



**TOWNSHIP OF MULMUR
ZONING BY-LAW NO. 05-2002
(as amended)**

Office Consolidated to August 30, 2017

***USERS SHOULD CHECK WITH STAFF FOR ANY AMENDMENTS TO
THIS BY-LAW THAT HAVE BEEN PASSED SINCE THE ABOVE DATE***

LIST OF AMENDMENTS
(FOR STAFF USE ONLY – THIS PAGE DOES NOT FORM PART OF THE COMPREHENSIVE ZONING BY-LAW)

APPLICATION	BY-LAW #	PURPOSE	Site Specific Zone	Mapping (GIS)
Z07-2014	33-2014	Hilchey (rezoned to RR)	NONE	Yes
Z03-2014	37-2014	Distillery	RC-3	Yes
Z03-2014	38-2014	Distillery (site plan approval)	N/A	n/a
Z06-2013	4-2014	Martin	RR-7	Yes
Z01-2014	20-2014	Bryan	RC text	n/a
Z02-2014	22-2014, 24-2014	Parsons	ER text	n/a
Z01-2015	13-2015	Wallace Contractors Yard	RC-4	yes
Z02-2015	20-2015	Goodfellow	n/a	yes
Z03-2015	30-2015	Horan/Ebdon Well Drilling	RC-5	yes
Z04-2015	WITHDRAWN	K. Gallagher	n/a	n/a
Z05-2015	29-2015	Boyce / Durance Hine	EP-1	yes
Z06-2015	3-2016	Giusto	A-10	yes
Z07-2015	37-2015	Gordon/Pollock	HR-5	Yes
Consolidated Feb 1 2016	61-2004	Rutledge	RU-13A	yes
Z2-16	11-16	Petrie Billboard sign	HR-6	yes
Z1-2016		Mansfield Ski		
Z3-2016	PL160759	Enderlein	RC-11	yes
Z4-2016	18-16	Bryan shop/garage	RU-20	yes
Z5-2016		Wellness Retreat		
Z6-2016	26-2016	McIlroy/Davies Studio	EP-2	yes
Z8-2015		Rosemont Store		
Z7-2016	25-2016	Olde stanton Store parking	A-16-T	n/a
Z9-2016	35-16	Bonnefield Severance	A-1	yes
Z1-2017	3-17	Degasparis	ER-13	Yes
	8-17	Housekeeping By-law	Yes (various)	yes
	5-17	Source Protection	Yes	Yes
Z202017	2-17	Wigle	ER-14	YES
	-17	Second Dwellings	Yes	n/a
Z02-2017	15-2017	Mansfield Gas Station West	CG-5-H	
Z03-2017	25-17	Wallace Temp Use Trailer	A-11-T	Yes
Z4-2017	20-17	Fraser	RR	yes
Z05-2017	21-17	Nicol Kennel	A-12	yes
Z06-2017	24-17	Rybak	HR-7	yes
Z07-2017		Heenan Tri-plex		
Z8-2017	31-17	Cook	RR-8	yes

**SECTION 1
ADMINISTRATION**

1.1 TITLE

This By-law may be referred to as "The Zoning By-law of the Township of Mulmur."

1.2 AREA AFFECTED BY THIS BY-LAW

This By-Law applies to all lands and lands under water within the Township of Mulmur except lands that are included within the Niagara Escarpment Plan Area, which are exempt. This By-Law shall be used by the Township as a guideline for commenting to the Niagara Escarpment Commission on Applications for Development Permits and on proposed amendments to the Niagara Escarpment Plan.

1.3 BUILDING PERMITS

The requirements of this By-law must be met before a Building Permit is issued for the erection, additions to or alteration of any building or structure.

1.4 ENFORCEMENT

Any person convicted of a violation of this By-law is liable on first conviction to a fine of not more than \$25,000, and on a subsequent conviction to a fine of not more than \$10,000, for each day or part thereof upon which the contravention has continued after the day on which the person was first convicted in accordance with The Planning Act.

Any Corporation convicted of violation of this By-law is liable on first conviction to a fine of not more than \$50,000, and on a subsequent conviction to a fine of not more than \$25,000, for each day or part thereof upon which the contravention has continued after the day on which the person was first convicted in accordance with The Planning Act.

If any buildings or structures or any part thereof is to be erected, altered, reconstructed or extended, or any lot is being used or is to be used, in contravention of any requirement of this By-law, such contravention may be restrained by action at the instance of any rate-payer or of the Municipality pursuant to the provisions of The Planning Act, R.S.O. 1990 and/or the Municipal Act, R.S.O. 1990 and/or any other legislation applicable.

1.5 SEVERABILITY PROVISION

A decision of a Court that one or more of the provisions of this By-law are invalid in whole or in part does not affect the validity, effectiveness, or enforceability of the other provisions or parts of the provisions of this By-law.

1.6 REPEAL OF EXISTING BY-LAWS

Upon this By-law coming into force and effect, By-law No. 33-1988 of the Township of Mulmur and all amendments thereto are hereby repealed.

1.7 EFFECTIVE DATE

This By-law shall come into force the day that it was passed where there are no appeals filed, or where appeals are filed, where all of the appeals are finally disposed of by the Ontario Municipal Board.

1.8 USE OF LAND BUILDINGS AND STRUCTURES

No lands, buildings or structures within the area covered by this By-law shall be used for any purpose except as otherwise permitted by this By-law.

1.9 APPLICATION OF OTHER REGULATIONS

Nothing in this By-law shall serve to relieve any person from any obligation to comply with the requirements of any other by-law of the Township of Mulmur or any other Federal or Provincial regulation that may affect the use of lands, buildings or structures in the Township.

SECTION 2
ESTABLISHMENT OF ZONES

2.1 ZONES

For the purposes of this By-law, the following zones are established and they may be referred to by the name or by the symbol set opposite the name of the zone below:

RU	-	Rural
RR	-	Rural Residential
RC	-	Rural Commercial
A	-	Agricultural
ER	-	Estate Residential
HR	-	Hamlet Residential
CG	-	General Commercial
CH	-	Highway Commercial
BPG	-	Business Park Gateway
BPC	-	Business Park Core
BPT	-	Business Park Transition
RE	-	Recreational
I	-	Institutional
M1	-	Industrial
MX	-	Extractive Industrial
MD	-	Waste Disposal
OS	-	Open Space
EP	-	Environmental Protection

2.2 ZONE SCHEDULE

The zones and zone boundaries are shown on the attached Schedule 'A', which forms part of this By-law. Schedule 'A' is comprised of a series of maps.

2.3 SPECIAL ZONES

Where a zone symbol is followed by a dash and a number, (for example RM-1) there are special provisions that apply to the zone. These special provisions are contained in the section of the By-law that applies to the primary zone.

2.4 DETERMINING ZONE BOUNDARIES

- i) A zone boundary shown approximately at a lot line, street or lane is considered to be at the boundary of the lot line, street or lane.
- ii) A zone boundary shown approximately in the centre line of a street or lane is considered to be the centre line of the street or lane.
- iii) Unless the location of a zone boundary is specified by dimensions on the zoning map, a zone boundary which lies within a lot shall be fixed by the scale of the Schedule upon which it is shown.
- iv) A zone boundary shown following approximately a shoreline of a river or the centre line of a creek, stream or channel is considered to be the shoreline or centre line and moves with any natural change in the shoreline.
- v) Where lands have not been identified as being in a zone on the Schedules, they shall be deemed to be in the Open Space (OS) Zone.

2.5 COMPLIANCE WITH ZONING BY-LAW

No person shall change the use of any building, structure or land, or erect or use any building or structure or occupy any land or building, except in accordance with the provisions of this By-law.

Any use not specifically permitted by this By-law shall not be permitted in the Township of Mulmur.

No person shall use any land or locate any building or structure such that the uses, buildings or structures on other lands would no longer comply with the provisions of this By-law.

Any use specifically listed as a permitted use under any zoning category in this By-Law shall only be permitted in another zone if it is also specifically listed as a permitted use in that zone.

2.6 HOLDING PROVISIONS

Where a zone symbol is followed by a dash and the letter "H" (for example: M1-H), the lands shall only be used for existing uses and the expansion of those uses as of the date of adoption of this By-law.

Council may pass a By-law pursuant to Section 36 of the Planning Act R.S.O. 1990 to remove the Holding (H) symbol, thereby placing the lands in the zone indicated by the zone symbol when all of the applicable following requirements have been met:

- i) the appropriate sanitary services and water supply have been approved to service the land;
- ii) all conditions of consent or subdivision have been fulfilled;
- iii) where the lands are subject to site plan control under Section 41 of the Planning Act R.S.O. 1990, a site plan agreement in accordance with the provisions of the Planning Act has been registered on the title of the lands;
- iv) the required permits from all other approval agencies have been issued, and;
- v) the financial requirements of the Township have been satisfied.

**SECTION 3
GENERAL PROVISIONS**

3.1 APPLICATION

The provisions of this section of the By-law shall apply to all lands within the Township of Mulmur unless otherwise specified.

3.2 ACCESSORY BUILDINGS, STRUCTURES AND USES

3.2.1 Permitted Uses

Where this By-law provides that a lot may be used or a building or structure may be erected or used for a purpose, that purpose shall include any accessory building or structure or accessory use, provided the principle building, structure or use is already in existence on the lot, but shall not include the following:

(i) any occupation for gain or profit conducted within or accessory to a dwelling unit or on such lot associated therewith, except as is specifically permitted in accordance with this By-law; or

(ii) any building used for human habitation except in accordance with this By-law, as is specifically permitted.

Legal non-conforming uses shall be permitted to have accessory uses, buildings and structures in accordance with the provisions in this section of the By-law and the provisions of the applicable zone.

For the purposes of this By-law a barn shall be considered as a principle building in an Agricultural or Rural Zone.

No building or structure of less than 10 sq. m. in size and no temporary or seasonal buildings and structures that are designed to be dismantled and re-erected, such as fabric or plastic covered, metal or wood framed structures, shall be constructed on a lot unless it is accessory to a legal non-conforming, or to a permitted principal building or structure already in existence on the lot. Such structures shall be subject to the requirements of Section 3.2.3

3.2.2 Setback and Yard Requirements

Except as otherwise provided herein, in all Zones any accessory building or structure, which is detached from the principle building, shall be erected in compliance with the yard and setback requirements of the zone in which such building is located, but shall not be closer to the front lot line or exterior side lot line than the principle building on the lot.

Within an Agricultural, Rural and Open Space Zones, a permitted accessory building shall be permitted in the front yard provided that the building meets the front yard requirements of the zone in which it is located.

The minimum side yard set-back for a barn shall not be less than the minimum rear yard set-back requirement or, if it is a new barn capable of or intended for the purpose of housing livestock or an expansion of an existing barn to accommodate such uses, the minimum set-back requirements of the Minimum Distance Separation (MDS2) requirement prescribed by Section 3.25.14 of this by-law from lot lines, road allowances and land uses on nearby lots, shall apply.

3.2.3 Lot Coverage and Height

Unless otherwise specified in this by-law the total footprint floor area of all accessory building and structures, except swimming pools, shall need exceed 75 percent of the footprint floor area of the principal building on the lot, to a maximum footprint floor area of 120 sq. m. Accessory buildings and structures shall not be more than one storey and the height of any accessory building or structure shall not exceed 4.5 m. except as provided below.

Notwithstanding the foregoing, if the building is a permitted accessory dwelling unit, the maximum height shall be 6.0 m and it may have a maximum of two storeys.

Notwithstanding the foregoing, within an Agricultural or Rural Zone, the total footprint floor area of all accessory buildings and structures shall not exceed 100 percent of the footprint floor area of the principal building on the lot, to a maximum of 200 sq. m., the height shall not be greater than 6.0 m. and the building shall not be more than one storey. An unenclosed (open-to-below) storage loft is permitted. A second storey loft will only be permitted in an accessory structure where an additional single dwelling (ASD) is permitted and where no ASD exists.

Notwithstanding the foregoing, within a Rural Commercial zone, the total footprint floor area of all buildings and structures accessory to the permitted commercial use, when combined with any permitted buildings and structures accessory to the principal residential use on the lot shall not exceed the maximum permitted lot coverage or 300 sq. m., whichever is less.

For the purposes of this section, a garage attached to a dwelling shall form part of the footprint floor area of a principal residential building.

One only building or structure of less than 10 sq. m. that typically does not require a Building Permit, and one only temporary structure permitted in Section 3.2.1 shall be exempt from the determination of the maximum permitted footprint floor area of accessory buildings on the lot. Any additional such building(s) or structure(s) shall be included in the determination of the maximum permitted footprint floor area of accessory buildings on the lot. All such structures shall be located on the lot in accordance with the applicable provisions of this by-law and the zone.

Within a Highway Commercial, General Commercial, Business Park Gateway, Business Park Core, Business Park Transition or Industrial Zone, the total footprint area of all accessory buildings and structures shall not exceed 40 percent of the total footprint area of the principal building. The height of any accessory building or structure shall not exceed the height restrictions of the respective Zone.

Within a Commercial or Industrial Zone, the total lot coverage of all accessory buildings or structures shall not exceed 40 percent of the total area of the principal building. The height of any accessory building or structure shall not exceed the height restrictions of the respective Zone.

3.2.4 Accessory Structure Encroachments

Notwithstanding the yard and setback provisions of this By-law to the contrary, drop awnings, clothes poles, garden trellises, retaining walls less than 1.0 metres above the average finished grade, fences, signs or similar uses which comply with the By-laws of the Township, shall be permitted in any required interior side or rear yard.

Swimming pools shall be constructed in accordance with the requirements of the By-law for Accessory Buildings and Structures except that no water circulating or pumping equipment shall be located closer than 3.0 metres to any side or rear lot line.

Satellite antennas exceeding 1.0 metres in diameter shall be required to meet the applicable yard requirements for principal uses in a Zone.

Windmills, wind turbine generators with a blade span greater than two metres, solar panels and solar arrays not mounted to a permitted building or structure shall be required to meet the applicable yard requirements for principal structures in the zone, or be set back from lot lines a minimum distance of 1.5 times the maximum height of the structure when operational, including the blade in the case of a wind turbine, whichever is greater.

3.2.5 Fire Escapes

Notwithstanding the yard and setback provisions of this By-law to the contrary, unenclosed fire escapes may encroach into any required rear yard a maximum distance of 1.5 metres.

3.2.6 Garages or Other Accessory Buildings or Structures

Notwithstanding the yard and setback requirements of this By-Law to the contrary, a detached private garage or other accessory building or structure may be erected and used in an interior side or rear yard, provided that the following requirements are met:

i) Interior Side or Rear Yard

Where such an accessory building or structure is located in an interior side or rear yard, it shall not be closer than 1.5 m. from the interior side or rear lot line, plus the following adjustment based on the footprint floor area of the building or structure, to a maximum setback equal to the permitted minimum setback for principal structures on the lot:

Size of Building	Required Setback Adjustment
Less than 20 sq. m.	-
20 to 50 sq. m.	add 1.0 m.
50 to 80 sq. m.	add 2.0 m.
	add 1.0 m. for each additional 30 sq. m. or part thereof in excess of 80 sq. m. of footprint floor area up to the maximum floor area permitted in Sub-section 3.2.3. or until the minimum setback requirements for principal structures has been reached.

Accessory structures in a front yard, where permitted, shall not be located closer to the front lot line than the minimum front yard setback required for principal structures on the lot.

3.2.7 Decks, Steps, Balconies or Patios

Notwithstanding the yard and setback provisions of this By-law, to the contrary, decks, steps, balconies and patios may project into any required yard or setback a maximum distance of 2.0 metres, but shall not be closer than 1.5 metres to any lot line. Where the floor of any porch, balcony or deck is in excess of 1.0 metres above finished grade, the side yard and rear yard requirements for the principal building shall apply.

3.2.8 Garden Suite

Garden suites may be permitted as a temporary use in all zones that permit a dwelling unit provided that:

- i) the unit is occupied by an immediate family member of the occupant of the primary residential use;
- ii) the lot has sufficient sewage and water services to accommodate the unit;
- iii) the unit has a minimum gross floor area of 45 sq. m. and a maximum of 75 sq. m.

- iv) there is an agreement between the owner and Township that provides for the removal of the building when it is no longer required.

3.2.9 Gate House in Industrial Zone

Notwithstanding the yard and setback provisions of this By-law, to the contrary, in an Industrial Zone, a gate house not exceeding 9.0 square metres shall be permitted in a required front or side yard or in the area between the street line and the required yard.

3.2.10 Ornamental Structures and Windows

Notwithstanding the yard and setback provisions of this By-law to the contrary, sills, chimneys, cornices, eaves, gutters, parapets, pilasters, windows or other ornamental structures may project into any required yard a maximum distance of 0.6 metres.

3.2.11 Outdoor Furnaces

Outdoor furnaces shall have a minimum stack height of 2.0 m. and they, along with outdoor fireplaces, chimineas and other similar wood burning devices shall only be permitted on a lot zoned Rural Residential, Rural or Agricultural and shall be set back from all lot lines a minimum distance of 15 metres.

3.3 ACCESS ON IMPROVED PUBLIC STREET

No person shall erect any building or structure in any Zone after the date of passing of this By-law, unless the lot upon which such building or structure is to be erected has frontage upon an improved public road or an agreement is in place between the owner of the lot and the Township that provides for the maintenance of the road by the owner, at his/her expense, so that access by emergency vehicles during all weather conditions and at all times of the year is available, and such building or structure complies with the setback provisions of this By-law. This does not necessarily imply that the Township is, in any way, compelled to enter into any such agreement.

The above provisions shall not apply to prevent the erection of a permitted building or structure on a lot in a registered Plan of Subdivision where a properly executed Subdivision Agreement has been entered into with the Township, notwithstanding that the street or streets will not be assumed by the Township until the end of the maintenance period, nor shall it apply to prevent the enlargement, extension, renovation, reconstruction or other structural alteration of an existing building or structure which is located on a lot which does not have frontage upon an improved public road, provided the use of such building or structure does not change and is permissible within the zone in which it is located.

3.4 ESTABLISHED BUILDING LINE IN RESIDENTIAL ZONE

Notwithstanding any other provisions of this By-law, to the contrary, where a dwelling is to be erected in a Residential Zone between existing dwellings on the same street, such dwelling may be built with a front yard and setback equal to the average yard of the adjacent dwellings on the same side of the street within 100 metres of the lot.

3.5 GROUP HOMES AND CRISIS CENTRES

No Group Home or Crisis Centre shall be located within 2 kilometres of another Group Home or Crisis Centre.

3.6 HEIGHT EXCEPTIONS

Except as otherwise provided in Section 3.25.11, notwithstanding the height provisions of this By-law to the contrary, nothing in this By-law shall apply to prevent the erection, alteration, or use of a barn or silo, a church spire, a belfry, a flag pole, a clock tower, a chimney, a water tank, a windmill, a radio or television tower or antenna, an air conditioner duct, a grain elevator, incidental equipment required for processing,

external equipment associated with internal equipment or machinery and conveying equipment, which exceeds the maximum height requirements provided the main or principal use is permitted within the zone in which it is located and provided all other applicable provisions of this By-law are complied with.

Setbacks for all towers shall be 1.5 times the tower height.

3.7 HOME INDUSTRY

Where a home industry is permitted as an accessory use to a single detached dwelling the following provisions shall apply:

- i) In addition to persons living on the premises not more than two (2) employees shall be engaged in the home industry.
- ii) Such home industry may be located in any accessory building located on a lot on which a dwelling is in existence, provided the total gross floor area utilized by the home industry does not exceed a maximum of 140 square metres.
- iii) There shall be no display, other than a non-illuminated sign having a maximum surface area of 1.0 square metres.
- iv) There shall be no outside storage of goods, materials or articles.
 - a) Only currently licensed motor vehicles, associated with the home industry may be parked or stored on the lot in an interior side or rear yard.
 - b) Additional parking shall be provided in accordance with Section 3.16.9.

3.8 HOME OCCUPATION

Where a home occupation is permitted the following provisions shall apply:

- i) In addition to persons living on the premises not more than one (1) employee shall be engaged in the business and working from the dwelling. In the case of a dentist, doctor or other health care providers there may be one additional provider in a home occupation.
- ii) There shall be no display, other than a non-illuminated sign having a maximum surface area of 0.5 square metres.
- iii) There shall be no goods, wares, or merchandise offered for sale or rent on the premises other than what is produced on the premises.
- iv) There shall be no outside storage of goods, materials, containers or animal enclosures used in conjunction with the home occupation.
- v) Not more than 25 percent of the gross floor area not including the basement of the dwelling shall be used for the purposes of the home occupation, and such home occupation shall be conducted entirely within the dwelling.
- vi) There shall be no mechanical or other equipment used except that which is customarily used in a dwelling for domestic or household purposes or for use by a hairdresser or barber, dentist, drugless practitioner, physician, or other professional person.
- vii) A home occupation shall not include a boarding or lodging house, an eating establishment, or a facility offering accommodation or meals other than a Bed and Breakfast establishment.

