Township of Southwold

Zoning Bylaw 2011-14

February 2011

Consolidated
April 2014

Prepared By:

ZELINKA PRIAMO LTD
A Professional Planning Practice
INTRODUCTION

These pages explain the purpose of this Zoning By-law and how it should be used. These pages do not form part of the Zoning By-law passed by Council and are intended only to make the Zoning By-law more understandable and easier to reference.

PURPOSE OF THIS ZONING BY-LAW

The purpose of this Zoning By-law is to implement the policies of the Township of Southwold Official Plan. The Official Plan contains general policies that affect the use of land throughout the Municipality. These policies specify where certain land uses are permitted and what regulations should apply to the development of lands.

The Official Plan is a general document that is not intended to regulate every aspect of the built form on a private lot. In the Province of Ontario, this is the role of the Zoning By-law. Once an Official Plan is in effect, any Zoning By-law passed by Council must conform to the Official Plan. For example, if the Official Plan stated that lands in the vicinity of a significant natural feature are to remain in their natural state, the Zoning By-law would prohibit the erection of buildings or structures on those lands.

The statutory authority to zone land is granted by the Ontario Planning Act. The Planning Act specifies what a By-law can regulate. A Zoning By-law can:

- prohibit the use of land or buildings for any use that is not specifically permitted by the By-law;
- prohibit the erection or siting of buildings and structures on a lot except in locations permitted by the By-law;
- regulate the type of construction and the height, bulk, location, size, floor area, spacing, and use of buildings or structures;
- regulate the minimum frontage and depth of a parcel of land;
- regulate the proportion of a lot that any building or structure may occupy;
- regulate the minimum elevation of doors, windows or other openings in buildings or structures;
- require parking and loading facilities be provided and maintained for a purpose permitted by the By-law; and, prohibit the use of lands and the erection of buildings or structures on land that is:
  - subject to flooding;
  - the site of steep slopes;
  - rocky, low-lying, marshy or unstable;
  - contaminated;
  - a sensitive groundwater recharge area or head water area;
  - the location of a sensitive aquifer;
  - a significant wildlife habitat area, wetland, woodland, ravine, valley or area of natural and scientific interest;
HOW TO USE THIS BY-LAW

In order to reference this By-law most easily, a property owner should follow each of the steps listed below to determine what permissions apply to their particular property.

1. LOCATE THE PROPERTY ON A MAP

The first step to using this By-law is to refer to the zone maps that are contained at the back of the By-law to determine in which zone your property is located. The zone will be indicated on the maps by a symbol. For example, you may see a symbol such as "R1" on your property. This would indicate that your property is within the 'Residential (R1)' Zone. The zone symbols and zone maps are explained on the first page of Section 4 of the By-law.

Section 4 also provides assistance to help you identify the zone boundaries on the Schedules. For example, if your property appears close to a zone boundary and you are not sure how to determine exactly where that boundary is located, refer to Section 4.6 of the By-law.

2. BY-LAW AMENDMENTS

A Zoning By-law is not a static document; it is amended over time as demands and policies governing land use change. Before proceeding any further, you should verify that your property is not the subject of an earlier Zoning By-law amendment. Recent amendments may not be included in the version of the By-law you are using. Municipal Staff will be able to assist you to confirm if your property has been subject to a recent By-law amendment.

3. ZONE PROVISIONS

The next step to using this By-law is to determine what uses are permitted on your property. Sections 5 to 21 of the By-law identify the permitted uses and zone standards for each zone in the Municipality. The definitions in Section 2 can assist you if you are not sure of the nature of a permitted use or how it has been defined for the purposes of this By-law.

You have now identified the zone in which your property is located and have identified what uses are permitted on your property. The next step is to determine what standards may apply to the uses on your property. Sections 5 to 21 of the By-law also identify the zone standards for each of the zone categories in the Municipality including standards for minimum lot area, minimum frontage requirements, minimum yard requirements, maximum lot coverage for buildings, maximum permitted height of buildings and in some cases, the minimum required landscaped open space on the lot.

4. GENERAL PROVISIONS

Now that you are aware of the uses permitted on your property and the specific zone standards that apply to those uses, reference should be made to Section 3 of this By-law. Section 3 contains a more generic set of standards know as 'General Provisions' that apply to all properties in all zones throughout the Municipality. For example, the general provisions contain standards that regulate the location of accessory structures on a lot, height exceptions, and non-conforming/non-complying uses that apply to all properties regardless of where in the Municipality a property is located.
5. PARKING AND LOADING

There is one section of General Provisions of the By-law that should be mentioned, and should be consulted when determining what permissions apply to your specific property. Subsection 3.38 provides the parking and loading requirements for all uses permitted in the Municipality. If you are considering changing the use of your property or adding a new use to your property, you should review Section 3.38 to ensure that you are aware of the parking requirements for the proposed use.

6. ILLUSTRATIONS

A series of drawings are provided in Appendix B to assist the reader in interpreting the Zoning By-law provisions. These drawings are for illustration purposes only and do not form part of the actual By-law.

7. WHAT ARE LEGAL NON-CONFORMING AND LEGAL NON-COMPLYING FOR THE PURPOSES OF THIS BY-LAW?

A legal non-conforming use is a use of land and/or building that is not permitted by this Bylaw, but that legally existed on the date this By-law comes into effect under the Planning Act. To be legal, the use must have been permitted on the lands in the zoning by-law that was in effect before By-law came into effect. Alternatively, if the use has existed on the lands for a considerable number of years, the use may be legal non-conforming if it was legally established before the first By-law for the Township was passed.

A legal non-complying building or structure is a building or structure that was legally erected in a location it was in when By-law comes into effect under the Planning Act. To be legal, the location of the building or structure must have been authorized on the lands in the zoning bylaw that was in effect before By-law comes into effect. Alternatively, if the building or structure existed on the lands for a considerable number of years, the building or structure may be legal if it was legally erected before the first by-law for the Township was passed.

8. DESCRIPTION OF BY-LAW COMPONENTS

This By-law contains twenty-one sections, which together, provide the land uses and standards applicable to all lands within the Municipality. These sections are as follows:

   - Section 1 – Administration and Interpretation
   - Section 2 – Definitions
   - Section 3 - General Provisions
   - Section 4 – Zones and Zone Maps
   - Section 5 – Zone Provisions

The purpose of each of these sections is described below.

Section 1 - Interpretation and Administration

This section of the By-law specifies:

   • what lands are covered by the By-law;
   • that every parcel of land in the area covered by the By-law is to conform and comply with the By-law; and,
• what penalties can be levied against a person or a corporation if they contravene any provision in the By-law.

Section 2 - Definitions

It is necessary to define words in a Zoning By-law because it is a legal document. These definitions help provide clarity in the By-law and ensure that the By-law and its intent are applied consistently.

Section 3 - General Provisions

This section contains a number of regulations that apply to certain types of uses, buildings or structures regardless of where in the Municipality or in what zone they are located. For example, this section contains provisions dealing with parking in any zone, or provisions to regulate the operation of home occupations.

Parking and loading facilities are required for almost all uses within the Municipality. This subsection provides the requirements for these facilities including such regulations as the number of spaces required for residential and commercial uses, minimum driveway width, minimum parking space size and the location of parking facilities on a lot.

Section 4 • Establishment Of Zones

This section establishes the Zones that apply to the lands covered by the By-law. This section also describes how to determine the location of the Zone boundaries on the Schedules.

Sections 5 to 21 - Zone Provisions

Sections 5 to 20 identify the uses that are permitted in each Zone category. The effect of these Zones is to permit only certain uses in various parts of the Municipality. The only uses permitted in a zone are those that are specified in the By-law. If a use is not specifically mentioned as a permitted use in a Zone then it is not permitted. Similarly, if a use is defined in Section 2 of the By-law but does not appear as a permitted use in any zone, then it is not a use permitted by the By-law.

Sections 5 to 20 also contain a number of regulations that control the placement, bulk and height of a building on a lot. This includes regulations such as minimum lot size, minimum frontage, maximum building height or the maximum coverage of a building on a lot. They may also contain special regulations which apply to certain uses only, such as dwelling units in a Commercial Zone.

Finally, these sections contain a listing of property-specific Special Provisions to the By-law that have been applied in the By-law to individual properties or groups of properties. For example, Council may approve an amendment to permit an additional use in a Zone category. The addition of the use is denoted on the Zone Map by the Zone Symbol designating the lands followed by a dash and a number, for example R1-5.

Section 20 – Settlement Reserve

This section identifies lands which have been designated for future development, and which are intended to ultimately be rezoned once subdivision or other development plans have been approved.
THE CORPORATION OF THE TOWNSHIP OF SOUTHWOLD

BY-LAW NO 2011-14

Being a By-law to regulate the use of lands and character, location and use of buildings and structures within the Township of Southwold pursuant to Section 34 of the Planning Act, R.S.O. 1990, c.P.13, as amended from time to time,

PREAMBLE

WHEREAS Section 34 of the Planning Act, R.S.O. 1990, c.P.13, as amended from time to time,, provides that the Council of a local municipality 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 Southwold 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 Southwold and to ensure proper and orderly development within the corporate limits of the Township of Southwold;

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

AND WHEREAS this By-law shall come into force when the adopted Official Plan comes into effect in accordance with the requirements of the Planning Act;

NOW THEREFORE the Council of The Corporation of the Township of Southwold ENACTS as follows:
TOWNSHIP OF SOUTHWOLD
ZONING BY-LAW NO 2011-14

TABLE OF CONTENTS

SECTION 1.0 ADMINISTRATION AND INTERPRETATION
1.1 Title of By-law
1.2 Scope of By-law
1.3 Application
1.4 Interpretation of By-law
1.5 Measurements
1.6 Schedule Forms Part of By-law
1.7 Administration
1.8 Inspection
1.9 Building Permits
1.10 Risk, Expense and Compliance
1.11 Violations and Penalties
1.12 Order of Prohibition
1.13 Application of Other By-laws
1.14 Other By-laws
1.15 Remedies
1.16 Severability Provisions
1.17 Repeal of Existing By-laws
1.18 Effective Date

SECTION 2.0 DEFINITIONS

SECTION 3.0 GENERAL PROVISIONS
3.1 Accessory Uses
3.2 Commercial and Industrial Zones Abutting or Adjacent to Residential, Institutional and Open Space Zones
3.3 Construction Uses
3.4 Environmental Protection Zones Natural Areas and Adjacent Lands
3.5 Established Building Lines – Built-Up Residential Areas
3.6 Existing Lots
3.7 Exploration and/or Production of Natural Gas or Crude Oil
3.8 Expropriations and Dedications
3.9 Frontage on a Public Road
3.10 Group Homes
3.11 Hazard Lands
3.12 Height Restrictions
3.13 Home Occupation
3.14 Home Industry
3.15 Household Sales/Garage Sales
3.16 Keeping of Animals
3.17 Landscaping and Planting Strips
3.18 Lots with More than One Use or Zone
3.19 Loss by Natural Causes
3.20 Minimum Distance Separation Formulae (MDS I & II)
3.21 Minimum Floor Area
3.22 Minimum Separation for Adult Entertainment Establishments
3.23 Minimum Separation for Kennels
3.24 Minimum Separation for Structures for Growing Mushrooms
3.25 Minimum Separation from Portable Asphalt Plants (Deleted by By-law 2014-16)
3.26 Minimum Distance from Municipal Drains and Natural Watercourses
3.27 Minimum Separation from Railways
3.28 Minimum Separation from Sewage Treatment Plants
3.29 Mobile Refreshment Vehicles
3.30 Model Homes
3.31 Moving of Buildings
3.32 Non-Complying Buildings and Structures
3.33 Non-Complying Use: Additions and Accessory Uses
3.34 Number of Main Buildings on a Lot
3.35 Occupancy of Partially Completed Dwellings
3.36 Open Storage
3.37 Outdoor Swimming Pools and Related Structures
3.38 Parking and Loading Space Regulations
3.38A Portable Asphalt Plants
3.39 Prohibited Uses
3.40 Outdoor Patio
3.41 Public Use
3.42 Sequence of Development
3.43 Servicing: Water, Sewers and Storm Water
3.44 Sight Visibility Triangles
3.45 Uses Permitted in All Zones
3.46 Wind Energy Accessory Generation Systems (Deleted by By-law 2014-16)
3.47 Yard Encroachments and Obstructions

SECTION 4.0 ZONES AND ZONE MAPPING
4.1 Establishment of Zones
4.2 Use of Zone Symbols
4.3 Regulation Limits
4.4 Scope of Zone Requirements
4.5 Special Zones
4.6 Interpretation of Zone Boundaries
4.7 Holding Symbol (h)
4.8 Temporary Use By-Law
4.9 Map Details

SECTION 5.0 AGRICULTURAL 1 (A1) ZONE
5.1 Permitted Uses
5.2 Regulations
5.3 Special Use Regulations
5.3.1 Livestock Barns
5.3.2 Single Detached Dwelling – Minimum Distance Separation I
5.3.3 Greenhouses
5.3.4 Lot Size for Keeping of Livestock
5.4 Special Provisions
SECTION 6.0 AGRICULTURAL 2 (A2) ZONE (Deleted by By-law 2014-16)
6.1 Permitted Uses
6.2 Regulations
6.3 Special Use Regulations
6.4 Special Provisions

SECTION 7.0 AGRICULTURAL 3 (A3) ZONE
7.1 Permitted Use
7.2 Regulations
7.3 Special Use Regulations
7.4 Special Provisions

SECTION 8.0 RESIDENTIAL 1 (R1) ZONE
8.1 Permitted Use
8.2 Regulations
8.3 Special Use Regulations
8.4 Special Provisions

SECTION 9.0 RESIDENTIAL 2 (R2) ZONE
9.1 Permitted Use
9.2 Regulations
9.3 Special Use Regulations
9.4 Special Provisions

SECTION 10.0 RESIDENTIAL 3 (R3) ZONE
10.1 Permitted Use
10.2 Regulations
10.3 Special Use Regulations
10.4 Special Provisions

SECTION 11.0 VILLAGE COMMERCIAL (VC) ZONE
11.1 Permitted Use
11.2 Regulations
11.3 Special Use Regulations
11.4 Special Provisions

SECTION 12.0 HIGHWAY SERVICE CENTRE COMMERCIAL (HSC) ZONE
12.1 Permitted Use
12.2 Regulations
12.3 Special Use Regulations
12.4 Special Provisions

SECTION 13.0 COMMERCIAL/INDUSTRIAL 1 (CM1) ZONE
13.1 Permitted Use
13.2 Regulations
13.3 Special Use Regulations
13.4 Special Provisions
SECTION 14.0 COMMERCIAL/INDUSTRIAL 2 (CM2) ZONE
14.1 Permitted Use
14.2 Regulations
14.3 Special Use Regulations
14.4 Special Provisions

SECTION 15.0 COMMERCIAL/INDUSTRIAL 3 (CM3) ZONE
15.1 Permitted Use
15.2 Regulations
15.3 Special Use Regulations
15.4 Special Provisions

SECTION 16.0 WASTE MANAGEMENT (WM) ZONE
16.1 Permitted Use
16.2 Regulations
16.3 Special Use Regulations
16.4 Special Provisions

SECTION 17.0 INSTITUTIONAL (I) ZONE
17.1 Permitted Use
17.2 Regulations
17.3 Special Use Regulations
17.4 Special Provisions

SECTION 18.0 OPEN SPACE (OS) ZONE
18.1 Permitted Use
18.2 Regulations
18.3 Special Use Regulations
18.4 Special Provisions

SECTION 19.0 ENVIRONMENTAL PROTECTION (EP) ZONE
19.1 Permitted Use
19.2 Regulations
19.3 Special Use Regulations
19.4 Special Provisions

SECTION 19A.0 EXTRACTIVE INDUSTRIAL (EI) ZONE
19A.1 Permitted Use
19A.2 Regulations
19A.3 Special Use Regulations
19A.4 Special Provisions

SECTION 20.0 SETTLEMENT RESERVE (SR) ZONE
20.1 Permitted Use
20.2 Regulations
20.3 Special Use Regulations
20.4 Special Provisions
SECTION 21.0       TEMPORARY (T) ZONE
21.1    Permitted Use
22.2    Regulations
23.3    Special Use Regulations
24.4    Special Provisions

Appendix A –Minimum Distance Separation

Appendix B-Illustrations
SECTION 1.0 ADMINISTRATION AND INTERPRETATION

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 Southwold.

(b) Compliance with Zoning By-law

No person shall, within the lands to which this By-law applies, use any land or erect or use or alter any buildings or structures in whole or in part, except in conformity with the provisions of this By-law.

1.3 APPLICATION

The provisions of this By-law shall apply to all lands within the boundaries of the Township of Southwold as now or hereafter legally constituted:

(a) Existing Use Continued

Nothing in this By-law shall prevent:

(i) The use of any land, building or structure for any purpose prohibited by this By-law if such land, building or structure was lawfully used for such purpose on the day of the passing of this By-law, so long as it continues to be used for that purpose.

(ii) The erection or use of any building or structure for a purpose prohibited by the By-law, the plans of which have, prior to the day of the passing of this By-law, been approved by the Building Inspector, so long as the building or structure when erected is used and continues to be used for the purpose for which it was approved and provided the building permit has not been revoked under the Building Code Act.

(b) Compliance with Other Restrictions

This By-law shall not be construed so as to reduce or mitigate any other restrictions or regulations lawfully imposed by the Corporation or by any governmental authority having jurisdiction to make such restrictions or regulations.
1.4 INTERPRETATION OF BY-LAW

(a) Definitions

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

(b) Text

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

(i) The particular shall control the general;

(ii) The word “shall” is to be construed as mandatory and not discretionary;

(iii) Unless the contrary intention specifically appears otherwise, words imparting the singular number of the masculine gender only shall include more persons, parties, or things of the same kind than one, and females as well as males, and the converse;

(iv) Words used in the present tense shall include the future tense;

(v) A building or structure shall include any part thereof;

(vi) Any Act or Regulation referred to in this By-law shall include any amendments or revisions made thereto or any subsequent Act or Regulation enacted in place thereof; and

(vii) In this By-law, unless the context requires otherwise, the verb “use” shall include “design to be used”, “arrange to be used”, “intend to be used”, and “permit to be used”; and the verb “occupy” shall include “design to be occupied”, “arrange to be occupied”, “intend to be occupied”, and “permit to be occupied”.

1.5 MEASUREMENTS

All measurements are stated in the By-law and no rounding shall apply.

1.6 SCHEDULE FORMS PART OF BY-LAW

Schedule “A”, which includes Key Maps 1 to 17C inclusive forms a part of this By-law.

The location and boundaries of the Zones and the special provisions established by this By-law are shown on the Maps of Schedule “A”.
ADMINISTRATION AND INTERPRETATION

1.7 ADMINISTRATION

This By-law shall be administered by the Chief Building Official or such other person designated from time to time by Council who shall be considered to be the Zoning Administrator.

1.8 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 158.(1) of the Provincial Offences Act (R.S.O. 1990), Chapter P. 33, or any successors thereto.

1.9 BUILDING PERMITS

(a) Application for a Building Permit

In addition to all of the requirements of the Ontario Building Code, no building permit shall be issued in respect of the erection or alteration of a building or structure until all information required by the Municipality under any By-law of the Municipality, has been submitted to, and approved, by the Chief Building Official.

(b) Issuance of a Building Permit

No building permit shall be issued where a proposed building, structure or alteration to an existing building or structure would contravene in any way, the Ontario Building Code, or this By-law, or any other By-law of the Municipality.

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) Persons Guilty

Every person, other than a corporation, who contravenes this By-law is guilty of an offence and on conviction is liable on a first conviction to a fine of not more than $25,000, and on a subsequent conviction, to a fine of not more than
$10,000 for each day or part thereof upon which the contravention has continued after the day on which the person was convicted, as prescribed by the Planning Act, R.S.O. 1990, c.P.13, as amended from time to time.

(b) Corporations Guilty

Every corporation who contravenes this By-law is guilty of an offence and on conviction is liable on a first conviction, to a fine of not more than $50,000, and on a subsequent conviction, to a fine of not more than $25,000 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted, as prescribed by the Planning Act, R.S.O. 1990, c.P.13, as amended from time to time.

1.12 ORDER OF PROHIBITION

When a conviction is entered, in addition to any other remedy or any penalty provided by law, the Court in which the conviction has been entered and any Court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offense by the person convicted.

1.13 APPLICATION OF OTHER BY-LAWS

Nothing in this By-law shall operate to relieve any person from any obligation to comply with the requirements of the Building Code Act, of the Building Code or of any By-law of the Corporation in force from time to time or the obligations to obtain any license, permit, authority or approval required under this or any other By-law of the Corporation.

1.14 OTHER BY-LAWS

If the provisions of this By-law are inconsistent with the provisions of any other By-law of the Corporation, then the provisions establishing the higher or more demanding or more onerous, or stricter standard shall prevail and if there is a conflict of provisions, then the provisions of this By-law shall prevail.

1.15 REMEDIES

(a) Legal Recourse

Where any building or structure is or is proposed to be erected, altered, reconstructed, extended or enlarged, or any building or structure that is, or is proposed to be used, in contravention of this By-law, the same may be restrained by an action of any person or of the Municipality under the Planning Act, R.S.O. 1990, c.P.13, as amended from time to time, the Municipal Act, or the Courts of Justice Act.

(b) Payment of Costs and Reimbursement

Where a person or corporation is in default of the provisions of this By-law and has been notified or directed by the Municipality to remedy this default and fails
to do that matter or thing required, such matter or thing shall be done at the
person or corporation's expense. Where a person or corporation has refused or
neglected to reimburse the Municipality for the cost of such work, thing or matter
done, the same may be recovered by the Municipality in like manner as taxes.

1.16 SEVERABILITY PROVISIONS

A decision of a Court that one or more of the provisions of this By-law are invalid in
whole or in part does not affect the validity, effectiveness or enforceability of the other
provisions or parts of the provisions of this By-law.

1.17 REPEAL OF EXISTING BY-LAWS

From the coming into force of this By-law, all previous By-laws passed under Section 34
of the Planning Act, R.S.O. 1990, c.P.13, as amended from time to time, or any
predecessor thereof, shall be repealed.

1.18 EFFECTIVE DATE

This By-law shall become effective from the date of its passing by Council and comes
into force in accordance with Section 34 of the Planning Act, R.S.O. 1990, c.P.13, as
amended from time to time, or upon approval of the Ontario Municipal Board.
SECTION 2.0 DEFINITIONS

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 Southwold unless specifically listed as a permitted use in a Zone or Zones.

For the purposes of this By-law, the following definitions shall apply:

“ABANDONED” means the failure, in the opinion of the Zoning Administrator, to proceed expeditiously with construction work or to undertake the construction work during any continuous 12-month period.

“ABATTOIR” means a building or structure, or part thereof, used for the slaughtering of animals for the purposes of processing meat into food for human consumption; and where meat products are produced, processed, handled or stored.

“ac” means acre.

“ACCESSORY”, when used to describe a use, a building or a structure, means a use, a building or a structure that is customarily incidental, subordinate and exclusively devoted to a main use, building or structure and located on the same lot therewith, and shall not include a residential use unless specifically stated otherwise.

“ACCESSORY DWELLING UNIT” – See “DWELLING UNIT”.

“ADJACENT LANDS” means lands adjacent to and within 50 m (164 ft.) of Areas of Natural and Scientific Interest; and land adjacent to and within 120 m (394 ft.) of Significant Woodlands and Provincially Significant Wetlands.

“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.

“services” includes activities, facilities, performances, exhibitions, viewings and encounters but does not include the exhibition of film approved under the Theatres Act;

‘services designed to appeal to erotic or sexual appetites or inclinations” includes,

(a) services of which a principal feature or characteristic is the nudity or partial nudity of any person;
(b) services in respect of which the word “nude”, “naked”, “topless”, “bottomless”, “sexy” or any other word or picture, symbol or representation having like meaning or implication as used in any advertisement;
“ADULT ENTERTAINMENT USE” means any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, goods or services or entertainment appealing to or designed to appeal to erotic or sexual appetites or inclinations. Adult Entertainment Use also includes an Adult Entertainment Parlour, and Adult Video Store, an Adult Specialty Shop and a principal use Body Rub Parlour.

“ADULT SPECIALTY STORE” means a retail establishment specializing in the sale of a variety of goods and materials made or designed to appeal to erotic or sexual appetites, but does not include a retail store.

“ADULT VIDEO STORE” means an establishment where pre-recorded video tape, video discs, films and/or slides made or designed to appeal to erotic or sexual appetites or depicting sexual acts are offered for rent or sale where the proportion of adult videotapes to non-adult videotapes offered is equal to or exceeds the ratio of 10:100 (adult videotape to non-adult videotape). An Adult Video Store shall not include facilities for the screening or viewing of such products.

“AGRICULTURAL SERVICE ESTABLISHMENT” means the use of land, buildings or structures for the purposes of buying or selling commodities and services that are necessary to support agricultural uses as defined by this By-law. These shall include such sales and services as welding and machinery repairs, farm drainage and excavation, agricultural related trucking, well drilling, contracting and trade related to farm buildings and structures, and custom spraying, tillage, planting and harvesting services and agriculturally related trucking.

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

“AGRICULTURAL USE” means the use of land, for gain or profit, for the growing of crops, including nursery and horticultural crops; the raising of livestock and other animals for food, or fur, the raising of poultry and fish; aquaculture; agro-forestry; maple syrup production; apiary; and associated on-farm buildings and structures including a single-detached dwelling accessory to a farm operation. This definition shall include a Farm Produce Retail Outlet.

“AGGREGATE PROCESSING FACILITY” means a facility where aggregate is taken from a raw or already processed form and further processed, with such aggregate being sourced on the same lot and/or brought from another location.

“AGGREGATE RECYCLING FACILITY” means a premises used for the recycling of used aggregate materials such as concrete and asphalt into a usable product but does not include the operation of an asphalt or concrete batching plant.

