

**ZONING BY-LAW  
FOR ASHFIELD-COLBORNE-WAWANOSH  
As Amended**



**By-law 32-2008**

**Consolidated February 2022**

**Summary of Zoning By-law Amendments / Auto Rezoning / Minor Variances**

<b><u>Name</u></b>	<b><u>Ward</u></b>	<b><u>Property Location</u></b>	<b><u>Zone Map #</u></b>	<b><u>Zone Change</u></b>	<b><u>Amending By-Law # /Severance #</u></b>
Devries	Ashfield	Pt of Lots 33 & 34, Front Conc.	1	From AG1 to AG1-29	40 / 08
Bashellier	Ashfield	Pt of Lot 7, Conc. 13	2	From NE1 to NE1-31	46 / 08
Homan	Colborne	Lot 10, RP 626	13B	From LR2-5 to LR2-14	
Goud	Colborne	Pt of Lots 10 & 11, Maitland Conc.	16	From NE5-3 to NE5 & AG1-30	53 / 08
Furst	Ashfield	Lot 20, RP 584	11C	MV A1/08's: side yard, front yard & daylight triangle	MV A1/08
Brown	Colborne		12B	From NE1 to NE1-32	
Grierson	Wawanosh	Lot 21, Conc. 8	6	added road to zone map	
Stutzman et al	N/A	N/A	N/A	change to definition of Enlarged Dwelling	
Steckley	Ashfield	Lot 19, RP 585	11c	MV A3/08 for top of bank setback	MV A3/08
Buffinga	Ashfield	RP 141	5B	AG1 & VM1-h to VR1 & AG1-31	03 / 09
Lavis	Colborne	East Pt Lot 4 Conc. 4 ED Colborne	14	AG1-h & NE1 to ER1-2	05 / 09
Maaskant	Colborne	Lots 19, 20 & 21, Maitland Conc.	16	NE1 to NE1-33	16 / 09
Heggie	Ashfield	Lot 16, RP 585, Cedar Grove Beach	11C	MV A3/08 for top of bank setback	MV A3/08
Alton	Wawanosh	Pt Lot 13, Conc. 9	6	MV A1/09 for front yard setback	MV A1/09
Schuttel	Colborne	Lot 5 Conc. 6 Colborne, WD	13	MV A2/09 for exterior side yard	MV A2/09

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House-keeping	N/A	N/A	N/A	Change Section 7.6 from Type B to Type A	
Amish Parochial School	Ashfield	Lot 9, Conc. 11 Eastern Division	5	AG1 to AG1-32	36 / 09
Knapp	Ashfield	Pt Lot 4, Front Conc.	11E	NE1 to NE1-34	53 / 09
Bruce Woods Construction	Wawanosh	Pt Lot 14, Conc. 10	6	AG1 to AG4-17	58 / 09
Wattam	Wawanosh	Pt of Lot 27, Conc. 14	7	AG1 to AG4-18	12 / 10
Dietz	Ashfield	Pt of Lot 29 & Lot 30, Pt of Huron St, Port Albert, RP 136	11D	VR1 to VR1-14	18 / 10
O'Rourke	Ashfield	Lot 60, RP 580	01A	LR2 to LR2-15	29 / 10
Brown	Colborne	Pt of Block 15, RP 609	12A	NE1-1 to NE1-35	31 / 10
Shetler	Wawanosh	Lots 5 to 20, RP 300	6A	VR1 & VR1-h to VR1-15	57 / 10
Widmeyer	Ashfield	Pt of Lt 28, Front Conc. NTP	1	MV A2/10 for setback of R.O.W.	MV A2/10
Tong	Ashfield	Pt of Lots 40, 41, 42, Front Conc. NTP	1	MV A3/10 allow accessory storage building	MV A3/10
Foster	Ashfield	Park Lot 11, RP 136, Port Albert	11D	MV-A4/10 allow the construction of a detached garage	MV A4/10
Reinhardt	Wawanosh	Pt of South Pt of Lot 13, RP 22R739 Pt 1, Conc. 14	5A	VR1 to VR1-16	23 / 11
Shetler	Wawanosh	Lot 24, Conc. 11	7	AG1 to AG1-33	40 / 11
Van Diepenbeek	Ashfield	Pt of Lot 1, Front Conc NTP	11C	LR2-11 to LR2-11-h	41 / 11
Brindley	Wawanosh	Pt of Lot 13, Conc. 5	09A	VM1-H to VM1	42 / 11
Baines	Ashfield	Lot 27, RP 581	11C	NE1 to NE1-36	43 / 11
Knight	Ashfield	Lot 15, RP 594	1A	LR2-h to LR2	52 / 11

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Knight	Ashfield	Pt of Lot 45, Front Conc.	1A	LR2-h to LR2-16	53 / 11
ACW	Colborne	Provision for Undersized Lots		VR1	54/11
Jennison	Colborne	Pt of Lots 16 & 17, Maitland Conc.	16	NE1, NE5 & AG1-h to ER1-3	OMB
Miller	Wawanosh	Pt of South Pt of Lot 27, Conc. 9	7	AG1 to AG3-1	4 / 12
Yoder	Wawanosh	North half Lot 22, Conc. 12	7	AG1 to AG1-34	
MacDonald	Ashfield	Pt of Lot 12, Conc. 14	2	AG1 to AG4	62 / 11
Ireland	Ashfield	Lots 7 & 8, RP 137, Port Albert	11D	VR1-13-h to VR1-13	63 / 11
Deeming By-law	Ashfield	Park Lot 1, RP136		Removal of Deeming By-law	17/12
Ireland	Ashfield	Lots on Anne St, RP 137, Port Albert	11D	VR1-13-h to VR1-13	30 / 12
Ennett	Ashfield	Pt of Lot 1, Front Conc., RP 22R3443, Lot 1, Front Conc., 33729 South St	11E	LR1 to LR1-10	66 / 12
Dickson	Colborne	Block H, RP 180, Saltford	13C	VR1-h to VR1	29 / 12
Miller	Wawanosh	North Half Lot 21, Conc. 11	50	CF1 to AG-34	26/ 13
Marshall	Ashfield	Lot 27, Front Conc., NTP, RP 22R3409, Pt 5	3A	LR1 & LR1-h to LR1-11	42 / 13
Schlegel	Ashfield	Pt of Lot 2 & Lot 3, Conc. 12, Western Division & Pt Lot 6, Conc. 12, Western Division	2 & 4	AG1-h to AG1	55 / 13
MacInnis	Colborne	Lots 46, 47 & Pt of Block C, Plan 180, Colborne	13C	VR1-h to VR1	56 / 13



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Lucknow District Co-Op Inc	Wawanosh	Pt of North Pt of Lot 12, Conc. 13	5	AG1 & AG1-h to AG3 & AG3-h	63 / 13
Tradicon	Colborne	Pt of Lot 6, Conc. 2	15	AG1-h to AG3-2	
Snobelen	Ashfield	Pt Lot, Conc. 5 & 6 & Pt Lot 2, Conc. 5, Western Division	11	AG1 & AG2-1 to AG4 & AG1-35	32 / 14
Lavolit	Ashfield	Pt of Lot 37, Front Conc.	1	RC1 to LR1 & AG1	33 / 14
Goderich Port Mgt. Corp	Colborne	Pt of Pt 1, Plan 22R-4452	13B	Creation of new zone HMI-1	49 / 14
Barnim	Colborne	Pt of Lot 1, Conc. 6, Eastern Division	14	CF to AG1-36 & CF-3	57 / 14
House keeping				Amendments to Sections 3.44, 4.10.37 and 7.8.19	66 / 14
Miller	Wawanosh	Lot 23, Conc. 13	7	NE5 to NE5-4	05 / 15
Benmiller United Church	Colborne	Pt of Lot 1, Conc. 2, Eastern Division	15A	CF to VR1	06 / 15
Esteem Farms Ltd	Ashfield	Pt of South Pt of Lot 6, Conc. 10, Eastern Division	5	AG1 to AG1-38	10 / 15
Stutzman	Wawanosh	North half of Lot 19, Conc. 11	6	AG1 to AG1-39	46 / 15
Rutledge	Wawanosh	Lot 13, Conc. 1	9	AG1 to AG1-37 & AG4-19	Auto Rezoning B39-14
Laidlaw	Wawanosh	Lots 26, 27, Conc. 14	7	AG1 to AG1-37 & AG4-19	Auto Rezoning B40-14
Alton	Wawanosh	East Pt Lot 21, Conc. 7	9	AG1 to AG1-37 & AG4-19	Auto Rezoning B47-14
Brown	Ashfield	Pt Lot 6 RP 22R6241; Pt 1, Conc. 3, Eastern Division	10	AG1 to AG1-37 & AG4-19	Auto Rezoning B55-14
McKenzie	Ashfield	Pt Lot 8, Conc. 13, Western Division	2	AG1 to AG1-37 & AG4-19	Auto Rezoning B53-14

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Staehli	Ashfield	Pt Lot 11, Conc. 13, Eastern Division	5	AG1 to AG1-37 & AG4-19	Auto Rezoning B56-14
Rogers	Colborne	Lot 2, Conc. 6, Western Division	13	AG1 to AG1-37 & AG4-19	Auto Rezoning B5-15
Devitt	Ashfield	Pt Lot 6, Conc. 14	4	AG1 to AG1-37 & AG4-19	Auto Rezoning B20-15
Schilder	Colborne	Lot 2, Conc. 9, Eastern Division	14	AG1 to AG1-37 & AG4-19	Auto Rezoning B22-15
Vander Sluis	Wawanosh	Lot 24, Conc. 2	8	AG1 to AG1-37 & AG4-19	Auto Rezoning B30-15
Snobelen	Ashfield	Pt Lot: 5, Conc. 8, Western Division	4	AG1 to AG1-37 & AG4-19	Auto Rezoning B47-15
Vanstone	Colborne	Pt of Lot 1, Conc. 1, Western Division	13C	FD to VR1, VR1-h & NE1	Auto Rezoning B75-15
Boyes	Wawanosh	Pt of Lot 13, Conc. 5	9	AG1 to AG1-37 & AG4-19	Auto Rezoning B34-15
Van Dewetering	Colborne	Pt Lot 16, Lake Road West Conc.	12A	AG1 to AG1-37 & AG4-19	Auto Rezoning B58-15
Sinclair	Wawanosh	Pt Lot 26 & 27, Conc. 8	7	AG1 to AG1-37 & AG4-19	Auto Rezoning B69-15
Dykstra	Colborne	Pt Lot 17 & 18, BFC & LRW Conc.	12A	AG1 to AG1-37 & AG4-19	Auto Rezoning B76-15
Van Gaalen	Colborne	Pt Lot 7, Conc. 1 & 2, Western Division	13	AG1 to AG1-37 & AG4-19	Auto Rezoning B80-15
Andrew	Ashfield	Pt Lot 4, Conc. 10, Eastern Division	5	AG1 to AG1-37 & AG4-19	Auto Rezoning B15-16
Phillips	Wawanosh	EPT Lot 14, Conc. 11	6	AG1 to AG1-37 & AG4-19	Auto Rezoning B17-16
ACW housekeeping	Ashfield, Colborne, Wawanosh	Various	All Key Maps updated	Various zoning changes	13-2016
Priestap	Wawanosh	Pt of Lots 40, 41, 42, Front Conc. NTP	6	MV A1/16 maximum building height	MV A1/16

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Ashfield-Colborne-Wawanosh	Ashfield	Pt Lot 4, Pt Lot 5, Conc. 9	5	MV A2/16 Rear and Front Yard setbacks	MV A2/16
Crane	Colborne	Pt Lot 3, Plan 180	13C	MV A3/16 Height of Accessory Buildings and Lot Coverage	MV A3/16
Grundy	Ashfield	Pt Lot 38 as RP22R442 Pt 3, Front NTP Conc.	1	MV A4/16 Height of Accessory Buildings	MV A4/16
MacAuley	Ashfield	Pt Lot 15, Front NTP, Ashfield	11A	VM1 to VC1	17-2016
Davidson	Colborne	Pt Lots 7, 8, 9 & 10, Conc. 5	14	AG1 & NE1 to ER1	32-2016
Donnelly	Colborne	Plan 572, Lot 11&12	12B	Enlarge existing cottage at a 1.5 metre side yard setback	MV05/16
Goulet	Colborne	Falls Reserve Eat Pt as RP 22R4491 Pt 2	15A	MV A6/16 Height of Accessory Building in Settlement Areas	MV 06/16
Carmount	Ashfield	Pt of West Pt Lot 45, Front Conc. NTP	1A	MV 07/16 increase maximum Lot coverage from 25 % to 35 %	MV 07/16
Alton	Ashfield	Pt Lot 12, Conc. 9 WD	5	AG1 to AG4	B74-15
Squeals N' Wheels	Colborne	Lot 3, Conc. 9	12	AG1 to AG4-19 & AG1-37	B36-16
Desmarais/Hickey	Ashfield	Pt. Lot 41 (19 Melbourne St. Pt A) Plan 136	11D	MV A01/17 Maximum Building Height	MV 01/17
Schramm	Wawanosh	Lot 26, Conc. 2	08	MV A02/17 Front Yard Setback	MV 02/17
Motiu	Ashfield	Lot 27, Plan 584	11C	MV 03/17 Rear Yard Setback	MV 03/17
Brunskill	Ashfield	Lot 15, Front Conc. Plan 585	11C	MV 04/17 Front Yard Setback	MV 04/17

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HCM Farms Ltd.	Colborne	Lot 14, Maitland Conc.	16	AG1 to ER1	53-2016
PBG Farms Inc.	Ashfield	Front Conc. NTP Pt Lt25	3A	MV05/17 Rear Yard Setback	MV05/17
Pegg	Wawanosh	Pt Lot 13, ASRP, Conc. 14 Pt S	05A	FD to VR1-18 and VR1-18-H	56-2016
Boucher	Ashfield	Pt. Lot 7, Conc. 7 WD	11A	VR1 to VC1	57-2016
Brooks	Wawanosh	Temp Use Lot 42, Plan 302	06A	Temp Use VR1	05-2017
McCabe	Colborne	Lot 1, Conc. 1 WD, Plan 22R-420	13C	Allow construction of an addition to an existing non-complying cottage	MV06-2017
Mullin	Ashfield	Lot 5, Plan 580	01A	Relief from 16.4 Interior Side Yard Relief from 16.4 Rear Yard	MV07-2017
Parkbridge Lifestyles	Colborne	Lot 3, LRW Conc.	12B	LR3 to LR3-2	08-2017
Hill	Colborne	Pt. Falls Reserve WD, Benmiller	15A	FD, NE1, NE5 to VR1	27-2017
Elphick Farms Ltd	Ashfield	Pt Lot 1, Conc. 14 WD	4	AG1 to AG4-19 & AG1-37	Auto-Rezoning B38-17
Willert	Ashfield	Lot 1, Conc 3	11	NE1 to NE1-40	43-2017
Philips	Wawanosh	Lot 16, Conc 12	6	AG1 to AG4	B53-16
Simpson	Ashfield	Pt Lot 21, Front conc. NTP	3	AG1 to AG4-19 & AG1-37	Auto Rezoning B47-16
Chamney	Wawanosh	SE Corner Lot 82; Pt SW Pt Lot 82, Pt N Pt Lot 82, Auburn	8B	VR1 to VC1-6; CF to VC1; VR1 to CF	Z58-2017
Terpstra	Ashfield	Pt Lot 15, Conc Front NTP Kingsbridge	11A	VC1 to VR1	Z63-2017
Parker	Ashfield	Pt Lot 10, Conc 7 ED	10	NE1-2 to NE1-41 and NE1 to NE1-4	Z67-2017
Deuschle	Colborne	W Pt Blk F, WD	13	AG1 to AG1-40	Z08-2018

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511414 Ont. Ltd. (Elliott)	Ashfield	Pt Lt18, Conc 14	1B	VR1 to VC1-6-H	Z19-2018
McDonald	Ashfield	Pt Lots 3-6, W/S Front Pt Reserve RP 22R2218 Pts 1 & 2, RP22R2137	12B	Relief from Section 3.4.2. to allow an accessory use in front yard; relief from 3.3.1.7. to permit a residence to be built within 100 yr erosion hazard area; relief from 18.4 for rear yard depth to allow a residence to be built with a rear yard depth of 3 m	MV01-18
Richard & Waud	Ashfield	Lot 22, RP 594	1A	Removal of Holding Symbol	Z26-18
Gross/Allen	Colborne	Lot 14, Plan 604	13C	Relief from 18.4 Interior Side Yard	MV 02-18
Sproul/McKercher	Wawanosh	W Pt Lt 17, Conc 5 E Pt Lt 17, Conc 5 W Pt Lt 18, Conc 5	09	AG1 to AG1-41 NE1 to NE1-42-h NE1 to NE1-42-h	Z40-2018
Merner Aggregates Ltd.	Colborne	Pt Lt 5, Conc 5 ED	14	ER1 to ER1-4	Z50-2018
Caesar, Gary	Ashfield	Con 6, ED Pt W Pt Lot 11 Pt E; Pt Lt 11	10	Relief from AG1 Section 4.4.3.1. front Yard Depth for livestock facility and Manure or material storage requirements to allow	MV03-18

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				construction of addition to and existing livestock barn with a reduced minimum front yard depth setback of 53 metres	
Patti & Joe Bernier	Ashfield	Con Front NTP TP Lot 26 as RP 14	3A	Relief to permit an addition to the west side of an existing residence to be built within the 100 yr erosion hazard area.	MV04-18
Sophie Burdan	Ashfield	Con 1, Pt Lot 7	10	AG1 to AG4-19 & AG1-37	Auto Rezoning C15-18
Vulcanescu	Ashfield	11 Apple Lane, Port Albert, Plan 579, Lot 11	11D	Relief from Section 3.31.3 General Provisions, to allow an addition to a residence to be built with a minimum setback from the top-of-bank of a natural watercourse of 4.5 metres; to grant relief from Section 15.4 Zone Regulations to allow an addition to a residence to be built with a minimum rear yard setback of 0.9 metres.	MV05-18

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Place	Ashfield	Conc Front NTP Pt Lot 26, 84841A Shamrock Beach Rd.	n/a	Relief from Section 15.4 zone regulations for Side Yard Depth in the LR1Zone to allow an addition to a residence to be built with a minimum side yard setback of 1.19 metres. To also grant relief from Section 15.4 Zone Regulations for Rear Yard Depth in the LR1 Zone to allow a minimum rear yard depth of 2.2 metres	MV06-18
Peet	Ashfield	Plan 589, Lot 1 84575 Pine Needle Row	11B	To allow the construction of an accessory structure in the exterior side yard; to acknowledge and allow the existing cottage rear yard setback of 6.7 metres; to allow the construction of an accessory structure with a minimum side yard setback of .3 metres; to allow the	MV07-18

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				construction of an accessory structure with a minimum rear yard setback of .3 metres; to allow the construction of an accessory structure with a maximum height of 6.9 metres.	
Merner Aggregates Ltd.	Colborne	Lot 5, Conc. 5ED 81727 Sharpes Creek Ln	14	ER1 to ER1-4	Z50-18
Matthew Sproul	West Wawanosh	Lt 17, Pt Lt 18, Conc 5	9	AG1 to AG1-41 NE1 to NE1-42h	Z40-18
HCM Farms Ltd	Colborne	Pt Lot 21, Maitland Conc	16	AG1 to ER1	Z79-18
Daters Deeming By-law	Colborne	Lots 1 and 2, Plan 626		Deems that Lots 1 & 2 of Plan 626 to not be part of a plan of subdivision, consolidating the lots into one parcel of land.	Z82-18
Auburn Riverside Retreat	Wawanosh	Conc. 1, Pt Lot 16 and Pt Lot 27 38382 Blyth Rd.	8	NE1-43 permits a Recreational Trailer Park and Campground subject to special provisions	Z08-19
ACW/Hollander Properties-Windmill Inc	Wawnosh	Conc. 1, Pt Lot 16 and Pt Lot 27 38382 Blyth Rd.	8	Site Plan Control Agreement	Z10-19



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Podlesny, Jakub & Pameal	Ashfield	Plan 582, Blk A, Pt Blk E (83439 B Cedar Bank Drive)	11E	To grant relief from Section 3.31.1. Setbacks of buildings and structures along municipal drains, to allow for an addition to an existing residence and deck addition to be built with a minimum setback of 3.5 metres from the centerline of a closed municipal drain.	MV01-19
Franken	Ashfield	Conc 2, ED Pt N Pt Lot 4 36173 Hawkins Rd.	10	To grant relief from Section 3.41.g to allow a home industry on an AG4 zoned property to have a storage shed with a maximum size of 930 square metres.	MV02-19
Funke	Ashfield	Part Lot 3, Front Concession STP 83287 Bluewater Hwy	11E	AG1 to AG4-19 & AG1-37	Auto Rezoning C80-18
Lang	Ashfield	Conc. Front NTP Pt Lot 24 - 85373 MacKenzie Camp Road North	3A	To grant relief from Section 3.31.7 to permit the reconstruction of an existing residence to be built within the 100-year	MV03-19

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				erosion hazard area and to grant relief from Section 7.5.1 and Section 15.4 Minimum Rear Yard Setback to allow a residence with a minimum rear yard setback of 0.45 meters.	
Jones	Ashfield	Plan 136, Lots 1 – 6 West Sydenham St, 35 South St, Port Albert	11D	To grant relief from Section 3.4.2a) Location of Accessory Structures: To allow the construction of one accessory structure in the front yard and exterior side yard AND to grant relief from Section 3.4.3 Height of Accessory Structures in Settlement Areas: To allow the construction of an accessory structure with a maximum height of 5.6 meters.	MV04-19
Hansen	Ashfield	Con Front NTP, Pt Lot 23 85323 MacKenzie Camp Road	3A	To grant relief from Section 7.5.1 and Section 15.4 Minimum Rear Yard Setback to	MV05-19

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				allow a residence with a minimum rear yard setback of 6.4 meters.	
Dobbie	Ashfield	Plan 581, Lot 7 84025 Lakeview Drive	11C	To grant relief from Section 15.4 Zone Regulations for minimum rear yard setbacks of buildings to allow for the reconstruction of the existing recreational residence to be built with a minimum setback of 1.9 metres from the rear yard lot line of Lakeview Drive; and to grant relief from Section 15.4 Zone Regulations for minimum interior side yard setbacks of buildings to allow for the reconstruction of the existing recreational residence to be built with a minimum interior yard setback of 0.4 metre from the south lot line.	MV06-19
Meyer	Colborne	Pt Lt 17, Conc 7, ED N	14	To changes the zoning on a	Z49-19

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		81936 Pinery Ln		portion of the subject property from Natural Environment (NE1) to Natural-Environment-Special (NE1-44) to permit a residence and accessory structures subject to the provisions of Section 16 (LR2 Zone). The zoning change applies to 0.5 hectares of this 18.4 hectares parcel. The owners are removing the existing residence and replacing it with a larger residence in the same general location. All lot grading, servicing and structures must be located inside the NE1-44 zoned lands.	
Fitzpatrick	Ashfield	Lot 16, Front Concession	11B	AG1 to AG4-19 & AG1-37	Auto Rezoning C62-18
Kragerer	Ashfield	Pt Lt 11, Front Concession 33814 Birch Beach Rd.	11B	To grant relief from Section 3.4.2. Location of Accessory Structures to	MV07-19

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				allow the construction of one accessory structure in the exterior side yard.	
Barton	Wawanosh	Conc 7 Pt E Pt Lt 18, Conc 8 Pt E Pt Lt 18 84853 St. Helen's Line	9	To grant relief from Section 6.4 to allow the construction of a garage with loft space to an existing residence 11 metres from the front lot line.	MV08-19
Barber	Colborne	Conc. BF, Pt. Lot 16	12A	The minor variance seeks relief for 6.5 metres from the rear yard setback as the applicant proposes to relocate the cottage as close as possible to the lot line at a 1 metre setback; the proposes minor variance seeks relief of 1.5 metres for the interior side yard setback; and seeks relief to permit development within the 100-year erosion hazard, the top	MV09-19

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				of bank setback for Lake Huron	
Buuck	Ashfield	Conc. Front NTP, Lot 26	3A	To grant relief from Section 3.31.7 to permit the relocation of an existing recreational residence within the 100-year erosion hazard. The structure to be located within the footprint contained on the sketch that accompanied the application. The variance approval is valid for a period of 18 months from the date of the Committee's decision- Nov.5/19	MV10-19
Miller	Ashfield	Pt Lot 23, Conc. 13, Wawanosh Ward	07	To change the zoning on a portion of the property from "Natural Environment (NE5" to "Natural Environment-Special-Holding (NE5-5-h)" to allow a residence and an accessory structure to be built. The special NE5-5 zone would	Z60-2019

<b><u>Name</u></b>	<b><u>Ward</u></b>	<b><u>Property Location</u></b>	<b><u>Zone Map #</u></b>	<b><u>Zone Change</u></b>	<b><u>Amending By-Law # /Severance #</u></b>
				allow a house with a maximum floor area of 300 square metres and one accessory building, with a maximum floor area of 300 square metres and a maximum building height of 10.5 metres. The special zone permits gardens, animal pasture and a maximum of 5 nutrient units. No livestock uses are permitted to be established on the property until a fence has been constructed in accordance with the Environmental Impact Study (dated May 2019) to the satisfaction of the Maitland Valley Conservation Authority, County of Huron and the Township of Ash-Col-Waw. All lot grading, servicing and	

<b><u>Name</u></b>	<b><u>Ward</u></b>	<b><u>Property Location</u></b>	<b><u>Zone Map #</u></b>	<b><u>Zone Change</u></b>	<b><u>Amending By-Law # /Severance #</u></b>
				structures must be located inside the NE5-5 zoned lands. Development is permitted in accordance with the Development Agreement. All other applicable provisions of By-law 32-2008 shall continue to apply.	
Gingerich	Ashfield	Conc. 13, Lot 9	2	To change the zoning on a portion of the subject property from "Community Facility (CF)" to 'Agricultural Small Holding – Special (AG4-20)' to permit a residence and home industry within a former church. The zoning change applies to 0.39 hectares of this 0.4-hectare parcel. A Record of Site Conditions and confirmation of no archaeological potential have been obtained by the property owners in order	Z71-19



<b><u>Name</u></b>	<b><u>Ward</u></b>	<b><u>Property Location</u></b>	<b><u>Zone Map #</u></b>	<b><u>Zone Change</u></b>	<b><u>Amending By-Law # /Severance #</u></b>
				to allow for the permitted uses. The special zone would permit the operation of a home industry within the primary residence, and would allow a maximum of five employees, other than the owners, to be employed on a full-time basis. An accessory building for the purpose of retail sale of product manufactured on-site would also be permitted.	
Miller	West Wawanosh	Conc. 9, Lot 27	7	To remove the holding zone on South Part of Lot 27, Concession 9 (West Wawanosh). The zoning on the property will then be AG3-1 (Agricultural Commercial/Industrial – Special) rather than AG3-1-H (Agricultural Commercial/Industrial – Special	Z89-19

<b><u>Name</u></b>	<b><u>Ward</u></b>	<b><u>Property Location</u></b>	<b><u>Zone Map #</u></b>	<b><u>Zone Change</u></b>	<b><u>Amending By-Law # /Severance #</u></b>
				– Holding). The removal of the holding zone will permit a scragg mill to be constructed on the property. The property has an area of approximately 39.9 hectares (98.5 acres). The area to which the –H holding zone applies is 0.74 hectares (1.83 acres).	
Otten, Jason	Colborne	Pt Lt 29, Maitland Conc.	15	NE1 to NE1-45-H	Z57-20
Anderson's Can Ltd. (IBI Group)	Ashfield	Pt Lt3, Conc 4, West Div of Pt of Road Allowance Between Lots 3 & 4	11	AG3 to AG3-3	Z58-20
Municipal	Ashfield	Lots 4, 5, 21, RP 227	09A	VC1 and VR1 to CF-4	Z06-20
Miller	Wawanosh	E Pt Lt23, Conc 13	07	NE5-5 text change to NE5-5 zone	Z70-20
MacDonald	Colborne	Pt Lts 1 & 2, Conc 1 Western Div	13C	Zone change from FD1 to VR1 and FD1 to VR1-19	Z80-20
Ross	Ashfield	Lot 1, RP 581	n/a	Lot 1, Plan 584 – not being a lot in a “plan of subdivision	Z09-20
McGarvey	Ashfield	Pt Lt 8, Pln 594 & Pt Lt 66, Plan 14 & Pt 4	01A	Remove Holding Zone	Z28-20
Aurini	Colborne	Con BF Part Lt 10 22R1740	12B	The variances are necessary in	MV01-20

<b><u>Name</u></b>	<b><u>Ward</u></b>	<b><u>Property Location</u></b>	<b><u>Zone Map #</u></b>	<b><u>Zone Change</u></b>	<b><u>Amending By-Law # /Severance #</u></b>
		Parts 2 & 3 (337748 Trails End Rd.		order to allow for the maintenance of adequate space between the residence and an existing accessory building, as well as between the residence & a septic tank.	
McGarvey (Courtney)	Ashfield	Plan 594 Part Lot 8 and Plan 14 Part Lot 66	7	'lands from which holding symbol (-h) removed	32-2008
Cannabis Production	A-C-W	Municipality		Cannabis Production Facilities	Z17-2020
Drennan	Ashfield	Part Lot 1, Concession 14, WD	4	AG1 to AG4-19 & AG1-37	Auto Rezoning C09-2020
Amberley Farms Inc	Ashfield	Part Lots 13 & 14 Concession 12 WD	1	AG1 to AG4-19 & AG1-37	Auto Rezoning C86-2019
Reinhardt	West Wawanosh	Lot 15, Concession 14	6	AG1 to AG4-19 & AG1-37	Auto Rezoning C43-2020
Johnston	West Wawanosh	Part Lot 19, Concession 1	9	AG1 to AG4-19 & AG1-37	Auto Rezoning C75-2020
Brindley Estates	Ashfield	Lake Rd. Conc. Plan 582, Blk D	11E	LR2 to LR2-12	12-2021
Colborne Property Holdings	Colborne	Plan 564 part Lot 7 as RP22R4442 Part 1 with Right of Way.	13A	AL2 to AL2-1	14-2021
Adam	Ashfield	Front Conc NTP Pt Lt 24 PCL;J	3A	NE1 and NE1-1 to NE1-46	18-2021
Sproul	Ashfield	Plan 136, Lt 4 E/S	11D	VR1 to VR1-19	23-2021
Dungannon Well House	West Wawanosh	Conc. 4 Pt Lt 13	9A	FD to CF-4	36-2021
Hollander Experience Camping	West Wawanosh	Conc. 1, Pt Lot 26, Pt Lot 24 UNREG		NE1 to NE1-43	41-2021

<b><u>Name</u></b>	<b><u>Ward</u></b>	<b><u>Property Location</u></b>	<b><u>Zone Map #</u></b>	<b><u>Zone Change</u></b>	<b><u>Amending By-Law # /Severance #</u></b>
Goobie	West Wawanosh	Plan 229, Lt 61, Pt Lt 63	9A	CF to VR1	48-2021
Rommens	Colborne	Part Lot 5, LRE	12	AG1 to AG4-19 & AG1-37	Auto Rezoning C88-2020
Van Egmond	Ashfield	Plan 136, Lot 24	11D	'lands from which holding symbol (-h) removed	61-2021

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**SCHEDULE "A" – Zoning Key Maps**

## **EXPLANATORY NOTE**

### **ZONING BY-LAW NO. 32-2008 OF THE**

### **CORPORATION OF THE TOWNSHIP OF ASHFIELD-COLBORNE-WAWANOSH**

#### **Preamble**

The Zoning By-law was passed on June 3<sup>rd</sup>, 2008 under Section 34 of The Planning Act. It implements the Official Plan for the Township of Ashfield-Colborne-Wawanosh which was adopted by the Council of the Township of Ashfield-Colborne-Wawanosh on October 7, 2003.

The Zoning By-law comprises both text and zoning maps on which is delineated the various zones created in the By-law.

#### **Purpose**

The purpose of this By-law is to provide the Corporation of the Township of Ashfield-Colborne-Wawanosh with regulations which will affect control over all forms of land use or other related matters within the Township.

#### **Basis**

Such regulations have been deemed necessary and in the public interest by local Council in order that possible conflicts between existing and proposed land uses can be minimized or reduced in the future.

#### **Affected Lands**

The lands directly affected by this By-law can be described as consisting of all properties lying wholly or partly within the corporate limits of the Township of Ashfield-Colborne-Wawanosh.

#### **Existing By-Laws**

From the coming into force of this By-law, all previous by-laws of the Township, passed pursuant to Section 34 of The Planning Act, R.S.O. 1990, as amended or a predecessor thereof, shall be deemed to have been repealed.

#### **Duration**

It is the intention of the Council that this Zoning By-law will be effective until circumstances change to such a degree that a revision and updating of the By-law is required. Additional uses for specific lands may be permitted by means of a rezoning or amendment to the Zoning By-law. It is the intention of the Council to accept and review applications to amend the Zoning By-law in order to allow the establishment of uses which are permitted by the Ashfield-Colborne-Wawanosh Township Official Plan.

#### **Effect**

This Zoning By-law is designed to regulate by prohibition all new development except that specifically allowed in the By-law. This By-law will, however, give Township Council the legal authority to review the merits of any new use which is not specifically allowed by the By-law. If Council, after studying a proposal for a new use, is satisfied that the new use is in the best interests of the Township, the new use may be permitted provided that a separate By-law amending this By-law is passed which would permit the new use on the specified parcel of

land subject to appropriate regulations.



**THE ZONING BY-LAW  
OF THE CORPORATION  
OF THE TOWNSHIP OF ASHFIELD-COLBORNE-WAWANOSH**

**BY-LAW NO. 32-2008**

BEING A BY-LAW, UNDER THE PROVISIONS OF SECTION 34 OF THE PLANNING ACT, R.S.O., 1990, AS AMENDED TO REGULATE THE USE OF LANDS AND THE CHARACTER, LOCATION AND USE OF BUILDINGS AND STRUCTURES AND TO PROHIBIT CERTAIN BUILDINGS AND STRUCTURES IN VARIOUS DEFINED AREAS OF THE CORPORATION OF THE TOWNSHIP OF ASHFIELD-COLBORNE-WAWANOSH.

WHEREAS the Council of the Corporation of the Township of Ashfield-Colborne-Wawanosh considers it advisable to regulate the use of land situated within the defined areas, as hereinafter designated, for the purpose of preventing any further development which would create an adverse effect on the Corporation, and to prevent the use of lands that would jeopardize future orderly development and expansion, and to protect the natural environment.

NOW THEREFORE the Council of the Corporation of the Township of Ashfield-Colborne-Wawanosh ENACTS as follows:

**SECTION 1**

**TITLE AND SCOPE**

**1.1 TITLE**

This By-law shall be known as the Zoning By-law of the Corporation of the Township of Ashfield-Colborne-Wawanosh.

**1.2 APPLICATION**

The provisions of this By-law shall apply to all lands over which the Corporation of the Township of Ashfield-Colborne-Wawanosh has jurisdiction.

**1.3 ADMINISTRATION AND ENFORCEMENT**

This By-law shall be administered and enforced by such person or persons appointed as the Zoning Administrator, which may include the Chief Building Official, and a By-law Enforcement Officer appointed by Council.

**1.4 VIOLATION AND PENALTY**

Every person who uses or alters the use of any land or lot or alters or erects or uses any building or structure in a manner contrary to any requirements of this By-law, or who causes or permits such use or erection or alteration, or who violates any provisions of this By-law or causes or permits a violation, is guilty of an offence and upon conviction thereof shall be liable to a fine as set out in Section 67 of The Planning Act, R.S.O. 1990, as amended for each offence, and each day of the occurrence of the offence shall be deemed to be a separate occurrence. Every such penalty shall be recoverable under The Provincial Offences Act, as amended from time to time.

## **1.5 REMEDIES**

Where any building or structure is, or is proposed to be erected, altered, reconstructed, extended or enlarged, or any building or structure or part thereof is or is proposed to be used, or any land is or is proposed to be used, in contravention of the provisions of this By-law, the same may be restrained by action at the instance of any ratepayer or of the Township pursuant to the provisions of The Planning Act, The Municipal Act, or The Judicature Act, as amended from time to time.

## **1.6 LITIGATION**

This By-law shall not affect the rights of any party or any land concerned in any action, litigation or other proceeding pending on the date of the final passage thereof, except to the extent to be determined in the final adjudication of such action, litigation or other proceedings.

## **1.7 SCOPE**

No building, structure or land shall be used, and no building or structure shall be hereafter erected, structurally altered or enlarged or demolished within the limits of the Township except in conformity with the provisions of this By-law. Nothing in this section shall prevent the repair of a building.

## **1.8 MEANING OF USE**

Unless the context otherwise requires, the expression "use" or "to use" in this By-law shall include anything done or permitted by the owner or occupant of any land, building or structure, directly or indirectly or by or through any trustee, tenant, servant, or agent, acting with the knowledge or consent of such owner or occupant, for the purpose of making use of the said land, building or structure.

## **1.9 IDEM**

Unless the contrary intention appears in this By-law, words importing the singular number or the masculine gender only shall include more persons, parties or things of the same kind than one and females as well as males, and the converse. For the purpose of this By-law, words used in the present tense include the future.

## **1.10 SHALL TO BE MANDATORY**

The word "shall" shall always be construed as mandatory in this By-law.

## **1.11 SEVERABILITY**

If any provision of this By-law, including any part of the zoning as shown on the zoning maps, is for any reason held to be invalid, it is hereby declared to be the intention, that all the remaining provisions shall remain in full force and effect until repealed, notwithstanding that one or more provisions shall have been declared to be invalid.

## **1.12 LICENCES AND PERMITS**

No municipal permit, certificate, or licence shall be issued for a use of land that does not conform to this By-law.

## **1.13 BUILDINGS TO BE MOVED**

No building over 10 square metres shall be moved within the Township or into the

Township without a building permit.

## **1.14 BUILDING INSPECTION**

The By-law Enforcement Officer, Chief Building Official, or any employee of the Township acting under the direction of the By-law Enforcement Officer or any peace officer having jurisdiction in the Township is hereby authorized to enter with prior notification between the hours of 8:00 o'clock a.m. and 6:00 o'clock p.m. on any day but Sunday upon any property or premises or structure for the purpose of discharging his duties and obligations under this By-law or if there is reason to believe that the provisions of the By-law are not being complied with in whole or in part.

## **1.15 REPEALS**

From the coming into force of this By-law all previous By-laws passed by the Township, under Section 34 of The Planning Act, R.S.O. 1990, as amended or a predecessor thereof, shall be deemed to have been repealed.

## **1.16 ZONES, SYMBOLS, SECTION NUMBERS**

For the purposes of this By-law the Township is hereby divided into the following use zones:

<b>Class</b>	<b>Zone</b>	<b>Symbol</b>	<b>Section</b>
Agricultural Areas	General Agriculture Zone	AG1	4
	Agricultural Commercial/ Industrial Zone	AG3	6
	Agricultural Small Holding Zone	AG4	7
Natural Environment	Natural Environment	NE1	8
	Natural Environment	NE5	9
Extractive Resources	Extractive Resource Zone	ER1	10
	Extractive Industrial Zone	ER2	11
Recreational	Recreational Golf Course Zone	RG1	12
	Recreational Campground Zone	RC1	13
	Recreational Trailer Park & Campground	RC2	14
	Recreational – Commercial Facility Zone	RC3	15
Settlement Areas	Village/ Hamlet Residential - Low Density	VR1	19
	Village Commercial Zone	VC1	23

<b>Class</b>	<b>Zone</b>	<b>Symbol</b>	<b>Section</b>
	Village Industrial Zone	VM1	24
	Lakeshore Residential-Seasonal	LR1	16
	Lakeshore Residential - Year-Round	LR2	17
	Residential Park Zone	LR3	20
	Community Facility Zone	CF	26
	Urban Natural Environment & Open Space	OS	21
Other	Salvage Yard	C4	25
	Disposal Zone	DS	18
	Future Development	FD	22
	Communications and Utility	U	27
	Airport Lands Facilities	AL1	28
	Airport Lands-Related Uses	AL2	29

## **1.17 ZONING MAP**

The zones set out in Section 1.17. and the boundaries of such zones are shown upon the maps attached hereto, marked Schedules designated as the Zoning Maps which zones, boundaries and maps form part of this By-law.

## **1.18 BOUNDARIES OF ZONES**

Where uncertainty exists with respect to the boundaries of the various zones as shown on the Zoning Maps, the following rules shall apply:

### **1.18.1 CENTRELINE LIMITS**

Where any zone boundary is shown as approximately the centre line of a street, lane, watercourse or any other right-of-way, such zone boundary shall be construed to follow the centre line of the street, lane, watercourse or other right-of-way or the production thereof.

### **1.18.2 LOT LINES**

Where the zone boundaries are not shown to be roads or lanes, and where indicated boundaries on the zoning maps are approximately lot lines, the said lot lines shall be construed to be the zone boundaries unless the said boundaries are otherwise indicated on the maps.

### **1.18.3 SCHEDULE LIMITS**

The limit of any map comprising any schedule forming part of this By-law as shown on the Key Map of such schedule shall be deemed to be the boundary of the zone adjoining such limit.

### **1.18.4 SYMBOL OF ZONES**

- a) Where one symbol is used on the Zoning Maps to indicate the zone classification of an area divided by a road or lane, the said symbol shall establish the

classification of the whole of such area.

- b) Where both zone shading and alpha-numeric zone symbols (e.g. NE1-1) are used to indicate the zone classification of an area the alpha-numeric zone symbol shall be deemed to be the applicable zone, except NE1, NE5 and AG1-h zone shading within an AG1 Zone is deemed to be the applicable zone.

#### **1.18.5 CLOSED ROAD OR LANE**

In the event a dedicated road, lane or railway, shown on the maps is closed, the property formerly in said road, lane or railway shall be included within the zone of the adjoining property on either side of the said closed road, lane or railway. In the event the said road, lane or railway was a zone boundary between two or more different zones, the new zone boundary shall be the former centreline of the said closed road, lane or railway.

#### **1.18.6 BOUNDARIES OTHER THAN ROADS OR LOT LINES**

Where a zone boundary is not a road or lane, nor a lot line, and a specific measurement indicating the position of the said boundary is not shown on the zone map, or indicated in the text of the By-law, the position of the zone line shall be determined by the scale of the zone map in the municipal offices of the Township of Ashfield-Colborne-Wawanosh and a site inspection.

#### **1.18.7 ZONE ABUTS NATURAL WATERCOURSE**

Where any zone on the Schedules abuts a natural watercourse, such zone shall be deemed to apply to the natural watercourse and any islands within the watercourse.

## **SECTION 2**

### **DEFINITIONS**

For the purposes of this By-law, the definitions and interpretation given in this section shall govern:

#### **100 YEAR EROSION HAZARD**

see Erosion Hazard, 100 year.

#### **ABATTOIR**

shall mean a building, structure or lot or part thereof used for the slaughter of livestock or other animals for the purpose of processing or rendering.

#### **ACCESSORY**

when used to describe a use, building or structure, or a detached building or structure, shall mean that, which is naturally and normally incidental, subordinate and exclusively devoted to supporting the principal use, building or structure and located on the same lot therewith. This does not include an accessory residence unless otherwise specified.

#### **ADJACENT LANDS**

shall mean those lands abutting a specific natural heritage feature or area. Examples of natural heritage features include: a wetland, water course, sinkhole or a woodlot.

#### **ADULT DAY CARE CENTRE**

see 'Day Centre Adult'

#### **AGGREGATE**

shall mean gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other similar material.

#### **AGRICULTURAL AREA**

shall mean those areas designated Agriculture in the Ashfield-Colborne-Wawanosh Official Plan.

#### **AGRICULTURAL INDUSTRIAL ESTABLISHMENT**

shall mean the use of land and/or buildings or structures for the manufacturing and wholesale and/or retail sales of goods that are necessary to support agricultural uses, as defined in this by-law. These include such goods as farm machinery and equipment used for tillage of soil, the planting, spraying, harvesting, transporting, treatment, processing and storage of grain, forage, feed, or forest products, products used for the housing and husbandry of livestock, poultry and furbearing animals, and the storage, handling, and processing of milk, eggs, and manure and the manufacture of sub-surface drainage materials and equipment. (As amended by By-law 17-2020)

#### **AGRICULTURAL PROCESSING ESTABLISHMENT**

shall mean the use of land and/or buildings or structures for the processing of products derived from agricultural uses, as defined in this By-law. These shall include such products as seed, grain, feed and forage processing, storage and transport, fruit and vegetable storage and treatment, livestock and poultry assembly, sales and

transport, a cheese factory, an egg grading station, a saw mill, an abattoir and a dead stock removal facility.

**AGRICULTURAL SERVICE ESTABLISHMENT**

shall mean the use of land and/or buildings or structures for the purposes of buying or selling commodities and services that are necessary to support agricultural uses as defined in this By-law. These shall include such sales and services as welding and machinery repairs, auction sales facility including livestock, farm drainage and excavation, well drilling, contracting and trades related to farm buildings and structures, and custom spray, tillage, planting and harvesting services and agriculturally related trucking.

**AGRICULTURAL SUPPLY ESTABLISHMENT**

shall mean the use of land and/or buildings or structures for the purpose of supply of goods, materials or services that are necessary to support agricultural uses as defined by this By-law. These shall include such goods and services as sale, processing and storage of seed, feed, fertilizers and chemical products, farm machinery and equipment sales and service, and animal and poultry health and breeding services.

**AGRICULTURAL USE, GENERAL**

means general farming and without limiting the generality of the foregoing shall include such uses as: the general cultivation of land the associated production, conditioning, processing and storage of field crops, vegetables, fruit, horticultural crops and nursery stock and the selling of agricultural products produced on the premises, the breeding and care of livestock, fowl, furbearing animals and bees, and the selling of such stock or the product of such stock raised on the premises, and the management of forest, and the sale of forest products, including fuel wood, pulp wood, timber, Christmas trees, and maple products, and includes a farm dwelling and accessory buildings and uses but does not include a cannabis production facility. (As amended by By-law 17-2020)

**AGRICULTURAL USE, LIMITED**

means the planning and harvesting of field, bush, vine, forest, or tree crops and grazing not including an accessory residence, livestock building or cannabis production facility. (As amended by By-law 17-2020)

**AIRFIELD**

shall mean land used for the purpose of landing, storing, taxiing or taking off of private aircraft as an accessory use, but not an airport under the regulations of Transport Canada.

**AIRPORT**

shall mean land used for the purpose of the landing, storing, taxiing or taking-off of private or commercial aircraft, pursuant to the regulations of Transport Canada.

**AIRPORT TAKE-OFF THRESHOLD**

shall mean the limit of the runway which may be used by aircraft for take-off as determined by Transport Canada Regulations.

**AIR TREATMENT CONTROL**

shall mean the functional use of properly maintained industrial grade multi-stage carbon filtration system, or similar technology, to reduce any/or treat the emission of pollen, dust and odours expelled from a facility and sized accordingly in comparison to the facility it serves as designed by a qualified person. (As amended by By-law 17-2020)

**ALTER**

shall mean any alteration in a bearing wall or partition or column, beam, girder or other supporting member of a building or structure or any increase in the area or volume of a building or structure. When used in reference to a lot, the word 'alter' means to decrease the width, depth or area of any required yard, setback, landscaped open space or parking area, or to change the location of any boundary of such lot with respect to a street or lane, 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.

**AMBULANCE STATION**

shall mean the use of land, buildings or structures for the storage, maintenance and dispatching of ambulance vehicles and which may include amenities for staff.

**AMENITY AREA**

means the area situated within the boundaries of a multiple dwelling project and intended for recreational purposes, which may include landscaped open space, patios, balconies, communal lounges, swimming pools and similar uses, but shall not include the area occupied at grade by the buildings, service areas, parking and driveways.

**ANIMAL AND POULTRY HEALTH AND BREEDING SERVICE**

shall mean the premises of a veterinary surgeon where animals, birds or other livestock are treated or kept, or the facility used for the insemination of livestock or poultry.

**ANTENNA, FREE STANDING**

means the use of land, buildings or structures for the purpose of sending or receiving electromagnetic waves. Any antenna over 16.6 metres (54 feet) above grade level is considered a structure.

**ARIST'S STUDIO/ GALLERY**

shall mean gainful occupation via artistic expression including such media as pottery, glass, wood, leather, weaving, painting, clothing, metal, conducted wholly or in part of a structure or building, or part of a building in which exhibitions and sales of articles of artistic or crafted production are offered to the public, provided that there is no external advertising other than a sign erected in accordance with any by-laws of the Corporation regulating signs; there is no outside storage of goods, materials or equipment unless fully enclosed by a fence or other enclosure which provides visual screening; such studio work is not an obnoxious trade, business or manufacture; and



not more than 2 persons , other than the owners, are employed therein on a full time basis.

**ASPHALT/CONCRETE/READY MIX BATCHING PLANT**

means an individual establishment used for the production of asphalt, concrete, ready mix or products used in building or construction and includes facilities for the administration and management of the business, the stockpiling of bulk materials used in the production process or a finished product manufactured on the premises and the storage and maintenance required equipment.

**ASPHALT PLANT, PORTABLE**

shall mean a temporary asphalt batching plant established for a public road project.

**ASSEMBLY HALL**

shall mean a building or part of a building, in which facilities are provided for such purposes as meetings for charitable, civic, cultural, educational, political, religious or social purposes and shall include a banquet hall, private club or fraternal organization or community centre.

**ATTACHED**

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

**AUTOMOTIVE SALES FACILITY**

see 'MOTOR VEHICLE SALES AND/OR SERVICE ESTABLISHMENT'

**AUTOMOTIVE**

see 'MOTOR VEHICLE'

**AUCTION SALES FACILITY**

means a building or land used for the occasional sale of items excluding livestock.

**AUCTION SALES FACILITY, LIVESTOCK**

means a building or land used for the occasional sale of livestock and related agricultural items.

**BALCONY**

means a partially enclosed platform attached to or extending horizontally from one or more main walls, from the second storey or higher, of a building.

**BASEMENT**

shall mean that portion of a building between two floor levels which is partly below finished grade level but which has at least fifty percent (50%) of its height from finished floor to finished ceiling above adjacent finished grade level and in which the height from adjacent finished grade level to the ceiling is less than two (2) metres.

**BED AND BREAKFAST ESTABLISHMENT**

means an existing single detached dwelling, in which the proprietor resides, where no more than 3 guest rooms are made available by the residents of the dwelling to travelers or vacationers for temporary accommodation and their guest's meals. Parking requirements are noted in the General Provisions Section of this By-law. This definition does not include a hotel, motel, or restaurant.

**BUILDING**

includes any structure whether temporary or permanent, used or built for any purpose other than a lawful boundary, wall or fence. Any enclosure, awning, bin, bunk or other container, or platform, used upon any land or in conjunction with or connected to any structure for any purpose shall be deemed a building.

**BUILDING BY-LAW**

means any building By-law within the meaning of the Ontario Building Code Act, as amended from time to time.

**BUILDING ENVELOPE**

means the buildable area on a lot, defined by the minimum front yard depth, rear yard depth and side yard width requirements and maximum height requirements, within which a building can be erected.

**BUILDING HEIGHT**

See HEIGHT, BUILDING

**BUILDING INSPECTOR**

means an employee of the Township for the time being charged with the duty of enforcing the provisions of the Building By-law and the Ontario Building Code, which shall mean any By-law of the Township from time to time in force regulating the erection, alteration or repair of building.

**BUILDING LINE**

shall mean a line, the purpose of which is to establish the closest points to a street at which the building or structures may be located. The location of the building line shall be such that is parallel to the centre line of the street and offset from the street line, a distance equal to the minimum front yard dimension.

**BUILDING, MAIN OR PRINCIPAL**

shall mean the building designed and/or intended to accommodate the principal use(s) permitted by this By-law.

**BUILDING SETBACK**

shall mean the minimum horizontal distance between a given point such as the front lot line and the nearest part of any building, structure or open storage use on the lot. See 'YARD, DEPTH'.

**BUILDING SUPPLY AND SALES ESTABLISHMENT**

see 'LUMBER YARD'

**BULK SALES ESTABLISHMENT**

means the use of land, a structure or a building for the purposes of buying and selling fuel, oil, wood, coal, lumber, building materials, metal and steel products, nursery stock, but does not include manufacturing, assembling or processing uses.

**BUSINESS OFFICE**

see 'OFFICE, BUSINESS'

**BY-LAW ENFORCEMENT OFFICER**

shall mean the officer or employee of the Corporation charged with the duty of administering and enforcing the provisions of this By-law.

**CAMPGROUND**

shall mean a recreational establishment operated by a private or public organization where children and adults are temporarily accommodated in tents, cabins, cottages or lodges and shall include a day camp or scout camp, but does not include a trailer campground or a mobile home park.

**CANNABIS**

shall mean the plants hemp and marijuana in the family Cannabaceae. (As amended by By-law 17-2020)

**CANNABIS PRODUCTION FACILITY**

means lands, buildings, or structures used for producing, processing, testing, destroying, packaging and/or shipping of cannabis authorized by an issued license or registration by the federal Minister of Health, pursuant to the Access to Cannabis for Medical Purposes Regulations, SOR/2016-230, to the Controlled Drugs and Substances Act, SC 1996, c 19, as amended from time to time, or any successors thereto. (As amended by By-law 17-2020)

**CANOPY**

shall mean a roof free of enclosing walls over an entrance to a building, structure or gasoline pump island.

**CARPORT**

shall mean a parking space that is partially enclosed and has a roof, and is for the purpose of storing one or more private vehicles.

**CARWASH**

shall mean an establishment where vehicles are washed mechanically or manually or both.

**CATASTROPHE**

An unanticipated, disastrous loss of part or all of a livestock facility, dwelling or other use due to fire, collapse, flood, wind or other such event.

**CELLAR**

shall mean that portion of a building between two floor levels which has more than fifty percent (50%) of its height from finished floor to finished ceiling below adjacent finished grade level.

**CEMETERY**

means a cemetery, columbarium or mausoleum within the meaning of The Cemetery Act of Ontario.

**CHIEF BUILDING OFFICIAL (CBO)**

means a chief building official appointed by the Township under Section 3 or 4 of the Building Code Act. The CBO may also be the Municipal Building Inspector.

**CHURCH OR PLACE OF WORSHIP**

shall mean a building commonly used by any recognized religious organization for public worship, and may include a rectory or manse, church hall, auditorium, monastery, convent, day nursery or religious school associated with or accessory thereto.

**CLINIC**

shall mean a building or part thereof, used exclusively by physicians, dentists, drugless practitioners, their staff and their patients for the purpose of consultation, diagnosis and office treatment. A clinic may also include administrative offices, waiting rooms, treatment rooms, laboratories, pharmacies and dispensaries directly associated with the clinic, but shall not include accommodation for in-patient care or operating rooms.

**COMMERCIAL MOTOR VEHICLE**

means any motor vehicle having permanently attached thereto a truck or delivery body and without limiting the generality of the foregoing includes: ambulances, hearses, motor buses and tractors used for hauling purposes.

**COMMERCIAL STORAGE WAREHOUSE (Rental units)**

shall mean an enclosed building used for the storage of household, business and recreational goods on a rental basis; the rental units may be singular or multiple.

**COMMERCIAL USE**

means the land, building or structures for the purpose of buying, renting or selling commodities and/or supplying services, but does not include an Industrial Use.

