, Motel, Boarding House or Restaurant.

"BINGO HALL" means a Building used for the assembly of Persons for the playing of bingo. This Use shall not include any other recreational Use as defined in this By-law.

"BOARDING HOUSE" see **"DWELLING"**.

"BREEZEWAY" means a roofed, open or enclosed passage connecting two (2) or more Buildings.

"BREWING ON PREMISES ESTABLISHMENT" means a commercial establishment where individuals produce beer, wine and/or cider, for personal consumption off the premises; and where beer, wine and/or cider ingredients and materials are purchased. Equipment and storage area is used for a fee by the same individuals.

"BUILDING" means a 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. This definition may include a roof supported by columns or walls.

"BUILDING ENVELOPE" means the portion of a Lot remaining after required Front, Rear and Side Yards have been provided**.**

"BUILDING HEIGHT" means the vertical distance between the ground floor and the highest point of the Building proper, exclusive of any Accessory roof Structures such as an Antenna, chimney, steeple or tower.

"BUILDING, MAIN" means the Building or Buildings designed and/or intended to accommodate the principal Use Permitted by this By-law.

"BUILDING OR CONTRACTING ESTABLISHMENT" means a premises used for the purposes of undertaking or managing activities engaged in maintaining and building new Structures, or works, additions or Renovations and typically includes the Offices of general building contractors, specialized trades and Building maintenance services such as window cleaning and extermination services and may include a showroom and/or Outdoor Display area open to the general public. Also included is the prefabrication of building equipment and materials and wrecking and demolition contractors' Offices, but does not include Salvage Yards.

"BUILDING SUPPLY ESTABLISHMENT" means a Building or Structure in which building or construction and home improvement materials are offered or kept for retail sale and may include the fabrication of certain materials related to home improvement**.**

"BULK FUEL DEPOT" means the Use of land, Buildings or Structures for the purpose of storing fuels for distribution.

"BULK SALES ESTABLISHMENT" means the Use of land, Buildings or Structures for the purpose of buying and selling and the Open Storage of lumber, wood, building materials, feed, fertilizer, and allied commodities, but does not include manufacturing or processing.

"BUSINESS SERVICE ESTABLISHMENT" means an establishment primarily engaged in providing services to business establishments on a fee or contract basis, including advertising and mailing, building maintenance, employment services, protective services, and small equipment rental, leasing and repair.

"BY-LAW ENFORCEMENT OFFICER" means an officer or employee of the Municipality or County for the time being charged with the duty of enforcing the provisions of this By-law, and shall include the building inspector.

"CAMP SITE" means a parcel of land within a Campground occupied by or intended for the parking of Travel Trailers, Park Model Homes, tent-trailers, tents or similar transportable accommodation other than Mobile Homes together with all Required Yards and Open Space.

"CAMPGROUND" means land used for the parking and/or erection of Travel Trailers, tent-trailers, tents or similar transportable accommodation, but not including a Mobile Home or Park Model Home as defined in this By-law.

"CANNABIS-RELATED – POST HARVESTING" means activities, including drying, curing, milling, packaging, storing and destruction, related to Cannabis-Related Use – Indoor.

"CANNABIS-RELATED USE - INDOOR" means those activities authorized in accordance with the Federal Cannabis Regulation SOR- 2018-144 as amended that are carried out within an enclosed building or structure. No activities emitting odours or fumes, creating a nuisance for existing or permitted Sensitive Land Uses, in excess of the licensing requirements and/or Federal and Provincial regulations, will be permitted.

"CANNABIS-RELATED USE - OUTDOOR" means those activities authorized in accordance with the Federal Cannabis Regulation SOR- 2018-144 as amended that only involve the growing and harvesting of cannabis outdoors.

"CANOPY" means a roof free of enclosing walls, and shall include a Canopy over a Gasoline Pump Island.

"CANTILEVER" means a projecting architectural feature including a beam or Structure supported at only one end, but shall not include any portion of a Storey where a Main Wall overhangs a lower Storey beyond the extent of the foundation.

"CARPORT" means an Accessory covered Structure used for the storage of passenger Motor Vehicles wherein neither servicing for profit is conducted nor storage of commercial vehicles in excess of 2,270 kilograms gross weight occurs. The roof of said Structure shall be supported only by piers or columns so that a portion of its wall area is unenclosed.

"CELLAR" means that portion of a Building between two floor levels which has more than seventy percent (70%) of its Height (measured from finished floor to finished ceiling) below adjacent Finished Grade level.

"CEMETERY" means land that is set apart or used as a place for the interment of the deceased or in which human bodies have been buried and may include a crematorium, mausoleum and a columbarium.

"CHURCH" means a Building used by a religious organization for public worship, and may include a rectory or manse, church hall, Day Nursery or religious School associated with or Accessory thereto.

"CLINIC" means a Building or part thereof, used exclusively by physicians, dentists, drugless practitioners, their staff and their patients for the purpose of consultation, diagnosis and office treatment. Without limiting the generality of the foregoing, a Clinic may include administrative Offices, waiting rooms, treatment rooms, laboratories, pharmacies and dispensaries directly associated with the Clinic, but shall not include accommodation for in-patient care or operating rooms.

"CLUSTER HOUSING" see **"DWELLING".**

"COMMERCIAL GARAGE" means an establishment or premises where Commercial Motor Vehicles are stored indoors or in Open Storage or where Motor Vehicles are repaired or maintained.

"COMMERCIAL GREENHOUSE" means a Building or Structure used for the growing of flowers, produce (i.e. cucumbers, tomatoes & peppers), plants, shrubs, trees and similar vegetation which are not necessarily transplanted outdoors on the same Lot containing such Building or Structure, but are sold directly from such Lot at wholesale or retail and may include an Outdoor Display area.

"COMMERCIAL RECREATION ESTABLISHMENT" means a Building, or part thereof, used for the purpose of an arena, Auditorium, Assembly Hall, billiard or pool room, Bingo Hall, gym or fitness centre, ice or roller rink, indoor swimming pool, and all places of amusement, but not including an amusement games establishment, cinema or other Theatre, drive-in theatre or amusement park.

"COMMERCIAL STORAGE" means the storage, for hire or gain, of goods, merchandise, materials or equipment in an enclosed Building other than a Temporary Building but shall not include a Warehouse.

"COMMERCIAL USE" means the Use of land, Buildings or Structures for the purpose of buying, renting or selling commodities and supplying services, but does not include an Industrial Use or any other commercial use otherwise defined or classified in this By-law.

"COMMUNITY CENTRE" means land, Buildings or Structures used for community activities, including Active or Passive Recreation, community fairs, fairgrounds, and Institutional Uses.

"CONSERVATION" means the Use of land and/or water for the purpose of planned management of natural resources, including woodlot management, and for the preservation and enhancement of the natural environment.

"CONSERVATION AUTHORITY" means the St. Clair Region Conservation Authority.

"CONVENIENCE STORE" means a Retail Store supplying groceries and other daily household necessities to an immediate surrounding residential area, and may include the rental of videos, the heating of pre-packaged food, an automated banking machine and/or depots for such items as film, laundry or Dry Cleaning.

"CONVERTED DWELLING" see **"DWELLING".**

"CORPORATION" means the Corporation of the Township of Enniskillen

"COUNCIL" means the Council of the Corporation of the Town of Enniskillen.

"COUNTY" means the Corporation of the County of Lambton.

"COURT" means an open (to the sky), unoccupied space adjoining or within the perimeter of a Building, such space being bounded on three (3) or more sides by walls of the said Building. When fully enclosed within a Building, a Court shall be included as Lot Coverage, but not as Floor Area.

"CRUSHING PLANT" means an industrial establishment where aggregate is processed through a crushing and sorting operation into various grades of gravel.

"DANGEROUS GOODS" means explosives, flammable or combustible liquids or gases, toxic substances, radioactive material, corrosives or any other product or substance that is considered dangerous to life when handled or transported.

"DATA PROCESSING ESTABLISHMENT" means a Building, or part thereof, used for input, processing and printing of computerized data.

"DAY NURSERY" means a premises that receives more than five (5) children who are not of common parentage, primarily for the purpose of providing temporary care and/or guidance, for a continuous period not exceeding twenty-four (24) hours, where the children are under eighteen (18) years of age in the case of a Day Nursery for children with a developmental handicap and under ten (10) years of age in all other cases. A Day Nursery does not include any part of a School.

"DECK (UNENCLOSED)" means a Structure without a roof or walls, having its platform situated a minimum of 0.2 metres above grade, and may be Attached to or abutting one or more walls of a Building or constructed separate from a Building. A Deck (Unenclosed) is subject to the provisions of **Section 3.14** of this By-law.

"DERELICT MOTOR VEHICLE" means a Motor Vehicle or any other vehicle propelled or driven otherwise than by muscular power that is unlicensed and/or inoperative.

"DETACHED" means not Attached, as defined herein.

"DRY CLEANING DEPOT" means a Building, or part thereof for the purpose of receiving articles or goods of fabric to be subjected, off the premises, to a process of dry cleaning or dyeing. Such establishment may also be used for pressing and/or distributing any article or good of fabric received at such an outlet.

"DRY CLEANING ESTABLISHMENT" means a Building, or part thereof, where dry cleaning, dye drying, cleaning, or pressing of articles or goods of fabric is performed, and in which only non-combustible and non-flammable solvents are used, emitting no odours, fumes, noise, or vibration which would cause a nuisance or inconvenience within or outside the premises.

"DUPLEX DWELLING" see **"DWELLING".**

"DUPLICATING SHOP" means premises engaged in reproducing drawings, plans, maps or other copy, by blueprinting, photocopying or small offset process.

"DWELLING" means a Building or part thereof used or intended, adapted or designed to be used, occupied or capable of being occupied, as a home, residence or sleeping place for one or more Persons having a right to the exclusive Use thereof, but shall not include any Motor Vehicle, Travel Trailer, Hotel, Motel, Private Garage, a Home for the Aged, Nursing Home, or Hospital.

a) **"ACCESSORY APARTMENT DWELLING"** shall mean a Dwelling Unit located within a Permitted Non-Residential Building and located above and/or behind the primary Permitted Use. This definition shall not include a Converted Dwelling Unit, Accessory Second Dwelling Unit or a Multiple Dwelling Unit.

b) **"ACCESSORY DWELLING"** shall mean a Dwelling Unit, including a Single Detached Dwelling, on a Lot containing a Commercial or Industrial Use as the primary Use. Such Dwelling is Accessory and secondary to the primary Use and is occupied by an owner or employee of the primary Use. This definition shall not include an Accessory Second Dwelling.

c) **"ACCESSORY SECOND DWELLING"** shall mean a Dwelling Unit that is Accessory to a main Dwelling Unit on the same Lot and does not significantly change the character of the Dwelling or Lot from that which is normal for the primary Dwelling type for which the Lot is zoned. It is either contained within the main Dwelling Unit or a Detached Accessory Building. The Gross Floor Area of an Accessory Second Dwelling shall include any portion located within a Basement. Where an Accessory Second Dwelling is established within a Dwelling, it shall be understood not to change the Permitted Use category by which the main Dwelling would be defined in the absence of the Accessory Second Dwelling.

d) **"BOARDING HOUSE"** means any Building or part thereof in which the proprietor resides and supplies for hire or gain to three (3) or more but not more than six (6) Persons exclusive of the lessee or Owner thereof or members of his family, lodging and/or meals, but shall not include a Hotel, Motel, Bed and Breakfast Establishment, Hospital, or Nursing Home.

e) **"CLUSTER HOUSING"** means a group or groups of Dwelling Units which may be in various forms, and so located on a Lot that each Dwelling Unit may not have frontage on a public Street or Road and more than one (1) Dwelling Unit may exist on one (1) Lot. Cluster Housing development shall have frontage on a public Street.

f) **"CONVERTED DWELLING"** means a lawfully established Single Detached Dwelling which is Altered or converted, subject to **Section 3.21**, so as to provide up to three (3) Dwelling Units.

g) **"DUPLEX DWELLING"** means a Dwelling divided horizontally into two (2) separate Dwelling Units, each of which has an independent entrance.

h) **"FOUR-PLEX DWELLING"** means a Dwelling divided horizontally and vertically into four (4) separate Dwelling Units, each of which has an independent entrance from outside the Building.

i) **"FARM DWELLING"** means a Single-Detached Dwelling which is accessory to an Agricultural Use or located on a Lot on which the Main Use is Agriculture.

j) **"NON-FARM DWELLING"** shall mean a Single Detached Dwelling not Accessory to an Agricultural operation.

k) **"GROUP HOME-TYPE 1"** means a residential Dwelling in which three (3) to ten (10) unrelated residents live under responsible supervision consistent with the requirements

of its residents. "Residents" excludes staff or receiving family. This does not include a Group Home Type 2.

l) **"GROUP HOME TYPE 2"** means a residence maintained and operated primarily for Persons who have been placed on probation under the provisions of Acts such as the Criminal Code R.S., Chap. C-46, as amended, The Young Offenders Act R.S., Chap. Y-1, as amended, The Ministry of Correctional Services Act R.S.O., 1990, Chap. M.22, as amended, and the Parole Act R.S., Chap. P-2, as amended. The number of Persons residing therein shall be up to eight (8) excluding staff.

m) **"MODULAR HOME"** means a prefabricated Single Detached Dwelling designed to be transported once only to a final location and constructed so as the shortest side of such Dwelling is not less than 6.0 metres in width.

n) **"MOBILE HOME, DOUBLE WIDE,"** means a C.S.A. approved, factory built Dwelling occupied or designed for Occupancy on a permanent basis, towed or designed to be towed in two or more separate sections with each section on its own chassis and joined together to form one (1) Dwelling Unit and placed on a permanent foundation with or without a Basement or Cellar and connected or designed to be connected to Public Utilities, but shall not include a Single Wide Mobile Home or a Travel Trailer.

o) **“MOBILE HOME, SINGLE WIDE”** means a C.S.A. approved, factory built Dwelling occupied or designed for Occupancy on a permanent basis having a Ground Floor Area of not less than sixty-five (65) square metres, designed to be towed on its own chassis, notwithstanding that its running gear is or may be removed, placed or designed to be placed on permanent foundations and connected or designed to be connected to Public Utilities, but shall not include a Double Wide Mobile Home or a Travel Trailer.

p) **"MULTIPLE DWELLING"** means a Building on a Lot used or designed as a residence and containing four (4) or more Dwelling Units all of which have access from a common corridor or hallway and/or an independent entrance from the outside. All of the Units in a Multiple Dwelling must be Dwelling Units, as defined in this By-law. It shall not, however, include any other Dwelling otherwise defined herein or specifically named elsewhere in this By-law.

q) **"PARK MODEL HOME"** means a manufactured Building used or intended to be used as a seasonal recreational Building of residential Occupancy designed and constructed in conformance with CAN/CSA-Z241 Series-M, “Park Model Trailers”.

r) **“SEASONAL WORKER HOUSING”** means a Dwelling used or intended, adapted or designed to be used as a home, residence or sleeping place during any portion of the year except winter months by seasonal or migrant workers and/or their families. Seasonal Worker Housing is Accessory to a labour-intensive Agricultural Use on the same Lot.

s) **"SINGLE DETACHED DWELLING"** means a Detached Dwelling containing only one (1) Dwelling Unit and being the only Dwelling on the Lot unless the provisions of this By-law specify more than one Single Detached Dwelling is Permitted on a particular Lot.

t) **"SEMI-DETACHED DWELLING"** means one (1) of a pair of single Dwellings, divided vertically in whole or in part above Finished Grade, below Finished Grade, or both above and below Finished Grade. This definition includes a link home consisting of two Dwellings.

u) **"STREET TOWNHOUSE"** means a Townhouse with each Unit on a separate Lot.

v) **"TOWNHOUSE"** means the whole of a Dwelling divided vertically into three (3) or more separate Dwelling Units, each such Dwelling Unit having an independent entrance directly from outside the Building. This definition shall include a link home of three or more units.

w) **"TRIPLEX DWELLING"** means the whole of a Dwelling divided horizontally into three (3) separate Dwelling Units, each such Dwelling Unit having an independent entrance from the outside or from a common hallway or stairway inside the Building.

"DWELLING UNIT" means a suite of two (2) or more Habitable Rooms, in which sanitary conveniences are provided and in which facilities are provided for cooking or for the installation of cooking equipment, and with an independent entrance, either directly from outside the Building or from a common corridor inside the Building. This definition shall not include a Motor Home, a Private Garage or a Travel Trailer.

"DWELLING UNIT AREA" means the habitable area contained within the inside walls of a Dwelling Unit, excluding any Private Garage, Carport, Porch, verandah, unfinished Attic, Cellar or sun room (unless such sun room is habitable in all seasons of the year), and excluding common hallways, common stairways or other common areas.

"EASEMENT" means a right or privilege that one has over the lands of another, registered on title to the said lands and may pertain to access rights above, below or on the said lands.

"ERECT" means to build, construct, reconstruct or relocate and, without limiting the generality of the word, also includes:

a) any preliminary operation such as excavation, infilling or draining;
b) Altering any Existing Building or Structure by an addition, enlargement, extension or other structural change; and
c) any work which requires a Building permit.

"ESTABLISHED BUILDING LINE" means the minimum Setback on a Lot that is between two (2) adjacent Lots on one side of one block within the same Zone, on which are located Existing Buildings not more than 100 metres apart, and shall mean the average of the established Setbacks on the said adjacent Lots. Existing Buildings on the Lot for which construction is being proposed may be factored into the average for determining the Established Building Line. Detached Accessory Buildings shall not be factored in determining an Established Building Line for a Main Building.

"EXISTING" means Existing on the date of passing of this By-law and legally established under the regulations at the time of its establishment, and with respect to a Building or Structure, also means in a sound condition not requiring demolition or significant repairs or alterations or removed within the last 12 months and determined by the By-law Enforcement Officer to have been in such condition prior to its removal. **"EXISTED"** shall have a corresponding meaning.

"EXTRACTIVE USE" means the Use of land Licensed for the removal of gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other similar substance for construction, industrial or manufacturing purposes, and includes an Aggregate Storage Area, Accessory Uses, Buildings or Structures. Permitted Accessory Uses include the blending of recovered materials that are brought to the Extractive Use.

"FARM DWELLING" see **"DWELLING"**.

"FARM PRODUCE OUTLET" means a Use, Accessory to an Agricultural Use, which consists of the retail sale of Agricultural products produced primarily on the farm where such outlet is located.

"FARMERS MARKET" means a Building, part of a Building, or an open area where Agricultural produce is offered or temporarily stored for retail sale on the site by more than one (1) vendor.

"FARM PRODUCE PROCESSING ESTABLISHMENT" means the Use of land, Buildings or Structures where Agricultural produce, including greenhouse, meat and poultry products, are prepared or packaged and from which such produce and products are shipped to a wholesale or retail outlet.

"FINISHED GRADE" means the average elevation between the highest and lowest point of the finished surface of the ground measured around the perimeter of the base of a Building or Structure exclusive of any embankment in lieu of steps.

"FLEA MARKET" means the occasional or periodic market held in an open Outdoor Display area or in a Building or Structure, where groups of individual sellers display and offer goods for sale to the public, but does not include a Garage Sale. When a Flea Market is permanent or operated by a single vendor, only the sale of used, unpackaged household items shall be Permitted. Outdoor display or storage of goods is prohibited outside of regular operating hours.

"FLOOR AREA, GROSS" in the case of a Dwelling, means the sum total area of the floors excluding unenclosed Porches and internal Parking Areas in the Building or Buildings on a site measured from the exterior walls or from the centre line of common walls separating the Buildings provided that where the floor area is within a roofed Structure without exterior walls the Gross Floor Area shall be the area covered by the roof, or in the case of a Building other than a Dwelling, means the aggregate of the area of all floors devoted to retail sales, customer service and/or Office Use measured from the outside face of exterior walls but shall not include storage or mezzanine areas, mechanical rooms, common halls, stairwells, garbage and electrical rooms and parking Structures.

"FLOOR AREA, GROUND" means the area of a Building or Structure measured from the outside of its exterior walls and exclusive of any Attached Accessory Building, terrace, unenclosed sun room, Deck, Porch or verandah.

"FORESTRY" means the Use of land for the care, cultivation and maintenance of trees for profit or gain.

"FUNERAL HOME" means a Building or Structure designed for the purpose of furnishing funeral supplies and services to the public and includes facilities intended for the preparation of the dead human body for interment or cremation and may include a chapel for funeral purposes.

"FURTHER CONTRAVENE" means the making of an addition to an Existing Non-Complying Building or Structure, any part of which addition does not comply with the required Setbacks or any other provision of this By-law.

"GARAGE SALE" means an occasional sale, held by the occupants of a Dwelling Unit on their own premises, of household goods and not merchandise which was purchased for resale or obtained on consignment.

"GARDEN CENTRE" means the Use of land, Buildings or Structures for the purpose of buying, selling and raising plants, shrubs and trees and includes the Outdoor Display, storage and sale of products generally used for landscaping and gardening purposes.

"GAS BAR" means one (1) or more fuel pumps for the sale of motor fuels and related products for Motor Vehicles, together with the necessary Gasoline Pump Islands, light standards, Propane Transfer Facility, kiosk, concrete aprons, Canopy, storage tanks and related facilities required for the dispensing of fuel.

"GAS COMPRESSOR STATION" means the Use of land, Buildings or Structures for the storage, regulation of flow and distribution of natural gas.

“GASOLINE PUMP ISLAND” means the portion of a Lot where a pump or pumps used to transfer fuel from storage tanks to Motor Vehicles is (are) situated.

"GASOLINE RETAIL FACILITY" means premises where the retail sale of fuel or lubricants for Motor Vehicles constitutes either the sole Use, such as a Gas Bar, or an Accessory Use, such as a Gasoline Pump Island or Propane Transfer Facility. This definition is not intended to be as broad a definition as a Motor Vehicle Service Establishment.

"GAZEBO" means an Accessory Structure that consists of a platform and roof but no walls and that is unenclosed except that a wire-mesh bug screen, benches and/or railings around its perimeter and such posts as are reasonably necessary to hold the roof erect shall be permitted.

"GIFT SHOP" means a Retail Store specializing in the sale of ornaments, cards, magazines and confectioneries.

"GOLF COURSE" means a public or private area designed and operated primarily for the purpose of playing golf excluding a Miniature Golf Course.

"GOLF COURSE, MINIATURE" means a Use which provides facilities designed and operated primarily for what is commonly known as miniature golf but does not include a Golf Driving Tee or Range or a Golf Course as defined herein.

"GOLF DRIVING TEE OR RANGE" means a Use which provides facilities designed and operated primarily for the practicing of golf shots but does not include Miniature Golf Courses or Golf Courses as defined herein.

"GRAIN ELEVATOR" means a Building or Structure used for the storage of grain.

"GREENHOUSE EMPLOYEE ACCOMMODATIONS" means a separate building used or intended to be used for the accommodation of greenhouse operation farm employees provided such employees perform their duties on such farm, and in which the lodging with or without meals is supplied or intended to be supplied to such employees.

"GROUP HOME-TYPE 1" see **"DWELLING".**

"GROUP HOME-TYPE 2" see **"DWELLING".**

"GUEST ROOM" means a room or suite of rooms which contain no facilities for cooking or for the installation of cooking equipment and which is used or designed for gain or profit by providing accommodation to the traveling or vacationing public.

"GUN SHOP" means a Building used for the retail sale of firearms, gun smithing and the sale of ammunition and accessories.

"HABITABLE ROOM" means a room within a Dwelling Unit designed to provide living, dining, sleeping, bathroom or kitchen accommodation for Persons. This definition shall not include any Private Garage, Carport, Cellar, unheated Porch or verandah, unfinished Attic, unfinished Basement, or any space used for the service and maintenance of a Dwelling or for vertical travel between Storeys.

"HEALTH/RECREATIONAL FACILITY" means a Private Club or public facility (athletic, health or recreational), including Uses such as reducing salons and weight control establishments, game courts, exercise equipment, locker rooms, Jacuzzi and/or sauna and pro shop.

"HEIGHT" means **"BUILDING HEIGHT"**, when referring to a Building, and in all other cases, where no method for determining Height is described, shall mean the vertical distance between Finished Grade and the highest vertical point of the Structure, Sign, fence, Planting Strip or other object.

"HOLDING PROVISIONS" can be applied to lands to delay their development until specific conditions have been fulfilled. The Planning Act, as amended, enables Council to place these restrictions on the Use of land. Holding provisions are depicted by the letter (h), which can be added as a suffix to any Zone symbol. The Council will remove the (h) symbol, once conditions for the proper development of the affected lands are satisfied.

"HOME FOR THE AGED" means a Building, Structure or Portion thereof operated as an Approved Home for the Aged or Rest Home established and maintained by the Municipality or jointly by one or more municipalities of the County of Lambton and operated under a board of

management for accommodation and amenities for senior citizens in return for compensation. A Home for the Aged is subsidized by the Province under a service agreement with the Crown. A Home for the Aged shall not include a public or Private Hospital, Nursing Home or Group Home.

"HOME OCCUPATION" means an Accessory Use to a Dwelling Unit, owned by and employing at least one of the permanent residents of that Dwelling Unit, to conduct one or more full-time or part-time occupations or business activities. This definition shall include a Bed & Breakfast and a Clinic.