- viii) A home occupation shall be secondary to the principal residence and shall not change the residential character of the lot.
- ix) One home occupation only shall be permitted in conjunction with a single detached dwelling.
- x) Additional parking shall be provided in accordance with Section 3.16.9.

3.9 LOADING SPACE REQUIREMENTS

3.9.1 Loading Space

Loading spaces are required under this By-law, in accordance with the Loading Space Requirement Table set forth herein, and the owner of every building or structure erected for any purpose involving the receiving, shipping, loading or unloading of persons, animals, goods, wares, merchandise or raw materials shall provide and maintain loading and unloading spaces on the lot accordingly. For the purposes of this By-law, each loading or unloading space shall be 15 metres in length, 3.5 metres in width and have a vertical clearance of at least 4.3 metres.

3.9.2 LOADING SPACE REQUIREMENT TABLE

<u>Type or Nature of Use</u>	<u>Limits</u>	<u>Minimum loading space requirement</u>
Industrial or commercial	up to 300 sq. m.	1 loading space
	300 to 1,000 sq. m.	2 loading spaces
	over 1,000 sq. m.	1 add'l space/1,000 sq. m.
Multiple Residential	up to 10 dwelling units	None
	10 to 30 dwelling units	1 loading space
	Over 30 dwelling units	one additional space per 30 dwelling units
Institutional	Less than 30 occupants	None
	More than 30 occupants	1 loading space

3.9.3 Access

Access to loading spaces shall be by means of a driveway of at least 3.5 metres in width contained on the lot on which the spaces are located and leading to an improved public road.

3.9.4 Loading Space Surface

Driveways, loading spaces, and related aisles and turning areas shall be maintained with a stable surface that is treated to prevent the raising of dust. Such loading facilities shall, before being used, be surfaced with asphalt, concrete, or crushed stone, gravel or brick and shall include provisions for drainage facilities.

3.9.5 Location

Required loading spaces shall be located in the interior side or rear yard unless such space or spaces are removed from the street line a minimum distance of 15 metres.

3.9.6 Additions to or Change in Use of Existing Buildings

The loading space requirements referred to herein shall not apply to any building in existence at the date of passing of this By-law so long as the gross floor area, as it existed at such date, is not increased by more

than 300 square metres. If an addition is made to the building or structure which increases the gross floor area or the use of the building changes, then additional loading spaces shall be provided as required by this Section, in accordance with the provisions of Section 3.9.2, the Loading Space Requirement Table, for such addition.

3.10 MOBILE HOMES

Mobile homes may only be used as a dwelling unit as an additional single dwelling (ASD) in an Agricultural Zone that permits an ASD and may be permitted as a temporary use under a temporary use by-law and where there is an agreement between the owner and Township that provides for the removal of the mobile home when it is no longer required.

3.11 MULTIPLE ZONES ON ONE LOT

Where a lot is divided into more than one zone under the provisions of this By-law, each such portion of the lot shall be used in accordance with the zone provisions of this By-law for the applicable zone as if it were a separate lot. The most restrictive zoning requirements for lot area and lot frontage shall be applied to the entire lot.

3.12 NON-CONFORMING USES

3.12.1 Continuation of Existing Uses

The provisions of this By-law shall not apply to prevent the use of any existing lot, building or structure for any purpose prohibited by this By-law if such existing lot, building or structure was lawfully used for such purpose, prior to the effective date of this By-law and provided that the lot, building or structure continues to be used for that purpose. Where the use ceases to exist for a period of two years, the use will be deemed to have been discontinued.

3.12.2 Permitted Exterior Extension, Alteration and Reconstruction

The exterior of any building or structure which was lawfully used prior to the effective date of this By-law for a purpose not permissible within the zone in which it is located, prior to the effective date of this By-law, shall not be enlarged, extended more than 0.2 metres, reconstructed or otherwise structurally altered, unless such building or structure is thereafter to be used for a purpose permitted within such zone.

3.12.3 Permitted Interior Alteration

The interior of any building or structure which was lawfully used for a purpose not permissible within the zone in which it is located prior to the effective date of this By-law, may be reconstructed or structurally altered, in order to render the building or structure more convenient for the existing purpose for which it was lawfully used.

3.12.4 Restoration to a Safe Condition

Nothing in this By-law shall prevent the strengthening or restoration to a safe condition of any existing, legal non-conforming building or structure or part thereof, provided that the strengthening or restoration does not increase the building height, size or volume or change the existing, lawful use of such existing building or structure unless these changes are necessary to provide for flood proofing.

3.12.5 Building Permit Issued

The provisions of this By-law shall not apply to prevent the erection or use, for a purpose prohibited by this By-law, of any building or structure, the plans for which have, prior to the date of passing of this By-law, been approved by the Chief Building Official, so long as the building or structure, when erected, is used and continues to be used for the purpose for which it was erected.

3.13 NON-COMPLYING LOTS, BUILDINGS, STRUCTURES AND USES

3.13.1 Permitted Buildings or Structures

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

- i) the enlargement, reconstruction, repair and/or renovation does not further reduce a front yard, and/or side yard and/or rear yard and/or lot coverage to less than the minimum required by this By-law;
- ii) the building or structure is being used for a purpose permissible within the zone in which it is located; and,
- iii) all other applicable zone provisions of this By-Law are complied with.

3.13.2 Reconstruction of Existing Building

Nothing in this By-law shall apply to prevent the reconstruction of any permitted building which is accidentally damaged or destroyed by causes beyond the control of the owner. Such permitted building may be reconstructed in accordance with the previously existing standards, even if such did not conform with one or more of the provisions of this By-law provided that the reconstruction occurs within 24 months of the damage being done, but the non-compliance may not be further increased.

3.13.3 Existing Undersized Lots of Record

Where a lot, having a lesser lot area and/or lot frontage than required herein, existed on the date of passing of this By-law, or where such a lot is created by a public authority, such smaller lot may be used and a permitted building or structure may be erected, altered and/or used on such smaller lot provided that the lot has at least 30 metres of frontage, an area of at least 0.2 hectares, is located on a maintained public road and all other applicable zone provisions of this By-law are complied with.

Lots which have been increased in size following passing of this By-law to comply with the above minimum frontage and lot area standards may also be used in accordance with this provision.

3.13.4 Non-conformity with lot standards due to land taken for Municipal or other public purposes.

Notwithstanding any requirement for a lot in this by-law, a reduction in the minimum lot area, lot frontage or front or exterior side yard set-back requirement resulting from the taking of land for municipal or other public purpose such as a road widening, daylighting triangle, parkland or other land acquisition, or any such similar purpose, whether conveyed voluntarily, taken as a condition of approval under the *Planning Act* or acquired through expropriation, shall be deemed to be in conformity with this by-law provided the reduction is not greater than 10 percent and the lot frontage and lot area requirements for existing undersized lots of record set out in Section 3.13.3 above are met.

3.13.5 Minimum Requirements Met When Rounded to One Decimal Point

Minimum lot dimensions and lot area requirements and minimum set-back requirements shall be deemed to conform if the frontage, set-back or lot area, expressed to two decimal points, when rounded off to one decimal point, is equivalent to the minimum requirement.

3.14 NOXIOUS TRADE

Except as may otherwise be specifically permitted under this By-law, no use shall be permitted which, from its nature or the materials used therein, is defined as a noxious trade, business or manufacture under the *Health Protection and Promotion Act*, as amended, and the Regulations promulgated thereunder.

3.15 NUMBER OF DWELLING UNITS ON A LOT,

Except as permitted in this By-law, no more than one dwelling unit shall be permitted on any lot.

3.15.1 ADDITIONAL SINGLE DWELLINGS AND ATTACHED ACCESSORY DWELLING UNITS

Where permitted in this By-law, the following shall apply:

3.15.1.1 ADDITIONAL SINGLE DWELLING

Where an additional single dwelling is permitted, such dwelling shall only be permitted where there is a site plan agreement between the owner and Township, and where such agreement includes buffering, servicing, separation distances and access.

A Bunkie, guest cabin, second storey floored loft in a garage or any other building or structure, and pool house having a floor area greater than 20m² shall be considered an additional single dwelling, regardless of whether bedroom, kitchen facilities or bathrooms have been installed, and regardless of whether it is attached to a non-residential use or within an accessory structure.

Where a lot has less than 8 ha of land, such additional single dwelling shall comply with the following additional provisions:

- a) Minimum lot size shall be 1.0 ha.
- b) The gross floor area of the additional single dwelling shall be no more than 50% of the gross floor area of the principle single detached dwelling, and no more than 80m², and shall not exceed the lot coverage for all accessory structures in subsection 3.2.3.
- c) Such dwelling shall only be permitted where there is a site plan agreement between the owner and Township, and where such agreement includes buffering, servicing, separation distances and access.

3.15.1.2 ATTACHED ACCESSORY DWELLING UNIT

Where an attached accessory dwelling unit is permitted, the follow provisions shall apply;

- a) minimum lot size shall be 0.4 ha.
- b) Water and septic services shall be adequately sized to allow for the accessory dwelling unit
- c) Accessory dwelling unit and main dwelling shall be attached either through a common ceiling/floor or wall having a minimum face area of 12m². A common breezeway or any other form of roof connection or hallway shall not be considered attached.
- d) An attached accessory dwelling unit will not be permitted if there is already a second dwelling unit, unless the lot has a minimum area of 8 ha.

3.16 PARKING AREA REGULATIONS

3.16.1 Parking Space Requirements

The owner of land, building or structure erected or used for any of the purposes hereinafter set forth shall provide and maintain parking spaces for the sole use of the owner, occupant, or other persons entering upon or making use of the said premises, from time to time.

Parking spaces are required under this By-law, in accordance with Section 3.16.9, the Parking Space Requirement Table. Where the calculation of required spaces exceeds a whole space by more than 0.25, the required spaces shall be the next whole number.

3.16.2 Parking Area Surface

Non-Residential parking spaces, or multiple unit residential parking areas and driveways connecting the parking spaces or area with a street shall be maintained with a stable surface that is treated so as to prevent the raising of dust. Such parking spaces or areas shall, before being used, be constructed of asphalt, crushed stone, gravel, concrete or similar material and shall include provisions for drainage facilities.

Parking spaces for more than four vehicles shall only be required to be surfaced with concrete, asphalt or brick, where municipal design guidelines requiring such hard surfacing are in place (such as in the Business Park Gateway zone) and/or where hard surfacing is required pursuant to the provisions of a site plan agreement.

3.16.3 Ingress and Egress Provisions

- i) Ingress and egress to and from the required parking spaces and areas shall be provided by means of unobstructed driveways or passageways of at least 3 metres in width but not more than 9 metres in perpendicular width.
- ii) The maximum width of any joint ingress and egress driveway ramp measured along the street line shall be 9 metres.
- iii) The minimum distance between any two driveways on one lot or between a driveway and an intersection of street lines measured along the street line intersected by such driveway shall be 7.5 metres.
- iv) The minimum angle of intersection between a driveway and a street line shall be 60 degrees.
- v) Every lot shall be limited to the following number of driveways, namely:
 - a) up to the first 15 metres of lot frontage, not more than one driveway;
 - b) greater than 15 metres of lot frontage but not more than 30 metres of frontage, not more than two driveways with a combined width not exceeding 30 percent of the lot frontage; and,
 - c) for each additional 30 metres of lot frontage, not more than one additional driveway.
- vi) Driveways shall not be closer than 7.5 m. to an interior side lot line in a Rural Residential, Rural, Rural Commercial or Agricultural zone.

3.16.4 Angle Parking Provisions

The length of any parking space and the width of the adjacent aisle shall be in accordance with the following Angle Parking Requirement Table.

ANGLE PARKING REQUIREMENT TABLE

Angle of parking space perpendicular with aisle	Minimum length of parking space	Minimum width of aisle
60 degrees to 90 degrees	6.2 metres	6.9 metres
45 degrees to 59 degrees	6.2 metres	5.2 metres
30 degrees to 44 degrees	6.2 metres	3.7 metres
0 degrees to 29 degrees	6.0 metres	3.0 metres

3.16.5 More Than One Use on a Lot

When a building or structure accommodates more than one type of use, the parking space requirement for the whole building shall be the sum of the requirements for the separate parts of the building occupied by the separate types of use.

3.16.6 Parking Area Location on Lot

Notwithstanding the yard and setback provisions of this By-law to the contrary, parking areas shall be permitted in the required yards or in the area between the street line and the required setback except that, where a Commercial Zone abuts a Residential Zone a 3.0 metre planting strip shall be maintained between the parking area and the lot line.

3.16.7 Additions to, or Changes in the Use of Existing Buildings and Structures

The parking space requirements referred to herein shall not apply to any building or structure lawfully in existence on the date of passage of this By-law, so long as the gross floor area is not increased and the use or number of dwelling units does not change. If any addition is made to a building or structure which increases its gross floor area, then parking spaces for the addition shall be provided as required by the Parking Space Requirement Table. Where a change in use occurs, parking spaces shall be provided for such new use in accordance with the requirements of Section 3.16.9, the Parking Space Requirement Table.

3.16.8 Use of Parking Spaces and Areas

Parking spaces and areas required in accordance with this By-law shall be used for the parking of operative, currently licensed vehicles only and for vehicles used in an operation incidental to the permitted uses in respect of which such parking spaces and areas are required or permitted.

A maximum of one commercial motor vehicle or trailer exceeding a maximum load capacity of 1,600 kg. (3,500 lbs.) may be stored or housed on the lot provided there is sufficient parking spaces for all uses on the lot and the lot is zoned Rural, Rural Residential, Agricultural or Rural Commercial. Notwithstanding the above, an operative school bus or buses may be stored on a lot in a Rural Residential, Rural or Agricultural zone for each driver that is resident on the lot. A commercial motor vehicle or trailer exceeding a maximum load capacity of 1,600kg shall not be permitted on lands zoned Hamlet Residential (HR), Estate Residential (ER), and Recreational (RE)

Notwithstanding the above, an operative school bus or buses may be stored on a lot in a Rural Residential, Rural or Agricultural zone for each driver that is resident on the lot.

Commercial motor vehicles used in conjunction with a farming operation may be stored on a lot zoned "Agricultural" or "Rural".

Commercial motor vehicles used in conjunction with a permitted commercial use may be stored on a lot zoned "Rural Commercial".

3.16.9 Parking Space Standards and Requirements

Parking spaces shall have a minimum width of 3.0 m. and a minimum length of 6.0 m.

The number of on-site parking spaces to be provided for the types of uses listed below are as follows:

PARKING SPACE REQUIREMENT TABLE

<u>Type or Nature of Use requirement</u>	<u>Minimum off-street parking space</u> (based on gross floor area unless otherwise specified)
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Residential and Related Uses

Single detached, semi-detached, Additional Single Detached or Townhouse dwelling	2 spaces per dwelling unit (Footnote 1)
Multiple and Apartment dwellings	1.5 spaces per dwelling and 0.5 visitor parking spaces for every 3 dwelling units
Any other residential dwelling or dwelling unit	2 spaces per residential dwelling or dwelling unit
Home occupations and industries	1 additional space per use or per 45 sq. m. of gross floor area, whichever is greater
Private home daycare	2 additional spaces
Bed and Breakfast	1 additional space per guest bedroom

Non-residential Uses

Assembly hall	1 space per 3 occupants
Banquet hall	1 space per 5 occupants
Bowling Alley	3 spaces for each bowling lane
Building contractor supply outlet	1 space per 45 sq. m.
Building supply outlet	1 space per 45 sq. m.
Business office	1 space per 10 sq. m.
Commercial Greenhouse	1 space per 45 sq. m.
Commercial School	3 spaces plus 1.25 additional spaces for every classroom
Community center	1 space per 5 sq. m.
Contractor's yard	1 space per 45 sq. m.
Convenience store	1 space per 15 sq. m.
Curling rink	4 spaces per curling sheet
Custom workshop	1 space per 45 sq. m.
Data processing center	1 space per 10 sq. m.
Day nursery	1 space per 20 sq. m.
Dry cleaning distribution depot	1 space per 20. sq. m.
Equipment sales and rental	1 space per 20 sq. m.
Farm Store	one space per 20 sq. m.
Farm implement dealer	1 space per 20 sq. m.
Farmers market	3 spaces per stall or booth
Financial institution	1 space per 10 sq. m.
Fitness center	1 space per 10 sq. m.
Funeral home	1 space per 10 sq. m.
Golf course	24 spaces per 9 holes
Golf driving range	two spaces plus 1 space per tee
Hotel	2 spaces plus 1 space per room
Industrial use	2 spaces plus 1 space per 45 sq. m.
Laundromat	1 space per 20 sq. m.
Library	1 space per 20 sq. m.
Medical clinic	4 spaces per practitioner
Motel	2 spaces plus 1 space per room
Motor vehicle body shop	1 space per 45 sq. m.
Motor vehicle repair garage	1space per 45 sq. m.
Museum	1 space per 20 sq. m.
Nightclub	2 spaces plus 1 space per 9 sq. m.
On-farm Craft Distillery	one space per 50 sq. m. plus one space per 10 sq. m. of related retail space including a tasting room or area
Personal service shop	1 space per 10 sq. m.
Place of amusement	1 space per 10 sq. m.

Place of worship	1 space for every 4 persons seating capacity in the primary assembly hall plus 1 space per office plus the number of spaces required for other related uses as specified herein
Printing establishment	1 space per 45 sq. m.
Private club	1 space per 10 sq. m.
Repair shop	1 space per 45 sq. m.
Research laboratory	1 space per 45 sq. m.
Restaurant	1 space per 3 seats
Restaurant - take out or drive through	5 spaces (min.) plus 1 space per 5 sq. m. over 20 sq. m.
Retail store	1 space per 20 sq. m.
Saw mill or planing mill	1 space per 45 sq. m.
School - elementary	3 spaces plus 1.25 spaces per classroom
- secondary	3 spaces plus 4.25 spaces per classroom
Service shop	1 space per 20 sq. m.
Ski Resort (Mansfield Ski Club)	300 spaces on-site (Footnote 2) plus off-site spaces permitted in the ER-5 zone.
Supermarket	1 space per 20 sq. m.
Theatre	1 space per 3 seats
Transportation terminal	1 space per 100 sq. m.
Veterinary clinic	3 spaces per practitioner
Warehouse	1 space per 100 sq. m.
All other uses not specified	1 space per 10 sq. m.

Parking for persons with disabilities

In addition to the parking space requirements for the use on the lot, 1 space plus one additional space per each 25 parking spaces or fraction thereof, where more than 25 spaces are required for the use on the lot.

Footnotes

(1) The number of vehicles not stored within an enclosed garage or accessory structure that may be stored or kept in the outdoors on a lot zoned Hamlet Residential or Estate Residential zone shall be limited to the minimum number of parking spaces required for each permitted use that is carried out on the lot, plus not more than two additional vehicles.

(2) Additional parking spaces to serve new developments and uses, or to serve the significant expansion of existing developments and uses existing as of January 1, 2014 on lands zoned “Recreational” and owned by the Mansfield Ski Club, that require additional parking during peak parking periods (the downhill ski season) shall be provided in accordance with the requirements for the specific uses listed above, or one space per 20 sq. m., whichever is greater.

3.17 PEAT EXTRACTION, PITS AND QUARRIES

The excavation of peat, establishment or operation of pits or quarries is prohibited within the area covered by this By-law, except in the locations permitted by this By-law, and in accordance with the provisions of this By-law. No person shall use land or erect any building or structure for the purpose of processing, washing, screening, sorting or crushing rock, sand, gravel and/or peat except as expressly provided for in this By-law.

3.18 PLANTING STRIPS

3.18.1 Location

Where a lot in any Institutional, Commercial, Business Park, Industrial or Recreational Zone abuts an interior side or rear lot line of a lot in any Residential Zone, a 3.0 metre wide planting strip adjoining such abutting lot line, or portion thereof, shall be required.

