



ZONING BY-LAW NO. 18-22

ADOPTED APRIL 5, 2018

CONSOLIDATED VERSION APRIL 2019

This office consolidation includes all amendments adopted by Council prior to April 5, 2019. The document contained herein is prepared for the purposes of convenience only. For accurate references, the user is encouraged to refer to the original amending by-laws.

**AMENDMENTS
ZONING BY-LAW No. 18-22
TOWNSHIP OF MALAHIDE**

BY-LAW No.	DATE ADOPTED	OWNER	LOCATION	ZONE CHANGE	MAP NO.	PURPOSE
18-20	21 June 2018	Carrel Farm Inc.	Pt Lot 21 Con 9	A1 to RC	A - 29	-enlargement of existing farm equipment sales & service business
18-31	3 May 2018	1964540 Ontario Inc. (Vanderwyst)	Pt Lot 22 Con 12	A3 & M2 to A3-5 & M2-7	A- 17	-lot creation for a surplus farm dwelling
18-40	7 June 2018	Skipwell Farms Ltd.	Pt Lot 79 STR	A1 to A4-12 A1 to A2	A - 64	-lot creation for a surplus farm dwelling
18-41	7 June 2018	L. Dawson & 943448 Ont Inc.	Pt Lot 6 Con 8	A1 to A4 A1 to A2-1	A – 7	-lot creation for a surplus farm dwelling
18-49	21 June 2018	Tonckensdale Farms Ltd.	Pt. Lot 21, 22 Con 11	A3 to A4	A - 17	-enlargement of existing residential lot
18-57	2 August 2018	B. & G. Teeple	Pt Lot 6 Con 3	n/a	A - 79	-permits temporary use (garden suite) for max 20 years
18-64	6 September 2018	J. & L. Jones	Pt. Lot 11 Con South Gore	HR-H-1 to HR	Sch J	-removal of H symbol to permit development on 9 residential lots
18-65	20 September 2018	H. & G. Bartsch	Pt. Lot 35 Con 4	A1 to A1-18	A – 77	-permit mini-barn construction business
18-67	4 October 2018	Lankhuijzen Farms Ltd.	Pt Lot 32 Con 3	A1 to A4-13 & A4-14 A1 to A2	A - 86	-lot creation for two surplus farm dwellings
18-68	4 October 2018	Lankhuijzen Farms Ltd.	Pt. Lot 20 Con 2	A1 to A4-15 A1 to A2	A - 92	-lot creation for a surplus farm dwelling -woodworking and cabinet making business as a home occupation
18-73	21 March 2019	1841591 Ontario Inc. (Guenther)	Pt. Lot 11 Con 9	A1-2 to A1-2- H-1	A - 26	-permits food processing plant, restaurant, truck terminal & all other permitted uses of the A1 zone
19-08	10 January 2019	General Amendment – Housekeeping By-law	Township - wide	refer parent by- law	refer parent by-law	-refer parent by-law
19-09	10 January 2019	General Amendment – Housekeeping By-law – Remove H symbol	Springfield, South Gore, Calton & Copenhagen	VR1-H-1 to VR1, HR-H-1 to HR	Sch D, Map 3 Sch J Sch M Sch N	-refer parent by-law
19-13	7 February 2019	D. & C. Tisdale	Pt. Lot 11 Con 10	n/a	A - 13	-permits temporary use (garden suite) for max 20 years
19-24	21 February 2019	P. Wagler	Pt. Lot 99 – 101 Con NTR	A1-4 to M3-3- H-1	A - 48	-permits food processing plant, furniture finishing establishment & warehouse/showroom accessory to a furniture finishing establishment
19-31	4 April 2019	1788165 Ontario Inc. (Demaree)	Pt. Lot 13, 14 Con 2	A3 to A4-16 A3 to A2-2	A - 90	-lot creation for a surplus farm dwelling

PURPOSE AND EFFECT
BY-LAW NO. 18-22
TOWNSHIP OF MALAHIDE
COMPREHENSIVE ZONING BY-LAW

By-law No. 18-22 of the Township of Malahide is a comprehensive zoning by-law passed by Council on April 5, 2018 pursuant to Section 34 of the Planning Act, R.S.O., 1990 as amended or revised from time to time.

The By-law regulates the use of land and the character, location and use of buildings and structures throughout the Municipality. It divides the Municipality into a number of specific land use zones. For each zone, the permitted uses and the regulations governing these uses (namely, the siting and size of buildings and structures) are listed.

If a use is not specifically permitted by the By-law, it is deemed to be prohibited with the exception of certain public uses. If the existing use of a property is not listed as a permitted use and does not qualify as a public use, then the use is a non-conforming or an illegal use depending upon when it was established. Non-conforming uses legally established on the day of the passing of this By-law are protected and allowed to continue. Expansions to enlarge or extend non-conforming uses, however, require public notice and the approval of the Municipality.

The zone maps or schedules which form part of the By-law identify individual properties and the zoning which applies to them. Regulations which apply to more than one land use zone or throughout the Municipality regardless of how lands are zoned are contained in a separate section, entitled General Regulations.

Amongst other more specific changes, the new Zoning By-law contains up-dated and revised definitions, new standards for development, new and revised land use zones and improved mapping. In addition, the By-law implements various provisions of the Municipality's Official Plan. Under the provisions of the Planning Act, the Zoning By-law must be consistent with the Provincial Policy Statement and must conform to the County of Elgin Official Plan and the Township of Malahide Official Plan.

The By-law does not exempt any person or corporation from having to comply with the requirements of the Ontario Building Code, the Catfish Creek Conservation Authority, the Kettle Creek Conservation Authority or the Long Point Region Conservation Authority. It also does not exempt any person or corporation from having to comply with other by-laws of the Municipality or from obtaining any necessary or required license, permit or approvals from any other authority or public agency having jurisdiction in the Township.

Amendments may be made at any time to the Zoning By-law in response to development proposals, requests for changes in land use and other planning issues that may arise. The Official Plan establishes the basis for evaluating and adopting such amendments. Depending on the nature of the proposed amendment, surrounding property owners or residents of the Municipality as-a-whole are notified and given an opportunity to express their support of, or opposition to, the proposed amendment.

This By-law replaces By-law No. 05-27, being the Township of Malahide Zoning By-law adopted on April 25, 2005, and all amendments thereto. Minor variances granted to By-law No. 05-27, however, continue to remain in effect.

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

Zoning By-law No. 18-22

Township of Malahide

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SCHEDULE "K" – LUTON
SCHEDULE "L" – MOUNT SALEM
SCHEDULE "M" – CALTON
SCHEDULE "N" – COPENHAGEN
SCHEDULE "O" – PORT BRUCE

1.0 INTERPRETATION AND ADMINISTRATION

1.1 TITLE

This By-law shall be known as the “Township of Malahide Zoning By-law”.

1.2 LANDS AFFECTED

The provisions of this By-law shall apply to all land within the corporate limits of the Township as now or hereafter legally constituted.

1.3 SCOPE

No land shall be used, no lot shall be altered, and no buildings or structures shall be erected, altered, or used within the Township except in conformity with this By-law.

1.4 INTERPRETATION

Unless specified otherwise, the following shall apply throughout this By-law:

- a) the particular shall supersede the general;
- b) where a term or phrase is defined in general terms herein, it shall not be construed to mean any other term or phrase which is more specifically defined herein unless it is specifically stated otherwise;
- c) if a use is not listed as a permitted use, it is deemed to be prohibited with the exception of public uses as stipulated herein;
- d) the word “shall” is to be construed as mandatory and not discretionary;
- e) unless the contrary intention specifically appears otherwise, words imparting the singular number or the masculine gender only shall include more persons, parties, or things of the same kind than one, and females as well as males, and the converse;
- f) a “building” or “structure” shall include any part or portion thereof;
- g) any Act, Regulation or Publication of a public authority referred to herein shall include any predecessor thereof, any amendments or revisions made thereto or any subsequent Act, Regulation or Publication enacted in place thereof;
- h) changes in road names and modifications to lot fabric, including the addition of new lots, shall be reflected in subsequent consolidated versions of this document and an amendment to the Zoning By-law shall not be required to reflect said modifications;
- i) text shown in italics found at the introduction to Section 5 through Section 9 inclusive to this By-law is provided for descriptive and convenience purposes only and shall not comprise part of the By-law;

- j) the zone legend and accompanying information found immediately preceding Schedule 'A' Index Map is provided for descriptive and convenience purposes only. Any modification to wetland classifications and delineations, as well as the limits of areas regulated by the conservation authority having jurisdiction, shall be reflected in subsequent consolidated versions of this document and an amendment to the Zoning By-law shall not be required.

1.5 MEASUREMENTS

All standards of measurement applied in this By-law shall be subject to the normal rules of rounding numbers, within the degree of precision specified by the number of digits following the decimal point, if any, so that:

- a) for a whole number, measurements of less than 0.5 shall be rounded downward to the next whole unit;
- b) for a whole number, measurements of 0.5 and greater shall be rounded upward to the next whole unit;
- c) for a number having one decimal place, measurements of less than 0.05 shall be rounded downward to the next one-tenth unit;
- d) for a number having one decimal place, measurements of 0.05 and greater shall be rounded upward to the next one-tenth unit; and
- e) for numbers expressed as a ratio or as a percentage, rounding shall not be applied.

1.6 LICENCES AND PERMITS

No municipal permit, certificate, or license shall be issued where the said permit is required for a proposed use of land or a proposed erection, alteration, enlargement or use of any building or structure that is not in compliance with this By-law.

1.7 CONSERVATION AUTHORITIES

Where lands lie within an area regulated by the Catfish Creek Conservation Authority pursuant to Ontario Regulation 146/06, the Kettle Creek Conservation Authority pursuant to Ontario Regulation 181/06, or the Long Point Region Conservation Authority pursuant to Ontario Regulation 178/06, no building permit shall be issued by the Township for a building or structure in compliance with this By-law without permission having first been given by the Authority having jurisdiction.

1.8 REMEDIES

Where any building or structure is or is proposed to be erected, altered, reconstructed, extended or enlarged, or any building or structure is, or is proposed to be used, in contravention of this By-law, the same may be restrained by an action of any person or of the Township under the Planning Act or the Municipal Act.

Where a person or corporation, guilty of an offense under this By-law has been directed to remedy any violation and is in default of doing any matter or thing required, such matter or thing shall be done at his or its expense. Where a person or corporation has refused or neglected to

reimburse the Township for the cost of such work, thing or matter done, the same may be recovered by the Township in like manner as taxes.

1.9 APPLICATION OF OTHER LEGISLATION

Nothing in this By-law shall serve to relieve any person from the obligation to comply with the requirements of the Ontario Building Code or any other by-law of the Municipality in force from time to time or the obligation to obtain any license, permit, authority or approval required by the Municipality or any other public authority or body and without limiting the generality of the forgoing, shall include the Catfish Creek Conservation Authority, the Kettle Creek Conservation Authority, the Long Point Region Conservation Authority and the Ministry of Transportation in the following circumstances:

- a) where lands lie within an area regulated by the Catfish Creek Conservation Authority pursuant to Ontario Regulation 146/06, the Kettle Creek Conservation Authority pursuant to Ontario Regulation 181/06, or the Long Point Region Conservation Authority pursuant to Ontario Regulation 178/06 as shown on the Zone Maps, no use shall be established and no building or structure shall be erected without permission having first being given by the authority having jurisdiction.
- b) where lands lie within the permit control area established by the Ministry of Transportation adjacent to Highway No. 3 pursuant to the Public Transportation and Improvement Act, no use shall be established and no building or structure shall be erected without a permit having first being issued by the Ministry.

1.10 VALIDITY

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

2.0 DEFINITIONS

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

2.1 ABATTOIR

shall mean a building erected, used or intended for the slaughtering of animals for the purposes of processing meat into food for human consumption and/or where meat products are produced, processed, handled, sold or stored.

2.2 ACCESSORY

when used to describe a use, building, or structure shall mean a use, building, or structure that is:

- a) incidental, subordinate and exclusively devoted to a main permitted use, building or structure;
- b) located on the same lot as the main permitted use, building or structure;
- c) unless specified otherwise in this By-law, not used for human habitation.

2.3 ADULT ENTERTAINMENT ESTABLISHMENT

shall mean a building or structure erected, used or intended for use in the pursuance of any trade, calling, business or occupation, for the purpose of a live performance, exhibition or activity designed to appeal to erotic or sexual appetites or inclinations, a principal feature or characteristic of which is the nudity or partial nudity of any person, and in respect of which the word nude, naked, topless, bottomless or sexy, or any other word, picture, symbol or representation having like meaning or implication is used on a sign advertisement or advertisement device and, without limiting the generality of the foregoing, includes any performance, exhibition or activity involving striptease dancers, go-go dancers, exotic dancers, wet clothing contests or best body parts contests and additionally includes a body rub parlour but not a massage therapy establishment.

2.4 AGRICULTURAL SALES ESTABLISHMENT

shall mean the use of land, buildings or structures for the purposes of the sale of goods, materials or services that support or are otherwise associated with agricultural uses including, but not limited to, the sale, processing and storage of feed, fertilizer and chemical products.

2.5 AGRICULTURAL USE

shall mean the cultivation of land, the production of crops and the processing and selling of such products and the breeding, care, raising and keeping of livestock and the selling of such livestock or the products of such livestock and, without limiting the generality of the foregoing, includes apiaries, aquaculture, greenhouses, fish hatcheries, fur farming, market gardening, rabbitries, sod farming, production of maple syrup and the raising and the harvesting of bush, field, tree or vine crops.

2.6 AGRICULTURAL USE, RESTRICTED

shall mean an agricultural use with the exception of the breeding, raising and care of livestock governed by the Nutrient Management Act and regulations pursuant thereto; fur farming and mushroom farming.

2.7 AGRI-TOURISM USE

shall mean the use of land, buildings or structures in agricultural zones for purposes that promote the enjoyment, education or participation in activities related to agriculture or the farm operation.

2.8 ALTER

shall mean, when used in reference to a building or structure, 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, and when used in reference to a lot, shall mean to change the width, depth, or area thereof or to change the frontage, depth, or area of any required yard, setback, or parking area, or to change the location of any boundary of such lot with respect to a road, whether such alteration is made by conveyance or alienation of any portion of the said lot or otherwise.

2.9 ANIMAL CLINIC

shall mean a building erected, used or intended for, use by a veterinarian and his assistants for the purpose of providing for the care and treatment of pets raised or housed for recreational or hobby purposes, and, without limiting the generality of the foregoing, includes dogs, cats, and birds but does not include livestock.

2.10 ANIMAL HOSPITAL

shall mean a building erected, used or intended for use by a veterinarian and his assistants for the purpose of providing for the care and treatment of livestock and may include an animal clinic.

2.11 ANIMAL KENNEL

shall mean the use of land, buildings or structures or combination thereof within which four (4) or more domesticated animals, other than poultry, more than four (4) months of age are housed, groomed, bred, boarded, trained or sold and which may offer provisions for minor medical treatment.

2.12 ART GALLERY

shall mean a building erected, used or intended for the public display of works of art such as paintings, sculpture, pottery, glass and weaving.

2.13 ATTACHED

shall mean a building otherwise complete in itself, which depends for structural support, or complete enclosure, upon a division wall or walls shared in common with an adjacent building or buildings.

2.14 AUCTION SALES ESTABLISHMENT

shall mean the use of land, buildings or structures for the retail sale of articles or goods to the members of the public bidding the highest offer for the article or goods during the sale proceedings.

2.15 BAKE SHOP

shall mean a building where bakery products are offered for sale, some or all of which may be prepared on the premises.

2.16 BALCONY

shall mean a stage or platform, other than a stoop, projecting from the main wall of a building and accessible only from inside such building.

2.17 BANQUET HALL

shall mean a privately owned and operated building designed, used or intended for use as a meeting place by the public for which rental charges are paid, and may include associated dining rooms and beverage rooms but does not include a club or restaurant as defined elsewhere in this By-law.

2.18 BASEMENT

shall mean that portion of a building partly underground, but having less than one-half (1/2) its clear height below the average lot grade.

2.19 BED & BREAKFAST ESTABLISHMENT

shall mean a single unit detached dwelling in which rooms are made available by the person or persons occupying the said dwelling for the accommodation of the travelling or vacationing public and within which meals may be offered.

2.20 BOARDING HOUSE OR ROOMING HOUSE

shall mean a dwelling, in which the proprietor resides and supplies lodging for hire or gain to more than two (2) persons and may include the provision of meals to such persons.

2.21 BUFFER STRIP

shall mean an area used for no other purpose than the planting of a continuous row of trees or an un-pierced hedgerow of natural evergreens or shrubs, not less than 1.2 metres in height at the time of planting, immediately adjacent to the lot line or portion thereof, along with such planting strip shall be landscaped and planted with ornamental shrubs, flowering shrubs, flower beds, man-made landscape materials or a combination thereof and may also contain a closed board, picket or chain-linked fence which is a minimum of 1.2 metres high.

2.22 BUILDING

shall mean a structure, whether temporary or permanent, erected, used or intended for sheltering any use or occupancy and consisting of a wall, roof and floor, or any one or more of these, or a structural system serving the functions thereof, including all the works, fixtures and service systems appurtenant thereto, but shall not include a boundary wall, fence, travel trailer, camping trailer, truck camper, motor home or tent.

2.23 BUILDING LINE

shall mean a line within a lot drawn parallel to a lot line which establishes the minimum distance between the lot line and building or structure which may be erected. Where the lot line is a curve, the building line shall be a line drawn parallel to the chord of the arc constituting the lot line.

2.24 BUILDING SUPPLY OUTLET

shall mean the use of land, buildings or structures or combination thereof for the storage, milling and sale of a broad range of building materials, tools and related items.

2.25 BULK SALES ESTABLISHMENT

shall mean the use of land, buildings or structures for the purpose of buying, selling, and storing fuel oil, wood, lumber, building materials or similar bulk commodities but excludes any manufacturing, assembling or processing of these commodities.

2.26 BUSINESS OR PROFESSIONAL OFFICE

shall mean a building erected, used or intended for the management, direction or conducting of an agency, business, profession, labour or fraternal organization but excludes such uses as retail trade; the manufacturing, assembly or storage of goods; or places of assembly and amusement.

2.27 BUTCHER SHOP

shall mean a retail store for keeping or preparing fresh or cured meat for sale by retail but shall not include premises where only pre-packaged meat or meat products are offered for sale.

2.28 CABIN

shall mean a building designed, used or intended primarily for sleeping purposes but not including kitchen facilities and usually associated with a campground or trailer park, church camp and similar outdoor uses.

2.29 CAMPGROUND OR TRAILER PARK

shall mean the use of land for seasonal recreational activity as grounds for the camping or parking of tents, motor homes, travel trailers, park models or truck campers but not mobile homes and consisting of at least five (5) camping sites.

2.30 CAR WASH

shall mean a building erected, used or intended for the installation and operation of automatic or semi-automatic equipment for the washing of motor vehicles, machinery and equipment.

2.31 CATERER'S ESTABLISHMENT

shall mean a building in which food and beverages are prepared for consumption off the premises and are not served to customers on the premises or to take-out.

2.32 CELLAR

refer to the definition of **BASEMENT**.

2.33 CEMETERY

shall mean the use of land, buildings, or structures or combinations thereof for the interment of the deceased or in which human bodies have been buried and may include a crematorium, mausoleum and a columbarium.

2.34 CLINIC

shall mean a building, other than a hospital, used by medical doctors, dentists, optometrists, podiatrists, chiropractors and/or drugless practitioners, the practice of health discipline, radiological technicians, registered psychologists and their staff for the purpose of public or private medical, surgical, physiotherapeutic or human health and may include administrative offices, waiting rooms, treatment rooms, laboratories, ophthalmic dispensers, pharmacies, blood donor facilities, specimen collection centres and dispensaries directly associated with the facility, but does not include overnight accommodation or operating rooms.

2.35 CLUB

shall mean a building erected, used or intended for use as a meeting place for the members of an organization, association, fraternal order or similar group, not operated for profit and wherein athletic facilities, banquet facilities, dining rooms and beverage rooms may be provided.

2.36 COMMERCIAL FISHING OPERATION

shall mean an establishment involved in the harvest and processing of marine life, for the purpose of retail or wholesale trade, and shall include all buildings and structures associated with such operation.

2.37 COMMERCIAL GREENHOUSE

shall mean the use of land, buildings or structures or combination thereof where fruits, vegetables, flowers, trees, shrubs or plants are produced by controlled temperature and/or humidity for the purpose of selling such products, and which may include a garden centre as a commercial accessory use.

2.38 COMMERCIAL USE

shall mean the use of land, buildings or structures or combination thereof for the purposes of buying and/or selling commodities and supplying services for profit or intended for profit.

2.39 COMMUNITY CENTRE

shall mean a building erected, used or intended for community activities and not for commercial purposes, the control of which is vested in the Township, a local board or trustees.

2.40 COMMUNITY GARDEN

shall mean a clearly defined space on a lot, open and accessible to the general public, for the purposes of the growing and harvesting of fruits and vegetables, but does not include the retail sale of such produce.

2.41 CONSERVATION AREA

shall mean lands owned by a conservation authority, which may or may not be open to the public, for the protection, maintenance and enhancement of the natural environment including soil, water, vegetation and wildlife.

2.42 CONSERVATION AUTHORITY

shall mean the Catfish Creek Conservation Authority, the Kettle Creek Conservation Authority or the Long Point Region Conservation Authority.

2.43 CONTRACTOR'S YARD OR SHOP

shall mean the use of land, buildings or structures or combination thereof for use by any building trade or other construction or service contractor for the purpose of:

- a) storing equipment, vehicles, or materials and may include construction and heavy equipment and commercial motor vehicles but not including derelict motor vehicles; or
- b) performing shop work or assembly; or
- c) the base of operations for persons who are employed by or associated with the business, including the assembly or rally of such persons for transportation to a work site off the premises.

