



# **TOWNSHIP OF MULMUR COMPREHENSIVE ZONING BY-LAW NO. 28-18**

OFFICE CONSOLIDATION DATE: May 3 2024

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

*THIS BY-LAW DOES NOT APPLY TO LANDS WITHIN THE NIAGARA ESCARPMENT PLAN. THIS DOCUMENT MAY BE  
USED AS A GUIDE TO PROVIDE COMMENTS ON NEC APPLICATIONS.*

## LIST OF AMENDMENTS

(FOR STAFF USE ONLY – THESE PAGES DO NOT FORM PART OF THE COMPREHENSIVE ZONING BY-LAW)

APPLICATION	BY-LAW #	PURPOSE	Site Specific Zone	Mapping (GIS)
Z8-2015	33-18 (Aug 1 2018)	Ice Cream Parlour	CG-6	yes
Z1-2016	44-2019	Mansfield Ski Club – Accommodation Units	RE-1-H	n/a
1/2018	PL 150119	Arbour Farms	MX-2	yes
Z2-2018	35-18 (Sept 5 2018)	Liscum/Duncan shed & ag	RR-3	Yes
Z2-2019	13-2019 (Feb 2019)	Law	RR-5	yes
Z1-2019	14-2019 (Feb 2019)	Whitney/Sawyer	HR-2	Yes
Z3-2019	20-2019 (Apr 2019)	Arnold	RR-5	yes
Z4-2019	36-2019 (Aug 2019)	Mansfield Ski (garage setback)	ER-11	n/a
Z5-2019	41-19 (Sept 2019)	Simpson Johnston	HR-3	Yes
Z6-2019	43-2019	Davie second dwelling	EP-3	Yes
Z7-2019	59-2019	Piaga Investments	CH-1	No
Z8-2019	REFUSED	Mansfield Ski Building Envelop	ER-10	n/a
Z9-2019	3-2020	Stoltzfus Horses	RR-8	yes
2019	40-2019 (Sept 2019)	Billboard signs	n/a	n/a
2019	39-2019 ( Sept 2019)	Green energy	n/a	n/a
Z1-2020	39-2020	Somerville severance	A1, RR-9	yes
Z2-2020	40-2020	Shell Gas Station Mansfield sign	GC-5	N/a
Z3-2020	43-2020	Chorabik Apiary	RC-8	yes
Z5-2020	WITHDRAWN	Gray Second Dwelling		
Z6-2020	6-2021	Poirier Garage Setback	HR-8	completed
Z7-2020	WITHDRAWN	Woulough second dwelling		
Z8-2020	15-2021	Heaton Kennel	A-3	completed
Z9-2020	3-2020	Stoltzfus	RR-8	completed
Z1-2021	16-2021	Wiedemann Horses	RR-10	completed
Z2-2021	33-2021	Coe Farm House/Lands	A-1, RR	BURNSIDE
Z3-2021	34-2021	Rutledge Farm House/Lands	A-1, RR	completed
Z4-2021	41-2021	Litz/Rose Retail Holding Removal	HCG	Completed
Z5-2021	34-2021	Taggart setback	A-2	Completed
Z6-2021	56-2021	Mockingbird Severance	RR	Completed
Z7-2021	DEFER	Benoit		
Z8 – 2021	02-2022	McKnight	ER-2	Yes – Roll 122100
Z9-2021	5-2022	Cunningham Coe	RR-11	Yes
Z10-2021		Deltini Employment Sub		

Z12-2021	Approved (LPAT)	Csizik	RR-9	4-08002
ZB-2021	52-2021	Housekeeping (Gross floor area, MDS, swimming pools)	N/A	No
Z1-2022	17-2022	Davie	EP-4	Yes – R 1-01900
Z2-2022	18-2022	Clark	EP	Yes R 2-04150
Z3-2022	16-2022	Chouhan (frontage 89)	RR-12	Yes – roll 205704
Z4-2022	30-2022	Horak Longworth	ER-15	Yes
Z5-2022	31-2022	Pole Martel	A-6	Yes
Z6-2022	50-2022	Humphrey	RR-13	Yes 6-10000
Housekeeping	48-2022	Housekeeping	NA	NA
Z1-2023	7-2023	Chouhan	RR-14	Yes- roll 205701
Z02/Z03-2023	6-21750, 6-21550	Bonnefield	A-1	yes
Z04-2023	5-19300	White	A-16	
Z05-2023	2 05703	Chouhan	RR-14	Yes – roll 205703
Z06-2023	1 -16500	Mansfield General Store	CG-7	
Z01-2024	3-18050	Reid	RR-15	
Z02-2024	1-28447	Vartija	ER-3	
Z03-2024	3-02760	Brown Second Dwelling	A-17	
Housekeeping	Bylaw 16 -2024	General Housekeeping		
Z01-2025	Z11-2021	Fields Estates	HR-9 / HR-10	
HOUSEKEEPING	By-law 29-2025	General Housekeeping		
		IMPLEMENT NEW OFFICIAL PLAN		

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# **SECTION 1: ADMINISTRATION**

## **1.1 TITLE**

This By-law may be referred to as the "Comprehensive 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**

- a) Except as set out in subsection 1.6b, the provisions of the Township of Mulmur Zoning By-law 05-02, and all amendments thereto, are hereby repealed.
- b) Notwithstanding anything to the contrary, including subsection 1.6.a, this By-law shall not apply to the lands listed below and By-law 05-02 and all amendments thereto shall continue in full force and effect respect the lands listed below:
  1. Temporary Use By-law 25-17, expiring October 31, 2019; and
  2. Lot 23, Concession 7 (Roll No. 221600000406400).

### **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 Local Planning Appeal Tribunal.

### **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.

### **1.10 TEXT BOXES AND ILLUSTRATIONS**

References provided in text boxes and illustrations do not form part of this by-law and maybe updated or replaced without amendment.

# **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:

A	-	Countryside Area
RR	-	Rural Residential
RC	-	Rural Commercial
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
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' may be 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**

The boundaries of a zone shall be determined as follows:

- 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; and
- vi) any other site-specific holding provision included through site specific zoning.

### **2.6.1 Business Park Holding Symbol**

No person shall, within any Business Park Gateway (BP-G), Business Park Core (BP-C) or Business Park Transition (BP-T) Zone with a Holding Symbol, until the Holding Symbol ("H") has been removed. 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.

## **2.7 OVERLAY ZONES**

### **2.7.1 Waste Disposal Sites and Former Waste Disposal Sites Overlay**

Where lands are identified on Schedule B as being subject to the “Waste Disposal Site Restricted Overlay” zone, no habitable building or structure shall be permitted until the appropriate studies have been undertaken to the Township’s satisfaction.

No building permit shall be issued for any building or structure within 3kms of a waste disposal site and former waste disposal site where significant impacts have been encountered within the 500m Restricted Overlay until the applicable requirements have been satisfied. Where 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 exceed the Township’s overlay zone, the Ministry’s requirements shall apply.

### **2.7.2 Whitfield NAVCAN Navigation Beacon Overlay (8km Radius)**

Notwithstanding the provisions of this by-law, to the contrary, where lands are identified on Schedule B as being subject to the “Navigation Beacon Overlay” zone, no building permit shall be issued for any building or structure that is greater than 12m in height. Such buildings or structures may only be permitted subject to the requirements of Transport Canada respecting the height of any building or structure and where the applicable requirements have been satisfied to the satisfaction of Transport Canada. This provision applies to all such structures within a distance of 8 km. of the Whitfield navigation beacon.

### **2.7.23 WELLHEAD PROTECTION SOURCE PROTECTION OVERLAY**

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 “B” 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 WHPA a, b, c and d.

## **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 Purposes**

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 principal 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 of section 3.2 of the By-law and the provisions of the applicable zone.

#### **3.2.1.1 Accessory Buildings and Structures on Vacant Lands**

Accessory structures shall not be permitted on vacant land, including land used for a forestry or livestock use. No building or structure of less than 150 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.

#### **3.2.1.2 Large Accessory Buildings as Principal Uses**

Buildings and structures greater than 140120 m<sup>2</sup> in the Countryside Area (A) zone shall be considered principal buildings and shall be for a purpose permitted by the By-law, including an *implement shed* or *livestock facility*. Buildings greater than 140 120 m<sup>2</sup> proposed for personal use shall only be permitted as accessory uses. require an amendment to the zoning by-law.

*Note: An implement shed, by definition, must be accessory to a crop operation having a minimum of 15 ha of tillable land or accessory to a livestock facility. A new livestock facility, in accordance with the Nutrient Management Act, must have an approved NMP/S if designed for > 5NU (approx. 50m2)*

For the purposes of this By-law a *livestock facility*, manure storage facility and/or anaerobic digester with an approved nutrient management plan or *implement shed* on a lot having a minimum of 15 ha of workable land shall be considered as a principal building in an Agricultural or Rural Zone.

### 3.2.2 Permitted Accessory Buildings and Structures

The following accessory buildings and structures are permitted in the below indicated zones, in accordance with the regulations for accessory buildings and structures. Such uses are only permitted accessory to a permitted principal building.

Permitted Accessory Buildings and Structures	Zone											
	Countryside Area (A)	Rural Residential	Hamlet Residential	Estate Residential	Rural Commercial	General Commercial	Business Park Gateway Core, Transition	Highway Commercial	Industrial	Recreational	Institutional	Open Space
Garden Shed, Garage, Personal Storage Shed	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Temporary Cloth Covered structure, car canopy, or car shelter having a maximum gross floor area of 15 m <sup>2</sup>	✓	✓	✓	✓	✓							
Temporary Sea container, shipping containers, storage bins, truck bodies (with the frame and towing gear removed)	✓	✓			✓				✓			
Quonset-style sheds permitted	✓								✓			
<i>Non-Commercial Wind Turbine, Wind Mill</i>	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
<i>Non-commercial Ground Mounted Solar Project</i>	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
<i>Roof Top Solar Project</i>	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	

### 3.2.3 Regulations for Accessory Buildings and Structures

The following regulations shall apply to all accessory buildings and structures, including buildings and structures less than 1510 m<sup>2</sup> in gross floor area and temporary buildings and structures:

*Note: Municipal approval is required for temporary buildings and structures, and permanent buildings and structures less than 1510m<sup>2</sup> even though a building permit may or may not be required.*

Provisions applying to Accessory Building and/or Accessory Structure	Zone											
	Countryside Area (A)	Rural Residential	Hamlet Residential	Estate Residential	Rural Commercial	General Commercial	Business Park Gateway Core, Transition	Highway Commercial	Industrial	Recreational	Institutional	Open Space
Required to meet zone requirements	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Permitted in front of Principal Building provided it meets minimum front yard and exterior side yard setbacks of zone	✓	✓										✓
Maximum total number of all accessory buildings or structures having a gross floor area of 15 m <sup>2</sup> or less, not including <i>non-commercial wind turbines</i> and <i>non-commercial solar panels</i>	2	2	1	1	2	1	1	1	1			
Maximum total number of all accessory buildings and structures greater than 15 m <sup>2</sup>	2	2	1	1	2	1	1	1	1			
Maximum gross floor area as a percentage of the floor area of the largest dwelling (including attached garage to a dwelling) or main building (%)	100	100	75	75	100	40	40	40	40			75
Maximum gross floor area of all accessory buildings and structures (m <sup>2</sup> )	140	140	140	140	140							140
Maximum height (m)	6	6	4.5	4.5	6	6	6	6	6	6	6	4.5
Ground floor area of accessory buildings and structures shall be Included in calculation of total lot coverage	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Minimum interior side or rear yard setback, to a maximum of the minimum requirement for the principal building on the lot where:												
Gross floor area is less than 20 m <sup>2</sup>	1.5m											
Gross floor area is between 20 m <sup>2</sup> and 40 m <sup>2</sup>	3m											
Gross floor area between 40 m <sup>2</sup> and 60 m <sup>2</sup>	4.5m											
Gross floor area is greater than 60 m <sup>2</sup>	6m											

Provisions applying to Signs	Zone											
	Countryside Area (A)	Rural Residential	Hamlet Residential	Estate Residential	Rural Commercial	General Commercial	Business Park Gateway Core, Transition	Highway Commercial	Industrial	Recreational	Institutional	Open Space
Maximum total number of signs	2	2	1	1	1	1	1	1	1	2	1	1
Maximum face areas of a sign accessory to and providing advertising or identification in relation to the property or a land uses in Mulmur, unless otherwise specified. (m <sup>2</sup> )	3	3	1	1	3	3	3	3	3	3	3	3
Sign shall maintain a minimum setback of 4 m to all lot lines and shall be permitted in the front yard.												
No sign shall be illuminated.												

