



# **THE MUNICIPALITY OF THAMES CENTRE ZONING BY-LAW**

**Passed by Municipal Council on September 11, 2006  
BY-LAW NUMBER 75-2006**

**OFFICE CONSOLIDATION – March 2024**

The Municipality of Thames Centre

**COMPREHENSIVE**  
**Zoning By-Law**

No. 75-2006

**Office Consolidation**

This office consolidation of The Municipality of Thames Centre Zoning By-Law has been provided for convenience only. This consolidation incorporates all Ontario Municipal Board decisions/orders and approved amendments up to and including **March 20, 2024.** For official documentation, reference should be made to the original amendments made to Zoning By-Law No. 75-2006. Interpretation of the Zoning By-Law shall be the responsibility of the Municipality of Thames Centre. Please contact the Planning and Developments Services Department for official interpretation of the Zoning By-Law and assistance prior to making any development application.

## INCLUDED IN THIS CONSOLIDATION

### List of Zoning By-Law Amendments

<b>By-Law No.</b>	<b>Date of Passing</b>	<b>Location</b>	<b>Zone Change</b>
87-2006	20-Nov-06	2309 Westchester Bourne	A to HC-7 & Section 15.5.7(2) Added "contractors yard or shop" as a permitted use
4-2007	22-Jan-07	5214 Marion Street	A, FD to T-A-4-1-22-2010, T-FD-1-1-22-2010 & Sections "5.6.4", "27.5"
14-2007	5-Mar-07	4454 Marion Street	M1 to M1-5 & New "19.4.5" subsection
31-2007	7-May-07	3886 Hamilton Road	Section 10.4.2(2) Added "dwelling unit" as a permitted use
52-2007	30-Jul-07	4301 Putnam Road	A to HR
60-2007	27-Aug-07	Pt Lots 14 & 15, Con II, formerly in the Township of West Nissouri, now in the Municipality of Thames Centre, in the County of Middlesex.	M3 to M2, M2-19 & Section 20.4.19 Added "Defined Area" and "Permitted Uses"
69-2007	15-Oct-07	2024 Westchester Bourne	HR to GC1-5
70-2007	15-Oct-07	21430 Nissouri Road	M3 to A
71-2007	15-Oct-07	4245 Elgin Road	A to HR
78-2007	29-Oct-07	4077 Breen Road	Section 20.4.12 Added "auction establishment" as a permitted use
87-2007	26-Nov-07	4908 Dorchester Road	A to HR
88-2007	26-Nov-07	Pt Lot 23, Con II, on the east side of Valleyview Road	RR, EP to RR-6 & New "12.4.6" subsection
3-2008	21-Jan-08	5891 Putnam Road	A to HR

9-2008	11-Feb-08	NE intersection of Marion Street & Shaw Road	M1 to M1-6 & New "19.4.6" subsection
14-2008	10-Mar-08	Pt Lot 3, Con VII, formerly in the Township of West Nissouri, now in the Municipality of Thames Centre, in the County of Middlesex.	A to M2-5
18-2008	7-Apr-08	49 Byron Avenue	M1 to R1, R1-8 & New "9.4.8 " subsection
25-2008	5-May-08	4189 Mossley Drive	M2 to I-4 & New "23.4.4" subsection
34-2008	26-May-08	Pt Lot 16, Con III formerly in the Township of West Nissouri, now in the Municipality of Thames Centre, in the County of Middlesex.	FD to OS, R1-7, R3, I, R1-h
41-2008	23-Jun-08	4350 Putnam Road	I to HR
59-2008	8-Sep-08	2544 Dorchester Road	FD-1 to h-5 R1
54-2008	8-Sep-08	23545 Wellburn Road	A to A-38, HR & New "5.5.38" subsection

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46-2008 Z19-2005	August 11, 2008	Pt. Lot 21, Con A, SRT	"A" to "HC-14" & 15.5.14 Defined Area and permitted uses	40
47-2008 Z4-2007	April 9, 2009	3998 Gladstone Drive	"A" to "A38" and "EP" to EP-4 added outdoor paintball facility	58
67-2008	October 6, 2008	257 Hamilton Cres	"M1" to "M1-7" & 19.4.7 new subsection	2-1
89-2008	December 8, 2008	48 Crampton Drive	Temporary use of land Expire 15-12-2011	
28-2009	April 6, 2009	20162 Nissouri Road	Temporary use of land Expire 06-04-2012	
29-2009	April 6, 2009	17938 Oliver Drive	Temporary use of land Expire 06-04-2012	
30-2009	April 6, 2009	6337 Marion Street	"A" to M3	38
38-2009	April 20, 2009	Part of Lot 12 Con 3, in the former Township of W. Nissouri	"A" to M3	18
44-2009	May 20, 2009	Lot 16 Con III, in the former Township of W. Nissouri	See map	3-1
48-2009	June 1, 2009	16169 Thorndale Rd, Lot 15, Con 1	M3 to "A"	17
49-2009	June 1, 2009	3810 Elgin Road - Lot 12 Con II, SRT	"A" to HR	49A
73-2009	August 31, 2009	4823 Dundas St. – Lot 9 Con 1, NRT	"A" to AGC-1 & Section 7.5.1 added "Defined Area" and "Permitted Uses"	31
77-2009	September 21, 2009	146 Railway St. – Lot 15, Con 3	R1-1 to M1-8 and Section 19.4.8 added Defined Area, Permitted Uses, Regulations	3-1
92-2009	October 26, 2009	51 Byron Ave.- Lot 18, Con B, SRT	FD to I	2-5
102-2009	December 7, 2009	Part of Lot 15, Con V, SRT, in the former Township of N. Dorchester	R1-7 to R1-12 and R1-7 to I- 5 & Section 9.4.12 & Section 23.4.5 "Defined Area and "Regulations" and "Defined Area" and "Permitted Uses"	2-6
109-2009	December 14, 2009	21473 Nissouri Rd, Part of Lot 13, Con 2, in the former Township of W. Nissouri	M3-A	17
9-2010 (Repeals By- law 46-2008)	February 8, 2010	Lot 21, Con A, SRT, in the former Township of N. Dorchester	HC-14 to HC14-h-5	40
28-2010 (Repeals By- law 18-2010)	May 10, 2010	3352 Dorchester Road, Part of Lot 18, Con 1	"A" to CR-h-3	48
31-2010	August 9, 2010	Part of Lot 16 Con III, in the former Township of W. Nissouri	R3 to R3-5 and Section 11.4.5 Added Defined Area and Regulations	3-1

<b>By-law No.</b>	<b>Date of Passing</b>	<b>Location</b>	<b>Zone Change</b>	<b>Map #</b>
48-2010	July 12, 2010	Part Lots 14 and 15, Con 2 in the former Township of W. Nissouri	M3 to M2	17
54-2010	August 9, 2010	Lot 19, Con A, SRT, in the former Township of N. Dorchester	"A" to GC1-6 and added Section 14.5..5.1 Defined Area and Permitted Uses	48
62-2010	September 13, 2010	5139 Cobble Hills Road , Part of Lot 3, Con VII, in the former Township of W. Nissouri	M2-5 to A-41 and Section 5.5.41 added Defined Area & Minimum Lot Area	29
63-2010	September 13, 2010	Lot 13, Con B, SRT in the former Township of N. Dorchester	FD to R1	42
64-2010	September 13, 2010	Part of Lot B, Con IV, SRT in the former Township of N. Dorchester	A to A-42 and added Section 5.5.42 Defined Area and Minimum Lot Area 10 ha	59
66-2010	October 4, 2010	Lot 16, Concession 3, in the former Township of West Nissouri	GC-1 to R3	3-1
2-2011	January 10, 2011	5736 Putnam Road, Part of Lot 3, Con VI, SRT in the former Township of N. Dorchester	A to HR-6 and added Section 8.4.6 Defined Area and Regulations	64A
4-2011	January 24, 2011	Part of Lot 11, Con III, in the former Township of N. Dorchester	FD to R1	2-3
5-2011	January 24, 2011	Part of Lot 16, Con B, SRT in the former Township of N. Dorchester	R3 to R3-6 and added Section 11.4.6 Defined Area and Regulations	2-6
26-2011	April 4, 2011	Trails at Wye Creek – Lot 16, Con 3 in the former Township of W. Nissouri	R1-7 to R1-13 and added Section 9.4.13 Defined Area and Regulations	3-1
46-2011	June 27, 2011	4900 Gladstone Drive – Lot B, Con 4 SRT in the former Township of N. Dorchester	A to AGC-2 and added 7.5.2 Defined Area and Permitted Uses	59
48-2011	July 11, 2011	20379 Nissouri Road, Lot 4, Con 2, in the former Township of W. Nissouri	Temporary use of land T-A-4 - 11-07-2014	26
75-2011	December 12, 2011	Lot 1, Con B SRT, in the former Township of N. Dorchester	HR to GC1-7 Amend Section 2 Definitions and added Section 14.5.5.2 Defined Area, Permitted Uses & Number of Parking Spaces	39A
76-2011	November 7, 2011	31 Mill Road, in the former Township of N. Dorchester	R1 to R1-14 Added Section 9.4.14 defined area and regulations	2-4
77-2011	November 7, 2011	245 Hamilton Crescent, in the former Township of N. Dorchester	M1 to M1-9 Added Section 19.4.9 Defined and Permitted Uses	2-1

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80-2011 (Repeals By-law 70-2011)	October 24, 2011	General Amendment to Parking Regulations	Deleted Section 4.2.1(3) and replaced with new section (3)	
90-2011	December 12, 2011	22135 Purple Hill Road, Lot 18, Con 5, in the former Township of W. Nissouri	Temporary use of land T-A-5 -31-12-2012	15
97-2011	December 12, 2011	1978 Westchester Bourne, in the former Township of N. Dorchester	GC1 to CG1-8	39A
12-2012	March 5, 2012	5862 Putnam Road	"I" to "HR"	64A
17-2012	April 2, 2012	Pt. Lot 10 Con 1 former Twp of West Nissouri	Temporary use of land T-M3-h – 1-05-2015	22
18-2012	April 2, 2012	4009 Westchester Brne. former Twp of N. Dorchester	Replace section 15.5.11 (permitted uses)	
22-2012	April 16, 2012	Pt. Lot 17 Con 2 former Twp of W. Nissouri	"A" to "M3"	13
28-2012	May 7, 2012	187 Byron Ave. former Twp of N. Dorchester	"FD-3" to "R3-7" Added Section 11.4.7 Defined area and Permitted uses	2-5
29-2012	May 7, 2012	5342 Hamilton Road	CR-4 to A	43
34-2012	June 11, 2012	17938 Oliver Drive	Temporary use of Land T-A-1 11-06-2015	12
36-2012	June 11, 2012	4540 Breen Road	Temporary use of land T-A-3 11-06-2015	45
37-2012	June 11, 2012	16662 Thorndale Road	M2 to M2-20 Added Section 20.4.20 Defined area, Permitted Uses and Regulations	13
38-2012	June 11-2012	22162 Nissouri Road	Temporary use of land T-A-2 11-06-2015	27
44-2012	June 11, 1012	Pt. Lot 25, Con IV	"I" to "A"	10
61-2012	July 16, 2012	Pt. Lot 1, Con A SRT	EP to M3	45
66-2012	August 13, 2012	Pt. Lot 16 Con III former Twp of West Nissouri	R1-h to R1-10 and R1-11 and R2-4	3-1
75-2012	Sept. 10, 2012	225 King Street	GC1 to GC1-9 added Section 14.5.5.4 Defined Area, Permitted Uses & Regulations	3-1
6-2013	Feb. 4, 2013	2823 Catherine Street	M2 to M2-21 added Section 20.4.21 Defined Area & Permitted Uses	35
7-2013	Feb. 4, 2013	Pt. Lot 16 Con III	GC1-1 to GC2-6 added Section 14.5.11 Defined Area and Permitted Uses	3-1
8-2013	Feb. 4, 2013	3300 Putnam Road	A to AGC-3 added Section 7.5.3 Defined Area and Permitted Uses	52

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13-2013	May 27, 2013	5547 Elgin Road	GC1 to GC1-10 added Section 14.5.5.5 Defined Area and Permitted Uses	62A
14-2013	Mar 4, 2013	17609 Gregory Drive	I to HR-7 HR-8 added Defined Area and Regulations	3A
15-2013	Mar 4, 2013	22135 Purple Hill Road	T-A-6 (28-02-2014)	15
16-2013	Mar 4, 2013	22157 Purple Hill Road	Change A to OS	15
32-2013	April 8, 2013	Pt. Lots 12 & 13 Con II	Change M3 to A	17
33-2013	1 <sup>st</sup> & 2 <sup>nd</sup> reading <b>(no 3<sup>rd</sup> Reading)</b>	4524 Westchester Brne	Added to Section 5.5.29 (A-29) permitted uses	
42-2013	May 6, 2013	3972 and 3950 Dundas St	HC to CR and RR-7 and CR to RR-7	26
52-2013	June 17, 2013	4211 Breen Rd	Change (I) to (M2)	52
68-2013	Sept 9, 2013	Marion Street	Change from (FD) to (R1-15)	2-3
69-2013	Nov 24, 2014	2005 Westchester Brne	GC1 to GC1-11	39A
79-2013	Oct 7, 2013	16619 Wyton Drive	Change (A) to (M2)	22
98-2013	Dec. 16, 2013	Lots 24 & 25, Con 1	Change from (A) to (A-43)	9
99-2013	Dec 16, 2013	Lot 6, Con V	Change from (I) to (A)	24
9-2014	May 8, 2017	Lot 15 Con III	Change from (FD) to (R1-16) and (OS)	3-1
14-2014	Mar 3 2014	Lots 18 & 19, Con B SRT	(FD) to R1-17, R1-18 & R3-8 added Sections 9.4.17, 9.4.18 & 11.4.8 Defined Area & Permitted Uses	2-4 2-5
21-2014	Mar 24 2014	Pt Lot 18, Con 2 NRT	Change from (A) to (M3)	33
28-2014	Mar 26 2014	4430 Dundas St.	Change from (HC-5-h) to HC	27
42-2014	May 26 2014	21778 Nissouri Rd.	M1 to M1-10 added Section 19.4.10 Defined Area and Permitted Uses	3-1
46-2014	Jun 16 2014	22135 Purple Hill Rd.	(A) to (A-44) added Section 5.5.44 Defined Area & Permitted Uses	15
47-2014	Jun 16 2014	21858 Fairview Rd.	(A) to First Density Residential (R1)	3-2
69-2014	Jun 15 2015	187 Byron Ave.	(FD-3) to (R1-19) added Section 9.4.19	2-5
76-2014	Nov 3 2014	428 Richmond St.	(M3) to (A)	32
77-2014	Nov 3 2014	Part Lot 3, Con B, SRT	Amend Definitions 2.298.1 add Propane Transfer Facility, Commercial. Change from M2 to M2-23 and add Propane Transfer Facility, Commercial as an additional permitted use.	45
85-2014	Dec 15 2014	21558 Olalondo Rd.	(A) to (M3)	17
7-2015	Feb 18 2015	20110 Purple Hill Road	(M3) to (A-h)	2-2
8-2015	Feb 9 2015	5090 Marion Street	(FD) to (R1)	28

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20-2015	Mar 2 2015	21964 Fairview Rd.	(A) to (AGC-4) added section 7.5.4	14
40-2015	May 11 2015	20110 Purple Hill Rd.	(A-h) to (A)	28
43-2015	May 11 2015	5539 Hamilton Rd.	(A) to (CR-8) added Section 18.4.8	43
58-2015	Jun 15 2015	4240 Avon Drive	(OS) to (HR)	64A
59-2015	Jun 15 2015	1135 Ideal Drive	(M3) to (M2)	17
66-2015	Jul 13 2015	Pt Lot 16, Con III (Trails @Wye Creek Phase 4b)	(R1-h) to (R1-10)	3-1
80-2015	Sept 21 2015	4159 Breen Rd.	(M2-12-h) to (M2-12)	51
93-2015	Nov 2 2015	21815 & 21819 Nissouri Rd.	(A) to (R1) & (FD-4) added Section 27.4.4	13
102-2015	Dec 14 2015	17606 Thorndale Rd.	(A) to (A-45)	15
103-2015	Dec 14 2015	22297 Fairview Rd.	(A) to (A-45) added 5.5.45(1)(b)	14
9-2016	Feb 8 2016	20082 Purple Hill Rd.	(M3) to (A)	28
10-2016	Feb 8 2016	2844 Cromarty Dr.	(A) to (M2-24) added Section 20.4.23	50
11-2016	Feb 8 2016	289 Clara St.	(FD) & (EP) to (R1-20), (FD-5) & (EP) added Sections 9.4.20 & 27.4.5	2-2
12-2016	Feb 8 2016	4524 Westchester Bourne	Amend by deleting Section 5.5.29 (A-29) and replacing with Section 5.5.29 (A-29)	54
24-2016	Mar 14 2016	17222 Oliver Drive	(A) to (A-45) added 5.5.45(1)(c)	10
29-2016	Mar 30 2016	Pt Lot 3, Con A, SRT, Pt Lot 3, Con B, SRT	(A) to (M3)	45
36-2016	Apr 11 2016	6351 Trafalgar St.	(A), (EP) & (W) to (A-45), (EP) & (W) added 5.5.45(1)(e)	33
37-2016	Apr 11 2016	3344 & 3490 Putnam Rd	(HC) & (A) to (MHP-3)	52
38-2016	Apr 11 2016	22610 Nissouri Rd	(A) & (EP) to (A-45) & (EP) added 5.5.45(1)(d)	10
51-2016	May 9 2016	5700 Gore Road	(A), (EP) & (W) to (A-45), (EP) & (W) added 5.5.45(1)(f)	32
52-2016	May 9 2016	16781 & 16791 Wyton Dr.	(A) & (EP) to (A-45) & (EP) added 5.5.45 (1)(g)	22
53-2016	May 9 2016	3600 & 3652 Dorchester Rd.	(A) & (EP) to (A-45) & (EP) added 5.5.45 (1)(h)	48
54-2016	May 9 2016	2678 Ferrar Road	(A) To (A-45) added 5.5.45 1(i)	40
56-2016	May 9 2016	2112 & 2124 Westchester Bourne	(CR-2) to (HR)	39A
63-2016	June 20 2016	23426 Heritage Road	(A) to (A-45) added 5.5.45 1(j)	7

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64-2016	June 20 2016	23330 Heritage Road	(A) to (A-45) added 5.5.45 1 <b>(k)</b>	7
65-2016	June 20 2016	Lots 3 to 5, Plan 359, Thorndale	(R1-1) to (R2-4) & (R1-8)	3-1
66-2016	June 20 2016	22058 Heritage Road	(A) & (EP) to (A-45) & (EP) added 5.5.45 1 <b>(l)</b>	15
73-2016	July 11 2016	5571 Dundas Street	(A) & (EP) to (A-45) & (EP) added 5.5.45 1 <b>(m)</b>	32
74-2016	July 11 2016	17685 Oliver Drive	(A) & (EP) to (A-45) & (EP) added 5.5.45 1 <b>(n)</b>	15
75-2016	July 11 2016	22111 Valley View Road	(A) & (EP) to (A-45) & (EP) added 5.5.45 1 <b>(o)</b>	13
76-2016	July 11 2016	4049 Catherine Street	(R1) to (R2-5)	2-2
81-2016	August 8 2016	18033 Plover Mills Road	(A) & (EP) to (A-45) & (EP) added 5.5.45 1 <b>(p)</b>	12
82-2016	August 8 2016	23166 Wellburn Road	(A) to (A-45) added 5.5.45 1 <b>(q)</b>	7
83-2016	August 8 2016	23287 Heritage Road	(A) to (A-45) added 5.5.45 1 <b>(r)</b>	6
96-2016	October 3 2016	23370 Cherry Hill Rd.	(A) & (EP) to (A-45) & (EP) added 5.5.45 1 <b>(s)</b>	8
97-2016	October 3 2016	2630 Lower Cow Path	(A), (EP) & (W) to (A-45), (EP) & (W) added 5.5.45.1 <b>(t)</b>	43
98-2016	October 3 2016	Pt Lot 16, Concession 3	(R1-h) & (EP) to (R1-10-h), (R1-21-h) and (EP)	3-1
101-2016	October 17 2016	Pt Lots 1 & 2, Concession 6	(A-h) to (A)	28
102-2016	October 17 2016	4300 Breen Road	Amend Definition "Propane transfer Facility Commercial" Section 2.298.1	N/A
107-2016	November 7 2016	22445 Fairview Road	(A) & (EP) to (A-45) & (EP) added 5.5.45.1 <b>(u)</b>	10
108-2016	August 21 2017	2648 Harris Road	(A) & (EP) to (M1-11), (R1), (R1-22) & (EP)	2-4
117-2016	December 12, 2016	3560 Westchester Bourne	(A), (EP) & (W) to (A-45), (EP) & (W) added 5.5.45.1 <b>(v)</b>	47
118-2016	December 12, 2016	23504 Wellburn Road	(A) to (A-45) added 5.5.45 1 <b>(w)</b>	7
10-2017	February 6, 2017	2356 & 2368 Hamilton Road	(HR), (GC1) & (GC1-7) to (HR-9) & (GC1-7)	39A
18-2017 Z32-2016	February 22, 2017	160 King Street	amended and replaced section 23.4.1 (permitted uses)	3-1
20-2017 Z3-2017	March 6, 2017	5090 Marion Street	(A), (EP) & (FD) to (R1), (FD-6), (A) & (EP)	2-2

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40-2017 Z8-2017	May 8, 2017	5156 Hamilton Road	(HC) to (HC-15)	37
49-2017 Z9&Z10-2016 LPAT- PL161154	May 29, 2017	20232 & 20304 Heritage Road	(A) & (EP) to (M3-5), (A-46), (A-47) & (EP)	28
53-2017 Z10-2017	June 12, 2017	23174 Cherry Hill Road	(A) To (A-45) added 5.5.45 (1) (x)	8
54-2017 Z6-2017	June 12, 2017	Part Lot 11, Con 3	(FD) to (R1-15), (OS-7), (FD-6)	2-3
<del>56-2017 Z30-2016</del>	<del>June 12, 2017</del>	<del>20162 Nissouri Road</del>	<del>(A) &amp; (EP) to (T-A-1 06-12-2020) – Expired</del>	<del>27</del>
60-2017 Z14-2017	June 26, 2017	Lot 16, Concession 3 Trails at Wye Creek – Phase 5	(R1-10-h) to (R1-10)	3-1
63-2017 Z15-2017	July 17, 2017	21778 Nissouri Road	(M1-10) to (GC2-7)	3-1
64-2017 Z13-2017	July 17, 2017	5865 Cobble Hills Road	(A) & (EP) to (A-45) & (EP) added 5.5.45(1) (y)	20
65-2017 Z16-2017	July 17, 2017	5299 Dorchester Road	(A-27) to (A)	61
66-2017 Z12-2017	July 17, 2017	Part Lot 1, Concession 3	FD & (RR) to (A-46), (FD-7) & (HC)	27
85-2017 Z17-2017	Oct 16, 2017	21034 Cherry Hill Road	(A) & (EP) to (A-45) & (EP) added 5.5.45(1) (z)	25
94-2017 Z18-2017	Nov 13, 2017	6503 Cobble Hills Rd.	(A) to (A-45) added 5.5.45(1) (aa)	12
95-2017 Z19-2017	Nov 13, 2017	6347 Cobble Hills Rd.	(A) & (EP) to (A-45) & (EP) added 5.5.45(1) (ab)	12
102-2017 Z21-2017	Dec 11, 2017	2115 Gladstone Drive	A & (EP) to (A-45) & (EP) added 5.5.45(1) (ad)	62
103-2017 Z23-2017	Dec 11, 2017	23332 Fairview Road	A) to (A-45) added 5.5.45(1) (ac)	6
104-2017 Z22-2017	Dec 11, 2017	200 Agnes Street	(MHP) to (R1-18)	2-5 3-1
4-2018 Z5-2017	Jan 8, 2018	17938 Oliver Drive	A to T-A-2 01-08-2021	12
11-2018 Z4-2017	Jan 29 2018	48 Crampton Drive	HC-12 to T-HC-12 01-29-2021	54
14-2018 Z9-2017	Feb 12 2018	Pt lots 16 & 17, Con 2, NRT	(A-45) to (M3)	33
16-2018 Z26-2017	Feb 12 2018	Pt Lot 11, Concession 3, NRT	(FD-6) to (R1-15) Section 27.4 (2) of FD Zone deleted and replaced	2-3
17-2018 Z27-2017	Feb 12 2018	1632 Harrietsville Drive	(A) to (A-45) added 5.5.45(1) (ad)	62
15-2018 Z24-2017	Mar 5 2018	Pt lot 6, Con 5	(A) to AGC-5	24

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25-2018 (Z2-2017)	Mar 5 2018	20379 Nissouri Road	A to T-A-3 03-05-2021	26
27-2018 (Z2-2018)	Mar 5 2018	24007 Cherry Hill Road	(A) to (A-45) added 5.5.45(1) (ae)	3
34-2018 (Z1-2018)	Apr 9 2018	22177 Nissouri Road	(A) to (A-45) added 5.5.45(1) (af)	13
35-2018 (Z3-2018)	Apr 9 2018	21055 Fairview Road	(A) to (A-45) added 5.5.45(1) (ag) and (A-48)	23
44-2018 (Z6-2018)	May 7/18	16760 Wyton Drive	(A) to (A-45) added 5.5.45(1) (ah)	17
48-2018 (Z7-2018)	May 28, 2018	Pt Lot 16, Con 3, Lots 7 – 37 on 33M-744  Pt Lot 16, Con 3, Lots 1 – 6 on 33M-744	(R1-10-h) to (R1-10)  (R1-21-h) to (R1-21)	3-1
51-2018 (Z9-2018)	June 11, 2018	3004 Westchester Bourne	(A) to (M2)	47
52-2018 (Z8-2018)	June 11, 2018	5328 & 5342 Gore Road	(A) to (A-45) added 5.5.45(1) (ai)	32
53-2018 (Z11-2018)	June 11, 2018	22456 Nissouri Road	(A) to (A-45) added 5.5.45(1) (ak)	10
54-2018 (Z10-2018)	June 11, 2018	17288 Oliver Drive	(A) to (A-45) added 5.5.45(1) (ak)	10
65-2018 (Z13-2018)	July 16, 2018	23046 Nissouri Road	(A) to (A-45) added 5.5.45(1) (al)	6
73-2018 (Z11-2017)	Aug 13 2018	16169 Thorndale Road	(A) to (A-49) & (M3-6) Added Section 5.5.49 & Section 21.4.46	17
76-2018 (Z14-2018)	Sept 10, 2018	17087 Wyton Drive	(A) to (A-45) added 5.5.45(1) (am)	23
87-2018 (Z15-2018)	Nov 5, 2018	146 Crampton Drive	(A) to (A-45) added 5.5.45(1) (an)	54
98-2018 (Z18-2018)	Dec 10, 2018	41 Byron Avenue	(M1) to (R1)	2-5
16-2019 (Z20-2018)	Feb 4, 2019	3490 Putnam Road	(A) to (M2-h)	52
17-2019 (Z21-2018)	Feb 4, 2019	23086 Fairview Road	(A) to (A-45) added 5.5.45(1) (ao)	6
24-2019 (Z4-2018)	March 4, 2019	20317 Purple Hill Road	(A) to (M3)	28
23-2019 (Z1-2019)	March 4, 2019	5481 Trafalgar Street	(A) to (A-45) added 5.5.45(1) (ap)	32
22-2019 (Z2-2019)	March 4, 2019	3844 Catherine Street	(R1) to (R2)	2-1
36-2019 (Z3-2019)	April 29, 2019	6434 Hamilton Road	(A) to (A-45) added 5.5.45(1) (aq)	44
32-2019 (Z4-2019)	April 29, 2019	23214 Fairview Road	(A) to (A-50) and (A-45) added 5.5.45(1) (ap)	6

<b>By-law No.</b>	<b>Date of Passing</b>	<b>Location</b>	<b>Zone Change</b>	<b>Map #</b>
33-2019 (Z5-2019)	April 29, 2019	18065 Thorndale Road	(A) to (A-45) added 5.5.45(1) (ar)	20
31-2019 (Z6-2019)	April 29, 2019	4723 Gladstone Drive	(A) to (A-48) and (A-45) added 5.5.45(1) (aq)	65
34-2019 (Z7-2019)	April 29, 2019	3416 Cromarty Drive	(A) to (AGC-6)	51
44-2019 (Z9-2019)	May 13, 2019	5387 Cobble Hills Road	(A) to (A-45) added 5.5.45(1) (as)	25
43-2019 (Z10-2019)	May 13, 2019	20422 Nissouri Road	(A) to (A-51)	27
42-2019 (Z1-2017)	May 13, 2019	Part of Lot 15, Concession 3 (West Nissouri)	(M1-h), (FD) and (EP) to (R1-22-H), (R1-23-H), (R3-9- H), (GC2-6), (OS) and (EP)	3-1
53-2019 (Z12-2019)	June 10, 2019	24054 Heritage Road	(A) to (A-45) added 5.4.45(1) (as)	3
67-2019 (Z11-2019)	July 15, 2019	20216 Purple Hill Road	(A) to (OS)	28
68-2019 (Z13-2019)	July 15, 2019	5539 Hamilton Road	(A) and (CR-8) to (CR-3)	43
72-2019 (Z8-2019)	August 12, 2019	Municipality of Thames Centre	Wellhead Protection Areas (WHPAs)	2-5, 2-6, 3-1, 3-2, 14, 15, 41, 42, 48, 49, 60 & 61
79-2019 (Z15-2019)	September 9, 2019	4292 Dundas Street	HC-2 – Deleting “bingo hall and replacing with “contractor’s yard or shop”	N/A
90-2019 (Z17-2018)	October 7, 2019	22342 Fairview Road	(A) to (A-45) added 5.4.45(1) (at)	14
89-2019 (Z17-2019)	October 7, 2019	533 Westminster Drive	(A) to (A-45) added 5.4.45(1) (au)	53
95-2019 (Z19-2018)	November 4, 2019	2 Stardust Drive	(RM) to (RM-1)	48
96-2019 (Z20-2019)	November 4, 2019	1645 Gladstone Drive	(A) to (A-45) added 5.4.45(1) (at)	62
108-2019 (Z21-2019)	December 16, 2019	233 King Street	GC1 to GC1-12	3-1
009-2020	January 27, 2020	Fairview Subdivision	(FD) to (R1-24-H), (R1-25- H), (R2-6-H), and (OS)	3-1
021-2020	March 9, 2020	Boardwalk Subdivision	(R1-17), (R1-26) & (R3-8) added 50% max coverage	2-4 2-5 41

<b>By-law No.</b>	<b>Date of Passing</b>	<b>Location</b>	<b>Zone Change</b>	<b>Map #</b>
38-2020	June 22, 2020	20162 Nissouri Road	(A) & (EP) to (T-A-1 06-22-2023)	27
40-2020	June 22, 2020	5251 Dorchester Road	(M2-15) to (T-M2-15 06-22-2023)	61
44-2020	July 13, 2020	3 Elliott Trail	(R1) to (R1-27)	3-1
55-2020	September 28, 2020	16969 Evelyn Drive	A to A-45	27
67-2020	October 26, 2020	251 King Street	R1 to R1-1	3-1
69-2020	October 26, 2020	Rosewood Subdivision – Phase 1	R1-H to R1; R1-23-H to R1-23	3-1
74-2020	November 9, 2020	Pt. Lot 9, Con 1, SRT (NDT)	A to M3 & A to A-52	50
1-2021	January 18, 2021	3674 Gore Road	A to A-45	30
10-2021	February 8, 2021	5042 Hamilton Road	FD to R1	37
16-2021	March 8, 2021	5397 & 5407 Westchester Bn.	A to A-45	53
17-2021	March 8, 2021	4211 Breen Road	M2 to M2-25	52
18-2021	March 8, 2021	3810 Elgin Road	A to A-53	50
21-2021	March 29, 2021	1281 Gladstone Drive	A to A-54 and HR	61
27-2021	April 12, 2021	3418 Catherine Street	Additional permitted uses	-
35-2021	April 26, 2021	5373 Cobble Hills Road	A to T-A-4 04-26-2024	20
42-2021	May 26, 2021	161 Queen Street	R1 to R1-28	2-5
47-2021	June 14, 2021	23234 Wellburn Road	A to A-45	7
48-2021	June 14, 2021	4008 Dundas Street	HC to HC-17	26
49-2021	June 14, 2021	4193 Hamilton Road	GC2-3 - Additional permitted uses	-
50-2021	June 14, 2021	230 King Street	GC to GC1-13	3-1
51-2021	June 14, 2021	2387 Westchester Bourne	A to A-55 & A to HC-7	39
53-2021	June 14, 2021	Rosewood Subdivision	OS to R1-23 & R3-9-H to R3-10-H, replacing Section 11.4.9	3-1
61-2021	August 9, 2021	21563 Heritage Road	A to A-45	18
71-2021	September 13, 2021	Dorchester Road at Boardwalk Way	R1-H-5 to R1	2-5
75-2021	October 4, 2021	3251 Cromarty Drive	A to T-A-F 10-4-2024	51

85-2021	November 8, 2021	1274 Shaw Road	M1 to M1-10	2-1
90-2021	December 13, 2021	22198 Fairview Road	A to T-A-6 12-13-2031	14
92-2021	December 13, 2021	Boardwalk at Mill Pond Subdivision- Phase 2	R1-17-H to R1-17	41
93-2021	December 13, 2021	16614 Thorndale Road	A to A-56	13
5-2022	January 10, 2022	18038 Thorndale Road	A to A-45	16
12-2022	February 14, 2022	2005 Westchester Bourne	GC1-11- Additional permitted uses	-
21-2022	March 28, 2022	21055 Fairview Road	A-48 to T-A-7 03-28-2025	23
29-2022	April 25, 2022	6367 Dundas Street & 6508 Trafalgar Street	A & EP to M3 & EP	33
30-2022	April 25, 2022	Pt. Lot 18, Con 3, NRT	A to M3	38
31-2022	April 25, 2022	17406 Evelyn Drive	AGC-5 replacing Section 7.5.5	-
32-2022	April 25, 2022	16364 Thorndale Road	A & EP to A-57 & EP	13
33-2022	April 25, 2022	Boardwalk at Mill Pond Subdivision- Phase 3	R1-17-H to R2-6-H	2-5 & 41
41-2022	May 16, 2022	Foxborough Subdivision- Phase 3 & 4	R1-16 to R1-27 Additional regulations	3-1
42-2022	May 16, 2022	23310 Wellburn Road	A to A-58	7
43-2022	May 16, 2022	20278 Fairview Road	A & EP to A-45 & EP	27
46-2022	May 30, 2022	17630 Gregory Drive	GC1 to HR	3A
47-2022	May 30, 2022	21778 Nissouri Road	GC2-7 replacing Section 14.5.12	-
52-2022	June 13, 2022	4540 Breen Road	A-3 replacing section 5.5.3	45
53-2022	June 13, 2022	4064 Lewis Road	A & EP to T-A-8 6-13-2032 & EP	58
57-2022	June 27, 2022	17177 Thorndale Road (Pemic Monteith Subdivision)	R1-h to R1-28-H, R1-h to R2-7-H, R1-h to R3-11-H, R1-h to OS	3-2
69-2022	July 11, 2022	North side of Marion Street, east of Clara Street	FD-6 to R1-15	2-3
70-2022	July 11, 2022	1817 Crampton Drive	A & EP to A-45	56
75-2022	August 8, 2022	21330 Heritage Road	A to A-45	19
76-2022	August 8, 2022	7061 Cobble Hills Road	A-52 & A-2 to AGC-7, A-52 & A-2 to A-2, additional permitted uses for AGC-7, replacing Section 5.5.2	4

81-2022	September 12, 2022	4529 Putnam Road	OS to HR-10	58A
85-2022	October 3, 2022	24063 Heritage Road	A to A-45	2
86-2022	October 3, 2022	17585 Gregory Drive	HR to HR-11	3A
87-2022	October 3, 2022	6868 Hamilton Road	A to M3-3	44
88-2022	October 3, 2022	286 King Street	R1 to R2-7, R1 to R1-29	3-1
89-2022	October 3, 2022	Elliott Estates Subdivision-Phase 1	R1-24-H, R1-25-H & R2-6-H to R1-24, R1-25 & R2-6	3-1
4-2023	January 16, 2023	24094 Cherry Hill Road	A to A-45	4
14-2023	February 13, 2023	17439 & 17441 Elginfield Road	A to T-A-9 02-13-2026	3
15-2023	February 13, 2023	South side of King Street and east of Nissouri Road	GC2-6 Additional permitted uses	-
16-2023	February 13, 2023	20553 Purple Hill Road	A to A-58 (DUPLICATE)	28
23-2023	March 6, 2023	3831 Elgin Road	A to A-59	49
33-2023	April 12, 2023	156 Cromarty Drive	CR-5 to RR-8	47
36-2023	April 24, 2023	Hawthorne Park Subdivision	FD to R1-30-H, FD to R3-13-H, FD to R1-30-H/ R3-13-H, FD to R3-14-H, FD to R3-12-H, FD to GC2-8-H/R3-23-H, FD to OS-8	2-5
37-2023	April 24, 2023	2700 Cow Path	A & EP to A-45 & EP	43
38-2023	April 24, 2023	20177 Purple Hill Road	M3 & EP to A & EP	28
39-2023	April 24, 2023	East side of Wellburn Rd (County Road 27), south of the hamlet of Wellburn	A-45 to A-58	7
40-2023	April 24, 2023	Municipality of Thames Centre	Housekeeping Amendment – includes numerous text and map changes	
45-2023	May 8, 2023	21699 Heritage Road	A & EP to A-45 & EP	18
46-2023	May 8, 2023	4313 Trafalgar Street	A to A-60, A to T-A-10 05-08-2026	30
48-2023	May 8, 2023	5030 Westchester Bourne	I to I-6-H	54
58-2023	June 12, 2023	22538 Purple Hill Road	A & EP to T-A-11 06-12-2033 & EP	11
60-2023	June 12, 2023	4301 Putnam Road	HR & I to HR-12	58A
61-2023	June 12, 2023	5050 Avon Drive	A to A-45	65
62-2023	June 12, 2023	Boardwalk at Mill Pond Subdivision Phase 3	R1-17-H to R1-17	41

63-2023	June 12, 2023	Rosewood Subdivision Phase 2	R1-22-H and R1-23-H to R1-22 and R1-23	3-1
69-2023	June 26, 2023	Rosewood Subdivision- Block 72 re Phase 2	R3-10-H to R3-10	3-1
70-2023	June 26, 2023	2008 Dorchester Road & 2135 Dorchester Road	Amendment to Section 4.20	-
73-2023	July 17, 2023	5242 Marion Street	FD to T-R1-01 07-17-2024/ R1-15	2-3
74-2023	July 17, 2023	4128 Mossley Drive	M3 & EP to A, A-45 & EP	51
75-2023	July 17, 2023	2300 Dorchester Road	GC2-4 Additional permitted uses and regulations	-
79-2023	August 14, 2023	2603 Dorchester Road	Existing R3-8– modification of site-specific standards	2-5 & 41
83-2023	September 11, 2023	21947 Nissouri Road	A & M3 to A-61	13
91-2023	October 16, 2023	20887 Cherry Hill Road	A to A-45	24
92-2023	October 16, 2023	3062 Cromarty Drive	M3 to M3-7-H	50
93-2023	October 16, 2023	21656 Heritage Road	A to A-45	19
94-2023	October 16, 2023	20162 Nissouri Road	T-A-1 06-22-2023 to A-62	27
100-2023	October 30, 2023	16760 Wyton Drive	T-A-12 10-30-2026	17
105-2023	November 14, 2023	23976 Heritage Road	A & EP to A-45 & EP	3
106-2023	November 14, 2023	6207 Trafalgar Street	A, EP & W to A-63, EP & W	33
107-2023	November 14, 2023	4189 Mossley Drive	I-4 Additional permitted uses	-
115-2023	November 27, 2023	6097 Cobble Hills Road	A & EP to A, EP & T-A-13 11-27-2033	16
120-2023	December 11, 2023	SW Corner of Mossley Drive & Lewis Road	A to A-64	57
121-2023	December 11, 2023	23061 Nissouri Road	A & EP to A-63 & EP (DUPLICATE)	5
12-2024	February 12, 2024	4673 Dundas Street	A to A-45	31
13-2024	February 12, 2024	3014 Crampton Drive	A & EP to A-45 & EP	57
14-2024	February 12, 2024	4406 Dundas Street	HC-3 Additional permitted use	-

### Ontario Municipal Board/Local Planning Appeal Tribunal Decisions

Decision No.	Location	Change	Map No.
2682 – October 10, 2007	Storey Drive	EP to A	

PL040791 – August 26, 2010 Appealed Zoning By-law 75-2006	Pt of Lot 10, Concession 1, formerly Township of West Nissouri	Apply T-M3-h for a three- year period with the (h) removed	
PL100-523 – April 17, 2013 <i>Z2-2010</i>	875 Donnybrook Drive	Added to Section 20.4.22 – M2-22	<b>48</b>
PL150221 – September 22, 2015 <i>Z12-2014</i>	21964 Fairview Road	Added Section 7.5.4 – AGC-4	<b>14</b>
PL161154 – July 14, 2017 <i>OPA1-2016, OPA2-2016, Z9-2016 &amp; Z10- 2016</i>	20232 & 20304 Heritage Rd.	Added Section 5.5.46 (A- 46); Section 5.5.47 (A- 47) and 21.4.4 M3-5.	<b>28</b>

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## **SCHEDULES**

- "A" ZONING MAPS
- "B" MINIMUM DISTANCE SEPARATION I (MDS I)
- "C" MINIMUM DISTANCE SEPARATION II (MDS II)
- "D" AREAS SUBJECT TO HEIGHT RESTRICTIONS OF LONDON INTERNATIONAL AIRPORT

**THE CORPORATION OF THE MUNICIPALITY OF THAMES CENTRE**

**BY-LAW NO. 75-2006**

**ZONING BY-LAW**

Being a By-Law to regulate the use of land, and the character, location and use of buildings and structures in the Municipality of Thames Centre.

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

**AND WHEREAS** the Council of the Corporation of the Municipality of Thames Centre has deemed it to be in the public interest that such a By-Law be enacted; and

**AND WHEREAS** the regulations of this By-Law are deemed to be the minimum requirements for the promotion of the health, safety, comfort, convenience, and general welfare of the inhabitants of the Municipality;

**NOW THEREFORE** the Council of the Corporation of the Municipality of Thames Centre **HEREBY ENACTS AS FOLLOWS:**

## SECTION 1. INTERPRETATION & ADMINISTRATION

### 1.1 **SHORT TITLE**

This By-Law shall be known as the "Zoning By-Law" of the Corporation of the Municipality of Thames Centre.

### 1.2 **SCOPE OF BY-LAW**

#### 1.2.1 **CONFORMITY WITH BY-LAW**

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

#### 1.2.2 **LANDS SUBJECT TO BY-LAW**

The regulations of this By-Law shall apply to all land within the boundaries of the Municipality as now or hereafter legally constituted.

#### 1.2.3 **EXISTING USE CONTINUED**

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

For the purposes of this By-Law, lawfully used will be restricted for the purposes of proof to existing as of January 1, 1980.

#### 1.2.4 **PLANS APPROVED PRIOR TO PASSING OF BY-LAW**

Nothing in this By-Law shall prevent the erection or use of any building or structure for a purpose prohibited by the provisions of this By-Law, if the plans for such building or structure were approved by the Corporation and either a building permit was issued or a Site Plan Agreement entered into prior to the date of passing of this By-Law, so long as:

- (1) when such building or structure is erected, it shall be used and shall continue to be used only for the same purpose for which the said building or structure was intended when such building permit was issued or such Site Plan Agreement was entered into and shall not be altered in any way except in conformity with the provisions of this By-Law; and

- (2) the erection of such building or structure is commenced within six (6) months after the date of passing of this By-Law and such building or structure is completed within a reasonable time after the erection thereof is commenced.

### **1.2.5 COMPLIANCE WITH OTHER RESTRICTIONS**

Nothing in this By-Law shall serve to relieve any person from the obligation to comply with the requirements of the Ontario Building Code or any other By-Law of the Municipality in force from time to time or the obligation to obtain any license, permit, authority or approval required by the Municipality or any other public authority or body.

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

From the coming into force of this By-Law, all previous By-Laws of the Corporation of the Municipality of Thames Centre, the former Township of North Dorchester and the former Township of West Nissouri, all now the Corporation of the Municipality of Thames Centre, passed pursuant to Section 34 of the Planning Act, are hereby repealed.

### **1.4 ADMINISTRATION**

This By-Law shall be administered by the Zoning Administrator or such other person as the Council of the Municipality of Thames Centre designates.

### **1.5 INSPECTION**

- (1) Subject to Clause (2) of this Subsection, the By-Law Enforcement Officer, or any other officer or employee of the Corporation appointed by Council to administer or enforce the provisions of this By-Law, is hereby authorized, upon producing proper identification, to enter at all reasonable times upon any property or premises to inspect any property on reasonable grounds that this By-Law is being contravened;
- (2) Notwithstanding anything to the contrary in Clause (1) 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 the Planning Act. The occupant shall be informed that the right of entry may be refused and entry made only under the authority of a search warrant.

### **1.6 APPLICATION FOR BUILDING PERMITS**

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

- (1) two copies of a site plan, drawn to scale and showing:

- (a) the true dimensions of the lot to be built upon or otherwise used;
  - (b) the location of all existing buildings, structures or uses on the lot;
  - (c) the proposed location, grade, height, and dimensions of any building, structure or use proposed for such lot; and
  - (d) the proposed location and dimensions of yards, landscaped open spaces, parking areas, loading spaces, existing and/or new entrances, and water, storm and sanitary services locations, where applicable;
- (2) a statement, signed by the owner, disclosing the specific existing or proposed building or structure and containing all information necessary to determine if such existing or proposed building, structure or use conforms to the requirements of this By-Law; and
- (3) two copies of a plan showing the ground level and contour lines on the lot as of the date of the application and as same will be upon completion of the proposed erection or alterations and when the re-distribution of all topsoil has been completed.

#### **1.7 ISSUANCE OF BUILDING PERMITS**

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

#### **1.8 REQUESTS FOR AMENDMENTS**

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

#### **1.9 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 such matters as are required hereby, and the said owner shall at all times bear full responsibility for ensuring compliance in all respects with this By-Law.

#### **1.10 NON-CONFORMING BUILDING LOCATION**

Notwithstanding any other aspect of this By-Law, any lot, and the location thereon of any building, or structure thereto, which existed on or before January 1, 1980, shall be deemed to comply with the relevant regulations for setback, building line, front yard, side yard, rear yard, and lot coverage.

## **1.11 BUILDINGS TO BE MOVED**

No building shall be moved within the limits of the Municipality or shall be moved into the Municipality from outside without a permit from the Chief Building Official.

## **1.12 LICENSES AND PERMITS**

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

## **1.13 INTERPRETATION OF BY-LAW**

### **1.13.1 DEFINITIONS**

In this By-Law, unless the context requires otherwise, the definitions and interpretations set out in Section 2 hereof shall apply. Words not defined shall have the customary meaning.

### **1.13.2 NUMBERING SYSTEM**

The provisions of this By-Law have been numbered using a decimal system and are referred to as “Sections” and “Subsections”, for example Section 1, Subsection 1.4 and Subsection 1.4.2. Some Sections and/or Subsections are divided into Clauses, for example 4.12 (3) is referred to as Clause (3) of Subsection 4.12. Some are further divided into Subclauses, for example 4.12 (3) (a) is referred to as Subclause (a) of Clause 3 of Subsection 4.12.

### **1.13.3 SINGULAR AND PLURAL WORDS AND GENDERS**

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

- (1) words used in the singular include the plural;
- (2) words used in the plural include the singular; and
- (3) words used in the masculine gender include the feminine and neuter.

### **1.13.4 “SHALL” IS MANDATORY**

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

### **1.13.5 “USE” AND “OCCUPY”**

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

- (1) the verb “use” shall include “design to be used”, “arrange to be used”, “intend to be used”, and “permit to be used”; and
- (2) the verb “occupy” shall include “design to be occupied”, “arrange to be occupied”, “intend to be occupied”, and “permit to be occupied”.

#### **1.13.6 “BUILDING” AND “STRUCTURE”**

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

- (1) A "building" or "structure" shall include any part thereof.

### **1.14 MEASUREMENTS**

All measurements of length, height or area used in this By-Law shall be subject to the normal rules of rounding numbers, within the degree of precision specified by the number of digits following the decimal point (if any), so that:

- (1) For a WHOLE NUMBER, measurements of LESS THAN 0.5 shall be rounded DOWNWARD to the next whole unit;
- (2) For a WHOLE NUMBER, measurements of 0.5 AND GREATER shall be rounded UPWARD to the next whole unit;
- (3) For a number having ONE DECIMAL PLACE, measurements of LESS THAN 0.05 shall be rounded DOWNWARD to the next one-tenth unit;
- (4) For a number of ONE DECIMAL PLACE, measurements of 0.05 AND GREATER shall be rounded UPWARD to the next one-tenth unit.
- (5) Ratios and percentage figures shall not be subject to rounding.

### **1.15 SCHEDULES TO BY-LAW**

#### **1.15.1 PART OF BY-LAW**

Schedules “A”, “B”, “C”, and “D” which are attached hereto and described in this Subsection, are hereby made a part of this By-Law as fully and to all intents and purposes as though recited in full herein.

#### **1.15.2 SCHEDULE “A” – ZONE MAPS**

The extent and boundaries of all Zones are set out on the maps comprising Schedule “A” hereto and shall be interpreted in accordance with the following:

- (1) Boundaries of zones shall be construed, wherever possible, to be concurrent with lot lines, property boundaries, centrelines of streets, street lines, high water marks, top of bank or other Conservation Authority regulation lines, boundaries of right-of-ways for railways, hydro-electric transmission corridors or pipelines, or boundaries of registered plans.
- (2) In the event that a street or lane which forms the boundary between two or more different zones is closed, the boundary between such zones shall be construed as the former centreline of the said closed street or lane.
- (3) Where uncertainty exists as to the location of a zone boundary on Schedule “A” hereto or on a Schedule to any amendment to this By-Law, reference shall be made to the original zone maps at scales of 1:16,000, 1:8,000, and 1:5,000, as contained in the Municipal Offices and shall be deemed to be the centre point of the line on such Schedule which denotes the said zone boundary.

#### **1.15.3 SCHEDULE “B” – MDS I**

Schedule “B” contains the tables and formulae for calculating the Minimum Distance Separation Type I - MDS I for livestock facilities and for manure storage.

#### **1.15.4 SCHEDULE “C” – MDS II**

Schedule “C” contains the tables and formulae for calculating the Minimum Distance Separation Type II - MDS II for additions to livestock facilities or manure storage.

#### **1.15.5 SCHEDULE “D” – CITY OF LONDON AIRPORT HEIGHT RESTRICTIONS**

Schedule “D” outlines the areas affected by the City of London Airport Height Restrictions.

### **1.16 VIOLATIONS AND PENALTIES**

- (1) Every person who knowingly contravenes this By-Law is guilty of an offence and on conviction is liable:
  - (a) on a first conviction, to a fine of not more than \$25,000; and
  - (b) on a subsequent conviction, to a fine of not more than \$10,000 for each day thereof upon which the contravention has continued after the day on which the person was first convicted.

- (2) Where a corporation is convicted under Clause (1), the maximum penalty that may be imposed is:
- (a) on a first conviction, a fine of not more than \$50,000; and
  - (b) on a subsequent conviction, a fine of not more than \$25,000 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted and not as provided in Clause (1).

### **1.17 REMEDIES**

Where any building or structure is erected, altered, reconstructed, extended or enlarged, or any building or structure or part thereof is used, or any lot is used, in contravention of any requirements or other provisions of this By-Law, such contravention may be removed or altered at the instance of the Corporation pursuant to the provisions of the Planning Act or The Municipal Act, as amended from time to time.

Where a conviction is entered under Subsection 1.16, in addition to any other remedy or any penalty provided by law, the court in which the conviction was entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.

### **1.18 VALIDITY**

If any Section, Clause or provision of this By-Law, including anything contained in the Schedules attached hereto, is for any reason declared by a court of competent jurisdiction to be invalid, all of the remaining Sections, Clauses, provisions or Schedules of this By-Law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

### **1.19 EFFECTIVE DATE**

This By-Law shall come into force on the day it is passed subject to the Planning Act, as amended or revised from time to time.

## SECTION 2. DEFINITIONS

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

### **2.1 ABATTOIR**

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

### **2.2 ACCESS DRIVEWAY – see DRIVEWAY.**

### **2.3 ACCESS RAMP**

Access Ramp, means that part of a driveway or passageway used to provide access to and from a parking area which is within the limits of a street allowance.

### **2.4 ACCESSORY BUILDING**

Accessory Building, means a building or structure which is customarily incidental and subordinate to the main use of the lot. An accessory building must be separate (detached) from the main building and located on the same lot as the main building. Farm machine sheds or other similar agricultural storage buildings, not including buildings used for the harbouring or keeping of animals, shall be deemed accessory buildings in an Agricultural Zone for the purpose of this By-Law. Such items as heat pumps, air exchangers or outdoor air conditioning units are also to be treated as accessory buildings.

### **2.5 ACCESSORY DWELLING UNIT – see DWELLING UNIT, ACCESSORY.**

### **2.6 ACCESSORY USE**

Accessory Use, means a use customarily incidental, subordinate and exclusively devoted to the main use and carried on with such main use on the same lot.

### **2.7 ADULT ENTERTAINMENT PARLOUR**

Adult Entertainment Parlour, means any premises or part thereof used, in pursuance of any trade, calling, business or occupation, for the purpose of a live performance, exhibition or activity designed to appeal to erotic or sexual appetites or inclinations, of which a principal feature or characteristic is the nudity or partial nudity of any person, and in respect of which the word “nude”, “naked”, “topless”, “bottomless”, or “sexy”, or any other word, picture, symbol or representation having like meaning or implication may be used on any sign, advertisement, or advertisement device, and without restricting the generality of the foregoing, includes any performance, exhibition, or activity involving striptease dancers, go-go dancers, exotic dancers, wet clothing contests or best body parts contests.

**2.8 AGGREGATE**

Aggregate means gravel, sand, clay, earth (excluding topsoil and peat), shale, stone, limestone, dolostone, sandstone, marble, granite, rock (other than metallic ores), or other prescribed material as defined by the Aggregate Resources Act, R.S.O., 1990, as amended or revised from time to time.

**2.9 AGRICULTURAL EQUIPMENT SALES AND SERVICE ESTABLISHMENT**

Agricultural Equipment Sales and Service Establishment, means a lot, building or structure where the business of selling, renting or leasing of new or used farm equipment and machinery, or both, is conducted and may include the display, storage and sale of such equipment; the servicing and repair of such equipment; the storage, display and sale, renting or leasing of related accessories and products; and, offices, show rooms and sales rooms.

**2.10 AGRICULTURAL RELATED COMMERCIAL USE**

Agricultural Related Commercial Use, means a use directly related to agriculture and requiring proximity to farm operations and includes such uses as animal husbandry services, produce or grain storage facilities, agricultural service and supply establishments, agricultural equipment sales and service establishments, and farm market uses.

**2.11 AGRICULTURAL SERVICE AND SUPPLY ESTABLISHMENT**

Agricultural Service and Supply Establishment, means premises used for the supply of goods, materials or services that support agricultural uses including the sale and storage of seed, feed, fertilizer and chemical products and the rental, sale, repair or service of agricultural equipment or implements or any combination of the foregoing.

**2.12 AGRICULTURAL USE**

Agricultural Use, means the cultivation of land, the production of crops and the processing and selling of such products on a lot, and the breeding, raising, and care of livestock and the selling of such livestock or the products of such livestock raised on a lot and, without limiting the generality of the foregoing, may include animal husbandry, aquaculture, fur farming and the raising and harvesting of field, bush, tree or vine crops, market gardening, farm greenhouses, and sod farming. However, "agricultural use" does not include facilities for the permanent or temporary housing of persons employed on the lot, an abattoir or any premises used for the killing of livestock or the processing of meat, a mushroom farm, or an intensive agricultural use as defined below.

**2.13 AGRICULTURAL USE, INTENSIVE LIVESTOCK**

Agricultural Use, Intensive Livestock, means an agricultural use consisting of the raising, harbouring, breeding or care of a specific type of livestock or poultry in a manner in which the number of livestock units at any time is greater than a ratio equal to 5 livestock units per tillable hectare (2 livestock units per acre). In addition, any combination of livestock or poultry types shall constitute an intensive livestock agricultural use if the total number of animals (livestock and poultry) results in a total number of livestock units greater than 5 per tillable hectare (2 per acre). Notwithstanding the above definition, any

livestock or poultry operation consisting of a total of one hundred and fifty (150) or more livestock units shall be considered an intensive livestock agricultural use for the purposes of this By-Law. An intensive livestock operation includes any farm dwelling, the land base and accessory buildings and uses.

**2.14 AGRICULTURAL USE, LIVESTOCK FACILITY**

Agricultural Use, Livestock Facility, means a barn, building, or structure where livestock is housed or intended to be housed, including a beef feedlot, and shall also include associated manure storage facilities.

**2.15 AISLE, PARKING - see PARKING AISLE.**

**2.16 ALLEY – see LANE OR ALLEY.**

**2.17 ALTER**

Alter, means:

- (1) when used in reference to a building, structure or part thereof, means to change any one or more of the internal or external dimensions of such building or structure or to change the type of construction of the exterior walls or roof thereof;
- (2) when used in reference to a lot, means to change the width, depth or area thereof or to change the width, depth or area of any required yard, setback, landscaped open space or parking area, or to change the location of any boundary of such lot with respect to a street or lane, whether such alteration is made by conveyance or alienation of any portion of said lot, or otherwise; or,
- (3) when used in reference to a use, means to discontinue and replace a use, in whole or in part, with a use which is defined herein as being distinct from the discontinued use or to add a new use to an existing use.

The words "altered" and "alteration" shall have corresponding meanings.

**2.18 AMBULANCE SERVICE ESTABLISHMENT**

Ambulance Services Establishment, means an establishment that provides suitable accommodation for emergency crews and ambulance vehicles, and may include a lounge room, kitchen, locker rooms and change areas, storage rooms, washroom facilities, administrative offices, and garage space for ambulance vehicles.

**2.19 AMUSEMENT GAME MACHINE**

Amusement Game Machine, means a machine, device or contrivance used for playing any game of chance or skill, or which is used to afford entertainment or amusement to the operator and, without limiting the generality of the foregoing, includes what is commonly known as a pinball game, an electronic game, and a video game.

**2.20 AMUSEMENT PARK**

Amusement Park, means a commercial recreational establishment with or without permanent buildings or structures where rides, games of chance and the sale of food, beverages, toys and souvenirs constitutes the main use.

**2.21 ANIMAL CLINIC – see VETERINARY CLINIC and VETERINARY CLINIC, SMALL ANIMAL.**

**2.22 ANIMAL UNIT – see LIVESTOCK UNIT.**

**2.23 ARCADE**

Arcade, means a building, normally open to the public, in which is used or provided, three (3) or more amusement game machines.

**2.24 AREA OF BUILDING**

Area of Building, means the maximum horizontal projected area of a building, including enclosed porches, but exclusive of steps, terraces, or cornices.

**2.25 APARTMENT BUILDING – see DWELLING, APARTMENT.**

**2.26 ART GALLERY**

Art Gallery, means a building or part thereof where works of art, such as paintings, sculpture, pottery, glass and weaving are displayed for public viewing.

**2.27 ASSEMBLY HALL**

Assembly Hall, means a building, in which facilities are provided for such largely non-business purposes as meetings for civic, education, political, religious, or social purposes.

**2.28 ATTACHED**

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

**2.29 ATTIC**

Attic, means that portion of a building between the roof and the ceiling of the top storey.

**2.30 AUCTION ESTABLISHMENT**

Auction Establishment, means a building or part thereof used for the retail sale of articles or goods to the members of the public bidding the highest offer for the article or goods during the sale proceedings.

**2.31 AUDITORIUM**

Auditorium, means a building or structure, or part thereof, where facilities are provided for athletic, civic, educational, recreational, political, religious, or social events, including, but not so as to limit the generality of the foregoing, an arena, curling rink, museum, community centre, assembly hall, pool hall, gymnasium, stadium, cinema, theatre, or playhouse.

**2.32 AUTOMOBILE**

Automobile, means a self-propelled vehicle including a car, a light truck and a motorcycle used for land transportation but does not include motorized construction equipment or farm equipment, a motor home, a snowmobile, a boat, recreational vehicles, a trailer or farm implement, a truck tractor or tractor trailer or any other device which is capable of being driven, propelled or drawn by any kind of power, a bicycle or any other device powered solely by means of human effort.

**2.33 AUTOMOBILE SERVICE STATION**

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 excluding body and fender work.

**2.34 AUTOMOBILE SUPPLY STORE**

Automobile Supply Store, means a building or part thereof used for the purpose of retail sale of equipment and parts used to repair, service or customize motor vehicles. This does not include any installations or repairs.

**2.35 AUTOMOBILE WRECKING YARD – see SALVAGE YARD.**

**2.36 AUTOMOTIVE USE**

Automotive Use, means an automobile service station, a gas bar, a vehicle repair garage, a car wash, a body shop or a vehicle sales or rental establishment as defined herein.

**2.37 BAKE SHOP**

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

**2.38 BAKERY**

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

**2.39 BALCONY**

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.

**2.40 BANK – see FINANCIAL INSTITUTION.**

- 2.41 BANQUET HALL**  
Banquet Hall, means a privately owned and operated building designed, used or intended for use as a meeting place by the public for which rental charges are paid, and may include associated dining rooms and beverage rooms but does not include a club or restaurant as defined elsewhere by this By-Law.
- 2.42 BARBER SHOP** – see **HAIRDRESSING ESTABLISHMENT**.
- 2.43 BASEMENT**  
Basement, means that portion of a building between two floor levels which is partly underground but which has at least one-half of its height from finished floor to finished ceiling above adjacent finished ground surface or grade.
- 2.44 BATCHING PLANT, ASPHALT**  
Batching Plant, Asphalt, means an industrial establishment used for the production of asphalt, or asphalt products used in building or construction and includes facilities for the administration and management of the business, the stockpiling of bulk materials used in the production process or a finished product manufactured on the premises and the storage and maintenance of required equipment, but does not include the retail sales of finished asphalt.
- 2.45 BATCHING PLANT, CONCRETE**  
Batching Plant, Concrete, means an industrial establishment used for the production of concrete, or concrete products used in building or construction and includes facilities for the administration and management of the business, the stockpiling of bulk materials used in the production process or a finished product manufactured on the premises and the storage and maintenance of required equipment, but does not include the retail sales of finished concrete.
- 2.46 BATCHING PLANT, PORTABLE ASPHALT**  
Batching Plant, Portable Asphalt, means a temporary asphalt batching plant established for a Provincial or Municipal road project.
- 2.47 BED AND BREAKFAST ESTABLISHMENT**  
Bed and Breakfast Establishment, means a single detached dwelling in which not more than two rooms are made available by the person or persons occupying the said dwelling for the temporary accommodation of the traveling or vacationing public and within which light meals may be offered. This does not include a group home, hotel/motel, lodging house, or restaurant, as defined herein.
- 2.48 BINGO HALL**  
Bingo Hall, means a building or structure used for the playing of bingo games which are regulated by the Alcohol and Gaming Control Commission and the Criminal Code of Canada as amended from time to time.
- 2.49 BOARDING HOUSE** – see **LODGING HOUSE**.

- 2.50 BODY SHOP**  
Body Shop, means an establishment engaged primarily in the repairing or painting of automobile or vehicle bodies.
- 2.51 BREWING ON PREMISES ESTABLISHMENT**  
Brewing on Premises Establishment, means a commercial establishment where individuals produce beer, wine and/or cider, for personal use and consumption off the premises; and where beer, wine and/or cider ingredients and materials are purchased, and an equipment and storage area is used for a fee by the same individuals.
- 2.52 BUILDING**  
Building, means any structure consisting of walls and a roof, whether temporary or permanent, designed, used or intended for sheltering any use of occupancy or enclosure of persons, animals, or chattels, and includes accessory buildings and structures such as heat pumps or air exchangers, but shall not include a boundary wall, fence, tent, travel trailer, camping trailer, truck camper, motor home or other vehicle.
- 2.53 BUILDING AREA** – see **AREA OF BUILDING**.
- 2.54 BUILDING ENVELOPE** – see **AREA OF BUILDING**.
- 2.55 BUILDING HEIGHT** – see **HEIGHT**.
- 2.56 BUILDING LINE**  
Building Line, shall mean a line within a lot drawn parallel to a lot line which establishes the minimum distance between the lot line and any building or structure which may be erected. Where the lot line is a curve, the same shall apply.
- 2.57 BUILDING LINE, ESTABLISHED**  
Building Line, Established, means a building line considered to be established between existing buildings where at least five (5) main buildings have been erected on any one side of a continuous one hundred and fifty (150) metre strip of land fronting on a street or road. The established building line shall thus mean the average setback of the existing main buildings.
- 2.58 BUILDING SUPPLY OUTLET**  
Building Supply Outlet, means a premises used for storage, milling, and wholesale sales of a broad range of building materials and tools, and which may include a retail operation.
- 2.59 BULK SALES ESTABLISHMENT**  
Bulk Sales Establishment, means the use of land, buildings, or structure for the purpose of buying, selling, and storing fuel oil, wood, lumber, building materials, or similar bulk commodities but excludes any manufacturing, assembling, or processing of these commodities.

- 2.60 BUS**  
Bus, means a motor vehicle designed for carrying ten (10) or more passengers and used for the transportation of persons, and shall include any vehicle designed, built and formerly operated as a bus which has since been converted for private use.
- 2.61 BY-LAW ENFORCEMENT OFFICER**  
By-law Enforcement Officer, means an officer or employee of the Corporation charged with the duties of enforcing this By-Law.
- 2.62 CAMPGROUND**  
Campground, means a parcel of land used or maintained as an overnight tenting or camping area, where people are temporarily accommodated in tents, trailers or similar facilities, whether or not a fee or charge is paid for the rental thereof, but does not include a mobile home or a mobile home park or a park model trailer.
- 2.63 CANOPY, WEATHER**  
Canopy Weather, means a permanent unenclosed roof structure erected for the purpose of sheltering automobile or vehicle fuel pumps and dispenser islands from the weather.
- 2.64 CARPORT** – see **GARAGE, PRIVATE**.
- 2.65 CAR WASH ESTABLISHMENT, AUTOMATED**  
Car Wash Establishment, Automated, means a premise containing automated facilities for the washing, waxing and detailing of automobiles for a fee and may include a manual car wash establishment as defined herein.
- 2.66 CAR WASH ESTABLISHMENT, MANUAL**  
Car Wash Establishment, Manual, means a premise containing facilities for the washing, waxing and detailing of automobiles by hand for a fee but does not include an automated car wash establishment as defined herein.
- 2.67 CATERER'S ESTABLISHMENT**  
Caterer's Establishment, means an establishment in which food and beverages are prepared for consumption off the premises and are not served to customers on the premises or to take out, but does not include a food service establishment.
- 2.68 CELLAR**  
Cellar, means that portion of a building between two floor levels which is partly or wholly underground but which has more than one-half of its height from finished floor to ceiling below adjacent finished ground surface or grade.
- 2.69 CEMETERY**  
Cemetery, means the use of land, buildings, or structure for the interment of the deceased or in which human bodies have been buried and may include a crematorium, mausoleum and a columbarium.

**2.70 CHRONIC CARE FACILITY**

Chronic Care Facility, means a home for the aged, rest home, a hospital, or licensed facility where the elderly or chronically ill reside and are cared for.

**2.71 CHURCH – see PLACE OF WORSHIP.**

**2.72 CLINIC**

Clinic, means a building, designed, used, or intended for the purposes of medical or dental practice and, without limiting the generality of the foregoing, may include the offices or consulting rooms of members of the medical or dental professions or of a chiropractor, as well as waiting rooms, treatment rooms, laboratories and dispensaries directly associated with the clinic.

**2.73 CLUB**

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

**2.74 COMBAT GAMES**

Combat Games, means any form of play, sport or amusement which simulates combat, armed conflict or military operations.

**2.75 COMMERCIAL RECREATION ESTABLISHMENT**

Commercial Recreation Establishment, means a building, or part thereof, used for the purposes of an arena, assembly 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, or sports simulation, but not including a place of entertainment, an amusement park or any other place of entertainment or amusement otherwise defined or classified herein, a recreational trailer park, campground, or drive-in theatre.

**2.76 COMMERCIAL USE**

Commercial Use, means the use of land or buildings for the purposes of buying and/or selling commodities and supplying services.

**2.77 COMMUNAL WASTE DISPOSAL SYSTEM, - see SANITARY SEWER.**

**2.78 COMMUNITY CENTRE**

Community Centre, means a building used for community activities, the control of which is vested in the Municipality, a local board, or trustees.

**2.79 CONDOMINIUM**

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

**2.80 CONSENT**

Consent, means the approval of the severance of land pursuant to the provisions of the Planning Act, as amended from time to time.

**2.81 CONSERVATION AREA**

Conservation Area, means an area of land owned by a Conservation Authority and any other environmentally significant area used solely for the protection, maintenance and improvement of components of the natural environment, including land, soil, water and vegetation.

**2.82 CONSERVATION AUTHORITY**

Conservation Authority, means a conservation authority established under the Conservation Authorities Act, as amended or revised from time to time, having jurisdiction in the Municipality of Thames Centre.

**2.83 CONSERVATION USE**

Conservation Use, means the use of land and/or water for the purpose of planned management of natural resources.

**2.84 CONTAMINANT**

Contaminant, means any solid, liquid, gas, odour, heat, sound, vibration, radiation, or combination of any of them resulting directly or indirectly from the activities of man that may:

- (1) impair the quality of the natural environment for any use that can be made of it;
- (2) cause injury or damage to property or to plant or animal life;
- (3) cause harm or material discomfort to any person;
- (4) adversely affect the health or impair the safety of any person;
- (5) render any property or plant or animal life unfit for use by man;
- (6) cause loss of enjoyment of normal use of property, or interfere with the normal conduct of business.

**2.85 CONTINUUM-OF-CARE FACILITY**

Continuum-of-Care Facility, means a nursing home in association with such facilities as hospitals, clinics, retirement lodges, recreation centres, cafeterias and personal service establishments.

**2.86 CONTRACTOR'S YARD OR SHOP**

Contractor's Yard or Shop, means the use of land, buildings, or structures for the purpose of storing equipment, vehicles, or material, or for performing shop work or assembly work by any building trade or other construction contractor.

**2.87 CONVENIENCE STORE**

Convenience Store, means a retail food store, confectionery, delicatessen, grocery store, or groceteria having a gross floor area of 300.0 square metres or less, or as determined by the zone standards, where a variety of both household and grocery items

are offered for sale primarily to serve the daily needs of people and may include the rental of videos, an automated banking machine and/or depots for such items as film, laundry or dry cleaning, and an area devoted to food preparation for consumption on or off the premises, provided the gross floor area for the sale of food preparation does not exceed ten percent (10%) of the gross floor area to a maximum of 30.0 square metres.

**2.88 CONVERTED DWELLING** – see **DWELLING, CONVERTED.**

**2.89 CORPORATION**

Corporation, means the Corporation of the Municipality of Thames Centre.

**2.90 CORRECTIONAL AND DETENTION CENTRE**

Correctional and Detention Centre, means a building established or continued under the Ministry of Correctional Services Act, but does not include a Training School established under the Training School Act, or a lock-up established under the Municipal Act.

**2.91 COUNCIL**

Council, means the Municipal Council of the Corporation of the Municipality of Thames Centre.

**2.92 COUNTY**

County, means the Corporation of the County of Middlesex.

**2.93 CRUSHING PLANT**

Crushing Plant, means an industrial establishment where aggregate is processed through a crushing and sorting operation into various grades of gravel.

**2.94 CUSTOM WORKSHOP**

Custom Workshop, means an establishment where goods are produced to special order and sold on the premises, but shall not include an establishment where the manufacture of goods is performed on a mass production or assembly line basis.

**2.95 DATA PROCESSING ESTABLISHMENT**

Data Processing Establishment, means a building, or part thereof, used for the input, processing and printing of computerized data.

**2.96 DAY CARE, PRIVATE HOME**

Day Care, Private Home, means the temporary care and custody for reward or compensation of not more than five children under ten years of age in a private residence other than the home of a parent or guardian of any such child for a continuous period not exceeding 24 hours.

**2.97 DAY NURSERY**

Day Nursery, means a premises that receives more than five children who are not of common parentage, primarily for the purpose of providing temporary care or guidance, or both temporary care and guidance, for a continuous period not exceeding twenty-four hours, when the children are: under eighteen years of age in the case of a day nursery

for children with a developmental handicap; and under ten years of age in all other cases.

**2.98 DECK**

Deck, means a platform made of wood, concrete or other similar material, that has a height greater than 0.6096 metres above grade, projecting from a building or freestanding, open to the sky, and intended for the purpose of outdoor dining, lounging, and other similar accessory residential uses. A deck as defined herein shall not be included in determining lot coverage.

**2.99 DEVELOPMENT**

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.

**2.100 DEVELOPMENT AGREEMENT – see SITE PLAN AGREEMENT.**

**2.101 DEVELOPMENT CHARGE**

Development Charge, means a charge imposed with respect to growth related net capital costs against land under the Development Charges By-Law.

**2.102 DRINKING WATER THREAT**

Drinking Water Threat, means an activity or condition that adversely affects or has the potential to adversely affect the quality or quantity of any water that is or may be used as a source of drinking water, and includes an activity or condition that is prescribed by the regulations as a drinking water threat.

**2.103 DRIVEWAY**

Driveway, means a vehicle access provided between a street or lane and a parking area or a loading space, or between two (2) parking areas, but does not include a parking aisle as defined herein.

**2.104 DRIVING TEE OR RANGE – see GOLF DRIVING TEE OR RANGE.**

**2.105 DRIVE-THROUGH FACILITY**

Drive-Through Facility, means a facility or structure that is designed to allow drivers to remain in their vehicles before and during an activity on the site. Drive-through facilities also include facilities designed for the rapid servicing of vehicles, where the drivers may or may not remain in their vehicles, but where the drivers usually either perform the service for themselves, or wait on the site for the service to be rendered. Drive-through facilities may serve the primary use of the site or may serve accessory uses. Examples include drive-up windows; menu boards; order boards or boxes; gas pump islands; car wash facilities; auto service facilities such as air compressor, water, and windshield washing stations; quick-lube or quick-oil change facilities.

**2.106 DRY CLEANER'S DISTRIBUTION STATION**

Dry Cleaner's Distribution Station, means a building used for the purpose of receiving articles or clothing to be subjected to the process of dry cleaning, dry dyeing or cleaning elsewhere and for the pressing and/or distribution of any such articles or goods which have been subjected to any such process.

**2.107 DRY CLEANING ESTABLISHMENT**

Dry Cleaning Establishment, means a building where dry cleaning, dry dyeing, cleaning or pressing of articles or goods of fabric is carried on and in which only non-flammable solvents are or can be used which emit no odours or fumes, and in which no noise or vibration causes a nuisance within or without the premises.

**2.108 DUPLEX DWELLING – see DWELLING, DUPLEX.**

**2.109 DUPLICATING SHOP**

Duplicating Shop, means a premises engaged in reproducing drawings, plans, maps or other copy, by computer graphics, blueprinting, photocopying or small offset process.

**2.110 DWELLING**

Dwelling, means a building, occupied or designated to be occupied exclusively as a home, residence or sleeping place by one (1) or more persons, but shall not include a hotel/motel, boarding, lodging, or rooming houses, tourist homes, nursing homes, institutions, or recreational vehicles.

**2.111 DWELLING, APARTMENT**

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

**2.112 DWELLING, CONVERTED**

Dwelling, Converted, means a dwelling originally designed as a single unit dwelling which because of its size or design is capable of being, or has been, converted by partition and the addition of sanitary facilities and kitchen facilities into more than one dwelling unit. Alteration to the exterior of the building shall be limited to the required fire escapes, extra windows and entrances to a maximum of ten percent (10%) of the dwelling or 30.0 square metres, whichever is the lesser. The building, when converted, shall comply with the provisions of the Building Code and the parking and all other provisions of this By-Law.

**2.113 DWELLING, DUPLEX**

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

**2.114 DWELLING, FOURPLEX**

Dwelling Fourplex, means a building that is divided horizontally and/or vertically into four (4) separate dwelling units, each of which has an independent entrance either directly from the outside or through a common entrance, but does not include a converted dwelling or a townhouse dwelling.

**2.115 DWELLING, LINK HOME**

Dwelling, Link Home, means a dwelling containing two (2) or more dwelling units that are attached only by a vertical wall below grade.

**2.116 DWELLING, MULTIPLE UNIT**

Dwelling, Multiple Unit, means a dwelling containing two (2) or more dwelling units, including a converted dwelling, a semi-detached dwelling as a whole, a duplex, triplex or fourplex dwelling, an apartment dwelling, a street townhouse dwelling as a whole, a stacked townhouse dwelling, a townhouse dwelling or group dwellings, but does not include a single unit dwelling as defined herein.

**2.117 DWELLING, SEASONAL FARM**

Dwelling, Seasonal Farm, means a dwelling that is used for not more than nine (9) months within a twelve (12) month period within any given year for the housing of seasonal farm labour and their families who are employees of the owner or operator of a farm and may include a mobile home. A bunkhouse or seasonal farm accommodation is a seasonal farm dwelling.

**2.118 DWELLING, SEMI-DETACHED**

Dwelling, Semi-Detached, means a dwelling that is divided vertically into two (2) dwelling units, each of which has an independent entrance either directly or through a common vestibule, but shall not include a link home.

**2.119 DWELLING, SINGLE DETACHED**

Dwelling, Single Detached, means one (1) dwelling which is freestanding, separate and detached from other main buildings or main structures, including a split level dwelling, but does not include a mobile home as defined herein.

**2.120 DWELLING, SINGLE UNIT**

Dwelling, Single Unit, means a dwelling containing not more than one (1) dwelling unit, including a single detached dwelling or modular dwelling, or one individual unit of a semi-detached dwelling or street townhouse, but does not include a multiple dwelling unit as defined herein.

**2.121 DWELLING, STACKED TOWNHOUSE**

Dwelling, Stacked Townhouse, means a building designed to contain three (3) or more dwelling units attached side by side, two units high, with each dwelling unit having a private entrance to grade level and a private open space area of any upper unit may utilize a portion of the roof of any lower unit.

**2.122 DWELLING, STREET TOWNHOUSE**

Dwelling, Street Townhouse, means a townhouse with each unit on a separate lot and having legal frontage on a public street.

**2.123 DWELLING, TOWNHOUSE**

Dwelling Townhouse, means a building divided vertically into three (3) or more attached dwelling units by common walls extending from the base of the foundation to the roof line, each dwelling unit having a separate entrance at grade, and so located on a lot that the individual units are not required to have legal frontage on a public street, but shall not include a link home.

**2.124 DWELLING, TRIPLEX**

Dwelling, Triplex, means the whole of a dwelling that is divided horizontally and/or vertically into three (3) separate dwelling units each of which has an independent entrance either directly from the outside or through a common entrance and does not include a converted dwelling.

**2.125 DWELLING UNIT**

Dwelling Unit, means one or more habitable rooms occupied or capable of being occupied by one or more persons as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the use of such person or persons, with a private entrance from outside the building or from a common hallway or stairway inside the building.

**2.126 DWELLING UNIT, ACCESSORY**

Dwelling Unit, Accessory, means a dwelling unit accessory to a permitted non-residential use.

**2.127 DWELLING UNIT AREA – see FLOOR AREA.**

**2.128 EATING ESTABLISHMENT – see RESTAURANT.**

**2.129 EFFECTIVE DATE**

Effective Date, means the date that this By-Law shall be deemed to come into full force and effect upon the issuance of a formal order pursuant to the Planning Act, as amended from time to time.

**2.130 ELEVATION, AVERAGE**

Elevation, Average, means the height above sea level, calculated along the length of a building or structure.

**2.131 EMERGENCY CARE ESTABLISHMENT**

Emergency Care Establishment, means a temporary residence for not more than 6 adult persons (exclusive of staff) and their dependants, who, because of a social, physical, or mental condition, require immediate emergency shelter and assistance for a short period of time, generally not more than three (3) weeks. This does not include a group home or lodging house as defined herein.

**2.132 EMISSION**

Emission, means any corrosive gasses, dust, fly ash, electromagnetic fields, heat, glare, odours, smoke, toxic gasses or radiation issuing from a building, structure, lot, or vehicle.

**2.133 ERECT**

Erect, means to build, construct, reconstruct or relocate any building or structure or part thereof, and, without limiting the generality of the foregoing, also includes: any preliminary operation such as excavation, filling or draining preparatory to any building or construction; altering any existing building or structure by an addition, enlargement, extension or other structural change; and any work which requires a building permit.

**2.134 ESTABLISHED BUILDING LINE – see BUILDING LINE, ESTABLISHED.**

**2.135 EXISTING**

Existing, means legally existing as of the date of the passing of this By-Law.

**2.136 EXPROPRIATION**

Expropriation, means the acquisition of land, with or without the consent or agreement of the owner thereof by any person or entity empowered by statute to take land without the consent of the owner of such land in the exercise of such person's or entity's statutory authority. The word "expropriate" shall have a corresponding meaning.

**2.137 FACTORY OUTLET**

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.

**2.138 FAIRGROUND**

Fairground, means land and buildings used for such purposes as the promotion of horticulture and agricultural activities and shall include general entertainment, community activities, seasonal antique sales and flea markets, seasonal inside vehicle storage activities, and recreational uses such as a racetrack and livestock buildings. Without limiting the generality of the foregoing, the uses may occur on a regular or infrequent basis and may involve the competition of machinery or animals in competing events.

**2.139 FARM OR IRRIGATION POND**

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

**2.140 FARM, SPECIALTY**

Farm, Specialty, means lands buildings and structures used for the growing of vegetables, berries, and fruit crops or flowers, and requiring less land to be economically

viable than a traditional agricultural operation, but does not include a fish farm or mushroom operation.

**2.141 FEED MILL**

Feed Mill, means a building wherein farm commodities are brought, stored, and sold, and also includes the drying, processing and elevation for storage of farm commodities such as cereal grain, corn, and soy beans etc.

**2.142 FENCE**

Fence, means a wall (other than the wall of a building), gate or other barrier constructed of wood, masonry, metal, composite material 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.

**2.143 FERTILIZER BLENDING STATION**

Fertilizer Blending Station, means a building or portion of a building wherein different grades of fertilizers to be used by farmers are mixed to create compounds for use by the farming community.

**2.144 FILM PROCESSING DEPOT**

Film Processing Depot, means a building or part thereof, used for the purposes of depositing film for transfer from retail customers to a processing plant and as a repository for film transferred from the processing plant to the retail customers. Retail sales of film, batteries and flashes may be included but not the sale of cameras or photographic equipment.

**2.145 FINANCIAL INSTITUTION**

Financial Institution, means an establishment which provides money management services directly to the public, including a bank, trust company, credit union, securities dealer, finance companies and stock brokers, but not including the internal offices or administrative offices which shall be considered to be offices for the purposes of this By-Law.

**2.146 FISHERIES HABITAT**

Fisheries Habitat, means any body of water sustaining or having the potential to sustain healthy game, forage, and commercial fish populations including fish bait.

**2.147 FISH FARM**

Fish Farm, means use of land for the creation of ponds, waterways and other facilities for the spawning, growing, feeding and sale of fish.

**2.148 FLOOD, REGULATORY**

Flood Regulatory, means the approved standard used by a Conservation Authority having jurisdiction to define the limit of the flood plain for regulatory purposes.

**2.149 FLOOD, 100-YEAR**

Flood, 100-Year, means that flood based on analysis of precipitation, snow melt or a combination thereof, having a return period of 100 years on average, or having a one percent (1%) chance of occurring or being exceeded in a given year.

**2.150 FLOOD, 100-YEAR FLOOD LEVEL**

Flood, 100-Year Flood Level, means the level of flooding which would occur during a 100-Year Flood.

**2.151 FLOODPROOFING**

Floodproofing, means a combination of structural changes and/or adjustments incorporated into the basic design and/or construction or alteration of individual buildings, structures or properties subject to flooding so as to reduce or eliminate flood damage.

**2.152 FLOOR AREA**

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

**2.153 FLOOR AREA, GROSS**

Floor Area, Gross, 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 areas of any private garage.

**2.154 FLOOR AREA, GROSS LEASABLE**

Floor Area, Gross Leasable, means the total area of a building for which tenants pay rent and have exclusive occupancy, measured from the centreline of partition walls and the exterior face of outside walls, and includes all such floor area on a main floor, mezzanine and upper storey and in a cellar, but does not include any floor area used in common by the tenants of the building such as a mall, aisle or hallway, elevator shaft or lobby, stairwell, any washroom, boiler room, maintenance room, mechanical or electrical or utility room, and any automobile parking facilities provided within the building.

