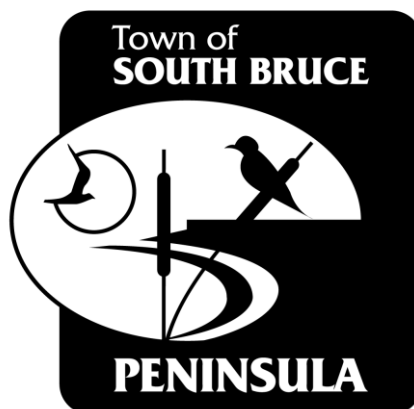


# **Town of South Bruce Peninsula**

## **Comprehensive Zoning By-law**

### **122-2009**



#### Housekeeping

HSKP #1 July 2013, By-law 67-2013

HSKP #2 September 2014, By-law 78-2014

HSKP #3 refused

HSKP #4 May 2018, By-law 30-2018

HSKP #5 May 2020, By-law 44-2020

HSKP #5 June 2020, By-law 58-2020

HSKP #7 January 2022, By-Law 84-2021, 85-2021, 86-2021

#### Consolidations

December, 2009

April, 2010

May, 2010

July 2010

December, 2010

March, 2011

October, 2011

July, 2012

October 2012

October 2013

January 2014

August 2014

February 2015

September 2015

January 2017

January 2018

June 2018

January 2019

January 2022

**Prepared by:**

**County Of Bruce**

**Planning & Economic Development Department**

**Force & Effect November 10th, 2009 by OMB Decision March 24th, 2010**

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**Section 1    Enactment**

Whereas the Council of the Corporation of the Town of South Bruce Peninsula considers it advisable to restrict the use of land and the erection of buildings and structures on land situated within the Town,

And Whereas the Council of the Town of South Bruce Peninsula further considers it desirable replace By-laws in force that were enacted prior to the amalgamation, and to produce a new comprehensive zoning By-law for the entire municipality,

And whereas authority is granted to the Council of the Municipality, under section 34 of the Planning Act, to enact such a By-law.

Now Therefore the Council of the Corporation of the Town of South Bruce Peninsula enacts as follows:

## **Section 2    General**

### **2.1    Title**

This By-law may be cited as the Comprehensive Zoning By-law of the Municipality of South Bruce Peninsula. This By-law is comprised of the following text, and of the attached Schedules.

### **2.2    Repeal Of Existing By-Laws**

On the coming into force of this By-law, all by-laws passed before its date of passing under Section 34 of the Planning Act or a predecessor thereof enacted by this Council or a predecessor Council are repealed.

### **2.3    Effective Date**

This By-law shall come into force and effect on the date it is passed by Council subject to compliance with the provisions of the Planning Act.

### **2.4    Conflict With Other By-Laws**

In the event of any conflict or inconsistency between this By-law and other general or special By-laws of the Corporation, the provisions of this By-law shall prevail.

### **2.5    Application Of This By-Law**

No building or structure shall thereafter be erected or altered, and the use of any building, structure or land shall hereafter not be changed in whole or in part except in conformity with this By-law.

### **2.6    Area To Which This By-Law Applies**

This By-law applies to all lands within the corporate limits of the Corporation of the Town of South Bruce Peninsula.

b) Notwithstanding the above, this By-law does not apply to lands that are subject to Development Control pursuant to the Niagara Escarpment Planning and Development Act, as shown on Schedules 1 through 36 to this By-law. (By-law 67-2013, Z-07-2013.58)

READ a FIRST and SECOND time this 27th day of October 2009.

\_\_\_\_\_GWEN GILBERT\_\_\_\_\_MAYOR

\_\_\_\_\_RHONDA COOK\_\_\_\_\_CLERK

READ a THIRD time and FINALLY PASSED this 10th day of November 2009.

\_\_\_\_\_GWEN GILBERT\_\_\_\_\_MAYOR

\_\_\_\_\_RHONDA COOK\_\_\_\_\_CLERK

## **Section 3 Interpretation**

### **3.1 General**

In this By-law

1. The particular shall control the general;
2. The word “shall” is mandatory, and the word “may” is permissive;
3. Words used in the present tense shall include the future, and words used in the singular number shall include the plural, and the plural shall include the singular unless the context clearly indicates the contrary.

### **3.2 Metric And Imperial Measurement**

All measurement figures used in this By-law shall be metric. The approximate imperial equivalents to the metric measurements used in this By-law may be shown in brackets following each such metric measurement, and are provided as an Explanatory Note.

### **3.3 Explanatory Notes**

Throughout this By-law are Explanatory Notes. These are usually shown in a text box, and always contain the prefix “Note”. These Explanatory notes do not form part of the formal By-law and are intended to provide information only. Explanatory Notes may be changed, added or deleted at any time without amendment to this By-law.

### **3.4 Location Of Zones**

The Zones and Zone boundaries are shown on Schedules 1 through 36, which are attached to and form part of this By-law.

### **3.5 Determining Boundaries**

Where the boundary of any Zone is uncertain and:

- a) the boundary is shown as following a street, lane, railway right-of-way or watercourse, the center line of the street, lane, railway right-of-way, electric transmission line right-of-way or watercourse is the boundary;
- b) the boundary is shown as substantially following lot lines shown on a registered plan of subdivision, the lot lines are the boundary;
- c) the boundary is shown as running substantially parallel to a street line and the distance from the street line is not indicated, the boundary shall be

deemed to be parallel to such street line and the distance from the street line shall be determined according to the scale shown on the Schedule;  
and

- d) where none of the above provisions apply, the Zone boundary shall be scaled from the Schedules;
- e) In the event that the 'Environmental Hazard (EH)' Zone boundary does not coincide with the location of the environmental hazards to buildings and structures, minor adjustments may be permitted to the 'EH' Zone boundary without an amendment to this by-law when approved in writing by the Zoning Administrator and the applicable Conservation Authority. In a re-interpretation of the limits of the 'EH' Zone boundary, all requirements of the by-law shall be applied relative to the revised boundary including any applicable setbacks; and
- f) Further to the provisions of Section 3.5(e), alteration to the zone boundaries of the 'EH-1 Provincially Significant Wetlands' Zone shall require written confirmation from the Ministry of Natural Resources and Forestry.

### 3.6 More Than One Zone On A Lot

(By-law 67-2013, Z-07-2013.58)

Where a lot of record is divided into two or more zones i.e. R1 and C2, etc., each zone shall be treated as if it were a separate lot of record in regards to the zone provisions that are applicable i.e., lot frontage, lot area, yard setbacks, etc., excepting however that:

- i. lands zoned EH may be used together with another zone(s) to satisfy any required zone provision(s) i.e., lot area, lot frontage, yard setbacks etc.; and
- ii. lands zoned RU1 and RU2 may be used together to satisfy any required zone provision(s) i.e., lot area, lot frontage, yard setbacks, etc.

### 3.7 Typographical And Section Reference Corrections

No amendment to this by-law shall be required in order for the Corporation to make typographical changes or changes to section references where, in the opinion of the corporation, such corrections do not affect the intent of the by-law.  
(By-law 67-2013, Z-07-2013.58)

### **3.8 References To Other Legislation And Agencies**

Where this By-law makes reference to legislation of the Government of Ontario or the Government of Canada, such reference shall be deemed to include any and all amendments or successors or changes in the titles, numbering, or regulations there under. Where this By-law makes reference to the jurisdiction of a public agency and where the name or responsibilities of said public agency are changed, the said reference shall be deemed to include any and all successors to such public agency or legislation. Reference to MDS I or MDS II formulae shall be deemed to include the most current standards. (By-law 67-2013, Z-07-2013.58)

## Section 4 Administration, Enforcement And Penalties

### 4.1 Administration

Unless otherwise specified, this By-law shall be administered by the Chief Building Official, or designate, acting on the direction of the Council of the Town of South Bruce Peninsula.

Note: The issuance of Building Permits is the responsibility of the Chief Building Official pursuant to the Ontario Building Code Act, and requirements specified in Town's Building By-law. The Zoning By-law is applicable law in relation to the issuance of permits under the Building Code Act and its regulations

### 4.2 Inspection

Where an officer of the Municipality who is charged with enforcing this By-law has reasonable grounds that this By-law is being contravened, he or she may inspect the property in accordance with the requirements of Section 49 of the Planning Act.

Note: Please consult Section 49 of the Planning Act regarding specific requirements for entry and inspection, where a search warrant is required, and related provisions.

### 4.3 Validity

Should any provision of this By-law be declared by a court of competent jurisdiction to be invalid, the invalidity of that provision shall not affect the validity of the By-law as a whole or any part of the By-law other than the provision declared to be invalid.

### 4.4 Penalty

Every person who contravenes or who causes or permits any contravention of any of the provisions of this By-law is guilty of an offence and on conviction is liable to the penalties prescribed by Section 67 of the Planning Act, RSO 1990 as amended from time to time.

Note: Section 67 of the Planning Act calls for a penalty on conviction of :

- For persons, a maximum fine of \$25,000 on a first conviction, and a subsequent conviction of not more than \$10,000 per day or part thereof where the contravention continues after the day the person was first convicted.
- For corporations, the fines are a maximum of \$50,000 and a maximum of \$25,000 per day, respectively.



#### **4.5 Licenses And Permits**

Nothing in this By-law shall exempt any person from complying with the requirements of any other By-law in force within the Municipality or to obtain any license, permission, permit, authority or approval required by this or any other By-law of the Town unless specifically stated in this By-law.

Note: Compliance with this Zoning By-law does not mean that a permit can be issued. The requirements of all applicable law, including but not limiting to, other Municipal By-laws, and of Provincial and Federal statutes and regulations continue to apply. Examples of this include requirements of the Nutrient Management Act, the Conservation Authorities Act, the Environmental Protection Act, the Clean Water Act, the Ontario Water Resources Act, the Public Transportation and Highway Improvement Act and other laws and regulations

#### **4.6 Conflicting Regulations**

Where the requirements of this By-law are at variance with the requirements of any other By-law, or where two requirements of this By-law conflict with one another, the more restrictive requirement, or the By-law or regulation with the higher standards shall govern and apply.

#### **4.7 Words In Singular And Plural**

Unless the contrary intention is indicated, words used in the singular shall include the plural and words used in the plural shall include the singular.

## Section 5 Definitions

### Definitions

In this By-law, unless the context requires otherwise, the following definitions and interpretations shall apply. Illustrations depicting definitions are provided for clarification and convenience only and do not form a part of the By-law. The illustrations can be found at the end of this By-law in the Appendix Section. The inclusion of a definition in this section does not mean that the use is permitted within any zone. Reference needs to be made to the specific zone to determine permitted uses and regulations within that zone.

**Abattoir** means a building or structure, designed and used, or part thereof, for the commercial slaughtering, processing and retailing of products of animals.

**Abutting** means a lot line that has any point in common with another lot line that is not part of a street line or lane; or where two or more parcels share a common boundary of at least one (1) point or a building or structure that share a common wall.

**Accessory** when used to describe a use, building or structure, means a use, building or structure, which is incidental, subordinate, and exclusively devoted to the main use, building, or structure located on the same lot and in the same Zone as such use, building or structure and which is not used or intended for use as human habitation unless permitted by the provisions of certain Zones of this By-law.

**Addition(S)** when used in reference to a seasonal recreational travel trailer, means a structure(s) which is attached to and used in conjunction with, and may be divided into more than one room.

**Aerodrome** means any area of land, water, including a frozen surface thereof, or other supporting surface used or designed, prepared, equipped or set apart for use, either in whole or in part for the arrival or departure, movement, or servicing of aircraft and includes any building, installations and equipment in connection therewith.

**Aggregate Transfer Station** means an industrial facility where aggregate products are temporarily stored prior to shipment and may include facilities for the administration or management of the business and the storage of required equipment, but does not include the retail sale of aggregate products.

**Agricultural Uses** means a use of land, building or structure for the purpose of animal husbandry, raising of livestock and other animals which may or may not be used for food, fibre or fur including poultry, bee-keeping, fish, aquaculture and dairy; the growing of field crops, vegetables, agro-forestry, forestry, fruit farming, sod farming, greenhouses and horticulture crops, pasturage, fallow, maple syrup production or any other farming use. Agriculture uses includes the growing, raising, packing, treating,

storing, and sale of agricultural products produced on the premises but does not include an abattoir, a kennel or a rendering plant, commercial greenhouse and/or nursery or garden centre. Agricultural uses also include associated on-farm building and structures and accommodation for full time labour when the size and nature of the agricultural operation requires additional employment. For kennel requirements, local Dog Control By-laws should be consulted. (HSKP #4 Z-2-18.58)

**Agriculturally Related Use** means a small scale **commercial** or **industrial use** directly related to the farm operation and may include such uses as animal husbandry services, produce or feed mill & elevator, feed and seed warehouse and associated retail outlets.

**Agritainment** means the use of land, buildings or structures for the purpose of farm-related entertainment activities for recreational or educational purposes. Examples include: pick-your-own fruits and vegetables; on-farm market consisting of a minimum of 75% on-farm products; corn-maze; pumpkin / Halloween patch; haunted forest; maple syrup production; on-farm winery; livestock shows / demonstrations; all being of a temporary or seasonal nature. A temporary or seasonal 'Restaurant – Dining' or 'Restaurant – Take Out' shall also be permitted but is only in association with the farm related entertainment activity. Agritainment shall not include any other use herein defined. (By-law 67-2013, Z-7-2013.58)

**Agriculture Produce Warehouse** shall mean a building or part of a building used for the storage of agricultural produce and may include facilities for wholesale distribution or an accessory retail commercial outlet for the sale of such agricultural produce to the general public

**Airport** means any area of land, water (including frozen surface thereof) or other supporting surface, used or designed, prepared, equipped or set apart for use either in whole or in part for the arrival and departure, movement or servicing of aircraft, and includes any buildings, installation and equipment in connection therewith for which an airport license has been issued by Transport Canada.

**Aircraft Hangar** means a building or structure designed and used for the shelter of aircraft.

**Airport Strip** means the land area containing one or more runways plus additional graded land on both sides and both ends of the runway or runways.

**Alter** when used in reference to a building, structure, or part thereof, means to change any one or more of the internal or external dimensions of such building or structure, or to change the type of construction of the exterior walls or roof thereof, or a change from one type of occupancy to another or a structural alteration or change there to.

## Definitions

When used in reference to a lot, the word "alter" means a change in use, or a decrease or increase in the width, depth, or area thereof or to decrease or increase the width, depth, or area of any required yard, building setback, landscaped area 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 corresponding meanings.

**Amusement Ride** shall mean a device or a combination of devices designed or intended to entertain and amuse people by physically moving them.

**Anaerobic Digester** means an enclosed vessel in which microorganisms break down organic materials (e.g. manure and other organic materials), in the absence of oxygen, resulting in the production of biogases, consisting primarily of methane and carbon dioxide. The Minimum Distance Separation Formulae is to be applied to on-farm anaerobic digesters, which utilize manure as an input. An on-farm anaerobic digester may include a co-substrate input tank fitted with a tight cover, in which permitted off-farm non-agricultural source materials are temporarily stored before feeding into the anaerobic digester.

**Antique Store/Market** means the use of land, buildings or structures for the sale of old and authentic objects of personal property which has a unique appeal and enhanced value mainly because of its age, or because of public demand, has attained value in a recognized commercial market which is in excess of its original value.

**Arcade** means a place of business where an individual, association, partnership or Corporation maintains three or more coin-operated machines for public use such as pinball machines, video games or other similar player-operated amusement devices.

**Art Gallery** means a use, building or structure where paintings, sculptures or other works of art are exhibited or sold.

**Artisans Market** means the use of a building or structure or part thereof as the workplace of a photographer, craftsperson or artist and may include the display and sale of their products along with accessory items.

**Asphalt Or Concrete Plant** means an industrial facility that has equipment designed to heat and dry aggregate and to mix mineral aggregate with bituminous asphalt, concrete and concrete products and/or other similar materials, and includes stockpiling and storage of bulk materials used in the process or finished products manufactured on the premises and the storage and maintenance of equipment, but does not include the retail sale of finished asphalt or concrete products

**Asphalt Plant, Temporary Portable** means a facility that meets all of the following:

- a) Has equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process;
- b) Is not of permanent construction, but is designed to be dismantled and moved to another location as required; and,
- c) Is associated with a specific contract for work undertaken by or on behalf of a public road authority.

**Attached** means a building or structure otherwise complete in itself, which depends upon a division wall or shared common wall with an adjacent building or structure for structural support or complete enclosure.

**Attic** see Storey.

**Auction** shall mean the offering for sale of new and used goods by means of a request or invitation for bids but does not include retail sales.

**Auction Sales Arena** means the use of buildings, structures or confined land area as a livestock auction facility and may include the auction of agriculturally related chattels on an incidental or accessory basis only. (By-law 67-2013, Z-07-2013.58)

**Automotive Body Repair Shop** means a building or other structure where repairs to and/or bodywork, painting of or reconditioning of motor vehicles is carried on, but does not include an automotive sales establishment, an automotive service station, or salvage or wrecking and recycling yard.

**Automotive Sales And Service Establishment** means a lot, building or structure used for the display and sale of new or new and used motor vehicles and may include the servicing, repair, cleaning, polishing, and lubrication of motor vehicles; the sale of automotive accessories and related products; and the leasing or renting of motor vehicles.

**Automotive Service Station** means a lot, building or other structure where goods are sold and/or services and repairs are provided, which are essential to the operation of motor vehicles, but does not include a retail store, automotive body repair shop, automotive sales establishment nor an automotive washing establishment as defined in this By-law. The incidental sale of refreshments to the traveling public may be permitted.

**Automotive Use** means an automotive service station, an automotive body repair shop, an automotive sales establishment or an automotive washing establishment as defined in this By-law.

**Automotive Washing Establishment** means a building or structure used for the washing or cleaning of motor vehicles by automatic or self-serve washing equipment.

**Bakery** means the use of land, buildings or structures for producing, mixing, compounding or baking bread, biscuits, ice cream cones, cakes, pies, buns, or any other bakery product of which flour or meal is the main ingredient, but does not include a restaurant or other premises where any such product is made for consumption on the premises and does not include a bake shop.

**Bakeshop** means a retail store where baked goods, which may be consumed on or off the premises, are offered for sale. Incidental baking of products for retail sale may be permitted in association with a bakeshop.

**Banquet Hall** means a building, or part thereof, in which facilities are provided for such purposes as the gathering together of, entertaining or catering to a large group of people for functions such as meetings, charitable events, civic, cultural, educational, political, religious, or social purposes.

**Basement** means a portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling or to the undersides of the floor joists of the storey next above, as the case may be, above the adjacent average finished grade level adjacent to the exterior walls of the building.

**Bed and Breakfast Establishment** means a single detached residential dwelling in which the proprietor resides and supplies furnished rooms and may serve breakfast on a temporary basis to overnight guests for monetary gain. It does not include a restaurant, hotel, motel, motor hotel, and boarding, lodging or rooming establishment or any other form of residential dwelling as defined by this By-law.

**Boarding, Lodging or Rooming Establishment** means a dwelling where rooms are regularly let, with or without the provision of meals, for a consideration to three or more persons, other than the owner, lessee or tenant of the dwelling.

**Brewery** means a facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail or wholesale, on or off premises, with a capacity of not more than 15,000 barrels per year. The development may include other uses such as a standard restaurant and retail store.

**Buffer Area or Strip** means a landscaped area intended to obstruct or reduce the noise, lighting glare, unsightly views or any other nuisance of one land use or property onto another and may include such screening features as a continuous row of trees or hedge row of evergreens or shrubs, a berm, a wall, or an opaque fence.

## Definitions

**Building** means a structure, whether permanent or temporary, with walls, or a roof or part thereof, used or intended to be used for shelter, accommodation or enclosure of persons, animals, goods or chattels. For the purposes of this By-law:

- i. Fences, pavement, curbs, walkways, retaining wall or signs shall not be considered to be a building; and
- ii. A structure under 0.37 sq. metres (4 sq.ft.) shall not be considered to be a Building for the purposes of this By-law.

**Building Area** means the greatest horizontal area of a building above finished grade within the outside surface of exterior walls and the centre line of firewalls.

**Building Inspector** means a person appointed by the municipality, who is charged with enforcing the provisions of the Building Code, Building By-law, Zoning By-law and other local by-laws, as required.

**Building, Main** means a building designated or used for the principal use of the lot.

**Building Official, Chief** means a person appointed or constituted by the Council of a Municipality who is charged with the duty of enforcing the provisions of the Ontario Building Code, the Building By-law, the Zoning By-law and other local by-laws, as may be amended.

**Building Setback** means the least horizontal distance permitted by this By-law as measured between a lot line of a lot and the nearest portion of any building, structure or open storage area.

**Building Supply Outlet** means a building, structure or parts thereof where building, construction or other home improvement materials are stored for the purpose of wholesale or retail and may include accessory facilities for the cutting of the finished lumber products.

**Bulk Fuel Depot** means the use of land, building or structures or parts thereof for the bulk surface or underground storage of propane, petroleum products, chemicals, gases or similar products and may include the distribution of same.

**Bulk Sales Establishment** means a building or structure used for the sale of goods in bulk form, and includes the storage and display of such goods.

**Business or Professional Office** means a building, structure or parts thereof in which one or more persons are employed in the management, direction or conducting of a business, or where professionally qualified persons and their staff serve clients or patients who seek advice, consultation or treatment and may include the administrative offices of a not for profit or charitable organization.

**Bus Depot** means the use of land, building or structures for the transient housing and parking of buses, and the boarding and de-boarding of passengers, and may include accessory uses such as ticket offices, luggage checking, rest areas and similar uses.

**Canopy** means a roof that is free of enclosing walls over an entrance to a building, structure or gasoline pump island/kiosk.

**Campground** means a public or privately operated facility offering overnight to seasonal camping experiences from tent sites to serviced trailer sites for recreational trailers, park model trailers and seasonal recreational travel trailers, including accessory administrative offices, recreational trailer sales and services establishment, convenience store, laundry facilities, sanitary facilities, recreational hall and associated recreational uses, that cater to short-term guests, not to year round residents, whose accommodation is a tent, tent trailer, park model trailer, recreational trailer, and/or a seasonal recreational travel trailer or motor home as defined herein.

**Carport** means a building or structure with a roof and not more than two walls, or a roof supported by columns or piers, attached to a residential dwelling, which is used for the temporary parking of passenger motor vehicles.

**Caterer's Establishment** means a building, structure or parts thereof in which food products and beverages are prepared for consumption off the premises and are not served to customers on the premises or for take out.

**Cellar** means that portion of a basement which is more than 60 percent below finished grade, non-habitable and for cold storage purposes only.

**Cemetery** means land set aside to be used for the interment of human remains and includes a columbarium, mausoleum or other structure intended for the interment of human remains.

**Centre Line** as used in this By-law with reference to a street or highway shall mean a line drawn parallel to and equidistant from the limits of a street allowance as originally laid out prior to any subsequent street widening. (By-law 67-2013, Z-07-2013.58)

**Child Care** (By-law 42-2016) means the **temporary care for or supervision of a child** including providing for a child's safety, well-being or development, in the absence of the child's parent and for a continuous period that does not exceed 24 hours, in accordance with the *Child Care and Early Years Act, 2014* including any amendments, or its successor, and provided at one of the following:

- i) **"Child Care Centre"** means a premises operated by a person who is licensed by the province to operate a child care centre at the premises.
- ii) **"Home Child Care"** means a premises operated at a dwelling by one or more child care provider(s) that are regulated by a home child care agency.



- iii) **“Unlicensed Child Care”** means child care provided at a premises that is not a “child care centre,” or “home child care,” or a private school within the meaning of the *Education Act*).

**Clinic, Medical** means a building or part thereof used by qualified physicians, dentists, osteopaths, or other drugless practitioners, including their staff and patients, for the purpose of consultation, diagnosis and office treatment. A medical clinic may include accessory uses such as waiting and treatment rooms, laboratories, dispensaries and administrative offices. A medical clinic does not include accommodation for overnight patient care or operating room facilities.

**Clinic, Veterinarian** means a building, structure or parts thereof where one or more registered veterinarian surgeons including associated staff provide examinations and surgical or medical treatment to domestic pets, animals or livestock, and may include treatment rooms, laboratories, dispensaries and associated office. Facilities for the overnight care of animals undergoing treatment may be permitted indoors and is considered incidental to the hospital use. A kennel is not permitted in association with a Veterinarian Clinic.

**Club, Commercial** means any club other than a "private club".

**Club, Private** means a building or part of a building used as a meeting place for members of a chartered organization, not operated for profit, and may include a lodge, a service club, and a fraternal organization.

**Cold Storage Warehouse** means a building or structure, or part thereof, where bulk chilled or frozen foodstuffs, such as meats, poultry, fish and vegetables are stored, displayed and offered for sale in bulk within chilled or frozen compartments.

**Commercial Greenhouse And/Or Nursery** means the use of land, buildings or structures for the growing and/or storing of flowers, fruit trees, ornamental trees, vegetable plants, shrubs, trees and similar vegetation for the purpose of transplanting, for use as stock or grafting, and includes the retail sale or wholesale distribution of such items directly from the premises/lot including the sale of associated items such as soil, mulch, planting mediums, fertilizers and similar materials.

**Commercial Use** means the use of land, building or structure for the purpose of buying and selling commodities, and supplying of services as distinguished from industrial uses as defined in this By-law.

**Commercial College Or Studio** means a building, structure, or parts thereof where instruction is given for gain, but without limiting the generality of the foregoing, includes a school of fine art, dance, music, business, trade, vehicle driving and martial arts.

**Community Centre** means the use of land, buildings, or structures for community activities of a social, cultural or recreational nature and operated on a non-profit basis by the municipality, local board or agency thereof, but does not include any use specifically defined in this By-law.

**Companion Animal Office** means a building or part of a building wherein the diagnosis or consultation of small domestic animals and pets by a register veterinarian is conducted and may include treatment rooms, laboratories, dispensaries, offices and facilities for a pet groomer but does not include facilities for the overnight care of animals undergoing treatment, general anesthesia, surgery or x-ray facilities or guard dog training.

**Conservation** means uses and use of land complementary to and compatible with the wise management, stewardship, protection and preservation of the natural environment, along with any of its significant biophysical features and ecological functions. Conservation may include uses such as reforestation, forest management, fish and wildlife management, erosion control and flood control.

**Conservation Area** means an area of land owned by a public authority and managed for the purposes of preserving and improving the natural features of the environment.

**Construct** means to build, place, erect, reconstruct, relocate, or alter by means of an addition, enlargement or extension, or structural change; and includes any preliminary physical operation preparatory to such work including, but not limited to, excavating, filling, grading or drainage; and any work which requires a building permit. Constructed and construction have corresponding meanings.

**Contractor's Yard** means uses, buildings or structures or parts thereof used for the storage of building and construction materials including the storage and maintenance of heavy machinery or equipment such as cranes, ploughs, tractors and street making equipment; and may include facilities for the administration or management of the business, but does not include wholesale or retail sale of building or home improvement supplies.

**Convenience Store** means an establishment where foodstuffs, tobacco, patent medicines, periodical/newspapers, stationary, sundries, hardware and other similar items of household convenience are kept for sale to the public.

**Council** means the Council of the Corporation of the Town of South Bruce Peninsula.

**County** means the Corporation of the County of Bruce

**Court** when used to describe an architectural element means an open and uncovered space appurtenant to any building and bounded by at least two walls of the building or buildings on the lot.

**Crawl Space** see 'Storey'.

**Crematorium** means a building or structure used for the purpose of cremating human remains, but does not include a Funeral Home. (By-law 67-2013, Z-07-2013.58)

**Cultural Entertainment Facility** means a building, structure or part thereof designed or utilized for presentation to the public of live theatre or dance performances, musical concerts, cinemas, lectures, exhibits, various forms of art, exhibits of a cultural, academic or scientific nature and are not characterized by any emphasis on specific anatomical areas or sexual activities.

**Custom Workshop** means a building, structure or part thereof, which is used by a trade, craft or guild for the manufacture, of small quantities, of made-to-measure clothes or articles and includes upholstering but does not include woodworking or furniture manufacture, or any other factory or shop production otherwise defined in this By-law. For the purposes of this By-law, a "custom workshop" is not a home occupation as defined by this By-law.

**Day Lighting (Sight) Triangle** means an area on a corner lot, which is free of buildings, structures, or other features, including natural features, which may obstruct the vision of drivers and vehicles. Day lighting triangle is determined by measuring, from the point of intersection of the 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. The triangular shaped land between the intersecting street lines and the straight line joining the points the required distance along the street lines forms the Day Lighting Triangle.

**Day Nursery** – see Child Care

**Dormitory** means a building or part of a building operated by an institution and containing a room or rooms forming one or more habitable units which are used or intended to be used by residents of the institution for living and sleeping, but not for cooking.

**Deck** means a structure abutting or attached to a dwelling with no roof, canopy or walls except for visual partitions and railings that are constructed on piers or a foundation above finished grade for use as outdoor living space.

**Dry Cleaning Depot** means a building or part thereof used for the purposes of receiving and distributing articles or apparel to be dry-cleaned or otherwise treated elsewhere.

**Dry Cleaning / Laundry Plant** means a building or part thereof used for the purpose of dry-cleaning, cleaning, dyeing, pressing or other similar treatment of articles or apparel and may include a dry cleaning depot for receiving and distributing said articles.

**Dry Industrial/Commercial Uses** means those uses in which only the disposal of the domestic waste of employees is permitted and treated. No industrial liquid wastes, wash water or cooling or process wastes are permitted (MOE). (By-law 67-2013, Z-7-2013.58)

**Dwelling** see **Residential Dwelling**

**Dwelling Unit** see **Residential Dwelling Unit**

**Equestrian Centre** means the use of lands, buildings or structures for the boarding of horses, the training of horses and riders, and the staging of equestrian events, but does not include the racing of horses.

**Equipment Sales, Rental And Leasing Outlet** means the use of land, buildings or structures for the sales, rental or leasing of tools and equipment used in the construction or repair of buildings and includes the storage of same on the property.

**Erosion Control** means land use practices or structures necessary for the reduction or prevention of soil erosion.

**Existing** shall mean “legally” existing on the date of the passing of this By-law.

**Factory Outlet** means a building or part thereof where products manufactured by a permitted industrial use are kept for wholesale or retail sale.

**Fairgrounds** means the use of land, buildings or structures for the purpose of holding agricultural fairs where farm produce is displayed for judging and sale, and includes exhibit areas, livestock shows, horse shows and events, and where other sports events may be held, and may include associated uses such as a midway or places of amusement, bleachers, bandstand areas, and picnic areas. On occasion, fairgrounds may be used for auctions, flea markets, concession stands, temporary overnight accommodations and cultural events.

**Farm** means a parcel of land, which the predominant activity is agricultural and includes associated buildings and structures such as residential dwellings, livestock facilities, farm implement structures, silo's, granaries and similar buildings and structures.

**Farm Building Cluster** means the close grouping of the main buildings and structures on a farm contained within a limited area so that the remaining land is used for agriculture. Buildings and structures within the cluster shall share a common driveway.

**Farm Implement Sales And Service** means the use of land, buildings or structures for the sale, storage and repair of agricultural implements, equipment and machinery that are directly associated with the operation of a farm and may include the sale of accessory items.

**Farmer's Market** means the use of land, buildings, structures or parts thereof for the retail sale, by multiple vendors, of agricultural products, such as but not limited to fruit, vegetables, dairy products, meat, seafood, plants and prepared food products. A Farmer's Market may consist of freestanding booths, tables, stands, tents or similar portable or semi-portable structures located outdoors or indoors. A Farmer's Market may include a 'Flea Market' but 'Flea Market' uses shall consist of no more than 40% of the total number of booths, tables, stands, tents or 40% of the ground floor area of a building or structure whichever is the lesser. (By-law 67-2013, Z-07-2013.58)

**Farm Supply Outlet** means a building or part thereof in which goods, wares, merchandise, substances, articles or things including, processing and storage of seed, feed, fertilizer and chemical products, animal and poultry health and breeding services and seed are offered or kept for sale by retail directly to the surrounding rural community.

**Feed Mill And Elevator** means a building or structure that is designed to store any type of grain, field or row crop and may include a cleaning and drying facility, scales, and an administration building.

**Financial Office** means the premises of a bank, credit union, trust company, finance company, loan or mortgage company, investment firm or financial consultants.

**Finished Grade** means the average elevation of the finished surface of the ground as measured at ground level on any side of a building or structure.

**Fish And Wildlife Management** means the management of species native to the immediate area. This may include stream enhancement, planting of browse or shelter species, nesting boxes, nesting islands, ponds, dugouts and den trees.

**Fitness Centre** means a building in which facilities are provided for recreational athletic activities including but not limited to body-building and exercise classes and shall include associated facilities such as a sauna, sanitary facilities and solarium.

**Flea Market** means an occasional or periodic sales activity where groups of individual vendors offer goods, new and used, for sale to the public. This does not include private garage sales.

**Flood Control** means land use practices or structures deemed necessary by the Conservation Authority for the reduction or prevention of flooding.

**Flood Fringe** means that portion of the floodplain located between the floodway and the limit of the Regional Storm Flood Event.

**Floodplain** means an area of land, usually low lands, adjoining a watercourse that has potential to be covered by floodwater during a Regional Storm Event.

**Flood Proofing** means a combination of structural changes and/or adjustments that are incorporated into the basic design and construction or alteration of buildings, structures or properties that are subject to flooding in order to reduce or eliminate possible flood damages.

**Floodway** means the channel of a watercourse and that area of the floodplain required to pass deep, fast flowing flood waters such that it may pose a potential threat to life and damage to property. The Conservation Authority will determine the limits of the floodway.

**Floor Area** with reference to a building or structure means the total floor area within a building or structure, which area is measured between the exterior faces of the exterior walls or from the centre line of a common or party wall, but excluding any private garage, breezeway, porch, veranda, balcony, sun room, attic, basement or cellar.

**Floor Area, Ground** means that area of a lot covered or intended to be covered by the main building(s) on the lot, exclusive of porches, decks, accessory buildings, terraces, steps, indoor parking areas and normal building projections.

**Floor Area, Gross** in the case of a residential dwelling, means the total area of all year-round habitable rooms located above finished grade and measured between the exterior faces of the exterior walls, but does not include garages, breezeways, and unenclosed porches, sunrooms and verandas. In the case of a building other than a residential dwelling, means the aggregate of the area of all floors devoted to retail sales, customer service and office use, industrial uses, recreational uses, institutional uses, as measured from the exterior faces or the exterior walls but not including mezzanine areas, mechanical rooms, common halls, stairwells, garbage and electrical rooms and parking structures.

**Floor Area, Retail** means the floor area of a commercial building devoted to retail purposes.

**Forest Management** means the management of forest resources for the production of a wide range of values including wood fibre production, erosion control, fish and wildlife habitat, rare species habitat, passive recreation, visual amenity, and education and research. This shall not include a permanent on-site sawmill.

**Forestry** means the management and care of trees and the harvesting of them or parts thereof for commercial purposes through proper forest management practices, and without limiting the generality of the foregoing includes the use of a portable saw mill provided the raw material being milled originate on the same parcel of land the mill is operating.

**Funeral Home** means a building or part thereof used for the purpose of furnishing funeral supplies and services to the public and includes facilities intended for the preparation of the dead human body for internment or cremation

**Garage, Private** means an accessory building or that part of a main building used for the temporary parking of a private motor vehicle(s) of the owner, tenant(s), occupant(s) of the lot upon which such garage is located but does not include a carport.

**Garage, Public** shall mean a municipal, county or provincial facility used for the storage and servicing of street construction and maintenance equipment and materials.

**Garden Centre** means the use of land, buildings, structures, or parts thereof for the purpose of buying or selling lawn and garden equipment, plants, furnishings and supplies.

**Garden Suite** (i.e. Granny Flat), means a one-unit detached residential dwelling containing bathroom and kitchen facilities that is accessory to an existing single detached residential dwelling and can be designed to be portable. A garden suite is intended to serve the "temporary" needs of physically or mentally challenged adult, children or elderly parents. As a condition of approval, an agreement with the Town may be required.

**Gas Bar** means one or more fuel pump islands, each consisting of one or more fuel pumps, which may include a canopy/kiosk and which may be used for the sale of automotive fluids and small accessories for motor vehicles but shall not be used for repairs, oil changes, or greasing.

**Golf Course** means the use of land, buildings and structures for the purpose of playing golf and may include a clubhouse, pro shop, restaurant, driving range(s), putting greens.

**Golf Course, Miniature** means the use of land, buildings and structures as a commercial place of amusement in which facilities are provided to simulate the game of golf or any aspect of the game on a small scale, but does not include a golf course or golf driving range.

**Golf Driving Range** means a public or private area operated for the purpose of developing golfing techniques but does not include a golf course or miniature golf course.

**Greenhouse** means the use of land, buildings or structures for the growing of flowers, plants, shrubs, trees and similar vegetation,

**Group Home** means a residential dwelling for the physically or developmentally challenged persons, children's residences, licensed or approved under provincial statutes and operated as a single housekeeping unit in which residents, excluding

supervisory staff or receiving family, live under responsible supervision consistent with the requirements of its' residents.

**Group Home, Type One** shall mean a single housekeeping unit in a residential dwelling in which up to five (5) residents with special care needs, such as seniors, individuals who are developmentally or physically handicapped or mentally ill individuals live under responsible supervision consistent with the requirements of its residents. "Residents" do not include staff or the receiving family. A group home is licensed and/or funded under Federal or Provincial Statute and in compliance with Municipal By-laws.

**Group Home, Type Two** shall mean a single housekeeping unit in a residential dwelling in which six (6) or more residents with special care needs, such as seniors, individuals who are developmentally or physically handicapped or mentally ill individuals live under responsible supervision consistent with the requirements of its residents. "Residents" do not include staff or the receiving family. A type two group home is licensed and/or funded under Federal or Provincial Statute and in compliance with Municipal By-laws.

**Group Home, Type Three** shall mean a single housekeeping unit in a residential dwelling in which up to ten (10) or more residents with special needs, such as half way houses for ex offenders or individuals undergoing substance abuse, reside on a short-term basis under responsible supervision consistent with the requirements of its residents. "Residents" do not include staff or the receiving family. A type three group home is licensed and/or funded under Federal or Provincial Statute and in compliance with Municipal By-laws.

**Guest Cabin** means an accessory detached building or structure to a maximum of one storey in height without kitchen and/or washroom facilities and maintained for the accommodation of non-paying guests having a maximum ground floor area of 23.2 m<sup>2</sup> (249.7 ft<sup>2</sup>).

**Habitable Room** means a room, located within a residential dwelling unit, designed for living, sleeping, eating or sanitary facilities. A habitable room shall not be located within a cellar. A habitable room does not include any room specifically defined herein as a non-habitable room. (Z-23-14.58 HSKP #2)

**Hazardous Substances** means any substance, which individually or in combination with other substances is normally considered to pose a danger to public health, safety and the environment and may include substances that are toxic, ignitable, corrosive, reactive, radioactive or pathological.

**Heavy Equipment Sales And Rental** means the use of land, buildings or structures in which heavy machinery and equipment are offered or kept for sale, rent, lease or hire directly from said lot.



**Height or Building Height** (By-Law 84-2021) when used in reference to a building or structure means the vertical dimension of a building or structure measured from the average **finished grade** to, in the case of a flat roof, the highest point of the roof surface or parapet wall, whichever is higher. A one-slope roof having a slope of less than 18.43 degrees from the horizontal (3:12 pitch) shall be considered a flat roof for the purposes of this By-law; in the case of a mansard roof, the deck roof line; in the case of a gabled, hip, gambrel or other type of pitched roof, the average height between the eaves and ridge; in the case of a structure not having a roof, the top part of such structure; in the case of a structure having a rounded roof, two-thirds (2/3) of the average height of the structure; where a combustible exterior wall extends above the top of the roof of a building, the topmost part of such exterior wall. A false boomtown front shall be considered as part of the roof for the purpose of measuring height

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

**Home Occupation** means an occupation or business, which is conducted for gain or profit as a secondary use within a permitted residential dwelling or residential dwelling unit. A home occupation may include a profession or occupation such as an accountant, architect, auditor, engineer, realtor, insurance agent, planner, lawyer, doctor, dentist; a personal service such as a barber, hairdresser, beautician, seamstress, dressmaker, photographer, pet groomer, caterer's establishment, and similar occupations or businesses.