3.18.2 Contents

Such required planting strip shall be used for no other purposes than planting a continuous, unpierced hedgerow of trees, evergreens or shrubs or other natural vegetation, or solid fencing not less than 1.5 metres high, immediately adjacent to the lot line, or portion thereof, where such planting strip is required. The remainder of the planting strip shall be used for no other purpose than the planting of shrubs, flowering shrubs, flower beds, grass or a combination thereof.

3.18.3 Driveways and Walkways

In all cases where ingress and egress, driveways, launching ramps or walkways extend through a required planting strip, it shall be permissible to interrupt the planting strip within 3 metres of the edge of such driveway or within 1.5 metres of the edge of such walkway.

3.18.4 Landscaped Open Space

A planting strip or buffer screen referred to in this Section may form a part of any landscaped open space or yard required by this By-law.

3.19 PUBLIC USES

3.19.1 Public Services

Except as provided in Section 3.19.2. hereof, the provisions of this By-law shall not apply to prohibit the use of any lot or the erection or use of any building or structure for the purposes of public uses provided by the Township, or any Public Authority including any Department or Ministry of the Government of Canada or Ontario or any Conservation Authority established by the Government of Ontario and, for the purposes of this section, shall include any utility provider, telephone, or cable company and any natural gas distribution system operated by a Company distributing gas to the residents of the Township, which company possesses all the necessary powers, rights, licenses and franchises.

3.19.2 Location Restrictions

Notwithstanding any other provision contained in this By-law to the contrary, where a public use is specifically mentioned as a permitted use within a specific zone classification, then such public use shall only be permitted within that zone or zones and shall comply with the zone provisions of the zone or zones in which the public use is permitted, save and except that there shall be no minimum lot area or lot frontage requirement. This provision shall not apply to Crown agencies.

3.19.3 Provisions

- (i) No goods, materials or equipment shall be stored outside a building or structure located on the lot, except as may otherwise be permitted under this By-law and shall not be stored closer than 60 metres from a Residential Zone.
- (ii) The zone provisions of the zone in which the use is located shall be complied with except as otherwise provided in this By-law;
- (iii) No building or structure erected in accordance with the provisions of this Section shall be used for the purposes of an office, maintenance or works depot; and,
- (iv) The building or structure shall be designed and maintained in general harmony with the uses permitted within the respective zone.

3.19.4 Streets and Service Installations

Nothing in this By-law shall prevent land from being used as a street or highway, or prevent the installation of a water main, sanitary sewer, storm sewer, gas main, pipeline, overhead or underground hydro, communication line or high voltage electrical facilities owned, operated and maintained by Hydro One or an electricity service provider or their successors.

3.19.5 Portable Asphalt Plants

Portable Asphalt Plants shall be permitted accessory to a specific public roads project as a temporary use in an Agricultural and Rural Zone.

3.20 REDUCTION OF REQUIREMENTS

No person shall change the purpose for which any land, building or structure is used or erect any building, structure, or addition to any existing building or structure, or reduce the area of any lot, if the effect of such action is to cause the original, adjoining, remaining or new building, structure or lot to be in contravention with this By-law.

3.21 RESTRICTIONS ON DWELLING UNITS IN NON-RESIDENTIAL BUILDINGS

Notwithstanding any other provision of this By-law to the contrary, no dwelling unit shall be located within a portion of a non-residential building which has flammable fluids or hazardous materials stored in bulk for commercial purposes or in conjunction therewith, and without limiting the generality of the foregoing, a dwelling unit shall not be permitted within a building used for a motor vehicle service station, a motor vehicle repair garage, a motor vehicle body shop or a marine service shop.

3.22 SERVICES REQUIRED

No person shall erect or use a building or structure for a residential use on any lands unless approved sewage disposal and water supply services are available to the lot.

3.23 SIGHT TRIANGLES

On a corner lot fronting on two public roads, within the triangular space formed by the street lines and a line drawn from a point on one street line to a point in the other street line, each such point being 9.0 metres, measured along the street line from the point of intersection of the street lines, no motor vehicle, as defined in The Highway Traffic Act, shall be parked, no building or structure which would obstruct the vision of drivers of motor vehicles shall be erected, and no land shall be used for the purposes of growing shrubs or trees in excess of 1.0 metres in height. Such triangular space may hereinafter be referred to as a "sight triangle". Where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines.

3.24 SIGNS

Unless otherwise specified, the provisions of this By-law shall not apply to prevent the erection, alteration or use of any sign having a face area of 3 square metres or less provided such sign complies with the by-laws of the Township.

Where a sign has a face area of greater than 3 square metres it shall be deemed to be an accessory structure for the purposes of this By-law. Notwithstanding the provisions for accessory structures, to the contrary, a sign shall be permitted in the front yard. Such sign shall not exceed the maximum height of an accessory structure on the lot and, notwithstanding any other provision of this by-law to the contrary, it shall be located at a minimum distance of 1.5 times its height from any lot line.

Where a sign is regulated by a road authority under the Municipal Act, the setbacks and regulations shall be the greater of the requirements of the road authority, this By-law and the sign by-law.

3.25 SPECIAL SETBACKS

3.25.1 Livestock Facilities

Notwithstanding any other yard or setback provisions in this By-law to the contrary, no residential, institutional, commercial, industrial or recreational use, located on a separate lot and otherwise permitted by this By-law shall be erected or altered unless it complies with the Minimum Distance Separation (MDS I) calculated using Schedule B to this By-law.

Notwithstanding any other yard or setback provision in this By-law to the contrary, no livestock facility shall be erected or expanded unless it complies with the Minimum Separation Distance (MDS II) calculated using Schedule C to this By-law. In addition to the MDS requirements above, no specialized agriculture, as defined in this By-law, shall be permitted within 1,000 metres of any lands zoned Hamlet Residential (HR), Estate Residential (ER) or Recreational (RE).

3.25.2 Street Centre Lines

Where a lot abuts a road allowance less than 20 metres in width, the minimum setback from the street line shall be 10 metres from the centre line of the street plus the required front yard or exterior side yard within the zone.

Where a lot abuts a County Road or Provincial Highway, the minimum setback shall be 15 metres from the centre line of the street plus the required front yard or exterior side yard within the zone.

3.25.3 Waste Disposal Sites and Former Waste Disposal Sites

No building permit shall be issued for any building or structure that is subject to the requirements of the Ministry of the Environment respecting the need for a D4 study to evaluate the potential for impacts from any landfill site or former landfill site on development until the applicable requirements have been satisfied. This provision applies within one kilometer of any landfill site or former landfill site.

No habitable building or structure shall be located closer than 250 metres to any land used or formerly used as a waste disposal site.

3.25.4 Watercourses and Ponds

All buildings or structures shall be located a minimum of 30 metres from the high water mark of any lake or pond of more than 0.2 ha. in size or the channel of any permanently flowing river, stream or creek with a drainage area of greater than 125 ha. and a minimum distance of 15 m. from a pond of less than 0.2 ha. in size or a watercourse with a drainage area of less than 125 ha.

3.25.5 Steep Slopes or Ravines

No building permit shall be issued for any building or structure on or within a distance of 15 m. from the top of bank or toe of any slope with a gradient of more than 30 percent and a height greater than 6.0 m. unless a geotechnical report acceptable to the Township and the NVCA has been approved.

3.25.6 Wetlands

No building permit shall be issued for any building or structure within any wetland or within a distance of 30 m. from the edge of any Provincially Significant Wetland. No building or structure may be permitted closer than 30 m. to any other wetland unless an environmental impact study acceptable to the Township has been approved.

3.25.7 Towers, Antennae, Turbines and Solar Arrays

Notwithstanding any provision of this by-law to the contrary, the minimum set-back from any lot line to a telecommunication tower or antenna, a water tank, a windmill or wind turbine, a free-standing solar panel or solar array or a sign, shall be 1.5 times the height to the tallest part of the structure.

3.25.8 Dog Kennels & Licensed Kennels

A kennel shall only be permitted on lands zoned Rural (RU) and Agricultural (A) where provided for on Schedule D to the zoning by-law, where appropriate lot area requirements are satisfied and where the following provision are satisfied:

- a) Minimum lot area 8.0ha
- b) Minimum setback to any lot line from kennel and closest extent of any kennel confinement yards 130m
- c) A dog kennel shall conform to the requirements of the Township's Canine Control By-Law, as amended.

3.25.9 Swimming Pools and Fences

Regulations pertaining to pools and pool fences are contained in the Township's fence by-law, as amended.

3.25.10 Propane Storage and Handling

No building permit shall be issued for any building or structure that is subject to the requirements of Ontario Regulation 211/01 (Propane Storage and Handling) made under the *Technical Standards and Safety Act, 2000*, as amended, until the applicable requirements have been satisfied. This provision shall apply to all propane operations and to all new uses within the propane hazard distance referenced in any risk and safety management plan required under the regulations.

3.25.11 Whitfield NAVCAN Navigation Beacon

No building permit shall be issued for any building or structure that is subject to the requirements of Transport Canada respecting the height of any building or structure that exceeds the normal requirements of this by-law, including any structure requiring a building permit that is listed in Section 3.6 of this By-law unless the applicable requirements have been satisfied. This provision applies to all such structures within a distance of 8 km. of the Whitfield navigation beacon.

3.25.12 Increased Yard Setbacks Prescribed in Agreements

Notwithstanding any minimum yard set-back requirement of this by-law to the contrary, minimum yard set-back distances that are greater than those required by this By-law that are established in a Development Agreement pursuant to Sections 53 and 51 of the Planning Act, or a Site Plan Agreement pursuant to Section 41 of the Planning Act, registered on the title to a lot, shall apply. However, no yard set-back distance shall be reduced in any such agreement to an amount that is less than the minimum required yard set-back distance prescribed by this By-law without first obtaining consent for a minor variance or an amendment to this By-law.

3.26 TEMPORARY USES PERMITTED

A tool shed, construction trailer, scaffold or other building or structure incidental to construction is permitted in all Zones within the Township on the lot so long as it is necessary for the work in progress and until the work is completed or abandoned. For the purpose of this Section, abandoned shall mean the discontinuation of work for more than 30 consecutive days and/or the failure to maintain a current building permit.

3.27 THROUGH LOTS

Where a lot, which is not a corner lot, has lot frontage on more than one street, the setback and front yard requirements contained herein shall apply on each street in accordance with the provisions of the zone or zones in which such lot is located.

3.28 TRAVEL TRAILERS, CAMPERS, ETC - PARKING, STORAGE AND USE

Except as may be permitted by this by-law, the use of a travel trailer, motor home, truck camper, camper trailer or similar transportable unit such as a converted school or transit bus, for any residential purpose, whether permanently or on a temporary, intermittent or occasional basis, is prohibited. The parking and storage of more than one travel trailer, motor home, truck camper, camper trailer or any such similar unit or vehicle on a lot is prohibited. The storage of one such vehicle or unit is permitted in all zones only where a dwelling is in existence on the same lot, provided it is not used for habitation, provided the vehicle is roadworthy and licensed and not derelict, and provided such parking and storage occurs in the rear or interior side yard, and that it meets the setbacks for an accessory building.

No other form of trailer or vehicle shall be used for human habitation unless expressly permitted by this By-law.

Notwithstanding the above, the placement of one motor home, travel trailer or camper for the purpose of providing temporary accommodation for an owner and the immediate family of an owner of a lot upon which a principle dwelling unit is being constructed may be permitted while the dwelling is being constructed, subject to:

- i) water and sewage services being provided in accordance with the requirements of the Dufferin County Building Department;
- ii) the unit being approved, and suitable for human habitation, and equipped with smoke detector(s);
- iii) the unit being removed on or before nine months following the date of issuance of the building permit for the principle dwelling by the Dufferin County Building Department;

3.29 MINIMUM FLOOR AREA OF RESIDENTIAL DWELLING UNITS

Unless otherwise specifically permitted by this by-law, a dwelling unit shall have a minimum building floor area of 110 sq. m., and a minimum combined building floor area, if more than one storey, of 140 sq. m. Basement floor space shall not be permitted to form part of this minimum floor area requirement unless the ground level on the exterior of the dwelling is at or below the grade of the basement floor and there is a walk-out or entrance from the exterior to that level of the structure, in which case the area that is considered habitable floor space may be included, but not more than 50 percent of the floor area on that level.

Where permitted, a detached unit accessory to a principal non-residential permitted use shall have a minimum building floor area of 110 sq. m. and an apartment unit accessory to a principle non-residential permitted use shall have a minimum building floor area of 90 sq. m.

3.30 FILL OPERATIONS, ADDITION OR REMOVAL OF FILL

The addition or removal of fill or operation of a fill business is prohibited, except in accordance with section 4.13, Extractive Industrial (MX) zone on lands zoned (MX) and licensed from the Ministry of Natural Resource or as provided for in the Township's Fill By-law, as amended.

3.31 SMALL LOTS TO BE ZONED RESIDENTIAL

All new residential building lots, created after January 1, 2014, that are less than 2.0 ha. in size shall be re-zoned Hamlet Residential, Estate Residential or Rural Residential, as appropriate.

3.32 PROPANE STORAGE AND HANDLING

Propane operators are required to define a hazard distance applicable to their propane operation referenced in a risk and safety management plan required under Ontario Regulation 211/01 made under the *Technical Standards and Safety Act, 2000*, as amended prior to the commencement of the operation.

3.33 TAX EXEMPT LANDS – HOLDING

Any lot or an area of a lot that has tax exempt status other than lots or areas of lots already zoned “Environmental Protection (EP)” shall be placed into a ‘Holding’ zoning category by the addition of an ‘H’ symbol to the underlying zoning and all such lots or areas of lots that have tax exempt status shall be listed by their Roll Number in Schedule E1 and depicted on Schedule E2 to this by-law. The ‘H’ symbol shall be added to all such new lots or areas of lots that become tax exempt in any subsequent year, by adding those lots to Schedule E1 and E2 by means of a municipally initiated amendment to this by-law annually. Such lots or areas of lots that have not been exempted from taxation for a period of more than five years shall be removed from Schedules E1 and E2 by the same means.

No change to the lot frontage or area, no change in use and no building or structure shall be permitted on such lots or such areas of lots until the financial requirements of the Township have been satisfied. Property taxes in the full amount of the exemption taken for previous years up to a maximum of five years prior to the date the determination is made shall be repaid to the Township for any land that, as a result of its division, a change of use or development results in it being ineligible for tax exempt status. For the purposes of this section, any division of the land by consent shall be deemed to render the entire tax exempt lot or tax exempt areas of the lot subject to the repayment of the full amount of the taxes for a period of not more than five years as provided for herein.

The ‘H’ symbol shall remain in place as long as there is a tax exemption being taken, and for five years thereafter, but the Township can make a determination as to whether there are any taxes owing and issue approvals for the further development or use of the land while the ‘Holding’ continues to apply if:

- 1) the development or use does not affect the eligibility of the land for a tax exemption, or;
- 2) any amounts owing have been paid in full.

The ‘H’ symbol may be removed by a site-specific amendment initiated by the owner prior to five years after the lands have been removed from tax exempt status if an amount equivalent to the exempt portion of municipal taxes taken is repaid in full.

3.34 WELLHEAD PROTECTION SOURCE PROTECTION

Notwithstanding any provision of this By-law to the contrary, no development or use of any lot or part of a lot within any wellhead protection area is permitted that is not permitted in an approved Source Water Protection Plan under the *Ontario Clean Water Act*.

Notwithstanding the generality of the foregoing, the following uses shall be prohibited within the following well head protection areas (WHPA), unless specifically noted otherwise, and as identified on Schedule “F” to this plan:

- a) waste disposal in WHPA a, and b
- b) large (10000L) septic systems in WHPA a, and any other septic system in WHPA a and b
- c) fuel storage in WHPA a,
- d) handling and storage of organic solvents in WHPA a,
- e) Application and handling of non-agricultural, agricultural source material, commercial fertilizer and/or pesticides, and grazing, pasturing and/or outdoor confinement areas in WHPA a.
- f) Application, handling and storage of road salt in WHPA a
- g) handling and storage of snow in WHPA a,

- h) dense non-aqueous phase liquid (DNAPL) in wpha a, b, c and d.

3.35 RECREATIONAL DEVELOPMENTS AND USES

Passive recreational uses which are not operated on a commercial basis or scale are permitted in all zones except the Environmental Protection Zone. Within an Environmental Protection Zone they may also be permitted provided that no permanent structures or facilities, other than a trail, are required.

One-time, annual, commercial events or special events, including motor vehicle rallies may be permitted in accordance with the Township's special event by-law, as amended. Where an event has become a land use opposed to a special event, Council may consider approval through a temporary use by-law.

Except where permitted by this by-law, the following recreational activities, developments and uses, as well as all other uses of a similar nature that generally require some support facilities, services or structures, are open to the public or operated on a commercial basis, and/or which generally have a low to moderate impact on the land and/or adjacent uses, may be permitted by site-specific amendment to this by-law:

- Public or commercial outdoor or indoor sports court, ice rink or swimming pool;
- an outdoor sports or playing field;
- Groomed ski trails or cross country ski centre;
- Bicycle track, mountain bike course or trails, or centre;
- Mini-golf course, putting greens, driving range;
- Outdoor education centre;
- Recreational day camp, operated on a commercial basis or scale;
- Public or commercial fitness centre or gymnasium;
- Public indoor or outdoor running track;
- Archery range;
- Fishing or hunting camp or club;
- Commercial horse riding or horse jumping facility;
- Related and ancillary short term (temporary) residential accommodation;

The following recreational activities, developments and uses, as well as all other uses of a similar nature that generally require significant support facilities, services or structures and which generally have a moderate to high potential for impact on the land and/or adjacent uses, may be permitted by amendment to this by-law only where an amendment to the Official Plan to permit and appropriately regulate the use has first been obtained;

- Downhill ski resort or club;
- Residential camp;
- Golf course;
- Skeet shooting, rifle or gun range;
- Paintball or paintball range;
- Campground, trailer or RV park;
- Auto racing or any other form of motorized vehicle racing or race track;
- Public or commercial motorcycle or ATV riding or racing, race course or trail;
- Arena or curling rink or club;

The above provisions shall not apply to existing developments, activities, uses or special events or to any expansion of same occurring on the same lot or lots, such as those occurring at the Mansfield Ski Club.

3.36 OUTDOOR STORAGE

Where outdoor storage is permitted by this by-law and where a building or structure exists on the lot, outdoor storage is not permitted in a front yard between the front of the building and the street or in that

portion of an exterior side yard from a line extending from the rear of the building to the street opposite the side of the building and the front of the lot.

Where outdoor storage is permitted by this by-law, the area used for outdoor storage shall be fully enclosed with a fence, and securely gated. Subject to any limitation contained in the Township's Fence By-law, the fence shall be of a height sufficient to screen the outdoor storage area from view from adjacent roads and visually sensitive uses such as a residence, school or commercial business on any adjacent lot. Vegetative buffers and berms may be used in combination with the fence to provide appropriate screening.

3.37 QUONSET-STYLE AND INDUSTRIAL BUILDINGS, SHIPPING CONTAINERS, AND CLOTH COVERED STRUCTURES PROHIBITED

Quonset-style sheds, and industrial and farm-style buildings typically associated with an industrial or agricultural use respectively, and flat roofed structures are prohibited as accessory structures in the Hamlet Residential, Rural Residential and Estate Residential zones. Accessory structures in those zones shall have a peaked roof and shall have exterior cladding and roofs with materials that are similar to or complement the dwelling on the same lot.

Shipping containers, cloth covered structures, storage bins or containers, truck bodies and all such items of a similar nature and appearance are not permitted to be stored or kept on a lot zoned Hamlet Residential, Rural Residential or Estate Residential.

3.38 THE KEEPING OF LIVESTOCK ON SMALL LOTS AND IN EXISTING BARN ON SMALL LOTS

Except where permitted by this by-law, no lot of less than 2.0 ha. in size shall be used for any agricultural purpose, including the keeping of livestock.

Notwithstanding any other provision of this by-law to the contrary, where a barn legally exists on a lot of under 2.0 ha. in size, the barn may be used to house livestock in numbers not exceeding its design capacity, provided MDS requirements are met and there is land adjacent that has been secured by a written agreement between the owner and adjacent owner(s) for pasturing the livestock and for the proper disposal of nutrients (animal waste), in accordance with best practices and, where applicable, *the Nutrient Management Act*. A copy of the agreement shall be filed with the Township annually.

