

**TOWNSHIP  
OF  
ELIZABETHTOWN-KITLEY**

**ZONING BY-LAW NO. 13-21**

**MAY 2019 OFFICE CONSOLIDATION**

**Adopted by Council on May 13, 2013**

**Proposed Draft Revisions**

**For Open House – August 2019**

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**THE CORPORATION  
OF THE  
TOWNSHIP OF ELIZABETHTOWN-KITLEY  
BY-LAW NO. 13-21**

**A by-law to regulate the use of lands and the character,  
location and the use of buildings and structures  
in the Township of Elizabethtown-Kitley**

**WHEREAS** the *Planning Act, R.S.O., 1990, Chapter P.13*, as amended, provides that the council of a municipal corporation may pass by-laws to regulate the use of land and the character, location, density, size and use of buildings and structures;

**NOW THEREFORE**, the Council of the Corporation of the Township of Elizabethtown-Kitley enacts as follows:



**THE CORPORATION**  
**OF THE**  
**TOWNSHIP OF ELIZABETHTOWN-KITLEY**  
**BY-LAW NO. 13-21**  
**TABLE OF CONTENTS**

	<b>PAGE</b>
<b>SECTION 1 – APPLICATION AND INTERPRETATION.....</b>	<b>1</b>
1.1 TITLE OF BY-LAW .....	1
1.2 SCOPE OF BY-LAW .....	1
1.3 INTERPRETATION OF BY-LAW.....	2
1.4 SCHEDULES TO BY-LAW .....	2
1.5 ZONING ADMINISTRATOR.....	2
1.6 ISSUANCE OF BUILDING PERMITS, CERTIFICATES AND LICENSES .....	2
1.7 CERTIFICATE OF OCCUPANCY .....	2
1.8 REQUEST FOR AMENDMENT TO ZONING BY-LAW .....	2
1.9 INSPECTION .....	3
1.10 VIOLATIONS AND PENALTIES .....	3
1.11 REMEDIES .....	3
1.12 VALIDITY .....	3
1.13 TYPOGRAPHICAL CORRECTIONS.....	3
1.14 EXISTING BY-LAWS.....	3
<b>SECTION 2 - DEFINITIONS.....</b>	<b>5</b>
<b>SECTION 3 - GENERAL PROVISIONS .....</b>	<b>22</b>
3.1 ACCESSORY USES .....	22
3.2 CANNABIS PROCESSING FACILITIES .....	23
3.3 EXISTING UNDERSIZED NON-COMPLYING LOTS .....	23
3.4 FRONT YARD REDUCTION WITHIN SETTLEMENT AREA .....	23
3.5 FRONTAGE ON AN IMPROVED STREET .....	23
3.6 GROUP HOMES .....	24
3.7 HEIGHT EXCEPTIONS .....	24
3.8 HEIGHT RESTRICTIONS - AIRPORT.....	24
3.9 HOME-BASED BUSINESSES.....	25
3.10 LOADING SPACE REQUIREMENTS .....	26
3.11 LOTS CONTAINING MORE THAN ONE USE .....	27
3.12 LOTS DIVIDED INTO MORE THAN ONE ZONE.....	27
3.13 MOVING OF BUILDINGS.....	27
3.14 NON-CONFORMING USES AND NON-COMPLYING USES, BUILDINGS AND STRUCTURES.....	27
3.15 OCCUPANCY RESTRICTIONS .....	28
3.16 OPEN STORAGE .....	28
3.17 PARKING REQUIREMENTS.....	28
3.18 PITS, QUARRIES, WAYSIDE PITS, WAYSIDE QUARRIES AND PORTABLE ASPHALT PLANTS .....	32
3.19 PUBLIC USES .....	32
3.20 RESIDENTIAL SEPARATION DISTANCES FROM OTHER LAND USES .....	32
3.22 SETBACKS FROM ENVIRONMENTAL PROTECTION ZONES .....	34
3.23 SEWAGE DISPOSAL SYSTEMS AND THE APPLICABILITY OF THIS BY-LAW.....	34

3.24	SIGHT TRIANGLES .....	34
3.25	SHORELINE AREA OCCUPANCY.....	35
3.27	STREET AND PRIVATE RIGHT-OF-WAY SETBACKS .....	35
3.28	TEMPORARY USES.....	36
3.29	THROUGH LOTS.....	36
3.30	TINY HOUSES .....	36
3.31	WATER FRONTAGE AND WATER SETBACKS.....	36
3.32	YARD AND WATER SETBACK ENCROACHMENTS.....	37
<b>SECTION 4 - ZONES .....</b>		<b>38</b>
4.1	GENERAL.....	38
4.2	ZONES AND ZONE SYMBOLS.....	38
4.3	BOUNDARIES OF ZONES.....	39
4.4	HOLDING ZONES .....	39
4.5	SPECIAL ZONES .....	40
4.6	TEMPORARY ZONES .....	40
<b>SECTION 5 - RESIDENTIAL ZONES .....</b>		<b>41</b>
5.1	RESIDENTIAL TYPE 1 (R1).....	41
5.2	RESIDENTIAL TYPE 2 (R2).....	43
5.3	ESTATE RESIDENTIAL (RE) .....	45
5.4	LIMITED SERVICES RESIDENTIAL (RLS) .....	48
5.5	MOBILE HOME PARK RESIDENTIAL (RMH) .....	49
<b>SECTION 6 - COMMERCIAL ZONES .....</b>		<b>51</b>
6.1	GENERAL COMMERCIAL (CG) ZONE.....	51
6.2	RURAL COMMERCIAL (CR) ZONE .....	54
6.3	LOCAL COMMERCIAL (CL) ZONE.....	56
6.4	TOURIST COMMERCIAL (CT) ZONE.....	58
<b>SECTION 7 - INDUSTRIAL ZONES .....</b>		<b>59</b>
7.1	GENERAL INDUSTRIAL (MG) ZONE.....	59
7.2	BUSINESS PARK INDUSTRIAL (MBP) ZONE.....	62
7.3	RURAL INDUSTRIAL (MR) ZONE .....	64
7.4	SALVAGE YARD INDUSTRIAL (MS) ZONE .....	66
7.5	DISPOSAL INDUSTRIAL (MD) ZONE .....	67
7.6	AIRPORT INDUSTRIAL (MAP) ZONE.....	68
<b>SECTION 8 – INSTITUTIONAL ZONES.....</b>		<b>69</b>
8.1	INSTITUTIONAL (I) ZONE .....	69
<b>SECTION 9 - OPEN SPACE ZONES .....</b>		<b>71</b>
9.1	OPEN SPACE (OS) ZONE.....	71
<b>SECTION 10 - RURAL ZONES .....</b>		<b>73</b>
10.1	RURAL (RU) ZONE.....	73
<b>SECTION 11 - AGRICULTURE ZONES.....</b>		<b>80</b>
11.1	AGRICULTURE (AG) ZONE .....	80
<b>SECTION 12 –MINERAL RESOURCE ZONES .....</b>		<b>85</b>
12.1	MINERAL AGGREGATE EXTRACTION (EX-P) ZONE .....	85
12.2	MINERAL AGGREGATE EXTRACTION (EX-Q) ZONE.....	87
<b>SECTION 13 – NATURAL HERITAGE ZONES.....</b>		<b>89</b>

13.1	ENVIRONMENTAL PROTECTION – PSW (EP-PSW) ZONE.....	89
13.2	ENVIRONMENTAL PROTECTION – ANSI (EP-ANSI) ZONE.....	90
13.3	ENVIRONMENTAL PROTECTION – LSW (EP-LSW) ZONE .....	91
<b>SECTION 14 - NATURAL HAZARD ZONES.....</b>		<b>92</b>
14.1	FLOOD PLAIN (FP) ZONE.....	92
<b>SECTION 15 - APPROVAL.....</b>		<b>93</b>
<b>SECTION 1 – APPLICATION AND INTERPRETATION.....</b>		<b>1</b>
1.1	TITLE OF BY LAW .....	1
1.2	SCOPE OF BY LAW .....	1
1.3	INTERPRETATION OF BY LAW.....	2
1.4	SCHEDULES TO BY LAW .....	2
1.5	ZONING ADMINISTRATOR.....	2
1.6	ISSUANCE OF BUILDING PERMITS, CERTIFICATES AND LICENSES .....	2
1.7	CERTIFICATE OF OCCUPANCY .....	2
1.8	REQUEST FOR AMENDMENT TO ZONING BY LAW .....	2
1.9	INSPECTION .....	3
1.10	VIOLATIONS AND PENALTIES .....	3
1.11	REMEDIES .....	3
1.12	VALIDITY .....	3
1.13	TYPOGRAPHICAL CORRECTIONS.....	3
1.14	EXISTING BY LAWS.....	3
1.15	TRANSITION .....	4
<b>SECTION 2 – DEFINITIONS.....</b>		<b>5</b>
<b>SECTION 3 – GENERAL PROVISIONS .....</b>		<b>21</b>
3.1	ACCESSORY USES .....	21
3.2	EXISTING UNDERSIZED NON-COMPLYING LOTS .....	21
3.3	FRONT YARD REDUCTION WITHIN SETTLEMENT AREA .....	22
3.4	FRONTAGE ON AN IMPROVED STREET .....	22
3.5	GROUP HOMES .....	22
3.6	HEIGHT EXCEPTIONS.....	22
3.7	HEIGHT RESTRICTIONS – AIRPORT.....	23
3.8	HOME-BASED BUSINESSES.....	23
3.9	LOADING SPACE REQUIREMENTS .....	24
3.10	LOTS CONTAINING MORE THAN ONE USE .....	25
3.11	LOTS DIVIDED INTO MORE THAN ONE ZONE.....	25
3.12	MOVING OF BUILDINGS.....	25
3.13	NON-CONFORMING USES AND NON-COMPLYING USES, BUILDINGS AND STRUCTURES.....	25
3.14	OCCUPANCY RESTRICTIONS .....	26
3.15	OPEN STORAGE .....	27
3.16	PARKING REQUIREMENTS.....	27
3.17	PITS, QUARRIES, WAYSIDE PITS, WAYSIDE QUARRIES AND PORTABLE ASPHALT PLANTS .....	30
3.18	PUBLIC USES .....	30
3.19	RESIDENTIAL SEPARATION DISTANCES FROM OTHER LAND USES .....	31
3.20	SETBACKS FROM ENVIRONMENTAL PROTECTION ZONES .....	31
3.21	SEWAGE DISPOSAL SYSTEMS AND THE APPLICABILITY OF THIS BY LAW.....	31
3.22	SIGHT TRIANGLES .....	31
3.23	SHORELINE AREA OCCUPANCY.....	32
3.24	STREET AND PRIVATE RIGHT-OF-WAY SETBACKS .....	32
3.25	TEMPORARY USES.....	32
3.26	THROUGH LOTS.....	33
3.27	WATER FRONTAGE AND WATER SETBACKS.....	33
3.28	YARD AND WATER SETBACK ENCROACHMENTS.....	33

<b>SECTION 4 – ZONES .....</b>	<b>35</b>
4.1 — GENERAL.....	35
4.2 — ZONES AND ZONE SYMBOLS.....	35
4.3 — BOUNDARIES OF ZONES.....	36
4.4 — HOLDING ZONES .....	36
4.5 — SPECIAL ZONES .....	37
4.6 — TEMPORARY ZONES .....	37
<b>SECTION 5 – RESIDENTIAL ZONES.....</b>	<b>38</b>
5.1 — RESIDENTIAL TYPE 1 (R1).....	38
5.2 — RESIDENTIAL TYPE 2 (R2).....	40
5.3 — ESTATE RESIDENTIAL (RE) .....	42
5.4 — LIMITED SERVICES RESIDENTIAL (RLS) .....	44
5.5 — MOBILE HOME PARK RESIDENTIAL (RMH).....	45
<b>SECTION 6 – COMMERCIAL ZONES .....</b>	<b>47</b>
6.1 — GENERAL COMMERCIAL (CG) ZONE .....	47
6.2 — RURAL COMMERCIAL (CR) ZONE .....	50
6.3 — LOCAL COMMERCIAL (CL) ZONE.....	52
6.4 — TOURIST COMMERCIAL (CT) ZONE.....	54
<b>SECTION 7 – INDUSTRIAL ZONES .....</b>	<b>55</b>
7.1 — GENERAL INDUSTRIAL (MG) ZONE.....	55
7.2 — BUSINESS PARK INDUSTRIAL (MBP) ZONE.....	57
7.3 — RURAL INDUSTRIAL (MR) ZONE .....	59
7.4 — SALVAGE YARD INDUSTRIAL (MS) ZONE .....	61
7.5 — DISPOSAL INDUSTRIAL (MD) ZONE .....	62
7.6 — AIRPORT INDUSTRIAL (MAP) ZONE.....	63
<b>SECTION 8 – INSTITUTIONAL ZONES.....</b>	<b>64</b>
8.1 — INSTITUTIONAL (I) ZONE.....	64
<b>SECTION 9 – OPEN SPACE ZONES .....</b>	<b>66</b>
9.1 — OPEN SPACE (OS) ZONE.....	66
<b>SECTION 10 – RURAL ZONES .....</b>	<b>68</b>
10.1 — RURAL (RU) ZONE.....	68
<b>SECTION 11 – AGRICULTURE ZONES.....</b>	<b>74</b>
11.1 — AGRICULTURE (AG) ZONE .....	74
<b>SECTION 12 – MINERAL RESOURCE ZONES .....</b>	<b>77</b>
12.1 — MINERAL AGGREGATE EXTRACTION (EX-P) ZONE .....	77
12.2 — MINERAL AGGREGATE EXTRACTION (EX-Q) ZONE.....	79
<b>SECTION 13 – NATURAL HERITAGE ZONES.....</b>	<b>81</b>
13.1 — ENVIRONMENTAL PROTECTION – PSW (EP-PSW) ZONE.....	81
13.2 — ENVIRONMENTAL PROTECTION (EP) ZONE .....	82
<b>SECTION 14 – NATURAL HAZARD ZONES.....</b>	<b>83</b>
14.1 — FLOOD PLAIN (FP) ZONE.....	83
<b>SECTION 15 – APPROVAL.....</b>	<b>84</b>

## SCHEDULES



A1 – Elizabethtown-Kitley North  
A2 – Elizabethtown-Kitley Central  
A3 – Elizabethtown-Kitley South  
B – Brockville Municipal Airport Obstacle Limitation Areas



## SECTION 1 – APPLICATION AND INTERPRETATION

### 1.1 Title of By-law

This By-law may be cited as the “Zoning By-law” of the Township of Elizabethtown-Kitley.

### 1.2 Scope of By-law

1. The provisions of this By-law shall apply to all lands within the geographic limits of the Corporation of Township of Elizabethtown-Kitley, as shown on Schedules A1, A2 and A3 attached hereto. This By-law shall also apply to any lands not shown on the Schedules created through the filling of water bodies, alteration of shorelines or other means, as well as to any portion of the bed of any water body where a license of occupation or lease has been issued by a relevant approval authority. Such areas shall not be used for any purpose other than a conservation use unless the Corporation has zoned such areas through an amendment to this By-law, regardless of whether or not required approvals from the relevant approval authorities have been obtained.
2. No building or structure shall hereafter be erected, altered or enlarged, nor shall the use of any building, structure or lot hereafter be changed, in whole or in part, except in conformity with the provisions of this By-law.
3. Nothing in this By-law shall prevent the use of any 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 the date of passing of this By-law, provided that it continues to be used for such purpose.
4. Nothing in this By-law shall prevent the erection of any building or structure for a purpose prohibited by this By-law if the building permit for such building or structure was issued by the Chief Building Official prior to the date of passing of this By-law, provided that:
  - When the building or structure is erected, it continues to be used for the purpose for which the building permit was issued; and
  - The building or structure is commenced within six (6) months of the date of the passing of this By-law and is completed within a reasonable time of the commencement.
5. This By-law shall not be effective to reduce or mitigate any restrictions imposed by a governmental authority having jurisdiction to make such restrictions and, without limiting the generality of the foregoing, shall include Conservation Authorities.
6. All references to Provincial Acts or Regulations shall refer to the current Act or Regulation. All references to the *Planning Act* shall refer to the *Planning Act, R.S.O., 1990, Chapter P.13*, as amended.

### **1.3 Interpretation of By-law**

1. In this By-law, unless the context requires otherwise, words used in the singular shall include the plural and words used in the plural shall include the singular.
2. In this By-law, the word “shall” is mandatory and “may” is permissive.
3. In this By-law, unless the context requires otherwise, the word “used” shall include “designed to be used” and “arranged to be used”, and the word “occupied” shall include “designed to be occupied” and “arranged to be occupied”.

### **1.4 Schedules to By-law**

The following schedules which are attached hereto are hereby incorporated into and are declared to form part of this By-law to the same extent as if fully described herein:

- A1 – Elizabethtown-Kitley North
- A2 – Elizabethtown-Kitley Central
- A3 – Elizabethtown-Kitley South
- B – Brockville Municipal Airport Obstacle Limitation Areas

### **1.5 Zoning Administrator**

This By-law shall be administered by the Zoning Administrator.

### **1.6 Issuance of Building Permits, Certificates and Licenses**

1. Notwithstanding any provisions of the Building By-law or any other by-law of the Corporation to the contrary, no building permit, certificate or license shall be issued where the proposed building, structure or use would be in violation of any of the provisions of this By-law.
2. Notwithstanding the generality of (1) above, where the approval of another agency or authority is required, this shall mean that the approval of such shall be obtained by the applicant and submitted to the Zoning Administrator at such time as an application is made for a building permit.

### **1.7 Certificate of Occupancy**

No change shall be made in the type of use of land, buildings or structures within any zone without first obtaining a Certificate of Occupancy from the Corporation, pursuant to any Township Occupancy Permit By-law that may be enacted.

### **1.8 Request for Amendment to Zoning By-law**

Every request for an amendment to this Zoning By-law shall be accompanied by the Corporation's “Application for an Amendment to Zoning By-law”.

## **1.9 Inspection**

The Zoning Administrator, the Chief Building Official or any other officer or employee of the Corporation acting under the direction of Council is hereby authorized to enter at all reasonable hours upon any property or premises for the purpose of carrying out his duties under this By-law. Notwithstanding the foregoing, a dwelling unit shall not be entered without the consent of the occupant except under the authority of a search warrant.

## **1.10 Violations and Penalties**

Any person convicted of a breach of any of the provisions of this By-law shall be liable to a fine in accordance with the provisions of the *Planning Act* and every penalty shall be recoverable under the *Provincial Offences Act*.

## **1.11 Remedies**

Where any building or structure is to be erected or altered, or any part thereof is to be used, or any lot is to be used, in contravention of this By-law, such contravention may be restrained by action at the instance of any ratepayer or of the Corporation pursuant to the provisions of the *Planning Act* or the *Municipal Act*.

