


Kelli Campeau, Clerk

2023-04-05
Date

SG-G-23

**THE CORPORATION OF THE
TOWNSHIP OF SOUTH GLENGARRY
BY-LAW 06-2023
FOR THE YEAR 2023**

**BEING A BY-LAW TO AMEND BY-LAW 38-09, THE
COMPREHENSIVE ZONING BY-LAW FOR THE TOWNSHIP OF
SOUTH GLENGARRY TO ESTABLISH PROVISIONS TO REGULATE
CANNABIS CULTIVATION, PRODUCTION AND PROCESSING.**

WHEREAS, the *Municipal Act, 2001*, c.25 S 5 (1) provides that the powers of a municipal corporation are to be exercised by its council;

AND WHEREAS the *Municipal Act 2001*, c. 25 S. 5(3) provides that the powers of every council are to be exercised by by-law;

AND WHEREAS pursuant to the provisions of Section 34 of the *Planning Act*, R.S.O. 1990, as amended, Council of the municipality may enact by-laws regulating the use of lands and the erection of buildings and structures thereon;

AND WHEREAS the Council of the Township of South Glengarry deems it advisable to amend By-law 38-09, a by-law that regulates the use of land and the use and erection of buildings and structures, as thereafter set forth.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE
TOWNSHIP OF SOUTH GLENGARRY ENACTS AS FOLLOWS:**

THAT By-law 38-09 is hereby amended as follows:

1. That Part 2 - Definitions be amended to add new definitions in alphabetical order as follows:

ADVERSE EFFECTS: As defined in the Environmental Protection Act, means one or more of:

- a) Impairment of the quality of the natural environment for any use that can be made of it;
- b) Injury or damage to property or plant or animal life;
- c) Harm or material discomfort to any person;
- d) An adverse effect on the health of any person;
- e) Impairment of the safety of any person;
- f) Rendering any property or plant or animal life unfit for human use
- g) Loss of enjoyment of normal use of property; and,
- h) Interference with normal conduct of business

AIR TREATMENT CONTROL Shall mean the functional use of an industrial grade multi-stage carbon filtration system, or similar technology, to reduce and/or treat the emission of pollen, dust and odours expelled from a facility and sized accordingly in comparison to the facility it serves as designed by a qualified person.

CANNABIS means a cannabis plant, including the phytocannabinoids produced by or found in such a plant regardless of whether that part has been processed or not, and any substance or mixture of substances that contains or has on it any part of such a plant and any substance that is identical to a phytocannabinoid produced by or found in such a plant, regardless of how the substance was obtained.

CANNABIS CULTIVATION, PRODUCTION AND PROCESSING FACILITY- LICENSED Shall mean a building or land used for the cultivation, processing, testing, destruction, packaging and/or shipping of cannabis in accordance with the Cannabis Act.

GREENHOUSE-CANNABIS Shall mean a building whose roof and sides are made largely of glass or other transparent or translucent material for the growing of cannabis plants in which the temperature and humidity can be regulated for the cultivation of cannabis for subsequent processing and sale.

MARIJUANA see **CANNABIS**

SENSITIVE LAND USE means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby facilities and includes a dwelling, day nursery, playgrounds, places of worship and an educational or health facility.

2. That Part 3 - General Provisions be amended to add a new section for Cannabis Cultivation, Production and Processing provisions immediately following Part 3.6 as follows:

3.7 CANNABIS CULTIVATION, PRODUCTION AND PROCESSING- LICENSED

The following provisions shall apply within the Industrial, Rural, and Agricultural Zones only:

3.7 (1) A Licensed Cannabis Cultivation, Production, and Processing facility shall only be permitted within the Industrial, Rural and Agricultural zones.

i) No Licensed Cannabis Cultivation, Production, or Processing Facility shall have an adverse effect on its surroundings regardless of size or zone.

ii) In addition, within Industrial, Rural and Agricultural Zones, a Cannabis Cultivation, Production, and Processing Facility may be permitted provided that the following provisions are met:

1. A Cannabis Cultivation, Production, and Processing Facility must be in a fully enclosed building;
2. Outdoor storage is not permitted with a Cannabis Cultivation, Production, and Processing Facility;
3. Loading spaces for a Cultivation, Production, and Processing Facility must be in a fully enclosed building;

4. Security fencing must be installed around the Cannabis Cultivation, Production, and Processing Facility;

5. No use shall produce dust or other emissions that exceed standards set by provincial legislation without written authorization from the appropriate provincial agency;

6. No use shall produce odour, glare, or noise that creates a nuisance;

7. A lot with a Cannabis Cultivation, Production, and Processing Facility with air treatment control must be at least 70 metres from a lot in:

- a. A residential zone
- b. An institutional zone
- c. A commercial zone

8. A lot with a Cannabis Cultivation, Production, and Processing Facility with air treatment control must be at least 150 metres from a lot in:

- a. A Open space zone
- b. A daycare/nursery
- c. A place of worship
- d. Recreational/Community Centre Spaces
- e. Public parks
- f. Private parks/conservation areas
- g. Public/private schools

9. A lot with a Cannabis Cultivation, Production, and Processing Facility without air treatment control must be at least 300 metres from a lot in a:

- a. Residential Zone
- b. Commercial zone
- c. Open Space Zone
- d. Institutional Zone
- e. A daycare/ nursery
- f. A place of Worship
- g. Recreational/ Community Centers Spaces
- h. Public parks
- i. Private parks/conservation areas
- j. Public/Private schools

10. Any Cannabis Cultivation, Production and Processing Facility regardless of size, location, zone, new construction, expansion, or building conversion will be subject to site plan control.

11. Cannabis Cultivation, Production and Processing Facilities shall not be permitted as a Home Occupation.

12. On private water supply the owner(s) will be required to provide confirmation that there is sufficient water for daily usage and adequate fire suppression as per O. Reg. 332/12: Building Code (Ministry of Environment water taking permit may be required). On a private septic system or other on-site disposal

system the owner(s) will be required to confirm that discharge from facilities can be safely treated. If discharge or treatment of product requires off site handling the owner(s) will provide documentation of agreement(s) with approved waste handlers.

13. On public water supply and wastewater collection, the owner will be required to provide a site servicing study to ensure the site can be adequately serviced without impacting municipal water and wastewater capacity and facilities.

14. The owners will be required to provide confirmation that adequate power supply is available and can service the subject property without negatively impacting adjacent property owners. The purpose of this requirement is to ensure adequate power supply is available in the surrounding area for existing and proposed uses.

3. That Part 8.1 “PERMITTED USES IN INDUSTRIAL ZONES” is hereby amended by adding “Cannabis Cultivation, Production and Processing”

USES	ZONES			
	Light Industrial	Heavy Industrial	Rural Industrial	Airport Industrial
	ML	MH	MR	MA
Cannabis Cultivation, Production and Processing	✓	✓	✓	

4. That Part 10.1 “PERMITTED USES IN RURAL ZONES” is hereby amended by adding “Cannabis Cultivation, Production and Processing after Cabin.

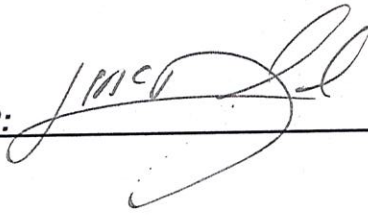
USES	ZONES		
	RURAL	AGRICULTURAL	ESTATE RESIDENTIAL
Cannabis Cultivation, Production and Processing	✓	✓	

THAT all other applicable provisions of By-law 38-09, as amended, shall continue to apply.

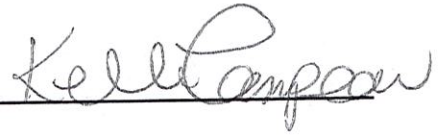
THAT This by-law shall come into force and take effect on the day of final passing thereof.

READ A FIRST, SECOND AND THIRD TIME, PASSED, SIGNED AND
SEALED IN OPEN COUNCIL THIS 16TH DAY OF JANUARY 2023.

MAYOR:

A stylized, cursive handwritten signature in black ink, appearing to start with the letters 'J' and 'M'.

CLERK:

A cursive handwritten signature in black ink, appearing to read 'Kelli Campbell'.

**THE CORPORATION OF THE
TOWNSHIP OF SOUTH GLENGARRY
BY-LAW 39-2022
FOR THE YEAR 2022**

***BEING A BY-LAW TO AMEND BY-LAW 38-09, THE COMPREHENSIVE
ZONING BY-LAW FOR THE TOWNSHIP OF SOUTH GLENGARRY***

WHEREAS, the *Municipal Act, 2001*, c.25 S 5 (1) provides that the powers of a municipal corporation are to be exercised by its council;

AND WHEREAS the *Municipal Act 2001*, c. 25 S. 5(3) provides that the powers of every council are to be exercised by by-law;

AND WHEREAS pursuant to the provisions of Section 34 of the *Planning Act*, R.S.O. 1990, as amended, Council of the Municipality may enact by-laws regulating the use of lands and the erection of buildings and structures thereon;

AND WHEREAS the Council of the Township of South Glengarry deems it advisable to amend By-law 38-09, a by-law that regulates the use of land and the use and erection of buildings and structures, as thereafter set forth;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE
TOWNSHIP OF SOUTH GLENGARRY ENACTS AS FOLLOWS:**

That By-law 38-09 is hereby amended as follows:

1. That Part 2 - Definitions be amended to add new definitions immediately following Part 2.9, Part 2.11, Part 2.228 and Part 2.312 as follows:
 - 2.10 **AGRI-TOURISM** means the use of land, buildings or structures for accessory uses to the principal agricultural use of the lot, conducted for gain or profit to support, promote and sustain the viability of the agricultural use, including but not limited to agricultural education and research facilities, alternative accommodations, restaurants, farmers markets and the retail of local artisan and farm products, pick your own facilities, farm mazes and special events.
 - 2.12 **ALTERNATIVE ACCOMMODATIONS** means an *Agri-Tourism* use where the use of a temporary *building* or structure, not attached to the main dwelling on the *lot*, that is operating or offering a place of short term overnight for any period of thirty consecutive days or less, throughout all or any part of a calendar year. Alternative accommodations may include detached secondary dwelling units, cabins, yurts, treehouses or other similar buildings or structures, but does not include a *Bed and Breakfast Establishment*, *Recreational Vehicle*, *Mobile Home* or *Camping Trailer*.
 - 2.150 **LIVESTOCK** means dairy, beef, swine, poultry, roosters, horses, goats, sheep, ratites, fur bearing animals, deer and elk, game animals, birds and other animals as identified by the Ontario Ministry of Agricultural Food and Rural Affairs (OMAFRA).
 - 2.229 **POULTRY** means domestic fowl such as chickens, hens, turkeys, quail, ducks and geese, but does not include roosters.

2.313 **WINERY/CIDERY- AGRI-TOURISM** means the use of land, buildings, structures and equipment for the making of wine from fruit that is preferably grown on the premises including fermentation, storage and aging and may include storage, display, processing, wine tasting, a tied house licensed by the Alcohol and Gaming Commission of Ontario or applicable licensing authority, and retail, administrative facilities and outdoor patio area. All growth and licensing shall be in accordance with the requirements of the AGCO or the applicable licensing authority.

2. That Part 3 - General Provisions be amended to add a new section for Agri-Tourism provisions immediately following Part 3.1 as follows:

3.2 **AGRI-TOURISM**

The following provisions shall apply within the Rural and Agricultural Zones only:

3.2 (1) The primary use of the subject property must be an *agricultural use*.

3.2 (2) *Alternative accommodations* are permitted within an accessory *building* such as secondary dwelling units, cabins, yurts, treehouses etc. providing they conform to the Ontario Building Code with a maximum of twenty overnight guests per property. If plumbing facilities are installed to serve the alternative accommodations, they shall be serviced with an approved on-site sewage system as per the Ontario Building Code. All accessory buildings used for *alternative accommodations* shall be included in the *Maximum Lot Coverage*.

3.2 (2) Retail space(s) shall not exceed a 100 square meters of gross floor area.

3.2 (3) A *Winery/Cidery* is permitted and must be licensed by the Alcohol Gaming Commission of Ontario (AGCO) or the applicable licensing authority. The fruit used in the production of the wine and/or cider is preferably to be grown on the premises to showcase the agricultural aspects of wineries/cideries however, all growth practices must be in accordance with the requirements of the AGCO or the applicable licensing authority.

3.2 (4) All retail and restaurants must be serviced by an approved on-site sewage system as per the Ontario Building Code.

3.2 (5) Existing agricultural structures may be converted to accommodate agri-tourism facilities providing a “change of use” permit and a *building* permit are obtained as per the Ontario Building Code.

3. That Part 10.1 “PERMITTED USES IN RURAL ZONES” is hereby amended by adding “Agri-Tourism” after Agricultural Use.

USES	ZONES		
	RURAL	AGRICULTURAL	ESTATE RESIDENTIAL
Agri-Tourism	✓	✓	

4. That Part 3- General Provisions be amended to add a new section for Poultry provisions immediately following Part 3.31 as follows:

3.32 POULTRY

Poultry shall be permitted within the Rural and Agricultural zones on all properties having less than 2.5 hectares (Rural) or 20 hectares (Agricultural) of land and shall comply with the following provisions:

3.32(1) *Poultry* is permitted providing the property is developed containing a single detached dwelling. *Poultry* is not permitted on vacant land that is less than 2.5 hectares (Rural) or 20 hectares (Agricultural) in size.

3.32(2) *Poultry* is permitted on properties with single detached dwellings only; *Poultry* is not permitted on properties with semi-detached dwellings, a duplex, townhouses etc. having less than 2.5 hectares (Rural) or 20 hectares (Agricultural) of land.

3.32(3) A maximum of 10 *Poultry* is permitted per property.

3.32(4) Pens/coops are permitted and shall be located; a minimum of 1.2 meters from rear and side property lines, in rear or side yards only and shall meet the minimum front *yard* setback.

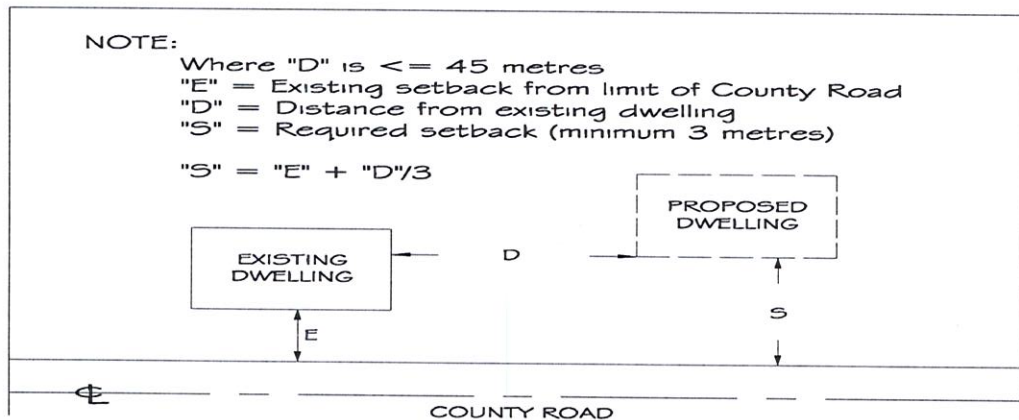
3.32(5) If pens/coops are greater than 10 square meters, an approved building permit is required as per the Ontario Building Code.

5. That Part 10.2 “STANDARDS IN RURAL ZONES” (1) and (2) are hereby amended by adding “except *Poultry* – see section 3.32” at the end of each sentence.
6. That Part 3.45 YARD ENCROACHMENTS- General Provisions be amended to add a new section immediately following Part 3.45 (14) as follows:
- 3.45 (15) Exterior cladding, such as, but not limited to stucco, siding, brick, or stone may be permitted to project not more than 100 mm in the front, side or rear *yard*.
7. That Part 4.0- “Parking and Loading Provisions”, is hereby amended by adding immediately following “Industrial uses, Warehouse, Bulk storage, Bakery, Dairy, Dry cleaning plant” in the chart for “Other Uses” thereof the following:

USES	MINIMUM NUMBER OF REQUIRED PARKING SPACES
Mini Warehouse and Storage	1 space for each 100 m ² (1,076.3 ft ²) of gross floor area plus 1 space per 20 m ² (215.2 ft ²) of gross floor area for office use

8. That Part 3.39 (1) be amended by removing the following:

- (b) The *setback* for all *lots* abutting a County Road shall be 30 metres (98.4 ft.) from the centre line of the road.
- (c) Where the proposed *building* is to be built within 45 metres (147.6 ft) of only one *existing building*, the *setback* line may be adjusted. The adjusted *setback* shall be no less than the *setback* of the *existing building*, plus an additional distance equal to one third the clear distance between the *existing building* and the proposed *building* location. In no case shall the *setback* line be less than 3 metres (9.8 ft.) from the nearest limit of the County Road or refer to By-law No. 3848 of the United Counties of Stormont, Dundas, and Glengarry.



9. That 3.39 (1) be amended by adding the following:
- (b) The *setback* for all *lots* abutting a County Road shall be in accordance with standards set by the United Counties of Stormont, Dundas and Glengarry and the provisions contained within this by-law.
10. That Part 3.39 (7) (g) "Watercourses" be amended by removing the following:
 "and a maximum length of seven- and one-half metres (7.5 m [25ft]) beyond the shoreline" (for boathouses) and "Any dock or wharf must not extend more than five metres (5m [16.25 ft]) beyond the high-water mark, and the maximum width must not exceed one and one half metres (1.5 m [4.875 ft])."
11. That the Township of South Glengarry Comprehensive Zoning By-law Maps are hereby amended as indicated on Schedules A through G of this By-Law.
12. That all other applicable provisions of by-law 38-09, as amended, shall continue to apply.
13. This by-law shall come into force and take effect on the day of final passing thereof.

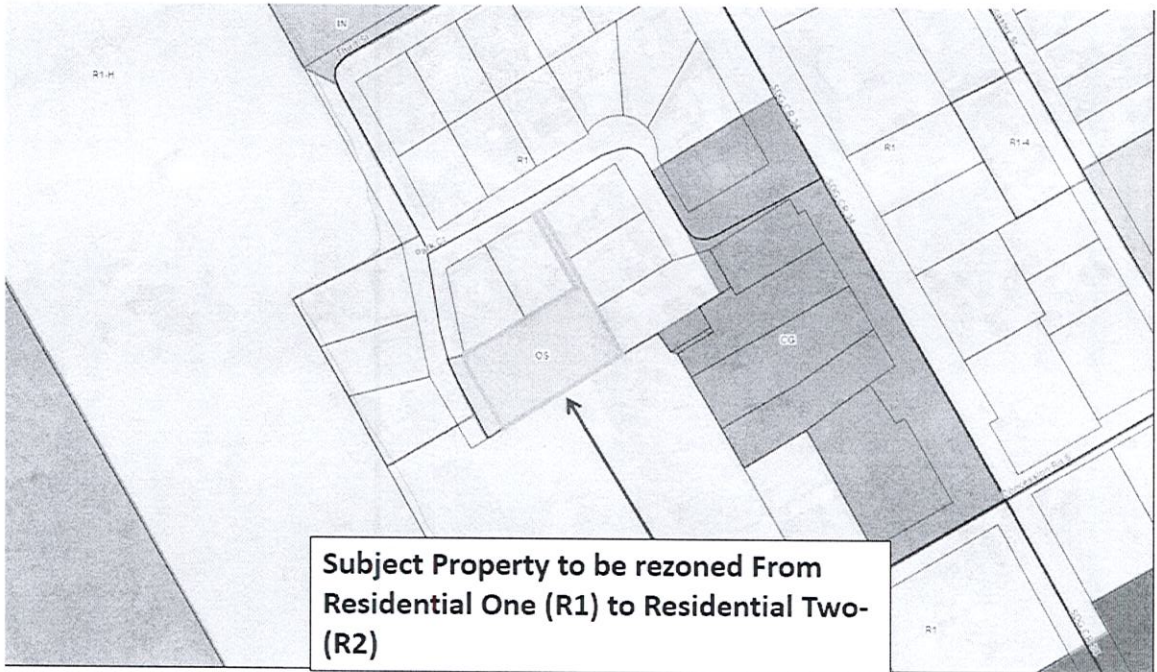
**READ A FIRST, SECOND AND THIRD TIME, PASSED, SIGNED AND SEALED
 IN OPEN COUNCIL THIS 6TH DAY OF JUNE, 2022.**

MAYOR:

CLERK:

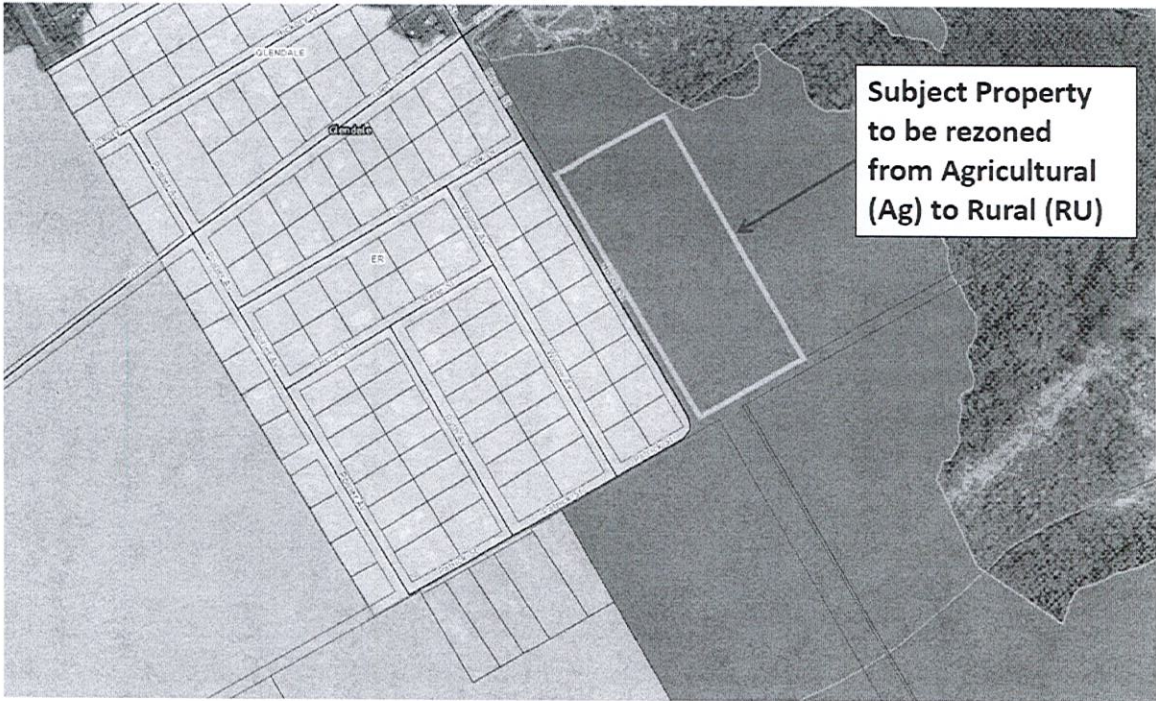
Schedule A

010100602507000- Lot A- Registered Plan 114, Charlotte Street, Green Valley



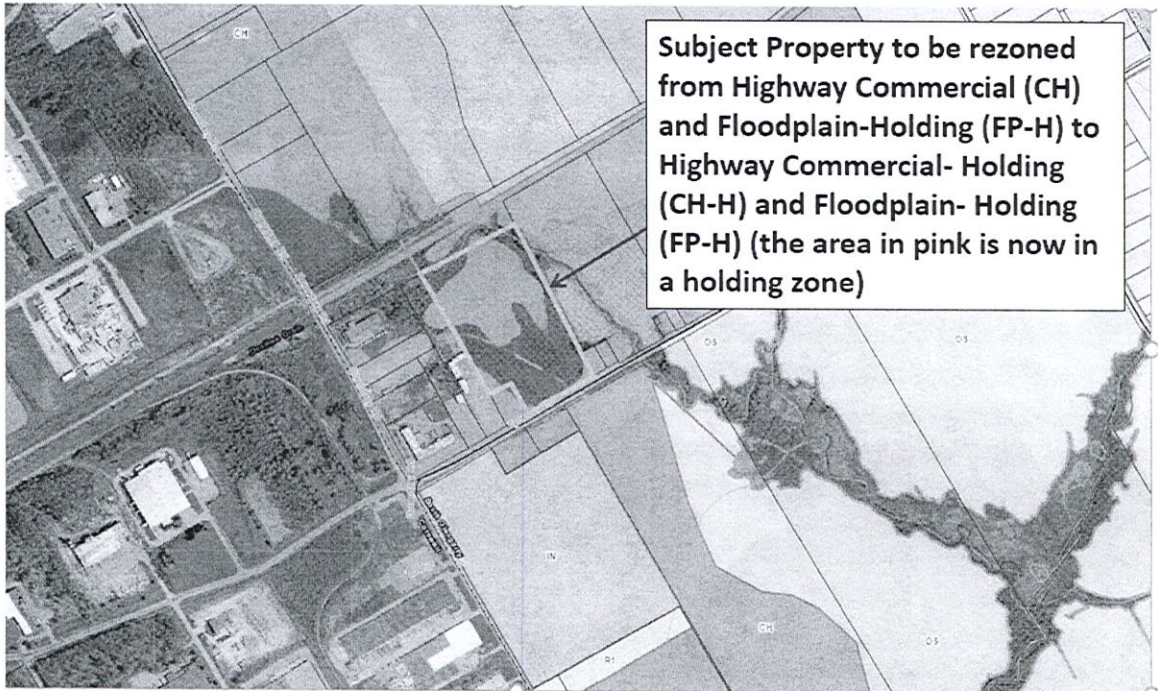
Schedule B

010100602736400- Part of Lot 8, Concession 3 I.L., Huron Street, Williamstown



Schedule C

010100602721050- Part of Lot 16, Concession 2 I.L., Tyotown Road, Glen Walter



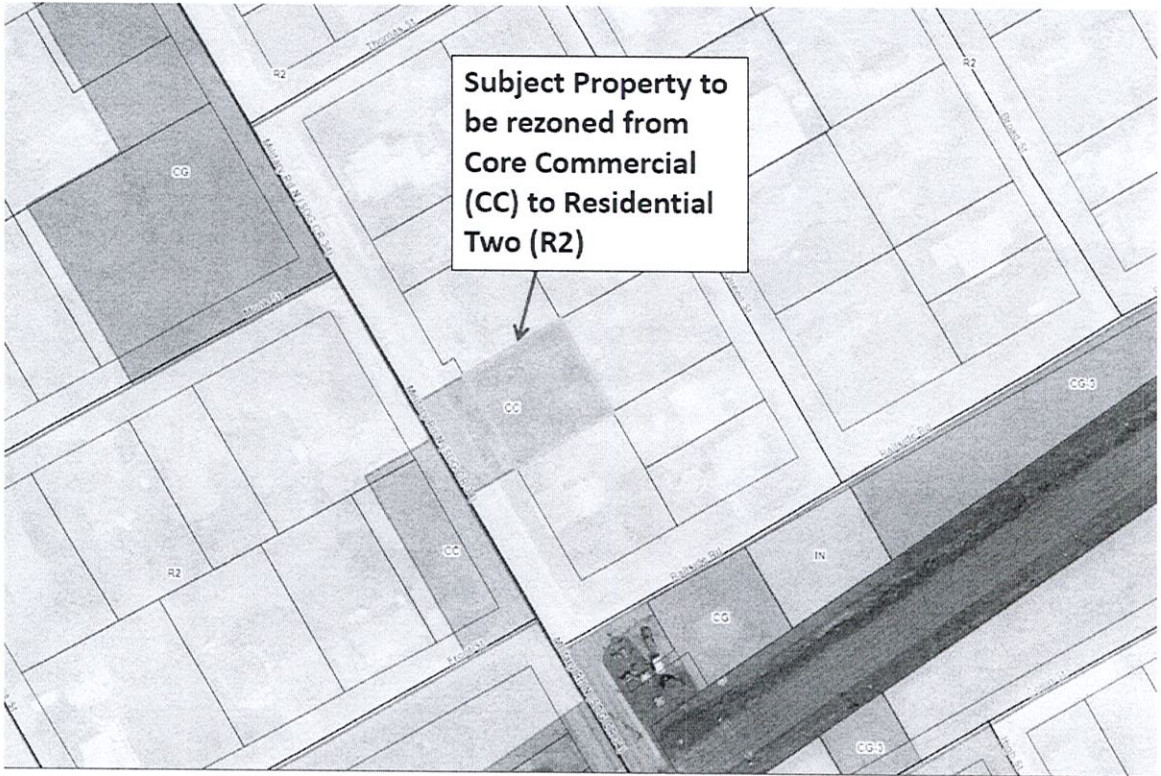
Schedule D

010100800090400- Part of Lots 2 & 3, Registered Plan 26, 155 Military Road N,
Lancaster



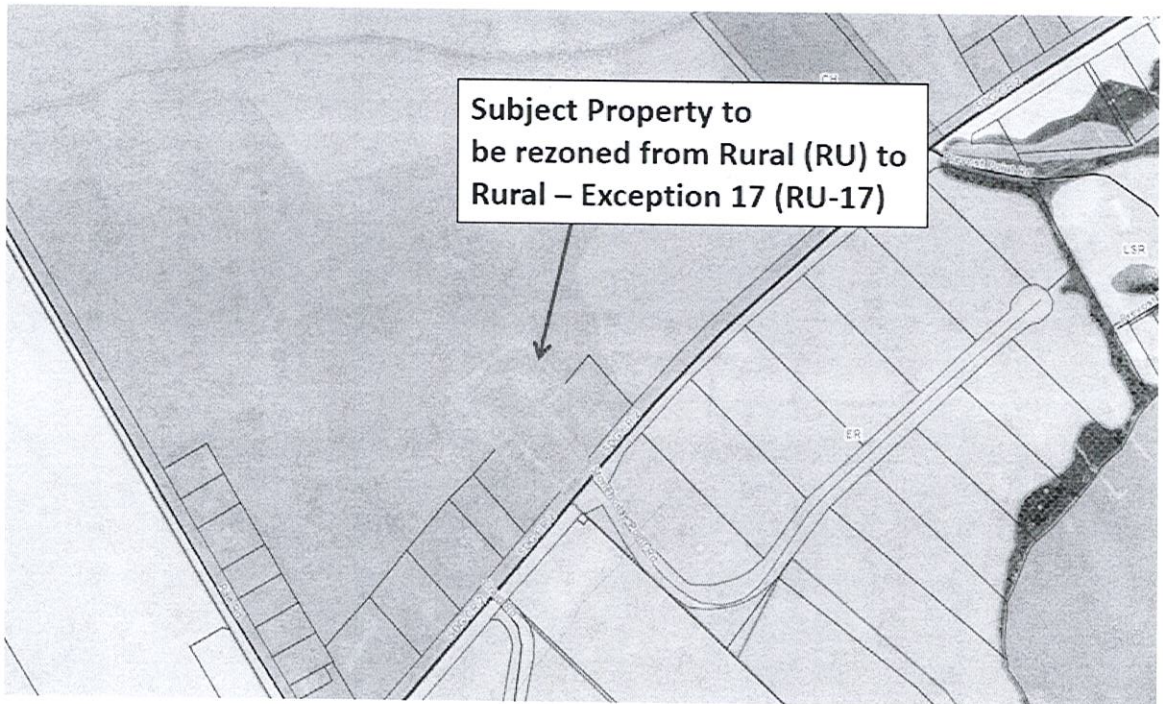
Schedule E

010100800091300- Part of Lot 2, Registered Plan 26, 159 Military Road N,
Lancaster



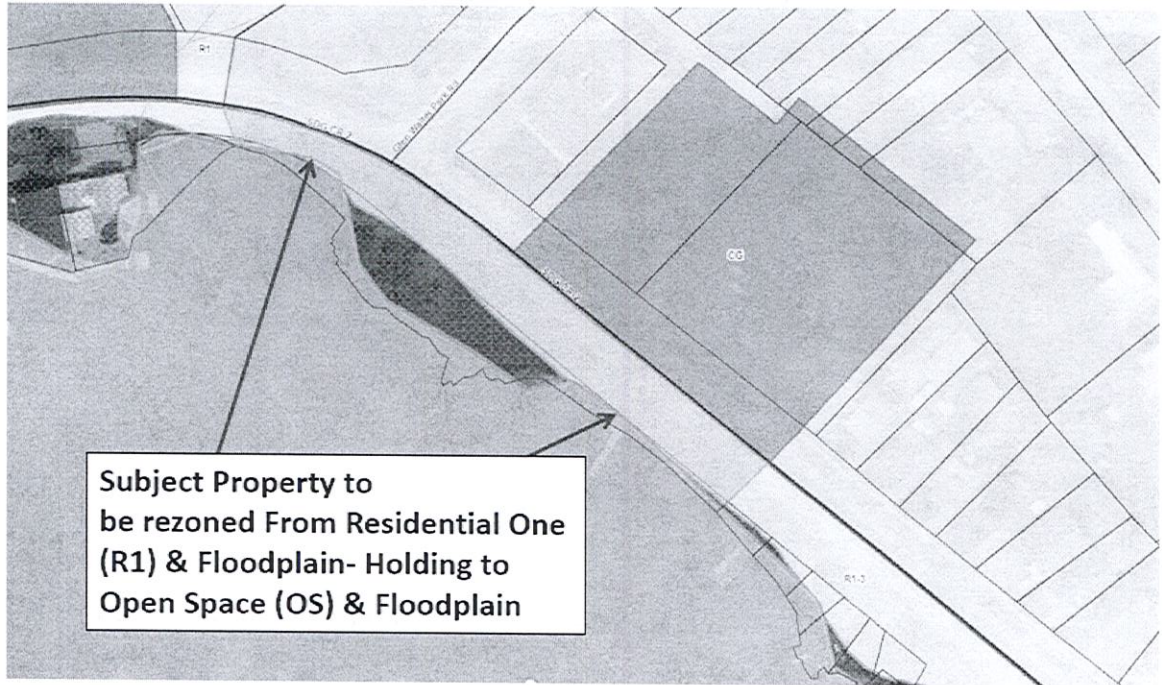
Schedule F

010100600902060- Part of Lot 26, Concession 1 Front, 18531 County Road 2,
Glen Walter



Schedule G

010100601162000- Part of 9, Concession 1 I.L., Glen Walter (Township of South Glengarry owned land)



**THE CORPORATION OF THE
TOWNSHIP OF SOUTH GLENGARRY
BY-LAW 31-18
FOR THE YEAR 2018**

**BEING A BY-LAW TO AMEND BY-LAW 38-09, THE
COMPREHENSIVE ZONING BY-LAW FOR THE TOWNSHIP OF
SOUTH GLENGARRY.**

WHEREAS pursuant to the provisions of Section 34 of the *Planning Act*, R.S.O. 1990, as amended, Council of the Municipality may enact by-laws regulating the use of lands and the erection of buildings and structures thereon;

AND WHEREAS the Council of the Township of South Glengarry deems it advisable to amend By-law 38-09, being a by-law that regulates the use of land and the use and erection of buildings and structures, as thereafter set forth;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE
TOWNSHIP OF SOUTH GLENGARRY ENACTS AS FOLLOWS:**

That By-law 38-09 is hereby amended as follows:

1. That Part 4 – Definitions be amended to add new definitions immediately following Part 2.83 and 2.267 as follows:

2.84 **Dwelling – Primary** shall mean a single detached dwelling, a semi-detached dwelling unit, or townhouse dwelling unit but does not include a garden suite, a boarding house, a converted dwelling, a seasonal dwelling, an accessory dwelling unit, or any other dwelling type as defined in this zoning By-law.

2.268 **Secondary Dwelling Unit** shall mean a dwelling unit within a single detached dwelling, semi-detached dwelling, townhouse dwelling, or within a detached structure accessory to a primary dwelling.

2. That Section 3.29 NOT MORE THAN ONE MAIN DWELLING PER LOT be amended to delete the existing provision in its entirety and replace with the following:

"No more than one (1) building used as a dwelling, containing one or more dwelling units shall be erected on any lot, unless the second building contains a secondary dwelling unit in accordance with the requirement of Section 3.37 or unless specifically stated otherwise in this By-law.

Where a secondary dwelling unit as defined in this By-law is a permitted use, no more than one secondary dwelling unit shall be permitted on any lot."

CERTIFIED A TRUE COPY

Kelli Campeau
Kelli Campeau, Clerk

2018-05-08
Date

3. That Part 3 GENERAL PROVISIONS be amended to add a new subsection immediately following Section 3.36 as follows, and renumber the subsequent subsections and associated references accordingly:

3.37 SECONDARY DWELLING UNITS

A secondary dwelling unit shall be permitted in all zones that permit a single detached dwelling, semi-detached dwelling, or a townhouse dwelling unless specifically prohibited elsewhere in this By-law, and shall be subject to the following criteria:

3.37(1) A secondary dwelling unit shall only be permitted where adequate servicing is or can be made available to accommodate the secondary dwelling unit, including, but not limited to municipal or private water and waste water.

3.37(2) The gross floor area of the secondary dwelling unit must be less than the gross floor area of the primary dwelling unit.

3.37(3) Existing accessory buildings that are not in compliance with their front, rear, and side yard setbacks may still be used for the purpose of a second unit.

3.37(4) A secondary dwelling unit must be constructed to be suitable for habitation year-round.

3.37(5) A minimum of one (1) parking space, which may be a tandem parking space, is required for a Secondary Dwelling Unit. Where a Secondary Dwelling Unit is located within a detached garage, the parking space provided by the detached garage must be retained either within the detached garage or elsewhere on the lot in conformity with the applicable provisions of the zoning By-law.

3.37(6) A maximum of one secondary dwelling unit is permitted per Primary Dwelling Unit.

3.37(7) A secondary dwelling unit shall not be permitted on lands within a Floodplain (FP) Zone, Natural Conservation (NC) Zone, provincially significant wetland (PSW), Natural Hazard (NZ) Zone, or within 30 metres from the top of bank of all watercourses.

3.37(8) A secondary dwelling unit shall be permitted in a primary dwelling unit that has inadequate yard size provided the addition of the secondary dwelling unit does not increase to the degree of non-compliance.

3.37(9) A secondary dwelling unit shall not be permitted on a lot where the primary dwelling unit is a legal non-conforming use.

3.37(10) A secondary dwelling unit shall not be permitted on lots with a garden suite or boarding house.

3.37(11) A secondary dwelling unit shall only be permitted on a lot that has frontage on an open public road.

3.37(12) A secondary dwelling unit shall not be permitted in the Limited Service Residential (LSR) Zone.

4. That Part 4.0 is hereby amended by adding "Parking and Loading Provisions" immediately after "Garden Suite, in-law suite, or accessory apartment" in the chart for Residential Parking thereof the following:

USES	MINIMUM NUMBER OF REQUIRED PARKING SPACES
Secondary Dwelling Unit	1 space per dwelling unit, which may be a tandem parking

5. That Part 6.1 "Permitted Uses in a Residential Zone" is hereby amended by adding "Secondary Dwelling Unit" immediately after "Semi-detached Dwelling".

USES	ZONES				
	R1	R2	R3	R4	LSR
Secondary Dwelling Unit	✓	✓	✓	✓	

6. That Part 10.2 "Permitted Uses in Rural Zones" is hereby amended by adding "Secondary Dwelling Unit" immediately after "Single detached dwelling".

USES	ZONES		
	RURAL	AGRICULTURAL	ESTATE RESIDENTIAL
Secondary Dwelling Unit	✓	✓	✓

7. That save as aforesaid all other provisions of the Comprehensive Zoning By-law 38-09, shall be complied with.

8. This by-law shall come into force and take effect on the day of final passing thereof.

**READ A FIRST, SECOND AND THIRD TIME, PASSED, SIGNED AND SEALED
IN OPEN COUNCIL THIS 7TH DAY OF MAY, 2018.**


MAYOR


CLERK

**THE CORPORATION OF THE
TOWNSHIP OF SOUTH GLENGARRY
BY-LAW 32-10
FOR THE YEAR 2010**

BEING A BY-LAW TO AMEND THE TOWNSHIP OF SOUTH GLENGARRY COMPREHENSIVE ZONING BY-LAW 38-09, PURSUANT TO SECTION 34 OF THE PLANNING ACT, R.S.O. 1990, C.P.13, AS AMENDED TO INCORPORATE A SERIES OF HOUSEKEEPING AMENDMENTS THAT AFFECTS ALL LANDS WITHIN THE TOWNSHIP OF SOUTH GLENGARRY.

