

# ZONING BY-LAW

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Municipality of West Elgin

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London, ON

## TABLE OF CONTENTS

<b>SECTION 1. INTERPRETATION &amp; ADMINISTRATION.....</b>	<b>4</b>
1.1 TITLE .....	4
1.2 LANDS AFFECTED .....	4
1.3 SCOPE.....	4
1.4 INTERPRETATION .....	4
1.5 MEASUREMENTS .....	4
1.6 MUNICIPAL LICENSES AND PERMITS .....	5
1.7 LOWER THAMES VALLEY CONSERVATION AUTHORITY.....	5
1.8 VIOLATIONS AND PENALTIES .....	5
1.9 REMEDIES.....	5
1.10 APPLICATION OF OTHER LEGISLATION .....	5
1.11 VALIDITY .....	6
<b>SECTION 2. DEFINITIONS .....</b>	<b>7</b>
<b>SECTION 3. ZONES AND ZONING MAPS.....</b>	<b>30</b>
3.1 ESTABLISHMENT OF ZONES.....	30
3.2 USE OF ZONE SYMBOLS .....	30
3.3 HOLDING SYMBOLS .....	31
3.4 COMPOUND ZONES .....	32
3.5 MULTIPLE ZONES.....	32
3.6 SITE- SPECIFIC ZONES.....	32
3.7 INTERPRETATION OF ZONE BOUNDARIES .....	33
<b>SECTION 4. GENERAL PROVISIONS .....</b>	<b>34</b>
4.1 ACCESSORY USES, BUILDINGS AND STRUCTURES.....	34
4.2 CONSTRUCTION USES .....	34
4.3 ENCLOSURES.....	34
4.4 ESTABLISHED BUILDING LINES .....	35
4.5 EXISTING LOTS .....	35
4.6 EXPLORATION AND/OR PRODUCTION OF OIL AND NATURAL GAS.....	35
4.7 EXPROPRIATION AND DEDICATIONS.....	35
4.8 FRONTAGE ON A PUBLIC ROAD .....	35
4.9 FRONT LOT LINES AND HIGHWAY NO. 401.....	36
4.10 HAZARD LANDS.....	36
4.11 HEIGHT EXEMPTIONS.....	36
4.12 SETBACKS FROM MUNICIPAL DRAINS .....	36
4.13 NON-COMPLYING BUILDINGS AND STRUCTURES ON EXISTING LOTS .....	36
4.14 NON-CONFORMING USES .....	36
4.15 MINIMUM SETBACKS FROM COUNTY ROADS.....	37
4.16 OIL AND GAS WELLS.....	37
4.17 OUTDOOR FURNACES.....	37
4.18 PARKING REGULATIONS.....	37
4.19 PROHIBITED USES.....	39
4.20 PUBLIC USES.....	40
4.21 RESIDENTIAL DRIVEWAYS.....	40
4.22 SECOND RESIDENTIAL UNITS .....	40
4.23 SCHOOL BUS HUTS OR SHELTERS .....	40
4.24 SEWAGE TREATMENT FACILITIES .....	41
4.25 SHIPPING CONTAINERS and STORAGE CONTAINERS.....	41
4.26 SIGHT TRIANGLES .....	41
4.27 WAYSIDE PITS, QUARRIES, PORTABLE ASPHALT PLANTS, PORTABLE CONCRETE PLANTS.....	41
4.28 YARD ENCROACHMENTS AND OBSTRUCTIONS .....	41
<b>SECTION 5. GENERAL AGRICULTURAL (A1) ZONE.....</b>	<b>43</b>
5.1 GENERAL USE REGULATIONS.....	43
5.2 SPECIAL USE REGULATIONS.....	44
5.3 SITE-SPECIFIC ZONES.....	45
<b>SECTION 6. AGRICULTURAL (A2) ZONE.....</b>	<b>47</b>
6.1 GENERAL USE REGULATIONS.....	47
6.2 SPECIAL USE REGULATIONS.....	48
6.3 SITE-SPECIFIC ZONES.....	48
<b>SECTION 7. RESTRICTED AGRICULTURAL (A3) ZONE .....</b>	<b>49</b>

7.1	GENERAL USE REGULATIONS.....	49
7.2	SPECIAL USE REGULATIONS.....	49
7.3	SITE-SPECIFIC ZONES.....	51
<b>SECTION 8.</b>	<b>RESIDENTIAL FIRST DENSITY (R1) ZONE.....</b>	<b>53</b>
8.1	GENERAL USE REGULATIONS.....	53
8.2	SPECIAL USE REGULATIONS.....	54
8.3	SITE-SPECIFIC ZONES.....	54
<b>SECTION 9.</b>	<b>RESIDENTIAL SECOND DENSITY (R2) ZONE.....</b>	<b>56</b>
9.1	GENERAL USE REGULATIONS.....	56
9.2	SPECIAL USE REGULATIONS.....	57
9.3	SITE-SPECIFIC ZONES.....	57
<b>SECTION 10.</b>	<b>RESIDENTIAL THIRD DENSITY (R3) ZONE.....</b>	<b>58</b>
10.1	GENERAL USE REGULATIONS.....	58
10.2	SPECIAL USE REGULATIONS.....	59
10.3	SITE-SPECIFIC ZONES.....	59
<b>SECTION 11.</b>	<b>RURAL RESIDENTIAL (RR) ZONE.....</b>	<b>60</b>
11.1	GENERAL USE REGULATIONS.....	60
11.2	SPECIAL USE REGULATIONS.....	60
11.3	SITE-SPECIFIC ZONES.....	61
<b>SECTION 12.</b>	<b>HAMLET RESIDENTIAL (HR) ZONE.....</b>	<b>62</b>
12.1	GENERAL USE REGULATIONS.....	62
12.2	SPECIAL USE REGULATIONS.....	62
12.3	SITE-SPECIFIC ZONES.....	63
<b>SECTION 13.</b>	<b>LAKESHORE RESIDENTIAL (LR) ZONE.....</b>	<b>64</b>
13.1	GENERAL USE REGULATIONS.....	64
13.2	SPECIAL USE REGULATIONS.....	64
13.3	SITE-SPECIFIC ZONES.....	65
<b>SECTION 14.</b>	<b>SEASONAL RESIDENTIAL (SR) ZONE.....</b>	<b>66</b>
14.1	GENERAL USE REGULATIONS.....	66
14.2	SPECIAL USE REGULATIONS.....	66
14.3	SITE SPECIFIC ZONES.....	66
<b>SECTION 15.</b>	<b>FUTURE RESIDENTIAL (FR) ZONE.....</b>	<b>67</b>
15.1	GENERAL USE REGULATIONS.....	67
15.2	SPECIAL USE REGULATIONS.....	67
15.3	SITE-SPECIFIC ZONES.....	67
<b>SECTION 16.</b>	<b>VILLAGE CORE (C1) ZONE.....</b>	<b>68</b>
16.1	GENERAL USE REGULATIONS.....	68
16.2	SPECIAL USE REGULATION.....	69
16.3	SITE-SPECIFIC ZONES.....	69
<b>SECTION 17.</b>	<b>HAMLET COMMERCIAL (C2) ZONE.....</b>	<b>71</b>
17.1	GENERAL USE REGULATIONS.....	71
17.2	SPECIAL USE REGULATIONS.....	71
17.3	SITE-SPECIFIC ZONES.....	72
<b>SECTION 18.</b>	<b>HIGHWAY COMMERCIAL (C3) ZONE.....</b>	<b>73</b>
18.1	GENERAL USE REGULATIONS.....	73
18.2	SPECIAL USE REGULATIONS.....	74
18.3	SITE-SPECIFIC ZONES.....	74
<b>SECTION 19.</b>	<b>TOURIST COMMERCIAL (TC) ZONE.....</b>	<b>75</b>
19.1	GENERAL USE REGULATIONS.....	75
19.2	SPECIAL USE REGULATION.....	75
19.3	SITE-SPECIFIC ZONES.....	76
<b>SECTION 20.</b>	<b>GENERAL INDUSTRIAL (M1) ZONE.....</b>	<b>77</b>
20.1	GENERAL USE REGULATIONS.....	77
20.2	SPECIAL USE REGULATIONS.....	78
20.3	SITE-SPECIFIC ZONES.....	78
<b>SECTION 21.</b>	<b>FARM INDUSTRIAL (M2) ZONE.....</b>	<b>79</b>
21.1	GENERAL USE REGULATIONS.....	79
21.2	SPECIAL USE REGULATIONS.....	79
21.3	SITE-SPECIFIC ZONES.....	80
<b>SECTION 22.</b>	<b>RURAL INDUSTRIAL (M3) ZONE.....</b>	<b>81</b>

22.1	GENERAL USE REGULATIONS.....	81
22.2	SPECIAL USE REGULATIONS.....	81
22.3	SITE-SPECIFIC ZONES.....	82
<b>SECTION 23.</b>	<b>EXTRACTIVE INDUSTRIAL (M4) ZONE.....</b>	<b>83</b>
23.1	GENERAL USE REGULATIONS.....	83
23.2	SPECIAL USE REGULATIONS.....	83
23.3	SITE-SPECIFIC ZONES.....	83
<b>SECTION 24.</b>	<b>INSTITUTIONAL (I) ZONE.....</b>	<b>84</b>
24.1	GENERAL USE REGULATIONS.....	84
24.2	SPECIAL USE REGULATIONS.....	85
24.3	SITE-SPECIFIC ZONES.....	85
<b>SECTION 25.</b>	<b>OPEN SPACE (OS) ZONE.....</b>	<b>87</b>
25.1	GENERAL USE REGULATIONS.....	87
25.2	SPECIAL USE REGULATIONS.....	87
25.3	SITE-SPECIFIC ZONES.....	88
<b>SECTION 26.</b>	<b>RECREATIONAL VEHICLE PARK (RVP) ZONE.....</b>	<b>89</b>
26.1	GENERAL USE REGULATIONS.....	89
26.2	SPECIAL USE REGULATIONS.....	89
26.3	SITE-SPECIFIC ZONES.....	90
<b>SECTION 27.</b>	<b>CEMETERY (C) ZONE.....</b>	<b>91</b>
27.1	GENERAL USE REGULATIONS.....	91
27.2	SPECIAL REGULATIONS.....	91
27.3	SITE-SPECIFIC ZONES.....	91
<b>SECTION 28.</b>	<b>PUBLIC UTILITY (U) ZONE.....</b>	<b>92</b>
28.1	GENERAL USE REGULATIONS.....	92
28.2	SPECIAL USE REGULATIONS.....	92
28.3	SITE-SPECIFIC ZONES.....	92
<b>SECTION 29.</b>	<b>FUTURE DEVELOPMENT (FD) ZONE.....</b>	<b>93</b>
29.1	GENERAL USE REGULATIONS.....	93
29.2	SPECIAL USE REGULATIONS.....	93
29.3	SITE-SPECIFIC ZONES.....	93
<b>SECTION 30.</b>	<b>LAKESHORE DEVELOPMENT (LD) ZONE.....</b>	<b>94</b>
30.1	GENERAL USE REGULATIONS.....	94
30.2	SPECIAL USE REGULATIONS.....	94
30.3	SITE-SPECIFIC ZONES.....	94
<b>SECTION 31.</b>	<b>ENACTMENT.....</b>	<b>95</b>
31.1	CONFLICT WITH OTHER BY-LAWS.....	95
31.2	REPEAL OF EXISTING BY-LAWS.....	95
31.3	MINOR VARIANCES AND PERMISSIONS.....	95
31.4	SEVERABILITY.....	95
31.5	EFFECTIVE DATE.....	95

BY-LAW NO. \_\_\_\_\_

**ZONING BY-LAW**

**MUNICIPALITY OF WEST ELGIN**

**A By-law to regulate the use of land, and the character, location and use of buildings and structures in the Municipality of West Elgin.**

**WHEREAS** the Council of the Corporation of the Municipality of West Elgin deems it expedient to implement the Official Plan of the Municipality of West Elgin; and

**WHEREAS** authority is granted to the Council of the Corporation of the Municipality of West Elgin under Section 34 of the Planning Act, R.S.O. 1990 to pass this By-law;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF WEST ELGIN ENACTS AS FOLLOWS:**

**SECTION 1. INTERPRETATION & ADMINISTRATION**

**1.1 TITLE**

This By-law shall be known as the "Municipality of West Elgin Zoning By-law".

**1.2 LANDS AFFECTED**

The provisions of this By-law shall apply to all land within the corporate limits of the Municipality as now or hereafter legally constituted.

**1.3 SCOPE**

No land shall be used, no lot shall be altered, and no buildings or structures shall be erected, altered, or used within the Municipality except in conformity with this By-law.

**1.4 INTERPRETATION**

Unless specified otherwise, the following shall apply throughout the text of this By-law:

- a) The particular shall supersede the general. Where a term or phrase is defined in general terms in this By-law, it shall not be construed to mean any other term or phrase which is more specifically defined herein unless it is specifically stated otherwise;
- b) If a use is not listed as a permitted use, it is deemed to be prohibited with the exception of public uses as stipulated herein;
- c) The word "shall" is to be construed as mandatory and not discretionary;
- d) Unless the contrary intention specifically appears otherwise, words imparting the singular number or the masculine gender only shall include more persons, parties, or things of the same kind than one, and females as well as males, and the converse;
- e) A "building" or "structure" shall include any part or portion thereof;
- f) Any Act or Regulation of the Province referred to herein shall include any amendments or revisions made thereto or any subsequent Act or Regulation enacted in place thereof.

**1.5 MEASUREMENTS**

All standards of measurement applied in this By-law shall be subject to the normal rules of rounding numbers, within the degree of precision specified by the number of digits following the decimal point (if any), so that:

- a) For a whole number, measurements of less than 0.5 shall be rounded downward to the next whole unit;
- b) For a whole number, measurements of 0.5 and greater shall be rounded upward to the next whole unit;
- c) For a number having one decimal place, measurements of less than 0.05 shall be rounded downward to the next one-tenth unit;
- d) For a number having one decimal place, measurements of 0.05 and greater shall be rounded upward to the next one-tenth unit;
- e) For numbers expressed as a ratio or as a percentage, rounding shall not be applied.

## **1.6 MUNICIPAL LICENSES AND PERMITS**

No municipal permit, certificate, or license shall be issued where the said permit is required for a proposed use of land or a proposed erection, alteration, enlargement or use of any building or structure that is in violation of this By-law.

## **1.7 LOWER THAMES VALLEY CONSERVATION AUTHORITY**

Where lands lie within an area regulated by the Lower Thames Valley Conservation Authority pursuant to Ontario Regulation 152/06, no building permit will be issued by the Municipality for a building or structure in compliance with this By-law without permission having first been given by the Authority.

## **1.8 VIOLATIONS AND PENALTIES**

Every person, other than a corporation, who contravenes this By-law is guilty of an offence and on conviction is liable on a first conviction to a fine of not more than \$20,000; and on a subsequent conviction to a fine of not more than \$10,000 for each day or part thereof upon which the contravention has continued after the day on which the person was convicted, the maximum penalty that shall be imposed is, on a first conviction, a fine of not more than \$50,000; and, on a subsequent conviction, a fine of not more than \$25,000 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted, as prescribed by the Planning Act.

## **1.9 REMEDIES**

Where any building or structure is or is proposed to be erected, altered, reconstructed, extended or enlarged, or any building or structure is, or is proposed to be used, in contravention of this By-law, the same may be restrained by an action of any person or of the Municipality under the Planning Act, the Municipal Act, or the Judicature Act.

Where a person or corporation, guilty of an offense under this By-law has been directed to remedy any violation and is in default of doing any matter or thing required, such matter or thing shall be done at his or its expense. Where a person or corporation has refused or neglected to reimburse the Municipality for the cost of such work, thing or matter done, the same may be recovered by the Municipality in like manner as taxes.

## **1.10 APPLICATION OF OTHER LEGISLATION**

Nothing in this By-law shall serve to relieve any person from the obligation to comply with the requirements of the Ontario Building Code or any other by-law of the Municipality in force from time to time or the obligation to obtain any license, permit, authority or approval required by the Municipality or any other public authority or body and without limiting the generality of the foregoing, shall include the Lower Thames Valley Conservation Authority and the Ministry of Transportation in the following circumstances:

- a) where lands lie within an area regulated by the Lower Thames Valley Conservation Authority pursuant to Ontario Regulation 152/06 as shown on the Zone Maps, no use shall

be established and no building or structure shall be erected without permission having first being given by the authority.

- b) where lands lie within the permit control area established by the Ministry of Transportation adjacent to Highway No. 401 pursuant to the Public Transportation and Improvement Act, no use shall be established and no building or structure shall be erected without a permit having first being issued by the Ministry.

#### **1.11 VALIDITY**

Should any section, clause or regulation of this By-law be held by a court of competent jurisdiction to be invalid, the validity of the remainder of this By-law shall not be affected.

## **SECTION 2. DEFINITIONS**

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For the purposes of this By-law, the definitions herein shall govern.

### ***ABATTOIR***

shall mean a building or structure where animals are slaughtered for the purposes of processing meat into food for human consumption; and where meat products are produced, processed, handled, or stored.

### ***ACCESSORY***

when used to describe a use, building, or structure shall mean a use, building, or structure that is:

- a) incidental, subordinate and exclusively devoted to a main use, building or structure;
- b) located on the same lot as the main use, building or structure;
- c) unless specified otherwise in this By-law, not used for human habitation.

### ***AGRICULTURAL SALES ESTABLISHMENT***

shall mean the use of land, buildings or structures for the purposes of the sale of goods, materials or services that support or are otherwise associated with agricultural uses including, but not limited to, the sale, processing and storage of feed, fertilizer and chemical products.

### ***AGRICULTURAL USE***

shall mean the cultivation of land, the production of crops and the processing and selling of such products on a lot, and the breeding, raising, and care of livestock and the selling of such livestock or the products of such livestock raised on a lot and, without limiting the generality of the foregoing, may include animal husbandry, aquaculture, forestry, fur farming and the raising and harvesting of field, bush, tree or vine crops, market gardening, greenhouses, sod farming, apiaries and nurseries.

### ***AGRI-TOURISM USE***

shall mean the use of land, buildings or structures in agricultural zones for purposes that promote the enjoyment, education or participation in activities related to agriculture or the farm operation.

### ***ALTER***

shall mean, when used in reference to a building or structure, 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. When used in reference to a lot, the word "ALTER" means to decrease or increase the width, depth, or area thereof or to decrease or increase the frontage, depth, or area of any required yard, setback, or parking area, or to change the location of any boundary of such lot with respect to a road, whether such alteration is made by conveyance or alienation of any portion of the said lot, or otherwise.

### ***ANIMAL CLINIC***

shall mean a building, designed, used or intended for use by a veterinarian and his assistants for the purposes of providing for the care and treatment of pets raised or housed for recreational or hobby purposes but not livestock and without limiting the generality of the foregoing includes dogs, cats, and birds.

### ***ANIMAL HOSPITAL***

shall mean a building designed, used or intended for use by a veterinarian and his assistants for the purposes of providing for the care and treatment of livestock and may include an animal clinic

### ***APARTMENT DWELLING***



shall mean a dwelling, consisting of four (4) or more dwelling units which units have a common entrance from the street level and the occupants of which have the right to use, in common, halls and/or stairs and/or elevators and yards.

**ART GALLERY**

shall mean a building erected, used or intended for the retailing of works of art such as paintings, sculpture, pottery, ceramics, weaving and similar items.

**ARTERIAL ROAD**

shall mean a road, under the jurisdiction of the County, designed and constructed to connect urban centres to Provincial Highways. Arterial Roads which connect major urban centres to Provincial Highways are further classified as Major Arterial Roads comprising two to four travelled lanes and Arterial Roads which connect smaller urban centres to Provincial Highways are further classified as Minor Arterial Roads comprising two travelled lanes and include Highway 401 Emergency Detour Routes.

**ATTACHED**

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

**AUCTION SALES ESTABLISHMENT**

shall mean a building used for the retail sale of articles or goods to the members of the public bidding the highest offer for the article or goods during the sale proceedings.

**BAKE SHOP**

shall mean a retail store where bakery products are offered for sale, some or all of which may be prepared on the premises.

**BANQUET HALL**

shall mean a privately owned and operated building designed, used or intended for use as a meeting place by the public for which rental charges are paid, and may include associated dining rooms and beverage rooms but does not include a club or restaurant as defined elsewhere in this By-law.

**BASEMENT**

shall mean that 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 above grade level.

**BED & BREAKFAST ESTABLISHMENT**

shall mean a single unit detached dwelling in which not more than four (4) bedrooms are made available by the person or persons occupying the said dwelling as a principle residence, for the purposes of providing temporary accommodation for the travelling or vacationing public and within which meals may be offered and served.

**BOARDING HOUSE OR ROOMING HOUSE**

shall mean a building, in which the proprietor resides and supplies lodging for hire or gain to other persons and may include meals but shall not include a hotel, hospital, home for the young or the aged, institution or restaurant accommodating the general public.

**BUILDING**

shall mean a structure, whether temporary or permanent, designed, used or intended for sheltering any use or occupancy and consisting of a wall, roof and floor, or any one or more of these, or a structural system serving the functions thereof, including all the works, fixtures, and service systems appurtenant thereto, but shall not include a boundary wall, fence, travel trailer, camping trailer, truck camper, motor home or tent.

**BUILDING LINE**

shall mean a line within a lot drawn parallel to a lot line which establishes the minimum distance between the lot line and any building or structure which may be erected. Where the lot line is a curve, the building line shall be a line drawn parallel to the chord of the arc constituting the lot line.

**BUILDING SUPPLY OUTLET**

shall mean the use of lands buildings and structures for the storage and sale of a broad range of building materials, products and supplies including tools and related items, household furnishings and supplies.

**BULK SALES ESTABLISHMENT**

shall mean the use of land, buildings or structures for the purpose of buying, selling, and storing fuel oil, wood, lumber, building materials or similar bulk commodities but excludes any manufacturing, assembling or processing of these commodities.