2.44 COUNTY

shall mean The Corporation of the County of Elgin.

2.45 CUSTOM WORKSHOP

shall mean a building, or portion thereof, where goods are produced to special order and sold on the premises, but shall not include a building or structure where the manufacture of goods is performed on a mass production or assembly line basis.

2.46 DAY CARE FACILITY

shall mean a premises that receives more than five persons who are not of common parentage, primarily for the purpose of providing temporary care or guidance, or both temporary care and guidance, for a continuous period not exceeding twenty-four hours. Care may be provided for children, seniors and/or persons with disabilities.

2.47 DEAD STOCK DEPOT/TRANSFER STATION

shall mean the use of land, buildings or structures for the purposes of the collection, storage and disposal of dead farm animals in accordance with the Dead Animal Disposal Act and regulations thereto.

2.48 DECK

shall mean a structure made of wood, concrete or other material projecting from a building or freestanding, open to the sky, and intended for the purpose of outdoor dining, lounging and other similar accessory uses.

2.49 DOG POUND

shall mean the use of land, buildings or structures or combination thereof, for the purpose of impounding dogs pursuant to a by-law of the Township, and where such dogs are kept for a minimum redemption period as defined in the Animals for Research Act.

2.50 DOMESTICATED ANIMAL

shall mean a household animal kept for a person's enjoyment and, without limiting the generality of the foregoing, may include dogs, cats, rodents such as gerbils, hamsters, fancy rats, and guinea pigs; avian pets, such as canaries, parakeets, pigeons and parrots; reptile pets such as turtles, lizards and snakes; and aquatic pets such as tropical fish, salamanders and frogs but shall exclude exotic animals and livestock as defined herein.

2.51 DRIVEWAY

shall mean a private passageway for a motor vehicle, having at least one end thereof connected to a road, and providing the principal means of vehicular access to a lot.

2.52 DRY CLEANING ESTABLISHMENT

shall mean a building erected, used or intended for dry cleaning, dry dyeing, cleaning or pressing of articles or goods of fabric is carried on and in which only non-flammable solvents are used which emit no odours or fumes, and in which no noise or vibration causes a nuisance within or outside the premises.

2.53 DWELLING

shall mean a building, occupied or capable of being occupied exclusively as a home, residence or sleeping place by one or more persons and shall include a factory-built modular dwelling designed and constructed in accordance with the specifications of the Canadian Standards Association CAN/CSA-A277 but shall not include living quarters for a caretaker, watchman, or other person or persons which are accessory to a non-residential building or structure.

2.54 DWELLING UNIT

shall mean one or more habitable rooms occupied or capable of being occupied by a person or household as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the use of such person or household, with a private and secure entrance from outside the building or from a common hallway or stairway inside the building in which the dwelling unit is located.

2.55 DWELLING UNIT, SECOND

shall mean a self-contained space or enclosure within a single unit dwelling or within an accessory building erected, used or intended for habitation by a person or household and which

contains at least one (1) room, a kitchen and lavatory facilities designated for the use of its occupants.

2.56 DWELLING, APARTMENT

shall mean a dwelling, consisting of four (4) or more dwelling units which units have a common entrance from the street level and the occupants of which have the right to use, in common, halls and/or stairs and/or elevators and yards.

2.57 DWELLING, CONVERTED

shall mean a dwelling originally designed as a single unit detached dwelling which because of its size or design is or is capable of being converted by partition and the addition of sanitary facilities and cooking facilities into more than one (1) dwelling unit.

2.58 DWELLING, DOUBLE DUPLEX

shall mean a dwelling that is divided horizontally into four (4) dwelling units each of which has an independent entrance either directly or through a common vestibule.

2.59 DWELLING, DUPLEX

shall mean a dwelling that is divided horizontally into two (2) dwelling units each of which has an independent entrance either directly or through a common vestibule.

2.60 DWELLING, SEASONAL FARM

shall mean a dwelling designed and intended for the housing of seasonal farm labour, and their families, who are employees of the owner or operator of a farm and may include a mobile home, bunkhouse or similar dwelling.

2.61 DWELLING, SEMI-DETACHED

shall mean a dwelling that is divided vertically above grade into two (2) dwelling units, each of which has an independent entrance either directly or through a common vestibule.

2.62 DWELLING, SINGLE UNIT

shall mean a completely detached dwelling used or intended for occupancy by not more than one (1) household living independently.

2.63 DWELLING, TOWNHOUSE

shall mean a dwelling that is divided vertically into three (3) or more dwelling units, each of which has independent entrances, to a front and rear yard immediately abutting the front and rear walls of each dwelling unit.

2.64 DWELLING, TRIPLEX

shall mean a dwelling that is divided horizontally and/or vertically into three (3) separate dwelling units each of which has an independent entrance either directly from the outside or through a common entrance but excludes a converted dwelling.

2.65 EFFECTIVE DATE

shall mean the date that this By-law shall be deemed to come into full force and effect pursuant to the provisions of the Planning Act.

2.66 ERECT

shall mean to build, construct, reconstruct, alter or relocate and, without limiting the generality of the foregoing, shall include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, structurally altering any existing building or structure by an addition, deletion, enlargement or extension.

2.67 ESTABLISHED BUILDING LINE

shall mean the average distance from the street line of existing buildings on one side of one block where more than one-half of the lots having street access upon the said side or the block have been built upon.

2.68 EXISTING

shall mean existing as of the date of the passing of this By-law.

2.69 EXOTIC ANIMALS

shall mean wild and/or non-domesticated animals regardless of whether they are raised or kept in captivity and, without limiting the generality of the foregoing, may include bears, wolves, lions, tigers, bobcats, cougars, raccoons, crocodiles, venomous snakes, constricting snakes, venomous lizards or venomous spiders but shall exclude domesticated animals and livestock as defined herein.

2.70 FACTORY OUTLET

shall mean a building accessory to an industrial use wherein products manufactured, produced, processed or stored on the premises are kept or displayed for wholesale or retail sale, or wherein orders are taken for the delivery of such products.

2.71 FARM OR IRRIGATION POND

shall mean a body of water located outdoors, contained by natural or artificial means and designed, used or intended for agricultural purposes including irrigation and watering for livestock but not for recreational purposes.

2.72 FARM EQUIPMENT SALES & SERVICE

shall mean the use of land, buildings or structures or combination thereof where farm vehicles and equipment are stored for the purpose of sale, lease, or hire and where such vehicles and equipment are repaired or serviced for purposes of being maintained in an operable condition.

2.73 FARM FUEL SALES

shall mean the use of land, buildings or structures or combination thereof where fuel specifically intended for use in farm vehicles and equipment is stored in bulk for the purpose of dispensing

and sale, and may include the storage and sale of gasoline, diesel fuel, propane, natural gas and lubricants.

2.74 FARM MARKET

shall mean the use of lands, buildings or structures where fruit, vegetables and meats produced by the local farm community and accessory to an agricultural use are offered for sale to the general public, and may include areas for dry storage, cold storage and office space accessory to the farm market use.

2.75 FARM PRODUCE OUTLET

shall mean a use which is permitted on a seasonal basis, and is accessory to a permitted farm, which consists of the retail sale of agricultural products produced in the area which such outlet is located, and which does not include any permanent buildings or structures.

2.76 FEED MILL

shall mean a building erected, used or intended for use for the preparation, processing, preserving, grading or storing of agricultural products for eventual consumption by livestock or domestic pets, and may include the retail and wholesale sale of such products.

2.77 FIRST STOREY

shall mean the storey that has its floor closest to grade and its ceiling more than 1.8 m above grade.

2.78 FITNESS CENTRE

shall mean a building erected, used or intended for facilities, machines and equipment made available to the public or to members, for a fee, for the purposes of physical training and improving physical health and fitness.

2.79 FLEA MARKET

shall mean the use of lands, buildings or structures or combination thereof where stalls or areas are partitioned off and rented or otherwise provided for the selling of articles, goods or things that are either homemade, homegrown, handcrafted, old, obsolete, antique or used and may include the selling of food prepared and intended for consumption on the premises.

2.80 FLOOR AREA

shall mean the sum of the areas of all floors of a building measured from the outside of all exterior walls exclusive of any attic, basement, garage, verandah, porch or sunroom unless such enclosed porch or sunroom is an integral part of the building and habitable in all seasons, and excluding any floor area with a floor to ceiling height of less than two (2.0) metres.

2.81 FLOOR AREA, NET

shall mean that portion of the floor area of a building which is used exclusively for a non-residential use defined or specifically permitted herein but excluding:

- a) any part of such building used for any other non-residential use defined herein or specifically permitted elsewhere in this By-law;
- b) any part of such building used as a dwelling unit, a public concourse or a common hallway or stairway not used exclusively by the said non-residential use;
- c) any part of such building used solely for the storage of electrical equipment or of equipment to heat, cool or otherwise control the environment of such building or a portion thereof; or
- d) the thickness of any exterior walls of such building.

2.82 FOOD PROCESSING PLANT

shall mean a building in which agricultural products are prepared, processed, preserved, graded or stored for eventual human consumption.

2.83 FORESTRY USE

shall mean the raising and harvesting of wood and, without limiting the generality of the foregoing, shall include the raising and cutting of fuel wood, pulp wood, lumber, Christmas trees and other forest products.

2.84 FRUIT AND VEGETABLE STAND

shall mean a structure designed, used and intended for the purpose of the sale of agricultural products and readily portable and open to the air on at least one side, accessory to an agricultural use.

2.85 FUNERAL HOME

shall mean a building erected, used or intended for the preparation of corpses by a licensed undertaker for interment and includes facilities for accommodating the public.

2.86 GARAGE, PRIVATE

shall mean a building or structure, erected, used or intended for the storage of a motor vehicle and the storage of household equipment incidental to residential occupancy, wherein no service for profit is rendered; and where such building or structure is within two (2.0) metres of the main building, it shall be deemed to be attached to or part of the main building and not an accessory building.

2.87 GARDEN CENTRE

shall mean the use of land, buildings or structures or combination thereof for the purpose of selling trees, shrubs and plants, lawn and garden equipment, furnishings and supplies.

2.88 GAS BAR

shall mean the use of land, buildings or structures or combination thereof for the sale of gasoline, propane, oil and allied products for motor vehicles and the introduction of such liquids into motor vehicles and may include the sale of small items required for the operation of motor vehicles, but does not include provisions for motor vehicle repairs, oil changes, lubrications, or similar mechanical services.

2.89 GOLF COURSE

shall mean the use of land for the purpose of playing golf and buildings and structures accessory thereto and without limiting the generality of the foregoing, includes a driving range, a miniature golf course or combination thereof.

2.90 GRADE

shall mean the average elevation of proposed or finished ground adjoining or adjacent to all exterior walls of a building.

2.91 GRAIN HANDLING FACILITY

shall mean the use of land, buildings or structures or combination thereof for the commercial drying, cleaning, handling or storing of crops.

2.92 GROUP HOME

shall mean a dwelling in which a minimum of three (3) and a maximum of five (5) persons, excluding staff or the receiving household, live under responsible supervision consistent with their needs and licensed or approved under the laws of the Province of Ontario or the Government of Canada or otherwise under the jurisdiction of the Ontario Ministry of Community and Social Services and, without limiting the generality of the foregoing, may include satellite residences for seniors and accommodation for persons with developmental disabilities.

2.93 HALF STOREY

shall mean the portion of a building located wholly or partly within a sloping roof, having side walls not less than one (1.0) metre in height, and a ceiling with a minimum height of two (2.0) metres over an area equal to at least fifty (50) percent of the area of the floor next below.

2.94 HALFWAY HOUSE

shall mean a dwelling in which a maximum of five (5) persons, excluding staff or the receiving household, live under responsible supervision consistent with their needs and licensed or approved under the laws of the Province of Ontario or the Government of Canada for psychiatric patients who are transitionally or permanently discharged from a psychiatric hospital; persons who have been placed on probation under the provisions of the Probation Act, the Criminal Code of Canada, the Young Offenders Act, or who have been released on parole under the provisions of the Ministry of Correctional Services Act or the Parole Board of Canada or persons who have been charged under the Young Offenders Act but who have been placed in open or secure custody.

2.95 HAZARD LAND

shall mean land that is subject to flooding or land with steep slopes, or that is rocky, low-lying, marshy, unstable, hazardous, subject to erosion or to natural or artificial perils, and includes lands lying below the regulatory floodline and hazardous lands as defined by the Provincial Policy Statement, 2014.

2.96 HEIGHT

shall mean, when used with reference to a building or structure, the vertical distance between the horizontal plane through grade and a horizontal plane through:

- a) the highest point of the roof assembly in the case of a building with a flat roof, a deck roof or a domed roof;
- b) the average level of a sloped roof, between ridges and the eaves, provided that such roof having a slope of less than twenty (20) degrees with the horizontal shall be considered a flat roof;
- c) in a multi-peaked sloped roof, the average level between the ridge of the highest peak and the eaves;
- d) the average level between eaves and ridges in the case of a roof type not covered in subsections a), b) or c).

2.97 HEREIN

shall mean within this By-law.

2.98 HOME OCCUPATION

shall mean an occupation, accessory to a residential use, for gain or support and owned, managed and conducted by persons residing on the lot on which the home occupation is conducted along with those persons whom reside elsewhere as may be specified herein. Where a home occupation is permitted within a dwelling, such uses may include the offices, workrooms or consulting rooms of a business profession, trade, craft or hobby but such uses do not include or permit group instruction or a retail store with the exception of the sale of arts, crafts and other handmade articles or things. Where a home occupation is permitted within an accessory building, such uses may also include a carpentry shop, a welding shop, a machine shop, a service shop or a contractor's yard or shop.

2.99 HOTEL

shall mean a building, erected, used or intended for the purposes of catering, for gain or profit, to the needs of the public by supplying food and furnishing sleeping accommodation consisting of not less than six (6) guest rooms and may include a tavern.

2.100 HOUSEHOLD

shall mean a single and independent housekeeping unit occupying and using only one dwelling unit.

2.101 INDUSTRIAL MALL

shall mean a building or group of buildings erected, used or intended for use which are held in single ownership or by members in a condominium corporation or cooperative, and divided into units for separate and independent occupancy by industrial uses for which common loading and parking facilities and other common services may or may not be provided.

2.102 INDUSTRIAL USE

shall mean the use of land, buildings or structures or combination thereof for the purpose of manufacturing, assembling, making, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, distributing, warehousing, storing or adapting for sale any goods, substance, article or thing, including the storage of building and construction equipment and materials.

2.103 INSTITUTIONAL USE

shall mean the use of land, buildings or structures or combination thereof for public or social purposes but not for the purpose of gain or profit and may include governmental, religious, educational, charitable, philanthropic or other similar but non-commercial uses.

2.104 LANDING STRIP

shall mean the use of land, accessory to an agricultural or residential use, for the purpose of those residing thereon for the landing and taking off of non-commercial aircraft and may include buildings and structures accessory thereto.

2.105 LANDSCAPED OPEN SPACE

shall mean the use of land for the growth and maintenance of grass, flowers, shrubbery and other landscaping materials, both natural and artificial, accessory to a building or structure, and includes any surfaced walk, patio, or similar area, but does not include any access driveway or ramp, parking lot, deck or any open space beneath or land within any building or structure.

2.106 LAUNDRY ESTABLISHMENT

shall mean a building erected, used or intended for the drying, ironing and finishing of laundered goods and where no odours, fumes, noise or vibration which create a nuisance outside the business are emitted and may include a self-service, coin operated laundromat.

2.107 LIBRARY

shall mean a library, branch library, bookmobile, or distributing station operating under the Public Libraries Act.

2.108 LIGHT ASSEMBLY AND FABRICATION

shall mean the use of land, buildings, or structures for the manufacturing, assembling, or processing of component parts to produce finished products suitable for retail, wholesale or service trade, and including repairing, servicing, distributing, warehousing, storing or adapting for sale any good, substance, article or thing but excluding any uses which emit any noise or noxious smell that can be detected outside of the building or on land adjacent to the lands occupied by the light assembly and fabrication use.

2.109 LIVESTOCK

shall mean farm animals kept for use, for propagation or intended for profit or gain and without limiting the generality of the foregoing include beef cattle, birds, dairy cattle, deer and elk, fur-bearing animals, game animals, goats, horses, poultry, ratites, sheep, swine and other animals

identified by the Ministry of Agriculture, Food and Rural Affairs as constituting livestock but shall exclude domesticated animals and exotic animals as defined herein.

2.110 LIVESTOCK MARKETING YARD

shall mean the use of land, buildings or structures or combination thereof for the temporary confinement of livestock for the purpose of sale, auction and distribution.

2.111 LOT

shall mean a parcel or tract of land which is

- a) the whole of a lot on a registered plan of subdivision, so long as such registered plan or portion thereof is not deemed, pursuant to the Planning Act, not to be a registered plan of subdivision; or,
- b) all of the land held or owned under distinct and separate ownership from the ownership of the fee or equity of redemption in abutting land, or
- c) a unit in a registered plan of condominium.

2.112 LOT, CORNER

shall mean a lot situated at the intersection of and abutting upon two (2) roads which intersect at an angle of not more than one hundred and thirty-five (135) degrees.

2.113 LOT, INTERIOR

shall mean a lot other than a corner lot.

2.114 LOT, THROUGH

shall mean a lot bounded on two opposite sides by roads; provided, however, that if any lot qualifies as being both a corner lot and a through lot, such lot shall be conclusively deemed to be a corner lot.

2.115 LOT AREA

shall mean the total horizontal area within the lot lines of a lot, except in the case of a corner lot having street lines rounding at the corner, where the lot area of such lot shall be calculated as if the lot lines were projected to the intersection.

2.116 LOT COVERAGE

shall mean that percentage of the area of a lot covered by the perpendicular projection onto a horizontal plane of all buildings and roofed or otherwise covered structures but excluding arbors, pergolas, trellises and similar structures and balconies, canopies and overhanging eaves which are two (2.0) metres or more in height above finished grade.

2.117 LOT FRONTAGE

shall mean the horizontal distance between the side lot lines of a lot measured at right angles. Where such side lot lines are not parallel, the lot frontage shall be measured perpendicularly to the line joining the mid-point of the front and the centre of the rear lot line at a point six (6.0) metres back from the front line, and where such side lot lines meet, lot frontage shall be measured perpendicularly to the line joining the apex of the triangle formed by the side lot lines and a point six (6.0) metres back from the front lot line.

2.118 LOT DEPTH

shall mean the horizontal distance between the front and rear lot lines. Where these lines are not parallel, the lot depth shall mean the length of a straight line joining the mid-points of the front lot line and the rear lot lines. Where there is no rear lot line, lot depth shall mean the length of a straight line joining the middle of the front lot line with the apex of the triangle formed by the side lot lines.

2.119 LOT LINES

shall mean the boundary lines of a lot defined as follows:

- a) Front Lot Line, shall mean, except in the case of a corner lot, the line dividing the lot from the street. In the case of a corner lot, the shorter boundary line abutting the street shall be deemed the front lot line and the longer boundary line abutting the street shall be deemed to be the side lot line. In case each of such lot lines should be of equal length, the front lot line shall be deemed to be the front lot line as established in the block by prior construction. In the case of a through lot, the shorter boundary dividing the lot from the street shall be deemed the front lot line and the opposite longer boundary shall be deemed the rear lot line. In case each of such lot lines should be of equal length, the front lot line shall be deemed to be the front lot line as established in the block by prior construction.
- b) Rear Lot Line, shall mean the lot line of a lot having four (4) or more lot lines which is farthest from or opposite to the front lot line.
- c) Side Lot Line, shall mean a lot line other than a front or rear lot line. In the case of a corner lot, the side lot line dividing the lot from the street shall be deemed to be the exterior side lot line and the other side lot line shall be deemed to be the interior side lot line.

2.120 MACHINE SHOP

shall mean a building erected, used, or intended for the servicing or repair of equipment and machinery and/or small engines.

2.121 MAIN BUILDING

shall mean the building erected, used or intended for the permitted and principle use of the lot or part thereof.

2.122 MAIN WALL

shall mean the exterior front, side or rear wall of a building, and all structural members essential to the support of a fully enclosed space or roof.

2.123 MARINA

shall mean the use of land, buildings or structures or combination thereof for the storage and rental of boats, and/or where boats, boat motors or boat accessories are sold, repaired or refueled, and may include buildings and structures for the sale of boating accessories, supplies and/or refreshments.

2.124 MARKET GARDEN

shall mean the use of land, buildings or structures or combination thereof for the purpose of buying and selling fruits and vegetables.

2.125 MICRO BREWERY

shall mean a building or structure erected, used or intended for the making of beer and/or wine and offered for retail sale for consumption off the premises.

2.126 MINIMUM DISTANCE SEPARATION (MDS I AND MDS II)

shall mean formulae used for the purposes of determining, in the case of MDS I, the minimum distance required for non-agricultural uses establishing or expanding in proximity to livestock facilities located on a separate lot, and in the case of MDS II, the minimum distance required for establishing or expanding livestock facilities in proximity to non-agricultural uses located on a separate lot.

2.127 MINI-STORAGE WAREHOUSE

shall mean a building containing individual storage units accessible by the user and used for the storage of goods, wares, merchandise, non-perishable foodstuffs, substances, articles or things but shall not include the storage of fuels, solvents, paints or other inflammable substances.

2.128 MOBILE FOOD OUTLET

shall mean a self-propelled motor vehicle or a unit towed by a motor vehicle, from which food and refreshments are made available to the general public for a fee.

2.129 MOBILE HOME

shall mean a building designed and constructed in accordance with the specifications of the Canadian Standards Association CAN/CSA-Z240 for occupancy as a dwelling; transported or designed to be transported on its own or in one (1) or more separate sections or modules each on its own wheels, on a flatbed or by other means and joined together to form one (1) dwelling unit and its running gear comprising the hitch and wheel assembly, if any, removed and placed on a totally enclosed concrete foundation which extends below the frost line and which is constructed in accordance with the Ontario Building Code or equivalent.