**COMMUNITY GARDEN**

means the use of land for the purpose of growing fruit and/ or vegetables for community purposes and may include one structure for the storage of equipment that is no larger than 10 square metres in floor area.

**CONDOMINIUM**

shall mean a building in which each individual unit is held in separate private ownership and all floor space, facilities and outdoor areas used in common by all tenants, are owned, administered and maintained by a corporation created pursuant to the provisions of the appropriate statute.

**CONDOMINIUM ACT**

means the Condominium Act, 1998, S.O. 1998, c. 19, as amended from time to time and includes the former Condominium Acts of Ontario as in force from time to time.

**CONDOMINIUM, VACANT LAND**

shall mean land in which each individual unit or lot is held in separate private ownership and all roads, facilities and outdoor areas used in common by all tenants, are owned, administered and maintained by a corporation created pursuant to the provisions of the appropriate statute.

**CONSERVATION**

shall mean the use of land and/or water for the purpose of planned management of natural resources.

**CONSERVATION AREA**

shall mean an area of land owned or leased by a public authority and used for flood and erosion control purposes and/or day use recreational purposes.

**CONSERVATION AUTHORITY REGULATED LANDS (CARL) AND ADJACENT LANDS**

shall mean regulated areas and/or lands in or adjacent to natural hazards, and significant natural features, which are regulated by the Maitland Valley Conservation Authority and commented on by the County of Huron. Conservation Authority Regulated Lands are shown on the Zoning Key Maps provided in Schedule "A".

**CONTRACTORS YARD**

shall mean a lot, building or structure where mechanical, electrical, structural, plumbing or general contractors conduct their business and may include office space and outdoor storage of heavy equipment and building materials.

**CONSTRUCT**

means to do anything in the erecting, installation or extension or material alteration or repair of a building and includes the installation of a building unit fabricated or moved from elsewhere.

**CORPORATION**

shall mean the Corporation of the Township of Ashfield-Colborne-Wawanosh.

**COUNCIL**

shall mean the Council of the Corporation of the Township of Ashfield-Colborne-Wawanosh.

**COUNTY**

means the Corporation of the County of Huron.

**COVERAGE**

see 'LOT COVERAGE'

**DANGEROUS GOODS**

means explosives, flammable or combustible liquids or gases, toxic substances, radioactive material, corrosive or any other product or substance that is considered dangerous to life when handled or transported.

**DANGEROUS TRADES**

means a use which is likely to create danger to health or danger from fire or explosion.

**DAY NURSERY**

shall mean a 'Day Nursery' as defined in the Day Nursery Act, as amended from time to time.

**DAY CENTRE, ADULT**

shall mean a facility providing activities, programs and services for adults not including residential accommodation.

**DAYLIGHT OR SIGHT TRIANGLE**

means an area free of buildings or structures and which area is to be determined by measuring from the point of intersection of street lines on a corner lot, the distance required by this By-law along each such street line and joining such points with a straight line and the triangular-shaped land between the intersecting street lines and the straight line joining the points the required distance along the street lines is the daylight triangle.

**DEEMED**

when used in reference to lots in a plan of subdivision, shall mean lots which have been deemed not to be a registered subdivision, pursuant to section 50(4) of the *Planning Act*.

**DETACHED**

shall mean totally separate and in no way connected.

**DRIVEWAY**

shall mean a vehicular passageway having at least one end thereof connected to a public thoroughfare, and providing ingress to and/or egress from a lot.

**DWELLING**

shall mean a building or part thereof, occupied or capable of being occupied as a home, residence or sleeping place by one or more persons, constructed on-site, or off-site in parts designed to be transported to a lot and where they are joined as integral units and placed on a permanent foundation over a cellar or basement, but shall not include travel trailers, tourist trailers, camper and motor vehicles, hotels or, motels, or institutions.

**ACCESSORY DWELLING**

means a dwelling which is accessory to a building or use as permitted by this By-law.

**APARTMENT DWELLING**

means a building or part thereof consisting of 3 or more dwelling units which units have a common entrance from the street level and the occupants of which have the right to use in common halls and/or stairs and/or elevators and yards, but does not include a motel or a hotel.

**BED AND BREAKFAST**

see 'BED AND BREAKFAST ESTABLISHMENT'

**CONVERTED DWELLING**

means a dwelling unit constructed for permanent use, which has been converted so as to provide therein up to three additional dwelling units provided the main dwelling unit was erected prior to the passing of the By-law and further that any changes or alterations to convert the dwelling do not increase its area, height or volume or extend beyond the exterior limit of the existing building.

**DETACHED DWELLING**

means a completely detached permanent dwelling to which entrance is gained only by a private entrance from outside the building, and containing only one dwelling.

**DUPLEX DWELLING**

means the whole of a dwelling that is divided horizontally into 2 separate dwelling units each of which has an independent entrance either directly from the outside or through a common vestibule.

**ENLARGED DWELLING**

means a detached dwelling which will be enlarged so as to provide one more additional dwelling unit. The enlarged portion of the dwelling must be attached to the main dwelling, and must meet the provisions of the Ontario Building Code as amended from time to time. Where a two or more storey second dwelling is attached to a two or more-storey existing dwelling by a single storey connection, the maximum length of the single storey connection shall be 4 metres and the minimum width of the connection shall be 2 metres, and such connection shall be enclosed.

**GROUP HOME**

means a residential dwelling licensed by the Government for individuals with social, mental or physical disabilities operated as a single housekeeping unit in a residential area, in which 3 to 10 residents, excluding staff or receiving family, live as a family under responsible supervision consistent with the requirements of its residents, but excludes a place of detention, correction or probation for individuals. A Group Home is fully detached and wholly utilized by the group home occupants.

**HOME FOR THE AGED, DWELLING**

shall mean a "home for the aged" as defined under the Homes for the Aged and Rest Homes Act, as amended from time to time.

**MODULAR HOME**

shall mean a pre-fabricated single detached dwelling designed to be transported once only to a final location and constructed so as the shortest side of such dwelling is not less than 6.0 metres in width.

**MOBILE HOME**

shall mean a pre-fabricated dwelling unit occupied or designed for occupancy by one or more persons on a permanent basis, having a floor area of not less

than fifty (50) square metres, designed to be towed on its own chassis (notwithstanding that its running gear is or may be removed), placed or designed to be connected to public utilities, but shall not include a travel trailer, tent trailer or a trailer otherwise designed.

**MOBILE HOME, DOUBLE WIDE**

shall mean a pre-fabricated dwelling unit occupied or designed for occupancy by one or more persons on a permanent basis, towed or designed to be towed in two or more separate sections with each section towed or designed to be towed on its own chassis and joined together to form one dwelling unit and placed on a permanent foundation with a basement or cellar, and connected or designed to be connected to public utilities, but shall not include a travel trailer, or single-family detached dwellings constructed in parts, designed to be transported to a lot and where they are joined as integral units and placed on a permanent foundation over a cellar or basement.

**MULTIPLE DWELLING**

shall mean a building containing 3 or more dwelling units including a "triplex" or "quadruplex" having 4 dwelling units and an "apartment" having more than 4 dwelling units but does not include a hotel or motel.

**NURSING HOME DWELLING**

shall mean a nursing home as defined under The Nursing Home Act, as amended from time to time.

**PARK MODEL TRAILER**

shall mean a manufactured building used or intended to be used for residential occupancy designed and constructed in conformity with CAN/CSA-Z241 Series – M, "Park Model Trailers".

**QUADRUPLEX DWELLING**

shall mean a pair of 2 attached duplex dwelling houses or 4 attached single dwelling units.

**RECREATIONAL RESIDENCE**

means a dwelling used for recreational purposes and/or seasonal occupancy, but which is not for permanent habitation, and is not supplied with the full complement of available municipal services.

**SEMI-DETACHED DWELLING**

shall mean a building that is completely divided vertically into 2 dwelling units by a party wall of masonry construction, each dwelling unit having independent entrance either directly from the outside or through a common vestibule.

**TEMPORARY DWELLING**

shall mean a one unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure that is permitted by Section 4 of this By-Law. A temporary dwelling may also be referred to as a Garden Suite in accordance with Section 39(1) of the Planning Act.

**TOURIST HOME**

means a single family dwelling in which rooms or lodging are provided for pay.



**TRIPLEX**

shall mean the whole of a building that is divided into 3 separate dwelling units, each of which has an independent entrance either directly from the outside or through a common vestibule.

**DWELLING, SECOND UNIT**

See 'SECOND UNIT'

**DWELLING UNIT**

means one or more habitable rooms constituting self-contained living quarters for use of one or more individuals including the provision of kitchen and sanitary facilities and sleeping accommodation for the exclusive use of such individual or individuals, and having a private entrance from outside the building or from a common hallway or stairway inside the building.

**EASEMENT**

shall mean a right or privilege that one has over the lands of another, registered on title to the said lands under the Registry Act, R.S.O. 1990, Chap. R.20, as amended, and may pertain to access rights above, below or on the said lands.

**EATING ESTABLISHMENTS**

**RESTAURANT**

shall mean a building or structure or part thereof used to prepare food and offer for sale and sell food for immediate consumption within the building or structure, or adjacent patio and may include an accessory take-out or drive through service.

**DRIVE-IN RESTAURANT**

shall mean premises consisting of a building or structure, together with a parking lot, from which food, refreshments, dairy products or beverages are offered for sale or sold to the public for consumption either in automobiles parked on the parking lot or for consumption elsewhere but not necessarily within such building or structure on the premises, and does not include a building or structure where food, refreshments, dairy products or beverages are offered for sale or sold to the public only for consumption within the building or structure.

**TAKE-OUT RESTAURANT**

shall mean a building or structure or part thereof where food is prepared and offered for sale to the public to be taken out and/or delivered for consumption off the premises.

**PORTABLE FOOD OUTLET**

shall mean a trailer, tent or vehicle that is designed to be made mobile, from which food is prepared and offered for sale to the public for consumption outside.

**ERECT**

includes build, construct or re-construct, alter, enlarge and relocate and without limiting the generality of the foregoing, shall be taken to include any associated

physical operation such as piling, cribbing, and structurally altering any existing building or structure by an addition, deletion, enlargement or extension.

**EROSION HAZARD, 100 YEAR**

shall mean the area defined by the Maitland Valley Conservation Authority as being subject to natural hazards from erosion along the shoreline of Lake Huron.

**EROSION HAZARD, GULLY**

shall mean the area defined by the Maitland Valley Conservation Authority as being subject to natural hazards from erosion along the gullies located between Bluewater Highway and Lake Huron.

**EXISTING**

shall mean in existence, being an actuality as of the date of the final passing of this By-law.

**EXTRACTIVE USE**

shall mean the use of land and/or buildings, or structures for the removal of gravel, stone, sand, earth, clay, fill, mineral, commercial scale water-taking or other similar substances for construction, industrial or manufacturing purposes; and includes accessory uses.

**FARM**

shall mean a parcel of land together with its dependent buildings including all associated on-farm buildings and structures held for the purpose of agricultural use.

**FARM BREWERY/DISTILLERY/WINERY**

shall mean a building or structure or part thereof associated with an agricultural use(s) on the same farm lot where alcohol is produced primarily from materials/crops grown on said lot and may include storage display, processing, alcohol tasting, an outdoor amenity area, and limited retail sales. The area used for alcohol tastings and retail sales shall not exceed 75 square metres or 25% of the total ground floor area; whichever is least. Alcohol tasting does not include a restaurant, banquet facility, or commercial kitchen. Overnight accommodation is not part of a farm winery/brewery/distillery. A farm winery/brewery/distillery may also include a cidery or meadery.

**FARM PRODUCE SALES OUTLET**

means a fruit, vegetable, flower or farm produce stand set up as an accessory use to an agricultural use on a farm, used for the sale of produce from that same agricultural use.

**FARMER'S MARKET**

shall mean a building, part of a building, or an open outdoor area where agricultural produce, food items, plants, and craft items are offered or temporarily stored for occasional retail sale on the site by more than one vendor, but does not include a flea market.

**FEEDLOT**

includes an enclosed or fenced area in which livestock are maintained at a density of more than 20 nutrient units per hectare.

**FENCE**

shall mean a barrier, comprised of wooden or metal posts, wire mesh or hedge, for example, used as a boundary or means of enclosure. For the purpose of this By-law, a fence shall not be considered as a structure.

**FILL, CONSTRUCTION AND ALTERATION TO WATERWAYS**

shall mean the regulations as defined by the Maitland Valley Conservation Authority.

**FINANCIAL OFFICE OR INSTITUTIONS**

shall mean any building used for the premises of a bank, trust company, finance company, mortgage company or investment company.

**FINISHED GRADE**

See Grade, Finished

**FLEA MARKET**

means an occasional or periodic market held in an open area or in a building or structure, where groups of individual sellers display and offer goods for sale to the public, but does not include a private garage sale.

**FLOOR AREA**

shall mean the area of a floor of a building measured from the outside of all exterior walls exclusive of any attic, basement, cellar, private garage, veranda, enclosed porch or sunroom unless such enclosed porch or sunroom is an integral part of the building and habitable in all seasons, and excluding any floor area with a ceiling height of less than 2 metres. Where the terrain permits a walk-out basement, twenty-five percent (25%) of the floor area of the walk-out basement may be considered as habitable floor area.

**FLOOR AREA, TOTAL**

shall mean in the case of a dwelling, the aggregate of the areas of all habitable rooms measured from the exterior walls, but excluding any detached accessory buildings, a breezeway, unenclosed sunroom, porch and/or veranda, attic or cellar.

In the case of a building other than a dwelling, the aggregate of the area of all floors devoted to retail sales, customer service and/or office use measured from the outside face of exterior walls but excluding storage, mezzanine areas, mechanical rooms, common halls, stairwells, garbage and electrical rooms, parking structures and similar uses ancillary to the main use. The total floor area in each zone applies only to that portion of such lot that is located within said zone.

**FLOOR AREA, GROUND**

shall mean the floor area of the lowest storey of a building approximately at or first above the average finished grade level, excluding any basement or cellar, which area

is measured between the exterior faces of the exterior walls at the floor level of such storey, but:

- a) excludes car parking areas within the building; and
- b) for the purpose of this paragraph the walls of an inner court are and shall be deemed to be exterior walls.

**FLOOR AREA, RETAIL**

shall mean the aggregate of the areas of all rooms where goods and services are made available for sale but shall not include storage areas or other commercial uses.

**FORESTRY**

shall mean the use of land for the growth and management of trees.

**FRONTAGE**

see 'LOT FRONTAGE'

**FUNERAL HOME**

shall mean a commercial use for the purpose of furnishing funeral supplies and services to the public and includes facilities for the preparation of deceased human bodies for interment or cremation and may include a chapel for funeral purposes.

**GARAGE, ATTACHED**

shall mean a private garage, accessory to a dwelling unit on the same lot and attached by a common wall and/or common roof structure and is designed or used for the sheltering of private motor vehicles and the storage of household equipment incidental to residential occupancy and is fully enclosed and excludes a carport or other open shelter. For the purpose of determining lines of setback and side yard, an attached garage shall be considered part of the main building. Also for the purposes of this definition, a wall between a house and an attached garage may be considered "common" as long as at least 40% of the length of the attached garage wall is common with the dwelling wall.

**GARAGE, DETACHED**

shall mean a private garage, accessory to a dwelling unit on the same lot, which is designed or used for the sheltering of private motor vehicles and the storage of household equipment incidental to residential occupancy and is fully enclosed and excludes a carport or other open shelter.

**GARAGE, GOVERNMENT**

shall mean a municipal or provincial facility used for the storage and servicing of road construction and maintenance equipment and materials.

**GARDEN SUITE**

see 'TEMPORARY DWELLING'

**GAS STATION**

see 'MOTOR VEHICLE SALES & SERVICES'

**GASOLINE (FUEL) BAR**

shall mean one or more pump islands, each consisting of one or more gasoline or fuel pumps, and shelter having a floor area of not more than 10 square metres, excluding washrooms, which shall not be used for the sales of any product other than liquids and small accessories required for the operation of motor vehicles and shall not be used for repairs, oil changes, or greasing.

**GOLF COURSE**

shall mean a public or private area operated for the purposes of playing golf and includes a par 3 Golf Course, driving ranges, miniature courses and associated recreational uses such as a club house, restaurant, swimming pool and tennis courts.

**GRADE, FINISHED**

means the average elevation of the finished surface of the ground at ground level of a building or structure.

**GRAIN ELEVATOR**

shall mean a building or structure used for the commercial storage and/or transshipment of grain.

**GREENHOUSE, COMMERCIAL**

means a building or structure used for the growing of flowers, plants, shrubs, trees or similar vegetation which are not necessarily transplanted outdoors on the same lot containing such building or structure, but are sole directly from such lot at wholesale or retail but does not include a cannabis production facility. (As amended by By-law 17-2020)

**GUEST CABIN**

means a building for guest accommodation accessory to a permitted dwelling, and a guest cabin shall be used for sleeping accommodations only, shall not contain washroom facilities, shall not contain kitchen or food preparation facilities, and shall not exceed 23 square metres of total floor area.

**HABITABLE ROOM**

shall mean any room within a dwelling unit used or capable of being used for living, eating and sleeping, but excluding a bathroom, toilet room, serving or storage pantry, laundry and corridor.

**HABITABLE SPACE**

shall mean any space within a dwelling unit used or capable of being used for living, eating and sleeping, but excluding a bathroom, toilet room, serving or storage pantry, laundry, corridor, garage, deck, porch, unfinished attic or unfinished basement.

**HEIGHT, BUILDING**

shall mean the vertical distance from the finished grade level to:

- a) in the case of a flat roof, the highest point of the roof surface or parapet, whichever is the higher; or
- b) in the case of a mansard roof, the roof deck line; or,

- c) in the case of any other roof, the mean height between the eaves and the ridge; but exclusive of any structure accommodating an elevator, staircase, water tank, ventilating fan, skylight, aerial, steeple, cupola, chimney, firewall, smoke stack or other ornamental or utilitarian structure which rises above the roof level but does not provide habitable living space. (see Appendix 2)

**HOLDING ‘-H’ SYMBOL, HOLDING ZONE**

shall mean a zone symbol or zoning which has been applied to a property in accordance with Section 9.7 of the Official Plan and Section 36 of the Planning Act to prohibit new development until such time as the Holding Symbol has been removed. No new development of land will be permitted in a holding zone until such time as Council has passed a by-law removing the holding symbol.

**HOME FOR THE AGED**

as defined under the Homes for the Aged and Rest Homes Act, as amended from time to time.

**HOME INDUSTRY**

shall mean a gainful occupation including an animal kennel, carpentry, day nursery, service and repair shop, electrical, woodworking, window framing, welding, plumbing, machine, farm machinery or motor vehicle repair shop, small-scale manufacturing, small engine repair or blacksmith, conducted in whole in an accessory building to a single detached dwelling by the residents of the subject property, subject to the provisions of Section 3.41.

**HOME OCCUPATION**

means an occupation and/or profession conducted entirely within a dwelling or permitted accessory building on the same lot only by the occupant(s) of the dwelling subject to the provisions of Section 3.42.

**HOSPITAL**

as defined under the Public Hospitals Act, or under the Private Hospitals Act, as amended from time to time.

**HOSTEL**

shall mean an establishment providing accommodation for the travelling public and may include communal spaces such as a kitchen.

**HOTEL**

shall mean a building or part thereof used to accommodate the travelling public for gain or profit, by supplying them with sleeping accommodation (with or without meals), but without private cooking facilities provided that each guest room may only be entered from the interior of the building. A hotel may include public rooms licensed under the Liquor Licensing Act, as amended from time to time.

**INDUSTRIAL USE, GENERAL**

shall mean the use of land, buildings or structures for the purpose of manufacturing, assembling, making, preparing, inspecting, ornamenting, finishing, treating, altering,

repairing, warehousing, or storing or adapting for sale of any goods, substances, articles or things, including the storage of building and construction equipment and materials, but not including any noxious industry, pit, quarry or oil well.

**INSTITUTIONAL USE**

means the use of land, buildings or other structures for some public or social purpose but not for commercial or industrial purposes and may include governmental, religious, educational, charitable, fraternal, philanthropic, hospital or other similar uses.

**KENNEL** – means a place where dogs and other domestic animals other than poultry are bred and raised, and are sold or kept for sale or boarded in accordance with Township by-law(s).

**LABORATORY** - shall mean a building, or part thereof, used for scientific, medical and/or research purposes.

**LANDSCAPED OPEN SPACE** – shall mean open space comprised of lawn and/or ornamental shrubs, flowers and trees and may include space occupied by paths, walks, courts and patios, but shall not include parking areas, traffic aisles, driveways, ramps, or storage of equipment, vehicles or other materials.

**LANDSCAPING** - means a combination of trees, shrubs, flowers, grass or other horticultural elements, together with decorative stonework, paving, screening or other architectural elements, all of which is designed to enhance the visual amenity of a property and to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent land but does not include parking areas, patios, walkways, driveways, traffic aisles or ramps.

**LANE**

shall mean a public thoroughfare, which affords only a secondary means of access to abutting lots and which is not intended for general traffic circulation.

**LAUNDROMAT**

shall mean an establishment containing one or more washers and could include drying, ironing, finishing and incidental equipment, provided that only water, soaps and detergents are used and provided that no such operation shall emit any noise or vibrations which cause a nuisance or inconvenience within or without the premises. This definition may include a self-service coin operated Laundromat.

**LIBRARY**

shall mean a library, branch library or distribution station to which the provisions of the Public Libraries Act, as amended from time to time, apply.

**LIVESTOCK**

shall mean dairy, beef, swine, poultry, horses, goats, sheep, ratites, fur-bearing animals, deer and elk, game animals, birds, and other animals.

**LIVESTOCK FACILITY**

shall mean one or more barns or permanent structures with livestock-occupied portions, intended for keeping or housing livestock. A livestock facility also includes all manure or material storages and anaerobic digesters.

**LOADING SPACE**

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

**LOT**

shall mean a parcel of land, described in a registered deed or shown on a registered plan of subdivision, including any of its parts which are subject to right-of-way or easement that is capable of being legally conveyed and is also:

- a) a whole of a lot or block on a registered Plan of Subdivision;
- b) a whole of a unit on a Vacant Land Condominium Plan;
- c) the whole of a contiguous parcel of common elements within a Vacant Land Condominium Plan or within a Common Elements Condominium Plan;
- d) the whole of the lands within a Standard Condominium Plan; or
- e) a parcel which may otherwise be conveyed separately without contravening the Planning Act, provided that the sub-paragraph (e) shall not apply to a unit within a Standard Condominium Plan. (See Lot Definition illustration in Appendix 3)

**LOT, CORNER**

shall mean a lot situated at the intersection of, or abutting upon, two or more public roads, provided that the angle of intersection of such streets is not more than 135 degrees.

**LOT, INTERIOR**

shall mean a lot other than a corner lot.

**LOT, THROUGH**

shall mean a lot bounded on two opposite sides by a street. If any lot qualifies as being both a "corner Lot" and a "Through Lot", as herein before defined, such lot shall be deemed a "Corner Lot" for the purpose of this By-law.

**LOT AREA**

shall mean the total horizontal area within the limits of a lot, and for the purpose of this definition the lot area in each zone shall apply only to that portion of such lot which is located within said zone unless otherwise specified.

**LOT COVERAGE**

shall mean the percentage of the lot area, covered by all buildings above ground level, and shall not include that portion of such lot area which is occupied by a building or portion thereof which is completely below ground level, and for the purpose of this definition the lot coverage in each zone shall be deemed to apply only to that portion of such lot which is located within said zone.



**LOT DEPTH**

shall mean the horizontal distance between the front and rear lot lines. Where these lines are not parallel, it shall be the length of a line joining the mid-points of the front and rear lot lines. For lots with curved front lot lines, the measurement shall be taken from a line drawn parallel to the chord of the arc of the curve constituting the front lot line, lying midway between said chord and a line drawn parallel to said chord and tangent to said arc. When there is no rear lot line, "lot depth" means the length of a straight line joining the middle of the front lot line with the apex of the triangle formed by the side lot lines.

**LOT FRONTAGE**

shall mean the horizontal distance between the side lot lines measured at right angles. Where the front lot line is not a straight line, or where the side lot lines are not parallel, the lot frontage shall be measured by a line set at a maximum of 7.5 metres back from and parallel to the chord of the lot frontage or a line parallel to the said chord and tangent to the arc. (For the purposes of this By-law the chord of the lot frontage is a straight line joining the two points where the side lot lines intersect the front lot lines.)

**LOT LINE**

shall mean any boundary of a lot or a vertical projection thereof. (See Appendix 4)

**FRONT LOT LINE**

shall mean the lot line that abuts the street except that, in the case of a corner lot, the shorter lot line that abuts the street shall be deemed the front lot line and the longer lot line that abuts the street or unopened road allowance shall be deemed the exterior side lot line. In addition:

- a) **FRONT LOT LINE, CORNER LOT** - in the case of a corner lot with two street lines of equal lengths, the lot line that abuts the wider street or abuts a Provincial Highway shall be deemed to be the front lot line, and in the case of both streets being under the same jurisdiction, or of the same width, the Township may designate either street line as the front lot line. In the case of a corner lot abutting a .3 metre reserve, the lot boundary so abutting the .3 metre reserve shall be deemed an exterior side lot line and the other line abutting the street shall be deemed the front lot line;
- b) **FRONT LOT LINE, THROUGH LOT** - in the case of a through lot the longer boundary dividing the lot from the street shall be deemed to be the front line and the opposite shorter boundary shall be deemed to be the rear lot line. In case each of such lot lines should be of equal length, the Township may designate either street line as the front lot line.

**REAR LOT LINE**

shall mean the longest lot line opposite to the front lot line.

**SIDE LOT LINE**

shall mean a lot line other than a front or rear lot line.

**EXTERIOR SIDE LOT LINE**

shall mean any lot line other than a front lot line or rear lot line abutting a public street/road/lane.

**INTERIOR SIDE LOT LINE**

shall mean a side lot line other than an exterior side lot line.

**LUMBER YARD**

shall mean a place of business which retails lumber and related materials and may include open storage and warehousing.

**MAIN BUILDING**

see 'BUILDING, MAIN'

**MAIN WALL**

shall mean the exterior front, side or rear wall of a building or structural members essential to the support of a fully enclosed space or roof (where such members are nearer to a lot line than the said exterior wall).

**MANURE OR MATERIAL STORAGE**

shall mean permanent storages, which may or may not be associated with a livestock facility containing liquid manure (< 18% dry matter), solid manure (> 18% dry matter), or digestate (< 18% dry matter). Permanent storages may come in a variety of:

- locations (under, within, nearby, or remote from barn)
- materials (concrete, earthen, steel, wood)
- coverings (open top, roof, tarp, or other materials)
- configurations and shapes
- elevations (above, below or partially above grade)

**MARKET GARDEN, PRIVATE**

means a use accessory to a residential use for on-site growing and selling fruit and/or vegetables and is composed of gardens located in an interior side yard or rear yard and may include a private market garden sales shop, in accordance with the provisions of Section 3.42, Home Occupation.

**MAPLE SYRUP FACILITY**

means buildings and structures associated with the collection and processing of sap from maple trees in order to manufacture maple syrup.

**MINERAL AGGREGATE OPERATION**

shall mean:

- a) lands under license or permit, other than for wayside pits and quarries, issued in accordance with the Aggregate Resources Act, or successors thereto;
- b) for lands not designated under the Aggregate Resources Act, established pits and quarries that are not in contravention of this by-law including adjacent land under agreement with or owned by the operator, to permit continuation of the operation; and

- c) associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related products.

**MINIATURE GOLF COURSE**

shall mean a use which provides facilities designed and operated primarily for what is commonly known as miniature golf but does not a Golf Course as defined herein.

**MINIMUM DISTANCE SEPARATION (MDS I)**

is a tool to determine a required distance for new development from existing livestock facilities as determined by the Minimum Distance Separation (MDS) Formulae approved by the Province of Ontario (as amended from time to time).

**MINIMUM DISTANCE SEPARATION (MDS II)**

is a tool to determine a required distance for a new or expanding livestock facility from an existing use or approved development area as determined the Minimum Distance Separation (MDS) Formulae approved by the Province of Ontario (as amended from time to time).

**MOBILE HOME**

see 'DWELLING, MOBILE HOME'

**MOBILE HOME PARK**

shall mean a lot containing 2 or more mobile home sites and which is under single management and ownership, used for the siting of mobile homes together with commercial-recreational and service uses for Mobile Home Park residents, including any building, structure or enclosure forming a part of such mobile home park.

**MOBILE HOME & RECREATIONAL VEHICLE SALES & SERVICE ESTABLISHMENT**

shall mean land, building or structure used for the sale and service of Mobile Homes, Modular Homes, and Travel/Tent Trailers.

**MOTORIZED RECREATIONAL VEHICLE SALES AND SERVICE**

shall mean land, building or structure used for the sale and service of motorized recreational vehicles such as: boats, motorcycles, snowmobiles and all-terrain vehicles.

**MOBILE HOME SITE**

shall mean a parcel of land within a mobile home park occupied by or intended for occupancy by one mobile home together with all yards and open space required by this By-law.

**MODULAR HOME**

see 'DWELLING, MODULAR HOME'

**MOTEL**

shall mean a separate building or a group of 2 or more connected or detached buildings designed and used mainly for the purpose of catering to the needs of the traveling public by furnishing sleeping accommodation with or without supplying food

for guests. The motel may include accessory recreational facilities and each guest room may be entered directly from the exterior of the building. A motel shall not include or a hotel.

**MOTOR HOME**

see 'TRAVEL TRAILER'

**MOTOR VEHICLE**

shall mean an automobile, truck, motorcycle or motorized snow or all-terrain vehicle, but does not include the cars of electric or steam railways, or other vehicles running only on rails, or a traction engine, farm tractor, self-propelled farm machinery or road building machine.

**MOTOR VEHICLE BODY SHOP**

shall mean a building and/or lot used for the repair and painting of motor vehicles but does not include any other motor vehicle uses.

**MOTOR VEHICLE, DERELICT**

shall mean a motor vehicle that is in a wrecked, discarded, dismantled, inoperative or abandoned condition; and does not have a current license plate.

**MOTOR VEHICLE REPAIR SHOP**

shall mean a building and/or land used for the servicing, repair, cleaning, polishing, lubrication and greasing of Motor Vehicles and may include minor vehicular body repair and re-painting, but shall not include any other Motor Vehicle Use defined in this By-law.

**MOTOR VEHICLE SALES AND/OR SERVICE ESTABLISHMENT**

shall mean a building and/or lot used for the display and sale of new or used motor vehicles, and/or the servicing, repair, cleaning, polishing and greasing of these products, the sale of accessories and related products, the leasing or renting of motor vehicles and the retail sales of motor vehicle lubricants and fuels. This establishment may also include such minor body repair that may be incidental to the mechanical servicing and repair of motor vehicles.

**MOTOR VEHICLE WASHING ESTABLISHMENT**

shall mean a building and lot used for the washing or cleaning of motor vehicles by automobile washing equipment and may include the sale of fuels to motor vehicles, but shall not include any other automotive use defined in this By-law.

**MOTOR VEHICLE WRECKING ESTABLISHMENT**

see 'SALVAGE YARD'

**MUNICIPAL DRAIN CLOSED**

shall mean "drainage works" as defined by The Drainage Act, as amended from time to time, located entirely within the ground.

**MUNICIPAL DRAIN OPEN**

shall mean all “drainage works” defined by The Drainage Act, as amended from time to time, other than those located entirely within the ground.

**MUNICIPALITY**

shall mean the Township of Ashfield-Colborne-Wawanosh.

**NATURAL HAZARDS**

shall include: flooding, erosion, unstable slopes, sinkholes, and lands adjacent to ravines, river valleys, streams and water bodies.

**NON-COMPLYING**

shall mean a use, building or structure, permitted by the provisions for the zone in which such use, building or structure is located, which does not meet the zone provisions with respect to yards, lot area, frontage, parking, setback, or any other provisions of this By-law applicable to that zone. *(Note: See Section 3.23)*

**NON-CONFORMING**

means a use, building or structure not permitted by the permitted use provisions of this By-law for the zone in which such use, building or structure is located as of the date of passing of this By-law. *(Note: See Section 3.24)*

**NON-INDUSTRIAL ZONE**

means all zones except the Village Industrial Zone (VM1).

**NOXIOUS USE / CONTAMINANT**

shall mean an offensive use or trade or contaminant within the meaning of the Environmental Protection Act, as amended from time to time, or any use which is a nuisance by reason of emission of airborne or waterborne odours, gases, dirt, smoke, noise, vibration, fumes, cinders, soot or waste, or the depositing or leaving of unsightly objects or chattels on land, which may be hazardous or injurious as regards health or safety or which prejudices the character of the surrounding area or interferes with or may interfere with the normal enjoyment of any use of land, building or structure.

**NURSING HOME**

shall mean any building maintained and operated where lodging, meals and nursing care are provided for 2 or more persons, licensed under the Nursing Homes Act, as amended from time to time.

**NUTRIENT UNIT (NU)**

shall mean an amount of nutrients that give a fertilizer replacement value of the lower of 43 kilograms of nitrogen, or 55 kilograms of phosphate as nutrient (as defined in Ontario Regulation 267/03 made under the *Nutrient Management Act, 2002*) and as provided by the Minimum Distance Separation (MDS) Formulae approved by the Province of Ontario (as amended from time to time).

**OCCUPANCY**

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

**OFFICE**

shall mean any building or part of a building in which business may be transacted, a service performed or consultation given, but excludes such uses as retail sale, repair, manufacture, assembly or storage of goods, or places of assembly or amusement.

**OFFICE, BUSINESS**

means any building or part of a building in which one or more persons are employed in the management, direction or conducting of an agency, business brokerage, or labour organization, and shall exclude such uses as retail sale, manufacture, assembly or storage of goods, or places of assembly and amusement.

**OFFICE, PROFESSIONAL**

means any office where professionally qualified persons, technical assistants and associated clerical staff are employed and where clients or patients go for advice, consultation or treatment. Without limiting the generality of the forgoing, professional office uses may include: business providing qualified professional services such as physicians, lawyers, drugless practitioners, and planners; and any other use of a similar nature which conforms to the criteria above; but shall not include the uses of a Personal Service Shop or Service Shop.

**OFFICIAL PLAN**

shall mean the Official Plan for the Township of Ashfield-Colborne-Wawanosh, including amendments thereto as adopted by Township Council and as approved by the County of Huron.

**OUTDOOR SOLID FUEL COMBUSTION APPLIANCE**

shall mean a solid fuel burning appliance/furnace used for the space heating of buildings, the heating of water or other such purpose; and which is located in a separate building or on the exterior of the building, which it serves.

**OUTDOOR DISPLAY**

shall mean the display of goods or merchandise for sale outdoors.

**OUTDOOR STORAGE**

shall mean the storage of goods, merchandise or equipment in the open air and in unenclosed portions of buildings, which are open to the air on the sides.

**OWNER**

shall mean the person who holds legal title to a piece of property.

**PARK MODEL TRAILER**

see 'Dwelling, Park Model Trailer'

**PARK, PRIVATE**

means a non-commercial recreation area other than a public park used by the owner and their guests and may include therein one or more swimming pools, wading pools, picnic areas, tent camping areas, boating facilities, tennis courts, bowling greens, or similar open space uses, but shall not include any enclosed building or enclosed part thereof with a floor area exceeding 10 square metres in a Natural Environment zone.

**PARK, PUBLIC**

means a recreational area owned or controlled by the Corporation or by any Board, Commission or other Authority established under any statute of the Province of Ontario or any religious charitable or philanthropic organization.

**PARKING AREA, REQUIRED**

shall mean an area of land which is provided and maintained upon the same lot or lots upon which the principal use is located and which area;

- a) comprises all parking spaces of at least the minimum number required according to the provisions of this By-law, and all driveways, aisles, manoeuvring areas, entrances, exits, and similar areas used for the purpose of gaining access to and egress from the said parking spaces; and
- b) is provided and maintained in accordance with all applicable provisions of this By-law.

**PARKING LOT**

shall mean a lot used or intended for the temporary parking of 2 or more motor vehicles and may include aisles, parking spaces and related entrance and exit lanes, but shall not include any part of a road.

**PARKING SPACE**

shall mean a space on which a motor vehicle may be temporarily parked. For 'PARKING AREA REGULATIONS' see General Provisions Section 3.26.

**PERMITTED**

shall mean permitted by this By-law.

**PERSON**

shall include any individual, association, partnership, corporation, Municipal Corporation, agent or trustee and the heirs, executors or other legal representative of a person to whom the context can apply according to law.

**PERSONAL RECREATIONAL VEHICLES**

shall mean motorized and non-motorized vehicles and includes but is not limited to land cruisers, boats, motorized snow vehicles, tent trailers and motor homes.

**PIT**

shall mean a place where unconsolidated aggregate or other material is being removed or has been removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes.

**PIT, WAYSIDE**

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

**PLACE OF ENTERTAINMENT**

shall mean a motion picture or other theatre, auditorium, billiard or pool room, curling club, bowling alley, ice- or roller-skating rink, or dance hall, but does not include any place of entertainment or recreation otherwise defined or classified in this By-law.

**PLAN OF SUBDIVISION**

shall mean a plan of subdivision as defined by the Planning Act. A plan of subdivision is a plan prepared by an Ontario Land Surveyor that complies with the Registry & Planning Act. The plan sets out all lots, blocks, streets, street widening, lanes and reserves and the bearings of all boundaries and dimensions for each lot.

**PLANNING ACT**

shall mean the Planning Act of Ontario, R.S.O. 1990, c P.13, as amended from time to time and includes the former Planning Acts of Ontario as in force from time to time.

**PLANTING STRIP**

shall mean an area which shall be used for no purpose other than planting a row of trees or a continuous unpierced hedgerow of evergreens or shrubs not less than 1.5 metres high, immediately adjacent to the lot line or portion thereof along which such planting strip is required.

**PLAYGROUND**

shall mean an area of landscaped open space, equipped with children's equipment, such as slides, swings or wading pools.

**PLANT, HOT MIX**

means a building or structure used for the manufacturing of asphalt in a form suitable for the immediate use in paving of roads or driveways and the damp-proofing of buildings and structures.

**PLANT, READY MIX**

means a building or structure used for the manufacturing of concrete in a form suitable for the immediate use in the construction of buildings, structures, roads, or driveways.

**PRIVATE CLUB**

shall mean a building or part of a building used as a meeting place for members of a chartered organization, and shall include a lodge, a fraternity or sorority house, hostel, and a labour union hall.

**PRIVATE GARAGE OR CARPORT**

means an attached or detached accessory building or portion of a dwelling house which is designed or used for the sheltering of private motor vehicles and storage of household equipment incidental to the residential occupancy.

**PRIVATE MARKET GARDEN**

See Market Garden, Private.



**PRIVACY FENCE**

shall mean a solid and continuous fence constructed of suitable material to a height of not less than 1.53 metres so as to provide a year round visual barrier.

**PUBLIC AUTHORITY**

shall mean the Council and any School Board, Public Utility Commission, Transportation Commission, Public Library Board, Board of Parks Management, Board of Health, or other board or commission or committee of the Township of Ashfield-Colborne-Wawanosh established or exercising any power or authority under any general or special statutes of Ontario with respect to any of the affairs or purposes of the Township or a portion thereof, and includes any committee or local authority established by By-law of the Township. The Federal Government of Canada and the Government of the Province of Ontario and any boards, departments, commission or agencies thereof may also be considered as public authorities.

**PUBLIC BUILDING**

shall mean any building or structure owned or leased by a municipal corporation, or County Corporation, Province of Ontario, or the Government of Canada and in which government activities are carried out.

**PUBLIC UTILITY**

shall mean a waterworks, a water supply system, sewage works, electrical power line or energy generating, transmission or distribution system, street lighting system, natural or artificial gas works or supply system, a transportation system or a telephone or data communication system, and includes any lands, buildings or equipment required for the administration or operation of any such system.

**PUMP ISLAND**

means that portion of an automobile service station, public garage or portion of a non-residential use for the retail sale of automotive fuels, which includes the gas pumps, concrete base, overhead canopy and kiosk, but shall not include any part of any building for the repair or service of vehicles.

**QUARRY**

shall mean a place where, consolidated aggregate or other material is being or has been removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes

**RECONSTRUCTION**

shall mean to construct again with the same floor area, same height and number of stories.

**RECREATION, ACTIVE**

shall mean the use of land, water and/or building for the purpose of organized active leisure activities and may include such uses as an arena, a pool or a sports field.

**RECREATION, PASSIVE**

shall mean the use of land and/or water for the purpose of passive leisure activity and may include such uses as, swimming, and trails for hiking and horseback riding.

**RECREATIONAL RESIDENCE**

means a dwelling used for recreational purposes and/or seasonal occupancy, but which is not for permanent habitation, and is not supplied with the full complement of available municipal services.

**RECREATIONAL TRAILER AND TENT PARK**

shall mean any land upon which overnight, short term or seasonal accommodation for 2 or more travel trailers used or intended to be used for human occupation is provided and includes ancillary commercial laundry, social and recreational facilities.

**RECREATIONAL VEHICLE SALES & SERVICE ESTABLISHMENT**

see 'MOBILE HOME & RECREATIONAL VEHICLE SALES & SERVICE ESTABLISHMENT'

**RECYCLING CENTRE**

shall mean a building or an area where materials, excluding motor vehicles and farm machinery, are collected, separated and processed.

**REDEVELOPMENT**

means development subsequent to the total or partial removal of buildings from land.

**REFERENCE PLAN**

means a survey prepared by an Ontario Land Surveyor showing boundaries of a parcel of land registered at the Land Registry Office. A reference plan is not a plan of subdivision within the meaning of the Planning Act.

**RENOVATION**

shall mean the repair and restoration of a building to good condition within existing external walls but shall not include its replacement.

**REPLACEMENT**

shall mean the removal and restoration of more than 25% of a building or structure or the removal and restoration of an existing external wall of a building or structure.

**RESEARCH AND DEVELOPMENT FACILITY/LABORATORY**

shall mean a building or group of buildings in which are located facilities for scientific research, investigations, testing or experimentation.

**RESIDENTIAL USE**

shall mean the use of a building or structure or parts thereof as a private dwelling.

**REST HOME**

shall mean a building or portion of a building other than a public or private hospital operated under the provisions of the Homes for the Aged and Rest Homes Act, as amended from time to time.

**RESTAURANT**

see 'EATING ESTABLISHMENT'

**RETAIL FLOOR AREA**

see 'FLOOR AREA, RETAIL'

**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 storage on or about the store premises of limited quantities of such goods, wares, merchandise, substances, articles or things sufficient only to service such stores but does not include any manufacturing, processing or construction uses.

**RETIREMENT HOME**

shall mean a building for the accommodation of senior citizens, within single or double rooms or suites which do not contain kitchens, and where central kitchen, dining and laundry facilities are provided for the residents, together with other communal facilities, under the supervision of resident and other staff, but which shall not include a Nursing Home, licensed under the Nursing Homes Act, as amended from time to time.

**RIGHT-OF-WAY**

shall mean a private road which affords access to abutting lots and does not include a lane, road or street as shown on a registered plan of subdivision.

**ROAD, PRIVATE**

shall mean a road which is not owned by the Ministry of Transportation, the County of Huron or the Township and shall provide private access to any lots abutting thereon.

**ROAD, STREET OR HIGHWAY, PUBLIC**

shall mean a road which has been assumed and maintained by the Ministry of Transportation, the County of Huron or the Township and shall mean such public highway, streets or roads as affords the main means of access to any lots abutting thereon.

For the purpose of setbacks, an unopened or unassumed road allowance shall also be considered a road, street or highway (public).

**RURAL AREAS**

means lands located outside of settlement areas, including natural environment and agricultural areas.

**RURAL BREWERY/DISTILLERY/WINERY**

shall mean one of more buildings, structures, or parts thereof associated with an agricultural use(s) on the same farm lot, where the lot contains a minimum of 4 hectares planted to produce materials/crops to be used in the production of alcohol. A rural brewery/distillery/winery may include storage display, processing, alcohol testing, an outdoor patio area, and limited retail sales. The area used for alcohol tastings and retail sales shall not exceed 150 square metres. Alcohol tasting does not include a restaurant, banquet facility, or commercial kitchen. Overnight accommodation is not part of a rural brewery/distillery/winery use. A rural brewery/distillery/winery with a minimum of 8 hectares planted to produce materials/crops to be used in the production of alcohol is also permitted a service

kitchen and related dining area. A rural brewery/distillery/winery may also include a cidery or meadery.

**SALVAGE YARD**

includes a lot and/or premises for the storage and/or handling and/or sale of scrap or used materials, which without limiting the generality of the foregoing, shall include waste paper, rags, wood, bottles, bicycles, vehicles, tires, metal and/or other scrap material and salvage and includes a junk yard, scrap metal yard including secondary motor vehicle sales and service establishment and premises.

**SAWMILL**

shall mean the use of land, building or structure for the purpose of processing logs or other unfinished wood into lumber, shingles, pallets, sawdust, firewood or related products.

**SCHOOL**

means a school under the jurisdiction of a Public, Separate or High School Board, a college or university or any other school established and maintained either wholly or partially at public or private expense whether or not the same is also a boarding school, and includes a dormitory building accessory to a school.

**SECOND UNIT**

shall mean an accessory dwelling unit with its own kitchen, sanitary facilities and bedroom(s)/sleeping area in a single detached dwelling or accessory building that meets the following requirements:

- a) any additional exterior stairways provided for the second unit leading to a full floor above the first storey in a single detached dwelling are not located in the front yard;
- b) one additional on-site parking space is provided for the second unit in addition to the parking for the main dwelling; and
- c) there is only one driveway on the property.

**SENIORS HOME**

see 'HOMES FOR THE AGED, DWELLING'

**SEPARATION DISTANCE**

shall mean the horizontal distance between buildings or structures measured from the closest point on the exterior wall of such buildings or structures.

**SEPARATION DISTANCE, MINIMUM**

see 'MINIMUM DISTANCE SEPARATION I (MDS I)' and 'MINIMUM DISTANCE SEPARATION II (MDS II)'

**SERVICE SHOP**

means a buildings or part of a building not otherwise defined or classified herein, for the performance of personal services such as health studios, a barber shop, beauty parlour, or laundromat or for the servicing or repairing of articles, goods or materials, and in which no product is manufactured and includes radio, television and appliance repair shops but does not include any automotive uses as defined by this By-law.

**SETBACK**

see 'BUILDING SETBACK'

**SETTLEMENT AREA**

shall mean lands designated as Settlement Areas in the Ashfield-Colborne-Wawanosh Official Plan and zoned for Settlement Area uses or Future Development in this By-law.

**SEWAGE TREATMENT PLANT**

shall mean the use of land and/or buildings for the purposes of treatment and disposal of sanitary sewage and includes accessory transfer stations and pumping stations.

**SIGHT TRIANGLE**

shall mean the triangular space on a corner property formed by the street lines and a line drawn from the point on one street line to a point on the other street line, each such point being 7.5 metres measured along the street line from the point of the intersection of the street line. Where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection from the straight portion of the street lines.

**SIGN**

means a name, identification, description, device, display, or illustration which is affixed to, or represented directly or indirectly upon a building, structure or lot and which directs attention to an object, product, place, activity, person, institution, organization or business. A sign permit may be required to be obtained from the appropriate authority.

**SINKHOLE**

Sinkholes are closed depressions that form by the dissolution of underlying soluble bedrock and they function as connections between surface and groundwater.

**SITE PLAN**

shall mean a scaled drawing showing the relationship between the lot lines and the uses, buildings or structures existing or proposed on a lot, including such details as parking area, driveways, walkways, landscaped areas, building areas, minimum yards, building heights, floor areas, densities and areas for special uses.

**SOURCE PROTECTION PLAN**

shall mean a document passed under the Clean Water Act, 2006 for the protection of water resources that are used as a source of municipal drinking water, including the Maitland Valley Source Protection Plan.

**SPORTS AND RECREATION FACILITY**

shall mean land, buildings or structures used for the purpose of active leisure activities and shall include such uses as an arena, swimming pool, community centre, curling rink, outdoor ice rink, a sports field and uses accessory thereto.

**STOCKYARD**

shall mean the use of land, a building or a structure for the temporary containment of livestock.

**STORAGE (COMMERCIAL) WAREHOUSE**

see 'COMMERCIAL STORAGE WAREHOUSE'

**STOREY**

shall mean that portion of a building between any floor and the floor, ceiling or roof next above, provided that any portion of a building partly below grade level shall not be deemed a storey unless its ceiling is at least 1.8 metres above average grade and provided also that any portion of a storey exceeding 4 metres in height shall be deemed an additional storey for each 4 metres or fraction thereof of such excess.

**STOREY, HALF**

shall mean the portion of a building located wholly or partly within a sloping roof having a floor area of not less than one-third or more than 2/3 of the floor area of the storey next below, sidewalls not less than 1.2 metres of height and a ceiling with a minimum height of 2.3 metres over an area equal to at least 50% of its floor area.

**STREET**

see 'ROAD, STREET, OR HIGHWAY (PUBLIC)'

**STREET LINE**

shall mean the boundary line between a street and a lot.

**STRUCTURE**

shall mean anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil and/or any other structure. For the purposes of this By-law, "structure" does not include a fence, hedge, light standards, tomb stones, sports screening, septic systems or signs but does include manure or material storage.

**SWIMMING POOL**

shall mean a structure, basin, chamber or tank containing or capable of containing water, and designed to be used for swimming or wading.

**TAVERN**

shall mean tavern as defined by The Liquor License Act, as amended from time to time.

**TEMPORARY BUILDING**

shall mean a building or structure intended for removal or demolition within a prescribed time as set out in a building permit and/or development agreement or as otherwise specified in this by-law.

**TEMPORARY USE**

shall mean the use of land, building or structure for a prescribed time as set out in a building permit, development agreement, temporary use by-law or as otherwise specified in this by-law.

**TENANT**

means a person or group who occupies a building, structure or land by rental agreement.

**TERMS**

all terms used in this By-Law, which are not otherwise specifically defined, shall have the meanings given to them by the Planning Act and the Condominium Act at the relevant point in time.

**THEATRE**

shall mean an establishment which produces/performs plays, films and live theatre productions along with any appropriate accessory uses used in performance productions and management; in addition, an accessory art gallery and food concession may be permitted.

**TOP-OF-BANK**

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

**TOURIST HOME**

see 'DWELLING – TOURIST HOME'

**TOWNSHIP**

shall mean the Corporation of the Township of Ashfield-Colborne-Wawanosh.

**TRAILER**

A trailer may include a trailer for the transport of vehicles, equipment and materials.

**TRAVEL TRAILER**

shall mean a structure or vehicle designed, intended, and used exclusively for the temporary or seasonal living, sleeping or eating accommodation of persons therein, during travel, recreation and vacation and which is either capable of being drawn by a passenger vehicle or is self-propelled and shall include tent trailers, vans, motor homes, and similar transportable accommodation excepting a mobile home.

**TRAVEL TRAILER SALES ESTABLISHMENT**

see 'MOBILE HOME & RECREATIONAL VEHICLE SALES & SERVICE ESTABLISHMENT'

**URBAN**

means those land uses designated for residential, recreational, commercial, industrial, or community facility within a recognized Town, Village, Hamlet or other recognized urban area.

**USE**

shall mean the purpose for which any land, building, structure, or premises, or part thereof, is arranged, designed or intended to be used, or is or may be occupied or maintained and the words, "used", "to use" and, "uses" have a corresponding meaning.

**UTILITY SERVICE BUILDING**

shall mean a building used in connection with the supplying of local utilities services including a water or sewage pumping station, a water storage reservoir, a gas regulator building, a hydro sub-station, a telephone building for exchange, long distance or repeater purposes (but does not include major hydro transmission lines and transformer stations of 230kv or more).

**VETERINARIAN'S CLINIC**

shall mean a building or part thereof wherein animals of all kinds are treated or kept for treatment by a registered veterinarian, and where such animals can be temporarily boarded.

**VILLAGE/ HAMLET AREAS**

shall mean areas designated Village/Hamlet in the Ashfield-Colborne-Wawanosh Official Plan.

**VULNERABILITY SCORE**

shall mean an assigned score representing the susceptibility of an area to contamination, as set out in the Maitland Valley Source Protection Plan passed under the Clean Water Act, where 10 is the most vulnerable and 2 is the least vulnerable.

**WAREHOUSE**

shall mean a building used or intended to be used for the bulk storage of goods, merchandise or materials and shall include wholesale establishments.

**WASTE DISPOSAL SITE**

shall mean any land approved by the Ministry of the Environment upon, into or in which waste has or may be deposited or processed.

**WATER SUPPLY / WATER TREATMENT PLANT**

shall mean the water source and related storage including pumping and purification appurtenances owned and operated by the Township for public use.

**WATER SYSTEM, COMMUNAL**

shall mean a private water distribution supply system in which water is piped to more than one dwelling or business operation.

**WATERCOURSE**

shall mean a natural channel for a stream and, for the purpose of this By-law, includes a natural channel for an intermittent stream and all watercourses shown on Schedule "B" of the Official Plan.

**WAYSIDE PIT OR QUARRY**

see 'PIT, WAYSIDE'

**WELLHEAD PROTECTION AREA (WPHA)**

shall mean an area susceptible to the groundwater contamination around a municipal drinking water well as identified in the Maitland Valley Source Protection Plan passed under the Clean Water Act. WHPAs are categorized from A to E based on the distance from wellhead or length of time a potential contaminant could take to reach a well.



## **WHOLESALE USE**

shall mean an establishment, which sells merchandise to others for resale and/or to industrial or commercial users.

## **WIND ENERGY FACILITY**

shall mean any devices and related equipment that is used, or designed to be used, for the production of electrical power where wind is the energy source, including one or more wind turbines, vertical axis wind turbines and horizontal axis wind turbines. For the purposes of this by-law, power poles, power lines, data lines and equipment related to the transmission or distribution of power from a Wind Energy Facility, such as transformers and switching stations, shall not be considered part of the Wind Energy Facility.

- a) **Wind Energy Facility, Small-Scale** – shall mean one or more turbines and related equipment, which are intended to generate electricity to use on site or for sale off site. A small-scale wind energy facility in a Village/Hamlet area is defined as having a maximum nameplate capacity of 50 kW (.05MW). A small-scale wind energy facility in an agricultural area is defined as having a maximum nameplate capacity of 500 kW (.5MW).
- b) **Wind Energy Facility, Commercial Scale** – shall mean one or more turbines and related equipment, which have a collective nameplate capacity exceeding 500 kW (.5MW) and are intended to generate electricity for commercial purposes.

## **WIND ENERGY TESTING FACILITIES**

shall mean towers and testing equipment designed to measure wind energy, which do not generate electricity for the purposes servicing the power grid.

## **YARD**

shall mean an open area of land, unoccupied and unobstructed except as otherwise provided for or required by this By-law, located on the same lot or zone within a lot with a main building or structure.

### **YARD, FRONT**

shall mean a yard extending across the full width of the lot or zone within the lot between the front line of the lot and the nearest part of any building or structure on the lot or the nearest open storage use on the lot.

- a) **Front yard depth** means the least horizontal dimension between the front lot line of the lot and the nearest part of any building or structure on the lot or the nearest open storage use on the lot.

### **YARD, REAR**

shall mean a yard extending across the full width of the lot or zone within the lot between the rear lot line of the lot or rear zone boundary and the nearest building or structure or open storage use on the lot.

- a) **Rear Yard Depth** shall mean the least horizontal dimension between the rear lot line of the lot or rear zone boundary and the nearest part of any building or structure or open storage use on the lot or zone.