"HOSPITAL" means any institution, Building or other premises or place established for the treatment of Persons afflicted with or suffering from sickness, disease or injury or for the treatment of convalescent or chronically ill Persons that is Approved as a public Hospital. This definition shall also include a **"PRIVATE HOSPITAL"**, which means a dwelling in which four (4) or more patients are or may be admitted for treatment, other than an independent health facility, institution for the reclamation and cure of habitual drunkards, a children's residence or a lodging house.

"HOTEL" means a Building in which a minimum of four (4) Guest Rooms are provided for the traveling public, and may include dining and other public rooms, provided that each Guest Room may be entered from inside or outside of the Building.

"INDUSTRIAL USE" means the Use of land, Structures or Buildings for each or any of the following operations:

a) the carrying on of any process of manufacture whether or not a finished article results there from;
b) the dismantling and separating into parts of any article, machinery or vehicle, but not including a Motor Vehicle Wrecking Establishment;
c) the breaking up of any articles, goods or machinery;
d) the treatment of waste materials of all descriptions;
e) the recovery and processing of sand, gravel, clay, turf, soil, rock, stone or similar substances;
f) the repairing and servicing of vehicles, machinery and Buildings;

and may include;

i) the Open Storage of goods used in connection with or resulting from any of the above operations;
ii) the provisions of amenities for Persons engaged in such operations;
iii) the sale of goods resulting from such operations; and
iv) any work of administration or accounting in connection with the undertaking;

and without limiting the generality of the foregoing, includes any industry particularly defined in this By-law, but does not include a "Home Occupation".

"INDUSTRIAL USE, DRY" means any Industrial Use Permitted by the applicable Zone where water is only required for employee washrooms and eating facilities, cooling or pressure testing of equipment, the washing of Accessory vehicles and similar ancillary Uses and not for processing.

"INDUSTRIAL USE, GENERAL" means any Industrial Use other than a Service and Repair Shop, a Light Industrial Use, or an Offensive Industrial Use.

"INDUSTRIAL USE, LIGHT" means any Industrial Use in which the Building or the Structure thereby occupied or employed, the processes carried on, the material used or stored, the machinery employed and the transportation of materials, goods and commodities to and from the premises will not cause injury to or prejudicially affect the amenity of the locality by reason of the appearance of such Building, Structure or materials or by reason of the emission of noise,

vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste paper, waste products, grit, oil or otherwise. Light Industrial Uses shall not include the dismantling and separating into parts of any article, machinery or vehicle; the treatment of waste materials of all descriptions and the processing or storage of sand, gravel, soil, rock, stone or similar substance.

"INDUSTRIAL USE, OFFENSIVE" means any business or industry which by reason of the process involved or the method of manufacture or the nature of the material or goods used, produced or stored is likely to cause or causes by reason of destructive gas or fumes, dust, objectionable odour, noise or vibration, or unsightly storage of goods, wares, merchandise, salvage, junk, waste or other material, a condition which may be or become hazardous or injurious as regards health or safety or which prejudices the character of the neighbourhood or interferes with or may interfere with the normal enjoyment of any land, Building or Structure.

"INSTITUTIONAL USE" means the Use of any land and/or Building or part thereof by a government, educational, charitable or non-profit organization in the carrying out of its function and without limiting the generality of the foregoing shall include municipal Offices, Libraries, fire halls, Churches, Hospitals, Schools, Community Centres, Private Clubs and Assembly Halls.

"KENNEL" means any premises, on which four (4) or more domesticated animals over four (4) months of age are kept, bred, trained, or boarded and may be kept for sale.

"LABORATORY" means a Building, or part thereof, used for scientific, medical and/or research purposes.

"LAND USES, TYPE A" include Industrial (excluding M3 and M4 Zones), Rural Commercial (C3) Zones and Passive Recreation Uses and/or Zones Permitting such Uses. For the purposes of MDS I a Dwelling or up to three new non-Agricultural Lots are also Type A Land Uses. For the purposes of MDS II, Dwellings and residential Uses not recognized as residential areas in the Township Official Plan, or Cemeteries located in an Agricultural Zone are also Type A Land Uses.

"LAND USES, TYPE B" include Institutional, Active Recreation and Commercial (excluding C3 Zones) Uses and/or Zones Permitting such Uses. For the purposes of MDS I, Cemeteries, a Building with three or more Dwelling Units, expansion of a settlement area, more than three new non-Agricultural Lots, Zones for residential Use, or a consent that would result in or contribute to four or more contiguous residential Lots are also Type B Land Uses. For the purposes of MDS II, Cemeteries not in an Agricultural Zone and areas specifically designated in the Township Official Plan as residential or settlement areas are also Type B Land Uses.

"LANDSCAPED OPEN SPACE" means the open, unobstructed space, on a Lot, accessible by walking from the Street on which the Lot is located and which is maintained and suitable for the growth and maintenance of grass, flowers, bushes, trees and other landscaping. This definition may include any surfaced walk, patio, or similar area provided that such surfaced walk, patio, or similar Structure is not more than 40% of the Landscaped Open Space area, but shall not include any driveway or ramp, whether surfaced or not, nor any curb, retaining wall, or any Parking Area; nor any open space beneath or within a Building or Structure.

"LANE" means a private thoroughfare which affords only a secondary means of access for vehicular traffic to abutting Lots and which is not intended for general traffic circulation.

"LAUNDROMAT" means an establishment containing one (1) or more washers, and could include drying, ironing, finishing and incidental equipment, provided that only water, soaps and detergents are used and provided that no such operation shall emit any noise or vibrations which cause a nuisance or inconvenience within or without the premises. This definition may include a self-service coin operated Laundromat.

"LAUNDRY PLANT" means a Building or a Structure in which the business of a laundry is conducted in which only water and detergent is used, and where the drying, ironing and finishing of such goods are conducted.

"LIBRARY" means a Library, branch Library or distribution station established as a public Library by by-law by Council or the County and the trustees of an improvement district or established under the Public Libraries Act or a predecessor.

"LICENSED" means Licensed by an appropriate authoritative body as required under the Act or Statute, which legislates such establishment requiring licensing.

"LIGHT EQUIPMENT RENTAL ESTABLISHMENT" shall mean any land, Building or Structure or part thereof used in which light machinery and equipment such as air compressors and related tools and accessories, augers, automotive tools, cleaning equipment, light compaction equipment, concrete and masonry equipment, electric tools and accessories, fastening devices such as staplers and tackers, floor and carpet tools, gasoline generators, jacks and hydraulic equipment, pipe tools and accessories, plumbing tools and accessories and appurtenances are offered or kept for rent, lease or hire under agreement for compensation.

"LIVESTOCK" means farm animals kept for Use, for propagation, or intended for profit or gain, including but not limited to animals identified in **Appendix "A" Table 1**. (B/L 4/2018)

"LIVESTOCK BARN" means one or more Building or Structures on a Lot which are designed, used or intended for housing, feeding, or keeping Livestock and are structurally sound and reasonably capable of housing Livestock. (B/L 4/2018)

"LIVESTOCK DESIGN CAPACITY" means the maximum number of Livestock that can be reasonably housed within all of the Livestock Barns on a Lot and/or means the maximum volume of manure that can be reasonably stored in all of the Manure Storages on a Lot. (B/L 4/2018)

"LIVESTOCK DESIGN FACILITY" means all Livestock Barns and manure Storages on a Lot, including unoccupied or unused Livestock Facilities. Livestock Facilities shall also include manure transfer facilities. Livestock Facilities do not include stock yards, field shade shelters, anaerobic digesters, or temporary field storages. (B/L 4/2018)

"LIVESTOCK, LARGE" means any Livestock of a type of which an adult equals more than one fifteenth of a Nutrient Unit.

"LOADING SPACE" means an off-Street space on the same Lot as the Building, or contiguous to a group of Buildings, for the temporary parking of a Commercial Motor Vehicle while loading or unloading merchandise or materials, and which abuts a Street, Lane, or other appropriate means of access.

"LOT" means land within a registered plan of subdivision (but not including plans deemed not to be registered pursuant to Section 50(4) of The Planning Act, R.S.O. 1990, Chap. P. 13, as amended) or any land that may be legally conveyed under the exemption provided in clause (b) or (f) of subsection 3 or clause (a) or (f) of subsection 5 of Section 50 of The Planning Act, R.S.O. 1990, Chap. P. 13 as amended, the boundaries of which are recorded in the Registry Office for the Registry Division of the County of Lambton.

a) **"CORNER LOT"** means a Lot, situated at the intersection of and abutting upon two (2) or more Streets, provided that the angle of intersection of such Streets is not more than one hundred and thirty-five (135) degrees.
b) **"INTERIOR LOT"** means any Lot having Street Access, other than a Corner Lot.
c) **"THROUGH LOT"** means an Interior Lot having Street Access on two (2) or more Street Lines, other than a Corner Lot.

"LOT AREA" means the total horizontal area within the Lot Lines of a Lot.

"LOT COVERAGE" means that percentage of the Lot Area covered by the perpendicular projections onto a horizontal plane of the area of all Buildings and Structures on the Lot. Lot Coverage shall not include Balconies, Canopies and overhanging eaves provided none of the foregoing is less than 2.4 metres above Finished Grade. Lot Coverage shall not include private Decks (Unenclosed) and Private Swimming Pools. Lot Coverage shall include enclosed and unenclosed Porches. **"ACCESSORY LOT COVERAGE"** means the portion of Lot Coverage composed of any Attached and Detached Accessory Buildings and Structures and shall be included within and not in addition to the maximum Permitted Lot Coverage for a Lot.

"LOT DEPTH" means the length of a straight line joining the middle of the Front Lot Line with the middle of the Rear Lot Line. If 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.

"LOT FRONTAGE" means the horizontal distance between the Side Lot Lines, measured perpendicularly from the line that measures Lot Depth at a distance equal to the minimum Front Yard Depth required by this By-law. Lot Frontage shall not include the extent to which a Lot abuts the end of a Street, other than a Street that terminates in a cul-de-sac, and shall not include the extent to which a Lot abuts an unopened Street Allowance.

"LOT LINE" means any boundary of a Lot or the vertical projection thereof. There shall be deemed to be two (2) Lot Lines in cases where a Lot Line changes by a direction that is less than 135°. There shall be deemed to be one continuous Lot Line in cases where the change in direction is 135° or greater.

a) **"FRONT LOT LINE"** means in the case of an Interior Lot, the line dividing the Lot from the Street. In the case of a vacant Corner Lot, the shorter Lot Line abutting a Street shall be deemed the Front Lot Line. In the case of a Through Lot, a Corner Lot on which is already located a Main Use, or a Corner Lot whose Exterior Side Lot Lines are the same length, the Lot Line where the principle access to the Lot is provided shall be deemed to be the Front Lot Line.

b) **"REAR LOT LINE"** means in the case of a Lot having four (4) or more Lot Lines, the Lot Line farthest from and opposite to the Front Lot Line. If a Lot has less than four (4) Lot Lines, there shall be deemed to be no Rear Lot Line. On a Through Lot, all Lot Lines abutting a Street Line other than a Front Lot Line shall be deemed a Rear Lot Line.

c) **"SIDE LOT LINE"** means a Lot Line other than a Front or Rear Lot Line, and shall include Interior Side Lot Line and Exterior Side Lot Line.

d) **"EXTERIOR SIDE LOT LINE"** - on a Corner Lot, means any Lot Line abutting a Street other than a Front Lot Line.

e) **"INTERIOR SIDE LOT LINE"** - means a Side Lot Line other than an Exterior Side Lot Line.

"LUMBER YARD" means the Use of land, Buildings or Structures for the purpose of the buying, selling and Open Storage of wood and wood products and lumber but does not include any manufacturing or processing Uses.

"MACHINE SHOP" means a Building, Structure or part thereof used for making or repairing machines or machine parts by means of milling, grinding, welding or similar activities. A Machine Shop does not include an Agricultural Service Establishment, any other defined Motor Vehicle Use or any other Service Trade.

'MANURE STORAGES" as listed in **Appendix "A", Table 5**, means land, Buildings or Structures which are designed, used or intended to be used as permanent storages for liquid or solid manure and are structurally sound and reasonably capable of storing manure, including an

earthen Manure Storage. Manure Storages do not included manure transfer facilities. (B/L 4/2018)

"MARINA" shall mean a Commercial Use where boats are stored for rent or hire, and/or where boats are stored for the convenience of the owner of said boat, 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 such accessories or refreshments, but shall not include a private dock Accessory to a Dwelling, nor shall Commercial or manufacturing establishments not adjacent to a navigable Watercourse be included.

"MARINE SALES AND SERVICE ESTABLISHMENT" means a Building and/or land used for the Outdoor Display and sale of new and/or second-hand boats and watercraft, and may include the servicing, repair, and cleaning, of such, and the sale of accessories and related products.

"MAXIMUM ENCROACHMENT" means the greatest distance a Structure may project from a Main Wall if it encroaches upon a Required Front, Rear or Side Yard.

"METEOROLOGICAL MAST" means a separate, guyed tower having instruments mounted thereon for the purpose of assessing a site's wind characteristics on a temporary basis of up to three years.

"**MICRO-CULTIVATION"** means the indoor production of cannabis plants and seeds, fresh and dried cannabis within a surface growing area of up to 200 square metres for growing cannabis plants. The surface growing areas include all horizontally and vertically arranged surfaces.

"MINIMUM DISTANCE SEPARATION" or "MDS" shall mean the setbacks that Type A and B Land Uses must meet from Livestock Facilities (MDS I) and that Livestock Facilities must meet from Type A and B Land Uses (MDSII) as required in Section 5.2 of this By-law and calculated in Appendix "A" to this By-law. (B/L 4/2018)

"MOBILE HOME PARK" means a parcel of land containing two (2) or more Mobile Home Sites and which is under single management and ownership.

"MOBILE HOME, DOUBLE WIDE" see **"DWELLING"**.

"MOBILE HOME, SINGLE WIDE" see **"DWELLING"**.

"MOBILE HOME SALES ESTABLISHMENT" means any land, Building or Structure used for the sale and Outdoor Display of new Mobile Homes, Modular Homes, Park Model Homes, and Travel Trailers and may include the servicing and repair of such Structures and vehicles, but shall not include any other Uses defined in this By-law.

"MOBILE HOME SITE" means a parcel of land within a Mobile Home Park occupied by or intended for Occupancy by one (1) Single-Wide Mobile Home, Double-Wide Mobile Home or Park Model Home together with all Yards and Open Space required by this By-law.

"MODULAR HOME" see **"DWELLING"**.

"MOTEL" means a Building, part of a Building or group of Buildings wherein accommodation without private cooking or housekeeping facilities is provided for the traveling public, but may include dining rooms and other public rooms. Each Guest Room or sleeping room may be entered from the exterior of the Building. Sanitary facilities shall be included for each Guest Room or suite.

"MOTOR HOME" means a self-propelled recreational vehicle capable of being used for the temporary sleeping or eating accommodation of Persons.

"MOTOR VEHICLE" means an automobile, motorcycle, all-terrain vehicle and any other vehicle propelled or driven otherwise than by muscular power; but does not include other Motor Vehicles running only upon rails, or a farm tractor, self-propelled implement of husbandry or road-building machine.

"MOTOR VEHICLE, COMMERCIAL" means a Motor Vehicle having permanently attached thereto a truck or delivery body and includes ambulances, hearses, casket wagons, fire apparatus, buses and tractor-trailers designed for hauling purposes on the highway.

"MOTOR VEHICLE REPAIR ESTABLISHMENT" means a Building and/or land used for the servicing, repair, cleaning, polishing, lubricating and greasing of Motor Vehicles and may include vehicular body repair and re-painting, but shall not include any other Motor Vehicle Use defined in this By-law.

"MOTOR VEHICLE SALES ESTABLISHMENT" means a Building and/or land used for the Outdoor Display and sale of new and/or second-hand Motor Vehicles and may include the servicing, repair, cleaning, polishing and greasing of Motor Vehicles, the sale of Motor Vehicle accessories and related products and the leasing or renting of Motor Vehicles, but shall not include any other Motor Vehicle Use defined in this By-law.

"MOTOR VEHICLE SERVICE ESTABLISHMENT" means a Building and/or land used for the sale of fuels for Motor Vehicles and may include the servicing, repair, cleaning, polishing and greasing of Motor Vehicles and the sale of Motor Vehicle accessories and related products, but shall not include any other Motor Vehicle Use defined in this By-law.

"MOTOR VEHICLE WASHING ESTABLISHMENT" means a Building and/or land used for the washing or cleaning of Motor Vehicles including a self-service or conveyor operation and may include the sale of fuels to Motor Vehicles, but shall not include any other Motor Vehicle Use defined in this By-law.

"MOTOR VEHICLE WRECKING ESTABLISHMENT" means a Building and/or land used for the wrecking or dismantling of Motor Vehicles and for the Open Storage and sale of scrap material, salvage and parts obtained there from, but shall not include any other Motor Vehicle Use defined in this By-law.

"MULTIPLE DWELLING" see **"DWELLING"**.

"MUNICIPAL DRAIN, CLOSED" means an “Open Municipal Drain”, located entirely within the ground and designed, used, or intended for Use for the conveyance of precipitation.

"MUNICIPAL DRAIN, OPEN" means any "drainage work" subject to the Drainage Act, R.S.O. 1990, Chap. D-17, as amended, which includes a drain constructed by any means including the improving of a natural Watercourse, and includes the works necessary to regulate the water table or water level within or on any lands or to regulate the level of the waters of a drain, reservoir, lake or pond, and includes a dam, embankment, wall, protective works or any combination thereof.

"MUNICIPALITY" means the Corporation of the Township of Enniskillen.

"NON-COMPLYING" means a Permitted Use which does not comply with one or more provisions of this By-law for the Zone in which such Building or Structure is located on the date of passing of this By-law or amendments thereto.

"NON-CONFORMING" means a lawfully Existing Use, Building or Structure prohibited by this By-law in the Zone in which it is situate.

"NON-FARM DWELLING" see **"DWELLING"**.

"NON-RESIDENTIAL" means not Residential.

"NURSERY" means the Use of land, Buildings or Structures or part thereof where trees, shrubs, sod or plants are grown or stored for the purpose of transplanting, for Use as stocks for building or grafting or for the purpose of retail or wholesale, together with the sale of soil, planting materials, fertilizers and similar materials (including Outdoor Display and Open Storage) and may include the storage of necessary machinery and vehicles used in connection with such business. Landscaping and gardening supplies may also be kept or be offered for sale or rent.

"NURSING HOME" as defined in The Nursing Homes Act, R.S.O. 1990, Chap. N.7, as amended, means any premises maintained and operated for Persons requiring nursing care or in which such care is provided to two (2) or more unrelated Persons, but does not include any premises falling under the jurisdiction of The Homes for the Aged and Rest Homes Act, R.S.O. 1990, Chap. H.13, as amended, the Private Hospitals Act, R.S.O. 1990, Chap. P.24, as amended and the Public Hospitals Act, R.S.O. 1990, Chap. P.40, as amended.

"NUTRIENT UNIT" means a measure based on nutrient quantities for comparing sizes of Livestock Facilities of differing Livestock types as listed in **Appendix "A" Table 1**.

"OCCUPANCY" means to reside in as Owner or tenant on a permanent or temporary basis.

"OCCUPANT LOAD" as defined in the Ontario Building Code Act, R.S.O. 1990, Chap. B.13 as amended, means the number of Persons for which a Building, or part thereof, is designed.

"OFFICE" means a Building or part thereof designed, intended or used for the practice of a profession, the carrying on of a business, and/or the conduct of public administration, but shall not include a Clinic.

"OPEN DRAINAGE DITCH" means a man-made depression dug into the earth, with well-defined banks and a bed at least 0.6 metres below the surrounding land, serving to give direction to a current of water.

"OPEN SPACE" means 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 recreation facilities, landscaped areas, patios, and walkways.

"OPEN STORAGE" means the storage of goods, merchandise, or equipment outside of a Building or Structure on a Lot or portion thereof.

"OUTDOOR DISPLAY" means an area set aside outside of a Building or Structure used in conjunction with a business located within the Building on the same property, for the display, rental and/or sale of goods, materials, vehicles or equipment.

"OWNER" means the Person who holds legal title to a piece of property or has an equitable interest in the same.

"PARK" means an area, consisting largely of Open Space, which may include a recreational area, playground, play field or similar Use, but shall not include a Mobile Home Park or Campground.

a) **"PUBLIC PARK"** means a Park owned or controlled by the Corporation or by any Ministry, board, Commission or Authority established under any statute of Ontario or Canada.
b) **"PRIVATE PARK"** means a Park other than a Public Park.

"PARK MODEL HOME" see **"DWELLING"**.

"PARKING AREA" means an area or Structure provided for the parking of Motor Vehicles and includes any related Aisles, Parking Spaces or driveways, accessible to or from a Street or Lane but shall not include any part of a Street. This definition may include a Private Garage.

"PARKING LOT" means any Parking Area that functions independently as a separate operation such as a commercial or municipal lot and shall not include a Parking Area Accessory to a Permitted Use on the same Lot.

"PARKING SPACE" means a portion of a Parking Area, exclusive of any Aisles or driveways, which may be used for the temporary parking or storage of a Motor Vehicle, accessible from an Aisle, Street or Lane.

"PASTURE AREA" means a contiguous area of land not less than 0.4 hectare in area, exclusive of Buildings, Structures, lawn, driveways and the like, which is available for the grazing of Livestock.

"PERMITTED" means Permitted by this By-law.

"PERSON" means any human being, association, firm, partnership, corporation, agent or trustee, and the heirs, executors or other legal representative or a Person to whom the context can apply according to law.

"PERSONAL SERVICE ESTABLISHMENT" means a Building, or a part thereof, in which Persons are employed in furnishing services and otherwise administering to the individual and personal needs of Persons, and including premises such as, but not necessarily limited to, a barber, hairdresser, beautician, tailor, dressmaker, Laundromat, Dry Cleaning and laundry Depot, sun-tanning shop and a formal rentals shop but shall not include a body massage, body piercing, Adult Entertainment Parlour, or tattooing parlour. The sale of merchandise shall be Permitted only as an Accessory Use to the personal service provided.

"PETROLEUM WELL" means a hole drilled into a geological formation of Cambrian or more recent age for the purpose of oil or gas exploration or production, the storage of oil, gas or other hydrocarbons in a geological formation, the disposal of oil field fluid in a geological formation, solution mining or geological evaluation or testing, but does not include a hole where no oil or gas is encountered that is drilled for the production of fresh water.

"PETROLEUM WORK" means a pipeline or other Structure or equipment that is used in association with a Petroleum Well.

"PLACE OF ENTERTAINMENT" means a motion picture or other Theatre, Auditorium, billiard or pool room, bowling alley, ice or roller skating rink, or dance hall, but does not include any other place of entertainment or recreation otherwise defined or classified in this By-law.

"PLANTING STRIP" means an area which shall be used and maintained for no purpose other than planting a continuous unpierced hedgerow of evergreens or shrubs. The hedgerow may be adjacent to the Lot Line or portion thereof for which such Planting Strip is required. The remainder of the Planting Strip shall be used for no purpose other than planting shrubs, flowers, grass or similar vegetation.

"PLANTING STRIP WIDTH" means the least horizontal dimension of a Planting Strip measured perpendicularly to the Lot Line adjoining such Planting Strip.

"PORCH" means a covered entrance, either enclosed or unenclosed, to a Building.

"PORTABLE ASHPALT BATCHING PLANT" see **"ASHPALT BATCHING PLANT"**

"POULTRY PROCESSING PLANT" means the Use of a Building or Structure for the slaughtering, processing, manufacturing, or packaging of poultry or poultry products and may include as an Accessory Use the wholesale or retail sale of poultry or poultry products.

“PRINTING ESTABLISHMENT” means an establishment used for the blueprinting, engraving, stereotyping, electro-typing, printing or typesetting, and shall include a Duplicating Shop and a letter-shop.

"PRIVATE CLUB" means a Building or part of a Building used as a meeting place for members of a chartered organization and shall include a lodge, a fraternity or sorority house, and a labour union hall.

"PRIVATE GARAGE" means an Accessory Building or Structure, Attached to or Detached from a Dwelling, which is fully enclosed and used for the sheltering of Permitted Motor Vehicles and storage of household equipment incidental to the residential Occupancy and in which there are no facilities for the repairing or servicing of vehicles for gain or profit. This definition may include a Carport or other open shelter.

"PROCESSED GOODS INDUSTRY" means a Building or part thereof used by textiles, leather and rubber industries; plastics and synthetic resins industries; paper and wood products industries; metal products industries; oil and coal by-products industries; chemical products industries; and non-metallic products industries. Processed Goods Industries exclude pulp and paper industries and primary metal industries.

"PROPANE TRANSFER FACILITY" means a facility at a fixed location having not more than one (1) storage container and such container shall not have an aggregate propane storage capacity in excess of 50,000 litres.

"PUBLIC RECREATIONAL USE" means the Use of land, water and/or Buildings for the purpose of Passive and Active Recreation, as defined in this By-law, owned or controlled by the Corporation or by any Ministry, board, Commission or Authority established under any Statute of Ontario or Canada.

"PUBLIC USE, NON-RECREATIONAL" means a Building, Structure or Lot used for public services by the Corporation or the County, any local board of either the Corporation or the County, a Conservation Authority established by the Government of Ontario, or any Ministry or Commission of the Government of Ontario or Canada.

"PUBLIC GARAGE" means a Non-Recreational Public Use where publicly owned Motor Vehicles such as road maintenance equipment are stored, repaired and/or maintained.