“AISLE” means lands used by a motor vehicle for access to and from an off-street parking space, but does not include a driveway.
“ALTER” means:

(a) when used in reference to a building or part thereof, to change any one or more of the external dimensions of such building or to make any change in the supporting members or to the type of construction of the exterior walls or roof thereof; and

(b) when used in reference to a lot, to change the lot area, lot frontage or lot depth, to change the width, depth or area of any required yard, landscaped open space or parking area thereof, or to change the location of any lot line, whether such alteration is made by conveyance or otherwise; and

(c) when used in reference to a use, to discontinue and replace a use, in whole or in part, with a use as defined herein which is distinct and different from the discontinued use.

“ALTERED” AND “ALTERATION” have corresponding meanings.

“ALTERNATIVE ENERGY SYSTEM” means sources of energy or energy conversion process that significantly reduces the amount of harmful emissions to the environment (air, earth and water) when compared to conventional systems.

“AMENITY AREA” means an area or areas within the boundaries of a lot intended for recreational and aesthetic purpose and may include landscaped open space, patios, balconies, swimming pools, recreational facilities and other areas which may be used for recreational or aesthetic purposes, but shall not include any driveway or parking area.

“AMUSEMENT”

(a) “AMUSEMENT GAME ESTABLISHMENT” means a building or a part thereof within which more than three amusement game machines are available to the public.

(b) “AMUSEMENT GAME MACHINE” means a mechanical, electrical or electronic device activated by the insertion of a coin or token for the play of a game of chance and/or skill that is not contrary to the Criminal Code of Canada.

(c) “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/or skill and the sale of food, beverages, toys and souvenirs constitute the main uses.

“ANIMAL CLINIC” means a building or part thereof, designed, used or intended for use by a veterinarian and his assistants for the purpose of providing for the care and treatment of pets raised or housed for recreational or hobby purposes, without overnight accommodation, and without limiting the generality of the foregoing, includes dogs, cats and birds but does not include livestock.

“ARENA / HALL” means a building or structure designed, used or intended for athletic, civic, educational, recreational, political, religious, or social events and, without limiting the generality of the foregoing, may include an assembly hall, auditorium, banquet hall, curling rink, gymnasium, ice rink, recreational centre or stadium.
“ASPHALT / CONCRETE / READY MIX BATCHING PLANT” means an individual establishment used for the production of asphalt, concrete, ready mix products used in building or construction and includes facilities for the administration and management of the business, the stockpiling of bulk materials used in the production process or a finished product manufactured on the premises and the storage and maintenance of required equipment.

“ASPHALT PLANT, PORTABLE” means a facility:

(a) with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process; and

(b) which is not of permanent construction, but is designed to be dismantled and moved to another location as required.

“ART GALLERY” means premises where paintings, sculptures or other works of art are exhibited or sold.

“ARTISTS STUDIO” means a premises in which an artist produces artwork or crafts and may include the display and sales of works produced on the premises.

“ATTACHED” when used in reference to a building, means a building otherwise complete in itself which depends for structural support or for complete enclosure upon a division wall or division walls shared in common with adjacent building or buildings.

“ATTIC” – See “STOREY”.

“AUCTION SALES ESTABLISHMENT” means lands, buildings or structures designed, used or intended for the sale of merchandise by means of public auction conducted by an accredited auctioneer.

“AUCTION SALES ESTABLISHMENT, AGRICULTURAL” means the use of land, buildings or structures for the sale of livestock and related agricultural items by means of public auction conducted by an accredited auctioneer.

“AUTO BODY REPAIR SHOP” means an establishment for the repair of damage to a motor vehicle caused by collision, accident, corrosion or age, and, without limiting the generality of the foregoing, includes the reconstruction of motor vehicles, the painting or repainting of motor vehicles and the rebuilding or conversion of automotive engines or engine parts, but does not include an automobile repair shop, an impounding yard, an automobile service station or a gas bar.

“AUTOMOBILE REPAIR GARAGE” means an establishment for the repair or replacement of parts in a motor vehicle and, without limiting the generality of the foregoing, includes the repair, replacement or reconditioning of mufflers, exhaust systems, shock absorbers, transmissions, gears, brakes, clutch assemblies, steering assemblies, radiators, heating or cooling systems, ignition systems, tires, wheels, windshield, windows and other mechanical or electrical parts of systems, the installation or undercoating, engine tuning, lubrication and engine conversion or replacement and includes the sale of automobiles ancillary to automobile repair garage functions, but does not include an automobile body shop, an impounding yard, an automobile
service station or a gas bar. For the purpose of this definition, vehicle shall not include motorized construction equipment, farm equipment, truck bodies, truck tractors or tractor trailers.

“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.

“AUTOMOTIVE USE” means an automobile service station, a gas bar, a vehicle repair shop, automobile sales and service establishment, an auto body repair shop or a vehicle sales and rental establishment, as defined herein.

“BAKERY” means a building for producing, mixing, compounding or baking bread, biscuits, cakes or other baked products.

“BAKE SHOP” means a retail store where bakery products are offered for sale, some or all of which may be prepared on the premises.

“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.

“BANK” – See “FINANCIAL OFFICE”.

“BASEMENT” – See “STOREY”.

“BAY WINDOW” means a window that projects outward from the dwelling wall/face with or without foundation.

“BED AND BREAKFAST ESTABLISHMENT” means an existing single detached dwelling in which no more than five guest rooms are made available by resident of the dwelling for the temporary accommodation and breakfast of travelers in the course of which assistance is offered by no more than one person not residing in the dwelling. This does not include a hotel, motel, boarding or lodging house, or restaurant as defined herein.

“BEDROOM” means a habitable room located within a dwelling unit and used primarily for sleeping.

“BERM” means a landscaped mound of earth.

“BIOMASS” means any plant derived organic matter available on a renewable basis.

“BIOMASS ENERGY SYSTEM” means a renewable electrical generation facility using renewable biomass resources and/or waste products that produces electrical power for needs of a user or to feed into the transmission or local distribution grid. A biomass energy system includes anaerobic digesters used principally for the generation of electricity.

“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, but not more than 5 persons, exclusive of the proprietor and members of the proprietor’s family, lodging and/or
meals, but shall not include a hotel, motel, hospital, home for the young or the aged, or other institutional use, or restaurant but includes a sorority or fraternity house.

“BODY-RUB ESTABLISHMENT” 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.

“BODY SHOP” – See “AUTO BODY REPAIR SHOP.

“BOULEVARD” - See “STREET”.

“BUILDER’S YARD” means the yard of a building contractor or company used as a depot for the storage and maintenance of equipment used by the contractor or company, and includes facilities for the administration or management of the business, but does not include the wholesale or retail sale of building supplies or home improvement supplies.

“BUILDING” means a structure occupying an area greater than 10 square metres consisting of any combination of walls, roof and floor, or a structural system serving the function thereof, including all associated works, fixtures and service systems.

“BUILDING OR CONTRACTING ESTABLISHMENT” means a premises used for the purposes of undertaking or managing activities engaged in maintaining and building structures, or works, additions or renovations and typically includes the offices of general building contractors, general contractors, specialized trades and building maintenance services such as window cleaning and extermination services. Also included is the prefabrication of building equipment and materials and wrecking and demolition contractors’ offices, but does not include salvage yards.

“BUILDING FACE” means the entire front elevation of the main floor of a building facing a street and includes the dwelling face and garage face.

“BUILDING HEIGHT” – See “HEIGHT”.

“BUILDING LINE” means a line drawn parallel to a lot line which establishes the distance between the lot line and the nearest face of a building or structure. Where the lot line is a curve, the same shall apply.

“BUILDING, MAIN” means a building that functions as the building in which the main use of the lot is carried out.

“BUILDING LINE, ESTABLISHED” means a building line established between existing buildings on one side of a block upon which at least one half of the main buildings have been erected. The established building line is the average front yard of the existing main buildings from the street line.

“BUILDING PERMIT” means a permit required by the Building Code Act.
“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.

“BUS DEPOT” means a facility for the boarding and de-boarding of passengers from inter-city bus travel and may include ancillary commercial facilities, public washrooms, ticket sales areas, and offices for building personnel.

“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.

“BY-LAW ENFORCEMENT OFFICER” means the person appointed, by by-law, by the Municipality for the purposes of administering and enforcing the provisions of this By-law.

“CAMPGROUND” means a use, consisting of at least 5 camping sites, and comprising land used for seasonal recreational activity as grounds for the camping or parking of tents, park model trailers, travel trailers, truck campers, but not mobile homes.

“CANOPY, WEATHER” means a permanent unenclosed roof structure erected for the purpose of sheltering motor vehicle fuel pumps and dispenser islands from the weather.

“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 at least 50 per cent of its wall area adjacent to the lot line is unenclosed.

“CAR WASH” means a building or structure containing facilities specifically used or intended to be used for washing vehicles either by methods employing mechanical devices or by hand, including car detailing, for a fee or a charge.

“CATASTROPHE” means, in relating to Minimum Distance Separation Formulae, an unanticipated, disastrous loss of part, or all of a livestock facility due to fire, collapse, flood, wind or other such event.

“CELLAR” – See “STOREY”.

“CEMETERY” means land set aside to be used for the interment of human remains and may include as an accessory use, a mausoleum, columbarium, crematorium, or other structure intended for the interment of human remains.

“CENTRELINE, STREET” means the centerline of the original road allowance.

“CHIEF BUILDING OFFICIAL” means the officer or employee appointed by By-law of the Corporation of the Municipality of the Township of Southwold charged with the duty of enforcing the provisions of the Building By-law of the Corporation, Building Code Act and its applicable regulations.
DEFINITIONS

“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.

“CLINIC” means a building or part thereof, other than a hospital, used by medical doctors, dentists, and/or drugless practitioners and their staff for the purposes of consultation, diagnosis or treatment of 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 90 square metres (1,000 square feet).

“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 an equal basis. A private club includes a fraternal organization, but does not include an assembly hall, body rub parlour or adult entertainment parlour.

“COLUMBARIUM” means a structure that is lined with small vaults in which urns containing cremation remains can be stored forever.

“COMMERCIAL EATING ESTABLISHMENT” - See “RESTAURANT”

“COMMERCIAL RECREATION ESTABLISHMENT” means a building, or part thereof, used for the purposes of an arena, auditorium, public hall, billiard or pool room, bingo hall, bowling alley, dance hall, gym or fitness centre, ice or roller rink, indoor racquet courts, indoor swimming pool, and all places of amusement, but not including an amusement games establishment, cinema or other theatre, drive-in theatre or amusement park.

(a) “COMMERCIAL RECREATION ESTABLISHMENT, OUTDOOR” means an outdoor facility or facilities operated for gain or profit which may include, but not necessarily be restricted to, a water slide, a commercial outdoor swimming pool, a wave pool, a baseball batting cage or a paddleboat or bumper-boat pool, but shall not include a go-kart track, a ski club or any other use separately defined or listed herein.

“COMMERCIAL STORAGE FACILITY” means a building or structure used for the temporary storage of household items in enclosed storage areas or lockers, which are generally accessible by means of individual loading doors and which include as an accessory use, an outdoor area for the temporary parking of seasonal recreational or commercial vehicles, boats and trailers.

“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.

“COMMERCIAL VEHICLE” – means every vehicle designated, maintained, or used primarily for the transportation of property in the furtherance of commercial enterprise or for supplying of services in the furtherance of commercial enterprise and for greater certainty includes a) tractors, b) dumpsters and c) backhoes.
“COMMUNICATION FACILITIES” means any use of land that is primarily for the transmission of electronic signals through the air and includes a transmitting station, tower or dish for radio, television, telephone or other similar communication facilities and radio and television stations.

“COMMUNITY CENTRE” means any tract of land and the buildings thereon 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.

“COMPOSTING FACILITY” means a premises where the primary purpose is for the composting of food waste and organic materials.

“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 manufacture of Portland cement.

“CONCRETE PLANT, PORTABLE” means a building or structure:

(a) with equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process; and

(b) which is not of permanent construction, but which is designed to be dismantled at the completion of the construction project.

“CONSENT” means the approval to the severance or division of land, or the approval to the use of land for a period of 21 years or more pursuant to the provisions of the Planning Act, R.S.O. 1990, c.P.13, as amended from time to time.

“CONSERVATION AUTHORITY” means the Conservation Authorities having jurisdiction in the Township, or any successors thereto.

“CONSERVATION USE” means an area of land that is generally left in its natural state and which is used for any combination of preservation, protection, or improvement of components of the natural heritage system or other lands for the benefit of man and the natural environment and which may include, as an accessory use, hiking trails and cross country ski trails, buildings and structures such as nature interpretation centres and public information centres, and may also include structures for flood/erosion control.

“CONTRACTOR’S YARD” means the premises of a construction company or contractor used as a depot for the storage and maintenance of equipment used by the contractor or company, and includes facilities for the administration or management of the business, but does not include the wholesale or retail sale of construction materials or supplies or home improvement supplies, or land used by a plumbing, heating, air conditioning or electrical contractor.

“CONVENIENCE STORE” means a retail store 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.

“CORPORATION” means The Corporation of the Township of Southwold.
“CO-SUBSTRATE INPUT TANK” means storage for containing permitted non-agricultural wastes that will be blended with manure in an on-farm anaerobic digester in order to increase biogas production.

“COUNCIL” means the Municipal Council of The Corporation of the Township of Southwold.

“COUNTY” means the Corporation of the County of Elgin.

“COUNTY ROAD” – See “STREET”.

“COVERAGE” – See “LOT COVERAGE”.

“DAY NURSERY” means a premises licensed in accordance with the Day Nurseries Act, as amended, in which more than 5 children are provided with temporary care, protection and supervision but which does not provide overnight accommodation.

“DAY CARE CENTRE ADULT” means a building or structure designed, used or intended for accommodating more than 5 adults primarily for the purpose of providing temporary care or guidance, or both temporary care and/or guidance, including but not limited to programs and activities such as dancing, horticulture, crafts, cooking, baking and reading for a continuous period not exceeding twelve hours.

“DAYLIGHT CORNER OR SIGHT TRIANGLE” means the triangular space formed by the street lines of a corner lot where such lot is located at the intersection of two or more streets and a line drawn from a point in one street line to a point in the other street line, each such point being six (6.0) metres from the point of intersection of the street lines measured along the said street lines, and where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projected tangents of the street lines drawn through the extremities of the interior lot lines.

“DECK” means a structure with no solid roof or walls which may be constructed on piers or a foundation and used as an outdoor living area including landings and stairs, but does not include a balcony or porch/verandah.

“DENSITY” means the ratio of the number of dwelling units located on a lot to one (1) hectare of lot area.

“DERELICT MOTOR VEHICLE” means an inoperative motor vehicle which is not currently licensed.

“DESIGNATED” means the land use designation in the Township of Southwold Official Plan.

“DETACHED” means “not attached”.

“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 substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot.
“DINING ROOM” means that part of a 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.

“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.

“DRIVE-THROUGH FACILITY” means a building or structure or part thereof accessed by a designated queuing lane where goods and services are offered to the public within a parked or stationary vehicle by way of a service window or kiosk.

“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.

“DRY CLEANING AND LAUNDRY DEPOT” means a building used for the purpose of receiving articles of clothing to be subjected to the process of dry cleaning, dry dyeing or cleaning elsewhere or on the premises if the processing element is restricted to closed, unvented dry cleaning equipment, and for the pressing and/or distribution of any such articles or goods which have been subjected to any such process.

“DRY CLEANING ESTABLISHMENT” 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 on the premises elsewhere and for the pressing and/or distribution of any such articles or goods which have been subjected to any such process.

“DUPLICATING SHOP” means a building or part thereof where drawings, plans, maps or other copy, are reproduced by blueprinting, photocopying or small offset process.

“DWELLING” means a building containing one or more dwelling units but does not include a trailer or mobile home.

(a) “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.

(b) “CONVERTED DWELLING” means a dwelling originally designed and used as a single dwelling which because of size or design is or can be converted by partition and the addition of sanitary facilities and/or cooking facilities into more than one dwelling unit.

(c) “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.

(d) “MOBILE HOME DWELLING” means a building or structure that is designed to be made mobile, either on its own wheels, in a flatbed, in or on other trailers or on detachable wheels and that is constructed, fabricated or manufactured so as to be transported thereafter and so as to provide permanent residence or a dwelling unit for one or more persons except to the extent of minor and incidental unpacking and assembling.
DEFINITIONS

operations, placement on a stand, or connection to utilities; but does not include a travel trailer or tent trailer or trailer otherwise designed as a recreational vehicle.

(e) “MODULAR DWELLING” means a house that is intended for residential purposes and that is constructed by assembling manufactured modular units each of which comprises at least one room or living area, has been manufactured to comply with the A277 series of standards prescribed by the Canadian Standards Association, and bears the seal of that Association attesting to such compliance.

(f) “MULTIPLE DWELLING” means the whole of a dwelling containing four or more separate dwelling units. This definition shall not include any dwelling otherwise defined herein or specifically named elsewhere in this By-law.

(g) “QUADRUPLE DWELLING” means a building consisting of two attached duplex dwellings or a building containing only two storeys exclusive of basement divided vertically into four dwelling units, each one of which has two complete walls in common with adjoining units and an independent entrance either directly or through a common vestibule.

(h) “ROWHOUSE DWELLING” means a building divided vertically into three or more dwelling units attached by common walls extending from the base of the foundation to the roof line, each dwelling unit having a separate entrance at grade.

(i) “SEMI-DETACHED DWELLING” means one of a pair of two attached single dwellings with a common masonry wall dividing the pair of single dwelling houses vertically, each of which has an independent entrance either directly from the outside or through a common vestibule.

(j) “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.

(k) “SINGLE DWELLING” means a dwelling containing not more than one dwelling unit as the sole main use thereof, with or without uses accessory thereto.

(l) “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 home.

(m) “STREET ROWHOUSE DWELLING” means a row house with each unit on a separate lot and having legal frontage on a public street.

(n) “TRIPLEX DWELLING” means a dwelling that is divided horizontally into three dwelling units each of which has an independent entrance either directly from the outside or through a common vestibule.
“DWELLING UNIT” means a suite of habitable rooms which:

- is located in a building;
- is used or intended to be used in common by one or more persons as a single, independent and separate housekeeping establishment;
- contains food preparation and sanitary facilities provided for the exclusive common use of the occupants thereof; and
- 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.

“DWELLING UNIT AREA” – See “FLOOR AREA”.

“EMPTY FACILITY” means a livestock facility that does not currently contain any manure, house any livestock, or contain material used for anaerobic digesters.

“ENERGY FROM WASTE” means the incineration of municipal solid waste (garbage) to produce electricity. Energy from waste is primarily to provide a means for waste reduction and disposal. Electrical generation is a secondary consideration of this process. This definition includes facilities that use waste in a raw/untreated form or that is pre-processed.

“EQUESTRIAN CENTRE” means premises in which lands, buildings or structures are used for the staging of equestrian events, but do not include the racing of horses.

“EQUIPMENT SALES AND RENTAL” means premises in which machinery and equipment are offered or kept for rent, lease or hire under agreement for compensation.

“ERECTED” and “ERECTION” have corresponding meanings.

“EXISTING” means existing on the date of the passing of this By-law.

“EXISTING LIVESTOCK FACILITY” means a livestock facility, or a portion of a livestock facility, intended for keeping or housing of livestock and containing one or more barns or structures and includes manure or materials storage, whether associated with a livestock facility or not, and anaerobic digesters, which have already been constructed.

“EXTERNAL DESIGN” means the type, colour, arrangement, shape, texture or pattern of material forming the exterior of a building.

“EXTRACTIVE USE” means a pit or excavation, made for the removal of consolidated and unconsolidated soil, earth, clay, marl, sand, gravel, or rock for commercial purposes, and shall include facilities for the crushing, washing and screening of such materials. An extractive use shall not include an excavation incidental to the erection of a building or structure.
“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.

“FAIRGROUND” means an open area of land where farm produce is on display for judging and for sale, and livestock shows, horseracing, and other sports events are held and on occasion for auctions, flea markets and concession stands.

“FARM PRODUCE RETAIL OUTLET” means a premises where the products of an agricultural operation are sold at retail as an accessory use and on the same lot as the principal agricultural use.

“FARMER’S MARKET” means a premises where farm products are sold at retail from seasonal, non-permanent open-air stalls or booths.

“FAMILY” means a person or two or more persons interrelated by bonds of blood, marriage or legal adoption, and together with not more than two persons unrelated to such 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.

“FEED MILL” means a building or structure used for the purpose of processing food for animals, and which may include a retail operation for the sale of such products.

“FENCE” means a wall (other than the wall of a building), gate or other barrier constructed of wood, masonry, metal, or combination thereof, which is continuous throughout its entire length where required, save and except where access areas and lines of sight are required for safety purposes.

“FINANCIAL OFFICE” means the premises of a bank, trust company, finance company, mortgage company or investment and financial planning company.

“FILL LINE” means a line on a map or By-law Schedule that delineates those lands subject to the Fill, Construction and Alteration to Waterway Regulations of the appropriate Conservation Authority.

“FINISHED GRADE” when used in reference to a building or structure, means 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.

“FIRING RANGE/PAINTBALL PARK” means the use of land for any form of play, sport or amusement involving firearms, pellet or paint ball guns, crossbows or other similar devices for target practice or simulated war games.

“FISH AND WILDLIFE MANAGEMENT” means the planned management and harvesting of fish and wildlife resources for commercial and recreational use, including hunting, trapping, fishing and viewing.
“FLOOD PLAIN” means the area, usually lowlands, adjoining the channel of a river, stream, or watercourse, which has been or is susceptible to being covered by flood water during a regional flood or a one-in-one-hundred-years flood, whichever is greater.

“FLOOR AREA” means the area of the floor surface of a storey or 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.

“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 for eventual human consumption, and includes a flour mill, a dairy, a bakery, a grain elevator or an egg grading station, but does not include an abattoir or any premises used for the slaughtering of animals or the boiling of blood, tripe or bones.

“FORESTRY USE” means the raising and harvesting of timber for the purpose of producing commercial or non-commercial wood products but shall not include the manufacturing or processing of wood products. Notwithstanding the above, the processing of firewood cut and used for domestic purposes on the same property is not considered a forestry use.

“FOSTER HOME” means a single housekeeping unit in a dwelling unit, in which individuals may be placed with Foster Parents to gain a family life experience, the said home affiliated with a social agency recognized under provincial statutes.

“FRONTAGE” – See ‘LOT FRONTAGE”

“FRONT YARD” – See “YARD”.

“FRUIT MARKET” means a retail store where fruits and vegetables, meat and dairy products, and handicraft products are sold.

“ft.” means feet.

“ft.²” means square feet.

“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.

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

“FUNERAL HOME” means a building or part thereof wherein a licensed undertaker prepares corpses for interment or cremation and may include a chapel for funeral services.
“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.

“GARDEN SUITE” means a residential dwelling unit accessory to a principal residence that offers alternative accommodation to a senior or disabled family member, and is removable.

“GAS BAR” means one or more gasoline pumps for the sale of gasoline and related products for motor vehicles, together with the associated pump islands, light standards, kiosk, concrete aprons, canopy, storage tanks and related facilities required for the dispensing of gasoline.

“GEOTHERMAL ENERGY SYSTEM” means electrical generation using geothermal energy based on the principle of using heat energy below the earth’s surface for the creation of steam to drive an electrical generator.

“GIFT SHOP” means a retail store specializing in the sale of ornaments, cards, magazines and confectioneries.

“GOLF COURSE” means a public or private area operated for the purpose of playing golf and includes a par 3 golf course, driving range, miniature golf course, or combination thereof.

“GRADE” means the level of the ground adjacent to the outside wall of a building or structure.

“GRADE, ESTABLISHED” means the average elevation of the finished surface of the ground at the base of outside walls of any building or structure. The established grade is determined by taking the arithmetic average of the levels of the finished ground surface at every location of change of grade along the outside walls of the building or structure.

“GRAIN HANDLING AND STORAGE FACILITIES” means buildings and structures used for the purpose of drying, processing, storage, and/or wholesale trade of harvested agricultural grains.

“GREENHOUSE, COMMERCIAL” means a building for the growing of flowers, plants, shrubs, trees and similar vegetation and includes that part of the lot which the building is located from which such vegetation is sold directly, at wholesale or retail, whether or not such vegetation is transplanted outdoors on the same lot upon which such greenhouse is located.

“GREENHOUSE, FARM” means a building used for the growing of plants, shrubs, trees and similar vegetation which are transplanted outside on the same lot containing such greenhouse.

“GROUP HOME, CORRECTIONAL” means a detached dwelling occupied by residents who live as a single housekeeping unit, supervised on a daily basis, for persons who have been placed on probation, released on parole or admitted for correctional purposes, and which is licensed, approved, supervised or funded by the Province of Ontario.

“GROUP HOME TYPE 1” means a detached dwelling occupied by residents who live as a single housekeeping unit requiring specialized or group care, supervised on a daily basis, and which is licensed, approved or supervised, or funded by the Province of Ontario as:

- Home for Special Care, Homes for Special Care Act;
- Approved Home, Mental Hospitals Act;
- Children’s Residence, Child and Family Services Act;
DEFINITIONS

- Approved Home, Homes for Retarded Persons Act;
- A Facility, Developmental Services Act;
- Charitable Home for the Aged, Charitable Institutions Act; or,
- Home for the Aged, Homes for the Aged and Rest Homes Act.

“GROUP HOME TYPE 2” means a detached dwelling occupied by residents who live as a single housekeeping unit requiring specialized or group care, supervised on a daily basis, and which is licensed, approved or supervised, or funded by the Province of Ontario under any general or specialized Act and which shall be maintained and operated primarily for:

- Persons requiring temporary care and transient or homeless persons; or
- Persons requiring treatment and rehabilitation for addiction to drugs or alcohol.