WHEREAS pursuant to the provisions of Section 34 of the *Planning Act*, R.S.O. 1990, as amended, Council of the Municipality may enact by-laws regulating the use of lands and the erection of buildings and structures thereon;

AND WHEREAS the Council of the Corporation of the Township of South Glengarry passed By-Law 38-09 on September 28, 2009;

AND WHEREAS the Council of the Corporation of the Township of South Glengarry deems it appropriate to amend Comprehensive Zoning By-law 38-09;

AND WHEREAS the United Counties of Stormont, Dundas, and Glengarry adopted an Official Plan in 2006 and provides for the adoption of zoning regulations as set forth in this by-law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SOUTH GLENGARRY ENACTS AS FOLLOWS:

1. **THAT** the Township of South Glengarry Comprehensive Zoning By-law is hereby amended as follows:
 - a. To amend Part 2 by adding the following definitions:

CABIN, SLEEPING- means a building or structure designed and built for temporary human accommodation containing separate heating facilities but no culinary or sanitary facilities and having an area of not less than 9 square metres and not more than 28 square metres.

MOBILE FOOD PREMISE A mobile food premise is subject to the Township of South Glengarry mobile food premise/chip stand by-law means a vehicle or other itinerant food preparation premise from which food prepared is offered for sale to the public. A mobile food premise does not include any vehicle which is stationary but does include the following:

 - ice cream vehicle
 - mobile canteen
 - catering vehicle, French fry vehicle
 - hot dog cart; and any other mobile food premise not mentioned.
 - b. Section 3.1 (4) by adding the following sentence at the end of the provision:

and the maximum height shall be 4.5 metres (14.76 feet) this does not include attached garages.

- c. Section 3.28 (2) by adding the following sentence at the end of the provision:
and the Holding Zone is not required to be removed.
- d. Section 3.37 by adding the following words to the end of the provision:
and stacked no more than 2 high
- e. Section 3.40 by adding the following new paragraph:
The location of the Temporary Garage Structures shall be in compliance with the setbacks for accessory *structures* however, the temporary garage *structures* shall be in compliance with the front yard setback of the zone in which it is located.
- f. Section 3.39 (7) g, by adding the following words in the second sentence:
boat launch or ramp
- g. Part 5.1 Schedule of zones and symbols by adding and correcting the following:
MXQ and NZ
- h. Section 6.1- Maximum Lot Coverage by removing the following words:
Excluding Accessory Buildings
- i. Section 6.2- Residential 2- Exception 1 by removing the following letters:
E & F
- j. Section 6.2- Residential 3- Exception 1 by adding the following civic addresses: 6375 & 6377
- k. Section 6.2 –Limited Services Residential, Exception 3 by removing the following: Lot 23 Concession 1
- l. Section 6.2 by adding the following Exception: **Limited Services Residential, Exception Four (LSR-4) Prevost Point Road**
Despite the standards of Section 6.2 on lands zoned LSR-4 a single detached dwelling with an apartment unit is permitted.
- m. Section 7.2 by adding the following Exception: **General Commercial, Exception Three (CG-3) Village of Lancaster**
Despite the standards of Section 7.1 on lands zoned CG-3 the following shall be the only permitted use:
Parking only, no buildings or structures
- n. Part 8 added ✓ that were missing in the manufacturing and Industrial uses
- o. Part 10- removed ✓ that were added incorrectly, implying that 2 dwelling units were permitted in the rural and agricultural zone, they are permitted by site specific zoning amendments only
- p. Section 10.2 – Rural, Exception 8 by correcting the following number:
.04 to 0.4
- q. Section 11.3- Waste Disposal, Exception 3 by changing the following number:
2 to 3

- r. Sections 13.1 and 13.1 (1) by changing the following letter:
HZ- NZ
- s. Section 13.1 by removing the following words:
marina and non habitable accessory facilities
- t. Section 7.1 by adding and removing the following:
adding a detached residence in a General Commercial Zone
and a detached residence in a Highway Commercial Zone,
removing a detached residence as a permitted use in a Hamlet
Commercial Zone and removing an attached residence in a
Highway Commercial Zone.

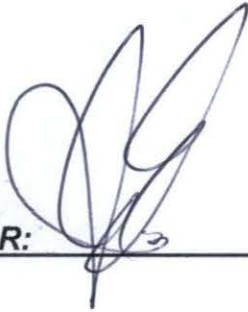
2. **THAT** the Township of South Glengarry Comprehensive Zoning By-law Maps are hereby amended as Indicated on Schedules A through Q of this By-law.

3. If no appeal is filed pursuant to section 34 (19) of the Planning Act, R.S.O. 1990, C. P.13, as amended, or if an appeal is filed and the Ontario Municipal Board amends this by-law pursuant to section 34(26) of the Planning Act as Amended, the parts so amended come into force upon the day the Board's Order is issued directing the amendment or amendments.

4.

READ A FIRST, SECOND AND THIRD TIME, PASSED, SIGNED AND SEALED IN OPEN COUNCIL THIS 16th DAY OF AUGUST, 2010.

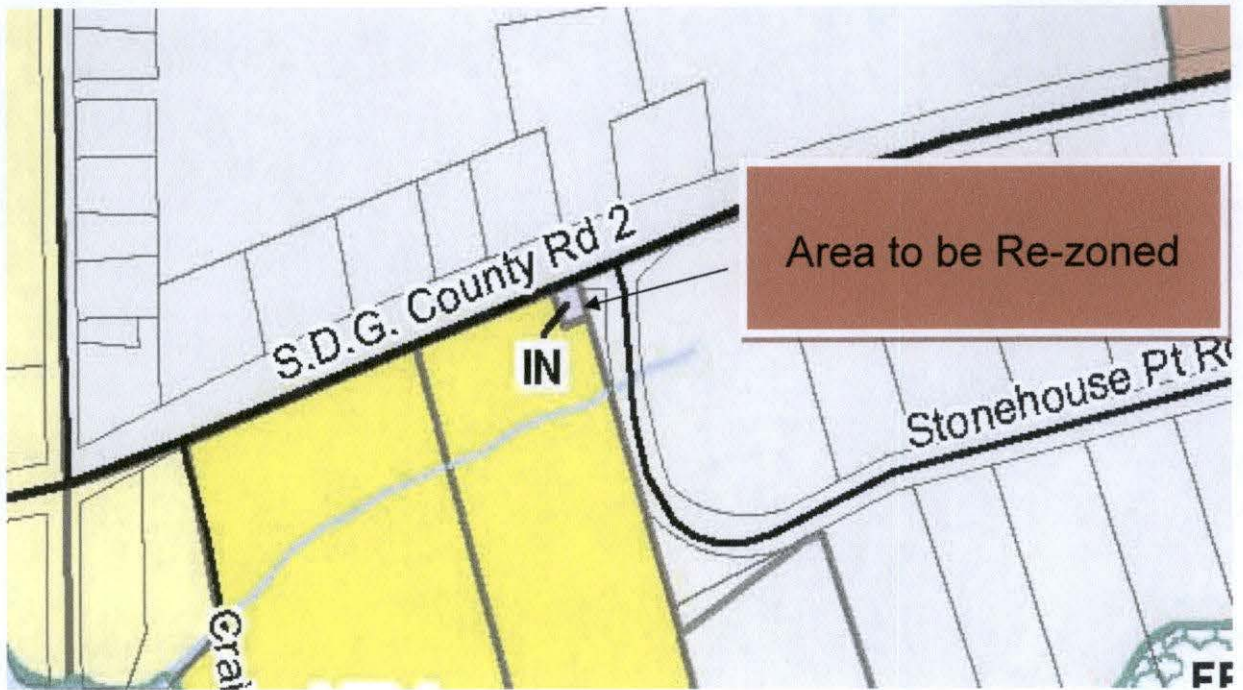
MAYOR:



CLERK:

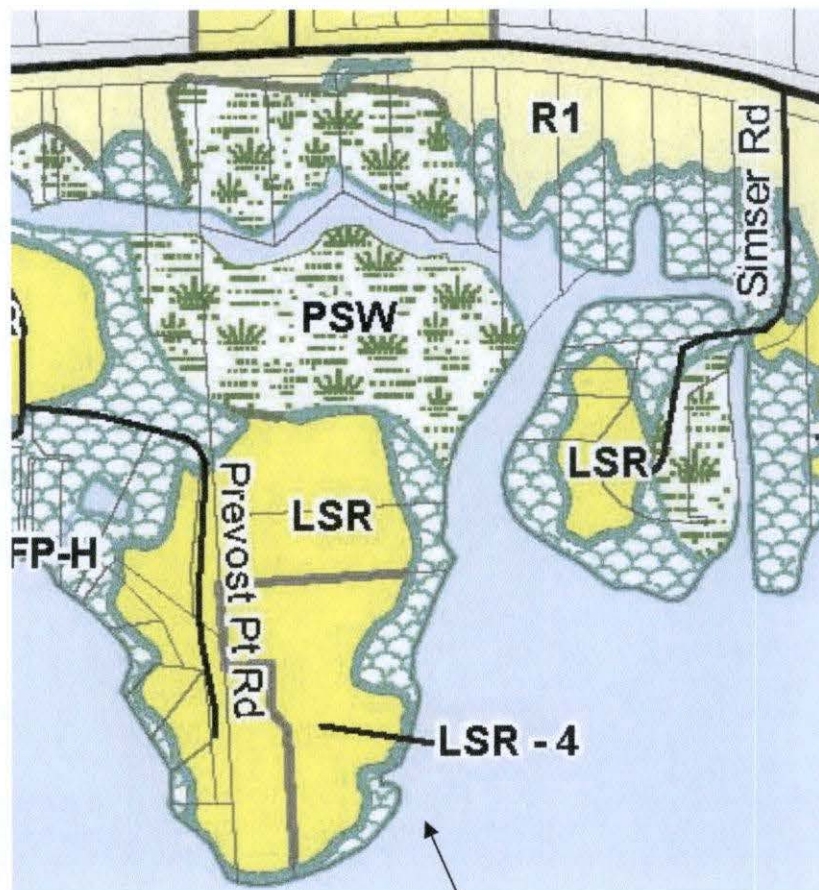


Schedule "A"



Glen Walter Area

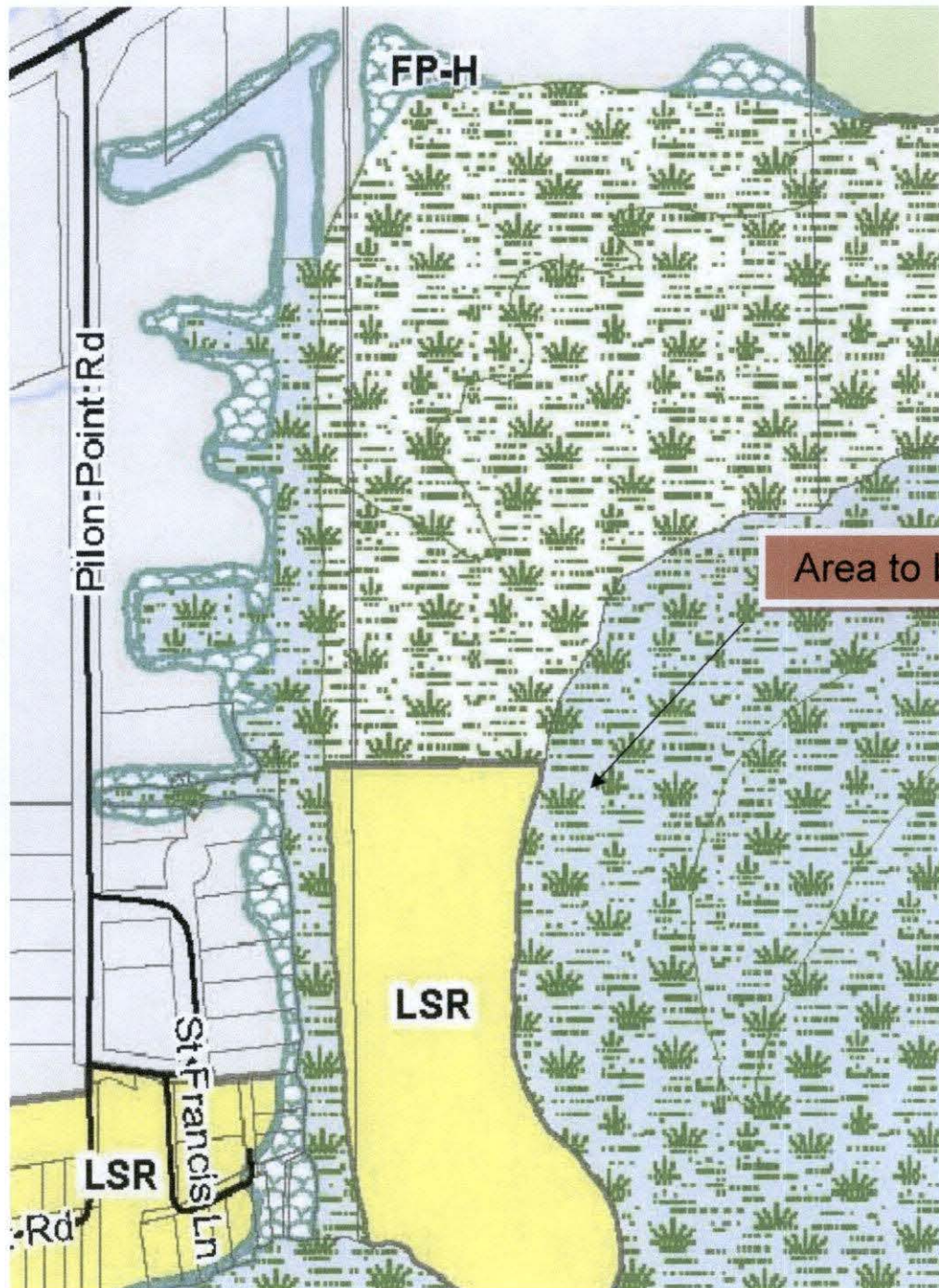
Schedule "B"



Area to be Re-zoned

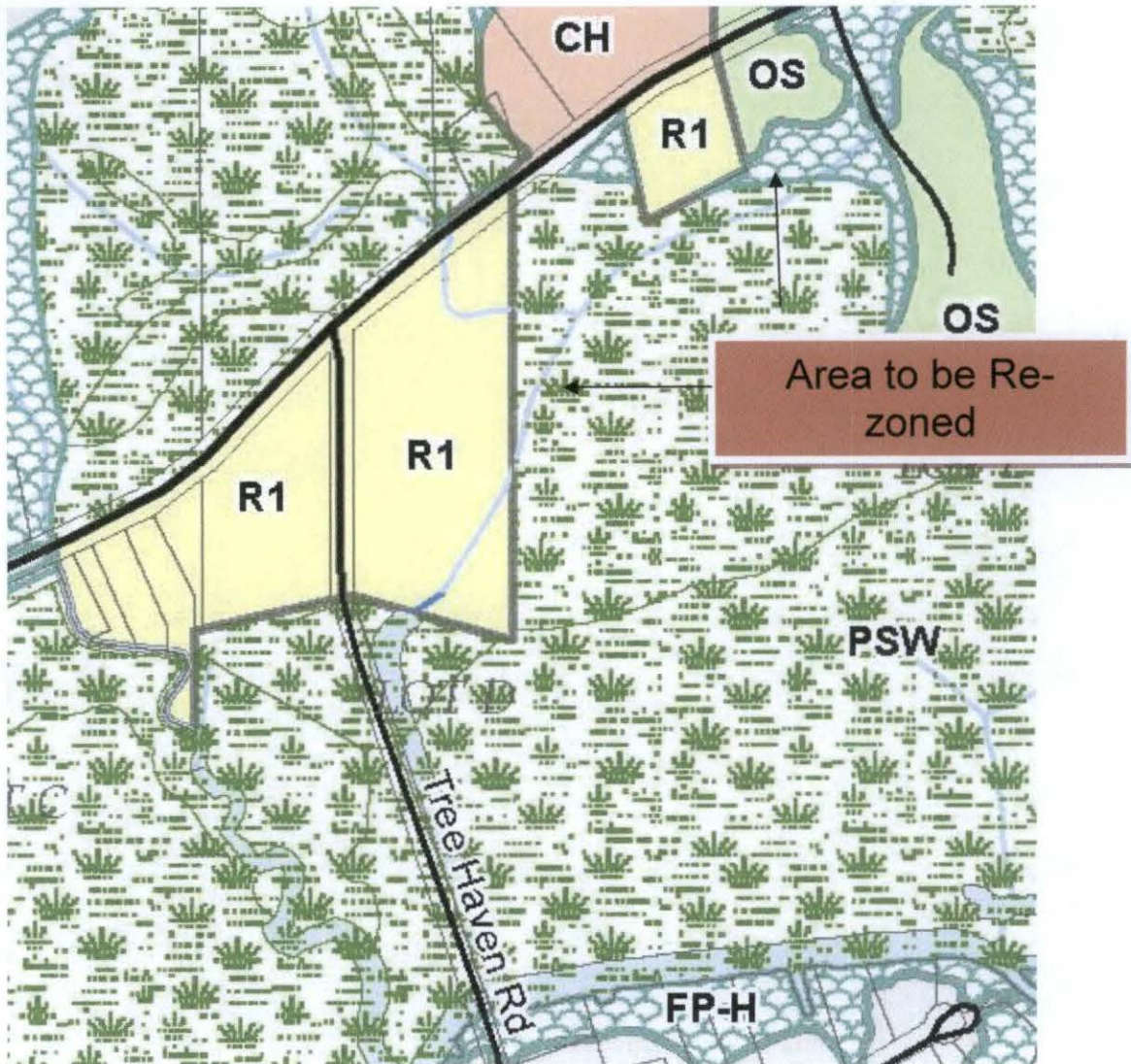
Glen Walter Area

Schedule "C"



Summerstown Area

Schedule "D"

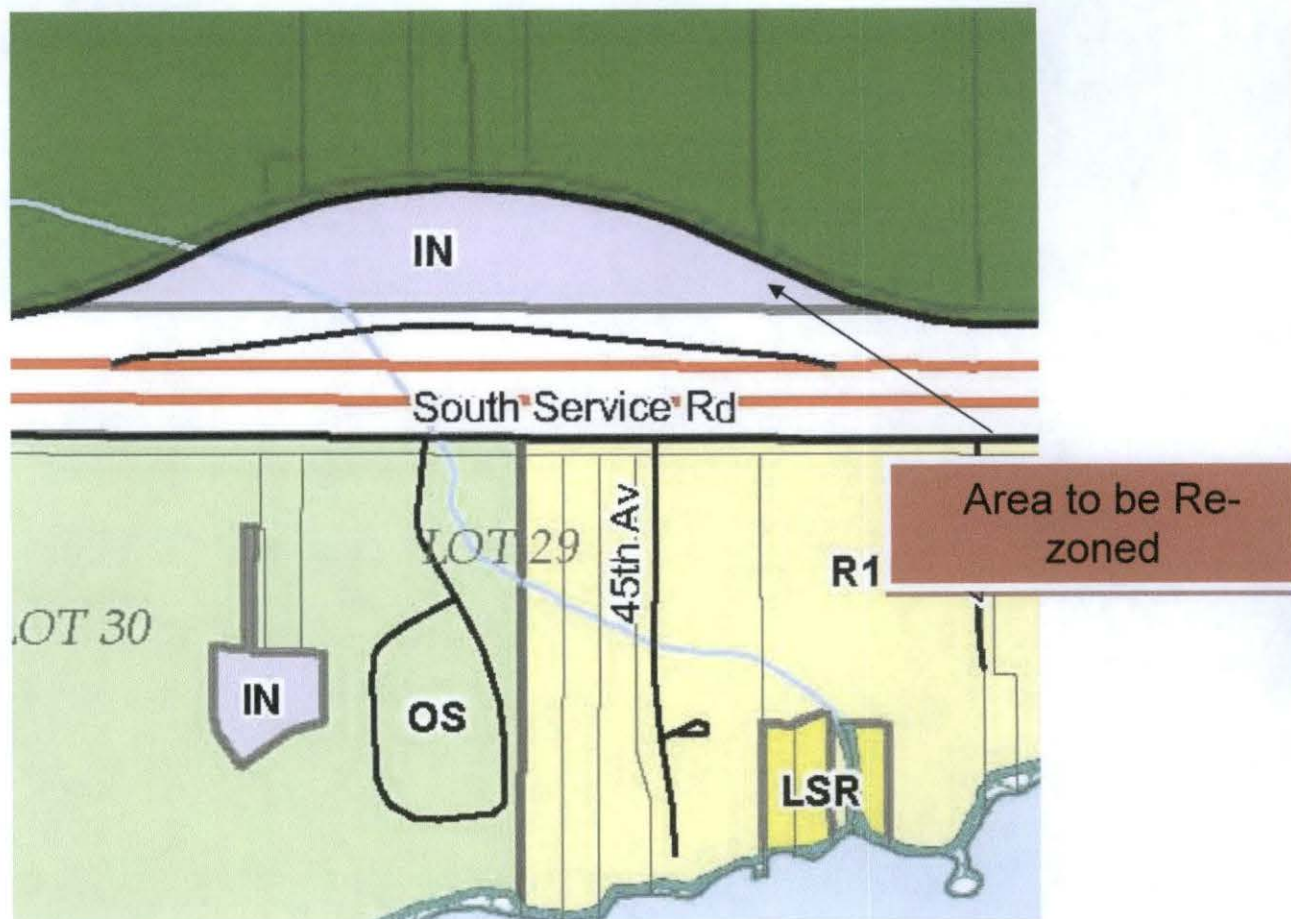


Summerstown Area

East of Lancaster- Former Tourism Bureau

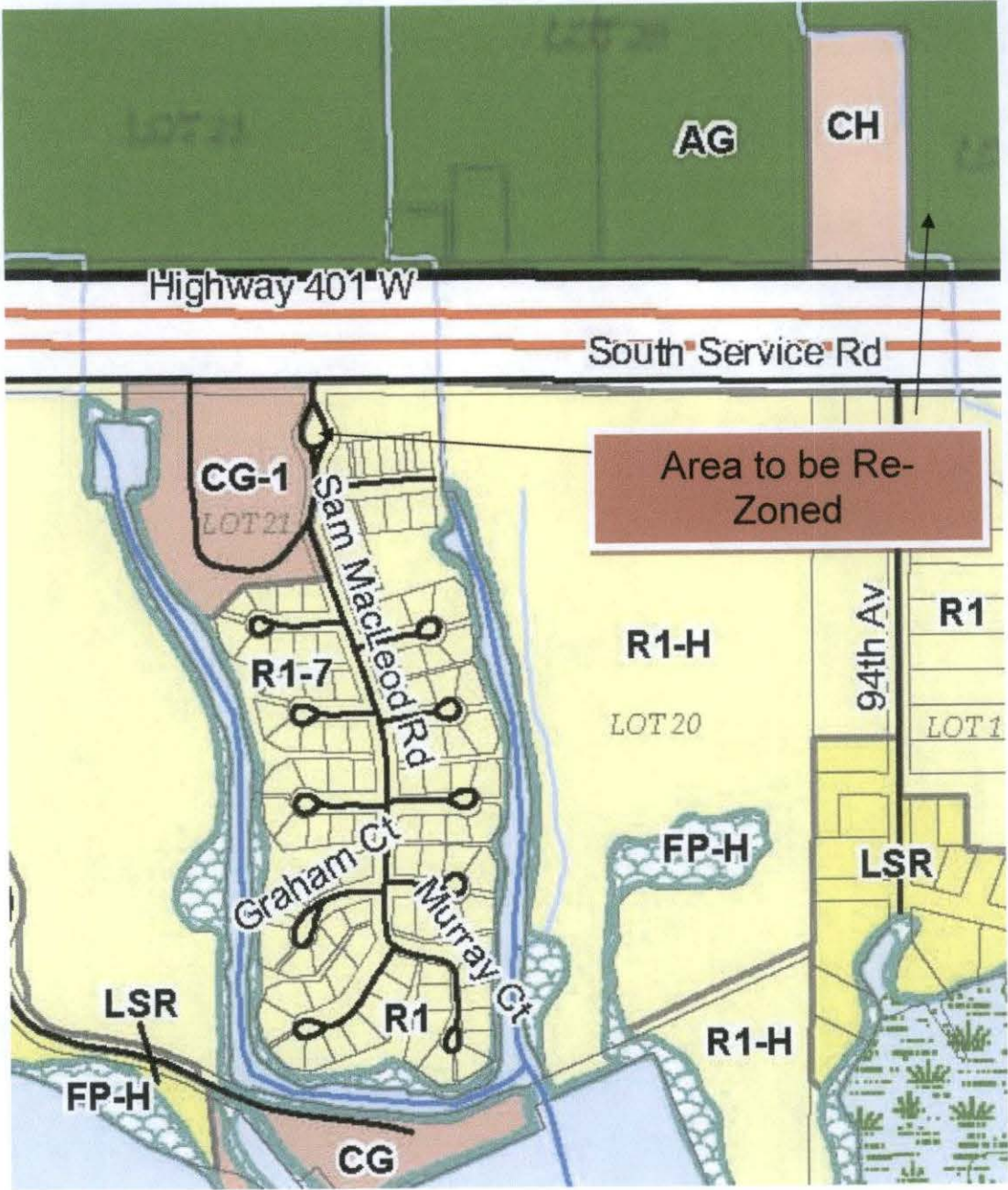
Area to be Re-zoned

Schedule "E"



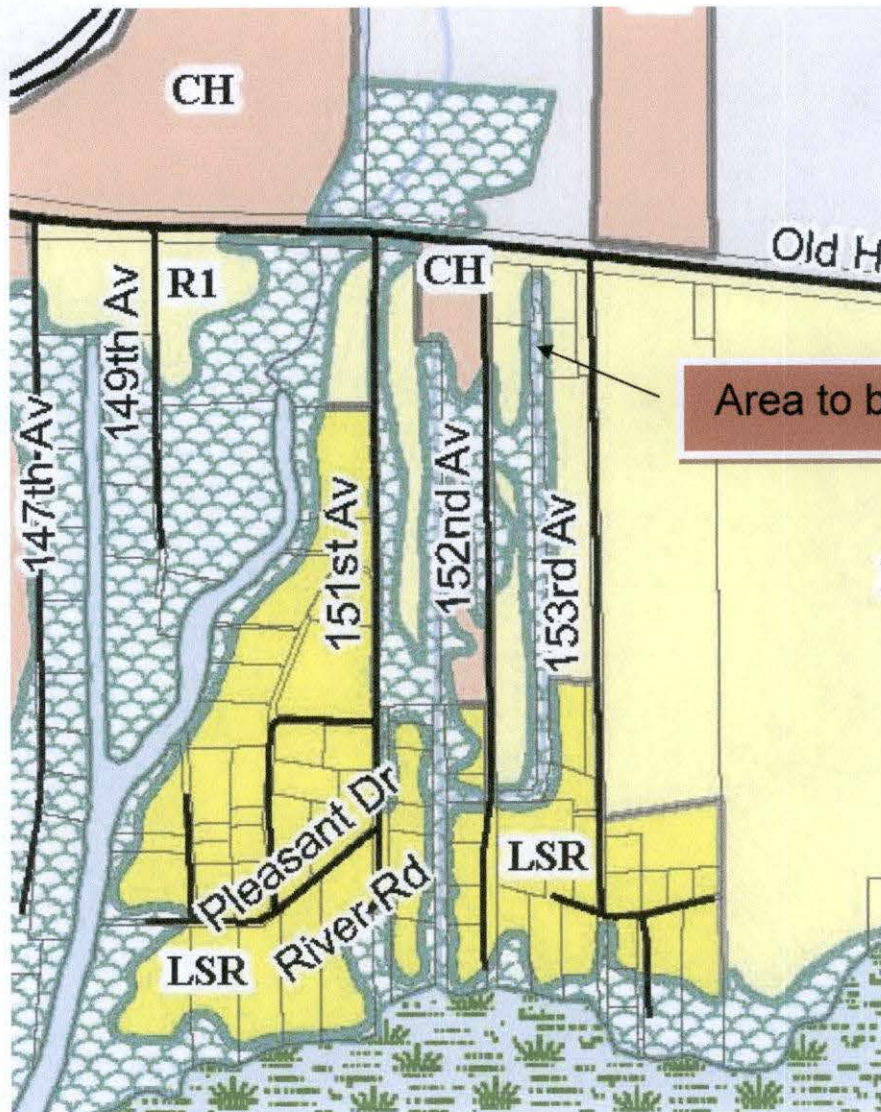
East of Lancaster- Former Tourism Bureau

Schedule "F"



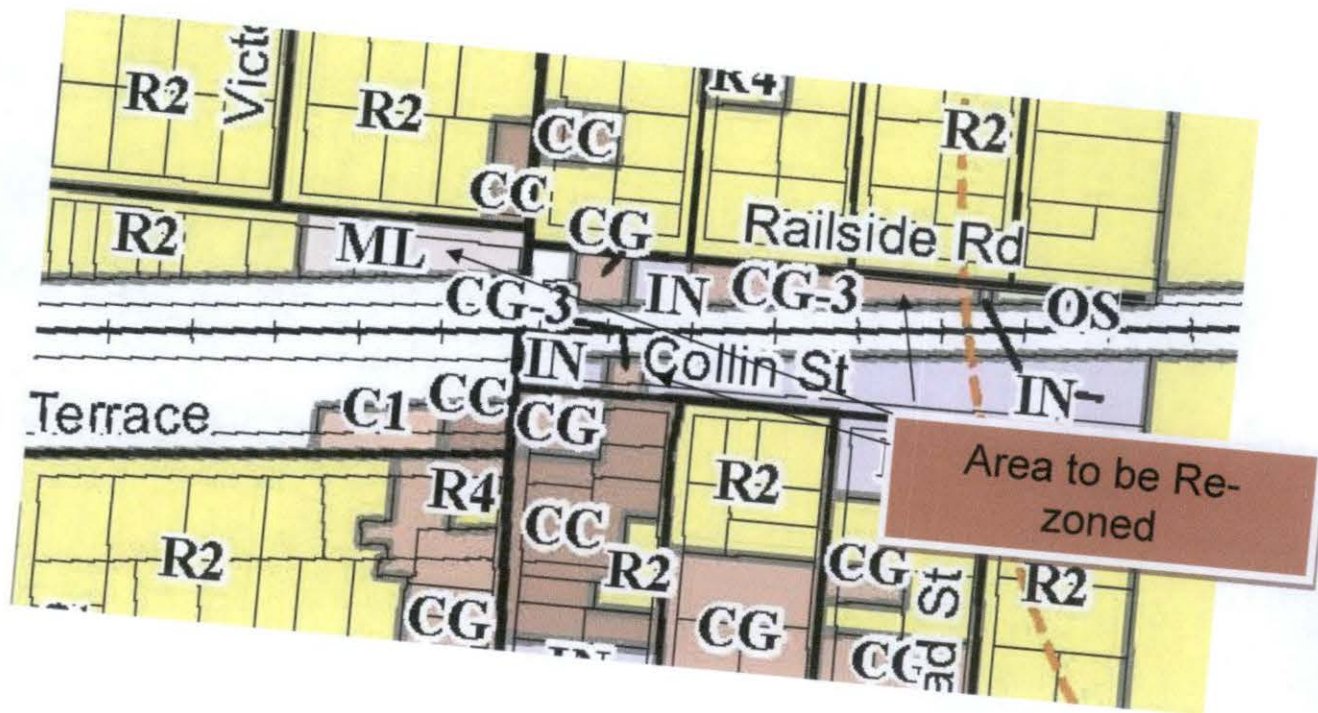
Creg Quay and Bainsville Area

Schedule "G"



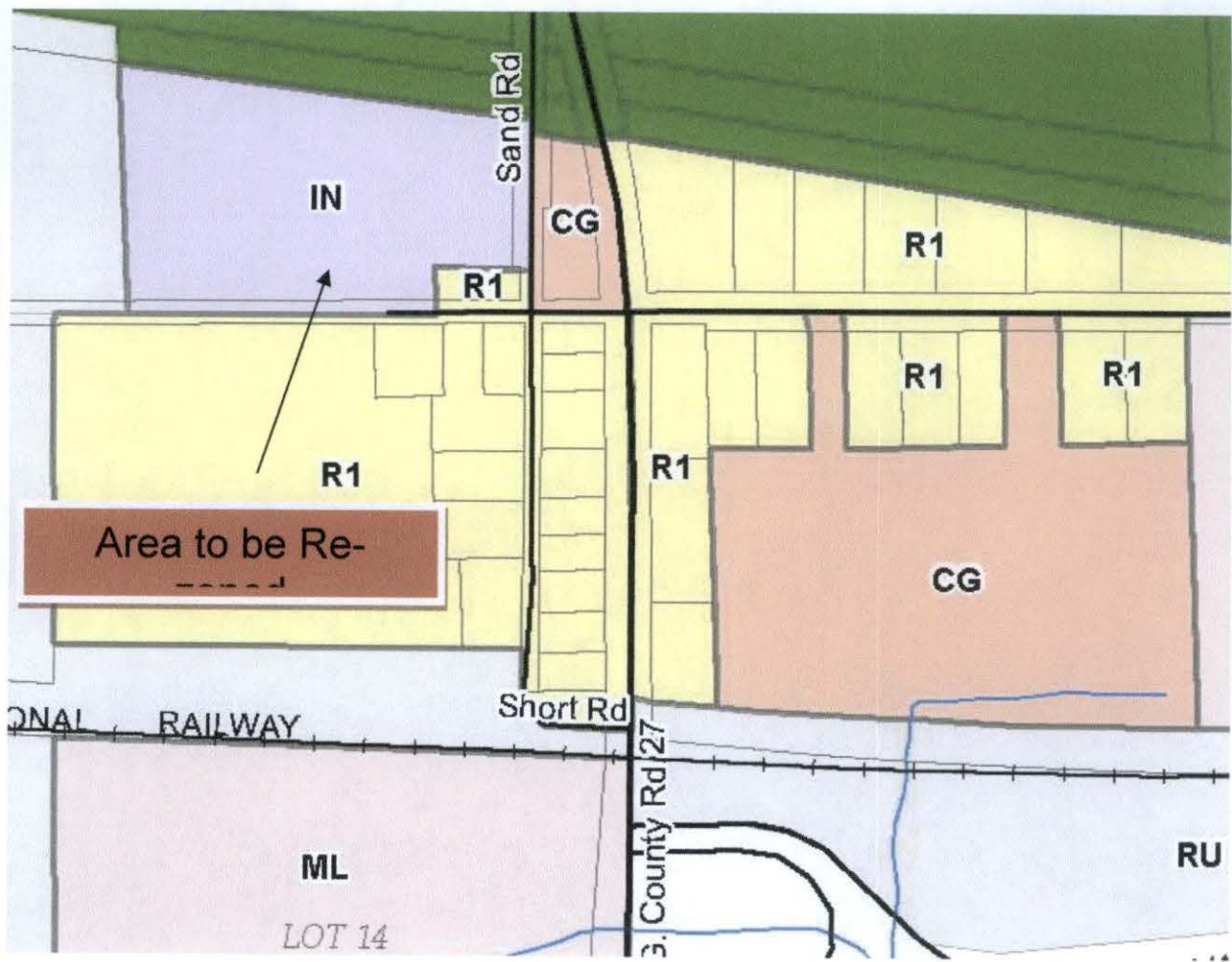
Curry Hill- BMR Site

Schedule “H”



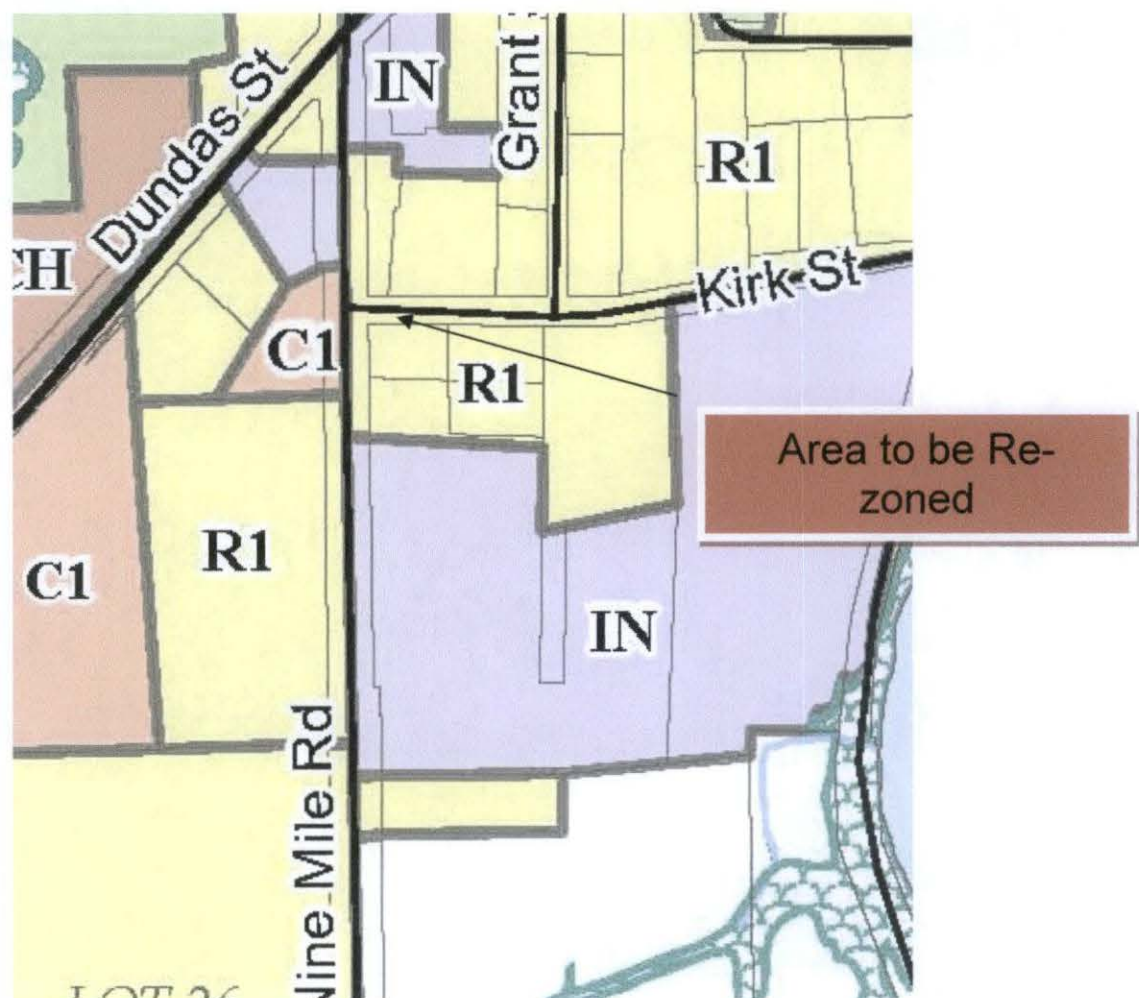
Village of Lancaster

Schedule "I"