**YARD, SIDE**

shall mean a yard extending from the front yard to the rear yard and from the side lot line of the lot to the nearest part of any main building or structures or nearest open storage use on the lot or zone.

- a) **Side Yard Depth** shall mean the least horizontal dimension between the side lot line of the lot and the nearest part of any main building or structure or nearest open storage use on the lot or zone.

**SIDE YARD EXTERIOR**

shall mean a side yard immediately adjoining a public street.

**SIDE YARD INTERIOR**

shall mean a side yard immediately adjoining a lot and does not include an exterior side yard.

**ZONE**

shall mean an area delineated on the Zoning Map or Zoning Map Schedules and established by this By-law for a specific use.

**ZONING ADMINISTRATOR**

shall mean the officer or employee of the Corporation charged with the duty of administering and enforcing the provisions of this By-law, which may include the Chief Building Official.

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## **SECTION 3 GENERAL PROVISIONS**

### **3.1 APPLICATION**

The provisions of this section shall apply to all zones except as otherwise indicated in the applicable zone provisions.

### **3.2 APPLICATION OF OTHER BY-LAWS, REGULATIONS, LEGISLATION**

Nothing in this By-law shall operate to relieve any person from the obligation to comply with the requirements of the Ontario Building Code Act, as amended from time to time, Conservation Authority regulations, or any other By-law of the Township in force from time to time or the obligation to obtain any other license, permit, authority or approval lawfully required by a governmental authority having jurisdiction to make such restrictions.

### **3.3 ACCESSIBILITY**

All new buildings, with the exception of residences, should have regard to accessibility. Accessibility issues will be considered in accordance with the Ontarians with Disabilities Act and or municipal legislation regarding accessibility.

### **3.4 ACCESSORY USES**

#### **3.4.1 Use of Accessory Buildings**

Where this By-law provides that a lot may be used or a building or structure may be erected, altered or used for a purpose, that purpose shall include any accessory building or structure or accessory use, but shall not include:

- a) Any occupation for gain or profit except as may be permitted by this By-law
- b) Any building used for human habitation except where a dwelling or guest cabin is a permitted accessory use

#### **3.4.2 Location**

- a) Except as otherwise provided herein, any accessory building or structure or swimming pool which is not an integral part of the main building shall only be erected in the rear yard and/or in the interior side yard.
- b) In a VR1, LR1 or LR2 zone, a detached private garage, swimming pool or other accessory building or structure shall be erected and used in the rear yard and/or in the interior side yard only, provided that such accessory building or uses shall be no closer than 1.25 metres to a lot line. In all other zones, no accessory building or structure shall be erected closer than 1 metre to a rear or interior lot line. Semi-detached garages or carports may be centred on a mutual side lot line.
- c) Accessory buildings shall not be structurally attached to the main building in any way.
- d) On a corner lot in a VR1, LR1, or LR2 zone, and in an AG4 zone equal to or less than 0.8 hectares in size, an accessory building or structure or swimming pool may be built in the front or exterior yard, provided it meets the setbacks of the applicable zone.
- e) Sections 3.4.2 a) and 3.4.2 b) do not apply in the Agriculture and Natural Environment zones.
- f) Buildings or structures solely devoted to and forming an integral part of a septic

system that are less than 10 square metres in size are permitted in any yard.

- g) An accessory building or structure in an AG4 zone may be constructed in the rear yard or interior side yard provided it is no closer than 1.5 metres from a lot line, subject to the provisions of Section 3.4.3.

### **3.4.3 Height of Accessory Buildings in Settlement Areas**

The maximum height for all accessory buildings in Settlement Areas shall be as follows:

- a) All residential zones, VR1, LR1, LR2, LR3: 4.5 metres.
- b) All commercial, open space & community facility zones, VC1, CF, OS: 8 metres
- c) All other zones: 10 metres; but in no case shall an accessory building contain more than 2 storeys
- d) When an accessory building in a zone other than the VR1, LR1 or LR2 zone is located in a yard which abuts a residential zone, the building height shall not exceed 6 metres.
- e) An accessory building may be constructed in the AG4 zone at an interior side yard setback of 1.25 metres, provided said building is constructed at a maximum height of 5 metres.
- f) When an accessory building is constructed in the AG4 zone at an interior side yard setback less than 5 metres, but no less than 1.5 metres, the maximum height shall be 6 metres.

### **3.4.4 Lot Coverage of Accessory Buildings**

- a) In the LR1, LR2, LR3 and VR1 zones, the total lot coverage of all accessory buildings shall not exceed the lesser of 6% coverage of the total lot area or the lot coverage of the main building.
- b) In all other zones, shall not exceed 10% coverage of the total lot area.
- c) In all zones, the area of unenclosed decks, which are not more than 2 metres above grade, shall not be included in the calculation of lot coverage. The area of an unenclosed swimming pool and solar energy collectors shall not be included in the calculation of lot coverage.

### **3.4.5 Establishment of an Accessory Building or Use**

In all zones except AG1 no accessory building or accessory use shall be established on any site or lot until and unless the main building or use to which it is accessory is established.

### **3.4.6 Accessory Building Setbacks from Natural Watercourses**

Notwithstanding the provisions of Section 3.31 to the contrary, a detached accessory building may be erected closer to the top-of-bank than the required setback, provided that such accessory building is no closer to the top-of-bank than the main building and provided that the accessory building complies with all other applicable requirements of this by-law.

### **3.4.7 Accessory Structures Adjacent to Top-of-Bank and/or on Lakefront Lots**

For lots fronting onto Lake Huron or the Maitland River, and/or lots abutting or including top-of-bank, a deck no larger than 20 square metres in size and an accessory structure no larger than 10 metres in size shall be permitted in the front yard and/or below top-of-bank.

- a) Said accessory structures shall not have plumbing and shall be used for storage only.
- b) Said accessory structures shall be subject to the front yard setback of 1.5 metres and a side yard setback of 1.25 metres.
- c) Said accessory structures are subject to approval from the Township and Maitland Valley Conservation Authority.

### **3.5 ADDITIONAL MAXIMUM HEIGHT RESTRICTIONS**

There are two specially defined areas shown on Appendix 7 in which additional maximum height regulations are in force. These additional maximum height regulations are in addition to the height regulations of the specific zone and apply to all buildings and structures, notwithstanding the provisions of Section 3.17 to the contrary

- 3.5.1** In Defined Area 1 (D.A. 1), as shown on Appendix 7, no building or structure may be higher than a height calculated based on the ratio of 1:7 from the side perimeter of an AL1 Zone, or the height restriction of the zone in which the land lies, whichever is the lesser. (That is, for every 7 metres calculated at a right angle to the side plane of the AL1 Zone, building or structure height may be increased by 1 metre, until the prescribed maximum height restriction for the zone is reached.)
- 3.5.2** In Defined Area 2 (D.A. 2), as shown on Appendix 7, no building or structure may be higher than a height calculated based on the ratio of 1:50 from the take-off threshold, or the height restriction of the zone in which the land lies, whichever is the lesser. (That is, for every 50 metres calculated at a right angle to the end horizontal plane of the take-off threshold, building height may be increased by 1 metre, until the prescribed maximum height restriction for the zone is reached).
- 3.5.3** Additional Use Restrictions  
Notwithstanding any other provision of this by-law, no bird sanctuary is permitted in Defined Area 1 (D.A. 1) or Defined Area 2 (D.A. 2).

### **3.6 BED & BREAKFAST SPECIAL PROVISIONS**

#### **3.6.1 Servicing**

Certificate approvals will be required and issued by the Township prior to the establishment of a bed and breakfast on a septic system.

#### **3.6.2 With An Accessory Tearoom Or Dining Room**

A tearoom or dining room in conjunction with an approved Bed and Breakfast shall be allowed in any zone permitting a B&B, provided:

- a) No commercial fat fryers or commercial exhaust fans will be allowed. Only appliances and fixtures normally used in a residence will be allowed.
- b) A maximum of 30% of the floor area of the house may be used for seating area for the tearoom or dining room.
- c) The hours of operation shall be between the hours of 7:00 a.m. and 10:00 p.m.
- d) The required parking for a tearoom or dining room shall be the same as for an 'Eating Establishment, Restaurant' in the Parking Area Regulations, General Provisions. This parking will be required in addition to the parking required for the dwelling and the bed and breakfast.

All parking for the tearoom or dining room shall be totally located on the

property and shall not be located in the front yard or exterior side yard. All other provisions of the parking regulation shall be complied with.

- e) No sign except a small sign to recognize the business shall be allowed. Any sign for a bed and breakfast and a tearoom or dining room shall be approved by the Township prior to installation. No exterior signs with interior lighting shall be allowed.
- f) Septic approvals are obtained prior to starting the business.

### **3.7 "CARL" CONSERVATION AUTHORITY REGULATED LANDS & ADJACENT LANDS**

No development is permitted in Conservation Authority Regulated Lands or adjacent lands, which are defined as lands within 120 metres of a Provincially Significant wetland or within 50 metres of all other significant natural features until it has been determined that the proposed development does not result in negative impacts on the natural environment features or functions of the significant natural environment feature. In areas zoned AG1 adjacent lands will be 15 metres from all significant natural features, except for Provincially Significant wetlands, which require 120 metres. No adjacent land is applied around woodlots smaller than 4 hectares that are otherwise not deemed to be a significant natural feature. An Environmental Impact Study, (EIS) may be required to determine if development shall be permitted. In lake-bank or valley properties the provisions of Section 3.16 shall also apply.

### **3.8 CORNER LOTS**

On a corner lot, side yard requirements may be substituted for rear yard requirements.

### **3.9 DETERMINATION OF NATURAL ENVIRONMENT ZONE BOUNDARIES**

Where a natural environment zone boundary in this by-law is to be determined, the person authorized by Council to enforce this by-law shall determine such zone boundary by reference to the zone limits shown on this by-law and by a site inspection of the subject property.

### **3.10 ENCROACHMENT EXCEPTION**

Where a building or structure is legally established and believed to be in compliance with the Zoning By-law but is subsequently shown, by an Ontario Land Surveyor's legal survey, not to comply with the provisions of the Zoning By-law, an encroachment of 0.25 metres is permitted into any yard.

### **3.11 ENCROACHMENTS IN YARDS, PERMITTED**

Every part of any yard required by this By-law shall be open and unobstructed by any structure from the ground to the sky provided however, that fences, planting strips and hedges in accordance with the provisions of Subsection 3.27 of this By-law shall be permitted and that those structures listed in the following table shall be permitted to project into the minimum yards indicated for the distances specified below:

<b>Structure</b>	<b>Yards in Which Projection is Permitted</b>	<b>Maximum Projection Into Minimum Required Yard</b>
Sills, belt courses, cornices, eaves, gutters, chimneys, pilasters	All Yards	0.75 metres provided that no part of the structure extends closer than 0.75 metres to any lot line.



<b>Structure</b>	<b>Yards in Which Projection is Permitted</b>	<b>Maximum Projection Into Minimum Required Yard</b>
Fire Escapes & Exterior Staircases	Rear Yard or Side Yard	1.5 metres provided that no part of the structure extends closer than 1.5 metres to any lot line.
Window bays	Front, rear & exterior side only	1 metre over a width of 3 metres provided that no part of the structure extends closer than 1.5 metres to any lot line.
Balconies	Front, rear & exterior side yards for residential uses	1.5 metres provided that no part of the structure extends closer than 1.5 metres to any lot line.
Open or Roofed Porches, Decks not exceeding one storey in height	Front, rear & exterior side only	1.5 metres including eaves and steps provided that no porch deck or patio extends closer than 1.5 metres to any lot line.
Retaining walls, or similar accessory structures	All Yards	No maximum or minimum requirements.

### **3.12 ESTABLISHED FRONT YARD**

Where this By-law requires a front yard of greater than 6 metres, and where on the day of passing of this By-law, more than one-half of the frontage on any side of any on block is built upon, there shall be established a minimum required front yard as being the average of the front yards of all existing buildings in that block, provided, however, that in no case shall the established front yard be less than 6 metres.

### **3.13 EXTERIOR LIGHTING**

The type, location, height, intensity and direction of lighting shall be designed to ensure that lighting is confined to the building face and vicinity of the site and does not cast glare on to adjacent residential properties adversely affecting the living environment or on to an adjacent public street which would pose a vehicular safety hazard. Moreover, energy conservation measures should be considered to ensure the site is not illuminated more than necessary.

### **3.14 EXTERNAL BUILDING MATERIALS**

The following building materials shall not be used for the exterior vertical finished facing on any wall of any building or structure within the Township:

- tar paper or building paper
- asphalt roll type siding or insul brick
- plain concrete or plain cinder block in Residential areas
- galvanized steel in VR1, VC1, LR1 and LR2 zones.

### **3.15 TEMPORARY DWELLING**

Where permitted by this by-law, Township Council will require the owner of a temporary dwelling or any other person to enter into an agreement with the Township dealing with such matters related to the temporary use of the temporary dwelling as Council considers necessary or advisable, including:

- The installation, maintenance, and removal of the temporary dwelling;
- The period of occupancy of the temporary dwelling by any of the persons named in

the agreement; and

- The monetary or other form of security that Council may require for actual or potential cost to the Township related to the temporary dwelling.

Temporary dwellings will be subject to the following development standards:

- a) 1500 square feet as the maximum ground floor square footage.
- b) No basement being permitted.
- c) Maximum of one storey.
- d) Located no further than 70 metres from the main dwelling.

Septic certificates will be required prior to the establishment of a temporary dwelling to ensure the suitability of the existing system in supporting said dwelling.

### **3.16 HAZARD LAND REQUIREMENTS**

In addition to the zone provisions of the applicable zones, this By-law shall regulate development on and adjacent to Hazard lands. Hazard lands include those lands that are susceptible to flooding or erosion, have steep slopes or soil instability or other environmental or human made hazard.

No development shall be permitted on hazard lands or adjacent to hazard lands until required studies have been completed to the satisfaction of, and approved by, the Township of Ashfield-Colborne-Wawanosh and the Maitland Valley Conservation Authority. All hazard lands are subject to this general provision. Development on vacant Lakeshore Residential (LR1 and LR2) lots within the 100 year erosion hazard area along the shore of Lake Huron and within the gully erosion hazard will be controlled with a holding zone (-h). The holding symbol may be lifted when necessary studies are completed and approved in accordance with the requirements of this regulated area under the Conservation Authority jurisdiction.

### **3.17 HEIGHT LIMITATIONS, EXCEPTIONS**

#### **3.17.1**

The height limitations of this By-law shall not apply to church spires, belfry, clock towers, water towers, elevator enclosures, flag poles, television or radio towers or antennae, cell towers, solar collectors, electric power facilities, ventilators, skylights, chimneys, air conditioner ducts, silos or grain elevators.

#### **3.17.2**

The height limitation provisions of zones in Agricultural areas shall not apply to small scale wind energy facilities permitted in those zones.

### **3.18 LOT ENLARGEMENT, MINOR**

Where lands are severed and merged on title with abutting lands, the zoning on the abutting lands property shall apply to the lands to be merged on title. This provision applies only where a severance is granted for the purpose of a minor lot enlargement.

### **3.19 LOT AREA, AGRICULTURAL SEVERANCE**

Where a new agricultural lot is created by severance and conforms with the Official Plan and has a minimum lot area between 18 and 38 hectares, the said lot is deemed to comply with the minimum lot area provisions of the By-law, Section 4. This provision pertains to both the severed and retained lot area.

### **3.20 LOTS, THROUGH**

Where a lot, which is not a corner lot, has frontage on two streets, the front yard setback requirements shall apply on each street in accordance with the provisions of

the zone or zones in which such lot is located. This setback provision does not apply to a through lot between a street and a lane.

### **3.21 LOTS TO FRONT ON A PUBLIC ROAD**

#### **3.21.1**

Unless otherwise specified by this by-law, no lots shall be created, no person shall erect a building or structure on a lot and no person shall use any land, building, or structure on a lot unless, in each case:

- a) The lot to be created or used abuts or fronts on a public road;
- b) Such public road is of satisfactory construction and maintenance as to permit the reasonable and safe passage of motor vehicles; and
- c) An assumed public road is required in Village/Hamlet areas.

Existing Lots in the VR1 zone without frontage on a public road will be controlled with a holding zone (-h). The holding zone may be lifted subject to a development agreement with the Township to construct a public road.

#### **3.21.2**

Notwithstanding the provisions of Section 3.21.1 above:

- a) Lots may be created on a registered Plan of Subdivision, and buildings and structures erected thereon where compliance with the requirements of sub-Section 3.21.1(b) are provided for by an agreement with the Township entered into in connection with the registration of such Plan of Subdivision pursuant to the *Planning Act*; and
- b) Lots may be created, and buildings and structures erected thereon, on a Vacant Land Condominium Plan or on a Common Element Condominium Plan; and
- c) A building or structure may be erected upon an existing lot shown on a reference plan which was registered in the Registry Office during or before 1970, provided that the road is of satisfactory construction and maintenance to permit the reasonable and safe passage of motor vehicles.
- d) Notwithstanding the provisions of 3.21.1 a), a building or structure may be erected on an existing lot in a Lakeshore Residential zone (LR1, LR2, NE1-1 or NE1-2) provided that the road is of satisfactory construction and maintenance to permit the reasonable and safe passage of motor vehicles.

#### **3.21.3**

Notwithstanding any other provisions of this by-law, for the purpose of this by-law, no plan shall be considered to be a Plan of Subdivision unless:

- a) Access to the lands within the plan is provided by a public road satisfying the requirements of sub-section 3.21.1(b); and
- b) Any road to be dedicated as a public road on such plan abuts and connects, subject only to reserves in the ownership of the Township, to an existing public road satisfying the terms of sub-section 3.21.1.(b).

#### **3.21.4**

Notwithstanding any other term of this by-law, no plan shall be considered to be a Plan of Condominium unless:

- a) Access to the plan is provided by a public road satisfying the requirements of sub-section 3.21.1(b); or

- b) The lands within the condominium plan have legally enforceable access to a public road meeting the requirements of sub-section 3.21.1(b) through lands entirely within one or more other condominium plans.

### **3.22 MAIN BUILDINGS / MAIN USES PER LOT**

No person shall erect more than 1 main building on a lot or establish more than 1 main use on a lot except permitted buildings and uses in an AG1, AG3, VM1, CF, or OS Zone.

### **3.23 NON-COMPLYING BUILDINGS AND STRUCTURES**

**3.23.1** Where a building or structure was legally established and is permitted by the provisions of the zone in which such building or structure is located but does not meet the zone provisions with respect to yards, lot area, frontage, parking, setback or any other provisions of this By-law applicable to that zone, the said building or structure shall be deemed to comply with the By-law and may be renovated or reconstructed with or within the same footprint and up to the same building height. All other applicable provisions of this by-law shall apply.

#### **3.23.2 Effective Date for Existing Buildings**

For the purpose of Section 3.23, a non-complying building or structure which existed on January 1, 2001 shall be considered legally established.

#### **3.23.3 Continuation of Legal Non-Complying Status**

- a) In the case of a rezoning or severance these provisions shall continue to apply such that the said building or structure shall be deemed to comply with any applicable zoning provisions, except parking requirements, resulting from such rezoning or severance.
- b) Notwithstanding any other regulations of this By-law, where a use, building or structure was legally established on a lot, and such lot was subsequently altered as a result of a project of a public authority (such as a road construction project) or by expropriation of municipal, provincial or federal acquisition thereby causing the use, building or structure to contravene any regulations of the By-law, the said use, building or structure shall be deemed to comply with the By-law and may be enlarged, extended, reconstructed, repaired or renovated provided that any regulations which are currently not met, are not further contravened and that all regulations which are complied with, are not contravened by any works undertaken.

#### **3.23.4 Time Limit**

Where a non-complying building is removed or destroyed, such building may only be reconstructed within 24 months from the date of removal or destruction. After this period of time, the building may only be reconstructed in compliance with the provisions of the By-law.

#### **3.23.5 MDS I and Catastrophes**

Notwithstanding any other provisions of this By-law to the contrary, where a dwelling or commercial facility is destroyed in whole or in part, by a catastrophe, MDS I will not be applied when the structure is rebuilt provided that it is built no closer to livestock facilities than before the catastrophe.

#### **3.23.6 MDS II and Catastrophes**

Notwithstanding any other provisions of this By-law to the contrary, where a livestock facility is destroyed in whole or in part, by a catastrophe, MDS II will not be applied when the livestock facility is rebuilt, provided it is built no closer to surrounding land uses and lot lines than before the catastrophe, and the values of Factor A, B and/or D have not been increased for the livestock facility.

### **3.24 NON-CONFORMING USES**

**3.24.1** The provisions of this By-law shall not apply to 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 established and used for such purpose on the date of passing of this By-law, and provided that it continues to be used for that purpose.

**3.24.2** Where a building or structure which was erected prior to the day of the passing of this By-law is used for a purpose not permitted in the use zone in which it is situated, the said building or structure may be renovated or repaired or reconstructed provided:

- a) If a building or structure used for a non-conforming use is purposefully removed the subject lot can only be used for a purpose permitted by the By-law.
- b) Where a non-conforming use has been discontinued for a period of 24 months or longer, the property, building or structure may only be used for a use that conforms with this By-law.
- c) If a building or structure used for a non-conforming use is accidentally destroyed, such building or structure and its non-conforming use may only be re-established or reconstructed for that non-conforming use within 6 months from the date of destruction.
- d) A mobile home, which is not a permitted use in the zone in which it is situated, shall not be replaced or re-established.

#### **3.24.3 Building Permit Issued**

The provisions of this By-law shall not apply to prevent the erection or use for a purpose prohibited by this By-law of any building or structure, the plans for which have prior to the date of passing of this By-law been approved by the Building Inspector, so long as the building or structure when erected is used and continued to be used for the purpose for which it was erected and provided the erection of such building or structure is commenced within 2 years after the date of the passing of this By-law and such building or structure is completed within a reasonable time after the construction thereof is commenced.

#### **3.24.4 Strengthening, Repairing or Renovating of Buildings or Structures Used for Non-Conforming Uses**

Nothing in this By-law shall prevent the strengthening to a safe condition, the repair or renovation of any building or structure or part of any building or structure which use does not conform with the provisions of this By-law, provided:

- a) Such strengthening, repair or renovation does not increase the size or volume of such building.
- b) The strengthening, repair or renovation does not involve any alteration of use and the building or structure continues to be used for the purpose.

#### **3.24.5 Enlargement, Extension or Replacement of Non-Conforming Uses**

The extension, enlargement or replacement of a non-conforming use, or building or structure for a non-conforming use, will require an amendment to the Zoning By-law.

### **3.24.6 Change of Non-Conforming Uses**

Where any land, building or structure on the day that the By-law was passed was lawfully used for a purpose prohibited by the By-law, the Committee of Adjustment may permit, by the authority of Section 34(10) or 45(2) of the *Planning Act*, as amended from time to time, the use of such land, building or structure for a purpose that, in the opinion of the Committee, is similar to the purpose which it was used for on the day the By-law was passed.

The Committee of Adjustment may, by the authority of Section 34(10) or 45(2) of the *Planning Act*, as amended from time to time, also permit a use that is more compatible with the uses permitted by the By-law other than the purpose for which it was used on the day the By-law was passed.

The prohibited use must be in place until the date of application to the Committee of Adjustment.

### **3.24.7 Comply with Other Provisions**

All other applicable provisions of this By-law shall be complied with.

## **3.25 OUTDOOR SOLID FUEL COMBUSTION APPLIANCES**

### **3.25.1 Setbacks**

No outdoor solid fuel combustion appliances shall be installed at less than 30 metres from any property line or less than 150 metres from any residence on a separate lot.

No outdoor solid fuel combustion appliance shall be installed less than 10 metres from any combustible materials or fuel tanks.

### **3.25.2 No Incineration of Waste**

No outdoor solid fuel combustion appliances shall be used for the incineration of waste.

### **3.25.2 Approvals**

Prior to the installation of any outdoor solid fuel combustion appliance each appliance shall be approved by the Chief Building Official and permit fees shall be as set out in the Township Building By-law. All outdoor solid fuel combustion appliances shall bear a C.S.A. or U.L. approval rating and be installed in accordance with the manufacturer's instructions. Prior to the use of and following installation of any outdoor solid fuel combustion appliance each appliance shall be inspected and approved by the Chief Building Official or his/her designate.

[General Provisions Continued on the Next Page]

### 3.26 PARKING AREA REGULATIONS

3.26.1 The minimum number of parking spaces required for the uses set out in this By-law are provided as follows:

Type of Use	Minimum Parking Requirements
Assembly Hall, Community Centre, Arena, Theatre, Sports Field	1 per 5 persons of designed capacity of the facility
Bowling (indoor) Establishment	3 per bowling lane
Business or Professional Office	1 per 30 square metres of office floor area
Church	1 per 4 persons of designed capacity of the sanctuary
Clinic or Veterinary Clinic	6 per practitioner
Multiple unit dwellings e.g. Apartment	1.5 per dwelling unit
Dwelling, Bed and Breakfast	2 per dwelling unit plus 1 per guest room
Dwelling, Group home	2 per dwelling unit plus 1 per 4 residents
Dwelling, Home for the Aged	1 per 3 beds
Dwelling, Single-detached, semi-detached, duplex, converted, and accessory dwellings	1 per dwelling unit
Eating establishment, Restaurant, Tavern	1 per 4 persons of designed capacity
Eating establishment take-out or drive-through	6 plus 1 per 4 seats
Funeral Home	1 per 5 seats capacity of the Funeral Home
Hospital	1 per 2 beds
Hotel or Motel	2 plus 1 per guest room
Industrial	3 for every 4 employees on the largest shift, including office staff
Motor Vehicle repair establishment, service station, sales and service establishment	4 plus 1 per repair bay
Motor Vehicle Washing establishment	2 per washing bay for self-serve 5 parking spaces for automatic
Public Building except where specifically identified	1 per 30 square metres of total floor area
Retail store, Personal service shop	1 per 20 square metres of retail and/or customer service floor area
School, Elementary	The greater of 1.5 per classroom or 1 per 3 square metres of auditorium assembly area
Social Club, Service Club, Golf Country Club, Curling Club	1 per 10 square metres of total floor area of all common club buildings excluding ice surface, plus: 2 per golfing green, 4 per lawn bowling green, 4 per tennis or racquetball court, 4 per curling ice sheet
Supermarket, grocery store	1 per 15 square metres of retail floor area
Uses permitted by this By-law other than those referred to above	1 per 40 square metres of total floor area

Where the application of the above parking space requirements results in a number that is not a whole number, the number shall be rounded-up to the next whole number (e.g. 7.3 spaces would be rounded-up to 8).

### **3.26.2 More Than One Use in a Building**

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

### **3.26.3 Multiple Use of Parking Area**

Where two or more uses utilizing the same parking area will never occur simultaneously, the parking requirements of the use having the highest parking requirements shall govern.

### **3.26.4 Existing Buildings and Changes in Use**

- a) The parking area requirement referred to in this By-law shall not apply to any building lawfully in existence at the date of passing of this By-law so long as:
  - i. The building is used for a permitted use
  - ii. The floor area is not increased
  - iii. Any change of occupancy is to a use having the same or a lesser parking requirement according to this By-law
  - iv. All parking spaces existing at the date of passing of the By-law are retained
- b) Additions to an Existing Building  
If an addition is made to a building or structure lawfully existing at the date of passing of this By-law, then parking spaces in addition to those already existing shall be provided to the number required for such addition or change of use.  
This section shall not apply to require the establishment of parking spaces and areas for an addition to a single detached dwelling.

### **3.26.5 Parking Spaces for Individuals with Special Needs**

- a) Accessible parking spaces shall be provided to accommodate a varying range of abilities including those in wheelchairs, limited mobility and those caring for small children.

<b>Number of Automobile Parking Spaces</b>	<b>Number of Accessible Parking Spaces*</b>	<b>Number of Limited Mobility Parking Spaces*</b>
1-50	1	1
51-100	2	2
101-200	4	2
201-300	5	3
301-500	6	4
501 and over	6 plus 1 for each 100 over 500	4 plus 1 for each 100 over 500

*\*the number of parking spaces required may not be sufficient for some facilities (e.g. senior's centres) where increased numbers of persons with disabilities may be expected.*



- b) Designated accessible parking spaces shall:
- Be located on an accessible route that provides a safe path of travel from the parking area to the accessible entrance of the building. Where possible, the parking area should be located within 30m of the accessible entrance.
  - Level and firm surface.
  - Have a minimum vertical clearance of 2.75m
  - Have a minimum width of 2.7m and a length of 5.5m
  - Have an adjacent access aisle of a minimum of 2m, clearly indicated by markings.
  - Be designed in accordance with
  - All accessible parking spaces shall be designated by painting a sign on the pavement and erecting a post mounted sign that displays the international symbol for accessibility, as illustrated in Appendix 5.
- c) Designated limited mobility & caregivers only parking spaces shall:
- Have a minimum width of 3.2m wide and a length of 5.5m
  - All limited mobility & caregivers only parking spaces shall be designated by erecting a post mounted sign that displays the international symbol for accessibility, as illustrated in Appendix 5.

Accessible parking spaces and limited mobility/caregivers only parking spaces shall be designed in accordance with the illustrations included in Appendix 5

### **3.26.6 Use of Parking Areas and Spaces**

Any area where off-street parking is required under this By-law shall be used for no other parking purpose than for the parking of operative passenger vehicles and commercial vehicles used in operations incidental to the permitted uses on the lot, all bearing currently valid license plates. For the purpose of this subsection "commercial motor vehicle" shall mean any commercial vehicles as defined in the Highway Traffic Act, as amended from time to time.

### **3.26.7 Commercial Motor Vehicles and Tractor Trailers in Residential Zones**

- a) No person shall use any lot, building or structure in a Residential Zone for the parking or storage of any commercial motor vehicle unless he/she is the owner or occupant of such lot, building or structure, and provided that said vehicle shall not exceed 4,000 kilograms per axel and provided that not more than one commercial vehicle is stored in accordance with this section.
- b) No person shall use any lot, building or structure in a Residential Zone for the parking or storage of any truck trailer or van body or part thereof.
- c) This provision shall not include commercial motor vehicles or tractor trailers which attend at residential premises for the purposes of delivery and service.

### **3.26.8 Storage or Parking of Travel Trailers, Motor Homes and Personal Recreational Vehicles**

- a) OUTDOOR  
Up to a total of 3 vehicles (travel trailers, motor homes, boats or personal recreational vehicles) may be parked or stored outdoors provided that these items are owned by the owner or occupant of the subject lands and provided the outdoor parking or storage shall be in:

- a carport
  - an interior side yard or rear yard  
Up to a total of 3 vehicles (travel trailers, motor homes, boats or personal recreational vehicles) may be parked or stored in an open driveway exclusive of any area covered by a sight triangle on a temporary basis for up to 2 weeks per year.
- b) **FULLY ENCLOSED**  
This By-law shall not restrict the number of travel trailers, motor homes and personal recreational vehicles that are fully enclosed within a garage.

### **3.26.9 Occupancy of Travel Trailers and Motor Homes**

No person shall, in any zone use any tourist trailer, motor home or travel trailer for the purpose of providing temporary or permanent living or eating accommodation. Sleeping accommodation may be provided in a tourist or travel trailer for a period not exceeding 2 weeks per year. Trailers that are jacked up or with running gear removed are equally subject to this condition.

### **3.26.10 Parking Area Location on a Lot**

- a) No parking lot or required parking area shall be located on a septic tank or tile bed area.
- b) Outdoor parking areas shall be permitted in the required yards or in the area between the street line and the required setback as follows:

<b>ZONE</b>	<b>YARDS IN WHICH REQUIRED PARKING AREA PERMITTED</b>
Residential VR1, LR1 and LR2	Driveway Interior side and rear yard
For all other zones	Parking areas are permitted in all yards. The minimum setbacks for a parking area, other than a driveway, shall be 3 metres from any lot line abutting a residential zone and 1 metre from the street line.

### **3.26.11 Off-Site Parking**

All required parking spaces are to be provided on the same property as the use for which they are provided. Off-site parking for a non-residential use may be located within 150 metres provided that parking is a legal permitted use in that zone and that total parking requirements are met for all uses. All off-site parking areas shall require a site plan agreement.

### **3.26.12 Access to Parking Area Through Residential Zones**

No person shall use any land in a residential zone for motor vehicle access to any parking space or parking area located in any other zone.

## **3.27 PLANTING STRIP REQUIREMENTS**

### **3.27.1 A Planting Strip shall be provided:**

- a) on lands zoned or used for multiple dwellings where they abut lands zoned or used for single detached dwellings or duplex / semi-detached dwellings;
- b) on lands zoned or used for any commercial, highway commercial, agricultural - commercial - industrial, recreational commercial or industrial purpose where the

interior or rear lot line abuts lands zoned or used for residential, or open space purposes;

- c) around the perimeter of outside storage areas that may be established in the Industrial Zone, VM1, where such areas are adjacent to a building line or can be viewed from a public street;
- d) on lands upon which a residential use or community facility use is being newly established by rezoning or plan of subdivision where such lands abut an existing commercial or industrial use, which is not maintaining a planting strip in accordance with Section 3.29.1b) above.

### **3.27.2 Planting Strip Standards**

Planting strips where required by this by-law:

- a) shall have an ultimate width of 1.5 metres and may be included as part of the required yard;
- b) shall be contained within the zone or on the lands for which it is a requirement, and shall run the entire length of the zone or property line(s) separating it from the abutting zone or use which requires the planting strip. The height and location of the planting shall not pose a traffic hazard;
- c) shall consist of a continuous planting of trees or shrubs, and shall be maintained at an ultimate height of not less than 1.5 metres;
- d) shall be planted and maintained by the owner(s) of the land on which the planting strips are required; and;
- e) subject to site plan approval, a fence or wall height may be considered as an alternative to a planting strip. The following shall be considered: location, height, porosity, materials and finishing.

## **3.28 PROHIBITED USES**

All uses, including the following uses, shall be prohibited unless otherwise provided for:

### **3.28.1 Dangerous Uses**

No land, building or structure, unless licensed, is permitted to be used for the storage or manufacture of dangerous products for commercial or industrial purposes.

### **3.28.2 Derelict Motor Vehicles**

No land shall be used for the keeping of derelict motor vehicles except as provided for in the Salvage Yard (C4) zone and except that such vehicles may be stored inside a private garage.

### **3.28.3 Livestock in Settlement Areas**

It shall be prohibited to keep livestock in Settlement Areas unless specifically permitted as in Section 3.28.3 a) (Exceptions to Keeping Livestock). The regulations, restrictions and prohibitions of all the other applicable By-laws continue to apply.

### **3.28.2 Exceptions to Keeping Livestock**

Notwithstanding Subsection 3.28.3 (Livestock in Settlement Areas) above and any other provision of this By-law to the contrary, any lot containing a dwelling unit may be used for the keeping of 1 horse, provided:

- a) such horse provides the only means of transportation for all the occupants of the dwelling unit;
- b) all manure shall be contained in an enclosed building and manure shall be removed from the property at regular intervals to a suitable location in an Agricultural Zone;
- c) the building or structure in which the horse is kept or in which the manure is enclosed shall be located to the rear of the main building and shall be set back from the interior side and rear lot lines a minimum distance of 15 metres, or the applicable setbacks of the zone in which the building is situated, whichever is the greater;
- d) in no case should such building or structure be permitted in the front yard or exterior side yard;
- e) the minimum distance separation (MDS II) requirements shall not apply in Settlement Areas; and
- f) all fencing shall comply with the Township Fence By-Law.

#### **3.28.4 Mobile Homes**

It shall be prohibited to locate or use a mobile home in any zone except in the General Agriculture Zone (AG1) and Residential Park Zone (LR3) for any purpose unless otherwise permitted by this by-law.

#### **3.28.5 Noxious Uses / Contaminants**

No use shall be permitted within the Township which from its nature or the material used therein is, under the Environmental Protection Act, declared to be a noxious trade, business or manufacture.

#### **3.28.6 Pits and Quarries**

No land shall be used for pits and quarries, unless the land is within an extractive resources ER1 or ER2 zone, with the exception of wayside pits, portable asphalt plants and portable concrete plants as defined in the Aggregate Resources Act, which may be located in all zones except NE1, NE5 and VR1 zones.

#### **3.28.7 Reptiles or Exotic Animals**

It shall be prohibited within all zones to keep reptiles or exotic animals which are by their nature dangerous to human health.

#### **3.28.8 Stinging Insects in Settlement Areas**

It shall be prohibited to keep stinging insects in the VR1, VC1, LR1, LR2 and NE1-1 zones.

#### **3.28.9 Motorized Vehicle Racing**

No land shall be used for the racing of any motorized vehicle, unless otherwise permitted in the by-law.

#### **3.28.10 Vending From a Vehicle**

No lands, streets or lanes in the Township shall be used for the sale of food, goods or wares from the confines of a motor vehicle or trailer or cart unless the necessary permits have been issued by the Township and the Huron County Health Unit.

#### **3.28.11 Outdoor Solid Fuel Combustion Appliance**

Outdoor solid fuel combustion appliances shall not be permitted in the VR1, VC1, LR1, LR2, LR3 and NE1-1 zones

### **3.28.12 Travel Trailers on Vacant Residential Lots**

It is prohibited to use vacant lots in any zone except the RC2 zone for the parking or residential occupancy of travel trailers.

### **3.29 SETBACK FROM AN ACTIVE OR CLOSED WASTE DISPOSAL SITE, FOR RESIDENTIAL AND/ OR LIVESTOCK BUILDING USES**

No new building or structure, used for residential habitable space or livestock purposes shall be erected within 500 metres of the fill area of a Municipal landfill site or a closed landfill site until it has been determined by a qualified professional to the satisfaction of the Township and the Ministry of the Environment, that there will be no adverse off-site impacts. The assessment of impacts shall include the presence of methane/leachate and the potential for noise, odour, dust and litter complaints during operation. If there is a licensed disposal site located in an adjacent municipality, the same setback shall apply to the lands in Ashfield-Colborne-Wawanosh.

### **3.30 SETBACK FROM EXISTING WIND ENERGY FACILITIES**

No new buildings or structures shall be established except in accordance with the following provisions.

#### **3.30.1 Setbacks from Commercial Scale Turbines For Separately Titled Lots**

- a) No new dwelling, recreational residence, hotel, motel, nursing home, retirement home, hospital, campground, school or place of worship on a separately titled lot shall be established within 450 metres of a commercial scale wind energy facility or within the distance established in the Ministry of Environment's Certificate of Approval for Noise.
- b) No new building or structure on a separately titled lot shall be established within 1 times the height of an existing commercial scale wind energy facility including the height of any rotor blades.

#### **3.30.2 Setbacks From Commercial Scale Turbines on the Same Lot**

No new building or structure on the same lot shall be established within the distance of 1 times the height of a commercial scale wind energy facility including the height of any rotor blades.

#### **3.30.3 Setbacks From Small Scale Wind Turbines for Separately Titled Lots**

No new dwelling, recreational residence, hotel, motel, nursing home, retirement home, hospital, campground, school, or place of worship on a separately titled lot shall be established closer to a small-scale wind energy facility than 3 times the height, including the blades, of the small scale wind energy facility.

### **3.31 SETBACKS OF BUILDINGS AND STRUCTURES ALONG MUNICIPAL DRAINS, SINKHOLES AND NATURAL WATERCOURSES**

#### **3.31.1**

No building or structure shall be erected closer than 7.5 metres from the centerline of a closed municipal drain or from the top-of-bank of a natural watercourse or open municipal drain having a top width of less than 4.5 metres from top-of-bank to top-of-bank;

**3.31.2**

No building or structure shall be erected closer than 15 metres from the top-of-bank of a natural watercourse or open municipal drain having a width of between 4.5 metres and 7.5 metres from top-of-bank to top-of-bank;

**3.31.3**

No building or structure shall be erected closer than 15 metres from the top-of-bank of: a sinkhole, a natural watercourse, open watercourse or open municipal drain which is more than 7.5 metres in width from top-of-bank to top-of-bank;

**3.31.4**

Development on vacant Lakeshore Residential (LR1 and LR2) lots within the 100-year erosion hazard area along the shore of Lake Huron will be controlled with a holding zone (-h). The holding symbol may be lifted when necessary studies are completed and approved in accordance with the requirements of this regulated area under the jurisdiction of the Conservation Authority.

**3.31.5**

Notwithstanding the provisions of Section 3.31.1. to the contrary, in a VR1, VC1, VM1 or CF zone the minimum setback from a closed municipal drain is 3 metres;

**3.31.6**

Section 3.31 shall not apply to prohibit, in a Natural Environment Zone (NE1), the structures permitted in such zone.

**3.31.7**

The top of bank setback from Lake Huron for all new development and reconstruction of existing development shall be established as the 100-year erosion hazard.

**3.31.8**

For existing lots located below the top-of-bank, the minimum top-of-bank setback does not apply to buildings or structures permitted by this By-Law to be constructed below the top-of-bank.

**3.31.9**

Notwithstanding the provisions of Section 3.31 to the contrary, a detached accessory building may be erected closer to the top-of-bank than the required setback, provided that such accessory building is no closer to the top-of-bank than the main building and provided that the accessory building complies with all other applicable requirements of this by-law.

**3.31.10**

Accessory structures may be permitted below top-of-bank in accordance with Section 3.4.7.

**3.32 SIGHT TRIANGLES**

**3.32.1**

On a corner lot within the triangular space formed by the street lines and a line drawn from a point in one street line to a point in the other street line, each such point being 7.5 metres measured along the street line from the point of intersection of the street lines, no building, structure, or planting, in excess of 0.75 metres in height which would obstruct the vision of drivers of motor vehicles shall be erected. Such triangular space may hereinafter be called a "sight triangle".

### **3.32.2**

Where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines.

### **3.32.3**

In addition, where a street line and a railway line intersect, the resulting "sight triangle" shall be, from their point of intersection:

- 7.5 metres in settlement areas
- 30 metres in rural areas
- This provision does not apply to field crops

## **3.33 STATUS ZONING**

Where in this By-law a zone provides for the status zoning of existing lots, the yards and building dimensions established by the structure or site plan agreement shall be deemed to be the required yards and building dimensions for the lot in that status zone.

## **3.34 TEMPORARY BUILDINGS AND USES FOR CONSTRUCTION SITES**

In all zones, the use of land or a building for a construction office, tool shed, or for the storage of scaffolds, equipment and material which is incidental to and necessary for construction work in progress is permitted for so long as the same are necessary for construction which has neither been finished nor abandoned.

## **3.35 TRUCK OR COACH BODIES OR STORAGE CONTAINERS**

### **3.35.1**

No truck, bus, coach, streetcar body, railway car, caboose, storage container, or similar structure(s) shall be used for temporary or permanent human habitation within the Township, whether or not the same is mounted on wheels.

### **3.35.2**

Truck bodies, storage containers and similar structures may be used only for storage in an AG1, AG3, AG4, ER1, ER2 or C4 Zone.

### **3.35.3**

Truck bodies, storage containers and similar structures may only be used for temporary storage in a VM1 (Industrial Zone) accessory to a permitted use.

## **3.36 USE OF EXISTING BUILDING DURING CONSTRUCTION**

In all residential and commercial zones, the continued use of an existing building on a site during the construction of a building intended to replace such building provided that:

- a) In no case may such existing building remain undemolished on the site for longer than 60 days after the building intended to replace such existing building is ready in whole or in part for occupancy, or 1 year after the date of issue of the building permit for the building intended to replace such existing building, whichever comes first
- b) Safety and emergency access are provided and maintained to the satisfaction of the Chief Building Official and Fire Chief
- c) The minimum parking requirements for use of the existing building continue on

the site until the existing building is vacated.

### **3.37 UTILITY SERVICES FOR THE PUBLIC**

#### **3.37.1**

The provisions of this By-law shall not apply to prevent the use of any land as a street or to prevent the installation of public services and utilities such as water mains, storm and sanitary sewers, gas distribution mains, railway lines, electrical sub-stations and transmission lines of 230 kv or less, pumping stations, flood and erosion control works, telephone and cable lines, wind energy testing facilities and accessory utility service buildings and structures provided that:

- a) the approval of the Township has been obtained;
- b) approval has been given under The Environmental Assessment Act, R.S.O. 1980, as amended from time to time, as required;
- c) utility service buildings will require a rezoning to a Community Facility (CF) or communication & Utilities (U) Zone, whichever is most restrictive;
- d) any building or structure shall be designed and maintained in general harmony with buildings of the type permitted in the Zone;
- e) any excessive noise or fumes resulting from such utility service shall be mitigated to reduce compliance issues with abutting residences;
- f) electric power facilities which are subject to the provisions of The Environmental Assessment Act, as amended from time to time, are permitted uses in all zones, and are not affected by the provisions of this By-law. Electric power facilities which are not approved under the Environmental Assessment Act are permitted uses in all zones and are subject to the provisions of Subsection 3.37.1 (Utility Services for the Public).
- g) Wind energy testing facilities are required to be set back from any lot line a minimum of one times the height of the structure.

### **3.38 SMALL SCALE WIND ENERGY FACILITIES**

#### **3.38.1 Small Scale Wind Energy Facility Siting Provisions**

Small scale wind energy facilities with a maximum collective name plate capacity of 50kW are permitted as an accessory use in VR1, VC1, VM1, CF, LR1, LR2, AG1, AG3 and AG4 zones and special NE1 zones where a residence is a permitted use, subject to the following provisions

- a) Small scale wind energy facilities shall not be permitted in the front yard.
- b) Small scale wind energy facilities shall not be permitted to be mounted to the façade of a building or structure.
- c) Small scale wind energy facilities shall be setback a minimum of 1.2 times the height of the structure, including the height of any rotor blades, from any lot line.
- d) Small scale wind energy facilities shall be sited in such a way to ensure that the turbine is a minimum of 3 times the height of the structure, including the blades, from a point of reception on a separately titled lot.
- e) For the purposes of Section 3.38.1 c) and 3.38.1 d), for determining setbacks, height shall be measured from the highest point of the turbine, including the blades, to the ground, or if the turbine is mounted on top of another structure (i.e. roof of a dwelling), height is measured from the highest point of the turbine, including the blades, to the point where the turbine is attached to the structure.



- f) Where a small-scale wind energy facility is required to obtain a Ministry of Environment Certificate of Approval for Noise and the required separation distance, between a wind energy facility and a point of reception, established by a Certificate of Approval for Noise is greater than the setback established in the by-law, the wind energy facility must be sited in accordance with the Ministry of Environment Certificate of Approval.
- g) The provisions of this by-law shall not apply to wind energy facilities that are subject to a Renewable Energy Approval from the Ministry of the Environment.

### **3.38.2 Height Limitation**

- a) Small scale wind energy facilities shall be subject to the height requirements of the zone in which it is situated.
- b) Notwithstanding Section 3.38.2 a) to the contrary the height limitation provisions of zones in Agricultural areas shall not apply to small scale wind energy facilities permitted in those zones.

### **3.38.3 Signage on Wind Energy Facilities**

No signage is permitted on small scale wind energy facilities in settlement areas.

## **3.39 WATER EXTRACTION AND COMMERCIAL WATER TAKING**

Commercial water-taking operations are prohibited except where approved through an amendment to this zoning by-law.

## **3.40 SURPLUS FARM RESIDENCE SEVERANCE**

Where the County of Huron or its delegate has approved the severance of a surplus farm residence property the appropriate Zone Map in this by-law shall be amended to change the AG1 Zone to AG1-37 for the retained farm parcel and AG4-19 for the severed residential parcel, as applicable. These administrative amendments are permitted from time to time without further public notice or Council approval.  
(By-law 66-2014)

## **3.41 HOME INDUSTRY**

Where permitted by this by-law a home industry will be subject to the following provisions:

- a) No external advertising other than a sign erected in accordance with any By-laws of the corporation regulating signs
- b) No outside storage of goods, materials or equipment unless fully enclosed by a fence or other enclosure which provides visual screening
- c) Such home industry is not noxious trade, business or manufacture
- d) Such home industry is clearly secondary to the main residential or agricultural use and does not change the residential character of the dwelling
- e) Not more than 2 persons, other than the owner, are employed therein on a full-time basis
- f) The lot shall be an existing lot with not less than 24 metres of frontage and 60 metres of depth and a total area of not less than 1,850 square metres; and
- g) The maximum size of an accessory home industry (including building and outdoor storage) shall be a maximum of 10% of the lot area or .8 hectares, whichever is less; except in an AG4 zone the maximum size shall be 50% of the total floor area of the dwelling
- h) A retail store is not permitted. Minor low-volume sales of items accessory to the

home industry may be permitted. Items manufactured as a home industry may be sold from the premises

- i) Conducted in whole in an accessory building to a single detached dwelling
- j) The home industry must be conducted by the residents of the subject property

### **3.42 HOME OCCUPATION**

- a) No person other than a member of the family is engaged in canvassing, delivering or as a go-between in distributing merchandise to customers
- b) Such home occupation is clearly secondary to and compatible with the principal use of the dwelling for residential purposes and is wholly conducted within the dwelling
- c) No external alteration of the dwelling shall be permitted other than what is required by a dwelling unit as a private residence
- d) There shall be no external display of goods, materials, wares or merchandise, or exterior advertising other than a legal sign to indicate to persons outside that the dwelling, accessory building or lot is being used for other than residential purposes
- e) Such home occupation shall not create a significant nuisance or hazard to neighbours by reason of noise emission, vibration, smoke, dust, fumes, odour, heat, humidity, glare, debris, refuse, smoke, fire, lighting interference with radio or television reception, or hours of operation
- f) Such home occupation shall not result in volumes of vehicular traffic or on-street parking which cause the disruption of normal activities of adjacent residential properties
- g) No outdoor storage of materials or goods in support of such home occupation shall be permitted
- h) The home occupation cannot be more than 25% of the total floor area of the dwelling
- i) An animal kennel shall not be deemed to be a home occupation
- j) Such home occupation shall meet all of the requirements of this By-law including the parking provisions of Section 3.26.
- k) There shall be no retailing of items not created on the site. Retailing of items crafted, grown or fabricated on the site shall be allowed provided that the operation complies with all other requirements; and
- l) For greater clarity, such use shall mean:
  - an office or consulting room for a professional person or agent
  - an office and shop for a trade such as a builder, painter, plumber or electrician
  - an office for a charitable organization
  - a personal service shop such as a hairdresser, dressmaker or tailor
  - a service and repair shop
  - a studio for a teacher of music, art or academic subjects, a photographer, or commercial artists
  - a private market garden sales shop
  - day nursery
  - and any other use of a similar nature which conforms to the criteria above; but does not include or permit a convalescent home, clinic, retail shop, or any storage yard or plant for any trade

### **3.43 WELLHEAD PROTECTION AREAS**

#### **3.43.1 Source Water Protection**

The following special provisions apply as required by the Maitland Valley Source Protection Plan:

- Lands located within a wellhead protection area with a vulnerability score of 10 that are serviced by an on-site sewage system shall have a minimum lot size as set out by the most current version of the Ministry of Environment, Conservation and Parks (MECP) Guidelines for Individual Onsite Sewage Systems

#### **3.43.2**

In Wellhead Protection Areas A to C where the vulnerability score is 8 or greater, the following is prohibited:

- a) The disposal of industrial and commercial waste by means of a well; and
- b) The establishment of a municipal waste disposal site greater than 10 hectares and with the potential of discharging vinyl chloride.

### **3.44 CANNABIS PRODUCTION FACILITY**

Notwithstanding any other provision of this By-law, any Cannabis Production Facility shall be subject to the following provisions:

- a) Lands, buildings, or structures or portion(s) thereof used for Cannabis Production Facility purposes shall not be located any closer than 500 metres to a Residential Zone, Community Facility Zone, Recreational Zone, Future Development Zone, park or similar recreational use, dwelling, public school, private school, place of worship, or a day care.
- b) Accessory buildings or structures used for security purposes for Cannabis Production Facilities may be located in any yard. The minimum setback for an accessory building used for security purposes from a front, side, or rear lot line shall be 1 metre, but it shall not be located in the sight triangle.
- c) Outdoor storage is prohibited on the property in which a Cannabis Production Facility is located.
- d) A Cannabis Production Facility shall only be permitted within the zones as explicitly indicated in this Zoning By-law.
- e) Setback requirements do not apply to dwellings located on the same parcel as a Cannabis Production Facility.
- f) All development in relation to the establishment of or the expansion to a Cannabis Production Facility shall be subject to Site Plan Control. (As amended by By-law 17-2020)

## **SECTION 4 GENERAL AGRICULTURE ZONE (AG 1)**

Within this ZONE, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### **4.1 PERMITTED USES**

- Agricultural use, general
- Conservation
- Exploration, drilling for and production of oil and natural gas
- Forestry uses, not including a sawmill
- Wayside pit by public road authority
- Cannabis production facility subject to the provisions of Section 4 and 3.44 (As amended by By-law 17-2020)
- Uses accessory to the permitted uses

### **4.2 ACCESSORY USES**

- One detached residential dwelling, accessory to an agricultural use, or
- One converted dwelling, accessory to an agricultural use, or
- One Enlarged Dwelling, and
- One temporary dwelling for farm labour, a retiring farmer or an elderly person
- Bed and breakfast establishment, in an existing residence
- Commercial greenhouse
- Farm Brewery/Distillery/Winery
- Farm produce sales outlet
- Home industry
- Home occupation
- Wind energy facility, small-scale

### **4.3 PERMITTED STRUCTURES**

- Buildings and structures for the permitted uses
- One detached residential dwelling, and/or one temporary dwelling for farm labour, a retiring farmer or an elderly person
- Other buildings and structures, not including residences, accessory to the permitted uses

#### **4.3.1**

A second permanent dwelling will not be permitted. More than one main agricultural building per lot is allowed.

### **4.4 ZONE REGULATIONS**

#### **4.4.1 LOT AREA (minimum)**

38 hectares and areas of the lot zoned "Natural Environment" may be included in the calculation of the lot area

#### **4.4.2 LOT FRONTAGE (minimum)**

150 metres

#### **4.4.3 YARD REQUIREMENTS (minimum)**

##### **4.4.3.1**

For livestock facilities and manure or material storage, setbacks will be in accordance with the following provisions or MDS requirements (whichever is greater):

FRONT YARD DEPTH: 60 metres

REAR YARD DEPTH: 30 metres

INTERIOR SIDE YARD DEPTH: 30 metres

EXTERIOR SIDE YARD DEPTH: 60 metres

##### **4.4.3.2**

Other permitted buildings and structures, and accessory structures:

FRONT YARD DEPTH: 17 metres from a municipal road or 25 metres from a County or Provincial Highway

REAR YARD DEPTH: 7.5 metres

INTERIOR SIDE YARD DEPTH: 7.5 metres

EXTERIOR SIDE YARD DEPTH: 17 metres from a municipal road or 25 metres from a County or Provincial Highway

#### **4.5 SEPARATION DISTANCE (AGRICULTURAL)**

Notwithstanding any yard and setback requirement of this by-law to the contrary, no livestock facility shall be established or enlarged unless it complies with the Minimum Distance Separation (MDS) Formulae.

Notwithstanding any other provision of this by-law to the contrary, for the purposes of calculating MDS II for a first or expanding livestock facility, closed or inactive cemeteries located within a Community Facility Zone (CF Zone) shall be treated as a Type A land use.

#### **4.6 SEPARATION DISTANCE (RESIDENTIAL)**

Notwithstanding any other provision of this by-law to the contrary, no residential, institutional, commercial, industrial or recreational building or structure, located on a separate lot shall be established unless it complies with the Minimum Distance Separation (MDS) Formulae.