"PUBLIC UTILITY" means any water works, gas works, electricity works, telegraph or telephone lines and works for the transmission of gas, oil, water or electricity or any similar works supplying the general public with necessaries or conveniences and for greater clarity include electricity transmission and distribution systems. This definition excludes any processing, manufacturing, generation or like facility or process as well as any site where on-site personnel are employed on a regular basis.

"QUARRY" means the Licensed Use of land or land under water from which unconsolidated aggregate is being or has been excavated by means of an open excavation to supply material for construction, industrial or manufacturing purposes, and that has not been rehabilitated and may include an Aggregate Storage Area, but does not mean land or land under water excavated for a Building or Structure on the excavation site, and does not include a Wayside Quarry.

"RECREATION, ACTIVE" means the Use of land, water and/or Building for the purpose of organized active leisure activities requiring the erection of Buildings or the alteration of topography and shall include an arena, a sports field, a Golf Course.

"RECREATION, COMMERCIAL" means the commercial Use of land and/or Buildings for the purpose of recreation but shall not include a Place of Entertainment.

"RECREATION, PASSIVE" means 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, as well as a play lot with activity equipment for children.

"RENOVATION" means the replacement, repair and restoration of land, Building or Structure to good condition but shall not include its Replacement.

"RENEWABLE ENERGY SYSTEMS" means the production of electrical power from an energy source that is renewed by natural processes including, but not limited to, wind, water, a biomass resource or product, or solar and geothermal energy.

"REPAIR AND RENTAL ESTABLISHMENT" means a business engaged in maintaining, repairing, installing and renting articles and equipment for household, personal, construction and Industrial Use such as: radios and television; refrigerators and air conditioners; appliances; watches, clocks and jewelry; upholstery and furniture repair; and power tools, mobile construction equipment and moving equipment, for which Open Storage is Permitted. This does not include any other Use specifically referred to or defined in this By-law.

"REPLACEMENT" when used in reference to a Building or Structure or part thereof, means the removal and rebuilding, repairing or restoring of more than 25% of the total Building or Structure as it Existed on the date of passing of this By-law and shall include any Structural Alteration except that which is necessary to integrate the supporting elements of an Existing Building or Structure with those of an addition.

"RESEARCH AND DEVELOPMENT ESTABLISHMENT" means a Building or part thereof used by raw material development and testing firms; processed products development and testing firms; and chemical and biological products development and testing firms.

"RESIDENTIAL" means any Lot designated in a Residential Zone category or any Lot on which the primary use is or is intended to be a Dwelling or any Lot having located thereon a Dwelling other than a Dwelling Accessory to a Non-Residential Use.

"RESOURCE EXTRACTION" means the Use of land for the drilling, production from the ground, and storage of natural gas, brine or salt but excluding the refining of said products. This is separate from Petroleum Well as defined herein.

"RESTAURANT" means 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 cafe, cafeteria, ice cream parlour, tea or lunch room, dairy bar, donut shop, coffee shop, snack bar or refreshment room or stand. This definition shall not include a Drive-In Restaurant.

"RESTAURANT, DRIVE-IN" means an establishment where food is offered for sale or sold to the public for consumption, such establishment being designed for consumption of the food within a Motor Vehicle parked in a Permitted Parking Space on the premises of the establishment.

"RESTAURANT, DRIVE THROUGH SERVICE FACILITY" means an element of a Restaurant Use associated with ordering and serving food and beverages to patrons where they remain within a Motor Vehicle, and includes any associated speaker system and order board.

"REST HOME" means a Home for the Aged, which is also administered by a committee of management.

"RETAIL STORE" means 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.

"RETAIL WAREHOUSE" means a Building or part of a Building used for the storage and display of goods, merchandise, or materials and may include the carrying out of commercial transactions involving the sale of such goods, merchandise or materials by retail sale to the general public.

"RIDING SCHOOL" means the Commercial Use of land and Buildings for the instruction of Persons in the manner of riding horses and may include the boarding or stabling of horses A Riding School is a type of Livestock Facility. The riding arena portion of a Riding School is not subject to Minimum Distance Separation Setbacks.

"RIGHT-OF-WAY" means:

a) a right enjoyed by a Person of passing over another Person's land subject to such conditions and restrictions as are specified by grant, sanctioned by custom or by whatever other means, by virtue of which the right exists, and/or;
b) a term commonly applied to a more or less uniform strip of land used for the purposes of constructing a highway, railway, pipe line, telephone or power transmission line, etc.

"ROAD" means a Street as defined in this By-law.

"SALVAGE YARD" means a Lot, Building or Structure used for the wrecking, dismantling, storing, Open Storage or selling of second hand goods, wares or materials including, but not so as to limit the generality of the foregoing, rags, bottles, metals, clothing, furniture, paper, machinery, building materials and vehicles and parts thereof. This definition shall exclude a Motor Vehicle Wrecking Establishment.

"SANITARY SEWER" shall mean a system of underground conduits operated by the Corporation, another municipality or by the Ministry of the Environment, which carries sewage to a sewage treatment facility.

"SAWMILL" means the Use of land, Buildings or Structures for the purpose of processing logs or other unfinished wood into lumber, shingles, pallets, sawdust, firewood or related products, and may include Open Storage of such products.

"SCHOOL" means an elementary or secondary School under the jurisdiction of a public or separate, English-language or French-language board, a School operated on a non-profit basis and under charter granted by the Province of Ontario, or a private School.

"SEASONAL WORKER HOUSING" see **DWELLING"**.

"SEMI-DETACHED DWELLING" see **"DWELLING"**.

"**SENSITIVE LAND USES**" means buildings or outdoor areas associated with a school, day care, playground, sporting venue, park, recreational area, residence, place of worship, community centre, or any other place where people regularly gather or sleep.

"SERVICE AND REPAIR SHOP" means an establishment wherein articles of goods such as appliances, furniture or similar items may be repaired or serviced. This definition shall not include any manufacturing operation or establishment used for the service or repair of Motor Vehicles.

"SERVICE TRADE" means an establishment, other than an Motor Vehicle Use, that provides a non-personal service or craft to the public, including, but not necessarily restricted to, a printer's shop, a tinsmith's shop, a plumber's shop, a painter's shop, a merchandise service shop, a furrier's shop, an upholsterer's shop, a Bakery, a catering establishment, a Machine Shop, or a monument engraving shop.

"SETBACK" means the minimum horizontal distance between a Lot Line and the nearest part of the foundation of any Building or Structure on the Lot or the nearest Open Storage or Outdoor Display Use on the Lot.

"SHIPPING CONTAINER" means a pre-fabricated metal container or structure designed for storage of goods and materials while under transport by ship, rail or truck. A Shipping Container that has been incorporated into another Building or Structure as a structural element

and is not visible as a component of the Building or Structure is not considered a Shipping Container, provided not more than one such Building or Structure with one or more Shipping Containers as components is located on a Lot. (B/L 83/18)

"SHOPPING CENTRE" means a group of commercial establishments related in locations, size, and type to the trade or residential area it serves and conceived, designed, developed and managed as an interdependent and interrelated unit whether by a single Owner or tenant or by a group of Owners or tenants, acting in collaboration.

"SIGHT TRIANGLE" means the triangular space formed by the Street Lines of a Corner Lot and a line drawn from a point in one Street Line to a point in the other Street Line, each such point being a minimum distance specified in **Section 3.17.3** of this By-law from the point of intersection of the Street Lines (measured along the Street Lines). Where the two Street Lines do not intersect at a point, the point of intersection of the Street Lines shall be deemed to be the intersection of the projection of the Street Lines or the intersection of the tangents to the Street Lines.

"SIGN" means a name, identification, description, device, display or illustration which is affixed to or represented directly or indirectly upon a Building, Structure or Lot which directs attention to an object, product, place, activity, Person, institute, organization or business.

"SINGLE DETACHED DWELLING" see **"DWELLING"**.

"STANDARD CULTIVATION" means the indoor production of cannabis plants and seeds, and fresh and dried cannabis with no size limit on growing areas.

"STOCK YARD" means the Use of land, a Building or a Structure for the temporary containment of Livestock, for a maximum of seven (7) days.

"STORAGE DEPOT" means an area including reservoir, silo and tank storage; hangers; open air parking; and Open Storage. Storage Depots exclude Salvage Yards, Resource Extraction operations, and Wayside Pits.

"STOREY" shall mean the portion of a Building, other than an Attic, Cellar or Basement, included between any floor level and the floor, ceiling or Attic above it. Any loft or mezzanine greater than 50% of the Ground Floor Area of the floor below shall be considered a separate Storey.

a) **"ONE STOREY"** means a Building having one Storey and no loft, mezzanine or partial floor whatsoever.
b) **"ONE AND ONE HALF STOREY"** means a Building having a loft or mezzanine not exceeding 50% of the Ground Floor Area of the floor below.
c) **"TWO STOREY"** means a Building with two Storeys.

"STORM SEWER" means a pipe located entirely within the ground and designed, used, or intended for Use for the conveyance of precipitation.

"STREET" means a public thoroughfare intended for vehicular traffic and which is under the jurisdiction of the Corporation, the County or the Province of Ontario. This definition shall not include any Lane, Easement, or private Right-of-Way. **"STREET ALLOWANCE"** shall have a corresponding meaning.

"STREET ACCESS" means, when referring to a Lot, that such Lot has a Lot Line or portion thereof which is also a Street Line of a Street that is open and maintained on a year-round basis.

"STREET LINE" means the limit of the Street Allowance and is the dividing line between a Lot and a Street.

"STREET TOWNHOUSE" see **"DWELLING"**.

"STRUCTURAL ALTERATION" means the construction or re-construction of supporting elements of a Building or other Structure. Repairs, maintenance or installations that Alter the Size of the Building or involve the rearrangement or replacement of structural supporting elements are considered Structural Alterations. Structural elements include the foundation, floor joists, exterior walls, weight bearing walls, and roof trusses.

"STRUCTURE" means anything that is Erected, built or constructed of parts joined together or requiring a foundation to hold it erect, but shall not include free standing walls and fences.

"SWIMMING POOL, PRIVATE" means a Structure located on privately owned property, used and maintained for the purpose of swimming or wading. Private Swimming Pools shall be subject to the provisions of **Section 3.13** of this By-law.

"TAVERN" means a licensed establishment where alcoholic beverages are sold to be consumed on the premises and may or may not include the preparation and sale of food to the public for consumption on the premises.

"TERMINAL GRAIN ELEVATOR" means an establishment for the storing, receiving, shipping of grain and similar Agricultural products, and includes associated Offices, weigh scales, and Accessory Uses.

"THEATRE" means a Building, or part thereof, used for the presentation of the performing arts.

"TILLABLE HECTARES" means the total area of land on an Agricultural Lot including pasture that can be worked or cultivated.

"TIRE DISPOSAL SITE" shall mean the Use of any land, Building or Structure for the receiving and permanent storage of used tires and shall include any Lot on which five thousand (5000) or more tires are stored.

"TOP-OF-BANK" means a line delineated at a point where the oblique plane of the slope associated with a water course, meets the horizontal plane.

"TOURIST CENTRE" means any land, Buildings or Structures used for the purpose of providing tourist information and activities to the traveling public.

"TOWNHOUSE" see **"DWELLING"**.

"TRACK, RACE" means a course or line of motion on private lands laid out on the surface of the land used for the competition of automobile races, motorcycle races, snowmobile races, or other motorized vehicles races or any Use, racing, testing, or driving of motor vehicles, especially where participants are charged a fee or the Owner profits or receives a material benefit from hosting the activity; however, this definition shall not include venues used for sanctioned motorized vehicle events that are held within a community fairground or an appropriately zoned, temporary-events venue. This definition shall not include trails used for hiking, horseback riding, cross-country skiing or running or other forms of non-motorized travel. This definition shall not include operation of motor vehicles by the property's owners for personal use.

"TRANSMISSION TOWER" means a Structure situated in a Non-Residential Zone that is intended for transmitting or receiving television, radio, telephone or other communications signals, but shall not include an Antenna.

"TRAVEL TRAILER" means a vehicle designed, intended and used exclusively for travel, recreation and vacation and which is either capable of being drawn by a passenger Motor Vehicle or is self-propelled, notwithstanding that such Travel Trailer is jacked up or that its running gear is removed, and shall include tent trailers, vans, Motor Homes and similar

transportable accommodation excepting a Park Model Home and a Single or Double Wide Mobile Home.

"TRAVEL TRAILER SALES ESTABLISHMENT" means land and/or Buildings used for the Outdoor Display for sale of Travel Trailers and includes the servicing, repair, cleaning, polishing and greasing of such vehicles and the sale of accessories and related products and the leasing or renting of such vehicles, but does not include a Motor Vehicle Sales Establishment as defined in this By-law.

"TRIPLEX DWELLING" see **"DWELLING"**.

"TRUCK STOP" means the Use of any land, Buildings or Structures upon which a business, service or industry involving the maintenance, servicing, storage or repair of Commercial Motor Vehicles is conducted or rendered including the dispensing of motor fuel or petroleum products directly into Motor Vehicles, the sale of accessories or equipment for trucks and similar Commercial Motor Vehicles. A Truck Stop may also include overnight accommodation, laundry and shower facilities for the Use of truck crews, and Restaurant facilities.

"TRUCK TRANSPORT TERMINAL" means a Building, Structure, or Lot used for the Open Storage, repairing, or dispatching of Commercial Motor Vehicles or trailers.

"TYPE A LAND USES" means Uses to which MDS requirements apply. Type A Land Uses include Industrial (excluding M3 and M4 Zones), Passive Recreation, and Rural Commercial (C3 Zones) Uses and/or Zones intended primarily for such Uses. For the purposes of MDS I, Type A Land Uses also include a new Dwelling on an Existing Lot of record and the creation of a new Agricultural Lot or Lot for a Type A Land Use. For the purposes of MDS II, Type A Land Uses also include Dwellings located within an Agricultural designation in a local Official Plan. Type A Land Uses exclude any Use specifically defined as a Type B land Use. (B/L 4/2018)

"TYPE B LAND USES" means Uses for which greater MDS requirements apply than apply to Type A Land Uses. Type B Land Uses include settlement areas as designated in a local Official Plan (or extensions thereto) and areas outside of settlement areas designated in a local Official Plan for Institutional, Active recreation, or Commercial Uses. For the purposes of MDS I, Type B Land Uses also include Institutional, Active Recreation and Commercial (excluding C3 Zones) Uses and/or Zones intended primarily for such Uses and also any new Lot that results in or contributes to four or more non-Agricultural Lots that share Lot Lines or are directly across a Road Allowance from one another. (B/L 4/2018)

"USE" where it appears as a noun, means the purpose for which a Lot, Building or Structure, or any combination thereof is designed, arranged, occupied or maintained. **"USES"** shall have a corresponding meaning.

"UTILITY SERVICE BUILDING" means a Building used in connection with the supplying of Public Utilities including a water and sewage pumping station, a water storage reservoir, a gas regulator Building, a hydro sub-station, a telephone exchange Building or similar Buildings.

"VALUE ADDED INDUSTRY" means a business or activity carried out on an Agricultural Lot by Persons residing on the Lot. Such business or activity adds value or further processes a commodity or by-product produced by the main farm operation or uses such as the primary ingredient or material in a product produced on the site. It shall not include any processes or materials with significantly greater potential to cause site contamination than normal Agricultural activities.

"WALL, MAIN" means an outside wall of a Building which supports a roof and shall include a wall under a gable end.

"WAREHOUSE" means a Building or Structure or part thereof used or intended to be used for the storage and display of goods, merchandise or materials, and may include the carrying out of

commercial transactions involving the sale of such goods, merchandise and materials solely by wholesale.

"WAREHOUSE, BONDED" means a Warehouse, certified by the Federal government and guaranteed by a bonding agency, where goods may be stored until duties or taxes are paid.

"WASTE DISPOSAL SITE" means any land upon, into, in or through which, or Building or Structure in which, waste is deposited, disposed of, handled, stored, transferred, treated or processed, and any operation carried out or machinery or equipment used in connection with such depositing, disposal, handling, storage, transfer, treatment or processing. Waste includes ashes, garbage, refuse, domestic waste, industrial waste or municipal refuse.

"WATERCOURSE" means any natural or artificial stream, river, creek, ditch, including an Open Drainage Ditch, channel, canal, culvert, drain, gully or ravine in which water flows in a definite direction or course, either continuously or intermittently, and has a definite channel, bed and banks and includes any area adjacent thereto subject to inundation by reason of flood water.

"WAYSIDE PIT" OR "WAYSIDE QUARRY" means a temporary pit or Quarry opened and used by a public Road authority solely for the purpose of a particular project or contract of Road construction and not located on the Road Right-of-Way.

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

"WIND TURBINE" means a tubular or latticed, guyed or freestanding tower having located thereon a generator, which converts wind energy into electricity. A wind turbine, tower, foundation and any appurtenances are manufactured and erected with consideration for site soil conditions and in accordance with CSA standards, engineered design and/or applicable industry standards. This definition shall include Structures Accessory thereto.

"WIND TURBINE, ACCESSORY" means a Wind Turbine that produces electricity primarily for use on the Lot on which it is located or to produce credits for use on another Lot under the same ownership as the Wind Turbine operator. Although it may be connected to the utility grid and/or practice net metering, it does not produce electricity for sale to the utility grid.

"WIND TURBINE, COMMERCIAL" means a Wind Turbine that produces electricity primarily for profit by sale to the utility grid.

"WIND TURBINE, DERELICT" means a Wind Turbine that is no longer operable; exhibits signs of compromised structural integrity; has rusted, missing or damaged parts; has not been operated for a period of one year or more; is no longer fit to produce electricity; or no longer meets applicable safety standards.

"YARD" means a space, appurtenant to a Building or Structure, located on the same Lot as the Building or Structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such Accessory Buildings, Structures or Uses as are specifically Permitted to encroach upon a Required Yard in **Sections 3.3.2 and 3.12.1**.

a) **"FRONT YARD"** means a Yard extending across the full width of the Lot between the Front Lot Line of the Lot and the foundation of any Main Building on the Lot.
b) **"FRONT YARD DEPTH"** means the least horizontal dimension between the Front Lot Line of the Lot and the foundation of any Building or Structure on the Lot, or the nearest Open Storage or Outdoor Display Use on the Lot.
c) **"REAR YARD"** means a Yard extending across the full width of the Lot between the Rear Lot Line of the Lot and the foundation of any Main Building on the Lot. If there is no Rear Lot Line, there shall be deemed to be no Rear Yard.

d) **"REAR YARD DEPTH"** means the least horizontal dimension between the Rear Lot Line of the Lot and the foundation of any Building or Structure on the Lot, or the nearest Open Storage or Outdoor Display Use on the Lot.

e) **"SIDE YARD"** means a Yard extending from the Front Yard to the Rear Yard and from the Side Lot Line of the Lot to the foundation of any Main Building on the Lot. In the case of a Lot, which has no Rear Lot Line, the Side Yard shall extend from the Front Yard to the opposite Side Yard.

f) **"SIDE YARD WIDTH"** means the least horizontal dimension between the Side Lot Line of the Lot and the foundation of any Building or Structure on the Lot, or the nearest Open Storage or Outdoor Display Use on the Lot.

g) **"EXTERIOR SIDE YARD"** means a Side Yard immediately adjoining a Street, extending from the Front Yard to the Rear Lot Line.

h) **"INTERIOR SIDE YARD"** means a Side Yard other than an Exterior Side Yard.

i) **"REQUIRED YARD"** means the minimum Yard Permitted by the provisions of this By-law with respect to any particular Lot Line. A Required Side Yard shall extend from the Required Front Yard to the Required Rear Yard, or in the case of a Lot which has no Rear Lot Line, the Required Side Yard shall extend from the Required Front Yard to the opposite Required Side Yard.

"ZONE" means a designated area of land Use shown on Schedule "A" of this By-law, or on Schedule "A's" part maps.

SECTION 3 - GENERAL PROVISIONS

3.1 Uses Permitted In All Zones

The following Uses are Permitted in all Zones within the Corporation:

3.1.1 Services and Utilities

Despite any other provisions of this By-law (excluding **Section 3.20** *Environmental Protection Zones*) to the contrary, the Corporation of the Township of Enniskillen, the County of Lambton and any Ministry of the Government of Canada or Province of Ontario or their agents may for the purpose of the public service, use any land or any Building or Structure in any Zone in spite of the fact that such Use of any Building or Structure does not conform with the provisions of this By-law for such Zone. Any Public Utility shall comply with the provisions of this By-law only insofar as such Uses are for administrative or Office purposes.

3.1.2 Utility Service Buildings and Non-Recreational Public Uses

Utility Service Buildings and Non-Recreational Public Uses exclusive of Waste Disposal Sites and incinerators are Permitted in all Zones. Where such Use is located in any Residential Zone:

a) it shall comply with the provisions for such Zone;
b) there shall be no Open Storage; and
c) any Buildings or Structures Erected or used shall be designed, maintained and used in a manner compatible with Residential Buildings of the type Permitted in said Zone.

3.1.3 Public Recreational Uses

Parks and Community Centres operated by or for the Township of Enniskillen including Uses Accessory thereto.

3.1.4 Construction Uses

Any scaffolds, Shipping Containers, or other temporary items incidental to Building construction on the premises for so long as the same is necessary for work in progress to a maximum of 180 days total in any period of 365 consecutive days. Such Buildings, Uses and Structures shall be removed immediately upon termination and/or abandonment of the construction project and prior to reaching the maximum 180 day total. (B/L 83/18)

3.1.5 Transmission and Distribution Lines

a) Nothing in this By-law shall prevent the Use of any land for any gas, oil, brine or other liquid or gaseous product transmission or distribution pipe line and appurtenances thereto which have been approved by the National Energy Board or the Ontario Energy Board.
b) Nothing in this By-law shall prevent the Use of any land for any electricity transmission and distribution systems and appurtenances thereto including structures for the support of overhead transmission or distribution lines.

3.1.6 Petroleum Well and Petroleum Work

Nothing in this By-law shall prevent the Use of any land for any Petroleum Well or Petroleum Work subject to the regulations of the Oil, Gas and Salt Resources Act, R.S.O. 1990, Chap. P.12, as amended.

3.1.7 Wayside Pits and Portable Asphalt Plants

Wayside Pits, Wayside Quarries, and Portable Asphalt Plants, used on public authority contracts shall be Permitted in all Zones other than Environmental Protection Zones and except on or adjacent to an Existing built-up area.

3.1.8 Transmission Towers

Transmission Towers shall be Permitted in all Zones except for Residential Zones.

3.2 Uses Prohibited in All Zones

Unless specifically Permitted in this By-law, all Uses, including the following Uses, are specifically prohibited and shall only be Permitted by amendment to this By-law under Section 34(10), or application under Section 45, of the Planning Act, R.S.O. 1990, Chap. P.13, as amended.

a) Offensive Industrial Uses including the boiling of blood, tripe or soap, tanning of hides and skins and other similar Uses which may be declared by the local Board of Health or Council to be a noxious or offensive trade, business or manufacture.
b) The operation of year-round, privately-owned Travel Trailer camps or privately-owned Campgrounds, but not including the operation of Mobile Home Parks as defined in this By-law.
c) Motor Vehicle Wrecking Establishment as defined in this By-law.
d) The outdoor keeping or storage of any Derelict Motor Vehicle.
e) A Race Track.
f) Adult Entertainment Parlour as defined in this By-law.
g) Any manufacturing or processing Use involving Dangerous Goods which poses a hazard to the public.
h) A Tire Disposal Site

3.3 Accessory Buildings, Structures or Uses

3.3.1 Accessory Buildings, Structures or Uses Permitted

Where this By-law provides that land may be used for a Building or Structure or may be Erected or used for a purpose, that purpose shall include any Accessory Building, Structure or Use, but shall not include any of the following Uses, except as specifically Permitted in this By-law;

a) Any occupation for gain or profit conducted within or Accessory to a Dwelling Unit; nor
b) Any Building used for human habitation or portion of a Building used as an Accessory Dwelling.

Where this By-law provides that land may be used for a Dwelling, the Permitted Accessory Uses shall include a Garage Sale provided that:

a) No Person shall conduct more than two (2) Garage Sales per calendar year at one (1) location;
b) No Garage Sale shall exceed two (2) days' duration.

3.3.2 Structures Permitted in All Yards

Despite any other Yard provisions of this By-law, drop awnings, flag poles, garden trellises, fences, retaining walls, Permitted Signs, or similar Accessory Uses and Structures shall be Permitted in any Yard provided they are placed outside of any Sight Triangle as defined in **Section 3.17.3**.

3.3.3 Accessory Buildings and Structures In Residential Zones

All Accessory Buildings and Structures shall comply with the Yard provisions of the Zone in which such Accessory Building or Structure is located, except that in any Residential Zone, an Accessory Building or Structure shall comply with the following provisions:

a) Except as otherwise provided for in any Residential Zone, a Detached Accessory Building or Structure shall not be Erected in any Yard other than the Interior Side Yard or Rear Yard.

b) An Attached Accessory Building or Structure may be Erected in a Front Yard or Exterior Side Yard provided it is not located in a Required Yard.

c) A Detached Accessory Building or Structure shall be Erected no closer than 1 metre to a Rear Lot Line or an Interior Side Lot Line.

d) When a Detached Accessory Building or Structure is greater than either 5.5 metres in height or 110 square metres in Lot Coverage, it shall be located no closer than 3 metres to a Rear Lot Line or an Interior Side Lot Line.

e) No Accessory Building or Structure shall be located closer to the Exterior Side Lot Line than the Required Exterior Side Yard for the Zone in which the Lot is located.

f) No Accessory Building or Structure shall be located closer to the Rear Lot Line of a Through Lot than the Front Yard Setback requirement for the Zone in which such Lot is located.

g) Where a mutual Private Garage is Erected on the common Lot Line between two (2) Lots, no Setback is required from the common Lot Line.

h) An area of 1.2 metres which is open and unobstructed from the ground to the sky shall be maintained between a Detached Accessory Building or Structure and the Main Building on the same Lot.

