

# TOWNSHIP OF PUSLINCH ZONING BY-LAW 19/85

## AS AMENDED BY BY-LAWS

14/86	15/86	16/86	17/86	18/86	19/86	20/86
21/86	22/86	23/86	24/86	25/86	26/86	27/86
28/86	31/86	32/86	35/86	37/86	12/87	13/87
21/87	13/88	15/88	19/88	20/88	21/88	23/88
24/88	27/88	28/88	32/88	16/89	17/89	18/89
19/89	21/89	23/89	24/89	26/89	30/89	32/89
33/89	36/89	46/89	50/89	53/89	14/90	18/90
21/90	24/90	25/90	30/90	31/90	37/90	15/91
23/91	25/91	29/91	40/91	42/91	44/91	16/92
22/92	24/92	06/93	07/93	16/93	19/93	23/93
25/93	27/93	28/93	14/94	20/94	24/94	27/94
22/95	26/95	30/95	34/95	35/95	42/95	04/96
10/96	16/96	17/96	28/96	10/97	14/97	15/97
16/97	19/97	21/97	23/97	26/97	12/98	13/98
20/98	22/98	24/98	28/98	36/97	03/99	10/99
13/99	17/99	18/99	24/99	26/99	15/00	17/00
26/00	27/00	31/00	32/00	15/01	17/01	24/01
28/01	31/01	32/01	08/02	10/02	13/02	17/02
19/02	22/02	14/03	17/03	21/03	26/03	30/03
42/03	11/04	21/04	27/04	03/05	10/05	18/05
02/05	27/05	35/05	40/05	32/05	46/05	02/06
12/06	50/05	30/06	33/06	34/06	41/06	26/07
28/07	43/07	46/07	48/07	Order 2548	56/07	01/08
04/08	15/08	22/08	29/08	39/08	40/08	41/08
51/08	58/08	01/09	20/09	26/09	34/09	16/10
23/10	28/10	37/10	42/10	53/10	12/11	16/11
27/11						



# EXPLANATORY NOTE

## TOWNSHIP OF PUSLINCH ZONING BY-LAW NO. 19/85

This document is the new Comprehensive Zoning By-Law which will apply to and affect all lands, buildings and structures within the Township of Puslinch. The new Comprehensive Zoning By-Law will replace the Township's existing By-Laws and will regulate the use of all lands, including residential, commercial, industrial, institutional, recreational, extractive, and agricultural and buildings and structures within the Township of Puslinch. It authorizes the uses set out in the text of the By-Law and prohibits any use of land or the construction or use of any building not specifically authorized.

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The following is a brief summary of the new Comprehensive Zoning By-Law.

### **SECTION 1:**

Explains the scope of the By-Law, that all uses hereafter must conform, that existing uses may continue, provides guidelines on interpretation, and outlines the function of the "Schedule" or maps as well as special unique zones.

### **SECTION 2:**

Defines a number of words and terms that are used in the By-Law. In order to fully understand the provisions of the By-Law, the definitions should be read as they may include expanded meanings.

### **SECTION 3:**

Establishes the general provisions which apply to more than one of the Zones in the Zoning By-Law. These general provisions cover such matters as accessory uses; construction uses permitted; dwelling units below grade; non-conforming lands, buildings, structures and uses; height restrictions; home occupations; landscaping; loading space regulations; lots having less area and/or frontage than required in the By-Law; parking area regulations; public uses; setbacks; sight triangles; swimming pools; yard encroachments and obstructions permitted; Natural Environment (NE) zone setbacks; and setbacks from watercourses.

## SECTIONS 4 to 20:

Set out the following specific land use zones:

A Zone	-	Agricultural Zone
HR Zone	-	Hamlet Residential Zone
RR Zone	-	Resort Residential Zone
ER1 Zone	-	Estate Residential Type 1 Zone
ER2 Zone	-	Estate Residential Type 2 Zone
RUR Zone	-	Rural Residential Zone
MR Zone	-	Mill Creek Residential Area Zone
C1 Zone	-	Hamlet Commercial Zone
C2 Zone	-	Highway Commercial Zone
C3 Zone	-	Agricultural Commercial Zone
C4 Zone	-	Resort Commercial Zone
IND Zone	-	Industrial Zone
EX1 Zone	-	Extractive Zone
DI Zone	-	Disposal Industrial Zone
I Zone	-	Institutional Zone
OS Zone	-	Open Space Zone
NE Zone	-	Natural Environment.

For each Zone, there is a list of permitted uses and a number of standards, including minimum lot size, minimum lot frontage, maximum coverage, maximum building height, minimum front yard and rear yard.

## SECTION 21:

Establishes that the By-Law is effective only upon the approval of the Ontario Municipal Board but that upon such approval, it will take effect from its date of passage.

The location of each of those Zones is shown on the Schedule "A" Zone Maps. The specific uses and regulations applicable to each Zone are found in the section of the Zoning By-Law which bears the same Zone name. Once the Zone has been identified, care should be taken to review the other provisions of the By-Law in addition to those which specifically regulate the Zone, particularly the general provisions.

All measurements in this By-Law are in metric. The abbreviation "m" stands for metres; "m<sup>2</sup>" for square metres; and "ha" for hectares. There is a conversion table at the back of the By-Law to help you convert the metric measurement to an imperial measurement.

In order to determine the provisions of this By-Law that affect your property, it is suggested that you use the following technique:

1. Locate your property on the Zoning Schedules immediately following Page 21-1.
2. Turn to the appropriate Schedule 'A' Map and identify the Zone that has been applied to your land, i.e. "A" for Agricultural Zone or "C1" for Hamlet Commercial Zone, etc.

3. Once you have identified the Zone, turn to the appropriate Zone Regulation portion of the By-Law. For example, if your lands are zoned Agricultural (A), you will turn to Page 5-1 to determine the specific Zones and Zone Provisions affecting your land.
4. It should also be noted, however, that most of the General Provisions contained under Section 3 (Pages 3-1 through to 3-25) also affect your property.

By-law  
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5. **THE NATURAL ENVIRONMENT (NE) ZONE:**

Certain types of construction (due to size or building form) may be exempt from the Ontario Building Code and/or do not require a Building Permit. As such, some construction may not be considered a “structure” for the purposes of this Zoning Bylaw. Prior to any building or construction, property owners are encouraged to discuss their building plans with the Township’s Building Department to confirm the applicability of the Ontario Building Code and the provisions of this By-law. Property owners are also strongly encouraged to consult with the Conservation Authority having jurisdiction in the area in order to determine the most appropriate location for development.

## APPROVAL

BY-LAW 19/85 was approved by the Ontario Municipal Board on May 12, 1986 with the dismissal of appeals.

BY-LAW 19/85 has been amended by the following approved by-laws.

1. By-Law No. 14/86 - To amend Schedule 'A' insofar as it affects a portion of Lot 1, Gore Concession by correcting the location of the Hazard and the Agricultural zone lines for certain lands of Mr. Vogelmann as a result of revisions by the Grand River Conservation Authority.
2. By-Law No. 15/86 - To amend Schedule 'A' insofar as it affects part of Lots 33 and 34, Concession 10 by correcting the location of the Hazard and the Agricultural zone lines as a result of revisions by the Halton Region Conservation Authority.
3. By-Law No. 16/86 - To amend Schedule 'A' insofar as it affects Lot 18, Concession 1 by correcting the location of the Hazard and the Agricultural zone lines for a portion of the lands of Mr. Postar as a result of revisions by the Grand River Conservation Authority.
4. By-Law No. 17/86 - To amend Schedule 'A' by changing from a Hazard Zone to a Hamlet Residential Zone as it affects the Babisky property in Part Lot 21, Rear Concession 7.
5. By-Law No. 18/86 - To amend Schedule 'A' by correcting the location of the Hazard and the Agricultural zone lines for a portion of Lot 10, Concession 3 as a result of revisions by the Grand River Conservation Authority.
6. By-Law No. 19/86 - To amend Schedule 'A' insofar as it affects part of Lot 11, Concession 3 by correcting the location of the Hazard and the Agricultural zone lines on a portion of the lands of Mr. Bower as a result of revisions by the Grand River Conservation Authority.
7. By-Law No. 20/86 - To amend Schedule 'A' insofar as it affects part of lot 8 and Lot 9, Concession 11 by correcting the location of the Hazard and the Agricultural zone lines as a result of revisions by the Grand River Conservation Authority.
8. By-Law No. 21/86 - To amend Schedule 'A' insofar as it affects Lot 5, Queen Street by changing the zoning from Hamlet Residential to Village Commercial to reflect previous zoning of the property.
9. By-Law No. 22/86 - To amend Schedule 'A' to place Blocks 51 and 52 in a Highway Commercial Zone.
10. By-Law No. 23/86 - To amend Schedule 'A' to recognize the presence of an existing single detached dwelling unit within the C4-1 Zone.
11. By-Law No. 24/86 - To amend Schedule 'A' by changing the zoning of part of Lot 16, Concession 8 from Agricultural to a Highway Commercial Zone (C2-2) to reflect previous

- zoning on the property and to incorporate the appropriate special provisions into Section 12(4).
12. By-Law No. 25/86 - To amend Schedule 'A' to correct the extent of the Extractive Industrial Zone to accurately reflect only the licensed pit area.
  13. By-Law No. 26/86 - To correct a technical error in Concession numbers on Key Map No. 32.
  14. By-Law No. 27/86 - To restrict the stock piling of salt and/or salt/sand mixtures and the use of dirt bikes within the Township. To prohibit any lands within the Township to be used for war games and/or organized assassination games.
  15. By-Law No. 28/86 - To amend Section 16(3) (c) to allow for the stock piling of berm material containing only topsoil and overburden material within the setback area.
  16. By-Law No. 31/86 - To amend Section 5(4) to permit a nonprofit administrative training facility and other uses permitted under an A Zone and to amend Schedule 'A' from A to A-9.
  17. By-Law No.32/86 - To amend Section 7(7) to permit a nonprofit administrative facility or any other permitted uses in an Agricultural Zone.
  18. By-Law No. 35/86 - To amend Schedule 'A' from H to HR-3 and to incorporate the addition of special provisions under Subsection 6(4)(c), Hamlet Residential.
  19. By-Law No.37/86 - To amend Schedule 'A' from A to C3-4 to incorporate the addition of special provisions under Section 13 (4)(d), Agricultural Commercial Zone.
  20. By-Law No. 12/87 - To amend Schedule 'A' from A to IND on lands located Part Lots 27 and 28 Con.7 to permit a proposed Pre-Cast Concrete Manufacturing Facility.
  21. By-Law No. 13/87 - To amend Schedule 'A' from A to C4-2 and H to H-2 to allow a Golf Course and other permitted uses under Section 20 (4) (b), Natural Environment Zone Special Provisions.
  22. By-Law No. 21/87 - To amend Schedule 'A' from A to I-1 to incorporate Special Provisions in regards to size limitation under Section 18(4), Institutional Zone.
  23. By-Law No. 13/88 - To amend Schedule 'A' from A to C2.
  24. By-Law No. 15/88 - To amend Schedule 'A' from H to RR to permit the construction of a two-car garage.
  25. By-Law No. 19/88 - To amend Schedule 'A' from EX1 to A, C3-5 and NE to incorporate Section 13 (4)(e) to allow a Fish Hatchery-Packaging and Sales.
  26. By-Law No. 20/88 - To amend Schedule 'A' from H to A upon alteration by the GRCA of the regulatory flood line on lands located Lot 9, Rear of Con.2.

27. By-Law No. 21/88 - To amend Schedule 'A' from H to A on Lot 3, Con.2 to accommodate the alteration by the GRCA of the regulatory flood line in this area.
28. By-Law No. 23/88 - To amend Schedule 'A' from A to C2 to permit a retail store specializing in woodworking equipment products and an accessory dwelling unit.
29. By-Law No. 24/88 - To amend Schedule 'A' from EX1 to EX1-2 to accommodate a Concrete Batching Plant under Section 16 (4) (b), its permitted uses and building setbacks.
30. By-Law No. 27/88 - To amend Schedule 'A' from A to C3-4 (Nursery) under Special Provisions of the Agricultural Commercial Zone.
31. By-Law No. 28/88 - To amend Schedule 'A' from A to C3-5 (Service Trade) under Special Provisions of the Agricultural Commercial Zone.
32. By-Law No. 32/88 - To amend Schedule 'A' from IND to C2 to permit the establishment of a 66-room motel on lands that form part of Nicholas Beaver Industrial Park.
33. By-Law No. 16/89 - Repeals By-Law No. 19/88 regarding Aberfoyle Fisheries.
34. By-Law No. 17/89 - Replaces By-Law No. 19/88 with a new By-Law.
35. By-law No. 18/89 - Lands located Pt. Lot 24, Concs. 7 & 8 (Cumberland Gardens) are designated as C2-3 with special provisions instead of A - Agricultural Zone. Section 12.4 is also amended.
36. By-Law No. 19/89 - To amend Schedule 'A' from A to ER2-1 and OS under special provisions of Section 9(4)(a) (Slater).
37. By-Law No. 21/89 - To amend Section 18(4) Institutional Zone Special Provisions (Harmony House), Part Lot 14, Con 9 to increase the allowable number of occupants from nine to a maximum of twenty.
38. By-law No. 23/89 - To amend Schedule 'A' from Hazard (H) to Agricultural (A); to permit construction of a single family detached dwelling on Pt. Lot 5, Front Gore Conc. Council's Adoption April 19/89. O.M.B. dismisses appeal. May 24, 1990.
39. By-Law No. 24/89 - To amend Schedule 'A' from C4-6 (Resort Commercial Golf and Ski Club) to A (Agricultural).
40. By-Law No. 26/89 - To amend Schedule 'A' from A to HR, OS and C1.
41. By-Law No. 30/89 - To amend Schedule 'A' from A and H to ER2 and NE.
42. By-Law No. 32/89 - To amend Schedule 'A' from A to HR.
43. By-Law No. 33/89 - To amend Schedule 'A' from H (Hazard) to NE-3 (Landscape Contractor's Yard). A new subsection 20(4) (c) is added to the By-Law.

44. By-law No. 36/89 as amended by OMB Order dated June 28/90. (Mini Lakes Recreation area) adds definition for "Seasonal Recreational Trailer", adds Holding Zone Provisions (Section 14(6)), and adds C4-10 exception provisions.
45. By-law No. 46/89 - To amend Schedule 'A' to allow for the addition of a Conference Centre and a Lodge (A-5). Council's Adoption, September 20, 1989. O.M.B.'s decision July 11, 1990.
46. 46. By-Law No. 50/89 - To amend Schedule 'A' from A to C1-2 (Hamlet Commercial), Pt. Lot 20, Conc. 7 to permit an administrative office. A new subsection 11(4) (b) is added to the By-Law.
47. By-Law No. 53/89 - To amend Schedule 'A' from A to A-10 Zone. Pt. of Lot 37, Front Gore Conc. Passed December 20, 1989.
48. By-Law No. 14/90 - To amend Schedule 'A' from A to A-11. The existing Hazard (H) Zone does not change. Lot 35, Rear Conc. 8. A new subsection 5(4) (k) is added to the By-Law. Passed February 21, 1990.
49. By-Law No. 18/90 - To amend Schedule 'A' from A to A-12 Zone. Pt. of Lot 7, 8, 9 & 10, Front & Rear Conc. 9. Passed June 06, 1990.
50. By-Law No. 21/90 - To amend Schedule 'A' from A to A-11 Zone. Pt. Lot 5, Front Concession 10. Passed July 18, 1990.
51. By-Law No. 24/90 - To amend Schedule 'A' from A to EXI-3 Zone. Pt. Lot 25, Rear Concession 7. Passed August 15, 1990.
52. By-Law No. 25/90 - To amend Schedule 'A' from EXI to EXI-4 Zone. Pt. Lot 3, Rear Concession 4. Passed August 15, 1990. A Temporary Use By-law. (Amended by By-law No. 19/93 - see paragraph No. 71 below)
53. By-law No. 30/90 - To amend Schedule 'A' from A & H to EXI Zone. N. 1/2 of Lot 9, Concession 2. Approved by O.M.B Order dated May 13, 1991 (Capital Paving Ltd.).
54. By-law 31/90 as amended by OMB Order dated June 14, 1990. To rezone Part Lot 8, Conc. II as shown on Schedule 'A' from Agricultural "A" Zone and Hazard "H" Zone to Extractive "EXI" Zone, and to rezone Part of Lot 8, Conc. 2 from Agricultural "A2" Zone to Agricultural "A-15" and Hazard "H" Zone to Natural Environment "NE-5" Zone.
55. By-law No. 37/90 - To amend Schedule 'A' from HR to C1-3 Zone. N. E. 1/2 of Lot 22, Rear Concession 7, Lot 10, Registered Plan 119. Passed October 17, 1990.
56. By-law No. 15/91 - To amend Schedule 'A' from A to I-2 Zone. Pt. Lot 6, Front Concession 9, West of Blind Line. Passed January 16, 1991.
57. By-law No. 23/91 - To amend Schedule 'A' from A to A-14 Zone. Pt. of Lot 13, Front Concession 8. Passed May 1, 1991.

58. OMB Order dated May 13, 1991 to amend lands comprised of Part of Lots 21, 22, 23 and 24, Conc. 1 and 2 from Agricultural "A" Zone and Hazard "H" Zone to Extractive Industrial "EXI" Zone, Agricultural "A-9" Zone and Natural Environment "NE-2" Zone to permit the establishment of a pit operation. (University of Guelph Pit)
59. OMB Order dated May 13, 1991 to rezone the lands being rear half Lot 22, Conc. 1, from Agricultural "A" Zone to Extractive "EXI" Zone to allow extraction of sand and gravel. Map change only (TCG Materials Ltd.)
60. By-law No. 25/91 - to amend Part Lot 12, Rear Con 2, County Road 34 - Reid's Heritage Homes Ltd. Amendment dated June 5, 1991, OMB approved December 14, 1992.
61. By-law No. 29/91 - To amend Schedule 'A' from Extractive EXI Zone to Extractive EXI-6 Zone. Pt. of Lot 3, Concession 9. Passed June 19, 1991.
62. By-law No. 40/91 - To amend Lot 21, Concession 7 & 8, from Agriculture to Hamlet Commercial (Aberfoyle, County Road 34 & 46). Amendment dated October 16, 1991, OMB approved.
63. By-law No. 42/91 - To amend Schedule 'A' from Hazard (H) Zone to Agricultural (A) Zone. Part of Lot 2, Concession 9, East of Blind Line. Passed October 16, 1991.
64. By-law No. 44/91 - To amend Schedule 'A' from Agricultural (A-4) Zone to Open Space (OS-1) Zone. Part of Lot 25, Front Concession 1. Passed October 16, 1991.
65. By-law No. 16/92 - To amend Pt. Lot 26, rear Concession 7 from Agriculture to Highway Commercial (C2) Zone to allow for a gas bar. Passed December 18, 1991 and OMB approved August 25, 1992.
66. By-law No. 22/92 - To amend Schedule 'A' from Agricultural (A) Zone to Agricultural (A-17) Zone. Part of Lots 11 and 12, Concession 5. Passed January 15, 1992.
67. By-law No. 24/92 - To amend Schedule 'A' from Agricultural (A) Zone to Rural Residential (RUR) Zone. Part of Lot 1, Concession 9. (Also known as Part Lot 1, East of Blind Line, Registered Plan 131). Passed May 6, 1992.
68. By-law No. 25/91 - To amend Schedule 'A' from Agricultural (A) Zone to Agricultural (A-16) Zone. Part of Lot 12, Rear Concession 2. Passed June 5, 1991. O.M.B approval December 14, 1992.
69. By-law No. 16/92 - To amend Schedule 'A' from Agricultural (A) Zone to Highway Commercial (C2-4) Zone. Part of Lot 26, Conc. 7. Passed December 18, 1991. O.M.B. approval August 25, 1992.
70. By-law No. 6/93 - Revision to Hamlet Commercial Zone due to implementation of OPA No. 7 "Economic Development Area". Passed December 16, 1992.
71. By-law No. 7/93 - Revisions to Agricultural Zone (A1) regarding reduced lot regulations. Passed December 16, 1992.

72. By-law No. 40/91 - Amends Schedule 'A' from Agricultural (A) Zone to Hamlet Commercial (C1-4) Zone to permit a commercial mall. Relates to Part of Lot 21, Concessions 7 and 8. Passed by Council on October 16, 1991 together with Official Plan Amendment No. 8. Both documents were subsequently approved by the O.M.B. on February 1, 1993.
73. By-law No. 16/93 - Amends Schedule 'A' as it relates to Part of Lot 20, Concession 8 by correcting the Hazard (H) Zone boundaries on this property in accordance with the mapping of the Grand River Conservation Authority. By-law passed by Council on May 19, 1993.
74. By-law No. 19/93 amends By-law No. 25/90 relating to the land zoned EXI-4 by extending the Temporary Use Zoning to three years and four months and thus expires on December 15, 1993. Passed by Council on July 7, 1993. (See paragraph No. 52 above).
75. By-law No. 23/93 permits a pet supply business for Mike Pollard to Part of lot 36, Rear Con 7 & 8 (Hwy 6). Council adopted September 1, 1993.
76. By-law No. 25/93 to rezone from "A2-Agriculture" to "A-Agriculture" for Part Lot 20, Concession 2 Kenneth & Bette Maxwell. Council adopted October 6, 1993.
77. By-law No. 27/93 to rezone Site Plan No.1, from EXI-Extractive to EXI-Extractive with special provisions to permit a Concrete Batching Plant and reduce setback (5 cm) from adjacent EXI zone. Passed November 17, 1993.
78. By-law No. 28/93 to rezone portion of West One-Half of Lot 22, Con. 7 to include an existing Asphalt Plant and ancillary uses. Capital Paving Inc, Pit No. 1 - Concession Road No. 7. Passed November 17, 1993.
79. By-law No. 14/94 to comply with the Seasonal Recreation Zone. Part Lot 29, Front Gore Concession, Emerald Lake Recreation Park Limited. Passed January 19, 1994.
80. By-law No. 20/94 to rezone Part of Lot 9, Rear Concession 5, from A-Agricultural Zone to EX1-EXTRACTIVE ZONE, shown on Schedule 'A'. Passed March 2, 1994.
81. By-law No. 24/94 to rezone Part of Lot 8, Concession 5, from Agricultural (A) Zone to Agricultural (A-18) Zone, Schedule 'A'. Passed July 6, 1994.
82. By-law No. 27/94 to rezone Part of Lot 13, Concession 3, from Agricultural (A) Zone to Agricultural (A-19) Zone, shown on Schedule 'A'. Passed September 7, 1994.
83. By-law No. 22/95 to rezone Part of Lot 10, Rear Concession 2, from Agricultural (A) Zone to a Special Extractive (EXI-9) Zone, shown on Schedule 'A'. Passed February 1, 1995.

84. By-law No. 26/95 to rezone Part of Lot 26, Concession 8, from Agricultural (A) Zone and Hazard (H) Zone to a holding category, Industrial (IND `h-2') Zone and Highway Commercial (C2 `h-2') Zone, shown on Schedule 'A'. Passed March 27, 1995.
85. By-law No. 30/95 to rezone Part of Lots 36 & 37, Gore Concession, from Agricultural (A) Zone to Agricultural Commercial (C3) Zone, shown on Schedule 'A'. Passed May 17, 1995.
86. By-law No. 32/95 to rezone Part of Lots 11 & 12, Front Concession 5, from Agricultural (A-17) Zone and Hazard (H) Zone to Resort Commercial (C4-11) Zone, Resort Commercial (C4-12 `h-3') Zone, shown on Schedule 'A'. Passed July 19, 1995.
87. By-law No. 34/95 to rezone Part of Lot 23, Rear Concession 1, from Agricultural (A) Zone to Extractive (EXI) Zone and Open Space (OS-2) Zone, shown on Schedule 'A'. Passed July 19, 1995.
88. By-law No. 35/95 to remove the holding symbol (`h-2') from the land described as Part of Lot 26, Concession 8 so that the land is now zoned Industrial (IND) Zone and Highway Commercial (C2) Zone. Passed August 2, 1995. (See By-law No. 26/95).
89. By-law No. 42/95 to create a new Mill Creek Residential Zone (MR), shown by the amendment to Schedule 'A' of By-law 19/85 by changing from "A" and "H" to "MR" the zone symbol of the lands described as Part Lot 21, Concession 8. Approved by OMB February 15, 1996.
90. By-law No. 04/96 to rezone from Agriculture (A) Zone to Extractive (EX1-10) Zone as shown on Schedule 'A', Part Lot 26, Rear Concession 1. Passed December 20, 1995.
91. By-law No. 10/96 to rezone Part of the Front Half of Lot 23, Concession 7 and 8 and Part of the Original Road Allowance between Concession 7 and 8 (Hamlet of Aberfoyle) from agricultural (A) Zone to Residential Community (RC) Zone and Hazard (H) Zone as shown on Schedule 'A'. Passed February 21st, 1996.
92. By-law No. 16/96 to permit an accessory residence together with a contractor's yard within a Natural Environment (NE-3) Zone. Part of Lot 15, Front Concession 2. Passed May 1, 1996.
93. By-law No. 17/96 to rezone Part of Lot 7, Front Concession 3, from Agricultural (A) Zone to Agricultural (A-20) Zone, as shown on Schedule 'A'. Passed May 1, 1996.
94. By-law No. 28/96 to rezone Part of Lot 3, East of the Blind Line, Concession 9, Registered Plan No.131 from Agricultural (A) Zone and Hamlet Residential (HR) Zone to Hamlet Residential (HR-4) Zone. Passed August 7, 1996.
95. By-law No. 10/97 to rezone Part of Lot 28, Front Concession 11, from Agricultural (A) Zone to Agricultural (A-21) Zone. Passed April 7, 1997.
96. By-law No. 14/97 to rezone Part Lots 23, 24, and 25, Rear Concession 2, from Agricultural (A) Zone to Agricultural (A-22) Zone and from Hazard (H) Zone to Extractive

- (EXI-12) Zone and from Hazard (H) Zone to Extractive (EXI-13) Zone and from Hazard (H) Zone to Natural Environment (NE-6) Zone. Passed May 7, 1997.
97. By-law No. 15/97 to rezone Part Lot 20, Rear Concession 8 from Hazard (H) Zone to Natural Environment (NE-7) Zone. Passed May 21, 1997.
  98. By-law No. 16/97 to rezone Lot 19, Rear Concession 3, from Agricultural (A) Zone to Agricultural (A-23) Zone. Passed June 4, 1997.
  99. By-law No. 19/97 to rezone Part of Lot 25, Rear Concession 7, from Agricultural (A) Zone to Highway Commercial (C2-5) Zone. Passed July 16, 1997.
  100. By-law No. 21/97 to rezone Part of Lot 11, Rear Concession 2, from Agricultural (A) Zone to Agricultural (A-24) Zone. Passed July 16, 1997.
  101. By-law No. 23/97 to rezone Part of Lot 10, Rear Concession 2, from Agricultural (A) Zone to Agricultural (A-25) Zone. Passed August 20, 1997.
  102. By-law No. 26/97 to rezone Parts of Lots 8, 9 and 10, Front and Rear Concession 4, from Agricultural (A) Zone to Extractive (EXI-11) Zone. Extractive Industries (EXI-11 [h-4]) Zone, Holding Zone and Open Space (OS-3) Zone. Passed August 20, 1997.
  103. By-law No. 36/97 to amend by the addition of (z) A-26 (Kennel and Private Haul Route to Section 5 (4) Special Provisions.
  104. By-law No. 36/97 to amend by the addition of (n) EXI-14 (Capital Materials - Wellington Pit 5) Section 16 (4) Special Provisions.
  105. By-law No. 36/97 to amend by the addition of (o) EXI-15 (Capital Materials - Wellington Pit 5) Section 16 (4) Special Provisions.
  106. By-law No. 36/97 to amend by the addition of (d) OS-4 (Capital Materials - Woodland) Section 19 (4) Special Provisions.
  107. By-law No. 12/98 to revise the boundaries of Lot 18, Front Concession 2, from Hazard (H) Zone to Agricultural (A) Zone. Passed February 19, 1998.
  108. By-law No. 13/98 to rezone Part of Lots 4,5,6 and 7, in Aberfoyle, from Hamlet Residential (HR) Zone to Hamlet Commercial (C1) Zone. Passed January 21, 1998.
  109. By-law No. 20/98 to amend the zoning of Part of Lot 26, Front Concession 7, from the current Agricultural Commercial (C3-7) Exception Zone. Passed on April 1<sup>st</sup> 1998.
  110. By-law No. 22/98 to amend the zoning of Part of Lot 25, Front Concession 7, from the current Agricultural (A) zone to the special Agricultural Commercial (C3-9) Zone.
  111. By-law No. 24/98 to amend various sections of the Townships Zoning By-law Passed the 1<sup>st</sup> of April 1998
  112. By-law No. 28/98 to rezone Part of Lots 21 & 22, Rear Concession 10 from Agricultural (A) Zone to Agricultural (A-27) Zone. Passed May 6<sup>th</sup> 1998.

113. By-law No. 03/99 on Schedule 'A' to By-law 19/85 is amended by changing the zoning of the land from Agriculture (A) Zone to the EXTRACTIVE (EXI) ZONE.
114. By-law No. 10/99 - Part Lot 17, Rear Concession 7 from Agricultural (A) Zone and Hazard (H) Zone to Agricultural (A-28) Zone, Natural Environment (NE-8) Zone, Open Space (OS-6) Zone and Estate Residential Type Two (ER2-2) Zone.
115. By-law No. 13/99 - Lot 17, Plan 119, land to be rezoned to Hamlet Commercial (C1-5) to permit the conversion of an existing residence for retail purposes with an accessory residential unit.
116. By-law No. 17/99 - On Schedule 'A' to By-law 19/85 is amended by rezoning the land illustrated on Schedule "A" of this By-law, from Agricultural (A) Zone to Estate Residential (ER2) Zone.
117. By-law No. 18/99 to amend Zoning By-law 19/85 by rezoning Part of Lot 31, Concession 7 from the Agricultural (A) Zone to the Agricultural (A-29) Zone.
118. By-law No. 24/99 to amend the maximum mobile homes or manufactured dwellings to 72. Passed July 7, 1999.
119. By-law No. 26/99 - Part Lot 1, Gore Concession, to permit the occupation of an existing dwelling the property for full-time farm help.
120. By-law No. 15/00 - Rezoning Part Lot 5, Rear Concession 3 from the Agricultural (A) to the INSTITUTIONAL (1) ZONE and INSTITUTIONAL (1-4) ZONE. To rezone the subject land to allow for expansion of existing church.
121. By-law No. 22/00 - Rezone Part of Lot 11, Front Concession 2 from the Hazard (H) Zone to Natural Environment (NE-9) Zone. To permit the construction of a single-detached residence and accessory use on the subject property.
122. By-law No. 26/00 - Rezone Part of Lot 1, Rear Concession 3 from the Agricultural (A) Zone to the Rural Residential (RUR) Zone and Rural Residential (RUR-1), and Natural Environment (NE) Zone. To allow for the creation of 4 new residential lots by plan of subdivision (County File No. 23T-98004).
123. By-law No. 32/00 - Rezone Part of Lot 31, Rear Concession 10 from the Hazard (H) Zone to Natural Environment (NE) Zone. To recognize the existing residential dwelling and accessory building on the subject lands.
124. By-law No. 15/01 - Rezone Part of Lot 10, Concession 4 from the current Agricultural (A-2) Zone to the Extractive (EXI) Zone. To permit the establishment of an aggregate extraction operation(above water table only) on portion of this property.
125. By-law No. 17/01 - to remove Holding Zone Symbol ('h-1') from a portion (41 dwelling sites) of the Mini Lakes community at Part of Lot 21, Concession 8. (Section 4(6) (a) Holding Zone Provisions - Mini Lakes.)

126. By-law No. 24/01 to remove Holding Zone Symbol ('h-1') from a portion (22 dwelling sites) of the Mini Lakes community at Part of Lot 21, Concession 8. (Section 4(6) (a) Holding Zone Provisions - Mini Lakes.)
127. By-law No. 28/01 to remove Holding Zone Symbol ('h-1') from a portion (11 dwelling sites) of the Mini Lakes community at Part of Lot 21, Concession 8. (Section 4(6) (a) Holding Zone Provisions - Mini Lakes.)
128. By-law No. 31/01 - Part Lot 25, Conc. VII from Highway Commercial Special Provisions (C2-5) Zone to the Industrial (IND) Zone. To permit a service trade office and warehouse. The Industrial IND zone permits the service trade office and warehouse uses in addition to a range of other dry industrial uses. Passed November 21/01.
129. By-law No. 32/01 - To rezone Part Lot 23, Conc. VIII, from Agricultural (A) to Agricultural (A-32) Zone. To permit a home occupation (preserving/canning business) employing 5 persons on a part-time basis who do not reside in dwelling on subject lands. Passed November 21/01
130. By-law No. 08/02 - Partial removal of Holding symbol (h-1). Part of Lot 21, Concession 8 (Mini Lakes County Club) by Mini Lakes Residents Association.
131. By-law No. 10/02 - Rezoning Part Lots 11 and 12, Front Concession 5, from Hazard (H) and Resort Commercial Special Provisions (C4-11) to Natural Environment (NE) and Agricultural (A). Passed June 5<sup>th</sup>, 2002.
132. By-law No. 13/02 - To rezone Part Lot 9, Rear Conc. 2, from Agricultural (A) and Hazard (H) to Agricultural (A-33) and Natural Environment (NE). Passed July 3<sup>rd</sup>, 2002.
133. By-law No. 17/02 - To rezone Part of Lot 22, Concession 7, Lots 9 and 10. To extend the antique sales use currently permitted on Lot 10 to also be permitted on Lot 9. Passed November 6<sup>th</sup>, 2002.
134. By-law No. 19/02 - To rezone Part of the North Half of Lots 2 and 3, Concession 1 and Lots E and F, R.P.398 (Barber's Beach). To allow for the development of a 20-unit plan of vacant land condominiums, single detached residential dwellings, a private road, private recreational areas, and a community entrance feature. Passed November 6<sup>th</sup>, 2002
135. By-law No. 22/02 - Partial removal of Holding symbol (h-1). Part of Lot 21, Concession 8 (Mini Lakes County Club) by Mini Lakes Residents Association.
136. By-law No. 14/03 - Part of Lot 5, Concession 2, from Hazard (H) Zone and Agricultural (A) Zone to Natural Environment (NE) Zone and Agricultural (A) Zone - Passed March 19, 2003.
137. By-law No. 17/03 - Part of Lot 36, Rear Gore Concession from Agricultural (A) Zone to Agricultural Commercial (C3) Zone - Passed April 2, 2003.
138. By-law No. 21/03 - Part Lot 11, Rear Concession 2 from Agricultural Special Provisions (A-24) Zone to Agricultural (A) Zone - Passed May 7, 2003.