**BUSINESS OR PROFESSIONAL OFFICE**

shall mean a building in which one or more persons are employed in the management, direction or conducting of an agency, business, profession, labour or fraternal organization, but excludes such uses as retail trade; the manufacturing, assembly or storage of goods; or places of assembly and amusement.

**CABIN**

shall mean a building designed, used or intended primarily for sleeping purposes but not including kitchen facilities and usually associated with a campground or trailer park, church camp and similar outdoor uses.

**CAMPGROUND OR TRAILER PARK**

shall mean a use, consisting of at least five camping sites and comprising land used for seasonal recreational activity between April 1<sup>st</sup> and October 31<sup>st</sup> of any given year as grounds for camping and the siting of cabins, tents, motor homes, travel trailers, truck campers and park models but not mobile homes.

**CAR WASH**

shall mean a building designed, used, or intended for the installation and operation of automatic or semi-automatic equipment for the washing of motor vehicles, machinery and equipment.

**CARPORT**

shall mean a roofed structure for the parking of a motor vehicle and the storage of household goods and items incidental to residential occupancy and where such structure is attached to a main building it shall be deemed to be part of the main building and not an accessory building.

**CATERER'S ESTABLISHMENT**

shall mean a building in which food and beverages are prepared for consumption off the premises and are not served to customers on the premises or to take out.

**CELLAR**

shall mean that portion of a building between two floor levels which is partly or wholly underground but which has more than one-half of its height from finished floor to finished ceiling below grade level.

**CEMETERY**

shall mean the use of land, buildings, or structures, or portions thereof for the internment of the deceased or in which human bodies have been buried and may include a crematorium, mausoleum and a columbarium.

**CHURCH**

shall mean a building dedicated to religious worship and may include a church hall, church auditorium, parish hall, church day nursery, mosque or synagogue.

**CHURCH CAMP**

shall mean the use of land, buildings or structures by a non-profit religious organization for assembly, worship and recreational camping between April 1<sup>st</sup> and October 31<sup>st</sup> of any given year and includes lands for the siting of cabins, tents, travel trailers and truck campers, and buildings and structures accessory thereto.

**CLINIC**

shall mean a building designed, used or intended for the purposes of medical or dental practice and, without limiting the generality of the foregoing, may include the offices or consulting rooms of members of the medical or dental professions or of a chiropractor.

**CLUB**

shall mean a building designed, used or intended for use as a meeting place for the members of an organization, association, fraternal order, or similar group, not operated for profit and wherein athletic facilities, dining rooms and beverage rooms may be provided.

**COLLECTOR ROAD**

shall mean a road, under the jurisdiction of the County, designed and constructed to connect hamlet and activity centres and to provide linkages to the arterial road system.

**COLUMBARIUM**

shall mean a building or structure designed, used or intended for the interment of cremated human remains.

**COMMERCIAL CENTRE**

shall mean a building or group of buildings designed, used or intended to function as a unit and having shared off-street parking provided on the same lot therewith, and which building or buildings is intended or designed to contain more than one of the uses permitted in the zone in which it is located.

**COMMERCIAL MOTOR VEHICLE**

shall mean a vehicle licensed by the Province of Ontario:

- a) as a public vehicle under the Public Vehicles Act; or
- b) as a public commercial vehicle under the Public Commercial Vehicles Act.

**COMMERCIAL USE**

shall mean the use of land, buildings or structures for the purposes of buying and/or selling commodities and supplying services for profit or intended for profit.

**COMMUNITY CENTRE**

shall mean a building designed, used, or intended for community activities and not for commercial purposes, the control of which is vested in the Municipality, a local board or trustees.

**CONCRETE BATCHING PLANT**

shall mean an industrial establishment used for the production of concrete, or concrete products used in building or construction and includes facilities for the administration and management of the business, the stockpiling of bulk materials used in the production process or a finished product manufactured on the premises and the storage and maintenance of required equipment, but does not include the retail sales of finished concrete.

**CONSERVATION AREA**

shall mean environmentally significant lands used exclusively for the protection, maintenance and enhancement of the natural environment including soil, water, vegetation and wildlife.

**CONSERVATION AUTHORITY**

shall mean the Lower Thames Valley Conservation Authority or its duly appointed successor.

**CONTRACTOR'S YARD OR SHOP**

shall mean the use of land, buildings or structures for the purpose of storing equipment, material and for performing shop work or assembly work.

**CONVERTED DWELLING**

shall mean a dwelling originally designed as a single unit detached dwelling, which because of its size or design, is or is capable of being converted by partition and the addition of sanitary facilities and cooking facilities into more than one dwelling unit.

**CORNER LOT**

shall mean a lot situated at the intersection of and abutting upon two (2) roads which intersect at an angle of not more than one hundred and thirty-five (135) degrees.

**COUNTY**

shall mean The Corporation of the County of Elgin.

**CREMATORIUM**

shall mean a building or structure used to incinerate human remains.

**CUSTOM WORKSHOP**

shall mean a building, or portion thereof, where goods are produced to special order and sold on the premises, but shall not include a building or structure where the manufacture of goods is performed on a mass production or assembly line basis.

**DAY CARE CENTRE**

shall mean a single unit dwelling, building or structure in which five (5) or more persons of any age are provided with care for compensation for a portion of the day not exceeding a 24 hour period.

**DAY NURSERY**

shall mean a building or structure designed, used or intended for accommodating more than five (5) children who are not of common parentage, primarily for the purpose of providing temporary care, or guidance, or both care and guidance, for a continuous period not exceeding twenty-four hours, where the children are:

- a) under eighteen (18) years of age for children with a developmental disability, and
- b) under ten (10) years of age in all other cases

and, may include a day nursery as defined in the Day Nurseries Act.

**DERELICT OR ABANDONED MOTOR VEHICLE**

shall mean motor vehicle that is in a state of advanced disrepair having missing or damaged parts or deteriorated body parts which renders it inoperative and may include a motor vehicle that has been evidently abandoned by its owner and left in a place or state of apparent disuse or disinterest by the owner regardless of whether it is either operable or inoperable or licensed or unlicensed for operation.

**DOG KENNEL**

shall mean a lot, building, or structure, on or within which four (4) or more dogs more than four (4) months of age are housed, groomed, bred, boarded, trained or sold and which may offer provisions for veterinary treatment.

**DOG POUND**

shall mean the use of land, buildings or structures for the purpose of impounding dogs pursuant to a by-law of the Municipality, and where such dogs are kept for a minimum redemption period as defined in the Animals for Research Act.

**DOUBLE DUPLEX DWELLING**

shall mean a dwelling that is divided horizontally into four (4) dwelling units each of which has an independent entrance either directly or through a common vestibule.

**DRIVE-IN RESTAURANT**

shall mean a building, designed, used or intended for the sale of food or refreshments to the general public, and where such food or refreshment may be made available to a person while in his motor vehicle or while within the building, and where provision may be made for the consumption of such food or refreshment by the person while in his motor vehicle, or within the building, or elsewhere on a lot.

**DRIVEWAY**

shall mean a private passageway for a motor vehicle, having at least one end thereof connected to a road, and providing the principal means of vehicular access to a lot.

**DRY CLEANING ESTABLISHMENT**

shall mean a building where dry cleaning, dry dyeing, cleaning or pressing of articles or goods of fabric is carried on and in which only non-flammable solvents are or can be used which emit no odours or fumes, and in which no noise or vibration causes a nuisance within or outside the premises.

**DUPLEX DWELLING**

shall mean a dwelling that is divided horizontally into two (2) dwelling units each of which has an independent entrance either directly or through a common vestibule.

**DWELLING**

shall mean a building, occupied or capable of being occupied exclusively as a home, residence or sleeping place by one or more persons, but shall not include hotels, boarding houses, rooming houses, motels, institutions, mobile homes; or living quarters for a caretaker, watchman, or other person accessory to a non-residential building or structure.

**DWELLING UNIT**

shall mean one or more habitable rooms occupied or capable of being occupied by a person or household as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the use of such person or family, with a private entrance from outside the building or from a common hallway or stairway inside the building in which the dwelling unit is located.

**ERECT**

shall include build, construct, reconstruct, alter and relocate and, without limiting the generality of the foregoing, shall include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, structurally altering any existing building or structure by an addition, deletion, enlargement or extension.

**ESTABLISHED BUILDING LINE**

a building line shall be considered to be established between existing single unit dwellings where at least two (2) single unit dwellings have been erected on any one side of a continuous one hundred and fifty (150) metre strip of land fronting on a road. The established building line shall thus mean the average setback of the existing dwellings.

**ESTATE WINERY**

shall mean a building or structure accessory to a vineyard for the production of wine including the retail sale of wine and wine related products and hospitality facilities as accessory uses not exceeding four hundred (400) square metres of floor area in total and where food and wine may be prepared and served for the enjoyment of the general public.

**EXISTING**

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

**EXTERIOR SIDE YARD**

shall mean a side yard immediately adjoining a street.

**FACTORY OUTLET**

shall mean a building or portion thereof accessory to an industrial use or a service trade, wherein products manufactured, produced, processed or stored on the premises are kept or displayed for wholesale or retail sale, or wherein orders are taken for the delivery of such products.

**FARM OR IRRIGATION POND**

shall mean a body of water located outdoors, contained by natural or artificial means and designed, used or intended for agricultural purposes including irrigation and watering for livestock but not for recreational purposes.

**FARM EQUIPMENT SALES & SERVICE**

shall mean the use of land, buildings or structures where farm vehicles and equipment are stored for the purpose of sale, lease, or hire and where such vehicles and equipment are repaired or serviced for purposes of being maintained in an operable condition.

**FARM FUEL SALES**

shall mean the use of land, buildings or structures where fuel specifically intended for use in farm vehicles and equipment is stored for the purpose of dispensing and sale, and may include the storage and sale of gasoline, diesel fuel, propane, natural gas and lubricants.

**FARM WINERY**

shall mean the use of land, buildings, structures and equipment for the making of wine from fruit grown primarily on the premises including fermentation, storage and aging and may include the tasting and sale of wine produced thereon by or to the general public.

**FEED MILL**

shall mean a building in which agricultural products are prepared, processed, preserved, graded or stored for eventual consumption by livestock or domestic pets, and may include retail and wholesale sale of such products to the general public.

**FIRST STOREY**

shall mean the lowest storey of a building excluding the basement.

**FITNESS CENTRE**

shall mean a building where facilities, machines and equipment are provided to the general public or to members, for a fee, for the purposes of physical training and improving physical health and fitness.

**FLEA MARKET**

shall mean the use of land, buildings or structures open to the general public and operated for gain or profit, for the sale of general merchandise, food, goods, crafts, antiques and wares, and may include outdoor displays and shows and the sale of prepared food out of a building or a portion thereof for consumption on the premises.

**FLOOR AREA**

shall mean the sum of the areas of all floors of a building measured from the outside of all exterior walls exclusive of any attic, basement, garage, veranda, porch or sunroom unless such enclosed porch or sunroom is an integral part of the building and habitable in all seasons, and excluding any floor area with a floor ceiling height of less than two (2.0) metres.

**FOOD PROCESSING PLANT**

shall mean a building, other than a restaurant or caterer's establishment, in which agricultural products are prepared, processed, preserved, graded or stored for eventual human consumption, and includes a flour mill, a dairy, a bakery, a grain elevator or an egg grading station, but excludes an abattoir or any premises used for the slaughtering of animals or the boiling of blood, bones or tripe.

**FRONT YARD**

shall mean a yard extending across the full width of the lot between the front lot line of the lot and the nearest main wall of any main building or structure on the lot. FRONT YARD DEPTH means the least horizontal dimension between the front lot line of the lot and the nearest main wall of any main building or structure on the lot.

**FRUIT AND VEGETABLE STAND**

shall mean a temporary structure, designed and erected in a manner so as to be readily portable and open to the air on at least one side, for the purpose of the sale of produce where such produce is offered for sale only during the season which it is harvested.

**FUNERAL HOME**

shall mean a building or structure wherein a licensed undertaker prepares corpses for interment and includes facilities for accommodating the public.

**GARDEN CENTRE**

shall mean the use of land, buildings or structures for the purpose of selling trees, shrubs and plants, lawn and garden equipment, furnishings and supplies.

**GARDEN SUITE**

shall mean a one-unit detached dwelling containing bathroom and kitchen facilities, accessory to an existing single unit dwelling, that is designed to be portable and may include a mobile home.

**GAS BAR**

shall mean the use of land, buildings or structures for the sale of gasoline, propane, oil and allied products for motor vehicles and the introduction of such liquids into motor vehicles and may include the sale of small accessory items required for the operation of motor vehicles, but does not include provisions for motor vehicle repairs, oil changes, lubrications, or similar mechanical services and does not include a motor vehicle service establishment or a public garage.

**GOLF COURSE**

shall mean the use of land for the purpose of playing golf and without limiting the generality of the foregoing includes a driving range, a miniature golf course or combination thereof and buildings, facilities and structures accessory thereto.

**GRADE LEVEL**

shall mean, when used with reference to a building, the average elevation of the finished surface of the ground where it meets the exterior of the front of such building, and when used with reference to a structure means the average elevation of the finished grade of the ground immediately surrounding such structure, exclusive in both cases of any artificial embankment, and when used with reference to a road means the elevation to the road established by the authority having jurisdiction.

**GRAIN HANDLING FACILITY**

shall mean the use of land, buildings or structures for the commercial drying, cleaning, handling, or storing of crops, or combination thereof.

**GROUP HOME**

shall mean a dwelling in which a minimum of three (3) and a maximum of five (5) persons, excluding staff or the receiving household, live under responsible supervision consistent with their needs and licensed or approved under the laws of the Province of Ontario or the Government of Canada or otherwise under the jurisdiction of the Ontario Ministry of Community and Social Services and without limiting the generality of the foregoing may include satellite residences for seniors and accommodation services for the developmentally handicapped.

**HALF STOREY**

shall mean the portion of a building located wholly or partly within a sloping roof, having side walls not less than one (1.0) metre in height, and a ceiling with a minimum height of two (2.0) metres over an area equal to at least fifty (50) percent of the area of the floor next below.

**HALF WAY HOUSE**

shall mean a dwelling in which a maximum of five (5) persons, excluding staff or the receiving household, live under responsible supervision consistent with their needs and licensed or approved under the laws of the Province of Ontario or the Government of Canada for psychiatric patients who are transitionally or permanently discharged from a psychiatric hospital; persons who have been placed on probation under the provisions of the Probation Act, the Criminal Code of Canada, the Young Offenders Act, or who have been released on parole under the provisions of the Ministry of Correctional Services Act or the Parole Board of Canada or persons who have been charged under the Young Offenders Act but who have been placed in open or secure custody.

**HAZARD LAND**

shall mean lands which exhibit a hazardous condition as a result of their instability; susceptibility to flooding, erosion, subsidence; or the presence of organic soils; or steep slopes and includes lands lying below the regulatory floodline as may be established from time to time by the conservation authority.



**HEIGHT**

shall mean, when used with reference to a building or structure, the vertical distance between the horizontal plane through grade level and a horizontal plane through:

- a) the highest point of the roof assembly in the case of a building with a flat roof, a deck roof or a domed roof;
- b) the average level of a one slope roof, between the ridge and the eaves, provided that such roof having a slope of less than twenty (20) degrees with the horizontal shall be considered a flat roof;
- c) the average level between eaves and ridges in the case of a roof type not covered in subsections a) and b).

**HEREIN**

shall mean within this By-law.

**HOME OCCUPATION**

shall mean an occupation for gain or support owned, managed and conducted by persons residing on the lot on which the home occupation is conducted including those who reside elsewhere as may be specified herein. A home occupation shall be confined in its entirety to a dwelling except where specified otherwise and may, without limiting the generality of the foregoing, include the offices, workrooms or consulting rooms of a profession, trade, craft, or hobby but shall not include or permit group instruction, a hairdressing establishment if more than two persons are engaged in the business, a retail store except for the sale of crafts, goods or items produced on site, a service shop or a restaurant. Where a home occupation is permitted within an accessory building, such uses may, without limiting the generality of the foregoing, include a carpentry shop, a welding shop, a machine shop, a service shop, a workshop or a studio but shall not include an auto repair shop or public garage.

**HOTEL**

shall mean a building, used, or intended for the purposes of catering to the needs of the public by supplying food and sleeping accommodation consisting of not less than five (5) guest rooms and may include a restaurant, tavern or a bar.

**HOUSEHOLD**

shall mean a single and independent housekeeping unit occupying and using only one dwelling unit.

**HUNTING PRESERVE**

shall mean the use of lands for the purposes of hunting wildlife in a safe and environmentally responsible manner subject to any applicable regulations of the Ministry of Natural Resources which may apply, and may include an accessory building use for the temporary accommodation and comfort of hunters.

**INDIVIDUAL ON-SITE WATER SERVICES**

shall mean individual, autonomous water supply systems that are owned, operated and managed by the owner of the lot upon which the system is located.

**INDIVIDUAL ON-SITE SEWAGE SERVICES**

shall mean sewage systems, as defined in O. Reg. 332/12 under the Building Code Act, 1992, that are owned, operated and managed by the owner of the lot upon which the system is located.

**INDUSTRIAL MALL**

shall mean a building or group of buildings designed, used or intended for use which are held in single ownership or by participants in a condominium corporation or cooperative, and divided into units for separate and independent occupancy by industrial uses for which

common loading and parking facilities and other common services may or may not be provided.

**INDUSTRIAL USE**

shall mean the use of land, buildings or structures for the purpose of manufacturing, assembling, making, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, distributing, warehousing, storing or adapting for sale any goods, substance, article or thing, including the storage of building and construction equipment and materials.

**INDUSTRIAL USE LIGHT**

shall mean the use of land, buildings or structures for the purpose of manufacturing, assembling, or processing of component parts to produce finished products suitable for retail, wholesale or service trade and including repairing; servicing; distributing; warehousing; storing or adapting for sale any goods, substance, article or thing, but excluding any operation or activity which creates a nuisance as a result of the emission of any noise or air pollution that can be smelled, heard or otherwise detected outside the building or structure in which the operation is conducted.

**INSTITUTIONAL USE**

shall mean the use of land, buildings or structures for public or social purposes but not for the purpose of gain or profit and may include governmental, religious, educational, charitable, philanthropic or other similar but non-business uses such as public schools, churches, hospitals and museums.

**INTERIOR LOT**

shall mean a lot other than a corner lot.

**INTERIOR SIDE YARD**

shall mean a side yard other than an exterior side yard.

**LANDING STRIP**

shall mean the use of land, for the sole purpose of those residing thereon for the landing and taking off of non-commercial aircraft and may include buildings and structures accessory thereto.

**LANDSCAPED OPEN SPACE**

shall mean the area of a lot which is used for the growth and maintenance of grass, flowers, shrubbery and other landscaping materials, both natural and artificial, and includes any surfaced walk, patio, or similar area, but does not include any access driveway or ramp, parking lot, deck or any open space beneath or land, within any building or structure.

**LAUNDRY ESTABLISHMENT**

shall mean a building designed, used, or intended for the drying, ironing and finishing of laundered goods and where no odours, fumes, noise or vibration which create a nuisance outside the business are emitted, and may include a self-service, coin operated laundromat.

**LIBRARY**

shall mean a library, branch library, bookmobile, or distributing station operating under The Public Libraries Act, as amended from time to time, or any successor thereto.

**LIVESTOCK**

shall mean farm animals kept for use, for propagation or intended for profit or gain and without limiting the generality of the foregoing include cattle, horses, swine, sheep, laying hens, chicken and turkey broilers, emus, turkeys, goats, geese, ducks, mink, and rabbit but excluding animals such as pets raised or housed for recreational or hobby purposes.

**LIVESTOCK MARKETING YARD**

shall mean the use of land, buildings or structures for the temporary confinement of livestock for the purpose of sale, auction and distribution.

**LONG TERM HEALTH CARE FACILITY**

shall mean a building or part thereof where accommodation is provided for the sick, elderly or infirm and which provides long term medical, nursing, social and similar care for such persons and may include a retirement home and all such facilities operated under the Long Term Care Act, the Nursing Homes Act, the Charitable Institutions Act and the Homes for the Aged and Rest Homes Act as amended and revised from time to time.

**LOT**

shall mean a parcel or tract of land, which is

- a) the whole of a lot on a registered plan of subdivision, so long as such registered plan is not deemed, pursuant to the Planning Act, or any predecessor or successor of such section, not to be a registered plan of subdivision; or,
- b) all of the land held or owned under distinct and separate ownership from the ownership of the fee or equity of redemption in abutting land.

**LOT AREA**

shall mean the total horizontal area within the lot lines of a lot, except in the case of a corner lot having street lines rounding at the corner, where the lot area of such lot shall be calculated as if the lot lines were projected to the intersection.

**LOT COVERAGE**

shall mean the percentage of the area of any lot upon which buildings or structures are erected or permitted to be erected (not including an outdoor swimming pool erected entirely below grade) measured at grade level including all porches and verandahs, steps, cornices, eaves, bay windows and chimneys.

**LOT DEPTH**

shall mean the horizontal distance between the front and rear lot lines. Where these lines are not parallel, the lot depth shall mean the length of a straight line joining the mid-points of the front lot line and the rear lot lines. Where there is no rear lot line, lot depth shall mean the length of a straight line joining the middle of the front lot line with the apex of the triangle formed by the side lot lines.

**LOT FRONTAGE**

shall mean the horizontal distance between the side lot lines of a lot measured at right angles. Where such side lot lines are not parallel, the lot frontage shall be measured perpendicularly to the line joining the mid-point of the front and the centre of the rear lot line at a point six (6.0) metres back from the front line, and where such side lot lines meet, lot frontage shall be measured perpendicularly to the line joining the apex of the triangle formed by the side lot lines and a point six (6.0) metres back from the front lot line.