3.3.4 Lot Coverage and Height of Accessory Buildings and Structures in Residential Zones

On any Lot within any Residential Zone:

a) Attached Accessory Lot Coverage shall not exceed 0.6 times the Gross Floor Area of the Dwelling (excluding Attached Accessory Buildings and Structures) to which it is Attached.

b) Detached Accessory Lot Coverage shall be limited to a maximum of 10% of the first 1000 square metres of Lot Area, plus 5% of any Lot Area in excess of 1000 square metres.

c) Detached Accessory Lot Coverage shall not exceed 112 square metres except that on a Lot within the R2 Zone the maximum Permitted Detached Accessory Lot Coverage shall be 168 square metres if the Lot Area is less than 1.6 hectares and 298 square metres if the Lot Area is 1.6 hectares or greater.

d) In addition to the Detached Accessory Lot Coverage Permitted by **Section 3.3.4 c)**, another 24 square metres shall be Permitted on a Lot provided it is composed of no more than two Buildings or Structures neither of which exceed 14 square metres

e) The maximum Height of a Detached Accessory Building or Structure shall be 5.5 metres except that on a Lot that is in a R2 Zone and 0.4 hectares or greater in Lot Area the maximum shall be 6.1 metres. Detached Accessory Building and Structure Height shall be measured from the finished floor to the highest point of the Building or Structure.

Fences and Walls

f) The maximum Permitted Height of a fence, privacy wall or like feature shall be 2.5 metres; however, any portion of a fence located in a Sight Triangle shall comply with **Section 3.17.3** and the maximum Permitted Height within 4 metres of the Front Lot Line shall be 1.1m.

3.3.5 Buildings and Structures Accessory to Residential In Agricultural Zones

On any Lot within any Agricultural Zone that is less than 1.6 hectares in Lot Area, the following shall apply to any Building or Structure that is Accessory to a Residential Use:

a) Attached Accessory Lot Coverage shall not exceed 0.7 times the Gross Floor Area of the Dwelling (excluding Attached Accessory Buildings and Structures) to which it is Attached.

b) Detached Accessory Lot Coverage shall be limited to a maximum of 10% of the first 1000 square metres of Lot Area, plus 5% of any Lot Area in excess of 1000 square metres.

c) Detached Accessory Lot Coverage shall not exceed

   i) 186 square metres, if there is another Lot within 30 metres of the Lot that is 1.6 hectares or less in Lot Area, or

   ii) 298 square metres, if there is no other Lot within 30 metres that is 1.6 hectares of less in Lot Area.

d) In addition to the Detached Accessory Lot Coverage Permitted by **Section 3.3.5 c)**, another 24 square metres shall be Permitted on a Lot provided it is composed of no more than two Buildings or Structures neither of which exceed 14 square metres each.

e) Notwithstanding the minimum Required Yards in **Table A**, the minimum Required Rear and Interior Side Yards shall be 2 metres, except that where a Detached Accessory Building or Structure is greater than either 5.5 metres in Height or 140 square metres in Lot Coverage, it shall be located no closer than 4.5 metres to any Rear Lot Line or Interior Side Lot Line that is shared with another Lot that is less than 1.6 hectares in Lot Area.

g) The maximum Height of a Detached Accessory Building or Structure shall be 7.5 metres, measured from the finished floor to the highest point of the Building or Structure.

3.3.6 Shipping Containers

3.3.6 Shipping Containers

No Shipping Container shall be Permitted in or used as a Building or Structure in any Zone other than an Industrial (M) Zone, Mixed Commercial Industrial (CM) Zone or **Commercial 4 (C4) Zone** except for the purpose described in Section 3.1.4 or for facilitating the relocation of a household to or from the Lot on which the Shipping Container is placed. In the case of facilitating the relocation of a household, the Lot shall not have a Shipping Container located thereon for more than 180 days in any period of 365 consecutive days. (B/L 83/18)

3.4 Non-Conforming Uses

This By-law acknowledges that Section 34(9) (a) and (b) of The Planning Act, R.S.O. 1990, Chap. P.13, as amended, provides that "no By-law passed under this section applies:

a) To prevent the Use of any land, Building or Structure for any purpose prohibited by the By-law if such land, Building or Structure was lawfully used for such purpose on the day of the passing of the By-law, 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 5 of the Building Code Act, R.S.O. 1990, Chap. B.13, 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, R.S.O. 1990, Chap. B.13, as amended."

Furthermore, Sections 34(10) and 45(2) of the Planning Act, R.S.O. 1990, Chap. P.13, as amended, contain provisions:

c) To permit the extension or enlargement of any land, Building or Structure used for any purpose prohibited by the By-law if such land, Building or Structure continues to be used

in the same manner and for the same purpose as it was used on the day such By-law was passed.

3.5 Non-Conforming Uses - Restoration

a) Where in any Zone, any Building or Structure exist as a legal Non-Conforming land Use and the said Dwelling is destroyed by fire or natural disaster, this By-law does not prevent the reconstruction of the said Building or Structure to its prior dimensions at its exact prior location. Should the exact prior location be impossible to build upon for legal, technical or insurance reasons, then the location may be adjusted only to the extent necessary to overcome such reasons.

b) Nothing in this By-law shall prevent the strengthening or restoration to a safe condition of any Non-Conforming Use, Building or Structure provided that such repair or restoration will not increase the Height, size or volume or change the Use of such Building or Structure or constitute a Replacement.

3.6 Non-Complying Uses

Re-Building or Repair Permitted

a) Where in any Zone a Non-Complying Use, Building or Structure is destroyed by fire or natural disaster, such Non-Complying Use, Building or Structure shall, if rebuilt, be reconstructed in compliance with this By-law. When it is not possible for legal, technical or insurance reasons to build in compliance with this By-law, such reconstruction shall comply as close as possible with the By-law unless this is also not possible for legal, technical or insurance reasons; in which case, such Non-Complying Use, Building or Structure may be reconstructed to its prior dimensions at its exact prior location.

Strengthening to a Safe Condition

b) Nothing in this By-law shall prevent the repair or restoration to a safe condition of any Non-Complying Use, Building or Structure provided that such repair or restoration does not Further Contravene any of the provisions of this By-law or constitute a Replacement.

Additions and Accessory Uses Permitted

c) Nothing in this By-law shall prevent an addition to a Non-Complying Use, Building or Structure, provided that such addition does not Further Contravene any of the provisions of this By-law.

d) Nothing in this By-law shall prevent the erection or enlargement of Buildings, Structures and Uses Accessory to a Non-Complying Use, Building or Structure, provided that such erection or enlargement does not Further Contravene any of the provisions of this By-law.

3.7 Dwelling Units

3.7.1 Yard Provisions for Non-Residential Buildings

Where a Dwelling Unit is located in a Non-Residential Building, such Dwelling Unit shall comply with the Yard provisions of this By-law which apply to the said non-residential Building.

3.7.2 Cellar Location

No Dwelling Unit shall be located in a Cellar.

3.7.3 Basement Location

A Dwelling Unit, in its entirety, may be located in a Basement, provided that:

a) The finished floor level of such Basement is not below the level of any Sanitary Sewer or Storm Sewer serving the Building in which such Basement is located, and;

b) There is at least one (1) Storey containing habitable space located above such Basement.

3.8 Accessory Second Dwelling

Within any Residential (R) or Agricultural (A) Zone, one Accessory Second Dwelling shall be permitted subject to the following provisions. An Accessory Second Dwelling shall:

a) not be established or occupied without first obtaining all required permits and inspections under the Ontario Building Code.
b) Have two means of egress located in separate areas of the Accessory Dwelling Unit, one of which may be an exterior window at least 0.35 square metres in area with no dimension less than 38 cm.

Where Not Permitted

c) be prohibited on any Lot with more than one Dwelling Unit.
d) be prohibited in any Mobile Home Park or plan of condominium.
e) be prohibited within a Detached Accessory Building within any R3 Zone.
g) not be located on a Lot that is less than the minimum required Lot Area for the Zone in which it is located. Notwithstanding, in an A1 or A2 Zone or on any Lot serviced by a private septic system, the minimum Lot Area required to establish an Accessory Second Dwelling shall be 0.8 Ha.
h) comply with the MDS I requirements of **Section 5.2**, if located within an A1 or A2 Zone.

Size

i) not be Permitted unless the main Dwelling on the Lot (exclusive of the Floor Area occupied by the Accessory Second Dwelling) meets the minimum Gross Floor Area requirements in **Table A**, after the Accessory Second Dwelling is established.
j) have a minimum floor area based on the following:

    i) 30 square metres where the only bedroom space is combined with a living space.
    ii) 35 square metres for a one-bedroom Accessory Second Dwelling.
    iii) 49 square metres for a two-bedroom Accessory Second Dwelling.
    iv) 62 square metres for a three-bedroom Accessory Second Dwelling.
    v) 62 square metres plus 9 square metres for each bedroom in excess of three for an Accessory Second Dwelling with more than three bedrooms.

k) not exceed a Gross Floor Area equal to 30% of the Gross Floor Area of the main Dwelling.
l) not exceed a Gross Floor Area of 46 square metres if located within a Detached Accessory Building.

Character and Amenity

m) share a single driveway with the main Dwelling.
n) have access to and use of the same Landscaped Open Space as the main Dwelling.
o) not have an entrance or Deck on a side of the Dwelling facing a Street.
p) not be constructed as an addition to a wall of the main Dwelling nearest a street.

When in Detached Building

q) when located within a Detached Accessory Building, have its entrance and any Deck or unenclosed Porch face the Interior Side Lot Line furthest from the Building.
r) not be Permitted in a Detached Accessory Building that is located closer than 2.4 metres to an Interior Side Lot Line or within a distance of the Rear Lot Line less than the Minimum Rear Yard Setback requirement applying to the main Dwelling. Notwithstanding, the Minimum Required Interior Side Yard shall be the same as applies to the main Dwelling where an established evergreen hedge or solid board fence, either

being at least 1.8 metres in height, is located and maintained along the respective Interior Side Lot Line.

s) not be Permitted in a Detached Accessory Building further than 20 metres from the main Dwelling.

t) not be permitted in a Basement of a Detached Accessory Building.

u) not be permitted in a second floor of a Detached Accessory Building, except where located within an A1 or A2 Zone.

3.9 Lot Development Requirements

3.9.1 Frontage on A Street

No Lot shall be used and no Building Erected or used on a Lot unless the Lot has Street Access. Despite the foregoing, a Building or Structure may be Erected upon a Lot within a registered plan of subdivision in accordance with the provisions of a subdivision agreement in respect of such plan of subdivision even though the Streets within such plan of subdivision have not been assumed and are not being maintained by the Corporation. Further, a Building or Structure may be Erected on a Lot without Street Access if it is a Replacement of, an addition to, or Accessory to an Existing Main Building.

3.9.2 More Than One Use on A Lot

When a Lot contains more than one (1) Use, each such Use shall conform to the provisions of this By-law for such Use in the Zone where it is located.

3.9.3 More Than One Zone on A Lot

When a Lot is divided into more than one (1) Zone, each such portion of the Lot shall be used in accordance with the provisions of this By-law for the applicable Zones. Where a portion of a Lot is Zoned Environmental Protection, such portion may be included in determining the minimum Lot Area requirements and the Environmental Protection Zone line shall not be considered a Lot Line for Setback purposes on the adjoining Zoned area provided that no Building or Structure is located on that part of the Lot Zoned Environmental Protection**.**

3.9.4 Number of Dwellings

On any Lot containing a Single Detached Dwelling or Farm Dwelling, not more than one Dwelling shall be Permitted except for an Accessory Second Dwelling established in compliance with **Section 3.8**.

3.9.5 Existing Lots

a) In any Zone, where one or more Existing Lots are held in separate ownership and have insufficient Lot Area and/or Frontage, this By-law shall not prevent the Use of such Lot and the construction of any Building or Structure Permitted by this By-law, provided that all other provisions of this By-law are complied with and provided that the Lot can be serviced with a potable water supply and sanitary sewerage facilities or septic system.

b) Notwithstanding the above clause, the erection of new Dwellings that are not Single Detached Dwellings and contain more than one (1) Dwelling Unit shall comply with the Lot Area and/or Frontage provisions per Dwelling Unit as listed in **Table A** or elsewhere in this By-law.

3.10 Home Occupations

3.10.1 All Home Occupations

Unless specified otherwise in this By-law, a Home Occupation shall be Permitted as an Accessory Use to any Dwelling, subject to the following provisions:

a) "Employed", for the purposes of this section, means contracted, engaged or otherwise employed to perform or carry out work. Employed includes employed as a volunteer or as an employer.

Neighbourhood Character & Amenity

b) The Home Occupation shall not cause any individual or cumulative effects that change the Residential character of the Dwelling or Lot. The Use shall not:

i) be visible or apparent from adjacent Lots, other than due to Permitted Signs,
ii) cause a nuisance or annoyance or loss of enjoyment of property to neighbours, or
iii) cause a significant increase in traffic on Streets serving the Dwelling.

c) The Home Occupation shall not generate noise, vibration, fumes, dust, smoke, heat, odour, odorous material, humidity, effluent, glare, magnetic fields, radiation, refuse or any other objectionable emission which is evident outside of the Dwelling Unit or which exceeds any legal limits.

d) The Home Occupation shall not interfere with any communication signals.

e) The Home Occupation shall not present a health, life or fire safety hazard under the Building Code, National Fire Code, or any local, provincial or federal legislation and shall not present any serious threat of site contamination.

Scale of Activity

f) The Home Occupation shall be entirely enclosed within the Dwelling Unit or Accessory Building(s). Goods, materials or equipment associated with the Home Occupation shall be stored or displayed only within the floor area Permitted for Home Occupation Uses and shall not be visible from adjacent Lots.

g) The amount of floor area used by the Home Occupation shall not exceed 33% of the total finished floor area of the Dwelling Unit, shall not exceed 40 square metres in all Accessory Buildings combined, and shall not exceed 56 square metres in total.

h) Not more than two (2) Persons not residing permanently on the premises shall be employed at the premises.

Parking Areas

i) One additional off-street Parking Space shall be required for each Person employed by the Home Occupation that drives to work and also for each Guest Room in a Bed and Breakfast.

j) Interior Parking Spaces may be used for work vehicles and shall not be counted as part of the Home Occupation's floor area. A maximum of one work vehicle shall be parked out of doors, or two in an A1 or A2 Zone. Work vehicles may include small machinery like a small tractor or a Commercial Motor Vehicle, but shall not include a transport truck's trailer or heavy equipment such as a dump truck.

k) No more than 50% of both the Front Yard and any Exterior Side Yard shall be used as Parking Area and the Lot shall meet minimum Landscaped Open Area requirements in **Table A**.

Servicing Requirements

l) Any Home Occupation which requires a significant volume of water and/or produces a significant volume of sewage shall require approval from the service provider and, if the

Dwelling is serviced by a private septic system, shall also require approval under Part 8 of the Building Code.

Retail Sales

m) The Home Occupation shall permit rental or retail sales at the Dwelling Unit of only merchandise that is:

i) produced, assembled, repaired, or otherwise has value added, within the Dwelling Unit or its Accessory Building(s), or
ii) associated with a service being provided as part of the Use.

n) Sales transactions are Permitted where orders are placed by phone and merchandise is either picked up by the customer or delivered to the customer from the Dwelling or another location.

Instructional Activities

o) The Home Occupation may involve instructional or educational activity. More than 4 students may be Permitted only if the activity requires additional participants and all requirements of fire, health and life safety have been investigated and met. The teaching of music, dance, or other physical activity that is likely to create noise or vibration shall be Permitted only within Single-Detached Dwelling Units.

Deliveries

p) The Home Occupation shall not involve the receipt or delivery of goods or equipment by transport truck or methods other than those typical of regular Residential deliveries.

q) Where located within 100 metres of a Dwelling on a separate Lot, no deliveries to or from the Home Occupation shall occur between the hour of 7pm of one day and 7am of the following day.

Specifically Prohibited Activities

r) The following Uses shall not be Permitted as a Home Occupation or a part thereof:

i) a Use which does not comply with the preceding provisions.
ii) any Use prohibited in **Section 3.2**.
iii) Animal Hospital
iv) Use involving the presence of Livestock.
v) drug store;
vi) Dry Cleaning Establishment or Depot;
vii) Institutional Use providing overnight residency and/or care.
viii) Laundromat;
ix) Restaurant of any type;
x) Retail Store;
xi) Motor Vehicle Repair, Service, Washing, or Wrecking Establishment;
xii) sale, repair or service of Motor Vehicles, machinery, equipment or appliances;
xiii) sale or installation of Motor Vehicle audio parts, products or accessories.

Signs

s) One non-illuminated Sign advertising the Home Occupation shall be Permitted with a maximum size of 0.3 square metres.

Clinics

t) Where a Home Occupation is a Clinic, a minimum of 1.5 parking spaces for each Person employed shall be provided.

u) No more than one (1) physician, dentist or drugless practitioner shall practice in a Clinic where such Clinic constitutes a Home Occupation.

v) A Single-Detached Dwelling may be entirely converted for use as a Clinic in which case no Person shall be required to reside on site and the number of employees may be as many as six.

3.10.2 Rural Home Occupations

A Home Occupation may be operated as an Accessory Use to a Dwelling on a Lot in an A1 or A2 Zone and shall be subject to the regulations of **Section 3.10.1** with the following modifications:

a) The Use shall not change the main Residential or Agricultural character and Use of the Lot.
b) The amount of floor area used by the Home Occupation shall not exceed 33% of the total finished floor area of the Dwelling Unit or 56 square metres, whichever is the lesser and, outside the Dwelling, shall not exceed 93 square metres in all Buildings combined.
c) Open Storage or Outdoor Display totaling up to 93 square metres shall be Permitted and shall be screened from view of Streets and neighbouring Dwellings by solid fences, Buildings or hedges.
d) A transport truck and trailer or heavy equipment that is operated by only the Home Occupation owner may be parked on site as an Accessory Use.
e) Instructional or educational activities for more than 4 students shall be Permitted provided all fire, health and life safety requirements have been investigated and met.
f) One non-illuminated Sign shall be Permitted having a maximum area of 2 square metres and displaying the name of the business or Person engaged in such Home Occupation on the Lot.

Additional Activities Permitted Where No Immediate Neighbours

g) Where a separation of 200 metres or more exists to the nearest neighbouring Dwelling or any Use defined as a Type B Use for MDS II purposes and the Home Occupation would not contravene **Sections 3.10.1 b), d), and e)**, the following modifications shall apply:

    i) Emissions that are perceptible outside the Dwelling or Building but within all legal limits shall be Permitted.
    ii) Receipt or delivery of goods or equipment shall be Permitted by any form of transportation provided such vehicles have no need to park or make reversing maneuvers on public roadways.
    iii) The following Uses shall be Permitted provided any Open Storage or Outdoor Display is surrounded by a solid board fence at least 2.4 metres in Height and the Use does not change the character of the Main Use or become a nuisance to neighbouring properties:

        1) sale, repair or service of Motor Vehicles, machinery, equipment or appliances.
        2) sale or installation of Motor Vehicle audio parts, products or accessories.
        3) Parking of construction equipment and construction vehicles within the Permitted floor area and Open Storage limits.

3.10.3 Value Added Industries

A Value Added Industry shall be Permitted as an Accessory Use to an Agricultural Use and shall comply with the regulations of **Section 3.10.1** subject to the following modifications:

a) Home Occupations that do not make use of a commodity produced as part of the Agricultural Use of the Lot are not Value Added Industries.
b) A Value Added Industry may be visible from neighbouring properties and may be notable as a separate component to an Agricultural Use.
c) Retail or wholesale sales shall be Permitted from the Lot, provided goods for sale are primarily those produced by the Value-Added Industry.
d) A Value Added Industry may result in increases in traffic volumes on Streets serving the Use.
e) The total floor area used by a Value Added Industry shall not exceed 375 square metres outside of the Dwelling and not more than 33% of the Dwelling's finished floor area.
f) Open storage of up to 190 square metres shall be Permitted.
g) A Value Added Industry may employ up to 10 Persons not residing on the Lot, provided this number shall be reduced by the number of Persons not residing on the Lot who are employed in activities on the Lot not associated with the Value Added Industry.
h) A maximum of 2 delivery vehicles required for delivering finished product may be kept on site.
i) One non-illuminated Sign shall be Permitted having a maximum area of 2 square metres and displaying the name of the business or Person engaged in such business on the Lot.

3.10.4 Agri-Tourism Uses

Agri-Tourism Uses shall be Permitted as Accessory to an Agricultural Use and shall comply with the regulations of **Section 3.10.1** subject to the following modifications:

a) Home Occupations not based in activities promoting hands-on education, familiarization, or enjoyment of farm practices, farm-living, food and crop production, livestock, agricultural history, or agricultural economy are not Agri-Tourism Uses.
b) An Agri-Tourism Use may be visible from neighbouring properties and may be notable as a separate component to an Agricultural Use.
c) Retail sales shall be Permitted from the Lot, provided goods for sale are primarily commodities produced by the Agricultural Use.
d) An Agri-Tourism Use may result in increases in traffic volumes on Streets serving the Use.
e) The combined Gross Floor Area of all Buildings used primarily by an Agri-Tourism Use, as opposed to Buildings existing for the Agricultural Use, shall not exceed 375 square metres.
f) Open storage of up to 190 square metres shall be Permitted.
g) Not more than 2 hectares of land shall be removed from traditional Agricultural Use for activities associated with the Agri-Tourism Use.
h) An Agri-Tourism Use may employ up to 10 Persons not residing on the Lot, provided this number shall be reduced by the number of Persons not residing on the Lot who are employed in activities on the Lot not associated with the Agri-Tourism Use.
i) A maximum of three Guest Rooms may be offered to customers participating in the Agri-Tourism Use's activities. The maximum Permitted Gross Floor Area associated with Guest Rooms including common areas shall be 30 square metres times the number of Guest Rooms. This shall be in addition to the maximum Gross Floor Area Permitted for the Agri-Tourism Use itself.
j) One non-illuminated Sign shall be Permitted having a maximum area of 2 square metres and displaying the name of the business or Person engaged in such business on the Lot.

3.11 Human Occupancy of Truck, Bus and Coach Bodies or Travel Trailers, Truck Campers, Motor Homes or Tents

a) 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;

b) With the exception of lands Zoned specifically for the purpose, on no Lot shall any Travel Trailers, truck campers or Motor Homes be used by any Persons for living, sleeping or eating accommodations except as Accessory to a Dwelling on the same Lot and not for more than sixty (60) days total in any period of ten (10) consecutive months. Further, no more than one such Travel Trailer, truck camper or Motor Home shall be used in such manner in any period of ten (10) consecutive months.

3.12 Permitted Encroachments

3.12.1 Yard Encroachments Permitted

Unless otherwise specified by this By-law, every part of any Yard required by this By-law shall be open and unobstructed by any Building or Structure from the ground to the sky, provided however; those Structures listed below shall be Permitted to encroach into the Required Yards indicated for the distances specified, measured either from the point of the Main Wall closest to the Lot Line or from the Required Yard, whichever is furthest from the Lot Line:

	STRUCTURE	YARD IN WHICH ENCROACHMENT IS PERMITTED	MAXIMUM ENCROACHMENT PERMITTED UNDER ZONE REGULATIONS
a)	Sills, belt courses, cornices, eaves, gutters, chimneys or similar architectural Structure	Any Yard	0.5 metre
b)	Outdoor heating and air conditioning unit	Any Yard	1.0 metre
c)	Porches (unenclosed) excluding eaves	Any Yard	2.0 metres*
d)	Decks (Unenclosed)	Any Yard	2.0 metres*
e)	Balconies and steps (unenclosed)	Any Yard	2.0 metres*
f)	Bay windows and awnings*	Any Yard	1.0 metre*
g)	Cantilever*	Any Yard	1.0 metre*
h)	Fire escape	Any Yard	1.2 metres

*Provided however that c), d), e), f), g), and h) shall not be any closer than 1.2 metres to an Interior Side Lot Line and item f) shall not exceed a width of 3 metres if encroaching into a Required Yard.

In any Agriculture Zone, where a Dwelling Unit is Non-Complying regarding the Required Front Yard Setback, a Deck (Unenclosed) or unenclosed Porch may be added to the Dwelling if such Deck or Porch is no closer to the Front Lot Line than the front of the Building.

3.12.2 Where a Minor Variance Is Granted

Where a minor variance is granted from a Required Yard, no Permitted Encroachment, other than those listed in **Section 3.12.1 a)**, may encroach closer to the Lot Line than the Setback established by the granted minor variance or than the Encroachment that was Permitted prior to the granted minor variance, whichever is closer to the Lot Line. The Permitted Encroachments of **Section 3.12.1 a)** may encroach 0.5 metres beyond the granted minor variance, provided they shall be no closer than 0.5 metres to a Lot Line.

3.12.3 Building in Built-Up Areas

Where a Building is to be Erected within a built-up area where there is an Established Building Line, such Building may be Erected closer to the Street Line than Permitted by this By-law provided that such Building is not Erected closer to the Street Line than the Established Building Line.