## **1.12 Validity**

If any section, clause or provision of this By-law, including anything contained in Schedules A1, A2 and A3 attached hereto, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof, other than the section, clause or provision(s) so declared to be invalid. It is hereby declared to be the intention that all the remaining sections, clauses or provisions of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

## **1.13 Typographical Corrections**

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

## **1.14 Existing By-laws**

All other by-laws of the Corporation enacted pursuant to Section 34 or predecessors thereof of the *Planning Act* are hereby repealed and, without limiting the generality of the foregoing, existing by-laws that are repealed include:

- By-law No. 1712 of the former Township of Elizabethtown;
- By-law No. B 94-13 of the former Township of Kitley; and
- All by-laws of the former Township of Elizabethtown, former Township of Kitley and Township of Elizabethtown-Kitley which amend the foregoing by-laws.

~~1.15 Transition~~

- ~~1. Despite Section 1.14 above, this By-law shall not apply to prevent the issuance of a building permit for a building or structure for which a Committee of Adjustment approval had been granted prior to May 13, 2013, but which would not otherwise conform to the applicable provisions of this By-law.~~
- ~~2. Once the building permit for the building or structure has been granted, the applicable provisions of this By-law shall apply.~~
- ~~3. Section 1.15 of this By-law shall hereby be repealed on May 13, 2015.~~

## SECTION 2 - DEFINITIONS

For the purpose of this by-law, the definitions and interpretations in this section shall govern.

**ACCESSORY** shall mean a use, building or structure which is incidental, subordinate and exclusively devoted to a main use and located on the same lot therewith.

**ADULT ENTERTAINMENT PARLOUR** shall mean any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, live entertainment or services appealing or designed to appeal to erotic or sexual appetites or inclinations, and includes a body rub parlour.

**AGGREGATE PROCESSING OPERATION** shall mean a facility that processes material derived from a pit or quarry and shall include activities such as screening, washing, crushing and associated storage of raw or processed material, as well as the recycling of construction products such as asphalt and concrete that are manufactured using aggregates.

**AGRICULTURAL USE** shall mean the use of land, buildings or structures for:

- ~~Growing crops, Outdoor and/or indoor growing of crops~~ including cannabis, as well as all related activities such as fertilizing, planting, spraying, irrigating, harvesting and the storage and sale of crops produced;
- Raising, breeding, boarding, training, keeping and/or sale of livestock, including the raising and sale of fish;
- Collection, production, storage and sale of animal products such as milk, eggs, wool, fur or honey;
- Greenhouse or nursery garden, including storage and sale of products produced;
- Planting, harvesting and sale of forest products, including maple syrup;
- Use and storage of all equipment related to the foregoing activities, including the occasional use of a portable sawmill.

Agricultural use shall not include commercial or industrial activities such as abattoirs, tanneries, kennels or manufacturing activities involving crops, animal products, lumber or wood products. This definition shall not include a cannabis processing facility, as defined herein.

**AGRICULTURAL PRODUCTS PROCESSING FACILITY** shall mean an establishment engaged in the storage, grading, processing and wholesale distribution of agricultural products such as meat, fish, poultry, eggs and dairy, vegetable, fruit, honey, wool, fur, lumber or wood products. This definition shall not include a cannabis processing facility, as defined herein.

**AIRPORT OUTER SURFACE** shall mean the imaginary surface consisting of a common plane established at a constant elevation of 45 m above the assigned airport reference point elevation of 120.7 metres geodetic elevation, and extending a horizontal distance of 4,000 m from the designated airport reference point, as designated on Schedule B to this By-law.

**AIRPORT TAKE-OFF/APPROACH SURFACE** shall mean a surface extending upwards from runway level along the extended runway centreline at a slope and covering the area, both as indicated on Schedule B to this By-law.

**AIRPORT TRANSITIONAL SURFACE** shall mean a surface lying laterally along both sides of the basic strip and the Take-off/Approach Surface and which extends upward at a slope, as indicated on Schedule B to this By-law, at right angles to the runway centreline measured from the edges of the basic strip and the Take-off/Approach Surface until such Transitional Surface intersects the Outer Surface.

**AIR TREATMENT CONTROL**, when used in reference to a cannabis processing facility as herein defined, shall mean an industrial grade air filtration system designed by a qualified person, used to reduce and/or treat the emission of pollen, dust and/or odours expelled from a facility.

**ALTER** when used in reference to a building or part thereof, shall mean to change any one or more of the internal or external dimensions of such building or to change the type of construction of the exterior walls or roof thereof. When used in reference to a lot, the word “alter” shall mean the change to the width, depth or area thereof or to change the width, depth or area of any required yard, open space or parking area or to change the location of any boundary of such lot with respect to a public highway or laneway, whether such alteration is made by conveyance or alienation of any portion of said lot, or otherwise. The words “altered” and “alteration” shall have a corresponding meaning.

**ANIMAL HOSPITAL** – See **Veterinary Clinic**

**ANTIQUE SHOP** shall mean a retail store offering antiques, second hand goods and used collectable items.

**ASPHALT PLANT** shall mean a facility designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process.

- **PORTABLE ASPHALT PLANT** shall mean an asphalt plant which is not of permanent construction, but which is to be dismantled at the completion of the construction project.

**AUCTION HALL** shall mean the use of land, buildings or structures used for the storage and sale of goods and materials by public auction.

**AUTOMOBILE BODY SHOP** shall mean a building or part of a building used for the painting or repairing of vehicle bodies and chassis, provided that all activities shall be undertaken within an enclosed building, and provided further that it shall not include a salvage yard as defined herein.

**AUTOMOBILE SERVICE STATION** shall mean a building or place where automotive fuels, lubricants or parts are kept for sale and/or where mechanical repairs to vehicles are performed and/or where vehicles are washed or cleaned, but it shall not include a salvage yard, or automobile body shop as defined herein.

**BALCONY** shall mean an open platform projecting from the face of a building wall, accessed only from within the building, and surrounded with a railing.

**BANK** shall mean an establishment where money is deposited, kept, lent or exchanged or where



other retail financial services are provided and includes a chartered bank, trust company or similar financial institution.

**BASEMENT** shall mean that portion of the building between two floor levels which is partly underground but, which has at least one-half (1/2) of its height from finished floor to finished ceiling above adjacent finished grade.

**BED AND BREAKFAST** shall mean a business conducted in a single dwelling in which the resident owner supplies for financial gain a maximum of three (3) guest bedrooms with or without meals for the purpose of providing temporary lodging on a daily basis to the travelling public.

**BOARDING HOUSE** shall mean a single dwelling in which the proprietor supplies for financial gain, lodging with or without meals to a maximum of three (3) boarders, but it does not include a bed and breakfast, hotel, hospital, foster home, home for the aged or other establishment otherwise classified or defined in this By-law.

**BOATHOUSE** – See **Marine Facility**

**BUILDING** shall mean any structure consisting of walls or columns and a roof which is used for the shelter, accommodation or enclosure of persons, animals, goods or chattels.

- **ACCESSORY BUILDING** shall mean a building customarily incidental and subordinate to the main building and located on the same lot with such main building and not used for human habitation.
- **MAIN BUILDING** shall mean a building serving the principal or primary uses for which the lot was purchased, leased or rented.
- **TEMPORARY BUILDING** shall mean a building or structure intended for removal or demolition within a prescribed time as set out in a building permit.

**BUILDING LINE** shall mean a line within a lot drawn parallel to a lot line and establishing the minimum distance between that lot line and any building or structure which may be erected.

**BUILDING SUPPLY CENTRE** shall mean an establishment engaged in the selling or installing of building supplies including lumber, millwork, siding, roofing, flooring, windows, doors, plumbing, electrical, heating, air conditioning and similar items.

**CABIN** – See **Lodging Establishment**

**CAMPGROUND** shall mean any parcel of land which is used to provide temporary accommodation for the public or members of an organization in tents, trailers, tourist trailers or recreational vehicles.

**CANNABIS PROCESSING FACILITY** shall mean any building or structure licensed by a federal agency which is authorized to process, store and ship cannabis and cannabis products, and may include growing and cultivation of cannabis. This definition shall not include an industrial facility, as defined herein.

**CARPORT** shall mean an attached or detached structure which is accessory to a dwelling and which is covered but open on at least two sides and used for the sheltering of permitted vehicles and storage of household equipment incidental to the residential occupancy.

**CELLAR** shall mean that portion of a building between two floor levels, which is partly underground and which has more than one-half (1/2) of its height from finished floor to finished ceiling below finished grade.

**CEMETERY** shall mean land used as a place of interment for human remains within the meaning of the *Cemeteries Act*.

**CHIEF BUILDING OFFICIAL** shall mean the officer or employee of the Corporation charged with the duty of enforcing the provisions of the Building by-law of the Corporation.

**CHIP WAGON** – See **Restaurant**

**CLINIC** shall mean a building or part thereof where health services are provided to the public in the form of medical, paramedical, dental, surgical, physiotherapeutic or other human health services including associated technician and laboratory facilities, and may also include an incidental pharmaceutical outlet for the sale of prescription and therapeutic drugs and medication and other drug store products, and optical equipment.

**COMMERCIAL PARKING LOT** shall mean the use of a vacant lot for parking as the principal or main use.

**COMMUNICATIONS TOWER** – See **Public Use**

**COMMUNITY SERVICE** shall mean the use of land, buildings or structures by a not-for-profit, non-commercial body or society such as a service club or charitable organization for promoting athletic, cultural, educational, environmental, health, recreational, social, philanthropic or other similar objectives.

**CONCRETE PLANT** shall mean a facility which produces concrete for immediate use in the construction of buildings, structures, roadways, curbs, sidewalks and similar applications. It shall also include a facility which manufactures finished concrete products.

**CONSERVATION USE** shall mean research, observation, education, preservation, improvement and enhancement with respect to natural resources or the natural environment, as well as passive outdoor recreation activities such as hiking that do not involve alteration to the landform or natural vegetative characteristics of the land.

**CONVENIENCE STORE** shall mean a retail store limited to the sale of convenience food and sundry items.

**CONTRACTOR'S YARD** shall mean a yard, including any accessory buildings or structures, where materials, equipment and vehicles are stored in association with any building trade or contractor such as excavators, road builders, roofers, landscapers, snow removal and similar contractors, but shall not include a salvage yard.

**CORPORATION** shall mean the Corporation of Township of Elizabethtown-Kitley.

**CORRECTIONAL FACILITY** shall mean a place of secure detention or secure custody and includes a secure custody group home.

**COUNCIL** shall mean the Council of the Corporation of Township of Elizabethtown-Kitley.

**COUNTY** shall mean the United Counties of Leeds and Grenville.

**CUSTOM WORKSHOP** shall mean a business in which an artist or craftsperson produces, repairs and sells goods such as jewellery, leatherwork, artistic wood, metal and glass crafts or pottery, or fine art such as paintings, photographs and sculptures, in small quantity or on a custom order basis. A custom workshop does not include any establishment where mass production of goods is carried on nor any shop or factory otherwise defined in this by-law.

~~**DAY CARE** shall mean a day care facility licensed under the *Day Nurseries Act* and which provides care for six (6) or more children.~~

**DAY CARE** shall mean a day care facility licensed under the *Child Care and Early Years Act* and which provides care for six (6) or more children.

**DWELLING** shall mean a building occupied or capable of being occupied as the home or the residence of one or more persons. This definition shall not include any vehicle defined herein.

- **ACCESSORY DWELLING** shall mean a single dwelling which is accessory to a permitted non-residential building which is located on the same lot therewith.
- **DUPLEX DWELLING** shall mean a dwelling which is divided horizontally into two dwelling units.
- **MULTIPLE DWELLING** shall mean a dwelling which contains three or more dwelling units, and which is not a townhouse dwelling, as defined herein.
- **SECOND DWELLING** shall mean an accessory building which contains one or more habitable rooms designed and occupied as an independent dwelling in which living, kitchen and bathroom facilities are provided and which is located on the same lot as a single dwelling, semi-detached dwelling or townhouse dwelling, as defined herein.
- **SEMI-DETACHED DWELLING** shall mean a detached dwelling which is divided vertically into two dwelling units.
- **SINGLE DWELLING** shall mean a dwelling which contains only one dwelling unit.
- **TOWNHOUSE DWELLING** shall mean a dwelling which contains three or more dwelling units which are divided vertically, each of which has a separate entrance and fully independent front and rear yards.

**DWELLING UNIT** shall mean one or more habitable rooms designed for use and occupied by persons in which separate kitchen and sanitary facilities are provided for the exclusive use of such persons with an independent entrance from outside the building or from a common hallway or stairway inside the building. This definition shall not include any vehicle defined herein.

- **ACCESSORY DWELLING UNIT** shall mean a dwelling unit which is part of, and accessory to, a permitted non-residential building.
- **SECOND DWELLING UNIT shall mean one or more habitable rooms designed and occupied as an independent dwelling in which living, kitchen, and bathroom facilities are provided and which is located entirely within a single dwelling, semi-detached dwelling or townhouse dwelling, as defined herein.**

**ENVIRONMENTAL IMPACT STUDY** shall mean an environmental impact assessment completed in accordance with the provisions of the Official Plan.

**EQUIPMENT RENTAL OUTLET** shall mean the use of land and buildings for the rental of equipment, machinery, furniture and fixtures which are primarily of a size and type which would be used for home improvement or household purposes and which would generally be transportable by the general public.

**ERECT** shall mean build, construct, reconstruct or relocate and shall include any preliminary physical operations such as cutting, grading, excavating, filling, or draining or any altering of an existing building by an addition, extension or other structural change or the doing of any work for which a building permit is required under the building by-laws of the Corporation. The words “erected” and “erection” shall have a corresponding meaning.

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

**FLEA MARKET** – See **Open Market**

**FLOOD LINE** shall mean the line showing the limit of the flood plain.

**FLOOD PLAIN** shall mean the area adjoining a water body or water course that has been or may be subject to flooding hazards, such hazards having been determined on the basis of the 1:100 year flood level, plus an allowance for wave uprush and other water-related hazards, as applicable.

**FLOOR AREA** shall mean:

- For a dwelling or dwelling unit, the total area of the storeys contained within the exterior walls of the dwelling or dwelling unit, exclusive of any garage, carport, unenclosed porch or deck, unfinished attic, unfinished basement or unfinished cellar where such basement or cellar has a height of less than 2.1 m measured between its floor surface and the underside of the joists of the storey above it;
- For a building other than a dwelling or dwelling unit, the total area of all floors contained within the exterior walls of the building.

**FLOOR SPACE INDEX** shall mean the ratio of the total floor area of a dwelling and any other

habitable building such as a sleeping cabin, if applicable, to the area of the lot on which the dwelling is situated, expressed as a percentage.

**FORESTRY USE** – See **Agricultural Use**

**FUEL STORAGE FACILITY** shall mean an establishment primarily engaged in the bulk storage and distribution of petroleum, gasoline, fuel oil, natural gas, propane gas or other similar products in fuel storage tanks.

**FUNERAL HOME** shall mean an establishment where deceased persons are prepared for burial or cremation, where the body may be viewed and where funeral services may be held.

**GARDEN CENTRE** shall mean an establishment primarily used for the retail sale of gardening equipment, products and planting materials, including greenhouses for the cultivation of such materials.

~~**GARDEN SUITE** shall mean a single dwelling that is designed to be portable for the use of elderly members of the family occupying a single dwelling on the same lot and for which a temporary use by-law has been adopted, pursuant to the provisions of the *Planning Act*.~~

**GARDEN SUITE** shall mean a portable detached dwelling located on the same lot as the principal dwelling which provides for the housing needs of the family residing in the principal dwelling and for which a temporary use by-law has been adopted, pursuant to the *Planning Act*.

**GOLF COURSE** shall mean a public or private area operated for the purpose of playing golf and includes a driving range, a mini putt and accessory uses such as a club house, a restaurant, an indoor driving range, a putting green and similar uses.

**GRADE** shall mean the median elevation between the highest and lowest points of the finished surface of the ground (measured at the base of the building or structure), but exclusive of any embankment in lieu of steps.

**GROUP HOME** shall mean a single dwelling which is occupied by 3 to 10 unrelated residents who, by reason of their emotional, mental, social or physical condition or legal status, require a supervised family living arrangement for their well-being. A group home may be occupied as the residence by the staff or receiving family. A group home does not include foster homes, boarding houses, a secure custody group home or other uses defined herein.

**HEAVY EQUIPMENT SALES OR RENTAL ESTABLISHMENT** shall mean an establishment having as its main use the sale, rental, leasing, servicing and accessory storage of heavy vehicles, farm equipment and/or excavation or construction equipment.

**HEIGHT**, when used with reference to a building, shall mean the vertical distance between grade and:

- The highest point of the roof surface on a flat roof;
- The deck line on a mansard roof;
- The mean level between the eaves and ridge of a gable, hip or gambrel roof.

**HIGH WATER MARK** shall mean the mark made on the shore or bank of a water body through the action of water, which action has continued over such a long period of time that it has created a difference between the character of the vegetation or soil below the mark and that above the mark, ~~except that in the case of the St. Lawrence River the high water mark shall be the upper controlled water elevation.~~

**HOBBY FARM** – See **Agricultural Use**

**HOME FOR THE AGED** – See **Public Use**

**HOME-BASED BUSINESS** shall mean an occupation, trade, business, profession or craft conducted in accordance with the General Provisions of this By-law as an accessory use to the use of a dwelling by the dwelling occupant(s) and includes the following:

- Instruction of students;
- Respite care or day care, provided that no residential accommodation is provided;
- Occupations in the areas of a personal service, a service outlet or a tradesperson's establishment, all as defined in this By-law;
- Food catering business;
- Pet grooming, limited to dogs and cats;
- Office for conducting a business or profession;
- Studio of an artist, artisan or craftsman.

A home-based business shall not include any use that involves the on-site service and repair of vehicles.

**HOTEL** – See **Lodging Establishment**.

**HUNTING OR FISHING CAMP** shall mean a building or structure that includes an approved sewage disposal system and that is used on an occasional basis as a base for hunting, fishing or similar outdoor activities, and which may provide sleeping accommodation, but shall not include a dwelling or a dwelling unit as defined in this By-law.

**INDUSTRIAL FACILITY** shall mean an establishment not otherwise defined in this By-law that is primarily engaged in the assembly, fabrication, manufacturing, processing, treatment, recycling or packaging of articles, components, materials or products.

**INSTITUTIONAL USE**, when used in reference to proximity to a cannabis processing facility, shall mean any day care, place of worship, library, school, community service or park.

**INSTRUCTIONAL FACILITY** shall mean a business that provides instruction or training in an art, hobby, skill or trade and includes programs in exercise, dance, music, arts and crafts, computer operation, driving and other similar activities.

**INTAKE PROTECTION ZONE (IPZ)** shall mean the area upstream of a surface water intake where land use activities have the potential to affect the quality of water that flows into the intake.

**KENNEL, COMMERCIAL AND/OR BREEDING** shall mean a building or structure accessory to a dwelling or dwelling unit, where animals other than livestock, such as dogs or cats, are bred, boarded or trained for financial compensation. Grooming may be conducted as an accessory use.