**2.155 FLOOR AREA, GROUND**

Floor Area, Ground, means the area of a building or structure measured from the outside of all exterior walls, at grade, exclusive of any accessory building, garage, basement, cellar, terrace, verandah, open or enclosed porch or sunroom, unless such sunroom or enclosed porch is an integral part of the building and habitable in all seasons.

**2.156 FLOOR AREA, NET**

Floor Area, Net, means that portion of the floor area of a building which is used exclusively for a non-residential use defined herein or specifically permitted elsewhere in this By-Law, but excluding:

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

**2.157 FLORIST SHOP**

Florist Shop, means a retail store devoted to the sale of flowers, indoor plants and arrangements thereof.

**2.158 FLOUR MILL**

Flour Mill, means a facility and or building, or portion thereof wherein cereal grains and other agricultural commodities are processed to create new by-products such as flour.

**2.159 FOOD PROCESSING PLANT**

Food Processing Plant, means a building or part thereof, other than a restaurant or catering establishment in which agricultural products are prepared, processed, preserved, graded or stored for eventual human consumption, and includes a flour mill, a dairy, a bakery, a grain elevator or an egg grading station, but does not include an abattoir or any premises used for the slaughtering of animals or the boiling of blood, tripe or bones.

**2.160 FOOD STORE**

Food Store, means a retail store selling food and associated small household items.

**2.161 FOSTER HOME**

Foster Home, means a single housekeeping unit in a dwelling, in which individuals may be placed with Foster Parents to gain a family life experience, the said home being affiliated with a recognized social agency. The number of individuals placed at any one time shall not exceed four (4) persons.

**2.162 FORESTRY USE**

Forestry Use, means the raising and harvesting of wood and, without limiting the generality of the foregoing, shall include the raising and cutting of fuel wood, pulp wood, lumber, Christmas trees, and other forest products.

**2.163 FOURPLEX DWELLING – see DWELLING, FOURPLEX.**

**2.164 FUEL PUMP ISLAND**

Fuel Pump Island, means that portion of an automobile service station, gas bar 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.

**2.165 FUEL STORAGE TANK**

Fuel Storage Tank, means a tank for the bulk storage of petroleum gasoline, fuel oil, gas or inflammable liquid or fluid but does not include a container for inflammable liquid or fluid legally and properly kept in a retail store or a tank for storage merely incidental to some other use of the premises where such tank is located.

**2.166 FUNERAL HOME**

Funeral Home, means a building or structure wherein a licensed undertaker prepares corpses for interment, and may include a chapel for funeral services.

**2.167 GARAGE, MUTUAL**

Garage Mutual, means a private garage which:

- (1) contains sufficient space for the parking of not less than two (2) automobiles;
- (2) is situated astride a common side lot line between two (2) adjacent lots; and,
- (3) is accessory to a main use of such lots.

**2.168 GARAGE, PRIVATE**

Garage Private, means a detached accessory building or a portion of a main building designed or used for parking or storage of automobiles of the occupants of the dwelling and in which there are no facilities for repairing or servicing such vehicles for gain or profit. For the purposes of this By-Law, a garage includes a carport.

**2.169 GARAGE SALE – see **HOUSEHOLD SALE/GARAGE SALE.****

**2.170 GARDEN CENTRE**

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

**2.171 GAS BAR**

Gas Bar, means a building or place with one or more fuel pumps for the sale of motor fuels and related products for automobiles or vehicles, together with the necessary pump islands, light standards, kiosk, concrete aprons, canopy, storage tanks and related facilities required for the dispensing of fuel but where no servicing, repair or equipping of automobiles or vehicles is carried on and does not include a car wash.

**2.172 GOLF COURSE**

Golf Course, means the use of land for the purpose of playing golf and, without limiting the generality of the foregoing, may include a par three golf course, a driving tee or range as an accessory use, a miniature golf course, or combination thereof.

**2.173 GOLF COURSE, MINIATURE**

Golf Course, Miniature, means an area of land or a building, structure or premises or part thereof operated for profit or gain as a commercial place of entertainment or

amusement in which facilities are provided to simulate the game of golf or any aspect of the game on a small scale, but does not include a golf driving tee or range as defined herein.

**2.174 GOLF DRIVING TEE OR RANGE**

Golf Driving Tee or Range, means a use which provides facilities designed and operated primarily for the practicing of golf shots but does not include a golf course or miniature golf course as defined herein.

**2.175 GRADE**

Grade, means:

- (1) when used with reference to a building or structure, the average level of the proposed or finished ground elevation adjoining a building at all exterior walls;
- (2) when used with reference to a road, the finished elevation of such road as established by the Municipality or other authority having jurisdiction.

**2.176 GRADE LEVEL**

Grade Level, means the level of any lots, measured above sea level according to Geodetic Datum, 15.24 centimetres (6 inches) above the normal crown level of the road, measured above sea level according to Geodetic Datum, upon which the lot abuts. Where a lot abuts on two (2) or more streets, the grade level shall be the mean of the grade levels calculated with reference to the different streets. If the natural level of the ground is higher than as above stipulated, then the average natural level of the ground shall be taken as the grade level.

**2.177 GRAIN ELEVATOR AND DRYING FACILITY**

Grain Elevator and Drying Facility, means any land, buildings or structures wherein agricultural commodities such as cereal grains, corn and soy beans are customarily dried, stored and located, temporarily or otherwise.

**2.178 GREENHOUSE, COMMERCIAL**

Greenhouse Commercial, means a building used for the growing of flowers, fruits, vegetables, plants, shrubs, trees and similar vegetation which are not necessarily transplanted outdoors on the same lot containing such greenhouse, and are sold directly from the lot either at wholesale or retail.

**2.179 GREENHOUSE, FARM**

Greenhouse Farm, means a building used for the growing of plants, shrubs, trees and similar vegetation which are transplanted outdoors on the same lot containing such greenhouse.

**2.180 GROUP HOME,**

- (1) **GROUP HOME TYPE 1**, means a residence licensed, supervised, approved, or funded under a federal or provincial statute for the accommodation of three (3) to ten (10) persons, excluding staff or the receiving family, living under responsible

supervision in a single housekeeping unit and who, by reason of their intellectual, mental health, social or physical condition or legal status, require a group living environment for their well being. A Group Home Type 1 may include children or youth on probation under provincial or federal statute, but does not include an Emergency Care Establishment or a Group Home Type 2, as defined in this By-Law.

- (2) **GROUP HOME TYPE 2**, means a residence for the accommodation of up to ten (10) residents, excluding staff, that is maintained and operated primarily for: persons who have been placed on probation or released on parole under provincial or federal statute; or, youth who have been charged under provincial or federal statute and who have been placed in detention or custody. A Group Home Type 2 may include a Group Home Type 1 and an Emergency Care Establishment as defined herein.

**2.181 HABITABLE ROOM**

Habitable Room, means any room used or intended to be used for living, sleeping, cooking or eating purposes and where the ceiling height is at least 2.3 metres over one-half the floor area.

**2.182 HAIRDRESSING ESTABLISHMENT**

Hairdressing Establishment, means a service commercial establishment providing a personal service to men, women and/or children by shampooing, cutting, styling, tinting or treatment of hair, by giving manicures, pedicures, facial treatments, scalp massages or by the use of cosmetic products and, without limiting the generality of the foregoing, includes a barber shop and beauty salon.

**2.183 HAZARD LANDS**

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 instability associated with ravine, river valley or stream processes and includes lands lying below the regulatory floodline and with the Regulation Limit as established from time to time by the conservation authority having jurisdiction and shall include lands lying within the 100 year erosion limit.

**2.184 HEIGHT**

Height, when used in reference to a building or structure other than an accessory building, means the vertical distance between the horizontal plane through the average finished grade and a horizontal plane through:

- (1) the highest point of the roof assembly in the case of a building with a flat roof or deck roof, or in the case of an accessory structure;
- (2) the average level of a one (1) slope roof, provided that a roof having a slope of less than twenty (20) degrees with the horizontal shall be considered a flat roof;
- (3) the roof deck line, in the case of a mansard roof;

- (4) the average level between eaves and ridges in the case of a roof type not mentioned in Clauses (1), (2) and (3) immediately preceding;
- (5) where an exterior wall extends above the top of the roof of a building, the topmost part of such exterior wall.

For an accessory building or structure, height is measured from the vertical distance between the horizontal plane through the average finished grade and the peak of the roof of the accessory structure.

**2.185 HEREAFTER**

Hereafter, means after the date of the passing of this By-Law.

**2.186 HEREIN**

Herein, means anywhere in this By-Law.

**2.187 HEREOF, HERETO**

Hereof, Hereto, means "of this By-Law" and "to this By-Law", respectively.

**2.188 HERITAGE BUILDING**

Heritage Building, means a building designated under The Ontario Heritage Act, as amended from time to time.

**2.189 HOME AND AUTO SUPPLY STORE**

Home and Auto Supply Store, means a retail store devoted to the sale of merchandise for the home and automobile including such goods as paint, hardware, electrical, plumbing, housewares, home appliances, sporting goods, lawn and garden supplies, and automobile supplies, and may include an associated automobile service station and gas bar.

**2.190 HOME APPLIANCE STORE**

Home Appliance Store, means a retail store devoted to the sale of household equipment such as major and small appliances, electronic devices, computers, and audio or visual equipment.

**2.191 HOME DECORATING STORE**

Home Decorating Store, means a retail store devoted to the sale of goods and materials required for decorating the interior of a home or office, including floor, wall and window coverings, lighting fixtures, bathroom and kitchen fixtures and accessories.

**2.192 HOME FURNISHINGS STORE**

Home Furnishings Store, means a retail store devoted to the sale of movable contents of a room, home or office. Such goods may include furniture, light fixtures, clocks, organs or pianos, carpet and indoor window coverings.

**2.193 HOME IMPROVEMENT STORE**

Home Improvement Store, means a retail store devoted to the sale of goods or materials associated with the furnishing and decorating of a home and includes a home decorating store, a home furnishing store or a home appliance store.

**2.194 HOME OCCUPATION, RESIDENTIAL**

Home Occupation, Residential, means an occupation or business, except for the keeping of boarders or roomers, conducted for gain or profit within a dwelling unit in a Residential Zone by any permanent resident of that dwelling unit. Where the use of the dwelling unit by a permanent resident is for a professional or service office which does not involve external signage, client visitations, and employees such office shall be considered as an accessory use as defined herein.

**2.195 HOME OCCUPATION, AGRICULTURAL**

Home Occupation, Agricultural, means an occupation or business, except for the keeping of boarders or roomers, conducted for gain or profit within a dwelling unit or accessory building or structure in an Agricultural Zone by any permanent resident of that dwelling unit, and is clearly secondary to the main use of the lot.

**2.196 HOME FOR THE AGED/REST HOME**

Home for the Aged/Rest Home, means a building for the aged established and maintained under the Homes for the Aged and Rest Homes Act.

**2.197 HOSPIS**

Hospis, means a dwelling where, for a fee, room, board and personal care, supervision and assistance with daily living activities are provided to persons who are otherwise unable to care fully for themselves by reason of age or mental or physical disability, and, without limiting the generality of the foregoing, includes such facilities as an unlicensed nursing home or home for the aged/rest home, an unlicensed retirement home or retirement lodge, or an unlicensed establishment providing nursing care for chronic invalids or the elderly, but does not include:

- (1) any residential facility licensed, approved or supervised under the Nursing Homes Act, the Homes for the Aged and Rest Homes Act, the Homes for Retarded Persons Act, the Homes for Special Care Act, the Private Hospitals Act, or any other Act or authority;
- (2) a rooming house or a boarding house;
- (3) a Type 1 or Type 2 Group Home;
- (4) an apartment dwelling.

**2.198 HOSPITAL**

Hospital, means a hospital as defined in the Private Hospitals Act, as amended from time to time, or a hospital as defined by the Public Hospitals Act, as amended from time to time.

**2.199 HOSPITALITY ROOM**

Hospitality Room, means part of a winery building where wine and food may be served but does not include the use of commercial cooking equipment on site in the preparation of food. A hospitality room does not include a restaurant or tavern as defined herein.

**2.200 HOTEL/MOTEL**

Hotel/Motel, means any hotel, motel, tavern, inn, lounge, lodge, or public house in one (1) main building or in two (2) or more connected or adjacent buildings designed and used mainly for the purposes of catering to the needs of the traveling public by supplying food, refreshments or both and furnishing sleeping accommodation of not less than six (6) guest rooms, each having no facilities for cooking or housekeeping, and provided that each guest room may only be entered from the interior of the building, and shall include all such buildings operating under the Liquor License Act, and the Tourism Act, as amended from time to time. A "Hotel/Motel" does not include a group home, home for the aged/rest home, lodging house, nursing home or multiple or single unit dwelling.

**2.201 HOUSEHOLD PET**

Household Pet, means a domestic animal that by the nature of its temperament or appearance is taken into the care of one or more persons for the purpose of personal enjoyment or protection, which normally spends time in the dwelling unit of the owner at least once each day, and shall include specifically, caged birds, caged rodents or rabbits, cats, dogs, tropical fish, and non-poisonous indigenous reptiles.

**2.202 HOUSEHOLD SALE/GARAGE SALE**

Household Sale/Garage Sale, means the sale by an occupant of a dwelling unit, on his own premises, of household goods belonging to him.

**2.203 IMPOUNDING YARD**

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, or salvage yard as defined herein.

**2.204 INDIVIDUAL SANITARY FACILITIES**

Individual Sanitary Facilities, means an autonomous, individual on-site wastewater treatment/sewage disposal system, that is owned, operated and managed by the owner of the property upon which the system is located, which may include tile beds, holding tanks, or any other component of a private sewage disposal system.

**2.205 INDOOR/OUTDOOR TARGET RANGE**

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

**2.206 INDUSTRIAL USE**

Industrial Use, shall mean the use of land, buildings, or structures designed, used, or intended for the purpose of manufacturing, assembling, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing, or storing or adapting for sale of any goods, substance, article or thing, including the storage of construction equipment and materials. Transportation terminals may also be considered as an Industrial use.

**2.207 INDUSTRIAL USE, NON-EFFLUENT PRODUCING**

Industrial Use, Non-Effluent Producing, means an industrial use which either does not discharge waste water or discharges waste water from one (1) or more of the following sources only:

- (1) sanitary sewage from employee washrooms;
- (2) storm water drainage;
- (3) water used for indirect cooling of equipment and ancillary purposes.

**2.208 INSTITUTIONAL USE**

Institutional Use, means the use of land, buildings or structures for public or social purposes but not for commercial or industrial purposes and, without limiting the generality of the foregoing, may include governmental, religious, educational, charitable, philanthropic, or other similar uses.

**2.209 KENNEL**

Kennel, means the use of land, buildings, or structures where four (4) or more dogs are kept as pets for show, boarding and/or breeding. A Kennel is also not a building or structure used for human habitation.

**2.210 KITCHEN**

Kitchen, means a room with cooking facilities that is:

- (1) equipped with a sink that is provided with potable hot and cold water, and is maintained;
- (2) equipped with electrical or other service, fuel or utility outlets suitable for a refrigerator and cooking stove;
- (3) equipped with an impervious backsplash and countertop around the kitchen sink; and,
- (4) when equipped with a refrigerator, cooking stove, kitchen fixtures and fittings have such appliances, fixtures and fittings maintained.

**2.211 LABORATORY**

Laboratory, means a building, or part thereof, used for scientific, medical and/or dental testing, experimentation and/or research.

**2.212 LANE or ALLEY**

Lane or Alley, means a private thoroughfare which affords means of access for vehicular traffic abutting lots and which is intended for general traffic circulation.

**2.213 LANDING STRIP**

Landing Strip, means the use of land, in a grassed or otherwise natural state, accessory to an agricultural or residential use, for the sole purpose of those residing thereon for the landing and taking off of non-commercial aircraft and may include buildings and structures accessory thereto.

**2.214 LANDSCAPED OPEN SPACE**

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

**2.215 LAUNDROMAT**

Laundromat, means a self-serve clothes washing establishment containing one or more washing and drying, ironing, finishing or other incidental equipment.

**2.216 LIBRARY**

Library, means a library, branch library, bookmobile, or distributing station operating under The Public Libraries Act, R.S.O. 1990, as amended from time to time, or any successor thereto.

**2.217 LIQUID MANURE STORAGE FACILITY**

Liquid Manure Storage Facility, means a structure of concrete or metal designed, used or intended for the storage of manure accessory to an agricultural use.

**2.218 LIQUOR, BEER AND WINE STORE**

Liquor, Beer and Wine Store, means a retail store devoted to the sale of liquor and/or beer and/or wine and accessory related items.

**2.219 LIVESTOCK**

Livestock, means farm animals kept for use, for propagation or intended for profit and, without limiting the generality of the foregoing, may include dairy and beef cattle, horses, swine, sheep, laying hens, chicken and turkey broilers, turkeys, goats, ducks, pigeons, mink, and rabbits.

**2.220 LIVESTOCK UNIT**

Livestock Unit, means the equivalent values for various types of animals and poultry based on manure production and production cycles in accordance with Table 1 of Schedule “C”.

**2.221 LOADING SPACE**

Loading Space, means an off-street space or berth located on the same lot as a permitted use and used for the parking of a commercial vehicle, loading or unloading merchandise or materials pertinent to such permitted use.

**2.222 LOCAL BOARD**

Local Board, means a public utility commission, transportation commission, public library board, board of park management, local board of health, planning board, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes of the Corporation of the Municipality of Thames Centre.

**2.223 LOCALLY GROWN**

Locally Grown, means fruit used in the production of wine shall consist entirely of fruit in the first instance grown and harvested within the municipal boundaries of the Municipality of Thames Centre, in the second instance from fruit grown and harvested in the County of Middlesex and in the third instance from fruit grown and harvested in the Province of Ontario.

**2.224 LODGING HOUSE**

- (1) **LODGING HOUSE TYPE 1**, means a residential building which is used to provide lodging units for hire or gain directly or indirectly to three (3) or fewer persons with or without meals. A lodging house, type 1, shall include a rooming house, a boarding house, a fraternity and sorority house, but shall not include a bed and breakfast establishment, emergency care establishment, group home, home for the aged, rest home, hotel/motel, nursing home or a residence of an educational institution.
- (2) **LODGING HOUSE TYPE 2**, means a residential building which is used to provide lodging units for hire or gain directly or indirectly to more than three (3) persons with or without meals. A lodging house, type 2, shall include a rooming house, a boarding house, a fraternity and sorority house, but shall not include a bed and breakfast establishment, emergency care establishment, group home, home for the aged, rest home, hotel/motel, nursing home or a residence of an educational institution.

**2.225 LOT**

Lot, means a parcel or tract of land which:

- (1) is a whole lot or block as shown on a registered plan of subdivision (note: a registered plan of subdivision for the purposes of this paragraph does not include a

- registered plan of subdivision deemed not to be a plan of subdivision under a By-Law passed pursuant to Section 51 of the Planning Act, as amended from time to time);
- (2) or fronts an open street and is a separate parcel of land without any adjoining lands being owned by the same owner or owners as at the date of the passing of this By-Law;
  - (3) or the description of which is the same as in a Deed which has been given consent pursuant to Section 53 of the Planning Act, as amended from time to time;
  - (4) or is the whole remnant remaining to an owner or owners after a conveyance made with consent pursuant to Section 53 of the Planning Act, as amended from time to time.
  - (5) or is a unit as shown on a registered plan of condominium.

**2.226 LOT AREA**

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

**2.227 LOT, CORNER**

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

**2.228 LOT COVERAGE**

Lot Coverage, means that percentage of the lot area of a lot covered by the perpendicular projections onto a horizontal plane of the floor areas of all buildings or mobile homes on the lot, excluding balconies, canopies and overhanging eaves which are 2 metres or more in height above finished grade, and excluding decks and private outdoor swimming pools.

**2.229 LOT DEPTH**

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

**2.230 LOT FRONTAGE**

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

formed by the side lot lines to the mid-point of the front lot line at a point six (6.0) metres back from the front lot line.

**2.231 LOT, INTERIOR**

Lot Interior, means a lot other than a corner lot.

**2.232 LOT LINES**

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

**(1) LOT LINE, FRONT, means:**

- (a) in the case of an interior lot, the line dividing the lot from the street;
- (b) where the lot is a corner lot, the shorter lot line abutting a street shall be deemed to be the front lot line and the longer lot line abutting a street shall be deemed to be an exterior side lot line, provided that, where a corner lot has the same dimensions on the two streets upon which it abuts, the lot line abutting the street upon which the building or structure erected or to be erected has its principal entrance shall be deemed to be the front lot line;
- (c) where the lot is a through lot, the lot line where the principal access to the lot is provided shall be deemed to be the front lot line.

**(2) LOT LINE, INTERIOR, means a lot line other than a street line.**

**(3) LOT LINE, REAR, means the lot line farthest from or opposite to the front lot line; but where the side lot lines intersect, as in the case of a triangular lot, the rear lot line shall be represented by the point of intersection.**

**LOT LINE, SIDE, means a lot line other than a front or rear lot line.**

**(a) LOT LINE, EXTERIOR SIDE, means a side lot line that abuts a street.**

**(b) LOT LINE, INTERIOR SIDE, means a side lot line other than an exterior side lot line.**

**2.233 LOT, THROUGH**

Lot, Through, means a lot bounded on opposite sides by a street provided, however that if any lot qualifies as being both a corner lot and a through lot, such lot shall be conclusively deemed to be a corner lot.

**2.234 MACHINE SHOP – see SERVICE SHOP.**

**2.235 MAIN**

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.

**2.236 MAIN WALL**

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

**2.237 MARINE SALES AND SERVICE**

Marine Sales and Service, means the use of land, buildings, or structures designed, used, or intended for the sale, service, or repair of boats and/or watercraft and related accessories.

**2.238 MARKET GARDEN**

Market Garden, means the use of land, buildings, or structures for the purpose of buying and selling fruits, vegetables and flowers.

**2.239 MERCHANDISE SERVICE SHOP**

Merchandise Service Shop, means a building or part thereof wherein articles or goods, other than vehicles or industrial toolage, are repaired or serviced, or where replacement parts for such articles or goods are offered for sale or a depot to collect, ship and receive such articles to be repaired or renewed.

**2.240 MOBILE HOME**

Mobile Home, means a C.S.A. approved, factory built dwelling occupied or designed to be occupied on a permanent basis, designed to be towed on its own chassis, (notwithstanding that its running gear is on or may be removed) placed or designed to be placed on permanent foundations (including piers on permanent footings), and connected or designed to be connected to public utilities, but does not include a travel trailer or tent trailer or trailer otherwise designed or a recreational vehicle.

**2.241 MOBILE HOME PARK**

Mobile Home Park, means a lot, or portion thereof, used for the placement of two or more mobile homes on leased sites where mobile home sites are accessed by private streets or lanes and are serviced by private water supply, sewage disposal and refuse collection services.

**2.242 MOBILE HOME SITE**

Mobile Home Site, means that part of a lot which is reserved for the placement of an individual mobile home.

**2.243 MOTEL – see HOTEL/MOTEL.**

**2.244 MOTOR HOME – see RECREATIONAL VEHICLE.**

**2.245 MULTIPLE UNIT DWELLING – see DWELLING, MULTIPLE UNIT.**

**2.246 MUNICIPAL DRAIN**

Municipal Drain, means drainage works constructed and maintained under the provisions of The Drainage Act, R.S.O. 1990, as amended from time to time.

**2.247 MUNICIPAL SERVICES**

Municipal Services, means services provided by the municipality such as curbs, gutters, sidewalks, pavement and roadworks, sewerage and drainage systems, pumping stations, sewage treatment plants, watermains, wells, service pipes, electrical services or street lights, designed to service or capable of servicing a lot.

**2.248 MUNICIPALITY**

Municipality, means the Corporation of the Municipality of Thames Centre.

**2.249 MUSEUM**

Museum, means a building 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.

**2.250 MUSHROOM FARM**

Mushroom Farm, means a farm upon which mushrooms or spores are grown for the purpose of gain or profit.

**2.251 MUTUAL DRIVEWAY**

Mutual Driveway, means an ingress or egress that is common to two (2) or more owners of abutting lands as a right-of-way registered against the title of the lands.

**2.252 NAVIGABLE WATERWAY**

Navigable Waterway, means a navigable body of water or stream as deemed under the Beds of Navigable Waters Act, as amended from time to time.

**2.253 NON-COMPLYING**

Non-Complying, means a lot, building, or structure associated with a permitted use which is existing but does not comply with one or more regulations of this By-Law on the date of the passing of this By-Law or amendments thereto.

**2.254 NON-CONFORMING**

Non-Conforming, means a use, building, structure or any part thereof which was lawfully occupied and/or existed at the date of passing of this By-Law, which does not conform with the permitted uses of the zone in which it is now located.

**2.255 NON-RESIDENTIAL**

Non-Residential, when used with reference to a building, structure or use, shall mean designed, intended, or used for purposes other than those of a dwelling.

**2.256 NUISANCE**

Nuisance, means any use or condition which interferes with the normal enjoyment of any use of any neighbouring use of land, building or structure.

**2.257 NURSING HOME**

Nursing Home, means a building wherein lodging, meals, personal care, nursing services, and medical care and treatment may be provided for gain or profit or as a charitable public service and includes a rest home or a convalescent home, as licensed under the Nursing Homes Act, as amended from time to time, but does not include a hotel/motel, hospice, emergency care establishment or hospital as defined herein.

**2.258 NURSERY AND GARDEN STORE**

Nursery and Garden Store, 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 stock, for building or grafting, or for the purpose of retail or wholesale.

**2.259 OCCUPANCY**

Occupancy, means to reside in as owner or tenant on a permanent or temporary basis.

**2.260 OFFICE**

Office, means a building, or part thereof, containing one (1) or more rooms for use as offices including all forms of offices except medical/dental and support offices.

**2.261 OFFICE, BUSINESS**

Office Business, means a building or part thereof in which the administrative functions of agencies, foundations, brokers, labour or fraternal organizations are carried out and includes a service office, but does not include medical/dental offices, professional offices, support offices, financial or general offices, unless specified as being permitted within this definition.

**2.262 OFFICE, MEDICAL/DENTAL**

Office, Medical/Dental, means an office or offices in which the practice of the professions of medicine, psychiatry, dentistry or optometry is carried on or in which the treatment by osteopathy or chiropractic is carried out.

**2.263 OFFICE, PROFESSIONAL**

Office Professional, means a building, or part thereof, in which a legal or other personal professional service is performed or consultation given, and includes the offices of a lawyer, a planner, an architect, a surveyor, an engineer or a chartered accountant, but does not include a personal service establishment, a medical/dental office, a clinic, an animal hospital, a body-rub parlour or any adult entertainment parlour as defined in the Municipal Act, as amended.

**2.264 OFFICE, SERVICE**

Office, Service, means a building, or part thereof, in which one or more persons is employed in the management, direction or conducting of a travel agency, an insurance agency, or a real estate agency.

**2.265 OFFICE SUPPLY OUTLET**

Office Supply Outlet, means a retail store devoted to wholesale and retail sale of office supplies and school supplies, such as paper products, information processing supplies,

files and furniture, office machines, such as typewriters, computers, calculators, fax transmitters, and components accessory thereto.

**2.266 OFFICE, SUPPORT**

Office Support, means a building, or part thereof, in which technical or professional consulting services are performed to serve industrial manufacturing, assembly, processing or repair establishments, and includes the offices of an architect, a surveyor, an engineer, a business machine servicing establishment, an industrial training facility for manufacturing, assembly, processing or repair skills, and supporting administrative, accounting and legal service offices directly related to the industrial use, but does not include a personal service establishment, a clinic, a medical/dental office, or a veterinary clinic.

**2.267 ONE HUNDRED YEAR EROSION LIMIT**

One Hundred Year Erosion Limit, means a line which is located parallel to the alignment of a ravine, river valley or stream and consists of the toe erosion allowance value plus the stable slope allowance value plus an erosion access allowance. Additional terms associated with the term 100 year erosion limit are defined as follows:

- (1) **EROSION PROTECTION ALLOWANCE**, means a setback of six (6.0) metres.
- (2) **STABLE SLOPE ALLOWANCE**, means a setback based on a ratio of 3 horizontal : 1 vertical and projected from the toe erosion allowance.
- (3) **TOE EROSION ALLOWANCE**, means a setback based on the anticipated toe erosion which would occur for a 100 year design period or 100 times the measured annual recession rate.
- (4) **MEASURED ANNUAL RECESSON RATE**, shall be determined by dividing the total erosion that has been recorded over a period of time by the period of time.

**2.268 OPEN SPACE**

Open Space, means a lot or part of a lot, exclusive of any landscaped open space, which is left in its natural or undisturbed state and which is unoccupied by buildings or structures.

**2.269 OPEN STORAGE**

Open Storage, means the storage of goods and materials, or the display and sale of goods and materials, including vehicles for hire or sale, located outside a building as defined herein.

**2.270 OPEN STORAGE AREA**

Open Storage Area, means an area of land used for open storage purposes.

**2.271 OUTDOOR AMENITY AREA**

Outdoor Amenity Area, means a contiguous space outside, behind, and immediately adjacent and accessible to a dwelling or dwelling unit and situated on the same lot

therewith, designed, used or intended to be used for the passive enjoyment and active recreational needs of the occupants.

**2.272 OUTDOOR DISPLAY AND SALES AREA**

Outdoor Display and Sales Area, means an area set aside out of doors, covered or uncovered, to be used in conjunction with an established use or business located in adjacent permanent premises for the display or sale of fresh produce and new goods or merchandise.

**2.273 OUTDOOR EDUCATION – see WILDLIFE PRESERVE.**

**2.274 OUTDOOR PATIO**

Outdoor Patio, means an area set aside out of doors, covered or uncovered, for the use of patrons as a licensed restaurant in connection with, and in addition to, the operation of an adjacent restaurant licensed by the Liquor Control Board of Ontario.

**2.275 OWNER**

Owner, means the person who holds legal title to a lot or part thereof.

**2.276 PARK**

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 recreation buildings, structures or facilities including, but not necessarily restricted to, a recreational playground, a golf course, a golf driving tee or range, a ski hill, a play area, a bandstand, a skating rink, a horticultural greenhouse, a zoological garden, an historical establishment, 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, a refreshment booth, a picnic area, or an auditorium or place of assembly.

**2.277 PARK, PRIVATE**

Park Private, 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.

**2.278 PARK, PUBLIC**

Park Public, means a park owned or under the jurisdiction of The Corporation of the Municipality of Thames Centre, The County of Middlesex or any other public board, commission or authority established under any statute of the Province of Ontario including recreational uses and parking facilities.

**2.279 PARKING AISLE**

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.

**2.280 PARKING AREA OR LOT**

Parking Area or Lot, 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 automobiles accessory to a permitted use, and may include parking aisles, parking spaces and related driveways providing access to the parking area or lot, but shall not include any part of a street.

**2.281 PARKING SPACE**

Parking Space, means an area, enclosed in a main building, in an accessory building, or unenclosed, exclusive of parking aisles or ingress and egress lanes, accessible to a street or lane, and set aside for the purpose of parking one automobile or vehicle.

**2.282 PEAT**

Peat, means an organic brownish or blackish fibrous substance produced by the decomposition of vegetation, containing a high proportion of water and found in certain types of wetlands.

**2.283 PERMITTED**

Permitted, means permitted by this By-Law.

**2.284 PERSON**

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

**2.285 PERSONAL SERVICE ESTABLISHMENT**

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, comprising the premises of a barber, hairdresser, beautician, manicurist, pedicurist, tailor, dressmaker and/or shoemaker, as well as a laundromat, dry cleaning and laundry depot, tanning salon, pet grooming shop, a place for dog obedience classes and a formal rentals shop. The sale of merchandise shall be permitted only as an accessory use to the personal service provided.

**2.286 PHARMACY**

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

**2.287 PIT**

Pit, means any pit or excavation made for the purpose of searching for, or the removal of any soil, earth, clay, marl, sand, gravel or rock for commercial purposes but shall not include an excavation incidental to the erection of a building or structure for which a building permit has been granted by the Corporation, or an excavation incidental to the construction of any public works.

**2.288 PIT, WAYSIDE OR WAYSIDE QUARRY**

Pit, Wayside 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.

**2.289 PLACE OF ENTERTAINMENT OR AMUSEMENT**

Place of Entertainment or Amusement, means an arena, auditorium, billiard or pool room, public hall, bowling alley, ice or roller skating rink, curling rink, dance hall, music hall, or theatre, or a combination of a billiard or pool room and a bowling alley.

**2.290 PLACE OF WORSHIP**

Place of Worship, means a building, including a synagogue, church, mosque and rectory, 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 hall, auditorium, convent, monastery, office of a clergyman, cemetery, church school, parish hall, day care or a parsonage as uses accessory thereto.

**2.291 PLANTING STRIP**

Planting Strip, means an area of landscaped open space located immediately adjacent to a lot line or portion thereof, on which is situated one (1) or more of the following screening devices:

- (1) a continuous row of trees;
- (2) a continuous hedgerow of evergreens or shrubs;
- (3) a berm;
- (4) a wall; or,
- (5) an opaque fence,

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

**2.292 PORCH**

Porch, means a roofed, open gallery, or portico attached to the exterior of a building.

**2.293 PORTABLE ASPHALT PLANT – see BATCHING PLANT, PORTABLE ASPHALT.**

**2.294 PRIVATE GARAGE – see GARAGE, PRIVATE.**

**2.295 PRIVATE PARK – see PARK, PRIVATE.**

**2.296 PRIVATE ROAD, STREET OR LANE – see STREET, PRIVATE.**

**2.297 PROFESSIONAL OFFICE – see OFFICE, PROFESSIONAL.**

**2.298 PROCESSED GOODS INDUSTRY**

Processed Goods Industry, means a building or part thereof used by textiles, leather and rubber industries; plastics and synthetic resins industries; paper and wood products

industries; metal products industries; oil and coal by-products industries; chemical products industries; and non-metallic products industries. Processed goods industries exclude pulp and paper industries and primary metal industries.

## **2.299 PROPANE TRANSFER FACILITY**

Propane Transfer Facility, means a facility at a fixed location having not more than one (1) storage container and such container shall not have an aggregate propane storage capacity in excess of 50 000 litres (10,994 gallons) and from which no retail sale of propane fuel to the public is or may be effected.

## **2.298.1 PROPANE TRANSFER FACILITY COMMERCIAL**

Propane Transfer Facility Commercial, means a facility at a fixed location having not more than six (6) propane storage containers and such containers shall not have an aggregate propane storage capacity in excess of 1,368,000 litres (361,387 US gallons) and from which no retail sale of propane fuel to the public is or may be effected.

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## **2.300 PUBLIC AGENCY**

Public Agency, means:

- (1) the Government of Canada, the Government of Ontario or any municipal corporation;
- (2) any ministry, department, commission, corporation, authority, board or other agency established from time to time by the Government of Canada, the Government of Ontario or any municipal corporation;
- (3) any public utility; or
- (4) any railway company authorized under The Railway Act, as amended from time to time, or any successors thereto.

## **2.301 PUBLIC AUTHORITY**

Public Authority, means any school board, public utility commission, transportation commission, public library board, board of parks management, board of health, police services board, planning board or other board or commission or committee of local authority established or exercising any power or authority under any general or special Statute of Ontario with respect to any of the affairs or purposes of a municipality or any portion thereof, and includes any board, commission or committee or local authority established by by-law of the Municipality of Thames Centre.

## **2.302 PUBLIC USE**

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: the Government of Canada, the Government of Ontario, or a municipal corporation; any ministry, department, commission, authority, board or agency established by the Government of Canada or the Government of Ontario; any public utility; any railway company authorized under the Railway Act as amended from time to time, or any successors thereto.

**2.303 PUBLIC UTILITY**

Public Utility, means any public agency, corporation, board or commission providing electricity, gas, steam, water, telegraph, telephone, cable television, transportation, drainage, or sewage or waste collection and disposal services to the public, or a use pertaining to any such public agency, corporation, board, or commission.

**2.304 PUBLIC WATER SUPPLY – see WATER SYSTEM, PUBLIC.**

**2.305 RAW MATERIAL PROCESSING INDUSTRY**

Raw Material 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.

**2.306 RECREATION USE, OUTDOOR**

Recreation Use, Outdoor, means any form of play, amusement or relaxation, such as games or sports, carried on completely in the open air and not requiring any buildings for the recreational use itself although accessory buildings for related facilities may be required such as for administrative or office purposes, storage, and accessory food facilities; but does not include combat games as defined in this By-Law.

**2.307 RECREATIONAL TRAILER PARK**

Recreational Trailer Park, means a parcel of land containing two or more recreational trailer sites which is used for temporary or seasonal occupancy by recreational trailers, recreational vehicles and tents and which is under single management and ownership and includes all accessory buildings and accessory structures incidental to the operation thereof.

**2.308 RECREATIONAL TRAILER**

Recreational Trailer, means any vehicle so constructed that it is suitable for being attached to an automobile for the purpose of being drawn or propelled by the automobile 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 defined herein.

**2.309 RECREATIONAL VEHICLE**

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 self-propelled, and includes such vehicles commonly known as travel trailers, camper trailers, pick-up coaches, motorized campers, motorized homes or other similar vehicles.

**2.310 REDEVELOPMENT**

Redevelopment, means the removal of buildings or structures from land and the construction or erection of other buildings or structures thereupon.

**2.311 REGULATORY FLOOD** – see **FLOOD, REGULATORY**.

**2.312 RENOVATION**

Renovation, means construction to which less than ninety percent (90%) of an entire floor area of an existing building is subjected and which does not adversely affect the life safety systems in the building.

**2.313 REPAIR AND RENTAL ESTABLISHMENT**

Repair and Rental Establishment, means a business engaged in maintaining, repairing, installing and renting articles and equipment for household and personal use, such as: radios and televisions; refrigeration and air conditioning; appliances; watches, clocks and jewellery; and re-upholstery and furniture repair. This does not include any other use specifically referred to or defined in this By-Law.

**2.314 RESERVE**

Reserve, means a narrow strip of land of between 0.3 metre and 0.50 metre in width, reserved for the purpose of restricting access.

**2.315 RESIDENTIAL USE**

Residential Use, means the use of a building or structure as a dwelling.

**2.316 RESTAURANT**

Restaurant, means a building or part thereof where food and beverage is prepared and offered for retail sale to the public for immediate consumption on the premises, including a licensed dining room.

**2.317 RESTAURANT, COFFEE SHOP**

Restaurant, Coffee Shop, means a portion of a building in which coffee and other non-alcoholic beverages, baked goods, soups, sandwiches and snack foods are offered for sale for consumption on the premises and which is not licensed under the Liquor License Act and does not have kitchen facilities for the preparation of meals.

**2.318 RESTAURANT, DRIVE-THROUGH**

Restaurant, Drive-Through, means a place in which food is prepared and sold to the general public and consumed on the premises inside or outside of an automobile and includes an exterior method of ordering and picking-up food from a vehicle.

**2.319 RESTAURANT, FAST FOOD**

Restaurant, Fast Food, means an establishment primarily engaged in preparing specialty foods in bulk and in providing customers with a take-out and/or delivery service which may or may not be consumed on or off the premises.

**2.320 RETAIL STORE**

Retail Store, means a building or part of a building where goods, wares, merchandise, articles or things are offered or kept for retail sale at retail and includes storage on or about the store premises of limited quantities of such goods, wares, merchandise, articles or things sufficient only to service such store but does not include any wholesale business or business supply use, or any establishment otherwise defined or classified.

**2.321 RETIREMENT LODGE or RETIREMENT HOME**

Retirement Lodge or Retirement Home, means a residence providing accommodation primarily for persons or couples over 60 years of age 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.

**2.322 RIDING SCHOOL – see SCHOOL, RIDING.**

**2.323 RIGHT-OF-WAY or EASEMENT**

Right-of-Way or Easement, means any right, liberty or privilege in, over, along or under land, which the owner of one (1) lot may have with respect to any other lot or which the Municipality, any other governmental authority or agency, private company or individual may have with respect to any land in the Municipality.

**2.324 ROAD – see STREET, IMPROVED.**

**2.325 SALVAGE YARD**

Salvage Yard, means the use of land, buildings, or structures where merchandise, articles and goods or things are stored wholly or partly in the open, kept for sale and/or processed for further use and, without limiting the generality of the foregoing, may include a junk yard, a scrap metal yard, and an automobile wrecking yard.

**2.326 SANITARY SEWER**

Sanitary Sewer, means an adequate system of underground conduits, operated either by a municipal corporation or by the Ministry of the Environment, which carries sewage to an adequate place of treatment which meets with the approval of the Ministry of the Environment.

**2.327 SATELLITE DISH**

Satellite Dish, mean a parabolic, elliptical or spherical antenna used for the purposes of receiving television or microwave transmissions, digital or other signals from orbiting satellites or other similar devices.

**2.328 SAWMILL**

Sawmill, means the use of land, buildings, or structures designed, used, or intended for the sawing, planing, sanding, and finishing of wood and wood products.

### **2.329 SCHOOL**

School, means a building designed, used, or intended for use as an educational or training establishment, which may or may not be under the jurisdiction of a board as defined in the Education Act, as amended or revised from time to time, and may include the following:

- (1) **COMMERCIAL SCHOOL**, means a school operated by one or more persons for gain or profit.
- (2) **ELEMENTARY SCHOOL, PRIVATE**, means a school, other than a public school, or a vocational school or a commercial school, under the jurisdiction of a private board of trustees or governors, a religious organization or a charitable institution that is recognized under the Education Act, as amended from time to time, and offers the subjects of the Elementary School course of study and may or may not offer an extended curriculum.
- (3) **ELEMENTARY SCHOOL, PUBLIC**, means a school under the jurisdiction of the Thames Valley District School Board, used primarily for the instruction of students receiving primary education.
- (4) **POST-SECONDARY SCHOOL**, means a school under the jurisdiction of a Board as defined in the Ministry of Colleges and Universities Act.
- (5) **SECONDARY SCHOOL, PRIVATE**, means a school, other than a public school, or a vocational school or a commercial school, under the jurisdiction of a private board of trustees or governors, a religious organization or a charitable institution that is recognized under the Education Act, as amended from time to time, and offers the subjects of the Secondary School course of study and may or may not offer an extended curriculum.
- (6) **SECONDARY SCHOOL, PUBLIC**, means a school under the jurisdiction of the Thames Valley District School Board, used primarily for the instruction of students receiving a secondary education.

### **2.330 SCHOOL, MUSIC**

School, Music, means a school devoted to the teaching of either instrumental or vocal music.

### **2.331 SCHOOL, RIDING**

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

### **2.332 SEASONAL**

Seasonal, means nine (9) months out of any twelve (12) month period.

**2.333 SEASONAL FARM DWELLING** – see **DWELLING, SEASONAL FARM.**

**2.334 SECTION 59 NOTICE**

Section 59 Notice, refers to the requirements under Section 59 of the Clean Water Act, which requires issuance of a notice from the Municipality's Risk Management Official before permitting an activity that is considered a restricted land use as identified in the Thames Sydenham & Region or Kettle Creek Source Protection Plan, whichever is applicable.

**2.335 SEMI-DETACHED DWELLING** – see **DWELLING, SEMI-DETACHED.**

**2.336 SEPTIC SYSTEM**

Septic System, shall mean a private sewage disposal system that stores and/or treats liquid or waterborne waste of industrial, commercial or domestic origin onsite and shall include but not be limited to grey water systems, cesspools, leaching bed systems and associated treatment units and holding tanks and shall not include sewage treatment plants.

**2.337 SERVICE AND REPAIR ESTABLISHMENT**

Service and Repair Establishment, means a premises engaged in maintaining, repairing and installing machinery and equipment for household and personal use, such as air conditioners, appliances, watches, clocks, jewellery, re-upholstery and furniture repair.

**2.338 SERVICE SHOP**

Service Shop, means an establishment, other than an automotive use, that provides a non-personal service or craft to the public, including, but not necessarily restricted to, a printer's shop, a plumber's shop, a tinsmith's shop, a painter's shop, a carpenter's shop, an electrician's shop, a welding shop, a blacksmith's shop, a merchandise service shop, a battery storage and recharging shop, a well-driller's establishment, a furrier's shop, an upholsterer's shop, a bakery, a dairy, a catering establishment, an egg grading station, a machine shop, or a monument engraving shop.

**2.339 SETBACK**

Setback, means the shortest horizontal distance between a point, line or structure specified by a provision or regulation of this By-Law and the nearest part or any specified part of any building, structure, excavation or open storage on a lot.

**2.340 SHOPPING CENTRE**

Shopping Centre, means one or more buildings, or part thereof containing a group of separate permitted commercial uses having a total floor area in excess of 550 square metres, which is maintained as a single comprehensive unit and located on a single lot, such lot being held and maintained under one ownership or under condominium ownership pursuant to the Condominium Act, as amended from time to time, or any successors thereto.

**2.341 SIGHT VISIBILITY TRIANGLE**

Sight Visibility Triangle, means the triangular space formed by the intersecting lot lines, at least one of which is also a street line, of a lot located at an intersection of two or more streets or at an intersection at grade of a street and a railway right-of-way, and a line drawn from a point in one such lot line to a point in the other lot line, each such point being a specified distance from the point of intersection of such lot lines measured along the said lot lines, provided that where the said lot lines do not intersect at a point, the point of intersection thereof shall be deemed to be the intersection of the projected tangents thereto, drawn through the extremities of the interior lot lines.

**2.342 SIGN**

Sign, means any device, object, or thing which creates a design or conveys a message, and which is erected, located or fixed on any real property for the purposes of advertising goods or services offered; identifying a business or enterprise; or for conveying any other type of message.

**2.343 SIGNIFICANT DRINKING WATER THREAT**

Significant Drinking Water Threat, means a drinking water threat that, according to a risk assessment, poses or has the potential to pose a significant risk.

**2.344 SINGLE DETACHED DWELLING – see DWELLING, SINGLE DETACHED.**

**2.345 SINGLE UNIT DWELLING – see DWELLING, SINGLE UNIT.**

**2.346 SITE PLAN AGREEMENT or DEVELOPMENT AGREEMENT**

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.

**2.347 SITE PLAN CONTROL AREA**

Site Plan Control Area, means an area of land designated by a Site Plan Control By-Law as a site plan control area pursuant to Section 41 of the Planning Act, as amended from time to time, or any successors thereto.

**2.348 SITE PLAN CONTROL BY-LAW**

Site Plan Control By-Law, means any By-Law of the Corporation passed pursuant to Section 41 of the Planning Act, as amended from time to time, or any successors thereto.

**2.349 SNACK FOOD**

Snack Food, means prepackaged food such as potato chips, candy bars and soft drinks, but does not include food preparation.

**2.350 STOCKPILING**

Stockpiling, means the use of land for the storage of processed aggregates or other raw materials for future sale.

**2.351 STOOP**

Stoop, means a roofless, unenclosed structure, with or without steps, consisting of a platform and connecting to an exterior door on the ground floor of a dwelling, regardless of whether or not a cellar or part thereof is located underneath such structure.

**2.352 STORAGE COMPOUND, - see SALVAGE YARD.**

**2.353 STOREY**

Storey, means that portion of a building which is situated between the surface of any floor and the surface of the floor next above it and, if there is no floor above it, that portion between the surface of any floor and the ceiling above it, and which is more than fifty percent (50%) above the average finished grade and which has a height of more than 2.1 metres, and shall include an attic having more than 2.1 metres clear headroom for at least fifty percent (50%) of the attic floor area.

**2.354 STREET, IMPROVED**

Street, Improved, means a highway as defined under the Municipal Act, and which has been constructed in such a manner so as to permit its use by the general public for the passage of normal vehicular traffic on a year round basis.

**2.355 STREET, PRIVATE**

Street Private, means a highway other than a **STREET, IMPROVED** as defined herein, which has not been dedicated as a street or accepted or assumed by the Municipality, but is owned privately and which affords the principal means or access to abutting, separately owned, legally conveyable parcels of land.

**2.356 STREET LINE**

Street Line, means the limit of the street allowance and is the dividing line between a lot and a street.

**2.357 STRUCTURE**

Structure, means anything constructed or erected, the use of which requires location on or in the ground, or attached to something located on or in the ground, but does not include the permanent way of a railway, any paved surface located directly on the ground, a fence, sign, basketball net, or light fixtures.

**2.358 STUDIO**

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. The sale of any artifacts produced therein shall be permitted only as an accessory use.

**2.359 SUPPORTIVE COMMUNITY HOME**

Supportive Community Home, means a residential building with central kitchen, administrative, and possibly medical facilities and a number of housekeeping units or rooms where not more than twenty (20) persons reside and receive care consistent with

their needs, either by on-site staff or through the visitation of various health care professionals.

**2.360 SWIMMING POOL, PRIVATE OUTDOOR**

Swimming Pool, Private Outdoor, means a privately owned pool whether or not in the ground, capable of being used for swimming, wading, diving, or bathing and which when filled is capable of containing a depth of 60 cm (24 in) or more of water. For the purpose of regulations pertaining to lot coverage in this By-Law a “Private Outdoor Swimming Pool” is deemed not to be a building or structure.

**2.361 TAVERN**

Tavern, means an establishment operating under the Liquor License Act, as amended from time to time, where alcoholic beverages are sold to be consumed on the premises.

**2.362 TAXI ESTABLISHMENT**

Taxi Establishment, means a property, site or building used as a dispatch office or an area, site or location intended for the parking of taxis and/or limousines when not engaged in transporting persons or goods.

**2.363 TEMPORARY USE**

Temporary Use, means a use that is authorized under the provisions of Section 39 of the Planning Act.

**2.364 THEATRE**

Theatre, means a building, or part thereof, used for the presentation of the performing arts.

**2.365 TILLABLE HECTARES**

Tillable Hectares, means the total area of land (in hectares) including pasture that can be worked or cultivated.

**2.366 TOP OF BANK**

Top of Bank, means, when used with reference to a watercourse, the highest elevation of land which ordinarily confines the waters of such watercourse when they rise out of the stream bed and/or the highest point of a stable slope associated with valley corridors containing a river or stream channel.

**2.367 TOWNHOUSE – see DWELLING, TOWNHOUSE.**

**2.368 TOWNHOUSE, STACKED – see DWELLING, TOWNHOUSE STACKED.**

**2.369 TOWNHOUSE, STREET – see DWELLING, TOWNHOUSE STREET.**

**2.370 TRADESMAN’S SHOP**

Tradesman’s Shop, means an establishment where an individual who performs electrical, plumbing, carpentry, landscape, or other similar trade work, primarily off site, may store materials and may have an office.

**2.366.1 TRAILER**

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 a motor vehicle.

**2.371 TRAILER PARK – see RECREATIONAL TRAILER PARK and CAMPGROUND.**

**2.372 TRUCK TERMINAL**

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

**2.373 USE**

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

**2.374 UTILITY STATION**

Utility Station, means the use of land, buildings, or structures in connection with the supply and distribution of utilities and, without limiting the generality of the foregoing, may include a water or sewage pumping station, a water storage reservoir, an electric power transformer station, a telephone repeater station, and a micro wave tower, but excludes a waste disposal site or a transmission utility corridor.

**2.375 VEHICLE**

Vehicle, means an automobile or other motor vehicle, a boat, a farm implement, a mobile home, a motor home, a snowmobile, a trailer, or any other device which is capable of being drawn, propelled or driven by any kind of power, and includes a commercial vehicle as defined herein, but does not include a bicycle or any other device, other than a boat, powered solely by means of human effort.

**2.376 VEHICLE, COMMERCIAL**

Vehicle, Commercial, means vehicles having permanently attached thereto a truck or delivery body, and includes ambulances, hearses, casket wagons, fire trucks, buses and tractors used for hauling purposes on streets or roads.

**2.377 VEHICLE REPAIR GARAGE**

Vehicle Repair Garage, means an establishment for the repair or replacement of parts in a 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, electrical systems, tires, wheels, windshields,

windows and other mechanical or electrical parts or systems, the installation of undercoating, engine tuning, lubrication and engine conversion or replacement, but does not include a body shop, an impounding yard, an automobile service station or a gas bar. For the purpose of this definition, vehicle does not include motorized construction equipment, farm equipment, tractor trailers, or truck tractors.

**2.378 VEHICLE SERVICE SHOP**

Vehicle Service Shop, means an establishment or part thereof which contains facilities for the repair and maintenance of vehicles on the premises and in which vehicle accessories are sold and vehicle maintenance and repair operations, including the repairing or painting of vehicle bodies and the servicing of farm implements and related equipment, construction equipment, tractor trailers and truck tractors, are performed in return for remuneration, but does not include a body shop wherein the repairing or painting of vehicle bodies constitutes the primary activity, or any establishment engaged in the retail sale of vehicle fuels.

**2.379 VEHICLE SALES OR RENTAL ESTABLISHMENT**

Vehicle Sales or Rental Establishment, means an establishment engaged primarily in the sale, rental or leasing of vehicles and vehicle accessories, with or without an accessory vehicle repair garage or an accessory gasoline retail outlet, and includes an establishment engaged in the sale of farm implements and related equipment, boats and recreational vehicles.

**2.380 VETERINARY CLINIC**

Veterinary Clinic, mean a building, or portion thereof, designed, used or intended for use by a veterinarian who is a member of the Ontario Veterinarian Association and his or her assistants for the purpose of providing for the care and treatment of animals raised or housed for recreational, hobby, or agricultural purposes, and without limiting the generality of the foregoing may include dogs, cats, birds and livestock.

**2.381 VETERINARY CLINIC, SMALL ANIMAL**

Veterinary Clinic, Small Animal, means a building or structure used for a veterinary practice where small domestic animals or birds are kept for treatment only but shall not include outdoor kennels.

**2.382 VIDEO RENTAL ESTABLISHMENT**

Video Rental Establishment, means a building or part of a building used for the rental of video tapes and equipment. Accessory uses may include the sale of video tapes and equipment or convenience foods, restricted to an area not to exceed ten (10.0) square meters.

**2.383 WAREHOUSE**

Warehouse, means a building designed, used, or intended for the storage of goods, wares, merchandise, articles or things.

**2.384 WAREHOUSE, PUBLIC SELF-STORAGE**

Warehouse, Public Self-Storage, means a building or part thereof where individual storage areas are made available to the public for the storage or keeping of goods.

**2.385 WASTE DISPOSAL SITE, HIGH WASTE DIVERSION**

Waste Disposal Site, High Waste Diversion, means any building, structure or lot used for the collection, storage, separation, and processing of non-hazardous wastes through recycling, composting, recovery, incineration, and/or landfilling and which has a Provisional Certificate of Approval for such purposes under the Environmental Protection Act.

**2.386 WASTE DISPOSAL SITE, LANDFILL**

Waste Disposal Site, Landfill, means a waste management facility, which has a Provisional Certificate of Approval for such purposes under the Environmental Protection Act, where non-hazardous waste material is placed in trenches and/or on land and is covered with earth.

**2.387 WASTE TRANSFER STATION**

Waste Transfer Station, means a site and facilities used in the management and processing of liquid and hazardous wastes, wastes and recyclable materials which has a Provisional Certificate of Approval for such purposes under the Environmental Protection Act.

**2.388 WASTE TREATMENT**

Waste Treatment, means a building or part thereof, used by waste processing plants, water pollution control plants, sanitary landfill sites, and hazardous substance treatment plants.

**2.389 WATERCOURSE**

Watercourse, means a natural channel for a stream of water, but does not include a drain as defined under the Drainage Act, as amended or revised from time to time.

**2.390 WATER SYSTEM, PUBLIC**

Water System, Public, means a water distribution system consisting of piping, pumping and purification appurtenances and related storage, owned and operated by the Corporation, another municipality or the Ministry of the Environment.

**2.391 WAYSIDE PIT OR QUARRY – see PIT, WAYSIDE OR WAYSIDE QUARRY.**

**2.392 WETLAND**

Wetland, means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case, the presence or absence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, bogs, fens and marshes. Periodically soaked

or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition.

**2.393 WILDLIFE PRESERVE**

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

**2.394 WIND ENERGY GENERATION SYSTEM (WEGS)**

Wind Energy Generation System (WEGS), means any turbine capable of harnessing the kinetic energy of the wind and converting it into electrical energy by coupling mechanically rotating blades to a generator.

- (1) **COMMERCIAL WIND ENERGY GENERATION SYSTEM (CWEGS)**, means a single wind energy generation system intended to be connected to the provincial electrical transmission grid for the commercial sale of electricity.
- (2) **SMALL WIND ENERGY GENERATION SYSTEM (WEGS)**, means a single wind energy generation system that is accessory to a permitted use of a lot and primarily produces electricity only for on-site domestic consumption.
- (3) **WIND FARM**, means one or more lots used to accommodate commercial wind energy conversion systems intended to be connected to the provincial electrical transmission grid for the commercial sale of electricity.

**2.395 WINERY, FARM FRUIT**

Winery, Farm Fruit, 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 farm winery may also include a retail outlet, hospitality room, winery office and a laboratory. Buildings and structures utilized as part of a Farm Winery shall not be defined as farm buildings and structures for the purposes of site plan control.

**2.396 WORKS OF A CONSERVATION AUTHORITY**

Works of a Conservation Authority, means projects undertaken by a Conservation Authority to protect or enhance areas under their control.

**2.397 YARD**

Yard, means a space, appurtenant to a building or structure, located on the same lot as such building or structure, and which space is open, uncovered and unoccupied from the ground to the sky subject to the specific exceptions contained in this By-Law.

- (1) **FRONT YARD**, means a yard extending across the full width of a lot between the front lot line of such lot and the nearest part of any building, structure or excavation on such lot.

- (2) **FRONT YARD DEPTH**, means the shortest horizontal dimension of a front yard between the front lot line of a lot and the nearest part of any building, structure open storage or excavation on such lot.
- (3) **REAR YARD**, means a yard extending across the full width of a lot between the rear lot line of such lot, or, where there is no rear lot line, the junction point of the side lot lines, and the nearest part of any building, structure or excavation on such lot.
- (4) **REAR YARD DEPTH**, means the shortest horizontal dimension of a rear yard between the rear lot line of a lot or, where there is no rear lot line, the junction point of the side lot lines, and the nearest part of any building, structure or excavation on such lot.
- (5) **SIDE YARD**, means a yard extending from the front yard to the rear yard of a lot and from the side lot line of such lot to the nearest part of any building, structure or excavation on such lot.
- (6) **SIDE YARD WIDTH**, means the shortest horizontal dimension of a side yard between the side lot line of a lot and the nearest part of any building, structure or excavation on such lot.
- (7) **EXTERIOR SIDE YARD**, means a side yard immediately adjoining a street or abutting a one-foot reserve on the opposite side of which is located a street.
- (8) **INTERIOR SIDE YARD**, means a side yard other than an exterior side yard.
- (9) **REQUIRED YARD**, means that part of a yard which:
  - (a) is located adjacent to a lot line;
  - (b) has the minimum front yard depth, rear yard depth or side yard width required hereby or is situated closer to the centerline than the setback required therefrom; and
  - (c) does not contain or include any buildings, structures, open storage or excavations except where this By-Law specifically provides otherwise.

**2.398 ZONE**

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

**2.399 ZONE, PRIVACY YARD**

Zone, Privacy Yard, means an area within the minimum yard depth in which communal activities are discouraged or prevented by means of surface finishing, landscaping or physical barriers.

**2.400 ZONED AREA**

Zoned Area, means all those lands lying within the corporate limits of the Municipality of Thames Centre.

**2.401 ZONING ADMINISTRATOR**

Zoning Administrator, means the officer or employee of the Corporation charged with the duty of administering the provisions of this By-Law and supervising any By-Law enforcement.

## SECTION 3. ZONES AND ZONE SYMBOLS

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### 3.1 **DIVISION INTO ZONES**

For the purposes of this By-Law, all lands within the zoned area are divided into zones as shown on Schedule “A” to this By-Law, and classified in accordance with Subsection 3.2 of this Section.

### 3.2 **ZONE CLASSIFICATION**

#### 3.2.1 **AGRICULTURAL ZONES**

The following zone designations and symbols represent Agricultural Zones:

- |                                   |     |
|-----------------------------------|-----|
| (1) Agricultural Zone             | A   |
| (2) Agricultural Restrictive Zone | AR  |
| (3) Agricultural Commercial Zone  | AGC |

#### 3.2.2 **RESIDENTIAL ZONES**

The following zone designations and symbols represent Residential Zones:

- |                                     |     |
|-------------------------------------|-----|
| (1) Hamlet Residential Zone         | HR  |
| (2) Residential First Density Zone  | R1  |
| (3) Residential Second Density Zone | R2  |
| (4) Residential Third Density Zone  | R3  |
| (5) Rural Residential Zone          | RR  |
| (6) Mobile Home Park Zone           | MHP |

#### 3.2.3 **COMMERCIAL ZONES**

The following zone designations and symbols represent Commercial Zones:

- |                                   |             |
|-----------------------------------|-------------|
| (1) General Commercial Zone       | GC1 and GC2 |
| (2) Highway Commercial Zone       | HC          |
| (3) Neighbourhood Commercial Zone | NC          |

- (4) Office Residential Zone OR
- (5) Commercial Recreation Zone CR

### **3.2.4 INDUSTRIAL ZONES**

The following zone designations and symbols represent Industrial Zones:

- (1) General Industrial Zone M1
- (2) Rural Industrial Zone M2
- (3) Extractive Industrial Zone M3
- (4) Residential Industrial Zone RM

### **3.2.5 INSTITUTIONAL ZONES**

The following zone designations and symbols represent Institutional Zones:

- (1) Institutional Zone I

### **3.2.6 OPEN SPACE ZONES**

The following zone designations and symbols represent Open Space Zones:

- (1) Open Space Zone OS

### **3.2.7 ENVIRONMENTAL PROTECTION ZONES**

The following zone designations and symbols represent Environmental Protection Zones:

- (1) Environmental Protection Zone EP
- (2) Wetland Zone W

### **3.2.8 FUTURE DEVELOPMENT ZONES**

The following zone designations and symbols represent Future Development Zones:

- (1) Future Development Zone FD

### **3.3 ZONE SYMBOLS AND DESIGNATIONS – USE AND INTERPRETATION**

The zone designations and symbols listed in Subsection 3.2 of this Section may be used to refer to buildings and structures and to the uses of lots, buildings and structures permitted by this By-Law in the said zones. Where the word "Zone" is used in this By-Law preceded by any of the zone symbols listed in Subsection 3.2 of this Section, such zones shall mean any area within the Municipality delineated on Schedule "A" and designated thereon by the said symbol.

### **3.4 ZONE PROVISIONS**

#### **3.4.1 PERMITTED USES AND REGULATIONS**

For each zone listed in Subsection 3.2 of this Section, a separate Subsection of this By-Law sets out the uses permitted in, and the specific provisions relating to, such zone under the headings "PERMITTED USES" and "REGULATIONS", respectively.

#### **3.4.2 SCOPE OF ZONE REQUIREMENTS**

Except as otherwise specifically provided herein, the specific zone requirements set out herein for each zone shall apply to such zone in addition to the general provisions set out in Section 4 hereof.

#### **3.4.3 ZONE MEASUREMENTS ABBREVIATIONS**

- (1) ha - hectare; hectares
- (2) m - metre; metres
- (3) m<sup>2</sup> - square metres.

### **3.5 SPECIAL PROVISION ZONES**

Wherever a zone symbol on Schedule "A" hereto is followed by a dash and a number, such as "A-1", the lands so designated shall be subject to, and used in accordance with all the provisions of this By-Law applicable to the zone represented by such symbol except as otherwise specifically provided by the special provisions of the special zone set out in the applicable Special Provisions Section of the zone.

### **3.6 HOLDING "h" ZONES**

#### **3.6.1 USE OF SYMBOL**

Where a zone symbol listed in Subsection 3.2 is used in conjunction with the holding symbol "h" as shown on the zone maps, no buildings or structures shall be erected or altered, save and except existing buildings and structures and accessory buildings and structures permitted in the said zone and in accordance with the standards of the said zone, until the "h" symbol is removed in accordance

with Section 36 of the Planning Act, as amended from time to time. The relevant Holding Zone Provisions are denoted by the number (if any) immediately following the symbol “h” on the zoning map.

### 3.6.2 HOLDING ZONE PROVISIONS

- (1) h **Purpose:** To ensure the orderly development of lands and the adequate provision of municipal services, the “h” symbol shall not be removed until a Subdivision Agreement or Development Agreement is entered into for the subject lands in question with the Municipality of Thames Centre.

**Permitted Interim Uses:** Existing Uses.

- (2) h-1 **Purpose:** To ensure that mitigating measures are undertaken in areas located adjacent to transportation and utility corridors, an Agreement shall be entered into with the Municipality of Thames Centre, covering requirements for incorporating appropriate attenuation measures into the design of the development, prior to the removal of the “h” symbol.

**Permitted Interim Uses:** Existing Uses; any non-residential uses permitted by the applicable zones.

- (3) h-2 **Purpose:** To ensure that development will not have a negative impact on an environmentally sensitive area, or natural feature, an Agreement shall be entered into specifying any necessary preventative measures, based on study(ies) to the satisfaction of the Municipality of Thames Centre, in consultation with the appropriate Conservation Authority, conducted by qualified professional(s) demonstrating that development in the form proposed will not adversely affect the area or feature, prior to the removal of the “h” symbol.

**Permitted Interim Uses:** Existing Uses.

- (4) h-3 **Purpose:** To ensure that development takes a form compatible with adjacent land uses, Agreements shall be entered into with the Municipality of Thames Centre following a public site plan review process specifying the issues allowed for under Section 41 of the Planning Act, as amended from time to time, prior to the removal of the “h” symbol.

**Permitted Interim Uses:** Existing Uses.

- (5) h-4 **Purpose:** To ensure that buildings and structures that have been identified by the Municipality as being historically significant and that are being actively pursued for a designation under the Ontario Heritage Act, as amended from time to time, are not negatively impacted by development or redevelopment of the site or buildings, and to ensure that the development or redevelopment is in a form compatible with the heritage buildings, the following conditions must be satisfied prior to the removal of the holding provisions:
- (a) The site and/or building and/or portions thereof must be designated under the Ontario Heritage Act, as amended from time to time, by the Municipality of Thames Centre;
  - (b) The site, buildings or portions thereof must be subject to an easement or easements to provide for municipal services, heritage preservation and conservation in favour of the Municipality and to the satisfaction of the Municipality of Thames Centre;
  - (c) The affected lands will be subject to Site Plan Control under Section 41 of the Planning Act, and a Development Agreement must be entered into by the owner of the subject lands and the Municipality of Thames Centre.

**Permitted Interim Uses:** Existing Uses, buildings and structures as they legally existed at the date of adoption of this By-Law.

- (6) h-5 **Purpose:** To ensure the orderly development of land and the adequate provision of services, the “h-5” symbol will not be removed until adequate agreements with the Municipality have been reached regarding hydrogeological studies, stormwater management, servicing and site plan control.

**Permitted Interim Uses:** Existing Uses, buildings and structures as they legally existed at the date of adoption of this By-Law.

### **3.7 MULTIPLE USES, MULTIPLE ZONES AND COMPOUND ZONES**

#### **3.7.1 MULTIPLE USES**

- (1) Where a lot contains more than one (1) permitted use other than an accessory use, each such use shall conform to the provisions of the zone in which the said lot is located as if such use exists independently of any other use.
- (2) Where standards or provisions pertaining to two (2) or more uses on one lot are in conflict, the highest or most restrictive standards and/or provisions shall apply.

### **3.7.2 MULTIPLE ZONES**

- (1) Where a lot is divided into two or more zones, each such portion of the said lot shall be considered a separate lot as defined herein and shall be used in accordance with the provisions of this By-Law which are applicable to the zone wherein such portion of the said lot is located.
- (2) Notwithstanding anything to the contrary in Clause (1) of this Subsection, where a use or uses are permitted by the zones applying to two or more portions of the lot, those portions shall be considered to constitute a single lot as defined herein and the highest or most restrictive zone requirements pertaining to such use or uses in all the pertinent zones shall apply throughout. Where the lot includes an Environmental Protection Zone, the property may be treated as one lot for the purpose of lot area, coverage, and/or lot frontage so long as the applicable zone regulations can be met.

### **3.7.3 COMPOUND ZONES**

Notwithstanding any other provision of this By-Law, where two or more zoning symbols divided by a “/” are shown on the zoning maps as applying to a lot or as compounded by a Special Provision, that lot may be used exclusively for any use permitted in any one of the zones included in the compound zone symbol, or for any combination of uses permitted in any of the zones included in the compound zone symbol, subject to the following regulations:

- (1) The site development specifications prescribed in this By-Law for the selected zone in the compound zone symbol in which the use is permitted shall be observed in the development of the lands. In the case of a conflict when selecting a combination of uses from two or more zones, the more restrictive zone regulation applies.
- (2) The parking and loading required by this By-Law for each of the uses included in the development of the lands, whether for a single use or a combination of uses, shall be provided.

### **3.8 TEMPORARY USE ZONES**

Where the zone symbol on Schedule “A” is preceded by a “T” and followed by a date, such as T-A-3-8-22-2003, the “T” stands for a Temporary Zone as permitted under Section 38 of the Planning Act, as amended from time to time. When the time period specified within the zone has passed and if an extension has not been granted by Council, the property reverts to the base zone. In the example given, the “A-3” stands for the use permitted (a mobile home, for example), and the 8-22-2003 stands for when the zone will cease to be in effect, with the order of the numbers being the month, the day, and the year. Once the temporary time period has lapsed, the base zone would then apply. In the example given the base zone would be the Agricultural (A) Zone.

### **3.9 BONUS PROVISION**

Notwithstanding the density and height provisions which apply to a lot, the maximum permitted density and/or height may be increased in accordance with Section 37 of the Planning Act, as amended from time to time, in return for the provisions of certain facilities, services or other matters.

## SECTION 4. GENERAL PROVISIONS

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### 4.1 **ACCESSORY USES**

#### 4.1.1 **ACCESSORY USES PERMITTED IN ALL ZONES**

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

#### 4.1.2 **LOT COVERAGE**

In a Residential Zone, the total floor area of all accessory buildings or structures on a lot shall not exceed a maximum of 90 square metres or 75% of the floor area of the dwelling, whichever is lesser. The total area of an accessory building may not exceed the gross floor area of the main building except in the Agricultural or Industrial zones. The area of an open swimming pool and/or a deck shall not be included in calculating lot coverage.

#### 4.1.3 **HEIGHT RESTRICTIONS**

No accessory building or structure in any zone other than an Industrial or Agricultural Zone shall exceed 5.0 metres in height measured to the peak of the roof for any accessory building or structure.

#### 4.1.4 **YARD REQUIREMENTS**

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

- (1) a building or structure accessory to a single dwelling, anywhere in an interior side yard, exterior side yard or rear yard, provided that such accessory building or structure shall not be located closer than 4.5 metres to any exterior lot line or 1.0 metre to any other lot line;
- (2) a mutual detached garage with a party wall astride a side lot line in a Residential Zone, shall be constructed to provide a proper fire separation, and such mutual garage shall not be located in a required front yard, nor closer than 1.0 metre to any portion of a rear lot line, unless that portion of the rear lot line adjoins the interior side yard of the adjoining lot, in which case the distance shall be no closer than 4 metres, and in no case shall any such accessory building be built closer than 7 metres to any street line;

- (3) a gatehouse, anywhere in a front yard or exterior side yard in any Industrial Zone;
- (4) a kiosk for a parking lot anywhere in a front or exterior side yard in a Commercial, Institutional or Industrial Zone;
- (5) a swimming pool, in accordance with the provisions of Subsection 4.26 of this By-Law;
- (6) a boat house or boat dock at the edge of a watercourse;
- (7) a garage in a front yard, but not a required front yard, within any Residential Zone.
- (8) a satellite dish provided it is not erected in an elevated position which exceeds the maximum height requirement for accessory buildings established in this Subsection, and provided it is located in a rear yard or interior side yard.

#### **4.2 BED AND BREAKFAST ESTABLISHMENTS**

A bed and breakfast establishment shall be permitted in single detached dwellings in the “A”, “AR”, “HR”, “RR” and OR Zones, and shall be subject to the following regulations in addition to the regulations of the applicable zone:

- (1) A bed and breakfast establishment shall be clearly secondary and located entirely within a single dwelling in the “A”, “AR”, “HR”, “RR” or “OR” Zone;
- (2) No more than two (2) guest rooms shall be made available to accommodate the traveling and vacationing public;
- (3) Guest rooms shall not occupy more than 25% of the gross floor area of the dwelling;
- (4) No bed and breakfast establishment shall create or become a public nuisance, particularly with regard to noise, traffic, parking, light or nighttime operation, or radio or television interference, nor shall any open storage be permitted in conjunction with a bed and breakfast establishment;
- (5) The bed and breakfast establishment shall be operated only by a person or persons residing in the dwelling as their permanent residence;
- (6) A bed and breakfast establishment shall be permitted to display one (1) sign in accordance with the Municipality’s Sign By-law.

#### **4.3 DWELLING UNITS**

#### **4.3.1 LOCATION WITHIN NON-RESIDENTIAL BUILDING**

Where a dwelling unit is located within or attached to a non-residential building, such building and dwelling unit shall comply with the yard requirements of this By-Law which apply to the said non-residential building. Furthermore, any wall of a non-residential building that contains a window of a habitable room shall be located not less than 2.5 metres from any side lot line.

#### **4.3.2 LOCATION WITH BASEMENT OR CELLAR**

- (1) No dwelling unit shall be located in its entirety within a cellar. If any portion of a dwelling unit is located in a cellar, such portion shall be for non-habitable rooms only.
- (2) A dwelling unit or part thereof may be located in a basement provided the finished floor level of such basement is not below the level of any sanitary or storm sewer servicing the building or structure in which such basement is located.

#### **4.3.3 DWELLING UNIT AREA (MINIMUM)**

No dwelling unit shall be erected or used unless:

- (1) in the case of a dwelling unit constituting a single dwelling, the minimum floor area shall be 70 square metres;
- (2) in the case of a mobile home, the minimum floor area shall be 55 square metres, except that the minimum dwelling unit area of an existing mobile home shall be 44 square metres;
- (3) in the case of any other dwelling unit, the minimum floor area shall be 40 square metres for a bachelor dwelling unit plus an additional 15 square metres for each bedroom;
- (4) notwithstanding sub-clause (1), (2) and (3) above, in the case where the applicable zone regulations require a minimum floor area greater than that required by this Subsection, the minimum floor area regulation of said zone shall apply.

#### **4.3.4 DWELLING UNITS PER LOT (MAXIMUM)**

A maximum of one (1) dwelling unit per lot shall be permitted except in the case where:

- (1) a lot contains more than one (1) dwelling unit on the date of passing of this By-Law, in which case the maximum number of dwelling units permitted on such lot shall be the number of existing dwelling units on the said lot; and



- (6) All greenhouses shall be located a minimum distance of 45 metres from any residential use on an adjacent lot.
- (7) No manure, compost or equipment may be stored within 30 metres of a street allowance, or a watercourse, or a residential use on an adjacent lot.
- (8) All greenhouses greater than 500 square metres shall be subject to site plan control.

#### **4.6 GROUP HOMES**

- (1) Notwithstanding any other provisions of this By-Law to the contrary, a Group Home Type 1 may be permitted in any single unit dwelling provided there is no Group Home Type 1 or Group Home Type 2 located within 100 metres from the proposed facility and the dwelling unit has a minimum floor area of 18.5 square metres per person residing within the unit.
- (2) Group Homes Type 2 are permitted only within those zones which specifically permit the use. In order to prevent concentrations of Group Home Type 2 uses within specific areas, and notwithstanding their being listed as a permitted use, the minimum separation distance between facilities shall be 300 metres measured in any direction.

#### **4.7 HEIGHT RESTRICTIONS**

##### **4.7.1 GENERAL**

Unless otherwise specifically provided elsewhere herein, or as set out below, no building or structure anywhere within the zoned area shall exceed a height limit of 10.0 m. With the exception of the London Airport Height Regulation set out in Subsection 4.7.2 below, this provision or any other provision of this By-Law, however, shall not restrict the height of any of the following structures:

- (1) barn;
- (2) chimney;
- (3) cracking tower;
- (4) clock tower;
- (5) elevator or stairway penthouse;
- (6) flag pole;
- (7) grain elevator;
- (8) grain dryer;
- (9) hydro-electric transmission tower;
- (10) mechanical appurtenances;
- (11) precipitating tower;
- (12) radio or television antenna;
- (13) silo;
- (14) spire;

- (15) steeple or cupola;
- (16) water tower;

provided that in no case shall any building or structure exceed a height of 20 metres in a Residential Zone or 45 metres in any other Zone.

#### **4.7.2 CITY OF LONDON AIRPORT HEIGHT RESTRICTIONS**

All development within the area shown on Schedule “D” shall comply with the regulations under the Aeronautics Act for the London International Airport.

#### **4.8 HOME OCCUPATION - AGRICULTURAL**

No agricultural home occupation shall be permitted within any “A” or “AR” Agricultural Zone except in accordance with the following provisions:

- (1) An agricultural home occupation shall be clearly secondary to a single dwelling located on the same lot within an “A” or “AR” Agricultural Zone.
- (2) An agricultural home occupation must be operated by a person residing on the lot, and at no time shall any agricultural home occupation employ more than two (2) persons who do not reside in the dwelling to which such agricultural home occupation is secondary and who attend or work on the lot where the dwelling is located.
- (3) An agricultural home occupation may be located within the dwelling unit and/or within accessory buildings. However,
  - (a) the total gross floor area of the home occupation shall not exceed 550 square metres;
  - (b) on lots less than 1.0 hectare in size, the gross floor area of the home occupation shall not exceed the gross floor area of the dwelling;
  - (c) the size or nature of the agricultural home occupation shall not reduce the ability of the land to be used for agricultural purposes;
  - (d) any area used for an agricultural home occupation shall not reduce the dwelling area required by Subsection 4.3.3.
- (4) No agricultural home occupation shall create or become a public nuisance, particularly with regard to noise, traffic, parking, light or nighttime operation, or radio or television interference, nor shall any open storage be permitted in conjunction with an agricultural home occupation, except as specifically permitted in accordance with the provisions of the Agricultural Zone within which the agricultural home occupation is located, but at no time shall open storage in conjunction with a home occupation be located within the front yard.

- (5) There shall be no product on display and no sign shall be permitted other than one (1) non-illuminated sign, in accordance with the Municipality's Sign By-law, to indicate to persons outside that any part of the property is being used for a purpose other than residential or agricultural.
- (6) None of the following uses shall be considered agricultural home occupations, except where such uses are specifically permitted in accordance with the provisions of the Agricultural Zone within which the agricultural home occupation is located:
  - (a) automotive or vehicle repair or servicing;
  - (b) bed and breakfast establishment;
  - (c) convenience store;
  - (d) hospital;
  - (e) funeral home;
  - (f) restaurant;
  - (g) salvage yard;
  - (h) truck terminal or any trucking operation;
  - (i) wind farm.
- (7) Only one (1) agricultural home occupation shall be permitted on a lot.

#### **4.9 HOME OCCUPATION - RESIDENTIAL**

No residential home occupation shall be permitted within any Residential Zone except in accordance with the following provisions:

- (1) A residential home occupation shall be accessory to a dwelling and located within a zone in which a home occupation is specifically listed as a permitted use. The residential home occupation shall be clearly incidental and secondary to the main residential use to which it is accessory and shall not change the residential character of the dwelling.
- (2) A residential home occupation shall be carried out by a resident of the unit and at no time shall any residential home occupation employ more than one (1) person not residing within the dwelling unit to which such home occupation is accessory.
- (3) Residential home occupations shall be located entirely within the dwelling and an attached or detached garage, and are not permitted within any accessory building or structure other than a detached garage. No more than twenty-five percent (25%) of the dwelling unit or 50 square metres, whichever is lesser, may be devoted to a residential home occupation use.
- (4) No residential home occupation shall create or become a public nuisance, particularly with regard to noise, traffic, parking, light or nighttime operation, or

radio or television interference, nor shall any open storage be permitted in conjunction with a home occupation.

- (5) There shall be no product on display and no sign shall be permitted other than one (1) non-illuminated sign, in accordance with the Municipality's Sign By-law, to indicate to persons outside that any part of the property is being used for a purpose other than residential.
- (6) Residential home occupations shall be limited to such occupations as insurance agents, sales agents, accountants, telephone sales, computer graphics, seamstress/tailor, artists, music teacher, crafts, hobbies, small goods repair, tradesmen, hairdresser/barber, and caterer/baker. Also included as residential home occupations are home child care that, for remuneration, provide temporary care to not more than five (5) children or temporary day care to not more than three (3) adults.

#### **4.10 HOUSEHOLD SALES / GARAGE SALES**

Household sales/garage sales are permitted in any zone, except that there shall not be more than two (2) such sales per annum at one (1) location and no such sale shall exceed three (3) consecutive days in duration.

#### **4.11 KENNELS**

Notwithstanding the setbacks of any Zone where a Kennel is a permitted use, no kennel be erected or used closer than:

- (1) One hundred and eighty (180) metres from a dwelling located on a separate lot;
- (2) Three hundred (300) metres from an Institutional (I) Zone or any Residential Zone;
- (3) Three hundred (300) metres from another Kennel.

#### **4.12 LANDSCAPING**

##### **4.12.1 LANDSCAPED OPEN SPACE**

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

- (1) 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.
- (2) 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.

- (3) Where landscaped open space of any kind, including a planting strip, is required adjacent to any lot line or elsewhere on a lot, nothing in this By-Law shall apply to prevent such landscaped open space from being traversed by pedestrian walkways or permitted driveways.
- (4) No part of any driveway, parking area, loading space, stoop, roof-top terrace, balcony, swimming pool or space enclosed within a building, other than a landscaped area located above an underground parking area, shall be considered part of the landscaped open space on a lot.
- (5) Any area used for the tilling of soil, growing of crops or grazing of livestock shall be considered as part of the landscaped open space requirement when associated with an agricultural use.

#### **4.12.2 PLANTING STRIPS**

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

- (1) Where the lot line of a lot containing a non-residential use and located in a Commercial Zone or Industrial Zone abuts a lot in a Residential Zone, or abuts a street on the opposite side of which is located a lot in a Residential Zone, then that part of the lot containing such 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 3.0 metres measured perpendicularly to the said lot line. Planting strips shall be landscaped and planted with ornamental shrubs, flowering shrubs, flower beds, man-made landscape materials or a combination thereof and may contain closed board, picket or chain linked fence having a minimum height of 1.2 metres at the time of planting.
- (2) Where a fence, a wall, a row of trees or a hedgerow is provided as part of a planting strip required by this By-Law, such fence, wall, row of trees or hedgerow shall be designed to have an ultimate height of not less than 1.2 metres above the elevation of the ground at the nearest lot line, except within a daylighting triangle where the maximum height of any landscaping materials shall be 0.6 metre.
- (3) Where a planting strip required hereby is traversed by a pedestrian walkway or by a driveway in accordance with Clause (3) of Subsection 4.12.1, such planting strip shall not be required to extend closer than 1.0 metre to the edge of such walkway or closer than 2.0 metres 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.

#### **4.13 LIGHTING**

Lighting fixtures designed to provide exterior illumination on any lot shall be installed with the light directed or deflected away from adjacent lots and streets and shall not be similar to traffic lights.

#### **4.14 LIQUID MANURE STORAGE FACILITIES – CONSTRUCTION, SIZE AND SEALING**

Where permitted in conjunction with an agricultural use and/or intensive livestock agricultural use, liquid manure storage facilities shall:

- (1) be constructed of concrete, metal, or other impervious, durable material, provided that earthen lagoons shall not be permitted;
- (2) have walls that:
  - (a) extend one-half (0.5) metres or more above grade level; with solid continuous concrete or metal panelling erected on top of or in contact with these walls and extending one and three-quarter (1.75) metres or more above the top edge of these walls, thus providing a windbreak for a total height of two and one-quarter (2.25) metres above grade level; or
  - (b) extend thirty (30) centimetres or more above grade level; and having a solid cover of concrete, plywood, metal panelling, or other similar material erected on top of these walls and vented to prevent a build-up of gases and providing an effective top and seal for the manure storage facility; or
  - (c) extend one-half (0.5) metres or more above grade level; and having any other type of cover properly sealing the tank with a suitable chain-link or equivalent safety fencing having a height of one and one-half (1.5) metres within one (1) metre of the edge of the liquid manure storage facility;
- (3) be adequate in size to contain the total amount of manure generated in any eight (8) month period by the agricultural use;
- (4) be sealed to prevent surface drainage or groundwater from gaining entrance;
- (5) be located in accordance with the setback requirements of the applicable zone or the setback required by Schedule “C” Minimum Distance Separation (MDS II) formulae, whichever is greater;
- (6) be subject to the requirements of the Municipality’s Nutrient Management By-Law in addition to the requirements of this By-Law.