### 3.2.4 Temporary accessory uses and structures during Construction

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.

*Note: By-law 09-2022, as amended or replaced, regulates sign on the Municipal Right-of-way. County Roads are regulated by the County of Dufferin. MTO setbacks apply to Highway 89.*

### 3.2.5 Signs

A non-illuminated sign having a maximum face area of 3m<sup>2</sup> shall be permitted on any lands, except lands zoned Environmental Protection, Hamlet Residential and Estate Residential, accessory to and providing advertising or identification in relation to the property or land uses on the subject lands, unless otherwise specified. Such sign shall comply with the setbacks for an accessory structure, except that it shall be permitted in the front yard, subject to maintaining a front yard setback equivalent to 1.5 times its height.

A non-illuminated sign having a maximum face area of 1m<sup>2</sup> shall be permitted on lands zoned Hamlet Residential and Estate Residential, accessory to and providing advertising or identification in relation to the property or land uses on the subject lands, unless otherwise specified.

Only signs under the jurisdiction of the municipality shall be permitted to advertise or identify uses or businesses unrelated to the land uses on the subject lands.

Any sign having a face area of greater than 3m<sup>2</sup>, regardless of whether it is freestanding or attached to a permitted building or structure shall not be permitted, except by amendment to this by-law.

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.

### 3.2.6 Swimming Pools and Fences

Regulations pertaining to pools and pool fences are contained in the Township's fence by-law, as amended. No swimming pool, water circulating, or pumping equipment shall be located within 1.5 metres to any lot line.

### **3.3 ADDITIONAL DWELLING UNITS, ADDITIONAL SINGLE DWELLINGS & ATTACHED ACCESSORY DWELLING UNITS**

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

#### **3.3.1 Water and Sewage 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.

#### **3.3.2 Detached Additional Single Dwellings**

Where an additional detached single dwelling is permitted, such dwelling shall comply with the following provisions:

- i) Minimum lot size shall be 2.0 ha.
- ii) The gross floor area of the Detached Additional Single Dwelling shall be no more than 50% of the gross floor area of the principal single detached dwelling, and no more than 110 m<sup>2</sup>, and shall not exceed the lot coverage for all accessory structures in subsection 3.2.3.
- iii) A maximum of one Detached Additional Single Dwelling unit shall be permitted. Where permitted, a maximum of one Farm Worker Housing Unit may also be permitted in addition to the Detached Additional Single Dwelling Unit.
- iv) Notwithstanding the definition of Gross Floor Area, a basement in a Detached Additional Single Dwelling with windows shall be considered Gross Floor Area, regardless of the size of windows or portion of the wall that is above grade. A crawl space, having a maximum height of 5' shall be permitted and not included in the Gross Floor Area of a Detached Additional Single Dwelling.
- v) An attached garage shall be permitted to have a maximum floor area of 20m<sup>2</sup>.
- vi) The Detached Additional Single Dwelling shall be located with 30m of the principal 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 *guest cabin*, second storey loft in any building or structure, or pool house having a floor area greater than 20 m<sup>2</sup>, or accessory structure other than a garage or workshop, 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:

- i) Minimum lot size shall be 1.0 ha
- i) The gross floor area of the additional single dwelling shall be no more than 50% of the gross floor area of the principal single detached dwelling, and no more than 80 m<sup>2</sup>, and shall not exceed the lot coverage for all accessory structures in subsection 3.2.3.

- ii) 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.

### **3.3.3 Attached Accessory Additional Dwelling Unit**

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

- i) Minimum lot size shall be in accordance with section 3.10.2.3, Existing Undersized Lots of Record. 0.4 ha
- ii) Water and septic services shall be adequately sized to allow for the accessory dwelling unit
- iii) Accessory dwelling unit and main dwelling shall be attached either through a common ceiling/floor or wall having a minimum face area of 12 m<sup>2</sup>. A common breezeway or any other form of roof connection or hallway shall not be considered attached.
- iv) An attached accessory dwelling unit maximum of one attached additional single dwelling unit shall be permitted. will not be permitted if there is already a second dwelling unit, unless the lot has a minimum area of 8 ha.

### **3.3.4 Temporary Dwelling Unit Garden Suite**

A *Garden suite* or *mobile home* may be permitted as a temporary use in all zones that permit a *single detached dwelling* unit provided that:

- i) the unit is occupied by an immediate family member of the occupant of the primary residential use;
- i) the lot has sufficient sewage and water services to accommodate the unit;
- ii) the unit has a minimum maximum gross floor area of 8045 sq m; and a maximum of 75 sq m.
- iii) there is an agreement between the owner and Township that provides for the removal of the building in accordance with the provision of the agreement and when it is no longer required for the purpose for which it was permitted; and.
- iv) there is not already a detached additional dwelling unit on the lot.

### **3.3.6 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.

### **3.3.7 Habitation in Camping Trailers and Recreational Vehicles**

Except as may be permitted by this by-law, the use of a *recreational vehicle*, travel trailer, motor home, *mobile 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.

### **3.3.8 Temporary Trailer Habitation during Dwelling Construction**

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 principal 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 principal dwelling by the Dufferin County Building Department.

### 3.3.9 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. Where an accessory attached dwelling unit is permitted to be located within non-residential building, such dwelling unit shall be located behind or above the non-residential use.

### 3.3.10 Minimum Gross Floor Area of Dwelling Units

Unless otherwise specifically permitted by this by-law, a dwelling unit shall have a minimum gross building floor area of 110 sq m, and a minimum combined building gross floor area, if more than one storey, of 140 sq m. Basement floor space shall not be permitted to form part of this minimum gross 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 gross 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 principal non-residential permitted use shall have a minimum building floor area of 90 sq m.

## 3.4 ENCROACHMENTS AND HEIGHT EXCEPTIONS

The following buildings, structures and fixtures shall be permitted to encroach into the required minimum yard requirement in accordance with the following:

Building, Structures & Fixtures	Permitted Encroachment
drop awnings, clothes poles, garden trellises, retaining walls less than 1.0 m above the average finished grade, fences, signs or similar uses which comply with the By-laws of the Township	In any required interior, side or rear yard
Swimming pool water circulating or pumping equipment	Minimum 3.0 m to any side or rear lot line
satellite antennas less than 1.0m in diameter	Zero setback
unenclosed fire escapes	1.5m into a rear yard
decks, steps, balconies and patios with a floor height less than 1.0m above finished grade	a maximum distance of 2.0m but shall not be closer than 1.5m to any lot line
sills, chimneys, cornices, eaves, gutters, parapets, pilasters, windows or other ornamental structures	may project into any required yard a maximum distance of 0.6 m
silo, church spire, belfry, flag pole, clock tower, chimney, water tank, <i>non-commercial wind turbine</i> , windmill, radio or television tower or antenna, air conditioner duct, grain elevator, incidental equipment required for processing, external equipment associated with internal equipment or machinery and conveying equipment	No maximum height

<i>Non-commercial Wind Turbine</i>	Maximum height shall be 50% of the distance achieved between the base of the turbine and the closest lot line, and in no instance shall the hub height be greater than 36m
<i>Non-commercial Solar Panel</i>	Permitted in all yards except the front and exterior side yards but must maintain a minimum side yard and rear yard setback of 1.5m

### 3.5 ENVIRONMENTAL AND HAZARD SETBACKS

#### 3.5.1 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

#### 3.5.2 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.

#### 3.5.3 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.

### 3.6 HOME INDUSTRY

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

- i) All development shall be subject to site plan control. 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 sq m.
- iii) There shall be no display, other than a sign in accordance with section 3.2.5
- ~~iv~~ iii) There shall be no *outdoor storage* of goods, materials or articles.
- ~~v~~ iv) 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.
- v) Additional parking shall be provided in accordance with Section 3.14.
- vi) Where permitted, a maximum of one home industry shall be permitted per parcel.
- vii) A building used for a home industry shall be located in line or behind the front of the principal dwelling on the parcel.

~~vi}~~viii) A landscaping strip shall be required.

### 3.7 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 employee permitted.
- ii) There shall be no display, other than a sign in accordance with section 3.2.5
- ~~iii}~~ii) 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}~~iii) There shall be no *outdoor storage* of goods, materials, containers or animal enclosures
- ~~v}~~iv) 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}~~v) 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's clinic*, physician, or other professional person.  
A *home occupation* shall not include a *boarding house*, an eating establishment, or a facility offering accommodation or meals other than a *Bed and Breakfast* establishment. A catering business shall be permitted but a restaurant, including take-out shall not be permitted. Pick-up of frozen foods and bulk bakery items prepared on site, is permitted.
- ~~vii}~~vi) A *home occupation* shall be secondary to the principal residence and shall not change the residential character of the lot.
- ~~viii}~~vii) One *home occupation* only shall be permitted in conjunction with a single detached dwelling.
- ~~ix}~~viii) Additional parking shall be provided in accordance with Section 3.14.

### 3.8 LIVESTOCK AND MINIMUM DISTANCE SEPARATION

#### 3.8.1 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 Ministry's Minimum Distance Separation (MDS I) calculations and Guidelines related thereto.

Notwithstanding any other yard or setback provision in this By-law to the contrary, no *livestock facility*, anaerobic digester or manure storage facility shall be erected or expanded unless it complies with the Ministry's Minimum Separation Distance (MDS II) calculations and Guidelines related thereto.

For the purpose of implementing MDS, cemeteries shall be considered a Type A land use.

#### 3.8.2 Livestock on Small Lots and in Existing Barns

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

*By-law 19-18 regulates coops and the requirements for hen husbandry*

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. MDS shall not apply to a new dwelling on an existing vacant lot that cannot meet MDS.

### **3.8.3 Backyard Hens**

Where lands have a minimum lot area of 0.4 hectares, having a minimum lot frontage of 15m, and are developed with a single detached dwelling, a maximum of 4 hens shall be permitted, subject to the following:

- ) The coop and management shall be in accordance with any Backyard Hen By-law, as amended or replaced.
- ) No rooster shall be permitted.
- ) MDS shall not apply.
- ) The coop shall comply with section 3.2 (Accessory Structures), and in addition, shall maintain a minimum setback of 3m to any lot line.
- ) The coop and any run (associated outdoor fenced area) shall only be permitted in the rear yard.

### **3.8.34 ON-FARM DIVERSIFIED USES**

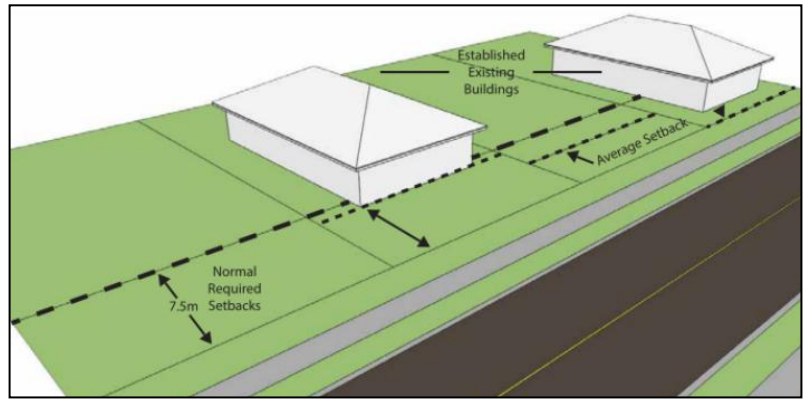
Where permitted, *on-farm diversified uses* shall be subject to the following provisions:

- i) The on-farm diversified use (including lands for buildings, structures, landscaping, servicing, buffering, parking) may occupy no more than 2% of the property on which the uses are located, to a maximum of 1 ha.
- ii) Maximum ground floor area of all buildings and structures building shall be 20% of the 2% of the lot area, to a maximum of 200 m<sup>2</sup>.
- iii) The floor area of farm building that existed prior to 2012 may be used in the on-farm diversified use and calculated at 50% floor area towards the maximum 20% of the 2% lot area.
- iv) All on-farm diversified uses shall be subject to site plan approval.
- v) Except as otherwise permitted as an agricultural use, including but not limited to agri-tourism and farmer's market, all business use shall be conducted within a completely enclosed structure.
- vi) No outdoor storage shall be permitted.
- vii) An assembly hall any other event facility will only be considered through a site-specific amendment, to this by-law, or a special event permit.
  - ) maximum ground floor area of all buildings and structures: 1% lot coverage to a maximum of 2000 m<sup>2</sup>
  - ) maximum percentage of land required for the *on-farm diversified use*, including building footprint, landscaped area, servicing, buffering areas, setbacks, and access - 2% to a maximum of 1.0ha

## **3.9 LOT PROVISIONS AND APPLICATIONS**

### **3.9.1 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 m of the lot.



### 3.9.2 Frontage on Improved Public Road

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.