#### **4.7 NUTRIENT MANAGEMENT PLAN AND MANURE STORAGE REQUIREMENTS**

If required by provincial legislation, no livestock operation or manure or material storage shall be established or enlarged until a nutrient management strategy and, or plan is approved and all the manure storage requirements are complied with as required by Provincial Legislation/ Regulation.

#### **4.8 EXISTING AGRICULTURAL HOLDINGS**

Notwithstanding the provisions of Section 4.4.1 and 4.4.2 where an existing lot has a lesser lot area and/or frontage than required under this By-law and is developed for an agricultural use, with or without existing farm buildings and accessory structures, additional farm buildings and structures may be erected, or existing farm structures may be altered providing all other requirements of this By-law are complied with. The farm holding will be deemed to conform with the By-law with respect to the minimum lot area and minimum lot frontage provisions.

## **4.9 NEW AGRICULTURAL HOLDINGS**

Where a new agricultural lot is created by severance and conforms with the Official Plan and has a minimum lot area between 18 and 38 hectares, the said lot is deemed to comply with the minimum lot area provisions of the By-law (Section 4.4.1). This provision pertains to both the severed and retained lot area.

## **4.10 TREE PROTECTION**

Clearing of areas will be prohibited. Selective cutting will be permitted in accordance with Huron County Tree Cutting By-law No. 38-2013.

## **4.11 SPECIAL ZONES**

### **4.11.1 AG1-1**

Notwithstanding any provision of this by-law to the contrary, the area zoned as AG1-1 shall not permit a residential building to be erected. All other applicable provisions of this by-law, as amended, shall apply. *(By-law 85-2001)*.

### **4.11.2 AG1-2**

Notwithstanding any provision of this by-law to the contrary, the area zoned as AG1-2 may also be used for a private park, the keeping of exotic animals and birds, and one residence. A minimum lot area of 3 hectares is permitted. All other applicable provisions shall apply. *(By-law 18-1996)*

### **4.11.3 AG1-3**

Notwithstanding the provisions of Section 4 to the contrary, the area zoned AG1-3 may be used for one single family residence, subject to the separation distance provisions of Section 6.6 (AG4). All other applicable provisions shall apply. *(By-law 14-1989)*.

### **4.11.4 AG1-4**

Notwithstanding the provisions of Section 4.1 to the contrary, the area zoned AG1-4 may be used to operate a Farmer's Market and/or a Flea Market and may also include the sale of agricultural implements, agricultural manufactured goods and second-hand items. Buildings accessory to the permitted uses are permitted. Operations are only permitted during the daylight hours (sunrise to sunset). All other applicable provisions shall apply.

### **4.11.5 AG1-5**

Notwithstanding the provisions of Section 4.1 to the contrary, the area zoned AG1-5 may be used for a recreational residence subject to the provisions of Section 6 (AG4).

### **4.11.6 AG1-6**

Notwithstanding Sections 4.1, 4.3, 4.4 and 4.2.4 to the contrary, the area zoned AG1-6 shall have a minimum lot area of 10 hectares, and may be used for one single detached dwelling and accessory buildings and structures. All other applicable provisions of this By-law, as amended, shall apply.

### **4.11.7 AG1-7**

Notwithstanding any provision of this by-law to the contrary, the area zoned AG1-7 shall have a minimum lot area of 22 hectares. The lot shall not be accessed from

Provincial Highway 21. All other provisions of this by-law, as amended, shall apply. *(By-law 10-2000)*

**4.11.8 AG1-8**

Notwithstanding the provisions of Section 4.1 to the contrary, the area zoned AG1-8 may be used for an antique retail facility.

**4.11.9 AG1-9**

Notwithstanding the provisions of Section 4.1 to the contrary, the area zoned AG1-9 may be used for a retail store and residential dwelling unit(s). *(By-law 20-1997)*

**4.11.10 AG1-10**

Notwithstanding the provisions of Section 4.1 to the contrary, the area zoned AG1-10 may be used for a drive-in restaurant subject to the zone regulations of the Agricultural-Commercial-Industrial zone (AG3, Section 5.3).

**4.11.11 AG1-11**

Notwithstanding the provisions of Section 4.1 to the contrary, the area zoned AG1-11 may be used for a service station, restaurant, and an accessory residence subject to the zone regulations of the Agricultural-Commercial-Industrial zone (Section 5.3). *(By-law 21-1983, 28-2002)*

**4.11.12 AG1-12**

Notwithstanding any provisions of this by-law to the contrary, the area zoned AG1-12 may be used for a contractor's yard and shop and accessory uses. The provisions of Section 5.3 (AG3 zone regulations) shall apply. All other applicable provisions shall apply. *(By-law 18-1984)*

**4.11.13 AG1-13**

Notwithstanding Section 4.3 to the contrary, the area zoned AG1-13 permits one single detached dwelling or converted dwelling unit accessory to an agricultural use and two mobile homes accessory to an agricultural use. *(By-law 40-2005)*

**4.11.14 AG1-14**

**4.11.14.1**

Notwithstanding any provisions of Section 3.22 and 3.24 to the contrary, in the area zoned AG1-14, the existing second single detached dwelling shall not exceed 150 square metres in total floor area. All other applicable provisions of this By-law, as amended, shall apply.

**4.11.14.2**

For the purpose of this by-law the second single detached dwelling is defined as the single detached building existing on the property that was constructed in or around 1934 and located north east of the other structures on Lot 9, Concession 7, Eastern Division in the Colborne Ward.

**4.11.15 AG1-15**

Notwithstanding the provisions for this by-law to the contrary, the lands zoned AG1-15 shall only be used for a residence, livestock assembly yard and transport terminal and service area, subject to the provisions of Section 5.3 (AG3 zone regulations). All other applicable provisions shall apply. *(By-law 24-1998)*

**4.11.16 AG1-16**

Notwithstanding the provisions of Section 4.1 to the contrary, the area zoned AG1-16 may be used for an existing service shop for the repair of motor vehicles and farm equipment, machine shop, welding, woodworking, and indoor storage.

**4.11.16.1 Outside storage:**

There shall be no outside storage of goods or materials ancillary to a service shop.

**4.11.16.2 Hours of Operation:**

The subject auto body repair shop shall only operate between the hours of 7:00 a.m. to 8:00 p.m. on Monday to Saturday, inclusive. *(By-law 20-1986)*

**4.11.17 AG1-17**

Notwithstanding the provisions of Section 4.1 to the contrary, the area zoned AG1-17 may be used for a commercial use consisting of an existing hotel, riding stable and cross-country ski club.

**4.11.18 AG1-18**

Notwithstanding Section 4.3 to the contrary, the area zoned AG1-18 permits one single detached dwelling, which may be converted or enlarged to accommodate not more than two dwelling units. For the purposes of this by-law enlarged shall mean increased in size by means of an addition to the existing structure.

**4.11.19 AG1-19**

Notwithstanding the provisions of Section 4 to the contrary, on lands zoned AG1-19 an existing building with dimensions of 9.1 metres (30ft) by 25.6 metres (84ft) may not be used for animal housing. The existing building has historically been used for animal housing but recently has been used for storage. This building shall not be re-converted for animal housing purposes. All other applicable provisions of this by-law continue to apply. *(By-law 05-1998)*

**4.11.20 AG1-20**

Notwithstanding and in addition to the provisions of Sections 4.1 and 4.2 to the contrary, the area zoned AG1-20 recognizes and permits one single detached dwelling. *(OMB NO. R 9200250)*

**4.11.21 AG1-21**

Notwithstanding any provision of this by-law to the contrary, the area zoned AG1-21 may also be used for a sawmill operation, including one main building with a maximum floor area of 790 square metres, a lumber storage building with a maximum floor area of 465 square metres, accessory sheds, and accessory uses related to the sawmill use, including a planning mill and office building. All buildings and structures are subject to the provisions of Sections 4.4 and 4.6. All other provisions of this by-law, as amended, shall apply. *(By-law 29-2002)*

**4.11.22 AG1-22**

**4.11.22.1**

Notwithstanding the provisions of Section 4.1 to the contrary, the area zoned AG1-22 may be used for a truck sales and service establishment subject to Section 5.3 (AG3 zone regulations). All other applicable provisions of this by-law, as amended, shall apply.



**4.11.22.2**

Notwithstanding any provision of this by-law to the contrary, in the area zoned AG1-22 a warehouse/ storage building is permitted to be constructed with a minimum rear yard setback of 3 metres and a minimum side yard setback of 3 metres. *(By-law 17 2005, MVA1-07)*

**4.11.23 AG1-23**

Notwithstanding and in addition to the provisions of Section 4.1 and 4.2 to the contrary, the area zoned AG1-23 permits a converted dwelling and an auto body repair shop.

**4.11.24 AG1-24**

Notwithstanding the provisions of Section 4.4.1 to the contrary, the area zoned AG1-24 shall have a minimum lot area of 20 hectares. In addition to the provisions of Section 4.5, the area zoned AG1-12 shall be limited to a maximum of 175 nutrient units. All other applicable provisions shall apply. *(By-law 7-1996)*

**4.11.25 AG1-25**

Notwithstanding the provisions of Section 4 to the contrary, the area zoned AG1-25 shall have a minimum lot area of 10 hectares, and may be used for one single detached dwelling and accessory buildings and structures. All other applicable provisions of this By-law, as amended, shall apply.

**4.11.26 AG1-26**

Notwithstanding the provisions of Section 4.1 to the contrary, the area zoned AG1-26 may be used for an existing motel.

**4.11.27 AG1-27**

Notwithstanding the provisions of Section 4.4.1 to the contrary, the minimum lot area of the area zoned AG1-27 shall be 20 hectares. All other applicable provisions of this by-law, as amended, shall apply.

**4.11.28 AG1-28**

Notwithstanding the provisions of Section 4.4.1 to the contrary, lots in the area zoned AG1-28 shall have a minimum lot area of 20 hectares and areas of the lots zoned "Natural Environment" may be used in the calculation of lot area. Notwithstanding Section 4.3 to the contrary, each lot in the area zoned AG1-28 is permitted a residence and accessory buildings. All other uses permitted in Section 4 (AG1) are permitted.

**4.11.29 AG1-29**

Notwithstanding the provisions of Section 3.21 *(Lots to front on a public road)* to the contrary, the area zoned AG1-29 permits a residence and other buildings accessory to agriculture to be constructed with access to the lot provided by a right of way. The lot frontage and area of this lot is deemed to comply with zoning by-law 32-2008. All other provisions of by-law 32-2008 continue to apply. *(By-law 40-2008)*

**4.11.30 AG1-30**

Notwithstanding the provisions of Sections 4.1, 4.2, 4.3 and 4.4 to the contrary, the area zoned AG1-30 permits a single detached residence and accessory buildings including a guest cabin. The lot frontage and area of this lot is deemed to comply with zoning by-law 32-2008. All other provisions of by-law 32-2008 continue to apply. *(By-law 53-2008)*

**4.11.31 AG1-31**

Notwithstanding the provisions of Section 4.1, 4.2, 4.3, 4.4 and 7.7 to the contrary, the area zoned AG1-31 permits a barn accessory to a residential use on the same property in the VR1 zone subject to the provisions of Section 6 (AG4), except that the AG1-31 zone permits an accessory barn with a maximum of 2 nutrient units and a minimum setback of 60 metres from a residence on a separate lot and a minimum setback of 60 metres from a vacant lot zoned Village Residential (VR1 or VR1-Special Zones). A residence is not permitted in the AG1-31 zone. All other provisions of by-law 32-2008 continue to apply. *(By-law 03-2009)*

**4.11.32 AG1-32**

Notwithstanding the provisions of Section 4 to the contrary, on the lands zoned AG1-32 an Amish Parochial School with a maximum floor area of 100 square metres is also a permitted use subject to the setback requirements of the AG1 (General Agriculture) zone. For the purposes of calculating Minimum Distance Separation requirements, the school shall be treated as a Type A land use and the distance will be measured from building. The minimum Distance Separation from barns on neighbouring properties will be 125 metres. The Minimum Distance Separation from the school to the existing barn on the subject property shall be a minimum of 20 metres. *(By-law 36-2009)*

**4.11.33 AG1-33**

Notwithstanding the provisions of Section 2 to the contrary, in the area zoned AG1-33 an enlarged dwelling shall be permitted with the enlarged portion of the building being closer to the street than the existing dwelling. The maximum length of the connection between the two buildings is permitted to be 6 metres. *(By-law 40-2011)*

**4.11.34 AG1-34**

Notwithstanding the provisions of Sections 4.4.3. to the contrary, in the area zoned AG1-34 a detached dwelling accessory to an agricultural use is permitted with a front yard setback of 10 metres and a small livestock barn is permitted with a front yard setback of 15 metres. All other applicable provisions apply. *(By-law 26-2013)*

**4.11.35 AG1-35**

Notwithstanding Section 4.2 to the contrary, in the area zoned AG1-35 the construction of a new dwelling is prohibited. All other provisions of this by-law shall apply. *(By-law 32-2014)*

**4.11.36 AG1-36**

In the area zoned AG1-36 a livestock barn and a residence accessory to agriculture are permitted. Notwithstanding Section 4.4 to the contrary, in the area zoned AG1-36 the minimum lot frontage shall be 80 m, the minimum lot area shall be 1 hectare, the interior side yard setback for a new livestock building and a new residence shall be 10 metres, the front yard setback for the residence shall be 10 metres and the front yard setback for the livestock barn shall be 20 metres. The permitted livestock facility may only be used for aquaculture, also known as fish farming. The minimum lot area of the lands zoned AG1-36 shall be 2.5 hectares and include lands zoned CF-3. All other applicable provisions of this zoning by-law shall continue to apply. *(By-law 57-2014)*

**4.11.37 AG1-37 RETAINED PARCEL FROM A SURPLUS FARM RESIDENCE  
SEVERANCE**

Notwithstanding any provisions to the contrary, in the area zoned AG1-37 a residence is not permitted and all legally established existing buildings are deemed to comply. *(By-law 66-2014)*

**4.11.38 AG1-38**

Notwithstanding the provisions of Sections 4.4 and 4.5 to the contrary, in the area zoned AG1-38 the existing lot area of 2 hectares, the existing lot frontage of 110 metres and all setbacks of existing buildings are deemed to comply with the lot area, frontage, minimum yard and minimum distance separation requirements of this by-law. In the AG1-38 zone the number of livestock in the two existing barns is limited to 65 nutrient units. All other provisions of this by-law will apply. *(By-law 10-2015)*

**4.11.39 AG1-39**

Notwithstanding the provisions of Sections 4.1 and 4.2 to the contrary, in the area zoned AG1-39 an Amish Parochial School is permitted. The school shall be treated as a Type A land use for the purposes of Minimum Distance Separation from nearby barns on separate properties. No Minimum Distance Separation is required from the livestock barns on the same property. All other provisions of this by-law will apply. *(By-law 46-2015)*

**4.11.40 AG1-40**

Notwithstanding the provisions of Sections 4.4 to the contrary, in the area zoned AG1-40 permits one livestock barn to be built with a front yard setback of 48 metres. All other provisions of this by-law will apply. *(By-law 08-2018)*

**4.11.41 AG1-41**

Notwithstanding the provisions of Sections 4.1, 4.2 and 4.3 to the contrary, on the West Part of Lot 17, Concession 5, (Wawanosh) any buildings and accessory structures will be located in the area zoned AG1-41. All other applicable provisions shall apply. *(By-law 40-2018)*

## **SECTION 5 AGRICULTURAL COMMERCIAL / INDUSTRIAL ZONE (AG 3)**

Within this ZONE, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### **5.1 PERMITTED USES**

- Agricultural industrial establishment
- Agricultural processing establishment
- Agricultural service establishment
- Agricultural supply establishment
- A licensed medical marihuana facility
- Bulk sales establishment
- Agriculture related transport terminal or yard
- Rural brewery/distillery/winery
- Cannabis production facility subject to the provisions of Section 5 and 3.44 (As amended by By-law 17-2020)
- Uses accessory to the permitted uses

### **5.2 ACCESSORY USES**

- Accessory residence

### **5.3 PERMITTED STRUCTURES**

- A single detached dwelling, mobile home or a dwelling as part of the non-residential structure
- Buildings and structures for the permitted uses
- Other buildings & structures, not including residences, accessory to the permitted uses.

### **5.4 ZONE REGULATIONS**

LOT AREA (minimum): 4,000 square metres

LOT AREA (maximum): 4 hectares

FRONTAGE (minimum): 30 metres

FRONT YARD DEPTH (minimum): 20 metres from a municipal road or 25 metres from a County or Provincial Highway

INTERIOR SIDE YARD DEPTH (minimum): 15 meters or 1/2 of the building height, whichever is greater

EXTERIOR SIDE YARD DEPTH (minimum): 20 metres from a municipal road or 25 metres from a County or Provincial Highway

REAR YARD DEPTH: 7.5 metres

LOT COVERAGE (maximum): 30 %

LIGHTING AND ILLUMINATING SIGNS shall be arranged so as to deflect light away from adjacent properties

## **5.5 REGULATIONS FOR ACCESSORY RESIDENTIAL USES**

Minimum floor area per dwelling unit shall be in accordance with the following:

- fully detached residence: 84 square metres
- a residence as part of the non-residential building or structure: 70 square metres
- mobile home: 50 square metres

## **5.6 Separation Distance (Residential)**

Notwithstanding any other provision of this by-law to the contrary, no residential, institutional, commercial, industrial or recreational building or structure, located on a separate lot shall be established unless it complies with the Minimum Distance Separation (MDS) Formulae.

## **5.7 BUFFER STRIP**

Notwithstanding the General Provisions 'Planting Strip' Section, a buffer strip of landscaped open space, 5 metres wide, shall be provided between storage and/or display area and side and/or rear lot lines. Where an AG3 zone abuts an AG1 zone, the required buffer strip need not be landscaped.

## **5.8 LOADING SPACES**

All loading spaces must be provided within the lot and no loading may take place on a public right-of-way.

## **5.9 PARKING**

All parking and storage of vehicles will be contained on the lot and no parking is permitted on a public right-of-way.

## **5.10 SPECIAL ZONES**

### **5.10.1 AG3-1**

Notwithstanding the provisions of Section 5.2 to the contrary, in the AG3-1 zone an accessory residence is prohibited. A sawmill is permitted in the AG3-1 zone as an agricultural processing establishment as provided in Section 5.1. All other applicable provisions of this by-law, as amended, shall apply. *(By-law 04-2012)*

### **5.10.2 AG3-2**

Notwithstanding Section 5.4 to the contrary, the area zoned AG3-2 shall have a maximum lot area of 8.5 hectares. All other provisions of this by-law shall apply. *(By-law 04-2014)*

### **5.10.3 AG3-3**

Notwithstanding any provisions to the contrary, no side yard or rear yard setback shall be required for any building or structure from an interior side lot line or a rear lot line where the abutting property is zoned AG3. All other provisions of this by-law shall apply. *(As amended by By-law 58-2020)*

## **5.11 HOLDING ZONE**

### **5.11.1 AG3-h**

In the area zoned AG3-h on Part of the North Part of Lot 12, Concession 13 Ashfield Ward no development is permitted until By-Law 32-2008 is amended to remove the holding

zone. Prior to the holding zone being removed the Township shall pass a site plan control by-law for the subject property to address compatibility and site design issues. All other applicable provisions of this by-law, as amended, shall apply. *(By-law 63-2013)*

## **SECTION 6 AGRICULTURAL SMALL HOLDING ZONE (AG 4)**

Within this ZONE, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### **6.1 PERMITTED USES**

- One residential dwelling
- Uses accessory to the permitted uses

### **6.2 ACCESSORY USES**

- Home industry
- Home occupation
- Agricultural use, limited
- Accessory livestock use
- Bed and breakfast establishment
- Farm produce sales outlet

### **6.3 PERMITTED STRUCTURES**

- One detached dwelling
- Buildings and structures for the permitted uses
- Buildings and structures accessory to the permitted uses, in accordance with Section 3.4
- Existing barns or one new barn accessory to a residential use
- Dwelling, converted
- Other buildings and structures, not including residences, accessory to the permitted uses, in accordance with Section 3.4

### **6.4 ZONE REGULATIONS**

LOT AREA (minimum): 4,000 square metres

LOT AREA (maximum): 4 hectares

LOT FRONTAGE (minimum): 23 metres

FRONT YARD (minimum): 17 metres from a municipal road or 25 metres from a County or Provincial Highway

INTERIOR SIDE YARD (minimum): 5 metres

EXTERIOR SIDE YARD (minimum): 17 metres from a municipal road or 25 metres from a County or Provincial Highway

REAR YARD (minimum): 7.5 metres

LOT COVERAGE (maximum): 30 %

### **6.5 BUILDING REGULATIONS**

#### **6.5.1**

BUILDING HEIGHT (maximum): 12 metres

Existing Agricultural buildings: 30 metres

### **6.5.2**

DWELLING UNIT FLOOR AREA (minimum): 84 square metres

## **6.6 SEPARATION DISTANCE (RESIDENTIAL)**

Notwithstanding any other provision of this by-law to the contrary, no residential, institutional, commercial, industrial or recreational building or structure, located on a separate lot shall be established unless it complies with the Minimum Distance Separation (MDS) Formulae. The proposed residence shall be treated as a "Type A" land use.

## **6.7 SEPARATION DISTANCE (AGRICULTURAL)**

Notwithstanding any yard and setback requirement of this by-law to the contrary, no livestock facility shall be established or enlarged unless it complies with the Minimum Distance Separation (MDS) Formulae.

## **6.8 MDS FOR CLOSED OR INACTIVE CEMETERIES**

Notwithstanding any other provision of this by-law to the contrary, for the purposes of calculating MDS II for a first or expanding livestock facility, closed or inactive cemeteries located within a Community Facility Zone (CF Zone) shall be treated as a Type A land use.

## **6.9 NUTRIENT MANAGEMENT PLAN AND MANURE STORAGE REQUIREMENTS**

If required by provincial legislation, no livestock operation or manure or material storage shall be established or enlarged until a nutrient management strategy and, or plan is approved and all the manure storage requirements are complied with as required by Provincial Legislation/ Regulation.

## **6.10 SPECIAL PROVISIONS FOR EXISTING OR NEW BARNS**

### **6.10.1**

An accessory barn may be established or an existing barn may be used provided that such use is accessory to the residential use and is incidental and subordinate to supporting the residential use and subject to the following table:

<b>Lot area (hectares)</b>	<b>Maximum number of Nutrient units</b>	<b>Minimum separation distance from the barn to the nearest residential, commercial, institutional, community facility building or structure excluding uses on the same property</b>
.4	1	40 metres
.8	2	60 metres
1.2	3	80 metres
1.6 +	4	101 metres

### **6.10.2**

Any newly established structure to house animals must maintain the setbacks from an open municipal drain, sinkhole, municipal wells or natural watercourse as set out in the "setback of buildings from municipal drains or natural watercourses" section in the



general provisions of this By-law; must not be located in a front yard; and provided that all other provisions of this By-law are complied with.

## **6.11 SPECIAL ZONES**

### **6.11.1 AG4-1**

Notwithstanding the provisions of Section 6.6 hereof to the contrary, for the area zoned AG4-1, the separation distance required shall be the separation distance according to Section 6.6 multiplied by 1.5. All other applicable provisions shall apply. *(By-law 17-1986)*

### **6.11.2 AG4-2**

Notwithstanding the provisions of Sections 6.1 and 6.2 to the contrary, the area zoned AG4-2, may be used for one mobile home. All other applicable provisions shall apply. *(By-law 13-1988)*

### **6.11.3 AG4-3**

Notwithstanding Section 6 hereof to the contrary, the lands zoned AG4-3, may be used for a general commercial store and residential use. All other provisions of this by-law shall apply.

### **6.11.4 AG4-4**

Notwithstanding the provisions of Sections 6.1 and Sections 6.2 to the contrary, the area zoned AG4-4 may be used for one mobile home accessory to the existing non-conforming use (retirement/ seniors home) and in addition to the existing permitted residence. All other applicable provisions shall apply. *(By-law 40-1992)*

### **6.11.5 AG4-5**

Notwithstanding any provision of this by-law to the contrary, the area zoned AG4-5 may also be used for an accessory building containing a maximum of 7 nutrient units. All other applicable provisions of this by-law, as amended, shall apply. *(By-law 54-2001)*

### **6.11.6 AG4-6**

Notwithstanding the provisions of Section 6.1 to the contrary, the area zoned AG4-6 may be used for a general store, gasoline bar, take-out restaurant, propane sales and a miniature golf course facility.

Also, in the area zoned AG4-6 (Agricultural Small Holding) Zone, the following uses are also permitted: the sale of alcohol in the General Store; one portable food outlet establishment, at a minimum of 30 metres setback from the front lot line and 30 metres setback from a side lot line. *(As amended by By-law No. 45-2019)*

### **6.11.7 AG4-7**

Notwithstanding any provision of this by-law to the contrary, the area zoned AG4-7 may contain accessory buildings for the keeping of not more than 3 nutrient units. All other provisions of this by-law, as amended, shall apply. *(By-law 10-2000)*

### **6.11.8 AG4-8**

Notwithstanding the provisions of Section 3.4 and Section 3.41 to the contrary, the area zoned AG4-8 may be used for a detached accessory building for a home industry with a maximum height of 6.7 metres (22 feet) and a total floor area of 223 square metres (2,400 square feet). All other provisions shall apply. *(By-law 6-1990)*

**6.11.9 AG4-9**

Notwithstanding any provision of this by-law to the contrary, in the area zoned AG4-9, the maximum area used for a home industry will be 41% of the total floor area of the structures on the subject property. The AG4-9 zone will permit a maximum of 12 persons, other than the owner, to be employed on a full-time basis. The accessory buildings will have a combined total floor area of 552 square metres. All other provisions of this by-law, as amended, will apply. *(By-law 74-2003)*

**6.11.10 AG4-10**

Notwithstanding the provisions of Section 6.1 to the contrary, the area zoned AG4-10 may be used for a residence and service station.

**6.11.11 AG4-11**

Notwithstanding any provisions of this by-law to the contrary, in the area zoned AG4-11, the minimum setback for a residence from the AG1-15 zone shall be 30 metres.  
*(By-law 24-1998)*

**6.11.12 AG4-12**

Notwithstanding the provisions of Section 6 to the contrary, on lands zoned AG4-12 a greenhouse operation and accessory buildings and structures shall be permitted. The greenhouse operation shall be accessory to the residential use and shall be located on the same property. A farm produce sales outlet shall also be a permitted use. Notwithstanding the permitted structures and zone regulations, buildings and structures for the greenhouse operation shall be permitted to the rear of the front yard setback established by the residence and shall satisfy the requirements of Section 3.4 for Accessory Buildings. The provisions of Section 6.5 do not apply to a greenhouse operation on lands zoned AG4-12. The Home Industry Definition in Section 2 and the provisions of Section 3.41 of this by-law shall not apply to the greenhouse operation in the AG4-12 zone. All other applicable provisions of this by-law shall apply. *(By-law 3-1999)*

**6.11.13 AG4-13**

Notwithstanding any provisions of this by-law to the contrary, the area zoned AG4-13 may also be used for an accessory building containing a maximum of 8 nutrient units. All other applicable provisions of this by-law, as amended, shall apply. *(By-law 32-2003)*

**6.11.14 AG4-14**

Notwithstanding the provisions of Section 6.1 to the contrary, the area zoned AG4-14 may be used for an existing second-hand retail store.

**6.11.15 AG4-15**

Notwithstanding the provisions of Section 6 to the contrary, on lands zoned AG4-15 an existing storage building and communications tower are hereby recognized and permitted to continue in the absence of a main use. Both uses will be permitted to continue and the provisions of Section 3.4 shall apply. The setbacks, established by the location of the existing buildings, where deficient from the requirements of this by-law, shall be deemed to be the minimum requirements for those buildings or structures. All other applicable provisions of this by-law shall apply. *(By-law 16-1998)*

**6.11.16 AG4-16**

Notwithstanding the provisions of Section 6.4 to the contrary, the area zoned AG4-16 shall have a maximum lot area of 5 hectares. Notwithstanding the provisions of Section

6.6 to the contrary, a separation distance of 225 metres is required from the barn to the north. All other applicable provisions of this by-law shall apply. *(By-law 12-1997)*

**6.11.17 AG4-17**

Notwithstanding the provisions of Section 6.4 to the contrary, in the area zoned AG4-17 the maximum lot area within the AG4-17 zone shall be 6 hectares and all buildings and structures shall be set back a minimum of 30 metres from the Natural Environment Zone (NE5). All other applicable provisions shall apply. *(By-law 58-2009)*

**6.11.18 AG4-18**

Notwithstanding the provisions of Section 6.4 to the contrary, in the area zoned AG4-18 the maximum lot area within the AG4-18 zone shall be 5 hectares. All buildings and structures shall be set back a minimum of 30 metres from the Natural Environment Zones (NE5, NE1). Notwithstanding the provisions of Section 6.7 to the contrary, a maximum of 12 livestock units are permitted within the AG4-18 zone subject to the provisions of the Province of Ontario Minimum Distance Separation Guidelines. All other applicable provisions shall apply. *(By-law 12-2010)*

**6.11.19 AG4-19 SEVERED PARCEL FROM A SURPLUS FARM RESIDENCE  
SEVERANCE**

Notwithstanding any provisions to the contrary, in the area zoned AG4-19 both the property and any legally established existing buildings are deemed to comply with the AG4 zone provisions and the minimum distance separation requirements of this By-law. *(By-law 66-2014)*

**6.11.20 AG4-20**

Notwithstanding any provisions of this by-law to the contrary, in the area zoned AG4-20, the operation of a home industry is permitted within the primary residence, and may have a maximum of five persons, other than the owners, employed on a full-time basis. An accessory building shall be permitted for retail sale of products manufactured on-site. *(By-law 71-2019)*

## **SECTION 7 AIRPORT LANDS FACILITIES (AL1)**

### **7.1 PERMITTED USES**

- Aircraft runways and taxiways;
- Aircraft tie-down areas;
- Aircraft navigational equipment;
- Uses accessory to the permitted uses

### **7.2 PERMITTED STRUCTURES**

- Buildings and structures required for navigational equipment
- Other buildings and structures, not including residences, accessory to the permitted uses.

## **SECTION 8 AIRPORT LANDS – RELATED USES (AL2)**

### **8.1 PERMITTED USES**

- An airport terminal;
- An aircraft hanger;
- A control tower;
- Aircraft maintenance facilities;
- An airport related industrial facility;
- An airport related commercial facility;
- An airport related service facility;
- An aircraft taxiway;
- Uses accessory to the permitted uses.

### **8.2 PERMITTED STRUCTURES**

- Buildings and structures for the permitted uses;
- Other buildings and structures, not including residences, accessory to the permitted uses

### **8.3 ZONE REGULATIONS**

Setback from any street line (minimum): 10 metres

Setback from any lot line (minimum): 3 metres, except where a lot line abuts a publicly owned taxiway or apron area, the minimum setback from such lot line is 1 metre

### **8.4 BUILDING REGULATIONS**

#### **8.4.1 Building Height (Maximum)**

In an AL2 zone no building or structure may be higher than a height calculated based on the ratio of 1:7 from the side perimeter of an AL1 zone. (That is, for every 7 metres calculated at a right angle to the plane of the AL1 zone, building or structure height may be increased by 1 metre).

#### **8.4.2**

Notwithstanding Sections 8.1 and 8.2 to the contrary, one dwelling unit is permitted as an accessory use in the AL2 zone on the Goderich Municipal Airport property, which is owned/ controlled by the Town of Goderich, and lots existing at the date of passing of this by-law. Such dwelling unit may be in the form of one single detached dwelling, one mobile home or one dwelling unit within a non-residential building.

#### **8.4.3**

Except for the one dwelling unit permitted by Section 8.4.2, no property in the AL2 zone shall contain a dwelling unit.

#### **8.4.4 Number of Structures per Lot**

Notwithstanding the provisions of Section 3.22 to the contrary, more than one (1) main building or structure is allowed per lot.

#### **8.4.5**

All parking facilities shall be located off the public street.

**8.4.6**

No open storage will be allowed in any yard.

**8.4.7 HEIGHT RESTRICTIONS Refer to Section 3.5**

**8.4.8**

The easterly side yard setback requirement for the existing terminal building, located on Part Block 'A', Western Division, shall be 3.6 metres.

**8.6 SPECIAL ZONES**

**8.6.1 AL2-1**

Notwithstanding the provisions of 8.1, in addition to the permitted uses, the area zoned AL2-1 may be used for a warehouse, manufacturing, motor vehicle, mobile home, and recreational vehicle sales, servicing, and repair, agricultural service establishment, technical training facility, and commercial sand blast and paint facility. Offices may be permitted as accessory to the permitted uses. Outdoor storage shall not be permitted, with the exception of vehicles in relation to any sales, servicing, and repair use. Any area zoned AL2-1 shall be subject to site plan control. All other applicable provisions shall apply.

## **SECTION 9 COMMUNICATIONS AND UTILITY (U)**

### **9.1 PERMITTED USES**

- Agriculture
- Conservation
- A radio, television, microwave, or similar communications tower or towers
- Railway tracks and stations
- A pipeline
- Transformer station
- Well and pump house
- Other buildings and structures, not including residences, accessory to the permitted uses, in accordance with Section 3.4

### **9.2 SPECIAL PROVISIONS**

Development as defined in Section 40 of the Planning Act may be subject to site plan control. As such, Council may require the establishment of a fence or planting strip.

### **9.3 SPECIAL ZONES**

#### **9.3.1 U-1**

In the area zoned U-1, the permitted uses are limited to utility buildings and accessory uses associated with the residential area. (*By-law 13-1998*)

#### **9.3.2 U-2**

Notwithstanding Section 9.1 to the contrary, in the area zoned U-2, the permitted uses are limited to one well held in common ownership by the benefiting land owners, and accessory buildings and structures for the permitted well.

## **SECTION 10 COMMUNITY FACILITY ZONE (CF)**

Within this ZONE, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### **10.1 PERMITTED USES**

- Ambulance station
- Arena
- Art or cultural facility
- Assembly hall
- Cemetery
- Church
- Clinic
- Community centre
- Fair grounds
- Farmers market
- Fire hall
- Government office
- Garage, government, warehouse or storage yard
- Home for the aged
- Municipal parking lot
- Park, public
- Post office
- Public utility
- School
- Sewage treatment plant
- Sports and recreation facility
- Sports field, public
- Swimming pool
- Utility service building
- Water tower or reservoir
- Water treatment plant
- Accessory uses

### **10.2 PERMITTED STRUCTURES**

- Buildings and structures for the permitted uses
- Other buildings & structures, not including residences, accessory to the permitted uses

### **10.3 ZONE PROVISIONS**

LOT FRONTAGE (minimum): 30 metres

LOT AREA (minimum): 1850 square metres

LOT COVERAGE (maximum): 40%

FRONT YARD (minimum): in an urban settlement area 7.5 metres in a rural area; 20 metres from a municipal road; 25 metres from a County or Provincial Highway

REAR YARD (minimum): 10 metres



INTERIOR SIDE YARD (minimum): 7.5 m except where a community facility use abuts residential zone a 9-metre side yard is required

EXTERIOR SIDE YARD (minimum): in an urban settlement area 7.5 metres ; in a rural area ; 20 metres from a municipal road; 25 metres from a County or Provincial Highway

LANDSCAPED OPEN SPACE (minimum): 10%

HEIGHT OF BUILDING (maximum): 18 metres

## **10.4 SPECIAL PROVISIONS**

### **10.4.1 UTILITIES SERVICE BUILDINGS AND SUBSTATIONS**

In a settlement area, a utility service building or substation will require a rezoning to a Community Facility (CF) Zone.

#### **10.4.2**

In a rural area, a utility service building or substation within 1,000 metres of a residence in an agricultural area will require a rezoning to a Community Facility (CF) Zone.

#### **10.4.3**

No goods, material, or equipment shall be stored in the open in a Residential area

#### **10.4.4**

All permitted uses shall develop according to the applicable regulations of the Ontario Ministry of the Environment and/or Ontario Ministry of Health.

See General Provisions, Section 3.37, Utility Services for the Public.

### **10.4.5 MINIMUM DISTANCE SEPARATION**

Notwithstanding any other provision of this by-law to the contrary, no institutional or residential building or structure, located on a separate lot shall be established unless it complies with the Minimum Distance Separation (MDS) Formulae.

### **10.4.6 SETBACK FROM A SEWAGE TREATMENT PLANT, FOR RESIDENTIAL AND/OR LIVESTOCK BUILDING USES**

No new building or structure, used for residential or livestock purposes shall be erected within 500 metres of any sewage treatment plant until it has been established to the satisfaction of the Township and the Ministry of the Environment, that there will be no adverse off-site impacts. The assessment of impacts shall include the presence of methane/leachate and the potential for noise, odour, dust and litter complaints during operation. If there is a licensed disposal site located or sewage treatment plant in an adjacent municipality, the same setback shall apply to the lands in Ashfield-Colborne-Wawanosh.

## **10.5 SPECIAL ZONES**

### **10.5.1 CF-1**

Notwithstanding the provisions of Section 3.22 to the contrary, the area zoned CF-1 permits the establishment of an Amish Parochial School. (*By-law 7-1993*)

### **10.5.2 CF-2**

For the purpose of this zoning by-law, the area zoned CF-2 shall apply to both the north ½ of lot 1 registered plan 300 and the south ½ of lot 1 registered plan 300. The area within the CF-2 zone will be considered one lot for the purposes of this by-law.

Notwithstanding the provisions of 3.4 to the contrary, an open post shelter, no larger than 10 metres by 7.5 metres is permitted in the exterior side yard with a rear yard setback of one metre and an exterior side yard setback of one metre. All other applicable provisions of this zoning by-law continue to apply.

**10.5.3 CF-3**

In the area zoned CF-3 up to a maximum of 14 residential apartments located in the existing former school structure are permitted. The minimum lot area of the lands zoned CF-3 shall be 2.5 hectares and include lands zoned AG1-36. All other uses in the CF zone are permitted. All other applicable provisions of this zoning by-law shall continue to apply. *(By-law 57-2014)*

**10.5.4 CF-4**

VC1 and VR1 to CF-4 to grant relief from Section 10.3 to permit an accessory building or structure with a minimum rear yard of 1.5 metres (As amended by By-law No. 06-2020)

**10.5.5 CF-4 (as amended by By-law 36-2021)**

Notwithstanding the provisions of Section 10.3 to the contrary, the area zoned CF-4 shall have a minimum front yard setback of 1.5 metres. All other provisions of this by-law shall apply.

## **SECTION 11 DISPOSAL ZONE (DS)**

Within this ZONE, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### **11.1 PERMITTED USES**

- Municipal or private waste disposal facilities as approved by the Ministry of Environment license
- Recycling centre
- Sewage treatment works or collection facilities

### **11.2 PERMITTED STRUCTURES**

- Buildings and structures for the permitted uses
- Other buildings and structures, not including residences, accessory to the permitted uses, in accordance with Section 3.4

### **11.3 SPECIAL PROVISIONS**

11.3.1 All permitted uses shall develop according to the applicable regulations of the Ontario Ministry of the Environment and/ or Ontario Ministry of Health.

11.3.2 Subject to an agreement pursuant to site plan control, Council may require the establishment of a fence or planting strip.

### **11.4 SETBACK FROM AN ACTIVE OR CLOSED WASTE DISPOSAL SITE, FOR RESIDENTIAL AND/ OR LIVESTOCK BUILDING USES**

#### **11.4.1 NEW BUILDINGS**

No new building or structure, used for residential or livestock purposes shall be erected within 500 metres of the fill area of a Municipal landfill site or a closed landfill site until it has been determined by a qualified professional to the satisfaction of the Township and the Ministry of the Environment, that there will be no adverse off-site impacts. The assessment of impacts shall include the presence of methane/leachate and the potential for noise, odour, dust and litter complaints during operation. If there is a licensed disposal site located in an adjacent municipality, the same setback shall apply to the lands in Ashfield-Colborne-Wawanosh.

#### **11.4.2 SETBACK FROM A SEWAGE TREATMENT PLANT, FOR RESIDENTIAL AND/ OR LIVESTOCK BUILDING USES**

No new building or structure, used for residential or livestock purposes shall be erected within 500 metres of any sewage treatment plant until it has been established to the satisfaction of the Township and the Ministry of the Environment, that there will be no adverse off-site impacts. The assessment of impacts shall include the presence of methane/leachate and the potential for noise, odour, dust and litter complaints during operation. If there is a licensed disposal site located or sewage treatment plant in an adjacent municipality, the same setback shall apply to the lands in Ashfield-Colborne-Wawanosh.

## **SECTION 12 EXTRACTIVE INDUSTRIAL ZONE (ER2)**

Within this ZONE, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### **12.1 PERMITTED USES**

- Permanent asphalt/concrete/ready mix batching plant
- Mineral Aggregate Operation or any other operation licensed under the Aggregate Resources Act
- Extractive use licensed under the Oil, Gas and Salt Resources Act
- The processing of extracted materials from the site including crushing, screening, washing, sorting and storing of materials, and a portable asphalt plant,
- Agricultural use, limited
- Uses accessory to the permitted uses

### **12.2 PERMITTED STRUCTURES**

- Buildings and structures for the permitted uses
- Buildings and structures accessory to the permitted uses, not including a dwelling unit, in accordance with Section 3.4

### **12.3 ZONE REGULATIONS**

LOT AREA (minimum): no minimum

LOT COVERAGE: 20 %

Setbacks for buildings or structures for permanent asphalt/concrete/ready mix Batching plant (minimum) setbacks shall apply:

FRONT YARD: 90 metres

EXTERIOR SIDE YARD: 90 metres

INTERIOR SIDE YARD: 17 metres

REAR YARD: 17 metres

Setback from any off-site dwelling unit: 300 metres

Setbacks for other permitted structures including accessory structures the following – minimum setbacks shall apply:

FRONT YARD: 25 metres

EXTERIOR SIDE YARD: 25 metres

INTERIOR SIDE YARD: 17 metres

REAR YARD: 17 metres

### **12.4 SPECIAL PROVISIONS**

12.4.1 The special provisions of the ER1 zone shall apply to lands zoned ER2

12.4.2 Location

An extractive industrial zone is only permitted within an area licensed as a pit or quarry in accordance with the Aggregate Resources Act, as amended.

## **SECTION 13 EXTRACTIVE RESOURCE ZONE (ER1)**

Within this ZONE, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### **13.1 PERMITTED USES**

- Mineral Aggregate Operation or any other operation licensed under the Aggregate Resources Act
- Extractive use licensed under the Oil, Gas and Salt Resources Act
- The processing of extracted materials from the site including crushing, screening, washing, sorting and storing of materials, and a portable asphalt plant, but not including a permanent asphalt/concrete/ready mix batching plant
- Agricultural use, limited
- Uses accessory to the permitted uses

### **13.2 PERMITTED STRUCTURES**

- an office and service building or structure
- storage and maintenance building or structure
- other buildings and structures accessory to the permitted uses, but not including a dwelling unit, in accordance with Section 3.4

### **13.3 ZONE REGULATIONS**

LOT AREA-no minimum required

For buildings and structures the following minimum setbacks shall apply:

FRONT YARD-25 metres

EXTERIOR SIDE YARD-25 metres

INTERIOR SIDE YARD-17 metres

REAR YARD-17 metres

### **13.4 SPECIAL PROVISIONS**

#### **13.4.1 Rehabilitation**

The site shall be mined, managed and rehabilitated in accordance with the Regulations of the Aggregate Resources Act as amended, and a site plan as approved by the Ministry of Natural Resources.

#### **13.4.2 No excavation can occur or be expanded within:**

- Minimum set backs
- 15 metres of the boundary of the site
- 30 metres from any road limit
- 30 metres of land in use for residential purposes or 150 metres from a residence, whichever is greater
- 30 metres of land designated as a settlement area
- 30 metres from the top of bank of any body of water or water course that is not the result of excavation below the water table

Setbacks from the Natural Environment Zone shall be in accordance with the General Provisions Section (Adjacent Lands to Significant Natural Environment areas CARL" CONSERVATION AUTHORITY REGULATED LANDS) of this By-law.

#### **13.4.3 Exception to Setback from Boundary of Site**

Where 2 extractive operations abut and are operated at the same time thus permitting a more efficient use of the available aggregate, the setback of 15 metres from the boundary of the site may be waived conditional upon a signed agreement being registered against the deeds of both properties and upon Ministry of Natural Resources approval.

#### **13.4.4 Exception to Setback from Any Road Limit**

Where an extractive operation abuts a municipal road and a reduced setback would permit a more efficient use of aggregate, the setback from the road may be reduced conditional upon a signed agreement between the Township and the owner/licensee and upon Ministry of Natural Resources approval.

#### **13.4.5 Tree Planting Buffer**

In addition to the setbacks as specified in Section 13.4.2 above, a continuous unpierced tree planting shall be maintained a minimum distance of 23 metres from the front lot line of all ER1 zones.

#### **13.4.6 Rehabilitation**

Following rehabilitation and removal of the aggregate license, where a building or structure is to be established on the rehabilitated lands, a rezoning to the appropriate zone is required prior to the establishment of a building or structure.

#### **13.4.7 Uses Permitted Following Rehabilitation**

Following rehabilitation, an AG1, or NE1 use is permitted, subject to the provisions of these respective zones.

#### **13.4.8 Repair, Renovation, Expansion of Existing Buildings**

Where a residence, accessory storage structure or barn was erected prior to the date of passing of this By-law the said building or structure may be repaired, renovated or expanded (maximum expansion of 25%) in accordance with the provisions of the General Agriculture, AG1 Zone.

### **13.5 SPECIAL ZONES**

#### **13.5.1 ER1-1**

Notwithstanding the provisions of Section 13.4.2. to the contrary, the minimum limit of extraction along the cedar slope (to the west and north of the area of extraction), zoned NE1, shall be three metres and extraction may be permitted in not less than 100 metres of the residence located immediately north of the cemetery on Part Lot 24, Concession 6. The 150-metre setback of Section 9.4.2 shall apply to all other residences. All other provisions of this by-law shall apply. *(By-law 19-1995)*

#### **13.5.2 ER1-2**

Notwithstanding any provisions of Section 13 (ER1) to the contrary, in the area zoned ER1-2 extraction shall be permitted up to the east and west boundaries of the ER1-2 zone. No extraction is permitted within 15 metres of the north and the south boundaries of the ER1-2 zone. All other provisions of this By-law as amended, shall apply. *(By-law 05-2009)*

**13.5.3 ER1-3**

Notwithstanding the provisions of Section 13.4.2 to the contrary, no extraction is permitted within 105 metres of the residences located west of the property. All other provisions of this By-law shall apply. *(Amended by OMB Case No. PL101197)*

**13.5.4 ER1-4**

Notwithstanding the provisions of Section 13.1 to the contrary, the ER1-4 zone also permits tree stumps and tree tops to be brought onto the property and to be ground and composted. Wood chips may be utilized on site as part of the rehabilitation plan for the gravel pit and mixed with the topsoil and/or sold as compost. The importation of tree stumps/tree debris would cease once the pit was exhausted of its aggregate resource. All other applicable provisions shall apply. *(By-law 50-2018)*

## **SECTION 14 FUTURE DEVELOPMENT ZONE (FD)**

Within this ZONE, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### **14.1 PERMITTED USES**

- Uses lawfully in existence on the date of passing of this By-law
- Agricultural use, limited
- Public park
- Uses accessory to permitted uses

### **14.2 PERMITTED STRUCTURES**

- Buildings and structures existing on the date of passing of this By-law
- Other buildings and structures, not including residences, accessory to the permitted residential uses, in accordance with Section 3.4

### **14.3 ZONE PROVISIONS FOR ACCESSORY BUILDINGS**

FRONT YARD DEPTH (minimum): 10 metres

REAR YARD DEPTH (minimum): 7.5 metres

SIDE YARD DEPTH (minimum): 7.5 metres

EXTERIOR SIDE YARD DEPTH (minimum): 10 metres

### **14.4 SPECIAL PROVISIONS**

#### **14.4.1**

No subdivision of land by consent or registered plan of subdivision is permitted in a Future Development Zone prior to rezoning to the appropriate zone.

#### **14.4.2**

Existing residences will be allowed to expand, enlarge or re-establish provided that the provisions of the VR1 zone are complied with and provided that the same numbers of dwelling units are maintained.

#### **14.4.3**

Outdoor storage and the parking of trailer bodies for storage are not permitted in the Future Development zone.

### **14.5 SPECIAL ZONES**

#### **14.5.1 FD-1**

Notwithstanding the provisions of this by-law to the contrary those lands zoned FD-1 shall permit accessory structures not exceeding 350 square metres in total floor area and may be used for a maximum of 6 nutrient units which shall be restricted to horses. Associated livestock buildings shall be located in accordance with Section 4.4.3 and a minimum of 85 metres from a VR1 or FD zone and all manure or material storage shall be located to the rear of the livestock building and not closer than 100 metres from a VR1 or FD zone. *(By-law 09-1999)*



## **SECTION 15 HARBOUR INDUSTRIAL (HMI)**

No person within any Harbour Industrial (HMI) zone shall use any land, or erect, alter or use any building or structure for any purpose except in accordance with the following provisions:

### **15.1 PERMITTED USES**

- Harbour industrial uses
- Open bulk storage associated with the harbour industrial use

### **15.2 PERMITTED STRUCTURES**

- Buildings and structures required for shipping, navigation and harbour administration
- Buildings and structures accessory to the permitted use
- Buildings and structures necessary for flood and/or erosion control prevention subject to the necessary Conservation Authority permit.

### **15.3 ZONE REGULATIONS**

Lot area (minimum): No minimum provided that where neither municipal water nor sanitary sewers are provided, the minimum lot area shall be 1858 square metres plus 46.5 square metres for each person above 20 persons employed on the lot

Lot frontage (minimum): No minimum

Lot depth (minimum): No minimum

Front yard setback (minimum): 6 metres

Rear yard setback (minimum): No minimum

Interior side yard setback: 3 metres

Exterior Side Yard setback: (minimum)6 metres

Lot Coverage (maximum): 85%

Property Abutting Railway or Hydro Right-Of-Way: Notwithstanding any other provisions of this By-Law to the contrary, where any lot line or portion thereof abuts a railway or hydro right-of-way, the interior side or rear yard required along that portion of such lot line which so abuts the railway or hydro right-of-way shall be: 1.5 metres

**15.4 PARKING:** Refer to Section 3.26

**15.5 EXTERIOR LIGHTING:** Refer to Section 3.13

### **15.6 SPECIAL PROVISIONS FOR HARBOUR INDUSTRIAL ZONES**

#### **15.6.1**

No placing or removal of fill shall be permitted within the HMI zone without the prior written permission of the Township and the Maitland Valley Conservation Authority. An environmental assessment may be required as a requisite condition for any development in the HM1 zone. *(By-law 49-2014)*

## **SECTION 16 LAKESHORE RESIDENTIAL – SEASONAL (LR1)**

### **16.1 PERMITTED USES**

- Conservation
- Forestry
- Recreation passive
- Recreational residential use
- Uses accessory to the permitted uses

### **16.2 ACCESSORY USES**

- A guest cabin
- Wind energy facility, small scale

### **16.3 PERMITTED STRUCTURES**

- A recreational residence
- Buildings and structures for the permitted uses
- Other buildings and structures, not including residences, accessory to the permitted uses, in accordance with Section 3.4

### **16.4 ZONE REGULATIONS**

LOT AREA (minimum): 1,850 square metres

LOT FRONTAGE (minimum): 23 metres

For buildings and structures the following minimum setbacks shall apply:

FRONT YARD: 7.5 metres

INTERIOR SIDE YARD: 3.0 metres

Where the width of the lot is less than 20 metres: 1.5 metres

EXTERIOR SIDE YARD: 6.0 metres

REAR YARD: 7.5 metres

LOT COVERAGE (maximum): 25 %

### **16.5 BUILDING REGULATIONS**

FLOOR AREA (minimum): 50 square metres

BUILDING HEIGHTS (maximum): 9 metres

GUEST CABIN TOTAL FLOOR AREA (maximum): 23 square metres

### **16.6 SPECIAL PROVISIONS**

#### **16.6.1 EXISTING UNDEVELOPED LOTS**

Where a lot having an area and /or frontage less than the minimum requirement stated in Section 16.4 is held under distinct and separate ownership from abutting lots as shown by a registered conveyance in the records of the Registry Office, at the date of the passing of the By-law, such lot may be used and a recreational residence erected on the lot provided:

- the minimum lot frontage is 18 metres
- the minimum lot area is 1,000 square metres
- all relevant regulations made under the Public Health Act and all relevant requirements of the relevant Health Authority are fulfilled.

### **16.6.2 VACANT LOTS IN HAZARD AREAS**

Development on vacant Lakeshore Residential (LR1 and LR2) lots within the 100-year erosion hazard area along the shore of Lake Huron will be controlled with a holding zone (-h). The holding symbol may be lifted when necessary studies are completed and approved in accordance with the requirements of this regulated area under the Conservation Authority jurisdiction.

### **16.6.3 FRONT YARD**

For lots fronting on Lake Huron or the Maitland River, and for lots abutting or including top-of-bank, the front yard shall be the lake/ top-of-bank side of the lot.

## **16.7 SPECIAL ZONES**

### **16.7.1 LR1-1**

Notwithstanding the provisions of Section 3.31 to the contrary the area zoned LR1-1 may be used for a single detached residence located no closer than 22 metres from the top-of-bank of Lake Huron. All other applicable provisions shall apply. *(By-law 21-1997)*

### **16.7.2 LR1-2**

Notwithstanding any provision of this by-law to the contrary, the area zoned LR1-2 shall have a minimum lot frontage of 9 metres. All other provisions of this by-law as amended shall apply. *(By-law 16-2000)*

### **16.7.3 LR1-3**

Notwithstanding the provisions for Section 16.4 to the contrary, the area zoned LR1-3 shall have a minimum lot frontage of 19 metres. All other applicable provisions shall apply. *(By-law 8 1996)*

### **16.7.4 LR1-4**

Notwithstanding the provisions of Section 16.4 to the contrary, for the area zoned LR1-4 the minimum lot area for each lot shall be the lot areas established by Reference Plan 22R4020. The area of each lot zoned NE1 shall be included in the calculation of lot area. All other applicable provisions shall apply. *(By-law 16-1996)*

### **16.7.5 LR1-5**

Notwithstanding any provision of this By-law to the contrary, the area zoned LR1-5 shall have a minimum lot frontage of 20 metres. Buildings and structures shall be limited to one recreational residence and accessory buildings and structures. All other applicable provisions shall apply. *(By-law 20-1999)*

### **16.7.6 LR1-6**

16.7.6.1 Notwithstanding the provisions of Section 16.6.1 to the contrary, the area zoned LR1-6 shall have a minimum lot area of 836 square metres. All other applicable provisions shall apply. *(By-law 10-1986)*

16.7.6.2 Notwithstanding the provisions of Sections 16.7 and Section 2, definition of front lot line to the contrary, the front lot line of the area zoned LR1-6 shall be the west lot boundary.

**16.7.7 LR1-7**

Notwithstanding the provisions of Section 16.6.1 to the contrary, the area zoned LR1-7 shall have a minimum lot area of 836 square metres. All other applicable provisions shall apply. *(By-law 10-1986)*

**16.7.8 LR1-8**

Notwithstanding the provisions of Section 16.4 to the contrary, the side yard setback from the north lot boundary in the LR1-8 zone shall be 6 metres.