3.12.4 Yard Depth Non-Compliance

Where in any Zone, a Building or Structure lawfully existed on the date of passing of this By-law and is used for a Permitted Use and the Existing Building or Structure does not comply with the minimum Required Yards for the Zone in which it is situated, the Existing Yards shall be deemed to be the minimum Required Yards for that Building or Structure. Any expansion to the Existing Building or Structure shall comply with all provisions of this By-law.

3.13 Private Swimming Pools

A Private Swimming Pool shall not be considered as part of the Lot Coverage. Fences surrounding Private Swimming Pools shall comply with the By-laws of the Corporation regulating such fences. Private Swimming Pools shall be subject to the same Setbacks as required by, **Section 3.3.3**.

3.14 Deck (Unenclosed)

A Deck (Unenclosed) shall not be considered as part of the Lot Coverage and shall be subject to the same Setbacks as Accessory Buildings or Structures in the Zone they are Permitted, except as provided for in **Section 3.12.1**, Yard Encroachments Permitted.

3.15 Height Restrictions

The Height provisions of this By-law shall not apply to the following:

a) air conditioning works, radio antennas, television antennas, bridges, church spires, belfries, cupolas, elevators, light standards, staircases, chimneys, smokestacks, ventilators, skylights, water tanks, bulkheads, firewalls, farm buildings, flag poles, grain elevators, Transmission Towers, Meteorological Masts, and;

b) any feature necessary for mechanical appurtenances Accessory to the Building on which they are Erected provided the feature is Erected only to the Height necessary to accomplish their purpose.

Furthermore, the Height provisions of this By-law shall not apply to any roof Sign Erected and/or maintained in accordance with any by-law or regulation of the Municipality from time to time in force, provided however, that such features are Erected only to such Height as is necessary to accomplish their purpose.

3.16 Open Storage and Outdoor Display Regulations

Subject to the provisions of **Section 3.16**, and in addition to the Zones in which Open Storage and Outdoor Display are Permitted, where this By-law so implies, Open Storage and/or Outdoor Display shall be Permitted for the specified purposes as Accessory to a Permitted Use.

Minimum Setbacks

a) The minimum Setback from a Lot Line for any Permitted Open Storage or Outdoor Display shall be no less than the respective Required Yard of the Zone in which the Open Storage or Outdoor Display is located except in the case of a Permitted Agricultural Use, Extractive Use, Salvage Yard, or a Storage Depot. Notwithstanding, the minimum Front Yard or Exterior Side Yard Setback for any Permitted Outdoor Display shall be 0 metres;

Parking

b) Any areas used for Permitted Open Storage or Outdoor Display shall be in addition to and separate from such areas as may be required by this By-law for the provision of off-Street Parking Spaces;

Lighting

c) Where lighting facilities are provided in conjunction with any Permitted Open Storage or Outdoor Display, such lighting shall be so arranged as to deflect light onto the Open Storage or Outdoor Display area and away from any adjoining properties;

Screening

d) Excepting an Agricultural Use, Aggregate Storage Area, Nursery or similar Use, any portion of a Lot used for Open Storage shall be enclosed by a fence measuring at least 2.5 metres in Height in an Industrial Zone and at least 1.8 metres in all other Zones. Where abutting any Residential, Institutional or Open Space Zones, such fence shall be constructed of solid materials;

e) If the Interior Side or Rear Lot Line of a Lot upon which Outdoor Display and sale is Permitted abuts a Residential, Institutional or Open Space Zone, then a Planting Strip shall be provided along such abutting Lot Line or portion thereof, in accordance with **Section 3.18**;

Surface Treatment

f) Any Open Storage or Outdoor Display area shall be maintained with a stable surface, treated so as to prevent the raising of dust or loose particles and drained in accordance with the requirements of the Municipality; or, in the case of an Outdoor Display area, may be maintained as a lawn in a healthy growing condition.

Location

g) Open Storage shall be prohibited in any Front Yard, Interior Side Yard or Exterior Side Yard adjacent to any Residential, Institutional or Open Space Zone.

3.17 Special Setback Provisions

3.17.1 Setbacks from Open Municipal Drains

No Building or Structures shall be Erected, after the date of passing of this By-law closer than 15 metres from the Top-of-Bank of any Open Municipal Drain in any zone.

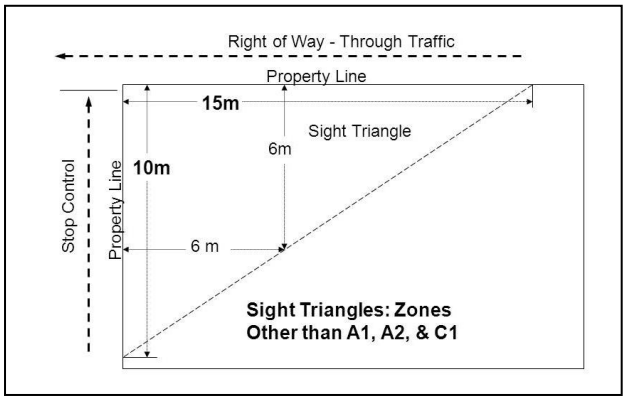
3.17.2 Setbacks from Closed Drains, Sewers And Water Mains

No Building or Structure shall be Erected:

a) Closer to the centre line of a municipal gravity Sanitary Sewer or Storm Sewer (including Closed Municipal Drains) than the sum of 0.3m, half the diameter of the service pipe, and the invert depth of the service. Notwithstanding, the setback shall not be less than 2.5 metres where the top of the footing of the Building or Structure is 30 cm or more below the invert of the service, or 5 metres where the elevation of the footing Is located otherwise.

b) Closer to the centre line of a municipal force main Sanitary Sewer or water line than the sum of 1.3m, half the diameter of the service pipe, and the invert depth of the service. Notwithstanding, the setback shall not be less than 3m where the top of the footing of the Building or Structure is 30 cm or more below the invert of the service, or 6 metres where the elevation of the footing is located otherwise.

3.17.3 Sight Triangles

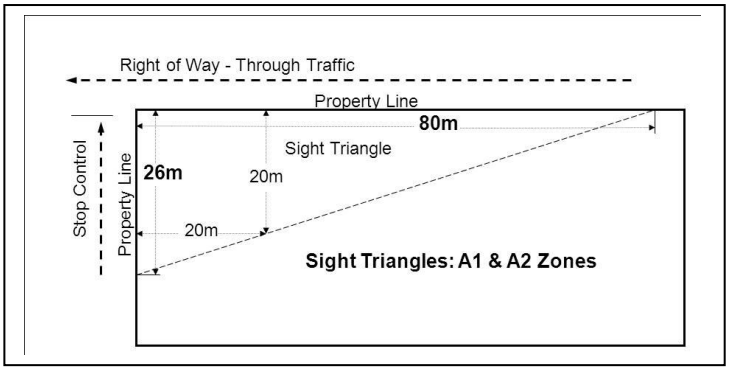


Within any area defined as a Sight Triangle, the following shall be prohibited:

a) Any vegetation, shrubs or foliage planted or maintained higher than 1 metre above the elevation of the centre line of any adjoining Street. This requirement shall not apply to Agricultural Uses.

b) A Finished Grade exceeding the elevation of the centre line of the Street intersection by more than 60 centimetres;

c) Buildings, Structures, Signs or fences, the top of which exceeds the elevation of the centre line of the adjoining Streets by more than 1 metre in Height;



d) In all Zones other than the C1 Zone, A1 Zone and A2 Zone, a Sight Triangle of 15 metres measured down the Street Line where traffic has the right of way and 10 metres down the other Street Line shall be required.
Where both or neither Street Line is a designated right of way, a 15 metres by 10 metres Sight Triangle shall be required along both Street Lines.

e) In the A1 Zone and A2 Zone a Sight Triangle of 80 metres measured down the Street Line where traffic has the right of way and 26 metres down the other Street Line shall be required. Where both or neither Street Line is a designated right of way, an 80 metre by 26 metre Sight Triangle shall be required along both Street Lines.

3.18 Planting Strips

A Planting Strip shall be located within the Zone and on the Lot for which it is required. It shall be planted, nurtured and maintained by the Owner of the Lot on which the Planting Strip is located. The responsibility of maintenance of trees and plants rests with the Owner.

3.18.1 Required Location

Where a Lot is for a Non-Residential purpose and:

a) The Interior Side Lot Line or Rear Lot Line abuts any Residential Use or undeveloped land in a Residential Zone; or

b) Where such Lot is in an Industrial Zone and the Front, Side or Rear Lot Line abuts a Street Line and the opposite Street Line abuts any Residential Use or undeveloped land in any Residential Zone,

then the land adjoining such abutting Lot Line or Street Line shall be used for no purpose other than a Planting Strip in accordance with the provisions of this subsection.

3.18.2 Width

Where, in any Zone, land is required to be used for no purpose other than a Planting Strip, it shall have a minimum width of 3 metres measured perpendicularly to the Lot Line adjoining such Planting Strip.

3.18.3 Height

The minimum Height of trees, evergreens, or shrubs required in a Planting Strip shall be 1.5 metres at the time of planting.

3.18.4 Permitted Interruptions for Driveway or Walk

Where a driveway or walk extends through a Planting Strip it shall be permissible to interrupt the Planting Strip within 3 metres of the edge of such driveway or within 1.5 metres of such walk.

3.18.5 Landscaped Open Space

A Planting Strip may form part of any Landscaped Open Space required by this By-law.

3.19 Signs & Lighting

a) Nothing in this By-law shall apply to prevent the erection, Alteration or Use of any Sign, provided such Sign complies with the By-laws of the Corporation regulating Signs and provided such Sign complies with the provisions of this By-law.

b) Where any Commercial Zone or Industrial Zone fronts on a Street or Road opposite to, or directly abuts any Residential, Institutional, or Open Space Zone, exterior lighting and illuminated Signs shall be so arranged as to deflect light away from the adjacent Zone.

c) Signs that are lawfully Erected and maintained, directly related to, and pertinent to the function of any of the Permitted Uses of this By-law are Permitted provided that in any Residential Zone only the following shall be Permitted:

   i) One (1) non-illuminated real estate Sign having a maximum area of 0.5 square metres advertising the sale, rental or lease of the Building, Structure or Lot upon which the Sign is displayed.

   ii) One (1) non-illuminated Sign having a maximum area of 0.3 square metres displaying the name and address of a Person engaged in a Permitted Home Occupation, residing on the Lot on which the Sign is displayed.

   iii) One (1) non-illuminated Sign having a maximum area of 5 square metres advertising the name and particulars of a subdivision or similar development project provided such Sign shall be removed upon completion of the project.

d) For any Permitted Home Occupation, Value Added Industry, or Agri-Tourism Uses located in an Agricultural Zone, one (1) non-illuminated Sign having a maximum area of 2 square metres displaying the name and address of such business or a doctor, dentist, drugless practitioner, or Person engaged in such business, residing on the Lot on which the Sign is displayed, shall be Permitted.

e) No Sign Attached to a Building or Structure shall be located in or over Municipal property except in the case of a Building or Structure having a 0 metre Lot Line Setback, in which case any Sign shall be Attached and parallel to the Main Wall of said Building or Structure.

3.20 Environmental Protection Zones

Unless specified to the contrary in this By-law, no Building or Structure shall be used or Erected in any Environmental Protection-prefixed (EP-) Zone, which includes Environmental Protection - Woodlot (EP-WD), Environmental Protection -Significant Wetland (EP-WET), Environmental Protection -Hazard (EP-H) and Environmental Protection -Significant Natural Area (EP-SNA)

Zones, except for activities that create or maintain infrastructure authorized under an environmental assessment process, or works subject to the Drainage Act.

3.20.1 Environmental Protection Wetland Zone

Development may be Permitted on lands within 120 metres of the Environmental Protection Wetland (EP-WET) Zone, subject to the execution of a site plan agreement, or other agreement, specifying development conditions and boundaries, based on an environmental impact evaluation, prepared by a qualified professional in accordance with the provisions of the Official Plan and to the satisfaction of the Municipality. The environmental impact evaluation must demonstrate that there will be no negative impact on the natural features or on the ecological functions for which the area is identified.

3.20.2 Environmentally Hazardous Lands

Notwithstanding any other provisions of this By-law, no permanent Building or Structure shall be Erected or used in any Environmental Protection-Hazard (EP-H) Zone which exhibits, or potentially exhibits, a hazardous condition as a result of susceptibility to flooding, erosion, subsidence, inundation, or the presence of organic soils or steep slopes, or on land where, by reasons of its low lying, marshy or unstable character, the costs of construction of satisfactory waterworks, sewage, or drainage facilities is prohibitive.

3.21 Conversion of Existing Dwellings

In a Residential Zone , if Converted Dwellings are Permitted in Existing Single Detached Dwellings, Single Detached Dwellings may be Altered, remodeled, enlarged and used for purposes of a Multiple Dwelling, provided that:

a) No Dwelling Unit so created contains a Gross Floor Area of less than fifty-five (55) square metres and this shall be in addition to the minimum Gross Floor Area requirements established by this By-law for the residence prior to conversion;
b) After conversion no more than a total of three (3) Dwelling Units exist;
c) There is no increase to the Gross Floor Area of the Building for habitable purposes except for the addition of sun Porches, entrance ways and dormers;
d) Any outside stairways (except for required fire escapes) be located in the Rear Yard;
e) No Building may be converted unless the Lot has a minimum of 100 square metres of Landscaped Open Space located in the Rear Yard. For any conversion an additional 35 square metres of Landscaped Open Space must be provided for each additional Dwelling Unit;
f) The off-Street parking requirements of this By-law are complied with;
g) Where the Building cannot be connected to an Existing Sanitary Sewer system, Approved alternative sewage treatment facilities shall be provided.

3.22 Parking Area Regulations

3.22.1 Requirements

a) The Owner or occupant of every Building or Structure Erected or used for any of the purposes hereinafter set forth except for Existing Buildings, Structures or Uses in the Commercial (C1) Zone, shall provide and maintain for the sole Use of the Owner, occupant, or other Persons entering upon or making Use of the said premises from time to time, one (1) or more Parking Spaces, each such Parking Space having a minimum overhead clearance of 2 metres and a minimum width of 2.7 metres and minimum length of 6.1 metres, in accordance with the following:

Type of Use	**Minimum Parking Spaces Requires**
Residential Uses	
Boarding House	1 Parking Space per Dwelling Unit, plus 1 Parking Space per guest room
Group Home, Type 1 or 2	1 Parking Space per staff member
Home for the Aged, Rest Home	1 Parking Space per resident's unit, plus 1 Parking Space per 2 guest rooms
Mobile Home Park	2 Parking Spaces per Mobile Home Site
Multiple Dwelling	1.5 Parking Spaces per Dwelling Unit
Townhouse	1.5 Parking Spaces per Dwelling Unit
Other Residential Uses Permitted by this By-law	1 Parking Space per Dwelling Unit
Non-Residential Uses	
Animal Hospital	1 Parking Space for each 28 square metres of Gross Floor Area
Assembly Hall, Auditorium Community Centre, Private Club	1 Parking Space for every 8 fixed seats plus 1, Parking Space for each 18.5 square metres of Gross Floor Area (excluding area occupied by fixed seating)
Auction Hall, Flea Market	1 Parking Space for every 5 square metres Gross Floor Area accessible to the public
Bank	1 Parking Space per 20 square metres of Gross Floor Area
Bed and Breakfast Establishment	1 Parking Space per Guest Room, in addition to the Parking Space required for the Dwelling
Bingo Hall	The greater of: a) 1 Parking Space per 14 square metres of Gross Floor Area; b) 1 Parking Space per 4 Person Occupant Load of the hall
Church	1 Parking Space per 10 square metres of Gross Floor Area
Clinic	The greater of: a) 5 Parking Spaces per practitioner; or b) 1 Parking Space per 18 square metres of Gross Floor Area
Commercial Recreation Establishment	The greater of: a) 1 Parking Space per 14 square metres of Gross Floor Area b) 1 Parking Space per 4 Persons Occupant Load of

	the establishment
Convenience Store	1 Parking Space per 20 square metres of Gross Floor Area
Day Nursery	1 Parking Space per staff member
Funeral Home	The greater of: a) 1 Parking Space for every 5 fixed seats and 1 Parking Space for every 5 square metres Floor Area where non-fixed seating can be made available for chapel purposes; or b) 1 Parking Space for every 5 square metres of Gross Floor Area devoted to reposing rooms
Golf Course	The greater of: a) 1 Parking Space per 20 square metres of clubhouse communal eating or entertainment area plus 5 Parking Spaces per tee; or b) 8 Parking Spaces per tee
Hospital, Nursing Home	0.75 Parking Spaces per bed
Hotel, Motel	1.25 Parking Spaces per unit plus 1 Parking Space per 20 square metres of communal eating or entertainment area
Industrial Use	1 Parking Space for each 55 square metres of Gross Floor Area up to 800 square metres and 1 Parking Space for each additional 280 square metres of Gross Floor Area in excess of 800 square metres.
Library	1 Parking Space for each 37 square metres of Gross Floor Area
Miniature Golf Course	12 Parking Spaces minimum
Motor Vehicle Repair Establishment	3 Parking Spaces per staff member
Motor Vehicle Sales Establishment	1 Parking Space per 30 square metres Gross Floor Area plus 1 Parking Space per 10 Motor Vehicles on display
Motor Vehicle Service Establishment	5 Parking Spaces per working bay
Motor Vehicle Washing Establishment	
i) Self-service operation	4 Parking Spaces per wash stall
ii) Conveyor operation	8 Parking Spaces per wash stall
Office	1 Parking Space per 37 square metres of Ground Floor Area, plus 1 Parking Space for each 70 square metres of the remaining Gross Floor Area
Restaurant	The greater of: a) 1 Parking Space per 14 square metres of Gross

	Floor Area; or b) 1 Parking Space per 4 Persons Occupant Load of the dining room.
Restaurant, Drive-In	10 Parking Spaces per Lot
Retail Store	1 Parking Space per 20 square metres of Ground Floor Area plus 1 space for each 70 square metres of remaining Gross Floor Area.
Retail Warehouse	1 Parking Space per 90 square metres of Gross Floor area for the first 900 square metres plus 1 Parking Space for each 180 square metres of remaining Gross Floor Area
School	1.5 Parking Spaces per classroom or teaching area plus adequate off-Street loading zones for buses
Service and Repair Shop, Personal Service Establishment	1 Parking Space per 20 square metres of Ground Floor Area, plus 1 Parking Space for each 70 square metres of remaining Gross Floor Area.
Shopping Centre	1 Parking Space per 28 square metres of Gross Floor Area
Tavern	1 Parking Space for each 5 square metres of Gross Floor Area accessible to the public and devoted exclusively to such Uses
Warehouse	5 Parking Spaces minimum for the first 1,858 square metres of Gross Floor Area and 1 Parking Space for each additional 300 square metres of Gross Floor Area
Other Non-Residential Uses Permitted in this By-law	1 Parking Space per 37 square metres of Gross Floor Area

b) Parking Spaces shall be provided at the time of construction or in association with a change of Use, according to the provisions of this By-law.
c) If calculation of the required Parking Spaces results in a fraction, the required Parking Spaces shall be the next higher whole number.

3.22.2 Addition to Existing Use

When an Existing Building or Structure has insufficient Parking Spaces at the date of passing of this By-law to comply with the requirements herein, this By-law shall not be construed to require that the deficiency be made up prior to the construction of any addition. In the case of the expansion or enlargement of an Existing Building or Structure, the requirement for provision of additional Parking Spaces shall be based on said expansion or enlargement, provided that no additional Parking Spaces shall be required if said expansion or enlargement does not exceed ten percent (10%) of the Gross Floor Area of the Building or Structure as it existed on the date of passing of this By-law.

3.22.3 Change of Use

Where a change of Permitted Uses takes place in a Commercial Zone within an Existing Building or Structure no additional parking facilities shall be required provided that:

a) No Existing Parking Spaces are lost due to the change;
b) The proposed Use does not constitute an increase in intensity with regard to parking requirements;

c) The previous Use was not Residential;
d) The Gross Floor Area is not increased;
e) No additional Dwelling Units are created.

In the case of an increase in Gross Floor Area, the provisions of **Section 3.22.2** shall apply.

3.22.4 More Than One Use on a Lot

When a Building, Structure or Lot accommodates more than one type of Use the Parking Space requirement for such Building, Structure or Lot shall be the sum of the requirements for the separate Uses thereof.

3.22.5 Location

The required Parking Area shall not form a part of any Street or Lane. The required Parking Area shall be provided on the Lot occupied by the Building, Structure or Use for which said Parking Area is required, except that in the case of a Non-Residential Use, the required Parking Area may be provided on another Lot if such Parking Area is not more than 150 metres from the Building, Structure or Use requiring the Parking Area and the Parking Spaces are available for the exclusive Use of the Building, Structure or Use.

3.22.6 Yards Where Parking Is Permitted

Despite any Yard provisions of this By-law to the contrary, uncovered surface Parking Areas shall be Permitted in all Yards, provided that no part of any Parking Area, other than a driveway, is located in a required Planting Strip or is located within a required Site Triangle.

3.22.7 Access to Parking

Location

a) The minimum distance between a driveway and the intersection of Street Lines measured along the Street Line intersected by such driveway shall be 9 metres.

Width

b) Access to the required Parking Spaces and Parking Areas shall be provided by means of unobstructed driveways or passageways at least 3 metres but not more than 9 metres in width. In the case of a driveway with combined ingress and egress, the minimum width of a driveway shall be 7 metres for Parking Areas with three (3) to ten (10) Parking Spaces, and 9 metres for Parking Areas with more than ten (10) Parking Spaces. In all cases, the maximum driveway width shall be 9 metres. All driveway widths shall be measured along the Street Line.

c) A driveway leading to any Loading Space(s) or Parking Area shall be defined by a curb of concrete or rolled asphalt and be maintained with a cement or asphaltic binder or any other permanent surfacing. This paragraph shall not apply to Residential Dwellings with three (3) or less units or to Parking Areas or Loading Spaces with a gravel surface.

Aisles

d) The Aisles between Parking Spaces within a Parking Area shall have a minimum width of 6 metres.

Angle of Intersection

e) The minimum angle of intersection between a driveway and a Street Line shall be 60 degrees.

Number of Driveways

f) Every Lot shall be limited to the following number of driveways:

   i) Two (2) driveways, with a combined width not exceeding 30% of the Lot Frontage, for the first 30 metres of Lot Frontage or portion thereof; and

ii) One (1) additional driveway for each additional 30 metres of Lot Frontage.

3.22.8 Surface

a) For any Residential Structure containing more than three (3) Dwelling Units or for any Commercial, Industrial or Institutional Use, the required surface for a Parking Area shall be determined By Council through site plan agreement pursuant to Section 41 of the Planning Act R.S.O., 1990. As a minimum, such Parking Area shall be maintained with a stable surface that is treated to prevent the raising of dust or loose particles and shall have curb stops.

b) For any Residential Structure containing up to three (3) Dwelling Units, gravel shall be required as a minimum for surfacing any Parking Area.

3.22.9 Lighting

Where lighting facilities are provided in conjunction with any Permitted Parking Area, such lighting shall be so arranged as to deflect light onto the Parking Area and away from adjoining properties.

3.22.10 Movement Lanes for Motor Vehicle Washing Establishments

a) Automatic Motor Vehicle Washing Establishments shall have on their premises sufficient space for the storage and movement of at least five (5) Motor Vehicles in advance of and three (3) Motor Vehicles at the terminus of each wash line.

b) Self-service Motor Vehicle Washing Establishments shall have on their premises sufficient space for the storage and movement of at least three (3) Motor Vehicles in advance of and one (1) Motor Vehicle at the terminus of each wash stall.

3.22.11 Restrictions in Residential Zones

a) No Commercial Motor Vehicle that carries Dangerous Goods as defined in this By-law shall be parked or stored in any Residential Zone.

b) No Commercial Motor Vehicle with a capacity for carrying a load weighing one (1) tonne (2,200 lbs. approx.) or more or tractor shall be parked or stored in any Residential Zone.

c) The parking or storage of a boat, snowmobile, all-terrain vehicle, Travel Trailer or Motor Home is Permitted in any Residential Zone provided that none of the above are parked or stored in a Sight Triangle, a required Parking Space, a Front Yard or an Exterior Side Yard. Where a boat, snowmobile, all-terrain vehicle, Travel Trailer or Motor Home is parked or stored in an Interior Side Yard or Rear Yard, it shall comply with the Setbacks imposed on Detached Accessory Buildings and Structures as stated in **Section 3.3.3** of this By-law. Mobile Homes and Park Model Homes shall not be parked or stored in any Residential Zone.

3.23 Loading Space Regulations

3.23.1 Spaces Required

a) The Owner or occupant of any Lot, Building or Structure Erected or used in any Zone other than the Commercial 1 (C1) Zone for any purpose, involving the receiving, shipping, loading or unloading of Persons, animals, goods, wares, merchandise or raw materials, shall provide and maintain at the premises, facilities for loading. Loading Spaces shall measure at least 9 metres in length, 3.5 metres in width and have a vertical clearance of at least 4.5 metres.

b) Loading Spaces shall be required in accordance with the following:

Gross Floor Area of Building or Structure	Minimum number of Loading Spaces required

i)	more than 280 square metres to 2,800 square metres	1
ii)	more than 2,800 square metres to 5,600 square metres	2

Each additional 2,800 square metres of Gross Floor Area will require the addition of one (1) additional Loading Space.