**LOT LINES**

shall mean the boundary lines of a lot defined as follows:

- a) Front Lot Line shall mean, except in the case of a corner lot, the line dividing the lot from the road. In the case of a corner lot, the shorter boundary line abutting the street shall be deemed the front lot line and the longer boundary line abutting the street shall be deemed to be the side lot line. In case each of such lot lines should be of equal length, the front lot line shall be deemed to be the front lot line as established in the block by prior construction. In the case of a through lot, the shorter boundary dividing the lot from the road shall be deemed the front lot line and the opposite longer boundary shall be deemed the rear lot line. In case each of such lot lines

should be of equal length, the front lot line shall be deemed to be the front lot line as established in the block by prior construction.

- b) Rear Lot Line shall mean the lot line of a lot having four (4) or more lot lines which is farthest from or opposite to the front lot line.
- c) Side Lot Line shall mean a lot line other than a front or rear lot line. In the case of a corner lot, the side lot line dividing the lot from the street shall be deemed to be the exterior side lot line and the other side lot line shall be deemed to be the interior side lot line.

***M<sup>2</sup> or m<sup>2</sup>***

shall mean square metres.

***MACHINE SHOP***

shall mean a building where equipment and machinery and/or small engines are serviced or repaired.

***MAIN BUILDING***

shall mean the building on a lot or portion thereof designed, used, or intended for the permitted and principle use of the lot or part thereof.

***MAIN WALL***

shall mean the 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***

shall mean the use of land, buildings and structures where boats are moored, and may be stored, rented or hired, and launched and/or where boats, boat motors and boat accessories are sold, repaired or refuelled, and may include a building or structure for the sale of accessories, supplies, and/or refreshments.

***MARKET GARDEN***

shall mean the use of land, buildings or structures for the purpose of buying and selling fruits and vegetables.

***MICRO BREWERY***

shall mean a building or structure wherein beer and or wine are produced and offered for retail sale, exclusively for consumption off the premises.

***MINIMUM SEPARATION DISTANCE (MDS I AND MDS II)***

shall mean formulae used for the purposes of determining, in the case if MDS I, the minimum distance required for non-agricultural uses establishing or expanding in proximity to livestock building and structures located on a separate lot, and in the case of MDS II, the minimum distance required for establishing or expanding livestock buildings and structures in proximity to non-agricultural uses located on a separate lot.

***MINI-STORAGE WAREHOUSE***

shall mean the use of lands, buildings, or structures for individual storage units rented or leased to the public for the storage of goods, wares, merchandise, non-perishable foodstuffs, substances, articles or things, but excluding the storage of fuels, solvents, paints or other inflammable substances.

**MOBILE FOOD OUTLET**

shall mean a structure designed as an integral part of a self-propelled motor vehicle or as a unit which is towed by a motor vehicle, from which food and refreshment is made available to the general public.

**MOBILE HOME**

shall mean a building designed and constructed in accordance with the specifications of the Canadian Standards Association (CAN/CSA-Z240), having a pitched roof with a slope of 3:1 or greater, transported or designed to be transported on its own or in two (2) or more separate sections or modules each on its own wheels, on a flatbed, or by other means and joined together to form one (1) dwelling unit and its running gear comprising the hitch and wheel assembly, if any, removed. The building shall be placed on a totally enclosed masonry foundation which extends below the frost line and which is constructed in accordance with the Ontario Building Code.

**MOBILE HOME STAND**

shall mean that part of a lot which is reserved for the placement of a mobile home.

**MOTEL**

shall mean a building, or two (2) or more detached buildings designed, used or intended for the purpose of catering to the needs of the travelling public by furnishing sleeping accommodation with or without supplying food.

**MOTOR HOME**

shall mean a structure built on and made an integral part of a self-propelled motor vehicle chassis other than a passenger automobile chassis, primarily designed to provide temporary living quarters for recreation, camping and travel use.

**MOTOR VEHICLE**

shall mean a wheeled self-propelling vehicle for the transportation of passengers and goods and without limiting the generality of the foregoing, includes automobiles, trucks, buses, ambulances, hearses, motor homes and tractors.

**MOTOR VEHICLE SALES ESTABLISHMENT**

shall mean the use of land, buildings or structures where motor vehicles are kept for sale, and where motor vehicles may be oiled, greased or and where repairs essential to the operation of motor vehicles are performed.

**MOTOR VEHICLE SERVICE ESTABLISHMENT**

shall mean the use of land, buildings or structures or combination thereof for the sale of gasoline, propane, oil, grease, antifreeze, tires, batteries and other accessories for motor vehicles where motor vehicles may be oiled, greased or cleaned, or have their ignition adjusted, tires inflated or batteries charged or where only minor or running repairs essential to the operation of motor vehicles are performed.

**MULTIPLE UNIT DWELLING**

shall mean a dwelling comprised of three (3) or more dwelling units.

**MUNICIPAL DRAIN**

shall mean a drainage works as defined by the Drainage Act.

**MUNICIPAL WATER SUPPLY SYSTEM**

shall mean a system of underground piping for conveying water and related storage, pumping, and treatment facilities, operated by the Municipality for public use, and to which a lot has access to make connection thereto.

**MUNICIPAL SANITARY SEWAGE SYSTEM**

shall mean a system of underground piping for conveying human sewage and related storage, pumping and treatment facilities operated by the Municipality for public use, and to which a lot has access to make connection thereto.

**MUNICIPALITY**

shall mean the Corporation of the Municipality of West Elgin.

**MUSEUM**

shall mean a building erected, used or intended for use as a repository for art, historical artifacts, relics or documents which may be periodically placed on display for public viewing.

**NET FLOOR AREA**

shall mean that portion of the floor area of a building which is used exclusively for a non-residential use defined herein or specifically permitted elsewhere in this By-law, but excluding:

- a) any part of such building used for any other non-residential use defined herein or specifically permitted elsewhere in this By-law;
- b) any part of such building used as a dwelling unit, a public concourse or a common hallway or stairway not used exclusively by the said non-residential use;
- c) any part of such building used solely for the storage of electrical equipment or of equipment to heat, cool or otherwise control the environment of such building or a portion thereof;
- d) the thickness of any exterior walls of such building.

**NON-AGRICULTURAL**

shall mean, when used in reference to a use, building or structure, shall mean used, intended or designed for purposes other than those of an agricultural use.

**NON-COMPLYING**

shall mean a building or structure which does not comply or agree with the regulations of this By-law but does not include a non-conforming use, building or structure.

**NON-CONFORMING**

shall mean a use, building or structure which is not a use, building or structure permitted in the zone in which the said use, building or structure is situated.

**OCCUPANCY**

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

**OUTDOOR AMENITY AREA**

shall mean a contiguous landscaped space outside and accessible to a dwelling or dwelling unit and situated on the same lot therewith, designed, used or intended to be used for the passive enjoyment and recreational needs of the occupants and upon which no vehicle is parked or driven but which may include walkways and other space normally incidental to pedestrian traffic.

**OUTDOOR FURNACE**

shall mean any outdoor appliance designed or intended for burning solid fuel for the purpose of heating buildings, but shall not include a heating device used in the operation of a sugar bush or the production of maple syrup.

**OUTSIDE STORAGE**

shall mean the storage of goods, materials or equipment in the open air on a lot or portion thereof.

**PAINTBALL PARK**

shall mean the use of premises for the purposes of organized outdoor recreational activity in which the participants engage in interactive play using low speed paint ball guns firing or capable of firing non-hazardous, environmentally friendly propellant, protective gear and other equipment as may be necessary or required, where members of opposing teams attempt to secure a common flag, or variations thereof.

**PARKING LOT**

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

**PARKING SPACE**

shall mean a space, whether or not enclosed, having a minimum width and a minimum length as specified herein exclusive of aisles, entrance and exit lanes, accessible to a road, and designed, used or intended for the purpose of the temporary parking or storage of a motor vehicle.

**PARK MODEL TRAILER**

shall mean living quarters for recreational camping or seasonal occupancy, designed and constructed in accordance with the specifications of the Canadian Standards Association (CAN/CSA – Z241) on a single unit chassis mounted on wheels and capable of being relocated and connected to utilities, and having a gross floor area, including lofts, not exceeding fifty (50) square metres when in the setup mode, and having a width greater than 2.6 metres in the transit mode.

**PERMITTED**

shall mean permitted by this By-law.

**PERSON**

shall include an individual, an association, a firm, a partnership, an incorporated company, municipal corporation, agent or trustee and their heirs, executors, or other legal representatives of a person to whom the context of this By-law can apply according to law.

**PERSONAL CARE ESTABLISHMENT**

shall mean a building wherein a service is performed directly to an individual and includes, without limiting the generality of the foregoing, a hair salon, a tanning salon, a manicurist or a beautician's establishment, a spa but does not include an adult entertainment establishment.

**PERSONAL SERVICE ESTABLISHMENT**

shall mean a building wherein a service is provided for the alteration, care, making of, and repair of wearing apparel, and includes, without limiting the generality of the foregoing, a shoe repair shop, a tailor or dressmaking shop, a furrier, but does not include an adult entertainment establishment.

**PIT OR QUARRY**

shall mean any opening or excavation of or in the ground pursuant to a license issued under the Aggregate Resources Act for the purposes of removing soil, rock, sand, gravel, earth, clay, muck or limestone or any combination thereof and may include the processing thereof such as screening, sorting, washing, crushing, stockpiling and other similar operations; the importation of asphalt and concrete for recycling /resale purposes and site rehabilitation.

**PLACE OF ENTERTAINMENT OR AMUSEMENT**

shall mean a building or part thereof designed, used, or intended as a bowling alley, billiard or pool room, amusement arcade, internet café, or any combination thereof.

**PLANTING STRIP**

shall mean an area used for no other purpose than the planting and maintaining of a continuous row of evergreen trees, not less than one (1.0) metre in height at time of planting and not less than two (2.0) metres in height at maturity, and the remainder of which is used for landscaping and the planting of ornamental shrubs, flowering shrubs, flower beds, or a combination thereof.

**PORCH**

shall mean a roofed, open gallery, or portico attached to the exterior of a building.

**PRIVATE GARAGE**

shall mean a building or structure, designed, used, or intended for the storage of motor vehicles and the storage of household equipment incidental to residential occupancy, wherein no service for profit is rendered; and where such building or structure is within two (2.0) metres of the main building, it shall be deemed to be attached to or part of the main building and not an accessory building.

**PRIVATE PARK**

shall mean a park other than a public park, regardless of whether or not such park is maintained or operated for gain or profit, but excludes an amusement park.

**PRIVATE ROAD**

shall mean an improved highway, street or road which affords the principal means of vehicular access to a dwelling or a dwelling unit, and which is not under the jurisdiction of the Municipality, the County or the Province.

**PRIVATE SCHOOL**

shall mean a school, other than a public school or commercial school, accredited as a private school by the Ministry of Education and Training, and under the jurisdiction of a board of trustees or governors and may include a boarding school.

**PROPANE TRANSFER FACILITY**

shall mean the use of land, buildings or structures where propane fuel is stored but the sale of propane to the public excluded.

**PUBLIC AUTHORITY**

shall mean:

- a) the Municipality;
- b) the County;
- c) the Government of Canada;
- d) the Province of Ontario;
- e) the Conservation Authority.

and any other agency, board, commission, committee or other body established or exercising any power or authority under any general or special statute of Ontario or the Government of Canada with respect to any of the affairs or purposes of the Municipality or



a portion thereof, and includes any committee or local authority established by by-law of the Municipality.

***PUBLIC GARAGE***

shall mean the use of land, buildings or structures, other than a private garage, where motor vehicles are kept or stored for remuneration or repair, including the repair of motor vehicle bodies, frames or motors, and the painting, upholstering, washing, and cleaning of such vehicles, and may include the sale of accessories for motor vehicles.

***PUBLIC PARK***

shall mean a lot, maintained or owned by the Municipality or a public authority for the enjoyment, health and well-being of the public and normally open to the public and may include a conservation area and public fairgrounds.

***PUBLIC SCHOOL***

shall mean a school operated by and under the jurisdiction of a public authority.

***REAR YARD***

shall mean a yard extending across the full width of the lot between the rear lot line of the lot and the nearest main wall of any main building or structure on the lot. REAR YARD DEPTH means the least horizontal dimension between the rear lot line of the lot and the nearest main wall of any main building or structure on the lot.

***REGULATORY FLOOD***

shall mean the standard used by the conservation authority to define the limits of the flood plain for regulatory purposes.

***REGULATORY FLOODLINE***

shall mean the limits of the floodplain in the Municipality, based on the known regulatory flood event which occurred in 1937.

***REQUIRED***

shall mean required by this By-law.

***RESIDENTIAL USE***

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

***RESTAURANT***

shall mean a building, designed, used or intended for the serving of food or refreshments to the public where the servicing and consumption of food or refreshments takes place entirely within such building or at outside tables immediately adjacent to such building and may include a dining lounge licensed under the Liquor License Act.

***RESTRICTED AGRICULTURAL USE***

shall mean an agricultural use with the exception of mushroom farming and with the exception of the breeding, raising and care of livestock governed by the Nutrient Management Act and regulations pursuant thereto.

***RETAIL STORE***

shall mean a building, designed, used, or intended for the selling or buying of goods, wares, merchandise, articles, or things at retail or the providing of a service, primarily to or from the public, and uses accessory thereto.

**RETIREMENT HOME**

shall mean a building providing accommodation primarily for persons and couples over 60 years of age where each living unit has a private bathroom, basic kitchen facilities and a separate entrance from a common hall and where common facilities for the preparation and consumption of food are provided, common lounges, activity rooms, and where personal and medical care facilities may also be provided.

**RIDING SCHOOL**

shall mean the use of land, buildings, or structures for the purpose of riding, training, showing, and boarding of horses and where persons are given instructions in the riding of horses and other aspects of horsemanship.

**ROAD**

shall mean an open common and public road, lane, highway or commons vested in the Municipality, the County, the Province of Ontario or any other public authority having jurisdiction over the same, and includes a bridge or any other structure forming part of a road on, over, or across which a road passes, but does not include an unopened road allowance.

**SALVAGE YARD**

shall mean the use of land, buildings or structures or combination thereof, where merchandise, articles and goods or things are stored wholly or partly in the open, kept for sale and/or processed and/or re-cycled for further use and, without limiting the generality of the foregoing, may include a junk yard, a scrap metal yard, and a motor vehicle wrecking yard.

**SATELLITE DISH**

shall mean a parabolic or spherical antenna used for the purposes of receiving television or microwave transmissions or other signals from orbiting satellites or other similar devices.

**SAWMILL**

shall mean the use of land, buildings, or structures designed, used, or intended for the sawing, planning, sanding, and finishing of wood and wood products.

**SEASONAL DWELLING**

shall mean a single unit dwelling designed, used or intended for vacation, recreation, rest and relaxation purposes on an occasional as opposed to permanent basis and constructed in a manner such that it is capable of being moved or dragged to a new location to maintain the minimum setbacks prescribed herein.

**SECONDARY FARM OCCUPATION**

shall mean an agricultural-related occupation conducted on a lot where the main use of the lot is for agricultural or residential purposes, for profit or gain within a building other than a dwelling, by persons residing in a dwelling situated on the said lot and others residing elsewhere as specified herein without limiting the generality of the foregoing includes agricultural-related uses such as the production of value-added agricultural products from the farm operation, the sale of farm supplies, repair and servicing of farm equipment and vehicles and agri-tourism uses.

**SEMI-DETACHED DWELLING**

shall mean a dwelling that is divided vertically above grade into two (2) dwelling units, each of which has an independent entrance either directly or through a common vestibule.

**SERVICE SHOP**

shall mean a building where appliances and household machinery are sold, serviced, or repaired and includes the business premises of a tradesman such as a carpenter, an electrician, a plumber and similar trades but excludes any manufacturing, processing or wholesaling.

**SETBACK**

shall mean the horizontal distance from the centre line of the street allowance, measured at right angles to such centre line, to the nearest part of any building or structure on a lot.

**SENIOR CITIZENS' HOME**

shall mean a building designed, used or intended as a dwelling for senior citizens, sponsored and administered by a public authority, service club, church or other non-profit organization, which obtains its financing from the Government of Canada, the Province of Ontario, the County, the Municipality or its agencies , or by public subscription or donation, or by any combination thereof, and may include accessory uses such as club and lounge facilities.

**SEWAGE TREATMENT PLANT**

shall mean lands, buildings or structures and all mechanical appurtenances thereto, designed and used for the collection and treatment of sanitary sewage, and for which a 'Certificate of Approval' has been issued by the Ministry of Environment.

**SHIPPING CONTAINER**

shall mean a container designed and constructed in accordance with the International Organization for Standardization (ISO) or similar organization intended for and used in the transportation and shipping industry which may be used for the storage of goods, wares, merchandise, substances, articles or things accessory to an agricultural, commercial or industrial use.

**SIDE YARD**

shall mean a yard extending from the front yard to the rear yard and from the side lot line of the lot to the nearest main wall of any building or structure on the lot. SIDE YARD WIDTH means the least horizontal dimension between the side lot line of the lot and the nearest main wall of any main building or structure on the lot.

**SIGN**

shall mean a name, identification, description, device, display or illustration which is affixed to, or represented directly or indirectly upon a building, structure or lot and which directs attention to an object, product, place, activity, person, institution, organization or business.

**SINGLE UNIT DWELLING**

shall mean a completely detached dwelling used or intended for occupancy by not more than one (1) household living independently.

**STORAGE CONTAINER**

shall mean a pre-fabricated, heavy gauge steel, fully assembled structure intended for the storage of goods, wares, merchandise, substances, articles or things.

**STOREY**

shall mean the portion of the building, other than the basement, which lies between the surface of the floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling or roof next above it.

**STREET**

refer to the definition of ROAD.

**STREET LINE**

shall mean the limit of the road allowance and is the dividing line between a lot and a road.

**STRUCTURE**

shall mean any material, object, or work erected as a unit or constructed or put together of connected or dependent parts or elements whether located under, on, or above the surface of the ground, but does not include a sign, fence, boundary wall or a swimming pool.

**SWIMMING POOL**

shall mean a body of water located outdoors contained in whole by artificial means, in which the depth of the water at any point is capable of exceeding 0.6 metres, and has a surface area greater than one (1) square metre, and used or capable of being used for swimming, bathing or diving but shall not include a farm pond, irrigation pond or fish pond.

**TAKE-OUT RESTAURANT**

shall mean a building, designed, used or intended for the serving of food or refreshments to the public where the servicing and consumption of food or refreshments takes place entirely off the premises.

**TARGET RANGE**

shall mean the use of land, buildings or structures licensed by the Solicitor General of Ontario, for the purposes of the recreational discharge of fire arms, and may include an indoor/outdoor rifle range, pistol range, trap range, skeet range and archery range.

**TAVERN or BAR**

shall mean a building erected, used or intended for the sale of alcoholic beverages and food to the public to be consumed on the premises and licensed under the Liquor License Act.

**THROUGH LOT**

shall mean a lot bounded on two opposite sides by roads; provided, however, that if any lot qualifies as being both a corner lot and a through lot, such lot shall be conclusively deemed to be a corner lot.

**TOP-OF-BANK**

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

**TOWNHOUSE DWELLING**

shall mean a dwelling that is divided vertically into three (3) or more dwelling units, each of which has independent entrances, to a front and rear yard immediately abutting the front and rear walls of each dwelling unit.

**TRAVEL TRAILER**

shall mean a vehicle, including a camping trailer, designed, used, or intended for the living, sleeping, eating, or accommodation of persons therein for seasonal recreational activity and being either self-propelled or constructed such that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle.

**TRIPLEX DWELLING**

shall mean a dwelling that is divided horizontally and/or vertically into three (3) separate dwelling units each of which has an independent entrance either directly from the outside or through a common entrance but excludes a converted dwelling.

**TRUCK CAMPER**

shall mean a portable structure designed to be loaded onto, or affixed to, the bed or chassis of a truck, and capable of providing temporary living quarters for recreation, camping or travel use.

**TRUCK TERMINAL**

shall mean the use of land, buildings or structures where trucks, buses and/or transports are stored, rented, leased, kept for hire, or parked for remuneration or from which trucks and/or transports are dispatched as common carriers, or where goods are stored temporarily for further shipment.

**TWO-UNIT DWELLING**

shall mean a dwelling designed, used or intended for occupancy by not more than two (2) households living independently of each other in separate dwelling units but excludes a semi-detached dwelling or a duplex dwelling.

**USE**

shall mean, when used as a noun, the purpose for which any land, building or structure is designed, used, or intended to be used, or for which it is occupied, used or maintained. When used as a verb, or as in the expression "to use", shall mean anything done or permitted to be done by the owner or occupant of any land, building or structure, directly or indirectly, or by or through any trustee, tenant, servant, or agent, acting for or with the knowledge or consent of such owner or occupant, for the purpose of making use of the said land, building, or structure.

**UTILITY CORRIDOR**

shall mean the use of land for the transmission of high voltage electricity and may include secondary complementary uses such as walking and other trails.

**UTILITY STATION**

shall mean the use of land, buildings or structures in connection with the supply and distribution of utilities and, without limiting the generality of the foregoing, may include a water or sewage pumping station, a water storage reservoir, a water or sewage treatment plant, an electric power transformer station, a telephone repeater station and a micro wave tower.

**VARIETY STORE**

shall mean a retail store within which is conducted the selling of groceries, tobacco, confectionery goods, food, sundry items and other general merchandise, and may be associated with a motor vehicle service establishment or gas bar.

**WAREHOUSE**

shall mean a building designed, used or intended for the storage of goods, wares, merchandise, articles or things and may include the selling or distribution thereof at wholesale.

**WASTE DISPOSAL SITE**

shall mean any land, or land covered by water, licensed under the Environmental Protection Act, upon, into, or through which, or building or structure in which, waste is deposited or processed, and any machinery and equipment or operation required for the treatment or disposal of waste.

**WATERCOURSE**

shall mean a natural channel for a stream of water, but does not include a drain as defined under the Drainage Act.

**WAYSIDE PIT OR QUARRY**

shall mean a temporary pit or temporary quarry opened and used by a public road authority, its agents or contractors, on the basis of a permit issued under the Aggregate Resources Act, solely for the purpose of a particular project or road construction contract and not located on a public road allowance.