**KENNEL, HOBBY** shall mean any use of land, building or structure accessory to a dwelling where dogs are kept for the primary purpose of recreational hunting by the owner/occupant. This use is further regulated through a municipal Kennel By-law.

**LANE** shall mean a driveway providing access from within a property to a public street.

**LAUNDROMAT OR DRY CLEANERS** shall mean a building or part of a building in which the business of washing and/or dry cleaning of clothing and other fabrics is carried on and includes both self-service and full-service facilities.

**LIVESTOCK FACILITIES** shall mean livestock and/or poultry barns, buildings or structures where agricultural animals are housed and shall include feed lots and associated manure storage.

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

**LODGING ESTABLISHMENT** shall mean an establishment which provides temporary accommodation in one or more buildings for members of the public or organizations who are vacationing or travelling and shall include a seasonal camp, a cabin, a hotel, a lodge and a motel.

- **SEASONAL CAMP** shall mean an establishment which provides meals, sleeping accommodation and recreational opportunities to individuals and groups who are under the supervision of camp staff and shall include children's camps, church camps, scouting movement camps, YM/YWCA camps and other similar uses.
- **CABIN** shall mean an establishment designed to accommodate one or more persons in a detached or semi-detached building.
- **HOTEL** shall mean an establishment containing four or more guest rooms served by a common entrance. Accessory uses may include accommodation for staff, dining rooms, meeting rooms, recreational amenities and similar uses.
- **MOTEL** shall mean an establishment containing four or more guest rooms each of which has a separate entrance directly from outside the building. Accessory uses may include dining rooms, meeting rooms, recreational amenities and similar uses.

**LOT** shall mean a parcel or tract of land which is capable of being legally conveyed in accordance with the provisions of the *Planning Act*.

- **CORNER LOT** shall mean a lot, other than a waterfront lot as defined herein, situated at the intersection of two streets, of which two adjacent sides that abut the intersecting streets contain an angle of not more than 135 degrees.



- **INTERIOR LOT** shall mean a lot, other than a waterfront lot as defined herein, situated between adjacent lots and which has frontage on one street.
- **THROUGH LOT** shall mean a lot, other than a waterfront lot as defined herein, bounded on two opposite sides by streets, provided that if any lot qualifies as being both a corner lot and a through lot, the lot shall be deemed a corner lot for the purposes of this By-law.
- **WATERFRONT LOT** shall mean a lot which abuts a shoreline but which does not abut an improved street or a street which will become an improved street pursuant to provisions in, and financial security associated with, a subdivision agreement registered on the title to the lot.

**LOT AREA** shall mean the total horizontal area within the lot lines of a lot, excluding any lands below the high water mark on a ~~water~~ lot with water frontage.

**LOT COVERAGE** shall mean that portion of the area of a lot covered by all main and accessory buildings and structures, porches, decks, in-ground swimming pools and similar features, but excluding automobile service station pump island canopies, entrance canopies for non-residential buildings, and balconies and overhanging eaves which are more than 2.5 m above finished grade.

**LOT FRONTAGE** shall mean the width of a lot measured between the intersections of the side lot lines with a line that is continuously 6 m back from and parallel to the front lot line.

**LOT LINE** shall mean any boundary of a lot or the vertical projection thereof.

- **FRONT LOT LINE** shall mean the following:
  - In the case of an interior lot, the line dividing the lot from the street;
  - In the case of a corner lot or through lot, the shorter lot line abutting a street, or where access is gained to the lot regardless of the length of the line;
  - In the case of a waterfront lot, the high water mark shall be deemed to be the front lot line.
- **REAR LOT LINE** shall mean in the case of a lot having four or more lot lines, the lot line farthest from and opposite to the front lot line. If a lot has less than four lot lines, there shall be no rear lot line.
- **SIDE LOT LINE** shall mean a lot line other than a front or rear lot line.

**MARINA** shall mean an establishment or premises located on a water body and containing facilities where boats and boat accessories are berthed, stored, serviced, repaired, maintained or kept for sale or rent and where facilities for the sale of marine fuels and lubricants, as well as the parking of customers' vehicles, may be provided. The incidental sale of convenience food and personal items, camping and outdoor accessories and fishing gear is included as an accessory use.

**MARINE FACILITY** shall mean an accessory building or structure which is used to place a boat into or out of a water body, or used to moor, berth or store a boat. This definition may include a boat launching ramp, boat lift, dock, boathouse, boatport or slip. This shall not include any



building used for human habitation nor any marina or boat service, repair or sales facility, but may include a rooftop deck on a boathouse.

**MICRO-BREWERY** shall mean a building used for making beer, cider or spirits on a small scale and may include tasting and dining facilities and the retail sale of related items.

**MOBILE HOME** shall mean a prefabricated building which bears a CSA Z240 approval and which is designed to be towed on its own chassis (notwithstanding that its running gear is or may be removed), designed and equipped for year round occupancy and containing therein facilities for cooking or for the installation of cooking equipment, as well as sanitary facilities including a flush toilet and shower or bathtub. This definition shall not include a travel trailer or tent trailer or trailer otherwise defined in this By-law.

**MOBILE HOME SITE** shall mean a portion of a mobile home park designed to accommodate one mobile home.

**MOBILE HOME PARK** shall mean land which has been provided and designed for the location of two or more occupied mobile homes.

**MOTEL** – See **Lodging Establishment**.

**NON-COMPLYING** when applied to a use, building or structure shall mean a use, building or structure which is listed as a permitted use in the zone in which it is located but which contravenes one or more of the provisions of this By-law for the zone in which it is located, as of the date of the passing of this By-law.

**NON-CONFORMING** shall mean a use, building or structure which, on the date of the passing of this By-law, is not within the list of permitted uses for the zone in which it is located.

**NURSING HOME** – See **Public Use**

**OFFICIAL PLAN** shall mean the *Official Plan of the Township of Elizabethtown-Kitley*, as amended.

**ON-FARM DIVERSIFIED USE** shall mean uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and use that produce value-added agricultural products.

**OPEN MARKET** shall mean a building or open air facility where individual vendors operating from stalls, booths or other defined areas offer the following for sale: Fresh fruit, vegetables and herbs, poultry, fish, meat, eggs, cheese, honey, cider, maple products, cut flowers, bedding plants, shrubs and trees, baked foodstuffs, second hand furniture and other items, handicrafts and other hand-made products.

**OPEN SPACE** shall mean unoccupied space open to the sky on the same lot with the building.

**OPEN STORAGE** shall mean the storage of goods, merchandise or equipment outside a building

or structure on a lot or portion thereof, but does not include the outdoor display of a limited number of samples of the goods, merchandise or equipment for the purposes of sales and advertisement, nor does it include the open storage of a limited quantity of operative or licensed vehicles and equipment that are normally associated with residential occupancy.

**OUTDOOR SOLID FUEL COMBUSTION APPLIANCE** shall mean an accessory building or structure that operates as a heat source for associated buildings and which is regulated by a separate by-law enacted by Council.

**PARK** shall mean an area consisting largely of open space, which may include a recreational area, playground, playing field, tennis courts, lawn bowling greens, skating rinks, athletic field, picnic areas, swimming pools, day camps, community centres or other similar use, but it shall not include a mobile home park or campground.

- **PUBLIC PARK** shall mean a park owned or controlled by the Corporation or by any ministry, board, commission or authority established under any statute of Ontario or Canada.
- **PRIVATE PARK** shall mean a park other than a public park.

**PARKING AREA** shall mean a lot or lots or portions thereof required in accordance with the provisions of this by-law for the temporary parking of motor vehicles and includes any related aisles, parking spaces, entrance and exit lanes, but, it shall not include any part of a public street.

**PARKING SPACE** shall mean an area for the temporary parking or storage of motor vehicles.

**PERSON** shall mean an individual, an association, a chartered organization, a firm, a partnership or a corporation.

**PERSONAL SERVICE** shall mean an establishment where a personal service related to the grooming or health of persons is provided, or where the maintenance or repair of personal wardrobe articles is performed. A personal service may include a hair stylist, an aesthetician, a tailor, a shoe repair shop or similar use.

**PET CEMETERY** shall mean land used as a place of interment for the dead remains of domestic pets.

**PIT** shall mean any open excavation made for the removal of any soil, earth, clay, marl, sand, gravel or unconsolidated rock or mineral in order to supply material for construction, manufacturing or industrial purposes but, it shall not include an excavation incidental to the erection of a building or structure for which a building permit has been granted by the Corporation, or an excavation incidental to the construction of any public works.

- **CLASS B PIT** shall mean a pit with a licence pursuant to the *Aggregate Resources Act, R.S.O., 1990, as amended*, to remove 20,000 tonnes or less annually.
- **WAYSIDE PIT** shall mean a temporary pit opened and used by or for a public road authority solely for the purpose of a particular project or contract of road construction.

**PLACE OF ASSEMBLY** shall mean a building or structure used for the operation of arts and craft shows, trade fairs, fashion shows, public meetings, banquets, community activities or events, conferences, auctions and similar activities.

**PLACE OF WORSHIP** shall mean a building dedicated to religious worship.

**PRIVATE GARAGE** shall mean an attached or detached building which is accessory to a dwelling and which is fully enclosed and designed or used for the sheltering of permitted vehicles and storage of household equipment incidental to the residential occupancy.

**PRIVATE RIGHT-OF-WAY** shall mean a legal right of passage over a lot for the purpose of providing vehicular access for two or more other lots.

**PRINTING ESTABLISHMENT** shall mean a business primarily engaged in the reproduction or duplication of printed materials and/or the production of books, newspapers and similar publications.

**PROFESSIONAL OR BUSINESS OFFICE** shall mean a building or part of a building in which any business is conducted or profession is practiced, but which does not include any establishment otherwise defined herein.

**PUBLIC USE** shall mean the use of land, buildings or structures for the supply of public services by the Corporation, the United Counties of Leeds and Grenville, the Governments of Ontario or Canada, any agencies, boards commissions or authorities thereof, and any company providing electricity, natural gas, wired or wireless communications or rail transportation. Without limiting the generality of the foregoing, among other uses, this shall include correctional institutions, hospitals, homes for the aged and nursing homes.

**QUARRY** shall mean any open excavation made for the removal of consolidated rock or mineral including limestone, sandstone or shale in order to supply material for construction, industrial or manufacturing purposes.

- **WAYSIDE QUARRY** shall mean a temporary quarry opened and used by or for a public road authority solely for the purpose of a particular project or contract of road construction.

**RECREATIONAL ESTABLISHMENT** shall mean any building or part of a building used for the purposes of an amusement arcade, a bowling alley, curling rink, skating rink, billiard parlour, health or athletic club, swimming pool, theatre or other similar use.

**RESIDENTIAL CARE HOME** shall mean a residence primarily for the elderly and which provides ancillary health and social services to the residents of the home and has communal dining and recreational facilities.

**RESTAURANT** shall mean a building or part of a building where food and beverages are sold to the public for immediate consumption on or off the premises.

**RETAIL COMPRESSED GAS TRANSFER FACILITY** shall mean a licensed transfer facility

from which propane and natural gas may be retailed to the public.

**RETAIL STORE** shall mean a building or part of a building where goods, wares, merchandise, substances, articles or things are offered or kept for sale at retail and includes rental of consumer goods and storage of limited inventory on or about the store premises.

**RISK MANAGEMENT OFFICIAL** shall mean a person appointed by the Corporation that is responsible for the enforcement of Part IV of the *Clean Water Act*, and who has the qualifications prescribed in Ontario Regulation 287/07, as may be amended.

**SALVAGE YARD** shall mean a junk yard, an automobile wrecking yard or premises and premises where goods, wares, merchandise or articles are processed for further use or for the sale, storage, keeping or abandonment of junk including scrap metals or other scrap material from the dismantling, demolition or abandonment of vehicles or machinery parts.

**SCHOOL** shall mean an educational establishment as defined in the *Education Act*, and includes any other facility which has a body of students and teachers and which provides primary, elementary, secondary or adult education courses of study authorized or approved by the Minister of Education for the Province of Ontario. This definition includes schools under the jurisdiction of a Board of Education, as well as other private schools that provide such course of study, which may also provide other specialized training or instruction, whether such private schools are operated for profit or not-for-profit.

**SELF-STORAGE FACILITY** shall mean a building which is divided into spaces which may be rented for the purpose of storing goods, wares, merchandise, equipment or materials.

**SERVICE OUTLET** shall mean an establishment where articles, goods or materials, excluding vehicles, may be repaired or serviced.

**SEWAGE DISPOSAL SYSTEM** shall mean a privy, a greywater system, a cesspool, a leaching bed system, a holding tank or any other privately-owned individual or communal system for the on-site holding and/or treatment of sanitary sewage.

**SHORELINE** shall mean any lot line or portion thereof which is the shore of a water body.

**SIGHT TRIANGLE** shall mean the triangular space formed by the street lines of a corner lot and a line drawn from a point in one street line to a point in the other street line, each such point being 9 m from the point of intersection of the street lines, measured along the street lines. Where two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines.

**SIGN** shall mean a name, identification, description, device, display or illustration which is affixed to a building, structure or lot which directs attention to an object, product, place, activity, person, institute, organization or business and which does not contravene any by-law or regulation of the Corporation, the County, the Province of Ontario or Government of Canada.

**SOURCE PROTECTION PLAN** shall mean the *Cataraqui Source Protection Plan* or the *Mississippi-Rideau Source Protection Plan*, as applicable, prepared pursuant to the *Clean Water*

Act, 2006.

**STOREY** shall mean that portion of a building other than a cellar, basement or attic included between the surface of any floor level and the surface of the floor, ceiling or roof above it.

**STREET** shall mean a public thoroughfare under the jurisdiction of the Corporation, the County or the Province of Ontario. This definition does not include a lane, a private road or private right-of-way.

- **IMPROVED STREET** shall mean a street which has been assumed by the Corporation, the County or the Province and is maintained on a regular, year-round basis.

**STREET ACCESS** shall mean, when referring to a lot that such lot has a lot line or portion thereof which is also a street line.

**STREET LINE** shall mean the limit of the road or street allowance and is the dividing line between a lot and a street.

**STREET SETBACK** shall mean with reference to a street, the distance between the centreline of a street allowance and the nearest building line.

**STRUCTURE** shall mean anything constructed or erected, the use of which requires location on the ground or attached to something having its location on the ground and, without limiting the foregoing, includes a trailer or a mobile home.

**TRADESPERSON'S ESTABLISHMENT** shall mean a building or part of a building which, in addition to or as well as serving as an office, serves as a storage facility for the materials and equipment of, and/or a workshop for the undertaking of repairs, the preparation of materials, or the production of items on a custom order basis by, one of the following tradespersons: Heating and cooling systems specialist, cabinet maker, carpenter, chimney sweep, drywaller or plasterer, electrician, exterminator, fence installer, furniture refinisher, general building contractor, glass installer, grounds maintenance person and landscaper, handyman, janitor, mason, painter, plumber, printer, snow plough operator, upholsterer, welder, window cleaner and similar tradespersons whose activities are not otherwise defined in this By-law.

**TRANSPORTATION DEPOT** shall mean an establishment where more than two commercial vehicles are kept for hire, stored or parked and/or dispatched and may include accessory loading and warehouse uses and truck or bus fuelling and repair facilities.

**UNENCLOSED**, when used in relation to an attached or detached porch, deck or other structure, shall mean open except for a roof, supporting columns, safety railings, screens, curtains or shades. The word unenclosed shall exclude partial or full solid walls or other solid materials such as glass and synthetic glass substitutes normally intended to provide protection from the elements.

**USE**, when used as a noun, means the purpose for which a parcel of land, lot, building or structure or any combination thereof is designed, arranged, occupied or maintained and "uses" shall have a corresponding meaning. "Use" when used as a verb, or "to use" shall also have a corresponding meaning.

**VEHICLE** shall mean an all-terrain vehicle, an automobile, a boat, a commercial motor vehicle, a mobile home, a motorcycle, a snowmobile, a recreational vehicle or a trailer. This definition shall also include any agricultural implements driven or towed.

**VEHICLE SALES OR RENTAL ESTABLISHMENT** shall mean an establishment having as its main use the sale, rental, leasing, servicing and accessory storage of vehicles.

**VETERINARY CLINIC** shall mean a building where one or more licensed veterinarians and any associated staff provide medical, surgical, grooming or similar services to animals, but does not include boarding services except those essential to recovery from medical treatment.

**WAREHOUSE** shall mean a building used for the bulk storage of commodities, goods, materials, merchandise or wares.

**WASTE DISPOSAL SITE** shall mean a place where garbage, refuse, domestic or industrial waste is disposed of or dumped and shall include a sewage treatment plant, lagoon or sludge disposal area.

**WASTE RECYCLING FACILITY** shall mean an operation engaged in the processing and recycling of non-hazardous solid wastes including but not limited to wood, drywall, cardboard, metal and other construction wastes. Radioactive, pathological and/or asbestos-contaminated materials or any other hazardous materials are not permitted to be processed.

**WASTE TRANSFER FACILITY** shall mean an operation wherein waste materials collected from surrounding areas are stored on a temporary basis entirely within a building and then shipped to the appropriate disposal site.

**WATER BODY** shall mean any bay, lake, river, watercourse, canal or municipal drain pursuant to the *Drainage Act*, but excluding a drainage or irrigation channel.

**WATERCOURSE** shall mean a natural drainage channel that contains water either permanently or intermittently, including creeks and streams.

**WATER SETBACK** shall mean, in reference to a water body, the horizontal distance between the high water mark and the nearest building line.

**WHOLESALE ESTABLISHMENT** shall mean a business engaged in the bulk storage and sale of commodities, goods, materials, merchandise or wares for resale or business use.

**YARD** shall mean an open, uncovered space appurtenant to a building or structure.

- **FRONT YARD** shall mean a yard extending across the full width of the lot between the front lot line and the nearest part of any main building or structure on the lot.
- **REAR YARD** shall mean a yard extending across the full width of the lot between the rear lot line and the nearest part of any main building or structure on the lot.

- **SIDE YARD** shall mean a yard extending from the front yard to the rear yard between the side lot line and nearest part of any main building or structure on the lot.
- **EXTERIOR SIDE YARD** shall mean a side yard abutting a street.
- **INTERIOR SIDE YARD** shall mean a side yard other than an exterior side yard.

**ZONE** shall mean:

- A land use category as defined and regulated in this By-law; or
- A designated area of land shown on the zoning schedules to this By-law.

**ZONING** shall mean the demarcation of an area into zones and the establishment of regulations to govern the use of the land within these zones and the location, bulk, height, shape, use and coverage of structures within each zone. The terms “zone provisions” and “zone requirements” shall have a corresponding meaning.

**ZONING ADMINISTRATOR** shall mean the officer or employee of the Corporation charged with the duty of enforcing the provisions of this By-law.