**Home Industry** means an occupation or business conducted for gain or profit as a secondary use to the permitted agricultural or rural use or rural residential use A home industry may include: a carpentry shop, welding shop, plumbing shop, electrical shop, small machinery repair shop.

**Hospital** means a general hospital operating under the Public Hospitals Act as amended from time to time. (By-law 67-2013, Z-7-2013.58)

**Hotel** means a building, part of a building, or a group of buildings used for gain or profit for the purposes of catering to the needs of the traveling public by supplying them with sleeping accommodation, with or without meals, but without private cooking facilities with a minimum of 6 guest rooms, and further provided that each guest room shall only be entered from the interior of the building. Without limiting the generality thereof, a hotel may include accessory uses such as dining, dancing, convention, parking and recreational. A hotel does not include a boarding, lodging or rooming establishment, bed and breakfast establishment or a motel or motor hotel.

**Industry, Dry** means an industry, which by nature of its operation, process, or fabrication of raw materials or services rendered does not require a significant water supply and does not produce wastewater as part of the industrial process.

**Industrial Mall** means a building or a group of buildings designed, developed, owned and managed as a unit in which separate spaces are leased or occupied by permitted industrial uses. No more than 30 percent of the gross floor area of an industrial mall shall be devoted to accessory office or related commercial uses.

**Industrial Use** means, without limiting the generality thereof, the manufacturing, assembling, making, producing, preparing, inspecting, grading, ornamenting, finishing, treating, cleaning, washing, altering, repairing, restoring, processing, polishing, refinishing, packing, adapting for sale, warehousing, storing, breaking up or demolishing of goods, substances, articles or things or any part or parts thereof; or the production or storage of building or construction equipment or materials.

**Institutional Use** means the use of land, buildings or other structures operated by a group, organization or society for the promotion of a public, social, scientific, educational or similar purpose, and includes libraries, museums, etc

**Junk Yard** means any parcel of land, building or structure for which the principal or accessory use is the abandonment, collection, demolition, dismantlement, keeping, storage, salvage or sale of used, discarded, worn out or scrapped machinery, motor vehicles, vehicle parts, scrap metal, chains, used pipes, waste paper, rags enamelware, furniture, bottles, cans, rope, iron, copper or any other scrap or discarded materials.

**Kennel** means a place where dogs or other household pets other than poultry are bred and raised and/or sold or kept for sale or boarded.

**Landfill** means the use of land for the disposal of municipal waste within the meaning of “municipal waste” and clauses (a) and (b) of the definition of “land disposal” in Section 1 of Regulation 347, R.R.O. 1990 (General - Waste Management) made under the Environmental Protection Act, in accordance with a license issued by the Ministry of the Environment, upon, into, or through which waste is deposited, processed, treated, and covered under controlled conditions and includes land, which is being used for a leachate buffer area and or gas buffer area. (Source Water Update By-law 32-2018)

**Land Lease Community Home** means any residential dwelling that is a permanent structure where the owner of the residential dwelling leases the land used or intended for use as the site for the residential dwelling. Such dwelling may be modular, prefabricated or traditionally constructed but does not include a mobile home.

**Land Lease Community Home Site** shall mean the area of land within a Land Lease Community that is leased for the purposes of locating a land lease community home.

**Landscaped Area** means an open space area comprised of lawn, flowers, shrubs, trees or other natural vegetation. This area may include space occupied by paths, courtyards and patios, but shall not include loading spaces or parking areas, traffic aisles, driveways, ramps, or outdoors storage areas.

**Lane** means a walkway, emergency access or any other passageway or right-of-way, other than a street, which is open from ground to sky and provides a secondary means of access to abutting lots, and which is not intended for general traffic circulation, but is dedicated to public use, or legally dedicated as a right-of-way for use in common by adjacent land owners.

**Laundromat** means a building or part thereof, where self-serve coin operated clothes washing equipment are located and may contain one or more washers, dryers or other incidental equipment.

**Library** means a library, branch library or library distributing station that is approved under The Public Libraries Act, as amended.

**Line Of Occupation** means the established setback of buildings from a municipal street (By-law 67-2013, Z-7-2013.58)

**Livestock** means a type of domestic animal kept in a livestock facility and without limiting the generality thereof, includes any dairy, beef and veal cattle, horses, swine, sheep, goats, mink, lama/alpaca, rabbits, poultry and/or fowl. (Z-23-14.58 HSKP #2, HSKP #4 Z-2-18.58)

**Livestock Facility** means one or more barns or permanent structures with livestock-occupied portions, intended for keeping or housing of livestock. A Livestock Facility also includes all manure or material storage and anaerobic digesters.

**Livestock Housing Capacity** means the maximum Livestock capacity for all facilities on a lot at any time, even if currently empty but able to house Livestock.

**Livestock Occupied Portion** for the purposes of Minimum Distance Separation guideline calculations means those parts of Livestock Facilities where Livestock spend the majority of their time, allowing substantial amounts of manure to accumulate, but does not include feed preparation rooms, milking centers, offices, washrooms, riding arenas, Livestock loading chutes, or Livestock assembly areas.

**Loading Space** means an off-street space on the same lot with a building or on a lot contiguous to a building or group of buildings, which is used, for the temporary parking of a commercial vehicle while loading or unloading of merchandise or materials.

**Lodge** means a tourist establishment containing five (5) or more guest rooms for the purpose of catering to the needs of the traveling public by supplying furnishings,

sleeping accommodations, recreation and leisure facilities, staff accommodations and which may additionally include eating facilities

**Long Term Care Home** means a home-like facility that provides care and services for people who no longer are able to live independently or who require onsite nursing care, 24-hour supervision or personal support. A Long Term Care Home is government-funded and regulated by the Ministry of Health and Long-Term Care under the Long-Term Care Homes Act, 2007. (By-law 67-2013, Z-7-2013.58)

**Lot** means a parcel or tract of land

- a) Which is a whole lot as shown on a Registered Plan of Subdivision, but a Registered Plan of Subdivision for the purposes of this paragraph does not include a Registered Plan of Subdivision which has been deemed not to be a Registered Plan of Subdivision under a by-law passed pursuant to The Planning Act, as amended; or
  - i) Is a separate parcel of land without any abutting lands being owned by the same owner or owners; or
  - ii) The description of which is the same as in a deed which has been given consent pursuant to The Planning Act, as amended; or
  - iii) Is the whole remnant remaining to an owner or owners after a conveyance made with consent to The Planning Act, as amended.
- b) For the purpose of this subsection, no parcel or tract of land ceases to be a lot by reason only of the fact that a part or parts of it has or have been conveyed to or acquired by the Municipality, the Town of South Bruce Peninsula, Her Majesty in the Right of Ontario, Her Majesty in the Right of Canada, the County of Bruce, the Grey Sauble Conservation Authority or Hydro One.

**Lot Area** means the horizontal area within the boundary lines of a lot.

**Lot, Corner** means a lot situated at the intersection of and abutting upon two or more streets; or abutting on two or more parts of the same street, the sides of which street (in the case of a curved corner, the tangents at the street extremities of the side lot lines) contain an interior angle of less than one hundred and thirty-five degrees (135 degrees). In the case of a curved corner, the corner of the lot shall be deemed to be the point of the street line nearest the point of intersection of the said tangents.

**Lot Coverage** means the percentage of the total lot area covered by all building(s) and structure(s), including accessory buildings and structure(s), which are located on or above ground level.

**Lot Depth** means the horizontal distance between the front and rear lot lines.

- a) When the front and rear lot lines are not parallel, depth is determined by the length of a straight line joining the middle of the front lot line with the middle of the rear lot line.
- b) When there is no rear lot line, depth is determined by 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** means the horizontal distance between the side lot lines measured along the front lot line, but where the front lot line is not a straight line or where the side lot lines are not parallel, the lot frontage is to be measured by a line 9.0 m (30.0 ft) back from and parallel to the chord of the lot frontage, and for the purpose of this paragraph the chord of the lot frontage is a straight line joining the two points where the side lot lines intersect the front lot line.

**Lot, Through** means a lot ~~line~~ other than a corner lot having frontage on two streets. (By-law 67-2013, Z-7-2013.58)

**Lot Line** means any line defining the boundary of a lot.

**Lot Line, Front** means:

- a) The line that divides the lot from the street; or,
- b) In the case of a Corner Lot, the shorter street line shall be deemed to be the front lot line and the longer line shall be deemed to be the exterior side lot line; or in the case of a Corner Lot with two equal lot lines either street line may be designated as the Front Lot Line; or,
- c) In the case of a Through Lot, the shorter street line shall be deemed to be the front lot line and the longer line shall be deemed to be the rear lot line; or in the case of a Through Lot with two equal lot lines either street line may be designated as the Front Lot Line, or,
- d) Where the lot does not abut a street, the front lot line" shall be determined to be the boundary of the lot closest to the street from which access to the lot is gained.

**Lot Line, Rear** means the lot line farthest from and opposite to the front lot line. Where a lot has less than four (4) lot lines, there shall be no rear lot line.

**Lot Line, Side** means a lot line other than a front or a rear lot line

**Lot Line, Exterior Side** means a side lot line that is also a street line

**Lot Line, Interior Side** means any side lot line other than an exterior side lot line.

**Lot, Waterfront** means a 'lot' with a 'lot line' that abuts a navigable major natural or altered channel for a stream or water body. Examples include, but are not limited to, the

following: Lake Huron and its bays, Chesley Lake, Gould Lake, Silver Lake, Carson Lake, Boat Lake, Spry Lake, Isaac Lake, Sky Lake, Berford Lake, Beattie Lake, Maryville Lake and the Sauble River. (By-law 67-2013, Z-07-2013.58)

**Lot, Water (Water Lot)** means a lot covered by water which may be either contiguous or attached to dry land, or may be separated entirely from dry land. A water lot may be filled, partially filled or not filled.

**Manure Or Material Storage** means a permanent storage(s), which may or may not be associated with a livestock facility containing liquid manure (<18% dry matter), solid manure ( $\geq$  18% dry matter), or digestate. 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<sup>1</sup> or other materials);
- configurations and shapes; and
- elevations (above, below or partially above grade).

**Main Building** means the building designed or used for the principal use on a lot.

**Main Use** means uses, buildings, structures or parts thereof, which constitute the principal use(s) of a lot and which is specifically listed as a permitted use by this By-law. An accessory use or home occupation/ home industry shall not constitute the main use of a lot.

**Main Wall** means an exterior front, side, or rear wall of a building, and all structural members essential to the support of a fully enclosed space or roof.

**Marina** means a building, structure or place, containing docking facilities and located on a navigable waterway, where boats and boat accessories are stored, serviced, repaired or kept for sale and where facilities for the sale of marine fuels and lubricants may be provided. A marina building or structure used for the storage, repair and sales of boats does not have to be located on a navigable waterway.

**Marine, Recreation And Small Engine Establishments** mean a building and/or lot used for the display, sale, storage, servicing, repair, cleaning, polishing and lubricating of boats, motorcycles, snowmobiles, ATV's, lawn care equipment, marine engines and related products, or the leasing or renting of any of the above.

**Mausoleum** means a building or structure or part thereof, other than a columbarium, used as a place of interment of human remains in sealed crypts or compartments.

**Meteorological Tower** means a free standing tower, pole, mast or removable mast that supports instruments for measuring meteorological properties such as wind velocity, wind direction, vertical wind speed, solar radiation, temperature, etc.

**Mineral Aggregate Operation** means lands under license or permit, other than for wayside pits and quarries, issued in accordance with the Aggregate Resources Act, or successors thereto.

**Minimum Distance Separation Formula** means a formula developed by the Province of Ontario to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.

**Mini-Storage Facility** means a building containing separate, individual self-storage units divided from floor to ceiling by a wall with an independent entrance from the exterior of the building, designed to be rented or leased on a short-term basis to the general public for private storage of personal goods, materials and equipment; but shall not include the storage of hazardous chemicals, flammable substances or toxic materials.

**Mobile Home** means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a recreational travel trailer or tent trailer or trailer otherwise designed.

**Mobile Home Park** means an area of land zoned, designed and intended to accommodate mobile homes to be used as residential dwelling units together with accessory uses such as offices, laundry facilities, storage areas, etc.

**Mobile Home Site** means a defined area of land within a Mobile Home Park intended for the location of one mobile home for the exclusive use of the occupant.

**Modular Residential Dwelling Unit** means a residential dwelling unit designed in one or more parts and is designed to be made mobile on a temporary basis, and constructed or manufactured to provide a permanent residence, but does not include a mobile home, recreational seasonal travel trailer or motor home as defined herein.

**Motel / Motor Hotel** means a building, part of a building or a group of buildings used for the purpose of catering to the needs of the traveling public by providing sleeping accommodation with or without supplying food or other refreshments for not less than 6 guest rooms which may contain private cooking facilities and further provided that each guest room may be entered directly from the exterior of the building. A motel does not include a boarding, lodging or rooming establishment, a bed and breakfast establishment or a hotel.

**Motor Home** means any motor vehicle so constructed as to be self-contained, self-propelled unit capable of being utilized for the temporary living, sleeping or eating accommodation of persons and for the purposes of this By-law shall include a camper pick-up or camper van.

**Motor Vehicle** means 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 on traction engine, self-propelling farm machinery or road building machinery.

**Municipal Drain** means drainage works as defined by the Ontario Drainage Act, as amended from time to time.

**Municipality** means the Town of South Bruce Peninsula.

**Museum** means a building or parts thereof, used for the purpose of acquiring, conserving, studying, interpreting, assembling and exhibiting to the public such things as collections of paintings, works of art, artifacts of historical interest and significance; mechanical, scientific and/or philosophical inventions, instruments, models, designs; and together with any libraries, reading rooms, laboratories and offices.

**Natural Environment** means land which is essentially "non-developable", due to inherent environmental hazards such as wetlands, poor drainage, organic soils, susceptibility to flooding and/or erosion, steep slopes and other physical conditions severe enough to pose a risk of loss of life, property damage and social disruption if developed.

**Neighbourhood Store** means a retail store, which provides convenience goods and services to the immediate and surrounding neighbourhood.

**Non-Complying** means a use, building or structure, lawfully established prior to the passage of this By-law and which is permitted by the zone in which such use, building or structure is located; but which does not meet the specific zone regulations or any other applicable regulation of this By-law.

**Non-Conforming** means a use, building, or structure lawfully established prior to the passage of this By-law, and which is not a permitted use of the specific zone(s) in which such use, building, or structure is located.

**Non-Habitable Room** means any room located within a dwelling unit that is not a habitable room, including, but not so as to limit the generality of the foregoing, a laundry room, a pantry, a lobby, a corridor, a stairway, a closet, a sunroom, a veranda, a recreation room, a porch, a balcony, a private garage, an unfinished attic, a cellar, crawlspace, a boiler room and any space used for the service and maintenance of such dwelling or for vertical travel between storeys.

**Nutrient Unit** means an amount of nutrients that give a fertilizer 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 as amended from time to time).



**Official Plan** means the County of Bruce Official Plan, or the Town of South Bruce Peninsula Official Plan.

**One In One Hundred (1:100) Year Flood** means a flood based upon an analysis of precipitation, snow melt or a combination thereof, having a return period of 100 years on average or having a one percent (1%) chance of occurring or being exceeded in any given year. The Conservation Authority determines the elevation of the 1:100 year flood

**Park** means an open space area, which may include areas for baseball diamonds, outdoor tennis courts, outdoor swimming pool, playground and similar uses, and storm water management facilities, but shall not include a mobile home park or campground.

**Parking Aisle** means a portion of a parking area or parking lot which on one or more sides abuts parking spaces and which provides access to and from a parking space, to and from a street or lane and which is not used for the parking of motor vehicles.

**Parking Area** means an area, whether or not within a building or structure, used for – the temporary parking of licensed motor vehicles and may include aisles, parking spaces, and related entrances and exits but shall not include any part of a street or lane, or any area wherein motor vehicles are kept or stored for sale or repair.

**Parking Lot** means a Parking Area forming the main use of a lot.

**Parking Space** means a space, which may be within a parking area or parking lot, and which is provided and maintained for the temporary parking of motor vehicles. (By-law 67-2013, Z-07-2013.58)

**Person** means an individual, association, firm, partnership, incorporated company, corporation, agent or trustee, and the heirs, executor or other legal representative of a person to whom the context applies according to law.

**Personal Service Shop** means a building or part of a building in which persons are employed in providing services and otherwise administering to the individual and personal needs of persons, and includes such establishments as barber shops, beauty parlours, Laundromats, hairdressing shops, shoe repair and shoe shine shops, and dry cleaning or laundry depots.

**Pit, Wayside** means a temporary pit opened and used by or for a public street authority solely for the purpose of a particular project or contract or road construction and not located on the street right-of-way. (By-law 67-2013, Z-07-2013.58)

**Place Of Entertainment** means a motion picture or other theatre, arena, auditorium, public hall, billiard or pool room, bowling alley, ice or roller skating rink or other similar forms of entertainment, which are contained within an enclosed building or structure; does not include an adult entertainment or body rub parlour.

**Place Of Recreation** means the use of land for such uses as public or private parks, playgrounds, playfields, racquetball club, tennis courts, lawn bowling greens, indoor and outdoor skating rinks, curling facilities, hockey arenas, athletic fields, field houses, recreational trails, snowmobile trails, picnic areas, swimming pools, wading pools, day camps, skiing, fishing, hunting, and similar uses, together with necessary and accessory buildings and structures, but does not include a track for the racing of animals, motor vehicles, snowmobiles, all-terrain vehicles or motor cycles.

**Place Of Worship** means a building dedicated to religious worship and includes a church, synagogue, temple or assembly hall and may include accessory uses such as a child care, a school of religious education, covenant, monastery or parish hall.

**Planting Area** means an area of landscaped open space located immediately adjacent to a lot or portion thereof and on which is situated one or more of the following screening devices: a continuous row of trees, a continuous row of evergreens or shrubs; a berm.

**Post Office** means any government run establishment where the primary use is for the collection and distribution of parcels. A post office may include the sales of stamps, packaging materials and other items necessary for the postal system to operate.

**Prefabricated Residential Dwelling** means a building that is capable of being occupied exclusively as a residential dwelling and which is comprised of components that are manufactured off-site, transported to the building site and constructed on a lot. A pre-fabricated residential dwelling is not designed nor intended to be made mobile and does not include a modular residential dwelling unit, and mobile home or park model trailer.

**Print Shop** means a retail store that provides duplicating services using photocopy, blueprint and offset printing equipment, including collating of booklets and reports.

**Printing Establishment** means an industrial facility used for blueprinting, engraving, stereotyping, electro-typing, printing or typesetting and may include a duplicating shop or letter-shop.

**Private Home Daycare** - see Child Care

**Public** in this By-law, means a use, building or structure used and/or owned by a **public agency** to provide a service to the general public.

**Public Agency** means the Government of Canada, the Government of Ontario or any municipal corporation; the County of Bruce, any ministry, department, commission, corporation, authority, board or other agency established from time to time by the Government of Canada, the Government of Ontario or any municipal corporation; any

public utility; or any railway company authorized under The Railway Act, as amended, or any successor thereto.

**Public Building** means any building, structure or part thereof, which is owned, leased, or occupied by the Corporation of the Town of South Bruce Peninsula, the County of Bruce, the Province of Ontario or the Government of Canada.

**Public Utility** means any agency, corporation, board, or commission providing electricity, gas, water, telegraph, telephone or television service including a communications tower, drainage, sewage or waste collection and disposal services to the public; or a use pertaining to any such agency, corporation, board or commission.

**Public Works Yard** means a municipal, county or provincial facility used for the servicing of road construction and maintenance equipment, and storage of materials including buildings or structures for such purposes.

**Quarry, Wayside** means a temporary quarry opened and used by or for a public street authority solely for the purpose of a particular project or contract or road construction and not located on the street right-of-way. (By-law 67-2013, Z-07-2013.58)

**Recreational Facility** means a place designed and equipped for the conduct of sports, leisure activities and other customary and usual recreational activities.

**Recreational Trails** means an area used for cross country skiing, cycling, hiking, horseback riding, or similar forms of non-motorized recreational travel.

**Recreational Use- Active** means a recreational use or activity with buildings or requires alteration of soil or topography and includes such activities as golf courses, playing fields, trailer parks, campgrounds and conservation areas involving built structures.

**Recreational Use-Passive** means an activity or use of land carried out for recreational purposes, which does not require the construction of buildings or the alteration of soil or topography and includes open space and environmental areas.

**Recycling Depot** means a building, structure or lot used for temporary storage of recyclable materials and does not include a building or structure where materials are recycled.

**Recycling Plant** means a facility that is not a salvage yard and in which recoverable resources, such as newspapers, magazines, books, and other paper products, glass, metal cans, and other products are recycled, reprocessed and treated to return such products to a condition in which they may be used for production.

**Regional Floodplain** means the area of land that would be inundated by floodwater under a **Regional Storm Flood Event**.

**Regional Storm Flood Event** means a major storm of record used for flood regulation purposes. The rainfall actually experienced during Hurricane Hazel as transposed over the watershed and combined with local conditions is used by the Conservation Authority to establish the Regional Floodplain.

**Regulatory Flood** means the approved standard(s) used in a particular watershed to define the limit of the floodplain and level to be applied for flood proofing purposes.

**Rental Outlet** means a building or part thereof where residential, industrial and commercial equipment is kept for rental to the public and may include such items as power tools, appliances, office machines, recreation equipment, lawn and garden equipment and tools, flooring cleaning equipment, masonry tools, painting and decorating equipment and tools, moving equipment and tools, and similar items, but does not include a video rental outlet or the rental of motor vehicles, trailers or industrial equipment.

**Residential** means the use of land, buildings or structures for human habitation.

**Residential Dwelling** means a building or portion thereof designed, intended, occupied or capable of being occupied as one or more Residential Dwelling Unit(s) and may include a traditionally constructed or prefabricated home but does not include a hotel, motel, institutional use, boarding, lodging or rooming house, bed and breakfast establishment, mobile home, trailer, or a motor home as defined in this By-law.

**Residential Dwelling - Accessory Apartment** means a residential dwelling unit that is fully contained within a Residential Dwelling, Single-detached' or 'Residential Dwelling, Semi-detached' or a commercial use building. (By-law 67-2013, Z-07-2013.58)

**Residential Dwelling - Apartment** means a residential dwelling that contains five or more residential dwelling units, which have a common entrance from street level and are served by a common corridor or hallway from inside.

**Residential Dwelling - Apartment, Seniors** means an apartment designed for, intended for and occupied exclusively by senior citizens.

**Residential Dwelling - Bachelor** means a residential dwelling unit with a bed sitting room combination providing therein living, sleeping, eating, food preparation, and separate sanitary facilities. Other essential facilities and services may be shared with other residential dwelling units.

**Residential Dwelling - Converted** means a single-detached residential dwelling existing at the time of passing of this By-law, which because of size or design, can be converted by partition, and the addition of sanitary and cooking facilities into more than one residential dwelling unit on sanitary sewers.

**Residential Dwelling - Duplex** means a two storey residential dwelling divided horizontally into two residential dwelling units, each of which is completely on a separate storey with an independent entrance either directly from the outside or through a common vestibule.

**Residential Dwelling - Fourplex** means a residential dwelling divided vertically and/or horizontally to provide four residential dwelling units, each having independent entrances either directly from the outside or through a common vestibule.

**Residential Dwelling - Link Or Twin Attached** means two single-detached residential dwellings of similar size and style that are completely separate from the other above finished grade, but are connected to each other below finished grade by common footings.

**Residential Dwelling - Semi-Detached** means two single-detached residential dwellings, divided in whole or part by a common vertical wall, each of which may be held in separate ownership, and having independent entrance either directly from the outside or through a common vestibule.

**Residential Dwelling - Single-Detached** means a residential dwelling containing one residential dwelling unit situated on a separate lot, and is not attached by any means to any other residential dwelling unit. For the purposes of this By-law, single-detached shall not include a mobile home, unless otherwise specifically provided for in this By-law. (HSKP #4 Z-2-18.58)

**Residential Dwelling – Single Detached Accessory** means a residential dwelling containing one residential dwelling unit that is situated on the same lot as a commercial building or use, and is not attached by any means to any other residential dwelling unit or to the commercial building or use. For the purposes of this By-law, a Residential Dwelling Single Detached Accessory' shall not include a mobile home, unless otherwise specifically provided for in this By-law. (By-law 67-2013, Z-7-2013.58,(HSKP #4 Z-2-18.58)

**Residential Dwelling - Split-Level** means a residential dwelling unit in which the first floor above the finished grade is so constructed as to create two or more different levels, the vertical distance between such levels being always less than the full storey. For the purpose of this By-law, split-level shall be considered as a one-storey residential dwelling.

**Residential Dwelling - Townhouse** means a residential dwelling divided vertically to provide three or more residential dwelling units, each having independent entrances to a front and rear yard immediately abutting the front and rear walls of each dwelling unit

**Residential Dwelling - Townhouse, Cluster** individual residential dwelling units do not require frontage onto a street.

**Residential Dwelling - Townhouse, Street** – each residential dwelling unit shall have frontage directly onto a street.

**Residential Dwelling - Triplex** means a three storey residential dwelling divided horizontally into three separate residential dwelling units each having independent entrances either directly from the outside or through a common vestibule.

**Residential Dwelling Unit** means one or more habitable rooms designed, intended, occupied or capable of being occupied by one or more individuals providing separate kitchen, sanitary facilities and sleeping accommodations and having a private entrance either from outside the building or through a common hallway or stairway inside the building. (Z-23-14.58 HSKP #2, 78-2014)

**Residential, Non-Farm** means a dwelling unit not located on the same lot as a farm.

**Restaurant** means a building or part thereof, other than a tavern, or a restaurant-mobile where food or refreshments are prepared and offered for retail sale to the public for immediate consumption either on or off the premises. Dining Restaurant, Drive-In Restaurant, Drive-Thru Restaurant and Take-Out Restaurant are defined below for the purposes of calculating off-street parking requirements

**Restaurant- Dining** means a building or part thereof where food and drink is prepared then sold to the public for immediate consumption within the dining room of such establishment.

**Restaurant - Drive-In/Drive-Thru** means a building or part thereof where food and drink are prepared then sold to the public for immediate consumption either within an eating area inside or outside of the building or within the patron's own motor vehicle onsite, or for elsewhere off the premises.

**Restaurant- Mobile** (By-law 58-2020, By-law 86-2021) means any vehicle, trailer, cart or other structure not placed on a permanent foundation which is equipped for cartage, storage and the preparation of food stuffs, beverages, confections and where such items are offered directly for consumption to the general public and excluding private guests and includes a chip wagon, mobile canteen and other refreshment vehicles.

**Restaurant - Take-Out** means a building or part of a building where food and beverages are prepared and sold to the public for consumption off the premises. The consumption of food in the building or in the patron's motor vehicle on the premises is not permitted.

**Retail Food Store** means a building, structure or part thereof in which foodstuff, goods, wares, merchandise, substances are offered or kept for sale at retail, but does not include any establishment otherwise defined or classified herein.

## Definitions

**Retail Store** means a building, structure, or part thereof in which goods, wares, merchandise, substances, articles or things are offered or kept for retail sale directly to the public, but does not include any establishment otherwise classified or defined herein and can include an antique store/ market, an art gallery and an artisan market.

**Retirement Home** means a residential complex or part of a residential complex that meets the definition of a “retirement home” under the Retirement Homes Act, R.S.O. 1990, as amended from time to time.

**Rural Residential Cluster** means four (4) or more, adjacent rural lots, one hectare or less in total lot area, sharing a common contiguous boundary. Lots located directly across a street from one another shall be considered as having a common boundary. Measurements shall be taken as the shortest distance between the lot line of the closest lot to a proposed LWECS and the closest edge of a turbine. (By-law 67-2013, Z-7-2013.58)

**Salvage or Wrecking And Recycling Facility** means the use of land, buildings or structures for the wrecking, dismantling, storing and/or selling of used vehicles and parts thereof, including tires and other goods, wares or materials.

**Saw or Planing Mill** means a building, structure or area where timber is cut, sawed or milled, either to finished lumber or as an intermediary step and may include facilities for the kiln drying of lumber, an administrative office and temporary storage of timber and finished products.

**School** means an academic school authorized under The Education Act, as amended.

**Seasonal Agricultural Produce Stand** means a structure that is accessory to a farm and is used for the display and selling of fruit, vegetables, flowers or other farm produce, which is grown on that same farming operation.

**Seasonal Recreation Site** means a numbered and specified designated area of land to be used for the placement of one seasonal recreational travel trailer and other accessory approved structures.

**Septic Tank Service** means a business that provides septic tank pump out, cleaning, or general maintenance of septic tank systems. In addition, this may include the transporting and disposal of septage.

**Service Industry** means a business or trade, not otherwise defined or classified in this By-law, which provides cleaning, maintenance, installation, renovation, or other similar non-personal services to the public, and may include a printing establishment; plumbing, welding, sheet metal, woodworking or machine shop; or vehicle inspection station.

**Service or Repair Establishment** means a building or part thereof for the repair or service of household articles including radio, television and electronic equipment, and small household appliances, and may include small engine repair, but does not include an industrial use or automotive body repair shop or automotive service station.

**Sewage** means

**Communal Sewage Disposal System** means a system of underground conduits operated privately that takes sewage to a place of treatment that meets with the approval of the appropriate Approval Authority.

**Privy** means a Class I System as defined by regulations made under the Environmental Protection Act.

**Sanitary Sewer or Municipal Sewer** means a system of underground conduits, operated by a municipal corporation or by other approved agency that carries sewage to a place of treatment that meets with the approval of the Ministry of the Environment.

**Sewage Disposal System** means a Class 4 or Class 6 system or any other system deemed acceptable as defined by regulations under the Building Code Act and/or the appropriate Approval Authority.

**Sewage Treatment Works** means a facility that meets the approval of the appropriate Approval Authority used for treatment of domestic, commercial and/or industrial sewage.”

**Shopping Centre** means a group of commercial uses, planned, developed, owned, managed as a unit, with common off-street parking areas and other joint facilities all provided on the same lot.

**Shopping mall** means a shopping centre, which provides access for the public to each individual commercial unit either from the outside through a common entrance(s) and/or from the inside through a common covered aisle(s).

**Short Term Rental Accommodation** means the commercial use of a residential dwelling that may be rented for up to 30 consecutive days as temporary accommodation, lodging or occupancy by way of concession, permit, lease, license, rental, rental agreement or similar arrangement, whether written or verbal, unless otherwise prohibited by this by-law or by any other by-law of the Town of South Bruce Peninsula. The definition of short term rental accommodation does not apply to a hotel, motel, tourist cottage rental establishment, tourist home, campground, bed and breakfast establishment, hospital, long term care home, retirement home, camping establishment, school dormitory (if being rented to students actively enrolled in educational courses), lodge, motor hotel, boarding/lodging/rooming establishment, temporary farm accommodation, or group home. A short term rental accommodation use must be licensed with the Town of South Bruce Peninsula.



**Sign** means any device, lettering, figure, symbol, emblem or picture, which is affixed to or represented directly or indirectly upon a use of land, building or structure, and which directs attention to, identifies or advertises any object, product, place, activity, persons, products, organizations, institutions or businesses in such a way as to be visible to the public on any street, lane or thoroughfare.

**Storey** means a horizontal division of a building from a floor to the ceiling directly above such floor, but does not include any mezzanine, gallery, balcony or other overhang, the floor area of which does not exceed 40 percent of the least dimension of the room in which the said overhang is located, and does not include a basement or cellar as defined in this By-law.

**Attic**, means the space between the roof and the ceiling of the top storey; or between

**Basement**, see **Basement**

**Cellar**, see **Cellar**

**Crawl space** shall mean the space referred to as an enclosed space between the underside of a floor assembly and the ground cover directly below, with a clearance less than 5 ft 11 in) in height.

**First Storey** or **First Floor** means the storey of a building immediately above a cellar or basement, or where no basement or cellar exists, the first floor shall be that floor at or above grade.

**Second Storey** or **Second Floor**, means the storey directly above the first storey.

**Storey, Half** shall mean a portion of a building situated wholly or in part within a sloping roof and in which there is sufficient space to provide a height between finished floor and finished ceiling of at least seven feet, seven inches for at least one-half (1/2) but less than two thirds (2/3) of the area of the floor below. (HSKP #4 Z-2-18.58)

**Street**-means any road, private road, private street, lane, highway or similar, open or closed to traffic, maintained or not maintained, under the jurisdiction or ownership of the Corporation of the Town of South Bruce Peninsula, Province of Ontario, County of Bruce or private individual(s). (By-law 67-2013, Z-07-2013.58)

**Street, Municipal - Class 1** means improved streets under the jurisdiction of the Corporation and are shown on Schedule 'A' as Class 1 and are maintained on a year round basis. For the purposes of this By-law, County and Provincial Streets are also considered Class 1 Streets. (By-law 67-2013, Z-07-2013.58)

**Street, Municipal - Class 2** means improved streets under the jurisdiction of the Corporation that are not maintained on a year round basis and are shown on Schedule

'A' as Class 2. For the purposes of this By-law, the Corporation is not obligated to provide municipal services on a year round basis. For the purposes of this By-law, a 'Lane' or 'Private Street' shall be considered to be a Class 2 Street. (By-law 67-2013, Z-07-2013.58)

**Street, Private** means any road, right-of-way, easement or similar that provides motor vehicle access from a lot to a Municipal Class 1 or Municipal Class 2 Street and is not owned by the Corporation, the County of Bruce or the Province of Ontario. (By-law 67-2013, Z-07-2013.58)

**Street Line** means the dividing line between a street and any lot.

**Structure** means anything constructed or erected, the use of which requires location in or on the ground or attachment to something having location on the ground. (By-law 67-2013, Z-07-2013.58)

**Swimming Pool** means any body of water permanently located outdoors or indoors, contained by artificial means and used and maintained for the purpose of swimming, wading, diving or bathing.

**Tavern** means a building, structure or lands licensed under the Liquor Licence Act as amended from time to time, to sell spirits, wine and beer or any combination thereof and includes any alcohol in a form appropriate for human consumption as a beverage, alone or in combination with any other matter. (By-law 67-2013, Z-07-2013.58)

**Temporary Farm Accommodation** means a separate building or Park Model trailer used for the seasonal accommodation of workers in which lodging with or without meals is supplied to such employees.

**Terrace** means an open, uncovered, level space at ground level that is either natural or man-made.

**Tillable Hectares** means the total area of land including pasture that can be worked or cultivated.

**Total Swept Area** means the area of a circle that is swept by the rotor blade as calculated by "Total Swept Area = (Pi) x (blade radius<sup>2</sup>)".

**Tourist Cottage Rental Establishment** means a facility offering overnight to seasonal housekeeping units (units include sanitary and food preparation facilities), including accessory administrative offices, convenience store, laundry facilities, sanitary facilities, recreational hall and associated recreational uses that cater to short-term guests.

**Tourist Home** means a detached dwelling containing four (4) or more guest rooms and not more than ten (10) guest rooms which are available for sleeping accommodation for

the vacationing or traveling public in which the owner or manager supplies, for hire or gain, lodging with or without meals.

**Trailer Camp or Park** means any land upon which two or more trailers are used or intended to be used for human occupation on a temporary basis.

**Trailer, Park Model** means a prefabricated residential dwelling unit designed and constructed in accordance with CSA requirements that is towed on its own chassis and its running gear may be removed. It is with suitable sanitary facilities including a flush toilet, shower or bathtub. (HSKP #4 Z-2-18.58)

**Trailer, Recreational** means any portable 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 motor vehicle or is self propelled, and may include seasonal recreational travel trailers, tent trailers, camper vans, motor homes, camper pick-up and similar transportable accommodation but not a mobile home or a park model trailer.

**Trailer, Seasonal Recreational Travel** means a structure built on a single chassis mounted on wheels designed to facilitate relocation from time to time and used primarily as living quarters for seasonal camping and connected to utilities necessary for operation or installed fixtures and appliances.

**Trailer, Recreational Sales and Service Establishment** means the use of land, buildings or structures or parts thereof for the display and sale of recreational trailers, **seasonal recreational travel trailers**, tent trailers, camper vans, camper pick-ups and **motor homes**, and includes the servicing and repair of such trailers.

**Transport Establishment** means the use of land, buildings, structures or parts thereof, where commercially licensed trucks, transports and buses are rented, leased, loaded or unloaded, serviced or repaired, kept for hire, stored or parked for dispatching as common carriers or where goods are temporarily stored for further shipment.

**U-Brew Establishment** means a building or part thereof used for the sale of ingredients and /or kits for beer, cider and wine making and includes the brewing and bottling of the same by the public on the premises.

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

**Warehouse** means a building or part thereof used for packaging, storage and distribution of goods, wares, merchandise, foodstuff, substances or articles and may

include wholesale outlet but does not include a mini-warehouse establishment or transport establishment.

**Waste Disposal Site** means land disposal of one or more of the following:

- a) municipal waste, hazardous waste, liquid industrial waste, or processed liquid industrial waste, within the meaning of clauses (a) and (b) of the definition of “land disposal” in Section 1 of Regulation 347, R.R.O. 1990 (General - Waste Management) made under the Environmental Protection Act;
- b) liquid industrial waste, industrial waste, or commercial waste within the meaning of clause (c) of the definition of “land disposal” in Section 1 of Regulation 347, R.R.O. 1990 (General - Waste Management) made under the Environmental Protection Act;
- c) petroleum refining waste within the meaning of clause (d) of the definition of “land disposal” in Section 1 of Regulation 347 (General Waste Management) R.R.O. 1990 made under the Environmental Protection Act. (Source Water Update By-law 32-2018)

**Watercourse** means the natural or altered channel for a stream or water body and for the purpose of this By-law, includes the channel for intermittent streams. Isolated farm or recreational ponds, without an inlet or outlet stream, are excluded from this definition

**Water Treatment Facility** means a building or structure approved by the Ministry of the Environment, where water is treated for human consumption and use, and includes a water pumping station.

**Wholesale Outlet** means a building, structure or part thereof used for the storage, distribution and sale of goods, wares, articles or merchandise to other wholesalers, retailers, industrial, institutional or professional users or to the consumer

**Winery** means an agricultural processing plant used for the commercial purpose of processing grapes, other fruit products or vegetables, to produce wine or similar spirits. Processing includes crushing, fermenting, blending, aging, storage, bottling, and administrative office functions for the winery and warehousing. Retail sales and tasting facilities of wine and related promotional items may be permitted as part of the winery operations.

**Winery / Cidery** means buildings or structures used for the processing of grapes, fruit or honey in the production of wines or ciders, including, the fermentation, production, bottling, aging or storage of such products as a secondary use to a farm operation. The winery or cidery may include a laboratory, administrative office, hospitality room and retail outlet and if required, must be licensed or authorized under the appropriate Act.

**Yard** means a space appurtenant/adjacent to a building, structure or excavation, located on the same lot as the building, structure or excavation, and which space is

## Definitions

open, uncovered and unoccupied from the ground to the sky except for such **accessory** buildings, structures, or uses or **yard encroachments** as are specifically permitted elsewhere in this By-law.

**Front**, means a yard extending from side lot line to side lot line between the front lot line of the lot and to the nearest part of any building or structure (existing or proposed) on the lot.