### 3.9.3 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.

### 3.9.4 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.

### 3.9.5 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.

### **3.9.6 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.

### **3.9.7 Street Centre Lines**

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

## **3.10 LEGAL NON-CONFORMING AND NON-COMPLYING**

### **3.10.1 NON-CONFORMING USES**

#### **3.10.1.1 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.

#### **3.10.1.2 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 m, reconstructed or otherwise structurally altered, unless such building or structure is thereafter to be used for a purpose permitted within such zone.

#### **3.10.1.3 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.

#### **3.10.1.4 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.

#### **3.10.1.5 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 legally erected.

### **3.10.2 Non-Complying Lots, Buildings, Structures and Uses**

#### **3.10.2.1 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.

#### **3.10.2.2 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.

#### **3.10.2.3 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 m 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.

#### **3.10.2.4 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 3.10.2.3 above are met.

### 3.11 USES PERMITTED IN ALL ZONES

#### 3.11.1 Permitted Uses

Unless specifically prohibited, the following uses shall be permitted in all zones:

- i) Existing agricultural crop activities
- ii) *Legal non-conforming* uses in accordance with Section 3.10.1
- iii) *Legal non-complying* uses in accordance with Section 3.10.2
- iv) *Resource Management*
- v) *Passive recreational uses*
- vi) *Public uses*, public service buildings and structures provided by the Township, County 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
- vii) Utility infrastructure provided by a public 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.
- ~~vii)~~viii) Elementary school and secondary schools, including an ancillary child care facility.

#### 3.11.2 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.

#### 3.11.3 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 m from a Residential Zone.
- (ii) The zone provisions of the zone in which the use is located shall be complied with except as otherwise permitted through this section of the 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.

#### 3.11.4 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.

### 3.12 PROHIBITED USES AND USE-SPECIFIC PROVISIONS

In addition to the specific provisions below, any use which is defined in Section 5 of this by-law shall be prohibited except where explicitly permitted.

*NOTE: Section 5, Definitions, includes an abattoir, airport, animal shelter, boarding house, camping establishment, multiple residential housing forms, laundromat, outdoor storage, shooting range, waste disposal area. Also see section 3.3.7 which prohibits sleeping in RVs.*



### 3.12.1 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 in regulated areas as permitted by the Conservation Authority under the Conservation Authorities Act, or as provided for in the Township's Fill By-law, as amended.

*NOTE: By-law 9-2015 regulates fill activities*

### 3.12.2 HIGH IMPACT RECREATIONAL USES

Except where permitted by this by-law, the following activities, developments and uses, as well as all other uses of a similar nature shall be prohibited, and may only be permitted by site-specific amendment to this by-law:

- *Outdoor education centre;*
- *Camping Establishment*
- Fishing or hunting camp or club;
- *Resort;*
- *Golf course;*
- *Shooting Range*
- Paintball or paintball range;
- 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; and
- Related and ancillary short term (temporary) residential accommodation.

*Note: Outdoor recreational facilities and activity centers are permitted in many zones and include a variety of uses.*

### 3.12.2 NOXIOUS TRADE AND DANDEROUS USES

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.

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.

### 3.12.4 OUTDOOR STORAGE

*Outdoor storage* shall be prohibited except where specifically permitted. 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.

### 3.12.5 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 or in regulated areas as permitted by the Conservation Authority under the Conservation Authorities Act. 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.

### **3.12.6 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.

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. Propane storage is permitted as an accessory use without an amendment to this plan. Propane Storage as a principal use requires a zoning amendment.

### **3.12.7 WIND TURBINES AND LARGE SCALE SOLAR**

Except where explicitly permitted by this by-law, any *Commercial Wind Turbine*, *Commercial Bio-Energy Project* and *Commercial Solar Project* shall be prohibited, and may only be considered by a site specific amendment to this by-law.

### **3.13 SPECIAL EVENTS**

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.

*By-law xx-2015, as amended or replaced, prohibits rallies and regulates events. Permits are required for events that are not specifically permitted within the zoning.*

### 3.14 SITE PLAN/LOT DEVELOPMENT PROVISIONS

#### 3.14.1 LOADING SPACE REQUIREMENTS

*By-law 21-18, as amended or replaced designates the Township, subject to Site Plan Control.*

##### 3.14.1.1 Loading Space

A Loading Space, being an off-street space, for the temporary parking of a commercial heavy vehicle while loading or unloading merchandise or materials, is 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.

##### 3.14.1.2 Minimum Loading Space Dimensions

Each loading or unloading space shall be 15 m in length, 3.5 m in width and have a vertical clearance of at least 4.3 m.

##### 3.14.1.2 LOADING SPACE REQUIREMENT TABLE

Type or Nature of Use	Limits	Minimum loading space requirement
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 additional 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

##### 3.14.1.3 Access

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

##### 3.14.1.4 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.

##### 3.14.1.5 Location

Required loading spaces shall be located on the same lot as the building in the interior side or rear yard unless such space or spaces are removed from the street line a minimum distance of 15 m.

##### 3.14.1.6 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 sq m. 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 3.14, the Loading Space Requirement Table, for such addition.

### **3.14.2 PARKING AREA REGULATIONS**

#### **3.14.2.1 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 3.14, 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.

#### **3.14.2.2 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.

#### **3.14.2.3 Ingress and Egress Provisions**

Ingress and egress to and from the required parking spaces and areas shall be provided in accordance with the following:

- i) by means of an unobstructed driveways or passageways of at least 3 m in width but not more than 9 m in perpendicular width.
- ii) The maximum width of any joint ingress and egress driveway ramp measured along the street line shall be 9 m.
- 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 m.
- iv) The minimum angle of intersection between a driveway and a street line shall be 60 degrees.
- vi) Driveways shall not be closer than 3.0m to an interior side lot line in a Hamlet Residential, Estate Residential and 7.0 m in a Rural Residential, Rural Commercial or Countryside zone.

#### **3.14.2.6 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.

#### **3.14.2.7 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 m planting strip shall be maintained between the parking area and the lot line.

### 3.14.2.8 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 3.14.10, the Parking Space Requirement Table.

### 3.14.2.9 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, except where a parking study has recommended a different number of parking spaces, such requirement shall apply:

### 3.14.2.10 PARKING SPACE REQUIREMENT TABLE

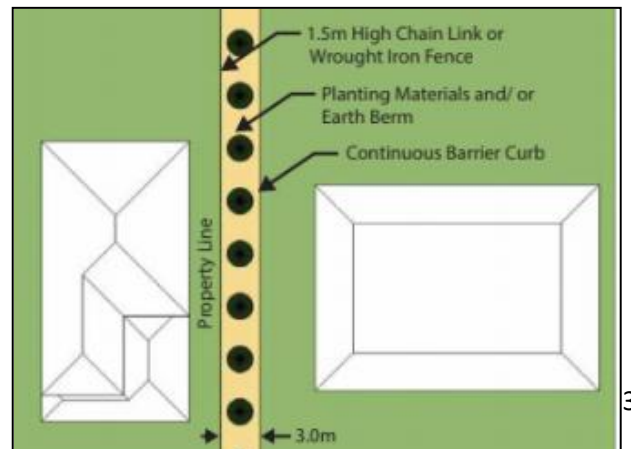
Land Use	Parking Requirement
ResidentialSingle Detached Dwelling	3 parking spaces per single detached dwelling unit and 2 parking space or any other unit, where one space may be located in a carport or, provided such garage or carport has an unoccupied rectangular space, having a minimum length width of 3.5 m and minimum length of 67m
Semi Detached, Duplex, Triplex, Townhouse and any other apartment or multi-residential form	2 parking spaces
Attached Apartment, Additional Single Detached Dwelling	One parking space
Commercial/ Institutional	one parking space plus one per 30 m <sup>2</sup> of gross floor area
Industrial	one parking space plus one space per 50 m <sup>2</sup> of gross floor area

### 3.14.2.11 Accessible Parking Requirements

Accessible parking spaces shall be provided in accordance with the Integrated Accessibility Standards, O.Reg 191/11 as amended or replaced.

### 3.14.3 LANDSCAPING STRIPS

#### 3.14.1 Requirement to include Landscaping Strip



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 m wide landscaping strip adjoining such abutting lot line, or portion thereof, shall be required.

Where a lot in any Extractive or Business Park Zone abuts a Highway or County Road, or a lot zoned Rural Residential or Institutional, a 6.0m landscaping strip adjoining such abutting lot line, or portion thereof, shall be required.

Where a lot in any Waste Disposal Zone abuts a lot zoned Rural Residential or Institutional a 30.0m landscaping strip adjoining such abutting lot line, or portion thereof, shall be required.

### 3.14.2 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 m 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.

### 3.14.3 Driveways and Walkways

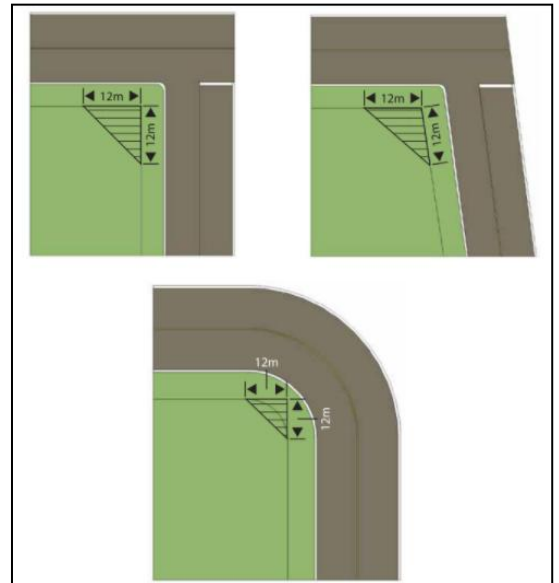
In all cases where ingress and egress, driveways, launching ramps or walkways extend through a required planting strip, it shall be permissible to interrupt the planting strip within 3 m of the edge of such driveway or within 1.5 m of the edge of such walkway.

### 3.14.4 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.

### 3.14.5 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 12.0 m, 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 m 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.



## 3.15 TAX EXEMPT LANDS

No development shall be permitted on lands that are tax exempt (Conservation Land Tax Incentive Program) unless the Owner can provide proof of payment of full residential taxes for current plus 4 years

previous or mapping to indicate that the development is outside of the exemption area and the financial requirements of the Township have been satisfied.

### **3.16 VEHICLES, TRAILERS AND EQUIPMENT STORAGE**

The storage of unlicensed vehicles, truck bodies, and storage containers shall be prohibited except where explicitly permitted.

#### **3.16.1 Storage and Parking of Unlicensed Vehicles**

The parking and storage of vehicles, trailers, equipment, truck bodies and storage containers shall be prohibited except where explicitly permitted. Parking spaces and areas required in accordance with this By-law shall be used for the parking or 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. 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.

#### **3.16.2 Maximum number of Vehicles permitted on a Residential Lot**

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.

#### **3.16.23 Heavy Commercial Motor Vehicles Parking**

A maximum of one commercial *heavy motor vehicle* may be stored or housed on the lot provided there is sufficient parking spaces for all uses on the lot. 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.

*Heavy motor vehicles* used in conjunction with an agricultural use in the Countryside (A) Zone are permitted.

Notwithstanding the above, a maximum of two operative and currently licensed school buses may be stored on a lot in a Rural Residential (RR) or Countryside (A) zones subject to each driver being a 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)

*Heavy motor vehicles* used in conjunction with a permitted commercial use are permitted subject to site plan approval. A *contractors yard* or *transportation depot* are prohibited except where explicitly permitted.

Notwithstanding the above, a maximum of two operative school buses may be stored on a lot in a Rural Residential, or Countryside (A) zone for each driver that is resident on the lot.

Commercial motor vehicles used in conjunction with an *agricultural use* may be stored on a lot zoned "Countryside Area (A)". Commercial motor vehicles used in conjunction with a permitted commercial use may be stored on a lot zoned "Rural Commercial".

#### **3.16.3 Parking Locations**

Parking and storage shall be contained within the property lines and shall not be within any required sight-triangles in accordance with section 3.14.5. where a *heavy motor vehicle* is being parked in an Estate Residential (ER) or Hamlet Residential (HR) zone, a 1.5 m wide landscaping strip adjoining such abutting lot line, or portion thereof, shall be required.

#### **3.16.4 *Recreational Vehicles and Equipment***

The parking and storage of more than one *recreational vehicle* or equipment on a lot is prohibited. The storage of one such vehicle or equipment 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.



# SECTION 4: ZONE PROVISIONS

## 4.1 COUNTRYSIDE AREA (A) ZONE

No person shall within a Countryside Area (A) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

### 4.1.1 Permitted Uses

For each particular lot size range in the table below, permitted uses include those uses beside which an “x” occurs in the Column.