## 4.15 **LOADING SPACES**

### 4.15.1 **LOADING SPACES REQUIRED**

The owner or occupant of any lot, building or structure used or erected for any purpose involving the receiving, shipping loading or unloading of 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.

### 4.15.2 **LOCATION OF LOADING SPACES**

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

### 4.15.3 **NUMBER OF LOADING SPACES (MINIMUM)**

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 Subsection 4.15.1, in accordance with the following:

<b>GROSS FLOOR AREA</b>	<b>LOADING SPACES (MINIMUM)</b>
(1) Less than 250 sq. m.	0
(2) Greater than 250 sq. m. up to and including 7,500 sq. m.	1
(3) Greater than 7,500 sq. m. up to and including 14,000 sq. m.	2
(4) Greater than 14,000 sq. m.	3, plus one (1) additional loading space for each 10,000 sq. m. or part thereof in excess of 14,000 sq. m. of gross floor area

### 4.15.4 **DIMENSIONS OF LOADING SPACES (MINIMUM)**

A required loading space shall have minimum dimensions of 3.5 metres by 10 metres and a minimum vertical clearance of 4 metres.

#### **4.15.5 ACCESS TO LOADING SPACES**

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

- (1) have a minimum unobstructed width of at least 3.5 metres, regardless of the direction of traffic flow thereupon, and provide sufficient space to permit the maneuvering of vehicles on the lot so as not to obstruct or otherwise cause a hazard on adjacent streets;
- (2) are contained within the lot on which such loading spaces are located and lead either to an improved street or to a lane; and
- (3) comply in all other respects with the requirements for driveways providing entrance to parking areas and spaces set out in Subsection 4.4 of this Section.

#### **4.15.6 SURFACE AND DRAINAGE OF LOADING SPACES AND DRIVEWAYS**

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

#### **4.15.7 ADDITION TO EXISTING USE**

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

#### **4.15.8 SPECIAL EXCEPTIONS**

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

#### **4.16 MINIMUM DISTANCE SEPARATION (MDS)**

- (1) Notwithstanding any other yard or setback provisions of this By-Law to the contrary, no residential, institutional, commercial, industrial, or recreational use located on a separate lot and otherwise permitted by this By-Law, shall be established and no building or structure for such use shall be erected or altered unless it complies with the Minimum Distance Separation (MDS I) calculated using Schedule “B” to this By-Law.
- (2) Notwithstanding any other yard or setback provisions of this By-Law to the contrary, no livestock facility or manure storage facility shall be erected or expanded unless it complies with the Minimum Distance Separation (MDS II) calculated using Schedule “C” to this By-Law.
- (3) The Minimum Distance Separation (MDS I and MDS II) shall not be required between a livestock facility and:
  - (a) a dwelling or accessory building on the same lot;
  - (b) a public utility;
  - (c) a sewage treatment facility;
  - (d) a waste disposal site; or
  - (e) a pit or quarry.

#### **4.17 MUNICIPAL SERVICES**

Notwithstanding any other provisions of this By-Law, no land shall be used, nor any buildings or structures erected or used unless, pursuant to an agreement made or condition imposed under Sections 41, 45, 51 or 53 of the Planning Act or Section 50 of the Condominium Act, dealing with the provision of any of the municipal services or permitted private services as are set out in this By-Law, unless the municipal services or permitted private services to be provided are available to service the land, buildings or structures, as the case may be.

#### **4.18 NON-COMPLYING USES**

##### **4.18.1 REBUILDING OR REPAIR PERMITTED**

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

#### **4.18.2 EXTENSIONS PERMITTED AND EXISTING YARDS RECOGNIZED**

Nothing in this By-Law shall prevent a vertical or horizontal extension or addition from being made to an existing or permitted building or structure on a lot, even though such building, structure or lot or the use thereof does not comply with one or more of the provisions of this By-Law, provided such extension or addition itself is designed, located, used and otherwise is in compliance with the provisions of this By-Law, except that all yards appurtenant to an existing building or structure shall be deemed to conform to the yard and setback requirements of this By-Law, notwithstanding that the width or depth of such yards might be less than that required elsewhere herein.

#### **4.18.3 LOT AREA OR LOT FRONTAGE LESS THAN REQUIRED**

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

- (1) is or has been held under distinct and separate ownership from abutting lots or was legally created; or
- (2) is created as a result of an expropriation; and
- (3) is located within a Residential Zone and has a minimum 8.0 metre frontage or is located within an Agricultural Zone and has a minimum 15.0 metre frontage and is able to obtain a potable water supply and a private sewage disposal system permit;
- (4) is created or altered, as a result of a consent being given following the effective date, in greater compliance with the minimum lot area and/or the minimum lot frontage requirements of this By-Law;

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

### **4.19 OPEN STORAGE**

#### **4.19.1 OPEN STORAGE REGULATIONS**

Except as otherwise provided in Subsection 4.19.2, or specifically listed as a permitted use in a zone, no open storage shall be permitted on any lot in any zone, except in accordance with the following provisions:

- (1) No open storage area shall be permitted in any required yard or, except in the case of an agricultural use or the outside display and sale of goods and materials in conjunction with a permitted commercial use, in any part of a front yard or exterior side yard.

- (2) No open storage area shall be located closer than 3 metres to any lot line.
- (3) No open storage area shall be visible from any street or from any adjacent lot, where such adjacent lot is located in a zone other than a Commercial Zone or an Industrial Zone, and to this end any open storage area shall be screened, wherever necessary in order to comply with this provision, by a planting strip containing an opaque fence, wall or other opaque barrier not less than 2 metres in height, except that this provision shall not apply to any 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.
- (4) Any open storage area shall be maintained as landscaped open space or provided and maintained with a stable surface, treated so as to prevent the raising of dust or loose particles and drained in accordance with the requirements of the Municipality, except that this provision shall not apply to any storage area located on a lot whereon the main use is an agricultural use.
- (5) Notwithstanding Clause (4) of this Subsection, no open storage area shall be considered part of any landscaped open space required hereby.
- (6) No parking spaces or loading spaces required by this By-Law shall be used for open storage purposes.
- (7) No open storage of hazardous substances shall be permitted within any Residential Zone, Environmental Protection Zone or Agricultural Restrictive Zone.

#### **4.19.2 SPECIAL EXCEPTIONS**

Nothing in Subsection 4.19.1 shall apply to prevent or otherwise restrict the use as an open storage area of any part of:

- (1) the front yard on a lot containing an agricultural use, for a temporary roadside retail farm sales outlet for produce grown on the said lot; or
- (2) a lot containing a single dwelling, for a special temporary household/garage sale, by auction or otherwise, subject to the regulations of Subsection 4.10, of personal possessions belonging to the occupants thereof.

#### **4.20 OUTDOOR PATIOS ASSOCIATED WITH RESTAURANTS**

Notwithstanding any other provisions of this By-Law, the following shall apply to an outdoor patio associated with a permitted restaurant:

#### **4.20.1 CAPACITY**

No outdoor patio shall accommodate more than fifty percent (50%) of the licensed capacity of the restaurant with which the patio is associated, or fifty (50) persons, whichever is the greater.

#### **4.20.2 LOCATION**

- (1) No outdoor patio shall be permitted where any lot line adjoins lands which are in a Residential Zone class which is not in combination with another zone, or is separated therefrom by a lane.
- (2) Notwithstanding the provisions of Clause (1), where only the rear lot line adjoins a Residential Zone class which is not in combination with another zone, or is separated therefrom by a lane, an outdoor patio shall be permitted in the front yard.
- (3) No outdoor patio shall be located above the elevation of the floor of the first storey of the principal building where the lot adjoins a Residential Zone class which is not in combination with another zone, or is separated therefrom by a lane.

#### **4.20.3 LIGHTING**

Any outdoor lighting shall be directed toward or onto the patio area and away from adjoining properties and streets.

#### **4.20.4 LOADING**

Notwithstanding Subsection 4.15, no loading space shall be required for an outdoor patio restaurant.

#### **4.20.5 MUSIC AND ENTERTAINMENT**

No music (whether performed live or recorded), dancing or other forms of entertainment shall be permitted on an outdoor patio if it is within three hundred (300) metres of a Residential Zone.

#### **4.20.6 PARKING**

Parking spaces shall be required for the gross floor area associated with the outdoor patio at the same ratio as restaurants.

Notwithstanding the foregoing, the establishment of temporary seasonal outdoor patios associated with a permitted restaurant for properties located at 2008

Dorchester Road and at 2135 Dorchester Road shall be permitted provided that at least 60% of the existing on-site parking is maintained.

**4.21 PARKING REGULATIONS**

**4.21.1 PARKING SPACES REQUIRED**

Except as otherwise provided herein, the owner or occupant of any lot, building or structure used or erected for any of the purposes set forth in Subsection 4.21.2 and 4.21.3, shall provide and maintain, for the sole use of the owner, occupant or other persons entering upon or making use of the said lot, building or structure from time to time, one or more parking spaces in accordance with the provisions of this Subsection. Unless otherwise specified in Subsection 4.21.2, the parking standards are expressed in number of parking spaces per dwelling unit for residential uses, and number of spaces per square metre of Gross Floor Area and/or per number of Seats for all other uses.

**4.21.2 PARKING SPACE REQUIREMENTS FOR RESIDENTIAL ZONES (MINIMUM)**

In a Residential Zone, parking areas and spaces shall be provided in accordance with the following:

<b>USE</b>	<b>NUMBER OR PARKING SPACES (MINIMUM)</b>
(1) Apartment Dwelling	1.5 per unit
(2) Bed and Breakfast Establishment	2 per unit plus one per guest room
(3) Converted Dwelling	1.5 per unit
(4) Duplex Dwelling	1.5 per unit
(5) Fourplex Dwelling	1.75 per unit
(6) Group Home	1 plus 0.25 per bed
(7) Lodging House	1 per unit
(8) Mobile Home	1 per unit
(9) Semi-Detached Dwelling	2 per unit
(10) Single-Detached Dwelling	2 per unit
(11) Stacked Townhouse Dwelling	1.5 per unit
(12) Street Townhouse Dwelling	2 per unit
(13) Townhouse Dwelling	1.5 per unit
(14) Triplex Dwelling	1.66 per unit

#### 4.21.3 PARKING SPACE REQUIREMENTS FOR NON-RESIDENTIAL ZONES (MINIMUM)

In any Zone other than a Residential Zone, parking areas and spaces shall be provided in accordance with the following:

USE	NUMBER OR PARKING SPACES (MINIMUM)
(1) Abattoir	1 per 100 m <sup>2</sup>
(2) Adult Entertainment Parlour	1 per 4 persons seating capacity
(3) Agricultural Equipment Sales and Service Establishment	See Agricultural Related Commercial Use
(4) Agricultural Related Commercial Use	1 per 30 m <sup>2</sup> for retail showroom plus 1 per 200 m <sup>2</sup> for warehousing / wholesaling
(5) Agricultural Service and Supply Establishment	See Agricultural Related Commercial Use
(6) Amusement Park	See Commercial Recreation Establishment
(7) Animal Clinic	See Veterinary Clinic
(8) Apartment Dwelling	1.5 per unit
(9) Arcade	1 per 20 m <sup>2</sup>
(10) Arena	Greater of 1 per 7 seats or 1 per 35 m <sup>2</sup>
(11) Art Gallery	1 per 50 m <sup>2</sup>
(12) Assembly Hall	Greater of 1 per 7 seats or 1 per 35 m <sup>2</sup>
(13) Auction Establishment	1 per 30 m <sup>2</sup>
(14) Automobile Service Station	6 per bay
(15) Automobile Supply Store	1 per 25 m <sup>2</sup>
(16) Automobile Wrecking Yard	See Salvage Yard
(17) Bake Shop	1 per 25 m <sup>2</sup>
(18) Bakery	1 per 100 m <sup>2</sup>
(19) Bank	See Financial Institution
(20) Banquet Hall	See Assembly Hall

<b>USE</b>	<b>NUMBER OR PARKING SPACES (MINIMUM)</b>
(21) Bed and Breakfast Establishment	2 per unit plus 1 per guest room
(22) Bingo Hall	Greater of 1 per 7 seats or 1 per 35 m <sup>2</sup>
(23) Boarding House	See Lodging House
(24) Body Shop	1 per 30 m <sup>2</sup>
(25) Brewing on Premises Establishment	1 per 40 m <sup>2</sup> of processing area
(26) Building Supply Outlet	1 per 30 m <sup>2</sup> for retail/showroom plus 1 per 200 m <sup>2</sup> for warehousing / wholesaling
(27) Bulk Sales Establishment	1 per 30 m <sup>2</sup>
(28) Campground	2 per camp site
(29) Car Wash Establishment, Automated	6 spaces in advance of each bay
(30) Car Wash Establishment, Manual	3 spaces in advance of each bay
(31) Caterer's Establishment	1 per 200 m <sup>2</sup>
(32) Cemetery	1 per 30 m <sup>2</sup> of accessory office space
(33) Clinic	1 per 20 m <sup>2</sup>
(34) Club	Greater of 1 per 7 seats or 1 per 35 m <sup>2</sup>
(35) Commercial Recreation Establishment	1 per 25 m <sup>2</sup>
(36) Community Centre	See Assembly Hall
(37) Continuum-of-Care Facility	See appropriate components as proportioned
(38) Contractor's Yard or Shop	1 per 100 m <sup>2</sup>
(39) Convenience Store	1 per 25 m <sup>2</sup>
(40) Converted Dwelling	1.5 per unit
(41) Custom Workshop	1 per 100 m <sup>2</sup>
(42) Data Processing Establishment	1 per 40 m <sup>2</sup>
(43) Day Nursery	1 per 40 m <sup>2</sup>
(44) Driving Tee or Range	See Golf Driving Tee or Range

USE	NUMBER OR PARKING SPACES (MINIMUM)
(45) Drive-Through Facility	3 spaces in advance of each drive-through service window or outlet
(46) Dry Cleaner's Distribution Station	1 per 25 m <sup>2</sup>
(47) Dry Cleaning and Laundry Depot	1 per 35 m <sup>2</sup>
(48) Dry Cleaning Establishment	1 per 50 m <sup>2</sup>
(49) Duplex Dwelling	1.5 per unit
(50) Duplicating Shop	1 per 20 m <sup>2</sup>
(51) Eating Establishment	See Restaurant
(52) Emergency Care Establishment	1 per 40 m <sup>2</sup>
(53) Factory Outlet	1 per 20 m <sup>2</sup>
(54) Feed Mill	1 per 65 m <sup>2</sup>
(55) Fertilizer Blending Station	1 per 65 m <sup>2</sup>
(56) Film Processing Depot	1 per 20 m <sup>2</sup>
(57) Financial Institution	1 per 30 m <sup>2</sup>
(58) Florist Shop	1 per 30 m <sup>2</sup>
(59) Flour Mill	1 per 65 m <sup>2</sup>
(60) Food Processing Plant	1 per 100 m <sup>2</sup>
(61) Food Store	1 per 25 m <sup>2</sup>
(62) Fourplex Dwelling	1.75 per unit
(63) Funeral Home	Greater of 1 per 20 m <sup>2</sup> or 20 spaces
(64) Garden Centre	See Retail Store
(65) Gas Bar	3 spaces
(66) Golf Course	8 per tee
(67) Golf Course, Miniature	1.5 per tee
(68) Golf Driving Range or Tee	1.5 per tee
(69) Grain Elevator and Drying Facility	See Agricultural Related Commercial Use
(70) Greenhouse, Commercial	1 per 50 m <sup>2</sup>
(71) Group Home	1 plus 0.25 per bed
(72) Hairdressing Establishment	See <b>Personal Service Establishment</b>

<b>USE</b>	<b>NUMBER OR PARKING SPACES (MINIMUM)</b>
(73) Home and Auto Supply Store	1 per 25 m <sup>2</sup>
(74) Home Appliance Store	1 per 30 m <sup>2</sup>
(75) Home Decorating Store	1 per 30 m <sup>2</sup>
(76) Home Furnishings Store	1 per 30 m <sup>2</sup>
(77) Home Improvement Store	1 per 30 m <sup>2</sup>
(78) Home for the Aged, Rest Home	2 per 5 beds
(79) Hospice	2 per 5 beds
(80) Hospital	3 per bed
(81) Hotel/Motel	1.5 per guest room
(82) Industrial Use	1 per 100 m <sup>2</sup>
(83) Kennel	1 per 30 m <sup>2</sup>
(84) Laboratory	1 per 20 m <sup>2</sup>
(85) Laundromat	1 per 25 m <sup>2</sup>
(86) Liquor, Beer and Wine Store	1 per 25 m <sup>2</sup>
(87) Lodging House	1 per unit
(88) Machine Shop	See Service Shop
(89) Marine Sales and Service	1 per 30 m <sup>2</sup>
(90) Merchandise Service Shop	1 per 20 m <sup>2</sup>
(91) Mobile Home	1 per unit
(92) Mobile Home Park	1 per mobile home site
(93) Motel	See Hotel/Motel
(94) Museum	1 per 50 m <sup>2</sup>
(95) Nursing Home	2 per 5 beds
(96) Nursery and Garden Store	1 per 30 m <sup>2</sup>
(97) Office, Business, Service or Professional	1 per 40 m <sup>2</sup>
(98) Office, Medical/Dental	1 per 20 m <sup>2</sup>
(99) Office Supply Outlet	1 per 25 m <sup>2</sup>
(100) Personal Service Establishment	1 per 15 m <sup>2</sup>
(101) Pharmacy	1 per 25 m <sup>2</sup>
(102) Place of Entertainment or Amusement	Greater of 1 per 7 seats or 1 per 1 per 35 m <sup>2</sup>

<b>USE</b>	<b>NUMBER OR PARKING SPACES (MINIMUM)</b>
(103) Place of Worship	1 for each 5 persons seating capacity
(104) Professional Office	See "Office, Business, Service or Professional"
(105) Processed Goods Industry	See Industrial Use
(106) Raw Materials Processing Industry	See Industrial Use
(107) Recreational Trailer Park	1 per site
(108) Repair and Rental Establishment	1 per 20 m <sup>2</sup>
(109) Research and Development Establishment	1 per 100 m <sup>2</sup>
(110) Restaurant	1 per 10 m <sup>2</sup>
(111) Restaurant, Coffee Shop	1 per 10 m <sup>2</sup>
(112) Restaurant, Drive-Through	1 per 12 m <sup>2</sup>
(113) Restaurant, Fast Food	1 per 10 m <sup>2</sup>
(114) Retail Store	1 per 25 m <sup>2</sup>
(115) Retirement Home/Lodge	2 per 5 beds
(116) Salvage Yard	1 per 30 m <sup>2</sup> for retail and 1 per 200 m <sup>2</sup> for warehousing
(117) Sawmill	1 per 65 m <sup>2</sup>
(118) School, Commercial	1 per 45 m <sup>2</sup>
(119) School, Elementary (Public or Private)	3 plus 1 per classroom
(120) School, Post-Secondary	1 per 100 m <sup>2</sup>
(121) School, Secondary (Public or Private)	3 per classroom
(122) Semi-Detached Dwelling	2 per unit
(123) Service and Repair Establishment	1 per 25 m <sup>2</sup>
(124) Service Shop	1 per 25 m <sup>2</sup>
(125) Shopping Centre (greater than 2,000 m <sup>2</sup> of gross floor area and with 4 or more retail stores)	1 per 30 m <sup>2</sup> gross leasable floor area
(126) Shopping Centre (less than 2,000 m <sup>2</sup> or gross floor area and/or fewer than 4 stores)	1 per 25 m <sup>2</sup>
(127) Single Detached Dwelling	2 per unit
(128) Storage Compound	See Salvage Yard
(129) Studio	1 per 45 m <sup>2</sup>
(130) Supportive Community Home	1 per 4 residents capacity

USE	NUMBER OR PARKING SPACES (MINIMUM)
(131) Tavern	1 per 6 m <sup>2</sup>
(132) Taxi Establishment	1 per 6 m <sup>2</sup>
(133) Theatre	1 per 7 seats
(134) Townhouse and Stacked Townhouse	1.5 per unit
(135) Townhouse, Street	2 per unit
(136) Tradesman's Shop	1 per 25 m <sup>2</sup>
(137) Truck Terminal	1 per 100 m <sup>2</sup>
(138) Vehicle Repair Garage	6 per bay
(139) Vehicle Service Shop	6 per bay
(140) Vehicle Sales or Rental Establishment	1 per 20 m <sup>2</sup>
(141) Veterinary Clinic or Small Animal Clinic	1 per 45 m <sup>2</sup>
(142) Video Rental Establishment	1 per 25 m <sup>2</sup>
(143) Warehouse	1 per 200 m <sup>2</sup>
(144) Warehouse, Public Self-Storage	1 per 200 m <sup>2</sup>
(145) Winery, Farm Fruit	1 per 100 m <sup>2</sup> plus 1 per 45 m <sup>2</sup> of accessory office/retail/hospitality room/laboratory space

#### 4.21.4 ACCESSIBLE PARKING SPACES

Accessible parking spaces shall be provided adjacent and accessible to the building and clearly marked as accessible parking spaces. The number of such spaces shall be part of the total parking requirement in accordance with the following:

Required Spaces	Required Number of Spaces for Accessible Parking	
	Type A Space	Type B Space
1-50	1	1
51-75	1	2
76-100	2	2
101-150	3	3
150-300	4	4
300-400	5	5
400-500	6	6

**4.21.5 ADDITION TO EXISTING USE**

The parking requirements of this By-Law shall not apply to any existing building or structure so long as the floor area of the said building or structure is not increased and the building or structure is used for a purpose which does not require additional parking spaces as required in this By-Law, than were required by virtue of its size or use at the date of passing of this By-Law. Where a use is changed or a building or structure is enlarged in floor area or there is an increase in number of employees, number of dwelling units or seating capacity or otherwise as would require an additional number of parking spaces, then such additional parking spaces shall be provided to the number required for such change.

**4.21.6 CALCULATION OF PARKING REQUIREMENTS**

- (1) Where a building, structure, or lot accommodates more than one use or purpose, the required parking spaces shall be the sum of the required parking spaces for the individual uses or purposes. Parking spaces for one use shall not be considered as providing the required parking spaces for any other use.
- (2) Where seating accommodation is provided by benches, 0.6 metres of bench space shall be considered as equivalent to one (1) seat.
- (3) If calculation of the required parking spaces results in a fraction, the required parking spaces shall be the next highest whole number.

**4.21.7 PARKING SPACE DIMENSIONS**

- (1) A parking space required hereby shall have the following minimum rectangular dimensions:

	<b>PARKING ANGLE</b>	<b>MINIMUM SPACE WIDTH</b>	<b>MINIMUM SPACE LENGTH</b>	<b>MINIMUM AISLE WIDTH</b>	
	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	
(1)	90°	2.75 m	5.5 m	7.3 m	
(2)	60°	2.75 m	6.1 m	5.0 m	
(3)	45°	2.75 m	5.8 m	4.5 m	

	<b>PARKING ANGLE</b>	<b>MINIMUM SPACE WIDTH</b>	<b>MINIMUM SPACE LENGTH</b>	<b>MINIMUM AISLE WIDTH</b>	
	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	
(4)	30°	2.75 m	5.1 m	4.0 m	<p>(5) PARKING SPACES PARALLEL TO AISLE:</p>
(5)	0° (parallel)	2.75 m	6.7 m	3.0 m	

- (2) Type A spaces shall have a minimum width of 3.4 metres. Type A spaces are intended to accommodate a vehicle with a mechanical lift and/or wheelchair ramp.
- (3) Type B spaces shall have a minimum width of 2.4 metres. Type B spaces are intended to accommodate a vehicle that does not require additional space to accommodate a lift and/or ramp.
- (4) To facilitate access to a vehicle, every accessible parking space (either Type A or Type B) shall have an aisle at least 1.5 metres wide extending the full length of the parking space which aisle may be shared by two accessible parking spaces.

#### 4.21.8 TIMING

Parking spaces shall be provided at the time any building or structure is erected or enlarged.

#### 4.21.9 LOCATION AND ACCESS

- (1) Parking spaces shall be located on the same lot or within the same building as the use for which said parking is required;
- (2) Parking spaces shall be permitted in the following yards, subject to the setbacks identified below, and shall be accessible from an improved street by one or more unobstructed driveways in accordance with the following:

ZONE CLASS	YARD(S) IN WHICH PARKING AREA PERMITTED	DRIVEWAY AND ACCESS REQUIREMENTS	
(1) Residential Zone (3 dwelling units or less)	<p>(a) The interior side yard and rear yard, provided that no part of any parking area is located closer than one (1.0) metre to any street line; and</p> <p>(b) Driveways in the front yard or driveways in the exterior side yard.</p> <p>(c) No more than 25% of the area of a front yard or an exterior side yard of any lot in a Residential Zone shall be devoted to parking areas.</p>	(d) Driveway Width (minimum)	2.75 m
		(e) Driveway Width (maximum)	Lesser of 6.0 m or 40% of the street line along the street used to gain access to the driveway.
		(f) Number of Driveways (maximum)	1 driveway for the first 15 m of street line, 2 driveways for the first 30 m of street line plus 1 additional driveway for each additional 30 m of street line thereafter, to a maximum of 3 driveways per lot.
(2) Residential Zone (more than 3 dwelling units)	<p>(a) All yards provided that no part of any parking area, other than a driveway, is located closer than 3.0 metres to any street line.</p> <p>(b) No more than 25% of the area of a front yard or an exterior side yard of any lot in a Residential Zone shall be devoted to parking areas.</p>	(c) Driveway Width (minimum)	3.0 m
		(d) Driveway Width (maximum)	Lesser of 6.0 m or 40% of the street line along the street used to gain access to the driveway.
		(e) Number of Driveways (maximum)	1 driveway for the first 15 m of street line, 2 driveways for the first 30 m of street line plus 1 additional driveway for each additional 30 m of street line thereafter, to a maximum of 3 driveways per lot.
(3) Commercial, Institutional, Open Space, and any zone class not specified	<p>(a) All yards provided that no part of any parking area, other than a driveway, is located closer than 3.0 metres to any street line.</p> <p>(b) Notwithstanding Clause (a) above, in the Office Residential (OR) Zone, parking areas and spaces other than a driveway shall be located in the rear yard.</p>	(c) Driveway Width (minimum)	
		(i) One-Way Traffic Only	3.0 m
		(ii) Two-Way Traffic	6.0 m
		(d) Driveway Width (maximum)	10.0 m, provided that in the Office Residential (OR) Zone, the maximum width of any driveway shall be 6.0 m.
		(e) Number of Driveways (maximum)	1 driveway for the first 15 m of street line, 2 driveways for the first 30 m of street line plus 1 additional driveway for each additional 30 m of street line thereafter, to a maximum of 4 driveways per lot.

ZONE CLASS	YARD(S) IN WHICH PARKING AREA PERMITTED	DRIVEWAY AND ACCESS REQUIREMENTS	
(4) Industrial	<p>(a) The side yard and rear yard provided that no part of any parking area, other than a driveway, is located closer than three (3.0) metres to any street line.</p> <p>(b) No more than 50% of the area of a front yard or an exterior side yard of any lot in an Industrial Zone shall be used for parking areas and driveways.</p>	<p>(c) Driveway Width (minimum)</p> <p>(i) One-Way Traffic Only</p> <p>(ii) Two-Way Traffic</p> <p>(d) Driveway Width (maximum)</p> <p>(e) Number of Driveways (maximum)</p>	<p>3.0 m</p> <p>6.0 m</p> <p>12.0 m</p> <p>1 driveway for the first 15 m of street line, 2 driveways for the first 30 m of street line plus 1 additional driveway for each additional 30 m of street line thereafter, to a maximum of 4 driveways per lot.</p>
(5) Agricultural	<p>(a) All yards provided that no part of any parking area, other than a driveway, is located closer than 3.0 metres to any street line.</p>	<p>(b) Driveway Width (minimum)</p> <p>(c) Driveway Width (maximum)</p> <p>(d) Number of Driveways (maximum)</p>	<p>3.0 m</p> <p>12.0 m</p> <p>1 driveway for the first 15 m of street line, 2 driveways for the first 30 m of street line plus 1 additional driveway for each additional 100 m of street line thereafter, to a maximum of 4 driveways per lot.</p>

- (3) For the purposes of this By-law, driveway width shall be measured parallel to the street providing access to the driveway at any point on the lot closer to the said street than the street setback required therefrom.
- (4) Each required parking space shall be readily accessible at all times for the parking or removal of a vehicle and vehicular access to any such parking space shall not be impeded by any obstruction. Except as denoted in Clause (5) of this Subsection, this provision shall not apply to prevent the use as a parking space of any part of a driveway accessory to a single dwelling, semi-detached dwelling, duplex dwelling or townhouse provided that no parking space shall obstruct access to a parking area on any other lot or any other unit.
- (5) Nothing in this By-Law shall prevent the obstruction of a driveway by a gate, a well identified recognizable temporary barrier or similar obstruction used solely to restrict access to the said driveway and designed to be easily raised, swung aside or otherwise opened or removed when necessary to permit passage of a vehicle.
- (6) The minimum angle of intersection between a driveway and a street line shall be 60 degrees.

- (7) Any driveways or parking aisles located within a required yard on a lot containing a mobile home park shall be separated from all interior lot lines of such lot by a planting strip not less than 1.5 metres in width.
- (8) The minimum distance between a point of intersection of street lines, such point of intersection being determined in the manner set out in Section 2 Definitions for a sight visibility triangle and Subsection 4.25, and a driveway providing access to a lot from an improved street, measured along the street line intersected by such driveway, shall be 9 metres.
- (9) 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 purpose of this Subsection, be considered a single driveway, albeit divided, provided that such driveway does not exceed in total width, measured in accordance with Clause (3) of this Subsection.

#### **4.21.10 SURFACE AND DRAINAGE OF PARKING AREAS AND DRIVEWAYS**

- (1) All parking areas and driveways shall be provided and maintained with a stable surface, treated so as to prevent the raising of dust or loose particles, using such surfacing materials as any asphalt, concrete or other hard-surfaced material. In the Rural Industrial and Extractive Industrial Zones, Agricultural Zone and Residential Zones, treated crushed stone or gravel may be used.
- (2) All parking areas and driveways shall be drained so as to prevent the pooling of surface water or the flow of surface water onto adjacent lots or streets, unless specifically designed for stormwater management.
- (3) The access point to parking areas shall be clearly defined by a curb of concrete or rolled asphalt.

#### **4.21.11 OTHER PARKING REGULATIONS**

- (1) Nothing in this By-Law shall prevent the erection of a shelter for use solely by parking attendants or security personnel in any part of a parking area, except within a sight visibility triangle, provided such shelter is not more than 4.5 metres in height and has a floor area of not more than 5 square metres.
- (2) No gas bar or automobile service station shall be located or maintained on any parking area except where specifically permitted by this By-Law.
- (3)
  - a) the parking and/or open storage of a recreational vehicle, trailer or boat shall not be permitted within one (1) metre of any lot line in any Residential Zone;

- b) the parking and/or open storage of a recreational vehicle, trailer or boat shall not be permitted in any front yard, other than on a driveway, in any Residential Zone;
  - c) Notwithstanding (a) and (b) above, the parking and/or open storage of a recreational vehicle, trailer or boat shall not be permitted within any required exterior side yard in any Residential Zone.
- (4) No commercial vehicle or motorized construction equipment shall be parked or stored on any part of a Residential Zone, except for commercial vehicles which:
- (a) have dimensions not greater than 2.4 metres of width, 2.4 metres of height above ground, nor 6 metres of length; or
  - (b) are parked or stored within a building or carport or within a yard other than a front yard, or exterior side yard, or a required interior side yard;
  - (c) or except for the purpose of making deliveries or otherwise providing services, on a temporary basis, to a Residential lot.
- (5) Automobiles, vehicles and trailers lacking current valid license plates shall be parked or stored only within a private garage or other building, except that this provision shall not apply to a permitted vehicle sales or rental establishment or salvage yard nor to the storage of agriculture related vehicles.

#### **4.22 PUBLIC AND INSTITUTIONAL USES**

The provisions of this By-law shall not apply to prevent the use of any land or the erection or use of any building or structure for the purpose of public service by The Corporation of the Municipality of Thames Centre, The County of Middlesex, or by any local board as defined in the Municipal Affairs Act, the Thames Valley School Board, the London Catholic District School Board, the Upper Thames River Conservation Authority, the Kettle Creek Conservation Authority, any Department or Ministry of the Government of Canada or Ontario including any electric utility licensed by the Ontario Energy Board to operate the distribution system within a municipality, or by any power commission, railway, telephone, telecommunication, or gas company or other utility supplying public services provided that:

- (1) any building to be erected in any Residential Zone or Institutional Zone for the purpose of a school or other educational institution shall be located on a lot having a minimum lot frontage of 60 metres and shall have a minimum front yard depth, side yard width (on both sides) and rear yard depth of 7.5 metres in each case;
- (2) any lot used in any zone as a public park or for an existing cemetery, an existing place of worship or any existing public building, structure or use, including, but not

so as to limit the generality of the foregoing, a school, a municipal office building, a community centre or other public auditorium, a public library and a public works garage, in accordance with the General Provisions of this By-Law set out in Section 4 hereof and with the Regulations for Institutional Zones set out in Subsection 23.3 hereof; and

- (3) notwithstanding any of the foregoing provisions, the construction or operation of an incinerator, pollution control plant, sewage lagoon, waste stabilization pond or other work or facility for storing or treating sewage, sludge lagoon, sludge storage or transfer site, service garage, sanitary landfill or disposal area of any kind shall not be permitted on lands in any residential zone established in this By-law; and
- (4) notwithstanding any of the provisions in Clause (1) or (2) of this Subsection, no open storage shall be permitted accessory to a public or institutional use that is adjacent or opposite to a Residential Zone.

#### **4.23 REDUCTION OF LOT AREA**

##### **4.23.1 PROHIBITION**

No person shall reduce the lot area, or make any changes in the dimensions of a lot by the conveyance or alienation of any portion thereof or otherwise, except by a conveyance in accordance with Subsection 4.23.2, so that any building or structure on such lot shall have a lot coverage that exceeds, or a front yard depth, side yard depth, rear yard depth, lot frontage, lot area or area of landscaped open space that is less than that permitted by this By-Law for the zone in which such lot is located.

##### **4.23.2 LOTS REDUCED BY PUBLIC ACQUISITION**

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

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

## 4.24 **SETBACKS**

### 4.24.1 **SPECIAL SETBACKS FOR SELECTED ROADS**

Notwithstanding any other provisions of this By-Law, where a building or structure is located adjacent to a selected road listed below, setbacks shall be provided and maintained for each road as listed below. Where the setbacks established in this Subsection are less than the yard requirements of any zone, the front yard and/or exterior side yard depth provisions of the appropriate zone shall apply.

<b>ROAD</b>	<b>MINIMUM SETBACK</b> (measured from centerline)
Provincial Highway No. 7	38.0 m
Provincial Highway No. 401	in accordance with Ministry of Transportation requirements
County Road No. 2	38.0 m
County Road No. 26	38.0 m
County Road No. 27	38.0 m
County Road No. 28	38.0 m
County Road No. 29	38.0 m
County Road No. 32	38.0 m
County Road No. 49	38.0 m
County Road No. 73	38.0 m
County Road No. 74	38.0 m
County Road No. 16	33.0 m
County Road No. 25	33.0 m
County Road No. 30	33.0 m
County Road No. 31	33.0 m

### 4.24.2 **EXEMPTION IN BUILT-UP AREAS**

- (1) The minimum setback required for a lot that is situated between two adjacent lots on which are located existing buildings not more than 90 metres apart shall be the average of the established building lines on the said adjacent lots, provided that no setback requirement calculated in accordance with this Subsection shall exceed the applicable setbacks required by the appropriate zone provisions.
- (2) Where a County Road has been constructed to urban standards, the setbacks established in Subsection 4.24.1 shall not apply to any lot shown

on Schedule “A” Maps 3A, 34A, 39A, 44A, 49A, 55A, 58A, 62A, 64A, 2-1, 2-2, 2-3, 2-4, 2-5, 2-6, 3-1 or 3-2.

- (3) Nothing in this Subsection shall be construed to provide relief from the minimum yard requirements or any other regulation of the applicable zone.

#### **4.24.3 SETBACKS FROM WATERCOURSES AND MUNICIPAL DRAINS**

No part of any building or structure, other than a permeable fence, boat docking facilities or those buildings and structures associated with a public use or flood or erosion control measures, shall hereafter be erected in any zone or defined area closer than:

- (1) 10 metres from the top of bank of an inland watercourse or an open municipal drain, measured horizontally along a line perpendicular to a line drawn along the top of bank;
- (2) 10 metres from a covered or enclosed municipal drain measured from the centreline of the drain.

**Note:** *(The following italicized text does not form part of this By-law and is provided for information purposes only):*

*Some of the lands on Schedule “A” to this By-law are subject to the Upper Thames River Conservation Authority (UTRCA) Ontario Regulation No. 157/06 or the Kettle Creek Conservation Authority (KCCA) Regulation No. 181/06. Where development or site works are proposed within a Regulated Area, as shown on schedules filed with the appropriate Conservation Authority, a permit from the Conservation Authority may be required. The appropriate Conservation Authority should be contacted to determine the extent of the Regulated Area. The appropriate Conservation Authority should be consulted before development, including construction, conversion, grading, filling or excavating occurs to determine whether the Authority Regulations apply.*

#### **4.24.4 SETBACKS FROM RAILWAYS**

- (1) Subject to Subsection 4.24.2, no part of any dwelling in any Zone, and no part of any other building in a Commercial, Institutional or Residential Zone, shall be located closer than 30 metres from a railway right-of-way, measured from the nearest main wall of the building to the nearest point along the railway right-of-way;
- (2) The setback established in Clause (1) of this Subsection shall not apply to the CP Railway Principle Branch Line (shown in part on Schedule ‘A’ maps 44A, 45, 51, 52, 55, 56, 57, 58, 60 and 61), from which no part of any dwelling in any Zone and no part of any other building in a Commercial, Institutional or Residential Zone shall be located closer than 15 metres, measured from the nearest main wall of the building to the nearest point along the railway right-of-way.

- (3) Where a lot in any Industrial Zone abuts a railway right-of-way, no setback shall be required between a permitted industrial use and the railway right-of-way, provided the minimum front and exterior side yard depth requirements of the applicable Zone and the setbacks established in Subsection 4.24.1 are complied with;

## **4.25 SIGHT VISIBILITY TRIANGLES**

### **4.25.1 RAILWAY CROSSINGS**

- (1) In all zones, on a lot abutting a railway where the railway and a street intersect at the same grade, no building or structure shall be erected in such a manner as to materially impede vision between a height of 0.6 m and 3.0 m above the centreline grade of the intersecting street in the triangular area bounded by the railway and the street line and a line from the points along such railway and such street line distant 50 m from the point of the intersection thereof.
- (2) Where such railway and street intersect at an unprotected crossing, the sight visibility triangle shall be increased to a distance of 400 m measured along the railway and 90 m measured along the street line or a distance required by Transport Canada.

### **4.25.2 CORNER LOTS**

In all Zones, on a corner lot, except as provided in Subsection 4.25.3, no building or structure shall be erected in such a manner as to materially impede vision between a height of 0.6 m and 3.0 m above the centreline grade of the intersecting streets in the triangular area bounded by the street lines of the corner lot and a line from the points along said street lines distant 10 m from the point of the intersection of the said street line.

### **4.25.3 INTERSECTIONS WITH COUNTY ROADS**

In all Zones, on a corner lot having frontage on a County Road, no building or structure shall be erected in such a manner as to materially impede vision between a height of 0.6 m and 3.0 m above the centreline grade of the intersecting streets within the triangular area bounded by the street lines of the corner lot from the point of intersection of said street lines to a point:

- (1) 10 metres distant measured along each street line where a corner lot is located within the area shown on Schedule "A" Maps 3A, 34A, 39A, 44A, 49A, 55A, 58A, 62A, 64A, 2-1, 2-2, 2-3, 2-4, 2-5, 2-6, 3-1 or 3-2 and the County Road has been constructed to urban standards.

- (2) 28 metres distant measured along each street line where a corner lot is located outside the area described in Clause (1) of this Subsection and/or where the County Road has not been constructed to urban standards.

## **4.26 SOURCEWATER PROTECTION**

### **4.26.1 IDENTIFICATION OF VULNERABLE AREAS**

- 1) Vulnerable Areas shown on Schedule A to this By-law represent Wellhead Protection Areas (WHPAs) and the associated level of vulnerability for municipal water sources serving the Municipality as well as Central Elgin in Elgin County.
- 2) A WHPA illustrates three time-related capture zones including a 100-metre radius surrounding the well (WHPA-A), 2 year travel time for water to enter the well (WHPA-B), and 5 year travel time for water to enter the well (WHPA-C).
- 3) The degree of vulnerability of a WHPA is represented in Schedule A by a vulnerability score. The vulnerability score can range from 1 to 10, with 10 being the most vulnerable.

### **4.26.2 USE PROHIBITION AND REGULATIONS WITHIN VULNERABLE AREAS**

- 1) Notwithstanding the land uses permitted by the underlying zone category in this By-law, any land use, except a solely residential land use that involves one of the following significant drinking water threats activities within vulnerable areas identified on Schedule A to this By-law, shall be prohibited until it is determined by the Municipality's Risk Management Official that the use does not represent a significant drinking water threat or a Section 59 Notice has been issued in accordance with the Clean Water Act, 2006:
  - i. Waste disposal sites within the meaning of Part IV of the Environmental Protection Act.
  - ii. The establishment, operation or maintenance of a system that collects, stores, transmits, treats or disposes of sewage.
  - iii. The application of agricultural source material to land.
  - iv. The storage of agricultural source material.
  - v. The management of agricultural source material.
  - vi. The application of non-agricultural source material to land.
  - vii. The handling and storage of non-agricultural source material.

- viii. The application of commercial fertilizer to land.
- ix. The handling and storage of commercial fertilizer.
- x. The application of pesticide to land.
- xi. The handling and storage of pesticide.
- xii. The application of road salt.
- xiii. The handling and storage of road salt.
- xiv. The storage of snow.
- xv. The handling and storage of fuel.
- xvi. The handling and storage of a dense non-aqueous phase liquid (excluding incidental volumes for personal/domestic use). Notwithstanding the foregoing and to ensure consistency with the Kettle Creek Source Protection Plan, the handling and storage of such liquid with no exceptions shall be prohibited in WHPA-A, WHPA-B and WHPA-C as shown on Schedule A, Map 60, being the Wellhead Protection Area surrounding the municipal drinking water well of Belmont in the adjacent Municipality of Central Elgin.
- xvii. The handling and storage of an organic solvent.
- xviii. The management of runoff that contains chemicals used in the de-icing of aircraft.
- xix. The use of land as livestock grazing or pasturing land, an outdoor confinement area or farm-animal yard.
- xx. An activity that takes water from an aquifer or a surface water body without returning the water taken to the same aquifer or surface water body.
- xxi. An activity that reduces the recharge of an aquifer.

#### **4.26.3 SEPTIC SYSTEMS WITHIN VULNERABLE AREAS**

- 1) Notwithstanding any other provision of this By-law to the contrary, the following shall apply to WHPAs with a vulnerability score of 10 as identified on Schedule A:
  - i. Any use, building or structure that requires a new septic system to be located within a WHPA with a vulnerability score of 10 shall be

prohibited.

- ii. 4.26.3 1) i. shall not apply to new septic systems required for a municipal water supply well.

## **4.27 SWIMMING POOLS**

### **4.27.1 PRIVATE OPEN SWIMMING POOLS**

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

- (1) No private open swimming pools or related structures shall be permitted anywhere within the zoned area except:
  - (a) in an interior side yard or rear yard on a lot containing a permitted dwelling unit; or
  - (b) in any yard other than a required yard on a lot containing a permitted hotel/motel or club.
- (2) No interior wall surface of any open swimming pool, nor any related structure other than a fence, shall be located closer than 1.5 metres to any lot line or closer to any street than the setback required therefrom.
- (3) No water circulating or treatment equipment such as pumps or filters or any accessory building or structure containing such equipment, shall be located closer than 1 metre to any lot line.
- (4) No part of any open swimming pool shall be greater than 2 metres in height, exclusive of related structures which shall not exceed 5 metres in height. For the purpose of this Subsection of the By-Law, related structures include hot tubs, saunas, pump houses and changerooms.
- (5) All open swimming pools shall be enclosed in accordance with the Municipality's By-Law governing the erection and maintenance of fences and gates around private outdoor open swimming pools.

### **4.27.2 LOT COVERAGE EXEMPTION**

Notwithstanding any other provisions of this By-Law to the contrary, no open swimming pools, decks or any other related structures shall be considered part of the lot coverage of a lot, but where a swimming pool is enclosed within a building or where a structure appurtenant to a swimming pool constitutes a building as defined herein, such building shall comply with any lot coverage requirements set

out herein for the zone in which such building is located, but shall be exempt from the lot coverage requirements for accessory uses set out in Subsection 4.1.2 hereof.

#### **4.27.3 INDOOR SWIMMING POOLS**

Any swimming pool located within a building as defined herein shall comply with the provisions for accessory uses set out in Subsection 4.1 hereof, where such swimming pool is located within an accessory building, or with the zone requirements set out herein for the zone in which such swimming pool is located, where such swimming pool is located within a main building.

#### **4.27.4 PUBLIC SWIMMING POOLS**

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

#### **4.27.5 COMPLIANCE WITH SWIMMING POOL BY-LAWS**

All swimming pools shall comply with any by-laws of the Municipality specifically regulating swimming pools.

### **4.28 TEMPORARY STRUCTURES**

#### **4.28.1 CONSTRUCTION USES**

Nothing in this By-Law shall prevent the use of any part, other than a sight visibility triangle, of any lot in any Zone for the erection of a legal temporary sign not greater than 3 square metres in area, the excavation of soil or earth or the erection or use of any temporary building or structure where such sign, excavation, building or structure is directly incidental to, and necessary for, construction work on the same lot or work relating to a public utility or a street including, but not so as to limit the generality of the foregoing, a construction trailer, a tool shed, or a scaffold, but only for so long as such building or structure is necessary for the work in progress and until the work is completed or abandoned, and only while a valid building permit for the said construction remains in force, where applicable and in accordance with the Municipality's Sign By-Law.

#### **4.28.2 MODEL HOMES**

Model homes shall be permitted in all R1, R2 and R3 Zones subject to the following:

- (1) the lands on which the model homes are to be constructed have received draft plan approval under the Planning Act and the subdivision agreement has been executed;

- (2) the model homes shall comply with the provisions and regulations of this By-Law upon registration of the plan of subdivision; and
- (3) the number of model homes for any draft approved plan of subdivision shall not exceed the lesser of ten (10) dwelling units or ten percent (10%) of the total number of lots.

#### **4.29 USES PERMITTED IN LISTED ZONES**

The uses listed in this Subsection shall be permitted in the listed Zones and subject to specific regulations as follows:

<b>USE</b>	<b>ZONE(S) WHERE PERMITTED</b>	<b>APPLICABLE REGULATIONS</b>
Accessory building, structure or use	All Zones	Subsections 2.4, 2.6 and 4.1
Foster Homes	All Residential and Agricultural Zones (restricted to a single unit dwelling)	Subsection 2.160 and regulations of applicable Zone
Group Home Type 1	All Residential Zones (restricted to a single unit dwelling)	Subsections 2.179 and 4.6 and regulations of applicable Zone
Private Home Day Care	All Residential and Agricultural Zones (restricted to a single unit dwelling)	Subsection 2.96
Public Use	All Zones	Subsections 2.301 and 4.22
Wayside Pit or Quarry	All Agricultural Zones and Extractive Industrial (EI) Zones	Subsections 2.287 and 4.30
Small Wind Energy Generation System	All Agricultural, Industrial and Institutional Zones	Subsections 2.390 and 4.31

#### **4.30 USES PROHIBITED IN ALL ZONES**

The following uses are prohibited throughout the zoned area, either alone or in conjunction with other uses, unless specifically listed as a permitted use in a specific zone:

- (1) the making or establishment of pits and quarries;
- (2) the tanning or storage of uncured hides or skins;

- (3) the boiling of blood, tripe, bones or soaps for commercial purposes;
- (4) the manufacturing of glue or fertilizers from dead animals or from human or animal waste;
- (5) an abattoir, livestock yard, livestock exchange, or dead stock depot, except where specifically listed herein as a permitted use in a specific zone;
- (6) the extracting of oil from fish;
- (7) a track for the driving, racing or testing of automobiles, motorcycles, snowmobiles or any other motorized vehicles;
- (8) a salvage or scrap yard, or the collection, storage or sale of:
  - (a) automobiles which are not in running condition,
  - (b) partially or completely dismantled automobiles or other vehicles, or
  - (c) parts of automobiles or other vehicles;

except where any of (a), (b) or (c) above are accessory to a permitted automotive use;
- (9) a disposal site for solid wastes;
- (10) the refining, storage or use in manufacturing of coal oil, rock oil, fuel oil, natural gas, propane, burning fluids, naphtha, bensole, benzine, gasoline, dynamite, dualin, nitroglycerine, gun powder, petroleum or any other combustible, inflammable, volatile or otherwise dangerous liquids, gasses or solid materials except where specifically permitted hereby or in conjunction with a permitted industrial use. This provision shall not apply to prevent the above ground storage of such substances in an Agricultural "A" or "AGC" Zone, where such storage is incidental and accessory to an agricultural use, or the use of natural gas, propane or fuel oil for domestic purposes, such as heating and cooking, in conjunction with a residential use or for commercial or industrial uses;
- (11) an occupied vehicle for human habitation other than a mobile home or recreational vehicle or trailer where specifically permitted;
- (12) an airport;
- (13) the keeping or raising of any livestock or poultry, including a kennel, on any lot or in any building or structure except where agriculture is a permitted use. This provision shall not prevent the keeping of up to three of any type of household pets such as dogs, cats, gerbils, birds, etc.;
- (14) any use which causes the emission of corrosive gasses, toxic gasses or radioactive gasses or, into any zone other than an Industrial Zone, of electromagnetic fields,

heat, glare, dust, dirt, fly ash or smoke, or which does not comply with emission regulations as may be established from time to time by the Province of Ontario, the Government of Canada, or any agencies thereof;

- (15) the location or storage on any land for any purpose whatsoever any disused railroad car or part thereof, street car or part thereof, truck body or part thereof, bus body or part thereof, whether or not the same is situated on a foundation;
- (16) use of any land or building, except those lands appropriately zoned for the repair or servicing of any automobile unless such automobile is owned by and registered in the name of an owner or occupant of such land or building;
- (17) undertaking any but minor repairs and servicing such as the changing of tires or oil, outside of a garage or other suitable building, on any automobile within the Municipality, except on lands lawfully occupied and used for an automotive use;
- (18) any establishment used as an adult entertainment parlour as defined in this By-Law;
- (19) any form of the following:
  - (a) underground transmission of oil, gasoline, or other petroleum liquid products;
  - (b) wood preserving and treating;
  - (c) outdoor storage of road salt, or other de-icing materials and dumping of salt-laden snow;
  - (d) petroleum production, refining and manufacturing;
  - (e) furniture and wood stripping and refinishing;
  - (f) horticultural nurseries;
  - (g) peat extraction;
  - (h) intensive livestock operations;
  - (i) landfills;
  - (j) chemical/biological laboratory;
  - (k) chemical manufacturing/industrial areas;
  - (l) electroplaters and metal fabricators;
  - (m) facilities generating, treating or disposing hazardous wastes;
  - (n) asphalt/concrete/tar plants;
  - (o) automobile junk yards;
  - (p) bulk fuel oil storage yards;
  - (q) car washes;
  - (r) cemeteries;
  - (s) dry cleaning facilities;
  - (t) gasoline service stations;
  - (u) underground storage tanks.

#### **4.31 WAYSIDE PITS**

Any wayside pit or wayside quarry to be used for temporary public road works shall be permitted in any Agricultural or Extractive Industrial (M3) Zone. Portable Asphalt plants shall also be permitted in these zones provided they are located no closer than 400 metres to any dwelling unit and are only temporarily at the location.

#### **4.32 WIND ENERGY GENERATION SYSTEMS**

(1) A Small Wind Energy Generation System (SWEGS) shall be permitted accessory to a permitted use in any Non-Residential Zone, subject to the following regulations:

- |   |   |
|---|---|
| (a) Minimum Lot Area  | 0.4 ha  |
| (b) Maximum Height, measured from the average finished grade at the base of the tower to the furthest vertical extension of the generating system (typically the blade) | 20 metres on lots between 0.4 ha and 2.0 ha<br>30 metres on lots between 2.0 ha and 8.0 ha<br>45 metres on lots 8.0 ha or greater |
| (c) Minimum setback from any Residential Zone boundary and any existing dwelling located on a separate lot  | 90 metres   |
| (d) Minimum setback from any lot line and a dwelling located on the same lot  | SWEGS height multiplied by 1.25   |
| (e) Maximum number of small wind energy generation systems per lot  | 1   |

(2) A Commercial Wind Energy Generation System (CWEGS) shall only be permitted where listed as a permitted use in a Zone, subject to the following regulations:

- |   |            |
|---|------------|
| (a) Maximum Height, measured from the average finished grade at the base of the tower to the furthest vertical extension of the generating system (typically the blade) | 120 metres |
| (b) Minimum setback from any Residential Zone boundary and any existing dwelling located on a separate lot  | 600 metres |

- (c) Minimum setback from any lot line and a dwelling located on the same lot 250 metres
  - (d) Maximum number of commercial wind energy generating systems per lot 1
- (3) A Commercial Wind Energy Generation System (CWEGS) shall only be permitted where listed as a permitted use in a Zone, subject to the following regulations:
- (a) Maximum Height, measured from the average finished grade at the base of the tower to the furthest vertical extension of the generating system (typically the blade) 120 metres
  - (b) Minimum setback from any Residential Zone boundary and any existing dwelling located on a separate lot 600 metres
  - (c) Minimum setback from any lot line and a dwelling located on the same lot 250 metres
- (4) Nothing in this Subsection shall apply to prevent the use of a lot in any Zone for a wind energy generation system or wind farm by a Public Utility licensed by the Ontario Energy Board.

#### **4.33 YARD ENCROACHMENTS AND OBSTRUCTIONS**

- (1) No part of any required yard shall be obstructed by any building or structure except one or more of the following:
- (a) accessory buildings or structures specifically permitted in a required yard elsewhere in this By-Law;
  - (b) architectural adornments including, but not necessarily limited to, sills, belt courses, chimneys, cornices, eaves, gutters, parapets, pilasters and roof trusses, projecting not more than one-half (0.5) metre into any required yard except that no eaves of any building located within a residential zone shall be located closer than one-half (0.5) metre to any lot line;
  - (c) functional and ornamental structures including, but not necessarily limited to, drop awnings, clothes poles, ornamental fountains, statues, monuments,

cenotaphs, memorials, planters, garden trellis, fences, hedgerows and legal signs;

- (d) heat pumps, air conditioners, and/or air exchangers one and one-half (1.5) metres into any required yard provided the projection is no closer than one (1.0) metre to the lot line;
  - (e) unenclosed fire escapes or outside staircases in which the stair steps and floors are latticed in such a manner that the proportion of voids to solids is not less than two to one and in which guards consist only of hand rails and the structural members necessary to their support, and which do not project more than one and one-half (1.5) metres into any required yard;
  - (f) awnings, atriums, and bay windows projecting not more than one (1.0) metre into any required yard and which do not project into any required sight visibility triangle;
  - (g) balconies, open roofed porches and uncovered terraces or decks projecting not more than two and one-half (2.5) metres into any required front yard, exterior side yard, or rear yard, and which do not project into any required sight visibility triangle.
- (2) No part of any building or structure on any lot shall project beyond the lot line or street line of such lot.

#### **4.34 YARD REQUIREMENTS – EXTERIOR SIDE YARD CONDITION**

Notwithstanding the minimum exterior side yard requirements of this By-Law, when a corner lot is sited so that its rear lot line abuts an adjacent residential interior side yard, the exterior side yard shall be subject to the regulations of a front yard. When a corner lot is sited so that its rear lot line abuts an adjacent rear lot line or a non-residential interior side yard, the exterior side yard shall be subject to the regulations of an interior side yard.

**SECTION 5. AGRICULTURAL (A) ZONE**

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**5.1 SCOPE**

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

**5.2 PERMITTED USES**

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

- (1) agricultural use;
- (2) agricultural home occupation subject to Subsection 4.8;
- (3) an intensive livestock agricultural use subject to Subsection 5.4.2, including the application of liquid manure;
- (4) bed and breakfast establishment subject to Subsection 4.2;
- (5) existing cemetery;
- (6) existing dwelling;
- (7) existing mobile home;
- (8) farm greenhouse subject to Subsection 4.5;
- (9) farm sales outlet subject to Subsection 5.4.3;
- (10) forestry uses excluding any establishments that either process forestry products or sell processed forestry products such as lumber yards;
- (11) kennel, subject to Subsection 4.11;
- (12) landing strip;
- (13) new or expanding mushroom farm, subject to Subsection 5.4.4;
- (14) nursery and garden store;
- (15) riding school;
- (16) seasonal farm dwellings in accordance with Subsection 5.4.5;
- (17) single detached dwelling including a dwelling on an undersized lot in accordance with Subsection 5.4.7;
- (18) specialty farm subject to Subsection 5.4.6;
- (19) wildlife preserve;
- (20) works of a Conservation Authority.

**5.3 REGULATIONS**

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

- (1) Lot Area (minimum) 40.0 ha
- (2) Lot Frontage (minimum) 150.0 m
- (3) Front and Exterior Side Yard Depth (minimum) 25.0 m

(4) Interior Side Yard Width (minimum)	15.0 m
(5) Rear Yard Depth (minimum)	15.0 m
(6) Lot Coverage (maximum)	20% of lot area
(7) Building Height (maximum)	10.0 m
(8) Landscaped Open Space (minimum)	30% of lot area
(9) Number of Dwellings Per Lot (maximum)	1 only

## **5.4 SPECIAL USE REGULATIONS**

### **5.4.1 INTENSIVE AGRICULTURAL USES – MINIMUM DISTANCE SEPARATION (MDS)**

No non-residential building or structure directly associated with an intensive agricultural use shall be established and no building or structure for such use shall be erected or altered or expanded unless it complies with the Minimum Distance Separation (MDS II) calculation using Schedule “C” to this By-Law. In no case shall the separation distances required by this Subsection provide relief from meeting the minimum setback requirements of Subsection 5.4.1.

### **5.4.2 FARM SALES OUTLET**

Seasonal farm produce display for sale is restricted to a maximum of 95 square metres including both floor area and outside display and shall be set back from the front lot line a minimum of 15 metres for a building or structure that is erected so not to be moved and 7.5 metres for a building or structure that is portable and removed at the end of the growing season.

### **5.4.3 NEW OR EXPANDING MUSHROOM FARMS**

New and expanding mushroom farms shall be permitted only by amendment to this by-law, and shall be subject to all of the provisions of this by-law and the following setbacks:

- (1) fifty (50) metres from any lot line, except that stockpiles of waste, manure, fertilizers, or composts may be a minimum of thirty (30) metres from any lot line, except where any other provision of this By-Law requires a greater setback;
- (2) three-hundred (300) metres from a dwelling on a separate lot, measured from the nearest main wall of the dwelling to the nearest point of any stockpile of waste, manure, fertilizers or composts or, in the case of a building or structure directly associated with the mushroom growing operation, measured to the nearest main wall of said building or structure;

- (3) three-hundred (300) metres from an Institutional (I) Zone, measured from the nearest point along the Zone boundary to the nearest point of any stockpile of waste, manure, fertilizers or composts or, in the case of a building or structure directly associated with the mushroom growing operation, measured to the nearest main wall of said building or structure;
- (4) three hundred (300) metres from a Hamlet Residential (HR) Zone, measured from the nearest point along the Zone boundary to the nearest point of any stockpile of waste, manure, fertilizers or composts or, in the case of a building or structure directly associated with the mushroom growing operation, measured to the nearest main wall of said building or structure;;
- (5) five-hundred (500) hundred metres from a Residential “R1”, “R2”, or “R3” Zone, measured from the nearest point along the Zone boundary to the nearest point of any stockpile of waste, manure, fertilizers or composts or, in the case of a building or structure directly associated with the mushroom growing operation, measured to the nearest main wall of said building or structure;
- (6) one hundred and fifty (150) metres from a watercourse, measured from the nearest point along the edge of the watercourse to the nearest point of any stockpile of waste, manure, fertilizers or composts or, in the case of a building or structure directly associated with the mushroom growing operation, measured to the nearest main wall of said building or structure.

#### **5.4.4 ACCESSORY DWELLING / SEASONAL FARM DWELLING / MOBILE HOME**

Any accessory dwelling, seasonal farm dwelling or mobile home shall only be permitted subject to a Temporary Use By-law passed by Council of the Municipality pursuant to Section 39 of the Planning Act, as amended from time to time, and where permitted by such a Temporary Use By-law, shall be subject to all the provisions of this By-law.

#### **5.4.5 SPECIALTY FARMS**

Notwithstanding the minimum lot area regulations in Clause 1 of Subsection 5.3, a specialty farm may have a minimum lot area of 10 hectares. A specialty farm is restricted to agricultural operators of specialty crops.

#### **5.4.6 UNDERSIZED LOTS**

- (1) On an existing undersized lot complying with the conditions of Subsection 4.18.3 or on a lot legally created subsequent to the passage of this By-Law, a maximum of one single detached dwelling shall be permitted whether or not it is accessory to a permitted agricultural use. Such dwelling shall be located no closer than 300 metres from any livestock buildings and/or manure storage facility on any lot containing an existing intensive agricultural use, and shall be subject to the following requirements:

- |  |                 |
|--|-----------------|
| (a) Front and Exterior Side Yard Depth (minimum) | 10.0 m          |
| (b) Interior Side Yard Width (minimum)           | 4.0 m           |
| (c) Rear Yard Depth (minimum)                    | 10.0 m          |
| (d) Lot Coverage (maximum)                       | 20% of lot area |
- (2) Dwellings shall not be erected or used except in accordance with Schedule "B", Minimum Distance Separation I (MDS I) to this By-Law. The foregoing shall not apply to the alteration of existing dwellings or the replacement of an existing dwelling with a new dwelling on the same foundation thereof.
- (3) Notwithstanding Subsection 5.4.5 of this By-Law to the contrary, a seasonal farm dwelling shall not be permitted on any undersized lot.

## **5.5 SPECIAL PROVISIONS**

The following site-specific Zones apply to existing or unique situations that are not the standard "A" Zone. If a regulation or use is not specified, the permitted uses of Subsection 5.2 and the regulations of Subsections 5.3 and 5.4 shall apply.

### **5.5.1 A-1**

- (1) Defined Area

A-1 as shown on Schedule "A" Map No. 2 to this By-Law.

- (2) Permitted Uses

The following uses are permitted in the A-1 Zone in addition to the uses specified in Subsection 5.2:

- (a) automobile service station;
- (b) body shop;
- (c) vehicle repair garage;
- (d) vehicle service shop.

- (3) Regulations

- |                                   |                    |
|-----------------------------------|--------------------|
| (a) Rear Yard Depth (minimum)     |                    |
| (i) automotive use                | 2.0 m              |
| (b) Floor Area (maximum)          |                    |
| (i) automotive use                | 220 m <sup>2</sup> |
| (c) Number of Driveways (maximum) | 1                  |

(d) Driveway Width (maximum) 30.0 m

(e) Garbage Storage Bins

The maximum number of garbage storage bins shall be limited to one (1) per lot and shall be located behind the rear wall of the automobile service station and/or vehicle service shop or an extension thereof.

(f) Open Storage

Open storage accessory to an automotive use shall be confined to the area behind the rear wall of the automobile service station, body shop, vehicle repair garage and/or vehicle service shop.

(g) Parking

Parking areas accessory to an automotive use shall be aligned along the rear lot line.

(h) Buffer Strip

A continuous planting strip with a minimum height of two (2.0) metres, and capable of providing a continuous year-round visual screen, shall be maintained along the southerly lot line.

(i) Signage

Signage accessory to an automotive use shall be limited to one (1) pole mounted non-luminous sign not exceeding a maximum area of 2,000 cm<sup>2</sup> per side and a maximum height of 1.5 metres.

(j) Hours of Operation

The hours of operation for an automotive use in the A-1 Zone shall be restricted to the following:

(i) between the hours of 7:00 a.m. and 6:00 p.m. Mondays to Fridays;

(ii) between the hours of 7:00 a.m. and 12:00 p.m. on Saturdays.

### 5.5.2 A-2

(1) Defined Area

A-2 as shown on Schedule "A" Map No. 4 to this By-Law.

(2) Regulations

- (a) Minimum Lot Frontage 137 m
- (b) Minimum Lot Area 22 ha

**5.5.3 A-3**

- (1) Defined Area

A-3 as shown on Schedule “A” Map 45 to this By-Law.

- (2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 5.2, the permitted uses of the A-3 Zone shall be limited to the following:

- (a) truck terminal as an on-farm diversified use

- (3) Regulations

- (a) number of trucks (maximum) 6

**5.5.4 A-4**

- (1) Defined Area

A-4 as shown on Schedule “A” Map No. 11 to this By-Law.

- (2) Permitted Uses

The following uses are permitted in the A-4 Zone in addition to the uses specified in Subsection 5.2:

- (a) existing barn.

- (3) Regulations

- (a) Floor Area (maximum)
  - (i) existing barn 145 m<sup>2</sup>

**5.5.5 A-5**

- (1) Defined Area

A-5 as shown on Schedule “A” Map No. 13 to this By-Law.

(2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 5.2, the permitted uses in the A-5 Zone shall be limited to the following:

- (a) accessory uses, buildings or structures, excluding the keeping, raising, breeding, or care of livestock, subject to Subsection 4.1;
- (b) agricultural home occupation subject to Subsection 4.8;
- (c) bed and breakfast establishment;
- (d) forestry uses excluding any establishments that either process forestry products or sell processed forestry products such as lumber yards;
- (e) nursery and garden store.

**5.5.6 A-6**

(1) Defined Area

A-6 as shown on Schedule “A” Map No. 14 and 19 to this By-Law.

(2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 5.2, the permitted uses in the A-6 Zone shall be limited to the following:

- (a) accessory uses, buildings or structures, subject to Subsection 4.1;
- (b) agricultural use;
- (c) forestry uses excluding any establishments that either process forestry products or sell processed forestry products such as lumber yards;
- (d) riding school;
- (e) wayside pit or quarry, subject to Subsection 4.30.

**5.5.7 A-7**

(1) Defined Area

A-7 as shown on Schedule “A” Map No. 17 to this By-Law.

(2) Regulations

The minimum separation distance between a dwelling located in the A-7 Zone and a livestock building or structure on an adjacent lot shall be 250 metres measured from the nearest main wall of the dwelling to the nearest main wall of the livestock building or structure.

**5.5.8 A-8**

(1) Defined Area

A-8 as shown on Schedule “A” Map No. 25 to this By-Law.

(2) Permitted Uses

The following uses are permitted in the A-8 Zone in addition to the uses specified in Subsection 5.2:

- (a) industrial use, non-effluent producing, in an existing building.

**5.5.9 A-9**

(1) Defined Area

A-9 as shown on Schedule “A” Map No. 22 to this By-Law.

(2) Regulations

- (a) Interior Side Yard Width (minimum) 5.0 m  
for existing single detached dwelling

**5.5.10 A-10**

(1) Defined Area

A-10 as shown on Schedule “A” Map No. 19 to this By-Law.

(2) Regulations

- (a) Floor Area for Accessory Buildings (maximum) 360 m<sup>2</sup>

**5.5.11 A-11**

(1) Defined Area

A-11 as shown on Schedule “A” Map No. 28 to this By-Law.

(2) Regulations

- (a) Interior Side Yard Width (minimum) 5.0 m

**5.5.12 A-12**

(1) Defined Area

A-12 as shown on Schedule “A” Map No. 27 to this By-Law.

(2) Permitted Uses

The following uses are permitted in the A-12 Zone in addition to the uses specified in Subsection 5.2:

- (a) non-ferrous metal recycling facility contained in one (1) building.

(3) Regulations

(a) Floor Area (maximum)

- (i) building for a non-ferrous metal recycling facility 265 m<sup>2</sup>

(b) Signage

Signage accessory to a building for a non-ferrous metal recycling facility shall be limited to one (1) non-luminous sign indicating the name and business of the occupant and not exceeding a maximum area of 2,000 cm<sup>2</sup> per side.

(c) Open Storage

Open storage accessory to a non-ferrous metal recycling facility shall be permitted in a required rear yard.

### 5.5.13 A-13

(1) Defined Area

A-13 as shown on Schedule “A” Map No. 27 to this By-Law.

(2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 5.2, the permitted uses in the A-13 Zone shall be limited to the following:

- (a) accessory use in an existing building;
- (b) automobile service station in an existing building;
- (c) body shop in an existing building;
- (d) vehicle repair garage in an existing building;
- (e) vehicle service shop in an existing building.

#### 5.5.14 A-14

(1) Defined Area

A-14 as shown on Schedule “A” Map No. 27 to this By-Law.

(2) Permitted Uses

The following uses are permitted in the A-14 Zone in addition to the uses specified in Subsection 5.2:

(a) industrial use, non-effluent producing.

(3) Regulations

(a) Floor Area (maximum)

(i) industrial use, non-effluent producing 100 m<sup>2</sup>

(b) Signage

Signage accessory to an industrial use, non-effluent producing, shall be limited to one (1) sign not exceeding a maximum area of 2.5 m<sup>2</sup> per side and a maximum height of six (6.0) metres.

#### 5.5.15 A-15

(1) Defined Area

A-15 as shown on Schedule “A” Map No. 48 to this By-Law.

(2) Permitted Uses

The following uses are permitted in the A-15 Zone in addition to the uses specified in Subsection 5.2:

- (a) automobile service station;
- (b) body shop;
- (c) bulk sales establishment;
- (d) contractor’s yard or shop;
- (e) industrial use;
- (f) service shop;
- (g) vehicle repair garage
- (h) vehicle service shop;
- (i) warehouse.

#### 5.5.16 A-16

(1) Defined Area

A-16 as shown on Schedule “A” Map No. 54 to this By-Law.

(2) Permitted Uses

The following uses are permitted in the A-16 Zone in addition to the uses specified in Subsection 5.2:

- (a) custom workshop.

**5.5.17 A-17**

(1) Defined Area

A-17 as shown on Schedule “A” Map No. 31 to this By-Law.

(2) Permitted Uses

The following uses are permitted in the A-17 Zone in addition to the uses specified in Subsection 5.2:

- (a) market garden.

**5.5.18 A-18**

(1) Defined Area

A-18 as shown on Schedule “A” Map No. 32 to this By-Law.

(2) Permitted Uses

The following uses are permitted in the A-18 Zone in addition to the uses specified in Subsection 5.2:

- (a) service shop.

**5.5.19 A-19**

(1) Defined Area

A-19 as shown on Schedule “A” Map No. 63 to this By-Law.

(2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 5.2, the permitted uses in the A-19 Zone shall be limited to the following:

- (a) accessory building, structure or use;
- (b) contractor's yard or shop;
- (c) single detached dwelling.

#### **5.5.20 A-20**

(1) Defined Area

A-20 as shown on Schedule "A" Map No. 53 to this By-Law.

(2) Permitted Uses

The following uses are permitted in the A-20 Zone in addition to the uses specified in Subsection 5.2:

- (a) contractor's yard or shop.

#### **5.5.21 A-21**

(1) Defined Area

A-21 as shown on Schedule "A" Map No. 54 to this By-Law.

(2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 5.2, the permitted uses in the A-21 Zone shall be limited to the following:

- (a) agricultural use
- (b) forestry uses excluding any establishments that either process forestry products or sell processed forestry products such as lumber yards;
- (c) portable asphalt plant;
- (d) riding school;
- (e) wayside pit or quarry, subject to Subsection 4.30;
- (f) wildlife preserve;
- (g) winery, farm fruit, subject to Subsection 7.4.1.

(3) Regulations

- (a) Lot Area (minimum) 83 ha

#### **5.5.22 A-22**

(1) Defined Area

A-22 as shown on Schedule “A” Map No. 55 and 57 to this By-Law.

(2) Permitted Uses

The following uses are permitted in the A-22 Zone in addition to the uses specified in Subsection 5.2:

- (a) parking and repair of trucks for commercial haulage.

(3) Regulations

- (a) Number of Trucks (maximum) 3

**5.5.23 A-23**

(1) Defined Area

A-23 as shown on Schedule “A” Map No. 31 to this By-Law.

(2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 5.2, the permitted uses in the A-23 Zone shall be limited to the following:

- (a) accessory building, structure or use;
- (b) agricultural home occupation;
- (c) bed and breakfast establishment;
- (d) single detached dwelling.

**5.5.24 A-24**

(1) Defined Area

A-24 as shown on Schedule “A” Map No. 59 to this By-Law.

(2) Permitted Uses

The following uses are permitted in the A-24 Zone in addition to the uses specified in Subsection 5.2:

- (a) parking and repair of trucks for commercial haulage.

### **5.5.25 A-25**

(1) Defined Area

A-25 as shown on Schedule "A" Map No. 61 to this By-Law.

(2) Permitted Uses

The following uses are permitted in the A-25 Zone in addition to the uses specified in Subsection 5.2:

- (a) agricultural equipment sales and service establishment;
- (b) contractor's yard or shop.

### **5.5.26 A-26**

(1) Defined Area

A-26 as shown on Schedule "A" Map No. 62 to this By-Law.

(2) Permitted Uses

The following uses are permitted in the A-26 Zone in addition to the uses specified in Subsection 5.2:

- (a) agricultural equipment sales and service establishment;
- (b) grain elevator and drying facility.

### **5.5.27 A-27**

(1) Defined Area

A-27 as shown on Schedule "A" Map No. 61 and 65 to this By-Law.

(2) Permitted Uses

The following uses are permitted in the A-27 Zone in addition to the uses specified in Subsection 5.2:

- (a) automobile service station in an existing building;
- (b) body shop in an existing building;
- (c) vehicle repair garage in an existing building;
- (d) vehicle service shop in an existing building.

### 5.5.28 A-28

(1) Defined Area

A-28 as shown on Schedule “A” Map No. 57 to this By-Law.

(2) Permitted Uses

The following uses are permitted in the A-28 Zone in addition to the uses specified in Subsection 5.2:

- (a) parking and repair of trucks for commercial haulage behind an existing single detached dwelling.

(3) Regulations

- (a) Number of Trucks (maximum) 6

### 5.5.29 A-29

*By-law 12-2016  
(Amendment)*

(1) Defined Area

A-29 as shown on Schedule “A” Map No. 54 to this By-Law.

(2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 5.2, the permitted uses of the A-29 Zone shall be limited to the following:

- (a) marine sales and service;
- (b) single detached dwelling;
- (c) vehicle sales or rental establishment;
- (d) vehicle service shop;
- (e) truck terminal.

(3) Regulations

- (a) Rear Yard Depth (minimum) 5 m

### 5.5.30 A-30

(1) Defined Area

A-30 as shown on Schedule “A” Map No. 54 to this By-Law.

(2) Permitted Uses

The following uses are permitted in the A-30 Zone in addition to the uses specified in Subsection 5.2:

- (a) parking and repair of trucks for commercial haulage behind an existing single detached dwelling.

(3) Regulations

- (a) Number of Trucks (maximum) 3
- (b) Number of Trailers (maximum) 1

**5.5.31 A-31**

(1) Defined Area

A-31 as shown on Schedule “A” Map No. 43 to this By-Law.

(2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 5.2, the permitted uses in the A-31 Zone shall be limited to the following:

- (a) accessory building, structure or use;
- (b) agricultural home occupation, subject to Subsection 4.8;
- (c) agricultural use, excluding the breeding, raising and care of livestock;
- (d) assembly hall;
- (e) bed and breakfast establishment;
- (f) forestry uses excluding any establishments that either process forestry products or sell processed forestry products such as lumber yards;
- (g) nursery and garden store;
- (h) place of worship;
- (i) single detached dwelling.

(3) Regulations

- (a) Lot Area (minimum) 17 ha

**5.5.32 A-32**

(1) Defined Area

A-32 as shown on Schedule “A” Map No. 28 to this By-Law.

(2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 5.2 and the regulations of Subsection 5.3 (9) to the contrary, the permitted uses in the A-32 Zone shall include two single unit dwellings in addition to the uses permitted in the A Zone.

**5.5.33 A-33**

(1) Defined Area

A-33 as shown on Schedule “A” Map No. 28 to this By-Law.

(2) Regulations

(a) Minimum Side Yard for Buildings Existing as of July 1, 2003 10 m.

**5.5.34 A-34**

(1) Defined Area

A-34 as shown on Schedule “A” Map No. 53 to this By-Law.

(2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 5.2 and the regulations of Subsection 5.3 (9) to the contrary, the permitted uses in the A-34 Zone shall include a multiple-unit dwelling containing a maximum of two dwelling units in addition to the uses permitted in the A Zone.

**5.5.35 A-35**

(1) Defined Area

A-35 as shown on Schedule “A” Map No. 18 to this By-Law.

(2) Regulations

- |                            |        |
|----------------------------|--------|
| (a) Lot Area (minimum)     | 3.5 ha |
| (b) Lot Frontage (minimum) | 50 m   |
| (c) Side Yard (minimum)    | 50 m.  |

### 5.5.36 A-36

(1) Defined Area

A-36 as shown on Schedule "A" Map No. 10 to this By-Law.

(2) Regulations

- (a) Lot Area (minimum) 28 ha
- (b) Lot Frontage (minimum) 50 m
- (c) Side Yard (minimum) 50 m.

### 5.5.37 A-37

(1) Defined Area

A-37 as shown on Schedule "A" Map No. 12 to this By-Law.

(2) Permitted Uses

The permitted uses in the A-37 Zone shall include one (1) 80 Kilowatt small wind energy generation system in accordance with the provisions of Subsection 4.31 (1) and this section.

(3) Regulations

- (a) Maximum height, measured from the average finished grade at the base of the tower to the furthest vertical extension of the generating system (typically the blade) 50 m.

### (5.5.38 A-38 – Deleted by By-law No. 40-2023)

### 5.5.39 A-39

*By-Law # 54-2008  
(addition)*

(1) Defined Area

A-39 as shown on Schedule "A" Map No. 7 to this By-Law.

(2) Regulations

- (b) Lot Area (minimum) 30 ha.

### 5.5.38 A-40

*OMB Decision  
No. 2682  
(addition)*

(1) Defined Area

A-40 as shown on Schedule "A" Map No. 1 to this By-Law.

(2) Permitted Uses

The following uses are permitted in the A-40 Zone in addition to the uses specified in Subsection 5.2:

- (a) a single-detached residential dwelling subject to the issuance of a permit from the Upper Thames River Conservation Authority.

### 5.5.41 A-41

*By-law 62-2010  
(addition)*

(1) Defined Area

A-4 as shown on Schedule (A), Map 29 to this By-law.

- (2) Minimum Lot Area 0.3 ha

### 5.5.42 A-42

*By-law 64-2010  
(addition)*

(1) Defined Area

A-42 as shown on Schedule (A), Map 59 to this By-law

- (2) Minimum Lot Area 10 ha

### 5.5.43 A-43

*By-law 98-2013  
(Addition)*

1. Defined Area

A-43 as shown on Schedule (A), Map 9 to this By-law

2. Permitted Uses

Notwithstanding the permitted uses listed in Section 5.2, the permitted uses in the A-43 Zone shall be limited to the following:

- (1) agricultural use;  
(2) an intensive livestock agricultural use subject to Subsection 5.4.2, including the application of liquid manure;

- (3) farm greenhouse subject to Subsection 4.5;
- (4) farm sales outlet subject to Subsection 5.4.3;
- (5) forestry uses excluding any establishments that either process forestry products or sell processed forestry products such as lumber yards;
- (6) landing strip;
- (7) new or expanding mushroom farm, subject to Subsection 5.4.4;
- (8) nursery and garden store;
- (9) riding school;
- (10) specialty farm subject to Subsection 5.4.6;
- (11) wildlife preserve;
- (12) works of a Conservation Authority

### 3. Regulations

The regulations contained in Section 5.3 apply to these lands.

#### 5.5.44 A-44

By-law 46-2014  
(addition)

- (1) Defined Area  
A-44 as shown on Schedule (A), Map 15 to this By-law
- (2) Prohibited Agricultural Home Occupations

Notwithstanding the prohibited agricultural home occupations, listed in Section 4.8 (6), automotive or vehicle repair or servicing shall be permitted in the A-44 Zone as a Home Occupation; subject to all other regulations governing Agricultural Home Occupations in Section 4.8, and in addition to all other use permitted in the Agricultural (A) Zone.

#### 5.5.45 A-45

(a)	By-law 102-2015	addition
(b)	By-law 103-2015	addition
(c)	By-law 24-2016	addition
(d)	By-law 38-2016	addition
(e)	By-law 36-2016	addition
(f)	By-law 51-2016	addition
(g)	By-law 52-2016	addition
(h)	By-law 53-2016	addition
(i)	By-law 54-2016	addition
(j)	By-law 63-2016	addition
(k)	By-law 64-2016	addition
(l)	By-law 66-2016	addition
(m)	(p) By-law 81-2016	addition
(n)	(q) By-law 82-2016	addition
(o)	(r) By-law 83-2016	addition
	(s) By-law 96-2016	addition
	(t) By-law 97-2016	addition
	(u) By-law 107-2016	addition
	(v) By-law 117-2016	addition
	(w) By-law 118-2016	addition
	(x) By-law 53-2017	addition
	(y) By-law 64-2017	addition
	(z) By-law 85-2017	addition

- (1) Defined Area
  - (a) A-45 as shown on Schedule "A", Map 15 to this By-law
  - (b) A-45 as shown on Schedule "A", Map 14 to this By-law
  - (c) A-45 as shown on Schedule "A" Map 10 to this By-law
  - (d) A-45 as shown on Schedule "A" Map 10 to this By-law
  - (e) A-45 as shown on Schedule "A" Map 33 to this By-law
  - (f) A-45 as shown on Schedule "A" Map 32 to this By-law
  - (g) A-45 as shown on Schedule "A" Map 22 to this By-law
  - (h) A-45 as shown on Schedule "A" Map 48 to this By-law
  - (i) A-45 as shown on Schedule "A" Map 40 to this By-law
  - (j) A-45 as shown on Schedule "A" Map 7 to this By-law
  - (k) A-45 as shown on Schedule "A" Map 7 to this By-law
  - (l) A-45 as shown on Schedule "A" Map 15 to this By-law
  - (m) A-45 as shown on Schedule "A" Map 32 to this By-law
  - (n) A-45 as shown on Schedule "A" Map 15 to this By-law
  - (o) A-45 as shown on Schedule "A" Map 13 to this By-law
  - (p) A-45 as shown on Schedule "A" Map 12 to this By-law

- (q) A-45 as shown on Schedule “A” Map 7 to this By-law
- (r)A-45 as shown on Schedule “A” Map 6 to this By-law
- (s)A-45 as shown on Schedule “A” Map 8 to this By-law
- (t)A-45 as shown on Schedule “A” Map 43 to this By-law
- (u)A-45 as shown on Schedule “A” Map 10 to this By-law
- (v)A-45 as shown on Schedule “A” Map 47 to this By-law
- (w)A-45 as shown on Schedule “A” Map 7 to this By-law
- (x)A-45 as shown on Schedule “A” Map 8 to this By-law
- (y)A-45 as shown on Schedule “A” May 20 to this By-law
- (z)A-45 as shown on Schedule “A” Map 25 to this By-law
- (aa)A-45 as shown on Schedule “A” Map 12 to this By-law
- (ab)A-45 as shown on Schedule “A” Map 12 to this By-law
- (ac)A-45 as shown on Schedule “A” Map 6 to this By-law
- (ad)A-45 as shown on Schedule “A” Map 62 to this By-law–By-law 102-2017
- (ad) A-45 as shown on Schedule “A” Map 62 to this By-law–By-law 17-2018
- (ae) A-45 as shown on Schedule “A” Map 3 to this By-law
- (af) A-45 as shown on Schedule “A” Map 13 to this By-law
- (ag) A-45 as shown on Schedule “A” Map 23 to this By-law
- (ah) A-45 as shown on Schedule “A” Map 17 to this By-law
- (ai) A-45 as shown on Schedule “A” Map 32 to this By-law
- (ak) A-45 as shown on Schedule “A” Map 10 to this By-law–By-law 53-2018
- (ak) A-45 as shown on Schedule “A” Map 10 to this By-law–Bylaw 54-2018
- (al) A-45 as shown on Schedule “A” Map 17 to this By-law
- (am) A-45 as shown on Schedule “A”, Map 23 to this Bylaw
- (an) A-45 as shown on Schedule “A”, Map 54 to this By-law
- (ao) A-45 as shown on Schedule “A”, Map 6 to this By-law
- (ap) A-45 as shown on Schedule “A”, Map 32 to this By-law
- (ap) A-45 as shown on Schedule “A”, Map 6 to this By-law
- (aq) A-45 as shown on Schedule “A”, Map 65 to this By-law
- (aq) A-45 as shown on Schedule “A, Map 44 to this By-law
- (ar) A-45 as shown on Schedule “A”, Map 20 to this By-law
- (as) A-45 as shown on Schedule “A”, Map 25 to this By-law
- (as) A-45 as shown on Schedule “A”, Map 3 to this By-law
- (at) A-45 as shown on Schedule “A”, Map 14 to this By-law
- (at) A-45 as shown on Schedule “A”, Map 62 to this By-law
- (au) A-45 as shown on Schedule “A”, Map 53 to this By-law
- (av) A-45 as shown on Schedule “A”, Map 27 to this By-law
- (aw) A-45 as shown on Schedule “A”, Map 30 to this By-law
- (ax) A-45 as shown on Schedule “A”, Map 53 to this By-law
- (ay) A-45 as shown on Schedule “A”, Map 7 to this By-law
- (az) A-45 as shown on Schedule “A”, Map 18 to this By-law
- (aaa) A-45 as shown on Schedule “A”, Map 16 to this By-law
- (aab) A-45 as shown on Schedule “A”, Map 27 to this By-law
- (aac) A-45 as shown on Schedule “A”, Map 56 to this By-law
- (aad) A-45 as shown on Schedule “A”, Map 19 to this By-law
- (aae) A-45 as shown on Schedule “A”, Map 2 to this By-law
- (aaf) A-45 as shown on Schedule “A”, Map 4 to this By-law

- (aag) A-45 as shown on Schedule "A", Map 43 to this By-law
- (aah) A-45 as shown on Schedule "A", Map 18 to this By-law
- (aai) A-45 as shown on Schedule "A", Map 65 to this By-law
- (aaj) A-45 as shown on Schedule "A", Map 51 to this By-law
- (aak) A-45 as shown on Schedule "A", Map 19 to this By-law
- (aal) A-45 as shown on Schedule "A", Map 24 to this By-law
- (aam) A-45 as shown on Schedule "A", Map 3 to this By-law
- (aan) A-45 as shown on Schedule "A", Map 31 to this By-law
- (aao) A-45 as shown on Schedule "A", Map 57 to this By-law

(2) Permitted Uses

Notwithstanding the permitted uses listed in Section 5.2 of this By-law, the permitted uses of the A-45 Zone shall be limited to the following:

- (a) agricultural use, excluding any residential uses;
- (b) an intensive livestock agricultural use subject to Subsection 5.4.2, including the application of manure, excluding any residential uses;
- (c) farm greenhouse subject to Subsection 4.5, excluding any residential uses;
- (d) farm sales outlet subject to Subsection 5.4.3;
- (e) forestry uses excluding any establishments that either process forestry products or sell processed forestry products such as lumber yards;
- (f) kennel, subject to Subsection 4.11;
- (g) landing strip;
- (h) new or expanding mushroom farm, excluding any residential uses, subject to Subsection 5.4.4;
- (i) nursery and garden store;
- (j) riding school;
- (k) specialty farm subject to Subsection 5.4.6 excluding any residential uses;
- (l) wildlife preserve;
- (m) works of a Conservation Authority.