**Rear**, means a yard extending from side lot line to side lot line between the rear lot line (or apex of the side lot lines) to the nearest part of any building or structure (existing or proposed) on the lot.

**Required**, means a yard having the minimum building setback as required by the zone provisions of this By-law. A required side yard shall extend from the required front yard to the required rear yard.

**Side**, means 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 building or structure (existing or proposed) on the lot.

a) **Exterior**, means a side yard immediately adjoining a street.

b) **Interior**, means a side yard other than an exterior side yard.

**Zone** means an area delineated on the Zoning Maps included in this By-law designated for a specific use and regulated by the specific zone provisions of this By-law.

**Zoning Administrator** means the officer(s) or employee(s) of the Town charged with the duty of administering and enforcing this By-law.

## Section 6 General Provisions

The provisions of this Section shall apply to all zones except as otherwise indicated in this By-law.

### 6.1 Accessory Uses And Structures

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

- a) Any building or structure used for human habitation, except where specifically permitted by this By-law;
- b) The open storage or keeping of goods or materials, except where specifically permitted by this By-law;
- c) Any occupation for gain or profit conducted within a residential zone, except as permitted by this By-law.
- d) For the purposes of Section 6.1 only, shipping containers, mobile homes, travel trailers, construction trailers, transport trailers, railway cars and buses, truck bodies and other such similar objects with or without wheels or a similar undercarriage shall not be used as accessory buildings or structures except in the Extractive Industrial M2 or Municipal Infrastructure Services MIS zones or where specifically permitted in this by-law.

#### 6.1.1 Location – Accessory Uses and Structures

(By-law 67-2013, Z-07-2013.58)

- a) In a 'R1A - Un-Serviced Detached Residential', 'R1B - Serviced Detached Residential', 'R2 - Resort Residential', 'R3 - Low Density Multi Family Residential' and 'R4 - Medium Density Multi Family Residential' Zones the following Yard Setbacks apply to detached accessory buildings and structures:

Minimum interior side yard and/or rear yard setback	1 m
Minimum exterior side yard setback	As specified in the zone provisions that applies to the land
Minimum front yard setback	As specified in the zone provisions that applies to the land
Minimum rear yard setback (through lot) (By-law 78-2014 HSKP #2)	Same as required front yard setback in the zone provisions that apply to the land

## General Provisions

- b) In the 'C1A - Un-Serviced General Commercial' and 'C1B - Serviced General Commercial' Zones, the following Yard Setbacks apply:

Minimum interior side yard and/or rear yard setback	Zero (0), except where a lot abuts a lot in a Residential zone, the minimum interior side yard shall be 3 m
Minimum front yard and/or exterior side yard setback	3 m

- c) In all other Zones, the Front, Rear, Interior and Exterior Minimum Yard Setbacks of the specific zone shall apply to accessory buildings and structures.

### 6.1.2 Height - Accessory Uses and Structures (By-law 84-2021)

In any residential zone and in the C1A- SBP General Commercial Zone and C1B Serviced General Commercial Zone, the height of a detached accessory use building and structure shall not exceed 5 m. In all other zones the maximum height for an accessory use is the same as the main building.

If a dormer or similar roof construction is proposed on a detached residential accessory building, where the width of the dormer is greater than 50% of that face of the building, the height of the building shall be measured from the highest point of the dormer roof to average finished grade.

### 6.1.3 Lot Coverage - Accessory Uses and Structures

(By-law 67-2013, Z-07-2013.58)

- a) Accessory building and structures shall be included in the calculation for 'Lot Coverage' as permitted in the individual zone regulations.
- b) The 'Lot Coverage' of all accessory buildings and structures combined on a lot shall not exceed 10% of the lot area.
- c) The area of an open swimming pool and all un-enclosed decks shall be included in the calculation of 'Lot Coverage'.

### 6.1.4 Number of Accessory Buildings

(By-law 67-2013, Z-07-2013.58)

The number of accessory buildings and structures on one lot shall not exceed three (3) save and except for the following zones:

'RU1 – General Rural'	'RU2 – Restricted Rural'
'C3 – Marine Commercial'	'C4- Resort Commercial'
'C5 – Campground Commercial'	'M1 – Industrial'

‘M2 – Extractive Industrial’

‘OS – Open Space’

‘EH – Environmental Hazard’

‘MIS – Municipal Infrastructure Services’

### **6.1.5 Establishment of an Accessory Building and Structure (By-law 84-2021)**

Except for those uses subject to Section 6.36 Temporary Construction Uses, Buildings and Structures, no accessory building or accessory use or accessory structure shall be established or used on any lot or site unless the main building or use exists or the construction of the main building or use has been substantially completed as per the Chief Building Official and accessory use/building/structure are being constructed at the same time; an accessory building must not supersede the construction of a dwelling.

### **6.1.6 Boathouses**

Notwithstanding any other provisions of this By-law, on a Waterfront Lot, a boathouse may be permitted as an accessory use - detached structure to be used for the storage of boats, boating equipment and accessories, located on lands directly abutting a body of water or watercourse, subject to the following provisions: (By-law 67-2013, Z-7-2013.58)

- a) A boathouse shall only be used for the storage of boats, boating equipment and related accessories;
- b) No setback shall be required directly abutting a body of water
- c) The maximum height shall be 4 m,
- d) The maximum floor area shall be 70 m<sup>2</sup>;
- e) All other provisions of Section 6.1 shall apply.

Note: Approvals/permits from the local Conservation Authority and/or Ontario Ministry of Natural Resources may also be required for a Boathouse

### **6.1.7 Residential Uses Accessory to a Permitted Commercial or Institutional Use (By-law 67-2013, Z-07-2013.58) (By-law 78-2014 HSKP #2)**

#### **6.1.7.1 Residential Dwelling – Accessory Apartment**

A permitted commercial or Institutional use or building may contain a ‘Residential Dwelling - Accessory Apartment’ units subject to the following:

- a) A permitted commercial or Institutional use or building may contain one (1) or more ‘Residential Dwelling - Accessory Apartment’ units with the exception of the following zones: ‘C3 – Marine Commercial’ ‘C4 – Resort Commercial’, and ‘C5 – Campground Commercial’ in which case only one (1) ‘Residential Dwelling - Accessory Apartment’ unit shall be permitted.



## General Provisions

- b) Each 'Residential Dwelling - Accessory Apartment' unit shall be located above or to the rear of the main commercial use.
- c) A 'Residential Dwelling - Accessory Apartment' unit located on the ground floor of a commercial use shall not be greater than 50% of the 'ground floor area'.
- d) Each commercial or Institutional use or building shall have frontage on a Municipal Class 1 Street in accordance with Section 6.13 Frontage on a Municipal Street – Class 1.
- e) Each 'Residential Dwelling - Accessory Apartment' unit shall be provided with a minimum of one off-street parking space.

### 6.1.7.2 Residential Dwelling – Single Detached Accessory

Where a 'Residential Dwelling – Single Detached Accessory' is permitted, such use shall conform to the following provisions:

Maximum number of single detached accessory dwellings	1 (one)
Minimum setbacks	7.5 m from any lot line or allowance
Minimum lot area	Minimum lot area for commercial use plus additional 465 m <sup>2</sup>
Minimum lot frontage	Minimum lot frontage for commercial use plus 15 m
Minimum habitable floor area for dwelling	92.9 m <sup>2</sup>
Maximum building height	10 m
Maximum lot coverage	6%

## 6.2 Open Swimming Pools

Despite anything contained in this By-law to the contrary, a swimming pool is a permitted accessory use within any zone, except in the Environmental Hazard or Natural Environment Zones, subject to the following regulations:

- a) May be located in the side yard, but not closer to any lot line than the minimum distance required for the main building on such lot;
- b) May be located in the rear yard, but not closer to any lot line than the minimum distance required for an accessory building located on such lot;
- c) Facilities for changing clothing, pumping, filtering or similar accessory use shall be in accordance with the regulations applicable to accessory buildings on such lot.

Note: The Town of South Bruce Peninsula has a separate by-law relating to swimming pools. You are encouraged to contact the Clerk or Chief Building Official to review this regulation

### **6.3 Bed and Breakfast Establishment (B&B)**

Within those zones where Bed & Breakfast establishments are permitted, such uses shall be permitted in accordance with the provisions for such zones and shall also comply with the following regulations:

- a) No more than 3 guest rooms shall be provided within a B&B.
- b) Any exterior stairways required for a B&B shall be located in a side or rear yard.
- c) One parking space per guest room shall be provided.
- d) There shall be no advertising other than a non-illuminating sign that has a maximum size of 1.5 m<sup>2</sup>.
- e) No person, other than members of the family who operate and reside in the establishment shall be employed except as is necessary for housekeeping purposes.
- f) The operator of a bed and breakfast operation shall reside in the building as his or her primary residence.

### **6.4 Restaurant – Mobile**

The following shall apply:

- i) Shall not be permitted unless the principal use is established and operating
- ii) Shall be located in accordance with setback provisions for the zone that applies to the land
- iii) Despite any other provision of this by-law, a Restaurant-Mobile may be located on Public Parklands and Road Allowances owned by the Town

Note: A valid business license is required for each Restaurant-Mobile from the Town of South Bruce Peninsula and Restaurant-Mobile may be subject to other Municipal by-laws.

### **6.5 Planting Area**

Where a lot is within:

- a) A Commercial zone and the interior side and/or rear lot line, or portion thereof abuts a Residential or Institutional Zone, or
- b) A use permitted only in the R4 Medium Density Multi Family Residential zone and the interior side and/or rear lot line, or portion thereof abuts a R1B Serviced

## General Provisions

Detached Residential, R1A Un-Serviced Detached Residential, R3 Low Density Multiple Family Residential Zone or Institutional Zone,

The Planting Area or fence or combination thereof shall be provided along the lot lines in accordance with the following provisions (By-law 67-2013, Z-07-2013.58, By-law 84-2021):

- a) A Planting Area shall have a minimum width throughout of not less than 1.5 m and shall be in addition to any other yard requirement.
- b) Consist of a planting strip maintained at an ultimate height of not less than 1.8 m immediately adjacent to the lot line or portion thereof along which the Planting Area is required other than along a street line.
- c) Be kept free of all parking, buildings or structures except for a legal boundary partition and used only for the placement of trees, shrubs, similar vegetation, fencing and landscaping features.
- d) Where a fence is provided it shall be 1.8 metres in height and provide for privacy.
- e) Be landscaped as applicable and maintained by the owner of land on which such Planting Area or fence is required.

### 6.6 Building Height Exceptions (By-law 84-2021)

Subject to compliance with the Wiarton Airport Zoning Height Regulations, the maximum height regulations of this By-law shall not apply to prevent the construction and/or use of an ornamental dome, place of worship, spire, a belfry, cupola, steeple, a flag pole, a clock tower, a chimney, storage silos, barn, grain elevator, a water storage tank, an air conditioner duct, an elevator penthouse, a solar collector, or an electric or communication tower, antenna, ventilator, windmill or similar device, provided areas located above maximum height for the zone are not used for human occupancy and are constructed only to such height as is necessary to accomplish their purposes.

### 6.7 Commercial Kennels and Pet Boarding Establishments

Kennels are not permitted unless specifically permitted in this By-law. (By-law 67-2013, Z-07-2013.58)

All kennel buildings and structures must be located 100 m from any lot lines.

Note: These uses are required to conform with all applicable law, including but not limiting to, municipal kennel, dog or animal control By-laws, and other applicable regulations, in addition to the Zoning By-law. You should contact the Municipality directly.

## 6.8 Common Amenity Area

Where this By-law requires the establishment of a common amenity area, such an area shall be provided within the boundaries of the development and in accordance with the following provisions:

- a) An amenity area is an area comprised of common outdoor space designed for active or passive recreational use and may include patios, swimming pools, play areas and open landscaped areas.
- b) The minimum amenity area required shall be an aggregated amount not less than 9.3 m<sup>2</sup> per dwelling unit for each unit up to 10. For each additional unit, not less than 4.6 m<sup>2</sup> of amenity area is required.
- c) Amenity areas shall be designed and located so that the length does not exceed four (4) times the width.
- d) Amenity areas shall have direct access to/from the residential use.
- e) Amenity areas may be located within any yard other than a required front yard.

## 6.9 Day Lighting (Sight) Triangle

On a corner lot, the triangular space formed by the street lines and a line drawn from a point on one street line to a point on the other street line is determined by a point measuring 6 metres along the street line from the point of intersection of the said street lines.

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 tangents to the street lines.

The provisions of this section shall also apply to land that abuts one or more unopened streets.

Within any sight-line triangle, the following uses shall be prohibited:

- a) A building or structure.
- b) A fence, wall, hedge, bush or **any other obstruction** that impedes vision above a height of 0.8 m above the centerline grade of the street or streets abutting a sight-line triangle.
- c) Any portion of a loading or parking space.

The provisions of this Section shall not apply to land zoned C1A SBP General Commercial and C1B Serviced General Commercial zone.

## 6.10 Development On Municipal Services

Where municipal water supply and/or sewage collection or treatment systems are available to the lot, new development shall not be permitted unless it is serviced by said water or sewer systems, whichever is available. This provision shall not apply to any public use or utility that by its nature does not require such services.

## 6.11 Development On Private Services

On lands that are not subject to Section 6.10, development on individual septic disposal systems or wells is permitted provided such uses comply with the relevant regulations, and are approved by the relevant public agency.

Note: Permits are required for the installation of individual or communal private servicing systems. Contact the Municipality for more information. The Ontario Building Code governs standards for approval and construction of individual services

## 6.13 Municipal Street - Class 1

(By-law 67-2013, Z-07-2013.58, By-law 84-2021)

Unless otherwise explicitly permitted by this By-law, no person shall erect any building or structure, or use any lot in a Zone, unless the lot upon which such building, structure or use is located has a lot line that abuts a Municipal Street - Class 1.

The above provision shall not apply to:

- a) Restrict the erection of any building on a lot in a registered plan of subdivision where a subdivision agreement has been entered into but the street will not be assumed until the end of the maintenance period.
- b) Restrict the erection of any building on a unit in a registered plan of condominium where a condominium agreement has been entered into and the street will not be assumed by the Corporation.
- c) development on islands not served by a Municipal Road and subject to Section 12.4

With regard to lands which are zoned for the residential purposes, which do not front on a Municipal Street - Class 1 and which have an "H" symbol attached, the removal of the holding symbol "H" by council by-law will permit the use of land and the erection of buildings and structures in accordance with the relevant zone provisions. Until such time as the 'H' symbol is removed, any lands so designated may be used for agricultural, forestry and uses except for the erection of new buildings or structures and except for the enlargement of existing buildings and structures existing.

#### 6.14 County Street Right-Of-Way Setbacks

- a) Buildings or structures erected adjacent to a Provincial Street shall be required to comply with the setback requirements of the Province. (By-law 67-2013, Z-07-2013.58)

Note: Any development located adjacent to a Provincial Highway within the Ministry of Transportation's permit control area will be subject to the setback and frontage requirements, along with the access and building permit controls, of the Ministry of Transportation. Any proposed access to a Provincial Highway will be subject to the prior approval of the Ministry of Transportation. Permits from the Ministry must be obtained prior to any construction and/or grading being undertaken on the site

- b) No building or structure shall be erected within a distance of 33 metres from the centre line of any County Street.
- c) Notwithstanding the provisions of Section 6.14 b), between two permanent dwellings on the same side of the street, separated by not more than 100 metres, the minimum setback for any building or structure from the centre line of any County Street shall be the average of the setbacks of the two permanent dwellings ('x' and 'y') plus 2 metres calculated as follows:
- $((x+y)/2)+2$ , or 33 metres, whichever is the lesser.
- d) Notwithstanding the provisions of Section 6.14 c), within 30 metres of an existing permanent dwelling where Section 6.14 c) would not apply, the minimum setback for any building or structure from the centre line of any County Street shall be equal to the average of the setback of the existing permanent dwelling('x') plus 33 metres calculated as follows:
- $(x + 33)/2$ , or 33 meters, whichever is the lesser.
- e) The provisions of Section 6.14 b), 6.14 c), and 6.14 d) shall not apply where a County Street is shown as a 'County Road - Urban' on Schedule 'A', in which case building setbacks are regulated elsewhere in this By-law.

#### 6.15 Not In Use

#### 6.16 Garbage Storage Areas

No garbage or refuse shall be stored on any lot in any zone except within:

- i) The main building or
- ii) Any accessory building or structure on such lot or
- iii) In a container in the side yard or rear yard of such lot and side or rear yard requirement of applicable zone shall apply.

All garbage or refuse storage areas, including any garbage loading or unloading areas, which are visible from an adjoining site in a residential, commercial, institutional or open space zone, or from a street, shall have a visual screen consisting of a fence that is a minimum of 2 m (6.6 ft) in height. (By-law 67-2013, Z-07-2013.58)

### 6.17 Garden Suites (By-law 84-2021)

Garden Suites are not permitted except where Single Detached Residential Dwellings are permitted, and subject to passage of a temporary use By-law pursuant to Section 39 of the Planning Act, and shall be subject to the following regulations:

- a) Only one Garden Suite may be established per lot on which a Single Detached Residential Dwelling exists. Where a lot already contains a Single Detached Residential Dwelling and an accessory apartment as defined in the By-law, a Garden Suite shall not be permitted.
- b) Garden Suites in a Residential Zone shall be located in either a side yard or rear yard, and located behind or even with the front wall of the Single Detached Residential Dwelling. A minimum interior side and rear yard of 1.5 m, and a minimum exterior side yard of 7.6 m is required.
- c) Driveway access to both the main residence and the Garden Suite shall be limited to one so that no new entrance from the street shall be created.
- d) The maximum floor area of a garden suite shall be 92.9 m<sup>2</sup>.
- e) The maximum height of a garden suite shall be one storey or 4.5 m whichever is less.
- f) No garden suite shall be located closer than 3 m to the main residence on the lot.
- g) All garden suites in urban area of Warton shall be connected to municipal water and sewage disposal systems.
- h) Despite the above, garden suites may be permitted with individual private servicing in the appropriate zone subject to the minimum lot area requirements of the specific zone and the approval of the Town for the proposed servicing.
- i) All garden suites shall be of a portable nature and shall be designed and constructed for a year-round residential use.
- j) A 'garden suite' is not permitted to be used for Short Term Rental Accommodation.

Note: Garden Suites are regarded as temporary uses, and the Municipality may require that the owner or other person enter into an agreement with the Municipality, pursuant to

Section 39 (1) of the Planning Act. Temporary Uses are permitted by a specific By-law that defines the use, and the length of time the use is permitted on its lot

## **6.18 Group Homes**

### **6.18.1 Permitted Group Homes**

In the R1B Serviced Detached Residential, R3 Low Density Multi Family Residential and R4 Medium Density Multi Family Residential zones group homes are a permitted use.

### **6.18.2 Group Home Regulations**

- a) No land, building or structure shall be used and no building or structure shall be constructed, altered, enlarged or maintained for the purposes of a group home, unless in accordance with the regulations specified in that zone for the type of residential building in which the group home is to be established and in accordance with the following regulations.
- b) A group home shall be separated by a minimum linear distance of 300 m from another group home. This distance shall be measured at the closest points on the property lines of the two lots.
- c) A group home shall provide a minimum of 1 parking space for every 2 beds or fraction thereof.
- d) A group home shall have a minimum gross floor area of 18 m<sup>2</sup> for each resident 16 years of age or older, and 9 m<sup>2</sup> for each resident who is less than 16 years of age. For the purposes of this section, a group home resident includes staff and/or receiving family.
- e) A group home shall provide a minimum common amenity area of 12 m<sup>2</sup> for each resident. For the purposes of this section, a group home resident includes staff and/or receiving family.

## **6.19 Home Industry**

Home industries, where listed as a permitted use, are subject to the following regulations:

- a) It is secondary to the main permitted use on the lot.
- b) It may include such uses as a carpentry shop, a welding shop, a machine shop, custom workshop, furniture fabrication, assembly, and repair; a tool and repair shop, and a small engine repair shop but shall not include autobody repairs or automotive sales, service and repair; automotive washing establishment, the sale of gas, or a wrecking yard;
- c) No outside storage of materials, containers, or finished products is permitted.



- d) It shall be located within an accessory or agricultural building.
- e) Any building or structure or part of a building or structure used for a home industry shall not exceed 232.2 m<sup>2</sup> of floor area.
- f) At no time may any home industry employ on-site more than two employees who do not reside on the lot on which such home industry is conducted.
- g) There shall be no advertising other than a non-illuminating sign that has a maximum size of 1.5 m<sup>2</sup>.
- h) No building or structure used for a home industry shall be located within 15.2 m of a lot line, nor within 91.4 m of a lot line of a vacant lot of less than 4.1 ha in size or within 91.4 m of a residence on a separate lot.

### 6.20 Home Occupation

Home Occupations, where a permitted use within a zone, are subject to the following regulations:

- a) A home occupation shall be clearly incidental and subordinate to the main residential use on the same lot. No exterior alterations of the dwelling unit shall be permitted in connection with such occupation that will change the character of the residential building or premises.
- b) The use of the premises in connection with such home occupation shall in no way be offensive, obnoxious or dangerous to the neighbours or the area by reason of: the emission of light, heat, fumes, noise, vibration, gas, dust, smoke, fire, odour, air or water borne waste or pollution; interference with radio or television; or, the significant increase in vehicle traffic due to frequency of deliveries by commercial carriers or patron parking.
- c) There shall be no machinery or mechanical equipment of any kind used on the premises in connection with such home occupation, except what is customarily used for household, office purposes or occupations as defined under Home Occupation in Section 5.
- d) A home occupation shall employ no more than one person who is not a resident of the residential use.
- e) No more than twenty-five percent (25%) of the floor area of a residence may be used for the home occupation.
- f) In Residential Zones, there shall be no advertising other than a non-illuminated plate or sign that have a maximum size 0.2 m<sup>2</sup> and which is attached flat to the residential dwelling.
- g) In RU1 General Rural there shall be no advertising other than a non-illuminated sign that has a maximum size of 1 m<sup>2</sup>.

- h) There shall be no external storage, keeping or display of goods, materials, wares or merchandise.
- i) There shall be no retail sale of any goods or items other than those constructed, assembled, produced, created and finished in conjunction with the home occupation.

## **6.21 Loading Regulations**

- i) Loading spaces shall be preserved (HSKP #4 Z-2-18.58)
- ii) Where required by this By-law, the owner or occupant of any lot, building or structure used or constructed for any purpose involving the receiving, shipping, loading and unloading of goods, wares, merchandise or raw materials, shall provide and maintain on the same lot, not on a street or lane, and within the zone in which such use is located, space for the standing, loading or unloading of vehicles in accordance with the following regulations:
  - a) A loading space shall be 15.2 m long, 3.6 m wide and have a minimum vertical clearance of 4.3 m.
  - b) All loading spaces shall be so arranged as to avoid interference with the movement of traffic on streets. No loading spaces shall be situated upon any street, lane or required parking space (By-law 67-2013, Z-07-2013.58)
  - c) All loading spaces, and driveways providing access to them, shall be constructed of a stable surface and treated to prevent erosion and the escape of dust and loose particles. Surface cover may consist of asphalt, approved granular material, paving brick, concrete or similar hard-surfaced materials.
  - d) All loading spaces and driveways shall be graded and drained so as to prevent the pooling of surface water on them or the flow of surface water onto adjacent lots.
  - e) Each loading space shall be provided with one or more unobstructed driveways of not less than 6 m in width. Such driveway shall be contained within the lot on which the spaces are located and are accessible from a street or lane. No part of such driveway shall be used for the parking or temporary storage of commercial or motor vehicles.
  - f) Off-street loading space(s) shall be provided and maintained in accordance with the following schedule:

<b>Industrial Zones</b>	<b>Minimum Spaces Required</b>
0 to 464.5 m <sup>2</sup>	0 space

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464.5 m <sup>2</sup> to 2,322.5 m <sup>2</sup>	1 space
2,322.5 m <sup>2</sup> to 10,000 m <sup>2</sup>	2 spaces
Each additional 10,000 m <sup>2</sup> or portion thereof in excess of 10,000 m <sup>2</sup>	1 additional space
<b>Commercial Zones</b>	<b>Minimum Spaces Required</b>
0 to 185.8 m <sup>2</sup>	0 space
185.8 m <sup>2</sup> to 929 m <sup>2</sup>	1 space
929 m <sup>2</sup>	2 spaces
Each additional 929 m <sup>2</sup> or portion thereof	1 additional space

- g) Despite the loading space regulations herein, any use, building or structure that was lawfully established prior to the passing of this By-law, shall not be subject to the above provisions so long as the floor area as existing at such date is not increased.
- h) Unless otherwise provided in this By-law, the Loading Regulations of this Section do not apply to land within the General Commercial (C1) ZONE.

### 6.22 Minimum Distance Separation - MDS I and II

#### 6.22.1 MDS I –New Non-Farm Uses

Despite any other yard or setback provisions of this By-law to the contrary, no residential, institutional, commercial, industrial agriculturally related or recreational use, permitted within the appropriate Zones, shall be erected or altered unless it complies with the Provincial Minimum Distance Separation (MDS I), calculated in accordance with the MDS formula as published or amended by the Ontario Ministry of Agriculture Food and Rural Affairs from time-to-time. The above provisions shall not apply to lots existing as of the date of the passing of this By-law that are less than 4 ha in area. (By-law 67-2013, Z-07-2013.58)

#### 6.22.2 MDS II – New or Expanding Livestock Facilities

Despite any other yard or setback provisions of this By-law to the contrary, no livestock facility or manure storage facility shall be erected or expanded unless it complies with the Provincial Minimum Distance Separation (MDS II), calculated in accordance with the MDS formula as published or amended by the Ontario Ministry of Agriculture Food and Rural Affairs from time-to-time (By-law 67-2013, Z-07-2013.58)

Note: For further information, see the Ontario Ministry of Agriculture and Rural Affairs website, or contact the Chief Building Official or the County of Bruce Planning and Economic Development Department

### **6.23 Mobile Homes**

The use of a mobile home for residential, business, industrial or institutional purposes, either temporarily or permanently, is prohibited unless specifically permitted by this By-law. Where permitted, a mobile home shall comply with the relevant provisions of this By-law.

### **6.25 Environmental Hazard - Lot Area Calculation (By-law 67-2013, Z-07-2013.58)**

Where any lot is zoned in part in an Environmental Hazard Zone (EH), no person shall erect any buildings or structures within the area zoned as Environmental Hazard Zone (EH), except as otherwise permitted in the Environmental Hazard Zone (EH). Land zoned Environmental Hazard Zone (EH) may be used in the calculation of the lot area, and may be used for lot frontage and yard setbacks, as is required for the development occurring on that portion of a lot not zoned Environmental Hazard Zone (EH).

Note: See also Section 3.6 More than One Zone on a Lot

### **6.26 Municipal Drain Setback And Watercourse Setback**

No building or structure shall be constructed closer than 30 m from the edge of an open municipal drain or watercourse or 15 m from the edge of an enclosed municipal drain or inland lake.

Note: The Conservation Authority having jurisdiction in the Town has enacted its own regulations under the Conservation Authorities Act. Permits may be required by the Conservation Authority for any alteration, grading or construction in their regulated area, which roughly corresponds to the EH zone boundaries. These requirements apply in addition to any requirements applied by the Town. If you are within or near any lands zoned EH, or near a watercourse, including a lake, pond, drain, river or stream, you should contact the Conservation Authority.

### **6.27 Lake Huron and Georgian Bay Flood Constraint Regulations**

#### **6.27.1 New Lots**

- a) All buildings and structures on new lots shall be setback a minimum of 15 m measured horizontally from the 177.6 m G.S.C. elevation for lands adjacent to Lake Huron and 177.9 m G.S.C. elevation for lands adjacent to Georgian Bay.

**6.27.2 Existing Lots**

- a) New buildings and structures on existing lots shall be setback back 9 m from the 177.6 m G.S.C. elevation for lands adjacent to Lake Huron and 177.9 m G.S.C. elevation for lands adjacent to Georgian Bay. Such new buildings shall be flood proofed to the elevations established in the Grey Sauble Shoreline Management Plan (detailed below).
- b) Alterations and additions to existing buildings and structures shall be permitted provided that such alteration / addition is either:
  - i. Set back 9 m from the 177.6 m G.S.C. elevation for land adjacent to Lake Huron and 177.9 m G.S.C. elevation for lands adjacent to Georgian Bay; or
  - ii. No closer to the water's edge than the existing building, provided that the existing building is located landward of the 177.6 m G.S.C. elevation for lands adjacent to Lake Huron and 177.9 m G.S.C. elevation for lands adjacent to Georgian Bay. In such cases the opening to the habitable areas shall be flood proofed to the elevation established in the Grey Sauble Shoreline Management Plan (detailed below). (Z-23-14.58 HSKP #2, 78-2014)
- c) The erection of a deck to an existing building shall be permitted provided that no part of the deck is located below the 177.6 m G.S.C. elevation for lands adjacent to Lake Huron and 177.9 m G.S.C. elevation for lands adjacent to Georgian Bay. Additions shall comply with all other provisions in this by-law.

### 6.27.3 Grey Sauble Shoreline Management Plan Flood Proof Elevations

Flood proofing requirements include ensuring all building openings are above the referenced elevations as follows:

<b>Lake Huron</b>	
Reaches H1-H9	Sauble Beach to Hawk's Nest Point -- Elevation 179.0 m Geodetic Survey of Canada datum (GSC)
Reaches H10 to H16	Hawk's Nest Point to Indian Point -- Elevation 178.4 m (GSC)
Reaches H17 to H19	Indian Point to St. Jean Point – Elevation 178.2 m (GSC)
Reaches H20	St. Jean Point to Pike Bay -- Elevation 178. 7 m (GSC)
Reach H21	Lake Huron Side of the Fishing Islands -- Elevation 179.0 m (GSC)
<b>Georgian Bay</b>	
Reach G35	East Town Boundary to 736 Frank St. – Elevation 178.7 m (GSC)
Reach G36 to G37	736 Frank St to the former Amabel Twp. Boundary -- Elevation 178.2 m GSC
Reach G38	Amabel Boundary to Cape Croker Boundary – elevation 179.0 m GSC
Reach G39	Hope Bay – elevation 179.1 m GSC

Note: Such buildings, structures and/or site alterations may be subject to a permit from the Grey Sauble Conservation Authority under Ontario Regulation 151/06.

### 6.28 Non-Conforming Uses (By-law 84-2021)

- a) Nothing in this By-law shall apply to prevent the use of any land, building or structure for any purpose prohibited by this By-law if such land, 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.
- b) Nothing in this By-law shall prevent the construction or use of any building or structure for a purpose prohibited by this By-law, the plans for which have prior to the date of passing of this By-law been approved by the Chief Building Official, so long as the building or structure when constructed is used and continues to be used for the purpose for which it was constructed. Such construction shall have commenced within six months after the date of passing of this By-law, and such building or structure shall be completed within a reasonable time after the construction is commenced.

- c) Nothing in this By-law shall prevent a non-conforming building or structure, from being restored or reconstructed provided existing setbacks, height, area size or volume of the building or structure are maintained and compliance with the regulations of the Zone in which the building or structure is located is not further reduced.

### **6.29 Non-Complying Uses**

Nothing in this By-law shall prevent a non-complying use, building or structure from being enlarged, extended (either vertically or horizontally), reconstructed, repaired, renovated or used provided that the enlargement, extension, reconstruction, repair or renovation does not further reduce the compliance of the use, building or structure with any provision of this By-law.

### **6.30 One Main Building Per Lot**

No more than one main building shall be constructed on a lot except as specifically permitted by this By-law.

### **6.31 Outdoor Display Areas**

In a Highway Commercial (C6) Zone, Rural Commercial and Industrial (M3) Zone, or Industrial (M1) Zone, the outdoor display, or outdoor keeping of goods, materials and equipment which is for sale or lease, and which is accessory to the main use of the lot, shall be permitted in accordance with the following regulations (By-law 67-2013, Z-07-2013.58):

- a) Shall not be located in any required yard setback.
- b) Not comprise more than 40% of the total lot area.
- c) Not obstruct or occupy any required parking area.
- d) Be constructed of a stable surface and treated to prevent erosion and the escape of dust and loose particles. Surface cover may consist of asphalt, approved granular material, paving brick, concrete or similar hard-surfaced material.
- e) Be graded and drained so as to prevent the pooling of surface water on them or the flow of surface water onto adjacent lots.
- f) Contain a minimum 1.5 m landscaped area between the outdoor display area and any street other than areas used for access to the property.

### **6.32 Outdoor Storage Areas**

In a Highway Commercial (C6) Zone, Rural Commercial and Industrial (M3) Zone, or Industrial (M1) Zone, the outdoor display or keeping of goods, materials and equipment used or produced by the main use, and which is accessory to the main use of the lot,

shall be permitted in accordance with the following regulations (By-law 67-2013, Z-07-2013.58):

- a) Such storage area shall not be located in any required yard setback.
- b) Such storage area shall not comprise more than 40% of the total lot area.
- c) Such storage area shall be visually screened from view from the street and from any abutting land zoned or used for residential, institutional or open space by an area in accordance with Section 6.5 Planting Area.

### 6.33 Parking Regulations

No building or structure shall be erected, enlarged or used in any zone unless facilities are provided for off-street parking in accordance with the following regulations:

#### 6.33.1 Size of Parking Spaces

Every off-street parking space shall have dimensions of not less than 2.7 m in width or less than 5.5 m in length. Each such space shall have adequate means of access to or from a street or lane in accordance with the appropriate approval authority.

- a) Notwithstanding the above, the minimum off-street parking space for Accessible Parking shall have dimensions of not less than 4 m in width or less than 5.5 m in length. Where two or more Accessible spaces are located together the minimum parking space width shall be 3.2 m. Each such space shall have adequate means to access to or from a street in accordance with the appropriate approval authority. (By-law 67-2013, Z-07-2013.58)

Note: See also [Section 6.33.10](#) Accessible Parking Requirements

#### 6.33.2 Parking Surfaces

- a) All parking spaces and areas shall be constructed of a stable surface and treated to prevent erosion and the escape of dust and loose particles. Surface cover shall consist of asphalt, concrete, approved granular material, paving brick, or similar hard-surfaced materials.
- b) All parking spaces and areas shall be graded and drained so as to prevent the pooling of surface water on them or the flow of surface water onto adjacent lots.
- c) All parking areas shall be provided with curbing, wheel stops or other devices to prevent motor vehicles from being parked or driven within required setback areas or onto required landscaped open spaces.



### **6.33.3 Location of Parking Areas and Spaces**

#### **6.33.3.1 Residential Zones**

(By-law 67-2013, Z-07-2013.58)

- i) Within a Residential Zone, unless otherwise prohibited by this By-law, a required parking space(s) may be located within any required 'Yard' except that no parking space(s) shall be located within 1.5 metres of a 'Street' or within 1.0 metre of a 'Rear Lot Line' or 'Side Lot Line';
- ii) Notwithstanding i) above, in the case where abutting parking spaces are proposed on abutting Residential lots no 'Rear Lot Line' or 'Side Lot Line' setback shall be required;
- iii) A required parking space(s) shall not be permitted in a Day Lighting (Sight) Triangle as required by Section 6.9 Day Lighting (Sight) Triangle;
- iv) A parking space(s) and/or driveway shall not be included in the 'Lot Coverage'.

Note: Entrances/driveways are also regulated by Town of South Bruce Peninsula By-law

#### **6.33.3.2 Commercial, Industrial, Institutional Zones**

(By-law 67-2013, Z-07-2013.58)

Within a Commercial, Industrial or Institutional Zone, unless otherwise prohibited by this By-law, a required parking space(s) may be located within any required 'Yard', except that no parking area and/or space shall be located within 1.5 m of a Street, or within 4.5 m of any lot or zone containing a Residential use.

#### **6.33.3.3 All Other Zones**

(By-law 67-2013, Z-07-2013.58)

In all other Zones, unless otherwise provided, no required parking space(s) shall be located in any required 'Side Yard' or 'Front Yard'.

### **6.33.4 Calculation of Parking Regulations**

- a) Where a part of a parking space is required in accordance with this By-law, such part shall be considered one parking space for the purpose of calculating the total parking requirements for the said use. In addition, where the number of parking spaces required in accordance with this By-law is based upon the capacity of a building or structure, such capacity shall be deemed to be the same as the maximum capacity for such building or structure permitted by the Ontario Building Code, the Ontario Fire Code, or where applicable, the Liquor Licensing Board of Ontario, whichever capacity is the lesser.

- b) Where, on the date of passing of this By-law, a use of a lot does not comply with number of parking spaces required by this By-law, such use shall not be interpreted to require that the deficiency be made up prior to the construction of any addition or change of use except that any additional parking spaces required for the addition or change of use are provided in accordance with all provisions of this By-law.

#### **6.33.5 Parking For More than One Use in a Building**

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

#### **6.33.6 Parking Requirements for the General Commercial (C1) Zone**

(By-law 67-2013, Z-07-2013.58)

Should it not be possible to accommodate the minimum number of parking spaces on the same lot as a use, building or structure, Council may permit the owner to enter into an agreement under Section 40 of the Planning Act for the payment of cash in lieu of parking excepting however for a Residential Zone in which case parking shall be provided on-site in accordance with the applicable provisions.