“ha” means hectare.

“HABITABLE ROOM” means a room which:

(a) is located within a dwelling unit;
(b) is designed for living, sleeping or eating or for sanitary purposes;
(c) can be used at all times throughout the year; and
(d) is not located within a cellar;

But does not include any room specifically defined herein as a non-habitable room.

“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 sun-room, a verandah, a basement 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.

“HAZARD LANDS” means lands which exhibit a hazardous condition as a result of their instability; susceptibility to flooding, erosion, subsidence; or the presence of organic soils; or steep slopes and includes lands lying below the regulatory flood-line as established from time to time by the Conservation Authority having jurisdiction and may include lands lying below the fill line as established from time to time by the Conservation Authority have jurisdiction.

“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:

(a) in the case of a flat roof, the highest point of the roof surface or parapet wall;
(b) in the case of a mansard roof, the deck line;
DEFINITIONS

(c) in the case of a gabled, hip, gambrel or one-slope roof, the average level between the top of the eaves and the 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.

(d) in the case of a structure not having a roof, the top part of such structure; or

(e) where a combustible exterior wall extends above the top of the roof of a building, the topmost part of such exterior wall.

“HEREAFTER” means “after the date of the passing of this By-law”.

“HEREIN” means “anywhere in this By-law”.

“HEREOF” and “HERETO” mean “of this By-law” and “to this By-law”, respectively.

“HERITAGE BUILDING” means a building designated under Part IV of The Ontario Heritage Act.

“HIGHWAY” means “STREET”.

“HOME FOR THE AGED” means a home for the aged within the meaning of The Homes for the Aged and Rest Homes Act.

“HOME INDUSTRY” means an occupation or business conducted for gain or profit within a dwelling unit and/or accessory buildings in accordance with Section 3.14 Home Industry.

“HOME OCCUPATION” means an occupation or business conducted for gain or profit within a dwelling unit.

“HOSPITAL” means a hospital as defined by The Private Hospitals Act, as amended from time to time, and a sanatorium as defined by The Private Sanatoria Act, as amended from time to time, or a hospital as defined by The Public Hospitals Act, as amended from time to time.

“HOTEL” means a building or group of buildings containing at least three units for accommodation, mainly used for the purpose of catering to the needs of the traveling public by supplying food and furnishing sleeping accommodation, and includes a motel or motor hotel but does not include a bed and breakfast establishment.

“HOUSEHOLD SALES/GARAGE SALES” means the sale by an occupant of a dwelling unit on his own premises, of household goods belonging to him.

“HOUSING CAPACITY” means the maximum livestock capacity for all facilities on a lot at any time, even if currently empty but able to house livestock.

“IMPOUNDING YARD” means a place to which disabled motor vehicles, and motor vehicles or other mobile equipment impounded for a breach of the law, may be taken or towed and stored temporarily until reclaimed, but does not include an automobile service station, gas bar, public garage, salvage yard or wrecker’s yard.
“INDUSTRY, DRY” means a manufacturing establishment wherein the manufacturing process does not include or require the direct consumption of water and where the only waste water discharges are from ancillary facilities such as washrooms, the indirect cooling of machinery and/or pressure testing equipment.

“INDUSTRIAL MALL” means a building or group of buildings designed, used or intended for use which are held in single ownership or by participants in a condominium corporation or cooperative, and divided into units for separate and independent occupancy by commercial or industrial uses for which common loading and parking facilities and other common services may or may not be provided.

“INDUSTRIAL USE, GENERAL” means the use of land, buildings, or structures designed, used or intended for the purpose of manufacturing, assembling, making, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, distributing, warehousing, storing or adapting for sale any goods, substance, article or thing, including the storage of building and construction equipment and materials.

“INDUSTRIAL USE, LIGHT” means the use of land, buildings or structures designed, used or intended for the manufacturing, assembling, or processing of component parts to produce finished products suitable for retail, wholesale or service trade and includes repairing; servicing; distributing; warehousing; storing or adapting for sale any good, substance, article or thing but does not include operations which create a nuisance as a result of an emission that can be smelled, heard or otherwise detected outside of the building or structure in which the use is conducted.

“INSTITUTIONAL USE” means the use of land, buildings or structures for religious, charitable, educational, health or welfare purposes, and includes churches, place of worship, public or private schools and nursery schools.

“INTERPRETIVE CENTRE” means a building situated at a place of interest, such as a country park or historical site, that provides information about the site by showing videos, exhibiting objects, etc.

“KENNEL” means a use wherein four or more dogs or other domesticated animals are bred, housed, groomed, trained or sold, but does not include a boarding kennel.

“KENNEL, BOARDING” means a lot, building or structure, on or within which four or more dogs or other domesticated animals are boarded, groomed or trained for a fee, and which may include the provision of minor medical treatment for such animals. A boarding kennel may also include a kennel as defined herein.

“LABORATORY” means a building, or part thereof, used for scientific testing, experimentation and/or research, but does not include a medical facility or a dental facility.

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

"LAUNDROMAT" means a building or part thereof wherein machines and facilities for wet laundering, drying or finishing are available for public use at a charge.

"LIBRARY" means a building or structure, designed, used or intended to be used as a library, branch library or distributing station operated under the Public Libraries Act.

"LIFESTYLE COMMUNITY" means the use of land, buildings or structures designed, used or intended for residential purposes, including the locating, keeping or maintaining of any mobile home, modular home, and is suitable for year-round occupancy, and where common areas and facilities may be provided including a retail store and one single detached dwelling.

"LIVESTOCK" means animals kept for use, for propagation, or for intended profit or gain and, without limiting the generality of the foregoing, may include cattle, horses, swine, sheep, laying hens, chicken and turkey broilers, turkeys, goats, geese, ducks, mink and rabbit, fish and amphibians but excludes household pets raised or housed for recreational or hobby purposes.

"LIVESTOCK FACILITY" means one or more barns or permanent structures with livestock occupied portions, intended for keeping or housing of livestock. A livestock facility also includes all manure or material storages and anaerobic digesters.

"LONG TERM CARE FACILITY" means a building or structure designed, used or intended for use where accommodation is provided for the sick, elderly or infirm and which provides long term health, social and similar care for such persons and may include a retirement home, home for the aged, nursing home, rest home and all such facilities operated under the Long Term Care Act, the Charitable Institutions Act and the Homes for the Aged and Rest Homes Act.

"LOT" means a parcel or tract of land in one ownership which is capable of being legally conveyed in accordance with the Planning Act, R.S.O. 1990, c.P.13, as amended from time to time, or is described in accordance with a Registered Plan of Condominium.

"LOT AREA" means the total horizontal area within the lot lines of a lot.

"LOT, CORNER" means a lot bounded by two intersecting streets, the angle of intersection of which is not more than 135 degrees. In the case of a curved street, such angles shall be formed by their tangents drawn from the points where the interior lot lines meet the street line.

"LOT COVERAGE" means the horizontal area at grade of all buildings and roofed structures on a lot. For the purposes of this definition, decks, patios, swimming pools, and all accessory buildings excluding detached garages, are not to be included within the lot coverage calculation.

"LOT DEPTH" means the horizontal distance between the front and rear lot lines but where the front and rear lot lines are not parallel the lot depth is the length of a line joining the mid points of such lines.
“LOT FRONTAGE” means the horizontal distance between the side lot lines measured along
the front lot line but where the front lot line is not a straight line, or where the side lot lines are
not parallel, the frontage is to be measured by a line seven metres back from and parallel to the
chord of the frontage and for the purpose of this paragraph, the chord of the frontage is a
straight line joining the two points where the side lot lines intersect the front lot line.

“LOT, INTERIOR” means a lot other than a corner lot.

“LOT LINE” means any boundary of a lot.

“LOT LINE, FRONT” means the lot line that abuts the street, but,

(a) in the case of an interior lot, the lot line dividing the lot from the street;

(b) in the case of a corner lot, the shorter lot line abutting the street unless each abutting lot
line is of equal length in which case the front lot line shall be the lot line where the
principle access to the main building is provided; and

(c) in the case of a through lot, the front lot line shall be the lot line where the principle
access to the main building is provided.

“LOT LINE, REAR” means the lot line farthest front or opposite to the front lot line, provided that,
in the case of a triangular lot, the rear lot line shall be deemed to be the apex of the side lot
lines.

“LOT LINE, SIDE” means a lot line which is neither a front lot line nor a rear lot line.

“LOT LINE, THROUGH” means a lot bounded on opposite sides by streets.

“m” means metre.

“m²” means square metre.

“MACHINE SHOP” means a building or portion thereof where equipment and machinery and/or
engines are serviced or repaired.

“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.

“MANUFACTURING ESTABLISHMENT” means the use of land, buildings or structures for:

(a) 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,
braking up or demolishing of goods, substances, articles or things or any part or parts
thereof; or
DEFINITIONS

(b) 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.

“MANURE OR MATERIAL STORAGE” means permanent storages, which may or may not be associated with a livestock facility containing liquid manure (<18% dry matter), solid manure (>18% dry matter), or digestate (<18% dry matter).

“MARINE FACILITY” means an establishment located on the shore of a body of water, which is used to moor, berth or store all types of marine pleasure craft and may include electricity, water and sewer services for these craft. This definition may also include those commercial functions relating to the boating public which are accessory and subordinate to the use of the site as a boating facility but does not include the service, repair or fueling of such craft.

“MEDICAL CLINIC” means premises containing offices and common administration and/or reception areas used by members of the medical or health care professions to provide medical, dental, and/or therapeutic diagnosis and treatment to the general public without overnight accommodation and may include accessory dispensary facilities.

“MERCHANDISE SERVICE SHOP” means a building or part thereof wherein articles or goods, other than vehicles or industrial tools, are repaired or serviced, or where replacement parts for such articles or goods are offered for sale.

“MINERAL AGGREGATE RESOURCE OPERATION” means:

(a) lands under license or permit, other than for a wayside pit or quarry, issued in accordance with the Aggregate Resources Act, or successors thereto; and

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

Mineral aggregate resources are gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the Aggregate Resources Act suitable for construction, industrial, manufacturing and maintenance purposes but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the Mining Act.

“MINIMUM DISTANCE SEPARATION” means the tool used to determine minimum distances between a livestock facility and another land use, and such distances shall be determined by the publication known as Minimum Distance Separation Formulae Implementation Guideline developed by the Ontario Ministry of Agriculture, Food and Rural Affairs as amended from time to time.

a) MINIMUM DISTANCE SEPARATION I refers to the minimum distance separation for new development from existing livestock facilities.

b) MINIMUM DISTANCE SEPARATION II refers to the minimum distance separation for new or expanding livestock facilities from existing or approved development.
“MOBILE HOME” shall mean a building or structure designed to be transported after fabrication, either on its own wheels, on a flatbed, on a separate trailer, or on detachable wheels, and which is suitable for occupancy as a dwelling unit except for minor and incidental unpacking and assembly operations, and placement on a mobile home stand, and connection to utilities if available, and which may have an individual sewage holding reservoir, or be capable of connection to a communal or public sewage disposal system, but shall not include a modular home.

“MODEL HOME” means a building which is used on a temporary basis as a sales office and/or as an example the type of dwelling that is for sale in a related development and which is not occupied or used for human habitation.

“MOTOR VEHICLE, DERELICT OR ABANDONED” means a motor vehicle that is in a state of advanced disrepair having missing or damaged parts or deteriorated body conditions which renders it inoperative and may include a motor vehicle that has been evidently abandoned by its owner and left in a place or state of apparent disuse or disinterest by the owner regardless of whether it is either operable or inoperable or licensed or unlicensed for operation.

“MOTOR VEHICLE INSPECTION STATION” means any premises maintained or operated for the inspection of motor vehicles and the issuance of safety standards certificates or vehicle inspection stickers in respect of the motor vehicles.

“MOTOR VEHICLE SERVICE ESTABLISHMENT” means the use of land, buildings or structures where gasoline, propane, oil, grease, antifreeze, tires, spark plugs, batteries and other accessories for motor vehicles are stored or kept for sale, or where motor vehicles may be oiled, greased or washed, or have their ignition adjusted, tires inflated or batteries charged or where only minor or running repairs essential to the actual operation of motor vehicles are executed or performed.

“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.

“MUNICIPAL DRAIN” means a drainage works as defined by the Drainage Act, as amended from time to time.

“MUNICIPAL SERVICE” means a municipally operated piped water facility or sanitary sewer designed, capable and available to service a lot.

“MUSEUM” means a building or structure designed, used or intended for use as a repository for historical artifacts, relics or documents which may be periodically placed on display for public viewing.

“NATURAL AREA” means Natural Heritage Features and includes:

(a) Areas of Natural and Scientific Interest;
(b) Significant Woodlands; and
(c) Provincially Significant Wetlands.
“NON-CONFORMING” means an existing use or activity of any land, building or structure that is not an identified permitted use for the Zone in which it is located as of the date of passage of this By-law.

“NON-COMPLYING” means a lot, building or structure that does not meet the regulations of the Zone in which it is located as of the date of passage of this By-law.

“NON-RESIDENTIAL USE” has the meaning ascribed to in the definition of ‘RESIDENTIAL USE’.

“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.

“NURSING HOME” means a dwelling or other building in which rooms or lodging are provided for hire or pay in conjunction with the provision of meals, personal care, nursing services and medical care and treatment, but does not include a hospital.

“NUTRIENT UNIT” means an amount of nutrients that give a fertilizer replacement value of the lower of 43 kilograms of nitrogen, or 55 kilograms of phosphate as nutrient (as defined in Ontario Regulation 267/03 made under the Nutrient Management Act, 2002).

“OBNOXIOUS USE” means a use which, from its nature or operation, creates a nuisance or is liable to become a nuisance or offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust or objectionable odour, or by reason of the matter, waste or other material generated by the use.

“OFFICE” means any building or part of a building or any room or suite of rooms, designed, intended or used for the conduct of a profession, occupation or business, but shall not include the office of a veterinarian, the retailing of merchandise, the manufacturing, repairing of storage of goods or any place of assembly or amusement.

“OFFICE, GENERAL” means any building or part of a building in which one (1) or more persons are employed in the management, direction or conducting of an agency, business, labour, or fraternal organization, but excludes such uses as retail sale, manufacture, assembly or storage of goods, or places of assembly and amusement.

“OFFICE, PROFESSIONAL” means a building or part thereof in which a legal, medical, dental 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, as amended.

“OFFICIAL PLAN” means the Official Plan of the Municipality of the Township of Southwold.

“OPEN STORAGE” means the storage of raw materials, equipment, or other materials, but not the parking or storage of vehicles, in an area of a lot which is not enclosed within a building or structure.
“OPEN STORAGE AREA” means an area of a lot used for open storage purposes, but does not include a parking lot.

“OUTDOOR DISPLAY AND SALES AREA” means an area set aside out of doors, covered or uncovered, to be used in conjunction with a use or business located in adjacent permanent premises for the display or sale of fresh produce and new goods or merchandise or the supply of services.

“OUTDOOR PATIO” means an outdoor eating area used only on a seasonal basis in conjunction with an arena/hall, club, place of entertainment, recreation facility or restaurant.

“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 play area, a bandstand, a skating rink, a horticultural greenhouse, a bowling green, a tennis or badminton court, a playfield, a running track, a swimming area, a wading pool, a boating pond or lake, a watercourse, or a picnic area, but not including any other use separately defined or listed herein.

(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 or an outdoor commercial recreation establishment.

“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.

“PARKING AREA” means an area or areas of land or a building or structure or part thereof which is provided and maintained for the purpose of temporary parking or storing of motor vehicles.

“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.

“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.

"PASTURE AREA" means a contiguous area of land not less than 0.4 ha (1 ac) in area, exclusive of Buildings, Structures, lawn, driveways and the like, which is available for livestock.

“PERMITTED” means “permitted by this By-law”.

“PERSON” means an individual, association, firm, partnership, corporation, trust, organization, trustee or agent, and the heirs, executors or legal representatives of the person to whom the context can apply according to law.
"PERSONAL SERVICE ESTABLISHMENT" means a building, or part thereof, in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons, including but not necessarily restricted to, the premises of a barber, hairdresser, beautician, masseur, tailor, dressmaker and shoemaker, as well as a dry cleaning establishment, a sun tanning shop and a formal rental shop. The sale of merchandise shall be permitted only as an accessory use to the personal service provided.

"PHARMACEUTICAL AND MEDICAL PRODUCTS INDUSTRY" means a building or part thereof used for the manufacture, fabrication and processing of drugs in pharmaceutical preparations for human or veterinary use, and the manufacture of orthopedic, prosthetic and surgical appliances and supplies.

"PHARMACY" means a retail store that dispenses prescription drugs and which sells, among other things, non-prescription medicines, health and beauty products and associated sundry items.

"PIT" means land or land under water from which unconsolidated aggregate is being or has been excavated, such as, gravel stone, sand, earth, clay, fill or other similar material, and that has not been rehabilitated, but does not mean land or land under water excavated for a building or other work on the excavation site or in relation to which an order has been made under subsection 1(3) of the Aggregate Resources Act and may include, as an accessory use, facilities for the crushing, screening, washing and storage of such materials.

"PLACE OF ASSEMBLY" means a premises used for the gathering of groups of people and may include facilities for the preparation and consumption of food or drink including a banquet facility, but shall not include a place of worship or place of entertainment.

"PLACE OF ENTERTAINMENT" means a premises where entertainment is offered for profit or gain and may include a motion picture theatre, public hall, billiard or pool rooms, bowling alley, dance hall or similar activity for the enjoyment of the general public, but shall not include any adult entertainment use.

"PLACE OF WORSHIP" means a premises used by religious group(s) for the practice of religious services.

"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:

(a) a continuous row of trees;
(b) a continuous hedge-row of evergreens or shrubs;
(c) a berm;
(d) a wall; or
(e) an opaque fence;

Arranged in such a way as to form a dense or opaque screen.
“POINT OF INTERSECTION” means the point at which street lines abutting a corner lot intersect, or, if the street lines do not intersect at a point, then the point of intersection shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents of the street lines.

“PORCH/VERANDAH” means a structure abutted to a main wall of a building having a roof but with walls that are generally open and unenclosed.

“PREMISES” means the area of a building or lot occupied or used by more than one (1) business, each business area shall be considered a separate premises. Each individual unit proposed and/or registered in a draft Plan of Condominium shall also be considered individual premises.

“PRINTING ESTABLISHMENT” means a building, or part thereof, used for the primary purpose of printing, lithographing or publishing. It may include some of the same uses permitted in a duplicating shop, but must include at least one of the above-listed primary functions.

“PRIVACY YARD” means a landscaped open space area, located adjacent to and directly accessible from a dwelling unit, provided for the exclusive use of the occupants of the dwelling unit.

“PRIVATE HOME DAY CARE” means the temporary care and custody for reward or compensation of not more than five children less than ten years of age in a private dwelling other than the home of a parent or guardian of any such child for a continuous period of not exceeding 24 hours.

“PROPANE TRANSFER FACILITY” means a facility at a fixed location having not more than one storage container and such container shall not have an aggregate propane storage capacity in excess of 50,000 litres and from which no retail sale of propane fuel to the public is or may be effected.

“PROVINCE” means the Province of Ontario.

“PUBLIC USE” 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. Public agencies include:

(a) the Government of Canada, the Government of Ontario, or a municipal corporation defined by this By-law;
(b) any ministry, department, commission, authority, board or agency established by the Government of Canada;
(c) any person providing a public utility; or
(d) any railway company authorized under the Railway act, as amended from time to time, or any successors thereto.
“PUBLIC UTILITY” means sewer, water, artificial or natural gas, electrical power or energy, steam or hot water, and telecommunication networks, and includes the works, structures, buildings and appurtenances necessarily incidental to the supplying of such services by a board, commission, corporation or person.

“QUARRY” means land or land under water from which consolidated aggregate is being or has been excavated and that has not been rehabilitated, but does not mean land or land under water excavated for a building or other work on the excavation site or in relation to which an order has been made under sub-section 1(3) of the Aggregate Resources Act.

“RAW MATERIALS PROCESSING INDUSTRY” means a building or part thereof used by natural fibres, rubber and pelt processing industries; rock, stone and non-metallic processing industries; clay and fine aggregates processing industries; ore processing industries; chemical processing industries; and miscellaneous processing industries which have similar impacts, such as secondary processing of scrap metal to its base form. The raw material processing industries exclude oil, natural gas and coal processing and refining industries.

“REAR LOT LINE” – See “LOT LINE”.

“RECREATIONAL VEHICLE” means a vehicle which provides sleeping and other facilities for short periods of time, while traveling or vacationing, designed to be towed behind a motor vehicle, or to be self-propelled, and includes such vehicles commonly known as travel trailers, camper trailers, pick-up coaches, motorized campers, motorized homes or other similar vehicles.

(a) “RECREATIONAL VEHICLE PARK” means a campground, trailer camp or trailer park, which is a parcel of land under single ownership which has been planned and improved and providing for the use of the public for overnight or short-term accommodation sites for tents, trailers, cabin (travel), trailers, pick-up campers and other recreational vehicles that provide sleeping accommodation.

(b) “RECREATIONAL VEHICLE SITE” means a parcel of land within a recreational vehicle park lay out and intended to be used by one recreational vehicle or tent.

(c) “RECREATIONAL VEHICLE STAND” means an area within a recreational vehicle site upon which the recreational vehicle is intended to be placed.

“RECYCLING FACILITY” means a premises in which used or recyclable materials are temporarily stored, separated and/or processed into recoverable resources for reuse, but shall not include a composting facility or motor vehicle wrecking yard.

“REDEVELOPMENT” means the removal of buildings or structures from land and the construction or erection of other buildings or structures thereon.

“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, and does not include a refreshment vehicle.
“REFRESHMENT VEHICLE” means a vehicle from which refreshments or confections, such as french fries, hot dogs, hamburgers, ice cream and soft drinks are sold.

“RENEWABLE ENERGY SYSTEM” means the production of electrical power from an energy source that is renewed by natural processes including, but not limited to, wind, water, a biomass resource or product, or solar and geothermal energy.

“REQUIRED” means “required by this By-law”.

“RESEARCH & TECHNOLOGY USE” means an activity of research into the development of new products, technologies and processes that is carried out in an office or industrial building.

"RESIDENTIAL AND OTHER SOURCE RECYCLING FACILITY" means any building, portion of building or area in which solid non-hazardous recyclable material is collected, sorted, and/or processed, including paper, newsprint, telephone books, paper egg cartons and boxes, magazines, catalogues and books, corrugated cardboard boxes, paper board, box board, glass bottles and jars, aluminum foil, aluminum and steel cans, plastic bottles, jugs and tubs, polycot milk and juice containers, styrofoam and textiles(clothing) for the purpose of marketing the material for use as raw material in the manufacturing process of new, reused or reconstituted products.

“RESIDENTIAL CARE FACILITY” means a residential building in which 24 hour support is available for persons in need of assistance with personal services essential for sustaining the activities of daily living or for the protection of the individual, including nursing assistance, meal preparations, laundry and housekeeping, but does not include a home for the aged or a nursing home.

“RESIDENTIAL CARE HOME” means a building or part of a building where:

(a) the owner, tenant or keeper of which is licenced by the Corporation to operate a lodging house, and
(b) where there is offered or supplied, but not for gain or profit, lodging or lodging and meals.

“RESIDENTIAL USE” means the use of land, buildings or structures primarily for the purposes associated with a dwelling.

“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 a building or part thereof where pre-packed foods or beverages requiring no further preparation before consumption are offered for sale.

“RESTAURANT, DRIVE-THROUGH” means a building, or part thereof, designed, used or intended for the sale of food or refreshments to the general public and from which such food or refreshment is made available to the customer while in his motor vehicle or from within the building, and where provision is made for consumption of such food or refreshment by the customer while in his motor vehicle, within the building or elsewhere on the site.
“RESTAURANT, TAKE-OUT” means a building, or part thereof, designed, used or intended for the sale of food or refreshments to the general public and from which such food or refreshment is made available to the customer from within the building, where no provision is made for consumption of such food or refreshment by the customer while in his motor vehicle, within the building or elsewhere on the site.

“RETAIL STORE” means a building or 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, but does not include vehicle sales.

“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.

“RETIREMENT LODGE OR RETIREMENT HOME” means a residence providing accommodation primarily for retired persons or couples where each private bedroom or living unit has a separate private bathroom and separate entrance from a common hall but where common facilities for the preparation and consumption of food are provided, and common lounges, recreation rooms and medical care facilities may also be provided.

“ROAD”, “ROAD ALLOWANCE” – See “STREET”.

“ROOMERS OR BOARDERS” means persons who rent living accommodation, without separate cooking facilities, for a term of not less than one week, within the dwelling unit of a family.

“ROOMING HOUSE” – See “BOARDING HOUSE”.

“SALVAGE YARD” means a lot, building or structure used for wrecking, dismantling, storing or selling used goods, ware 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.

“SAWMILL” means an establishment where lumber is cut by machines into boards for the purpose of wholesale trade, but does not include a retail component.

“SCHOOL” means a school under the jurisdiction of a board as defined in The Education Act, 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.
“SERVICE SHOP” means a building or portion thereof where appliances and household machinery are sold, serviced, or repaired and may include the business premises of the tradesman, such as a carpenter, an electrician, a plumber and similar trades, but excludes any manufacturing, processing or wholesaling.

“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 well driller’s establishment, a furrier’s shop, an upholsterer’s shop, a catering establishment, an egg grading station, a machine shop, or a monument engraving shop.

“SETBACK” means the shortest horizontal distance from a specified line or structure to the nearest part of any building, structure, excavation or open storage on such lot.

“SEWAGE TREATMENT FACILITY” means any facility used for the collection, transmission, treatment and disposal of sewage, but does not include individual on-site sewage treatment.