139. By-law No. 26/03 - Part of Lot 17, Front and Rear Gore Concession from Agricultural (A) Zone to Agricultural Special Provisions (A-34) Zone - To permit a veterinarian clinic, blacksmith shop and tack shop to operate in association with the existing intensive agricultural facility which is a horse farm and training operation. - Passed June 4, 2003.
140. By-law No. 30/03 - Removal of Holding symbol (h-5). Part of Lot 3, Concession 1 south side of Wellington Road 32 on north side of Puslinch Lake, known as Irish Creek Estates property. Passed July 2, 2003.
141. By-law No. 42/03 - Part of Lots 6 and 7, Concession 3 from current Agricultural (A) Zone to Extractive (EXI-17) Zone, and by rezoning Part of Lot 7, Front Concession 3 from the current Extractive (EXI-15) Zone to Agricultural (A) Zone. To permit the expansion of the existing Capital Paving Wellington Pit No. 5 for above water extraction only. Passed October 15, 2003.
142. By-law No. 11/04 – Schedule ‘A’ to By-law 19/85 is hereby amended by rezoning Part Lot 26, Concession 7, from Agricultural (A) Zone and Industrial (IND) Zone, to a site specific Industrial (IND-3) Zone, as shown on Schedule “A” of this By-law. Passed December 24, 2003.
143. By-law No. 21/04 - Part of Lot 21, Front Concession 9 from Agricultural (A) Zone to Extractive (EXI) Zone and Natural Environment (NE) Zone. To permit the establishment of an aggregate extraction operation. Passed February 4, 2004.
144. By-law No. 27/04 - Part of Lot 21, Concession 8 - Mini Lakes Property - to remove Holding Zone symbol ('h-1') - To ensure orderly conversion of Mini Lakes Property from a seasonal recreational/residential trailer park to a permanent residential adult lifestyle community. Passed March 17, 2004.
145. By-law No. 03/05 – Part of Lot 21, Concession 8 – To convert the Mini Lakes property from a seasonal recreational/residential trailer park to a permanent residential adult lifestyle community.
146. By-law No. 10/05 - To replace Hazard Zone mapping and regulations with new Natural Environment (NE) mapping and zone provisions and establish a special regulation to ensure the continued use and expansion of lawfully established land uses in Aberfoyle identified with an “f” suffix. Other changes to address new definitions, setback regulations and an interpretation and flexibility clause concerning NE mapping are also included.
147. By-law Number 18/05 - Part of Lot 23, Concession 7 and 8 and Part of the Original Road Allowance between Concessions 7 and 8 (Aberfoyle) - Rezoning the subject land to the RESIDENTIAL COMMUNITY (RC) ZONE to allow for the establishment of a 55-unit condominium development with a private communal water supply and distribution system, individual private tertiary sewage treatment systems, a private road (right-of-way), and a private park, trail system and passive open space areas for the residents of this development. The existing natural features on this property (and within the immediate area) are within the Natural Environment Zone.

148. By-law Number 2/05 – Northeast Half of Lot 17, Concession 7 - Rezoning the subject land to ESTATE RESIDENTIAL 2 (ER2-3) ZONE, OPEN SPACE (OS-6) ZONE and NATURAL ENVIRONMENT (NE-8) ZONE to allow for the development of a 20 lot plan of subdivision.
149. By-law Number 27/05 – Part of Lot 9, Rear Concession 2 - Rezoning the subject land to an amended AGRICULTURAL EXCEPTION (A-33) ZONE to allow for the establishment of a veterinary clinic.
150. By-law Number 35/05 - Part of Lot 20, Rear Concession 7 - Rezoning the subject land to an amended HAMLET COMMERCIAL (C1-2) ZONE to allow for the establishment of a furniture, antiques and home furnishings retail store.
151. By-law Number 40/05 – Part of Lot 23, Rear Concession 3 – Rezoning the subject land to a site specific HIGHWAY COMMERCIAL (C2-6) ZONE to allow for a golf driving range and related recreational/commercial uses.
152. By-law Number 32/05 (OMB Order 2812) – Part of Lot 36, Concession 8 – Rezoning the subject land to a special AGRICULTURAL (A-35) ZONE to recognize an existing kennel operation.
153. By-law Number 46/05 – Part of Lot 11, Rear Concession 9 – Rezoning the subject land to a site specific AGRICULTURAL (A-36) ZONE to allow a second dwelling unit for farm help.
154. By-law Number 02/06 – Part of Lot 11, Concession 2 – Rezoning the subject land to an amended AGRICULTURAL (A-24) ZONE and AGRICULTURAL (A) ZONE to permit an existing contractor's office on a severed parcel and remove the contractor's office use from the retained parcel.
155. By-law Number 12/06 – Part of Lot 21, Concession 8 – To remove the Holding symbol from 19 dwelling sites to allow year round residential occupancy.
156. By-law Number 50/05 – Parts of Lots 28 and 29, Concession 8 – Rezoning part of the subject land to a site specific INDUSTRIAL (IND-4) ZONE to allow manufacturing of dry pet nutritional products and to a site specific OPEN SPACE (OS-7) ZONE to permit forest management, passive recreation and a private water supply well.
157. By-law Number 30/05 - Part of Lot 23, Rear Concession 8 – Rezoning part of the subject land to a site specific AGRICULTURAL (A-37) ZONE to allow a kennel and accessory uses.
158. By-law Number 33/06 – Part of Lot 21, Concession 8 – To remove the Holding symbol from 12 dwelling sites to allow year round residential occupancy.
159. By-law Number 34/06 – Part of Lot 3, Concession 4 – Rezoning the subject land from EXTRACTIVE (EXI) ZONE to AGRICULTURAL (A).
160. By-law Number 41/06 – Part of Lot 6, Concession 2 – Rezoning the subject land from NATURAL ENVIRONMENT (NE) ZONE to AGRICULTURAL (A).

161. By-law Number 26/07 – Part of Lot 21, Concession 8 – To remove the Holding symbol from 11 dwelling sites to allow year round residential occupancy.
162. By-law Number 28/07 – Part of Lot 13, Concession 4 – Rezoning the subject land to permit the expansion of an existing aggregate operation (Puslinch Pit) owned and operated by Cox Construction Ltd.
163. By-law Number 43/07 – Part of Front Half of Lot 23, Concession 8 – To remove the Holding Zone symbol “h-6” from the Meadows of Aberfoyle property.
164. By-law Number 46/07 – Part of Lots 23 & 24, Rear Concession 7 – Rezoning part of the subject land to INDUSTRIAL SITE-SPECIFIC (IND-5) to permit the water bottling operation, a business office accessory to the main use, and accessory buildings and structures.
165. By-law Number 48/07 – Part of Lot 24, Rear Concession 7 – Rezoning part of the subject land to OPEN SPACE SITE-SPECIFIC (OS-8) to allow the existing pond to remain in its current state and allow for fish and wildlife management and passive recreational uses.
166. OMB Order 2548 – Part Lots 14 and 15 Concession 4 – Rezoning the subject land to permit an aggregate operation (Mast-Snyder Pit) owned and operated by St. Mary’s (Canada) Cement Inc.
167. By-law Number 56/07 – Part of Lot 25, Concession 1- Rezoning the subject land to permit an aggregate operation (Lanci Pit) owned and operated by CBM Aggregates/St. Mary’s Cement Inc.
168. By-law Number 01/08 – Part of Lot 21, Concession 8 – To remove the Holding symbol from 6 dwelling sites to allow year round residential occupancy.
169. By-law Number 04/08 – Part of Lot 8, Concession 3 – Rezoning the subject land to AGRICULTURAL (A) as the aggregate material has been extracted and the land has been rehabilitated.
170. By-law Number 15/08 - Part of Lot 27, Concession 2 – Rezoning the subject land to permit an aggregate operation (McNally Pit East) owned and operated by CBM Aggregates/St. Marys Cement Inc.
171. By-law Number 22/08 – Part of Lots 23 & 24, Rear Concession 7 – To remove the Holding symbol to allow warehouse expansion.
172. By-law Number 29/08 – Part of Lot 22, Concession 7 – To recognize all existing buildings, uses and structures related to a local road construction company.
173. By-law Number 39/08 – Part of Lots 7 & 8, Concession 4 – To prohibit housing livestock in the barns and storing liquid manure in the manure tank. Such structures may only be otherwise used accessory to a permitted use.

174. By-law Number 40/08 – Part of Lot 8, Gore Concession – To restrict use of the property to accessory uses to a single detached dwelling.
175. By-law Number 41/08 – Part of Lots 18 & 19, Concession 8 – To allow for development of a 48-lot plan of subdivision.
176. By-law Number 51/08 – Part Lots 14 & 15, Concession 9 – To allow for the establishment of a golf course and related recreational uses.
177. By-law Number 58/08 – Part of Lot 21, Concession 8 – To remove the Holding symbol from 6 dwelling sites to allow year round residential occupancy.
178. By-law Number 01/09 – Part Lot 32, Rear Concession 8 – To allow for a temporary garden suite for a maximum of ten years from December 3, 2008.
179. By-law Number 20/09 – Part Lot 8, Concession 2 – To allow for a building contractor's office and accessory uses.
180. By-law Number 26/09 – Part Lot 16, Concession 10 – To allow for an accessory dwelling unit for farm help.
181. By-law Number 34/09 – Part of Lot 21, Concession 8 – To remove the Holding symbol from 31 dwelling sites to allow year round residential occupancy.
182. By-law Number 16/10 – Part of Lot 11, Concession 5 – To rezone from Resort Commercial Site-Specific (C4-11) Zone to Agricultural (A) to permit a single detached dwelling and agricultural use of the property.
183. By-law Number 23/10 - Part Lots 1 and 2, Concession 3 and 4 – To permit an aggregate operation (Roszell Pit) owned and operated by Preston Sand and Gravel, and to maintain natural separators of earth, aggregate and other native materials between the lakes created by aggregate extraction below the water table.
184. By-law Number 28/10 – Part of Lots 23, 24 and 25, Concession 2 – To permit a residential condominium (Reid's Heritage Lake) as an after-use for the licenced aggregate operation on the subject land.
185. By-law Number 37/10 – Part of Lot 6, Concession 1 – To rezone from Agricultural (A) Zone to site specific Agricultural (A-43) Zone and from the Natural Environment (NE) Zone to a site specific Natural Environment (NE-14) Zone to permit an accessory dwelling for farm help within the existing farm house and a single detached dwelling on the property.
186. By-law Number 42/10 – Part of Lot 5, Concession 1 – To rezone from Agricultural (A) Zone and Resort Residential (RR) Zone to two site specific Agricultural (A-47 and A-38) Zones to allow for reduced lot frontage for the two residential lots
187. By-law Number 53/10 – Part of Lot 1, Gore Concession – To rezone from Agricultural Site Specific (A-30) to Agricultural (A) Zone to remove the provision allowing the second residence for farm help.

188. By-law Number 12/11 – Part of Lot 21, Concession 8 – To remove the Holding Zone symbol (h-1) from specific parts of the Mini Lakes Property to allow for year-round residential occupancy.
189. By-law Number 16/11 – Part of Lot 19, Concession 3 – To rezone from Agricultural Site Specific (A-23) to the Agricultural (A) Zone, to remove the provision allowing for a second residence on the property.
190. By-law Number 27/11 – Part of Lot 6, Concession 2 – To rezone from Natural Environment (NE) to Agricultural (A) Zone as the property is no longer within the flood plain.



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# THE CORPORATION OF THE TOWNSHIP OF PUSLINCH

## BY-LAW NO. 19/85

Being a By-Law to regulate the use of lands and the character, location and use of buildings and structures within the Township of Puslinch, pursuant to Section 34 of the Planning Act, 1983.

### PREAMBLE

WHEREAS Section 34 of the Planning Act, 1983, provides that the governing body of a municipal corporation may pass by-laws to regulate the use of lands and the character, location and use of buildings and structures;

AND WHEREAS the Council of the Corporation of the Township of Puslinch has recommended that such a by-law be enacted in order to implement the policies and designations contained within the Official Plan for the Township of Puslinch and to ensure proper and orderly development within the corporate limits of the Township of Puslinch;

AND WHEREAS the Council of the Corporation of the Township of Puslinch has deemed it to be in the public interest that such a by-law be enacted;

NOW THEREFORE, the Council of the Corporation of the Township of Puslinch ENACTS as follows:

## PART I: INTRODUCTION, INTERPRETATION AND GENERAL PROVISIONS

### SECTION 1 - Introduction

---

#### 1.1 TITLE OF BY-LAW

This By-Law may be cited as "The Zoning By-Law".

#### 1.2 SCOPE OF BY-LAW

##### (a) Lands Subject To By-Law

The provisions of this By-Law shall apply to all those lands lying within the Corporate Limits of the Township of Puslinch.

**(b) Conformity With By-Law**

No building or structure shall hereafter be erected or altered, nor shall the use of any building, structure or lot hereafter be altered, in whole or in part, except in conformity with the provisions of this By-Law.

**(c) Existing Uses Continued**

Nothing in this By-Law shall apply to prevent the use of any existing land, building or structure for any purpose prohibited by this By-Law if such land or structure was lawfully used for such purpose on the day of the passing of this By-Law, so long as it continues to be used for that purpose.

**(d) Plans Approved Prior To By-Law**

Nothing in this By-Law shall prevent the erection or use of any building or structure that does not comply with one or more of the provisions of this By -Law, if the plans for such building or structure were approved by the Corporation and either a building permit was issued or a site plan agreement was entered into prior to the date of passing of this By-Law, provided that:

- (i) when such building or structure is erected, it shall be used and shall continue to be used only for the same purpose for which the said building or structure was intended when such building permit was issued or such site plan agreement was entered into and shall not be altered in any way except in conformity with the provisions of this By-Law; and
- (ii) the erection of such building or structure is commenced prior to the expiration of any such building permit or site plan agreement and is completed within a reasonable time after the erection thereof is commenced.

**(e) Compliance With Other Restrictions**

This By-Law shall not be construed so as to reduce, permit or mitigate any restrictions or regulations lawfully imposed by the Corporation or by any governmental authority having jurisdiction to make such restrictions or regulations.

**1.3 INTERPRETATION OF BY-LAW**

**(a) Definitions**

In this By-Law, unless the context requires otherwise, the definitions and interpretations set out in Section 2 hereof shall apply.

**(b) Singular and Plural Words And Genders**

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

- (i) words used in the singular number include the plural;
- (ii) words used in the plural include the singular number; and
- (iii) words used in the masculine gender include the feminine.

**(c) "Shall" Is Mandatory**

In this By-Law, the word "shall" is mandatory.

**(d) "Use" And "Occupy"**

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

- (i) the verb "use" shall include "design to be used", "arrange to be used", "intend to be used", and "permit to be used"; and
- (ii) the verb "occupy" shall include "design to be occupied", "arrange to be occupied", "intend to be occupied", and "permit to be occupied".

## **1.4 SCHEDULE TO BY-LAW**

**(a) Part Of By-Law**

Schedule "A", which is attached hereto and described in this Subsection, is hereby made a part of this By-Law as fully and to all intents and purposes as though recited in full herein.

**(b) Schedule "A" - Zone Maps**

The extent and boundaries of all zones and restricted areas are set out on the maps comprising Schedule "A" hereto and shall be interpreted in accordance with the following:

- (i) Boundaries of zones and restricted areas shall be construed wherever possible, to be concurrent with lot lines, property boundaries, street lines, high water marks, top of bank or other Conservation Authority regulation lines, boundaries of right-of-ways for railways, hydro-electric transmission corridors or pipelines, or boundaries of registered plans.
- (ii) In the event that a street or lane which forms the boundary between two or more different zones is closed, the boundary between such zones shall be construed as the former centreline of the said closed street or lane.
- (iii) The Natural Environment (NE) zone boundaries identified on the schedules to this By-law are intended to generally identify the location of potentially hazardous environmental features. During review of development applications and building permit applications, if necessary, the boundaries of the NE zone shall be more precisely determined in consultation with the Conservation Authority or other agencies having

jurisdiction in the area. Where detailed resource mapping and/or site inspection results in a re-interpretation of the NE Zone boundary, all applicable provisions of this By-law shall be reviewed relative to the new boundary. Setback provisions of the NE Zone shall be governed by Section 3(25) of this By-law.

## **1.5 ADMINISTRATION**

This By-Law shall be administered by a person designated from time to time by Council as the Zoning Administrator or such other person as the Council of the Township of Puslinch designates.

## **1.6 INSPECTION**

- (a) Subject to Clause (b) of this Subsection, the Zoning Administrator, or any other officer or employee of the Corporation, acting under the direction of Council, is hereby authorized to enter, at all reasonable hours, upon any property or premises for the purpose of carrying out his duties under this By-Law.
- (b) Notwithstanding anything to the contrary in Clause (a) of this Subsection, no officer or employee of the Corporation shall enter any room or place actually being used as a dwelling unit or part thereof without the consent of the occupier, except under the authority of a search warrant issued under Section 16 of The Provincial Offences Act (R.S.O. 1980), Chapter 400, or any successors thereto.

## **1.7 APPLICATION FOR BUILDING PERMITS**

In addition to all of the requirements of the Building Code and By-Law or any other by-law of the Corporation, no building permit shall be issued in respect of the erection or alteration of a building or structure until the following have been submitted to and approved by the Zoning Administrator:

- (a) two copies of a site plan, one copy of which shall be retained by the Zoning Administrator, drawn to scale and showing,
  - (i) the true dimensions of the lot to be built upon or otherwise used;
  - (ii) the location of all existing buildings, structures or uses on the lot;
  - (iii) the proposed location, grade, height, and dimensions of any building, structure or use proposed for such lot; and
  - (iv) the proposed location and dimensions of yards, landscaped open spaces, parking areas, and loading spaces;
- (b) a statement, signed by the owner, disclosing the specific existing or proposed use for each existing or proposed building or structure and containing all information necessary to determine if such existing or proposed building, structure or use conforms to the requirements of this By-Law; and

- (c) two copies of a plan showing the ground level and contour lines on the lot as of the date of the application and as same will be upon completion of the proposed erection or alterations and when the redistribution of all topsoil has been completed.

## **1.8 ISSUANCE OF BUILDING PERMITS**

Notwithstanding the provisions of the Building By-Law or any other by-law of the Corporation to the contrary, no building permit shall be issued where a proposed Building structure or alteration to an existing building or structure would contravene in any way one or more of the provisions hereof.

## **1.9 REQUESTS FOR AMENDMENTS**

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

## **1.10 RISK, EXPENSE AND COMPLIANCE**

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

## **1.11 VIOLATIONS AND PENALTIES**

- (a) Every person who owns or uses any lot, or erects, owns or uses any building or structure or any part of any lot, building or structure in a manner contrary to any requirement of this By-Law, or who causes or permits such use or erection, or who violates any provisions of this By-Law or causes or permits such a violation, shall be guilty of an offence, and upon conviction therefore, shall forfeit and pay a fine not exceeding Twenty Thousand (\$20,000.00) Dollars on a first conviction and Ten Thousand (\$10,000.00) Dollars on a subsequent conviction for each day or part thereof upon which the contravention has continued after the day upon which there was a first conviction.
- (b) Where a corporation, other than the Corporation of the Township of Puslinch, is convicted under this By-Law, the maximum penalty that may be imposed is Fifty Thousand (\$50,000.00) Dollars for the first conviction and Twenty-Five Thousand (\$25,000.00) Dollars for each day or part thereof upon which the contravention has continued after the date on which the corporation is first convicted.
- (c) Any building or structure which contravenes any requirement of this By-Law may be removed or altered at the instance of the Corporation of the Township of Puslinch, pursuant to the provisions of The Municipal Act (R.S.O. 1980) or the Planning Act, as amended from time to time.

## **1.12 REMEDIES**

- (a) Where a building or structure is erected, altered, reconstructed, extended or enlarged, or any building or structure or part thereof is used, or any lot is used, in contravention of any requirements or other provisions of this By-Law, such contravention may be restrained by action at the instance of any ratepayer or of the Corporation pursuant to the relevant provisions of The Municipal Act, R.S.O. 1980, or the Courts of Justice Act, 1984, in that behalf.
- (b) Where a person guilty of a violation against this By-Law has been directed to remedy such violation and is in default of doing any work thus required, then such work may be done at his expense by the Corporation, at its sole discretion, and the Corporation shall have the unlimited right to recover any expenses thus incurred by action or in like manner as municipal taxes, and such expenses shall be in addition to and not in derogation of any remedy by way of mandamus, injunction or otherwise.

## **1.13 VALIDITY**

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

## **1.14 REPEAL OF EXISTING BY-LAWS**

All previous by-laws of the Corporation passed pursuant to Section 34 of the Planning Act, 1983, or its predecessors, are hereby repealed.

## SECTION 2 - Definitions

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The presence of definitions of various uses contained in this Section does not necessarily mean that the use is a permitted use within the Township of Puslinch unless specifically listed as a permitted use in a zone or zones.

- (1) **"ABANDONED"** means the failure, in the opinion of the Zoning Administrator, to proceed expeditiously with construction work or to undertake construction work during any continuous 12 month period.
- (2) **"ABATTOIR"** means a building or structure, or part thereof, used for the slaughtering of animals.
- (3) **"ACCESSORY"**, when used to describe a use, a building or a structure, means a use, a building or a structure that is incidental, subordinate and exclusively devoted to a main use, building or structure and located on the same lot therewith.
- (4) **"ACCESSORY DWELLING"** - See "DWELLING".
- (5) **"ADULT ENTERTAINMENT PARLOUR"** means any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, goods or services appealing to or designed to appeal to erotic or sexual appetites or inclinations.

In this definition:

- (a) **"Goods"** includes books, magazines, pictures, slides, film, phonograph records, prerecorded magnetic tape and any other reading, viewing or listening matter.
- (b) **"To Provide"**, when used in relation to goods, includes to sell, offer to sell or display for sale, by retail or otherwise such goods, and "providing" and "provision" have corresponding meanings.
- (c) **"To Provide"**, when used in relation to services, includes to furnish, perform, solicit, or give such services and "providing" and "provision" have corresponding meanings.
- (d) **"Services"** includes activities, facilities, performers, exhibitions, viewings and encounters.
- (e) **"Services Designed To Appeal To Erotic Or Sexual Appetites Or Inclinations"** includes,
- (f) Services of which a principal feature or characteristic is the nudity or partial nudity of any person;
  - (i) services in respect of which the word "nude", "naked", "topless", "bottomless", "sexy", or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement.

(6) (a) **"AGRICULTURAL USE"** means an area of land, with or without accessory buildings or structures, which is used primarily for:

- (i) the tillage of soil;
- (ii) the growing and harvesting of vegetables, fruits, field crops, mushrooms, berries, trees, flowers or landscaping materials and may include the erection and use of greenhouses, and woodlots and forestry uses;
- (iii) the grazing, breeding, raising, boarding or training of livestock of all kinds, including, but not so as to limit the generality of the foregoing, cattle, swine, sheep, goats, rabbits, poultry, fish, horses, ponies, donkeys, mules, fur-bearing animals and household pets but not at an intensive level as defined in Subsection 2(6) (b);
- (iv) dairying, beekeeping, but not at an intensive level as defined in Subsection 2(6) (b);
- (v) any other operation normally associated with farming;
- (vi) an accessory farm sales outlet;

but excluding a kennel, an abattoir or any premises used for the killing of livestock or the processing of meat.

(b) **"AGRICULTURAL USE, INTENSIVE"** means an agricultural use where any one of the following types of animals or birds are kept and where the aggregate number of units of such animals and birds so kept is in excess of the product of 3.5 units multiplied by the total number of hectares in the whole of the farm which is held under distinct and separate ownership from abutting lots.

Animals per Livestock Unit

BEEF	1	Beef Cow	(barn confinement)
	1	Beef Cow	(barn with yard)
	2	Beef Feeders	(barn confinement)
	2	Beef Feeders	(barn with yard)
CHICKEN	125	Caged Layers	(manure stored in barn)
	125	Caged Layers	(daily manure removal)
	125	Chicken Breeder Layers	
	200	Chicken Broilers/Roasters	
	500	Pullets (replacement layers)	
DAIRY	1	Milking Cow	(tie-small)
	1	Milking Cow	(tie-small)
	2	Dairy Heifers	(barn confinement)
	2	Dairy Heifers	(barn with yard)
DUCK	100	Ducks	
EMU	5	Emu	

FOX	40	Adult Fox
GOAT	4	Adult Goats
	10	Feeder Goats (>20 kg)
HORSE	1	Horse
MINK	80	Adult Mink
OSTRICH	3	Ostrich
RABBIT	40	Adult Rabbits
SHEEP	4	Adult Sheep
	10	Feeder Lambs (>20 kg)
SWINE	5	Sows/Boars
	20	Weaners (4-30 kg)
	4	Feeder Hogs (30-120 kg)
TURKEY	50	Meat Turkeys (>10 kg)
	75	Meat Turkeys (5-10 kg)
	75	Turkey Breeder Layers
	100	Meat Turkeys (<5 kg)
	500	Pullets (replacement breeders)
VEAL	6	White Veal
	3	Red Veal (<300 kg)

- (7) **"AGRICULTURAL SERVICE ESTABLISHMENT"** means the buying or selling of commodities and services that support the agricultural uses and shall include the sales and service of welding and machinery repair, farm drainage and excavation, well drilling, custom spraying, tillage, planting and harvesting services.
- (8) **"AGRICULTURAL SUPPLY ESTABLISHMENT"** means the supply of goods, materials or services that support agricultural uses including the sale and storage of seed, feed, fertilizer and chemical products and the rental, sale, repair or service of agricultural equipment or implements or any combination of the foregoing.
- (9) **"ALTER"** means:
- (i) when used in reference to a building or structure or part thereof, to change any one or more of the external dimensions of such building or structure or to make any change in the supporting members or to the type of construction of the exterior walls or roof thereof;
  - (ii) when used in reference to a lot, to change the lot area, lot frontage or lot depth thereof; to change the width, depth or area of any required yard, set-back, landscaped open space or parking area thereon; or to change the location of any boundary of such lot with respect to a street or lane, whether such alteration is made by conveyance or alienation of any portion of such lot or otherwise; or
  - (iii) when used in reference to a use, to discontinue and replace a use, in whole or in part, with a use which is defined herein as being distinct from the discontinued use.

- (a) **"Altered"** and **"Alteration"** have corresponding meanings.
- (10) **"AMUSEMENT PARK"** means an establishment regardless of whether or not it is maintained or operated for gain or profit, where rides, games of chance and the sale of food, beverages, toys and souvenirs constitute the main uses.
- (11) **"ASPHALT PLANT"** - See **"BATCHING PLANT"**.
- (12) **"ATTACHED"** means:
- (i) when referring to an accessory building "attached horizontally to a main building on the same lot"; or
  - (ii) when referring to a main building, "attached horizontally to another main building either on the same lot or on an adjacent lot".
- (13) **"ATTIC"** - See **"STOREY"**.
- (14) **"AUCTION CENTRE"** means a lot, building or structure where articles are stored and sold in a public sale to the individual who makes the highest bid.
- (15) **"AUDITORIUM"** or **"PLACE OF ASSEMBLY"** means a building or structure, or part thereof, where facilities are provided for athletic, civic, educational, recreational, political, religious or social events, including, but not so as to limit the generality of the foregoing, an arena, a curling rink, a museum, a community centre, a bowling alley, a recreation centre, an assembly hall, a pool hall or billiards parlour, a gymnasium, a stadium, a cinema, a theatre and a playhouse.
- (16) **"AUTOMOBILE SALES AND SERVICE ESTABLISHMENT"** means premises where motor vehicles are stored or displayed for the purpose of sale or hire and shall include the storage and sale of automotive accessories together with the repair and service of the motor vehicle.
- (17) **"AUTOMOBILE SERVICE STATION"** means an establishment where vehicle fuels, lubricants and accessories are offered for retail sale and which contains facilities for the repair and maintenance of vehicles.
- (18) **"AUTOMOTIVE USE"** means an automobile service station, a gasoline retail outlet, a vehicle repair shop, a carwash, a body shop or a vehicle sales or rental establishment as defined herein.
- (19) **"BALCONY"** means a stage or platform, other than a stoop, projecting from the wall of a building and accessible from inside such building by means of a door.
- (20) **"BANK"** means an institution where money is deposited, kept, lent and exchanged, and includes the business premises of a trust company or a credit union.
- (21) **"BASEMENT"** - See **"STOREY"**.

- (22) **"BATCHING PLANT, ASPHALT OR CONCRETE"** means an industrial facility used for the production of asphalt or concrete, or asphalt or concrete products, used in building or construction and includes facilities for the administration and management of the business, the stockpiling of bulk materials used in the production process or of finished products manufactured on the premises and the storage and maintenance of required equipment, but does not include the retail sale of finished asphalt or concrete products.
- (23) **"BED AND BREAKFAST ESTABLISHMENT"** means a single detached dwelling in which no more than three rooms are made available by the resident of the said dwelling for the temporary accommodation of travellers in the course of which no assistance is offered by any person not residing in the dwelling. This does not include a hotel, motel, boarding or lodging house, or restaurant, as defined herein.
- (24) **"BEDROOM"** means a habitable room located within a dwelling unit and used primarily for sleeping.
- (25) **"BERM"** means a landscaped mound of earth.
- (26) **"BOARDING HOUSE, ROOMING HOUSE"** means a building or part thereof in which the proprietor resides and supplies, for hire or gain, to more than two persons, lodging and/or meals, but shall not include a hotel, motel, hospital, home for the young or the aged, institution or restaurant.
- (27) **"BOAT"** means a water-going vehicle.
- (28) **"BODY-RUB"** includes the kneading, manipulation, rubbing, massaging, touching, or stimulating, by any means, of a person's body or part thereof but does not include medical or therapeutic treatment given by a person otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario.
- (29) **"BODY-RUB PARLOUR"** includes any premises or part thereof where a body-rub is performed, offered, or solicited in pursuance of a trade, calling, business or occupation, but does not include any premises or part thereof where the body-rubs performed are for the purpose of medical or therapeutic treatment and are performed or offered by persons otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario.
- (30) **"BODY SHOP"** means an establishment engaged in the repairing or painting of vehicle bodies.
- (31) **"BUILDING"** means any structure, consisting of walls and a roof, which is used or intended to be used for the shelter, accommodation or enclosure of persons, animals or chattels, and includes any structure defined as a building in The Building Code Act (R.S.O. 1980) Chapter 51, but does not include any vehicle as defined herein or a fence.
- (32) **"BUILDING BY-LAW"** means any by-law of the Corporation passed pursuant to The Building Code Act (R.S.O. 1980), Chapter 51, as amended from time to time, or any successors thereto.
- (33) **"BUILDING HEIGHT"** - See "HEIGHT".

- (34) "**BUILDING LINE, ESTABLISHED**" means the existing street setback of an existing main building on a lot, measured between the centreline of the street adjacent to the said lot and the nearest part of such building, excluding any stoops, sun decks, porches, verandahs, balconies, exterior steps or architectural adornments.
- (35) "**BUILDING PERMIT**" means a permit required by the Building By-Law.
- (36) "**BULK SALES ESTABLISHMENT**" means the use of land, structure or building for the purpose of buying and selling lumber, wood, building materials, feed, fertilizer, ice, and allied commodities, but does not include any manufacturing, assembly or processing.
- (37) "**BUSINESS OFFICE**" means a building or part thereof in which one or more persons is employed in the management, direction or conducting of a public or private agency, a business, a brokerage or a labour or fraternal organization, including, but not so as to limit the generality of the foregoing, an office accessory to a permitted non-residential use, a telegraph office, a bank or other financial institution, the premises of a real estate or insurance agent, a data processing establishment, a newspaper publisher or a radio or television broadcasting station and related studios or theatres, but does not include a retail store or a professional office.
- (38) "**CARPORT**" means a covered structure used for the storage of vehicles. The roof of the said structure shall be supported by piers or columns so that more than 40 percent of its wall area adjacent to the lot line is unenclosed.
- (39) "**CAR WASH**" means a building or structure containing facilities specifically used or intended to be used for washing vehicles either by production line methods employing mechanical devices or by hand for a fee or a charge.
- (40) "**CELLAR**" - See "STOREY".
- (41) "**CEMETERY**" means land that is set apart or used as a place or the interment of the dead or in which human bodies have been buried.
- (42) "**CHURCH**" means a building owned or occupied by a religious congregation or religious organization and dedicated exclusively to worship and related religious, social and charitable activities, with or without a church hall, a church auditorium, a convent or monastery, an office of a clergyman, a cemetery, a Sunday school, a parish hall or a parsonage as uses accessory thereto.
- (43) "**CLINIC**" means a building or part thereof, other than a hospital, used by medical doctors, dentists, and/or drug-less practitioners and their staff for the purposes of consultation, diagnosis or treatment on human patients, and may include administrative offices, waiting rooms, treatment rooms, laboratories, pharmacies and dispensaries directly associated with the clinic. The area for the sale of drugs shall not exceed 475 square metres.

- (44) **"CLUB, PRIVATE"** or **"PRIVATE CLUB"** means a building or premises located on privately owned lands, operated on a non-profit basis for social, literary, cultural, political, educational or recreational purposes for the exclusive use of members and their guests and not open to the general public on any equal basis. A private club includes a fraternal organization, but does not include an assembly hall, body-rub parlour or adult entertainment parlour.
- (45) **"COMMERCIAL USE"** means a building, structure, lot, use or activity pertaining to the buying or selling of commodities or the supplying of services for remuneration, but does not include activities primarily associated with an industrial use as defined herein or primarily associated with any construction work.
- (46) **"COMMERCIAL VEHICLE"** - See "VEHICLE".
- (47) **"CONCRETE PLANT"** means an establishment involved in the manufacture and storage of concrete products, together with the storage of raw material but shall not include the portland cement.
- (48) **"COMMUNITY CENTRE"** means any tract of land, used for community activities and not used for commercial purposes, and the control of which is vested in the Municipality, a local board or agent thereof.
- (49) **"CONSERVATION"** means uses and use of land complementary to and compatible with the wise management, stewardship, protection and preservation of the natural environment, along with any of its significant biophysical features and ecological functions. Conservation may include uses such as reforestation, erosion control, fish and wildlife management, flood control, and forest management.
- (50) **"CONSERVATION AUTHORITY"** means the Conservation Authority having jurisdiction, or any successors thereto.
- (51) **"CONVENIENCE STORE"** - See "VARIETY STORE".
- (52) **"CORPORATION"** means the Corporation of the Township of Puslinch.
- (53) **"COUNCIL"** means the Municipal Council of the Corporation of the Township of Puslinch.
- (54) **"COUNTY"** means the Corporation of the County of Wellington.
- (55) **"COUNTY ROAD"** - See "STREET".
- (56) **"COVERAGE"** - See "LOT COVERAGE".
- (57) **"DAY NURSERY"** means a building or part thereof duly licensed by the Province of Ontario for use as a facility for the day-time care of children.
- (58) **"DETACHED"** means "not attached".

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- (59) **"DEVELOPMENT"** means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of materially increasing the size or useability thereof, or the laying out and establishment of a commercial parking lot.
- (60) **"DINING ROOM"** means that part of a commercial restaurant, refreshment room or other building, other than a dwelling which is used for the consumption of food or beverages by persons seated at booths, counters, tables, or a combination thereof.
- (61) **"DRIVE-IN THEATRE"** means a theatre consisting of a screen or screens and parking area where the public is able to view projected movies from a private automobile and includes accessory structure for ticket sales, concession stand, offices, projection room and washrooms.
- (62) **"DRIVEWAY"** means a vehicle access provided between a street or lane and a parking area or a loading space, or between two parking areas, but does not include a parking aisle.
- (63) **"DRY CLEANER'S DISTRIBUTION STATION"** means a building used for the purpose of receiving articles or clothing to be subjected to the process of dry cleaning, dry dyeing or cleaning elsewhere and for the pressing and/or distribution of any such articles or goods which have been subjected to any such process.
- (64) **"DRY CLEANING ESTABLISHMENT"** means a building where dry cleaning, dry dyeing, cleaning or pressing of articles of clothing is carried on, and
- (i) in which only non-inflammable solvents are or can be used which emit no odours or fumes; and
  - (ii) in which no noise or vibration causes a nuisance or inconvenience within or without the premises.
- (65) **"DWELLING"** means a building containing one or more dwelling units.
- (a) **"Single Detached Dwelling"** means a single dwelling which is freestanding, separate and detached from other main buildings or main structures, including a split level dwelling but does not include a mobile home.
  - (b) **"Single Dwelling"** means a dwelling containing not more than one dwelling unit as the sole main use thereof, with or without uses accessory thereto.
  - (c) **"Semi-Detached Dwelling"** means one of a pair of two attached single dwellings with a common masonry wall dividing the pair of single dwellings vertically, each of which has an independent entrance either directly from the outside or through a common vestibule.
  - (d) **"Duplex Dwelling"** means the whole of a dwelling that is divided horizontally into two separate dwelling units each of which has an independent entrance either directly from the outside or through a common vestibule.