### 6.33.7 Minimum Number of Parking Spaces

(By-law 67-2013, Z-07-2013.58, Child Care By-law 42-2016, (HSPK #4 Z-2-18.58))

<b>Residential Dwelling:</b> <ul style="list-style-type: none"> <li>• Single-Detached</li> <li>• Semi-Detached</li> <li>• Link or Twin Attached</li> <li>• Duplex</li> <li>• Split-Level</li> <li>• Accessory Apartment</li> <li>• Single Detached Accessory</li> <li>• Bachelor</li> <li>• Converted</li> </ul>	1 per unit
<b>Residential Dwelling:</b> <ul style="list-style-type: none"> <li>• Triplex/Fourplex</li> <li>• Apartment</li> <li>• Apartment, Seniors</li> <li>• Townhouse</li> <li>• Townhouse, Cluster</li> <li>• Townhouse, Street</li> </ul>	1.25 per unit
All other Residential Dwellings	1 per unit
• Garden Suite	1 + requirements for applicable Residential Dwelling
• Group Home	1 parking space per every 2 resident beds or fraction thereof
• Dormitory	2 for every 5 dormitory rooms (or fraction thereof)
• Boarding, Lodging or Rooming Establishment	1 per guest room + 1
<ul style="list-style-type: none"> <li>• Lodge</li> <li>• Hotel</li> <li>• Motel/Motor Hotel</li> </ul>	1 per guest room
<ul style="list-style-type: none"> <li>• Bed &amp; Breakfast Establishment</li> <li>• Tourist Home</li> </ul>	1 per guest room + requirements for applicable Residential Dwelling

\* **G.F.A** means 'Gross Floor Area'

## General Provisions

• Long Term Care Home	7 per 9 resident rooms	
• Retirement Home	1 per resident unit	
• Hospital	3.5 per 100 m <sup>2</sup> G.F.A.*	
• Restaurant	Dining	1 per 7.5 m <sup>2</sup> G.F.A.*
	Drive-In/Drive Thru/Take-Out	1 per 20 m <sup>2</sup> G.F.A.*
• Tavern	1 per 7.5 m <sup>2</sup> G.F.A.*	
• Schools	Nursery	3 per classroom
	Elementary	2 per classroom
	Secondary	5 per classroom
	Commercial College or Studio	1 per 20.0 m <sup>2</sup> G.F.A.*
• Automotive Body Repair Shop	4 per service bay (min 6)	
• Automotive Sales & Service	1 per 46.5 m <sup>2</sup> G.F.A.*	
• Automotive Service Station	2 per service bay (min 4)	
• Automotive Washing Establishment	3 per self service wash bay or drive-thru wash	
• Gas Bar	1 per fuel pump island	
<ul style="list-style-type: none"> <li>• Rental Outlet</li> <li>• Equipment Sales, Rental and Leasing Outlet</li> <li>• Heavy Equipments Sales and Rental</li> <li>• Farm Implement Sales and Service</li> <li>• Trailer, Recreational Sales and Service Establishment</li> <li>• Building Supply Outlet</li> </ul>	Indoor Retail Floor Area	1 per 27.9 m <sup>2</sup>
	Outdoor Storage	1 per 50 m <sup>2</sup>
	On-Site Warehouse	1 per 50 m <sup>2</sup>
<ul style="list-style-type: none"> <li>• Garden Centre</li> <li>• Greenhouse</li> <li>• Commercial Greenhouse and/or Nursery</li> <li>• Winery/Cidery</li> </ul>	Indoor Retail Floor Area	1 per 20 m <sup>2</sup>
	Outdoor Retail	1 per 50 m <sup>2</sup>
	Outdoor Growing Area/ Outdoor Vines/Fruit Trees	2 per hectare

\* G.F.A means 'Gross Floor Area'

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<ul style="list-style-type: none"> <li>• Flea Market</li> <li>• Farmer's Market</li> </ul>	Indoor Retail Floor Area	1 per booth/stand plus 1 per 20 m <sup>2</sup> Retail Floor Area
	Outdoor Retail	1 per booth/stand plus 10 per 0.25 hectare
• Medical Clinic	4 per examining room (min 6)	
• Clinic, Veterinarian	4 per examining room (min 2)	
• Companion Animal Office	4 per examining room (min 2)	
• Custom Workshop	1 per 40 m <sup>2</sup> G.F.A.*	
• Child Care Centre	1 per 50 m <sup>2</sup> G.F.A.* or 3 per classroom, whichever is greater, plus 1 (HSKP #4 Z-2-18.58)	
• Home Child Care	6 children or less: requirements for applicable residential dwelling; More than 6 children: 1 + requirements for applicable residential dwelling (By-law 42-2016)	
• Unlicensed Child Care	1 space unless premises is a residential dwelling with parking available (By-law 42-2016)	
• Amusement Ride	(Total number of seats per Amusement Ride) x 0.25	
• Contractor's Yard	Greater of 4 per business or 1 per 50 m <sup>2</sup> G.F.A.*	
<ul style="list-style-type: none"> <li>• Banquet Hall</li> <li>• Club, Commercial</li> <li>• Club, Private</li> <li>• Community Centre</li> <li>• Cultural Entertainment Facility</li> <li>• Place of Entertainment</li> <li>• Place of Worship</li> <li>• Library</li> <li>• Museum</li> <li>• Art Gallery</li> <li>• Institutional Use</li> </ul>	1 per 5 fixed seats or fraction thereof or 1 space per 10 m <sup>2</sup> G.F.A.*, whichever is greater	

\* G.F.A means 'Gross Floor Area'

## General Provisions

• Transport Establishment	1 per 50 m <sup>2</sup> G.F.A.*
• Marina	0.25 per boat slip/berth OR 1 per 20m <sup>2</sup> G.F.A.* whichever is greater
• Wholesale Outlet • Factory Outlet	1 per 20 m <sup>2</sup> retail floor area plus 1
• Business or Professional Office • Financial Office • Print Shop • Service or Repair Establishment	1 per 28 m <sup>2</sup> G.F.A.*
• Warehouse • Agriculture Produce Warehouse • Cold Storage Warehouse	1 per 200 m <sup>2</sup> G.F.A.*
• Convenience Store • Neighborhood Store • Retail Food Store • Retail Store • Farm Supply Outlet • Commercial Use • Bus Depot • Marine, Recreation and Small Engine Establishments • Personal Service Shop • Laundromat	1 per 16.5 m <sup>2</sup> G.F.A.*
• Antique Store/Market • Arcade • Artisans Market • Bakery • Bakeshop • U-Brew Establishment • Caterer's Establishment • Dry Cleaning Depot	1 per 20 m <sup>2</sup> G.F.A.*
• Shopping Centre • Shopping Mall	1 per 18 m <sup>2</sup> G.F.A.*

\* **G.F.A** means 'Gross Floor Area

## General Provisions

<ul style="list-style-type: none"> <li>• Brewery</li> <li>• Industry, Dry</li> <li>• Recycling Plant</li> <li>• Industrial Mall</li> <li>• Industrial Use</li> <li>• Dry Cleaning/Laundry Plant</li> <li>• Printing Establishment</li> </ul>	1 per 50 m <sup>2</sup> up to 1,000 m <sup>2</sup> of G.F.A.* plus 1 per 100 m <sup>2</sup> over 1,000 m <sup>2</sup> G.F.A.*	
<ul style="list-style-type: none"> <li>• Bulk Sales Establishment</li> <li>• Feed Mill and Elevator</li> </ul>	1 per 50 m <sup>2</sup> up to 1,000 m <sup>2</sup> of G.F.A.* plus 1 per 100 m <sup>2</sup> over 1,000 m <sup>2</sup> G.F.A.* plus 2 per hectare	
<ul style="list-style-type: none"> <li>• Fitness Centre</li> <li>• Place of Recreation</li> <li>• Recreational Facility</li> </ul>	1 per 10 m <sup>2</sup> G.F.A.* or 1 per 5 seats whichever is greater	
<ul style="list-style-type: none"> <li>• Recreational Use – Passive</li> <li>• Conservation</li> <li>• Conservation Area</li> <li>• Natural Environment</li> </ul>	1 per 0.25 hectares of lot area	
<ul style="list-style-type: none"> <li>• Park</li> </ul>	Passive Open Space	1 per 0.25 hectares of Lot Area
	Ball Diamonds, Swimming Pools, Tennis Courts, Playground etc.	25 per hectare of Lot Area devoted to the Active Recreation.
<ul style="list-style-type: none"> <li>• Fairground</li> </ul>	25 per hectare of fairground	
<ul style="list-style-type: none"> <li>• Golf Course</li> </ul>	2 per hole	
<ul style="list-style-type: none"> <li>• Golf Course, Miniature</li> </ul>	1 per hole	
<ul style="list-style-type: none"> <li>• Golf Driving Range</li> </ul>	1 per tee	
<ul style="list-style-type: none"> <li>• Aerodrome</li> </ul>	1	
<ul style="list-style-type: none"> <li>• Airport</li> </ul>	10	
<ul style="list-style-type: none"> <li>• Agricultural Uses</li> <li>• Livestock Facility</li> </ul>	1	
<ul style="list-style-type: none"> <li>• Funeral Home</li> </ul>	15 per viewing/visitation room	
<ul style="list-style-type: none"> <li>• Guest Cabin</li> </ul>	1 per cabin + requirements for applicable Residential Dwelling	
<ul style="list-style-type: none"> <li>• Mobile Home Site</li> <li>• Land Lease Community Home Site</li> <li>• Seasonal Recreational Site</li> </ul>	1 per site	

**\* G.F.A means 'Gross Floor Area**

## General Provisions

• Tourist Cottage Rental Establishment	1 per cottage
• Campground	3 + 1 per tent/trailer site
• Trailer Camp or Park	3 + 1 per travel trailer site
• Seasonal Agricultural Produce Stand	0
• Anaerobic Digester	2
• Bulk Fuel Depot • Abattoir • Kennel • Septic Tank Service	3
• Agriculturally Related Use • Agritainment • Equestrian Centre • Public Building • Post Office • Public Agency • Public Utility • Public Works Yard • Waste Disposal Site • Water Treatment Facility • Recycling Depot • Garage, Public • Junk Yard • Salvage or Wrecking and Recycling Facility	4
• Saw or Planing Mill • Mini-Storage Facility • Landfill • Cemetery • Mausoleum • Crematorium	4
• Aggregate Transfer Station • Asphalt Plant, Temporary Portable • Quarry, Wayside • Pit, Wayside	3
• Mineral Aggregate Operation • Asphalt or Concrete Plant	5

\* **G.F.A** means 'Gross Floor Area



**6.33.8 Parking / Storage of Recreational or Commercial Vehicles in a Residential Zone** (By-law 84-2021)

- a) Automotive vehicles, motor home or trailers without current license plates shall not be parked or stored on lands zoned for residential purposes other than in completely enclosed buildings. Automotive vehicles, trailers or motor homes that are currently licensed shall comply with Section 6.1.1.
- b) No land, building or structure on lands zoned for residential purposes, shall be used for the parking or storage of any commercial vehicle (licensed or unlicensed), unless:
  - i) The vehicle is owned or used by the owner or occupant of such land, building or structure.
  - ii) The commercial vehicle has a maximum carrying capacity of 2400 kilograms.
  - iii) Not more than two commercial vehicles are parked or stored on a residential lot.
  - iv) This provision shall not include the parking of commercial vehicles at residential premises for the purpose of providing a delivery of service to the premise.
- c) Truck bodies, truck trailers and other vehicles and trailers of similar undercarriage shall not be used for the storage of goods or materials.

**6.33.9 Seating Accommodation by Benches or Outdoors**

(By-law 67-2013, Z-07-2013.58)

For the purposes of Section 6.33.7 where seating accommodation is provided by benches, 0.75 metres shall be considered as equivalent to one (1) seat. Where outdoor seating is provided in conjunction with a permitted use, parking spaces shall be provided in accordance with Section 6.33.7. For the purposes of Section 6.33.7 an outdoor seating area shall be considered as part of the 'Gross Floor Area' as the case may be, for the purposes of calculating required spaces.

**6.33.10 Accessible Parking Requirements**

(By-law 67-2013, Z-07-2013.58)

Included in the number of parking spaces required in Section 6.33.7 for all uses, save and except for the Agricultural and Residential zones, shall be Accessible parking

spaces in accordance with the following:

<b><u>Total Parking Spaces Required</u></b>	<b><u>Number of Accessible Spaces</u></b>
1-5	0
6-10	1
11-20	2
21-50	3
51+	3 + (0.03 x Total # of Spaces Required)

Note: The Provincial Accessibility for Ontarians with Disabilities Act, 2005 and associated regulations (as amended) include requirements for parking for the use of persons with disabilities which take precedence over any lesser requirement in this by-law. For convenience, a link to Ontario Regulation 191/11 'Integrated Accessibility Standards' is provided: <https://www.ontario.ca/laws/regulation/110191#BK137>. See also [Section 6.33.1](#) Size of Parking Spaces.

#### **6.33.11 Parking Spaces to Be Preserved**

Parking spaces shall be preserved (HSKP #4 Z-2-18.58)

#### **6.34 Converted Residential Dwelling**

(By-law 67-2013, Z-07-2013.58, By-law 84-2021)

- a) A maximum of one (1) additional dwelling unit shall be permitted in any conversion of a single detached dwelling.
- b) Section 6.40 – Existing lots of record does not apply to conversions for extra units.
- c) The dwelling unit created shall be fully self-contained and shall have a minimum floor area of 45 m<sup>2</sup>.
- d) Exterior stairways shall be located only in a rear yard or side yard.
- e) All other requirements of the applicable zone shall apply.

#### **6.35 Buildings In Built-Up Areas**

(By-law 67-2013, Z-07-2013.58)

- a) Despite any other section of this By-law to the contrary, in any residential zone between two existing buildings within 61 meters of each other, a Residential Dwelling may be built within a setback equal to the average setback of the two existing buildings, but shall not be less than 4.5 meters from the front lot line.
- b) Despite anything in this By-law to the contrary, where an existing building encroaches into the required front or exterior yard setback as established in this By-law, additions to the existing building may be permitted, provided this By-law is not further contravened

### **6.36 Temporary Construction Uses, Buildings And Structures**

(By-law 67-2013, Z-07-2013.58, By-law 84-2021)

All temporary construction uses, buildings and structures must conform to the zone provisions of the applicable zone. However, notwithstanding Section 6.1.5 a single accessory structure (max 10m<sup>2</sup>, one storey) may be constructed, erected, or located and used on a property at the same time as a building permit is issued for a primary use. Construction office trailers incidental to building are permitted in all zones except for the EH zone but are not permitted in the R1A, R1B, R2 and R3 zones unless as part of site preparations for a plan of subdivision or condominium.

### **6.37 Uses Permitted In All Zones**

The following uses are permitted in all zones except the EH zone:

- a) The use of land for a street or a public railway, including any installations, structures, appurtenant thereto.
- b) The use of any land for a public park, public playground, public walkway or as a site for a public memorial or ornamental structure including, but not so as to limit the generality of the foregoing, a statue, a monument, a cenotaph or a fountain.
- c) Installation or maintenance of a water main, well, water tower, including any associated water treatment facility, sanitary sewer main, storm sewer main, pumping station, gas main, pipeline, storm water management facility, lighting fixture, overhead or underground electrical services, cable television, telegraph or telephone line or associated tower or transformer, communication towers and antennas, cellular telephone towers and antennas together with any installations or structures appurtenant thereto.

### **6.38 Uses Restricted In All Zones**

Despite any other provision of this By-law to the contrary, no use shall be permitted anywhere within the Town which, from its nature, materials used therein or emissions issuing there from, is declared to be a noxious trade, business or manufacture under The Health Protection and Promotion Act, as amended.

### **6.39 Yard Encroachments (By-law 84-2021)**

Every part of any yard required to be provided in any zone shall be open and unobstructed from the ground to the sky, except that:

- a) Window sills, chimney breasts, belt courses, cornices, eaves or other minor architectural features may extend / project into a required yard provided that no such feature shall extend / project more than 61cm into a required yard.

- b) Open, uncovered and unenclosed porches, uncovered decks, balconies and steps may project into required yards as follows:
  - i. Front or exterior yard - no more than 3 m
  - ii. Rear yard - no more than 3.7 m
  - iii. Interior Side yards - no more than 1 m, but no closer than 1.2m to a 'lot line'. (By-law 67-2013, Z-7-2013.58, HSKP #4 Z-2-18.58)
- c) Unenclosed fire escapes may project into any required yard a maximum distance of 1.5m
- d) Fences, freestanding walls, flagpoles, light standards, air conditioners, heat pumps and similar accessory structures and appurtenances, as well as hedges, trees and shrubs are permitted in any required yard, provided they comply with the Day Lighting (Sight) Triangle applicable requirements of this By-law.
- e) On a corner lot, in a residential zone, the interior side yard requirements may be used in place of rear yard requirements for single detached, semi-detached and duplex residential dwellings.

### 6.40 Existing Lots Of Record

Where a lot legally exists and has less lot area or frontage than required by this By-law, or where a lot has lesser lot area or frontage than required by this By-law it may be used for a permitted use, building or structure provided all other provisions of this By-law are met.

#### 6.41 Wellhead Protection Area (WHPA) Overlay Area

(Source Water Update By-law 32-2018)

This section applies to lands within the Wellhead Protection Area Overlay Areas identified on Schedule 'A' to the zoning by-law.

Policies of the Source Protection Plan for the Saugeen, Grey Sauble, and Northern Bruce Peninsula Source Protection Region may apply to land uses within the Wellhead Protection Area Overlay Area which involve any of the following:

- Waste disposal sites within the meaning of Part V of the Environmental Protection Act.
- The establishment, operation or maintenance of a system that collects, stores, transmits, treats, or disposes of sewage.
- The application of agricultural source material to land.
- The storage of agricultural source material.
- The management of agricultural source material.
- The application of non-agricultural source material to land.
- The handling and storage of non-agricultural source material.
- The application of commercial fertilizer to land.
- The handling and storage of commercial fertilizer.
- The application of pesticide to land.
- The handling and storage of pesticide.
- The application of road salt.
- The handling and storage of road salt.
- The storage of snow.
- The handling and storage of fuel.
- The handling and storage of a dense non-aqueous phase liquid (DNAPL).
- The handling and storage of an organic solvent.
- The management of runoff that contains chemicals used in the de-icing of aircraft.
- An activity that takes water from an aquifer or a surface water body without returning the water taken to the same aquifer or surface water body.
- An activity that reduces the recharge of an aquifer.
- The use of land as livestock grazing or pasturing land, an outdoor confinement area or farm-animal yard.

#### **6.42 Wellhead Protection Area 'E' (WHPA-E) Overlay Area**

This section applies to lands within the Wellhead Protection Area 'E' Overlay Areas identified on schedule 'A' to the zoning by-law.

Policies of the Source Protection Plan for the Saugeen, Grey Sauble, and Northern Bruce Peninsula Source Protection Region may apply to land uses within the Wellhead Protection Area 'E' Overlay Area which involve any of the following:

- The establishment, operation or maintenance of a system that collects, stores, transmits, treats, or disposes of sewage.
- The application of agricultural source material to land.
- The storage of agricultural source material.
- The management of agricultural source material.
- The application of non-agricultural source material to land.
- The handling and storage of non-agricultural source material.
- The use of land as livestock grazing or pasturing land, an outdoor confinement area or farm-animal yard.

#### **6.43 Intake Protection Zone (IPZ) Events-Based Areas**

This section applies to lands within the Intake Protection Zone Events-Based Areas identified on schedule 'A' to the zoning by-law.

Policies of the Source Protection Plan for the Saugeen, Grey Sauble, and Northern Bruce Peninsula Source Protection Region may apply to land uses within Intake Protection zone Events-Based Areas which include handling and storage of more than 5000 litres of fuel in EBA-5000 and 8000 litres of fuel in EBA-8000.

## Section 7 Zones, Maps and Boundaries

### 7.1 Zone Descriptions

For the purposes of this By-law, the following zones are hereby established and may, in the text and accompanying Schedule "A", be referred to by the descriptive name or by the symbol as indicated below (By-law 67-2013, Z-07-2013.58):

<b>Descriptive Name Of Zone</b>	<b>Symbol</b>
<b>Rural Zones</b>	
General Rural	RU1
Restricted Rural	RU2
<b>Residential Zones</b>	
Un-Serviced Detached Residential	R1A
Serviced Detached Residential	R1B
Resort Residential	R2
Low Density Multi Family Residential	R3
Medium Density Multi Family Residential	R4
<b>Commercial Zones</b>	
Un-Serviced General Commercial	C1A
Serviced General Commercial	C1B
Mixed Use	MU1
Neighbourhood Commercial	C2
Marine Commercial	C3
Resort Commercial	C4
Campground Commercial	C5
Highway Commercial	C6
<b>Industrial Zones</b>	
Industrial	M1
Extractive Industrial	M2
Rural Commercial and Industrial	M3
<b>Other Zones</b>	
Institutional	I

<b>Descriptive Name Of Zone</b>	<b>Symbol</b>
Open Space	OS
Future Development	FD
Environmental Hazard	EH
Municipal Infrastructure Services	MIS

## **7.2 Exceptions (Special Provisions)**

Where a zone symbol applying to certain land, as shown on Schedule "A", is followed by a dash and a number (e.g. **C3-23-2005**), then an exception has been made to the zone regulations and special provisions will apply to such land.

## **7.3 Holding Provisions**

Where an (h) appears as a suffix to a zone symbol on Schedule "A", such land shall be subject to specific holding provisions until such time as this By-law has been amended to remove the relevant (h) symbol.

The conditions under which the specific holding provision may be removed can be found within the Special Provisions section of each zone of this By-law. In those cases where there are no specific conditions noted in this By-law an application to Council for an amendment to remove the 'H' Holding symbol in whole or in part shall have regard to the following:

- that adequate municipal services, including water and sewer services, are available to service the proposed development,
- that development or redevelopment is appropriately phased,
- that a secondary plan or a comprehensive development plan for one or more parcels of land has been prepared,
- that site plans/site plan agreements have been approved,
- that draft/final plans of subdivision/condominium, where deemed appropriate, have been approved,
- that necessary transportation facilities are available to service the proposed development, and
- that necessary studies, as required by Council, regarding the timeliness of development, such as market impact studies, have been prepared.



Lands zoned for residential purposes, which do not front on a Municipal Street - Class 1 Street and which have an 'H' symbol attached: Until such time as the 'H' symbol is removed, these lands may be used for existing uses excepting however that the erection of any new buildings or structures and the enlargement of any existing buildings and structures shall be prohibited. (By-law 67-2013, Z-07-2013.58)

### **7.4 Zone Maps**

The extent and boundaries of all of the said zones are shown on Schedule "A" (Zone Maps), which together with all notations, references and other information shown thereon, is hereby incorporated in and declared to form part of this By-law to the same extent as if fully described therein.

### **7.5 Closed Street, Lane, Railway Or Highway Right-Of-Way**

- a) Where a street, lane, railway or highway right-of-way, or portion thereof as shown on a Zone Map is hereafter closed or diverted, the property formerly in said street, lane, railway or shall be included within the zone of the adjoining property on either side of the said closed street, lane, railway or highway right-of-way.
- b) Where the said street, lane, railway or was a zone boundary between different zones, the new zone boundary shall be the former centerline of the said street, lane, railway or highway right-of-way.

### **7.6 Wellhead Protection Area (WHPA) Overlay Areas and Intake Protection Zone Events-Based Areas**

Where a lot is located within a zone and is also located within a Wellhead Protection Area Overlay Area or Intake Protection Zone Events-Based Area, the uses permitted on that lot shall be the uses permitted in the underlying zone subject to the requirements of Section 6.41 Wellhead Protection Area Overlay Area, 6.42 Wellhead Protection Area 'E' Overlay Area, or Section 6.43 Intake Protection Zone Events-Based Areas, as the case may be, and the Source Protection Plan for the Saugeen, Grey Sauble, and Northern Bruce Peninsula Source Protection Region to which it refers. The boundaries of these areas may be amended in accordance with approved amendments to the Source Protection Plan without the requirement for an amendment to the Comprehensive Zoning By-law.

## Section 8 General Rural Zone RU1

### 8.1 Scope

On lands zoned RU1 General Rural, all uses are prohibited unless expressly permitted by this By-law.

### 8.2 Permitted Uses

(By-law 67-2013, Z-07-2013.58, By-law 84-2021, By-law 85-2021), (amended Child Care By-law 42-2016)

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>• Accessory uses, buildings and structures in accordance with <a href="#">Section 6.1</a></li> <li>• Agricultural Uses</li> <li>• Agritainment</li> <li>• Conservation</li> <li>• Conversion of a Residential Dwelling Single Detached accessory to a Farm for one additional residential dwelling unit in accordance with <a href="#">Section 6.34 Residential Conversions.</a></li> <li>• Equestrian Center</li> <li>• Farm</li> <li>• Forestry</li> <li>• Greenhouse</li> <li>• Home Child Care</li> <li>• Home Industry</li> <li>• Home Occupation in accordance with <a href="#">Section 6.20</a></li> <li>• Public uses limited to public transportation, utility and</li> </ul> | <ul style="list-style-type: none"> <li>communication facilities and structures</li> <li>• Recreational Trails operated by a Public Agency</li> <li>• Seasonal Agricultural Produce Stand as per <a href="#">Section 8.6</a></li> <li>• Short Term Rental Accommodation within a dwelling unit or units permitted, excepting that “Temporary Farm Accommodation” is not permitted to be used for Short Term Rental Accommodation</li> <li>• Single detached residential dwelling</li> <li>• Temporary Farm Accommodation</li> <li>• Temporary Portable Asphalt Plant in a Wayside Pit or Quarry</li> <li>• Unlicensed Child Care in a permitted dwelling</li> <li>• Wayside Pits</li> <li>• Wayside Quarries</li> </ul> |
|---|--|

**8.3 Zone Provisions**

(By-law 67-2013, Z-07-2013.58) & (Z-23-14.59 HSKP #2 By-law 78-2014) (By-law 84-2021)

	Lots Larger Than 10 Acres	Lots Smaller or Equal to 10 Acres
Min. Lot Area *	40 ha	0.61 ha
Min. Lot Frontage *	122 m	30.5 m
Max. Lot Coverage	15%	15%
Min. Front Yard and Min. Exterior Side Yard		
Residential Dwelling – Single Detached	20 m	15 m
Livestock buildings, structures and manure storage	20 m or applicable MDS requirement, whichever is greater	
Accessory building (excluding Livestock buildings, structures and manure storage)	20 m	15 m
Min. Interior Side Yard		
Residential Dwelling – Single Detached	6 m	3 m
Livestock buildings, structures and manure storage	20 m or applicable MDS requirement, whichever is greater	
Accessory building (excluding Livestock buildings, structures and manure storage)	9 m	3 m
Min. Rear Yard		
Residential Dwelling – Single Detached	15 m	10 m
Livestock buildings, structures and manure storage	20 m or applicable MDS requirement, whichever is greater	
Accessory building (excluding Livestock buildings, structures and manure storage)	9 m	3 m
Residential Dwellings		
Maximum Building Height	2.5 stories	
*See Section 6.40		

Despite the above minimum lot area requirement, lots legally existing as of the date of passing of the Zoning By-law, or created by consent after the date of passing of this By-law and having a lot area of less than 40 ha (100 ac) may be used for a permitted use provided all other requirements of this By-law are met.

#### **8.4 Minimum Lot Size – Livestock**

(By-law 67-2013, Z-07-2013.58)

Notwithstanding their General Rural (RU1) or Restricted Rural (RU2) zoning, those lots 4.0 hectares in size or less shall be limited to no more than 1.25 nutrient units per hectare. Minimum Distance Separation Guidelines shall apply.

#### **8.5 Setback For Wayside Pits And Temporary Portable Asphalt And Concrete Plants**

Wayside pits and quarries, portable asphalt plants and portable concrete plants used on public authority contracts shall be permitted, provided that no temporary portable asphalt plant may be situated closer than 90 m from a residential building.

#### **8.6 Seasonal Agricultural Produce Stands**

(By-law 67-2013, Z-07-2013.58)

Seasonal agricultural produce stands may be permitted in association with an agricultural use, building or structure subject to the following:

Minimum lot area *	10.1 ha
Maximum floor area	23 m <sup>2</sup>
Minimum front yard	7.5 m or the applicable distance required by the applicable Authority as specified in Section 6.14 County Street Right-of-Way setbacks of this By-law, whichever is greater.
*See Section 6.40	

## 8.7 Special Provisions – RU1 General Rural

Note: The Special Provisions section contains provisions that apply only to specific lands, and that represent a site specific change from stated zone provisions.

### 8.7.1 Residential Uses Prohibited

#### RU1-aa

RU1-4-92 Pt Lt 15, Con 12 EBR (Albemarle) **MAP 34**

RU1-58-2005 Pt Lt19, Con 2 EBR (Albemarle) **MAP 19**

RU1-86-2007 7961 Hwy 21; and 7997 Highway 21; Con A Lts 4 &5, (Amabel) **MAP 13**

- Residential uses are prohibited

### 8.7.2 Limited Livestock Units

#### RU1-bb

RU1-58-2005 Pt Lt 19, Con 2 EBR, (Pt Lot 1, RP 3R8286) (Albemarle) MAP 19

RU1-86-2007 30 Sideroad 5; Con A Lts 4 &5, (Amabel) MAP 13

RU1-85-2008 Pt Lot 34 Con 1 SCD (Amabel) MAP 26

- The number of livestock units is limited to 0.5 livestock units per acre (1.24 livestock units per hectare).

### 8.7.3 Buildings And Structures Prohibited

#### RU1-cc

RU1-12-2016 Pt Lots 34 & 35 Concession C (Amabel), (Wands / Z-54-15.54 By-law 12-2016) **MAP 8**

- buildings and structures shall be prohibited.

### 8.7.4 Frontage On A Municipal Street

**RU1-c-H** Multiple lots **MAP 18, MAP 23** (By-law 67-2013, Z-07-2013.58)

- i. Lands zoned as RU1-c-H are relieved from Section 6.13 Frontage on a Municipal Street - Class 1 and may be used in accordance with the provisions for the RU1 zone.
- ii. The 'H' Holding may be lifted once the owner has entered into a site plan agreement with the Town of South Bruce Peninsula that addresses the limited services provided on these streets.

### 8.7.5 Bed and Breakfast

**RU1-dd** 36 Centre Diagonal, Pt Lot 36, Con 1 NCD (Amabel) **MAP 26**  
A Bed and Breakfast in accordance with [Section 6.3](#) shall be a permitted use.

### 8.7.6 Site Specific Amendments

**RU1-2040** 393 Municipal Rd, Pt Lot 24 Con C (Amabel) **Map 9**

Permitted non-residential uses are limited to

- Welding and fabricating shop
- Building, structures accessory to a permitted use.

**RU1-9-23** 533 Red Bay Rd, Lt 23, Con 3 WBR (Albemarle) **MAP 18**

In addition to the permitted uses in the RU1 an automobile/farm machinery repair establishment may be permitted in accordance with the following provisions:

- **‘Automobile/Farm Machinery Repair Establishment’** means a building, lot or part of a lot used for the servicing, repair, cleaning, polishing, and greasing of vehicles including farm machinery, and may not include the wrecking or dismantling of vehicles or machinery for salvage or the sale of salvaged parts obtained thereof.
- Lot area shall be 12 acres (4.8 hectares).
- Maximum number of buildings in which automotive and farm machinery repair establishment shall take place within: one (1)
- One sign shall be permitted advertising the automotive/farm repair establishment with a maximum dimension of 2 feet by 2 feet.
- A planted buffer area shall be provided adjacent to the Township Street
- The outside storage of unlicensed vehicles shall be limited to an area not visible from the street.

**RU1-17-1989** 701 Purple Valley Rd, Pt Lt 21, Con 12 EBR (Albemarle) **MAP 31**

- In addition to the permitted uses in the RU1 zone a rural machine shop is permitted in an outbuilding.
- Any outbuilding housing a rural machine shop shall have a maximum gross floor area of 145 m<sup>2</sup> (1,560.8 ft<sup>2</sup>).
- No more than 3 non-family persons shall be employed by a permitted rural machine shop

**RU1-1986** 1095 Bruce Rd 14, Lt 16, Con 9 (Amabel) **MAP 15**

Permitted uses shall be limited to a motor car and motorcycle race track are permitted on Part Lot 16, Concession 9 and shall be licensed by the Municipality and only the area defined within the license shall permit this use.

**RU1-37-1988** 129 Elsinore Rd, Pt Lot 24, Con B (Amabel) **MAP 11**

In addition to the permitted uses in the RU1 zone a retail outlet selling Tack equipment and Crafts is permitted to operate from an accessory structure in accordance with the following:

- Maximum retail floor space shall be 32.5 m<sup>2</sup> (350 ft<sup>2</sup>).
- Minimum number of parking spaces shall be 4.
- Maximum advertising sign size shall be 0.4 m<sup>2</sup> (4 ft<sup>2</sup>).

**RU1-84-1989** 256 Spry Lake Rd, Pt Lot 22 Con 23 (Amabel) **MAP 6**

Permitted uses are limited to an existing cottage rental establishment containing three rental cottages and one principal residence.

**RU1-27-1989** 376 Municipal Rd, Lot 20, Con 9 (Amabel) **MAP 15**

Permitted uses are limited to:

- Contractors Yard. For the purposes of this Section a contractor's yard is defined as involving the storage of equipment and material normally associated with the operation of a commercial floor installation and refinishing establishment, such use shall exclude the outside storage of equipment and material other than commercial motor vehicles.

Accessory Uses are limited to:

- An accessory office, display area and the retail sales of flooring and accessories shall be permitted as an accessory use to the principal use, such accessory uses shall be no greater than 70 m<sup>2</sup> (750 ft<sup>2</sup>) in area.

Lands zoned as RU1-27-1989 shall be subject to the zone provision of the M3 Rural Commercial / Industrial zone.

**RU1-9-1992** 338 Berford Lake Rd, Pt Lt 28, Con 7 EBR (Albemarle) **MAP 23**

A private tennis club may be permitted in accordance with the following provisions:

- **'Private Tennis Club'** means a lot or part of a lot used for tennis court and structures accessory to a tennis court, with such facilities having nor more than 50 members and such facilities not available to non-members;
- The maximum number of tennis courts shall be one (1);
- Ten (10) parking spaces shall be provided.

**RU1-3-1993** 1033 Bruce Rd 9, Pt Lt 15, Con 8 EBR (RP 3R4369 Pt 2) (Albemarle)  
**MAP 34**

A garden suite is a permitted use in accordance with the following provisions:

- Definition – ‘**Garden Suite**’ - means a detached residential unit accessory to a primary residence located within a zone
- Permitting such residential use, owned by the Canada Mortgage and Housing Corporation.
- With the use of such unit being expressly provided for by means of an agreement between the owner of the lands, the occupant of the garden suite and the Canada Mortgage and Housing Corporation.
- The maximum number of garden suites shall be one.
- A garden suite shall be subject to the same setback provisions applicable to a Detached Residential Dwelling

**RU1-7-1998** 282 & 290 Mar Sideroad, Pt Lt 20, Con 5 EBR (Pt Lots 1 to 10 RP 3R36927) (Albemarle) **MAP 23**

- The minimum lot frontage shall be 70 m (229 ft).
- All buildings and structures shall be set back 30 m (98.4 ft) from the high water mark.
- Direct driveway access to the subject lands shall be established from Mar Sideroad.

**RU1-12-1998** 556 Bruce Rd 8, Pt Lt 14, Con 10 (Amabel) **MAP 15**

**RU1-25-1998** 578 Spring Creek Rd, W Pt Lt 13, Con 12 (Amabel) **MAP 16**

Additional permitted uses include a boarding kennel that provides boarding for not more than 20 animals.

**RU1-35-1998** 6656 Highway 6, Pt Lt 52, HMS (Pt 1, RP 3R6131) (Amabel) **MAP 12**

- Permitted uses are limited to the residential use of the subject lands and the following uses:
  - A wood working shop.
  - The inside storage of lumber and building materials.
  - The inside storage of contractors equipment
  - The sawing and drying of lumber
  - A contractor's yard
- The outside storage of wood or other products shall be prohibited except in the area to the rear of the existing accessory building;



- The retailing of wood or lumber products from the subject lands shall be prohibited;
- Planting areas shall be maintained in the required front and side yards in accordance with the following criteria:

**RU1-40-1998** 352 North Diagonal, Pt Lt 6, Con 17 (Amabel) **MAP 26**

- In addition to the permitted uses in the RU1 zone a home occupation comprising of the education and general instruction to a maximum of 10 students is permitted.
- Classroom area shall not occupy more than 50 % of floor area.

**RU1-83-2002** 98 & 126 Pleasantview Rd, Pt Lt 17 & 18, Con B (Amabel) **MAP 11**

In addition to the permitted uses in the RU1 a grain and salt distribution business is permitted.

**RU1-19-2002** 455 Bruce Rd 8, Pt Lt 12, Con 9 (Amabel) **MAP 15**

- The permitted uses shall be limited to:
  - Antique and classic automobile dealership
  - An accessory detached dwelling as it existed on the date of passing of this by-law (January 28, 2002).
- No outdoor storage or display of automobiles or parts is permitted.
- The antique and classic automobile dealership shall not include the repair, servicing or repainting or otherwise modify the automobiles stored on site.
- One sign may be erected for advertising the establishment as permitted under a site plan control agreement.

**RU1-40-2003** 476 Elsinore Rd, Pt Lt 8, Con C (Amabel) **MAP 11**

In addition to the permitted uses in the RU1 a second dwelling, to be used a guest home is permitted.

**RU1-31-2004** 528 Elsinore Rd, Pt Lt 9, Con C (Amabel) **MAP 11**

Minimum rear yard setback shall be 134 m (439 ft)

**RU1-76-2006** 110 Bruce Street, Pt Lt 1 Con 9 (Hepworth) **MAP 28**

- In addition to the permitted uses in the RU1 an antique store is permitted within the existing residential dwelling;
- The said dwelling is occupied as a place of residence by the individual operating the home occupation;

- There is no external storage of goods or materials;
- Not more than twenty-five (25) per cent of the total floor area of the dwelling unit is devoted to the home occupation.

**RU1-46-2007** 760 Highway 6; Con 3 EBR Pt Lt 27 (Albemarle) **MAP 23**

The permitted uses are limited to a paintball range defined as:

- “An outdoor facility used for the discharging of paintball guns for the purpose of target practice, simulative combative games, or similar competitions. Excluded from these facilities shall be general hunting and the unrestricted and nonrecurring discharging of firearms.

A maximum 20 space parking facility is permitted as an accessory to the paintball range.

**RU1-71-2007** 97 Skipness Rd W, Pt Lt 10, Con C (Amabel) **MAP 11**

- Those lands described as 97 Skipness Road; CON C LOT 10, (Amabel), Town of South Bruce Peninsula and delineated as 'RU1-71-2007' on Schedule 'A' to this By-law shall be used in compliance with the 'RU1' zone provisions contained in this By-law, excepting, however, that:
- A ‘*Garden Suite*’ shall be a permitted temporary use. For the purposes of this By-law, the term ‘Garden Suite’ shall mean a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to the existing residential structure and that is designed to be portable.
- The Council of the Corporation of the Town of South Bruce Peninsula may at its own discretion, require the owner of the subject lands or any other persons to enter into an Agreement with the Municipality pursuant to Section 39.1 of the Planning Act, R.S.O. 1990, as amended;
- The period of time for which this By-law shall be in effect, shall not exceed ten (10) years from the day of the passing of the by-law (i.e. 17<sup>th</sup> day of November 2014) or sooner should the use of the ‘Garden Suite’ as a residential unit cease or whichever is lesser.

**RU1-69-2008** 1137 Bruce Rd 9, Pt Lot 13 Con 8 EBR (Albemarle) **MAP 34**

Notwithstanding their RU1 zoning designation the lands delineated as RU1-69-2008 on Schedule “A” to this By-law may be used in compliance with the RU1 zoning provisions contained in this By-law excepting however that:

- Future development on the property shall be in accordance with [Section 9.3](#) Zone Provisions for the R1A Un-Serviced Detached Residential zone.

**RU1-99-2009** Purple Valley Rd; Conc 12 Pt Lot 19 (Albemarle) **MAP 34**

- A reduced minimum lot area from 35ha/90ac to 30ha/74ac shall be permitted.

**RU1-73-2010** 126 Pleasantview Rd; W Pt Lot 18 Con B (Amabel) **MAP 11**

- Permitted uses shall include a Bed & Breakfast establishment as per [Section 6.3](#)
- A reduced minimum lot area of 19.2 ha / 47.5ac is recognized.

**RU1-178-2010** MacDonald St; Conc 5, Pt Lt 15, Lot 16 Plan 660 (Amabel) **MAP 15**

- The 'minimum front yard' shall be 7.5 m.
- The 'minimum side yard' from the east property line shall be 6m.
- Development is subject to Site Plan Control application.

**RU1-2012** 6628 Highway 21, HMS Pt Lot 53 (Amabel) **MAP 12** (By-law 67-2013, Z-07-2013.58)

Permitted Uses shall be limited to:

- Automotive Sales and Service Establishment (By-law 78-2014, HSKP #2 Z-23-14.59
- Automobile Service Station
- Restaurant: Dining, Drive-In/Drive-Thru, Take-Out
- Commercial Greenhouse and/or Nursery
- Convenience store
- Buildings, structures and uses accessory to a permitted use.

**RU1-63-2012** Kribs Rd; Plan 146 E Pt BLK C; RP 3R168 PART 1 (Albemarle) **MAP 30**

- A reduced minimum lot area of 6.9ha / 17.1ac is recognized.