“SHOPPING CENTRE” means a building or group of buildings planned, designed, developed and managed as a unit having off-street parking provided on the site and which building or buildings contain one or more of any of the following or similar uses: a retail store; a business office; a personal service shop; a restaurant; a repair and custom workshop; a tavern; an automobile service business; a theatre and a bakery.

“SIDE LOT LINE” – See “LOT LINE, SIDE”.

“SIDE YARD” – See “YARD”.

“SIGHT TRIANGLE” means a triangular space, free of buildings, structures and obstruction other than those expressly permitted by this By-law, formed by the street lines abutting a corner lot and a third line drawn from a point on the street line to another point on the street line, each such point being the required sign distance from the point of intersection of the street lines.

“SITE PLAN CONTROL BY-LAW” means any By-law of the Corporation passed pursuant to the Planning Act, 1990, 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 the Planning Act, 1990, 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.

“SMALL REPAIR AND RENTAL ESTABLISHMENT” means premises engaged in maintaining, repairing, installing and renting articles and equipment, for household and personal use, including but not necessarily limited to: radio and television, refrigeration and air conditioning, appliances, watches, clocks and jewellery, re-upholstery and furniture repair. This does not include any other use specifically referred to or defined in this By-law.
“SOLAR ENERGY SYSTEM” means a renewable electrical generation facility that produces power from the sun using photovoltaic technology to provide all, or a portion of, the electrical power needs for a user or to feed into the transmission or local distribution grid. A solar energy system includes all arrays, supporting infrastructure, and outbuildings.

"SPECIALIZED RECYCLING FACILITY" means a recycling facility which, in addition to any activity permitted in a Residential and Other Source Recycling Facility, engages in the processing of non-hazardous recyclable materials such as textiles, leather, plastic, household appliances, and tires, but excluding construction and demolition waste materials.

“STORAGE DEPOT” means an area including reservoir, silo and tank storage; hangers; open air parking; and open storage. Storage depots exclude salvage yards, resource extraction operations, and wayside pits.

“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 40.0 percent of the least dimension of the room in which the said overhang is located.

(a) “ATTIC” means the topmost usable storey of a building, situated wholly or partly within a roof, where at least 50.0 percent, but not more than 66.0 percent of such storey is greater than 2.5 m (8 ft.) in height.

(b) “BASEMENT” means any storey below the first storey.

(c) “CELLAR” means that portion of basement which is more than 50.0 percent below finished grade, measured from finished floor to finished ceiling.

(d) “FIRST STOREY” or “GROUND FLOOR” means the storey having its floor level closest to finished grade and its ceiling at least 2.5 m (8 ft.) above finished grade.

(e) “SECOND STOREY” or “SECOND FLOOR” means the storey directly above the first storey.

“STREET” means a common and public street, road, lane or highway vested in the Corporation, the County, the Province of Ontario, or any other public road authority having jurisdiction over the same and shall include any bridge or structure forming part of a street or over or across which a street passes, and shall include not only the traveled portion of the street, but also ditches, driveways, sidewalks, and grassed areas forming the boulevard of the road allowance which is vested in the road authority for street purposes; and

(a) “ARTERIAL ROAD” means Provincial Highway No’s 3 and 4, and County Road No’s 3, 4, 14, 16, 18, 20, and 45;

(b) “COUNTY ROAD” means a street vested in and under the jurisdiction of the County.

(c) “PROVINCIAL HIGHWAY” means a street under the jurisdiction of the Province of Ontario;
(d) "TOWNSHIP ROAD" means a street that is vested in and under the jurisdiction of the Corporation.

"STREET LINE" means a lot line dividing a lot from a street and is the limit of the street allowance.

"STREET WIDTH" means the horizontal distance between the street lines of a street, measured along a line perpendicular to the said street lines.

"STRUCTURE" means anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by or incorporated within the soil and/or any other structure and, without limiting the generality of the foregoing, a swimming pool either above or below ground is a structure.

"STUDIO" means a building or part thereof used as the workplace of a photographer, craftsman or artist or for the instruction of art, music, dancing, languages or similar disciplines.

"TAVERN" means an establishment operating under the Liquor License Act R.S.O. 1990, c.L.19, where alcoholic beverages are sole to be consumed on the premises.

"TAXI SERVICE ESTABLISHMENT" means lands, buildings, and structures used as a dispatch office or intended for the parking of taxis and/or limousines when not engaged in transporting persons or goods.

"TERMINAL CENTRE" means an area of land, a building or a structure or part thereof used by rail and transit terminals; airport terminals; broadcasting and communication terminals; power transmission and control centres; pipeline, pumping and control stations; transport terminals; toxic dispatch centres; and other similar uses.

"TOP OF BANK" means a line formed where the oblique plane of the slope meets the horizontal plane.

"TOURIST HOME" means a private dwelling in which there are up to five rooms for rent to the traveling or vacationing public, whether rented regularly, seasonally or occasionally, and may include the provision of meals.

"TOURIST INFORMATION CENTRE" means a building used for the purposes of providing information to the public and may include the storing and selling of Municipally-related products and limited confectionery items.

"TRAILER" means any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle and capable of being used for temporary living, sleeping or eating accommodation of persons, notwithstanding that such vehicle is jacked up or that its running gear has been removed and shall include a Recreational Vehicle as hereinafter defined.

"TRAILER CAMP" means a Recreational Vehicle Park as hereinbefore defined.
“TRANSPORT TERMINAL” means a premises used for the transfer of goods primarily involving loading and unloading of freight-carrying vehicles, and secondarily, involving the storing, parking, servicing and dispatching of freight-carrying vehicles.

“TYPE A LAND USES”: Refer to APPENDIX A – MINIMUM DISTANCE SEPARATION.

“TYPE B LAND USES”: Refer to APPENDIX A – MINIMUM DISTANCE SEPARATION.

“U-BREW ESTABLISHMENT” means a premises where the public can prepare their own beer and/or wine in a controlled setting.

“USE, LAWFUL” means any use legally established under a previous By-law; any use deemed legal under a previous By-law; or any use legal under this By-law.

“VEHICLE” includes an automobile, a truck or other motor vehicle, motorized construction equipment, a road-building machine, a farm tractor, farm equipment, a motor home, a motorcycle, snowmobile or any other motorized snow vehicle, a boat, recreational vehicles, and also includes a trailer and any vehicle drawn or propelled by any kind of power, but does not include a bicycle, a wheelchair or any other devise powered solely by human effort.

“VEHICLE REPAIR SHOP” means an establishment for the repair, replacement or customizing of parts or systems in a motor vehicle and, without limiting the generality of the foregoing, includes the repair or replacement of mufflers, exhaust system, shock absorbers, transmission, gears, brakes, clutch assemblies, steering assemblies, radiators, heating or cooling systems, ignition systems, electrical systems, tires, wheels, windshield, windows and other mechanical or electrical parts or systems, the installation of cellular systems, undercoating, engine tuning, lubrication and engine conversion or replacement, but does not include an auto body repair shop, an impounding yard, an automobile service station or a gas bar.

“VEHICLE SALES AND RENTAL ESTABLISHMENT” means land, buildings or structures where motor vehicles are stored or displayed for the purpose of sale, lease or hire from the lot and shall include the storage and sale of automotive accessories together with the repair and service of the motor vehicles.

“VETERINARY CLINIC” means a building or part thereof with or without related structures, wherein animals of all kinds may be treated or kept for treatment by a registered veterinarian.

“VIDEO RETAIL STORE” means an establishment where pre-recorded video tape, video discs, game cartridges, DVD’s or other similar pre-recorded materials are offered for rent or sale and where video cameras or video players/ recorders may be offered for rent, but shall not include the sale of electronic video equipment and other electronic home entertainment products or an Adult Video Store.

“WAREHOUSE” means a building or part thereof which is used primarily for the storage of goods for remuneration, adapting for sale, packaging or wholesale distribution of goods, wares, merchandise, foodstuffs, substances, articles or things, but does not include a fuel storage tank except as an accessory use.
“WASTE” means ashes, garbage, refuse, domestic waste, industrial waste or municipal refuse and other such materials as are designated in the regulations of the Environmental Protection Act, as amended.

“WASTE, HAZARDOUS” means any substance or materials that, by reason of their toxic, caustic, corrosive or otherwise injurious properties, may be detrimental or deleterious to the health of any person.

“WASTE DISPOSAL SITE” means a facility operated by or for the Township of Southwold or the City of Toronto, where garbage, refuse or domestic or industrial waste is disposed of or dumped, and shall include a sewage treatment plant or sewage lagoon.

“WASTE STORAGE FACILITY” means an enclosed building or structure where waste is temporarily stored, but does not include hazardous waste.

“WASTE TRANSFER STATION” means a premises where trucks or transports containing waste are temporarily stored, loaded or unloaded.

“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.

“WHOLESALE ESTABLISHMENT” means a building or part of a building used for the selling of goods in large bulk or quantity for delivery from the premises to a person other than to the ultimate consumer.

“WINERY FARM” means the use of land, buildings or structures for the processing of fruit, fermentation, production, aging and storage of wine and wine related products as a secondary use to a vineyard, where the fruit used in the production of the wine shall be predominantly from the vineyard located on the same land as the farm winery. A winery farm may also include a retail outlet, winery offices and a laboratory.

“YARD” means an open, uncovered space on a lot appurtenant to a building and unoccupied by buildings or structures, except as may be expressly permitted in this By-law, and in determining a yard measurement, the minimum horizontal distance from the respective lot line is to be used.

“YARD, EXTERIOR SIDE” means a side yard immediately adjacent to a street, other than the front lot line.

“YARD, FRONT” means a yard extending across the full width of a lot between the front lot line and the nearest main wall of any main building or structure on the lot.

“YARD, INTERIOR SIDE” means any side yard other than an exterior side yard.

“YARD, REAR” means a yard extending across the full width of a lot between the rear lot line and nearest main wall of any main building or structure on the lot.

“YARD, REQUIRED” means the minimum permitted front rear or side yard as determined by the applicable provisions of this By-law.
“YARD, SIDE” means a yard between the side wall of the main building or structure on the lot and the side lot line and extending from the front yard (or front lot line, if no front yard is required) to the rear yard (or rear lot line, if no rear yard is required).

“ZONE” means a designated area of land use shown on Schedule “A” hereto.

“ZONED AREA” means all those lands lying within the corporate limits of the Township of Southwold.

“ZONING ADMINISTRATOR” means the officer or employee of the Corporation charged with the duty of enforcing the provisions of this By-law.
SECTION 3.0  GENERAL PROVISIONS

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

3.1  ACCESSORY USES

(a) PERMITTED IN ALL ZONES

Accessory uses, buildings, or structures shall be permitted in any Zone, subject to the provisions of this By-law for the particular Zone in which the said building, structure, or use is located, and provided that no accessory building, structure or use:

(i) shall be used for human habitation, except where a dwelling unit is specifically permitted as an accessory use;

(ii) shall, with the exception of buildings and structures for agricultural uses, be erected closer to the front lot line or side lot line than the minimum distance required by this By-law for the main building or structure on the lot;

(iii) shall, with the exception of buildings and structures for agricultural uses, be erected in the front yard or, in the case of a corner lot, in the exterior side yard;

(iv) shall be erected closer than the minimum requirements of the main building or structure of the applicable Zone, unless indicated otherwise;

(v) shall be erected closer than 1.2 m (4 ft.) to an interior side or rear lot line in any Residential Zone except that a common wall of a semi-detached private garage may be centered on a mutual lot line;

(vi) shall exceed 5.5 m (18 ft.) in height, with the exception of buildings and structures for agricultural uses;

(vii) shall, with the exception of buildings and structures for agricultural uses, be erected within 2.0 m (6.6 ft.) of a main building;

(viii) shall be considered as an accessory building or structure if attached to the main building in any way.
(b) OTHER ZONES

In all other Zones and for all other uses, with the exception of uses, buildings and structures in the Agricultural Zones, the lot coverage of all accessory buildings or structures on the said lot shall not exceed fifteen percent (15%) of the said lot area.

3.2 COMMERCIAL AND INDUSTRIAL ZONES ABUTTING OR ADJACENT TO RESIDENTIAL, INSTITUTIONAL, AND OPEN SPACE ZONES

Where any Commercial Zone or Industrial Zone fronts on a Street or Road opposite to, or directly abuts any Residential Zone, Institutional, or Open Space Zone, the following provisions shall be complied with:

(a) No Loading Space shall be located in, nor open onto any Yard adjacent to a Zone as listed above;

(b) Exterior lighting and illuminated Signs shall be so arranged as to deflect light away from the Zone as listed above;

(c) Outside/Open Storage shall be prohibited in any Front Yard or Side Yard adjacent to the neighbouring Zone. Where permitted the provisions of Section 3.37, Open Storage, shall apply.

(d) A Planting Strip shall be provided in accordance with the provisions of Section 3.17, Landscaping and Planting Strips.

3.3 CONSTRUCTION USES

Notwithstanding any other provisions of this By-law, uses, buildings or structures such as a work camp, a tool shed, mobile home, trailer, scaffold, or sign, or other building or structure incidental to and necessary for construction work and/or sales and marketing purposes on the premises, are permitted in any Zone provided that:

(a) any sign which is erected does not exceed 3.0 m² (32 ft.²) in area;

(b) such uses, buildings, or structures are used only for as long as are reasonably necessary for work in progress which has neither been finished nor abandoned, or a period of one (1) year whichever is the lesser;

(c) such uses, buildings, or structures are removed when the construction work for which they are required is terminated; and

(d) such buildings or structures are not used as a dwelling unit.
3.4 ENVIRONMENTAL PROTECTION ZONES, NATURAL AREAS AND ADJACENT LANDS

Provincially Significant Wetlands are Zoned Environmental Protection (EP) Zone on Schedule A to this By-law. No new building or structure shall be erected and no land used for any purpose in any Environmental Protection Zone, except in accordance with Section 19.0, Environmental Protection (EP) Zone of this By-law.

Natural Areas and Adjacent Lands are approximately illustrated on Schedule A to this By-law. No new buildings or structure permitted by the applicable zone shall be erected in a Natural Area or Adjacent Land unless an Environmental Impact Statement demonstrates that there will be no negative impacts on Natural Areas or Provincially Significant Wetlands. The scope and content of the Environmental Impact Statement shall be specified by the Township in consultation with the Ministry of Natural Resources or its delegate.

3.5 ESTABLISHED BUILDING LINES- BUILT-UP RESIDENTIAL AREAS

The minimum front yard required for a residential use on a lot that is between two adjacent lots on which are located existing buildings not more than 90 m (295 ft.) apart shall be the average of the established building lines on the said adjacent lots provided that no front yard requirement calculated in accordance with this Subsection shall exceed the applicable front yard required by the appropriate Zone provisions.

3.6 EXISTING LOTS

Notwithstanding any other provisions of this By-law, a lot of record (see Section 2.0 Definition of Lot) existing at the time of the passing of this By-law having less than the required frontage or area may be developed for the use specified in the appropriate Zone provided all other regulations of the By-law are satisfied, and:

(a) such lots are serviced by a sanitary disposal system and water supply approved by the appropriate regulatory authority.

(b) all other regulations of this By-law are satisfied.

3.7 EXPLORATION AND/OR PRODUCTION OF NATURAL GAS OR CRUDE OIL

The provisions of this By-law shall not apply to the use of any land for the exploration and/or the production of natural gas or crude oil resources, or to the erection, alteration or use of any building or structure, or portion thereof, accessory thereto provided:

(a) the same is located a minimum of 300.0 m (984 ft.) from any dwelling in any Agricultural Zone; and

(b) the same is located a minimum of 1,000.0 m (3,281 ft.) from any Residential, Institutional and Open Space Zone.

No building or structure shall be erected, located or constructed within 75m (246 ft) of existing petroleum wells and works unless the wells or works...
have been decommissioned in accordance with the *Oil, Gas and Salt Resources Act* and its regulation. No buildings or structures shall be erected, located or constructed directly on top of decommissioned wells.

### 3.8 EXPROPRIATIONS AND DEDICATIONS

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

### 3.9 FRONTAGE ON A PUBLIC ROAD

Unless otherwise specified in this By-law, no person shall erect a building or structure unless:

(a) the lot upon which such building or structure is proposed to be erected, abuts or fronts on either an improved public road of satisfactory construction and maintenance to permit the reasonable and safe passage of motor vehicles, or on a private common element road which is internal to a registered vacant land condominium plan; and

(b) access to the improved public road from the said lot has been granted by the authority having jurisdiction and provided the public road has been assumed by the Corporation, the County, or the Province of Ontario.

A building or structure may be erected upon a lot within a Registered Plan of Subdivision in accordance with the provisions of the applicable Subdivision Agreement notwithstanding that the roads within such Plan of Subdivision have not yet been assumed and are not being maintained by the Corporation, the County, or the Province of Ontario.

### 3.10 GROUP HOMES

(a) Notwithstanding any other provision of this By-law to the contrary, a Group Home – Type 1 may be permitted in any single detached dwelling provided there is no Group Home – Type 1 or 2 located within 250 m (2691 ft.) from the proposed facility.

(b) Group Homes – Type 2 are permitted only within those Zones which specifically permit the use. The minimum separation distance between another Type 2 Group Home and / or a school shall be 450 m (4844 ft.) in any direction.

### 3.11 HAZARD LANDS

No permanent buildings or structures, with the exception of those designed, used or intended for flood or erosion control purposes, shall be erected or used on lands which exhibit a hazardous condition as a result of instability, susceptibility to flooding, erosion, subsidence, inundation, or the presence of organic soils or steep slopes unless a permit
has been obtained by the Conservation Authority having jurisdiction. The approximate extent of such lands are delineated by shading and illustrated on Schedule A to this By-law.

### 3.12 HEIGHT RESTRICTIONS

The height restrictions of this By-law shall not apply to restrict the height of any of the following structures:

- (a) a radio antenna or television receiving or transmitting equipment;
- (b) a barn for a permitted agricultural use;
- (c) a grain elevator and storage;
- (d) a grain dryer;
- (e) a belfry or cupola;
- (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 or hydro pole;
- (l) an ornamental dome or structure;
- (m) a silo;
- (n) a steeple;
- (o) a structure containing heating, cooling or other mechanized equipment pertaining to a building;
- (p) a water tower;
- (q) a structure for crushing, washing, screening or processing relating to a permitted aggregate operation;
- (r) a tower; or
- (s) a skylight.

### 3.13 HOME OCCUPATION

No home occupation shall be permitted within any Zone or as otherwise indicated, except in accordance with the following provisions:

- (a) a home occupation shall be secondary to a dwelling unit occupied by the owner or tenant thereof as the principal residence and located within a Zone in which a home occupation is specifically listed as a permitted use;
- (b) a home occupation shall not employ more than one person who does not reside in the dwelling unit, being the site of the home occupation;
- (c) the total floor area of the dwelling unit, including basement area, used for the home occupation shall not exceed twenty-five percent (25%) of the total floor area of the dwelling unit or 40.0 m² (430 ft²), whichever is the lesser;
- (d) a home occupation shall not be permitted within an accessory building or Structure;
(e) open storage of goods, materials and equipment, including the storage of vehicles shall not be permitted;

(f) the external character of the dwelling as a residence shall not change or create a nuisance, particularly in regard to noise, odour, dust, parking, traffic and refuse;

(g) no parking in addition to the required parking for the dwelling unit shall be created; and

(h) there shall be no externally visible indications that a home occupation is being conducted within a dwelling unit, except that a sign no larger than 0.4 m² (4 ft.²) shall be permitted.

3.14 HOME INDUSTRY

A home industry shall be permitted in any Agricultural Zone and such use must comply with the following provisions:

a) Except for open storage, home industries shall be carried on entirely within a building or structure accessory to a permitted use;

b) Storage of materials, containers, or finished products in the front or side yards shall not be permitted;

c) For any lot, the gross floor area devoted to home industries shall not exceed 200 m² (2,153 ft.²);

d) The total amount of open storage shall not exceed 90 m² (969 ft.²); and

e) Home industries shall not employ more than two non-residents.

3.15 HOUSEHOLD SALES/GARAGE SALES

Household sales/garage sales are permitted in any Zone, except that there shall not be more than three (3) such sales per annum at one (1) location and each such sale shall not exceed more than three (3) consecutive days in duration.

3.16 KEEPING OF ANIMALS

No land, building or structure in the R1, R2 or R3 Zones shall be used for the keeping of bees, or for the raising or keeping of a horse, cow, donkey, mule, pig, goat, sheep, goose, turkey, chicken, duck, pigeon, rabbit, snake, reptile, cougar, fox, wolf, skunk, raccoon or any wild animal or fish and amphibian for the raising or keeping of more than one of each of them or for the raising or keeping any number of some or all of them.
No land, building or structure shall be used for the keeping of more than four (4) or more dogs or four (4) or more cats except in an Animal Clinic, Kennel, Boarding Kennel or Retail Store selling dogs and cats.

3.17 LANDSCAPING AND PLANTING STRIPS

(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 provisions:

(i) any part of a lot which is not occupied by buildings, structures, parking areas, loading spaces, driveways, excavations, agricultural uses or permitted outdoor storage areas shall be maintained as landscaped open space;

(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;

(iii) where landscaped open space is required adjacent to any lot line or elsewhere on a lot, nothing in this By-Law shall prevent such landscaped open space from being traversed by a pedestrian walkway or a driveway, as permitted;

(iv) no part of any driveway, parking area, loading space, stoop, roof-top terrace, balcony, swimming pool or space enclosed within a building, shall be considered part of the landscaped open space on a lot.

(b) Planting Strips

Planting strips shall be provided in accordance with the Zone provisions set out herein for each Zone and the following provisions:

(i) where the lot line of a lot containing a non-residential use and located in any Commercial or Industrial Zone abuts a lot in any Residential, Zone, or abuts a street on the opposite side of which is located a lot in any Residential Zone, then that part of the lot containing such non-residential use or directly adjoining the said lot line shall be used for no purpose other than a planting strip having a minimum width of 1.5 m (5 ft.), measured perpendicularly to the said lot line;

(ii) planting strips shall be provided on lands upon which a residential use is being newly established where such lands abut an existing non-residential use, which is not maintaining a planting strip in accordance with the above;

(iii) planting strips shall be provided around the perimeter of an open storage area where open storage is permitted;
where a row of trees or a hedgerow is provided as part of a required planting strip, such planting strip shall consist of a continuous screen of suitable trees or shrubs maintained at an ultimate height of not less than 1.8 m (6 ft.) above the elevation of the ground at the nearest lot line, except that within a sight triangle, the maximum height of any such landscaping material shall be 0.6 m (2 ft.);

where a planting strip is required hereby, such planting strip shall be located along the entire length of the Zone or lot line separating it from the abutting Zone or use;

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 1.0 m (3.3 ft.) to the edge of such walkway or 3.0 m (10 ft.) 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.

3.18 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 use shall conform to the provisions of this By-Law which are applicable to each use in the Zone in which the said lot is located as if such use existed independently of any other use; and

(ii) Where standards or provisions pertaining to two or more uses on one lot are in conflict, the higher or more restrictive standard or provision 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 portion of the said lot shall be treated as if it were 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; and

(ii) Where the use or uses of a lot divided into two or more Zones are permitted in all Zones applying to the lot, the said lot shall be considered to be a single lot as defined herein. The more restrictive Zone requirements pertaining to such use or uses in all the said Zones shall apply to only the said portion of the lot found in that Zone.
3.19 LOSS BY NATURAL CAUSES

Notwithstanding any other provisions of this By-law, save an except for Sections 3.11 Hazard Lands and 3.26 Minimum Distance from Municipal Drains and Natural Watercourses, where a building or structure is destroyed or partially destroyed by fire or other natural causes, replacement of the said building or structure to the same basic dimensions and on the same basic site shall be permitted, provided a building permit is issued within three (3) years from the date of destruction. Construction of buildings and structures which are subject to Sections 3.11 and 3.26 require approval from the Conservation Authority.

3.20 MINIMUM DISTANCE SEPARATION FORMULAE (MDS I &II)

All lands within the Municipality shall be subject to MDS I and MDS II in accordance with Provincial requirements as amended from time to time.

(a) The Minimum Distance Separation Formula I (MDS I), found in Appendix A, Minimum Distance Separation, shall be applied to any proposed development in any Zone, excluding settlement areas, using the formula in Appendix A.

(b) The Minimum Distance Separation Formula II (MDS II), found in Appendix A, Minimum Distance Separation, shall be applied to any new or expanding livestock or poultry facility in any Zone.

(c) Minimum Distance Separation Exemption

The Minimum Distance Separation (MDS I and MDS II) shall not be required between a livestock facility and:

(i) a dwelling or accessory building on the same lot;

(ii) a public utility;

(iii) a sewage treatment facility;

(iv) a waste disposal site; or,

(v) a pit.

3.21 MINIMUM FLOOR AREA

Minimum dwelling unit floor area requirements are:
(a) Minimum Floor Area

(i) single detached dwelling, semi-detached dwelling, street rowhouse dwelling, rowhouse dwelling, other

109.0 m² (1175 ft²) per dwelling unit

109.0 m² (1175 ft²) per dwelling unit

65.0 m² (700 ft²) per dwelling unit

65.0 m² (700 ft²) per dwelling unit

40.0 m² (430 ft²) per dwelling unit

(ii) multiple dwelling

40.0 m² (430 ft²) per bachelor dwelling unit

55.0 m² (592 ft²) per one bedroom dwelling unit.

65.0 m² (700 ft²) per two bedroom dwelling unit.

85.0 m² (915 ft²) per three bedroom dwelling unit.

85.0 m² (915 ft²) plus 9.0 m² (97 ft²) per each bedroom in excess of (3) for dwelling units containing more than three (3) bedrooms

3.22 MINIMUM SEPARATION FOR ADULT ENTERTAINMENT ESTABLISHMENTS

Where permitted by this By-law, in addition to the provisions of the applicable Zone an Adult Entertainment Establishment shall not be erected or used closer than:

(a) 500 m (1640 ft.) from any Institutional, Open Space or Residential Zone; or,

(b) 400 m (1312) from an existing Adult Entertainment Establishment.