- (e) **"Converted Dwelling"** means a dwelling erected prior to the date of passing of this By-Law, altered or converted so as to provide therein not more than three dwelling units.
  - (f) **"Agricultural Service Dwelling"** means a temporary dwelling to provide sleeping accommodation and sanitary facilities for seasonal farm workers and such temporary dwelling may include facilities for cooking.
  - (g) **"Multiple Dwelling"** means a dwelling containing three or more dwelling units.
  - (h) **"Split Level Dwelling"** means a dwelling in which the first floor above the finished grade is so constructed as to create two or more different levels, the vertical distance between such levels being always less than the full storey. For the purpose of this By-Law, a split level dwelling house shall be considered as a one storey dwelling house.
  - (i) **"Modular Dwelling"** means a prefabricated single detached dwelling designed to be transported once only to a final location and constructed so as the shortest side of such dwelling is not less than six metres in width.
- (66) **"DWELLING UNIT"** means a suite of habitable rooms which:
- (i) is located in a building;
  - (ii) is used or intended to be used in common by one or more persons as a single, independent and separate housekeeping establishment;
  - (iii) contains food preparation and sanitary facilities provided for the exclusive common use of the occupants thereof; and
  - (iv) has a private entrance directly from outside the building or from a common hallway or stairway inside the building.
    - (a) **"Accessory Dwelling Unit"** means a dwelling unit accessory to a permitted non-residential use.
    - (b) **"Bachelor Dwelling Unit"** means a dwelling unit consisting of a room containing sanitary facilities and not more than two other habitable rooms providing therein living, dining, sleeping and cooking accommodation.
- (67) **"DWELLING UNIT AREA"** - See "FLOOR AREA".
- (68) **"EMISSION"** means any corrosive gases, dust, fly ash, electromagnetic fields, heat, glare, odours, smoke, toxic gasses, radiation, petrochemical waste or chemical waste issuing from a building, structure or lot.
- (69) **"ERECT"** means to build, place, construct, reconstruct, relocate or alter by means of an addition, enlargement or extension, and includes any preliminary physical operation preparatory to such building, construction, reconstruction or relocation including, but not so as to limit the generality of the foregoing, excavating, filling or draining.

(a) **"Erected"** and **"Erection"** have corresponding meanings.

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(70) **"EROSION CONTROL"** means land use practices or structures necessary for the reduction or prevention of soil erosion.

(71) **"EXISTING"**, when used in reference to a use, a lot, a building or a structure, means a use, a lot, a building or a structure in existence prior to the date of passing of this By-Law, so long as it continues to be used for that purpose.

(72) **"FACTORY OUTLET"** means a building or part thereof accessory to, and clearly secondary 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.

(73) **"FAMILY"** means:

(i) a person or two or more persons interrelated by bonds of consanguinity, marriage or legal adoption, and together with not more than two persons unrelated to such persons; or

(ii) not more than five persons;

living together as a single, independent and separate housekeeping unit in one dwelling unit and for the purpose of this paragraph, the word "family" includes and shall be deemed to include gratuitous guests and bona fide servants employed as such on the premises containing the said dwelling unit.

(74) **"FARM SALES OUTLET"** means a building, structure or use accessory to a farm and engaged in the storage, handling and sale of farm produce or agricultural materials to the agricultural community or fresh farm produce to the general public.

(75) **"FINISHED GRADE"** means, when used in reference to a building or structure, the average elevation of the finished surface of the ground immediately adjoining the base of the exterior walls or supports of such building or structure, exclusive of any artificial embankment.

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(76) **"FISH AND WILDLIFE MANAGEMENT"** means the management of fish and wildlife species habitat. This may include stream enhancement, planting of browse or shelter species, nesting boxes, nesting islands, ponds, dugouts and den trees.

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(77) **"FLOOD CONTROL"** means land use practices or structures deemed necessary by the Conservation Authority for the reduction or prevention of flooding.

(78) **"FLOOR AREA"** means the area of the floor surface of a storey of part thereof.

(a) **"Dwelling Unit Area"** means the aggregate of the floor areas of all habitable rooms, hallways and lobbies within a dwelling unit, excluding the thickness of any exterior walls.

- (b) **"Gross Floor Area"** means the aggregate of the floor areas of all storeys of a building or structure, other than an attic or a cellar, excluding the floor area of any private garage.
- (c) **"Net Floor Area"** means that portion of the gross floor area of a building which is used exclusively for a non-residential use defined herein or specifically named elsewhere in this By-Law, but excluding:
  - (i) any part of such building used for any other non-residential uses which are defined herein or specifically named elsewhere in this By-Law;
  - (ii) any part of such building used as a dwelling unit, a public concourse, an elevator shaft or a common hallway or stairway not used exclusively by the said non-residential use;
  - (iii) 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;
  - (iv) any part of such building used as a lavatory, a washroom, a locker room or a cloak room; and
  - (v) the thickness of any exterior walls of such building.
- (79) **"FOOD PROCESSING PLANT"** means a building or part thereof, other than a restaurant or a refreshment room, in which agricultural products are prepared, processed, preserved, graded or stored, but does not include an abattoir or any premises used for the slaughtering of animals or the boiling of blood, tripe or bones.
- (80) **"FOREST MANAGEMENT"** means the management of forest resources for the production of a wide range of values including wood fibre production, erosion control, fish and wildlife habitat, rare species habitat, passive recreation, visual amenity, and education and research. This shall not include a permanent on-site sawmill.
- (81) **"FRONTAGE"** - See "LOT FRONTAGE".
- (82) **"FRONT YARD"** - See "YARD".
- (83) **"FUEL DEPOT"** means an establishment where petroleum, gasoline, fuel oil, gas propane or other fuels are stored in tanks for wholesale distribution or bulk sales but does not include facilities for the sale of fuels for private automobiles.
- (84) **"GARAGE, PRIVATE"** means an accessory building or structure, or a portion of a building, which is used or intended to be used for the sheltering of vehicles and in which there are no facilities for repairing or servicing such vehicles for gain or profit, and includes a carport.
- (85) **"GARDEN CENTRE"** means the use of lands, buildings or part thereof for the purpose of buying or selling lawn and garden equipment, furnishings and supplies.

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- (a) **"GARDEN SUITE"** means a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing single-detached residential unit. A garden suite is pre-built and designed to be portable, but shall not include a mobile home or tourist trailer as defined herein.
- (86) **"GAS BAR"** means one or more pumps for the sale of vehicle fuels and related products for motor vehicles, together with the necessary pump islands, light standards, kiosk, concrete aprons, canopy, storage tanks and related facilities required for the dispensing of vehicle fuels.
- (87) **"GASOLINE RETAIL OUTLET"** means an establishment where vehicle fuels and lubricants are offered for retail sale.
- (88) **"GOLF COURSE"** means a public or private area operated for the purpose of playing golf and includes a par 3 golf course and may include driving ranges, miniature courses and similar uses operated for commercial purposes.
- (89) **"GREENHOUSE, COMMERCIAL"** means a building or structure used for the growing of flowers, plants, shrubs, trees and similar vegetation which are not necessarily transplanted outdoors on the same lot containing such building or structure, but are sold directly from such lot as wholesale or retail.
- (90) **"GREENHOUSE, FARM"** means a building for the growing of plants, shrubs, trees and similar vegetation which are primarily transplanted outdoors on the same lot containing such greenhouse.
- (91) **"GROUP HOME"** means a single housekeeping unit in a residential dwelling in which three to ten persons (excluding supervisory staff or receiving family) live as a family under responsible supervision consistent with the particular needs of its residents. The home is licensed or approved under provincial statutes and in compliance with municipal by-laws.
- (92) **"GUEST ROOM"** means a room or suite of rooms in a hotel or motel wherein accommodation, with or without meals, is provided for gain or profit to one or more persons.
- (93) **"HABITABLE ROOM"** means a room which:
- (i) is located within a dwelling unit;
  - (ii) is designed for living, sleeping or eating or for sanitary purposes;
  - (iii) can be used at all times throughout the year; and
  - (iv) is not located within a cellar;
- but does not include any room specifically defined herein as a non-habitable room.
- (a) **"Non-Habitable Room"** means any room located within a dwelling unit but that is not a habitable room, including, but not so as to limit the

generality of the foregoing, a laundry room, a pantry, a lobby, a corridor, a stairway, a closet, a sunroom, a verandah, a recreation room, a porch, a balcony, a private garage, an unfinished attic, a cellar, a boiler room and any space used for the service and maintenance of such dwelling or for vertical travel between storeys.

- (94) **"HEIGHT"** or **"BUILDING HEIGHT"**, when used in reference to a building or structure, means the vertical dimension between the finished grade of such building or structure and:
- (i) in the case of a flat roof, the highest point of the roof surface or parapet wall;
  - (ii) in the case of a mansard roof, the deck line;
  - (iii) in the case of a gabled, hip, gambrel or one slope roof, the average level between eaves and ridge, except that a one-slope roof having a slope of less than 20 degrees from the horizontal shall be considered a flat roof for the purposes of this By-Law;
  - (iv) in the case of a structure not having a roof, the top part of such structure; or
  - (v) where a combustible exterior wall extends above the top of the roof of a building, the topmost part of such exterior wall.
- (95) **"HEREAFTER"** means "after the date of the passing of this By-Law".
- (96) **"HEREIN"** means "anywhere in this By-Law".
- (97) **"HEREOF"** and **"HERETO"** mean "of this By-Law" and "to this By-Law", respectively.
- (98) **"HERITAGE BUILDING"** means a building designated under Part IV of The Ontario Heritage Act.
- (99) **"HIGHWAY"**, **"STREET"** or **"ROAD"** means a public way for purposes of vehicular and pedestrian travel, including the entire area within the right-of-way, with or without provision made for curbs, sidewalks, and paved gutters, and owned or maintained by a public authority.
- (100) **"HOME FOR THE AGED"** means a home for the aged within the meaning of the Homes For The Aged and Rest Homes Act, R.S.O. 1980.
- (101) **"HOME OCCUPATION"** means an occupation or business conducted for gain or profit as an accessory use within, or on the same lot as, a permitted dwelling or dwelling unit by one or more persons residing therein.
- (102) **"HOSPITAL, PRIVATE"** means a hospital as defined in The Private Hospitals Act (R.S.O. 1980), Chapter 389, as amended from time to time, or a sanatorium as defined in The Private Sanatoria Act (R.S.O. 1980), Chapter 391, as amended from time to time.
- (103) **"HOSPITAL, PUBLIC"** means a hospital as defined in The Public Hospitals Act (R.S.O.

1980), Chapter 410, as amended from time to time.

(104) **"HOTEL"** - See "MOTEL".

- (105) **"INDUSTRIAL USE"** means a building, structure, lot or activity pertaining to:
- (i) the manufacturing, assembling, making, producing, preparing, inspecting, grading, ornamenting, finishing, treating, cleaning, washing, altering, repairing, restoring, processing, polishing, refinishing, packing, adapting for sale, warehousing, storing, breaking up or demolishing of goods, substances, articles or things or any part or parts thereof; or
  - (ii) the production or storage of building or construction equipment or materials; but does not include activities primarily associated with either a commercial use or an automotive use as defined herein or with the supplying of personal services.
- (106) **"INSTITUTIONAL"** means the use of land, buildings or structures for religious, charitable, educational, health or welfare purposes, and includes churches, places of worship, public or private schools and nursery schools.
- (107) **"INTERIOR SIDE YARD"** - See "YARD".
- (108) **"KENNEL"** means an establishment where dogs and/or cats are housed, groomed, bred, boarded, trained or sold and which is licensed by the Corporation under The Municipal Act.
- (109) **"LANDSCAPED OPEN SPACE"** means an open area of land which is:
- (i) unoccupied by any building or structure;
  - (ii) situated at ground level on a lot; and
  - (iii) used or intended to be used for the growth and maintenance of grass, flowers, shrubs, bushes, trees and other vegetation, and for the provision of other landscaping features including, but not necessarily restricted to, planting strips, facilities for outdoor recreation, play areas, surfaced walks and patios;
- but does include any part of a driveway or parking area, regardless of surface composition, or any roof-top terrace, balcony, swimming pool or space enclosed within a building.
- (110) **"LANE"** means a walkway, emergency access or any other passageway or right-of-way, open from ground to sky, not constituting a street but laid down upon a registered plan and dedicated to public use, or legally dedicated as a right-of-way for use in common by adjacent land owners.
- (111) **"LAUNDROMAT"** means a self-serve clothes washing establishment containing one or more washers and drying, ironing, finishing or other incidental equipment.
- (112) **"LEGAL"** or **"LAWFUL"**, when used in reference to a use, a lot, a building or a structure, means a use, a lot, a building or a structure allowed by law, which complies with any and all restrictions lawfully imposed by the Corporation or by any governmental authority having jurisdiction to make such restrictions or regulations.

- (a) **"Legally"** or **"Lawfully"** have corresponding meanings.
- (113) **"LEGAL SIGN"** - See "SIGN".
- (114) **"LIBRARY, PUBLIC"** means a library, branch library or distributing station under The Public Libraries Act, R.S.O. 1980, Chapter 414, as amended from time to time, or any successor thereto.
- (115) **"LOADING SPACE"** means an off-street space or berth located on the same lot as a permitted use and used for the parking of a commercial vehicle loading or unloading merchandise or materials pertinent to such permitted use.
- (116) **"LOT"** means a parcel of land described in a deed or other document legally capable of conveying land or shown as a lot or block on a registered plan of subdivision other than a registered plan of subdivision which has been deemed not to be a registered plan of subdivision by a by-law passed pursuant to Section 49 of the Planning Act, as amended from time to time, or any successors thereto.
- (117) **"LOT AREA"** means the total horizontal area within the lot lines of a lot.
- (118) **"LOT COVERAGE"** means that percentage of the lot area of a lot covered by the perpendicular projections onto a horizontal plane of the floor areas of all buildings or mobile homes on the lot, excluding balconies, canopies and overhanging eaves which are 2 metres or more in height above finished grade.
- (119) **"LOT DEPTH"** means:
- (i) the shortest horizontal distance between the rear lot line and the front lot line of a lot, where such lot lines are parallel;
  - (ii) the average horizontal distance between the rear lot line and the mid-point of the front lot line of a lot, where such lot lines are not parallel; or
  - (iii) the horizontal distance between the mid-point of the front lot line and the point of intersection of the side lot lines of a lot, where there is not a rear lot line.
- (120) **"LOT FRONTAGE"** means the horizontal distance between the side lot lines of a lot, such distance being measured along a line which is parallel to the front lot line of the lot at the minimum front yard depth required hereby on such lot.
- (121) **"LOT LINE"** means any boundary of a lot or the vertical projection thereof.
- (a) **"Front Lot Line"** means:
- (i) in the case of an interior lot, the street line of the lot;
  - (ii) in the case of a corner lot, either street line of the lot, whereas the other street line shall be deemed an exterior side lot line; or

- (iii) in the case of a through lot, either street line of the lot, whereas the other street line shall be deemed a rear lot line.
  - (b) **"Rear Lot Line"** means, in the case of a lot having four or more lot lines, the lot line farthest from and opposite to the front lot line, except that where a lot has less than four lot lines there shall be deemed to be no rear lot line.
  - (c) **"Side Lot Line"** means a lot line other than a front or rear lot line.
  - (d) **"Exterior Side Lot Line"** means a side lot line that is also a street line.
  - (e) **"Interior Side Lot Line"** means a side lot line other than an exterior side lot line.
  - (f) **"Interior Lot Line"** means a lot line other than a street line.
- (122) **"MAIN"**, when used to describe a use, a building or a structure, means a use or structure which constitutes, or a building in which is conducted, a principal use of the lot on which such use, building or structure is located.
- (123) **"MARINA"** means an establishment located on the shore of a body of water which provides docking or mooring space or structures for all types of marine pleasure craft and may include electricity, water and sewer services for these craft as well as fueling facilities; such an establishment may also include those services and structures related to in-water and dry storage of marine pleasure craft and the sale, service and repair of such craft and commercial functions related to the boating public which are accessory and subordinate to the use of the site as a boating facility.
- (124) **"MERCHANDISE SERVICE SHOP"** means a building or part thereof wherein articles or goods, other than vehicles or industrial toolage, are repaired or services, or where replacement parts for such articles or goods are offered for sale.
- (125) **"MOBILE HOME"** means a trailer capable of being used in like manner as a single detached dwelling for the permanent accommodation of one or more persons, notwithstanding that the running gear of such trailer is or may be removed, or that such trailer is or may be fixed on a finished and permanent foundation or has become in any other manner so adapted and affixed to the land upon which it is situated that it is, or has become, an immobile and permanent structure, and includes any mobile home as defined in Section 45(1) (a) of the Planning Act, 1983, as amended from time to time, or any successors thereto.
- (126) **"MOBILE HOME LOT"** means an area of land within a mobile home park which is used as the site of, and pertains to, not more than one mobile home.
- (127) **"MOBILE HOME PARK"** means a lot containing two or more mobile home lots, with or without any building, structures or uses accessory thereto.
- (128) **"MOTEL"** means a building, a part of a building or a group of buildings used for the purpose of providing accommodation, with or without food or other refreshments, to the travelling public, including, but not so as to limit the generality of the foregoing, a motor court, auto court, motor hotel, tourist home and any hotel as defined in The Hotel

- Registration of Guests Act (R.S.O. 1980), Chapter 208, as amended from time to time, or any successors thereto.
- (129) **"MUNICIPAL"**, when used in reference to a lot, a building or a structure, means a lot, a building or a structure owned, occupied and used by the Corporation or any department, board, commission or agency thereof.
- (130) **"MUNICIPAL DRAIN"** means a drainage works as defined by The Drainage Act, R.S.O. 1980, as amended from time to time.
- (131) **"NON-CONFORMING"**, when used in reference to a use, a lot a building or a structure, means a use, a lot, a building or a structure which does not conform to one or more of the provisions of this By-Law or is not permitted hereby.
- (132) **"NURSERY"** means the use of land, buildings or structures or part thereof where trees, shrubs or plants are grown or stored for the purpose of transplanting, for use as stocks for building or grafting or for the purpose of retail or wholesale, together with the sale of soil, planting materials, fertilizers and similar materials.
- (133) **"NURSING HOME"** means a building wherein lodging, meals, personal care, nursing services, and medical care and treatment are provided for gain or profit or as a charitable public service and includes a rest home or a convalescent home, but does not include a hotel, motel or hospital as defined herein.
- (134) **"OPEN STORAGE"** means the storage of goods and materials, or the display and sale of goods and materials, including vehicles for hire or sale, outside a building as defined herein.
- (135) **"OPEN STORAGE AREA"** means an area of land used for open storage purposes.
- (136) **"PARK"** means an area of land, consisting primarily of landscaped open space, used primarily for active or passive recreational purposes or as a conservation area, with or without related recreational buildings, structures or facilities including, but not necessarily restricted to, a recreational playground, a golf course, a driving range, a play area, a bandstand, a skating rink, a horticultural greenhouse, a bowling green, a tennis or badminton court, a play field, a running track, a swimming area, a wading pool, a boating pond or lake, a watercourse, a campground, a refreshment booth, a picnic area, or an auditorium or place of assembly.
- (a) **"Public Park"** means a park owned or controlled by a public agency.
- (b) **"Private Park"** means a park other than a public park, regardless of whether or not such park is maintained or operated for gain or profit, but does not include an amusement park.
- (c) **"Amusement Park"** means an establishment other than a public or private park, regardless of whether or not it is maintained or operated for gain or profit, where rides, games of chance and the sale of food, beverages, toys and souvenirs constitute the main uses.

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- (137) **"PARKING AISLE"** means a portion of a parking area which abuts, on one or more sides, parking spaces to which it provides access, and which is not used for the parking of vehicles.
- (138) **"PARKING AREA"** means an area or structure, including a private garage, provided for the parking of vehicles, and includes any related parking aisles, parking spaces and structures, but does not include any part of a street or lane.
- (139) **"PARKING LOT"** means a lot which contains, and the main use of which is, a parking area, whether or not such parking area is located within a structure.
- (140) **"PARKING SPACE"** means a portion of a parking area, exclusive of any aisles, to be used for the parking or temporary storage of a motor vehicle.
- (141) **"PASSIVE RECREATIONAL"** means a non-intensive activity or use of land carried out for recreational purposes which does not require the construction of buildings or the alteration of soil or topography and includes open space and natural areas. Passive Recreational uses may include nature interpretation, hiking, cross-country skiing, fishing and hunting.
- (142) **"PERMITTED"** means "permitted by this By-Law".
- (143) **"PERSON"** means any human being, association, firm, partnership, corporation, agent or trustee, and the heirs, executors or other legal representatives of a person at law.
- (144) **"PERSONAL SERVICE SHOP"** means a building or part thereof wherein a personal service is performed, including, but not necessarily restricted to a barber shop, a beauty salon, a shoe repair shop, a dry cleaning establishment, a tailor, a laundromat, and a photographic studio, but does not include an undertaker's establishment or a massage or body-rub parlour or any adult entertainment parlour as defined in The Municipal Act (R.S.O. 1980), Chapter 284, as amended.
- (145) **"PIT"** means a place where unconsolidated gravel, stone, sand, earth, clay, fill, mineral or other material is being or has been removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes, but does not include a wayside pit.
- (146) **"PLACE OF ENTERTAINMENT"** means a motion picture or other theatre, arena, auditorium, public hall, billiard or pool room, bowling alley, ice or roller skating rink, dance hall or music hall; but does not include any place of entertainment or amusement otherwise defined or classified herein.
- (147) **"PLANTING STRIP"** means an area of landscaped open space located immediately adjacent to a lot line or portion thereof and on which is situated one or more of the following screening devices:
- (i) a continuous row of trees;
  - (ii) a continuous hedgerow of evergreens or shrubs;
  - (iii) a berm;
  - (iv) a wall; or
  - (v) an opaque fence;

arranged in such a way as to form a dense or opaque screen.

- (148) **"PORCH"** or **"VERANDAH"** means a partially enclosed stoop having a roof but lacking any enclosing walls greater than 1.5 metres in height from the top of the platform of the said stoop.
- (149) **"PRIVATE"** means "not public".
- (150) **"PRIVATE CLUB"** - See CLUB, PRIVATE".
- (151) **"PRIVATE GARAGE"** - See "GARAGE, PRIVATE".
- (152) **"PROFESSIONAL OFFICE"** means a building or part thereof in which a legal, medical or other personal professional service is performed or consultation given, including, but not necessarily restricted to a clinic and the offices of a lawyer, an architect, a surveyor, an engineer or a chartered accountant, but does not include a personal service shop, a business office, a veterinarian's clinic, a body-rub parlour or any adult entertainment parlour as defined in The Municipal Act (R.S.O. 1980, Chapter 302, as amended).
- (153) **"PUBLIC"**, when used in reference to a building, structure, use or lot, means a building, structure, use or lot used by a public agency to provide a service to the public.
- (154) **"PUBLIC AGENCY"** means:
- (i) the Government of Canada, the Government of Ontario, or any municipal corporation;
  - (ii) any ministry, department, commission, corporation, authority, board or other agency established from time to time by the Government of Canada, the Government of Ontario, or any municipal corporation;
  - (iii) any public utility; or
  - (iv) any railway company authorized under The Railway Act, R.S.O. 1970, Chapter 334, as amended from time to time, or any successors thereto.
- (155) **"PUBLIC UTILITY"** means:
- (i) any agency, board or commission providing electricity, gas, steam, water, telegraph, telephone, cable television, transportation, drainage or sewage services to the public; or
  - (ii) a use pertaining to any such agency, board or commission.
- (156) **"QUARRY"** means a place where consolidated rock has been or is being removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes, but does not include a wayside quarry or open pit metal mine.
- (157) **"REAR LOT LINE"** - See "LOT LINE".

- (158) **"REAR YARD"** - See "YARD".
- (159) **"REDEVELOPMENT"** means the removal of buildings or structures from land and the construction or erection of other buildings or structures thereupon.
- (160) **"REFRESHMENT ROOM"** means a building or part thereof in which alcoholic or non-alcoholic beverages, with or without related snacks or refreshments other than full meals, are offered or kept for retail sale to the public for immediate consumption therein.
- (161) **"REQUIRED"** means "required by this By-Law".
- (162) **"RESIDENTIAL"**, when used in reference to a building, structure or use, means any dwelling or mobile home as defined herein or any accessory building, structure or use exclusively devoted thereto.
- (a) **"Non-Residential"**, when used in reference to a building, structure or use, means a building, structure or use other than a residential building, structure or use.
- (b) **"Residential Lot"** means a lot containing a residential use.
- (163) **"RESTAURANT"** means a building or part thereof where food is prepared and offered for retail sale to the public for immediate consumption either on or off the premises, but does not include a refreshment room or any building or part thereof where pre-packed foods or beverages requiring no further preparation before consumption are offered for sale.
- (164) **"RETAIL STORE"** means a building or a structure, or part thereof, in which goods, wares, merchandise, substances, foodstuffs, farm produce, articles or things are stored, offered or kept for retail sale to the public, and includes the business premises of an auctioneer, where such premises are used for the sale of merchandise by auction, and also includes any automotive use except as specifically prohibited by this By-Law.
- (165) **"RETAIL LUMBER AND BUILDING SUPPLY YARD"** means a lot, building, structure or part thereof, the primary use of which is the storage and retail sale of timber which has been sawn or split for use, with or without related building materials and supplies.
- (166) **"SALVAGE YARD"** means a lot, building or structure used for wrecking, dismantling, storing or selling used goods, wares or materials including, but not so as to limit the generality of the foregoing, rags, bones, bottles, metals, clothing, furniture, paper, machinery, building materials and vehicles and parts thereof.
- (167) **"SCHOOL"** means a school under the jurisdiction of a Board as defined in The Education Act, R.S.O. 1980, Chapter 129, a college, a university or any other educational establishment including, but not necessarily restricted to a nursery school or a boarding school having accessory dormitory facilities.
- (a) **"Public School"** means a school under the jurisdiction of a public agency.

- (b) **"Private School"** means a school, other than a public school or a commercial school, under the jurisdiction of a private non-profit board of trustees or governors, a religious organization or a charitable institution.
- (c) **"Commercial School"** means a school operated by one or more persons for gain or profit.  
added by By-law 36/89 as amended by OMB Order dated May 13, 1991.
- (168) (a) **"SEASONAL RECREATIONAL TRAILER"** means a trailer or mobile home used for seasonal recreational occupancy, but not used for permanent habitation and not supplied with the full complement of available services. Seasonal recreational occupancy, for the purposes of this definition, does not include the winter season and more specifically, means the use is prohibited during the time period of November 1st to April 1st inclusive.
- (169) **"SERVICE TRADE"** means an establishment, other than an automotive use, that provides a non-personal service or craft to the public, including, but not necessarily restricted to, a printer's shop, a plumber's shop, a tinsmith's shop, a painter's shop, a carpenter's shop, an electrician's shop, a welding shop, a blacksmith's shop, a merchandise service shop, a battery storage and recharging shop, a well driller's establishment, a furrier's shop, an upholsterer's shop, a bakery, a dairy, a catering establishment, an egg grading station, a machine shop, or a monument engraving shop.
- (170) **"SETBACK"** means the shortest horizontal distance between the centre point of a street adjacent to a lot and the nearest part of any building, structure, excavation or open storage on such lot.
- (171) **"SHOPPING CENTRE"** means one or more buildings, or part thereof exceeding 4,000 square metres containing a group of separate permitted commercial uses, which is maintained as a single comprehensive unit and located on a single lot, such lot being held and maintained under one ownership or under condominium ownership pursuant to The Condominium Act (R.S.O. 1980), as amended from time to time, or any successors thereto.
- (172) **"SIDE LOT LINE"** - See "LOT LINE".
- (173) **"SIDE YARD"** - See "YARD".
- (174) **"SIGHT TRIANGLE"** means the triangular space formed by the intersecting lot lines, at least one of which is also a street line, of a lot located at an intersection of two or more streets or at an intersection at grade of a street and a railway right-of-way, and a line drawn from a point in one such lot line to a point in the other lot line, each such point being a specified distance from the point of intersection of such lot lines measured along the said lot lines, provided that where the said lot lines do not intersect at a point, the point of intersection thereof shall be deemed to be the intersection of the projected tangents thereto, drawn through the extremities of the interior lot lines.
- (175) **"SIGN"** means a name, identification, description, device, display or illustration which is affixed to, or represented directly or indirectly upon, a building, structure or lot and which

directs attention to an object, product, place, activity, person, institute, organization or business

- (a) **"Legal Sign"** means a sign conforming to any by-laws of the Corporation regulating signs.
- (176) **"SITE PLAN CONTROL BY-LAW"** means any by-law of the Corporation passed pursuant to Section 40 of the Planning Act, as amended from time to time, or any successors thereto.
- (a) **"Site Plan Control Area"** means an area of land designated by a Site Plan Control By-Law as a site plan control area pursuant to Section 40 of the Planning Act, as amended from time to time, or any successors thereto.
  - (b) **"Site Plan Agreement"** or **"Development Agreement"** means any agreement entered into by an owner of land and the Corporation pursuant to a Site Plan Control By-Law.
- (177) **"STOREY"** means a horizontal division of a building from a floor to the ceiling directly above such floor, and includes an attic, a basement or a cellar as defined herein, but does not include any mezzanine, gallery, balcony or other overhang the floor area of which does not exceed 40 per cent of the least dimension of the room in which the said overhang is located.
- (a) **"First Storey"** or **"Ground Floor"** means the storey having its floor level closest to finished grade and its ceiling at least two metres above finished grade.
  - (b) **"Second Storey"** or **"Second Floor"** means the storey directly above the first storey.
  - (c) **"Attic"** means the topmost usable storey of a building, situated wholly or partly within a roof, where at least 50 per cent, but not more than 66 per cent of such storey is greater than two metres in height.
  - (d) **"Basement"** means any storey below the first storey.
  - (e) **"Cellar"** means that portion of a basement which is more than 60 per cent below finished grade, measured from finished floor to finished ceiling.
- (178) **"STREET"** means a public highway or public road under the jurisdiction of either the Corporation, the County or the Province of Ontario, and includes any highway as defined in The Municipal Act (R.S.O.1980), Chapter 302, but does not include a lane or private right-of-way.
- (a) **"Street Allowance"** means land held under public ownership for the purpose of providing a street.
  - (b) **"Highway"** means a street under the jurisdiction of the Province of Ontario.

- (c) **"County Road"** means a street under the jurisdiction of the County.
  - (d) **"Township Road"** means any street under the jurisdiction of the Township.
  - (e) **"Improved Street"** means a Highway, a County Road or a Township Road.
- (179) **"STREET LINE"** means a lot line dividing a lot from a street and is the limit of the street allowance.
- (180) **"STREET WIDTH"** means the horizontal distance between the street lines of a street, measured along a line perpendicular to the said street lines.
- (181) **"STRUCTURE"** means anything constructed or erected, the use of which requires location on or in the ground, or attached to something located on or in the ground, but does not include the permanent way of a railway or any paved surface located directly on the ground.
- (182) **"SUN DECK"** means a roofless, unenclosed structure, accessory to a dwelling, consisting of a platform raised above finished grade, with or without steps.
- (183) **"TOURIST ESTABLISHMENT"** means any premises operated to provide sleeping accommodation for the travelling public or sleeping accommodation for the use of the public engaging in recreational activities, and includes the services and facilities in connection with which sleeping accommodation is provided, and without limiting the generality of the term, also includes a cabin establishment, a tourist home, a tourist cottage and a housekeeping cottage but does not include:
- (i) a camp operated by a charitable corporation approved under The Charitable Institutions Act, R.S.O. 1980, Chapter 64;
  - (ii) a recreation camp within the meaning of the regulations under The Health Protection and Promotion Act, 1983; or
  - (iii) a club owned by its members and operated without profit or gain.
- (184) **"TOURIST HOME"** means a private dwelling in which there are up to five rooms for rent to the travelling or vacationing public, whether rented regularly, seasonally or occasionally and may include the provision of meals.
- (185) **"TRAILER"** means any vehicle designed to be towed by another vehicle other than a farm implement.
- (a) **"Tourist Trailer"** means a trailer capable of being used for the temporary living, sleeping or eating accommodation of one or more persons, notwithstanding that the running gear of such trailer is or may be removed, or that such trailer is fixed on a finished and permanent foundation or has become in any other manner so adapted and affixed to the land upon which it is situated that it is, or has become, an immobile and permanent structure.

- (186) **"TRANSPORT TERMINAL"** means a building or place where trucks or transports are rented, leased, loaded or unloaded, kept for hire or stored or parked for remuneration or from which trucks or transports are dispatched as common carriers or where goods are stored temporarily for further shipment.

- (187) **"TRAVEL TRAILER PARK"** means a parcel of land providing overnight or short-term accommodation for travel trailers, tourist trailers, recreational vehicles, campers or tent trailers. The trailers may be parked or stored at the travel trailer park from season to season. No travel trailer park may be used for permanent accommodation except for one unit occupied by the owner or the caretaker.
- (188) **"UNDERTAKER'S ESTABLISHMENT"** means a building or part thereof wherein dead human bodies are preserved or otherwise prepared for interment.
- (189) **"USE"** means:
- (i) when used as a noun, the purpose for which a lot, building or structure, or any combination or part thereof, is designed, arranged, occupied or maintained; or
  - (ii) when used as a verb, to put to such purpose.
- (190) **"VARIETY STORE"** means a retail store having a net floor area of not more than 300 square metres wherein various convenience goods and items of day-to-day use or necessity including, but not so as to limit the generality of the foregoing, food, beverages, pharmaceutical drugs, tobacco products and periodicals, are kept and offered for retail sale primarily to residents of the immediate neighbourhood or to the travelling public and includes the heating of food by means of microwave only but does not include body-rub parlours or adult entertainment parlours, pinball machines and similar entertainment devices.
- (191) **"VEHICLE"** means a passenger automobile or other motor vehicle, a boat, a farm implement, a mobile home, a motor home, a snowmobile, a trailer, or any other device which is capable of being drawn, propelled or driven by any kind of power, and includes a commercial vehicle as defined herein, but does not include a bicycle or any other device, other than a boat, powered solely by means of human effort.
- (a) **"Commercial Vehicle"** means a vehicle licensed by the Province of Ontario:
- (i) as a public vehicle pursuant to the provisions of The Public Vehicles Act (R.S.O. 1980), Chapter 425, as amended from time to time, or any successors thereto; or
  - (ii) as a public commercial vehicle, pursuant to the provisions of The Public Commercial Vehicles Act (R.S.O. 1980), Chapter 407, as amended from time to time, or any successors thereto.
- (192) **"VEHICLE REPAIR SHOP"** means an establishment or part thereof which contains facilities for the repair and maintenance of vehicles on the premises and in which vehicle accessories are sold and vehicle maintenance and repair operations, including the repairing or painting of vehicle bodies and the servicing of farm implements and related equipment, are performed in return for remuneration, but does not include a body shop, wherein the repairing or painting of vehicle bodies constitutes the primary activity, or any establishment engaged in the retail sale of vehicle fuels.