3.39 MEDICINAL MARIJUANA GROWING

The growing of marijuana (cannabis) for medical purposes for and as specifically authorized by the Government of Canada shall be considered a Rural Commercial use, and shall be permitted only on a lot of 8.0 ha. or larger in size, by amendment to this by-law. The use shall be located a minimum of 150 m. from any dwelling on an adjacent parcel or, where the adjacent parcel is vacant, at a distance of 150 m. from the building envelope established by the minimum yard set-back requirements of the zone or in any development agreement as set out in Section 3.25.12. Medicinal marijuana growing operations shall incorporate measures to provide adequate security and they shall be subject to site plan control.

**SECTION 4
ZONE PROVISIONS**

4.1 RURAL (RU) ZONE

No person shall within a Rural (RU) Zone, use any land or erect, alter or use any building or structure except in accordance with Table 1 Part A2, based on the size of the parcel of land:

4.1.1 Permitted Uses

For each particular lot size range in Table 1, Part A2, permitted uses include those uses beside which an “x” occurs in the Column.

4.1.2 Regulations for Permitted Uses

For each particular size of parcel zoned Rural (RU) within the lot size ranges on Table 1, Part B2, regulations for permitted uses are those that occur in each column.

4.1.3 Exceptions

4.1.3.1 Rural Exception One (RU-1) Zone (Roll No. 1-15300)

Notwithstanding the permitted uses in the Rural (RU) Zone to the contrary, within the Rural Exception One (RU-1) Zone two single detached dwellings shall be permitted on one lot.

4.1.3.2 Rural Exception Two (RU-2) Zone (Roll No. 1-24700)

Notwithstanding the permitted uses in the “Rural (RU)” zone to the contrary, within the “Rural Exception Two (RU-2)” zone, an existing 80 sq. m. residence shall be converted to and used as a guest cabin, and a new single family residential dwelling shall be permitted to be constructed on the lot, and the front yard set-back for an existing, detached garage shall be permitted to be a minimum of 1.0 m.;

4.1.3.3 Rural Exception Three (RU-3) Zone (Roll No. 1-26800)

In addition to the uses permitted in the “Rural (RU)” zone, on lands zoned “Rural Exception Three (RU-3)”, a “guest cabin” of a maximum of 30 sq. m. in total floor area shall also be permitted. The guest cabin shall be located within the existing building cluster.

4.1.3.4 Rural Exception Four (RU-4) Zone (Roll Nos. 5-11600, 5-11605, 5-11610 and 5-11620)

Notwithstanding the Setback and Yard Requirements of Section 3.2.2, the requirements relating to Garages or Other Accessory Buildings or Structures of Section 3.2.6 and the yard requirements for Column B Uses in Section 4.1.2 iii) to the contrary, on lands within the “Rural Exception Four (RU-4)” Zone, all buildings and structures shall be situated within established building envelopes with minimum setbacks as follows:

- | | | |
|----|--------------------|--------|
| a) | Front Yard | 45 m. |
| b) | Interior Side Yard | 6.0 m. |
| c) | Rear Yard | 180 m. |

4.1.3.5 Rural Exception Five (RU-5) Zone (Roll No. 6-10720)

Notwithstanding the Permitted Uses of Section 4.1.1 Column B Uses and the Regulations for Permitted Uses of Section 4.1.2 Column B Uses to the contrary, the minimum lot frontage shall be 57 m., the minimum front yard set-back shall be 308 m., and the minimum interior side yard setback (south side) shall be 70 m.

4.1.3.6 Rural Exception Six (RU-6) Zone (Roll No. 2-00720)

Notwithstanding the provisions of Section 4.3.2 to the contrary, the minimum lot area shall be 12.6 ha.

4.1.3.7 Rural Exception Seven (RU-7) Zone (Roll No. 1-25620)

Notwithstanding the provisions of Section 4.1.1 “Steep Slopes and Ravines”, no building or structure shall be located within six metres of the top-of-bank as identified on Schedule “B” attached to and forming part of By-law No. 48-04.

4.1.3.8 Rural Exception Eight (RU-8) Zone (Roll No. 6-18710)

Notwithstanding the regulations for permitted uses of Section 4.1.2, the minimum rear yard and interior side yard setbacks for existing principal structures only (existing house and barn) shall be 15.0 m, and the minimum lot frontage shall be 340 m.

In addition to the uses permitted in Section 4.1.1, one only accessory dwelling unit, in the form of an existing apartment on two levels with a combined floor area of a minimum of 150 sq. m, shall also be permitted.

4.1.3.9 Rural Exception Nine (RU-9) Zone (Roll No. 5-08400)

In addition to the uses permitted in Section 4.1.1, one “guest cabin” shall also be permitted on lands zoned Rural Exception Nine (RU-9), provided that it is located within the existing building cluster on the lot and that it has a maximum gross floor area of 60.0 sq. m.

4.1.3.10 Rural Exception Ten (RU-10) Zone (Roll No. 1-30550)

Notwithstanding the regulations of Section 3.25.5 Steep Slopes or Ravines, all buildings and structures shall be located at a minimum distance from the established, staked and surveyed natural top-of-bank line shown on Schedule “A2” to Zoning By-law No 9 - 2005, in accordance with the following:

- To the south-west 20 m.
- To the west 25 m.
- To the north-west 30 m.
- To the north-east 15 m.
- To the east 15 m.

4.1.3.11 Rural Exception Eleven (RU-11) Zone (Roll No. 4-01450)

Notwithstanding the provisions of Section 4.1.2, on lands zoned “Rural Exception Seventeen (RU-11)”, the minimum lot frontage shall be 95 m.

4.1.3.12 Rural Exception Twelve (RU-12) Zone (Roll No. 1-24330)

Notwithstanding the provisions of Section 4.1.2 to the contrary, the minimum front yard set-back for a single detached dwelling and for all accessory buildings and structures shall be 160 m., and the minimum rear yard set-back shall be 50 m.

4.1.3.13 Rural Exception Thirteen (RU-13) zone (Roll No. 1-24320)

Notwithstanding the provisions of Section 4.1.2 to the contrary, the minimum front yard set-back for a single detached dwelling and for all accessory buildings and structures shall be 190 m., the minimum rear yard set-back shall be 50 m. and the minimum interior side yard set-back (both sides) shall be 30 m.

4.1.3.13.A “Rural Exception Thirteen A (RU-13A)” Zone

Notwithstanding the regulations for permitted uses of Section 4.1.2, the minimum rear yard and interior side yard setbacks for existing principal structures only (existing house and barn) shall be 15.0 m, and the minimum lot frontage shall be 340 m.

In addition to the uses permitted in Section 4.1.1, one only accessory dwelling unit, in the form of an existing apartment on two levels with a combined floor area of a minimum of 150 sq. m, shall also be permitted.

In all other respects the provisions of this by-law shall apply.

4.1.3.14 Rural Exception Fourteen (RU-14) Zone (Roll No. 1-29600)

Notwithstanding the provisions of Section 4.1.2 to the contrary, the minimum exterior side yard set-back shall be 10 m. adjacent to the unmaintained road allowance between Concessions 4 and 5 EHS.

4.1.3.15 Rural Exception Fifteen (RU-15) Zone (Roll Nos. 1-03901, 1-03930 and 1-03960)

Notwithstanding the provisions of Section 4.1.2 to the contrary, the minimum front yard set-back for a single detached dwelling and for all accessory buildings and structures shall be 200 m.

4.1.3.16 Rural Exception Sixteen (RU-16) Zone (Roll No. 2-05500)

Notwithstanding the provisions of Section 4.1.2 to the contrary, the minimum interior side yard set-back for the existing single family dwelling shall be 17 m.

4.1.3.17 Rural Exception Seventeen (RU-17) Zone (Roll No. 5-08560)

Notwithstanding the provisions of Section 4.1.2 to the contrary, the minimum lot frontage of a lot zoned “Rural Exception Seventeen (RU-17)” shall be 20 m.

4.1.3.18 Rural Exception Eighteen (RU-18) Zone (Roll No. 4-09490)

Notwithstanding the provisions of Sections 3.2.8 to the contrary, the maximum gross floor area of a garden suite shall be 109 sq. m., the garden suite shall be permitted to remain provided it is converted to another use permitted in the “Rural” zone in accordance with the terms of an agreement between the owners and the Township; notwithstanding the provisions of Section 4.1.2 to the contrary, the garden suite shall be located within a 40 m. x 40 m. building envelope situated at a distance of between 35 m. and 75 m. south of the north limit of the lot and between 10 m. and 50 m. east of the westerly limit of the lot; and notwithstanding the provisions of Section 3.2.3 to the contrary, the maximum lot coverage of accessory structures on the lot as a result of its conversion to another permitted use shall be 120 percent of the principal building, being the existing single detached dwelling and attached garage on the lot.

4.1.3.19 Rural Exception Nineteen (RU-19) Zone (Roll No. 1-31010)

Notwithstanding the Permitted Uses of Section 4.1.1 to the contrary, the use of an existing building (former detached accessory structure) as a second dwelling is permitted in Part of the West Half of Lot 6, Concession 5 EHS in addition to the uses permitted in the Rural zone. No additional (second) dwelling unit is hereafter permitted in the principal dwelling on the lot.

Notwithstanding the Zone Regulations of Section 4.1.2 and Section 3.29 to the contrary, the minimum gross floor area of the second dwelling unit shall be 90 sq. m. and the maximum gross floor area shall be 110 sq. m.

4.1.3.20 Rural Exception Twenty (RU-20) zone (Roll No.2-00290)

Notwithstanding the provisions in the Rural (RU) zone, to the contrary, on lands zoned Rural Exception Twenty (RU-20) an accessory building, having a maximum floor area of 307m² and a maximum lot coverage of 400m² shall be permitted. Outdoor parking and outdoor storage are prohibited. The accessory structure shall be for no other purpose than for the storage of personally owned vehicles and equipment and personal indoor storage related to the residential use. Notwithstanding the permitted uses in the Rural (RU) zone, to the contrary, on lands zoned Rural Exception Twenty (RU-20) there shall be no business activity permitted in the accessory structure nor on the subject lands.

In all other respects the provisions of this by-law shall apply.

**4.1.3.21 Rural Exception Twenty-One (RU-21) zone
(Roll 400120, Lot 21, Con 8E)**

Notwithstanding the permitted uses of the by-law, to the contrary, on lands zoned Rural Exception Twenty One (RU-21) the existing second dwelling unit shall be permitted.

4.2 RURAL RESIDENTIAL (RR) ZONE

No person shall within any Rural Residential (RR) Zone use any lot, or erect, alter or use any building or structure except in accordance with the following:

4.2.1 Permitted Uses

- i) single family dwelling
- ii) bed and breakfast
- iii) home industry
- iv) home occupation
- v) the keeping of not more than 50 chickens on a lot of not less than 0.5 ha. and at a location not less than 60 m. from any dwelling on an adjacent lot.
- vi) additional single dwelling (ASD) or attached accessory dwelling unit or habitable pool house

4.2.2 Regulations for Permitted Rural Residential Uses

- | | | |
|------|---------------------------|--------|
| i) | Minimum Lot Area | 0.4 ha |
| ii) | Minimum Lot Frontage | 45 m |
| iii) | Minimum Yard Requirements | |
| | a) Front Yard | 20 m |
| | b) Interior Side Yard | 6 m |
| | c) Exterior Side Yard | 20 m |
| | d) Rear Yard | 20 m |
| iv) | Maximum Lot Coverage | 10% |
| v) | Maximum Height | 10.5 m |

4.2.3 Exceptions

4.2.3.1 Rural Residential Exception One (RR-1) Zone (Roll No. 1-01950)

Notwithstanding any provisions of this by-law to the contrary, the minimum front yard set-back shall be 10 m. and the minimum set-back from the top-of-bank shall be 7.5 m.

4.2.3.2 Rural Residential Exception Two (RR-2) Zone (Roll No. 1-04710)

Notwithstanding the provisions of Section 4.2.2 to the contrary, the minimum lot area shall be 0.25 ha. and the minimum rear yard setback shall be 6.0 m.

4.2.3.3 Rural Residential Exception Three (RR-3) Zone (Roll No. 1-28892)

Notwithstanding the requirements of Section 3.2.2 and the Regulations for Permitted Uses of Section 4.2.2 to the contrary, the following regulations shall apply:

One detached accessory garage shall be permitted to be erected between the existing principal dwelling on the lot and the front lot line. The minimum front yard setback for the garage shall be 91 m.

4.2.3.4 Rural Residential Exception Four (RR-4) Zone (Roll No. 6-22050)

Notwithstanding the Regulations for Permitted Used outlined in Section 4.3.2 and the provisions of Section 3.2.1 to the contrary, the minimum interior side and rear yard setbacks for a building or structure used for the purpose of housing livestock shall be 7.4 m. and 5.5 m. respectively.

4.2.4.5 Rural Residential Exception Five (RR-5) Zone (Roll No. 1-12800)

Notwithstanding the set-back requirements of Section 4.3.2 to the contrary, the front yard setback for existing structures only shall be 8.0 m.

4.2.4.6 Rural Residential Exception Six (RR-6) Zone (Roll No. 6-21600)

Notwithstanding the requirements for principal structures, including a barn, of Section 4.2.2 to the contrary, the minimum rear yard set-back for an existing building shall be 5.0 m.

4.2.4.7 Rural Residential Exception Seven (RR-7) Zone (Roll No. 4-01650)

Notwithstanding the permitted uses of Section 4.2.1 to the contrary, the keeping of alpacas to a maximum of the equivalent of two (2) Nutrient Units per ha. of lot area, if also permitted.

**4.2.4.8 Rural Residential Exception Eight (RR-8) Zone
(Roll No. 313800)**

Notwithstanding the provisions of Section 3.2, Accessory Structures, to the contrary, on lands zoned RR-8 a garage shall be permitted to have a maximum floor area of 177m² and a maximum height of 7m.

4.3 RURAL COMMERCIAL (RC) ZONE

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

4.3.1 Permitted Uses

Except as specifically provided for, the permitted uses shall be that of the Rural (RU) zone for lots greater than 2.0ha and as found in Schedule D to the Zoning By-law. Where a lot is less than 2.0 ha the permitted uses for the Rural Residential (RR) zone in section 4.2.1 shall apply.

4.3.2 Regulations for Permitted Uses

Except as specifically provided for, the regulations for permitted uses shall be that of the Rural (RU) zone for lots greater than 2.0ha and as found in Schedule D to the Zoning By-law. Where a lot is less than 2.0 ha the regulations for the Rural Residential (RR) zone in section 4.2.2 shall apply.”

Parking and loading spaces, outdoor storage, planting strips, setbacks, screening/buffering and landscaping shall be provided in accordance with the requirements of Section 3, General Provisions.

All new development shall be subject to site plan control.

4.3.3 Exceptions

4.3.3.1 Rural Commercial Exception One (RC-1) zone

Part Lot 10, Concession 8 EHS (Roll No. 1-04915)

In addition to the uses permitted in the Rural Residential (RR) Zone, an existing mechanics shop/garage and accessory uses, buildings and structures shall be permitted within the Rural Commercial Exception One (RC-1) zone. The following additional provisions shall apply to the mechanics shop/garage

- a) the maximum floor area shall be 85 sq. m.
- b) not more than two vehicles that are incidental to the commercial use may be stored outside of the building at any time.
- c) Rural Residential permitted uses and zone provisions shall apply.

4.3.3.2 Rural Commercial Exception Two (RC-2) zone (Roll No. 1-15400)

For the existing nursery, greenhouse and garden centre permitted under Section 4.3.1 v), the minimum lot area shall be 1.9 ha., the minimum interior side yard (south side) shall be 15 m., the minimum lot frontage shall be 100 m. and the maximum lot coverage shall be 20 percent.

Notwithstanding the provisions of the Rural Commercial zone, to the contrary, on lands zoned Rural Commercial Exception Two (RC-2) only the following uses shall be permitted: an existing nursery, greenhouse and garden centre, a single detached dwelling, a home occupation, a home industry and a farm produce sales outlet. In all other respects the provisions of this by-law shall apply. (Roll No. 1-15400)

4.3.3.3 Rural Commercial Exception Three (RC-3) Zone (Roll No. 1-13800)

A small scale, on-farm craft distillery, a farm store and uses related and accessory to those uses and the principal agricultural uses of the land, and agri-tourism uses and any related buildings or structures, but not including uses involving the overnight accommodation of guests or patrons, are permitted in Part of the West Half of Lot 4, Concession 7 EHS (Roll No. 1-13800), in addition to uses, buildings and structures permitted in the Agricultural (A) zone.

Except as otherwise provided for lands zoned Rural Commercial in this by-law and the

following exceptions, lands in Part of the West Half of Lot 4, Concession 7 EHS shall be subject to the Regulations for Permitted Uses outlined in Schedule 'D', Part A1, Column A. Notwithstanding the foregoing, the maximum lot coverage shall be 10 percent and the minimum landscaped open space shall be 20 percent. The number of parking spaces shall be provided in accordance with Section 3.16.9 as amended. The maximum gross floor area of a farm store shall be 600 sq. m., and the maximum gross floor area of a small scale craft distillery shall be 400 sq. m.

4.3.3.4 Rural Commercial Exception Four (RC-4) zone (Roll No.125900)

In addition to the uses permitted in the Agricultural (A) zone, to the contrary, on lands zoned Rural Commercial Exception Four (RC-4) the existing geo-thermal business shall be permitted. There shall be no outdoor storage or display associated with the business. The regulations for permitted uses of the Agricultural (A) zone shall apply. In all other respects the provisions of this by-law shall apply.

4.3.3.5 Rural Commercial Exception Five (RC-5) zone (Roll No.2-01850)

In addition to the uses permitted in the Rural (RU) zone, to the contrary, on lands zoned Rural Commercial Exception Five (RC-5) the existing well drilling business shall be permitted within the existing accessory structure and associated parking area. The regulations for permitted uses of the Rural (RU) zone shall apply. In addition to the regulation in the Rural (RU) zone and general provisions, the following shall apply:

1. There shall be no outdoor storage or display associated with the business, except for the storage of pipes in the existing racking structure located along the west side of the existing accessory structure and the storage of portable holding tanks along the south side of the existing accessory structure. A 1.83m board-on-board fence shall be constructed extending from the south-east corner of the existing accessory structure a minimum of 6m in a south-westerly direction.
2. At any time, there shall be a maximum of 9 vehicles and/or equipment, including, but not limited to a water truck, drill rig, pump truck, service van, trailer, excavator, and compressor, stored in the designated parking area, having a maximum area of 1300m², which shall be a gravel or paved area located south and west of the existing accessory structure. Recreational vehicles shall be required to be stored indoor or within the designated parking area and shall count towards the maximum number of permitted vehicles and equipment.
3. Temporary parking shall be permitted outside of the designated parking area and on the north side of the existing accessory structure for the purpose of loading and unloading.
4. Parking and storage outside of the designated parking area and designated storage areas shall be prohibited. Parking of personal motor vehicles shall be located within 20m to the residential dwelling on the subject lands.
5. The designated parking area shall be delineated on the south by a minimum 1m berm with a row of evergreens having a minimum height of 2.0m and minimum spacing of 2.0m, and delineated on the east with an evergreen hedge having a minimum height of 1.0m and minimum spacing of 1.0m.
6. Hours of operation for maintenance of vehicles and loading of trucks shall be Monday to Friday from 7:00am to 7:00pm and Saturdays from 9:00am to 4:00pm. Normal

movement of vehicles for the purpose of leaving or entering the site shall not be restricted. Operation outside of the hours of operation shall be permitted for the provision of providing emergency water service.

7. No storage or sea-containers shall be permitted.

In all other respects the provisions of this by-law shall apply.

4.3.3.6 Rural Commercial Exception Six (RC-6)

Part Lot 5, Concession 7 EHS (Roll No. 1-13400)

On lands zoned Rural Commercial Exception Six (RC-6) an existing contractors shop/yard in and uses, buildings and structures permitted in the Rural Residential (RR) zone shall be permitted. In all other respects the provisions of this by-law shall apply.

4.3.3.7 Rural Commercial Exception Seven (RC-7)

Lot 16, Concession 4 EHS (Roll No. 5-04550)

On lands zoned Rural Commercial Exception Seven (RC-7) an existing water bottling plant and uses, buildings and structures permitted in the Rural (RU) zone. In all other respects the provisions of this by-law shall apply.

4.3.3.8 Rural Commercial Exception Eight (RC-8)

Part West Half Lot 26, Concession 7 EHS (Roll No. 4-05500)

On lands zoned Rural Commercial Exception Eight, an existing carpenter's/millwork shop and uses, buildings and structures permitted in the "Rural (RU)" zone shall be permitted. In all other respects the provisions of this by-law shall apply.