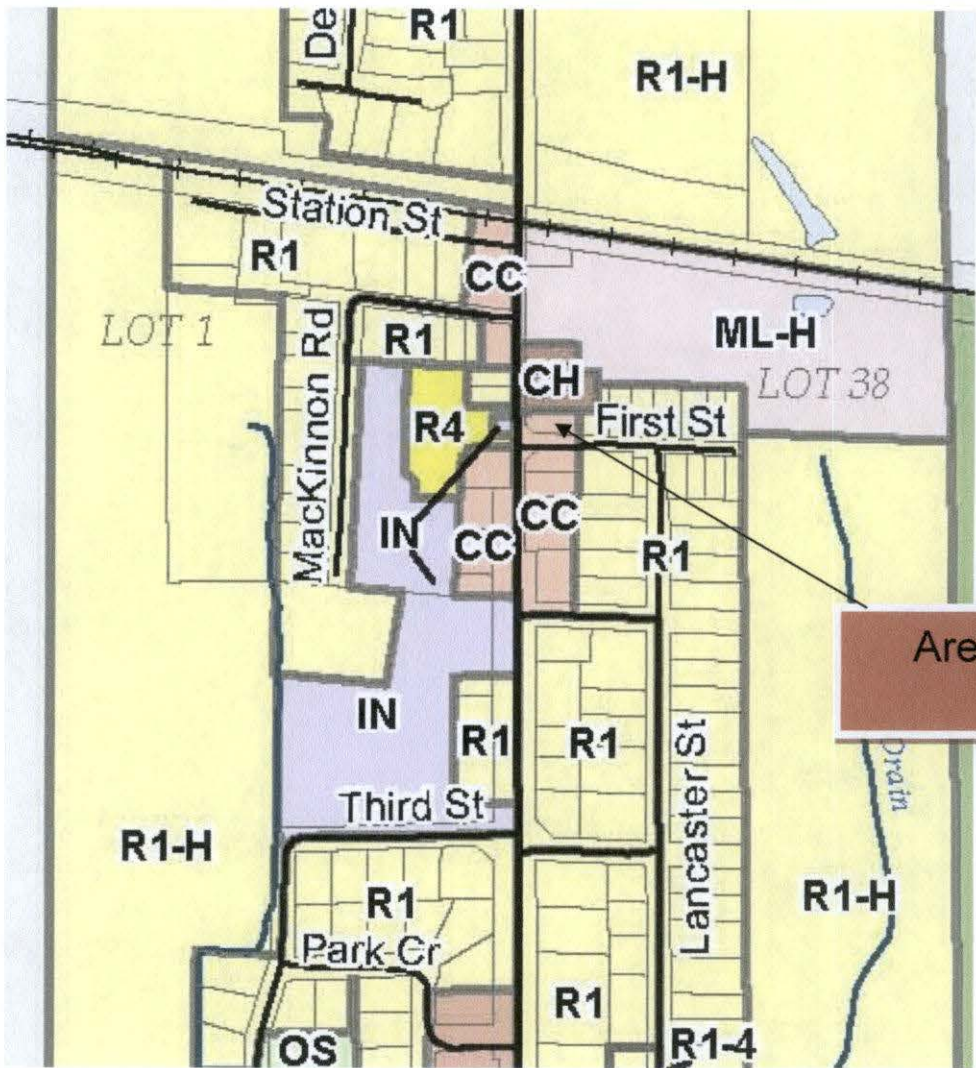
Summerstown Station

Schedule “J”



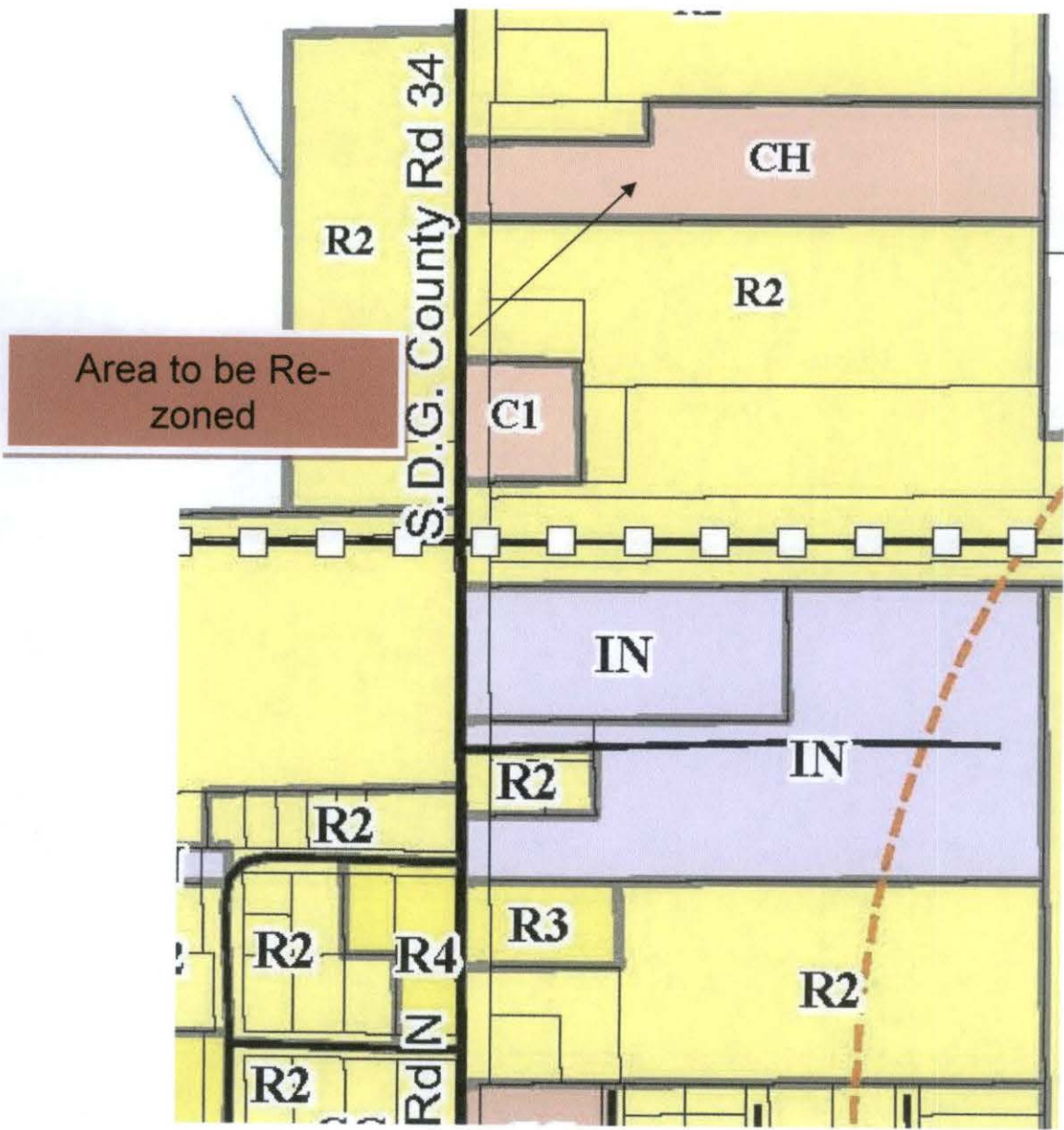
Village of Martintown- Veterinary Clinic

Schedule "K"



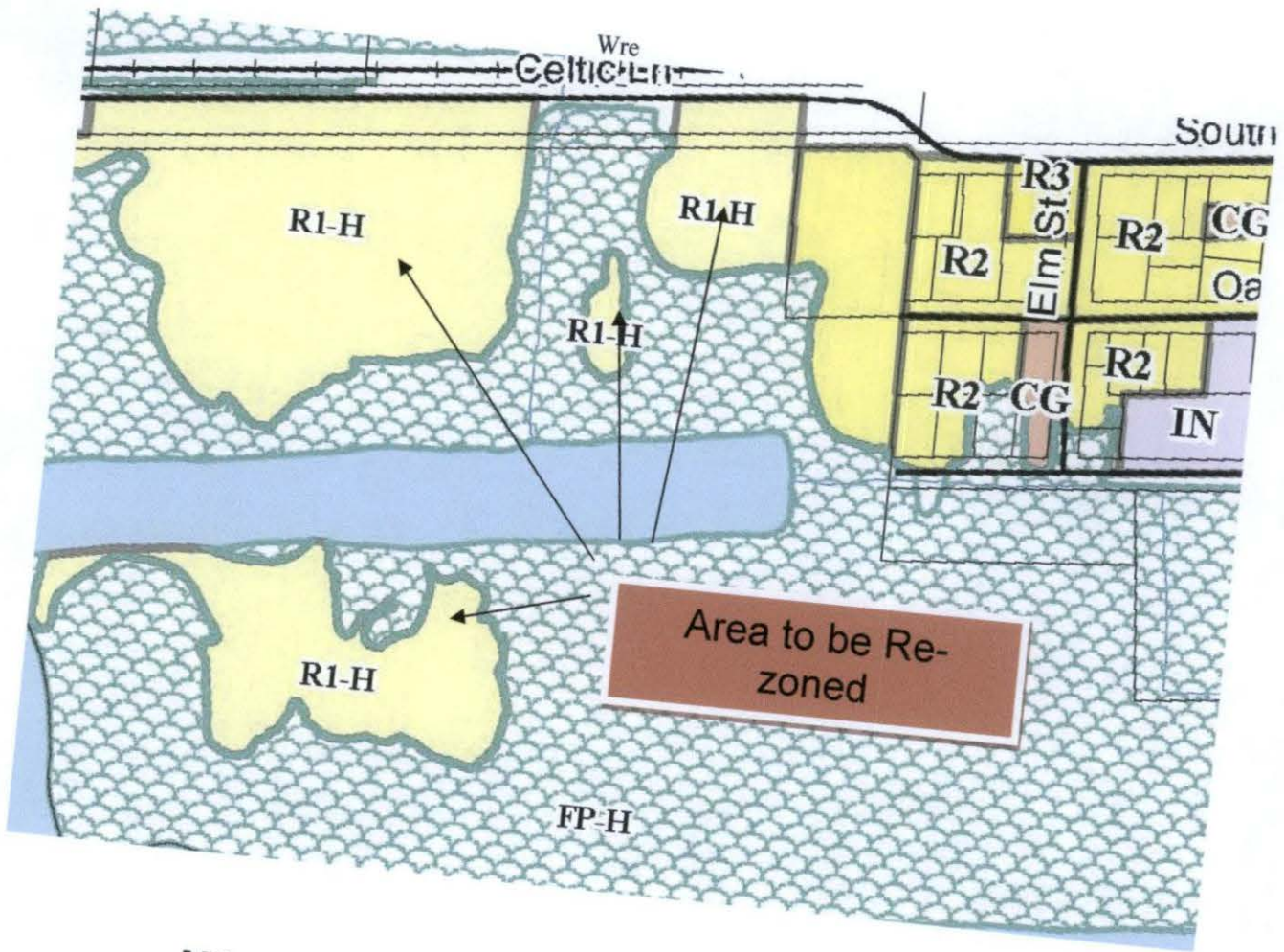
Green Valley- Retirement Residence

Schedule "L"



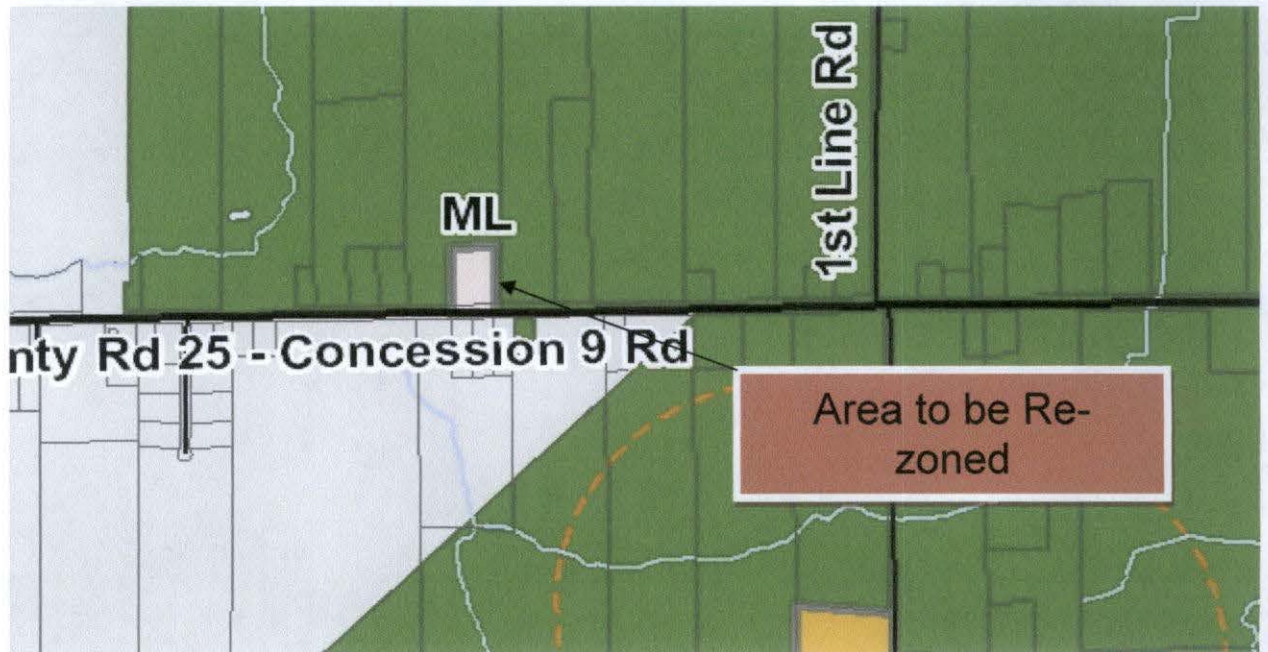
Village of Lancaster

Schedule “M”



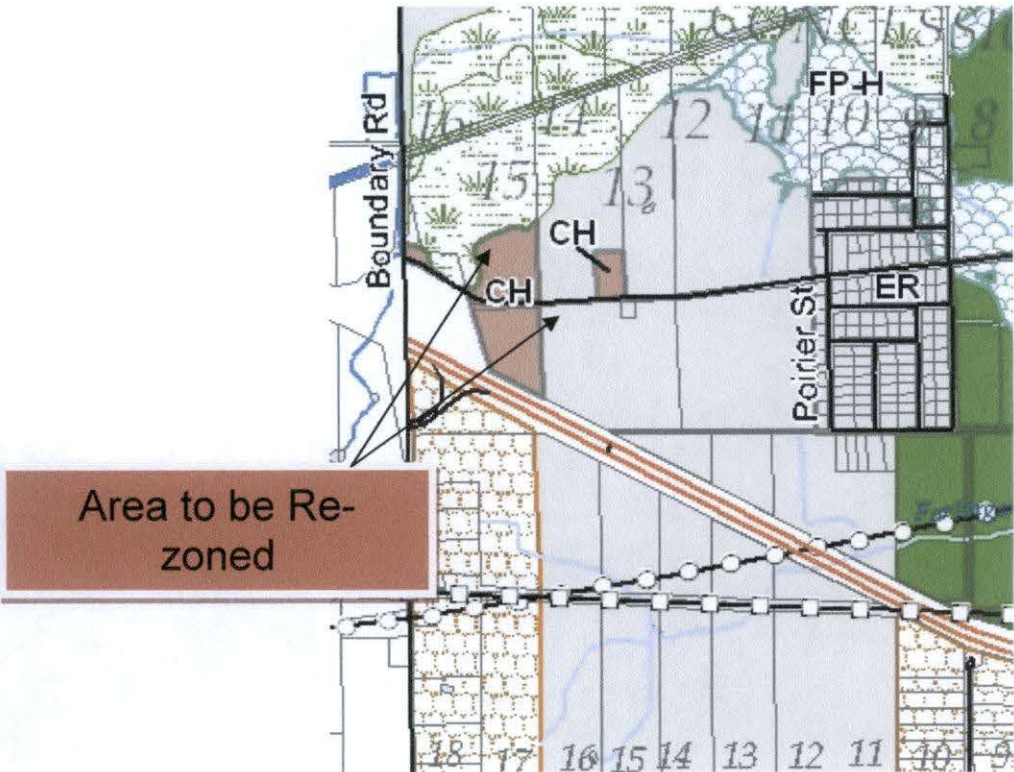
West of Village of Lancaster

Schedule "O"



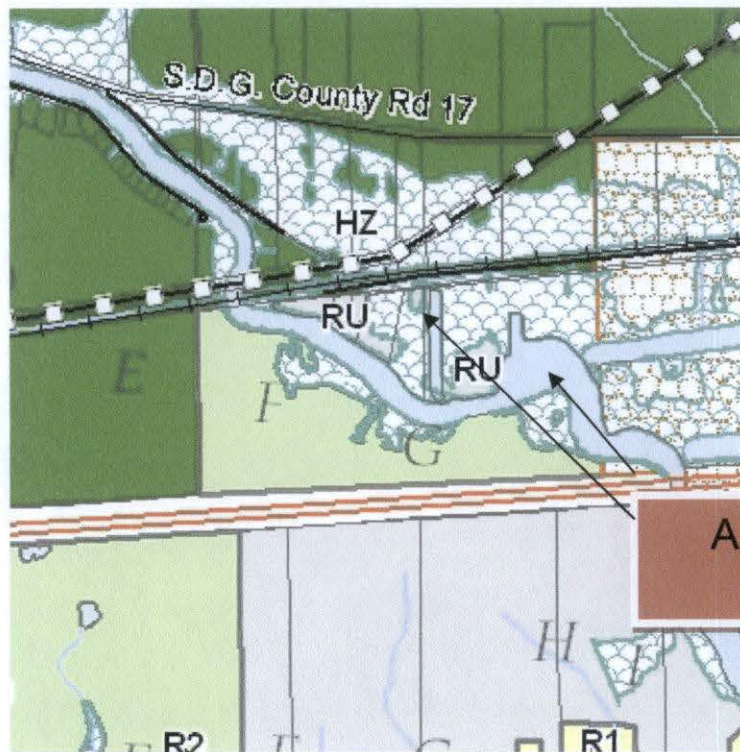
North East of Green Valley

Schedule "P"



**North of Hwy. 401, West of Glendale
Subdivision**

Schedule "Q"



**Area west of the Village of Lancaster, North
side of Hwy. 401**

**THE CORPORATION OF THE
TOWNSHIP OF SOUTH GLENGARRY
BY-LAW 38-09
FOR THE YEAR 2009**

BEING A BY-LAW TO REGULATE THE USE OF LAND AND THE ERECTION OF BUILDINGS AND STRUCTURES WITHIN THE TOWNSHIP OF SOUTH GLENGARRY.

WHEREAS pursuant to the provisions of Section 34 of the *Planning Act*, R.S.O. 1990, as amended, Council of the Municipality may enact by-laws regulating the use of lands and the erection of buildings and structures thereon;

AND WHEREAS the Township of Charlottenburgh, the Township of Lancaster, and the Village of Lancaster amalgamated on January 1, 1998 and is now the Township of South Glengarry;

AND WHEREAS the United Counties of Stormont, Dundas, and Glengarry adopted a new Official Plan in 2006 and the Township of South Glengarry deems it appropriate to implement the Plan by way of a new Comprehensive Zoning By-Law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SOUTH GLENGARRY ENACTS AS FOLLOWS:

1. **THAT** this by-law shall come into force and effect and take effect pursuant to the provisions of the *Planning Act*, R.S.O. 1990, as amended.

READ A FIRST, SECOND AND THIRD TIME, PASSED, SIGNED AND SEALED IN OPEN COUNCIL THIS 28th DAY OF SEPTEMBER 2009.

MAYOR:



DEP. CLERK:

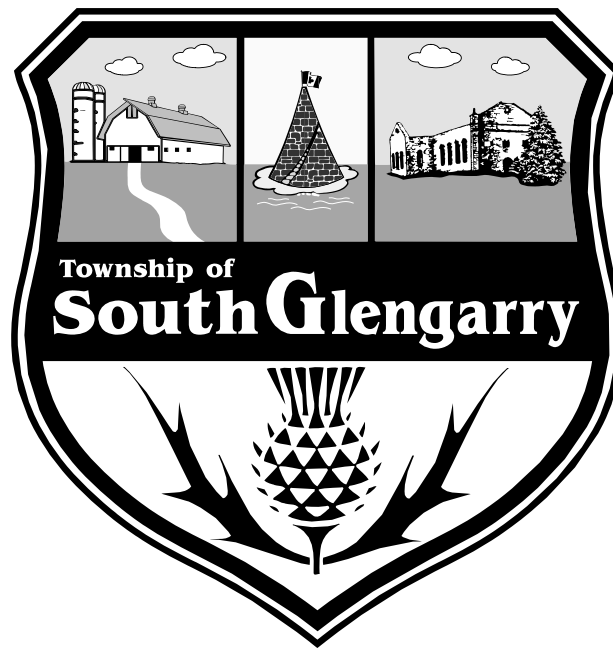


THE CORPORATION OF THE TOWNSHIP OF SOUTH GLENGARRY

ZONING BY-LAW

BY-LAW NO. 38-09

As Amended on August 16, 2010



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PART 1 APPLICATION, INTERPRETATION, AND ENFORCEMENT

PART 1 APPLICATION, INTERPRETATION, AND ENFORCEMENT

1.1 TITLE OF BY-LAW

This By-law may be cited as “The Zoning By-law of the Township of South Glengarry” or for short title as “The Zoning By-law.”

1.2 SCOPE OF BY-LAW

1.2 (1) LANDS SUBJECT TO BY-LAW

The provisions of this By-law shall apply to all those lands lying within the corporate limits of the Township of South Glengarry

1.2 (2) CONFORMITY WITH BY-LAW

No lands shall hereafter be *used* and no *building* or structure shall be *erected*, *altered* or *used* within the Corporation except in conformity with the provisions of this By-law and except as *permitted* by this By-law.

1.3 EXISTING USES CONTINUED

Nothing in this By-law shall apply to prevent the *use* of any *existing lot*, *building* or structure for any purpose prohibited by this By-law if such *lot*, *building* or structure was lawfully *used* for such purpose on or before the date of passing of this By-law, so long as it continues to be *used* for that purpose. See Part III, Section 17 for detailed provisions.

1.4 PLANS APPROVED PRIOR TO PASSING OF BY-LAW

Nothing in this By-law shall prevent the *erection* or *use* of any *building* or structure for a purpose prohibited by the provisions of this By-law, if the plans for such *building* or structure were approved by the *Corporation* and either a Building Permit was issued or a Site Plan or Site Plan Agreement was entered into on or before the date of passing of this By-law, so long as:

- (a) when such *building* or structure is *erected*, it shall be *used* and shall continue to be *used* only for the same purpose for which the said *building* or structure was intended when such Building Permit was issued or such Site Plan Agreement was entered into and shall not be *altered* in any way except in conformity with the provisions of this By-law; and
- (b) the *erection* of such *building* or structure is commenced within one (1) year after the date of passing of this By-law and such *building* or structure is completed within a reasonable time after the *erection* thereof is commenced.

1.5 COMPLIANCE WITH OTHER RESTRICTIONS

This By-law shall not be construed so as to reduce or mitigate any restrictions or regulations in any By-law, permit, or license lawfully imposed or issued by the *Corporation* or by any governmental authority having jurisdiction to make such restrictions or regulations. Nothing in this By-law shall prevent the *erection*,

PART 1 APPLICATION, INTERPRETATION, AND ENFORCEMENT

alteration, or *use* of a *building* or structure, nor the *use* or alteration of a *lot* for which a Minor Variance has been granted by the Committee of Adjustment.

1.6 ADMINISTRATION

This By-law shall be administered by a *person* designated from time to time by *Council* as the *Zoning Administrator* or such other *person* as the *Council* designates.

1.7 INSPECTION

1.7 (1) Subject to Subsection (2) of this Section, and any other applicable provisions of the *Planning Act*, the *Zoning Administrator*, or any other officer or employee of the *Corporation* appointed by *Council* to administer or enforce the provisions of this By-law, or any *person* acting under his or her instructions, is hereby authorized, upon producing proper identification, to enter at all reasonable times, upon any property or *premises* to inspect any property on, or in respect of which he believes on reasonable grounds that this By-law is being contravened.

1.7 (2) Notwithstanding anything to the contrary in Subsection (1) of this Section, no officer or employee of the *Corporation* shall enter any room or place actually being *used* as a *dwelling* unit or part thereof without the consent of the occupier, except under the authority of a search warrant issued under Section 49.1 of the *Planning Act*, R.S.O. 1990, c.P.13, or any successors thereto. The occupant shall be informed that the right of entry may be refused and entry made only under the authority of a search warrant.

1.8 REQUESTS FOR AMENDMENTS

Every request for an amendment to this By-law shall be accompanied by a completed copy of the appropriate application form provided by the *Corporation* and the required fee.

1.9 RISK, EXPENSE AND COMPLIANCE

The facilities, *yards*, or other matters required by this By-law shall be provided and maintained at the sole risk and expense of the owner of the lands in respect of such matters as are hereby required and the said owner shall at all times bear full responsibility for ensuring compliance in all respects with this By-law.

1.10 INTERPRETATION OF BY-LAW

1.10 (1) DEFINITIONS

In this By-law, unless the context requires otherwise, the definitions and interpretations set out in Part II hereof shall apply. Words not defined shall have the customary meaning or as defined in a standard dictionary.

1.10 (2) SINGULAR AND PLURAL WORDS AND GENDERS

In this By-law, unless the context requires otherwise:

PART 1 APPLICATION, INTERPRETATION, AND ENFORCEMENT

- (a) words used in the singular include the plural;
- (b) words used in the plural include the singular; and
- (c) words used in the masculine gender include the feminine.

1.10 (3) “SHALL” IS MANDATORY

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

1.10 (4) “USE” AND “OCCUPY”

In this By-law, unless the context requires otherwise:

- (a) the verb “use” shall include “design to be *used*”, “arrange to be *used*”, “intend to be *used*”, and “permit to be *used*”; and
- (b) the verb “occupy” shall include “design to be occupied”, “arrange to be occupied”, “intend to be occupied”, and “permit to be occupied”.

1.10 (5) SCHEDULES TO BY-LAW PART OF BY-LAW

Schedules which are attached hereto and described in this Section, are hereby made a part of this By-law as fully and to all intents and purposes as though recited in full herein. Schedule “S1-15”, are reflective of the shoreline of the township. Schedules “US-1 to US-4” are reflective of the urban settlement areas of the township. Schedules “RS-1 to RS-9” are reflective of the rural settlement areas of the township and schedules “RU-1 to RU-3” are reflective of the rural areas of the township.

Appendix A contains servicing maps that are reflective of the municipal services that are installed. When and if the township adds new services the appendix may be updated without triggering a Zoning By-law Amendment.

1.10 (6) INTERPRETATION OF ZONING BOUNDARIES

- (a) Boundaries of *Zones* shall be construed wherever possible, to be concurrent with *lot* lines of a registered plan, property boundaries, centre lines of streets, street allowances, closed street allowances, rights-of-way for railways, hydro-electric transmission corridors or pipelines, *lot* or concession boundaries, or high water marks, watercourses, regulatory *flood lines* or other conservation authority regulation lines or boundaries of Registered Plans. In the event that a street, *lane*, right-of-way, or any portion thereof is closed and where such street or right-of-way was a *Zone* boundary, the new *Zone* boundary shall be the former centre line of the closed street, *lane*, or right-of-way;
- (b) Where the boundary of a *Zone* appears to be parallel to a *lot* line, property boundary, a street, highway, *lane*, or a street allowance, a closed street

PART 1 APPLICATION, INTERPRETATION, AND ENFORCEMENT

allowance or the right-of-way of a railway, hydro-electric transmission corridor or pipeline, such boundary shall be construed as being parallel to such feature at the distance determined by the scale of the Schedule.

- (c) Where the boundary of a *Zone* cannot be resolved by reference to a physical feature, a *lot* line, property boundary, the centre line of a street, a street allowance, a closed street allowance, or the right-of-way of a railway, a hydro-electric transmission corridor or pipeline or a high water mark, a regulatory *flood line*, or other conservation authority regulation line or a boundary of a Registered Plan, then the limits of the *Zone* shall be determined by scaling on the *Zone* maps to the centre of the line depicting the *Zone* limit.
- (d) Where a *Zone* boundary is indicated as approximately following a natural feature such as a height of land, ridge or contour line, the boundary shall be the natural feature. Where a *Zone* boundary is shown to follow a *shoreline*, the high water mark and any changes thereto shall be taken to be the boundary. Where the boundary of an environmental protection *Zone*, hazard *Zone*, or wetland *Zone*, watercourse, *top of bank*, high water mark, or similar environmental feature as interpreted in the field to the satisfaction of the conservation authority or the Ministry of Natural Resources varies from the limit shown on Schedule "A" to this By-law, the refined limit as interpreted in the field, shall be deemed to be the *Zone* boundary, without an amendment to the By-law.
- (e) Where a *Zone* boundary is indicated as passing through undeveloped land, the said boundary shall be scaled from the attached Schedules;
- (f) Where a *Zone* boundary is indicated as approximately following Township or Settlement Area limits, the limits shall be the boundaries;
- (g) Where none of the foregoing provisions apply and where appropriate, the boundaries shall be scaled from the attached schedules;
- (h) Where the boundary of a *Zone* is represented on Schedules showing varied levels of detail, and such boundary is contested due to conflict, the boundary shall be deemed to be that as shown on the more detailed or smaller scale schedule.

1.10 (7) MULTIPLE USES

Unless otherwise prohibited by this By-law and provided all the applicable requirements of this By-law are satisfied, a *lot*, *structure*, or *building* may contain more than one *use permitted* in the designated *Zone*. Where any land or *building* is *used* for more than one purpose, *use*, or *Zone*, all provisions of this By-law relating to each *use* shall be complied with except as otherwise provided for in

PART 1 APPLICATION, INTERPRETATION, AND ENFORCEMENT

this By-law. Where there is conflict between the requirements of such *uses* (e.g. *lot size, lot frontage, or yards*), the more restrictive requirements shall prevail.

Notwithstanding the previous Sections, in listed commercial *Zones* where residential *dwelling units* are located in or above a *building* containing commercial *uses*, and the commercial *uses* occupy more than fifty percent (50%) of the total *floor area*, the requirements for the commercial *use* shall apply, except with respect to parking ratios or as otherwise provided for in this By-law.

1.10 (8) LOT COVERAGE REQUIREMENTS

Unless otherwise provided, the maximum *lot coverage* requirements of any individual *Zone* shall include the total area of a *lot* that can be covered by both *main buildings* and *accessory buildings* contained on the *lot*.

1.10 (9) TYPOGRAPHICAL CORRECTIONS

No amendment to this By-law shall be required in order for the *Corporation* to make typographical changes where, in the opinion of the *Corporation*, such corrections do not affect the intent of the By-law.

1.10 (10) SEVERABILITY OF PROVISIONS

The provisions, sections or subsections of this By-law are hereby declared to be separate from each other and the invalidity of any provision, section or subsection does not affect the validity of any other provision, section or subsection.

1.10 (11) REFERENCES TO OTHER LEGISLATION AND AGENCIES

Where this By-law makes reference to legislation of the Government of Ontario or the Government of Canada, such reference shall be deemed to include any and all amendments or successors or changes in the titles, numbering, or regulations thereunder. Where this By-law makes reference to the jurisdiction of a public agency and where the name or responsibilities of said public agency are changed, the said reference shall be deemed to include any and all successors to such public agency or legislation. Reference to MDS I or MDS II formulae shall be deemed to include the most current standards.

1.10 (12) COMPLIANCE WITH ZONING REQUIREMENTS

The extent and boundaries of all *Zones* are shown on the Schedules attached hereto. For all such *Zones*, both the general provisions and specific *Zone* provisions shall be met.

The provisions of this By-law shall be held to be the minimum (or maximum, where applicable) requirements adopted for the promotion of the public health, safety, convenience and general welfare. Nothing shall prevent any *person* from *erecting a building or structure* or from undertaking any development which exceeds the minimum requirements of this By-law.

PART 1 APPLICATION, INTERPRETATION, AND ENFORCEMENT

Except as otherwise provided in this By-law, no *person* shall hereafter *use* any land, *buildings* or *structure* unless the *use* is *permitted* in the *Zone* in which it is situated or is a *use* which may be *permitted* in any *Zone* and all applicable general provision and individual *Zone* requirements are satisfied.

1.10 (13) ZONE SYMBOLS

The short form symbols used on the Schedules attached hereto refer to individual *Zones* used in the By-law and may be used when describing or making reference to any *Zone* herein.

1.10 (14) LOTS SPLIT BY MORE THAN ONE ZONE

Where a *lot* has more than one *Zone* applying to it, each such portion of the *lot* shall be *used* in accordance with the provisions of this By-law for the applicable *Zones*. Where the *use* or *uses* of a *lot* divided into two or more *Zones* are *permitted* in all such *Zones*, the more restrictive *Zone* requirements shall apply.

1.10 (15) CALCULATION OF NUMERICAL REQUIREMENTS

Where the application of this By-law results in a fraction the more restrictive requirement shall apply. If there is a discrepancy between the metric and the imperial conversion the metric shall prevail.

1.10 (16) LOTS AFFECTED BY GOVERNMENT ACTION

Where a *lot* is reduced in area or frontage by a Government action such as road widening, property acquisition, or expropriation and the *lot* is below the minimum *lot frontage* or area for the *Zone* as a result of such action, the *lot* shall be deemed to be in conformity with the requirements provided all other applicable requirements of the *Zone* and this By-law are satisfied.

1.10 (17) PROHIBITED USES

With respect to any lands to which this By-law applies, all *uses* are prohibited unless specifically *permitted* in this By-law.

1.11 APPLICATIONS AND SITE PLANS

In addition to the requirements of any Building By-law, every application for a Building Permit shall be accompanied by a site plan, drawn to scale and showing the following:

- (a) the true dimensions and/or legal description of the *lot* to be built upon or otherwise used;
- (b) the proposed location, height, and dimensions of any *building*, *structure*, or *use* proposed for such *lot*;
- (c) the proposed location, height, and dimensions of *yards*, landscaping, buffering, *fences*, *open storage/display areas*, *parking areas*, and *loading spaces* required by this By-law;

PART 1 APPLICATION, INTERPRETATION, AND ENFORCEMENT

- (d) the location of all *existing buildings* or *structures* on the *lot*, including the *lot area*, *lot coverage* of *existing* and proposed *structures*;
- (e) the location of sewage disposal systems and water wells on the property;
- (c) the location of accessibility features on the property;
- (d) the pre- and post-construction or *alteration* Geodetic Elevation;
- (e) the current and proposed drainage features;
- (f) required *setbacks* of *lot* features from watercourses, and all other *setbacks* as required in the provisions of this By-law;
- (g) a statement, signed by the owner disclosing the exact *use* of all *existing* and proposed *uses* of land, *buildings*, or *structures* and such other information as may be required to determine whether the *uses* conform with the requirements of this By-law; and
- (k) such other information that may be required in the Site Plan Control By-law or other applicable By-law.

1.12 PENALTIES

Every *person* who violates any of the provisions of this By-law is guilty of an offense and upon conviction is liable to a fine prescribed under the *Planning Act* or other applicable statute.

Where a conviction is entered under Subsection, in addition to any other remedy or any penalty provided by By-law, the applicable court may make an order prohibiting the continuation or repetition of the offence by the *person* convicted.

Penalties imposed by conviction under this Section shall be recoverable under The *Provincial Offences Act*, R.S.O. 1980, as amended.

1.13 REMEDIES

Where any *building* or *structure* is *erected*, *altered*, reconstructed, extended, or enlarged, or any *building* or *structure* or part thereof is *used*, or any *lot* is *used*, in contravention of any requirements or other provisions of this By-law, such contravention may be removed or *altered* at the insistence of the Township pursuant to the provisions of the *Planning Act*, or the *Municipal Act*.

The contravention of any requirement of this By-law may be restrained by action of any ratepayer of the Township pursuant to the provisions of the *Municipal Act*.

PART 1 APPLICATION, INTERPRETATION, AND ENFORCEMENT

Where any matter or thing is required to be done by a *person* or corporation under the provisions of this By-law, Township *Council* may direct that in default of it being done by said *person* or Corporation, such matter or thing may be done by the Township at the sole expense of the *person* or Corporation and the expenses thereof with interest may be recovered by the Town in accordance with the provisions of the *Municipal Act*.

1.14 REPEAL OF FORMER BY-LAWS

The following By-laws and all amendments thereto passed under Section 34 of the *Planning Act*, 1990, or its predecessor, are hereby repealed and such repeal shall come into effect upon the date that this By-law comes in to force:

- By-law # 1-95 of the former Township of Lancaster.
- By-law # 16-89 of the former Village of Lancaster.
- By-law # 30-97 of the former Township of Charlottenburgh.

The adoption of this By-law shall not prevent any pending or future prosecution of, or action to abate any *existing* violation of the said By-laws if the violation is also a violation of any of the provisions of this By-law.

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- 2.1 ABATTOIR** means a building or structure specifically designed to accommodate the pending and slaughtering of live animals and the preliminary processing of animal carcasses and may include the packing, treating, storing and sale of the product on the premises.
- 2.2 ACCESSORY** means when used to describe a use, building or structure means a use, building or structure naturally or normally incidental, subordinate and exclusively devoted to a main use, building or structure and located on the same lot therewith. For an accessory building or structure, it shall also be uninhabitable and detached from the main building.
- 2.3 ACTIVE RECREATIONAL USE** means a recreational use or activity with buildings or requires alteration of soil or topography and includes such activities as golf courses, playing fields, stadium, trailer parks, campgrounds, and conversations areas involving built structures.
- 2.4 ADULT ENTERTAINMENT USE** means any premises or part thereof in which is provided, in pursuance of a trade, calling, business, or occupation, live entertainment or services appealing to or designed to appeal to erotic or sexual appetites or inclinations, and includes a body rub parlour.
- 2.5 ADVENTURE GAMES** means an active commercial recreational activity where participants pay a fee to play combat games in protective gear with paintball guns, airsoft guns or similar equipment in a designated area.
- 2.6 AGGREGATE RECYCLING FACILITY** means a premises used for the recycling of used aggregate materials such as concrete and asphalt into a usable product but does not include the operation of an asphalt or concrete batching plant.
- 2.7 AGRICULTURAL USES** means the growing of crops, including nursery 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 accommodation for full-time farm labour when the size and nature of the operation requires additional employment. Agricultural use shall not be construed to include facilities such as commercial activities related to agriculture such as abattoirs, tanneries, and retail sales outlets, or manufacturing and processing activities involving farm crops or animal products such as cheese factories, grain mills, or retail seed sales.

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2.8 AGRICULTURAL INDUSTRY means the use of land, buildings, or structures related to agriculture and necessary in close proximity to farm operations, such as animal husbandry services, produce or grain storage facilities, grain drying and or cleaning operations, seed, feed, and other farm supply sales and services, and farm machinery outlets, but does not include any manufacturing, assembling, processing, warehousing, or construction uses.

2.9 AGRICULTURAL MACHINERY SALES AND SERVICE means a building and/or lot used principally for the display and sale of new and/or used agricultural machinery, accessories, and related products and may include the servicing and repair of such products.

2.10 AIRPORT means land regulated by the Ministry of Transportation of Ontario for the purposes associated with air transportation of persons and goods.

2.11 ALTER when used in reference to a building, structure, or part thereof, means:

to change any one or more of the external dimensions of such building or structure; or

to change the type of construction of the exterior walls or roof of such building or structure; or

to change the use of such building or structure or the number or types of uses or dwelling units contained therein.

When used in reference to a lot means:

to change the boundary of such lot with respect to a street or lane; or

to change any dimension or area, relating to such lot;

to change the grade and drainage pattern of such lot; or

to change the use of such lot or the number of uses located thereon.

When used in reference to a shoreline:

means to change, straighten, divert, or interfere in any way with the channel of any watercourse.

“Altered” and “Alteration” shall have corresponding meanings.

2.12 ALTERNATIVE ENERGY GENERATION means usable energy generated from replenishable sources such as the Sun (solar energy),

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- wind (wind power), rivers (hydroelectric power), hot springs (geothermal energy), tides (tidal power), and biomass (biofuels).
- 2.13 AMENITY AREA** means the total passive or active recreational area provided on a lot for the personal, shared, or communal use of the residents of a building or buildings, and includes balconies, patios, rooftop gardens, and other similar features, but does not include indoor laundry or locker facilities.
- 2.14 ANTIQUE SHOP** means a building or part of a building or structure where antiques, arts, and crafts are offered or kept for sale at retail, or restored and may include a craft shop and may be operated as either a main use or as a Rural Home business.
- 2.15 ART GALLERY** means a building, place, or area where paintings, sculptures, or other works of art are exhibited or sold and may be operated as either a main use or as a Rural Home business.
- 2.16 ARTIST'S STUDIO** means a building or part of a building used to produce artist's products including the display and retail sales of artist's supplies and products and may be operated as either a main use or as a Rural Home business.
- 2.17 ASPHALT BATCHING PLANT** means an industrial facility used for the production of asphalt or concrete, or asphalt or concrete products, used in building or construction, and includes facilities for the administration or management of the business, the stockpiling of bulk materials used in the production process or of finished products manufactured on the premises, and the storage and maintenance of required equipment, but does not include the retail sale of finished asphalt or concrete products;
- 2.18 ATTACHED** means a building or structure otherwise complete in itself which is connected to, and which depends for structural support upon a division wall or walls shared in common with an adjacent building or buildings.
- 2.19 ATTIC** means the space between the roof and the ceiling of the top storey or between a dwarf wall and a sloping roof.
- 2.20 AUCTION ESTABLISHMENT** means the offering for sale of new and used goods by means of a request or invitation for bids, includes a livestock auction sales barn and vehicle or liquidation auction.
- 2.21 BAKE SHOP** means a place where baked foods are made for retail sale on the premises.