3.23.2 Addition to Existing Uses

a) When an Existing Building or Structure has insufficient Loading Space at the date of passing of this By-law to comply with the requirements herein, this By-law shall not be construed to require that the deficiency be made up prior to the construction of any addition. In the case of the expansion or enlargement of an Existing Building or Structure, the requirement for the provision of Loading Spaces shall be based on said addition.

b) No additional Loading Spaces shall be required where an addition does not exceed 10% of the Gross Floor Area of the Building or Structure as it existed on the date of the passing of this By-law.

3.23.3 Loading Spaces Maintenance

Adequate drainage facilities are to be provided in accordance with the requirements of the Municipality. The required surfacing shall be determined By Council through site plan agreement pursuant to Section 41 of the Planning Act R.S.O., 1990. As a minimum, Loading Spaces and approaches are to be maintained with a stable surface that is treated to prevent the raising of dust or loose particles.

3.23.4 Loading Spaces as Parking Spaces

Any Loading Space in accordance with the provisions of **Section 3.23.1** of this By-law may be used as a Parking Space and may form part of the parking requirements of **Section 3.22.1** of this By-law provided said Loading Space does not form part of any Aisle.

3.23.5 Location

The required Loading Space shall be provided on the Lot occupied by the Building or Structure for which the said Loading Spaces are required and shall not form a part of any Street or Lane. Loading Spaces are to be located in the Rear Yard where a Lot has access at both the front and rear to a Lane, Street or Road. No Loading Space shall be located in, nor open onto any Yard adjacent to any Residential, Institutional, or Open Space Zone.

3.23.6 Access

Access to Loading Spaces shall be by means of a driveway at least 6 metres wide contained within the Lot on which the Loading Spaces are located.

3.24 Lots Reduced By Public Acquisition

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 not comply with one or more provisions of this By-law, 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 characteristic of the Lot as reduced, subsequent to the date of such acquisition, that would increase the extent of the said non-compliance; 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 the provisions of this By-law.

3.25 Special Provision for the Keeping of Livestock

No Person shall keep Large Livestock on any Lot unless such Use is a Permitted Use for the Zone within which the Lot is located and the Lot has a minimum of 0.6 hectares of Lot Area.

3.26 Special Provision for Development Surrounding Active and Closed Waste Disposal Sites

Any new development or change of Use, on or within 500 metres of the perimeter of an active or closed Waste Disposal Site as shown on Schedule "A" to this By-law shall demonstrate through testing by the province or its agent, that there is no migration of methane gas or leachate from the landfill site that would affect the development.

3.27 Special Provisions for Seasonal Worker Housing

In addition to the provisions for Dwellings of the Zones where Seasonal Worker Housing is Permitted, Seasonal Worker Housing:

a) shall maintain a minimum Setback from all Lot Lines of 10 metres, in addition to other Zone minimum Setbacks;
b) where located within 60 metres of a Street Allowance or a Dwelling on a separate Lot, Seasonal Worker Housing shall be screened with a Planting Strip or an opaque fence or wall measuring a minimum of 1.8 metres in Height;
c) shall have a minimum Gross Floor Area of 28 square metres and a maximum Gross Floor Area of 90 square metres;
d) Where an Existing Dwelling is used as Seasonal Worker Housing, the maximum Gross Floor Area shall not apply, provided the size is not increased and provided a second Dwelling is not Erected on the same Lot after the date of passing of this By-law;
e) Seasonal Worker Housing shall be Permitted only on Lots with a minimum Lot Area of 20 ha or in Existing Dwellings on any Lot; and,
f) A maximum of one (1) Seasonal Worker House shall be Permitted on a Lot.

SECTION 4 - ZONES, ZONE SYMBOLS & ZONE MAPS

4.1 Establishment of Zones

For the purpose of this By-law the Township of Enniskillen is divided into the following defined areas herein referred to as Zones:

SECTION	ZONE NAME	SYMBOL
5	Agricultural 1	A1
6	Agricultural- No Dwelling	A-ND
7	Agricultural 2	A2
8	Residential 1 (Oil City)	R1
9	Residential 2 (Marthaville)	R2
10	Multiple Residential 3	R3
11	Central Commercial	C1
12	Highway Commercial	C2
13	Rural Commercial	C3
14	Service Centre Commercial	C4
15	Mixed Commercial Industrial	CM
16	General Industrial	M1
17	Light Industrial	M2
18	Industrial Waste Disposal	M3
19	Extractive Industrial	M4
20	Institutional	I
21	Passive Open Space 1	OS1
22	Active Open Space 2	OS2
23	Environmental Protection – Wetland	EP-WET
24	Environmental Protection – Woodlot	EP-WD
25	Environmental Protection –Hazard	EP-H
26	Environmental Protection-Significant Natural Area	EP-SNA

4.2 Use of Symbols

The symbols listed in **Subsection 4.1** may be used to refer to any of the Uses of land, Buildings and Structures Permitted by this By-law in the said Zones and whenever in this By-law the word "Zone" is used, preceded by any of the said symbols, such Zone shall mean any area delineated on the Zoning Maps and designated thereon by the said symbol or by graphic representation as explained in legends on the respective Zoning Maps.

4.3 Holding (h) Symbol

4.3.1 The Use of the Holding (h) Symbol

Where a holding symbol is added as a suffix to any Zone category, development within the area affected cannot proceed until the conditions specified in the provisions have been fulfilled.

Council will remove the holding symbol once the conditions restricting development have been satisfied.

4.4 Application of Zones

a) No Person shall, within any of the Zones defined in the By-law and delineated on the Zoning Maps hereto appended, Erect or use any Building or Structure, or use any land in whole or part except in such manner and for such purposes as are set forth in this By-law.

b) In any Zone referenced in **Table A**, unless otherwise specified, those Uses in the Permitted Uses list not referenced in **Table A** shall only be permitted as Accessory or secondary to another Permitted use. This shall not include Uses specifically listed as Zone Exceptions or given alternative zone Regulations in the applicable Zone's section of the By-law.

4.5 Incorporation of Zoning Map

The location and boundaries of the Zones established by this By-law are shown on the Zoning Maps hereto appended as Schedule "A", and Parts 1, 2, and 3 to Schedule "A" which are hereby incorporated in and declared to form part of this By-law.

4.6 Interpretation of Zoning Map

Where uncertainty exists with respect to the boundaries of the various Zones as shown on the Zoning Maps, the following provisions shall apply:

Street, Lane, Right-of-Way, or Watercourse

a) Unless otherwise shown, a Street, Lane, railway Right-of-Way, hydro corridor Right-of-Way or Watercourse shall be included within the Zone of the adjoining property on either side thereof and where such Street, Lane, Right-of-Way or Watercourse serves as a boundary between two (2) or more different Zones, the centre line of such Street, Lane, Right-of-Way or Watercourse extending in the general direction of the long dimension thereof, shall be deemed to be the boundary between Zones.

Lot Lines

b) Where any Zone boundary is not shown to be a Street, Lane, Right-of-Way or Watercourse, and where the boundary approximately follows Lot Lines, such Lot Lines shall be deemed to be the Zone boundary.

Closed Street, Lane or Right-of-Way

c) In the event a Street, Lane or Right-of-Way and the limits of any portion thereof is closed, the property formerly within such Street, Lane or Right-of-Way shall be included within the Zone adjoining the property, and where such Street, Lane, or Right-of-Way was a Zone boundary, the new Zone boundary shall be the former centre line of the closed Street, Lane or Right-of-Way.

Environmental Protection - Hazard (EP-H) Zones

d) The "Environmental Protection - Hazard (EP-H) Zone" shall be deemed to correspond with the limits of those lands formerly regulated by the "Fill, Construction, and Alteration" Regulation passed pursuant to the Conservation Authorities Act, R.S.O. 1990, Chap. C.27, as amended. The EP-H Zone is layered with and shall take precedence over any other Zone designations shown on Schedule "A" and its part maps, except where the requirements of Ontario Regulation 171/06 under the Conservation Authorities Act are met as determined by the Conservation Authority. Where a Use, Building, or Structure complies with Regulation 171/06, the Use, Building, or Structure shall be Permitted if it also complies with the provisions applicable in the Zone designation subordinate to and underlying the EP-H Zone. For clarity, this provision shall not apply to Permit any Use,

Building, or Structure within lands shown as an EP-WET, EP-WD or EP-SNA Zone on Schedule "A" or its part maps that does not comply with that Zone's provisions.

Other Environmental Protection (EP) Zones

e) Environmental Protection - Woodlot (EP-WD), Environmental Protection - Wetland (EP-WET), and Environmental Protection - Significant Natural Area (EP-SNA) Zone boundaries shall be deemed to correspond with the limits of the natural feature it represents as such feature Existed on the date of passing of this By-law. Alterations of the natural feature's boundary through removal of trees or by other means subsequent to the date of passing of this By-law shall not alter the limits of the Zone boundary. Portions of a woodlot for which an exception from the County of Lambton Woodlands Conservation By-law or any successor has been obtained shall however be deemed outside the Woodlot (WD) Zone boundary.

Scale from Zoning Map

f) Where any Zone boundary is left uncertain after application of the provisions of **Section 4.6, subsections a), b), c), d), and e)**, of this By-law, then the boundary shall be determined by scale from the zoning maps to the centre of the Zone boundary line.

4.7 Table A

a) No Person shall Erect or use any Building or Structure, or use any land or cause or permit any Building or Structure to be Erected or used, or cause or permit any land to be used, in any Zone except in conformity with the regulations as set out in **Table A** for that Zone.

b) New Lots must comply with the Lot Area and Frontage requirements specified in **Table A** for the applicable Zone and Use of the Lot.

c) Lot boundary adjustments that bring an Existing, legally Non-Complying Lot closer to compliance with respect to Lot Area or Frontage shall not require a minor variance provided it does not result in the Non-Compliance or further Non-Compliance of another Lot with respect to Lot Area or Frontage.

d) The Zone Regulations of **Table A** that apply to a particular Use or Lot shall be those that correspond with the subsection number they are listed under in the applicable Zone's list of Permitted Uses. Where a Use is only Permitted as Accessory or secondary to another Use, the Zone Regulations applicable to the Use to which it is Accessory shall apply. Where another main Use may be Permitted and the applicable Zone Regulations are not specified elsewhere, the Zone Regulations applicable to the first Permitted Use listed in the Zone shall apply.

e) Except where specified elsewhere within this By-law, no Dwelling shall be Erected within the Municipality with a Minimum Gross Floor Area less than the regulations listed below **Table A**.

SECTION 5 - AGRICULTURAL 1 (A1) ZONE

5.1 Permitted Uses

No land, Building, or Structure shall be used or Erected in any Agricultural 1 (A1) Zone except for one or more of the following Uses:

a) Agriculture, including one Farm Dwelling
A second Farm Dwelling, subject to **Section 5.3 b)**
Commercial Greenhouse
Conservation
Forestry
Nursery

b) One Single Detached Dwelling
Existing Cemetery
Group Home, Type 1

c) Buildings, Structures and Uses Accessory to a Permitted Use, including but not limited to:
Agri-tourism Use, subject to **Section 3.10.4**
Bed and Breakfast Establishment
Day Nursery
Home Occupation, subject to **Section 3.10.2**
Kennel
Seasonal Worker Housing, subject to **Section 3.27**
Value Added Industry, subject to **Section 3.10.3**

5.2 Minimum Distance Separation

a) No new Type A or Type B Land Use (including those to be located on an Existing Lot) is Permitted closer to a Livestock Facility on a separate Lot than the MDS I Setback calculated using Appendix “A” to this By-law.

b) No new, altered, or expanded Livestock Facility is Permitted closer to a Lot Line or Type A or B Land Use on a separate Lot, than the distances calculated using the MDS II formula found in Appendix “A” to this By-law.

c) The MDS shall be applied according to the more detailed guidance provided in the Minimum Distance Separation (MDS) Implementation Guidelines published by the Ontario Ministry of Agriculture, Food and Rural Affairs as updated from time to time, subject to the specific provisions of the Township Official Plan and this By-law and including the following:

An Existing Type A or Type B Land Use may be replaced, despite not complying with subsection a), provided that the Existing separation is not further reduced and provided a Type A Land Use is not replaced with a Type B Land Use.

i). A Livestock Facility may be replaced to the same general location, despite not meeting MDS II, provided the existing separation is not further reduced, Factors A, B and D are no greater than those of the previous Livestock Facility, and the relative odour potential (see Table 5 in Appendix "A") of any new Manure Storage is no greater than that of any previous Manure Storage.

ii). MDS II shall apply to the conversion of any non-Livestock Building or Structure to use as a Livestock Facility, whether or not a building permit is required.

iii). Where no building permit is required, an Existing Livestock Facilities may be converted for use for a type of Livestock for which the Building was not

previously used or designed, despite not complying with MDS II, provided there is no increase in non-compliance through a resultant MDS II that is greater than that of the previous Use.

iv). A new non-Agricultural Lot containing a Dwelling shall comply with subsection a), even for Livestock Facilities already located on a separate Lot.

v). Subsection a) shall not apply to a Type A Land Use where 4 or more Type A or B Land Uses are already located within the intervening area between the Use and a Livestock Facility, as defined in MDS Implementation Guideline #12. Subsection a) shall not apply to a Type B Land Use where 4 or more Type B Land Uses are already located within the intervening area between the Use and a Livestock Facility, as defined in MDS Implementation Guideline #12.

vi). Cemeteries located in an Agricultural Zone shall be considered a Type A Land Use for the purposes of MDS II.

vii). MDS I and MDS II shall not apply to Buildings or Structures Accessory to a Dwelling nor to Buildings or Structures $10m^2$ or less in Ground Floor Area.

viii). Portions of a Livestock Barn not occupied by Livestock long enough for substantial amounts of manure to accumulate are not subject to MDS I or MDS II measurements.

ix). Where there are Manure Storages but no Livestock Barns on a Lot, the MDS shall be based on the Livestock Design Capacity of the Manure Storages.

x). MDS I and MDS II apply to unoccupied or unused Livestock Facilities only if they are structurally sound and reasonably capable of housing Livestock and/or storing manure. Further, MDS I applies to an unoccupied or unused Livestock Facility only if the Livestock Facility is in a Zone in which Livestock Facilities are a Permitted Use. Further, MDS I does not apply to an unoccupied Livestock Barn less than 100 square metres in floor area, an unused solid Manure Storage less than 100 square metres in floor area, an unused solid Manure Storage with only one or no walls, or an unused liquid Manure Storage less than 40 square metres in floor area.

xi). The required MDS I and MDS II respecting an anaerobic digester and associated components shall be a minimum of 200m for Type A Land Use and 450m for a Type B Land Use, and for MDS II, 20m from an Interior Side Lot Line or Rear Lot Line and 40m from a Front or Exterior Side Lot Line.

xii). Calculations made using the MDS Computer Program provided by the Ministry of Agriculture, Food and Rural Affairs as updated from time to time shall be considered equivalent to calculations made using Appendix “A”. (B/L 4/2018)

5.3 Agricultural 1 (A1) Special Provisions

Kennels

a) A minimum separation of 250 metres shall be maintained between Kennels and between Kennels and Residential, Open Space and Institutional Uses.

Second Farm Dwelling

b) A second Farm Dwelling shall be Permitted on a Lot, provided:

a) The Lot is at least 20 hectares in Lot Area and the primary Use of the Lot is Agricultural;

b) The second Dwelling is located within 30 metres of the first Farm Dwelling or within 30 metres of another Building in the farmstead cluster that contains the first Farm Dwelling;
c) Both Farm Dwellings are intended to be occupied by persons employed year-round, full-time by the farm operation of which the Lot is a part; and
d) There is no third Detached Dwelling Unit on the Lot.

4172 Black Ash Road

c) Notwithstanding Section 5.2 a), the minimum Required Setback from the Livestock Facility located at 5126 Petrolia Line shall be 240 metres for the Residential Lot proposed by consent application B-004/16 on lands described as Concession 10, West Half Lot 22 containing the house known municipally as 4172 Black Ash Road. (B/L 42/2016)

5675 LaSalle Line

d) For the Residential Lot proposed by consent application B-005/16 on lands described as Concession 12, East ½ Lot 27 containing the house known municipally as 5675 LaSalle Line:

i) Notwithstanding Section 5.2 a), the minimum Required Setbacks from the Livestock Facility located at 5619 LaSalle Line shall be 235 metres and from the Livestock Facility and Manure Storage at 5726 LaSalle Line shall be 295 meters and 315 metres, respectively; and

ii) Notwithstanding Section 3.3.5 c), the maximum Permitted Detached Accessory Lot Coverage shall be 335 square metres. (B/L 44/2016)

e) **4422 Oil Heritage Road**

Notwithstanding Section 3.3.5 c), for the Residential Lot proposed by consent application B-005/17 on lands described as Concession 12, South ½ Lots 16 and 17, known municipally as 4422 Oil Heritage Road, the maximum Permitted Detached Accessory Lot Coverage shall be 325 square metres. (B/L 53/2017)

f) **4847 Shiloh Line**

Notwithstanding Section 5.1a) in Table "A" which requires agricultural lots to have a minimum area of 38 hectares and a minimum frontage of 150 metres, the retained farm lot resulting from consent application B-002/19 shall be permitted to have a minimum area of 23.5 hectares and a minimum frontage of 101 metres on lands described as Part Lot 19, Concession 6. (B/L 27/2019)

g) **5272 Aberfeldy Line**

For the Residential Lot created by Consent Application B-03/20 on lands described as Concession 1, Part Lot 23, containing the house known municipally as 5272 Aberfeldy Line:

i) Notwithstanding Section 5.2 a), the Minimum Required Setback from the Livestock Facility located at 2181 Huff's Corners Road shall be 145 metres. (B/L 35/2020)

h) **5830 Courtright Line**
Notwithstanding Section 5.1a) in Table "A" which requires agricultural lots to have a minimum area of 38 hectares, the retained farm lot resulting from consent application B-002/20 shall be permitted to have a minimum area of 33.9 hectares on lands described as Concession 5, Part Lot 29. (B/L 34/2020)

i) **4607 Churchill Line**
For the Residential Lot created by Consent Application B-04/20 on lands described as Concession 14, Part Lot 17 containing the house known municipally as 4607 Churchill Line:

i) Notwithstanding Section 3.3.5 c) of the Zoning By-law an existing detached accessory building may cover 463 square metres of the lot. (B/L 50/2020)

j) **3263 Petrolia Line**
For the Residential Lot created by Consent Application B-005/20 on lands described as Concession 10, East Half Lot 3 containing the house known municipally as 3263 Petrolia Line:

i) Notwithstanding Section 3.3.5 c) of the Zoning By-law, an existing detached accessory building may cover 214 square metres of the lot; and

ii) Notwithstanding Section 3.3.5 e) of the Zoning By-law, an existing detached accessory building may be located 1.5 metres from the rear lot line. (B/L 69/2020)

k) **5706 Petrolia Line**
For the Residential Lot created by Consent Application B-001/22 on lands described as Concession 11, Part Lot 28 containing the house known municipally as 5706 Petrolia Line:

i) Notwithstanding Section 3.3.5 c) of the Zoning By-law existing detached accessory buildings may cover 650 square metres of the lot. **(B/L 21 OF 2022)**

l) **3725 Shiloh Line**
For the Residential Lot created by consent application B-003/22 on lands described as Concession 6, Part Lot 8 and containing the dwelling known municipally as 3725 Shiloh Line:

i) Notwithstanding Section 5.2 a), the Minimum Required Setback from Livestock Barn located at 5724 Shiloh Line shall be 225 metres and Minimum Requires Setback from the Manure Storage shall be 215 metres. (**B/L 28 of 2022)**

m) **3749 Lasalle Line**
Notwithstanding Section 5.1 a) in Table “A” which requires agricultural lots to have a minimum area of 38 hectares, the retained farm lot resulting from Consent Application B-004/22 shall be permitted to have a minimum area of 17.96 hectares (44.4 acres) on lands described as Concession 12, Part Lot 8. **(B/L 55 of 2022)**

n) Minimum setback for a Cannabis-Related use – Outdoor from a Sensitive Land Use – 300 metres.

5.4 Agricultural 1 (A1) Zone Exceptions

The following Zones apply to unique or Existing situations and are not the standard A1 Zones. If a regulation or Use is not specified, the list of Permitted Uses in **Section 5.1** and/or the regulations of **Table A** shall apply.

5.4.1 Agricultural 1(1) A1(1) Zone

Permitted Uses

a) Any Permitted Uses in an A1 Zone.
b) Existing Electrical Contracting Business.
c) Buildings, Structures and Uses accessory to a Permitted Use."

5.4.2 Agricultural 1(2) A1(2) Zone

Permitted Uses

a) Any Permitted Uses in an A1 Zone.
b) A Window Tinting Business with maximum client parking of five spaces.
c) A non-illuminated Sign measuring 1.2 metres by 2.4 metres.

5.4.3 Agriculture 1(3) A1(3) Zone

Permitted Uses

a) Any Permitted Uses in an A1 Zone.
b) An Accessory Building located within the Front Yard at a site approved by the St. Clair Region Conservation Authority.

5.4.4 Agriculture 1(4) A1(4) Zone

Permitted Uses

a) Any Permitted Uses in an A1 Zone.
b) Building or Contracting Establishment.

Special Provisions

c) A Building or Contracting Establishment and Uses Accessory thereto shall be subject to the provisions of the C2 Zone.

d) Any addition to the Existing Single Detached Dwelling and any Erection of a new Single Detached Dwelling shall be subject to the completion of such phases of environmental assessment as are necessary to determine that the location of such addition or new Single Detached Dwelling complies with the standards for residential us contained within Ontario Regulation 153/04 under the Environmental Protection Act and within the Act itself.

5.4.5 Agriculture 1(5) A1(5)

a) Single Detached Dwelling
b) Accessory Buildings and Structures
c) An Existing Tiling Contractor Business that occupies no more than 630 square metres of the lot (including building and outdoor parking and/or storage area). **(B/L 21 of 2022)**

5.4.6 Agriculture 1(6) A1(6) Zone (OLT Decision OLT-23-000942)

Permitted Uses

a) Any Permitted Uses in an A1 Zone.
b) Cannabis-Related Use - Indoor.

Special Provisions
c) Cannabis Related Use - Indoor

i) A minimum of one (1) parking space is required per 100 square metres (1,076.39 square feet) of gross floor area.

ii) Minimum Lot Frontage for micro-cultivation as defined by Federal Cannabis Regulation SOR-2018-144 – 100 metres.

iii) Minimum Lot Frontage for standard cultivation as defined by Federal Cannabis Regulation SOR-2018-144 – 200 metres.

iv) Minimum Lot Area for micro-cultivation as defined by Federal Cannabis Regulation SOR-2018-144 – 3 hectares.

v) Minimum Lot Area for standard cultivation as defined by Federal Cannabis Regulation SOR-2018-144 – 10 hectares.

vi) Maximum Lot Coverage – 30%.

vii) Minimum Front Yard for micro-cultivation as defined by Federal Cannabis Regulation SOR-2018-144 – 20 metres.

viii) Minimum Front Yard for standard cultivation as defined by Federal Cannabis Regulation SOR-2018-144 – 80 metres.

ix) Minimum Side or Rear Yard for micro-cultivation as defined by Federal Cannabis Regulation SOR-2018-144 - 15 metres, except where ventilating fans in a wall exhaust into the respective side or rear yard, the minimum yards shall be 25 metres.

x) Minimum Side or Rear Yard for standard cultivation as defined by Federal Cannabis Regulation SOR-2018-144 - 40 metres, except where ventilating fans in a wall exhaust into the respective side or rear yard, the minimum yards shall be 60 metres.

xi) Minimum Exterior Side Yard – 80 metres

xii) A retail store is not permitted as an accessory use.

5.4.7 Agriculture 1(7) A1(7) Zone (OLT Decision OLT-23-000942)
In this section:

"SEPARATION DISTANCE" means the distance between 4352 - 4376 LaSalle Line Front Lot Line and the nearest Cannabis-Related Use Indoor or Cannabis-Related Use Outdoor.

Permitted Uses

a) Any Permitted Uses in an A1 Zone.

b) Cannabis-Related Use – Indoor.

Prohibited Uses

c) Composting of any cannabis-related plant material on site;

d) Use of anaerobic digesters fueled by any cannabis-related plant material on site.

Special Provisions

e) Notwithstanding section 5.4.6 Agriculture 1(6) A1(6) Zone, the following special provisions are applicable for the Permitted Use b) Cannabis Related Use Indoor (and for clarity, these Special Provisions do not apply to the Permitted Use a) Any Permitted Use in an A1 Zone): i) A minimum of one (1) parking space is required per 371.61 square metres (4,000 square feet) of gross floor area.

ii) Minimum Lot Frontage – 290.0 m.

iii) Minimum Lot Area – 39.0 hectares.

iv) Maximum Gross Floor Area for cultivation - 51 179.9 m².

v) Maximum Lot Coverage – 15.7%.

vi) Minimum Separation Distance – 80.0 m.

vii) Minimum Separation Distance for mechanical or passive greenhouse ventilation – 80.0 m.

viii) Minimum Separation Distance for Cannabis-Related Post Harvesting Activities – 250.0 m.

ix) Minimum Front Yard – 28.0 m.

x) Minimum Side Yard, east side - 4.0 m.

xi) Minimum Side Yard, west side - 20.0 m.

xii) Minimum Rear Yard – 1028.0 m.

xiii) A Retail Store is not permitted as an accessory use.