4.3.3.9 Rural Commercial Exception Nine (RC-9)

Lot 29, Concession 8 EHS (Roll No. 4-01150)

On lands zoned Rural Commercial Exception Nine (RC-9) an existing wrecking/salvage yard and uses, buildings and structures permitted in the Agricultural (A) zone shall be permitted. In all other respects the provisions of this by-law shall apply.

4.3.3.10 Rural Commercial Exception Ten (RC-10)

Part of the East Half of Lot 1, Concession 3 WHS (Roll No. 2-10740) (BL 20-14)

On lands zoned Rural Commercial Exception Ten (RC-10) , the use of an existing building (former day nursery) as a second dwelling is permitted as well as uses, buildings and structures otherwise permitted in the Rural (RU) Zone, with the exception of an accessory dwelling in the form of an apartment within the principal dwelling on the lot. In all other respects the provisions of this by-law shall apply.**4.3.3.7 Rural Commercial Exception Seven (RC-11) zone (Roll No.402700)**

On lands zoned Rural Commercial Exception Seven (RC-11) the only permitted uses shall be: an industrial medicinal marijuana facility and non-commercial and non-industrial agricultural uses. In addition to the regulation in the Rural (RU) zone and general provisions, and the provisions of section 3.40, Medicinal marijuana Growing, the following shall apply:

- i) Maximum floor area: 1860m²
- ii) Minimum height of security fencing 3m with barb wire above.
- iii) The development shall be subject to site plan control.

In all other respects the provisions of this by-law shall apply.

4.4 AGRICULTURAL (A) ZONE

No person shall within an Agricultural (A) Zone, use any land or erect, alter or use any building or structure except in accordance with Table 1 Part A1, based on the size of the parcel of land:

4.4.1 Permitted Uses

For each particular lot size range in Table 1, Part A1, permitted uses are those uses beside which an “x” occurs in the Column.

4.4.2 Regulations for Permitted Uses

For each particular size of parcel zoned Agricultural (A) within the lot size ranges on Table 1, Part B1, regulations for permitted uses are those that occur in each column.

4.4.3 New Lots

New lots created by consent within the Agricultural zone as surplus farm dwelling lots shall not contain barns, shall have a minimum lot size of 0.4 ha. and a maximum lot size of 0.8 ha. unless a larger lot area is required because the dwelling is situated on the parcel such that the minimum frontage requirement would be less than 45 m. All such lots shall be required to be re-zoned to Rural Residential. The remnant farm parcel shall also be re-zoned and placed into the Agricultural Exception One (A-1) Zone, to prohibit a dwelling unit as a permitted use on the remnant lands.

4.4.4 Exceptions

4.4.4.1 Agricultural Exception One (A-1) Zone (Roll No. 4-01505, 622000, 621850)

Notwithstanding the provisions of Section 4.3.1, on lands zoned Agricultural Exception One (A-1), neither a single detached dwelling nor a second dwelling unit – farm help house is permitted.

4.4.4.2 Agricultural Exception Two (A-2) Zone (Roll No. 6-20100)

Notwithstanding the requirements of Section 4.3.2 to the contrary, the minimum set-back between a side or rear lot line and an existing garage shall be 20m.

4.4.4.3 Agricultural Exception Three (A-3) Zone (Roll No. 6-19005)

Notwithstanding the Zone Regulations for new lots created in the “Agricultural (A)” zone, the rear yard set-back from an existing barn shall be a minimum of 6.0 m.

4.4.4.4 Agricultural Exception Four(A-4) Zone (Roll No. 3-16500)

Notwithstanding, the front yard setback requirements of Section 4.2.2 to the contrary, the front yard set-back for an existing accessory structure shall be 3.0 m.

4.4.4.5 Agricultural Exception Five (A-5) Zone (Roll No. 3-16510)

Notwithstanding the minimum lot frontage requirement of Section 4.3.2 ii), to the contrary, the minimum lot frontage shall be 57 m.

4.4.4.6 Agricultural Exception Six (A-6) Zone (Roll No. 2-00610)

Notwithstanding the requirements of Section 4.3.2, to the contrary, the minimum front yard set-back shall be 200 m.

4.4.4.7 Agricultural Exception Seven (A-7) Zone (Roll No. 6-05650)

Pursuant to Section 3.31, and notwithstanding the requirements of Sections 3.2.3 and the regulations for permitted uses of Section 4.3.2 contained in Table 1, Column “C”, a “guest cabin” may be established in the second storey of a proposed new accessory building (garage) and the minimum front yard set-back for the new structure shall be 23 m. The minimum front yard set-back for the existing dwelling on the lot shall be 25 m.

4.4.4.8 Agricultural Exception Eight (A-8) Zone (Roll No. 1-07800)

Notwithstanding the provisions of Section 4.3.1 to the contrary, in addition to the uses permitted in the zone, a guest cabin in a portion of an accessory structure within the existing building cluster on the lot is also permitted.

4.4.4.9 Agricultural Exception Nine Temporary Use (A-9-T) Zone (Part of Roll No. 1-13100)

Notwithstanding the provisions of Section 4.3.1 to the contrary, in addition to the uses permitted in the zone, a commercial parking lot for up to 12 vehicles for the exclusive use of the owners, staff, tenants and patrons of the existing commercial enterprise being carried out on the lands to the immediate south on property described as Part West Half of Lot 5, Concession 7 EHS and known municipally as 936291 Airport Road is also permitted as a temporary use for an **additional period of three years (until October 5, 2016 subject to permitted extensions).**

4.4.4.10 Agricultural Exception Ten (A-10) zone (Roll No.101700)

Notwithstanding the uses permitted in the Agricultural (A) Zone, to the contrary, on lands zoned Agricultural Exception Ten (A-10), in addition to the existing farm dwelling, a second single detached dwelling unit shall be permitted to be constructed on the subject lands provided that Township municipal approval has been provided by October 1, 2016 and it is constructed no later than December 2017. No additional apartments, garden suite, guest cabin, farm help house or any other habitable unit shall be permitted while the farm dwelling continues to exist. The minimum lot area shall be 32 hectares. In all other respects the provisions of this by-law shall apply

4.4.4.11 Agricultural Exception Eleven Temporary Use (A-11-T) Zone (Part of Roll No. 125950)

Notwithstanding the provisions of Section 3.10, Mobile Homes, to the contrary, on lands zoned Agricultural Exception Eleven Temporary (A-11-T) a trailer may be used for seasonal farm help from April 1 to October 31 on Part of the West Half of Lot 5, Concession 6 EHS and known municipally as 528194 5th Sideroad for a maximum of three years, **expiring October 31, 2019**, subject to extensions.

4.4.12 Agricultural Exception Twelve (A-12) zone (Roll No.401505)

On lands zoned Agricultural Exception Twelve (A-12) the following shall apply:

- (a) Notwithstanding the provisions of Section 4.4.1, to the contrary, neither a single detached dwelling nor a second dwelling unit, farm help house is permitted.
- (b) A kennel shall be permitted in an existing building with a minimum setback of 15m to the rear lot line.

In all other respects, the provisions of this by-law shall apply.

4.5 ESTATE RESIDENTIAL (ER) ZONE

No person shall within any Estate Residential (ER) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

4.5.1 Permitted Uses

- i) home occupation
- ii) single detached dwelling
- iii) additional single dwelling (ASD) or attached accessory dwelling or habitable pool house

4.5.2 Regulations for Permitted Uses

- i) Minimum Lot Area 0.8 ha
- ii) Minimum Lot Frontage 60 m
- iii) Minimum Yard Requirements
 - a) Front Yard 7.5 m
 - b) Interior Side Yard 5 m
 - c) Exterior Side Yard 7.5 m
 - d) Rear Yard 7.5 m
- iv) Maximum Lot Coverage 10%
- v) Maximum Height 10.5 m

4.5.3 Exceptions

4.5.3.1 Estate Residential Exception One (ER-1) Zone (Pine River Chalets)

Notwithstanding the provisions of Section 3.3, within the Estate Residential Exception One (ER-1) Zone, access from a privately maintained road shall be permitted.

4.5.3.2 Estate Residential Exception Two (ER-2) Zone (Roll Nos. 1-23950 and 1-23940)

Notwithstanding the zone regulations of Section 4.4.2 to the contrary, the minimum lot frontage shall be 110 m

4.5.3.3 Estate Residential Exception Three (ER-3) Zone (Roll Nos. 1-23910, 1-23915 and 1-23920)

Notwithstanding the zone regulations of Section 4.4.2 to the contrary, the minimum lot frontage shall be 100 m. and the minimum lot area shall be 1.35 ha

4.5.3.4 Estate Residential Exception Four (ER-4) Zone (Roll No. 1-24000)

Notwithstanding the zone regulations of Section 4.4.2 to the contrary, the minimum lot frontage shall be 400 m. and the minimum lot area shall be 10 ha. Notwithstanding the permitted uses of section 4.5.3, to the contrary, on lands zoned Estate Residential Exception Four (ER-4) a bed and breakfast shall be permitted. All development shall be subject to site plan control.

4.5.3.5 Estate Residential Exception Five (ER-5) Zone (Roll No. 1-23930)

In addition to the permitted uses outlined in Section 4.4.1, a private parking lot shall be permitted as an

accessory use to the Mansfield Ski Club Inc. recreational use on immediately adjoining lands, for the purposes of accommodating vehicles on an overflow basis during special events and periods of heavy use.

A landscaped buffer strip of a minimum of 8.0 m. in width, or 3.0 m. in width with a 1.8 m. tight board fence, shall be provided along a property line between a parking lot and any immediately adjacent lands used for residential purposes. A landscaped buffer strip of a minimum of 5.0 m. in width shall be provided along a property line adjacent to a road.

Notwithstanding the provisions of Section 4.4.2 to the contrary, the minimum lot frontage shall be 110 m.

4.5.3.6 Estate Residential Exception Six (ER-6) Zone (Roll No. 1-28481)

Notwithstanding the provisions of Section 4.4.1 to the contrary, a bed and breakfast shall be permitted as an additional permitted uses.

4.5.3.7 Estate Residential Exception Seven (ER-7) Zone (Roll No. 1-17565)

Notwithstanding the Permitted Uses of Section 4.5.1 to the contrary, the use of the upper level of an existing accessory structure formerly used as a garden suite, as a second dwelling unit, is permitted in Part of the East Half of Lot 15, Concession 6 EHS, known as 26 Mountainview Road, in addition to the uses permitted in the Estate Residential zone. No additional (second) dwelling unit is hereafter permitted in the principal dwelling on the lot.

Notwithstanding the Zone Regulations of Section 4.5.2 and Section 3.29 to the contrary, the minimum gross floor area of the second dwelling unit shall be 80 sq. m. and the maximum gross floor area shall be 100 sq. m.

4.5.3.8 Estate Residential Exception Eight (ER-8) Zone (Roll No. 1-24160)

Notwithstanding the provisions of Section 4.2.2 and 3.25.4 to the contrary, the minimum lot frontage shall be 48 m., the minimum lot area shall be 0.50 ha., the minimum front yard setback for all buildings and structures on the lot shall be 80 m. or at a distance of a minimum of 10 m. to the north of the existing watercourse, whichever is greater, within a building envelope which is otherwise established by the minimum setback requirements of this by-law and as is shown on Schedule "B" of By-law No. 30-10.

4.5.3.9 Estate Residential Exception Nine (ER-9) Zone (Roll No. 1-24110)

Notwithstanding the provisions of Section 4.2.2 and 3.25.4 to the contrary, the minimum lot frontage shall be 48 m., the minimum lot area shall be 0.50 ha., the minimum interior side yard (east side only) shall be 20 m., the minimum rear yard setback for principal structures on the lot shall be 100 m. or at a distance of a minimum of 10 m. to the south of the existing watercourse, whichever is greater, within a building envelope which is otherwise established by the minimum setback requirements of this by-law and as is shown on Schedule "B" of By-law No. 30-10.

4.5.3.10 Estate Residential Exception Ten (ER-10) Zone (Roll No. 1-24170)

Notwithstanding the provisions of Section 4.2.2 and 3.25.4 to the contrary, the minimum lot area shall be 0.60 ha. and the minimum rear yard setback for principal structures on the lot shall be 80 m. or at a distance of a minimum of 10 m. to the south of the existing watercourse, whichever is greater, within a building envelope which is otherwise established by the minimum setback requirements of this by-law and as is shown on Schedule "B" of By-law No. 30-10.

4.5.3.11 Estate Residential Exception Eleven (ER-11) Zone (Roll No. 1-24100)

Notwithstanding the provisions of Section 4.2.2 to the contrary, the minimum lot area shall be 0.60 ha., the minimum front yard setback for all buildings and structures on the lot shall be 65 m. and the building

envelope for principle structures permitted on the lot shall be a maximum of 30 m. (N-S) by 48 m. (E-W) in size, as shown on Schedule “B” of By-law No. 30-10.

4.5.3.12 Estate Residential Exception Twelve (ER-12) Zone (Roll No.1-24180)

Notwithstanding the permitted uses of Section 4.5.1 and 4.5.2 to the contrary, the use of an existing building (former detached garage) as a second dwelling is permitted in Part of the West Half of Lot 16, Concession 6 EHS, in addition to the uses permitted in the Estate Residential zone. The minimum gross floor area of the second dwelling unit shall be 60 sq. m. and the maximum gross floor area shall be 93 sq. m. No additional (second) dwelling unit is hereafter permitted in the principal dwelling on the lot.

4.5.3.13. Estate Residential Exception Thirteen (ER-13) Zone (Degasparis, Roll 1-19700)

Notwithstanding the maximum lot coverage in the Estate Residential (ER) zone, to the contrary, on lands zoned Estate Residential Exception Thirteen (ER-13) the maximum lot coverage shall be 16.6%, including the dwelling, attached garage and front porch. No detached accessory structures shall be permitted. Notwithstanding the provisions of Section 3.3, access from a privately maintained road shall be permitted. In all other respects the provisions of this by-law shall apply.

4.5.3.14 Estate Residential Exception Fourteen (ER-14) zone (Roll No.122300)

Notwithstanding the maximum lot coverage in the Estate Residential (ER) zone, to the contrary, on lands zoned Estate Residential Exception Fourteen (ER-14) the maximum lot coverage shall be 12%. Notwithstanding the provisions of Section 3.3, access from a privately maintained road shall be permitted. In all other respects the provisions of this by-law shall apply.

4.6 HAMLET RESIDENTIAL (HR) ZONE

No person shall within a Hamlet Residential (HR) Zone, use any land or erect, alter or use any building or structure *except* in accordance with the following:

4.6.1 Permitted Uses

- i) home occupation
- ii) single detached dwelling
- iii) attached accessory dwelling unit having a maximum floor area of 80m²

4.6.2 Regulations for Permitted Uses

- i) Minimum Lot Area 0.4 ha
- ii) Minimum Lot Frontage 38.0 m
- iii) Minimum Yard Requirements
 - a) Front Yard 7.5 m
 - b) Interior Side Yard 1.5 m
 - c) Exterior Side Yard 7.5 m
 - d) Rear Yard 7.5 m
- iv) Maximum Lot Coverage 20%
- v) Maximum Height 10.5 m

4.6.3 Exceptions

4.6.3.1 Hamlet Residential Exception One (HR-1) Zone (Mansfield Ridge Subdivision)

Notwithstanding the provisions of Section 4.5.2 to the contrary the minimum lot frontage shall be 33 m,

Except for lots 66 and 67, which shall have a minimum lot frontage of 28 m., and the minimum lot area shall be 3,500 sq. m.

No garage shall extend closer to the front lot line than the front wall of any dwelling unit except where, on a corner lot, the front wall of the dwelling unit faces the exterior side lot line.

4.6.3.2 Hamlet Residential Exception Two (HR-2) Zone (Roll No. 5-08490)

Notwithstanding the provisions of Section 3.2.2 to the contrary, a detached garage shall be permitted to be situated in the front yard so that the minimum front yard setback is 50.0 m., the maximum interior side yard setback from the lot line to the south is 8.0 m. and the garage doors face to the north.

4.6.3.3 Hamlet Residential Exception Three (HR-3) Zone (Roll Nos. 1-00120 to 1-00124)

Notwithstanding the provisions of Section 4.5.2 to the contrary, on lands zoned Hamlet Residential Exception Three (HR-3), the minimum lot area shall be 0.8 ha.

4.6.3.4 Hamlet Residential Exception Four (HR-4) Zone (Roll Nos. 5-08571 and 5-08572)

Notwithstanding the provisions of Section 4.5.2 to the contrary, the minimum lot area of a lot zoned Hamlet Residential Exception Four (HR-4) shall be 0.53 ha.

Notwithstanding the provisions of Section 3.25.4 to the contrary, the minimum required set-back for buildings and structures from a watercourse on lands zoned Hamlet Residential Exception Four (HR-4) shall be 15 m.

4.6.3.5 Hamlet Residential Exception Five (HR-5) zone (Roll No.612700)

Notwithstanding section 3.2, Accessory Buildings, Structure and Uses, to the contrary, on lands zoned Hamlet Residential Exception Five (HR-5) an accessory structure having a maximum height of 5.0m, as measured to the midpoint of the eaves and peak shall be permitted to have a footprint floor area of 120m², and two existing structures of less than 10m² shall be permitted. In all other respects the provisions of this by-law shall apply.

4.6.3.6 Hamlet Residential Exception Six (HR-6) zone (Roll No. 116286)

Notwithstanding the setback requirements for a billboard sign, to the contrary, on lands zoned Hamlet Residential Exception Six (HR-6), a 12m² billboard sign shall be permitted to have a minimum sideyard of 1.0m.

In all other respects the provisions of this by-law shall apply.”

**4.5.3.7 Hamlet Residential Exception Five (HR-7) Zone
(Roll 508569, Rybak)**

Notwithstanding the provision of the By-law, to the contrary, on lands zoned Hamlet Residential Exception Seven (HR-7) an attached pool house, being attached only by a breezeway shall be considered an Attached Accessory Dwelling Unit and shall be permitted. In all other respects the provisions of this by-law shall apply.

4.7 GENERAL COMMERCIAL (CG) ZONE

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

4.7.1 Permitted Uses

- I) one Single Detached Dwelling or Accessory attached dwelling unit, accessory to a permitted use
- ii) assembly hall
- iii) banks or financial institutions
- iv) business, professional and administrative offices
- v) clinic
- vi) convenience commercial
- vii) gas bar
- viii) hotels and motels
- ix) parking lot
- x) personal services establishment
- xi) place of amusement
- xii) place of worship
- xiii) post office
- xiv) private club
- xv) restaurant
- xvi) retail store
- xvii) service shop

4.7.2 Regulations for Permitted Uses

- i) Minimum Lot Area 0.5 ha
- ii) Minimum Lot Frontage 30 m
- iii) Minimum Yard Requirements
 - a) Front Yard 7.5 m
 - b) Interior Side Yard 5 m
 - c) Exterior Side Yard 7.5 m
 - d) Rear Yard 7.5 m
- iv) Maximum Lot Coverage 50%
- v) Minimum Landscaped Open Space 15%
- vi) Maximum Height 10.5 m
- vii) In any yard abutting a Residential Zone a planting strip of at least 3.0 metres shall be required

4.7.3 Exceptions

4.7.3.1 General Commercial Exception One (CG-1) Zone (Roll No. 2-11000)

Notwithstanding the provisions of Section 4.6.1 to the contrary, the following uses shall be permitted in addition to those uses permitted in the General Commercial (CG) Zone:

- a) motor vehicle dealership;
- b) motor vehicle fuel bar;

- c) motor vehicle service station; and
- d) outdoor storage of motor vehicles, subject to the following regulations:
 - i) any vehicle or parts thereof that are dismantled, wrecked or mechanically inoperable shall be store or serviced either in a garage, shed or other enclosure or in a rear yard which shall be enclosed by a six-foot high closed board fence; and,
 - ii) the outdoor storage use shall be accessory to the main land use on the subject lands.

4.7.3.2 General Commercial Exception Two (CG-2) Zone (Roll No. 1-12200)

Notwithstanding the provisions of Section 4.6.1 to the contrary, the following uses shall be permitted in addition to those uses permitted in the General Commercial (CG) Zone:

- a) motor vehicle dealership;
- b) motor vehicle fuel bar;
- c) motor vehicle service station;

4.7.3.3 General Commercial Exception Three Holding (CG-3-H) Zone (Roll No. 1-16000 & 1-15705)

Notwithstanding the provisions of Section 4.6.1 to the contrary, the following uses shall not be permitted:

- hotel or motel and
- place of worship

Notwithstanding the provisions of Section 4.6.1 to the contrary, the following additional uses shall be permitted:

- Ambulance station
- Day nursery or daycare centre
- Accessory dwelling unit

The lands shall remain vacant and shall be used for no purpose other than for the following interim uses, until the Holding symbol has been removed:

- A school bus parking area
- A farmers market
- A parking lot
- A fully portable chip wagon, sausage cart, snack shack or similar use.