(3) Regulations

- (a) Lot Area (minimum)  
The lesser of 40.0 ha or as it existed on the day that the residential use ceased.
- (b) Lot Frontage (minimum)  
The lesser of 150.0 m or as it existed on the day that the residential use ceased.

**5.5.1 A-46**

By-law 49-2017  
(addition)  
LPAT - PL161154

(2) Defined Area

A-46 as shown on Schedule (A), Map 28 to this By-law

(2) Regulations

(a) Lot area (minimum) 21 ha

#### **5.5.46 A-46**

*By-law 66-2017  
(addition)*

(1) Defined Area  
A-46 as shown on Schedule (A), Map 27 to this By-law

(2) Regulations

(a) Lot area (minimum) 5.5 ha

#### **5.5.47 A-47**

*By-law 49-2017  
(Addition)  
LPAT - PL161154*

(1) Defined Area  
A-47 as shown on Schedule (A), Map 28 to this By-law

(2) Regulations

(a) Lot area (minimum) 11 ha

#### **5.5.48 A-48**

(1) Defined Area

*By-law 35-2018  
(Addition)*

A-48 as shown on Schedule (A), Map 23 to this By-law

*By-law 31-2019  
(Addition)*

A-48 as shown on Schedule (A), Map 65 to this By-law.

(2) Minimum Lot Frontage 11 m

#### **5.5.49 A-49**

*By-law 73-2018  
(Addition)*

(1) Defined Area  
A-49 as shown on Schedule (A), Map 17 to this By-law

(2) Regulations

(a) Lot Area (minimum) 29 ha

#### **5.5.50 A-50**

*By-law 32-2019  
(Addition)*

(1) Defined Area

A-50 as shown on Schedule “A”, Map 6 to this By-law.

- (2) Minimum Lot Frontage 8 m

### **5.5.51 A-51**

*By-law 43-2019  
(Addition)*

- (1) Defined Area

A-51 as shown on Schedule “A”, Map 27 to this By-law.

- (2) Definition

Cidery means the use of land, buildings or structures for the processing of fruit including the fermentation, production, aging and storage of cider where the fruit used in the production of the cider is locally or regionally grown. A Cidery may also include a hospitality room and a retail outlet.

- (3) Permitted Uses

Cidery accessory to a main Agricultural Use  
All other uses permitted under the A Zone

- (4) Regulation

The area of the subject lands dedicated to the Cidery accessory shall not exceed 1 hectare.

### **5.5.52 A-52**

- (1) Defined Area

A-52 as shown on Schedule “A”, Map 50 to this By-law.

- (2) Minimum Lot Frontage 118 m

- (3) Minimum Lot Area 5.5 ha

### **5.5.53 A-53**

- (1) Defined Area

A-53 as shown on Schedule “A”, Map 50 to this By-law.

- (2) Permitted Uses

Mushroom Farm

All other uses permitted under the A Zone

(3) Special Provisions

- (a) The use of manure for the purpose of growing mushrooms shall be prohibited.
- (b) Notwithstanding Section 5.4.4 of this By-law, a mushroom farm shall be permitted with reduced setbacks of 200 metres from the neighbouring dwelling located at 3743 Elgin Road and 25 metres from a watercourse.

**5.5.54 A-54**

(1) Defined Area

A-54 as shown on Schedule "A", Map 61 to this By-law.

(2) Regulations

- (a) Minimum Lot Area 34.3 hectares

**5.5.55 A-55**

(1) Defined Area

A-55 as shown on Schedule A Map No. 39 to this By-law

(2) Regulations

- (a) Minimum Lot Area 12.6 hectares

**5.5.56 A-56**

(1) Defined Area

A-56 as shown on Schedule "A", Map 13 to this By-law.

(2) Permitted Uses

second dwelling unit  
all other uses permitted under the A Zone

(3) Special Provisions

Notwithstanding any other Section of this By-law, a second dwelling unit shall be permitted in an accessory building provided the gross floor area of the said unit is not greater than 40% of the gross floor area of the main dwelling to a maximum of 75 m<sup>2</sup>.

**5.5.57 A-57**

(1) Defined Area

A-57 as shown on Schedule “A”, Map 13 to this By-law.

(2) Permitted Uses

second dwelling unit  
all other uses permitted under the A Zone

(3) Special Provisions

Notwithstanding any other Section of this By-law, a second dwelling unit shall be permitted in an accessory building provided the gross floor area of the said unit is not greater than 30% of the gross floor area of the main single detached dwelling.

**5.5.58 A-58**

(1) Defined Area

A-58 as shown on Schedule “A”, Map 7 to this By-law.

(2) Permitted Uses

second dwelling unit  
all other uses permitted under the A Zone

(3) Special Provisions

Notwithstanding any other Section of this By-law, a second dwelling unit shall be permitted in an accessory building provided the gross floor area of the said unit is not greater than 85 m<sup>2</sup>.

**5.5.58 A-58**

(1) Defined Area

A-58 as shown on Schedule “A”, Map 28 to this By-law.

(2) Agricultural Home Occupation - Dog and Cat Boarding Facility

Notwithstanding Section 4.8(4) of this By-law, a dog and cat boarding facility shall be permitted as an agricultural home occupation.

**5.5.59 A-59**

(1) Defined Area

A-59 as shown on Schedule “A”, Map 49 to this By-law.

(2) Permitted Uses

additional residential unit  
all other uses permitted under the A Zone

(3) Special Provisions

Notwithstanding any other Section of this By-law, an additional residential unit shall be permitted having a maximum floor area of 189 m<sup>2</sup> and also comprised of garage space and covered porches with a total floor area of 300 m<sup>2</sup>.

**5.5.60 A-60**

(1) Defined Area

A-60 as shown on Schedule “A”, Map 30 to this By-law.

(2) Permitted Uses

additional residential unit  
all other uses permitted under the A Zone

(3) Special Provisions

Notwithstanding any other Section of this By-law, an additional residential unit shall be permitted having a maximum floor area of 75 m<sup>2</sup>.

(4) Regulations

(a) Interior Side Yard Width (minimum) 10.7 m

**5.5.61 A-61**

(1) Defined Area

A-61 as shown on Schedule “A”, Map 13 to this By-law.

(2) Permitted Uses

Additional residential unit  
All other uses permitted under the A Zone

(3) Special Provisions

Notwithstanding any other Section of this By-law, an additional residential unit shall be permitted having a maximum floor area of 102 m<sup>2</sup>.

**5.5.62 A-62**

(1) Defined Area

A-62 as shown on Schedule “A”, Map 27 to this By-law.

(2) Permitted Uses

Additional residential unit  
All other uses permitted under the A Zone

(3) Special Provisions

Notwithstanding any other Section of this By-law, an additional residential unit shall be permitted having a maximum floor area of 134 m<sup>2</sup>.

**5.5.63 A-63**

(1) Defined Area

A-63 as shown on Schedule “A”, Map 33 to this By-law.

(2) Permitted Uses

additional residential unit accessory to a single detached dwelling  
all other uses permitted under the A Zone

(3) Special Use Provisions

Notwithstanding any other Section of this By-law, the following special use provisions shall apply to the residential unit:

- (a) maximum floor area           75 square metres
- (b) maximum front yard depth   75 metres
- (c) maximum setback  
    from single detached dwelling 30.5 metres

**5.5.63 A-63**

(1) Defined Area

A-63 as shown on Schedule “A”, Map 5 to this By-law.

(2) Permitted Uses

additional residential unit  
all other uses permitted under the A Zone

(3) Special Provisions

An additional residential unit (ARU) shall be permitted in the front yard and shall not exceed 49% of the floor area of the primary single detached dwelling.

**5.5.64 A-64**

(1) Defined Area

A-64 as shown on Schedule “A”, Map 57 to this By-law.

(2) Permitted Uses

additional residential unit  
all other uses permitted under the A Zone

(3) Special Provisions

The following provisions shall apply to an additional residential unit (ARU):

- a) the ARU shall not exceed 49% of the floor area of the primary single detached dwelling.
- b) the ARU shall be situated within 30 metres of the primary single detached dwelling.

## **5.6 TEMPORARY USES**

The following site-specific temporary use Zones apply to existing or unique situations where a specific use is permitted on a temporary basis, and are not the standard “A” Zone. If a regulation or use is not specified, the permitted uses of Subsection 5.2 and the regulations of Subsections 5.3 and 5.4 shall apply. All permitted uses listed in this subsection shall only be permitted until the expiry date listed for each such use, at which time the use is no longer permitted and shall be removed.

### **5.6.1 DELETED**

### **5.6.3 DELETED**

### **5.6.4 DELETED**

#### **5.6.5 T-A-4 04-26-2024**

(1) Defined Area

T-A-4 04-26-2024 as shown on Schedule “A”, Map 20 to this By-law

(2) Permitted Uses

The following uses are permitted in the T-A-4 04-26-2024 Zone in addition to the uses specified in Subsection 5.2:

- (a) The existing single detached dwelling is to remain on the subject property for a temporary period, in addition to a new single detached dwelling.

(3) Expiry

The said existing single detached dwelling shall be permitted until the 26<sup>th</sup> day of April, 2024, at which time the structure shall be removed from the lands affected.

#### **5.6.5 T-A-5 10-4-2024**

(1) Defined Area

T-A-5 10-4-2024 as shown on Schedule “A”, Map 51 to this By-law

(2) Permitted Uses

The following uses are permitted in the T-A-5 10-24-2024 Zone in addition to the uses specified in Subsection 5.2:

- (a) The existing single detached dwelling is to remain on the subject property for a temporary period, in addition to a new single detached dwelling.

(3) Expiry

The said existing single detached dwelling shall be permitted until the 4<sup>th</sup> day of October, 2024, at which time the structure shall be removed from the lands affected.

**5.6.6 T-A-6 12-13-2031**

(1) Defined Area

T-A-6 12-13-2031 as shown on Schedule “A”, Map 14 to this By-law

(2) Permitted Uses

The following uses are permitted in the T-A-6 12-13-2031 Zone in addition to the uses specified in Subsection 5.2:

- (a) mobile home
- (3) Expiry

The said mobile home shall be permitted until the 13<sup>th</sup> day of December, 2031, at which time the structure shall be removed from the lands affected.

**5.6.8 T-A-7 03-28-2025**

(1) Defined Area

T-A-7 03-28-2025 as shown on Schedule “A”, Map 23 to this By-law

(2) Permitted Uses

The following uses are permitted in the T-A-7 03-28-2025 Zone in addition to the uses specified in Subsection 5.2:

- (a) The existing detached dwelling is to remain on the subject property for a temporary period, in addition to a new single detached dwelling.

(3) Expiry

The said existing single detached dwelling shall be permitted until the 28<sup>th</sup> day of March, 2025, at which time the structure shall be removed from the lands affected.

**5.6.9 T-A-8 06-13-2032**

(1) Defined Area

T-A-8 06-13-2032 as shown on Schedule “A”, Map 58 to this By-law

(2) Permitted Uses

The following uses are permitted in the T-A-8 06-13-2032 Zone in addition to the uses specified in Subsection 5.2:

(a) mobile home

(3) Expiry

The said mobile home shall be permitted until the 13<sup>th</sup> day of June, 2032, at which time the structure shall be removed from the lands affected.

**5.6.9 T-A-9 02-13-2026**

(1) Defined Area

T-A-9 02-13-2026 as shown on Schedule “A”, Map 3 to this By-law

(2) Permitted Uses

The following uses are permitted in the T-A-9 02-13-2026 Zone in addition to the uses specified in Subsection 5.2:

(a) The existing detached dwelling known municipally as 17441 Elginfield Road is to remain on the subject property for a temporary period, in addition to a new single detached dwelling.

(3) Expiry

The said existing single detached dwelling shall be permitted until the 13<sup>th</sup> day of February, 2026, at which time the structure shall be removed from the subject property. The zoning of the subject property shall also revert back to the Agricultural (A) Zone as of the 13<sup>th</sup> day of February, 2026.

**5.6.10 T-A-10 05-08-2026**

(1) Defined Area

T-A-10 05-08-2026 as shown on Schedule “A”, Map 30 to this By-law

(2) Permitted Uses

The following are permitted in the T-A-10 05-08-2026 Zone in addition to the uses specific in Subsection 5.2:

- (a) The existing detached dwelling known municipally as 4313 Trafalgar Street is to remain on the subject property for a temporary period, in addition to a new single detached dwelling.

(3) Expiry

The said existing single detached dwelling shall be permitted until the 8<sup>th</sup> day of May 2026, at which time the structure shall be removed from the subject property. This T-A-10 05-08-2026 zoning shall also expire as of the 8<sup>th</sup> day of May, 2026.

**5.6.11 T-A-11 06-12-2033**

(1) Defined Area

T-A-11 06-12-2033 as shown on Schedule “A”, Map 11 to this By-law

(2) Permitted Uses

The following use is permitted in the T-A-11 06-12-2033 Zone in addition to the uses specified in Subsection 5.2:

Notwithstanding any other provision of this By-law, a CSA approved mobile home shall be permitted on the property known municipally as 22538 Purple Hill Road for a temporary period until the 12<sup>th</sup> day of June, 2033, at which time the said mobile home shall be removed from the subject property.

**5.6.12 T-A-12 10-30-2026**

(1) Defined Area

T-A-12 10-30-2026 as shown on Schedule “A”, Map 23 to this By-law

(2) Permitted Uses

The following uses are permitted in the T-A-12 10-30-2026 Zone in addition to the uses specified in Subsection 5.2:

- (a) the existing detached dwelling is to remain on the subject property for a temporary period, in addition to a new single detached dwelling.

(3) Expiry

The said existing single detached dwelling shall be permitted until the 30<sup>th</sup> day of October, 2026, at which time the said dwelling shall be removed from the lands affected.

**5.6.13 T-A-13 11-27-2033**

(1) Defined Area

T-A-13 11-27-2033 as shown on Schedule “A”, Map 16 to this By-law

(2) Permitted Uses

The following uses are permitted in the T-A-13 11-27-2033 Zone in addition to the uses specific in Subsection 5.2:

(a) mobile home

(3) Expiry

The said mobile home shall be permitted until the 27<sup>th</sup> day of November, 2033, at which time the structure shall be removed from the lands affected.

## SECTION 6. AGRICULTURAL RESTRICTIVE (AR) ZONE

### **6.1 SCOPE**

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

### **6.2 PERMITTED USES**

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

- (1) agricultural use;
- (2) agricultural home occupation subject to Subsection 4.8;
- (3) bed and breakfast establishment subject to Subsection 4.2;
- (4) existing dwelling;
- (5) existing mobile home;
- (6) farm greenhouse subject to Subsection 4.5;
- (7) farm sales outlet subject to Subsection 6.4.3;
- (8) kennel, subject to Subsection 4.11;
- (9) landing strip;
- (10) recreation use, outdoor;
- (11) riding school;
- (12) seasonal farm dwellings in accordance with Subsection 6.4.4;
- (13) single detached dwelling including a dwelling on an undersized lot in accordance with Subsection 6.4.6;
- (14) specialty farm subject to Subsection 6.4.5;
- (15) wildlife preserve;
- (16) works of a Conservation Authority.

### **6.3 REGULATIONS**

No person shall, within any Agricultural Restrictive (AR) Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- |  |         |
|--|---------|
| (1) Lot Area (minimum)                           | 40.0 ha |
| (2) Lot Frontage (minimum)                       | 150.0 m |
| (3) Front and Exterior Side Yard Depth (minimum) | 25.0 m  |
| (4) Interior Side Yard Width (minimum)           | 15.0 m  |
| (5) Rear Yard Depth (minimum)                    | 15.0 m  |

(6) Lot Coverage (maximum)	20% of lot area
(7) Building Height (maximum)	10.0 m
(8) Landscaped Open Space (minimum)	30% of lot area
(9) Number of Dwellings Per Lot (maximum)	1 only

## **6.4 SPECIAL USE REGULATIONS**

### **6.4.1 AGRICULTURAL USE RESTRICTIONS**

Notwithstanding the uses permitted in Subsection 6.2, the spreading of liquid manure and the spraying of herbicides and pesticides are specifically prohibited in the Agricultural Restrictive (AR) Zone in addition to the uses prohibited by Subsection 4.28.

### **6.4.2 FARM SALES OUTLET**

Seasonal farm produce display for sale is restricted to a maximum of 95 square metres including both floor area and outside display and shall be set back from the front lot line a minimum of 15 metres for a building or structure that is erected so not to be moved and 7.5 metres for a building or structure that is portable and removed at the end of the growing season.

### **6.4.3 ACCESSORY DWELLING / SEASONAL FARM DWELLING / MOBILE HOME**

Any accessory dwelling, seasonal farm dwelling or mobile home shall only be permitted subject to a Temporary Use By-law passed by Council of the Municipality pursuant to Section 39 of the Planning Act, as amended from time to time, and where permitted by such a Temporary Use By-law, shall be subject to all the provisions of this By-law.

### **6.4.4 SPECIALTY FARMS**

Notwithstanding the minimum lot area regulations in Clause 1 of Subsection 6.3, a specialty farm may have a minimum lot area of 10 hectares. A specialty farm is restricted to agricultural operators of specialty crops.

### **6.4.5 UNDERSIZED LOTS**

- (1) On an existing undersized lot complying with the conditions of Subsection 4.18.3 or on a lot legally created subsequent to the passage of this By-Law, a maximum of one single detached dwelling shall be permitted whether or not it is accessory to a permitted agricultural use. Such dwelling shall be located no closer than 300 metres from any livestock buildings and/or manure storage facility on any lot containing an existing intensive agricultural use, and shall be subject to the following requirements:

- |  |                 |
|--|-----------------|
| (a) Front and Exterior Side Yard Depth (minimum) | 10.0 m          |
| (b) Interior Side Yard Width (minimum)           | 4.0 m           |
| (c) Rear Yard Depth (minimum)                    | 10.0 m          |
| (d) Lot Coverage (maximum)                       | 20% of lot area |
- (2) Dwellings shall not be erected or used except in accordance with Schedule "B", Minimum Distance Separation I (MDS I) to this By-Law. The foregoing shall not apply to the alteration of existing dwellings or the replacement of an existing dwelling with a new dwelling on the same foundation thereof.
- (3) Notwithstanding Subsection 6.4.4 of this By-Law to the contrary, a seasonal farm dwelling shall not be permitted on any undersized lot.

## **6.5 SPECIAL PROVISIONS**

The following site-specific Zones apply to existing or unique situations that are not the standard "AR" Zone. If a regulation or use is not specified, the permitted uses of Subsection 6.2 and the regulations of Subsections 6.3 and 6.4 shall apply.

## SECTION 7. AGRICULTURAL COMMERCIAL (AGC) ZONE

### **7.1 SCOPE**

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

### **7.2 PERMITTED USES**

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

- (1) agricultural equipment sales and service establishment;
- (2) agricultural related commercial use;
- (3) agricultural service and supply establishment;
- (4) auction establishment;
- (5) bulk sales establishment;
- (6) commercial greenhouse subject to Subsection 4.5;
- (7) custom workshop;
- (8) existing dwelling;
- (9) forestry use excluding any establishments that either process forestry products or sell processed forestry products such as lumber yards;
- (10) grain elevator and drying facility;
- (11) kennel, subject to Subsection 4.11;
- (12) market garden;
- (13) nursery and garden store;
- (14) recreation use, outdoor;
- (15) riding school;
- (16) truck terminal;
- (17) veterinary clinic;
- (18) wildlife preserve;
- (19) winery, farm fruit;
- (20) works of a Conservation Authority.

### **7.3 REGULATIONS**

No person shall, within any Agricultural Commercial (AGC) Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- |                            |                      |
|----------------------------|----------------------|
| (1) Lot Area (minimum)     | 4,000 m <sup>2</sup> |
| (2) Lot Frontage (minimum) | 30.0 m               |
| (3) Lot Depth (minimum)    | 40.0 m               |

(4) Front and Exterior Side Yard Depth (minimum)	10.0 m
(5) Interior Side Yard Width (minimum)	7.5 m
(6) Rear Yard Depth (minimum)	10.0 m
(7) Lot Coverage (maximum)	20% of lot area
(8) Building Height (maximum)	12.0 m
(9) Landscaped Open Space (minimum)	10% of lot area

## **7.4 SPECIAL USE REGULATIONS**

### **7.4.1 FARM FRUIT WINERIES**

Where a farm winery is permitted within an Agricultural Zone, it shall be subject to the requirements of the applicable Zone and the following provisions:

- (1) all wines produced shall be from locally grown fruit, predominantly grown on the same lands as the Farm Winery;
- (2) the retail sale of wine produced on site may be permitted, subject to normal licensing requirements;
- (3) a Hospitality Room as defined herein may be permitted;
- (4) the maximum floor area devoted to the retail sale of wine and a Hospitality Room combined shall be limited to 200 square metres,
- (5) all farm wineries shall be subject to site plan control.

## **7.5 SPECIAL PROVISIONS**

The following site-specific Zones apply to existing or unique situations that are not the standard “AGC” Zone. If a regulation or use is not specified, the permitted uses of Subsection 7.2 and the regulations of Subsections 7.3 and 7.4 shall apply.

### **7.5.1 AGC-1**

*By-law 73-2009  
(Addition)*

- (1) Defined Area

AGC-1 as shown on Schedule “A” Map No. 31 to this By-law

- (2) Permitted Uses
  - (a) A restaurant in addition to all other uses permitted in Section 7.2 of this By-law

*By-law 46-2011  
(Addition)*

**7.5.2 AGC-2**

- (1) Defined Area

AGC-2 as shown on Schedule “A” Map No. 59 to this By-law.

- (2) Permitted Uses

- a) an “Agricultural Service and Supply Establishment” in addition to all other uses permitted in Section 5.2 of this By-law.

*By-law 8-2013  
(Addition)*

**7.5.3 AGC-3**

- (1) Defined Area

AGC-3 as shown on Schedule “A”, Map 52 to this By-law

- (2) Permitted Uses

The following uses are permitted in the AGC-3 Zone in addition to the uses specified in Section 7.2 (1) through (15) and (17) through (20):

- (a) contractors shop
- (b) warehouse warehouse, public self storage

*By-law 20-2015*

**7.5.4 AGC-4**

- (1) Defined Area

AGC-4 as shown on Schedule “A”, Map 14 to this By-law

- (2) Permitted Uses

Notwithstanding the permitted uses listed in Section 7.2, the permitted uses in the AGC-4 Zone shall be limited to the following:

- (a) agricultural related commercial use
- (b) agricultural service and supply establishment
- (c) existing dwelling

### **7.5.5 AGC-5**

(1) Defined Area

AGC-5 as shown on Schedule “A”, Map 24 to this By-law

(2) Permitted Uses

Agricultural use  
All uses permitted under the parent AGC zone

(3) Regulation

Notwithstanding Section 4.5(5) of this By-law, a greenhouse that uses artificial light for growing purposes during the night shall be located a minimum distance of 125 metres from any residential use on a separate lot.

*Addition  
By-law No.  
34-2019*

### **7.5.6 AGC-6**

(1) Defined Area

AGC-6 as shown on Schedule “A”, Map No. 51 to this By-law

(2) Permitted Uses

Notwithstanding the permitted uses listed under Section 7.2 of this By-law, the permitted uses shall be limited to the following:

- (a) agricultural related commercial use
- (b) agricultural service and supply establishment
- (c) single detached dwelling

(3) Setback Requirement

Notwithstanding Section 4.16 of this By-law, the permitted uses of the AGC-6 shall be permitted with a setback of at least 150 metres from neighbouring livestock facilities located at 3317 Cromarty Drive and 3479 Cromarty Drive.”

### **7.5.7 AGC-7**

(1) Defined Area

AGC-7 as shown on Schedule “A”, Map 4 to this By-law

(2) Permitted Uses

Notwithstanding the permitted uses listed under Section 7.2 of this By-law, the permitted uses shall be limited to the following:

- (a) agricultural equipment and service establishment

## SECTION 8. HAMLET RESIDENTIAL (HR) ZONE

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### 8.1 **SCOPE**

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

### 8.2 **PERMITTED USES**

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

- (1) bed and breakfast establishment subject to Subsection 4.2;
- (2) converted dwelling, to a maximum of two (2) dwelling units;
- (3) duplex dwelling;
- (4) residential home occupation, subject to Subsection 4.9;
- (5) single detached dwelling;
- (6) semi-detached dwelling.

### 8.3 **REGULATIONS**

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

- |  |                          |
|--|--------------------------|
| (1) Lot Area (minimum)                           | 2,000 m <sup>2</sup>     |
| (2) Lot Frontage (minimum)                       | 30.0 m                   |
| (3) Front and Exterior Side Yard Depth (minimum) | 7.5 m                    |
| (4) Interior Side Yard Width (minimum)           | 3.0 m                    |
| (5) Rear Yard Depth (minimum)                    | 10.0 m                   |
| (6) Lot Coverage (maximum)                       | 30% of lot area          |
| (7) Building Height (maximum)                    | 10.0 m                   |
| (8) Landscaped Open Space (minimum)              | 20% of lot area          |
| (9) Number of Dwellings Per Lot (maximum)        |                          |
| (a) Single Detached and Semi-Detached Dwellings  | 1 dwelling unit per lot  |
| (b) Converted and Duplex Dwellings               | 2 dwelling units per lot |

### 8.4 **SPECIAL PROVISIONS**

The following site-specific Zones apply to existing or unique situations that are not the standard “HR” Zone. If a regulation or use is not specified, the permitted uses of Subsection 8.2 and the regulations of Subsection 8.3 shall apply.

#### **8.4.1 HR-1**

(1) Defined Area

HR-1 as shown on Schedule “A” Map No. 39A to this By-Law.

(2) Permitted Uses

The following uses are permitted in the HR-1 Zone in addition to the uses specified in Subsection 8.2:

- (a) service shop in an existing building.

#### **8.4.2 HR-2**

(1) Defined Area

HR-2 as shown on Schedule “A” Map No. 39A to this By-Law.

(2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 4.28 and Subsection 8.2, the permitted uses in the HR-2 Zone shall be limited to the following:

- (a) accessory building, structure or use;
- (b) existing apartment dwelling.

#### **8.4.3 HR-3**

(1) Defined Area

HR-3 as shown on Schedule “A” Map No. 34A to this By-Law.

(2) Permitted Uses

The following uses are permitted in the HR-3 Zone in addition to the uses specified in Subsection 8.2:

- (a) Pony pasture for up to two (2) livestock units.

#### **8.4.4 HR-4**

(1) Defined Area

HR-4 as shown on Schedule "A" Map No. 34A to this By-Law.

(2) Permitted Uses

The following uses are permitted in the HR-4 Zone in addition to the uses specified in Subsection 8.2:

- (a) automobile service station in an existing building;
- (b) body shop in an existing building;
- (c) vehicle repair garage in an existing building.

(3) Prohibited Uses

The following uses are specifically prohibited in the HR-4 Zone in addition to the uses specified in Subsection 4.29:

- (a) open storage.

(4) Regulations

(a) Front Yard Depth (minimum)

- (i) storage building 75 m

(b) Floor Area (maximum)

- (i) storage building 420 m<sup>2</sup>

**8.4.5 HR-5**

(1) Defined Area

HR-5 as shown on Schedule "A" Map No. 3A to this By-Law.

(2) Regulations

- (a) Side Yard (minimum) 2 m

**8.4.6 HR-6**

*By-law 2-2011  
(Addition)*

(1) Defined Area

HR-6 as shown on Schedule (A), Map 64A to this By-law

- (2) Regulations
  - a) floor area (maximum)
    - (i) Dwelling 230 m

#### **8.4.7 HR-7**

*By-law 14-2013  
(Addition)*

- (1) Defined Area

HR-7 as shown on Schedule “A”, Map 3A to this By-law
- (2) Regulations
  - (a) Front Yard Depth (minimum) 20m
  - (b) Rear Yard Depth (minimum) 70 m

#### **8.4.8 HR-8**

*By-law 14-2013  
(Addition)*

- (1) Defined Area

HR-8 as shown on Schedule “A”, Map 3A to this By-law
- (2) Regulations
  - (a) Front Yard Depth (minimum) 20 m
  - (b) Rear Yard Depth (minimum) 70 m
  - (c) Easterly Side Yard Width (min) 7.5 m

#### **8.4.9 HR-9**

*By-law 10-2017  
(Addition)*

- (1) Defined Area

HR-9 as shown on Schedule “A”, Map 39A to this By-law
- (2) Regulations
  - (a) Frontage (minimum) 28.0 m

#### **8.4.10 HR-10**

- (1) Defined Area

HR-10 as shown on Schedule “A”, Map 58A

(2) Special Provision

Notwithstanding Section 4.24.3 of this By-law, a reduced setback of 5 metres shall be permitted from a covered or enclosed municipal drain measured from the centerline of the drain.

#### **8.4.11 HR-11**

(1) Defined Area

HR-11 as shown on Schedule "A", Map 3A

(2) Permitted Uses

second dwelling unit  
all other uses permitted under the HR Zone

(3) Special Provisions

Notwithstanding any other Section of this By-law, a second dwelling unit shall be permitted within the existing single detached dwelling as enlarged provided the gross floor area of the said unit does not exceed 110 m<sup>2</sup>.

#### **8.4.12 HR-12**

(1) Defined Area

HR-12 as shown on Schedule "A", Map 58A

(2) Special Provisions

Notwithstanding any provision of this By-law, a reduced setback of 4.5 metres shall be permitted from a covered or enclosed municipal drain measured from the centerline of the drain.

## SECTION 9. RESIDENTIAL FIRST DENSITY (R1) ZONE

### **9.1. SCOPE**

The provisions of this Section shall apply in all Residential First Density (R1) Zones except as otherwise provided in the Special Provisions Subsection of this Section.

### **9.2. PERMITTED USES**

No person shall within any Residential First Density (R1) Zone, use any lot or erect, alter or use any building or structure for any purpose except for one or more of the following R1 Zone uses, namely:

- (1) residential home occupation, subject to Subsection 4.9;
- (2) single detached dwelling.

### **9.3. REGULATIONS**

No person shall, within any Residential First Density (R1) Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- (1) Lot Area (minimum)
  - (a) lot with no municipal services available 3,000 m<sup>2</sup>
  - (b) lot with municipal water service only 2,000 m<sup>2</sup>
  - (c) lot with municipal sanitary sewer service only 1,500 m<sup>2</sup>
  - (d) lot with both municipal water and sanitary sewer service 700 m<sup>2</sup>
- (2) Lot Frontage (minimum)
  - (a) lot with no municipal services available 20.0 m
  - (b) lot with municipal water and/or sanitary sewer services 15.0 m
- (3) Front and Exterior Side Yard Depth (minimum) 7.5 m
- (4) Interior Side Yard Width (minimum) 2.0 m
- (5) Rear Yard Depth (minimum) 8.0 m
- (6) Lot Coverage (maximum) 35% of lot area
- (7) Building Height (maximum) 10.0 m
- (8) Landscaped Open Space (minimum) 30% of lot area
- (9) Number of Dwellings Per Lot (maximum) 1 only -

## 9.4. SPECIAL PROVISIONS

The following site-specific Zones apply to existing or unique situations that are not the standard “R1” Zone. If a regulation or use is not specified, the permitted uses of Subsection 9.2 and the regulations of Subsection 9.3 shall apply.

### 9.4.1 R1-1

(1) Defined Area

R1-1 as shown on Schedule “A” Map No. 3-1 to this By-Law.

(2) Permitted Uses

The following uses are permitted in the R1-1 Zone in addition to the uses specified in Subsection 9.2:

(a) converted dwelling

(3) Regulations

(a) Floor Area (minimum)

(i) converted dwelling 45 m<sup>2</sup>

(b) Number of Parking Spaces (minimum)

(i) converted dwelling 1.5 spaces per dwelling unit

(c) Outdoor Amenity Area (minimum)

(i) converted dwelling 45 m<sup>2</sup> per dwelling unit

### 9.4.2 R1-2

(1) Defined Area

R1-2 as shown on Schedule “A” Map No. 3-2 to this By-Law.

(2) Home Occupation - Residential

Notwithstanding the provisions of Section 4.9 to the contrary, the following provisions shall apply to a home occupation in the R1-2 Zone:

- (a) The residential home occupation shall be clearly incidental and secondary to the main residential use to which it is accessory and shall not change the residential character of the dwelling;

- (b) The residential home occupation shall be located entirely within the dwelling. No more than forty percent (40%) of the dwelling unit may be devoted to a residential home occupation use;
- (c) The residential home occupation shall not create or become a public nuisance, particularly with regard to noise, traffic, parking, light or nighttime operation, or radio or television interference, nor shall any open storage be permitted in conjunction with the home occupation;
- (d) Delivery and/or shipment of goods and/or materials associated with the residential home occupation shall be restricted to vehicles not exceeding 5,000 kilograms in registered gross weight.

**9.4.3** R1-3

(1) Defined Area

R1-3 as shown on Schedule “A” Map No. 2-6 to this By-Law.

(2) Regulations

- (a) Exterior Side Yard Width (minimum) 3.5 m

**9.4.4** R1-4

(1) Defined Area

R1-4 as shown on Schedule “A” Map No. 2-1 to this By-Law.

(2) Permitted Uses

The following uses are permitted in the R1-4 Zone in addition to the uses specified in Subsection 9.2:

- (a) retail store for the sale of crafts and related items.

**9.4.5** R1-5

(1) Defined Area

R1-5 as shown on Schedule “A” Map No. 2-2 to this By-Law.

(2) Interpretation

For the purpose of this article, in the case of a through lot line, the lot line abutting the street having the wider road allowance shall be deemed to be the front lot line,

and the lot line abutting the opposite, narrower street shall be deemed to be the rear lot line.

(3) Regulations

(a) Lot Area (minimum)

- (i) lot with both municipal water and sanitary sewer service 300 m<sup>2</sup>

(b) Lot Frontage (minimum)

- (i) lot with both municipal water and sanitary sewer service 9.5 m

(c) Front Yard Depth (minimum)

- |                                      |        |
|--------------------------------------|--------|
| (i) lot 67                           | 4.0 m  |
| (ii) lot 68                          | 5.0 m  |
| (iii) lot 69                         | 6.0 m  |
| (iv) all other lots in the R1-5 Zone | 30.0 m |

(d) Interior Side Yard Width (minimum)

1.6 m for a one-storey dwelling plus 0.6 metre for each full storey greater than one storey; provided that 0 m shall be required on one side of a single detached dwelling having no exterior doors, windows or other openings within the yard width that otherwise would be required, and having all roof drainage directed onto the lot of that dwelling, and having for the full depth of the lot a registered private maintenance easement of a width not less than the minimum required side yard and having a 0.6 m eave and footing encroachment easement on the adjacent lot.

(e) Exterior Side Yard Width (minimum) 3.0 m

(f) Lot Coverage (maximum) 45%

(g) Building Height (maximum) 12.0 m

(h) Special Parking Regulations

Parking of any automobile, vehicle, recreational vehicle or trailer shall not be permitted in the front yard of any lot within the R1-5 Zone.

(i) Driveway Width (maximum)

- (i) lots 1 to 59 inclusive 6.7 m or 70% of the lot frontage, whichever is lesser.

(j) Accessory Buildings and Structures

(i) lot coverage (maximum) 15% of lot area

**9.4.6** R1-6

(1) Defined Area

R1-6 as shown on Schedule “A” Map No. 2-6 to this By-Law.

(2) Regulations

(a) Interior Side Yard Width (minimum)

(i) exposed building face is one-storey in height 1.5 m

(b) Rear Yard Depth (minimum) 7.5 m

**9.4.7** R1-7

(1) Defined Area

R1-7 as shown on Schedule “A” Map No. 2-6 to this By-Law.

(2) Regulations

(a) Interior Side Yard Width (minimum)

(i) exposed building face is one-storey in height 1.5 m

(b) Exterior Side Yard Width (minimum) 3.5 m

(c) Rear Yard Depth (minimum) 7.5 m

**9.4.8** R1-8

*By-law # 18-2008  
(addition)*

(1) Defined Area

R1-8 as shown on Schedule “A” Map No. 2-5 to this By-Law.

(2) Regulations

(a) Frontage (minimum) 10 m

**9.4.9 R1-9**

*By-law 44-2009  
(addition)*

- (1) Defined Area
- R1-9 as shown on Schedule “A”, Map 3-1 to this By-law.
- (2) Regulations
  - a) Exterior side yard 3.5 m
  - b) Interior side yard 1.5 m
  - c) Minimum lot area 600 m<sup>2</sup>

**9.4.10 R1-10**

*By-law 44-2009  
(addition)*

- (1) Defined Area
- R1-10 as shown on Schedule “A”, Map 3-1 to this By-law.
- (2) Regulations
  - a) Minimum frontage 12.0 m
  - b) Exterior side yard local street 3.2 m
  - c) Exterior side yard county road 7.2 m
  - d) Interior side yard 1.2 m
  - e) Minimum lot area 540 m<sup>2</sup>

**9.4.11 R1-11**

*By-law 44-2009*

- (1) Defined Area
- R1-11 as shown on Schedule “A”, Map 3-1 to this By-law.
- (2)
  - a) Exterior side yard 3.5 m
  - b) Interior side yard 1.5 m
  - c) Minimum lot area 700 m<sup>2</sup>

**9.4.12 R1-12**

*By-law 102-2009  
(addition)*

- (1) Defined Area
- R1-12 as shown on Schedule A, Map 2-6 to this By-law.

(2)	Regulations	
	a) Minimum Lot Area	395 m <sup>2</sup>
	b) Minimum Lot Frontage	
	Unit 14 and Unit 20	5.9 m
	all other Units	10 m
	c) Front Yard Depth (minimum)	5.0 m
	d) Exterior Side Yard Width (minimum)	2.5 m
	e) Interior Side Yard Width (minimum)	0 m
	f) Rear Yard Depth (minimum)	6.0 m
	g) Lot Coverage (maximum)	45%
	h) Building Height (maximum)	10.0 m

**9.4.13 R1-13**

*By-law 26-2011  
(addition)*

(1) Defined Area

R1-13 as shown on Schedule “A”, Map 3-1 to this By-law.

(2) Regulations

a)	Interior Side Yard Width (minimum)	
	(i) exposed building face is one storey in height	1.3 m
	(ii) exposed building face is two storey in height	1.5 m
b)	Exterior Side Yard Width (minimum)	3.5 m

**9.4.14 R1-14**

*By-law 76-2011  
(Addition)*

1) Defined Area

R1-14 as shown on Schedule (A), Map 2-4 to this By-law

2) Regulations

a)	minimum frontage	13m;
b)	minimum side yard setback from rear lot lines of 43 and 47 Mill Road	10m.

### **9.4.15 R1-15**

By-law 68-2013  
(Addition)

- 1) Defined Area  
R1-15 as shown on Schedule "A", Map No. 2-3 to this by-law
- 2) Regulations
  - a) Lot Area (min) 2000 m<sup>2</sup>
  - b) Lot Frontage (min) 20.0 m
  - c) Front and Exterior side yard 7.5 m
  - d) Side Yard (min) 2.0 m
  - e) Rear Yard Depth (min) 8.0 m
  - f) Lot Coverage (max) 35%
  - g) Building Height (max) 10 m
  - h) Landscaped Open Space (min) 30% lot area
  - i) Number of Dwellings Per Lot (max) 1 only

### **9.4.16 R1-16**

By-law 9-2014  
Z16-2013  
(Addition)

- 1) Defined Area  
R1-16 as shown on Schedule "A", Map 3-1 to this By-law
- 2) Regulations

No person shall, within the site specific Residential First Density (R1-15) Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- 1) Lot Area (minimum) 560 m<sup>2</sup>
- 2) Lot Frontage (minimum) 14 m
- 3) Front Yard Depth 6 m (dwelling)  
7.5 m (garage)
- 4) Exterior Side Yard Depth (minimum) 3.5 m
- 5) Interior Side Yard Depth (minimum) 1.5 m (one story)  
1.8 m (two story)
- 6) Rear Yard Depth (minimum) 7.5 m
- 7) Lot Coverage (maximum) 35% of lot area
- 8) Building Height (maximum) 12 m
- 9) Landscaped Open Space (minimum) 30% of lot area
- 10) Number of Dwellings per Lot (maximum) 1 only

### **9.4.17 R1-17**

By-law 14-2014  
(Addition) & By-law 21-2020

- 1) Defined Area  
R1-17 and R1-17-H as shown on Schedule "A", Maps 2-4, 2-5 and 41 to this By-law.

- 2) Regulations
  - a) Lot Area (Minimum) 500 m<sup>2</sup>
  - b) Lot Frontage (Minimum) 15 m
  - c) Front & Exterior Side Yard Depth (Minimum) 6.0 m
  - d) Interior Side Yard Width (Minimum) 1.2 m
  - e) Rear Yard Depth (Minimum) 7.5 m
  - f) Lot Coverage (Maximum) 50%
  - g) Building Height (Maximum) 10 m
  - h) Landscape Open Space (Minimum) 30%
  - i) Number of Dwellings Per Lot (Maximum) 1

**9.4.18 R1-18**

By-law 14-2014 & By-law 21-2020  
(Addition)

- 1) Defined Area  
R1-18 as shown on Schedule "A", Map 3-1 to this By-law

By-law 104-2017  
(Amendment)

- 2) Regulations
  - a) Lot Area (with services) 390 m<sup>2</sup>
  - b) Lot Frontage (with services) 12 m
  - c) Front & Exterior Side Yard Depth 6.0 m
  - d) Interior Side Yard Width 1.2 m
  - e) Rear Yard Depth 7.5 m
  - f) Lot Coverage 40%
  - g) Building Height 10m Max
  - h) Landscape Open Space 30% Min
  - i) Number of Dwellings Per Lot one

**9.4.19 R1-19**

By-law 69-2014  
(Addition)

- 1) Defined Area  
R1-19 as shown on Schedule "A", Map 2-5 to this By-law

- 2) Regulations
  - a) Lot Area (min) 700m<sup>2</sup>
  - b) Lot Frontage (min) 15.0 m
  - c) Front Yard Setback (min) 7.5 m
  - d) Side Yard (min) 1.5 m
  - e) Exterior Sid Yard (min) 3.5 m
  - f) Rear Yard Depth (min) 8.0 m
  - g) Lot Coverage (max) 35%
  - h) Building Height (max) 10 m
  - h) Landscaped Open Space (min) 30% lot area
  - i) Number of Dwellings Per Lot (max) 1 only

**9.4.20 R1-20**

*By-law 11-2016  
(Addition)*

(3) Defined Area

R1-20 as shown on Schedule "A", Map 2-2 to this By-law

(2) Regulations

(a) Side Yard Width (minimum) 10 m from the FD-5 Zone  
and 2 m on the other side

(b) Rear Yard Depth (minimum) 30 m

**9.4.21 R1-21**

*See By-law 98-2016 - Key Map 3-1 for R1-21*

**9.4.22 R1-22**

*By-law 108-2016  
(Addition)*

(1) Defined Area

R1-22 as shown on Schedule "A", Map 2-4 to this By-law

(2) Regulations

(a) Lot Area (minimum) 2,800 m<sup>2</sup>

**9.4.22 R1-22**

*By-law 42-2019  
(Addition)*

(1) Defined Area

R1-22 and R1-22-H as shown on Schedule "A", Map 3-1 to this By-law

(2) Regulations

a) Lot Area (Min)	380 m <sup>2</sup>
b) Lot Frontage (Min)	11.5 m
c) Front & Exterior Side Yard Depth (Min)	4.5 m to main building 6.0 m to garage

except where a corner lot rear lot line abuts an adjacent corner lot rear lot line, the Exterior Side Yard requirement shall be a minimum of 1.2 m.

d) Interior Side Yard Width (Min)	1.2 m
e) Rear Yard Depth (Min)	7.5 m
f) Lot Coverage (Max)	50%
g) Building Height (Max)	10 m

### **9.4.23 R1-23**

*By-law 42-2019  
(Addition)*

#### **(1) Defined Area**

R1-23 and R1-23-H as shown on Schedule "A", Map 3-1 to this By-law

#### **(2) Regulations**

a) Lot Area (Min)	475 m <sup>2</sup>
b) Lot Frontage (Min)	15 m
c) Front & Exterior Side Yard Depth (Min)	4.5 m to main building 6.0 m to garage except where a corner lot rear lot line abuts an adjacent corner lot rear lot line, the Exterior Side Yard requirement shall be a minimum of 1.2 m.
d) Interior Side Yard Width (Min)	1.2 m
e) Rear Yard Depth (Min)	7.5 m
f) Lot Coverage (Max)	45%
g) Building Height (Max)	10 m

### **9.4.24 R1-24-H**

*By-law 9-2020  
(Addition)*

#### **(1) Defined Area**

R1-24-H as shown on Schedule "A", Map 3-1 to this By-law

#### **(2) Regulations**

- |                                   |      |
|-----------------------------------|------|
| a) Front Yard Depth (Min)         | 15 m |
| b) Exterior Side Yard Width (Min) | 4 m  |

#### **9.4.25 R1-25-H**

*By-law 9-2020  
(Addition)*

##### (1) Defined Area

R1-25-H as shown on Schedule "A", Map 3-1 to this By-law

##### (2) Regulations

- |   |   |
|---|---|
| a) Lot Area (Min)                         | 375 m <sup>2</sup>  |
| b) Lot Frontage (Min)                     | 11.5 m  |
| c) Front & Exterior Side Yard Depth (Min) | 4.5 m to main building<br>6.0 m to garage except<br>where a corner lot rear lot<br>line abuts an adjacent<br>corner lot rear lot line, the<br>Exterior Side Yard<br>requirement shall be a<br>minimum of 1.2 m. |
| d) Interior Side Yard Width (Min)         | 1.2 m   |
| e) Rear Yard Depth (Min)                  | 7.5 m   |
| f) Lot Coverage (Max)                     | 50%   |

#### **9.4.26 R1-26**

*By-law 21-2020  
(Addition)*

##### (1) Defined Area

R1-26 as shown on Schedule "A", Map 41 to this By-law

##### 2) Regulations

- |   |                    |
|---|--------------------|
| a) Lot Area (Minimum)                         | 390 m <sup>2</sup> |
| b) Lot Frontage (Minimum)                     | 12 m               |
| c) Front & Exterior Side Yard Depth (Minimum) | 6.0 m              |
| d) Interior Side Yard Width (Minimum)         | 1.2 m              |
| e) Rear Yard Depth (Minimum)                  | 7.5 m              |
| f) Lot Coverage (Maximum)                     | 50%                |
| g) Building Height (Maximum)                  | 10 m               |
| h) Landscape Open Space (Minimum)             | 30%                |
| i) Number of Dwellings Per Lot (Maximum)      | 1                  |

**9.4.27**      R1-27

1) Defined Area

R1-27 as shown on Schedule "A", Map 3-1 to this By-law

2) Regulations

a) Lot Area (Minimum)	560 m <sup>2</sup>
b) Lot Frontage (Minimum)	14 m
c) Front Yard Depth (Minimum)	6 m (dwelling) 7.5 m (garage)
d) Exterior Side Yard Depth (Minimum)	3.5 m
e) Interior Side Yard Depth (Minimum)	1.5 m (one-storey) 1.8 m (two-storey)
f) Rear Yard Depth (Minimum)	7.5 m
g) Lot Coverage (Maximum)	40%
h) Building Height (Maximum)	12 m
i) Landscaped Open Space (Minimum)	30%
j) Number of Dwellings per Lot (Maximum)	1 only

**9.4.28**      R1-28

1) Defined Area

R1-28 as shown on Schedule "A", Map 2-5 to this By-law

2) Permitted Uses

expansion of the existing single detached dwelling to accommodate a total of two dwelling units residential home occupation

3) Regulations

a) Interior Side Yard Width (Minimum)	1.1 m from the westerly lot line and 2 m from the easterly lot line
---------------------------------------	---

**9.4.28**      **R1-28-H**

(1) Defined Area

R1-28-H as shown on Schedule A, Map 3-2 to this By-law.

(2) Permitted Uses

single detached dwelling  
accessory uses, buildings or structures

(3) Regulations

a) Lot Frontage (minimum)	9.7 m (interior lot) 13.0 m (corner lot)
b) Lot Area (minimum)	290 m <sup>2</sup> (interior lot) 390 m <sup>2</sup> (corner lot)
c) Front Yard Depth (minimum)	6.0 m to garage 4.5 m to main dwelling
d) Exterior Side Yard (minimum)	3.5 m
e) Interior Side Yard (minimum)	1.2 m
f) Rear Yard Depth (minimum)	6.0 m
g) Lot Coverage (maximum)	45%
h) Building Height (maximum)	10.5 m
i) Lot Coverage (maximum)	45%
j) Landscaped Open Space (minimum)	25%

**9.4.29 R1-29**

(1) Defined Area

R1-29 as shown on Schedule “A”, Map 3-1 to this By-law.

(2) Permitted Uses

converted dwelling  
second dwelling unit  
all other uses permitted under the R1 Zone

(3) Special Provisions

Notwithstanding any other Section of this By-law, a second dwelling unit shall be permitted in an accessory building provided the gross floor area of the said unit is not greater than 85 m<sup>2</sup>.

**9.4.30 R1-30-H**

(1) Defined Area

R1-30-H as shown on Schedule “A”, Map 2-5 to this By-law.

(2) Regulations

(a) Lot Area (minimum)	400 m <sup>2</sup>
(b) Lot Frontage (minimum)	12 m
(c) Lot Coverage (maximum)	50%

**9.5 TEMPORARY USES**

The following site-specific temporary use Zones apply to existing or unique situations where a specific use is permitted on a temporary basis, and are not the standard “R1” Zone. If a regulation or use is not specified, the permitted uses of Subsection 9.2 and the regulations of Subsections 9.3 and 9.4 shall apply. All permitted uses listed in this subsection shall only be permitted until the expiry date listed for each such use, at which time the use is no longer permitted and shall be removed.

**9.5.1 T-R1-01 07-17-2024**

(1) Defined Area

T-R1-01 07-17-2024 as shown on Schedule “A”, Map 2-3 to this By-law

(2) Permitted Uses

The following uses are permitted in the T-R1-01 07-17-2024 Zone in addition to the uses specified in Subsection 9.2:

- (a) The existing detached garage is permitted to remain on the subject property in the absence of a main residential use for a temporary period not to exceed (1) year.

(3) Expiry

The said existing detached garage shall be permitted in the absence of a main residential use until the 17<sup>th</sup> day of July, 2024 at which time the structure shall be removed from the lands affected, unless a single detached dwelling has been constructed.

## SECTION 10. RESIDENTIAL SECOND DENSITY (R2) ZONE

---

### 10.1 **SCOPE**

The provisions of this Section shall apply in all Residential Second Density (R2) Zones except as otherwise provided in the Special Provisions Subsection of this Section. R2 Zones are intended for lots with both municipal water and sanitary sewer services.

### 10.2 **PERMITTED USES**

No person shall within any Residential Second Density (R2) Zone, use any lot or erect, alter or use any building or structure for any purpose except for one or more of the following R2 Zone uses, namely:

- (1) converted dwelling, to a maximum of two (2) dwelling units;
- (2) duplex dwelling;
- (3) residential home occupation, subject to Subsection 4.9;
- (4) semi-detached dwelling;
- (5) single detached dwelling.

### 10.3 **REGULATIONS**

No person shall, within any Residential Second Density (R2) Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- (1) Lot Area (minimum)
  - (a) single detached, converted and duplex dwellings 800 m<sup>2</sup>
  - (b) semi-detached dwelling 400 m<sup>2</sup> per unit
- (2) Lot Frontage (minimum)
  - (a) single detached, converted and duplex dwellings 20.0 m
  - (b) semi-detached dwelling 10.0 m per unit
- (3) Front and Exterior Side Yard Depth (minimum) 7.5 m
- (4) Interior Side Yard Width (minimum) 2.0 m, provided that no side yard shall be required between the common wall dividing individual dwelling units.
- (5) Rear Yard Depth (minimum) 8.0 m

(6) Lot Coverage (maximum)	35% of lot area
(7) Building Height (maximum)	10.0 m
(8) Landscaped Open Space (minimum)	30% of lot area
(9) Number of Dwellings Per Lot (maximum)	1 only
(a) Single Detached and Semi-Detached Dwellings	1 dwelling unit per lot
(b) Converted and Duplex Dwellings	2 dwelling units per lot

#### **10.4 SPECIAL PROVISIONS**

The following site-specific Zones apply to existing or unique situations that are not the standard “R2” Zone. If a regulation or use is not specified, the permitted uses of Subsection 10.2 and the regulations of Subsection 10.3 shall apply.

##### **10.4.1 R2-1**

(1) Defined Area

R2-1 as shown on Schedule “A” Map No. 2-1 to this By-Law.

(2) Permitted Uses

The following uses are permitted in the R2-1 Zone in addition to the uses specified in Subsection 10.2:

- (a) custom workshop in an existing building.

(3) Prohibited Uses

The following uses are specifically prohibited in the R2-1 Zone in addition to the uses specified in Subsection 4.29:

- (a) open storage.

(4) Regulations

(a) Floor Area (maximum)

- (i) custom workshop 325 m<sup>2</sup>

### 10.4.2 R2-2

By-law 31-2007  
(Addition)

(1) Defined Area

R2-2 as shown on Schedule "A" Map No. 2-5 to this By-Law.

(2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 10.2, the permitted uses in the R2-2 Zone shall be limited to the following:

- (a) accessory building, structure or use;
- (b) existing contractor's shop;
- (c) office, business;
- (d) office, professional;
- (e) repair establishment in an existing commercial building, excluding an automobile service shop, body shop, vehicle repair garage and vehicle service shop;
- (f) dwelling unit.

(3) Prohibited Uses

The following uses are specifically prohibited in the R2-2 Zone in addition to the uses specified in Subsection 4.29:

- (a) open storage accessory to a commercial use.

(4) Regulations

- (a) Number of Parking Spaces (minimum) 5

### 10.4.3 R2-3

(1) Defined Area

R2-3 as shown on Schedule "A" Map No. 2-6 to this By-Law.

(2) Regulations

- (a) Exterior Side Yard Width (minimum)
  - (i) single unit, semi-detached, duplex and converted dwelling 3.5 m

#### 10.4.4 R2-4

(1) Defined Area

R2-4 as shown on Schedule “A” of Map No. 2-6 and Map No. 3-1 to this By-Law.

(2) Regulations

a) Minimum frontage	18.0 m
b) Exterior side yard	1.2 m
c) Interior side yard	1.2 m
d) Minimum lot area	810 m <sup>2</sup>

#### 10.4.5 R2-5

*By-law 76-2016  
(Addition)*

(1) Defined Area

R2-5 as shown on Schedule “A”, Map 2-2 to this By-law.

(2) Permitted Uses

The following uses are permitted in the R2-5 Zone in addition to the uses specified in Subsection 10.2:

(a) Triplex Dwelling

(3) Regulations

(a) Front and Exterior Side Yard Depth (minimum)	7.2 m
(b) Number of Dwellings Per Lot (maximum)	3 dwelling units per lot

#### 10.4.6 R2-6-H

*By-law 9-2020  
(Addition)*

(1) Defined Area

R2-6-H as shown on Schedule “A” Map No. 3-1 to this By-law.

(2) Regulations

(a) Lot Area (Min)	640 m <sup>2</sup> 320 m <sup>2</sup> per unit
--------------------	---

(b) Lot Frontage (Min)	17.5 m 8.75 m per unit
(c) Front & Exterior Side Yard Depth (Min)	4.5 m to main building 6.0 m to garage except where a corner lot rear lot line abuts an adjacent corner lot rear lot line, the Exterior Side Yard requirement shall be a minimum of 1.2 m
(d) Interior Side Yard Width (Min)	1.2 m provided no side yard shall be required between the common wall dividing individual dwelling units
(e) Rear Yard Depth (Min)	7.5 m
(f) Lot Coverage (Max)	45 %

#### 10.4.6 R2-6-H

##### (1) Defined Area

R2-6-H as shown on Schedule “A”, Maps 2-5 and 41 to this By-law.

##### (2) Regulations

(a) Lot Area per semi-detached unit (Minimum)	300 m <sup>2</sup>
(b) Lot Frontage per semi-detached unit (Minimum)	9.5 m
(c) Lot Coverage (Maximum)	50%

#### 10.4.7 R2-7-H

##### (1) Defined Area

R2-7-H as shown on Schedule “A”, Map 3-2 to this By-law

##### (2) Permitted Uses

semi-detached dwelling  
accessory uses buildings or structures

(3) Regulations

a) Lot Area (minimum per unit)	300 m <sup>2</sup>
b) Lot Frontage (minimum per unit)	9 m
c) Front Yard Depth (minimum)	6.0 m to garage 4.5 m to main dwelling
d) Exterior Side Yard Width (minimum)	3.5 m
e) Interior Side Yard Width (minimum)	1.2 m
f) Rear Yard Depth (minimum)	6.0 m
g) Lot Coverage (maximum)	50%
h) Building Height (maximum)	10.5 m
i) Landscaped Open Space (minimum)	20%

**10.4.7 R2-7**

(1) Defined Area

R2-7 as shown on Schedule "A", Map 3-1 to this By-law

(2) Permitted Uses

Second dwelling unit  
All other uses permitted under the R2 Zone

(3) Regulations

b) Lot Frontage (Minimum) 14.6 m

(4) Special Provision

Notwithstanding any other Section of this By-law, a second dwelling unit shall be permitted in an accessory building provided the gross floor area of the said unit is not greater than 85 m<sup>2</sup>.

## SECTION 11. RESIDENTIAL THIRD DENSITY (R3) ZONE

### **11.1 SCOPE**

The provisions of this Section shall apply in all Residential Third Density (R3) Zones except as otherwise provided in the Special Provisions Subsection of this Section. R3 Zones are intended for lots with both municipal water and sanitary sewer services.

### **11.2 PERMITTED USES**

No person shall within any Residential Third Density (R3) Zone, use any lot or erect, alter or use any building or structure for any purpose except for one or more of the following R3 Zone uses, namely:

- (1) apartment dwelling;
- (2) fourplex dwelling;
- (3) residential home occupation, subject to Subsection 4.9;
- (4) stacked townhouse dwelling;
- (5) street townhouse dwelling;
- (6) townhouse dwelling;
- (7) triplex dwelling.

### **11.3 REGULATIONS**

No person shall, within any Residential Third Density (R3) Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- (1) Lot Area (minimum)
  - (a) apartment dwelling 250 m<sup>2</sup> per unit for the first four (4) units, plus 100 m<sup>2</sup> for each additional unit thereafter;
  - (b) fourplex, stacked townhouse, street townhouse, townhouse and triplex dwellings 250 m<sup>2</sup> per unit;
- (2) Lot Frontage (minimum)
  - (a) apartment, fourplex, stacked townhouse, townhouse or triplex dwelling 30.0 m;
  - (b) street townhouse dwelling 6.0 m per unit;
- (3) Front and Exterior Side Yard Depth (minimum) 10.0 m

(4) Interior Side Yard Width (minimum)	
(a) apartment, fourplex, stacked townhouse, townhouse or triplex dwelling	10.0 m;
(b) street townhouse dwelling	3.0 m, provided that no side yard shall be required between the common wall dividing individual dwelling units.
(5) Rear Yard Depth (minimum)	10.0 m
(6) Lot Coverage (maximum)	35% of lot area
(7) Building Height (maximum)	15.0 m
(8) Landscaped Open Space (minimum)	30% of lot area

#### **11.4 SPECIAL PROVISIONS**

The following site-specific Zones apply to existing or unique situations that are not the standard “R3” Zone. If a regulation or use is not specified, the permitted uses of Subsection 11.2 and the regulations of Subsection 11.3 shall apply.

##### **11.4.1 R3-1**

(1) Defined Area

R3-1 as shown on Schedule “A” Map No. 2-2 to this By-Law.

(2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 11.2, the permitted uses in the R3-1 Zone shall be limited to the following:

- (a) accessory building, structure or use;
- (b) converted dwelling.

(4) Regulations

- (a) Number of Dwelling Units Per Lot (maximum) 3

#### 11.4.2 R3-2

(1) Defined Area

R3-2 as shown on Schedule “A” Map No. 2-5 to this By-Law.

(2) Regulations

(a) Front Yard Depth (minimum) 7.0 m

#### 11.4.3 R3-3

(1) Defined Area

R3-3 as shown on Schedule “A” Map No. 2-6 to this By-Law.

(2) Regulations

(a) Rear Yard Depth (minimum)

(i) Main Building 3.5 m

(ii) Main Building at site triangle of Hamilton Road  
and Foxhollow Drive 5.8 m

(iii) Accessory Building or Structure 1 m.

#### 11.4.4 R3-4

(1) Defined Area

R3-4 as shown on Schedule “A” Map No. 2-6 to this By-Law.

(2) Regulations

(a) Interior Side Yard Width (minimum)

(i) exposed building face is one storey in height 1.5 m

(b) Exteriors Side Yard Width (minimum) 3.5 m

(c) Rear Yard Depth (minimum) 7.5 m.

### 11.4.5 R3-5

By-law 31-2010  
(addition)

(1) Defined Area

R3-5 as shown on Schedule A, Map 3-1 to this By-law.

(2) Regulations

- |     |                        |        |
|-----|------------------------|--------|
| (a) | Lot Frontage (minimum) | 16 m   |
| (b) | Lot Area (minimum)     | 1.0 ha |

The following regulations apply to a vacant land condominium residential development within the Condominium Act of Ontario, where “units” are parcels of land upon which dwelling units are constructed and conveyed. “Yards” are distances between “unit” boundaries and dwelling units and garages.

- |     |   |                    |
|-----|---|--------------------|
| (c) | Unit Area (minimum)                               | 400 m <sup>2</sup> |
| (d) | Minimum Unit Frontage (minimum)                   | 13 m               |
| (e) | Front Yard Depth (minimum) for main building      | 4.5 m              |
|     | for garage  | 6.0 m              |
| (f) | Exterior Side Yard (minimum)                      | 2.0 m              |
| (g) | Interior Side Yard (minimum)                      | 1.2 m              |
| (h) | Rear Yard Depth (minimum)                         | 5.0 m              |
| (i) | Unit Coverage (maximum)                           | 50 %               |
| (j) | Building Height (maximum)                         | 6 m                |
| (k) | Density (maximum) units per hectare               | 20                 |
| (l) | Parking space per dwelling unit                   | 1                  |
| (m) | Common elements landscaped open space (minimum)   | 5 %                |
| (n) | Landscaped open space per dwelling unit (minimum) | 20 %               |

### 11.4.6 R3-6

By-law 5-2011  
(Addition)

1. Defined Area

R3-6 as shown on Schedule A, Map 2-6 to this By-law.

2. Regulations

- |    |  |                    |
|----|--|--------------------|
| a) | Lot Frontage (minimum)                       | 16m                |
| b) | Lot Area (minimum)                           | 1.0 ha             |
| c) | Unit Area (minimum)                          | 400 m <sup>2</sup> |
| d) | Minimum Unit Frontage (minimum)              | 13 m               |
| e) | Front Yard Depth (minimum) for main building | 4.5 m              |
|    | for garage                                   | 6.0m               |
| f) | Exterior Side Yard (minimum)                 | 2.0m               |

g) Interior Side Yard (minimum)	1.2 m
h) Rear Yard Depth (minimum)	5.0m
i) Unit Coverage (maximum)	50%
j) Building Height (maximum)	6m
k) Density (maximum) units per hectare	20
l) Parking space per dwelling unit	1
m) Common elements landscaped open space (minimum)	5%
n) Landscaped open space per dwelling unit (minimum)	20%

#### 11.4.7 R3-7

By-law 28-2012  
(addition)

1) Defined Area

R3-7 as shown on Schedule (A), Map 2-5 to this By-law

2) Permitted Uses

Notwithstanding the permitted uses listed in subsection 11.2, the permitted uses in the R3-7 Zone shall be limited to the following.

- a) Retirement Home
- b) Clinic

#### 11.4.8 R3-8

1) Defined Area

R3-8 as shown on Schedule "A", Maps 2-5 and 41 to this By-Law

2) Permitted Uses

street and cluster townhouse dwellings as part of a Vacant Land Condominium  
all other uses permitted under the parent R3 Zone

3) Regulations

- a) Lot Area (per unit) (minimum) 255 square metres
- b) Lot Frontage (per unit) (minimum) 11 metres
- c) Front Yard Depth (minimum) 4.5 metres to main building  
6.0 metres to garage
- d) Interior Side Yard Depth (minimum) 3.0 metres, except that no side yard shall be

	required between the common wall dividing individual units
e) Exterior Side Yard Depth (minimum)	4.5 metres, except 2.5 metres adjacent to a private road
f) Rear Yard Depth (minimum)	4.0 metres
g) Landscaped Open Space (minimum)	30% of lot area
h) Building Height (maximum)	15 metres
i) Lot Coverage (maximum)	60% of lot area

**11.4.9 R3-9-H**

1) Defined Area  
R3-9-H as shown on Schedule A, Map 3-1 to this By-law.

2) Permitted Uses  
  
single detached dwelling, as part of a Vacant Land Condominium  
all other uses permitted under the parent R3 Zone

3) Regulations

a) Lot Area (per unit)	170 m <sup>2</sup>
b) Lot Frontage (per unit)	6.0 m
c) Front Yard Depth (minimum)	4.5 m to main building 6.0 m to garage
d) Exterior Side Yard (minimum)	4.5 m, except 1.5 m adjacent to a private road
e) Interior Side Yard (minimum)	1.2 m, except no side yard shall be required between the common wall dividing individual dwelling units
f) Rear Yard Depth (minimum)	7.5 m
g) Lot Coverage (maximum)	60%
h) Density	35 units per hectare
i) Building Height	15 m
j) Landscaped Open Space	30%
k) Sight Visibility Triangle	Notwithstanding the provisions of Section 4.25.2 of this By-law, the sight triangle requirements at the

intersection of a private road and a public street shall be permitted to be 6 metres instead of 10 metres.

**11.4.10 R3-10**

- 1) Defined Area  
R3-10 as shown on Schedule "A", Map 3-1 to this By-law
- 2) Permitted Uses  
  
street townhouse dwelling
- 3) Regulations
  - a) Lot Area (per unit) 190 m<sup>2</sup>
  - b) Lot Frontage (per unit) 7.0 m
  - c) Front Yard Depth (Min) 4.5 m to main building  
6.0 m to garage
  - d) Exterior Side Yard Width (Min) 4.5 m, except 1.5 m adjacent to a private road
  - e) Interior Side Yard Width (Min) 1.2m provided that no side yard shall be required between the common wall dividing individual dwelling units
  - f) Rear Yard Depth (Min) 7.5 m
  - g) Lot Coverage (Max) 56%
  - h) Building Height (Max) 12 m
  - i) Landscaped Open Space 30%
  - j) Sight Visibility Triangle Notwithstanding the provisions of Section 4.25.2 of this By-law, the sight triangle requirements at the intersection of the private driveway and the public street shall be permitted to be

6 metres instead  
of 10 metres.

**11.4.11 R3-11-H**

- 1) Defined Area  
R3-11-H as shown on Schedule “A”, Map 3-2 to this By-law
- 2) Permitted Uses  
  
street townhouse dwelling  
accessory uses building or structures
- 3) Regulations
  - a) Lot Area (minimum) 180 m<sup>2</sup>
  - b) Lot Frontage (minimum) 6.0 m
  - c) Front Yard Depth (minimum) 6.0 m to garage  
4.5 m to main dwelling
  - d) Exterior Side Yard Width (minimum) 3.5 m
  - e) Interior Side Yard Width (minimum) 1.2 m  
0 m adjacent to common wall
  - f) Rear Yard Depth (minimum) 6.0 m
  - g) Lot Coverage (maximum) 60%
  - h) Building Height (maximum) 12.5 m
  - i) Landscaped Open Space 20%
  - j) Lot Depth 30 m

**11.4.12 R3-12-H**

- 1) Defined Area  
  
R3-12-H as shown on Schedule “A”, Map 2-5 to this By-law
- 2) Permitted Uses limited to the following:  
  
apartment dwelling  
fourplex dwelling  
retirement home/ lodge  
stacked/ back-to-back townhouse dwelling  
street townhouse dwelling  
townhouse dwelling  
triplex dwelling  
residential home occupation, subject to Subsection 4.9

3) Regulations

a) Lot Area (per unit)	200 m <sup>2</sup>
b) Front Yard Depth (minimum)	6 m
c) Exterior Side Yard Depth (minimum)	6 m
e) Interior Side Uard Width (minimum)	3 m
f) Rear Yard Depth (minimum)	9 m
g) Height (maximum)	4 storeys
h) Density (maximum)	75 units per ha

**11.4.13 R3-13-H**

1) Defined Area

R3-13-H as shown on Schedule “A”, Map 2-5 to this By-law

2) Permitted Uses limited to the following:

fourplex dwelling  
stacked townhouse dwelling  
street townhouse dwelling  
townhouse dwelling  
triplex dwelling  
residential home occupation, subject o Subsection 4.9

3) Regulations

a) Front Yard Depth (minimum)	6 m
b) Exterior Side Yard Depth (minimum)	6 m
c) Interior Side Yard Width (minimum)	1.4 m
d) Rear Yard Depth (minimum)	7.5 m
e) Lot Covergae (maximum)	50%
f) Density (maximum)	35 units per ha

**11.4.14 R3-14-H**

1) Defined Area

R3-14-H as shown on Schedule “A”, Map 2-5 to this By-law

2) Permitted Uses limited to the following:

apartment dwelling  
fourplex dwelling

stacked/ back-to-back townhouse dwelling  
street townhouse dwelling  
townhouse dwelling  
triplex dwelling  
residential home occupation, subject to Subsection 4.9

### 3) Regulations

a) Lot Area (per unit)	125 m <sup>2</sup>
b) Front Yard Depth (minimum)	6 m
c) Exterior Side Yard Depth	4 m
e) Interior Side Yard Depth (minimum)	3 m
f) Rear Yard Depth (minimum)	3 m
g) Density (maximum)	80 units per ha

## SECTION 12. RURAL RESIDENTIAL (RR) ZONE

---

### 12.1 **SCOPE**

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

### 12.2 **PERMITTED USES**

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

- (1) accessory dwelling unit or mobile home in accordance with Subsection 12.4.1;
- (2) bed and breakfast establishment, subject to Subsection 4.2;
- (3) residential home occupation, subject to Subsection 4.9;
- (4) single detached dwelling.

### 12.3 **REGULATIONS**

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

- |  |                 |
|--|-----------------|
| (1) Lot Area (minimum)                           | 1.5 ha          |
| (2) Lot Frontage (minimum)                       | 75.0 m          |
| (3) Front and Exterior Side Yard Depth (minimum) | 25.0 m          |
| (4) Interior Side Yard Width (minimum)           | 15.0 m          |
| (5) Rear Yard Depth (minimum)                    | 20.0 m          |
| (6) Lot Coverage (maximum)                       | 5% of lot area  |
| (7) Building Height (maximum)                    | 10.0 m          |
| (8) Landscaped Open Space (minimum)              | 30% of lot area |
| (9) Number of Dwellings Per Lot (maximum)        | 1 only          |

### 12.4 **SPECIAL PROVISIONS**

The following site-specific Zones apply to existing or unique situations that are not the standard “RR” Zone. If a regulation or use is not specified, the permitted uses of Subsection 12.2 and the regulations of Subsections 12.3 and 12.4 shall apply.

#### **12.4.1 RR-1**

(1) Defined Area

RR-1 as shown on Schedule “A” Map No. 5 to this By-Law.

(2) Regulations

(a) Lot Area (minimum) 5.4 ha

(b) Lot Frontage (minimum) 248 m

#### **12.4.2 RR-2**

(1) Defined Area

RR-2 as shown on Schedule “A” Map No. 5 to this By-Law.

(2) Regulations

(a) Lot Area (minimum) 2.1 ha

(b) Lot Frontage (minimum) 100 m

#### **12.4.3 RR-3**

(1) Defined Area

RR-3 as shown on Schedule “A” Map No. 5 to this By-Law.

(2) Regulations

(a) Lot Area (minimum) 3.3 ha

(b) Lot Frontage (minimum) 148 m

#### **12.4.4 RR-4**

(1) Defined Area

RR-4 as shown on Schedule “A” Map No. 27 to this By-Law.

(2) Permitted Uses

The following uses are permitted in the RR-4 Zone in addition to the uses specified in Subsection 12.2:

- (a) service shop in an existing building.

(3) Regulations

(a) Floor Area (maximum)

- (i) service shop 260 m<sup>2</sup>

(b) Lot Coverage (maximum) 30%

(c) Setback (minimum)

- (i) service shop 25 m

**12.4.5 RR-5**

(1) Defined Area

RR-5 as shown on Schedule "A" Map No. 35 to this By-Law.

(2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 12.2, the permitted uses in the RR-5 Zone shall be limited to the following:

- (a) accessory building, structure or use;  
(b) residential home occupation;  
(c) single detached dwelling.

(3) Regulations

(a) Lot Area (minimum) 5,000 m<sup>2</sup>

(b) Lot Frontage (minimum) 45 m

(c) Front Yard Depth (minimum) 25 m

(d) Side Yard Width (minimum) 8.0 m

(e) Rear Yard Depth (minimum) 10.0 m

(f) Lot Coverage (maximum) 15%

- (g) Floor Area (minimum)
  - (i) single detached dwelling 200 m<sup>2</sup>
- (h) Setback from Railways 75 m measured from the nearest main wall of a dwelling to the edge of a railway.
- (i) Accessory Buildings and Structures
  - (i) floor area (maximum) 65% of the ground floor area of the dwelling or 150 m<sup>2</sup>, whichever is lesser

#### 12.4.6 RR-6

*By-Law # 88-2007  
(addition)*

- (1) Defined Area  
RR-6 as shown on Schedule “A” Map No. 9 to this By-Law.
- (2) Regulations
  - (a) Lot Area (minimum) 1.0 ha

#### 12.4.7 RR-7

*By-law #42-2013  
(addition)*

- (1) Defined Area  
RR-7 as shown on Schedule ‘A”, Map 26 to this By-Law.
- (2) Regulations
  - (a) Lot Area (minimum) 2000 square metres
  - (b) Lot Frontage (minimum) 30 metres
  - (c) Front Yard Depth (minimum) 20 metres
  - (d) Side Yard Width (minimum) 4 metres
  - (e) Rear Yard Depth (minimum) 10 metres
  - (f) Lot Coverage (maximum) 20 per cent

#### 12.4.8 RR-8

- (1) RR-8 as shown on Schedule “A”, Map 47 to this By-law.

(2) Regulations

(a) Lot Area (minimum)

0.6 hectares

## SECTION 13. MOBILE HOME PARK (MHP) ZONE

---

### 13.1 **SCOPE**

The provisions of this Section shall apply in all Mobile Home Park (MHP) Zones except as otherwise provided in the Special Provisions Subsection of this Section.

### 13.2 **PERMITTED USES**

No person shall within any Mobile Home Park (MHP) Zone, use any lot or erect, alter or use any building or structure for any purpose except for one or more of the following MHP Zone uses, namely:

- (1) mobile homes;
- (2) mobile home park.

### 13.3 **REGULATIONS**

No person shall, within any Mobile Home Park (MHP) Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- (1) Lot Area (minimum)
  - (a) mobile home park 4.0 ha
  - (b) mobile home site 335 m<sup>2</sup>
- (2) Lot Frontage (minimum)
  - (a) mobile home park 100 m
  - (b) mobile home site 13.0 m
- (3) Front and Exterior Side Yard Depth (minimum)
  - (a) mobile home park 25.0 m
  - (b) mobile home site 3.0 m
- (4) Interior Side Yard Width (minimum)
  - (a) mobile home park 15.0 m
  - (b) mobile home site 3.0 m
- (5) Rear Yard Depth (minimum)
  - (a) mobile home park 15.0 m
  - (b) mobile home site 4.0 m

(6) Lot Coverage (maximum)	
(a) mobile home park	25% of lot area
(b) mobile home site	30% of mobile home site
(7) Building Height (maximum)	5.0 m
(8) Landscaped Open Space (minimum)	5% of lot area for use in common by all persons living within the mobile home park, plus 30% of the area of each mobile home site
(9) Number of Dwellings (maximum)	
(a) mobile home park	17 mobile homes per ha
(b) mobile home site	1 mobile home per mobile home site

### **13.4 SPECIAL REGULATIONS**

#### **13.4.1 CLARIFICATION OF YARD REQUIREMENTS FOR MOBILE HOME SITES**

Notwithstanding the definitions contained in Section 2 hereof, the lot area, lot frontage and yards pertaining to mobile home sites shall be determined as if such mobile home sites were separate lots as defined herein and as if any driveways providing access to the said mobile home sites were improved streets. However, no mobile home shall be located within a mobile home park except in compliance with the minimum yard requirements applying to the lot as a whole, as established in Subclause (a) of Clauses (3), (4) and (5) of Subsection 13.3.

### **13.5 SPECIAL PROVISIONS**

The following site-specific Zones apply to existing or unique situations that are not the standard “MHP” Zone. If a regulation or use is not specified, the permitted uses of Subsection 13.2 and the regulations of Subsections 13.3 and 13.4 shall apply.

#### **13.5.1 MHP-1**

- (1) Defined Area

MHP-1 as shown on Schedule “A” Map No. 48 to this By-Law.

- (2) Permitted Uses

The following uses are permitted in the MHP-1 Zone in addition to the uses specified in Subsection 13.2:

- (a) campground or recreational trailer park, subject to the regulations of the Commercial Recreation (CR) Zone found in Subsection 18.3 of this By-law and the regulations of Clause (3) below.

(3) Regulations

- (a) Number of Mobile Home Sites (maximum) 100
- (b) Setback to County Road No. 32 (minimum)
  - (i) mobile home or recreational vehicle 120 m

**13.5.2 MHP-2**

(1) Defined Area

MHP-2 as shown on Schedule “A” Map No. 48 to this By-Law.

(2) Permitted Uses

The following uses are permitted in the MHP-2 Zone in addition to the uses specified in Clause (2) of Subsection 13.5.1:

- (a) office, professional
- (b) retail store.

**13.5.3 MHP-3**

(1) Defined Area

MHP-3 as shown on Schedule “A” Map No. 52 to this By-Law.

(2) Permitted Uses

The following uses are permitted in the MHP-3 Zone in addition to the uses specified in Subsection 13.2:

- (a) campground or recreational trailer park, subject to the regulations of the Commercial Recreation (CR) Zone found in Subsection 18.3 of this By-law.

(3) Regulations

- (a) Number of Mobile Home Sites (maximum) 55.

## SECTION 14. GENERAL COMMERCIAL (GC) ZONE

---

### 14.1 **SCOPE**

The provisions of this Section shall apply in all General Commercial (GC) Zones except as otherwise provided in the Special Provisions Subsection of this Section. The two (2) variations (GC1 and GC2 inclusive) which comprise the zone are differentiated on the basis of site requirements and permitted uses. The GC1 zone variation provides for commercial uses intended for lands with a range of available municipal services, while the GC2 zone variation is intended exclusively for lots serviced by both municipal water and sanitary sewer facilities.

### 14.2 **PERMITTED USES**

No person shall within any General Commercial (GC) Zone, use any lot or erect, alter or use any building or structure for any purpose except as follows for each zone variation:

#### 14.2.1 **GC1 ZONE VARIATION**

The following uses are permitted in the GC1 Zone:

- (1) accessory dwelling unit in accordance with Subsection 14.4.1;
- (2) art gallery;
- (3) assembly hall;
- (4) auto supply store;
- (5) bake shop;
- (6) banquet hall;
- (7) brewing on premises establishment;
- (8) caterer's establishment;
- (9) clinic;
- (10) club;
- (11) community centre;
- (12) convenience store;
- (13) day nursery;
- (14) dry cleaner's distribution station;
- (15) duplicating shop;
- (16) florist shop;
- (17) food store;
- (18) funeral home;
- (19) lodging house type 1;
- (20) office;
- (21) personal service establishment;
- (22) place of entertainment or amusement;
- (23) place of worship;
- (24) retail store;
- (25) restaurant, coffee shop;
- (26) studio.

### 14.2.2 GC2 ZONE VARIATION

The following uses are permitted in the GC2 Zone:

- (1) accessory dwelling unit in accordance with Subsection 14.4.1;
- (2) art gallery;
- (3) assembly hall;
- (4) auto supply store;
- (5) bake shop;
- (6) banquet hall;
- (7) brewing on premises establishment;
- (8) caterer's establishment;
- (9) clinic;
- (10) club;
- (11) community centre;
- (12) convenience store;
- (13) data processing establishment;
- (14) day nursery;
- (15) drive-through facility;
- (16) dry cleaner's distribution station;
- (17) duplicating shop;
- (18) film processing depot;
- (19) financial institution;
- (20) florist shop;
- (21) food store;
- (22) hotel/motel;
- (23) lodging house type 1;
- (24) museum;
- (25) office;
- (26) parking area or lot;
- (27) personal service establishment;
- (28) pharmacy;
- (29) place of entertainment or amusement;
- (30) place of worship;
- (31) repair and rental establishment;
- (32) restaurant;
- (33) retail store;
- (34) restaurant, coffee shop;
- (35) studio;
- (36) tavern;
- (37) theatre;
- (38) veterinary clinic, small animal.