2.130 MOBILE HOME PARK

shall mean the use of land for the placement of mobile homes on leased sites.

2.131 MOTEL

shall mean a building, or two (2) or more detached buildings erected, used or intended for the purpose of catering, for gain or profit, to the needs of the travelling public by furnishing sleeping accommodation with or without supplying food.

2.132 MOTOR HOME

shall mean a motor vehicle chassis designed to provide temporary living quarters for recreation, camping and travel purposes.

2.133 MOTOR VEHICLE

shall mean a wheeled self-propelling device for the transportation of passengers and goods and without limiting the generality of the foregoing, includes automobiles, trucks, buses, ambulances, hearses, motor homes and tractors.

2.134 MOTOR VEHICLE BODY SHOP

shall mean the use of land, buildings or structures or combination thereof for the repair of damage to a motor vehicle caused by collision, accident, corrosion or age, and, without limiting the generality of the foregoing, includes the reconstruction of motor vehicles, the painting or repainting of motor vehicles and the rebuilding or conversion of automotive engines or engine parts, but shall not include a motor vehicle sales establishment, motor vehicle service establishment, impounding yard or a gas bar.

2.135 MOTOR VEHICLE REPAIR GARAGE

shall mean the use of land, buildings or structures or combination thereof for the repair or replacement of parts in a motor vehicle and, without limiting the generality of the foregoing, includes the repair, replacement or reconditioning of mufflers, exhaust systems, shock absorbers, transmissions, gears, brakes, clutch assemblies, steering assemblies, radiators, heating or cooling systems, ignition systems, tires, wheels, windshields, windows and other mechanical or electrical parts or systems, the installation of undercoating, engine tuning, lubrication and engine conversion or replacement and includes the sale of automobiles ancillary to motor vehicle repair garage functions, but does not include a motor vehicle body shop, a motor vehicle service establishment or a gas bar.

2.136 MOTOR VEHICLE SALES ESTABLISHMENT

shall mean the use of land, buildings or structures or combination thereof where motor vehicles are kept for sale and where motor vehicles may be oiled, greased and where repairs essential to the operation of motor vehicles are performed.

2.137 MOTOR VEHICLE SERVICE ESTABLISHMENT

shall mean the use of land, buildings or structures or combination thereof for the sale of gasoline, propane, oil, grease, antifreeze, tires, batteries and other accessories for motor vehicles where motor vehicles may be oiled, greased or cleaned, or have their ignition adjusted, tires inflated or batteries charged or where only minor or running repairs essential to the operation of motor vehicles are performed.

2.138 MUNICIPAL DRAIN

shall mean a drainage works as defined by the Drainage Act.

2.139 MUNICIPALITY

shall mean the Corporation of the Township of Malahide.

2.140 MUSEUM

shall mean a building erected, used or intended for use as a repository for historical artifacts, relics or documents which may be periodically placed on display for public viewing.

2.141 MUSHROOM FARM

shall mean the use of land for the purpose of growing mushrooms for gain or profit.

2.142 NORMAL FARM PRACTICE

shall mean a practice that is conducted by a farm business in a manner consistent with

(a) proper and accepted customs and standards as established and followed by similar farm businesses under similar circumstances, and

(b) any standards prescribed by the Province of Ontario,

and includes a practice that makes use of innovative technology in a manner consistent with proper advanced farm management practices and with any standards prescribed by the Province of Ontario.

2.143 NON-AGRICULTURAL

shall mean a use, building or structure which is used, intended or designed for purposes other than those of an agricultural use.

2.144 NON-COMPLYING

shall mean a building or structure which is not in compliance with the regulations herein but does not include a non-conforming use, building or structure.

2.145 NON-CONFORMING

shall mean a use, building or structure which is not a use, building or structure permitted in the zone in which the said use, building or structure is situated.

2.146 OCCUPANCY

shall mean to reside in as owner or tenant on a permanent or temporary basis.

2.147 OUTDOOR AMENITY AREA

shall mean contiguous landscaped space accessible to a dwelling or dwelling unit and situated on the same lot therewith, designed, used or intended to be used for the passive enjoyment and recreational needs of the occupants.

2.148 OUTDOOR FURNACE

shall mean an outdoor appliance designed, used or intended for burning solid fuel for the purpose of the heating of buildings but shall not include a heating device used in the operation of a sugar bush or the production of maple syrup.

2.149 OUTSIDE STORAGE

shall mean the storage of goods, materials or equipment in the open air on a lot or portion thereof.

2.150 PAINTBALL PARK

shall mean the use of lands for the purposes of organized outdoor recreational activity in which the participants engage in interactive play using low speed paint ball guns firing or capable of firing non-hazardous, environmentally friendly propellant, protective gear and other equipment as may be necessary or required, where members of opposing teams attempt to secure a common flag, or variations thereof.

2.151 PARKING LOT

shall mean an area, whether or not enclosed, exclusive of aisles, entrances and exit lanes, accessible to an aisle, street or road and designed, used or intended for the purposes of the temporary parking of motor vehicles.

2.152 PARKING SPACE

shall mean a space, whether or not enclosed, having a minimum width and a minimum length as prescribed herein, exclusive of aisles, entrance and exit lanes, accessible to a street or road and designed, used or intended for the purpose of the temporary parking or storage of a motor vehicle.

2.153 PARKING SPACE, ACCESSIBLE

shall mean a parking space designed, used or intended for the purpose of the temporary parking or storage of a motor vehicle by persons who require or use wheelchairs, canes, crutches, walkers or other mobility assistance devices and who may require additional aisle space to accommodate a lift or ramp.

- a) Type A Parking Space shall mean an accessible parking space intended to accommodate a motor vehicle equipped with a mechanical lift and/or wheelchair ramp, and which incorporates a delineated space adjacent to the motor vehicle for the deployment of the lift and/or ramp.
- b) Type B Parking Space shall mean an accessible parking space intended to accommodate a motor vehicle which does not require additional space to accommodate a lift and/or ramp.

2.154 PARK MODEL

shall mean a dwelling, designed and constructed in accordance with the specifications of the Canadian Standards Association CAN/CSA – Z241 for occupancy as a dwelling.

2.155 PARK, PRIVATE

shall mean a park other than a public park, regardless of whether or not such park is maintained or operated for gain or profit, but excludes an amusement park.

2.156 PARK, PUBLIC

shall mean lands owned and maintained by a public authority for the enjoyment, health and well-being of the public and normally open to the public and may include a conservation area.

2.157 PERMITTED

shall mean permitted by this By-law.

2.158 PERSON

shall include an individual, an association, a firm, a partnership, an incorporated company, municipal corporation, agent or trustee and their heirs, executors, or other legal representatives of a person to whom or which the context of this By-law may apply according to law.

2.159 PERSONAL CARE ESTABLISHMENT

shall mean a building wherein a service is performed directly to an individual and includes, without limiting the generality of the foregoing, a barber shop, a beauty salon, a tanning salon and the premises of a manicurist, beautician, chiropractor, massage therapist and similar personal care services but excludes a clinic.

2.160 PERSONAL SERVICE ESTABLISHMENT

shall mean a building wherein a service is provided for the alteration, care, making of and repair of wearing apparel and includes, without limiting the generality of the foregoing, a shoe repair shop, and a tailor or dressmaking shop.

2.161 PIT OR QUARRY

shall mean any opening or excavation of or in the ground pursuant to a license issued under the Aggregate Resources Act for the purposes of removing soil, rock, sand, gravel, earth, clay, muck or limestone or any combination thereof and may include the processing thereof such as screening, sorting, washing, crushing, stockpiling and other similar operations; the importation of asphalt and concrete for recycling /resale purposes and site rehabilitation.

2.162 PIT OR QUARRY, WAYSIDE

shall mean a pit or quarry opened and used by a public road authority, its agents or contractors, in accordance with a permit issued under the Aggregate Resources Act, solely for the purpose of a particular project or road construction contract.

2.163 PLACE OF ENTERTAINMENT OR AMUSEMENT

shall mean a building erected, used or intended for use as a bowling alley, billiard or pool room, amusement arcade, internet café or any combination thereof.

2.164 PLACE OF WORSHIP

shall mean a building erected, used or intended for religious worship and may include a church hall, church auditorium, parish hall, church day nursery, mosque or synagogue.

2.165 PLANT NURSERY

shall mean the use of land, buildings or structures where trees, shrubs or plants are grown for the purpose of buying and selling of such products, and which may include a garden centre as a commercial accessory use.

2.166 PORCH

shall mean a roofed, open gallery or portico attached to the exterior of a building.

2.167 PROPANE TRANSFER FACILITY

shall mean the use of land where propane is stored for the purpose of dispensing and sale, and may include such facilities which are accessory to a campground or trailer park.

2.168 PUBLIC AUTHORITY

shall mean the:

- a) Township of Malahide,
- b) County of Elgin,
- c) Government of Canada,
- d) Province of Ontario,
- e) Catfish Creek Conservation Authority,
- f) Kettle Creek Conservation Authority,
- g) Long Point Region Conservation Authority

and any other agency, board, commission, committee or other body established or exercising any power or authority under any general or special statute of Ontario or the Government of Canada with respect to any of the affairs or purposes of the Township or a portion thereof, and includes any committee or local authority established by by-law of the Township.

2.169 RECREATIONAL FACILITIES

shall mean a building designed and intended to accommodate one or more leisure or sporting activities and shall include an arena, aquatic centre, tennis, squash and racquetball courts, dance studios and fitness centres.

2.170 REGULATORY FLOODLINE

shall mean the limits of the floodplain established from time to time by the conservation authority having jurisdiction.

2.171 REQUIRED

shall mean required by this By-law.

2.172 RESIDENTIAL USE

shall mean the use of a lot, a building or structure as a dwelling.

2.173 RESTAURANT

shall mean a building erected, used or intended for the serving of food or refreshments to the public where the serving and consumption of food or refreshments takes place entirely within such building or at outside tables immediately adjacent to such building and may include a dining lounge licensed under the Liquor License Act.

2.174 RESTAURANT, TAKE-OUT

shall mean a building, erected, used or intended for the serving of food or refreshments to the public where the servicing and consumption of food or refreshments takes place entirely off the premises.

2.175 RESTAURANT, DRIVE-THROUGH

shall mean a building, erected, used or intended for the sale of food or refreshments to the general public, and where such food or refreshment may be made available to a person while in his motor vehicle or while within the building, and where provision may be made for the consumption of such food or refreshment by the person while in his motor vehicle, within the building or elsewhere on a lot.

2.176 RETAIL STORE

shall mean a building, erected, used or intended for the selling or buying of goods, wares, merchandise, articles, or things at retail and/or the providing of a service, primarily to or from the public.

2.177 RETAIL STORE, CONVENIENCE

shall mean a retail store supplying groceries and other daily household necessities to an immediate surrounding residential area.

2.178 RETAIL STORE, GENERAL

shall mean a retail store within which is conducted the selling of groceries, cigarettes, tobacco, confectionery goods, sundry items and other general merchandise, and may include part of a motor vehicle service establishment or gas bar.

2.179 RETIREMENT HOME

shall mean a building in which the proprietor supplies lodging and provides nursing, medical and similar care and treatment, if required and includes any retirement home as defined by the Retirement Homes Act, 2010.

2.180 RIDING SCHOOL

shall mean the use of land, buildings, or structures or combination thereof for the purpose of riding, training, showing, and boarding of horses and where persons are given instructions in the riding of horses and other aspects of horsemanship.

2.181 ROAD

shall mean an open common and public road, lane, highway or commons vested in the Township, the County, the Province of Ontario or any other public authority having jurisdiction over the same, and includes a bridge or any other structure forming part of a road on, over, or across which a road passes, and a road constituting a common element in a registered plan of condominium, but does not include an unopened road allowance.

2.182 ROAD, ARTERIAL

shall mean a road, under the jurisdiction of the County, constructed and maintained to accommodate high volumes of vehicular traffic over long distances, where maintaining traffic flow is given priority over access to abutting properties.

2.183 ROAD, COLLECTOR

shall mean a road, under the jurisdiction of the County, constructed and maintained to provide linkages between arterial roads and local roads where maintaining traffic flow and access to abutting properties are given equal priority.

2.184 ROAD, LOCAL

shall mean a road, under the jurisdiction of the Township, constructed and maintained to accommodate low volumes of vehicular traffic and provide linkages to arterial roads and to collector roads where access to abutting properties is given priority over maintaining traffic flow.

2.185 ROAD, PRIVATE

shall mean an improved highway, street or road which affords the principal means of vehicular access to a lot and which is not under the jurisdiction of the Township, the County or the Province.

2.186 SALVAGE YARD

shall mean the use of land, buildings or structures or combination thereof, where motor vehicles, merchandise, articles, goods or things are stored for the purpose of salvage, kept for sale and/or processed and/or re-cycled for further use and, without limiting the generality of the foregoing, may include a junk yard, a scrap metal yard, and a motor vehicle wrecking yard.

2.187 SATELLITE DISH

shall mean a parabolic or spherical antenna used for the purposes of receiving television or microwave transmissions or other signals from orbiting satellites or other similar devices.

2.188 SAWMILL

shall mean the use of land, buildings or structures for the sawing, planing, sanding and finishing of wood and wood products and may include the sale of wood and wood products.

2.189 SCHOOL, PRIVATE

shall mean a school, other than a public school or commercial school, recognized as a private school under the Education Act and under the jurisdiction of a board of trustees or governors and may include a boarding school.

2.190 SCHOOL, PUBLIC

shall mean a school operated by and under the jurisdiction of a public authority.

2.191 SECONDARY FARM OCCUPATION

shall mean an agriculturally-related occupation conducted on a lot, where the main use of the lot is for agricultural purposes, within an accessory building by persons residing in a dwelling situated on the said lot along with those persons who reside elsewhere as may be specified herein.

2.192 SERVICE SHOP

shall mean a building where appliances and household machinery are sold, serviced, or repaired and includes the business premises of a tradesman such as a carpenter, an electrician, a plumber and similar trades but excludes any manufacturing, processing or wholesaling.

2.193 SETBACK

shall mean the horizontal distance from the centre line of the street allowance, measured at right angles to such centre line, to the nearest part of any building or structure on a lot.

2.194 SETTLEMENT AREA

shall mean areas identified in the Township's Official Plan as settlement areas namely the Village of Springfield, the Village of Port Bruce and the Hamlets of Avon, Calton, Copenhagen, Kingsmill Corners, Luton, Lyons, Mount Salem, Orwell, South Gore and Summers Corners as delineated on Schedule "B" through Schedule "O" inclusive to this By-law.

2.195 SEWAGE TREATMENT PLANT

shall mean the use of land, buildings or structures or combination thereof for the collection and treatment of sanitary sewage, in accordance with a 'Certificate of Approval' issued by the Ministry of the Environment, Conservation and Parks.

2.196 SHIPPING CONTAINER

shall mean a container designed and constructed in accordance with the International Organization for Standardization (ISO) or similar organization intended for and used in the transportation and shipping industry which may be used for the storage of goods, wares, merchandise, substances, articles or things accessory to an agricultural, commercial or industrial use.

2.197 SHOPPING CENTRE

shall mean a building or group of buildings designed, erected and managed as a unit and which building or buildings are designed to function as a unit accommodating a minimum of five (5) separate and independent commercial uses.

2.198 SIGN

shall mean a name, identification, description, device, display or illustration which is affixed to, or represented directly or indirectly upon a building, structure or lot and which directs attention to an object, product, place, activity, person, institution, organization or business.

2.199 STORAGE CONTAINER

shall mean a pre-fabricated, heavy gauge steel, fully assembled structure intended for the storage of goods, wares, merchandise, substances, articles or things accessory to an agricultural, commercial or industrial use.

2.200 STOREY

shall mean the portion of a building:

- a) that is situated between the top of any floor and the top of the floor next above it, or
- b) that is situated between the top of the floor and the ceiling above the floor, if there is no floor above it.

2.201 STREET

refer to the definition of **ROAD**.

2.202 STREET LINE

shall mean the limit of the road allowance and is the dividing line between a lot and a road.

2.203 STRUCTURE

shall mean any material, object or work erected as a unit or constructed or put together of connected or dependent parts or elements whether located under, on, or above the surface of the ground, and includes a car shelter and similar structures but does not include an air conditioning unit, a boundary wall, fence, hot tub, sign or swimming pool.

2.203.1 SUPPLEMENTARY FARM HOUSING

shall mean a single unit dwelling or mobile home located on a farm, which due to its size and nature of operation requires additional farm labour, and is used for the accommodation of such persons employed as additional farm labour.

2.204 SWIMMING POOL

shall mean any in-ground swimming pool regulated under the Swimming Pool Safety Act.

2.205 TARGET RANGE

shall mean the use of land, buildings or structures or combination thereof licensed by the Chief Firearms Officer of Ontario, for the purposes of the recreational discharge of fire arms, and may include an indoor/outdoor rifle range, shotgun range, pistol range, trap range, skeet range, air rifle range, air pistol range and archery range.

2.206 TAVERN

shall mean a building erected, used or intended for the sale of alcoholic beverages to the public to be consumed on the premises and operating under the Liquor License Act.

2.207 TOP-OF-BANK

shall mean a line determined at a point where the oblique plane of the slope meets the horizontal plane.

2.208 TRAVEL TRAILER

shall mean a portable structure, including a camping trailer, designed, used, or intended for the living, sleeping, eating, or accommodation of persons therein for seasonal recreational activity and constructed such that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle.

2.209 TRUCK CAMPER

shall mean a portable structure designed to be loaded onto, or affixed to, the bed or chassis of a truck, and capable of providing temporary living quarters for recreation, camping or travel use.

2.210 TRUCK TERMINAL

shall mean the use of land, buildings or structures where trucks, buses and/or transports are stored, rented, leased, kept for hire, or parked for remuneration or from which trucks and/or transports are dispatched as common carriers, or where goods are stored temporarily for further shipment.

2.211 USE

shall mean, when used as a noun, the purpose for which any land, building or structure is erected, used, or intended to be used, or for which it is occupied, used or maintained. When used as a verb, or as in the expression “to use”, shall mean anything done or permitted to be done by the owner or occupant of any land, building or structure, directly or indirectly, or by or

through any trustee, tenant, servant, or agent, acting for or with the knowledge or consent of such owner or occupant, for the purpose of making use of the said land, building, or structure.

2.212 UTILITY STATION

shall mean the use of land, buildings or structures or combination thereof associated with the supply and distribution of utilities and, without limiting the generality of the foregoing, may include a water or sewage pumping station, a water storage reservoir, an electric power transformer station, a telephone repeater station and a micro wave tower.

2.213 WAREHOUSE

shall mean a building erected, used or intended for the storage of goods, wares, merchandise, articles or things and may include the selling or distribution thereof at wholesale.

2.214 WASTE DISPOSAL SITE

shall mean any land, or land covered by water, licensed under the Environmental Protection Act, upon, into, or through which, or building or structure in which, waste is deposited or processed, and any machinery and equipment or operation required for the treatment or disposal of waste.

2.215 WATERCOURSE

shall mean a natural channel for the flow of water but does not include a drain as defined under the Drainage Act.

2.216 WETLAND

shall mean lands that are seasonally or permanently covered by shallow water as well as lands where the water table is close to or at the surface such that the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic or water tolerant plants, but shall not include periodically soaked or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics.

2.217 WILDLIFE PRESERVE

shall mean lands where plants, animals and other organisms, excluding fish, survive in self-sustained populations, and from which they derive services such as cover, protection or food.

2.218 WIND FARM

shall mean any devices and related equipment that is used, or designed to be used, for the commercial production of electrical power where wind is the energy source, including one or more wind turbines, vertical axis wind turbines and horizontal axis wind turbines but excluding power poles, power lines, data lines and equipment such as transformers and switching stations related to the transmission or distribution of power from a Wind Farm.

2.219 WINERY, ESTATE

shall mean a building or structure accessory to a vineyard and situated on the same lot therewith, where the vineyard occupies a minimum of 2 hectares, for the production of wine including the retail sale of wine and wine related products and hospitality facilities as accessory uses not

exceeding four hundred (400) square metres of floor area in total and where food and wine may be prepared and served for the enjoyment of the general public.

2.220 WINERY, FARM

shall mean the use of land, buildings, structures and equipment for the making of wine from fruit grown primarily on the premises including fermentation, storage and aging and may include storage, display, processing, wine tasting, a tied house licensed by the Alcohol and Gaming Commission of Ontario, and retail, administrative facilities and outdoor patio area, but shall not include a restaurant, banquet facility, or on-site commercial kitchen.

2.221 YARD

shall mean a space, appurtenant to a building or structure, located on the same lot as the main building or structure, and which space is open, structurally uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures or uses as are specifically permitted by this By-law.

2.222 YARD, EXTERIOR SIDE

shall mean a side yard immediately adjoining a road.

2.223 YARD, FRONT

shall mean a yard extending across the full width of the lot between the front lot line of the lot and the nearest main wall of any main building or structure on the lot. **FRONT YARD DEPTH** shall mean the least horizontal dimension between the front lot line of the lot and the nearest part of the main wall of any main building or structure on the lot.

2.224 YARD, INTERIOR SIDE

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

2.225 YARD, REAR

shall mean a yard extending across the full width of the lot between the rear lot line of the lot and the nearest main wall of any main building or structure on the lot. **REAR YARD DEPTH** shall mean the least horizontal dimension between the rear lot line of the lot and the nearest part of the main wall of any main building or structure on the lot.

2.226 YARD, SIDE

shall mean a yard extending from the front yard to the rear yard and from the side lot line of the lot to the nearest main wall of any main building or structure on the lot. **SIDE YARD WIDTH** shall mean the least horizontal dimension between the side lot line of the lot and the nearest part of the main wall of any main building or structure on the lot.

2.227 ZONE

shall mean an area delineated on a Zone Map and established and designated by this By-law for a specific use.