**WILDLIFE PRESERVE**

shall mean lands where plants, animals and other organisms, excluding fish, survive in self-sustained populations, and from which they derive services such as cover, protection or food.

**YARD**

shall mean a space, appurtenant to a building or structure, located on the same lot as the main building or structure, and which space is open, structurally uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures or uses as are specifically permitted by this By-law.

**YARD SALE**

shall mean the occasional selling of household goods and wares and personal items in a yard by a person residing in the dwelling or a dwelling unit associated therewith.

**ZONE**

shall mean an area delineated on a Zone Map and established and designated by this By-law for a specific use.

**ZONE MAP**

shall mean a map or maps incorporated in this By-law and showing graphically the location, size and boundaries of zones established by this By-law together with other explanatory text and symbols.

## **SECTION 3. ZONES AND ZONING MAPS**

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### **3.1 ESTABLISHMENT OF ZONES**

For the purposes of this By-law, the maps hereto annexed as Schedule 'A' Map No. 1 to Map No. 82 inclusive, Schedule 'B' Map No. 1 to Map No. 4 inclusive, Schedule 'C' Map No. 1 to Map No. 6 inclusive, Schedule "D", Schedule "E", Schedule "F" and Schedule "G" shall be referred to as the "Zone Maps" for the Municipality of West Elgin and the zone maps shall be divided into one or more of the following zones:

<u>ZONE</u>	<u>SYMBOL</u>
<u>Agricultural Zones</u>	
General Agricultural	A1
Agricultural	A2
Restricted Agricultural	A3
<u>Residential Zones</u>	
Residential First Density	R1
Residential Second Density	R2
Residential Third Density	R3
Rural Residential	RR
Hamlet Residential	HR
Lakeshore Residential	LR
Seasonal Residential	SR
Future Residential	FR
<u>Commercial Zones</u>	
Village Core	C1
Hamlet Commercial	C2
Highway Commercial	C3
Tourist Commercial	TC
<u>Industrial Zones</u>	
General Industrial	M1
Farm Industrial	M2
Rural Industrial	M3
Extractive Industrial	M4
<u>Other Zones</u>	
Institutional	I
Open Space	OS
Recreational Vehicle Park	RVP
Cemetery	C
Public Utility	U
Future Development	FD
Lakeshore Development	LD

### **3.2 USE OF ZONE SYMBOLS**

The symbols listed in Section 3.1 shall be used to refer to lands, buildings, and structures and the uses thereof permitted by this By-law in the said zones, and wherever in this By-law the word "Zone" is used, preceded by any of the said symbols, such zones shall mean any area within the Municipality delineated on the zoning maps and designated thereon by the said symbol.

### 3.3 **HOLDING SYMBOLS**

Where a zone symbol listed in Section 3.1 is used in conjunction with the holding symbol "H" as shown on the zoning maps, no lands shall be used and no buildings or structures shall be erected or altered, save and except existing main buildings and structures and accessory buildings and structures permitted in the said zone and in accordance with the standards of the said zone, until the "H" symbol is removed in accordance with the Planning Act.

Where the holding symbol "H:" is accompanied by a numerical suffix (e.g. H-2, H-4) as shown on the zone maps, removal of the "H" symbol shall be contingent upon the following matters being satisfied.

**a) H-1 Residential Zones**

Applies to parcels of undeveloped lands zoned for residential purposes (e.g. R1, HR) in settlement areas as shown on Schedule "B" through Schedule "G" inclusive. Removal of the H-1 symbol contingent on the owner entering into a subdivider's or similar agreement with the Municipality to address the installation of services, the construction of roads and other developer obligations and responsibilities.

**b) H-2 Future Residential (FR) and Future Development (FD) Zones**

Applies to parcels of undeveloped lands zoned Future Residential (FR) and Future Development (FD) on various zone maps. Removal of the H-2 symbol to allow a single unit detached dwelling contingent upon the submission of a site plan which demonstrates the location of the dwelling, which would not compromise the orderly development of the parcel in the future.

**c) H-3 Other Zones**

Applies to parcels of undeveloped lands where a site plan agreement is considered necessary to ensure orderly and appropriate development. Removal of the H-3 symbol contingent upon the owner entering into a site plan agreement with the Municipality in accordance with the provisions of the Planning Act.

**d) H-4 Lakeshore Residential (LR) Zone**

Applies to existing lots of record where issues related to road access, servicing and/or natural heritage need to be addressed prior to any development taking place. Removal of the H-4 symbol contingent upon the owner or owners satisfying the Municipality with respect to the resolution of these issues.

**e) H-5 Lakeshore Residential (LR) Zone**

Applies to existing undeveloped lots in part of Lot 9 and part of Lot 10, Con XIV. Removal of the H-5 symbol contingent upon provisions respecting same as outlined in agreement dated 8 March 2012 between previous owners and the Municipality.

**f) H-6 Hamlet Residential (HR) Zone**

Applies to a potential building lot on the east side of Douglas Line in Port Glasgow as shown on Schedule "G". Removal of the Holding (H) symbol contingent upon completion of the following matters to the satisfaction of the Municipality:

- i) a geotechnical report identifying the measures required to ensure a safe and secure building site and vehicular access via Douglas Line,
- ii) an extension of Douglas Line to the extent feasible to increase the frontage of the enlarged parcel with all costs associated therewith being borne by the owner,
- iii) a certificate of approval or equivalent for the disposal of sanitary waste,
- v) a permit from the Lower Thames River Conservation Authority pursuant to O.R. 152/06.

**g) H-7 Lakeshore Residential (LR) Zone**



Applies to lands zoned LR-1 on Schedule "A". Map No. 75 which was the subject of an OMB hearing (OMB file: PL130879) Removal of the Holding (H) symbol contingent upon the following matters being complied with to the satisfaction of the Municipality:

- a) that legal and physical access to the lands has been demonstrated to exist for persons and vehicles including emergency vehicles directly from Gray Line and that a corresponding entrance permit or equivalent approval from the Municipality has been obtained;
- b) that a Professional Engineer or Architect licensed under the laws of the Province of Ontario has certified that the seasonal dwelling complies with the requirements of the Ontario Building Code.

### **3.4 COMPOUND ZONES**

Where two or more zone symbols divided by a "/" are shown on the zone maps as applying to a lot, the lot may be used exclusively for any use permitted in any one of the zones included in the compound zone symbol, or for any combination of uses thereto, subject to the following:

- a) the general use regulations and the special use regulations applicable to the permitted use in the zones included in the compound zone shall apply;
- b) where two or more zones in a compound zone permit the same use and the regulations in each of the two or more zones for that use are different, the least restrictive regulations for that use shall apply;
- c) the minimum parking requirements for each of the uses established on the lands, whether a single use or combination of uses, shall be provided.

### **3.5 MULTIPLE ZONES**

Where a lot is subdivided into more than one zone, the regulations applicable to these zones shall apply to the respective areas so zoned, and the zone lines shall be deemed to be lot lines for the purposes of this By-law.

### **3.6 SITE- SPECIFIC ZONES**

All zones may be subdivided into one or more defined areas within which greater or lesser restrictions shall apply. These site-specific zones shall be identified by reference to the symbol of the zone together with a number so as to differentiate site-specific zones areas within a zone from each other and from other areas within the zone. Within a site-specific zone all provisions of this By-law including the General Regulations (Section 4) and the General Use Regulations and the Special Use Regulations applicable to the zone within which the site-specific zone area is located shall apply to the defined area; provided that, unless a contrary intention otherwise appears the following shall apply:

- a) if the site-specific zone establishes regulations different from the General Provisions of this By-law, including the General Use Regulations and Special Use Regulations applicable to the zone within which the fined area is located, the regulations of the site-specific zone shall supersede and prevail over such corresponding regulations of this By-law;
- b) if the site-specific zone establishes one (1) or more specifically permitted uses for the defined area, such permitted use or uses shall be the only purpose or purposes for which land, building or structures within the defined area may be used; and
- c) if the site-specific zone specifically permits one (1) or more uses in addition to those otherwise permitted in the zone within which the defined area is located, any and all of the other regulations applicable to the defined area shall also apply to the additional permitted use or uses and not only to the uses not otherwise permitted in the zone.

- d) where a site-specific zone is followed by a reference to person, address, company or business name in italics in parentheses, the said reference is intended for information purposes only and does not constitute part of this By-law.

### **3.7 INTERPRETATION OF ZONE BOUNDARIES**

Where any uncertainty exists as to the location of the boundary of any of the said zones as shown on a zoning map, the following shall apply:

- a) unless otherwise shown, the boundary of the zones as shown on the zoning maps are the centre lines of the road allowance or lot lines and the projection thereof;
- b) where zone boundaries are indicated as approximately parallel to the line of any street and the distance from such street is not indicated, such zone boundaries shall be construed as being parallel to such street and the distance therefrom shall be determined by the use of the scale shown on the zoning maps;
- c) unless otherwise indicated, a street, lane, railroad or railway right-of-way, or water course included on the zoning maps, is included within the zone of the adjoining property on either side thereof; and where such street, lane, right-of-way, or water course serves as a boundary between two or more different zones, a line midway in such street, lane, right-of-way, or water course and extending in the general direction of the long division thereof is considered the boundary between zones unless specifically indicated otherwise;
- d) in the event a dedicated street, lane, or right-of-way shown on the zoning maps is closed, the property formerly in said street, lane, or right-of-way shall be included within the zone of the adjoining property on either side of the said closed street, lane, or right-of-way, and the zone boundary shall be the former centre line of said closed street, lane, or right-of-way;
- e) where zone boundaries do not follow a lot line or appear to follow a lot line, they shall be deemed to follow a lot line for the purpose of the regulations of this By-law.

## **SECTION 4. GENERAL PROVISIONS**

The provisions of this section apply in all zones except as may be indicated otherwise by this By-law.

### **4.1 ACCESSORY USES, BUILDINGS AND STRUCTURES**

Whenever a use is listed as a permitted use in a particular zone; uses, buildings and structures accessory to that use are also permitted in accordance with the standards applying in the zone in which the said use, building or structure is located and provided that an accessory building or structure shall not

- a) be used for human habitation except where a dwelling unit is a permitted accessory use;
- b) be erected closer to the front lot line than the minimum distance required for the main building on the lot;
- c) be located in the front yard or the exterior side yard;
- d) be erected closer to a street line than the main building is to that street;
- e) be erected closer than one (1.0m) to any lot line except:
  - i.) that common semi-detached garages or carports may be centered on the mutual lot line;
  - ii.) that where a lot line abuts a public lane, an accessory building may be located not less than one half (0.5 m) metre from said lane.
- f) exceed ten (10) per cent coverage of the total lot area;
- g) exceed six (6.0) metres in height or contain more than two storeys in a residential zone;
- h) be erected within two (2.0) metres of the main building except where a dwelling unit is a permitted accessory use;
- i) be considered an accessory building or structure if attached to the main building in any way except where a dwelling unit is a permitted accessory use;
- j) be considered an accessory building or structure if located completely underground.

### **4.2 CONSTRUCTION USES**

Uses, buildings or structures such as a work camp, employee parking, tool shed, mobile home, trailer, scaffolding, outside storage, signs or equipment incidental to construction are permitted in any zone provided that:

- a) they are used only for as long as they are necessary for construction work in progress which has neither been finished nor abandoned, or a period of one (1) year whichever is the lesser;
- b) they are removed and the lands restored to their previous condition when the construction work for which they are required is terminated.

### **4.3 ENCLOSURES**

Enclosures to any porch or terrace projecting into a permitted yard of this By-law shall be limited to one (1.0) metre in height exclusive of roof supports, but this shall not prohibit the enclosure of a porch or terrace by latticing or screening or any other form of enclosure provided at least fifty (50) percent of the surface area of the said enclosure is open and unobstructed to the elements.

#### **4.4 ESTABLISHED BUILDING LINES**

Notwithstanding any other provisions of this By-law;

- a) where a single unit dwelling is to be erected on a street or road where there is an established building line which is less than otherwise required by this By-law, such dwelling may be erected closer to the street line or to the centreline of the road, as the case may be, provided such dwelling is not erected closer to the street line or to the centre line of the road, as the case may be, than the established building line,
- b) where a single unit dwelling is to be erected on a street or road where there is an established building line which is greater than otherwise required by this By-law, such dwelling shall be erected in accordance with the established building line.

#### **4.5 EXISTING LOTS**

Existing lots with less than the required minimum lot area and/or minimum lot frontage may be used, and buildings and structures erected or altered thereon, for the purposes specified in the zone in which they are situated, provided:

- a) such lots are serviced or capable of being serviced by approved sanitary sewage facilities where such facilities are required;
- b) such lots have a minimum frontage of ten (10) metres on a road where a dwelling is to be erected;
- c) all other regulations of this By-law are satisfied.

#### **4.6 EXPLORATION AND/OR PRODUCTION OF OIL AND NATURAL GAS**

The provisions of this By-law shall not apply to the use of any land for the exploration and/or the production of natural gas or oil, or to the erection, alteration, or use of any building or structure accessory thereto, save and except for Section 4.10 to this By-law.

#### **4.7 EXPROPRIATION AND DEDICATIONS**

A lot altered as a result of expropriation, or by dedication to, a public authority and having as a result, less than the minimum lot area, and/or minimum lot frontage, required by this By-law, may be used and a building or structure may be erected, altered or used thereon, provided all other requirements of this By-law are complied with.

Where a use has been legally established on a lot or a building or structure has been legally erected on a lot and such lot is subsequently altered as a result of a road construction project or as a result of a land dedication or expropriation causing the use, building or structure to contravene any regulation of this By-law, the said use, building or structure shall be deemed to comply with this By-law and the said building or structure may be altered, reconstructed, repaired or renovated provided that any regulations that are not complied with are not further contravened and that any regulation that is complied with is not contravened by any works undertaken.

#### **4.8 FRONTAGE ON A PUBLIC ROAD**

No person shall erect a building or structure on a lot unless the lot upon which the building or structure is proposed to be erected abuts or fronts on a public road of satisfactory construction and maintenance to permit the reasonable and safe passage of motor vehicles, or vehicular access is otherwise available to a public road by means of a legally registered right-of-way or easement granted in perpetuity. A building or structure may also be erected upon a lot or unit within a registered plan of subdivision or vacant land condominium in accordance with the provisions of a subdivision or condominium agreement in respect of such plan of subdivision or condominium notwithstanding that the roads within such plan of subdivision or condominium have not been assumed or are not being maintained by the Municipality or upon a lot created by consent and in accordance with an agreement with the Municipality,

despite the fact that the road on which the lot has access to has not been assumed and is not being maintained by the Municipality.

#### **4.9 FRONT LOT LINES AND HIGHWAY NO. 401**

Where a lot is bounded on one or more sides by the road allowance of Provincial Highway No. 401, the lot lines or portions thereof which abut the said road allowance shall not be deemed to be a front lot line for the purposes of this By-law.

#### **4.10 HAZARD LANDS**

No buildings or structures, with the exception of bridges and those designed, used, or intended for flood or erosion control purposes under a permit issued by the conservation authority, shall be erected or used on lands which exhibit a hazardous condition as a result of their instability, susceptibility to flooding, erosion, subsidence, inundation or the presence of organic soils or steep slopes except in accordance with a permit issued by the Conservation Authority.

#### **4.11 HEIGHT EXEMPTIONS**

The height regulations shall not apply to any ornamental dome, skylight, chimney, storage silo, barn, tower, elevator enclosure, flag pole, antennae, satellite dish, cupola, steeple or church spire.

#### **4.12 SETBACKS FROM MUNICIPAL DRAINS**

No buildings or structures, with the exception of those designed, used, or intended for flood or erosion control purposes or for road purposes, shall be erected:

- a) closer than seven and one-half (7.5) metres from the top-of-bank of a municipal drain having a width of less than four and one-half (4.5) metres from top-of-bank to top-of-bank;
- b) closer than fifteen (15) metres from the top-of-bank of a municipal drain having a width of four and one-half (4.5) metres or more from top-of-bank to top-of-bank;
- c) closer than seven and one-half (7.5) metres from the centreline of a municipal tile drain.

#### **4.13 NON-COMPLYING BUILDINGS AND STRUCTURES ON EXISTING LOTS**

Where a building or structure has been erected prior to the effective date on a lot having less than the minimum lot frontage; and/or lot area; and/or setback and/or front yard depth, and/or side yard width, and/or rear yard depth; and/or having more than the maximum lot coverage and/or height required by this By-law, the said building may be used, altered, repaired, or renovated provided all other applicable regulations of this By-law are complied with and the maximum lot coverage and/or maximum height is not further exceeded.

#### **4.14 NON-CONFORMING USES**

Nothing in this By-law shall apply to prevent:

- a) the use of any land, building or structure for any purpose prohibited by this By-law if such land, building or structure was lawfully used for such purpose on the day of the passing of the By-law, so long as it continues to be used for that purpose; or
- b) the erection or use for a purpose prohibited by this By-law of any building or structure for which a permit has been issued under the Building Code Act as amended or revised from time to time, prior to the day of the passing of the By-law, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the permit has not been revoked under the Building Code Act, as amended or revised from time to time.

#### 4.15 **MINIMUM SETBACKS FROM COUNTY ROADS**

Notwithstanding any other provisions of this By-law, where a building or structure is erected or proposed to be erected adjacent to a county road, and in the absence of an established building line, the following minimum setbacks shall be provided or maintained from the

centerline of such road:

Name	No.	between	and	Classification	Minimum Setback*
Dunborough Road	5	Pioneer Line	Thames River	Collector	24 m
Clachan Road	7	Johnston Line	Thames River	Collector	24 m
Johnston Line	6	Clachan	Furnival Road	Collector	24 m
Queens Line	104	Blacks Road	Rodney Settlement Area	Collector	24 m
McMillan Line	104	Chatham Kent	Blacks Road	Collector	24 m
McDougall Line -Colley Road- Stalker Line	9	Furnival Road	Dunborough Road	Collector	24 m
Pioneer Line	2	Furnival Road	Dunborough Road	Collector	24 m
Furnival Road	103	Talbot line	Thames River	Minor arterial	26 m
Graham Road	76	Talbot Line	Thames River	Minor Arterial	26 m
Talbot Line	3	Chatham Kent	Dunborough Road	Minor Arterial	26 m

\*not applicable within settlement areas of Rodney and West Lorne

#### 4.16 **OIL AND GAS WELLS**

No building or structure shall be erected or used within seventy-five (75) metres of an oil or gas well unless such building or structure is related to the production of oil and gas in accordance with the Oil, Gas and Salt Resources Act.

#### 4.17 **OUTDOOR FURNACES**

An outdoor furnace shall:

- a) only be permitted in agricultural or industrial zones;
- b) not be erected within ten (10) metres of a lot line;
- c) not be erected within one hundred and fifty (150) metres of a dwelling situated on a separate lot.

#### 4.18 **PARKING REGULATIONS**

##### 4.18.1 **Required Parking Spaces**

The parking space requirements provided in the following table shall apply to all uses, buildings and structures in all zones with the exception of the Village Core (C1) Zone. The number of required spaces shall be calculated per square metre (m<sup>2</sup>) of the net floor area of the main building except where expressed otherwise. Parking spaces shall be provided at the time a use is established or changed or a building or structure is erected or enlarged.

		REQUIREMENT
1	abattoir	1 per 25 m <sup>2</sup> of retail floor space plus 1 per each employee employed on the largest shift
2	animal clinic	4 per practitioner
3	animal hospital	1 per 45 m <sup>2</sup>
4	apartment dwelling	1.5 per dwelling unit
5	art gallery	1 per 50 m <sup>2</sup>
6	auction sales establishment	1 per 30 m <sup>2</sup>
7	bake shop	1 per 25 m <sup>2</sup>
8	banquet hall	1 per 7 seats or 1 per 35 m <sup>2</sup> , which ever is the greater
9	bed & breakfast establishment	2 plus 1 per guest room
10	boarding house or rooming house	0.5 per guest room
11	bulk sales establishment	1 per 100m <sup>2</sup> of lo area occupied by the bulk sales establishment or part thereof
12	business or professional office	1 per 30 m <sup>2</sup>
13	campground or trailer park	2 per campsite
14	church	1 per 5 seats or the equivalent bench space or 1 per 10 m <sup>2</sup> where there is no fixed seating, whichever is the greater
15	clinic	1 per 20 m <sup>2</sup>
16	club	1 per 7 seats or 1 per 35 m <sup>2</sup> whichever is the greater
17	commercial centre	1 per 20 m <sup>2</sup>
18	community centre	1 per 10 m <sup>2</sup>
19	converted dwelling	1.5 per dwelling unit
20	day care centre, day nursery	1 per 40 m <sup>2</sup>
21	dog kennel	1 per 30 m <sup>2</sup>
22	double duplex dwelling	1.25 per dwelling unit
23	drive-in restaurant	1 per 10 m <sup>2</sup>
24	dry cleaning establishment	1 per 35 m <sup>2</sup>
25	duplex dwelling	1.5 per dwelling unit
26	dwelling unit	1 per unit
27	fitness centre	1 per 30 m <sup>2</sup>
28	flea market	1 per 30 m <sup>2</sup>
29	food processing plant	1 per each employee employed on the largest shift
30	funeral home	1 per 20 m <sup>2</sup>
31	garden centre	1 per 30 m <sup>2</sup> plus 1 per 100 m <sup>2</sup> outside display space
32	gas bar	3
33	general retail store	1 per 25 m <sup>2</sup>
34	golf course	4 per hole
35	group home	1 plus 0.5 per bed
36	half-way house	1 plus 0.5 per bed
37	hotel	1.5 per guest room
38	industrial use	1.5 per each employee employed on the largest shift
39	long term health care facility	1 per 2.5 beds
40	laundry establishment	1 per 35 m <sup>2</sup>
41	machine shop	1 per 25 m <sup>2</sup>
42	market garden	1 per 30 m <sup>2</sup> plus 1 per 100 m <sup>2</sup> of outside display space
43	micro brewery	1 per 40 m <sup>2</sup> of processing area
44	mini-storage warehouse	10
45	motel	1.5 per guest room
46	multiple unit dwelling	1.5 per dwelling unit
47	museum	1 per 50 m <sup>2</sup>
48	nursing home or rest home	1 per 2.5 beds
49	Office	1 per 30 m <sup>2</sup>
50	paintball park	1 per 50 m <sup>2</sup> of playfield
51	personal care establishment	1 per 20 m <sup>2</sup>
52	personal service establishment	1 per 15 m <sup>2</sup>
53	place of entertainment or amusement	1 per 35 m <sup>2</sup>
54	school, elementary	3 plus 1 per classroom
55	school, secondary or private	3 per classroom
56	restaurant	1 per 10 m <sup>2</sup>
57	retirement home	0.5 spaces per unit
57	retail store	1 per 25 m <sup>2</sup>
58	semi-detached dwelling	2 per dwelling unit
59	senior citizens home	0.5 spaces per dwelling unit
60	service shop	1 per 50 m <sup>2</sup>
61	single unit dwelling	2
62	take-out restaurant	1 per 10 m <sup>2</sup>
63	tavern	1 per 10 m <sup>2</sup>
64	townhouse dwelling	1.5 per dwelling unit
65	triplex dwelling	1.5 per dwelling unit
65	two-unit dwelling	1.5 per dwelling unit
66	variety store	1 per 25 m <sup>2</sup>
67	warehouse	1 per each employee employed on the largest shift

#### **4.18.2 Parking for the Physically Challenged**

Parking spaces for the physically challenged shall be provided adjacent, and accessible to the building and clearly marked for the parking of vehicles by such persons, in accordance with the following table:

Required Spaces	Required Spaces for Disability Parking
1-25	1
26-50	2
51-75	3
76-100	4

#### **4.18.3 Location of Parking Spaces**

The location of a parking space required herein shall be located on the same lot or within the same building or structure as the use building or structure for which the said parking is required. All parking spaces shall be located in an attached or detached private garage, or in a driveway, or in a side or rear yard provided that the lot coverage of the spaces shall not exceed fifty (50) percent of the lot area.