## SECTION 3 - GENERAL PROVISIONS

### 3.1 Accessory Uses

Except as otherwise set out in this section, accessory uses, buildings or structures shall be permitted in any zone, provided that:

1. Accessory buildings or structures shall not be used for human habitation, except as specifically permitted elsewhere in this By-law.
2. Accessory buildings and structures shall be included for the purposes of compliance with maximum lot coverage provisions.
3. There shall be no minimum yard or water setback provisions applicable to a marine facility, except that the minimum side yard shall be 4.5 m. For the purpose of this By-law, a side lot line on a waterfront lot shall be interpreted to follow a straight-line projection into the waterbody.
4. The minimum separation distance between a detached accessory building and any other building shall be 1 m.
5. Any building or structure that is attached to the main building shall not be considered as accessory.
6. Accessory buildings and structures shall conform to the yard and other zone provisions applicable to main buildings, except that in a Residential zone, accessory buildings or structures shall be subject to the following special provisions:
  1. The lot coverage of all accessory buildings or structures shall not exceed 10% and shall also comply with the total lot coverage provisions for the applicable zone.
  2. The maximum height of an accessory building or structure shall be 5.0 m.
  3. Accessory buildings or structures other than marine facilities shall only be located in an interior side or rear yard and, where more than 14 m<sup>2</sup> in floor or surface area, shall provide a minimum yard of 3.0 m.
  4. No accessory building or structure shall be located closer than 1 m from any lot line, except as otherwise provided for a marine facility in Section 3.1.3.
7. Except as otherwise provided in this section, accessory buildings and structures shall conform to the zone provisions applicable to main buildings. Notwithstanding the foregoing, on a lot zoned Rural (RU) and having a lot area of 0.8 ha or less, the minimum required side yard and minimum required rear yard may be reduced to 3 m.



### **3.2 Cannabis Processing Facilities**

Notwithstanding any other provision of this By-law, where a cannabis processing facility, as herein defined, is listed as a permitted use, such use shall be subject to the following provisions:

1. The following setbacks shall be required:

- If equipped with Air Treatment Control
  - 150 m from any residential or institutional use, or a vacant lot zoned to permit any residential use or an institutional use, as defined herein.
- If not equipped with Air Treatment Control
  - 300 m from any residential or institutional use, or a vacant lot zoned to permit any residential use or an institutional use, as defined herein.

2. A building or structure used for security purposes may be located in the required front yard.

### **3.23 Existing Undersized Non-Complying Lots**

1. Where, on the date of passing of this By-law, an existing lot has less than the minimum lot frontage, water frontage and/or lot area required by this By-law, or is increased in lot frontage, water frontage and/or lot area but is still undersized, such non-complying lot may be used and a building or structure may be erected, altered or used for a purpose permitted in the zone in which it is located on the date of the passing of this By-law without the requirement to obtain relief from the applicable lot area and/or lot frontage provisions of this By-law. This provision shall not be construed as granting relief from any other provisions of this By-law.
2. Subsection ~~3.2.13.3.1~~ above shall not apply to any lot that abuts a water body and has a lot area of less than 0.2 ha.
3. Notwithstanding Subsection ~~3.2.13.3.1~~ above, in a zone that permits an agricultural use that includes the keeping of livestock, such use shall not be permitted on a lot of less than 4 ha in lot area.

### **3.34 Front Yard Reduction Within Settlement Area**

Notwithstanding any minimum front yard or street setback requirement of this By-law to the contrary, on a lot within the **Settlement Area** designation of the Official Plan, the front yard may be reduced to 3.0 m or the average of the front yards of existing main buildings located on the two immediately adjacent lots, whichever is greater.

### **3.45 Frontage on an Improved Street**

No lot shall be used and no building or structure shall be erected on a lot in any zone unless such lot has sufficient frontage on an improved street to provide driveway access directly

onto the street. Notwithstanding the foregoing, this provision shall not apply to:

- A non-residential building or structure accessory to an agricultural or conservation use, as defined in this By-law;
- A lot on a registered plan of subdivision and with frontage on a street which will become an improved street pursuant to provisions in, and financial security associated with, a subdivision agreement that is registered on the title to the lot;
- A lot located in a Limited Services Residential (RLS) zone.

### **3.56 Group Homes**

Group homes shall be permitted in all zones in which a single dwelling is listed as a principal use in the zone in which it is located.

~~subject to the following minimum separation distance requirement between two group homes:~~

- ~~• One or both group homes situated within the Settlement Area designation in Official Plan ————— 300 m~~
- ~~• Both group homes situated outside the Settlement Area designation in Official Plan ————— 500 m~~

### **3.67 Height Exceptions**

1. The maximum height restrictions of this By-law shall not apply to the following:

- Air conditioning, heating or similar mechanical equipment
- Antenna
- Barn
- Belfry, spire or dome associated with a place of worship
- Chimney
- Clock tower
- Communications tower
- Electrical supply structure
- Elevator or mechanical penthouse
- Farm implement storage building
- Flag pole
- Grain elevator
- Lightning Rod
- Silo
- Solar collector
- Water tower
- Wind turbine

### **3.78 Height Restrictions - Airport**

Within the areas shown on Schedule B to this By-law and notwithstanding any other

provisions of this By-law relating to the maximum height of buildings or structures, no permitted building or structure shall be erected to a geodetic elevation higher than that shown on Schedule B hereto, nor shall any landscaping be permitted to grow to a geodetic elevation higher than that permitted for the buildings and structures.

### **3.89 Home-Based Businesses**

A home-based business shall be permitted as an accessory use to a residential use in accordance with the following provisions:

1. No more than 25% or 40 m<sup>2</sup> of the floor area of the dwelling unit, including any attached garage, whichever is lesser, shall be used for the home-based business.
2. ~~Except in the case of lots~~On lots outside of lands designated Settlement Area in the Official Plan, a maximum of 40 m<sup>2</sup> of floor area within an accessory building may be used for the home-based business, provided that:
  1. The accessory building shall be located a minimum of 15 m from the closest dwelling on another lot.
  2. The accessory building shall be located ~~a maximum of~~no greater than 15 m from the dwelling to which it is accessory.
  3. The combined total floor area used for the home-based business within the accessory building and dwelling unit shall not exceed 40 m<sup>2</sup>.
3. There shall be no visible indication from the exterior of the presence of the home-based business other than one non-illuminated sign not larger than 0.6 m<sup>2</sup>.
4. There shall be no open storage of inoperative or unlicensed motor vehicles or other materials, or outdoor animal enclosures.
5. There shall be no storage of hazardous materials or flammable, corrosive or explosive substances.
6. There shall be no direct retail sale or display of goods other than those produced on the premises or those which are clearly incidental to a personal service home-based business. Notwithstanding the foregoing, in the case of a home-based business in food catering, there shall be no direct retail sale of ready-to-eat foods for immediate consumption either on the premises or take-out.
7. Where instruction, respite care or day care is provided, there will be no more than six persons, other than the instructor or caregiver, in attendance at any one time. In the case of all other home-based businesses, not more than one individual client or customer shall be served at any one time.
8. A maximum of one person in addition to the dwelling occupant(s) may be employed in the home-based business, provided that the maximum number of persons employed

in the home-based business shall not exceed three. For the purposes of this subsection, the number of persons shall be calculated on the basis of full-time equivalence.

9. Notwithstanding Subsections ~~3.8.7~~3.9.7 and ~~3.8.8~~3.9.8 above, in the Limited Services Residential (RLS) zone, no persons except the dwelling occupant(s) shall be employed in the home-based business and no clients or customers shall be permitted to visit the dwelling to utilize the services of the business.
10. Not more than two commercial-use vehicles and one commercial-use trailer per dwelling unit may be parked or stored on a lot. Such commercial vehicles and/or trailer shall have a rated load capacity not exceeding one tonne.
11. The home-based business shall not, in the opinion of the Township, change the predominantly residential character of the property or create or become a public nuisance with regard to noise, odours, vibration, heat, traffic, lighting or other annoyance.

### **3.9.10 Loading Space Requirements**

#### **1. Number of Loading Spaces Required**

Any commercial or industrial use which involves the transfer of goods, wares, merchandise or raw materials to and from the site shall provide and maintain loading facilities on the lot in accordance with the following regulations:

<u>Floor Area of Building</u>	<u>Number of Loading Spaces</u>
Less than 200 m <sup>2</sup>	0
200 m <sup>2</sup> - 1,000 m <sup>2</sup>	1
Over 1,000 m <sup>2</sup>	1 plus 1 additional loading space per each 1,000 m <sup>2</sup> of floor area or part thereof

#### **2. Loading Space Size**

A required loading space shall be a minimum of 9.0 m long, 3.5 m wide, have vertical clearance of at least 4.5 m and driveway access that is a minimum of 3.5 m in width.

#### **3. Loading Area Surface**

A loading area shall be maintained with a stable surface such as concrete, asphalt or crushed stone.

#### **4. Cumulative Loading Requirements**

Where a lot, building or structure accommodates more than one use, the loading space requirement shall be calculated on the basis of the total floor area of all commercial and industrial uses.

### **3.1011 Lots Containing More Than One Use**

Where a lot accommodates more than one use and the provisions of this By-law for the uses are different, the more restrictive provisions shall apply.

### **3.1112 Lots Divided Into More Than One Zone**

Where a lot is divided into more than one zone such that it has split zoning, each portion of the lot shall be used in accordance with the provisions of this By-law for the zone where such portion of the lot is located. In no case shall split zoning be interpreted to allow more dwellings or dwelling units on the lot than would otherwise be permitted by the least restrictive of the applicable zones.

### **3.1213 Moving of Buildings**

No building or structure shall be moved into the Township or onto any lot unless its use and location comply with this By-law.

### **3.1314 Non-Conforming Uses and Non-Complying Uses, Buildings and Structures**

#### **1. Buildings Accessory to Non-Conforming Uses**

An accessory building may be erected for an existing legal non-conforming use, provided it complies with the provisions of this By-law relating to accessory uses, buildings and structures.

#### **2. Change of Non-Conforming Use**

A legal non-conforming use shall not be changed to another use unless it is to a permitted use in the zone in which it is located. Pursuant to the provisions of the *Planning Act* and the Official Plan, a non-conforming use shall only be changed to another non-conforming use with the permission of the Committee of Adjustment.

#### **3. Repair, Restoration and Reconstruction of Non-Conforming Uses or Non-Complying Uses, Buildings or Structures**

A legal non-conforming or non-complying use, building or structure shall only be repaired, restored or reconstructed in accordance with the rights conveyed to legal non-conforming uses pursuant to the applicable provisions of the *Planning Act*, provided that the height, size and volume of the building or structure shall not be increased except in accordance with Sections [3.13.53.14.5](#) or [3.13.63.14.6](#) below, as applicable.

#### **4. Replacement of Non-Complying Sewage Disposal Systems**

Notwithstanding any provision of this By-law to the contrary, a sewage disposal system which was legally constructed under the regulations governing sewage disposal systems that were in force and effect at the time of such construction but that is non-

complying with respect to the water setback provisions, shall be replaced such that the minimum water setback is the setback of the existing sewage disposal system or as set out in the *Ontario Building Code*, whichever is greater.

#### **5. Enlargements of Non-Conforming Uses**

A legal non-conforming use shall not be enlarged or extended, except with the permission of the Committee of Adjustment for the Township, pursuant to the provisions of the *Planning Act* and the Official Plan.

#### **6. Enlargements of Non-Complying Uses, Buildings or Structures**

A legal non-complying use, building or structure shall not be enlarged, except in compliance with all applicable provisions of this By-law.

### **3.1415 Occupancy Restrictions**

None of the following shall be used as a dwelling or for the purposes of human habitation:

1. Any truck, bus, coach, railway or streetcar body;
2. Any marine facility or building or structure accessory to a residential use;
3. Any recreational vehicle, travel trailer or tent trailer, except in a campground or as a temporary use in accordance with Section ~~3.25~~3.28 of this By-law;
4. Any dwelling unit the entirety of which is located in a cellar.

### **3.1516 Open Storage**

Open storage shall be permitted as an accessory use to a permitted use within any zone other than a Residential zone, provided that:

1. No part of an open storage area shall be located within a front yard or any minimum side or rear yard or water setback required by this By-law;
2. Open storage shall not occupy any driveway or parking or loading area required by this By-law;
3. Where open storage is situated less than 30 m from a Residential zone, a street or a dwelling on another lot, a continuous buffer strip consisting of a berm, fence or landscaping having a minimum combined height of 1.5 m shall be provided so as to screen the open storage area from the street or dwelling. Such buffer strip shall be broken only by a driveway or walkway from the street.

### **3.1617 Parking Requirements**

#### **1. Number of Parking Spaces Required**

In any zone, the owner or occupant of any lot or building or structure erected, enlarged or changed in use after the passing of this By-law, shall provide off-street parking in accordance with the following:

<u>Type of Use</u>	<u>Number of Parking Spaces Required</u>
One and two-unit dwellings	2 parking spaces per dwelling unit, provided that 1 of the 2 required spaces may be in tandem
Dwellings of three units or more	1 parking space per dwelling unit
Mobile home park or Campground	1 parking space per site
Group home	1 parking space in addition to the applicable dwelling requirement
Boarding house, residential care home	1 parking space, plus 1 parking space per 4 rooming units
Home-based business	1 parking space in addition to the applicable dwelling requirement
Bed and breakfast	1 parking space per guest room in addition to the applicable dwelling requirement
Lodging Establishment	1 parking space per guest room or cabin plus 1 parking space per 20 m <sup>2</sup> of floor area devoted to dining or meeting uses
Restaurant, banquet hall, adult entertainment parlour	1 parking space per 12 m <sup>2</sup> of floor area
Place of worship or assembly	1 parking space per 12 m <sup>2</sup> of floor area devoted to public assembly
Recreational use, instructional facility	1 parking space per 4 persons design capacity or 1 parking space per 20 m <sup>2</sup> of floor area, whichever is greater
Retail store, personal service, merchandise service outlet	1 parking space per 20 m <sup>2</sup> of floor area
Clinic	1 parking space per 20 m <sup>2</sup> of floor area
Marina	1 parking space per boat slip or 1 parking

	space per 20 m <sup>2</sup> of floor area, whichever is greater
Commercial use not defined	1 parking space per 20 m <sup>2</sup> of floor area
Professional or business office	1 parking space per 25 m <sup>2</sup> of floor area
School - elementary	1.5 parking spaces per classroom
School - secondary	4 parking spaces per classroom
Institutional or public use	1 parking space per 40 m <sup>2</sup> of floor area
Industrial, warehouse or storage use	1 parking space per 70 m <sup>2</sup> of floor area

## 2. More than One Use on a Lot

Where a building or lot accommodates more than one use, the number of parking spaces required shall be the sum of the requirements for each of the uses.

## 3. Parking Space Size and Access

Each parking space shall have minimum dimensions of 2.75 m by 6 m, except that a parking space for the physically-disabled shall have minimum dimensions of 3.7 m by 6 m. A parking space shall have unobstructed access, except where tandem parking is specifically permitted by this By-law.

## 4. Parking for the Physically-Disabled

Where a required parking area contains 10 or more parking spaces, reserved parking spaces for the physically-disabled shall be provided at the rate of 1 parking space for the physically-disabled per 30 required parking spaces or fraction thereof, subject to the provision of a minimum of 1 parking space for the physically-disabled.

## 5. Driveway Access to Parking Areas

1. Driveways designated for two-way traffic shall have a minimum width of 6 m. One-way driveways and driveways serving only one dwelling unit shall have a minimum width of 3 m. For portions of a driveway that directly abut a parking space, the minimum driveway width shall be as follows:

<u>Angle of Parking Space to Driveway</u>	<u>Minimum Driveway Width</u>
0 degrees	3 m
30 degrees	3.4 m
45 degrees	3.7 m
60 degrees	5.4 m
90 degrees	6 m



2. The minimum setback of a driveway access shall be as follows:

- From the intersection of two street lines 7.5 m
- From the intersection of a street line and a lot line not abutting a street 1.2 m

3. The maximum width of a driveway measured at the street line shall be 9 m.

4. Where the exclusive or principal use of a lot is for residential purposes and the number of driveways is not otherwise regulated by an authority other than the Township, the maximum number of driveways shall be as follows:

- Lot frontage less than or equal to 60 m 2
- Lot frontage greater than 60 m 3

provided that in no case shall the combined width of all driveways, measured at the street line, exceed 30% of the lot frontage.

#### **6. Parking Area Surface**

A parking area shall be maintained with a stable surface such as concrete, asphalt or crushed stone.

#### **7. Parking Area Location**

1. All required parking shall be provided on the same lot as the use.
2. The minimum setback from a lot line shall be 1.2 m for any parking area that accommodates more than two vehicles.
3. The minimum water setback of a parking space shall be 30 m, except that in the case of an existing single dwelling that is non-complying with respect to its water setback, the water setback of a parking space may be reduced to that of the existing dwelling.

#### **8. Parking Requirements for Changes or Additions to Existing Buildings**

1. Where an existing building or structure has insufficient parking spaces to comply with the provisions of this By-law, this By-law shall not be interpreted to require that the deficiency be made up prior to the construction of any addition, however, no addition may be built and no change of use may occur within the existing building or structure, the effect of which would be to increase the extent of such deficiency.
2. Notwithstanding any provision of this By-law to the contrary, within any lands designated Settlement Area in the Official Plan, an existing building the use of which is being changed to a new use with a greater parking space requirement than

the previous use shall not be required to provide any additional parking, provided that any parking deficiency shall not be increased by more than 10 parking spaces.

## 9. Use of Parking Spaces and Areas

Within any Residential zone, not more than two commercial-use vehicles and one commercial-use trailer per dwelling unit may be parked or stored on a lot. Such commercial vehicles and/or trailer shall have a rated load capacity not exceeding one tonne.

### **3.1718 Pits, Quarries, Wayside Pits, Wayside Quarries and Portable Asphalt Plants**

No pit, quarry, wayside pit, wayside quarry or portable asphalt plant shall be permitted except in a zone where such uses are specifically listed as permitted.

### **3.1819 Public Uses**

1. Except in the case of lands zoned Environmental Protection – PSW (EP-PSW), any land may be used and any building or structure erected or used for the purpose of a public use as defined in this By-law, provided that lot coverage, setback and yard requirements of the zone in which such land, building or structure is located shall be complied with, except that towers, poles, lines and transmission facilities for natural gas, electricity, cable, water, storm and sanitary sewage and wired and wireless communications shall be permitted in any yard.
2. Where a public use is to be located in the Environmental Protection – ANSI (EP-ANSI), Environmental Protection – LSW (EP-LSW) or Flood Plain (FP) zone, Sections 13.2.3.2, 13.3.3.2 and 14.1.3.2, respectively, shall apply.