- (193) **"VEHICLE SALES OR RENTAL ESTABLISHMENT"** means an establishment engaged primarily in the sale, rental or leasing of vehicles and vehicle accessories, with or without an accessory vehicle repair shop or an accessory gasoline retail outlet, and includes an establishment engaged in the sale of farm implements and related equipment.
- (194) **"VETERINARIAN'S CLINIC"** means a building or part thereof with or without related structures, wherein animals of all kinds are treated or kept for treatment by a registered veterinarian.
- (195) **"WAREHOUSE"** means a building or part of a building used for the storage and distribution of goods, merchandise, substances, or materials, and may include facilities for a wholesale commercial outlet, but shall not include a transport terminal.
- (196) **"WATERCOURSE"** means the natural or altered channel for a stream or water body and for the purpose of this By-law, includes the channel for intermittent streams. Isolated farm or recreational ponds, without an inlet or outlet stream, are excluded from this definition.
- (197) **"WATER SYSTEM, PUBLIC"** means a water distribution system consisting of piping, pumping and purification appurtenances and related storage, owned and operated by the Corporation, another municipality or the Ministry of the Environment.
- (198) **"WAYSIDE PIT"** or **"WAYSIDE QUARRY"** means a temporary pit or quarry opened and used by a public road authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.
- (199) **"YARD"** means an area of land which:
- (i) is appurtenant to, and located on the same lot as, a building, structure or excavation; and
  - (ii) is open, uncovered and unoccupied from the ground to the sky, except for such accessory buildings, structures or other uses as are specifically permitted thereon elsewhere in this By-Law.
    - (a) **"Front Yard"** means a yard extending across the full width of a lot between the front lot line of such lot and the nearest part of any building, structure or excavation on such lot.
    - (b) **"Front Yard Depth"** means the shortest horizontal dimension of a front yard between the front lot line of a lot and the nearest part of any building, structure or excavation on such lot.
    - (c) **"Rear Yard"** means a yard extending across the full width of a lot between the rear lot line of such lot, or, where there is no rear lot line, the junction point of the side lot lines, and the nearest part of any building, structure or excavation on such lot.

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- (d) **"Rear Yard Depth"** means the shortest horizontal dimension of a rear yard between the rear lot line of a lot, or, where there is no rear lot line, the junction point of the side lot lines, and the nearest part of any building, structure or excavation on such lot.
  - (e) **"Side Yard"** means a yard extending from the front yard to the rear yard of a lot and from the side lot line of such lot to the nearest part of any building, structure or excavation on such lot.
  - (f) **"Side Yard Width"** means the shortest horizontal dimension of a side yard between the side lot line of a lot and the nearest part of any building, structure or excavation on such lot.
  - (g) **"Exterior Side Yard"** means a side yard immediately adjoining a street or abutting a reserve on the opposite side of which is located a street.
  - (h) **"Interior Side Yard"** means a side yard other than an exterior side yard.
    - (i) **"Required Yard"** means that part of a yard which:
      - (ii) is located adjacent to a lot line;
      - (iii) has the minimum front yard depth, rear yard depth or side yard depth required hereby or is situated closer to a street than the setback required therefrom; and
      - (iv) does not contain or include any buildings, structures or excavations except where this By-Law specifically provides otherwise.
- (200) **"ZONE"** means a designated area of land use shown on Schedule 'A' hereto.
- (201) **"ZONED AREA"** means all those lands lying within the corporate limits of the Township of Puslinch.
- (202) **"ZONING ADMINISTRATOR"** means the officer or employee of the Corporation charged with the duty of enforcing the provisions of this By-Law.

## **SECTION 3 – General Provisions**

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### **(1) ACCESSORY USES**

#### **(a) ACCESSORY USES PERMITTED IN ALL ZONES**

Where this By-Law permits a lot to be used or a building or structure to be erected or used for a purpose, that purpose shall include any building, structure or use accessory thereto, except that no home occupation or accessory dwelling unit shall be permitted in any zone other than a zone in which such a use is specifically listed as a permitted use.

#### **(b) LOT COVERAGE**

The total lot coverage of all accessory buildings or structures on a lot shall not exceed five per cent of the lot area of the said lot.

#### **(c) HEIGHT RESTRICTIONS**

No accessory building or structure in any zone shall exceed five metres in height.

#### **(d) YARD REQUIREMENTS**

Any accessory building or structure shall comply with the zone requirements and all other provisions hereof applicable to the zone in which such accessory building or structure is located, except that nothing in this By-Law shall apply to prevent the erection of:

- (i) a building or structure accessory to a single dwelling, anywhere in an interior side yard or a rear yard, provided that such accessory building or structure is not located closer than two metres to any lot line;
- (ii) a gatehouse, anywhere in a front yard or exterior side yard in an Industrial Zone;
- (iii) a partially enclosed shelter for use by children while waiting for a school bus, anywhere in a front yard or exterior side yard in an Agricultural Zone;
- (iv) a swimming pool, in accordance with the provisions of Subsection 3(20) of this By-Law; or
- (v) a boat house or boat dock at the edge of a watercourse.

### **(2) ACCESS REGULATIONS**

No person shall hereafter erect any main building or structure on any lot in any zone unless such lot abuts an improved street or a reserve on the opposite side of which is located an improved street, and unless the Province, the County, or the Corporation has issued an entrance permit or otherwise granted permission to provide access for vehicular traffic from such lot to the said improved street, except that this provision shall

not apply to a lot located on a plan of subdivision registered subsequent to the date of the passing of this By-Law.

### **(3) BUILDING ADDITIONS**

Where the erection of one or more additional storeys is proposed on a building and where the existing yards appurtenant to such building would not conform to the requirements of this By-Law subsequent to such erection, no such erection shall be permitted except where:

- (a) the addition is located so as to comply with the yard requirements of this By-Law at the level of the base of such addition; and
- (b) the addition complies in all other respects with the provisions of this By-Law.

### **(4) BUILDING MATERIALS PROHIBITED**

None of the following building materials shall be used for the exterior vertical facing on any wall of any building or structure within the zoned area:

- (a) building paper; tar paper; unfinished or untreated chipboard; poplar plywood; and
- (b) except in the base of a non-residential building or structure in an Agricultural or Industrial Zone, plain corrugated iron and unfinished galvanized sheet metal.

### **(5) DWELLING UNITS**

#### **(a) LOCATION WITHIN NON-RESIDENTIAL BUILDINGS**

Where a dwelling unit is located within or attached to a non-residential building, such building and dwelling unit shall comply with the yard requirements of this By-Law which apply to the said non-residential building provided that any wall containing a window of a habitable room shall be located not less than two metres from any side lot line.

#### **(b) LOCATION ABOVE PRIVATE GARAGE OR WITH AUTOMOTIVE USE**

No dwelling unit shall be located in its entirety above a private garage, except where such private garage is located within a basement or cellar of a dwelling, or within the same building as an automotive use.

#### **(c) LOCATION WITHIN BASEMENT OR CELLAR**

- (i) No dwelling unit shall be located in its entirety within a basement.
- (ii) No part of any dwelling unit shall be located within a basement of a non-residential building.
- (iii) No habitable room shall be located within a cellar.

(d) **RAILWAY BUFFER**

Where a dwelling is located on a lot adjacent to a railway right-of-way, such dwelling shall be located not closer than 30 metres to the said right-of-way and shall be separated therefrom by a planting strip.

(e) **DWELLING UNIT AREA (MINIMAL)**

- (i) A dwelling unit constituting a single dwelling - 90 square metres.
- (ii) Any other dwelling unit - 40 square metres for a bachelor dwelling unit plus an additional 10 square metres for each bedroom.

(f) **DWELLING UNITS PER LOT (MAXIMUM)**

One only, except:

- (i) in the case of a lot which contained more than one dwelling unit on the date of passing of this By-Law, in which case the maximum number of dwelling units permitted on such lot shall be the number of existing dwelling units on the said lot; and
- (ii) in a zone where more than one dwelling unit is specifically permitted hereby.

**(6) GRADING**

(a) **EXCAVATIONS**

No person shall make any excavations or remove any topsoil, earth, sand or gravel from any lot, in conjunction with any construction work, unless the written permission of the Building Inspector or a building permit with respect to such construction work has first been obtained, and except in accordance with any requirements of the Corporation with respect to retention of topsoil, grading and finished elevations.

(b) **DUMPING**

Unless such activity is accessory to a permitted use, no person shall dump or otherwise deposit or store any topsoil, earth, sand, gravel or fill on any lot unless written permission has first been obtained from the Building Inspector. This provision does not apply to any dumping which is accessory to a permitted use.

(c) **EXEMPTION FOR AGRICULTURAL USES**

Nothing in this Subsection shall apply to restrict any activity normally associated with a permitted agricultural use, except in the case of construction work for which a building permit is required in accordance with the Ontario Building Code.

## **(7) GROUP HOMES**

Notwithstanding any other provisions of this By-Law to the contrary, a Group Home may be permitted in any single dwelling unit provided there is no Group Home or similar facility within ten kilometres of the proposed facility and the dwelling unit must have 20 square metres per person residing within the unit. Group Homes must be registered with the municipality as per Section 236 of The Municipal Act, R.S.O. 1980, Chapter 302.

## **(8) HEIGHT RESTRICTIONS**

Unless otherwise specifically provided elsewhere herein, no building or structure anywhere within the zoned area shall exceed ten metres in height, except that neither this provision nor any other provision of this By-Law shall apply to restrict the height of any of the following structures:

- (a) an antenna;
- (b) a barn;
- (c) grain elevators and storage;
- (d) grain dryers;
- (e) belfry;
- (f) a chimney;
- (g) a church spire;
- (h) a clock tower;
- (i) an elevator or stairway penthouse;
- (j) a flag pole;
- (k) a hydro-electric transmission tower;
- (l) an ornamental structure;
- (m) a radio antenna;
- (n) a silo;
- (o) a steeple;
- (p) a structure containing heating, cooling or other mechanized equipment pertaining to a building;
- (q) a tower;
- (r) a water tower;
- (s) a windmill: or
- (t) a crushing, washing, screening, processing or asphalt plant.

## **(9) HOME OCCUPATIONS**

No home occupation shall be permitted anywhere within the zoned area except in accordance with the following provisions:

- (a) A home occupation shall be accessory to a single dwelling occupied by the owner or tenant thereof as his principal residence and located within a zone in which a home occupation is specifically listed as a permitted use.
- (b) At no time shall any home occupation employ more than one person who does not reside in the dwelling to which such home occupation is accessory.

- (c) Not more than 25 per cent of the total dwelling unit area of any dwelling unit shall be used primarily for a home occupation and any area so used shall be over and above the minimum dwelling unit area required hereby for such dwelling unit.
- (d) A home occupation may occur within an accessory structure in the Agricultural (A) Zone.
- (e) The home occupation shall be clearly incidental and secondary to the main residential use to which it is accessory and shall not change the residential character of the dwelling.
- (f) No home occupation shall create or become a public nuisance, particularly with regard to noise, traffic, emissions, parking or radio or television interference, nor shall any open storage be permitted in conjunction with a home occupation except in accordance with the provisions of Subsection 3 (15) hereof.
- (g) None of the following uses shall be considered home occupations except where such uses are specifically permitted herein:
  - (i) an automotive use;
  - (ii) a hospital;
  - (iii) a veterinarian's clinic;
  - (iv) a restaurant;
  - (v) a refreshment room;
  - (vi) a truck terminal;
  - (vii) a salvage yard;
  - (viii) a variety store;
  - (ix) an undertaker's establishment;

but may include a service trade as defined by this By-Law so long as it remains compatible with the surrounding areas.

## **(10) LANDSCAPING**

### **(a) LANDSCAPED OPEN SPACE**

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

- (i) Any part of a lot which is not occupied by buildings, structures, parking areas, loading spaces, driveways, excavations or permitted outdoor storage areas shall be maintained as landscaped open space, except that this provision shall not apply to any agricultural use.
- (ii) Except as otherwise specifically provided herein, no part of any required front yard or required exterior side yard shall be used for any purpose other than landscaped open space.

- (ii) Where landscaped open space of any kind, including a planting strip, is required adjacent to any lot line or elsewhere on a lot, nothing in this By-Law shall apply to prevent such landscaped open space from being traversed by pedestrian walkways or permitted driveways, provided that the minimum angle of intersection between a driveway and a required planting strip shall be 60 degrees.
- (iv) No part of any driveway, parking area, loading space, stoop, roof-top, balcony, swimming pool or space enclosed within a building.

**(b) PLANTING STRIPS**

- (i) Where the lot line of a lot containing a nonresidential use and located in a Commercial or Industrial Zone abuts a lot in a Residential Zone, or abuts a street on the opposite side of which is located a lot in a Residential Zone, then that part of the lot containing such nonresidential use directly adjoining the said lot line shall be used for no purpose other than a planting strip having a minimum width of three metres, measured perpendicularly to the said lot line.
- (ii) Where a fence, a wall, a row of trees or a hedgerow is provided as part of a planting strip required by this By-Law, such fence, wall, row of trees or hedgerow shall be designated to have an ultimate height of not less than 1.5 metres above the elevation of the ground at the nearest lot line, except that within a sight triangle the maximum height of any such landscaping materials shall be 0.6 metres.
- (iii) Where a planting strip required hereby is traversed by a pedestrian walkway or by a driveway, in accordance with Paragraph (iii) of Clause (a) of this Subsection, such planting strip shall not be required to extend closer than one metre to the edge of such walkway or three metres closer to the edge of such driveway, provided that any intervening space between the said planting strip and the said walkway or driveway is maintained as landscaped open space.

**(11) LIGHTING**

Lighting fixtures designed to provide exterior illumination on any lot shall be installed with the light directed or deflected away from adjacent lots and streets and in such a manner as to not confuse persons driving vehicles on such streets.

**(12) LOADING AND UNLOADING SPACE REGULATIONS**

**(a) LOADING SPACES REQUIRED**

The owner or occupant of any lot, building or structure used or erected for any purpose involving the receiving, shipping, loading or unloading of goods, wares, merchandise or raw materials, other than an agricultural use, shall provide and

maintain, on the same lot, facilities comprising one or more loading spaces in accordance with the provision of this Subsection.

**(b) LOADING SPACE REQUIREMENTS (MINIMA)**

The number of loading spaces required on a lot shall be based on the total net floor area of all the uses on the said lot for which loading spaces are required by Clause (a) of this Subsection, in accordance with the following:

- (i) Less than 250 square metres of total net floor area - 0 loading spaces.
- (ii) Over 250 square metres up to and including 500 square metres of net floor area - 1 loading space.
- (iii) Over 500 square metres up to and including 2,500 square metres of net floor area - 2 loading spaces.
- (iv) Over 2,500 square metres up to and including 7,500 square metres of net floor area - 3 loading spaces.
- (v) Over 7,500 square metres of net floor area - 3 loading spaces plus one additional loading space for each 10,000 square metres or part thereof of total net floor area in excess of 7,500 square metres.

**(c) DIMENSIONS OF LOADING SPACES**

A loading space required hereby shall have minimum dimensions of 3.5 metres by 10 metres and a minimum vertical clearance of 4.0 metres.

**(d) LOCATION OF LOADING SPACES**

Required loading spaces shall be provided on the same lot occupied by the building or structure for which the said loading spaces are required, and shall not form a part of any street or lane.

**(e) YARDS WHERE PERMITTED**

Loading spaces shall be permitted in any yard, except that:

- i) no part of any loading space shall be located closer than 3.0 metres to any lot line; and
- (ii) in the case of a through lot, no loading spaces shall be permitted in any part of the front yard.

(f) **ACCESS TO LOADING SPACES**

Access to loading spaces shall be provided by means of one or more unobstructed driveways which:

- (i) have a minimum unobstructed width of at least 3.5 metres, regardless of the direction of traffic flow thereupon, and provide sufficient space to permit the manoeuvring of vehicles on the lot so as not to obstruct or otherwise cause a hazard on adjacent streets;
- (ii) are contained within the lot on which such loading spaces are located and lead either to an improved street or to a lane; and
- (iii) comply in all other respects with the requirements for driveways providing access to parking areas and spaces set out in Clause (16) (i) of this Section.

(g) **SURFACE AND DRAINAGE OF LOADING SPACES AND DRIVEWAYS**

- (i) All loading spaces and driveways providing access thereto shall be provided and maintained with a stable surface, treated so as to prevent the raising of dust or loose particles, and including, but not so as to limit the generality of the foregoing, the following surfacing materials:
  - 1. crushed stone or gravel; and
  - 2. any asphalt, concrete or other hard surfaced material.
- (ii) All loading spaces and driveways providing access thereto shall be drained so as to prevent the pooling of surface water on them or the flow of surface water onto adjacent lots.

(h) **ADDITION TO EXISTING USE**

When a building or structure has insufficient loading spaces on the date of passing of this By-Law to comply with the requirements herein, this By-Law shall not be interpreted to require that the deficiency be made up prior to the construction of any addition, provided, however, that any additional loading spaces required by this By-Law for such addition are provided in accordance with all provisions hereof respecting loading spaces.

(i) **EXEMPTION FOR CI ZONES**

Notwithstanding any other provision hereof to the contrary, no loading spaces shall be required for any building, structure or use located within a CI Zone.

**(13) LOTS WITH MORE THAN ONE USE OR ZONE**

**(a) MORE THAN ONE USE**

- (i) Where a lot contains more than one permitted use defined separately herein, other than an accessory use, each such use shall conform to the provisions of this By-Law which are applicable to such use in the Zone in which the said lot is located as if such use existed independently of any other use.
- (ii) Where standards or provisions pertaining to two or more uses on one lot are in conflict the highest or more restrictive standards or provisions shall prevail.

**(b) MORE THAN ONE ZONE**

- (i) Except as otherwise provided in Paragraph (ii) of this Clause, where a lot is divided into two or more zones, each such portion of the said lot shall be considered a separate lot as defined herein and shall be used in accordance with the provisions of this By-Law which are applicable to the zone wherein such portion of the said lot is located.
- (ii) Notwithstanding anything to the contrary in Paragraph (i) of this Clause, where the use or uses of a lot divided into two or more zones are permitted in all such zones, the said lot shall be considered to be a single lot as defined herein. The restrictive zone requirements pertaining to such uses or uses in all the said zones shall apply to only the said portion of the lot found in that zone.

**(14) NON-CONFORMING USES AND LOTS**

**(a) REBUILDING OR REPAIR PERMITTED**

Nothing in this By-Law shall prevent the rebuilding or repair of an existing or permitted building or structure, even though such building or structure or the lot on which such building or structure is located does not conform to one or more of the provisions of this By-Law, provided that the dimensions of the original building or structure are not increased, the use thereof is not altered and not increased, and the use thereof is not reduced except in accordance with the provisions of this By-Law.

**(b) EXTENSIONS PERMITTED AND EXISTING YARDS RECOGNIZED**

Nothing in this By-Law shall prevent a vertical or horizontal extension or addition from being made to an existing or permitted building or structure on a lot, even though such building, structure or lot or use thereof does not conform to one or more of the provisions of this By-Law provided such extension or addition itself is designed, located, used and otherwise in compliance with the provisions of this By-Law, except that all yards appurtenant to an existing building or structure shall

be deemed to conform to the yard and setback requirements of this By-Law, notwithstanding that the width or depth of such yards might be less than that required elsewhere herein.

**(c) LOT AREA OR LOT FRONTAGE LESS THAN REQUIRED**

Where a lot having a lesser lot area or lot frontage than that required hereby:

- (i) is or has been held under distinct and separate ownership from abutting lots or was legally created prior to the passing of this By-Law;  
is created as a result of an expropriation; or
- (ii) is created as a result of an expropriation; or
- (iii) is created as a result of a natural severance such as the presence of a public road, a navigable waterway or a railway;

then the said lot shall be deemed to conform to the requirements of this By-Law with respect to the lot area or lot frontage, and the provisions hereof respecting lot area and lot frontage shall not apply to prevent a permitted use, building or structure thereupon, in accordance with all other provisions hereof.

**(15) OPEN STORAGE**

**(a) OPEN STORAGE REGULATIONS**

Except as otherwise provided in Clause (b) of this Subsection, no open storage shall be permitted in any zone, except in accordance with the following provisions:

- (i) Open storage shall be accessory to a permitted or existing non-residential use or home occupation carried on in an enclosed building or portion thereof on the same lot.
- (ii) No open storage area shall be permitted in any required front yard or exterior side yard, except in the case of an agricultural use or the outside display and sale of goods and materials in conjunction with a permitted commercial use.
- (iii) No open storage shall be located closer than two metres to any lot line; however, firewood may be stored closer than two metres to a lot line so long as it does not exceed 1.5 metres in height.
- (iv) No open storage area shall be visible from any street or from any adjacent lot, where such adjacent lot is located in a zone other than a Commercial Zone or an Industrial Zone, and to this end any open storage area shall be screened, wherever necessary in order to comply with this provision, by a planting strip containing an opaque fence, wall or other opaque barrier not less than 1.5 metres in height, except that this provision shall not apply to any open storage area accessory to an

agricultural use or to the outside display and sale of goods and materials in conjunction with a permitted commercial use.

- (v) Any open storage accessory to a home occupation shall be fully enclosed by an opaque wall, fence or other barrier not less than 2 metres in height so that no part of such open storage is visible from any adjacent lot or street, except that this provision shall not apply to any open storage located on a lot whereon the main use is an agricultural use.
- (vi) Any open storage area shall be maintained as landscaped open space or provided and maintained with a stable surface, treated so as to prevent the raising of dust or loose particles and drained, except that this provision shall not apply to any open storage area located on a lot whereon the main use is an agricultural use.
- (vii) Notwithstanding Paragraph (vi) of this Clause, no open storage area shall be considered part of any landscaped open space required hereby.
- (viii) No parking spaces or loading spaces required by this By-Law shall be used for open storage purposes.

**(b) SPECIAL EXCEPTIONS**

Nothing in Clause (a) of this Subsection shall apply to prevent or otherwise restrict the use as an open storage area of any part of:

- (i) any part of the front yard on a lot containing an agricultural use, for a temporary roadside retail farm sales outlet; or
- (ii) a lot containing a single dwelling, for a special temporary sale, by auction or garage sale, of personal possessions belonging to the occupants thereof.

**(16) PARKING REGULATIONS**

**(a) PARKING SPACES REQUIRED**

Except as otherwise provided herein, the owner or occupant of any lot, building or structure used or erected for any of the purposes set forth in Clause (b) and Clause (c) of this Subsection, shall provide and maintain for the sole use of the owner, occupant or other persons entering upon or making use of the said lot, building or structure from time to time, one or more parking spaces in accordance with the provisions of this Subsection.

**(b) PARKING SPACE REQUIREMENTS FOR RESIDENTIAL USES (MINIMA)**

- (i) A single dwelling, an accessory dwelling unit, an existing dwelling - 1 parking space per dwelling unit
- (ii) A single dwelling, containing a home occupation - 3 parking spaces

**(c) PARKING SPACE REQUIREMENTS FOR NON-RESIDENTIAL USES (MINIMA)**

- (i) An auditorium or place of assembly, a private club - 1 parking space per 5 persons capacity
- (ii) Any automotive use square metres of gross floor area - 1 parking space per 20
- (iii) A business office, a professional office, a clinic - 1 parking space per 40 square metres of net floor area
- (iv) A church - 1 parking space per 2 persons capacity
- (v) A day nursery - 1 parking space per 7 persons capacity
- (vi) A golf course - 50 parking spaces for every 9 holes
- (vii) A hospital - 1 parking space per 2 beds therein
- (viii) An industrial use, a service trade - 1 parking space per 100 square metres of net floor area
- (ix) A motel - 1 parking space per guest room plus 1 parking space per 20 square metres of net floor area of each refreshment room or dining room
- (x) Any open storage involving the display and sale of goods and materials, including vehicles - 1 parking space per 100 sq. metres of total area used for such open space
- (xi) A public school, - the greater of either 1.5

	a private school		parking spaces per 35 spaces capacity or 1 parking space per 5 persons capacity of any auditorium therein
(xii)	A retail store, a factory outlet, a variety store, a personal service shop a retail farm sales outlet	-	1 parking space plus 1 additional parking space per 20 square metres of net floor area in excess of 200 square metres
(xiii)	A restaurant, a refreshment room	-	the greater of either 1 parking space per 4 persons capacity of any dining room or refreshment room or 1 parking space per 10 square metres of net floor area of each dining room
(xiv)	A retail lumber and building supply yard, a bulk sales outlet	-	1 parking space per 100 square metres of net floor area and open storage area
(xv)	an undertaker's establishment	-	1 parking space per 5 persons seating capacity
(xvi)	Any nonresidential use permitted by this By-law But not specifically but not specifically mentioned in this Clause	-	1 parking space per 20 square metres of net floor area

(d) **CALCULATION OF PARKING REQUIREMENTS**

- (i) Where a part of a parking space is required in accordance with this By-Law for a use listed in Clause (b) or Clause (c) of this Subsection, such part shall be considered one parking space for the purpose of calculating the total parking requirements for the said use.
- (ii) Parking spaces required in accordance with this By-Law shall not include any parking spaces used or intended to be used primarily for the storage or parking of vehicles for hire or gain, display or sale.
- (iii) Where the number of parking spaces required in accordance with Clause (c) of this Subsection is based upon the capacity of a building or structure, such capacity shall be deemed to be the same as the maximum capacity for such building or structure permitted by The Ontario Building Code, the Ontario Fire Code, or where applicable, The Liquor Licensing Board of Ontario, whichever capacity is the lesser.

(e) **DIMENSIONS OF PARKING SPACES**

A parking space required hereby shall have minimum rectangular dimensions of 3 m by 6 m, except that:

- (i) the minimum width of a parking space accessory to a single dwelling shall be 2.5 m; and
- (ii) where the principal access to a parking space is provided on the longest dimension of such parking space, the minimum dimensions of the said parking space shall be 2.5 m by 6.7 m.

(f) **LOCATION OF PARKING AREAS**

All required parking spaces shall be provided on the same lot occupied by the building, structure or use for which such parking spaces are required, and shall not form a part of any street or lane.

Within the community of Morriston, parking may be supplied on a separate property if it is within 150 m of the site within or adjacent to a CI Zone.

(g) **YARDS WHERE PERMITTED**

Except as otherwise provided herein, uncovered surface parking areas shall be permitted in any part of any yard, provided that any part of a parking area located within a required yard, other than a parking area accessory to a single dwelling, shall be separated from any lot lines adjacent to such required yard by a planting strip no less than one metre in width.

(h) **PARKING STRUCTURES**

Where a parking area located in a structure is accessory to a permitted use on a lot, then such structure shall conform to all the provisions for accessory uses set out in Subsection (1) of this Section.

(i) **ACCESS TO PARKING AREAS AND SPACES**

- (i) Access to parking areas shall be provided from an improved street by means of one or more un-obstructed driveways not exceeding 6 metres in width for a driveway accessory to a single dwelling and 10 metres in width for any other driveway, measured parallel to the said street, at any point on the lot closer to the said street than the street setback required therefrom, provided that no lot shall have more than two driveways for the first 30 metres of street line thereof plus one driveway for each additional 30 metres of street line.
- (ii) Driveways and parking aisles shall have a minimum unobstructed width of 6 metres where two-way traffic is permitted and 3 metres driveway where only one-way direction of traffic flow is permitted and is clearly

indicated by signs, pavement markings or both, except that the minimum width required for any driveway accessory to a single dwelling shall be 2.5 metres.

- (iii) Each required parking space shall be readily accessible at all times for the parking or removal of a vehicle and vehicular access to any such parking space shall not be impeded by any obstruction except as provided in Paragraph (iv) of this Clause, except that this provision shall not apply to prevent the use as a parking space of any part of a driveway accessory to a single dwelling, provided that no parking space shall obstruct access to a parking area on any other lot.
- (iv) Nothing in this By-Law shall prevent the obstruction of a driveway by a gate, a temporary barrier or similar obstruction used solely to restrict access to the said driveway and designed to be easily raised, swung aside or otherwise opened or removed when necessary to permit passage of a vehicle.
- (v) The minimum angle of intersection between a driveway and a street line shall be 60 degrees.
- (vi) Any driveways or parking aisles located within a required yard on a lot containing a mobile home park shall be separated from all interior lot lines of such lot by a planting strip not less than 1.5 metres in width.
- (vii) The minimum distance between a point of intersection being determined in the manner set out in Subsection 2 (168) hereof, and a driveway providing access to a lot from an improved street, measured along the street line intersected by such driveway, shall be 8 metres.
- (viii) Where a two-way driveway is divided into two one-way driveways by a curb, an area of landscaped open space or any other obstruction, such driveway shall, for the purposes of this Subsection, be considered a single driveway, albeit divided, provided that such driveway does not exceed 10 metres in total width, measured in accordance with Paragraph (i) of this Clause.
- (x) Nothing in this Subsection shall apply to prevent the use of right-of-way as a means of obtaining access to a parking area, provided the said right-of-way has been specifically established for such purpose, or to prevent the establishment of abutting driveways or parking aisles along a common lot line, provided the combined width of any abutting driveways do not exceed 10 metres, measured in accordance with Paragraph (i) of this Clause.

(j) **SURFACE AND DRAINAGE OF PARKING AREAS AND DRIVEWAYS**

- (i) All parking areas and driveways shall be provided and maintained with a stable surface, treated so as to prevent the raising of dust or loose particles, and including, but not so as to limit the generality of the foregoing, the following surface materials:
  - 1. crushed stone or gravel; and
  - 2. any asphalt, concrete or other hard surfaced material.
- (ii) All parking areas and driveways shall be drained so as to control the pooling of surface water and prevent the flow of surface water onto adjacent lots.

(k) **ADDITION TO EXISTING USE**

Where a building or structure has insufficient parking spaces on the date of passing of this By-Law to conform to the requirements herein, this By-Law shall not be interpreted to require that the deficiency be made up prior to the construction of any addition or a change of use provided, however, that any additional parking spaces required by this By-Law for such addition or change of use are provided in accordance with all provisions hereof respecting parking spaces and parking areas.

(l) **OTHER PARKING REGULATIONS**

- (i) Nothing in this By-Law shall prevent the erection of a shelter for use solely by parking attendants or security personnel in any part of a parking area, except within a sight triangle, provided such shelter is not more than 4.5 metres in height and has a floor area of not more than 5 square metres.
- (ii) No gasoline retail outlet or automobile service station shall be located or maintained on any parking area, except where specifically permitted by this By-Law.
- (iii) No trailer, motor home, recreational vehicle or boat shall be stored in any part of a front yard or exterior side yard on a lot in a Residential Zone or in any part of a required front yard on a lot in any zone other than a Residential Zone, except that this provision shall not apply to prevent the temporary parking of a trailer, motor home, recreational vehicle or boat on a permitted parking area.
- (iv) No commercial vehicle shall be parked or stored on any part of a lot in a Residential Zone unless:
  - 1. such vehicle is owned or operated by the owner or occupant of the said lot;

2. the capacity of such vehicle does not exceed 1 metric tonne; and
3. such vehicle is parked or stored either within a building or in any yard other than a front yard, exterior side yard or required interior side yard.

except for the purpose of making deliveries or otherwise providing services, on a temporary basis, to the said lot.

- (v) Motor vehicles and trailers lacking current valid licence plates shall be parked or stored only within a private garage or other building, except that this provision shall not apply to a permitted vehicle sales or rental establishment or salvage yard.

## **(17) REDUCTION OF LOT AREA**

### **(a) PROHIBITION**

No person shall reduce the lot area, or make any changes in the dimensions, of a lot by the conveyance or alienation of any portion thereof or otherwise, except by a conveyance in accordance with Clause (b) of this Subsection, so that any building or structure on such lot shall have a lot coverage that exceeds, or a front yard depth, side yard depth, rear yard depth, lot frontage, lot area or area of landscaped open space that is less than that permitted by this By-Law for the zone in which such lot is located.

### **(b) LOTS REDUCED BY PUBLIC ACQUISITION**

Where the area of a lot is reduced by means of an acquisition of part of the lot by a public agency for the purpose of providing a public service, and where such acquisition causes the lot as reduced, or any building or structure existing lawfully on the lot on the date of such acquisition, to have a lot area, lot frontage, lot coverage, area of landscaped open space, setback, front yard depth, side yard depth or rear yard depth that does not conform to the requirements hereof for the zone in which such lot is located, then nothing in this By-Law shall apply to prevent the continued use of the lot as reduced as if no such acquisitions had taken place, provided that:

- (i) no change is made in the dimensions, area or any other characteristics of the lot as reduced, subsequent to the date of such acquisition, that would increase the extent of the said nonconformity; and
- (ii) no building or structure or addition thereto is erected on the lot as reduced, subsequent to the date of such acquisition except in accordance with all the provisions hereof for the zone in which such lot is located

## **(18) SETBACKS**

### **(a) REQUIRED SETBACKS**

No person shall erect or establish any building, structure, excavation or open storage closer than 27 metres to the centreline of a highway under the jurisdiction of the Township of Puslinch, the County of Wellington or the Guelph and Suburban Road Commission, except as otherwise provided for in Clause (b) of this Subsection.

### **(b) EXEMPTION IN BUILT-UP AREAS**

Notwithstanding the foregoing, on any lot between two existing buildings which are not more than 90 metres apart and both of which are between the street line and the building line established by this section, a building may be erected, the front wall of which is in line with the front wall of the existing building closest to the required building line.

### **(c) SETBACK DIMENSION CONSIDERED A REQUIRED YARD**

Any part of a lot situated closer to a street than the required setback shall be considered a required yard for the purposes of this By-Law.

### **(d) STREET CLOSINGS**

Notwithstanding anything herein to the contrary, no setback shall be required where a street shown on Schedule 'A' hereto is closed and conveyed to the owners of adjacent properties hereafter.

### **(e) REDUCTION OR OTHER YARD REQUIREMENTS**

Nothing in this Subsection shall apply to reduce or mitigate any other yard requirements of this By-Law or any greater setback requirements that might legally be established from time to time by the Province of Ontario, the County or the Corporation.

## **(19) SIGHT TRIANGLES**

### **(a) PROHIBITION OF OBSTRUCTIONS**

Notwithstanding any other provision hereof to the contrary, within any area defined herein as a sight triangle, no building or structure shall be erected, no vehicle shall be parked, no land shall be graded and no landscaping materials shall be permitted to grow, in such a manner as to impede or obstruct the vision of persons driving vehicles on an abutting street above a height of 0.6 metres above the elevation of the centreline of the said street.

(b) **EXTENT OF SIGHT TRIANGLES**

For the purposes of calculating the extent of a sight triangle, the distance between the point of intersection of the two lot lines and their respective points of intersection with the line constituting the third side of the triangle shall be:

- (i) 28 m, where at least one of the abutting intersecting streets is a County Road or Highway;
- (ii) 9 m, where neither abutting intersecting street is a County Road or Highway; and
- (iii) 46 m, where a street intersects a railway right-of-way at grade, or such greater distance as may be required from time to time by the Canadian Transportation Commission.

**(20) SWIMMING POOLS**

(a) **PRIVATE OPEN SWIMMING POOLS**

Notwithstanding any other provisions of this By-Law to the contrary, the following provisions shall apply with respect to the erection or use of any private open swimming pool not enclosed or otherwise located within a building:

- (i) No private open swimming pools or related structures shall be permitted anywhere within the zoned area except:
  - 1. in any part of an interior side yard or rear yard on a lot containing a permitted single dwelling; or
  - 2. in any yard other than a required yard on a lot containing a permitted motel or private club.
- (ii) No interior wall surface of any open swimming pool, nor any related structure other than a fence, shall be located closer than 1.5 m to any lot line or closer to any street than the setback required therefrom.
- (iii) No water circulating or treatment equipment such as pumps or filters or any accessory building or structure containing such equipment, shall be located closer than 3 m to any lot line.
- (iv) No part of any open swimming pool shall be greater than 2 m in height, exclusive of related structures which shall not exceed 5 m in height.
- (v) Every open swimming pool shall be fully enclosed by an unclimbable fence, wall or other barrier not less than 1.5 m in height, and all openings through such barrier shall be protected by latched gates.