3.23 MINIMUM SEPARATION FOR KENNELS

Where permitted by this By-law, in addition to the provisions of the applicable Zone. Animal kennels shall not be erected or used closer than:

(a) 250 m (820 ft.) from a separate lot on which a residential use is permitted or from a dwelling located on a separate lot, or from an Institutional Zone; or,

(b) 300 m (984) from the limits of Talbotville, Shedden and Fingal shown on Schedule A, Maps 12, 13 and 14.

3.24 MINIMUM SEPARATION FOR STRUCTURES FOR GROWING MUSHROOMS

Where permitted by this By-law, structures for the growing of mushrooms shall comply with the following provisions, in addition to the provisions of the applicable Zone. Structures for the growing of mushrooms shall not be erected or used closer than:
(a) 250 m (820 ft.) from a separate lot on which a residential use is permitted or from a dwelling located on a separate lot, or from an Institutional (I) Zone;

(b) 300 m (984 ft.) from the limits of Talbotville, Shedden and Fingal shown on Schedule A, Maps 12, 13 and 14.

3.25 MINIMUM SEPARATION FOR PORTABLE ASPHALT PLANTS
(Deleted by By-law 2014-16)

Portable asphalt plants shall not be erected or used closer than 300 m (984 ft.) from a dwelling located on a separate lot.

3.26 MINIMUM DISTANCE FROM MUNICIPAL DRAINS AND NATURAL WATERCOURSES

Notwithstanding any other provisions of this By-law and any other applicable law to the contrary, no buildings or structures, with the exception of a building designed, used, or intended for flood or erosion control purposes or for road purposes, shall be erected or used:

(a) Closer than 7.5 m (25 ft.) from the centerline of an enclosed municipal tile drain or such greater distance as specified in the most current Drainage By-law approved under the Drainage Act;

(b) Closer than three (3) times the height of the bank of any natural watercourse, plus the 100 year erosion rate, plus allowances, as determined by the Conservation Authority;

(c) Closer than three (3) times the height of the Lake Erie shoreline bluff plus the 100 year erosion rate measured landward from the toe of the bluff, as determined by the Conservation Authority.

No fence or landscaping is permitted within 7.5 m (25 ft.) of an enclosed municipal drain or such lesser distance as specified in a registered easement.

3.27 MINIMUM SEPARATION FROM RAILWAYS

Notwithstanding any other provisions of this By-Law to the contrary, the nearest main wall of a dwelling shall not be constructed within 30.0 m (98 ft.) to the limit of an active railway right-of-way.
3.28 MINIMUM SEPARATION FROM SEWAGE TREATMENT PLANTS

Notwithstanding any other provisions of this By-law to the contrary, the nearest main wall of a dwelling shall not be constructed within 100.0 m (328.0 ft.) of any sewage treatment plant.

3.29 MOBILE REFRESHMENT VEHICLES

(a) It shall be prohibited to locate and use a mobile refreshment vehicle in any Zone for the purpose of residential, business, industrial uses, temporarily or permanently, unless the use of a mobile refreshment vehicle for such purposes is listed specifically in this By-law as a permitted use within a particular use Zone.

(b) A mobile refreshment vehicle for the purposes of selling or dispensing of food is permitted provided such use is located in a Commercial Industrial Zone permitting a Restaurant use.

3.30 MODEL HOMES

Notwithstanding the provisions of Subsection 3.44, Servicing: Water, Sewers and Stormwater, model homes shall be permitted in all Residential Zones subject to the following:

(a) The model homes are within a plan of subdivision registered in accordance with the Planning Act, as amended from time to time, and the subdivision agreement has been executed;

(b) The number of model homes shall not exceed the lesser of 10% of the total number of lots or a maximum of 4 model homes.

3.31 MOVING OF BUILDINGS

In all Zones, no building shall be moved within the limits of the Municipality or shall be moved from outside the Municipality into the Municipality without a permit from the Chief Building Official.

3.32 NON-COMPLYING BUILDINGS AND STRUCTURES

Where a building or structure has been lawfully erected prior to the date of the passing of the By-law on an existing lot having less than the minimum:

(a) lot frontage; and/or

(b) lot area; and/or

(c) front yard, side yard, rear yard, and/or lot depth; and/or where a building or structure has been lawfully erected prior to the effective date on an existing lot having more than the maximum:
(d) lot area; and/or

(e) height

permitted by this By-law, the said building or structure may be used, altered, repaired, renovated, strengthened to a safe condition or replaced provided all other applicable regulations of this By-law are complied with.

3.33 NON-COMPLYING USE: ADDITIONS AND ACCESSORY USES

(a) Nothing in this By-law shall prevent an addition to a Non-Complying Use, building or structure, provided that such addition does not further contravene any of the provisions of this By-law.

(b) Nothing in this By-law shall prevent the erection or enlargement of buildings, structures and uses accessory to a non-complying use, building or structure, provided that such erection or enlargement does not further contravene any of the provisions of this By-law.

3.34 NUMBER OF MAIN BUILDINGS ON A LOT

Unless otherwise stated in the applicable Zone, no lot that is used for residential purposes shall be occupied by more than one (1) main building.

3.35 OCCUPANCY OF PARTIALLY COMPLETED DWELLINGS

No new building shall be occupied before the main side walls and roof have been erected and the external siding and roofing have been completed, and sanitary conveniences installed, and, where applicable, kitchen and heating facilities have been installed.

3.36 OPEN STORAGE

Except as otherwise specifically provided in this By-Law, no open storage shall be permitted in any Zone, except in accordance with the following provisions:

(a) open storage shall be accessory to a permitted non-residential use carried on in an enclosed building or portion thereof on the same lot;

(b) no open storage area shall be permitted in any front yard or exterior side yard, except in the case of an agricultural use;

(c) no open storage shall be located closer than 2.0 m (6.6 ft.) to an interior side lot line or a rear lot line;

(d) 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, Industrial or Agricultural Zone, or from a dwelling on an adjacent lot in an Agricultural Zone; and to this end, any open storage area shall be screened by a planting strip.
containing an opaque fence, wall or other opaque barrier not less than 1.8 m (6 ft.) 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;

(e) any open storage area shall be maintained as landscaped open space or provided and maintained with a stable surface, and adequate 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;

(f) notwithstanding Paragraph (e) of this Clause, no open storage area shall be considered part of any landscaped open space required hereby;

(g) no parking spaces or loading spaces required by this By-Law shall be used for open storage purposes.

(h) no parking spaces or loading spaces required by this By-Law shall be used for open storage purposes. Nothing in Clause (b) of this Subsection shall apply to prevent or otherwise restrict the use as an open storage area of any part of:

- the required front yard or the required exterior side yard on a lot containing an agricultural use, for a temporary roadside retail farm sales outlet for produce grown on the said lot; or
- a lot containing a single dwelling, for a special temporary sale, by auction or otherwise, of personal possessions belonging to the occupant thereof.

3.37 OUTDOOR SWIMMING POOLS AND RELATED STRUCTURES

The following regulations shall apply with respect to the erection or use of a swimming pool or related structures (jacuzzi, hot tub) which is not located within a building:

(a) no swimming pool or related structure shall be located in any yard other than in an interior side yard or a rear yard;

(b) Yard requirements for main buildings shall apply to outdoor swimming pools and related structures;

(c) no swimming pool or related structure shall be considered part of the lot coverage of a lot, unless such swimming pool is enclosed within a building; and

(d) no swimming pool or related structure shall be permitted unless enclosed in accordance with the Municipality’s By-law governing the erection and maintenance of fences and gates around swimming pools.
3.38 PARKING AND LOADING SPACE REGULATIONS

PARKING REGULATIONS

(a) Parking Spaces Required

Except as otherwise provided herein, the owner or occupant of a lot, building or structure shall provide and maintain, one or more parking spaces on the said lot in accordance with the provisions of this Section.

(b) Minimum Parking Space Requirements

The following regulations shall apply to all land uses within the Municipality with respect to the minimum parking space requirements:
<table>
<thead>
<tr>
<th>TYPE OF USE</th>
<th>MINIMUM PARKING SPACE REQUIREMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>RESIDENTIAL</strong></td>
<td></td>
</tr>
<tr>
<td>single detached dwelling semi-detached dwelling</td>
<td>2 spaces per unit</td>
</tr>
<tr>
<td>duplex dwelling, multiple dwelling, street rowhouse dwelling, rowhouse</td>
<td>1.5 spaces per unit</td>
</tr>
<tr>
<td>dwelling</td>
<td></td>
</tr>
<tr>
<td>any residential use permitted by this By law but not specifically mentioned elsewhere in this Clause</td>
<td>1 space per unit</td>
</tr>
<tr>
<td><strong>COMMERCIAL</strong></td>
<td></td>
</tr>
<tr>
<td>bed and breakfast establishment</td>
<td>1 per guest room</td>
</tr>
<tr>
<td>boarding house, rooming house or tourist house</td>
<td>1 per unit</td>
</tr>
<tr>
<td>car wash, gas bar</td>
<td>1 space per 10 m² (108 ft.²) of gross floor area</td>
</tr>
<tr>
<td>club, private</td>
<td>1 space per 10 m² (108 ft.²) of gross floor area</td>
</tr>
<tr>
<td>funeral home</td>
<td>1 space per 20 m² (216 ft.²) of gross floor area</td>
</tr>
<tr>
<td>hotel or motel, tavern</td>
<td>1 space per 10 m² (108 ft.²) of gross floor area</td>
</tr>
<tr>
<td>personal service establishment</td>
<td>1 space per 30.0² (323 ft.²) of gross floor area</td>
</tr>
<tr>
<td>medical dental office, clinic</td>
<td>1 space per 20 m² (216 ft.²) of gross floor area</td>
</tr>
<tr>
<td>office, general office, professional</td>
<td>1 space per 40 m² (432 ft.²) of gross floor area</td>
</tr>
<tr>
<td>restaurant</td>
<td>1 space per 15 m² (162 ft.²) of gross floor area</td>
</tr>
<tr>
<td>self-storage establishment,</td>
<td>1 space per 430.0² (4629 ft.²) of gross floor area store</td>
</tr>
<tr>
<td>convenience store, retail store</td>
<td>1 space per 20 m² (216 ft.²) of gross floor area</td>
</tr>
<tr>
<td>any commercial use permitted by this By-law but not specifically mentioned elsewhere in this Clause</td>
<td>1 space per 30.0² (323 ft.²) of gross floor area</td>
</tr>
<tr>
<td><strong>INDUSTRIAL</strong></td>
<td></td>
</tr>
<tr>
<td>Industrial Use, Warehouse</td>
<td>1 space per 100 m² (1076 ft.²) of gross floor area</td>
</tr>
<tr>
<td><strong>OTHER</strong></td>
<td></td>
</tr>
<tr>
<td>Any other non-residential use permitted by this By-law but not specifically mentioned elsewhere in this clause</td>
<td>1 space per 30.0² (323 ft.²) of gross floor area</td>
</tr>
</tbody>
</table>
(c) Calculation of Parking Requirements

(i) where a building, structure or lot accommodates more than one type of use as set out in Clause (b) of this Subsection, the total parking space requirement for such building, structure or lot shall be the sum of the requirements for the separate uses thereof;

(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; and

(iii) where the calculation of the required parking spaces results in a fraction, the required parking spaces shall be rounded to the next highest whole number.

(d) Required Parking for the Disabled

The minimum number of handicapped parking spaces shall be calculated as:

(i) 0 spaces for 1 to 10 required parking spaces;

(ii) 1 handicapped parking space for 11 to 50 required parking spaces; and

(iii) 1 handicapped parking space for every additional 50 required parking spaces or fraction thereof.

(e) Dimensions of Parking Spaces

(i) a parking space required hereby shall have minimum rectangular dimensions of 2.7 m (9 ft.) by 6.0 m (20 ft.); and

(ii) a handicapped parking space required hereby shall have minimum rectangular dimensions of 4.0 m (13 ft.) by 6.0 m (20 ft.).

(f) Location of Parking Areas

(i) 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;

(ii) handicapped parking spaces shall be located to the closest building or structure entrance and exit on the same lot for which such parking spaces are required and shall be accessible via ramps and depressed curbs to the said entrance and exit; and
(iii) where the provision of the required parking on the same lot is impossible or impractical, such off-street parking areas may be located on another lot in the same Zone, within 100 m (328 ft.) of the use, building or structure requiring such parking, provided a Site Plan Agreement is registered on title of the lands used for parking committing the required parking spaces related to the said use, building or structure.

(g) Yard Where Permitted

Except as otherwise provided herein, uncovered surface parking areas and driveways shall be permitted in any part of any yard, provided that any part of a parking area located within a required yard shall be separated from any lot lines adjacent to such required yard by a planting strip not less than 1.0 m (3.3 ft.) in width. In any Residential Zone, parking spaces may be provided in a garage, carport, or in a driveway and may be located in a side or rear yard provided that the parking area shall not exceed fifteen percent (15%) of the total lot area.

(h) Access To Parking Areas and Spaces

(i) access to parking areas shall be provided from an improved street by means of one or more unobstructed driveways not exceeding 8.0 m (26 ft.) in width for a driveway for a residential use, and 12.0 m (39 ft.) 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 yard required therefrom, provided that no lot shall have more than two driveways for the first 30.0 m (98 ft.) of street line thereof plus one driveway for each additional 30.0 m (98 ft.) of street line;

(ii) parking aisles shall have a minimum unobstructed width of 6.0 m (20 ft.) where two-way traffic is permitted and 3.0 m (10 ft.) where only one-way direction of traffic flow is permitted and shall be clearly indicated by signs, pavement markings or both;

(iii) each required parking space shall be readily accessible at all times for the parking or removal of a motor vehicle and access to any such parking space shall not be impeded by any obstruction except that this provision shall not apply to prevent the use as a parking space of any part of a driveway for a residential use, provided that no parking space shall obstruct access to a parking area on any other lot;

(iv) a driveway shall not be at an angle less than 45 degrees from the streetline;

(v) the minimum distance between a driveway and an intersection of streetlines measured along the streetline intersected by such driveway shall be 7.6 m (25 ft.);
(vi) 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 shall not exceed 9.1 m (30 ft.) in total width, measured in accordance with Paragraph (i) of this Clause; and

(vii) nothing in this Subsection shall apply to prevent the use of a 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 shall not exceed 9.1 m (30 ft.), measured in accordance with Paragraph (i) of this Clause.

(i) Parking Structures

Where a parking area is located in a building or structure which is accessory to a permitted use, such building or structure shall conform to all the provisions for accessory uses set out in Section 3.1, Accessory Uses, of this By-law.

(j) Surface and Drainage of Parking Areas and Driveways

(i) all parking areas and driveways, shall be provided and maintained with a stable surface, adequate to prevent the raising of dust or loose particles and including, but not so as to limit the generality of the foregoing, treated crushed stone or gravel; and 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) Additions and Changes in Use

Where a building or structure is enlarged in floor area or a use is changed, or there is an increase in the number of dwelling units or change that would require an additional number of parking spaces, then such additional parking spaces shall be provided to the number required for such change.

(l) Parking Restrictions

(i) the parking and/or open storage of boats, recreational motor vehicles or motor vehicles shall not be permitted within any Agricultural or Residential Zone in a front yard, exterior side yard or required interior side yard other than in a driveway; and

(ii) the parking and/or open storage of commercial motor vehicles including buses and tractor trailers, shall not be permitted within any Residential Zone where such motor vehicles exceed a gross weight of two (2) tonnes.
LOADING SPACE REGULATIONS (MINIMUMS)

a) Loading Spaces Required

The owner or occupant of any lot, building or structure within any commercial or any industrial zone used or erected for any purpose involving the receiving, shipping, loading or unloading of animals, goods, wares, merchandise or raw materials, shall provide and maintain, on the same lot, facilities comprising one or more loading spaces in accordance with the provisions of this Subsection.

b) Loading Space Requirements (Minimums)

The number of loading spaces required on a lot shall be based on the total gross floor area of all the uses on the said lot for which loading spaces are required by Clause (1) of this Subsection, in accordance with the following:

(i) less than 300.0 m² (3,229 ft²) – 0 loading spaces;
(ii) over 300.0 m² (3,229 ft²) up to and including 2500.0 m² (26,910 ft²) of gross floor area – 1 loading space;
(iii) over 2500.0 m² (26,910 ft²) up to and including 7500.0 m² (80,729 ft²) of gross floor area – 2 loading spaces; and
(iv) over 7500.0 m² (80,729 ft²) – 3 loading spaces.

3.38A PORTABLE ASPHALT PLANTS

A portable asphalt plant is permitted in any zone with the exception of an Environmental Protection Zone and shall be dismantled at the completion of the construction project.

3.39 PROHIBITED USES

The following shall be prohibited in any Zone unless specifically permitted otherwise:

(a) the use of any land, building or structure for the purposes of wrecking yards, salvage yards, dumps, or the collection or storage of rags, junk, refuse, scrap iron, or other scrap metals;
(b) the use of any land, building or structure for the purposes of an adult entertainment establishment, a body-rub establishment or massage parlour;
(c) the use of any land, building or structure for the keeping of prohibited animals as listed in the Township’s By-law to prohibit the keeping of certain animals;
(d) the use of any land, building or structure for the refining or storage of hazardous industrial products;
(e) a mobile home, except as a construction use as provided for in Section 3.3 Construction Uses of this By-law; and

(f) the use of a truck, bus, coach, railway car, or streetcar bodies or part thereof for the purposes of any use permitted in this By-law.

3.40 OUTDOOR PATIO

Notwithstanding any other provisions of this By-law, the following shall apply to a public outdoor patio:

a) A public outdoor patio shall be deemed to be a permitted use in a Zone where the following uses are permitted:
   (i) Arena / Hall;
   (ii) Club;
   (iii) Place of Entertainment;
   (iv) Recreation Facility; or
   (v) Restaurant.

(b) No public outdoor patio shall accommodate more than 50% of the capacity of the establishment with which the patio is associated.

(c) No public outdoor patio shall be permitted within a yard where any lot line abuts a Residential Zone.

(d) Where a public outdoor patio is used for the service and consumption of food and/or beverage, parking shall be provided at the same ratio as the main use.

(e) No public outdoor patio shall be permitted to occupy any required parking.

3.41 PUBLIC USE

Notwithstanding any other provisions of this By-law the following shall apply to a Public Use as defined in Section 2.0, Definitions.

(a) the lot coverage and yard requirements of the Zone in which such land, building or structure is located shall be complied with; and

(b) no open storage shall be permitted in any Residential Zone, in a yard on a lot adjacent to any Residential Zone or in a yard on a lot opposite to any Residential Zone.

3.42 SEQUENCE OF DEVELOPMENT

No accessory building or structure shall be erected on a lot prior to the erection of a main building on the lot.
3.43 SERVICING: WATER, SEWERS AND STORM WATER

No person shall use any lot or erect, alter or use any building or structure in any zone, unless such land, building or structure is serviced by a public or private sewage system, a public or private drinking water system, and a storm water drainage system appropriate to the use and approved by the appropriate regulatory authority.

3.44 SIGHT VISIBILITY TRIANGLES

(a) Notwithstanding any other provision of this By-law and with the exception of the Village Commercial (VC) Zone, no building, structure, vehicle, wall, berm, fence or sign shall be erected and no shrubs or foliage shall be planted in such a manner as to impede vision between a height of 0.6 m (2 ft.) and 3.0 m (10 ft.) above the centreline grade of intersecting streets in the triangular area bounded by the street lines of the corner lot and a line from the points along the said street lines in accordance with the following:

<table>
<thead>
<tr>
<th>STREET LINE MEASUREMENT</th>
<th>ROAD CLASSIFICATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>10.0 m (33 ft.)</td>
<td>County</td>
</tr>
<tr>
<td>6.0 m (20 ft.)</td>
<td>Township</td>
</tr>
</tbody>
</table>

Where two streets intersect and the intersection includes a daylight corner, for the purpose of determining the location of any building on the corner lot that abuts the daylight corner, the lot shall be deemed to include the daylight corner, provided that no part of any building on such corner lot shall be closer than 2.0 m (6.6 ft.) to the daylight corner.

If two roads of different classifications intersect, the more restrictive standard shall apply;

(b) For a railway crossing with signals and/or gates, the required sight triangle shall be measured 50.0 m (164 ft.) from the point on the centreline of the road and measured 100.0 m (328 ft.) from the centreline of the nearest intersecting railway track; and

(c) From a railway crossing with no signals and/or gates, the required sight triangle shall be measured 75.0 m (246 ft.) from the point on the centreline of the road to a point 300.0 m (984 ft.) from the centreline of the nearest intersecting railway track.

3.45 USES PERMITTED IN ALL ZONES

The following uses are permitted in all Zones provided they can meet the specific provisions of this By-law:

(a) Accessory use, building or structure in accordance with Section 3.1 Accessory Uses.
GENERAL PROVISIONS

(b) Construction Use in accordance with Section 3.3, Construction Uses.

(c) Foster Home as defined in Section 2.0, Definitions.

(d) Group Home as defined in Section 2.0, Definitions, and in accordance with Section 3.10, Group Homes.

(e) Mobile Home in accordance with Section 3.3, Construction Uses.

(f) Public Use as defined in Section 2.0, Definitions, and in accordance with Section 3.41, Public Uses.

(g) Street as defined in Section 2.0, Definitions.

(h) Public Utility as defined in Section 2.0, Definitions.

3.46 WIND ENERGY ACCESSORY GENERATION SYSTEMS
(Deleted by By-law 2014-16)

Accessory wind turbines may be located in any Agricultural (A1, A2, A3) Zone and Waste Management (WM) Zone where the minimum distance is 1.25 times the height of the wind turbine from the nearest portion of the structure to the front, side and rear lot lines and where the height is measured from the highest point of the blade rotation to the lowest grade elevation at the base of the tower. No wind turbine shall be located within the front yard or exterior side yard.

3.47 YARD ENCROACHMENTS AND OBSTRUCTIONS

(a) Projection Into Required Yards

No part of any required yard shall be obstructed by any building or structure or portion 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 limited to, sills, belt courses, chimneys, cornices, eaves, gutters, parapets, pilasters and roof trusses projecting not more than 0.6 m (2 ft.) into any required yard, with the exception of any eaves of a building located in any Residential Zone which shall be no closer than 0.6 m (2 ft.) to any lot line;

(iii) roofless, functional and ornamental structures including, but not necessarily limited to, drop awnings, clothes poles, ornamental fountains, statues, monuments, cenotaphs, memorials, planters, garden trellis, picnic tables, benches, fences, boundary and retaining walls, hedgerows and legal signs projecting into any required yard;
(iv) enclosed fire escapes or outside staircases in which the stair steps and floors are latticed in such a manner that the proportion of voids to solids is not less than two to one and in which guards consist only of hand rails and the structural members necessary to their support, and which do not project more than 1.5 m (5 ft.) into any required yard;

(v) awnings, atriums, and bay windows projecting not more than 1.0 m (3.3 ft.) into any required yard and which do not project into any required sight visibility triangle;

(vi) stoops, sun decks, balconies, open roofed porches and verandas, balconies on top of porches or verandas, 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 not more than 1.5 m (5 ft.) into any required front yard, exterior side yard, or rear yard, and which do not project into any required sight visibility triangle. Decks that have a height of less than 0.6 m (2 ft.) are permitted in any required rear yard. This provision does not apply to a deck related to a swimming pool (see Section 3.38, Outdoor Swimming Pools and Related Structures).

(vii) central air conditioning or heat pump units, provided that such unit is located within 3.0 m (10 ft.) of the main building in a front yard or an exterior side yard, or a minimum of 1.2 m (4 ft.) from an interior side or rear lot line;

(viii) water circulating or treatment equipment, including but not necessarily limited to pumps or filters related to a swimming pool, provided such equipment is located a minimum of 3.0 m (10 ft.) from an interior side or rear lot line, unless located in an accessory building;

(ix) satellite dish antennae that do not exceed a diameter of 1.3 m (4.3 ft.) and are attached to the principal building; and

(x) wheelchair or handicapped ramps within 1.0 m (3.3 ft.) of any front yard, rear yard and exterior side yard.

(b) Projection Beyond Lot Lines

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

(c) Railway Spur

Notwithstanding the yard provisions of this By-Law to the contrary, a railway spur shall be permitted within any required yard.
SECTION 4.0 ZONES AND ZONE MAPPING

4.1 ESTABLISHMENT OF ZONES

For the purposes of this By-law, Schedule A and Maps 1 to 17C shall be referred to as the Zoning Maps for the Township of Southwold, which shall be divided into one or more of the following Zones:

<table>
<thead>
<tr>
<th>ZONE</th>
<th>SYMBOL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural 1</td>
<td>A1</td>
</tr>
<tr>
<td>Agricultural 3</td>
<td>A3</td>
</tr>
<tr>
<td>Residential 1</td>
<td>R1</td>
</tr>
<tr>
<td>Residential 2</td>
<td>R2</td>
</tr>
<tr>
<td>Residential 3</td>
<td>R3</td>
</tr>
<tr>
<td>Village Commercial</td>
<td>VC</td>
</tr>
<tr>
<td>Highway Service Centre</td>
<td>HSC</td>
</tr>
<tr>
<td>Commercial Industrial 1</td>
<td>CM1</td>
</tr>
<tr>
<td>Commercial Industrial 2</td>
<td>CM2</td>
</tr>
<tr>
<td>Commercial Industrial 3</td>
<td>CM3</td>
</tr>
<tr>
<td>Waste Management</td>
<td>WM</td>
</tr>
<tr>
<td>Institutional</td>
<td>I</td>
</tr>
<tr>
<td>Open Space</td>
<td>OS</td>
</tr>
<tr>
<td>Environmental Protection</td>
<td>EP</td>
</tr>
<tr>
<td>Settlement Reserve</td>
<td>SR</td>
</tr>
</tbody>
</table>

4.2 USE OF ZONE SYMBOLS

The symbols listed in Subsection 4.1, Establishment of Zones, shall be used to refer to lands, buildings, and structures and the uses thereof permitted in this By-law in the said Zones, and wherever in this By-law the word Zone is used, preceded by any of the said symbols, such Zone means any area within the Municipality delineated on the Zoning Maps and designated thereon by the said symbol.