The Holding symbol shall remain in place on the lands until such time as the following requirements have been satisfied:

- Confirmation has been received that the two parcels have been consolidated;
- Potential impacts on municipal water supplies have been assessed in accordance with applicable requirements for wellhead protection areas, and found to be minimal and acceptable;
- Sufficient supply capacity exists within the municipal water supply system to accommodate the proposed use(s);
- Arrangements satisfactory to the County of Dufferin and Township have been made with respect to entrances to the site and traffic generated by the proposed use(s).
- A site development plan for the lands has been approved by Council and a site plan agreement has been registered.

4.7.3.4 General Commercial Exception Four (CG-4) Zone (Roll No. 2-05900)

Notwithstanding the provisions of Section 4.6.1 to the contrary, uses permitted in the “General Commercial Exception Four (CG-4)” zone shall be limited to the following uses:

- Sports education and training facility
- Sports, recreation and leisure activities facility
- Overnight and short term residential accommodation related to the above activities and uses;
- Motel (overnight and short term accommodation for the public)
- A restaurant (for patrons and open to the public) or cafeteria/snack bar (for patrons)
- Assembly hall
- Private club
- Health club or spa
- Business, professional or administrative offices
- Retail sales and personal services
- One accessory residential dwelling unit (single detached dwelling or apartment)

Notwithstanding the provisions of Section 4.6.2 to the contrary, the minimum lot size shall be 3.2 ha. and the minimum lot frontage shall be 250 m.

4.7.3.3 General Commercial Exception Five Holding (CG-5-H) Zone (Roll No. 1-16000)

Notwithstanding the provisions of Section 4.6.1 to the contrary, only the following uses shall be permitted:

- Gas station
- Retail store
- Restaurant
- Restaurant, drive-through
- Convenience commercial

Notwithstanding the provisions of Section 4.6.2, and the landscaping requirements of the general provisions, to the contrary, the minimum south side yard setback shall be 1.9m.

The Holding symbol shall remain in place on the lands until such time as the following requirements have been satisfied:

- Sufficient supply capacity exists within the municipal water supply system to accommodate the proposed use(s);
- Arrangements satisfactory to the County of Dufferin and Township have been made with respect to entrances to the site and traffic generated by the proposed use(s).
- A site development plan for the lands has been approved by Council and a site plan agreement has been registered.

4.8 HIGHWAY COMMERCIAL (CH) ZONE

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

4.8.1 Permitted Uses

- i) one Single Detached Dwelling or Accessory attached dwelling unit, accessory to a permitted use
- ii) building supply and lumber outlet
- iii) commercial greenhouse/nursery sales
- iv) convenience store
- v) equipment sales/rental establishment
- vi) farm implement sales outlet
- vii) farm produce sales outlet
- viii) hotel and motel
- viii) marine or small engine sales and service establishment
- ix) motor vehicle dealership
- x) motor vehicle fuel bar or service station
- xi) public storage facilities
- xii) recreational establishment
- xiii) recreational vehicle sales and service operation
- xiv) restaurant or tavern
- xv) transportation depot
- xvi) veterinary clinic

4.8.2 Regulations for Permitted Uses

- | | | |
|------|--|---------|
| i) | Minimum Lot Area | 0.8 ha |
| ii) | Minimum Lot Frontage | 60 m |
| iii) | Minimum Yard Requirements | |
| | a) Front Yard | 15 m |
| | b) Interior Side Yard | 6 m |
| | c) Exterior Side Yard | 15 m |
| | d) Rear Yard | 7.5 m |
| iv) | Maximum Lot Coverage | 25% |
| v) | Minimum Landscaped Open Space | 15% |
| vi) | Maximum Height | 10.5 m. |
| vii) | In any yard abutting a Residential Zone a planting strip of at least 3.0 metres shall be required. | |

4.8.3 Exceptions

4.8.3.1 Highway Commercial Exception One (CH-1) Zone (Roll No. 1-12505)

Notwithstanding the Permitted Uses of Section 4.7.1, and the Regulations for Permitted Uses of Section 4.7.2 to the contrary, the following uses only shall be permitted, subject to the following regulations:

- i) accessory dwelling (one only)
- ii) antiques/collectibles shop
- iii) artisan or craft shop/gallery
- iv) bank or financial institution
- v) Business, professional or administrative offices

- vi) clinic
- vii) convenience store
- viii) farm produce sales outlet
- ix) outdoor display of goods offered for sale
- x) personal services shop
- xi) paper service only eat-in and/or take out restaurant/snack bar
- xii) post office
- xiii) public storage facility in an existing building
- xiv) retail store

Minimum Lot Area 0.75 ha.

Minimum Lot Frontage 80 m.

Minimum Rear Yard Setback (existing buildings
only and proposed addition of a garage) 3.5 m.

Outdoor display areas shall conform to the minimum yard setback requirements of the Highway Commercial Zone, the limits of which shall be defined on the site plan.

4.9 RECREATIONAL (RE) ZONE

No person shall within any Recreational (RE) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

4.9.1 Permitted Uses

- i) golf course
- ii) outdoor recreation area
- iii) private recreational park
- iii) resource management activities
- iv) One accessory dwelling unit
- v) One additional single dwelling (ASD) or attached accessory dwelling

4.9.2 Regulations for Permitted Uses

- i) Minimum Lot Area 4.0 ha.
- ii) Minimum Lot Frontage 150 m.
- iii) Minimum Yard Requirements
 - a) Front Yard 30 m.
 - b) Interior Side Yard 6 m.
 - c) Exterior Side Yard 30 m.
 - d) Rear Yard 30 m.
- iv) Maximum Lot Coverage 5%
- v) Minimum Landscaped Open Space 50%
- vi) Maximum Height 10.5 m.
- vii) In any yard abutting a Residential Zone a planting strip of at least 3.0 metres shall be required.

4.9.3 Exceptions

4.10 INSTITUTIONAL (I) ZONE

4.10.1 Permitted Uses

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

- i) ambulance station
- ii) business, professional and administrative offices
- iii) cemetery
- iv) community centre including a banquet hall
- v) day nursery
- vi) fire station
- vii) library
- viii) municipal office and public works yard
- iv) nursing home
- ix) place of worship
- x) school

4.10.2 Regulations for Permitted Uses

- i) Minimum Lot Area 0.5 ha
- ii) Minimum Lot Frontage 30 m.
- iii) Minimum Yard Requirements
 - a) Front Yard 7.5 m.
 - b) Interior Side Yard 3.0 m.
 - d) Exterior Side Yard 7.5 m.
 - d) Rear Yard 7.5 m.
- iv) Maximum Lot Coverage 35%
- v) Minimum Landscaped Open Space 10%
- vi) In any yard abutting a Residential Zone a planting strip of at least 3.0 metres shall be required.

4.10.3 Exceptions

4.11 INDUSTRIAL (M1) ZONE

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

4.11.1 Permitted Uses

- i) abattoir
- ii) building supply and lumber outlet
- iii) business, professional and administrative office
- iv) bulk fuel depot
- v) concrete batching plant and product manufacturing
- vi) contractors yard
- vii) equipment sales and services
- viii) feed mill
- ix) manufacturing, processing or assembly within an enclosed building
- x) motor vehicle repair garage
- xi) motor vehicle body shop
- xii) outdoor storage
- xiii) retail sales accessory to a permitted use not exceeding 35 per cent of the total floor area
- xiv) sawmill
- xv) telecommunications tower
- xvi) transmission towers and hydro-electric substations
- xvii) transportation depot
- xviii) warehouse including self storage
- xix) workshop

4.11.2 Regulations for Permitted Uses

- i) Minimum Lot Area 0.8 ha
- ii) Minimum Lot Frontage 60 m
- iii) Minimum Yard Requirements
 - a) Front Yard 15 m
 - b) Interior Side Yard 6 m
 - c) Exterior Side Yard 15 m
 - d) Rear Yard 7.5 m
- iv) Maximum Lot Coverage 25%
- v) Minimum Landscaped Open Space 20%
- vi) Maximum Height 10.5 m
- vii) In any yard abutting a Residential Zone a planting strip of at least 3.0 metres shall be required.

4.11.3 Exceptions

4.12 BUSINESS PARK (BP) ZONES

No person shall, within any Business Park Gateway (BP-G), Business Park Core (BP-C) or Business Park Transition (BP-T) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

4.12.1 Permitted Uses

Business Park Gateway (BP-G) Zone

- i) existing uses
- ii) one accessory dwelling unit/lot
- iii) hotel or motel
- iv) motor vehicle fuel bar or service station
- v) restaurant, banquet hall, assembly hall, private club
- vi) nursery and garden centre
- vii) farmers market or farm produce sales outlet
- viii) motor vehicle dealership
- ix) mobile home, travel trailer, watercraft, snowmobile, motorcycle or other recreational vehicle/equipment/supplies sales and service establishment
- x) retail store, including convenience retail
- xi) personal services establishment
- xii) business, professional and administrative office
- xiii) tourist information centre
- xiv) post office
- xv) financial institution
- xvi) professional practitioner's clinic
- xvii) veterinary clinic
- xviii) commuter parking lot
- xix) emergency services station (police, fire, ambulance, etc.)

Business Park Core (BP-C) Zone

- i) dry manufacturing, processing or assembly within an enclosed building
- ii) building contractor's supply or building supply outlet
- iii) service shop
- iv) contractor's yard and shop
- v) equipment rental establishment
- vi) commercial vehicle dealership or service shop
- vii) industrial equipment and machinery sales, service or supply
- viii) agricultural equipment dealership, service or supply
- ix) motor vehicle body shop
- x) warehouse, public storage facility, including self-storage
- xi) ancillary outdoor storage within a fully enclosed, screened and gated area
- xii) retail sales accessory to a permitted use not exceeding 35 percent of the total floor area
- xiii) related business office uses

Business Park Transition (BP-T) Zone

- i) one accessory dwelling unit/lot
- ii) personal services establishment
- iii) business, professional or administrative office
- iv) research and development establishment
- v) tourist information centre, interpretive centre or recreational trailhead facility
- vi) school or educational institution, public or private
- vii) library

- viii) day nursery, daycare centre
- ix) place of worship
- x) park and open space uses
- xi) public uses
- xii) cemetery
- xiii) recreational facilities, arena, playing field, bowling alley, lawn bowling green, curling club, and similar uses;
- xiv) community center, public meeting hall, service club, private club (unlicensed).
- xv) school bus marshalling yard;
- xvi) commuter parking lot;
- xvii) farmers market;
- xviii) park and trail access facility.

4.12.2 Regulations for Permitted Uses

All Business Park Zones

Vacant lots within any Business Park zone where permitted developments and uses do not exist shall be placed into a “Holding (H)” zone.

Notwithstanding the provisions of Section 4.10.1 Permitted Uses and any other requirement of this By-law to the contrary, the following shall apply to Business Park developments and uses:

Uses which are not compatible with the existing Primrose Elementary School, as a result of their potential for significant impacts, close proximity, the type of activities involved, potential safety hazards to school children, etc. are not permitted.

Uses which generate emissions (dust, noise, odours, smoke, vibrations, etc.) that could have a significant detrimental impact on existing adjacent residential or institutional uses, and/or other uses within the business park or adjacent rural and natural areas are not permitted.

Uses which generate large volumes of traffic at the intersection of the Second Line West and Highway 89 and large volumes of heavy truck traffic on County Road 19 may not be permitted.

Uses which use more than 10,000 l/day of water and/or generate more than 10,000 l/day of sewage waste may only be permitted if supported by a hydrogeological study demonstrating that water supplies in the area are adequate to accommodate the use, conditions are suitable for the required on-site disposal of sewage waste and the “reasonable use” of the groundwater, as defined by the Ministry of the Environment, is not exceeded.

Uses involving the handling, storage, processing, disposal, hauling or transfer of any hazardous, dangerous, corrosive, explosive, flammable, toxic or biological materials, substances or wastes are not permitted.

The “Holding (H)” symbol may be removed when the following applicable requirements and conditions have been fulfilled;

- The proposed end-use has been identified and Council is satisfied that it is in conformity with the Official Plan and this By-law and in particular, the provisions outlined above;
- Final Plan of Subdivision or consent approval has been given or a part lot control by-law has been passed for the parcel upon which a use is proposed and the conditions of approval have been met;
- The studies, reports, plans and other supporting information required, as outlined in the Township’s Official Plan, have been submitted in a form acceptable to Council;
- A site plan acceptable to Council has been submitted, and a site plan agreement has been executed by the owner and approved by Council;
- All required site services are available and have been approved and installed, or arrangements satisfactory for their installation have been made;

- Entrance approval for the proposed use has been obtained from the appropriate road authority and;
- A building and Land Use permit has been obtained from the Ministry of Transportation, if applicable.

Business Park Gateway (BP-G) Zone Regulations

i)	Minimum Lot Area	0.4 ha.
ii)	Minimum Lot Frontage	30 m.
iii)	Minimum Yard Requirements	
	a) Front Yard	7.5 m.
	b) Interior Side Yard - one side	3 m.(*)
	- opposite side	6 m.(*)
	c) Exterior Side Yard	7.5 m.
	d) Rear Yard	5 m.(*)(**)
	(*) except where the yard abuts lands zoned Environmental Protection (EP), in which case the set-back shall be 9.0 m.	
	(**) except where the rear yard abuts a Provincial Highway or County Road, in which case the rear yard set-back shall be 15.0 m.	
iv)	Maximum Lot Coverage	40 %
v)	Minimum Landscaping Requirements	
	a) minimum landscaped open space	20 %
	b) minimum landscaped strip adjacent to a Highway or County Road	6 m.
vi)	Maximum Height	10.5 m.

Business Park Core (BP-C) Zone Regulations

i)	Minimum Lot Area	0.8 ha.
ii)	Minimum Lot Frontage	60 m.
iii)	Minimum Yard Requirements	
	a) Front Yard	15 m.
	b) Interior Side Yard - one side	3 m.(*)
	- opposite side	6 m.(*)
	c) Exterior Side Yard	10 m.
	d) Rear Yard	5 m.(*)(**)
	(*) except where the yard abuts lands zoned Environmental Protection (EP), in which case the rear yard set-back shall be 9.0 m.	
	(**) except where the rear yard abuts a street, in which case the rear yard set-back shall be 15 m.	
iv)	Maximum Lot Coverage	30 %
v)	Minimum Landscaping Requirements	
	a) minimum landscaped open space	10 %
vi)	Maximum Height	15 m.

Business Park Transition (BP-T) Zone Regulations

i)	Minimum Lot Area	0.6 ha.
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ii)	Minimum Lot Frontage	40 m.
iii)	Minimum Yard Requirements	
	a) Front Yard	10 m.
	b) Interior Side Yard - one side	3 m.(*)
	- opposite side	6 m.(*)
	c) Exterior Side Yard	7.5 m.
	d) Rear Yard	5 m.(*)(**)
	(*) except where the yard abuts lands zoned Environmental Protection (EP), in which case the rear yard set-back shall be 9.0 m.	
	(**) except where the rear yard abuts a street, in which case the rear yard set-back shall be 7.5 m.	
iv)	Maximum Lot Coverage	35 %
v)	Minimum Landscaping Requirements	
	a) minimum landscaped open space	20 %
	b) minimum landscaped strip next to a lot zoned Rural Residential or Institutional	6.0 m.
vi)	Maximum Height	10.5 m.

Parking and loading spaces, entrances and internal aisles shall be provided in accordance with the requirements of Section 3.

4.12.3 Exceptions

4.13 EXTRACTIVE INDUSTRIAL (MX) ZONE

No person shall within any Extractive Industrial (MX) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

4.13.1 Permitted Uses

- i) farm
- ii) pits
- iii) peat extraction
- iv) portable asphalt or concrete batching plant
- v) quarries
- vi) resource management activities
- vii) wayside pits and quarries

4.13.2 Regulations for Permitted Uses

- i) Minimum Lot Area 8.0 ha
- ii) Minimum Lot Frontage 200 m
- iii) Minimum Yard Requirements (from limit of extraction) or buildings or structures
 - a) Front Yard 30 m
 - b) Interior Side Yard 15 m
 - c) Exterior Side Yard 30 m
 - d) Rear Yard 15 m
- iv) Minimum Setback from a Residential Lot 120 m
- v) Maximum Lot Coverage (Buildings and Structures) 1%
- vi) Minimum Landscaped Open Space 10%
- vii) Maximum Height 12 m
- viii) In any yard abutting a Residential Zone a planting strip of at least 30.0 metres shall be required.
- ix) Minimum distance separation for a portable asphalt or a concrete batching plant from a dwelling unit which is not accessory to a principal permitted use on the same property 400 m.

4.13.3 Exceptions

4.13.3.1 Extractive Industrial Exception One (MX-1) Zone (Roll Nos. 2-05700 and 2-06200)

Notwithstanding the provisions of the Extractive Industrial (MX) Zone, to the contrary, on lands within the Extractive Industrial Exception One (MX-1) Zone the following shall apply:

- i) Regulations for Extractive:
 - a) Minimum Front Yard 15 m
 - b) Minimum Interior Side Yard 15 m
 - c) Minimum Exterior Side Yard 15 m
 - d) Minimum Rear Yard 15 m
 - e) Minimum Setback of 45 m from any Agricultural (A), Rural (RU), Environmental Protection (EP) or Open Space (OS) Zone

- f) Minimum Setback of 120 m from all other zones and residential dwellings.
- ii) Regulations for Processing:
 - a) Minimum Setback of 45 m from any Agricultural (A), Rural (RU), Environmental Protection (EP) or Open Space (OS) Zone
 - b) Minimum Setback of 120 m from all other zones and residential dwellings.

4.14 WASTE DISPOSAL INDUSTRIAL (MD) ZONE

No person shall within any Waste Disposal Industrial (MD) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

4.14.1 Permitted Uses

- i) recycling facility
- ii) salvage or wrecking yard
- iii) sewage lagoon
- iv) solid waste disposal or management facility

4.14.2 Regulations for Permitted Uses

- i) Minimum Lot Area 4.0 ha
- ii) Minimum Lot Frontage 100 m
- iii) Minimum Yard Requirements
 - a) Front Yard 60 m
 - b) Interior Side Yard 60 m
 - c) Exterior Side Yard 60 m
 - d) Rear Yard 60 m
- iv) Maximum Lot Coverage 75%
- v) Minimum Landscaped Open Space 20%
- vi) Maximum Height 12 m
- ix) In any yard abutting a Residential Zone a planting strip of at least 30.0 metres shall be required.

4.14.3 Exceptions

4.15 OPEN SPACE (OS) ZONE

No person shall within an Open Space (OS) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

4.15.1 Permitted Uses

- i) cemetery
- ii) public park and accessory structures
- iii) public recreation centre
- iv) resource management activities

4.15.2 Regulations for Permitted Uses

- i) Minimum Lot Area 2.0 ha.
- ii) Minimum Lot Frontage 150 m
- iii) Minimum Yard Requirements
 - a) Front Yard 30 m
 - b) Interior Side Yard 30 m
 - c) Exterior Side Yard 30 m
 - d) Rear Yard 30 m
- iv) Maximum Lot Coverage 1%
- v) Minimum Landscaped Open Space 50%
- vi) Maximum Height 10.5 m

4.15.2 Exceptions

4.16 ENVIRONMENTAL PROTECTION (EP) ZONE

No person shall, within any Environmental Protection (EP) Zone erect, alter or use any building or structure except in accordance with the following provisions:

4.16.1 Permitted Uses

- i) existing agricultural use
- ii) conservation
- iii) passive public recreation such as hiking and bird watching
- iv) resource management
- v) existing buildings and structures

4.16.2 Regulations for Permitted Uses

No buildings or structures including accessory buildings or structures with the exception of marine facilities, pump houses, and buildings and structures for flood and erosion are permitted in the Environmental Protection (EP) Zone.

4.16.3 Exceptions

4.16.3.1 Environmental Protection Exception One (EP-1) zone (Roll No.129000)

In addition to the uses permitted in the Environmental Protection Zone (EP), to the contrary, on lands zoned Environmental Protection Exception One (EP-1) the an addition to the existing dwelling shall be permitted, resulting in a dwelling unit having a maximum floor area of 160m².