2.228 ZONE MAP

shall mean a map or maps incorporated in this By-law and showing graphically the location, size and boundaries of zones established by this By-law together with other explanatory text and symbols.

3.0 ZONES AND ZONE MAPS

3.1 ESTABLISHMENT OF ZONES

For the purpose of this By-law, the maps hereto annexed as Schedule “A”, Map 1 to Map 104 inclusive; Schedule “B”, Schedule “C”, Schedule “D”, Schedule “E”, Schedule “F”, Schedule “G”, Schedule “H”, Schedule “I”, Schedule “J”, Schedule “K”, Schedule “L”, Schedule “M”, Schedule “N” and Schedule “O”, shall be referred to as the zone maps of the Township of Malahide Zoning By-law and the zone maps shall be divided into one or more of the following zones:

ZONE CATEGORY SYMBOL

Agricultural Zones

General Agricultural	A1
Special Agricultural	A2
Large Lot Agricultural	A3
Small Lot Agricultural	A4

Residential Zones

Rural Residential	RR
Hamlet Residential	HR
Village Residential One	VR1
Village Residential Two	VR2
Mobile Home Park	MH

Commercial Zones

General Commercial	GC
Hamlet Commercial	HC
Rural Commercial	RC
Highway Commercial	HWC
Local Commercial	LC

Industrial Zones

General Industrial	M1
Rural Industrial	M2
Farm Industrial	M3
Extractive Industrial	M4

Other Zones

Institutional	I
Open Space	OS
Public Utility	U

3.2 USE OF ZONE SYMBOLS

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

3.3 HOLDING SYMBOLS

Where a zone symbol listed in Section 3.1 is used in conjunction with the holding symbol “H” as shown on the zone maps, no buildings or structures shall be erected or altered, save and except existing main buildings and structures and accessory buildings and structures permitted in the said zone and in accordance with the standards of the said zone, until the “H” symbol is removed in accordance with the Planning Act.

Where the holding symbol “H” is accompanied by a numbered suffix (e.g. H-1, H-2) as shown on the zone maps, removal of the “H” symbol shall be contingent upon the following matters being concluded.

a) H-1 Services, Agreements, Site Plan Approvals

To ensure the orderly development of lands and the adequate provision of municipal services, the required security shall be provided for the development agreement or subdivision agreement, and Council shall be satisfied that the conditions of the approval of the plans and drawings for a site plan, or the conditions of the approval of a draft plan of subdivision, ensure a development agreement or subdivision agreement is executed by the applicant and the Township, prior to the removal of the "H-1" symbol.

b) H-2 Noise and Vibration Attenuation

To ensure that mitigating measures are undertaken in areas adjacent to transportation and utility corridors, an agreement shall be entered into, following consultation with relevant agencies, covering requirements for incorporating appropriate noise and/or vibration attenuation measures into the design of the development, prior to the removal of the "H-2" symbol.

c) H-3 Environmental Impact Study

To determine the extent to which development will be permitted and ensure that development will not have a negative impact on relevant components of Natural Heritage Features (identified in the Township of Malahide Official Plan, the Provincial Policy Statement and the Ministry of Natural Resources), an agreement shall be entered into specifying appropriate development conditions and boundaries, based on an Environmental Impact Study prepared to the satisfaction of the Township, prior to removal of the "H-3" symbol.

d) H-4 Erosion/Slope Instability Hazards

To refine the One Hundred Year Erosion Limit (identified by the Conservation Authority having jurisdiction), assess the potential impacts of development and identify measures to avoid or address potential erosion/slope instability hazards, an agreement shall be entered into specifying appropriate development conditions and boundaries, based on a geotechnical study that has been prepared to the satisfaction of the Township, prior to removal of the "H-4" symbol.

e) H-5 Site Plan Control

To ensure that development takes a form compatible with adjacent land uses, agreements shall be entered into following public site plan review specifying the issues allowed for under the site plan control provisions of the Planning Act, prior to the removal of the "H-5" symbol.

f) H-6 Landfill Sites

To ensure that development in the vicinity of operating and closed landfill sites will occur in a safe manner and in accordance with the Environmental Protection Act, agreements shall be entered into specifying any necessary studies and protective measures to the satisfaction of the Township, demonstrating that the development in the form and manner proposed will not be adversely affected, prior to the removal of the "H-6" symbol.

3.4 COMPOUND ZONES

Where two or more zone symbols divided by a "/" are shown on the zone maps as applying to a lot, the lot may be used for any use permitted in any one of the zones included in the compound zone symbol, or for any combination of uses thereto, subject to the following:

- a) the general use regulations and the special use regulations applicable to the zones included in the compound zone shall apply;
- b) in the case of a conflict between combinations of uses from two (2) or more zones, the greater or more restrictive regulations shall apply.

3.5 MULTIPLE ZONES

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

3.6 SPECIAL USE REGULATIONS

Within any zone, special use regulations shall apply and, in addition to such special use regulations, the general use regulations shall also apply unless a contrary intention appears otherwise, in which case the special use regulations shall supercede and prevail over the general use regulations of the zone.

3.7 'SITE-SPECIFIC' ZONES

All zones may be subdivided into one or more defined areas within which greater or lesser restrictions shall apply. These 'site-specific' zones shall be identified by reference to the symbol of a zone together with a number so as to differentiate 'site-specific' zones within a zone from each other and from other areas within the zone. Within a 'site-specific' zone, all requirements of this By-law including the General Regulations (Section 4) and the General Use Regulations and the Special Use Regulations applicable to the zone within which the 'site-specific' zone is located shall apply and, unless a contrary intention appears otherwise, the following shall apply:

- a) if the 'site-specific' zone establishes regulations different from the General Regulations of this By-law including the General Use Regulations and Special Use Regulations applicable

to the zone within which the defined area is located, the exceptions shall supersede and prevail over such corresponding regulations of this By-law;

- b) if the 'site-specific' zone permits one (1) or more uses for the defined area, such permitted use or uses shall be the only purpose or purposes for which land, building or structures within the defined area shall be used unless the contrary intention appears otherwise;
- c) if the 'site-specific' zone specifically permits one (1) or more uses in addition to those otherwise permitted in the zone within which the defined area is located, any and all of the other exceptions applicable to the defined area shall also apply to the additional permitted use or uses and not only to the uses not otherwise permitted in the zone;
- d) where a 'site-specific' zone is followed by reference to the name of the owner, tenant, company name, municipal address or other description shown in italics and contained in parentheses, the said reference is intended for information purposes only and does not constitute part of this By-law.

3.8 INTERPRETATION OF ZONE BOUNDARIES

Where any uncertainty exists as to the location of the boundary of any of the said zones as shown on a zone map, the following shall apply:

- a) unless otherwise shown, the boundary of the zones as shown on the zone maps are the centre lines of the road allowances or lot lines and the projection thereof;
- b) where zone boundaries are indicated as approximately parallel to the line of any road and the distance from such road is not indicated, such zone boundaries shall be construed as being parallel to such road and the distance there from shall be determined by the use of the scale shown on the zone maps;
- c) unless otherwise indicated, a road, lane, railway or electrical transmission line right-of-way, or watercourse included on the zone maps, is included within the zone of the adjoining lands on either side thereof; and where such road, lane, right-of-way, or watercourse serves as a boundary between two (2) or more different zones, a line midway in such road, lane, railway or electrical transmission line right-of-way, or watercourse and extending in the general direction of the long division thereof is considered the boundary between zones unless specifically indicated otherwise;
- d) in the event a road or street shown on a zone map is closed, the lands formerly on the said road or street shall be included within the zone of the adjoining property on either side of the said closed road or street, and the zone boundary shall be the former centre line of the said closed road or street;
- e) where zone boundaries appear to follow a lot line, they shall be deemed to follow the lot line.

4.0 GENERAL REGULATIONS

The regulations of this section apply in all zones except as may be indicated otherwise herein.

4.1 ACCESSORY USES, BUILDINGS AND STRUCTURES

Wherever a use is listed as a permitted use in a particular zone, uses, buildings or structures accessory, incidental or subordinate to that use are also permitted in accordance with the standards applying in the zone in which the said use, building or structure is located.

4.2 BED AND BREAKFAST ESTABLISHMENTS

The following regulations shall apply:

- a) guest bedrooms shall be restricted to a maximum of five (5);
- b) guest parking spaces in a front yard shall be restricted to a maximum of three (3).

4.3 BUFFER STRIPS AND FENCES

The following regulations shall apply:

- a) a buffer strip shall be located within the zone for which it is required; it shall be planted, nurtured and maintained by the owner of the lot on which the buffer strip is located, and replacement of trees and plants be made by the owner, as necessary from time to time.
- b) in all cases where access driveways extend through a buffer strip, it shall be permissible to interrupt the strip within 3.0 metres of the edge of such driveway.
- c) a buffer strip may form part of any required landscaped open space, including the required front, side and rear yards.
- d) where a commercial or industrial zone abuts a residential, institutional, or open space zone, a strip of land not less than 4.5 metres in width adjacent to and inside the commercial or industrial zone boundary shall not be used for any other purpose than a buffer strip.
- e) where an institutional zone abuts a residential zone, a strip of land not less than 3.0 metres in width adjacent to and inside the institutional zone boundary shall not be used for any other purpose than a buffer strip.
- f) unless specifically permitted otherwise, no fence within the Municipality shall be greater than 2.4 metres in height.

4.4 BUILDING AND STRUCTURE PROJECTIONS

No part of any building or structure on any lot shall project beyond the lot line or street line of such lot.

4.5 COMMUNITY GARDENS

The following regulations shall apply:

- a) community gardens shall be permitted in the Village Residential One (VR1) Zone, the Village Residential Two (VR2) Zone and the Hamlet Residential (HR) Zone as an accessory use.
- b) a building or structure shall comply with the requirements for an accessory building or structure of the zone in which it is located.
- c) community gardens shall be located in a rear yard or in an interior side yard.
- d) a minimum of two (2) parking spaces shall be required in addition to any other parking requirements of the zone in which it is situated.

4.6 CONSTRUCTION USES

Uses, buildings and structures incidental to construction are permitted in any zone provided they:

- a) are used only for as long as they are necessary for, or as a result of, construction work in progress which has neither been finished nor abandoned, or a period of 1 year whichever is the lesser;
- b) are removed when the construction work for which they are required is terminated.

4.7 ELECTRICITY GENERATION FACILITIES AND TRANSMISSION AND DISTRIBUTION SYSTEMS

Electricity generation facilities and transmission and distribution systems are permitted in any zone and shall not be subject to lot coverage, lot line setbacks or any other yard requirements in the zone in which they are located, but shall be subject to any regulatory requirements for the utility involved.

4.8 ENTRANCE REGULATIONS

No person shall erect any building or structure or otherwise use any lot in any zone unless such lot abuts a road, or a reserve on the opposite side of which is located a road, or unless such lot has access to a road by means of a legally registered right-of-way or easement over an abutting lot, and unless the Ministry of Transportation, the County or the Township, as the case may be, has issued an entrance permit or otherwise granted permission to provide access for vehicular traffic from such lot or from such abutting lot, as the case may be, to the said road. Notwithstanding the foregoing, a building or structure may, however, be erected on a lot within a registered plan of subdivision in accordance with a subdivision agreement in respect of such plan of subdivision, or on a lot created by consent and in accordance with an agreement with the Township, despite the fact that the road on which the lot has access to has not been assumed and is not being maintained by the Township.

4.9 ESTABLISHED BUILDING LINE ON STREETS OR ROADS

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

line of the street or road, as the case may be, than the established building line on the date of passing of this By-law.

4.10 EXISTING LOTS

Existing lots with less than the minimum lot area, and/or minimum lot frontage requirements of this By-law may be used and buildings and structures erected or altered thereon for the purposes specified in the zone in which they are situated, provided:

- a) such lots are serviced or capable of being serviced by approved sanitary sewage facilities where such facilities are required for the said use, building or structure;
- b) all other requirements of this By-law are satisfied.

4.11 EXPROPRIATIONS AND DEDICATIONS

Where the area of a lot is reduced by means of an acquisition of part of the lot by any authority having power of expropriation, and where such acquisition causes the lot as reduced, or any building or structure existing lawfully on the lot on the date of such acquisition, to have a lot area, lot frontage, lot coverage, parking, area of landscaped open space, setback, front yard depth, side yard depth or rear yard depth that does not conform to the requirements hereof for the zone in which such lot is located, then nothing in this By-law shall apply to prevent the continued use of the lot as reduced as if no such acquisition had taken place, provided that:

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

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

4.12 GRADING

4.12.1 Excavations

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

4.12.2 Removal or Levelling of Hills

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

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

4.13 GROUP HOMES

Within a settlement area, no group home shall be established within 250 m of another group home while outside a settlement area, no group home shall be established within 1000 m of another group home and, in all cases, no group home shall be established within 500 m of a halfway house.

4.14 HALFWAY HOUSES

Within a settlement area, no halfway house shall be established within 500 m of another halfway house while outside a settlement area, no halfway house shall be established within 5000 m of another halfway house and, in all cases, no halfway house shall be established within 500 m of a group home or a school.

4.15 HAZARD LANDS

No buildings or structures, with the exception of bridges and those designed, used, or intended for flood or erosion control purposes under a permit issued by the conservation authority having jurisdiction, shall be erected or used on lands which exhibit a hazardous condition as a result of their instability, susceptibility to flooding, erosion, subsidence, inundation or the presence of organic soils or steep slopes.

4.16 HEIGHT EXCEPTIONS

The height regulations of this By-law shall not apply to any farm building or structure, ornamental dome, skylight, chimney, tower, elevator, enclosure, flag pole, antennae, radio or television receiving or transmitting equipment, cupola, steeple, place of worship spire, wind tower or any accessory mechanical fixtures unless specifically stated otherwise.

4.17 LOADING SPACE REGULATIONS

4.17.1 Required Loading Spaces

The owner or occupant of any lot, building or structure used or erected for any purpose involving the receiving, shipping loading or unloading of animals, goods, wares, merchandise or raw materials, shall provide and maintain, on the same lot, facilities comprising one or more loading spaces in accordance with the provision of this subsection.

The number of loading spaces required on a lot shall be based on the total net floor area of all the uses on the said lot for which loading spaces are required, in accordance with the following:

- a) less than 250 square metres of total net floor area – 0 loading spaces;
- b) over 250 square metres up to and including 500 square metres of net floor area -1 loading space;
- c) over 500 square metres up to and including 2,500 square metres of net-floor area - 2 loading spaces;

- d) over 2 500 square metres up to and including 7,500 square metres of net-floor area - 3 loading spaces;
- e) over 7,500 square metres of net-floor area - 3 loading spaces plus 1 additional loading space for each 10,000 square metres or part thereof of total net floor area in excess of 7,500 square metres.

4.17.2 Dimensions of Loading Spaces

A loading space required hereby shall have minimum dimensions of 3.5 metres by 10 metres and a minimum vertical clearance of 4 metres.

4.17.3 Location of Loading Spaces

Required loading spaces shall be provided on the same 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.

4.17.4 Yards Where Permitted

Loading spaces shall be permitted in any yard, except that:

- a) no part of any loading space shall be located in the front yard or closer than 3 metres to any lot line; and
- b) in the case of a through lot, no loading spaces shall be permitted in any part of the front yard.

4.17.5 Access To Loading Spaces

Access to loading spaces shall be provided by means of one or more unobstructed driveways which:

- a) have a minimum unobstructed width of at least 3.5 metres, regardless of the direction of traffic flow thereupon, and provide sufficient space to permit the manoeuvring of vehicles on the lot so as not to obstruct or otherwise cause a hazard on adjacent streets;
- b) are contained within the lot on which such loading spaces are located and lead either to an improved street or to a lane; and
- c) comply in all other respects with the requirements for driveways providing access to parking areas and spaces set out in this By-law.

4.17.6 Surface And Drainage Of Loading Spaces And Driveways

- a) All loading spaces and driveways providing access thereto shall be provided and maintained with a stable surface, treated so as to prevent the raising of dust or loose particles. Loading spaces and driveways required for all commercial zones shall be either asphalt, concrete or other hard surfaced material. All other required loading spaces and driveways may be crushed stone or gravel.
- b) The access point to the loading area shall be well defined.

4.17.7 Addition To Existing Use

When a building or structure has insufficient loading spaces on the date of passing of this By-Law to comply with the requirements herein, (this By-Law shall not be interpreted to require that the deficiency be made up) prior to the construction of any addition, any loading spaces required by this By-Law for such addition shall be provided in accordance with all provisions hereof respecting loading spaces.

4.17.8 Exemption For GC Zones

Notwithstanding any other provision hereof to the contrary, no loading spaces shall be required for any building, structure or use located within a GC Zone.

4.18 MODEL HOMES

The following regulations shall apply:

- a) the lands on which the model homes are situated have received draft plan approval under the Planning Act and a subdivision agreement has been executed;
- b) the model homes shall comply with the provisions and regulations of this By-law upon registration of the plan of subdivision; and
- c) the number of model homes for any draft approved plan of subdivision shall not exceed the lesser of ten (10) dwelling units or ten percent (10%) of the total number of lots.

4.19 MUNICIPAL DRAINS AND NATURAL WATERCOURSES

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

- a) closer than 7.5 metres from the top-of-bank of a municipal drain having a width of less than 4.5 metres from top-of-bank to top-of-bank or from the centre line of a municipal tile drain;
- b) closer than 18.5 metres from the top-of-bank of a municipal drain having a width of between 4.5 metres and 7.5 metres from top-of-bank to top-of-bank;
- c) closer than 30.5 metres from the top-of-bank of a municipal drain which is 7.5 metres or more from top-of-bank to top-of-bank;
- d) closer than 15.0 metres from the top-of-bank of a natural watercourse or within an area that is equal to 15.0 metres plus one-half the width of the stream from the centerline of the watercourse;
- e) closer from the top-of-bank of the Lake Erie shoreline except for lands shown on Schedule "O" than:

$D = 3h + 100R$ (or) 30 metres (whichever is greater)

Where D = setback (in metres), h = elevation above Lake Erie (metres), 100 = constant representing 100 years of protection and R = rate of erosion in metres per year at the point under consideration.

- f) on lands which exhibit, or potentially exhibit, a hazardous condition as a result of their susceptibility to flooding, erosion, subsidence, inundation or the presence of organic soils or steep slopes.

4.20 NON-COMPLYING BUILDINGS AND STRUCTURES

Where a building or structure has been erected on an existing lot having less than the minimum lot frontage and/or area, minimum setback, front yard depth, side yard width or rear yard depth or where such building or structure has more than the maximum height or more than the maximum lot coverage or more than the maximum floor area permitted herein, the said building or structure may be used, altered, repaired or renovated provided such standards are not further reduced or extended and all other standards herein are complied with.

4.21 NON-CONFORMING USES

Nothing in this By-law shall apply:

- a) to prevent the use of any land, building or structure for any purpose prohibited in this By-law if such land, building or structure was lawfully used for such purpose on the day of the passing of this By-law, so long as it continues to be used for that purpose;
- b) to prevent the erection or use for a purpose prohibited in this By-law of any building or structure for which a permit has been issued under the Building Code Act, prior to the day of passing of this 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 so long as the permit has not been revoked under Building Code Act;
- c) to prevent the alteration or repair of any building or structure or part of any such building or structure which does not comply with this By-law, so long as such alteration or repair does not increase the height, size or volume or change the use of such building or structure.

4.22 OIL AND GAS WELLS

This By-law shall not apply to the use of any land for the exploration and/or production of natural gas or crude oil, or to the erection, alteration, or use of any building or structure accessory thereto.

4.23 OUTDOOR FURNACES

Where permitted by this By-law, no outdoor furnace shall:

- a) be erected within ten (10) metres of a lot line;
- b) be erected within one hundred and fifty (150) metres of a dwelling situated on a separate lot.

4.24 PARKING REGULATIONS

4.24.1 Required Parking Spaces

The parking space requirements provided in the following table shall apply to all uses, buildings and structures in all zones with the exception of the General Commercial (GC) Zone. The number of required spaces shall be calculated per square metre (m²) of the floor area of the main building except where expressed otherwise. Parking spaces shall be provided at the time a use is established or changed or a building or structure is erected or enlarged.

	USE	REQUIREMENT
1	abattoir	1 per 25 m ² of retail floor space plus 1 per each employee employed on the largest shift
2	animal clinic	1 per 30 m ²
3	animal hospital	1 per 45 m ²
4	apartment dwelling	1.25 per dwelling unit
5	art gallery	1 per 50 m ²
6	auction sales establishment	1 per 30 m ²
7	bake shop	1 per 25 m ²
8	banquet hall	1 per 7 seats or 1 per 35 m ² , whichever is the greater
9	bed & breakfast establishment	2 plus 1 per guest room
10	boarding house or rooming house	0.5 per guest room
11	clinic	1 per 15 m ²
12	club	1 per 7 seats or 1 per 35 m ² whichever is the greater
13	converted dwelling	1.5 per dwelling unit
14	day care centre	1 per 40 m ²
15	dog kennel	1 per 30 m ²
16	double duplex dwelling	1.25 per dwelling unit
17	drive-in restaurant	1 per 10 m ²
18	dry cleaning establishment	1 per 35 m ²
19	duplex dwelling	1.5 per dwelling unit
22	dwelling unit	1 per unit
21	fitness centre	1 per 30 m ²
22	flea market	1 per 30 m ²
23	food processing plant	1 per each employee employed on the largest shift
24	funeral home	1 per 20 m ²
25	garden centre	1 per 30 m ² plus 1 per 100 m ² outside display space
26	gas bar	1
27	general retail store	1 per 25 m ²
28	golf course	4 per hole
29	group home	1 plus 0.5 per bed
30	half-way house	1 plus 0.5 per bed
31	hotel	1.5 per guest room
32	industrial use	1 per each employee employed on the largest shift
33	laundry establishment	1 per 35 m ²
34	machine shop	1 per 25 m ²
35	market garden	1 per 30 m ² plus 1 per 100 m ² of outside display space
36	micro brewery	1 per 40 m ² of processing area
37	mini-storage warehouse	5
38	motel	1.5 per guest room
39	museum	1 per 50 m ²
40	retirement home	1 per 2.5 beds
41	office	1 per 30 m ²
42	paintball park	1 per 50 m ² of playfield

	USE	REQUIREMENT
43	personal care establishment	1 per 20 m ²
44	personal service establishment	1 per 15 m ²
45	place of entertainment or amusement	1 per 35 m ²
46	place of worship	1 per 5 seats or the equivalent bench space or 1 per 10 m ² where there is no fixed seating, whichever is the greater
47	school, elementary	3 plus 1 per classroom
48	school, secondary or private	3 per classroom
49	restaurant	1 per 10 m ²
50	retail store	1 per 25 m ²
51	semi-detached dwelling	2 per dwelling unit
52	service shop	1 per 50 m ²
53	shopping centre	1 per 25 m ²
54	single unit dwelling	2
55	take-out restaurant	1 per 10 m ²
56	tavern	1 per 10 m ²
57	townhouse dwelling	1.5 per dwelling unit
58	triplex dwelling	1.5 per dwelling unit
59	warehouse	1 per each employee employed on the largest shift

4.24.2 Accessible Parking Spaces

Accessible parking spaces shall, in the case of a Type A parking space as defined, have a minimum width of 3.4 m and, in the case of a Type B parking space as defined, have a minimum width of 2.4 m and shall be provided adjacent to the primary entrance of the building they are intended to serve and clearly signed or marked as “Accessible Parking Spaces”.