**16.7.9 LR1-9**

Notwithstanding the provisions of Section 16.4 to the contrary, the minimum lot area in the area zoned LR1-9 shall be 526 square metres.

**16.7.10 LR1-10**

Notwithstanding the provisions of Section 3.4.2 to the contrary, the area zoned LR1-10 may be used for an accessory building, a garage, with a 0.3m setback from the north lot line and a 0m setback from the west lot line. All other applicable provisions apply. *(By-law 66-2012)*

**16.7.11 LR1-11**

Notwithstanding the provisions of Section 16.5 to the contrary, in the area zoned LR1-11 a recreational residential dwelling with a maximum height of 11.5 metres and a total maximum height of 13 metres is permitted. Notwithstanding the provisions of Section 15.4 to the contrary the LR1-11 zone permits an exterior side yard of 3m from the north lot line. No buildings or structures are permitted within the 100 year erosion hazard as defined by the Maitland Valley Conservation Authority. All other applicable provisions of this by-law, as amended, shall apply. *(By-law 42-2013)*

## **SECTION 17 LAKESHORE RESIDENTIAL – YEAR ROUND (LR2)**

### **17.1 PERMITTED USES**

- Conservation
- Forestry
- Recreation passive
- Residential use
- Uses accessory to the permitted uses

### **17.2 ACCESSORY USES**

- A guest cabin
- Wind energy facility, small scale
- Home occupation

### **17.3 PERMITTED STRUCTURES**

- A detached dwelling
- Buildings and structures for the permitted uses
- Other buildings and structures, not including residences, accessory to the permitted uses, in accordance with Section 3.4

### **17.4 ZONE REGULATIONS**

LOT AREA (minimum): 1850 square metres

LOT FRONTAGE (minimum): 23 metres

For buildings and structures the following minimum setbacks shall apply:

FRONT YARD: 7.5 metres

INTERIOR SIDE YARD: 3.0 metres

Where the width of the lot is less than 20 metres: 1.5 metres

EXTERIOR SIDE YARD: 6.0 metres

REAR YARD: 7.5 metres

LOT COVERAGE (maximum): 25 %

### **17.5 BUILDING REGULATIONS**

FLOOR AREA (minimum): 50 square metres

BUILDING HEIGHTS (maximum): 9 metres

GUEST CABIN TOTAL FLOOR AREA (maximum): 23 square metres

### **17.6 SPECIAL PROVISIONS**

#### **17.6.1 EXISTING UNDEVELOPED LOTS**

Where a lot having an area and /or frontage less than the minimum requirement stated in Section 17.4 is held under distinct and separate ownership from abutting lots as shown by a registered conveyance in the records of the Registry Office, at the date of the passing of the By-law, such lot may be used and a recreational residence erected on the lot provided:

- the minimum lot frontage is 18 metres
- the minimum lot area is 1,000 square metres
- all relevant regulations made under the Public Health Act and all relevant requirements of the relevant Health Authority are fulfilled.

### **17.6.2 VACANT LOTS IN HAZARD AREAS**

Development on vacant Lakeshore Residential (LR1 and LR2) lots within the 100 year erosion hazard area along the shore of Lake Huron will be controlled with a holding zone (-h). The holding symbol may be lifted when necessary studies are completed and approved in accordance with the requirements of this regulated area under the Conservation Authority jurisdiction.

### **17.6.3 FRONT YARD**

For lots fronting on Lake Huron or the Maitland River, and for lots abutting or including top-of-bank, the front yard shall be the lake/ top-of-bank side of the lot.

## **17.7 SPECIAL ZONES**

### **17.7.1 LR2-1**

- a) Notwithstanding any provision of this By-law to the contrary, the area zoned LR2-1 shall have a building height maximum of 22 metres. Buildings and structures in the LR2-1 zone shall be limited to one single detached residence and accessory buildings and structures.
- b) Notwithstanding Section 3.31 to the contrary, the single detached residence shall be permitted the following maximum projection into the minimum top-of-bank setback:

Cantilever 8.6 m

Patio 8.6 m

For the purposes of this by-law a cantilever is defined as a part of a single detached residence that may include habitable space, which projects beyond the foundation of the residence.

- c) All other applicable provisions shall apply.

### **17.7.2 LR2-2**

Notwithstanding Section 3.21 to the contrary, the area zoned LR2-2 permits a single detached residence and accessory buildings on an existing lot not having frontage on a public road but having legal road access.

### **17.7.3 LR2-3**

- a) Notwithstanding the provisions of Section 17.4 to the contrary, the area zoned LR2-3 shall have a minimum lot area of 3500 square metres.
- b) Notwithstanding any provision of this by-law to the contrary, the area zoned LR2-3 shall not contain more than 10 building lots.
- c) All other applicable provisions of this by-law, as amended, shall apply.

### **17.7.4 LR2-4**

Notwithstanding the provisions of Section 17 to the contrary, the area zoned LR2-4 (Hamlink Place, Registered Plan 568) will have a development ratio of 1:0.5 acre or 1:0.2 hectare. *(By-law 4-1990)*

### **17.7.5 LR2-5**

Notwithstanding the provisions of Section 17 to the contrary, the rear 10 metres of each lot in the area zoned LR2-5, shall be maintained as natural woodlot within which no buildings or structures shall be permitted. All other applicable provisions shall apply. *(By-law 14-1998, OMB Order PL980657)*

### **17.7.6 LR2-6**

Notwithstanding the provisions of Section 17 to the contrary, the area zoned LR2-6 (Pt Block A, Pt 22R-676 and 22R-30) will have a development ratio of 1:13.5 acres or 1:5.4 hectares. *(By-law 8-1989)*

### **17.7.7 LR2-7**

- a) Notwithstanding Section 17 to the contrary, the area zoned LR2-7 shall have a minimum lot area of 8,000 square metres and a minimum lot frontage as created by consent applications B42/04, B43/04 and B44/04. The area zoned Natural Environment (NE1) may be used in the calculation of lot area. Notwithstanding Section 16 to the contrary, buildings and structures may be constructed with no setback from the NE1 zone.
- b) The location of all buildings and structures or any clearing of trees within the LR2-7 zone will be determined in consultation with the Maitland Valley Conservation Authority.
- c) All other applicable provisions of this by-law as amended shall apply. *(By-law 04-2005)*

### **17.7.8 LR2-8**

Notwithstanding and in addition to the provisions of Section 17 to the contrary, the area zoned LR2-8 has the following requirements:

- a) The minimum required front yard shall be the average of the front yards of the existing residences in the area zoned LR2-8.
- b) A ten (10) metre planting strip along the frontage of the lots zoned LR2-8 is required. This shall be based upon the existing vegetation of abutting lands. This planting strip does not apply to the lots with an existing residence as of the date of passing of this by-law; any lots created after the date of passing of this by-law and any subsequent owner of the exempted lots shall establish the required planting strip prior to the issuance of a building permit. *(By-law 31-1988)*

### **17.7.9 LR2-9**

- a) Notwithstanding Sections 17.4 and 17.6 to the contrary, for the area zoned LR2-9, the following exceptions apply:
- b) Lot area (minimum): 1 hectare
- c) Frontage (minimum): 17 metres
- d) Front Yard Setback(minimum): 90 metres
- e) Exterior Side Yard Setback (minimum): 7.5 metres
- f) The minimum side yard setback for the north lot line, east of the right-of-way, shall be 6 metres (setback from woodlot) and 3 metres from the woodlot shall be maintained as natural undisturbed area.
- g) No development shall occur on the right-of-way or within 7.5 metres of the right-of-way.
- h) Other applicable provisions of this by-law, shall apply. *(By-law 9-1993)*

### **17.7.10 LR2-10**

- a) Notwithstanding any provision of this by-law to the contrary, the area zoned LR2-10 permits one recreational residence and accessory buildings, subject to the provisions of Section 16 (LR2 zone).
- b) Notwithstanding Section 3.4 to the contrary, the area zoned LR2-10 permits an accessory building, a boat house, to be located in the front yard.

- c) The provisions of Section 17.4 shall apply with the following exceptions:  
Lot Area Minimum: 1,150 square metres  
Lot Frontage Minimum: 22 metres

**17.7.11 LR2-11 and LR2-11-h**

Notwithstanding the provisions of Section 17 to the contrary, the area zoned LR2-11 shall have a minimum lot area as established by consent applications B30/06 and B31/06 and shall not contain more than 6 building lots. All other applicable provisions of this By-law, as amended shall apply. The holding zone (h) on the lands west of the road allowance for Bower's lane restricts development on the affected lots until such time as a development agreement addressing financial securities is registered on the titles of the subject properties to the satisfaction of the Township or the issue of securities is otherwise addressed to the satisfaction of the Township. The holding zone (h) on the lands east of the road allowance for Bower's Lane may be removed when future lots are created. (*By-law 41-2011*)

**17.7.12 LR2-12**

Notwithstanding any provision of this by-law to the contrary, the area zoned LR2-12 permits all uses of the LR2 zone and all uses of the AG4 zone, subject to the provisions of Section 6 (AG4).

**17.7.13 LR2-13**

Notwithstanding any provision of this by-law, as amended, to the contrary, in the area zoned LR2-13 the following exceptions shall apply:

- 1) The minimum lot area shall be the lot areas created by consent applications B53/02 and B54/02.
- 2) The minimum lot frontage shall be the lot frontages created by consent applications B53/02 and B54/02.
- 3) The minimum front yard depth shall be 60 metres, except for the most westerly lot which may have a 15-metre setback from the road allowance.
- 4) The minimum rear yard depth shall be 15 metres, for main and accessory buildings and structures.
- 5) Accessory buildings may be located in front of the dwelling provided it complies with the front yard depth.
- 6) The front 10 metres of each lot shall be maintained as a planting strip of trees, except for permitted entrances. The most westerly lot shall maintain the required planting strip along the most easterly 120m of the front lot line.
- 7) For the most westerly lot, the east side of the lot is considered an interior lot line.
- 8) The minimum total floor area shall be as follows:
  - a) One Storey: 120 sq. m.
  - b) 1 ½ story & split level: 160 sq. m.
  - c) 2 or 2 ½ storey: 200 sq. m.

Explanatory Note: Airport related height restrictions are registered on title against the most easterly two lots. An acceptance of potential airport disturbance is registered on title of all lots. (*By-law 93-2002*)



**17.7.14 LR2-14**

Notwithstanding any provision of this by-law to the contrary, the area zoned LR2-14 permits one recreational residence and accessory buildings, subject to the provisions of Section 16. Notwithstanding the provisions of Section 16 to the contrary the rear 10 metres of the area zoned LR2-14 shall be maintained as natural woodlot within which no buildings or structures shall be permitted. All other applicable provisions shall apply. *(By-law 51-2008)*

**17.7.15 LR2-15**

Notwithstanding the provisions of Section 3.4 the LR2-15 zone permits two accessory buildings to be constructed in the front yard (lakeside) of the property. The minimum side yard setback for the accessory buildings will be 1.25 metres. No buildings are permitted in the dynamic beach as defined by the Maitland Valley Conservation Authority. The dynamic beach is located 8.1 metres west of the existing cottage. *(By-law 29-2010)*

**17.7.16 LR2-16**

Notwithstanding the provisions of Section 17.6 to the contrary, the minimum lot area in the LR2-16 zone is 696 square metres. All other applicable provisions of this by-law, as amended, shall apply. *(By-law 53-2011)*

**17.7.17 LR2-17**

Notwithstanding the provisions of Section 16.3 to the contrary, the area zoned LR2-17 shall permit an existing structure to be used only as storage accessory to a future residence. No expansions of the existing structure shall be permitted. No nutrient units are permitted within the existing structure. Notwithstanding Sections 3.23 and 3.24, in the event of the removal or destruction of the structure, the structure shall not be re-constructed. The existing structure is deemed to comply with the provisions of this by-law. All other applicable provisions of this by-law shall apply. *(By-law 12-2021)*

## **SECTION 18 NATURAL ENVIRONMENT (NE1)**

Within this ZONE, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### **18.1 PERMITTED USES**

- Forestry
- Conservation
- Passive recreation
- Agricultural uses as they existed on the date of passing of the by-law
- Public park
- Uses accessory to the permitted uses

### **18.2 PERMITTED STRUCTURES**

- Buildings and structures existing on the date of the passing of this By-law
- Accessory buildings and structures for the maintenance of the permitted uses as well as trails and footpaths, such as stiles, stairways, bridges and benches or maple syrup facilities subject to the consent of the Maitland Valley Conservation Authority or appropriate authority
- Buildings and structures necessary for flood and/or erosion control prevention subject to the consent of the Maitland Valley Conservation Authority or appropriate authority
- A class 1 sewage disposal facility as approved by the appropriate authority

### **18.3 SPECIAL PROVISIONS**

18.3.1 The placement or removal of fill or the alteration of water courses is permitted only for the maintenance of the permitted uses and in accordance with the applicable regulations of the Maitland Valley Conservation Authority or the appropriate authority.

18.3.2 Clearing of areas will be prohibited. Selective cutting will be permitted in accordance with Huron County Tree Cutting By-law No. 38-2013.

18.3.3 Drainage is prohibited, other than for a direct agricultural drainage outlet, drainage required for permitted structures, and drains constructed in accordance with the Drainage Act and the Tile Drainage Act, as amended from time to time.

18.3.4 Where a property has been rezoned in accordance with the policies in the Township Official Plan to a special NE1 zone to permit a dwelling, a small scale wind energy facility may be permitted as an accessory use to the dwelling in accordance with Section 3.38, the provisions for small scale wind energy facilities.

### **18.4 ZONE REGULATIONS**

18.4.1 The minimum front, rear, side yards, the maximum lot coverage and height of buildings and structures existing on the date of passing of this By-law shall constitute the minimum or maximum requirements, as the case may be.

18.4.2 The minimum front, rear and side yards of new and expanding buildings and structures will be established and constructed in accordance with the requirements of the relevant approval authority and required studies. The Conservation Authority may

recommend that the Township require an Environmental Impact Study be completed.

## **18.5 SPECIAL ZONES**

### **18.5.1 NE1-1**

Notwithstanding the provisions of Section 18.1 and 18.2 to the contrary, the area zoned NE1-1 may be used for one recreational residence and accessory buildings, subject to the provisions of Section 16 (LR1 zone).

### **18.5.2 NE1-2**

Notwithstanding the provisions of Sections 18.1 and 18.2 to the contrary, the area zoned NE1-2 may be used for one single detached residence and accessory buildings subject to the provisions of Section 6 (AG4 zone).

### **18.5.3 NE1-3**

Notwithstanding any provision of this by-law to the contrary, the area zoned as NE1-3 may also be used for a private park, and the keeping of exotic animals and birds. A residential use shall be prohibited in the area zoned as NE1-3. All other applicable provisions shall apply. *(By-law 18-1996)*

### **18.5.4 NE1-4**

Notwithstanding the provisions of Sections 18.1 and 18.2 to the contrary, the area zoned NE1-4 may be used for one single detached residence and accessory buildings subject to the provisions of Section 16 (LR2 zone).

### **18.5.5 NE1-5**

Notwithstanding the provisions of Sections 18.1 and 18.2 to the contrary, the area zoned NE1-5 may also be used for an existing agricultural processing establishment subject to the provisions of Section 5.3 (AG3 Zone Provisions). All other applicable provisions shall apply. *(By-law 8-1988)*

### **18.5.6 NE1-6**

Notwithstanding the provisions of Sections 18.1 and 18.2 to the contrary, the area zoned NE1-6 may be used for one single detached residence subject to the provisions of Section 6 (AG4 zone) except that the minimum front yard setback shall be 70 metres and no building or structure shall be located closer than 45 metres from the south side of the river (water's edge). All other applicable provisions apply. *(By-law 25-1992)*

### **18.5.7 NE1-7**

- a) Notwithstanding any provision of this By-law to the contrary, the area zoned NE1-7 may be used for two storage buildings accessory to a single detached residence located in the LR2-1 zone on the same lot.
- b) The storage buildings in the NE1-7 zone shall be subject to the provisions of Section 3.4. Each storage building shall not exceed a ground floor area of 65 square meters. Notwithstanding Section 3.4.2 to the contrary the storage buildings in the NE1-7 zone shall be permitted in the front yard.
- c) The storage buildings in the NE1-7 zone shall be located outside of the regulatory flood line and wave action limit; and shall not be used as a guest cabin or for any human habitation.

d) All other provisions of this By-law, as amended, shall apply.

**18.5.8 NE1-8**

Notwithstanding any provision of this by-law to the contrary, the area zoned NE1-8 may be used for one single detached residence and accessory buildings east of the top-of-bank of Lake Huron, subject to the provisions of Section 15 (LR1 zone) with the following exceptions:

Setback from the top-of-bank (Minimum): 11 metres

Rear (east) Yard (Minimum): 4 metres

North Side Yard (Minimum): 1.5 metres

All other provisions of this by-law, as amended, shall apply. *(By-law 41-2001)*

**18.5.9 NE1-9**

Notwithstanding any provisions of this By-law, as amended, to the contrary, the area zoned NE1-9 may be used for one recreational residence and accessory buildings and structures subject to the provisions of Section 16 (LR1 zone). The minimum setback from the top-of-bank for a sewage tank shall be 5.5 metres. All other provisions of this By-law, as amended, shall apply.

**18.5.10 NE1-10**

Notwithstanding the provisions of Sections 18.1 and 18.2 to the contrary, the area zoned NE1-10 may be used for two single detached residences. *(By-law 21-1983)*

**18.5.11 NE1-11**

Notwithstanding the provisions of this by-law to the contrary, the area zoned NE1-11 may be used for one guest cabin with a maximum floor area of 42 square metres and a minimum top-of-bank setback of 6 metres. All other provisions of this by-law, as amended, shall apply. *(By-law 12-2004)*

**18.5.12 NE1-12**

Notwithstanding the provisions of this by-law to the contrary, the area zoned NE1-12 may be used for one travel trailer or one single detached residence; and uses and structures accessory to the permitted uses.

The provisions of Section 15.3 (LR1 zone regulations) shall apply. All other applicable provisions shall apply. *(By-law 9-1996)*

**18.5.13 NE1-13**

Notwithstanding the provisions of Section 18 to the contrary, the lands to with the NE1-13 zone applies includes an existing residence and permits replacement of same subject to the provisions of Section 6 (AG4 zone). The minimum lot area shall be 10.0 hectares (24.8 acres) and includes lands zoned NE1 and AG1. All other applicable provisions shall apply. *(By-law 13-1999)*

**18.5.14 NE1-14**

Notwithstanding the provisions of Sections 18.1, 18.2, and 3.4 to the contrary, the area zoned NE1-14 permits an accessory building for a home industry to establish before the residential dwelling is established. In addition, a 10-metre buffer of natural wooded vegetation shall be maintained along the wetland boundary (the west and south boundaries of the lot identified in the Environmental Impact Study). A minimum setback of 15 metres from the wetland boundary shall apply. *(By-law 11-1993)*

**18.5.15 NE1-15**

Notwithstanding any provision of this by-law to the contrary, the area zoned NE1-15 permits one recreational residence and accessory buildings, subject to the provisions of Section 16 (LR1 zone).

Notwithstanding Section 3.4 to the contrary, the area zoned NE1-15 permits an accessory building, no larger than 17 square metres in area, to be located in the front yard. Areas of lot 7 in Registered Plan number 584 in the Ashfield ward zoned NE1 may be used in the calculation of lot area.

**18.5.16 NE1-16**

Notwithstanding the provisions of Section 18 to the contrary, the area zoned NE1-16 may be used for a single detached residence, a recreational residence and one guest cabin. *(By-law 11-1990)*

**18.5.17 NE1-17**

- a) Notwithstanding any provision of this by-law to the contrary, the area zoned NE1-17 permits one recreational residence and accessory buildings, subject to the provisions of Section 17 (LR1 zone).
- b) The provisions of Section 15.3 shall apply, with the following exceptions:
  - Lot Area Minimum: 696.5 square metres
  - Lot Frontage Minimum: 22.5 metres
  - Rear Yard Minimum (roadside): 6 metres
- c) No building or structure shall be permitted to be constructed within 1.5 metres of the existing closed drain. *(By-law 12-2005)*

**18.5.18 NE1-18**

Notwithstanding the provisions of Sections 18.1, 18.2 and 18.4.1 to the contrary, the area zoned NE1-18 may be used for one recreational residence and two accessory guest cabins subject to the provisions of Section 16 (LR1). All other applicable provisions shall apply. *(By-law 9-1990)*

**18.5.19 NE1-19**

Notwithstanding the provisions of Sections 18.1 and 18.2 to the contrary, the area zoned NE1-19 may be used for one recreational residence and accessory buildings subject to the provisions of Section 18 (VR1 zone). All other applicable provisions shall apply  
*(By-law 9-1990)*

**18.5.20 NE1-20**

Notwithstanding any provision of this By-law to the contrary, the area zoned NE1-20 may be used for one boathouse/storage building accessory to a recreational residence located on the same lot. The boathouse/ storage building shall not exceed a ground floor area of 50 square metres, shall be located east of the regulatory flood line and wave action limit, and shall not be used for a guest cabin or any human habitation. All other provisions of this By-law, as amended, shall apply. *(By-law 20-1999)*

**18.5.21 NE1-21**

Notwithstanding the provisions of Section 18.1, 18.2 and 3.23 to the contrary the area zoned NE1-21 may be used for two recreational residences. *(By-law 21-1983)*

**18.5.22 NE1-22**

Notwithstanding any provision of this By-law to the contrary, the area zoned NE1-22 shall be maintained as natural woodlot; and within 10 metres of the southerly lot line of the area zoned NE1-22, all buildings and structures including benches, gazebos and similar outdoor fixtures, shall be prohibited, other than a lawful fence and the existing pump house. All other provisions of this By-law, as amended, shall apply.

**18.5.23 NE1-23-h**

- a) Notwithstanding any provision of this by-law to the contrary, the area zoned NE1-23-h permits one recreational residence and accessory buildings, subject to the provisions of Section 16 (LR1 zone).
- b) The provisions of Section 16 shall apply, with the following exceptions:
  - Lot Area Minimum: 696.5 square metres
  - Lot Frontage Minimum: 22.5 metres
- c) The holding symbol (-h) may be removed by a motion of Council following a development approval permit for the subject lands being issued by the Maitland Valley Conservation Authority.

**18.5.24 NE1-24**

Notwithstanding the provisions of Section 18.1 and 18.2 to the contrary, the area zoned NE1-24 shall permit a residence and accessory buildings subject to the provisions of Section 4 (AG1).

**18.5.25 NE1-25**

Notwithstanding any provision of this by-law to the contrary, the area zoned NE1-25 permits one single detached residence constructed on an existing foundation and an accessory building may be constructed in the front yard. The minimum total area of the NE1-25 and the NE1 zones combined shall be 20 hectares on the same lot.

**18.5.26 NE1-26**

Notwithstanding any provision of this by-law to the contrary, the area zoned NE1-26 permits one single detached residence and accessory buildings subject to the provisions of Section 18 (VR1).

**18.5.27 NE1-27**

Notwithstanding any provision of this by-law to the contrary, the area zoned NE1-27 may be used for one recreational residence and accessory buildings and structures subject to the provisions of Section 16 (LR1). Not more than one recreational residence is permitted per lot. Accessory buildings and structures may be located in the area zoned LR1 on the same lot.

**18.5.28 NE1-28**

Notwithstanding the provisions of Section 18.1 and 18.2 to the contrary, the area zoned NE1-28 permits an existing residence and permits buildings and structures accessory to agriculture subject to the provisions of Section 4 (AG1 Zone). The existing residence may be enlarged in accordance with the provisions of Section 4.2.

**18.5.29 NE1-29**

Notwithstanding the provisions of Section 18.1 and 18.2 to the contrary, the area above the 100 year flood line as shown on Zone Map 14, zoned NE1-29, may be used for the following additional permitted uses:

- a) one recreational dwelling in the form of one recreational residence, or one travel trailer, or one mobile home;
- b) not more than two additional travel trailers on a seasonal basis;
- c) buildings and structures accessory to the permitted uses.

Buildings and structures shall have a minimum setback of 5 metres from any lot line.  
(By-law 13-1999)

#### **18.5.30 NE1-30**

Notwithstanding the provisions of Section 18.4.1 to the contrary, the area zoned NE1-30 may be used for one recreational residence and two accessory guest cabins. All other applicable provisions shall apply. (By-law 9-1990)

#### **18.5.31 NE1-31**

Notwithstanding the provisions of Sections 18.1 and 18.2 to the contrary, the area zoned NE1-31 permits a single detached residence and accessory buildings subject to the provisions of Section 6 (AG4). The lot frontage and area of this lot is deemed to comply with zoning by-law 32-2008. All other provisions of by-law 32-2008 continue to apply. (By-law 46-2008)

#### **18.5.32 NE1-32**

Notwithstanding the provisions of Sections 18.1, 18.2 and 6.2 to the contrary, the area zoned NE1-32 permits a single detached residence and accessory buildings subject to the provisions of Section 6 (AG4). The lot frontage and area is deemed to comply with zoning by-law 32-2008. All other provisions of by-law 32-2008 continue to apply.  
(O.M.B. order, December 2, 2008)

#### **18.5.33 NE1-33**

Notwithstanding the provisions of Sections 18.1, 18.2 and 4.4.3.1 to the contrary, the area zoned NE1-33 permits a barn with a maximum ground floor area of 1500 square metres to replace an existing barn with a ground floor area of 557.4 square metres, subject to the provisions of Section 4 (AG1), except that the minimum front yard in the NE1-33 zone will be 45 metres. The proposed barn shall be constructed outside of the 3:1 stable slope line to the satisfaction of the Maitland Valley Conservation Authority. The area zoned NE1-33 also permits a detached residential dwelling accessory to an agricultural use and accessory uses subject to the provisions of Section 4 (AG1). All other provisions of by-law 32-2008 continue to apply. (By-law 16-2009)

#### **18.5.34 NE1-34**

Notwithstanding the provisions of Sections 18.1, 18.2 and 18.3 to the contrary, in the area zoned NE1-34 an existing storage building may be enlarged to create a two-storey boat storage building with a maximum height of 5 metres and a maximum total ground floor area of 35 square metres. The enlarged portion of the proposed boat storage building may not be located any closer to Lake Huron than the existing portion of the storage building. The existing portion of the storage building may be removed and replaced, provided the maximum total ground floor area of the permitted boat storage building does not exceed a maximum total ground floor area of 35 square metres. The storage building may not be used for human habitation. All other applicable provisions shall apply. (By-law 53-2009)

**18.5.35 NE1-35**

Notwithstanding the provisions of Sections 18.1 and 16.2 to the contrary, the area zoned NE1-35 may be used for one recreational residence and accessory buildings, subject to the provisions of Section 16 (LR1 zone). Notwithstanding the provisions of Section 3.4 the NE1-35 zone permits an accessory storage building to be constructed in the front yard (lakeside) of the property. The minimum side yard setback for the accessory building will be 1.25 metres and the maximum height will be 7.5 metres. No buildings are permitted in the dynamic beach as defined by the Maitland Valley Conservation Authority. All other applicable provisions apply. *(By-law 51-2010)*

**18.5.36 NE1-36**

Notwithstanding the provisions of Sections 18.1 and 18.2 to the contrary, the area zoned NE1-36 may be used for one recreational residence and accessory buildings, subject to the provisions of Section 16 (LR1 zone). Notwithstanding the provisions of Section 16.4 to the contrary the minimum side yard setback for the residence will be 2 metres from the north lot line and the maximum building height of the recreational residence will be 12 metres. The minimum lot area will be 785 square metres. No buildings are permitted in the dynamic beach as defined by the Maitland Valley Conservation Authority. All other applicable provisions apply. *(By-law 43-2011)*

**18.5.37 NE1-37**

Notwithstanding the provisions of Sections 18.1 and 18.2 to the contrary, the area zoned NE1-37 permits one existing recreational residence or one existing mobile home that was legally established at the time of passing of this by-law. The existing recreational residence or mobile home may be replaced with a new recreational residence provided that the new recreational residence is located no closer to the Maitland River, the floor area of the recreational residence does not increase and provided that a permit from the Maitland Valley Conservation Authority is available. Accessory Buildings in the NE1-37 zone are permitted subject to the provisions of Section 3.4 and subject to a permit being obtained from the Maitland Valley Conservation Authority.

**18.5.38 NE1-38**

Notwithstanding the provisions of Sections 18.1 and 18.2 to the contrary, the area zoned NE1-38 permits one single detached dwelling, one barn and accessory buildings.

**18.5.39 NE1-39**

Notwithstanding the provisions of Sections 18.1 and 18.2 to the contrary, the area zoned NE1-39 permits one single detached dwelling, two barns and accessory buildings, setbacks for buildings from lot lines will be in accordance with the provisions of the AG1 zone.

**18.5.40 NE1-40 (as amended by By-law 43-2017)**

Notwithstanding the provisions of Sections 18.1 and 18.2 to the contrary, the area zoned NE1-40 permits one single detached dwelling, and accessory buildings, and 1 barn subject to the provisions of the AG1 Zone. The barn can contain a maximum of 14 nutrient units. All other applicable provisions shall apply.

**18.5.41 NE1-41 (as amended by By-law 67-2017)**

Notwithstanding the provisions of Sections 18.1 and 18.2 to the contrary, the area zoned NE1-41 permits one single detached dwelling, and accessory structures, subject



to the provisions of the Section 6 (AG4 Zone), except that:

- The minimum front yard setback is 7.5 metres;
- The maximum distance any portion of the residence can be from the front lot line is 20 metres;
- The maximum distance any portion of any accessory building or deck can be from the front lot line is 23 metres;
- The minimum side yard setback is 10 metres from the northly lot line.

A planting strip consisting of a continuous planting of evergreens or shrubs not less than 1.5 metres in height and an ultimate width of 1.5 metres, shall be planted and maintained by the owner. The minimum length of the planting strip shall be the length of the residence. The planting strip shall be located between the road and the residence and immediately adjacent to the front lot line.

All other applicable provisions shall apply.

#### **18.5.42 NE1-42 (as amended by By-law 40-2018)**

Notwithstanding the provisions of Sections 18.1 and 18.2 to the contrary, the area zoned NE1-42 may be used for one single detached residence and accessory buildings subject to the provisions of Section 6 (AG4 Zone) with the exception that agricultural uses including livestock are not permitted uses. All lot grading, servicing and structures must be located inside the NE1-42 zoned lands. Development is permitted in accordance with the Development Agreement. All other applicable provisions shall apply.

#### **18.5.43 NE1-43 (as amended by By-law 41-2021)**

Notwithstanding the provisions of Sections 18.1 and 18.2, or any other provision of this by-law to the contrary, the area zoned NE1-43 may be used for a Recreational Trailer Park and Campground subject to the provisions of Section 22 (RC2 Zone) with the following exceptions:

- The NE1-43 zone shall be limited to a maximum of 187 seasonal travel trailer sites and 6 transient group sites;
- Travel trailer sites shall not contain more than one travel trailer;
- A maximum of 1 accessory storage building per travel trailer site, not to exceed 10 square metres (108 square feet) in total floor area is permitted;
- Additions to travel trailers shall not be permitted;
- The existing lot frontage; and the setbacks established by the location of the existing buildings, where deficient from the requirements of this by-law shall be deemed to be the minimum requirements for those buildings and structures.

MVCA permits are required for construction, reconstruction, filling and site grading as required under Ontario Regulation 164/06 (Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation).

All other applicable provisions shall apply.

#### **18.5.44 NE1-44 (as amended by By-law 49-2019)**

Notwithstanding the provisions of Sections 18.1 and 18.2 to the contrary, the area zoned NE1-44 may be used for one single detached residence and accessory buildings subject to the provisions of Section 17 (LR2 Zone). All lot grading, servicing and structures must be located inside the NE1-44 zoned lands. All other applicable provisions shall apply.

**18.5.45 NE1-45 (as amended by By-law 57-2020)**

Notwithstanding the provisions of Sections 18.1 and 18.2 to the contrary, the area zoned NE1-45 may be used for one single detached residence and accessory buildings subject to the provisions of Section 6 (AG4 zone provisions). Notwithstanding Section 6.4 of this by-law to the contrary, all structures shall be subject to a zone setback of 0.5 metres and an interior side yard setback of 7.5 metres. A Holding shall be applied to the subject special zone until:

- A Development Agreement has been entered into between the owners and the Township of Ashfield-Colborne-Wawanosh with regard to site development and forest management, and;
- When road frontage is achieved.

All other applicable provisions shall apply.

**18.5.46 NE1-46 (as amended by By-law 18-2021)**

Notwithstanding the provisions of the by-law to the contrary, those lands zoned NE1-46 may be used for one recreational residence and accessory buildings, subject to the provisions of the Section 16 (LR1 zone). Notwithstanding Section 3.26.1, no minimum parking requirement shall apply to any permitted uses within the NE1-46 zone. All other applicable provisions shall apply.

## **SECTION 19 NATURAL ENVIRONMENT (NE5)**

Within this ZONE, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### **19.1 PERMITTED USES**

- Forestry
- Conservation
- Passive recreation
- Agricultural uses as they existed on the date of passing of the by-law
- Uses accessory to the permitted uses
- Public park

### **19.2 PERMITTED STRUCTURES**

- Buildings and structures existing on the date of the passing of this By-law
- Accessory buildings and structures for the maintenance of the permitted uses as well as trails and footpaths, such as stiles, stairways, bridges and benches subject to the consent of the Maitland Valley Conservation Authority or appropriate authority
- Buildings and structures necessary for flood and/or erosion control prevention subject to the consent of the Maitland Valley Conservation Authority or appropriate authority
- A class 1 sewage disposal facility as approved by the appropriate authority

### **19.3 SPECIAL PROVISIONS**

19.3.1 The placement or removal of fill or the alteration of water courses is permitted only for the maintenance of the permitted uses and in accordance with the applicable regulations of the Maitland Valley Conservation Authority or the appropriate authority.

19.3.2 Clearing of areas will be prohibited. Selective cutting will be permitted in accordance with Huron County Tree Cutting By-law No. 38-2013.

19.3.3 Drainage is prohibited, other than for a direct agricultural drainage outlet, drainage required for permitted structures, and drains constructed in accordance with the Drainage Act and the Tile Drainage Act, as amended from time to time.

19.3.4 Where a property has been rezoned in accordance with the policies in the Township Official Plan to a special NE5 zone to permit a dwelling, a small-scale wind energy facility may be permitted as an accessory use to the dwelling in accordance with Section 3.38, the provisions for small scale wind energy facilities.

### **19.4 ZONE REGULATIONS**

19.4.1 The minimum front, rear, side yards, the maximum lot coverage and height of buildings and structures existing on the date of passing of this By-law shall constitute the minimum or maximum requirements, as the case may be.

19.4.2 The minimum front, rear and side yards of new and expanding buildings and structures will be established and constructed in accordance with the requirements of the relevant approval authority and required studies. The Conservation Authority may recommend that the Township require an Environmental Impact Study be completed.

## **19.5 SPECIAL ZONES**

### **19.5.1 NE5-1**

Notwithstanding and in addition to the provisions of Sections 19.1 and 19.2 to the contrary, the area zoned NE5-1 recognizes a Provincially significant wetland and nature sanctuary. It permits those uses which existed on the date of passing of this by-law, in addition to those required to protect the natural environment. The establishment of a residence is prohibited. *(By-law 17-1993)*

### **19.5.2 NE5-2**

Notwithstanding and in addition to the provisions of Sections 19.1 and 19.2 to the contrary, the area zoned NE5-2 permits all uses and all buildings and structures permitted in Section 4, subject to the provisions of Section 4 (AG1).

### **19.5.3 NE5-3**

Notwithstanding the provisions of Section 19.1 and 19.2 to the contrary, the area zoned NE5-3 may be used for one existing single detached residence and accessory buildings, and a guest cabin, subject to the provisions of Section 4 (AG1). The existing single detached residence may be enlarged in accordance with Section 4.2.

### **19.5.4 NE5-4**

Notwithstanding the provisions of Section 19.1 and 19.2 to the contrary, the area zoned NE5-4 permits a 300 square metre house, a 150 square metre barn for livestock equaling up to 6 nutrient Units. A 150 square metre carpentry and repair shop is also permitted in the NE5-4 zone. The area zoned NE5-4 is permitted to be used for gardens and animal pasture. No livestock uses are permitted to be established on the property until a fence has been constructed in accordance with the limits of the pasture established in the Environmental Impact Study prepared by Beacon Environmental to the satisfaction of the Maitland Valley Conservation Authority, County of Huron and the Township of Ashfield-Colborne-Wawanosh. All buildings and structures will be located in accordance with the permit from the Maitland Valley Conservation Authority. All other applicable provisions of this zoning by-law shall continue to apply. *(By-law 05 2015)*

### **19.5.5 NE5-5**

Notwithstanding the provisions of Section 19.1 and 19.2 to the contrary, the area zoned NE5-5 permits one single detached residence with a maximum floor area of 33 square metres and one accessory building, with a maximum floor area of 300 square metres and a maximum building height of 10.5 metres. The area zoned NE5-5 permits a maximum of 5 nutrient units and permits gardens and animal pasture. No livestock uses are permitted to be established on the property until a fence has been constructed in accordance with the Environmental Impact Study prepared by Beacon Environmental (dated May 2019) to the satisfaction of the Maitland Valley Conservation Authority, County of Huron and the Township of Ashfield-Colborne-Wawanosh. All lot grading, servicing and structures must be located inside the NE5-5 zoned lands. Development is permitted in accordance with the Development Agreement. All other applicable provisions of By-law 32-2008 shall continue to apply. *(As amended by By-law 60-2019)*

## **SECTION 20 RECREATIONAL CAMPGROUND ZONE (RC1)**

Within this ZONE, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### **20.1 PERMITTED USES**

- Campground
- Conservation
- Forestry
- Recreation centre
- Recreation, passive
- Private park

### **20.2 PERMITTED STRUCTURES**

- Buildings and structures for the permitted uses
- One accessory dwelling unit for the owner or manager of the campground, either detached or attached to a permitted structure
- One accessory dwelling unit attached to a permitted structure for staff accommodation
- Other buildings & structures, not including residences, accessory to the permitted uses

### **20.3 ZONE REGULATIONS**

LOT AREA (minimum): 4 hectares

LOT FRONTAGE (minimum): 40 metres

For buildings and structures the following minimum setbacks shall apply:

FRONT YARD: 20 metres

INTERIOR SIDE YARD: 7.5 metres

EXTERIOR SIDE YARD: 20 metres

REAR YARD: 7.5 metres

LOT COVERAGE (maximum): 30 %

PARKING see GENERAL PROVISIONS Section 3.26

### **20.4 BUILDING REGULATIONS**

20.4.1 BUILDING HEIGHTS (maximum): 9 metres

### **20.5 REGULATIONS FOR ACCESSORY RESIDENTIAL USE FOR THE MANAGER/OWNER/STAFF**

20.5.1 Minimum floor area for the dwelling unit shall be in accordance with the following:

- fully detached residence, 84 square metres
- a residence as part of the non-residential building or structure, 70 square metres
- A separate direct pedestrian access to the dwelling unit shall be provided

## **20.6 SPECIAL PROVISIONS**

### **20.6.1 RECREATIONAL SPACE**

Not less than 20% of the gross area of the lot shall be used as communal recreational area. Natural areas such as ravines, swamps or open water shall not be included in the calculation of recreational space.

### **20.6.2 NATURAL AREA OPEN SPACE**

Not less than 50% of the gross area of the lot shall be used as communal open space which can include ravines, swamps.

### **20.6.3 DENSITY OF DEVELOPMENT**

Overall density of the entire development shall not exceed 10 camp sites per gross hectare.

### **20.6.4 LIGHTING**

All lighting and illuminated signs shall be arranged so as to deflect light away from adjacent properties.

### **20.6.5 BUFFER**

Where an (RC1) Zone abuts a (LR1) or (LR2) Zone, a buffer strip of landscaped open space or natural vegetation of 10 metres shall be required.

### **20.6.6 WATER ACCESS**

Where a recreational campground is located within three hundred (300) metres of a navigable body of water or a lake, access to the water shall be provided as part of the lot or holding. The width of this access shall be a minimum of 30 metres.

### **20.6.7 SEPARATION DISTANCE**

No campground uses and permitted buildings and structures and no accessory residence shall be established unless it complies with the Minimum Distance Separation (MDS) Formulae. Notwithstanding any other provision of this by-law to the contrary, no residential, institutional, commercial, industrial or recreational building or structure, located on a separate lot shall be established unless it complies with the Minimum Distance Separation (MDS) Formulae.

## **SECTION 21 RECREATIONAL GOLF COURSE ZONE (RG1)**

Within this ZONE, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### **21.1 PERMITTED USES**

- A golf course and/or driving range and associated recreational uses including restaurant, swimming pool, tennis courts, miniature golf course and country club facility
- An accessory dwelling unit detached from or part of any non-residential building or structure
- Agricultural use, limited
- Uses accessory to the permitted uses

### **21.2 PERMITTED STRUCTURES**

- Buildings and structures for the permitted uses
- Other buildings and structures, not including residences, accessory to the permitted uses

### **21.3 ZONE REGULATIONS**

LOT AREA (minimum): 3 hectares

LOT FRONTAGE (minimum): 75 metres

For buildings and structures the following minimum setbacks shall apply:

FRONT YARD: 30 metres, except that a driving range booth less than 15 square metres in area may have a front yard setback of 10 metres

INTERIOR SIDE YARD: 8 metres

EXTERIOR SIDE YARD: 30 metres, except that a driving range booth less than 15 square metres in area may have an exterior side yard setback of 10 metres

REAR YARD: 8 metres

LOT COVERAGE (maximum): 10 %

PARKING - see GENERAL PROVISIONS Section 3.26

LIGHTING

All lighting and illuminated signs shall be arranged so as to deflect light away from adjacent properties.

### **21.4 BUILDING REGULATIONS**

BUILDING HEIGHTS (maximum) 12 metres

### **21.5 Regulations for Accessory Residential Uses**

#### **21.5.1 FLOOR AREA**

Minimum floor area per dwelling unit shall be in accordance with the following:

- fully detached residence 84 square metres
- a residence as part of the non-residential building or structure 70 square metres

### **21.5.2 DWELLINGS PART OF OTHER BUILDINGS**

A dwelling unit that is part of a non-residential building must be completely self-contained and have direct access to the outside.

### **21.5.3 SEPARATION DISTANCE**

No Golf Course uses and permitted buildings and structures, no accessory residence, and no commercial, or recreational, building or structure shall be established unless it complies with the Minimum Distance Separation (MDS) Formulae. Notwithstanding any other provision of this by-law to the contrary, no residential, institutional, commercial, industrial or recreational building or structure, located on a separate lot shall be established unless it complies with the Minimum Distance Separation (MDS) Formulae.

## **21.6 SPECIAL ZONES**

### **21.6.1 RG1-1**

Notwithstanding the provisions of this by-law to the contrary, in the area zoned RG1-1 permitted uses shall be limited to a golf course and accessory uses. All other provisions of this by-law as amended, shall apply. *(By-law 29-2004)*



## **SECTION 22 RECREATIONAL TRAILER PARK AND CAMPGROUND ZONE (RC2)**

Within this ZONE, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### **22.1 PERMITTED USES**

- Campground
- Conservation
- Forestry
- Recreation centre
- Recreation, passive
- Private park
- Recreational trailer and tent park
- Uses accessory to the trailer park and campground use including recreational vehicle sales and service

### **22.2 PERMITTED STRUCTURES**

- Buildings and structures for the permitted uses
- One accessory dwelling unit for the owner or manager of the trailer park and campground, either detached or attached to a permitted structure
- One accessory dwelling unit attached to a permitted structure for staff accommodation
- Buildings and structures for the permitted uses including travel trailers, but not including a mobile home
- Other buildings and structures, not including residences, accessory to the permitted uses

### **22.3 ZONE REGULATIONS**

LOT AREA (minimum): 4 hectares

LOT FRONTAGE (minimum): 40 metres

For buildings and structures the following minimum setbacks shall apply:

FRONT YARD: 20 metres

INTERIOR SIDE YARD: 7.5 metres

EXTERIOR SIDE YARD: 20 metres

REAR YARD: 7.5 metres

TRAILER SITE AREA (minimum): 150 square metres

LOT COVERAGE (maximum): 30 %

PARKING see GENERAL PROVISIONS Section 3.26

### **22.4 BUILDING REGULATIONS**

22.4.1 BUILDING HEIGHTS (maximum): 9 metres

## **22.5 REGULATIONS FOR ACCESSORY RESIDENTIAL USE FOR THE MANAGER/OWNER/STAFF**

22.5.1 Minimum floor area for the dwelling unit shall be in accordance with the following:

- fully detached residence, 84 square metres
- a residence as part of the non-residential building or structure, 70 square metres
- a separate direct pedestrian access to the dwelling unit shall be provided

## **22.6 SPECIAL PROVISIONS**

### **22.6.1 RECREATIONAL SPACE**

Not less than 10% of the gross area of the lot shall be used as communal recreational area. Natural areas such as ravines, swamps or open water shall not be included in the calculation of recreational space.

### **22.6.2 NATURAL AREA OPEN SPACE**

Not less than 33% of the gross area of the lot shall be used as communal open space which can include ravines, swamps.

### **22.6.3 DENSITY OF DEVELOPMENT**

Overall density of the entire development shall not exceed 15 recreational vehicle/trailer lots or camp sites per gross hectare.

### **22.6.4 ADDITIONS TO TRAILERS**

Structures, in the form of additions to trailers, are permitted to be established in the RC2 zone as an accessory “add-on” provided that the total floor area for the addition(s) does not exceed the floor area of the trailer.

### **22.6.5 LIGHTING**

All lighting and illuminated signs shall be arranged so as to deflect light away from adjacent properties.

### **22.6.6 BUFFER**

Where a (RC2) Zone abuts a (LR1) or (LR2) Zone, a buffer strip of landscaped open space or natural vegetation of 10 metres shall be required.

### **22.6.7 WATER ACCESS**

Where a recreational trailer park is located within three hundred (300) metres of a navigable body of water or a lake, access to the water shall be provided as part of the lot or holding. The width of this access shall be a minimum of 30 metres.

### **22.6.8 SEPARATION DISTANCE**

No recreational trailer park and campground uses and permitted buildings and structures and no accessory residence shall be established unless it complies with the Minimum Distance Separation (MDS) Formulae. Notwithstanding any other provision of this by-law to the contrary, no residential, institutional, commercial, industrial or recreational building or structure, located on a separate lot shall be established unless it complies with the Minimum Distance Separation (MDS) Formulae.

## **SECTION 23 RECREATIONAL – COMMERCIAL FACILITY ZONE (RC3)**

Within this ZONE, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### **23.1 PERMITTED USES**

- Recreational vehicles sales facility
- A boating supply store
- A guest cabin
- A hotel
- A marina
- A miniature golf course
- A motel
- A recreational park
- A recreational vehicle sales facility
- A restaurant
- A retail facility for the sale of pre-manufactured recreational residences
- A retail store for the sale of personal convenience goods and foodstuffs, and recreational equipment
- A riding school
- A tourist home
- Conservation
- Forestry
- Public park
- Uses accessory to the permitted uses

### **23.2 ACCESSORY USES**

- One accessory dwelling unit for the owner/manager/staff

### **23.3 PERMITTED STRUCTURES**

- Buildings and structures for the permitted uses
- One accessory dwelling unit for the owner/manager/staff
- Other buildings and structures, not including residences, accessory to the permitted uses, in accordance with Section 3.4

### **23.4 ZONE REGULATIONS**

LOT AREA (minimum): 4 hectares

LOT FRONTAGE (minimum): 40 metres

For buildings and structures the following minimum setbacks shall apply:

FRONT YARD: 20 metres

INTERIOR SIDE YARD: 10 metres

EXTERIOR SIDE YARD: 20 metres

REAR YARD: 10 metres

LOT COVERAGE (maximum): 30 %

## **23.5 BUILDING REGULATIONS**

BUILDING HEIGHTS (maximum): 9 metres

## **23.6 REGULATIONS FOR ACCESSORY RESIDENTIAL USE FOR THE MANAGER/OWNER/STAFF**

Minimum floor area for the dwelling unit shall be in accordance with the following:

- fully detached residence, 84 square metres
- a residence as part of the non-residential building or structure, 70 square metres
- A separate direct pedestrian access to the dwelling unit shall be provided
- Any permitted accessory residence will remain part of the recreational commercial holding

## **23.7 SPECIAL PROVISIONS**

### **23.7.1 LIGHTING**

All lighting and illuminated signs shall be arranged so as to deflect direct light away from adjacent properties.

### **23.7.2 SITE PLAN CONTROL**

The lands zoned RC3 may be subject to Site Plan Control and/or Development Agreement.

### **23.7.4 SEPARATION DISTANCE**

No recreational-commercial uses and permitted buildings and structures, and no accessory residence shall be established unless it complies with the Minimum Distance Separation (MDS) Formulae. Notwithstanding any other provision of this by-law to the contrary, no residential, institutional, commercial, industrial or recreational building or structure, located on a separate lot shall be established unless it complies with the Minimum Distance Separation (MDS) Formulae.

## **23.8 SPECIAL ZONES**

### **23.8.1 RC3-1**

The area zoned RC3-1 may only be used as a marina with the following accessory uses, a washroom/ clubhouse building, an office/ maintenance building and a storage building. *(By-law 20-1987)*

## **SECTION 24 RESIDENTIAL PARK ZONE (LR3)**

Within this ZONE, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### **24.1 PERMITTED USES**

- A residential park
- Uses accessory to the permitted uses

### **24.2 ACCESSORY USES**

- Home occupation
- Passive and active recreation

### **24.3 PERMITTED STRUCTURES**

- Administrative, sales or rental office
- A convenience retail store or a personal service store to serve the day-to-day commercial needs of the residential park residents
- Mobile home sales office
- One dwelling unit within the rear portion or second storey of the main office or sales facility or one single detached residence accessory to the mobile home park use
- Mobile home
- Mobile home - double wide
- Park or playground
- Recreational or community centre
- Swimming pool
- Buildings and structures for the permitted uses
- Modular homes
- Single detached dwellings
- Other buildings and structures, not including residences, accessory to the permitted uses

### **24.4 REGULATIONS FOR MOBILE HOME PARK**

LOT AREA (minimum): 4 hectares

LOT FRONTAGE (minimum): 100 metres

FRONT YARD DEPTH (minimum): 9 metres

SIDE YARD DEPTH (minimum): 7.5 metres

EXTERIOR SIDE YARD DEPTH (minimum): 10 metres

REAR YARD DEPTH (minimum): 7.5 metres

BUILDING HEIGHT (maximum): 9 metres

### **24.5 REGULATIONS FOR A MOBILE HOME SITE**

SITE AREA (minimum): 420 square metres

SITE FRONTAGE (minimum): 13.5 metres

FRONT YARD (minimum): 3 metres from interior road

INTERIOR SIDE YARD (minimum): 1.2 metres

EXTERIOR SIDE YARD (minimum): 3 metres from interior road

REAR YARD (minimum): 3 metres

UNIT FLOOR AREA (minimum): 55 square metres

SITE COVERAGE (maximum): 35 %

NUMBER OF STOREYS (maximum): 1

## **24.6 ADDITIONAL PROVISIONS FOR MOBILE HOME PARKS**

### **24.6.1 ACCESS**

Each mobile home site within a mobile home park shall be located on an internal access road which shall have a dust free surface and shall be a minimum traveled width of 4 metres for one-way traffic flow and 6 metres for two-way traffic flow.

### **24.6.2 ADDITIONS AND ACCESSORY STRUCTURES**

Additions to mobile homes shall be permitted provided that the yard setback and lot coverage provisions for the lot are maintained.

- a) Buildings and structures accessory to a mobile home on a mobile home site shall be permitted in accordance with Section 3.4. No more than 2 accessory buildings shall be permitted on a mobile home site.
- b) Buildings and structures accessory to the Mobile Home Park are permitted in accordance with Zone Regulations above.

### **24.6.3 DENSITY**

The maximum density of mobile home units in a mobile home park shall be 15 units per gross hectare.

### **24.6.4 COMMERCIAL BUILDINGS**

Accessory commercial buildings shall not occupy more than one percent 1% of the mobile home park area. The required parking spaces shall be calculated on the basis of one parking space for each ten square metres of gross floor area.

### **24.6.5 PARKING**

Each mobile home site shall be provided with at least 1 car parking space and visitor parking shall be provided on the basis of 1 space for every 4 mobile home sites, and shall be dispersed throughout the mobile home park at locations convenient to the site which it is intended to serve. Such visitor parking shall not be used for the storage of boats or trailers.

Community Centre Building Parking - Refer to the General Provisions Section 3.26

### **24.6.6 RECREATION SPACE / OPEN SPACE**

Not less than 10% of the gross area of a mobile home park shall be used as recreation space, placed in locations convenient to all residents. Such space shall be free of traffic hazards and shall not include areas designated as planting strips. Where recreation space exceeds five hundred square metres two or more such areas shall be provided.

### **24.6.7 SERVICES**

- a) Each mobile home located within a residential park shall be provided with a piped water supply, sewage disposal facilities, solid waste disposal, storm drainage, hydro,

street lighting, telephone and road maintenance.

- b) In existing mobile home parks, without full services, expansions will be permitted based on the approval of the appropriate authority.

#### **24.6.8 SKIRTING AND FOUNDATION FOR MOBILE HOMES**

Each mobile home unit located on a mobile home site shall be placed on a continuous permanent substructure or permanent foundation supports. All mobile homes shall be provided with durable skirtings, with access where necessary, to screen the view of the undercarriage or foundation supports and any accessory structure shall be so designed to harmonize with the mobile home.

#### **24.6.9 STORAGE**

- a) There shall be no outside storage of any furniture, domestic equipment or seasonally used equipment on the mobile home site.
- b) Adequate open storage shall be provided within a special communal storage area provided within the mobile home park.
- c) The communal storage area may be located in the rear or side yard in accordance with the General Provisions Section, Accessory Structures.
- d) Adequate covered storage shall be provided and located either at the individual mobile home site or within a special communal storage area provided within the mobile home park. Structures containing accessory covered storage facilities shall be located and designed so that each building provides storage space for a minimum of 8 mobile home units on the basis of 3.5 cubic metres of storage space per unit, and no mobile home site is more than 60 metres from its storage facility.

#### **24.6.10 UNITS PER SITE**

Not more than one mobile home unit shall be placed on any mobile home site.

### **24.7 SPECIAL ZONES**

#### **24.7.1 LR3-1**

- a) Notwithstanding any provisions of Section 24 to the contrary, in the area zoned LR3-1, 270 sites (maximum) are permitted and a further 30 sites are permitted subject to approvals for servicing in accordance with the development agreement.
- b) Notwithstanding Section 24.5 to the contrary, for the area zoned LR3-1, the following exceptions shall apply:

The site area minimum shall be the site areas as shown on the registered site plan;

Site Side Yard (minimum): 4.2 metres on one side and 0 metres on the other;

Site Rear Yard (minimum): 2.1 metres;

- c) Notwithstanding Section 3.31 to the contrary, sites abutting the lake bank shall have a site rear yard setback of 3 metres (minimum);  
Unit Floor Area (maximum): 160 square metres;  
Site Coverage (maximum): 40 percent.
- d) Notwithstanding any provision of this by-law to the contrary, parking will be provided with a minimum of 2 spaces per site.
- e) Notwithstanding any provision of this by-law to the contrary, mobile homes and any part thereof or addition to shall be separated from each other by not less than 4.2 metres. The separation between the garage or carport and the neighbouring dwelling unit may be reduced to 2.4 metres.