### 14.3 REGULATIONS

No person shall, within any General Commercial (GC) Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions for each zone variation:

#### 14.3.1 GC1 ZONE VARIATION – REGULATIONS

The following regulations shall apply to the GC1 Zone:

- |  |                      |
|--|----------------------|
| (1) Lot Area (minimum)                                       |                      |
| (a) lot with no municipal services available                 | 3,000 m <sup>2</sup> |
| (b) lot with municipal water service only                    | 2,000 m <sup>2</sup> |
| (c) lot with municipal sanitary sewer service only           | 1,500 m <sup>2</sup> |
| (d) lot with both municipal water and sanitary sewer service | 700 m <sup>2</sup>   |
| (2) Lot Frontage (minimum)                                   |                      |
| (a) lot with no municipal services available                 | 30.0 m               |
| (b) lot with municipal water and/or sanitary sewer services  | 15.0 m               |
| (3) Front and Exterior Side Yard Depth (minimum)             | 10.0 m               |
| (4) Interior Side Yard Width (minimum)                       | 7.5 m                |
| (5) Rear Yard Depth (minimum)                                | 10.0 m               |
| (6) Lot Coverage (maximum)                                   | 20% of lot area      |
| (7) Building Height (maximum)                                | 12.0 m               |
| (8) Landscaped Open Space (minimum)                          | 10% of lot area      |

#### 14.3.2 GC2 ZONE VARIATION – REGULATIONS

The following regulations shall apply to the GC2 Zones:

- |  |                    |
|--|--------------------|
| (1) Lot Area (minimum)                           | 700 m <sup>2</sup> |
| (2) Lot Frontage (minimum)                       | 15.0 m             |
| (3) Front and Exterior Side Yard Depth (minimum) | No Minimum         |

- |  |                 |
|--|-----------------|
| (4) Interior Side Yard Width (minimum)                       |                 |
| (a) side yard abuts a Residential or Future Development Zone | 7.5 m           |
| (b) all other cases  | No Minimum      |
| (5) Rear Yard Depth (minimum)                                | 6.0 m           |
| (6) Lot Coverage (maximum)                                   | 60% of lot area |
| (7) Building Height (maximum)                                | 10.0 m          |
| (8) Landscaped Open Space (minimum)                          | 10% of lot area |

#### **14.4 SPECIAL USE REGULATIONS**

##### **14.4.1 ACCESSORY DWELLING**

One (1) accessory dwelling unit shall be permitted in the GC Zone, subject to the following regulations;

- (1) The dwelling unit shall be located entirely above the first floor of the building, with exception to the entrance or entrances to the dwelling unit;
- (2) The dwelling unit shall only be permitted as a secondary and ancillary use to the main permitted use;
- (3) The gross floor area of the dwelling shall not exceed 50% of the floor area of the main building;
- (4) Notwithstanding the minimum yard requirements in Subsection 14.3.2 for the GC2 Zone variation, where a window to a habitable room of an accessory dwelling unit faces the interior side yard of the lot, the minimum interior side yard width shall be 3.0 metres, except where the lot abuts a Residential Zone, in which the yard requirements of Subsection 14.3.2 shall apply.

#### **14.5 SPECIAL PROVISIONS**

The following site-specific Zones apply to existing or unique situations that are not the standard “GC” Zone. If a regulation or use is not specified, the permitted uses of Subsection 14.2 and the regulations of Subsections 14.3 and 14.4 shall apply.

## **GC1 ZONE VARIATION**

### **14.5.1 GC1-1**

(1) Defined Area

GC1-1 as shown on Schedule “A” Map No. 3-1 to this By-Law.

(2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 14.2.1, the permitted uses in the GC1-1 Zone shall be limited to the following:

- (a) automobile service station;
- (b) body shop;
- (c) single detached dwelling;
- (d) vehicle repair garage.

(3) Regulations

- (a) Front Yard Depth (minimum) 7.5 m

### **14.5.2 GC1-2**

(1) Defined Area

GC1-2 as shown on Schedule “A” Map No. 3-1 to this By-Law.

(2) Regulations

- (a) Lot Area (minimum) 300 m<sup>2</sup>
- (b) Number of Parking Spaces (minimum) 0

### **14.5.3 GC1-3**

(1) Defined Area

GC1-3 as shown on Schedule “A” Map No. 39A to this By-Law.

(2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 14.2.1, the permitted uses in the GC1-3 Zone shall be limited to the following:

- (a) automobile service station;
- (b) body shop;
- (c) service shop;

- (d) single detached dwelling;
- (e) vehicle repair garage;
- (f) vehicle service shop.

#### **14.5.4 GC1-4**

- (1) Defined Area

GC1-4 as shown on Schedule “A” Map No. 44A to this By-Law.

- (2) Permitted Uses

The following uses are permitted in the GC1-4 Zone in addition to the uses specified in Subsection 14.2.1:

- (a) garden centre;
- (b) market garden.

#### **14.5.5 GC1-5**

- (1) Defined Area

GC1-5 as shown on Schedule “A” Map No. 39A to this By-Law.

- (2) Permitted Uses

The permitted uses in the GC1-5 Zone shall be limited to the following:

- (a) ambulance service establishment;
- (b) automobile service station;
- (c) convenience store;
- (d) gas bar;
- (e) marine sales and service;
- (f) service shop;
- (g) vehicle sales or rental establishment.

#### **14.5.5.1 GC1-6**

*By-law 54-2010  
(Addition)*

- (1) Defined Area

GC1-6 as shown on Schedule “A” Map No. 48 to this By-law.

- (2) Permitted Uses

- (a) a single unit dwelling
- (b) a clinic

### **14.5.5.2 GC1-7**

*By-law 10-2017  
(Addition)*

- (1) Defined Area

GC1-7 as shown on Schedule (A), Map 39A to this By-law

- (2) Permitted Uses:

The following uses are permitted in the GC1-7 Zone in addition to all other uses specified in Section 14.2.1:

- a) Gas Bar and Fast Food Restaurant

### **14.5.5.3 GC1-8**

*By-law 97-2011  
(Addition)*

- (1) Defined Area:

GC1-8 as shown on Schedule "A ", Map 39A to this By -law'

- (2) Permitted Uses:

The following uses are permitted in the GC1-8 Zone in addition to all other uses specified in Section 14.2.1:

- a) marine sales and service
- b) parking area or lot
- c) repair and rental establishment
- d) vehicle sales or rental establishment
- e) warehouse

### **14.5.5.4 GC1-9**

*By-law 75-2012  
(Addition)*

- (1) Defined Area

GC1-9 as shown on Schedule "A", Map 3-1 to this By-law

- (2) Permitted Uses

The following uses are permitted in the GC1-9 Zone in addition to all other uses specified in Section 14.5.5.

- (a) vehicle repair garage
- (b) agricultural equipment sales and service establishment

#### **14.5.5.5 GC1-10**

*By-law 13-2013*

*(Addition)*

- (1) Defined Area

GC1-10 as shown on Schedule “A”, Map 62A to this By-law

- (2) Permitted Uses

The following uses are permitted in the GC1-10 Zone in addition to all other uses specified in Section 14.2.1.

- a) vehicle sales and rental establishment
- b) vehicle repair garage

#### **14.5.5.6 GC1-11**

*By-law 69-2013*

*(Addition)*

- (1) Defined Area

GC1-11 as shown on Schedule “A”, Map 39A to this By-law

- (2) Permitted Uses

The following uses are permitted in the GC1-11 Zone in addition to all other uses specified in Section 14.2.1.

- a) Single Unit Dwelling
- b) Marine Sales and Service
- c) Vehicle Sales/ Rental Establishment
- d) Converted Dwelling

#### **14.5.5.6 GC1-12**

*By-law 108-2019*

*(Addition)*

- (1) Defined Area

GC1-12 as shown on Schedule “A”, Map 3-1 to this By-law

- (2) Permitted Uses

Notwithstanding the permitted uses listed under Section 14.2.1, the permitted uses of the GC1-12 Zone shall be limited to the following uses:

- a) dwelling unit(s)
- b) clinic
- c) day nursery
- d) office
- e) personal service establishment
- f) studio
- g) veterinary clinic
- h) caterer' s establishment

#### **14.5.5.6 GC1-13**

(1) Defined Area

GC1-13 as shown on Schedule "A", Map 3-1 to this By-law.

(2) Permitted Uses

accessory dwelling units  
all other uses permitted under the GC1 Zone

(3) Regulations for accessory dwelling units

Notwithstanding any other section of this By-law, accessory dwelling units shall be permitted subject to the following regulations:

- (i) Dwelling units shall only be permitted as a secondary and ancillary use to the main permitted commercial use.
- (ii) Dwelling units shall be permitted on the first floor of the building limited to the rear portion of the building and to a maximum floor area of 55 square metres;
- (iii) Dwelling units shall also be permitted above the first floor of the building.

### **GC2 ZONE VARIATION**

#### **14.5.6 GC2-1**

(1) Defined Area

GC2-1 as shown on Schedule "A" Map No. 2-5 to this By-Law.

(2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 14.2.2, the permitted uses in the GC2-1 Zone shall be limited to the following:

- (a) accessory building, structure or use;
- (b) office, professional;
- (c) office, service.

#### **14.5.7 GC2-2**

(1) Defined Area

GC2-2 as shown on Schedule “A” Map No. 2-6 to this By-Law.

(2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 14.2.2, the permitted uses in the GC2-2 Zone shall be limited to the following:

- (a) accessory building, structure or use;
- (b) brewing on premises establishment;
- (c) convenience store;
- (d) dry cleaning establishment;
- (e) garden centre;
- (f) gas bar;
- (g) multiple-unit dwelling containing a maximum of two dwelling units;
- (h) office, professional;
- (i) office, service.

#### 14.5.8 GC2-3

(1) Defined Area

GC2-3 as shown on Schedule “A” Map No. 2-5 to this By-Law.

(2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 14.2.2, the permitted uses in the GC2-3 Zone shall be limited to the following:

- (a) accessory building, structure or use;
- (b) clinic;
- (c) club;
- (d) convenience store;
- (e) day nursery;
- (f) office;
- (g) parking lot;
- (h) place of entertainment or amusement;
- (i) restaurant;
- (j) retail store;
- (k) service shop;
- (l) vehicle sales or rental establishment;
- (m) **personal service establishment.**

#### 14.5.9 GC2-4

(1) Defined Area

GC2-4 as shown on Schedule “A” Map No. 2-5 to this By-Law.

(2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 14.2.2, the permitted uses in the GC2-4 Zone shall be limited to the following:

- (a) accessory building, structure or use;
- (b) art gallery;
- (c) assembly hall;
- (d) bake shop;
- (e) clinic;
- (f) club;
- (g) convenience store;
- (h) data processing establishment;
- (i) day nursery;
- (j) dry cleaner’s distribution station;
- (k) financial institution;
- (l) florist shop;
- (m) hotel/motel;
- (n) museum;
- (o) office;
- (p) parking lot;
- (q) personal service establishment;
- (r) place of entertainment or amusement;
- (s) restaurant;
- (t) retail store;
- (u) drive-through facility;
- (v) food store;
- (w) restaurant, coffee shop;
- (x) restaurant, drive-through;
- (y) restaurant, fast food.

(3) Regulations

- (a) Front and Exterior Side Yard Depth (minimum) 10 m
- (b) Interior Side Yard Width (minimum)
  - (i) side yard abutting Residential or Future Development Zone 6 m
  - (ii) all other cases 0 m
- (c) Notwithstanding any other section of this By-law, a stormwater management facility shall be permitted within the required area for landscaped open space and/or planting strips.

#### **14.5.10 GC2-5**

(1) Defined Area

GC2-5 as shown on Schedule “A” Map No. 2-5 to this By-Law.

(2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 14.2.2, the permitted uses in the GC2-5 Zone shall be limited to the following:

- (a) accessory building, structure or use;
- (b) art gallery;
- (c) assembly hall;
- (d) bake shop;
- (e) clinic;
- (f) club;
- (g) convenience store;
- (h) data processing establishment;
- (i) day nursery;
- (j) dry cleaner’s distribution station;
- (k) financial institution;
- (l) florist shop;
- (m) museum;
- (n) office;
- (o) parking lot;
- (p) personal service establishment;
- (q) place of entertainment or amusement;
- (r) restaurant;
- (s) retail store.

(2) Regulations

- (a) Front and Exterior Side Yard Depth (minimum) 10 m.

#### **14.5.11 GC2-6**

By-law 15-2023  
(addition)

(1) Defined Area

GC2-6 as shown on Schedule “A”, Map 3-1 to this By-law

(2) Permitted Uses

In addition to the uses specified in Section 14.2.2 of this By-law, the following additional uses are permitted in the GC2-6 Zone:

- (a) gas bar
- (b) professional office
- (c) restaurant, drive-through

**14.5.12 GC2-7**

(1) Defined Area

GC2-7 as shown on Schedule “A”, Map 3-1 to this By-law

(2) Permitted Uses

The following uses are permitted in the GC2-7 Zone in addition to the uses specified in Subsection 14.2.2:

- (a) contractor’s yard or shop
- (b) vehicle repair garage
- (c) accessory vehicle sales establishment
- (d) gas bar
- (e) restaurant, drive-through
- (f) automated car wash establishment

(3) Regulations

- (a) The accessory vehicle sales establishment shall only be permitted within the existing fenced compound are and limited to six (6) vehicles
- (b) Municipal Drain Setback 3.5 metres
- (c) Interior Side Yard Width adjacent to a Residential Zone 3 metres

**14.5.13 GC2-8-H**

1) Defined Area

GC2-8-H as shown on Schedule “A”, Map 2-5 to his By-law.

2) Permitted Uses

Office, medical/dental  
All other uses permitted under the parent GC2 Zone

3) Regulations

- a) Front Yard Depth (minimum) 6 m
- b) Exterior Side Yard Depth (minimum) 6 m

c) Building Height (maximum)

4 storeys

## SECTION 15. HIGHWAY COMMERCIAL (HC) ZONE

---

### 15.1 **SCOPE**

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

### 15.2 **PERMITTED USES**

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

- (1) automobile service station;
- (2) automotive use;
- (3) building supply outlet;
- (4) bulk sales establishment;
- (5) car wash establishment, automated, subject to Subsection 15.4.1;
- (6) car wash establishment, manual, subject to Subsection 15.4.1;
- (7) drive-through facility;
- (8) garden centre;
- (9) gas bar;
- (10) hotel/motel;
- (11) marine sales and service;
- (12) market garden;
- (13) nursery and garden centre;
- (14) residential home occupation, subject to Subsection 4.9;
- (15) restaurant;
- (16) restaurant, drive-through;
- (17) single detached dwelling;
- (18) taxi establishment;
- (19) vehicle repair garage;
- (20) vehicle sales or rental establishment;
- (21) veterinarian clinic.

### 15.3 **REGULATIONS**

No person shall, within any Highway Commercial (HC) Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- (1) Lot Area (minimum)
  - (a) lot with no municipal services available 4,000 m<sup>2</sup>
  - (b) lot with municipal water service only 3,000 m<sup>2</sup>
  - (c) lot with municipal sanitary sewer service only 1,500 m<sup>2</sup>
  - (d) lot with both municipal water and sanitary sewer service 1,000 m<sup>2</sup>

(2) Lot Frontage (minimum)	
(a) lot with no municipal services available	60.0 m
(b) lot with municipal water and/or sanitary sewer services	30.0 m
(3) Front and Exterior Side Yard Depth (minimum)	15.0 m
(4) Interior Side Yard Width (minimum)	
(a) side yard abuts a Residential Zone	10.0 m
(b) all other cases	7.0 m
(5) Rear Yard Depth (minimum)	10.0 m
(6) Lot Coverage (maximum)	25% of lot area
(7) Building Height (maximum)	10.0 m
(8) Landscaped Open Space (minimum)	30% of lot area

## **15.4 SPECIAL USE REGULATIONS**

### **15.4.1 CAR WASH ESTABLISHMENTS**

Notwithstanding that automated and manual car wash establishments are permitted uses in the HC Zone, no car wash establishment shall be permitted unless the lot containing the car wash establishment is serviced by both municipal water and sanitary sewer facilities.

## **15.5 SPECIAL PROVISIONS**

The following site-specific Zones apply to existing or unique situations that are not the standard “HC” Zone. If a regulation or use is not specified, the permitted uses of Subsection 15.2 and the regulations of Subsections 15.3 and 15.4 shall apply.

### **15.5.1 HC-1**

(1) Defined Area

HC-1 as shown on Schedule “A” Map No. 22 to this By-Law.

(2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 15.2, the permitted uses in the HC-1 Zone shall be limited to the following:

- (a) accessory building, structure or use;
- (b) sale and service of recreational vehicles.

### 15.5.2 HC-2

(1) Defined Area

HC-2 as shown on Schedule "A" Map No. 27 to this By-Law.

(2) Permitted Uses

The following uses are permitted in the HC-2 Zone in addition to the uses specified in Subsection 15.2:

- (a) contractor's yard or shop.

### 15.5.3 HC-3

(1) Defined Area

HC-3 as shown on Schedule "A" Map No. 27 to this By-Law.

(2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 15.2, the permitted uses in the HC-3 Zone shall be limited to the following:

- (a) accessory building, structure or use;
- (b) automobile service station;
- (c) existing single detached dwelling;
- (d) open storage accessory to an automobile service station or vehicle repair garage;
- (e) vehicle service shop.
- (f) vehicle wholesaling establishment.

(3) Regulations

(a) Open Storage

Open storage accessory to an automobile service station or vehicle service shop shall:

- (i) not be permitted within a front yard;
- (ii) not exceed twenty-five percent (25%) of the area of the lot;
- (iii) be enclosed by a continuous, opaque fence with a minimum height of two (2.0) metres and a maximum height of two and one-half (2.5) metres.

### 15.5.4 HC-4

(1) Defined Area

- HC-4 as shown on Schedule “A” Map No. 27 to this By-Law.
- (2) Permitted Uses

The following uses are permitted in the HC-4 Zone in addition to the uses specified in Subsection 15.2:

- (a) wholesaling, retailing and fabrication of plastic products.

#### **15.5.5 HC-5**

- (1) Defined Area

HC-5 as shown on Schedule “A” Map No. 27 to this By-Law.

- (2) Permitted Uses

The following uses are permitted in the HC-5 Zone in addition to the uses specified in Subsection 15.2:

- (a) existing single detached dwelling.

#### **15.5.6 HC-6**

- (1) Defined Area

HC-6 as shown on Schedule “A” Map No. 33 to this By-Law.

- (2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 15.2, the permitted uses in the HC-6 Zone shall be limited to the following:

- (a) accessory building, structure or use;
- (b) automobile service station;
- (c) body shop;
- (d) single detached dwelling;
- (e) vehicle repair garage;
- (f) vehicles service shop.

### 15.5.7 HC-7

By-Law 87-2006  
(addition)

1) Defined Area

HC-7 as shown on Schedule "A" Map No. 39 to this By-Law.

(2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 15.2, the permitted uses in the HC-7 Zone shall be limited to the following:

- (a) accessory building, structure or use;
- (b) accessory dwelling unit;
- (c) banquet hall;
- (d) park, private;
- (e) studio;
- (f) contractors yard or shop.

(3) Regulations

- (a) Rear Yard Depth 220 metres

### 15.5.8 HC-8

(1) Defined Area

HC-8 as shown on Schedule "A" Map No. 42 to this By-Law.

(2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 15.2, the permitted uses in the HC-8 Zone shall be limited to the following:

- (a) accessory building, structure or use;
- (b) banquet hall;
- (c) gas bar;
- (d) restaurant;
- (e) shopping centre.

### 15.5.9 HC-9

(1) Defined Area

HC-9 as shown on Schedule "A" Map No. 46 to this By-Law.

(2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 15.2, the permitted uses in the HC-9 Zone shall be limited to the following:

- (a) accessory building, structure or use;
- (b) custom workshop.

#### **15.5.10 HC-10**

(1) Defined Area

HC-10 as shown on Schedule "A" Map No. 46 to this By-Law.

(2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 15.2, the permitted uses in the HC-10 Zone shall be limited to the following:

- (a) accessory building, structure or use;
- (b) drive-in theatre.

#### **15.5.11 HC-11**

*By-law 18-2012  
(Replaced)*

(1) Defined Area

HC-11 as shown on Schedule "A" Map No. 46 to this By-Law.

(2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 15.2, the permitted uses in the HC-11 Zone shall be limited to the following:

- a) accessory building, structure or use;
- b) agricultural equipment sales and service establishment;
- c) automobile service establishment;
- d) contractor's yard or shop;
- e) existing single detached dwelling;
- f) vehicle sales or rental establishment;
- g) warehouse, public self-storage.

#### **15.5.12 HC-12**

*Deletion  
By-law No.  
11-2018*

(1) Defined Area

T-HC-12 01-29-2021 as shown on Schedule "A" Map No. 54 to this By-Law

(2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 15.2, the permitted uses in

the T-HC-12 01-29-2021 Zone shall be limited to the following:

- (a) accessory building, structure or use;
- (b) existing single detached dwelling;
- (c) sale, repair and maintenance of hot air balloons and related products.
- (d) mobile home

(3) Expiry

The said mobile home shall be permitted until the 29<sup>th</sup> day of January, 2021, at which time the structure shall be removed from the lands affected.

**15.5.13 HC-13**

(1) Defined Area

HC-13 as shown on Schedule "A" Map No. 43 to this By-Law.

(2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 15.2, the permitted uses in the HC-13 Zone shall be limited to the following:

- (a) accessory building, structure or use;
- (b) automobile service station;
- (c) car wash establishment, automated, subject to Subsection 15.4.1;
- (d) car wash establishment, manual, subject to Subsection 15.4.1;
- (e) convenience store;
- (f) fitness club;
- (g) gas bar;
- (h) hotel/motel;
- (i) market garden;
- (j) restaurant;
- (k) retail store;
- (l) service shop;
- (m) vehicle repair garage;
- (n) vehicle sales or rental establishment;
- (o) veterinary clinic.

**15.5.14 HC-14**

*By-Law 46-2008  
(addition)*

(1) Defined Area

HC-14 as shown on Schedule "A" Map No. 40 to this By-Law.

(2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 15.2, the permitted uses in the HC-14 Zone shall be limited to the following:

- (a) building supply outlet;
- (b) convenience store;
- (c) dry cleaning establishment;
- (d) garden centre;
- (e) gas bar;
- (f) home and auto supply store;
- (g) market garden;
- (h) nursery and garden store;
- (i) public self-storage warehouse;
- (j) restaurant, fast food;
- (k) vehicle sale or rental establishment.

(3) Regulations

- (a) Minimum Floor Area
  - (i) non-convenience retail outlets 175 square metres
- (b) Maximum Wastewater generated
  - (i) per business 10,000 litres/day

**15.5.15 HC-15**

*By-Law 40-2017  
Z8-2017  
(addition)*

(1) Defined Area

HC-15 as shown on Schedule "A" Map No. 37 to this By-Law.

(2) Permitted Uses

The following uses are permitted in the HC-15 Zone in addition to the uses specified in Subsection 15.2:

- (a) tradesman's shop

(3) Special Provision

- (a) setback from County Road 73 30.0 m

### 15.5.17 HC-17

(1) Defined Area

HC-17 as shown on Schedule "A", Map 26 to this By-law.

(2) Permitted Uses

convenience store

gas bar

all other uses permitted under the HC Zone

# SECTION 16. NEIGHBOURHOOD COMMERCIAL (NC) ZONE

---

## 16.1 SCOPE

The provisions of this Section shall apply in all Neighbourhood Commercial (NC) Zones except as otherwise provided in the Special Provisions Subsection of this Section. NC Zones are intended for lots with both municipal water and sanitary sewer services.

## 16.2 PERMITTED USES

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

- (1) convenience store;
- (2) dry cleaning depot;
- (3) dry cleaning establishment;
- (4) food store;
- (5) gas bar;
- (6) office, business;
- (7) office, professional;
- (8) personal service establishment;
- (9) place of worship;
- (10) restaurant, fast food, not including a drive-through restaurant;
- (11) video rental establishment;

## 16.3 REGULATIONS

No person shall, within any Neighbourhood Commercial (NC) Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- |  |                      |
|--|----------------------|
| (1) Lot Area (minimum)                           | No Minimum           |
| (2) Lot Area (maximum)                           | 4,000 m <sup>2</sup> |
| (3) Lot Frontage (minimum)                       | 15.0 m               |
| (4) Front and Exterior Side Yard Depth (minimum) | 7.0 m                |
| (5) Interior Side Yard Width (minimum)           | 7.0 m                |
| (a) side yard abuts a Residential Zone           | 10.0 m               |
| (b) all other cases                              | 7.0 m                |
| (6) Rear Yard Depth (minimum)                    |                      |

(a) rear yard abuts a Residential Zone	10.0 m
(b) all other cases	7.0 m
(7) Lot Coverage (maximum)	30% of lot area
(8) Building Height (maximum)	10.0 m
(9) Landscaped Open Space (minimum)	20% of lot area
(10) Gross Floor Area (maximum)	500 m <sup>2</sup>

#### **16.4 SPECIAL PROVISIONS**

The following site-specific Zones apply to existing or unique situations that are not the standard “NC” Zone. If a regulation or use is not specified, the permitted uses of Subsection 16.2 and the regulations of Subsection 16.3 shall apply.

## SECTION 17. OFFICE RESIDENTIAL (OR) ZONE

---

### 17.1 **SCOPE**

The provisions of this Section shall apply in all Office Residential (OR) Zones except as otherwise provided in the Special Provisions Subsection of this Section. OR Zones are intended for lots with municipal water and/or sanitary sewer services.

### 17.2 **PERMITTED USES**

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

- (1) bed and breakfast establishment;
- (2) converted dwelling;
- (3) day nursery;
- (4) institutional use with a minimum of one (1) dwelling unit;
- (5) lodging house type 1;
- (6) office, professional with a minimum of one (1) dwelling unit;
- (7) office, service with a minimum of one (1) dwelling unit;
- (8) retail store with a minimum of one (1) dwelling unit;
- (9) single detached dwelling;
- (10) studio with a minimum of one (1) dwelling unit.

### 17.3 **REGULATIONS**

No person shall, within any Office Residential (OR) Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- |  |                    |
|--|--------------------|
| (1) Lot Area (minimum)                                       | 700 m <sup>2</sup> |
| (2) Lot Frontage (minimum)                                   |                    |
| (a) lot with municipal water service only                    | 20.0 m             |
| (b) lot with both municipal water and sanitary sewer service | 15.0 m             |
| (3) Front and Exterior Side Yard Depth (minimum)             | existing           |
| (4) Interior Side Yard Width (minimum)                       |                    |
| (a) side yard abuts a R1, R2, R3 or FD Zone                  | 4.5 m              |
| (b) all other cases  | 3.0 m              |

(5) Rear Yard Depth (minimum)	10.0 m
(6) Lot Coverage (maximum)	40% of lot area
(7) Building Height (maximum)	10.0 m
(8) Landscaped Open Space (minimum)	All of the front and exterior side yard, excluding driveways
(9) Number of Dwelling Units Per Lot (maximum)	
(a) Single Detached Dwelling	1 dwelling unit per lot
(b) Converted Dwelling	2 dwelling units per lot
(10) Floor Area (maximum)	
(a) Retail Store	75 m <sup>2</sup>

#### **17.4 SPECIAL PROVISIONS**

The following site-specific Zones apply to existing or unique situations that are not the standard “OR” Zone. If a regulation or use is not specified, the permitted uses of Subsection 17.2 and the regulations of Subsection 17.3 shall apply.

## SECTION 18. COMMERCIAL RECREATION (CR) ZONE

### **18.1 SCOPE**

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

### **18.2 PERMITTED USES**

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

- (1) assembly hall;
- (2) campground;
- (3) commercial recreation establishment;
- (4) golf course;
- (5) golf course, miniature;
- (6) golf driving tee or range;
- (7) park, private;
- (8) place of entertainment/amusement;
- (9) recreational trailer park;
- (10) recreation use, outdoor;
- (11) restaurant.

### **18.3 REGULATIONS**

No person shall, within any Commercial Recreation (CR) Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(1) Lot Area (minimum)

- |  |                      |
|--|----------------------|
| (a) lot with no municipal services available                 | 4,000 m <sup>2</sup> |
| (b) lot with municipal water service only                    | 3,000 m <sup>2</sup> |
| (c) lot with municipal sanitary sewer service only           | 1,500 m <sup>2</sup> |
| (d) lot with both municipal water and sanitary sewer service | No Minimum           |

(2) Lot Frontage (minimum)

- |   |        |
|---|--------|
| (a) lot with no municipal services available                | 20.0 m |
| (b) lot with municipal water and/or sanitary sewer services | 15.0 m |

(3) Front and Exterior Side Yard Depth (minimum) 7.0 m

(4) Interior Side Yard Width (minimum)

(a) side yard abuts a Residential Zone	15.0 m
(b) all other cases	7.0 m
(5) Rear Yard Depth (minimum)	
(a) rear yard abuts a Residential Zone	15.0 m
(b) all other cases	7.0 m
(6) Lot Coverage (maximum)	30% of lot area
(7) Building Height (maximum)	10.0 m
(8) Landscaped Open Space (minimum)	20% of lot area

#### **18.4 SPECIAL PROVISIONS**

The following site-specific Zones apply to existing or unique situations that are not the standard “CR” Zone. If a regulation or use is not specified, the permitted uses of Subsection 18.2 and the regulations of Subsection 18.3 shall apply.

##### **18.4.1 CR-1**

(1) Defined Area

CR-1 as shown on Schedule “A” Map No. 34, 35, 36 and 42 to this By-Law.

(2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 18.2, the permitted uses in the CR-1 Zone shall be limited to the following:

- (a) accessory building, structure or use;
- (b) private park.

##### **18.4.2 CR-2**

(1) Defined Area

CR-2 as shown on Schedule “A” Map No. 2-1, 40, and 51 to this By-Law.

(2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 18.2, the permitted uses in the CR-2 Zone shall be limited to the following:

- (a) accessory use;
- (b) golf course.

### 18.4.3 CR-3

(1) Defined Area

CR-3 as shown on Schedule “A” Map No. 43 to this By-Law.

(2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 18.2, the permitted uses in the CR-3 Zone shall be limited to the following:

- (a) accessory building, structure or use;
- (b) accessory dwelling unit;
- (c) golf course.

### 18.4.4 CR-4 (This Site Specific Use has been deleted by By-law 29-2012)

(1) Defined Area

CR-4 as shown on Schedule “A” Map No. 43 to this By-Law.

(2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 18.2, the permitted uses in the CR-4 Zone shall be limited to the following:

- (a) accessory building, structure or use;
- (b) driving tee or range.

### 18.4.5 CR-5

(1) Defined Area

CR-5 as shown on Schedule “A” Map No. 47 to this By-Law.

(2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 18.2, the permitted uses in the CR-5 Zone shall be limited to the following:

- (a) accessory building, structure or use;
- (b) campground or recreational trailer park.

#### 18.4.6 CR-6

(1) Defined Area

CR-6 as shown on Schedule “A” Map No. 42 to this By-Law.

(2) Permitted Uses

The following uses are permitted in the CR-6 Zone in addition to the uses specified in Subsection 18.2:

- (a) Fairgrounds;
- (b) Livestock building or structure for a maximum of 95 horses.

#### 18.4.7 CR-7

(1) Defined Area

CR-7 as shown on Schedule “A” Map No. 21 and 22 to this By-Law.

(2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 18.2, the permitted uses in the CR-7 Zone shall be limited to the following:

- (a) cottage dwellings on leasehold lots.

(3) Regulations

- |  |  |
|--|--|
| (a) Lot Area (minimum)                 | 695.0 m <sup>2</sup>   |
| (b) Lot Frontage (minimum)             | 22.0 m   |
| (c) Lot Depth (minimum)                | 30.0 m   |
| (d) Front Yard Depth (minimum)         | 6.0 m  |
| (e) Interior Side Yard Width (minimum) | 3.0 m on one side<br>2.0 m on the other<br>side plus 0.5 m for<br>each storey above<br>the first |
| (f) Rear Yard Depth (minimum)          | 10.0 m   |
| (g) Lot Coverage (maximum)             | 25%  |
| (h) Building Height (maximum)          | 7.5 m  |
| (i) Number of dwelling units per lot   | 1 dwelling unit per<br>leasehold lot   |
| (j) Minimum Parking Requirement        | 1 space per dwelling.  |

### 18.4.8 CR-8

*By-law 43-2015  
addition*

1) Defined Area

CR-8 as shown on Schedule "A" Map No. 43 to this By-Law.

(2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 18.2, the permitted uses in the CR-8 Zone shall be limited to the following:

- (a) Accessory building, structure or use
- (b) Driving tee or range

## SECTION 19. GENERAL INDUSTRIAL (M1) ZONE

---

### 19.1 **SCOPE**

The provisions of this Section shall apply in all General Industrial (M1) Zones except as otherwise provided in the Special Provisions Subsection of this Section.

### 19.2 **PERMITTED USES**

No person shall within any General Industrial (M1) Zone, use any lot or erect, alter or use any building or structure for any purpose except for one or more of the following M1 Zone uses, namely:

- (1) bakery;
- (2) brewing on premises establishment;
- (3) building supply outlet;
- (4) bulk sales establishment;
- (5) contractor's yard or shop;
- (6) factory outlet;
- (7) food processing plant;
- (8) home appliance store with a warehouse component;
- (9) home decorating store with a warehouse component;
- (10) home furnishings store with a warehouse component;
- (11) home improvement store with a warehouse component;
- (12) industrial use, non-effluent producing;
- (13) laboratory;
- (14) office;
- (15) office, medical/dental;
- (16) office, support;
- (17) office supply outlet;
- (18) processed goods industry;
- (19) raw material processing industry;
- (20) research and development establishment;
- (21) service shop;
- (22) tradesman's shop;
- (23) veterinarian clinic;
- (24) warehouse;
- (25) warehouse, public self-storage.

### 19.3 **REGULATIONS**

No person shall, within any General Industrial (M1) Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- |                        |                      |
|------------------------|----------------------|
| (1) Lot Area (minimum) | 2,000 m <sup>2</sup> |
|------------------------|----------------------|

(2) Lot Frontage (minimum)	30.0 m
(3) Front and Exterior Side Yard Depth (minimum)	15.0 m
(a) zone boundary abuts an Industrial Zone	15.0 m
(b) all other cases	18.0 m
(4) Interior Side Yard Width (minimum)	
(a) side yard abuts an Industrial Zone	6.0 m
(b) all other cases	18.0 m
(5) Rear Yard Depth (minimum)	
(a) rear yard abuts an Industrial Zone	10.0 m
(b) all other cases	18.0 m
(6) Lot Coverage (maximum)	50% of lot area
(7) Building Height (maximum)	12.0 m
(8) Landscaped Open Space (minimum)	10% of lot area
(9) Open Storage (maximum)	25% of lot area

#### **19.4 SPECIAL PROVISIONS**

The following site-specific Zones apply to existing or unique situations that are not the standard “M1” Zone. If a regulation or use is not specified, the permitted uses of Subsection 19.2 and the regulations of Subsection 19.3 shall apply.

##### **19.4.1 M1-1**

(1) Defined Area

M1-1 as shown on Schedule “A” Map No. 2-5 to this By-Law.

(2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 19.2, the permitted uses in the M1-1 Zone shall be limited to the following:

- (a) abattoir;
- (b) accessory building, structure or use;
- (c) accessory retail store;
- (d) industrial use, non-effluent producing.

(3) Regulations

(a) Floor Area (maximum)

- (i) retail store as an accessory use 60 m<sup>2</sup>

**19.4.2 M1-2**

(1) Defined Area

M1-2 as shown on Schedule “A” Map No. 64A to this By-Law.

(2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 19.2, the permitted uses in the M1-2 Zone shall be limited to the following:

- (a) accessory building, structure or use;
- (b) automobile service station;
- (c) body shop;
- (d) one single detached dwelling;
- (e) parking of school buses;
- (f) service shop;
- (g) truck terminal;
- (h) vehicle sales or rental establishment;
- (i) vehicle repair garage;
- (j) vehicle service shop.

(3) Permitted Buildings or Structures

- (a) existing buildings and structures.

**19.4.3 M1-3**

(1) Defined Area

M1-3 as shown on Schedule “A” Map No. 45 to this By-Law.

(2) Permitted Uses

The following uses are permitted in the M1-3 Zone in addition to the uses specified in Subsection 19.2:

- (a) accessory building, structure or use;
- (b) pit or quarry, including screening, crushing, sorting and stockpiling of sand and gravel.

#### **19.4.4 M1-4**

(1) Defined Area

M1-4 as shown on Schedule “A” Map No. 45 to this By-Law.

(2) Permitted Uses

The following uses are permitted in the M1-4 Zone in addition to the uses specified in Subsection 19.2:

(a) single unit dwelling.

(3) Regulations

(a) Lot Area (minimum) 0.8 ha.

#### **19.4.5 M1-5**

*By-Law 14-2007  
(addition)*

(1) Defined Area

M1-5 as shown on Schedule “A” Map No. 2-1 to this By-Law.

(2) Permitted Uses

The following uses are permitted in the M1-5 Zone in addition to all other uses specified in Section 19.2:

(a) a funeral establishment not open to the public

#### **19.4.6 M1-6**

*By-Law 9-2008  
(addition)*

(1) Defined Area

M1-6 as shown on Schedule “A” Map No. 2-1 to this By-Law.

(2) Permitted Uses

The following uses are permitted in the M1-6 Zone:

- (a) bakery;
- (b) building supply outlet;
- (c) bulk sales establishment;
- (d) contractor’s yard or shop;
- (e) factory outlet;
- (f) home appliance store with a warehouse component;

- (g) home decorating store with a warehouse component;
- (h) home furnishings store with a warehouse component;
- (i) home improvement store with a warehouse component;
- (j) industrial use, non-effluent producing;
- (k) laboratory;
- (l) office;
- (m) office, medical/dental;
- (n) office support;
- (o) office supply outlet;
- (p) research and development establishment;
- (q) service shop;
- (r) tradesman's shop;
- (s) veterinarian clinic;
- (t) warehouse;
- (u) warehouse, public self storage.

**19.4.7 M1-7**

*By-law 67-2008  
(Addition)*

- a) Defined Area  
M1-7 as shown on Schedule A, Map 2-1 to this By-law
- b) Permitted Uses  
indoor automobile sales lot in an existing building, in addition to all other permitted uses

**19.4.8 M1-8**

*By-law 77-2009  
(Addition)*

- (1) Defined Area

M1-7 as shown on Schedule "A" Map No. 3-1 to this By-law.

- (2) Permitted Uses

- (a) a tradesman's shop

- (3) Regulations

No person shall, within any General Industrial (M1-8) Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- |    |  |                     |
|----|--|---------------------|
| a. | Lot Area (minimum)                       | 2,000m <sup>2</sup> |
| b. | Lot Frontage (minimum)                   | 30.0 m              |
| c. | Front and Exterior Side Yard Depth (min) | 7.5 m               |
| d. | Interior Side Yard Width (minimum)       | 5m                  |
| e. | Rear Yard Depth (minimum)                | 5m                  |
| f. | Lot Coverage (maximum)                   | 50% of lot area     |

- |    |                                 |                 |
|----|---------------------------------|-----------------|
| g. | Building Height (maximum)       | 8m              |
| h. | Landscaped Open Space (minimum) | 10% of lot area |
| i. | Open Storage (maximum)          | 25% of lot area |

**19.4.9 M1-9**

*By-law 77-2011*

*(Addition)*

- (1) Defined Area

M1-9 as shown on Schedule (A), Map 2-1 to this By-law

- (2) Permitted Uses

- a) “vehicle repair garage” and a “vehicle sales and rental establishment” as permitted uses on the subject lands, in addition to all the other permitted uses in the General Industrial (M1) Zone.

**19.4.10 M1-10**

- (1) Defined Area

M1-10 as shown on Schedule “A”, Map 2-1 of this By-law.

- (2) Permitted Uses

outdoor storage facility  
all other uses permitted under the M1 Zone

- (3) Definition

**OUTDOOR STORAGE FACILITY** – means an establishment for the storage, either in the open air or in an unenclosed area that is open to the air on some side, of licensed vehicles, recreational vehicles, and recreational trailers. An outdoor storage facility shall not include a parking lot, an outdoor retail display area, a truck terminal, a salvage yard, or the temporary storage of waste or other similar use.

**19.4.11 M1-11**

*By-law 108-2016*

*(Addition)*

- (1) Defined Area

M1-11 as shown on Schedule “A” Map No. 2-4 to this By-Law.

- (2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 19.2, the permitted uses of the M1-11 Zone shall be limited to the following:

- (b) Warehouse Use

(3) Regulations

(b) Lot Frontage (minimum)

17.0 m

## SECTION 20. RURAL INDUSTRIAL (M2) ZONE

---

### 20.1 **SCOPE**

The provisions of this Section shall apply in all Rural Industrial (M2) Zones except as otherwise provided in the Special Provisions Subsection of this Section.

### 20.2 **PERMITTED USES**

No person shall within any Rural Industrial (M2) Zone, use any lot or erect, alter or use any building or structure for any purpose except for one or more of the following M2 Zone uses, namely:

- (1) abattoir;
- (2) agricultural service and supply establishment;
- (3) bulk sales establishment;
- (4) contractor's yard or shop;
- (5) factory outlet;
- (6) feed mill;
- (7) flour mill;
- (8) food processing plant;
- (9) industrial use;
- (10) office, support;
- (11) processed goods industry;
- (12) propane transfer facility;
- (13) raw material processing industry;
- (14) sawmill;
- (15) service shop;
- (16) tradesman's shop;
- (17) truck terminal;
- (18) vehicle repair garage;
- (19) vehicle service shop;
- (20) warehouse;
- (21) warehouse, public self-storage.

### 20.3 **REGULATIONS**

No person shall, within any Rural Industrial (M2) Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- |  |                      |
|--|----------------------|
| (1) Lot Area (minimum)                           | 4,000 m <sup>2</sup> |
| (2) Lot Frontage (minimum)                       | 50.0 m               |
| (3) Front and Exterior Side Yard Depth (minimum) | 25.0 m               |

- |  |                 |
|--|-----------------|
| (4) Interior Side Yard Width (minimum) |                 |
| (a) side yard abuts an Industrial Zone | 5.0 m           |
| (b) all other cases                    | 18.0 m          |
| (5) Rear Yard Depth (minimum)          |                 |
| (a) rear yard abuts an Industrial Zone | 10.0 m          |
| (b) all other cases                    | 18.0 m          |
| (6) Lot Coverage (maximum)             | 35% of lot area |
| (7) Building Height (maximum)          | 12.0 m          |
| (8) Landscaped Open Space (minimum)    | 10% of lot area |
| (9) Open Storage (maximum)             | 40% of lot area |

#### **20.4 SPECIAL PROVISIONS**

The following site-specific Zones apply to existing or unique situations that are not the standard “M2” Zone. If a regulation or use is not specified, the permitted uses of Subsection 20.2 and the regulations of Subsection 20.3 shall apply.

##### **20.4.1 M2-1**

- (1) Defined Area

M2-1 as shown on Schedule “A” Map No. 5 to this By-Law.

- (2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 20.2, the permitted uses in the M2-1 Zone shall be limited to the following:

- (a) accessory building, structure or use;
- (b) salvage yard;
- (c) single detached dwelling.

##### **20.4.2 M2-2**

- (1) Defined Area

M2-2 as shown on Schedule “A” Map No. 11 to this By-Law.

(2) Permitted Uses

The following uses are permitted in the M2-2 Zone in addition to the uses specified in Subsection 20.2:

- (a) automobile service station;
- (b) body shop;
- (c) vehicle repair garage;
- (d) vehicle service shop.

**20.4.3 M2-3**

(1) Defined Area

M2-3 as shown on Schedule “A” Map No. 3A to this By-Law.

(2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 20.2, the permitted uses in the M2-3 Zone shall be limited to the following:

- (a) accessory building, structure or use;
- (b) single detached dwelling;
- (c) truck terminal;
- (d) warehouse.

(3) Regulations

(a) Side Yard Width (minimum)

- (i) from a truck terminal to a southerly lot line 60 m

(4) Holding “h” Symbol

The holding ‘h’ symbol and its removal shall only apply to a truck terminal.

**(20.4.4 M2-4 – Deleted by By-law No. 40-2023)**

**20.4.5 M2-5**

*By-law-62-2010  
(Replaced)*

(1) Defined Area

M2-5 as shown on Schedule “A” Map No. 29 to this By-Law.

(2) Permitted Uses

- (a) accessory building, structures or use;
- (b) servicing and repair of school buses.

#### **20.4.6 M2-6**

(1) Defined Area

M2-6 as shown on Schedule “A” Map No. 29 to this By-Law.

(2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 20.2, the permitted uses in the M2-6 Zone shall be limited to the following:

- (a) accessory building, structure or use;
- (b) automobile service station;
- (c) body shop;
- (d) vehicle repair garage;
- (e) vehicle sales or rental establishment;
- (f) vehicle service shop.

(3) Regulations

(a) Display of Automobiles

The maximum number of automobiles displayed in the front yard shall not exceed five (5).

#### **20.4.7 M2-7**

(1) Defined Area

M2-7 as shown on Schedule “A” Map No. 3-2 to this By-Law.

(2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 20.2, the permitted uses in the M2-7 Zone shall be limited to the following:

- (a) accessory building, structure or use;
- (b) maintenance yard and garage.

(3) Prohibited Uses

The following uses are specifically prohibited in the M2-7 Zone in addition to the uses specified in Subsection 4.29:

- (a) underground storage tanks.

#### **20.4.8 M2-8**

- (1) Defined Area

M2-8 as shown on Schedule “A” Map No. 31 and 40 to this By-Law.

- (2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 20.2, the permitted uses in the M2-8 Zone shall be limited to the following:

- (a) accessory building, structure or use;
- (b) accessory dwelling unit;
- (c) veterinary clinic.

#### **20.4.9 M2-9**

- (1) Defined Area

M2-9 as shown on Schedule “A” Map No. 32 to this By-Law.

- (2) Permitted Uses

The following uses are permitted in the M2-9 Zone in addition to the uses specified in Subsection 20.2:

- (a) sale of used goods;
- (b) vehicle sales or rental establishment.

#### **20.4.10 M2-10**

- (1) Defined Area

M2-10 as shown on Schedule “A” Map No. 32 to this By-Law.

- (2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 20.2, the permitted uses in the M2-10 Zone shall be limited to the following:

- (a) accessory building, structure or use;
- (b) agricultural equipment sales and service establishment;

- (c) vehicle repair establishment.

**20.4.11 M2-11**

(1) Defined Area

M2-11 as shown on Schedule “A” Map No. 35 to this By-Law.

(2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 20.2, the permitted uses in the M2-11 Zone shall be limited to the following:

- (a) accessory building, structure or use;
- (b) contractor’s yard or shop;
- (c) service shop;
- (d) vehicle sales and service establishment, limited to motorcycles, snowmobiles, and all-terrain vehicles as well as lawn and garden equipment

**20.4.12 M2-12**

(1) Defined Area

M2-12 as shown on Schedule “A” Map No. 51 to this By-Law.

(2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 20.2, the permitted uses in the M2-12 Zone shall be limited to the following:

- (a) accessory building, structure or use;
- (b) agricultural use;
- (c) automobile service station;
- (d) bulk sales establishment;
- (e) car wash establishment, manual or automated, provided the lot is serviced by municipal sanitary sewer and water;
- (f) contractor’s yard or shop;
- (g) factory outlet;
- (h) industrial use;
- (i) kennel;
- (j) research and development laboratory for agriculturally related products;
- (k) service shop;
- (l) truck terminal;
- (m) veterinary clinic;
- (n) warehouse;
- (o) auction establishment.

*By-Law # 78-2007  
(addition)*

**20.4.13 M2-13**

(1) Defined Area

M2-13 as shown on Schedule “A” Map No. 56 to this By-Law.

(2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 20.2, the permitted uses in the M2-13 Zone shall be limited to the following:

- (a) accessory building, structure or use;
- (b) waste disposal site, landfill.

**20.4.14 M2-14**

(1) Defined Area

M2-14 as shown on Schedule “A” Map No. 50 to this By-Law.

(2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 20.2, the permitted uses in the M2-14 Zone shall be limited to the following:

- (a) accessory building, structure or use;
- (b) bulk sales establishment for the purposes of storing, processing and selling topsoil.

(3) Regulations

- (a) Front Yard Depth (minimum) 15 m

**20.4.15 M2-15**

(1) Defined Area

M2-15 as shown on Schedule “A” Map No. 61 to this By-Law.

(2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 20.2, the permitted uses in the M2-15 Zone shall be limited to the following:

- (a) accessory building, structure or use;

- (b) accessory dwelling unit;
- (c) contractor's yard or shop.

**20.4.16 M2-16**

(1) Defined Area

M2-16 as shown on Schedule "A" Map No. 64A to this By-Law.

(2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 20.2, the permitted uses in the M2-16 Zone shall be limited to the following:

- (a) accessory building, structure or use;
- (b) agricultural sales and service establishment;
- (c) grain elevator and drying facility.

**20.4.17 M2-17**

(1) Defined Area

M2-17 as shown on Schedule "A" Map No. 17 to this By-Law.

(2) Permitted Uses

The following uses are permitted in the M2-17 Zone in addition to the uses specified in Subsection 20.2:

- (a) single detached dwelling.

(3) Regulations

- (a) Lot Area (minimum) 1.5 ha.

**20.4.18 M2-18**

(1) Defined Area

M2-18 as shown on Schedule "A" Map No. 47 to this By-Law.

(2) Permitted Uses

The following uses are permitted in the M2-18 Zone in addition to the uses specified in Subsection 20.2:

- (a) sale and service of recreational vehicles.

**20.4.19 M2-19**

By-law # 60-2007  
(addition)

- (1) Defined Area

M2-19 as shown on Schedule “A” Map No. 17 to this By-Law.

- (2) Permitted Uses

The following uses are permitted in the M2-19 Zone in addition to all other uses specified in Section 20.2:

- (a) a single unit dwelling.

**20.4.20 M2-20**

By-law 37-2012  
(Addition)

- (1) Defined Area

M2-20 as shown on Schedule “A”, Map 13 to this By-law

- (2) Permitted Uses

The following uses are permitted in the M2-20 Zone in addition to all other uses specified in Section 20.2.

- (a) vehicle sales and rental establishment

- (3) Regulations

- (a) Front Yard Depth - 20 metres

**20.4.21 M2-21**

By-law 6-2013  
(Addition)

- (1) Defined Area

M2-21 as shown on Schedule “A”, Map 35 to this By-law

- (2) Permitted Uses

The following uses are permitted in the M2-21 Zone in addition to all other uses specified in Section 20.2.

- (a) vehicle sales and rental establishment

**20.4.22 M2-22**

*OMB Decision  
PL100523*

- (1) Defined Area

M2 -22 as shown on Schedule A" Map No. 48 to this By-law.

- (2) Permitted Uses

- (a) Soil Diversion and Recovery facility" means any building, structure or land used for collection, recycling, storage, separation, processing and treatment of non - hazardous soil and the receiving, separation and temporary storage of related materials which require Certificates of Approval under the Environmental Protection Act, but does not include:
  - 1. Incineration
  - 2. Landfilling
  - 3. Composting

- (3) Special Provisions

- (a) The northerly and easterly yard depth shall be 18.0 metres

**20.4.23 M2-23**

*By-law 77-2014  
(Addition)*

- (1) Defined Area

**M2-23** as shown on Schedule "A", Map 45

- (2) Permitted Uses

The following uses are permitted in the M2-23 Zone in addition to all other uses specified in Section 20.2.

- (a) Propane Transfer Facility, Commercial

**20.4.24 M2-24**

*By-law 10-2016  
(Addition)*

- (1) Defined Area

M2-24 as shown on Schedule "A", Map 50 to this By-law

- (2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 20.2, the permitted uses of the M2-24 Zone shall be limited to the following:

- (a) Bulk sales establishment for the purposes of storing, processing and selling topsoil.

(3) Special Provision

Notwithstanding Subsection 3.72(1), where a lot is divided into two or more zones, the uses, buildings and structures permitted on the lot shall be limited in each of the zones to those permitted in that zone but, otherwise, for the purposes of zoning regulations of lot area and frontage and of the location of buildings and structures on the lot, the lot shall be considered a single lot, rather than separate as otherwise contemplated by subsection 3.72(1).

**20.4.25 M2-25**

(1) Defined Area

M2-25 as shown on Schedule “A”, Map 52 to this By-law

(2) Permitted Uses

Waste Transfer Station limited to the transfer and temporary storage of non-hazardous liquid waste and subject to an Environmental Compliance Approval  
All other uses permitted under the M2 Zone

**20.5.1 T-M2-15 06-22-2023**

(1) Defined Area

T-M2-15 06-22-2023 as shown on Schedule “A” Map No. 61 to this By-Law.

(2) Permitted Uses

The following uses are permitted in the T-M2-15 06-22-2023 Zone in addition to the uses specified in Subsection 20.4.15:

- (a) The existing single detached dwelling is to remain on the subject property for a temporary period, in addition to a new single detached dwelling.

(3) Expiry

The existing single detached dwelling shall be permitted until the 22th day of June, 2023, at which time the structure shall be removed from the lands affected.

## SECTION 21. EXTRACTIVE INDUSTRIAL (M3) ZONE

---

### **21.1 SCOPE**

The provisions of this Section shall apply in all Extractive Industrial (M3) Zones except as otherwise provided in the Special Provisions Subsection of this Section.

### **21.2 PERMITTED USES**

No person shall within any Extractive Industrial (M3) Zone, use any lot or erect, alter or use any building or structure for any purpose except for one or more of the following M3 Zone uses, namely:

- (1) pit;
- (2) agricultural use;
- (3) forestry uses excluding any establishments that either process forestry products or sell processed forestry products such as lumber yards.

### **21.3 REGULATIONS**

No person shall, within any Extractive Industrial (M2) Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- |  |                 |
|--|-----------------|
| (1) Lot Frontage (minimum)                       | 30.0 m          |
| (2) Front and Exterior Side Yard Depth (minimum) | 30.0 m          |
| (3) Interior Side Yard Width (minimum)           | 15.0 m          |
| (4) Rear Yard Depth (minimum)                    | 15.0 m          |
| (5) Landscaped Open Space (minimum)              | 10% of lot area |

### **21.4 SPECIAL PROVISIONS**

The following site-specific Zones apply to existing or unique situations that are not the standard “M3” Zone. If a regulation or use is not specified, the permitted uses of Subsection 21.2 and the regulations of Subsection 21.3 shall apply.

#### **21.4.1 M3-1**

- (1) Defined Area

M3-1 as shown on Schedule “A” Map No. 17 to this By-Law.

(2) Permitted Uses

The following uses are permitted in the M3-1 Zone in addition to the uses specified in Subsection 21.2:

- (a) asphalt plant.

(3) Regulations

(a) Setback from Thorndale Road (minimum)

- (i) asphalt plant and accessory buildings and structures 750 m

(b) Side Yard Width (minimum)

- (i) asphalt plant and accessory buildings and structures 50 m

(c) Rear Yard Depth (minimum)

- (i) asphalt plant and accessory buildings and structures 50 m

**21.4.2 M3-2**

(1) Defined Area

M3-2 as shown on Schedule “A” Map No. 17 to this By-Law.

(2) Entrance Regulations

Section 4.4 of this By-Law shall not apply.

**21.4.3 M3-3**

(1) Defined Area

M3-3 as shown on Schedule “A” Map No. 44 to this By-Law.

(2) Permitted Uses

The following uses are permitted in the M3-3 Zone in addition to the uses specified in Subsection 21.2:

- (a) asphalt plant.

#### 21.4.4 M3-4

- (1) Defined Area

M3-4 as shown on Schedule “A” Map No. 45 to this By-Law.

- (2) Permitted Uses

The following uses are permitted in the M3-4 Zone in addition to the uses specified in Subsection 21.2:

- (a) industrial use;
- (b) truck terminal;
- (c) warehousing.

#### 21.4.4 M3-5

*By-law 49-2017  
(Addition)  
LPAT – PL161154*

- (1) Defined Area

M3-5 as shown on Schedule “A”, Map 28 to this By-Law.

- (2) Special Provisions

Notwithstanding any other provision of this By-law, the lands zoned M3-5 shall be recognized as a single lot.

#### 21.4.6 M3-6

*By-law 73-2018  
(Addition)*

- (1) Defined Area

M3-6 as shown on Schedule “A”, Map 17 to this By-Law.

- (2) Permitted Uses

The permitted uses of the M3-6 Zone shall be limited to the following use:

aggregate recycling operation as a stand-alone use for the storage and processing of used asphalt and concrete.

- (3) Regulations

- (a) Lot Frontage (minimum)                      0 m

#### **21.4.7 M3-7-H**

(1) Defined Area

M3-7-H as shown on Schedule “A”, Map No. 50 of this By-law.

(2) Permitted Uses

Waste Disposal Site, High Waste Diversion, limited to asphalt, concrete and solid non-hazardous construction waste, excluding soil, from the construction, renovation or demolition of an industrial, commercial, institutional, or residential building and subject to an Environmental Compliance Approval by the Ministry of the Environment, Conservation and Parks.

all other uses permitted under the M3 Zone

(3) Setback requirements from Highway 401

Notwithstanding any other section of this By-law, all buildings, structures and activities associated with the said Waste Disposal Site, High Waste Diversion shall be setback at least 30 metres from the Highway 401 right-of-way.

(4) Holding ‘H’ Symbol

The removal of the Holding ‘H’ Symbol shall be considered once site plan approval has been obtained by the Municipality for the said Waste Disposal Site, High Waste Diversion.

## SECTION 22. RESIDENTIAL INDUSTRIAL (RM) ZONE

---

### 22.1 **SCOPE**

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

### 22.2 **PERMITTED USES**

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

- (1) contractor's yard or shop;
- (2) industrial use, non-effluent producing;
- (3) office, professional;
- (4) office, service;
- (5) service shop;
- (6) veterinary clinic;
- (7) one (1) accessory single unit dwelling located in front of and attached to a main building containing a permitted use specified in Clause (1) to Clause (6) above;
- (8) retail store accessory to the uses specified in Clause (1) to Clause (6) above and located entirely within the main building.

### 22.3 **REGULATIONS**

No person shall, within any Residential Industrial (RM) Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- |  |                      |
|--|----------------------|
| (1) Lot Area (minimum)                           | 4,000 m <sup>2</sup> |
| (2) Lot Frontage (minimum)                       | 50.0 m               |
| (3) Lot Depth (minimum)                          | 60.0 m               |
| (4) Front and Exterior Side Yard Depth (minimum) | 10.0 m               |
| (5) Interior Side Yard Width (minimum)           | 10.0 m               |
| (6) Rear Yard Depth (minimum)                    | 10.0 m               |
| (7) Lot Coverage (maximum)                       | 50% of lot area      |
| (8) Building Height (maximum)                    | 15.0 m               |
| (9) Landscaped Open Space (minimum)              | 25% of lot area      |

- |                                    |  |
|------------------------------------|--|
| (10) Open Storage (maximum)        | 25% of lot area, provided that no open storage shall be permitted within any required yard and not in a front yard or exterior side yard, and not in rear yards or side yards on lots abutting Provincial Highway 401. |
|                                    |  |
| (11) Floor Area (maximum)          |  |
| (a) Accessory single unit dwelling | 185 m <sup>2</sup>   |
| (b) Accessory retail store         | 30 m <sup>2</sup> or 25% of the total floor area of the main building, whichever is lesser   |

## **22.4 SPECIAL PROVISIONS**

The following site-specific Zones apply to existing or unique situations that are not the standard “RM” Zone. If a regulation or use is not specified, the permitted uses of Subsection 22.2 and the regulations of Subsection 22.3 shall apply.

### **22.4.1 RM-1**

*By-law 95-2019  
(Addition)*

- (4) Defined Area
  - RM-1 as shown on Schedule “A”, Map No. 48 to this By-law
- (5) Permitted Uses
  - The following uses are permitted in the RM-1 Zone in addition to the uses specified in Subsection 22.2:
    - (a) vehicle repair garage
- (6) Interior Side Yard Width (minimum) 3.0 m”

## SECTION 23. INSTITUTIONAL (I) ZONE

---

### 23.1 **SCOPE**

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

### 23.2 **PERMITTED USES**

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

- (1) assembly hall;
- (2) auditorium;
- (3) cemetery;
- (4) clinic;
- (5) club;
- (6) community centre;
- (7) continuum-of-care facility;
- (8) day nursery;
- (9) emergency care establishment;
- (10) funeral home;
- (11) group home type 2;
- (12) home for the aged/rest home;
- (13) institutional use;
- (14) library;
- (15) museum;
- (16) nursing home;
- (17) place of worship;
- (18) retirement home/lodge;
- (19) school, commercial;
- (20) school, elementary (public)
- (21) school, music;
- (22) school, secondary (public);
- (23) supportive community home.

### 23.3 **REGULATIONS**

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

- |  |                      |
|--|----------------------|
| (1) Lot Area (minimum)                           | 1,500 m <sup>2</sup> |
| (2) Lot Frontage (minimum)                       | 30.0 m               |
| (3) Front and Exterior Side Yard Depth (minimum) | 10.0 m               |

(4) Interior Side Yard Width (minimum)	6.0 m
(5) Rear Yard Depth (minimum)	7.5 m
(6) Lot Coverage (maximum)	25% of lot area
(7) Building Height (maximum)	10.0 m
(8) Landscaped Open Space (minimum)	25% of lot area

#### **23.4 SPECIAL PROVISIONS**

The following site-specific Zones apply to existing or unique situations that are not the standard “I” Zone. If a regulation or use is not specified, the permitted uses of Subsection 23.2 and the regulations of Subsection 23.3 shall apply.

##### **23.4.1 I-1**

(1) Defined Area

*By-Law # 18-2017  
(amendment)*

I-1 as shown on Schedule “A” Map No. 3-1 to this By-Law.

(2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 23.2, the permitted uses in the I-1 Zone shall be limited to the following:

- (a) accessory building, structure or use;
- (b) office, professional;
- (c) office, service;
- (d) retail store;
- (e) vehicle service shop.

##### **23.4.2 I-2**

(1) Defined Area

I-2 as shown on Schedule “A” Map No. 35 to this By-Law.

(2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 23.2, the permitted uses in the I-2 Zone shall be limited to the following:

- (a) accessory building, structure or use;
- (b) nursing home;
- (c) converted dwelling containing a maximum of two-dwelling units.

##### **23.4.3 I-3**

(1) Defined Area

I-3 as shown on Schedule “A” Map No. 2-5 to this By-Law.

(2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 23.2, the permitted uses in the I-3 Zone shall be limited to the following:

- (a) parking lot.

**23.4.4 I-4**

*By-Law # 25-2008  
(addition)*

(1) Defined Area

I-4 as shown on Schedule “A” Map No. 58 to this By-Law.

(2) Permitted Uses

- (a) a private school in addition to all other uses permitted in Section 23.2 of this By-Law.  
(b) retail store as an accessory use and not open to the general public

**23.4.5 I-5**

*By-law # 102-2009  
(addition)*

(1) Defined Area

I-5 as shown on Schedule A, Map No. 2-6 to this By-law.

(2) Permitted Uses

- (a) cemetery

**23.4.6 I-6-H**

(1) Defined Area

I-6-H as shown on Schedule “A”, Map 54 to this By-law.

(2) Permitted Uses

elementary school, private  
secondary school, private  
single detached dwelling

all other uses permitted under the I Zone

## SECTION 24. OPEN SPACE (OS) ZONE

---

### 24.1 **SCOPE**

The provisions of this Section shall apply in all Open Space (OS) Zones except as otherwise provided in the Special Provisions Subsection of this Section.

### 24.2 **PERMITTED USES**

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

- (1) conservation use;
- (2) forestry use;
- (3) open space;
- (4) park, public;
- (5) wildlife preserve;
- (6) works of a conservation authority.

### 24.3 **REGULATIONS**

No person shall, within any Open Space (OS) Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- |  |                 |
|--|-----------------|
| (1) Lot Area (minimum)                           | No Minimum      |
| (2) Lot Frontage (minimum)                       | No Minimum      |
| (3) Front and Exterior Side Yard Depth (minimum) | 15.0 m          |
| (4) Interior Side Yard Width (minimum)           | 15.0 m          |
| (5) Rear Yard Depth (minimum)                    | 15.0 m          |
| (6) Lot Coverage (maximum)                       | 25% of lot area |
| (7) Building Height (maximum)                    | 10.0 m          |
| (8) Landscaped Open Space (minimum)              | 10% of lot area |

### 24.4 **SPECIAL PROVISIONS**

The following site-specific Zones apply to existing or unique situations that are not the standard “OS” Zone. If a regulation or use is not specified, the permitted uses of Subsection 24.2 and the regulations of Subsection 24.3 shall apply.

#### **24.4.1 OS-1**

(1) Defined Area

OS-1 as shown on Schedule “A” Map No. 17 to this By-Law.

(2) Permitted Uses

The following uses are permitted in the OS-1 Zone in addition to the uses specified in Subsection 24.2:

- (a) accessory building, structure or use;
- (b) pit.

#### **24.4.2 OS-2**

(1) Defined Area

OS-2 as shown on Schedule “A” Map No. 27 to this By-Law.

(2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 24.2, the permitted uses in the OS-2 Zone shall be limited to the following:

- (a) accessory building, structure or use;
- (b) agricultural use;
- (c) single detached dwelling;
- (d) golf driving tee or range.

(3) Holding ‘h’ Symbol

The holding ‘h’ symbol and its removal shall only apply to the golf driving tee or range.

#### **24.4.3 OS-3**

(1) Defined Area

OS-3 as shown on Schedule “A” Map No. 42 to this By-Law.

(2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 24.2, the permitted uses in the OS-3 Zone shall be limited to the following:

- (a) accessory building, structure or use;
- (b) indoor/outdoor target range.

#### **24.4.4 OS-4**

(1) Defined Area

OS-4 as shown on Schedule “A” Map No. 37 to this By-Law.

(2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 24.2, the permitted uses in the OS-4 Zone shall be limited to the following:

- (a) accessory building, structure or use;
- (b) forestry use;
- (c) campground for boy scouts.

#### **24.4.5 OS-5**

(1) Defined Area

OS-5 as shown on Schedule “A” Map No. 63 to this By-Law.

(2) Permitted Uses

Notwithstanding the permitted uses listed in Subsection 24.2, the permitted uses in the OS-5 Zone shall be limited to the following:

- (a) cemetery;
- (b) agricultural use with the exception of related buildings and structures, and farm irrigation ponds.

#### **24.4.6 OS-6**

(1) Defined Area

OS-6 as shown on Schedule “A” Map No. 64 to this By-Law.

(2) Permitted Uses

The following uses are permitted in the OS-6 Zone in addition to the uses specified in Subsection 24.2:

- (a) campground or recreational trailer park.

#### 24.4.7 OS-7

By-law No.  
54-2017

(1) Defined Area

OS-7 as shown on Schedule “A” Map No. 2-3 to this By-Law.

(2) Permitted Use

Notwithstanding the permitted uses listed in Subsection 24.2, the permitted uses of the OS-7 Zone shall be limited to the following:

(b) Existing permitted use

#### 24.4.8 OS-8

2) Defined Area

OS-8 as shown on Schedule “A”, Map 2-5 to this By-law.

2) Regulations

- |                               |     |
|-------------------------------|-----|
| a) Front Yard Depth (minimum) | 5 m |
| b) Side Yard Depth (minimum)  | 2 m |

## SECTION 25. ENVIRONMENTAL PROTECTION (EP) ZONE

### **25.1 SCOPE**

The provisions of this Section shall apply in all Environmental Protection (EP) Zones except as otherwise provided in the Special Provisions Subsection of this Section.

### **25.2 PERMITTED USES**

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

- (1) boat dock or ramp;
- (2) conservation use;
- (3) existing agricultural use;
- (4) wildlife preserve;
- (5) works of a conservation authority.

### **25.3 REGULATIONS**

No person shall, within any Environmental Protection (EP) Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- (1) Other than buildings and structures existing at the date of passing of this By-Law, no buildings or structures are permitted unless for flood control purposes and/or in accordance with the regulations of the Conservation Authority having jurisdiction, or other appropriate government agency. Boat ramps and docks shall require the approval of the Conservation Authority having jurisdiction.

**Note:** *(The following italicized text does not form part of this By-law and is provided for information purposes only):*

*Some of the lands on Schedule "A" to this By-law are subject to the Upper Thames River Conservation Authority (UTRCA) Ontario Regulation No. 157/06 or the Kettle Creek Conservation Authority (KCCA) Regulation No. 181/06. Where development or site works are proposed within a Regulated Area, as shown on schedules filed with the appropriate Conservation Authority, a permit from the Conservation Authority may be required. The appropriate Conservation Authority should be contacted to determine the extent of the Regulated Area. The appropriate Conservation Authority should be consulted before development, including construction, conversion, grading, filling or excavating occurs to determine whether the Authority Regulations apply.*

### **25.4 SPECIAL PROVISIONS**

The following site-specific Zones apply to existing or unique situations that are not the standard "EP" Zone. If a regulation or use is not specified, the permitted uses of Subsection 25.2 and the regulations of Subsection 25.3 shall apply.

#### **25.4.1 EP-1**

- (1) Defined Area

EP-1 as shown on Schedule "A" Map No. 35, 42 and 49 to this By-Law.

- (2) Permitted Uses

The following uses are permitted in the EP-1 Zone in addition to the uses specified in Subsection 25.2:

- (a) private park, provided no buildings or structures shall be permitted except in accordance with Clause (1) of Subsection 25.3.

#### **25.4.2 EP-2**

- (1) Defined Area

EP-2 as shown on Schedule "A" Map No. 44 to this By-Law.

- (2) Permitted Uses

The following uses are permitted in the EP-2 Zone in addition to the uses specified in Subsection 25.2:

- (a) pit.

#### **25.4.3 EP-3**

- (1) Defined Area

EP-3 as shown on Schedule "A" Map No. 2-1 to this By-Law.

- (2) Permitted Uses

The following uses are permitted in the EP-3 Zone in addition to the uses specified in Subsection 25.2:

- (a) golf course, provided no buildings or structures shall be permitted except in accordance with Clause (1) of Subsection 25.3.

#### **25.4.4 (EP-4)**

*By-law 47-2008  
(Addition)*

- (1) Defined Area:

EP-4 as shown on Schedule "A", Map 58 to this By-law

(2) Permitted Uses:

The following use is permitted in the EP-4 Zone in addition to all other uses specified in Section 25.2:

- (a) outdoor paintball play area

(3) Definition:

The term, “outdoor paintball play area”, means the use of land for the purpose of accommodating the area of an outdoor paintball facility, including roped boundary demarcations and temporary obstacles, but does not include parking, equipment storage or management offices accessory to an outdoor paintball facility.

(4) Regulations:

Notwithstanding the provisions of Section 25.3, temporary structures used as obstacles related to the playing of paintball that occupy an area no larger than 9 square metres each and are without a roof, shall be permitted within the EP-4 Zone.

## SECTION 26. WETLAND (W) ZONE

---

### 26.1 **SCOPE**

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

### 26.2 **PERMITTED USES**

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

- (1) conservation use;
- (2) wildlife preserve;
- (3) works of a conservation authority.

### 26.3 **REGULATIONS**

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

- (1) No buildings or structures are permitted unless for flood control purposes in accordance with the regulations of the Conservation Authority having jurisdiction or appropriate government agency.

**Note:** *(The following italicized text does not form part of this By-law and is provided for information purposes only):*

*Some of the lands on Schedule "A" to this By-law are subject to the Upper Thames River Conservation Authority (UTRCA) Ontario Regulation No. 157/06 or the Kettle Creek Conservation Authority (KCCA) Regulation No. 181/06. Where development or site works are proposed within a Regulated Area, as shown on schedules filed with the appropriate Conservation Authority, a permit from the Conservation Authority may be required. The appropriate Conservation Authority should be contacted to determine the extent of the Regulated Area. The appropriate Conservation Authority should be consulted before development, including construction, conversion, grading, filling or excavating occurs to determine whether the Authority Regulations apply.*

### 26.4 **SPECIAL PROVISIONS**

The following site-specific Zones apply to existing or unique situations that are not the standard "W" Zone. If a regulation or use is not specified, the permitted uses of Subsection 26.2 and the regulations of Subsection 26.3 shall apply.

#### 26.4.1 **W-1**

(1) Defined Area

W-1 as shown on Schedule “A” Map No. 49 to this By-Law.

(2) Permitted Uses

The following uses are permitted in the EP-4 Zone in addition to the uses specified in Subsection 26.2:

- (a) Private park, provided no buildings or structures shall be permitted except in accordance with Clause (1) of Subsection 26.3.

## SECTION 27. FUTURE DEVELOPMENT (FD) ZONE

---

### **27.1 SCOPE**

The provisions of this Section shall apply in all Future Development (FD) Zones except as otherwise provided in the Special Provisions Subsection of this Section.

### **27.2 PERMITTED USES**

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

- (1) existing permitted use.

### **27.3 REGULATIONS**

No person shall, within any Future Development (FD) Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- (1) The minimum lot area and frontage, front, side and rear yard requirements, the maximum lot coverage and building height shall remain as they lawfully existed as of the day of the passing of this By-Law.
- (2) Clause (1) above shall not apply to prevent the erection or alteration of dwellings or the erection or alteration of buildings accessory thereto in compliance with the regulations of Section 9.
- (3) Dwelling Units Per Lot (maximum) 1 only

### **27.4 SPECIAL PROVISIONS**

The following site-specific Zones apply to existing or unique situations that are not the standard “FD” Zone. If a regulation or use is not specified, the permitted uses of Subsection 27.2 and the regulations of Subsection 27.3 shall apply.

#### **27.4.1 FD-1**

- (1) Defined Area

FD-1 as shown on Schedule “A” Map No. 2-5 to this By-Law.

(2) Permitted Uses

The following uses are permitted in the FD-1 Zone in addition to the uses specified in Subsection 27.2:

- (a) accessory building, structure or use;
- (b) single detached dwelling.

(3) The uses permitted under clause (2) above shall be subject to the regulations of the R1 Zone.

(4) Note: Lands within the FD-1 Zone are within a designated Well Head Protection Area. See the Municipality of Thames Centre Official Plan for study requirements and special restrictions.

**27.4.2 FD-2**

(1) Defined Area

FD-2 as shown on Schedule “A” Map No. 42 to this By-Law.

(2) Permitted Uses

The following uses are permitted in the FD-2 Zone in addition to the uses specified in Subsection 27.2:

- (a) accessory building, structure or use;
- (b) contractor’s yard or shop;
- (c) single detached dwelling.

**27.4.3 FD-3**

(1) Defined Area

FD-3 as shown on Schedule “A” Map No. 2-5 to this By-Law.

Note: Lands within the FD-3 Zone are within a designated Area of High Susceptibility and/or Well Head Protection Area. See the Municipality of Thames Centre Official Plan for study requirements and special restrictions.

**27.4.4 FD-4**

*By-law 93-2015  
(Addition)*

(1) Defined Area

FD-4 as shown on Schedule “A” Map No. 13 to this By-Law.

(2) Permitted Uses

Uses existing as of the day of the passing of this By-law.

(3) Regulations

(a) Lot Area (minimum) 3.5 ha”

*By-law 11-2016*

*(Addition)* **27.4.5 FD-5**

(1) Defined Area

FD-5 as shown on Schedule “A”, Map 2-2 to this By-law

(2) Regulations

(a) Lot Area (minimum) 4.25 ha”

**27.4.6 FD-6**

(1) Defined Area

FD-6 as shown on both Schedule “A”, Map 2-2 to this By-law and on Schedule “A”, Map 2-3 to this By-law.

(2) Regulations

(a) Lot Area (minimum) 0.98 ha

(b) Lot Frontage (minimum) 123 m”

*By-law No.*

*20-2017*

*(Addition)*

*By-law No.*

*54-2017*

*Amendment*

*By-law No.*

*16-2018*

*Amendment*

**27.4.7 FD-7**

(1) Defined Area

FD-7 as shown on both Schedule “A”, Map 27 to this By-law

(2) Regulations

(a) Lot Area (minimum) 5.5 ha

(b) Lot Frontage (minimum) 95 m

*By-law No.*

*66-2017*

*(Addition)*

## **27.5 TEMPORARY USES**

*By-law # 4-2007  
(addition)*

The following site-specific temporary use Zones apply to existing or unique situations where a specific use is permitted on a temporary basis, and are not the standard “FD” Zone. If a regulation or use is not specified, the permitted uses of Subsection 27.2 and the regulations of Subsections 27.3 shall apply. All permitted uses listed in this subsection shall only be permitted until the expiry date listed for each such use, at which time the use is no longer permitted and shall be removed.

## SECTION 28. ENACTMENT

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### **28.1 CONFLICT WITH OTHER BY-LAWS**

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

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

All previous by-laws of the Corporation of the Municipality of Thames Centre passed pursuant to Section 34 of the Planning Act are hereby repealed.

### **28.3 EFFECTIVE DATE**

This By-law shall come into force on the date it is passed by Council subject to the provisions of the Planning Act, 1990, as amended.

**READ A FIRST AND SECOND TIME THIS 11<sup>th</sup> DAY OF SEPTEMBER, 2006.**

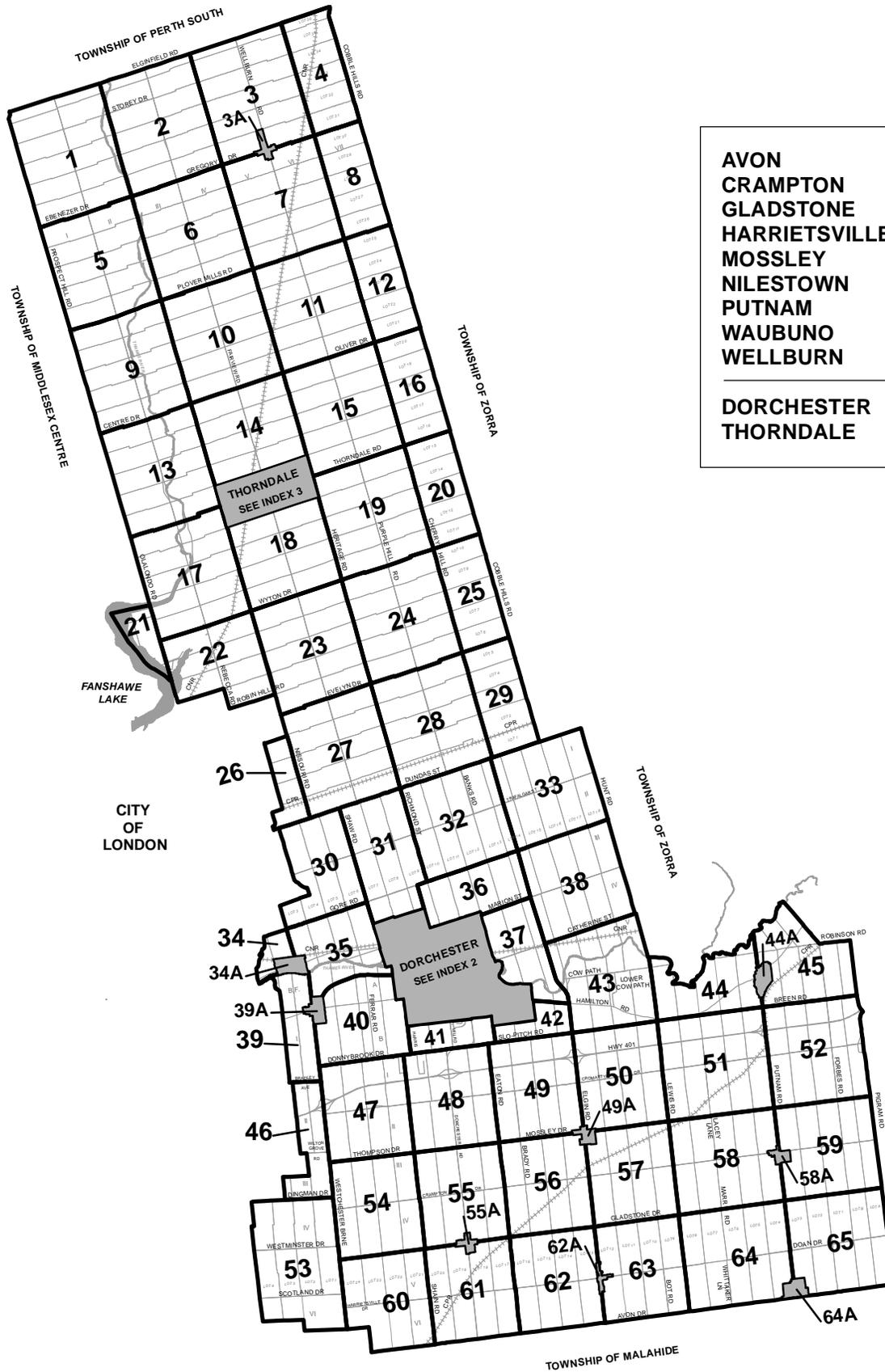
\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

**READ A THIRD TIME AND FINALLY PASSED AND SEALED THIS 11<sup>th</sup> DAY OF SEPTEMBER, 2006.**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk



AVON	64A
CRAMPTON	58A
GLADSTONE	55A
HARRIETSVILLE	62A
MOSSLEY	49A
NILESTOWN	39A
PUTNAM	44A
WAUBUNO	34A
WELLBURN	3A
<hr/>	
DORCHESTER	SEE INDEX 2
THORNDALE	SEE INDEX 3

OFFICE CONSOLIDATION - JULY 2012



# MUNICIPALITY OF THAMES CENTRE

ZONING BY-LAW NO. 75-2006



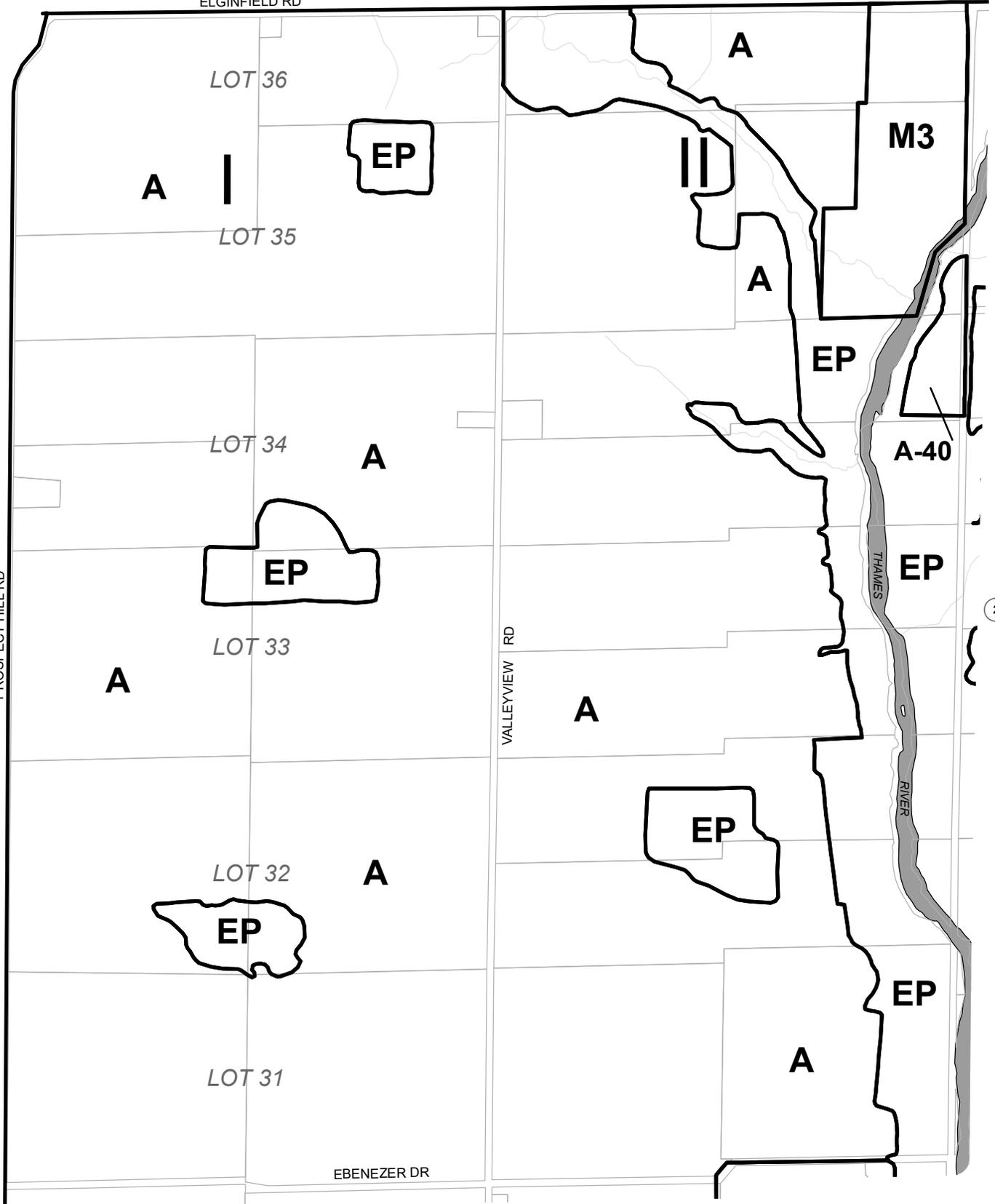
SCHEDULE A  
**INDEX 1**

TOWNSHIP OF MIDDLESEX CENTRE

PROSPECT HILL RD

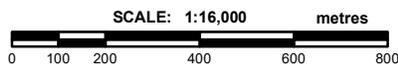
VALLEYVIEW RD

EBENEZER DR



**MUNICIPALITY OF THAMES CENTRE**

ZONING BY-LAW NO. 75-2006

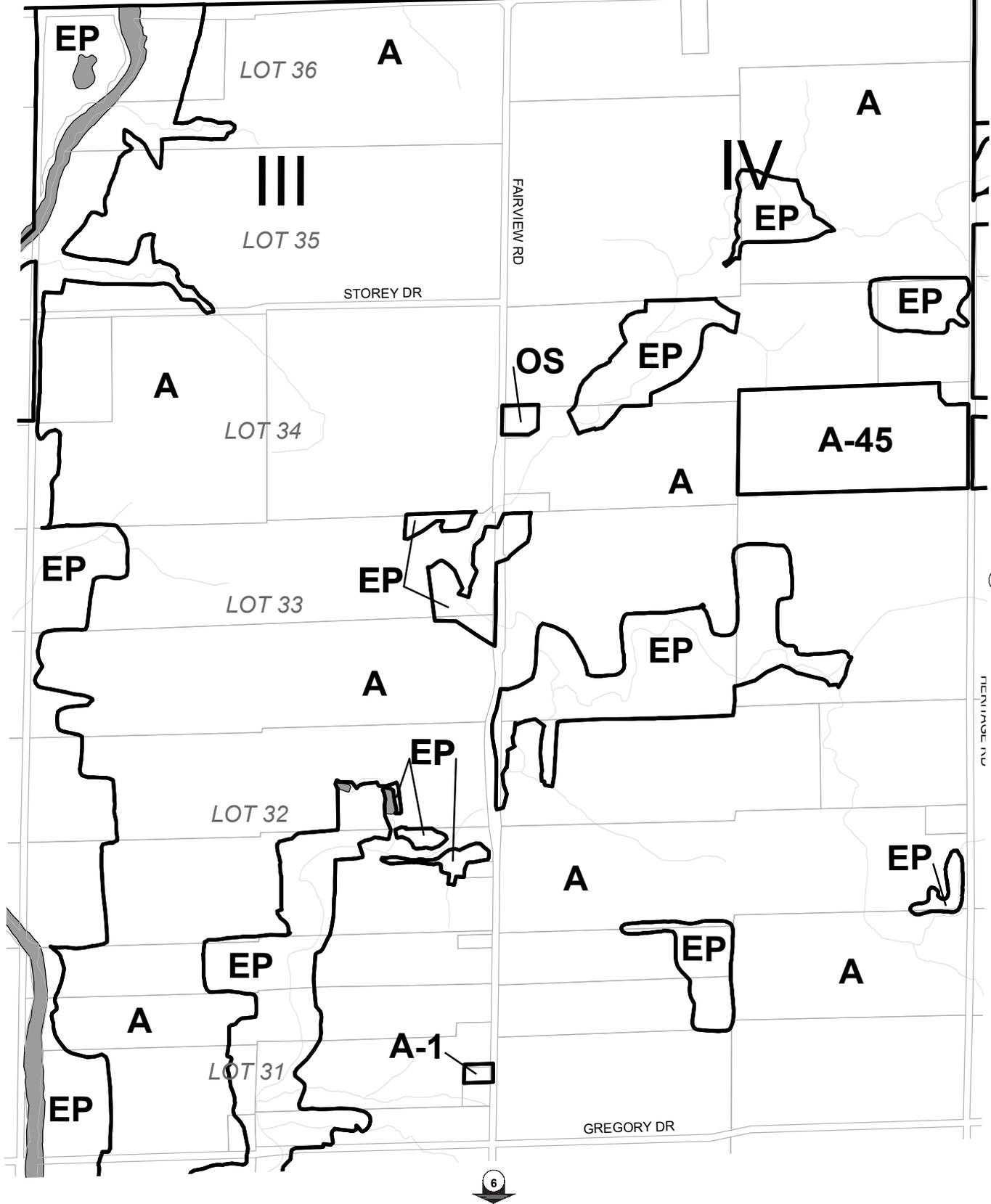


SCHEDULE A  
MAP NO.