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- 2.22 BALCONY** means an open platform projecting from the face of a wall, cantilevered or supported by columns or brackets and usually surrounded by a balustrade or railing.
- 2.23 BANK or FINANCIAL OFFICE** means a chartered bank, finance company office, co-op, trust company office, loan company, or similar establishment.
- 2.24 BASEMENT** means one or more storeys of a building located below the first storey.
- 2.25 BED AND BREAKFAST ESTABLISHMENT** means a private dwelling designed to be used in part for the accommodation of the travelling or vacationing public.
- 2.26 BINGO HALL** means a building or premise or part thereof used for bingo or a bingo event and is duly registered under the *Gaming Control Act*, 1992, S.O. 1992, C. 24, or a successor thereto and is in compliance with municipal by-laws and approvals.
- 2.27 BOARDING, LODGING, AND ROOMING HOUSE** means a building, (a) that has a building height not exceeding three storeys and a building area not exceeding 600 m², in which lodging is provided for more than four persons in return for remuneration or for the provision of services or for both, and in which the lodging rooms do not have both bathrooms and kitchen facilities for the exclusive use of individual occupants; but does not include a bed and breakfast establishment, a hotel, a hospital, children's home, home for the aged, or other establishment otherwise classified or defined in this By-law.
- 2.28 BOAT HOUSE** means an accessory building or structure intended for use to house, shelter, or protect a boat or other form of water transportation, which shall not be capable of being occupied as a permanent or seasonal dwelling. When constructed in association with a dwelling, a boat house shall be deemed to be an accessory building. Consultation with the applicable Conservation Authority will be required for any new boathouse.
- 2.29 BUILDING** means any structure used or intended for sheltering any use or occupancy. The word "building" shall include the whole of such structure or part thereof and shall include any building types as regulated by the *Ontario Building Code Act*, R.S.O. 1992, c.23.
- 2.30 BUILDING AREA** see Building Code.

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- 2.31 BUILDING CODE-** means the *Ontario Building Code Act*, R.S.O. 1992, c. 23 and any successor thereto.
- 2.32 BUILDING CONTRACTOR'S SHOP** means a place of business for persons employed in building trades such as painting, plumbing, electrical work, masonry, metal working, and carpentry, or truck, bulldozer, loader, and backhoe operating and such place of business may be used for the storage of equipment, materials, and vehicles which are used on construction sites and may include such related uses as office space or maintenance facilities, but shall not include a retail business sales counter nor a wholesale business.
- 2.33 BUILDING HEIGHT** means the vertical distance between the average finished grade at the base of the building and in the case of a flat roof, the highest point of the roof surface or parapet wall, whichever is the highest or in the case of all other types of roofs, the mean height level between the base of the roof and highest point of the roof.
- 2.34 BUILDING LINE** means a line within a lot drawn parallel to a lot line establishing the minimum distance between that lot line and any portion of a building or structure which may be erected.
- 2.35 BUILDING, MAIN** means a building in which is conducted the principle uses of the lot on which it is situated.
- 2.36 BUILDING SUPPLY OUTLET** means a building where building supplies such as lumber, millwork, siding, roofing, plumbing, electrical, heating, air conditioning, home improvement, and similar goods are stored, displayed, or kept for retail sale. This definition shall not include a salvage yard, where used building supplies are stored, displayed, or kept for retail sale.
- 2.37 BUSINESS OFFICE (see OFFICE)**
- 2.38 CABIN, SLEEPING-** means a building or structure designed and built for temporary human accommodation containing separate heating facilities but no culinary or sanitary facilities and having an area of not less than 9 square metres and not more than 28 square metres.
- 2.39 CAMPGROUND - RECREATIONAL** means an area of land containing sleeping accommodations and facilities which are used to provide short term accommodation for persons engaged in passive or active recreation or leisure, which without limiting the generality of the foregoing, shall include, but shall not be limited to the following: children's camp or establishment, scout camp, religious camp, institutional camp, or other

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like or similar camp or establishment, but shall not include a tourist establishment, mobile homes, or a mobile home park.

- 2.40 CAMPGROUND – TOURIST** means an area of land providing short term accommodation for tents, recreational vehicles, or campers and may include accessory uses such as a laundromat, convenience store, sale of propane fuels, and recreational uses for persons using the campground where a fee is charged or paid for such accommodation but shall not include mobile homes or a mobile home park.
- 2.41 CANOPY** means a roof free of enclosing walls over an entrance to a building, structure or gasoline pump island.
- 2.42 CAR PORT** means a structure open on at least two sides and intended to be used for the sheltering of one or more motor vehicles.
- 2.43 CARDLOCK ESTABLISHMENT** means one or more pump islands designed for the retail sale of gasoline or diesel fuel using pumps which are operated automatically by custom access or similar card systems.
- 2.44 CATERING ESTABLISHMENT** means an establishment in which homemade meals and beverages are prepared on a small scale to be served for consumption off the premises.
- 2.45 CEMETERY** means a property used for interring of dead persons or in which human bodies have been buried and as regulated by the *Cemeteries Act*, R.S.O. 1990, c. C.4. A cemetery may include facilities for storing ashes of human remains that have been cremated or the interment of the dead in sealed crypts or compartments, but shall not include crematoriums or pet cemeteries.
- 2.46 CEMETERY, PET** means a property used for the disposal of material consisting entirely of the remains of dead domestic pets.
- 2.47 CHIP STAND** see **MOBILE FOOD PREMISE**
- 2.48 CHURCH** see **PLACE OF WORSHIP**
- 2.49 CLINIC** means a building used solely for the purpose of consultations, diagnosis, and treatment of patients, by one (1) or more legally qualified physicians, dentists, optometrists, chiropodists, chiropractors, or drugless practitioners, together with their qualified assistants and without limiting the generality of the foregoing, the building may include administrative offices, waiting rooms, laboratories, pharmacies, or dispensaries directly

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- associated with the clinic, but shall not include accommodation for in-patient care or operating rooms for major surgery.
- 2.50 COMMERCIAL GARAGE** see **MOTOR VEHICLE REPAIR GARAGE**
- 2.51 COMMERCIAL SCHOOL, SKILL** see **SCHOOL COMMERCIAL**
- 2.52 COMMERCIAL SCHOOL, TRADE PROFESSION** see **SCHOOL COMMERCIAL**
- 2.53 COMMUNICATIONS FACILITY** means an installation which transmits, receives and/or relays communications such as a microwave relay tower, telephone, or telegraph line, cellular telephone tower, radio or television broadcast tower, fibre optic communication infrastructure, or similar facility.
- 2.54 COMMUNITY CENTRE** means any parcel of land or building(s) used for community activities whether used for commercial purposes or not, and the control of which is vested in the municipality, a local board, or agent thereof.
- 2.55 COMPOST FACILITY** means premises owned or operated by a government authority or by a private operator with a Ministry of Environment Certificate of Approval where the primary purpose is for the composting of food waste and organic materials.
- 2.56 CONTRACTOR'S SHOP** see **BUILDING CONTRACTOR'S SHOP**
- 2.57 CONCRETE BATCHING PLANT** see **ASPHALT BATCHING PLANT**
- 2.58 CONSERVATION USE** means the use of lands which are intended to remain open in character with the priority use given to preservation of their ecological uniqueness, wildlife production, and their natural features and may include non-commercial recreational uses only if conservation of the resource is not jeopardized.
- 2.59 CONVENIENCE STORE** means a building or part of a building used primarily for the sale of grocery and confectionery items and incidentally for the sale of such other merchandise as is required to fulfil the day-to-day needs of a surrounding community; and for the automated banking machines, rental of items such as videos, video games, or similar items.
- 2.60 CORPORATION** means the Corporation of the Township of South Glengarry.

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- 2.61 COUNCIL** means the Council of the Corporation of the Township of South Glengarry.
- 2.62 COVERAGE** means the percentage of lot area covered by all buildings.
- 2.63 CREMATORIUM** means a building fitted with the proper appliances for the purposes of the cremation of human remains and includes everything incidental or ancillary thereto.
- 2.64 DAY NURSERY – LICENSED** means a place where in the temporary care of children is provided in facilities and by staff licensed by the Province of Ontario and operated in accordance with the provisions of the *Day Nurseries Act*, R.S.O. 1990, c. D.2.
- 2.65 DAY NURSERY – PRIVATE** means a place where in the temporary care of children is provided, in accordance with the applicable provisions of the *Day Nurseries Act*, R.S.O. 1990, c. D.2, for a maximum of 5 children.
- 2.66 DECK** means a structure abutting a dwelling or building with no roof or walls except for visual partitions and railings which is constructed on piers or a foundation above-grade for use as an outdoor living area.
- 2.67 DETACHED** when used in reference to a building, means a building which is not dependent on any other building for structural support or enclosure.
- 2.68 DOCK, FLOATING** means an accessory structure used for the mooring of marine vessels which is designed to float freely on the surface of the *water body* and which may be secured to the shoreline.
- 2.69 DOCK, PERMANENT** means an accessory structure used for the mooring of marine vessels which is secured to the shoreline and/or the bottom of the *water body* by concrete, metal, or wood pillars or such other foundation.
- 2.70 DRIVEWAY** means a vehicular access connected to only one public street or thoroughfare, which provides ingress to and/or egress from lot, but shall not include a lane as defined herein.
- 2.71 DRIVING RANGE** means a public or private area operated for the purpose of developing golf techniques, including a miniature golf course, but excluding a golf course.
- 2.72 DRY CLEANING DEPOT** means a building or part of a building used for the purpose of receiving articles or goods of fabric to be subjected elsewhere to a process of cleaning or dyeing. Such establishment may

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- also be used for pressing and/or distributing any articles or goods of fabric, which have been received therein.
- 2.73 DRY CLEANING AND LAUNDRY ESTABLISHMENT** means a building or part of a building where dry cleaning, dry dyeing, cleaning, or pressing of articles or goods of fabric may be performed. This definition may include a dry cleaning depot.
- 2.74 DWELLING** means a detached building occupied or capable of being occupied as the home, residence, or sleeping place by one or more persons, and containing one or more dwelling units but shall not include a mobile home, a tent, bus, boat, vessel, motor vehicle, recreational vehicle, camper, or commercial trailer but shall include a factory built home.
- 2.75 DWELLING – ACCESSORY** means a dwelling which is incidental, subordinate, and exclusively devoted to a main use and is located on the same lot therewith.
- 2.76 DWELLING – APARTMENT** means the whole of a building that contains three (3) or more dwelling units, which units are served by a common entrance from street level and by a common corridor and the occupants of which units have the right to use in common the corridors, stairs, yards, or one or more of them.
- 2.77 DWELLING – ACCESSORY APARTMENT** means a dwelling unit not exceeding 60 m² and containing not more than one bedroom, located within a single detached dwelling that does not occupy the whole of a storey within the dwelling.
- 2.78 DWELLING – CONVERTED** means a dwelling altered to contain a greater number of dwelling units, with each self-contained dwelling unit having a floor space of not less than 55 m².
- 2.79 DWELLING – DUPLEX** means a building divided horizontally into two (2) dwelling units, each of which has an independent entrance either directly from the outside or through a common vestibule.
- 2.80 DWELLING – FOURPLEX** means a building that is divided horizontally and/or vertically in four (4) separate dwelling units, each of which has an independent entrance either directly from the outside or through a common entrance, but does not include a converted dwelling or townhouse dwelling.
- 2.81 DWELLING – LINKED** means one of a pair of single detached dwellings which have no apparent structural connection above grade, but which are

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- horizontally coupled at the footing of a foundation along not more than one side of each such dwelling house, provided that for a horizontal distance of not more than 1.5 metres (5 feet) of its length, each such couples side may have that portion of its footing or foundation which is not occupied.
- 2.82 DWELLING – MOBILE HOME** means a transportable, factory built dwelling designed to be used as a year-round residential dwelling and has been manufactured to comply with the Canadian Standards Association (CSA) Standard No. Z240, as amended or replaced from time to time, but does not include a modular home dwelling, a park model trailer, a motor home, a mobile camper trailer, a truck camper, or any other dwelling defined in this by-law. For the purposes of this by-law a single section factory manufactured home shall be deemed to be a "mobile home dwelling".
- 2.83 DWELLING, MODULAR HOME** means a single detached dwelling that is constructed by assembling, on a permanent foundation, at least two factory manufactured modular units each of which comprises at least one room or living area and has been manufactured in a Canadian Standards Association (CSA) A277 certified factory. For the purposes of this By-law a modular home dwelling shall be considered as a single detached dwelling.
- 2.84 DWELLING, PARK MODEL TRAILER** means a manufactured building designed and constructed in conformance with CAN/CSA-Z241 Series M "Park Model Trailer, as set out in the *Ontario Building Code Act*, R.S.O. 1992, c.23, and is used or intended to be used as a dwelling or seasonal dwelling.
- 2.85 DWELLING - SEMI-DETACHED** means a building on a single foundation divided vertically into two (2) separate dwelling units by a common wall.
- 2.86 DWELLING – SINGLE DETACHED** means a detached building containing one (1) dwelling unit, and shall include a modular home.
- 2.87 DWELLING – TOWNHOUSE** means a building divided vertically into three (3) or more dwelling units but not more than six (6) units, attached by common walls extending from the base of the foundation to the roof line, each dwelling unit having a separate entrance at grade.
- 2.88 DWELLING – TRIPLEX** means a building that is divided horizontally into three (3) separate dwelling units each of which has an independent entrance either directly or through a common vestibule.
- 2.89 DWELLING UNIT** means a suite operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually

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- containing cooking, eating, living, sleeping, and sanitary facilities, but shall not include a boarding house, hotel, motel, rental cottage, or cabin or similar commercial use of a private or semi-private institution.
- 2.90 DWELLING UNIT – ACCESSORY** means a dwelling unit which is part of and accessory to a permitted non-residential building other than a motor vehicle service station or commercial garage or a single family dwelling.
- 2.91 EASEMENT** means the legal right acquired by contract to pass over, along, upon, or under the lands of another.
- 2.92 EQUESTRIAN ESTABLISHMENT** means an establishment engaged in the operation of a horse riding academy or horse riding stables.
- 2.93 EQUIPMENT RENTAL** means a building or part of a building wherein the primary use is the rental of machinery, equipment, furniture, fixtures, and other goods, only of a size and type which would be used for a specific home improvement or household purpose and which could be transported by the individual household user.
- 2.94 EQUIPMENT SALES AND RENTAL** means a building or part of a building wherein the primary use is the sale or rental of machinery, equipment, furniture, fixtures, and other goods, of a size and type which would be used for agricultural, business, industrial, and major construction undertakings or which may involve bulk shipping of such goods, food processing establishment, or similar non-household oriented rental functions.
- 2.95 ERECT** means to build, construct, reconstruct, alter, or relocate and, without limiting the generality of the foregoing, shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling, or draining, structurally altering any existing building or structure by an addition, deletion, enlargement, or extension. This includes any work for the doing of which a Building Permit is required under the *Ontario Building Code Act*, R.S.O. 1992, c.23.
- 2.96 ESTABLISHED BUILDING LINE** except as otherwise provided for in this by-law, means the average *setback* from the centerline of a street/road of existing buildings on one side of one block where more than one-half of the frontage upon said side of the block has been built upon.
- 2.97 ESTABLISHED GRADE** means the average elevation of the finished level of the ground adjoining all of the walls of the building exclusive of any artificial embankments or berms.

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2.98 EXISTING means legally existing as of the date of the passing of this By-law.

2.99 FAIRGROUNDS means lands where fairs, livestock shows, horseracing, demolition derbies, other sports events, circuses, or exhibitions are held primarily outdoors, and includes any accessory and temporary buildings.

2.100 FARM see **AGRICULTURAL USE**

2.101 FARM EQUIPMENT SALES AND SERVICE means a building, structure, or area where farm machinery and farm supplies are kept for sale at retail and may include facilities for the servicing of such machinery but shall not include any other establishment otherwise defined or classified herein.

2.102 FARM PRODUCE OUTLET means a use accessory to a farm which consists of the retail sale of agricultural products produced on the farm where such outlet is located.

2.103 FARM SUPPLY ESTABLISHMENT – INDOOR - means a building wherein farm supplies which may include feed, seed, agricultural chemicals, hardware, farm working apparel, etc. may be sold or rented and shall exclude any outdoor storage.

2.104 FARMER'S MARKET means an establishment or premises where the farm products of a local farming community are sold at retail from covered or uncovered areas designed for individual retailers.

2.105 FENCE means any barrier or structure constructed of chain link metal, wood, stone, metal, brick, or other similar materials or combinations of such materials which is erected for the purpose of screening, safeguarding, retaining, or enclosing property or delineating property lines.

2.106 FINISHED GRADE see **ESTABLISHED GRADE**

2.107 FIRE HALL means a building or structure used for the purposes of supporting the provision of municipal fire protection services and which can include sleeping and dining facilities for fire fighting personnel, vehicle storage, maintenance, and repair facilities, training space, and office space.

2.108 FISH HABITAT means the spawning grounds and nursery, rearing, food supply, and migration areas which fish depend upon directly or indirectly in order to carry out their life processes.

2.109 FITNESS CENTRE means a premises in which are offered equipment, training, programs, or other services designed to influence the condition of

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a person's body and includes the operation of a whirlpool, but does not include the operation of a swimming pool.

2.110 FLEA MARKET means a street market composed of a series of individual retailer's booths or tables where sundry, new, or second hand articles, fresh produce, or preserves are offered for sale.

2.111 FLOOD LINE means the line defined by the 1 in 100 year flood storm as established by the Ministry of Natural Resources, Raisin Region Conservation Authority, or other designated agency or by an approved engineering study.

2.112 FLOOD PLAIN means the area of a river, stream, and small inland lake systems, usually low lands adjoining a watercourse, which has been or may be subject to flooding hazards. (Typically the area below the Flood line).

2.113 FLOODPROOFING means a combination of structural changes and/or adjustments incorporated into the basic design and/or construction or alteration of individual buildings, structures, or properties subject to flooding so as to reduce or eliminate flood damages.

2.114 FLOOR AREA - GROSS means the total area of all floors above grade measured between the outside surfaces of exterior walls or between the outside surfaces of exterior walls and the centre line of firewalls, except that, in any other occupancy than a residential occupancy, where an access or a building service penetrates a firewall, measurements shall not be taken to the centre line of such firewall.

2.115 FLOOR AREA – NET means usable or habitable space above or below grade, measured from the exterior face of the exterior walls of the building or structure but shall not include:

- (a) any private garage, porch, veranda, and unfinished basement, cellar, or attic;
- (b) any part of the building or structure below grade which is used for building services, storage, or laundry facilities;
- (c) any part of the building or structure used for the storage or parking of motor vehicles.

2.116 FOOD STORE mean a building or part of a building wherein food and other household items are kept for sale at retail to the general public and which operates on a self-service, cash and carry basis.

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- 2.117 FORESTRY USE** means the general raising, management, and harvesting of wood and shall include the raising and cutting of fuel wood, pulpwood, lumber, Christmas trees, other forestry products, and silva culture practices.
- 2.118 FUEL DEPOT – BULK** means land, building, or structures used for the bulk storage, distribution, and sale of gasoline, propane, heating oil, diesel, ethanol, natural gas, or motor oil.
- 2.119 FUNERAL HOME** means a building located within the commercial Zone used for the preparation of deceased human bodies for the internment or cremation, for the viewing of deceased persons, and for the holding of funeral services, but does not include a crematorium.
- 2.120 FURNITURE AND HOME IMPROVEMENT CENTRE** means a retail store specializing in the sale of home building/design and garden products and the provision of related services. Goods offered for sale may include lumber, lighting, electrical and plumbing supplies, hardware, flooring, window coverings, roofing materials, paint/wallpaper, furniture and appliances, seasonal items, lawn and garden supplies, flowers and plants, shrubs, trees or similar vegetation, but shall not include a nursery or the bulk storage of unpackaged sand, gravel, soil, fertilizers, or similar material. Related services may include a tool rental centre and a fast food kiosk, which is not a drive through service facility. Do-it-yourself training facilities are *permitted* as an accessory use.
- 2.121 GARDEN CENTRE** means a lot, building, or structure or part thereof used for the wholesale and retail sale of trees, shrubs, plants, soil, landscaping supplies, garden ornaments, fertilizers, and similar materials.
- 2.122 GARDEN NURSERY** means a lot, building, or structure or part thereof used for the growing and sale of trees, shrubs, plants, soil, landscaping supplies, garden ornament, fertilizers, and similar materials.
- 2.123 GARDEN SUITE** means 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.
- 2.124 GOLF COURSE** means public or private area operated for the purpose of playing golf and includes a par 3 golf course, a driving range, and may include as accessory, a pro-shop and/or an eating establishment but does not include a miniature course and similar use operated for commercial purposes.

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- 2.125 GRADE** means the average level of proposed or finished ground adjoining a building at all exterior walls.
- 2.126 GRAIN DRYING AND STORAGE FACILITY** means any land, buildings, or structures wherein agricultural commodities such as cereal grains, corn, and soybeans are customarily dried and stored.
- 2.127 GREENHOUSE** mean a building or structure for the growing of flowers, fruits, vegetables, plants, shrubs, trees, and similar vegetation which are sold directly from such buildings or lot at wholesale or retail.
- 2.128 GROUP HOME TYPE 1** means a residence licensed or funded under a federal or provincial statute for the accommodation of three to ten persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, physical, or social condition or legal status, require group living arrangement for their well being, but excluding a Group Home Type 2.
- 2.129 GROUP HOME TYPE 2** means a group home which is primarily intended to house persons convicted under the Criminal Code or the *Young Offenders Act*, such as Halfway Houses for Ex-Offenders (*Charitable Institutions Act*), Community Resource Centres (*Ministry of Community Safety and Correctional Services Act*), or Group Homes for Young Offenders (*Young Offenders Act*). A Group Home Type 2 shall be licensed or approved by either the Ministry of Community and Social Services or the Ministry of Community Safety and Correctional Services.
- 2.130 HABITABLE ROOM** means a room designed for living, dining, sleeping, or kitchen accommodations. This definition may include a bathroom, den, library, or enclosed sunroom, but shall not include any garage, carport, porch, veranda, unfinished attic, unfinished basement, or unfinished cellar.
- 2.131 HOME OCCUPATION** means any occupation or enterprise which is carried out as a use accessory to the permitted residential use of a property and, subject to other relevant provisions of this by-law, is owned and operated by a person or persons residing on the property.
- 2.132 HOME BUSINESS, RURAL** means any occupation or enterprise which is carried out as a use accessory to the permitted dwelling and subject to other relevant provisions of this by-law, is owned and operated by a person or persons residing on the property and may include an occupation, business, trade, or craft which is accessory to a farm operation. This definition may include the servicing and repair of merchandise or equipment, a farm produce outlet, the grading of produce, or similar activities, all of which must be accessory to an operating farm.

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2.133 HOME INDUSTRY means a small-scale use providing a service primarily to the local community and which is accessory to a single detached dwelling or agricultural operation, and which use which is clearly incidental or secondary to the residential use of a single detached dwelling and is conducted entirely within a single detached dwelling or in an accessory building to a single detached dwelling, by an inhabitant thereof. Such use may include a carpentry shop, cabinet maker, craft shop, electrical shop, a small engine repair shop, a welding shop, metal working shop, blacksmith, or similar use, but does not include any activity relating to the operation or maintenance of a motor vehicle or any activity requiring the use of toxic chemicals.

2.134 HOTEL means one or more buildings designed or used for the accommodation of the travelling or vacationing public by furnishing sleeping accommodations with or without facilities for serving meals, containing therein four (4) or more guest rooms accessible from the interior served. Accessory uses may include accommodation for permanent staff and one or more beverage rooms, dining rooms, meeting rooms, or similar uses.

2.135 HOSPICE means a facility that provides palliative care and attends to the emotional and spiritual needs of terminally ill patients and their families.

2.136 HOME OF THE AGED means a home established and maintained under the *Homes for the Aged and Rest Homes Act* R.S.O. 1990, Chapter H.13 or any subsequent Act.

2.137 HOSPITAL means a hospital as defined by the *Private Hospitals Act*, R.S.O. 1990, c. p.24 or a hospital as defined by the *Public Hospitals Act*, R.S.O. 1990, c. p.40. but does not include animal or veterinary hospitals.

2.138 HUMAN HABITATION see **HABITABLE ROOM**

2.139 INDUSTRIAL USES:

(A) **CLASS I INDUSTRY - LIGHT INDUSTRIAL USES** means a place of business for a small scale, self contained plant, or building which produces, manufactures, assembles, or stores a product which is contained in a package and has a low probability of fugitive emissions e.g. noise, odour, dust, and vibration. Such industries operate in the daytime only with infrequent movement of products and/or heavy trucks and no outside storage. Examples include: electronics manufacturing and repair, high technology industries,

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furniture repair and refinishing, beverage bottling, package, and crafting services, small scale assembly, auto parts supply.

- (B) **CLASS II INDUSTRY - MEDIUM INDUSTRIAL USES** means a place of business for medium scale process and manufacturing with outdoor storage of wastes or materials (e.g. It has an open process) and where there are periodic or occasional outputs of fugitive emissions e.g. Noise, odour, dust and/or vibration. Shift operations occur and there is frequent movement of products and /or heavy trucks during daytime hours. Examples include dry cleaning services, printing establishments, paint spray booths, welding shops, courier and transport services, heavy vehicle repairs, bulk fuel storage, raw product storage (aggregates, logs/lumber), warehousing, contractor's yard.
- (C) **CLASS III - HEAVY INDUSTRIAL USES** means a place of business for uses characterized as having emissions such as noise, smoke, odour, fumes, or vibrations or extensive outside storage as part of their normal operations. Such uses include sawmills, pulp and paper mills, refineries, smelting operations, and similar uses which are intended to be secluded from residential or other sensitive land uses in order to limit any potential adverse effects on the environment or the surrounding areas and public health.

2.140 INN see HOTEL

2.141 INSTITUTIONAL USE means land, building, structure, or part thereof used by any government agency, organization, group, or association, for the promotion of religious, charitable, educational, medical, or recreational benevolent objectives or public service and which is not operated for profit or gain.

2.142 KENNELS or CATTERY means lands, building, structure, or area where dogs, cats, birds, or other domestic animals which is used to maintain, board, breed, or train five (5) or more domestic animals for personal use or as a commercial service to the general public and where domestic pet foods and pet supplies can be sold and may also include a human society, shelter, or pound.

2.143 LANDSCAPED BUFFER means the area of a lot, exclusive of any easement for the purposes of underground or overhead utilities or services, which serves to provide separation and to partially or fully obstruct the view of adjacent land uses by means of a vegetative screen, fencing, and/or berms.

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2.144 LANDSCAPED OPEN SPACE means the open unobstructed space from ground to sky at grade which is suitable for the growth and maintenance of grass, flowers, bushes, and other landscaping and includes any surfaced walk, patio, or similar area but does not include any driveway, sidewalk, or ramp, whether surfaced or not, any curb, retaining wall, *parking area*, interior courtyard, or any easement for the purposes of underground or overhead utilities or services where located within a front yard or exterior side yard.

2.145 LANE means

- (a) a subsidiary thoroughfare providing access from within a lot, principally from parking or loading spaces or from a lot to a public street; or
- (b) a subsidiary public thoroughfare for the sole use of pedestrians and connecting public streets, open spaces or buildings.

2.146 LAUNDROMAT means a building or structure or part thereof containing two (2) or more washing machines and/or self-service dry-cleaning machines and/or dryers for use by the public which is operated for a profit or gain.

2.147 LEASE means a contract conferring a right on one person (called a tenant or lessee) to possess property belonging to another person (called a landlord or lessor) to the exclusion of the owner landlord.

2.148 LEASE LINE means any boundary of a Lot or its vertical projection that is leased.

2.149 LIBRARY means a public building or structure where books, printed materials, electronic, and other audio-visual resources may be read, consulted, or borrowed.

2.150 LIVESTOCK means dairy, beef, swine, poultry, horses, goats, sheep, ratites, fur bearing animals, deer and elk, game animals, birds, and other animals identified in Table 1 of the Minimum Distance Separation Formula Implementation Guidelines Publication 707 – Ministry of Agriculture, Food and Rural Affairs.

2.151 LOADING SPACE means a space or bay located on a lot or within a building which is used or intended to be used for the temporary parking of any commercial vehicle while loading or unloading goods, merchandise, or materials in connection with the use of the lot or any building thereon, and

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- which has unobstructed access not necessarily in a straight line to a street.
- 2.152 LONG-TERM CARE HOME** means a place that is licensed as a long-term care home under the *Long-Term Care Homes Act*, 2007 S.O. 2007, c. 8 and includes a municipal home, joint home, or First Nations home approved under Part VIII of the Act.
- 2.153 LOT** means a parcel of land in one ownership which is capable of being legally conveyed in accordance with the *Planning Act* or is described in accordance with a registered Plan of Condominium.
- 2.154 LOT AREA** means the total horizontal area within the lot lines of a lot.
- 2.155 LOT, CORNER** means a lot situated at the intersection of two or more streets having an angle of intersection not exceeding 135 degrees. In the case of a curved street, such angles shall be formed by their tangents drawn from the points where the side lot lines meet the street line but does not include a lot abutting the bulb of a cul-de-sac or a turning circle.
- 2.156 LOT COVERAGE** means the horizontal area at grade of all buildings and roofed structures on a lot. For the purposes of this definition, decks, patios, swimming pools, and all accessory buildings, excluding detached garages, are not to be included within the lot coverage calculation.
- 2.157 LOT DEPTH** means the average horizontal distance between the front and rear lot lines. If the front and rear lot lines are not parallel, the lot depth shall be measured by a straight line joining the mid-point of the front lot line with the mid-point of the rear lot line. Where there is no rear lot line, the lot depth shall be measured by a straight line joining the mid-point of the front lot line with the apex of the triangle formed by the side lot lines.
- 2.158 LOT, FLAG** means any lot which gains frontage on to a public street through the use of a narrow strip of land which is an integral part of the lot and includes a panhandle, key or flag lot.
- 2.159 LOT FRONTAGE** means the distance measured along the front lot line between the side lot lines where the side lot lines are parallel. In cases where the side lot lines are not parallel, the distance is measured from a point on each side lot line that is located a distance equal to the required front yard from the front lot line or the hypothetical intersection of the front lot line and the side lot line.
- 2.160 LOT, INTERIOR** means a lot other than a corner lot or a through lot which has frontage on a public street.

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- 2.161 LOT, LINE** means any boundary of a lot or its vertical projection.
- 2.162 LOT LINE, EXTERIOR SIDE** means a side lot line that abuts a street.
- 2.163 LOT LINE, FRONT** means in the case of an interior lot, the line that divides the lot from the public street. In the case of a corner lot, the shorter lot line abutting a street shall be deemed to be the front lot line and the longer lot line abutting the street shall be deemed to be the exterior side lot line. In the case of a through lot, the lot line where the principal access to the lot is provided shall be deemed to be the front lot line.
- 2.164 LOT LINE, SIDE** means a lot line, other than a front or rear lot line.
- 2.165 LOT LINE, REAR** means the lot line or intersection of the side lot lines, opposite to, and most distant from, the front lot line.
- 2.166 LOT, THROUGH** means a lot bounded on opposite sides by a public street. However, if the lot qualifies as being both, a corner lot and a through lot, such lot is deemed to be a corner lot for the purposes of this By-law.
- 2.167 LUMBER YARD** means a lot and accessory building where the primary use is the storage of construction grade wood for sale at retail or wholesale.
- 2.168 MAIN BUILDING** means building designed or used for the principal use on the lot.
- 2.169 MAIN WALL** means any exterior wall of a building and all structural members essential to the support of a fully enclosed space or roof.
- 2.170 MANUFACTURING** means the use of land, buildings, or structures for the purpose of producing, assembling, making, preparing, inspecting, finishing, treating, altering, warehousing, or storing or adapting for the sale of any goods, substance, article, or service.
- 2.171 MARINA** means a lot, building, or structure with or without docking facilities where boats and boat accessories are berthed, stored, serviced, repaired, or kept for sale or rent and where the facilities for the sale of marine fuels and lubricants may be provided.
- 2.172 MARINE CRAFT BODY SHOP** means a building with a service bay, where painting, refinishing, restoration, or repairs to the marine crafts (hull

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or superstructure) are performed, but shall not include a storage area or salvage yard.

2.173 MARINE CRAFT REPAIR GARAGE means a building where major repairs of marine crafts are performed. Such repairs may include all mechanical repairs but shall not include body work, painting, dismantling of marine crafts for scrap, or the storage of marine crafts awaiting scrapping.

2.174 MARINE FACILITY means an accessory building or structure which is used to moor, berth, or store a boat. This definition may include a boat launching ramp, boat lift, dock, or boat house but does not include any building or structure for human habitation or any boat service, repair, or sales facility.

2.175 MAUSOLEUM means a building or other structure used as a place for the internment of the dead in sealed crypts or compartments.

2.176 MEDICAL CLINIC means a building or structure containing offices and common administration and/or reception areas used by members of the medical or health care professions to provide medical, dental, and/or therapeutic diagnosis and treatment to the general public without overnight accommodation and may include accessory dispensary facilities.

2.177 MICRO-BREWERY means a building used for the making of beer on a small scale and may include tasting and dining facilities and the retail sale of related items of 25% of the total floor area to a maximum of 400 m². This definition shall also include a Craft Brewery.

2.178 MINI GOLF mean an area designed for the purpose of a novelty golf game played with a putter on a miniature golf course having tunnels, bridges, corners, or other similar obstacles.

2.179 MINI WAREHOUSE AND PUBLIC STORAGE means a commercial building or part of a building wherein general merchandise, vehicles, furniture, and household goods are stored in separate, secured storage areas or lockers which are generally accessible by means of individual loading doors.

2.180 MOBILE FOOD PREMISE A mobile food premise is subject to the Township of South Glengarry mobile food premise/chip stand by-law means a vehicle or other itinerant food preparation premise from which food prepared is offered for sale to the public. A mobile food premise

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does not include any vehicle which is stationary but does include the following:

- ice cream vehicle
- mobile canteen
- catering vehicle, French fry vehicle
- hot dog cart; and any other mobile food premise not mentioned.

2.180 MOBILE HOME see MOBILE HOME DWELLING

2.181 MOBILE HOME PARK means land which has been provided and designed for the location thereon of two or more occupied mobile homes and/or park model trailer (prefabricated and less than 75m² (807 sq ft)), for non-transient use.

2.182 MOBILE HOME SPACE means a parcel of land within mobile home park intended for the exclusive use of a mobile home.

2.183 MODEL HOME means a building which is used on a temporary basis as a sales office and/or as an example of the type of dwelling that is for sale in a related development and which is not occupied or used for human habitation.

2.184 MONUMENT SALES AND MANUFACTURING means a place where cemetery monuments and related articles are manufactured and/or displayed for sale or sold.

2.185 MOTEL means a building or buildings designed or used for the accommodation of the travelling or vacationing public, containing therein four (4) or more guest rooms, each guest room having a separate entrance directly from outside and may include an accessory eating establishment, meeting rooms, ancillary retail or service commercial, or recreational facilities provided for the conveniences of motel patrons, a pool, banquet rooms, public dining rooms, and any premises licensed under the *Liquor License Act*, R.S.O. 1990, but shall not include hotels as herein defined.

2.186 MOTOR VEHICLE means a motor vehicle, traction engine, farm tractor, road building machine, and any vehicle drawn, propelled, or driven by any kind of power, including muscular power, in accordance with the *Highway Traffic Act*, but not including the cars or electric or steam railways running only upon rails.

2.187 MOTOR VEHICLE BODY SHOP means a building with a service bay, where painting, refinishing, restoration, or repairs to the coachwork of

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motor vehicles are performed, but shall not include an automobile wrecking yard or salvage yard.

2.188 MOTOR VEHICLE DEALERSHIP means a building and/or lot used principally for the display and sale of new and/or used motor vehicles and may include the servicing, repair, cleaning of motor vehicles, the sale of automotive accessories and related products, and the leasing or renting of motor vehicles, but shall not include any other defined automotive uses.

2.189 MOTOR VEHICLE GAS BAR means one or more pump islands, each consisting of one or more gasoline pumps, and a kiosk having a floor area of not more than 2.5 square metres, which shall not be used for the sale of any product other than liquids and small accessories required for the operation of a motor vehicle.

2.190 MOTOR VEHICLE RENTAL AGENCY means the use of land, building, or structure where motor vehicles are kept for lease and where such vehicles may be dropped off or picked up.

2.191 MOTOR VEHICLE REPAIR GARAGE means a building where major repairs of motor vehicles are performed. Such repairs may include all mechanical repairs but shall not include body work, painting, dismantling of motor vehicles for scrap, or the storage of motor vehicles awaiting scrapping.

2.192 MOTOR VEHICLE SERVICE STATION means a building and/or lot used for the sale of fuels for vehicles and may include the renting, servicing, repairing, lubrication, cleaning, and polishing of vehicles and the sale of automotive accessories and related products, but shall not include any other automotive use defined in this by-law.

2.193 MOTOR VEHICLE WASHING ESTABLISHMENT means a building or portion thereof used for washing or cleaning of motor vehicles for gain.

2.194 MUNICIPAL DRAINS means a drain constructed by the municipality or a natural water course dedicated as a municipal drain, to regulate the water table or water level within or on any lands and maintained by the municipality.

2.195 MUNICIPALITY means the Corporation of the Township of South Glengarry.

2.196 MUSEUM means the use of land, buildings, or structures for the purposes of assembling, preparing, and displaying a collection of articles and artifacts illustrating science, art, ancient life, or other subjects and includes

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accessory uses such as facilities for repair, renewing, and storage and may include retail outlets for souvenirs and refreshments.

2.197 NATURAL HERITAGE FEATURES means features and areas, such as significant *wetlands*, significant woodlands, fish habitat, significant portions of the habitat of endangered and threatened species, significant wildlife habitat, and significant areas of natural and scientific interest, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

2.198 NEGATIVE IMPACTS means:

- (a) in regard to fish habitat, the harmful alteration, disruption, or destruction of fish habitat, except where it has been authorized under the *Fisheries Act*, using the guiding principle of no net loss of productive capacity.
- (b) in regard to other natural heritage features and areas, the loss of the natural features or ecological functions for which an area is identified.

2.199 NON-CONFORMING means an existing use or activity of any land, building, or structure that is not an identified permitted use for the Zone in which it is located as of the date of passage of this By-law.

2.200 NON-COMPLYING means a lot, building, or structure that does not meet the regulations of the Zone in which it is located as of the date of passage of this By-law.

2.201 NOISE CONTROL BARRIER: means a physical structure placed between a noise source and a noise sensitive area where reduced noise levels are required.

2.202 NURSING HOME see **LONG-TERM CARE HOME**

2.203 OFFICE means a building, structure, or part thereof used for the purpose of providing accommodation for the performance and transaction of business including administrative, clerical, and professional activities and may include accessory retail sale of goods.

2.204 OFFICIAL PLAN means the Official Plan of the United Counties of Stormont, Dundas, and Glengarry or parts thereof and amendments thereto and any Official Plan which may be adopted by the municipality under the *Planning Act*, R.S.O.1990, c. P.13.