**RU1-102-2012** 22/28 Shore Acres Rd; Plan 460 Lots 8 & 9 (Amabel) (Bennett Z-28-2012.54) **MAP 6**

- All future development including the permitted uses shall be in accordance with [Section 12](#) Resort Residential R2 Zone.
- A 'Guest Cabin' shall be permitted as follows:
  - The 'Guest Cabin' must be located in the rear yard only.
  - A reduced minimum lot area of 0.58 ha (1.4 ac) shall be permitted.
  - Minimum rear and side yard setback for the 'Guest Cabin' shall be 3 m (10 ft).
  - Minimum separation from main building shall be 8 m (26 ft).
- Relief from [Section 6.13](#) Frontage on a Municipal Street - Class 1 is granted and the lots may be used in accordance with the provisions for the R2 zone even though the lands do not have frontage onto a Municipal Street- Class 1 opened and maintained on a year round basis. (By-law 67-2013, Z-07-2013.58)

**RU1-107-2012** Conc 17 Lot 3 Less RP 3R6083 Pt 1 (Amabel), (Bovingdon, Z-38-2012.54) **MAP 26**

- i. The lands to which this temporary use By-law applies may be used for a garden suite on a temporary basis in addition to the existing permanent residence.
- ii. Pursuant to Section 39.1 (3) the temporary use authorized by this By-law shall be in effect for a period of time of ten (10) years from the date of passing of this By-law.
- iii. The lands are hereby designated as a Site Plan Control Area referred to in Section 41 of the Planning Act RSO 1990 as amended. (By-law 67-2013, Z-07-2013.58)

**RU1-85-2013** Conc 2 NCD E Pt Lot 45 (Amabel) (Twigger Z-27-2013.54) **MAP 26**

- Minimum Lot Area shall be 75 acres

**RU1-86-2013** Conc 2 NCD Lot 44 (Amabel) (Twigger Z-27-2013.54) **MAP 26**

- Minimum Front Yard setback for the dwelling existing on June 26, 2013 shall be 18.7m (61.3ft)

**RU1-125-2013** Conc 14 EBR Pt Lot 22 RP 3R385 Part 1 (Albemarle) (Hart Z-45-2013.59) **MAP 33**

- i. A kennel is a permitted use
- ii. Notwithstanding Section 6.7 minimum setbacks shall be as follows:
  - South lot line: 47 metres
  - North lot line: 84 metres
  - East (front) lot line: 19 metres
  - West lot line: 100 metres

**RU1-29-2015-H** Park Head Road; Conc 5 Lot 9 (Amabel) (Crossley Z-70-14.54) **Map 27**

- i. Minimum lot area is 38 ha (94 ac)
- ii. The Holding symbol may be removed under the following conditions:
  - a. Completion of an Archaeological Assessment by an archaeologist licensed in the province of Ontario and confirmed by the appropriate Ministry to have been accepted into the Ontario Public Register of Archaeological Reports; and
  - b. Confirmation to the satisfaction of the Zoning Administrator that the recommendations of the archaeological assessment (if any) have been implemented.

**RU1-11-2016** Half Mile Strip (HMS) Pt Lot 53 (Amabel); (Rennick Z-52-15.54) By-law 11-2016 **MAP 12**

Additional permitted uses shall be limited to include:

- i. Automotive Sales and Service Establishment (By-law 78-2014, HSKP #2 Z-23-14.59)
- ii. Automobile Service Station
- iii. Restaurant: Dining, Drive-In/Drive-Thru, Take-Out
- iv. Commercial Greenhouse and/or Nursery
- v. Convenience store

**RU1-12-2016a-H** Pt Lots 34 & 35, Concession C (Amabel), (Wands / Z-54-15.54) By-law 12-2016 **MAP 8**

- i. Permitted uses shall be limited to development of a single detached dwelling, home-based business, home industry, accessory uses, buildings and structures, conservation, and recreational trails operated by a Public Agency
- ii. Lot grading; excavation; and/or construction shall not be permitted unless the Holding (H) zone provision is removed. The area of the H zone that may be lifted shall be limited to the area included in the assessment and may only be removed by Council upon approval by the Zoning Administrator of an Archaeological Assessment which has been conducted by an archaeologist licensed in the Province of Ontario, and confirmation to the satisfaction of the Zoning Administrator that the recommendations of the archaeological report (if any) have been implemented; and confirmed by the appropriate Ministry to have been accepted into the Ontario Public Register of Archaeological Reports;

**RU1-12-2016b** Pt Lots 34 & 35, Concession C (Amabel), (Wands / Z-54-15.54) By-law 12-2016 **MAP 8**

- i. Minimum lot size shall be 18.3 ha (45.2 ac), and
- ii. Buildings and structures shall be prohibited.

**RU1-02-2017** Lot 3 Concession 2 (Amabel) (Nickason / Z-75-16.54) **MAP 13**

- i. Permitted uses include a 'Contractor's Yard', 'Automotive Service Station' and 'Automotive Body Repair Shop'.
- ii. Lands are subject to site plan control under Section 41 of the Planning Act.

**RU1-13-2017a** Lot 18 Concession 12 (Amabel) (Maple Line / Z-94-16.54) **MAP 16**

- i. Residential uses are prohibited.
- ii. Minimum lot area is 39 ha (96 ac)

- iii. In areas subject to the Holding (H) provision, lot grading, excavation, and/or construction shall not be permitted unless the Holding (H) provision is removed. The Holding (H) zone may only be removed by Council upon approval by the Zoning Administrator of an archaeological assessment which has been conducted by an archaeologist licensed in the Province of Ontario, and confirmation to the satisfaction of the Zoning Administrator that the recommendations of the archaeological report (if any) have been implemented; and confirmed by the appropriate Ministry to have been accepted into the Ontario Public Register of Archaeological Reports. The area of the Holding (H) provision to be lifted shall be limited to the area included in the archaeological assessment.”

**RU1-13-2017b** Lot 18 Concession 12 (Amabel) (Maple Line / Z-94-16.54) **Map 16**

- Minimum interior side yard setback for the livestock building is reduced from 20m to 8m

**RU1-53-2017** Concession 7 Part Lot 19 RP 3R1461 Part 1 (Amabel) **Map 15**  
(Baird / Z-35-16.54) **OMB PL160785**

- i. A “kennel” is a permitted use, the operations of which are subject to the following:
- a. No more than a maximum of 15 dogs are permitted at any given time
  - b. No outdoor boarding is permitted
- ii. Reduced yard setbacks from the dwelling for:
- a. front yard to 36.75 m (120.6 ft) ;
  - b. rear yard to 45.7 m (150 ft);
  - c. each of the side yards to 11 m (36.1 ft)

**RU1-65-2017a** Conc 1 EBR Part Lot 5 (Albemarle) (Urbshott / Z-37-16.59) **OMB PL160887 Map 20**

- Minimum lot size shall be 39.7 ha (98 ac)

**RU1-65-2017b** Conc 1 EBR Lot 4(Albemarle) (Urbshott / Z-37-16.59) **OMB PL160887 Map 20**

- Residential uses shall be prohibited.

**RU1-56-2018-a-T** Conc C Part Lots 34 & 35, RP 3R9683 Pt 1 & Pt of Part 2 (Amabel)  
(Jahnke / Z-21-18.54)

- i. A Garden Suite shall be a permitted use as per Section 6.17
- a. The maximum number of garden suites shall be one;

- b. The period of time for which this by-law permitting a Garden Suite shall be in effect shall not exceed ten (10) years from the day of the passing of the by-law (i.e. 19th day of June 2018) or sooner should the use of the 'Garden Suite' as a residential unit cease;
- c. The use of lands for a garden suite is subject to an agreement with the Town under Section 39(1) of the Planning Act, R.S.O. 1990.

**RU1-57-2018a** Conc C Part Lots 34 & 35, RP 3R9683 Pt 1 & Pt of Part 2 (Amabel)  
(Jahnke / Z-21-18.54)

i. Building envelopes & driveways

Development is limited to driveways and building envelopes

- The northerly building envelope shall be defined by the following UTM coordinates:

Point 1 - 0480160, 4945783

Point 2 - 0480160, 4945871

Point 3 - 0480060, 4945871

Point 4 - 0480022, 4945813

Point 5 - 0480136, 4945737

ii. The following uses shall be permitted:

- A Single Detached Residential Dwelling
- Bed & Breakfast as per [Section 6.3](#)
- Home Child Care
- Home Occupation
- Home Industry
- Unlicensed Child Care in a permitted dwelling
- Accessory uses, buildings & structures in accordance with [Section 6.1](#) Agricultural uses
- Agritainment
- Farm
- Greenhouse
- Recreational Trails operated by a Public Agency
- Conservation
- Seasonal Agricultural Produce Stand as per [Section 8.6](#)
- Home Occupation - Personal Service Shop: Notwithstanding the provisions of '[Section 6.20 Home Occupation](#)', a personal service shop may be located within a permitted accessory building to a maximum floor area of 93m<sup>2</sup> (1000ft<sup>2</sup>)

iii. The establishment of a Bed & Breakfast, Personal Service shop, or Agritainment use shall be subject to Site Plan Control under Section 41 of the Planning Act, R.S.O. 1990

**RU1-57-2018b** Conc C Part Lots 34 & 35, RP 3R9683 Pt 1 & Pt of Part 2 (Amabel)  
(Jahnke / Z-21-18.54)

- Buildings and structures shall be prohibited

**RU1-16-2019a** Concession B E Part Lot 18 (Amabel), (Tocher/ Z-64-18.54)

- Minimum lot area shall be 19.4 ha (48ac)
- Notwithstanding Section 8.3 RU1 zone provisions, the by-law recognizes and permits the front and west side yard setbacks for the buildings existing as of January 23, 2019.
- In addition to the permitted uses in the RU1, a grain and salt distribution business is permitted.

**RU1-16-2019b** Concession B W Part Lot 17 (Amabel), (Tocher/Z-64-18.54)

- Minimum lot area shall be 19.4 ha (48ac)

**RU1-41-2019a** Con WCIS Pt Lots 50 to 52, 6704 Highway 21 & HMS Pt Lot 50,  
6756 Highway 21

- Minimum lot area shall be 31 ha

**RU1-41-2019b** Con WCIS Pt Lots 50 to 52, 6704 Highway 21 & HMS Pt Lot 50,  
6756 Highway 21

- Minimum lot area shall be 17 ha

**RU1-67-2019** Concession 5 EBR Part Lot 26 RP 3R5534 Part 1 (Albemarle)

- Minimum lot area shall be 14 ha
- Front yard setback shall be 7.5m
- Building envelope shall be 42.5m x 65m starting 7.5m from west lot line and 3m from south lot line. All buildings and structures shall be located wholly within the building envelope.
- Lands zoned RU1-67-2019 are designated as a Site Plan Control area under Section 41 of the Planning Act to address mitigative measures outlined in the EIS



**RU1-26-2020** Con 16 Pt Lot 1, 019556 Highway 6 (Amabel)

- i) Minimum lot area shall be 29ha

**RU1-26-2020-H** Con 16 Pt Lot 1, 019556 Highway 6 (Amabel)

- i) Minimum lot area shall be 29ha
- ii) The holding symbol may be removed under the following conditions:
  - a) Completion of an Archaeological Assessment by an Archaeologist licensed in the Province of Ontario and confirmed by the appropriate Ministry to have been accepted into the Ontario Public Register of Archaeological Reports; and
  - b) Confirmation to the satisfaction of the Zoning Administrator that the recommendations of the archaeological assessment (if any) have been implemented.

**RU1-134-2021-H** Range N OTP Pt Lot 5 Pt Lot 6 RP 3R1894 Parts 1 and 2, Amabel (128 Spry Lake Road)

- The minimum lot area shall be 17 hectares
- The 'H' Holding may be lifted when the following studies have been undertaken to the satisfaction of the Town and the appropriate approval agencies:
  - i) Environmental Impact Study
  - ii) Traffic Impact Study
  - iii) Stormwater Management Study
  - iv) Hydrogeological Study

## **Section 9 Restricted Rural RU2 (By-law 84-2021)**

### **9.1 Scope**

No uses are permitted on lands zoned as Restricted Rural RU2 unless expressly permitted by this By-law.

The RU2 zone applies to lands designated as Environmental – Significant Areas in the Town of South Bruce Peninsula Official Plan.

### **9.2 Permitted Uses (By-law 84-2021, By-law 85-2021) (amended Child Care By-law 42-2016)**

- Accessory uses, buildings and structures in accordance with Section 6.1
- Agricultural Uses
- Conservation
- Erosion Control
- Fish and Wildlife Management
- Flood Control
- Forest Management
- Home Child Care
- Home occupation in accordance with Section 6.20
- Parking area
- Passive recreation
- Short Term Rental Accommodation within a dwelling unit or units, excepting that “Temporary Farm Accommodation” is not permitted to be used for Short Term Rental Accommodation
- Single detached residential dwelling
- Unlicensed Child Care in a permitted dwelling

### **9.3 Zone Provisions**

Agricultural and residential uses in accordance with the RU1 zone provisions.

## 9.4 Special Provisions – RU2 Restricted Rural

Note: The Special Provisions section contains provisions that apply only to specific lands, and that represent a site specific change from stated zone provisions

### **RU2-c-H Multiple lots (Pinebark Lane) MAP 1** (By-law 67-2013, Z-07-2013.58)

- i. Lands zoned as RU2-c-H are relieved from Section 6.13 Frontage on a Municipal Street- Class 1 and may be used in accordance with the provisions for the RU1 zone.
- ii. The 'H' Holding may be lifted once the owner has entered into a site plan agreement with the Town of South Bruce Peninsula that addresses the limited services provided on Pinebark Lane by the Town.

### **RU2-57-2021-H1, H2, H3 Zones 1, 2 and 3 Part Lot 6, Concession 6 WBR, Albemarle (1137 Sunset Drive)**

- The minimum lot frontage is 10.06 metres
- The entire subject lands are designated as a Site Plan Control area under Section 41 of the Planning Act, R.S.O. 1990, as amended
- The 'H' Holding may be lifted for areas identified as suitable for development in accordance with the following studies, completed to the satisfaction of the Municipality. Studies may be scoped to focus on a specific development, with holding provisions remaining on lands that are not proposed for development:
  - i. Environmental Impact Study (Required in Areas H 1, H2, and H3)
  - ii. Archaeological Study (Required in Area H1)
  - iii. Karst Assessment (Required in Area H2)

## Un-Serviced Detached Residential R1A

### Section 10 Un-Serviced Detached Residential Zone R1A (By-law 84-2021)

#### 10.1 Scope

No uses are permitted on lands zoned Un-Serviced Detached Residential Zone R1A unless expressly permitted by this By-law.

#### 10.2 Permitted Uses (By-law 84-2021, By-law 85-2021) (Amended Child Care By-Law 42-2016)

- Accessory uses, buildings and structures in accordance with Section 6.1
- Child Care
- Conversion of a Residential Dwelling – Single Detached for one additional Residential Dwelling Unit in accordance with Section 6.34 Residential Conversions (By-law 67-2013, Z-07-2013.58)
- Home occupation in accordance with Section 6.20
- Public Park
- Short Term Rental Accommodation within a dwelling unit or units
- Single detached residential dwelling

#### 10.3 Zone Provisions

Minimum lot area *	4000 m <sup>2</sup>
Minimum lot frontage *	30.5 m
Minimum front yard	9 m
Minimum interior side yard	3 m
Minimum exterior side yard	7.6 m
Minimum rear yard	9 m
Maximum building height	10.5 m or two and a half (2.5) stories whichever is greater
Maximum lot coverage	30 %
*See Section 6.40	

#### 10.4 Not In Use

## 10.5 Special Provisions – R1A Un-Serviced Detached Residential

Note: The Special Provisions section contains provisions that apply only to specific lands, and that represent a site specific change from stated zone provisions

### **R1A-61-2001** 7771 Highway 21, Pt Lot 10, Con A (Amabel) **MAP 14**

Permitted uses shall be limited to a:

- A home occupation
- A seven (7) unit senior's boarding house
- A sign to be erected for the home occupation detached from the main building.

### **R1A-8-1997** 54A Park Head Rd, Pt Lt 2, Con 6 (Amabel) **MAP 27**

- The lands shall be exempt from [Section 6.13](#) Frontage on a Public Street
- All habitable buildings shall be constructed above the 218.5 m G.S.C.

### **R1A-71-2008-H** 162 Bruce Rd 9, Plan D8 Unit 25 (Albemarle) **MAP 30**

Notwithstanding their R1 zoning designation the lands delineated as R1A-71-2008-H on Schedule "A" to this By-law may be used in compliance with the R1A zoning provisions contained in this By-law excepting however that:

- Permit a reduced rear setback from 10 m (33 ft) to 3 m (10 ft).
- The holding can be removed once the Chief Building Official has accepted an engineered site plan prepared by a qualified professional showing a septic system design that meets the requirements of Part 8 of the Ontario Building Code.

### **R1A-fp-2009** Allenford Flood Proofing **MAP 14** (By-law 67-2013, Z-07-2013.58)

All buildings, structures and sewage disposal systems constructed on Lands zoned R1A-fp-2009 shall be flood proofed to a minimum elevation of 219.3 m G.S.C.

### **R1A-119-2009** 345 Queen St W, Con 9 Pt Lt 3 (Hepworth), (Z-12-2009.59) **MAP 28** (By-law 67-2013, Z-07-2013.58)

- i. A Home based Business – Contractors & Trade Persons shall be a permitted use.
- ii. The following provisions shall apply to a Home based Business – Contractors & Trade Persons:

Specifically where listed as a permitted use, Contractors and Trades Persons may carry out business within a dwelling. Examples of permitted Home Based Business include electricians, plumbers, carpenters, general contractors, excavation and building trade contractors, and other such similar businesses and other such similar uses provided that:

## Un-Serviced Detached Residential R1A

- The home occupation must not produce noise, vibration, smoke, dust, odour, litter or heat outside the confines of the principal or accessory building.
  - The home occupation must not create off-site traffic congestion or parking congestion.
  - The said dwelling unit is occupied as a residence by the trades person or contractor.
  - There shall be not more than one (1) assistant who is not a resident in the building operating the business from the residential property.
  - Not more than twenty-five (25) percent of the total floor area of the dwelling is devoted to the Home Based Business.
  - Up to one (1) accessory building to the residence may be used for the storage of equipment, vehicles and supplies, provided that not more than 55 m<sup>2</sup> (592 ft<sup>2</sup>) is devoted to such use. Accessory buildings shall not be used for office, retailing, processing or manufacturing purposes.
    - There shall be no advertising other than a plate or fascia sign, which is not flashing and not larger than 0.4 m<sup>2</sup> (4 ft<sup>2</sup>) in area, and attached to the main building.
    - There is no external storage of goods or materials, including heavy equipment such as excavation machinery, or any vehicles not licensed for the road.
    - One off-street parking space is provided for every 19 m<sup>2</sup> (204.5 ft<sup>2</sup>) of floor space occupied by the Home Based Business use within the residence.
    - A planting area as per Section 6.16 shall be required along the side and rear yards.
    - The residential character of the dwelling unit and/or accessory building is not changed.
- iii. Home Based Business - Contractors & Trades Persons shall not include the retail sales of building or construction supplies nor automotive, small engine or machinery repair.

**R1A-42-2014** 543 Elizabeth; Plan 248 Lots 35, 36, & 37 ELIZABETH E/S (Hepworth) (Kinch Z-8-14.56)

- i. For garage existing on April 23, 2014
  - Minimum exterior side yard setback shall be 5.9 m
  - Minimum front yard setback shall be 2.4 m

## Un-Serviced Detached Residential R1A

- ii. Single-detached residential use shall be serviced by individual onsite tertiary sewage disposal system

**R1A-59-2014** Bruce St; Pt Lot 1 Con 9; RP 3R7813 Part 4 & 5 (Hepworth)  
(Korpikoski Z-18-14.56)

- i. Semi-detached dwelling units are a permitted use;
- ii. Minimum lot area shall be 1800 sq m per dwelling unit;
- iii. Minimum lot frontage shall be 15.25 m per dwelling unit;
- iv. Semi-detached dwellings shall be serviced by onsite Tertiary sewage disposal systems
- v. A Semi-detached dwelling shall not require a side yard setback between attached dwelling units.

**R1A-119-2014** 516 Elizabeth; Lot 27 Plan 248 Hepworth (Prescott c/o Barry's Z-49-14.58)

- Minimum lot area 1000 square metres
- Minimum lot frontage 20 metres

Single detached residential use shall be serviced by an onsite tertiary sewage disposal system or Municipal Sewer system.

**R1A-42-2018** Concession 3 EBR North Part Lot 21 (Albemarle) Coneybeare Z-14-18.59

Notwithstanding Section 10.3 R1A zone provisions, the by-law recognizes and permits the front and exterior side yard setbacks for the primary building existing as of May 15, 2018.

**R1A-26-2020-H** Unserviced Detached Residential Holding Con 16 Pt Lot 1, 019556 Highway 6 (Amabel)

- i) The holding symbol may be removed under the following conditions:
  - a) Completion of an Archaeological Assessment by an Archaeologist licensed in the Province of Ontario and confirmed by the appropriate Ministry to have been accepted into the Ontario Public Register of Archaeological Reports; and
  - b) Confirmation to the satisfaction of the Zoning Administrator that the recommendations of the archaeological assessment (if any) have been implemented.

## **Un-Serviced Detached Residential R1A**

### **R1A-83-2020a-H** Unserviced Detached Residential Special [severed lot] Plan D9 Unit 32 Sec D-9 PCL; 32-1 (Albemarle)

- Minimum Lot Area 540 square metres
- Minimum Lot Frontage 15 metres
- Minimum Rear Yard 7 metres
- Minimum Ground Floor area 74 square metres

#### **H-Holding Zone Provisions:**

- Enlargement of the primary dwelling, or increase in the number of fixture units beyond 20 (twenty) is not permitted unless the H-Holding zone provision is lifted
- The H-Holding zone provision shall not be lifted unless the lot is serviced by:
  - a municipal or communal sewage disposal system with capacity for the proposed development; or
  - a nitrate study (groundwater quality impact assessment) has been completed and demonstrates that the development can be accommodated on the lot without adverse impacts to groundwater.

### **R1A-83-2020b-H** Unserviced Detached Residential Special [retained lot] Plan D9 Unit 32 Sec D-9 PCL; 32-1

- Minimum Lot Area 925 square metres
- Minimum Rear Yard 5 metres
- Minimum Ground Floor area 55 square metres

#### **H-Holding Zone Provisions:**

- Enlargement of the primary dwelling, or increase in the number of fixture units beyond 20 (twenty) is not permitted unless the H-Holding zone provision is lifted
- The H-Holding zone provision shall not be lifted unless the lot is serviced by:
  - a municipal or communal sewage disposal system with capacity for the proposed development; or
  - a nitrate study (groundwater quality impact assessment) has been completed and demonstrates that the development can be accommodated on the lot without adverse impacts to groundwater.



**Section 11 Serviced Detached Residential Zone R1B (By-law 84-2021)**

**11.1 Scope**

No uses are permitted on lands zoned Serviced Detached Residential Zone R1B unless expressly permitted by this By-law.

**11.2 Permitted Uses (By-law 84-2021, By-law 85-2021) (Amended Child Care By-Law 42-2016)**

(By-law 67-2013, Z-07-2013.58) (amended by By-law 42-2016)

- Accessory uses, buildings and structures in accordance with Section 6.1
- Bed and Breakfast Establishment in accordance with Section 6.3 Bed and Breakfast Establishment (B&B) Provisions
- Boarding, lodging or rooming establishment not exceeding 5 rooms or dwelling units for let in accordance with Section 13.3.3 Low Density Multi Family Residential (R3) Zone Provisions (Duplex Residential Dwelling)
- Child Care in accordance with Section 26.3 Institutional (I) Zone Provisions
- Conversion of a Residential Dwelling – Single Detached for one additional residential dwelling unit in accordance with Section 6.34 Residential Conversions
- Group Home in accordance with Section 6.18 Group Homes and Section 13.3.3 Low Density Multi Family Residential (R3) Zone Provisions (Duplex Residential Dwelling)
- Home occupation in accordance with Section 6.20
- Long Term Care Home in accordance with Section 26.3 Institutional (I) Zone Provisions
- Public Park
- Retirement Home in accordance with Section 26.3 Institutional (I) Zone Provisions
- R3 Zone permitted uses where connected to full Municipal water and sewer services
- Short Term Rental Accommodation within a dwelling unit or units
- Single detached residential dwelling

### 11.3 Zone Provisions

	Full Municipal Services		Partial Municipal Services (Water or Sewer)	
Minimum lot area *	465 m <sup>2</sup>		1 500 m <sup>2</sup>	
Minimum lot frontage *	15 m		30 m	
Minimum front yard	6 m		6 m	
Minimum interior side yard	One Storey	1.2 m	One Storey	1.2 m
	More than one Storey	1.8 m	More than one Storey	1.8 m
Minimum exterior side yard	6 m		6 m	
Minimum rear yard	7.6 m		7.6 m	
Maximum building height	10.5 m		10.5 m	
Maximum lot coverage	40 %		40 %	
*See Section 6.40				

### 11.4 Not In Use

### 11.5 Not In Use

### 11.6 Special Provisions - R1B Serviced Detached Residential

Note: The Special Provisions section contains provisions that apply only to specific lands, and that represent a site specific change from stated zone provisions

### No Municipal Sewer Services

#### **R1B-a** - multiple locations within Wiarton **MAP 29**

The following provisions apply unless development is connected to Municipal Water and Sewer.

- The minimum lot area shall be 1393.5m<sup>2</sup> (15000ft<sup>2</sup>).
- The minimum lot frontage shall be 29.9m (98ft).
- The minimum side yard shall be 18m (59ft) on one side and 1.5m (5ft) on the other side.
- The maximum lot coverage shall be 15%.

Note: It is the intent of the R1 B - a Zoning provisions to permit development of existing lots of record within the R1 B - a Zoning in such a manner that additional infilling lots may be created once full municipal services become available. Hence the large side yard setback requirements of this zone.

**R1B-k Jenny St MAP 29 (Wiarton) (By-law 67-2013, Z-07-2013.58)**

- Connection to municipal sewers or water services shall not be required;
- Minimum lot area shall be 0.8 ha (2 ac);
- Minimum lot frontage shall be 45 m (148 ft);
- Minimum side yard setback shall be 7.5 m (25 ft);
- Minimum exterior side yard setback shall be 7.5 m (25 ft);
- Minimum front yard setback shall be 7.5 m (25 ft);
- Minimum rear yard setback shall be 15 m (49 ft);
- Minimum Ground Floor Area shall be 150 m<sup>2</sup> (1 615 ft<sup>2</sup>);
- Minimum Ground Floor Area greater than one storey shall be 100 m<sup>2</sup> (1 076 ft<sup>2</sup>);

All other provisions of the R1B zone shall apply.

**R1B 24-1992-H 616 Frank St, Pt of Pk Lt I, DIV S, FRANK N (Wiarton) MAP 29**

Repealed OMB PL160881 September 27, 2017

**R1B-22-2007 294 Berford St, Plan 266, Lt 8 to 10 (Wiarton) MAP 29**

- Two dwellings are permitted on the lot
- An apartment dwelling is a permitted use in addition to the permitted uses of the R1 zone.
- The minimum south side yard setback shall be 0.33m (1ft)
- The minimum required number of parking spaces shall be reduced to 7.

**R1B-20-2011 Walker Way, Conc D Pt Lot 20, 3M-148 BLK 22 & Pt BLK 23 (Amabel)  
MAP 10**

- Despite the minimum lot frontage requirement of Section 11.3 of this By-law, the minimum lot frontage of lands zoned R1B-e is 20 metres. (By-law 67-2013, Z-07-2013.58)

**Section 12 Resort Residential Zone R2 (By-Law 84-2021)****12.1 Scope**

No uses are permitted on lands zoned Resort Residential Zone R2 unless expressly permitted by this By-law.

**12.2 Permitted Uses (By-law 84-2021, By-law 85-2021) (Amended Child Care By-Law 42-2016)**

- Accessory uses, buildings and structures in accordance with Section 6.1
- Bed and Breakfast Establishment in accordance with Section 6.3 Bed and Breakfast Establishment (B&B) Provisions
- Home Child Care
- Home occupation in accordance with Section 6.20
- Short Term Rental Accommodation within a dwelling unit or units is permitted under this section
- Single detached residential dwelling
- Unlicensed Child Care in a permitted dwelling

**12.3 Zone Provisions**

Minimum lot area *	5000 m <sup>2</sup>
Minimum lot frontage *	30.5 m
Minimum front yard	7.5 m
Minimum interior side yard	3 m - For existing lots with a frontage of 18.3m or less the minimum side yard requirement for one side yard may be reduced to 1.5 m
Minimum exterior side yard	7.5 m
Minimum rear yard	10 m
Maximum building height	10.5 m or two and a half (2.5) stories whichever is lesser
Maximum lot coverage	30 %
*See Section 6.40	

**12.4 Island Development - Zone Provisions**

Despite Section 12.3, no person shall erect and/or use any building or structure on an island except in accordance with the following provisions:

Minimum Lot Area *	2 ha with at least 1 ha above the high water mark
Minimum Building Setback from the High Water Mark	15 m
Maximum Building Height Main Building	10 m

Maximum Building Height Accessory Building	5 m
Maximum Number of Accessory Buildings	3
Maximum Lot Coverage	8%
*See Section 6.40	

## 12.5 Special Provisions - R2 Resort Residential

**Note:** The Special Provisions section contains provisions that apply only to specific lands, and that represent a site specific change from stated zone provisions.

### No Frontage On An Opened Street

**R2-c-** Multiple Locations throughout the Municipality (By-law 67-2013, Z-07-2013.58)

- Lands zoned as R2-c- are relieved from Section 6.13 Frontage on Municipal Street- Class 1 and may be used in accordance with the provisions for the R2 zone

### Bed And Breakfast

#### R2-dd

9 Hea Rd, Con 5 WBR Pt Lt 21 (RP 3R4018 Pt 4) (RP 3R5469 Pt 4) (Albemarle)

#### MAP 3

2932 Bruce Rd 13, Con 21 Pt Lt 21 (Amabel) **MAP 7**

- A Bed and Breakfast establishment as per [Section 6.3](#) is a permitted use.

**R2-1741** 25, 26, 29, 30, 33, 34, 37, 38, 42, 46, 50, 54 Riverside Place, (Lots 1- 12 and Block 13, Plan 3M-123) (Amabel) **MAP 8** (By-law 67-2013, Z-07-2013.58)

- All building, structures shall be flood proofed to a minimum elevation of 189 m G.S.C.

**R2-2203** Chesley Lake Camp, Lots 16 to 18, Con 1 & 2 (Amabel) **MAP 11**

- The minimum leasable area shall be 1500 m<sup>2</sup> (16,146 ft<sup>2</sup>).
- Minimum lot frontage shall be 30 m (100 ft).
- Minimum front yard setback shall be 7.5 m (25 ft).
- Minimum rear yard setback shall be 15 m (50 ft).
- Minimum side yard setback shall be 3 m (10 ft).
- Minimum ground floor area shall be 90 m<sup>2</sup> (970 ft<sup>2</sup>) area - one storey.
- Maximum building height shall be 10 m (33 ft) main building.
- Maximum building height shall be 4 m (13 ft) accessory building.
- Maximum coverage of leased area shall be 20 %.
- Minimum setback from the water's edge shall be 14 m (46 ft).

**R2-2203** Chesley Lake Camp cont'd

Existing Leased Areas

- Where water or sewer are available the minimum leased area shall be 800 m<sup>2</sup> (8,608 ft<sup>2</sup>), and the minimum frontage shall be 15 m (50 feet);
- Where no water or sewers are available the minimum leased area shall be 900 m<sup>2</sup> (9687.5 ft<sup>2</sup>), and the minimum frontage shall be 15 m (50 ft);
- Where water and sewer are available the minimum leased area shall be 550 m<sup>2</sup> (6,000 ft<sup>2</sup>), and the minimum frontage shall be 15 m (50 ft).

**R2-5-1989** 27 Mary Ave, Lt 36 and 37, Plan 278 (Albemarle) **MAP 2**

- The minimum lot area shall be 0.6 ha (1.5 ac).
- The minimum exterior side yard setback shall be 30 m (100 ft).

**R2-36-1989** 72, 76, 84, 86 Dorena Cres (Amabel), **MAP 8**

- All building, structures shall be flood proofed to a minimum elevation of 189.9 m G.S.C. (By-law 67-2013, Z-07-2013.58)

**R2-3-1991** 150 Shoreline Ave

- No Residential structures shall have building openings below 179.5 metres G.S.C. elevation.

**R2-6-1993** 1281 & 1299 Sunset Dr, Pt Lt 9, Con 6 WBR (Pt Lots 1 to 3 RP 3R6449) (Albemarle) **MAP 1**

- Minimum rear yard setback shall be 84 m (275 ft).

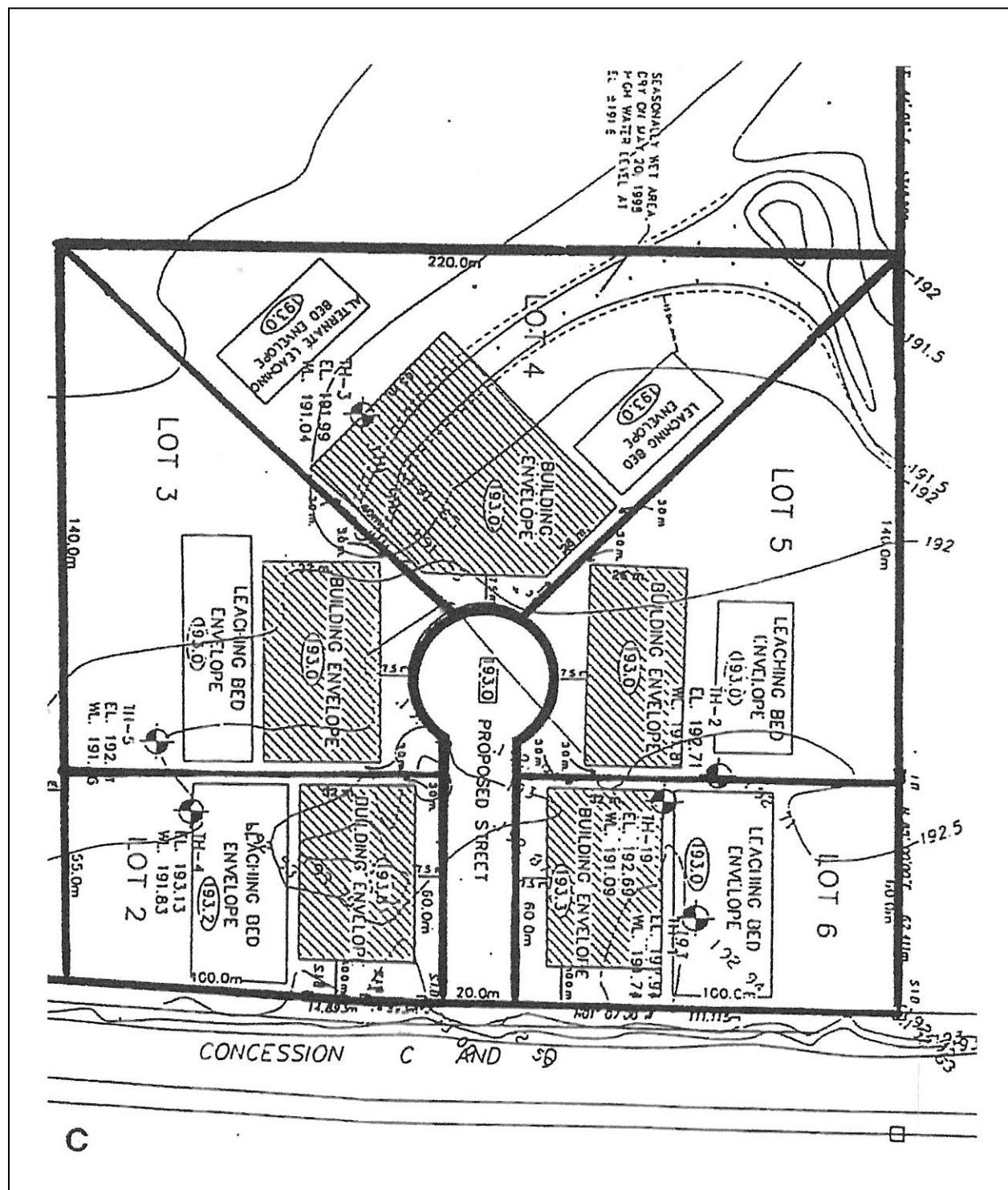
**R2-15-1998** 108 Beech St, Pt Lt 2, Con 10 EBR (Albemarle) **MAP 35**

- Minimum lot area shall be 0.58 ha (1.43 ac).
- Minimum lot frontage shall be 68 m (223 ft).
- Maximum number of lots shall be one (1)
- Maximum floor area of rental cabins shall be 37 m<sup>2</sup> (398 ft<sup>2</sup>).

## Resort Residential R2

**R2-18-1998** Part Lot 37, Concession 'D' Amabel **Map 7** (By-law 67-2013, Z-07-13.58)

Notwithstanding the provisions of the 'Resort Residential - R2' zone, those lands zoned R2-18-1998 shall be subject to the building location and sewage system envelopes as illustrated below. All other provisions of the R2 zone and this By-law shall apply.



**R2-39-1998** 17 & 19 London St, Pt Mill L Con D (Amabel) **MAP 8**

- All building, structures shall be flood proofed to a minimum elevation of 178.3m G.S.C.

**R2-27-2004a** 28 Isabella St, Lt 60 & 61, Plan 341 (Albemarle) **MAP 2**

- There shall be only one (1) residential building on the area zoned R2-27-2004a
- A maximum lot coverage shall be that existing on the date of passing of by-law
- The easterly side yard setback shall be 1.5 m (5 ft)
- Minimum lot area shall be 1825 m<sup>2</sup> (19,645 ft<sup>2</sup>)
- Minimum lot frontage shall be 6 m (19.5 ft)

**R2-27-2004b** 804 Howdenvale Rd, Pt Lt 7, 8 and 9, Plan 278 (Albemarle) **MAP 2**

- Minimum lot area shall be 2704 m<sup>2</sup> (29,107 ft<sup>2</sup>).
- Minimum lot frontage shall be 12 m (40 ft).

**R2-27-2004c** 802 Howdenvale Rd, Pt Lt 7, 8 and 9, Plan 278 (Albemarle) **MAP 2**

- Minimum lot area shall be 2980 m<sup>2</sup> (32,076 ft<sup>2</sup>).
- Minimum lot frontage shall be 28 metres (92 feet).

**R2-42-2006a** Lt 8, Con 6 WBR (Pt 2 RP 3R8321) (Albemarle) **MAP 1**

- Minimum west side yard setback shall be 15.2 m (49.9 ft) (building envelope)
- Minimum east side yard setback shall be 38.8 m (127.3 ft) (building envelope)

**R2-42-2006b** 1237 Sunset Dr, Lt 8, Con 6 WBR (Albemarle) **MAP 1**

- Minimum east side yard setback shall be 33.4 m (109.6 ft) (building envelope)

**R2-101-2009** 67 Symon Ave, Plan 403 Pt Lt 4 (Albemarle) (Z-13-2007.59) **MAP 2**

- A reduced minimum lot area from 3,000 m<sup>2</sup> (32,290 ft) to 1,858 m<sup>2</sup> (20,000 ft<sup>2</sup>) shall be permitted.
- A reduced minimum lot frontage from 35 m (115 ft) to 25.6 m (84 ft).
- A reduced minimum side yard setback from 3 m (10 ft) to 0 m (0 ft).
- The parcel is exempt from Section 6.13 "Frontage on a Municipal Street- Class 1 " (By-law 67-2013, Z-07-2013.58)

**R2-102-2009** 31 Water View Rd, Plan 403 Lt 20 N Pt Lt 21 (Albemarle) (Z-13-2007.59) **MAP 2**

- A reduced minimum lot area from 3,000 m<sup>2</sup> (32,290 ft) to 1858 m<sup>2</sup> (20,000 ft<sup>2</sup>) shall be permitted.
- A reduced minimum lot frontage from 35 m (115 ft) to 25.6 m (84 ft).