Permitted Uses	Size of Parcel	
	8.00 ha and over	2.00 ha to 7.99 ha
<i>Single Detached Dwelling</i>	X	X
Accessory dwelling unit in a detached structure (1) in accordance with section 3.3 <i>Additional Single dwelling ASD (1)</i>	X	X
<i>One Accessory Attached dwelling unit (1)</i>	X	X
<i>Agricultural Use</i>	X	X
<i>Agriculture-Related Use</i>	X	x
<i>Bed and Breakfast</i>	X	X
<i>Crisis Centre</i>	X	X
<i>Garden Center</i>	x	x
<i>Group Home</i>	X	X
<i>On-Farm Diversified Use</i>	x	x
<i>Home Industry</i>	X	X
Home Occupation	X	X
<i>Kennel (see Canine By-law)</i>	X	
<i>Cannabis Facility Medicinal Marijuana Facility</i>	x	
<i>Portable Sawmill</i>	X	
<i>Public Open Space or Park</i>	X	X
<i>Resource Management</i>	X	X
<i>Veterinary Clinic</i>	X	X
<i>Wayside Pit or Wayside Quarry</i>	X	x

### 4.1.2 Regulations for Permitted Uses

For each particular size of parcel zoned Countryside Area (A) within the lot size ranges on the table below, regulations for permitted uses are those that occur in each column.

Minimum Lot Area (ha)	8.00 ha and over	2.00 ha to 7.99 ha
Minimum Lot Frontage (m)	100	100
Minimum Yards – Front (m)	30	20
Interior Side	20	10
Exterior Side	30	20
Rear	20	10
Maximum Lot Coverage (%)	5	10
Maximum Height	10.5	10.5

### **4.1.3 EXCEPTIONS**

#### **4.1.3.1 Countryside – Agricultural Exception One (A-1)” Zone (Roll No. 4-01505, 6-22000, 6-21850, 4-08000, 6-19825, 3-18400, 6-21750, 6-21550 )**

Notwithstanding the requirements of the Countryside Area (A) zone, to the contrary, on lands zoned Agricultural Exception One (A-1), neither a single detached dwelling nor a second dwelling unit – farm help house is permitted.

#### **4.1.3.2 Countryside – Rural Exception Two (A-2) Zone (Roll 1-24980)**

Notwithstanding the Permitted Uses of Section 4.1.2, provisions for the Countryside Area and section 3.2.3 Regulations for Accessory Buildings and Structures, the minimum front yard (south) setback to an accessory building having a maximum floor areamaximum gross floor area of 120m2 shall be 24m. In all other respects the provisions of this By-law shall apply.

#### **4.1.3.3 Countryside - Agricultural Exception Three (A-3) Zone (Roll 5-05450)**

Notwithstanding the provisions of Section 4.1 a kennel shall be permitted to be established on a lot with a minimum lot area of 7.0 Ha provided the number of dogs is limited to not more than 9 in total (including those of the owner)

#### **4.1.3.4 Countryside - Rural Exception Four (ARU-4) Zone (Roll No. 5-11605)**

Notwithstanding the Setback and Yard Requirements of Section 3.2, to the contrary, on lands within the “Rural Exception Four (RU-4)” Zone, all buildings and structures shall be situated within established building envelopes established by a box formed by a front yard setbacks of 45m, 6m side yards and 180m rear yard.

#### **4.1.3.5 Countryside - Rural Exception Five (ARU-5) Zone (Roll No. 6-10720)**

Notwithstanding the Permitted Uses of Section 4.1.1 and the Regulations for Permitted Uses of Section 4.1.2 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 LEFT BLANKCountryside Exception Six (A-6)**

) - Roll 1-29700

Notwithstanding the provisions of section 3.2.3, to the contrary, on lands zoned Countryside Exception Six (A-6), a detached garage for personal use, having a maximum floor area of 134m2 shall be permitted. In all other respects the provisions of this by-law shall apply.

#### **4.1.3.7 Countryside - Rural Exception Seven (RUA-7) Zone (Roll No. 1-25620)**

Notwithstanding the provisions of Section 3.5.2 “Steep Slopes and Ravines”, no building or structure shall be located within six m 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 Countryside - Rural Exception Eight (RUA-8) Zone (Roll No. 6-18710)**

Notwithstanding the regulations for permitted uses of Section 4.1.2, to the contrary, 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, only one accessory dwelling unit, in the form of an existing apartment on two levels with a combined gross floor area of a minimum of 150 sq m, shall also be permitted.

#### **4.1.3.9 Countryside -Agricultural Exception Nine Temporary Use (A-9-T) Zone (Part of Roll No. 1-13100)**

Notwithstanding the provisions of the Countryside Area (A) zone, 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 up to three years (until July 4, 2021, subject to permitted extensions).

#### **4.1.3.10 Agricultural Exception Ten (A-10) (Roll 2-11300)**

Notwithstanding the provision of Section 3.7, Home Occupation, to the contrary, on lands zoned Agricultural Exception Ten (A-10) a craft themed bed and breakfast having a maximum capacity of 8 guest, plus any persons living on the premises shall be permitted within the existing single detached dwelling. In all other respects the provisions of this By-law shall apply.

#### **4.1.3.11 Countryside - Rural Exception Eleven (RUA-11) Zone (Roll No. 4-01450)**

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

#### **4.1.3.12 Countryside - Rural Exception Twelve (RUA-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.

#### **4.1.3.13R Countryside - Rural Exception Thirteen (RUA-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.

#### **4.1.3.14 Countryside - Rural Exception Fourteen (ARU-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 Countryside - Rural Exception Fifteen (ARU-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 Countryside – Agricultural Exception Sixteen (A-16) Zone (Roll No. 5-19300)**

Notwithstanding the provisions of section 3.3.2 Detached Additional Single Dwellings, to the contrary, on lands zoned Countryside Exception Sixteen (A-16) the gross floor area of the additional detached single dwelling shall be no more than 124 m<sup>2</sup> in size. In all other respects the provisions of this By-law shall apply.

**4.1.3.17 Countryside – Agricultural Exception Seventeen (A-17) Zone (Roll No. 3-02760)**

Notwithstanding the provisions of section 3.2.3 Regulations for Accessory Buildings and Structures, to the contrary, on lands zoned Countryside Exception Seventeen (A-17) the gross floor area of the additional detached single dwelling shall be no more than 130 m<sup>2</sup> in size. In all other respects the provisions of this By-law shall apply.

**4.1.3.18 – LEFT BLANK**

**4.1.3.19 – LEFT BLANK**

**4.1.3.20 Countryside - Rural Exception Twenty (A-20) zone (Roll No.2-00290)**

Notwithstanding the provisions in the Countryside Area (A) zone, to the contrary, on lands zoned Rural Exception Twenty (RU-20) an accessory building, having a maximum gross floor area of 307 m<sup>2</sup> and a maximum lot coverage of 400 m<sup>2</sup> 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 Countryside Area (A) 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.

## **4.2 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 Detached Dwelling
- ii) additional single dwelling (ASD) or attached accessory dwelling unit attached additional dwelling unit or habitable pool house
- iii) bed and breakfast
- iv) home industry
- v) home occupation
- vi) 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.

### **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 609450)**

Notwithstanding the provision of this by-law, to the contrary, on lands zoned Rural Residential Exception Nine (RR-1) a 90m<sup>2</sup> garage having a maximum peak height of 6.0m shall be permitted in the exterior side yard. In all other respects the provisions of this By-law shall apply.

#### **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. 403700)**

Notwithstanding the requirements of the By-law, to the contrary, on lands zoned Rural Residential Exception Three (RR-3) the following provisions shall apply:

- a) The total floor area of all accessory structures shall be 800m<sup>2</sup>.
- b) Maximum height of one accessory structure shall be 6.6m.
- c) A maximum of 2 NU shall be permitted.

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

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

Notwithstanding the Regulations for Permitted *Used* outlined in Section 4.2.2 and the provisions of Section 3.2. 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.

#### **4.2.3.5 Rural Residential Exception Five (RR-5) zone (Roll No. 106350)**

Notwithstanding the requirements of the By-law, to the contrary, on lands zoned Rural Residential Exception Five (RR-5) the following provisions shall apply:

- a) total floor area of all accessory structures shall be 275m<sup>2</sup>
- b) maximum height of all accessory structures shall be 6.0m, measured to the midpoint of eaves and peak
- c) a maximum of two accessory structures shall be permitted.

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

#### **4.2.3.6 Rural Residential Exception Six (RR-6) zone (Roll No. 109705)**

Notwithstanding the requirements of the By-law, to the contrary, on lands zoned Rural Residential Exception Six (RR-6) the following provisions shall apply:

- a) total floor area of all accessory structures shall be 140m<sup>2</sup>
- b) maximum height of all accessory structures shall be 7.2m, measured to the peak
- c) minimum east side yard to all accessory buildings shall be 13.8m.

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

#### **4.2.3.7 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.

#### **4.2.3.8 Rural Residential Exception Eight (RR-8) zone (Roll No. 313205)**

Notwithstanding the requirements of the By-law, to the contrary, on lands zoned Rural Residential Exception Eight (RR-8) a maximum of the greater of 1 Nutrient Unit (NU) or two horses shall be permitted. In all other respects the provisions of this by-law shall apply.

#### **4.2.3.9 Rural Residential Exception Nine (RR-9) zone (Roll No. 408002)**

Notwithstanding the requirements of the By-law, to the contrary, on lands zoned Rural Residential Exception Nine (RR-9), all principal and accessory buildings shall be setback from lines as follows:

- a) Minimum setback from rear lot line – 320 metres
- b) Minimum setback from most southerly interior side lot line – 150 metres
- c) Notwithstanding the requirements of the By-law, to the contrary, two (2) accessory buildings or structures are permitted subject to the following:
  - i) one (1) accessory building or structure for a home industry and storage shall be permitted subject to the following:

- maximum floor area of accessory structure 245 m<sup>2</sup>
- maximum floor area devoted to home industry: 140 m<sup>2</sup>
- maximum height 7m
- the accessory structure shall be permitted in front of the dwelling unit, provided it meets the minimum yard requirements for the Rural Residential Exception Nine (RR-9) zone.

- ii) one (1) accessory building or structure shall be permitted subject to the following:
- maximum floor area of accessory building or structure: 68 m<sup>2</sup>

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

#### **4.2.3.10 Rural Residential Exception Ten (RR-10) zone (Roll No. 403710)**

Notwithstanding the requirements of the By-law, to the contrary, on lands zoned Rural Residential Exception Ten (RR-10) limited livestock uses shall be permitted, and MDS shall apply to any building and structures. In addition to the existing shed, a run-in shelter or small livestock barn shall be permitted, provided it is limited in size to comply with MDS livestock floor areas for 2NU and MDS setbacks to the lot lines and residential uses. Any livestock structure, including a run-in shelter shall be a minimum of 34 metres from the front lot line. In all other respects the provisions of this by-law shall apply.

#### **4.2.3.11 Rural Residential Exception Eleven (RR-11) Zone (Roll 6-09750)**

Notwithstanding the provisions of section 4.2.2 for the Regulations for Permitted Rural Residential Uses, to the contrary, on lands zoned Rural Residential Exception Eleven (RR-11) the minimum rear yard (west) setback shall be 14m. In all other respects the provisions of this By-law shall apply.

#### **4.2.3.12 Rural Residential Exception Twelve (RR-12) Zone (2 05704)**

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Notwithstanding the provisions of section 3.10.2.3 for the Regulations for Existing Undersized Lots of Record, to the contrary, on lands zoned Rural Residential Exception Twelve (RR-12) the minimum lot frontage shall be 21.3m, and such undersized lot may be used for a permitted use of the Rural Residential (RR) Zone, where all other provisions are complied with. In all other respects the provisions of this By-law shall apply.

#### **4.2.3.13 Rural Residential Exception Thirteen (RR-13) Zone (6 10000)**

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Notwithstanding the provisions of section 4.2.2 for the Regulations for Permitted Rural Residential Uses, to the contrary, on lands zoned Rural Residential Exception Thirteen (RR-13) the minimum front yard (south) setback shall be 13m and the minimum rear yard (north) setback shall be 9m. In all other respects, the provisions of this By-law shall apply.

#### **4.2.3.14 Rural Residential Exception Fourteen (RR-14) Zone (2 05701, 2 05703)**

Notwithstanding the provisions of section 4.2.2 for the Regulations for Permitted Rural Residential Uses, to the contrary, on lands zoned Rural Residential Exception Fourteen (RR-14) the minimum interior side yard setback shall be 3m and the maximum lot coverage shall be 15%. In all other respects the provisions of this By-law shall apply.