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- 2.205 ONE HUNDRED YEAR FLOOD** means an event that has a 1% chance of occurring or being exceeded in any given year or having the average return period of 100 years.
- 2.206 OPEN SPACE** means the open, unobstructed space on a lot including landscaped areas, pedestrian walkways, patios, pools, or similar areas but not including any driveway, ramp, parking spaces or aisles, loading spaces or manoeuvring areas, and similar areas.
- 2.207 OPEN STORAGE** means storage or display of goods, merchandise, or equipment outside of a building or structure on a lot or portion thereof. This definition shall not include the open storage of goods or equipment incidental to a residential occupancy of a lot, a parking area, or parking space or the outdoor display of a limited number of samples of goods, merchandise, or equipment for the purpose of sales and advertisement.
- 2.208 OPEN STORAGE AREA** means an area within or outside of a building used or intended for use for the open storage of goods, merchandise, or equipment which may or may not be intended for immediate sale.
- 2.209 ORGANIC SOILS** means those soils normally formed in a water saturated environment (e.g. wetland) where the soil is not exposed to the air for a sufficient enough time to permit the breakdown of vegetative material.
- 2.210 OUTDOOR COMMERCIAL PATIO** means an outdoor area adjoining a restaurant, a bar, or a tavern, consisting of outdoor tables, chairs, and related decorations and fixtures, and where meals or beverages are served to the public for consumption on the premises. An outdoor café may be located within the public road right-of-way where an Encroachment Agreement exists between the operator and the Municipality.
- 2.211 OUTDOOR SALES AND DISPLAY AREA** means a portion of a lot used for exhibiting in an orderly manner, completely assembled or finished merchandise, equipment, goods, or products sold by a retail or wholesale business on the same lot.
- 2.212 OUTDOOR RECREATIONAL FACILITY** means an establishment which provides recreational activities primarily located outside of a building such as a golf driving range, miniature golf, lawn bowling, tennis court, model airplane flying, or similar activities. A go-cart, ATV, or motocross track may be included within this definition and may be subject to studies such as; noise studies.

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- 2.213 PARKING AISLE** means a portion of a private parking area, or a commercial parking lot, or a private or a commercial parking structure which abuts a parking space on one or more sides and which provides access from the parking space to a street or lane, and is which is not used for vehicular parking.
- 2.214 PARKING AREA** means a lot or portion thereof required in accordance with the provisions of this By-law for the temporary storage or parking of motor vehicles accessory or incidental to uses in all Zones, and shall not include the storage or parking of four (4) or more motor vehicles for hire and gain, display, or for sale.
- 2.215 PARKING SPACE** means an area exclusive of driveways, aisles, ramps, or columns, used for the temporary parking of one motor vehicle and includes spaces for the handicapped.
- 2.216 PATIO** means a surfaced, unenclosed open space of land at grade adjacent to a residential dwelling unit, and shall include an outdoor patio, sidewalk patio, patios within shopping malls, and patios associated with restaurants.
- 2.217 PASSIVE RECREATIONAL USE** means enjoyment of the natural environment through non-intensive activities that are passive in nature and cause minimal impact on the natural features and functions of an area. Passive recreations uses include access trails, nature study, bird watching, outdoor education, and associated facilities, but do not include recreational buildings, sports fields, and golf courses.
- 2.218 PERMITTED** means permitted by this By-law.
- 2.219 PERMITTED USES** means a use which is listed under the heading "Permitted Uses" in the Zone where such use is located or as authorized under the General Provisions of this By-law.
- 2.220 PERSON** means an individual, an association, a chartered organization, a firm, a partnership, a corporation, an agent or trustee, and the heirs, executors, or other legal representatives of a person to whom the context can apply according to law.
- 2.221 PERSONAL SERVICE ESTABLISHMENT** means an establishment wherein a personal service is performed. This definition may include a barber shop, beauty salon, shoe repair, photographic studio, tailor or dressmaker, laundromat or a dry cleaning distribution station, or a similar use. The sale of merchandise shall be permitted only as an accessory use to the personal service provided.

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2.222 PET SHOP means a shop or place where animals, small reptiles, fish, or birds for use as pets are sold, kept for sale, or groomed and where pet supplies and pet foods are sold but does not include a shop or place for the breeding or overnight boarding of pets.

2.223 PIT means any open excavation made for the removal of unconsolidated aggregate such as soil, earth, clay, marl, sand, gravel, or unconsolidated rock or mineral in order to supply material for construction, manufacturing, or industrial purposes but shall not include rehabilitated land or an excavation incidental to the erection of a building or a structure for which a Building Permit has been granted by the Municipality, or an excavation incidental to the construction of any public works and includes accessory uses such as screening, washing, and storage of such materials.

2.224 PLACE OF ASSEMBLY means a building specifically set aside for and primarily engaged in the operation of arts and craft shows, trade fairs, fashion show, public meetings, banquets, conference meetings, and similar activities.

2.225 PLACE OF ENTERTAINMENT means an establishment operated for commercial gain or profit wherein amusement facilities are provided such as a motion picture or other theater, cinema, covered arena, auditorium, public dance hall, public hall (includes premises for wedding reception, banquets, and other social gatherings), music hall, arcade show or penny arcade, pinball machines and video games, billiard or pool room, bowling alley, miniature golf, driving range, electric kiddy car facility, ice or roller skating rink, or similar use conducted within an enclosed building or in the open air, but does not include casino or bingo hall, a motorcycle riding facility, a go-kart track facility, all terrain vehicle riding facilities, or similar use.

2.226 PLACE OF WORSHIP means lands or buildings used for worship by an association of persons that is:

- (a) charitable under the laws of the Province of Ontario or the Federal Government; and
- (b) organized for the advancement of religion and for the conduct of religious worship, service, or rites; and
- (c) permanently established as to the continuity of its existence,

and may include accessory uses such as a residence for the caretaker or head of congregation, a nursery school, a church day nursery, a church

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assembly hall or auditorium, a school of religious education, convent monastery, parish hall, or similar use.

2.227 PORCH means a structure abutting a main wall of a building having a roof, but walls that are generally open and unenclosed, used as an outdoor living area.

2.228 PORTABLE ASPHALT/CONCRETE PLANT means a facility certified by the Ministry of the Environment which complies with minimum separation distances having equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt/concrete paving material and which includes stockpiling and storage of bulk materials used in the process, and which facility is not of permanent construction but is designed to be dismantled and moved to another location as required.

2.229 PREMISES means the area of a building or lot occupied or used by a business or enterprise. In a multiple tenancy building occupied by more than one (1) business, each business area shall be considered a separate premises. Each individual unit proposed and/or registered in a draft Plan of Condominium shall also be considered individual premises.

2.230 PRINTING AND PUBLISHING ESTABLISHMENT means a building or part thereof used primarily for printing, regardless of the method, and publishing of newspapers, periodicals, books, written material, maps, and similar publications and also includes the sale and servicing of printing and duplicating equipment.

2.231 PRIVATE CLUB means a building or part of a building used as a meeting place by an association of persons who are bona fide members, which owns, hires, or leases the building or part thereof, the use of such premises being restricted to members and their guests for social, cultural, recreational, business, or athletic purposes, but shall not include adult entertainment uses.

2.232 PRIVATE ROAD means private right-of-way over private property which affords access to at least two (2) abutting lots and which is not maintained by a Public Authority.

2.233 PROFESSIONAL OFFICE see **OFFICE**

2.234 PROPANE FACILITY means a premises where tanks having an aggregate storage capacity of less than 45,000 litres that is licensed under the provisions of the *Energy Act of Ontario*, as amended, and from which the retail sale of propane fuel to the public is or may be effected.

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- 2.235 PUBLIC ACCESS POINT** means public land designated by the appropriate authority and developed and maintained by the authority as a public access to a navigable *water body*.
- 2.236 PUBLIC AUTHORITY** means the Township of South Glengarry and any Boards or Commissions thereof, the United Counties of Stormont, Dundas, and Glengarry, and any Ministry or Department of the Governments of Ontario or Canada, or other similarly recognized public *utility* or agencies established or exercising any power or authority under any special or general statute and includes any committee or local authority established by By-law of Council.
- 2.237 PUBLIC PARK** means an area of land, whether enclosed or not, maintained by the Municipality or other public authority for the enjoyment, health, and well-being of people and open to the public with or without charge and, for the purposes of this definition, includes a municipal, public authority, or Provincial Park with tourist campground facilities.
- 2.238 PUBLIC STREET** means a public or common highway affording the principal means of access to abutting properties which has been dedicated to and or assumed by a public authority. This definition shall not include a private lane, private road, or private right-of-way.
- 2.239 PUBLIC USE** means a building, structure, or lot used for public services by the Township of South Glengarry or the United Counties of Stormont, Dundas, and Glengarry, and any Boards or Commissions thereof, and any Ministry or Commission of the Governments of Ontario and Canada, any telephone, telegraph, or railway company, any company supplying natural gas, Hydro One Inc., any Conservation Authority, Public Utilities Company, or similarly recognized agencies.
- 2.240 PUBLIC UTILITY** means a water works or water supply system, sewage works, electrical power or energy generating transmission or distribution system, street lighting system, natural or artificial gas works or supply system, a transportation system or a telephone system, scientific research system, and includes any lands, buildings, or equipment required for the administration or operation of any such system and which is operated by a public authority or a publicly governed company.
- 2.241 QUARRY** means land or land under water from which consolidated rock or mineral including limestone, sandstone, shale, or granite in order to supply material for construction, manufacturing, or industrial purposes but shall not include rehabilitated land or an excavation incidental to the erection of a building or a structure for which a Building Permit has been granted by the Municipality, or an excavation incidental to the construction

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of any public works, and includes accessory uses such as crushing, screening, washing, and storage of such materials.

2.242 RECREATIONAL COMMERCIAL ESTABLISHMENT means an establishment, premises, or building where any recreational, social, or cultural uses are operated commercially for profit on lands in private ownership, such as health clubs, athletic clubs, open or enclosed skating or curling rinks, open or enclosed pools, open or enclosed badminton or tennis courts, squash courts, bowling alleys, gymnasias, band shells or open air theatres, and other similar uses but does not include a casino or bingo hall. Go-kart, motorcycle, all terrain vehicle riding facilities or similar uses may be permitted subject to approval of a noise study or any other study deemed appropriate by the Township.

2.243 RECREATIONAL USE, ACTIVE see **ACTIVE RECREATIONAL USE**

2.244 RECREATIONAL USE, PASSIVE see **PASSIVE RECREATIONAL USE**

2.245 RECREATIONAL VEHICLE means any vehicle so constructed that is suitable for being attached to a motor vehicle for the purpose of being drawn or is self-propelled, and is capable of being used on a short term basis for living, sleeping, or eating accommodations of persons. The term recreational vehicle includes the following; motor homes, travel trailers, tent trailers, campers, boats, personal watercrafts, snowmobiles, all terrain vehicles, and motorcycles.

2.246 RECYCLING DEPOT means any building, portion of building, or area in which solid non-hazardous recyclable material such as glass, paper, cardboard, plastic, metal, and other similar products is collected, sorted, treated, and/or processed, and which will be transferred to another location for reuse and includes a transfer station. This definition does not include any other type of waste management facility. (See also Waste Disposal Zone)

2.247 RECYCLING YARD means an enclosed area in which solid recyclable material is collected, sorted, and/or processed and can includes materials from construction and demolition projects and other sources including wood, drywall, brick, concrete, asphalt shingles, glass, and scrap metals.

2.248 RELIGIOUS INSTITUTION means a Bible Institute, a Christian Science Reading Room, a religious library, a religious school, a monastery, a nunnery, a religious retreat, or similar use, but shall not include a place of worship.

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- 2.249 RESTAURANT** means a premise in which the principal business is the preparation and serving of food and refreshments to the public for immediate consumption within the establishment or on an abutting terrace or patio, and which may include home delivery, catering, or food pick-up/take-out services.
- 2.250 RESIDENCE SURPLUS TO A FARM OPERATION** means an existing farm residence that is rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation).
- 2.251 RETAIL STORE** means a premise in which goods, wares, merchandise, substances, articles, things, or services are offered or kept for sale at retail or on a rental basis.
- 2.252 RETAIL STORE 1** means a retail store that has a gross floor area of less than 930 m².
- 2.253 RETAIL STORE 2** means a retail store that has a gross floor area of less than 2,750 m².
- 2.254 RETAIL STORE 3** means a retail store with a minimum gross floor area of 2,750 m² and up to a maximum gross floor area of 37,160 m² where the entire floor area of the use is occupied by a large single user selling one product or a variety of products in a warehouse format and may also include a Warehouse membership club.
- 2.255 RETAINING WALL** means a wall constructed of concrete, stone, or stackable concrete, stone or aggregate materials, which is specifically designed to hold back an embankment and having a minimum vertical height of 0.3. metres above grade. For the purposes of this By-law, a retaining wall shall be considered a structure and shall not be deemed to include retaining walls constructed by, or under the auspices of, a public authority.
- 2.256 RETIREMENT HOME** means a building which contains multiple rooms or suites for residential occupancy with common areas for such activities as eating, recreation, and leisure, etc. and may include commercial uses to serve residents, and which is constructed and operated in accordance with the Care Homes Section of the *Residential Tenancies Act*. Such uses may include care services for residents, but shall not include a Nursing Home as herein defined.
- 2.257 RIDING STABLE** see **EQUESTRIAN ESTABLISHMENT**

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2.258 ROAD, PRIVATE see **PRIVATE ROAD**

2.259 ROAD, PUBLIC see **PUBLIC STREET**

2.260 ROOMING HOUSE see **BOARDING, LODGING, and ROOMING HOUSE**

2.261 SALVAGE YARD means a lot and/or building or portion thereof where used goods, wares, merchandise, articles, motor vehicles, machinery, or parts thereof are processed or sold for further use, dismantled, or abandoned. This definition may include a junkyard, a scrap metal yard, a Recycling Yard, and a Wrecking Yard on the premises.

2.262 SANITARY SEWAGE AND WATER SERVICES means:

Full Municipal Sanitary Sewage and Water Services:

- (a) means piped sewage and water services that are connected to a centralized water and wastewater treatment facility.

Communal Services:

- (b) means sewage works and sewage systems, and water works that provide for the distribution, collection, or treatment of sewage or water but which:
 - (1) are not connected to full municipal sewage and water services;
 - (2) are for the common use of more than five (5) residential units/lots; and
 - (3) are owned, operated, and managed by a municipality or, another public body, or a condominium corporation or single owner which has entered into an Agreement with the municipality or public body, pursuant to Section 51 of the *Planning Act*, R.S.O.1990, c. P.13, providing for municipal/public body assumption of the communal services in the event of default by the owner.

Individual On-Site Systems:

- (c) means individual autonomous water supply and sewage disposal systems, that are owned, operated, and managed by the owner of the property upon which the system is located and which do not serve more than five (5) residential units/lots.

Partial Services:

- (d) means connection to one communal service or full municipal service where the other connection will be to an individual on-site system.

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- 2.263 SAWMILL** means a building, structure, or area where timber is cut or sawed, either to finished lumber or as an intermediary step.
- 2.264 SCREENING** means a continuous fence, wall, compact evergreen hedge or combination thereof supplemented with landscape planting, that would effectively screen the property which it encloses, and is broken only by access drives and walks.
- 2.265 SCHOOL** means a public educational establishment operated by a School Board.
- 2.266 SCHOOL, COMMERCIAL** means a commercial establishment which offers instruction in a specialized field including, but not limited to, computer training, music, sports, arts, and crafts.
- 2.267 SCHOOL, PRIVATE** means an educational establishment, other than a school, wherein teaching or instruction is offered for gain in such fields as academics, dancing, music, art, sports, business, or trade, and any other such specialized school conducted for gain, and also includes such fields as a studio for photography and arts and crafts.
- 2.268 SEAT** means a place on or in which one sits. Where provided by benches, forms, or pews, each 0.6 linear metre (2.0 ft.) of seating space shall be the equivalent of one (1) seat.
- 2.269 SECONDHAND STORE** means a building or part of a building in which used goods, wares, merchandise, substances, article, or things are offered or kept for sale at retail and may include such uses as a pawnshop, an antique store, an opportunity shop, or similar use but no open storage is permitted other than during regular business hours.
- 2.270 SENSITIVE LAND USE** means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby facilities and includes a dwelling, day nursery, and an educational or health facility.
- 2.271 SEPTAGE** means all matter that is pumped out of septic tanks and holding tanks. Such tanks are found on residential, commercial, and industrial properties. Septage is raw and untreated, and must not be confused with biosolids, which is the term applied to treated municipal sewage from a sewage treatment plant.
- 2.272 SERVICE AND REPAIR SHOP** means a building or part there of used primarily for the repair of household articles and shall include radio,

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television, and appliance repair shops, but shall not include industrial, or manufacturing, or motor vehicle repair shops.

2.273 SETBACK means:

- (a) With reference to a road or street, the least horizontal distance between the front lot line and the nearest building line.
- (b) With reference to a water body, the least horizontal distance between the high water mark of the water body and the nearest building line.
- (c) With reference to an interior lot or a through lot, the space between the front lot line and the nearest portion of the main wall of a building.
- (d) With reference to a corner lot, the space between the nearest portion of the main wall of a building and the *street line*, and the space between the side lot line abutting the flanking street, and the nearest portion of the main wall of a building.
- (e) With reference to a slope, means the minimum distance required between the top of the slope and the nearest part of any building or structure on the lot. In the event that there are two or more slopes on a lot, then the minimum distance shall be measured from the top of that slope which is highest in elevation.

2.274 SHIPPING CONTAINER means a container with strength suitable to withstand shipment, storage, and handling. Shipping containers range from large reusable steel boxes used for intermodal shipments to corrugated boxes.

2.275 SHOPPING CENTRE means a group of commercial and service uses designed, developed, and managed as a unit, having the required loading spaces and off-street parking provided on site and which may include free standing or attached buildings.

2.276 SHORELINE means those lands extending from the average annual water level which have potential and direct significant impact on near shore waters and the shore ecosystem through run-off, and where land use activity is primarily water oriented.

2.277 SIGHT TRIANGLE means a triangular space, free of buildings, structures, and obstructions, formed by the street lines abutting a corner lot and a third line drawn from a point on a street line to another point on a street

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line, each such point being the required sight distance from the point of intersection of the street lines as specified in this by-law.

2.278 SIGN means any writing, letter work, or numeral, any pictorial representation, illustration, drawing, image, or decoration, any emblem, logo, symbol, or trademark or any device with similar characteristics which:

- (a) is a structure, or part of a structure, or which is attached thereto or mounted thereon; and
- (b) which is used to advertise, inform, announce, claim, give publicity, or attract attention.

2.279 SINGLE DETACHED DWELLING see **DWELLING, SINGLE DETACHED**

2.280 SITE ALTERATIONS means activities, such as grading, excavation, and the placement of fill that would change the landform and natural vegetative characteristics of a site.

2.281 SOD FARM means a use of land for the purpose of eventual removal of such grasses and the soil that supports them for any retail or wholesale commercial purposes.

2.282 STREET LINE means the limit of the road or street allowance and is the dividing line between a lot and a Public Street or Private Road.

2.283 STREET LINE, ULTIMATE means the ultimate widened boundary of the street or road which is designated by the Township Council to have a greater planned width of street or road allowance or as may be required by Statutory Authorities having jurisdiction over certain highways in the Township.

2.284 STOREY means that portion of a building other than a cellar or basement included between the surface of any floor and the surface of the floor, roof deck, ceiling, or roof immediately above it.

2.285 STRUCTURE means anything constructed or erected, the use of which requires location on the ground or attached to something having location on the ground. For the purposes of this By-law a fence not exceeding two metres (2 m) in height shall be deemed not to be a structure.

2.286 SWALE means a depression in the ground that channels run-off.

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- 2.287 TANK FARM** means a facility where storage containers for the transfer of inorganic liquids or gases and from which no retail sale of fuel to the public is or may be conducted.
- 2.288 TAVERN** means a Tavern as defined by the *Liquor License Act*, as amended.
- 2.289 TOP OF BANK** means the point of line which is the beginning of a significant change in the elevation of the land surface, and from which the land surface slopes downward toward an existing (or abandoned) watercourse (or lake). When two or more slopes are located together, the slope that is highest and furthest away from the watercourse shall be the slope considered for the Top of Bank.
- 2.290 TRANSPORTATION TERMINAL** means a premises where goods or wares are stored and where trucks or transports are stored, serviced, repaired, kept for hire, or loaded and unloaded and includes towing and storage associated with the towing business but does not include a waste transfer station or a waste storage facility.
- 2.291 TRAILER** means a vehicle that is at any one time drawn upon a public street by a motor vehicle, notwithstanding that such trailer is jacked up or that its running gear is removed, but for the purposes of this By-law, does not include a mobile home dwelling.
- 2.292 TRANSFER STATION** means a building, structure, or enclosed or screened area where trucks or transports containing waste are temporarily stored, loaded, or unloaded.
- 2.293 U-BREW** means a building or structure where the public can prepare their own beer and/or wine in a controlled setting.
- 2.294 USE** means the purpose for which a lot or a building or a structure is designed, arranged, occupied, or maintained.
- 2.295 UTILITY** means a public utility as defined in the *Public Utilities Corporation Act*, R.S.O. 1990, c. P.52.
- 2.296 VACATION FARM** means a farm or specialized farm which offers to the general public temporary living accommodations within the main building and/or camping facilities for less than six (6) trailers, motor homes, campers, or tents and has facilities for serving meals indoors to large groups and which provides limited cultural and educational facilities oriented to the farm activity.

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2.297 VEHICLE see **MOTOR VEHICLE**

2.298 VETERINARIAN ESTABLISHMENT means a commercial premise used by a veterinarian for grooming, treating domestic animals, birds, or other livestock but shall not include a commercial kennel or research facility and where domestic animals and/or birds may be kept for treatment and/or boarded during the treatment period.

2.299 VETERINARY CLINIC – SMALL ANIMAL means building or structure where companion animals are given medical or surgical treatment, within which there may be shelter facilities provided for overnight medical treatment but shall not include a boarding kennel.

2.300 VETERINARY OR ANIMAL HOSPITAL means building or structure where companion animals are given medical or surgical treatment, within which there may be shelter facilities provided for overnight or long-term medical treatment and may include accessory boarding facilities, but does not include a boarding kennel.

2.301 VIDEO RENTALS OUTLET means a building or part of a building wherein the primary use is the rental of video tapes and may include the rental of video cassette recorders, video cameras, and video games.

2.302 WAREHOUSE/DISTRIBUTION CENTRE means a premises used for the storage and distribution of goods, wares, merchandise, substances, articles, or things, within a building and may include a commercial storage facility or facilities for an accessory wholesale or retail outlet, but does not include a transportation terminal.

2.303 WASTE DISPOSAL SITE means a site which is licensed or approved by the Ministry of the Environment and/or its agents where garbage, refuse, domestic, or industrial waste, excluding radioactive or toxic chemical wastes, is disposed of or dumped. This definition shall include waste transfer stations and recycling depots. (See also Compost facility, Recycling Depot, and Transfer Station)

2.304 WATER BODY means any bay, lake, river, natural watercourse, or canal but excluding a drainage or irrigation channel.

2.305 WATER COURSE means a natural channel where water is flowing continuously or intermittently, possessing a bed and banks, and where it usually discharges into other stream or water body.

2.306 WATER FRONTAGE means the straight line horizontal distance between the two most widely separated points on any one shoreline of a lot.

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2.307 WAYSIDE PIT OR QUARRY means a temporary pit or quarry opened and used by a public authority or their agents, for the purpose of road construction or an associated road project or contract and which is not located on the road right-of-way.

2.308 WELDING SHOP means the use of land, building, or structure where pieces of metal are welded or fabricated.

2.309 WETLANDS means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs, and fens. Periodically soaked or wet lands being used for agricultural purposes, which no longer exhibit wetland characteristics, are not considered to be wetlands for the purposes of this definition.

2.310 WILDLIFE HABITAT means areas where plants, animals, and other organisms live, and find adequate amounts of food, water shelter, and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual life cycle; and areas which are important to migratory or non-migratory species.

2.311 WIND TURBINE FARMS means a group of wind turbines in the same general location used for the production of electric power. Individual turbines are interconnected with a medium voltage power collection system and communications network.

2.312 WINERY means the use of lands, buildings, or structures for the production of wine and wine related products. The winery may also include an accessory retail outlet, a warehouse outlet, and warehouse.

2.313 WORKSHOP means a building or part of a building where fabrication or manufacturing is performed by tradesmen requiring manual or mechanical skills and may include a carpenter's shop, an upholsterer's shop, a locksmith's shop, a gunsmith's shop, a machine shop, a tinsmith's shop, a commercial welder's shop, or other similar uses and activities.

2.314 WRECKING YARD see **SALVAGE YARD**

2.315 YARD means a space, appurtenant to a building or structure, that is located on the same lot as the building or structure which is open,

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- uncovered, and unoccupied by any building or structure, except as specifically permitted by this By-law. In determining yard measurements the minimum horizontal distance from the respective lot lines shall be used.
- 2.316 YARD, EXTERIOR SIDE** means the side yard adjacent to a public street.
- 2.317 YARD, FRONT** means a yard extending across the full width of the lot between the front lot line and the nearest wall of the principal building or structure on the lot.
- 2.318 YARD, INTERIOR SIDE** means a yard other than an exterior side yard that extends from the front yard to the rear yard between the interior side lot line and the nearest wall of the principal building or structure on the lot.
- 2.319 YARD, REAR** means a yard extending across the full width of the lot between the rear lot line and the nearest wall of the principal building or structure on the lot.
- 2.320 ZONE** means a designated area of land use shown on the Zone Schedules attached hereto and forming part of this By-law.
- 2.321 ZONE PROVISIONS** means the permissible uses or activities, the minimum area and dimensions of lots, the minimum dimensions of yards, the maximum lot coverage, the minimum setback, the minimum gross floor area, the minimum landscaped open space, the maximum height of buildings, minimum parking area requirements, and all other standards and regulations of the respective Zones as are set out within the By-law.
- 2.322 ZONING ADMINISTRATOR** means the officer or employee of the municipality charged with the duty of enforcing the provisions of this By-law.

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3.1 ACCESSORY BUILDINGS, STRUCTURES AND USES

3.1 (1) Where this By-law provides that land may be *used* or a *building* or *structure* may be *erected* or *used* for a purpose, that purpose may include any *accessory use*, *building*, or *structure* located on the same *lot* as the primary use to which it is related. *Accessory buildings* and *structures* shall be located and *erected* in accordance with all applicable *yard* and setback requirements and other provisions hereof, except as otherwise provided in this section.

3.1 (2) All *uses*, *buildings*, and *structures* *accessory* to a *permitted* principal *use* or *building* shall be located on the same *lot* and in the same Zone as the principal *use* or *building*. The *accessory building* or *structure* shall not be located on a separate *lot* from the *main building* or *erected* prior to the *main building*.

3.1 (3) The *use* of any *accessory building* for human habitation is not *permitted* except in the case of a *garden suite* or where specifically listed as a *permitted use* in any Zone.

3.1 (4) Where an *accessory use*, *building*, or *structure* for a residential *lot* is located in a Residential Zone or Estate Residential Zone, the maximum gross *floor area* shall not exceed fifty square metres (50 m² [538 ft²]) and the maximum *lot coverage* shall not exceed ten percent (10%). The minimum interior *yard* and rear *yard setbacks* shall be 1.2 metres (3.94 ft) and the maximum height shall be 4.5 metres (14.76 feet) this does not include detached garages.

3.1(5) Residential garages shall not exceed 100 m² (1076 square feet) in gross floor area.

3.1 (6) Where an *accessory use*, *building*, or *structure* for a residential *lot* is located in a Rural and Agricultural Zone and the maximum *lot coverage* for *accessory uses* shall not exceed five percent (5%). The minimum interior *yard* and rear *yard setbacks* shall be 1.2 metres (3.94 ft.).

3.1 (7) No *accessory use* shall be *erected* closer to the front *lot* line or the exterior side *lot* line than the minimum front *yard* and exterior side *yard setbacks* required for the *main building*. This provision shall be exempted:

- (a) for a partially enclosed shelter for *use* by children waiting for a *school* bus on a rural bus route,
- (b) for any farm produce outlet having a gross *floor area* of less than ten square metres (10 m² [108 ft²]),
- (c) for a gatehouse in an Industrial Zone having a gross *floor area* of less than ten square metres (10 m² [108 ft²]),
- (d) for water-related *structures* under Section 3.39(7).

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3.1 (8) No *building* or *structure* which is *attached* to the main *dwelling* shall be considered an *accessory building* or *structure*.

3.1 (9) The maximum height of *accessory buildings* in a residential Zone shall be 4.5 metres (4.5 m [14.76 feet]) or as provided in the individual Zone standards.

3.1 (10) Private swimming pools, both above-ground and in-ground, outdoor and indoor, shall be *permitted* subject to the Swimming Pool By-law of the Municipality and the following requirements:

- (a) No part of an outdoor pool including an associated apron or platform shall be located within a front or external *yard* nor closer than one and two-tenths metres (1.2 m [3.94 ft.]) to an interior side *yard* or rear *yard lot* line. Any *building* or *structure*, other than a *dwelling*, required for changing clothing or pumping, filtering or storage or any similar purposes shall comply with the provisions respecting *accessory uses* and *structures*.
- (b) Indoor pools which are not an integral part of a *dwelling* unit or part of a municipal or private recreational facility shall conform with the *accessory building* requirements contained above.

3.1 (11) An outdoor furnace shall be *permitted* as an *accessory use* provided:

- (a) It is located in a Rural or Agricultural Zone;
- (b) The outdoor furnace shall comply with zoning standards for the *main building* and one hundred metres (100 m [328.1 ft.]) from any *dwelling* on an adjacent *lot* or fifteen and twenty-four one hundreds metres (15.24 m [50 ft.]) from any *building* on the same property;
- (c) Not more than one outdoor furnace shall be *permitted* on a *lot*, except where it serves a *permitted accessory dwelling* or an agricultural *building* on lands *used* primarily for agricultural purposes.
- (d) Any additional requirements as set out in the Municipality's outdoor furnace By-law shall be satisfied.

3.2 AIR CONDITIONERS AND PUMPS

Air conditioners and pumps (including heat pumps and swimming pool pumps) and other similar mechanical equipment shall be located only in accordance with the following regulations:

3.2 (1) Within a required front *yard* or a required flankage *yard*, provided such equipment shall have a minimum *setback* of three metres (3 m [9.84 ft.]) from the *street line*, a minimum *setback* of six-tenths of one metre (0.6 m [1.97 ft.]) from a side *lot* line and is screened from the street by an enclosure or landscaping; and,

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3.2 (2) Within a required side *yard* or required rear *yard* provided such equipment has a minimum *setback* of six-tenths of one metre (0.6 m [1.97 ft.]) from the side *lot* line or rear *lot* line.

3.3 MOTOR VEHICLE SERVICE STATION, COMMERCIAL GARAGE, MOTOR VEHICLE GAS BAR, MOTOR VEHICLE WASHING ESTABLISHMENTS

The following provisions shall apply for all Zones within which a *motor vehicle* service station, *motor vehicle* gas bar, and/or *motor vehicle* washing establishment, quick lube outlet, and related *uses* are *permitted*:

3.3 (1) The site may contain any or all of the foregoing *uses*. In addition, an *accessory convenience store* outlet not exceeding sixty square metres (60 m² [646 ft²]) may be *permitted*. A larger *convenience store* outlet may be *permitted* if considered to be a principal *permitted use* in the subject Zone.

3.3 (2) All such *uses* shall be subject to the Township's Site Plan Control By-law and related agreements.

3.3 (3) The minimum distance between the gasoline pump island, pumps, and any pump shall be six metres (6 m [19.7 ft.]) from any *lot* and *street line*. Where the *lot* is a corner *lot*, no portion of any gasoline pump island shall be located closer than three metres (3 m [9.84 ft.]) to a sight triangle.

3.3 (4) No *person* shall hereafter *erect* or *use* a tank for the storage of propane for sale at an *motor vehicle* service station or *motor vehicle* gas bar or on any other property where vehicle fuel may be dispensed, unless a license has been obtained under the Ontario Propane Code and other applicable legislation. Such propane facilities shall not be located in any *yard* abutting a Residential Zone or *Use* and shall not be located within thirty metres (30 m [98.4 ft.]) of any property line or *street line*.

3.3 (5) The width of any entrance or exit, combined entrance or exit measured at the front *lot* line or exterior side *lot* line shall not be greater than ten metres (10 m) and there shall not be more than two (2) accesses from any one street which adjoins the *lot*. The minimum distance of any access from a street intersection shall be fifteen metres (15 m) and the minimum distance between *driveways* shall be nine metres (9 m). The minimum distance between an interior side *lot* line and any *driveway* shall be three metres (3 m).

3.3 (6) Separate on-site stacking *lanes* shall be provided to serve any automated *motor vehicle* washing establishment or quick lube facility and the stacking *lane* shall have a minimum capacity to accommodate ten (10) automobiles provided also that such stacking *lanes* shall not be located in any *yard* abutting a Residential or Institutional Zone *use*.

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3.4 BED AND BREAKFAST ESTABLISHMENTS

The following provisions shall apply to *bed and breakfast establishments*:

3.4 (1) A *bed and breakfast establishment* shall only be *permitted* in an owner occupied *single detached dwelling* and shall be limited to a maximum of three (3) guest rooms per establishment.

3.4 (2) A *bed and breakfast establishment* shall not be established or operated in an *accessory building*.

3.4 (3) One (1) *parking space* shall be provided per guest room in addition to a minimum of one (1) space for the *existing dwelling*.

3.4 (4) *Bed and breakfast establishments* shall be *permitted* only in Zones where expressly provided for as a *permitted use* and shall not be *permitted* as an *accessory use* and shall conform to all regulations and requirements of the Zone where *permitted*.

3.4 (5) A *bed and breakfast establishment* shall not detract from the general character of the neighbourhood nor be a nuisance in terms of noise, traffic, parking, and visual character. The *Bed and breakfast establishment* shall not change the residential character of the *dwelling* and no exterior *alterations* shall be made to the *dwelling* which are not customarily found on a *dwelling*. Expansions of the *dwelling* shall not exceed twenty percent (20%) of the original *dwelling* size.

3.4 (6) A *bed and breakfast establishment* may have a sign(s) in accordance with the Municipal *Sign By-law*.

3.5 BUILDING TO BE ERECTED ON A LOT

No *person* shall hereafter *erect* or *use* any *building* unless such *building* is *erected* on a *lot*.

3.6 BUILDINGS TO BE MOVED

No *building* or *structure* shall be moved within the limits of the Municipality nor shall be moved from outside the Municipality into the Municipality unless the *building* or *structure* is a *permitted use* and satisfies all the requirements of the Zone in which it is to be located and then only after a permit has been obtained from the Chief Building Official.

3.7 CONVERSION OF SEASONAL UNITS TO A PERMANENT RESIDENTIAL USE

(a) Conversion may take place based on the following criteria:

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- (1) All applicable zoning standards shall be satisfied.
- (2) Conversions shall be subject to Site Plan Control provisions of Section 6.8 of the Official Plan.
- (3) All conversions shall require a Building Permit, which shall only be issued upon the approval of the Eastern Ontario Health Unit or its agent of the sewage disposal system. Any existing substandard on-site sewage system shall be upgraded to the standards of the Eastern Ontario Health Unit or its agent prior to the issuance of a Building Permit.
- (4) Prior to occupancy of any dwelling converted under this clause, a Certificate of Occupancy under Section 34[6] of the *Planning Act* shall be obtained from the *Zoning Administrator* to certify conformity with all zoning provisions.
- (5) Upon the issuance of the Certificate of Occupancy, the Property Standards Officer shall inspect the premises and issue a Certificate of Compliance allowing the occupancy and use of the said property if such property is found to conform to the Municipality's Maintenance and Occupancy Standards By-law.

3.8 DIVERSION OF ILLUMINATION AND GLARE

Illumination of *buildings* and grounds shall be *permitted* provided that:

3.8 (1) Illumination shall not cause direct or indirect glare on a street that may interfere with traffic or pedestrian safety.

3.8 (2) Illumination shall not consist of a colour or be so designed or located that it may be confused with traffic signal.

3.8 (3) Illumination shall not cause direct or indirect glare on land or *buildings* in a Residential Zone.

3.9 DRIVE THROUGH FACILITIES

Accessory drive through facilities serving a *restaurant*, *motor vehicle* service station, *motor vehicle* gas bar, *motor vehicle* washing establishment, quick lube facility, bank, pharmacy, or similar *use* may be *permitted* subject to the following provisions:

3.9 (1) Each drive through *lane* shall be a minimum of three and one-half metres (3.5 m [11.5 ft.]) in width and have stacking capacity for a minimum of ten (10) automobiles. Stacking capacity may be reduced to a minimum of three (3) automobiles for a Bank, Pharmacy, or dry cleaning facility.

3.9 (2) Drive through *lanes* and queuing *lanes* shall be clearly designed and signed to be separate from *parking aisles* and spaces and *parking areas* and pedestrian facilities. Pedestrians should not have to cross a drive through *lane* to

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access the *building*. *Lanes* shall be unobstructed and shall be clearly delineated by pavement markings or physical barriers.

3.9 (3) The drive through *lane* shall not be located in any *yard* abutting a Residential Zone or property containing a residential *use* except where such Zone or *use* is separated by a street. Order boxes related to a drive through facility shall be located not closer than thirty metres (30 m [98.4 ft.]) from a Residential Zone or property containing a residential *use*.

3.9 (4) The drive through facility shall be shown as part of a site plan submitted to and approved by the Township. As part of this process, the Township may require that the drive through facility be accesses via a separate access *driveway* which shall be located a minimum of fifteen metres (15 m [49.2 ft.]) from the limits of any street intersection. The access *driveway* shall be located a minimum of nine metres (9 m [29.5 ft.]) from other access *driveways* and shall not produce conflicts with traffic using other *driveways*.

3.9 (5) Illumination sources shall be so designed to divert illumination and glare away from adjacent streets and properties.

3.10 ESTABLISHED BUILDING LINE IN RESIDENTIAL AND COMMERCIAL ZONES

Notwithstanding the *yard* and *setback* provisions of this By-law to the contrary, where a *building* or *structure* is to be *erected* on a *lot* within a Residential, Estate Residential, Commercial, or Institutional Zone and where there is an *established building line* extending on both sides of the *lot*, the minimum *yard* for such a *permitted building* or *structure* is equal to the average *setback* of *buildings* on the same side of the street, provided further that such *permitted building* or *structure* is not *erected* closer to the *street line* or the centre line of the street, as the case may be.

3.11 EXCEPTIONS TO HEIGHT LIMITATIONS

Unless indicated otherwise in the specific Zone requirements, the maximum height regulations of this By-law shall not apply to prevent the construction or *use* of an ornamental dome, church spire, a belfry, cupola, steeple, a flag pole, a clock tower, a chimney, storage silos, barn or other farm *structure*, grain elevator, a water storage tank, an air conditioner duct, an elevator penthouse, a solar collector, or an electric or communication tower, antenna, ventilator, skylight, windmill *accessory* to a residential or agricultural *use*, or a similar device or *structure*.

3.12 FRONTAGE ON A PUBLIC ROAD

No *person* shall hereafter *erect* any *building* or *structure* in any Zone unless the *lot* upon which such *building* or *structure* is to be *erected* has frontage on a public

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road or street maintained year round. A *lot* within a registered condominium development may be *permitted* to be along a *private road*.

3.13 GARDEN SUITES

3.13 (1) Where *permitted* by this By-law, a *garden suite* shall be subject to the following provisions:

- (a) *Driveway* access to both the main *dwelling* and the *garden suite* shall be limited to one access, so that no new entrance from the street shall be created.
- (b) The siting of a *garden suite* shall be in accordance with the provisions for *accessory uses*.
- (c) The maximum gross *floor area* shall be ninety two and nine tenths square metres (92.9 m² [1,000. ft²]).
- (d) The maximum height shall be one *storey*, and shall not exceed four and one half metres (4.5 m [14.7 ft.]).
- (e) No *garden suite* shall be located closer than three metres (3 m [9.84 ft.]) to the main residence on the *lot* or any *building* on an abutting property.
- (f) Only one *garden suite* may be established per *lot*.
- (g) All *garden suites* shall be provided with adequate water supply and sewage disposal systems.
- (h) All *garden suites* shall be established as a temporary *use* pursuant to Section 39 of the *Planning Act*.