### **3.1920 Residential Separation Distances from Other Land Uses**

Notwithstanding any other provisions of this By-law, any new dwelling shall be located minimum distances from certain zones or land uses on other lots as follows:

- |   |   |
|---|---|
| • From a Class “B” pit with no excavation below water table | 150 m   |
| • From any other pit or a concrete plant                    | 300 m   |
| • From a quarry or an asphalt plant                         | 500 m   |
| • From land zoned Salvage Yard Industrial                   | 300 m   |
| • From land zoned Disposal Industrial                       | 500 m   |
| • <del>From a kennel</del>                                  | <del>183 m</del>  |
| • From livestock facilities                                 | As per the Minimum Distance Separation I (MDS I) formula, as issued by the Ontario Ministry of Agriculture, Food and Rural Affairs, except that MDS I shall not apply to a new dwelling to be located on an existing lot of less than 2 ha in area. |
| • From a rail line right-of-way                             | 30 m  |

### **3.21 Second Dwelling Unit and Second Dwelling**

Notwithstanding any provision of this By-law to the contrary, where a single dwelling, semi-detached dwelling or a townhouse dwelling is permitted as a principal use in a zone, or where an existing single dwelling, semi-detached dwelling or townhouse dwelling is a legal non-conforming use as of the date of this By-law, a second dwelling unit or a second dwelling, as herein defined, but not both, are permitted on the same lot in accordance with the following provisions:

#### **1. General**

- The second dwelling unit or second dwelling shall be located on a lot that abuts an improved street.
- The second dwelling unit or second dwelling shall comply with the provisions of the *Building Code Act*.
- The second dwelling unit or second dwelling shall be connected to the same water supply and sewage disposal system as the principal dwelling.
- Prior to obtaining a building permit for a second dwelling unit or a second dwelling, the applicant shall obtain a septic system approval.
- The maximum floor area of the second dwelling unit or second dwelling shall not exceed 50% of the floor area of the principal dwelling, to a maximum of 80 m<sup>2</sup> on a lot zoned Residential Type 1 (R1), Residential Type 2 (R2) and Estate Residential (RE), and 95 m<sup>2</sup> on a lot zoned Rural (RU) or Agriculture (A).
- The second dwelling unit or second dwelling shall share the driveway entrance to the lot with the principal dwelling.
- A minimum of one parking space shall be provided for the second dwelling unit or second dwelling, in addition to the minimum parking requirements for the principal dwelling.
- The second dwelling unit or second dwelling shall be included in the calculation of lot coverage.
- The lot area and lot frontage shall be in accordance with the applicable requirements of the zone for the dwelling types.

#### **2. Additional Provisions for Second Dwelling Unit**

- The second dwelling unit shall not occupy the whole of a storey.
- The second dwelling unit shall share two of the following with the principal dwelling:
  - building entrance
  - parking area
  - outdoor amenity space
- No enlargement or extension to the principal dwelling shall be permitted unless the enlargement or extension conforms to all other applicable provisions of this By-law.

#### **3. Additional Provisions for Second Dwelling**

- An existing accessory building may be partially or fully converted to a second dwelling, except that no habitable room window shall face an interior side lot line or a rear lot line unless the existing accessory building conforms to the minimum side lot line setback and rear lot line setback as is required for the principal dwelling, as the case may be.
- A new accessory building may be constructed as a second dwelling provided it conforms to all applicable provisions for the principal dwelling.
- The maximum permitted height of a new second dwelling shall be 5 m.
- A new accessory building which is constructed as a second dwelling shall be separated by not greater than 6 m from the principal dwelling on a lot zoned Rural or Agriculture and not greater than 3 m on a lot zoned Residential Type 1 (R1), Residential Type 2 (R2), or Estate Residential (RE).

### **3.2022 Setbacks from Environmental Protection Zones**

Notwithstanding any other provisions of this By-law, the minimum setback of any building or structure, including a sewage disposal system, from lands zoned EP-PSW, EP-ANSI and EP-LSW in this By-law shall be as follows:

- From the EP-PSW zone 120 m or such lesser setback as recommended in an Environmental Impact Study undertaken to the satisfaction of the Township, provided that such lesser setback shall not be less than 30 m
- From the EP-ANSI zone ~~50~~120 m or such lesser setback as recommended in an Environmental Impact Study undertaken to the satisfaction of the Township
- From the EP-LSW zone 50 m or such lesser setback as recommended in an Environmental Impact Study undertaken to the satisfaction of the Township

### **3.2123 Sewage Disposal Systems and the Applicability of this By-law**

Except in relation to water setbacks and setbacks from Environmental Protection (EP) zones, sewage disposal systems shall not be subject to the provisions of this By-law.

### **3.2224 Sight Triangles**

Notwithstanding any provisions of this By-law to the contrary, within any area defined as a sight triangle, the following uses shall be prohibited:

- A building, structure or use which would obstruct the vision of motorists;
- A fence or any vegetation of a height which is more than 1 m above the elevation

of the centrelines of abutting streets;

- A parking or loading area.

### **3.2325 Shoreline Area Occupancy**

Notwithstanding any provisions of this By-law to the contrary, on any lot abutting a water body and used for purposes other than a marina, a maximum of 20% or 15 m of the shoreline area, whichever is lesser, ~~shall~~may be occupied by marine facilities, pump houses, stairs, decks, patios, gazebos and all other accessory buildings and structures. For the purposes of this section, the shoreline area shall include that portion of the lot lying within 3 m of the high water mark and that portion of the water body within 3 m of the high water mark.

### **3.26 Source Water Protection**

The Intake Protection Zones, IPZ-1 and IPZ-2, as shown on Schedule A3 are overlay zones as defined in the Source Protection Plan. Notwithstanding any provisions of the underlying zones to the contrary, the following additional provisions shall apply:

1. In the IPZ-1 overlay zone, the following land uses and activities are prohibited:

- Waste disposal site, including hazardous, municipal, and solid non-hazardous waste
- Storage of mine tailings
- Landfarming of petroleum refining waste
- Wastewater treatment facilities and related infrastructure

2. In the IPZ-2 overlay zone, the following land uses are prohibited:

- Wastewater treatment facilities and related infrastructure

3. In addition, all development applications and building permit applications for land uses within the IPZ-1 and IPZ-2 overlay zones, as shown on Schedule A3, other than for residential, shall be reviewed by the Risk Management Official and may require a risk management plan prepared to the satisfaction of the Risk Management Official.

### **3.2427 Street and Private Right-of-Way Setbacks**

The following setbacks shall be required:

- |                        |   |
|------------------------|---|
| • County Streets       | 13 m from the centre line of the street plus the minimum required yard for the appropriate zone |
| • Township Streets     | 10 m from the centre line of the street plus the minimum required yard for the appropriate zone |
| • Private right-of-way | 6 m from the limit of the right-of-way  |

### **3.2528 Temporary Uses**

The following shall be permitted in any zone, except Environmental Protection (EP) and Flood Plain (FP) zones:

- Construction facilities such as sheds, scaffolds and other structures incidental to the construction on the premises for so long as the work is in progress;
- A temporary real estate sales and/rental office;
- A travel trailer, tent trailer or recreational vehicle occupied on a temporary basis during the course of construction of a dwelling on the same lot, provided that:
  - Temporary connection to an approved on-site sewage disposal system is provided;
  - A building permit for a dwelling has been issued and remains in force;
  - The trailer or recreational vehicle is located in accordance with the required yards and water setbacks applicable to a dwelling;
  - In no event shall the trailer or recreational vehicle be located on the lot for a period exceeding one year from the date of issuance of the building permit.

### **3.2629 Through Lots**

On a through lot, the minimum front yard requirement shall apply to each yard abutting a street.

### **3.30 Tiny Houses**

A tiny house is permitted as a single dwelling in all zones where a residential use is a permitted principal use, except in the Estate Residential (RE) zone, provided that the applicant shall obtain a sewage system approval and that the tiny house meets all of the zone standards of the applicable zone and all of the provisions of the Ontario Building Code.

### **3.3127 Water Frontage and Water Setbacks**

1. Except as otherwise provided by Section 3.23.3, the minimum water frontage for any lot abutting a water body shall be 60 m.
2. Except as otherwise permitted by Sections 3.1, 3.133.14, 3.233.25 and 3.283.32 of this By-law, the minimum water setback shall be 30 m for all buildings and structures, including sewage disposal systems but excluding the following:
  - Decks, hot tubs and gazebos which are unattached to a main building and which have a combined floor surface area of less than 14 m<sup>2</sup>;
  - Marinas, pump houses, stairs, marine facilities and roof decks situated on marine facilities.

### **3.3228 Yard and Water Setback Encroachments**

Notwithstanding the yard and setback provisions of this By-law, the following encroachments are permitted:

- Sills, belt courses, chimneys, cornices, eaves, gutters, parapets, bay windows and other ornamental features may project into any existing yard or minimum required yard or water setback by not more than 0.6 m, provided that in no case shall they be located closer than 0.4 m to any lot line;
- Attached unenclosed porches, open patios, decks, balconies, hot tubs, exterior stairs and landings may project from the main building into any minimum required yard or water setback by not more than 1.5 m, except that where an existing main building is non-complying in relation to the required water setback, an open and unroofed porch, deck, hot tub, exterior stairs or landing having a combined horizontal surface area of less than 14 m<sup>2</sup> may project into the existing water setback by a maximum of 1.25 m;
- Awnings, clothes poles, flag poles, garden trellises, fences, plant materials, handicapped ramps, business signs and similar accessory structures shall be permitted in any required yard or water setback;
- Swimming pools, including all related equipment, shall only be located in an interior side or rear yard. In the case of a waterfront lot as defined in this By-law, such pools and equipment may also be located in a front yard. In no case shall such pools or equipment be located closer than 1.5 m to any lot line or encroach into the required 30 m water setback.

## SECTION 4 - ZONES

### 4.1 General

For the purposes of this By-law, the land area of the Township is divided into various generalized and specific zones to which the provisions and regulations herein shall apply.

### 4.2 Zones and Zone Symbols

<u>Zone Name</u>	<u>Symbol</u>
Residential Zones	
• Residential Type 1	R1
• Residential Type 2	R2
• Estate Residential	RE
• Limited Services Residential	RLS
• Mobile Home Park Residential	RMH
Commercial Zones	
• General Commercial	CG
• Rural Commercial	CR
• Local Commercial	CL
• Tourist Commercial	CT
Industrial Zones	
• General Industrial	MG
• Business Park Industrial	MBP
• Rural Industrial	MR
• Salvage Yard Industrial	MS
• Disposal Industrial	MD
• Airport Industrial Zone	MAP
Institutional Zones	
• Institutional	I
Open Space Zones	
• Open Space	OS
Rural Zones	
• Rural	RU
Agriculture Zones	
• Agriculture	AG
Mineral Resource Zones	
• Mineral Aggregate Extraction – Pit	EX-P
• Mineral Aggregate Extraction – Quarry	EX-Q



**Natural Heritage Zones**

- |  |                    |
|--|--------------------|
| • Environmental Protection - PSW             | EP-PSW             |
| • <del>Environmental Protection - ANSI</del> | <del>EP-ANSI</del> |
| • <u>Environmental Protection – LSW</u>      | <u>EP-LSW</u>      |

**Natural Hazard Zones**

- |               |    |
|---------------|----|
| • Flood Plain | FP |
|---------------|----|

**4.3 Boundaries of Zones**

The location and boundaries of the zones established by this By-law and certain requirements applicable to such zones are shown on the maps hereto attached as Schedules A1, A2 and A3. Where any uncertainty as to the boundary of any zone as shown on the zoning schedules, the following provisions shall apply:

1. Where a zone boundary is indicated as following and is within the boundary of a street, lane, railway right-of-way, other right-of-way or watercourse, the boundary shall be the centre of such street, lane, railway right-of-way, right-of-way or watercourse.
2. Where a zone boundary is indicated as approximately following lot lines on a registered plan of subdivision, deposited reference plan or original Township survey, the boundary shall follow such lot lines. No amendment to the By-law shall be required for minor adjustments to zone boundaries shown on Schedules A1, A2 and A3 where, in the opinion of the Township, such adjustments are merely for the purpose of more accurately reflecting surveyed information.
3. Where a zone boundary is indicated as following a shoreline of a watercourse, the boundary shall follow such shoreline and in the event that the shoreline changes, the boundary shall be taken as having moved with the shoreline.
4. Where a zone boundary as indicated follows the 1:100 year flood line, the boundary shall be the 1:100 year flood line.
5. Where any street, lane, right-of-way, railway right-of-way or watercourse as shown on the schedules is hereby closed or diverted, the object of such closure or diversion shall be included within the zone of the abutting property on either side thereof.
6. Where any zone boundary is left uncertain after the application of clauses (1) through (5) above, the boundary shall be determined by scale from the original full size zoning schedules.
7. Wherever it occurs, the municipal boundary is the limit of the zone.

**4.4 Holding Zones**

Where a zone symbol is followed by a hyphen and the letter “h”, this denotes a holding zone. Within such zones, only existing uses shall be permitted unless specifically stated

otherwise in the by-law, until the “h” has been removed. The removal of the holding provision shall require an amendment to the By-law. Such amendment shall only be passed by Council when any applicable servicing, phasing or financial conditions or agreements for the lands have been satisfied in accordance with the requirements of the Official Plan.

#### **4.5 Special Zones**

Where a zone symbol is followed by a hyphen and a letter or a number other than “-h”, (for example, “-x” or “-1”), the lands so zoned shall be subject to all the provisions of the zone represented by such symbol except as otherwise provided by the special provisions of that zone.

#### **4.6 Temporary Zones**

Where a temporary zone is established for the purpose of accommodating a temporary use pursuant to the provisions of the *Planning Act*, the lands so zoned shall be subject to all the provisions of the zone, except that a temporary use shall be permitted for a certain limited period of time. The zone symbol shall be followed by a hyphen, the letter “T” and a letter or a number other than “-h”, (for example, “-Tx” or “-T1”).

Temporary zones in force and effect are as follows:

**1. R1-T1 (*Part of Lot 34, Con. 1, Elizabethtown – 0801-000-060-38000*)**

Notwithstanding the provisions of Section 5.1.1 of this By-law to the contrary, on the lands zoned R1-T1, a garden suite shall be an additional permitted use for a period of ten (10) years from March 14, 2011, subject to an agreement being entered into between the owner and the Township to address installation, maintenance, occupancy, removal and any necessary financial security.

**2. RE-T2 (*Part of Lots 30 and 31, Con. 1, Elizabethtown – 0801-000-060-27801*)**

~~*Expired June 20, 2013*~~

~~Notwithstanding the provisions of Section 5.3.1 of this By-law to the contrary, on the lands zoned RE-T2, a garden suite shall be an additional permitted use for a period of ten (10) years from June 20, 2003, subject to an agreement being entered into between the owner and the Township to address installation, maintenance, occupancy, removal and any necessary financial security.~~

**3. R1-T3 (*Part of Lot 22, Con. 2, Elizabethtown – 0801-000-020-00901*)**

Notwithstanding the provisions of Section 5.1.1 of this By-law to the contrary, on the lands zoned R1-T3, a garden suite shall be an additional permitted use for a period of ten (10) years from May 14, 2012, subject to an agreement being entered into between the owner and the Township to address installation, maintenance, occupancy, removal and any necessary financial security. As an alternative to removal, the garden suite may be converted into a detached garage accessory to a single dwelling.

## SECTION 5 - RESIDENTIAL ZONES

### 5.1 Residential Type 1 (R1)

#### 1. Permitted Uses

single dwelling  
 bed and breakfast  
 group home, in accordance with Section 3.6  
 home-based business, in accordance with Section 3.9  
second dwelling unit or second dwelling, in accordance with Section 3.21

#### 2. Zone Provisions

- Lot Area (minimum) ~~0.60.4~~ ha
- Lot Frontage (minimum) ~~50.45~~ m
- Yards (minimum)
  - Front
    - Lots designated **Settlement Area**  
in Official Plan 6 m
    - All other lots 10 m
  - Exterior Side 6 m
  - Interior Side 3.0 m
  - Rear 7.5 m
- ~~Dwelling Unit Floor Area (minimum) 85 m<sup>2</sup>~~
- Building Height (maximum) 9 m
- Lot Coverage (maximum) 15%
- Floor Space Index for lot abutting  
a water body (maximum) 10%
- Dwellings per Lot (maximum) 1

#### 3. Additional Provisions

##### 1. General Provisions

In accordance with Section 3 hereof.

#### 4. Special Exception Zones

##### 1. R1-1 (*Part Lot 5, Con. 4, Kitley*)

Notwithstanding the provisions of Section 5.1.2 of this By-law to the contrary, on the lands zoned R1-1 the following provisions shall prevail:

- Yards (minimum)
  - East Interior Side Yard 50 m
  - Rear Yard 50 m

2. **R1-2** (*Part of Lots 28 and 29, Con. 1, Elizabethtown - 0801-000-060-24800*)

Notwithstanding the provisions of this By-law to the contrary, on the lands zoned R1-2 a dog grooming and limited boarding home-based business shall be an additional permitted use, provided that the maximum number of dogs to be boarded at any one time shall not exceed three (3) and, further, that the said dogs shall be housed within the dwelling unit.

3. **R1-3** (*Part of Lot 29, Con. 3, Elizabethtown - 0801-000-020-13400*)

Notwithstanding the provisions of Section 5.1.1 of this By-law to the contrary, on the lands zoned R1-3, a church and hall and a day care shall be permitted uses, provided that the lands are not being used for any other purpose otherwise permitted by this By-law.

4. **R1-4** (*Part of Lot 21, Con. 9, Kitley - 0801-824-039-09600*)

Notwithstanding the provisions of Section 5.1.1 of this By-law to the contrary, on the lands zoned R1-4, a duplex dwelling shall be an additional permitted use.

5. **R1-5** (*Part of Lot CC, Con. 3, Elizabethtown*)

Notwithstanding the provisions of Section 5.1.2 of this By-law to the contrary, on the lands zoned R1-5, the following provisions shall prevail:

- |                          |         |
|--------------------------|---------|
| • Lot Area (minimum)     | 0.36 ha |
| • Lot Frontage (minimum) | 45.6 m  |

## 5.2 Residential Type 2 (R2)

### 1. Permitted Uses

duplex dwelling  
 semi-detached dwelling  
 single dwelling  
 bed and breakfast  
 boarding house  
 group home, in accordance with Section 3.6  
 home-based business, in accordance with Section 3.9  
second dwelling unit or second dwelling, in accordance with Section 3.21

### 2. Zone Provisions

- Lot Area (minimum) ~~0.60.4~~ ha
- Lot Frontage (minimum) ~~50.45~~ m
- Yards (minimum)
  - Front
    - Lots designated **Settlement Area**  
in Official Plan 6 m
    - All other lots 10 m
  - Exterior Side 6 m
  - Interior Side 3.0 m
  - Rear 7.5 m
- ~~Dwelling Unit Floor Area (minimum)~~
  - ~~Duplex dwelling~~ ~~65 m<sup>2</sup>~~
  - ~~Semi-detached dwelling~~ ~~75 m<sup>2</sup>~~
  - ~~Single dwelling~~ ~~85 m<sup>2</sup>~~
- Building Height (maximum) 9 m
- Lot Coverage (maximum) 15%
- Floor Space Index for lot abutting  
a water body (maximum) 10%
- Dwellings per Lot (maximum) 1

### 3. Additional Provisions

#### 1. General Provisions

In accordance with Section 3 hereof.