- A reduced minimum side yard setback from 3 m (10 ft) to 0 m (0 ft).
- The parcel is exempt from Section 6.13 "Frontage on a Municipal Street Class 1 " (By-law 67-2013, Z-07-2013.58)

**R2-23-2010** Thomas St; Con 4 WBR Pt Lt 20 RP 3R991 Pts 1-3 (Albemarle), **MAP 2**

- Buildings and structures shall be restricted to the 31 m (102 ft) by 52 m (171 ft) building envelope (By-law 67-2013, Z-07-2013.58)
- The building envelope will be setback 3 m (9.8 ft) from the front property line, 30 m (98 ft) from the west property line and 3 m (9.8 ft) from the east property line
- All development outside of the building envelope including grading and site alterations other than those needed to provide access to the building envelope are prohibited.

**R2-24-2010** Thomas St; Con 4 WBR Pt Lt 20 RP 3R991 Pts 1-3 (Albemarle), **MAP 2**

- Buildings and structures shall be restricted to a triangular building envelope with a width of 58 m (190 ft) and a depth of 50m (164 ft).- (By-law 67-2013, Z-07-2013.58)
- The building envelope will be setback 3 m (9.8 ft) from the front property line, 3 m (9.8 ft) from the west property line and 8 m (26 ft) from the east property line
- All development outside of the building envelope including grading and site alterations other than those needed to provide access to the building envelope are prohibited.

**R2-26-2010** 49 Adelaide St; Plan 464 Lot 7 (Albemarle), F&E 09Feb10 **MAP 2**

- A Guest Room shall be a permitted use.
- An increased total floor area for the guest room from 20 m<sup>2</sup> (215 ft<sup>2</sup>) to 33.8 m<sup>2</sup> (364 ft<sup>2</sup>) shall be permitted.
- The Guest Room shall be permitted sanitary facilities, but no kitchen facilities shall be permitted.
- The Guest Room shall be permitted in the front yard.
- The minimum lot area for a lot containing a guest room shall be reduced from 1 ha (2.4 ac) to 0.16 ha (0.4 ac)

**R2-108-2012** 122/130/138 Fedy Dr; Con 'C' Part Lot 30; Plan 3R1680 Pts 4 &6 Amabel (Fedy Z-74-2011.54) **Map 9**

- A reduced minimum front yard setback from 7.5 m (25 ft) to 5 m (16 ft) is permitted.

**R2-109-2012** 122/130/138 Fedy Dr; Con 'C' Part Lot 30; Plan 3R1680 Pts 4 & 6 Amabel (Fedy Z-74-2011.54) **Map 9**

- A reduced minimum lot area from 5 000 m<sup>2</sup> (53 821 ft<sup>2</sup>) to 2 787 m<sup>2</sup> (30 000 ft<sup>2</sup>) is permitted.
- A reduced minimum front yard setback from 7.5 m (25 ft) to 5 m (16 ft) is permitted.

**R2-87-2013** Part Lots 18 & 10 Concession 2 Amabel (Foreman Z-19-2013.54) **MAP 11**

- Minimum Lot Area in the R2 zone shall be 4047 square metres.

**R2-14-2014** Part Lot 5 Concession 6 WBR Albemarle (Pfleugl Z-19-07.59, OMB withdrawn) **Map 1**

- Development subject to site plan control under Section 41 of the Planning Act R.S.O. 1990 to address mitigation requirements of consultants EIS and to require onsite Tertiary Sewage Treatment Systems for each lot.

**R2-117-2014** 426 Huron Rd; Concession 4 WBR, Part Lot 18 Albemarle (Henrich Z-59-14.59) **Map 2**

- Minimum Lot frontage 5m
- Minimum lot area 2324.9 sq. m.

**R2-24-2015** 57 Adelaide St; Plan 464 Lot 4 and Part Lot 5 Albemarle (Tamming Z-44-14.59) **Map 2**

- A Guest Cabin is permitted
- Minimum front yard setback of the Guest Cabin is 3m (9.84 ft)
- Maximum floor area of the structure used as the guest cabin is 45m<sup>2</sup> (489 ft<sup>2</sup>)

**R2-35-2017** Plan M-25 Lot 8 SEC M25 PCL 8-1 (Amabel) (Catteau Z-14-17.54) **Map 10**

- Permitted uses shall include a Bed and Breakfast Establishment as per [Section 6.3](#)
- Minimum lot area shall be 1867 sq m
- The property is designated as a site plan control area under Section 41 of the Planning Act, R.S.O. 1980

**R2-60-2017a** Part Lot 21 Concession 5 WBR (Albemarle) (Redhawk co Howard / Z-30-17.59) **Map 3**

- Basements / cellars are prohibited below existing grade.
- The lands are designated as a site plan control area under Section 41 of the Planning Act, R.S.O. 1990

**R2-60-2017b** Part Lot 21 Concession 5 WBR (Albemarle) (Redhawk co Howard / Z-30-17.59) **Map 3**

- All development including grading and site alterations is prohibited.
- The lands are designated as a site plan control area under Section 41 of the Planning Act, R.S.O. 1990

**R2-55-2018a** Concession 2 Part Lot 19 Plan D28 Part Lot 3 & RP 3R3403 Part of Part 1 PCL 18-5 SEC (Amabel) (Kruisselbrink c/o Barry's Construction / Z-18-18.54)

- Minimum lot area shall be 1529 m<sup>2</sup>
- Lands are subject to site plan control under Section 41 of the Planning Act
- Residential uses shall be serviced by an advanced tertiary sewage disposal system that achieves at least 32% nitrate removal and meets the specifications of the CAN/BNQ 3680-600 standard, as amended from time to time

**R2-55-2018b** Concession 2 Part Lot 19 Plan D28 Part Lot 3 & RP 3R3403 Part of Part 1 PCL 18-5 SEC (Amabel), Plan D28 Lot 33 (Amabel) (Kruisselbrink c/o Barry's Construction / Z-18-18.54)

- Exempt from requirements of Section 6.13 Frontage on a Public Street
- Minimum lot area shall be 1018 m<sup>2</sup>

**R2-55-2018c** Concession 2 Part Lot 19 Plan D28 Part Lot 3 & RP 3R3403 Part of Part 1 PCL 18-5 SEC (Amabel), Plan D28 Lot 6 SEC D28 PCL;6-1 (Amabel) (Kruisselbrink c/o Barry's Construction / Z-18-18.54)

- Exempt from requirements of Section 6.13 Frontage on a Public Street
- Minimum lot area shall be 1037 m<sup>2</sup>
- Recognizes and permits the location of the dwelling existing as of March 1, 2018

**R2-55-2018d** Concession 2 Part Lot 19 Plan D28 Part Lot 3 & RP 3R3403 Part of Part 1 PCL 18-5 SEC (Amabel), Plan D28 Unit 5 SEC D-28 PCL 5-1 (Amabel) (Kruisselbrink c/o Barry's Construction / Z-18-18.54)

- Exempt from requirements of Section 6.13 Frontage on a Public Street
- Minimum lot area shall be 995 m<sup>2</sup>
- Recognizes and permits the location and size of the dwelling existing as of March 1, 2018

**R2-55-2018e** Concession 2 Part Lot 19 Plan D28 Part Lot 3 & RP 3R3403 Part of Part 1 PCL 18-5 SEC (Amabel) (Kruisselbrink c/o Barry's Construction / Z-18-18.54)

- Minimum lot area shall be 1049 m<sup>2</sup>
- Minimum lot frontage shall be 14.5 m

- Lands are subject to site plan control under Section 41 of the Planning Act
- Residential uses shall be serviced by an advanced tertiary sewage disposal system that achieves at least 46% nitrate removal and meets the specifications of the CAN/BNQ 3680-600 standard, as amended from time to time

**R2-55-2018f** Lot 1, 12, 17, 22 PL D28 (Amabel) Parts 11-14 (Kruisselbrink c/o Barry's Construction / Z-18-18.54)

- Permitted uses are limited to a road and shoreline access

**R2-65-2018** Island 18A Wildman's Island (Amabel) (Bottrill c/o Parson Z-13-18.54)

- i. A boathouse is permitted on the lands and the adjacent lands zoned EH-Environmental Hazard, subject to the following provisions:
  - a. The top of the boathouse doors shall be at least 179.6 m GSC
  - b. The ground level entrance for the boathouse shall be at least 179.08 m GSC
  - c. The boathouse shall be constructed with reinforced concrete up to an elevation of at least 179.0 m GSC on all four sides
  - d. The maximum height for the boathouse shall be 6.71 m
  - e. The maximum gross floor area for the boathouse shall be 95.2 m<sup>2</sup> per storey to a maximum of two storeys
  - f. A storage area and "guest cabin" shall be permitted on the second storey of the boathouse having a maximum floor area of 95.2 m<sup>2</sup>
- ii. Other accessory structures on the property shall not be used for human habitation
- iii. An existing minimum lot area of 0.81 ha is recognized.

**R2-67-2019 Concession 5 EBR Part Lot 26 RP 3R5534 Part 1 (Albemarle)**

- Rear yard setback shall be 44m
- Lands zoned R2-67-2019 are designated as a Site Plan Control area under Section 41 of the Planning Act to address tree preservation and other mitigative measures outlined in the EIS

**R2-98-2020a-H** Resort Residential Special [severed lot] Plan 408 Part Lot 5 Part Lot 6 (Amabel)

- Minimum Lot Area 780 square metres
- Minimum Lot Frontage 20 metres
- Minimum Rear Yard 7.5 metres
- Minimum South Interior Side Yard 2 metres
- Minimum Ground Floor area 64 square metres

**H-Holding Zone Provisions**

- Enlargement of the primary dwelling, or increase in the number of fixture units beyond 20 (twenty) is not permitted unless the H-Holding zone provision is lifted
- The H-Holding zone provision shall not be lifted unless:
  - the lot is serviced by a municipal or communal sewage disposal system with capacity for the proposed development; or
  - a nitrate study (groundwater quality impact assessment) has been completed and demonstrates that the development can be accommodated on the lot without adverse impacts to groundwater.

**R2-98-2020b-H** Resort Residential Special [retained lot] Plan 408 Part Lot 5 Part Lot 6 (Amabel)

- Minimum Lot Area 680 square metres
- Minimum Lot Frontage 18 metres
- Minimum Rear Yard 8.7 metres
- Minimum North interior side yard 1.5 metres

**H-Holding Zone Provisions**

- Enlargement of the primary dwelling, or increase in the number of fixture units beyond 20 (twenty) is not permitted unless the H-Holding zone provision is lifted
- The H-Holding zone provision shall not be lifted unless:
  - the lot is serviced by a municipal or communal sewage disposal system with capacity for the proposed development; or
  - a nitrate study (groundwater quality impact assessment) has been completed and demonstrates that the development can be accommodated on the lot without adverse impacts to groundwater.

**R2-18-2021** Resort Residential Special Plan 439 Lot 89, Albemarle (622 Mallory Beach Road)

- Minimum Front Yard Setback for an accessory detached garage is 4 metres
- Maximum length of proposed garage along the Mallory Beach Road frontage is 9.86 metres
- Minimum Exterior Side Yard Setback for accessory detached garage is 3 metres
- Doors for the accessory detached garage must not face Mallory Beach Road
- A guest cabin is permitted on the second storey of the accessory detached garage
- The maximum floor area of the guest cabin use is 33 square metres
- No plumbing fixtures are permitted on the second storey of the accessory building containing the guest cabin

- The guest cabin must only be used for non-paying guests and may not be used for paid short term accommodations, rental or lease
- Maximum height for the accessory detached garage is 6.12 metres
- Minimum exterior side yard setback is 1.22 metres for a 3.26 metre by 4.73 metre detached shed and a 4.1 metre by 4.27 metre wooden platform existing as of the date of passage of this by-law

**R2-128-2021a-H** Resort Residential Special Plan 408 North Half Lot 5, Sauble Beach (423 Lakeshore Blvd North)

- Minimum lot area be reduced from 5000m<sup>2</sup> to 821.7m<sup>2</sup>
- Minimum lot frontage reduced from 30.5 metres to 20.1 metres.
- Minimum interior side yard be reduced from 3 metres to 1.9 metres.
- Minimum rear yard setback for a single detached dwelling be reduced from 10 metres to 5.41 metres.
- Minimum rear yard setback for an uncovered, unenclosed deck be reduced from 6.3 metres to 0.6 metres.

**H-Holding Zone Provisions:**

- Enlargement of the primary dwelling or increase in the number of fixture units beyond 20 (twenty) is not permitted unless the H-Holding zone provision is lifted.
- The H-Holding zone provision shall not be lifted unless the lot is serviced by:
  - i) A Municipal or communal sewage disposal system with capacity for the proposed development; or
  - ii) A nitrate study (groundwater quality impact assessment) has been completed and demonstrates that the development can be accommodated on the lot without adverse impacts to groundwater.

**R2-128-2021b-H** Resort Residential Special 408 North Half Lot 5, Sauble Beach (423 Lakeshore Blvd North)

- Minimum lot area reduced from 5000m<sup>2</sup> to 699.17m<sup>2</sup>.
- Minimum lot frontage reduced from 30.5 metres to 20.1 metres.
- Minimum exterior side yard be reduced from 7.5 metres to 5.72 metres.
- Minimum interior side yard setback for an accessory structure reduced from 1 metre to 0.59 metres.
- Minimum front yard setback for an accessory structure be reduced from 7.5 metres to 4.5 metres.
- Minimum exterior side yard setback for an accessory structure reduced from 7.5 metres to 2.1 metres.

**H-Holding Zone Provisions:**

- Enlargement of the primary dwelling or increase in the number of fixture units beyond 20 (twenty) is not permitted unless the H-Holding zone provision is lifted.
- The H-Holding zone provision shall not be lifted unless the lot is serviced by:
  - i) A Municipal or communal sewage disposal system with capacity for the proposed development; or
  - ii) A nitrate study (groundwater quality impact assessment) has been completed and demonstrates that the development can be accommodated on the lot without adverse impacts to groundwater.

**Section 13                      Low Density Multi Family Residential Zone    R3**

**13.1    Scope**

No uses are permitted on lands zoned Low Density Multi-Family Residential Zone R3 unless expressly permitted by this By-law.

**13.2    Permitted Uses** (Amended Child Care By-Law 42-2016) (By-law 84-2021, By-law 85-2021)

- Accessory uses, buildings and structures in accordance with Section 6.1
- Bed and Breakfast Establishment
- Boarding, lodging or rooming establishment not exceeding 5 rooms or dwelling units for let
- Child Care
- Conversion of a Residential Dwelling – Single Detached for one additional Residential Dwelling Unit in accordance with 6.34 Residential Conversions. (By-law 67-2013, Z-07-2013.58)
- Duplex dwelling
- Group Home
- Home Occupation in accordance with Section 6.20
- Long Term Care Home
- Public Park Short
- Retirement Home
- Semi-detached residential dwelling
- Short Term Rental Accommodation within a dwelling unit or units
- Single detached residential dwelling

**13.3    Zone Provisions**

**13.3.1 Single Detached Residential Dwelling**

Minimum lot area *	465 m <sup>2</sup>	
Minimum lot frontage *	15 m	
Minimum front yard	6 m	
Minimum interior side yard	One storey	1.2 m
	More than one storey	1.8 m
	No attached garage	3.7 m on one side
Minimum exterior side yard	6 m	
Minimum rear yard	7.6 m	
Maximum building height	10.5 m	



## Low Density Multi Family Residential R3

Maximum lot coverage	40 %
*See Section 6.40	

### 13.3.2 Semi-Detached Residential Dwelling

Minimum lot area per dwelling *	232.5 m <sup>2</sup>	
Minimum lot frontage per dwelling *	8 m	
Minimum front yard	6 m	
Minimum interior side yard	One storey	1.2 m
	More than one storey	1.8 m
	No attached garage	3.7 m on 1 side only , 1.2 m on the other side
	Between Units	0m
Minimum exterior side yard	6 m	
Minimum rear yard	7.6 m	
Maximum building height	10.5 m	
Maximum lot coverage	45%	
*See Section 6.40		

### 13.3.3 Duplex Residential Dwelling

Minimum lot area *	465 m <sup>2</sup>
Minimum lot frontage *	15 m
Minimum front yard	6 m
Minimum interior side yard	2.4 m
Minimum exterior side yard	7.6 m
Minimum rear yard	6 m
Maximum building height	10.5 m
Maximum lot coverage	45 %
*See Section 6.40	

### 13.4 Not In Use

### 13.5 Other Provisions

No new development shall be permitted within the R3 Zone unless such development is serviced by municipal water supply and sanitary sewers.

### 13.6 Special Provisions – R3 Low Density Multi Family Residential Zone

Note: The Special Provisions section contains provisions that apply only to specific lands, and that represent a site specific change from stated zone provisions.

**R3-137-2008** 641 Watson St, Plan 216, Lot 90 Div S Watson E/S (Wiarton) **MAP 29**

**R3-86-2008** 602 Dawson St, Plan 216, Lot 15 (RP 3R 5600, Pt 1) (Wiarton), **MAP 29**

- The minimum lot frontage shall be reduced from 11.25 m (36.9 ft) to 7.6 m (25 ft).
- The minimum side yard (where no parking structure is provided) shall be reduced from 4 m (13.2 ft) to 1.5 m (5 ft).
- The minimum ground floor area (greater than one storey) shall be reduced from 70 m<sup>2</sup> (753 ft<sup>2</sup>) to 67 m<sup>2</sup> (721 ft<sup>2</sup>).

**R3-85-2009** Golden Pond Dr; Plan 3M 110 Lots 30-33 (Amabel) F&E 11Aug2010  
**MAP 15**

A reduced minimum lot frontage from 30m (100ft) to 21m (69ft) shall be permitted.

**R3-113-2011** 251 William St; N Pt Lot 7 Plan 3R 1825 Part 1 (Wiarton) Z-60-11.58 Holt  
**MAP 29**

- The minimum lot area shall be reduced from 550 sq. m. to 438.9 sq. m.
- The minimum front yard setback shall be reduced from 7.6 m (25 ft) to 1.3 m (4 ft)
- The interior side yard setback on the west side of the property shall be reduced from 2.4 m (8ft) to 0m (0ft)
- The rear yard setback shall be reduced from 7.6 m (25ft) to 4.57m (15ft)
- The rear yard setback for the shed shall be reduced from 1m (3.3ft) to 0m (0ft)
- The above setback reductions apply only to the buildings and structures existing as of the date of passage of this By-Law.

**R3-44-2018** S Part Lot 15 DIV S GOULD W/S Wiarton (Scheifley Z-11-18.58)

- Minimum lot frontage per dwelling shall be 7.5 m
- No planting area along the lot lines shall be required.

**R3-83-2019** Plan 220 Part Lot 32 Gould RP 3R2641 Part 3, Wiarton (325 Gould St)

- No setback is required along the shared wall;
- No planting area is required; and
- The front yard setback is established as being no less than the existing built up line of the north/south adjacent neighbours.

**R3-83-2021** Pt Lot 16 Div S Scott W/S RP 3R2445 Part 1 Wiarton (Scott Street)

### **Low Density Multi Family Residential R3**

- No planting area is required along lot lines.
- The interior side yard setback between semi-detached units is 0m

## Section 14 Medium Density Multi Family Residential Zone R4

### 14.1 Scope

No uses are permitted on lands zoned Medium Density Multi-Family Residential Zone unless expressly permitted by this By-law.

### 14.2 Permitted Uses

(By-law 67-2013, Z-07-2013.58, By-Law 84-2021, By-law 85-2021) (amended Child Care By-law 42-2016)

- Accessory uses, buildings and structures in accordance with Section 6.1
- Apartments
- Bed and Breakfast Establishment in accordance with Section 6.3 Bed and Breakfast Establishment (B&B) provisions
- Boarding, lodging or rooming establishment not exceeding 5 rooms or dwelling units for let in accordance with Section 13.3.3 R3 Low Density Multi Family Residential Zone Provisions (Duplex Residential Dwelling) Boarding, lodging or rooming establishment not exceeding 5 rooms or dwelling units for let in accordance with Section 13.3.3. R3 Low Density Multi Family Residential Zone Provisions (Duplex Residential Dwelling)
- Child Care in accordance with Section 26.3 Institutional (I) Zone Provisions
- Cluster Townhouse
- Conversion of a Single Detached Residential Dwelling for one additional Residential Dwelling Unit in accordance with Section 6.34
- Duplex dwelling in accordance with Section 13.3 Low Density Multi Family Residential (R3) Zone Provisions
- Fourplex residential dwelling
- Group Home in accordance with Section 6.18 Group Homes and with Section 13.3.3 R3 Low Density Multi Family Residential Zone Provisions (Duplex Residential Dwelling).
- Home Occupation in accordance with Section 6.20
- Long Term Care Home in accordance with Section 26.3 Institutional (I) Zone Provisions
- Public Park
- Retirement Home in accordance with Section 26.3 Institutional (I) Zone Provisions
- Semi-detached residential dwelling in accordance with Section 13.3 Low Density Multi Family Residential (R3) Zone Provisions
- Short Term Rental Accommodation within a dwelling unit or units

## Medium Density Multi-Family Residential Zone R4

- Single detached residential dwelling in accordance with Section 13.3 Low Density Multi Family Residential (R3) Zone Provisions
- Street Townhouse
- Triplex residential dwelling

~~Retirement Home in accordance with Section 26.3 Institutional (I) Zone Provisions~~

### 14.3 Zone Provisions

#### 14.3.1 Triplex & Fourplex Residential Dwelling

Minimum lot area *	650 m <sup>2</sup>
Minimum lot frontage *	18 m
Minimum front yard	7.6 m
Minimum interior side yard	2.4 m
Minimum exterior side yard	7.6 m
Minimum rear yard	7.6 m
Maximum building height	10.5 m
Maximum lot coverage	45 %
Minimum lot area per unit	70 m <sup>2</sup>
*See Section 6.40	

#### 14.3.2 Street Townhouse (HSKP #4 Z-2-18.58)

Minimum lot area per unit *	232 m <sup>2</sup>	
Minimum lot frontage per unit *	6.5 m	
Minimum lot frontage for end unit on a corner	14 m	
Minimum front yard	7.5 m	
Minimum exterior side yard	7.5 m	
Minimum interior side yard – end unit	One storey	1.2 m
	More than one storey	1.8 m
Minimum rear yard	7.5 m	
Maximum building height	10.5 m	
Maximum lot coverage	45%	
*See Section 6.40		

## Medium Density Multi-Family Residential Zone R4

### 14.3.3 Cluster Townhouse Residential Dwelling

Minimum lot area *	1393.5 m <sup>2</sup> for the first four units
	264.8 m <sup>2</sup> for each additional unit thereafter
Minimum lot frontage *	20.1 m
Minimum front yard	7.6 m
Minimum rear yard	7.6 m
Minimum interior side yard	6 m
Minimum exterior side yard	7.6 m
Maximum building height	10.5 m
Maximum Lot Coverage	45%
*See Section 6.40	

### 14.3.4 Apartments

Minimum lot area *	1161.3 m <sup>2</sup> of lot area for the first 5 units, plus 93 m <sup>2</sup> of lot area for each additional unit.
Minimum lot frontage *	18 m
Minimum front yard	7.5 m
Minimum exterior side yard	7.5 m
Minimum interior side yard	Half (1/2) the building height but in no case less than 3 m
Minimum rear yard	7.5 m
Maximum building height	12 m
Maximum lot coverage	45%
*See Section 6.40	

### 14.4 Other Provisions

No new development shall be permitted within the R4 zone unless such development is serviced by municipal water supply and sanitary sewers.

### 14.5 Special Provisions – R4 Medium Density Multi Family Residential

**Note:** The Special Provisions section contains provisions that apply only to specific lands, and that represent a site specific change from stated zone provisions.

#### **R4-72-1995** Silver Lake Rd, Lt 21 & 22, Con C (Amabel) **MAP 10**

Uses Permitted shall be limited to:

## Medium Density Multi-Family Residential Zone R4

- Detached dwellings
- Cluster housing
- Open space areas, parks, conservation areas, historic sites
- Infrastructure for communal services and private access right-of-ways
- Outdoor recreation facilities
- An administrative/accessory building which may include recreation facilities, a medical clinic, meeting rooms, a place of worship and accessory uses
- Accessory uses and structures

Zone Provisions - The following provisions shall apply to the erection, alteration and use of any building or structure in the R4-72-1995 zone.

Provisions	Detached Dwelling	Cluster Housing	Non-residential buildings
Minimum leasehold lot area	450 m <sup>2</sup>	NA	NA
Minimum leasehold lot width at main building line setback	12.5 m	NA	NA
Building setback from access right-of-way	5 m	5 m	5 m
Minimum rear yard	7 m	7 m	7 m
Minimum side yard	1.25 m	3 m	NA
Maximum leasehold lot coverage	30 %	30 %	30 %
Minimum dwelling unit size	100 m <sup>2</sup>	70 m <sup>2</sup>	NA
Minimum ground floor	100 m <sup>2</sup>	NA	300 m <sup>2</sup>
Maximum height	10 m	10 m	10 m
Minimum setback from leasehold lot line accessory structure	2 m	NA	NA
Maximum height - accessory structure	3 m	NA	3 m
Maximum size - accessory structure	10 m <sup>2</sup>		
Minimum setback from any EP or OS1 zone	8 m	8 m	8 m
Minimum separation to any accessory building	10 m	NA	NA
Maximum number of dwelling units per cluster	NA	48	NA
Minimum buffer all property lines	10 m	10 m	10 m

Where no parking area is attached, one side yard of a minimum of 3 m shall be provided.

**Definitions** - The following definitions apply within the "R7-72-1995" zone:

"A **private access right-of-way**" shall mean a right-of-way, a minimum of 13 m in width, in which may be located a private street, designed to accommodate private vehicles, emergency, service or maintenance vehicles, and providing access from a

## Medium Density Multi-Family Residential Zone R4

public street to individual dwelling units, service areas, open space areas and cluster housing areas.

**"A leasehold lot"** shall mean a parcel of land having access to or frontage on a private access right of way and which is described in a lease document but is not capable of conveying an interest in land pursuant to the Planning Act.

**"Cluster housing"** shall mean a group of multiple family dwelling units within the lands shown as R7-72-1995 on Schedule 'A' and may include, semi-detached, triplex, fourplex or townhouse dwellings.

**Services** - No person shall use any leasehold lot or erect any building or structure unless municipal sewer and water, or a communal system or systems, approved by the Ministry of the Environment and Energy, are provided.

### **R4-13-2007c** Lt 9 to 12 Div S William S/S McNaughton E/S (Wiarion) **MAP 29**

- The permitted uses are limited to a townhouse dwelling
- Minimum front yard setback shall be 4.0 m (13.1 ft)
- Minimum rear yard setback shall be 4.0 m (13.1 ft)
- Unenclosed porches are permitted to project into the front and side yard no more than 2.4 m (8 feet).

### **R4- 13-2007d** Lt 8 to 12 Div S McNaughton W/S George N/S (Wiarion) **MAP 29**

- The permitted uses are limited to a townhouse dwelling
- Minimum front yard setback shall be 3.0 m (10.0 ft)
- Minimum rear yard setback shall be 2.4 m (7.9 ft)
- Unenclosed porches are permitted to project into the front and side yard no more than 2.4 m (8 feet).

### **R4-13-2007e** Lt 7 to 8 Div S William S/S McNaughton E/S (Wiarion) **MAP 29**

The permitted uses are limited to the following:

- An apartment dwelling
- A [Child Care] (amended Child Care By-law 42-2016)
- A retirement Home (By-law 67-2013, Z-07-2013.58)

#### **R4-13-2007e** (cont'd)

Provisions:

- A seniors home
- A type two group home;
- Minimum rear yard setback shall be 3.1 m (10.0 ft)
- Minimum east side yard setback shall be 3.1 m (10.0 ft);
- Minimum west side yard setback shall be 5.8 m (19.1 ft);



## Medium Density Multi-Family Residential Zone R4

- The maximum height of the main building shall not exceed the height of the existing high school not including the cupola;
- The off-street parking requirements, required number of spaces shall be reduced to 1 space per dwelling unit excepting the day nursery permitted use which shall remain as per this By-law.

### **R4-81-2009** William St, E Pt Lt 6 Div S (RP 3R 6228, Pt 1) (Warton), **MAP 29**

- The minimum side yard shall be reduced from 4 m (13.2 ft) to 3 m (10 ft)

### **R4-152-2009** Charles St; Lot 17 & 18, Plan 291 (Warton) OMB Mar 1<sup>st</sup>, 2010 **MAP 29**

- Reduced minimum area from 1 393.5m<sup>2</sup> (15,000ft<sup>2</sup>) to 1,212.7m<sup>2</sup> (13,054ft<sup>2</sup>)
- Reduced minimum front yard setback from 7.6m (25ft) to 7.5m (24.6ft)
- Reduced minimum rear yard setback from 7.6m (25ft) to 4.15m (13.6ft)

### **R4-154-2009** Charles St; Lot 15 & 16 Plan 291 (Warton) OMB Mar 1<sup>st</sup>, 2010 **MAP 29**

- Reduced minimum lot area from 1 254.3m<sup>2</sup> (13 502 ft<sup>2</sup>) to 1 213.5m<sup>2</sup> (13 062ft<sup>2</sup>)
- Reduced minimum rear yard setback from 7.5m (24.6ft) to 2.75m (9.0ft)

### **R4-97-2010** Dawson St; Lot 5 DIV S DAWSON E/S (Warton) June 8, 2010 **MAP 29**

- The minimum interior side yard shall be reduced from 6m (19.7ft) to 4.3m (14ft)

### **R4-121-2014** 481 Taylor; Park Pt Lot H DIVISION S Warton (Thomas Z-54-14.58)

- Minimum Lot Area per unit: 218 sq.m.
- Minimum side yard setbacks: 2.4 m (north) 1.3m (south)
- Minimum Floor area per unit: 70 sq.m.
- Maximum Lot Coverage: 40%
- All other provisions of Section 14 apply
- Development Subject to site plan control under Section 41 of the Planning Act

### **R4-30-2016** Park Part Lot K Div S RP 3R6282 Part 1 (Warton) (Shipley, Z-5-16.58)

- Second main building on a lot is permitted
- All other provisions of Section 14 apply
- Development subject to site plan control under Section 41 of the Planning Act

### **R4-65-2016** 616 Frank St, Part Park Lot I, Division S, Frank N (Warton) **MAP 29** Barry's Construction Z-63-10.58 **OMB PL160881** September 27, 2017

- Permitted uses: street townhouses, parks and recreation, storm water management.
- Minimum lot area: 197 square metres per unit.
- Minimum lot frontage for a corner lot: 8.9 metres.

## Medium Density Multi-Family Residential Zone R4

- Minimum front yard: 4 metres.
- Minimum rear yard: 4.84 metres.
- Minimum exterior side yard: 1.5 metres.
- Minimum setback from Frank Street (including setback from any land conveyed to the County along Frank Street): 1.45 metres.
- Maximum height: 6.70 metres
- Under no conditions shall the total number of residential units permitted on all lands zoned R4-65-2016 exceed 45.
- Unenclosed and uncovered porches, decks and balconies shall not encroach into a required front yard.
- Steps from porches may encroach into a required front yard to a maximum of 1.2 metres
- Dormers shall not face a rear yard and shall not encroach into a required yard.
- Rear and side yard encroachments shall not impact easements.
- The maximum combined driveway and parking area width on any lot shall not exceed 4.57 metres (15 feet).
- All other provisions as they relate to R4 zoning shall apply.
- In the event of any conflict between the provisions of this subsection and any other provisions of this by-law, the provisions of this subsection shall apply.
- Lot coverage provisions of [Section 14.3.2](#) shall not apply.

### **R4-76-2016** Plan 266 Pt PARK Lt 1 RP 3R9563 PTS 1 to 3 (Warton) (Pollard / Z-11-16.58). **MAP 29**

- i. Front and rear yard setbacks of 6 m (20 ft)
  - ii. Unenclosed porch may encroach 3 m (10 ft) into the side yard
  - iii. Additional permitted uses shall include:
    - “Land lease community homes”;
    - “Land lease community home sites”; and
    - "Real estate sales from model homes": a unit(s) in a residential development used for the purposes of an office and/or a model home to facilitate the commercial sale of housing in a residential development”.
- Land is subject to site plan control as in Section 41 of The Planning Act.

### **R4-77-2016** Park Pt Lot D Div S (Warton) (Community Living / Z-12-16.58). **MAP 29**

- Permitted uses: Four-plex; a Group Home; and Four-plex Group Home;
- Four-plex Group Home shall be defined as a group home operated within one or more dwelling units in a residential dwelling-fourplex, and may include a common area;
- Six (6) parking spaces are required;

## Medium Density Multi-Family Residential Zone R4

- Land is subject to site plan control as in Section 41 of The Planning Act.

### **R4-79-2016** John St; Plan 216 Lots 25 and 26 (Wiarton) (Scheifley Z-46-16.58) **MAP 29**

- Lands subject to site plan control under Section 41 of the Planning Act.

### **R4-88-2018** W Pt Lot 22 Div S Scott E/S (Wiarton), (Korpikoski c/o Cuesta / Z-46-18.58)

- The planting area width for the north and south lot lines shall be 0.9 m or in lieu of a planting area, a 1.8 m privacy fence shall be constructed along the lot line(s).
- Lands are subject to site plan control under Section 41 of the Planning Act.

### **R4-14-2019** Plan 216 Lots 91

& 92 Div S Watson E/S (Wiarton):

- i) Minimum front yard shall be 7.3m
- ii) Minimum rear yard shall be 5.8m
- iii) For the north side yard, the setback including a 1.5m planting area shall be 3.5m
- iv) For the north side yard, starting at a point 4m from the west lot line running to the east, a 1.8m high wooden privacy fence is required in lieu of planting strip
- v) For the south side yard, starting at a point 4 m from the west lot line, running to the east, a 1.8 ft high wooden privacy fence may be used in lieu of planting strip
- vi) Lands are subject to site plan control under Section 41 of the Planning

### **R4-77-2019** Part Lots 13 & 14 Div N McNaughton E/S Daniel N/S and Part Lots 13 & 14 Div N RP 3R1251 Part 1-(Wiarton), 246 Daniel St and Not Yet Assigned Daniel St, Wiarton

- Minimum rear yard shall be 3.8 m plus 1.5 m planting area
- Minimum interior side yard shall be 4.3 m plus 1.5 m planting area to the northernmost lot line
- Minimum interior side yard shall be 4.5 m plus 1.5 m planting area to the southernmost north lot line
- Lands are subject to site plan control under Section 41 of the Planning Act

### **R4-22-2020** Plan 216 Lot 3 Lot 4 Div S Dawson W/S, Wiarton (666 Dawson St)

For development consisting of ten one-storey bachelor units:

- Minimum lot area is 1834m<sup>2</sup>
- Minimum rear yard is 3.0m including planting area
- Planting area on west (rear) lot line is a 1.8m high wooden privacy fence. Fencing on adjacent properties may be considered to meet this requirement.
- Planting area on north lot line is 1m wide

## Medium Density Multi-Family Residential Zone R4

- South lot line planting area to consist of a 1.8m high wooden privacy fence extending the length of the neighbouring dwelling followed by a continuous cedar hedge running to the rear lot line
- Lands are subject to site plan control under Section 41 of the Planning Act.

### **R4-65-2020** Park Part Lot I Div S Isaac E/S Water Lot 11 Div S Wiarton (535 Isaac Street)

- Despite Section 14.3.4 minimum Front and Rear Yard setbacks is 5 metres and minimum Exterior Side Yard setback (north lot line) is 2.0 metres
- Despite Sections 6.24 and 6.27.2, the minimum setback to the 100 -year flood elevation is 1.8 metres along the north side of the building and 0 metres along the east side of the building
- A 1.8 metre tall visual buffer (fence or hedge) must be provided along the south lot line and is not required to be provided along any other lot line
- The building shall have a maximum of 2 storeys
- The entire property is designated as a site plan control area under Section 41 of the Planning Act.

### **R4-130-2020** Concession D Part Lot 4 (Amabel)

Permitted uses limited to:

- A 1-storey triplex;
- Home occupation in accordance with Section 6.20;
- Accessory uses, buildings and structures in accordance with Section 6.1

### **R4-44-2021** ~~Medium Density~~ Lot 17 Div N McNaughton E/S, Wiarton (877-881 McNaughton Street)

- A planting area as defined under Section 6.5 is not required along the side lot lines.
- The entire subject lands are designated as a Site Plan Control area under Section 41 of the Planning Act, R.S.O 1990, as amended.

### **R4-92-2021** ~~Medium Density Multi Family Residential Special~~ 202 Queen Street West-Plan 269 Lot 71 Less Part 1 RP 3R2647 (Hepworth)

- a) A maximum of eight (8) residential dwelling units are permitted.
- b) Each dwelling unit shall have not more than (1) bedroom for maximum dual occupancy.
- c) Development shall be serviced by an advanced tertiary sewage disposal system that achieves at least 50% nitrate removal and meets the specifications of the CAN/BNQ 3680-600 standard, as amended from time to time or by connection to a Municipal sewage disposal system

## **Medium Density Multi-Family Residential Zone R4**

- d) The entire subject lands are designated as a Site Plan Control Area under Section 41 of the Planning Act.

### **R4-94-2021 Con D Pt Lot 26 Plan 429; Lots 46 to 52 (Amabel)**

- Development is permitted to be serviced by municipal water or communal water supply and a Communal Sewage Disposal System and communal Sewage Treatment Works.
- Maximum lot coverage for Townhouse units is 52%
- Exterior Side Yard setbacks to Main Street may be reduced if required to the extent necessary to address road widenings that may be required.
- The entire subject lands are hereby designated as a Site Plan Control area under Section 41 of the Planning Act. Development shall not proceed except in accordance with an agreement between the owner and the municipality which may be registered on title, with such agreement addressing matters including but not limited to grading, drainage and stormwater management, vehicle ingress/egress, natural heritage measures outlined in the EIS, pedestrian access, landscaping, and exterior design of buildings.
- Despite Section 3.5, minor deviations from the boundaries of the R4-94-2021, OS-94-2021, and C1A-94-2021 zones may be permitted without further amendment to this by-law until such time as the Site Plan Control agreement has been executed and registered against the title of the subject lands.

**Section 15 Un-Serviced General Commercial Zone C1A**

**15.1 Scope**

No uses are permitted on lands zoned General Commercial Zone – C1A unless expressly permitted by this By-law.

**15.2 Permitted Uses**

(By-law 67-2013, Z-07-2013.58) (By-law 78-2014, HSKP #2) (Child Care By-law 42-2016) (Z-2-18.58, HSKP #4) (By-Law 58-2020, By-law 84, 2021, By-law 85-2021)

- Accessory uses, buildings and structures in accordance with Section 6.1
- Automotive Sales and Service Establishment
- Automotive Service Station
- Bakery
- Bakeshop
- Banquet Hall
- Bus Depot
- Business or Professional Office
- Service or Repair Establishment
- Child Care
- Clinic, Medical
- Club, Commercial & Private
- Commercial College or Studio
- Community Center
- Companion Animal Office
- Convenience Store
- Cultural Entertainment Facility
- Dry Cleaning Depot
- Farmers Market in accordance with Section 15.4 Other Provisions
- Financial Office
- Fitness Centre
- Funeral Home
- Gas Bar
- Home Occupation in accordance with Section 6.20
- Hotel or Motel
- Institutional Use
- Laundromat
- Marine, Recreation and Small Engine Establishments
- Parking Lot
- Personal Service Shop
- Place of Entertainment
- Place of Recreation
- Place of Worship as per Section 25.3 Institutional Zone Provisions
- Post Office
- Print Shop
- Public Building
- Public Park
- Public Uses
- Recreational Facility
- Restaurant – Drive-In/Drive Thru, Take-out, Dining
- Restaurant – Mobile in accordance with Section 6.4
- Retail Store
- Retail Food Store
- Residential Dwelling- Accessory Apartment in accordance with Section 6.1.7.1 Residential Dwelling- Accessory Apartment
- Short Term Rental Accommodation within a dwelling unit or units
- A Single Detached Dwelling existing at the date of passing of this By-law in accordance with Section 10.3 Zone Provisions Un-Serviced Detached Residential Zone (R1A)
- Tavern

- Tourist Home

### 15.3 Zone Provisions

Minimum lot area *	2000 m <sup>2</sup>
Minimum lot frontage *	30.5 m
Minimum front yard	none
Minimum interior side yard	none, except where a lot abuts a lot in a Residential zone, the minimum interior side yard shall be 3 metres
Minimum exterior side yard	none
Minimum rear yard	3 m
Building height	Minimum 2 storeys, Maximum four storeys or 12 metres, whichever is the lesser.
Maximum lot coverage	30 %
*See Section 6.40	

### 15.4 Other Provisions

- a) Detached dwellings existing at the date of passage of this By-law may be altered or enlarged in accordance with the provision of the R1 zone.