**4.2.3.15 Rural Residential Exception Fifteen (RR-15) Zone (3 18050)**

Notwithstanding the provisions of section 3.2.3 Regulations for Accessory Buildings and Structures, to the contrary, on lands zoned Rural Residential Exception Fifteen (RR-15) an accessory building or structure shall be permitted in front of the Principle Building.

Notwithstanding the provisions of section 4.2.2 Regulations for Permitted Rural Residential Uses, to the contrary, on lands zoned Rural Residential Exception Fifteen (RR-15) the minimum front yard setback shall be 15 m.

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



## 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 Countryside Area (A) zone for lots greater than 2.0ha. 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 Countryside Area (A) zone for lots greater than 2.0ha. 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 areamaximum gross 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 center*, 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 center*, 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 *farmer's market* 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 Countryside Area (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 in the Countryside (A) zone. 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 *farmer's market* shall be 600 sq m, and the maximum gross floor area of a small scale craft distillery shall be 400 sq m.

For the purpose of the Rural Commercial Exception Three zone, an On-farm craft distillery shall mean 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.

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

In addition to the uses permitted in the Countryside Area (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 Countryside Area (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 Countryside Area (A) 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 Countryside Area (A) zone shall apply. In addition to the regulation in the Countryside Area (A) 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 1300 m<sup>2</sup>, 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 1.0 m.
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 Countryside Area (A) 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 "Countryside Area (A)" 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 or salvage yard* and uses, buildings and structures permitted in the Countryside Area (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 Countryside Area (A) 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.

#### **4.3.3.11 Rural Commercial Exception Eleven (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 cannabis facility* and non-commercial and non-industrial *agricultural uses*. In addition to the regulation in the Countryside Area (A) zone and general provisions, and the provisions of section 3.40, Medicinal marijuana growing, the following shall apply:

- i) Maximum floor areaMaximum gross floor area: 1860 m<sup>2</sup>
- 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 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:

### 4.4.1 Permitted Uses

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

### 4.4.2 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

### 4.4.3 EXCEPTIONS

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

Notwithstanding the provisions of Section 3.9.2 "Frontage on Improved Public Road", within the Estate Residential Exception One (ER-1) Zone, access from a privately maintained road shall be permitted.

#### 4.4.3.2 Estate Residential Exception Two (ER-2) Zone (Roll 1-22100)

Notwithstanding the provisions of Section 4.4.2, Regulations for Permitted Uses for the Estate Residential (ER) Zone, to the contrary, the following shall apply:

- i) Minimum interior side yard (west) setback for a single detached dwelling shall be 2.0 metres.
- ii) Maximum lot coverage shall be 12%
- iii) Minimum lot size shall be 0.16 ha
- iv) Minimum lot frontage shall be 30m
- v) Notwithstanding the provisions of Section 3.9.2 "Frontage on Improved Public Road", within the Estate Residential Exception Two (ER-2) Zone, access from a privately maintained road shall be permitted
- vi) In addition to the regulations contained herein, a landscaping strip, shall be required along the west lot line extending from 6 m from the front lot line to the rear lot line.

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

#### 4.4.3.3 Estate Residential Exception Three (ER-3) Zone (Roll 1 28447)

Notwithstanding the provisions of section 4.4.2 Regulations for Permitted Uses, to the contrary, on lands zoned Estate Residential Exception Three (ER-3) the maximum lot coverage shall be 12%. In all other respects the provisions of this By-law shall apply.

#### **4.4.3.4 Estate Residential Exception Four (ER-4) Zone (Roll No. 1-24000)**

Notwithstanding the zone regulations of Section 4.5.2 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 4.5.1, 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.

#### **4.4.3.5 Estate Residential Exception Five (ER-5) Zone (Roll No. 1-23930)**

In addition to the permitted uses outlined in Section 4.5.1, 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.

#### **4.4.3.6 Estate Residential Exception Six (ER-6) Zone (Roll No. 1-28481)**

Notwithstanding the provisions of Section 4.5.1 to the contrary, a *bed and breakfast* shall be permitted as an additional permitted uses.

#### **4.4.3.7 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 3.3.10 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.

#### **4.4.3.8 Estate Residential Exception Eight (ER-8) Zone (Roll No. 1-24160)**

Notwithstanding the provisions of this by-law, 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.

#### **4.4.3.9 Estate Residential Exception Nine (ER-9) Zone (Roll No. 1-24110)**

Notwithstanding the provisions of this By-law, 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.

#### **4.4.3.10 Estate Residential Exception Ten (ER-10) Zone (Roll No. 1-24170)**

Notwithstanding the provisions of this by-law, 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.

#### **4.4.3.11 Estate Residential Exception Eleven (ER-11) Zone (Roll No. 1-24100)**

Notwithstanding the provisions of Section 4.5.2 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 principal 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. The minimum west side yard setback for an accessory structure (garage) having a maximum floor areamaximum gross floor area of 40m2 shall be 0.8m

#### **4.4.3.12 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.

#### **4.4.3.13. 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 3.9.2, access from a privately maintained road shall be permitted. In all other respects the provisions of this by-law shall apply.

#### **4.4.3.14 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 3.9.2, access from a privately maintained road shall be permitted. In all other respects the provisions of this by-law shall apply.

#### **4.4.3.15 Estate Residential Exception Fifteen (ER-15) – Roll 203194**

Notwithstanding the provisions of section 3.2.3, to the contrary, on lands zoned Estate Residential Exception Fifteen (ER-15), a detached garage for personal use, having a

maximum floor area of 130m<sup>2</sup> shall be permitted. In all other respects the provisions of this by-law shall apply.



## 4.5 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:

### 4.5.1 PERMITTED USES

- i) *single detached dwelling*
- ii) *attached accessory dwelling unit* attached additional dwelling unit having a maximum gross floor area of 80 m<sup>2</sup>
- iii) *home occupation*

### 4.5.2 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

### 4.5.3 EXCEPTIONS

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

Notwithstanding the provisions of Section 4.56.2 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.

#### 4.5.3.2 Hamlet Residential Exception Two (HR-2) zone (Roll No. 1115400)

Notwithstanding the requirements of the By-law, to the contrary, on lands zoned Estate Residential Exception Two (HR-2) the minimum lot size shall be 1500 m<sup>2</sup> and all uses permitted in the Estate Residential (HR) zone shall be permitted.

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

#### 4.5.3.3 Hamlet Residential Exception Three (HR-3) zone (Roll No.111100)

Notwithstanding Section 3.2, Accessory Buildings, Structure and Uses, to the contrary, on lands zoned Hamlet Residential Exception Three (HR-3) an accessory structure having a maximum floor areamaximum

gross floor area of 75 m<sup>2</sup>, shall be permitted to have a minimum side yard of 2.5m and rear yard of 5.1m. In all other respects the provisions of this by-law shall apply.

#### **4.5.3.4 LEFT BLANK**

#### **4.5.3.52 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 120 m<sup>2</sup>, and two existing structures of less than 10 m shall be permitted. In all other respects the provisions of this by-law shall apply.

#### **4.5.3.63 Hamlet Residential Exception Six (HR-6) Zone (Roll 508569, Rybak)**

Notwithstanding the provision of the By-law, to the contrary, on lands zoned Hamlet Residential Exception Six (HR-6) an attached pool house, being attached only by a breezeway shall be considered an Attached Accessory Dwelling Unit. Attached additional dwelling unit and shall be permitted. In all other respects the provisions of this by-law shall apply.

#### **4.5.3.7 Hamlet Residential Exception Seven (HR-7) Zone (116400)**

Notwithstanding the permitted uses and regulations of the Hamlet Residential Zone, to the contrary, on lands zoned Hamlet Residential Exception Seven (HR-7) a tri-plex shall be permitted, subject to the following provisions:

- a) Minimum number of parking spaces: 6
- b) Any redevelopment shall be subject to site plan control.

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

#### **4.5.3.8 Hamlet Residential Exception Eight (HR-8) Zone (Roll 112292)**

Notwithstanding Section 3.2, Accessory Buildings, Structure and Uses, to the contrary, on lands zoned Hamlet Residential Exception Eight (HR-8) an accessory structure having a maximum floor area maximum gross floor area of 120.8 m<sup>2</sup>, shall be permitted to have a minimum side yard of 4.5m. In all other respects the provisions of this by-law shall apply.

#### **4.5.3.9 Hamlet Residential Exception Nine (HR-9) Zone**

Notwithstanding the provisions of Section 4.5.2, to the contrary, on lands zoned Hamlet Residential Exception Nine (HR-9) the minimum lot area shall be 2,000 square metres and the minimum lot frontage shall be 30 metres.

#### **4.5.3.10 Hamlet Residential Exception Ten (HR-10) Zone**

Notwithstanding the provisions of Sections 4.5.1 and 4.5.2, to the contrary, on lands zoned Hamlet Residential Exception Ten (HR-10) semi-detached units shall be permitted, subject to the following specific provisions:

- a. A maximum lot coverage of 25% shall be permitted.
- b. A maximum of 2 bedrooms per semi-detached unit is permitted.

- c. A minimum of 2 parking spaces per unit shall be required (for the purposes of the bylaw, a garage shall be considered as a parking space).
- d. For Blocks 45, 46 and 48, a maximum of 8 semi-detached units shall be permitted.
- e. For Block 47, a maximum of 4 semi-detached units shall be permitted.
- f. A minimum rear yard setback of 5.9m shall be permitted.
- g. A minimum lot area of 2,500 square metres shall be required.
- h. A minimum exterior side yard setback of 4m and a minimum setback of 4m to the sight triangle shall be required.

## 4.6 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:

### 4.6.1 PERMITTED USES

- i) one *Single Detached Dwelling* or *Accessory attached dwelling unit*, accessory to a permitted use
- ii) *activity center*
- iii) *business, professional and administrative offices*
- iv) *convenience store*
- v) *farmer's market*
- vi) *gas station*
- vii) *hotels and motels*
- viii) *motor vehicle dealership*
- ix) *Parking lot*
- x) *personal services shop*
- xi) *Practitioner's clinic*
- xii) *post office*
- xiii) *private club*
- xiv) *recreational and entertainment facility*
- xv) *restaurant*
- xvi) *retail store*
- xvii) *repair shop (non-vehicle)*

### 4.6.2 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

### 4.6.3 EXCEPTIONS

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

Notwithstanding the provisions of Section 4.7.1 to the contrary, the following uses shall be permitted in addition to those uses permitted in the General Commercial (CG) Zone:

- i) *motor vehicle dealership*;
- ii) *gas station*; and
- iii) *outdoor storage* of motor vehicles, subject to the following regulations:
  - a) 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,
  - b) The *outdoor storage* use shall be accessory to the main land use on the subject lands.

#### **4.6.3.2 General Commercial Exception Two (CG-2) Zone (Roll No. 1-12200) Mansfield Gas Station East**

Notwithstanding the provisions of Section 4.7.1 to the contrary, the following uses shall be permitted in addition to those uses permitted in the General Commercial (CG) Zone: *motor vehicle dealership*; *gas station*; convenience store and motor vehicle service station.

Notwithstanding the provisions of Section 4.6.1 to the contrary, the following provisions shall apply:

- i) Minimum front yard setback to canopy shall be 2.2m
- ii) Minimum North side yard setback to any building or structure shall be 1.75m
- iii) Minimum number of parking spaces shall be 8 spaces
- iv) Minimum width of North side yard Planting strip shall be 1.75m
- v) A 2.7m (9') fence shall be permitted and required along the north, south and east side yards, but shall not extend in front of the rear of the canopy.

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

#### **4.6.3.3 General Commercial Exception Three Holding (CG-3-H) Zone (Roll No. 1-15705)**

Notwithstanding the provisions of Section 4.7.1 to the contrary, the following uses shall not be permitted: *hotel* or *motel* and *place of worship*.

Notwithstanding the provisions of Section 4.7.1 to the contrary, the following additional uses shall be permitted: *emergency services facility*; *Child Care Facility*; and 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 farmer's market*; *A parking lot*; and *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:

- 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 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.

#### **4.6.3.4 General Commercial Exception Four (CG-4) Zone (Roll No. 2-05900)**

Notwithstanding the provisions of Section 4.7.1 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*
- *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 service shop*
- One accessory residential dwelling unit (single detached dwelling or apartment)

Notwithstanding the provisions of Section 4.7.2 to the contrary, the minimum lot size shall be 3.2 ha and the minimum lot frontage shall be 250 m.