(b) **LOT COVERAGE EXEMPTION**

Notwithstanding any other provisions of this By-Law to the contrary, no open swimming pools or any related structures shall be considered part of the lot coverage of a lot, but where a swimming pool is enclosed with a building or where a structure appurtenant to a swimming pool constitutes a building as defined herein, such building shall comply with any lot coverage requirements set out herein for the zone in which such building is located, but shall be exempt from the lot coverage requirements for accessory uses set out in Subsection 3(1) hereof.

(c) **INDOOR SWIMMING POOLS**

Any swimming pool located within a building as defined herein shall comply with the provisions for accessory uses set out in Subsection 3(1) hereof, where such swimming pool is located within an accessory building, or with the zone requirements set out herein for the zone in which such swimming pool is located, within a main building.

(d) **PUBLIC SWIMMING POOLS**

Any public swimming pool and any related buildings or structures shall comply with the zone requirements set out herein for the zone in which such swimming pool is located.

(e) **COMPLIANCE WITH SWIMMING POOL BY-LAWS**

All swimming pools shall comply with any By-Laws of the Corporation specifically regulating swimming pools.

**(21) USES PERMITTED IN ALL ZONES**

(a) **PUBLIC AND INSTITUTIONAL USES**

Nothing in this By-Law shall apply to prevent or otherwise restrict in any way any of the following:

- (i) the use of land for a street or a public railway, including any installations, structures appurtenant thereto, or as a site for a public memorial or ornamental structure including, but not so as to limit the generality of the foregoing, a statue, a monument, a cenotaph or a fountain;
- (ii) the installation or maintenance of a watermain, sanitary sewer main, storm sewer main, pumping station, gas main, pipeline, lighting fixture, or overhead or underground electrical, cable television, telegraph or telephone line or associated tower or transformer, together with any installations or structures appurtenant thereto, provided that any lot or structure so used shall be designed, landscaped and maintained in general harmony with neighbouring uses; or

- (iii) the use of any lot in any zone as a public park or for an existing church or cemetery, or any existing public building, structure or use, including, but not so as to limit the generality of the foregoing, a public school, a municipal office building, a community centre or other public auditorium, a public library and a public works garage, in accordance with the General Provisions of this By-Law set out in Section 3 hereof and with the Zone Requirements for Institutional Zones set out in Subsection 18(3) hereof.

(b) **CONSTRUCTION USES**

Nothing in this By-Law shall prevent the use of any part, other than a sight triangle, of any lot in any zone for the erection of a legal sign not greater than 3 m<sup>2</sup> an area, the excavation of soil or earth or the erection or use of any temporary building or structure where such sign, excavation, building or structure is directly incidental to, and necessary for, construction work on the same lot or work relating to a public utility or a street including, but not so as to limit the generality of the foregoing, a construction camp, a work camp, a tool shed, a wayside pit or a scaffold, but only for so long as such building or structure is necessary for the work in progress and until the work is completed or abandoned, and only while a valid building permit for the said construction remains in force, where applicable.

**(22) USES RESTRICTED IN ALL ZONES**

(a) **NOXIOUS USES PROHIBITED**

Notwithstanding any other provision hereof to the contrary, no use shall be permitted anywhere within the zoned area which, from its nature, materials used therein or emissions issuing therefrom, is declared to be a noxious trade, business or manufacture under The Health Protection and Promotion Act, 1983, as amended from time to time by the Province of Ontario, the Government of Canada, or any agencies thereof.

(b) **RESTRICTED USES**

The following uses are prohibited throughout the zoned area, either alone or in conjunction with other uses, except as is otherwise specifically provided herein:

- (i) the making or establishment of pits and quarries, asphalt plants and concrete plants;
- (ii) an adult entertainment establishment or a body-rub parlour;
- (iii) the boiling of blood, tripe, bones or soaps for commercial purposes;
- (iv) the tanning or storage of uncured hides or skins;
- (v) the manufacturing of glue or fertilizers from dead animals or from human or animal waste;

- (vi) an abattoir, stockyard, livestock exchange, or dead stock depot;
- (vii) the extracting of oil from fish;
- (viii) a track or course for the racing and/or testing of automobiles, motorcycles, dirt bikes, snowmobiles or any other motorized vehicles;
- (ix) a salvage yard;
- (x) a disposal site for wastes;
- (xi) the refining, storage or use in manufacturing of coal oil, rock oil, fuel oil, natural gas, propane, burning fluids, naphtha, benzol, benzine, gasoline, dynamite, dualin, nitroglycerine, gun powder, petroleum or any other combustible, inflammable, volatile or otherwise dangerous liquids, gasses or solid materials except where specifically permitted hereby or in conjunction with a permitted industrial use and unless such substances are protected by adequate fire fighting and fire prevention equipment and by such safety devices as are generally employed in the handling of such substances and provided that such substances are kept removed from adjacent uses to a distance which is compatible with the potential danger involved, except that this provision shall not apply to prevent the above ground storage of such substances by a farmer, where such storage is incidental and accessory to an agricultural use, or the use of natural gas, propane or fuel oil for domestic purposes, such as heating and cooking, in conjunction with a residential use;
- (xii) a food and/or meat processing plant;
- (xiii) a mobile home;
- (xiv) an occupied vehicle used for human habitation other than a mobile home where specifically permitted hereby or a tourist trailer used only for temporary accommodation in a campground;
- (xv) a shopping centre;
- (xvi) a campground, except as part of a permitted park;
- (xvii) any use unable to obtain the approval of private water or sanitary treatment and disposal facilities from the Medical Officer of Health of the Wellington Dufferin Guelph Health Unit, owing either to the quantity of water required therefor which cannot be provided by a public water system, or to the quality of effluent produced thereby;
- (xviii) a commercial airport used by any form of aircraft;

- (xix) any use which causes the emission of corrosive gasses, toxic gasses or radioactive gasses or, into any zone other than an Industrial Zone, or electromagnetic fields, heat, glare, nonagricultural odours, noise, vibrations, dust, dirt, fly ash or smoke which does not comply with emission regulations as may be established from time to time by the Province of Ontario, the Government of Canada, or any agencies thereof;
- (xx) the open storage of salt and/or sand/salt mixtures;
- (xxi) the use of land for war games, organized assassination games, music festivals and/or concerts.

## **(23) YARD ENCROACHMENTS AND OBSTRUCTIONS**

### **(a) PROJECTION INTO REQUIRED YARDS**

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

- (i) accessory buildings or structures specifically permitted in a required yard elsewhere in this By-Law;
- (ii) architectural adornments including, but not necessarily restricted to, sills, belt courses, chimneys, bay windows, cornices, eaves, gutters, parapets and pilasters, projecting not more than 0.5 metres into any required yard;
- (iii) roofless functional and ornamental structures including, but not necessarily restricted to, drop awnings, clothes poles, ornamental fountains, statues, monuments, picnic tables, benches, cenotaphs, memorials, planters, garden trellises, fences, boundary and retaining walls, hedgerows and legal signs;
- (iv) stoops, sundecks, porches, verandahs, balconies on top or porches or verandahs, uncovered terraces and exterior steps providing access between finished grade and either the basement or the first storey of a building, where such structures project no more than 1.5 metres into a required front yard, a required rear yard or a required exterior side yard;
- (v) unenclosed fire escapes 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 1.5 metres into a required rear yard to a required side yard; and
- (vi) balconies projecting not more than 1.5 metres into any required yard and which do not project into any sight triangle.

(b) **PROJECTION BEYOND LOT LINES**

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

(c) **RAILWAY SPUR**

Notwithstanding the yard and setback provisions of this By-Law to the contrary, a railway spur shall be permitted within any required yard.

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**(24) GARDEN SUITES**

Garden suites, as defined by this bylaw, may be permitted as a temporary use within the Agricultural and Residential Zones as an accessory use to existing single-detached dwelling subject to the following regulations:

- (a) Driveway access to both the main dwelling and the garden suite shall be limited to one so that no new entrance from the street shall be created.
- (b) The siting of a garden suite shall be in accordance with the provisions for accessory uses of subsection 3(1) of this By-law;
- (c) The maximum floor area of a garden suite shall be 92.9 square metres.
- (d) The maximum height of a garden suite shall be one storey or 5.0 metres, whichever is less.
- (e) No garden suite shall be located closer than 3.0 metres to the main residence on the lot or any building on an abutting property.
- (f) Only one garden suite may be established for each existing single-detached residential unit on a lot. No garden suite is permitted on a lot upon which is located an accessory apartment.
- (g) All garden suites shall be provided with adequate water and sewage disposal systems as approved by the Wellington-Dufferin-Guelph Health Unit.
- (h) All garden suites shall be established pursuant to Section 39 of The Planning Act, as amended, which authorizes Council to pass a Temporary Use By-law for a maximum duration of ten years. Council may also enter into a development agreement with the owner of the garden suite to deal with, among other things, the installation, maintenance and removal of the unit, the period of occupancy, the submission of a performance bond, and rehabilitation of the site to its "pre-garden suite" condition.
- (i) Garden suites shall comply with all other applicable requirements of this zoning By-law, any other municipal by-laws, as well as any applicable legislation such as the Ontario Building Code.

**(25) SETBACKS FROM THE NATURAL ENVIRONMENT ZONE**

- a) No buildings or structures, including a private sewage treatment system and associated tile weeping bed, shall be constructed closer than 30.0 m (98.4 ft) from the limit of a Natural Environment NE Zone.
- b) Notwithstanding the required setback in subsection (a) above or any other provision in this By-law to the contrary:
  - i. Accessory buildings or structures to existing residential dwellings, enlargements of existing buildings or structures, or reconstruction of existing buildings or structures including improvements to manure storage systems associated with an existing livestock facility, are permitted on land adjacent to the NE Zone provided that a minimum setback of 3.0 m (9.8 ft) is maintained from the adjacent NE Zone boundary.
  - ii. Where a vacant building lot existed on the day of passing of this By-law, a building permit may be issued for permitted buildings or structures, excluding new agricultural buildings and structures, provided that:
    - there is no other suitable location on the lot outside of the 30.0 m (98.4 ft) setback, and
    - a setback of at least 3.0 m (9.8 ft) from the NE Zone boundary is maintained.
- c) Interpretation of the limits of the NE zone boundaries is governed by regulations contained in Section 1.4 (b)(iii) of this By-law.

**(26) SETBACKS FROM WATERCOURSES**

- a) No buildings or structures shall be constructed closer than 30 m (98.4 ft.) from a cold water watercourse or 15 m (49.2 ft) from a warm water watercourse that is not within the Natural Environment (NE) Zone as illustrated on Schedule 'A' of this By-law.

## **PART II: ZONES AND ZONE PROVISIONS**

### **SECTION 4 – Zones and Zone Symbols**

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#### **(1) DIVISION INTO ZONES**

For the purpose of this By-Law, all lands within the zoned area are divided into zones and classified in accordance with Subsection (2) of this Section.

#### **(2) ZONE CLASSIFICATIONS**

##### **(a) AGRICULTURAL ZONES**

The following zone designations and symbols represent Agricultural Zones:

- (i) Agricultural Zone- A

##### **(b) RESIDENTIAL ZONES**

The following zone designations and symbols represent Residential Zones:

- (i) Hamlet Residential Zone - HR
- (ii) Residential Community Zone - RC
- (iii) Resort Residential Zone - RR
- (iv) Estate Residential Type 1 Zone - ER1
- (v) Estate Residential Type 2 Zone - ER2
- (vi) Rural Residential Zone - RUR

##### **(c) COMMERCIAL ZONES**

The following zone designations and symbols represent Commercial Zones:

- (i) Hamlet Commercial Zone - C1
- (ii) Highway Commercial Zone - C2
- (iii) Agricultural Commercial Zone - C3
- (iv) Resort Commercial Zone - C4

##### **(d) INDUSTRIAL ZONES**

The following zone designations and symbols represent Industrial Zones:

- (i) Industrial Zone - IND
- (ii) Extractive Zone - EXI
- (iii) Disposal Industrial Zone - DI

(e) **INSTITUTIONAL AND OPEN SPACE ZONES**

The following zone designations and symbols represent Institutional, Open Space, and Natural Environment Zones:

- |       |                          |      |
|-------|--------------------------|------|
| (i)   | Institutional Zone       | - I  |
| (ii)  | Open Space Zone          | - OS |
| (iii) | Natural Environment Zone | - NE |

**(3) ZONE SYMBOLS AND DESIGNATIONS**

(a) **USE OF SYMBOLS AND DESIGNATIONS**

The Zone symbols and designations listed in Subsection (2) of this Section may be used to refer to buildings and structures and to the uses of lots, buildings and structures permitted by this by-Law in the said Zones.

(b) **INTERPRETATION OF SYMBOLS AND DESIGNATIONS**

Wherever in this By-Law the word "zone" is used, preceded by any of the said zone symbols and designations, such reference shall mean any part of the zoned area delineated on Schedule 'A' and designated thereon by the said symbol.

**(4) ZONE PROVISIONS**

(a) **USES PERMITTED AND ZONE REQUIREMENTS**

For each zone listed in Subsection (2) of this Section, a separate section of this By-Law sets out the uses permitted in, and the specific provisions relating to, such zone under the headings "USES PERMITTED" and "ZONE REQUIREMENTS", respectively.

(b) **SCOPE OF ZONE REQUIREMENTS**

Except as otherwise specifically provided herein, the specific zone requirements set out herein for each zone shall apply to such zone in addition to the general provisions set out in Section 3 hereof.

**(5) SPECIAL ZONES**

Wherever a zone symbol on Schedule 'A' hereto is followed by a dash and a number, such as "HR-I", the lands so designated shall be subject to, and used in accordance with, all the provisions of this By-Law applicable to the zone represented by such symbol except as otherwise specifically provided by the special provisions of the special zone set out in the Special Provisions Subsection of each zone classification hereto.

**added by By-law 36/89 as amended by OMB Order dated May 13, 1991.**

## **(6) HOLDING ZONES - 'h'**

Where the symbol 'h' appears on a zoning map as a prefix to a zone applying to certain lands, notwithstanding the provisions of that zone, unless this By-Law has been amended to remove the relevant 'h' symbol, those lands shall not be developed or used except in compliance with the provisions of the applicable zone for existing uses, or such other uses set out in the relevant Holding Zone Provisions below. The relevant Holding Zone Provisions are denoted by the number (if any) immediately following the symbol 'h' on the zoning map.

### **(a) HOLDING ZONE PROVISIONS (MINI LAKES)**

The purpose of the holding provision 'h-l' is to ensure the orderly development of the Mini Lakes Property from a seasonal recreational park to a permanent year-round residential community. Prior to the removal of the 'h-l' symbol, the uses permitted on the subject land shall be limited to those that legally existed prior to the passing of this By-law. Upon the removal of the 'h-l' symbol, the subject land may be used in accordance with the provisions of Section 7B (Mini Lakes Zone).

Council may remove the 'h-l' symbol by amendment to this By-law, subject to the requirements of Section 36 of The Planning Act, when satisfied that:

- (i) the sewage treatment and water supply services have been completed to provide for year-round operation of those services; and
- (ii) a development agreement between the owners of the land and the Township addressing occupation of the units, operation and maintenance of the services and financial arrangements has been registered on the title of the lands; and
- (iii) where a site is being converted from seasonal to year-round use, an occupancy permit has been issued by the Chief Building Official permitting the year-round occupation of the dwelling unit on the site.

Council may permit the temporary occupation of a maximum of fifty (50) dwelling units within the ML Zone during the period November 1, 1999 to March 31, 2001 without removing the "h-l" symbol when satisfied that:

- (i) the dwelling unit is connected to a sewage treatment system that has been approved for year-round use to the satisfaction of the Township engineer; and
- (ii) the dwelling unit is connected to a potable water supply source that has been approved for year-round use to the satisfaction of the Township engineer; and
- (iii) the new sewage treatment system has been completed to an extent that is satisfactory to the Township engineer; and

- (iv) the dwelling unit has been approved for year-round residential occupation by the Chief Building Official through the issuance of a conditional occupancy permit, if applicable.

(b) **HOLDING ZONE PROVISIONS (Aberfoyle Industrial Park)**

Originally included by By-law No. 26/95 passed on March 27, 1995, but Holding Provision was later removed by By-law No. 35/95 on August 2, 1995.

(c) **HOLDING ZONE PROVISIONS (Golf course Club House - Phase 3)**

- (i) At such time in the future that the Council of the Township of Puslinch is satisfied that an appropriate development agreement has been entered into with the owners of the land zoned **C4-12 'h-3'** covering such matters as water supply and sewage disposal, road and access improvements, and storm water management, Council may remove the holding symbol **'h-3'** by amendment subject to the requirements of Section 36 of the Planning Act, R.S.O. 1990, as amended.

- (ii) Upon the removal of the **'h-3'** symbol, the subject land may be used in accordance with the provisions of the **C4-12 Zone** and the applicable regulations of this By-law.

- (iii) Until the holding symbol **'h-3'** is removed, the land may be used only for a golf course (fairways, tees, and greens only), cross-country skiing and the growing and harvesting of Christmas trees subject to the provisions of the **C4-11 Zone** and the applicable regulations of this By-law. No new buildings or structures shall be permitted.

(d) **HOLDING ZONE PROVISIONS (Cox Construction Ltd. - Synder Woodlot)**

(i) **Purpose of 'h-4'**

This holding provision applies to a specific natural feature referred to hereinafter as the "Synder Woodlot. The purpose of this restrictive zoning is to delay the extraction of aggregate from the Synder Woodlot for a period of approximately 15 years in order to allow for the establishment of a "replacement woodlot" being maintained by Cox Construction Limited. This "replacement woodlot" is located on the north half of Lot 10, Rear Concession IV, lying west of Sideroad 10 and south of Puslinch Road 5. This land was recently planted by the Grand River Conservation Authority with species such as black walnut, black cherry, sugar maple and red oak.

- (ii) At such time in the future when the Township of Puslinch is satisfied that the "replacement woodlot", consisting of approximately 5 hectares, is a healthy sustainable plantation capable of achieving mature woodlot status over time, Council will remove the holding symbol **'h-4'** by amendment

subject to the requirements of Section 36 of The Planning Act, R.S.O. 1990, as amended.

- (iii) Upon the removal of the 'h-4' symbol, the subject land may be used in accordance with the provisions of the **EXI-11** Zone and the applicable regulations of this By-law.
  - (iv) Until the holding symbol 'h-4' is removed, the land may be used only as a woodlot in its existing natural state. The harvesting of trees is permitted in accordance with "good forestry" management practices and subject to the provisions of the County of Wellington Tree Cutting By-law No. 3770-90, as amended.
  - (v) No buildings or structures shall be permitted within this 'h-4' Zone.
- (e) **HOLDING ZONE PROVISIONS (Irish Creek Estates - Puslinch Lake)** 'h-5' as established by By-law No. 19/02 was repealed by By-law No. 30/03 on July 2, 2003.
- (f) **HOLDING ZONE PROVISIONS ("h-6" for Meadows of Aberfoyle)**  
To ensure that Meadows of Aberfoyle residential development (Lot 23, Concession 7 and 8) is developed in a proper and orderly manner, the use of the holding provisions shall be applied to the subject land and identified on Schedule 'A'. Accordingly, the "h-6" symbol shall not be removed from the land zoned RC by this By-law until:
- (a) The owner has entered into the necessary development agreements with the Township; and,
  - (b) Council is satisfied that the proposed private communal water system is constructed, tested, commissioned, and is fully operational.

Until such time as the holding symbol is removed, the uses of the subject land are limited to those uses lawfully existing prior to the passage of this By-law.

## **(7) SPECIAL FLOOD PLAIN PROVISIONS FOR ABERFOYLE - (f) SUFFIX**

Land in Aberfoyle that contains existing development and is within the flood plain of Mill Creek is identified on Schedule 'A' of this By-law with an "f" zone suffix. Notwithstanding anything in this By-law to the contrary, development is not permitted within the area subject to the "f" suffix with the exception of minor changes to existing buildings and structures subject to the following special regulations:

- a) The conversion of an existing residence to a commercial use, if permitted by the applicable zone, shall require flood proofing measures approved by the municipality in consultation with the Grand River Conservation Authority;
- b) The conversion of existing commercial buildings to residential uses is prohibited;

By-law  
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10/05

- c) Additions or enlargements to structures existing on the date of passage of this By-law will be permitted up to a maximum of fifty (50) percent of the existing ground floor area with flood proofing measures approved by the municipality in consultation with the Grand River Conservation Authority;
- d) Prior to any conversions, additions or enlargements, placement or removal of fill, or change in use approvals, a “Fill, Construction and Alteration to Waterways” permit shall be obtained from the Grand River Conservation Authority.

## **SECTION 5 - A Zone – Agricultural Zone**

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### **(1) SCOPE**

The provisions of this Section shall apply in all Agricultural (A) Zones except as otherwise provided in the Special Provisions Subsection hereto.

### **(2) USES PERMITTED**

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

- (a) an agricultural use;
- (b) an intensive agricultural use;
- (c) a single detached dwelling;
- (d) a home occupation;
- (e) a retail farm sales outlet accessory to an agricultural use;
- (f) existing churches, schools, community halls and nursing homes;
- (g) a wayside pit;
- (h) forestry and woodlots;
- (i) open space and conservation areas;
- (j) a fish and wildlife management area;
- (k) a public use.

### **(3) ZONE REQUIREMENTS**

No person shall, within any A Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- (a) LOT AREA (MINIMUM) - 4.0 ha
- (b) LOT FRONTAGE (MINIMUM) - 121.9 m
- (c) SIDE YARD (MINIMUM) EACH SIDE
  - (i) Residences - 3.0 m
  - (ii) Other Permitted Uses - Equal to one-half building height but not less than 4.5 m.
- (d) REAR YARD (MINIMUM) - 7.6 m
- (e) REDUCED LOT REQUIREMENTS

Notwithstanding anything contained in this Section, the minimum lot requirement may be reduced when:

- (i) Such lot is contained within a plan of subdivision which was registered after the 27th day of March, 1946; or

- (ii) The lot is a parcel of land created by a consent pursuant to the provisions of the Planning Act.

A lot so created may only be used for a use permitted under Section 5(2)(a), (c), (d) or (k) and shall be subject to the following provisions:

- (iii) LOT AREA (MINIMUM) - 1 394.0 m<sup>2</sup>

- (iv) LOT WIDTH (MINIMUM) - 24.3 m

- (v) SIDE YARD (MINIMUM) EACH SIDE

- 1. Residences:

- 1 storey - 1.8 m

- 1 1/2 or 2 storeys - 2.4 m

- More than 2 storeys - Equal to 1/2 building height but in no case less than 3 metres.

If a garage is not provided either attached to or forming an integral part of the main building, a minimum side yard of not less than 3 metres shall be provided.

- 2. Other Permitted Uses - Equal to 1/2 building height but in no case less than 3 metres.

- a) A lot so created may only be used for a use permitted under Section 5 (2)(a), (c), (d), or (k) and shall be subject to the following provisions.

- (vi) REAR YARD (MINIMUM) - 7.6 m

(f) **LIQUID MANURE STORAGE**

No facility for the storage of liquid manure in association with a permitted or existing intensive agricultural use shall hereafter be erected or altered except where such facility:

- (i) is constructed of masonry, metal, pressure-treated timber or other impervious and durable material;
- (ii) is of sufficient size to accommodate the total amount of manure generated by the intensive agricultural use in any six-month period;
- (iii) is sealed to prevent surface drainage or ground water from gaining entrance; and
- (iv) is erected not closer than 15 metres to any watercourse or lot line and is not located within a required yard.

#### **(4) SPECIAL PROVISIONS**

##### **(a) A-1 (SHOOTING RANGE/SPORTSMEN'S CLUB)**

Notwithstanding any provisions of this By-Law to the contrary, within any area designated A-1 on Schedule 'A' hereto, the following special provisions shall apply:

###### **(i) Uses Permitted**

- a shooting range;
- a hall for meetings and banquets;
- a sportsmen's private club;
- 20 seasonal tourist trailers;
- any use permitted in an A Zone.

##### **(b) A-2 (KENNEL)**

Notwithstanding any provisions of this By-Law to the contrary, within any area designated A-2 on Schedule 'A' hereto, the following special provisions shall apply:

###### **(i) Uses Permitted**

- a kennel;
- any use permitted in an A Zone.

##### **(c) A-3 (NURSING HOME)**

Notwithstanding any provisions of this By-Law to the contrary, within any area designated A-3 on Schedule 'A' hereto, the following special provisions shall apply:

###### **(i) Uses Permitted**

- a nursing home;
- a single dwelling unit.

##### **(d) A-4 (RESTAURANT/TRAVEL TRAILER PARK/HOME FOR THE AGED)**

Notwithstanding any provisions of this By-Law to the contrary, within any area designated A-4 on Schedule 'A' hereto, the following special provisions shall apply:

###### **(i) Uses Permitted**

- a restaurant;
- a hall for meetings and banquets;
- a travel trailer park containing a maximum of 75 seasonal tourist trailers;
- a home for the aged;
- a rest home;
- a shooting range.

(e) **A-5 (RELIGIOUS RETREAT/COMMUNITY HALL/CONFERENCE CENTRE)**

Notwithstanding any provisions of By-Law 19/85 to the contrary, within any area designated A-5 on Schedule 'A' hereto, the following special provisions shall apply:

(i) **Uses Permitted**

- a) a religious retreat, which may include a community hall, lodge, and conference centre, or other buildings used for the purpose of leadership training and conferences, and buildings accessory thereto;
- b) any use permitted in the A Zone.

ii) **Minimum Setback From The Northern Most Lot Line**

- a) except for any buildings which existed prior to September 20, 1989, the setback for any new buildings shall be 500 metres from the northern most lot line.
- b) notwithstanding Section 5(4) (e) (ii) (a) of this by-law, buildings used for agricultural purposes shall be permitted with a minimum setback of 350 metres from the northern most lot line, and one single detached dwelling shall be permitted on Part Lot 25, Front Concession 1 with a minimum setback of 350 metres from the northern most lot line.

iii) **Lot Coverage**

- 4,000 square metres.

(f) **A-6 (REST HOME)**

Notwithstanding any provisions of this By-Law to the contrary, within any area designated A-6 on Schedule 'A' hereto, the following special provisions shall apply:

(i) **Uses Permitted**

- a rest home with up to 85 beds.

(g) **A-7 (SLOVENSKI)**

Notwithstanding any provisions of this By-Law to the contrary, within any area designated A-7 on Schedule 'A' hereto, the following special provisions shall apply:

(i) **Uses Permitted**

- a hall for meetings and banquets;
- a travel trailer park containing a maximum of 60 seasonal tourist trailers;
- outdoor recreation;
- a single dwelling unit for a caretaker.

(h) **A-8 (CONSTRUCTION)**

Notwithstanding any provisions of this By-Law to the contrary, within any area designated A-8 on Schedule 'A' hereto, the following special provisions shall apply:

(i) **Uses Permitted**

- a fencing construction business;
- a communications tower;
- any use permitted in an A Zone.

By-law  
31/85

(i) **A-9 (NON-PROFIT ADMINISTRATIVE TRAINING FACILITY)**

Notwithstanding any provisions of this By-Law to the contrary, within any area designated A-9 on Schedule 'A' hereto, the following special provisions shall apply:

(i) **Uses Permitted**

- a non-profit administrative training facility;
- any use permitted in an A Zone.

(j) **A-10 (LANDSCAPE BUSINESS)**

(i) **Uses Permitted**

- a landscape contractor's yard including a work shop, administrative office, shade house, outdoor storage, and the growing of plants, shrubs and trees for commercial purposes;
- a single detached dwelling, barn and accessory uses.

(ii) The retail sale of goods or materials from the subject property shall not be permitted.

(k) **A-11 (SECOND RESIDENCE)**

Notwithstanding any provisions of this By-law to the contrary, the land zoned A-11 may contain a single detached dwelling for full-time farm help.

(l) **A-12 (ARKELL RESEARCH STATION)**

Notwithstanding any provisions of this By-law to the contrary, for the land zoned A-12 the following special provisions shall apply:

i) **Uses Permitted**

- agricultural uses
- intensive agricultural uses
- agricultural research, including but not limited to:
- poultry research
- beef and sheep testing
- turkey research
- equine research
- swine research
- water control management research
- agricultural waste management research
- environmental biology research plots
- plant science research
- pasture research
- soil conservation research
- administrative offices related to agricultural industry
- uses, buildings and structures accessory to the above permitted uses

ii) **Zone Requirements**

The zone requirements of Section 5.3 shall apply to the subject lands with the exception of new livestock buildings and manure storage facilities which shall require a minimum setback of 488.0 metres (1600.0 ft.) to any lot line.

**added by OMB Order dated May 13, 1991.**

(m) **A-13 (UNIVERSITY OF GUELPH PIT)**

Notwithstanding any provisions of this By-law to the contrary, the area zoned "A-13" on Schedule 'A' hereto may be included within a licence issued by the Minister of Natural Resources to extract sand and/or gravel provided that there shall be no aggregate extraction within the area zoned "A-13", and further provided that the following special provisions shall apply:

(i) **Uses Permitted Shall be Restricted to:**

- erection of berms;
- forestry and woodlots;
- open space and conservation;
- fish and wildlife management.

(ii) **Zone Requirements**

The provisions of Section 5(3) - A Zone - Agricultural Zone do not apply to any berm erected.

**added by By-law #23/91**

(n) **A-14 (Administration Centre)**

Notwithstanding any provisions of this By-law to the contrary, for the land zoned A-14 the following special provisions shall apply:

i) **Uses Permitted:**

- an administrative office building

ii) **Zone Requirements:**

LOT AREA (MINIMUM)	3700.0 metres
LOT WIDTH (MINIMUM)	30.0 metres
SIDE YARD (MINIMUM)	
north side	3.0 metres
south side	9.0 metres
FRONT YARD (MINIMUM)	15.0 metres
REAR YARD (MINIMUM)	7.0 metres
LOT COVERAGE (MAXIMUM)	20%
LANDSCAPED OPEN SPACE (MINIMUM)	15%
OFF-STREET PARKING	The greater of 30 parking spaces or 1 parking space per 40 square metres of net floor area.

**added by By-law 31/90 as amended and approved by OMB Order dated August 10,1990.**

(o) **A-15 (Croft Holm Pit)**

Notwithstanding any provisions of this By-law to the contrary, within any area designated A-15 on Schedule 'A' hereto the following special provisions shall apply:

(i) **Uses Permitted**

- any use permitted in an "A" Zone
- a kennel
- a private haul route for a gravel pit
- landscaped berms
- a security residence for a gravel pit

(p) **A-16 (BUILDING CONTRACTORS)**

Notwithstanding any provisions of this By-law to the contrary, for the land zoned **A-16** the following special provisions shall apply:

- (i) **Uses Permitted:**
  - a building contractor's headquarters consisting of three existing buildings which may include: administrative offices, workshop, indoor storage area, aircraft hangars, and truck bays;
  - a log cabin;
  - an agricultural use; and
  - buildings, structures and uses accessory to the following permitted uses.

(ii) **Zone Requirements:**

LOT AREA (MINIMUM)	35.0 hectares
LOT FRONTAGE (MINIMUM)	235.0 metres
SIDE YARD (MINIMUM EACH SIDE)	as existing
REAR YARD (MINIMUM)	as existing

By-law  
22/02

(q) **A-17 (Residential Use Prohibited)**

Notwithstanding any provisions of this By-law to the contrary, for the land zoned A-17, a residential use or an accessory residential use is not permitted.

By-law  
24/94

(r) **A-18 (RESIDENTIAL BUILDING LINE SETBACKS)**

Notwithstanding any provisions of this By-law to the contrary, for the land zoned A-18 on Schedule 'A' hereto the following special provisions shall apply:

- i) The minimum setback for residential buildings shall be 198.12 metres (650 feet) from the front lot line.

By-law  
27/94

(s) **A-19 (Temporary Use - Garden Suite)**

Notwithstanding any provisions of this By-law to the contrary, for the land zoned A-19, the following special provisions shall apply:

(i) **Uses Permitted**

- a single-detached dwelling
- a home occupation
- a garden suite
- an accessory use

(ii) **Zone Requirements**

The applicable regulations of Section 3 and 5 shall apply to the subject land-except that the temporary garden suite shall maintain a minimum setback distance of 61.0 metres (200.0 ft.) from the front lot line. Notwithstanding the provisions of Section 3(24)(c) of this By-law, the garden suite may contain a maximum floor area of 109.1 square metres (1,174 sq. ft.).

- (iii) This Temporary Use Zone, which was established by By-law 27/94, shall be in effect for a maximum of ten years from September 7, 1994. Upon the expiry of this time period, unless extended by further amendment to this By-law, the subject land shall revert to the original Agricultural (A) Zone.

(t) **A-20 (Second Residence - Full Time Farm Help)**

Notwithstanding any provisions of this By-law to the contrary, the land zoned A-20 on Schedule 'A' may contain a second single detached dwelling subject to the applicable regulations of this By-law and the following special provisions:

- (i) The minimum setback for the second residence shall be 120.0 metres (400 feet) from the front lot line.

By-law  
10/97

(u) **A-21 (Temporary Use - Garden Suite)**

Notwithstanding any provisions of this By-law to the contrary, for the land zoned A-21 on Schedule 'A', the following special provisions shall apply:

(i) **Uses Permitted**

- a single-detached dwelling
- a home occupation
- a garden suite
- an agricultural use
- an accessory use

(ii) **Zone Requirements**

The applicable regulations of Sections 3 and 5 shall apply to the subject land. Notwithstanding the provisions of Section 3(24)(a) of this By-law, the subject land may contain a separate driveway from the street for the garden suite.

(iii) **Expiration of Garden Suite Use**

This garden suite is a temporary use, established by By-law No. 10/97, and shall be in effect for a maximum of ten years from April 2, 1997. Upon the expiry of this time period, unless extended by further amendment to this By-law, the subject land shall revert to the original Agricultural (A) Zone.

By-law  
14/97

(v) **A-22 (Reid's Heritage Homes Ltd. - Heritage Lake)**

Notwithstanding any provisions of this By-law to the contrary, within the area zoned A-22 on Schedule 'A' hereto the following special provisions shall apply:

- i) The subject lands may be included within an aggregate extraction licence issued by the Minister of Natural Resources, provided that there shall be no aggregate extraction.

- ii) The following temporary ancillary uses may be permitted: stockpiling of aggregate products, topsoil and/or subsoil berm construction, internal haul routes, weigh scales and scale house. Temporary shall mean until such time as the aggregate extraction being carried out within any area zoned EXI-12 is completed.

By-law  
16/97

(w) **A-23 (Second Residence - Full Time Farm Help)**

Notwithstanding any provisions of this By-law to the contrary, the land zoned A-23 on Schedule 'A' may contain a second residential unit subject to the applicable regulations of this By-law and the following special provision:

- i) The second residence shall be located to the rear of the existing main residence on the property.

By-law  
2/06

(x) **A-24 (Building Contractor's Office)**

Notwithstanding any provisions of this By-law to the contrary, for the land zoned **A-24** on Schedule 'A', the following special provisions shall apply:

(i) **Uses Permitted**

- a building contractor's office building

(ii) **Zone Requirements**

The applicable zone provisions of this By-law shall apply to the subject land together with the following special regulations:

LOT AREA (MINIMUM)	0.6 hectares
LOT FRONTAGE (MINIMUM)	90.0 metres
SIDE YARD (MINIMUM) EACH SIDE	Equal to one-half building height but not less than 4.5 metres
REAR YARD (MINIMUM)	7.6 metres
MAXIMUM FLOOR AREA	The gross floor area for the building contractor's office building shall not exceed 233 sq. metres (2,500 sq. ft.)
OUTDOOR STORAGE	Outdoor storage shall not be permitted.