### 4. Special Exception Zones

#### 1. **R2-1** (*Part of Lot 5, Con. 1, Elizabethtown – 0801-000-010-10901*)

Notwithstanding the provisions of Sections 5.2.1 and 3.16 of this By-law to the contrary, on the lands zoned R2-1, the existing 20-unit multiple dwelling shall be

an additional permitted use, provided that a minimum of two parking spaces per dwelling unit shall be provided.

## 5.3 Estate Residential (RE)

### 1. Permitted Uses

single dwelling  
 bed and breakfast  
 group home, in accordance with Section 3.6  
 home-based business, in accordance with Section 3.9  
second dwelling unit or second dwelling, in accordance with Section 3.21

### 2. Zone Provisions

- Lot Area (minimum) 0.4 ha
- ~~Municipal water and/or sanitary sewer~~ 0.5 ha
- ~~All other cases~~ 1 ha
- Lot Frontage (minimum) 50.45 m
- Yards (minimum)
  - Front 15 m
  - Exterior Side 15 m
  - Interior Side 9 m
  - Rear 9 m
- Dwelling Unit Floor Area (minimum) 140 m<sup>2</sup>
- Building Height (maximum) 9 m
- Lot Coverage (maximum) 15%
- Floor Space Index for lot abutting a water body (maximum) 10%
- Dwellings per Lot (maximum) 1

### 3. Additional Provisions

#### 1. General Provisions

In accordance with Section 3 hereof.

### 4. Special Exception Zones

#### 1. RE-1 (*Part of Lot 3, Con. 1, Elizabethtown*)

Notwithstanding the provisions of this By-law to the contrary, on the lands zoned RE-1 the following provisions shall prevail:

- Lot Area (minimum), where lot area shall mean the aggregate of the areas of the two parts of the lot divided by the improved street 0.8 ha
- Lot Frontage (minimum) 36.5 m
- Where a lot is divided by an improved street, the main use and accessory uses may be situated on different portions of the lot.

2. **RE-2** (*Part of Lot 26, Con. 1, Block 35, Reg. Plan 381, Elizabethtown, 0801-000-060-13737*)

Notwithstanding the provisions of this By-law to the contrary, on the lands zoned RE-2 the following provisions shall prevail:

- Building Height (maximum) 9.2 m
- The lot shall be served by a public water system.
- The lot shall be subject to a site plan agreement between the owner and the Township to address lot grading and drainage.

3. **RE-3-h** (*Part of Lot 25, Con. 1, Elizabethtown, 0801-000-060-11900 & 0801-000-060-11601*)

Notwithstanding the provisions of Section 5.3.2 of this By-law to the contrary, on the lands zoned RE-3 the following provisions shall prevail:

- Lot Frontage (minimum) 45 m
- Yards (minimum)
  - Front 10 m
  - Exterior Side 6 m
  - Interior Side 5 m
  - Rear Yard 7.5 m

4. **RE-4** (801 River Acres Dr., Pt. Lot 4, Con. 1, Elizabethtown)

Notwithstanding the provisions of Section 5.3.1 and 5.3.2 of this By-law to the contrary, on lands zoned RE-4 the following provisions shall prevail:

- Additional permitted use: a multiple dwelling which contains a maximum of five units
- Dwelling Units per Lot (maximum) 5
- Lot Area (minimum) 0.4 ha
- Yards (minimum)
  - Front (abutting River Acres Dr) 1.39 m for the existing construction only
  - Exterior Side 29 m
  - Rear 27 m

5. **RE-5** (1851 & 1853 County Rd. 2, Pt. Lot 4, Con. 1, Elizabethtown)

Notwithstanding the provisions of Section 5.3.1 and 5.3.2 of this By-law to



the contrary, on lands zoned RE-5 the following provisions shall prevail:

- Additional permitted use: a semi-detached dwelling
- Dwelling Units per Lot (maximum) 3
- Lot Area (minimum) 0.56 ha
- Yards (minimum)
  - Front 69 m

## 5.4 Limited Services Residential (RLS)

### 1. Permitted Uses

single dwelling

group home, in accordance with Section 3.6

home-based business, in accordance with Section 3.9

### 2. Zone Provisions

- Lot Area (minimum) ~~10.4~~ ha
- Lot Frontage (minimum) ~~60.45~~ m
- Yards (minimum)
  - Front 10 m
  - Exterior Side 6 m
  - Interior Side 6 m
  - Rear 7.5 m
- ~~Dwelling Unit Floor Area (minimum)~~ ~~75 m<sup>2</sup>~~
- Building Height (maximum) 6 m
- Lot Coverage (maximum) 10%
- Floor Space Index (maximum) 10%
- Dwellings per Lot (maximum) 1

### 3. Additional Provisions

#### 1. General Provisions

In accordance with Section 3 hereof.

#### 2. No Access to an Improved Street

Where vehicular access is obtained by roads other than improved streets, the Township has no obligation to assume such roads as improved streets, to provide road maintenance or to guarantee emergency vehicle access.

### 4. Special Exception Zones

*(reserved)*

## 5.5 Mobile Home Park Residential (RMH)

### 1. Permitted Uses

accessory dwelling  
 accessory dwelling unit  
 home based-business, in accordance with Section 3.9  
 mobile home  
 mobile home park  
 mobile home park management office  
 recreational facilities accessory to a mobile home park  
 retail store accessory to a mobile home park, limited to convenience grocery  
 and household items

### 2. Zone Provisions

#### 1. Mobile Home Park

• Lot Area (minimum)	4 ha
• Lot Frontage (minimum)	60 m
• Yards (minimum)	
• Front	15 m
• Exterior Side	10 m
• Interior Side	10 m
• Rear	15 m
• <del>Dwelling Unit Floor Area (minimum)</del>	<del>75 m<sup>2</sup></del>
• Building Height (maximum)	10 m
• Lot Coverage (maximum)	20%
• Accessory Dwellings or Dwelling Units per Lot (maximum)	1

#### 2. Mobile Home Site

• Site Area (minimum)	700 m <sup>2</sup>
• Site Frontage (minimum)	20 m
• Site Setbacks (minimum)	
• Front (from internal roadway)	<del>7.5</del> 6.0 m
• Exterior Side	7.5 m
• Interior Side	3.0 m
• Rear	4.5 m
• <del>Mobile Home Floor Area (minimum)</del>	<del>55 m<sup>2</sup></del>
• Site Coverage (maximum)	30%
• Mobile Homes per Site (maximum)	1

**3. Additional Provisions**

**1. General Provisions**

In accordance with Section 3 hereof.

**4. Special Exception Zones**

*(reserved)*

## SECTION 6 - COMMERCIAL ZONES

### 6.1 General Commercial (CG) Zone

#### 1. Permitted Uses

accessory dwelling  
 accessory dwelling unit  
 antique shop  
 automobile service station  
 bank  
 building supply centre  
 clinic  
 commercial parking lot  
 community service  
 custom workshop  
 day care  
 equipment rental outlet  
 funeral home  
 garden centre  
 home-based business, in accordance with Section 3.9  
 hotel  
 instructional facility  
micro-brewery  
 motel  
 open market  
 personal service  
 place of assembly  
 private park  
 professional or business office  
 service outlet  
 recreational establishment  
 retail store  
retail compressed gas transfer facility  
 restaurant  
 tradesperson's establishment  
 vehicle sales or rental establishment  
 veterinary clinic

#### 2. Zone Provisions

- Lot Area (minimum) 40.4 ha
- Lot Frontage (minimum) 45 m
  - ~~Lots designated Settlement Area~~  
in Official Plan 50 m
  - ~~All other lots~~ 60 m
- Yards (minimum)
  - Front

• Lots designated <b>Settlement Area</b> in Official Plan	6 m
• All other lots	10 m
• Exterior Side	6 m
• Interior Side	
• Lots designated <b>Settlement Area</b> in Official Plan	6 m
• All other lots	10 m
• Rear	
• Lots designated <b>Settlement Area</b> in Official Plan	7.5 m
• All other lots	10 m
• <del>Dwelling Unit Floor Area (minimum)</del>	<del>65 m<sup>2</sup></del>
• Building Height (maximum)	10 m
• Lot Coverage (maximum)	20%
• Accessory Dwellings or Dwelling Units per Lot (maximum)	1

### 3. **Additional Provisions**

#### 1. **General Provisions**

In accordance with Section 3 hereof.

#### 2. **Automobile Service Station Pump Islands and Canopies**

Notwithstanding any other provisions of this By-law to the contrary, the minimum front or exterior side yard for an automobile service station pump island or canopy shall be 4.5 m.

### 4. **Special Exception Zones**

#### 1. **CG-1** (*Part of Lot 4, Con. 3, Kitley*)

Notwithstanding the provisions of Section 6.1.2 of this By-law to the contrary, on the lands zoned CG-1, a maximum of two dwelling units shall be permitted.

#### 2. **CG-2** (*Part of Lots 18 and 19, Con. 3, Elizabethtown*)

Notwithstanding the provisions of Section 6.1.1 of this By-law to the contrary, on the lands zoned CG-2, the following additional uses shall be permitted:

- Industrial facility, limited to the assembly of dry components
- Wholesale establishment
- Warehouse.

3. **CG-3** (*Part of Lot 19, Con. 1, Elizabethtown*)

Notwithstanding the provisions of Sections 6.1.1 and 6.1.2 of this By-law to the contrary, on the lands zoned CG-3, a self-storage facility shall be an additional permitted use and, further, the following provisions shall prevail in relation to such use:

- Interior Side Yard (minimum) 7 m
- Rear Yard (minimum) 7.5 m
- A planting strip shall be provided along the rear lot line.

4. **CG-4** (*Part of Lot 3, Con. 1, Elizabethtown, 0801-000-010-05100*)

Notwithstanding the provisions of Section 6.1.1 of this By-law to the contrary, on the lands zoned CG-4, permitted uses shall be restricted to the following:

- Contractor's yard
- Professional or business office
- Tradesperson's establishment

5. **CG-5** (*Part of Lot 5, Con. 1, Elizabethtown*)

Notwithstanding the provisions of Section 6.1.1 of this By-law to the contrary, on the lands zoned CG-5, permitted uses shall be restricted to the following:

- Automobile service station
- Vehicle sales or rental establishment
- Clinic

The following provisions shall prevail in the CG-5 zone:

Floor area (maximum) shall be 837.1 sq.m. and;

A 10 m wide planting strip shall be provided along the interior side lot lines.

## 6.2 Rural Commercial (CR) Zone

### 1. Permitted Uses

accessory dwelling  
 accessory dwelling unit  
 building supply centre  
 community service  
 custom workshop  
 garden centre  
 home-based business, in accordance with Section 3.9  
 hotel  
 motel  
 open market  
 place of assembly  
 private park  
 service outlet  
 recreational establishment  
 retail store  
 tradesperson's establishment  
 veterinary clinic

### 2. Zone Provisions

• Lot Area (minimum)	<del>10.4</del> ha
• Lot Frontage (minimum)	<del>60.45</del> m
• Yards (minimum)	
• Front	10 m
• Exterior Side	10 m
• Interior Side	10 m
• Rear	10 m
• Commercial Floor Area (maximum)	465 m <sup>2</sup>
• <del>Dwelling Unit Floor Area (minimum)</del>	<del>65 m<sup>2</sup></del>
• Building Height (maximum)	10 m
• Lot Coverage (maximum)	20%
• Accessory Dwellings or Dwelling Units per Lot (maximum)	1

### 3. Additional Provisions

#### 1. General Provisions

In accordance with Section 3 hereof.



#### 4. **Special Exception Zones**

##### 1. **CR-1** (*Part of Lots 32 and 33, Con. 7, Elizabethtown*)

Notwithstanding the provisions of Section 6.2.1 of this By-law to the contrary, on the lands zoned CR-1, permitted uses shall be restricted to the following:

- A speedway, for the racing of vehicles
- A campground, accessory to a speedway and operational only during speedway events
- An open market.

## 6.3 Local Commercial (CL) Zone

### 1. Permitted Uses

accessory dwelling  
 accessory dwelling unit  
 antique shop  
 bank  
 bed and breakfast  
 boarding house  
 clinic  
 community service  
 custom workshop  
 day care  
 group home, in accordance with Section 3.6  
 home-based business, in accordance with Section 3.9  
micro-brewery  
 personal service  
 professional or business office  
 retail store  
 restaurant  
 single dwelling  
second dwelling unit or second dwelling, in accordance with Section 3.21

### 2. Zone Provisions

- Lot Area (minimum) 0.4 ha
  - ~~Lots designated Settlement Area~~  
in Official Plan 0.6 ha
  - ~~All other lots~~ 1 ha
- Lot Frontage (minimum) 45 m
  - ~~Lots designated Settlement Area~~  
in Official Plan 50 m
  - ~~All other lots~~ 60 m
- Yards (minimum)
  - Front
    - Lots designated Settlement Area  
in Official Plan 6 m
    - All other lots 10 m
  - Exterior Side 6 m
  - Interior Side 6 m
  - Rear
    - Lots designated Settlement Area  
in Official Plan 7.5 m
    - All other lots 10 m
- Commercial Floor Area (maximum) 250 m<sup>2</sup>

• Building Height (maximum)	10 m
• Lot Coverage (maximum)	20%
• <del>Dwelling Unit Floor Area (minimum)</del>	<del>65 m<sup>2</sup></del>
• Dwellings or Dwelling Units per Lot (maximum)	1

### 3. Additional Provisions

#### 1. General Provisions

In accordance with Section 3 hereof.

### 4. Special Exception Zones

#### 1. CL-1 (*Part of Lot 22, Con. 6, Kitley*)

Notwithstanding the provisions of Section 6.3.1 of this By-law to the contrary, on the lands zoned CL-1, the following additional use shall be permitted:

- A tree removal business, including the storage and maintenance of trucks and equipment.

#### 2. CL-2 (*Part of Lot 5, Con. 4, Kitley – 0801-824029-07501*)

Notwithstanding the provisions of Sections 6.3.1 and 6.3.2 of this By-law to the contrary, on the lands zoned CL-2, the following additional uses shall be permitted:

- Self-storage facility
- Warehouse
- Detached private garage used for non-commercial storage and workshop purposes typically accessory to a residential use.

Further, the following provisions shall prevail in relation to the foregoing uses:

- Interior Side Yard Abutting a Residential Zone (minimum) 10 m
- Combined Street Setback and Front Yard (minimum)
  - Warehouse and self-storage facility 57 m
  - Detached private garage 27 m
- Open storage shall be concealed from abutting streets and residential uses by a 2 m high opaque fence or planting strip.

## 6.4 Tourist Commercial (CT) Zone

### 1. Permitted Uses

accessory dwelling  
 accessory dwelling unit  
 antique shop  
 bed and breakfast  
 campground  
 community service  
 custom workshop  
 golf course  
 home-based business, in accordance with Section 3.9  
 lodging establishment  
 marina  
 marine facility  
 open market  
 park  
 restaurant

### 2. Zone Provisions

- Lot Area (minimum)
  - Campground 2 ha
  - Other uses 10.4 ha
- Lot Frontage (minimum) 605 m
- Yards (minimum)
  - Front 10 m
  - Exterior Side 10 m
  - Interior Side 6 m
  - Rear 10 m
- ~~• Accessory Dwelling Unit Floor Area (minimum) 65 m<sup>2</sup>~~
- Building Height (maximum) 10 m
- Campground Site (minimum) 230 m<sup>2</sup>
- Lot Coverage (maximum) 20%
- Accessory Dwellings or Dwelling Units  
per Lot (maximum) 1

### 3. Additional Provisions

#### 1. General Provisions

In accordance with Section 3 hereof.

#### 4. Special Exception Zones

*(reserved)*

## SECTION 7 - INDUSTRIAL ZONES

### 7.1 General Industrial (MG) Zone

#### 1. Permitted Uses

agricultural products processing facility  
 automobile body shop  
 automobile service station  
 building supply centre  
 community service  
 contractor's yard  
 custom workshop  
 equipment rental outlet  
 feed supply outlet  
 fuel storage facility  
 garden centre  
 heavy equipment sales or rental establishment  
 printing establishment  
 recreational establishment  
 retail store accessory to a permitted MG use, other than  
     a warehouse or self-storage facility  
retail compressed gas transfer facility  
 self-storage facility  
 service outlet  
 tradesperson's establishment  
 transportation depot  
 vehicle sales or rental establishment  
 veterinary clinic  
 warehouse  
 wholesale establishment

#### 2. Zone Provisions

- |                             |                    |
|-----------------------------|--------------------|
| • Lot Area (minimum)        | <del>40.4</del> ha |
| • Lot Frontage (minimum)    | <del>60.45</del> m |
| • Yards (minimum)           |                    |
| • Front                     | 10 m               |
| • Exterior Side             | 10 m               |
| • Interior Side             | 10 m               |
| • Rear                      | 15 m               |
| • Building Height (maximum) | 12 m               |
| • Lot Coverage (maximum)    | 20%                |

#### 3. Additional Provisions

##### 1. General Provisions

In accordance with Section 3 hereof.

## 2. **Automobile Service Station Pump Islands and Canopies**

Notwithstanding any other provisions of this By-law to the contrary, the minimum front or exterior side yard for an automobile service station pump island or canopy shall be 4.5 m.

## 3. **Increased Yard Requirements**

Where an MG zone abuts a lot in a Residential zone, the interior side yard or rear yard, as applicable, shall be increased by 7.5 m.

## 4. **Special Exception Zones**

### 1. **MG-1** (*Part of Lot 21, Con. 8, Kitley*)

Notwithstanding the provisions of Sections 7.1.1 and 7.1.2 of this By-law to the contrary, on the lands zoned MG-1, an industrial facility shall be an additional permitted use and, further, the following provision shall prevail in relation to such use:

- South Interior Side Yard (minimum) 3.66 m

### 2. **MG-2** (*Part of Lot 20, Con. 7, and Part of Lot 38, Con. 11, Elizabethtown*)

Notwithstanding the provisions of Section 7.1.1 of this By-law to the contrary, on the lands zoned MG-2, a single dwelling shall be an additional permitted use.

### 3. **MG-3** (*Part of Lot 27, Con. 3, Elizabethtown*)

Notwithstanding the provisions of Section 7.1.1 of this By-law to the contrary, on the lands zoned MG-3, permitted uses shall be restricted to the following:

- Self-storage facility
- Warehouse
- Accessory dwelling

### 4. **MG-4** (*Part of Lot 3, Con. 1, Elizabethtown*)

Notwithstanding the provisions of this By-law to the contrary, on the lands zoned MG-4, a planting strip shall be provided in the front and west yards.