#### **4.18.4 Dimensions of Parking Spaces**

A parking space required herein shall have a minimum width of 2.7 m and a minimum length of 5.5 m except that in the case of a parking space for the physically challenged which shall have a minimum width of 3.7 m and a minimum length of 6.0 m. and except for those required to accommodate vehicles with boat trailers which shall have a minimum width of 3 m and a minimum length of 11 m.

#### **4.18.5 Additions to Existing Uses**

The parking space requirements of this By-law shall apply to any existing building or structure so long as the floor area of the said building or structure is not increased and the building or structure is used for a purpose which does not require additional parking spaces as required by this By-law than were required by virtue of its size or use on the effective date. Where a use is changed or the floor area of a building or structure is enlarged or there is an increase in the number of divisible units (e.g. seating capacity), then such additional parking spaces shall be provided to the number required for such change.

#### **4.18.6 Calculation of Required Parking Spaces**

When calculating the number of required parking spaces, the following shall apply:

- a) where a building, structure or lot accommodates more than one use, the required parking spaces shall be the sum of the required parking spaces for the individual uses. Parking spaces for one use shall not be considered as providing the required parking spaces for any other use.
- b) where seating accommodation is provided by benches, 0.6 m of bench space shall be equivalent to one (1) seat.
- c) if calculation of the required parking spaces results in a fraction, the required parking spaces shall be the next highest whole number notwithstanding Section 1.5 of this By-law to the contrary.

#### **4.19 PROHIBITED USES**

The following shall be prohibited in any zone unless specifically permitted otherwise.

- a) a mobile home;
- b) the use of truck, bus, coach, railway car, or streetcar bodies or part thereof for the



purposes of any use permitted by this By-law;

- c) the use of any travel trailer, truck camper, or motor home for living, sleeping, eating or accommodation.

#### **4.20 PUBLIC USES**

The provisions of this By-law shall not apply to the use of any land or to the erection, alteration or use of any building or structure, or portion thereof, by a public authority provided:

- a) the lot coverage, setback, and yard requirements of the zone in which such land, building, or structure is located are complied with;
- b) no outside storage shall be permitted in a residential zone; in a yard on a lot adjacent to a residential zone; or in a yard on a lot lying opposite a residential zone.

The provisions of a) shall not apply to any use, building or structure erected or used by Hydro One required for the transmission or distribution of electricity.

#### **4.21 RESIDENTIAL DRIVEWAYS**

- a) The maximum width of a driveway, measured along the sidewalk where such exists, and along the street line shall otherwise be nine (9.0) metres.
- b) The minimum distance between a driveway and an intersection of street lines measured along the street line intersected by such driveway shall be nine (9.0) metres.
- c) The minimum distance between a lot line and any driveway, with the exception of a mutual or common driveway, shall be one (1.0) metre. A driveway shall, however, be allowed to intersect a lot line in accordance with the provisions of subsection d).
- d) The interior angle formed between the street line and the centre line of any driveway shall not be less than forty-five (45) degrees.

#### **4.22 SECOND RESIDENTIAL UNITS**

Where in this By-law a single unit dwelling is listed as a permitted use, a second dwelling unit shall also be permitted either within that dwelling or within a building accessory to the said dwelling subject to the following:

- a) Where the second dwelling unit is located within the single unit dwelling:
  - i) an independent entrance to the second dwelling unit from the street shall be provided;
  - ii) the requirements of the Ontario Building Code shall be complied with;
  - iii) a minimum height of 2.0 m shall be maintained where located in a basement or cellar;
  - iv) a minimum of one parking space dedicated to the unit shall be provided.
- b) Where the second dwelling unit is located within an accessory building:
  - i) the requirements herein with respect to an accessory building shall be complied with;
  - ii) the requirements of the Ontario Building Code shall be complied with;
  - iii) the dwelling unit shall be connected to the municipal water supply system and the municipal sanitary sewage system where such services are available;
  - iv) where connection to the municipal water supply system is not available, the dwelling unit shall be connected to an individual on-site water service capable of producing a minimum of 18.9 litres/ minute;
  - v) where connection to the municipal sanitary sewage system is not available, the dwelling unit shall be connected to an approved individual on-site sewage service.
  - vi) a minimum of one parking space dedicated to the unit shall be provided.

#### **4.23 SCHOOL BUS HUTS OR SHELTERS**

Notwithstanding section 4.1 to the contrary, a school bus hut or shelter

- a) shall not exceed two (2.0) m<sup>2</sup> in floor area;

- b) shall not exceed three (3.0) m in height;
- c) may be erected in a front yard or exterior side yard;
- d) may be erected closer to a streetline than the main building is to that street line;
- e) may be erected closer than one (1.0) m from a lot line.

#### **4.24 SEWAGE TREATMENT FACILITIES**

No residential use shall be permitted closer than one hundred (100) metres from a sanitary sewage lagoon or sewage treatment plant.

#### **4.25 SHIPPING CONTAINERS and STORAGE CONTAINERS**

A shipping container or storage container shall not:

- a) be erected or used in a residential zone or institutional zone;
- b) be erected within one (1.0) metre of a lot line;
- c) exceed the maximum floor area and/or the maximum coverage requirement for an accessory building or structure of the zone in which it is situated;
- d) be erected in a front yard or an exterior side yard.

Notwithstanding the foregoing to the contrary, a shipping container or storage container may be temporarily located in a residential zone or institutional zone for a period of time not exceeding 30 days in any calendar year.

#### **4.26 SIGHT TRIANGLES**

On a corner lot within the triangular space included between the street lines for a distance of nine (9.0) metres from their point of intersection, no building, structure or fence shall be erected, no driveway shall be located, and no shrubs or foliage shall be planted or maintained between a height of one-half (0.5 metres) and three (3.0) metres above the centre line grade of the intersecting streets which obstruct the view of a driver of a motor vehicle approaching the intersection.

#### **4.27 WAYSIDE PITS, QUARRIES, PORTABLE ASPHALT PLANTS, PORTABLE CONCRETE PLANTS**

Wayside pits, wayside quarries, portable asphalt plants and portable concrete plants used in conjunction with a road construction project by a public authority or its agents shall be permitted in all zones provided that any portable asphalt plant is not erected any closer than 300 m to an institutional use or a residential use.

#### **4.28 WETLANDS**

Within provincially significant wetlands and locally significant wetlands, as shown on the Zone Maps, lands shall remain in their natural state and no change in use shall be permitted and no buildings or structures shall be erected.

#### **4.29 YARD ENCROACHMENTS AND OBSTRUCTIONS**

##### **4.29.1 ENCROACHMENTS**

No part of any required yard shall be obstructed by any building or structure or portion thereof except one or more of the following:

- a) accessory buildings or structures specifically permitted in a required yard elsewhere in this By-law;

- b) architectural adornments including, but not necessarily limited to, sills, belt courses, chimneys, cornices, eaves, gutters, parapets, pilasters and roof trusses, projecting not more than one-half (0.5) metre into any required yard except that no eaves of any building located within a residential zone shall be located closer than 0.6 m to any lot line;
- c) functional and ornamental structures including, but not necessarily limited to, drop awnings, clothes poles, ornamental fountains, statues, monuments, cenotaphs, memorials, planters, garden trellis, fences, boundary and retaining walls, hedgerows and legal signs;
- d) unenclosed fire escapes or outside staircases in which the stair steps and floors are latticed in such a manner that the proportion of voids to solids is not less than two to one and in which guards consist only of hand rails and the structural members necessary to their support, and which do not project more than one and one-half (1.5) metres into any required yard;
- e) awnings, atriums, and bay windows, projecting not more than one (1.0) metre into any required yard and which do not project into any sight triangle;
- f) open roofed porches, decks and uncovered terraces, projecting not more than two and one-half (2.5) metres into any required front yard, exterior side yard, or rear yard, and which do not project into any sight triangle;
- g) central air conditioning or heat pump units provided such units are located a minimum of 1.2 m from a side or rear lot line;
- h) uncovered ramps for the physically challenged.

#### **4.29.2 PROJECTIONS**

No part of any building or structure on any lot shall project beyond the lot line or street line of such lot.

## **SECTION 5. GENERAL AGRICULTURAL (A1) ZONE**

The General Agricultural (A1) Zone applies to the majority of lands designated 'Agricultural' in the Municipality by the West Elgin Official Plan. It includes productive agricultural land under active cultivation as well as non-active farmland, pasture land, woodlands, ravine land, wetlands and other natural areas despite the fact they may not be used or capable of being used for agricultural purposes. Permitted uses in the A1 zone include a broad range of agricultural activities from the cultivation of land and production of crops to the breeding, raising and care of livestock. Other uses such as forestry, riding schools, dog kennels and wildlife preserves are also permitted in recognition that such uses are appropriately located in the rural area and are complementary or not in conflict with agricultural uses. The production of oil and natural gas is also permitted. Lands zoned A1 are typically large parcels greater than 2 ha (5 acres) in size. Where new agricultural parcels are proposed to be created, the minimum lot area requirement for each parcel is 40 hectares (100 acres) as stipulated generally by the West Elgin Official Plan. Livestock buildings and structures and additions thereto as well as manure storage facilities are required to comply with Minimum Distance Separation II.

### **5.1 GENERAL USE REGULATIONS**

#### **5.1.1 PERMITTED USES**

No land shall be used and no buildings or structures shall be erected, used or altered in the General Agricultural (A1) Zone except for the following purposes:

- accessory living quarters for seasonal farm help
- agricultural use
- agri-tourism use
- bed and breakfast establishment
- cabin
- converted dwelling
- dog kennel
- existing cemetery
- farm winery
- home occupation
- hunting preserve
- landing strip
- riding school
- production of oil and natural gas
- single unit dwelling
- secondary farm occupation
- wildlife preserve

**TABLE 5-1**

#### **GENERAL AGRICULTURAL (A1) ZONE STANDARDS**

<b>1</b>	<b>Minimum Lot Area</b>	20.2 ha
<b>2</b>	<b>Minimum Lot Frontage</b>	300 m
<b>3</b>	<b>Maximum Lot Coverage</b>	20 %
<b>4</b>	<b>Front Yard Depth</b>	15 m
<b>5</b>	<b>Side Yard Width</b>	15 m ① 10 m ②
<b>6</b>	<b>Rear Yard Depth</b>	15 m
<b>7</b>	<b>Maximum Building Height</b>	10.5 m ③
<b>8</b>	<b>Minimum Floor Area</b> single unit dwelling	100 m <sup>2</sup>
<b>9</b>	<b>Maximum Dwellings/Lot</b>	1

FOOTNOTES	
①	for lot frontages > 100 m
②	for lot frontages < 100 m
③	dwellings only

## 5.2 SPECIAL USE REGULATIONS

### 5.2.1 LIVESTOCK BUILDINGS, STRUCTURES AND MANURE STORAGE FACILITIES – MINIMUM DISTANCE SEPARATION

No livestock building, structure or manure storage facility shall be altered, erected or used except in compliance with Schedule “H” Minimum Distance Separation II (MDS II).

### 5.2.2 CABINS

The following provisions shall apply to cabins:

- a) shall be limited to a maximum of one per lot,
- b) shall not exceed a floor area of fifty (50) square metres.

### 5.2.3 DOG KENNELS

The following minimum distances shall apply to dog kennels:

- a) from a dwelling located on a separate lot outside a settlement area 150 m
- b) from lands zoned I 150 m
- c) from lands zone RVP 300 m
- d) from a settlement area 450 m

### 5.2.4 HOME OCCUPATIONS

The following provisions shall apply to home occupations:

- a) shall be conducted within the dwelling or within an attached private garage provided the external character of the dwelling as a residence does not change or within an accessory building or detached private garage.
- b) shall, if conducted within the dwelling or within an attached garage not exceed forty (40) percent of the total floor area of the dwelling and garage and if conducted within an accessory building shall not exceed 100 hundred (100) square metres in floor area;
- c) a nuisance, particularly in regard to noise, odour, refuse, traffic or parking issue shall not be created;
- d) outside storage shall be limited and screened from public view;
- e) shall be restricted to a maximum of one non-flashing sign, one (1.0) square metre in area.

### 5.2.5 **SECONDARY FARM OCCUPATIONS**

The following provisions shall apply to secondary farm occupations:

- a) shall be located in a building not more than fifty (50) metres from the dwelling on the lot;
- b) shall not exceed three hundred (300) square metres in floor area;
- c) shall be located a minimum distance of one hundred and fifty (150) metres from a dwelling situated on a neighbouring lot;
- d) outside storage shall be limited to a contiguous one hundred and fifty (150) square metre area situated adjacent and to the side or rear of the building in which the secondary farm occupation is conducted;
- e) shall be restricted to a maximum of one sign, two (2.0) square metres in area.
- f) the maximum number persons engaged in the secondary farm occupation but who reside in a dwelling elsewhere than on the lot on which the occupation is conducted shall be three(3).

### 5.2.6 **SINGLE UNIT DETACHED DWELLINGS**

A single unit dwelling shall:

- a) not be erected closer than one hundred and fifty (150) metres to a dog kennel on a neighbouring lot;
- b) comply with Schedule "H", Minimum Distance Separation I (MDS I).

The foregoing shall not apply to the alteration of an existing dwelling or the replacement of an existing dwelling with a new dwelling.

## 5.3 **SITE-SPECIFIC ZONES**

### 5.3.1 a) **Defined Area**

A1-1 as shown on Schedule "A" Map No. 3, Map No.13, Map No.34 and Map No.74.

- b) **Minimum Lot Frontage** 0 m

- c) **Exemption**

Section 4.5 b) and Section 4.8 of this By-law shall not apply.

### 5.3.2 a) **Defined Area** (*Maintenance Free Decking Experts*)

A1-2 as shown on Schedule "A" Map No.21.

- b) **Permitted Uses**

sale, storage and display of fencing, decking, gazebos and similar items in existing buildings  
all other permitted uses of the A1 zone.

### 5.3.3 a) **Defined Area** (*Lupsor Motors*)

A1-3 as shown on Schedule "A" Map No. 66.

- b) **Permitted Uses**

motor vehicle sales establishment

single unit detached dwelling

**5.3.4 a) Defined Area (*Bree-Ideal Monuments*)**

A1-4 as shown on Schedule "A" Map No.72.

**b) Permitted Uses**

sale of monuments  
single unit detached dwelling

**c) Maximum Number of Dwellings**

2

## **SECTION 6. AGRICULTURAL (A2) ZONE**

The Agricultural (A2) Zone is virtually identical to the General Agricultural (A1) Zone with the exception that dwellings, as well as uses which normally require, or are associated with, a dwelling, are not permitted. It also applies in areas designated 'Agricultural' in the West Elgin Official Plan. Lands zoned A2 have been the subject of a consent for the purposes of disposing a surplus farm dwelling on condition that any subsequent or future dwelling would be prohibited on the remaining lands in accordance with the Provincial Policy Statement (PPS), the County of Elgin Official Plan and the West Elgin Official Plan. The minimum lot area of a parcel zoned A2 is the area of the parcel on the day the consent was given to create the lot to dispose the surplus farm dwelling.

### **6.1 GENERAL USE REGULATIONS**

#### **6.1.1 PERMITTED USES**

No land shall be used and no buildings or structures shall be erected, used or altered in the Agricultural (A2) Zone except for the following purposes:

agricultural use  
agri-tourism use  
farm winery  
hunting reserve  
production of oil and natural gas  
wildlife preserve

**TABLE 6-1**

### **AGRICULTURAL (A2) ZONE STANDARDS**

<b>1</b>	<b>Minimum Lot Area</b>	①
<b>2</b>	<b>Minimum Lot Frontage</b>	②
<b>3</b>	<b>Maximum Lot Coverage</b>	20%
<b>4</b>	<b>Front Yard Depth</b>	15 m
<b>5</b>	<b>Side Yard Width</b>	15 m ③ 10 m ④
<b>6</b>	<b>Rear Yard Depth</b>	15 m
<b>7</b>	<b>Maximum Building Height</b>	10.5 m ⑤
<b>8</b>	<b>Maximum Dwellings/Lot</b>	1

<b>FOOTNOTES</b>	
①	the area of the lot on the day it was created
②	the frontage of the lot on the day it was created
③	for lot frontages > 100 m
④	for lot frontages < 100 m
⑤	dwellings only



**6.2 SPECIAL USE REGULATIONS**

**6.2.1 LIVESTOCK BUILDINGS, STRUCTURES AND MANURE STORAGE FACILITIES –  
MINIMUM DISTANCE SEPARATION**

No livestock building, structure or manure storage facility shall be altered, erected or used except in compliance with Schedule “H”, Minimum Distance Separation II (MDS II).

**6.3 SITE-SPECIFIC ZONES**

## **SECTION 7. RESTRICTED AGRICULTURAL (A3) ZONE**

The Restricted Agricultural (A3) Zone applies in areas designated 'Agricultural' in the West Elgin Official Plan to parcels ranging in size from 4,000 sq. m (1 acre) to 2 hectares (5 acres). The A3 zone also applies to lots created by consent to dispose a surplus farm dwelling where the size of the lot is greater than 4,000 sq. m (1 acre). Agricultural uses are permitted with the exception of the breeding, raising and care of livestock governed by the provisions of the Nutrient Management Act, fur farming and mushroom farming.

### **7.1 GENERAL USE REGULATIONS**

#### **7.1.1 PERMITTED USES**

No land shall be used and no buildings or structures shall be erected, used or altered in the Restricted Agricultural (A3) Zone except for the following purposes:

- agri-tourism use
- animal clinic
- animal hospital
- bed and breakfast establishment
- dog kennel
- day care centre
- home occupation
- single unit dwelling
- secondary farm occupation
- restricted agricultural use

**TABLE 7-1**

#### **RESTRICTED AGRICULTURAL (A3) ZONE STANDARDS**

<b>1</b>	<b>Minimum Lot Area</b>	4000 m <sup>2</sup>
<b>2</b>	<b>Minimum Lot Frontage</b>	30 m
<b>3</b>	<b>Maximum Lot Coverage</b>	20%
<b>4</b>	<b>Front Yard Depth</b>	15 m
<b>5</b>	<b>Side Yard Width</b> a) interior lot b) corner lot	a) 7.5 m b) 7.5 m on the interior side and the Front Yard Depth or Minimum Setback whichever is greater on the other side
<b>6</b>	<b>Rear Yard Depth</b> a) Single unit dwelling	a) 10.0 m
<b>7</b>	<b>Maximum Building Height</b> a) single unit dwelling	a) 10.5 m
<b>8</b>	<b>Minimum Floor Area</b> a) single unit dwelling	100 m <sup>2</sup>
<b>9</b>	<b>Maximum Floor Area</b> a) livestock building or structure	100 m <sup>2</sup>
<b>10</b>	<b>Maximum Number of Dwellings per Lot</b>	1

### **7.2 SPECIAL USE REGULATIONS**

#### **7.2.1 ACCESSORY BUILDINGS AND STRUCTURES**

An accessory building or structure shall not:

- a) be used for human habitation with the exception of a cabin;
- b) be erected closer than three (3.0) metres from the side lot lines on an interior lot; and closer than fifteen (15) metres on the side abutting the street and three (3.0) metres on the other side on a corner lot;
- c) be erected closer than three (3.0 metres to the rear lot line;
- d) exceed a height of seven-and-a half (7.5) metres;

**7.2.2 MAXIMUM NUMBER OF LIVESTOCK**

The maximum number of livestock permitted at any given time shall not exceed the requirements of the Nutrient Management Act which trigger the need for a nutrient management strategy, (i.e. 5 or more nutrient units) and shall not exceed the equivalent of one nutrient unit for every 4000 m<sup>2</sup> of lot area or portion thereof of lot area where one (1) nutrient unit is equivalent to and limited to one of the following or combination thereof to a maximum of three:

- 1 horse or 1 pony or combination thereof\*
- 75 chickens housed or 20 free range
- 50 turkeys
- 1 beef cow (including calf)
- 1 dairy cow (including calf)
- 2 beef feeders
- 5 emus
- 4 sheep (including offspring)
- 4 goats (Including offspring)
- 3 ostrich
- 40 rabbits

\*provided the maximum number of horses and/or ponies does not exceed 2

**7.2.3 DOG KENNELS**

The following minimum separation distances shall apply to dog kennels:

- a) from a dwelling located on a separate lot outside a settlement area 150 m
- b) from lands zoned I 150 m
- c) from lands zoned RVP 300 m
- d) from a settlement area 450 m

**7.2.4 HOME OCCUPATIONS**

The following provisions shall apply to home occupations:

- a) the external character of the dwelling as a residence shall not change where conducted within the dwelling or an attached private garage;
- b) shall, if conducted within the dwelling or within an attached private garage, not exceed forty (40) percent of the total floor area of the dwelling and attached private garage or shall not exceed two hundred (200) square metres if conducted within an accessory building or a detached private garage;
- c) a nuisance, particularly in regard to noise, odour, refuse or parking, shall not be created;
- d) outside storage shall be limited and screened from public view;
- e) external display or advertisement other than one non-flashing sign, a maximum size of one (1.0) square metres in area, shall not be permitted.