#### **4.6.3.5 General Commercial Exception Five (CG-5) Zone (Roll No. 1-16000)**

Notwithstanding the permitted uses in the General Commercial Zone, to the contrary, on lands zoned General Commercial Exception Five (CG-5) only the following uses shall be permitted: *Gas station, retail store, restaurant, restaurant, drive-through and convenience store.*

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

An illuminated sign having a maximum face area of 8.1 shall be permitted on the east side of the existing building.

A two-side illuminated pylon sign shall be permitted having a maximum face area of 12.7m per side, maximum height of 8m and minimum setbacks to the east and north lot lines of 5m and 7m, respectively.

#### **4.6.3.6 General Commercial Exception Six (CG-6) zone (Roll No. 1-00600, 1-00700)**

Notwithstanding the requirements of the By-law, to the contrary, on lands zoned General Commercial Exception ix (CG-6) the following provisions shall apply:

- a) Minimum lot area 0.29ha
- b) Minimum front yard setback – 1.2m
- c) Minimum width of rear yard planting strip – 1.6m
- d) No outdoor storage shall be permitted

The development shall be subject to site plan control.

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

#### **4.6.3.7 General Commercial Exception Six (CG-7) zone (Roll No. 1-16500)**

Notwithstanding the provisions of section 3.2.3 Regulations for Accessory Buildings and Structures, to the contrary, on lands zoned General Commercial Exception Seven (CG-7) the maximum face area of a sign accessory to and providing advertising or identification in relation to the property of a land use in Mulmur shall be no more than 7 m<sup>2</sup> in size with a setback of 0 m from the east lot line. There shall be no directional lighting or other lighting attached to the sign structure.

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

## 4.7 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:

### 4.7.1 PERMITTED USES

- i) one *Single Detached Dwelling* or *Accessory attached dwelling unit*, accessory to a permitted use
- ii) *activity center*
- iii) *building supply and lumber outlet*
- iv) *convenience store*
- v) *farmer's market*
- vi) *garden center*
- vii) *gas station*
- viii) *hotel and motel*
- ix) *outdoor recreational facility*
- x) *Self storage facilities*
- xi) *restaurant or tavern*
- xii) *sales, service and rental establishment*
- xiii) *transportation depot*
- xiv) *veterinary clinic*

### 4.7.2 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

### 4.7.3 EXCEPTIONS

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

Notwithstanding the Permitted Uses of Section 4.8.1, to the contrary, on lands zoned Highway Commercial Exception One (CH-1) the following uses only shall be permitted:

- 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*

Notwithstanding the Regulations for Permitted Uses of Section 4.8.2, within the Highway Commercial Exception One (CH-1) Zone, the following shall apply:

- i) Minimum Lot Area 0.75 ha
- ii) Minimum Lot Frontage 80 m
- iii) Minimum Rear Yard Setback (existing buildings only and proposed addition of a garage) 3.5 m
- iv) 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.
- v) No additional parking spaces shall be required for the self-storage facility floor area
- vi) A 1.8m board-on-board fence shall be constructed along the north, east and south lot lines starting at the front yard setback requirement.

## 4.8 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:

### 4.8.1 PERMITTED USES

- i) *golf course*
- ii) *outdoor recreation facility*
- iii) *open space or park*
- iv) *resource management*
- v) One accessory dwelling unit
- vi) One additional single dwelling (ASD) or attached accessory additional dwelling unit
- ~~vi)~~vii) Assembly hall

### 4.8.2 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

### 4.9.3 EXCEPTIONS

#### 4.8.4 Recreational Exception One Holding - Mansfield Ski Club (RE-1-H)

Notwithstanding the provisions of 4.8.1, to the contrary, the following additional uses shall be permitted:

- a) Phase 1: 48 Accommodation units
- b) Phase 2: 45 Accommodation units
- c) Tourism commercial

The additional land uses shall not be permitted until the Holding symbol has been removed. The Holding symbol shall remain in place on the lands until such time as the following requirements have been addressed to the Township's satisfaction:

- Permit to Take Water issued by the Ministry of Environment, Conservation and Parks, for each phase.
- To support Phase 2, additional wells shall be drilled, developed and tested.
- An Environment Compliance Approval from the Ministry of Energy, Conservation and Parks for the water source, for each Phase, if applicable.

- An Environment Compliance Approval from the Ministry of Energy, Conservation and Parks for the treatment and discharge of wastewater, for each Phase.
- A development permit from the Nottawasaga Valley Conservation Authority, if applicable, for each phase.
- A site development plan, for each Phase, has been approved by Council and such site plan agreement(s) has been registered, and among the standard conditions and drawing requirements, must also include:
  - Location of all wells;
  - the provision of fire access routes to the satisfaction of the applicable fire Chief and the County of Dufferin Building Department; and
  - the provision of water supply to the satisfaction of the applicable fire Chief and the County of Dufferin Building Department.

## 4.9 INSTITUTIONAL (I) ZONE

### 4.9.1 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) *Public uses*
- ii) *emergency services facility*
- iii) *existing cemetery*
- iv) *place of worship*
- v) *school*
- ~~v)~~vi) *assembly hall*

### 4.9.2 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
  - c) Exterior Side Yard 7.5 m
  - d) Rear Yard 7.5 m
- iv) Maximum Lot Coverage 35%
- v) Minimum Landscaped Open Space 10%

### 4.9.3 EXCEPTIONS

## 4.10 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:

### 4.10.1 BUSINESS PARK GATEWAY (BP-G) ZONE

#### 4.10.1.1 Business Park Gateway (BP-G) Zone Permitted Uses:

- i) one accessory dwelling unit/lot
- ii) *activity center*
- iii) *business, professional and administrative office*
- iv) *emergency services facility*
- v) *farmer's market*
- vi) *gas station*
- vii) *garden center*
- viii) *hotel or motel*
- ix) *Parking lot*
- x) *personal service shop*
- xi) *post office*
- xii) *practitioner's clinic*
- xiii) *retail store, including convenience store*
- xiv) *restaurant,*
- xv) *sales, services and rental establishment*
- xvi) *repair shop (non-vehicle)*
- xvii) *tourist information centre*
- xviii) *veterinary clinic*
- ~~xviii)~~ xix) *assembly hall*

#### 4.10.1.2 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 3 m on one side and 6m on the opposite side
  - c) Exterior Side Yard 7.5 m
  - d) Rear Yard 7.5m
- iv) Maximum Lot Coverage 40 %
- v) Minimum landscaped open space 20 %
- vi) Maximum Height 10.5 m

### 4.10.2 BUSINESS PARK CORE (BP-C) ZONE

#### 4.10.2.1 Business Park Core (BP-C) Zone Permitted Uses

- i) *building supply and lumber outlet*
- ii) *business, professional and administrative office*
- iii) *bulk fuel depot*
- iv) *concrete product manufacturing*
- v) *contractor's yard*
- vi) *feed mill*
- vii) *light manufacturing, processing or assembly*
- viii) *motor vehicle body shop*
- ix) *motor vehicle repair garage*
- x) *motor vehicle dealership*
- xi) *outdoor storage, ancillary to a permitted use, within a fully enclosed, screened and gated area*
- xii) *repair shop(non-vehicle)*
- xiii) *retail sales accessory to a permitted use not exceeding 35 percent of the total gross floor area*
- xiv) *sales, service and rental establishment*
- xv) *self-storage facility*
- xvi) *sawmill*
- xvii) *telecommunications tower, transmission towers and hydro-electric substations*
- xviii) *transportation depot*
- xix) *warehouse*
- xx) *workshop*
- ~~xx)~~ xxi) *assembly hall*

#### **4.10.2.2 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 6 m
  - c) Exterior Side Yard 10 m
  - d) Rear Yard 7.5 m
- iv) Maximum Lot Coverage 30 %
- v) Minimum landscaped open space 10 %
- vi) Maximum Height 15 m

#### **4.10.3 BUSINESS PARK TRANSITION (BP-T) ZONE**

##### **4.10.3 BUSINESS PARK TRANSITION (BP-T) ZONE PERMITTED USES:**

- i) one accessory dwelling unit/lot
- ii) *activity center*
- iii) *business, professional or administrative office*
- iv) *child care facility*
- v) *farmer's market;*
- vi) *personal services shop*
- vii) *Parking lot;*
- viii) *Open space or park, park and trail access facility.*

- ix) *research and development establishment*
- x) *service shop (Non-vehicle)*
- xi) tourist information centre, interpretive centre or recreational trailhead facility
- xii) assembly hall

#### **4.10.3.2 Business Park Transition (BP-T) Zone Regulations**

i)	Minimum Lot Area	0.6 ha
ii)	Minimum Lot Frontage	40 m
iii)	Minimum Yard Requirements	
	a. Front Yard	10 m
	b. Interior Side Yard	3 m on one side and 6m on opposite side
	c. Exterior Side Yard	7.5 m
iv)	Rear Yard	7.5 m
v)	Maximum Lot Coverage	35 %
vi)	Minimum landscaped open space	20 %
vii)	Maximum Height	10.5 m

#### **4.10.4 EXCEPTIONS**

## **4.11 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:

### **4.11.1 PERMITTED USES**

- i) *agricultural use*
- ii) *pits*
- iii) *peat extraction*
- iv) *asphalt or concrete batching plant*
- v) *aggregate processing operations*
- vi) *quarries*
- vii) *resource management*
- viii) *wayside pits and wayside quarries*

### **4.11.2 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) 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.

### **4.11.3 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 sq m shall be permitted in a required front or side yard or in the area between the street line and the required yard.

### **4.11.3 EXCEPTIONS**

#### **4.11.3.1 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, Side Yard, Exterior Side Yard and Rear Yards 15 m
  - b) Minimum Setback of 45 m from any Countryside Area (A), Environmental Protection (EP) or Open Space (OS) Zone
  - c) Minimum Setback of 120 m from all other zones and residential dwellings.
- ii) Regulations for Processing:
  - a) Minimum Setback of 45 m from any, Countryside Area (A), Environmental Protection (EP) or Open Space (OS) Zone
  - b) Minimum Setback of 120 m from all other zones and residential dwellings.

#### **4.11.3.2 Extractive Industrial Exception Two (MX-2) Zone (Roll No 406400)**

Notwithstanding the provisions of the Extractive Industrial (MX) Zone, to the contrary, on lands within the Extractive Industrial Exception Two (MX-2) Zone the following additional uses shall be permitted:

- i) Agriculture, including the growing and harvesting of Christmas trees, and
- ii) Importation, temporary storage and recycling of asphalt, concrete, and brick as an accessory use to an active gravel pit, all of which shall be undertaken in accordance with a license under the Aggregate Resources Act.

## **4.12 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:

### **4.12.1 PERMITTED USES**

- i) recycling facility
- ii) *salvage or wrecking yard*

### **4.12.2 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   |

### **4.12.3 EXCEPTIONS**

#### **4.13 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:

##### **4.13.1 PERMITTED USES**

- i) *open space or park*
- ii) *outdoor recreation facility*
- iii) *resource management*

##### **4.13.2 REGULATIONS FOR PERMITTED USES**

i)	Minimum Lot Area	Not Applicable2.0 ha
ii)	Minimum Lot Frontage	150 2 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

##### **4.13.3 EXCEPTIONS**

## **4.14 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:

### **4.14.1 PERMITTED USES**

- i) existing *agricultural use*
- ii) *resource management*
- iii) legally existing buildings and structures

### **4.14.2 REGULATIONS FOR PERMITTED USES**

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

### **4.14.3 EXCEPTIONS**

#### **4.14.3.1 Environmental Protection Exception One (EP-1) zone (Roll No.129000)**

Notwithstanding 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 areamaximum gross floor area of 160 m<sup>2</sup>. In all other respects the provisions of this by-law shall apply

#### **4.14.3.2 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 60 m<sup>2</sup> studio shall be permitted, with a minimum south side yard setback of 1.2 m. The accessory structure shall not be used for human habitation. In all other respects the provisions of this by-law shall apply.

#### **4.14.3.3 Environmental Protection Exception Three (EP-3) zone (Roll No. 101810)**

In addition to the uses permitted in the Environmental Protection Zone (EP), to the contrary, on lands zoned Environmental Protection Exception Three (EP-3) the existing second dwelling within an accessory building shall be permitted. In addition, an inground pool with associated deck, play structure, covered pavilion and pool equipment storage addition to the existing garage shall be permitted. In all other respects the provisions of this by-law shall apply.

#### **4.14.3.4 Environmental Protection Exception Four (EP-4) Zone (Roll 1-01900)**

In addition to the uses permitted in the Environmental Protection (EP) Zone and to section 3.5.2, to the contrary, the reconstruction of a legally existing dwelling shall be permitted subject to the following provisions:

1. minimum front and rear yard setbacks shall be 30 metres.
2. minimum interior side yard setbacks shall be 10 metres.
3. minimum setbacks from the channel of any permanently flowing river, stream, creek, or provincially significant wetland shall be 30 metres

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.