- f) Approved communal sewage systems may be located in the General Agriculture Zone (AG1).
- g) All other applicable provisions of this By-law, as amended, shall apply.

**24.7.2 LR3-2**

Notwithstanding the provisions of Section 24.5 Regulations for a Mobile Home Site and Section 3.4.4. Lot Coverage of Accessory Buildings, to the contrary, the LR3-2 zone permits:

- a) 187 mobile home sites (maximum) are permitted to have a site coverage of 45% (maximum). The allocation of the mobile home sites shall be included in the Registered Site Plan Control Agreement;
- b) Unenclosed decks less than 0.6 metres above grade shall not be included in the calculation of site coverage for any site.

All other provisions of this by-law shall apply. (*By-law 8-2017*)



## **SECTION 25 SALVAGE YARD (C4)**

### **25.1 PERMITTED USES**

- An automotive wrecking establishment as defined in Section 2.
- A salvage yard as defined in Section 2 of this By-law.
- Uses accessory to the permitted uses.

### **25.2 PERMITTED STRUCTURES**

- An accessory residence to be owned and occupied by the manager of the permitted commercial operation.
- A storage shed.
- Buildings and structures for permitted uses.
- Other buildings & structures, not including residences, accessory to the permitted uses.

### **25.3 ZONE REGULATIONS**

ZONE AREA (minimum) : 2 hectares

ZONE AREA (maximum) : 6 hectares

LOT FRONTAGE (minimum) : 45 metres

FRONT YARD DEPTH (minimum) : 30 metres

SIDE YARD DEPTH (minimum) : 3 metres except: 15 metres minimum where any side lot line abuts any non-industrial zone

EXTERIOR SIDE YARD DEPTH (minimum): 30 metres

REAR YARD DEPTH (minimum): 3 metres except: 15 metres minimum where any rear lot line abuts any non-industrial zone

### **25.4 BUILDING REGULATIONS**

**25.4.1 BUILDING HEIGHT** (maximum): 12 metres

### **25.5 REGULATIONS FOR ACCESSORY RESIDENTIAL USES**

**25.5.1 LOT AREA** (to be added to the minimum lot area for the Salvage Yard use) minimum:

- Detached residence: 700 square metres
- Attached dwelling unit: 350 square metres

**25.5.2 MINIMUM FLOOR AREA PER DWELLING UNIT** shall be in accordance with the following:

- Fully detached residence: 84 square metres
- A residence as part of the non-residential building or structure: 70 square metres

**25.5.3 YARD REQUIREMENTS:** Section 25.3 shall apply. *(By-law 8-1998).*

### **25.5.4 SEPARATION DISTANCE**

Notwithstanding any other provision of this by-law to the contrary, no residential, institutional, commercial, industrial or recreational building or structure, located on a separate lot shall be established unless it complies with the Minimum Distance Separation (MDS) Formulae.

## **SECTION 26 VILLAGE COMMERCIAL ZONE (VC1)**

Within this ZONE, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### **26.1 PERMITTED USES**

- Agricultural service establishment
- Agricultural supply establishment
- Ambulance station
- Artist's studio/ gallery
- Assembly hall which is carried on entirely within a wholly enclosed building
- Auction sale facility excluding the sale of livestock
- Bank or a financial institution
- Bed and breakfast establishment
- Building supply and sales establishment
- Clothing store
- Commercial storage warehouse (rental units)
- Convenience store
- Day nursery
- Dwelling, converted
- Dwellings existing on the date of passage of this By-law and their strengthening, Repair renovation, enlargement or replacement subject to the provisions of the VR1 zone
- Dwelling unit accessory to a permitted use
- Eating establishment, restaurant
- Eating establishment, drive-through restaurant
- Eating establishment, take-out restaurant
- Eating establishment, portable food outlet, in accordance with any municipal By-laws
- Farm equipment sales, service and supply establishment
- Farm produce sales outlet
- Farmer's market
- Fire hall
- Food store
- Funeral home
- Gasoline bar
- General store
- Government office
- Greenhouse, commercial
- Group home, in a single detached residence
- Hardware store
- Home occupation in any permitted dwelling
- Hotel
- Landscaping and garden supply establishment
- Liquor store
- Lumber yard
- Mobile home and/or recreational vehicle sales and service establishment

- Motor vehicle repair shop
- Motor vehicle sales and/or service establishment
- Motor vehicle washing establishment
- Motorized recreational vehicle sales and service establishment
- Office use or clinic
- Parking area, accessory
- Parking lot
- Personal services shop
- Post office
- Printing establishment
- Private club
- Public building
- Public garage
- Public library
- Public park in accordance with the Urban Natural Environment and Open Space (OS), Section 20.
- Retail store except those dealing with heavy machinery, fuels, factory equipment, building materials, new or used automobiles, boats, trailers, motorcycles or snowmobiles
- Sports and recreation facility
- Service and repair shop
- Tire sales establishment
- Veterinarians' clinic
- Wholesale or warehouse use accessory to any of the foregoing permitted uses
- Uses accessory to the permitted uses

## **26.2 PERMITTED STRUCTURES**

- Buildings and structures for the permitted uses
- Other buildings and structures, not including residences, accessory to the permitted uses

## **26.3 ZONE REGULATIONS**

	<b>Public Water and Private Septic</b>	<b>Private Water and Private Septic</b>
Lot Area (minimum)	1,650 square metres	1,850 square metres
Lot Frontage (minimum)	30 metres	30 metres
Lot Depth (minimum)	46 metres	46 metres
Front Yard Depth (minimum)	3 metres	3 metres
Interior Side Yard Depth (minimum)	3 metres	3 metres
Exterior Side Yard Depth (minimum)	3 metres	3 metres
Rear Yard Depth (minimum)	7.5 metres	7.5 metres
Lot Coverage (maximum)	40 %	40 %
Landscaped Open Space (minimum)	20 %	20 %

## **26.3 BUILDING REGULATIONS**

**26.3.1** Building Height (maximum): 12 metres

## **26.4 BUILDING REGULATIONS FOR ACCESSORY RESIDENTIAL USE**

26.4.1 Location: other than in basement or cellar.

26.4.2 Minimum dwelling unit area for dwelling units located within a commercial unit shall be 70m<sup>2</sup>

26.4.3 Access to dwelling units from the adjacent street shall be provided for the exclusive use of the dwelling.

## **26.5 REGULATIONS FOR EXISTING RESIDENCES**

Existing residences may be expanded, enlarged or re-established subject to the provisions of the VR1 zone.

## **26.6 RE-ESTABLISHMENT OF A RESIDENTIAL USE**

Any building which has been used as a residence and subsequently converted to a commercial use may be returned to a residential use subject to the provisions of Section 18, (VR1 zone).

## **26.7 SPECIAL PROVISIONS**

### **26.7.1 OUTDOOR DISPLAY AND STORAGE REGULATIONS**

The minimum setback from any front, side or rear lot line of any outside display or storage area in this zone shall be no less than 3 metres.

## **26.8 SPECIAL ZONES**

### **26.8.1 VC1-1**

Notwithstanding and in addition to the uses permitted in Section 26.1, lands zoned VC1-1 may be used for a storage building for a custom builder and a cabinet finishing shop with an accessory retail shop and showroom.

### **26.8.2 VC1-2**

Notwithstanding and in addition to the uses permitted in Section 26.1, lands zoned VC1-2 may be used for a storage building for a custom builder and a cabinet finishing room with an accessory retail shop and showroom. Any kiln constructed on lands zoned VC1-2 shall satisfy all provincial regulations relating to odour, noise and dust. *(By-law 6-1999)*

### **26.8.3 VC1-3**

Notwithstanding any provision of this By-law to the contrary, the area zoned VC1-3 may also be used for a storage building. All other provisions of this By-law, as amended shall apply. *(By-law 09-2000)*

### **26.8.4 VC1-4**

Notwithstanding any provisions of Section 26.1 to the contrary, the area zoned VC1-4 may also be used for a car/truck washing establishment and a trucking yard. All other applicable provisions shall apply. *(By-law 22 1990)*

**26.8.5 VC1-5**

Notwithstanding the provisions of Section 26.1 to the contrary, the area zoned VC1-5 may be used for an existing residence and the existing residence may be intentionally removed and replaced.

**26.8.6 VC1-6**

Notwithstanding the provisions of Section 26.1 to the contrary, the area zoned VC1-6 may ONLY be used for the storage and warehousing of automobiles. All other applicable provisions shall apply. (Amended by By-law 58-2017)

**VC1-6-H**

Notwithstanding the provisions of Section 26.1 to the contrary, the area zoned VC1-6 permits a contractor's yard, accessory uses, and accessory aggregate storage in addition to the VC1 permitted uses.

Prior to the holding zone being removed, the Township shall enter into a Site Plan Control By-law for the subject property to address compatibility and site design issues. All other applicable provisions of this by-law, as amended, shall apply. (Amended by By-law 19-2018)

## **SECTION 27 VILLAGE INDUSTRIAL ZONE (VM1)**

Within this ZONE, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### **27.1 PERMITTED USES**

- All permitted uses shall be dry industries as defined in Section 2
- Assembly, manufacturing, fabricating, packaging, printing, or warehouse conducted and wholly contained within an enclosed building
- An agricultural industrial establishment
- An agricultural processing establishment – not including dead stock removal
- An agricultural servicing establishment
- Automotive body shop
- A garage, public
- A retail outlet
- Indoor and outdoor storage
- A shop for maintenance, repair and fabrication of industrial equipment, components and structures
- A control centre for wind energy developments
- An interpretive centre for wind energy developments
- A wholesale outlet or office accessory to a permitted use
- A storage industry or warehouse
- A transport terminal or yard
- Uses accessory to the permitted uses
- Cannabis production facility subject to the provisions of Section 23 and 3.44 (As amended by By-law 17-2020)

### **27.2 PERMITTED STRUCTURES**

- Buildings or structures for the permitted uses
- Other buildings and structures, not including residences, accessory to the permitted uses

### **27.3 ZONE PROVISIONS**

LOT FRONTAGE (minimum): 30 metres

LOT AREA (minimum): 850 square metres

LOT DEPTH (minimum): 30 metres

LOT COVERAGE (maximum): 40%

FRONT YARD (minimum): 15 metres abutting Provincial or County Road; 10 metres abutting a Township road

REAR YARD (minimum): 7.5 metres, or provided that where the rear lot line is the boundary line between a CF, VR1 zone, the minimum rear yard shall be 15 metres

INTERIOR SIDE YARD (minimum): 4.5 metres, except where abutting a VR1 or CF zone, area designated recreational in the Official Plan, or park use in which case 7.5 metres

EXTERIOR SIDE YARD (minimum): 15 metres abutting Provincial or County Road 10 metres abutting a local municipal road

LANDSCAPED OPEN SPACE (minimum):10%

HEIGHT OF BUILDING (maximum): 12 metres however, any portion of a building or structure erected above a height of 12 metres, must be set back from the front, side or rear lot lines, a further distance of .5 metres for each metre by which such building or structure is erected above a height of 12 metres, to a maximum of 30 metres.

## **27.4 SPECIAL PROVISIONS**

### **27.4.1 PROPERTY ABUTTING RAILWAY**

Notwithstanding any other provisions of this Section, along that portion of any lot line which abuts a railway right-of-way, no interior side yard or rear yard shall be required.

### **27.4.2 PROPERTY SUBJECT TO UTILITY RIGHT-OF-WAY OR EASEMENT**

Where any industrial lot is subject to a utility right-of-way or easement, the building setbacks shall be in accordance with the applicable utility.

### **27.4.3 OUTDOOR STORAGE**

The outdoor storage of goods or materials shall be permitted to the side or rear of the main building provided that:

- Such outdoor storage is accessory to the use of the main building on the lot
- Such open storage does not cover more than 75% of the lot area
- No storage will be permitted outside of a building on an industrial zoned lot in the front, side or rear yard abutting or across the street from a non-industrial zone unless enclosed by a fence, planting strip or decorative masonry wall, or combination thereof

### **27.4.4 SHOWROOM OR RETAIL SALES**

A maximum of 25% of the gross floor area of a permitted industrial building may be used for showroom or retail sale of products manufactured or assembled on the premises.

### **27.4.5 GATE HOUSE**

In an Industrial Zone, a gate house shall be permitted to the front or side of the main building, in accordance with the minimum front and side yard setbacks for the main building.

### **27.4.6 BUILDINGS PER LOT**

More than one main building per lot is permitted.

### **27.4.7 PARKING, ACCESSORY BUILDINGS, PLANTING STRIPS**

Parking, accessory buildings and planting strips in this zone are subject to Section 3 General Provisions.

## **27.5 SPECIAL PROVISIONS**

### **27.5.1 PLANTING STRIP**

Notwithstanding the provisions of Section 3.27, the height of the planting strip shall be 2.5 metres where the planting strip is adjacent to the front yard and side yard, and 1.75 metres where the planting strip is adjacent to the rear lot line, subject to the following additional provisions:

- a) where the side or rear lot line is adjacent to a Residential, Recreational or

Community facility Zone, or a public roadway, the planting strip shall be 2.4 metres in height;

- b) a fence of equal height may be required in conjunction with a planting strip, or in replacement of a planting strip.

**27.5.2 Open Storage**

No open storage will be permitted in the front, side or rear yards with the exception of parking of motor vehicles in accordance with Section 3.26 of this By-law.

**27.5.3 Maximum Vehicle Storage Height**

No vehicles shall be piled in excess of the required planting strip or required fence height.



## SECTION 28 VILLAGE/ HAMLET RESIDENTIAL - LOW DENSITY ZONE (VR1)

Within this ZONE, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### 28.1 PERMITTED USES

- Group home
- Residential use
- A day nursery
- A duplex dwelling
- A home for the aged
- A nursing home
- The conversion of dwellings in existence on the day of passing of this By-law
- A community garden
- Uses accessory to the permitted uses

### 28.2 ACCESSORY USES

- A bed and breakfast in a single detached dwelling
- A home occupation
- A second unit use
- A private market garden

### 28.3 PERMITTED STRUCTURES

- One main structure is permitted in the VR1 Zone
- A group home in a single detached dwelling
- One single detached dwelling
- A second unit in a single detached dwelling or in an accessory building in accordance with Section 18.8.5
- Buildings and structures for the permitted uses
- Other buildings and structures, not including residences, accessory to the permitted uses, in accordance with Section 3.4

### 28.4 ZONE REGULATIONS

Lot Area (minimum)	1,850 square metres Except lots in the Colborne Ward created before <i>By-law 13-1994</i> may have a minimum lot area of 1,395 sq. m. (Amended By-Law 13-1994)
Lot frontage (minimum)	23 metres
Front Yard Depth (minimum)	7.5 metres
Interior Side Yard Depth (minimum)	3 metres
Exterior Side Yard (minimum)	6 metres
Rear Yard Depth (minimum)	7.5 metres
Where a lot exceeds 100 metres in depth, no building or structure or part thereof shall be	

<b>Lot Area (minimum)</b>	<b>1,850 square metres</b> <b>Except lots in the Colborne Ward</b> <b>created before <i>By-law 13-1994</i> may</b> <b>have a minimum lot area of 1,395 sq.</b> <b>m.</b> <b>(Amended By-Law 13-1994)</b>
located further than 100 metres from the front lot line	
Lot Coverage (maximum)	30 %
Landscaped Open Space (minimum)	30 %

## **28.5 BUILDING REGULATIONS**

### **28.5.1 FOR SINGLE DETACHED DWELLINGS**

Main Building Height (maximum): 9 metres

Total Floor Area (minimum): 95 sq. metres

### **28.5.2 PARKING REGULATIONS**

Refer to General Provisions Section 3.26

### **28.5.3 ACCESSORY BUILDINGS AND STRUCTURES REGULATIONS**

Refer to General Provisions Section 3.4

## **28.6 SPECIAL PROVISIONS**

### **28.6.1 EXISTING BUILDINGS, STRUCTURES AND DEVELOPED LOTS**

The lot area, lot frontage, all yards, gross floor area of the main building, lot coverage, and building height of existing permitted buildings, structures and lots, where lower than the foregoing minimum or higher than the foregoing maximum requirements, shall apply as they lawfully exist on the day of the passing of this By-law.

### **28.6.2 EXISTING UNDEVELOPED LOTS**

Where a lot in the Ashfield, Colborne or Wawanosh ward having an area, depth and/or frontage less than the minimum requirements stated in Section 18.4 is held under distinct and separate ownership from abutting lots as shown by a registered conveyance in the records of the Registry Office, at the date of passing of By-law 5-1986 Ashfield in Ashfield, 18-1982 Colborne in Colborne, or 13-1991 Wawanosh in Wawanosh such lot may be used and a single detached dwelling erected on the lot provided:

Lot Frontage (minimum): 18 metres

Lot Area (minimum): 1,000 square metres

All relevant regulations made under the Public Health Act and all relevant requirements of the relevant Health Authority are fulfilled.

Lot Frontage (minimum): 18 metres

Lot Area (minimum): 1,000 square metres

All relevant regulations made under the Public Health Act and all relevant requirements of the relevant Health Authority are fulfilled.

### **28.6.3 DUNGANNON EXISTING UNDEVELOPED LOTS**

Where two or more contiguous lots are held in common ownership on Registered Plans 228, 229 and 230 (the Village of Dungannon) at the date of passing of this by-law and

have been deemed to be outside of a plan of Subdivision, such lot may be used and a single-detached dwelling erected on the lot, provided:

Lot Area (minimum): 1,600 square metres

All relevant regulations made under the Public Health Act and all relevant requirements of the relevant Health Authority are fulfilled.

#### **28.6.4 LOTS NOT FRONTING ON A PUBLIC STREET**

No development shall be permitted on lots in the VR1 zone that do not have frontage on an open public road developed to municipal standards and assumed by the Township.

#### **28.6.5 FRONT YARD**

For lots fronting on Lake Huron or the Maitland River, and for lots abutting or including top-of-bank, the front yard shall be the lake/ top-of-bank side of the lot.

#### **28.6.6 SECOND UNIT**

- a) Any additional exterior stairways provided for the second unit leading to a full floor above the first storey in a single detached dwelling shall not be located in the front yard.
- b) One additional on-site parking space shall be provided for the second unit in addition to the parking for the main dwelling.
- c) Both the main dwelling and the second unit shall be served by one driveway.
- d) Second units in an accessory building will be subject to the Ontario Building Code and will require a change of use permit.
- e) No second unit will be established without a confirmation from the Huron County Health Unit that septic services are adequate for the main dwelling and the second unit.

#### **28.6.7 HOLDING ZONE VR1-H**

In the area VR1-H no development is permitted until the needed municipal services such as a public road or drainage have been provided. The Holding Zone –H may be removed when these services are available or will be provided by the developer to the satisfaction of the Township.

### **28.7 SPECIAL ZONES**

#### **28.7.1 VR1-1**

- a) Notwithstanding the provisions of Sections 28.4 and 28.5.1 to the contrary, the dwelling shall not exceed 9 metres in height, except for the existing silo structures, which shall have a maximum height of 13 metres.
- b) Notwithstanding the provisions of Section 28.1 to the contrary, a contractor/ home builder home industry shall be permitted in the VR1-15 zone.
- c) A contractor/ home builder home industry shall be the only type of home industry permitted in the VR1-1 zone.
- d) Notwithstanding Section 2, definition of Home Industry, to the contrary, the contractor/ home builder home industry shall be wholly contained within the single detached dwelling.
- e) Notwithstanding any provision of this By-law to the contrary, in the area zoned VR1-15 the maximum area used for a home industry will be 40% of the floor area of the residence.

- f) The VR1-15 zone will permit a maximum of 6 full time employees, other than the owner, to be employed by the contractor/ home builder home industry. A maximum of 2 employees, other than the owner are permitted to work on the property zoned VR1-15.
- g) All other applicable provisions of this by-law, as amended, shall apply.

#### **28.7.2 VR1-2**

Notwithstanding Sections 28.1 and 28.2 to the contrary, in the area zoned VR1-1 a multiple residential use is permitted subject to the provisions of Section 28. Any multiple residential structure is permitted with up to 6 dwelling units provided that the minimum total floor area per dwelling unit shall be 55 square metres. All other applicable provisions of this by-law as amended shall apply.

#### **28.7.3 VR1-3**

Notwithstanding the provisions of Sections 28.3 and 3.4 to the contrary, the area zoned VR1-3 (Part Lot 1, Concession 1, Western division, including part road allowance closed as 22R2533, part 1 and 2) may have a residence and accessory buildings and structures located further than 100 metres from the front lot line. The special zone permits one existing accessory structure in the front yard. All other provisions of this by-law, as amended, shall apply. *(By-law 3-2004)*

#### **28.7.4 VR1-4**

Notwithstanding any provisions of this by-law to the contrary, the area zoned VR1-4 (Part Lot 1, Concession 1 and 2) may be used for an accessory building with a total floor area of 180 square metres. The residence and accessory buildings may be located further than 100 metres from the front lot line. The property shall have a minimum lot area of 5900 square metres. All other provisions of the by-law, as amended, shall apply. *(By-law 72-2003)*

#### **28.7.5 VR1-5**

Notwithstanding the provisions of Section 28.3 to the contrary, the area zoned VR1-5 (Part Lot 1, Concession 1 and 2) may have a residence and accessory buildings and structures located further than 100 metres from the front lot line. All other provisions of this By-law, as amended shall apply. *(By-law 48-2002)*

#### **28.7.6 VR1-6**

Notwithstanding any provision of this by-law to the contrary, the lots on Registered Plan 507, including the lots on Block 22 as created by severance application B60/94, shall be deemed to comply with the minimum lot area and minimum lot frontage requirements. Notwithstanding any provision of the by-law, as amended, to the contrary, no building or structure shall be located closer than 15 metres to the top-of-bank, except that those buildings and structures existing on the date of passing of this by-law shall be deemed to comply with the top-of-bank setback provisions of this by-law. All other applicable provisions shall apply. *(By-law 13-1994, 28-2002)*

#### **28.7.7 VR1-7**

Notwithstanding the provisions of Section 28.3 to the contrary, the area zoned VR1-7 (Part of Falls Reserve, West Division, R.P. 546) shall have a minimum lot area of 8500 square metres. *(By-law 15-1999)*

#### **28.7.8 VR1-8**

Notwithstanding and in addition to the provisions of Section 28.1 to the contrary, the area zoned VR1-8 permits a residence and a woodworking shop with accessory showroom and retail of items as produced on site.

#### **28.7.9 VR1-9**

Notwithstanding the provisions of Section 28.4 to the contrary, in the area zoned VR1-9 one residential structure is permitted; all other provisions of Section 28 shall apply.

#### **28.7.10 VR1-10**

Notwithstanding the provisions of Section 28.3 to the contrary, in the area zoned VR1-10 one mobile home is permitted; all other provisions of Section 28 shall apply.

#### **28.7.11 VR1-11**

##### **28.7.11.1**

Notwithstanding the provisions of Section 28.2 to the contrary, the lands zoned VR1-11 shall permit a home industry in an accessory building situated to the rear of the main residential use on the subject lands. The home industry shall satisfy the standards identified in Section 2 and Section 3.41, "Home Industry", except as amended below.

##### **28.7.11.2**

Notwithstanding Section 2 and Section 3.41, "Home Industry", to the contrary the maximum number of persons employed on site on a regular basis, other than the owner, shall not exceed 7 for an accessory farm equipment sales and service business only.

##### **28.7.11.3**

Notwithstanding Section 2 and Section 3.41, "Home Industry", to the contrary, outdoor display shall be permitted in front of the accessory building for up to 4 farm equipment items available for sale. Each item on display shall be set back a minimum of 30 metres from the front lot line. *(By-law 14-2000)*

#### **28.7.12 VR1-12**

Notwithstanding the provisions of Section 3.4 and 28 to the contrary, in the VR1-12 zone an existing former church building is permitted to be used for a home industry, accessory to an existing residence, a former rectory. All existing buildings and structures are deemed to comply with the provisions of this by-law. All other provisions of this by-law shall apply.

#### **28.7.13 VR1-13**

a) Notwithstanding the provisions of Section 28.4 to the contrary, in the VR1-13 zone where two or more contiguous lots are held in common ownership on Registered Plan 137 at the date of passing of this by-law, such lots may be used and a single-detached dwelling erected on the lots provided that the minimum Lot area shall be 1600 square metres and all relevant regulations made under the Public Health Act and all relevant requirements of the relevant Health Authority are fulfilled. All other provisions of this by-law shall apply.

#### **28.7.14 VR1-14**

Notwithstanding the provisions of Section 3.4 the VR1-14 zone permits an accessory building, a garage, to be constructed with a maximum height of 6.5 metres and a maximum height at the peak of the roof of 7.5 metres. The VR1-14 zone permits the

garage to be constructed in the front yard and exterior side yard with a minimum setback from the east lot line of 3 metres and a minimum setback from the north lot line of 8 metres. The maximum lot coverage for the garage shall be 7.5% of the total lot area or the lot coverage of the main building, whichever is less. *(By-law 18-2010)*

**28.7.15 VR1-15**

Notwithstanding the provisions of Sections 3.22 and 28.3 to the contrary, the area zoned VR1-15 may be used for two single detached residences and accessory buildings, subject to the provisions of Section 28 (VR1 zone). The second single detached residence located north of the other residence is restricted to a maximum ground floor area of 100 square metres. All other applicable provisions apply. *(By-law 57-2010)*

**28.7.16 VR1-16**

Notwithstanding the provisions of Sections 28.1 and 28.3 to the contrary, the area zoned VR1-16 may be used for a three unit multiple dwelling and accessory buildings, subject to the provisions of Section 28 (VR1 zone). All other applicable provisions apply. *(By-law 23-2011)*

**28.7.17 VR1-17**

Notwithstanding the provisions of Section 3.4 to the contrary to the contrary, the area zoned VR1-17 zone permits a garage to be constructed with a maximum height of 7.5 metres and a maximum floor area of 375 square metres and the garage is permitted to be constructed closer to the street than the existing residence. All other applicable provisions shall apply.

**28.7.18 VR1-18**

Notwithstanding the provisions of Section 28.4 to the contrary to the contrary, VR1-18 permits a lot frontage of 20.1 metres. The existing shed is deemed to comply with the provisions of the Zoning By-law. All other applicable provisions shall apply.

**28.7.18.1 VR1-18-h**

In the area zoned VR1-18-h no development is permitted until the (-h) is lifted by Council; At such time as this area is further developed, a Development Agreement regarding services (e.g. water, road) will be entered into to the satisfaction of the Township of Ashfield-Colborne-Wawanosh. *(By-law 56-2016)*

**28.7.19 VR1-19**

Notwithstanding the provisions of this by-law to the contrary, those lands zoned VR1-19 shall permit accessory structures not exceeding 350 square metres in total floor area and may be used for a maximum of 6 nutrient units which shall be restricted to horses. Associated livestock buildings shall be located in accordance with Section 4.4.3 and shall be a minimum of 85 metres from a VR1 to FD zone, and all manure or material storage shall be located to the rear of the livestock building and not closer than 100 metres from a VR1 or FD zone. *(As amended by By-law 80-2020)*

**28.7.20 VR1-20**

Notwithstanding the provisions of the by-law to the contrary, the area zoned VR1-20 shall have a minimum lot area of 1811 square metres. All other provisions of the by-law shall apply. *(By-law 23-2021)*

## **SECTION 29 URBAN NATURAL ENVIRONMENT AND OPEN SPACE ZONE (OS)**

Within this ZONE, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### **29.1 PERMITTED USES**

- Agricultural use limited
- Conservation
- Forestry use
- A public park
- A farmer's market
- Passive recreation
- Uses accessory to the permitted uses

### **29.2 PERMITTED STRUCTURES**

- Buildings and structures existing on the date of the passing of this By-law
- Buildings and structures accessory to the permitted uses subject to the consent of the Maitland Valley Conservation Authority or the appropriate authority
- Buildings and structures necessary for flood and/or erosion control prevention subject to the consent of the Maitland Valley Conservation Authority or appropriate authority
- A class 1 sewage disposal facility as approved by the appropriate authority
- Accessory buildings and structures for trails and foot-paths such as stiles, stairways, bridges and benches
- Buildings and structures accessory to use as a public park

### **29.3 ZONE PROVISIONS**

LOT FRONTAGE (minimum): no minimum

LOT AREA (minimum): no minimum

LOT DEPTH (minimum): no minimum

LOT COVERAGE (maximum): 20%

FRONT YARD DEPTH (minimum): 6 metres from a municipal road or 10 metres from County Highway

REAR YARD DEPTH (minimum): 8 metres

INTERIOR SIDE YARD DEPTH (minimum): 7.5 metres

EXTERIOR SIDE YARD DEPTH (minimum): 6 metres

HEIGHT OF BUILDING (Maximum): 9 metres

Parking, Accessory Buildings, Planting Strips.

In accordance with the General Provisions, Section 3.

## **29.4 SPECIAL PROVISIONS**

### **29.4.1 CALCULATION OF ZONE PROVISIONS**

Unless otherwise specified, no part of the Open Space Zone shall be used to calculate any of the zone provisions as required by the By-law for a use located outside of the Open Space Zone.

### **29.4.2 PLACING OR REMOVAL OF FILL**

The placing or removal of fill will not be permitted without the consent of the Maitland Valley Conservation Authority

### **29.4.3 CLEARING**

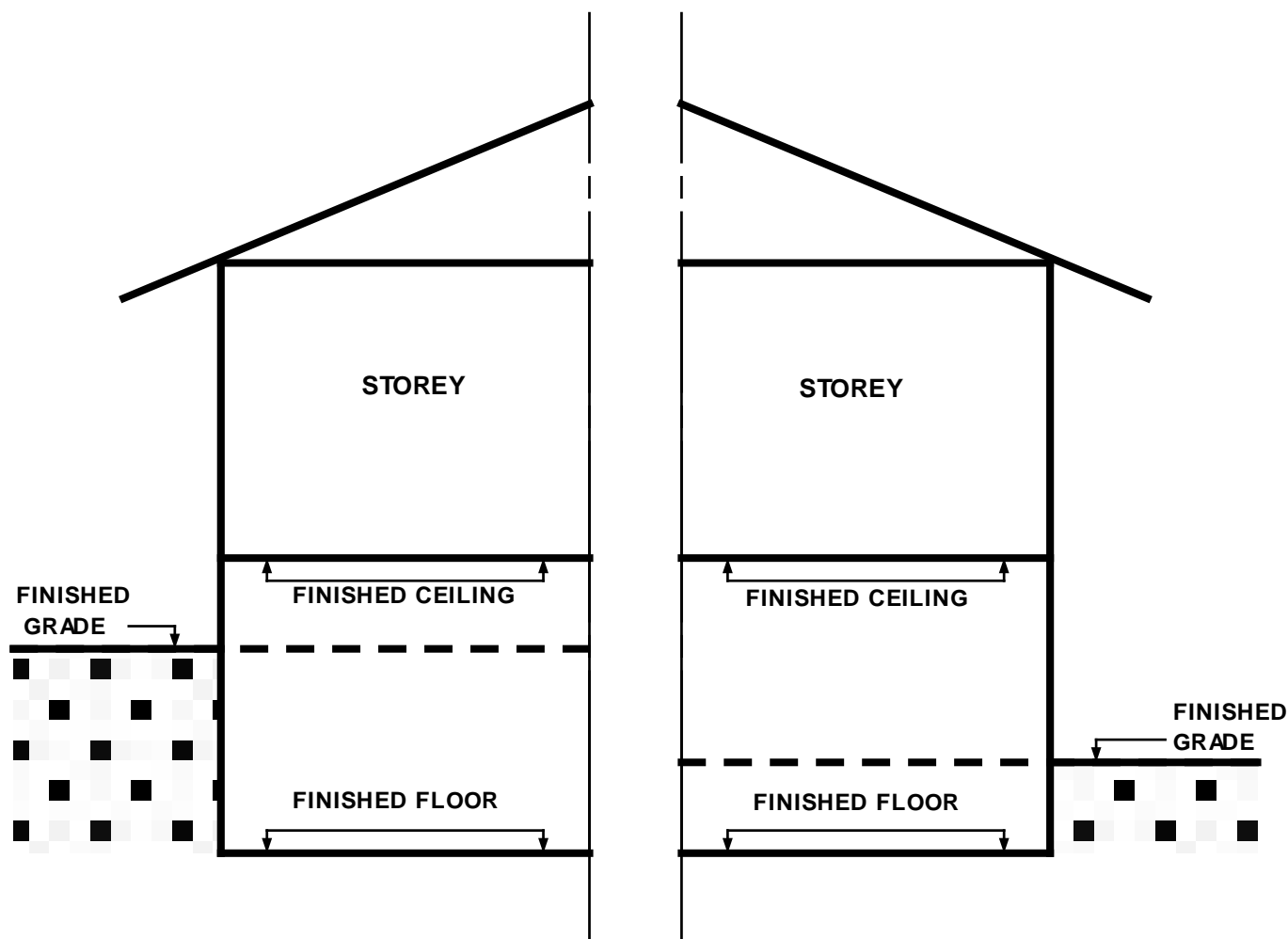
Clearing of areas within the Open Space Zone will be prohibited. Selective cutting will be permitted in accordance with Huron County Tree Cutting By-law No. 10-2006.

### **29.4.5 DRAINAGE**

Drainage of areas within the Open Space Zone will be prohibited with the exception of those drains constructed in accordance with the Drainage Act.



**APPENDIX 1**  
**ILLUSTRATION OF CELLAR**  
**AND BASEMENT DEFINITIONS\***



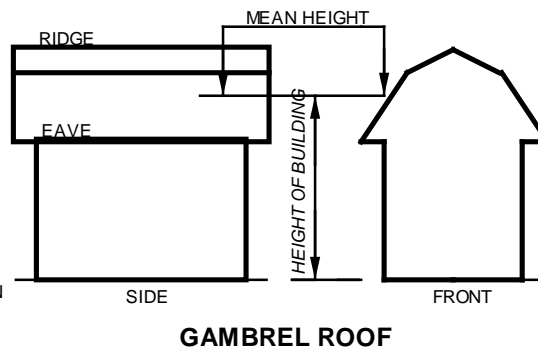
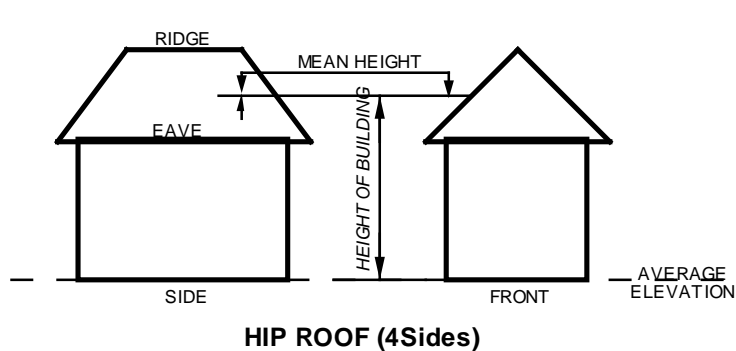
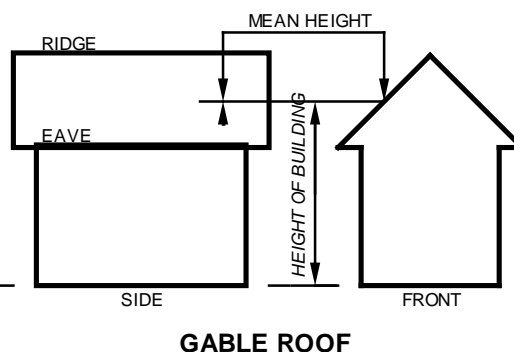
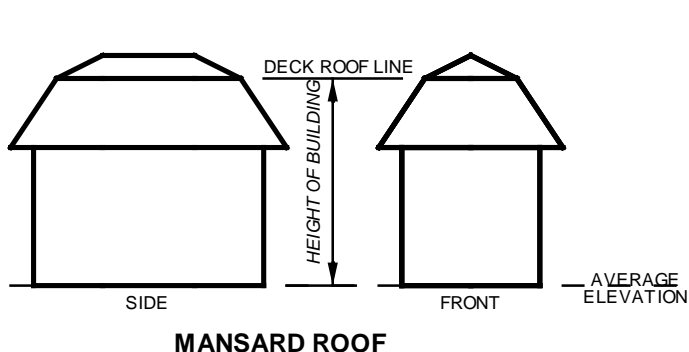
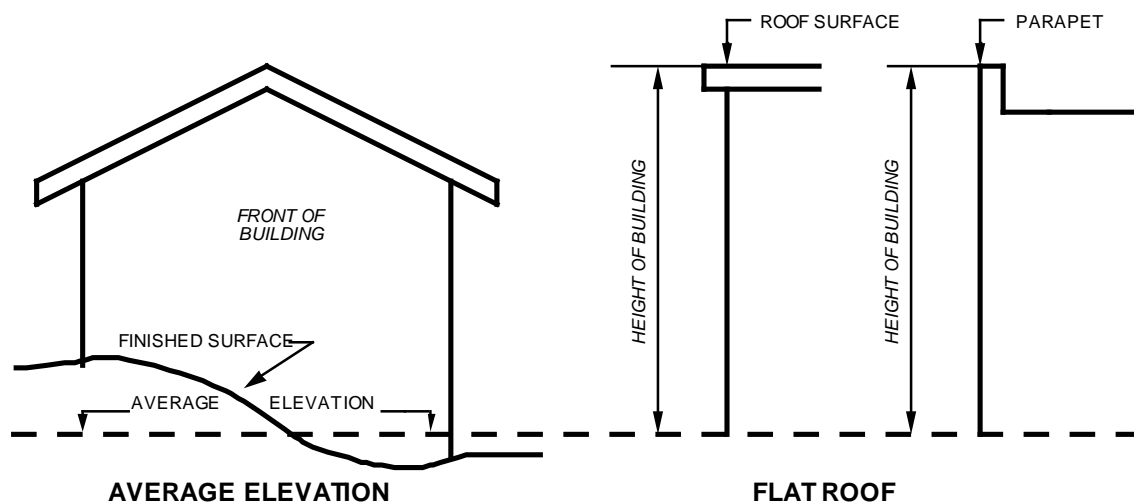
**CELLAR**  
HAS *MORE* THAN ONE HALF OF  
ITS HEIGHT, FROM FINISHED  
FLOOR TO FINISHED CEILING,  
BELOW ADJACENT FINISHED  
GRADE.

**BASEMENT**  
HAS *LESS* THAN ONE HALF OF  
ITS HEIGHT, FROM FINISHED  
FLOOR TO FINISHED CEILING,  
BELOW ADJACENT FINISHED  
GRADE.

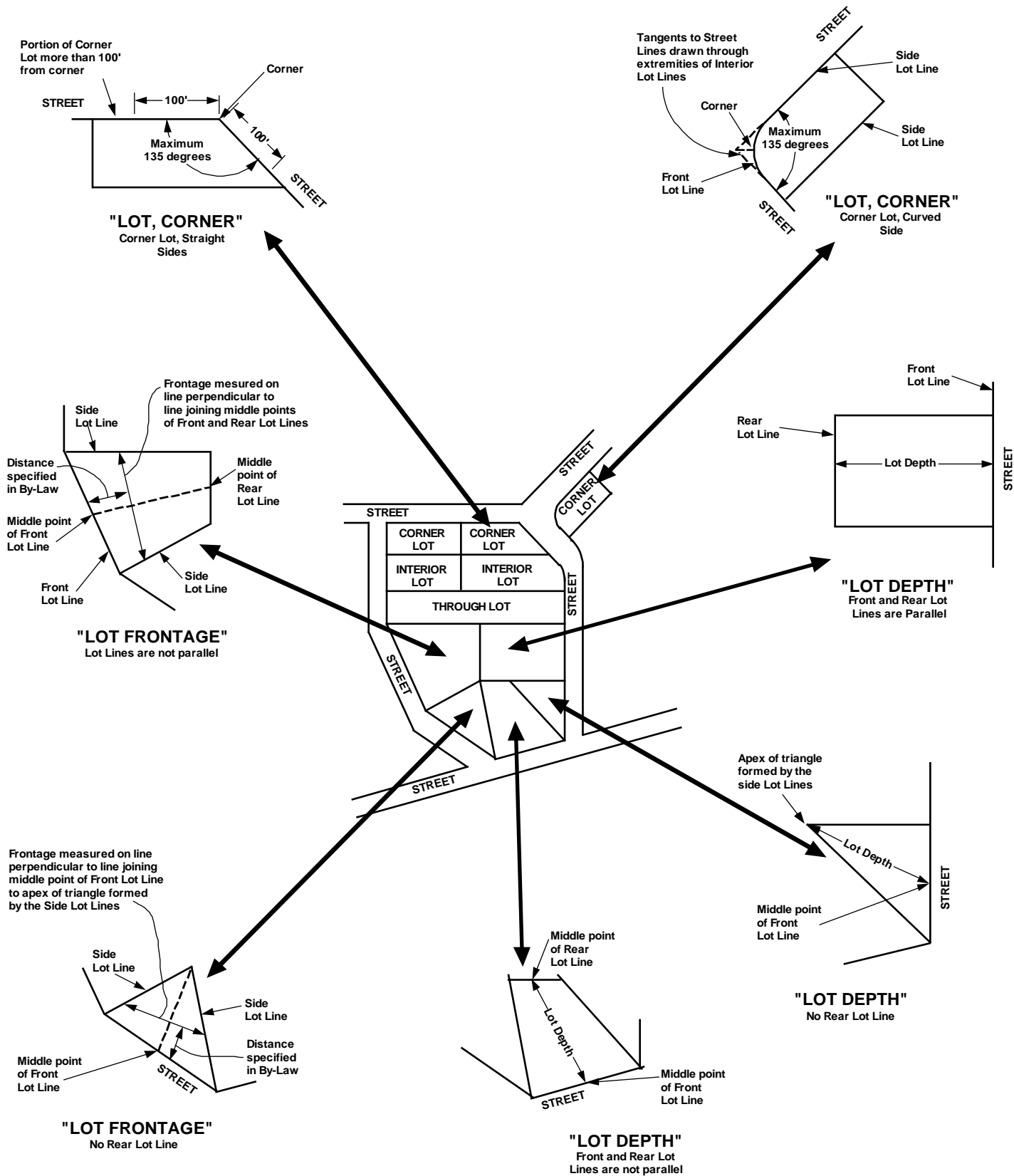
\*THE ILLUSTRATION OF CELLAR  
AND BASEMENT DOES NOT FORM  
PART OF THIS BY-LAW, BUT IS  
PROVIDED FOR CONVENIENCE.

## APPENDIX 2

### Illustration Of Heights Of Buildings\*

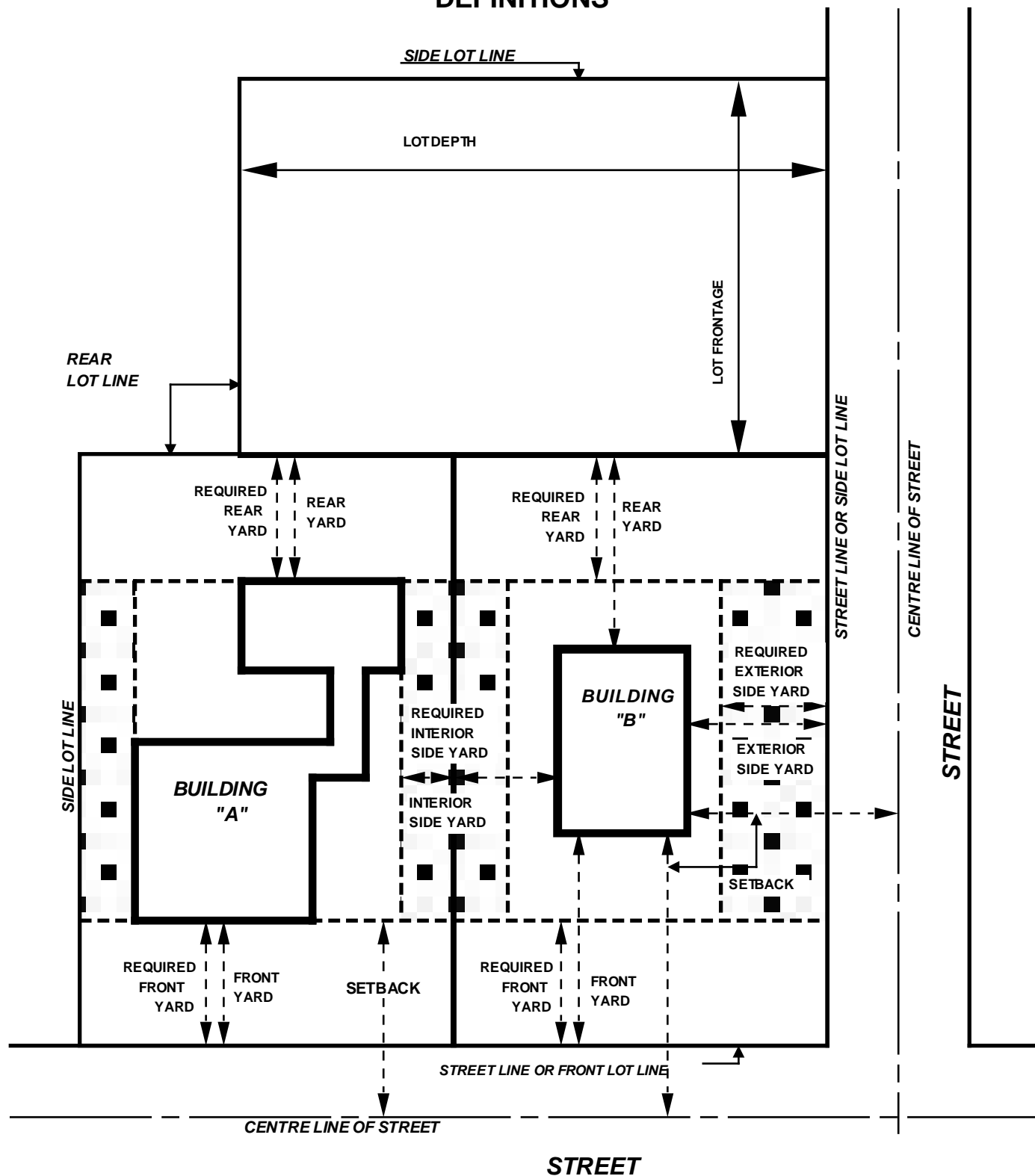


## APPENDIX 3 ILLUSTRATION OF LOT DEFINITIONS\*



\*The illustrations are for convenience only and do not form part of this By-Law.

## APPENDIX 4 ILLUSTRATION OF YARD DEFINITIONS\*



BUILDING "B" VOLUNTARILY INCREASED FRONT YARD, SIDE YARD, REAR YARD AND SETBACK ON CORNER LOT

## APPENDIX 5 ILLUSTRATIONS OF ACCESSIBLE PARKING PROVISIONS

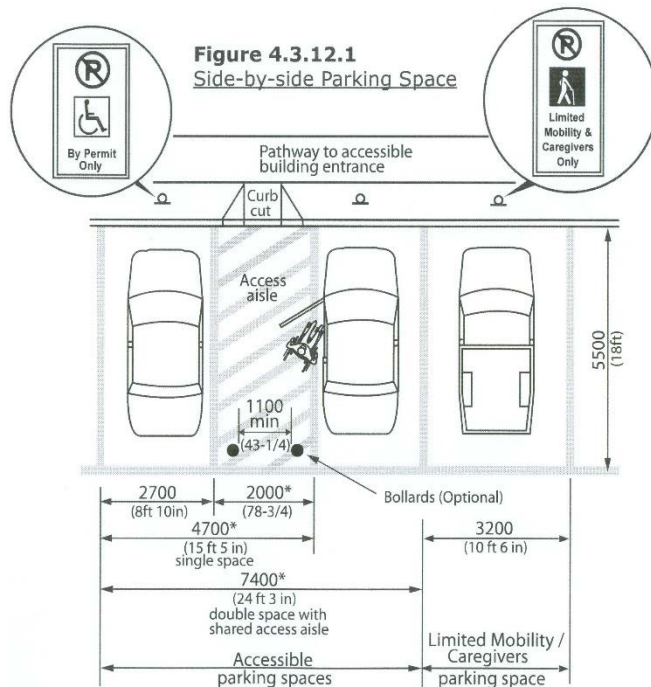


Figure 1: Side-by-Side Parking Space

Figure 2: Parallel Parking Space

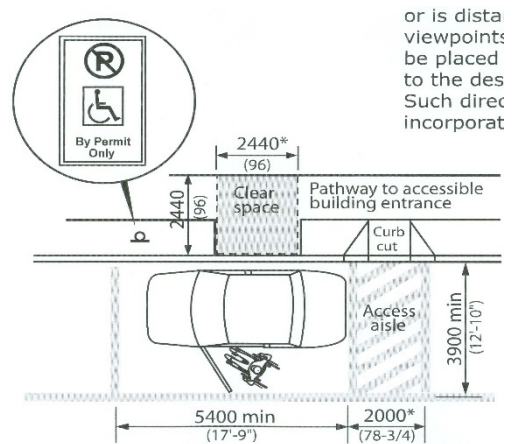
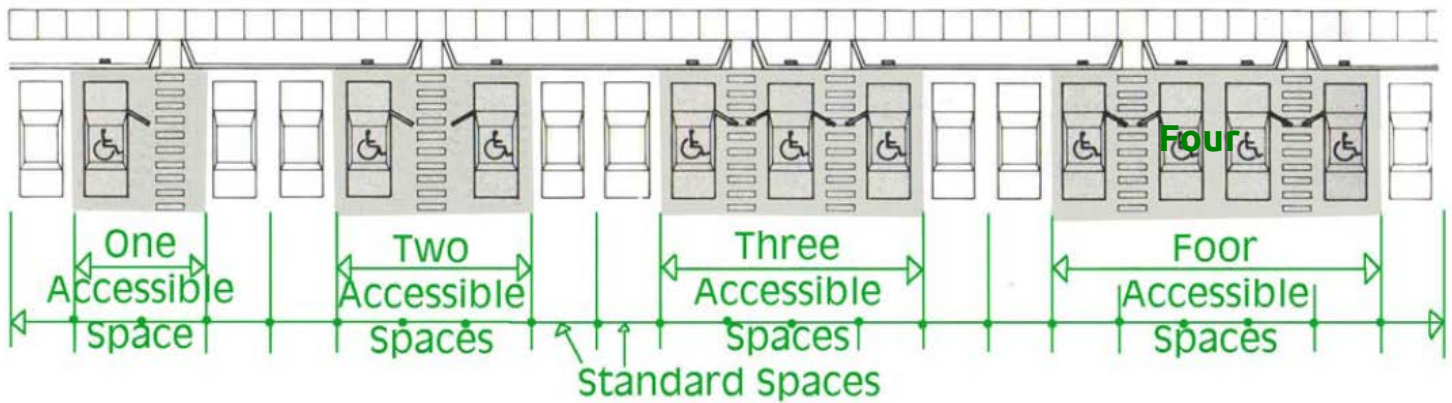


Figure 3: Multiple Side-by-Side Parking Spaces



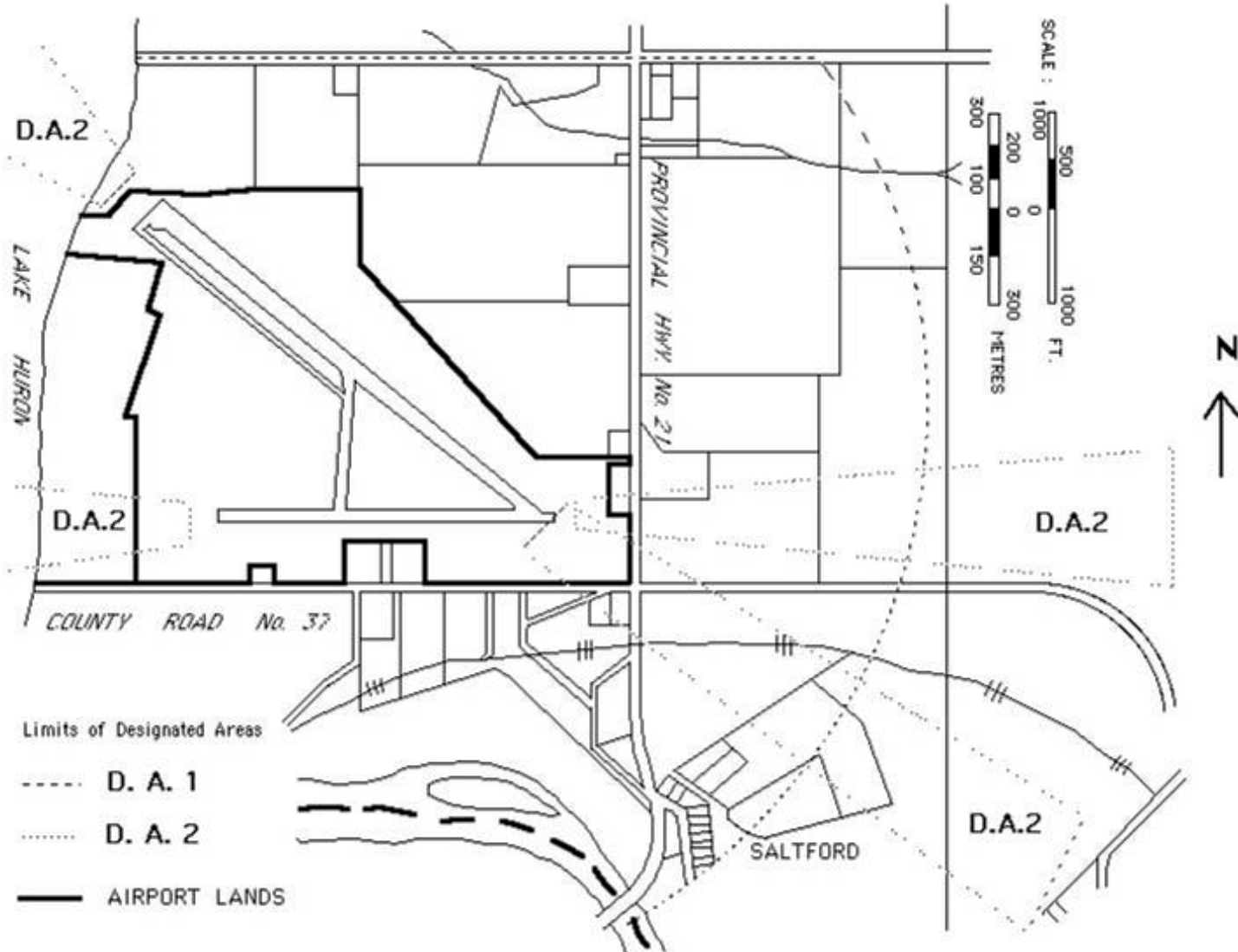
## **APPENDIX 6**

### **EXPLANATION OF NATURAL ENVIRONMENT (NE5) ZONE**

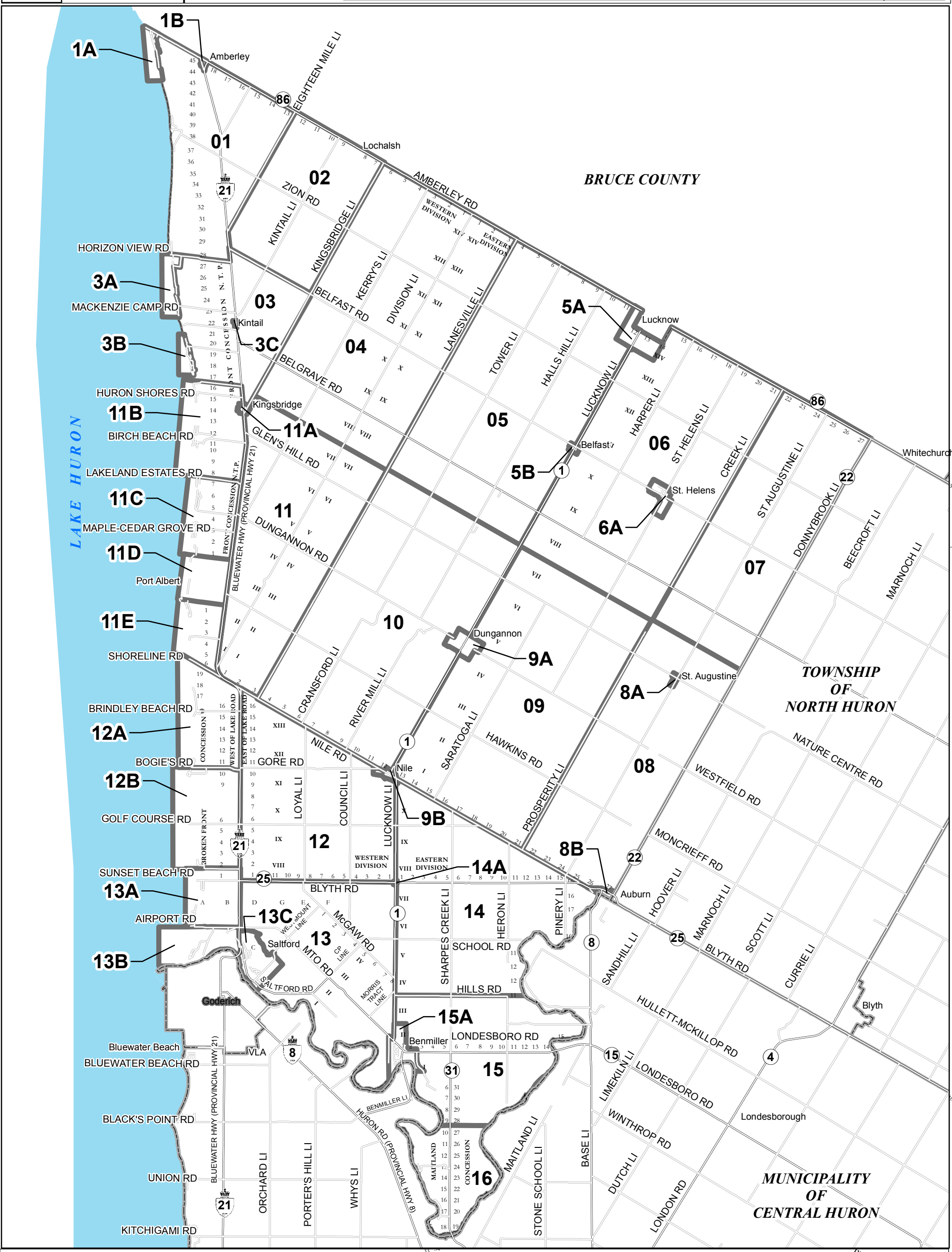
Areas containing significant natural environment features have been identified on the Key Maps with dark grey shading and zoned (NE5). The following areas have been identified as NE5:

- Provincially and Regionally Significant Wetlands
- Provincially and Regionally Significant Areas of Natural and Scientific Interest

## APPENDIX 7



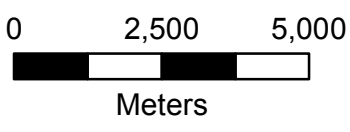
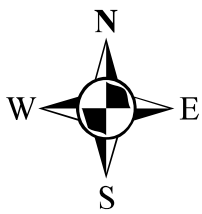
**DESIGNATED AREAS ADJACENT TO AIRPORT**



Zone Key Map

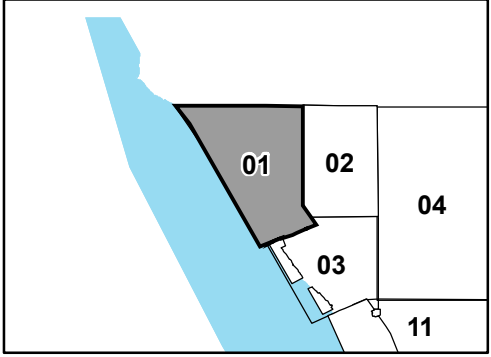
Municipal Boundary

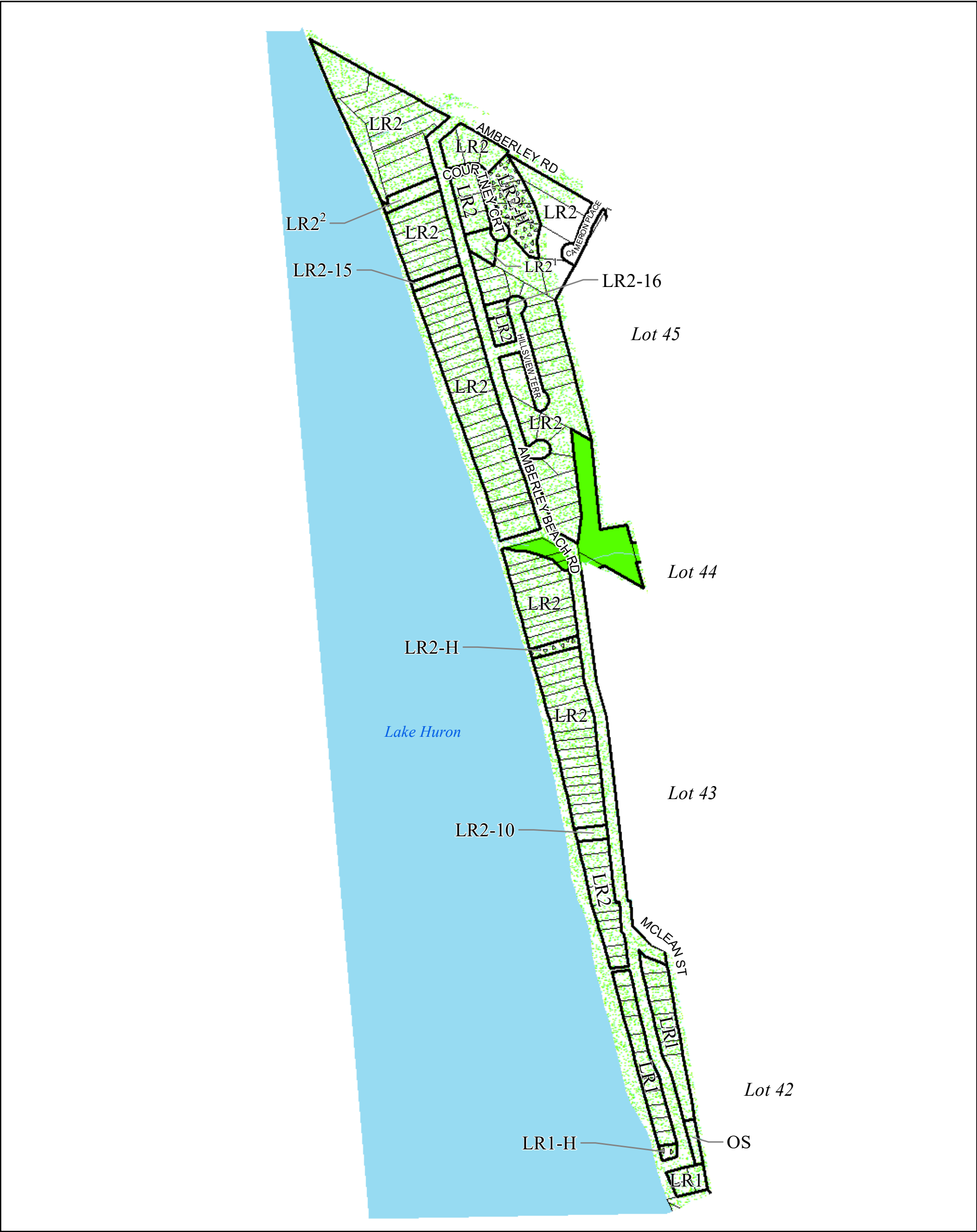
Lake Huron



1:128,000







AG1 Zone  
(Unless otherwise noted)

NE1 Zone

NE5 Zone

Holding Zone

Conservation Authority Regulated Lands

Watercourse

Waterbody

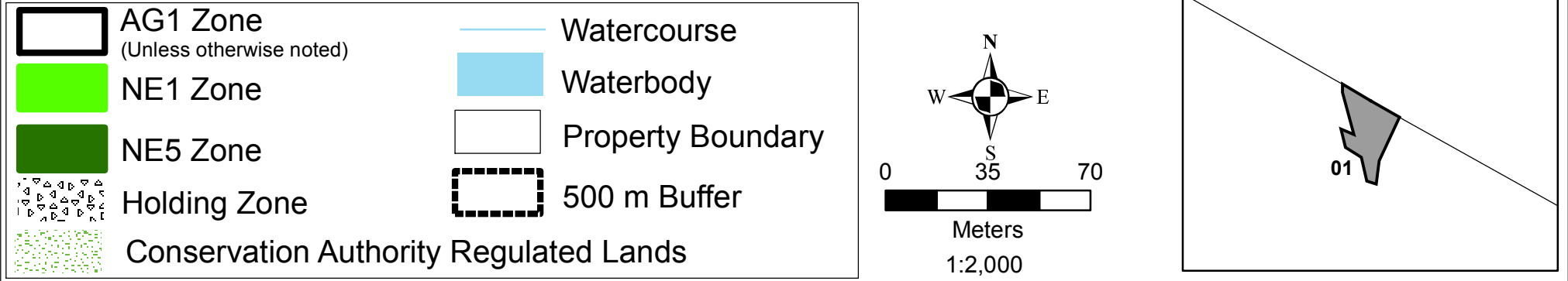
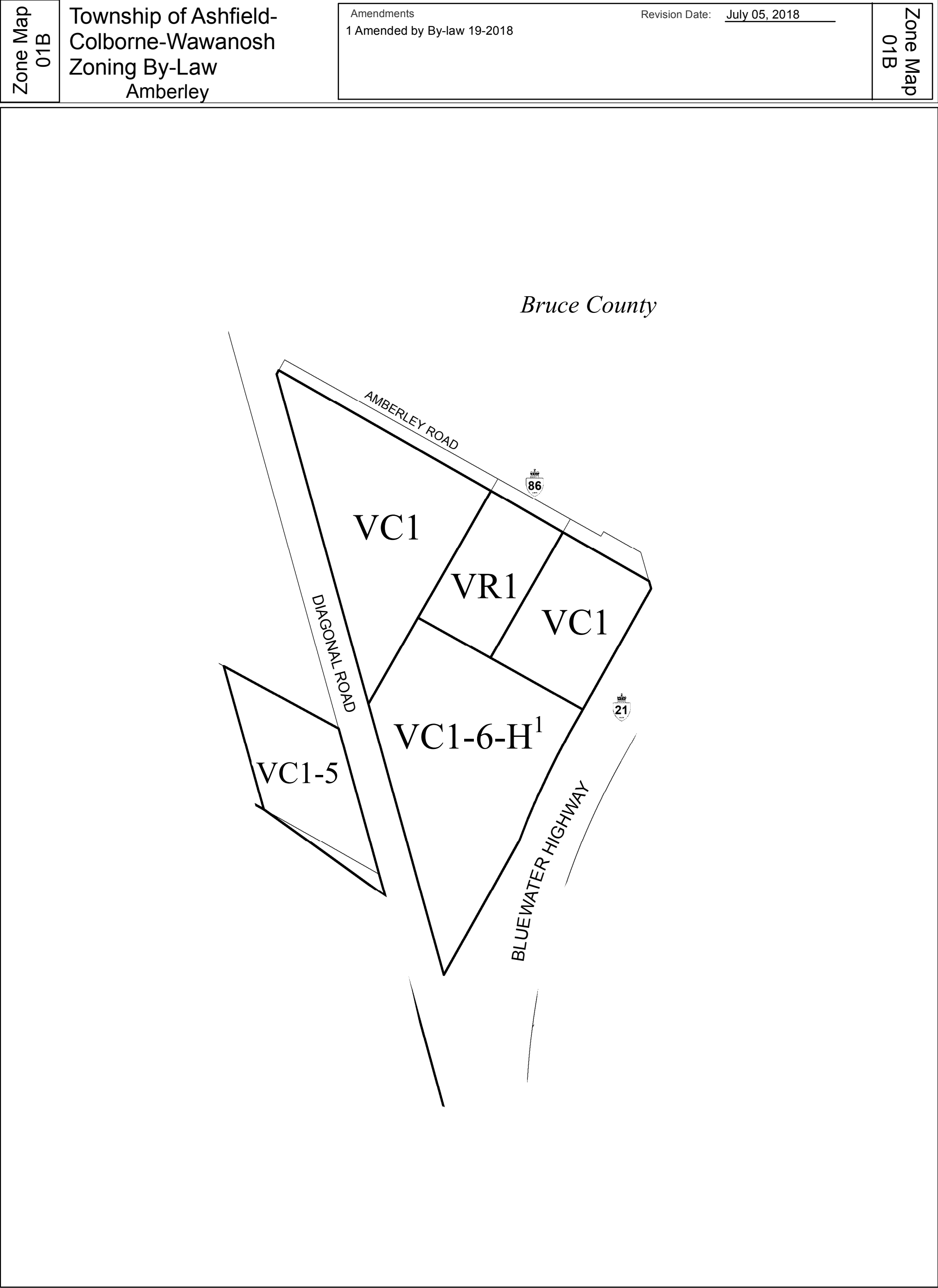
Property Boundary

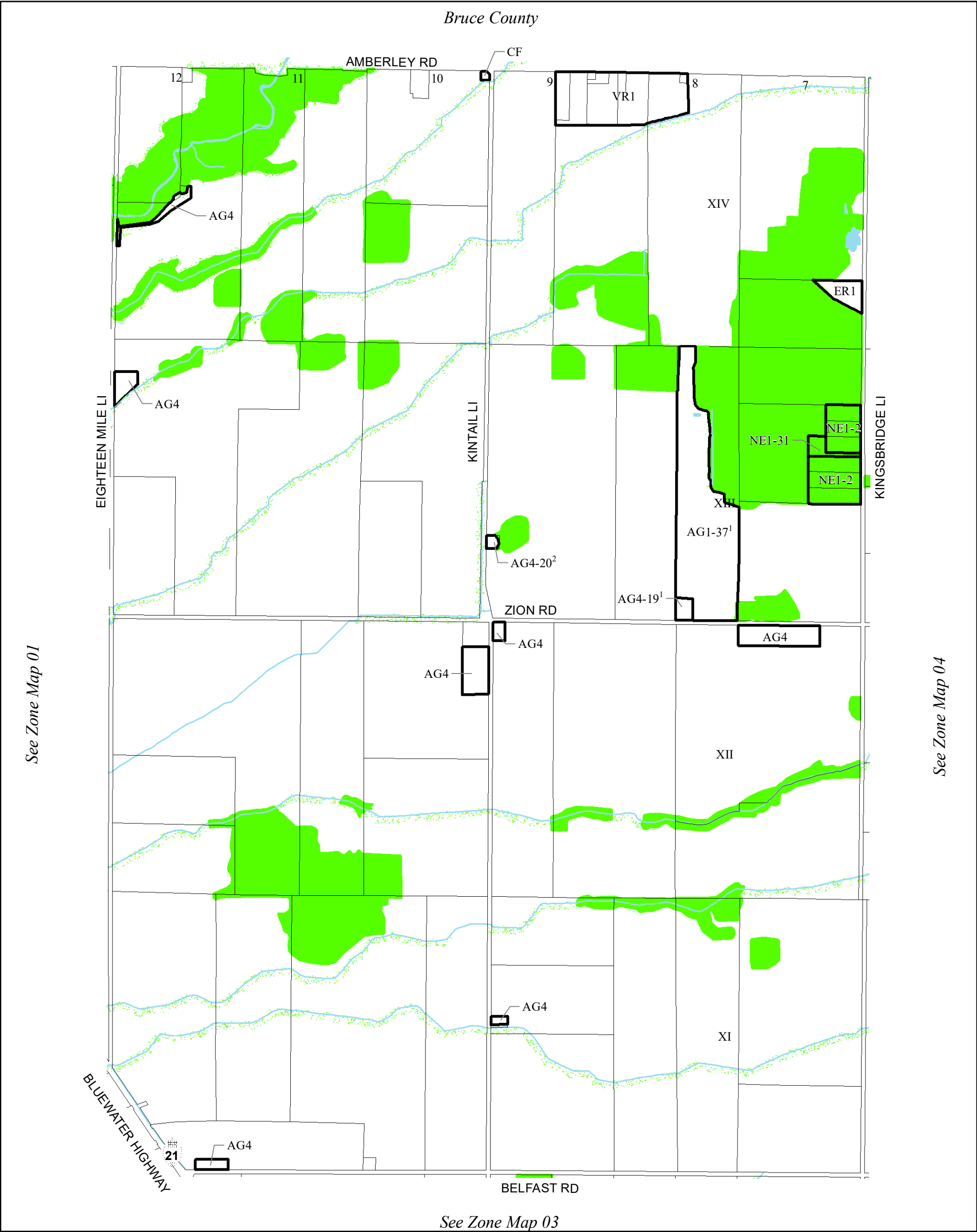
500 m Buffer

0105210

Meters

1:6,000





AG1 Zone

(Unless otherwise noted)

NE1 Zone

NE5 Zone

Holding Zone

Conservation Authority Regulated Lands

Watercourse

Waterbody

Property Boundary

500 m Buffer

0

312.5

625

Meters

1:18,000

01

02

03

04





AG1 Zone  
(Unless otherwise noted)

NE1 Zone

NE5 Zone

Holding Zone

Conservation Authority Regulated Lands

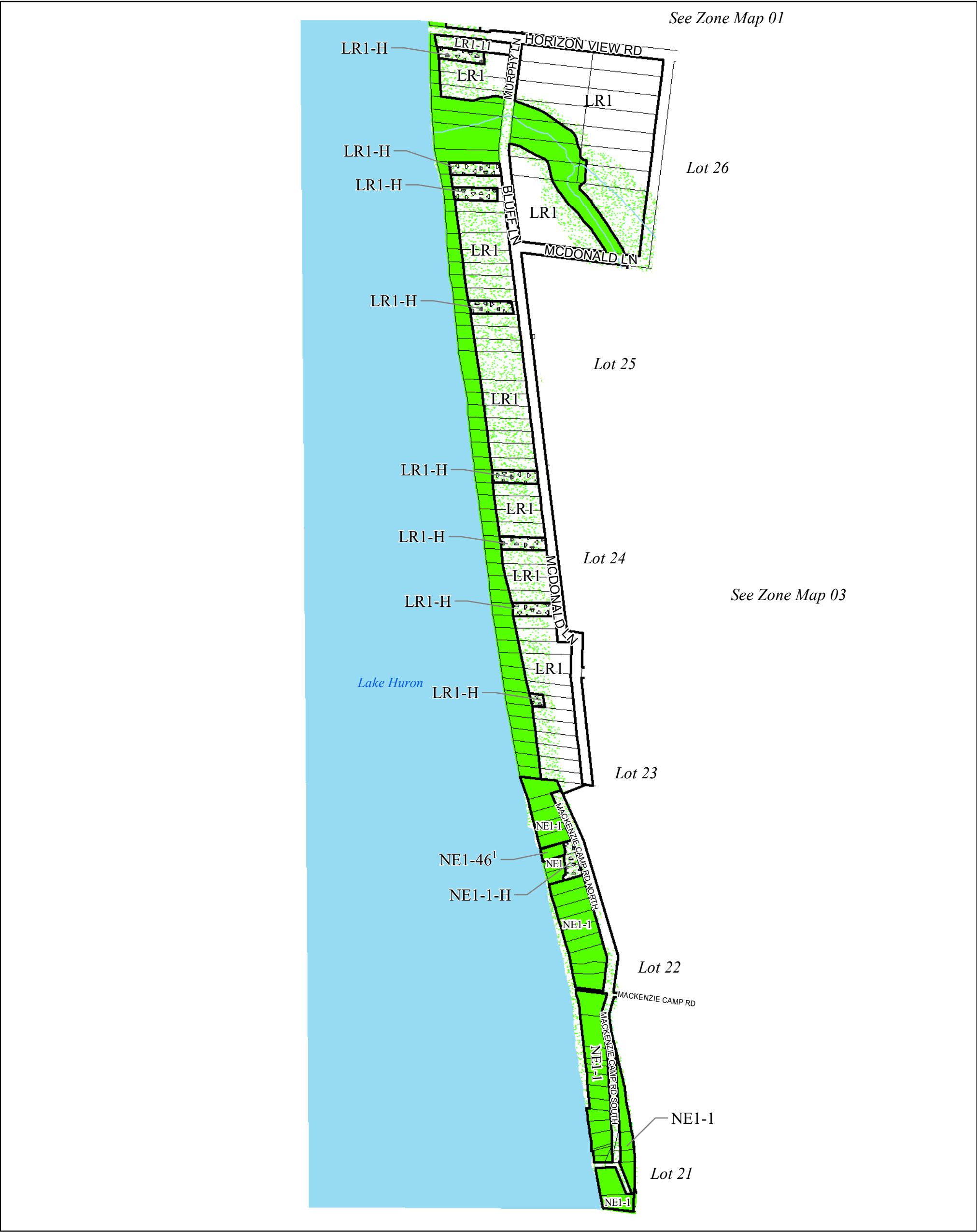
Watercourse

Waterbody

Property Boundary

500 m Buffer

0 400 800  
Meters  
1:23,000



AG1 Zone  
(Unless otherwise noted)

NE1 Zone

NE5 Zone

Holding Zone

Conservation Authority Regulated Lands

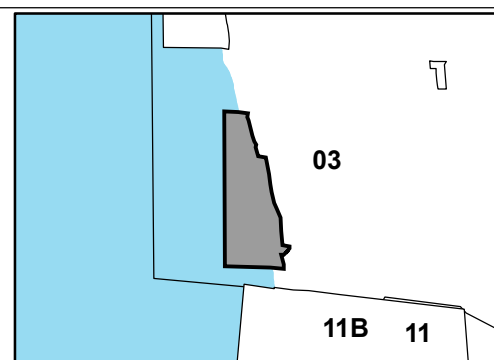
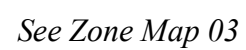
Watercourse

Waterbody

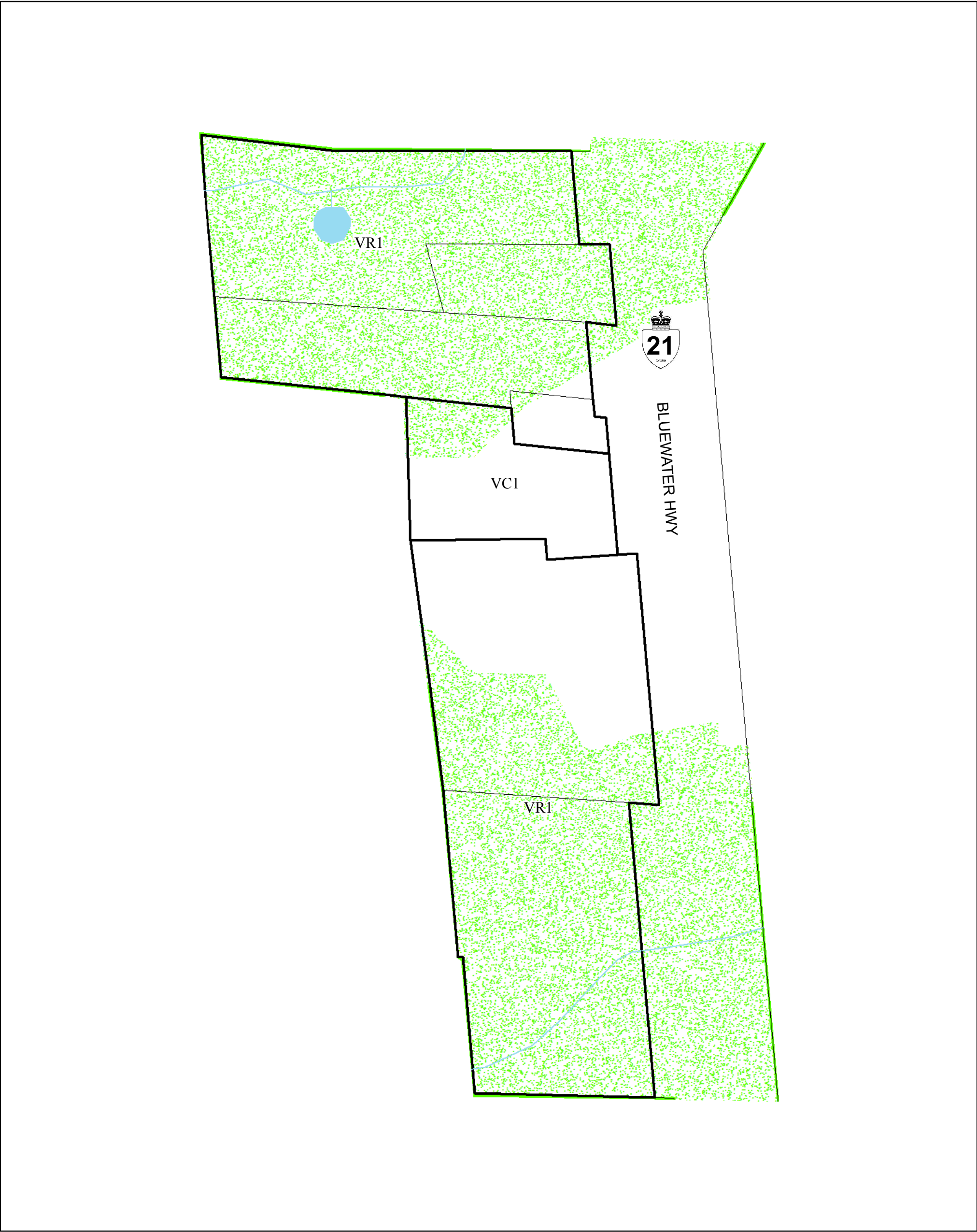
Property Boundary

500 m Buffer

0 120 240  
Meters  
1:7,000







AG1 Zone  
(Unless otherwise noted)

NE1 Zone

NE5 Zone

Holding Zone

Conservation Authority Regulated Lands

Watercourse

Waterbody

Property Boundary

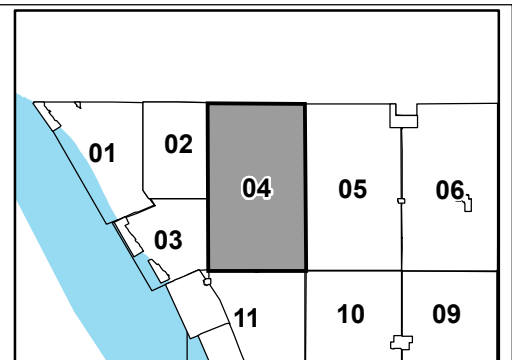
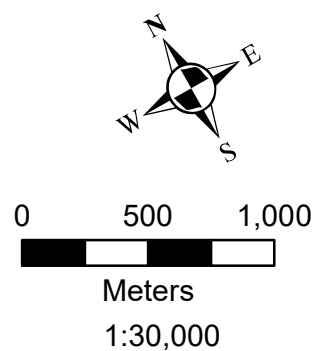
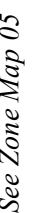
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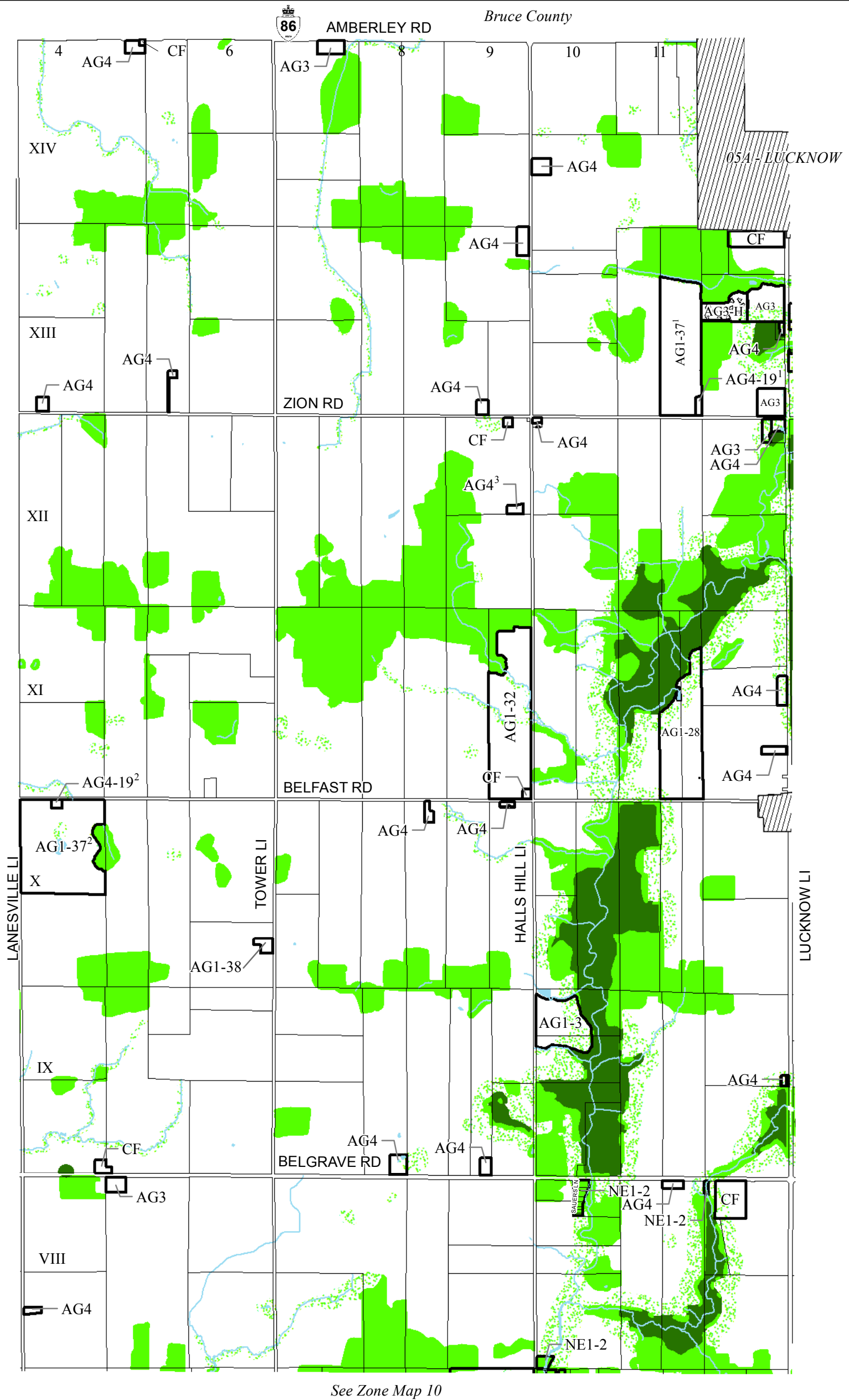
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Meters

1:1,000

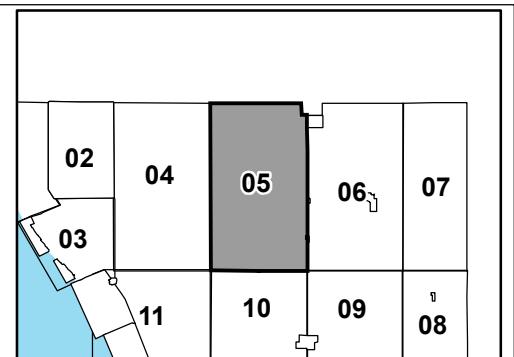
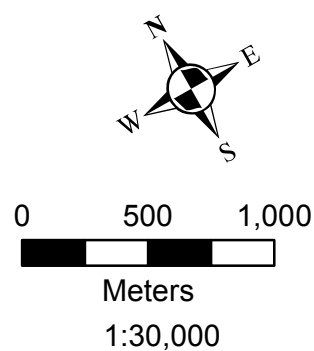
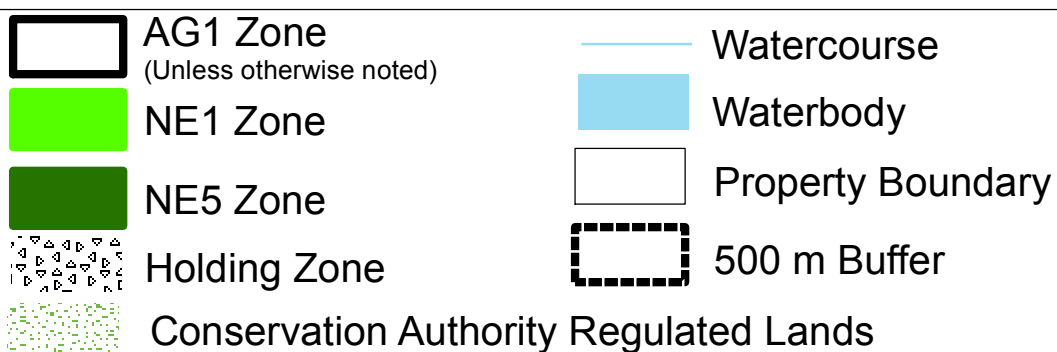


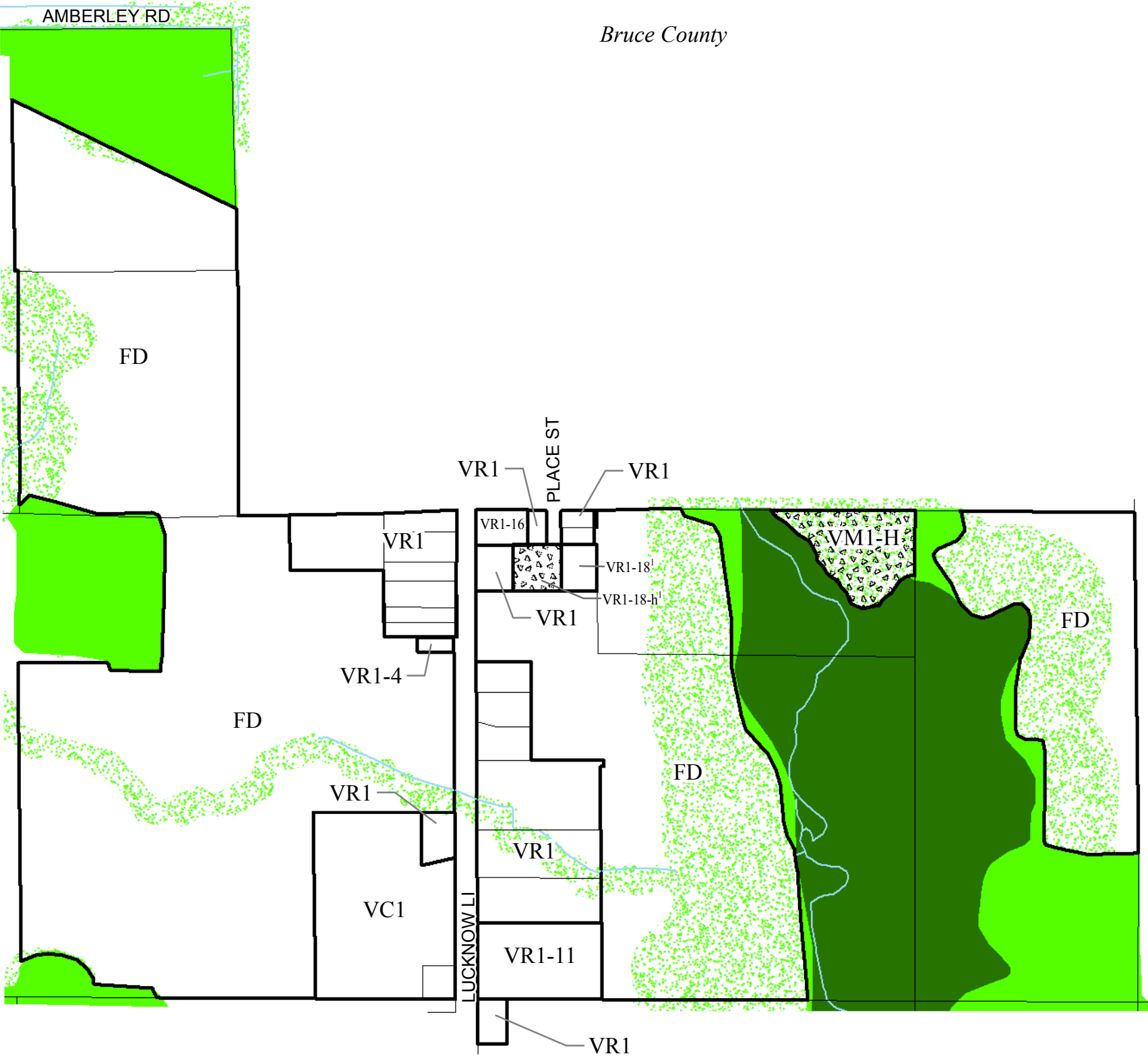




*See Zone Map 04*

See Zone Map 06





See Zone Map 05

See Zone Map 06

AG1 Zone  
(Unless otherwise noted)

NE1 Zone

NE5 Zone

Holding Zone

Conservation Authority Regulated Lands

Watercourse

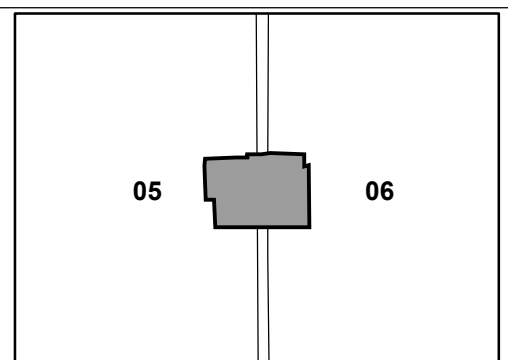
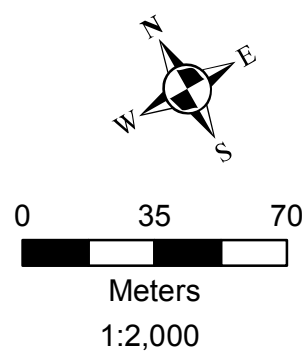
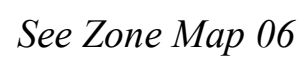
Waterbody

Property Boundary

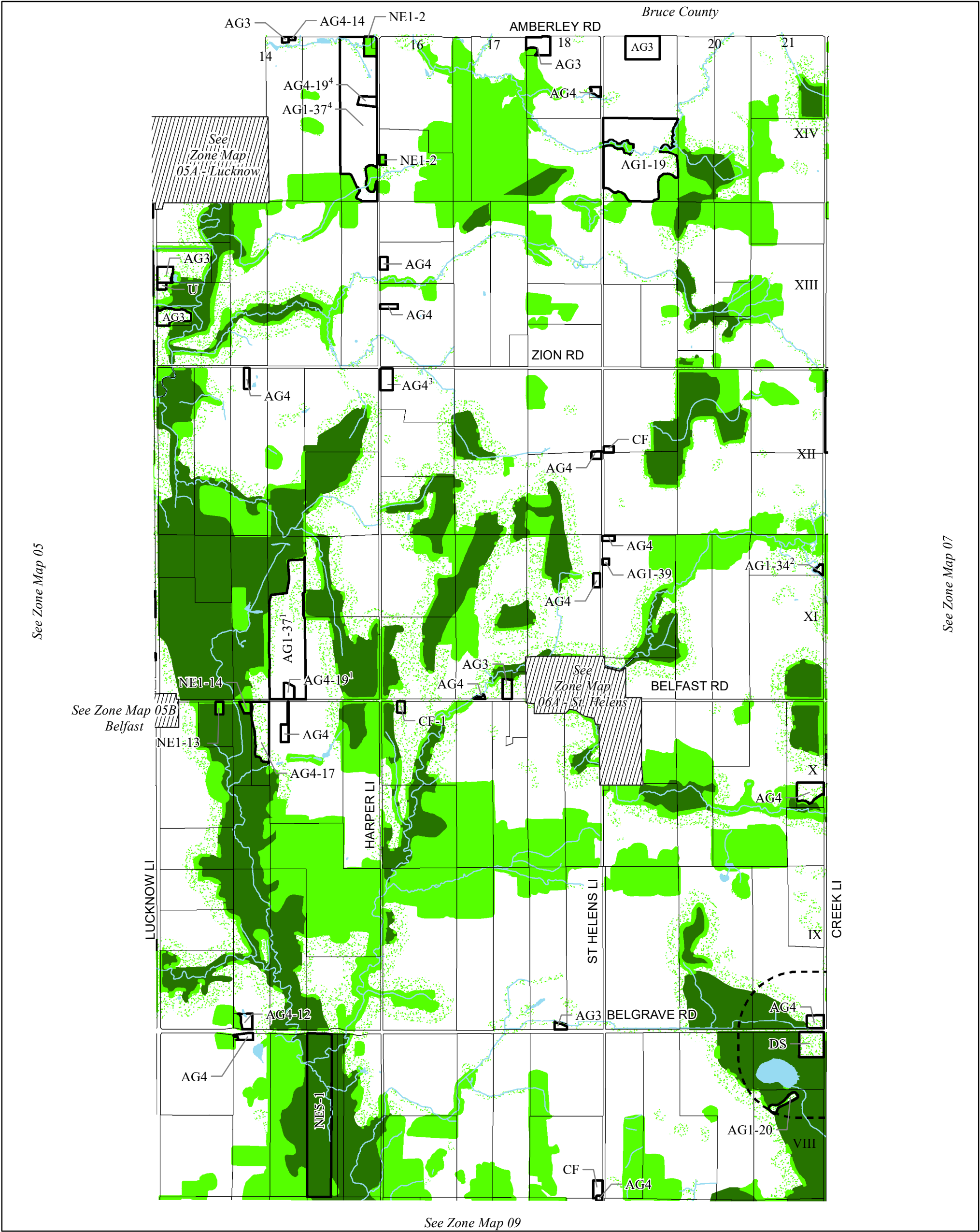
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Meters  
1:7,000

*See Zone Map 06*







AG1 Zone

(Unless otherwise noted)

NE1 Zone

NE5 Zone

Holding Zone

Conservation Authority Regulated Lands

Watercourse

Waterbody

Property Boundary

500 m Buffer

N

E

S

W

0

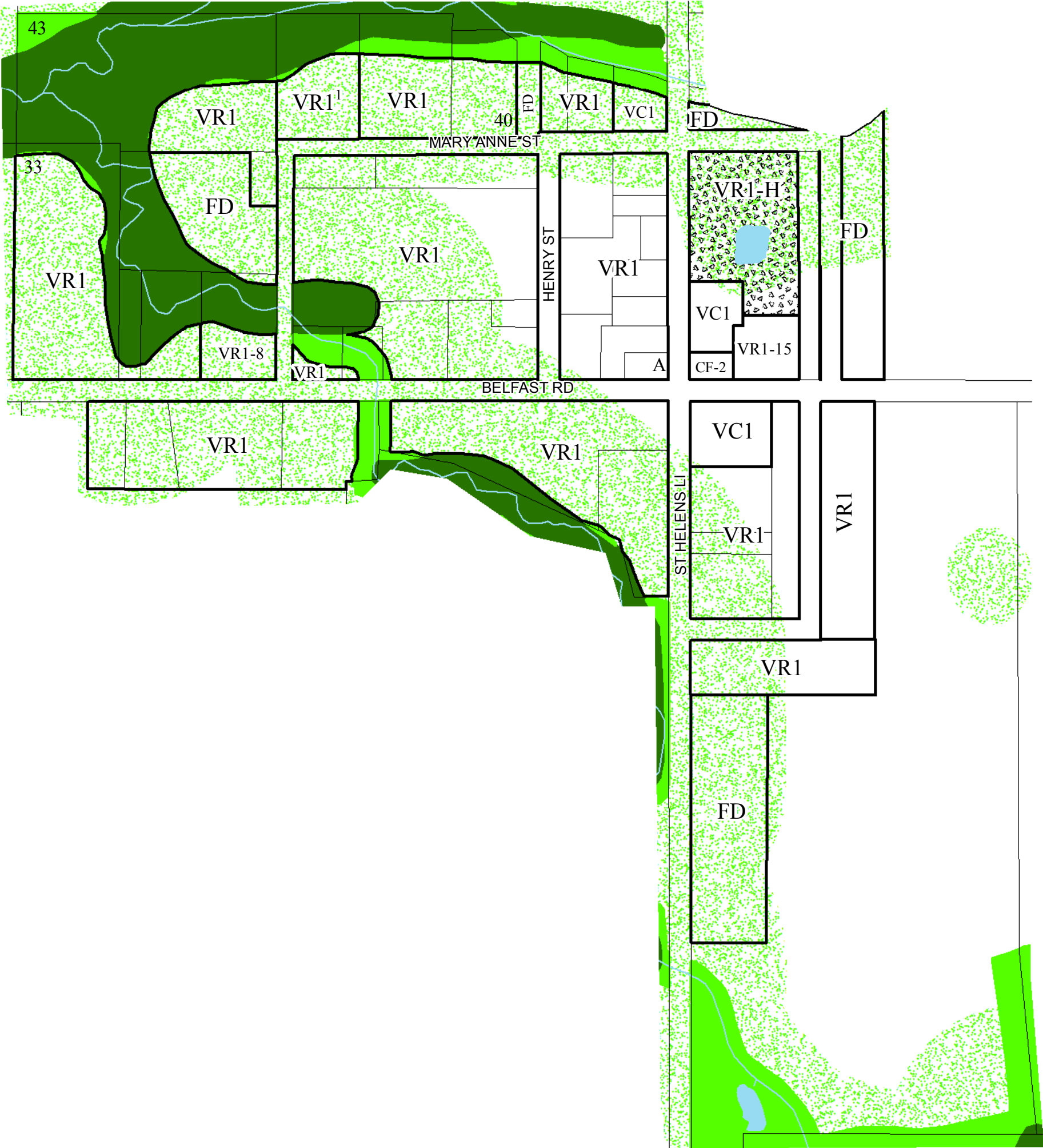
500

1,000

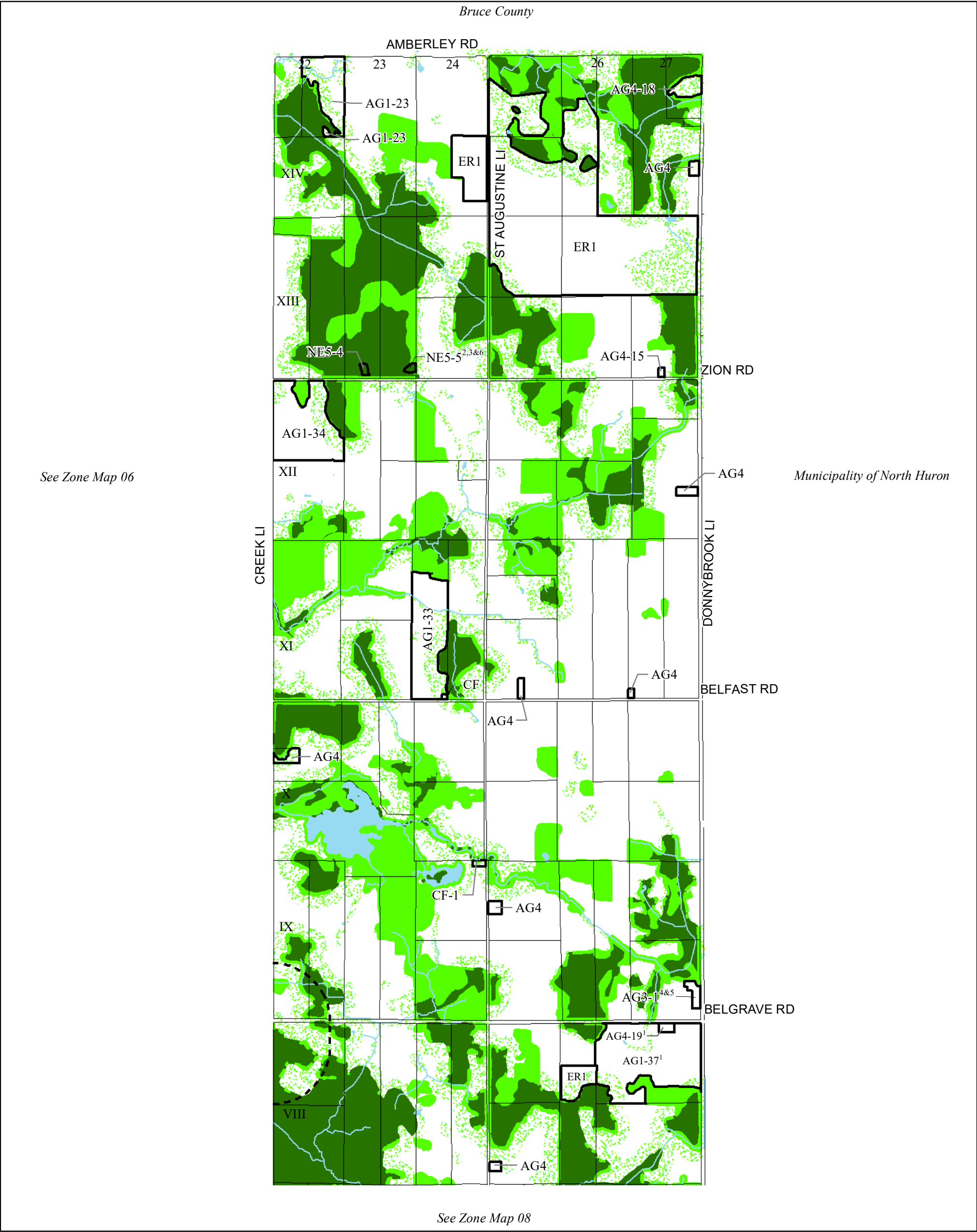
Meters

1:30,000

04	05	06	07
11	10	09	08







AG1 Zone

(Unless otherwise noted)

NE1 Zone

NE5 Zone

Holding Zone

Conservation Authority Regulated Lands

Watercourse

Waterbody

Property Boundary

500 m Buffer

0

500

1,000

Meters

1:31,000

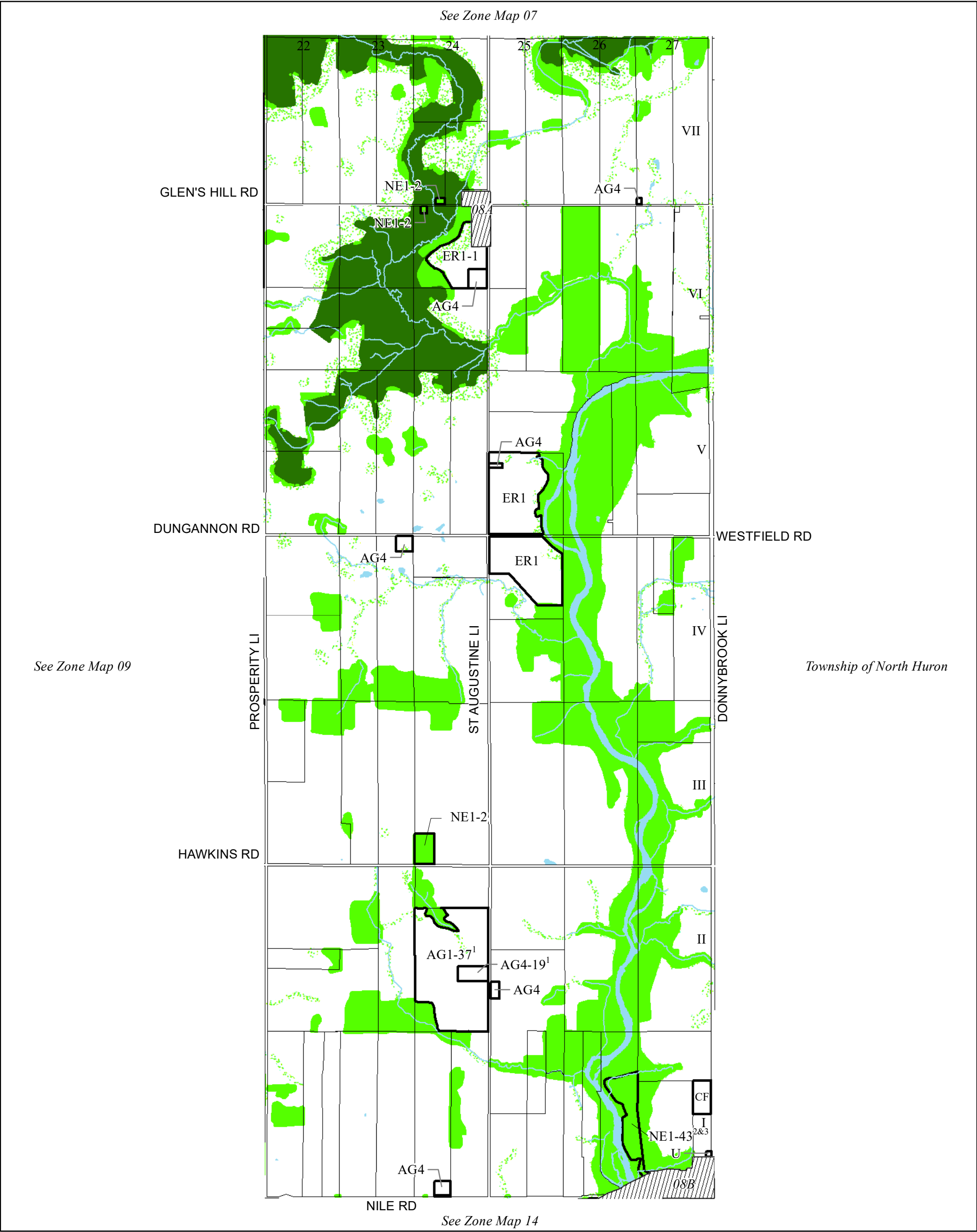
N

E

S

W

05	06	07
10	09	08



AG1 Zone  
(Unless otherwise noted)