To facilitate access to the motor vehicle, every accessible parking space shall be provided with an abutting access aisle, 1.5 m in width, extending the full length of the accessible parking space and be clearly identifiable by high tonal contrast diagonal lines, concrete or other hard distinguishing surface treatment to discourage parking on or within them which access aisle may be shared by two accessible parking spaces

All designated accessible parking spaces shall be signed or marked in accordance with the Integrated Accessibility Standards Regulation and the Highway Traffic Act and, in the case of Type A parking spaces as defined, signed or marked as “Van Accessible”.

The number of accessible parking spaces required shall be part of the total parking requirement in accordance with the following:

Required Spaces	Required No. of Spaces for Accessible Parking	
	Type A	Type B
1 - 50	1	1
51 - 75	1	2
76 - 100	2	2

4.24.3 Location

The location of a parking space required herein shall be located on the same lot or within the same building or structure as the use building or structure for which the said parking is required.

4.24.4 Dimensions of Parking Spaces

A parking space required herein shall have a minimum width of 2.7 m and a minimum length of 5.5 m except in the case of accessible parking spaces which shall have a minimum width as specified in subsection 4.21.2 to this By-law.

4.24.5 Additions to Existing Uses

The parking space requirements of this By-law shall apply to any existing building or structure so long as the floor area of the said building or structure is not increased and the building or structure is used for a purpose which does not require additional parking spaces as required by this By-law than were required by virtue of its size or use on the effective date. Where a use is changed or the floor area of a building or structure is enlarged or there is an increase in the number of divisible units (e.g. seating capacity), then such additional parking spaces shall be provided to the number required for such change.

4.24.6 Calculation of Required Parking Spaces

When calculating the number of required parking spaces, the following shall apply:

- a) where a building, structure or lot accommodates more than one use, the required parking spaces shall be the sum of the required parking spaces for the individual uses. Parking spaces for one use shall not be considered as providing the required parking spaces for any other use.
- b) where seating accommodation is provided by benches, 0.6 m of bench space shall be equivalent to one (1) seat.
- c) calculation of the required parking spaces results in a fraction, the required parking spaces shall be the next highest whole number notwithstanding Section 1.5 of this By-law to the contrary.

4.24.7 Parking Regulations In Residential Zones

The following regulations shall apply:

- a) no motor vehicle shall be parked or stored in any residential zone other than a private passenger automobile, a motor home, travel trailer, or truck camper, or in the case of a commercial motor vehicle as provided for in this By-law;
- b) no commercial motor vehicle, having a capacity of greater than 6000 kilograms, shall be parked or stored outdoors in the Village Residential One (VR1) Zone, Village Residential Two (VR2) Zone, Hamlet Residential (HR) Zone or Mobile Home (MH) Zone;
- c) all parking spaces in any residential zone shall be located in an attached or detached private garage, or in a driveway, or in a side or rear yard provided that the lot coverage of the spaces shall not exceed 15% of the total lot area;
- d) no commercial motor vehicle, having a capacity of greater than 6000 kilograms, shall idle for an extended period of time in any residential zone.

4.25 PROHIBITED USES

The following shall be prohibited in any zone except where specifically permitted otherwise.

- a) the use of a truck, bus, coach, railway car, shipping container or streetcar body or any portions thereof for the purposes of conducting or operating a business or trade;
- b) the use of any travel trailer, truck camper or motor home for the living, sleeping, or eating or accommodation of persons;
- c) the making or establishment of pits and quarries;
- d) the tanning or storage of uncured hides or skins;
- e) the boiling of blood, tripe, bones or soaps for commercial purposes;
- f) the manufacturing of glues or fertilizers from dead animals or from human or animal waste;
- g) an abattoir, livestock yard, livestock exchange, or dead stock depot;
- h) the keeping of exotic animals;
- i) the extracting of oil from fish;
- j) a track for the driving, racing or testing of automobiles, motorcycles, snowmobiles or any other motorized vehicles;
- k) a salvage or scrap yard, or the collection, storage or sale of:
 - i) automobiles which are not in running condition;
 - ii) partially or completely dismantled automobiles or other vehicles; or
 - iii) parts of automobiles or other vehicles;except where the automobiles or other vehicles are accessory to a permitted automotive use;
- l) a disposal site for solid waste;
- m) the refining, storage or use in manufacturing of coal, rock, fuel, oil, natural gas, propane, burning fluids, naphtha, bensole, benzene, gasoline, dynamite, dualim, nitro-glycerin, gun powder, petroleum or any other combustible, inflammable, volatile or otherwise dangerous liquids, gases or solid materials except where specifically permitted hereby or in conjunction with a permitted industrial use. This provision shall not apply to prevent the aboveground storage of such substances where such storage is incidental and accessory to an agricultural use associated with a normal farm practice, or the use of natural gas, propane or fuel oil for domestic purposes, such as heating and cooking, in conjunction with a residential, commercial or industrial use;
- n) an airport or landing strip;

- o) any use which causes the emission of corrosive gases, toxic gases, or radioactive gases or into any zone other than an M1 Zone, of electromagnetic fields, heat, glare, dust, dirt, fly ash, or smoke, or which does not comply with emission regulations as may be established from time to time by the Province of Ontario, the Government of Canada, or any agencies thereof;
- p) the location or storage on any land for any purpose whatsoever any railroad car or part thereof, street car or part thereof, truck body or part thereof, bus body or part thereof, whether or not the same is situated on a foundation;
- q) use of any land or building, except those lands appropriately zoned for the repair or servicing of motor vehicles unless such motor vehicle is owned by and registered in the name of an owner or occupant of such land or building;
- r) undertaking anything but minor repairs and servicing such as the changing of tires or oil, outside of a garage or other suitable building, on any motor vehicle within the Municipality, except on lands lawfully occupied and used for an motor vehicle use;
- s) any establishment used as an adult entertainment establishment as defined by this By-law;
- t) any outdoor furnace used, or intended to be used, to supply heat or hot water to any dwelling;
- u) any form of the following:
 - i) Underground transmission of oil, gasoline, or other petroleum liquid products;
 - ii) Wood preserving and treating;
 - iii) Outdoor storage of road salt, or other de-icing materials and dumping of salt laden snow;
 - iv) Petroleum production, refining and manufacturing;
 - v) Furniture and wood stripping and refining;
 - vi) Electroplaters and metal fabricators;
 - vii) Peat extraction;
 - viii) Landfills
 - ix) Chemical / biological laboratories;
 - x) Chemical manufacturing/industrial uses;
 - xi) Facilities generating, treating or disposing hazardous waste;
 - xii) Asphalt / concrete / tar plants;
 - xiii) Automotive junk yards;
 - xiv) Bulk fuel oil storage yards;
 - xv) Car washes;
 - xvi) Cemeteries;
 - xvii) Dry cleaning facilities;
 - xviii) Gasoline service stations;
 - xix) Underground storage tanks.

4.26 PUBLIC USES

With the exception of any facility used for the transmission or distribution of electricity, this By-law shall not apply to the use of any land or to the erection, alteration or use of any building or structure for the purpose of public service by a public authority or public utility as long as:

- a) the lot coverage, setback and yard requirements of the zone in which such land, building, or structure is located are complied with;
- b) no outside storage is located in a residential zone; in a yard on a lot adjacent to a residential zone; or in a yard on a lot lying opposite a residential zone.

4.27 RESIDENTIAL DRIVEWAYS

The following regulations shall apply:

- a) The maximum width of a driveway, measured along the sidewalk where such exists, and along the street line shall otherwise be nine (9.0) metres.
- b) The minimum distance between a driveway and an intersection of street lines measured along the street line intersected by such driveway shall be nine (9.0) metres.
- c) The minimum distance between a lot line and any driveway, with the exception of a mutual or common driveway, shall be one (1.0) metre. A driveway shall, however, be allowed to intersect a lot line in accordance with the provisions of subsection d).
- d) The interior angle formed between the street line and the centre line of any driveway shall not be less than forty-five (45) degrees.

4.28 SATELLITE DISHES

A satellite dish, other than a satellite dish having a diameter of one (1.0) metre or less and mounted on a building, structure, fence or boundary wall, may be erected and used in any zone, provided it:

- a) is not erected in an elevated position which exceeds the maximum height requirement for an accessory building or structure, regardless of the method of elevation used;
- b) complies with the requirements for an accessory building or structure of the zone in which it is located;
- c) is located, in the case of lands zoned Village Residential One (VR1), Village Residential Two (VR2) or Hamlet Residential (HR), in a rear yard or in an interior side yard.

4.29 SCHOOL BUS HUTS OR SHELTERS

Where permitted by this By-law, a school bus hut or shelter shall:

- a) not exceed five (5.0) m² in floor area;
- b) not exceed three (3.0) m in height;
- c) not be situated closer than one (1.0) m from a lot line.

4.30 SECOND DWELLING UNITS

Where in this By-law a single unit dwelling or a semi-detached dwelling is listed as a permitted use in a settlement area, a second dwelling unit shall also be permitted either within that dwelling or within a building accessory to the said dwelling subject to the following:

- a) Where the second dwelling unit is located within a single unit dwelling or semi-detached dwelling:
 - i) a maximum of one second dwelling unit shall be permitted;

- ii) an independent entrance to the second dwelling unit from outside the dwelling shall be provided;
- iii) a minimum ceiling height of 2.0 m shall be maintained where located in a basement or cellar;
- iv) the dwelling unit will be situated in a basement or cellar, the finished floor level of such basement or cellar shall not be below the level of any municipal sanitary sewer or storm sewer servicing the dwelling in which such dwelling unit would be located;
- v) the floor area of the second dwelling unit shall not exceed 40% of the floor area of the dwelling to a maximum of 75m²;
- vi) the second dwelling unit shall not contain more than one bedroom;
- vii) a minimum of one parking space dedicated to the second dwelling unit shall be provided;
- viii) the requirements of the Ontario Building Code shall be complied with.

b) Where the second dwelling unit is located within an accessory building:

- i) a maximum of one second dwelling unit shall be permitted
- ii) the requirements herein with respect to an accessory building shall be complied with;
- iii) the second dwelling unit shall not exceed a floor area of 75 m²;
- iv) the second dwelling unit shall not contain more than one bedroom;
- v) the second dwelling unit shall be connected to the municipal water supply system and the municipal sanitary sewage system where such services are available;
- vi) the second dwelling unit shall, where a municipal water supply system is unavailable, be connected to a private on-site water well capable of producing a minimum of 18.9 litres/minute;
- vii) the second dwelling unit shall, where connection to the municipal sanitary sewage system is not available, be connected to an approved private on-site sewage system;
- viii) a minimum of one parking space dedicated to the second dwelling unit shall be provided;
- ix) the requirements of the Ontario Building Code shall be complied with.

4.31 SETBACKS FROM COUNTY ROADS

Notwithstanding any other provisions of this By-law, where a building or structure is erected or proposed to be erected adjacent to a county road, and in the absence of an established building

line, the following minimum setbacks shall be provided or maintained from the centerline of such road:

Name	No.	between	and	Classification	Minimum Setback*
Avon Drive	37	Pigram Road	Belmont Road	Collector	24 m
Lyons Line	48	Pigram Road	Belmont Road	Collector	24 m
Ron McNeil Line	52	Pigram Road	Springfield Road	Collector	24 m
Glencolin Line	32	Springfield Road	Springwater Road	Collector	24 m
Nova Scotia Line	42	Imperial Road	Richmond Road	Collector	24 m
Richmond Road	43	Nova Scotia Line	John Wise Line	Collector	24 m
Springfield Road	40	Nova Scotia Line	Calton Line	Collector	24 m
Hacienda Road	32	John Wise Line	Dingle Street	Collector	24 m
Imperial Road	73	Avon Drive	Port Bruce	Minor Arterial	26 m
John Wise Line	45	Springwater Road	Springfield Road	Minor Arterial	26 m
Calton Line	45	Springfield Road	Richmond Road	Minor Arterial	26 m

*not applicable within settlement areas of Springfield and Port Bruce

4.32 SETBACKS FROM RAILWAYS

The following regulations shall apply:

- a) No buildings or structures shall be erected or used within seventy five (75) metres of a railway right-of-way.
- b) Evaluation of ground-borne vibration from rail traffic shall be required within seventy five (75) metres of a railway right-of-way and evaluation of noise from rail traffic through a Noise Impact Study shall be required within one hundred and twenty (120) metres of a railway right-of-way in accordance with Ministry of the Environment, Conservation and Parks guidelines.
- c) Variations to the noise and vibration standards can be made if an Environmental Noise & Vibration Study is submitted and accepted by the Township. These reports can be used as a basis for varying the standards where site specific barriers or topographical features are present which warrant changes. Specific standards can be applied through the development, consent or subdivision agreement.

4.33 SEWAGE TREATMENT PLANTS AND WASTE DISPOSAL SITES

No building or structure used or intended for residential occupancy shall be erected within three hundred (300) metres of a sewage treatment plant or a waste disposal site.

4.34 SHIPPING CONTAINERS

Where permitted by this By-law as an accessory use, no shipping container shall:

- a) be erected within ten (10) metres of a lot line;
- b) be erected within one hundred (100) metres of a dwelling on a separate lot;
- c) exceed the maximum floor area and/or the maximum coverage requirement for an accessory building or structure of the zone in which it is situated;

d) be erected in a front yard or an exterior side yard.

4.35 SIGHT VISIBILITY TRIANGLES

Except in the General Commercial (GC) Zone, no building or structure shall be erected and no shrubs or foliage planted in such manner as to impede the vision of a motorist approaching the intersection, between a height of one (1.0) metres and three (3.0) metres above the centre line grade of intersecting roads in the triangular area bounded by the front lot line, the exterior side lot line and a line joining the points along said lines nine (9.0) metres distant from the point of intersection of the said lines.

4.36 SWIMMING POOLS AND TENNIS COURTS

The following regulations shall apply with respect to the erection or use of a swimming pool or a tennis court, which is not enclosed or otherwise located within a building:

- a) no swimming pool or tennis court shall, except in the case of lands zoned General Agricultural (A1), be located in any yard other than in an interior side yard or a rear yard;
- b) no swimming pool or tennis court shall be located closer than 1.5 metres to any rear lot line or side lot line;
- c) no part of a swimming pool shall exceed a height of 2.0 metres above grade, exclusive of appurtenances or facilities such as diving boards or slides;
- d) every swimming pool shall be enclosed by a fence of at least 1.2 metres in height equipped with a gate capable of being locked and located at a distance of not less than 1.0 metre and not more than 10 metres from the pool;
- e) no water circulating or treatment equipment such as pumps or filters or any accessory building or structure containing such equipment, shall be located closer than 2.0 metres to any lot line.

4.37 WAYSIDE PITS AND QUARRIES, PORTABLE ASPHALT PLANTS, PORTABLE CONCRETE PLANTS

Wayside pits, wayside quarries, portable asphalt plants and portable concrete plants used in conjunction with a road construction project by a public authority or its agents shall be permitted in all zones provided that any portable asphalt plant is not erected any closer than 300 metres to an institutional use or a residential use.

4.38 YARD ENCROACHMENTS AND OBSTRUCTIONS

No part of any required yard shall be obstructed by any building or structure except for one or more of the following:

- a) accessory buildings or structures specifically permitted in a required yard;

- b) architectural adornments including, but not necessarily limited to, sills, belt courses, chimneys, cornices, eaves, gutters, parapets, pilasters and roof trusses projecting not more than one-half (0.5) metre into any required yard except that no eaves of any building located within a residential zone shall be located closer than one-third (0.3) metre to any lot line;
- c) functional and ornamental structures including, but not necessarily limited to drop awnings, clothes poles, ornamental fountains, statues, monuments, cenotaphs, memorials, planters, garden trellis, fences, hedgerows, satellite dishes having a diameter of one (1.0) metre or less, and legal signs;
- d) unenclosed fire escapes or outside staircases in which the stair steps and floors are latticed in such a manner that the proportion of voids to solids is not less than two to one and in which guards consist only of hand rails and the structural members necessary to their support, and which do not project more than one and one-half (1.5) metres into any required yard;
- e) awnings, atriums and bay windows projecting not more than one (1.0) metre into any required yard, other than any required interior side yard, in the Village Residential One (VR1) Zone or the Village Residential Two (VR2) Zone and which do not project into any required sight visibility triangle;
- f) open roofed porches, uncovered decks and balconies projecting not more than three and one-half (3.5) metres into any required front yard, rear yard, exterior side yard or setback and which do not project into any required sight visibility triangle. Enclosures to any porch projecting into a required yard or setback shall be limited to one (1.0) metre in height exclusive of roof supports, but this shall not prohibit the enclosure of a porch or terrace by latticing, screening or similar method provided at least fifty percent (50%) of the surface area is open and unobstructed to the air;
- g) central air conditioning or heat pump units, provided that such unit is located within three (3.0) metres of the main building in a front yard or an exterior side yard, or a minimum of 1.2 metres from any other side or rear lot line;
- h) un-enclosed ramps for the physically challenged.

5.0 AGRICULTURAL ZONES

GENERAL AGRICULTURAL (A1) ZONE

The General Agricultural (A1) Zone applies to the majority of lands designated 'Agriculture' in the Township's Official Plan. It includes productive agricultural land under active cultivation as well as non-active farmland, pasture land, woodlands, ravine lands and other natural areas despite the fact they may not be used or capable of being used for agricultural purposes. Permitted uses in the A1 zone include a broad range of agricultural activities from the cultivation of land and production of crops to the breeding, raising and care of livestock. Other uses such as forestry, riding schools, dog kennels, estate wineries and wildlife preserves are also permitted in recognition that such uses are appropriately located in the rural area and are complementary or not in conflict with agricultural uses. Lands zoned A1 are typically large, being greater than 1 ha (2.5 acres) in size. Where new agricultural parcels are proposed to be created, the minimum lot area of each parcel is 20 hectares (49.4 acres). Livestock buildings and structures and additions thereto as well as manure storage facilities are required to comply with Minimum Distance Separation II developed by the Ontario Ministry Of Agriculture, Food and Rural Affairs.

SPECIAL AGRICULTURAL (A2) ZONE

The Agricultural (A2) Zone is virtually identical to the General Agricultural (A1) Zone with the exception that dwellings, as well as uses which normally require, or are associated with, a dwelling, are not permitted. It also, similar to the A1 zone, applies in areas designated 'Agriculture' in the Township's Official Plan. Application of the A2 zone is limited to instances involving a consent to dispose of a surplus farm dwelling on condition that any subsequent dwelling would be prohibited on the remaining lands in accordance with the Provincial Policy Statement (PPS), the County of Elgin Official Plan and the Township's Official Plan. The minimum lot area of a parcel zoned A2 is the area of the parcel as of the date of registration of the lot created to dispose of the surplus farm dwelling.

LARGE LOT AGRICULTURAL (A3) ZONE

The Large Lot Agricultural (A3) Zone is virtually identical to the General Agricultural (A1) Zone with the exception that a minimum lot area of 40 hectares (98.8 acres) applies. It also, similar to the A1 and A2 zones, applies in areas designated 'Agriculture' in the Township's Official Plan. The Large Lot Agricultural (A3) Zone represents a 'carry-over' zone from the former Township of Malahide Zoning By-law No. 05-27. It is intended primarily as a means of identifying larger, contiguously owned and/or cultivated farmland parcels which may or may not be further subdivided into smaller holdings provided, amongst other matters, each parcel comprises a minimum lot area of 40 hectares.

SMALL LOT AGRICULTURAL (A4) ZONE

The Small Lot Agricultural (A4) Zone applies in areas designated 'Agriculture' in the Township's Official Plan to parcels ranging in size from 4,000 sq. m (1 acre) to 1 hectares (2.5 acres). The A4 zone also applies to lots created by consent to dispose a surplus farm dwelling where the size of the lot is greater than 1 hectare. As a means of identifying lots in the rural area which are primarily residential in nature, it essentially replaces the Agricultural Residential (AR) Zone of the Township's former Zoning By-law. Agricultural uses are permitted with the exception of fur farming and mushroom farming. The keeping of livestock is restricted to small-scale operations which are not governed by the provisions of the Nutrient Management Act.

5.1 PERMITTED USES, BUILDINGS AND STRUCTURES

5.1.1 Main Uses, Buildings and Structures

No lands, buildings or structures shall be erected or used in the zone prescribed except for the purposes set out in the table below.