### 7.2.5 **SECONDARY FARM OCCUPATIONS**

The following provisions shall apply to secondary farm occupations:

- a) shall be located in a building situated behind and to the rear of the dwelling on the lot and not more than (fifty) 50 metres from the said dwelling;
- b) shall not exceed a maximum of three hundred (300) square metres in floor area of the building within which it is located;
- c) shall be located a minimum distance of 150 square metres from a dwelling situated on a neighbouring lot;
- d) outside storage shall be limited to a contiguous one hundred and fifty (150) square metre area located immediately behind and to the rear of the building in which the secondary farm occupation is conducted;
- e) external display or advertisement shall be limited to one (1) sign not exceeding one (1.0) square metre in area;
- f) the maximum number persons engaged in the secondary farm occupation but who reside in a dwelling other than on the lot on which the occupation is conducted shall be restricted to two.

### 7.2.6 **SINGLE UNIT DWELLINGS**

A single unit detached dwelling shall:

- a) not be erected closer than one hundred and fifty (150) metres to a dog kennel on a neighbouring lot;
- b) comply with Schedule "H", Minimum Distance Separation I (MDS I).

The foregoing shall not apply to the alteration of an existing dwelling or the replacement of an existing dwelling with a new dwelling.

## 7.3 **SITE-SPECIFIC ZONES**

### 7.3.1 a) **Defined Area**

A3-1 as shown on Schedule "A" Map No. 26.

### b) **Home Occupation**

Notwithstanding Section 7.2.3 b) of this By-law to the contrary, a home occupation having a maximum floor area of 350 m<sup>2</sup> shall be permitted.

### 7.3.2 a) **Defined Area** (*Robert Boothe – CS Cooking Oil Removal*)

A3-2 as shown on Schedule "A" Map No. 55.

### b) **Permitted Uses**

home occupation for the storage and sale of used cooking oil in addition to all other permitted uses of the A2 zone.

### c) **Maximum Floor Area**

home occupation for the storage and sale of used cooking oil                      550 m<sup>2</sup>

d) **Maximum Number of Employees Residing Off-Site**

home occupation for the storage and sale of used cooking oil

2

## **SECTION 8. RESIDENTIAL FIRST DENSITY (R1) ZONE**

The Residential First Density (R1) Zone applies exclusively to lots developed for the purposes of single unit dwellings in the village areas of Rodney and West Lorne on, for the most part, lands designated 'Residential' in the West Elgin Official Plan. Within the R1 zone, standards apply to such matters as minimum lot area, minimum lot frontage, minimum setbacks from property lines (i.e. front yard depth, rear yard depth) maximum building height and maximum lot coverage. Lands zoned R1 are, or are intended to be, fully serviced by the municipal water supply system and municipal sanitary sewage system. The R1 zone has a minimum lot frontage of 15 m (50 feet) and a minimum lot area of 600 sq m (6458 sq ft). Existing lots with less than the minimum lot frontage and/or minimum lot area are exempt from meeting these requirements as long as the minimum required setbacks and maximum lot coverage and maximum building height standards are complied with.

### **8.1 GENERAL USE REGULATIONS**

#### **8.1.1 PERMITTED USES**

No land shall be used and no buildings or structures shall be erected, used or altered in the Residential First Density (R1) Zone except for the following purposes:

home occupation  
single unit dwelling

**TABLE 8-1**

### **RESIDENTIAL FIRST DENSITY (R1) ZONE STANDARDS**

<b>1</b>	<b>Minimum Lot Area</b>	600 m <sup>2</sup>
<b>2</b>	<b>Minimum Lot Frontage</b> a) On a corner lot b) On an interior lot	a) 18 m b) 15 m
<b>3</b>	<b>Maximum Lot Coverage</b>	30%
<b>4</b>	<b>Front Yard Depth</b>	7.5 m
<b>5</b>	<b>Side Yard Width</b> a) single unit dwelling b) single unit dwelling without attached garage or carport c) single unit dwelling on a corner lot	a) 1.5 m + 0.5m for each additional or partial storey above the first b) 1.5 m + 0.5 m for each additional or partial storey above the first on one side and 4.5 m on the other side c) 7.5 m on the side abutting a street and 1.5 m + 0.5m for each additional or partial storey above the first on the other side
<b>6</b>	<b>Rear Yard Depth</b> a) single unit dwelling	a) 7.5 m
<b>7</b>	<b>Maximum Building Height</b> a) single unit dwelling b) accessory building or structure	a) 10.5 m b) 4.5 m
<b>8</b>	<b>Maximum Dwellings per lot</b>	1
<b>9</b>	<b>Minimum Floor Area</b>	100 m <sup>2</sup>
<b>10</b>	<b>Municipal Services</b> No dwelling shall be erected or used that is not connected to the municipal water supply system and the municipal sanitary sewage system.	

**8.2 SPECIAL USE REGULATIONS**

**8.2.1 HOME OCCUPATIONS**

The following provisions shall apply to home occupations:

- a) outside storage of materials, containers, or finished products shall not be permitted;
- b) the character of the dwelling as a residence shall not change, or a nuisance particularly in regard to noise, traffic or parking shall not be created;
- c) mechanical equipment shall not be used, the operation of which would result in any noise, fumes, dust, or odour escaping to any adjoining use;
- d) not more than 25 percent of the total floor area of the dwelling or forty (40) square metres whichever is the lesser, shall be used for the home occupation;
- e) where a bed and breakfast establishment is operated as a home occupation, the minimum off-street parking spaces required shall be one (1) per room used for the purposes in addition to the requirements for the dwelling;
- f) a maximum of one non-flashing sign, one-half (0.5) square metre in area shall be permitted.

**8.3 SITE-SPECIFIC ZONES**

**8.3.1 a) Defined Area (*Dr. J. Pucovsky*)**

R1-1 as shown on Schedule “B” Map No. 2.

**b) Permitted Uses**

business or professional office  
all other permitted uses of the R1 zone

**8.3.2 a) Defined Area (*Fordham Motors*)**

R1-2-H-3 as shown on Schedule “B”, Map No. 2.

**b) Permitted Uses**

parking lot  
all other permitted uses of the R1 zone

**8.3.3 a) Defined Area (*Fairles parking lot*)**

R1-3 as shown on Schedule “B” Map No. 4.

**b) Permitted Uses**

parking lot  
all other permitted uses of the R1 zone

**8.3.4 a) Defined Area**

R1-4 as shown on Schedule “B” Map No. 4.

**b) Maximum Number Of Dwellings per Lot**

2

**c) Rear Yard Depth**

existing former church

0.2m

**8.3.5 a) Defined Area (West Elgin Variety)**

R1-5 as shown on Schedule "C" Map No. 3.

**b) Permitted Uses**

business or professional office  
car wash  
gas bar  
restaurant  
retail store  
variety store



## **SECTION 9. RESIDENTIAL SECOND DENSITY (R2) ZONE**

The Residential Second Density (R2) Zone applies to low density, two unit residential development on full municipal services in the village areas of Rodney and West Lorne. The corresponding land use designation in the Municipality's Official Plan is also 'Residential'. Dwellings are restricted primarily to two unit dwellings in a number of different configurations (e.g. semi-detached dwellings, duplex dwellings, converted dwellings). Group homes are also permitted. Standards apply to such matters as lot area, frontage, setbacks from property lines, coverage and height. Standards vary based on dwelling type. Single unit dwellings are permitted on lots smaller than required in the R1 zone.

### **9.1 GENERAL USE REGULATIONS**

#### **9.1.1 PERMITTED USES**

No land shall be used and no buildings or structures shall be erected, used or altered in the Residential Second Density (R2) Zone except for the following purposes:

converted dwelling  
day care centre  
day nursery  
duplex dwelling  
group home  
home occupation  
semi-detached dwelling  
single unit dwelling  
two-unit dwelling

**TABLE 9-1**

#### **RESIDENTIAL SECOND DENSITY (R2) ZONE STANDARDS**

<b>1</b>	<b>Minimum Lot Area</b> a) converted dwelling b) semi-detached dwelling c) duplex and two-unit dwelling d) single unit dwelling	a) existing b) 300 m <sup>2</sup> per dwelling unit c) 600 m <sup>2</sup> d) 500 m <sup>2</sup>
<b>2</b>	<b>Minimum Lot Frontage</b> a) converted dwelling b) semi-detached dwelling c) duplex and two-unit dwelling d) single unit dwelling	a) existing b) 10.5 m per dwelling unit c) 20 m d) 12 m
<b>3</b>	<b>Maximum Lot Coverage</b>	40 %
<b>4</b>	<b>Front Yard Depth</b>	6.0 m
<b>5</b>	<b>Side Yard Width</b> a) semi-detached dwelling b) dwelling with attached garage or carport c) dwelling without attached garage or carport d) dwelling on a corner lot	a) existing b) 1.5 m provided that no side yard shall be required between the common wall dividing dwelling units c) 1.5 m d) 1.5 m on one side and 4.5 m on the other side e) 7.5 m on the side abutting the street and the requirements of a), b), and c) above as the case may be on the other side
<b>6</b>	<b>Rear Yard Depth</b> a) Single unit dwelling	7.5 m
<b>7</b>	<b>Maximum Building Height</b> a) main building b) accessory building or structure	a) 10.5 m b) 4.5 m
<b>8</b>	<b>Minimum Floor Area</b>	75 m <sup>2</sup>
<b>9</b>	<b>Minimum Outdoor Amenity Area</b>	45 m <sup>2</sup> per dwelling unit

	<b>Maximum No. of Dwelling Units</b>	2
	<b>Municipal Services</b> No dwelling shall be erected or used that is not connected to the municipal water supply system and the municipal sanitary sewage system.	

**9.2 SPECIAL USE REGULATIONS**

**9.2.1 HOME OCCUPATIONS**

The following provisions shall apply to home occupations:

- a) outside storage of materials, containers, or finished products shall not be permitted;
- b) the character of the dwelling or dwelling unit as a residence shall not change, or a nuisance particularly in regard to noise, traffic or parking shall not be created;
- c) mechanical equipment shall not be used, the operation of which would result in any noise, fumes, dust, or odour escaping to any adjoining use;
- d) not more than 25 percent of the total floor area of the dwelling or dwelling unit or forty (40) square metres whichever is the lesser, shall be used for the home occupation;
- e) a maximum of one non-flashing sign, one-half (0.5) square metre in area shall be permitted.

**9.3 SITE-SPECIFIC ZONES**

## **SECTION 10. RESIDENTIAL THIRD DENSITY (R3) ZONE**

*The Residential Third Density (R3) Zone applies to medium density residential development in the village areas of Rodney and West Lorne. The corresponding land use designation in the Municipality's Official Plan is, in most instances, 'Residential'. Development is restricted to multiple unit dwellings (i.e. 3 units or more) in a variety of configurations (e.g. townhouses, triplexes, apartment dwellings) that do not exceed a height greater than three storeys. Within the R3 zone, standards apply to such matters as lot area, lot frontage, setbacks, coverage and height.*

### **10.1 GENERAL USE REGULATIONS**

#### **10.1.1 PERMITTED USES**

No land shall be used and no buildings or structures shall be erected, used or altered in the Residential Third (R3) Zone except for the following purposes:

apartment dwelling  
double duplex dwelling  
home occupation  
multiple-unit dwelling  
senior citizens' home  
townhouse dwelling

**TABLE 10-1**

### **RESIDENTIAL THIRD DENSITY (R3) ZONE STANDARDS**

<b>1</b>	<b>Minimum Lot Area</b> a) double duplex, townhouse and multiple-unit dwellings b) apartment dwelling	a) 230 m <sup>2</sup> per dwelling unit b) 230 m <sup>2</sup> for each of the first four (4) dwelling units and 95 m <sup>2</sup> for each additional unit thereafter
<b>2</b>	<b>Minimum Lot Frontage</b> a) double duplex dwelling b) townhouse and multiple-unit dwellings	a) 25 m b) 30.5 m
<b>3</b>	<b>Maximum Lot Coverage</b>	35%
<b>4</b>	<b>Front Yard Depth</b> a) double duplex dwelling b) townhouse and multiple-unit dwellings	a) 7.5 m b) 7.5 m
<b>5</b>	<b>Side Yard Width</b> a) double duplex dwelling b) townhouse c) apartments and multiple-unit dwellings	a) 3.0 m on an interior lot, 7.5 m on the side abutting the street and 3.0 m on the other side on a corner lot b) 6.0 m or one-half the height whichever is greater on an interior lot, 10.5 m on the side abutting the street and 6.0 m or one half the height on a corner whichever is the greater on the other side c) 7.5 m
<b>6</b>	<b>Rear Yard Depth</b> a) main building	a) 10.5 m
<b>7</b>	<b>Maximum Building Height</b> a) main building b) accessory building or structure	a) 3 storeys b) 4.5 m
<b>9</b>	<b>Minimum Outdoor Amenity Area</b>	45 m <sup>2</sup> per dwelling unit
<b>10</b>	<b>Maximum Density</b>	60 dwelling units per hectare
<b>11</b>	<b>Municipal Services</b> No dwelling shall be erected or used that is not connected to the municipal water supply system and the municipal sanitary sewage system.	

**10.1.2 LOCATION OF PARKING SPACES**

- a) All parking spaces shall be located in an attached or detached private garage, or in a hard surfaced parking lot, provided that the lot coverage of the spaces shall not exceed fifteen (15) percent of the lot area.
- b) Parking spaces shall be located on the same lot or within the same building as the use for which said parking is required.

**10.2 SPECIAL USE REGULATIONS**

**10.2.1 HOME OCCUPATIONS**

The following provisions shall apply to home occupations:

- a) outside storage of materials, containers, or finished products shall not be permitted;
- b) the character of the dwelling or dwelling unit as a residence shall not change, or a nuisance particularly in regard to noise, traffic or parking shall not be created;
- c) mechanical equipment shall not be used, the operation of which would result in any noise, fumes, dust, or odour escaping to any adjoining use;
- d) not more than 25 percent of the total floor area of the dwelling or dwelling unit or forty (40) square metres whichever is the lesser, shall be used for the home occupation;
- e) a maximum of one non-flashing sign, one-half (0.5) square metre in area shall be permitted.

**10.3 SITE-SPECIFIC ZONES**

**10.3.1 a) Defined Area (West Lorne Heritage Homes)**

R3-1 as shown on Schedule "C", Map No. 3.

**b) Permitted Uses**

senior citizens' home  
 clinic  
 community centre  
 all other permitted uses of the R3 zone

- c) **Front Yard Depth** 5.5 m
- d) **Rear Yard Depth** 8.0 m
- e) **Maximum Lot Coverage** 40 %
- f) **Minimum Off-Street Parking Spaces** 40

## **SECTION 11. RURAL RESIDENTIAL (RR) ZONE**

The Rural Residential (RR) Zone applies to residential lots designated 'Agricultural' and 'Rural Residential' in the West Elgin Official Plan and where the size of such lots does not generally exceed 4,000 square metres (approximately 1 acre). Permitted uses are restricted to single unit dwellings as the primary use. Bed and breakfast establishments and home occupations are also permitted. The RR zone may also be applied, depending on its size, to a new lot being created by consent for the purposes of disposing a surplus farm dwelling. Within the RR zone, the minimum lot area is 2000 sq m (0.5 acres) and the minimum lot frontage is 30 m (100 feet). The keeping of farm animals and dog kennels are not permitted on lands zoned RR.

### **11.1 GENERAL USE REGULATIONS**

#### **11.1.1 PERMITTED USES**

No land shall be used and no buildings or structures shall be erected, used or altered in the Rural Residential (RR) Zone except for the following purposes:

- bed and breakfast establishment
- day care centre
- home occupation
- single unit dwelling

**TABLE 11-1**

#### **RURAL RESIDENTIAL (RR) ZONE STANDARDS**

<b>1</b>	<b>Minimum Lot Area</b>	2000 m <sup>2</sup>
<b>2</b>	<b>Minimum Lot Frontage</b>	30 m
<b>3</b>	<b>Maximum Lot Coverage</b>	35%
<b>4</b>	<b>Front Yard Depth/ Exterior Side Yard Width</b>	10 m
<b>5</b>	<b>Side Yard Width</b>	3 m
	<b>Rear Yard Depth</b>	10 m
<b>7</b>	<b>Maximum</b>	10.5 m
<b>8</b>	<b>Minimum Floor Area</b>	100 m <sup>2</sup>
<b>9</b>	<b>Maximum Dwellings per Lot</b>	1

### **11.2 SPECIAL USE REGULATIONS**

#### **11.2.1 HOME OCCUPATIONS**

The following provisions shall apply to home occupations:

- a) shall be conducted within the dwelling or an attached private garage provided the external character of the dwelling as a residence does not change or within an accessory building or detached private garage;
- b) shall, if conducted within a dwelling or within an attached private garage, not exceed forty (40) percent of the total floor area of the dwelling and attached private garage or if conducted within an accessory building or a detached private garage shall not exceed one hundred (100) square metres of floor area;

- c) a nuisance, particularly in regard to noise, odour, refuse or parking, shall not be created;
- d) outside storage shall not be permitted;
- e) external display or advertisement shall be limited to one sign, a maximum of one (1.0) square metre in area.

### 11.2.2 **SINGLE UNIT DWELLINGS**

A single unit dwelling shall not be erected:

- a) closer than one hundred and fifty (150) metres to a dog kennel on a neighbouring lot;
- b) except in accordance with Schedule "H", Minimum Distance Separation I (MDS I). except that the alteration of an existing dwelling shall be permitted and the replacement of an existing dwelling with a new dwelling shall be permitted provided the new dwelling is situated no closer to a livestock building and structure or manure storage facility than the dwelling being replaced.

### 11.3 **SITE-SPECIFIC ZONES**

#### 11.3.1 a) **Defined Area** (*Rick's Auto Repair*)

RR-1 as shown on Schedule "A" Map No.37.

#### b) **Permitted Uses**

public garage in an existing building  
all other permitted uses of the RR zone

#### 11.3.2 a) **Defined Area** (*Chase Enterprises Inc.*)

RR-2 as shown on Schedule "A" Map No.50.

#### b) **Permitted Uses**

business office  
light industrial use in an existing building  
private garage

#### 11.3.3 a) **Defined Area** (*Dan's Auto Refinishing*)

RR-3 as shown on Schedule "A" Map No.56.

#### b) **Permitted Uses**

public garage  
all other permitted uses of the RR zone

## **SECTION 12. HAMLET RESIDENTIAL (HR) ZONE**

The Hamlet Residential (HR) Zone applies to residential development comprising single unit dwellings and converted dwellings in the hamlet areas of Clachan, Eagle, New Glasgow and Port Glasgow. Minimum lot area and minimum lot frontage requirements are stipulated for the creation of new lots depending on whether the lot is serviced by a municipal water supply system or by a private well. Unlike Rodney and West Lorne, none of the hamlets are serviced by a municipal sanitary sewage system, however, Eagle, New Glasgow and Port Glasgow are serviced by the Municipality's water supply system.

### **12.1 GENERAL USE REGULATIONS**

#### **12.1.1 PERMITTED USES**

No land shall be used and no buildings or structures shall be erected, used or altered in the Hamlet Residential (HR) Zone except for the following purposes:

bed & breakfast establishment  
converted dwelling  
home occupation  
single unit dwelling

**TABLE 12-1**

#### **HAMLET RESIDENTIAL (HR) ZONE STANDARDS**

<b>1</b>	<b>Minimum Lot Area</b> a) where a connection to a municipal water supply is available b) where a connection to a municipal water supply is not available	a) 1000 m <sup>2</sup> b) 2000 m <sup>2</sup>
<b>2</b>	<b>Minimum Lot Frontage</b> a) where a connection to a municipal water supply is available where a connection to a municipal water supply is not available	a) 25 m b) 30 m
<b>3</b>	<b>Maximum Lot Coverage</b>	35 %
<b>4</b>	<b>Front Yard Depth</b>	7.5 m
	<b>Side Yard Width</b> a) interior lot b) corner lot	a) 3.0 m b) 7.5 m on the side abutting the road and 3 m on the other side
<b>6</b>	<b>Rear Yard Depth</b>	10 m
<b>7</b>	<b>Maximum Building Height</b>	10.5 m
<b>8</b>	<b>Minimum Floor Area</b>	100 m <sup>2</sup>
<b>9</b>	<b>Maximum No. of Dwelling Units</b> a) converted dwelling	2
<b>10</b>	<b>Maximum Dwellings per Lot</b>	1

### **12.2 SPECIAL USE REGULATIONS**

#### **12.2.1 HOME OCCUPATIONS**

The following provisions shall apply to home occupations:

- a) shall be conducted entirely within the dwelling or within an attached private garage or within an accessory building or detached private garage;

- b) shall, if conducted within the dwelling or within an attached private garage, not exceed forty (40) percent of the total floor area of the dwelling and attached private garage or, if conducted within an accessory building or a detached private garage, shall not exceed one hundred (100) square metres of floor area;
- c) the external character of the dwelling as a residence shall not change;
- d) a nuisance, particularly in regard to noise, odour, refuse or parking, shall not be created;
- e) outside storage shall not be permitted;
- f) external display or advertisement other than one sign, a maximum size of one (1.0) square metre in area, shall not be permitted;
- g) manufacturing or assembly shall not be permitted except for the fabrication and the sale thereof of handmade articles of clothing, arts or crafts;
- h) a maximum of one non-flashing sign, one-half (0.5) square metre in area shall be permitted.