#### 15.4.1 Automotive Sales and Service / Automotive Service Station / Gas Bar

(By-law 67-2013, Z-07-2013.58) (By-law 78-2014, HSKP #2)

- b. Notwithstanding the Zone Provisions of Section 15.3, the Minimum Front Yard Setback for all fuel pumps, fuel pump islands, gas bar kiosk etc. shall be 7.6 m (25 ft). No fuel pump, fuel pump island, gas bar kiosk is to be located within the required Sight triangle established by Section 6.9 this By-law.
- ii) Notwithstanding anything to the contrary, canopies over a fuel pump or fuel pump island are allowed to project no closer than 1.5 m (5 ft) to a Street Line.

#### 15.4.2 Farmer's Market

(By-law 67-2013, Z-07-2013.58)

Notwithstanding the Zone Provisions of Section 15.3, where a Farmer's Market consists solely of freestanding outdoor booths, tables, stands, tents, or similar portable or semi-portable structures the following shall apply:

- i) No freestanding outdoor booth, stand, table, tent or similar portable or semi-portable structure shall be located closer than 3 m to any lot line

## Un-Serviced General Commercial Zone C1A

- ii) Parking requirements do not apply for a Farmer's Market that is operated for less than 2 days in any week.

**Note:** This zone generally applies to lands outside of the Wiarton and downtown Sauble Beach urban areas. (i.e., Hepworth and Allenford) At the time of passing of this By-law these lands are presently not serviced with municipal water and sewer.

### 15.5 Special Provisions – C1A Un-Serviced General Commercial

**Note:** The Special Provisions section contains provisions that apply only to specific lands, and that represent a site specific change from stated zone provisions.

#### **C1A-29-1988** 516 Sauble Falls Pkwy, Pt Lt 19 Plan 624 (Amabel) **MAP 8**

Permitted uses are limited to:

- A veterinarian Clinic
- Buildings, structures and uses accessory to a permitted use

#### **C1A 1986** 510 Sauble Falls Pkwy, Plan 624 Pt Lt 19 Pt Lt 20, Pt Lt 25 Pt Blk A RP 3R510; Pt 2 & 6 (Amabel) **MAP 8**

Permitted Uses - Residential Uses are limited to the following:

- An accessory dwelling unit forming an integral part of the building or structure containing a permitted non-residential use except an automotive service station and automobile repair establishment.
- Detached dwellings existing on the 12th day of February 1985.

Permitted Uses - Non-Residential Uses are limited to the following:

- Commercial uses existing on the date of the passing of this by-law
- Parking lots
- Restaurants
- Drive-in restaurants
- Take-out restaurants
- Establishments for the sale of nursery stock and/or garden supplies
- General store
- Retail store
- Buildings, structures and uses accessory to a permitted use

#### **C1A-23-1988** 701 Main St, Pt Lt 26, Con D (Amabel) **MAP 9**

- Amusement Rides shall be permitted in addition to the uses permitted in the C1A zone.



## Un-Serviced General Commercial Zone C1A

- Amusement Rides shall mean a device or a combination of devices designed or intended to entertain and amuse people by physically moving them.
- Notwithstanding the provisions of the C1A zone, Amusement Rides existing at the date of the passing of this by-law will be permitted on Lot 12 & 30, Plan 435, Amabel and shall not be allowed to expand without an amendment to this by-law.

### **C1A-11-1989** 29 Queen St, Lt 3, Plan 305 (Hepworth) **MAP 28**

Permitted uses shall be limited to:

- A retail store
- Manufacture and sale of household wood products
- A general repair shop, not including automotive or small engine repair
- Uses accessory or incidental to a permitted use.

### **C1A-2099** 702 Main St, Pt Lt 25, Con D (Amabel) **MAP 9**

- In addition to the uses permitted in the C1A zone a building supply establishment shall be a permitted non-residential use and the maximum height of an accessory building shall be 10 m in areas zoned C1A-2099.

### **C1A-48-1999** 62 Bryant St, Pt Pk Lt 1, OTP (Amabel) **MAP 6**

Permitted commercial uses shall be limited to:

- Mini storage units
- Indoor and outdoor storage of boats and recreational equipment
- Office space of the owner or on-site operator

### **C1A-8-1997** 185 Queen St W, Lt 2, Con 9 (Hepworth) **MAP 28**

- i. Minimum lot area shall be 2 ha (5 ac).
- ii. Permitted uses shall be limited to:
  - A contractors yard as it existed on November 7, 1988
  - An automotive, truck and heavy equipment repair shop
  - An accessory detached residence
- iii. Planting areas shall be established along the front and east side yard in accordance with [Section 6.5](#)

### **C1A-fp-2009** Allenford Flood Proofing **MAP 14**

- All building, structures and sewage disposal systems constructed on lands shall be flood proofed to a minimum elevation of 219.3 m G.S.C.

## Un-Serviced General Commercial Zone C1A

**C1A-2013** Pt Lot 8 Con A (Amabel); Pt Lots 3, 4 and 10 Plan 228; Part 1 RP 3R2609  
Barry's Construction / SBP HSKP Z-7-2013.58 **MAP 14**

### 1. Permitted Uses shall be limited to the following:

- Automotive Sales and Service Establishment
- Automotive Body Repair Shop
- Automotive Service Station
- Bakery
- Bakeshop
- Banquet Hall
- Building Supply Outlet
- Bulk Sales Establishment
- Bus Depot
- Business or Professional Office
- Clinic, Medical
- Club, Commercial & Private
- Commercial College or Studio
- Companion Animal Office
- Cultural Entertainment Facility
- Cold Storage Warehouse
- Commercial Greenhouse / Nursery
- Contractor's Yard
- Custom Workshop
- Dry Cleaning Depot
- Equipment Sales, Rental and Leasing Outlet
- Farm Implement Sales & Service
- Farmer's Market
- Financial Office
- Fitness Centre
- Funeral Home
- Heavy Equipment Sales and Rental
- Marine, Recreation and Small Engine Establishment
- Mini-Storage Facility
- Parking Lot
- Personal Service Shop
- Place of Entertainment
- Post Office
- Print Shop
- Printing Establishment
- Rental Outlet
- Restaurant – Drive-In/Drive Thru, Take-out, Dining
- Retail Store
- Retail Food Store
- Service or Repair Establishment
- Tavern
- Trailer, Recreational Sales and Services Establishment
- Transport Establishment
- Warehouse
- Wholesale Outlet
- Accessory Uses, Buildings and Structures in accordance with [Section 6.1](#).
- Maximum of five (5) Residential Dwelling – Accessory Apartment' in accordance with Section [6.1.7.1](#) 'Residential Dwelling – Accessory Apartment

## Un-Serviced General Commercial Zone C1A

### C1A-2013 Cont'd

2. The Permitted Uses shall be in accordance with the following Zone Provisions

	Partial Municipal Services	No Municipal Services
Minimum lot area	2000 m <sup>2</sup> (21528.5ft <sup>2</sup> )	4000 m <sup>2</sup> (43057ft <sup>2</sup> )
Minimum lot frontage	40 m (132 ft.)	40 m (132 ft.)
Minimum front yard	7.6 m (25ft.)	7.6 m (25 ft.)
Minimum interior side yard	3 m (9.8 ft) *	3 m (9.8 ft)*
Minimum exterior side yard	7.5 m (24.6 ft)*	7.5 m (24.6 ft)*
Minimum rear yard	7.5 m (24.6 ft)*	7.5 m (24.6 ft)*
Maximum building height	12 m (39.4 ft)	12 m (39.4 ft)
Maximum lot coverage	20%	15%

\* 9.2 m (30.2 ft) where the 'C1A-2013' Zone abuts a Residential zone.

**C1A-30-2018** south side of Bannister Dr lots addressed between 614-644 Amabel (HSKP #4 Z-2-18.58) **MAP 09**

614 Bannister Dr (Plan 517 Lot 62),  
618 Bannister Dr (Plan 517 Lot 61),  
620 Bannister Dr (Plan 517 Lot 60),  
622 Bannister Dr (Plan 517 Lot 59),  
626 Bannister Dr (Plan 517 Lot 58),  
630 Bannister Dr (Plan 517 Lot 57),  
632 Bannister Dr (Plan 517 Lot 56),

634 Bannister Dr (Plan 517 Lot 55),  
636 Bannister Dr (Plan 517 Lot 54),  
638 Bannister Dr (Plan 517 Lot 53),  
640 Bannister Dr (Plan 517 Lot 52),  
642 Bannister Dr (Plan 517 Lot 51),  
644 Bannister Dr (Plan 517 Lot 50)

Permitted uses shall include:

- a Single Detached Dwelling in accordance with [Section 10.3](#) Zone Provisions Un-Serviced Detached Residential Zone (R1A).

**C1A-147-2021** Unserviced General Commercial Special Plan 355 Lot 8 and Part Lot 17 and Plan 355 Part Lot 16 (Amabel) (119 Lakeshore Blvd and 122 Second Ave North)

- Minimum Parking Setback to south exterior lot line: 0.3 metres
- Minimum Parking Setback to north interior lot line: 3.0 metres
- Minimum Parking Setback to south interior lot line: 0.15 metres

## **Un-Serviced General Commercial Zone C1A**

- Sound attenuation fencing to height of 1.8 metres shall be provided within the property and immediately adjacent to interior side lot lines
- Permitted uses for area with vehicle access to Second Avenue North, described as Plan 355 Part Lot 16, are limited to parking and a Sewage Disposal System or Sewage Treatment Works
- Development having daily design sewage flows between 4500 l/day and 10,000 l/day must be serviced by a wastewater treatment system that will reduce nitrogen from wastewater to concentrations below 10 mg/l.
- The entire subject lands are hereby designated as a Site Plan Control area under Section 41 of the Planning Act. Development shall not proceed except in accordance with an agreement between the owner and the Municipality which may be registered on title, with such agreement addressing matters including but not limited to grading, drainage, wastewater and stormwater management, vehicle ingress/egress, landscaping, exterior design of buildings and fencing.

### **C1A-94-2021 Unserviced General Commercial Special Con D Pt Lot 26 Plan 429; Lots 46 to 52 (Amabel)**

- Permitted uses limited to a Mini-Storage facility and associated stormwater management facility
- The entire subject lands are hereby designated as a Site Plan Control area under Section 41 of the Planning Act. Development shall not proceed except in accordance with an agreement between the owner and the municipality which may be registered on title, with such agreement addressing matters including but not limited to grading, drainage and stormwater management, vehicle ingress/egress, natural heritage measures outlined in the EIS, pedestrian access, landscaping, and exterior design of buildings.
- Despite Section 3.5, minor deviations from the boundaries of the R4-94-2021, OS-94-2021, and C1A-94-2021 zones may be permitted without further amendment to this by-law until such time as the Site Plan Control agreement has been executed and registered against the title of the subject lands.

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### Section 16 Serviced General Commercial Zone (Warton) C1B

#### 16.1 Scope

No uses are permitted on lands zoned Serviced General Commercial Zone C1B unless expressly permitted by this By-law.

#### 16.2 Permitted Uses (By-law 67-2013, Z-07-2013.58, By-Law 58-2020, By-Law 84-2021, By-law 85-2021), (amended Child Care By-law 42-2016)

- Accessory uses, buildings and structures in accordance with Section 6.1
- Bakery
- Bakeshop
- Banquet Hall
- Bus Depot
- Business or Professional Office
- Service or Repair Establishment
- Child Care
- Clinic, Medical
- Club, Commercial & Private
- Commercial College or Studio
- Community Center
- Companion Animal Office
- Convenience Store
- Cultural Entertainment Facility
- Dry Cleaning Depot
- Farmers Market in accordance with Section 16.4 Other Provisions
- Financial Office
- Fitness Centre
- Funeral Home
- Home Occupation in accordance with Section 6.20
- Hotel
- Institutional Use
- Laundromat
- Parking Lot
- Personal Service Shop
- Place of Entertainment
- Place of Recreation
- Place of Worship as per Section 25.3 Institutional Zone Provisions
- Post Office
- Print Shop
- Public Building
- Public Park
- Public Uses
- Recreational Facility
- Residential Dwelling – Accessory Apartment in accordance with Section 6.1.7.1 Residential Dwelling – Accessory Apartment
- Restaurant – Drive-In/Drive Thru, Take-out, Dining
- Restaurant Mobile in accordance with Section 6.4
- Retail Store
- Retail Food Store
- Shopping Center
- Short Term Rental Accommodation within a dwelling unit or units
- A Single Detached Dwelling existing at the date of passing of this By-law in accordance with Section 11.3 R1B Serviced Detached Residential Zone Provisions
- Tavern
- Tourist Home

### 16.3 Zone Provisions

(By-law 67-2013, Z-07-2013.58)

Maximum Lot coverage	90%
Minimum lot area *	None
Minimum lot frontage *	None
Minimum front yard	None
Minimum interior side yard	None, except where a C1 Zone is abutting a Residential Zone, the minimum interior side yard shall be 3 m
Minimum exterior side yard	None
Minimum rear yard	3 m
Minimum & Maximum building height	Minimum: 2 stories Maximum: 12 m and 4 stories
*See Section 6.40	

### 16.4 Other Provisions

(By-law 67-2013, Z-07-2013.58)

No new development shall be permitted within the C1B zone unless such development is serviced by municipal water supply and sanitary sewers.

#### 16.4.1 Farmer's Market

Notwithstanding the Zone Provisions of Section 16.3, where a Farmer's Market consists solely of freestanding outdoor booths, tables, stands, tents, or similar portable or semi-portable structures the following shall apply:

- i) No freestanding outdoor booth, stand, table, tent or similar portable or semi-portable structure shall be located closer than 3 m to any lot line (By-law 67-2013, Z-07-2013.58) Parking requirements do not apply for a Farmer's Market that is operated for less than 2 days in any week.

## 16.5 Special Provisions – C1B Serviced General Commercial Zone

**Note:** The Special Provisions section contains provisions that apply only to specific lands, and that represent a site specific change from stated zone provisions.

**C1B-41-2006** 445 Berford St, (OMB Order 3255)

(area enlarged Ros-Bay Z-1-14.58, By-law 37-2014, OMB P140504 withdrawn) Lt 22 to 24, Lt 29, Div S and Lt 20 to 22 & N Pt Lt 23 Claude W/2 (Wiarton) **MAP 29**

The following permitted uses are prohibited:

- Assembly Hall
- Hotel
- Printing Establishment
- Taverns
- Wholesale Establishment

**C1B-41-2006-H** 445 Berford St, (OMB Order 3255)

Lt 22 to 24, Lt 29, Div S and Lt 20 to 22 & N Pt Lt 23 Claude W/2 (Wiarton) **MAP 29**

- i. The number of main buildings/structures for permitted uses may be five.
- ii. The following permitted uses are prohibited:
  - Assembly Hall
  - Hotel
  - Printing Establishment
  - Taverns
  - Wholesale Establishment

**C1B-46-2013** Part Lots 3 to 5 E BERFORD N DIVISION RP 3R4715 PART4; RP 3R4747 PART 1 RP 3R9096 Part 4 (Wiarton) (Gilbert, Z-6-13.58) (**MAP 29**)

- A Golf Course, Miniature shall be a permitted use.
- A maximum of four (4) accessory buildings shall be permitted.
- Thirteen (13) parking spaces shall be provided for the Golf Course, Miniature and may be permitted along the front lot line.
- That Part Lots 3 to 5 E BERFORD N DIVISION RP 3R4715 PART4; RP 3R4747 PART 1; RP 3R9096 Part 4 (Wiarton) are hereby designated as a Site Plan Control Area.

**C1B-98-2014** 508 Berford St; S Part Lot 15 and Lot 16 DIVISION S (Wiarton) (Morton Z-39-14.58) **MAP 29**

- An Automotive Sales and Service Establishment is a permitted use.



**Section 17 Not In Use**

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**Section 18                      Neighbourhood Commercial Zone                      C2**

**18.1    Scope**

No uses are permitted on lands zoned Neighbourhood Commercial Zone C2 unless expressly permitted by this By-law.

**18.2    Permitted Uses**

(By-law 67-2013, Z-07-2013.58, By-law 84-2021, By-law 85-2021)

- Accessory uses, buildings and structures in accordance with Section 6.1
- Convenience Store
- Home Occupation in accordance with Section 6.20
- Neighbourhood Store
- Personal Service Shops
- Residential Dwelling – Accessory Apartment in accordance with Section 6.1.7.1  
Residential Dwelling - Accessory Apartment.
- Residential Uses in accordance with R3 Low Density Multi Family Residential zone R3
- Short Term Rental Accommodation within a dwelling unit or units

**18.3    Zone Provisions**

	<b>No Municipal Water &amp; Sewer</b>	<b>Municipal Water &amp; Sewer</b>
Minimum lot area *	2,500m <sup>2</sup>	557.4 m <sup>2</sup>
Minimum lot frontage *	30 m	18 m
Minimum front yard	7.5 m	7.5 m
Minimum interior side yard	3 m	3 m
Minimum exterior side yard	7.5 m	7.5 m
Minimum rear yard	7.5 m	7.5 m
Maximum lot coverage	15 %	40%
Maximum building height	12 m	12 m
Maximum floor area of a permitted commercial use	200 square metres	200 square metres
*See Section 6.40		

## 18.4 Other Provisions

Planting Area Strips will be required where a C2 Zone use directly abuts a Residential Zone use as established by the applicable regulations of this By-law. (By-law 67-2013, Z-07-2013.58)

No outdoor storage or outdoor display areas shall be permitted in the C2 zone.

## 18.5 Special Provisions C2 Neighbourhood Commercial

**Note:** The Special Provisions section contains provisions that apply only to specific lands, and that represent a site specific change from stated zone provisions.

**C2-1986** 309 Huron Rd, Con 5 WBR Pt Lt 21 (RP 3R4610 Pt 1-4) (Albemarle) **MAP 3**

An outfitters / general store is a permitted use in compliance with the provisions contained in this by-law.

**C2-81-1991** 306 Berford St, PL 229 Pt E Pt Lt 33 W of Berford S of Division (RP 3R6324 Pt 2) (Wiarton) (By-law 67-2013, Z-07-13.58) **MAP 29**  
(further amended By-law 98-2014, Morton Z-39-14.58)

Permitted uses shall be limited to:

- A maximum of two residential dwelling-Accessory apartment units on the upper storey
- A maximum of two units used for either residential or commercial uses on the ground floor.
- Section 6.1.7.1 (b) shall not apply. All other sections of Section 6.1.7.1 apply.
- Commercial uses shall be limited to “business or professional office” and “optometry office.”
- Accessory uses and structures in accordance with [Section 6.1](#)

Zone Provisions:

- Minimum separation distance of a commercial building from a residential zone shall be 8.8m (29ft).
- Minimum exterior side yard shall be 6.1m (20ft).
- Minimum planting area width, east property line shall be 0.3m (1ft).
- Minimum planting area width, north property line shall be 1.2m (4ft).
- Minimum parking isle-maneuvering width shall be 7.3m (24ft).
- Minimum parking space width shall be 2.7m (9ft).
- Minimum set back of parking spaces from lands zoned residential and municipal streets shall be 0.6m (2ft)
- Minimum front yard shall be 6.7m (22ft).

## Neighbourhood Commercial C2

- An opaque fence with a minimum height of 1.2m (4ft) shall be provided along the west property boundary.
- One sign, attached to a commercial building, not exceeding 2.7m<sup>2</sup> (9ft<sup>2</sup>), shall be permitted.
- Minimum lot area shall be 1128m<sup>2</sup> (12,150ft<sup>2</sup>).

**C2-14-1995** 108 & 105 Ames St, Plan 266 Park Pt Lot 1, Pt Lot 14 to 16 (Wiaraton)  
**MAP 29**, (By-law 67-2013, Z-07-2013.58)

- In addition to the uses permitted in the C2 zone a professional office and small scale medical clinics is a permitted use.
- Pt Pk Lot 1, Plan 266 shall be permitted to be used for parking for the dental clinic only

**C2-40-2010** 5 Shoreline Ave, Plan 357 Lot 28 & N Pt Lt 27 (Amabel) OMB 24Mar10  
**Map 6**

Additional permitted uses to include:

- Personal service shop;
- Business or professional office;
- Retail store;
- Financial office;
- Restaurant;
- Three housekeeping units:
  - One 1 Bedroom detached housekeeping unit
  - Two 2 Bedroom detached housekeeping units within the existing Oliphant Pavilion building;

**‘Housekeeping units’** are defined as a unit for the overnight accommodation of the traveling public that shall include sanitary and food preparation facilities.

**C2-2013** 179 Oliphant Way, Pt Park Lt 2, OTP (Amabel) **MAP 6**

Permitted Uses

- A boat service station
- A business or professional office
- A general store

**C2-104-2019** Neighbourhood Commercial Special

- On all of the lands zoned C2-104-2019 Special development may include:
  - i) A one-storey building involving a maximum of three commercial units and a maximum total commercial ground floor area of 433 square metres; or

## Neighbourhood Commercial C2

- ii) A one-storey or two-storey building involving a maximum of six residential dwelling units with the dwelling units having the option for home occupations in accordance with Section 6.20, excepting however that 50% of the ground floor units may be used for the home occupation and signage shall be as per residential zones; or
- iii) A two-storey building involving a maximum of three commercial units on the ground floor with a maximum total commercial ground floor area of 433 square metres and a maximum of three residential dwelling units on the second floor with home occupations permitted in accordance with Section 6.20; or
- iv) A single-detached dwelling
  - The minimum front yard setback (Ames Street) is 6.0 metres
  - Planting area is not required along interior north lot line but is required along western most lot line;
  - A minimum 1.8 metre opaque perimeter fence and 1.0 metre setback from parking, driveway, and maneuvering areas to lot lines is to be provided on all lot lines adjacent to residential uses;
  - Permitted commercial uses are limited to; bakery; bakeshop; business or professional office; medical clinic; institutional uses; personal service shop; place of worship; recreational facility; convenience store; neighbourhood store;
  - The entire area zone C2-104-2019 is designated as a Site Plan Control area under Section 41 of the Planning Act

**C2-67-2020** C2 Neighbourhood Commercial Special Plan 216 East Part of Lot 46 to East Part of Lot 48 (Warton) (151 Division St)

### Permitted uses

- In addition to the uses permitted in the C2 zone, a retail fish operation and take-away restaurant are permitted uses

### Zone Provisions

- A minimum front yard setback of 5 metres is permitted
- Lands are subject to site plan control under Section 41 of the Planning Act.

**Section 19 Marine Commercial Zone C3**

**19.1 Scope**

No uses are permitted on lands zoned Marine Commercial Zone C3 unless expressly permitted by this By-law.

**19.2 Permitted Uses**

(67-2013, Z-07-2013.58, By-law 84-2021, By-law 85, 2021, By-law 86-2021)

- Accessory uses, buildings and structures in accordance with Section 6.1.
- Convenience Store forming an integral part of a permitted uses
- Home Occupation in accordance with Section 6.20
- Marina
- Retail sales of fishing and boating related supplies
- Restaurant-Mobile in accordance with Section 6.4
- Restaurant forming an integral part of a permitted uses
- Residential Dwelling – Single Detached existing at the date of passing of this By-law (September 2009). Changes shall be in accordance with Section 6.1.7.2  
Residential Dwelling – Single Detached Accessory
- Residential Dwelling – Accessory Apartment in accordance with Section 6.1.7.1
- Short Term Rental Accommodation within a dwelling unit or units
- Tour, fishing or dive boat charter services

**19.3 Zone Provisions**

	<b>Full Municipal Services</b>
Minimum lot area *	500 m <sup>2</sup>
Minimum lot frontage *	15 m
Minimum lot frontage – corner lot	18 m
Minimum front yard	7.62 m plus any applicable distance required by the applicable road authority as specified in <a href="#">Section 6.14</a> of this By-law.
Minimum interior side yard	7.62 m
Minimum exterior side yard	7.62 m
Minimum rear yard	0 m
Maximum lot coverage	50 %
Maximum ground floor area	70 m <sup>2</sup>
*See Section 6.40	

No new development shall be permitted within the C3 zone unless such development is serviced by municipal water supply and sanitary sewers.

**19.4 Not In Use**

**19.5 Special Provisions - C3 Marine Commercial**

<p><b>Note:</b> The Special Provisions section contains provisions that apply only to specific lands, and that represent a site specific change from stated zone provisions.</p>
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## Section 20 Resort Commercial Zone C4

### 20.1 Scope

No uses are permitted on lands zoned Resort Commercial Zone C4 unless expressly permitted by this By-law.

### 20.2 Permitted Uses

(By-law 67-2013, Z-07-2013.58, By-Law 84-2021, By-Law 85-2021, By-law 86-2021))

- Accessory uses, buildings and structures in accordance with [Section 6.1](#)
- Convenience Store
- Home Occupation in accordance with [Section 6.20](#)
- Hotel
- Lodge
- Marina
- Motel / Motor Hotel
- Neighbourhood Store
- Residential Dwelling – Single Detached Accessory' in Accordance with [Section 6.1.7.2](#)
- 'Residential Dwelling – Accessory Apartment' in accordance with [Section 6.1.7.1](#)
- Restaurant-Mobile in accordance with [Section 6.4](#)
- Restaurant (Dining, Take-out)
- Short Term Rental Accommodation within a dwelling unit or units
- Tourist cottage rental establishment
- Tourist home

### 20.3 Zone Provisions

Minimum lot area *	4,000 m <sup>2</sup>
Minimum lot frontage *	40 m
Minimum front yard	7.5 m plus any applicable distance required by the applicable road authority as specified in <a href="#">Section 6.14</a> of this By-law.
Minimum interior side yard	5 m
Minimum exterior side yard	7.5 m
Minimum rear yard	10 m
Maximum building height – main building	10 m



Maximum lot coverage	15 %
*See Section 6.40	

All habitable buildings shall be set back 15 m (49.2 ft) from the high water mark.

## 20.4 Provisions For Tourist Cottage Rental Establishment

The use of any land, buildings or structure for tourist cabins or cottage purposes is permitted subject to the following provisions:

- a) The minimum floor area for a tourist cottage shall be 60 m<sup>2</sup>.
- b) Any tourist cottage shall be a maximum of one storey in height.
- c) Minimum distance between a tourist cottage shall be 6 m.
- d) The minimum side and rear yards shall be 5 m.
- e) Planting areas shall be provided adjacent to the side and rear lot lines in accordance with 'Section 6.5 Planting Area'. (Housekeeping Z-7-13.58)

## 20.5 Marina Development

In addition to all other requirements of this By-law any marina development with docking facilities must contain a minimum of 30 m frontage on a navigable waterway. No part of any sewage disposal system shall be within 30 m of the high water mark.

## 20.6 Special Provisions – C4 Resort Commercial

**Note:** The Special Provisions section contains provisions that apply only to specific lands, and that represent a site specific change from stated zone provisions.

### **C4-2203** Camp Rd, Pt Lt 16-18, Con 1 & 2 (Amabel) **MAP 11**

- Minimum leased area shall be 4 000 m<sup>2</sup> (43 1000 ft<sup>2</sup>)
- Minimum frontage shall be 40 m (132 ft).
- Minimum side yard setback shall be 5 m (16.5 ft).
- Maximum coverage of leased area shall be 20 %.

### **C4-2084** 49 Lake Dr, Con B Pt Lt 19 (Amabel) **MAP 11**

- Maximum number of cottage dwellings shall be 28.
- Minimum habitable cottage dwelling area shall be 65 m<sup>2</sup> (700 ft<sup>2</sup>).
- Maximum dwelling unit height shall be 7.6 m (25 ft).

**C4-117-2014** 424 Huron Rd; Part Lot 18 Concession 4WBR Albemarle  
(Henrich Z-59-14.59) **MAP 2**

- Minimum lot frontage 38m
- Minimum lot area 1660 sq. m.

**C4-36-2019** Resort Commercial Special, Concession 3 EBR Part Lot 27 (Albemarle)

- i) Permitted uses are limited to a “private camp”, defined as:
  - a. “A privately owned and operated establishment which operates throughout or part of the year for recreational, education or religious purposes, where a program is offered in conjunction with the provision of equipment or supplies or services related to basketball, angling, sailing, swimming, skiing, skating, snowshoeing or crafts, or similar indoor or outdoor recreational activities. Programs may be offered as a day camp, or in conjunction with overnight accommodations. The camp may include education or conference facilities, campgrounds in accordance with Section 21.3 provisions, facilities for serving meals, bunkhouses or similar facilities, and accessory uses, buildings, and structures.”
- ii) Permit a maximum of three (3) accessory apartment dwelling units, in accordance with Section 6.17.1 “Residential Dwelling - Accessory Apartment,” subsections c), e), and f) excepting that individual buildings may have access from internal driveways.
- iii) Permit a maximum of two (2) single detached dwellings, in accordance with Section 6.1.7.2 “Residential Dwelling - Single detached accessory”, excepting that one dwelling may have a minimum ground and habitable floor area of 48 m<sup>2</sup>.
- iv) Notwithstanding provisions of Section 20.3, minimum side yard setbacks shall be 50 m.
- v) Lands zoned C4-36-2019 are designated as a Site Plan Control area under Section 41 of the Planning Act.
- vi) The Holding symbol may be removed under the following conditions:
  - a) Completion of an Archaeological Assessment by an archaeologist licensed in the province of Ontario and confirmed by the appropriate Ministry to have been accepted into the Ontario Public Register of Archaeological Reports; and
  - b) Confirmation to the satisfaction of the Zoning Administrator that the recommendations of the archaeological assessment (if any) have been implemented.

## Section 21 Campground Commercial Zone C5

### 21.1 Scope

No uses are permitted on lands zoned Campground Commercial Zone C5 unless expressly permitted by this By-law.

### 21.2 Permitted Uses

(By-law 67-2013, Z-07-2013.58, By-Law 84-2021, By-law 85-2021)

- Accessory uses, buildings and structures in accordance with Section 6.1
- Campground
- Home Occupation in accordance with Section 6.20
- Residential Dwelling – Accessory Apartment in accordance with Section 6.1.7.1  
Residential Dwelling - Accessory Apartment OR a Residential Dwelling – Single Detached Accessory in accordance with Section 6.1.7.2.
- Short Term Rental Accommodation within a dwelling unit
- Tourist Cottage Rental Establishment

### 21.3 Zone Provisions

Minimum lot area *	4 ha
Maximum lot area	20 ha
Minimum lot frontage *	60 m
Minimum front yard	7.5 m
Minimum side yard	15 m
Minimum rear yard	15 m
Minimum areas of campground site	232 m <sup>2</sup>
Minimum frontage of campground site	15 m
Maximum density of campsites	25 sites per ha

\*See Section 6.40

A minimum of 10% of the area of the camping establishment must be developed for recreation purposes.

### 21.4 Provisions for Tourist Cottage Rental Establishment

The use of any land, buildings or structure for tourist cabins or cottage purposes is permitted subject to the following provisions:

- a) The minimum floor area for a Tourist Cottage shall be 60 m<sup>2</sup>.
- b) A Tourist Cottage shall be a maximum of one storey in height.

- c) Minimum distance between Tourist Cottages shall be 6 m.
- d) The minimum side and rear yards shall be 5 m.
- e) A Planting Area shall be provided adjacent to the side and rear lot lines in accordance with Section 6.5 Planting Area. (By-law 67-2013, Z-07-2013.58)

## **21.5 Special Provisions – C5 Campground Commercial**

Note: The Special Provisions section contains provisions that apply only to specific lands, and that represent a site specific change from stated zone provisions.

### **C5-2203      Camp Rd, Pt Lt 16-18, Con 1 & 2 (Amabel) MAP 11**

- The maximum density of campsites shall not exceed 25 sites per hectare.
- Minimum area per campsite shall be 235 m<sup>2</sup> (2 500 ft<sup>2</sup>).
- Maximum lot area shall be 1.8 ha (4.45 ac).

### **C5-1781-H    Main St, Lt 24 & 25, Con C (Amabel) MAP 9**

- The use of the land shown on Schedule A attached hereto shall permit the placement of tents and small recreational travel trailers, recreational facilities to service the individual campsites, parking areas, private streets, directional signs and shall also permit the erection and use of related accessory recreational facilities and buildings.
- Accessory buildings shall not exceed a height of 4 (four) meters to be measured from grade at the front of the structure.
- Off-street parking areas shall be provided and a minimum of size of any parking space shall be not less than eighteen (18) square meters in area. At least one such off-street parking space shall be contained on each campsite.
- The minimum campsite area shall be two hundred and thirty-three (33) square meters in area and have a minimum campsite frontage of fifteen (15) meters. Each such campsite area shall contain a minimum of four (4) meters of natural or man made buffer area along the side and rear boundary of the campsite.
- The campsite shall be used for human habitation only during the six months from May through to October inclusive of the same calendar year.
- No buildings, structures or campsites shall be located within 15 metres of a lot line. The 15 metres shall retain its natural vegetation and be supplemented with the planting of trees and shrubs. (By-law 67-2013, Z-07-2013.58)

## Campground Commercial C5

- The Seasonal tent and trailer park shall conform to all provisions of any municipal by-law passed under the authority of the Municipal Act and shall be subject to the provisions and regulations of the Tourism Act, 1972 where applicable.
- No development shall be permitted until the owner has entered into an agreement satisfactory to the Corporation of the Town of South Bruce Peninsula pursuant to Section 40 of the Planning act R.S.O. 1990. (By-law 67-2013, Z-07-2013.58)
- **Definitions:**
  - ‘**Accessory Building or Structure**’ – Shall mean a detached building or structure, the use of which is customarily incidental and subordinate to the principal use and located on the same lot and shall include for the purposes of this By-law, central washrooms, administration office, laundry rooms, recreation hall, games room, snack bar and a convenience store which shall provide through retail sale the day to day necessities of the clientele of the campground only.
  - ‘**Camping Operation**’ – shall mean the use of the land will be for small recreational vehicles less than eleven (11) meters in length and tents and in which a campsite shall have a minimum of two hundred and thirty-three (233) square meters in area and a minimum of fifteen (15) meters width at least at one point in the campsite.
  - ‘**Parking Area**’ – shall mean an area which is open and clear of any buildings and structures and shall be available for the parking of motor vehicles including maneuvering aisles and other spaces necessary and incidental to the temporary parking or storage of motor vehicles.

### **C5-22-2001** 129 Bryant St, N Pt Lt 3 & E Pt Lt 4, OTP (Amabel) **MAP 6**

Up to a maximum of ten (10) tourist cabins shall be permitted.

### **C5-46-2007** 760 Highway 6; Con 3 EBR Pt Lt 27 (Albemarle) **MAP 23**

The permitted uses are limited to a private camp defined as:

“A privately owned and operated establishment which operates throughout or part of the year for recreational, education or religious purposes, which provides accommodation for ten or more persons, or to any group or groups which contract accommodation for a period having a minimum duration of two days which includes campgrounds, facilities for serving meals and may or may not include bunkhouses or similar facilities, where a program is offered in conjunction with the provision of equipment or supplies or services related to angling, sailing, swimming, skiing, skating, snowshoeing or crafts, or similar indoor or outdoor recreational activities or any of them during all or part of the year, and may include education or conference facilities.”

## Section 22 Highway Commercial C6

### 22.1 Scope

No uses are permitted on lands zoned Highway Commercial Zone C6 unless expressly permitted by this By-law.

Uses marked with an asterix (\*) are permitted only when serviced by full municipal water and sewer services. (By-law 67-2013, Z-07-2013.58)

### 22.2 Permitted Uses

(By-law 67-2013, Z-07-2013.58, HSKP #4, Z-2-18.58, By-law 84-2021, By-law 85-2021, By-law 86-2021)

- Accessory Uses, Buildings & Structures in accordance with Section 6.1
- Auction Sales Arena
- Automotive Body Repair Shop
- Automotive Sales & Service Establishment
- Automotive Service Station
- Automotive Washing Establishment\*
- Bakery
- Banquet Hall
- Building Supply Outlet
- Bulk Fuel Depot
- Bulk Sales Establishment
- Bus Depot
- Business & Professional offices
- Catering Establishment
- Place of Worship/ Place of Worship
- Clinic, Veterinarian
- Club, Private & Commercial
- Commercial Nursery or Greenhouse
- Commercial school or studio
- Convenience Store
- Dry Cleaning Depot
- Equipment Sales, Rental & Leasing Outlet
- Factory Outlet
- Farm Implement Sales & Service Outlet
- Farm Supply Outlet
- Farmer's Market
- Fitness Centre
- Flea Market
- Funeral Home
- Gas Bar
- Garden Centre
- Heavy Equipment Sales and Rental
- Home occupation in accordance with Section 6.20 in a legal non-conforming dwelling
- Hotel
- Kennel
- Laundromat\*
- Marine, Recreation and Small Engine Establishment
- Mini-storage Facility
- Motel, Motor Hotel
- Parking Lot
- Personal Service Shop
- Post Office
- Public Uses
- Public Buildings

## Highway Commercial C6

- Rental Outlet
- Residential Dwelling – Accessory Apartment in accordance with Section 6.1.7.1 Residential Dwelling - Accessory Apartment
- Restaurants (Dining, Drive-In, Drive-Thru, Take-Out)
- Restaurant – Mobile in accordance with Section 6.4
- Retail Food Store
- Retail Store
- Recreational facilities
- Service or Repair Shop
- Shopping Centre/Mall
- Short Term Rental Accommodation within a dwelling unit or units
- Trailer, Recreational Sales and Service Establishment
- Tavern
- U-Brew Establishment \*
- Wholesale Outlets
- Wayside Pits

### 22.3 Zone Provisions

Provisions	No municipal services	One or more municipal services	Full municipal services – Commercial Uses	Full municipal services – Industrial Uses
Minimum lot area *	4,000 m <sup>2</sup>	2,000 m <sup>2</sup>	557.4 m <sup>2</sup>	929 m <sup>2</sup>
Minimum lot frontage *	40 m	40 m	18 m	20 m
Minimum front yard	7.6 m	7.6 m	7.6 m	7.6 m
Minimum interior side yard	10 m	10 m	3 m	10 m
Minimum exterior side yard	7.6 m	7.6 m	7.6 m	7.6 m
Minimum rear yard	7.6 m	7.6 m	7.6 m	7.6 m
Maximum building height	12.5 m	12.5 m	12.5 m	12.5 m
Maximum lot coverage	15 %	20 %	40 %	40 %
*See Section 6.40				

### 22.4 Specific Regulations for Automotive Service Station; Automotive Washing Establishment or Gas Bar

Minimum lot area *	1393.5 m <sup>2</sup>
Minimum lot frontage *	30.5 m
Minimum front yard	7.6 m
Minimum interior side yard	4.5 m

Minimum exterior side yard	7.6 m
Minimum rear yard	7.6 m
Maximum building height	12.5 m
Maximum lot coverage	40 %
*See Section 6.40	

## 22.5 Fuel Pump Islands/Gas Kiosks

- a) Minimum Building Setback is 7.6 m from the front lot line. No fuel pump island, gas bar kiosk is to be located within the required Sight triangle established by [Section 6.9](#) this By-law.
- b) Despite the above, canopies over pump islands and underground storage tanks are allowed to project 1.5 m from the Street Line.