In all other respects the provisions of this by-law shall apply

4.16.3.1 Environmental Protection Exception Two (EP-2) zone (Roll No. 500600)

In addition to the uses permitted in the Environmental Protection Zone (EP), to the contrary, on lands zoned Environmental Protection Exception Two (EP-2) the existing dwelling and a one storey 60m² studio shall be permitted, with a minimum south side yard setback of 1.2m. The accessory structure shall not be used for human habitation.

In all other respects the provisions of this by-law shall apply

SECTION 5 DEFINITIONS

Definitions contained in the Township's approved Official Plan shall apply to terms used in this by-law unless the terms are specifically defined herein, in which case the more specific definition contained in this by-law shall be used to facilitate the interpretation and administration of this by-law and, to the extent there may be a discrepancy or conflict, the generally more specific definitions contained herein shall prevail.

5.1 ACCESSORY

A use, separate building or structure, which is usually incidental, subordinate, exclusively devoted to and located on the same lot as the principle use, building or structure.

5.2 AGRICULTURE, SPECIALIZED

The use of lands, buildings and structures for the propagation of special crops or for the practice of intensive livestock rearing including poultry and fur bearing animals within a building or a feed lot, where the number of livestock units according to Table 1 of Schedule C, exceeds 150 or 5 livestock units per hectare.

5.3 AGRICULTURAL BUILDING

Any building or structure customarily used in connection with a farm other than a residence.

5.4 AGRICULTURAL USE

Any agricultural use or uses, structures or buildings accessory thereto, including field crops, animal husbandry, horticultural nurseries and any other use customarily carried on in the field of general agriculture, including the sale on the premises, of produce grown or raised on the premises except specialized agricultural uses as defined herein.

5.5 AIRPORT

The use of lands, buildings or structures for the purposes of air transportation services.

5.6 ANIMAL SHELTER

Lands and buildings used for the keeping of animals, birds or other livestock and may include the premises of a veterinary surgeon.

5.7 ASSEMBLY HALL

A building, or part of a building, in which facilities are provided for such purposes as meetings for civic, educational, political, religious or social purposes and may include a bingo hall, a banquet hall, private club or fraternal organization.

5.8 ATTACHED

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

5.9 BANQUET HALL

A building or part thereof, used for the gathering of groups of people for a specific function including the consumption of food and drink and shall include full kitchen facilities.

5.10 BARN

A building other than a dwelling unit that is capable of being used for some agricultural purpose or purposes, including the keeping of livestock, the non-commercial storage of products or commodities produced on a farm, the storage of farm machinery and equipment or any other similar purpose incidental to a permitted agricultural use on the lot or in the surrounding area.

5.11 BASEMENT

That portion of a building below the first floor and which is partly underground as defined in the Building Code.

5.12 BED AND BREAKFAST

A home occupation within a single detached dwelling wherein not more than three rooms are rented and meals are served to overnight guests for commercial purposes.

5.13 BOARDING HOUSE

A dwelling in which the proprietor supplies for a fee sleeping accommodation with board for at least three persons and not more than ten persons exclusive of the proprietor, members of the proprietor's family and servants of the establishment but does not include a hostel.

5.14 BUILDING

A structure consisting of walls, roof and floor or a structural system serving the same purpose as defined in the Building Code and including carports and cloth, plastic or vinyl materials supported by structural frames but does not include awnings.

5.15 BUILDING SUPPLY AND LUMBER OUTLET

A building or structure in which building or construction and home improvement materials are offered or kept for sale at retail and may include the fabrication of certain materials related to home improvements.

5.16 BULK FUEL DEPOT

Lands, buildings and structures for the storage, distribution of fuels and oils but not including retail sales except key lock operations.

5.17 BUSINESS, PROFESSIONAL OFFICE OR ADMINISTRATIVE OFFICE

A building or part of a building in which one or more persons are employed in the management, direction or conducting of a business or where professionally qualified persons and their staff serve clients or patients who seek advice, consultation or treatment and may include the administrative offices of a non-profit or charitable organization.

5.18 CAMPING ESTABLISHMENT

Lands used for the parking and temporary use for at least five (5) campsites occupied by tents, trailers, motor homes, truck campers and recreational vehicles and accessory uses and facilities such as administrative offices, sanitary facilities, recreational facilities and an accessory convenience store.

5.19 CAMP SITE

A parcel of land within a camping establishment that is maintained as a site for the location and temporary occupation of a tent, travel trailer, motor home, recreational vehicle or truck camper, but not a mobile home.

5.20 CELLAR

A portion of a building below the first storey floor which is partly or wholly underground and which has more than one-half of its height, from finished floor to finished ceiling or to the underside of the floor joints of the first floor, the average finished grade level adjacent to the exterior walls of the building and having a floor to ceiling height of less than 1.8 m. (6.0 ft.) or as otherwise defined in the Building Code.

5.21 CEMETERY

The land that is set apart or used as a place for the interment of the dead or in which human bodies have been buried.

5.22 CHIEF BUILDING OFFICIAL

The official employed by the Township appointed under the Building By-law or pursuant to the provisions of The Building Code Act, S.O., 1992 c.23, as amended, and shall include any Inspector likewise employed and appointed.

5.23 CLINIC

An establishment used by two or more qualified health practitioners including physicians, dentists, chiropractors, physiotherapists and their staff for the purposes of consultation, diagnosis and office treatment.

5.24 COMMUNITY CENTRE

Any tract of land or building, or buildings or any part of any buildings used for community activities whether used for commercial purposes or not, the control of which is vested in the Municipality, a local board or agent thereof and may include an auditorium, swimming pool, arena and fitness centre.

5.25 COMMUNITY FACILITY

Any facility, place or building which is maintained and operated to provide services for residents of the community.

5.26 CONSERVATION

The wise use, protection and rehabilitation of natural resources according to principles that will assure their highest economic social and environmental benefits.

5.27 CONTRACTOR'S YARD

A yard used for storing a contractor's vehicles, equipment and/or material and may include the use of buildings for storage of same. A contractor's yard may include accessory repairs for equipment used in the contractor's business, accessory office space and accessory warehousing of materials.

5.28 CONVENIENCE STORE

A retail commercial establishment, not exceeding 200 square metres of gross floor area, supplying groceries and other daily household necessities to the surrounding area, whether or not such store is open for business seven (7) days a week or not.

5.29 CORPORATION

The Corporation of the Township of Mulmur.

5.30 COUNCIL

The Council of the Corporation of the Township of Mulmur

5.31 CRISIS CENTRE

Crisis residence shall mean a single housekeeping unit licensed or funded by the Province of Ontario for the short term (averaging 30 days or less) accommodation of three to nine persons, exclusive of staff, living under supervision and who, by reason of either emotional, mental, social or physical condition or legal status, require a group living arrangement for their well-being.

5.32 DAY NURSERIES

A day nursery operated for children within the meaning of the Day Nurseries Act, as amended.

5.33 DECK

Deck shall mean a structure above the ground cantilevered from a dwelling unit or supported by the ground and open to the sky, located 0.3 metres or more above finished grade.

5.34 DWELLING

A building or part of a building occupied or capable of being occupied, in whole or in part as the home, residence or sleeping place of one or more persons either continuously, permanently, temporarily or transiently. A dwelling may or may not contain full sanitary and kitchen facilities. A Bunkie, guest cabin, loft, dwelling unit within a non-residential building, cottage and habitable pool house shall each be considered a dwelling.

5.35 DWELLING, ADDITIONAL SINGLE (ADDITIONAL SINGLE DWELLING), or ASD

Either a single detached dwelling or a dwelling, but shall not be an attached accessory dwelling unit.

5.36 DWELLING UNIT, ATTACHED ACCESSORY (ATTACHED ACCESSORY DWELLING UNIT)

An apartment or dwelling unit, which is incidental, subordinate, exclusively devoted to and located on the same lot as the principle use, building or structure and is attached to or within the principle building.

5.37 DWELLING, APARTMENT

A separate building containing three or more dwelling units sharing a common corridor or stair well.

5.38 DWELLING, DUPLEX

The whole of a two-storey building divided horizontally into two separate dwelling units, each of which has an independent entrance either directly or through a common vestibule.

5.39 DWELLING, SEMI-DETACHED

The whole of a building divided vertically into two separate dwelling units.

5.40 DWELLING, SINGLE DETACHED (SINGLE DETACHED DWELLING)

A building or part of a building occupied or capable of being occupied, in whole or in part as the home, residence or sleeping pace of one or more persons either continuously, permanently, temporarily or transiently. A detached dwelling may or may not contain full sanitary and kitchen facilities. A Bunkie, guest cabin, loft, dwelling unit within a non-residential building, cottage and habitable pool house shall each be considered a detached dwelling.

5.41 DWELLING, TOWNHOUSE

A dwelling unit in a building divided vertically into no less than three nor more than eight dwelling units attached by common walls extended from the base of the foundation to the roof line, each dwelling unit having a separate entrance at grade.

5.42 DWELLING, TRIPLEX

The whole of a building divided horizontally into three separate dwelling units, each of which has an independent entrance either directly or through a common vestibule.

5.43 DWELLING UNIT

A combination of rooms in which a kitchen, living quarters and sanitary conveniences are provided for the exclusive use of the residents and with a private entrance from outside the building or from a common hallway or stairway inside. It may include a modular home constructed in accordance with the Building Code and C.S.A. A-277 Regulations.

5.44 ERECT

To build, construct, reconstruct, alter or relocate including any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, or structurally altering any existing building or structure by an addition, deletion, enlargement or extension.

5.45 ESTABLISHED BUILDING LINE

The average distance from the road line to existing buildings measured not more than 100 metres on either side of the lot on the same size of the street where the frontage has been built upon, as of the date of passing of this By-law.

5.46 EXISTING

Legally existing, being a reality or an actuality as of the date of passing of this By-law.

5.47 FARM

Any farming or agricultural use and includes apiaries; aviaries; berry or bush crops; breeding, raising, training or boarding of horses or cattle; commercial greenhouses; farms devoted to the hatching, raising and marketing of chickens, turkeys, or other fowl or game birds, animals, fish or frogs; farms for grazing; flower gardening; field crops; goat or cattle dairies; growing, raising, picking, treating and storing of vegetables or fruit produce produced on the premises; nurseries; orchards; riding stables; the raising of sheep or goats; the raising of swine; tree crops; market gardening; bee keeping; wood lots; such uses or enterprises as are customarily carried on in the field of general agriculture not including a specialized farm as defined. "Farm" includes a single-family dwelling house, and such principle or main buildings and structure as a barn or silo, as well as accessory buildings and structures which are incidental to the operation of the farm.

5.48 FARM IMPLEMENT SALES OUTLET

The use of land, buildings or structures for the commercial sale, storage or repair of equipment and machinery directly associated with the farming operations and activities.

5.49 FARM STORE

A retail outlet or store from which products grown primarily on farms and rural properties in the local area, and goods, materials and services required by agricultural and rural landowners in the local area are sold or traded.

5.50 FINISHED GRADE

The average elevation of the finished surface of the ground at the natural ground level measured on any side of an existing building or structure.

5.51 FIRST STOREY

The storey with its floor closest to grade and having its ceiling more than 1.8 metres above grade or as defined in the Building Code.

5.52 FLOOR AREA, GROSS

The total floor area, as hereinafter defined, exclusive of any portion of the building or structure below finished grade measured between the exterior faces of the exterior walls which is used for heating, the storage of goods or personal effects, laundry facilities, recreational areas, the storage or parking of motor vehicles, exclusive of any private garage, carport, basement, walkout basement, cellar, porch, verandah or sunroom unless such sunroom is habitable during all seasons of the year.

5.53 FLOOR AREA, GROUND

The maximum ground floor area of a building measured by the outside walls, excluding, in the case of a single detached dwelling, any private garage, carport, porch, verandah or sunroom (unless such sunroom is habitable at all seasons of the year).

5.54 FOOTPRINT FLOOR AREA

The horizontal area of the ground covered by a permitted building or structure.

5.55 GARAGE, PRIVATE

A detached accessory building or portion of a dwelling house which is designed or used for the sheltering of a private motor vehicle and storage of household equipment incidental to the residential occupancy and which is fully enclosed and roofed and excludes a carport or other open shelter.

5.56 GARDEN SUITE

A one unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable.

5.57 GAZEBO

A freestanding roofed accessory structure which is not enclosed, except for screening or glass and which is utilized for the purposes of relaxation in conjunction with a residential dwelling but shall not include any other use or activity otherwise defined or classified in this By-law.

5.58 GOLF COURSE

A public or private area operated for the purpose of playing golf, and includes a par 3 golf course, club house and recreational facilities, accessory driving ranges and miniature golf courses, and similar uses.

5.59 GREENHOUSE

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

5.60 GROUP HOME

A single housekeeping unit in a residential dwelling in which 3 to 9 unrelated residents excluding staff or receiving family, live as a family under responsible supervision consistent with the requirements of its residents and includes a home licensed or approved under the Provincial statute as a Special Care Residential Home, Supportive Housing Program, Adult Community Mental Health Program, Children's Residence, Accommodation Services for the Developmentally Handicapped, Satellite Residences for Seniors and Homes for Physically Disabled Seniors, in compliance with municipal by-laws.

5.61 GUEST CABIN

A detached structure accessory to a single family dwelling, for the non-commercial, occasional and temporary accommodation of guests of the owner of the lot on which the cabin is situated, which may contain washroom facilities, but which does not contain facilities for cooking.

5.62 HEAVY EQUIPMENT SALES AND RENTAL

A building or part of a building or structure in which heavy machinery and equipment are offered or kept for sale, rent, lease or hire under agreement for compensation, but shall not include any other establishment defined or classified in this By-law.

5.63 HEIGHT OF BUILDINGS

The vertical distance, measured between the average natural or finished grade at the front of the building, whichever is the lesser, and:

- a) In the case of a flat roof, the highest point of the roof surface;
- b) In the case of a mansard roof, the deck roof line; and
- c) In the case of a gable, hip or gambrel roof, the average height between the eaves and ridge.

5.64 HIGH WATER MARK

The mark made by the action of water under natural conditions on the shore or bank of a body of water, which action has been so common and usual and so long continued that it has created a difference between the character of the vegetation or soil on one side of the mark and the character of the vegetation or soil on the other side of the mark.

5.65 HOME INDUSTRY

Any occupation conducted entirely within a building or part of a building accessory to a single detached dwelling house that includes processing, assembly, manufacturing, small scale warehousing or a workshop. A Home Industry shall permit the storage of a contractor's vehicles, equipment and materials within a fully enclosed accessory structure. A Home Industry shall not include a contractor's yard.

5.66 HOME OCCUPATION

An occupation or profession related to the provision of services, carried on primarily by the occupant of a dwelling within his/her dwelling as an accessory use in connection with which there is no display, no stock in trade nor commodity sold upon the premises, which is not produced on the premises.

5.67 HOTEL

A building or part of a building that contains a general kitchen and dining room and other public rooms, the remaining rooms of which contain no provision for cooking, and are usually hired by transients as places of abode; and includes a hostel for men or women.

5.68 IMPROVED PUBLIC ROAD

A road or highway under the jurisdiction of the Province of Ontario, County of Dufferin or the Township or a private road within a registered Plan of Condominium which is maintained so as to allow normal vehicular access to adjacent properties and which, in the case of a municipal road is a road which has been constructed to municipal standards.

5.69 KENNEL

An establishment for the keeping, breeding and raising of domesticated animals for profit or gain, but shall not apply to the keeping of animals in a veterinary establishment for the purpose of observation and or recovery necessary to veterinary treatment.

5.70 LANDSCAPED OPEN SPACE

The open space from ground to sky at grade on a lot accessible by walking and which is suitable for the growth and maintenance of grass, flowers, trees, bushes, natural vegetation and other landscaping and includes any surfaced walk, patio or similar area but does not include any driveway or ramp, whether surfaced or not, any curb, retaining wall, parking area or any open space beneath or within any building or structure.

5.71 LAUNDROMAT

A building or structure where the service or coin-operated laundry machines, using only water, detergents and additives, are made available to the public for the purpose of laundry cleaning.

5.72 LIGHT EQUIPMENT SALES AND RENTAL ESTABLISHMENT

A building or structure or part of a building or structure in which light machinery and equipment such as air compressors and related tools and accessories; augers; automotive tools; cleaning equipment; light compaction equipment; concrete and masonry equipment; electric tools and accessories; fastening devices such as staplers and tackers; floor and carpet tools; gasoline generators; jacks and hydraulic equipment; lawn and garden tools; ladders; moving equipment; painting and decorating equipment; pipe tools and accessories; plumbing tools and accessories; pumps; hoses; scaffolding; welding equipment; and, other similar tools and appurtenances are offered or kept for rent, lease or hire under agreement for compensation, but shall not include any other establishment defined or classified in this By-law.

5.73 LOADING SPACE

An off-street space on the same lot as the building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, lane or other appropriate means of access.

5.74 LOT

A parcel or tract of land described in a deed or other legal document which is legally capable of conveying title and:

- a) Which is a whole lot within a Registered Plan of Subdivision, or lot within a Registered Plan of Condominium other than a Registered Plan of Subdivision which has been deemed not to be a Registered Plan of Subdivision under a By-law passed pursuant to Section 50(4) of The Planning Act R.S.O. 1990 as amended; or

- b) Which is a legally separated parcel of land in existence on the date of passing of this By-law without the owner holding the fee or the equity or redemption in, or power or right to grant, assign or exercise a power of appointment with respect to any abutting land; or
- c) The description of which is the same as in a deed which has received final consent to a conveyance pursuant to Section 53 of The Planning Act, R.S.O. 1990, as amended.
- d) Which is the whole remnant remaining to an owner or owners after a conveyance is made with final consent pursuant to Section 53 of The Planning Act, R.S.O. 1990, as amended, but for the purpose of this paragraph no parcel or tract of land ceases to be a lot by reason only of the fact that a part or parts of it has or have been conveyed to or acquired by the Township of Mulmur, Her Majesty in the Right of Ontario or Her Majesty in the Right of Canada; or,

5.75 LOT AREA

The total horizontal area within the lot lines of a lot or if an island, the area of land above the normal high water mark.

5.76 LOT, CORNER

A lot situated at the intersection of two or more streets, or at the intersection of a street and a railway right-of-way, or a lot abutting on one or more parts of the same street, in which an interior angle of less than one hundred and thirty-five (135) degrees is contained, between the front and side lot lines abutting by the said street or streets.

5.77 LOT COVERAGE

The percent of the lot area covered by buildings or structures excluding parking areas, driveways, decks and walkways but including structures and buildings constructed appertaining to the lot.

5.78 LOT FRONTAGE

The continuous horizontal distance of the front lot line between the side lot lines measures at right angles. Where the front lot line is not a straight line, or where the side lot lines are not parallel, the lot frontage shall be the horizontal distance of a line that is 7.5 metres back from and parallel to a continuous straight line, joining the two points where the side lot lines intersect with the front lot line.

5.79 LOT, INTERIOR

A lot other than a corner lot.

5.80 LOT LINE

Any boundary of a lot. For the purpose of this By-law, any combination of lines that meet at an interior angle of not greater than 135 degrees shall be deemed to be one line.

5.81 LOT LINE, EXTERIOR

The side lot line which abuts the road on a corner lot.

5.82 LOT LINE, FRONT

- a) Where a lot abuts a municipally maintained road and a navigable waterway, the lot line abutting the municipal road shall be deemed the front lot line.
- b) In the case of a corner lot or through lot, the shorter lot line that abuts a street shall be deemed to be the front lot line and the longer lot line that abuts a road or shall be deemed an exterior side lot line, but,

- c) In the case of a corner lot or through lot with two lot lines of equal length abutting roads, the lot line that abuts the wider street shall be deemed to be the front lot line, but where the roads are of equal width, the lot line which abuts a Provincial Highway shall be deemed to be the front lot line, and in the case of both roads being under the same jurisdiction and of the same width, the owner of the lot may designate which road line shall be the front lot line.
- d) In the case where a lot abuts only a road cul-de-sac, all of the frontage on the road cul-de-sac shall be deemed to be the front lot line.

5.83 LOT LINE, REAR

The lot line farthest from or opposite to the front lot line. Where the lot abuts a navigable waterway, the normal high water mark shall be deemed to be the rear lot line.

5.84 LOT LINE, SIDE

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

5.85 LOT, THROUGH

A lot bounded on opposite sides by streets.