### **12.2.2 SINGLE UNIT DWELLINGS- MINIMUM DISTANCE SEPARATION I (MDS I)**

A single unit dwelling shall only be erected if in accordance with Schedule "H", Minimum Distance Separation I (MDS I) except that the alteration of an existing dwelling shall be permitted and the replacement of an existing dwelling with a new dwelling shall be permitted provided the new dwelling is situated no closer to a livestock building and structure or manure storage facility than the dwelling being replaced.

### **12.3 SITE-SPECIFIC ZONES**

#### **12.3.1 a) Defined Area (A. & R. Miller)**

HR-1 as shown on Schedule 'G'.

#### **b) Exemption**

Section 4.8 Frontage on a Public Road and Table 12-1 Minimum Lot Frontage do not apply.



## **SECTION 13. LAKESHORE RESIDENTIAL (LR) ZONE**

The Lakeshore Residential (LR) Zone applies primarily to developed and undeveloped residential lots lying in the designated 'Lakeshore Area' in the West Elgin Official Plan in Concession XIV along the Lake Erie shoreline. Undeveloped residential lots may have the holding symbol attached (i.e. LR-H-#) pending further approvals from the Municipality before actual development would be allowed to take place. Lands zoned LR are restricted to a single unit detached dwelling as the main use. Home occupations and bed and breakfast establishments are also permitted. The minimum lot size and minimum lot frontage are 2500 sq m (0.6 acres) and 30 m (100 feet ) respectively.

### **13.1 GENERAL USE REGULATIONS**

#### **13.1.1 PERMITTED USES**

No land shall be used and no buildings or structures shall be erected, used or altered in the Lakeshore Residential (LR) Zone except for the following purposes:

- accessory use
- bed and breakfast establishment
- home occupation
- single unit dwelling as the main use

**TABLE 13-1**

#### **LAKESHORE RESIDENTIAL (RR) ZONE STANDARDS**

<b>1</b>	<b>Minimum Lot Area</b>	2500 m <sup>2</sup>
<b>2</b>	<b>Minimum Lot Frontage</b>	30 m
<b>3</b>	<b>Maximum Lot Coverage</b>	35 %
<b>4</b>	<b>Front Yard Depth/ Exterior Side Yard Width</b>	10 m
<b>5</b>	<b>Side Yard Width</b> single unit dwelling	3 m
<b>6</b>	<b>Rear Yard Depth</b> single unit dwelling	10 m
<b>7</b>	<b>Maximum Building Height</b> single unit dwelling	10.5 m
<b>8</b>	<b>Minimum Floor Area</b> single unit dwelling	100 m <sup>2</sup>
<b>9</b>	<b>Maximum Dwellings per Lot</b>	1

### **13.2 SPECIAL USE REGULATIONS**

#### **13.2.1 HOME OCCUPATIONS**

The following provisions shall apply to home occupations:

- a) shall be conducted entirely within a dwelling or within an attached private garage or within an accessory building or detached private garage;
- b) shall, if conducted within a dwelling or within an attached private garage, not exceed forty (40) percent of the total floor area of the dwelling and attached private garage or, if conducted within an accessory building or a detached private garage, shall not exceed one hundred (100) square metres of floor area;
- c) the external character of the dwelling as a residence shall not change;

- d) a nuisance, particularly in regard to noise, odour, refuse or parking, shall not be created;
- e) outside storage shall not be permitted;
- f) external display or advertisement other than one sign, with a maximum face not exceeding (1.0) square metre in area, shall not be permitted.
- g) a maximum of one non-flashing sign, one (1.0) square metre in area shall be permitted.

**13.2.2 SINGLE UNIT DWELLINGS**

A single unit dwelling shall not be erected:

- a) closer than one hundred and fifty (150) metres to a dog kennel on a neighbouring lot;
- b) only if in accordance with Schedule "H", Minimum Distance Separation I (MDS I). except that the alteration of an existing dwelling shall be permitted and the replacement of an existing dwelling with a new dwelling shall be permitted provided the new dwelling is situated no closer to a livestock building and structure or manure storage facility than the dwelling being replaced.

**13.3 SITE-SPECIFIC ZONES**

**13.3.1 a) Defined Area (L. Nirtra)**

LR-1-H-7 as shown on Schedule "A", Map No. 75.

**b) Permitted Uses**

seasonal dwelling

**c) Minimum Setbacks for Main Building**

- i) from the northerly lot line to the nearest main wall 7.5 m
- ii) from the top-of-bank of Lake Erie to the nearest main wall 30 m
- iii) from the westerly lot line 15 m
- iv) from the easterly lot line 15 m

**SECTION 14. SEASONAL RESIDENTIAL (SR) ZONE**

**14.1 GENERAL USE REGULATIONS**

**14.1.1 PERMITTED USES**

**14.2 SPECIAL USE REGULATIONS**

**14.3 SITE SPECIFIC ZONES**

**SECTION 15. FUTURE RESIDENTIAL (FR) ZONE**

*The Future Residential (FR) Zone applies to large undeveloped parcels in settlement areas designated 'Residential' in the West Elgin Official Plan and intended for future residential purposes. The zoning which would ultimately be applied to these lands would ultimately be determined upon submission of a plan of subdivision or plan of condominium approved by the County of Elgin and a development agreement entered into with the Municipality. In the interim, to prevent premature development, no buildings or structures are permitted.*

**15.1 GENERAL USE REGULATIONS**

**15.1.1 PERMITTED USES**

No land shall be used and no buildings or structures shall be erected, used or altered in the Future Residential (FR) Zone except for the following purposes:

- agricultural use with the exception of buildings or structures for the keeping or raising of livestock
- forestry use

**15.2 SPECIAL USE REGULATIONS**

**15.3 SITE-SPECIFIC ZONES**

## **SECTION 16. VILLAGE CORE (C1) ZONE**

*The Village Core (C1) Zone applies to the historic ‘main’ streets of the villages of Rodney and West Lorne designated ‘Downtown Core’ in the West Elgin Official Plan. While commercial uses predominate, the ‘Downtown Cores’ support a wide variety of uses including as well institutional uses and residential uses. The areas are characterized by compact development and generally a high intensity and diversity of land use. The C1 zone is designed to reinforce this diversity of land use and compact development by permitting a wide range of uses in buildings with a maximum lot coverage (i.e. 90%) and minimum setbacks from property lines( i.e. 0 m in most instances. Unlike uses outside the ‘Downtown Core’s, lands zoned C1 are exempt from having to comply with the parking requirement of the Zoning By-law.*

### **16.1 GENERAL USE REGULATIONS**

#### **16.1.1 PERMITTED USES**

No land shall be used and no buildings or structures shall be erected, used or altered in the Village Core (C1) Zone except for the following purposes:

- art gallery
- auction sales establishment
- bake shop
- boarding house or rooming house
- bed and breakfast establishment
- business or professional office
- caterer’s establishment
- church
- clinic
- club
- commercial centre
- custom workshop
- day care centre
- day nursery
- dwelling units connected to and forming an integral part of a main building and located above the first storey
- dry cleaning establishment
- fitness centre
- flea market
- gas bar
- hotel or tavern
- institutional use
- laundry establishment
- micro brewery
- mobile food outlet
- motor vehicle sales establishment
- motor vehicle service establishment
- micro-brewery
- museum
- parking lot
- personal care establishment
- personal service establishment
- place of entertainment or amusement
- public garage
- restaurant
- retail store
- service shop
- take-out restaurant
- tavern or bar
- variety store
- existing single-unit dwelling

TABLE 15-1

**VILLAGE CORE (C1) ZONE STANDARDS**

<b>1</b>	<b>Maximum Lot Coverage</b>	90%
<b>2</b>	<b>Front Yard Depth</b>	0 m
<b>3</b>	<b>Side Yard Width</b> a) where the side yard abuts a residential zone or an institutional zone b) all other cases	a) 4.5 m b) 0 m
<b>4</b>	<b>Rear Yard Depth</b> a) where the rear yard abuts a residential zone, institutional zone or an open space zone b) where a building contains dwelling units c) all other cases	a) 4.5 m b) 6 m c) 3 m
<b>5</b>	<b>Maximum Building Height</b>	12 m

**16.1.2 SIGHT TRIANGLES ON CORNER LOTS**

On a corner lot within the triangular space included between the street lines for a distance of three (3.0) metres from their point of intersection, no building or structure shall be erected, no driveway shall be located, and no shrubs or foliage shall be planted or maintained which obstruct the view of a driver of a vehicle approaching the intersection.

**16.1.3 PEDESTRIAN ACCESS**

No building on a lot having frontage on Furnival Road between Albert Street and Clark Street as shown on Schedule "B" and used for commercial purposes shall be erected or used unless such building has and maintains direct pedestrian access to Furnival Road.

No building on a lot having frontage on Graham Road between Munroe Street and Elm Street as shown on Schedule "C" and used for commercial purposes shall be erected or used unless such building has and maintains direct pedestrian access to Graham Road.

No building on a lot having frontage on Main Street between Ridge Street and Argyle Street as shown on Schedule "C" and used for commercial purposes shall be erected or used unless such building has and maintains direct pedestrian access to Main Street.

**16.2 SPECIAL USE REGULATION****16.2.1 SINGLE-UNIT DWELLINGS**

The alteration of existing single-unit dwellings or the erection or alteration of buildings accessory thereto shall be permitted in compliance with the regulations of Section 8 and Section 4 respectively

**16.3 SITE-SPECIFIC ZONES****16.3.1 a) Defined Area (Bhatia Veterinary)**

C1-1 as shown on Schedule "C", Map No. 6

**b) Permitted Uses**

animal clinic

all other permitted uses of the C1 zone

- c) Front Yard Depth** 5.0 m
- d) Side yard Width** 3.0 m

## **SECTION 17. HAMLET COMMERCIAL (C2) ZONE**

*The Hamlet Commercial (C2) Zone applies to traditional commercial development in the hamlets of Clachan, Eagle, Port Glasgow and New Glasgow. Overall its application is limited insofar as commercial development in the hamlets themselves is limited. A range of traditional hamlet commercial uses is permitted. Due to the general lack of municipal services, minimum lot sizes are established to reflect the need for private on-site services.*

### **17.1 GENERAL USE REGULATIONS**

#### **17.1.1 PERMITTED USES**

No land shall be used and no buildings or structures shall be erected, used or altered in the Hamlet Commercial (C2) Zone except for the following purposes:

dwelling unit  
gas bar  
business or professional office  
parking lot  
public garage  
retail store  
restaurant  
service shop  
variety store

**TABLE 16-1**

### **HAMLET COMMERCIAL (C2) ZONE STANDARDS**

<b>1</b>	<b>Minimum Lot Area</b> a) where connection to the municipal water supply system is available b) where connection to the municipal water supply system is not available	a) 1500 m <sup>2</sup> b) 2000 m <sup>2</sup>
<b>2</b>	<b>Minimum Lot Frontage</b> a) where connection to the municipal water supply system is available b) where connection to the municipal water supply system is not available	a) 25 m b) 30 m
<b>3</b>	<b>Maximum Lot Coverage</b>	50%
<b>4</b>	<b>Side Yard Width</b> where the yard abuts a Hamlet Residential (HR) Zone	4.5 m
<b>5</b>	<b>Rear Yard Depth</b>	7.5 m
<b>6</b>	<b>Maximum Building Height</b> a) main building b) accessory building or structure	a) 10.5 m b) 4.5 m

#### **NOTES:**

- ① Unless specified otherwise, regulations expressed herein are minimums.

### **17.2 SPECIAL USE REGULATIONS**

#### **17.2.1 DWELLING UNITS**

The following provisions shall apply to dwelling units:

- a) access to a dwelling unit shall be provided from outside the building and shall be



for the sole use of the occupants of the said dwelling unit and any other dwelling units located in the same building.

- b) dwelling units shall be situated over and above the ground floor

#### **17.2.2 GAS BARS**

A canopy, kiosk, or pump island accessory to a gas bar may be erected, used, or altered provided such canopy, kiosk, or pump island is located not closer than six (6.0) metres to a lot line.

#### **17.3 SITE-SPECIFIC ZONES**

## **SECTION 18. HIGHWAY COMMERCIAL (C3) ZONE**

*The Highway Commercial (C3) Zone applies to existing commercial uses outside the 'Downtown Core's of Rodney and West Lorne and outside the designated hamlets. It also applies to undeveloped areas designated 'Industrial /Commercial' by the West Elgin Official Plan at the Furnival Road/Highway 401 interchange in the Municipality. The zone permits a wide range of commercial uses which typically seek out sites on well travelled highways with ample on-site parking for the purpose of meeting the needs of the motoring public.*

### **18.1 GENERAL USE REGULATIONS**

#### **18.1.1 PERMITTED USES**

No land shall be used and no buildings or structures shall be erected, used or altered in the Highway Commercial (C3) Zone except for the following purposes:

animal clinic  
 car wash  
 garden centre  
 gas bar  
 marine sales and service  
 market garden  
 micro brewery  
 mini-storage warehouse  
 motel  
 motor vehicle sales establishment  
 motor vehicle service establishment  
 public garage  
 restaurant, drive-in or take-out  
 retail store  
 sale of mobile homes  
 sale of recreational vehicles  
 service shop  
 tavern or bar  
 variety store

**TABLE 17-1**

### **HIGHWAY COMMERCIAL (C3) ZONE STANDARDS**

<b>1</b>	<b>Minimum Lot Area</b>	2000 m <sup>2</sup>
<b>2</b>	<b>Minimum Lot Frontage</b>	30 m
<b>3</b>	<b>Maximum Lot Coverage</b>	35%
<b>4</b>	<b>Front Yard Depth</b>	15m
<b>5</b>	<b>Side Yard Width</b> a) interior lot b) corner lot	a) 4.5 m b) 15 m on the side abutting the street and 4.5 m on the other side
<b>6</b>	<b>Rear Yard Depth</b> main building	7.5 m
<b>7</b>	<b>Maximum Building Height</b> a) main building b) accessory building or structure	a) 10.5 m b) 4.5 m
<b>8</b>	<b>Minimum Distance Separation</b> In accordance with Schedule "H", Minimum Distance Separation I (MDS I) except that alteration of an existing building or the replacement of an existing building with a new building shall be permitted provided the new building is situated no closer to a livestock building and structure or manure storage facility than the building being replaced.	

#### **NOTES:**

## **18.2 SPECIAL USE REGULATIONS**

### **18.2.1 GAS BARS**

A canopy, kiosk, or pump island accessory to a gas bar may be erected, used, or altered provided such canopy, kiosk, or pump island is located not closer than six (6.0) metres to a lot line.

## **18.3 SITE-SPECIFIC ZONES**

## **SECTION 19. TOURIST COMMERCIAL (TC) ZONE**

*The Tourist Commercial (TC) Zone is intended to accommodate future commercial uses catering to the needs of tourists and visitors in the 'Lakeshore Area and primarily in Port Glasgow which is identified in the West Elgin Official Plan as the focus of public activity and public access to the shoreline in the Municipality.*

### **19.1 GENERAL USE REGULATIONS**

#### **19.1.1 PERMITTED USES**

No land shall be used and no buildings or structures shall be erected, used or altered in the Tourist Commercial (TC) Zone except for the following purposes:

art gallery  
 bake shop  
 business or professional office  
 commercial centre  
 custom workshop  
 day nursery  
 dry cleaning establishment  
 dwelling units over and above the ground floor  
 dwelling unit as an accessory use  
 gas bar  
 hotel  
 institutional use  
 laundry establishment  
 motel  
 personal care establishment  
 parking lot  
 place of entertainment or amusement  
 restaurant  
 retail store  
 specialty shop  
 tavern or bar  
 variety store

**TABLE 18-1**

### **TOURIST COMMERCIAL (TC) ZONE STANDARDS**

<b>1</b>	<b>Minimum Lot Area</b>	2000 m <sup>2</sup>
<b>2</b>	<b>Minimum Lot Frontage</b>	30 m
<b>3</b>	<b>Maximum Lot Coverage</b>	35%
<b>4</b>	<b>Front Yard Depth</b>	6.0 m
<b>5</b>	<b>Side Yard Width</b>	4.5 m
<b>6</b>	<b>Rear Yard Depth</b> a) where a building contains dwelling units b) all other cases	a) 6.0 m b) 1.0 m
<b>7</b>	<b>Maximum Building Height</b>	12 m

### **19.2 SPECIAL USE REGULATIONS**

A dwelling unit as an accessory use shall:

- a) have a minimum floor area of forty (40) square metres;

- b) be located within or be contiguous to the main building;
- c) be used as the residence of the owner or operator, or an employee of the owner or operator of the main use which it is accessory to;
- d) be limited to a maximum of one (1) on a lot.

### **19.3 SITE-SPECIFIC ZONES**

## **SECTION 20. GENERAL INDUSTRIAL (M1) ZONE**

*The General Industrial (M1) Zone applies to lands that are designated 'Industrial' in the West Elgin Official Plan or used for industrial purposes including lands situated in the settlement areas of Rodney and West Lorne, lands along Hoskins Line west of Furnival Road, and lands designated for future industrial purposes. The zone applies both in the case of lands already developed for industrial purposes as well as lands where future industrial development is intended e.g. at the interchanges of Graham Road and Highway No. 401 and Furnival Road and Highway 401. Within the M1 zone, a wide range of industrial uses is permitted as well as certain commercial uses that are considered compatible with industrial areas or share similar attributes with industrial uses. Uses include bulk sales establishments, contractor's yards or shops, industrial uses, machine shops, public garages and warehouses. Standards apply with respect to lot area, lot frontage, setbacks from property lines and lot coverage. Buffering, landscaping, surface drainage and parking areas are usually addressed at the time of development as a matter of site plan control.*

### **20.1 GENERAL USE REGULATIONS**

#### **20.1.1 PERMITTED USES**

No land shall be used and no buildings or structures shall be erected, used or altered in the General Industrial (M1) Zone except for the following purposes:

- bulk sales establishment
- car wash
- contractor's yard or shop
- crematorium
- dry cleaning establishment
- industrial use
- machine shop
- mini-storage warehouse
- propane transfer facility
- public garage
- outside storage
- retail store as an accessory use
- salvage yard
- service shop
- truck terminal
- warehouse

**TABLE 19-1**

### **GENERAL INDUSTRIAL (M1) ZONE STANDARDS**

<b>1</b>	<b>Minimum Lot Area</b>	2000 m <sup>2</sup>
<b>2</b>	<b>Minimum Lot Frontage</b>	30 m
<b>3</b>	<b>Maximum Lot Coverage</b>	40%
<b>4</b>	<b>Front Yard Depth</b>	9.0 m
<b>5</b>	<b>Side Yard Width</b> a) where the side yard abuts a residential zone, institutional zone, or open space zone b) all other cases	a) 7.5 m b) 4.5 m
<b>6</b>	<b>Rear Yard Depth</b> a) where the rear yard abuts a residential zone, institutional zone, or open space zone b) all other cases	a) 15 m b) 7.5 m
<b>7</b>	<b>Maximum Building Height</b>	12m

## **20.2 SPECIAL USE REGULATIONS**

### **20.2.1 OUTSIDE STORAGE**

Outside storage shall not:

- a) be permitted in any required yard;
- b) exceed 75% of the area of the lot on which it is located;
- c) in the case of derelict vehicles, machinery or equipment, be enclosed in a screened compound

### **20.2.2 RETAIL STORE**

A retail store as an accessory use shall:

- a) be located within the main building;
- b) not exceed twenty-five (25) percent of the total floor area of the main building.
- c) not exceed a maximum floor area of three hundred (300) square metres.

## **20.3 SITE-SPECIFIC ZONES**

### **20.3.1 a) Defined Area (*Rodney Sewage Treatment Plant*)**

M1-1 as shown on Schedule "B", Map No. 4.

#### **b) Permitted Uses**

sewage treatment plant

### **20.3.2 a) Defined Area (*Breck's Ltd*)**

M1-2 as shown on Schedule "E".

#### **b) Permitted Uses**

light industrial use in addition to all other permitted uses of the M1 zone.  
warehouse

### **20.3.3 a) Defined Area (*Kopriva*)**

M1-3-H-3 as shown on Schedule "A", Map No. 27.

#### **b) Permitted Uses**

contractor's yard or shop  
a boat haulage contractor

**SECTION 21. FARM INDUSTRIAL (M2) ZONE**

*The Farm Industrial (M2) Zone applies primarily to agriculturally related commercial and industrial uses on lands designated ‘Agricultural’ in the Municipality’s Official Plan. Permitted uses include abattoirs, agricultural sales establishments, feed mills, grain handling facilities and livestock marketing yards. The Official Plan permits agriculturally related commercial and industrial uses in areas designated ‘Agricultural’ where it is necessary that they be in close proximity to agricultural operations or where the potential for conflict makes such uses unsuited to settlement areas. Standards apply with respect to lot area, lot frontage, setbacks from property lines and lot coverage. Buffering, landscaping, surface drainage and parking areas are usually addressed separately as a matter of site plan control.*

**21.1 GENERAL USE REGULATIONS**

**21.1.1 PERMITTED USES**

No land shall be used and no buildings or structures shall be erected, used or altered in the Farm Industrial (M2) Zone except for the following purposes:

- abattoir
- agricultural sales establishment
- animal clinic
- animal hospital
- commercial grain handling facility
- estate winery
- farm equipment sales and service
- feed mill
- food processing plant
- general industrial use for farm equipment, machinery and products
- livestock sales and marketing yard
- production of marijuana for medical purposes
- outside storage as an accessory use
- retail store as an accessory use

**TABLE 20-1**

**FARM INDUSTRIAL (M2) ZONE STANDARDS**

<b>1</b>	<b>Minimum Lot Area</b>	4000 m <sup>2</sup>
<b>2</b>	<b>Minimum Lot Frontage</b>	30 m
<b>3</b>	<b>Maximum Lot Coverage</b>	40%
<b>4</b>	<b>Front Yard Depth</b>	12 m
<b>5</b>	<b>Side Yard Width</b>	7.5 m
<b>6</b>	<b>Rear Yard Depth</b>	9.0 m

**21.2 SPECIAL USE REGULATIONS**

**21.2.1 OUTSIDE STORAGE**

Outside storage as an accessory use shall not:

- a) be permitted in any required yard;
- b) not exceed twenty-five (25) percent of the area of the lot on which it is located;
- c) in the case of derelict vehicles, machinery or equipment, be enclosed in a screened



compound.