5.4.8 Agriculture 1 (8) A1(8) Zone (B/L 57 of 2025)

Permitted Uses

a) Any Use Permitted in the A1 Zone

b) Commercial Storage, including open storage, subject to the Commercial 2 (C2) Provisions in Section 11.1a) of Table A

c) Buildings, Structures, and Uses Accessory to a Permitted Use.

SECTION 6 – AGRICULTURAL – NO DWELLING (A-ND) ZONE

6.1 Prohibited Uses

No land, Building, or Structure shall be used or Erected for the purposes of a Dwelling in the Agricultural -No Dwelling (A-ND) Zone**.**

6.2 Permitted Uses

No land, Building, or Structure shall be used or Erected in the Agricultural - No Dwelling (A-ND) Zone except for one or more of the following Uses:

a) Any Use Permitted in the Agricultural 1 (A1) Zone, excluding a Dwelling of any kind.
b) Buildings, Structures and Uses Accessory to a Permitted Use

6.3 Special Provisions

a) Permitted Uses within the Agricultural-No Dwelling (A-ND) Zone shall comply with the provisions applicable within the Agricultural 1 (A1) Zone.

b) Notwithstanding the minimum required lot area of 38 hectares in **Table A**, the lot zoned "A-ND" within Concession 14, Part Lot 7 created by Consent Application B-004/12, shall be treated as and deemed to be legally Non-Complying with a lot area of 19.15 hectares (47.3 acres).

c) Notwithstanding the minimum required Lot Area of 38 hectares in Table A, the minimum required Lot Area for the Lot zoned "A-ND" within Concession 5, Lot 21 created by consent application B-003/17, shall be 29 hectares (71.6) acres. (B/L 28/2017)

d) Notwithstanding the minimum required Lot Area of 38 hectares in Table A, the minimum required Lot Area for lands zoned “A-ND” within Concession 4, Lot 16 shall be 30 hectares. (B/L 42 of 2025)

SECTION 7 - AGRICULTURAL 2 (A2) ZONE

7.1 Permitted Uses

No land, Building, or Structure shall be used or Erected in any Agricultural 2 (A2) Zone except for one or more of the following Uses:

a) Agriculture, including one Farm Dwelling, but excluding new Livestock Facilities
Commercial Greenhouse
Conservation
Existing Livestock Facilities
Forestry

b) Single Detached Dwelling
Group Home, Type 1

c) Buildings, Structures and Uses Accessory to a Permitted Use, including but not limited to:
Agri-Tourism Use, subject to **Section 3.10.4**
Bed and Breakfast Establishment
Day Nursery
Home Occupation, subject to **Section 3.10.2**
Value Added Industry, subject to **Section 3.10.3**

7.2 Minimum Distance Separation

a) All Buildings, Structures and Uses Erected or established in the A2 Zone shall comply with the separation requirements of **Section 5.2**

b) Notwithstanding clause a), any Renovation of an Existing Livestock Facility that would result in an increase in Livestock Housing Capacity or constitute a Replacement shall not be Permitted.

7.3 Agricultural 2 (A2) Zone Special Provisions

7.4 Agricultural 2 (A2) Zone Exceptions

The following Zones apply to unique or Existing situations and are not the standard A2 Zone. If a regulation or Use is not specified, the list of Permitted Uses in **Section 7.1** and/or the regulations of **Table A** shall apply.

SECTION 8 - RESIDENTIAL 1 (R1) ZONE (OIL CITY)

8.1 Permitted Uses

No land, Building, or Structure shall be used or Erected in the Residential 1 (R1) Zone except for one or more of the following Uses:

a) Single Detached Dwelling
Group Home Type 1
Institutional Use
Passive Recreation

b) Semi-Detached Dwelling

c) Duplex Dwelling

d) Converted Dwelling

e) Buildings, Structures and Uses Accessory to a Permitted Use, including but not limited to:
Bed and Breakfast Establishment
Day Nursery
Home Occupation, subject to **Section 3.10.1**

8.2 Holding Zones

8.2.1 Residential 1 R1 (h) Zone

Permitted Uses

a) Uses lawfully Existing on the day this By-law was passed are Permitted.

Provisions for the removal of the Holding "h" Symbol

b) To ensure the orderly development of lands and the adequate provision of municipal services and/or removal/mitigation of man-made hazards, the “h” symbol shall not be deleted until a subdivision agreement or development agreement is entered into, for the lands in question, with the Municipality.

8.2.2 Residential 1 R1 (h1) Zone

On lands identified as Conc. 5, South Pt. Lot 15, EXC. RP 25R549 Part 12 & Part 13 (3027 Oil Heritage):

Permitted Uses

a) Any Use Permitted in the R1 (h) Zone
b) Existing Trucking Establishment

8.3 Residential 1 (R1) Special Provisions

8.4 Residential 1 (R1) Zone Exceptions

The following Zones apply to unique or Existing situations and are not the standard R1 Zone. If a regulation or Use is not specified, the list of Permitted Uses in **Section 8.1** and/or the regulations of **Table A** shall apply.

SECTION 9 –RESIDENTIAL 2 (R2) ZONE (MARTHAVILLE)

9.1 Permitted Uses

No land, Building, or Structure shall be used or Erected in the Residential 2 (R2) Zone except for one or more of the following Uses;

a) Single Detached Dwelling
Group Home Type 1
Institutional Use
Rest Home

b) Semi-detached Dwelling

c) Duplex Dwelling

d) Converted Dwelling

e) Buildings, Structures and Uses Accessory to a Permitted Use, including but not limited to:
Bed and Breakfast Establishment, subject to **Section 3.10.1**
Day Nursery
Home Occupations, subject to **Section 3.10.1**

9.2 Holding Zones

9.2.1 Residential 2 R2 (h) Zone

Permitted Uses

a) Uses lawfully Existing on the day this By-law was passed.

Provisions for the removal of the Holding "h" Symbol

b) To ensure the orderly development of lands and the adequate provision of municipal services, the “h” symbol shall not be deleted until a subdivision agreement or development agreement is entered into, for the lands in question, with the municipality.

9.3 Residential 2 (R2) Zone Exceptions

The following Zones apply to unique or Existing situations and are not the standard R2 Zone. If a regulation or Use is not specified, the list of Permitted Uses in **Section 9.1** and/or the regulations of **Table A** shall apply.

9.3.1 Residential 2(1) R2(1) Zone

Permitted Uses

a) Any use Permitted in an R2 Zone
b) Existing Livestock Facilities as existent on the day of passing of this By-law.
c) Buildings, Structures and Uses Accessory to a Permitted Use

9.3.2 Residential 2(2) R2(2) Zone

Special Provision

a) On lands designated as being in the R2(2) Zone, the minimum Required Front Yard shall be 10 metres. In all other respects, the provisions of **Table A** shall apply.

9.3.3 Residential 2(3) R2(3) Zone

Special Provision

a) On lands designated as being in the R2(3) Zone, the minimum Required Front Yard shall be 6 metres. In all other respects, the provisions of **Table A** shall apply.

SECTION 10 - MULTIPLE RESIDENTIAL 3 (R3) ZONE

10.1 Permitted Uses

No land, Building, or Structure shall be used or Erected in the Residential 3 (R3) Zone except for one or more of the following Uses:

a) Converted Dwelling
Group Home-Type 1

b) Triplex Dwelling

c) Street Townhouse Dwelling
Townhouse Dwelling

d) Multiple Dwelling

e) Buildings, Structures and Uses Accessory to a Permitted Use, including but not limited to:
Bed and Breakfast Establishment, subject to **Section 3.10.1**
Home Occupations, subject to **Section 3.10.1**

10.2 Holding Zones

Permitted Uses

a) Uses lawfully Existing on the day this by-law was passed

Provisions for the removal of the Holding “h” symbol

b) To ensure the orderly development of lands and the adequate provision of municipal services and/or removal/mitigation of man-made hazards, the “h” symbol shall not be deleted until a subdivision agreement is entered into, for the lands in question, with the Municipality.

10.3 Residential 3 (R3) Zone Exceptions

The following Zones apply to unique or Existing situations and are not the standard R3 Zone. If a regulation or Use is not specified, the list of Permitted Uses in **Section 10.1** and/or the regulations of **Table A** shall apply.

SECTION 11 - CENTRAL COMMERCIAL (C1) ZONE

11.1 Permitted Uses

No land, Building, or Structure shall be used or Erected in the Central Commercial (C1) Zone except for one or more of the following Uses:

a) Amusement Games Establishment
Art Gallery
Assembly Hall
Auditorium
Bake Shop
Bank
Bed and Breakfast Establishment
Boarding House
Brewing on Premises Establishment
Church
Clinic
Commercial Recreation Establishment
Commercial Use
Convenience Stores
Day Nursery
Dry Cleaning Depot
Farmer's Market
Funeral Home
Gift Shop
Home Occupation
Hotel
Institutional Use
Laundromat
Office
Park
Parking Lot
Personal Service Establishment
Place of Entertainment
Private Club
Restaurant
Retail Store
Retail Warehouse
School
Service and Repair Shop
Shopping Centre
Tavern
Theatre

b) Existing Motor Vehicle Sales Establishment

c) Existing Motor Vehicle Service Establishment.

d) Buildings, Structures and Uses Accessory to a Permitted Use, including but not limited to:
Accessory Dwelling Units located above and/or behind a Permitted Commercial Use and Attached to the commercial Building.

11.2 Regulations for Accessory Dwelling Units

a) Minimum Floor Area

i)	Bachelor	40.0 square metres
ii)	One bedroom	45.0 square metres
iii)	Two bedrooms	55.0 square metres
iv)	Three bedrooms	70.0 square metres

11.3 Holding Zones

11.4 Commercial (C1) Zone Exceptions

The following Zones apply to unique or Existing situations and are not the standard C1 Zone. If a regulation or Use is not specified, the list of Permitted Uses in **Section 11.1** and/or the regulations of **Table A** shall apply.

11.4.1 Central Commercial 1-1 (C1-1) Zone - B/L 14 of 2024

The following provisions shall apply for Lands Zone C1-1:

a) Permitted Uses

i) Uses of the C1 Zone

ii) Service Trade (specifically to include an electrician's shop)

iii) Warehouse use accessory to the needs of the service trade (electrician's shop) or the indoor storage of personal items accessory to the owner including personal motor vehicles

iv) Notwithstanding Section 3.3.6, repurposed shipping containers limited to no more than three (3) with proper building permits

v) Open Storage for trailers directly accessory to the service trade (electrician's shop) limited to no more than two (2)

b) Building Provisions

Notwithstanding any provisions to the contrary the following building provisions shall apply to lands zoned C1-1:

i) Minimum Front Yard Setback - 20 m

ii) Minimum Exterior Side Yard Setback - 13 m

iii) Minimum Rear Yard Setback – 3 m

iv) Minimum Interior Side Yard Setback – 3 m

v) Minimum Landscaped Open Space – 10 %

vi) Maximum Lot Coverage – 30 %

vii) No closer than 10 m from a distribution gas line

c) Special Provisions

i) Open Storage shall not encroach into the 9m x 9m sight triangle

ii) An existing repurposed shipping container may be located as existing to the date of this by-law amendment for the C1-1 Zone

iii) Relocated repurposed shipping containers shall maintain a minimum front yard setback of 17 metres, a minimum exterior yard of 11 metres, a minimum rear yard of 3 metres, a minimum interior side yard of 3 metres

iv) Garbage receptacles or trailers shall be screened from Petrolia Line

SECTION 12 - HIGHWAY COMMERCIAL (C2) ZONE

12.1 Permitted Uses

No land, Building, or Structure shall be used or Erected in the Highway Commercial (C2) Zone except for one or more of the following Uses:

a) Agricultural Implement Sales Establishment
Agricultural Service Establishment
Animal Hospital
Auction Hall
Bake Shop
Bakery
Bank
Building or Contracting Establishment
Building Supply Establishment
Church
Clinic
Commercial Recreation Establishment
Commercial Storage
Convenience Store
Day Nursery
Dry Cleaning Establishment
Funeral Home
Garden Centre
Gas Bar
Golf Driving Tee or Range
Health/Recreational Facility
Hotel
Laundromat
Marina
Marine Sales and Service Establishment
Motel
Motor Vehicle Sales Establishment
Motor Vehicle Service Establishment
Motor Vehicle Repair Establishment
Motor Vehicle Washing Establishment
Office
Parking Lot
Personal Service Establishment
Place of Entertainment
Private Club
Restaurant
Restaurant, Drive-In
Service and Repair Shop
Travel Trailer Sales Establishment

b) Existing Dwelling Units

c) Buildings, Structures and Uses Accessory to a Permitted Use

12.2 Regulations for Motor Vehicle Service Establishments

Notwithstanding any other previous provisions of this By-law, where a Lot in the Highway Commercial (C2) Zone is used for a Motor Vehicle Service Establishment, the following regulations shall apply:

a) Minimum Lot Frontage:

i)	on an Interior Lot:	45.0 metres
ii)	on a Corner Lot:	55.0 metres

b) Minimum Lot Depth: 40.0 metres

c) No portion of any Gasoline Pump Island on a service station shall be located closer than six (7.6) metres from the Street Line of any Street.

d) The distance from the intersection of two Street Lines to the nearest ingress or egress ramp shall not be less than nine (9.0) metres, or in the case of the intersection of two arterial Streets, the distance shall not be less than fifteen (15.0) metres.

e) The distance from any portion of any ingress or egress ramp to any Interior Side Lot Line which abuts any other Lot shall not be less than three (3.0) metres.

f) The width of any ingress or egress ramp along any Street Line shall not be more than nine (9.0) metres or less than seven and one-half (7.5) metres.

g) The distance between ramps shall not be less than nine (9.0) metres.

h) The minimum interior angle of any ramp to the Street Line shall be greater than sixty degrees (60°).

i) All parts of the ingress and egress ramps shall be maintained with cement or asphalted binder or another type of permanent surfacing to prevent the raising of dust or loose particles.

j) Land which is not used for Buildings, ramps or paving shall be Landscaped in lawn, trees or shrubs and maintained in a healthy growing condition, neat and clean in appearance.

12.3 Holding Zones

12.4 Highway Commercial (C2) Zone Exceptions

The following Zones apply to unique or Existing situations and are not the standard C2 Zone. If a regulation or Use is not specified, the list of Permitted Uses in **Section 12.1** and/or the regulations of **Table A** shall apply.

SECTION 13 - RURAL COMMERCIAL (C3) ZONE

13.1 Permitted Uses

No land, Building, or Structure shall be used or Erected in the Rural Commercial (C3) Zone except for one or more of the following Uses:

a) Abattoir
Agricultural Service Establishment
Agricultural Supply Establishment
Agricultural Implement Sales Establishment
Animal Hospital
Flea Market
Farmers Market
Stock Yard

b) Buildings, Structures and Uses Accessory to a Permitted Use

13.2 Holding Zones

13.3 Rural Commercial (C3) Special Provisions

The following Zones apply to unique or Existing situations and are not the standard C3 Zone. If a regulation or Use is not specified, the list of Permitted Uses in **Section 13.1** and/or the regulations of **Table A** shall apply.

SECTION 14 - COMMERCIAL (C4) ZONE

14.1 Permitted Uses

No land, Building, or Structure shall be used or Erected in the Highway Commercial (C4) Zone except for one or more of the following Uses:

a) Motor Vehicle Repair Establishment
Motor Vehicle Sales Establishment
Motor Vehicle Service Establishment
Convenience Store
Drive-in Restaurant
Gasoline Retail Facility
Restaurant

b) Buildings, Structures and Uses Accessory to a Permitted Use

14.2 Site Regulations

a)	Lot Area:	1400 square metres minimum
b)	Lot Frontage:	30 metres minimum
c)	Front Yard Depth:	7.5 metres minimum
d)	Side Yard Width:	7.5 metres minimum
e)	Exterior Side Yard:	7.5 metres minimum
f)	Rear Yard Depth:	7.5 metres minimum
g)	Lot Coverage:	50% maximum

14.3 Building Regulations

a)	Height:	10 metres maximum
b)	Landscaped Open Space:	10% minimum

SECTION 15 – MIXED COMMERCIAL INDUSTRIAL (CM) ZONE

15.1 Permitted Uses

No land, Building, or Structure shall be used or Erected in the Mixed Commercial Industrial (CM) Zone except for one or more of the following Uses:

a) Agricultural Implement Sales Establishment
Agricultural Supply Establishment
Agricultural Services Establishment
Animal Hospital
Building Supply Establishment
Bulk Sales Establishment
Bulk Fuel Depot
Commercial Storage
Drive-In Restaurant
Farm Produce Processing Establishment
General Industrial Use
Garden Centre
Golf Driving Tee or Range
Grain Elevator
Light Equipment Rental Establishment
Light Industrial Use
Lumber Yard
Motor Vehicle Sales Establishment
Motor Vehicle Service Establishment
Motor Vehicle Washing Establishment
Printing Establishment
Service and Repair Shop
Travel Trailer Sales Establishment
Truck Transport Terminal
Tourist Centre
Warehouse

b) Buildings, Structures and Uses Accessory to a Permitted Use

15.2 Holding Zones

15.2.1 Mixed Commercial Industrial Holding CM (h) Zone

Permitted Use

a) Buildings, Structures and Uses lawfully Existing on the day the By-law was passed.

Provisions for the removal of the Holding “h” Symbol

b) To ensure the orderly development of lands and the adequate provision of municipal services, the “h” symbol shall be removed only after the Ministry of Environment & Energy (or its designated agent) has provided written authorization approving a private sewage system and when Council is satisfied that new development will comply with municipal zoning and site plan control regulations.

15.3 Mixed Commercial Industrial (CM) Special Provisions

a) On any Lot used as a Truck Transport Terminal, all trucks, tractor trailers or tractor cabs shall be parked, stored or displayed no closer than 15 metres to the Front Lot Line. In addition, the Parking Area associated with such Use shall be no closer than 15 metres minimum from the Front Lot Line.

15.4 Mixed Commercial Industrial (CM) Zone Exceptions

The following Zones apply to unique or Existing situations and are not the standard CM Zone. If a regulation or Use is not specified, the list of Permitted Uses in **Section 15.1** and/or the regulations of **Table A** shall apply.

15.4.1 Mixed Commercial/Industrial (1) CM (1) Zone (OLT-23-000942)

Permitted Uses

a) Any Permitted Uses in a CM Zone.
b) Cannabis-Related Use - Indoor

Special Provisions

c) Cannabis Related Use - Indoor

i) A minimum of one (1) parking space is required per 100 square metres (1,076.39 square feet) of gross floor area.

ii) Minimum Lot Frontage for micro-processing and micro- cultivation as defined by Federal Cannabis Regulation SOR-2018-144 - 100 metres.

iii) Minimum Lot Frontage for standard processing and standard cultivation as defined by Federal Cannabis Regulation SOR-2018-144 - 200 metres.

iv) Minimum Lot Area for micro-processing and micro- cultivation as defined by Federal Cannabis Regulation SOR-2018-144 – 3 hectares.

v) Minimum Lot Area for standard processing and standard cultivation as defined by Federal Cannabis Regulation SOR-2018-144 – 10 hectares.

vi) Maximum Lot Coverage – 30%.

vii) Minimum Front Yard for micro-processing and micro- cultivation as defined by Federal Cannabis Regulation SOR-2018-144 – 20 metres.

viii) Minimum Front Yard for standard processing and standard cultivation as defined by Federal Cannabis Regulation SOR-2018-144 – 80 metres.

ix) Minimum Side or Rear Yard for micro-processing and micro-cultivation as defined by Federal Cannabis Regulation SOR-2018-144 - 15 metres, except where ventilating fans in a wall exhaust into the respective side or rear yard, the minimum yards shall be 25 metres.

x) Minimum Side or Rear Yard for standard processing and standard cultivation as defined by Federal Cannabis Regulation SOR-2018-144 -

40 metres, except where ventilating fans in a wall exhaust into the respective side or rear yard, the minimum yards shall be 60 metres.

xi) Minimum Exterior Side Yard for micro-processing and micro-cultivation as defined by Federal Cannabis Regulation SOR-2018-144 - 20.5 metres.

i) Minimum Exterior Side Yard for standard processing and standard cultivation as defined by Federal Cannabis Regulation SOR-2018-144 - 80 metres.

ii) A retail store is not permitted as an accessory use.

SECTION 16 - GENERAL INDUSTRIAL (M1) ZONE

16.1 Permitted Uses

No land, Building, or Structure shall be used or Erected in any Industrial (M1) Zone except for one or more of the following Uses:

a) Auction Hall
Building or Contracting Establishment
Commercial Recreation Establishment
Commercial Storage
Dry Cleaning Depot
Dry Cleaning Establishment
General Industrial Use
Grain Elevator
Lumber Yard
Light Industrial Use
Motor Vehicle Repair Establishment,
Motor Vehicle Washing Establishment
Motor Vehicle Service Establishment
Open Storage
Parking Lot
Repair and Rental Establishment
Service Trade
Truck Transport Terminal
Warehouse
Wholesale Establishment

b) Buildings, Structures and Uses Accessory to a Permitted Use

16.2 Special Provisions

Open Storage Regulations

a) Any portion of a Lot used for Open Storage must comply with the Setback provisions of this Section. The area used for Open Storage must be screened from adjoining Lots by an opaque fence at least 2.5 metres in Height. Open Storage shall only be allowed on Interior Lots and shall not be permitted on lands adjacent to any areas zoned Residential. Stored materials shall not protrude above the fence Height anywhere in the enclosure.

16.3 Holding Zones

16.4 Industrial (M1) Zone Exceptions

The following Zones apply to unique or Existing situations and are not the standard M1 Zones. If a regulation or Use is not specified, the list of Permitted Uses in **Section 16.1** and/or the regulations of **Table A** shall apply.

SECTION 17 - LIGHT INDUSTRIAL (M2) ZONE

17.1 Permitted Uses

No land, Building, or Structure shall be used or Erected in the Light Industrial (M2) Zone except for one or more of the following Uses:

a) Auction Hall
Bakery
Building or Contracting Establishment
Business Service Establishment
Commercial Storage
Laboratory
Light Industrial Use
Repair and Rental Establishment
Research and Development Establishment
Service Trade
Motor Vehicle Sales Establishment
Motor Vehicle Service Establishment
Motor Vehicle Washing Establishment
Open Storage
Public Garage
Parking Lot
Warehouse

b) An Existing Dwelling

c) Buildings, Structures and Uses Accessory to a Permitted Use

17.2 Special Provisions

Existing Dwellings

a) Existing Dwellings and Uses Accessory thereto shall be subject to those provisions of the A1 Zone applicable to Single Detached Dwellings, and consistent with Ontario Regulation 153/04, shall be contained to those portions of the Lot where the Existing Use has been exclusively Residential.

17.3 Light Industrial (M2) Zone Exceptions

The following Zones apply to unique or Existing situations and are not the standard M2 Zone. If a regulation or Use is not specified, the list of Permitted Uses in **Section 17.1** and/or the regulations of **Table A** shall apply.

SECTION 18- INDUSTRIAL WASTE DISPOSAL (M3) ZONE

18.1 Permitted Uses

No land, Building, or Structure shall be used or Erected in the Industrial Waste Disposal (M3) Zone except for one or more of the following Uses:

a) To permit for the use and operation a Waste Disposal Site for the transfer and processing of liquid industrial and liquid hazardous waste and existing on-sight stored acid waste on Part of Lot 12, Concession 12, in the Township of Enniskillen as specified and approved by Certificate of Approval No. A031602 issued by the Ministry of Environment on July 27, 1999.

b) Buildings, Structures and Uses Accessory to a Permitted Use

18.2. Holding Zones

18.3 Industrial Waste Disposal (M3) Zone Exceptions

The following Zones apply to unique or Existing situations and are not the standard M3 Zone. If a regulation or Use is not specified, the list of Permitted Uses in **Section 18.1** and/or the regulations of **Table A** shall apply.

SECTION 19 - EXTRACTIVE INDUSTRIAL (M4) ZONE

19.1 Permitted Uses

No land, Building, or Structure shall be used or Erected in the Extractive Industrial (M4) Zone except for one or more of the following Uses:

a) Extractive Use
Agriculture
Forestry
Conservation

b) Buildings, Structures and Uses Accessory to a Permitted Use

19.2 Extractive Industrial (M4) Zone Exceptions

The following Zones apply to unique or Existing situations and are not the standard M4 Zone. If a regulation or Use is not specified, the list of Permitted Uses in **Section 19.1** and/or the regulations of **Table A** shall apply.

SECTION 20 - INSTITUTIONAL (I) ZONE

20.1 Permitted Uses

No land, Building, or Structure shall be used or Erected in the Institutional (I) Zone except for one or more of the following Uses:

a) Cemetery
Church
Day Nursery
Institutional Use
Nursing Home or Rest Home
School
Group Home – Type 1

b) Buildings, Structures and Uses Accessory to a Permitted Use

20.2 Holding Zones

20.3 Institutional (I) Zone Exceptions

The following Zones apply to unique or Existing situations and are not the standard I Zone. If a regulation or Use is not specified, the list of Permitted Uses in **Section 20.1** and/or the regulations of **Table A** shall apply.