3.14 GRADING AND EXCAVATIONS

3.14 (1) No *person* shall hereafter make any excavations or remove any topsoil, earth, peat, sand, or gravel from any *lot*, alone or in conjunction with any construction work, unless in accordance with the requirements of any By-law of the *Corporation* with respect to the retention of topsoil, grading, and finished elevations.

3.14 (2) No *person* shall *use* any *lot* for dumping or otherwise depositing or storing any topsoil, earth, sand, gravel, or fill unless written permission has first been obtained from the *Zoning Administrator*.

3.14 (3) Where site alteration activities are proposed within regulated areas as defined in the Development, Interference with *Wetlands* and Alterations to *Shorelines* and *Water Courses* regulations made under Section 28 of the *Conservation Authority Act*, prior written approval of the appropriate Conservation Authority must be obtained.

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3.14 (4) Nothing in this Subsection shall apply to restrict any activity normally associated with a *permitted* agricultural use, except in the case of construction work for which a Building Permit is required in accordance with the *Building Code Act*.

3.15 GROUP HOMES

3.15 (1) Notwithstanding any other provisions of this By-law to the contrary, a *Group home* Type 1 may be *permitted* in any single *dwelling* unit provided there is no *Group home* Type 1 or *Group home* Type 2 located within one hundred metres (100 m [328 ft.]) from the proposed facility and the *dwelling* unit has a minimum *floor area* of eighteen and one-half square metres (18.5 m² [199.14 sq. ft.]) per *person* residing within the unit.

3.15 (2) *Group Homes* Type 2 and Supervised Residences are *permitted* only within those *Zones* which specifically permit the use. In order to prevent concentrations of *Group Home* Type 2 uses within specific areas, and notwithstanding their being listed as a *permitted use*, a minimum separation between facilities shall be three hundred metres (300 m [984.25 ft.]) measured in any direction.

3.16 HOME INDUSTRY

Notwithstanding the *yard* and *setback* provision of this By-law to the contrary, no *home industry* shall be *erected* or established, after the day of the passing of this By-law, within three hundred metres (300 m [984.3 ft.]) of a *dwelling* located on another *lot*. Notwithstanding this section, a *dwelling* may be constructed within three hundred metres (300 m [984.3 ft.]) of an *existing home industry* if all other provisions of this By-law are complied with.

3.16 (1) A maximum of two (2) non-resident employees may be *permitted* for the operation of the *home industry*.

3.16 (2) Not more than twenty-five percent (25%) of the gross *floor area* of the *dwelling* unit may be *used* for the *Home industry*. In addition, an *accessory building* or *attached* garage may be *used* for the *Home industry*, in accordance with the provisions for *accessory buildings* and *uses*, provided the maximum gross *floor area* of such *accessory buildings* does not exceed hundred square meters (100 m² [1,076.4 ft²]).

3.16 (3) *Open Storage* of equipment, vehicles, or supplies related to the *Home industry* may be used provided such storage is not visible from any street or adjacent property.

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3.16 (4) The *Home industry* shall not change the residential character of the *dwelling* and no exterior alterations shall be made to the *dwelling* which are not customarily found on a *dwelling*.

3.16 (5) A non-illuminated and non-animated *sign* of not more than six square metres (6 m² [65 ft²]) in area shall be *permitted* in accordance to any provisions of this By-law or other By-law of the *Municipality* relating to Signs.

3.17 HOME OCCUPATIONS

A *home occupation* clearly *accessory* and secondary to a residential *dwelling* may be established in the *dwelling* in a Residential or Estate Residential *Zone* provided *home occupations* are listed as a *permitted use* and comply with the following provisions:

3.17 (1) A maximum of one *home occupation* shall be *permitted* except where a Minor Variance has been granted by the Committee of Adjustment provided all the provisions of this section are satisfied, including maximum *floor area* restrictions.

3.17 (2) The *home occupation* shall be clearly secondary to the *use* of the *dwelling* as a residence. The *home occupation* shall be the type and scale of activities compatible with a residential neighbourhood by virtue of minimal external evidence of significant noise, traffic generation, parking, odour, vibration, fumes, dust, illumination and glare, radiation, magnetic fields or electronic or communications interference, fumes and smoke and particulate matter, gaseous emissions, dust and heat, production of refuse and waste materials, hazardous storage, regular use of trucks or service and delivery vehicles, operation of mechanical or heavy equipment and machinery, fire hazards, use of multiple signage, and similar external effects beyond that which normally results from a *dwelling*, and such effects shall be in accordance with By-laws established by the *Corporation* and applicable Provincial and Federal legislation or policy. The *home occupation* shall be of a scale so as to not require additional water, sewer, or drainage or public utilities capacity beyond the normal capacity provided to a *dwelling*.

3.17 (3) A maximum of one (1) non-resident employee may be *permitted* for the operation of the *home occupation*.

3.17 (4) Not more than twenty-five percent (25%) of the gross *floor area* of the *dwelling* unit may be *used* for the purpose of the *home occupation*.

3.17 (5) The *home occupation* shall be conducted wholly within the main *dwelling* and shall not use any part of an *accessory building* for its operation and there shall not be any *open storage* or outdoor display of equipment, goods, vehicles, or supplies associated with the *home occupation*

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3.17 (6) The *home occupation* shall not change the residential character of the *dwelling* and no exterior alterations shall be made to the *dwelling* which are not customarily found on a *dwelling*.

3.17 (7) Where the *home occupation* is used for a private *day nursery*, day care nursery *school* or instruction, not more than five (5) pupils may be in attendance at any one time. A private home daycare may provide services for a maximum of five (5) non-resident children.

3.17 (8) A non-illuminated and non-animated *sign* of not more than one-half of one square metre (0.5 m² [5.33 ft²]) in area shall be *permitted* in accordance to any provisions of this By-law or other By-law of the *Municipality* relating to Signs.

3.17 (9) Off street parking shall be located on the same *lot* and shall conform to the minimum standards required for the *uses* in the *Zone*. An additional *parking space* shall be provided for a non-resident employee.

3.17 (10) There shall be no goods, wares, or merchandise, other than arts, crafts, antiques, household or personal items such as cosmetics or kitchen wares and the limited production of baked goods and homemade preserves produced on the *premises*, for sale or rent on the *premises*. The limited sale of items related to a *personal service establishment* and the sale of antique items whether or not originating on the property may be *permitted*. Temporary storage of products produced by a caterer for delivery to a client may also be *permitted*. Nothing shall prevent a mail order business from operating as a *home occupation* as long as goods and merchandise are not stored on the property.

3.17 (11) The *office* of a doctor, dentist, or another health care practitioner may be *permitted* provided there is not more than one such practitioner and subject to compliance with all the provisions of this Section.

3.17 (12) No *home occupation* shall involve the keeping, boarding, treatment, training, breeding, and selling, or medical or personal care of any animals or birds as a commercial enterprise.

3.17 (13) No *home occupation* shall involve the keeping or parking of a commercial vehicle on the property beyond that *permitted* in a Residential *Zone*.

3.17 (14) *Home occupations* shall not include, a machine or auto repair shop, a retail or wholesale store or vending outlet, a *restaurant*, a tourist establishment, a convalescent home, a mortuary, a funeral parlour, a storage *yard*, or a contractor's *yard*.

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3.18 HOME BUSINESS - RURAL

A Rural *Home business* may be *permitted* as an *accessory* and secondary use to a *dwelling* located in a Rural Zone and Agricultural Zone provided the following provisions are satisfied:

9 (1) A maximum of two (2) non-resident employees may be *permitted* for the operation of the *Rural Home business*.

3.18 (2) Not more than twenty-five percent (25%) of the gross *floor area* of the *dwelling* unit may be used for the *Rural Home business*. In addition, an *accessory building* or *attached* garage may be used for the *home occupation*, in accordance with the provisions for *accessory buildings* and *uses*.

3.18 (3) *Open storage* of equipment, vehicles, or supplies related to the *Rural Home business* may be used provided such storage is not visible from any street or adjacent property.

3.18 (4) The *Rural Home business* shall not change the residential character of the *dwelling* and no exterior alterations shall be made to the *dwelling* which are not customarily found on a *dwelling*.

3.18 (5) Where the *Rural Home business* is *used* for a day care nursery *school* or instruction, not more than five (5) pupils may be in attendance at any one time. A private home daycare may provide services for a maximum of five (5) non-resident children.

3.18 (6) The *office* of a doctor, dentist, or another health care practitioner may be *permitted* provided there is not more than one such practitioner and subject to compliance with all the provisions of this Section.

3.18 (7) The *home business* shall be the type and scale of activities compatible with the area by virtue of minimal external evidence of significant noise, traffic generation, parking, odour, vibration, fumes, dust, illumination and glare, radiation, magnetic fields or electronic or communications interference, fumes and smoke and particulate matter, gaseous emissions, dust and heat, production of refuse and waste materials, hazardous storage, regular use of trucks or service and delivery vehicles, operation of mechanical or heavy equipment and machinery, fire hazards, *use* of multiple signage and similar external effects beyond that which normally results from a *dwelling* and such effects shall be in accordance with By-laws established by the *Corporation* and applicable Provincial and Federal legislation or policy. The *home occupation* shall be of a scale so as to not require additional water, sewer, or drainage or public utilities capacity beyond the normal capacity provided to a *dwelling*.

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3.18 (8) A non-illuminated and non-animated *sign* of not more than six square metres (6 m² [65 ft²]) in area shall be *permitted* in accordance to any provisions of this By-law or other By-law of the *Municipality* relating to Signs.

3.19 HOUSEHOLD SALES/GARAGE SALES

Household sales/garage sales are *permitted* in any *Zone*, except that there shall not be more than two (2) such sales per annum at one (1) location and no such sale shall exceed three (3) consecutive days in duration.

3.20 HUMAN HABITATION NOT PERMITTED IN CERTAIN STRUCTURES

No truck, bus, coach, street car body, railway car, major recreational equipment, or other *motor vehicle* shall be *used* for human habitation whether or not the same is mounted on wheels or other forms of mounting or foundations, except for a mobile home where specifically *permitted* in this By-law.

3.21 KEEPING OF LIVESTOCK

The keeping of *livestock* shall only be *permitted* in the Rural (RU) *Zone*, or Agricultural (AG) *Zone* subject to Minimum Distance Separation Requirements and other applicable provisions of this By-law.

3.22 KENNELS OR CATTERY

Notwithstanding the *yard* and setback provision of this By-law to the contrary, no *kennel* shall be *erected* or established, after the day of the passing of this By-law, within three hundred metres (300 m [984.3 ft.]) of a *dwelling* located on another *lot*. Notwithstanding this section, a *dwelling* may be constructed within three hundred metres (300 m [984.3 ft.]) of an *existing kennel* if all other provisions of this By-law are complied with.

3.23 LANDSCAPING, SCREENING AND FENCING REQUIREMENTS

Landscaped open space shall be provided in accordance with the *Zone* provisions set out herein for each *Zone* and the following general provisions:

3.23 (1) Any part of a *lot* which is not occupied by *buildings, structures, parking areas, loading spaces, driveways, excavations, agricultural use, or permitted outdoor storage areas* shall be maintained as *landscaped open space*.

3.23 (2) Except as otherwise specifically provided herein, no part of any required front *yard* or required exterior side *yard* shall be used for any purpose other than *landscaped open space*. Where *landscaped open space* of any kind, including a planting strip, is required adjacent to any *lot* line or elsewhere on a *lot*, nothing in this By-law shall apply to prevent such *landscaped open space* from being traversed by pedestrian walkways or *permitted driveways*.

3.23 (3) No part of any *driveway, parking area, loading space, stoop, roof-top terrace, balcony, swimming pool, or space enclosed within a building*, other than

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a landscaped area located above an underground *parking area*, shall be considered part of the *landscaped open space* on a *lot*.

3.23 (4)(a) Where a *lot* is within a Commercial or Industrial *Zone* or a Residential Multiple *Dwelling Zone* and the interior side and/or rear *lot* line, or portion thereof abuts a Residential or Institutional *Zone* or *use*, a *landscaped buffer* area shall be provided on the commercial or industrial *lot*. The *landscaped buffer* area shall have a minimum width of three metres (3 m [9.84 ft.]), and an opaque privacy *fence* or decorative wall of not less than two metres (2 m [6.56 ft.]) shall be constructed along the mutual *lot* line. The requirement for height of a privacy *fence* or decorative wall may be reduced where approved through site plan control.

3.23 (4)(b) The *landscaped buffer* area shall be kept free of all parking, *buildings*, or *structures* except for a legal boundary partition and used only for the placement of trees, shrubs, similar vegetation, fencing, and landscaping features and shall be landscaped and maintained by the owner of land on which such buffer area is required. Details of the landscaping and privacy *fence* or wall shall be provided in a site plan submitted to and approved by the Township.

3.23 (5) *Lots* within Commercial, Industrial, Institutional and Residential Multiple *Zones* shall be landscaped in accordance with a site plan submitted to and approved by the Township.

3.23 (6) The whole of any *yard* for a single *detached*, semi *detached*, or duplex *dwelling* within a Residential *Zone* in any Urban Settlement Area shall hereafter be landscaped except for areas of the site required for the main *dwelling*, *accessory buildings*, *structures* and *uses*, and *driveways*. Not greater than fifty percent (50%) of the front *yard* or exterior side *yard* of such *lots* shall be *used* for *driveways* and parking.

3.24 MINIMUM DISTANCE SEPARATION (MDS) REQUIREMENTS

3.24 (1) Notwithstanding any other *yard* or *setback* provisions of 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 established and no *building* or *structure* for such *use* shall be *erected* or *altered* unless it complies with the Minimum Distance Separation (MDS I).

3.24 (2) Notwithstanding any other *yard* or *setback* provisions of this By-law to the contrary, no *livestock* facility or manure storage facility shall be *erected* or expanded unless it complies with the Minimum Distance Separation (MDS II).

3.24 (3) The Minimum Distance Separation (MDS I and MDS II) shall not be required between a *livestock* facility and a *dwelling* or *accessory building* on the same *lot* or a *public utility*.

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3.24 (4) Subsection (1), shall not apply to *existing lots* of record (new development is encouraged where possible to meet the requirements of MDS 1 calculation on *existing lots* of record.)

3.24 (5) Where a *building* or *structure* is destroyed by fire or other Act of God, the requirements of MDS I and MDS II shall not prevent the restoration or reconstruction of such *building* or *structure*.

3.25 MOBILE HOMES

A mobile home shall only be *permitted* in an *existing* Mobile Home Park or in a new Mobile Home Park created by a Plan of Subdivision or Condominium.

3.26 MODEL HOMES IN DRAFT PLANS OF SUBDIVISION

Notwithstanding any other provisions of this By-law, where a Subdivision Agreement has been executed (signed) by the owner, one *single detached dwelling*, *semi-detached dwelling*, *street townhouse dwelling*, or multiple *dwelling* or a townhouse block may be constructed on a *lot* prior to registration of the Plan of Subdivision subject to the following restrictions:

3.26 (1) The *use* shall be *permitted* in the *Zone* in which the *dwelling* is to be located and the *dwelling unit* shall be *used* for the purpose of a model home only and shall not be occupied as a *dwelling unit* prior to the date of the registration of the Subdivision Plan;

3.26 (3) The model home shall comply with all other provisions of this By-law, as though the model home and/or units were constructed on the *lot* within the future registered Plan of Subdivision; and,

3.26 (4) The model home shall comply with all applicable terms and conditions of the said Subdivision Agreement.

3.27 NOISE CONTROL MEASURES

Nothing in this By-law shall prevent the construction of a noise control barrier.

3.28 NON-CONFORMING USES, NON-COMPLYING LOTS, AND BUILDINGS

3.28 (1) Nothing in this By-law shall prevent the *use* of any land, *building*, or *structure* for any purpose prohibited by the By-law if such land, *building*, or *structure* was lawfully *used* for such purpose on the day of passing of the By-law, so long as it continues to be *used* for such purpose and has not been discontinued for a period of two (2) years.

3.28 (2) If a *non-conforming building* or *structure* should be damaged by fire, flood, wind, or earthquake, or other natural or unnatural occurrence, nothing in this By-law shall prevent such a *building* from being restored and strengthened to a safe condition, provided the height, size, or volume are not increased and

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provided that reconstruction or restoration is commenced within twelve (12) months and completed within twenty-four (24) months of the date on which the damage took place. If a *non-conforming building* located in a *flood plain* area is damaged or destroyed by flooding, it may be reconstructed in accordance with the *floodproofing* or other requirements of the Raisin Region Conservation Authority or the Ministry of Natural Resources and the Holding Zone is not required to be removed.

3.28 (3) Where a *building* or *structure* which was lawfully *used* on the day of the passing of this By-law is *used* for a purpose not *permitted* in the *Zone* in which it is situated, such *building* or *structure* may be repaired or renovated provided that the repair or renovation does not include any change of *use*, or any expansion of the *building* or *structure*; and the *building* or *structure* continues to be *used* for the same purpose for which it was lawfully *used* on the day of passing of this By-law.

3.28 (4) Despite anything else contained in this By-law, where a vacant *lot* lawfully created having a lesser frontage and/or area than is required by this By-law is held under distinct and separate ownership from adjoining *lots*, according to the register for land in the Land Titles, or Registry Office, on the date of the passing of this By-law, it may be *used* for a purpose *permitted* in the *Zone* in which the said *lot* is located, provided it can be adequately serviced and that all other applicable provisions in this By-law are met.

3.28 (5) Where a *building* has been *erected* prior to the date of passing of this By-law on a *lot* having less than the minimum frontage or area, or having less than the minimum required front *yard* depth or side *yard* depth or rear *yard* depth or water *setback* required in this By-law, said *building* may be enlarged, reconstructed, repaired, or renovated provided that:

- (a) such enlargement, reconstruction, repair, or renovation does not further aggravate non-compliance with any provisions of this By-law; and
- (b) where the development is on private services, the *lot* is of an adequate size for water supply and sewage disposal systems approved by the Township or Eastern Ontario Health Unit; and
- (c) all other applicable provisions of this By-law are satisfied.

3.28 (6) Despite anything else contained in this By-law, where a *lot* *used* for agricultural purposes that is *zoned* Rural or Agriculture, lawfully *used* on the date of the passing of this By-law on a *lot* having less than the minimum frontage or area, or having less than the minimum required front *yard* depth, side *yard* depth, or rear *yard* depth required in this By-law may add any *use* that is *permitted* within the Rural or Agriculture *Zone*, may enlarge, reconstruct, repair, or renovate any *existing buildings* provided that:

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- (a) such enlargement, reconstruction, repair, renovation, or newly added *permitted use* does not further aggravate non-compliance with any provisions of this By-law; and
- (b) where the development is on private services, the *lot* is of an adequate size for water supply and sewage disposal systems approved by the Township or Eastern Ontario Health Unit; and
- (c) such enlargement, reconstruction, repair, renovation, or newly added *permitted use* complies with the *Nutrient Management Act, 2002* and the Minimum Distance Separation (MDS) Formulae, Publication 707.

3.28 (7) The *non-conforming use* of any land, *building*, or *structure* shall not be changed except to a *use* which is in conformity with the provisions of the *Zone* in which the land, *building*, or *structure* is located, without permission from the Committee of Adjustment pursuant to the *Planning Act, R.S.O. 1990, c. P.13*. The Committee may permit a *use* if it is deemed to have similar or greater compatibility to surrounding *uses* than did the prior *non-conforming use*.

3.28 (8) Nothing in this By-law shall prevent the *erection* of a *building accessory* to an *existing non-conforming use* provided such *accessory building* complies with the standards within the applicable zone and all relevant provisions for Accessory Buildings within this By-law.

3.29 NOT MORE THAN ONE MAIN DWELLING PER LOT

Unless otherwise provided for in this By-law, in any *Zone* where a *single detached dwelling*, *semi-detached dwelling*, or *duplex dwelling* is *permitted*, not more than one (1) such *dwelling* shall be *erected* on a *lot*.

3.30 OPEN STORAGE AND OUTDOOR DISPLAY OPEN STORAGE

3.30 (1) Except as otherwise provided in Subsection (2) of this Section, or specifically listed as a *permitted use* in a *Zone*, no *open storage* shall be *permitted* on any *lot* in any *Zone*, except in accordance with the following provisions:

- (a) The *open storage* shall be clearly *accessory* and directly related to the principal *use permitted* and conducted on the property.
- (b) No *open storage area* shall be *permitted* in any required *yard* or, except in the case of an *agricultural use* or the outside display and sale of goods and materials as per subsection (2) in conjunction with a *permitted commercial use*, in any part of a front *yard* or exterior side *yard*.

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- (b) No *open storage area* shall be located closer than the required *setback* for a *main building* in the subject *Zone*. The *open storage area* shall not cover more than forty percent (40%) of the *lot area*.
- (d) No *open storage area* shall be visible from any street or from any adjacent *lot*, where such adjacent *lot* is located in a *Zone* other than an Agricultural, a Rural *Zone*, a Commercial *Zone* or an Industrial *Zone*. Any such *open storage area* shall be screened, wherever necessary in order to comply with this provision, by a 3 metre (9.84 ft.) landscaped planting strip containing an opaque *fence*, wall, or other opaque barrier not less than 2 metres (6.56 ft.) in height. This provision shall not apply to any storage area *accessory* to an agricultural *use* or to the outside display and sale of goods and materials in conjunction with a *permitted* commercial *use*.
- (e) No *open storage* shall be *permitted* in any required minimum front *yard* or required exterior side *yard*, except in the case of an agricultural *use*, nor within any required minimum side or rear *yard* where the side or rear *lot* lines abut any Residential or Institutional *Zones* and *uses*.
- (f) Any *open storage area* shall be maintained as *landscaped open space* or provided and maintained with a stable surface, treated so as to prevent the raising of dust or loose particles and drained in accordance with the requirements of the *Corporation*, except that this provision shall not apply to any storage area located on a *lot* whereon the main *use* is an agricultural *use*.
- (g) Notwithstanding Paragraph (iv) of this Clause, no *open storage area* shall be considered part of any *landscaped open space* required hereby.
- (h) No *parking spaces* or *loading spaces* required by this By-law shall be *used* for *open storage* purposes.
- (i) The *open storage area* shall not contain open garbage, fill, scrap, or other such materials.

3.30 (2) Nothing in Subsection (1) of this Section shall apply to prevent or otherwise restrict the *use* as an *open storage area* of any part of the front *yard* on a *lot* containing an agricultural *use*, for a temporary roadside retail farm sales outlet for produce grown on the said *lot*.

3.30 (3) Except as otherwise specifically provided in this By-law, outdoor sales and display of goods shall only be *permitted* in accordance with the following provisions:

- (a) An outdoor display or sales area shall be *permitted accessory* and directly related to a commercial, industrial, or public service *use*, provided that the

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- display or sales area does not occupy any required parking or loading area, does not constitute a traffic safety hazard by obstructing a *driveway* or aisle, and is set back a minimum of 3 metres (9.84 ft) from any *lot* line, street, or access *driveway*. The outdoor display area shall not be located in any *yard* on a *lot* abutting a Residential or Institutional *Zone*. The outdoor display area shall not occupy more than forty percent (40%) of the *lot area* except where a vehicle sales lot is a listed *permitted use* in the *Zone*.
- (b) Despite the above, seasonal sales of Christmas trees or a temporary truck load sale (i.e. Weekend) or *yard* sale shall be *permitted* to occupy a designated *parking area*.
 - (c) The outdoor display of goods and merchandise will be *permitted* for garden centres, *recreational vehicle* sales establishment and automobile sales establishment, farm implementation dealer, and building supply establishment.
 - (d) The outdoor display area shall be identified on a site plan approved by the Township.

3.31 OUTDOOR COMMERCIAL PATIOS

Notwithstanding any provisions of this By-law, an *outdoor commercial patio* accessory to a *permitted restaurant use* may be *permitted* and shall comply with the following:

- 3.31 (1) The outdoor *patio* shall not provide more than fifty percent (50%) of the seating accommodation *permitted* under the *Liquor License Act* to the *restaurant* or seating accommodation or more than fifty (50) persons.
- 3.31 (2) No outdoor *patio* shall be *permitted* on a *lot* where the *lot* line abuts a Residential *Zone* or residential *use*.
- 3.31 (3) That portion of a *lot* on which the outdoor *patio* is *permitted* shall not be *used* for commercial entertainment or commercial recreation including live or recorded music or dance facilities.
- 3.31 (4) Parking requirements for seating in the outdoor *patio* area shall be satisfied unless a variance has been obtained from the Committee of Adjustment or *alternative* arrangements have been made through the Parking or Cash-in-lieu By-law.
- 3.31 (5) No part of the outdoor *patio* shall be located on a public right-of-way or sidewalk unless the permission of the *Municipality* has been obtained.

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3.32 PROHIBITED USES

Except as specifically permitted in this by-law, the following uses are prohibited:

3.32(1) The keeping or raising of any horse, bull, ox, sheep, goat, pig, or other cattle, or any poultry in any residential zone, or any reptile, or any wild animal including any tamed or domesticated wild animal in any building or structure in any zone unless otherwise stated.

3.32(2) No use shall be permitted within the Municipality which, from its nature or the materials used therein, is declared under the *Public Health Act* or under any regulation thereunder to be a noxious trade, business, or manufacture.

3.32(3) Except as otherwise specifically permitted in this by-law, no land shall be used and no building or structure shall be erected, altered, or used for any purpose which is obnoxious or which creates or is likely to become a nuisance or offensive, or both, to an adjacent property holder or to the general public.

3.32(4) The painting, refinishing, restoration, or repairs to the coachwork of motor vehicles in any residential zone.

3.32(5) Recreational vehicles used as seasonal dwellings on vacant lots are forbidden.

3.33 PUBLIC USES PERMITTED IN ALL ZONES

Notwithstanding anything else in this By-law, a *utility* company, a communication company, the Township or any of its local boards as defined in The *Municipal Act*, any communications or transportation system owned or operated by or for the Township and any agency of the Federal or Provincial Government, including Hydro One, may, for the purposes of the public service, *use* any land or *erect* or *use* any *building* in any *Zone* subject to the *use* or *building* being in compliance with the most restrictive regulations contained in such *Zone* for any *use* and the parking requirements of this By-law, for such *use* and subject to there being no outdoor storage of goods, materials, or equipment in any *yard* within or abutting a Residential *Zone* and any *buildings erected* or *used* in a Residential *Zone* under the provisions of this Section, shall be designed so as not to intrude into the residential character of the area. The Township may require that such *public use buildings* shall be subject to the Site Plan Control By-law and related Agreements. Despite the provisions above, a *public utility* company's *Bulk Fuel Depot* or *Tank Farm* shall only be *permitted* in a Heavy Industrial *Zone*.

3.34 REGULATION FOR CONSOLIDATED LOT DEVELOPMENT

Where two or more abutting *lots* under one identical ownership are consolidated for the purpose of development, the internal *lot* lines of the original *lots* shall not be construed to be *lot* lines for the purposes of any zoning regulations provided that all applicable regulations of this By-law relative to the consolidated *lot* development and its external *lot* lines are complied with.

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3.35 RESIDENCE SURPLUS TO A FARM OPERATION-FLAG LOT

Notwithstanding any other provision or standard contained in this by-law to the contrary, a residential *lot* (*Flag lot*) created as a result of a Consent Application to dispose of a Surplus Residence to Farm Operation may have a minimum frontage of 7.5 m (24.6 feet). Furthermore, the agricultural lands may have a minimum frontage of 20.1 m (66 feet).

3.36 RESTORATION TO A SAFE CONDITION

Nothing in this By-law shall prevent the strengthening or restoration to a safe condition of all or part of any *building* or *structure* provided that such *alteration* or repair will not increase the height, size, or volume or change the *use* of such *building* or *structure*.

3.37 SHIPPING CONTAINERS

Shipping containers shall not be *permitted* in any *Zone*, save and except *Industrial Zones* and in the *Agricultural Zone* for *Agricultural Use* only and must be located within the rear yard and stacked no more than 2 high.

3.38 SIGHT TRIANGLES

Sight triangles shall hereafter be provided on all corner *lots* in accordance with the following provisions:

3.38 (1) No *building*, *structure*, or *use* which would obstruct the vision of drivers of *motor vehicles* on corner *lots* shall be *permitted*;

3.36 (2) No *fence*, wall, tree, hedge, bush, or other vegetation, greater than 0.76 metre (2.5 ft.) above the centre line of the street or road, other than agricultural crops shall be *permitted*;

3.38 (3) No portion of a delivery space, *loading space*, *driveway* or *parking space*, berm, or other ground surface which exceeds the elevation of the street by more than 0.6 metres (1.97 ft) shall be *permitted*.

3.38 (4) For the purposes of this By-law, a minimum dimension of 10 metres (32.8 ft.) along both *lot* lines shall be provided in all Commercial and Industrial *Zones*; and 6 metres (19.7 ft.) along both *lot* lines in all other *Zones*.

3.38 (5) Despite these provisions, sight triangle requirements of the Ontario Ministry of Transportation and the Roads Department of the United Counties of Stormont, Dundas, and Glengarry shall also be satisfied.

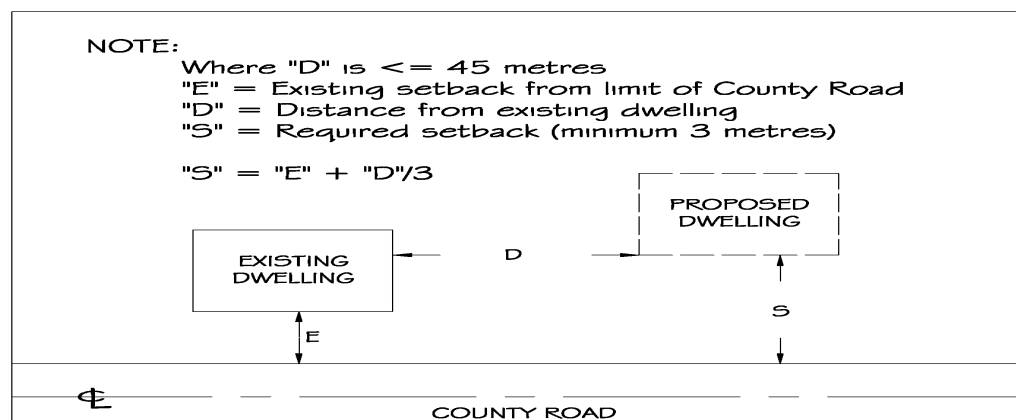
3.39 SPECIAL SETBACKS

3.39 (1) PROVINCIAL, COUNTY AND MUNICIPAL ROADS

(a) The *setback* for all *lots* abutting a Provincial Highway shall be in accordance with standards set by the Ontario Ministry of Transportation (MTO).

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- (b) The *setback* for all *lots* abutting a County Road shall be 30 metres (98.4 ft.) from the centre line of the road.
- (c) Where the proposed *building* is to be built within 45 metres (147.6 ft) of only one *existing building*, the *setback* line may be adjusted. The adjusted *setback* shall be no less than the *setback* of the *existing building*, plus an additional distance equal to one third the clear distance between the *existing building* and the proposed *building* location. In no case shall the *setback* line be less than 3 metres (9.8 ft.) from the nearest limit of the County Road or refer to By-law No. 3848 of the United Counties of Stormont, Dundas, and Glengarry.



- (d) The *setback* for all *lots* abutting a Municipal Road shall be 10 metres (32.8 ft.) from the centre line of the road in addition to the applicable front *yard setback*.

3.39 (2) RAIL LINE

No *dwelling* shall be *erected* closer than 30 metres (98.4 ft.) from the property boundary of an *existing* or proposed rail line.

3.39 (3) WASTE DISPOSAL SITE AND SEPTAGE DISPOSAL SITE

- (a) All lands within 500 metres (1,640.4 ft.) of an active or closed *Waste Disposal Site* in the "Waste Disposal (WD) Zones" are within a Holding *Zone* to allow *existing uses* and to prohibit all new *uses* of land, *buildings*, and *structures*. The Holding *Zone* may be lifted by the Township when an assessment of the potential impacts of methane gas migration, noise, odour, dust, or other nuisance factors, potential traffic impact, ground and surface water and soil contamination by leachate, and impact of proposed development/site *alteration* on leachate migration, has been prepared by the owner to the satisfaction of the Township and the County.

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- (b) No *buildings* or *structures* shall be *permitted* within a distance of 200 metres (656.2 ft.) of the (licensed) fill area of an active waste management facility other than *uses permitted* in the Waste Disposal Zone.
- (c) No *Waste Disposal Site* shall be *permitted* within a distance of 30 metres (98.4 ft.) from a *water body* or a watercourse and no waste management facility shall be *permitted* on land covered with water or in any area within the 1:100 Year Flood “Natural Hazard” as established by the Conservation Authority with jurisdiction over the subject area.
- (d) No *main building* containing a *sensitive land use* or associated well shall be constructed within 200 metres (656.2 ft.) of the property boundary or boundary of any land *zoned* or proposed for a *septage* disposal site, *transfer station*, waste stabilization pond, or wastewater treatment plant or vice versa.
- (e) No *septage* disposal site, *transfer station*, waste stabilization pond, or wastewater treatment plant shall be constructed closer than 200 metres (656.2 ft.) from a *water body* or *water course* or 30 metres (98.4 ft.) of any road allowance.

3.39 (4) PITS AND QUARRIES

- (a) The minimum *setback* distances for pits and quarries from property lines shall be as set out in the *Aggregate Resources Act*.
- (b) The minimum *setback* distances as measured from the Extractive Resource Designation of the County *Official Plan* shall be 300 metres (984.3 ft.) from a Licensed *Quarry* Boundary or 150 metres (492.1 ft.) from a Licensed *Pit* Boundary to a *Dwelling*.
- (c) A *pit* or *quarry* or wayside *pit* or wayside *quarry* shall be set back a minimum of 30 metres (98.4 ft.) from the high water mark of a *water body* or a distance prescribed or required by regulation or condition(s) of the license under the *Aggregate Resources Act*.

3.39 (6) INDUSTRIAL USES

- (a) The minimum separation distance from a *sensitive land use* to a *Class I Industry* shall be twenty metres (20 m [65.6 ft.]) measured from an industrial *use* to a *sensitive land use*.
- (b) The minimum separation distance from a *sensitive land use* to a *Class II Industry* shall be seventy metres (70 m [230 ft.]) measured from an industrial *use* to a *sensitive land use*.

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- (c) The minimum separation distance from a *sensitive land use* to a *Class III Industry* shall be three hundred metres (300 m [984.3 ft.]) measured from an industrial use to a *sensitive land use*.

3.39 (7) WATERCOURSES

- (a) All water bodies (e.g. lakes, rivers, streams, *Municipal Drains*, and *wetlands*) are considered as areas of direct or indirect *fish habitat*. It is a policy to protect areas of *fish habitat* for their values in compliance with the federal *Fisheries Act*.
- (b) Development and site *alteration* shall not be *permitted* in *fish habitat* except in accordance with Provincial and Federal requirements.
- (c) Development and site *alteration* shall not be *permitted* within 30 metres of an area identified as *fish habitat* unless the ecological function of the area has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions, to the satisfaction of the *Municipality* and the Conservation Authority. No new development or site *alteration* shall be *permitted* within fifteen metres (15 m [48.75 ft.]) of *fish habitat*.
- (d) In addition to clause (c) development less than 30 metres from the *top of bank* of all watercourses, excluding *Municipal Drains*, may require a geotechnical investigation prepared by a qualified professional to ensure an erosion hazard can be safely over come. The minimum set back will be fifteen metres (15 m [48.75 ft.]).
- (e) Compliance with this by-law shall not exempt the requirement of approval from the applicable Conservation Authority and/or approval authority.
- (f) The Township may enter into a Site Plan Agreement with respect to development on *lots* with *water frontage* which may include measures to protect shore land vegetation, areas subject to erosion, marshy areas, and fish spawning areas or *wildlife habitat* or for other similar planning matters.
- (g) Notwithstanding any other provision of this By-law to the contrary, a *boat house*, boat launch or ramp boat port, float plane hangar, dock, or wharf may be located in the front *yard*, side *yard*, or rear *yard*, where such *yard* abuts a navigable waterway, provided that the approval of any governmental authority having jurisdiction has been obtained and provided that the *boat house*, boat port, float plane hangar, dock, or wharf is located not closer than four metres (4 m [13 ft.]) to the nearest adjacent *lot* line and does not encroach on the adjacent frontage when the *lot* boundaries are extended into the water. The projection of *lot* boundaries onto water shall be made perpendicular to the *shoreline* at the point of intersection. A

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- maximum of one single bay boathouse per lot of record is permitted. A boat house shall not be built to include a guest cabin, sauna, water closet, or cooking facility. An accessory boathouse may not exceed four metres (4 m [13.08 ft.]) in height measured from the surface of the water and a maximum length of seven and one half metres (7.5 m [25ft]) beyond the shoreline, and may not exceed 10% of the gross ground floor area of the principal residential use or 55 m², whichever is smallest. Any dock or wharf must not extend more than five metres (5m [16.25 ft]) beyond the high water mark, and the maximum width must not exceed one and one half metres (1.5 m [4.875 ft]) Environmentally friendly designs for *shoreline structures* which enhance or contribute to the natural shoreline and *fish habitat* would be encouraged (i.e. cantilever designs, *boat houses* on posts, floating, or removable *structures*).
- (h) An accessory private boat launching ramp, boat dock, or boat slip, or *boat house* or similar *structure* may be located on a *lot* that is separate from the *lot* where the related primary use is located, provided that there is no primary *detached dwelling* on the separate *lot* and the owner has entered into a Site Plan Agreement with the Township.
- (i) Enlargement of the waterfront *lot* through the dumping of fill shall only be *permitted* subject to the requirements of the Conservation Authority, Ontario Ministry of Natural Resources, Federal Department of Fisheries and Oceans, or other *Public Authority* having jurisdiction in the area.

3.39 (9) HYDRO ELECTRIC POWER TRANSMISSION CORRIDORS

No *main building* containing a *sensitive land use* shall be constructed within thirty metres (30m [98.4 ft.]) of the right-of-way limit of a power transmission corridor carrying a two hundred fifty kilovolt (250 KV) line or greater.

3.39 (10) OIL OR NATURAL GAS PIPELINES

A minimum ten metre (10 m [32.8 ft.]) *setback* shall be provided for all permanent *structures* and excavations from the limits of an oil or natural gas pipeline right-of-way.

3.39 (11) ORGANIC SOILS

Despite any other provision of this By-law, no *building* or *structure* shall be constructed, *erected*, *altered*, or *used* on land which is located or may be located on *organic soils*, which are identified on the approved Township of South Glengarry Schedule of the *Official Plan* and in the *Soil Survey of Glengarry County (1957)* by Richards and Wicklund, unless the proponent or applicant for development can demonstrate conclusively using scientific approaches that the physical constraint can be mitigated or overcome and that the requirements of the *Ontario Building Code Act*, R.S.O. 1992, c.23 with respect to construction and the requirements of the *Ontario Water Resources Act*, R.S.O. 1990, c. O. 40

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and the *Environmental Protection Act*, R.S.O. 1990, c. E.14 with respect to the installation of an individual on-site sewage and water treatment can be met.

3.39 (12) WETLANDS

Development or site *alteration* within 120 metres of a PSW *Zone* will be subject to studies as identified within the County Official Plan. If it can be demonstrated that there will be no negative impacts on the wetland's natural features, ecological, and hydrologic functions, to the satisfaction of the *Municipality* and the Conservation Authority development or site alteration can occur no less than thirty metres (30 m [98.4 ft.]) of the wetland boundary.

3.40 TEMPORARY GARAGE STRUCTURES

Notwithstanding anything else in this By-law, a Temporary Garage *structure*, commonly known as a tempo garage, or similar *structure* shall be *permitted* between November 1st and April 30th in any year. The frame *structure* associated with the Temporary Garage may be *permitted* to be *erected* all year; however, the cover must be completely removed during the specified period. Such temporary garage *structures* shall be in compliance with setbacks for *accessory* structures. The location of the Temporary Garage Structures shall be in compliance with the setbacks for *accessory structures* however, the temporary garage *structures* shall be in compliance with the front yard setback of the zone in which it is located.