		<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>
	USES, BUILDINGS & STRUCTURES	A1	A2	A3	A4
1	agricultural use	✓	✓	✓	
2	agri-tourism use	✓	✓	✓	
3	animal kennel	✓*		✓*	✓*
4	bed & breakfast establishment	✓		✓	✓
5	commercial greenhouse	✓	✓	✓	
6	converted dwelling	✓		✓	✓
7	estate winery	✓		✓	
8	farm produce outlet	✓	✓	✓	
9	farm winery	✓		✓	
10	forestry use	✓	✓	✓	✓
11	group home	✓		✓	✓
12	halfway house	✓		✓	✓
13	home occupation	✓		✓	✓
14	market garden	✓	✓	✓	
15	mushroom farm	✓	✓	✓	
16	plant nursery	✓	✓	✓	
17	restricted agricultural use				✓
18	riding school	✓	✓	✓	
19	sawmill	✓	✓	✓	
20	seasonal farm dwelling	✓		✓	
21	secondary farm occupation	✓		✓	
22	single unit dwelling	✓		✓	✓
23	wildlife preserve	✓	✓	✓	
24	supplementary farm housing	✓		✓	

**only in site-specific zones*

5.2 GENERAL USE REGULATIONS

5.2.1 Standards

The standards set out in the table below shall apply in the zones prescribed unless otherwise stipulated herein to the contrary.

5.3 SPECIAL USE REGULATIONS

5.3.1 Accessory Buildings and Structures

		<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>
	STANDARDS	A1	A2	A3	A4
1	Minimum Lot Area (ha unless otherwise indicated)	20 ha	20 ha	40 ha	2000
2	Minimum Lot Frontage (m)	150	150	150	30
3	Minimum Front Yard Depth (m)	15	15	15	15
4	Side Yard Width - Interior (m)	5	5	5	5
5	Side Yard Width - Exterior (m)	9	9	9	9
6	Rear Yard Depth (m)	7.5	7.5	7.5	7.5
7	Maximum Lot Depth to Lot Frontage Ratio				3:1
6	Maximum Lot Coverage (%)	20	20	20	30
7	Maximum Height (m) of a Dwelling	10.5		10.5	10.5
8	Minimum Floor Area (m ²) of a Dwelling	90		90	90
9	Maximum Floor Area (m ²) of an Accessory Building				200
10	Maximum Number of Dwellings Per Lot	1		1	1

Accessory buildings or structures in the General Agricultural (A1) Zone, Special Agricultural (A2) Zone and the Large Lot Agricultural (A3) Zone shall be governed by the provisions of Section 5.2.1 whereas accessory buildings or structures in the Small Lot Agricultural (A4) Zone shall not:

- a) be erected closer to the front lot line or the exterior side lot line than the minimum distance required for the dwelling on the lot;
- b) be erected in the front yard or, in the case of a corner lot, in the exterior side yard;
- c) be erected closer to the road than the dwelling is to that road;

- d) be erected closer than five (5.0) metres to an interior side lot line;
- e) be erected closer than 1.2 metres to a rear lot line;
- f) exceed the maximum floor area prescribed in Section 5.2.1;
- g) exceed ten (10) percent coverage of the lot area;
- h) exceed six (6.0) metres in height or contain more than two storeys;
- i) be erected within two (2.0) metres of the dwelling;
- j) be considered an accessory building if attached to the dwelling in any way.

5.3.2 Livestock Buildings and Structures and Manure Storage Facilities for Livestock – Minimum Distance Separation (MDS II) Formulae

No livestock building or structure or manure storage facility shall be erected, altered or used except in accordance with Minimum Distance Separation (MDS II) Formulae as established by the Province, as amended, and implemented under the guidelines established by the Province, as amended.

5.3.3 Animal Kennels

The following provisions shall apply to animal kennels:

- | | |
|---|-------|
| a) minimum distance from a dwelling located on a separate lot outside a settlement area | 300 m |
| b) minimum distance from a settlement area | 450 m |

5.3.4 Home Occupations

The following provisions shall apply to home occupations:

- a) shall be permitted only within a dwelling, or within an accessory building;
- b) the floor area of the dwelling including the basement area used for the home occupation shall not exceed twenty-five (25) percent of the floor area of the dwelling or forty (40) square metres, whichever is the lesser;
- c) the floor area of the accessory building used for the home occupation shall not exceed two hundred (200) square metres;
- d) the external character of the dwelling as a residence shall not change or a nuisance, particularly in regard to noise, odour, traffic or parking shall not be created;
- e) outside storage shall only be permitted in an interior side yard or a rear yard provided it does not exceed a contiguous area of one hundred (100) square metres;

- f) the maximum number of persons engaged in the home occupation but who reside on a lot other than the lot on which the home occupation is conducted shall be limited to one (1).

5.3.5 Secondary Farm Occupations

The following provisions shall apply to secondary farm occupations:

- a) shall be permitted within an accessory building;
- b) shall not exceed a maximum of three hundred (300) square metres in floor area;
- c) shall be located on the lot, behind and to the rear of dwelling on the lot, shall be located a maximum of fifty (50) metres from the dwelling on the lot;
- d) shall be located a minimum distance of one hundred fifty (150) metres from a dwelling situated on a separate lot;
- e) outside storage shall not exceed a contiguous one hundred fifty (150) square metres and shall be located immediately behind and to the rear of the building in which the secondary farm occupation is conducted;
- f) the maximum number of persons engaged in the secondary farm occupation but who reside on a lot other than the lot on which the secondary farm occupation is conducted shall be limited to three (3).

5.3.6 Single Unit Dwellings – Minimum Distance Separation (MDS I) Formulae

No single unit dwelling shall be erected or used except in accordance with Minimum Distance Separation (MDS I) Formulae as established by the Province, as amended, and implemented under the guidelines established by the Province, as amended. The foregoing shall not apply to the alteration of an existing dwelling or the replacement of an existing dwelling with a new dwelling provided the new dwelling is situated no closer to a livestock building or structure or manure storage facility situated on a separate lot than the dwelling being altered or replaced.

5.4 GENERAL AGRICULTURAL (A1) ZONE – ‘SITE-SPECIFIC’ ZONES

5.4.1 a) Defined Area

A1-1 as shown on Schedule “A”, Map No. 6.

b) Permitted Uses

contractor’s yard or shop
all other permitted uses of the A1 zone

5.4.2 a) Defined Area

A1-2-H-1as shown on Schedule “A”, Map No. 26.

b) Permitted Uses

food processing plant
restaurant
truck terminal
all other permitted uses of the A1 zone

c) Setbacks

maximum setback between a northerly
rear lot line and a truck terminal 20 m

minimum setback between a westerly side
lot line and a truck terminal 61 m

minimum setback between an easterly
side lot line and a truck terminal 250 m

d) Lands Occupied By A Truck Terminal

A truck terminal, along with its associated landscaped open space, parking and storage facilities, shall occupy a maximum area of 2.42 hectares.

e) Maximum Floor Area

truck terminal 1,858 sq m

f) Application of the Holding (H-1) Symbol

The Holding (H-1) symbol applies only insofar as it relates to the establishment of a truck terminal

5.4.3 a) Defined Area

A1-3 as shown on Schedule "A", Map No. 46.

b) Permitted Uses

farm-related machine shop
all other permitted uses of the A1 zone

c) Maximum Floor Area

farm-related machine shop 200 m²

5.4.4 *deleted*

5.4.5 a) Defined Area

A1-5 as shown on Schedule "A", Map No. 48 and Map No. 49.

b) Permitted Uses

furniture manufacturing establishment
all other permitted uses of the A1 zone

c) Maximum Floor Area

furniture manufacturing establishment 214 m²

5.4.6 a) Defined Area

A1-6 as shown on Schedule “A”, Map No. 52.

b) Permitted Uses

commercial greenhouse
fruit and vegetable stand
single unit dwelling

5.4.7 a) Defined Area

A1-7 as shown on Schedule “A”, Map No. 57.

b) Permitted Uses

private school
all other permitted uses of the A1 zone

c) Maximum Floor Area

private school 75 m²

d) Maximum Number of Students

private school 25

5.4.8 a) Defined Area

A1-8 as shown on Schedule “A”, Map No. 58.

b) Permitted Uses

sale and repair of horse drawn farm machinery
all other permitted uses of the A1 zone

5.4.9 a) Defined Area

A1-9 as shown on Schedule “A”, Map No. 58.

b) Permitted Uses

animal kennel
all other permitted uses of the A1 zone

c) Maximum Number of Animal Pens 40

d) Minimum Separation Distance

between an animal kennel and a dwelling
located on a separate lot 250 m

5.4.10 a) Defined Area

A1-10 as shown on Schedule “A”, Map No. 58.

b) Permitted Uses

mobile home
all other permitted uses of the A1 zone

5.4.11 a) Defined Area

A1-11 as shown on Schedule “A”, Map No. 58.

b) Permitted Uses

stove manufacturing establishment
all other permitted uses of the A1 zone

c) Maximum Floor Area

stove manufacturing establishment 557 m²

d) Maximum Number of Off-site Employees

stove manufacturing establishment 2

e) Prohibited Uses

outside storage associated with a stove manufacturing establishment

5.4.12 a) Defined Area

A1-12 as shown on Schedule “A”, Map No. 62.

b) Permitted Uses

storage and warehousing
all other permitted uses of the A1 zone

c) Prohibited Uses

outside storage

5.4.13 a) Defined Area

A1-13 as shown on Schedule “A”, Map No. 77.

b) Permitted Uses

food processing plant
all other permitted uses of the A1 zone

5.4.14 a) Defined Area

A1-14 as shown on Schedule “A”, Map No. 85.

b) Permitted Uses

food processing plant
all other permitted uses of the A1 zone

5.4.15 a) Defined Area

A1-15 as shown on Schedule “A”, Map No. 93.

b) Permitted Uses

garden centre
all other permitted uses of the A1 zone

5.4.16 a) Defined Area

A1-16 as shown on Schedule “A”, Map No. 94.

b) Permitted Uses

landing strip
all other permitted uses of the A1 zone

5.4.17 a) Defined Area

A1-17 as shown on Schedule “A”, Map No. 46.

b) Permitted Uses

abattoir accessory to an agricultural use
all other permitted uses of the A1 zone

c) Maximum Floor Area

abattoir accessory to an agricultural use 300 m²

5.5.18 a) Defined Area

A1-18 as shown on Schedule "A", Map No. 77.

b) Permitted Uses

mini-barn construction business in an existing building
two existing single detached dwellings
all other permitted uses of the A1 zone

c) Maximum Floor Area

mini-barn construction business in an existing building 223 m²

d) Maximum No. of Off-Site Employees 5

5.5 SPECIAL AGRICULTURAL (A2) ZONE – 'SITE-SPECIFIC' ZONES

5.5.1 a) Defined Area

A2-1 as shown on Schedule "A", Map No. 7.

b) Minimum Lot Area 19 ha

5.5.2 a) Defined Area

A2-2 as shown on Schedule "A", Map No. 90.

b) Minimum Lot Frontage 145 m

5.6 LARGE LOT AGRICULTURAL (A3) ZONE – 'SITE-SPECIFIC' ZONES

5.6.1 a) Defined Area

A3-1 as shown on Schedule "A", Map No. 30.

b) Permitted Uses

farm equipment sales and service

all other permitted uses of the A3 zone

5.6.2 a) Defined Area

A3-2 as shown on Schedule "A", Map No. 39.

b) Permitted Uses

food processing plant for the purposes of the
storage and treatment of fruits and vegetables
two unit dwelling as an accessory use
farm market accessory to an agricultural use
all other permitted uses of the A3 zone

c) Maximum Floor Area

food processing plant for the purposes of the
storage and treatment of fruits and vegetables 450 m²

d) Maximum Floor Area

farm market in an existing building accessory
to an agricultural use 245 m²

5.6.3 a) Defined Area

A3-3 as shown on Schedule "A", Map No. 40.

b) Permitted Uses

agricultural home occupation for the purposes of
a bakery and the production of jams and jellies,
including retail sales
all other permitted uses of the A3 zone

c) Maximum Floor Area

agricultural home occupation for the purposes of
a bakery and the production of jams and jellies,
including retail sales 200 m²

d) Maximum Number Of Off-site Employees

agricultural home occupation for the purposes of
a bakery and the production of jams and jellies,
including retail sales 4

5.6.4 a) Defined Area

A3-4 as shown on Schedule "A", Map No. 47.

b) Permitted Uses

transport truck repair facility
all other permitted uses of the A3 zone

c) Prohibited Uses

outdoor storage in a front yard

d) Maximum Number Of Transport Trucks 10

e) Maximum Number Of Full-Time Employees 1
(Non-Owner)

5.6.5 a) Defined Area

A3-5 as shown on Schedule “A”, Map No. 17.

b) Minimum Lot Area 36 ha

5.7 SMALL LOT AGRICULTURAL (A4) ZONE – ‘SITE-SPECIFIC’ ZONES

5.7.1 a) Defined Area

A4-1 as shown on Schedule “A”, Map No.4.

b) Permitted Uses

accessory use
dwelling, single unit
home occupation

c) Maximum Number Of Single Unit Dwellings 2

5.7.2 a) Defined Area

A4-2 as shown on Schedule “A”, Map No. 10.

b) Permitted Uses

breeding, caring and selling of Chinchillas
all other permitted uses of the A4 zone

5.7.3 a) Defined Area

A4-3 as shown on Schedule “A”, Map No. 31.

b) Permitted Uses

riding school
all other permitted uses of the A4 zone

5.7.4 a) Defined Area

A4-4 as shown on Schedule “A”, Map No. 35.

b) Permitted Uses

accessory use
butcher shop
dwelling unit

5.7.5 a) Defined Area

A4-5 as shown on Schedule “A”, Map No. 35.

b) Permitted Uses

storage garage
all other permitted uses of the A4 zone

5.7.6 a) Defined Area

A4-6 as shown on Schedule “A”, Map No. 45.

b) Permitted Uses

high yield water well
all other permitted uses of the A4 zone

5.7.7 a) Defined Area

A4-7 as shown on Schedule “A”, Map No. 50.

b) Permitted Uses

farm equipment repair and light manufacturing
single detached dwelling

5.7.8 a) Defined Area

A4-8 as shown on Schedule “A”, Map No. 61.

b) Permitted Uses

retail store, convenience
dwelling unit
private garage or carport as an accessory use

c) Maximum Number Of Dwellings

1

d) Minimum Number Of Parking Spaces

retail store, convenience 5

5.7.9 a) Defined Area

A4-9 as shown on Schedule “A”, Map No. 89.

b) Permitted Uses

market garden
all other permitted uses of the A4 zone

5.7.10 a) Defined Area

A4-10 as shown on Schedule “A”, Map No. 90.

b) Permitted Uses

commercial greenhouse
fruit and vegetable stand
market garden
all other permitted uses of the A4 zone

5.7.11 a) Defined Area

A4-11 as shown on Schedule “A”, Map No. 92.

b) Permitted Uses

storage, maintenance and repair of transport trucks and trailers
all other permitted uses of the A4 zone

c) Maximum Number Of Transport Trucks And Trailers 2

d) Prohibited Uses

outside storage, maintenance and repair of
transport trucks and trailers

5.7.12 a) Defined Area

A4-12 as shown on Schedule “G”, Map No. G4.

b) Maximum Floor Area of an Accessory Building

existing barn 683 sq. m.

5.7.13 a) Defined Area

A4-13 as shown on Schedule “A”, Map No. 86.

- b) Minimum Front Yard Depth 10.5 m
- c) Minimum Side Yard Width
existing accessory building 4.5 m

5.7.14 a) Defined Area

A4-14 as shown on Schedule “A”, Map No. 86.

- b) Minimum Front Yard Depth 13.5 m
- c) Minimum Side Yard Width
existing single detached dwelling 2.0 m
existing accessory building 4.5 m
- d) Maximum Floor Area
existing accessory building 570 m²
- e) Maximum Lot Coverage
existing accessory building 16.5%

5.7.15 a) Defined Area

A4-15 as shown on Schedule “A”, Map No. 92.

- b) Permitted Uses
woodworking and cabinet making business as a home occupation in existing accessory buildings
all other permitted uses of the A4 zone
- c) Maximum Floor Area
Notwithstanding Section 4.3.4 c) of this By-law to the contrary, a woodworking and cabinet making business as a home occupation shall not exceed a floor area of 395 m² in an existing northernmost accessory building and 424 m² in an existing southernmost accessory building.
- d) Maximum Number of Off-site Employees

Notwithstanding Section 4.3.4 f) of this By-law to the contrary, the maximum number of off-site employees engaged in a woodworking and cabinet making business as a home occupation shall be limited to three (3).

e) Minimum Side Yard Width

existing northernmost accessory building	3.3 m
existing southernmost accessory building	3.0 m

d) Maximum Floor Area

existing northernmost accessory building	395 m ²
existing southernmost accessory building	424 m ²
existing easternmost accessory building	214 m ²
existing westernmost accessory building	252 m ²

e) Maximum Lot Coverage

existing accessory buildings	10.6%
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5.7.16 a) Defined Area

A4-16 as shown on Schedule "A", Map No. 90.

b) Maximum Floor Area

existing southernmost accessory building	450 m ²
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6.0 RESIDENTIAL ZONES

VILLAGE RESIDENTIAL ONE (VR1) ZONE

The Village Residential One (VR1) Zone applies exclusively to lots used or proposed to be used for single unit dwellings, duplex dwellings and semi-detached dwellings in the Village of Springfield on lands designated 'Residential' in the Township's Official Plan. Within the VR1 zone, standards apply to such matters as lot area, frontage, setbacks from property lines, height and coverage. Lands zoned VR1 are, or are intended to be, serviced by a municipal sanitary sewage system. A municipal water supply system is as yet unavailable in the Village.

VILLAGE RESIDENTIAL TWO (VR2) ZONE

The Village Residential Two (VR2) Zone applies to low density residential development situated in the Village of Port Bruce. The corresponding land use designation in the Township's Official Plan is 'Recreation Residential'. Dwellings are restricted to single unit dwellings and two unit dwellings in a number of different configurations (e.g. semi-detached dwellings, duplex dwellings, converted dwellings). Group homes are also permitted. Within the VR2 zone, standards apply to such matters as lot area, frontage, setbacks from property lines, coverage and height. Standards vary based on dwelling type. Lands zoned VR2 are, or are intended to be, serviced by a municipal water supply system. A municipal sanitary sewage system is as yet unavailable in the Village.

HAMLET RESIDENTIAL (HR) ZONE

The Hamlet Residential (HR) Zone applies to residential development comprising single unit dwellings and converted dwellings in the recognized settlement areas of Avon, Calton, Copenhagen, Kingsmill Corners, Luton, Lyons, Mount Salem, Orwell, South Gore and Summers Corners. The corresponding land use designation in the Township's Official Plan is 'Hamlet'. Minimum lot area and minimum lot frontage requirements are stipulated for the creation of new lots.

RURAL RESIDENTIAL (RR) ZONE

The Rural Residential (RR) Zone applies to residential lots designated 'Agriculture' in the Township's Official Plan where the size of such lots does not generally exceed 4,000 square metres (approximately 1 acre). Permitted uses are restricted to single unit dwellings and converted dwellings. Bed and breakfast establishments, home occupations and other accessory uses are also permitted. The RR zone is also applied, depending on lot size, to a new lot being created by consent for the purposes of disposing a surplus farm dwelling. Within the RR zone, the minimum lot area is 2000 sq m (0.5 acres). Unlike the Small Lot Agricultural (A4) zone, the keeping of livestock is not permitted.

MOBILE HOME PARK (MH) ZONE

The Mobile Home Park (MH) Zone applies to lands on which a mobile home park is permitted, being the placement of mobile homes on leased sites. Mobile home parks are limited to lands designated 'Hamlet', 'Village' and 'Suburban Area' in the Township's Official Plan. Existing mobile home parks are situated at 13488 Imperial Road (Lyons), 9339 Hacienda Road and in Port Bruce.

6.1 PERMITTED USES, BUILDINGS AND STRUCTURES

6.1.1 Main Uses, Buildings and Structures

No lands, buildings or structures shall be erected or used in the zone prescribed except for the purposes set out in the table below.

		<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>	<i>E</i>
	USES, BUILDINGS & STRUCTURES	VR1	VR2	HR	RR	MH
1	apartment dwelling	✓				
2	bed & breakfast establishment	✓	✓	✓	✓	
3	boarding house or rooming house	✓	✓	✓		
4	community garden as an accessory use	✓	✓	✓		
5	converted dwelling	✓	✓	✓		
6	double duplex dwelling	✓				
7	duplex dwelling	✓	✓	✓		
8	group home	✓	✓	✓		
9	home occupation	✓	✓	✓	✓	
10	mobile home		✓			✓
11	multiple unit dwelling	✓	✓			
12	retirement home	✓	✓	✓		
13	second dwelling unit	✓	✓	✓		
14	semi-detached dwelling	✓	✓	✓		
15	single unit dwelling	✓	✓	✓	✓	
16	townhouse dwelling	✓	✓			
17	triplex dwelling	✓	✓			
18	two-unit dwelling	✓	✓	✓		

6.2 GENERAL USE REGULATIONS

6.2.1 Standards

The standards set out in the table below shall apply in the zones prescribed unless otherwise stipulated herein to the contrary.