By-law  
23/97

(y) **A-25 (Temporary Use - Garden Suite)**

Notwithstanding any provisions of this By-law to the contrary, for the land zoned **A-25** on Schedule 'A', the following special provisions shall apply:

(i) **Uses Permitted**

- a single-detached dwelling
- a home occupation
- a garden suite
- an accessory use

(ii) **Zone Requirements**

The applicable regulations of Sections 3 and 5 shall apply to the subject land. Notwithstanding any provisions of this By-law to the contrary, the minimum setback for the garden suite shall be 35 metres (115 ft.) from the front lot line.

(iii) **Expiration of Garden Suite Use**

This garden suite is a temporary use, established by By-law No. 23/97 and shall be in effect for a maximum of ten years from August 20, 1997. Upon the expiry of this time period, unless extended by further amendment to this By-law, the subject land shall revert to the original Agricultural (A) Zone whereby a garden suite is not a permitted use.

By-law  
36/98

(z) **A-26 (Kennel and Private Haul Route)**

Notwithstanding any provisions of this By-law to the contrary, the area zoned A-26 on Schedule 'A' may also be used for an existing kennel as defined by this By-law. This land may also be included within an aggregate extraction licence issued by the Ministry of Natural Resources to permit a temporary haul route and landscape berms. However, no extraction shall be permitted within this **A-26 Zone**. Temporary shall mean until such time as the extraction use being carried out within the area zoned **EXI-14** and **EXI-15** is completed.

By-law  
28/98

(aa) **A-27 (VETERINARIAN'S CLINIC)**

In addition to the uses permitted under subsection 5(2) and notwithstanding the requirements of subsection 5(3)(b) or any other provisions of this By-law to the contrary, the land zoned A-27 on Schedule 'A' may also be used for a veterinarian's clinic within an existing building on the property subject to the applicable provisions of this By-law.

By-law  
10/99

(bb) **A-28 (REDUCED LOT FRONTAGE)**

Notwithstanding the requirements of subsection 5(3)(e)(iv) or any other provisions of this By-law to the contrary, the land zoned **A-28** on Schedule 'A' may be used for a single detached dwelling and home

occupation subject to a minimum lot frontage of 6 metres and all other applicable provisions of this By-law.

By-law  
18/99

(cc) **A-29 (OFFICE - SOFTWARE RESEARCH/DEVELOPMENT)**

In addition to the uses permitted under subsection 5(2) and notwithstanding the requirements of subsection 5(3)(b) or any other provisions of this By-law to the contrary, the land zoned **A-29** on Schedule 'A' may also be used for an office for the purposes of conducting computer software research and development subject to the following special provisions:

(i) **Zone Requirements**

- The total floor area devoted to the permitted office use shall not exceed 185.8 square metres (2000 sq. ft.);
- The total number of employees on the subject land shall not exceed 12 persons excluding the residents of the property;
- The driveway on the subject property shall be a minimum width of 6 metres; and
- All other applicable regulations of the Zoning By-law, as amended, shall apply to the subject property.

By-law  
26/99

(dd) **A-30 (Second Residence – (Farm Help)**

Notwithstanding any provisions of this By-law to the contrary, the land zoned **A-30** on Schedule 'A' may permit the occupation of the existing farm house as a second residence for farm help which is to remain part of the farm, subject to the applicable regulations of this By-law.

(ee) (Pending By-law)

By-law  
32/01

(ff) **A-32 (Recognition of a Canning/Preserving Operation)**

Notwithstanding any provisions of this By-law to the contrary, the canning/preserving operation on the lands zoned A-32 on Schedule 'A' is recognized as a home occupation subject to the applicable regulations of this by-law and the following special provisions:

**Zone Requirements**

- The total floor area of the accessory building shall not exceed 444 m<sup>2</sup> (4,800 sq. ft.);
- 5 part-time employees who are not residents of the property shall be permitted.

By-law  
27/05

(gg) **A-33 (Accessory Dwelling Unit for Farm Help and Veterinary Clinic)**

In addition to the permitted uses of the A - Agricultural Zone Section 5(2), for the lands zoned **A-33** on Schedule 'A' hereto, the following special provisions shall apply:

- i) Additional Uses Permitted
  - An accessory dwelling unit for farm help in the existing farm building, subject to the applicable regulations of this by-law;
  - A veterinary clinic limited to a premises where horses are given on-site medical or surgical treatment. Accessory office use, pharmacy, laboratory and/or mobile veterinary operation are also permitted.
- ii) Zone Requirements
  - The total floor area devoted to the veterinary clinic use listed above shall not exceed 300 m<sup>2</sup> (3,229 sq. ft.).
- iii) All other applicable regulations of this By-law shall apply.

By-law  
26/03

(hh) **A-34 (Veterinarian Clinic, Blacksmith Shop and Tack Shop)**

In addition to the permitted uses of the A-Agriculture Zone Section 5(2), for the lands zoned A-34 on Schedule 'A' hereto, the following special provisions shall apply:

- i) Additional Uses Permitted:
  - Veterinarian clinic;
  - Blacksmith shop;
  - Tack shop.
- ii) Zone Requirements
  - The total floor area devoted to the additional permitted uses listed above shall not exceed 279 m<sup>2</sup> (3,000 sq. ft.).
- iii) All other applicable regulations of this By-law shall apply.

By-law 35/05  
Approved by  
OMB

(ii) **A-35 (KENNEL)**

Notwithstanding the uses permitted under Section 5(2) and any provisions in this By-law to the contrary, the land zoned **A-35** may be used for a kennel and accessory uses subject to the applicable provisions of this By-law and the following special provisions:

- i) Minimum Front Yard Depth - 20 metres
- ii) Minimum Exterior Side Yard - 15 metres

- iii) Maximum Floor Area - 480 metres square
- iv) Maximum Outdoor Common Play Area - 400 metres square
- v) Maximum Outdoor Pen Area (aggregate) - 450 metres square
- vi) All outdoor play areas shall be enclosed by chain link fencing. Outdoor pens shall be provided with roofing, walls, and solid wood fencing to provide noise attenuation.
- vii) Dogs shall not be permitted within any outdoor pens or play areas overnight.
- viii) Off-street Parking shall be provided in accordance with provisions of Section 3(16).
- ix) The required kennel building setback from the NE Zone is a minimum of 15 metres.
- x) The land zoned **A-35** is subject to all applicable regulations of Zoning By-law 19/85, as amended.

By-law  
46/05

(jj) **A-36 (Accessory Dwelling Unit for Farm Help)**

In addition to the uses permitted under subsection 5(2) and notwithstanding the subsection 5(2)(c) or any provisions of this By-law to the contrary, the land zoned A-36 on Schedule 'A' may be used for the following residential uses:

- A single detached dwelling
- A dwelling unit for farm help in the existing farm house accessory to an agricultural use

The above uses are subject to the applicable regulations of this By-law and the following special provisions:

i) **Zone Requirements**

A single detached dwelling shall share an entrance with the existing farm house and no part of the dwelling shall be located further than a 61.0 m (200.0 ft) radius of the existing farm house.

By-law  
60/05

(kk) **A-37 (Kennel)**

Notwithstanding the uses permitted under Section 5(2) and any provisions in this By-law to the contrary, the land zoned **A-37** may be used for a kennel and accessory uses subject to the applicable provisions of this By-law and the following special provisions:

- i) Minimum Front Yard Depth - 75 metres
- ii) Maximum Kennel Floor Area - 143 metres square
- iii) Maximum Outdoor Common Play Area - 2,200 metres square
- iv) Maximum Outdoor Pen Area (aggregate) - 72 metres square
- v) All outdoor play areas and pens shall be enclosed by chain link fencing.
- vi) Dogs shall not be permitted within outdoor play areas or pens between the hours of 8:00 p.m. and 7:00 a.m.
- vii) Off-street Parking shall be provided in accordance with provisions of Section 3(16).
- viii) Accessory uses such as an office for therapeutic procedures and indoor training facilities are subject to the provisions of Section 3(1). An accessory office for therapeutic procedures shall not include surgical procedures or services requiring overnight stay.
- ix) The land zoned **A-37** is subject to all applicable regulations of Zoning By-law 19/85, as amended.

(ll) **A-38** reserved

(mm) **A-39 (Livestock and Manure Storage Prohibited)**

Notwithstanding Sections 5(2), 5(3)(e)(ii) and 5(3)(f) or any provisions of this by-law to the contrary, for the land zoned **A-39** on Schedule "A", the barns and liquid manure tank existing as of the date of passing of this by-law are not permitted to be used for keeping or housing of livestock, or for manure storage, but may be used accessory to a permitted use.

All other applicable provisions of By-law 19/85, as amended, shall apply to the A-39 Zone.

(nn) **A-40 (Accessory Use)**

Notwithstanding Sections 5(2) and 5(3)(e)(ii) or any provisions of this by-law to the contrary, the land within the **A-40** Zone on Schedule "A", shall only be used for accessory uses to a single detached dwelling.

Unless otherwise provided above, all other applicable provisions of By-law 19/85, as amended, shall apply to the A-40 Zone.

By-law  
39/08

By-law  
40/08

By-law  
28/10

- (oo) **A-41 (Heritage Lake)**  
Notwithstanding any provisions of this by-law to the contrary, within any designated **A-41** zone on Schedule A hereto, the following special provisions shall apply:

Uses permitted will be restricted to:

- an agricultural use excluding livestock buildings
- open space and conservation
- any residential use is prohibited

By-law  
01/09

- (pp) **A-42 (Temporary Use – Garden Suite)**  
Notwithstanding any provisions of this By-law to the contrary and in addition to the uses permitted under subsection 5(2), the land zoned **A-42** on Schedule “A” may also be permitted a garden suite subject to the following special provisions:

(i) **Zone Requirements**

The applicable regulations of Sections 3 and 5 shall apply to the subject land. Notwithstanding the provisions of Section 3(24)(c) of this By-law, the maximum floor area of a garden suite shall be 110 m<sup>2</sup>.

(ii) **Expiration of Garden Suite Use**

This garden suite is a temporary use, established by By-law No. 1/09, and shall be in effect for a maximum of ten years from December 2, 2008. Upon the expiry of this time period, unless extended by further amendment to this By-law, the subject land shall revert to the original Agricultural (A) Zone whereby a garden suite is not a permitted use.

By-law  
37/10

- (qq) **A-43 (Accessory Dwelling Unit for Farm Help)**  
Notwithstanding any provisions of this by-law to the contrary, the land zoned **A-43** on Schedule ‘A’ hereto may also be permitted an accessory dwelling unit for farm help in the farm house existing as of the date of passing of this by-law, subject to the applicable regulations of By-law 19/85 and the following special provisions:

i) MINIMUM LOT AREA - 41.6 ha (103 ac)

ii) DRIVEWAY ENTRANCE

A single detached dwelling and accessory dwelling unit for farm help shall share the same driveway entrance.

By-law  
20/09

- (rr) **A-44 (Building Contractor’s Office)**  
Notwithstanding any provisions of this By-law to the contrary, for the land zoned **A-44** on Schedule ‘A’, the following special provisions shall apply:

(i) **Uses Permitted Restricted To**

- (a) a building contractor’s office which may include administration offices, workshop and storage buildings;

- (b) buildings, structures and uses accessory to the above use, including outdoor storage.

(ii) **Zone Requirements**

The applicable zone provisions of this By-law shall apply to the subject land together with the following special regulations:

- (a) LOT AREA (MINIMUM) 1.0 hectare
- (b) LOT FRONTAGE (MINIMUM) 65.0 metres
- (c) SIDE YARD (MINIMUM) EACH SIDE Equal to one-half building height but not less than 4.5 metres
- (d) REAR YARD (MINIMUM) As existing
- (e) LOT COVERAGE (MAXIMUM) 10%
- (f) LANDSCAPED OPEN SPACE (MINIMUM) 25%
- (g) LANDSCAPED BUFFER

A landscaped buffer a minimum of 3.0 metres wide shall be provided in the following locations:

- i) abutting the western limit of the A-44 Zone, commencing at a point a maximum of 25 metres setback from the street line for a minimum length of 110 metres; and
- ii) abutting the eastern limit of the A-44 Zone, commencing at a point a maximum of 50 metres setback from the street line.

A landscaped buffer means the area of the lot which serves to provide separation and to partially or fully obstruct the view of adjacent land uses by means of a vegetative screen, fencing and/or berms.

(h) **OUTDOOR STORAGE**

All outdoor storage of equipment or materials shall be setback a minimum of 100 metres from a street line.

Outdoor storage shall be fully screened so it is not visible from any public road, public highway or adjacent lot by means of a planting strip as defined by Section 2 of the Zoning By-law.

- (i) All other applicable regulations of the Zoning By-law shall be maintained.

By-law  
26/09

- (ss) **A-45 (Accessory Dwelling Unit for Farm Help)**  
Notwithstanding any provisions of this By-law to the contrary, the land zoned A-45 on Schedule 'A' may be permitted an accessory dwelling unit for farm help in the existing detached garage which is to remain part of the farm, subject to the applicable regulations of this By-law.

By-law  
23/10

- (tt) **A-46 (Preston Sand & Gravel - Roszell Pit)**  
Notwithstanding any provisions of this By-law to the contrary, the area zoned **A-46** on Schedule "A" may be included within a licenced pit pursuant to the Aggregate Resources Act, R.S.O., 1990, as amended. The land uses within the **A-46** Zone shall be restricted to agricultural uses, existing single-detached dwellings, reforestation, ecological enhancement, and the following temporary uses: private internal haul route, entry signage, acoustical and landscape berms, and scientific monitoring for ecological and hydrogeological purposes. No aggregate extraction, processing, loading or stockpiling is permitted within this zone. For the purposes of the **A-46** Zone, 'temporary' shall mean until such time as the aggregate extraction use on part of Lots 1 and 2, Concessions 3 and 4 continues and the applicable licence remains in effect.

By-law  
42/10

- (uu) **A-47 (Reduced Lot Frontage with 25 m Building Setback)**  
Notwithstanding the provisions of Section 5(3)(e)(iv) or any other provisions of this By-law to the contrary, the land zoned **A-47** on Schedule 'A' hereto, may be used for a single detached dwelling, a home occupation, and accessory uses subject to a minimum lot frontage of 7.3 metres and all other applicable provisions of this By-law. Further, no buildings shall be constructed within 25 metres of the southern boundary of the registered right-of-way of Oak Lane located on the north side of the subject property.
- (vv) **A-48 (Reduced Lot Frontage)**  
Notwithstanding the provisions of Section 5(3)(e)(iv) or any other provisions of this By-law to the contrary, the land zoned **A-48** on Schedule 'A' hereto, may be used for a single detached dwelling, a home occupation, and accessory uses subject to a minimum lot frontage of 14.6 metres and all other applicable provisions of this By-law.

## **SECTION 6 - HR Zone – Hamlet Residential Zone**

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### **(1) SCOPE**

The provisions of this Section shall apply in all Hamlet Residential (HR) Zones except as otherwise provided in the Special Provisions Subsection hereto.

### **(2) USES PERMITTED**

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

- (a) a single detached dwelling;
- (b) a semi-detached or duplex dwelling;
- (c) a rooming house or boarding house;
- (d) a home occupation;
- (e) a public use.

### **(3) ZONE REQUIREMENTS**

No person shall, within any HR Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- (a) LOT AREA (MINIMA)
  - (i) single detached dwelling - 1 390 m<sup>2</sup>
  - (ii) other uses - 1 860 m<sup>2</sup>
- (b) LOT FRONTAGE (MINIMUM) - 25 m
- (c) FRONT YARD DEPTH (MINIMUM) - 10 m
- (d) INTERIOR SIDE YARD WIDTH (MINIMUM)  
Three metres on one side and one metre on the other side.
- (e) EXTERIOR SIDE YARD WIDTH (MINIMUM) - 3.5 m
- (f) REAR YARD DEPTH (MINIMUM) - 7.5 m
- (g) LOT COVERAGE (MAXIMUM) - 30%
- (h) LANDSCAPED OPEN SPACE (MINIMUM) - 30%

**(4) SPECIAL PROVISIONS**

**(a) HR-1 (POST OFFICE)**

Notwithstanding any provisions of this By-Law to the contrary, within any area designated HR-1 on Schedule 'A' hereto, the following special provisions shall apply:

- (i) Uses Permitted**
  - a post office;
  - any use permitted in an HR Zone.

**(b) HR-2 (MORRISTON)**

Notwithstanding any provisions of this By-Law to the contrary, within any area designated HR-2 on Schedule 'A' hereto, the following special provisions shall apply:

- (i) Uses Permitted**
  - any use permitted in an HR Zone.

**(ii) Zone Requirements**

The zone requirements of Section 6 (3) shall apply, however, lots shall only be created by means of a registered plan of subdivision.

By-law  
35-86

**(c) HR-3**

Notwithstanding any provisions of this By-Law to the contrary, within any area designated HR-3 on Schedule 'A' hereto, the following special provisions shall apply:

- (i) Uses Permitted**
  - any use permitted in an HR Zone

**(ii) Zone Requirements**

The zone requirements of Section 6 (3) shall apply with the exception that any structures must be floodproofed and erected within raised building envelopes to 315.0 metres C.G.D. with:

LOT AREA (MINIMUM)	- 4 332 m <sup>2</sup>
LOT FRONTAGE (MINIMUM)	- 76.0 m

By-law  
28/96

**(d) HR-4 (Arkell)**

Notwithstanding any provisions of By-Law No. 19/85 to the contrary, within the area zoned HR-4 the following special provisions shall apply:

(i) **Permitted Uses**

- a) a single detached dwelling
- b) a public use, including a public park
- c) a home occupation

(ii) **Zone Requirements**

The zone requirements of Section 6(3) shall apply with the exception of the following:

- a) Lot Area (Minimum) 3,000 m<sup>2</sup>
- b) Lot Frontage (Minimum) 30 m
- c) Front Yard Depth (Minimum) 6.1 m
- d) Notwithstanding the setback requirements of Section (3)(18)(a), the minimum exterior side yard width shall be 3.5 metres.

## **SECTION 6A - RC Zone – Residential Community Zone**

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### **(1) SCOPE**

The provisions of this Section shall apply to all Residential Community (RC) Zones except as otherwise provided in the Special Provisions subsection hereto.

### **(2) USES PERMITTED**

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

- (a) A maximum of 55 single detached dwellings
- (b) A community entrance feature
- (c) Private parks, trails and accessory structures
- (d) A private right-of-way
- (e) Private communal water services

### **(3) ZONE REQUIREMENTS**

No person, shall, within any RC Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- (a) For the purposes of implementing the provisions of this By-law, reference to “lot” shall refer to “unit” as defined by the Condominium Act, S.O. 1998, as amended.
- (b) LOT FRONTAGE (MINIMUM) 15 metres
- (c) LOT AREA (MINIMUM) 700 metres square
- (d) MAXIMUM LOT COVERAGE 35%
- (e) MINIMUM FRONT YARD 6 metres
- (f) MINIMUM SIDE YARD 1.83 metres
- (g) MINIMUM REAR YARD 6.5 metres
- (h) MAXIMUM HEIGHT FOR DWELLINGS 6.5 metres
- (i) MAXIMUM NUMBER OF BEDROOMS 2
- (j) MINIMUM FLOOR AREA 93 metres square
- (k) MAXIMUM FLOOR AREA 193 metres square

### **(4) SPECIAL REGULATIONS**

- (a) Access Road (Minimum Right-of-Way Width) - 7.6 metres (two way)
- (b) Off-Street Parking (Minimum) - Minimum 1 parking space per unit
- (c) Visitor Parking Spaces/Area - Minimum of 1 parking space for every four dwellings (i.e. a 55 unit development requires a minimum of 14 parking spaces for visitors). Visitor parking spaces may be clustered with no more than 7 spaces per parking area.

- (d) The community entrance feature, the storm water management facility and the residential lots within the RC Zone are exempt from the provisions of subsection 3(18)(a) and 3(25) of this By-law.

## **SECTION 7 - RR Zone - Resort Residential Zone**

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### **(1) SCOPE**

The provisions of this Section shall apply in all Resort Residential (RR) Zones except as otherwise provided in the Special Provisions Subsection hereto.

### **(2) USES PERMITTED**

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

- (a) a single detached dwelling;
- (b) a home occupation;
- (c) a public use.

### **(3) ZONE REQUIREMENTS**

No person shall, within any RR Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- (a) LOT AREA (MINIMUM) - 1 350 m<sup>2</sup>

The provisions of Section 3(14) (c) as it relates to lot area shall not apply within the RR Zone.

- (b) LOT FRONTAGE (MINIMUM) - 23 m
- (c) FRONT YARD

Within the RR Zone, the front yard shall be considered a rear yard when the property abuts a lake or watercourse.

- (d) INTERIOR SIDE YARD WIDTH (MINIMUM)

Three metres on one side and two metres on the other side, except that where a private garage is attached to a single detached dwelling, the minimum interior side yard width on both sides of such dwelling shall be two metres.

- (e) EXTERIOR SIDE YARD WIDTH (MINIMUM) - 3.5 m
- (f) REAR YARD DEPTH (MINIMUM) - 7.5 m
- (g) LOT COVERAGE (MAXIMUM) - 30%
- (h) LANDSCAPED OPEN SPACE (MINIMUM) - 30%

(i) ACCESS TO A PUBLIC ROAD

Notwithstanding the provisions of Section 3(2), access to a public road shall not be required.

**(4) SPECIAL PROVISIONS**

(a) **RR-1 (LOT 5, CONCESSION 2)**

Notwithstanding any provisions of this By-Law to the contrary, within any designated RR-1 on Schedule 'A' hereto, the following special provisions shall apply:

(i) **Uses Permitted**

- a single detached dwelling;
- a religious use;
- a public use.

(b) **RR-2 ("h-5") - (Irish Creek Estates - 23CD-01004)**

Notwithstanding any provisions of this by-law to the contrary, within the **RR-2** Zone on Schedule 'A' hereto, the following special provisions shall apply:

(i) **Uses Permitted**

- a maximum of 20 single-detached residential dwellings  
home occupations
- private park/recreational areas
- a community entrance feature
- a private right-of-way
- public uses

(ii) **Zone Requirements**

The zone requirements of Section 7 (3) shall apply to the **RR-2 Zone**

- (a) For the purposes of implementing the provisions of this By-law, reference to "lot" shall refer to "unit" as defined by the Condominium Act, S.O. 1998, as amended.
- (b) Within the RR-2 Zone, where a lot abuts Puslinch Lake, the front yard shall be considered a rear yard.
- (c) For lots 4 to 9 inclusive, which abut Puslinch Lake, the minimum front yard setback for main buildings and septic systems shall be 15 metres from the front lot line.
- (d) Notwithstanding the provisions of Section 7(3)(d), Minimum Interior Side Yard Width, no buildings, structures or septic systems shall be constructed on lots 1 and 11 within 15 metres of the wetland boundary as illustrated on Schedule 'A' to this By-law.

# SECTION 7A - MR Zone – Millcreek Residential Area Zone

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By-Law 42/95  
Approved by OMB

## (1) SCOPE

The provisions of this Section shall apply in the Millcreek Residential Area (MR) Zone, except as otherwise provided hereto.

## (2) USED PERMITTED

No person shall, within any MR Zone, use any lot or erect, alter or use any building or structure for any purposes except one or more of the following MR uses, namely:

- (a) a maximum of 72 Mobile Homes or Manufactured Dwellings;
- (b) an accessory single detached dwelling unit for the caretaker and/or manager,
- (c) a laundromat serving on site residents only;
- (d) a variety store serving on site residents only;
- (e) an existing private clubhouse serving on site residents only;
- (f) sales of mobile homes or manufactured dwellings for use on site, but not including the manufactured dwelling except in accordance with the following Special Provisions:

## (3) ZONE REQUIREMENTS

No person shall, within any MR Zone, use any lot or erect, alter or use any building or structure for purposes of a mobile home or manufactured dwelling except in accordance with the following Special Provisions:

### (a) SITE AREA (MINIMUM)

Each mobile home or manufactured dwelling shall be located within a site area that has a minimum area of 280m<sup>2</sup>.

### (b) SITE COVERAGE (MAXIMUM)

The coverage of all buildings including accessory buildings within each site area shall not exceed 35.0%.

### (c) BUILDING FLOOR AREA (MAXIMUM)

The total building floor area on any site area shall not exceed 96.0m<sup>2</sup> for all buildings including accessory buildings.

By-law  
24/99

(d) **BUILDING SETBACK - (MINIMUM)**

Every mobile home or manufactured dwelling shall be located a minimum distance of 3.0m from the front site line. (The front site line is that line abutting a common roadway).

(e) **BUILDING SEPARATION (MINIMUM)**

Every mobile home or manufactured dwelling shall be separated from any other mobile home or manufactured dwelling by a distance of at least 3.5m from the building face.

(f) **ACCESS**

Every mobile home or manufactured dwelling located on a site area shall have access from a common roadway.

(g) **PARKING**

For each mobile home or manufactured dwelling, minimum 1 off-street parking space located on each site area or within a maximum of 30 metres of a site area.

**(4) SPECIAL PROVISIONS**

(a) At the time of coming into force of this By-law, any use of a site area less than 280m<sup>2</sup> as identified on Schedule "B" hereto shall comply with all Zone Provisions of sub-section (3) except clause (a).

(b) No person shall, within any MR Zone, use any lot or erect, alter or use any building or structure for purposes other than a mobile home or manufactured dwelling except in accordance with the following provisions.

(a) **GROSS FLOOR AREA (MAXIMUM)**

Laundromat	100m <sup>2</sup>
Variety Store	150m <sup>2</sup>
Private Club	300m <sup>2</sup>

(b) **SALES AREA/OUTDOOR DISPLAY MAXIMUM**

500m<sup>2</sup>

## **SECTION 7B - ML Zone - Mini Lakes Zone**

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By-Law 17/00  
Approved by OMB

### **(1) SCOPE**

The provisions of this Section shall apply in the Mini Lakes (ML) Zone except as otherwise provided hereto.

### **(2) USES PERMITTED**

No person shall, within the ML Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following:

- (a) one dwelling unit, as defined under subsection (3), per site
- (b) an accessory single detached dwelling for a caretaker or manager
- (c) an administrative office
- (d) a laundromat serving on site residents only
- (e) a library serving on site residents only
- (f) a variety store serving on site residents only
- (g) a maintenance building servicing the site
- (h) a recreation building and pavilion
- (i) a sales office for sites and dwelling units
- (j) uses accessory to the above permitted uses

### **(3) PERMITTED DWELLING UNITS**

Within the ML Zone, a dwelling unit is permitted for year-round occupancy only if:

- (a) it is a mobile home or manufactured building which complies with the Ontario Building Code (OBC) for year-round occupancy; or
- (b) it is a unit that is existing on a site on the subject lands as of the date of passing of this By-law that can be converted to an equivalent OBC or CSA standard for year-round occupancy and certified as such by a professional engineer to the satisfaction of the Chief Building Official in accordance with the Ontario Building Code Act and amendments thereto. All conversions to year-round use must comply with the most recent OBC or CSA standards for acceptance;
- (c) all other requirements of this By-law are met; and
- (d) an occupancy permit for year-round occupation has been issued by the Chief Building Official.

### **(4) PROHIBITED DWELLING UNITS**

Within the ML Zone, no travel trailers or recreational vehicles including any additions thereto shall be occupied for year-round use nor be permitted to convert to year-round use.

## **(5) DWELLING SITE REQUIREMENTS**

- (a) **Site Area (Minimum)**  
Each dwelling unit shall be situated on a site that has a minimum site area of 280 square metres. Notwithstanding the above, a maximum of 63 sites may contain less than the 280 sq. m. minimum area provided they are greater than 230 sq. m. in total site area.
- (b) **Site Width (Minimum)**  
Each site shall have a minimum width of 9.0 metres measured at the required minimum front yard.
- (c) **Site Front Yard (Minimum)**  
Each dwelling unit shall be located a minimum distance of 3.0 metres from the front site line. The front site line is that line which abuts a common internal roadway.
- (d) **Site Side Yard (Minimum)**  
Each dwelling unit shall have a minimum rear yard of 1.2 metres.
- (e) **Site Rear Yard (Minimum)**  
Each site shall have a minimum rear yard of 1.2 metres.
- (f) **Dwelling Unit Floor Area (Maximum)**  
The maximum dwelling unit floor area is 116.0 square metres. Notwithstanding the above, this By-Law recognizes those dwelling units which existed prior to the date of passing of this By-Law that have a floor area greater than 116.0 square metres.
- (g) **Dwelling Unit Floor Area (Minimum)**  
The minimum dwelling unit floor area is 53.5 square metres.
- (h) **Site Coverage (Maximum)**  
The coverage of a site by all buildings and structures shall not exceed 35%.
- (i) **Dwelling Unit Height (Maximum)**  
No dwelling unit shall exceed 1 storey in height.

## **(6) GENERAL ZONE REQUIREMENTS**

- (a) **Maximum Density**  
A maximum of 400 residential sites may be permitted within the ML Zone.
- (b) **Building Separation (Minimum)**

Each dwelling unit shall be separated from any other dwelling unit by a minimum distance of 3.5 metres from the building face. Every accessory building shall be separated from the main building on the site by a distance of at least 1.2 metres.

- (c) **Parking**  
A minimum of 1 parking space shall be provided for each dwelling unit on a site. Visitor parking shall be provided on the basis of 1 space for every 10 sites within the ML Zone and subject to the provisions of Section 3(16) of the Zoning By-law.
  
- (d) **Access**  
Each dwelling unit shall have direct access to a common internal roadway which has a minimum unobstructed travel width of 6 metres. Exceptions to the minimum width may be permitted, provided they are illustrated on a site plan approved by Council in consultation with the Township Fire Chief.
  
- (e) **Building Floor Area (Maximum)**  
The following uses shall have a maximum floor area of:
 

laundromat	100 sq. metres
variety store	150 sq. metres
recreation building	500 sq. metres
  
- (f) **Additional Zone Requirements**  
Unless otherwise provided above, all other applicable regulations of By-law 19/85, as amended, including Section 3 General Provisions shall apply to the ML Zone.

## **SECTION 8 - ER1 Zone - Estate Residential Type 1 Zone**

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### **(1) SCOPE**

The provisions of this Section shall apply in all Estate Residential Type 1 (ER1) Zones except as otherwise provided in the Special Provisions Subsection hereto.

### **(2) USES PERMITTED**

No person shall, within any ER1 Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following ER1 uses, namely:

- (a) a single detached dwelling;
- (b) a home occupation;
- (c) a public use.

### **(3) ZONE REQUIREMENTS**

No person shall, within any ER1 Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- (a) LOT AREA (THE GREATER OF)
  - 0.8 ha or as created by a registered plan of subdivision
- (b) LOT FRONTAGE (MINIMUM) - 75 m
- (c) FRONT YARD DEPTH (MINIMUM) - 15 m
- (d) INTERIOR SIDE YARD WIDTH (MINIMUM) - 10 m
- (e) EXTERIOR SIDE YARD WIDTH (MINIMUM) - 10 m
- (f) REAR YARD DEPTH (MINIMUM) - 10 m
- (g) LOT COVERAGE (MAXIMUM) - 30%
- (h) LANDSCAPED OPEN SPACE (MINIMUM) - 30%
- (i) SEPARATION FROM ADJACENT BARNS  
No single detached dwelling shall be located closer than 180 metres to the barns of an intensive agricultural use on adjacent property.

### **(4) SPECIAL PROVISIONS**

## **SECTION 9 - ER2 Zone – Estate Residential Type 2 Zone**

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### **(1) SCOPE**

The provisions of this Section shall apply in all Estate Residential Type 2 (ER2) Zones except as otherwise provided in the Special Provisions Subsection hereto.

### **(2) USES PERMITTED**

No person shall, within any ER2 Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following ER2 uses, namely:

- (a) a single detached dwelling;
- (b) a home occupation;
- (c) a public use.

### **(3) ZONE REQUIREMENTS**

No person shall, within any ER2 Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- (a) LOT AREA (MINIMUM) - 0.4 ha
- (b) LOT FRONTAGE (MINIMUM) - 50 m
- (c) FRONT YARD DEPTH (MINIMUM) - 15 m
- (d) INTERIOR SIDE YARD WIDTH (MINIMUM) - 10 m
- (e) EXTERIOR SIDE YARD WIDTH (MINIMUM) - 10 m
- (f) REAR YARD DEPTH (MINIMUM) - 10 m
- (g) LOT COVERAGE (MAXIMUM) - 30%
- (h) LANDSCAPED OPEN SPACE (MINIMUM) - 30%
- (i) SEPARATION FROM ADJACENT BARNS

No single detached dwelling shall be located closer than 180 metres to the barns of an intensive agricultural use on adjacent property.

### **(4) SPECIAL PROVISIONS**

- (a) **ER2-1 - Estate Residential Type 2 (Slater)**  
Notwithstanding any provisions of this By-law to the contrary, within any area designated ER2-1 on Schedule 'A' hereto, the following special provisions shall apply:

- (i) On lots 13 - 27 inclusive, a rear yard setback of at least fifteen metres for buildings, structures and septic tanks will be required.

By-law  
10/99

(b) **ER2-2 (Aberfoyle Creek Estates - Phase 2)**

Notwithstanding subsections 3(18)(a), 9(3)(b), (d) and (f), and any provisions of this By-law to the contrary, the area zoned **ER2-2** on Schedule 'A' hereto may be used for a permitted use listed under subsection 9(2) subject to the following special provisions and all other applicable provisions of this By-law:

- (i) LOT FRONTAGE (MINIMUM) 27.5 metres
- (ii) INTERIOR SIDE YARD WIDTH (MINIMUM) 5 metres
- (iii) Lots 2, 3, 4 and 5 (as illustrated on the Revised Draft Plan 23T-98006 dated January 25, 1999) shall maintain a Rear Yard Depth (Minimum) of 15 metres.
- (iv) Lots 6 and 7 (as illustrated on the Revised Draft Plan 23T-98006 dated January 25, 1999) shall maintain a Minimum Rear Yard Depth of 30 metres.
- (v) Lots 15, 16, 17 and 18 (as illustrated on the Revised Draft Plan 23T-98006 dated January 25, 1999) shall maintain a Minimum Front Yard Depth of 10 metres.

By-law  
2/05

(c) **ER2-3 (Aberfoyle Creek Estates Phase 3)**

Notwithstanding any provisions of this by-law to the contrary, within the ER2-3 Zone on Schedule "A" hereto, the following special provisions shall apply:

- (i) LOT FRONTAGE (MINIMUM) 27.5 metres
- (ii) LOT AREA (MINIMUM) 3240 m<sup>2</sup>
- (iii) INTERIOR SIDE YARD WIDTH (MINIMUM) 5 metres

By-law  
41/08

(d) **ER2-4 (Audrey Meadows)**

Notwithstanding any provisions of this By-law to the contrary, within the ER2-4 Zone on Schedule "A" hereto, the following special provisions shall apply:

- (i) LOT FRONTAGE (MINIMUM) 27.5 metres
- (ii) FRONT YARD DEPTH (MINIMUM) 10 m
- (iii) Notwithstanding (d)(ii) above, Lot 27 and Lot 28 (as illustrated on Revised Draft Plan 23T-04002 dated April 24, 2008) shall maintain a Minimum

Front Yard Depth of 15 metres, and Lot 36 shall maintain a Minimum Front Yard Depth of 0.5 metres.