### **ABATTOIR**

A Provincially approved slaughterhouse and any accessory uses thereto, including temporary housing and waste holding.

### **ACCESSORY**

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

### **ACCOMODATION UNITS**

Means a dwelling unit that is only used for vacation purposes and does not provide year-round habitation. An accommodation unit does not form a principal dwelling.

### **ACTIVITY CENTER**

Any tract of land or building, or buildings or any part of any buildings used for community activities: meetings, including but not limited to civic, educational, political, religious or social purposes; recreational facility; theaters, cinemas, public hall, billiard or pool rooms banquets; clubs, private and fraternal or other social purposes whether used for commercial purposes or not, the control of which may or may not be vested in the Municipality, a local board or agent thereof and may include an auditorium, swimming pool, arena, bingo hall, arcade, bowling alley, lawn bowling green, curling club, and fitness centre and similar uses.

### **AGRICULTURAL USE**

means the growing of crops, including nursery, biomass including the growing of cannabis and hempB, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including, but not limited to livestock facilities, *implement sheds*, manure storages, value-retaining facilities, and accommodation for full-time *farm* labour when the size and nature of the operation requires additional employment.

### **AGRICULTURE-RELATED USE**

means those farm-related commercial and farm-related industrial uses that are directly related to *farm* operations in the area, support agriculture, benefit from being in close proximity to *farm* operations, and provide direct products and/or services to *farm* operations as a primary activity, and may include uses which may be defined within this by-law.

### **AGGREGATE PROCESSING AND BATCHING OPERATION**

Any equipment for the crushing, screening or washing of sand and gravel aggregate materials, and the mixing of concrete, asphalt, sand, aggregates, metal or similar materials and the mixing of , which equipment may be portable or permanent.

### **AGRI-TOURISM USE**

means those farm-related tourism uses, including limited accommodation such as a *bed and breakfast*, that promote the enjoyment, education or activities related to the *farm* operation.

**AIRPORT**

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

**ANIMAL SHELTER**

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

**ASSEMBLY HALL**

Means a large room or building where people can congregate, hold meetings, weddings or multiple uses, but shall not include a Place of Worship.

**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.

**BASEMENT**

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

**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.

**BIO-ENERGY PROJECT, COMMERCIAL**

Any bio-energy project, including but not limited to anaerobic digestion, biofuel, biogas and thermal treatment facilities but shall not include projects that are accessory to a farm operation utilizing only the waste produced on the same property.

**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.

**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.

**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.

**BULK FUEL DEPOT**

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

**BUSINESS, PROFESSIONAL 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, and may include a bank and financial institution.

**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*.

**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*.

**CANNABIS FACILITY**

means the growing of cannabis (marijuana) as authorized by the Government of Canada, either outdoor or within a building or structure. A cannabis facility may also include accessory research, accessory processing and accessory cannabis retail as licensed by the AGCO.

**CATERING BUSINESS**

Means a business that prepares food and/or beverage and does not include any on-site consumption of food and beverages. A catering business shall comply with all regulations and licensing requirements.

**CEMETERY**

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

**CHIEF BUILDING OFFICIAL**

The official employed the County of Dufferin or 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.

**CHILD CARE FACILITY**

A day nursery or day care operated for children within the meaning of the *Child Care and Early Years Act* 2014, as amended or replaced.

**CONCRETE PRODUCT MANUFACTURING**

Facilities for the production of concrete or concrete products that are manufactured by mixing cement, sand, rock (metal), aggregate or similar materials, and may include accessory *aggregate processing and batching operation*

**CONTRACTOR'S YARD**

A building, used for storing a contractor's vehicles, equipment and/or material. A contractor's yard may include accessory repairs for equipment used in the contractor's business, accessory office space and accessory warehousing of materials. A contractor's yard may include a parking area for operative vehicles and equipment but shall not include open storage.

**CONVENIENCE STORE**

A retail commercial establishment, not exceeding 200 sq m 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.

**CORPORATION**

The Corporation of the Township of Mulmur.



## **COUNCIL**

The Council of the Corporation of the Township of Mulmur

## **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.

## **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 m or more above finished grade.

## **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 dwelling may be a *modular home*. A *guest cabin*, loft, dwelling unit within a non-residential building, cottage and habitable pool house shall each be considered a dwelling.

## **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 attached additional dwelling unit.

## **DWELLING UNIT, ATTACHED ACCESSORY (ATTACHED ACCESSORY ADDITIONAL DWELLING UNIT)**

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

## **DWELLING, APARTMENT**

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

## **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.

## **DWELLING, SEMI-DETACHED**

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

## **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 place 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 *guest cabin*, loft, dwelling unit within a non-residential building, cottage and habitable pool house shall each be considered a detached dwelling.

## **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.

## **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.

#### **EMERGENCY SERVICES FACILITY**

A building, structure or parking area used for the operations of fire services, ambulance services, police services or any other similar emergency services.

#### **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.

#### **ESTABLISHED BUILDING LINE**

The average distance from the road line to existing buildings measured not more than 100 m 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.

#### **EXISTING**

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

#### **FACE AREA, SIGN**

means the area comprising the message portion of the sign, not including the support structure. A double-sided sign shall be considered to have one face area.

#### **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. "*Farm*" includes a single-family dwelling house, and such principal or main buildings and structure as an *implement shed* and *livestock facility*, barn or silo, as well as accessory buildings and structures which are incidental to the operation of the farm.

#### **FARM WORKER HOUSING**

means an accessory detached dwelling located within 30 metres of the farm cluster to accommodate workers employed in the day-to-day operations of an active agricultural operation on the subject lands.

#### **FARMER'S MARKET**

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.

#### **FEED MILL**

A building or structure used to process and/or a combination of processes used to produce a processed food for fish, animal or human consumption.

**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.

**FIRST STOREY**

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

**FLOOR AREA, GROSS**

The total area of all floors 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 exclusive of any portion of the building or structure which is used for mechanics, heating, the storage of goods or personal effects, laundry facilities, recreational areas, the storage or parking of motor vehicles, carport, below grade basement or crawlspace, cellar, porch, verandah, seasonal sunroom, and overhangs. Where a wall is shared with excluded floor areas, the calculation should be measured to the exterior of such shared wall. 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

**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).

**FOOTPRINT FLOOR AREA**

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

**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.

**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.

**GARDEN CENTER**

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 wholesale or retail from such building or lot to the general public.

**GAS STATION**

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 motorized vehicles and shall not be used for repairs, oil changes or greasing.

**GOLF COURSE**

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

## 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.

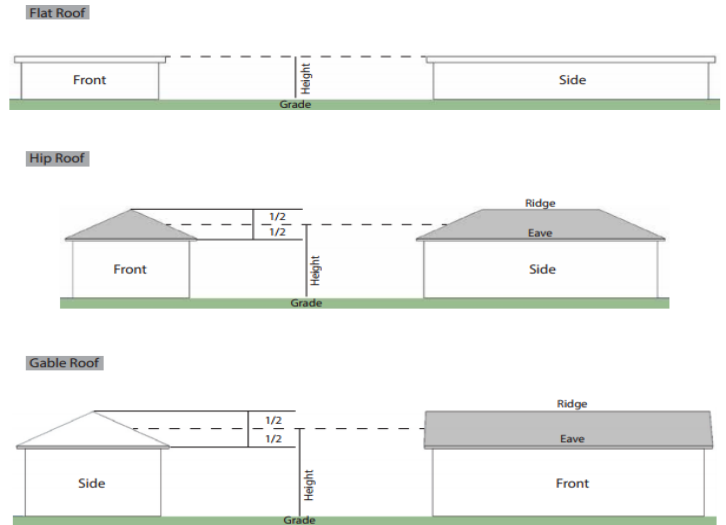
## GUEST CABIN

A detached structure accessory to a Single Detached 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. A Bunkie shall be considered a Guest Cabin.

## 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:

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



## 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.

## HOME INDUSTRY

Any occupation conducted entirely within a building or part of a building accessory to a single detached dwelling house that includes *light manufacturing, processing or assembly*, small scale *warehouse* 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*.

## 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.

## 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.

#### **IMPLEMENT SHED**

means a building having a minimum gross floor area of 140 m<sup>2</sup>, other than a dwelling unit that is capable of being used for some agricultural purpose or purposes, the non-commercial storage of products or commodities produced on a farm, hay or straw storage, the storage of farm machinery and equipment or any other similar purpose incidental to a permitted agricultural use on the lot. Such building shall be accessory to a crop operation having a minimum of 15 ha of tillable land or accessory to a livestock facility. A building having a minimum gross floor area of 120 m<sup>2</sup>, other than a dwelling unit that is capable of being used for some agricultural purpose or purposes, the non-commercial storage of products or commodities produced on a *farm*, hay or straw storage, 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. Such building shall be accessory to a crop operation having a minimum of 15 ha of tillable land or accessory to a *livestock facility*.

#### **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 year-round vehicular access to adjacent properties and which, in the case of a municipal road is a road which has been constructed to municipal standards.

#### **KENNEL**

An establishment developed and operated in accordance with the requirements of the Township's Canine Control By-Law, as amended, for the keeping, breeding and raising of domesticated animals but shall not apply to the keeping of animals in a *veterinary clinic* for the purpose of observation and or recovery necessary to veterinary treatment.

#### **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.

#### **LANDSCAPING 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 and/or fence having a minimum height of 1.5 m.

#### **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.

#### **LIGHT MANUFACTURING, PROCESSING OR ASSEMBLY**

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 any area for *outdoor storage* of goods or materials except for equipment or vehicles which are for sale, lease or hire.

## LIVESTOCK FACILITY

A building capable of being used for the keeping of livestock, and may also include 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, and in accordance with the *Nutrient Management Act*, if applicable.

## 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

## 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.

## LOT, CORNER

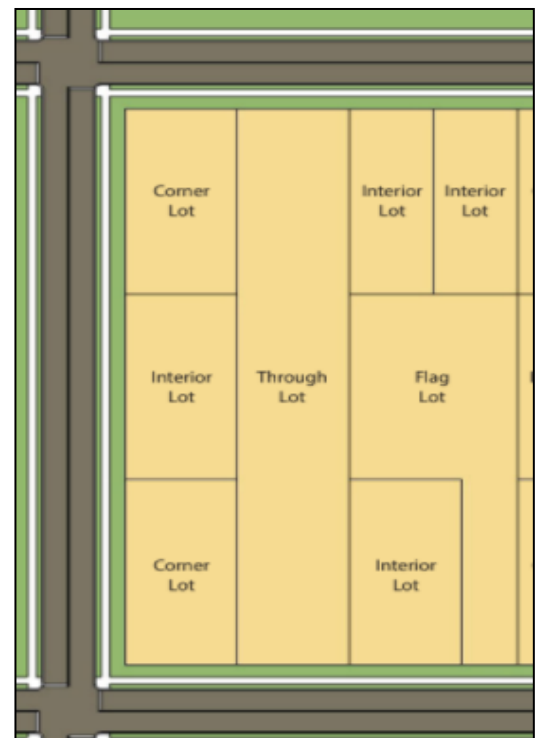
A lot situated at the intersection of two or more streets, or at the intersection of a street or a lot abutting on one or more parts of the same street, in which an interior angle of less than one hundred and thirty-five (135) degrees is contained, between the front and side lot lines abutting by the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

## 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 on the lot.

## 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 m back from and parallel to a continuous straight line, joining the two points where the side lot lines intersect with the front lot line.



## LOT, INTERIOR

A lot other than a corner lot.

## LOT LINE

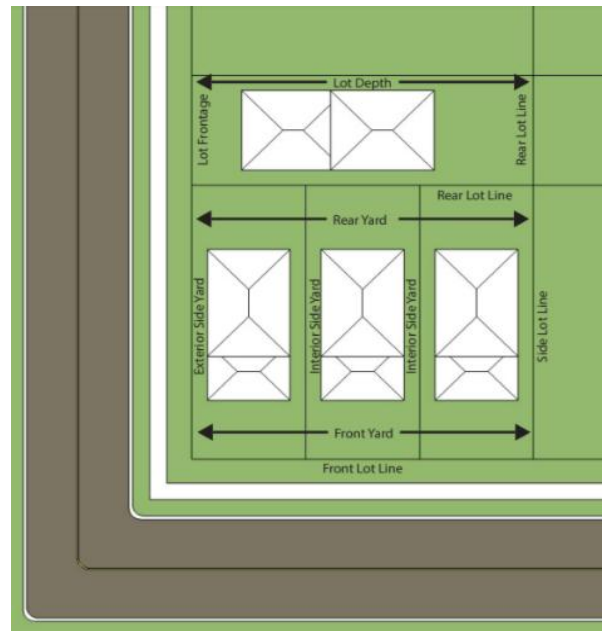
Any boundary of a lot. For the purpose of this By-law, any combination of lines that meet at an interior angle of not greater than 135 degrees shall be deemed to be one line.