**21.2.2 RETAIL STORE**

A retail store as an accessory use shall:

- a) be located within the main building
- b) not exceed twenty-five (25) percent of the total floor area of the main building;
- c) not exceed a maximum floor area of three hundred (300) square metres.

**21.3 SITE-SPECIFIC ZONES**

**21.3.1 a) Defined Area (*Bob Pearce Trucking*)**

M2-1 as shown on Schedule "A", Map No. 56.

**b) Permitted Uses**

single unit detached dwelling  
truck terminal

**c) Maximum Number of Trucks**

15

**21.3.2 a) Defined Area (*Hibernia Winery*)**

M2-2 as shown on Schedule "A", Map No. 73.

**b) Permitted Uses**

agricultural use  
estate winery  
single unit detached dwelling

**SECTION 22. RURAL INDUSTRIAL (M3) ZONE**

*The Rural Industrial (M3) Zone applies to non-agriculturally related commercial and to non-agriculturally related industrial and industrial-like uses largely in existence prior to the adoption of the Municipality’s Official Plan which serves to generally prohibit such uses due to their potential incompatibility with agriculture and their impact on the loss of agricultural land for non-agricultural related purposes. Standards apply with respect to lot area, lot frontage, setbacks from property lines and lot coverage. Buffering, landscaping, surface drainage and parking areas are usually addressed separately as a matter of site plan control.*

**22.1 GENERAL USE REGULATIONS**

**22.1.1 PERMITTED USES**

No land shall be used and no buildings or structures shall be erected, used or altered in the Rural Industrial (M3) Zone except for the following purposes:

- auction sales establishment
- crematorium
- contractor’s yard or shop
- outside storage as an accessory use
- propane transfer facility
- salvage yard
- sewage treatment plant
- waste disposal site

**TABLE 21-1**

**RURAL INDUSTRIAL (M3) ZONE STANDARDS**

<b>1</b>	<b>Minimum Lot Area</b>	4000 m <sup>2</sup>
<b>2</b>	<b>Minimum Lot Frontage</b>	30 m
<b>3</b>	<b>Maximum Lot Coverage</b>	40%
<b>4</b>	<b>Front Yard Depth</b>	12.0 m
<b>5</b>	<b>Side Yard Width</b> a) where the side yard abuts a residential zone, institutional zone, or open space zone b) all other cases	a) 7.5 m b) 4.5 m
<b>6</b>	<b>Rear Yard Depth</b> a) where the side yard abuts a residential zone, institutional zone, or open space zone b) all other cases	a) 15 m b) 7.5 m

**22.2 SPECIAL USE REGULATIONS**

**22.2.1 OUTSIDE STORAGE**

Outside storage as an accessory use shall not:

- a) be permitted in any required yard;
- b) not exceed twenty-five (25) percent of the area of the lot on which it is located;
- c) in the case of derelict vehicles, machinery or equipment, be enclosed in a screened compound.

## 22.3 SITE-SPECIFIC ZONES

### 22.3.1 a) Defined Area (*West Lorne Sewage Treatment Plant*)

M3-1 as shown on Schedule "A", Map No. 60.

#### b) Permitted Uses

sewage treatment plant

### 22.3.2 a) Defined Area (*Rodney Landfill Site*)

M3-2 as shown on Schedule "A", Map No. 34.

#### b) Permitted Uses

waste disposal site

**SECTION 23. EXTRACTIVE INDUSTRIAL (M4) ZONE**

*The Extractive Industrial (M4) zone applies to lands licensed for the extraction of aggregate; namely, sand and gravel under the Aggregate Resources Act Permitted uses also include the recycling of asphalt and concrete as this activity involves processes that have impacts similar to the extraction/processing of aggregate. Agriculture and forestry uses are also permitted uses. Rehabilitation of licensed aggregate sites in the Municipality is, in most cases, to agriculture which is facilitated by the use of compound zoning i.e. M4/A1.*

**23.1 GENERAL USE REGULATIONS**

**23.1.1 PERMITTED USES**

No land shall be used and no buildings or structures shall be erected, used or altered in the Extractive Industrial (M4) Zone except for the following purposes:

- agricultural use
- pit or quarry

**TABLE 22-1**

**EXTRACTIVE INDUSTRIAL (M4) ZONE STANDARDS**

<b>1</b>	<b>Front Yard Depth</b>	30 m
<b>2</b>	<b>Side Yard Width</b>	15 m
<b>3</b>	<b>Rear Yard Depth</b>	15 m

**23.2 SPECIAL USE REGULATIONS**

**23.3 SITE-SPECIFIC ZONES**

## **SECTION 24. INSTITUTIONAL (I) ZONE**

*The Institutional (I) Zone applies to, and may be found in, virtually all land use designations in the Municipality's Official Plan where an institutional use either exists or is proposed. A range of institutional uses is permitted from municipal buildings, churches, schools, group homes, nursing and rest homes and facilities owned and operated by a non-profit organization. Uses similar in character to institutional uses (e.g. funeral homes) are also permitted. Standards apply with respect to lot area, lot frontage, setbacks from property lines and lot coverage.*

### **24.1 GENERAL USE REGULATIONS**

#### **24.1.1 PERMITTED USES**

No land shall be used and no buildings or structures shall be erected, used or altered in the Institutional (I) Zone except for the following purposes:

- church
- church camp
- club
- community centre
- day care centre
- day nursery
- dwelling unit or single unit dwelling as an accessory use
- funeral home
- retirement home
- institutional use
- long term health care facility
- private school
- public park
- public school

**TABLE 23-1**

### **INSTITUTIONAL (I) ZONE STANDARDS**

<b>1</b>	<b>Minimum Lot Area</b>	1000 m <sup>2</sup>
<b>2</b>	<b>Minimum Lot Frontage</b>	30 m
<b>3</b>	<b>Maximum Lot Coverage</b>	35%
<b>4</b>	<b>Front Yard Depth</b>	10 m
<b>5</b>	<b>Side Yard Width</b> a) interior lot b) corner lot	a) 6.0 m b) 10 m on the side abutting the road and 6.0 m on the other side
<b>6</b>	<b>Rear Yard Depth</b> a) main building	10m
<b>7</b>	<b>Maximum Building Height</b> a) main building b) single unit dwelling	a) 12 m b) 10.5 m
<b>8</b>	<b>MINIMUM DISTANCE SEPARATION I</b> In accordance with Schedule " H, Minimum Distance Separation I (MDS I) with the exception that the alteration of an existing building or the replacement of an existing building with a new building shall be permitted provided the new building is situated no closer to a livestock building and structure or manure storage facility than the building being replaced.	

**24.2 SPECIAL USE REGULATIONS**

**24.2.1 DWELLING UNITS**

A dwelling unit as an accessory use shall:

- a) have a minimum floor area of forty (40) square metres;
- b) be located within or be contiguous to the main building;
- c) be used as the residence of the owner or operator, or an employee of the owner or operator of the main use which it is accessory to;
- d) be limited to one(1).

**24.2.2 SINGLE UNIT DWELLINGS**

A single unit dwelling as an accessory use shall comply with the following:

- a) **Minimum Lot Area** 1,000 m<sup>2</sup> over and above the minimum lot area requirements of Table 23-1
- b) **Minimum Floor Area** 100 m<sup>2</sup>
- c) **Maximum Number of Dwellings** 1

**24.3 SITE-SPECIFIC ZONES**

**24.3.1 a) Defined Area (*Harvesters Baptist Church*)**

I-1 as shown on Schedule “A”, Map No. 17.

**b) Permitted Uses**

church  
church camp  
single unit detached dwelling

- c) **Minimum On-Site Parking Spaces** one (1) space per cabin  
one (1) space per dwelling unit

- d) **Minimum Separation Distance**  
between cabins 6.0 m

- e) **Maximum Floor Area**  
cabin 20 m<sup>2</sup>

- f) **Maximum Number of Cabins** 16

- g) **Maximum Number of Single Unit Detached Dwellings** 3

- h) **Maximum Capacity** 200

**24.3.2 a) Defined Area (Bethel Park)**

I-2 as shown on Schedule "A", Map No. 75.

**b) Permitted Uses**

church  
 church camp  
 existing accessory buildings and structures  
 existing multiple unit dwellings

**c) Minimum On-Site Parking Spaces**

one (1) space per cabin

one (1) space per dwelling unit

**d) Minimum Separation Distance**

between cabins

3.0. m

**e) Maximum Floor Area**

accessory buildings and structures

20 m<sup>2</sup>

cabin

75 m<sup>2</sup>

**f) Maximum Number of Cabins**

187

**g) Maximum Number of Campsites**

20

**SECTION 25. OPEN SPACE (OS) ZONE**

The Open Space (OS) Zone applies to and may be found in all land use designations in the Municipality's Official Plan and applies generally to lands used or proposed to be used for parks and outdoor recreational purposes and cemeteries where buildings and structures are limited. In some instances (e.g. paintball parks), certain outdoor recreational uses are only permitted on specific parcels of land as opposed to as-of-right on any land zoned OS. The use of lands zoned OS for residential purposes is restricted to those situations where accommodation is necessary for the owner, a caretaker or employer whose presence is required on-site. Certain open space uses (e.g. campgrounds or trailer parks, golf courses, paintball parks) are not permitted as-of-right but only in 'site-specific' zones.

**25.1 GENERAL USE REGULATIONS**

**25.1.1 PERMITTED USES**

No land shall be used and no buildings or structures shall be erected, used or altered in the Open Space (OS) Zone except for the following purposes:

- cemetery
- conservation area
- dwelling unit or single unit dwelling as an accessory use
- forestry use
- golf course
- private park
- public fairground
- public park

**TABLE 24-1**

**OPEN SPACE (OS) ZONE STANDARDS**

<b>1</b>	<b>Maximum Lot Coverage</b>	20%
<b>2</b>	<b>Front Yard Depth</b>	7.5 m
<b>3</b>	<b>Side Yard Width</b>	7.5 m
<b>4</b>	<b>Rear Yard Depth</b>	7.5 m
<b>5</b>	<b>Minimum Distance Separation I</b> In accordance with Schedule " H, Minimum Distance Separation I (MDS I) with the exception that the alteration of an existing building or the replacement of an existing building with a new building or dwelling shall be permitted provided the new building or dwelling is situated no closer to a livestock building and structure or manure storage facility than the building being replaced.	

**25.2 SPECIAL USE REGULATIONS**

**25.2.1 DWELLING UNITS**

A maximum of one (1) dwelling unit as an accessory use shall permitted as the residence of the owner or operator, or an employee of the owner or operator of the main use which it is accessory to.

**25.2.2 SINGLE UNIT DWELLINGS**

A single unit dwelling as an accessory use shall comply with the following:

- a) **Minimum Lot Area** 1,000 m<sup>2</sup>



- b) **Minimum Floor Area** 100 m<sup>2</sup>
- c) **Maximum Number of Dwellings** 1

### 25.3 **SITE-SPECIFIC ZONES**

#### 25.3.1 a) **Defined Area** (*Ballistik Paintball*)

OS-1 as shown on Schedule "C", Map No. 2.

#### b) **Permitted Uses**

bed and breakfast establishment  
 conservation area  
 forestry use  
 home occupation  
 paintball park  
 single unit dwelling  
 wildlife sanctuary

#### 25.3.2 a) **Defined Area** (*Joe's Bush*)

OS-2 as shown on Schedule "A", Map No. 65.

#### b) **Permitted Uses**

conservation area  
 forestry use  
 hunting preserve  
 wildlife sanctuary

#### 25.3.3 a) **Defined Area** (*Taylor Pond Complex, Feasby Woodlot*)

OS-3 as shown on Schedule "A", Map No. 34 and Map No. 79.

#### b) **Permitted Uses**

conservation area  
 forestry use  
 wildlife sanctuary

#### 25.3.4 a) **Defined Area** (*Port Glasgow Beach and Marina*)

OS-4 as shown on Schedule "G".

#### b) **Minimum Required Parking Spaces**

- i.) for vehicles 100
- ii.) for vehicles with boat trailers 50

## **SECTION 26. RECREATIONAL VEHICLE PARK (RVP) ZONE**

The Recreational Vehicle Park (RVP) Zone applies to seasonal campgrounds and trailer parks in the Municipality which are restricted in terms of operation under the Zoning By-law to the period April 1<sup>st</sup> to October 31<sup>st</sup>. Only existing campgrounds and trailer parks, all of which are situated on the Lake Erie shoreline, are zoned RVP. Up to two dwelling units or two single unit dwellings may be erected for the accommodation of the owner and operator of the facility. A maximum of 20 travel trailers per hectare is permitted.

### **26.1 GENERAL USE REGULATIONS**

#### **26.1.1 PERMITTED USES**

No land shall be used and no buildings or structures shall be erected, used or altered in the Recreational Vehicle Park (RVP) Zone except for the following purposes:

- campground or trailer park
- dwelling unit or single unit dwelling as an accessory use

**TABLE 25-1**

### **RECREATIONAL VEHICLE PARK (RVP) ZONE STANDARDS**

<b>1</b>	<b>Minimum Lot Area</b>	5 ha
<b>2</b>	<b>Minimum Lot Frontage</b>	100 m
<b>3</b>	<b>Maximum Lot Coverage</b>	20%
<b>4</b>	<b>Front Yard Depth</b>	20 m
<b>5</b>	<b>Side Yard Width</b> a) interior lot b) corner lot	a) 10 m b) 20 m on the side abutting the road and 10 m on the other side
<b>6</b>	<b>Rear Yard Depth</b>	6.0 m
<b>7</b>	<b>Maximum Density</b>	20 travel trailer sites per hectare
<b>8</b>	<b>Minimum Site Area</b>	280 m <sup>2</sup>
<b>9</b>	<b>Maximum Number of Dwelling Units or Single Unit Detached Dwellings or combination thereof</b>	2

### **26.2 SPECIAL USE REGULATIONS**

#### **26.2.1 DWELLING UNITS**

Where a dwelling unit is erected as an accessory use, it shall:

- a) be used as the residence of the owner or an employee of the owner engaged in the operation of the campground or trailer park;
- b) be located within or be contiguous to a main building;
- c) not exceed twenty-five (25) percent of the total floor area of the main building in which it is located;

#### **26.2.2 SINGLE UNIT DWELLINGS**

A single unit detached dwelling shall only be used as the residence of the owner or an employee of the owner engaged in the operation of the campground or trailer park and shall

comply with the following:

- a) **Maximum Height** 10.5 m
- b) **Minimum Floor Area** 100 m<sup>2</sup>

**26.2.3 SETBACK REQUIREMENTS**

No structure(s) shall be placed or used closer than the 3:1 Stable Slope Allowance for the Lake Erie shoreline, and/or as determined by the Lower Thames Valley Conservation Authority. This setback requirement will be subject to specific recommendations as outlined in the Elgin County Shoreline Management Plan and a five (5) year review period of these structures will be required to be undertaken to ensure there has been no movement of the slope feature that would necessitate the removal / relocation of trailers / mobile units and their associated servicing.

**26.3 SITE-SPECIFIC ZONES**

**SECTION 27. CEMETERY (C) ZONE**

*The Cemetery (C) Zone applies to free-standing cemeteries with recognized property boundaries where cemeteries are associated with another use e.g. a church, the church is considered to be the main use and the cemetery accessory to that use and the lands zoned Institutional (I).*

**27.1 GENERAL USE REGULATIONS**

**27.1.1 PERMITTED USES**

No land shall be used and no buildings or structures shall be erected, used or altered in the Cemetery (C) Zone except for the following purposes:

cemetery

**TABLE 26-1**

**CEMETERY (C) ZONE STANDARDS**

<b>1</b>	<b>Front Yard Depth</b>	6.0 m
<b>2</b>	<b>Side Yard Width</b>	6.0 m
<b>3</b>	<b>Rear Yard Depth</b>	6.0 m

**27.2 SPECIAL REGULATIONS**

**27.3 SITE-SPECIFIC ZONES**

**SECTION 28. PUBLIC UTILITY (U) ZONE**

*The Public Utility (U) applies to lands throughout the Municipality occupied by a utility station which, by definition, includes a water or sewage pumping station, a water storage reservoir, an electric power transformer station, a telephone repeater station and a micro-wave tower. Utility corridors which comprise owned as opposed to leased land or a right-of-way are zoned U. The use of land by the Municipality, the County of Elgin, the Lower Thames Valley Conservation Authority and other public authorities and public utilities are permitted, however, in any zone subject to the general provisions of the By-law regarding public uses. The Municipality may however, from time to time and subject to the requirements of the Planning Act, zone such lands Public Utility (U) for identification purposes as part of a general or 'housekeeping' amendment to the Zoning By-law.*

**28.1 GENERAL USE REGULATIONS**

**28.1.1 PERMITTED USES**

No land shall be used and no buildings or structures shall be erected, used or altered in the Public Utility (U) Zone except for the following purposes:

- agricultural use
- utility station
- utility corridor

**TABLE 27-1**

**PUBLIC UTILITY (U) ZONE STANDARDS**

<b>1</b>	<b>Front Yard Depth</b>	6.0 m
<b>2</b>	<b>Side Yard Width</b>	6.0 m
<b>3</b>	<b>Rear Yard Depth</b>	6.0 m

**28.2 SPECIAL USE REGULATIONS**

**28.3 SITE-SPECIFIC ZONES**

**SECTION 29. FUTURE DEVELOPMENT (FD) ZONE**

*The Future Development (FD) Zone applies to undeveloped lands in the settlement areas where the future use and form of development is uncertain. At such time as a proposal for development is submitted in conformity with the Official Plan and approved by the Municipality and the authorities having jurisdiction, a change in zoning to the appropriate zone would be considered.*

**29.1 GENERAL USE REGULATIONS**

**29.1.1 PERMITTED USES**

No land shall be used and no buildings or structures shall be erected, used or altered in the Future Development (FD) Zone except for the following purposes:

- agricultural use with the exception of buildings or structures for the keeping or raising of livestock
- forestry use

**29.2 SPECIAL USE REGULATIONS**

**29.3 SITE-SPECIFIC ZONES**

**SECTION 30. LAKESHORE DEVELOPMENT (LD) ZONE**

*The Lakeshore Development (LD) Zone applies primarily to undeveloped lands designated 'Lakeshore Area' in the West Elgin Official Plan in Concession XIV along the Lake Erie shoreline which are considered potentially suitable for development provided issues related to natural heritage and natural hazards are satisfactorily addressed and the lands deemed suitable for development or redevelopment. It also applies to existing developed lands in this same area which as a consequence of natural causes, further development is considered inappropriate. These lands will remain zoned LD until such time as a proposal for the development, redevelopment or use of the lands is submitted and found satisfactory and the necessary technical studies undertaken to the satisfaction of the authorities having jurisdiction.*

**30.1 GENERAL USE REGULATIONS**

**30.1.1 PERMITTED USES**

No land shall be used and no buildings or structures shall be erected, used or altered in the Lakeshore Development (LD) Zone except for the following purposes:

agricultural use with the exception of buildings or structures  
forestry use

**30.2 SPECIAL USE REGULATIONS**

**30.3 SITE-SPECIFIC ZONES**

**SECTION 31. ENACTMENT**

**31.1 CONFLICT WITH OTHER BY-LAWS**

Where a provision of this By-law conflicts with a provision of another by-law in force in the Municipality, the provision that establishes the higher standard shall prevail.

**31.2 REPEAL OF EXISTING BY-LAWS**

All previous by-laws passed under Section 34 of the Planning Act by the former Township of Aldborough, the former Village of West Lorne and the former Village of Rodney, shall be deemed to have been repealed except to the extent that any of the said by-laws prohibits the use of any land, building or structure for a purpose that is also prohibited by this By-law.

**31.3 MINOR VARIANCES AND PERMISSIONS**

Notwithstanding Section 10.2 of this By-law to the contrary, where a minor variance or permission has been granted under Section 45 of the Planning Act or a predecessor thereof from one or more of the permitted uses or standards of the Township of Aldborough Zoning By-law No. 90-50, the Village of Rodney Zoning By-law No. 89-10 or the Village of West Lorne Zoning By-law No. 89-20, as amended, the variance or permission granted shall be deemed to continue to be in effect, and the use of lands or the erection of any building or structure to which said variance or permission applies shall be deemed to conform and comply with the permitted uses and standards of this By-law.

**31.4 SEVERABILITY**

In the event that any clause or provision of this By-law, including anything contained in the attached schedules, is for any reason, deemed ultra vires by any Court of competent jurisdiction, the same shall not affect the validity of the By-law as a whole or any part thereof other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all the remaining sections, provisions, and clauses of this By-law shall remain in full force and effect.

**31.5 EFFECTIVE DATE**

This By-law shall come into force on the day it is passed subject to the provisions of the Planning Act.

**Read a FIRST, SECOND AND THIRD TIME AND FINALLY PASSED by COUNCIL this 28<sup>th</sup> day of MAY 2015.**

\_\_\_\_\_  
**MAYOR**

\_\_\_\_\_  
**CLERK**