NE1 Zone

NE5 Zone

Holding Zone

Conservation Authority Regulated Lands

Watercourse

Waterbody

Property Boundary

500 m Buffer

05001,000

Meters

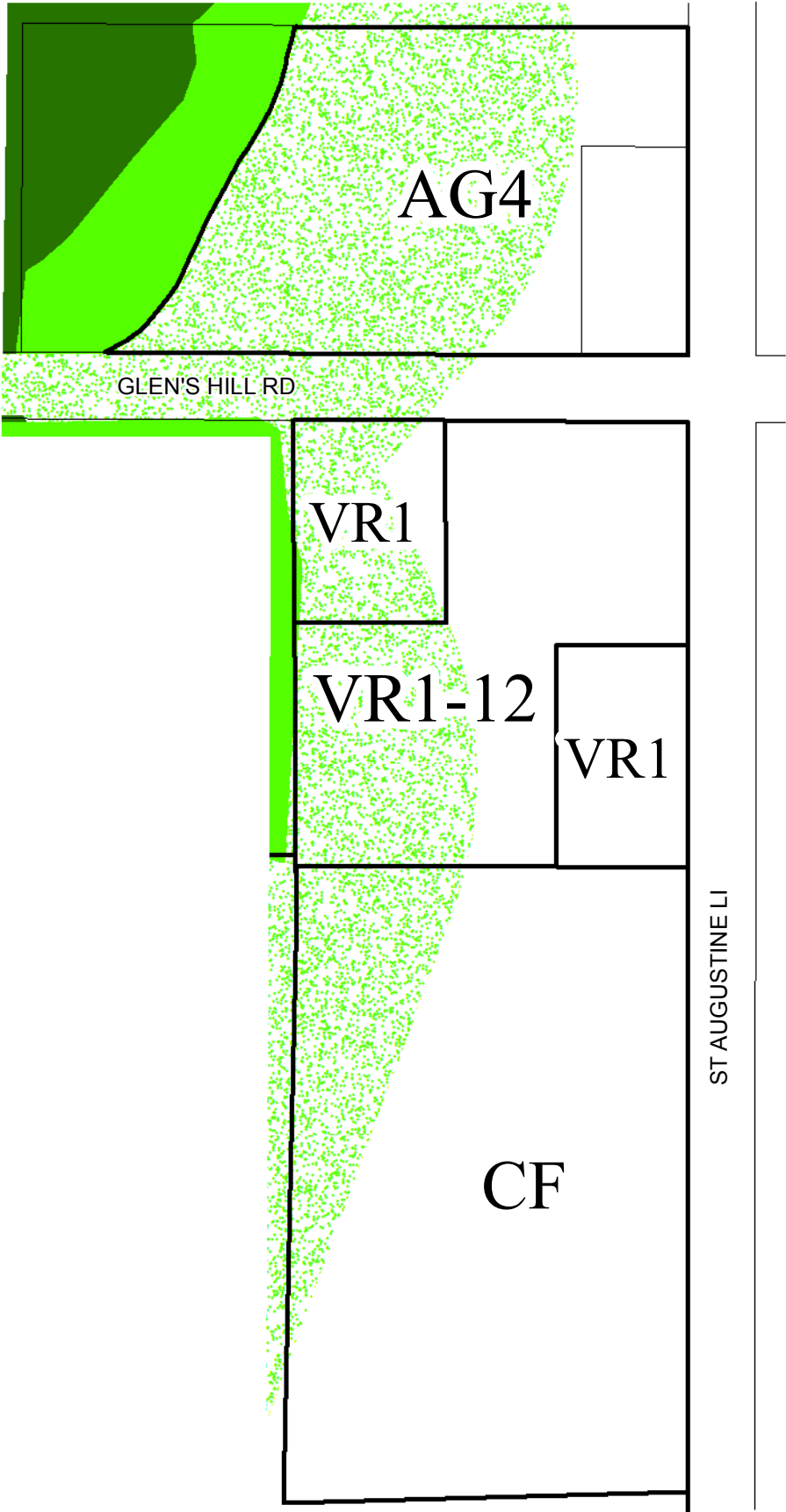
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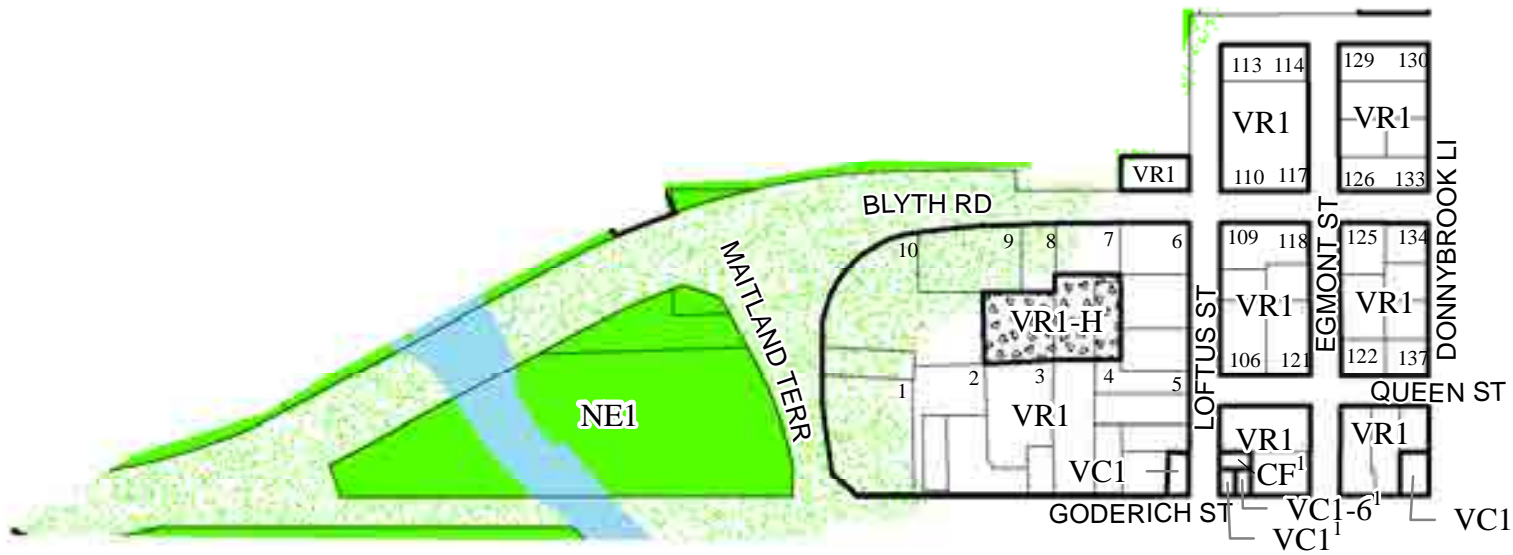
100908

1214





See Zone Map 08



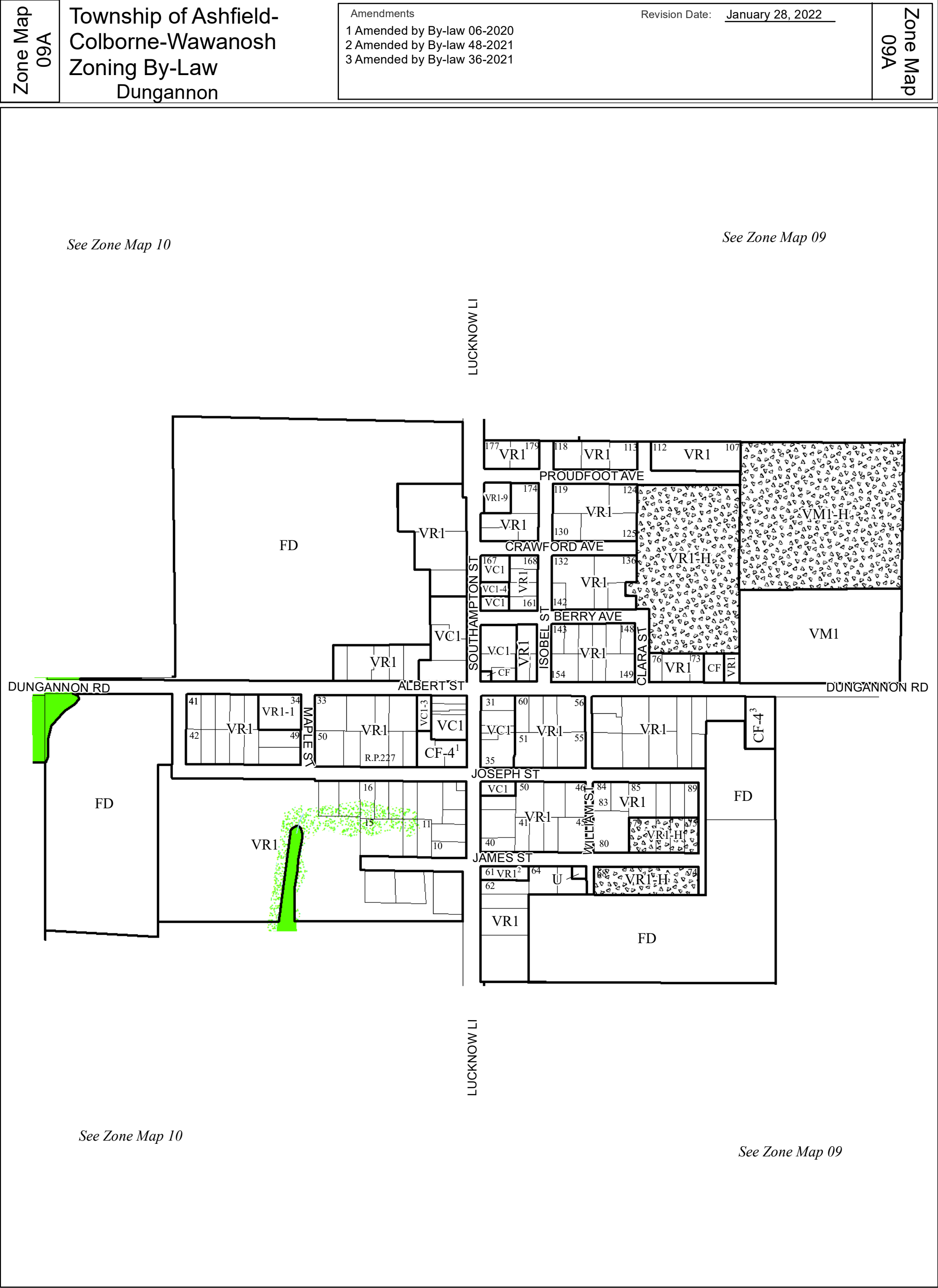
Township of North Huron

See Zone Map 14

Municipality of Central Huron

*See Zone Map 14*





AG1 Zone  
(Unless otherwise noted)

NE1 Zone

NE5 Zone

Holding Zone

Conservation Authority Regulated Lands

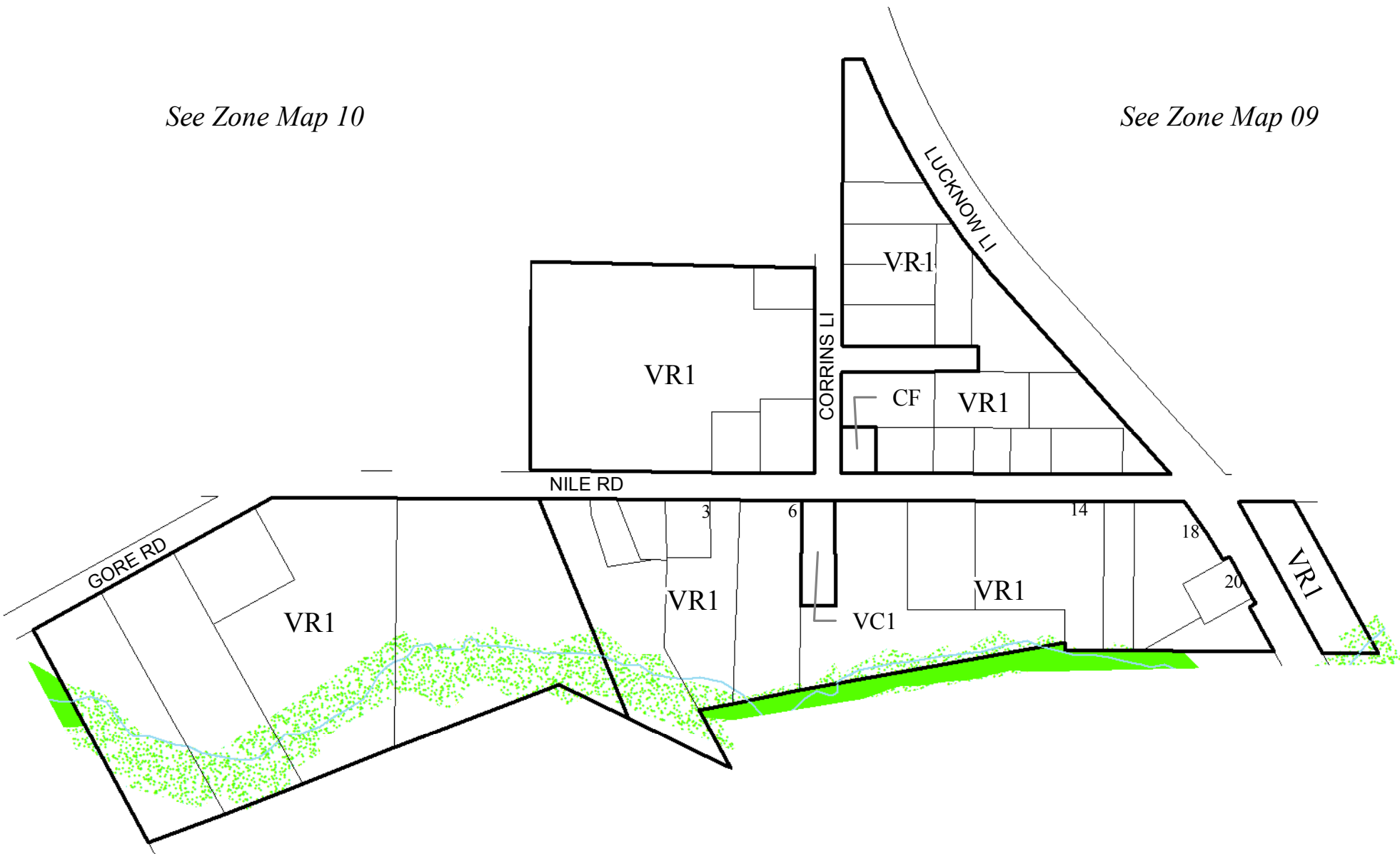
Watercourse

Waterbody

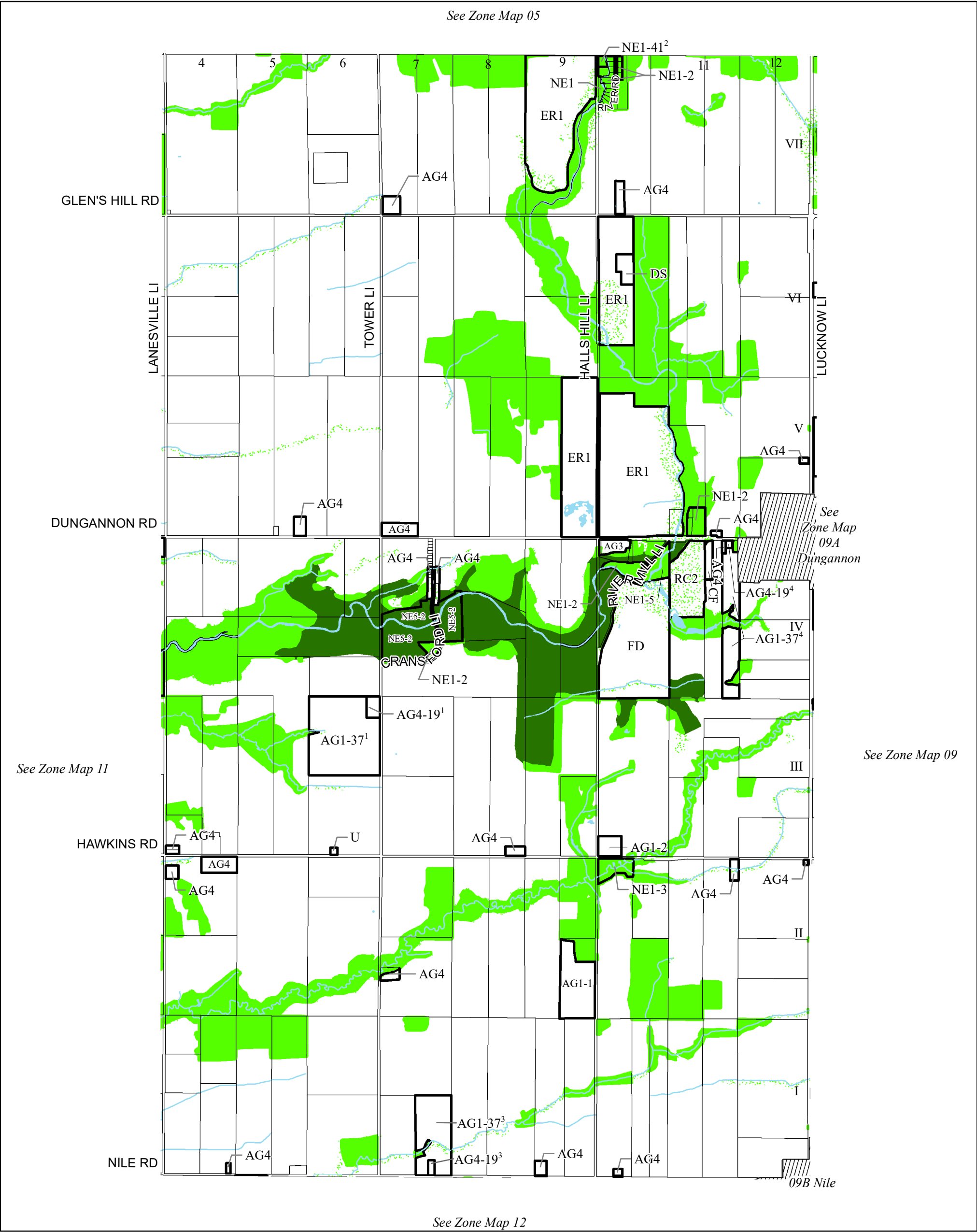
Property Boundary

500 m Buffer

0 87.5 175  
Meters  
1:5,000







AG1 Zone  
(Unless otherwise noted)

NE1 Zone

NE5 Zone

Holding Zone

Conservation Authority Regulated Lands

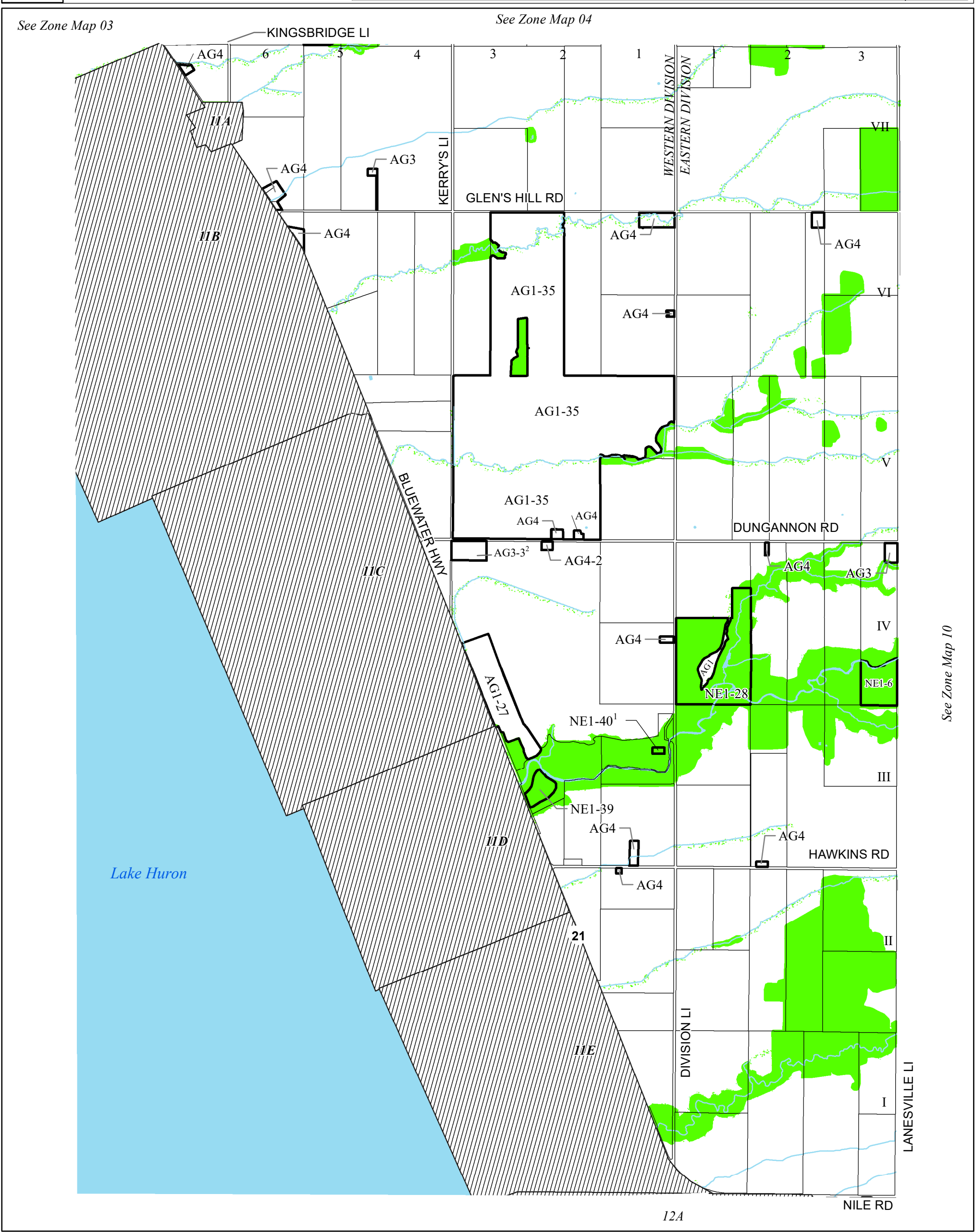
Watercourse

Waterbody

Property Boundary

500 m Buffer

0 500 1,000  
Meters  
1:31,000



AG1 Zone  
(Unless otherwise noted)

NE1 Zone

NE5 Zone

Holding Zone

Conservation Authority Regulated Lands

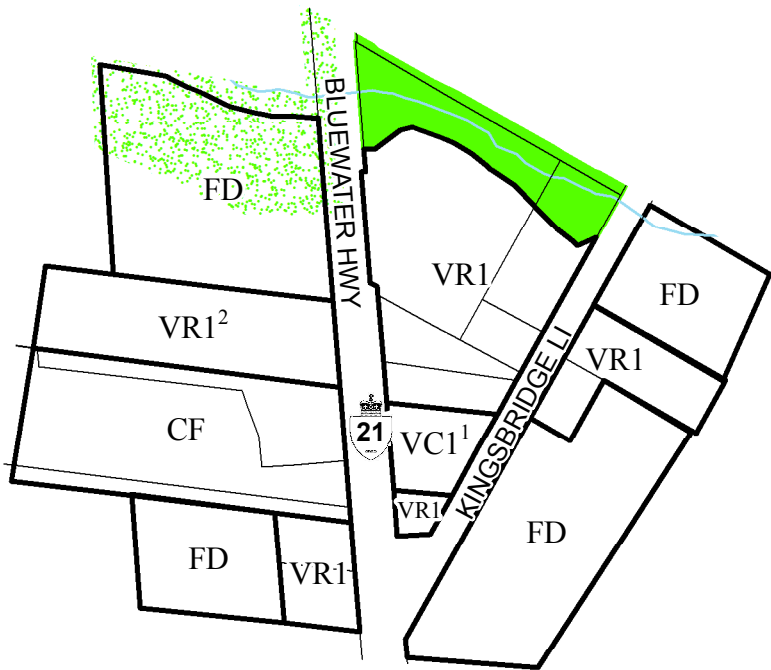
Watercourse

Waterbody

Property Boundary

500 m Buffer

0 500 1,000  
Meters  
1:30,000



AG1 Zone  
(Unless otherwise noted)

NE1 Zone

NE5 Zone

Holding Zone

Conservation Authority Regulated Lands

Watercourse

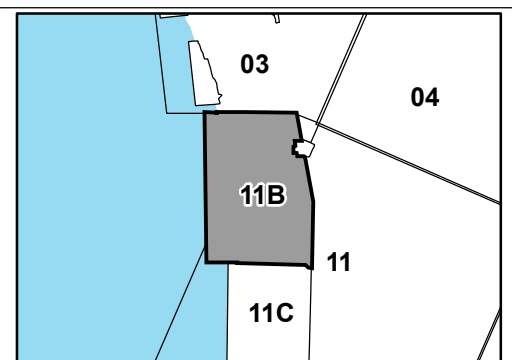
Waterbody

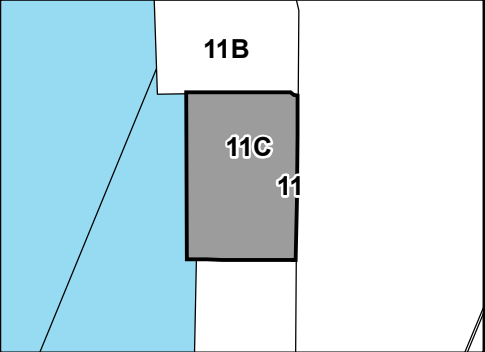
Property Boundary

500 m Buffer

0 87.5 175  
Meters  
1:5,000

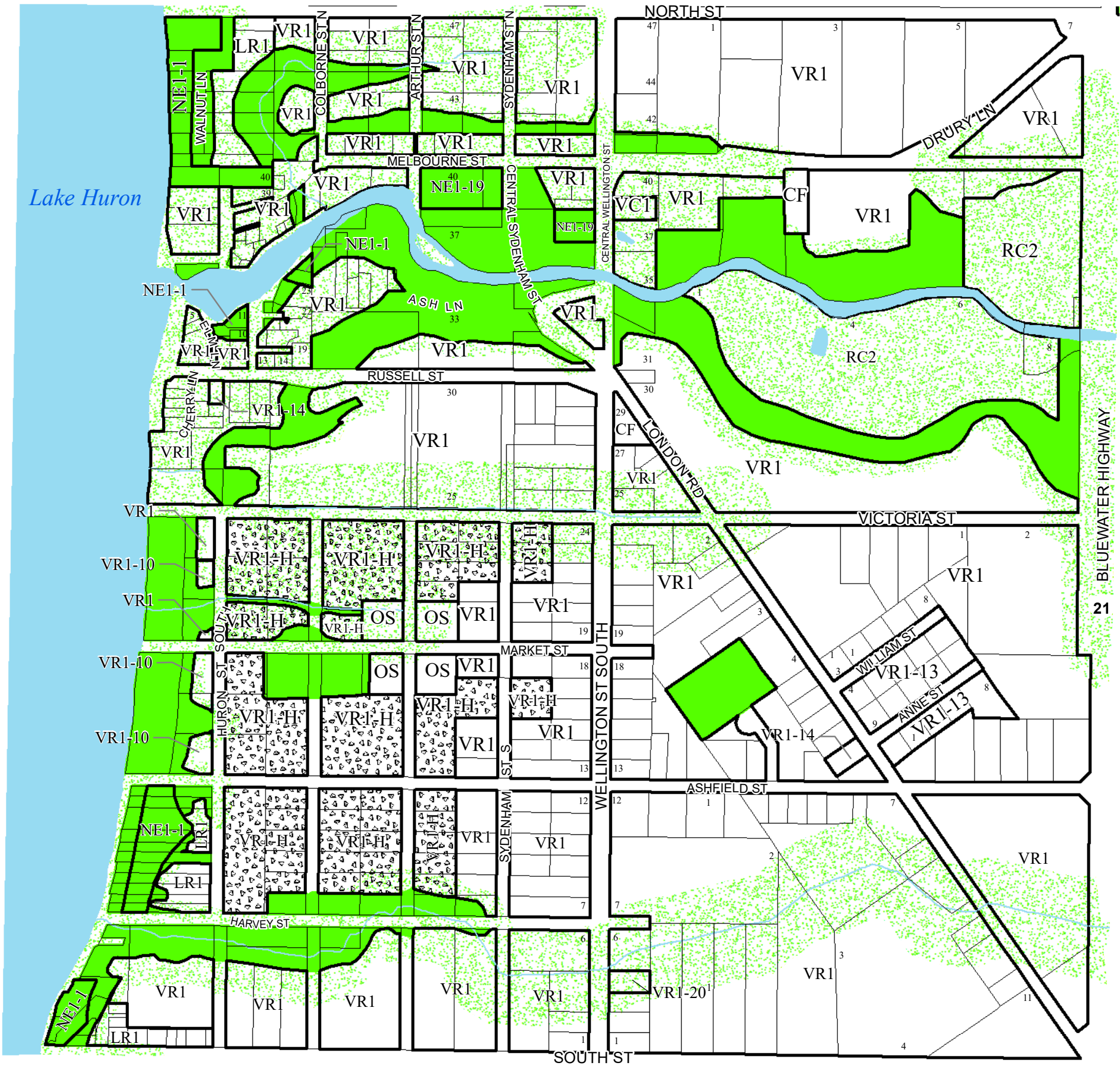








See Zone Map 11C



See Zone Map 11E

AG1 Zone  
(Unless otherwise noted)

NE1 Zone

NE5 Zone

Holding Zone

Conservation Authority Regulated Lands

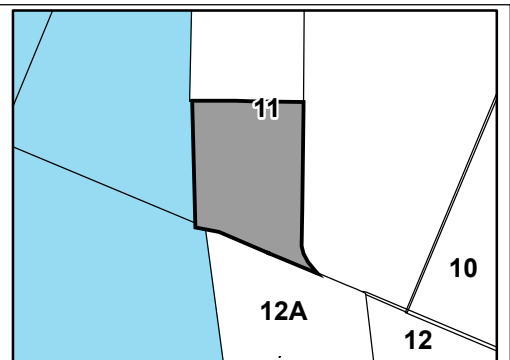
Watercourse

Waterbody

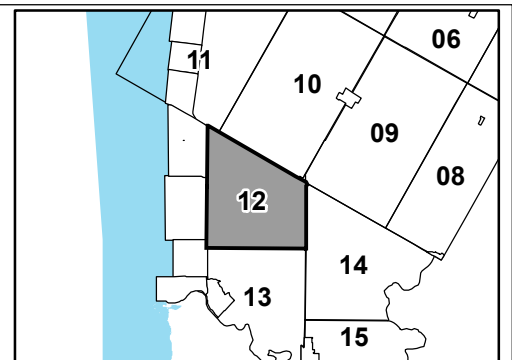
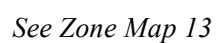
Property Boundary

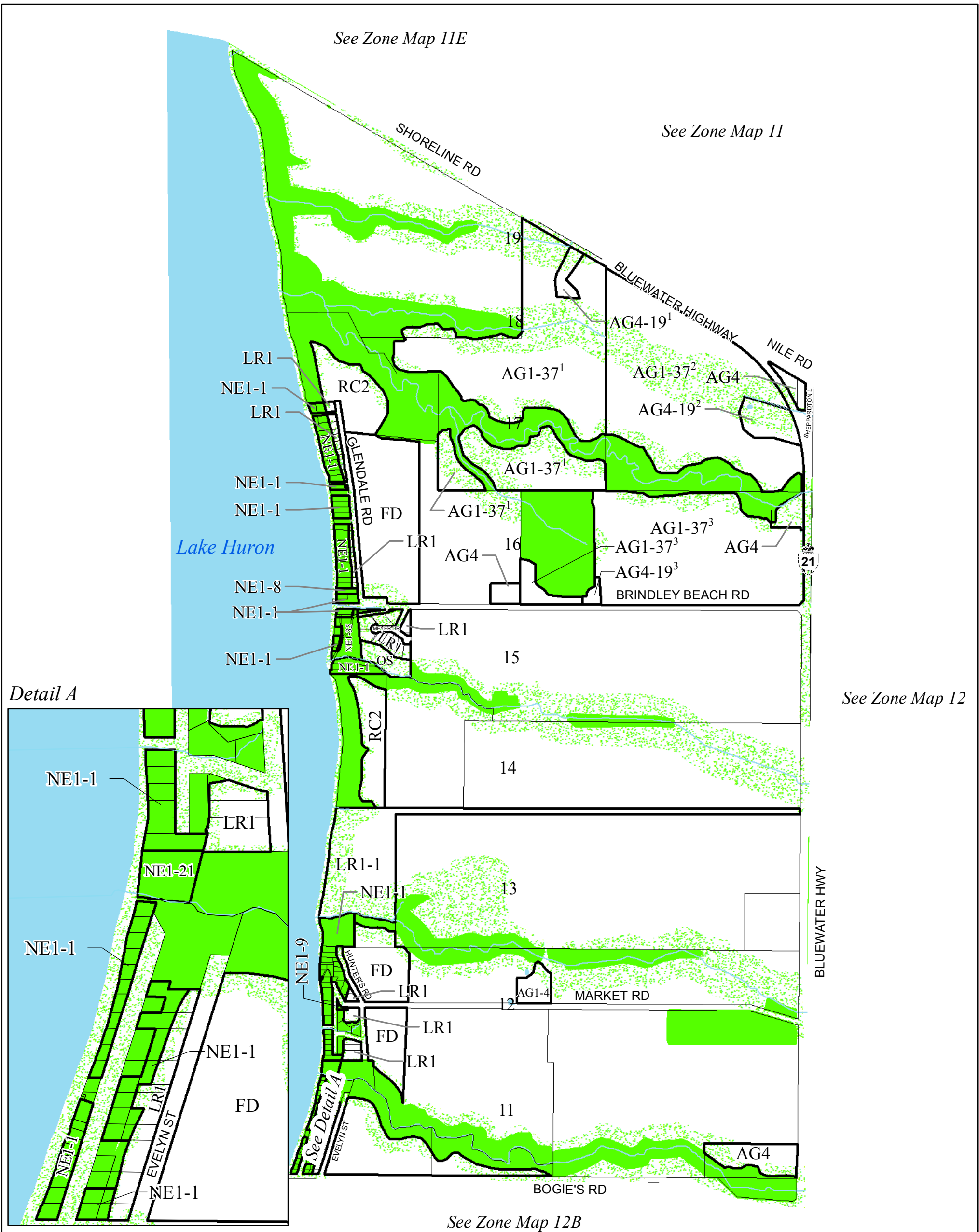
500 m Buffer

0 120 240  
Meters  
1:7,000









AG1 Zone  
(Unless otherwise noted)

NE1 Zone

NE5 Zone

Holding Zone

Conservation Authority Regulated Lands

Watercourse

Waterbody

Property Boundary

500 m Buffer

N

W

E

S

0

225

450

Meters

1:13,000

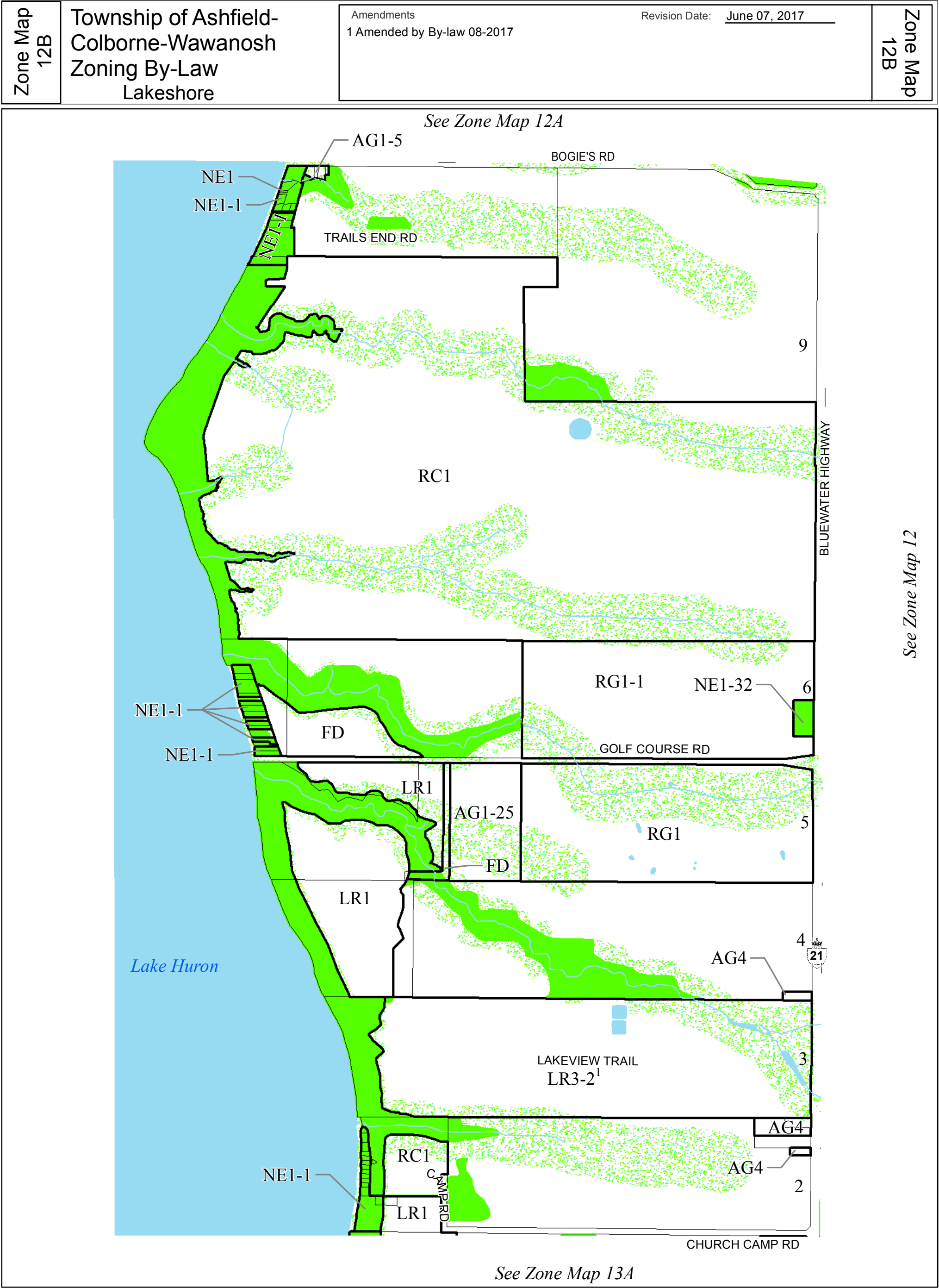
11

10

12

12A

12B



AG1 Zone  
(Unless otherwise noted)

NE1 Zone

NE5 Zone

Holding Zone

Conservation Authority Regulated Lands

Watercourse

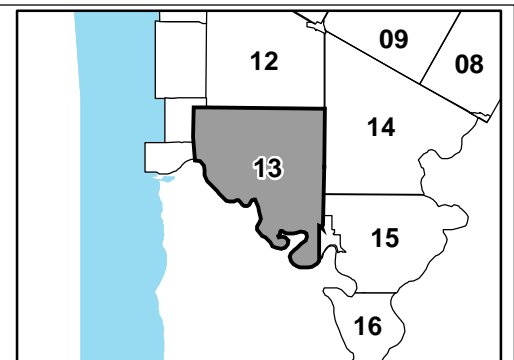
Waterbody

Property Boundary

500 m Buffer

N  
W E  
S  
0 210 420  
Meters  
1:12,000









AG1 Zone  
(Unless otherwise noted)

NE1 Zone

NE5 Zone

Holding Zone

Conservation Authority Regulated Lands

Watercourse

Waterbody

Property Boundary

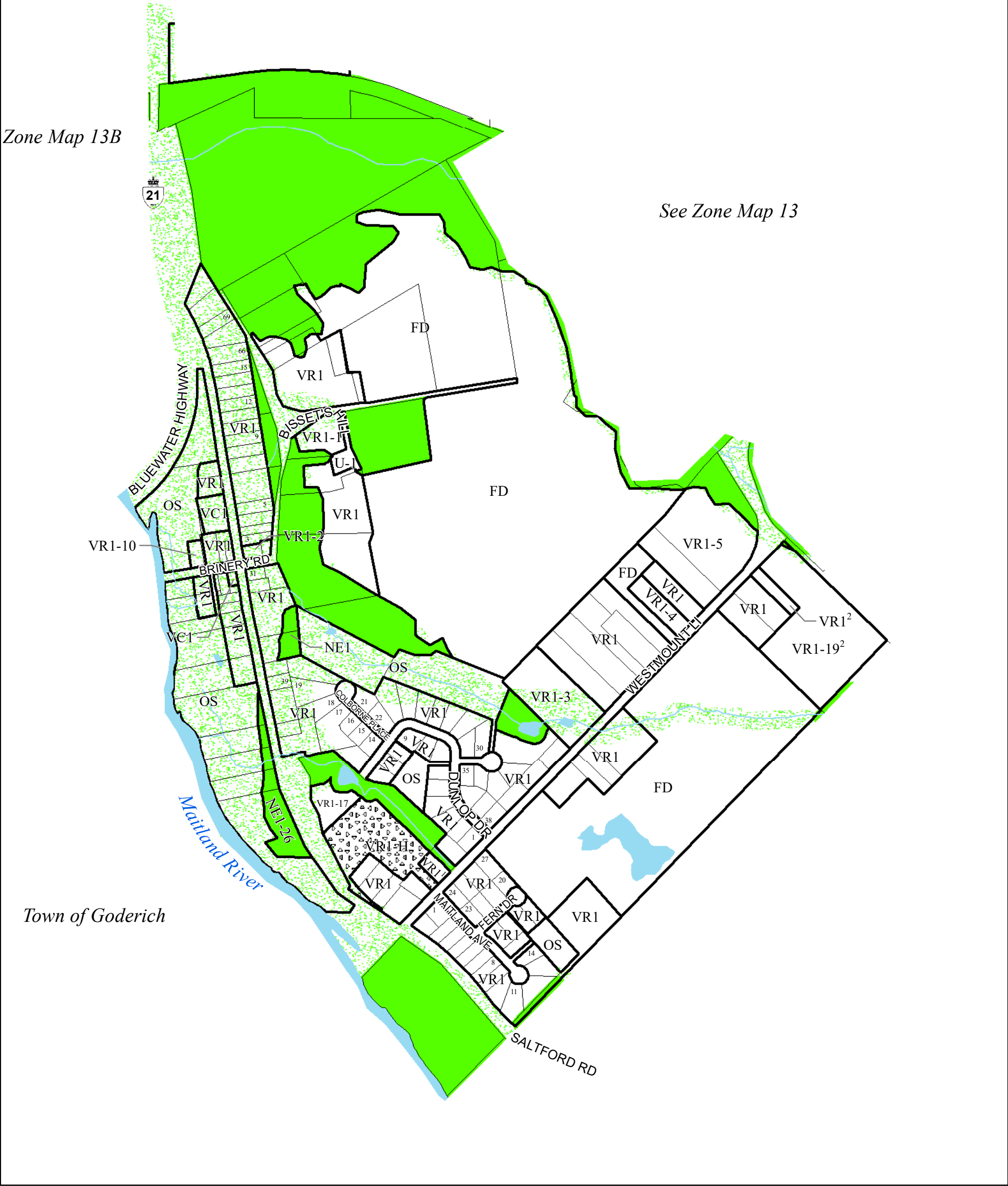
500 m Buffer

N  
W E  
S  
0 140 280  
Meters  
1:8,000

See Zone Map 13A



Town of Goderich



AG1 Zone  
(Unless otherwise noted)

NE1 Zone

NE5 Zone

Holding Zone

Conservation Authority Regulated Lands

Watercourse

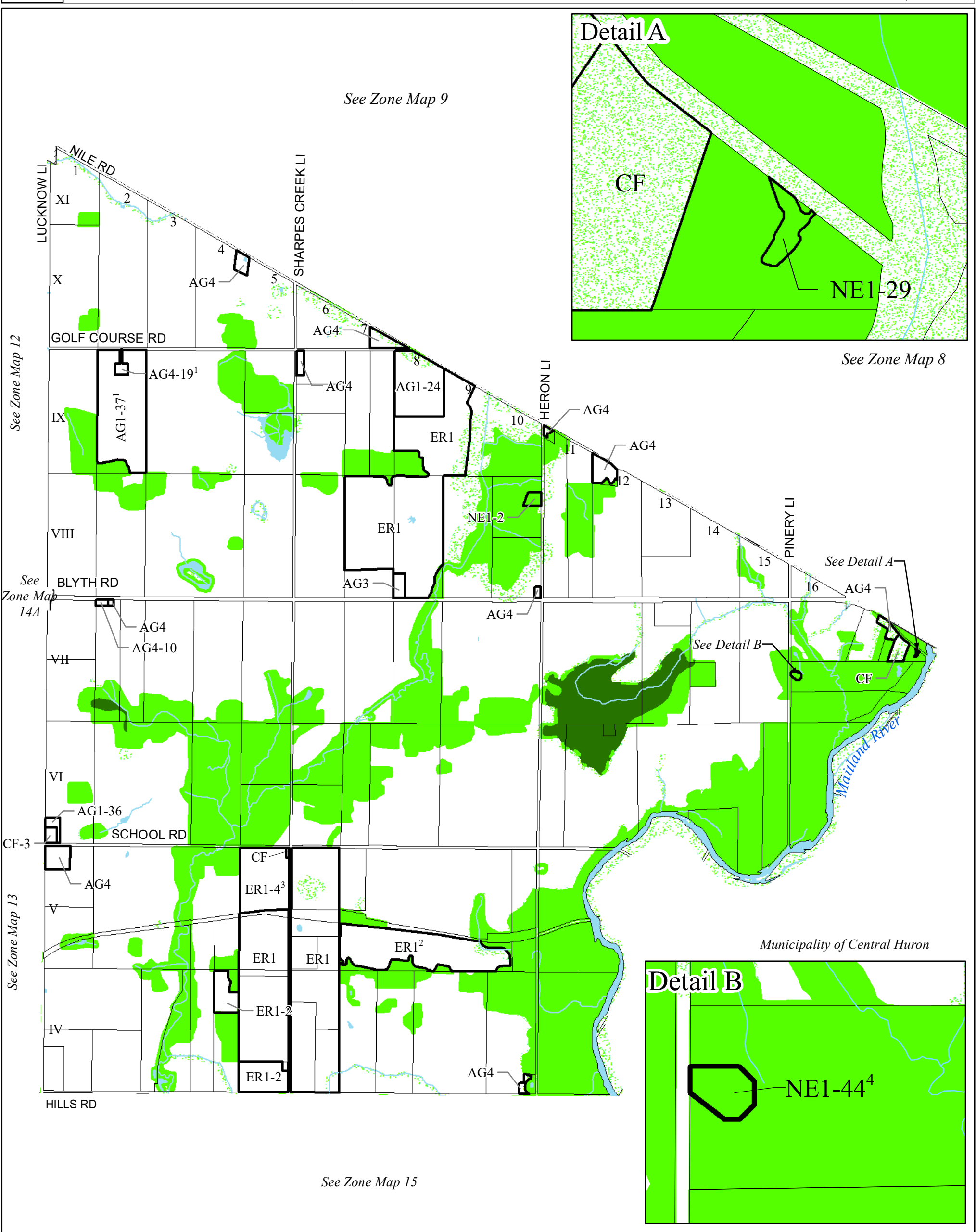
Waterbody

Property Boundary

500 m Buffer

0 140 280  
Meters  
1:8,000





AG1 Zone  
(Unless otherwise noted)

NE1 Zone

NE5 Zone

Holding Zone

Conservation Authority Regulated Lands

Watercourse

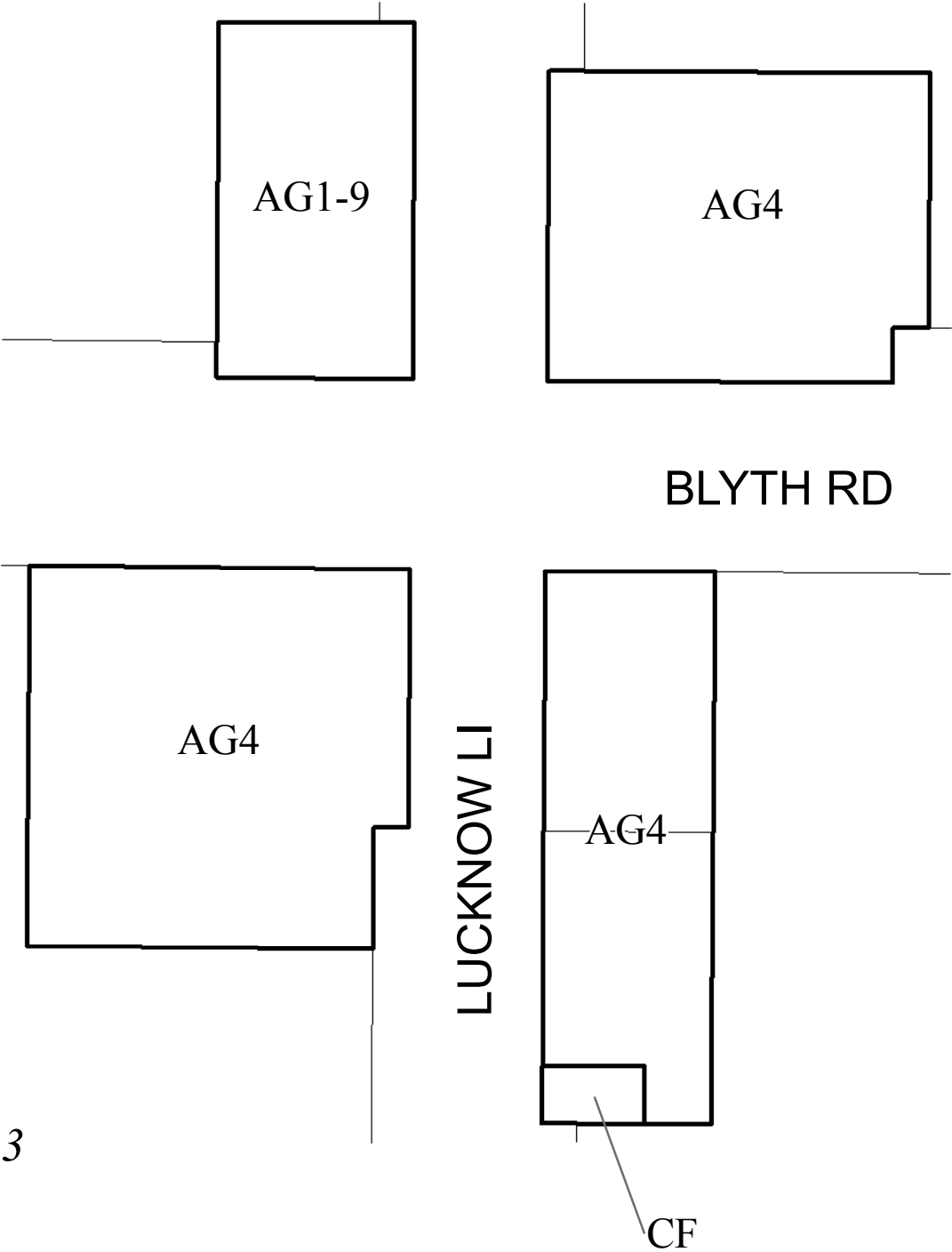
Waterbody

Property Boundary

500 m Buffer

0 500 1,000  
Meters  
1:30,000

See Zone Map 12

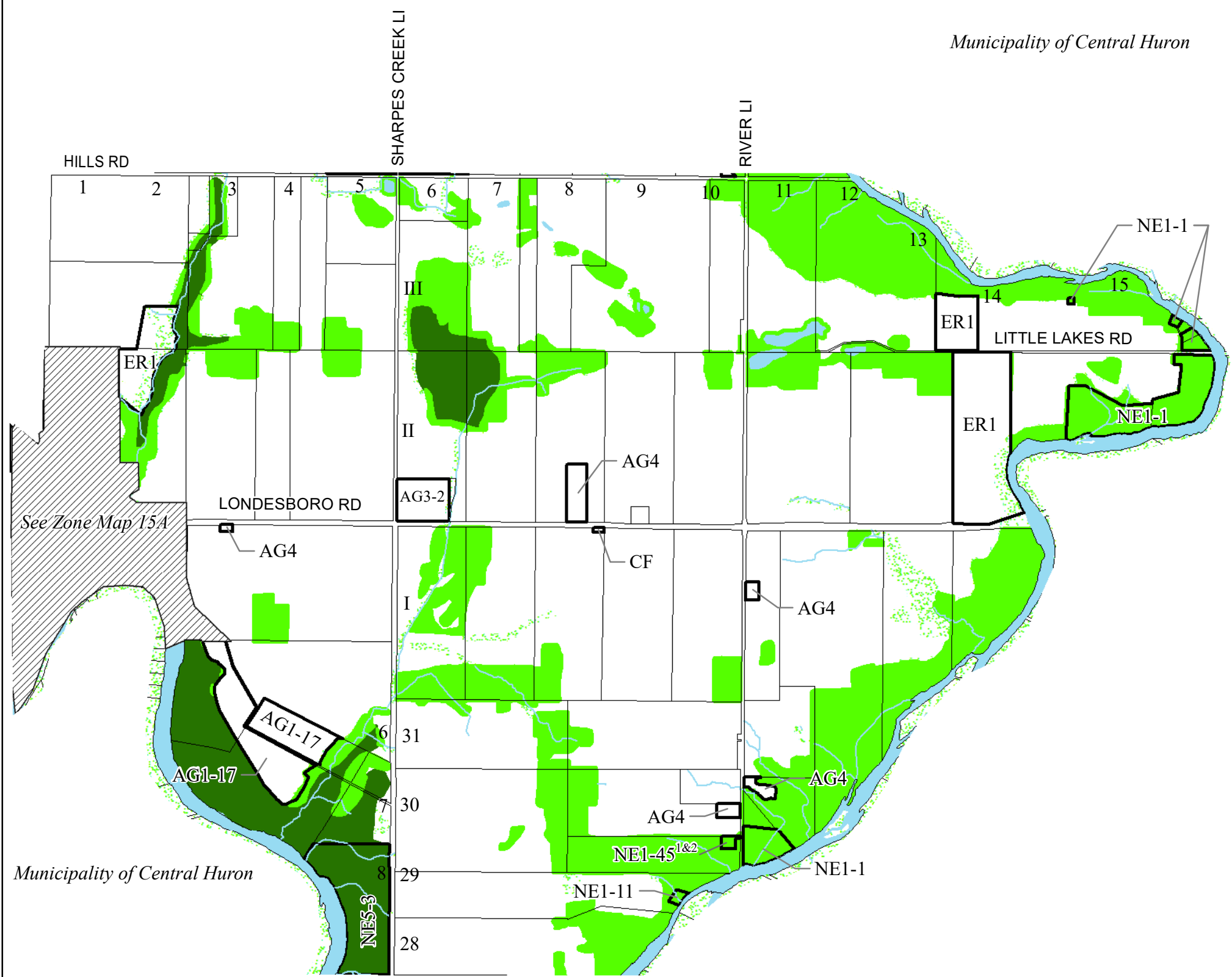


See Zone Map 13

See Zone Map 14

See Zone Map 14

Municipality of Central Huron



See Zone Map 16

Municipality of Central Huron

AG1 Zone  
(Unless otherwise noted)

NE1 Zone

NE5 Zone

Holding Zone

Conservation Authority Regulated Lands

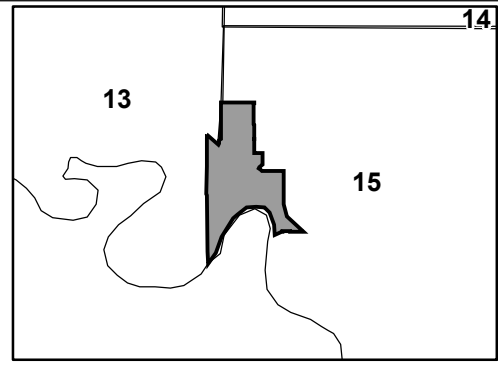
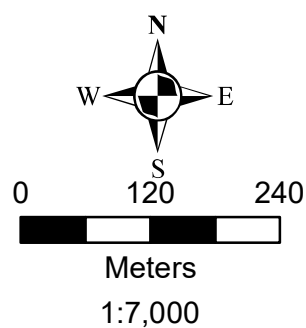
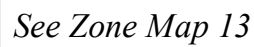
Watercourse

Waterbody

Property Boundary

500 m Buffer

0 475 950  
Meters  
1:27,000



Municipality of Central Huron

- 
- A map showing the study area. A shaded region labeled '16' represents the study site, and a line labeled '15' represents the coast. The study site is located south of the coast.