4.3 REGULATION LIMITS

The approximate extent of lands subject to regulation limits of the Lower Thames Valley Conservation Authority and Kettle Creek Conservation Authority are indicated by shading on the Zoning Maps. Applications for building permits in these areas will be referred to the Conservation Authority having jurisdiction for review and comment prior to the issuance of such permit.
4.4 **SCOPE OF ZONE REQUIREMENTS**

Except as otherwise specifically provided herein, the specific Zone requirements set out herein for each Zone shall apply to the Zone in addition to the general provisions set out in Section 3.0.

4.5 **SPECIAL ZONES**

Wherever a Zone symbol on Schedule “A” hereto is followed by a dash and a number, such as “R1-1”, the lands so designated shall be subject to all the provisions of this By-law applicable to the Zone represented by the Zone symbol except as otherwise specifically provided by the special provisions of the special Zone set out in the Special Provisions subsection of the applicable Zone.

4.6 **INTERPRETATION OF ZONE BOUNDARIES**

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

(a) unless otherwise shown, the boundary of the Zones as shown on the Zoning maps are the centre lines of the road allowance or lot lines and the projection thereof;

(b) where Zone boundaries are indicated as approximately parallel to the line of any street and the distance from such street is not indicated, such Zone boundaries shall be construed as being parallel to such street and the distance therefrom shall be determined by the use of the scale shown on the Zoning maps;

(c) unless otherwise indicated, a street, lane, railroad or railway right-of-way, transmission line, or water course included on the Zoning maps, is included within the Zone of the adjoining property on either side thereof; and where such street lane, railroad or railway right-of-way, transmission line, or water course serves as a boundary between two or more different Zones, a line midway in such street, lane, railroad or railway right-of-way, transmission line, or water course and extending in the general direction of the long division thereof is considered the boundary between Zones unless specifically indicated otherwise; and

(d) in the event a dedicated street, lane, transmission line or right-of-way shown on the Zoning maps is closed, the property formerly in said street, lane, transmission, line, or right-of-way shall be included within the Zone of the adjoining property on either side of the said closed street, lane, transmission line or right-of-way, and the Zone boundary shall be the former centre line of said closed street, lane, transmission line or right-of-way.

(e) Corporate Limits of the Township.
4.7 HOLDING SYMBOL “(h)”

(a) Use of Symbol

Where the Symbol “(h)” appears on a zoning map as a prefix to a Zone, 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 for 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.

(b) Holding Zone Provisions

(i) h-1 Purpose: To ensure the orderly development of lands and the adequate provision of municipal services, the "h" symbol shall not be deleted until a subdivision agreement or development agreement is entered into for the lands in question with the Township of Southwold.

Permitted Interim Uses: Existing Uses

(ii) h-2 Purpose: To ensure that development and site alteration will not have a negative impact on natural heritage features or their ecological functions, a report and/or study shall be prepared by a qualified individual demonstrating that development in the form proposed will not adversely affect the feature or function.

Permitted Interim Uses: Existing Uses

4.8 TEMPORARY USE BY-LAW

Where the symbol "(t)" followed by a zone symbol appears on Schedule A, it indicates that a Temporary Use By-Law has been passed in accordance with the Planning Act, R.S.O. 1990, c.P.13, to permit the use of lands, buildings or structures in accordance with the zone represented by that zone symbol within the area indicated, with the term of the said temporary use set out specifically in the Temporary Use By-Law; and upon expiry of such term, the underlying zone indicated on Schedule A shall apply. The specific temporary use provisions are denoted by the number immediately following the symbol “(t)” as shown on the Maps of Schedule A.

4.9 MAP DETAILS

Any street or other names, property boundaries, municipal numbers or physical features shown on the Maps are for reference purposes only.
SECTION 5.0 AGRICULTURAL 1 (A1) ZONE

The provisions of the Agricultural 1 (A1) Zone shall generally apply to agricultural development in the agricultural areas of the Township, which encompasses the majority of the Township's area.

5.1 PERMITTED USES

Agricultural use
Bed and breakfast establishment
Conservation land
Grain handling facility
Forestry use
Greenhouse commercial
Greenhouse farm
Home industry
Home occupation
Nursery
Public Use
Single detached dwelling
Winery, Farm

5.2 REGULATIONS

(a) Minimum Lot Area
(b) Minimum Lot Frontage
(c) Minimum Front Yard
(d) Exterior Yard
(e) Minimum Side Yard
(i) Interior Yard
   1. Dwellings
   2. Other Permitted Uses, excluding an accessory use
      Equal to one-half building height, but not less than 4.5 m (15 ft.)
(f) Minimum Rear Yard

40.0 ha (99 ac)
200.0 m (656 ft.)
19.0 m (62 ft.)
19.0 m (62 ft.)
8.0 m (26 ft.)
(g) Reduced Lot Requirements

Notwithstanding the Lot Area and Lot Frontage requirements of this Section, a lot legally used for a single detached dwelling which is created by consent pursuant to the Planning Act, R.S.O. 1990, c.P.13 shall be subject to the following requirements:

(i) Minimum Lot Area 1,858.0 m² (20,000 ft.²)

(ii) Maximum Lot Area 6,000.0 m² (1.48 ac)

(iii) Minimum Lot Frontage 30.0 m (98 ft.)

(h) Maximum Height

(i) Single detached dwelling 12.0 m (39 ft.)

(ii) Other Buildings No maximum height

(i) Maximum Lot Coverage 20%

5.3 SPECIAL USE REGULATIONS

5.3.1 LIVESTOCK BARN

In addition to the previous provisions of Section 5.0 of this By-law, new and expanding livestock facilities in the Agricultural 1 (A1) Zone shall conform to Minimum Distance Separation II formula (MDS II).

5.3.2 SINGLE DETACHED DWELLING – MINIMUM DISTANCE SEPARATION I

Notwithstanding any other provision of this By-law to the contrary, the construction of a single dwelling shall not be permitted except in accordance with Minimum Distance Separation (MDS I); however, MDS I shall not apply to the alteration of an existing dwelling or the replacement of an existing dwelling with a new dwelling provided the new dwelling is situated no closer to a livestock barn or manure pit than the dwelling being replaced.

5.3.3 GREENHOUSES

Notwithstanding the Zone requirements of an Agricultural Zone, a farm greenhouse or commercial greenhouse shall be subject to the following regulations:

(a) The minimum lot area shall be 2 ha (5 ac);
(b) The maximum lot coverage shall be 40% of the lot area;

(c) Where ventilation fans exhaust into a side and/or rear yard the minimum side and/or rear yard requirement shall be 25 m (82 ft.);

(d) A greenhouse having a gross floor area greater than 500 m² (5,382 ft.²) shall not be permitted unless a site plan agreement has been entered into with the Municipality;

(e) Greenhouses that use artificial lighting for growing purposes during the night shall be located a minimum distance of 150 m (500 ft.) from any residential use on an adjacent lot;

(f) No manure, compost or equipment may be stored within 30.0 m (98 ft.) of a road allowance, or a watercourse, or a residential use on an adjacent lot; and

(g) An Environmental Compliance Approval for wastewater treatment from the Ministry of the Environment, if required.

5.3.4 LOT SIZE FOR THE KEEPING OF LIVESTOCK

(a) The minimum lot area for the keeping of livestock shall be 2750 m² (29,600 ft.²).

(b) The provisions of Section 3.20, Minimum Distance Separation Formulae (MDS I&II) of this By-law shall apply to the keeping of livestock.

5.4 SPECIAL PROVISIONS

(a) A1-1 As shown on Schedule A, Map No. 2, Map No. 3, Map No. 6
   (i) Additional Permitted Use
       - Kennel in accordance with Section 3.23, Minimum Separation for Kennels.

(b) A1-2 As shown on Schedule A, Map No. 1, Map No. 6, Map No. 9
   (i) Additional Permitted Use
       - Additional dwellings existing on the date of the passing of the By-law.

(c) A1-3 As shown on Schedule A, Map No. 2
   (i) Additional Permitted Use
       - Farm related machine shops.
(ii) Additional Zone Requirements for Additional Permitted Use
- Maximum Floor Area 112.0 m² (1,206 ft.²)
- Outdoor Storage not permitted
- Four parking spaces

(d) A1-4 As shown on Schedule A, Map No.5
(i) Additional Permitted Use
- Existing auto-wrecking yard

(e) A1-5 As shown on Schedule A, Map No.4
(i) Additional Permitted Use
- Woodworking shop
- Retail sale of products manufactured or assembled on site
(ii) Additional Zone Requirements for Additional Permitted Use
- Building display area at the rear of the lot
- Maximum floor area of 149 m² (1,604 ft.²)
- No outdoor storage
- Minimum of 7 parking spaces

(f) A1-6 As shown on Schedule A, Map No.7
(i) Additional Zone Requirements
- Minimum Lot Frontage 0 m (0 ft.)

(g) A1-7 As shown on Schedule A, Map No.9
(i) Permitted Use
- Two Dwellings

(h) A1-8 As shown on Schedule A, Map No. 8
(i) Additional Permitted Uses
- Business uses lawfully existing on the 14th day of February, 2011.
AGRICULTURAL 1 (A1) ZONE

(i) A1-9 As shown on Schedule A, Map No.4

(i) Additional Permitted Use

- Automotive Use

(ii) Regulations

In accordance with Section 13.2, Regulations of the Commercial Industrial 1 (CM1) Zone.

(j) A1-10 As shown on Schedule A, Map No.4

(i) Additional Permitted Buildings and Use

- A building where agricultural based items produced both on and off the premises are displayed both inside and outside and sold at retail and includes the sale of field crops, fruit and vegetable sales, nursery and green house products, dairy products, eggs, baked goods, apiary and maple products.

- A building where fasteners including, but not limited to, nuts and bolts, wall anchors, screws, clamps and hooks are stored or warehoused before being transported to a retail or wholesale store, and which does not include retail or wholesale of such fasteners from such building or outside storage of such fasteners.

- One free-standing sign 30.0 m² (323 ft.²) in area and 8 m (26 ft.) in height and one portable sign not exceeding 14.5 m² (156 ft.²) located 3.5 m (11 ft.) from any lot lines.

- One free-standing sign 30.0 m² (323 ft.²) in area and 8 m (26 ft.) in height and one portable sign not exceeding 14.5 m² (156 ft.²) located 3.5 m (11 ft.) from any lot lines.

(k) A1-11 As shown on Schedule A, Map No.7

(i) Existing kennel
AGRICULTURAL 1 (A1) ZONE

(l) A1-12 As shown on Schedule A, Map No. 2

(i) Additional Permitted Use
   - Home Industry

(ii) Regulation
   - Minimum Front Yard 12 m (39 ft.)

(m) A1-13 As shown on Schedule A, Map No. 4

(i) Regulation
   - Minimum Lot Frontage 12 m (39 ft.)

(n) A1-14 As shown on Schedule A, Map No. 3

(i) Additional Permitted Use
   - Kennel housing a maximum of 12 dogs, notwithstanding Section 3.23, Minimum Separation for Kennels.

(o) A1-15 As shown on Schedule A, Map No. 9

(i) Regulation
   - New dwellings are prohibited
   - Minimum Lot Frontage 15 m (50 ft.)

(p) A1-16 As shown on Schedule A, Map No. 2

(i) Additional Permitted Use
   - Home Industry

(q) A1-17 As shown on Schedule A, Map No. 1

(i) Regulation
   - Minimum Lot Frontage 6 m (20 ft.)
(r) A1-18 As shown on Schedule A, Map 5 (last date for appeal May 5, 2014)

(i) Regulation

- Maximum Lot Area 8000m² (2.0 ac.)

(s) A1-19 As shown on Schedule A, Map 4

(i) Permitted Use

- One single detached dwelling unit

(ii) Regulations

- Minimum front yard 24.0 m (78.7 ft.)
- Minimum interior side yard 15.0 m (49.2 ft.)
- Minimum rear yard 8.0 m (26.2 ft.)
- Maximum lot coverage 17.0%
- Maximum height 12.0 (39 ft.)
- Maximum floor area for accessory uses 576 m² (6204 sq. ft.)
- Accessory uses restricted to the same building as the dwelling unit
- Outdoor Storage, including vehicles is prohibited
SECTION 6.0  AGRICULTURAL 2 (A2) ZONE

(Deleted by By-law 2014-16)
SECTION 7.0  AGRICULTURAL 3 (A3) ZONE

The Agricultural 3 (A3) Zone, applies to farm lots which have been Zoned to prohibit residential uses on the parcel. The prohibition exists as a result of a condition of a consent, to ensure that agricultural lands are preserved for agricultural uses. The restriction is necessary to ensure that residential development is directed to designated settlement areas of the Municipality and to maintain conformity with the Provincial Policy Statement and the Official Plan.

7.1  PERMITTED USES

(a) any non-residential use permitted by Section 5.1, the Permitted Uses of the Agricultural 1 (A1) Zone;

(b) existing dwelling

7.2  REGULATIONS

(a) Minimum Lot Area  
As it existed on the day the lot was created

(b) Minimum Lot Frontage  
50.0 m (164 ft.)

(c) Minimum Front Yard  
19.0 m (62 ft.)

(d) Minimum Exterior Side Yard  
19.0 m (62 ft.)

(e) Minimum Interior Side Yard  
Equal to one half building height but not less than 4.5 m (15 ft.)

(f) Minimum Rear Yard  
8.0 m (26 ft.)

(g) Maximum Lot Coverage  
20%

7.3  SPECIAL USE REGULATIONS

7.3.1  EXISTING AGRICULTURAL LOTS UNDER MINIMUM LOT FRONTAGE

Notwithstanding the provisions of Subsection 6.2 where an existing lot has a lesser lot frontage than required under this By-law and is developed for an agricultural use, with or without existing agricultural buildings and accessory structures, additional agricultural buildings and structures may be erected, or existing agricultural structures may be altered providing all other requirements of this By-law are complied with. The lot will be deemed to conform to the By-law with respect to minimum lot frontage provisions.

7.4  SPECIAL PROVISIONS
SECTION 8.0 RESIDENTIAL 1 (R1) ZONE

The provisions of the Residential (R1) Zone shall apply to low density residential development in the Township, which are either serviced by public water supply and sanitary sewer systems or are serviced by partial services or private services.

8.1 PERMITTED USE

Home occupation
Single detached dwelling

8.2 REGULATIONS

(a) Minimum Lot Area

(i) Where public water supply and/or public sanitary sewage systems are not available.

(ii) Where both public water supply and public sanitary sewage systems are available, adequate and connected to the lot.

(b) Minimum Lot Frontage 15.0 m (49 ft.)

(c) Minimum Front Yard 6.0 m (20 ft.)

(d) Minimum Interior Side Yard 1.2 m (4.0 ft.) except where no garage or carport is attached 1.2 m (4.0 ft.) on one side of the building and 2.5 m (8 ft.) on the other side of the building.

(e) Minimum Exterior Side Yard 6.0 m (20 ft.)

(f) Minimum Rear Yard 9.0 m (30 ft.)

(g) Maximum Lot Coverage 40%

(h) Maximum Height

(i) Single detached dwelling 12.0 m (39 ft.)

8.3 SPECIAL USE REGULATIONS
8.4 SPECIAL PROVISIONS

(a) R1-1 As shown on Schedule A, Map No.11
   (i) Zone Requirements
       - Minimum lot area 300 m$^2$ (3,229 ft.$^2$)
       - Minimum lot frontage 10.0 m (33 ft.)
       - In accordance with Zone requirements of Section 8.0 Residential 1 (R1) Zone.

(b) R1-2 As shown on Schedule A, Map No.9 and Map No.10
   (i) Permitted Use Limited to
       - Treatment, pumping and compressing of natural gases.
   (ii) Zone Requirements
       - No building or structure, excepting cable or wire supporting any incinerator stock and any anchor supporting such cable, shall be erected or used if any part of such building or structure is closer than 30.0 (98 ft.) to the Scotch Road measured at right angles thereto nor shall any part of any building or structure be erected or used if any part of such building or structure is closer than 45.7 m (150 ft.) to any other road and such distance shall be measured at right angles to such road.

(c) R1-3 As shown on Schedule A, Map No.10
   (i) Additional Zone Requirement
       - All windows or other openings in buildings and structures shall not be constructed below the levels of 180 m (591 ft.) Geodetic Survey Canada.

(d) R1-4 As shown on Schedule A, Map No.10
   (i) Additional Permitted Use
       - Storage and repair of commercial fishing supplies and gear.

(e) R1-5 As shown on Schedule A, Map No.10
   (i) Additional Permitted Use
       - Machine shop.
(f) R1-6 As shown on Schedule A, Map No.12
   (i) Zone Regulation
       - No dwellings permitted within the Zoned area.

(g) R1-7 As shown on Schedule A, Map No.12 and Map No.17A
   (i) Additional Permitted Use
       - Motel, hotel, tourist cabin, restaurant, refreshment stand, fruit or vegetable retail stand.
   (ii) Zone Requirements for Non-Residential
       - Lot frontage 61 m (200 ft.) for motel, hotel, tourist cabin
         30.0 (98 ft.) for other commercial uses
       - Minimum Lot depth 61 m (200 ft.)
       - Minimum Front yard 24 m (80 ft.)
       - Minimum Coverage 25%
       - Minimum Side yards 3.0 m (10 ft.)

(h) R1-8 As shown on Schedule A, Map No.12
   (i) Additional Permitted Use and Building
       - Construction contractor's office.
       - Storage of construction materials and equipment within one enclosed building.
   (ii) Zone Requirements for Construction Use
       - Minimum Lot area 0.48 ha (1.2 ac)
       - Minimum Lot frontage 65 m (213 ft.)

(i) R1-9 As shown on Schedule A, Map No.12
   (i) Additional Permitted Use
       - Retail sale of military clothing and accessories

(j) R1-10 As shown on Schedule A, Map No.12
   (i) Additional Permitted Use
       - Parking and storage of construction vehicles.
RESIDENTIAL 1 (R1) ZONE

(k) R1-11 As shown on Schedule A, Map No.14

(i) Permitted Uses Limited To

- Existing single detached dwelling
- Existing accessory building

(ii) Zone Requirements

- Lot area 0.48 ha (1.2 ac)
- Lot frontage 50 m (164 ft.)
- Coverage 6% for existing single detached dwelling
  7% for existing accessory building
- Front yard 3.9 m (12.8 ft.) for existing single detached dwelling
  8.0 m (26 ft.) for existing accessory building

(l) R1-12 As shown on Schedule A, Map No.16C

(i) Additional Permitted Uses and Buildings

The repair, maintenance and parking of trucks and trailers.
One building for the use permitted not to exceed one storey in height
and 148.64 m² (1600 ft.²) in area.

(ii) Zone Requirements

- Area for parking of trucks and trailers shall not exceed 362.31 m²
  (3900 ft.²).
- Driveway access for the uses permitted to the buildings and
  structures and parking area for trucks and trailers shall be from
  Second Line only.
- No buildings, structures or parking areas shall be located within
  15.0 m (49 ft.) of the top of bank of the Hunt Drain.
- Lot area 2.6 ha (6.31 ac)

(m) R1-13 As shown on Schedule A, Map No. 11

(i) Zone Requirements

- Minimum lot area 300 m² (3,229 ft²)
- Minimum lot frontage 10.0 m (33 ft)
- Minimum rear yard depth 6m (20 ft)
(n) R1-14 As shown on Schedule A, Map No. 10

(i) Additional Permitted Use
   - Home Industry

(ii) Regulation
   - Minimum Front Yard 12 m (39 ft.)

(o) R1-15 As shown on Schedule A, Map No. 12

(i) Additional Permitted Use
   - Home Industry within an existing building.

(p) R1-16 As shown on Schedule A, Map No. 10

(i) Regulation
   - Notwithstanding Section 3.13(d), a Home Occupation in an accessory workshop may be located within the required front yard.

(q) R1-17 As shown on Schedule A, Map No. 11

(i) Regulation
   - Minimum setback from railway right-of-way 15 m (50 ft.)
SECTION 9.0  RESIDENTIAL 2 (R2) ZONE

The provisions of the Residential 2 (R2) Zone shall apply to low density residential development in the Settlement Areas of the Township, which are either serviced by public water supply and sanitary sewer systems or are serviced by partial services or private services.

9.1 PERMITTED USE

Duplex dwelling
Home occupation
Single detached dwelling
Semi-detached dwelling

9.2 REGULATIONS

(a) Minimum Lot Area

(i) Where public water supply and/or public sanitary sewage systems are not available.

(ii) Where public water supply and public sanitary sewage systems are available, adequate and connected to the lot.

(b) Minimum Lot Frontage

(i) single detached dwelling 10.0 m (33 ft.)

(ii) duplex dwelling 18.0 m (59 ft.)

(iii) semi-detached dwelling 9.0 m (30 ft.)

(c) Minimum Front Yard 6.0 m (20 ft.)

(d) Minimum Exterior Side Yard 6.0 m (20 ft.)

(e) Minimum Interior Side Yard

(i) single detached dwelling 1.2 m (4.0 ft.)
SOUTHWOLD TOWNSHIP COMPREHENSIVE ZONING BY-LAW
SECTION 10.0 RESIDENTIAL 3 (R3) ZONE

The provisions of the Residential 3 (R3) Zone shall generally apply to medium density residential development in the Township, which are generally serviced by public water supply and sanitary sewer systems.

10.1 PERMITTED USES

Multiple dwelling
Street Rowhouse dwelling
Rowhouse dwelling

10.2 REGULATIONS

(a) Minimum Lot Area

(b) Minimum Lot Frontage

(i) multiple dwelling, rowhouse dwelling
30.0 m (98 ft.)

(ii) street rowhouse dwelling
6.0 m (20 ft.) for each dwelling unit on a separate lot

(c) Minimum Front Yard
6.0 m (20 ft.)

(d) Minimum Interior Side Yard

(i) street rowhouse, rowhouse dwelling
3.0 m (10 ft.)

Provided that no side yard shall be required between the common wall dividing individual dwelling units.

(ii) multiple dwelling
10.0 m (33 ft.)

(e) Minimum Exterior Side Yard

(i) street rowhouse, rowhouse dwelling
6.0 m (20 ft.)

(ii) multiple dwelling
10.0 m (33 ft.)
(f) Minimum Rear Yard 10.0 m (33 ft.)
(g) Minimum Outdoor Amenity Area 45.0 m² (484 ft.²) per dwelling unit
(h) Maximum Lot Coverage 35%
(i) Maximum Height 14.0 m (46 ft.)

10.3 SPECIAL USE REGULATIONS

10.4 SPECIAL PROVISIONS
SECTION 11.0  VILLAGE COMMERCIAL (VC) ZONE

The provisions of the Village Commercial (VC) Zone shall apply to commercial development located in the core areas of the Township Settlement Areas.

11.1 PERMITTED USES

Animal clinic
Bed and breakfast establishment
Boarding house, rooming house, or tourist home
Clinic
Club, private
Commercial recreation establishment
Commercial school
Convenience store
Day nursery
Duplicating shop
Dwelling units located above or to the rear of a permitted commercial use
Existing dwelling
Financial office
Funeral home
Home occupation accessory to an existing single dwelling
Hotel, motel or tavern
Laundromat
Library
Merchandise service shop
Office, general or professional
Parking lot
Personal service establishment
Place of assembly
Place of entertainment
Place of worship
Restaurant
Restaurant, drive-thru or take-out
Retail store
Service shop
Taxi service establishment
Video retail store

11.2 REGULATIONS

(a) Minimum Lot Area
### 11.3 SPECIAL USE REGULATIONS

#### 11.3.1 CAR WASH

Notwithstanding any previous provisions of this By-law, where permitted, a car wash may be erected, used or altered within the Village Commercial (VC) Zone provided such car wash is serviced by a public water supply system.
11.3.2 DWELLING UNITS

The following provisions apply where a part of a building used or intended for purposes of a commercial use in the Village Commercial (VC) Zone is designed, used, or intended for use as a dwelling unit:

(a) Minimum floor area of a dwelling unit in accordance with Section 3.22.

(b) Access:

Pedestrian access to each dwelling unit, other than an accessory dwelling unit, shall be provided from an adjacent street and shall be for the sole use of the occupants of the said dwelling unit and any other dwelling units located in the same building.

(c) Exception:

No building wherein gasoline, petroleum products or any other highly flammable, toxic, or explosive products are handled for commercial purposes shall have contiguous dwelling units. Where a building contains a dwelling unit, no commercial use wherein gasoline, petroleum products or any other highly flammable, toxic, or explosive products are handled for commercial purposes shall be permitted.

11.3.3 GARAGE, PUBLIC

In addition to previous provisions of this By-law, where permitted, the following provisions shall apply to a public garage in the Village Commercial (VC) Zone:

(a) maximum area for the open storage of motor vehicles

100.0 m² (1,076 ft.²)

11.3.4 GAS BARS

Notwithstanding any previous provisions of this By-law, where permitted, a canopy, kiosk or pump island accessory to a gas bar or a motor vehicle service establishment may be erected, used or altered within the Village Commercial (VC) Zone provided such canopy, kiosk or pump island is located not closer than 4.5 m (15 ft.) from a lot line or 10.6 m (35 ft.) to a dwelling located on a separate lot.

11.3.5 MOTOR VEHICLE SERVICE ESTABLISHMENT

Notwithstanding any previous provisions of this By-law, where permitted, the following provisions shall apply to a motor vehicle service establishment in the Village Commercial (VC) Zone:

(a) Minimum Lot Area

2200.0 m² (0.54 ac)

(b) Minimum Lot Frontage
(i) interior lot 45.0 m (148 ft.)
(ii) corner lot 55.0 m (180 ft.)