3.41 TEMPORARY USES

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

3.41 (1) A construction camp, construction *trailer*, work camp, tool shed, scaffold, or other temporary *building* incidental to and *accessory* for construction work on the *premises*, but only for so long as may be reasonably necessary to complete such construction;

3.41 (2) A temporary sales *office* in a residential Subdivision incidental to the sale of houses shall comply with all regulations for any *dwelling* type required by the *Zone* in which it is located provided a Site Plan has been submitted and approved by the Township; and,

3.41 (3) The retailing of flowers over a maximum period of two (2) consecutive days, seasonal garden centres, a carnival, and retailing of Christmas trees in a Commercial *Zone* subject to the applicable retail regulations of the *Zone* in which it is located.

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3.42 THROUGH LOTS

Where a *lot* which is not a corner *lot* has frontage on more than one street such *lot* shall have a front *yard* on each street in accordance with the provisions of the *Zone* or *Zones* in which each front *yard* is located.

3.43 TRAILERS AND MOBILE HOMES

Notwithstanding any other provision of this By-law to the contrary, *trailers* and mobile home units shall not be *used* as *accessory dwellings*, save and except a mobile home for *use* as a *garden suite permitted* by this By-law.

3.44 WAYSIDE PITS AND QUARRIES

Wayside pits and quarries may be established in the Rural, Agricultural, and the Extractive Industrial (MX) *Zone* provided that:

- (a) the *wayside pit or quarry* is opened and operated by the Ministry of Transportation or the County or their agents, for the purposes of a specific public road project;
- (b) any portable crusher or asphalt plant is approved and governed by any applicable regulations of the Ministry of Environment and Energy, the Ministry of Natural Resources, and a Certificate of Approval for a portable hot mix asphalt plant has been obtained; and
- (c) an Agreement is signed with the County that the *wayside pit or quarry* shall be rehabilitated upon completion of the public project.

3.45 YARD ENCROACHMENTS

No part of any required *yard* shall be obstructed with any *structure* except as follows:

3.45 (1) The usual projections of window sills, bay windows, chimney breasts, belt courses, cornices, eaves, parapets, pilasters, gutters, troughs, and other similar ornamental or architectural features may be *permitted* to project not more than six-tenths of one metre (0.6 m [1.97 ft.]) into any required *yard*.

3.45 (2) An exterior staircase may encroach into a required side or rear *yard* to a maximum of one metre (1 m [3.28 ft.]).

3.45 (3) An unenclosed porch, and accessibility ramp and covered or uncovered steps. *Decks* including the stairs that access the *deck* from finished *grade* are *permitted* on any *lot* where residential *uses* are *permitted*, provided:

- (a) The maximum height of the *deck* from finished *grade* is one and two-tenths metres (1.2 m [3.94 ft.]);
- (b) The *deck* is located no closer than three metres (3 m [9.84 ft.]) from the rear *lot* line;

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- (c) The *deck* is located no closer than six-tenths of one metre (0.6 m [1.97 ft.]) from the interior side *lot* line;
- (d) In addition to the above, *decks* are also *permitted* in any *Zone* where non-residential *uses* are *permitted*, provided no part of the *deck* is located in a required *yard*, *parking space*, aisle, or sight triangle.

3.45 (4) Canopies and awnings may project into any required side *yard* to a maximum of one-and-two-tenths metre (1.2 m [3.94 ft.]) but must retain a *setback* of not less than six-tenths of one metre (0.6 m [1.97 ft.]) from any *lot* line.

3.45 (5) Entry, Paths, and Landings may project into any front, rear, or exterior side *yard* but not into a *sight triangle*.

3.45 (6) Balconies may project into any required *yard* but not more than one metre (1 m [3.28 ft.]).

3.45 (7) Awnings, flagpoles, lighting fixtures and lampposts, garden trellises, *fences* are *permitted* as constructed and located in accordance with the Fence By-law requirements. Fountains, statues, monuments, recreational equipment that is *accessory* to the main *use* and similar accessories shall be *permitted* in any required *yard*, subject to meeting all other applicable provisions of this By-law.

3.43 (8) A gate house or guard house shall be *permitted* in a front *yard* or exterior side *yard* in an Industrial or Commercial *Zone*, or if required in an apartment *dwelling* complex or gated Community.

3.45 (9) If a residence is located on a rural bus route a partially enclosed shelter for use by children waiting for a *school* bus shall be *permitted* in a required front *yard*.

3.45 (10) *Retaining walls* shall be *permitted* in any required *yard* provided a *setback* of one metre (1 m [3.28 ft.]) from all *lot* lines is maintained.

3.45 (11) Trees, shrubs, planters, and walkways and similar landscaping features shall be *permitted* in any required *yard*.

3.45 (12) A farm produce outlet having a gross *floor area* of less than ten square metres (10 m² [108 ft²]) may be *permitted* in a required front *yard* or a side *yard* abutting a public road.

3.45 (13) A gazebo shall not be *permitted* in a required front *yard* or side *yard*, but shall be *permitted* in a required rear *yard*.

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3.45 (14) Satellite dishes shall be *permitted* to project 1.5 metres (0.5 m [1.64 ft.]) into any required rear or side *yard*.

PART 4 – PARKING AND LOADING PROVISIONS

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4.1 In any *Zone*, the owner of any *lot, building, or structure erected, altered, enlarged, or changed in use* after the passing of this By-law, shall provide off-street parking *accessory* to a principal *use* in accordance with the following provisions:

USES	MINIMUM NUMBER OF REQUIRED PARKING SPACES
Residential: Single detached, Semi-detached or duplex, Converted dwelling, Street townhouse (freehold)	2 spaces per dwelling unit which may include 1 space in a garage or carport and 1 space in front of the garage or carport
Triplex, fourplex, Apartment dwellings Townhouse condominium project	1.5 spaces per dwelling unit, 15% of which will be clearly marked and reserved for visitor parking
Garden Suite, in-law suite, or accessory apartment	1 space per unit
Group home	1 for each non-resident staff plus 3
Other uses: Motor vehicle body shop, motor vehicle repair shop, motor vehicle service station, motor vehicle gas bar	2 spaces per service bay plus 1 space per employee; minimum 3 spaces
Arena, assembly hall, private clubs, auditorium, halls, stadium, theatre, place of worship, and other similar places of assembly	1 space for every 4 seats, fixed or otherwise; or where there are no fixed seats, 1 space for every 10 m ² (107.6 ft ²) of assembly space
Automotive sales establishment, Recreational vehicle sales and repair, Farm Implement sales and repair	1 space for every 32 m ² (344.4 ft ²) of gross sales and display floor area. The provision of parking for the storage of new and used vehicles, boats, trailers, and farm equipment for sale, lease, or service shall not be included as satisfying the provisions of this clause.
Automobile washing establishment	3 spaces minimum plus 2 stacking spaces per bay for manual wash or 10 stacking spaces for an automated motor vehicle wash
Bed and Breakfast establishments	1 space for each guest unit in addition to the required residential parking spaces
Boarding or Rooming house	1 space for each guest unit in addition to the required residential parking spaces
Building supply store, Lumber Yard, Garden centre, Nursery farm, Produce outlet, commercial greenhouse	1 space for each 20 m ² (215.2 ft ²) of gross floor area and 1 space for each 35 m ² (376.2 ft ²) of open storage.

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USES	MINIMUM NUMBER OF REQUIRED PARKING SPACES
Clinic, Medical, Dental or Veterinary Clinic	6 spaces for first practitioner and 5 spaces for each additional practitioner
Bowling alley, Curling rink	2 spaces per bowling lane or curling sheet, plus 1 parking space per 6 seats design capacity
Day nursery (licensed)	1 space per employee plus 1 space per 5 children
Farmer's Market, Flea Market	2 spaces per individual vendor table or booth
Furniture, Appliance, Carpet stores, and similar commercial uses requiring large display areas, Wholesale Outlet	2 spaces per 100 m ² (1076.4 ft ²) of gross floor area or fraction thereof, with a minimum of 8 spaces
General business, retail store, convenience store, grocery store, commercial and personal service establishments, bank, office, public building, meeting rooms, profession office, funeral parlour, building supply, or home improvement outlets	1 space per 20 m ² (215.2 ft ²) of gross floor area with a minimum of 3 spaces
Golf course	4 spaces per hole with a minimum of 50
Home Occupation or Rural Home Business	1 space for each non-resident employee, plus the required number of spaces for a residential dwelling
Home for the Aged	0.75 spaces for each person accommodated
Hotel, Motel	1 space per guest room plus 1 space for each 10m ² (107.6 ft ²) of floor area used for assembly, restaurants, or dispensing of food or drink
Hospitals, Nursing homes, long term care facilities	1 space for each 5 patient beds plus 1 space for each 3 employees
Industrial uses, Warehouse, Bulk storage, Bakery, Dairy, Dry cleaning plant	1 space for each 95 m ² (1022.6 ft ²) of gross floor area plus 1 space for each 3 employees per shift.
Physician, dentist or other professional person, who has established an office for consultation or emergency treatment in their private residence	3 spaces in addition to the parking spaces required for a dwelling unit

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USES	MINIMUM NUMBER OF REQUIRED PARKING SPACES
Restaurant, tavern, beverage room	The greater of 1 space for each 10 m ² (107.6 ft ²) of gross floor area or 1 space for each 4 persons of design capacity of eating area or beverage room
Schools: Elementary	1.5 spaces per teaching classroom plus 1 space per each 4 m ² (43.1 ft ²) of floor area in the gymnasium, auditorium or assembly area
Schools: Secondary, Vocational, Technical, Training, or College	4 spaces per teaching class plus 3 spaces for each 4 m ² (43.1 ft ²) of floor area in the gymnasium, auditorium, or assembly area
Shopping Centre	5.5 spaces per 100 m ² (1076.4 ft ²) of gross leasable floor space
All other uses not listed above	1 space for each 25m ² (269.1 ft ²) gross floor area

4.2 The parking ratios provided in Subsection (1) shall not be varied except where a Minor Variance has been granted by the Committee of Adjustment or through a Cash-In-Lieu of Parking Agreement prepared and executed pursuant to Section 40 of the *Planning Act*, R.S.O. 1990, c. P.13 as amended.

4.3 Designated *parking spaces* for disabled persons shall be provided in accordance with the provisions of this By-law and the *Highway Traffic Act*. Parking for disabled persons shall be provided in accordance with the following provisions:

4.3 (1) The minimum parking requirements for disabled persons shall be provided as follows:

No. of Required Parking Spaces	No. of Designated Spaces
1 to 9	No minimum, but minimum of 1 space for institutional, public authority uses, medical clinics, or medical offices
10 to 19	Minimum of 1 space
20-49	Minimum of 2 spaces
50-99	Minimum of 3 spaces
100-199	Minimum of 4 spaces
200-399	Minimum of 5 spaces
400+	Minimum of 6 spaces

4.3 (2) Medical *Office* and *Institutional uses* shall provide a minimum of one disabled *parking space* or greater as required by Clause (a) but, where outpatient

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services are provided, disabled parking shall be at the minimum rate of ten percent (10%) of overall required parking.

4.3 (3) The total number of *parking spaces* for the disabled shall be included within the parking requirements of the *permitted use*, as part of overall parking requirement total.

Each off-street *parking space* for the disabled shall be a minimum of six metres (6 m [19.7 ft.]) long, three and seven-tenths metres (3.7 m [12.14 ft.]) wide and have a vertical clearance of three metres (3 m [9.84 ft.]).

4.3 (5) *Parking spaces* for disabled persons shall be located in proximity to the primary entrance(s) to a *building* together with a pedestrian access or sidewalk along the façade of the *building* sufficiently wide so that a minimum one and one-half metres (1.5 m [4.92 ft.]) is maintained between the *building* face and the adjacent vehicles. In addition such *parking spaces* shall be hard surfaced, level, placed so as to be accessible to physically disabled persons whether via ramps, depressed curbs, or other appropriate means, and so placed as to permit easy access by such persons to or from a *motor vehicle* parked therein, and identified by authorized signs as per municipal By-laws and Provincial legislation.

4.4 Required parking in a Residential Zone shall be provided on the same *lot* as the *dwelling* unit. Parking may be *permitted* off the site only if specified in the individual zoning district. Further, where required parking is not provided on the same *lot*, the *lot* or part of the *lot* where the parking is located shall be in the same ownership or be *leased* by a ten (10) year agreement, with a renewable clause, and the *parking spaces* shall be retained for the duration of the *use*.

4.5 Unless otherwise *permitted* in this By-law, where two or more *uses* are *permitted* in any one *building* or on any one *lot*, then the off-street parking requirements for each *use* shall be calculated as if each *use* is a separate *use*, and the total number of off street *parking spaces* as calculated shall be provided. In the case of a multi-use *building* or multi-use *building* complex where parking is provided in common *parking areas*, an application may be made to the Committee of Adjustment for reduction of the total parking requirement, where it can be demonstrated through suitable analysis that the *parking area* will be used at different times and no conflicting parking demand would result.

4.6 The *parking space* requirements 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. If an addition is made to the *building* or *structure* which increases the gross *floor area*, then *parking spaces* for the additions shall be provided for on the same *lot*.

PART 4 – PARKING AND LOADING PROVISIONS

4.7 The Minimum Parking Requirements for Non-Residential *uses* required herein may be reduced or waived provided the owner enters into an Agreement with the Township under Section 40 of the *Planning Act, R.S.O. 1990* and provided it can be demonstrated that it is not feasible to provide all the parking on the site.

4.8 Each *parking space* shall maintain a minimum size and area as indicated herein:

Parking Space Type	Minimum Width	Minimum Length
Standard 90°	2.75 metres	5.5 metres
Angled – measured at right angles to lines	2.75 metres	5.75 metres
Parallel	2.75 metres	6.7 metres
Barrier-free	3.7 metres	6.0 metres

4.9 Where barrier-free access to a *building* is required under the *Building Code*, one barrier-free *parking space* shall be provided for every fifty (50) standard *parking spaces* or part thereof and shall be included in the total number of *parking spaces* required under the table of Minimum Parking Requirements and shall be located towards the edge of the *parking area* closest to the *building* or entry to the *building*.

4.10 PARKING SPACES FOR SINGLE DETACHED, SEMI-DETACHED, AND DUPLEX DWELLINGS IN RESIDENTIAL ZONES; SUPPLEMENTARY REGULATIONS

4.10 (1) The *driveway* and *parking space* shall be constructed of crushed stone or gravel, asphalt paving, concrete, pavers stones, or similar materials and shall be maintained and treated so as to reduce dust, scattering of stones, and similar potentially undesirable effects on adjoining properties.

4.10 (2) No more than fifty percent (50%) of the area of any required front *yard* shall be *used* or constructed as a *driveway* or *parking space* and the remainder of the area shall be landscaped.

4.10 (3) No more than fifty percent (50%) of the *lot frontage* as defined by this By-law shall be *used* or constructed as a *driveway* or *parking space*.

4.10 (4) Except as provided herein, no vehicles shall be parked or stored in conjunction with a residential use unless the vehicle is located within a garage, carport, driveway, designated parking area, or on a street as may be permitted by Municipal by-law.

4.10 (5) No parking space for a residential use shall be used for the outdoor parking or storage or a motor vehicle unless such vehicle is used in operations

PART 4 – PARKING AND LOADING PROVISIONS

incidental to the residential use of the lot on which it is parked or stored, and bears a motor vehicle license plate and sticker which is currently valid.

4.10 (6) Residential garages shall not exceed 100 m² (1076 square feet) in gross floor area.

4.11 PARKING AREA FOR MORE THAN FOUR VEHICLES; SUPPLEMENTARY REGULATIONS

4.11 (1) The *parking area* shall be constructed of crushed stone, asphalt paving, concrete, pavers stones, or similar materials and shall be maintained and treated so as to reduce dust, scattering of stones, and similar undesirable effects on adjoining properties and shall incorporate drainage facilities that comply with the requirements of the Township.

4.11 (2) Notwithstanding Subsection (1), if a *parking area* is located within an Urban Settlement area as defined in the County *Official Plan*, the *parking area* shall be paved with concrete, asphalt, or pavers stones, or other hard surfaces.

4.11 (3) Ingress and egress directly to and from every *parking space* shall be by means of a driveway, *lane*, or manoeuvring aisle having the following width requirements:

Angle of Parking	Minimum Aisle Width
0° to 55°	4 metres
56° to 75°	5.8 metres
90°	6 metres

4.11 (4) A *driveway* or *lane* which does not provide ingress and egress directly to a *parking space* shall have a minimum width of 3 metres (9.84 ft.) where designed for one-way vehicular traffic and 6 metres (19.7 ft.) where designed for two-way vehicular circulation.

4.11 (5) No part of any *parking space* shall be closer than 1.5 metres (4.9 ft) along a *lot* line abutting the street/road in Commercial and Industrial Zones.

4.11 (6) A *structure*, not more than 2.5 metres (8.2 ft.) in height and not more than five square metres (5.0 m² [53.8 ft²]) in area may be *erected* in the *parking area* for the use of attendants in the area.

4.11 (7) The *Parking area* shall be included on any Site Plans submitted with an Application.

4.11 (8) No more than fifty percent (50%) of the *lot frontage* as defined by this By-law shall be *used* or constructed as a *driveway* or *parking space*.

PART 4 – PARKING AND LOADING PROVISIONS

4.12 BUFFERING

4.12 (1) Where, in a *yard* in any *Zone*, a required *parking area* providing more than four (4) *parking spaces* in a Commercial, Industrial or Institutional *Zone* abuts a Residential *use, lot* or *Zone*, then a continuous strip of *landscaped open space* a minimum width of 3 metres (9.84 ft.) shall be provided along the abutting *lot* line.

4.12 (2) Where, in any *yard* in any *Zone*, a required *parking area* providing more than four (4) *parking spaces* abuts a street, then a strip of *landscaped open space* a minimum width of 3 metres (9.84 ft.) with, including a privacy *fence*, shall be provided along the *lot* line abutting the street and the landscaped strip shall be continuous except for aisles, *driveways*, and pedestrian areas required for access to the *parking area*.

4.12 (3) Where a *parking area* providing more than four (4) *parking spaces* is located within or abuts a Residential *Zone* or *use*, a *fence* of at least 2 metres (6.56 ft.) in height shall be *erected* and maintained on the mutual *lot* line.

4.13 ADDITIONAL REQUIREMENTS FOR INGRESS AND EGRESS

4.13 (1) The maximum width of any joint ingress and egress *driveway* ramp, measured along the *street line*, shall be 9 metres (29.5 ft.), excluding curb ramps.

4.13 (2) The minimum distance between a *driveway* and an intersection of *street lines*, measured along the *street line* intersected by such a *driveway*, shall be 7 metres (22.9 ft.), except for *motor vehicle* service stations, *motor vehicle* gas bars, and retail propane/compressed natural gas transfer facilities where the minimum shall be 4.5 metres (14.8 ft.).

4.13 (3) Access to parking areas for commercial or industrial uses shall not pass through any residential zone.

4.14 COMMERCIAL VEHICLE PARKING

No commercial vehicle (other than a school bus) having a five thousand kilogram (5,000 kg) registered gross vehicle weight shall be parked in an Urban Residential *Zone* unless such a vehicle is solely used in the conduct of delivery, pick-up, or service call activities. No *person* shall park more than one commercial licensed *motor vehicle* on any *lot* in any Residential *Zone*.

4.15 Notwithstanding any provisions of this By-law to the contrary, a minimum of eight (8) queuing spaces shall be provided for any drive-through facility, with the exception of those queuing requirements required for Automotive Land *Uses*.

LOADING

4.16 SHIPPING AND LOADING REQUIREMENTS

PART 4 – PARKING AND LOADING PROVISIONS

4.16 (1) No *person* shall, in any *Zone*, *erect* or *use* any *permitted building* or *structure* for *manufacturing*, storage, warehouse, department store, *retail store*, wholesale store, market, freight or passenger terminal, *hotel*, *hospital*, mortuary, or other *permitted uses* similarly involving the frequent shipping, loading, or unloading of persons, animals or goods (except agricultural *uses*), unless there is maintained on the same site with every such *structure* or *use*, off-street space for standing, loading, and unloading.

4.16 (2) The off-street *loading space* shall be entirely contained on the site it serves and no part of any adjacent street or *lane* shall be used for off-street loading and unloading purposes.

4.17 DIMENSIONS OF LOADING SPACES

Every required *loading space* shall have minimum rectangular dimensions of three and one-half metres (3.5 m [11.5 ft.]) by nine metres (9 m [29.5 ft.]) with a minimum height clearance of four metres (4 m [13.1 ft.]). A required *loading space* in any Industrial *Zone* shall have a minimum length of fifteen metres (15 m [49.2 ft.]) in addition to the standard width and height requirements.

4.18 MINIMUM NUMBER OF LOADING SPACES

The requirement for number of *loading spaces* shall be in accordance with the following table:

Land Use	Gross Floor Area	Loading Spaces Required.
Commercial and Institutional	0 – 200 m ²	0
	200 – 500 m ²	1
	Above 500 m ²	1, plus 1 for each additional 1,000 m ² of gross floor area or part thereof
Industrial	0 – 400 m ²	2
	400 – 2,000 m ²	3
	Above 2,000 m ²	4

4.19 LOCATION

The loading area shall not be visible from a street unless it is a local industrial street. The *loading space* required shall be located in the interior side *yard* or rear *yard* and shall not be in a front *yard*. *Screening* and buffering shall be used in areas with surrounding Residential *Zones* or *uses*. A Site Plan shall be completed showing the location of such *screening* and the location of *loading spaces*.

4.20 LOADING BAY

The required *loading spaces* shall be a part of a loading bay.

PART 4 – PARKING AND LOADING PROVISIONS

4.21 SURFACING

4.21 (1) The *loading space* and approaches shall be surfaced with concrete, asphalt, crushed stone, or gravel. *Driveways* and aisles shall be surfaced with asphalt or concrete.

4.21 (2) Notwithstanding Subsection (1), where a loading area is located within an Urban Settlement area as defined in the County *Official Plan*, the loading area shall be paved with concrete, asphalt, or pavers stones, or other hard surfaces.

4.22 No *loading spaces* required by this By-law shall be *used* for *open storage* purposes.

4.23 The Applicant on a Site Plan Application that all *loading spaces* are accessible and that trucks or commercial vehicles can meet Standard Turning radii on the site.

PART 5 – ZONES, ZONE SYMBOLS, AND HOLDING (H) SYMBOL

PART 5 ZONES, ZONE SYMBOLS, AND HOLDING (H) SYMBOL

5.1 SCHEDULE OF ZONES AND SYMBOLS

For the purposes of this By-law, South Glengarry Township is divided into the following *Zones* as named and described in the following sections, the boundaries of which are shown on Schedule "A" which is attached and forms part of this By-law.

Residential Zones

Residential 1-Low Density.....	R1
Residential 2-Low Density 2	R2
Residential 3-Medium Density.....	R3
Residential 4-High Density.....	R4
Limited Services Residential.....	LSR

Commercial Zones

Core Commercial.....	CC
General Commercial	CG
Hamlet Commercial.....	C1
Highway Commercial.....	CH

Industrial Zones

Light Industrial.....	ML
Heavy Industrial.....	MH
Rural Industrial.....	MR
Airport Industrial.....	MA
Salvage Yard	SY

Institutional Zone.....

IN

Rural Zones

Agricultural.....	AG
Rural.....	RU
Estate Residential.....	ER

Extractive Zones

Extractive Reserve.....	MXR
Extractive Pit.....	MXP
Extractive Quarry.....	MXQ

Waste Disposal Zone.....

WD

Environmental Protection Zones

Natural Hazard.....	NZ
Flood Plain	FP
Natural Conservation.....	NC

PART 5 – ZONES, ZONE SYMBOLS, AND HOLDING (H) SYMBOL

Provincially Significant Wetland..... PSW

Open Space Zone.....OS

5.2 HOLDING (H) SYMBOLS

Any parcel or area of land in any *Zone* of this By-law may be further classified as a holding *Zone* with the applicable *Zone* symbol preceding the “H” symbol. The intent is to signify *Council’s* approval in principle to future development of the land for the purposes indicated by the symbol. The holding classification added to a given *Zone* shall restrict development of the land until such time as the demand for the development of the land is sufficient to warrant immediate development. The “H” symbol may be used for other purposes where holding measures to prevent or defer future development are deemed to be appropriate by the Municipal *Council*.

Where a holding *Zone* applies, no lands shall be *used* and no *buildings* or *structures* shall be *erected* or *used* for any purpose other than *uses existing* on the date of passing of this By-law and this may include *erecting* any new *accessory buildings* or *structures* for *existing uses* or additions not exceeding 25% of the *floor area* of the *existing main building*. “H” symbols may be removed from all or part of a *lot* to which the “H” symbol applies. Notice to remove an “H” symbol shall be in accordance with Regulation 199/96 of the *Planning Act*.

Where a holding *Zone* applies within a Flood Plain *Zone*, the “H” symbol may be removed from all or part of a lot to which the “H” symbol applies upon recommendation from the Raisin Region Conservation Authority. This may require studies such as a geotechnical investigation or an environmental impact assessment or study, etc.

There may be some parcels of property within the flood plain holding zone that will be undevelopable.

PART 6 –RESIDENTIAL ZONES

PART 6 RESIDENTIAL ZONES

6.1 PERMITTED USES IN RESIDENTIAL ZONES

No *building* or land within an R1, R2, R3, or R4 *Zone* shall hereafter be *used* for any purpose except for one or more of the following *permitted uses*:

USES	ZONES				
	R1	R2	R3	R4	LSR
Single detached dwelling	✓	✓	✓		✓
Accessory Apartment (subject to a site specific Zoning By-Law Amendment or a Minor Variance)					
Semi- detached dwelling		✓	✓		
Duplex dwelling		✓	✓		
Link dwelling		✓	✓		
Converted dwelling up to 2 units		✓			
Boarding or Rooming house as accessory use (up to 5 units)		✓	✓		
Townhouses (group or street)			✓	✓	
Triplex			✓	✓	
Fourplex			✓	✓	
Converted dwellings up to 4 dwelling units			✓	✓	
Rooming or Boarding house (as principal use of land)				✓	
Retirement Homes			✓	✓	
Apartment Building				✓	
Home occupation	✓	✓	✓	✓	
Group Home Type 1	✓	✓	✓	✓	
Home Day Care (up to 5 children)	✓	✓	✓		
Bed and Breakfast (3 bedrooms + principal dwelling)	✓	✓	✓	✓	
Garden Suite	✓	✓	✓	✓	
Public Uses (See General Provisions)	✓	✓	✓	✓	
Places of worship not including cemeteries	✓	✓	✓	✓	
Accessory uses (subject to General Provisions)	✓	✓	✓	✓	
Day Nursery – Licensed				✓	
Day Nursery – Private	✓	✓			
Mobile Homes					

PART 6 –RESIDENTIAL ZONES

6.2 STANDARDS IN RESIDENTIAL ZONES

No person shall hereafter *erect, alter, enlarge, or use* any building or structure in a R1, R2, R3, R4, LSR Zone except in accordance with the following standards:

STANDARDS	ZONES				
	R1	R2	R3	R4	LSR
LOT AREA (Minimum)					
Single Detached Dwelling					
Full Municipal Services	450 m ²	450 m ²	450 m ²		
Partial Services-Sanitary Sewer	930 m ²	930 m ²	930 m ²		
Partial Services-Water	1860 m ²	1860 m ²	1860 m ²		
Private Services	4000 m ²	4000 m ²	4000 m ²		4000 m ²
Semi-detached or Link Dwelling					
Full Municipal Services		270 m ² /DU	270 m ² /DU		
Partial Services-Sanitary Sewer		930 m ² /DU	930 m ² /DU		
Partial Services-Water		1860 m ² /DU	1860 m ² /DU		
Private Services		4000 m ² /DU	4000 m ² /DU		
Duplex Dwelling					
Full Municipal Services		540 m ²	540 m ²		
Partial Services-Sanitary Sewer		930 m ²	930 m ²		
Partial Services-Water		1860 m ²	1860 m ²		
Private Services		4000 m ²	4000 m ²		
Boarding or Rooming House					
Full Municipal Services		540 m ²	540 m ²		
Partial Services-Sanitary Sewer		930 m ²	930 m ²		
Partial Services-Water		1860 m ²	1860 m ²		
Private Services		4000 m ²	4000 m ²		
Townhouse			165 m ² /DU	165 m ² /DU	
Triplex			1080 m ²	1080 m ²	
Fourplex			1080 m ²	1080 m ²	
Rooming or Boarding House (as principal use)			1080 m ²	1080 m ²	
Apartment				62 DU/Ha (25 DU/acre)	

PART 6 –RESIDENTIAL ZONES

STANDARDS	ZONES				
	R1	R2	R3	R4	LSR
Frontage (Minimum)					
Single Detached Dwelling					
Full Municipal Services					
Interior Lot	15 m	15 m	15 m		
Corner lot	18 m	18 m	18 m		
Partial Services-Sanitary Sewer	22 m	22 m	22 m		
Partial Services-Water	30 m	30 m	30 m		
Private Services	40 m	40 m	40 m		40 m
Semi-detached or Link Dwelling					
Full Municipal Services					
Interior Lot		9 m/DU	9 m/DU		
Corner lot		15 m/DU	15 m/DU		
Partial Services-Sanitary Sewer		20 m/DU	20 m/DU		
Partial Services-Water		30 m/DU	30 m/DU		
Private Services		40 m/DU	40 m/DU		
Duplex Dwelling					
Full Municipal Services		15 m	15 m		
Partial Services-Sanitary Sewer		22 m	22 m		
Partial Services-Water		30 m	30 m		
Private Services		40 m	40 m		
Boarding or Rooming House as Accessory Use					
Full Municipal Services		15 m	15 m		
Partial Services-Sanitary Sewer		22 m	22 m		
Partial Services-Water		30 m	30 m		
Private Services		40 m	40 m		
Townhouse					
Interior Lot			5.5 m/DU	5.5 m/DU	
Exterior Lot			11.5 m/DU	11.5 m/DU	
Triplex			30 m	30 m	
Fourplex			30 m	30 m	
Rooming or Boarding House (as principal use)			30 m	30 m	
Apartment				30 m	

PART 6 –RESIDENTIAL ZONES

STANDARDS	ZONES				
	R1	R2	R3	R4	LSR
DWELLING FLOOR AREA (Minimum)	75 m ²	75 m ²	75 m ²		75 m ²
Bachelor or Studio Apartment				46 m ²	
1 Bedroom Apartment				56 m ²	
2 Bedroom Apartment				60 m ²	
3 bedroom Apartment				65 m ²	
Seniors Apartment				43 m ²	
YARDS (Minimum) (including private roads)					
Front Yard	6 m	6 m	6 m	6 m	6 m
Exterior Side Yard	6 m	6 m	6 m	6 m	6 m
Interior Side Yard with Garage	1.2 m	1.2 m	1.2 m	6 m	3 m
Interior Side Yard Driveway Side	3 m	3 m	3 m	6 m	3 m
Interior Side Yard Other Side	1.2 m	1.2 m	1.2 m	6 m	1.2 m
Rear yard	6 m	6m	6 m	8 m	6 m
MAXIMUM LOT COVERAGE					
Full Municipal services	45%	40%	40%	40%	
Partial services	35%	35%			
Private Services	20%	20%			20%
MAXIMUM BUILDING HEIGHT	11 m	11 m	11 m	11 m	11

Limited Services Residential Zone

In the Limited Services Residential Zone, there is no intent by Council to maintain roads. Other Municipal services may not be available or may be restricted, such as garbage and recycling pickup and fire provisions and there is no intent by Council to upgrade such levels of service.

On lands zoned **LSR**, the *permitted uses* shall be limited to the following:

- A *single detached dwelling* on a lot of record fronting onto an existing private road.
- A seasonal dwelling on a lot of record fronting onto an existing private road.

Standards for Semi-detached Dwelling

PART 6 –RESIDENTIAL ZONES

- (a) Despite the above requirements for lot area, lot frontage, and dwelling units per lot, a semi-detached may be severed and sold as an individual unit.
- (b) The minimum interior side yard shall not apply to the party wall of a semi-detached dwelling or shared garage appurtenant thereto.

Exception Zones

- (a) **Residential One, Exception One (R1-1)** (Pt Lot 49, Con 1, NSR, Williamstown)
Despite the standards of Section 6.2 on lands zoned R1-1 the minimum lot frontage shall be 105 m.
- (b) **Residential One, Exception Two (R1-2)** (Lot 49, Con 1, NSR, Williamstown)
Despite the standards of Section 6.2 on lands zoned R1-2 the minimum lot frontage shall be 30 m.
- (c) **Residential One, Exception Three (R1-3)** (Farlinger Point)
Despite the standards of Section 6.2 on lands zoned R1-3 the following standards shall apply:

Minimum Lot Area	1,860 m ²
Minimum Lot Frontage	30m
Yards (Minimum)	
Front	6m
Interior Side	1.5m
Exterior Side	10m
Setback to County Highway	7.6m

In addition to the above standards, the construction of permanent structures into the river is prohibited beyond the existing shoreline.

- (d) **Residential One, Exception Four (R1-4)** (Lot 38, Concession 8)
Despite the standards of Section 6.2 on lands zoned R1-4 a residential building containing 3 dwelling units shall be permitted subject to the following standards:

Floor Area (minimum)	65m ²	(699.7 sq. ft.)
Dwelling Units per Lot (maximum)	3	
Front Yard (minimum)	4.8m	(25.7 ft.)
- (e) **Residential One, Exception Five (R1-5)** (Lot 24, Concession 8)
Despite the standards of Section 6.2 on lands zoned R1-5 a senior citizens' residence for a maximum of ten residents is permitted.
- (f) **Residential One, Exception Six (R1-6)** (Lot 38, Concession 8)

PART 6 –RESIDENTIAL ZONES

Despite the standards of Section 6.2 on lands zoned R1-6 the following standards shall apply:

Lot Area (minimum)	1,059m ²	(11,399 sq. ft.)
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(g) **Residential One, Exception Seven (R1-7)** **(Creg Quay)**

Despite the standards of Section 6.2 on lands zoned R1-7 the following standards shall apply:

(1) Permitted Uses

- Private open space including boat canals
- Public open space
- Single unit dwelling
- Sectional home
- Semi-detached dwelling
- Row dwelling
- Street row dwelling
- Zero lot line dwelling
- Multiple unit dwelling
- Day nursery
- Recreation centre
- Recreational open space uses
- Private or communal docking for residential purposes
- Uses accessory to the foregoing

(2) Zone Requirements: Single unit dwelling, sectional home
Recreation centre, day nursery

Lot Area (minimum)	370 m ²	(4,000 sq. ft)
Lot Frontage (minimum)	10.5m	(34 ft.)
Yard Requirements (minimum)		
- Front	3.5m	(12 ft.)
- Rear	3m	(9.8 ft.)
- Side	1.2m	(4 ft.)
Building Height	10.5m	(34 ft.)
Lot Coverage (maximum)	35%	
Net Floor Area (minimum)	70m ²	(750 sq. ft.)
Width of Building (minimum)	6m	(20 ft.)
Dwellings per lot (maximum)	1	

(3) Zone Requirements: semi-detached dwelling

Lot Area (minimum)	250 m ²	(2,700 sq. ft)
Lot Frontage (minimum)	10m	(33 ft.)
Yard Requirements (minimum)		
- Front	3.5m	(12 ft.)
- Rear	3m	(9.8 ft.)
- Side (one side only)	20% of lot frontage	

PART 6 –RESIDENTIAL ZONES

	Building Height (maximum)	10.5m	(34 ft.)
	Lot Coverage (maximum)	50%	
	Net Floor Area (minimum)		
	Width of Building (minimum)	6m	(20 ft.)
	Dwellings per lot (maximum)	1	
(4)	Zone Requirements:	row dwelling	
	Lot Area (minimum)	150 m ²	(1,600 sq. ft)
	Lot Frontage (minimum)	20m	(65.6 ft.)
	Yard Requirements (minimum)		
	- Front	3.5m	(12 ft.)
	- Rear	6m	(20 ft.)
	- Side (end units only)	3m	(9.8 ft.)
	Building Height (maximum)	10.5m	(34 ft.)
	Lot Coverage (maximum)	65%	
	Unit Width	5.5m	(18 ft.)
	Net Floor Area (minimum)	65m ²	(700 sq. ft.)
	Width of Building (minimum)	6m	(20 ft.)
	Landscaped Space per Unit (minimum)	70m ²	(763 sq. ft.)
		Of which 40% is to be provided in one location for the exclusive use of the occupants of the unit.	
	No. of Attached Units (maximum)	6	
(5)	Zone Requirements:	street row dwelling	
	Lot Area (minimum)	150 m ²	(1,600 sq. ft)
	Lot Frontage (minimum) per unit		
	- middle unit	5.5m	(18 ft.)
	- end unit	8.5m	(28 ft.)
	Yard Requirements (minimum)		
	- Front	3.5m	(12 ft.)
	- Rear	6m	(20 ft.)
	- Side (end units only)	3m	(10 ft.)
	Building Height (maximum)	10.5m	(34 ft.)
	Lot Coverage (maximum)	65%	
	Unit Width	5.5m	(18 ft.)
	Net Floor Area (minimum)	65m ²	(700 sq. ft.)
	Width of Building (minimum)	6m	(20 ft.)
	No. of Attached Units (maximum)	6	
(6)	Zone Requirements:	zero lot line dwelling	
	Lot Area (minimum) per unit	325 m ²	(3,500 sq. ft)
	Lot Frontage (minimum) per unit	10.5m	(35 ft.)

PART 6 –RESIDENTIAL ZONES

Yard Requirements (minimum)		
- Front	3.5m	(12 ft.)
- Rear	3m	(10 ft.)
- Side (one side only)	20% of lot frontage	
Building Height (maximum)	10.5m	(34 ft.)
Lot Coverage (maximum)	50%	
Net Floor Area (minimum)	70m ²	(750 sq. ft.)
Width of Building (minimum)	6m	(20 ft.)
Dwellings per lot (maximum)	1	
Maintenance Requirements	A 1.2m (3.9 ft.) wide maintenance easement is to be provided or obtained on the adjacent lot to permit maintenance of the wall built on the property line.	

(7) Zone Requirements: multi-unit dwelling

Lot Area (minimum) per unit	150 m ²	(1,600 sq. ft)
Lot Frontage (minimum) per unit	20m	(65.6 ft.)
Yard Requirements (minimum)		
- Front	3.5m	(12 ft.)
- Rear	3m	(10 ft.)
- Side	3m	(10 ft.)
Building Height (maximum)	10.5m	(34 ft.)
Lot Coverage (maximum)	50%	
Unit Width	5.5m	(18 ft.)
Net Floor Area (minimum)	70m ²	(750 sq. ft.)
Width of Building (minimum)	6m	(20 ft.)
No. of Attached Units (maximum)	6	

- (h) **Residential Two, Exception One (R2-1) (Pt Lot F, Con 1 Fr)**
Despite the standards of Section 6.2 on lands zoned R2-1 an accessory apartment is permitted subject to a Minor Variance.

- (i) **Residential Two, Exception Two (R2-2) (Cairnview Estates)**
Despite the standards of Section 6.2 on lands zoned R2-2 the following standards shall apply:

(1) Permitted Uses

- Retirement home
- Apartment building
- Public park

(2) Additional Provisions

For the lands abutting the Raisin River a 30 metre no development set back is required.

PART 6 –RESIDENTIAL ZONES

(j) **Residential Three, Exception One (R3-1) (6373, 6375 & 6377)Calvin Street)**

Despite the standards of Section 6.2 on lands zoned R3-1 a maximum of three units are permitted

(k) **Residential Four, Exception One (R4-1)**

Despite the standards of Section 6.2 on lands zoned R4-1 may be used in accordance with the following standard:

- (1) Permitted Uses
- 6-unit apartment dwelling

(l) **Limited Services Residential, Exception One (LSR-1) (Lot 26, Concession 1)**

Despite the standards of Section 6.2 on lands zoned LSR-1 the following standards shall apply:

Fourteen existing residential cottages are permitted to be located on the subject property and the existing standards of the development shall be recognized.

(m) **Limited Services Residential, Exception Two (LSR-2) (Lot 26, Concession 1)**

Despite the standards of Section 6.2 on lands zoned LSR-2 the following standards shall apply:

Two existing residential cottages are permitted to be located on the subject property.