		A	B	C	D	E
		VR1	VR2	HR	RR	MH
1	Minimum Lot Area (m²)	800	1850	1850	2000	4 ha
2	Minimum Lot Frontage (m)	20	25	25	30	50
3	Minimum Setback (m) from a local road				28	
4	Front Yard Depth (m)	6.0	6.0	6.0	10	6.0
5	Side Yard Width - Interior (m)¹	2.0	2.0	2.0	3.0	6.0
6	Side Yard Width - Exterior (m)	6.0	6.0	6.0		6.0
7	Rear Yard Depth (m)	7.5	7.5	7.5	10	7.5
8	Maximum Lot Depth to Lot Frontage Ratio				3:1	20
9	Maximum/Minimum Density (uph)					20
10	Maximum Lot Coverage (%)	30	30	30	30	40
11	Maximum Height (m)	10.5	10.5	10.5	10.5	6.0
12	Minimum Floor Area (m²) of a Dwelling	90	75	90	100	56
13	Maximum Floor Area (m²) of an Accessory Building	120	120	150	200	20
14	Minimum Landscaped Open Space (%)	30	30	30	30	
15	Maximum Number of Dwellings per Lot	1	1	1	1	
16	Minimum Distance from a Dwelling to a Railway (m)	30	30	30	120	

FOOTNOTES

1	where the lot line is a dividing wall of a semi-detached dwelling, no minimum side yard is required
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6.3 SPECIAL USE REGULATIONS

6.3.1 Municipal Services

In the VR1 and VR2 zones, no dwelling shall be erected or used unless such dwelling is connected to a municipal water supply system and/or a municipal sanitary sewage system.

6.3.2 Accessory Buildings and Structures

Accessory buildings or structures shall not:

- a) be used for human habitation except as otherwise permitted herein for a second dwelling unit;
- b) be erected closer to the front lot line or the exterior side lot line than the minimum distance required for the main building on the lot;
- c) be erected in the front yard or, in the case of a corner lot, in the exterior side yard;
- d) be erected closer to the road than the dwelling is to that road;
- e) be erected closer than 1.2 metres to any lot line except that a common semi-detached private garage or carport may be centred on the mutual lot line;
- f) exceed the maximum floor area prescribed in Section 6.2.1;
- g) exceed ten (10) percent coverage of the lot area;
- h) exceed six (6.0) metres in height or contain more than two storeys;
- i) be erected within one (1.0) metre of the main building;
- j) be considered an accessory building if attached to the main building in any way.

6.3.3 Accessory Buildings in the Rural Residential (RR) Zone

Where an accessory building in the Rural Residential (RR) Zone, as a result of a consent being given, exceeds the maximum floor area for an accessory building, the said building shall be deemed to be permitted and may be used, repaired or renovated.

6.3.4 Home Occupations

The following provisions shall apply to home occupations:

- a) shall be permitted within a dwelling or within an accessory building;
- b) the floor area of the dwelling including the basement area used for the home occupation shall not exceed twenty-five (25) percent of the floor area of the dwelling or forty (40) square metres, whichever is the lesser;

- c) the floor area of an accessory building used for the home occupation shall not exceed seventy-five (75) square metres except in the Rural Residential (RR) Zone where the floor area of an accessory building used for a home occupation shall not exceed one hundred (100) square metres;
- d) the character of the dwelling as a residence shall not change or a nuisance, particularly in regard to noise, odour, traffic or parking shall not be created;
- e) mechanical equipment shall not be used, the operation of which would result in any noise, fumes, dust or odours perceptible outside the dwelling or accessory building;
- f) the maximum number of persons engaged in the home occupation but who reside on a lot other than the lot on which the home occupation is conducted shall be limited to one (1).

6.3.5 Single Unit Dwellings – Minimum Distance Separation (MDS I)

In the Rural Residential (RR) Zone, no single unit dwelling shall be erected or used except in accordance with Minimum Distance Separation I (MDS I) as established by the Province, as amended, and implemented under the guidelines established by the Province, as amended. The foregoing shall not apply to the alteration of an existing dwelling or the replacement of an existing dwelling with a new dwelling provided the new dwelling is situated no closer to a livestock building or structure or manure storage facility than the dwelling being altered or replaced.

6.4 VILLAGE RESIDENTIAL ONE (VR1) ZONE – ‘SITE-SPECIFIC’ ZONES

6.4.1 a) Defined Area

VR1-1 as shown on Schedule “D”, Map No. 2.

b) Permitted Uses

motorcycle shop
all other permitted uses of the VR1 zone

6.4.2 a) Defined Area

VR1-2 as shown on Schedule “D”, Map No. 2.

b) Permitted Uses

construction and woodworking shop
all other permitted uses of the VR1 zone

6.4.3 a) Defined Area

VR1-3 as shown on Schedule “D”, Map No. 1.

b) Minimum Side Yard Width 1.5 m

6.5 VILLAGE RESIDENTIAL TWO (VR2) ZONE – ‘SITE-SPECIFIC’ ZONES

6.5.1 a) Defined Area

VR2-1 as shown on Schedule “O”, Map No. 3.

b) Permitted Uses

accessory use
commercial uses accessory to seasonal dwelling units
one single unit dwelling on one lot

6.6 HAMLET RESIDENTIAL (HR) ZONE – ‘SITE-SPECIFIC’ ZONES

6.6.1 a) Defined Area

HR-1 as shown on Schedule “C”.

b) Permitted Uses

truck top manufacturer
all other permitted uses of the HR zone

6.6.2 a) Defined Area

HR-2 as shown on Schedule “E”.

b) Permitted Uses

motor vehicle body shop as an accessory use
all other permitted uses of the HR zone

c) Prohibited Uses

outside storage

d) Maximum Floor Area

motor vehicle body shop as an accessory use 237.8 m²

e) Maximum Number of Off-site Employees

motor vehicle body shop as an accessory use 3

f) Minimum Number of Parking Spaces

motor vehicle body shop as an accessory use 3

g) Maximum Height

exhaust stack ancillary to motor vehicle
body shop as an accessory use 7.62 m

6.6.3 a) Defined Area

HR-3 as shown on Schedule “L”.

b) Permitted Uses

sorting and storage of scrap metals within a 98.1 m²
building as an accessory use
all other permitted uses of the HR zone

c) Prohibited Uses

no scrap metals or materials associated with the business
shall be stored outside, with the exception of temporary storage
within a maximum of 3 trailers each having a maximum
volume of 17 m³.

6.6.4 a) Defined Area

HR-4 as shown on Schedule “L”.

b) Permitted Uses

fruit and vegetable stand
market garden
one single detached dwelling

6.7 **RURAL RESIDENTIAL (RR) ZONE – ‘SITE-SPECIFIC’ ZONES**

6.8 **MOBILE HOME PARK (MH) ZONE – ‘SITE-SPECIFIC’ ZONES**

6.8.1 a) Defined Area

MH-1 as shown on Schedule “C”.

b) Minimum Lot Frontage

for a mobile home site where there is a public
or communal water supply 15.2 m

c) Minimum Separation Distance

between a mobile home site and a sewage
disposal lagoon or a solid waste disposal site 185 m

7.0 COMMERCIAL ZONES

GENERAL COMMERCIAL (GC) ZONE

The General Commercial (GC) Zone applies to lands comprising the historic downtown cores in the settlement areas of Springfield and Port Bruce and designated 'Commercial' in the Township's Official Plan. Within the GC zone, a broad range of commercial uses are permitted which, for the most part, are engaged in the selling and offering of goods and services. Also permitted are institutional uses and residential uses. Minimum setbacks do not generally apply and maximum building coverage is permitted. To ensure commercial uses remain prominent at 'street level', residential uses are restricted to locations above the first floor with the exception of free-standing multiple unit dwellings. Commercial fishing operations in Port Bruce, which were previously permitted in the Flood Fringe (FF) Zone in the Township's former Zoning By-law, are now recognized through the application of "site-specific" (GC-#) zoning.

HAMLET COMMERCIAL (HC) ZONE

The Hamlet Commercial (HC) Zone applies to lands situated in the settlement areas of Avon, Calton, Copenhagen, Kingsmill Corners, Luton, Lyons, Mount Salem, Orwell, South Gore and Summers Corners. The corresponding land use designation in the Township's Official Plan is 'Hamlet'. Within the HC zone, commercial uses are permitted characterized by those which are small in scale and which are compatible with the predominantly residential character of these small settlement areas. Due to the unavailability of a municipal sanitary sewage system and a municipal water supply system, minimum lot areas apply to the creation of new lots.

RURAL COMMERCIAL (RC) ZONE

The Rural Commercial (RC) Zone applies to lands situated outside of the designated settlement areas in the rural area of the Township. It applies to non-agriculturally related commercial uses largely in existence prior to the adoption of the Township's Official Plan which serves to generally prohibit such uses due to their potential incompatibility with agriculture and their impact on the loss of agricultural land for non-agricultural related purposes. In addition, a range of vehicular-oriented commercial uses are permitted which rely upon large lot areas to accommodate building coverage, off-street parking, outside storage and display. Unlike the compact commercial development which is characteristic of the settlement areas, minimum setbacks are applied to ensure, amongst other matters, adequate building setbacks, on-site landscaping and parking.

HIGHWAY COMMERCIAL (HWC) ZONE

The Highway Commercial (HWC) Zone applies to existing commercial uses outside of Springfield and Port Bruce and outside of the designated hamlets. It also applies to lands situated at the periphery of Springfield fronting on Highway No. 3. The HWC Zone permits a wide range of commercial uses which typically seek out sites on well travelled highways and county roads with ample on-site parking for the purpose of meeting the needs of the motoring public.

LOCAL COMMERCIAL (LC) ZONE

The Local Commercial (LC) Zone applies to lands situated within both urban and rural designations in the Township's Official Plan. Cottage type industries (light assembly and fabrication) are permitted, that is, uses that generally fall between the characteristics of a home occupation and a full scale commercial or industrial use. The types of uses include craft and tourism type businesses, bed and breakfast establishments and other hobby establishments which are small in scale and non-noxious, non-intrusive

and generally do not generate high volumes of vehicular traffic. To encourage owner/operator occupancy of these establishments, a single unit dwelling is permitted as an accessory use to the main permitted uses in the LC Zone.

7.1 **PERMITTED USES, BUILDINGS AND STRUCTURES**

7.1.1 **Main Uses, Buildings and Structures**

No lands, buildings or structures shall be erected or used in the zone prescribed except for the purposes set out in the table below.

		A	B	C	D	E
	USES, BUILDINGS & STRUCTURES	GC	HC	RC	HWC	LC
1	animal clinic	✓	✓	✓	✓	
2	animal hospital		✓	✓		
3	art gallery	✓	✓			
4	auction sales establishment	✓	✓	✓	✓	✓
5	bake shop	✓	✓	✓		
6	banquet hall	✓	✓	✓		
7	bed & breakfast establishment	✓	✓	✓		✓
8	boarding house or rooming house	✓	✓			
9	building supply outlet	✓*		✓	✓	
10	bulk sales establishment			✓		
11	car wash				✓	
12	caterer's establishment	✓	✓	✓		✓
13	clinic	✓	✓			
14	club	✓	✓	✓		✓
15	commercial fishing operation	✓*				
16	contractor's yard or shop			✓	✓	✓
17	custom workshop	✓	✓	✓		✓
18	drive-through restaurant				✓	
19	dry cleaning establishment	✓	✓			
20	dwelling unit as an accessory use	✓	✓	✓	✓	✓
21	farm equipment sales & service	✓	✓	✓	✓	
22	farm fuel sales			✓	✓	
23	fitness centre	✓				
24	flea market	✓	✓	✓		
25	funeral home	✓	✓			
26	garden centre			✓	✓	
27	gas bar		✓	✓	✓	
28	hotel	✓	✓		✓	
29	institutional use	✓	✓	✓		
30	laundry establishment	✓	✓			
31	library		✓			
32	light assembly and fabrication					✓
33	market garden			✓		✓
34	micro brewery	✓				✓
35	mini-storage warehouse				✓	
36	mobile food outlet	✓	✓	✓		✓

		<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>	<i>E</i>
	USES, BUILDINGS & STRUCTURES	GC	HC	RC	HWC	LC
37	motor vehicle body shop		✓			
38	motor vehicle repair garage	✓	✓	✓	✓	✓
39	motor vehicle sales establishment	✓	✓	✓	✓	
40	motor vehicle service establishment	✓	✓	✓	✓	
41	multiple unit dwelling	✓	✓			
42	museum	✓				
43	office, business or professional	✓	✓	✓		✓
44	parking lot	✓	✓	✓		
45	personal care establishment	✓	✓	✓	✓	✓
46	personal service establishment	✓	✓	✓	✓	✓
47	place of entertainment or amusement	✓	✓		✓	
48	private school	✓	✓	✓		
49	restaurant	✓	✓	✓	✓	✓
50	retail store	✓	✓	✓		
51	retail store, convenience	✓	✓		✓	✓
52	service shop	✓	✓	✓	✓	✓
53	single unit dwelling as an accessory use					✓
54	take-out restaurant	✓	✓		✓	

** permitted only in site-specific zones*

7.2 GENERAL USE REGULATIONS

7.2.1 Standards

The standards set out in the table below shall apply in the zones prescribed unless otherwise stipulated herein to the contrary.

		<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>	<i>E</i>
	STANDARDS	GC	HC	RC	HWC	LC
1	Minimum Lot Area (m ²)	800	1850	4000	4000	1850
2	Minimum Lot Frontage (m)	20	25	40	30	30
3	Minimum Setback (m) from a local road			28	28	28
4	Front Yard Depth (m)	6.0	6.0	10	15	6.0 ⁴ 15 ⁵
5	Side Yard Width - Interior (m)	4.5①	2.0①	5.0	5.0	2.0 ⁴ 5.0 ⁵
6	Side Yard Width - Exterior (m)		6.0	10	9.0	6.0 ⁴ 9.0 ⁵
7	Rear Yard Depth (m)	7.5 ③ 3.0 ③	7.5① 3.0③	7.5	7.5	7.5
8	Maximum Lot Coverage (%)	60	40	40	40	40
9	Maximum Height (m)	12	12	12	12	10.5

		A	B	C	D	E
	STANDARDS	GC	HC	RC	HWC	LC
10	Maximum Floor Area (m ²) (all floors)					929

	FOOTNOTES
①	where the yard abuts a residential zone
②	3.0 m on one side and 1.0 m on the other side
③	all other cases
④	lands situated in settlement areas
⑤	lands situated outside settlement areas

7.3 **SPECIAL USE REGULATIONS**

7.3.1 **Accessory Buildings and Structures**

Accessory buildings and structures shall not:

- a) be erected closer to the front line or a side lot line than the minimum distance required for the main building or structure on the lot;
- b) be erected in the front yard or, in the case of a corner lot, in the exterior side yard;
- c) be erected closer than one (1.2) metres to any lot line;
- d) exceed ten (10) percent lot coverage;
- e) exceed six (6.0) metres in height or contain more than two storeys.

7.3.2 **Convenience Retail Stores**

Convenience retail stores shall not exceed a floor area of greater than 300 square metres.

7.3.3 **Dwelling Units – General Commercial (GC) Zone**

On lands zoned General Commercial (GC):

- a) dwelling units and multiple unit dwellings as an accessory use shall only be permitted if located within and above the ground floor of the building in which it is situated.
- b) dwelling units as an accessory use shall have a minimum lot area of 460 square metres per unit in addition to the minimum lot area requirement of Section 7.2.1.

7.3.4 **Front Yard Depth - General Commercial (GC) Zone**

On lands zoned General Commercial (GC), no minimum front yard depth shall be required on lands fronting along Ron McNeil Line between Inverness Street and Springfield Road

7.3.5 Gatehouses and Kiosks

A gatehouse, kiosk or similar structure accessory to a main use and not more than ten (10) square metres in floor area shall be permitted in any required setback, front yard or exterior side yard.

7.3.6 Existing Single Unit Dwellings

The alteration of an existing single unit dwelling or the erection or alteration of buildings accessory thereto shall be permitted in accordance with the regulations of the Rural Residential (RR) Zone.

7.3.7 Outside Storage

Outside storage as an accessory use shall not:

- a) be permitted in a front yard except for sales displays of vehicles, equipment or machinery;
- b) be permitted within any required yard;
- c) be permitted within three (3.0) metres of a lot line;
- d) exceed twenty-five (25) percent of the area of the lot on which it is located.

7.3.8 Minimum Lot Area – Drive-through Restaurants

- a) on corner lots zoned General Commercial (GC) 1500m²

7.3.9 Minimum Lot Frontage – Drive-through Restaurants 30 m

7.4 GENERAL COMMERCIAL (GC) ZONE – ‘SITE-SPECIFIC’ ZONES

7.4.1 a) Defined Area

GC-1 as shown on Schedule “D”, Map No. 1.

b) Permitted Uses

one single unit dwelling
all other permitted uses of the GC zone

7.4.2 a) Defined Area

GC-2 as shown on Schedule “D”, Map No. 2.

b) Permitted Uses

three ground floor dwelling units

all other permitted uses of the GC zone

7.4.3 a) Defined Area

GC-3 as shown on Schedule “D”, Map No. 2.

b) Permitted Uses

building supply outlet

7.4.4 a) Defined Area

GC-4 as shown on Schedule “D”, Map No. 2.

b) Permitted Uses

retail store for carpeting and home furniture
all other permitted uses of the GC zone

7.5 HAMLET COMMERCIAL (HC) ZONE – ‘SITE-SPECIFIC’ ZONES

7.5.1 a) Defined Area

HC-1 as shown on Schedule “J”.

b) Permitted Uses

garden centre

7.6 RURAL COMMERCIAL (RC) ZONE – ‘SITE-SPECIFIC’ ZONES

7.6.1 a) Defined Area

RC-1 as shown on Schedule “A”, Map No. 4.

b) Permitted Uses

antique shop
all other permitted uses of the RC zone

7.6.2 a) Defined Area

RC-2 as shown on Schedule “A”, Map No. 18.

b) Maximum Number of Vehicles

	motor vehicle sales establishment	10
7.6.3	a) <u>Defined Area</u>	
	RC-3 as shown on Schedule "A", Map No. 18.	
	b) <u>Maximum Number of Vehicles</u>	
	motor vehicle sales establishment and motor vehicle repair garage	8
7.6.4	a) <u>Defined Area</u>	
	RC-4 as shown on Schedule "A", Map No. 32.	
	b) <u>Permitted Uses</u>	
	aircraft hangar farm equipment sales and service one dwelling unit as an accessory use motor vehicle repair garage	
	c) <u>Maximum Number of Vehicles</u>	
	motor vehicle repair garage	20
7.6.5	a) <u>Defined Area</u>	
	RC-5 as shown on Schedule "A", Map No. 35.	
	b) <u>Permitted Uses</u>	
	furniture warehouse all other permitted uses of the RC zone	
7.6.6	a) <u>Defined Area</u>	
	RC-6 as shown on Schedule "A", Map No. 46.	
	b) <u>Permitted Uses</u>	
	tire storage all other permitted uses of the RC zone	

- 7.6.7** a) Defined Area
RC-7 as shown on Schedule “A”, Map No. 55.
- b) Maximum Number of Vehicles
motor vehicle sales establishment 10
- 7.6.8** a) Defined Area
RC-8 as shown on Schedule “A”, Map No. 57.
- b) Permitted Uses
bakery
food processing
retail store and wholesale outlet accessory to a bakery
and food processing
all other permitted uses of the RC zone
- 7.6.9** a) Defined Area
RC-9 as shown on Schedule “A”, Map No. 61.
- b) Permitted Uses
pottery shop
all other permitted uses of the RC zone
- 7.6.10** a) Defined Area
RC-10 as shown on Schedule “A”, Map No. 69.
- b) Maximum Number of Vehicles
motor vehicle sales establishment and
motor vehicle service establishment 6
- 7.6.11** a) Defined Area
RC-11 as shown on Schedule “A”, Map No. 89.
- b) Maximum Number of Vehicles
motor vehicle sales establishment 40

7.6.12 a) Defined Area

RC-12 as shown on Schedule “G”, Map No. 2.

b) Permitted Uses

pneumatic and hydraulic pumps sales and service
all other permitted uses of the RC zone

7.6.13 a) Defined Area

RC-13 as shown on Schedule “G”, Map No. 4.

b) Permitted Uses

car wash
furniture stripping and repair
all other permitted uses of the RC zone

7.6.14 a) Defined Area

RC-14 as shown on Schedule “G”, Map No. 4.

b) Permitted Uses

commercial aviary
all other permitted uses of the RC zone

7.6.15 a) Defined Area

RC-15 as shown on Schedule “H”

b) Maximum Number of Vehicles

motor vehicle sales establishment 8

7.7 HIGHWAY COMMERCIAL (HWC) ZONE – ‘SITE-SPECIFIC’ ZONES

7.7.1 a) Defined Area

HWC-1 as shown on Schedule “A”, Map No. 54.

b) Permitted Uses

retail food store including catering and take-out restaurant
one dwelling unit
all other permitted uses of the HWC zone

- c) Maximum Floor Area
permitted commercial uses 330 m²

- 7.7.2 a) Defined Area
HWC-2 as shown on Schedule “A”, Map No. 54.

- b) Permitted Uses
duplex dwelling
all other permitted uses of the HWC zone

- 7.7.3 a) Defined Area
HWC-3 as shown on Schedule “A”, Map No. 44.

- b) Permitted Uses
transfer site for recycled materials
all other permitted uses of the HWC zone

- 7.7.4 a) Defined Area
HWC-4 as shown on Schedule “H”.

- b) Permitted Uses
truck terminal
all other permitted uses of the HWC zone

- c) Storage and Parking Restrictions
for Commercial Vehicles

A maximum of 35 commercial vehicles are permitted to be stored, parked or serviced. Commercial vehicles shall include, but not be limited to, transport truck cabs or trailers, where each truck cab or each truck trailer shall count as one commercial vehicle.

- 7.7.5 a) Defined Area
HWC-5 as shown on Schedule “H”.