## 22.6 Accessory Residential Units

Despite any other provisions of this By-law to the contrary, accessory dwelling units are not permitted in association with an automotive service station, automotive washing establishment or gas bar.

## 22.7 Regulations For Access

Any point of ingress and egress to an automotive service stations, automotive washing establishment or gas bar shall not be located within 9 m of a street intersection, as measured at the curb line.

## 22.8 Provisions For Hotels And Motels

Minimum lot area *	1393.5 m <sup>2</sup>
Minimum lot frontage *	30.5 m
Minimum front yard	7.6 m
Minimum interior side yard	Half (½) the building height but in no case less than 3 m
Minimum exterior side yard	7.6 m
Minimum rear yard	7.6 m
Maximum building height	12.5 m
Maximum lot coverage	40 %



\*See Section 6.40

## 22.9 Setback For Wayside Pits And Temporary Portable Asphalt And Concrete Plants

Wayside pits and quarries, portable asphalt plants and portable concrete plants used on public authority contracts shall be permitted, provided that no temporary portable asphalt plant may be situated closer than 90 m from a residential building.

## 22.10 Special Provisions - C6 Highway Commercial

Note: The Special Provisions section contains provisions that apply only to specific lands, and that represent a site specific change from stated zone provisions.

### C6-H Multiple Lots **MAP 29** (By-law 67-2013, Z-07-2013.58)

- 'H' Holding may be removed upon the registration of a Site Plan Control Agreement.

### C6-2145 1102 Sauble Falls Pkwy, Pt Lt 40, Con D (Amabel) **MAP 7**

- Restaurants, drive-in restaurants, take-out restaurants
- Establishments for the sale of nursery stock and/or garden supplies
- General store
- Buildings, structures and uses accessory to a permitted use

Provisions:

- Minimum lot frontage shall be 37.2 m (122 ft)
- Minimum south side yard setback shall be 7.9 m (26 ft).

### C6-15-1998-H 236 Berford St, Plan 266 Pk Pt Lt 5 (Wiarton) **MAP 29** (By-law 67-2013, Z-07-2013.58)

- In addition to the uses permitted in the zone, a retail store is a permitted use.
- Minimum ground floor area for the retail store shall be 20,000 ft<sup>2</sup>.
- The total floor area for a permitted retail store shall be dedicated for the use by not more than one (1) owner or lessee.
- Prohibited uses: shopping mall, shopping plaza.
- 'H' Holding may be removed upon the registration of a Site Plan Control Agreement.

### C6-87-2007 272 Berford St; Plan 266 Park Part Lot 1 HWY 6 West (Wiarton) **Map 29** (Z-69-14.58 Ward, By-law 25-2015)

- Permitted use of Funeral Home only
- Minimum Rear Yard setback 1.25m

- Required off-street parking is 24 spaces
- Fencing shall be maintained at a minimum height of 1.5 m (5 ft) on the west and south property boundaries

**C6-84-2008** 248 Berford St., Plan 266 Pt Park Lot 4 (RP 3R7845 Part 4 Hwy 6 W)  
(Wiarton) **MAP 29**

- In addition to the uses permitted in the C6 zone a retail store shall be a permitted use.
- The retail store shall have a minimum floor area of 370 m<sup>2</sup> (3 983 ft<sup>2</sup>) and be occupied by a single tenant.
- Despite [Section 6.30](#) One Main Building per Lot, a maximum of two main buildings and a gas bar may be permitted.
- Both retail buildings must have a minimum ground floor area of 370 m<sup>2</sup> (3 983 ft<sup>2</sup>) and be occupied by a single tenant each.
- A reduced parking rate from 1 space per 20 m<sup>2</sup> to 1 space per 25 m<sup>2</sup> of sales/service area is permitted.
- A reduced rear yard setback from 10 m (32.8 ft) to 6.4 m (21 ft) is permitted.

**C6-14-2008-H** 50 Berford St, Part Lot 1 Con 20 (Wiarton) **MAP 29**

The following uses shall not be permitted:

- Farm implement sales and repair establishment
- Bulk sales establishment
- A light manufacturing processing or assembly operation (but not including a junk salvage, scrap or wrecking yard)
- Warehousing including mini storage
- Contractors yard
- Light manufacturing plant
- Open storage accessory to the permitted use
- Transportation depot

**C6-78-2014** 018668 Bruce Rd 10; Part Lot 1 Concession 6 (Amabel) (Z-23-14.59

HSKP #2) **Map 27**

- Maximum Lot Coverage 20%
- Additional Permitted Uses include fabrication, repair, and servicing of agricultural implements and equipment and industrial uses including a machine shop, welding shop, and/or blacksmith shop.

**C6-63-2016** Part Lots 15 to 18 Division N Berford E/S (Warton) (TSBP / Z-31-16.58)

**MAP 29**

- In addition to the currently permitted uses, an additional use, “Cabin Tent Accommodation” shall be added: “a fabric cover structure which provides sleep accommodations for overnight guests.”
- 1 m (3 ft) setback from the unopened municipal road allowance.

## Section 23 Industrial M1

### 23.1 Scope

No uses are permitted on lands zoned Industrial M1 unless expressly permitted by this By-law.

Uses marked with an asterix (\*) are permitted only when serviced by full municipal water and sewer services.

### 23.2 Permitted Uses (By-Law 84-2021, By-Law 86-2021)

- Accessory Uses, Buildings and Structures in accordance with Section 6.1, including
- Automotive Body Repair Shop
- Automotive Service Station
- Bakery
- Brewery & Retail Outlet\*
- Building Supply Outlet
- Bulk Fuel Depot
- Bulk Sales Establishment
- Business or Professional Office
- Cold Storage Warehouse
- Commercial Greenhouse / Nursery
- Contractor's Yard
- Crematorium\*
- Custom Workshop
- Dry Cleaning /Laundry Plant\*
- Equipment Sales, Rental and Leasing Outlet
- Farm Implement Sales & Service
- Feed Mill & Elevator
- Gas Bar
- Heavy Equipment Sales and Rental
- Home occupation in accordance with Section 6.20 in a legal non-conforming dwelling
- Industrial Mall\*
- Industrial Use (By-law 78-2014 HSKP #2)
- cafeteria, factory outlet, storage yards and showrooms
- Marine, Recreation and Small Engine Establishment
- Mini-Storage Facility
- Printing Establishment
- Public Works Yard
- Recycling Depot
- Recycling Plant
- Rental Outlet
- Restaurant - Mobile operating as part of a scheduled route or as part of a special event. Note: A valid business license is required for each Restaurant-Mobile from the Town of South Bruce Peninsula and Restaurant-Mobile may be subject to other Municipal by-laws
- Service or Repair Establishment
- Trailer, Recreational Sales and Services Establishment
- Transport Establishment
- U-Brew Establishment \*
- Warehouse
- Water Treatment Facility
- Wayside Pit
- Wholesale Outlet

### 23.3 Zone Provisions

	Full Municipal Services	Partial Municipal Services	No Municipal Services
Minimum lot area *	929 m <sup>2</sup>	2000 m <sup>2</sup>	4000 m <sup>2</sup>
Minimum lot frontage *	20 m	40 m	80 m
Minimum front yard	7.5 m	7.5 m	7.5 m
Minimum interior side yard	3 m <sup>**</sup>	3 m <sup>**</sup>	3 m <sup>**</sup>
Minimum exterior side yard	7.5 m	7.5 m	7.5 m
Minimum rear yard	7.5 m <sup>**</sup>	7.5 m <sup>**</sup>	7.5 m <sup>**</sup>
Maximum building height	12 m	12 m	12 m
Maximum lot coverage	60%	60%	60%
*See Section 6.40			
<sup>**</sup> 9.2m where an M1 zone abuts any residential zone			

### 23.4 Accessory Retail Use – Industrial Uses

Accessory retailing of products shall be permitted subject to the following regulations:

- a) A maximum of 25% of the gross floor area is used within
  - i. The main industrial building, or
  - ii. Each individual unit in an industrial mall.
- b) The products to be sold must be produced on the site.

### 23.5 Setback For Wayside Pits And Temporary Portable Asphalt And Concrete Plants

Wayside pits and quarries, portable asphalt plants and portable concrete plants used on public authority contracts shall be permitted, provided that no temporary portable asphalt plant may be situated closer than 90 m from a residential building.

## 23.6 Special Provisions – M1 Industrial

**Note:** The Special Provisions section contains provisions that apply only to specific lands, and that represent a site specific change from stated zone provisions.

**M1-2013** Pt Lot 8, Con 'A' (Amabel); West Pt Lt 7, Con 'A' (Amabel); Pt Lt 2 Plan 228, Barry's Construction / SBP HSKP Z-7-2013.58 By-law 75-2013 **MAP 14**

.1 Permitted Uses shall be limited to the following:

- Accessory Uses, Buildings and Structures in accordance with Section 6.1
- Automotive Body Repair Shop
- Automotive Service Station
- Bakery
- Building Supply Outlet
- Bulk Fuel Depot
- Bulk Sales Establishment
- Business or Professional Office
- Cold Storage Warehouse
- Commercial Greenhouse / Nursery
- Contractor's Yard
- Custom Workshop
- Equipment Sales, Rental and Leasing Outlet
- Farm Implement Sales & Service
- Heavy Equipment Sales and Rental
- Marine, Recreation and Small engine Establishment
- Mini-Storage Facility
- Printing Establishment
- Rental Outlet
- Service or Repair Establishment
- Trailer, Recreational Sales and Services Establishment
- Transport Establishment
- Warehouse
- Wholesale Outlet

.2 The Permitted Uses shall be in accordance with the following Zone Provisions

	Partial Municipal Services	No Municipal Services
Minimum lot area	2000 m <sup>2</sup> (21528.5ft <sup>2</sup> )	4000 m <sup>2</sup> (43057ft <sup>2</sup> )
Minimum lot frontage	Not applicable	Not applicable
Minimum front yard	Not applicable	Not applicable
Minimum interior side yard	3 m (9.8 ft) *	3 m (9.8 ft)*
Minimum exterior side yard	7.5 m (24.6 ft)*	7.5 m (24.6 ft)*
Minimum rear yard	7.5 m (24.6 ft)*	7.5 m (24.6 ft)*
Maximum building height	12 m (39.4 ft)	12 m (39.4 ft)
Maximum lot coverage	20%	15%

\*9.2 m (30.2 ft) where the 'M1-2013' Zone abuts a Residential zone.

- .3 Section 3.6 'More than One Zone on a Lot' shall not apply.
- .4 The lands Zoned 'M1-2013' shall be considered to be a 'Lot' for the purposes of this By-law.
- .5 The northern boundary between the 'M1-2013' zone and the abutting zone shall be considered to be a 'Lot Line, Rear'.
- .6 The western boundary between the 'M1-2013' zone and the abutting abandoned rail corridor (MTO) shall be considered to be a 'Lot Line, Exterior Side'.
- .7 All other zone boundaries shall be considered to be a 'Lot Line, Interior Side'.
- .8 The lands zoned 'M1-2013' shall be subject to Site Plan Control.

**M1-27-2015** West Part Lots 8 & 9 Concession 'A' (Amabel) (Davenport Z-66-14.54)

**Map 14**

- Minimum rear yard setback (from north lot line): 36 metres
- Minimum east side yard setback: 60 metres (Assembly Uses) 10 metres (Warehousing)
- Minimum west side yard setback: 47 metres
- Minimum front yard setback: 14 metres
- Grading and site alteration are prohibited within the required west side yard setback within
- 90 metres of the front lot line
- All other provisions of Section 23 apply
- Lands subject to site plan control under Section 41 of the Planning Act

## Section 24 Extractive Industrial Zone M2

### 24.1 Scope

No uses are permitted on lands zoned Extractive Industrial Zone M2 unless expressly permitted by this By-law.

### 24.2 Permitted Uses (By-law 86-2021)

- Aggregate Transfer Station
- Agricultural Uses
- Asphalt or Concrete Plant
- Conservation
- Forestry
- Mineral aggregate operation
- Processing of extracted materials within a permitted licensed pit or quarry including screening, sorting, working, crushing, storing and other similar operations
- Restaurant - Mobile operating as part of a scheduled route or as part of a special event. Note: A valid business license is required for each Restaurant-Mobile from the Town of South Bruce Peninsula and Restaurant-Mobile may be subject to other Municipal by-laws
- 
- Temporary Portable Asphalt Plant

### 24.3 Zone Provisions

Minimum lot area *	2 ha
Minimum lot frontage *	30 m
*See Section 6.40	

### 24.4 Setbacks

- a) No building, structure, plant or product stockpile shall be located on the pit site within 30 m of any zone boundary, nor within 90 m of the boundary of any Residential use or Zone on adjacent property.

Note: Extractive uses are regulated under the provisions of the Aggregates Act and its regulations, and through license conditions. The approval of licenses for extractive uses is regulated by the Ministry of Natural Resources.



## 24.5 Special Provisions – M2 Extractive Industrial

Note: The Special Provisions section contains provisions that apply only to specific lands, and that represent a site specific change from stated zone provisions.

**M2-91-2021** Concession 24 North Part Lot 10; RP 3R9766 Part 1 (Amabel) Z-2021-025 (Big Island Quarry)

Section 24.4 – Setbacks do not apply.

## Section 25 Rural Commercial And Industrial Zone M3

### 25.1 Scope

No uses are permitted on lands zoned Rural Commercial/Industrial unless expressly permitted by this By-law.

### 25.2 Permitted Uses (By-law 84-2021, By-law 86-2021)

- Accessory uses, buildings and structures in accordance with Section 6.1
- Agricultural Produce Warehouse
- Clinic, Veterinarian
- Companion Animal Office
- Commercial Greenhouse and/or Nursery
- Cold Storage Warehouse
- Equipment Sales, Rental and Leasing Outlet
- Farm Implement Sales and Service
- Farm Supply Outlet
- Home occupation in accordance with Section 6.20 in a legal non-conforming dwelling
- Feed Mill & Elevator
- Kennel
- Saw or Planing Mill
- Restaurant - Mobile operating as part of a scheduled route or as part of a special event. Note: A valid business license is required for each Restaurant-Mobile from the Town of South Bruce Peninsula and Restaurant-Mobile may be subject to other Municipal by-laws
- Warehouse
- Wayside Pit
- Winery

### 25.3 Zone Provisions

Minimum lot area *	0.4 ha
Minimum lot frontage *	61 m
Minimum front yard	7.5 m
Minimum interior side yard	6 m; 12 m abutting any residential zone.
Minimum exterior side yard	7.5 m
Minimum rear yard	7.5 m
Maximum lot coverage	30% for the main building
Setback from residential uses	No Agricultural Commercial use, including outdoor storage and display areas shall be located within 60m of a residence on an adjacent lot.
Maximum gross floor area	Maximum gross floor area of the main building shall not exceed 250m <sup>2</sup> .
*See Section 6.40	

## 25.4 Accessory Residential Uses

A single detached residential use in compliance with Section [6.1.7](#) and;

- a) Subject to the yard setbacks of [Section 8.3](#) RU1 General Rural zone provisions.
- b) Maximum Building Height 10.5 m
- c) Minimum Floor Area 102.2 m<sup>2</sup>

## 25.5 Minimum Distance Separation Requirements

The minimum distance separation requirements – MDS 1 and MDS II – of [Section 6.22](#) shall apply to all permitted uses within the Zone.

## 25.6 Setback For Wayside Pits And Temporary Portable Asphalt And Concrete Plants

Wayside pits and quarries, portable asphalt plants and portable concrete plants used on public authority contracts shall be permitted, provided that no temporary portable asphalt plant may be situated closer than 90 m from a residential building.

## 25.7 Special Provisions – M3 Rural Commercial and Industrial

Note: The Special Provisions section contains provisions that apply only to specific lands, and that represent a site specific change from stated zone provisions

### **M3-7-2003** Highway 6, Pt Lt 1, Con 24 (Amabel) **MAP 25**

Permitted uses limited to:

- Marine Upholstery repair and boat storage
- Accessory uses and structures

### **M3-60-2004** 1021 Bruce Road 9; Pt Lt 15, Con 8 EBR (Albemarle) **MAP 34**

Permitted uses shall be limited to a marina

- Minimum front yard setback shall for buildings, structures, parking, loading and outside storage areas shall be 30 m (100 ft).

### **M3-19-1995** 796 Bruce Rd 8, Lt 20, Con 10 (Amabel) **MAP 15**

Permitted uses are limited to the production, retail and display of nursery products, including such items as plants, fertilizer tools and the sale, repair and servicing of snow machines and products accessory thereto;

### **M3-42-1996** 18 Meadowland Rd, Lot 1, Con18 (Amabel) **MAP 25**

Permitted uses are limited to:

- Residential Uses – an accessory detached dwelling units subject to Section 6.24

- Non-residential uses – establishment for the repair and service of marine equipment and recreational vehicles not including any retail or wholesale sales of these items.
- Provisions:
  - Minimum front yard setback shall be 20 m (66 ft).
  - All storage shall be to the rear of the commercial building only.

**M3-42-1989** 134 Boat Lake Rd, Pt Lt 4, Con 20 (Amabel) **MAP 25**

Permitted uses shall be limited to the following:

- Establishment for the fabrication, repair and servicing of agricultural implements and equipment.
- Industrial uses including only, machine shops, welding shops and wood fabricating operations.
- Builders or contractors yard.
- The servicing, repair, sale and storage of motorized snow and marine vehicles.
- Sewage disposal system.
- Buildings, structures and uses accessory to a permitted use.

**M3-8-2005** Removed, see M3-78-2016 **MAP 16**

**M3-49-1999** 296 Municipal Rd, Pt Lt 20, Con 8 (Amabel) **MAP 15**

Permitted commercial uses shall be limited to a nursery garden involving the growing and sale of nursery and plant products, as well as associated retail sales.

**M3-89-2006** 610 Bruce Road 8 and 1136 Sideroad 15, of Pt Lt 15, Con 10, (Amabel) **MAP 15**

Permitted residential uses are limited to :

- A detached accessory dwelling if in combination with a permitted non-residential use and occupied as a place of residence by the individual operating the permitted non-residential use.

Permitted non residential uses are limited to:

- A general store and/or retail store is permitted within the existing church structure.
- There shall be no advertising other than a plate or fascia sign that is not flashing and not larger than 0.2 square metres (2.1 square feet) in area, and attached to the main building or otherwise located in accordance with an approved municipal sign by-law.
- Parking shall be established in accordance with [Section 6.33](#) Parking Regulations.
- There is no external storage of goods or materials.

**M3-78-2016** 562 Spring Creek Rd, Part Lot 13, Concession 12 (Amabel) (Ruth Z-56-16.56) **MAP 16**

Permitted uses shall be limited to:

- Woodworking, sawmill, retail and display of the wood products produced on site
- Auction Facility
- Banquet Hall
- Minimum front yard setback for the barn and parking area shall be 6 m (20 ft)
- Lands subject to site plan control under Section 41 of The Planning Act.

## Section 26 Institutional Zone I

### 26.1 Scope

No uses are permitted on lands zoned Institutional I unless expressly permitted by this By-law.

### 26.2 Permitted Uses

(By-law 67-2013, Z-07-2013.580, By-law 86-2021), (amended Child Care By-law 42-2016)

- Accessory uses, buildings and structures in accordance with Section 6.1
- An accessory dwelling unit or detached dwelling in conjunction with a Place of Worship and used as a residence by the minister, rabbi, priest or other religious head of the Place of Worship congregation in accordance with Section 6.1.6
- Child Care
- Cemetery and crematorium
- Dormitory in conjunction with a school
- Hospital
- Institutional uses
- Library
- Long Term Care Home
- Medical Clinic
- Museum
- Places of Worship
- Post Office
- Private Clubs
- Public Buildings
- Public Use
- Recycling depot
- Retirement Home
- Restaurant – Mobile operating as part of a scheduled route or as part of a special event. Note: A valid business license is required for each Restaurant-Mobile from the Town of South Bruce Peninsula and Restaurant-Mobile may be subject to other Municipal by-laws
- School

### 26.3 Zone Provisions

	Private Services	Municipal Services
Minimum lot area *	0.4 ha	615 m <sup>2</sup>
Minimum lot frontage *	30 m	20 m
Minimum front yard	7.5 m	7.5 m
Minimum interior side yard	½ (half) the Building height; where ½ (half) the building height is less than 3 m, the minimum interior side yard shall be 3m	½ (half) the Building height; where ½ (half) the building height is less than 3 m, the minimum interior side yard shall be 3m
Minimum exterior side yard	7.5 m	7.5 m
Minimum rear yard	7.5 m	7.5 m
Maximum lot coverage	10%	40%
*See Section 6.40		

### 26.4 Special Provisions – I Institutional

Note: The Special Provisions section contains provisions that apply only to specific lands, and that represent a site specific change from stated zone provisions.

#### **I-2304** 611 Northacres Rd, Pt Lt 6, Con 23 (Amabel) **MAP 25**

- Minimum rear yard shall be 5 m (16 ft).
- Permitted uses shall be limited to:
  - A fish hatchery.
  - Indoor gun range.

#### **I-39-2004** 27 Southampton Pkwy, Pt Lt 25, Con D & Lts 103 to 107, Plan 517 (Amabel) **MAP 9**

The minimum rear setback shall be 20 meters (66 ft).

#### **I-32-2009** 491 Brown St; Pt Lot 17 DIV 5 Brown E/S RP 3R2445 Part 3, (Warton) **MAP 29**

Permitted used shall be limited to a [Child Care] (amended, By-law 42-2016).

#### **I-fp-2009** Allenford Flood Proofing **MAP 14**

All building, structures and sewage disposal systems constructed on Lands shall be flood proofed to a minimum elevation of 219.3 m G.S.C.

**I-27-2018** Southampton Pkwy, Plan 517 Lots 98, 99, 100, 101 102 Amabel (Sauble Christian Fellowship Z-60-17.54) **MAP 9**

- i) Permitted uses shall include a parking lot
- ii) With the exception of a single entrance with a maximum width of 8.3 m, and a single drainage pipe, development and site alteration shall be prohibited within 5 m of south and west lot lines
- iii) Development and site alteration shall be prohibited in any lands zoned EH Environmental Hazard.
- iv) Lands are subject to site plan control under Section 41 of the Planning Act.



## Section 27 Open Space Zone OS

### 27.1 Scope

No uses are permitted on lands zoned Open Space Zone unless expressly permitted by this By-law.

### 27.2 Permitted Uses (By-law 84-2021)

- Buildings and structures accessory to a permitted use (By-law 60-2014, Z-19-14.58)
- Conservation Areas
- Conservation Uses
- Existing Agricultural Uses
- Forestry
- Golf Course
- Golf Driving Range
- Home occupation in accordance with Section 6.20 in a legal non-conforming dwelling
- Parking Lots
- Parks
- Passive Recreation
- Recreational Trails

### 27.3 Zone Provisions

Minimum lot area *	None
Minimum lot frontage *	None
Minimum setback for any building to any lot line	15 m (BL 60-2014, Z-19-14.58)
Maximum lot coverage	40% for buildings only
*See Section 6.40	

## 27.4 Special Provisions – OS Open Space

Note: The Special Provisions section contains provisions that apply only to specific lands, and that represent a site specific change from stated zone provisions

**OS-1781** Main St. Pt Lt 24 & 25 Con C (Amabel) **MAP 9** (By-law 67-2013, Z-07-2013.58)

Notwithstanding their 'Open Space' zoning, those lands zoned 'OS-1781' shall remain clear of all buildings and structures. The natural vegetation shall be retained and supplemented with the planting of trees and shrubs. Outdoor recreational facilities which require no buildings or structures such as tennis courts, volleyball courts, baseball diamond or similar shall be permitted.

**OS-17-1992** Gould Lake Rd, Block 39 & 40, Plan M 110 (Amabel) **MAP 15**

The permitted use within the Open Space (OS-17-92) zone shall be limited to private parking, docking and picnic facilities owned and maintained by a private organization. No structures whatsoever shall be permitted save for the aforementioned.

'**Private**' refers for the purpose of this by-law to the property owners of lands within Registered Plan M-110 and shareholders of the Corporation being the Golden Pond Ratepayers Association Incorporated.

**OS-28-1993** Golden Pond Dr, Block 35, Plan M 110 (Amabel) **MAP 15**

Those lands described as Block 35, Plan M-110, in the former Township of Amabel and zoned OS-28-1993 shall be subject to the following special provisions:

'**Passive Parkland**' is defined as an area of land, owned and maintained by a private association, unoccupied by any private or public buildings or structures. 'Structure' shall be defined in this by-law. These lands may be utilized as private play area, private picnic area, area for erosion control, natural vegetation area and shoreline protection area. This area is not intended to be used for private or public sewage disposal systems, water supplies and/or accessory structures. No fill or excavation works shall occur.

'**Shoreline Protection**' is defined as an area comprising 8.0 m in width starting at the high water mark, which maintains an environmental buffer, erosion control area and visual screen of natural trees and vegetation.

'**Private**' refers for the purpose of this by-law to the property owners of lands within Registered Plan M-110 and shareholders of the Corporation being the Golden Pond Ratepayers Association Incorporated.

**OS-72-1995a** Silver Lake Rd, Lt 21 & 22, Con C (Amabel) **MAP 10**

Permitted uses shall be limited to:

- Passive parks, conservation areas, picnic areas, historic sites
- Communal water and sewage services and private access right-of-ways
- An approved sewage disposal system and appurtenances, in accordance with Ministry of the Environment and Energy regulations.

**OS-72-1995b** Silver Lake Rd, Lt 21 & 22, Con C (Amabel) **MAP 10**

Permitted uses shall be limited to:

- An open storage area and / or parking area
- A maintenance building
- Outdoor recreation facilities
- Accessory building and uses
- Parks, conservation areas, picnic areas, historic areas
- Golf courses

Maximum height shall be 5 m (16 ft).

Minimum buffer setback from any property line shall be 20 m (66 ft).

**OS-7-1998** 466 Bruce St, Lt 4-6, Plan 248 (Hepworth) **MAP 28**

In addition to the uses permitted in the zone, a tile bed serving a commercial business shall be a permitted use.

**OS-6-1992** 665 Bruce St, Lt 31 & 32, Con 2 SCD (Hepworth) **MAP 28**

Permitted uses are limited to:

- A golf course
- ‘Golf Course’** means a public or private area operated for the purposed of playing golf and may include a club house, restaurant, driving range and miniature golf course if located on the same property and forms an accessory use.
- Fencing – a fence having a minimum height of 4 feet and with a least one strand of barbed wire at the top of the said fence shall be erected on the boundaries of the golf course facility.
  - Planting area – where a golf course abuts a residential use, planting areas shall be provided.
  - Additional Setbacks – in addition to the setbacks required by this by-law, all greens shall be set back minimum of 65 feet from Provincial Highway No 6.

**OS-15-2019** Con 4 WBR Part Lot 16 RP 3R3351 Part 2; Con 4 WBR Pt Lot 15 Incl RP 3R 5266 Part 1; Con 5 WBR Pt Lot 15 PCLS 1 To 12; Plan 478 Lot 28 To 31 Blk C To D Lot 16 To 26; Con 4 WBR Pt Lot 16; Con 4 WBR Pt Lot 17 RP 3R8223 Part 1 (Albemarle)

- OS Open Space uses are permitted except for Golf Course, Golf Driving Range.

**OS-94-2021** Open Space Special Con D Pt Lot 26 Plan 429; Lots 46 to 52 (Amabel)

- Permitted uses are limited to a Sewage Treatment Works, associated wastewater attenuation area, resortation areas for wetlands, field and wildlife habitats, and recreational trails that do not conflict with these primary uses. Buildings and structures are permitted only in association with the Sewage Treatment Works.
- Lands zoned OS-94-2021 may be used together with lands zoned R4-94-2021 for the purposes of lot area frontage and coverage provided they form part of the same lot.
- The entire subject lands are hereby designated as a Site Plan Control area under Section 41 of the Planning Act. Development shall not proceed except in accordance with an agreement between the owner and the municipality which may be registered on title, with such agreement addressing matters including but not limited to grading, drainage and stormwater management, vehicle ingress/egress, natural heritage measures outlined in the EIS, pedestrian access, landscaping, and exterior design of buildings.
- Despite Section 3.5, minor deviations from the boundaries of the R4-94-2021, OS-94-2021, and C1A-94-2021 zones may be permitted without further amendment to this by-law until such time as the Site Plan Control agreement has been executed and registered against the title of the subject lands.

## **Section 28 Future Development Zone FD**

### **28.1 Scope**

No uses are permitted on lands zoned Future Development Zone FD unless expressly permitted by this By-law.

### **28.2 Permitted Uses (By-Law 84-2021)**

- Accessory uses, buildings and structures in accordance with Section 6.1
- Agricultural uses excepting no new buildings, structures or expansions to existing uses, buildings and structures.
- Existing uses at the date of passage of this By-law (September 2009) in accordance with Section 10.3 Zone Provisions Un-Serviced Detached Residential Zone (R1A). (By-law 67-2013, Z-07-2013.58)
- Home occupation in accordance with Section 6.20

### 28.3 Special Provisions – FD Future Development

Note: The Special Provisions section contains provisions that apply only to specific lands, and that represent a site specific change from stated zone provisions.

**FD-a** Various locations throughout Wiarton **MAP 29**

The construction of detached dwellings and accessory structures on existing lots of record shall with private septic and municipal water in accordance with the provisions of the R1A zone

**FD-a-119-2013** (PARK Part Lot A DIV N BERFORD; E/S and Part Jenny St RP 3R7791 Parts 1 and 2 (Wiarton) (Jones Z-35-2013.58) **MAP 29**

In addition to provisions of the FD-a zone:

- Minimum Rear Yard setback for all buildings and structures shall be 15m (50')
- Maximum building height from lowest point to peak shall be no greater than 8 metres (26.2')
- Maximum floor area shall not exceed 186 square metres (2000 sq. ft.)
- Development subject to site plan control under Section 41 of the Planning Act, R.S.O. 1990 to address tertiary sewage system design and required road improvements.

**FD-64-2006** 20 Elm Street, Range 2 Part PT Lot 1, (Wiarton) **MAP 29**

- A licensed dog kennel is permitted.
- The number of dogs (including puppies) permitted at any one time shall be limited to a maximum of 15.

**FD-17-1995** 2, 4, 5 Sunny Cres and 90, 92, 94, 102, 104, 106, 108, 130 Sunnyview Dr Pt Lt 18, Con 1 (Amabel) **MAP 11**

Permitted uses shall be limited to:

- One trailer per site to a maximum of 11 trailers on the entire property, where more than one trailer exists as of the date of passing of this By-law it may remain but not be replaced.
- One mobile home as existing as of the date of passing of this By-law
- One accessory storage building per site
- One unenclosed sundeck structure per site
- Public non-habitable buildings and/or structures designed for the purpose of erosion control
- Communal sewage disposal system

**FD-17-1995** Cont'd

Definitions:

- **'Accessory storage building'** is defined, for the purposes of this Section, as an impermanent building or structure, having a maximum square footage floor area of 10 m<sup>2</sup>, which is subordinate or incidental to the main use, is located on the same site as the main use and is not used or intended to be used for the purposes of human habitation; save and except for one communal solid waste disposal container which is located on communal lands.
- **'Sundeck structure'** is defined, for the purposes of this Section, as an unenclosed structure, also known as a porch, deck or patio, having a maximum square footage floor area of 18.5 m<sup>2</sup> or 50% of the floor area of the trailer, whichever is the lesser.
- **'Site'** is defined, for the purposes of this Section, as a minimum 464.5 m<sup>2</sup> (5,000 ft<sup>2</sup>) area devoted to the private use by an individual shareholder, or their family, in the Sunset Camp Association.
- **'Trailer'** is defined, for the purposes of this Section, as an object designed for impermanent accommodation, intended and designed exclusively for travel, recreation and vacation. The 'trailer' is not fixed to the ground and is capable of being drawn or propelled by a licensed motor vehicle. These shall include tent trailers and other similar transportable accommodation units but does not include a mobile home or other manufactured structures (ie. Park model trailers).
- **'Unenclosed structure'** is defined, for the purposes of this Section, as a structure having a base or floor only and railings, pilasters, posts and stairs in keeping with the Ontario Building Code but not having any roof, ceiling or walls.

Zone Provisions:

- Minimum setback from the crest of the slope for all trailers or parts or attachments thereto shall be 7.0 m.
- Minimum setback from the crest of the slope for all accessory structures or parts or attachments thereto shall be 15.0 m.

**FD-55-2002** 112 Sunnyview Dr Pt Lt 18 Con 1 (Pt 8, RP 3R 2803) (Amabel) **MAP 11**

- Rear yard setback shall be 6 m (20 ft).
- Rear yard to be a no site alteration area.
- Lot shall be exempt from requirements of [Section 6.13](#) Frontage on a Public Street.
- Permitted uses shall include: garage to be permitted in its existing location on the date of passing of this by-law.

## Future Development FD

- No Site Alteration means an area of land where no buildings or structures are permitted. It also means that the existing vegetation shall not be removed in the designated area.

### **FD-27-2003** 140 Sunnyview Dr Pt Lt 18 Con 1 (Amabel) **MAP 11**

- All buildings and structures must be setback from the high water mark of Chesley Lake at least 15.24 m (50 ft)
- Exempt from [Section 6.13](#) Frontage on a Public Street.



## Section 29 Environmental Hazard Zone EH

### 29.1 Scope

No uses are permitted on lands zoned Environmental Hazard Zone EH unless expressly permitted by this By-law.

### 29.2 Permitted Uses (By-law 67-2013, Z-07-2013.58, By-Law 84-2021)

- Accessory uses in accordance with Section 6.1
- Conservation
- Erosion Control
- Existing Agricultural Uses
- Fish and wildlife management
- Flood control
- Forest Management
- Home occupation in accordance with Section 6.20 in a legal non-conforming dwelling
- Passive recreation

### 29.3 Structures Prohibited

Notwithstanding any other provisions and definitions of this By-law, all buildings and structures shall be prohibited in an Environmental Hazard (EH) zone except for the following:

- i. Those necessary for flood and/or erosion control;
- ii. Unenclosed picnic shelters within a public park;
- iii. Washroom facilities within a public park
- iv. Buildings and/or structures accessory to essential public sewer and water services that by their nature must locate within an Environmental Hazard zone;
- v. Boathouse in accordance with Section 6.1.6 Boathouses. (By-law 67-2013, Z-07-2013.58)

**Note: Ontario Regulation 151/08 Development, Interference with Wetlands and Alterations to Shorelines and Watercourses**

Some of the lands within and adjacent to the Environmental Hazard zone, as shown on the by-law schedules, may be subject to Grey Sauble Conservation Authority's (GSCA) Ontario Regulation 151/06 – Development, Interference with Wetlands and Alterations to Shorelines and Watercourses. Where development or site works are proposed within a regulated area, as shown on schedules filed with the Conservation Authority where such mapping exists, a permit from the GSCA may be required. The GSCA should be contacted to determine the extent of the regulated area. The GSCA should be

consulted before development including construction, reconstruction, conversion, grading filling or excavating occurs to determine whether the authority regulations apply.

#### 29.4 Special Provisions – EH Environmental Hazard

Note: The Special Provisions section contains provisions that apply only to specific lands, and that represent a site specific change from stated zone provisions.

##### EH-1 Provincially Significant Wetlands

Notwithstanding their EH Zoning designation, those lands delineated as EH-1 on Schedule 'A' to this By-law, shall only be used for existing agricultural uses and outdoor recreational activities which are non-intensive in nature and are compatible with the surrounding natural environment including uses such as nature interpretation, hiking and walking trails, cross-country skiing, fishing and hunting in accordance with the EH Zone provisions contained in this By-law.

Note: EH (including EH-1) boundaries may be adjusted as per Section 3.5 Determining Boundaries. (By-law 29-2018, Z-2-18.58)

All buildings and structures shall be prohibited in an EH-1 zone except those necessary for flood and/or erosion control purposes. Site alteration, such as filling or excavation is not permitted within the EH-1 zone except to allow existing agricultural uses to continue.

**Note:** Development on lands within a 120 m of a Provincially Significant Wetland requires a permit from the appropriate Conservation Authority and an Environmental Impact Study that must demonstrate that the development will not have a negative impact on the on the natural features or on their ecological functions

**Note:** The boundaries of the EH-1 zone have been established through the Ontario Ministry of Natural Resources (OMNR) Ontario Wetland Evaluation System and represent the Ministry's accepted wetland boundary. Any disputes related to the EH-1 zone boundary should be directed to the Ministry of Natural Resources

##### EH-11-94 Part Lot 27, Con C, [309 & 415 D Line] (Amabel) **MAP 9**

- i) Notwithstanding their 'EH' zone the Permitted Uses shall be limited to the following:
  - 'Recreational Fish Pond'
  - Parking area
  - Non-habitable buildings and structures accessory to the 'Recreational Fish Pond'.
- ii) 'Recreational Fish Pond' shall mean a fish business, which includes the stocking of fish and the sale or rental of accessory items such as bait, fishing tackle etc.

but does not include the raising or farming of fish or the retailing or wholesaling of fish stock or products.

- iii) A perimeter fence shall be required around the 'Recreational Fish Pond' and such fence shall be a minimum of five (5) feet in height and shall restrict pedestrian access to the 'Recreational Fish Pond'
- iv) All other provisions of the EH zone shall apply. (By-law 67-2013, Z-07-2013.58)

**EH-18-1998** Sauble Falls Pkwy, Lt 37, Con D (Amabel) **MAP 7**

The permitted uses shall include one dwelling unit and accessory uses subject to the provisions of the [R2 zone](#).

**EH-29-2003** 381 Municipal Rd, Pt Lt 24, Con C (Amabel) **MAP 9**

- The permitted uses shall be limited to:
  - Golf Course
- Accessory structures and buildings as existed on the date of passing of this by-law.
- Only building or structures necessary for the purpose of flood control and/or erosion control shall be permitted.

**EH-1-94-2021** Environmental Hazard Special Con D Pt Lot 26 Plan 429; Lots 46 to 52 (Amabel)

- In addition to the EH-1 Zoning provisions, the subject lands may be used as a wastewater attenuation zone in association with uses on lands zoned R4-94-2021 and OS-94-2021
- The entire subject lands are hereby designated as a Site Plan Control area under Section 41 of the Planning Act. Development shall not proceed except in accordance with an agreement between the owner and the municipality which may be registered on title, with such agreement addressing matters including but not limited to grading, drainage and stormwater management, vehicle ingress/egress, natural heritage measures outlined in the EIS, pedestrian access, landscaping, and exterior design of buildings.
- Despite Section 3.5, minor deviations from the boundaries of the R4-94-2021, OS-94-2021, and C1A-94-2021 zones may be permitted without further amendment to this by-law until such time as the Site Plan Control agreement has been executed and registered against the title of the subject lands.

## **Section 30 Municipal Infrastructure Services Zone MIS**

### **30.1 Scope**

No uses are permitted on lands zoned Municipal Services Infrastructure Services Zone MIS unless expressly permitted by this By-law.

### **30.2 Permitted Uses (Source Water Update By-law 32-2018)**

- Landfill
- Recycling Depot
- Recycling plant
- Way side pit
- Accessory building for administration and storage of equipment
- Uses permitted in the OS Zone save and except for any buildings or structures
- Municipal or provincial water treatment plant or pumping station
- Municipal or provincial sewage treatment work or pumping station

### **30.3 Zone Provisions**

Minimum lot area *	4 hectares
Minimum lot frontage *	20 m
Maximum lot coverage	1%
Minimum setback from any lot line for all buildings or structures	15 m
Maximum building height	10 m
Minimum setback (dumping or disposal of waste material) from lot line)	30 m
*See Section 6.40	

### **30.4 Special Provisions – MIS Municipal Infrastructure Services**

Note: The Special Provisions section contains provisions that apply only to specific lands, and that represent a site specific change from stated zone provisions.