(c) Minimum Lot Depth 45.0 m (148 ft.)

(d) Minimum Side Yard
   (i) where the yard abuts any Residential Zone 6.0 m (20 ft.)
   (ii) interior lot 4.5 m (15 ft.)
   (iii) corner lot 18.0 m (59 ft.) on the side abutting the road and 4.5 m (15 ft.) on the other side

(e) Minimum Rear Yard 1.5 m (5 ft.)

(f) Maximum Lot Coverage 20%

11.4 SPECIAL PROVISIONS

(a) VC-1 As shown on Schedule A, Map No.12
   (i) Additional Permitted Uses
       Car Wash
       Gas Bars
       Public Garages
       Motor Vehicle Sales and Service

(b) VC-2 As shown on Schedule A, Map No.13
   (i) Additional Regulation
       Vehicular traffic into and out of the front of the building from the front yard is prohibited.
(c) VC-3 As shown on Schedule A, Map No.14

(i) Additional Regulations

Lot frontage 9.1 m (30 ft.)
4.6 m (15.1 ft.) where access is provided to
the rear of the lot from a public lane or road other
than through the front yard of a lot or a residential
Zone.

(d) VC-4 As shown on Schedule A, Map No. 14

(i) Additional Permitted Uses
- Dwelling units located below a permitted use
- Studios
- Institutional uses;

(ii) Permitted Buildings
- Existing buildings

(e) VC-5 As shown on Schedule A, Map No. 12

(i) Additional Permitted Uses
- Car Wash
- Gas Bar
- Motor Vehicle Sales and Service
- Commercial Storage Facility.
SECTION 12.0  HIGHWAY SERVICE CENTRE COMMERCIAL (HSC) ZONE

The provisions of the Highway Service Centre Commercial 1 (SC1) Zone apply to regulate primarily commercial activities suitable for a location in the vicinity of Highway No. 401.

12.1 PERMITTED USES

Convenience store, accessory to a gas bar
Fruit market
Gas Bar
Gift shop
Hotel
Motel
Motor vehicle service establishment
Restaurant
Tourist information centre
Truck transport terminal
Warehouse

12.2 REGULATIONS

(a) Minimum Lot Area 2200.0 m\(^2\) (0.54 ac)
(b) Minimum Lot Frontage 30.0 m (98 ft.)
(c) Minimum Lot Depth 150.0 m (500 ft.)
(d) Minimum Front Yard 19.0 m (62 ft.)
(e) Minimum Interior Side Yard 10.0 m (33 ft.)
(f) Minimum Exterior Side Yard 19.0 m (62 ft.)
(g) Minimum Rear Yard 10.0 m (33 ft.)
(h) Maximum Lot Coverage 20%

12.3 SPECIAL USE REGULATIONS

Ministry of Environment (or its designated agent) approval of a private sewage system.

12.4 SPECIAL PROVISIONS
SECTION 13.0 COMMERCIAL/INDUSTRIAL 1 (CM1) ZONE

The provisions of the Commercial/Industrial 1 (CM1) Zone shall apply to regulate a broad mix of commercial and industrial uses suitable for locations as part of larger contiguous commercial/industrial areas or smaller areas generally well separated from concentrations of residential and other sensitive uses.

13.1 PERMITTED USES

Aggregate processing facility
Agricultural service establishment
Agricultural supply establishment
Auction sales establishment
Automotive Use
Building or contracting establishment
Bulk sales establishment
Dry cleaning establishment
Duplicating shop
Factory outlet
Fuel depot
Laboratory
Manufacturing establishment
Merchandise service shop
Printing establishment
Retail lumber and building supply yard
Sawmill
Service trade
Transport terminal
Warehouse
Wholesale establishment

13.2 REGULATIONS

(a) Minimum Lot Area 1.6 ha (4 ac)
(b) Minimum Lot Frontage 30.0 m (98 ft.)
(c) Minimum Front Yard 7.5 m (25 ft.)
   (i) County Road and Provincial Highway 19.0 m (62 ft.)
(d) Minimum Exterior Side Yard 7.5 m (25 ft.)
   (i) County Road and Provincial Highway 19.0 m (62 ft.)
(e) Minimum Interior Side Yard
   (i) adjacent to a Commercial/Industrial Zone 3.0 m (10 ft.)
COMMERCIAL/INDUSTRIAL 1 (CM1) ZONE

(ii) adjacent to any other Zone 7.0 m (23 ft.)
(f) Minimum Rear Yard 10.0 m (33 ft.)
(g) Maximum Lot Coverage 50%
(h) Minimum Landscaped Open Space 10%
(i) Maximum Open Storage 30%

13.3 SPECIAL USE REGULATIONS
In accordance with Section 3.17 Landscaping and Planting Strips of this By-law.

13.4 SPECIAL PROVISIONS
SECTION 14.0 COMMERCIAL/INDUSTRIAL 2 (CM2) ZONE

The provisions of the Commercial/Industrial 2 (CM2) Zone shall apply to regulate a wide variety of primarily commercial activities suitable for locations in the vicinity of a settlement residential area.

14.1 PERMITTED USES

Clinic
Convenience store
Commercial recreation establishment
Day nursery
Duplicating shop
Existing dwelling
Financial offices
Industrial Mall
Laboratory
Manufacturing, assembly, altering, repairing and/or refinishing of items sold or intended to be sold solely in a retail store on the premises.
Merchandise service shop
Office
Pharmacy
Personal service establishment
Restaurant
Retail store having a maximum gross floor area of 120.0 m² (1292 ft.²)
School, private
Small repair and rental establishment
Studio
Veterinary clinic

14.2 REGULATIONS

(a) Minimum Lot Area

(b) Minimum Lot Frontage

(c) Minimum Front Yard

(i) County Road and Provincial Highway

(d) Minimum Exterior Side Yard
(i) County Road and Provincial Highway 19.0 m (62 ft.)

(e) Minimum Interior Side Yard
   (i) adjacent to a Commercial/Industrial Zone 3.0 m (10 ft.)
   (ii) adjacent to any other Zone 7.0 m (23 ft.)

(f) Minimum Rear Yard 7.0 m (23 ft.)

(g) Maximum Lot Coverage 40%

(h) Minimum Landscaped Open Space 10%

(i) Maximum Open Storage 0%

14.3 SPECIAL USE REGULATIONS

In accordance with Section 3.17 Landscaping and Planting Strips of this By-law.

14.4 SPECIAL PROVISIONS

(a) CM2-1 As shown on Schedule A, Map No. 11
   (i) Additional Permitted Uses
       - Refreshment vehicle stationed on the same lot as a permitted commercial use.
       - Retail stores having a maximum gross floor area of 1,000 m² each
   (ii) Zone Regulation
       - Minimum Front Yard 6 m (20 ft.)
       - Minimum Lot Frontage 100 m (328 ft.)
SECTION 15.0  COMMERCIAL/INDUSTRIAL 3 (CM3) ZONE

The provisions of the Commercial/Industrial 3 (CM3) Zone shall apply to regulate a range of commercial and industrial uses which have traditionally located in hamlets.

15.1 PERMITTED USES

Agricultural service establishment
Agricultural supply establishment
Bulk sales establishment
Feed mill
Grain handling and storage
Sawmill
Service trade
Transport terminal
Veterinary clinic
Warehouse
Wholesale establishment

15.2 REGULATIONS

(a) Minimum Lot Area 1,670.0 m² (17,976 ft.²)
(b) Minimum Lot Frontage 30.0 m (98 ft.)
(c) Minimum Front Yard 19.0 m (62 ft.)
(d) Minimum Exterior Side Yard 19.0 m (62 ft.)
(e) Minimum Interior Side Yard
   (i) adjacent to a Commercial/Industrial Zone 3.0 m (10 ft.)
   (ii) adjacent to any other Zone 7.0 m (23 ft.)
(f) Minimum Rear Yard 7.0 m (23 ft.)
(g) Maximum Lot Coverage 50%
(h) Minimum Landscaped Open Space 10%
(i) Maximum Open Storage 30%

15.3 SPECIAL USE REGULATIONS

In accordance with Section 3.17 Landscaping and Planting Strips of this By-law.

15.4 SPECIAL PROVISIONS

(a) CM3-1 As shown on Schedule A, Map No.4

(i) Permitted Uses
   - Existing industrial uses within existing buildings.

(b) CM3-2 As shown on Schedule A, Map No.7

(i) Additional Permitted Uses
   - Automotive use
   - Equipment rental

(c) CM3-3 As shown on Schedule A, Map No.15

(i) Additional Permitted Uses
   - Machine shop
SECTION 16.0 WASTE MANAGEMENT (WM) ZONE

The provisions of the Waste Management (WM) Zone shall apply to regulate the waste management lands which should be separated from sensitive land uses.

16.1 PERMITTED USES

Interpretive centre
Raw materials processing industry
Renewable energy system
Recycling facility
Specialized recycling facility
Storage depot
Terminal centre
Transport terminal
Warehouse
Waste disposal site

16.2 REGULATIONS

(a) Minimum Lot Area 1 ha (2.5 ac)
(b) Minimum Lot Frontage 30.0 m (98 ft.)
(c) Minimum Front Yard 19.0 m (62 ft.)
(d) Minimum Exterior Side Yard 19.0 m (62 ft.)
(e) Minimum Interior Side Yard 18.0 m (59 ft.)
(f) Minimum Rear Yard 18.0 m (59 ft.)
(g) Maximum Lot Coverage and Open Storage combined 75%
(h) Minimum Landscaped Open Space 10%

16.3 SPECIAL USE REGULATIONS

A certificate of approval from the Ministry of Environment must be obtained prior to the establishment of recycling and biomass facilities, if required. In the event of a conflict between the Regulations in Section 16.2 and the requirements of the Ministry of Environment, the requirements of the Ministry of Environment shall prevail.
16.4 SPECIAL PROVISIONS
SECTION 17.0 INSTITUTIONAL (I) ZONE

The provisions of the Institutional (I) Zone shall apply to regulate a range of institutional uses.

17.1 PERMITTED USES

- Cemetery
- Church
- Day nursery
- Museum
- Nursing home or home for the aged
- Place of assembly
- School, public or private
- Library
- Municipal building

17.2 REGULATIONS

(a) Minimum Lot Area
   (i) Public or Private Schools 0.8 ha (2 ac)
   (ii) Other Uses 1,390.0 m² (14,962 ft²)

(b) Minimum Lot Frontage
   (i) Public or Private Schools 60.0 m (197 ft)
   (ii) Other Uses 36.0 m (118 ft)

(c) Minimum Front Yard 10.0 m (33 ft)

(d) Minimum Exterior Side Yard 10.0 m (33 ft)

(e) Minimum Interior Side Yard 10.0 m (33 ft)

(f) Minimum Rear Yard 7.0 m (23 ft)

(g) Maximum Lot Coverage 35%

(h) Minimum Landscaped Open Space 30%

17.3 SPECIAL USE REGULATIONS
17.4 SPECIAL PROVISIONS

(a) I-1 As shown on Schedule A, Map No. 7

(i) Additional Permitted Uses

- Retirement home
- Multiple dwelling
- Institutional use
- Residential care home

(ii) Additional Regulations

- Maximum Height
- Maximum Number of Dwelling Units
- Maximum Floor Area for Dwelling Units
- Maximum Lot Area
- Maximum Coverage
- Parking

1 storey
70
85 m² (915 ft²)
2 ha (4.9 ac.)
30%
1.5 spaces per
Multiple dwelling unit
1 space per 23 m²
(247.5 ft²) floor area
for other permitted
uses
SECTION 18.0 OPEN SPACE (OS) ZONE

The provisions of the Open Space (OS) Zone shall apply to regulate open space and recreation uses.

18.1 PERMITTED USES

Conservation use
Forestry use
Public or private park

18.2 REGULATIONS

(a) Minimum Lot Area 930.0 m² (10,011 ft.²)
(b) Minimum Lot Frontage 15.0 m (49 ft.)
(c) Minimum Lot 30.0 m (98 ft.)
(d) Minimum Front Yard 10.0 m (33 ft.)
(e) Minimum Exterior Side Yard 10.0 m (33 ft.)
(f) Minimum Interior Side Yard 3.0 m (10 ft.)
(g) Minimum Rear Yard 7.5 m (25 ft.)
(h) Maximum Lot Coverage 30%

18.3 SPECIAL USE REGULATIONS

18.4 SPECIAL PROVISIONS

(a) OS-1 As shown on Schedule A, Map No.9
   (i) Additional Permitted Uses
       - Golf course
       - Accessory accommodations
       - Agricultural uses

(b) OS-2 As shown on Schedule A, Map No.8
   (i) Additional Permitted Uses
       - Golf course
(ii) Zone Requirements

In accordance with Sections 3.11 Hazard Lands and 3.25 Minimum Distance from Municipal Drains and Natural Watercourses.

(c) OS-3 As shown on Schedule A, Map No.10

(l) Additional Permitted Use

- Marine facility
The provisions of the Environmental Protection (EP) Zone are intended to regulate use of lands that are occupied by Provincially Significant Wetlands.

19.1 PERMITTED USES

Conservation use excluding buildings and structures
Existing use
Forestry use
Passive recreational uses devoted to the enjoyment of a natural area
Agricultural Use excluding buildings and structures
Flood or erosion control works

19.2 REGULATIONS

19.3 SPECIAL USE REGULATIONS

19.4 SPECIAL PROVISIONS
SECTION 19A.0  EXTRACTIVE INDUSTRIAL (EI) ZONE

19A.1 PERMITTED USES

Aggregate recycling facility
Agricultural use
Conservation use
Extractive use
Forestry use
Wayside Pit or Wayside Quarry

19A.2 REGULATIONS

No buildings or structures used for the processing of natural materials from the earth or for the processing of materials shall be located within 90 m of any dwelling on a separate lot. No excavation shall be established or extended to within 15 m of a lot line, zone boundary or street allowance or to within 30 m of a dwelling on a separate lot.

19A.3 SPECIAL USE REGULATIONS

19A.4 SPECIAL PROVISIONS
SECTION 20.0 SETTLEMENT RESERVE (SR) ZONE

The provisions of the Settlement Reserve (SR) Zone shall apply to lands which are primarily undeveloped. The Settlement Reserve Zone is intended to protect tracts of land in the Settlement Areas from premature development in order to provide for future comprehensive development.

20.1 PERMITTED USES

Existing farm dwellings
Agricultural uses excluding mushroom farms, commercial greenhouses and livestock operations.

20.2 REGULATIONS

In accordance with Section 5.2 the Regulations of the Agricultural 1 (A1) Zone

20.3 SPECIAL USE REGULATIONS

20.4 SPECIAL PROVISIONS
SECTION 21.0  TEMPORARY (T) ZONE

The Temporary (T) Zone applies to those lands where temporary uses have been established in accordance with the Planning Act, as amended from time to time.

21.1 PERMITTED USE

Temporary uses will be permitted subject to a site-specific Zoning By-law amendment for the time period ending as listed in Section 21.

21.2 REGULATIONS

Temporary uses will be subject to the main use zoning provisions of this By-law for the applicable zone in which the temporary use is located.

Upon termination of a Temporary (T) Zone, the lands subject to the temporary zoning will be revert to the regulations of the underlying zone prior to temporary rezoning.

21.3 SPECIAL USE REGULATIONS

21.4 SPECIAL PROVISIONS

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS ________ DAY OF _______________________, 2014

__________________________  __________________________
Mayor                                      Clerk

SOUTHWOLD TOWNSHIP COMPREHENSIVE ZONING BY-LAW  108
### APPENDIX “A” – MINIMUM DISTANCE SEPARATION

### MINIMUM DISTANCE SEPARATION | CALCULATION FORM

<table>
<thead>
<tr>
<th>Step</th>
<th>Animals Type or Material &amp; Description (Table 1)</th>
<th>Manure Form (Solid or Liquid)</th>
<th>Number/NU (Table 1)</th>
<th>Maximum Housing Capacity</th>
<th>Nutrient Units</th>
<th>Factor A (Table 1)</th>
<th>Factor D (Table 1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Total Nutrient Unit Capacity on Lot</td>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Factor A (Odour Potential)</td>
<td>Weight Average by NU (round to 2 decimal places)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Factor D (Manure or Material Form)</td>
<td>Weight Average by NU (round to 2 decimal places)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Factor E (Encroaching Land Use – Table 4)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Potential Nutrient Units: Tillable Ha on Lot</td>
<td>x 7.5 = _____ (maximum 300)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Final NU: Greater of Total NU on Lot (2) and Potential NU (6) (For expansion of a settlement area identified in the Official Plan, ignore Potential NU).</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Factor B (Nutrient Units Factor – Table 2)</td>
<td>(round to 2 decimal places)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>F: Building Base Distance (m) = Factor A (3) x Factor D (4) x Factor E (5) x Factor B (8) (round up)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>S: Manure Storage Base Distance (m) (Tables 5 &amp; 6) (round up)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Required Setback from livestock occupied portion of livestock facility = F (9) _____m Actual: ___m

Required Setback from manure or material storage area = S (10) _____m Actual: ___m
## MINIMUM DISTANCE SEPARATION II CALCULATION FORM

<table>
<thead>
<tr>
<th>Step</th>
<th>Animals Type or Material &amp; Description (Table 1)</th>
<th>Manure Form (Solid or Liquid)</th>
<th>Number/NU (Table 1)</th>
<th>Maximum Housing Capacity 3 Years Ago (1)</th>
<th>NU 3 Years Ago (1)</th>
<th>Added Maximum Housing Capacity (1)</th>
<th>Added NU (1)</th>
<th>Final NU</th>
<th>Factor A (Table 1)</th>
<th>Factor D (Table 1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Total Nutrient Unit Capacity on Lot</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Factor A (Odour Potential)</td>
<td>Weight Average by Added NU (round to 2 decimal places)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Factor D (Manure or Material Form)</td>
<td>Weight Average by Added NU (round to 2 decimal places)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Factor B (Nutrient Units Factor – Table 2 – based on Total Final NU)</td>
<td>(round to 2 decimal places)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Percentage Increase (%) = (Total Added NU / Total NU 3 Years Ago) x 100</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Factor C (Orderly Expansion Factor – Table 3)</td>
<td>(round to max 4 decimal places)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>F: Building Base Distance (m) = Factor A (3) x Factor D (4) x Factor B (5) x Factor C (7)</td>
<td>(round up)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>S: Manure Storage Base Distance (m) (Tables 5 &amp; 6)</td>
<td>(round up)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(1) Any livestock facility capacity for which a building permit was issued less than 3 years prior to the current building permit application submission date (and including the current building permit application) is to be considered added capacity.

### MDS II SUMMARY

<table>
<thead>
<tr>
<th>Factor</th>
<th>Livestock Occupied Portion Base Distance F = ____m</th>
<th>Manure Storage Base Distance S = ____m</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Required Setback (m) (‘F’ x Factor)</td>
<td>Actual Setback (m)</td>
</tr>
<tr>
<td>Type A Land Uses</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Type B Land Uses</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Interior Side or Rear Lot Line (max 30m)*</td>
<td>0.1</td>
<td></td>
</tr>
<tr>
<td>Exterior Side or Front Lot Line*</td>
<td>0.2</td>
<td></td>
</tr>
</tbody>
</table>