(n) **Limited Services Residential, Exception Three (LSR-3) (6283 Willow Drive**

Despite the standards of Section 6.2 on lands zoned LSR-3 the principal use of such land shall be for a private garage for the parking and storage of two motor vehicles belonging to a resident in the immediate vicinity.

(o) **Limited Services Residential, Exception Four (LSR-4) (Prevost Point Road**

Despite the standards of Section 6.2 on lands zoned LSR-4 a single detached dwelling with an apartment unit is permitted.

PART 7 – COMMERCIAL ZONES

PART 7 COMMERCIAL ZONES

7.1 PERMITTED USES IN COMMERCIAL ZONES

No *building* or land within CC, CG, C1, or CH Zone shall hereafter be *used* for any purpose except for one or more of the following *permitted uses*:

USES	ZONES			
	Core Commercial	General Commercial	Hamlet Commercial	Highway Commercial
Non- Residential Uses	CC	CG	CI	CH
Agricultural Machinery Sales and Service		✓		✓
Art Gallery	✓	✓	✓	✓
Artist's Studio	✓	✓	✓	✓
Antique Shop	✓	✓	✓	✓
Auction Establishment		✓	✓	✓
Bake Shop	✓	✓	✓	
Bank or Financial Office	✓	✓	✓	
Beer, Wine and Liquor Sales Outlet	✓	✓	✓	
Campground				✓
Card Lock Establishment				✓
Commercial School (1)	✓	✓	✓	
Contractor's Yard		✓		✓
Convenience Store	✓	✓	✓	As Accessory Use Only
Day Nursery - Licensed	✓	✓	✓	
Dry Cleaning Depot	✓	✓	✓	
Equipment Rental		✓	✓	
Farm Equipment Sales and Service Establishment				✓
Farm Supply Establishment - Indoor		✓	✓	✓
Farmer's Market	✓	✓	✓	✓
Fitness Centre	✓	✓	✓	
Flea Market				✓
Food Bank	✓	✓	✓	
Food Store	✓	✓	✓	
Funeral Home	✓	✓	✓	
Furniture and Home Improvement Centre	Max. Size as in RT1	Max Size as in RT1	✓	✓

PART 7 – COMMERCIAL ZONES

USES	ZONES			
	Core Commercial	General Commercial	Hamlet Commercial	Highway Commercial
Non- Residential Uses	CC	CG	CI	CH
Garden Centre and Greenhouse		✓	✓	✓
Hotel	✓	✓	✓	✓
Laundromat	✓	✓	✓	
Marina		✓		✓
Marine Facility		✓		✓
Medical Clinic	✓	✓	✓	
Mini Golf and Golf Driving Range				✓
Mini Warehouse and Storage			✓	✓
Motel		✓	✓	✓
Motor Vehicle Dealership			✓	✓
Motor Vehicle Gas Bar		✓	✓	✓
Motor Vehicle Rental Agency		✓	✓	✓
Motor vehicle Service Station			✓	✓
Motor Vehicle Washing Establishment			✓	✓
Outdoor Recreational Facility				✓
Personal Service Establishment	✓	✓	✓	
Place of Assembly	✓	✓	✓	✓
Place of Entertainment	✓	✓	✓	✓
Place of Worship	✓	✓	✓	✓
Pet Shop	✓	✓	✓	✓
Post Office	✓	✓	✓	✓
Private Club	✓	✓	✓	
Private Transit Depot			✓	✓
Professional or Business Office	✓	✓	✓	
Propane Facility, Retail		✓	✓	✓

PART 7 – COMMERCIAL ZONES

USES	ZONES			
	Core Commercial	General Commercial	Hamlet Commercial	Highway Commercial
Non- Residential Uses	CC	CG	CI	CH
Recreational Commercial Establishment	✓	✓	✓	✓
Restaurant (2)	✓	✓	✓	✓
Retail Store 1 (RT1)	✓	✓	✓	
Secondhand Store	✓	✓	✓	
Shopping Centre		✓		✓
Theatre	✓	✓	✓	✓
U-Brew Establishment	✓	✓	✓	
Veterinary Clinic – Small Animal	✓	✓	✓	✓
Veterinary or Animal Hospital		✓	✓	✓
Video Rental Outlet	✓	✓	✓	
Winery	✓	✓	✓	
Workshop		✓		✓
Residential Uses (3)				
Upper floor or rear dwelling Unit	✓	✓	✓	
Detached Residential		✓		✓
Accessory Attached Residential			✓	

(1) wholly contained in an enclosed *building*

(2) see General Provisions for Outdoor Commercial Patios

(3) subject to the minimum *dwelling* floor area requirements contained in Part 6 (R4 Zone)

7.2 STANDARDS IN COMMERCIAL ZONES

STANDARDS	ZONES			
	Core Commercial	General Commercial	Hamlet Commercial	Highway Commercial
	CC	CG	CI	CH
Lot Area (Minimum)				
Full Municipal Services	500 m ²	1,000 m ²	500 m ²	1,000 m ²
Partial Services - Sanitary Sewer	1,000 m ²	2,000 m ²	1,000 m ²	2,000 m ²
Partial Services - Water	2,000 m ²	2,000 m ²	2,000 m ²	2,000 m ²
Private Services	2,500 m ²	4,000 m ²	4,000 m ²	4,000 m ²

PART 7 – COMMERCIAL ZONES

STANDARDS	ZONES			
	Core Commercial	General Commercial	Hamlet Commercial	Highway Commercial
	CC	CG	CI	CH
Frontage (Minimum)				
Full Municipal Services	15 m	25 m	15 m	25 m
Partial Municipal Services	20 m	25 m	20 m	25 m
Private services	30 m	40 m	30 m	40 m
Lot Coverage (Maximum)				
Full Municipal Services	75%	45%	75%	45%
Partial Municipal Services	35%	35%	35%	35%
Private Services	20%	20%	20%	20%
Building Height (Maximum)	11 m	11 m	11 m	11 m
Yards (Minimum)				
Front Yard	0 m	3 m	3 m	15 m
Rear Yard	9 m (1)	9m	9m	10 m
Interior Side Yard*	0 m (2)	3m (3)	3m (3)	6 m
Exterior Side Yard	0 m	6 m	6 m	15 m

- (1) Where a Core Commercial *Zone* abuts a Residential *Zone* or a Residential *use* or a *Sensitive Land use* on an adjacent *lot*, the *setback* on the abutting *yard* shall be a minimum of 9 m (29.5 ft.).
- (2) Where a Commercial *Zone* abuts a Residential *Zone* or a Residential *use* or a *Sensitive Land use* on an adjacent *lot*, the *setback* on the abutting *yard* shall be a minimum of 3 m (9.8 ft.).
- (3) Where a Commercial *Zone* abuts a Residential *Zone* or a Residential *use* or a *Sensitive Land use* on an adjacent *lot*, the *setback* on the abutting *yard* shall be a minimum of 9 m (29.5 ft.).

PART 7 – COMMERCIAL ZONES

Exception Zones

- (a) **Core Commercial, Exception One (CC-1) (18094 County Road 2)**
Despite the standards of Section 7.1 on lands zoned CC-1, the light manufacturing, assembly and sale of goods, and warehousing, shall be permitted in addition to all other uses permitted in the CC zone.
- (b) **Highway Commercial, Exception One (CH-1) (20353 Maple Road)**
Despite the standards of Section 7.1 on lands zoned CH-1 a single detached dwelling shall be permitted in addition to any one of the permitted uses of the Highway Commercial – CH zone.
- (c) **Highway Commercial, Exception Two (CH-2) (Lt 15, Con 3 SSR – Glen Rd)**
Despite the standards of Section 7.1 on lands zoned CH-2 the permitted uses shall be limited to a transportation depot, an auto repair garage, and accessory offices thereto.
- (d) **Highway Commercial, Exception Three (CH-3) (20206 County Road 2)**
Despite the standards of Section 7.1 on lands zoned CH-3 the permitted uses shall be limited to a single detached dwelling, a home based business, a home industry, and an accessory building or accessory use to the above uses.
- (e) **Highway Commercial, Exception Four (CH-4) (Lots 10 & 11, Concession I)**
Despite the standards of Section 7.1 on lands zoned CH-4 shall be used as permitted therein, provided that no construction or buildings or structures including the placing or removal of fill shall be permitted within 30 metres (98.4 feet) of the Sutherland Creek and further provided that no new buildings shall be permitted within 30 metres (98.4 feet) from any railway right-of-way.
- (f) **Highway Commercial, Exception Five (CH-5) (Lot 17, Concession 6, part 1 on 14R-2492)**
Despite the standards of Section 7.1 on lands zoned CH-5 the following standards shall apply:
- Permitted Uses
- shop for automobile repairs
 - commercial garage
 - single unit dwelling
- Zone Requirements
- Dwelling Units per Lot (maximum) 1
- (g) **Highway Commercial, Exception Six (CH-6) (Lot 9, Concession 8)**

PART 7 – COMMERCIAL ZONES

Despite the standards of Section 7.1 on lands zoned CH-6 shall be used for an automobile sales establishment and sales office in accordance with the following standards:

Lot Frontage (minimum)	29.4 metres	(96.5 feet)
------------------------	-------------	-------------

Any driveway shall access the front lot line.

- (h) **General Commercial, Exception One (CG-1) (Lot 21, Concession 1)**
Despite the standards of Section 7.1 on lands zoned CG-1 the following standards shall apply:

Permitted Uses

- convenience commercial use
- nursery garden
- uses accessory to the foregoing

Zone Requirements

- | | | |
|--------------------------|--------------------|-----------------|
| - Lot Area (minimum) | 370 m ² | (3,983 sq. ft.) |
| - Lot Frontage (minimum) | 12 metres | (39.4 feet) |

Yard Requirements (minimum)

- | | | |
|---------|------------|------------|
| - Front | 2.4 metres | (7.9 feet) |
| - Rear | 3 metres | (9.8 feet) |
| - Side | 1.2 metres | (3.9 feet) |

Building Height (maximum)	10.5 metres	(34.4 feet)
---------------------------	-------------	-------------

Lot Coverage (maximum)	40%
------------------------	-----

- (i) **General Commercial, Exception Two (CG-2) (18613 Dundas Street)**
Despite the standards of Section 7.1 on lands zoned CG-2 the following shall be the only permitted use:

- Contractor's Yard

- (i) **General Commercial, Exception Three (CG-3) (Village of Lancaster)**
Despite the standards of Section 7.1 on lands zoned CG-3 the following shall be the only permitted use:

- Parking only, no buildings or structures

PART 8 – INDUSTRIAL ZONES

PART 8 INDUSTRIAL ZONES

8.1 PERMITTED INDUSTRIAL USES

No *building* or land within an M1, MH, MR, or MA Zone shall hereafter be *used* for any purpose except for one or more of the following *permitted uses*:

USES	ZONES			
	Light Industrial	Heavy Industrial	Rural Industrial	Airport Industrial
	ML	MH	MR	MA
Abattoir		✓	✓	
Adult Entertainment Uses	✓	✓		
Aggregate Recycling Facility		✓	✓	
Agricultural Industry	✓	✓	✓	
Agricultural Machinery Sales and Service	✓	✓	✓	
Airport -Public				✓
Asphalt Batching Plant		✓	✓	
Building Contractor's Shop	✓(3)	✓	✓(3)	
Building Supply Outlet	✓	✓		
Fuel Depot - Bulk		✓		
Bulk Propane Storage Depot		✓		
Cardlock Establishment		✓		
Commercial School - Skill	✓	✓		
Commercial School – Trade /Profession	✓	✓		
Concrete Batching Plant		✓	✓	
Contractor's Yard	✓	✓	✓	
Day Nursery - Licensed	✓			
Dry Cleaning and Laundry Establishment (1)	✓	✓		
Equipment Sales and Rental	✓	✓		

PART 8 – INDUSTRIAL ZONES

USES	ZONES			
	Light Industrial	Heavy Industrial	Rural Industrial	Airport Industrial
	ML	MH	MR	MA
Grain Drying and Storage Facility		✓	✓	
Industrial Use	✓	✓	✓	✓
Manufacturing	✓	*	✓	✓
Marine Craft Body Shop	✓	✓	✓	
Marine Craft Repair Garage	✓	✓	✓	
Mini Warehouse and Public Storage	✓		✓	
Monument Sales and Manufacturing	✓	✓		
Motor Vehicle Body Shop	✓	✓	✓	
Motor Vehicle Rental Agency	✓			
Motor Vehicle Repair Garage	✓ (2)	✓	✓	
Motor Vehicle Washing Establishment	✓	✓		
Printing and Publishing Establishment	✓		✓	
Professional or Business Office	✓			
Outdoor Storage Use	✓(3)	✓	✓(3)	
Place of Assembly	✓			
Place of Entertainment	✓			
Place of worship	✓			
Private Club	✓			
Recreation and Athletic Facility	✓			
Recycling Depot		✓		
Restaurant	✓			
Service and Repair Shop	✓	✓	✓	
* Subject to a site specific Zoning By-Law Amendment				

PART 8 – INDUSTRIAL ZONES

USES	ZONES			
	Light Industrial	Heavy Industrial	Rural Industrial	Airport Industrial
	ML	MH	MR	MA
Transportation Terminal	✓	✓		✓
Veterinary Clinic – Small Animal	✓	✓	✓	
Veterinary Hospital - Small Animal	✓	✓	✓	
Warehouse/Distribution Centre	✓	✓		

- (1) includes dry cleaning or laundry depot as an accessory use
 (2) provided all repair activities are conducted indoors
 (3) subject to Section 3.29 Open Storage and Outdoor Display in General Provisions

8.2 STANDARDS IN INDUSTRIAL ZONES

STANDARDS	ZONES			
	Light Industrial	Heavy Industrial	Rural Industrial	Airport Industrial
	ML	MH	MR	MA
Lot Area (Minimum)				
Full Municipal Services	800 m ²	800 m ²	N/A	N/A
Partial Services - Sanitary Sewer	4000m ²	4000m ²	4000m ²	4000m ²
Partial Services - Water	4000m ²	4000m ²	4000m ²	4000m ²
Private services	4000m ²	4000m ²	4000m ²	4000m ²
Frontage (Minimum)				
Full Municipal Services	20m	20m	N/A	N/A
Partial Services - Sanitary Sewer	40m	40m	40m	40m
Partial Services - Water	40m	40m	40m	40m
Private services	40m	40m	40m	40m
Lot Coverage (Maximum)				
Full Municipal Services	40%	50%	N/A	N/A

PART 8 – INDUSTRIAL ZONES

STANDARDS	ZONES			
	Light Industrial	Heavy Industrial	Rural Industrial	Airport Industrial
	ML	MH	MR	MA
Partial Municipal Services	35%	35%	30%	35%
Private Services	35%	35%	30%	35%
Building Height (Maximum)	15m	15m	15m	15m
Yards (Minimum)				
Front Yard	9m	15m	15m	15m
Rear Yard	8m	15m	15m	15m
Interior Side Yard	6m	6m	6m	15m
Exterior Side Yard	9m	15m	15m	15m
Landscaped Open Space (Minimum)	10% (2)	10% (2)	10% (2)	

8.3 SALVAGE YARD ZONE

8.3 (1) *Permitted uses*

- (a) commercial garage
- (b) *salvage yard*
- (c) *wrecking yard*
- (d) *recycling yard*
- (e) *accessory uses*
- (f) *uses permitted* in the rural Industrial Zone subject to the Rural Industrial Zone standards

8.3 (2) *Zone Standards*

Yard Requirements (minimum)

- all *yards* will be 50 m

- (a) Notwithstanding the above *yard* requirements, no *Quarry Zone* will be established within 100 m of a *dwelling* on another *lot* or a vacant *lot* having an area less than 1 hectare that permits a *dwelling* unit in another *Zone* or within 150 m of a *water body* or a watercourse.
- (b) Notwithstanding the above *yard* requirements, no *Salvage Yard Zone* will be established within 300 metres of residential or institutional *Zone* or a *sensitive land use*.

PART 8 – INDUSTRIAL ZONES

8.4 ADDITIONAL PROVISIONS FOR SALVAGE YARD ZONES

- (a) *Accessory Dwelling*
Accessory dwellings shall conform to the standards of the Rural Zone.
- (b) *Buffering*
A *fence* or wall, a minimum of 2.5 metres in height and composed of opaque material shall be provided around the area used for storage of scrap, junk, automobiles, or other vehicles or machinery. In addition coniferous trees shall be planted along the exterior of the *fence* or wall to effectively screen the *salvage yard*.
- (c) *Other General Provisions*
Other general provisions shall be in accordance with Section 3 of this By-law.

PART 9 – INSTITUTIONAL ZONE

PART 9 INSTITUTIONAL ZONE

9.1 INSTITUTIONAL ZONE PERMITTED USES

No *building* or land within an IN Zone shall hereafter be *used* for any purpose except for one or more of the following *permitted uses*:

- *dwelling unit attached or detached*
- *Arena*
- *Art gallery* (Non-profit or Public)
- *Church or Place of Worship*
- *Clinic*
- *Community centre*
- *Curling Club*
- *Daycare or Day nursery* (Private or Licensed)
- *Facilities for Charitable Organizations*
- *Fairgrounds*
- *Farmer's Market*
- *Fire hall*
- *Food Bank*
- *Heritage Centre*
- *Home for the Aged*
- *Hospice*
- *Hospital*
- *Library*
- *Long-term care home*
- *Group home Type 2*
- *Ministry Office* (Provincial or Federal)
- *Municipal Office*
- *Museum*
- *Nursing Home*
- *Place of assembly*
- *Private club* or Fraternal Organization
- *Public Authority Buildings and Structures*
- *Public Park*
- *Public parking lot*
- *Public Utility*
- *Retirement Home*
- *School*
- *School – Private*
- *Special support home*
- *Recreation Establishment*
- *Religious Institution*
- *Accessory uses to the Foregoing*

PART 9 – INSTITUTIONAL ZONE

9.2 INSTITUTIONAL ZONE STANDARDS

Lot area (Minimum)

Full Municipal services	450 m ²
Partial municipal services –Sanitary Sewer	930 m ²
Partial Municipal Services – Water	1,860 m ²
Full private services	4,000 m ²

Lot Frontage (Minimum)

Full Municipal Services Interior <i>Lot</i>	15m
Full Municipal Services Exterior <i>Lot</i>	18m
Partial municipal Services – Sanitary sewer	22m
Partial municipal services - Water	30m
Private services	40m

Lot Coverage (Maximum)

Full Municipal Services	45%
Partial Municipal Services	35%
Private services	20%

Building Height (Maximum)	12m
----------------------------------	-----

Yards (Minimum)

Front	6m
Rear	8m
Interiors Side	3m
Exterior Side	6m

Exception Zones

(a) Institutional, Exception One - Holding (IN-1-H))

Despite Sections 9.1 and 9.2 lands zoned IN-1-H, a cemetery shall be a permitted use, subject to approval of Council.

PART 10 – RURAL ZONES

PART 10 RURAL ZONES

10.1 PERMITTED USES IN RURAL ZONES

No *building* or land within an RU, ER or AG Zone shall hereafter be *used* for any purpose except for one or more of the following *permitted uses*:

USES	ZONES		
	RURAL	AGRICULTURAL	ESTATE RESIDENTIAL
	RU	AG	ER
Agricultural Use	✓	✓	
Single Detached Dwelling	✓	✓	✓
Bed And Breakfast	✓	✓	✓
Cabin (Subject to a Temporary Use By-Law)	✓		
Communications Facility	✓	✓	
Conservation Use	✓	✓	
Any Dwelling with a Maximum of 2 Dwelling Units (subject to a site specific zoning amendment)	✓	✓	
Farm Produce Outlet	✓	✓	
Equestrian Establishment (Riding Stable)	✓	✓	
Forestry Use Including a Sawmill	✓	✓	
Garden Suite Subject to a Temporary Use By-Law	✓	✓	✓
Greenhouse or Garden Nursery Excluding Sales	✓	✓	
Group Home Type 1	✓		
Home Industry	✓	✓	
Home Occupation/Rural Home Business	✓	✓	
Kennel or Cattery as an Accessory Use Only	✓	✓	
One Accessory Dwelling Unit to a Permitted Non-Residential Use	✓	✓	
Golf Course –Driving Range	✓		
Recreational Trail	✓	✓	
Sod Farm	✓	✓	
Veterinary Establishment	✓	✓	
Wayside Pit or Quarry	✓	✓	

PART 10 – RURAL ZONES

10.2 STANDARDS IN RURAL ZONES

STANDARDS	ZONES		
	RURAL	AGRICULTURAL	ESTATE RESIDENTIAL
	RU	AG	ER
Lot Area (Minimum) Agricultural Use (1)	2.5 hectares	20 hectares	NA
Lot Area (Minimum) Residential Use (2)	0.4 hectares	0.4 hectares	0.4 hectares
Lot Frontage (Minimum) Agricultural Use (3)	60 m	60 m	NA
Lot Frontage (Minimum) Residential Use (3)	40 m	40 m	40 m
Yards (minimum) (4)			
Front Yard	15 m	15 m	15 m
Exterior Side Yard	15 m	15 m	15 m
Interior Side Yard (Residential Uses)	5 m	5 m	10 m
Interior Side Yard (Non-Residential Uses)	10 m	10 m	NA
Rear Yard (Residential Uses)	10 m	10 m	10 m
Building Height (Maximum) (5)	11m	11m	11m
Maximum Lot Coverage	20%	20%	20%
Minimum Gross Floor Area	75 m ²	75 m ²	130 m ²

- (1) *Agricultural uses* will only be *permitted* on properties having an area of 2.5 hectares or greater.
- (2) *Livestock* is not *permitted* on a property with an area less than 2.5 hectares.
- (3) *Lot frontage* will be measured at the *building line*.
- (4) See Section 3.22 for *kennel setbacks*.
- (5) Silos excluded.

Exception Zones

- (a) **Agricultural, Exception One (AG-1)**
Despite the standards of Section 10.1, on lands zoned AG-1 residential construction is prohibited.
- (b) **Agricultural, Exception Two (AG-2)** **(Lot 9, Concession 3)**
Despite the standards of Section 10.1, on lands zoned AG-2, the following standards shall apply:

Lot Area (minimum) 15 hectares (37 acres)

PART 10 – RURAL ZONES

- | | | | |
|--|---|----------|------------|
| | Side Yard for existing Building (minimum) | 3 metres | (9.8 feet) |
|--|---|----------|------------|
- (c) **Agricultural, Exception Three (AG-3)** **(Lot 29, Concession 5)**
Despite the standards of Section 10.1, on lands zoned AG-3, the following standards shall apply:
- | | | | |
|--|---|--------------|-------------|
| | Lot Area (minimum) | 3.2 hectares | (7.9 acres) |
| | Side Yard for existing Building (minimum) | 11 metres | (36.1 feet) |
- (d) **Agricultural, Exception Four (AG-4)** **(Lot 27, Concession 5)**
Despite the standards of Section 10.1 on lands zoned AG-4, a mobile home having a minimum gross floor area of 55 square metres (592 square feet) shall be permitted as the primary residence
- (e) **Agricultural, Exception Five (AG-5)** **(Lot 22, Concession 5)**
Despite the standards of Section 10.1 to the contrary, the lands zoned AG-5 may be used for a single unit dwelling in accordance with the following standards:
- | | | | |
|--|------------------------|----------|-------------|
| | Lot Frontage (minimum) | 9 metres | (29.5 feet) |
|--|------------------------|----------|-------------|
- For the purpose of interpretation, the yard requirements for a dwelling on this property will apply to that portion of the lot which measures 45 metres X 90 metres approximately.
- (f) **Agricultural, Exception Six (AG-6)** **(Lot 35, Concession 3)**
Despite the standards of Section 10.1 to the contrary, the lands zoned AG-6 shall be used in accordance with the following standard:
- | | | | |
|--|--------------------|--------------|-------------|
| | Lot Area (minimum) | 3.6 hectares | (8.8 acres) |
|--|--------------------|--------------|-------------|
- (g) **Agricultural, Exception Seven (AG-7)** **(Lot 22, Concession 4)**
Despite the standards of Section 10.1 to the contrary, the lands zoned AG-7 shall be used in accordance with the following standard:
- | | | | |
|--|--------------------|-------------|------------|
| | Lot Area (minimum) | 13 hectares | (32 acres) |
|--|--------------------|-------------|------------|
- (h) **Agricultural, Exception Eight (AG-8)** **(Lot 36, Concession 4)**
Despite the standards of Section 10.1 to the contrary, the lands zoned AG-8 shall be used in accordance with the following standard:
- | | | | |
|--|--------------------|--------------|------------|
| | Lot Area (minimum) | 6.9 hectares | (17 acres) |
|--|--------------------|--------------|------------|

PART 10 – RURAL ZONES

- (i) **Agricultural, Exception Nine (AG-9)** (Lot 23, Concession 2)
Despite the standards of Section 10.1 to the contrary, the lands zoned AG-9 shall be used in accordance with the following standard:

Lot Area (minimum) 15 hectares (37.5 acres)

- (j) **Agricultural, Exception Ten (AG-10)** (Lot 32, Concession 1)
Despite the standards of Section 10.1 to the contrary, the lands zoned AG-10 shall be used in accordance with the following standard:

Permitted Uses

- Paintball games

Zone Requirements

- Lot Area (minimum) (maximum) 2 hectares (5 acres)

Additional Standards AG-14 Zone

- Permanent buildings
and/or structures (maximum) 0

- (k) **Agricultural, Exception Eleven (AG-11)** (Lot 13, Concession 2)
Despite the standards of Section 10.1 to the contrary, the lands zoned AG-11 shall be used in accordance with the following standard:

Lot Area (minimum) 6.8 hectares (17 acres)

- (l) **Agricultural, Exception Twelve (AG-12)** (Lot 29, Concession 5)
Despite the standards of Section 10.1 to the contrary, the lands zoned AG-12 shall be used in accordance with the following standard:

Lot Area (minimum) 6.8 hectares (17 acres)

- (m) **Agricultural, Exception Thirteen (AG-13)** (5271 County Road 19)
Despite the standards of Section 10.1 to the contrary, the lands zoned AG-13 the following additional permitted use shall apply:

- A private school as an accessory use in an attached or detached building.

- (n) **Agricultural, Exception Fourteen (AG-14) (18609 Beaver Brook Road)**
Despite the standards of Section 10.1 to the contrary, the lands zoned AG-14 shall be used in accordance with the following standard:

Lot Area (minimum) 14.2 hectares (34 acres)

PART 10 – RURAL ZONES

- (o) **Agricultural, Exception Fifteen (AG-15) (4442 County Road 20)**
Despite the standards of Section 10.1 to the contrary, the lands zoned AG-15 shall be used in accordance with the following standard:
- Lot Area (minimum) 8.9 hectares (22 acres)
- (p) **Rural, Exception One (RU-1) (19558 Airport Road)**
Despite the standards of Section 10.1, on lands zoned RU-1, a meditation, cultural, and educational centre shall also be permitted.
- (q) **Rural, Exception Two (RU-2) (19399 County Road 2)**
Despite the standards of Section 10.1, on lands zoned RU-2, the following standards apply:
New residential dwellings are prohibited.
- (r) **Rural Exception Three (RU-3) (18393 Tyotown Road)**
Despite the standards of Section 10.1, on lands zoned RU-3, a contractor's yard is a permitted use.
- (s) **Rural Exception Four (RU-4) (3870 4th Line Road)**
Despite the standards of Section 10.1, on lands zoned RU-4, the following additional permitted use shall apply:
- An apartment unit within the existing residence.
- (t) **Rural Exception Five (RU-5) (3729 4th Line Road)**
Despite the standards of Section 10.1, on lands zoned RU-5, the following additional permitted use shall apply:
- An apartment unit within the existing residence.
- (u) **Rural Exception Six (RU-6) (20137 Beaupre Road)**
Despite the standards of Section 10.1, on lands zoned RU-6, the following additional permitted use shall apply:
- An apartment unit within the existing residence.
- (v) **Rural Exception Seven (RU-7) (19001 County Road 25)**
Despite the standards of Section 10.1, on lands zoned RU-7, the following additional permitted use shall apply:
- Sign manufacturing in a detached building.
- (w) **Rural Exception Eight (RU-8) (Lot 36, Concession 9)**
Despite the standards of Section 10.1, on lands zoned RU-8, the following standards shall apply:

PART 10 – RURAL ZONES

Permitted Uses

- water softener sales and service outlet
- accessory residential dwelling

Zone Requirements

- | | | |
|-------------------------------|--------------|------------|
| - Lot Area (minimum) | 0.4 hectares | (1 acre) |
| - Lot Frontage (minimum) | 46 metres | (151 feet) |
| - Yard Requirements (minimum) | | |
| Side | 29 metres | (95 feet) |

PART 11 – WASTE DISPOSAL ZONE

PART 11 WASTE DISPOSAL ZONE

11.1 WASTE DISPOSAL ZONE PERMITTED USES

No *building* or land within a *WD Zone* shall hereafter be *used* for any purpose except for one or more of the following *permitted uses*:

- (a) *Waste Disposal Site*
- (b) *Transfer Station*
- (c) *Compost facility*
- (d) *Recycling Yard*
- (e) *Septage Disposal Site*
- (f) *Waste Stabilization Pond*
- (g) *Wastewater Treatment Plant*
- (h) *Accessory Uses* to the above

11.2 WASTE DISPOSAL ZONE STANDARDS

Yard Requirements (minimum)

- all *yards* will be 50 m

- (a) Notwithstanding the above *yard* requirements, no *Waste Disposal Zone* will be established within 200 metres of a *dwelling* on another *lot* or a vacant *lot* having an area less than 1 hectare that permits a *dwelling* unit or within 150 metres of a *water body* or a watercourse.
- (b) Notwithstanding the above *yard* requirements, no *Waste Disposal Zone* will be established within 300 metres of *Residential* or *Institutional Zone*.

11.3 ADDITIONAL PROVISIONS FOR WASTE DISPOSAL ZONES

- (c) *Accessory Dwelling*
Accessory dwellings shall conform to the standards of the *Rural Zone*.
- (d) *Other General Provisions*
Other general provisions shall be in accordance with Section 3 of this By-law.

Exception Zones

- (a) **Waste Disposal, Exception One (WD-1)** **(North Landfill Site)**
Despite the standards of Part 11, on lands zoned WD-1 shall be used for a sanitary landfill site in accordance with the requirements of Section 11.2 and the following:
 - (1) Inside the eastern boundary of the lands zoned WD-1, a 100 metre buffer area shall be maintained as an open space and all land use

PART 11 – WASTE DISPOSAL ZONE

activities other than are necessary for proper management of the waste disposal site shall be prohibited within the buffer area.

- (2) A waste transfer station and communications tower shall be permitted uses.

(b) **Waste Disposal, Exception Two (WD-2) (Septage Disposal Site, Airport Road)**

Despite the standards of Part 11, on lands zoned WD-2 shall be used for a septage disposal site in accordance with the approved Certificate of Approval from the Ministry of the Environment.

(c) **Waste Disposal, Exception Three (WD-3) (Septage Disposal Site, Concession 9, Lots 30 and 31)**

Despite the standards of Part 11, on lands zoned WD-3 shall be used for a septage disposal site in accordance with the approved Certificate of Approval from the Ministry of the Environment.

PART 12 – EXTRACTIVE RESOURCE ZONES

PART 12 EXTRACTIVE RESOURCE ZONES

12.1 EXTRACTIVE RESERVE ZONE (MXR)

12.1 (1) *Permitted uses Extractive Reserve Zone*

- (a) *Agricultural uses (excluding accessory buildings)*
- (b) *Forestry uses excluding buildings or structures*
- (c) *Conservation uses excluding buildings or structures*
- (d) *Adventure games uses excluding buildings or structures*
- (e) *All legally existing uses*

12.1(2) *Standards in the Extractive Reserve Zone*

The standards for the Extractive Reserve *Zone* shall be the same as the standards of the pertinent abutting *Zone*.

12.2 EXTRACTIVE PIT ZONE – MXP

12.2 (1) *Permitted uses*

- (a) *Pits*
- (b) *Existing Agricultural uses excluding buildings or structures*
- (c) *Forestry uses excluding buildings or structures*
- (d) *Conservation use excluding buildings or structures*
- (e) *Accessory uses to the forgoing*

12.2 (2) *Standards*

Lot frontage 20 metres

Yards No extraction shall occur within 30 metres of any *lot* line or 100 metres from a Residential or Institutional *Zone*.

Notwithstanding the above *yard* standards, no mineral aggregate *pit* will be established within 150 metres of a *dwelling* on another *lot*.

12.3 EXTRACTIVE QUARRY ZONE – MXQ

12.3 (1) *Permitted uses*

- (a) *Existing agricultural uses excluding buildings or structures*
- (b) *Forestry uses excluding buildings or structures*
- (c) *Conservation use excluding buildings or structures*
- (d) *Manufacturing of cement, concrete pavement, brick or granular or other similar material including an asphalt or ready mix concrete plant*
- (e) *Accessory uses to the forgoing*

12.3 (2) *Zone Standards*

Frontage nil

All yards 30m

Notwithstanding the above *yard* standards, no mineral aggregate *quarry* will be established within 300 metres of a *dwelling* on another *lot*.

PART 13 – ENVIRONMENTAL PROTECTION ZONES

PART 13 ENVIRONMENTAL PROTECTION ZONES

13.1 NATURAL HAZARD ZONE – (NZ)

The NZ Zone is the area identified as lands abutting the *shoreline* of the Raisin River System and portions of the Delisle River and the Beaudette River. Lands located within the Natural Hazard Zone reflect the flood hazard and not the erosion hazard therefore a greater set back may be required by the Conservation Authority. The Natural Hazard Zone also regulates development on unstable slopes within erosion and flooding hazards.

13.1 (1) Permitted uses:

No *person* shall within the NZ Zone *erect, alter, or use* any *building or structure* for any purpose except one or more of the following Natural Hazard *uses*, namely:

- (a) *Conservation use*, excluding *buildings or structures*;
- (b) *Existing uses* on the day of the passing of this By-Law;
- (c) *Buildings or structures* intended for flood or erosion control or slope stabilization;
- (d) *Forestry use*, excluding *buildings or structures*;
- (e) *Golf Courses*, excluding *buildings or structures*;
- (f) Parking facilities incidental to a *permitted use*, excluding *buildings or structures*;
- (g) *Public uses*, excluding *buildings or structures*;
- (h) *Agricultural uses*, excluding *buildings or structures*.

13.1 (2) Additional Provisions

- (a) Any new *accessory building or structure* or any expansion of or addition to any *buildings or structures permitted* under subsection 1 the day of the passing of this By-law must incorporate appropriate engineering construction techniques which reduce or eliminate the risk of flood damage or damage from unstable slopes. The specific approval of the appropriate Conservation Authority must be obtained prior to the issuance of a Building Permit.
- (b) *Site alterations* within the NZ Zone through filling, excavation, or by other means is prohibited unless otherwise *permitted* by the appropriate Conservation Authority.
- (c) Development in the NZ Zone is generally limited to *uses* which by their nature must locate within the floodplain, including flood and or erosion

PART 13 – ENVIRONMENTAL PROTECTION ZONES

control works or minor additions or passive non-structural *uses* which do not affect flood flows.

- (d) For required *setbacks* from the NZ *Zone* see Section 3.39 (7) and Section 3.39 (12) in General Provisions.

13.2 FLOOD PLAIN ZONE - (FP)

The FP *Zone* includes the area identified as the 1:100-year flood hazard.

13.2 (1) Permitted uses:

- (a) Residential *Zones* 1 and 2 (R1 and R2) in accordance with Part 6- Residential *Zones* of this By-law.
- (b) Commercial *Zones*, General Commercial and Highway Commercial (CG and CH) in accordance with Part 7- Commercial *Zones* of this By-law.
- (c) Open Space *Zone* in accordance with Part 13- Open Space *Zone* of this By-law.

13.2 (2) Zone Standards

- (a) *Zone* standards for new development shall be in accordance with Part 6- Residential *Zones*, subsection 2 for Residential *Zones* 1 and 2 (R1 and R2).
- (b) *Zone* standards for new development shall be in accordance with Part 7- Commercial *Zones*, subsection 2 for General Commercial and Highway Commercial (CG and CH).
- (c) *Zone* Standards for new development shall be in accordance with Part 13- Open Space *Zone*, subsection 2.

13.3 ADDITIONAL PROVISIONS

- (a) Any new building or structure or any expansion of or addition to any buildings or structures, or access thereto, permitted under subsection 3.39(7) the day of the passing of this By-law must incorporate appropriate engineering construction techniques which reduce or eliminate the risk of flood damage or damage from unstable slopes. The specific approval of the appropriate Conservation Authority must be obtained prior to the issuance of a Building Permit.
- (b) Site Alterations within the FP *Zone* through filling, excavation or by other means is prohibited unless otherwise permitted by the appropriate Conservation Authority.
- (c) Development in the FP *Zone* is generally limited to *uses* which by their

PART 13 – ENVIRONMENTAL PROTECTION ZONES

nature must locate within the floodplain, including flood and or erosion control works or minor additions or passive non-structural *uses* which do not affect flood flows.

13.4 NATURAL CONSERVATION ZONE- NC

The NC *Zone* are those areas which have been identified, by the Ontario Ministry of Natural Resources, as significant habitat of endangered species and threatened species, significant *wildlife habitat* and/or significant areas of natural and scientific interest.

13.4 (1) Permitted uses

No land, *building* or *structure* shall be *used* or *erected* in the NC *Zone* except or one or more of the following *uses*, namely:

- *Conservation uses*

13.4 (2) Additional Provisions

- (a) Any development or site alteration within 50 metres of an NC may be *permitted* if it has been demonstrated through an environmental impact assessment that there will be no negative impacts on the natural features or on the ecological functions for which the area is identified.
- (b) For required *setbacks* from the NC *Zone* see Section 3.39(7) in General Provisions

13.5 PROVINCIALLY SIGNIFICANT WETLAND - PSW

The PSW *Zone* is the area identified as Provincially Significant *wetlands* that meet the Ontario Ministry of Natural Resources criteria. The Ministry of Natural Resources is responsible for delineating wetlands and for establishing wetland boundaries.

13.5 (1) Permitted uses

No *person* shall use any land or *erect*, *alter*, or use any *building* or *structure* in the PSW *Zone* except for one or more of the following uses, namely:

- (a) *Conservation use*, excluding *buildings* or *structures*
- (b) *Flood Control Structures*
- (c) *Forestry use*, excluding *buildings* or *structures*
- (d) *Passive Recreational Use*, excluding *golf courses* and *buildings* or *structures*
- (e) *Existing agricultural use*, excluding *buildings* or *structures*
- (f) *Open Space*

13.5 (2) Additional Provisions

- (a) Any development, site *alteration*, changes in grading or drainage within the PSW *Zone* is prohibited unless written approval is received from the *Municipality* and the applicable Conservation Authority; and furthermore may be subject to the appropriate studies.
- (b) Despite Subsection 4.2(a), the placing or displacement of fill, including drainage improvements or peat extraction within the PSW *Zone* is prohibited unless written approval is received from the *Municipality* and the Conservation Authority.
- (c) For required *setbacks* from the PSW *Zone* see Section 3.39 (7) and Section 3.39 (12) in General Provisions.

PART 14 – OPEN SPACE ZONE

PART 14 – OPEN SPACE ZONE

14.1 PERMITTED USES IN THE OPEN SPACE ZONE

- (a) Campground
- (b) Conservation
- (c) Community centre and Arenas
- (d) Fair Grounds
- (e) Golf course
- (f) Heritage or Historical Site
- (g) Public Park
- (h) Recreational *uses* Excluding Motorized Vehicle Racetrack
- (i) Day nursery (Licensed)
- (j) *Uses* Accessory to the forgoing
- (k) Accessory Buildings

14.2 ZONE STANDARDS

Frontage	30 metres minimum
All <i>yards</i>	8 metres
Area	No minimum
Coverage	10%

14.3 ADDITIONAL PROVISIONS

The above standards do not apply to trails.

**SCHEDULE “S1-15”
ZONING MAPS**

**SCHEDULE “US-1 TO US-4”
ZONING MAPS**

**SCHEDULE “RS-1 TO RS-9”
ZONING MAPS**

**SCHEDULE “RU-1 TO RU-3-”
ZONING MAPS**

**APPENDIX “A”
SERVICING MAPS**