- b) Permitted Uses
petroleum sales and storage
all other permitted uses of the HWC zone

7.8 LOCAL COMMERCIAL (LC) ZONE – ‘SITE-SPECIFIC’ ZONES

8.0 INDUSTRIAL ZONES

GENERAL INDUSTRIAL (M1) ZONE

The General Industrial (M1) Zone applies to lands used for small-scale industrial purposes in designated 'Hamlets' as well as for large-scale industrial uses in the Village of Springfield and designated 'Suburban Areas'. Within the M1 zone, a wide range of industrial uses are permitted as well as certain commercial uses that are considered compatible with industrial areas or share similar attributes with industrial uses. Uses include bulk sales establishments, contractor's yards or shops, industrial uses, machine shops and motor vehicle repair garages and warehouses. Standards apply with respect to lot area, lot frontage, setbacks from property lines and lot coverage. Buffering, landscaping, surface drainage, parking areas and similar features are usually addressed separately as a matter of site plan control.

RURAL INDUSTRIAL (M2) ZONE

The Rural Industrial (M2) Zone applies to non-agriculturally related commercial and industrial uses in the rural area of the Township. A range of industrial uses are permitted including bulk sales establishments, contractor's yards or shops, machine shops and service shops. A dwelling unit is permitted as an accessory use. Similar to the RC zone, the M2 zone applies to non-agriculturally related industrial and industrial-like uses largely in existence prior to the adoption of the Township's Official Plan which serves to generally prohibit such uses due to their potential incompatibility with agriculture and their impact on the loss of agricultural land for non-agricultural related purposes. Standards apply with respect to lot area, lot frontage, setbacks from property lines and lot coverage. Buffering, landscaping, surface drainage and parking areas are usually addressed separately as a matter of site plan control.

FARM INDUSTRIAL (M3) ZONE

The Farm Industrial (M3) Zone applies primarily to agriculturally related commercial and industrial uses on lands designated 'Agricultural' in the Township's Official Plan. Permitted uses include abattoirs, agricultural sales establishments, feed mills, grain handling facilities and livestock marketing yards. A dwelling unit is permitted as an accessory use. The Official Plan permits agriculturally related commercial and industrial uses in areas designated 'Agricultural' where it is necessary that they be in close proximity to agricultural operations or where the potential for conflict makes such uses unsuited to settlement areas. Standards apply with respect to lot area, lot frontage, setbacks from property lines and lot coverage. Buffering, landscaping, surface drainage and parking areas are usually addressed separately as a matter of site plan control.

EXTRACTIVE INDUSTRIAL (M4) ZONE

The Extractive Industrial (M4) Zone applies to pits and quarries licensed under the Aggregate Resources Act on lands designated 'Mineral Resource Areas' in the Township's Official Plan. Permitted uses are generally limited to licensed pits and quarries. Other uses permitted include agricultural uses and forestry. Matters associated with the actual operation of a licensed pit (e.g. truck haul routes, hours of operation, limits of excavation, buffering, rehabilitation) are specified as part of the pit licensing requirements.

8.1 PERMITTED USES, BUILDINGS AND STRUCTURES

8.1.1 Main Uses Buildings and Structures

No lands, buildings or structures shall be erected or used in the zone prescribed except for the purposes set out in the table below.

		A	B	C	D
	USES, BUILDINGS & STRUCTURES	M1	M2	M3	M4
1	abattoir		✓	✓	
2	agricultural sales establishment			✓	
3	agricultural use				✓
4	animal hospital			✓	
5	auction sales establishment		✓		
6	building supply outlet	✓	✓		
7	bulk sales establishment	✓	✓		
8	car wash	✓			
9	contractor's yard or shop	✓	✓		
10	custom workshop	✓	✓		
11	dog pound		✓*		
12	dry cleaning establishment	✓			
13	dwelling unit as an accessory use		✓	✓	
14	factory outlet as an accessory use	✓			
15	farm equipment sales & service		✓	✓	
16	farm fuel sales			✓	
17	feed mill		✓	✓	
18	fertilizer plant			✓	
19	food processing plant		✓	✓	
20	forestry use				✓
21	grain handling facility		✓	✓	
22	industrial use	✓	✓		
23	livestock marketing yard		✓	✓	
24	machine shop	✓	✓		
25	micro brewery	✓			
26	mini-storage warehouse	✓	✓		
27	motor vehicle body shop	✓			
28	motor vehicle repair garage	✓	✓		
29	motor vehicle service establishment	✓			
30	outside storage	✓	✓	✓	
31	pit or quarry				✓
32	propane transfer facility	✓			
33	salvage yard	✓	✓*		
34	sawmill		✓	✓	
35	service shop	✓	✓	✓	
36	sewage treatment plant		✓*		
37	truck terminal	✓	✓		
38	warehouse	✓	✓		
39	waste disposal site		✓*		

* only in site-specific zones

8.2 GENERAL USE REGULATIONS

8.2.1 Standards

The standards set out in the table below shall apply in the zones prescribed unless otherwise stipulated herein to the contrary.

		A	B	C	D
	STANDARDS	M1	M2	M3	M4
1	Minimum Lot Area (m²)	800	4000	4000	4000
2	Minimum Lot Frontage (m)	30	30	30	150
3	Minimum Setback (m) from a local road		28	28	③
4	Front Yard Depth (m)	15	15	15	③
5	Lot Depth (m)	30			③
6	Side Yard Width (m)	15① 7.5②	15① 7.5②	15① 7.5②	③
7	Rear Yard Depth (m)	15① 7.5②	15① 7.5②	15① 7.5②	③
8	Maximum Lot Coverage (%)	40	40	40	20
9	Maximum Height (m)	12	12	12	12
10	Minimum Landscaped Open Space (%)	10	10	10	

	FOOTNOTES
①	where the yard abuts a residential zone
②	all other cases
③	refer Section 8.3.6

8.3 SPECIAL USE REGULATIONS

8.3.1 Accessory Buildings and Structures

Accessory buildings and structures shall not:

- be erected closer to the front line or a side lot line than the minimum distance required for the main building or structure on the lot;
- be erected in the front yard or, in the case of a corner lot, in the exterior side yard;
- be erected closer than 1.2 metres to any lot line;
- exceed ten (10) percent lot coverage;
- exceed six (6.0) metres in height or contain more than two storeys.

8.3.2 Buffer Strip

Buffer strips shall be established as follows:

- a) Where a lot or portion thereof in the General Industrial (M1) Zone abuts a lot or portion thereof in any residential zone, a strip of land not less than three (3.0) metres in width adjacent to the lot or portion thereof zoned for residential purposes shall not be used for any other purpose other than a buffer strip.
- b) Where a lot or portion thereof in the Extractive Industrial (M4) Zone abuts a lot or portion thereof in any residential zone, institutional zone, or open space zone, a strip of land not less than thirty (30) metres in width adjacent to the lot or portion thereof zoned for residential, institutional or open space purposes shall not be used for any other purpose other than a buffer strip.

8.3.3 Dwelling Units

A dwelling unit as an accessory use shall:

- a) have a minimum floor area of forty (40) square metres;
- b) be located within or be contiguous to the main building;
- c) be used as the residence of the owner or operator; or an employee of the owner or operator of the main use which it is accessory to;
- d) be limited to a maximum on one (1) on a lot.

8.3.4 Gatehouses and Kiosks

A gatehouse, kiosk or similar structure accessory to a main use and not more than ten (10) square metres in floor area shall be permitted in any required setback, front yard or exterior side yard.

8.3.5 Factory Outlet

A factory outlet as an accessory use shall not:

- a) exceed thirty-five (35) percent of the total floor area of the main building;
- b) exceed a maximum floor area of thirty (30) square metres.

8.3.6 Minimum Setbacks – Extractive Industrial (M4) Zone

Minimum setbacks shall be established as follows:

- | | |
|--|------|
| a) for the excavation of a pit from a lot line | 15 m |
| b) for the excavation of a pit from a street or road allowance | 30 m |

- | | |
|--|------|
| c) for the excavation of a pit from any occupied dwelling, residential zone or institutional zone | 90 m |
| d) for buildings, plants, structures or product stockpiles accessory to the pit and located on the pit property from a lot line | 30 m |
| e) for buildings, plants, structures or product stockpiles accessory to the pit and located on the pit property from any occupied dwelling, residential zone or institutional zone | 90 m |

8.3.7 Outside Storage

Outside storage as an accessory use shall not:

- a) be permitted within any required yard;
- b) exceed seventy-five (75) percent of the area of the lot on which it is located.

8.4 GENERAL INDUSTRIAL (M1) ZONE – ‘SITE-SPECIFIC’ ZONES

8.4.1 a) Defined Area

M1-1 as shown on Schedule “F”, Map No. F2.

b) Permitted uses

meat processing facility
 retail meat store as an accessory use
 one dwelling unit or one mobile home as an accessory use

8.5 RURAL INDUSTRIAL (M2) ZONE – ‘SITE-SPECIFIC’ ZONES

8.5.1 a) Defined Area

M2-1 as shown on Schedule “A”, Map No. 6.

b) Maximum Floor Area

auto body shop	301 m ²
----------------	--------------------

8.5.2 a) Defined Area

M2-2 as shown on Schedule “A”, Map No. 13.

b) Permitted uses

salvage yard

8.5.3 a) Defined Area

M2-3 as shown on Schedule “A”, Map No. 20.

b) Permitted uses

motor vehicle sales establishment
paving contractor

8.5.4 a) Defined Area

M2-4 as shown on Schedule “A”, Map No. 36.

b) Permitted uses

agricultural sales establishment
auction sales establishment
building supply outlet
bulk sales establishment
dwelling unit as an accessory use
farm equipment sales and service
feed mill
machine shop
mini-storage warehouse
motor vehicle repair garage
outside storage
sawmill
service shop
truck terminal
warehouse

8.5.5 a) Defined Area

M2-5 as shown on Schedule “A”, Map No. 39.

b) Permitted uses

manufacturing of cook-stoves
all other permitted uses of the M2 zone

8.5.6 a) Defined Area

M2-6 as shown on Schedule “A”, Map No. 39.

b) Permitted uses

salvage yard
all other permitted uses of the M2 zone

8.5.7 a) Defined Area

M2-7 as shown on Schedule “A”, Map No. 41.

b) Permitted uses

salvage yard
all other permitted uses of the M2 zone

8.5.8 a) Defined Area

M2-8 as shown on Schedule “A”, Map No. 50.

b) Permitted uses

manufacturing of nails
all other permitted uses of the M2 zone

8.5.9 a) Defined Area

M2-9 as shown on Schedule “A”, Map No. 57.

b) Permitted uses

farm equipment sales and service
truck storage and repair
pepper grading terminal
storage and warehousing
woodworking shop
fitness centre accessory to an existing livestock
sales barn and marketing yard
all other permitted uses of the M2 zone

c) Maximum Floor Area

fitness centre accessory to an existing livestock
sales barn and marketing yard

214 m²

8.5.10 a) Defined Area

M2-10 as shown on Schedule “A”, Map No. 58.

b) Permitted uses

accessory uses
plastic products manufacturing
one mobile home as an office or as supplementary
housing accessory to the industrial use

8.5.11 a) Defined Area

M2-11 as shown on Schedule “A”, Map No. 93.

b) Permitted uses

manufacturing of wood products
all other permitted uses of the M2 zone

8.5.12 a) Defined Area

M2-12 as shown on Schedule “E”.

b) Permitted uses

welding shop
office accessory to a welding shop

c) Maximum Floor Area

welding shop 853 m²
office accessory to a welding shop

d) Maximum Floor Area

office accessory to a welding shop 102 m²

8.5.13 a) Defined Area

M2-13 as shown on Schedule “G”, Map No. 3.

b) Permitted uses

painting and restoration of portable propane tanks

c) Maximum Floor Area

building used for the painting and restoration
of portable propane tanks 930 m²

8.5.14 a) Defined Area

M2-14 as shown on Schedule “G”, Map No. 3.

b) Permitted uses

motor vehicle sales establishment as an accessory use
all other permitted uses of the M2 zone

c) Maximum Number of Vehicles

motor vehicle sales establishment as an accessory use

8

8.5.15 a) Defined Area

M2-15 as shown on Schedule “A”, Map No. 42 and Map No. 43.

b) Permitted uses

sewage treatment plant

8.5.16 (deleted)

8.5.17 a) Defined Area

M2-17 as shown on Schedule “A”, Map No. 17.

b) Permitted uses

existing single unit dwelling
all other permitted uses of the M2 zone

8.6 FARM INDUSTRIAL (M3) ZONE – ‘SITE-SPECIFIC’ ZONES

8.6.1 a) Defined Area

M3-1 as shown on Schedule “A”, Map No. 36.

b) Permitted Uses

motor vehicle repair garage
all other permitted uses of the M3 zone

8.6.2 a) Defined Area

M3-2 as shown on Schedule “A”, Map No. 50.

b) Permitted Uses

commercial welding and machine shop
commercial use as an accessory use
metal fabricating shop for agricultural equipment
one dwelling unit as an accessory use

c) Outside Storage

Outside storage shall be restricted to that portion of the rear yard which does not form part of the required rear yard.

- d) Minimum Off-Street Parking Spaces 30

8.6.3 a) Defined Area

M3-3-H-1 as shown on Schedule "A", Map No. 48.

- b) Permitted Uses

existing single unit dwelling
food processing plant
furniture finishing establishment
warehouse/showroom accessory to a furniture finishing establishment

- c) Maximum Floor Area

warehouse/showroom accessory to a furniture finishing establishment	350 m ²
food processing plant	600 m ²

- d) Minimum Number Of Parking Spaces

one (1) space per 30 m² of retail floor area

8.7 **EXTRACTIVE INDUSTRIAL (M4) ZONE – 'SITE-SPECIFIC' ZONES**

9.0 INSTITUTIONAL, OPEN SPACE & PUBLIC UTILITY ZONES

INSTITUTIONAL (I) ZONE

The Institutional (I) Zone applies to, and may be found in, virtually all land use designations in the Township's Official Plan where an institutional use either exists or is proposed. A range of institutional uses is permitted ranging from municipal buildings, places of worship, schools, group homes, nursing and rest homes and facilities owned and operated by a non-profit organization. Uses similar in character to institutional uses (e.g. funeral homes) are also permitted. Standards apply with respect to lot area, lot frontage, setbacks from property lines and lot coverage.

OPEN SPACE (OS) ZONE

The Open Space (OS) Zone applies to and may be found in virtually all land use designations in the Township's Official Plan and applies generally to lands used or proposed to be used for, parks and outdoor recreational purposes and cemeteries where buildings and structures are limited. The use of lands zoned OS for residential purposes is restricted to those situations where accommodation is necessary for a caretaker whose presence is required on-site. Certain open space uses (e.g. campgrounds or trailer parks, golf courses, paintball parks) are not permitted as-of-right but rather in 'site-specific' zones only.

PUBLIC UTILITY (U) ZONE

The Public Utility (U) applies to lands throughout the Township occupied by a utility station which, by definition, includes a water or sewage pumping station, a water storage reservoir, an electric power transformer station, a telephone repeater station and a micro-wave tower. These and similar infrastructure facilities is permitted in all land use designations in the Township's Official Plan.

The use of land by the Township, the County of Elgin, the Catfish Creek Conservation Authority, the Kettle Creek Conservation Authority, the Long Point Region Conservation Authority and other public authorities and public utilities are permitted, however, in any zone subject to the general provisions of the By-law regarding public uses. The Township may however, from time to time and subject to the requirements of the Planning Act, zone such lands Public Utility (U) for identification purposes as part of a general or 'housekeeping' amendment to the Zoning By-law.

9.1 PERMITTED USES, BUILDINGS AND STRUCTURES

9.1.1 Main Uses, Buildings and Structures

No lands, buildings or structures shall be erected or used in the zone prescribed except for the purposes set out in the table below.

		A	B	C
	USES, BUILDINGS & STRUCTURES	I	OS	U
1	agricultural use			
2	banquet hall			
3	campground or trailer park		✓*	
4	cemetery	✓	✓	
5	clinic	✓		
6	club	✓		
7	community centre	✓	✓	
8	conservation area		✓	
9	day care centre	✓		
10	dwelling unit as an accessory use	✓	✓	
11	fairgrounds		✓	
12	forestry use		✓	
13	funeral home	✓		
14	golf course		✓*	
15	group home	✓		
16	half-way house	✓		
17	institutional use	✓		
18	library	✓		
19	marina		✓*	
20	museum	✓		
21	paintball park		✓*	
22	place of worship	✓		
23	private park		✓	
24	private school	✓		
25	public park	✓	✓	
26	public school	✓		
27	recreational facilities		✓*	
28	retirement home	✓		
29	target range		✓	
30	single unit dwelling as an accessory use	✓	✓	
31	utility station			✓
32	wildlife preserve		✓	

* only in site-specific zones

9.2 GENERAL USE REGULATIONS

9.2.1 Standards

The standards set out in the table below shall apply in the zones prescribed unless otherwise stipulated herein to the contrary.

		A	B	C
	STANDARDS	I	OS	U
1	Minimum Lot Area (m²)	1850 ^① 550 ^②		
2	Minimum Lot Frontage (m)	30		
3	Minimum Setback (m) from a local road	28	28	28
4	Front Yard Depth (m)	6.0 ^① 15 ^②	6.0	1.0
5	Side Yard Width - Interior (m)	2.0 ^① 5.0 ^②	7.5	1.0
6	Side Yard Width – Exterior (m)	6.0 ^① 9.0 ^②		1.0
7	Rear Yard Depth (m)	7.5	7.5	71.0
8	Maximum Lot Coverage (%)	40	20	
9	Maximum Height (m)	12	10.5	
10	Minimum Landscaped Open Space (%)	30		

	FOOTNOTES
①	within a settlement area
②	outside a settlement area

9.3 SPECIAL USE REGULATIONS

9.3.1 Accessory Buildings and Structures

Accessory buildings and structures shall not:

- a) be erected closer to the road than the minimum setback required for the main building to that road;

- b) be erected closer to the front lot line or a side lot line than the minimum distance required for the main building or structure on the lot;
- c) erected in the front yard or, in the case of a corner lot, in the exterior side yard;
- d) be erected closer than 1.2 metres to any lot line;
- e) exceed ten (10) percent lot coverage;
- f) exceed six (6.0) metres in height or contain more than two (2) storeys;
- g) be erected within two (2.0) metres of the main building.

9.3.2 Dwelling Units

A dwelling unit as an accessory use shall:

- a) have a minimum floor area of forty (40) square metres;
- b) be located within or be contiguous to the main building;
- c) be used as the residence of the owner or operator, or an employee of the owner or operator of the main use which it is accessory to;
- d) not exceed twenty-five (25) percent of the total floor area of the main building in which it is located.

9.3.4 Gatehouses and Kiosks

A gatehouse, kiosk or similar structure accessory to a main use and not more than ten (10) square metres in floor area shall be permitted in any required setback, front yard or exterior side yard.

9.3.5 Single Unit Dwellings as an Accessory Use

A single unit dwelling as an accessory use shall only be permitted where the size of the lot exceeds one thousand (1,000) square metres over and above the minimum lot area requirement of Section 9.2.1.

9.4 INSTITUTIONAL (I) ZONE – ‘SITE-SPECIFIC’ ZONES

9.4.1 a) Defined Area

I-1 as shown on Schedule “A”, Map No. 62.

b) Permitted Uses

motor vehicle repair garage and vehicle inspection station
contractor’s yard or shop
all other permitted uses of the I zone

9.4.2 a) Defined Area

I-2 as shown on Schedule “I”.

b) Prohibited Uses

retirement home

9.5 OPEN SPACE (OS) ZONE – ‘SITE-SPECIFIC’ ZONES

9.5.1 a) Defined Area

OS-1 as shown on Schedule “A”, Map No. 5.

b) Permitted Uses

agricultural use
all other permitted uses of the OS zone

9.5.2 a) Defined Area

OS-2 as shown on Schedule “A”, Map No. 74.

b) Permitted Uses

conservation area

9.5.3 a) Defined Area

OS-3 as shown on Schedule “H”.

b) Permitted Uses

mobile home park

c) Maximum Number of Mobile Homes 8

9.5.4 a) Defined Area

OS-4 as shown on Schedule “O”, Map No. O1 and Map No. O2.

b) Permitted Uses

marina

all other permitted uses of the OS zone.

9.5.5 a) Defined Area

OS-5 as shown on Schedule “O”, Map No. O4.

b) Permitted Uses

campground or trailer park
all other permitted uses of the OS zone

9.5.6 a) Defined Area

OS-6 as shown on Schedule “O”, Map No. O4.

b) Permitted Uses

campground or trailer park
existing single unit dwelling
office addition to an existing single unit dwelling accessory to a campground or trailer park
pole barn for storage purposes accessory to a campground or trailer park
all other permitted uses of the OS zone.

9.6 PUBLIC UTILITY (U) ZONE – ‘SITE-SPECIFIC’ ZONES

10.0 ENACTMENT

10.1 CONFLICT WITH OTHER BY-LAWS

Where a provision of this By-law conflicts with a provision of another by-law in force in the Township, the provision that establishes the higher standard shall prevail.

10.2 REPEAL OF EXISTING BY-LAWS

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

10.3 MINOR VARIANCES AND PERMISSIONS

Notwithstanding Section 10.2 of this By-law to the contrary, where a minor variance or permission has been granted under Section 45 of the Planning Act or a predecessor thereof from one or more of the permitted uses or standards of the Township of Malahide Zoning By-law No. 05-27, as amended, the variance or permission granted shall be deemed to continue to be in effect, and the use of lands or the erection of any building or structure to which said variance or permission applies shall be deemed to conform and comply with the permitted uses and standards of this By-law.

10.4 SEVERABILITY

In the event that any clause or provision of this By-law, including anything contained in the attached schedules, is for any reason, deemed ultra vires by any Court of competent jurisdiction, the same shall not affect the validity of the By-law as a whole or any part thereof other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all the remaining sections, provisions, and clauses of this By-law shall remain in full force and effect.

10.5 EFFECTIVE DATE

This By-law shall come into force on the day it is passed subject to the provisions of the Planning Act.

**Read a FIRST, SECOND AND THIRD TIME AND FINALLY PASSED IN OPEN COUNCIL on
this 5th day of April , 2018.**

MAYOR

CLERK