*Round to nearest whole number
<table>
<thead>
<tr>
<th>Animal Type or Material</th>
<th>Description</th>
<th>Number Per NU</th>
<th>Factor A</th>
<th>Manure or Material Form in Permanent Storage</th>
<th>Solid Manure: Factor D = 0.7 18 – 100% Dry Matter</th>
</tr>
</thead>
<tbody>
<tr>
<td>Swine</td>
<td>Sows with litter, dry sows/boars Segregated Early Weaning (SEW)</td>
<td>3.33</td>
<td>1.0</td>
<td>Most systems have liquid manure stored under the barn slats for short or long periods, or in storages located outside</td>
<td>Systems with solid manure inside on deep bedded packs, or with scraped alleys</td>
</tr>
<tr>
<td></td>
<td>Sows with litter, dry sows or boars (non-SEW)</td>
<td>3.5</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Breeder gilts (entire barn designed specifically for this purpose)</td>
<td>5</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Weaners (7 kg – 27 kg)</td>
<td>20</td>
<td>1.1</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Feeders (27 – 105 kg)</td>
<td>6</td>
<td>1.2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dairy Cattle</td>
<td>Milk-aging cattle (dry or milking)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Large-framed; 545 kg – 636 kg (e.g. Holsteins)</td>
<td>0.7</td>
<td></td>
<td></td>
<td>Free-stall barns with minimal bedding or sand bedding, or tie-stall barns with minimal bedding &amp; milking centre washwater added</td>
<td>Tie-stall barns with lots of bedding, or loose housing with deep bedded pack, and with or without outside yard access</td>
</tr>
<tr>
<td>Medium-framed; 455 kg – 545 kg (e.g. Guernseys)</td>
<td>0.85</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Small-framed; 364 kg – 455 kg (e.g. Jerseys)</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Heifers (5 months to freshening)</td>
<td></td>
<td></td>
<td>0.7</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Large-framed; 182 kg – 545 kg (e.g. Holsteins)</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medium-framed; 148 kg – 455 kg (e.g. Guernseys)</td>
<td>2.4</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Small-framed; 125 kg – 364 kg (e.g. Jerseys)</td>
<td>2.9</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Calves (0 – 5 months)</td>
<td>Large-framed; 45 kg – 182 kg (e.g. Holsteins)</td>
<td>6</td>
<td></td>
<td>Bedded pens or stalls or heavily bedded calf hutches that are outside</td>
<td></td>
</tr>
<tr>
<td>Medium-framed; 39 kg – 148 kg (e.g. Guernseys)</td>
<td>7</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Small-framed; 30 kg – 125 kg (e.g. Jerseys)</td>
<td>8.5</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Beef Cattle</td>
<td>Cows, including calves to weaning (all breeds)</td>
<td>1</td>
<td>0.7</td>
<td>N/A</td>
<td>Bedded pack barns with or without outside yard access</td>
</tr>
<tr>
<td>Feeders (7 – 16 months)</td>
<td>3</td>
<td></td>
<td></td>
<td>Slatted floor systems, or barns with minimal bedding &amp; yard scraped to a liquid storage</td>
<td></td>
</tr>
<tr>
<td>Backgrounders (7 – 12.5 months)</td>
<td>3</td>
<td></td>
<td>0.8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shortkeepers (12.5 – 17.5 months)</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Veal</td>
<td>Milk-fed</td>
<td>6</td>
<td>1.1</td>
<td>Slatted floors or slatted stall system</td>
<td>Heavily bedded pack barns</td>
</tr>
<tr>
<td>Grain-fed</td>
<td>6</td>
<td></td>
<td>0.8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Goats</td>
<td>Does &amp; bucks (for meat kids; includes unweaned offspring &amp; replacements)</td>
<td>8</td>
<td>0.7</td>
<td>N/A</td>
<td>Heavily bedded pack barns</td>
</tr>
<tr>
<td>Does &amp; bucks (for dairy; includes unweaned offspring &amp; replacements)</td>
<td>8</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kids (dairy or feeder kids)</td>
<td>20</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sheep</td>
<td>Ewes &amp; rams (for meat lambs; includes unweaned offspring &amp; replacements)</td>
<td>8</td>
<td>0.7</td>
<td>N/A</td>
<td>All sheep systems</td>
</tr>
<tr>
<td>Ewes &amp; rams (dairy operation; includes unweaned offspring &amp; replacements)</td>
<td>6</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lambs (dairy or feeder lambs)</td>
<td>20</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Animal Type or Material (Table 1, Page 2 of 3)</td>
<td>Description</td>
<td>Number Per NU</td>
<td>Factor A</td>
<td>Manure or Material Form in Permanent Storage</td>
<td></td>
</tr>
<tr>
<td>---------------------------------------------</td>
<td>-------------</td>
<td>--------------</td>
<td>----------</td>
<td>------------------------------------------</td>
<td></td>
</tr>
<tr>
<td><strong>Horses</strong></td>
<td></td>
<td></td>
<td></td>
<td>Liquid Manure: Factor D = 0.8 &lt;18% Dry Matter</td>
<td>Solid Manure: Factor D = 0.7 18 – 100% Dry Matter</td>
</tr>
<tr>
<td>Large-framed, mature; &gt; 681 kg (including unweaned offspring)</td>
<td>0.7</td>
<td>N/A</td>
<td></td>
<td>All horse systems</td>
<td></td>
</tr>
<tr>
<td>Medium-framed, mature; 227 kg – 680 kg (including unweaned offspring)</td>
<td>1</td>
<td>0.7</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Small-framed, mature; &lt; 227 kg (including unweaned offspring)</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Chickens</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Layer hens (for eating eggs; after transfer from pullet barn)</td>
<td>150</td>
<td>1.0</td>
<td></td>
<td>Birds in cages, manure belts, no drying of manure, water added</td>
<td></td>
</tr>
<tr>
<td>Layer pullets (day olds until transferred into layer barn)</td>
<td>500</td>
<td>0.7</td>
<td></td>
<td>Birds in cages, manure belts &amp; drying, or floor systems</td>
<td></td>
</tr>
<tr>
<td>Broiler breeder growers (males/females transferred out to layer barn)</td>
<td>300</td>
<td>0.7</td>
<td>N/A</td>
<td>Bedded floors</td>
<td></td>
</tr>
<tr>
<td>Broiler breeder layers (males/females transferred in from grower barn)</td>
<td>100</td>
<td>0.7</td>
<td>N/A</td>
<td>Cage or slatted floor systems</td>
<td></td>
</tr>
<tr>
<td>Broilers on 8 week cycle</td>
<td>350</td>
<td></td>
<td>N/A</td>
<td>Bedded floor systems</td>
<td></td>
</tr>
<tr>
<td>Broilers on 9 week cycle</td>
<td>300</td>
<td></td>
<td>N/A</td>
<td>Bedded floor systems</td>
<td></td>
</tr>
<tr>
<td>Broilers on 10 week cycle</td>
<td>250</td>
<td></td>
<td>N/A</td>
<td>Bedded floor systems</td>
<td></td>
</tr>
<tr>
<td>Broilers on 12 week cycle</td>
<td>200</td>
<td>0.7</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Broilers on any other cycle, or if unknown, use 24.8 m²/NU</td>
<td>24.8 m²</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Turkeys</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Turkey pullets (day old until transferred to layer turkey barn)</td>
<td>267</td>
<td>N/A</td>
<td></td>
<td>Bedded floor systems</td>
<td></td>
</tr>
<tr>
<td>Turkey breeder layers (males/females transferred in from grower barn)</td>
<td>67</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Breeder toms</td>
<td>45</td>
<td>0.7</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Broilers (day olds to 6.2 kg)</td>
<td>133</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hens (day olds up to 6.2 kg to 10.8 kg; 7.5 kg is typical)</td>
<td>105</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Toms (day olds to over 10.8 to 20 kg; 14.5 kg is typical)</td>
<td>75</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Turkeys at any other weights, or if unknown, use 24.8 sq. m/NU</td>
<td>24.8 m²</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Quail</strong></td>
<td>Use 24.8 m²/NU</td>
<td>24.8 m²</td>
<td>N/A</td>
<td>Bedded floor systems</td>
<td></td>
</tr>
<tr>
<td><strong>Partridge</strong></td>
<td>Use 24.8 m²/NU</td>
<td>24.8 m²</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Pheasants</strong></td>
<td>Use 24.8 m²/NU</td>
<td>24.8 m²</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Squab</strong></td>
<td>Use 24.8 m²/NU</td>
<td>24.8 m²</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Rheas</strong></td>
<td>Adults (includes replacements &amp; market birds)</td>
<td>13</td>
<td>0.7</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Emus</strong></td>
<td>Adults (includes replacements &amp; market birds)</td>
<td>12</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Ostriches</strong></td>
<td>Adults (includes replacements &amp; market birds)</td>
<td>4</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Ducks</strong></td>
<td>Peking</td>
<td>105</td>
<td>0.8</td>
<td>Wire mesh flooring systems</td>
<td>Bedded floor systems</td>
</tr>
<tr>
<td>Muscovy, use 24.8 m²/NU</td>
<td>24.8 m²</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Geese</strong></td>
<td>Use 24.8 m²/NU</td>
<td>24.8 m²</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Rabbits</strong></td>
<td>Breeding females (including males, replacements &amp; market animals)</td>
<td>40</td>
<td>N/A</td>
<td>Cage or floor systems</td>
<td></td>
</tr>
<tr>
<td><strong>Chinchillas</strong></td>
<td>Breeding females (including males, replacements &amp; market animals)</td>
<td>320</td>
<td>0.8</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Fox</strong></td>
<td>Breeding females (including males, replacements &amp; market animals)</td>
<td>25</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Mink</strong></td>
<td>Breeding females (including males, replacements &amp; market animals)</td>
<td>90</td>
<td>1.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Animal Type or Material (Table 1, Page 3 of 3)</td>
<td>Description</td>
<td>Number Per NU</td>
<td>Factor A</td>
<td>Manure or Material Form in Permanent Storage</td>
<td></td>
</tr>
<tr>
<td>--------------------------------------------</td>
<td>-------------</td>
<td>---------------</td>
<td>----------</td>
<td>-----------------------------------------------</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Liquid Manure: Factor D = 0.8 &lt;18% Dry Matter</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Solid Manure: Factor D = 0.7 18 – 100% Dry Matter</td>
<td></td>
</tr>
<tr>
<td>Bison</td>
<td>Adults (includes unweaned calves &amp; replacements)</td>
<td>1.3</td>
<td>N/A</td>
<td>Bedded pack barns without outside access OR outside confinement areas</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Feeders (170 kg – 477 kg)</td>
<td>4</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Llama</td>
<td>Adults (includes unweaned young &amp; replacements)</td>
<td>5</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Feeders (45 kg – 86 kg)</td>
<td>16</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alpaca</td>
<td>Adults (includes unweaned young &amp; replacements)</td>
<td>8</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Feeders (23 kg – 48 kg)</td>
<td>26</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wild Boar</td>
<td>Breeding age sows (includes boars, replacements &amp; weaned piglets to 27 kg)</td>
<td>5</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Finishing boars (27 kg – 86 kg)</td>
<td>7</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Deer</td>
<td>White tailed deer</td>
<td></td>
<td>0.7</td>
<td>All storages with liquid manure</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Adults 24 mo (including unweaned offspring)</td>
<td>11</td>
<td></td>
<td>All storages with solid manure</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Feeders</td>
<td>21</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Red Deer</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Adults 24 mo (including unweaned offspring)</td>
<td>7</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Feeders</td>
<td>14</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Elk</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Adults &gt; 24 mo (including unweaned offspring)</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Feeders</td>
<td>6</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Elk/deer hybrids</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Adults &gt; 24 mo (including unweaned offspring)</td>
<td>4</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Feeders</td>
<td>10</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Fallow deer</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Adults &gt; 24 mo (including unweaned offspring)</td>
<td>13</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Feeders</td>
<td>23</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other livestock not listed in this table</td>
<td>To determine the number per NU, add up the total maximum live weight of animals and divide by the weight of animals per NU in the next column</td>
<td>453.6 kg (1000 lbs)</td>
<td>0.8</td>
<td>All storages with liquid manure</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>All storages with solid manure</td>
<td></td>
</tr>
<tr>
<td>Manure imported to a lot not generating manure&lt;sup&gt;j&lt;/sup&gt;</td>
<td>Maximum capacity of permanent storages at any time: solid or liquid capacity</td>
<td>19.8 m&lt;sup&gt;3&lt;/sup&gt; (700 ft&lt;sup&gt;3&lt;/sup&gt;)</td>
<td>1.2</td>
<td>All storages with liquid manure</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>All storages with solid manure</td>
<td></td>
</tr>
<tr>
<td>Storages for digestate from an Anaerobic Digester (odours reduced during this process)</td>
<td>Maximum capacity of permanent storages at any time: solid or liquid capacity</td>
<td>19.8 m&lt;sup&gt;3&lt;/sup&gt; (700 ft&lt;sup&gt;3&lt;/sup&gt;)</td>
<td>0.5</td>
<td>All storages with liquid manure</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>All storages with solid manure</td>
<td></td>
</tr>
</tbody>
</table>

1. On farms with 100 milking-age cows (dry & milking), there are usually about 20 replacement calves and 80 replacement heifers.

2. Average value for typical types of manures that might be imported to a lot, such as poultry, dairy, beef, swine, horse or other manure.

N/A = Not Applicable
### TABLE 2: Factor B (Nutrient Units Factor)

<table>
<thead>
<tr>
<th>Final NU</th>
<th>Factor B</th>
<th>Final NU</th>
<th>Factor B</th>
<th>Final NU</th>
<th>Factor B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less</td>
<td>5 or</td>
<td>6</td>
<td>7</td>
<td>8</td>
<td>9</td>
</tr>
<tr>
<td>150</td>
<td>66</td>
<td>68</td>
<td>70</td>
<td>72</td>
<td>74</td>
</tr>
<tr>
<td></td>
<td>285</td>
<td>287</td>
<td>289</td>
<td>291</td>
<td>293</td>
</tr>
<tr>
<td>240</td>
<td>429</td>
<td>245</td>
<td>432</td>
<td>250</td>
<td>435</td>
</tr>
<tr>
<td></td>
<td></td>
<td>260</td>
<td>441</td>
<td>270</td>
<td>447</td>
</tr>
<tr>
<td></td>
<td></td>
<td>280</td>
<td>453</td>
<td>290</td>
<td>458</td>
</tr>
<tr>
<td></td>
<td></td>
<td>300</td>
<td>464</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>310</td>
<td>469</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>320</td>
<td>474</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>330</td>
<td>480</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>340</td>
<td>485</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>350</td>
<td>490</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>360</td>
<td>494</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>370</td>
<td>499</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>380</td>
<td>504</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>390</td>
<td>508</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>400</td>
<td>513</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>410</td>
<td>517</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>420</td>
<td>522</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>430</td>
<td>526</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>440</td>
<td>530</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>450</td>
<td>535</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>460</td>
<td>539</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>470</td>
<td>543</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>480</td>
<td>547</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>490</td>
<td>551</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>500</td>
<td>555</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>510</td>
<td>569</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>520</td>
<td>573</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>530</td>
<td>577</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>540</td>
<td>581</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>550</td>
<td>585</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>560</td>
<td>589</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>570</td>
<td>593</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>580</td>
<td>597</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>590</td>
<td>601</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>600</td>
<td>605</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>610</td>
<td>609</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>620</td>
<td>613</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>630</td>
<td>617</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>640</td>
<td>621</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>650</td>
<td>625</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>660</td>
<td>629</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>670</td>
<td>633</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>680</td>
<td>637</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>690</td>
<td>641</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>700</td>
<td>645</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>710</td>
<td>649</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>720</td>
<td>653</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>730</td>
<td>657</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>740</td>
<td>661</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>750</td>
<td>665</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>760</td>
<td>669</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>770</td>
<td>673</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>780</td>
<td>677</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>790</td>
<td>681</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>800</td>
<td>685</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>810</td>
<td>689</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>820</td>
<td>693</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>830</td>
<td>697</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>840</td>
<td>701</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>850</td>
<td>705</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>860</td>
<td>709</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>870</td>
<td>713</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>880</td>
<td>717</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>890</td>
<td>721</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>900</td>
<td>725</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### TABLE 3: Factor C (Orderly Expansion Factor)

<table>
<thead>
<tr>
<th>% Increase in NU</th>
<th>Factor C</th>
<th>% Increase in NU</th>
<th>Factor C</th>
</tr>
</thead>
<tbody>
<tr>
<td>0% or Decrease</td>
<td>0.5000</td>
<td>43</td>
<td>0.7666</td>
</tr>
<tr>
<td>1</td>
<td>0.5062</td>
<td>44</td>
<td>0.7728</td>
</tr>
<tr>
<td>2</td>
<td>0.5124</td>
<td>45</td>
<td>0.7790</td>
</tr>
<tr>
<td>3</td>
<td>0.5186</td>
<td>46</td>
<td>0.7852</td>
</tr>
<tr>
<td>4</td>
<td>0.5248</td>
<td>47</td>
<td>0.7914</td>
</tr>
<tr>
<td>5</td>
<td>0.5310</td>
<td>48</td>
<td>0.7976</td>
</tr>
<tr>
<td>6</td>
<td>0.5372</td>
<td>49</td>
<td>0.8038</td>
</tr>
<tr>
<td>7</td>
<td>0.5434</td>
<td>50</td>
<td>0.8100</td>
</tr>
<tr>
<td>8</td>
<td>0.5496</td>
<td>55</td>
<td>0.8167</td>
</tr>
<tr>
<td>9</td>
<td>0.5558</td>
<td>60</td>
<td>0.8230</td>
</tr>
<tr>
<td>10</td>
<td>0.5620</td>
<td>65</td>
<td>0.8294</td>
</tr>
<tr>
<td>11</td>
<td>0.5682</td>
<td>70</td>
<td>0.8357</td>
</tr>
<tr>
<td>12</td>
<td>0.5744</td>
<td>75</td>
<td>0.8420</td>
</tr>
<tr>
<td>13</td>
<td>0.5806</td>
<td>80</td>
<td>0.8484</td>
</tr>
<tr>
<td>14</td>
<td>0.5868</td>
<td>85</td>
<td>0.8547</td>
</tr>
<tr>
<td>15</td>
<td>0.5930</td>
<td>90</td>
<td>0.8610</td>
</tr>
<tr>
<td>16</td>
<td>0.5992</td>
<td>95</td>
<td>0.8674</td>
</tr>
<tr>
<td>17</td>
<td>0.6054</td>
<td>100</td>
<td>0.8737</td>
</tr>
<tr>
<td>18</td>
<td>0.6116</td>
<td>105</td>
<td>0.8800</td>
</tr>
<tr>
<td>19</td>
<td>0.6178</td>
<td>110</td>
<td>0.8864</td>
</tr>
<tr>
<td>20</td>
<td>0.6240</td>
<td>115</td>
<td>0.8927</td>
</tr>
<tr>
<td>21</td>
<td>0.6302</td>
<td>120</td>
<td>0.8990</td>
</tr>
<tr>
<td>22</td>
<td>0.6364</td>
<td>125</td>
<td>0.9054</td>
</tr>
<tr>
<td>23</td>
<td>0.6426</td>
<td>130</td>
<td>0.9117</td>
</tr>
<tr>
<td>24</td>
<td>0.6488</td>
<td>135</td>
<td>0.9180</td>
</tr>
<tr>
<td>25</td>
<td>0.6550</td>
<td>140</td>
<td>0.9244</td>
</tr>
<tr>
<td>26</td>
<td>0.6612</td>
<td>145</td>
<td>0.9307</td>
</tr>
<tr>
<td>27</td>
<td>0.6674</td>
<td>150</td>
<td>0.9371</td>
</tr>
<tr>
<td>28</td>
<td>0.6736</td>
<td>160</td>
<td>0.9447</td>
</tr>
<tr>
<td>29</td>
<td>0.6798</td>
<td>170</td>
<td>0.9511</td>
</tr>
<tr>
<td>30</td>
<td>0.6860</td>
<td>180</td>
<td>0.9575</td>
</tr>
<tr>
<td>31</td>
<td>0.6922</td>
<td>190</td>
<td>0.9624</td>
</tr>
<tr>
<td>32</td>
<td>0.6984</td>
<td>200</td>
<td>0.9751</td>
</tr>
<tr>
<td>33</td>
<td>0.7046</td>
<td>210</td>
<td>0.9877</td>
</tr>
<tr>
<td>34</td>
<td>0.7108</td>
<td>220</td>
<td>1.0000</td>
</tr>
<tr>
<td>35</td>
<td>0.7170</td>
<td>230</td>
<td>1.0280</td>
</tr>
<tr>
<td>36</td>
<td>0.7232</td>
<td>240</td>
<td>1.0560</td>
</tr>
<tr>
<td>37</td>
<td>0.7294</td>
<td>250</td>
<td>1.0840</td>
</tr>
<tr>
<td>38</td>
<td>0.7356</td>
<td>260</td>
<td>1.1120</td>
</tr>
<tr>
<td>39</td>
<td>0.7418</td>
<td>270</td>
<td>1.1400</td>
</tr>
<tr>
<td>40</td>
<td>0.7480</td>
<td>280</td>
<td></td>
</tr>
<tr>
<td>41</td>
<td>0.7542</td>
<td>290</td>
<td></td>
</tr>
<tr>
<td>42</td>
<td>0.7604</td>
<td>300</td>
<td></td>
</tr>
</tbody>
</table>

Table 2 Note: For capacities >5000 NU: consult OMAFRA, Municipal staff or, MDS Computer Program.
TABLE 4: Factor E (Encroaching Land Use Factor)

<table>
<thead>
<tr>
<th>Encroaching Land Use</th>
<th>Factor E</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type A Land Use*</td>
<td>1.1</td>
</tr>
<tr>
<td>Type B Land Use*</td>
<td>2.2</td>
</tr>
</tbody>
</table>

*See Section 2, Definitions, in Zoning By-law.

MDS I

Type A Land Uses

Type A land uses are typically characterized by uses that have a lower density of human occupancy, habitation or activity.

For the purposes of MDS I, Type A land uses include applications to rezone or redesignate agricultural lands for industrial, agricultural-related or recreational use – low intensity purposes.

Type A land uses include applications to permit:
- Construction of a dwelling on an existing lot where the municipality has determined that MDS I should be applied, or the
- Creation of up to three lots either by consent or plan of subdivision

MDS II

Type A Land Uses

For the purposes of MDS II, Type A land uses include areas zoned or designated industrial, agricultural-related or recreational use – low intensity.

Type A land uses include residential dwellings on lots zoned agriculture, rural residential, residential, or other similar zoning. This includes existing residential uses on separate lots not recognized through Official Plan designation as a residential area. Cemeteries located in an agricultural zone are also Type A land uses.

Type B Land Uses

Type B land uses are typically characterized by uses that have a higher density of human occupancy, habitation or activity.

For the purposes of MDS I, Type B land uses include applications to rezone or redesignate agricultural lands for residential, institutional, recreational use – high intensity, commercial or settlement area purposes.

Type B land uses include applications to permit:
- Creation of residential subdivisions in rural areas, or
- Expansion of a settlement area, or
- Creation of multiple residential development, or
- The creation of a lot which results in a rural residential cluster

For the purposes of MDS II, Type B land uses include areas zoned or designated settlement area, recreational use – high intensity, institutional, or commercial.

Type B land uses include areas designated in an Official Plan as residential for:
- Residential subdivisions, or
- Multiple residential, or
- Estate residential development
- Cemeteries not in an agricultural zone
<table>
<thead>
<tr>
<th>Storage Odour Potential</th>
<th>Solid or Liquid System</th>
<th>Inside or Outside Livestock Facility</th>
<th>Number referred to in Table 6</th>
<th>Description of permanent manure storages being sited by MDS II, or encroached upon through MDS I application</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Very Low</strong></td>
<td>Solid</td>
<td>Inside</td>
<td>V1</td>
<td>Solid, inside, bedded pack (manure accumulates under livestock over time)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Outside</td>
<td></td>
<td>Solid, outside, covered (cover keeps off precipitation to prevent runoff)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>V3</td>
<td>Solid, outside, no cover, greater than or equal 30% dry matter (manure is dry enough that a flowpath option can be used for runoff control (Nutrient Management Act, 2002))</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>V4</td>
<td>Solid, outside, no cover, 18% to less than 30% dry matter, with covered liquid runoff storage (manure not dry enough to soak up precipitation, so a liquid runoff storage needed but it has a permanent, tight cover)</td>
</tr>
<tr>
<td></td>
<td>Liquid</td>
<td>Inside</td>
<td>V5</td>
<td>Liquid, inside, underneath slatted floor (manure is stored under the animals in the barn)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Outside</td>
<td>V6</td>
<td>Liquid, outside, with a permanent, tight fitting cover (negative pressure tarp, concrete lid, inflatable dome, etc.)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>V7</td>
<td>Liquid, (digestate), outside, no cover (all manure has been treated through anaerobic digestion, or a similar process that reduces odours)</td>
</tr>
<tr>
<td><strong>Low</strong></td>
<td>Solid</td>
<td>Outside</td>
<td>L1</td>
<td>Solid, outside, no cover, 18% to less than 30% dry matter, with uncovered liquid runoff storage (manure not dry enough to soak up precipitation, so a liquid low runoff storage needed, but it is uncovered, producing more odour than in V4 above)</td>
</tr>
<tr>
<td></td>
<td>Liquid</td>
<td>Outside</td>
<td>L2</td>
<td>Liquid, outside, with a permanent floating cover (tarps, foam panels, etc.)</td>
</tr>
<tr>
<td><strong>Medium</strong></td>
<td>Liquid</td>
<td>Outside</td>
<td>M1</td>
<td>Liquid, outside, no cover, straight-walled storage (usually circular or rectangular, concrete or steel storages)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>M2</td>
<td>Liquid, outside, roof, but with open sides (roof keeps off precipitation, but the open sides allow wind to travel over the manure and carry odours)</td>
</tr>
<tr>
<td><strong>High</strong></td>
<td>Liquid</td>
<td>Outside</td>
<td>H1</td>
<td>Liquid, outside, no cover, sloped-sided storage (earthen manure storages, but not earthen runoff storages associated with a solid manure storage which are L1 above)</td>
</tr>
</tbody>
</table>
Table 6: MDS I/II Separation Distances for Permanent Manure Storage

<table>
<thead>
<tr>
<th>Building Base Distance (m) for MDS II (‘F’), or Encroachment Base Distance for MDS I (‘F’)</th>
<th>Storage Separation Distances Based on Relative Odour Potential – Storage Base Distance, ‘S’ (m)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Very Low Odour Storages V1 to V7</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>40</td>
<td>40</td>
</tr>
<tr>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>60</td>
<td>60</td>
</tr>
<tr>
<td>70</td>
<td>70</td>
</tr>
<tr>
<td>80</td>
<td>80</td>
</tr>
<tr>
<td>90</td>
<td>90</td>
</tr>
<tr>
<td>100</td>
<td>100</td>
</tr>
<tr>
<td>110</td>
<td>110</td>
</tr>
<tr>
<td>120</td>
<td>120</td>
</tr>
<tr>
<td>130</td>
<td>130</td>
</tr>
<tr>
<td>140</td>
<td>140</td>
</tr>
<tr>
<td>150</td>
<td>150</td>
</tr>
<tr>
<td>160</td>
<td>160</td>
</tr>
<tr>
<td>170</td>
<td>170</td>
</tr>
<tr>
<td>180</td>
<td>180</td>
</tr>
<tr>
<td>190</td>
<td>190</td>
</tr>
<tr>
<td>200</td>
<td>200</td>
</tr>
<tr>
<td>210</td>
<td>210</td>
</tr>
<tr>
<td>220</td>
<td>220</td>
</tr>
<tr>
<td>230</td>
<td>230</td>
</tr>
<tr>
<td>240</td>
<td>240</td>
</tr>
<tr>
<td>250</td>
<td>250</td>
</tr>
<tr>
<td>260</td>
<td>260</td>
</tr>
<tr>
<td>270</td>
<td>270</td>
</tr>
<tr>
<td>280</td>
<td>280</td>
</tr>
<tr>
<td>290</td>
<td>290</td>
</tr>
<tr>
<td>300</td>
<td>300</td>
</tr>
<tr>
<td>310</td>
<td>310</td>
</tr>
<tr>
<td>320</td>
<td>320</td>
</tr>
<tr>
<td>330</td>
<td>330</td>
</tr>
<tr>
<td>340</td>
<td>340</td>
</tr>
<tr>
<td>350</td>
<td>350</td>
</tr>
<tr>
<td>360</td>
<td>360</td>
</tr>
<tr>
<td>370</td>
<td>370</td>
</tr>
<tr>
<td>380</td>
<td>380</td>
</tr>
<tr>
<td>390</td>
<td>390</td>
</tr>
<tr>
<td>400</td>
<td>400</td>
</tr>
<tr>
<td>420</td>
<td>420</td>
</tr>
<tr>
<td>440</td>
<td>440</td>
</tr>
<tr>
<td>460</td>
<td>460</td>
</tr>
<tr>
<td>480</td>
<td>480</td>
</tr>
<tr>
<td>500</td>
<td>500</td>
</tr>
<tr>
<td>600</td>
<td>600</td>
</tr>
<tr>
<td>800</td>
<td>800</td>
</tr>
<tr>
<td>1000</td>
<td>1000</td>
</tr>
</tbody>
</table>

Greater than 1000 m: Storage Base Distance, ‘S’, should be the same as Building Base Distance or Encroachment Base Distance – ‘F’.
APPENDIX B

ILLUSTRATIONS
ILLUSTRATION OF BUILDING HEIGHT DEFINITIONS

FLAT ROOF

GABLE ROOF

HIP ROOF

GAMBREL ROOF

MANSARD ROOF

H - HEIGHT OF BUILDING

NOTE: THE ABOVE ILLUSTRATIONS ARE FOR CLARIFICATION AND CONVENIENCE ONLY AND DO NOT FORM PART OF THIS BY-LAW
ILLUSTRATION OF YARD DEFINITIONS

NOTE: THE ABOVE ILLUSTRATIONS ARE FOR CLARIFICATION AND CONVENIENCE ONLY AND DO NOT FORM PART OF THIS BY-LAW.
ILLUSTRATION OF LOT DEFINITIONS

LOT FRONTAGE
- Convex curved front lot line
  - No rear lot line
- Distance specified in the by-law
- Side lot line
- Point is rear yard
- Lot frontage measured by a line equal to the required front yard depth back from and parallel to the chord of the front lot line

LOT DEPTH
- Front and rear lines are not parallel
- Mid point of front lot line
- Lot depth
- Mid point of front lot line

REAR LOT LINE
- Side lot lines intersect
- Lot depth
- Mid point of front lot line
- Side lot line
- Rear lot line represented by point of intersection

LOT FRONTAGE
- Lot lines are not parallel
- Front lot line
- Rear lot line
- Side lot line
- Distance specified in the by-law
- Lot frontage measured by a line equal to the required front yard depth back from and parallel to the chord of the front lot line

LOT DEPTH
- Front and rear lot lines are parallel
- Rear lot line
- Lot depth
- Front lot line = frontage

LOT, CORNER
- Concave curved front lot line
- Distance specified in the by-law
- Chord
- Lot frontage
- Mid point of arc
- Side lot line
- Corner
- Max 135
- Lot frontage measured by a line equal to the required front yard depth back from and parallel to the chord of the front lot line

LOT, CORNER
- Curved sides
- Side lot line
- Corner
- Max 135
- Tangents to street lines drawn through extremities of interior lot line

NOTE: The above illustrations are for clarification and convenience only and do not form part of this by-law.
ILLUSTRATION OF CELLAR AND BASEMENT DEFINITIONS

WHEN 'A' IS LESS THAN 'B' THEN 'D' IS

A CELLAR

WHEN 'A' IS GREATER THAN 'B' THEN 'D' IS

A BASEMENT

NOTE: THE ABOVE ILLUSTRATIONS ARE FOR CLARIFICATION AND CONVENIENCE ONLY AND DO NOT FORM PART OF THIS BY-LAW.
Conceptual Cross Section Applying Regulation to Lake Erie Bluff

- E plus S
- 'Critical' Regulated Area

Stable Slope Allowance = \( 3 \times H \)

100 year erosion allowance