SECTION 21 - PASSIVE OPEN SPACE 1 (OS1) ZONE REGULATIONS

21.1 Permitted Uses

No land, Building, or Structure shall be used or Erected in the Passive Open Space 1 (OS1) Zone except for one or more of the following Uses:

a) Conservation
Forestry
Passive Recreation
Public Park

b) Buildings, Structures and Uses Accessory to a Permitted Use

21.2 Passive Open Space 1 (OS1) Zone Exceptions

The following Zones apply to unique or Existing situations and are not the standard OS1 Zone. If a regulation or Use is not specified, the list of Permitted Uses in **Section 21.1** and/or the regulations of **Table A** shall apply.

SECTION 22- ACTIVE OPEN SPACE 2 (OS2) ZONE REGULATIONS

22.1 Permitted Uses

No land, Building, or Structure shall be used or Erected in the Active Open Space 2 (OS2) Zone except for one or more of the following Uses:

a) Active Recreation
Campground
Conservation
Community Centre
Forestry
Golf Course
Golf Driving Tee or Range
Public Park
Private Park

b) Buildings, Structures and Uses Accessory to a Permitted Use.

22.2 Active Open Space 2 (OS2) Zone Exceptions

The following Zones apply to unique or Existing situations and are not the standard OS2 Zone. If a regulation or Use is not specified, the list of Permitted Uses in **Section 22.1** and/or the regulations of **Table A** shall apply.

SECTION 23 - ENVIRONMENTAL PROTECTION WETLAND (EP-WET) ZONE

23.1 Permitted Uses

No land, Building, or Structure shall be used or Erected in the Environmental Protection - Wetland (EP-WET) Zone except for one or more of the following Uses:

a) Existing Agricultural Use
Passive Recreation, excluding Buildings and Structures
Conservation, excluding Buildings and Structures

23.2 Environmental Protection - Wetland (EP-WET) Zone Exceptions

The following Zones apply to unique or Existing situations and are not the standard EP-WET Zone. If a regulation or Use is not specified, the list of Permitted Uses in **Section 23.1** and/or the regulations of **Table A** shall apply.

SECTION 24 - ENVIRONMENTAL PROTECTION - WOODLOT (EP-WD) ZONE

24.1 Permitted Uses

No land, Building, or Structure shall be Used or Erected in the Environmental Protection Woodlot (EP-WD) Zone except for one or more of the following Uses:

a) Agriculture, excluding Buildings and Structures
Forestry, exclusive of Buildings and Structures
Passive Recreation, excluding Buildings and Structures
Conservation, excluding Buildings and Structures

b) Existing Single Detached Dwellings, where the EP-WD Zone does not have an EP-WET Zone within its boundary

c) Buildings, Structures and Uses Accessory to a Dwelling Permitted under **Section 24.1 b)**

24.2 Environmental Protection - Woodlot (EP-WD) Zone Special Provisions

a) Existing Single Detached Dwellings and Accessory Uses thereto, where Permitted, shall comply with the provisions of the “Agricultural 1 (A1) Zone”.

b) Replacement of an Existing Dwelling shall be prohibited.

c) An Existing Single Detached Dwelling, where a Permitted Use, may be Altered provided:

i) the Alteration does not constitute Replacement; and
ii) any addition to the Dwelling is entirely contained to an area that has been clear of undergrowth and continuously maintained as the Existing Dwelling's yard since the day this By-law was passed.

d) Where Permitted, new Buildings, Structures and Uses Accessory to a Dwelling shall be entirely contained to an area that has been clear of undergrowth and continuously maintained as the Existing Dwelling's yard since the day this By-law was passed.

24.3 Environmental Protection - Woodlot (EP-WD) Zone Exceptions

The following Zones apply to unique or Existing situations and are not the standard EP-WD Zone. If a regulation or Use is not specified, the list of Permitted Uses in **Section 24.1** and/or the regulations of **Table A** shall apply.

SECTION 25 - ENVIRONMENTAL PROTECTION - HAZARD (EP-H) ZONE

25.1 Permitted Uses

No land, Building, or Structure shall be used or Erected in the Environmental Protection - Hazard (EP-H) Zone except for one or more of the following Uses:

a) Agriculture, excluding Buildings and Structures
Active Recreation, excluding Buildings and Structures
Passive Recreation, excluding Buildings and Structures
Structures required for the safety of Persons living in or adjacent to the Environmental Protection - Hazard (EP-H) Zone.

b) Only existing buildings and structures will be allowed within the Hazard (EP-H) Zone. All new Development in the Hazard Zone will be subject to Conservation Authority regulations.

25.2 Environmental Protection – Hazard (EP-H) Special Provisions

a) Development within portions of the EP-H Zone that does not comply with the Permitted Uses or other regulations of the EP-H Zone shall be Permitted if it complies with the provisions contained in **Section 4.6** to this By-law and the Permitted Uses and Zone regulations of the applicable Zone underlying the EP-H Zone on Schedule "A".

25.3 Environmental Protection – Hazard (EP-H) Zone Exceptions

The following Zones apply to unique or Existing situations and are not the standard EP-H Zone. If a regulation or Use is not specified, the list of Permitted Uses in **Section 25.1** and/or the regulations of **Table A** shall apply.

SECTION 26 - ENVIRONMENTAL PROTECTION - SIGNIFICANT NATURAL AREA (EP-SNA) ZONE

26.1 Permitted Uses

No land, Building, or Structure shall be Used or Erected in the Environmental Protection - Significant Natural Area (SNA) Zone except for one or more of the following Uses:

a) Agriculture, excluding Buildings and Structures
Conservation, excluding Buildings and Structures
Forestry, excluding Buildings or Structures
Passive Recreation, excluding Buildings and Structures

26.2 Significant Natural Area (EP-SNA) Zone Special Provisions

26.3 Significant Natural Area (EP-SNA) Zone Exceptions

The following Zones apply to unique or Existing situations and are not the standard SNA Zone. If a regulation or Use is not specified, the list of Permitted Uses and/or the regulations of **Section 26.1** shall apply.

READ A FIRST AND SECOND TIME THIS ___ DAY OF _____, 2014.

READ A THIRD TIME AND FINALLY PASSED THIS ___ DAY OF _____, 2014.

_____
Kevin Marriott, Mayor

_____
Duncan McTavish, Administrator-Clerk

APPENDIX "A" - MINIMUM DISTANCE SEPARATION

MINIMUM DISTANCE SEPARATION I CALCULATION FORM

Step	Livestock/Manure Type & Description (Table 1)	Manure Type (Solid or Liquid)	Number /NU (Table 1)	Livestock Design Capacity	Nutrient Units	Factor A (Table 1)	Factor D (Table 1)
1							
2	Livestock Design Capacity (Total Nutrient Unit Capacity on Lot)			Total			
3	Factor A (Odour Potential)	Weight Average by NU (round to 2 decimal places)					
4	Factor D (Manure or Material Form)	Weight Average by NU (round to 2 decimal places)					
5	Factor E (Encroaching Land Use - Table 4)						
6	Potential Nutrient Units (refer to table below):						
7	Final NU: Greater of Total NU on Lot (Step 2) and Potential NU (Step 6) *(For expansion of a settlement area identified in the Official Plan, ignore Potential NU).*						
8	Factor B (Nutrient Units Factor - Table 2)				(round to 2 decimal places)		
9	F: Building Base Distance (m) = Factor A (3) x Factor D (4) x Factor E (5) x Factor B (8)				(round up)		
10	S: Manure Storage Base Distance (m) (Tables 5 & 6)				(round up)		

Step 6: Potential Nutrient Units	Lot Area <= 5 ha	Lot Area >5 & <= 25 ha	Lot Area >25 & <= 50 ha	Lot Area >50 ha
Multiplication Factor				
Livestock Design Capacity <= 5 NU	1	1	1	1
Livestock Design Capacity >5 & <= 25 NU	1	2	2	2
Livestock Design Capacity >25 NU	1	2	3	3
Cap	n/a	300 NU	450 NU	600NU

(a) Livestock Design Capcity from Step 2 _____ (NU)

(b) Multiplication Factor from Table Above _____

(c) a x b = _____ (NU)

(d) Cap from Table Above _____ (NU)

Potential Nutrient Units to be inserted at Step 6 is lesser of (c) and (d).

Required Setback from livestock occupied portion of livestock barn = F (9) _____ m Actual: _____ m

Required Setback from manure or material storage = S (10) _____ m Actual: _____ m

MINIMUM DISTANCE SEPARATION II CALCULATION FORM

Step	Livestock/Manure Type & Description (Table 1)	Manure Form (Solid or Liquid)	Number/ NU (Table 1)	Maximum Housing Capacity 3 Years Ago (1)	NU 3 Years Ago (1)	Added Maximum Housing Capacity (1)	Added NU (1)	Final NU	Factor A (Table 1)	Factor D (Table 1)
1										
2	Total Nutrient Unit Capacity on Lot			Totals						
3	Factor A (Odour Potential)		Weight Average by Added NU (round to 2 decimal places)							
4	Factor D (Manure or Material Form)			Weight Average by Added NU (round to 2 decimal places)						
5	Factor B (Nutrient Units Factor - Table 2 - based on Total Final NU)					(round to 2 decimal places)				
6	Percentage Increase (%) = (Total Added NU / Total NU 3 Years Ago) x 100									
7	Factor C (Orderly Expansion Factor - Table 3)					(round to max 4 decimal places)				
8	F: Building Base Distance (m) = Factor A (3) x Factor D (4) x Factor B (5) x Factor C (7)							(round up)		
9	S: Manure Storage Base Distance (m) (Tables 5 & 6)							(round up)		

(1) Any livestock facility capacity for which a building permit was issued less than 3 years prior to the current building permit application submission date (and including the current building permit application) is to be considered added capacity. Added capacity could be negative.

MDS II SUMMARY		Livestock Occupied Portion		Manure Storage	
		Base Distance F = ____ m		Base Distance S = ____ m	
	Factor	Required Setback (m) ('F' x Factor)	Actual Setback (m)	Required Setback (m) ('S' x Factor)	Actual Setback (m)
Type A Land Uses	1				
Type B Land Uses	2				
Interior Side or Rear Lot Line (max 30m)*	0.1				
Exterior Side or Front Lot Line (max 60m)*	0.2				

*Round to nearest whole number

TABLE 1: Factor A (Odour Potential) and Factor D (Manure Type)

Livestock/ Manure Type (page 1 of 3)	Livestock/Manure Description	Number per NU	Factor A	Manure Type and Storage Descrition	
				Liquid Manure: Factor D = 0.8 <18% Dry Matter	**Solid Manure:** Factor D = 0.7 >/=18% Dry Matter
Swine	Sows with litter, dry sows or boars	3.5	1.0	Most systems have liquid manure stored under the barn slats for short or long periods, or in storages located outside	Systems with solid manure inside on deep bedded packs, or with scraped alleys
	Breeder gilts (entire barn designed specifically for this purpose)	5			
	Weaners (7 kg -27 kg)	20	1 .1		
	Feeders (27 -136 kg)	5.25	1.2		
Dairy Cattle[1] milking age cows (dry or milking)	Large-framed; 545 kg - 658 kg (e.g. Holsteins)	0.7	0.7	Free-stall barns with minimal bedding or sand bedding, or tie-stall barns with minimal bedding & milking centre washwater added	Tie-stall barns with lots of bedding, or loose housing with deep bedded pack, and with or without outside yard access
	Medium-framed; 455 kg - 545 kg (e.g. Guernseys)	0.85			
	Small-framed; 364 kg - 455 kg (e.g. Jerseys)	1			
Dairy Cattle[1] heifers (5 months to freshening)	Large-framed; 182 kg - 545 kg (e.g. Holsteins)	2			
	Medium-framed; 148 kg - 455 kg (e.g. Guernseys)	2.4			
	Small-framed; 125 kg - 364 kg (e.g. Jerseys)	2.9			
Dairy Cattle[1] calves (0-5 months)	Large-framed; 45 kg - 182 kg (e.g. Holsteins)	6			Bedded pens or stalls or heavily bedded calf hutches that are outside
	Medium-framed; 39 kg - 148 kg (e.g. Guernseys)	7			
	Small-framed; 30 kg - 125 kg (e.g. Jerseys)	8.5			
Beef Cattle	Cows, including calves to weaning (all breeds)	1	0.7	N/ A	Bedded pack barns with or without outside yard access
	Feeders (7 -16 months)	3	0.8	Slatted floor systems, or barns with minimal bedding & yard scraped to a liquid storage	
	Backgrounders (7 - 12.5 months)	3			
	Shortkeepers (12.5 - 17.5 months)	2			
Veal	Milk-fed	6	1.1	Slatted floors or slatted stall system	Heavily bedded pack barns
	Grain-fed	6	0.8		
Horses	Large-framed, mature; > 681 kg (e.g. draft or draft cross breeds including unweaned offspring)	0.7	0.7	N/ A	All horse systems
	Medium-framed, mature; 227 kg – 680 kg (e.g. saddle, riding and racing breeds including unweaned offspring)	1			
	Small-framed, mature; < 227 kg (e.g. ponies and miniatures including unweaned offspring)	2			
Rabbits	Breeding females (including males, replacements & market animals)	40	0.8	N/A	Cage or floor systems
Donkeys	Jacks, jennies, mules, hinnies (includes unweaned foals)	2	0.7	N/A	All donkey systems
Goats	Does & bucks (for meat; includes unweaned offspring & replacements	8	0.7	N/ A	All goat systems
	Does & bucks (for dairy; includes unweaned offspring & replacements)	8			
	Kids (dairy or feeder kids)	32			

Livestock/ Manure Type (Table 1, Page 2 of 3)	**Livestock/Manure Description**	**Number per NU**	**Factor A**	**Manure Type and Storage Descrition**	
				Liquid Manure: Factor D = 0.8 <18% Dry Matter	**Solid Manure:** Factor D = 0.7 >/=18% Dry Matter
Sheep	Ewes & rams (for meat; includes unweaned offspring & replacements)	8	0.7	N/ A	All sheep systems
	Ewes & rams (dairy operation; includes unweaned offspring & replacements)	6			
	Lambs (dairy or feeder lambs)	20			
Chickens	Layer hens (for eating eggs; after transfer from pullet barn)	150	1.0	Birds in cages, manure belts, no drying of manure, water added	Birds in cages, manure belts & drying, or floor systems
	Layer pullets (day olds until transferred into layer barn)	500	0.7		
	Broiler breeder growers (males/ females transferred out to layer barn)	300	0.7	N/A	Bedded floors
	Broiler breeder layers (males/females transferred in from grower barn)	100	0.7	N/A	Cage or slatted floor systems
	Broilers on any length of cycle	24.8 m^2 (267 ft^2) floor area	0.7	N/A	Bedded floor systems
Turkeys	Turkey poults (day old until transferred to grow-out turkey barn)	267	0.7	N/ A	Bedded floor systems
	Turkey breeder layers (males/females transferred in from grower barn)	67			
	Breeder toms	45			
	Broilers (day olds to 6.2 kg)	133			
	Hens (day olds up to 6.2 kg to 10.8 kg; 7.5 kg is typical)	105			
	Toms (day olds to over 10.8 to 20 kg; 14.5 kg is typical)	75			
	Turkeys at any other weights, or if unknown	24.8 m^2 (267 ft^2) floor area			
Quail	All quail	24.8 m^2 (267 ft^2) floor area	0.7	N/A	Bedded floor systems
Partridge	All partridge				
Pheasants	All pheasants				
Squab	All squab				
Rheas	Adults (includes replacements & market birds)	13			
Emus	Adults (includes replacements & market birds)	12			
Ostriches	Adults (includes replacements & market birds)	4			
Ducks	Peking	105	0.8	Wire mesh flooring systems	Bedded floor systems
	Muscovy	24.8 m^2 (267 ft^2) floor area			
Geese	All geese	24.8 m^2 (267 ft^2) floor area			

Livestock/ Manure Type (Table 1, Page 3 of 3)	**Livestock/Manure Description**	**Number per NU**	**Factor A**	**Manure Type and Storage Descrition**	
				Liquid Manure: Factor D = 0.8 <18% Dry Matter	**Solid Manure:** Factor D = 0.7 >/=18% Dry Matter
Chinchillas	Breeding females (including males, replacements & market animals)	320	0.8	N/A	Cage or floor systems
Fox	Breeding females (including males, replacements & market animals)	25	1.0	N/A	Cage system - manure accumulates underneath
Mink	Breeding females (including males, replacements & market animals)	60		Cage system with trough system underneath	
Bison	Adults (includes unweaned calves & replacements)	1.3	0.7	N/ A	Bedded pack barns with outside access OR outside confinement areas
	Feeders (170kg - 477kg)	4			
Llama	Adults (includes unweaned young & replacements)	5			
	Feeders (45kg - 86kg)	16			
Alpaca	Adults (includes unweaned young & replacements)	8			
	Feeders (23kg – 48kg)	26			
Wild Boar	Breeding age sows (includes boars, replacements & weaned piglets to 27kg)	5			
	Finishing boars (27 kg -86 kg)	7			
White tailed deer	Adults> 24 mo (including unweaned offspring	11			
	Feeders	21			
Red deer	Adults> 24 mo (including unweaned offspring)	7			
	Feeders	14			
Elk	Adults> 24 mo (including unweaned offspring)	2			
	Feeders	6			
Elk/deer hybrids	Adults> 24 mo (including unweaned offspring)	4			
	Feeders	10			
Fallow deer	Adults> 24 mo (including unweaned offspring)	13			
	Feeders	23			
Other animals	All other animals	Total live weight of animals divided by 453.6 kg (1000 lbs)	0.8	All storages with liquid manure	All storages with solid manure
Imported Manure	Use the volume of the manure storage(s)	19.8 m^3 (700 ft^3) of volume	1.0 [2]	All storages with liquid manure	All storages with solid manure
Unoccupied livestock barns[3]	All unoccupied livestock barns.	20 m^2 (215 ft^2) of area	1.0	N/A	All unoccupied livestock barns
Unused manure storage[3]	All manure storage that does not currently store any manure.	19.8 m^3 (700 ft^3) of volume	1.0	All unused storages for liquids	All unused storages for solids

1. On farms with 100 milking-age cows [dry & milking), there are usually about 20 replacement calves and 80 replacement heifers.

2. Average value for typical types of manures that might be imported to a lot, such as poultry, dairy, beef, swine, horse or other manure.

3. These values should only be used when obtaining information from the farm operator(s) and/or owner(s) is not possible and the livestock/manure type for which the facility was designed is not otherwise apparent.

N/A = Not Applicable

TABLE 2: Factor B (Nutrient Units Factor)

Final NU	Factor B	Final NU	Factor B	Final NU	Factor B
5 or Less	150	66	285	240	429
		68	287	245	432
6	153	70	289	250	435
7	157	72	291	260	441
8	160	74	293	270	447
9	163	76	294	280	453
10	167	78	296	290	458
11	170	80	298	300	464
12	173	82	300	310	469
13	177	84	301	320	474
14	180	86	303	330	480
15	183	88	305	340	485
16	187	90	307	350	490
17	190	92	309	360	494
18	193	94	310	370	499
19	197	96	312	380	504
20	200	98	314	390	508
21	202	100	316	400	513
22	204	102	318	410	517
23	206	104	320	420	522
24	208	106	322	430	526
25	210	108	324	440	530
26	212	110	326	450	535
27	214	112	329	460	539
28	216	114	331	470	543
29	218	116	333	480	547
30	220	118	335	490	551
31	222	120	337	500	555
32	224	122	339	520	562
33	226	124	340	540	570
34	228	126	342	560	577
35	230	128	344	580	584
36	232	130	346	600	591
37	234	135	351	620	598
38	236	140	355	640	605
39	238	145	360	660	611
40	240	150	364	680	618
41	242	155	368	700	624
42	244	160	372	750	639
43	246	165	376	800	654
44	248	170	380	850	668
45	250	175	384	900	681
46	252	180	388	950	694
47	254	185	392	1000	707
48	256	190	395	1100	731
49	258	195	399	1200	753
50	260	200	402	1300	775
52	264	205	406	1400	795
54	268	210	409	1500	815
56	272	215	413	2000	870
58	276	220	416	3000	980
60	280	225	419	4000	1090
62	282	230	423	5000	1200
64	284	235	426	>5000	See Note.

TABLE 3: Factor C (Orderly Expansion Factor)

% Increase in NU	Factor C	% Increase in NU	Factor C
0% or Decrease	0.5000	43	0.7666
		44	0.7728
1	0.5062	45	0.7790
2	0.5124	46	0.7852
3	0.5186	47	0.7914
4	0.5248	48	0.7976
5	0.5310	49	0.8038
6	0.5372	50	0.8100
7	0.5434	55	0.8167
8	0.5496	60	0.8230
9	0.5558	65	0.8294
10	0.5620	70	0.8357
11	0.5682	75	0.8420
12	0.5744	80	0.8484
13	0.5806	85	0.8547
14	0.5868	90	0.8610
15	0.5930	95	0.8674
16	0.5992	100	0.8737
17	0.6054	105	0.8800
18	0.6116	110	0.8864
19	0.6178	115	0.8927
20	0.6240	120	0.8990
21	0.6302	125	0.9054
22	0.6364	130	0.9117
23	0.6426	135	0.9180
24	0.6488	140	0.9244
25	0.6550	145	0.9307
26	0.6612	150	0.9371
27	0.6674	160	0.9497
28	0.6736	170	0.9624
29	0.6798	180	0.9751
30	0.6860	190	0.9877
31	0.6922	200	1.0000
32	0.6984	300	1.0280
33	0.7046	400	1.0560
34	0.7108	500	1.0840
35	0.7170	600	1.1120
36	0.7232	700% or more or first Livestock Facility on Lot	1.1400
37	0.7294		
38	0.7356		
39	0.7418		
40	0.7480		
41	0.7542		
42	0.7604		

Table 2 Note: For capacities >5000 NU, use MDS Softw are (AgriSuite)

TABLE 4: Factor E (Encraoching Land Use Factor)

Encroaching Land Use	Factor E
Type A Land Use*	1.1
Type B Land Use*	2.2

*See Section 2, Definitions, in Zoning By-law .

TABLE 5: Manure Storage Types

Solid Manure: 18% dry matter, or more

Liquid Manure: Less than 18% dry matter

Storage Odour Potential	Solid or Liquid System	Inside or Outside Livestock Facility	Number referred to in Table 6	Description of permanent manure storages being sited by MDS II, or encroached upon through MDS I application
Very Low	Solid	Inside	V1	Solid, inside, bedded pack (manure accumulates under livestock over time)
		Outside	V2	Solid, outside, covered (cover keeps off precipitation to prevent runoff)
			V3	Solid, outside, no cover, greater than or equal 30% dry matter (manure is dry enough that a flowpath option can be used for runoff control (Nutrient Management Act, 2002)
			V4	Solid, outside, no cover, 18% to less than 30% dry matter, with covered liquid runoff storage (manure not dry enough to soak up precipitation, so a liquid runoff storage needed; liquid storage has a permanent, tight-fitting cover)
	Liquid	Inside	V5	Liquid, inside, underneath slatted floor (manure is stored under the animals in the barn)
		Outside	V6	Liquid, outside, with a permanent, tight fitting cover (negative pressure tarp, concrete lid, inflatable dome, etc.)
Low	Solid	Outside	L1	Solid, outside, no cover, 18% to less than 30% dry matter, with uncovered liquid runoff storage (manure not dry enough to soak up precipitation, so a liquid runoff storage needed; liquid storage is uncovered, producing more odour than a V4 storage)
	Liquid	Outside	L2	Liquid, outside, with a permanent floating cover (tarps, foam panels, plastic hexagonal discs, etc.)
Medium	Liquid	Outside	M1	Liquid, outside, no cover, straight-walled storage (usually circular or rectangular concrete or steel storages)
			M2	Liquid, outside, roof, but with open sides (roof keeps off precipitation, but the open sides allow wind to travel over the manure and carry odours)
High	Liquid	Outside	H1	Liquid, outside, no cover, sloped-sided storage (earthen manure storages, but not earthen runoff storages associated with a solid manure storage which are L1 above)

Table 6: MDS I/II Separation Distances for Permanent Manure Storage

Building Base Distance (m) for MDS II ('F'), or Encroachment Base Distance for MDS I ('F')	Storage Separation Distances Based on Relative Odour Potential – Storage Base Distance, 'S' (m)			
	Very Low Odour Storages V1 to V7	Low Odour Storages L1 to L2	Medium Odour Storages M1 to M2	High Odour Storages H1
40	40	64	136	232
50	50	74	145	240
60	60	84	154	248
70	70	93	163	256
80	80	103	172	264
90	90	113	181	272
100	100	123	190	280
110	110	132	199	288
120	120	142	208	296
130	130	152	217	304
140	140	162	226	312
150	150	171	235	320
160	160	181	244	328
170	170	191	253	336
180	180	201	262	344
190	190	210	271	352
200	200	220	280	360
210	210	230	289	368
220	220	240	298	376
230	230	249	307	384
240	240	259	316	392
250	250	269	325	400
260	260	279	334	408
270	270	288	343	416
280	280	298	352	424
290	290	308	361	432
300	300	318	370	440
310	310	327	379	448
320	320	337	388	456
330	330	347	397	464
340	340	357	406	472
350	350	366	415	480
360	360	376	424	488
370	370	386	433	496
380	380	396	442	504
390	390	405	451	512
400	400	415	460	520
420	420	435	478	536
440	440	454	496	552
460	460	474	514	568
480	480	493	532	584
500	500	513	550	600
600	600	610	640	680
800	800	805	820	840
1000	1000	1000	1000	1000
Greater than 1000 m	Storage Base Distance 'S' is the same as Building Base Distance 'F'			