5.86 MANUFACTURING, LIGHT

The assembly or repair or fabrication of goods and materials utilizing materials which have been manufactured in another location and which does not produce waste water in excess of 4500 litres per day, chemical by-products or utilize and area for outdoor storage of goods or materials except for equipment or vehicles which are for sale, lease or hire.

5.87 MECHANICS GARAGE

A building which is used for the servicing and minor repairing or equipping essential to the actual operation of motor vehicles, but shall not be used for painting, body work, storage or sale of motor vehicles.

5.88 MOBILE HOME

Any dwelling that is designed to be mobile, and constructed or manufactured to provide a permanent residence for one or more persons in accordance with CSA Z240 or Z241 but does not include a park model home, travel trailer or tent trailer or trailer otherwise designed.

5.89 MODULAR HOME

Any dwelling that is designed in more than one unit and is designed to be made mobile on a temporary basis, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a mobile home, recreational travel trailer or recreational motor vehicle as defined herein. A modular home shall meet C.S.A. A-277 standards.

5.90 MOTEL

A structure containing a series of living or sleeping units with individual interior sanitary conveniences, including motor courts or tourist courts. All required parking is at grade and direct access is available from the parking area to the individual units.

5.91 MOTOR VEHICLE

An automobile, truck, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road building machine within the meaning of The Highway Traffic Act, as amended.

5.92 MOTOR VEHICLE, COMMERCIAL

Any commercial motor vehicle within the meaning of The Highway Traffic Act, as amended.

5.93 MOTOR VEHICLE BODY SHOP

A building or structure used for the painting or repairing of motor vehicle bodies, exterior and undercarriage, and in conjunction with which there may be towing service and motor vehicle rentals for customers while the motor vehicle is under repair, but shall not include any other establishment otherwise defined or classified in this By-law.

5.94 MOTOR VEHICLE DEALERSHIP

A building or structure where a franchised dealer displays motor vehicles for sale or rent and in conjunction with which there may be used motor vehicle sales or rentals, a motor vehicle repair garage, a motor vehicle service station, a motor vehicle gasoline bar or a motor vehicle body shop, but shall not include any other establishment otherwise defined or classified in this By-law.

5.95 MOTOR VEHICLE FUEL BAR

One or more pump islands, each consisting of one or more motor vehicle fuel pumps, and a shelter, which shall include the sale of oils, antifreeze, gasoline additives, propane, natural gas and small accessories required for the operation of motor vehicles, boats and snowmobiles and shall not be used for repairs, oil changes or greasing.

5.96 MOTOR VEHICLE REPAIR GARAGE

A building or structure where the exclusive service performed or executed on motor vehicles for compensation shall include the installation of exhaust system, repair of the electrical system, transmission repair, brake repair, radiator repair, tire repair and installation, rust proofing, motor vehicle diagnostic centre, major and minor mechanical repairs or similar use and in conjunction with which there may be a towing service, a motor vehicle service station and motor vehicle rentals for the convenience of the customer while the motor vehicle is being repaired, but shall not include any other establishment otherwise defined or classified in this By-law.

5.97 MOTOR VEHICLE SERVICE STATION

A building or structure where gasoline, propane, natural gas, oil, grease, antifreeze, tires, tubes, tire accessories, electric light bulbs, sparkplugs, batteries and automotive accessories for motor vehicles and new retail goods are stored or kept for sale to the general public, or where motor vehicles may be oiled, greased or washed, or have their ignition adjusted, tires inflated or batteries charged, and where mechanical or running repairs essential to the actual operation of motor vehicles are executed or performed. Such shall require public washrooms.

5.98 MUNICIPAL, DISTRICT OR PROVINCIAL MAINTENANCE AND/OR PUBLIC WORKS YARD

Any land, building and/or structure owned by the Corporation of the Township of Mulmur, Public Utilities provider or the Province of Ontario and used for the storage, maintenance and/or repair of material, equipment, machinery and/or motor vehicle used in connection with civic works.

5.99 NON-COMPLYING

A lot, building or structure that does not fulfill the requirements of the zone provisions for the zone in which the lot, building, structure is located.

5.100 NON-CONFORMING

An existing use or activity of any land, building or structure which does not conform with the permitted uses or activities, of this By-law for the Zone in which such existing land, building or structure is located.

5.101 NURSERY OR GREENHOUSE, COMMERCIAL

A building or structure, and lands associated therewith, for the growing of flowers, fruits, vegetables, plants, shrubs, trees or similar vegetation together with gardening tools and implements which are sold at retail from such building or lot to the general public.

5.102 NURSING HOME

Any premises maintained and operated for persons requiring nursing care, and which is licensed under The Nursing Homes Act, as amended.

5.103 OUTDOOR RECREATION AREA

Lands and buildings used for the purposes of downhill skiing, cross country skiing, bicycling, hiking, and other sports activities that rely on the natural landscape but shall not include the racing of animals, motor vehicles, motor cycles or snowmobiles.

5.104 OUTSIDE STORAGE

Any accessory storage outside of a principle or main building or structure on the lot.

5.105 ON-FARM CRAFT DISTILLERY

A small batch, pot still distillery with a maximum distillation capacity not exceeding the minimum required capacity so that a license is attainable from the Alcohol and Gaming Commission of Ontario, or 5,000 l/day, whichever is greater.

5.106 PARK, PRIVATE RECREATIONAL

An open space or recreational area, other than a public park, operated on a commercial and/or private member basis, and which includes one or more of the following facilities or activities:

- a) Areas for walking, riding, and cross-country skiing, but does not include the racing of animals, motor vehicles, motor cycles or snowmobiles;
- b) Accessory recreational or playground areas such as picnic areas, tennis courts, lawn bowling greens, outdoor skating rinks, athletic fields;
- c) An accessory club house or storage building of a maximum of 75 sq. m., and;
- d) Parking lots accessory to the foregoing.

5.107 PARK, PUBLIC

Any open space or recreational area, owned or controlled by the Corporation or by any Board, Commission or other Authority established under any statute of the Province of Ontario and may include therein neighborhood, community, regional and special parks or areas and may include one or more athletic fields, field houses, community centers, bleachers, swimming pools, greenhouses, botanical gardens, zoological

gardens, bandstands, skating rinks, tennis courts, bowling greens, bathing stations, curling rinks, refreshment rooms, fair grounds, arenas, or similar uses.

5.108 PARKING AREA

An area or areas of land or a building or part thereof which is provided and maintained upon the same lot or lots upon which the principle use is located for the purpose of storing motor vehicles.

5.109 PARKING LOT

A parking area forming the principle use of a lot.

5.110 PARKING SPACE

A space with prescribed minimum dimensions and size within a parking area, exclusive of any aisles, or ingress or egress lanes, for the parking or storage of one motor vehicle.

5.111 PATIO

A platform or surfaced area without a roof, the surface of which is not more than 0.3 metres above finished grade, which is designed and intended for use as an accessory to a dwelling or a commercial use.

5.112 PERSON

Any human being, association, firm, partnership, incorporated company, corporation, agent or trustee, and the heirs, executor or other legal representatives of a person to whom the context can apply according to law.

5.113 PIT

Any lands where unconsolidated gravel, stone, sand, earth, clay, fill, peat or other material is being or has been removed by means of an excavation to supply materials for construction, industrial or manufacturing purposes, but does not include a wayside pit.

5.114 PLACE OF WORSHIP

Churches, chapels, temples, parish halls and synagogues including offices for the administration of the religious institution, convents, seminaries, monasteries, rectories, parsonages and parish houses.

5.115 PLACE OF AMUSEMENT

Any premises or separate part of a premises wherein for profit or gain, two or more amusement machines are provided for use by the public.

5.116 PLANTING STRIP

An open space free of buildings or structures which is used for no other purpose than planting a continuous, unpierced hedgerow of trees, evergreens or shrubs, or other natural vegetation having a minimum height of 1.5 metres.

5.117 PORTABLE PROCESSING PLANT

Any equipment for the crushing, screening or washing of sand and gravel aggregate materials, but not including a concrete batching plant or an asphalt plant, which equipment is capable of being readily drawn or readily propelled by a motor vehicle and which equipment is not considered permanently affixed to the site.

5.118 PRINCIPLE OR MAIN BUILDING

Any building which is carried on the principle purpose for which the building lot is used and shall include a barn or silo used in conjunction with a farm.

5.119 PRIVATE CLUB

A non-profit, non-commercial organization, which carries on social, cultural, athletic and/or recreational activities.

5.120 PRIVATE ROAD

A private right-of-way over private or public property which affords access to abutting lots and is not maintained by a public body.

5.121 PROVINCIAL HIGHWAY

A public improved road under the jurisdiction of the Ministry of Transportation.

5.122 PUBLIC AUTHORITY

Any Federal, Provincial, District or Municipal agencies, and includes any commission, board, authority or department established by such agency and shall include Ontario Hydro, and Bell Canada or their successors.

5.123 QUARRY

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

5.124 RECREATIONAL ESTABLISHMENT

Premises where entertainment is offered for gain or profit such as a motion picture or other theatre, public hall, billiard or pool rooms, an establishment offering three or more electronic games for public use, bowling alley, ice or roller skating rink, miniature golf course and all other similar places of amusement.

5.125 RESOURCE MANAGEMENT

The preservation, protection and improvement of the natural environment through comprehensive management and maintenance, under professional direction for both the individual and society's use, both in the present and the future. Resource Management Uses also means the management, development and cultivation of timber resources to ensure the continuous production of wood or wood products, the provision of proper environmental conditions for wildlife, the protection against floods and erosion, the protection and production of water supplies and the preservation of the recreational resource.

5.126 RESTAURANT

A building or part of a building where food is offered for sale or sold to the public primarily for immediate consumption.

5.127 RETAIL STORE

A building or part of a building where goods, wares, merchandise, substances or articles, are offered or kept for sale at retail and includes storage on or about the store premises of limited quantities of such goods, wares, merchandise, substances, or articles sufficient only to service such stores but does not include any retail outlet otherwise classified or defined in this By-law.

5.128 RIDING SCHOOL OR BOARDING STABLE

An area of land and buildings which are used as an educational or recreational centre for horse training, handling, care, or for the lodging of horses.

5.129 SALVAGE OR WRECKING YARD

A place where motor vehicles are wrecked or disassembled and resold; a place where second-hand goods, including waste paper, bottles, automobile tires, clothing, other scrap materials and salvage are collected to be sorted and a place where used lumber and used building materials are collected, stored for sale or resale.

5.130 SAWMILL

A building, structure or areas where timber is cut or sawed, either to finished lumber or as an intermediary step.

5.131 SCHOOL

A public school, a separate school, a university, a community college or a private school authorized by the Province of Ontario.

5.132 SERVICE SHOP

A building or part of a building, not otherwise defined or classified in this By-law, for the servicing or repairing of articles, goods or materials, as well as facilities for accessory retail sales.

5.133 SERVICE SHOP, PERSONAL

A building or part of a building in which persons are employed in furnishing services and otherwise administering to individual and personal needs of patrons such as barber shops, beauty parlors, dry cleaning outlets, hair dressing shops, photograph studio and shoe repair shops.

5.134 SETBACK

The horizontal distance from the centre line of the street right-of-way, or defined physical feature measured at right angles to such centre line, to the nearest part of any building or structure on the lot.

5.135 SEWAGE

The waste water and matter from any use.

5.136 SEWAGE SERVICES OR FACILITY

Any works by a public authority for the collection, transmission, storage, treatment and disposal of sewage.

5.137 SHOOTING RANGE

A facility or area where firearms are discharged, including facilities or areas for clay pigeon or target shooting, a firing or rifle range and all such similar facilities or areas where such activities/uses are undertaken by anyone other than the owner of the property, on that property, but it does not include the hunting of game by the landowner or by any other person lawfully entitled to hunt game on a lot, with the permission of the landowner.

5.138 STOREY

A storey is that part of a building between the surface of one floor and the ceiling above. However, a cellar does not count as a storey.

5.139 STREET LINE

The limit of the street or road allowance and is the dividing line between a lot and street or road.

5.140 STRUCTURE

Anything man-made that is fastened to or into the earth or another structure or rests on the earth by its own mass.

5.141 TAVERN

A tavern or public house as defined by The Liquor License Act, but does not include a hotel or restaurant.

5.142 TENT

Any kind of temporary shelter for sleeping that is not permanently affixed to the site and that is capable of being easily moved and is not considered a structure.

5.143 TOP OF BANK

A point of line which is the beginning of a significant change in the land surface, thence from which the land surface slopes downward towards an abandoned or existing watercourse. Where two or more slopes are located together, the slope that is highest and furthest away from the watercourse shall be the slope considered the top of bank.

5.144 TOWNSHIP

The Corporation of the Township of Mulmur

5.145 TRAILER

A vehicle that is at any time drawn upon a highway by a motor vehicle, another motor vehicle or any device or apparatus not designed to transport persons or property, temporarily drawn, propelled or moved upon such highway, and except a side car attached to a motorcycle, and shall be considered a separate vehicle and not part of the motor vehicle by which it is drawn and, for the purposes of this By-law, does not include a mobile home or a park model home.

5.146 TRAILER, TRAVEL OR TENT

Any trailer which is designed to be temporarily utilized for living, shelter and sleeping accommodation, with or without cooking facilities and which has running gear and towing equipment permanently attached and a current license and is not permanently affixed to the ground.

5.147 TRANSPORTATION DEPOT

Any building or land where buses, trucks or tractor-trailers are rented, leased, kept for hire, stored or parked for commercial purposes.

5.148 USE

- a) Any purpose for which a building or other structure or a parcel of land may be designed, arranged, intended, maintained, or occupied; or,
- b) Any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a parcel of land.

5.149 UTILITY PROVIDER

Any agency, which under public or private ownership, provides the public with electricity, gas, heat, rail transportation, water, sewage, collection or other public service.

5.150 VEHICLE

A motor vehicle, trailer, traction engine, farm tractor, road building machine and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include the cars of electric or steam railways running only upon rails.

5.151 VEHICLE, RECREATIONAL

A vehicle designed to provide temporary living accommodation but does not include a mobile home, travel trailer or other vehicle defined herein.

5.152 VETERINARY HOSPITAL

The premises of a veterinary surgeon where animals are treated or kept.

5.153 WAREHOUSE

A building or part of a building used for the storage and distribution of goods, wares, merchandise, substances or articles and may include facilities for a wholesale or retail commercial outlet, provided that they do not exceed 10 per cent of the gross floor area, but shall not include a truck or transport terminal or yard.

5.154 WASTE DISPOSAL AREA

A land fill site where garbage, refuse, domestic or industrial waste, exclusive of liquid industrial waste, is disposed of or dumped.

5.155 WATERCOURSE

The natural or man-made bed and shore of a river, lake, stream or creek where the primary focus is the conveyance or containment of water whether the flow is continuous or not.

5.156 WAYSIDE PIT OR QUARRY

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

5.157 WIND TURBINE GENERATOR, SMALL SCALE

Any wind energy conversion system consisting of a single mechanical device designed to convert wind energy into electricity which has less than a nameplate capacity rating of 50 kW.a., and has a height of less than 38 m., and has a blade length of less than 9.0 m. and which generates electricity for an existing, permitted principal use on the same lot.

5.158 WIND TURBINE GENERATOR, LARGE SCALE

Any wind energy conversion system consisting of one or more mechanical devices that collectively produces more than nameplate capacity rating of 50 kW.a., or has a height of more than 38 m., or has a blade length of more than 9.0 m. or is operated on a commercial basis.

5.159 WORKSHOP

A building or structure where manufacturing is performed by tradesmen requiring manual or mechanical skills and may include a carpenter's shop, a locksmith's shop, a gunsmith's shop, a plumbing and electrical contractor's or a heating /air conditioning contractor's shop, a commercial welder's shop, or similar uses.

5.160 YARD

Any open unoccupied space appurtenant to a building measured from the closest supporting structure of the building to the lot line.

5.161 YARD, EXTERIOR SIDE

A side yard immediately adjacent to an exterior lot line.

5.162 YARD, FRONT

A yard extending across the full width of the lot between the front lot line and the nearest wall of any building or structure on the lot for which the yard is required, or the nearest open storage use on the lot, or the edge or rim of an excavation.

5.163 YARD, REAR

A yard extending across the full width of the lot between the rear lot line and the nearest wall of any building, or the nearest open storage use on the lot, or the edge or rim of an excavation on the lot for which the yard is required.

5.164 YARD, REQUIRED

The minimum yard required by the provisions of the By-law.

5.165 YARD, SIDE

A yard extending from the front yard to the rear yard between the side lot line and the nearest wall of any building on the lot for which the yard is required.

5.166 YARD, SIDE EXTERIOR

A side yard immediately adjoining a public street.

5.167 YARD, SIDE INTERIOR

A side yard other than an exterior side yard.

5.168 YARD, SIDE

The least horizontal distance between the side lot line of the lot and the nearest part of any building or structure on the lot, or the nearest open storage use on the lot, or edge or rim or excavation on the lot.

5.169 ZONE

The category of use or activity of land, buildings, structures or activities permitted by this By-law.

5.170 ZONE PROVISIONS

The permissible uses, the minimum area and dimensions of lots, the minimum dimensions of yards, the maximum lot coverage, the minimum setback, gross floor area, the minimum landscaped open space, the maximum height of buildings, minimum parking requirements, and all other Zone provisions are set out within the By-law for the respective Zones.

**SECTION 6
ENACTMENT**

6.1 FORCE AND EFFECT

This By-law shall come into force and effect on the date it is passed by the Council of the Corporation of the Township of Mulmur subject to the applicable provisions of The Planning Act, R.S.O., 1990, c.P13., as amended.

6.2 READINGS BY COUNCIL

THIS BY-LAW READ A FIRST TIME ON THE 20TH DAY OF FEBRUARY, 2002.

THIS BY-LAW READ A SECOND TIME ON THE 20TH DAY OF FEBRUARY, 2002.

THIS BY-LAW READ A THIRD TIME AND FINALLY PASSED ON THE 20TH DAY OF FEBRUARY, 2002.

REEVE:

original signed

CLERK:

original signed

CERTIFICATION

I hereby that the foregoing is a true copy of Zoning By-law No. 05-02 as enacted by the Council of the Corporation of the Township of Mulmur, on the 20TH day of February, 2002.

CLERK:

original signed

**SCHEDULE D to By-law 05-02
(as amended by By-law 17-17)**

TABLE 1 “ SCHEDULE D “					
	AGRICULTURAL ZONE (PART A1)			RURAL ZONE (PART A2)	
Permitted Uses	COLUMN A	COLUMN B	COLUMN C	COLUMN E	COLUMN F
Size of Parcel (ha)	19.01 or more	8.00 to 18.99	2.00 to 7.99	8.00 and over	2.00 to 7.99
Agriculture, Specialized	X				
Agriculture, General	X	X	X	X	X
Bed and Breakfast	X	X	X	X	X
Crisis Centre	X	X	X	X	X
Forestry	X	X	X	X	X
Farm Produce Sales Outlet	X	X	X	X	X
Farm Produce Storage Facility	X	X	X	X	
Greenhouse Operation	X	X	X	X	X
Group Home	X	X	X	X	X
Home Industry	X	X	X	X	X
Home Occupation	X	X	X	X	X
Kennel	X	X		X	
Portable Sawmill	X	X		X	
Public Open Space	X	X	X	X	X
Resource Management Activity	X	X	X	X	X
Riding School or Boarding Stable	X	X	X	X	
Single family dwelling	X	X	X	X	X
Additional Single dwelling ASD (1)	X	X		X	
One Accessory dwelling unit (1)	X	X	X	X	X
Veterinary Hospital	X	X	X	X	X
Wayside Pit or Wayside Quarry	X	X	X	X	
Wind generator – small scale	X	X	X	X	X
Regulations for Permitted Uses	(PART B1)			(PART B2)	
Minimum Lot Area (ha.)	19.01 or more	8.00 to 18.99	2.00 to 7.99	8.00 and over	2.00 to 7.99
Minimum Lot Frontage (m.)	150	100	100	100	100
Minimum Yards – Front (m.)	30	30	30	30	20
Interior Side	30	30	20	20	10
Exterior Side	30	30	30	30	20
Rear	30	30	20	20	10
Maximum Lot Coverage (%)	5	5	5	5	10
Maximum Height	10.5	10.5	10.5	10.5	10.5
Livestock Use (Max NU/ha.)	(2)	3/ha.	2/ha.	3/ha.	2/ha.
(1) Subject to provisions and maximum number of units (2) Number of livestock limited by MDS2 Requirements					

Schedule F – Well Head Protection and Source Protection