### 5. **MG-5** (*Part of Lot 21, Con. 9, Kitley – Roll 0801-824-039-1020*)

Notwithstanding the provisions of Section 7.1.1 of this By-law to the contrary, on the lands zoned MG-5, a restaurant and one accessory dwelling unit or single

dwelling shall be additional permitted uses.

## 7.2 Business Park Industrial (MBP) Zone

### 1. Permitted Uses

adult entertainment parlour  
 agricultural products processing facility  
 automobile body shop  
 automobile service station  
 building supply centre  
cannabis processing facility  
 clinic  
 community service  
 contractor's yard  
 custom workshop  
 equipment rental outlet  
 feed supply outlet  
 fuel storage facility  
 garden centre  
 heavy equipment sales or rental establishment  
 industrial facility  
 instructional facility  
micro-brewery  
 place of assembly  
 printing establishment  
 professional or business office  
 recreational establishment  
 restaurant  
 retail store  
retail compressed gas transfer facility  
 self-storage facility  
 service outlet  
 tradesperson's establishment  
 transportation depot  
 vehicle sales or rental establishment  
 veterinary clinic  
 warehouse  
 wholesale establishment

### 2. Zone Provisions

- Lot Area (minimum) ~~10.4~~ ha
- Lot Frontage (minimum) ~~60.45~~ m
- Yards (minimum)
  - Front 10 m
  - Exterior Side 10 m
  - Interior Side 10 m
  - Rear 15 m
- Building Height (maximum) 12 m



- Lot Coverage (maximum) 20%

### **3. Additional Provisions**

#### **1. General Provisions**

In accordance with Section 3 hereof.

#### **2. Automobile Service Station Pump Islands and Canopies**

Notwithstanding any other provisions of this By-law to the contrary, the minimum front or exterior side yard for an automobile service station pump island or canopy shall be 4.5 m.

#### **3. Minimum Separation Distance for an Adult Entertainment Parlour**

- From a residential use, day care, place of worship, school, community service, park or Institutional zone 500 m
- From another adult entertainment parlour 1000 m

### **4. Special Exception Zones**

#### **1. MBP-1 (*Part of Lot 16, Con. 3, Elizabethtown*)**

Notwithstanding the provisions of this By-law to the contrary, the lands zoned MBP-1 shall be maintained as a 50 m wide buffer between the abutting residential lot and the MBP zone.

## 7.3 Rural Industrial (MR) Zone

### 1. Permitted Uses

accessory dwelling  
 accessory dwelling unit  
 agricultural products processing facility  
cannabis processing facility  
 contractor's yard  
 custom workshop  
 equipment rental outlet  
 feed supply outlet  
 fuel storage facility  
 heavy equipment sales or rental establishment  
 self-storage facility  
 service outlet  
 tradesperson's establishment  
 transportation depot  
 veterinary clinic  
 warehouse

### 2. Zone Provisions

• Lot Area (minimum)	<del>10.4</del> ha
• Lot Frontage (minimum)	<del>60.45</del> m
• Yards (minimum)	
• Front	10 m
• Exterior Side	10 m
• Interior Side	10 m
• Rear	15 m
• Industrial Floor Area (maximum)	465 m <sup>2</sup>
• <del>Dwelling Unit Floor Area (minimum)</del>	<del>65 m<sup>2</sup></del>
• Building Height (maximum)	12 m
• Lot Coverage (maximum)	20%
• Accessory Dwellings or Dwelling Units per Lot (maximum)	1

### 3. Additional Provisions

#### 1. General Provisions

In accordance with Section 3 hereof.

### 4. Special Exception Zones

#### 1. MR-1 (*Part of Lot 6, Co. 1, Elizabethtown*)

Notwithstanding the provisions of Section 7.3.1 of this By-law to the contrary,

on the lands zoned MR-1, an antique shop shall be an additional permitted use.

2. **MR-2** (Part Lot 21 and 22, Con. 8, Geographic Kitley)

Notwithstanding the provisions of this By-law to the contrary, on the lands zoned MR-2, permitted uses shall be restricted to a warehouse use in accordance with the MR provisions and other uses as permitted in the RU, Rural Zone may be used in accordance with the RU zone provisions, as it relates to the single dwelling on this same property. Warehouse use shall be subject to the following:

- New warehouse construction shall be limited to on grade structures or constructions;
- The maximum combined interior floor area of all structures used for warehouse use shall be limited 465 square meters;
- The minimum front yard depth for warehouse use structures shall be a minimum of 90 m.

## 7.4 Salvage Yard Industrial (MS) Zone

### 1. Permitted Uses

accessory dwelling  
accessory dwelling unit  
automobile service station  
automobile body shop  
salvage yard

### 2. Zone Provisions

- Lot Area (minimum) 2 ha
- Lot Frontage (minimum) 60 m
- Yards (minimum)
  - Front and Exterior Side 15 m
  - Interior Side 15 m
  - Rear 15 m
- ~~Dwelling Unit Floor Area (minimum) 65 m<sup>2</sup>~~
- Building Height (maximum) 12 m
- Lot Coverage (maximum) 20%
- Accessory Dwellings or Dwelling Units per Lot (maximum) 1

### 3. Additional Provisions

#### 1. General Provisions

In accordance with Section 3 hereof.

#### 2. Minimum Separation Distance for a Salvage Yard

- From a residential use on another lot or a Residential zone 300 m
- From a non-residential use on another lot 100 m
- From a watercourse or water body 300 m

### 4. Special Exception Zones

*(reserved)*

## 7.5 Disposal Industrial (MD) Zone

### 1. Permitted Uses

portable asphalt plant  
 portable concrete plant  
 waste disposal site  
 waste recycling facility  
 waste transfer facility  
 wayside pit  
 wayside quarry

### 2. Zone Provisions

- Lot Area (minimum) 2 ha
- Lot Frontage (minimum) 60 m
- Yards (minimum)
  - Front and Exterior Side 30 m
  - Interior Side 30 m
  - Rear 30 m
- Building Height (maximum) 12 m
- Lot Coverage (maximum) 20%

### 3. Additional Provisions

#### 1. General Provisions

In accordance with Section 3 hereof.

#### 2. Minimum Separation Distance for a Waste Disposal Site

- From a residential use on another lot  
or a vacant lot in a Residential zone 500 m
- From a non-residential use on another lot 200 m
- From a watercourse or water body 500 m

### 4. Special Exception Zones

*(reserved)*

## 7.6 Airport Industrial (MAP) Zone

### 1. Permitted Uses

airport, including directly-related accessory commercial uses  
 airplane hanger/aircraft storage  
 industrial facility, limited to aeronautics  
 instructional facility  
 retail store accessory to a use permitted in the MAP zone  
 service outlet  
 tradesperson's establishment  
 warehouse

### 2. Zone Provisions

- |                             |                    |
|-----------------------------|--------------------|
| • Lot Area (minimum)        | <del>10.4</del> ha |
| • Lot Frontage (minimum)    | <del>60.45</del> m |
| • Yards (minimum)           |                    |
| • Front and Exterior Side   | 30 m               |
| • Interior Side             | 30 m               |
| • Rear                      | 30 m               |
| • Building Height (maximum) | 30 m               |
| • Lot Coverage (maximum)    | 20%                |

### 3. Additional Provisions

#### 1. General Provisions

In accordance with Section 3 hereof.

### 4. Special Exception Zones

*(reserved)*

## SECTION 8 – INSTITUTIONAL ZONES

### 8.1 Institutional (I) Zone

#### 1. Permitted Uses

accessory dwelling  
 accessory dwelling unit  
 antique store  
 cemetery  
 clinic  
 community service  
 custom workshop  
 day care  
 group home, in accordance with Section 3.6  
 home-based business, in accordance with Section 3.9  
 instructional facility  
 park  
 place of assembly  
 place of worship  
 school  
 single dwelling  
 residential care home  
second dwelling unit or second dwelling, in accordance with Section 3.21

#### 2. Zone Provisions

- Lot Area (minimum) 40.4 ha
- Lot Frontage (minimum) 45 m
  - ~~Lots designated Settlement Area~~  
in Official Plan 50 m
  - ~~All other lots~~ 60 m
- Yards (minimum)
  - Front
    - Lots designated **Settlement Area**  
in Official Plan 6 m
    - All other lots 10 m
  - Exterior Side 10 m
  - Interior Side 10 m
  - Rear 10 m
- ~~Dwelling Unit Floor Area (minimum)~~ 65 m<sup>2</sup>
- Building Height (maximum) 12 m
- Lot Coverage (maximum) 20%
- Accessory Dwellings or Dwelling Units  
per Lot (maximum) 1

### **3. Additional Provisions**

#### **1. General Provisions**

In accordance with Section 3 hereof.

### **4. Special Exception Zones**

#### **1. I-1 (*Part of Lot 6, Concession 1, Elizabethtown*)**

Notwithstanding the provisions of Section 8.1.1 to the contrary, on the lands zoned I-1, the following additional uses shall be permitted:

- a public use by the Corporation of the City of Brockville
- a sewage treatment plant
- professional or business offices



## SECTION 9 - OPEN SPACE ZONES

### 9.1 Open Space (OS) Zone

#### 1. Permitted Uses

accessory dwelling  
 accessory dwelling unit  
 agricultural use  
 conservation use  
 golf course  
 marine facility  
 park

#### 2. Zone Provisions

- Lot Area (minimum)
  - Agricultural use that includes the keeping of livestock 4 ha
  - All other uses None
- Yards (minimum) 15 m
- ~~Dwelling Unit Floor Area (minimum) 65 m<sup>2</sup>~~
- Building Height (maximum) 10 m
- Lot Coverage (maximum) 20%
- Accessory Dwellings or Dwelling Units per Lot (maximum) 1

#### 3. Additional Provisions

##### 1. General Provisions

In accordance with Section 3 hereof.

#### 4. Special Exception Zones

##### 1. OS-1 (*Part of Lot 28, Con. 7, Kitley*)

Notwithstanding the provisions of Section 9.1.1 of this By-law to the contrary, on the lands zoned OS-1, a campground shall be an additional permitted use.

##### 2. OS-2 (*Part of Lot 24, Con. 5, and Part of Lot 22, Con. 2, Elizabethtown*)

Notwithstanding the provisions of Section 9.1.1 of this By-law to the contrary, on the lands zoned OS-2, a gun club shall be an additional permitted use.

##### 3. OS-3 (*Part of Lot 26, Con. 1, Lot 13, Plan 382, Elizabethtown*)

Notwithstanding the provisions of Section 9.1.1 of this By-law to the contrary,

on the lands zoned OS-3, permitted uses shall be restricted to a park or marine facility serving Lots 1-12, Plan 382.

4. **OS-4** (*Part of Lot 21, Con. 1, Part Lots 88 and 89, Plan 89, Elizabethtown*)

Notwithstanding the provisions of Sections 9.1.1 and 9.1.2 of this By-law to the contrary, on the lands zoned OS-4, permitted uses shall be restricted to a marine facility and, further, the following provision shall prevail in relation to such use:

- Interior side yard (minimum) 6 m

5. **OS-5** (*Part of Lots 9-16, Con. 3, Elizabethtown, 0801-000-015-10000*)

Notwithstanding the provisions of Section 9.1.1 of this By-law to the contrary, on the lands zoned OS-5, permitted uses shall be restricted to the following:

- Conservation use
- Marine facility
- Park

## SECTION 10 - RURAL ZONES

### 10.1 Rural (RU) Zone

#### 1. Permitted Uses

accessory dwelling  
 accessory dwelling unit  
 agricultural use  
 bed and breakfast  
 conservation use  
 existing cemetery  
 group home, in accordance with Section 3.6  
 home-based business, in accordance with Section 3.9  
 hunting or fishing camp  
 kennel, commercial and/or breeding  
kennel, hobby  
on-farm diversified use  
 place of worship  
 portable asphalt plant  
 portable concrete plant  
 single dwelling  
second dwelling unit or second dwelling, in accordance with Section 3.21  
 wayside pit  
 wayside quarry

#### 2. Zone Provisions

- Lot Area (minimum)
  - Single dwelling or bed and breakfast 10.4 ha
  - Agricultural use that includes the keeping of livestock 4 ha
  - ~~Other permitted uses~~ 2 ha
- Lot Frontage (minimum) 6045 m
- Yards (minimum)
  - Front 10 m
  - Exterior Side 6 m
  - Interior Side 6 m
  - Rear 7.5 m
- ~~Dwelling Unit Floor Area (minimum)~~ 75 m<sup>2</sup>
- Building Height (maximum) 10 m
- Lot Coverage (maximum) 20%
- Floor Space Index for lot abutting a water body (maximum) 10%
- Dwellings or Dwelling Units per Lot (maximum) 1

### 3. Additional Provisions

#### 1. General Provisions

In accordance with Section 3 hereof.

#### 2. Minimum Separation Distance of a New or Expanding Livestock Facility from a Dwelling

Notwithstanding any other provisions of this By-law, new or expanding livestock facilities shall comply with the Minimum Distance Separation II (MDS II), as issued by the Ministry of Agriculture, Food and Rural Affairs.

#### 3. Minimum Separation Distance for a Kennel

- ~~As per the Kennel By-law No. 18-16, as may be amended From a residential use on another lot or a vacant lot in a Residential zone~~ 183 m

#### 4. Hunting or Fishing Camp Provisions

Notwithstanding the provisions of Sections 10.1. and 10.2, the following provisions shall apply to a hunting or fishing camp:

- A hunting or fishing camp shall not be permitted on a lot on which a dwelling is located;
- The maximum floor area of a hunting or fishing camp shall be 60 m<sup>2</sup>;
- All yards shall be a minimum of 100 m.

### 4. Special Exception Zones

#### 1. RU-1 (*Part of Lot 3, Con. 1, Part of Lot 25, Con. 1, Part of Lot 18, Con 3, Part of Lot 18, Con. 3, Part of Lot 6, Con. 4, Elizabethtown*)

Notwithstanding the provisions of Section 10.1.1 of this By-law to the contrary, on the lands zoned RU-1, an antique store shall be an additional permitted use and, further, the following provision shall apply in relation to such use:

- Floor Area (maximum) 465 m<sup>2</sup>

#### 2. RU-2 (*Various Settlement Area Lands*)

Notwithstanding any provisions of this By-law to the contrary, on the lands zoned RU-2, the following uses shall not be permitted:

- Any new livestock barns or facilities or expansions thereto
- Any new manure storage areas or expansions thereto
- Wayside pit
- Wayside quarry
- Portable asphalt plant
- Portable concrete plant

3. **RU-3** (*Part of Lots 23 and 24, Con. 6, Kitley*)

Notwithstanding the provisions of Sections 10.1.1 and 10.1.2 of this By-law to the contrary, on the lands zoned RU-3, the following additional uses shall be permitted:

- Heating and air conditioning sales, repairs and installation
- Sheet metal fabrication and sales
- An office accessory to the foregoing uses.

Further, the following provisions shall prevail in relation to the foregoing uses:

- Floor Area (maximum) 204 m<sup>2</sup>
- Any open storage shall be contained within a fenced and screened enclosure in accordance with a site plan agreement between the owner and the Township.
- Parking and driveway areas are to be provided with permanent all-weather surfaces.

4. **RU-4** (*Part of Lot 4, Con. 2, Kitley – 0801-824-029-00700*)

Notwithstanding the provisions of Sections 10.1.1 and 10.1.2 of this By-law to the contrary, on the lands zoned RU-4, a concrete plant shall be an additional permitted use. Related accessory uses, buildings and structures such as large storage buildings, vehicle maintenance garages and other similar accessory uses shall also be permitted. The following provisions shall prevail in relation to a concrete plant and related accessory buildings and structures:

- Yards (minimum)
  - Front 50 m
  - North Interior Side 80 m
  - South Interior Side 30 m
  - Rear Yard 30 m
- Floor Area – Main concrete plant building (maximum) 465 m<sup>2</sup>
- Accessory Building Height (maximum) 7.5 m
- Existing treed areas to be retained/maintained to provide the following treed area depths:
  - Front Yard (north half of lot only) 40 m
  - North Interior Side Yard 75 m

- Rear Yard 20 m

5. **RU-5** (*Part of Lots 22 and 23, Con. 9, Kitley*)

Notwithstanding the provisions of Section 10.1.1 of this By-law to the contrary, on the lands zoned RU-5, a vehicle sales or rental establishment shall be an additional permitted use. The following provisions shall prevail in relation to a concrete plant and related accessory buildings and structures:

- Commercial Floor Area (maximum) 1,944 m<sup>2</sup>
- No parts, derelict vehicles, garbage or other waste or scrap materials associated with a commercial use shall be stored in the open, except within a fenced and screened enclosure approved by the Township and as shown on an approved site plan.
- Commercial parking and driveway areas are to be provided with permanent all-weather surfaces.

6. **RU-6** (*Part of Lot 37, Con. 11, Elizabethtown – 0801-000-050-20901*)

Notwithstanding the provisions of Section 10.1.1 of this By-law to the contrary, on the lands zoned RU-6, a tack shop for the retail sale of horse-related products shall be an additional permitted use, provided that the maximum floor area of the said use shall not exceed 56 m<sup>2</sup>.

7. **RU-7** (*Part of Lots 37 and 38, Con. 10, Part of Lot 33, Con. 7, Elizabethtown*)

Notwithstanding the provisions of Sections 10.1.1 and 10.1.2 of this By-law to the contrary, on the lands zoned RU-7, the following additional uses shall be permitted:

- Automobile Service Station
- Tradesperson's Establishment
- Service Outlet

Further, the following provisions shall prevail in relation to the foregoing uses:

- Floor Area (maximum) 465 m<sup>2</sup>
- Open storage shall only be permitted in a side or rear yard and shall be screened from the street.

8. **RU-8** (*Part of Lot 28, Con. 2, Elizabethtown*)

Notwithstanding the provisions of Section 10.1.1 of this By-law to the contrary, on the lands zoned RU-8, an indoor and/or outdoor archery range, including related retail sales and/or repair, shall be an additional permitted use.

9. **RU-9** (*Part of Lot 18, Con. 3, Elizabethtown – 0801-000-015-18001*)

Notwithstanding the provisions of Sections 10.1.1 and 10.1.2 of this By-law to the contrary, on the lands zoned RU-9, a contractor's yard shall be an additional permitted use. The following provisions shall prevail in relation to a contractor's yard:

- Floor Area (maximum) 274 m<sup>2</sup>
- Driveway access and signage shall be permitted within the abutting RU zone and shall conform to all requirements of the applicable road authority.

**10. RU-10** (*Part of Lot 6, Con. 11, Elizabethtown – 0801-000-055-05800*)

Notwithstanding the provisions of Section 3.4 of this By-law to the contrary, on the lands zoned RU-10, a hunting or fishing camp shall be permitted without frontage on an improved street. The Township shall have no obligation to assume the unopened road allowance as an improved street, to provide road maintenance or to guarantee emergency vehicle access.