## LOT LINE, EXTERIOR

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

## LOT LINE, FRONT

- i) 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.
- ii) 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,
- iii) 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.
- iv) 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.



## 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.

## LOT LINE, SIDE

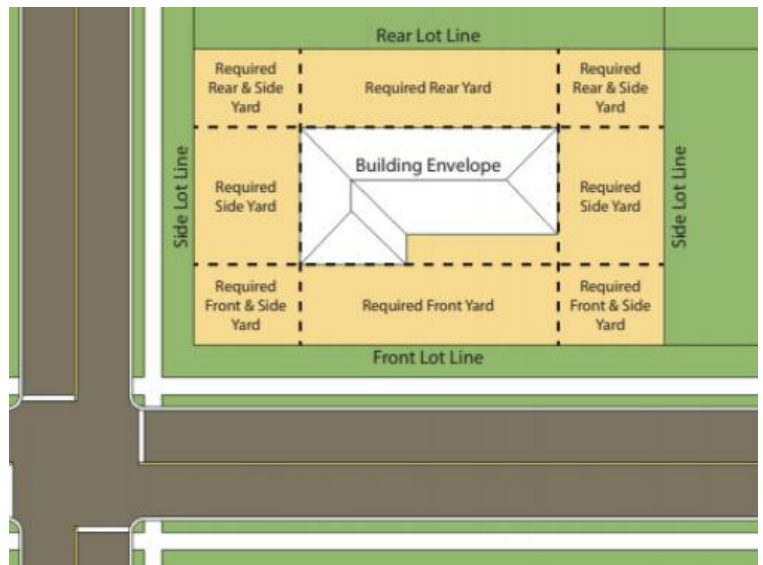
A lot line other than a front or rear lot line.

## LOT, THROUGH

A lot bounded on opposite sides by streets.

## MEDICINAL MARIJUANA GROWING

The growing of marijuana (cannabis) for medical purposes for and as specifically authorized by the Government of Canada



**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.

**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.

**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.

**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.

**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.

**MOTOR VEHICLE COMPOUND**

A lot containing a building or portion of a lot containing a building, which premises are used for the temporary storage and impounding of motor vehicles taken from a collision scene or otherwise towed or conveyed and awaiting repair or demolition, retrieval, or disposal.

**MOTOR VEHICLE, HEAVYCOMMERCIAL**

Any commercial motor vehicle or combination having a registered gross weight, actual gross weight, or a manufacturer's gross weight greater than 4,500 kilograms within the meaning of The *Highway Traffic Act*, as amended.

**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 *gas station* or a *motor vehicle body shop*, but shall not include any other establishment otherwise defined or classified in this By-law.

**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 repair garage* may also provide 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 but shall not include any other establishment otherwise defined or classified in this By-law, and shall not be used for painting, body work, storage or sale of motor vehicles.

#### **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.

#### **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.

#### **ON-FARM DIVERSIFIED USES:**

means uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products. Ground mounted solar facilities are permitted in prime agricultural areas, including specialty crop areas, only as on-farm diversified uses.

means uses that are secondary to the principal *agricultural use* of the property, and are limited in areas include, but are not limited to, *home occupations*, home industries, *agri-tourism uses*, distilleries, cideries and uses that produce value-added agricultural products, as well as other uses which may or may not be defined within this by-law, such as small motor vehicle repair garages, garden centers, veterinary clinics

#### **OPEN SPACE OR PARK**

Any open space or recreational area which 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. An Open Space or Park may include an accessory club house or storage building of a maximum of 75 sq m and *parking lot*

#### **OUTDOOR EDUCATION FACILITY**

Lands, buildings and structures used for the purpose of providing an educational experience.

#### **OUTDOOR RECREATION FACILITY**

Lands and buildings used for the purposes of downhill skiing, outdoor ice pad, outdoor swimming area, cross country skiing, bicycling, playing fields, and other sports activities that rely on the natural landscape or larger open space but shall not include the racing of animals, motor vehicles, motor cycles or snowmobiles.

#### **OUTDOOR STORAGE**

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

#### **PASSIVE RECREATIONAL USES**

Passive recreational uses include trails, bird watching, hiking, swimming and similar uses include no permanent structures or facilities. A parking lot shall not form part of a passive recreational use.

#### **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 principal use is located for the purpose of storing motor vehicles.

**PARKING LOT**

A *parking area* forming the a principal use of a lot, and may include a school bus parking area and school bus marshalling yard, but shall not include a *Motor Vehicle Compound*.

**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.

**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.

**PERSONAL SERVICE SHOP**

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.

**PIT**

Land or land under water from which unconsolidated aggregate is being or has been excavated, and that has not been rehabilitated, but does not mean land or land under water excavated for a building or structure on the excavation site, but does not include a *wayside pit*.

**PIT, WAYSIDE**

A temporary *pit* 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, which may include a temporary portable *aggregate processing and batching operation* specific to a public road project.

**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.

**PRACTITIONER'S CLINIC**

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

**PRINCIPAL OR MAIN BUILDING**

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

**PRIVATE**

When followed by a land use, *Private* shall mean a use that is operated on a commercial and/or private member basis.

**PRIVATE CLUB**

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

**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.

**PROVINCIAL HIGHWAY**

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

**PUBLIC AUTHORITY**

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

**PUBLIC USE**

*Public Use* shall mean a building, structure or use that is provided by the Township, County 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.

**QUARRY**

Land or land under water from which consolidated aggregate is being or has been excavated, and that has not been rehabilitated, but does not mean land or land under water excavated for a building or structure, but does not include a *wayside quarry*.

**QUARRY, WAYSIDE**

A temporary *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, which may include a temporary portable *aggregate processing and batching operation* specific to a public road project.

**RECREATIONAL TRAILERS AND VEHICLES**

A mMotorized or towable vehicles, or trailers or combinations which provide short term occupancy intended and used for travel. Recreation and vacationing, designed to be self-propelled or towed or propelled by a motor vehicle, and includes such vehicles commonly known as travel trailers, camper and tent trailers, truck campers, motor homes, boats, toy-haulers or other similar recreational vehicles and trailers. This definition may include, a bus, motor home, truck or van if equipped as above, notwithstanding that its running gear is or may be removed. that combines transportation and temporary living quarters for travel, recreation and camping, and may include a *travel or tent trailer*, off-road vehicles, snowmobiles or conversion vehicles.

**REPAIR SHOP (NON-VEHICLE)**

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.

**RESEARCH AND DEVELOPMENT ESTABLISHMENT**

A building or group of buildings in which are located facilities for natural, physical or scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory

**RESORT**

Buildings, structures and land used for the purpose of providing overnight accommodations and daytime activities.

**RESOURCE MANAGEMENT**

The wise use, preservation, protection, rehabilitation 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* also includes 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.

**RESTAURANT**

A building or part of a building where food is offered for sale or sold to the public primarily for immediate consumption, which may include take-out and/or a drive through.

**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.

**SALES, SERVICE AND RENTAL ESTABLISHMENT**

A building or part of a building or structure in which light equipment, heavy equipment, industrial equipment, machinery, *farm* implements, small engines, marine, recreational vehicles, trailers, equipment and/or tools 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. But shall not include a body shop or *motor vehicle repair garage*

**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.

**SAWMILL**

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

**SCHOOL**

A building, structure or part thereof used for elementary or secondary education, which may or may not be regulated and funded in accordance with the Education Act, R.S.O. c. E.2, as amended and accessory uses, included uses permitted under the *Child Care and Early Years Act 2014*, as amended or replaced.

**SELF-STORAGE FACILITY**

A building or buildings for the purpose of providing indoor storage space to the public.

**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.

**SEWAGE**

The waste water and matter from any use.

## SHOOTING RANGE

A facility or area where firearms are discharged, including facilities or areas for clay pigeon or target shooting, rifle or gun range, archery range, skeet shooting 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.

## SOLAR PROJECT, COMMERCIAL GROUND MOUNTED

Any ground mounted solar panel or collection of ground mounted solar panels that have a rated capacity of 20kW or greater. A Commercial Solar Project shall be considered a principle use.

## SOLAR PROJECT, NON-COMMERCIAL GROUND MOUNTED

Any ground mounted solar panel or collection of ground mounted solar panels that have a rated capacity of less than 20kW.

## SOLAR PROJECT, ROOF TOP

Roof top solar panels of all capacities that are located on a building(s) or structure(s) that is a permitted use and not a building designed only for the purpose of solar collection.

## STOREY

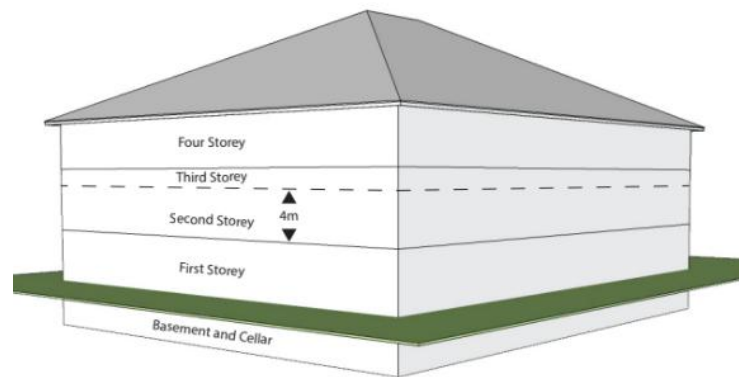
A storey is that part of a building between the surface of one floor and the ceiling above. However, a cellar does not count as a storey.

## STREET LINE

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

## STRUCTURE

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



## TAKE-OUT RESTAURANT

Means a restaurant or business that offers individual meals or beverages to be purchased and are ready to consume immediately.

## TAVERN

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

## 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.

## 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.

## TOWNSHIP

**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.

**TRAVEL OR TENT TRAILER**

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.

**TRANSPORTATION DEPOT**

A lot used principally for the storage, servicing, hiring, loading or unloading of trucks, buses or other fleet vehicles and may include a building containing a use directly related to the parking, storing, servicing, hiring, loading or unloading of such fleet vehicles. This may include the temporary storage of goods or wares prior to shipment. Any building or land where buses, trucks or tractor-trailers are rented, leased, kept for hire, stored or parked for commercial purposes.

**USE**

- i) Any purpose for which a building or other structure or a parcel of land may be designed, arranged, intended, maintained, or occupied; or,
- ii) 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.

**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.

**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.

**VETERINARY CLINIC**

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

**WASTE WATER TREATMENT PLANT FACILITY**

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

**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.

**WASTE DISPOSAL AREA**

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

**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.

**WIND TURBINE, COMMERCIAL**

Any wind turbine or collection of wind turbines that have a rated capacity of 10kW or greater. A Commercial Wind Turbine shall be considered a principle use.

**WIND TURBINE, NON-COMMERCIAL**

Any wind turbine or collection of wind turbines that have a rated capacity of less than 10kW, that is utilized to power a permitted use on the same property.

**WORKSHOP**

A building or structure for 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 but shall not include a *contractor's yard*.

**YARD**

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

**YARD, EXTERIOR SIDE**

A side yard immediately adjacent to an exterior lot line.

**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.

**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.

**YARD, REQUIRED**

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

**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.

**YARD, SIDE EXTERIOR**

A side yard immediately adjoining a public street.

**YARD, SIDE INTERIOR**

A side yard other than an exterior side yard.

**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.

**ZONE**

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

**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.P.13., as amended.

By-law 05-02 is hereby rescinded.

### **6.2 READINGS BY COUNCIL**

THIS BY-LAW READ A FIRST TIME ON THE 4<sup>th</sup> DAY OF JULY, 2018.

THIS BY-LAW READ A SECOND TIME ON THE 4<sup>th</sup> DAY OF JULY, 2018.

THIS BY-LAW READ A THIRD TIME AND FINALLY PASSED ON THE 4<sup>th</sup> DAY OF JULY, 2018

***ORIGINAL SIGNED***

\_\_\_\_\_  
PAUL MILLS, MAYOR

***ORIGINAL SIGNED***

\_\_\_\_\_  
KERSTIN VROOM, ACTING CLERK

### **CERTIFICATION**

I hereby certify that the foregoing is a true copy of Zoning By-law No. 28-18 as enacted by the Council of the Corporation of the Township of Mulmur, on the 4th day of July, 2018.

CLERK: \_\_\_\_\_