- (iv) INTERIOR SIDE YARD WIDTH (MINIMUM) 5 m
- (v) EXTERIOR SIDE YARD WIDTH (MINIMUM) 5 m
- (vi) Notwithstanding (d)(v) above, Lot 1 and Lot 48 (which abut Victoria Road South as illustrated on Revised Draft Plan 23T-04002 dated April 24, 2008) shall maintain an Exterior Side Yard Width of 10 metres.
- (vii) LOT COVERAGE (MAXIMUM) 40%

All other applicable provisions of the ER2 Zone and other sections of By-law 19/85 shall also apply to the ER2-4 Zone.

By-law  
28/10

(e) **ER2-5 (Heritage Lake)**

Notwithstanding any provisions of this by-law to the contrary, within any designated ER2-5 zone on Schedule A hereto, the following special provisions shall apply:

- i) MINIMUM LOT AREA - 2,023 m<sup>2</sup>
- ii) LOT FRONTAGE (MINIMUM) - 27.5 m

Notwithstanding Subsection ii) above, Units 7, 8, 29, 30, 53 and 54 (as illustrated on the Revised Draft Plan of Condominium 23CD-06001, dated June 13, 2008) shall maintain a minimum lot frontage of 24 m.

- iii) FRONT YARD DEPTH (MINIMUM) - 7.5 m

Notwithstanding Subsection (iii) above, Units 7, 8, 9, 23, 24, 25, 26, 28, 29, 30, 31, 53 and 54 (as illustrated on the Revised Draft Plan of Condominium 23CD-06001, dated June 13, 2008) shall maintain a minimum Front Yard Depth of 10 m.

- iv) INTERIOR SIDE YARD (MINIMUM) - 5.0m

Notwithstanding Subsection (iv) Units 8, 22, 24, 25, 28, 29, 30, 53 and 54 (as illustrated on the Revised Draft Plan of Condominium 23CD-06001, dated June 13, 2008) shall maintain a minimum Interior Side Yard Width of 3m.

- v) EXTERIOR SIDE YARD (MINIMUM) - 7.5m
- vi) REAR YARD DEPTH (MINIMUM) - 7.5m
- vii) LANDSCAPED OPEN SPACE (MINIMUM) - 30%
- viii) LOT COVERAGE (MAXIMIMUM) - 20%

Notwithstanding Section 3.25(a) of By-law 19/85, no additional setback will be required from the boundary of any NE zone

For purposes of this by-law, reference to “lot” shall refer to “unit” within a registered Vacant Land Condominium Plan defined by the Condominium Act, 1998. Lot frontage, as set out in the foregoing should be interpreted as being frontage of a “unit” on a condominium common elements roadway. In addition, reference herein to a “lot line” should be interpreted to be equivalent to a unit boundary of a unit within a registered Vacant Land Condominium Plan.

## **SECTION 10 - RUR Zone – Rural Residential Zone**

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### **(1) SCOPE**

The provisions of this Section shall apply in all Rural Residential (RUR) Zones except as otherwise provided in the Special Provisions Subsection hereto.

### **(2) USES PERMITTED**

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

- (a) a single detached dwelling;
- (b) a home occupation;
- (c) a public use.

### **(3) ZONE REQUIREMENTS**

No person shall, within any RUR Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- (a) LOT AREA (MINIMUM) - 2 000 m<sup>2</sup>
- (b) LOT FRONTAGE (MINIMUM) - 30 m
- (c) FRONT YARD DEPTH (MINIMUM) - 15 m
- (d) INTERIOR SIDE YARD WIDTH (MINIMUM) - 10 m
- (e) EXTERIOR SIDE YARD WIDTH (MINIMUM) - 10 m
- (f) REAR YARD DEPTH (MINIMUM) - 10 m
- (g) LOT COVERAGE (MAXIMUM) - 30%
- (h) LANDSCAPED OPEN SPACE (MINIMUM) - 30%
- (i) SEPARATION FROM ADJACENT BARN

No single detached dwelling shall be located closer than 180 metres to the barns of an intensive agricultural use on adjacent property.

### **(4) SPECIAL PROVISIONS**

#### **a) RUR-1 (RESIDENTIAL SUBDIVISION)**

Notwithstanding the provisions of Section 10 or any other provisions of this By-law to the contrary, no residential buildings shall be located within the area zoned **RUR-1** on Schedule 'A'.



(g) EXEMPTION FROM LOADING SPACE

Notwithstanding any other provision of this By-Law to the contrary, no loading spaces shall be required for any building, structure or use located in a C1 Zone.

(h) LANDSCAPED OPEN SPACE (Minimum) - 25%

(i) AN ACCESSORY DWELLING UNIT

A lot used for a permitted commercial use may also contain one accessory residential dwelling unit for the owner or operator of said commercial use, subject to the following regulations:

- (i) That the dwelling unit shall form part of the main building and shall be located on the ground floor to the rear of the commercial use or on the second or higher floors of the main building;
- (ii) That the dwelling unit shall be fully self-contained and have a minimum floor area in accordance with provisions of Section 3(5)(e) of this By-law;
- (iii) That the dwelling unit shall have direct means of access to a public street by means of stairs or halls;
- (iv) That only one accessory dwelling unit is permitted per lot; and
- (v) That the requirements of Section 3(5), and any other applicable regulations of this By-law, shall be complied with.

**(4) SPECIAL PROVISIONS**

(a) **C1-1 (FLEA MARKET)**

Notwithstanding any provisions of this By-Law to the contrary, within any area designated C1-1 on Schedule 'A' hereto, the following special provisions shall apply:

(i) **Uses Permitted Restricted To**

- a flea market involved in the outdoor display and sale of used merchandise at booths or concessions;
- a single dwelling unit;
- a retail store;
- a restaurant.

(ii) **Zone Requirements**

- The total floor area devoted to permitted commercial uses shall not exceed 525 m<sup>2</sup> (5,650 sq. ft.)
- Off-street parking to be provided on the property in accordance with the requirements of subsection 3(16)

(b) **C1-2 (FURNITURE, ANTIQUES AND HOME FURNISHINGS RETAIL STORE)**

Notwithstanding any provisions in this By-law to the contrary, the land zoned **C1-2** on Schedule 'A' hereto, shall be subject to the following special provisions:

**(i) Uses Permitted Restricted To**

a furniture, antiques, and home furnishings retail store and accessory office including design consultation services

**(ii) Zone Requirements**

- **Maximum Floor Area** The total floor area shall not exceed 630 m<sup>2</sup>
  
- **Minimum Front Yard Setback** As existing as of the date of passing of this by-law
  
- **Parking Regulations** Off-Street Parking Requirements (Minimum)  
A minimum of twelve (12) parking spaces shall be provided

Dimension of Parking Spaces

A parking space shall have a minimum rectangular dimension of 2.7 m by 6.0 m, with the exception of a parking space in the front yard which shall have a minimum rectangular dimension of 2.7 m by 5.5 m

Yards Where Permitted

Notwithstanding Section 3(16)(g), where a parking area is provided in a required side yard, a buffer area with a minimum width of 0.6 m shall be maintained. A buffer area shall consist of one or more of the following screening devices:

- an opaque fence; or
- a continuous row of trees; or
- a continuous hedgerow of evergreens or shrubs.

A buffer area less than 0.6 m wide shall also be permitted consisting of an opaque fence where a parking area is provided in a required side yard.

Access to Parking Area

Access to the parking area behind the existing building shall be a minimum unobstructed width of 5.6 m



(e) **C1-5 (Antiques, Arts & Crafts)**

Notwithstanding subsections 3(18), 11(3)(a), 11(3)(c) or any provisions of this By-law to the contrary, the land zoned **C1-5** on Schedule 'A' hereto, shall be subject to the following special provisions:

(i) **Uses Permitted Restricted To**

the sale of antiques, arts and crafts within the existing building an accessory dwelling unit within the basement of the existing building

(ii) **Zone Requirements**

The applicable provisions of this By-law, including Section 3 and Section 13.3, shall apply to the subject land together with the following special regulations:

- The total floor area devoted to the permitted commercial use shall not exceed 232 square metres (2500 sq. ft.);
- All existing of six (6) parking spaces shall be provided on the property in accordance with the requirements of subsection 3(16) of the Zoning By-law;
- No outdoor storage shall be permitted on the subject property;
- All other applicable regulations of the Zoning By-law, as amended, shall apply to the subject property.

## **SECTION 12 - C2 Zone - Highway Commercial Zone**

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### **(1) SCOPE**

The provisions of this Section shall apply in all Highway Commercial (C2) Zones except as otherwise provided in the Special Provisions Subsection hereto.

### **(2) USES PERMITTED**

No person shall, within any C2 Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following C2 uses, namely:

- (a) an accessory dwelling unit;
- (b) any automotive use;
- (c) agricultural and industrial equipment sales and service;
- (d) boat, recreation vehicle and trailer sales and service;
- (e) a building or construction contractor's yard;
- (f) an existing business or professional office;
- (g) any existing dwelling or dwelling unit;
- (h) a home occupation accessory to a permitted existing single dwelling;
- (i) a motel;
- (j) an existing personal service shop;
- (k) an existing shopping centre including retail stores, however the total retail square metres may not exceed the total square metres of the shopping centre as it exists at the date of passing of this By-Law;
- (l) a public use;
- (m) garden centres or nurseries;
- (n) a retail lumber and building supply yard;
- (o) a restaurant, including drive-in; fast food; take-out;
- (p) a refreshment room;
- (q) a retail store engaged in the sale of antiques, gifts, tourist shop, furniture, automotive supplies, farm produce, landscaping and garden supplies or domestic arts and crafts;
- (r) any existing retail store;
- (s) a service trade;
- (t) a variety store;
- (u) a veterinarian's clinic;
- (v) a recreational or entertainment facility.

### **(3) ZONE REQUIREMENTS**

No person shall, within any C2 Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- (a) LOT AREA (MINIMUM) - 1 000 m<sup>2</sup>
- (b) LOT FRONTAGE (MINIMUM) - 30 m
- (c) FRONT YARD DEPTH (MINIMUM) - 10 m

- (d) INTERIOR SIDE YARD WIDTH (MINIMUM) - 3 m
- (e) EXTERIOR SIDE YARD WIDTH (MINIMUM) - 10 m
- (f) REAR YARD DEPTH (MINIMUM) - 7 m
- (g) LOT COVERAGE (MAXIMUM) - 35%
- (h) LANDSCAPED OPEN SPACE (MINIMUM) - 25%
- (i) AN ACCESSORY DWELLING UNIT

A lot used for a permitted commercial use, other than an automotive use, may contain one accessory residential dwelling unit for the owner or operator of said commercial use, subject to the following regulations:

- (i) That the dwelling unit shall form part of the main building and shall be located on the ground floor to the rear of the commercial use or on the second or higher floors of the main building;
- (ii) That the dwelling unit shall be fully self-contained and have a minimum floor area in accordance with provisions of Section 3(5)(e) of this By-law;
- (iii) That the dwelling unit shall have direct means of access to a public street by means of stairs or halls;
- (iv) That only one accessory dwelling unit is permitted per lot; and
- (v) That the requirements of Section 3(5), and any other applicable regulations of this By-law, shall be complied with.

#### **(4) SPECIAL PROVISIONS**

##### **(a) C2-1 (SERVICE CENTRE)**

Notwithstanding any provisions of this By-Law to the contrary, within any area designated C2-1 on Schedule 'A' hereto, the following special provisions shall apply:

- (i) **Uses Permitted Restricted To**
  - automobile service station;
  - restaurant;
  - picnic area.

By-law  
24-86

(b) **C2-2**

Notwithstanding any provisions of this By-Law to the contrary, within any area designated C2-2 on Schedule 'A' hereto, the following special provisions shall apply:

(i) **Uses Permitted**

- a single detached dwelling
- a semi-detached dwelling
- a duplex dwelling
- a rooming house or boarding house
- a commercial establishment where goods are sold or services rendered to the local trade only
- a hotel or motel
- a repair garage or service station
- light fabricating, assembly or manufacturing
- professional office
- funeral home
- inside storage or warehousing

By-law  
18/89

(c) **C2-3**

Notwithstanding Section 12(2) of By-law 19/85, within any area designated C2-3 on Schedule 'A' hereto, the following special provisions shall apply:

(i) **Uses Permitted**

- an art gallery;
- conference or meeting facility;
- a personal service shop;
- professional office;
- a public office;
- garden centres or nurseries
- log cabin/model home display;
- a restaurant;
- miniature golf;
- a refreshment room;
- a retail store engaged in the sale of gifts, antiques, tourist shop, furniture, home and garden or landscaping improvement supplies, farm produce, or domestic arts and crafts;
- model railway;
- a specialty food store;
- a variety store;
- outdoor activity area;
- a recreational or entertainment facility;

By-law  
16/92

(d) **C2-4 (GAS BAR)**

Notwithstanding any provisions of this By-law to the contrary, the land zoned C2-4 may only be used for a gas bar, convenience store and accessory uses, buildings and structures subject to the applicable regulations of this By-law.

(e) **C2-5 (Automotive Sales and Service)**

Notwithstanding subsection 12(2) or any other provisions of this By-law to the contrary, the land zoned **C2-5** on Schedule 'A' may only be used for the following uses subject to the applicable regulations of this By-law and the following special provisions:

(i) **Uses Permitted Restricted To:**

- an automobile sales and service establishment including auto body repair and outdoor display of vehicles for sale or lease.
- uses, buildings and structures accessory to the above main use.

(ii) **Zone Requirements**

The applicable provisions of this By-law, including Section 12.3, shall apply to the subject land together with the following special regulations:

- **Maximum Floor Area**      The maximum floor area for the main building shall be 300 sq. metres (3,300 sq. ft.).
- **Planting Strip**              A planting strip of not less than 7 metres (23 ft.) in width shall be provided along the entire frontage of the property save and except the location of a driveway not exceeding 6 metres (20 ft.) in width.
- **Outdoor Storage**            An outdoor storage area, in accordance with the provisions of subsection 3(15) of this By-law, may be permitted within the zoned area. This area may be used for the storage of vehicles, material or equipment, but does not include the storage of tires, batteries, gasoline, engine oil and other hazardous fluids or chemicals.  
  
Outdoor Display Area      An area to display vehicles for sale or lease is permitted between the front lot line and the front wall of the main building. The outdoor display area shall not exceed 10% of the total zoned area nor obstruct any required parking area or loading area on the property.
- All other applicable regulations of the Zoning By-law shall be maintained.

(d) **C2-6 (Golf Driving Range)**

Notwithstanding subsection 12(2) or any other provisions of this By-law to the contrary, the land zoned **C2-6** on Schedule 'A' may only be used for the following uses subject to the applicable regulations of this By-law and the following special provisions:

(i) **Uses Permitted Restricted To:**

- a golf driving range
- club house
- 18-hole miniature golf facility
- pitching & putting greens
- buildings, structures and uses accessory to the above uses.

(ii) **Zone Requirements**

The applicable provisions of this By-law, including Section 12.3, shall apply to the subject land together with the following special regulations:

- **Club House**                      The maximum floor area for the club house building shall be 232 sq. metres (2,500 sq. ft.). For the purposes of the C2-6 Zone, a club house is defined as a "Refreshment Room" pursuant to Section 2 of By-law 19/85. The club house may include an outdoor patio with a maximum floor area of 56 square metres (600 sq. ft.).
- **Parking**                              Off-street parking shall be provided in accordance with the provisions of subsection 3(16) of By-law 19/85.
- **Outdoor Storage**              All outdoor storage of equipment or material shall be contained within a fenced and screened storage area and shall not be visible from any public road or adjacent lot.
- **All other applicable regulations of the Zoning By-law shall be maintained.**

## **SECTION 13 - C3 Zone – Agricultural Commercial Zone**

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### **(1) SCOPE**

The provisions of this Section shall apply in all Agricultural Commercial (C3) Zones except as otherwise provided in the Special Provisions Subsection hereto.

### **(2) USES PERMITTED**

No person shall, within any C3 Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following C3 uses, namely:

- (a) an accessory dwelling unit;
- (b) an existing agricultural use, in accordance with the Zone Requirements for the A Zone;
- (c) a bulk sales outlet dealing primarily in farm-related goods and supplies, including the sale of fuels for farm implements;
- (d) a feed or flour mill;
- (e) a grading station for farm produce;
- (f) a grain elevator or other storage facility for farm produce;
- (g) a nursery;
- (h) a retail store engaged in the sale of farm produce or landscaping and garden supplies;
- (i) a personal service shop;
- (j) a service trade;
- (k) a variety store;
- (l) a transport terminal;
- (m) a vehicle sales or rental establishment engaged primarily in the sales and service of farm implements and related equipment;
- (n) a veterinarian's clinic;
- (o) a warehouse;
- (p) any public use.

### **(3) ZONE REQUIREMENTS**

No person shall, within any C3 Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- (a) LOT AREA (MINIMUM) - 2 000 m<sup>2</sup>
- (b) LOT FRONTAGE (MINIMUM) - 60 m
- (c) FRONT YARD DEPTH (MINIMUM) - 15 m
- (d) INTERIOR SIDE YARD WIDTH (MINIMUM)
  - (i) - 3 m
  - (ii) if adjacent to a Residential Zone - 12 m

- (e) EXTERIOR SIDE YARD WIDTH (MINIMUM) - 15 m
- (f) REAR YARD DEPTH (MINIMUM) - 7 m
- (g) LOT COVERAGE (MAXIMUM) - 35%
- (h) LANDSCAPED OPEN SPACE (MINIMUM) - 25%
- (i) AN ACCESSORY DWELLING UNIT

A lot used for a permitted commercial use, other than an automotive use, may contain one accessory residential dwelling unit (either attached or detached) for the owner or operator of said commercial use, subject to the following regulations:

- (i) That a dwelling unit which forms part of the main building, shall be located on the ground floor to the rear of the commercial use or on the second or higher floors of the main building;
- (ii) That the dwelling unit shall be fully self-contained and have a minimum floor area in accordance with provisions of Section 3(5)(e) of this By-law;
- (iii) That the dwelling unit shall have direct means of access to a public street by means of stairs or halls;
- (iv) That only one accessory dwelling unit is permitted per lot; and
- (v) That the requirements of Section 3(5), and any other applicable regulations of this By-law, shall be complied with.

#### **(4) SPECIAL PROVISIONS**

(a) **C3-1 (MEAT AND CHEESE SALES OUTLET)**

Notwithstanding any provisions of this By-Law to the contrary, within any area designated C3-1 on Schedule 'A' hereto, the following special provisions shall apply:

- (i) **Uses Permitted Restricted To**
  - a meat and cheese sales outlet;
  - a single dwelling unit.

(b) **C3-2 (AUTO SALES)**

Notwithstanding any provisions of this By-Law to the contrary, within any area designated C3-2 on Schedule 'A' hereto, the following special provisions shall apply:

- (i) **Uses Permitted Restricted To**
  - automobile sales and service establishment.

(c) **C3-3 (CONSTRUCTION)**

Notwithstanding any provisions of this By-Law to the contrary, within any area designated C3-3 on Schedule 'A' hereto, the following special provisions shall apply:

(i) **Uses Permitted Restricted To**

- storage, rental and use of construction equipment.

By-law  
37/86

(d) **C3-4 (VETERINARIAN'S CLINIC)**

Notwithstanding any provisions of this By-Law to the contrary, within any area designated C3-4 on Schedule 'A' hereto, the following special provisions shall apply:

(i) **Uses Permitted Restricted To**

- Veterinarian's Clinic

(ii) **Zone Requirements**

The zone requirements of Section 13(3) shall apply with the following exceptions:

Front Yard Depth (minimum) 30 m

Exterior Side Yard Width (minimum) 30 m

By-law  
17/89

(e) **C3-5 (FISH HATCHERY - PACKAGING AND SALES)**

Notwithstanding any provisions of this By-law to the contrary, within any area designated C3-5 on Schedule 'A' hereto, the following special provisions shall apply:

(i) **Uses Permitted Restricted To**

- the packaging and processing of fish and seafood;
- wholesale distribution and sales of fish, fish products and related foods;
- fish and wildlife management.

By-law  
27/88

(f) **C3-6 (NURSERY)**

Notwithstanding any provisions of this By-Law to the contrary, within any area designated C3-6 on Schedule 'A' hereto, the following special provisions shall apply:

(i) **Uses Permitted Restricted To**

- a nursery.

By-law  
20/98

(g) **C3-7 (SERVICE TRADE)**

Notwithstanding any provision of this By-Law to the contrary, within any area designated C3-7 on Schedule 'A' hereto, the following special provisions shall apply:

(i) **Uses Permitted Restricted To**

- an existing single detached dwelling unit.
- A public indoor storage facility
- A service trade
- A transport terminal
- A warehouse

(ii) **Zone Requirements**

The applicable provisions of this By-Law, including Section 13.3, shall apply to the subject land together with the following special regulations;

- \* Highway setback      No buildings, structures or outdoor storage shall be permitted within 33.7 m of the limit of Provincial Highway No. 401
- \* Lot Coverage          Maximum of 35% of the total lot area
- \* Outdoor Storage      Outdoor storage on the subject property shall be confined to an area not greater than 1858 sq. m. This area shall be fenced and screened so that it is not visible from any public road or abutting property and shall comply with the applicable requirements of the Open Storage Regulations of this By-law.

By-law  
23/93

(h) **C3-8 (WAREHOUSE/OFFICE)**

Notwithstanding any provisions of this By-law to the contrary, the land zoned C3-8 may only be used for a warehouse, associated office and accessory uses, buildings and structures subject to the provisions of Section 13 and all other applicable regulations of this By-law. No wholesale or retail sales, and no outdoor storage shall be permitted within this zone.

By-law  
22/98

(i) **C3-9 (PART OF LOT 25, FRONT CONCESSION 7)**

Notwithstanding any provision of this By-law to the contrary, the land designated C3-9 on Schedule 'A' hereto, shall be subject to the following special provisions:

(i) **Uses Permitted Restricted to**

- an existing single detached dwelling
- a transport terminal with associated truck sales and service

(ii) **Zone Requirements**

The applicable provisions of this By-law, including Section 13.3, shall apply to the subject land together with the following special regulations:

- Highway Setback      No building, structures, or outdoor storage shall be permitted within 33.7 m (±110 ft.) of the limit of Provincial Highway No. 401. This area shall be used for landscaped open space as defined herein and may also be used for the temporary parking of motor vehicles in accordance with the requirements of Subsection 3(16) of this By-law.

- Planting Strip                      A planting strip of not less than 3 m (10 ft.) in width shall be provided along the entire length of the subject property abutting Highway 401. The planting strip may be located within the above-mentioned Highway Setback.
  
- Lot Coverage                        Maximum of 35% of the total lot area
  
- Outdoor Storage                    Outdoor storage on the subject property shall be confined to an area not greater than 100 sq. m (±1,000 sq. ft.). This area shall be fenced and screened so that it is not visible from any public road or abutting property and shall also comply with the applicable requirements of the Open Storage Regulations of this By-law.

## **SECTION 14 - C4 Zone – Resort Commercial Zone**

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### **(1) SCOPE**

The provisions of this Section shall apply in all Resort Commercial (C4) Zones except as otherwise provided in the Special Provisions Subsection hereto.

### **(2) USES PERMITTED**

No person shall within any C4 Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following C4 uses, namely:

- (a) a place of entertainment;
- (b) a drive-in theatre;
- (c) a restaurant including take-out, fast-food or drive-in;
- (d) a private park;
- (e) a golf course;
- (f) travel trailer park;
- (g) amusement park;
- (h) a public use.

### **(3) ZONE REQUIREMENTS**

No person shall, within any C4 Zone, use any lot or erect, alter, or use any building or structure except in accordance with the following provisions:

- (a) LOT AREA (MINIMUM) - 1 390 m<sup>2</sup>
- (b) LOT FRONTAGE (MINIMUM) - 30 m
- (c) FRONT YARD DEPTH (MINIMUM) - 10 m
- (d) INTERIOR SIDE YARD WIDTH (MINIMUM)

No minimum, except that where an interior side yard abuts a lot in a zone other than a Commercial Zone, the minimum width of such interior side yard shall be three metres and if adjacent to a Residential Zone, seven metres.

- (e) EXTERIOR SIDE YARD WIDTH (MINIMUM) - 3 m
- (f) REAR YARD DEPTH (MINIMUM) - 7 m
- (g) LOT COVERAGE (MAXIMUM) - 35%
- (h) LANDSCAPED OPEN SPACE (minimum) - 25%

(i) ADJACENT TO A RESIDENTIAL ZONE

A privacy fence or a planting area 1.5 metres wide shall be provided and maintained adjacent to every portion of any lot line that abuts any Residential Zone not separated by a public road.

**(4) SPECIAL PROVISIONS**

(a) **C4-1 (TRAVEL TRAILER PARK)**

Notwithstanding any provisions of this By-Law to the contrary, within any area designated C4-1 on Schedule 'A' hereto, the following special provisions shall apply:

(i) **Uses Permitted Restricted To**

- a travel trailer park;
- a variety store;
- a laundromat;
- a single dwelling unit;
- a boat launch;
- a dance hall;
- a restaurant;
- a marina and marine related facilities.

(b) **C4-2 (GOLF COURSE) - Puslinch Lake Golf Course**

Notwithstanding any provisions of this By-Law to the contrary, within any area designated C4-2 on Schedule 'A' hereto, the following special provisions shall apply:

(i) **Uses Permitted Restricted To**

- a golf course;
- a restaurant;
- a club house;
- a single dwelling unit.

(c) **C4-3 (TRAVEL TRAILER PARK) - Emerald Lake**

Notwithstanding any provisions of this By-Law to the contrary, within any area designated C4-3 on Schedule 'A' hereto, the following special provisions shall apply:

(i) **Uses Permitted Restricted To**

- a travel trailer park to a maximum of 200 recreational vehicle
- a single dwelling unit;
- concession stand for food sales;
- picnic shelters;
- variety store;
- laundromat;
- baseball diamonds;
- washrooms.

By-law  
14/94

(d) **C4-4 (RIVERBEND CAMP)**

Notwithstanding any provisions of this By-Law to the contrary, within any area designated C4-4 on Schedule 'A' hereto, the following special provisions shall apply:

(i) **Uses Permitted Restricted To**

- a travel trailer park to a maximum of 200 recreational vehicle sites including tent camping;
- a single dwelling unit.

(e) **C4-5 (CAMP)**

Notwithstanding any provisions of this By-Law to the contrary, within any area designated C4-5 on Schedule 'A' hereto, the following special provisions shall apply:

(i) **Uses Permitted Restricted To**

- a summer camp under the meaning of The Public Health Act.

(f) **C4-6 (GOLF AND SKI CLUB)**

Notwithstanding any provisions of this By-Law to the contrary, within any area designated C4-6 on Schedule 'A' hereto, the following special provisions shall apply:

(i) **Uses Permitted Restricted To**

- a golf course;
- a club house;
- a restaurant;
- cross country ski facilities;
- downhill ski facilities.

(g) **C4-7 (TRAVEL TRAILER PARK)**

Notwithstanding any provisions of this By-Law to the contrary, within any area designated C4-7 on Schedule 'A' hereto, the following special provisions shall apply:

(i) **Uses Permitted Restricted To**

- a travel trailer park
- tent camping;
- a variety store;
- a laundromat;
- a boat launch;
- a dance hall;
- a restaurant;
- a marina and marina related facilities;
- a single dwelling unit.

(h) **C4-8 (DAY USE PICNICKING) - Emerald Lake**

Notwithstanding any provisions of this By-Law to the contrary, within any area designated C4-8 on Schedule 'A' hereto, the following special provisions shall apply:

(i) **Uses Permitted Restricted To**

- day picnicking;
- washrooms;
- concession stand with food sales.
- pools and water slides;
- mini golf;
- volleyball courts;
- horseshoe pits;
- picnic shelters.
- playgrounds

(i) **C4-9 (VARIETY STORE/GAS BAR)**

Notwithstanding any provisions of this By-Law to the contrary, within any area designated C4-9 on Schedule 'A' hereto, the following special provisions shall apply:

(i) **Uses Permitted Restricted To**

- a variety store;
- a gas bar;
- a take-out restaurant with no "eat-in" dining facilities;
- a dwelling unit.

(j) **C4-11 (GOLF COURSE)**

Notwithstanding any provisions of this By-law to the contrary, for the land zoned **C4-11** the following special provisions shall apply:

i) **Uses Permitted Restricted To:**

- a golf course;
- a pro shop with a maximum gross floor area of 350.0 square metres (but shall not include shower, snack bar or dining facilities);
- passive recreational uses such as cross-country skiing and walking trails;
- the growing, harvesting and retail sales of Christmas trees;
- accessory uses, buildings and structures.

(k) **C4-12 (GOLF COURSE CLUBHOUSE)**

Notwithstanding any provisions of this By-law to the contrary, for the land zoned **C4-12** the following special provisions shall apply:

i) **Uses Permitted Restricted To:**

- a clubhouse, including a bar and dining room and/or restaurant;
- tennis courts;
- all uses permitted in the C4-11 Zone.

(l) **C4-13 (GOLF COURSE)**

Notwithstanding subsection 14(2) or any other provisions of this By-law to the contrary, the land zoned **C4-13** on Schedule 'A' may only be used for the following uses subject to the applicable regulations of this By-law and the following special provisions:

(i) **Uses Permitted Restricted To:**

- a golf course;
- a driving range;
- an existing single-detached dwelling;
- a club house;
- a pro-shop;
- a maintenance building and works yard;
- practice putting greens;
- passive recreational uses such as cross-country skiing and walking trails;
- accessory buildings, structures and uses.

(ii) **Zone Requirements**

The applicable provisions of this By-law, including Section 12.3, shall apply to the subject land together with the following special regulations:

- **Club House/Pro Shop** The maximum floor area of the club house/pro shop building (which includes dining facilities) shall not exceed 350 square metres (exclusive of basement). The clubhouse use may include an outdoor patio area with a maximum floor area of 400 square metres.
- **Maintenance Building** The maximum floor area of the maintenance building shall not exceed 400 square metres. The outdoor storage of equipment or material shall be contained within a fenced or screened storage area that is not visible from any public road or adjacent lot.
- **Parking** Off-street parking shall be provided in accordance with the provisions of subsection 3(16) of By-law 19/85.
- All other applicable regulations of the Zoning By-law shall be maintained.

## **SECTION 15 - IND Zone – Industrial Zone**

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### **(1) SCOPE**

The provisions of this Section shall apply in all Industrial (IND) Zones except as otherwise provided in the Special Provisions Subsection hereto.

### **(2) USES PERMITTED**

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

- (a) a body shop;
- (b) a building or construction contractor's yard;
- (c) a business office;
- (d) a concrete plant;
- (e) a factory outlet;
- (f) a feed mill;
- (g) a grain storing, weighing and drying operation;
- (h) a fuel depot;
- (i) a home occupation accessory to a permitted existing single dwelling;
- (j) an industrial use;
- (k) a public use, including a Municipal Airport and related activities;
- (l) a retail lumber and building supply yard;
- (m) a restaurant;
- (n) a sawmill;
- (o) a service trade;
- (p) a transport terminal;
- (q) a warehouse.

### **(3) ZONE REQUIREMENTS**

No person shall, within any IND Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- |     |                                    |                        |
|-----|------------------------------------|------------------------|
| (a) | LOT AREA (MINIMUM)                 | - 1 400 m <sup>2</sup> |
| (b) | LOT FRONTAGE (MINIMUM)             | - 30 m                 |
| (c) | FRONT YARD DEPTH (MINIMUM)         | - 15 m                 |
| (d) | INTERIOR SIDE YARD DEPTH (MINIMUM) | - 5 m                  |
| (e) | EXTERIOR SIDE YARD DEPTH (MINIMUM) | - 15 m                 |
| (f) | REAR YARD DEPTH (MINIMUM)          | - 7 m                  |
| (g) | LOT COVERAGE (MAXIMUM)             | - 45%                  |

- (h) LANDSCAPED OPEN SPACE (MINIMUM) - 25%
- (i) ADJACENT TO A RESIDENTIAL ZONE

A privacy fence or a planting area 1.5 metres wide shall be provided and maintained adjacent to every portion of any lot line that abuts any Residential Zone not separated by a public road.

- (j) DRY INDUSTRIAL USE

Notwithstanding the list of uses permitted in Section 13(2) hereof, if a municipal water supply is not available, no industrial use shall be permitted unless it is a dry industry. For the purposes of this By-Law, a dry industry is one where the manufacturing process does not include or require the direct consumption of water and where the only waste water discharges are from auxiliary facilities such as washrooms, the indirect cooling of machinery and/or the pressure testing equipment.

#### **(4) SPECIAL PROVISIONS**

- (a) **IND-1 (TRANSPORT TERMINAL)**

Notwithstanding any provisions of this By-Law to the contrary, within any area designated IND-1 on Schedule 'A' hereto, the following special provisions shall apply:

- (i) **Uses Permitted Restricted To**
  - a transport terminal.

- (b) **IND-2 (BUS STORAGE)**

Notwithstanding any provisions of this By-Law to the contrary, within any area designated IND-2 on Schedule 'A' hereto, the following special provisions shall apply:

- (i) **Uses Permitted**
  - bus storage;
  - swimming pool sales and service;
  - any use permitted in an IND Zone.

- (c) **IND-3 (VEHICLE STORAGE FACILITY)**

Notwithstanding any provisions in this By-law to the contrary, the land zoned IND-3 on Schedule 'A' may be used for a "vehicle storage, sales/auction facility", subject to the applicable provisions of this By-law and the following special provisions:

- i) a vehicle storage facility includes the temporary outdoor storage of wreck damaged motor vehicles, and may also include administrative offices, vehicle showrooms, and other uses accessory to the main vehicle storage use;
- ii) the crushing, dismantling, parting, repairing, stacking or wrecking of vehicles is prohibited;
- iii) the outdoor storage of vehicles is limited to the rear of the existing buildings;
- iv) the outdoor storage area shall be screened from view from all public roads by a solid privacy fence and natural landscaping materials;
- v) the selling/auction of vehicles is limited to those vehicles stored on site and all such sales shall be conducted within the existing buildings;
- vi) the selling/auction of vehicles to the general public is not permitted;
- vii) off-street parking shall be provided in accordance with the “automotive use” requirements of Section 3(16)(c) of this By-law;
- viii) all uses within the IND-3 Zone shall be of a dry nature as defined by subsection 15(3)(j) of this By-law; and
- ix) the land zoned IND-3 is subject to all applicable regulations of Zoning By-law 19/85, as amended.”

(d) **IND-4 (Royal Canin)**

Notwithstanding any provisions of this By-law to the contrary, within any area designated IND-4 on Schedule “A” and Map A-4 hereto, the following special provisions shall apply:

(i) **Uses Permitted**

- (a) An industrial use restricted to the manufacturing of dry pet nutritional products provided that these manufacturing operations do not: (i) contravene the provisions of subsection 3 (22) (a) of this By-law, and (ii) use significant amounts of water in the manufacturing operation.
- (b) A business office accessory to the permitted industrial use.
- (c) Indoor storage and warehouse accessory to the permitted industrial use.
- (d) Buildings and structures accessory to the uses permitted in this Zone.