**11. RU-11** (*Part of Lot 27, Con. 1, Elizabethtown – 0801-000-0606-15600*)

Notwithstanding the provisions of Section 10.1.2 of this By-law to the contrary, on the lands zoned RU-11, the following provisions shall prevail:

- Lot Frontage (minimum) 13.5 m
- Driveway access to an improved street may be permitted via an easement over Township-owned lands.
- In the case of a single dwelling, the street setback and front and interior side yards shall be as follows:
  - Front Yard (minimum) 179 m
  - West Interior Side Yard (minimum) 36.5 m

**12. RU-12** (*Part of Lot 2, Con. 2, Elizabethtown – 0801-000-010-17900*)

Notwithstanding the provisions of Sections 2 and 3.8 of this By-law to the contrary, on the lands zoned RU-12, a vehicle service and repair shop shall be permitted as a home-based business in accordance with the following:

- A vehicle service and repair shop shall include the service and repair of automobiles, light trucks, farm implements and equipment within a detached shop/garage, as well as incidental retail sales restricted to lubricants and parts directly associated with such service and repair work.
- The maximum floor area of the shop/garage shall be 148.6 m<sup>2</sup>.
- 10 parking spaces shall be provided in the side or rear yards adjacent to the shop/garage.
- A 1.82 m high screen, consisting of the existing hedge, a solid fence, or combination of the two, shall be provided in order to screen the property from the abutting residential use property at 2978 Kelly Road.
- Except as otherwise stated herein, the provisions of Section 3.8 shall apply.

**13. RU-13** (*Part of Lot 7, Con. 6, Elizabethtown – Part of 0801-000-035-03800*)

Notwithstanding the provisions of Sections 2 and 3.8 of this By-law to the contrary, on the lands zoned RU-13, a vehicle service and repair shop shall be permitted as a home-based business in accordance with the following:

- A vehicle service and repair shop shall include the service and repair of automobiles, light trucks, farm implements and equipment within a detached shop/garage, as well as incidental retail sales restricted to lubricants and parts directly associated with such service and repair work.
- The maximum floor area of the shop/garage shall be 123 m<sup>2</sup>.
- 8 parking spaces shall be provided.
- Notwithstanding Section 3.8.3 of this By-law, a maximum of two signs shall be permitted, provided that they shall be located a minimum of 1 m from any lot line and, further, that they may be situated within the area between the RU-13 zone limits and the street line.
- Except as otherwise stated herein, the provisions of Section 3.8 shall apply.

**14. RU-14** (*Part of Lot 30, Con. 6, Elizabethtown – Part of 0801-000-050-02400, part of 7219 County Rd. 28*)

Notwithstanding the provisions of Section 10.1.1 of this By-law to the contrary, on the lands zoned RU-14, the following additional uses shall be permitted:

- A vehicle service and repair shop, excluding body shop work (which may include the service and repair of automobiles, light trucks, farm implements and equipment) as well as incidental retail sales restricted to lubricants and parts directly associated with such service and repair work;
- A tradesperson's establishment;
- A service outlet.

The following provisions shall prevail in relation to the foregoing uses:

- Floor area (maximum) shall be 223 sq.m.;
- 11 parking spaces shall be provided in relation to this shop area;
- 1 non-illuminated sign, not larger than 0.6 sq.m. may be located on the lot within the area between the RU-14 zone limits and the street line.

Further, the following additional use shall be permitted:

- A private personal use storage garage use, not associated or accessory to a dwelling on the property.

The following provision shall prevail in relation to the private personal use storage garage use:



- Combined Floor area (maximum) shall be 446 sq.m.

## SECTION 11 - AGRICULTURE ZONES

### 11.1 Agriculture (AG) Zone

#### 1. Permitted Uses

accessory dwelling  
 accessory dwelling unit  
 agricultural use  
 bed and breakfast  
 conservation use  
 existing cemetery  
 existing place of worship  
 group home, in accordance with Section 3.6  
 home-based business, in accordance with Section 3.9  
 hunting or fishing camp  
 kennel, commercial and/or breeding provided that the lot is also used for an  
 agricultural use  
kennel, hobby  
 mobile home, accessory to an agricultural use  
on-farm diversified use  
 portable asphalt plant  
 portable concrete plant  
 single dwelling  
second dwelling unit or second dwelling, in accordance with Section 3.21  
 wayside pit  
 wayside quarry

#### 2. Zone Provisions

• Lot Area (minimum)	36 ha
• Lot Frontage (minimum)	100 m
• Yards (minimum)	
• Front	10 m
• Exterior Side	6 m
• Interior Side	6 m
• Rear	10 m
• <del>Dwelling Unit Floor Area (minimum)</del>	<del>75 m<sup>2</sup></del>
• Building Height (maximum)	10 m
• Lot Coverage (maximum)	20%
• Dwellings or Dwelling Units per Lot (maximum)	1
• Mobile Homes per Lot (maximum)	1

#### 3. Additional Provisions

##### 1. General Provisions

In accordance with Section 3 hereof.

## 2. Requirements for Residential Lots Created by Consent

Notwithstanding the zone provisions of Section 11.1.2 to the contrary, where an existing dwelling is deemed surplus to an agricultural use and is severed for residential purposes, such severed lot may be used for a single dwelling in accordance with the zone provisions of Section 5.1.2 and, further, the retained lot shall not require relief from the minimum lot area provision of Section 11.1.2 in the event that the effect of the severance has been to render it non complying.

## 3. Minimum Separation Distance for a New or Expanding Livestock Facility from a Dwelling

Notwithstanding any other provisions of this By-law, new or expanding livestock facilities shall comply with the Minimum Distance Separation II (MDS II), as issued by the Ministry of Agriculture, Food and Rural Affairs.

## 4. Minimum Separation Distance for a Kennel

- ~~As per the Kennel By-law No. 18-16, as may be amended From a residential use on another lot or a vacant lot in a Residential zone~~ 183 m

## 5. Hunting or Fishing Camp Provisions

Notwithstanding the provisions of Sections ~~10.1~~11.1. and ~~10.2~~11.2, the following provisions shall apply to a hunting or fishing camp:

- A hunting or fishing camp shall not be permitted on a lot on which a dwelling is located;
- The maximum floor area of a hunting or fishing camp shall be 60 m<sup>2</sup>;
- All yards shall be a minimum of 100 m.

## 6. Mobile Home Provisions

Notwithstanding any other provisions of this By-law, a mobile home accessory to an agricultural use shall only be permitted on a lot that contains a single dwelling.

## 4. Special Exception Zones

### 1. AG-1 (*Part of Lots 25-28, Con. 3, Part of Lot 35, Con 9, Elizabethtown*)

Notwithstanding the provisions of Section 11.1.1 of this By-law to the contrary, on the lands zoned AG-1, an agricultural products processing facility shall be an additional permitted use.

1.1 **AG-1-1** (*Part Lot 35, Con. 9, Elizabethtown – Severed lands under B-33-14*)

Notwithstanding the provisions of Section 11.1.1 and 11.1.2 of this By-law to the contrary, on the lands zoned AG-1-1 the following provisions shall prevail:

- Lot Area (minimum) 2.0 ha
- Additional permitted use: an agricultural products processing facility
- Prohibited uses: single dwelling; accessory dwelling; accessory dwelling unit; hunting or fishing camp; mobile home, accessory to an agricultural use, an agricultural use that includes the keeping of livestock.

2. **AG-2** (*Part of Lot 28, Con. 4, Elizabethtown – 0801-000-025-10900*)

Notwithstanding the provisions of Section 11.1.1 of this By-law to the contrary, on the lands zoned AG-2, a contractor's yard shall be an additional permitted use.

3. **AG-3** (*Part of Lot 36, Con. 4, Elizabethtown – Pt. of 0801-000-025-13000 Retained lands under severance B-32-13*)

Notwithstanding the provisions of this Section 11.1.1 of this By-law to the contrary, on the lands zoned AG-3, no accessory dwelling, no accessory dwelling unit, no hunting or fishing camp, no mobile home, accessory to an agricultural use, and no single dwelling shall be permitted on the lands zoned AG-3, to ensure no new residential use result on the subject lands.

4. **AG-4** (*Part of Lot 35, Con. 9, Elizabethtown – Retained lands under B-33-14*)

Notwithstanding the provisions of Section 11.1.1 and 11.1.2 of this By-law to the contrary, on the lands zoned AG-4, the following provisions shall prevail:

- Lot Area (minimum) 16.0 ha
- Prohibited uses: single dwelling, accessory dwelling; accessory dwelling unit; hunting or fishing camp; mobile home, accessory to an agricultural use.

5. **AG-5** (*3231 County Rd. 27, Part Lot 32, Con. 3, Elizabethtown – Severed lands under B-124-14*)

Notwithstanding the provisions of this By-law to the contrary, on the lands zoned AG-5 the following provisions shall prevail:

- Lot Area (minimum) 0.49 ha
- The lot shall be used in accordance with the R1, Residential Type 1 zone provisions under Section 5.1.

6. **AG-6** (*Part Lot 32, Con. 3, Elizabethtown – Severed and Recipient lands*)

*under B-56-17)*

Notwithstanding the provisions of Section 11.1.1 and 11.1.2 of this By-law to the contrary, on the lands zoned AG-6 the following provisions shall prevail:

- Lot Area (minimum) 3.9 ha
- Lot Frontage (minimum) 22 m
- Prohibited uses: single dwelling; accessory dwelling; accessory dwelling unit; hunting or fishing camp; mobile home, accessory to an agricultural use.

7. **AG-7** (*Part Lot 9, Con. 3, Elizabethtown – Severed lands under B-70-14*)

Notwithstanding the provisions of this By-law to the contrary, on the lands zoned AG-7 the following provisions shall prevail:

- Lot Area (minimum) 2.0 ha
- The lot shall be used in accordance with the R1, Residential Type 1 zone provisions under Section 5.1.

8. **AG-8** (*Part Lot 9, Con. 3, Elizabethtown – Retained lands under B-70-14*)

Notwithstanding the provisions of Section 11.1.1 and 11.1.2 of this By-law to the contrary, on the lands zoned AG-8, the following provisions shall prevail:

- Lot Frontage (minimum) 76 m
- Prohibited uses: single dwelling; accessory dwelling; accessory dwelling unit; hunting or fishing camp; mobile home, accessory to an agricultural use.

9. **AG-9** (*Part Lot 32, Con. 3, Elizabethtown – Retained lands under B-56-17*)

Notwithstanding the provisions of this By-law to the contrary, on the lands zoned AG-9 the following provisions shall prevail:

- Lot Area (minimum) 0.6 ha
- The lot shall be used in accordance with the R1, Residential Type 1 zone provisions under Section 5.1.

10. **AG-10** (*Part Lot 34-37, Con. 2 & 3, Elizabethtown*)

Notwithstanding the provisions of this Section 11.1.1 and 11.1.2 of this By-law to the contrary, on the lands zoned AG-10 the following provisions shall prevail:

- Additional permitted use: an accessory dwelling, accessory to an agricultural use and limited to a floor area (maximum) of 67 sq. m.
- Dwellings or Dwelling Units per Lot (maximum) 2

- Mobile Homes per Lot (maximum) 0

## SECTION 12 –MINERAL RESOURCE ZONES

### 12.1 Mineral Aggregate Extraction (EX-P) Zone

#### 1. Permitted Uses

aggregate processing operation  
 agricultural use, excluding buildings  
 asphalt plant  
 concrete plant  
 conservation use, excluding buildings  
 pit  
 portable asphalt plant  
 portable concrete plant  
 wayside pit  
 wayside quarry

#### 2. Zone Provisions

- Lot Area (minimum)
  - Agricultural use that includes the keeping of livestock 4 ha
  - All other uses None
- Yards (minimum)
  - Front 30 m
  - Exterior Side 15 m
  - Interior Side 15 m
  - Rear 15 m

#### 3. Additional Provisions

##### 1. General Provisions

In accordance with Section 3 hereof.

##### 2. Minimum Separation Distance From a Dwelling on Another Lot

- Class “B” pit, with no excavation below the water table 150 m
- Any other pit or a concrete plant 300 m
- Asphalt plant 500 m

#### 4. Special Exception Zones

##### 1. EX-P-1 (*Part of Lot 13, Con. 4, Elizabethtown*)

Notwithstanding the provisions of Section 12.1.1 of this By-law to the contrary, on the lands zoned EX-P-1, no buildings or structures shall be permitted, in recognition

of the proximity of lands designated as Mineral Aggregate in the Official Plan.



## 12.2 Mineral Aggregate Extraction (EX-Q) Zone

### 1. Permitted Uses

aggregate processing operation  
 agricultural use, excluding buildings  
 asphalt plant  
 concrete plant  
 conservation use, excluding buildings  
 pit  
 portable asphalt plant  
 portable concrete plant  
 quarry  
 wayside pit  
 wayside quarry

### 2. Zone Provisions

- Lot Area (minimum)
  - Agricultural use that includes the keeping of livestock 4 ha
  - All other uses None
- Yards (minimum)
  - Front 30 m
  - Exterior Side 15 m
  - Interior Side 15 m
  - Rear 15 m

### 3. Additional Provisions

#### 1. General Provisions

In accordance with Section 3 hereof.

#### 2. Minimum Separation Distance From a Dwelling on Another Lot

- Class “B” pit, with no excavation below the water table 150 m
- Any other pit or a concrete plant 300 m
- Quarry or asphalt plant 500 m

### 4. Special Exception Zones

#### 1. EX-Q-1 (*Part of Lots 23 and 24, Con. 6, Elizabethtown*)

Notwithstanding the provisions of Section 12.2.3.2 of this By-law to the contrary, on the lands zoned EX-Q-1, the minimum separation distance of a quarry from the dwelling house that existed on February 1, 1982, and situated on part of Lot 24,

Con. 6, Elizabethtown, shall be 450 m.

2. **EX-Q-2** (*Part of Lot 4, Con. 1, Elizabethtown*)

Notwithstanding the provisions of Section 12.2.1 of this By-law to the contrary, on the lands zoned EX-Q-2, a professional or business office and a clinic within the existing office building structure shall be additional permitted uses.

## SECTION 13 – NATURAL HERITAGE ZONES

### 13.1 Environmental Protection – PSW (EP-PSW) Zone

#### 1. Permitted Uses

existing agricultural use, excluding buildings  
conservation use, excluding buildings

#### 2. Zone Provisions

All Yards (minimum) 15 m

#### 3. Additional Provisions

##### 1. General Provisions

In accordance with Section 3 hereof.

##### 2. Special Provisions

No building or structure shall be erected, altered or used, except that minor structures accessory to a conservation use may be permitted, subject to the recommendations of an Environmental Impact Study undertaken to the satisfaction of the Township and a permit from the relevant Conservation Authority, where required.

#### 4. Special Exception Zones

*(reserved)*

## **13.2 Environmental Protection – ~~ANSI~~ (EP-~~ANSI~~) Zone**

### **1. Permitted Uses**

existing use  
conservation use  
public park

### **2. Zone Provisions**

All Yards (minimum) 15 m

### **3. Additional Provisions**

#### **1. General Provisions**

In accordance with Section 3 hereof.

#### **2. Special Provisions**

No building or structure shall be erected, altered or used except in accordance with the recommendations of an Environmental Impact Study undertaken to the satisfaction of the Township and a permit from the relevant Conservation Authority, where required.

### **4. Special Exception Zones**

*(reserved)*

### **13.3 Environmental Protection – LSW (EP-LSW) Zone**

#### **1. Permitted Uses**

existing use  
conservation use  
public park

#### **2. Zone Provisions**

All Yards (minimum) 15 m

#### **3. Additional Provisions**

##### **1. General Provisions**

In accordance with Section 3 hereof.

##### **2. Special Provisions**

No building or structure shall be erected, altered or used except in accordance with the recommendations of an Environmental Impact Study undertaken to the satisfaction of the Township and a permit from the relevant Conservation Authority, where required.

#### **4. Special Exception Zones**

(reserved)

## **SECTION 14 - NATURAL HAZARD ZONES**

### **14.1 Flood Plain (FP) Zone**

#### **1. Permitted Uses**

agricultural use, excluding buildings  
conservation use, excluding buildings  
golf course, excluding buildings  
marine facility  
park, excluding buildings

#### **2. Zone Provisions**

Not Applicable

#### **3. Additional Provisions**

##### **1. General Provisions**

In accordance with Section 3 hereof.

##### **2. Special Provisions**

1. No fill shall be placed except with the written approval of the relevant Conservation Authority.
2. No building or structure shall be erected, altered or used except with the written approval of the relevant Conservation Authority.

#### **4. Special Exception Zones**

*(reserved)*

## **SECTION 15 - APPROVAL**

This By-law shall become effective on the date of approval hereof.

This By-law given its first and second readings on April 22, 2013.

This By-law given its third and final reading and passed under the Corporate Seal on May 13, 2013.

CORPORATE SEAL OF TOWNSHIP

Original Signed by

Jim Pickard

Mayor

Original Signed by

Yvonne L. Robert

Clerk

## Metric Conversion Chart

Imperial Units	Multiplied By	Equals Metric Units	Metric Units	Multiplied By	Equals Imperial Units
<b>L E N G T H</b>					
Inches	2.54	Centimetres	Centimetres	0.3937	Inches
Feet	0.3048	Metres	Metres	3.2808	Feet
<b>A R E A</b>					
Square feet	0.0929	Square metres	Square metres	10.764	Square feet
Acres	0.4047	Hectares	Hectares	2.471	Acres

## Sample Conversions

### AREA

Metric	Imperial
10 m <sup>2</sup>	107.6 sq ft
12 m <sup>2</sup>	129.2 sq ft
14 m <sup>2</sup>	150.6 sq ft
20 m <sup>2</sup>	215.3 sq ft
25 m <sup>2</sup>	269.1 sq ft
40 m <sup>2</sup>	430.6 sq ft
70 m <sup>2</sup>	753.5 sq ft
75 m <sup>2</sup>	807.3 sq ft
200 m <sup>2</sup>	2,152.8 sq ft
230 m <sup>2</sup>	2,475.7 sq ft
700 m <sup>2</sup>	7,534.7 sq ft
4050 m <sup>2</sup>	43,593.8 sq ft
1 ha	2.47 acres
2 ha	4.94 acres
40 ha	98.84 acres

### LENGTH

Metric	Imperial
1 m	3.28 ft
2.75 m	9.02 ft.
3 m	9.84 ft
4.5 m	14.76 ft
6 m	19.69 ft
7.5 m	24.61 ft
9 m	29.53 ft
10 m	32.81 ft
15 m	49.21 ft
20 m	65.62 ft
30 m	98.43 ft
45 m	147.64 ft
60 m	196.85 ft
120 m	393.7 ft
150 m	492.1 ft
300 m	984.3 ft
500 m	1,640.4 ft

*The foregoing metric conversion chart and sample conversions provide approximate conversions for the convenience of the reader and do not form part of the Zoning By-law.*