**1**

ELGINFIELD RD

HIGHWAY 7



**MUNICIPALITY OF THAMES CENTRE**

ZONING BY-LAW NO. 75-2006



SCHEDULE A  
MAP NO.

**2**

ELGINFIELD RD

CHERRY HILL RD

WELLBURN RD

HERITAGE RD

C.M.R.

GREGORY DR

WELLBURN  
SEE MAP 3A

T-A-9 02-13-2026

LOT 36

LOT 35

LOT 34

LOT 33

LOT 32

LOT 31

VI

A

A

A-45

A

EP

A

A

M2

A-45

A-45

A-45

A-45

A-45

A-45

EP

EP

A

A

HERITAGE RD

A

A

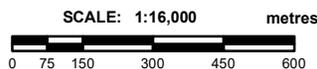
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A



MUNICIPALITY OF THAMES CENTRE

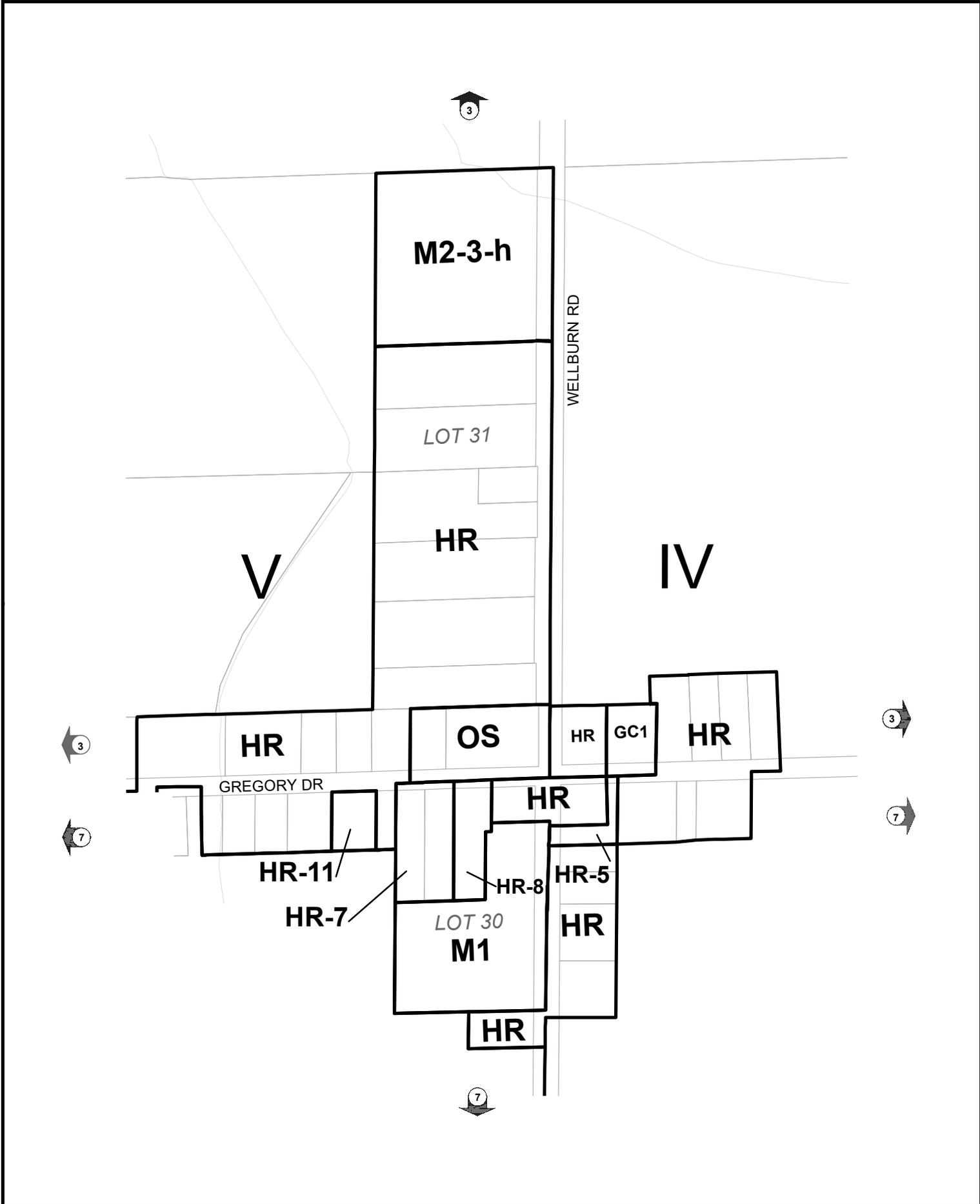
ZONING BY-LAW NO. 75-2006



SCHEDULE A  
MAP NO.

3





**MUNICIPALITY OF THAMES CENTRE**

ZONING BY-LAW NO. 75-2006

SCALE: 1:5,000 metres

0 30 60 120 180 240



SCHEDULE A  
MAP NO.  
**3A**

TOWNSHIP OF PERTH SOUTH

ELGINFIELD RD

HIGHWAY 7

LOT 36

VII

A

LOT 35

A-45

LOT 34

A-2

AGC-7

A

LOT 33

CHERRY HILL RD

C.N.R.

COBBLE HILLS RD

TOWNSHIP OF ZORRA

EP

LOT 32

EP

LOT 31

EP

A

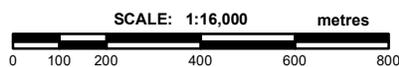
GREGORY DR

DR



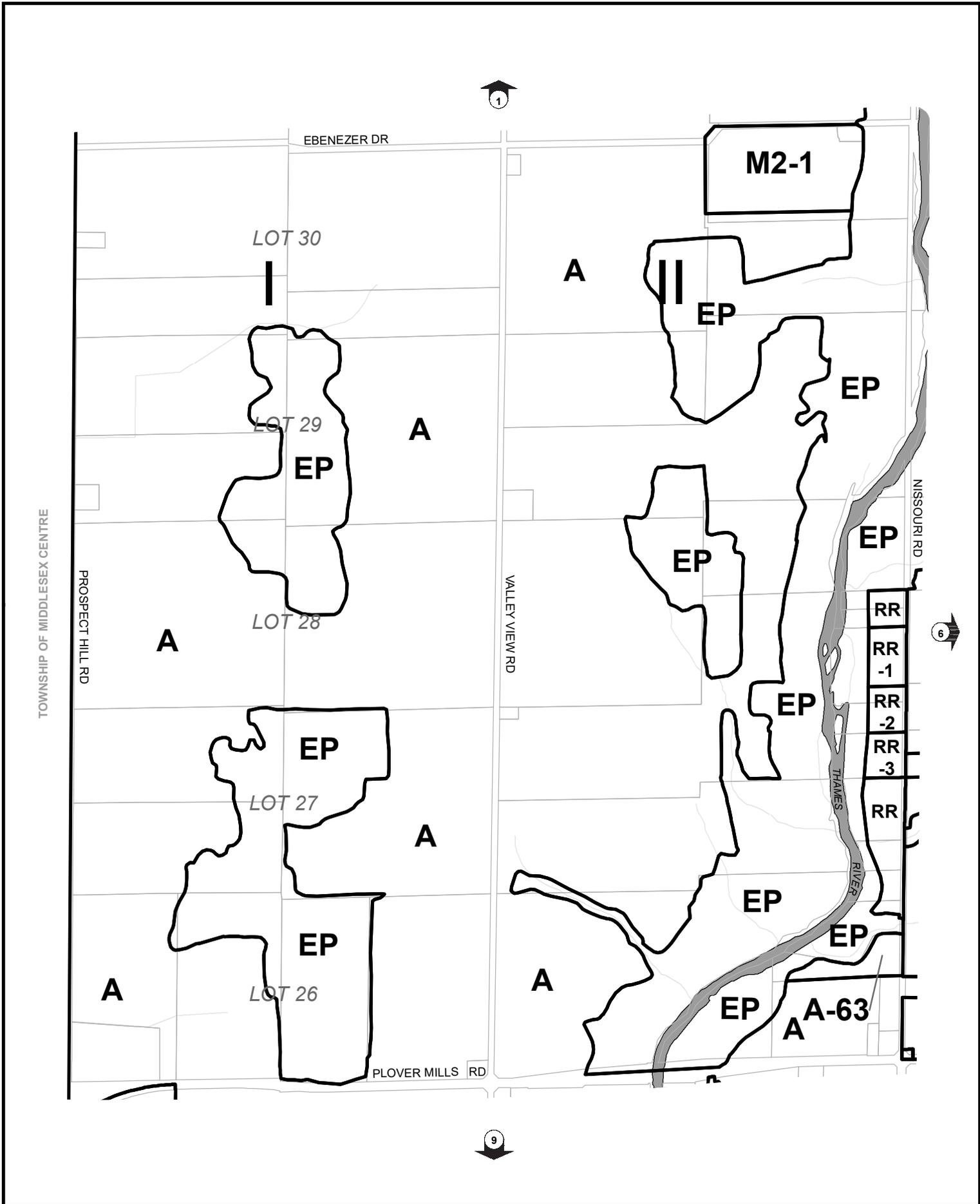
MUNICIPALITY OF THAMES CENTRE

ZONING BY-LAW NO. 75-2006



SCHEDULE A  
MAP NO.

4



**MUNICIPALITY OF THAMES CENTRE**

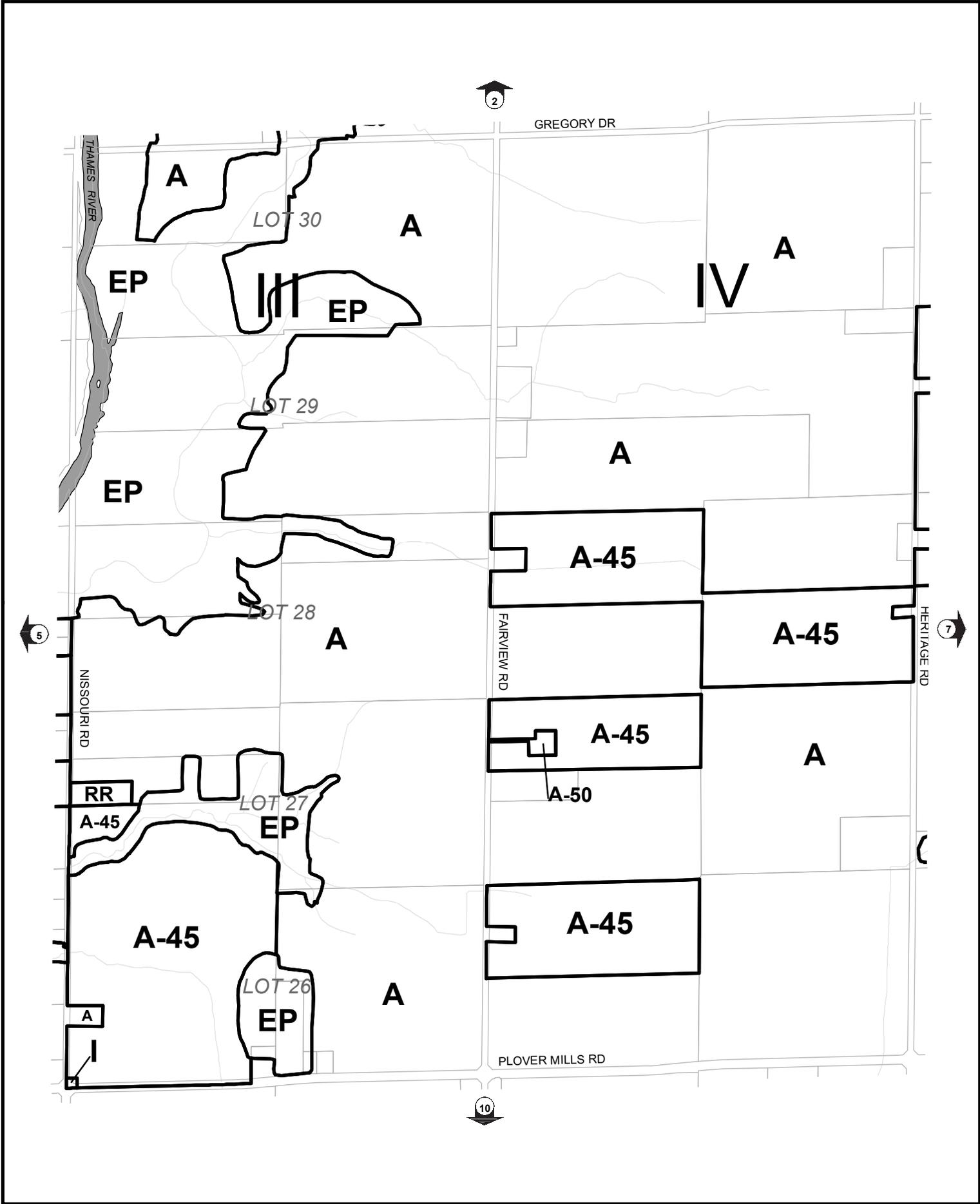
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**5**

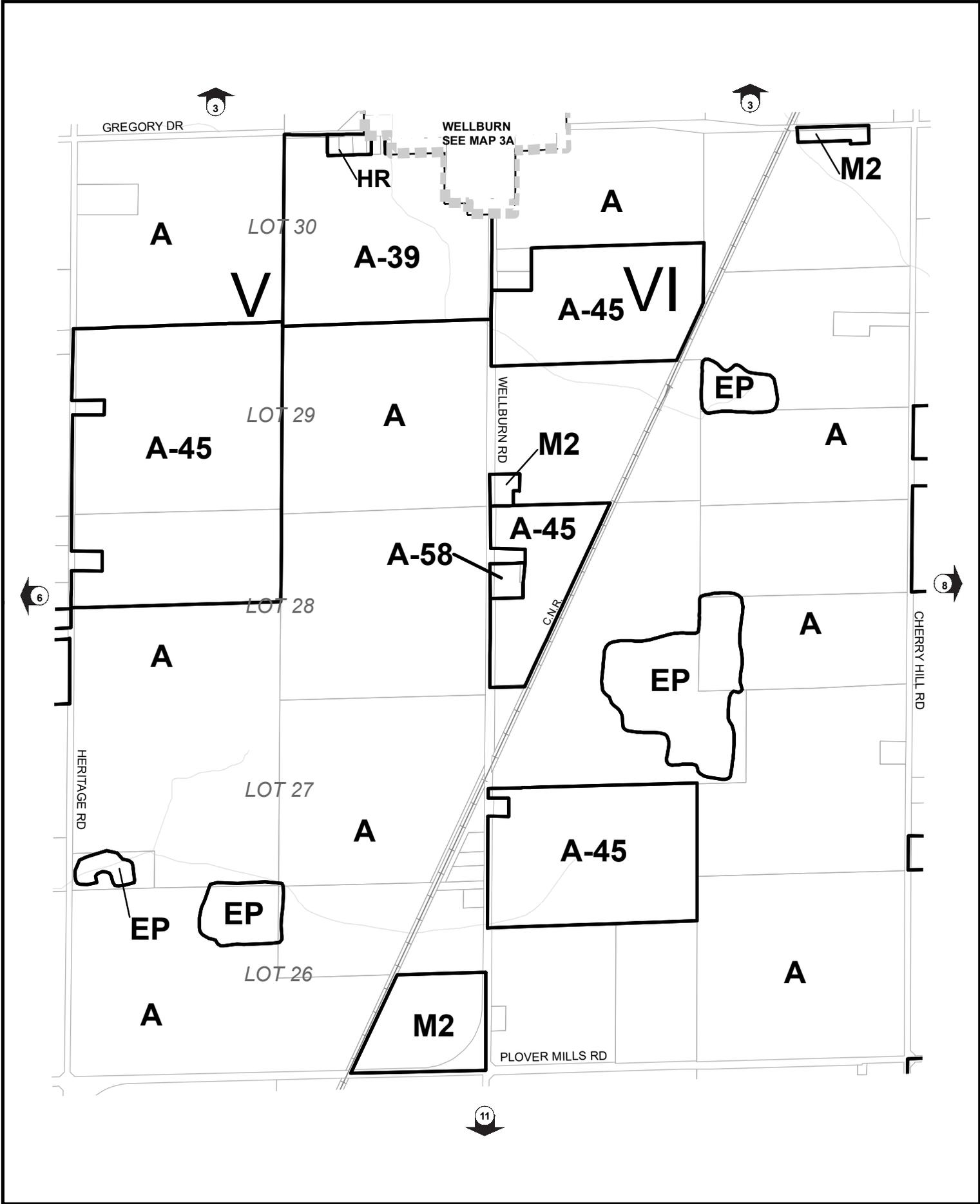


**MUNICIPALITY OF THAMES CENTRE**  
 ZONING BY-LAW NO. 75-2006

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**SCHEDULE A**  
**MAP NO.**  
**6**

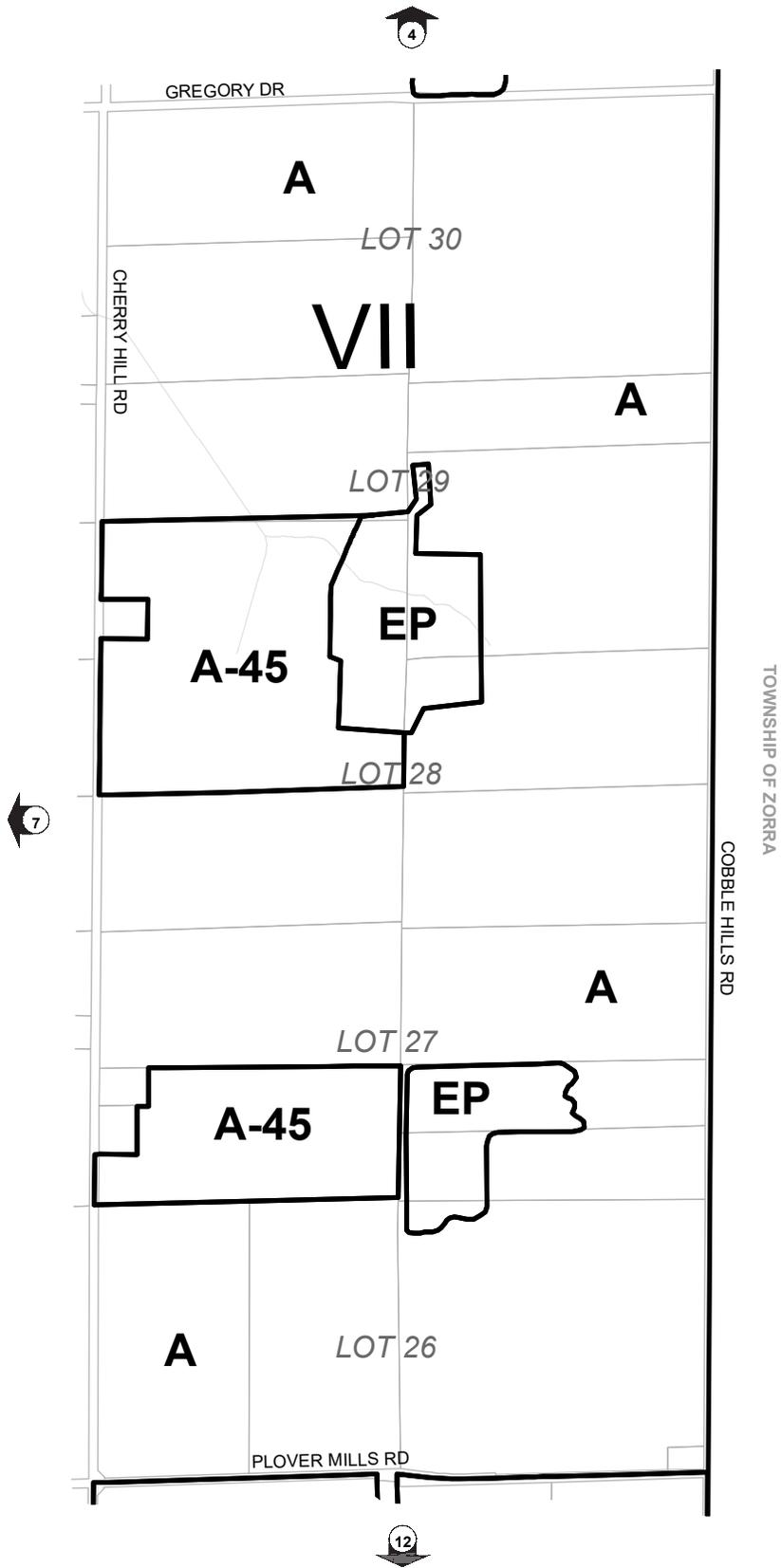


**MUNICIPALITY OF THAMES CENTRE**  
 ZONING BY-LAW NO. 75-2006

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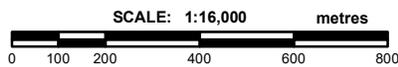


**SCHEDULE A**  
**MAP NO.**  
**7**



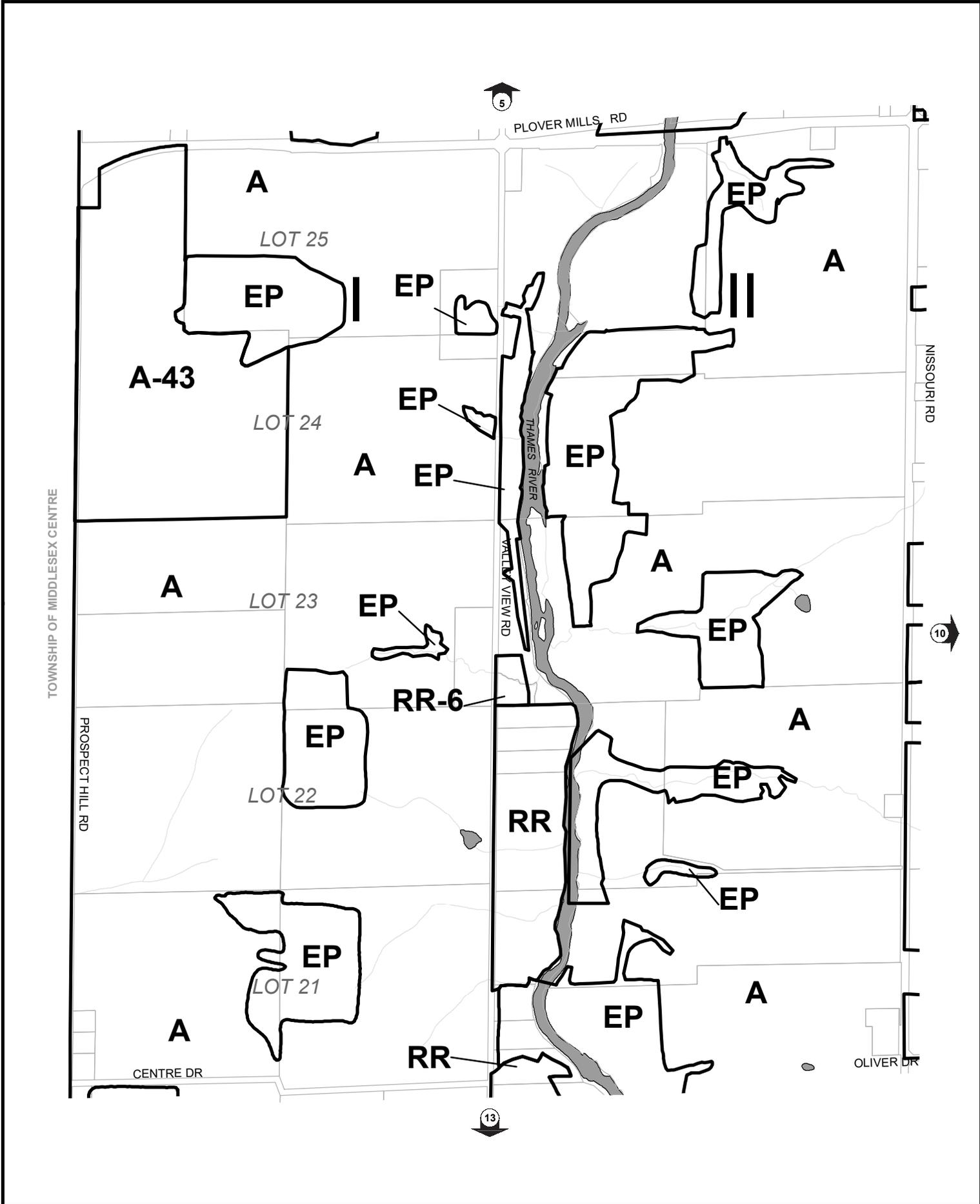
**MUNICIPALITY OF THAMES CENTRE**

ZONING BY-LAW NO. 75-2006



SCHEDULE A  
MAP NO.

**8**



**MUNICIPALITY OF THAMES CENTRE**

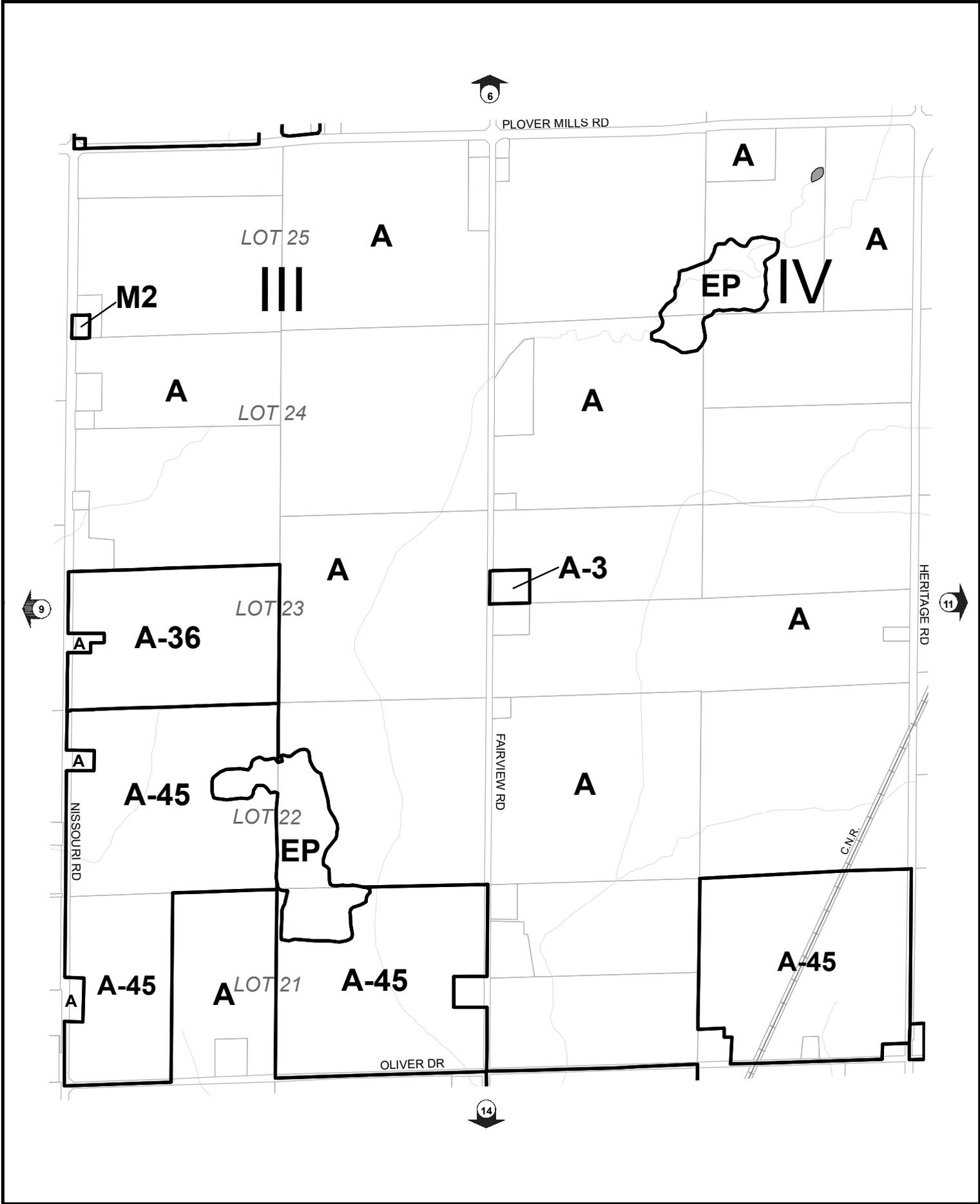
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**SCHEDULE A**  
MAP NO.  
**9**



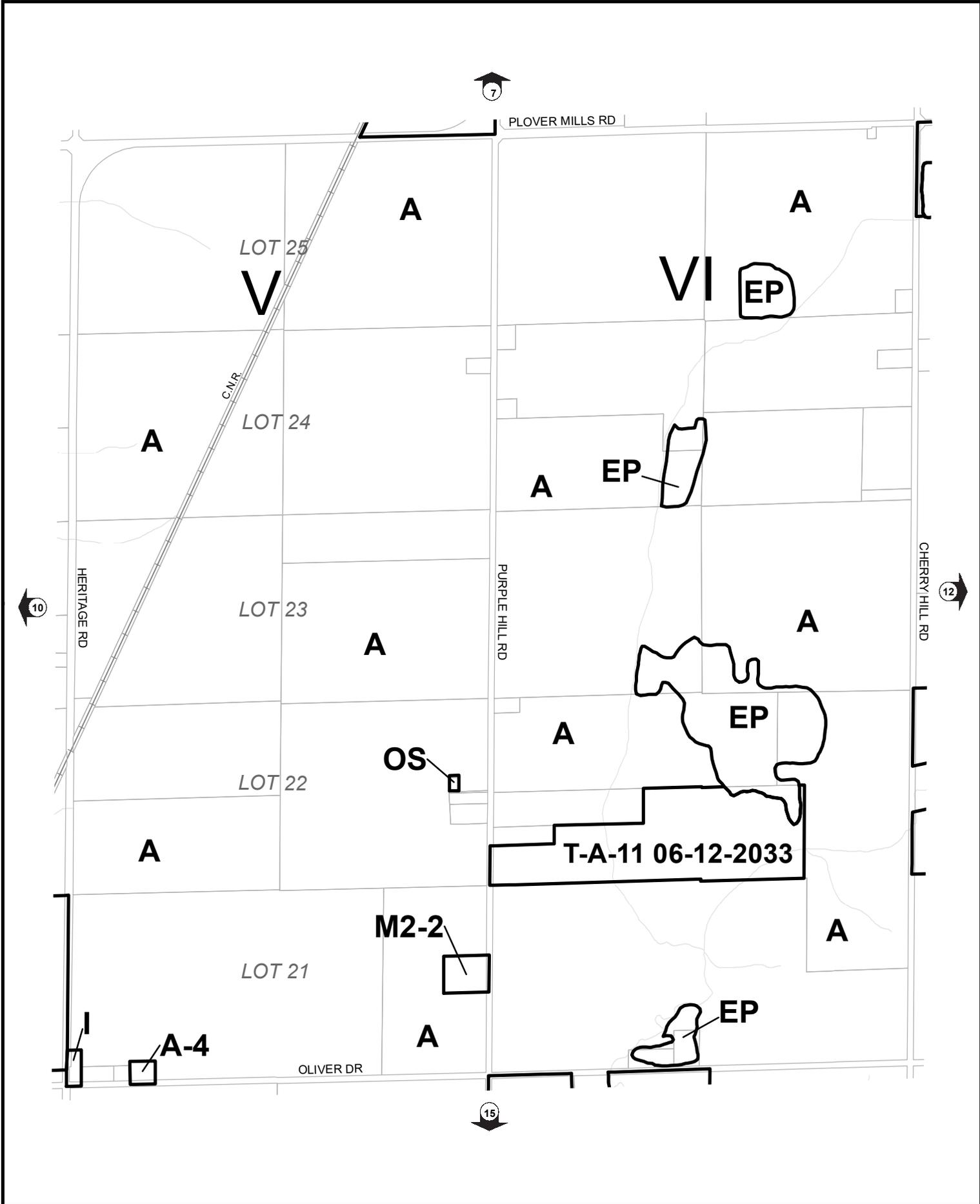
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ZONING BY-LAW NO. 75-2006

SCALE: 1:16,000 metres



**SCHEDULE A**  
MAP NO.  
**10**



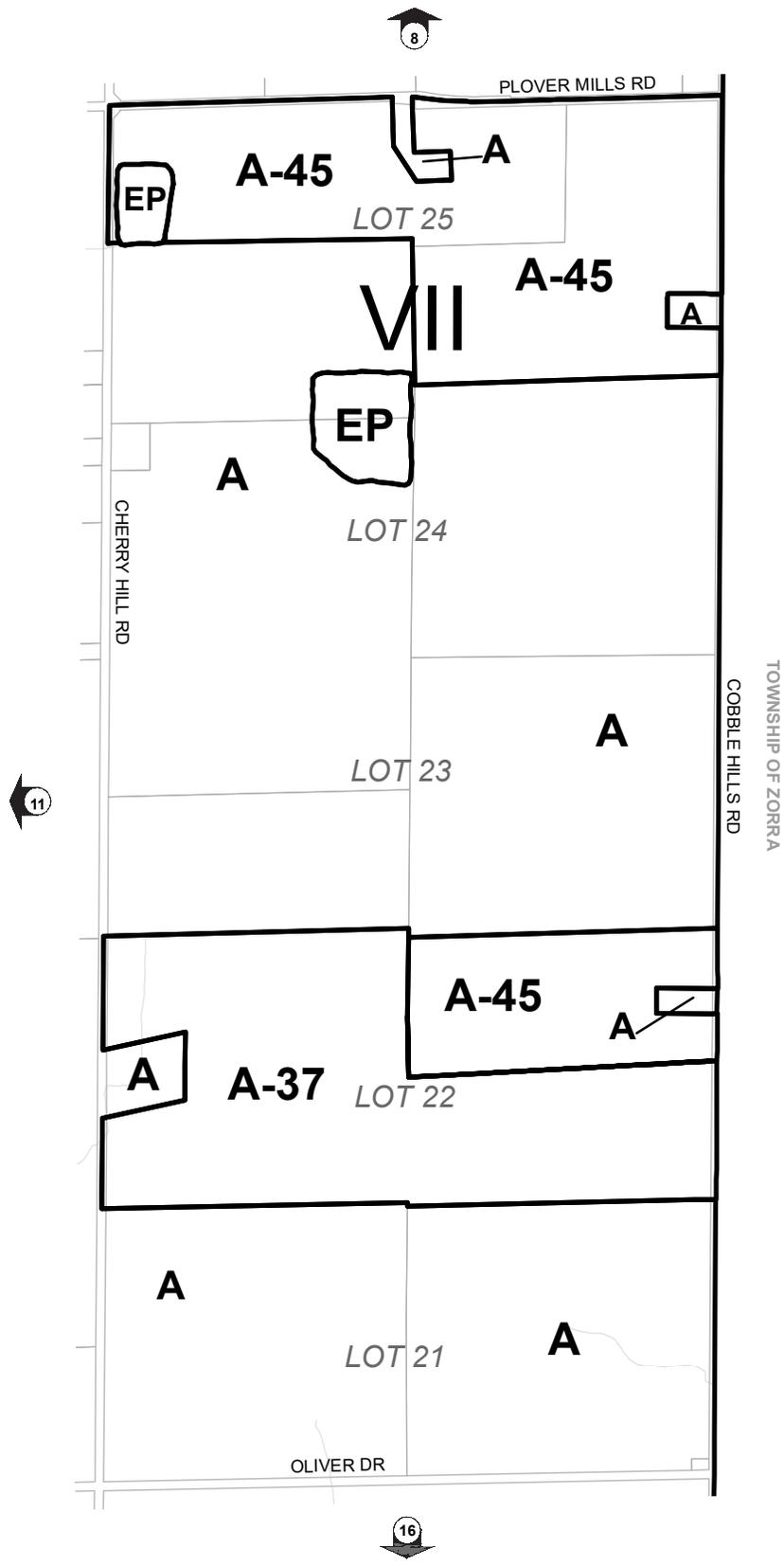
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ZONING BY-LAW NO. 75-2006

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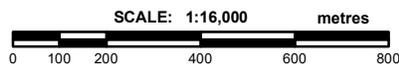


SCHEDULE A  
MAP NO.  
**11**



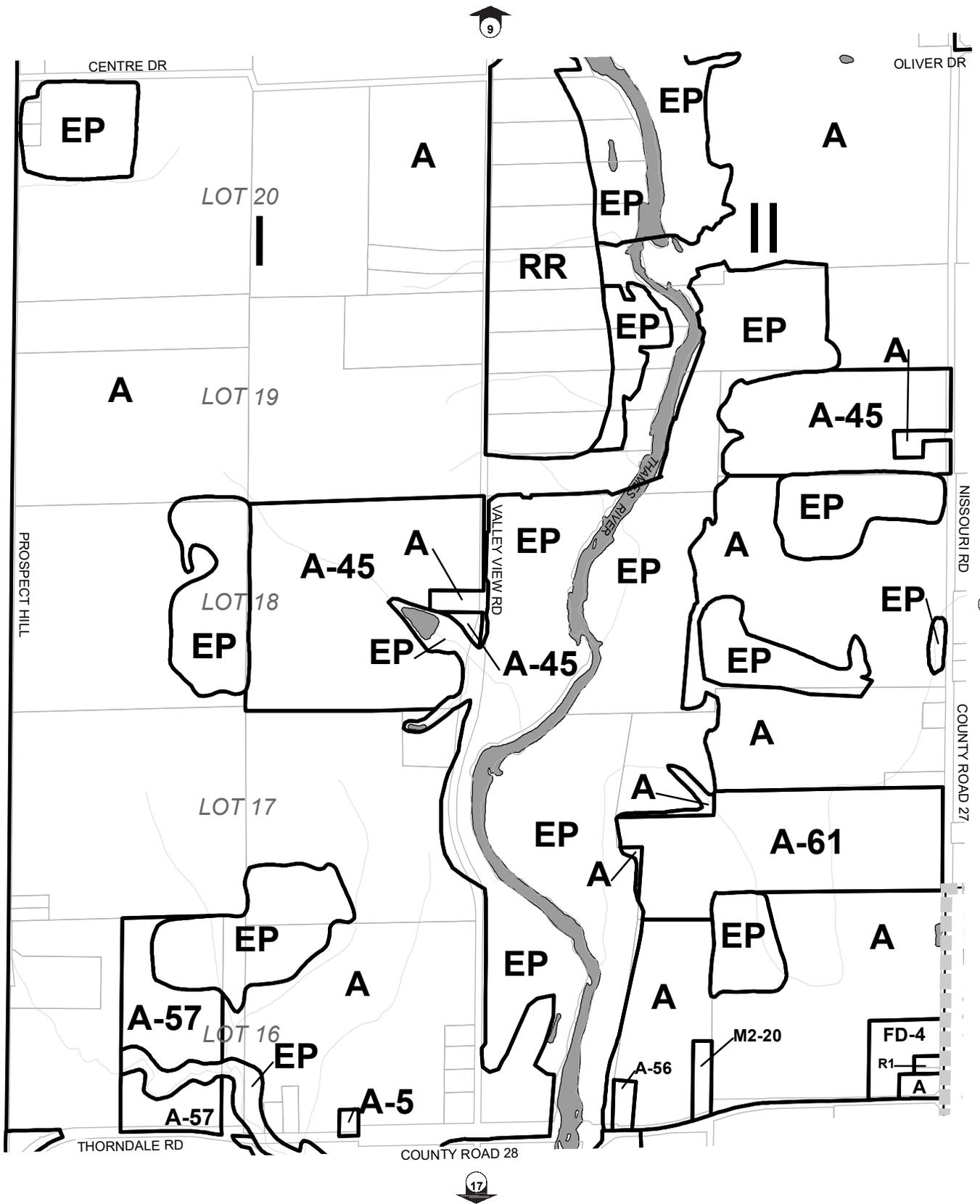
**MUNICIPALITY OF THAMES CENTRE**

ZONING BY-LAW NO. 75-2006



SCHEDULE A  
MAP NO.

**12**



**MUNICIPALITY OF THAMES CENTRE**

ZONING BY-LAW NO. 75-2006

SCALE: 1:16,000 metres



SCHEDULE A  
MAP NO.

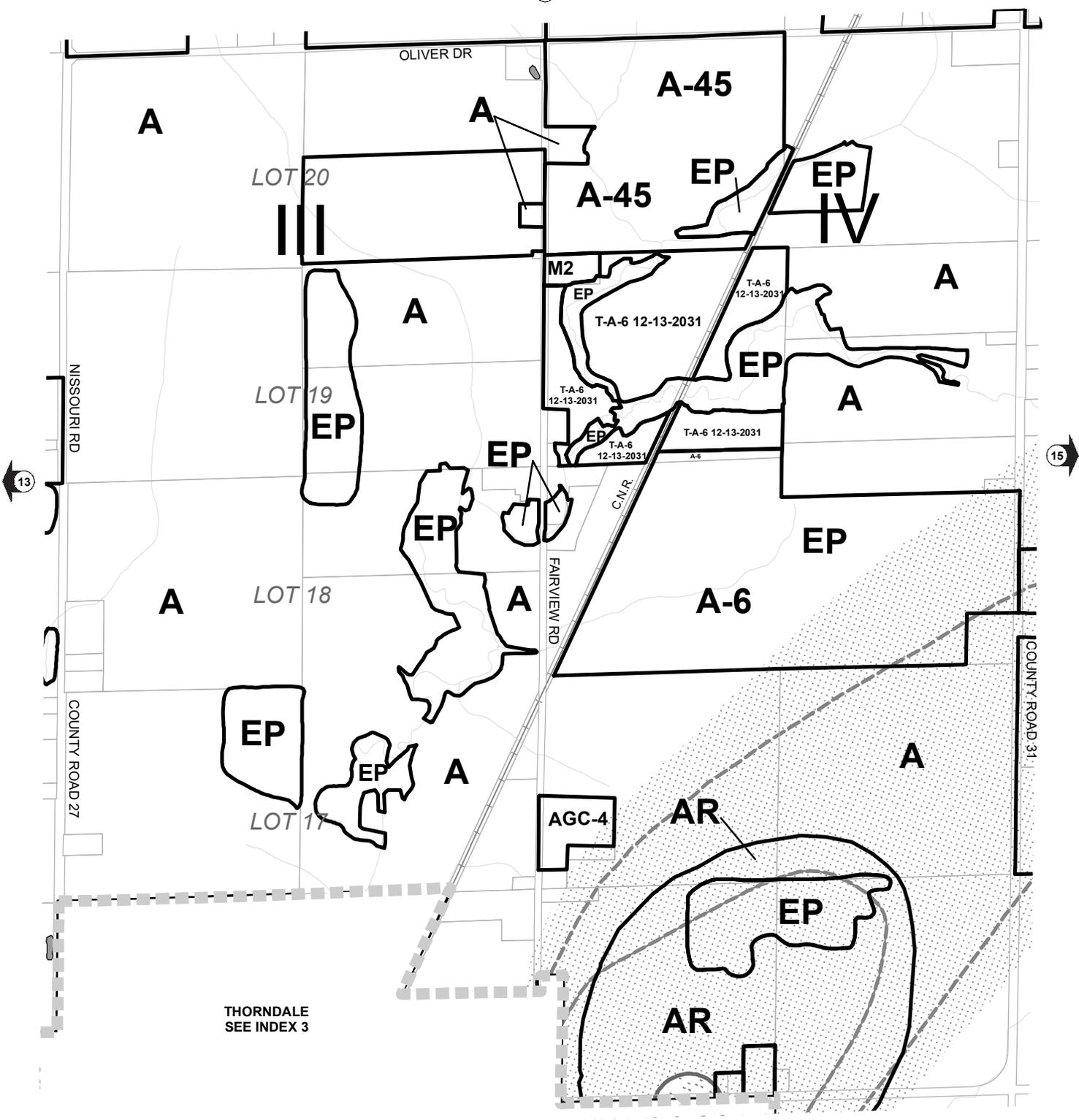
**13**

Wellhead Protection Area

- WHPAA
- WHPA B
- WHPA C
- WHPA D

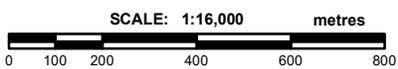
Vulnerability Score

- 10
- 8
- 6 or less



**MUNICIPALITY OF THAMES CENTRE**

ZONING BY-LAW NO. 75-2006



SCHEDULE A  
MAP NO.

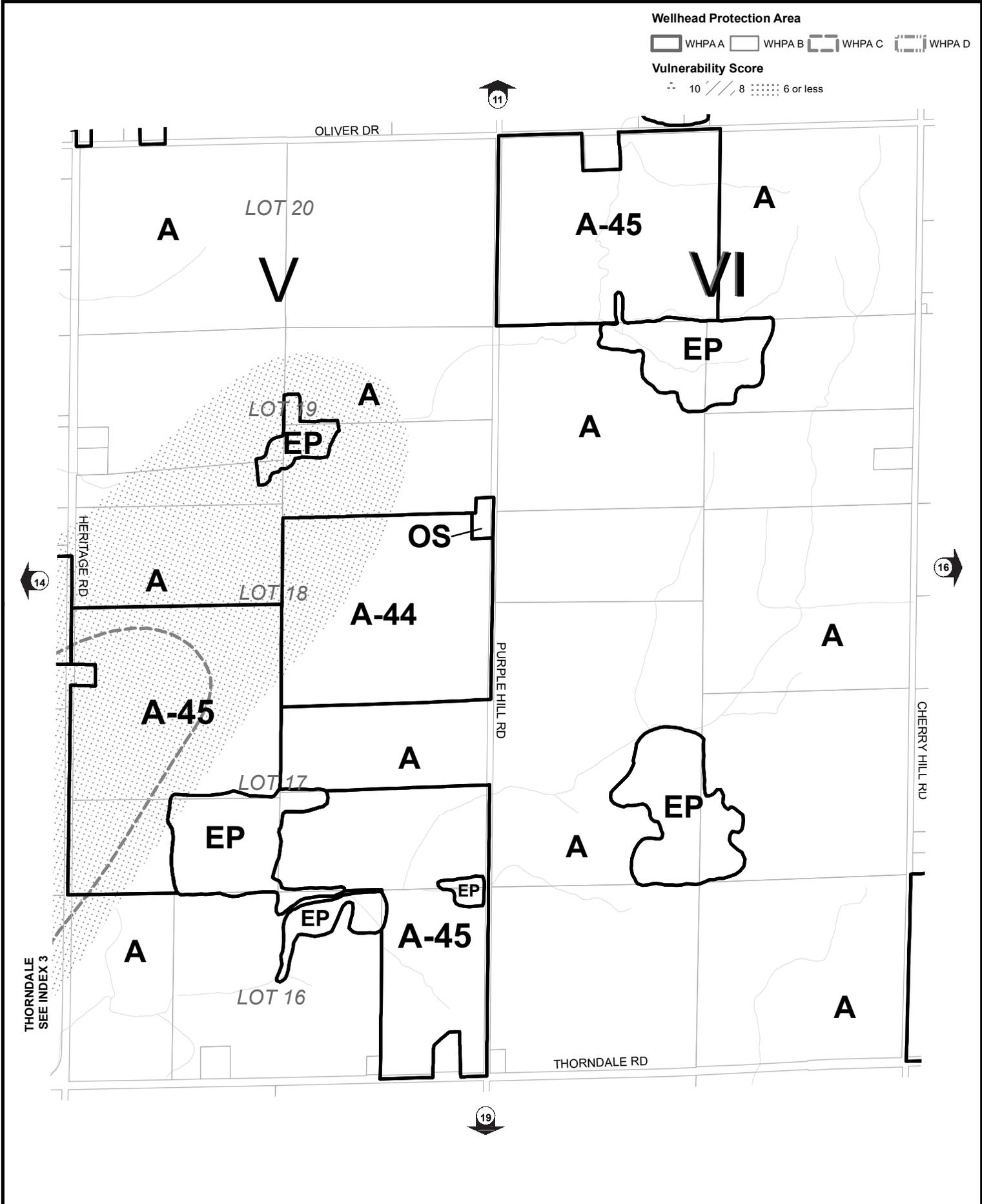
**14**

Wellhead Protection Area

WHPAA WHPA B WHPA C WHPA D

Vulnerability Score

10 8 6 or less



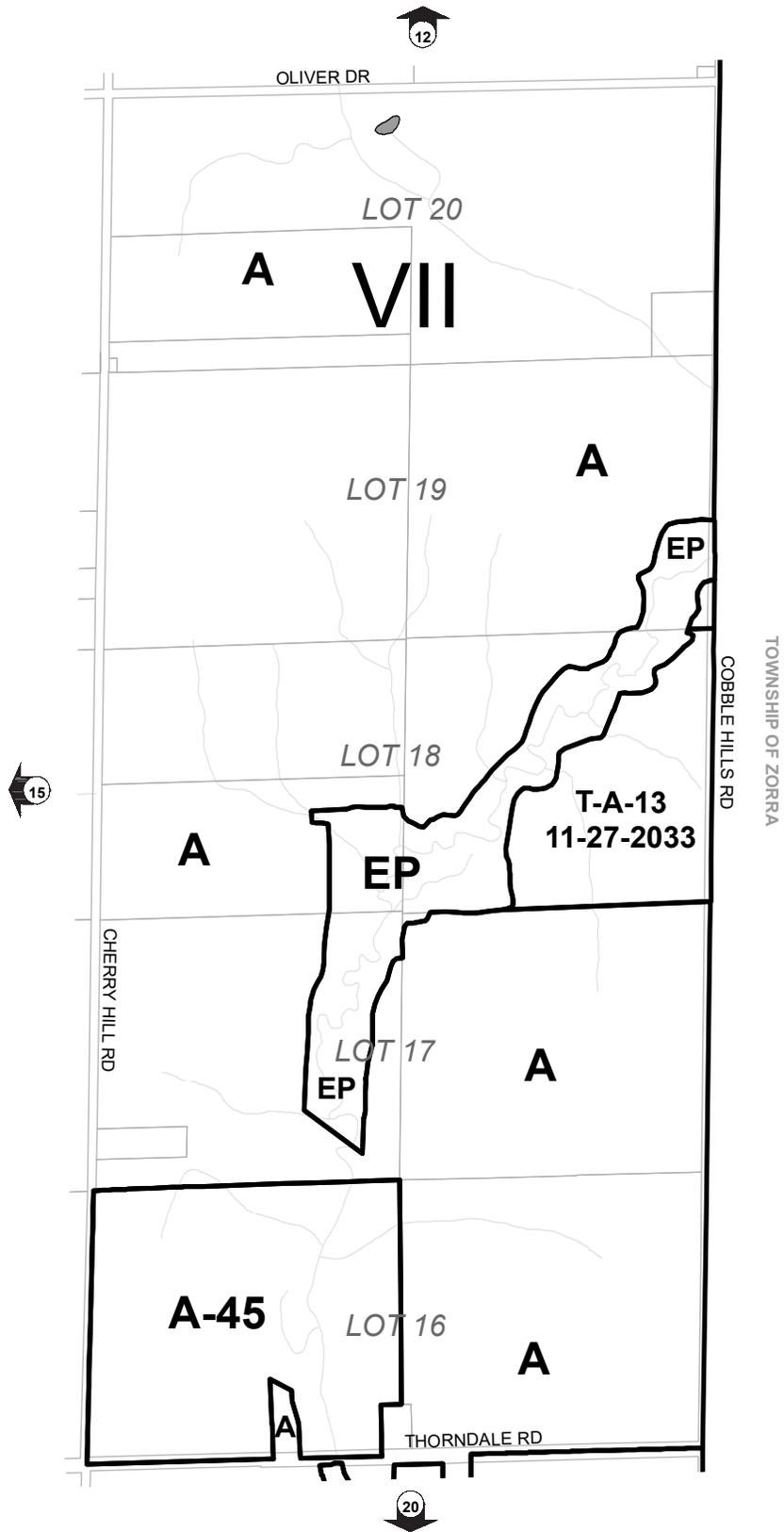
MUNICIPALITY OF THAMES CENTRE

ZONING BY-LAW NO. 75-2006



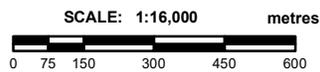
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MAP NO.

15



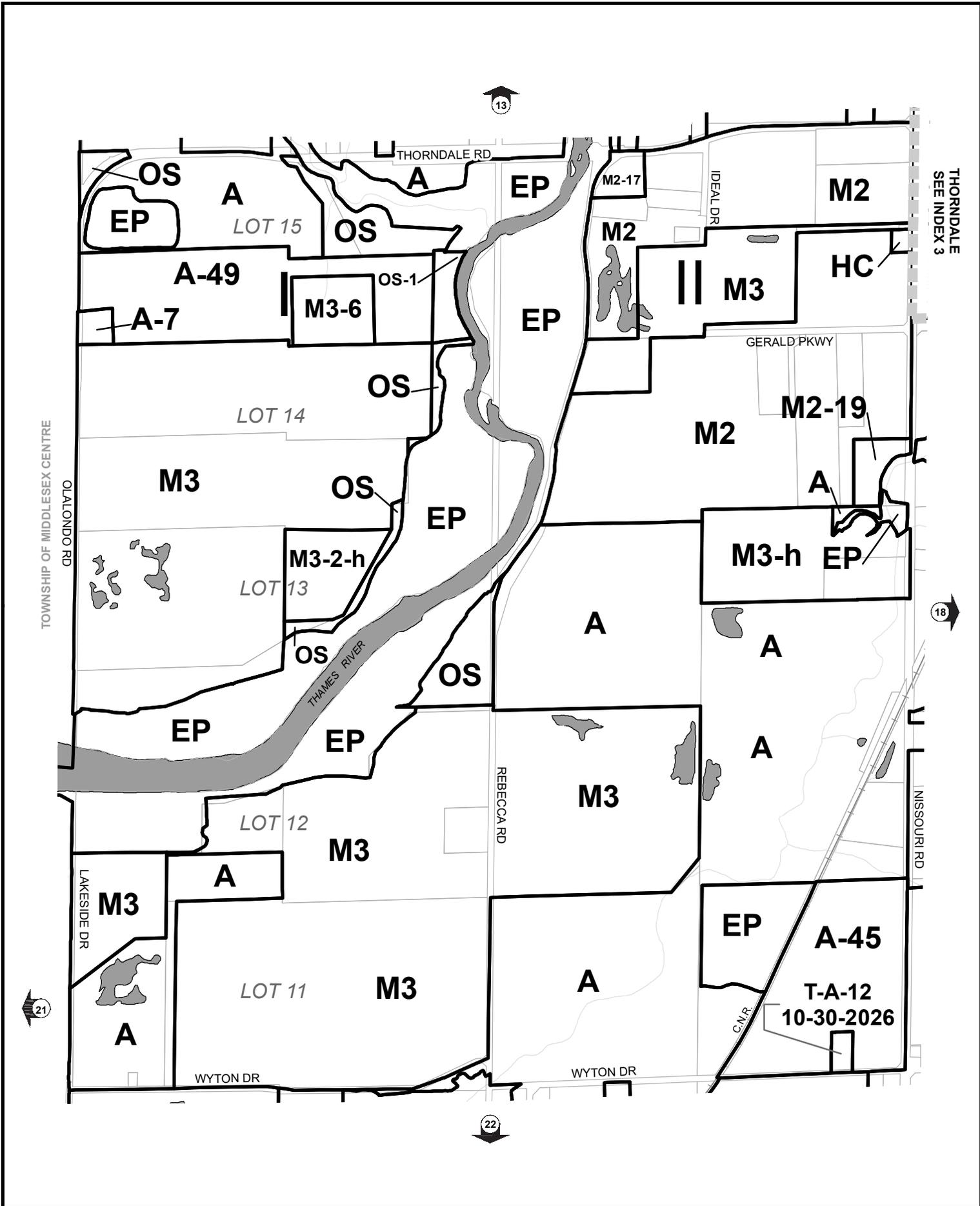
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ZONING BY-LAW NO. 75-2006



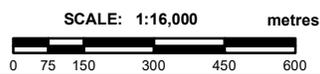
SCHEDULE A  
MAP NO.

**16**



**MUNICIPALITY OF THAMES CENTRE**

ZONING BY-LAW NO. 75-2006



SCHEDULE A  
MAP NO.

**17**

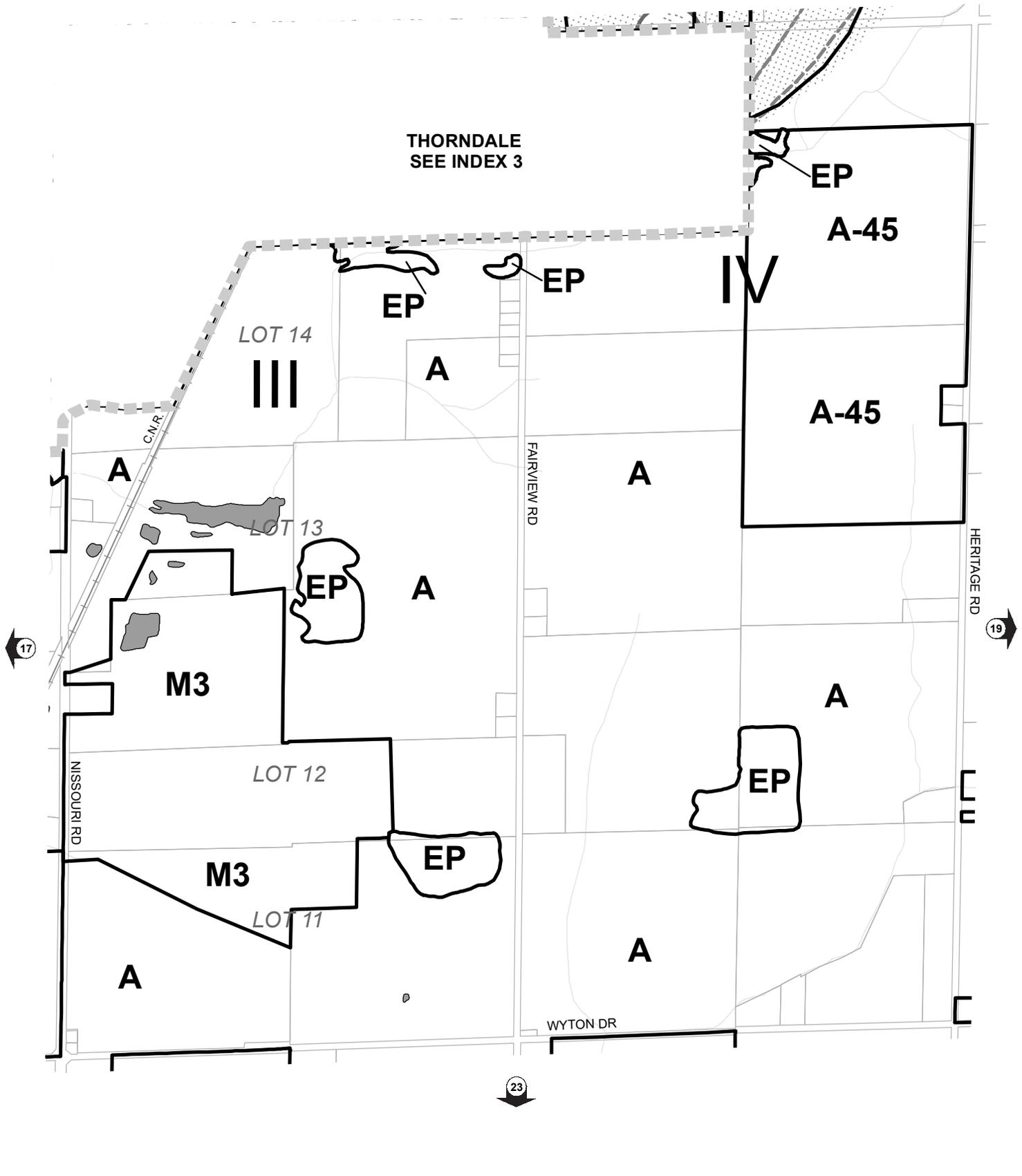
**Wellhead Protection Area**

WHPAA 
  WHPA B 
  WHPA C 
  WHPA D

**Vulnerability Score**

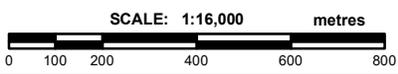
10 
  8 
  6 or less

THORNDALE  
SEE INDEX 3



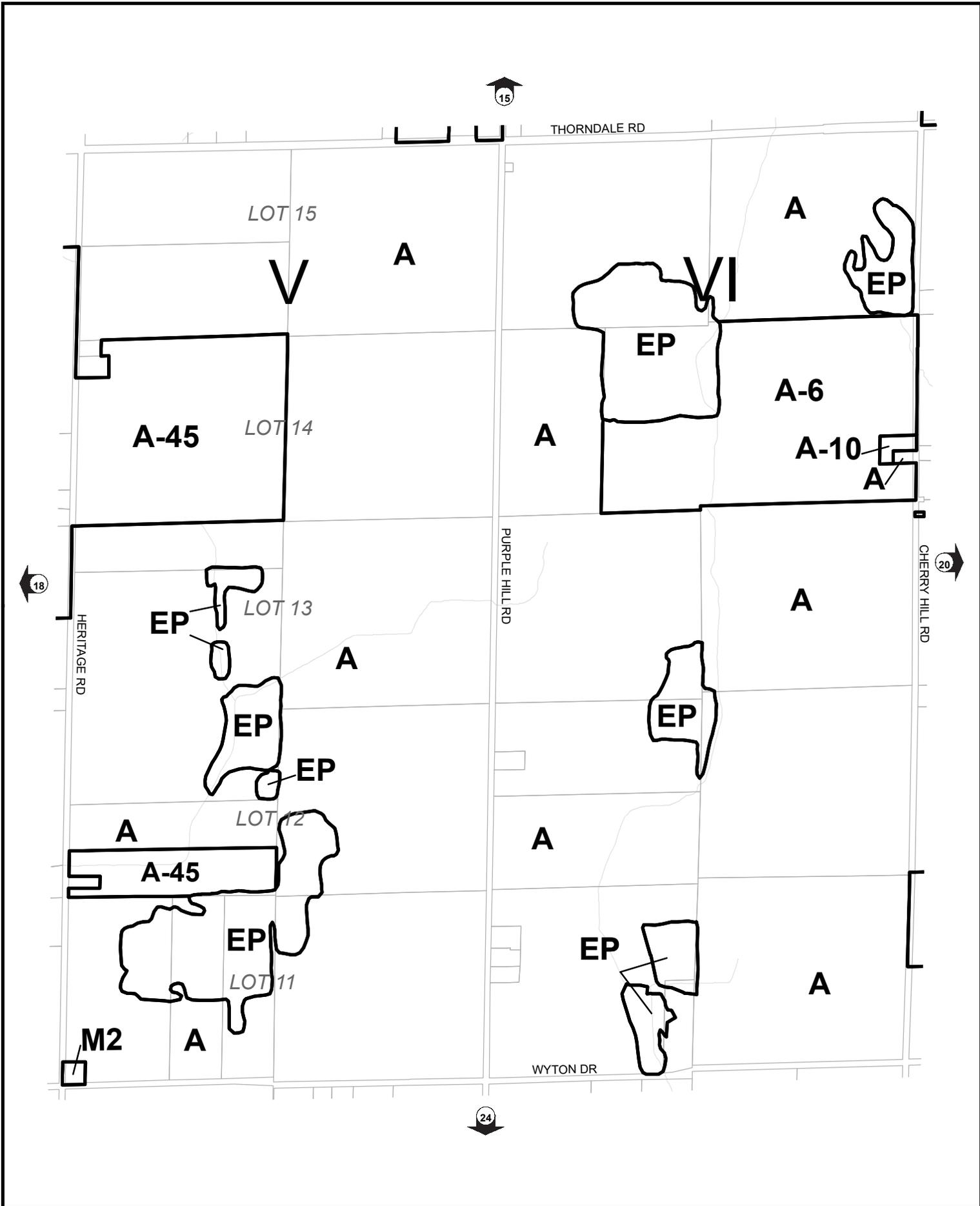
**MUNICIPALITY OF THAMES CENTRE**

ZONING BY-LAW NO. 75-2006



SCHEDULE A  
MAP NO.

**18**



**MUNICIPALITY OF THAMES CENTRE**

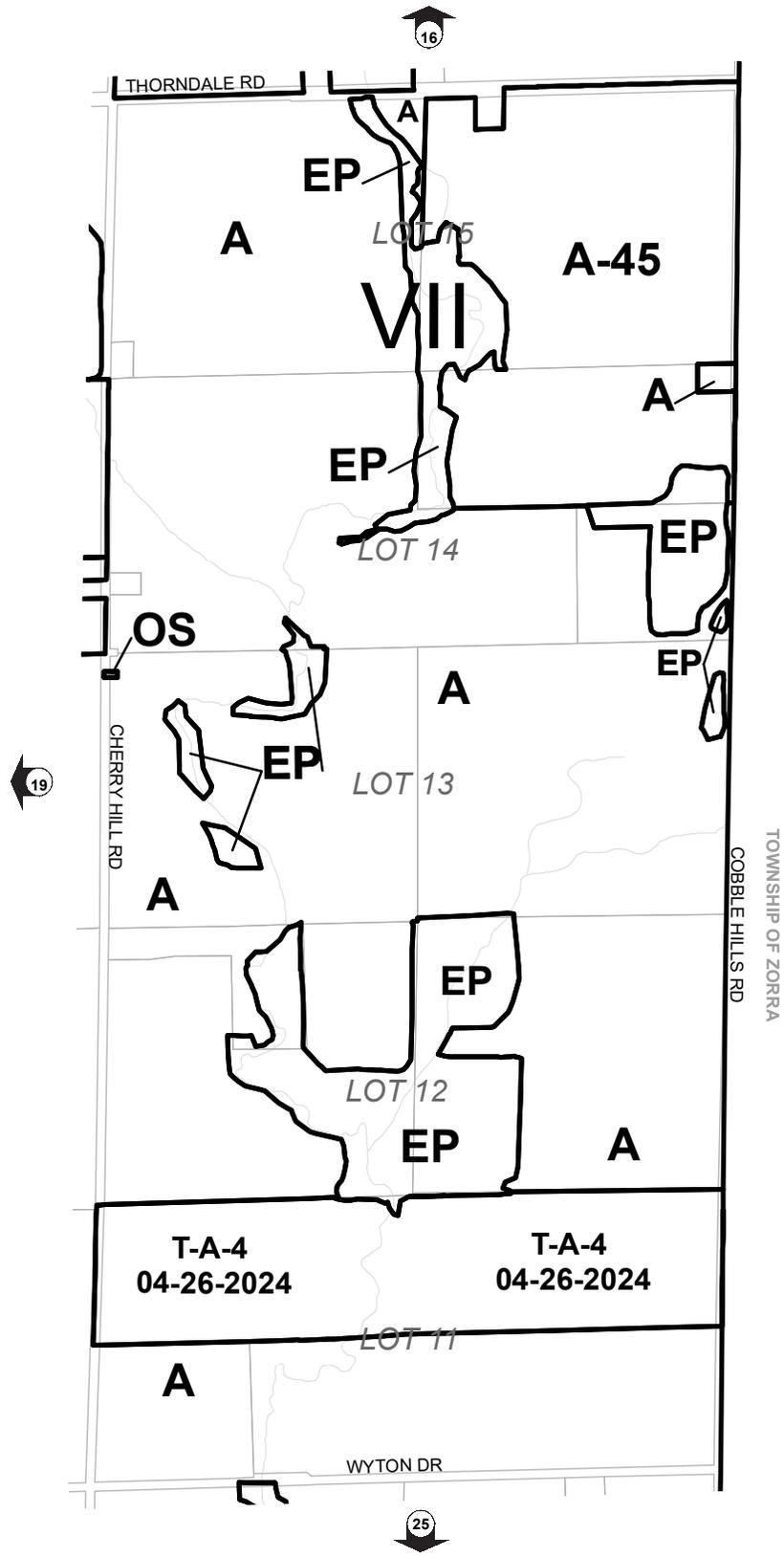
ZONING BY-LAW NO. 75-2006

SCALE: 1:16,000 metres

0 75 150 300 450 600

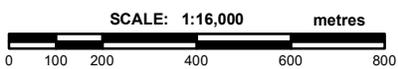


SCHEDULE A  
MAP NO.  
**19**



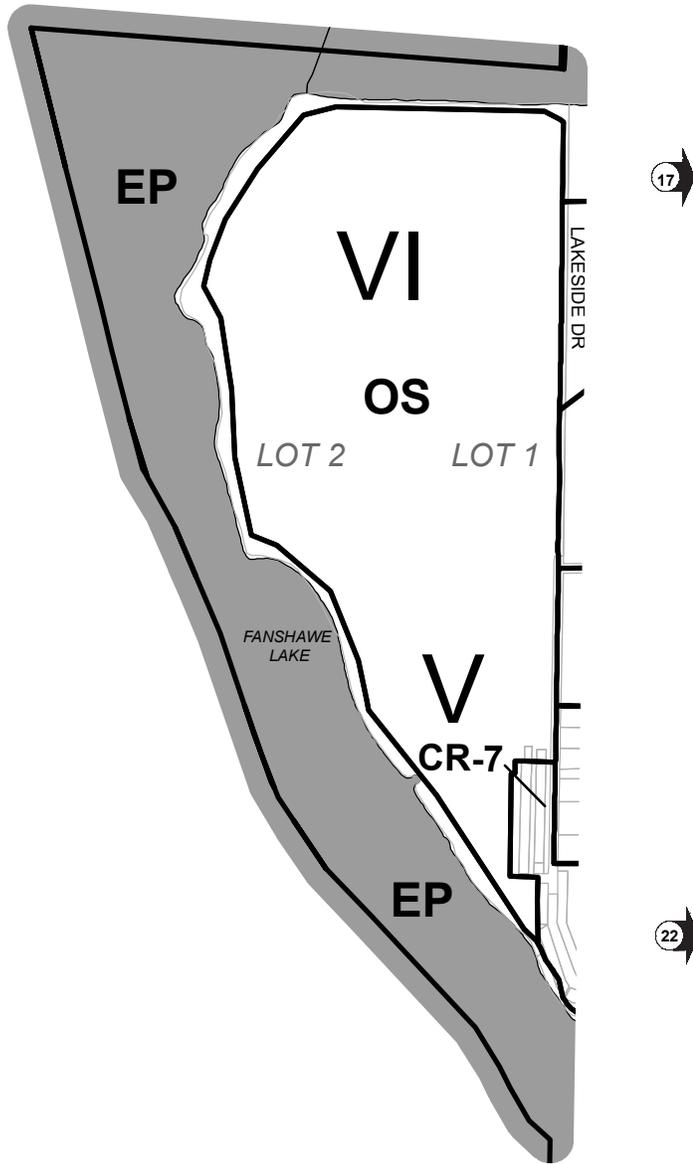
**MUNICIPALITY OF THAMES CENTRE**

ZONING BY-LAW NO. 75-2006



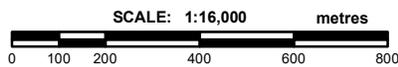
SCHEDULE A  
MAP NO.

**20**



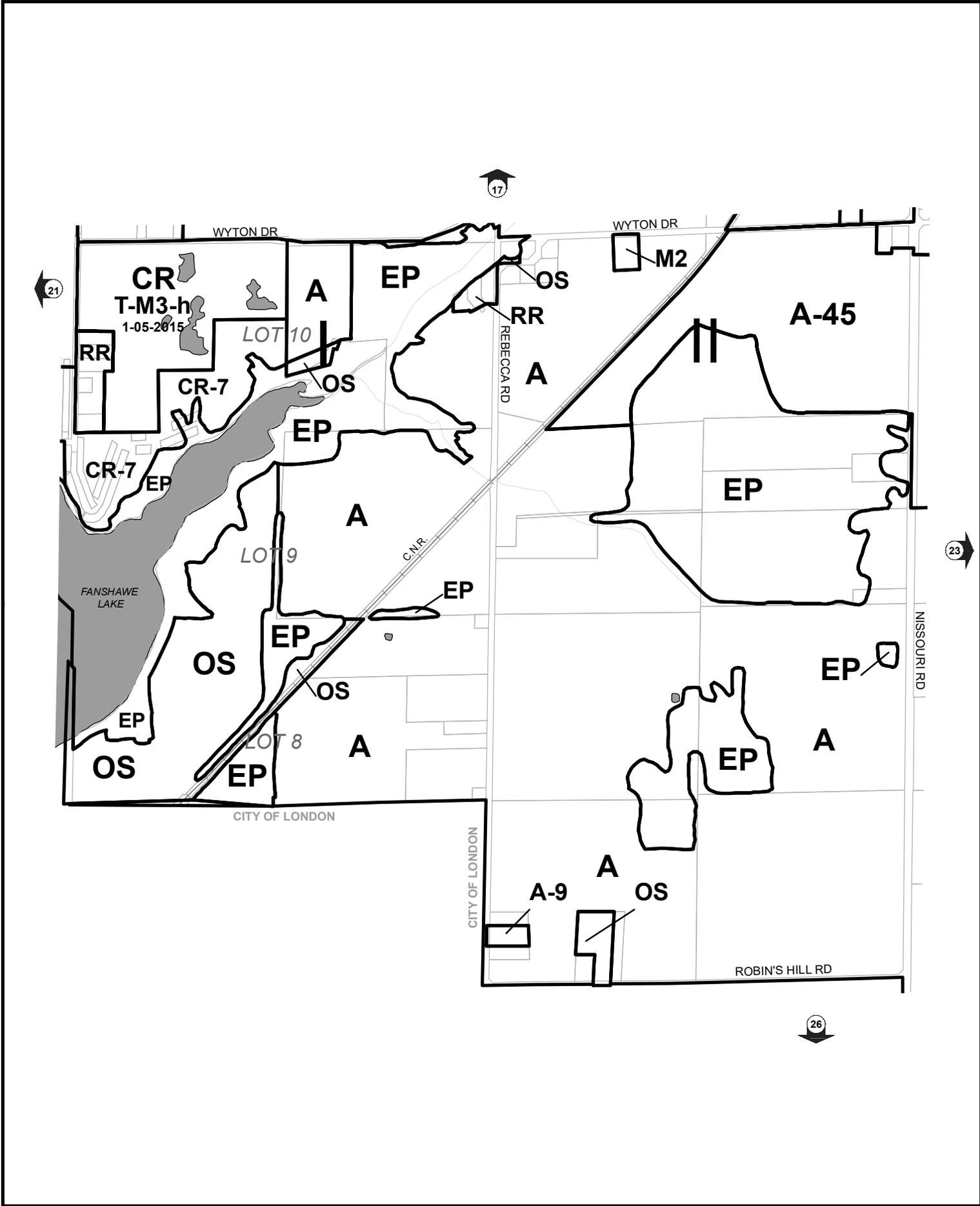
**MUNICIPALITY OF THAMES CENTRE**

ZONING BY-LAW NO. 75-2006



SCHEDULE A  
MAP NO.

**21**



**MUNICIPALITY OF THAMES CENTRE**

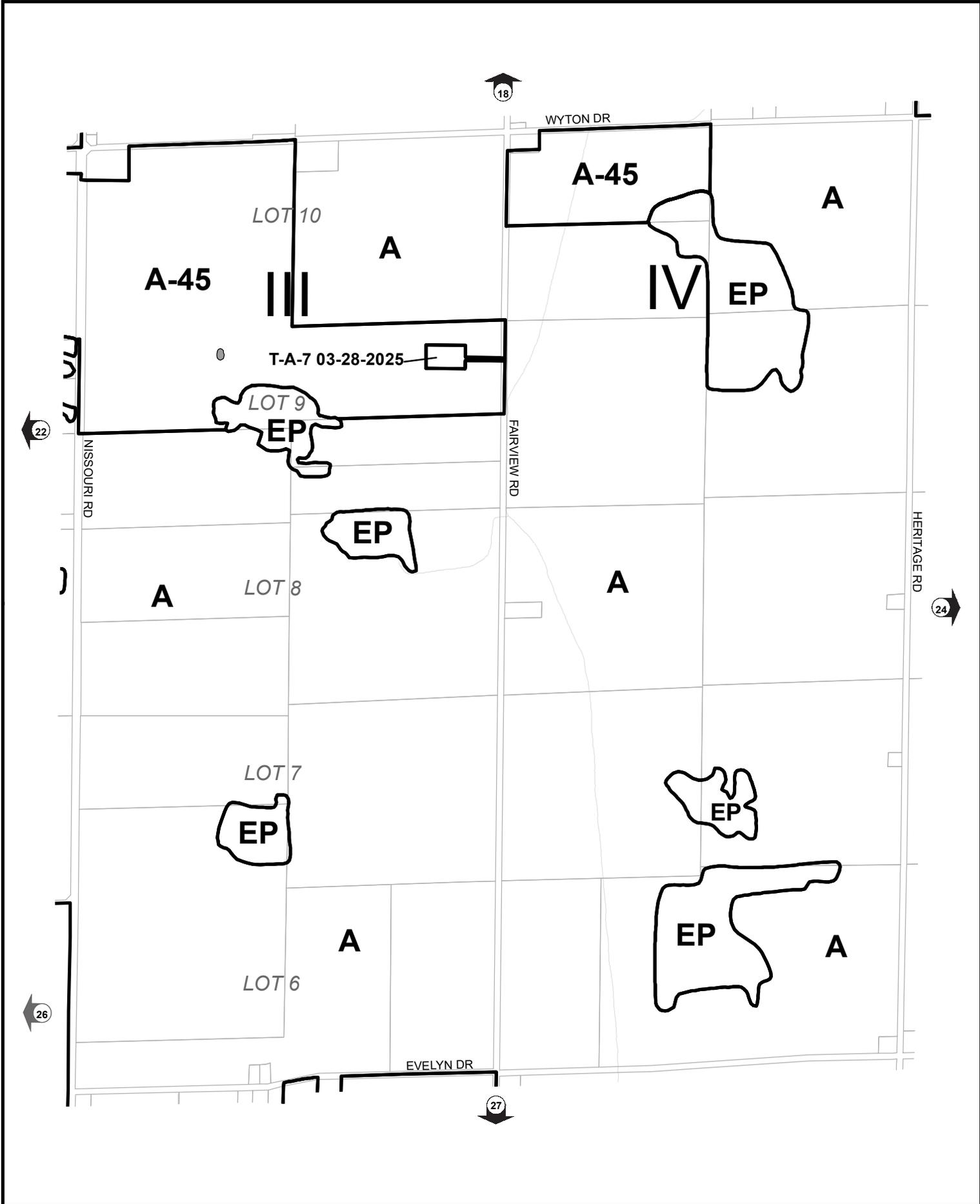
ZONING BY-LAW NO. 75-2006

SCALE: 1:16,000 metres

0 100 200 400 600 800



SCHEDULE A  
MAP NO.  
**22**



**MUNICIPALITY OF THAMES CENTRE**

ZONING BY-LAW NO. 75-2006

SCALE: 1:16,000 metres



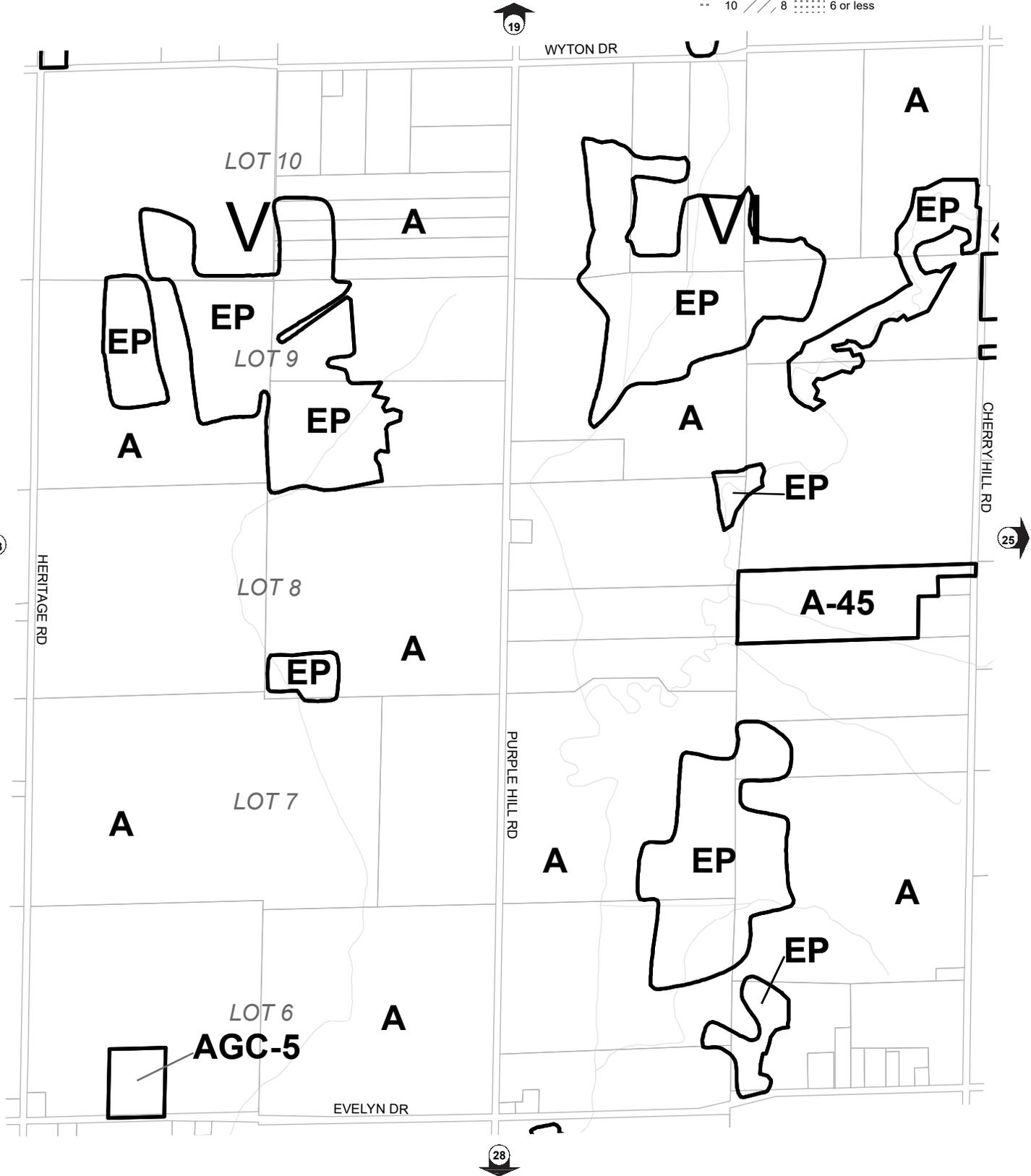
**SCHEDULE A**  
MAP NO.  
**23**

**Wellhead Protection Area**

WHPAA 
  WHPA B 
  WHPA C 
  WHPA D

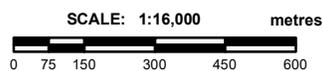
**Vulnerability Score**

10 
  8 
  6 or less



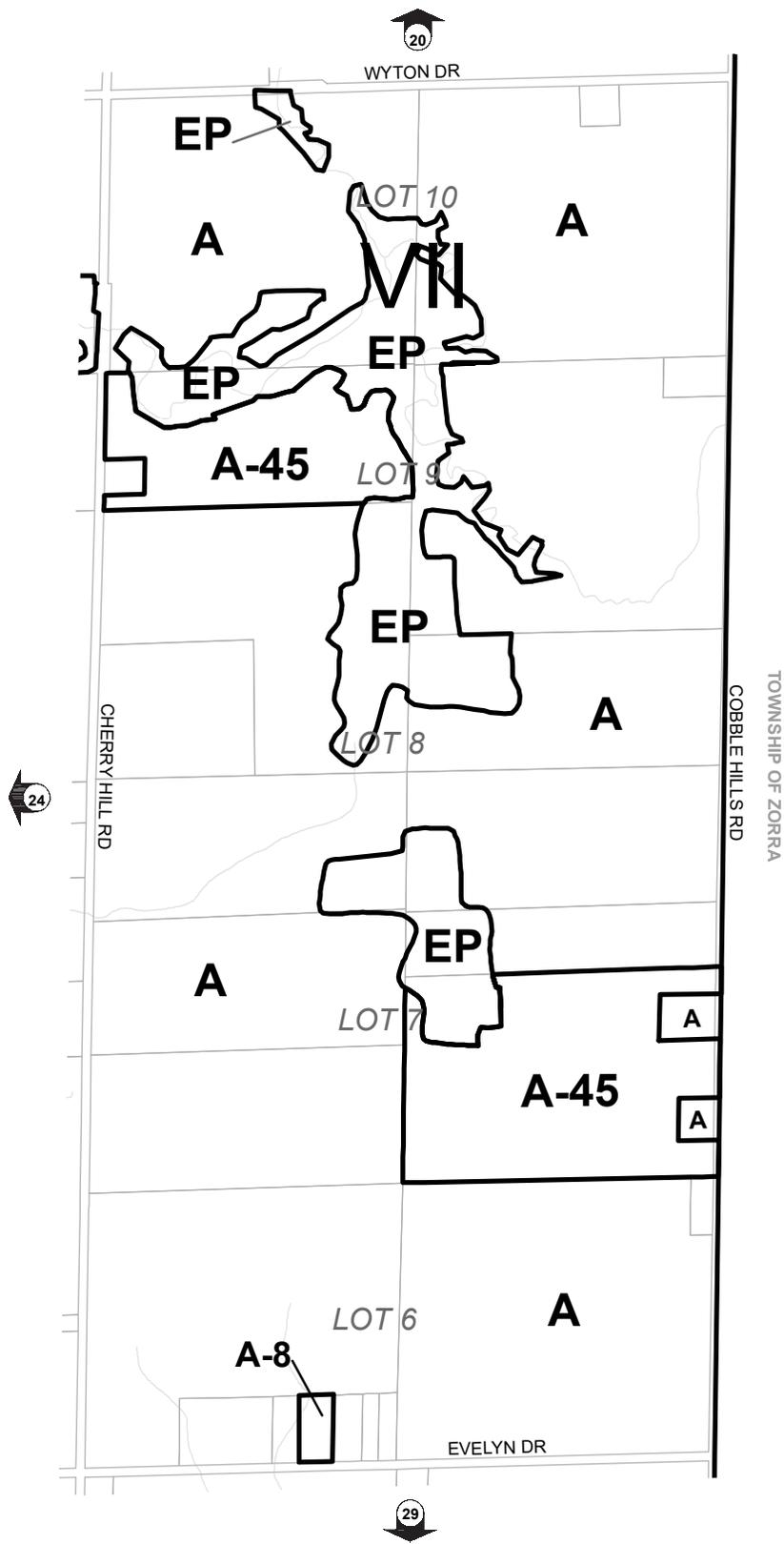
**MUNICIPALITY OF THAMES CENTRE**

ZONING BY-LAW NO. 75-2006



SCHEDULE A  
MAP NO.