By-law  
50/05

(ii) **Zone Requirements**

No person shall, within the IND-4 Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- |     |   |  |
|-----|---|--|
| (a) | LOT FRONTAGE (MINIMUM)  | 20 metres  |
| (b) | YARD DEPTH (MINIMUM)  | 10 metres from all IND zone boundaries                                       |
| (c) | BUILDING HEIGHT (MAXIMUM)   | 43 metres for buildings and structures used for manufacturing and processing |
| (d) | BUILDING HEIGHT (MAXIMUM)   | 20 metres for buildings and structures used for other permitted uses         |
| (e) | LOT COVERAGE (MAXIMUM)  | 30%  |
| (f) | LANDSCAPE OPEN SPACE (MINIMUM)  | 25%  |
| (g) | The outdoor storage of raw materials and finished products is prohibited          |  |
| (h) | OFF-STREET PARKING  | Minimum of 80 required parking spaces  |
| (i) | The provisions of Section 15 (3) (j) of this By-law shall not apply to this Zone. |  |

(iii) **Additional Zone Requirements**

Unless otherwise provided above, all other applicable provisions of By-law 19/85, as amended, shall apply to the IND-4 Zone.

(e) **IND-5 (Nestlé Water Bottling)**

Notwithstanding any provisions of this By-law to the contrary, for the land zoned IND-5 on Schedule 'A', the following special provisions shall apply:

(i) **Only Uses Permitted**

- (a) A water bottling operation, which shall be limited to commercial water taking pursuant to the *Ontario Water Resources Act*, water processing and the addition of flavours to such water, bottle fabrication from dry raw materials, packaging, storage and distribution, provided that these operations do not contravene the provisions of subsection 3 (22) (a) of this By-law.
- (b) A business office accessory to the permitted water bottling operation.
- (c) Buildings and structures accessory to the uses permitted in this Zone.

(ii) **Zone Requirements**

The applicable zone provisions of this By-law shall apply to the subject land together with the following special regulations:

- (a) YARD DEPTH (MINIMUM) 10 metres from all IND Zone boundaries
- (b) LOT COVERAGE (MAXIMUM) 30%
- (c) LANDSCAPE OPEN SPACE (MINIMUM) 25%
- (c) The outdoor storage of raw materials and finished products is prohibited
- (d) OFF-STREET PARKING Minimum of 135 required parking spaces
- (e) The provisions of Section 15 (3) (j) of this By-law shall not apply to the IND-5 Zone.

(iii) **Additional Zone Requirements**

Unless otherwise provided above, all other applicable provisions of By-law 19/85, as amended, shall apply to the IND-5 Zone.

(f) **IND-6 (Road Construction Business and Related Processing Operations)**

Notwithstanding Sections 15(2),15(3)(j) or any provisions of this by-law to the contrary, within the **IND-6** Zone on Schedule “A”, the following special provisions shall apply:

**(i) Uses Permitted**

- a business or professional office;
- an asphalt plant;
- a concrete batching plant;
- retail sales of aggregate, asphalt, concrete, and related products produced on the premises;
- equipment storage and maintenance facilities;
- outdoor storage areas for aggregate and related products;
- processing and storage of recycled materials for asphalt and concrete production;
- an internal haul route for an adjacent existing licenced pit;
- uses, buildings and structure accessory to the above permitted uses.

**(ii) Zone Requirements**

No person shall, within the IND-6 Zone, use any lot or erect, alter or use any building or structure except in accordance with the applicable requirements of Section 15(3) unless otherwise provided by the following special provisions:

- |     |  |             |
|-----|--|-------------|
| (a) | LOT AREA (MINIMUM)   | 6 hectares  |
| (b) | LOT FRONTAGE (MINIMUM)   | 180 metres  |
| (c) | FRONT YARD DEPTH (MINIMUM)   |             |
|     | Concrete and asphalt plants  | as existing |
|     | All other buildings and structures   | 15 metres   |
| (d) | BUILDING HEIGHT (MAXIMUM)  |             |
|     | Concrete and asphalt plants  | 40 metres   |
|     | All other buildings and structures   | 15 metres   |
| (e) | SIDE YARD DEPTH (MINIMUM)  | 15 metres   |
| (f) | LOT COVERAGE (MAXIMUM)   | 20%         |
| (g) | LANDSCAPE OPEN SPACE (MINIMUM)   | 25%         |
| (h) | The open storage of aggregate materials (including Portland cement, liquid asphalt, recycled asphalt and concrete products and finished aggregate products) is permitted within buildings or fenced areas on the property but shall maintain a minimum setback of 60 metres from the front lot line and 15 metres from the limits of the IND-6 zone. |             |
| (i) | The open storage of road construction equipment shall maintain a 15 metre setback from the limits of the IND-6 zone and shall be screened from view from a public road or adjacent lot by a solid fence or   |             |

planting strip of not less than 1.5 metres in height.

**(iii) Additional Zone Requirements**

Unless otherwise provided above, all other applicable provisions of By-law 19/85, as amended, shall apply to the IND-6 Zone.

## **SECTION 16 - EXI Zone – Extractive Zone**

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### **(1) SCOPE**

The provisions of this Section shall apply in all Extractive (EXI) Zones except as otherwise provided in the Special Provisions Subsection hereto.

### **(2) USES PERMITTED**

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

- (a) a single dwelling unit, if occupied by the owner, caretaker, watchman or other similar person employed on the lot on which such dwelling unit is located, and his family;
- (b) an agricultural use or intensive agricultural use in accordance with the provisions of Section 5(3) hereof;
- (c) an aggregate storage area;
- (d) a crushing, washing, screening and processing plant;
- (e) a gravel pit;
- (f) a quarry;
- (g) a public use;
- (h) a retail outlet, a wholesale outlet or a business office accessory to a permitted use.

### **(3) ZONE REQUIREMENTS**

No person shall, within any EXI Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

#### **(a) SETBACKS**

- (i) No building, structure or product stockpile shall be located closer than 30 metres from any zone boundary.
- (ii) No building, structure or product stockpile shall be located closer than 90 metres from any Residential Zone boundary.

#### **(b) PITFACE SETBACK**

No pitface or excavation shall be located closer than 30 metres from any public road allowance or 15 metres from any zone boundary.

(c) **BERMING**

The stockpiling of berm material containing only topsoil and overburden material is permissible within the required pitface setback area specified in Subsection 16(3)(b).

**(4) SPECIAL PROVISIONS**

(a) **EXI-1 (LOTS 9-13, CONCESSION 4)**

Notwithstanding any provisions of this By-Law to the contrary, within any area designated EXI-1 on Schedule 'A' hereto, the following special provisions shall apply:

(i) **Uses Permitted**

- an asphalt plant;
- retail sales of asphalt;
- any use permitted in an EXI Zone.

By-law  
24/88

b) **EXI-2 (CONCRETE BATCHING PLANT)**

Notwithstanding any provisions of this By-law to the contrary, within any area designated EXI-2 on Schedule 'A' hereto, the following special provisions shall apply:

(i) **Uses Permitted Restricted To**

- the permitted uses of the EXI Zone and
- batching plant restricted to concrete

(ii) **Setback for Building or Structure**

By-law  
24/90

c) **EXI-3 (TCG MATERIALS)**

Notwithstanding any provisions of this By-law to the contrary, on the land zoned EXI-3 (Part Lot 25, Rear Concession 7) the extraction of aggregate resources shall not occur below a point which is 1.0 metre above the high water table.

By-law  
25/90

**(as further amended by By-law No. 19/93)**

d) **EXI-4 (TEMPORARY CONCRETE BATCHING PLANT)**

**Note:** This Temporary Use By-law has expired and is deemed to be repealed. The subject land is reverted to the original EXI Zone.

(e) **EXI-5 (UNIVERSITY OF GUELPH PIT)**

Notwithstanding any provision of this By-law to the contrary, within any area zoned EXI-5 on Schedule 'A' hereto, the following special provisions shall apply:

(i) **Uses Permitted**

- all uses permitted an EXI Zone.

(ii) **Minimum Pitface Setback**

- no setback shall be required for any pitface or excavation on those lands zoned EXI-5 on Schedule 'A' when adjacent to an H-4 Zone or adjacent to an A-13 Zone.

(iii) **Setback**

- no setback shall be required for any building, structure, or reduce stockpile on those lands zone EXI-5 on Schedule 'A' from an adjacent H-4 Zone.

(iv) **Berming**

- no setback shall be required for any berm on those lands zoned EXI-5 on Schedule 'A' from an adjacent H-4 Zone or from an adjacent A-13 Zone.

By-law  
28/86

(f) **EXI-6 (NO MINING BELOW WATER TABLE)**

Notwithstanding any provisions of this By-law to the contrary, on the land zoned EXI-6 the extraction of aggregate resources shall not occur below a point which is 1.0 metre above the high water table.

By-law  
29/91

(g) deleted by by-law 29/08

By-law  
27/93

(h) deleted by by-law 29/08

By-law  
28/93

(i) **EXI-9 (CAPITAL PAVING/BURLOCK PROPERTY - PIT NO. 2 EXPANSION)**

Notwithstanding Section 16(2) and any other provision of this By-law to the contrary, the lands zoned EXI-9 may only be used for sand and gravel extraction subject to the provisions of the section 16(3) and the following special regulation:

- i) The extraction of aggregate resources shall not occur below any point which is 1.0 metre above the high water table.

By-law  
22/95

(j) **EXI-10 (PUSLINCH QUALITY AGGREGATES - MAST PROPERTY)**

Notwithstanding any provisions of this By-law to the contrary, on the land zoned EXI-10 the extraction of aggregate resources shall not occur below any point which is 1.0 metre above the high water table.

By-law  
04/96

By-law  
26/97

(k) **EXI-11 (Cox Construction Ltd. - Snyder/Beatson/Love Properties)**

Notwithstanding any provisions of this By-law to the contrary, on the land zoned EXI-11 the extraction of aggregate resources shall not occur below any point which is 1.0 metre above the high water table.

By-law  
14/97

(l) **EXI-12 (Reid's Heritage Homes Ltd. - Heritage Lake Extractive Operation)**

Notwithstanding any provision of this By-law to the contrary, within the area zoned EXI-12 on Schedule 'A' hereto, the following special provisions shall apply:

- i) **Uses Permitted**
  - all uses permitted in an EXI Zone.
- ii) **Setback**

Notwithstanding the requirements of 16.3(a), no setback shall be required for any building, structure, or product stockpile on those lands zoned EXI-12 on Schedule 'A' when adjacent to an H-6 Zone, an A-22, or an EXI-13 Zone.
- iii) **Pitface Setback**

Notwithstanding the requirement of 16.3(b), no setback shall be required for any pitface or excavation on those lands zoned EXI-12 on Schedule 'A' when adjacent to an H-6 Zone, an A-22 Zone, or an EXI-13 Zone.
- iv) **Berming**

Notwithstanding the requirement of 16.3(c), no setback shall be required for any berm on those lands zoned EXI-12 on Schedule 'A' when adjacent to an H-6 Zone, an A-22 Zone, or an EXI-13 Zone.

By-law  
14/97

(m) **EXI-13 (Reid's Heritage Homes Ltd. - Heritage Lake Extractive Operation)**

Notwithstanding any provision of this By-law to the contrary, within any area zoned EXI-13 on Schedule 'A' hereto, the following special provisions shall apply:

- i) That all uses permitted within Section 16(2) shall apply except that no aggregate extraction shall occur other than that required to construct a groundwater barrier wall.
- ii) **Setback**

Notwithstanding the requirement of 16.3(a), no setback shall be required for any building, structure, or product stockpile on those lands zoned EXI-12 on Schedule 'A' when adjacent to an H-6 Zone, an A-22 Zone, or an EXI-11 Zone.

iii) **Berming**

Notwithstanding the requirement of 16.3(c), no setback shall be required for any berm on those lands zoned EXI-13 on Schedule 'A' when adjacent to an H-6 Zone, an A-22 Zone, or an EXI-12 Zone.

By-law  
36/97

(n) **EXI-14 (Capital Materials - Wellington Pit 5)**

Notwithstanding any provision of this By-law to the contrary, within the area zoned **EXI-14** on Schedule 'A' hereto, the following special provisions shall apply:

i) **Uses Permitted**

- all uses permitted within the EXI Zone

ii) **Zone Requirements**

All of the applicable provisions of Section 16(3) shall apply to the **EXI-14** Zone and including the following special provision:

The extraction of aggregate resources shall not occur below any point which is 1.0 metre above the high water table with the exception of those areas identified on the approved Site Plans accompanying the Pit Licence. The total area which may be extracted below the water table shall not exceed 7.5 hectares (18.5 acres) of the licence area.

By-law  
36/97

(o) **EXI-15 (Capital Materials - Wellington Pit 5)**

Notwithstanding any provision of this By-law to the contrary, within the area zoned **EXI-15** on Schedule 'A' hereto, the following special provisions shall apply:

i) **Uses Permitted**

- same as those permitted within the **EXI-14 Zone**, plus an existing single detached dwelling

ii) **Zone Requirements**

- same as those listed for the **EXI-14 Zone**.

By-law  
15/01

(p) **EXI-16 (Blue Circle Aggregates - Martinello Pit)**

Notwithstanding the provisions of Section 16(2) or any provision of this By-law to the contrary, the land zoned **EXI-16** on Schedule 'A' hereto may be included within a Class "A" Category 3 licenced site pursuant to the Aggregate Resources Act, R.S.O., 1990, as amended, but shall not be used for the making, establishment or operation of pits or quarries. Notwithstanding the above, the uses permitted within the **EXI-16** Zone may include the stockpiling of berm material, internal haul routes, and areas of natural or planted vegetation.

(q) **EXI-17 (Capital Paving Wellington Pit No. 5 - Expansion)**

Notwithstanding the provisions of Section 16(2) or any provision of this By-law to the contrary, the land zoned **EXI-17** on Schedule 'A' hereto may be included within a Class "A" Category 3 licenced site pursuant to the Aggregate Resources Act, R.S.O., 1990, as amended, and thus used for the making, establishment or operation of pits or quarries, but extraction of aggregate resources shall not occur below any point which is 1.5 metres above the high water table.

(r) EXI-18 reserved

(s) **EXI-19 (Preston Sand & Gravel – Roszell Pit)**

Notwithstanding any provisions of this By-law to the contrary including the provisions of Section 16(3), within the area zoned **EXI-19** on Schedule "A" hereto, the following special provisions shall apply:

i) Uses Permitted

All uses permitted within the EXI Zone in accordance with the approved aggregate site plans for the subject land pursuant to the Aggregate Resources Act.

(t) **EXI-20 (Preston Sand & Gravel – Roszell Pit)**

Notwithstanding any provisions of this By-law to the contrary including the provisions of Section 16(2), 16(3), within the area zoned **EXI-20** on Schedule "A" hereto, the following special provisions shall apply:

i) Uses Permitted

All uses permitted within the EXI Zone in accordance with the approved aggregate site plans for the subject land pursuant to the Aggregate Resources Act, subject to the following additional provisions:

a) Notwithstanding the provisions of Section 16(2), 16 (3) or any provisions of this By-law to the contrary, the land zoned **EXI-20** on Schedule "A" may be included within a licenced pit pursuant to the Aggregate Resources Act, R.S.O., 1990, as amended, for the operation of a pit use whereby the depth of aggregate extraction shall not occur below any point which is 1.0 metres above the high water table.

b) Notwithstanding the above provision or any other sections of this By-law to the contrary, extraction below the water table within the **EXI-20** Zone may occur in order to establish a permanent hydraulic barrier in accordance with the approved aggregate site plans for the subject land pursuant to the Aggregate Resources Act.

- c) The purpose of the **EXI-20** Zone is in part to maintain natural separators between the lakes created by aggregate extraction below water table. Variations to the precise location and size of the natural separators or the banks of the lakes created by aggregate extraction within the **EXI-20** Zone are permitted without amendment to the Zoning By-law. Deletion of the **EXI-20** Zone, in whole or in part, shall require an amendment to the Zoning By-law.”

## **SECTION 17 - DI Zone – Disposal Industrial Zone**

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### **(1) SCOPE**

The provisions of this Section shall apply in all Disposal Industrial DI Zones except as otherwise provided in the Special Provisions Subsection hereto.

### **(2) USES PERMITTED**

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

- (a) a public use;
- (b) a garbage disposal area;
- (c) a salvage yard;
- (d) an accessory building or use not including a residential use.

### **(3) ZONE REQUIREMENTS**

No person shall, within any DI Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- (a) FRONT YARD DEPTH (MINIMUM) - 20 m

Provided that where the lands adjoining the opposite side of that portion of the street abutting such front yard are designated as a Residential, Commercial or Agricultural Zone, the minimum front yard depth opposite such Zone is 30 metres.

- (b) INTERIOR SIDE YARD WIDTH (MINIMUM)

Where the side lot line is the boundary line between a DI Zone and a Residential, Commercial or Agricultural Zone, the minimum interior side yard width opposite such Zone shall be 10 metres.

- (c) HEIGHT OF BUILDING (MAXIMUM) - 15 m

Provided that if any portion of a building or structure is erected above a height of 15 metres, such building or structure must be set back from the centreline of the abutting street or from the front, side or rear yard as the case may be, in addition to the minimum requirements of this By-Law, a further distance of 0.5 metres for each one metre by which such portion of the building or structure is erected above a height of 15 metres.

- (d) USE OF FRONT AND EXTERIOR SIDE YARDS

Required front and exterior side yards shall be kept open and unobstructed by any structure or parking area for motor vehicles, except for visitor parking areas.

#### **(4) SPECIAL PROVISIONS**

##### **(a) SALVAGE YARDS**

The following additional provisions apply to salvage yards:

- (i) That portion of the premises in which any chattels, lumber, automotive vehicle or part thereof is or are kept, stored, dismantled or wrecked in connection with the salvage yard shall be fenced with a closed wooden and/or metal fence, extending at least two metres in height from the ground and constructed of new material.
- (ii) No part of any such fenced area shall be within any required side, front or rear yard.
- (iii) The outside perimeter of the fences shall be planted with evergreen trees and such trees shall not be less than 1.5 metres in height and shall be so spaced as to completely obscure the fence; and the trees shall be maintained in a healthy condition and any diseased or dead trees shall be replaced as soon as possible.
- (iv) No part of any fence or any required side, front or rear yard shall be illuminated by electricity or other artificial means.
- (v) All fences except those constructed of aluminum shall be painted and kept painted from time to time so as to maintain the wood or metal, as the case may be, in good condition. No display or advertising by means of painting names, objects or pictures upon any fence shall be permitted.
- (vi) All buildings constructed within the storage yard area shall be of masonry construction and no existing building not constructed of masonry (within the fenced area) shall be used in conjunction with any operation incidental to the wrecking of motor vehicles.
- (vii) Maximum lot coverage for all buildings shall be 60 per cent of the lot area.

## SECTION 18 - I Zone – Institutional Zone

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### (1) SCOPE

The provisions of this Section shall apply in all Institutional (I) Zones except as otherwise provided in the Special Provisions Subsection hereto.

### (2) USES PERMITTED

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

- (a) an accessory dwelling unit;
- (b) an auditorium or place of assembly;
- (c) a cemetery;
- (d) a church;
- (e) a day nursery;
- (f) a nursing home;
- (g) a public or private school;
- (h) any public use.

### (3) ZONE REQUIREMENTS

No person shall, within any I Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- (a) LOT AREA (MINIMA)
  - (i) public or private schools - 0.8 ha
  - (ii) other private uses - 1 390 m<sup>2</sup>
- (b) LOT FRONTAGE (MINIMA)
  - (i) public or private schools - 60 m
  - (ii) other private uses - 30 m
- (c) FRONT YARD DEPTH (MINIMUM) - 10 m
- (d) INTERIOR SIDE YARD WIDTH (MINIMUM ) - 10 m
- (e) EXTERIOR SIDE YARD WIDTH (MINIMUM) - 10 m
- (f) REAR YARD DEPTH (MINIMUM) - 7 m
- (g) LOT COVERAGE (MAXIMUM) - 35%
- (h) LANDSCAPED OPEN SPACE (MINIMUM) - 30%

#### (4) SPECIAL PROVISIONS

By-law  
21/89

a) **I-1 (HARMONY HOUSE - HOUSE)**

Notwithstanding any provisions of this By-Law to the contrary, within any area designated I-1 (Special Institutional) on Schedule 'A' hereto, the following special provisions shall apply:

(i) **Size Limitation:**

- The permitted Rest Home shall be limited to a maximum of twenty occupants.

(ii) **Interior Side Yard Width:**

- No building or structure shall be located closer than 6 m from the northerly side yard boundary.

By-law  
15-91

(b) **I-2 (CHURCH)**

Notwithstanding any provisions of this By-law to the contrary, the land zoned I-2 on Schedule 'A', may be used only for a church subject to the requirements of Section 18.

(c) **1-3 (ZEHR'S TRAINING CENTRE)**

Notwithstanding subsection 18(2) or any other provisions of this By-law to the contrary, the land zoned 1-3 on Schedule 'A' may be used for the following uses subject to the applicable regulations of this By-law and the following special provisions.

(i) **Uses Permitted Restricted To:**

- a non-profit training facility with such uses as classrooms, meeting rooms, administrative offices and ancillary spaces
- uses, buildings and structures accessory to the above main use.

(ii) **Zone Requirements**

The applicable provisions of this By-law, including Section 18.3, shall apply to the subject land together with the following special provisions:

- **Maximum Gross Floor Area**

The maximum gross floor area for the main building shall be 1,500 sq. metres (16,150 sq. ft.).

- **Off-street Parking**

A minimum of 87 parking spaces shall be provided in accordance with the provisions of Section 3(16) of this By-law.

- **Planting Strip**

A plant strip of not less than 7 metres (23 ft.) In width shall be provided along the frontage of the property at the location of the main building and the parking area save and except at the location of any driveways into the subject property.

- **Outdoor Storage**

No outdoor storage shall be permitted.”

**(d) I-4 (CROSS ROADS BRETHREN IN CHRIST CHURCH)**

Notwithstanding the provisions of Section 18 or any other provisions of this By-law to the contrary, no buildings or structures are to be located within the land zoned I-4 on Schedule 'A'.

## SECTION 19 - OS Zone – Open Space Zone

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### (1) SCOPE

The provisions of this Section shall apply in all Open Space (OS) Zones except as otherwise provided in the Special Provisions Subsection hereto.

### (2) USES PERMITTED

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

- (a) an existing agricultural use, in accordance with the Zone Requirements for the A Zone set out in Section 5(3) hereof;
- (b) a cemetery;
- (c) a public or private park;
- (d) any public use.

### (3) ZONE REQUIREMENTS

No person shall, within any OS Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- (a) LOT AREA (MINIMUM) - No Minimum
- (b) LOT FRONTAGE (MINIMUM) - No Minimum
- (c) FRONT YARD DEPTH (MINIMUM) - 15 m
- (d) INTERIOR SIDE YARD WIDTH (MINIMUM) - 15 m
- (e) EXTERIOR SIDE YARD WIDTH (MINIMUM)- 15 m
- (f) REAR YARD DEPTH (MINIMUM) - 15 m
- (g) LOT COVERAGE (MAXIMUM) - 10%
- (h) LANDSCAPED OPEN SPACE (MINIMUM)

Sixty per cent (60%) except that any area left in a natural state shall be considered to be part of the landscaped open space in a park.

### (4) SPECIAL PROVISIONS

#### (a) OS-1 (CEMETERY)

Notwithstanding Sections 19(2), 19(3)(a), 19(3)(b) and any other provision of this By-law to the contrary, the lands zoned **OS-1** may only be used for a cemetery

and accessory uses, buildings and structures subject to the following special regulations:

- i) LOT AREA (MINIMUM) 0.41 hectares (1.0 acres)
- ii) LOT FRONTAGE (MINIMUM) 24.4 metres (80.0 feet)
- iii) All other applicable regulations of this By-law shall apply to the land within this OS-1 Zone, except as specifically set out by this exception.

By-law  
34/95

(b) **OS-2 (WARREN BITULITHIC LTD. - MACMILLAN PIT)**

Notwithstanding any provisions of this By-law to the contrary, the area zoned **OS-2** on Schedule 'A' hereto may be included within a licence issued by the Ministry of Natural Resources to extract sand and/or gravel provided that there shall be no aggregate extraction within the area zoned **OS-2** and further provided that the uses permitted within this zone shall be restricted to forestry, fish and wildlife management and any public use.

By-law  
26/97

(c) **OS-3 (COX CONSTRUCTION -Replacement Woodlot)**

Notwithstanding any provisions of this By-law to the contrary, the area zoned **OS-3** on Schedule 'A' hereto may be included within a licence issued by the Ministry of Natural Resources to extract sand and/or gravel, but no aggregate extraction within the area zoned **OS-3** shall occur and further provided that the uses within this zone shall be restricted to forestry, fish and wildlife management.

By-law  
36/97

(d) Removed by By-law 4/08.

By-law  
17/00

(e) **OS-5 (MINI LAKES)**

Notwithstanding any provisions of this By-law to the contrary, the lands zoned **OS-5** may be used for a sewage disposal system and attenuation area. No uses, buildings or structures other than those directly related to the sewage disposal system shall be permitted within this Zone.

By-law  
10/99

(f) **OS-6 (Aberfoyle Creek Estates - Phase 2)**

Notwithstanding subsection 19(2) or any other provisions of this By-law to the contrary, the land zoned **OS-6** on Schedule 'A' may be used for storm water management purposes subject to the applicable provisions of this By-law.

By-law  
50/05

(g) **OS-7 (Royal Canin)**

Notwithstanding any provisions of this By-law to the contrary, within any area designated OS-7 on Schedule "A" and Map A-4 hereto, the following special provisions shall apply:

(i) **Uses Permitted**

By-law  
48/07

- (a) Forest management.
  - (b) Passive recreation.
  - (c) A private water supply well.
- (h) **OS-8 (St. Lawrence Cement Inc. Pond)**

Notwithstanding any provisions of this By-law to the contrary, the lands zoned **OS-8** on Schedule "A" hereto, the following special provisions shall apply:

- (i) **Only Uses Permitted**
  - (a) Fish and wildlife management
  - (b) Passive recreation
- (ii) **Additional Zone Requirements**
  - (a) **LANDSCAPED OPEN SPACE (MINIMUM)**

Sixty per cent (60%) except that any area left in a natural state, including the pond existing as of the date of passing of this by-law, shall be considered to be part of the landscaped open space.

- (b) Unless otherwise provided above, all other applicable provisions of By-law 19/85, as amended, shall apply to the OS-8 Zone.

By-law  
41/08

- (i) **OS-9 (Audrey Meadows)**

Notwithstanding the provisions of subsection 19(2) or any provisions of this By-law to the contrary, the land zoned **OS-9** on Schedule "A" hereto may be used for storm water management purposes subject to the applicable provisions of this By-law.

By-law  
28/10

- (j) **OS-10 (Heritage Lake – Buffer)**

Notwithstanding any provisions of this by-law to the contrary, within any designated **OS-10** zone on Schedule A hereto, the following special provisions shall apply:

- i) Uses permitted shall be restricted to:

Landscaped open space to provide a buffer between the approved residential condominium and the industrial uses to the east

By-law  
28/10

- (k) **OS-11 (Heritage Lake – Landscape Area)**

Notwithstanding any provisions of this by-law to the contrary, within any designated **OS-11** zone on Schedule "A" hereto, the following special provisions shall apply:

- i) Uses permitted shall be restricted to:

Landscaped open space to provide a buffer between the approved residential condominium and the public road.

## **SECTION 20 - NE Zone - Natural Environment Zone**

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### **(1) SCOPE**

The provisions of this Section shall apply in all Natural Environment (NE) Zones, except as otherwise provided in the Special Provisions hereto.

### **(2) USES PERMITTED**

No person shall, within any NE Zone, use any lot or erect, alter or use any building or structure, for any purpose except for one or more purposes of the following NE permitted uses, namely:

- Agricultural uses, excluding new buildings and structures
- Conservation uses including:
  - forest management
  - fish and wildlife management
  - flood control
  - erosion control
- Passive Recreation
- Boat house or boat dock
- Uses, buildings and structures, which were lawfully established on the day of the passing of this By-law, so long as it continues to be used for that purpose.

### **(3) ZONE REQUIREMENTS**

No person shall, within any NE Zone, use any lot or erect any new building or new structure, except in accordance with the following regulations:

- a) No alteration or disturbance to watercourses or to municipal drains associated with open watercourses shall be permitted without the approval of the municipality in consultation with the Conservation Authority having jurisdiction in the area.
- b) New driveways or the reconstruction of existing driveways within the Natural Environment Zone shall require the approval of the municipality in consultation with the Conservation Authority having jurisdiction in the area.
- c) For the purposes of this By-law, a boat house is an accessory building subject to the provisions of Section 3(1) and shall not include human habitation.
- d) Non-habitable buildings and structures accessory to a conservation or passive recreation use shall meet the required yard and lot coverage provisions of the Open Space Zone.
- e) No person shall remove or place fill, whether originating on the site or elsewhere, within the Natural Environment Zone without the approval of the municipality in consultation with the Conservation Authority having jurisdiction in the area.

Required setbacks from the Natural Environment zone are contained within Section 3 - General Provisions of this By-law.

### **(4) SPECIAL PROVISIONS**

O.M.B. decision  
June 23/86

(a) **NE-1 (KENNEL)**

Notwithstanding any provisions of this By-Law to the contrary, within any area designated NE-1 on Schedule 'A' hereto, the following special provisions shall apply:

(i) **Uses Permitted**

- existing building and kennels as they exist at the date of passing of this By-Law and a barn on the existing foundation for which the Grand River Conservation Authority has issued a permit.

O.M.B. decision  
January 21/87

(b) **NE-2 (GOLF COURSE)**

Notwithstanding any provisions of this By-Law to the contrary, within any area designated NE-2 on Schedule 'A' hereto, the following special provisions shall apply:

(i) **Uses Permitted**

- A golf course excluding buildings and/or structures.

By-law  
33-1989

(c) **NE-3 (Landscape Contractor's Yard)**

As amended  
by By-law  
16/96

Notwithstanding any provisions of this By-Law to the contrary, within any area designated NE-3 on Schedule 'A' hereto, the following special provisions shall apply:

(i) **Uses Permitted**

- a landscape contractor's yard with no retail or wholesale sales
- an accessory dwelling unit attached to the existing building

(d) **NE-4 (UNIVERSITY OF GUELPH PIT)**

Notwithstanding any provision of this By-law to the contrary, the area zoned NE-4 on Schedule 'A' hereto may be included within a licence issued by the Minister of Natural Resources to extract sand and/or gravel provided that there shall be no aggregate extraction within the area zoned NE-4, and further provided that in addition to the zone requirements of Section 20(3), the following special provisions shall apply:

(i) **Uses Permitted Shall be Restricted to:**

- forestry;
- fish and wildlife management;
- any public use;
- research and educational use.

**added by By-law 31/90 as amended and approved by OMB Order dated August 10, 1990.**

(e) **NE-5 (CROFT HOLM PIT)**

Notwithstanding any provision of this By-law to the contrary, within any area designated NE-5 on Schedule 'A' hereto, the following special provisions shall apply:

- i) **Uses Permitted**
  - any use permitted in an "NE" Zone
  - a private haul route for a gravel pit

(f) **NE-6 (Reid's Heritage Homes Ltd. - Heritage Lake Extractive Operation)**

Notwithstanding any provision of this By-law to the contrary, the area zoned NE-6 on Schedule 'A' hereto may be included within a licence issued by the Minister of Natural Resources to extract sand and/or gravel provided that there shall be no aggregate extraction within the area zoned NE-6, and further provided that in addition to the zone requirements of Section 20(3), the following special provisions shall apply:

- i) **Uses Permitted Shall be Restricted to:**
  - forestry;
  - fish and wildlife management;
  - any public use.

By-law  
15/97

(g) **NE-7 (Single-Detached Residence)**

Notwithstanding any provisions of this By-law to the contrary, within the area zoned NE-7 on Schedule 'A', the following special provisions shall apply:

- i) **Uses Permitted**
  - a single-detached dwelling
  - an accessory use

- ii) **Zone Requirements**

The NE-7 zone represents the approved building envelope for the subject land, which is approximately 800 square metres (8500 sq. ft.) in area. No buildings or structures shall be permitted outside the area zoned NE-7.

The applicable regulations of Sections 3 and 5 shall apply to the subject land. In addition, the removal or placement of fill, whether originating on site or elsewhere, shall not be permitted without the prior written approval of the Grand River Conservation Authority and the necessary approvals of the Township.

By-law  
10/99

(h) **NE-8 (Aberfoyle Creek Estates-Phase 2)**

Notwithstanding subsection 20(2) or any other provisions of this By-law to the contrary, the land zoned **NE-8** on Schedule 'A' shall only be used for forestry, fish and wildlife management purposes subject to the applicable provisions of this By-law.

By-law  
31/00

(i) **NE-9 (Single-Detached Residence)**

Notwithstanding any provisions of this By-law to the contrary, within the area zoned NE-9 on Schedule 'A', the following special provisions shall apply:

i) **Uses Permitted**

- a single-detached dwelling
- an accessory structure

ii) **Zone Requirements**

The NE-9 Zone represents the approved building envelope for the subject land. No buildings or structures shall be permitted outside the area zoned NE-9.

The applicable regulations of Sections 3 and 5 shall apply to the subject land. In addition, the removal or placement of fill, whether originating on the site or elsewhere, shall not be permitted without the prior written approval of the Grand River Conservation Authority and the necessary approvals of the Township.

By-law  
32/00

(j) **NE-10 (Single-Detached Residence)**

Notwithstanding any provisions of this By-law to the contrary, within the area zoned NE-10 on Schedule 'A', the following special provisions shall apply:

i) **Uses Permitted**

- existing single-detached dwelling
- existing accessory structure

By-law  
19/02

(k) **NE-11 (Irish Creek Estates 23CD-01004)**

Notwithstanding Section 20(2) or any other provisions of this By-law to the contrary, within the land zoned NE-11 Zone only those uses and structures existing on the day of passing of this By-law shall be permitted. No new buildings, structures or septic systems shall be permitted within the NE-11 Zone.

By-law  
28/10

(l) **NE-12 (Heritage Lake)**

Notwithstanding any provision of this by-law to the contrary, the area zoned **NE-12** on Schedule "A" hereto, the following special provisions shall apply:

- i) Uses permitted shall be restricted to:
- Storm Water Management facilities
  - Conservation uses including
    - forest management
    - fish and wildlife management
    - flood control
    - erosion control
  - Passive Recreation
  - Boat house or boat dock

In addition, any development or site alteration proposed within exclusive use common element Blocks 81 to 99 (inclusive) as illustrated on Revised Draft Plan of Condominium 23CD-06001, dated June 13, 2008, will be subject to *Development Interference with Wetlands and Alterations to Shorelines and Watercourses* applications to be approved by the Grand River Conservation Authority.

By-law  
23/10

(m) **NE-13 (Preston Sand & Gravel - Roszell Pit)**

Notwithstanding the provisions of Section 20 or any provisions of this By-law to the contrary, the land zoned **NE-13** on Schedule "A" may be included within a licenced pit pursuant to the Aggregate Resources Act, R.S.O., 1990, as amended, but shall not be used for the making, establishment or operation of a pit nor any ancillary land use related to aggregate extraction. The uses permitted within the **NE-13** zone shall be restricted to conservation uses as defined by this By-law and scientific monitoring for ecological and hydrogeological purposes.

By-law  
37/10

(n) **NE-14 (Single Detached Dwelling)**

Notwithstanding any provision of this by-law to the contrary, the area zoned **NE-14** on Schedule 'A' hereto, may also be permitted a single detached dwelling within the allowance to the slope hazard. Notwithstanding Section 3.25(a) of By-law 19/85, no additional setback will be required from the boundary of any **NE-14** Zone

## **SECTION 21 – Approval**

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The By-law shall become effective from the date of passage by Council and comes into force in accordance with Section 34 of the Planning Act, 1983, or upon approval of the Ontario Municipal Board.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS **17th** DAY OF **July**, 1985.

**ARCHIBALD MACROBBIE**

Archibald MacRobbie  
Reeve

**BRENDA BEATSON**

Clerk