**24**



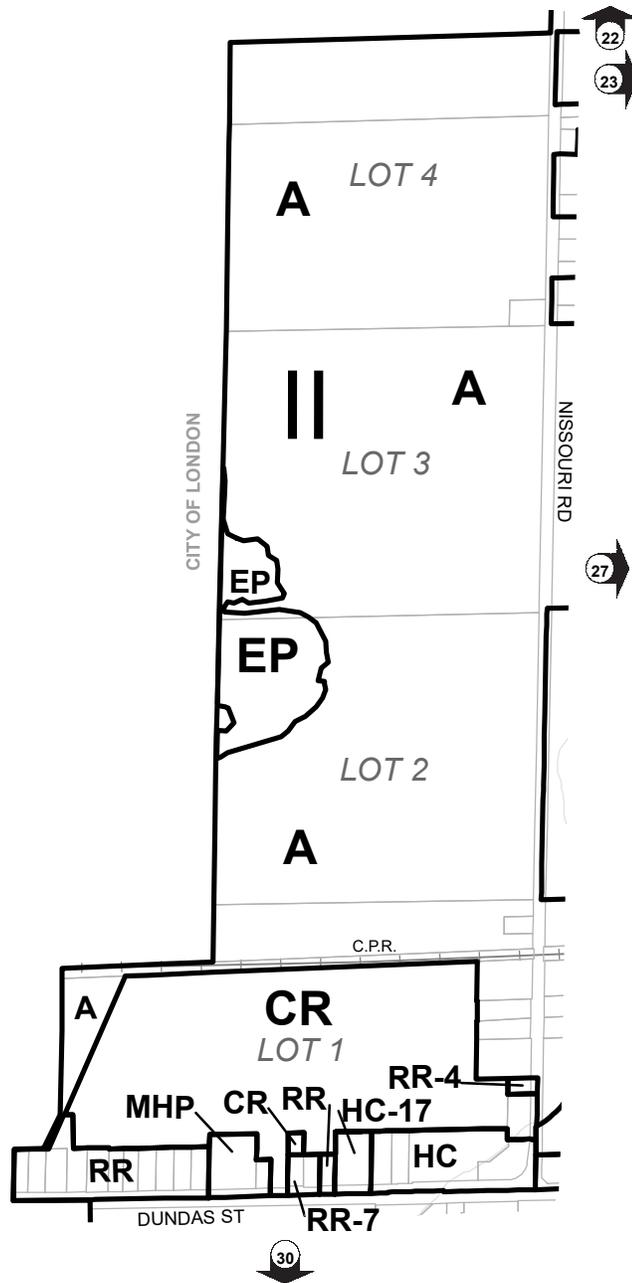
**MUNICIPALITY OF THAMES CENTRE**

ZONING BY-LAW NO. 75-2006



SCHEDULE A  
MAP NO.

**25**



**MUNICIPALITY OF THAMES CENTRE**

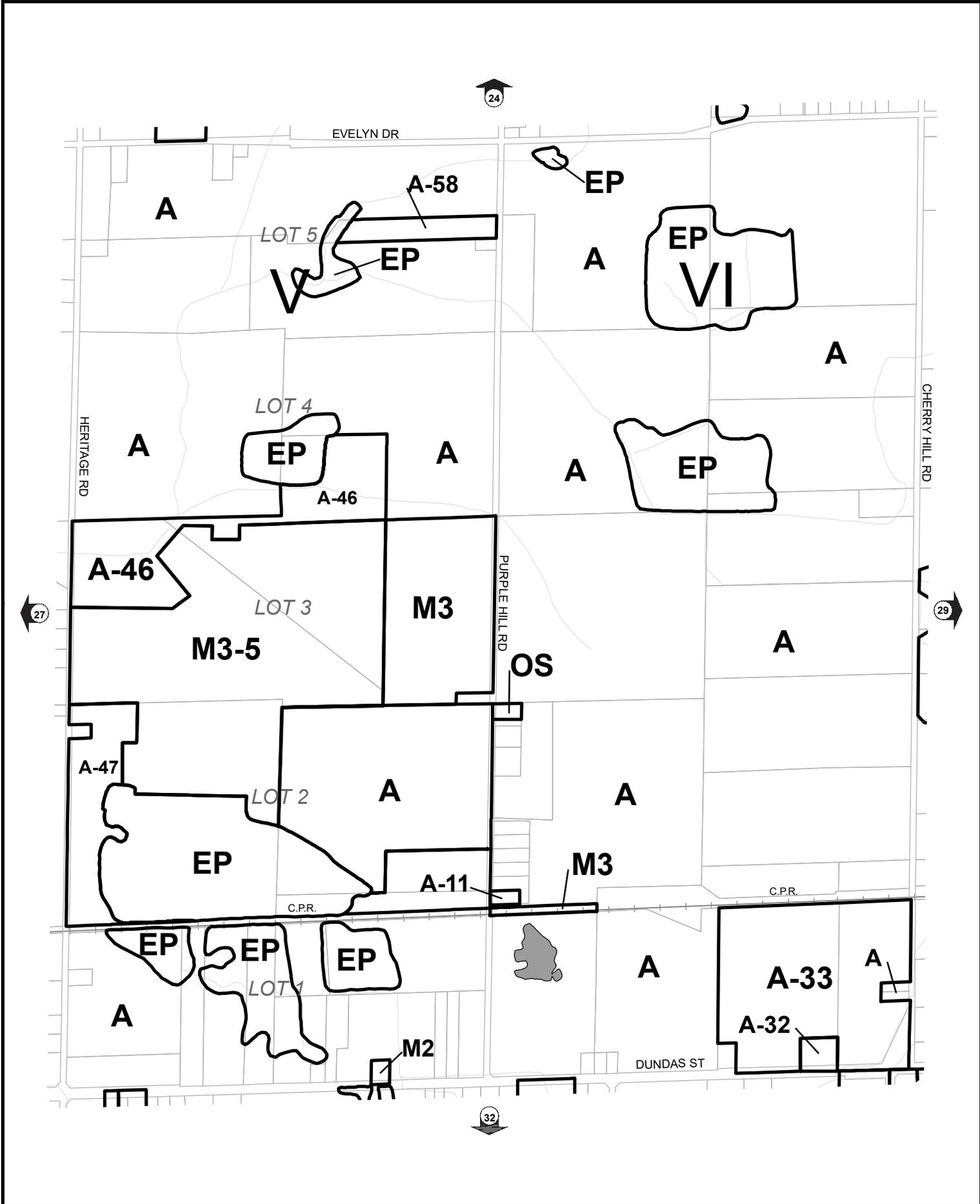
ZONING BY-LAW NO. 75-2006



SCHEDULE A  
MAP NO.

**26**





**MUNICIPALITY OF THAMES CENTRE**

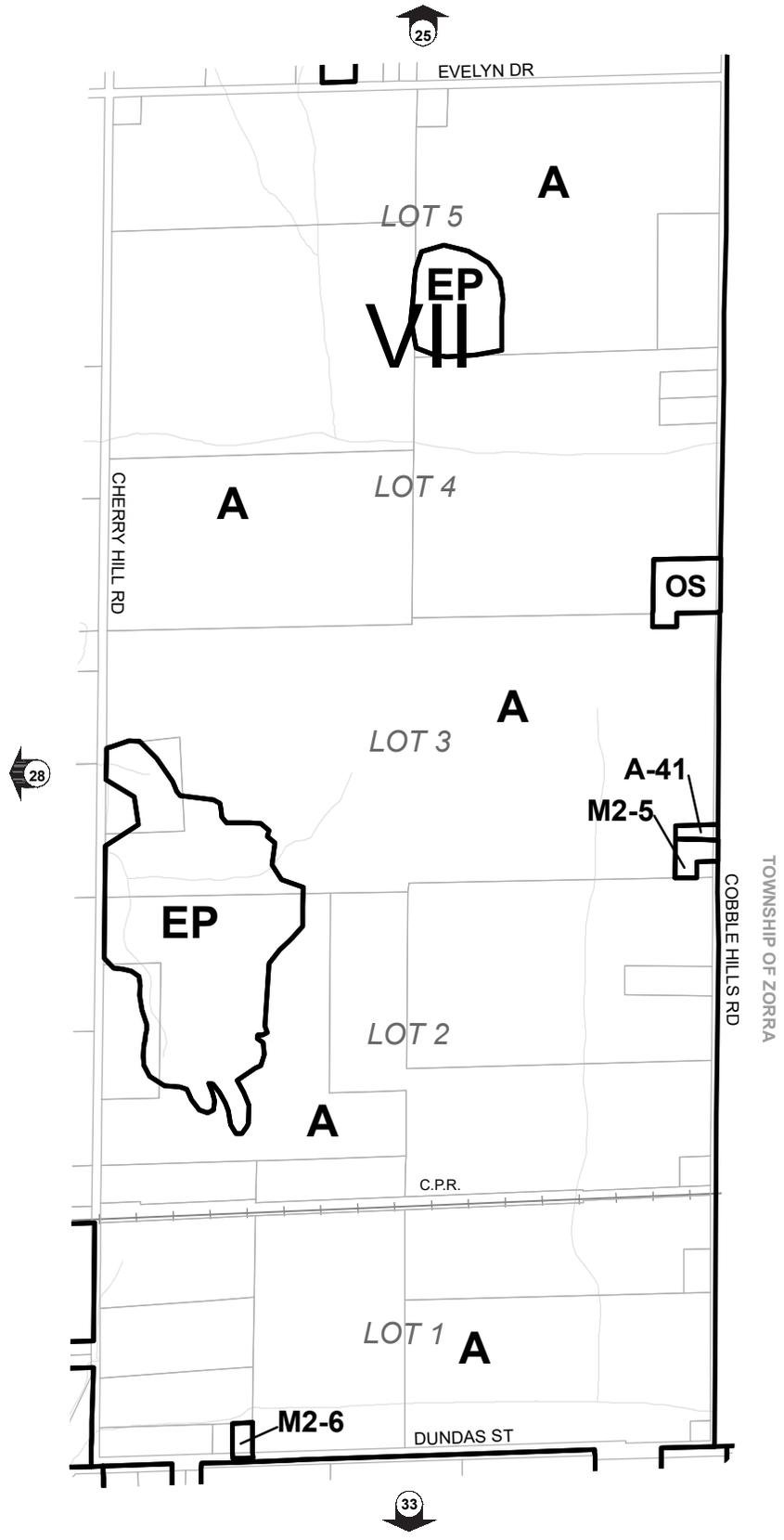
ZONING BY-LAW NO. 75-2006

SCALE: 1:16,000 metres

0 100 200 400 600 800

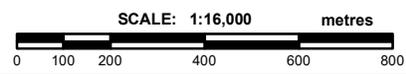


SCHEDULE A  
MAP NO.  
**28**



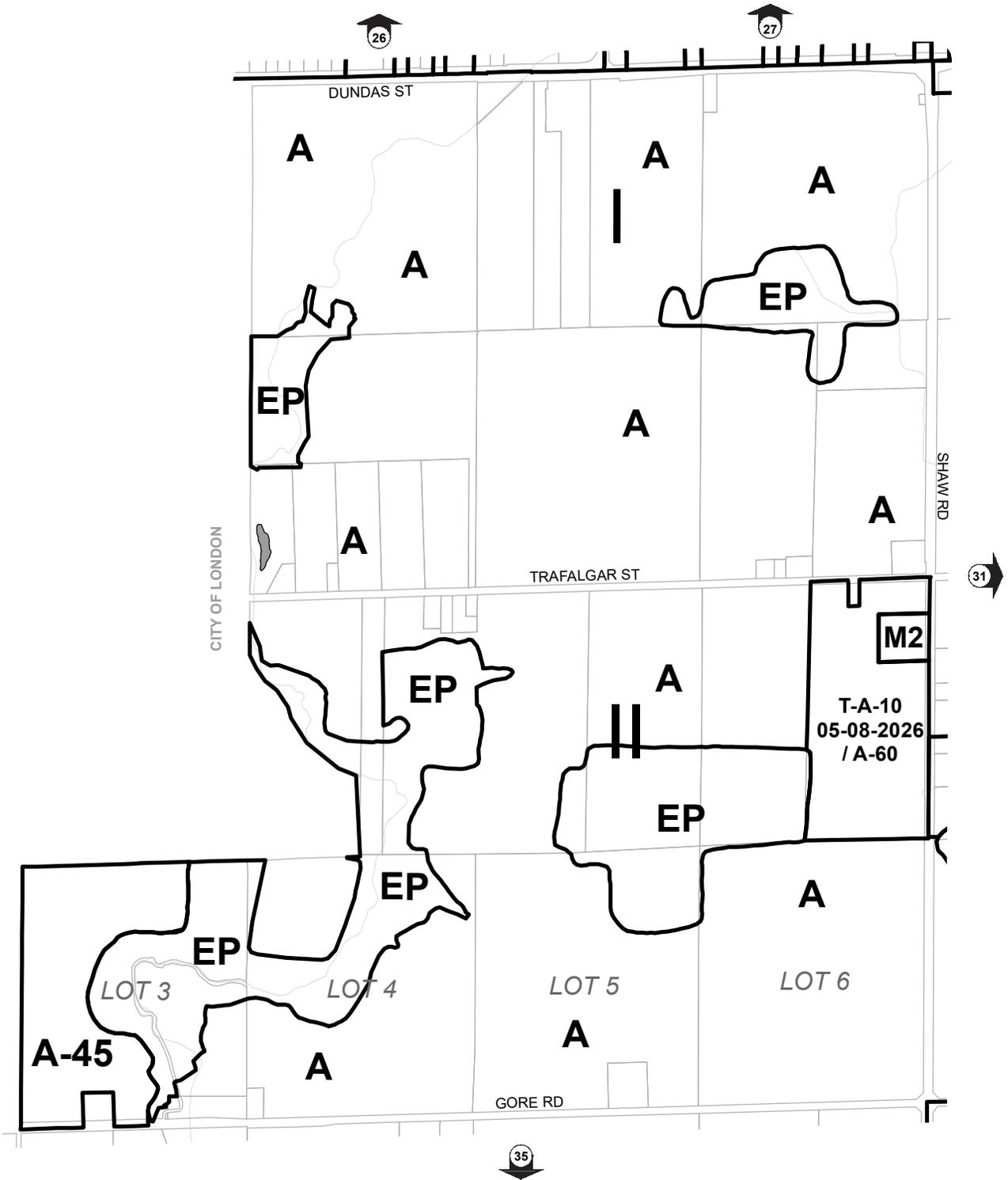
**MUNICIPALITY OF THAMES CENTRE**

ZONING BY-LAW NO. 75-2006



SCHEDULE A  
MAP NO.

**29**



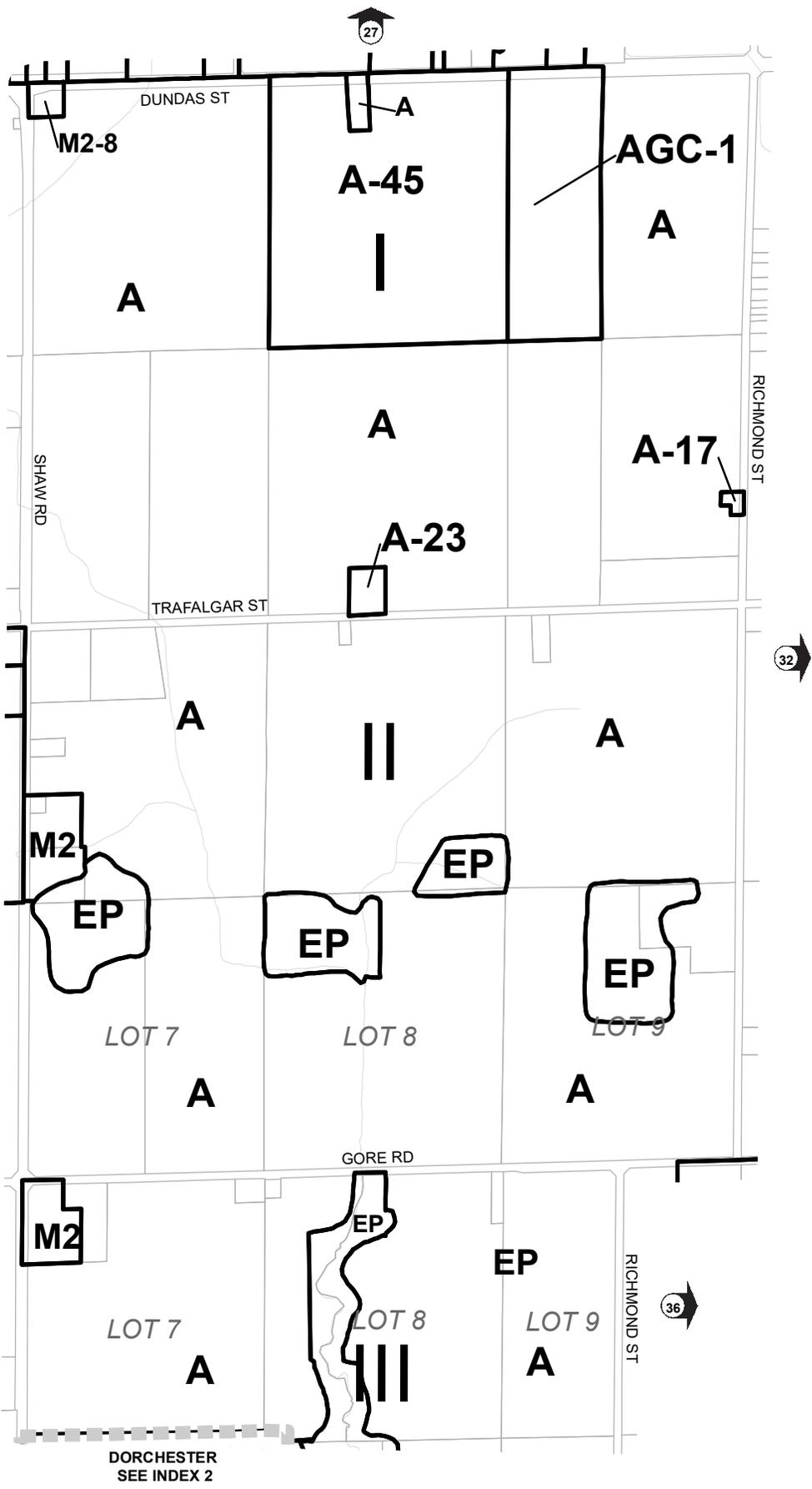
**MUNICIPALITY OF THAMES CENTRE**

ZONING BY-LAW NO. 75-2006



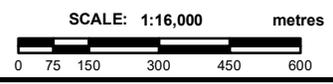
SCHEDULE A  
MAP NO.

**30**



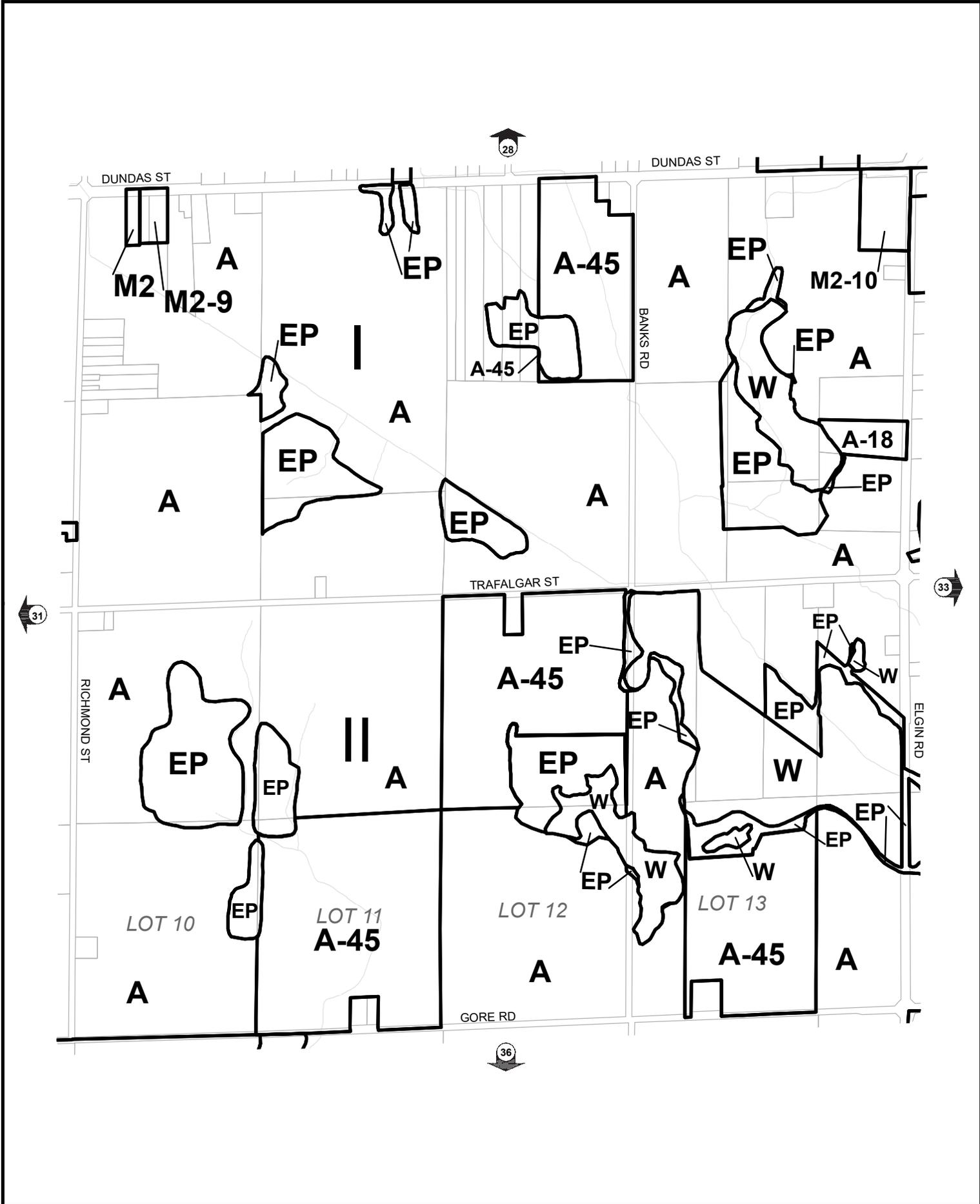
**MUNICIPALITY OF THAMES CENTRE**

ZONING BY-LAW NO. 75-2006



SCHEDULE A  
MAP NO.

**31**



**MUNICIPALITY OF THAMES CENTRE**

ZONING BY-LAW NO. 75-2006

SCALE: 1:16,000 metres

0 100 200 400 600 800

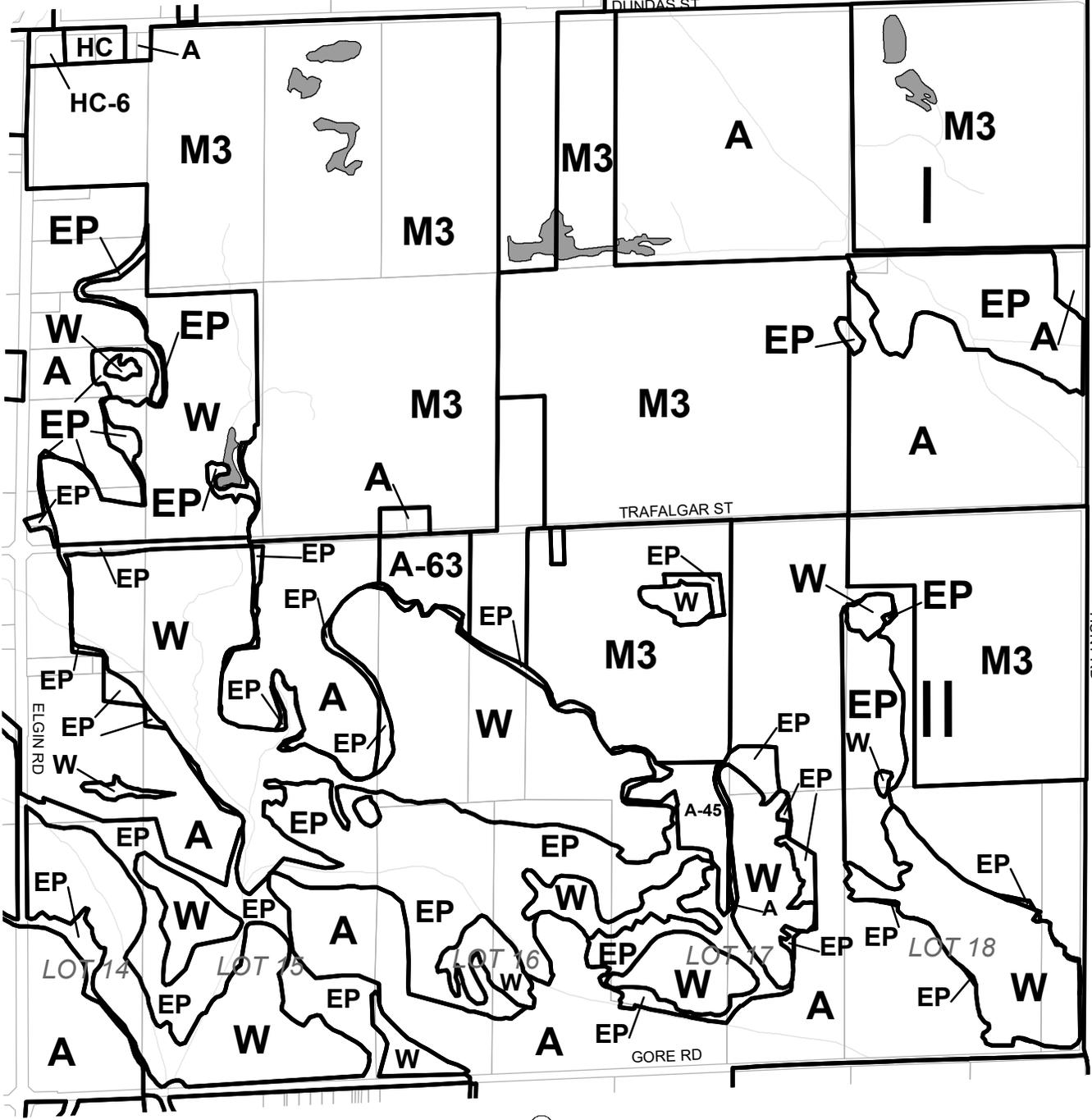


SCHEDULE A  
MAP NO.  
**32**



TOWNSHIP OF ZORRA

DUNDAS ST



32

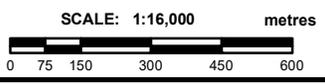
38

TOWNSHIP OF ZORRA



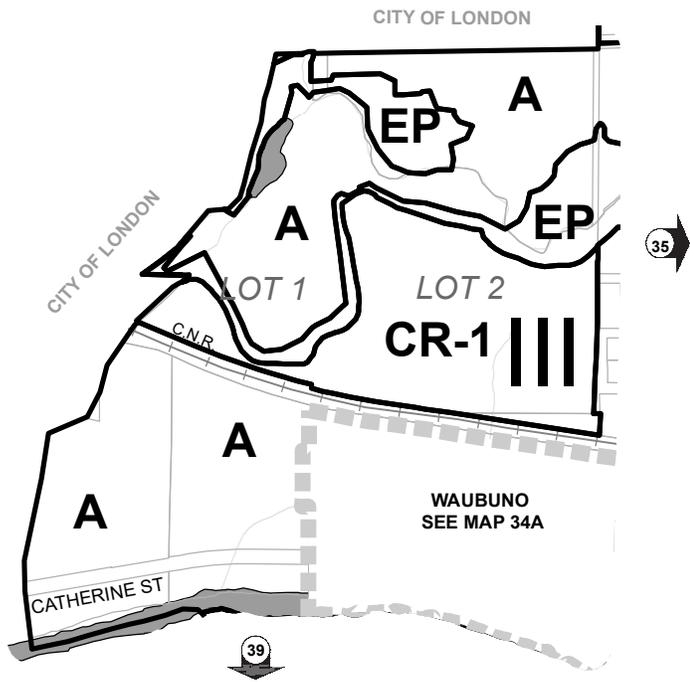
# MUNICIPALITY OF THAMES CENTRE

ZONING BY-LAW NO. 75-2006



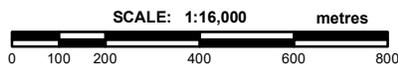
SCHEDULE A  
MAP NO.

# 33



**MUNICIPALITY OF THAMES CENTRE**

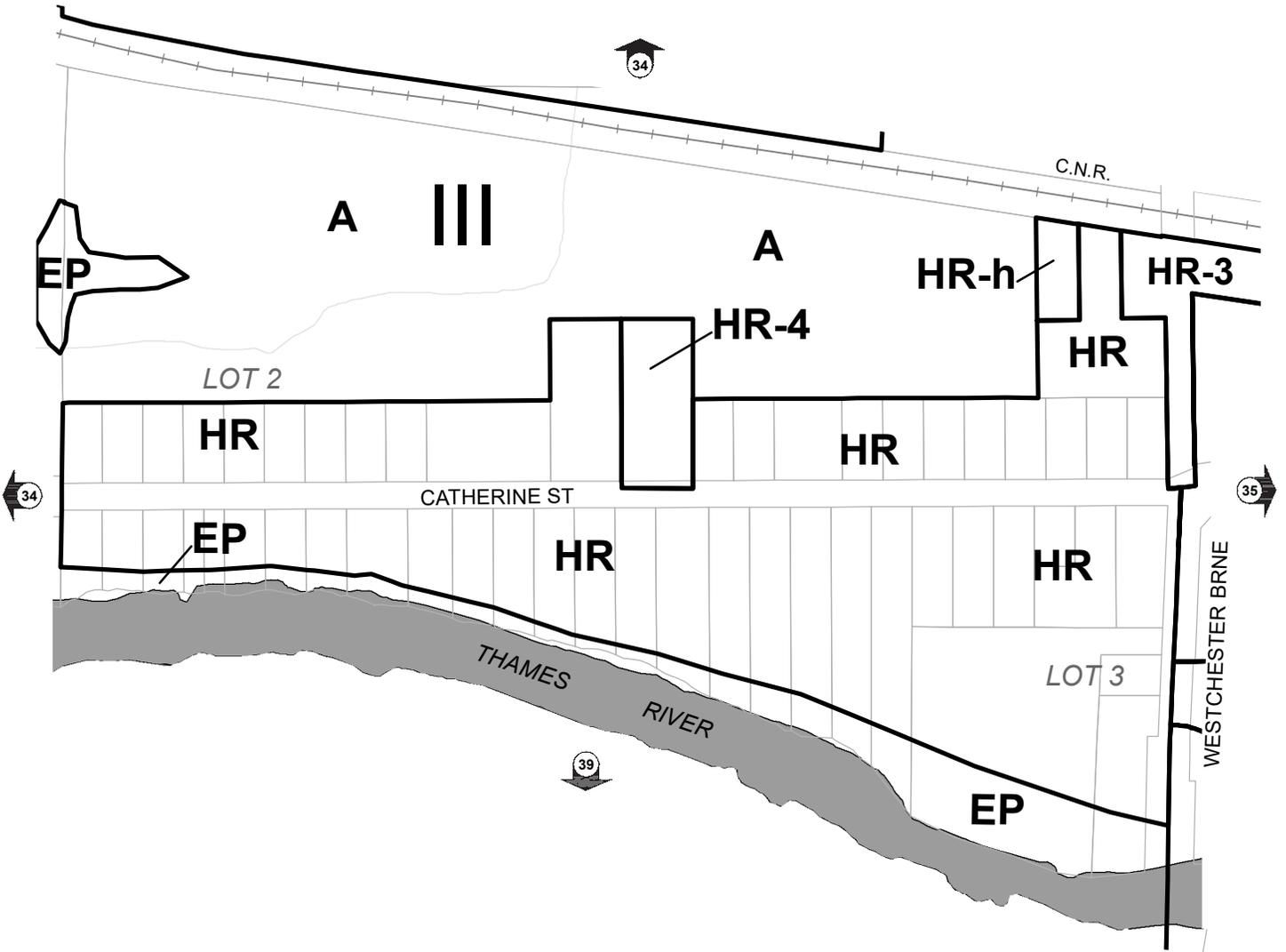
ZONING BY-LAW NO. 75-2006



SCHEDULE A  
MAP NO.

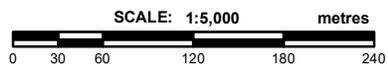
**34**

# WAUBUNO



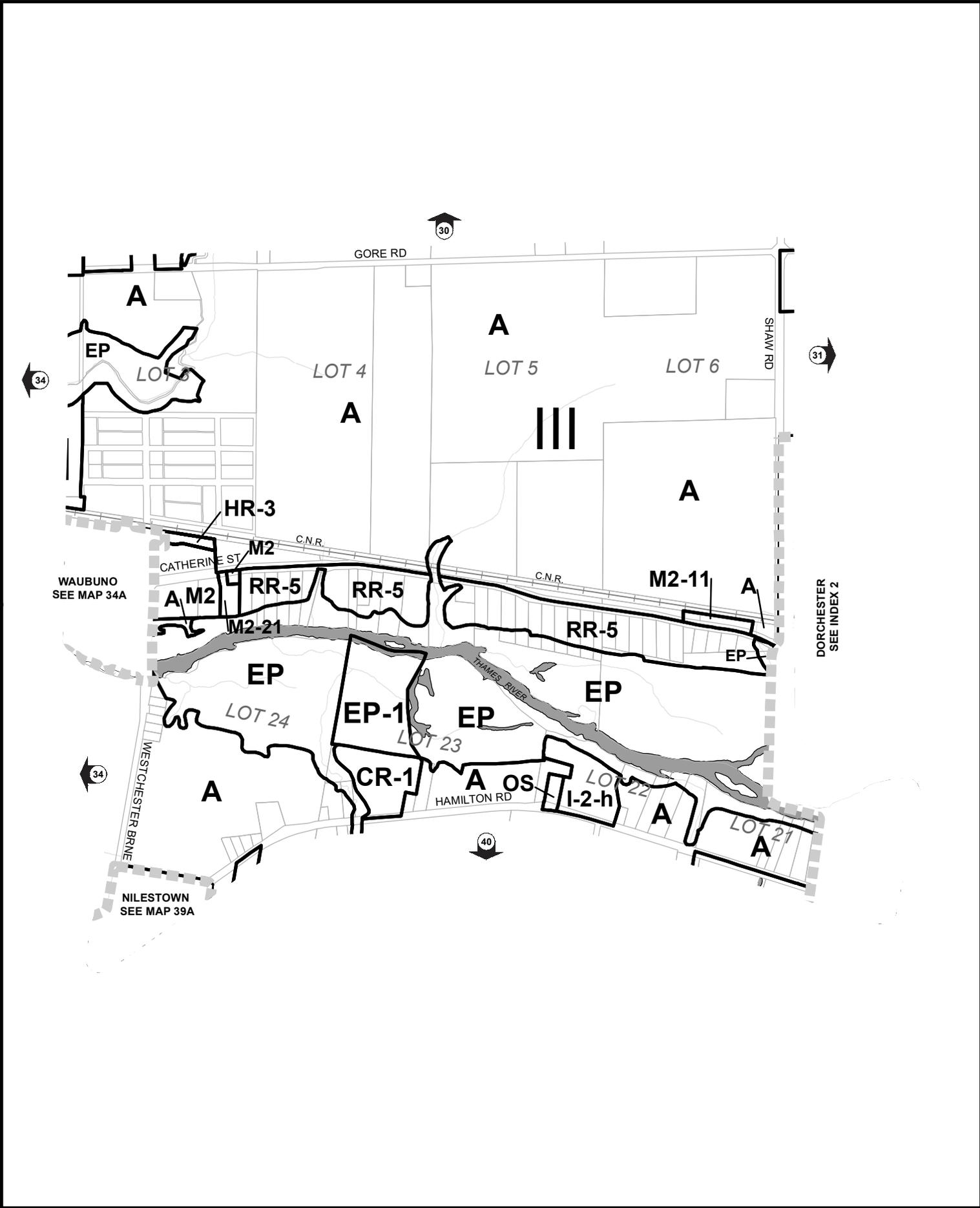
## MUNICIPALITY OF THAMES CENTRE

ZONING BY-LAW NO. 75-2006



SCHEDULE A  
MAP NO.

# 34A

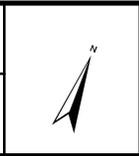


**MUNICIPALITY OF THAMES CENTRE**

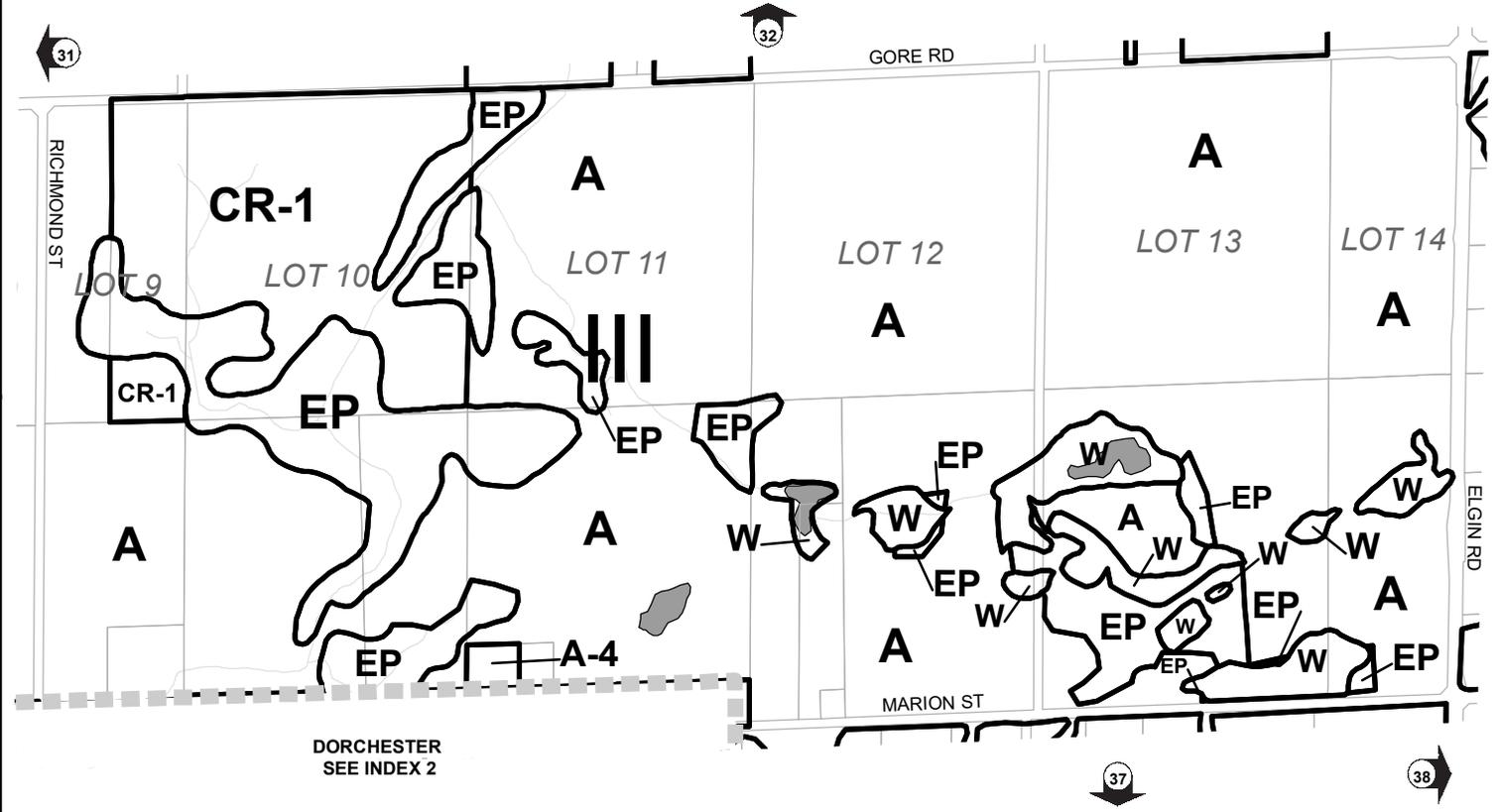
ZONING BY-LAW NO. 75-2006

SCALE: 1:17,000 metres

0 105 210 420 630 840

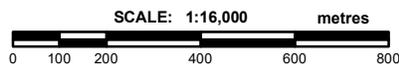


SCHEDULE A  
MAP NO.  
**35**



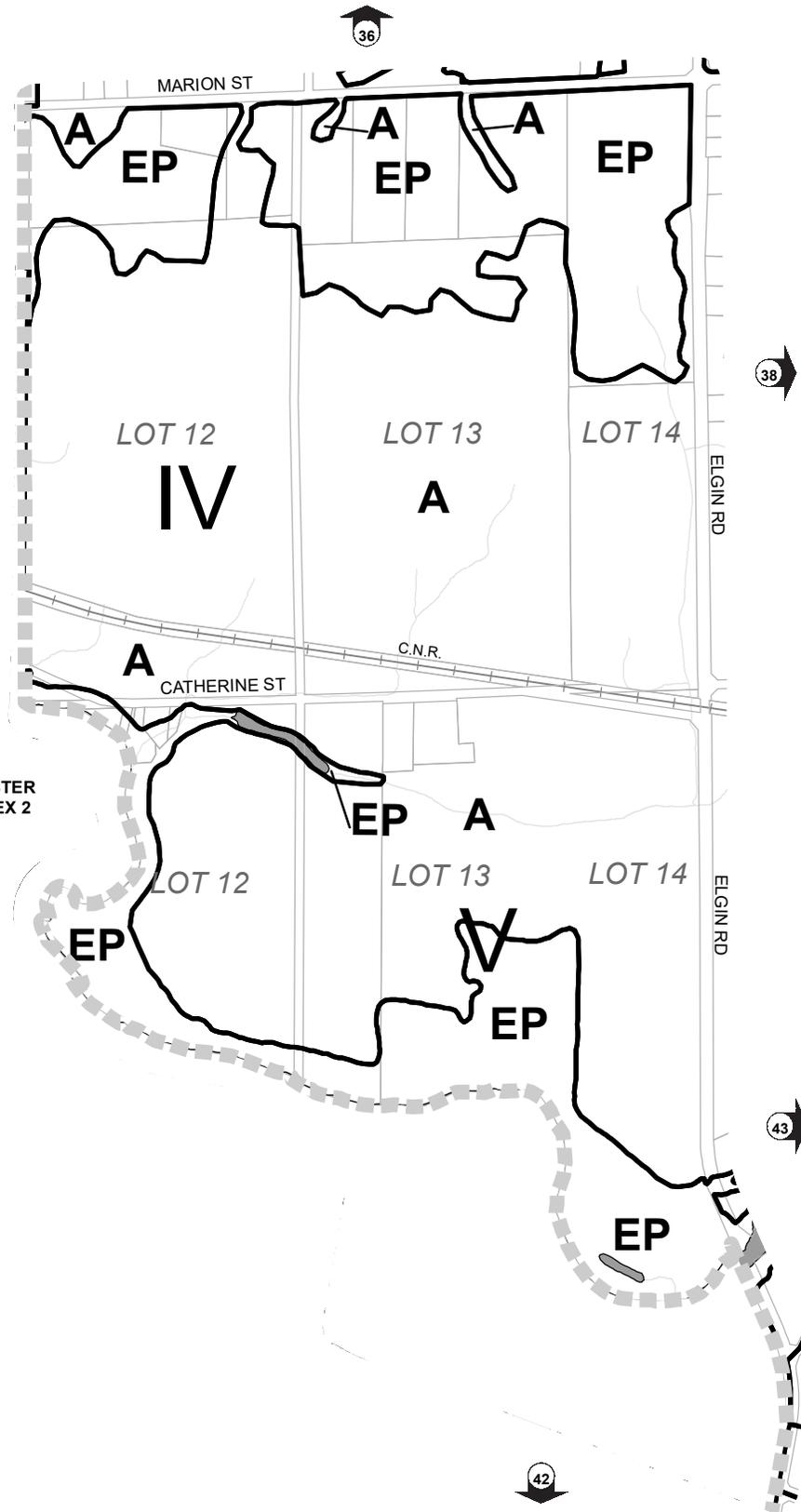
**MUNICIPALITY OF THAMES CENTRE**

ZONING BY-LAW NO. 75-2006



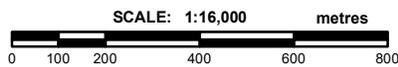
SCHEDULE A  
MAP NO.

**36**



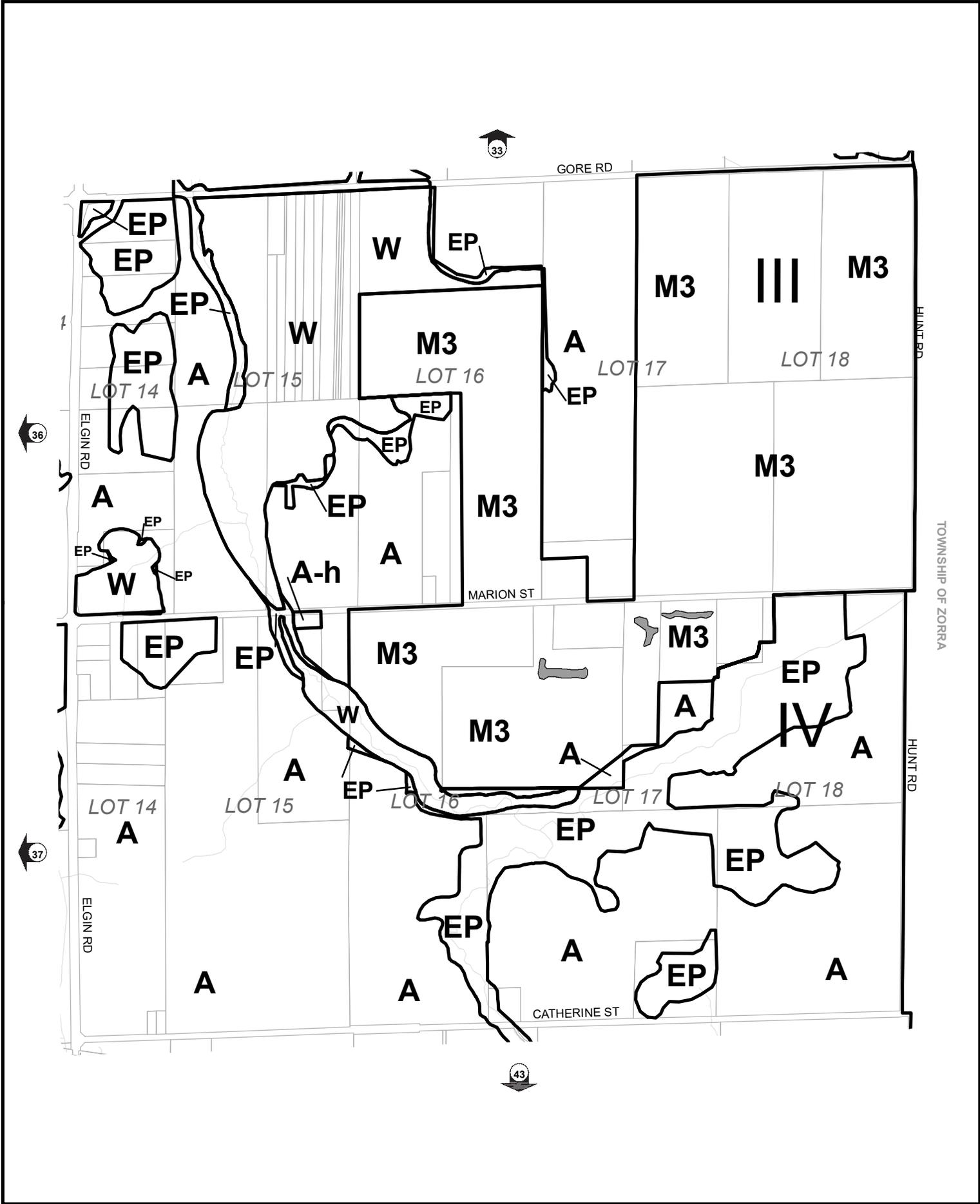
**MUNICIPALITY OF THAMES CENTRE**

ZONING BY-LAW NO. 75-2006



SCHEDULE A  
MAP NO.

**37**



**MUNICIPALITY OF THAMES CENTRE**

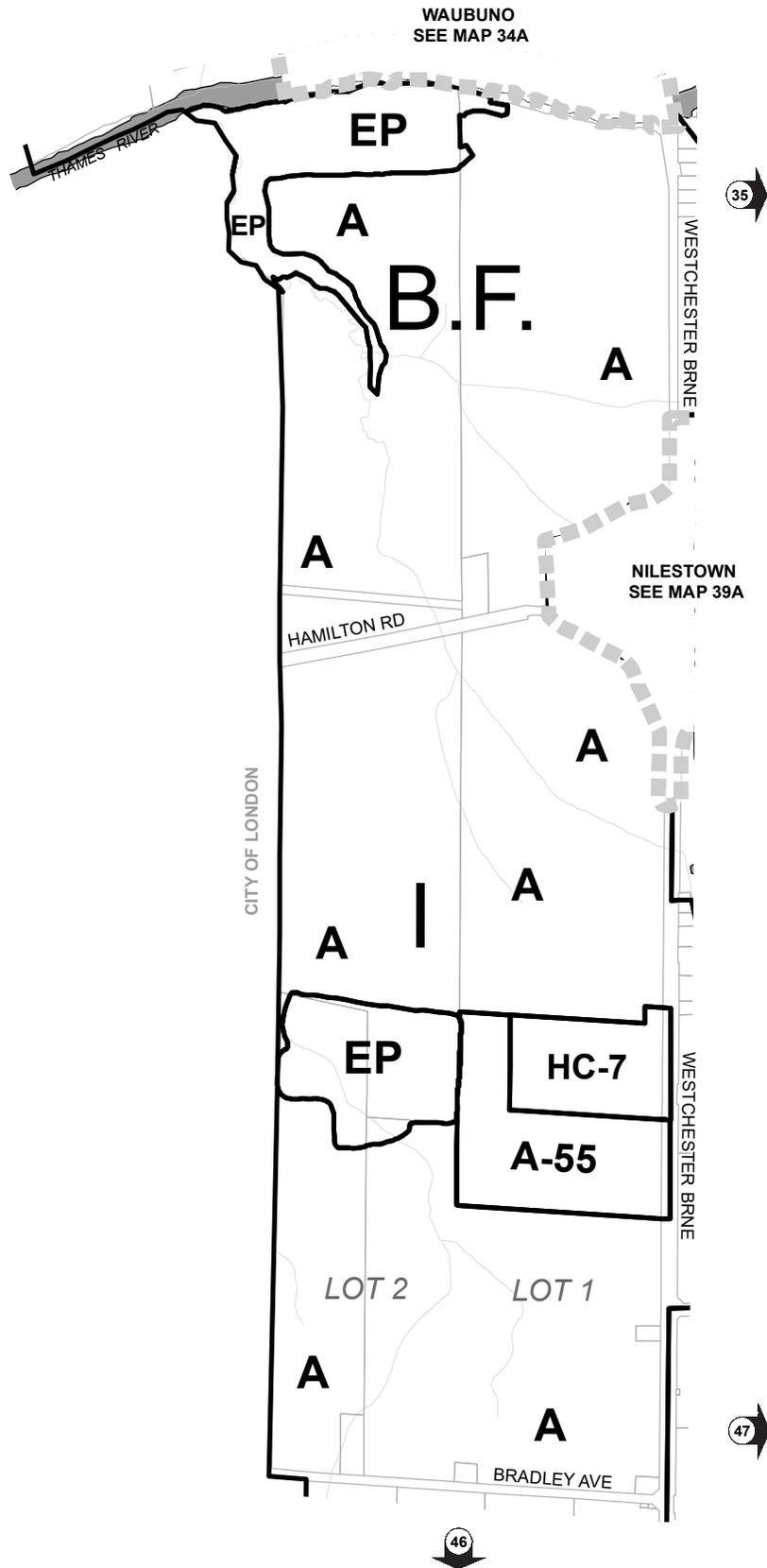
ZONING BY-LAW NO. 75-2006

SCALE: 1:16,000 metres

0 100 200 400 600 800



SCHEDULE A  
MAP NO.  
**38**



**MUNICIPALITY OF THAMES CENTRE**

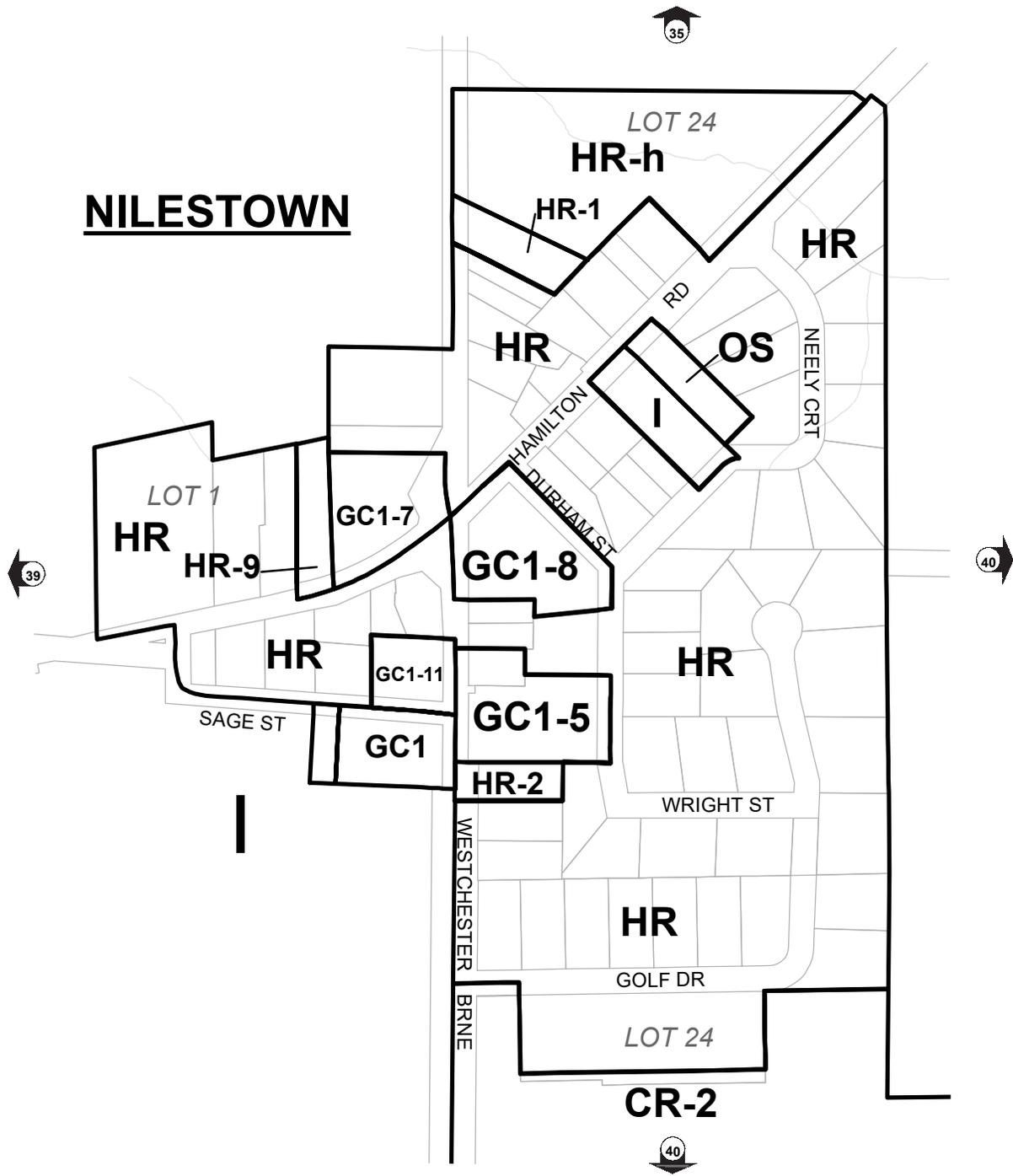
ZONING BY-LAW NO. 75-2006



SCHEDULE A  
MAP NO.

**39**

# NILESTOWN



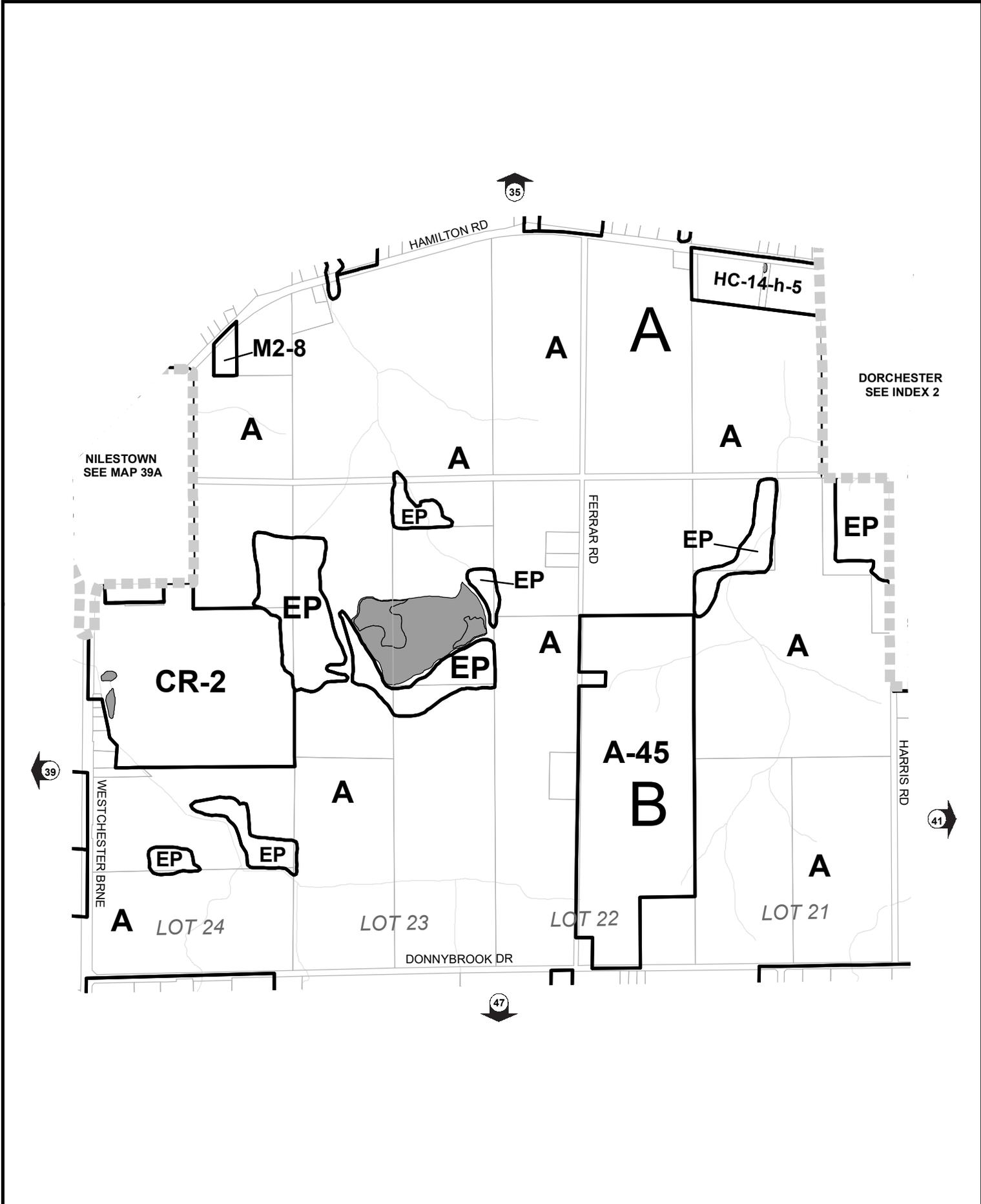
## MUNICIPALITY OF THAMES CENTRE

ZONING BY-LAW NO. 75-2006



SCHEDULE A  
MAP NO.

**39A**



**MUNICIPALITY OF THAMES CENTRE**

ZONING BY-LAW NO. 75-2006

SCALE: 1:16,000 metres

0 100 200 400 600 800



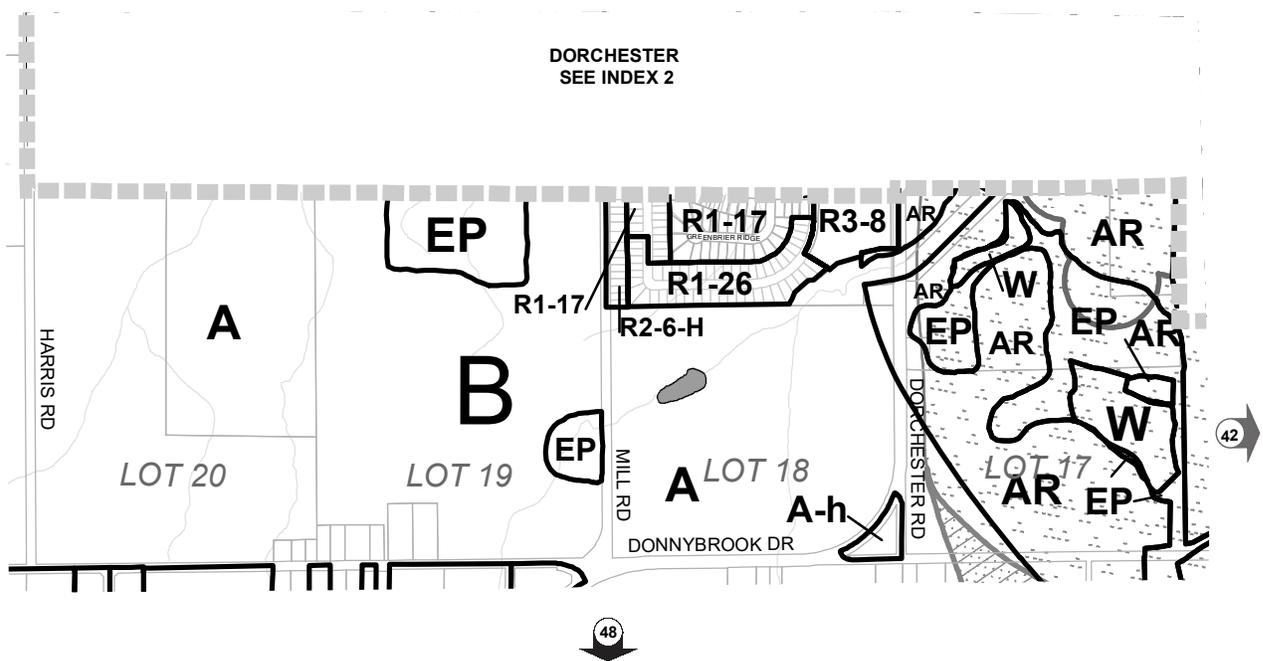
SCHEDULE A  
MAP NO.  
**40**

**Wellhead Protection Area**

WHPA A
  WHPA B
  WHPA C
  WHPA D

**Vulnerability Score**

10
  8
  6 or less



**MUNICIPALITY OF THAMES CENTRE**

ZONING BY-LAW NO. 75-2006



SCHEDULE A  
MAP NO.

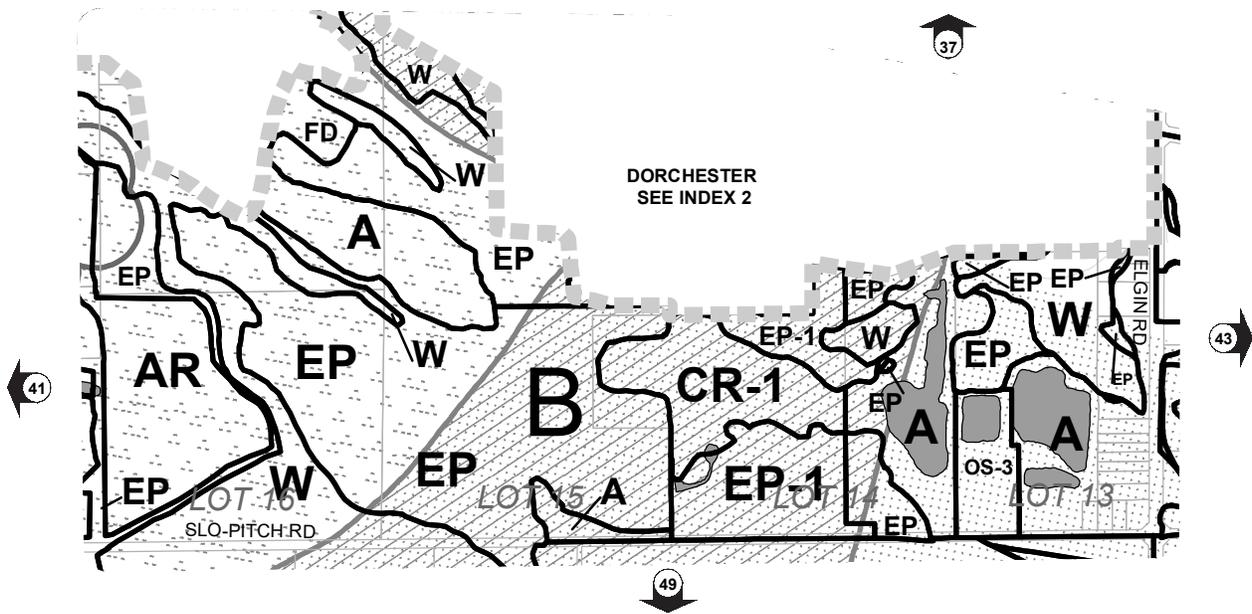
**41**

**Wellhead Protection Area**

WHPAA 
  WHPA B 
  WHPA C 
  WHPA D

**Vulnerability Score**

10 
  8 
  6 or less



**MUNICIPALITY OF THAMES CENTRE**

ZONING BY-LAW NO. 75-2006



**SCHEDULE A  
MAP NO.**

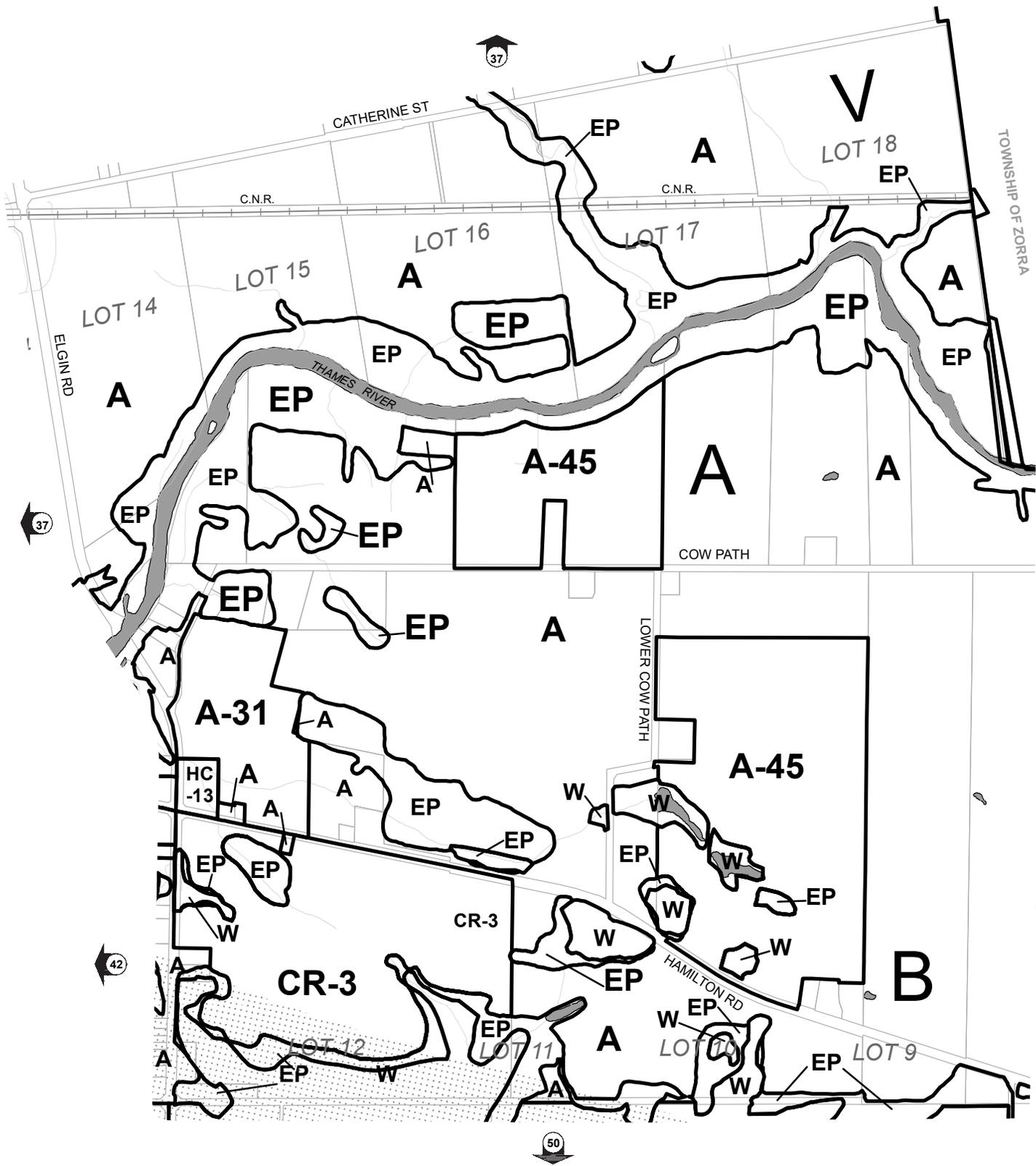
**42**

**Wellhead Protection Area**

WHPAA 
  WHPA B 
  WHPA C 
  WHPA D

**Vulnerability Score**

10 
  8 
  6 or less



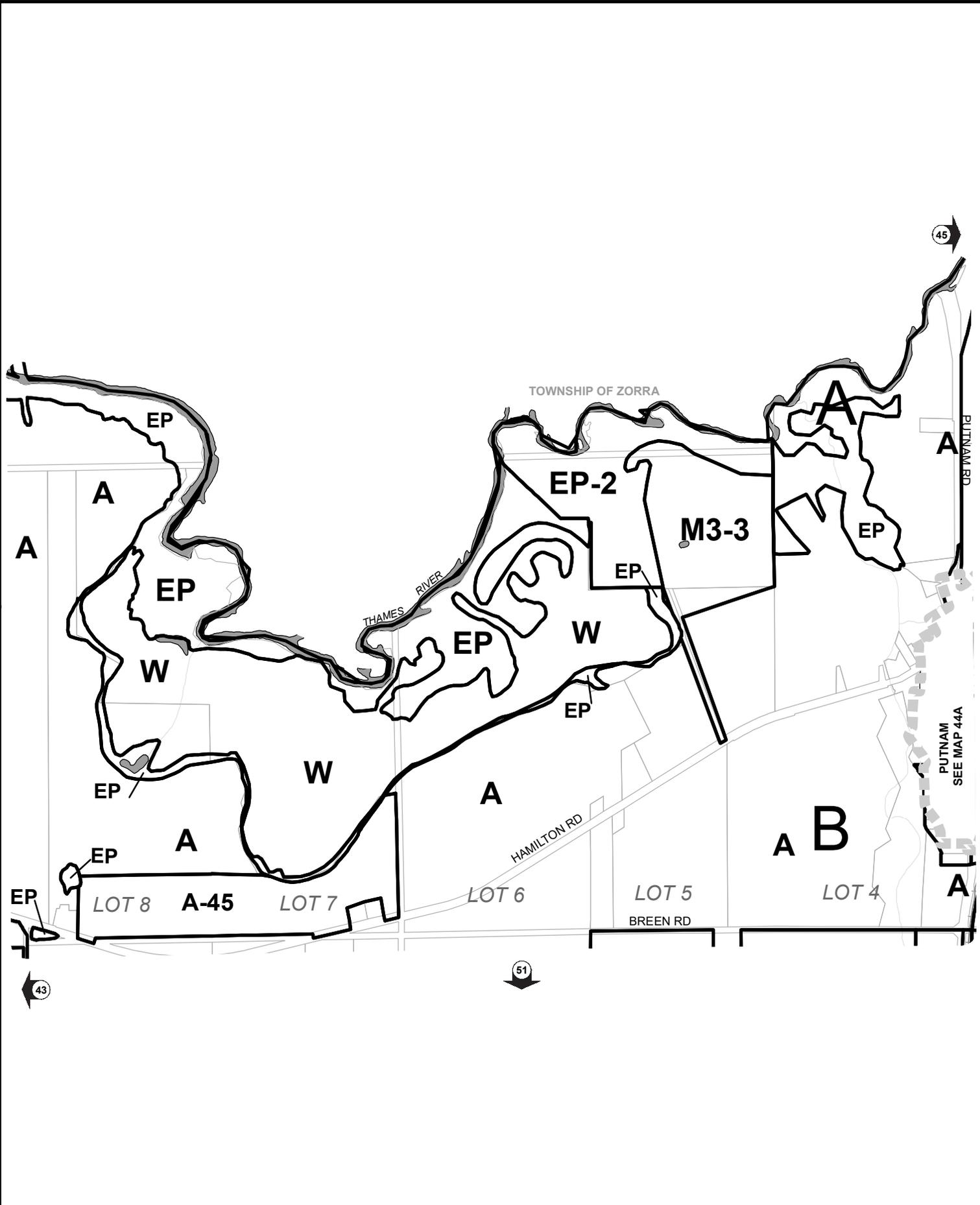
**MUNICIPALITY OF THAMES CENTRE**

ZONING BY-LAW NO. 75-2006



SCHEDULE A  
MAP NO.

**43**



**MUNICIPALITY OF THAMES CENTRE**

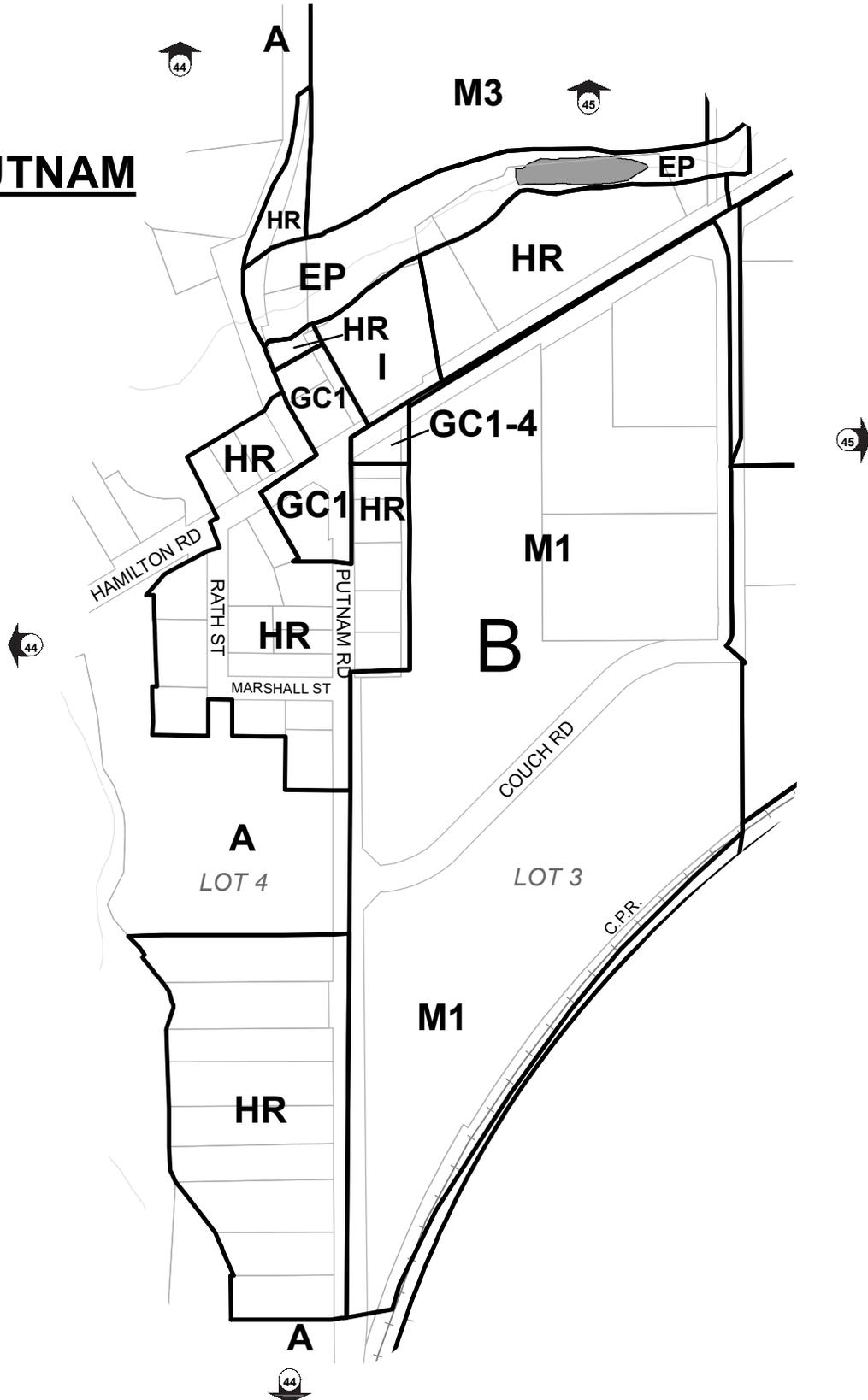
ZONING BY-LAW NO. 75-2006

SCALE: 1:16,000 metres



**SCHEDULE A**  
MAP NO.  
**44**

**PUTNAM**



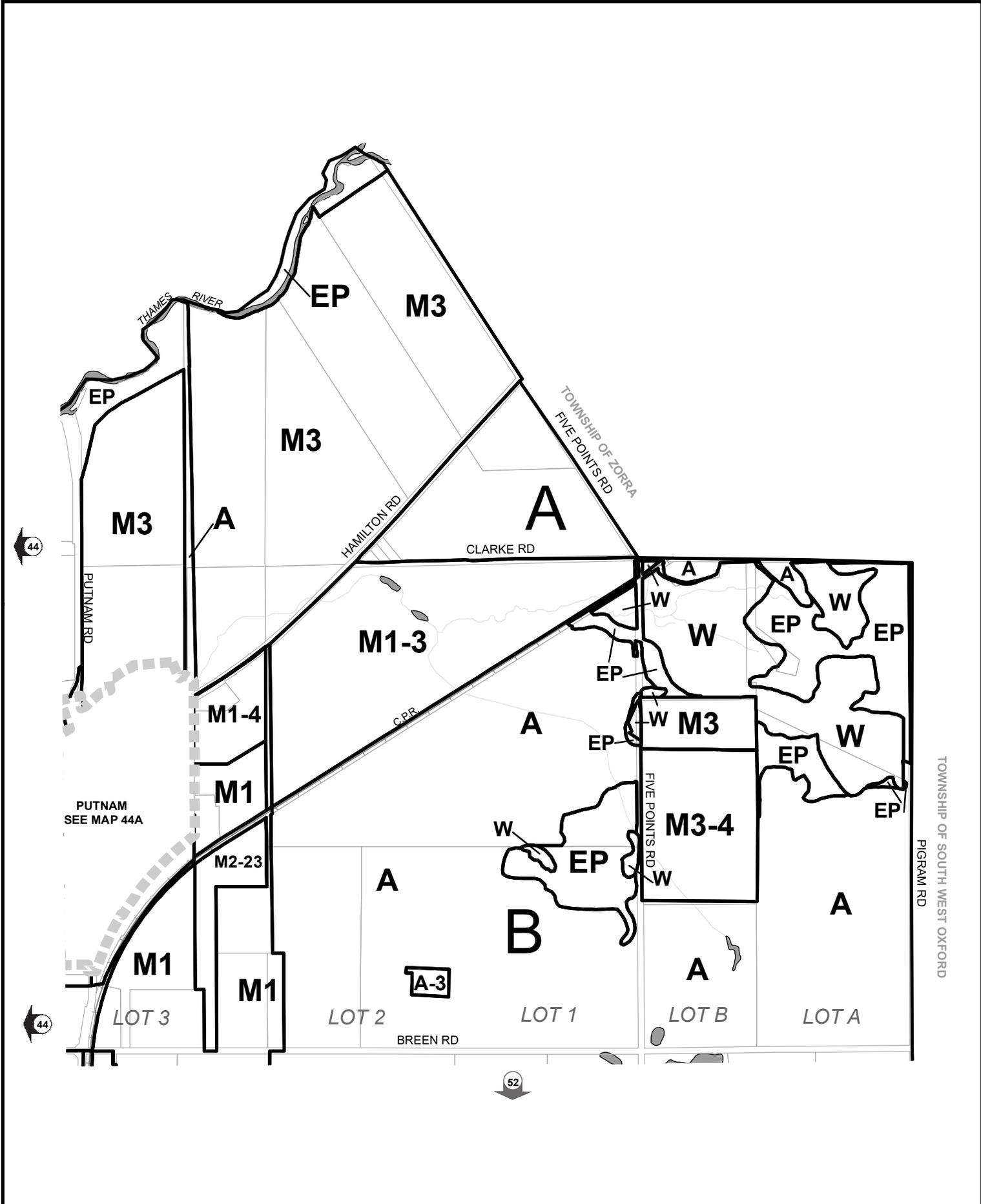
**MUNICIPALITY OF THAMES CENTRE**

ZONING BY-LAW NO. 75-2006



SCHEDULE A  
MAP NO.

**44A**



**MUNICIPALITY OF THAMES CENTRE**

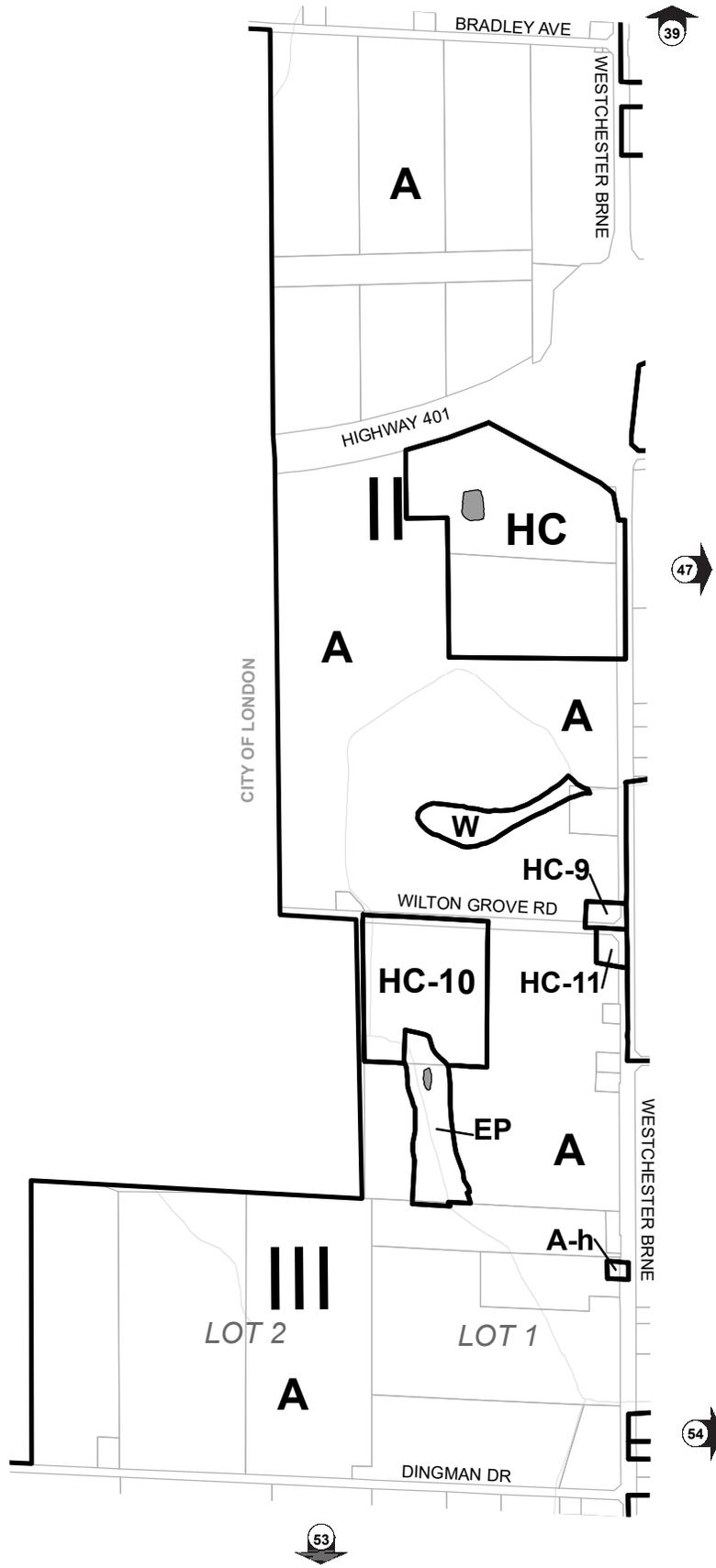
ZONING BY-LAW NO. 75-2006

SCALE: 1:16,000 metres

0 100 200 400 600 800



**SCHEDULE A**  
MAP NO.  
**45**



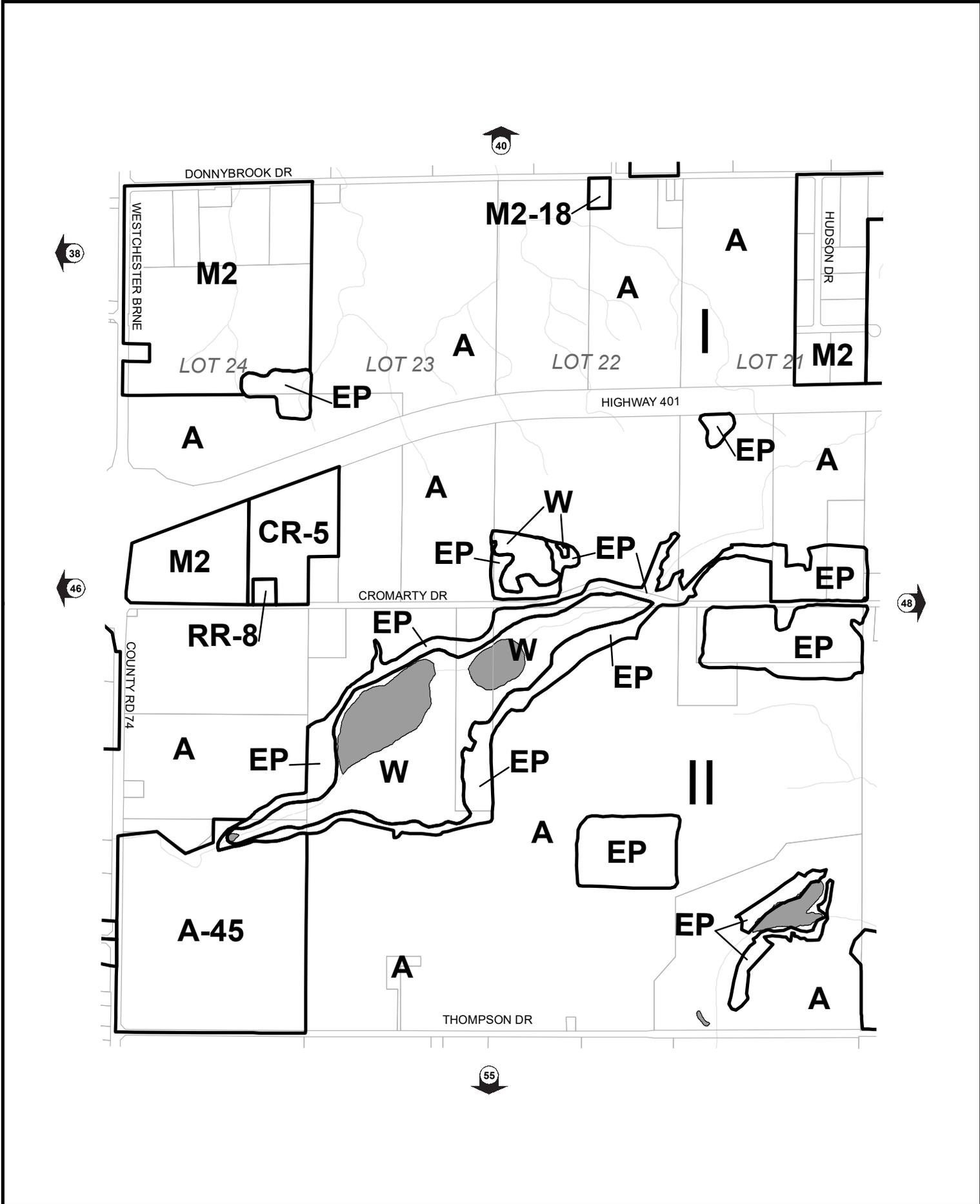
**MUNICIPALITY OF THAMES CENTRE**

ZONING BY-LAW NO. 75-2006



SCHEDULE A  
MAP NO.

**46**



**MUNICIPALITY OF THAMES CENTRE**

ZONING BY-LAW NO. 75-2006

SCALE: 1:16,000 metres

0 100 200 400 600 800



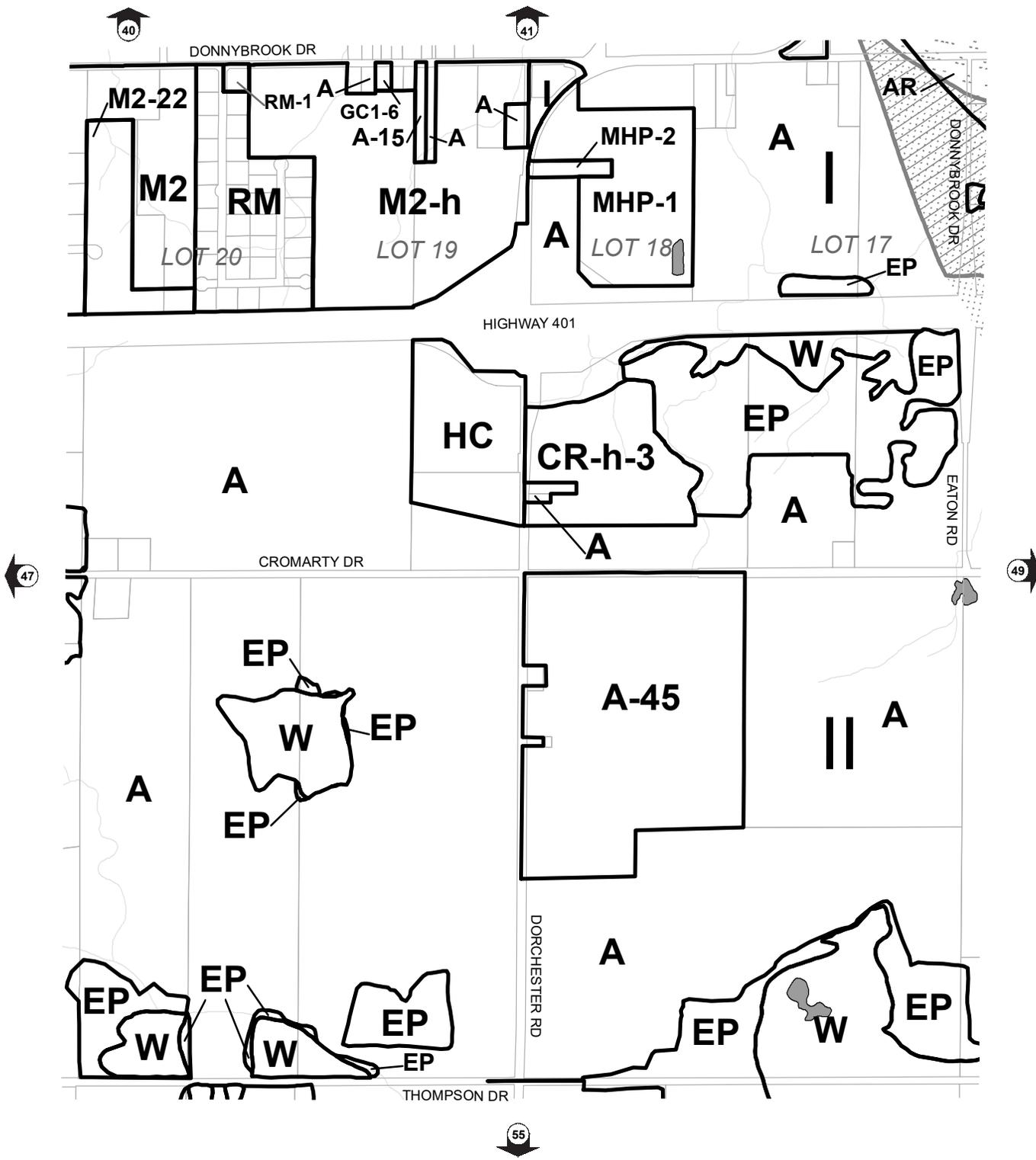
SCHEDULE A  
MAP NO.  
**47**

**Wellhead Protection Area**

WHPAA 
  WHPA B 
  WHPA C 
  WHPA D

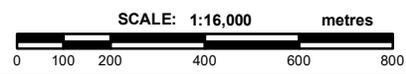
**Vulnerability Score**

10 
  8 
  6 or less



**MUNICIPALITY OF THAMES CENTRE**

ZONING BY-LAW NO. 75-2006



SCHEDULE A  
MAP NO.

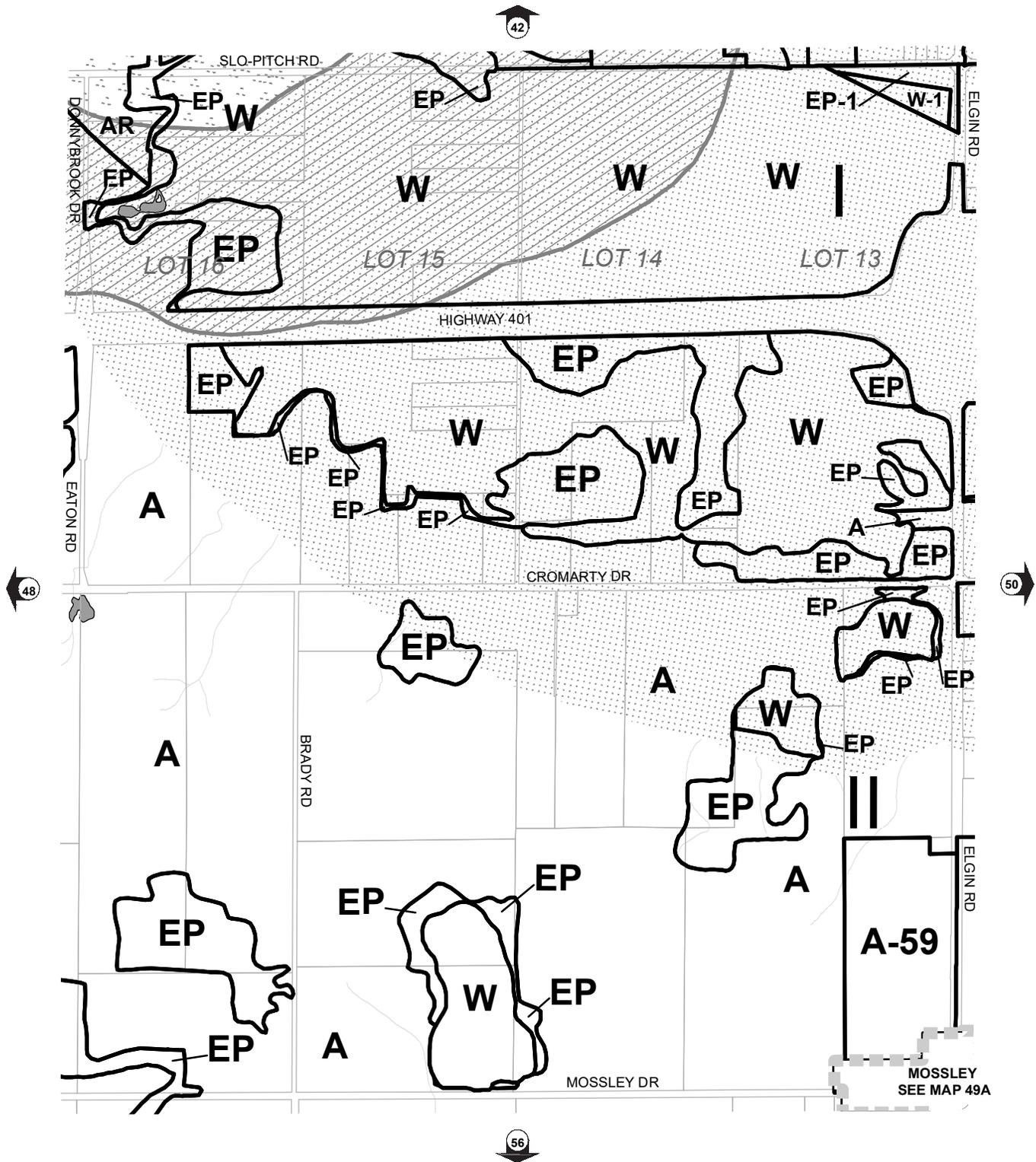
**48**

Wellhead Protection Area

- WHPAA
- WHPA B
- WHPA C
- WHPA D

Vulnerability Score

- 10
- 8
- 6 or less



**MUNICIPALITY OF THAMES CENTRE**

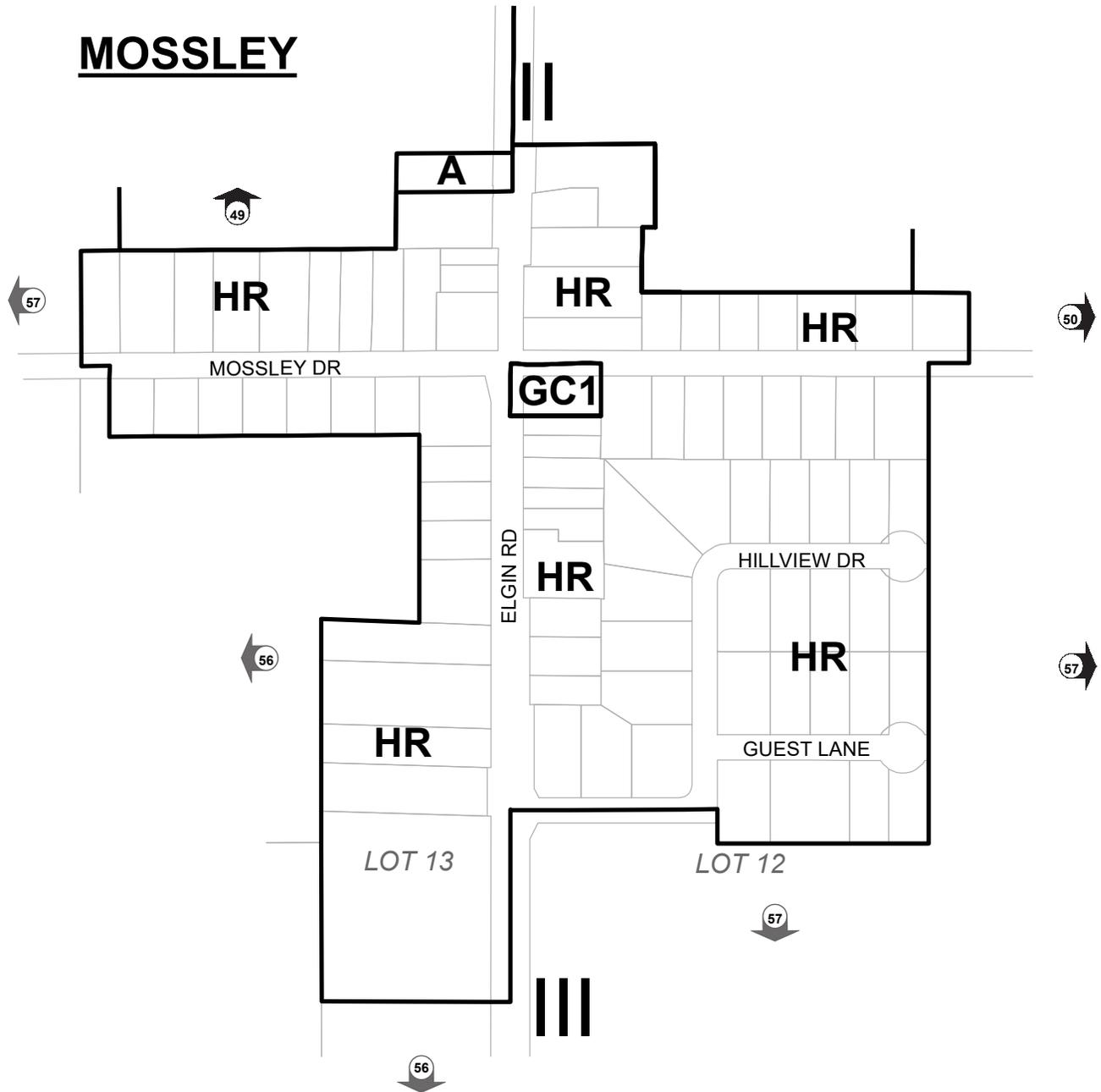
ZONING BY-LAW NO. 75-2006

SCALE: 1:16,000 metres



SCHEDULE A  
MAP NO.  
**49**

# MOSSLEY



## MUNICIPALITY OF THAMES CENTRE

ZONING BY-LAW NO. 75-2006



SCHEDULE A  
MAP NO.

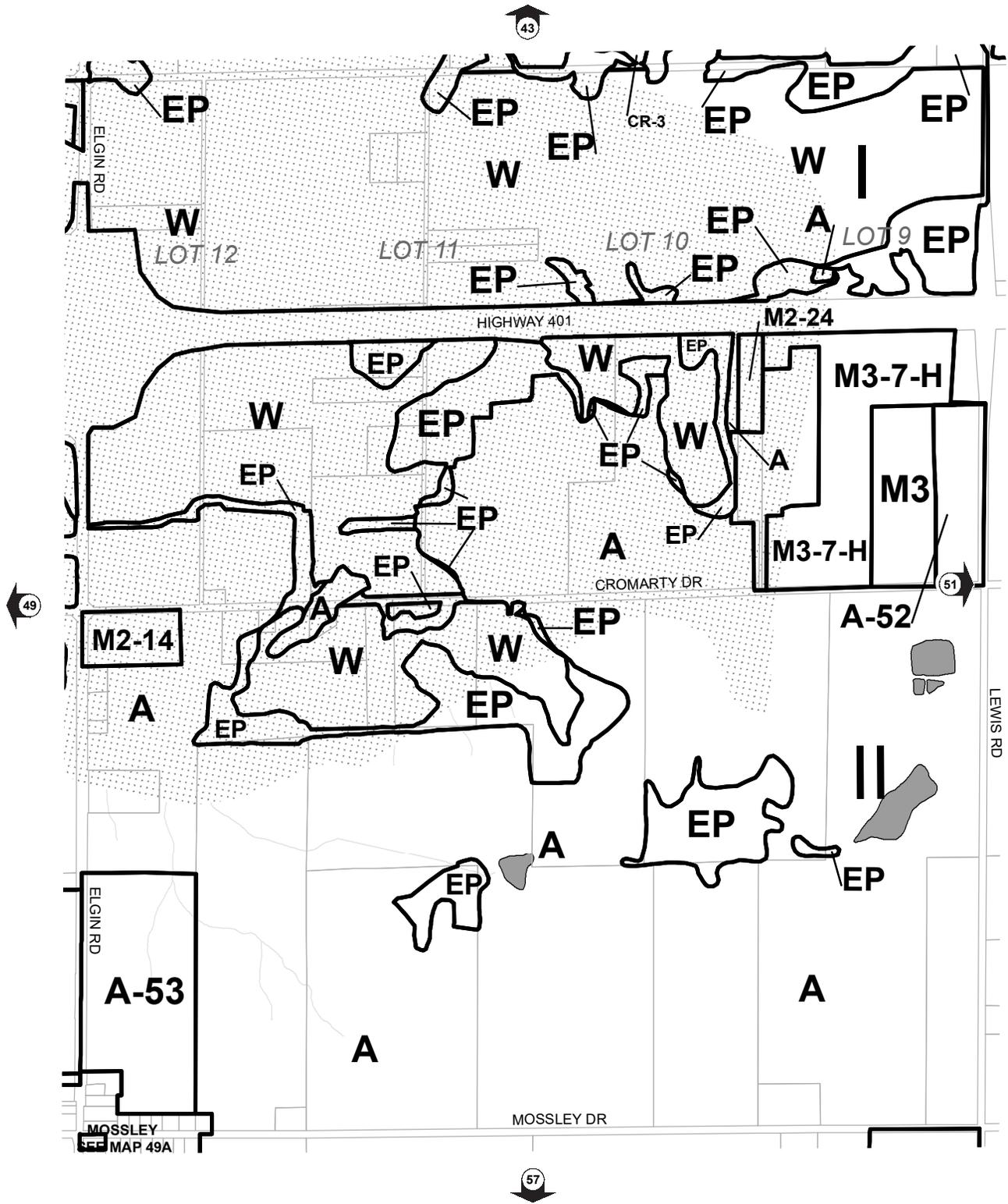
**49A**

**Wellhead Protection Area**

- WHPAA
- WHPA B
- WHPA C
- WHPA D

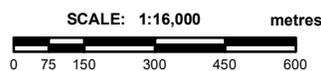
**Vulnerability Score**

- 10
- 8
- 6 or less



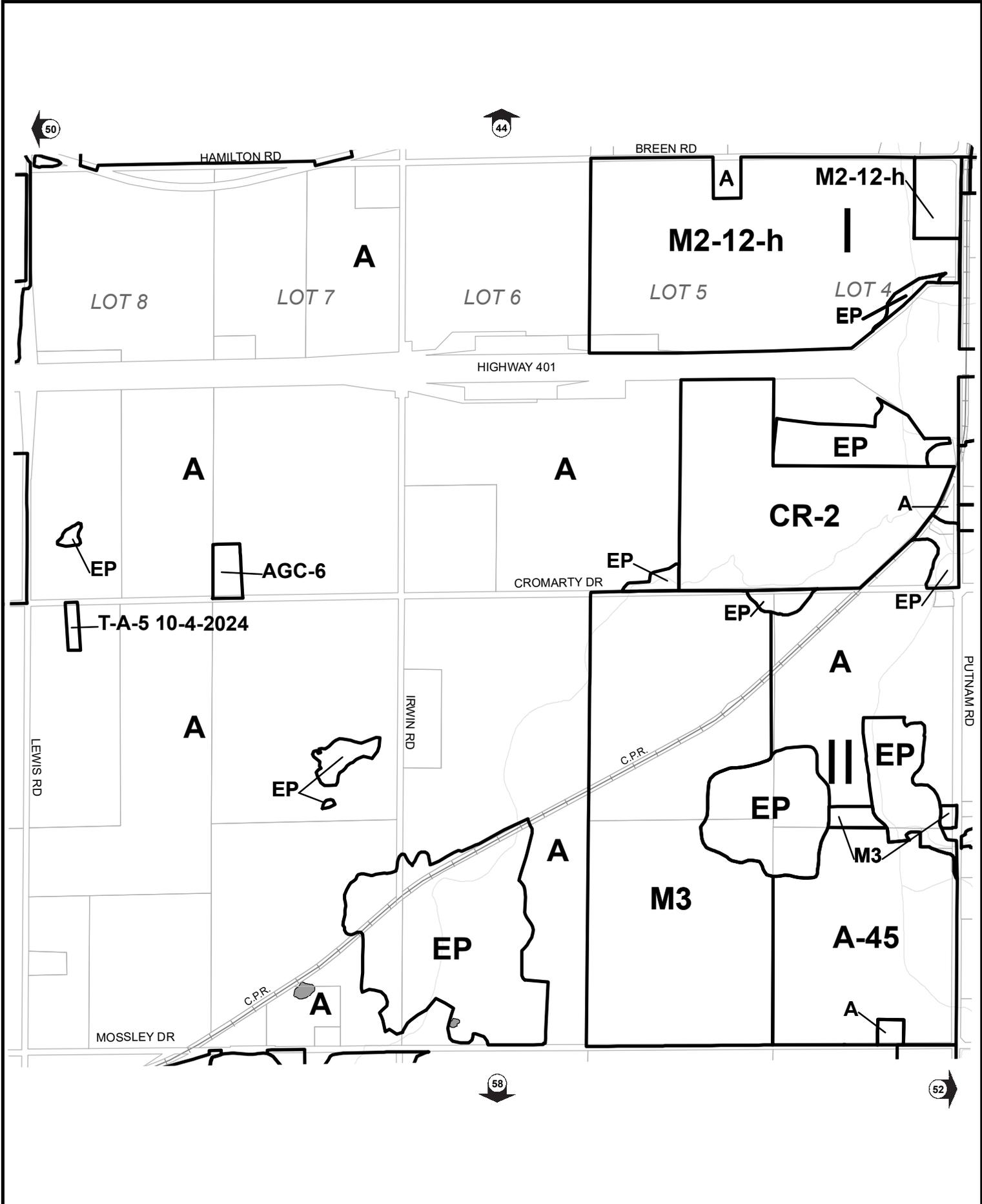
**MUNICIPALITY OF THAMES CENTRE**

ZONING BY-LAW NO. 75-2006



SCHEDULE A  
MAP NO.

**50**



**MUNICIPALITY OF THAMES CENTRE**

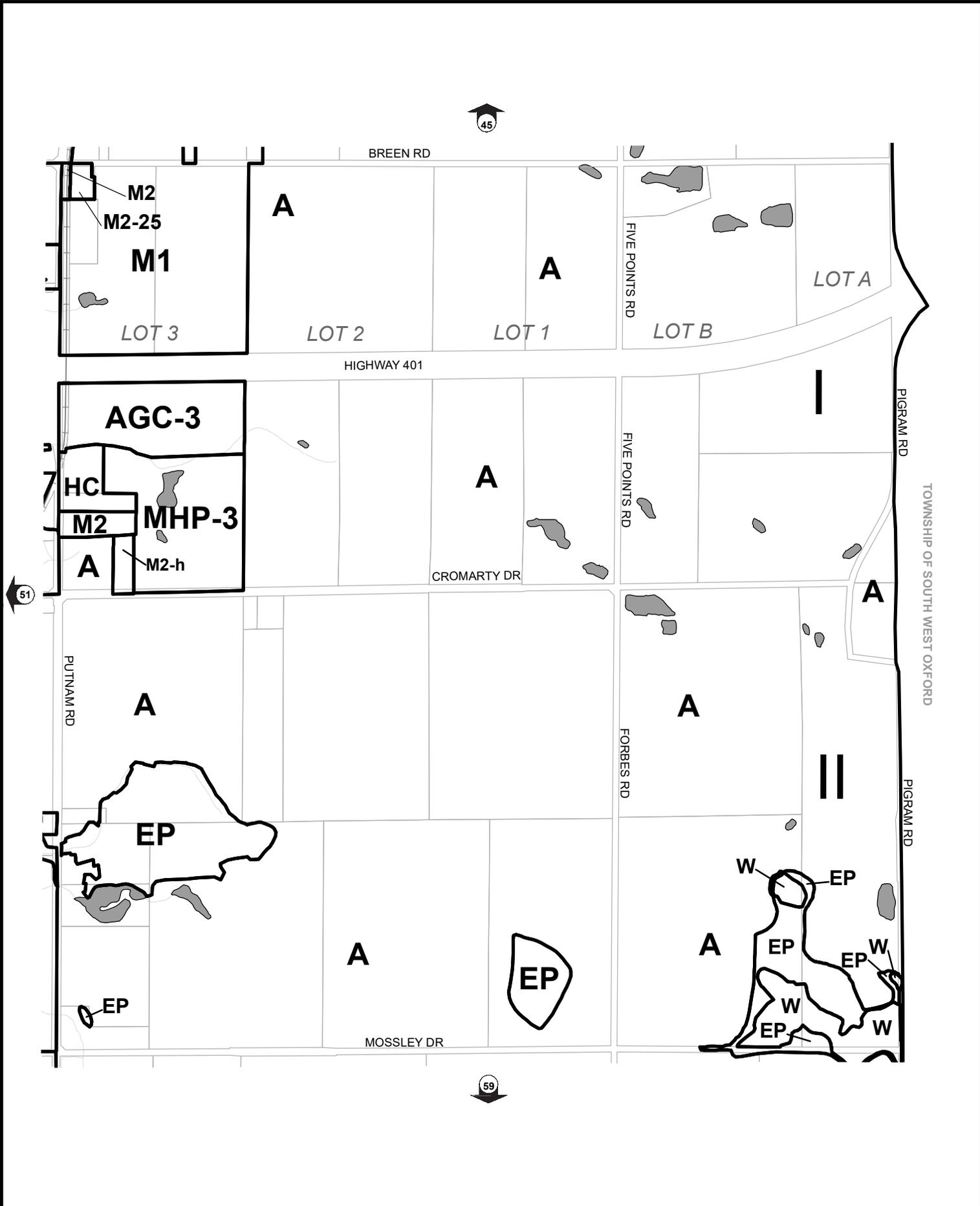
ZONING BY-LAW NO. 75-2006

SCALE: 1:16,000 metres

0 95 190 380 570 760



SCHEDULE A  
MAP NO.  
**51**



**MUNICIPALITY OF THAMES CENTRE**

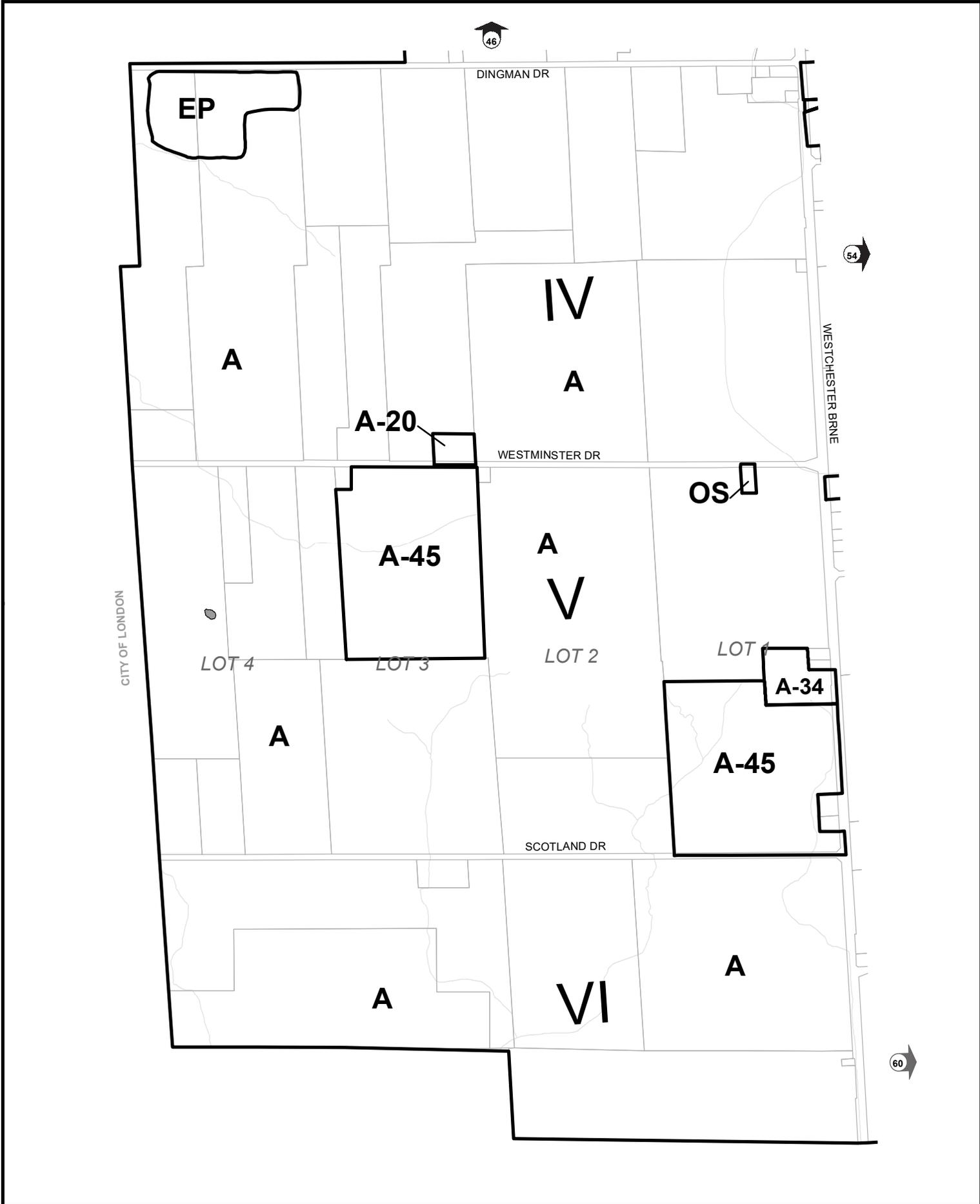
ZONING BY-LAW NO. 75-2006

SCALE: 1:16,000 metres

0 100 200 400 600 800



**SCHEDULE A**  
MAP NO.  
**52**



**MUNICIPALITY OF THAMES CENTRE**

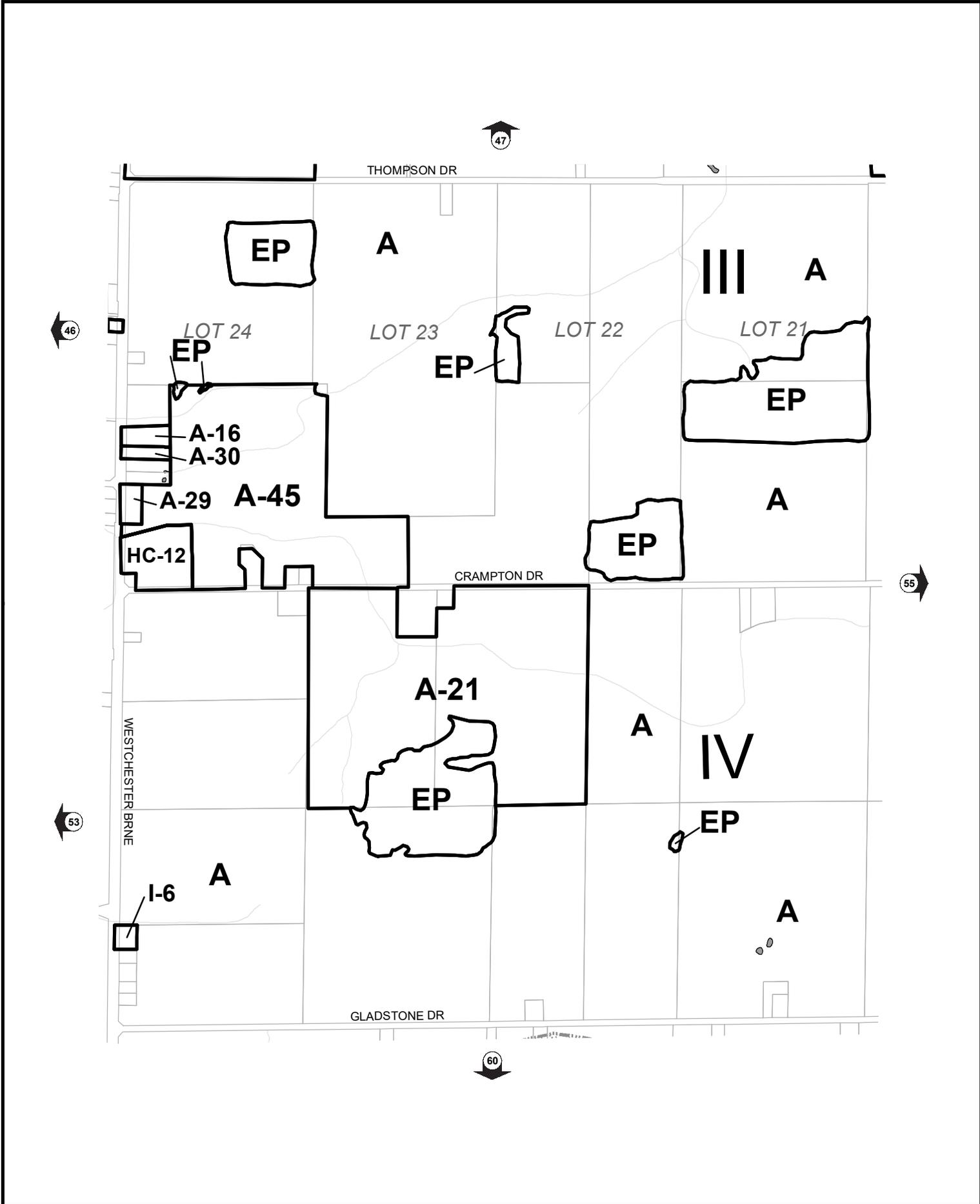
ZONING BY-LAW NO. 75-2006

SCALE: 1:17,000 metres

0 105 210 420 630 840



SCHEDULE A  
MAP NO.  
**53**



**MUNICIPALITY OF THAMES CENTRE**

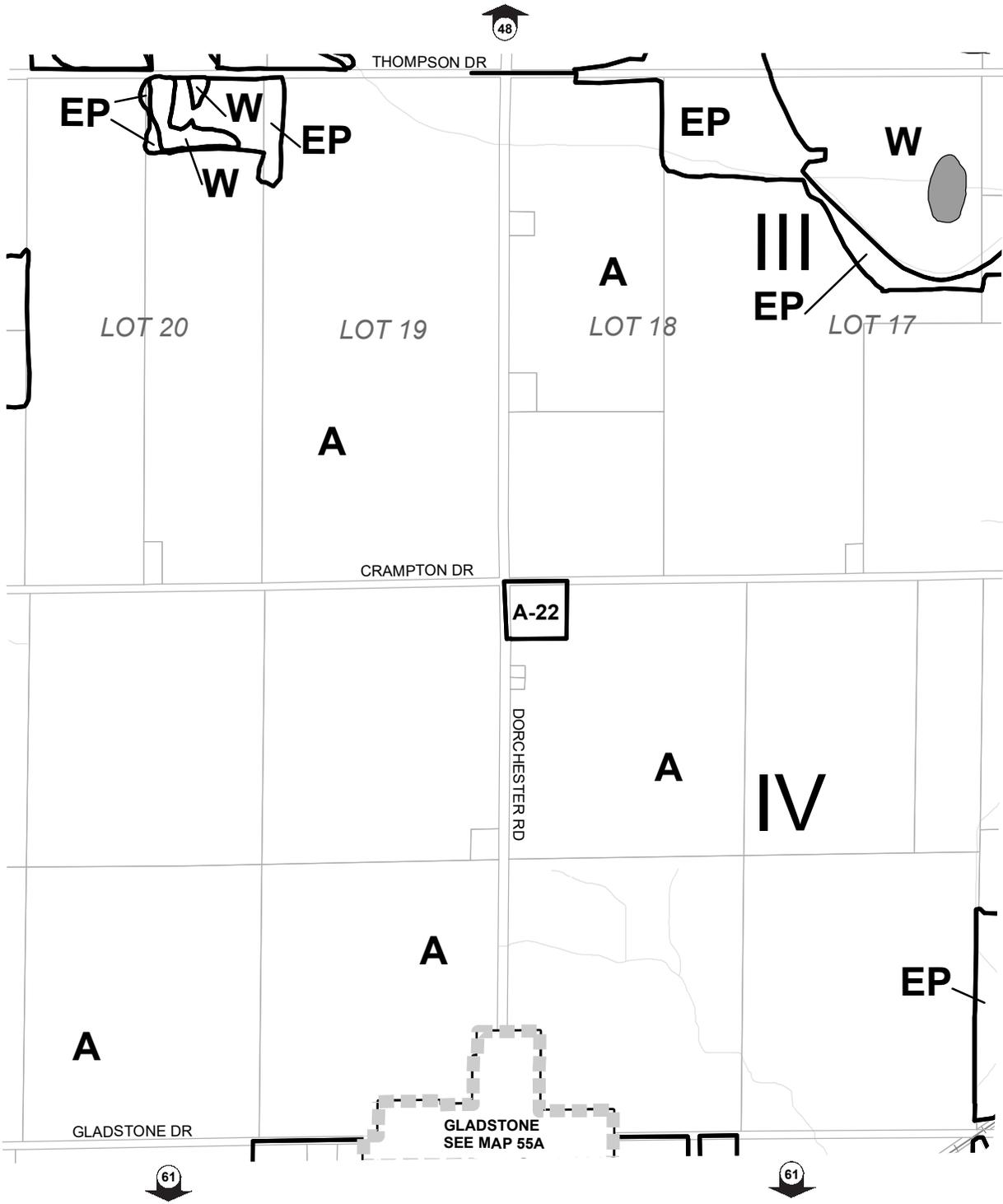
ZONING BY-LAW NO. 75-2006

SCALE: 1:16,000 metres

0 95 190 380 570 760

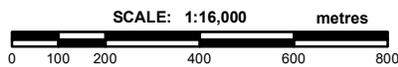


SCHEDULE A  
MAP NO.  
**54**



**MUNICIPALITY OF THAMES CENTRE**

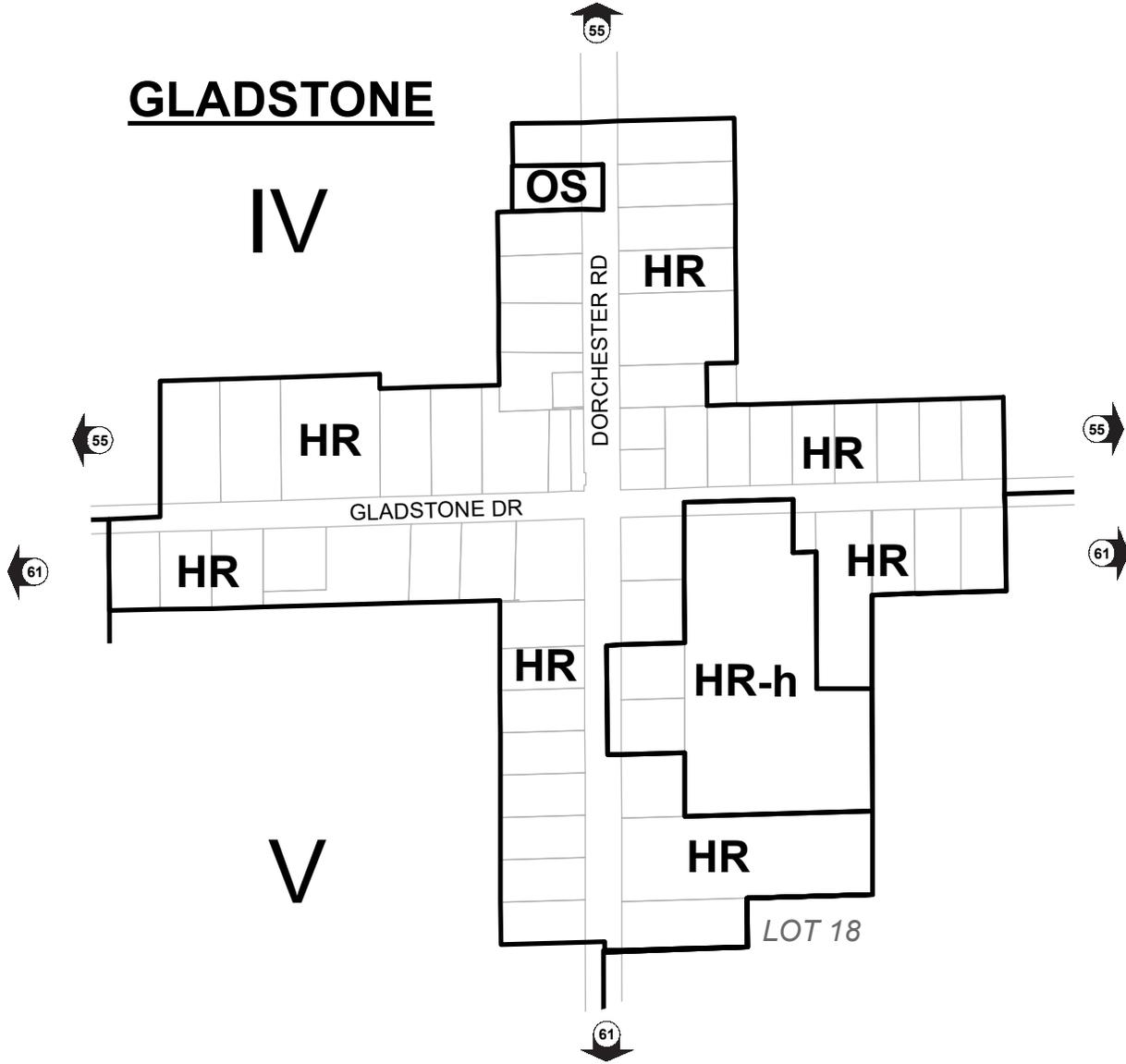
ZONING BY-LAW NO. 75-2006



SCHEDULE A  
MAP NO.

**55**

**GLADSTONE**



**MUNICIPALITY OF THAMES CENTRE**

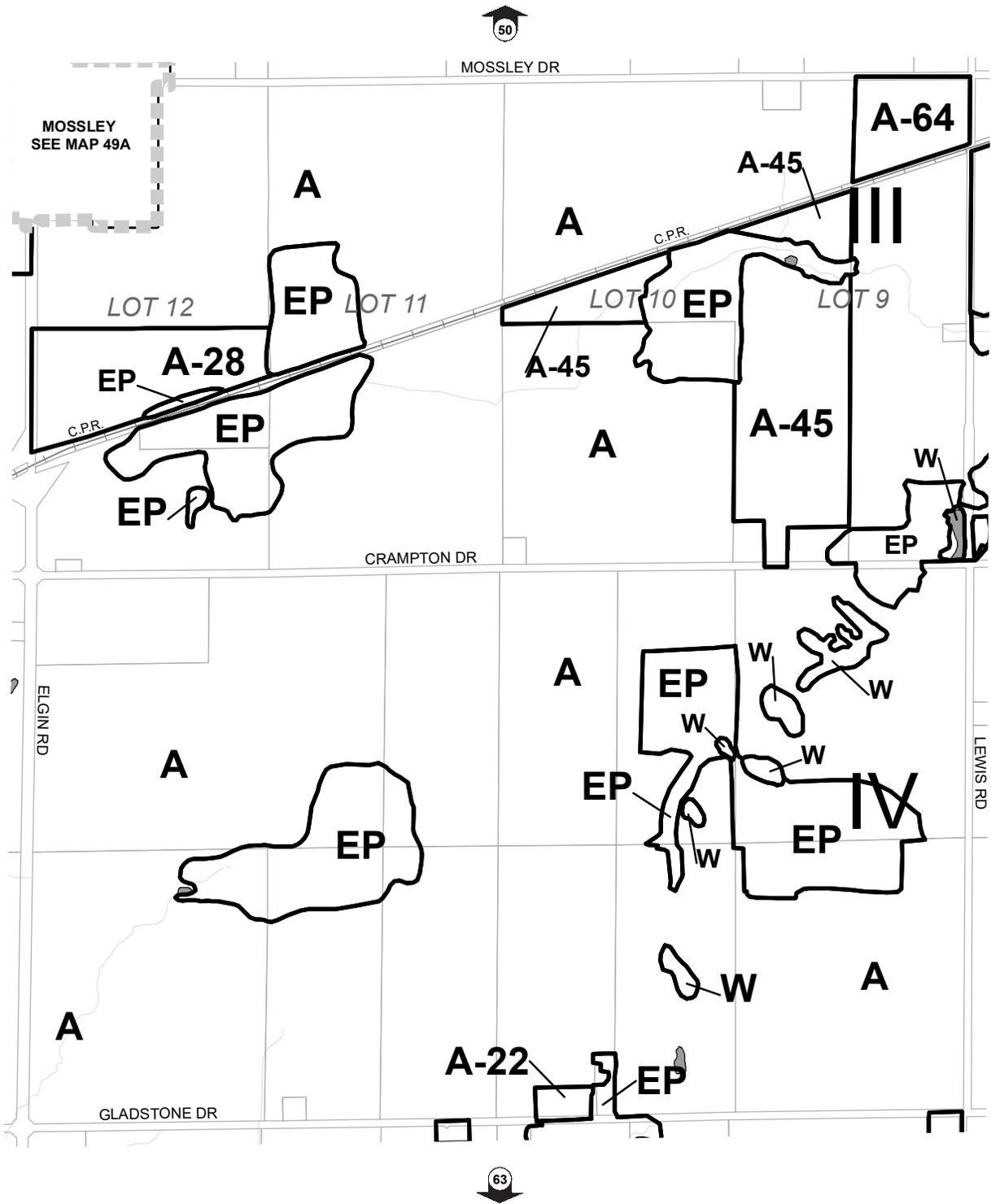
ZONING BY-LAW NO. 75-2006



SCHEDULE A  
MAP NO.

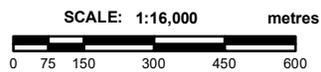
**55A**





**MUNICIPALITY OF THAMES CENTRE**

ZONING BY-LAW NO. 75-2006

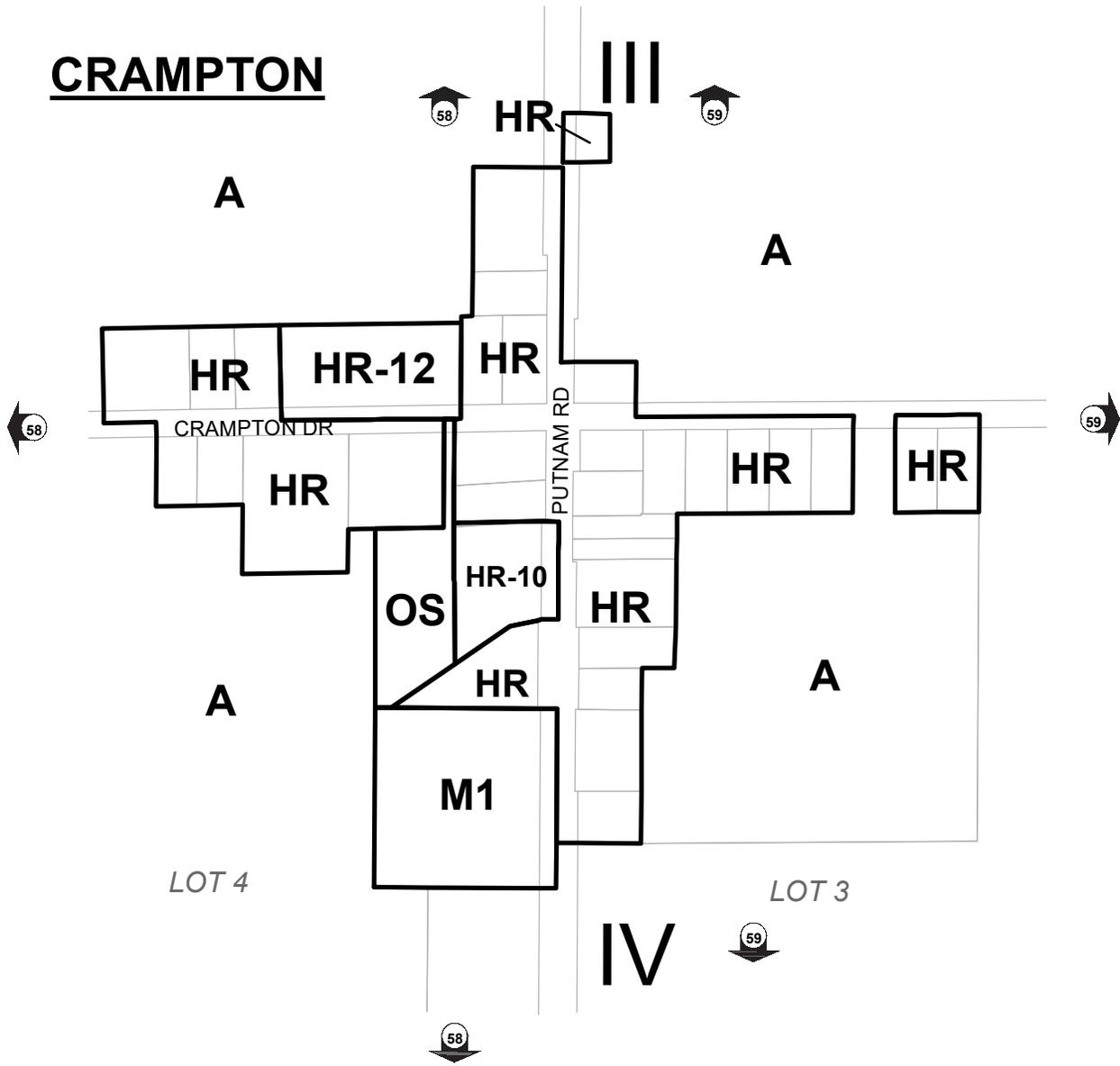


SCHEDULE A  
MAP NO.

**57**



# CRAMPTON



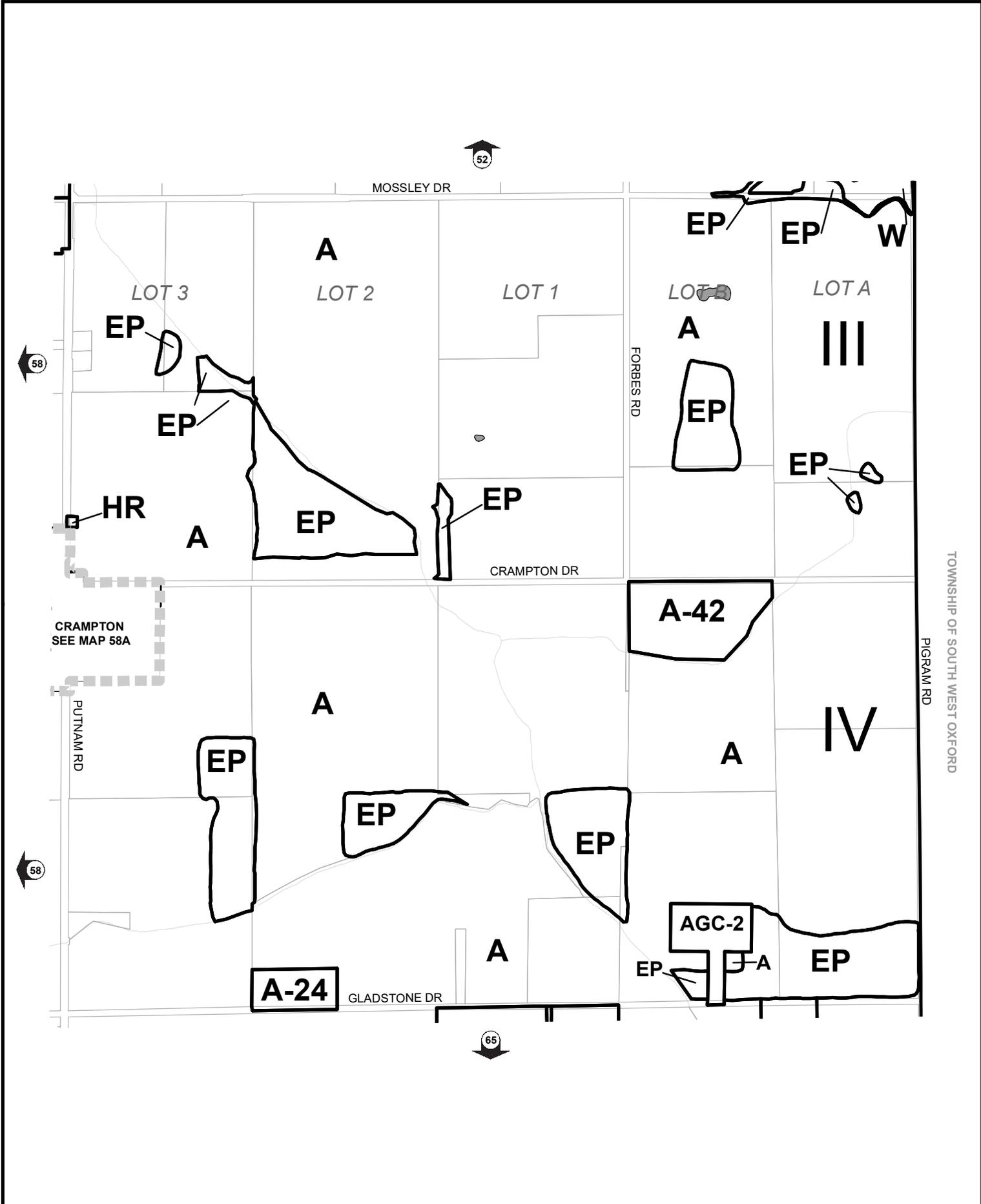
## MUNICIPALITY OF THAMES CENTRE

ZONING BY-LAW NO. 75-2006



SCHEDULE A  
MAP NO.

# 58A



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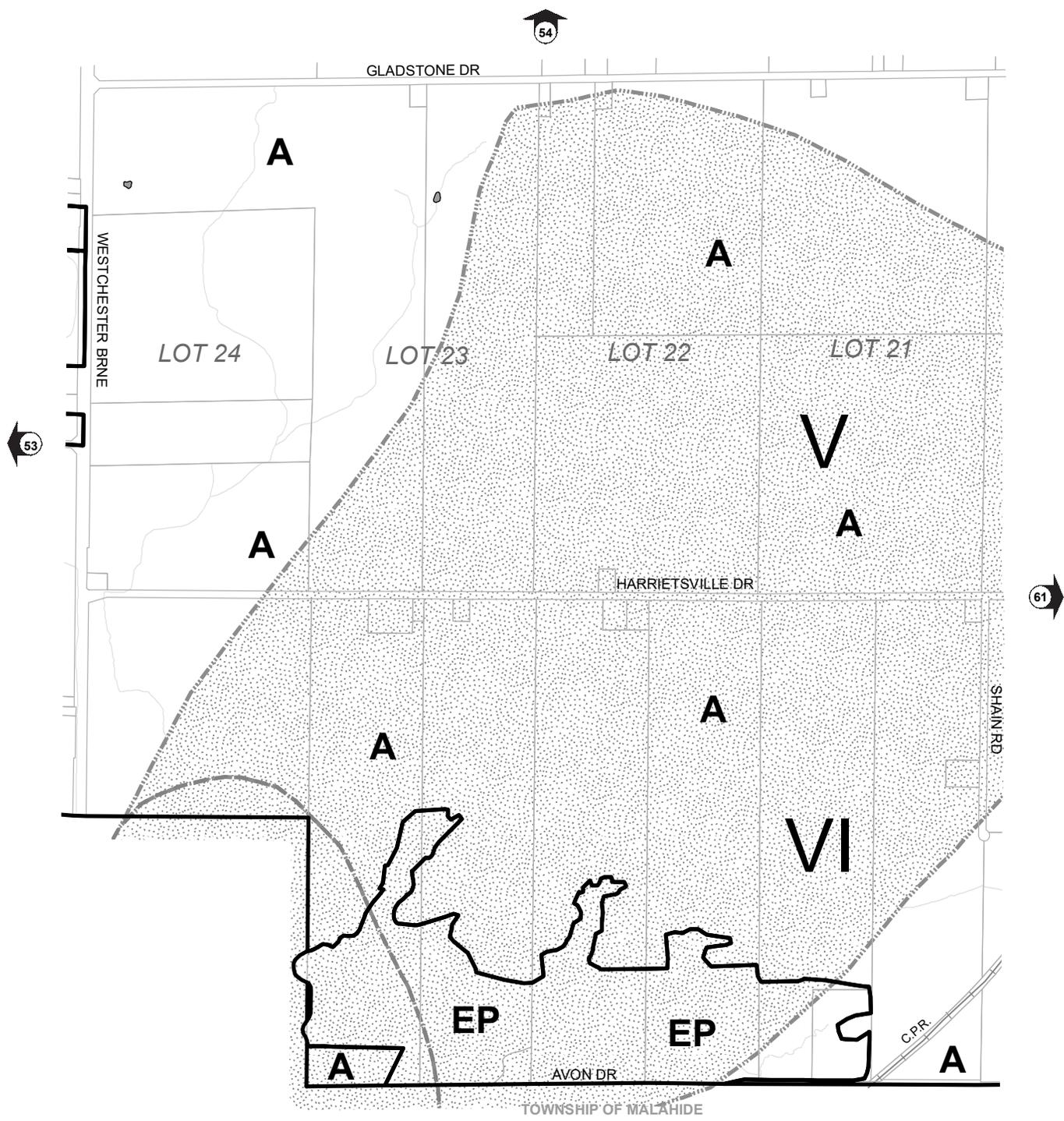
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MAP NO.  
**59**

**Wellhead Protection Area**

WHPAA 
  WHPA B 
  WHPA C 
  WHPA D

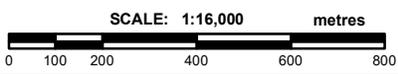
**Vulnerability Score**

10 
  8 
  6 or less



**MUNICIPALITY OF THAMES CENTRE**

ZONING BY-LAW NO. 75-2006



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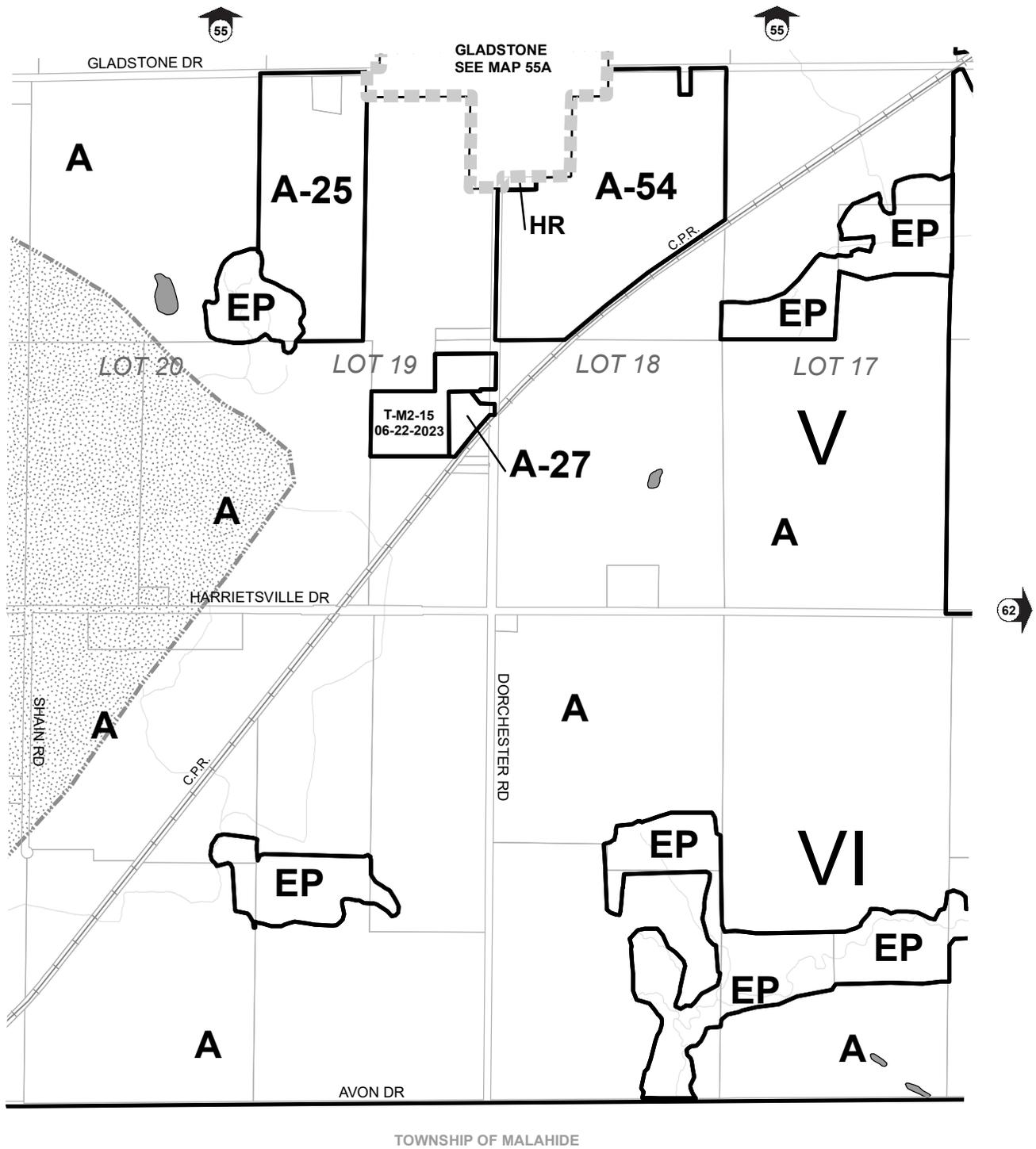
**60**

**Wellhead Protection Area**

- WHPAA
- WHPA B
- WHPA C
- WHPA D

**Vulnerability Score**

- 10
- 8
- 6 or less



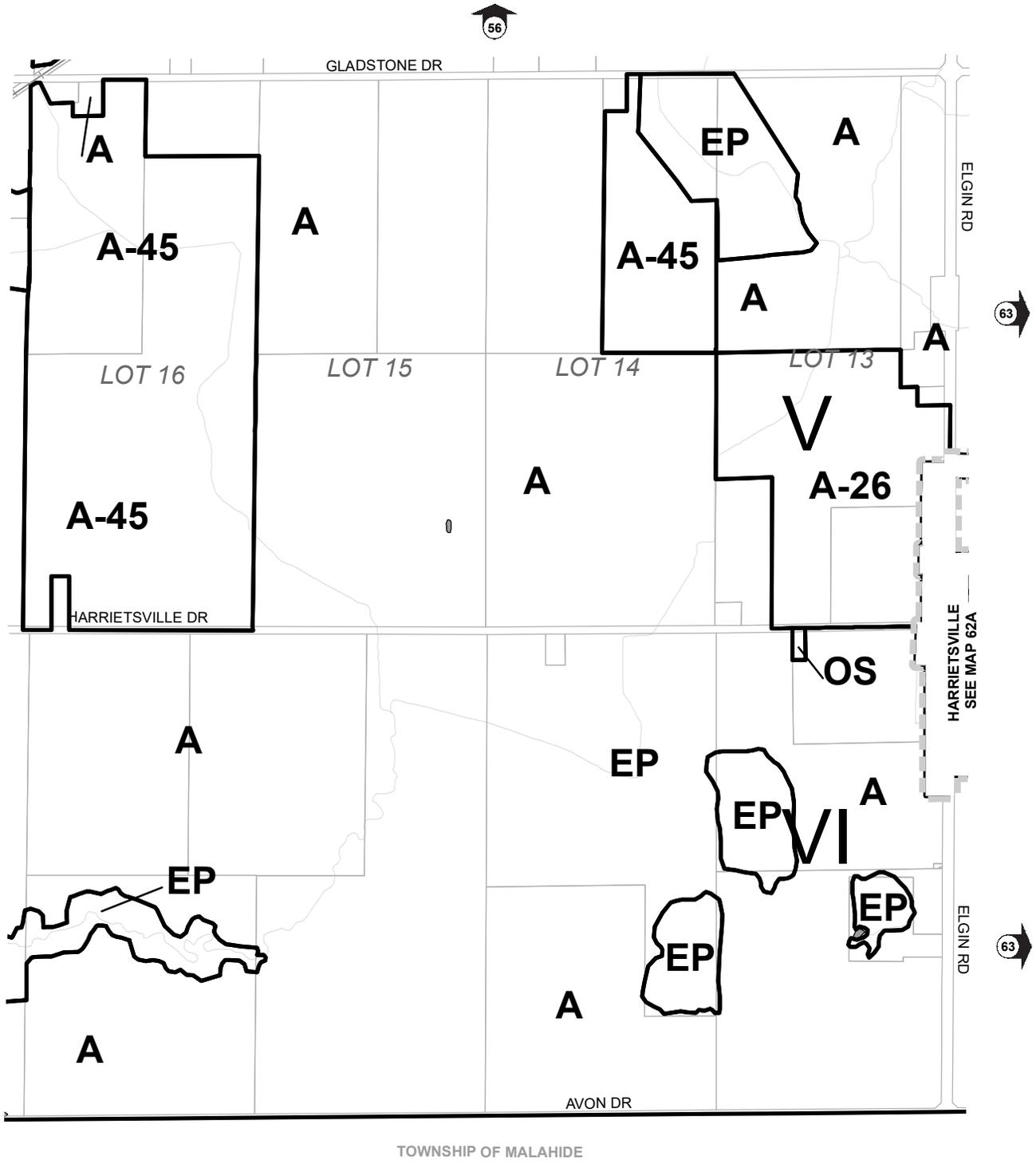
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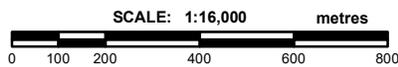


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**61**



**MUNICIPALITY OF THAMES CENTRE**

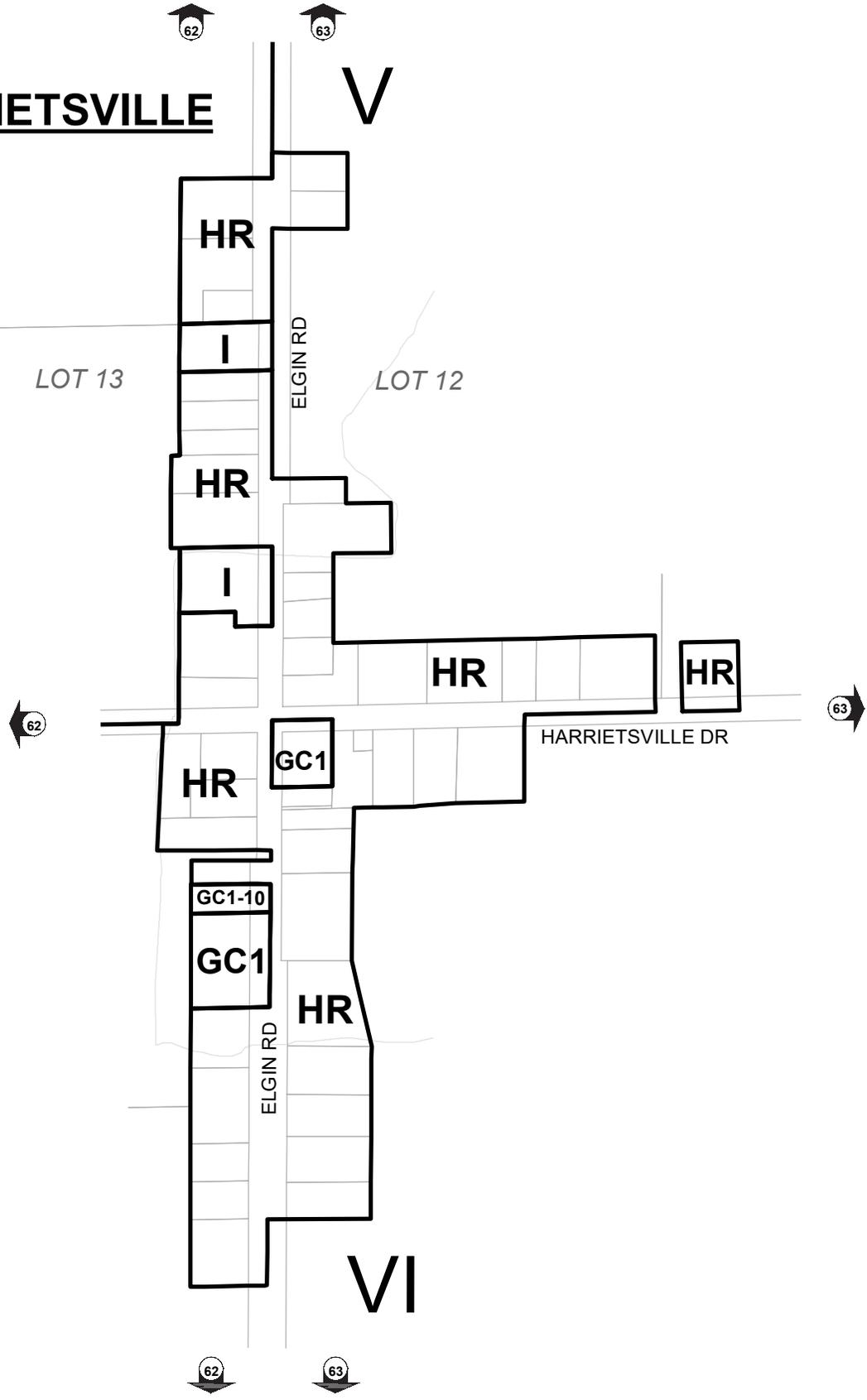
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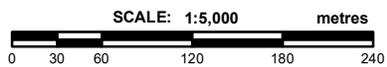
**62**

**HARRIETSVILLE**



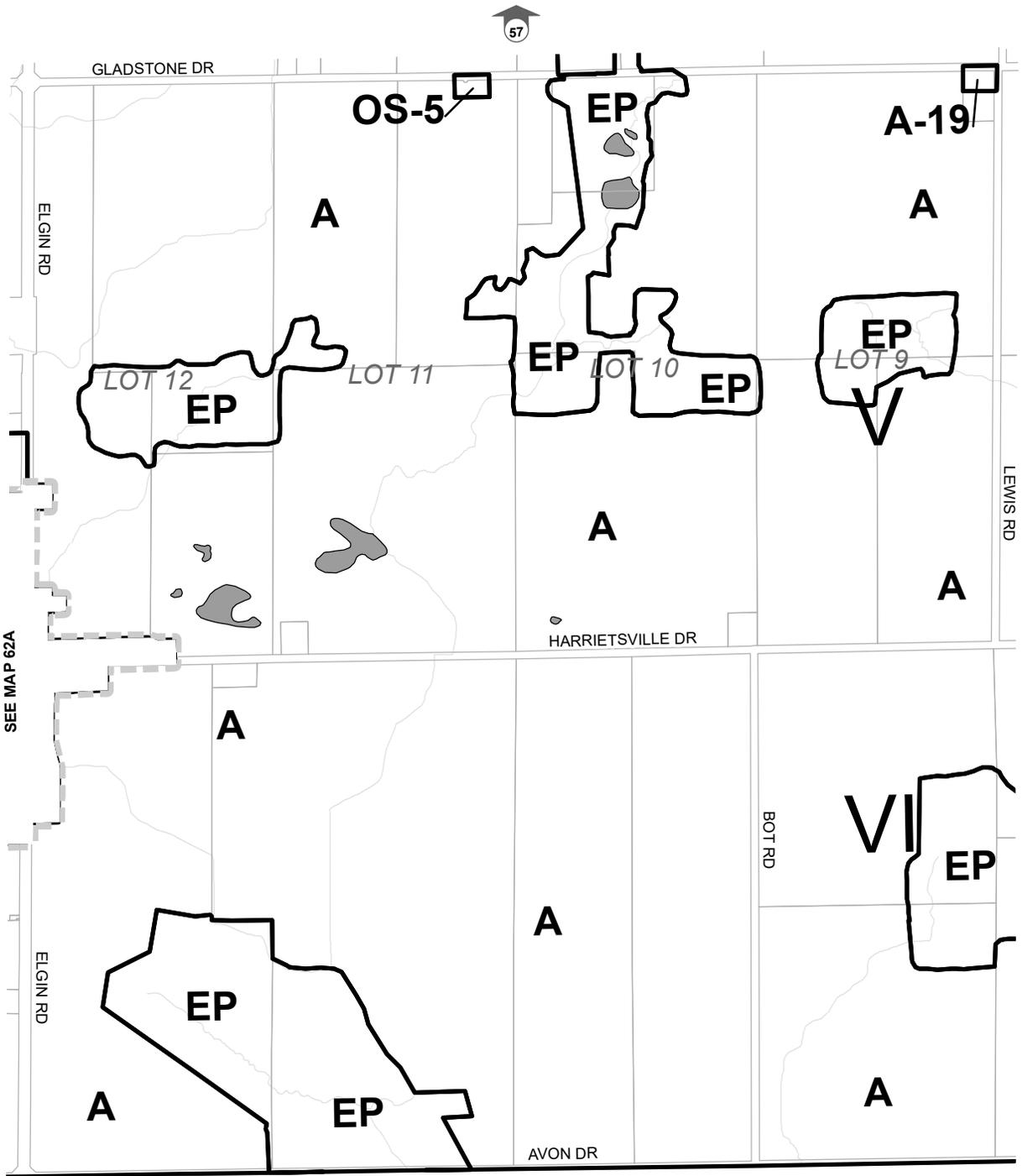
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ZONING BY-LAW NO. 75-2006



SCHEDULE A  
MAP NO.

**62A**



TOWNSHIP OF MALAHIDE



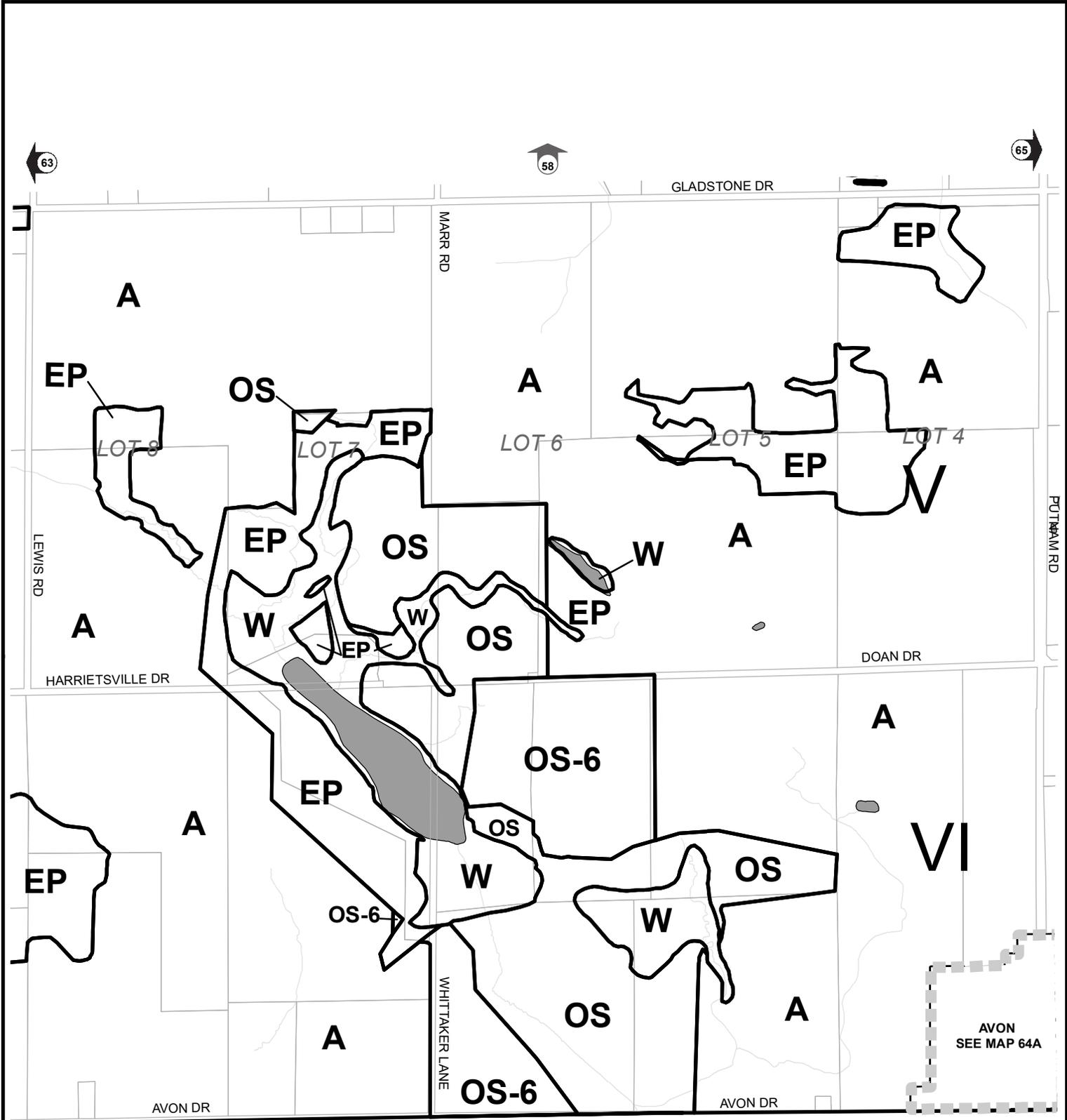
**MUNICIPALITY OF THAMES CENTRE**

ZONING BY-LAW NO. 75-2006



SCHEDULE A  
MAP NO.

**63**



TOWNSHIP OF MALAHIDE



**MUNICIPALITY OF THAMES CENTRE**

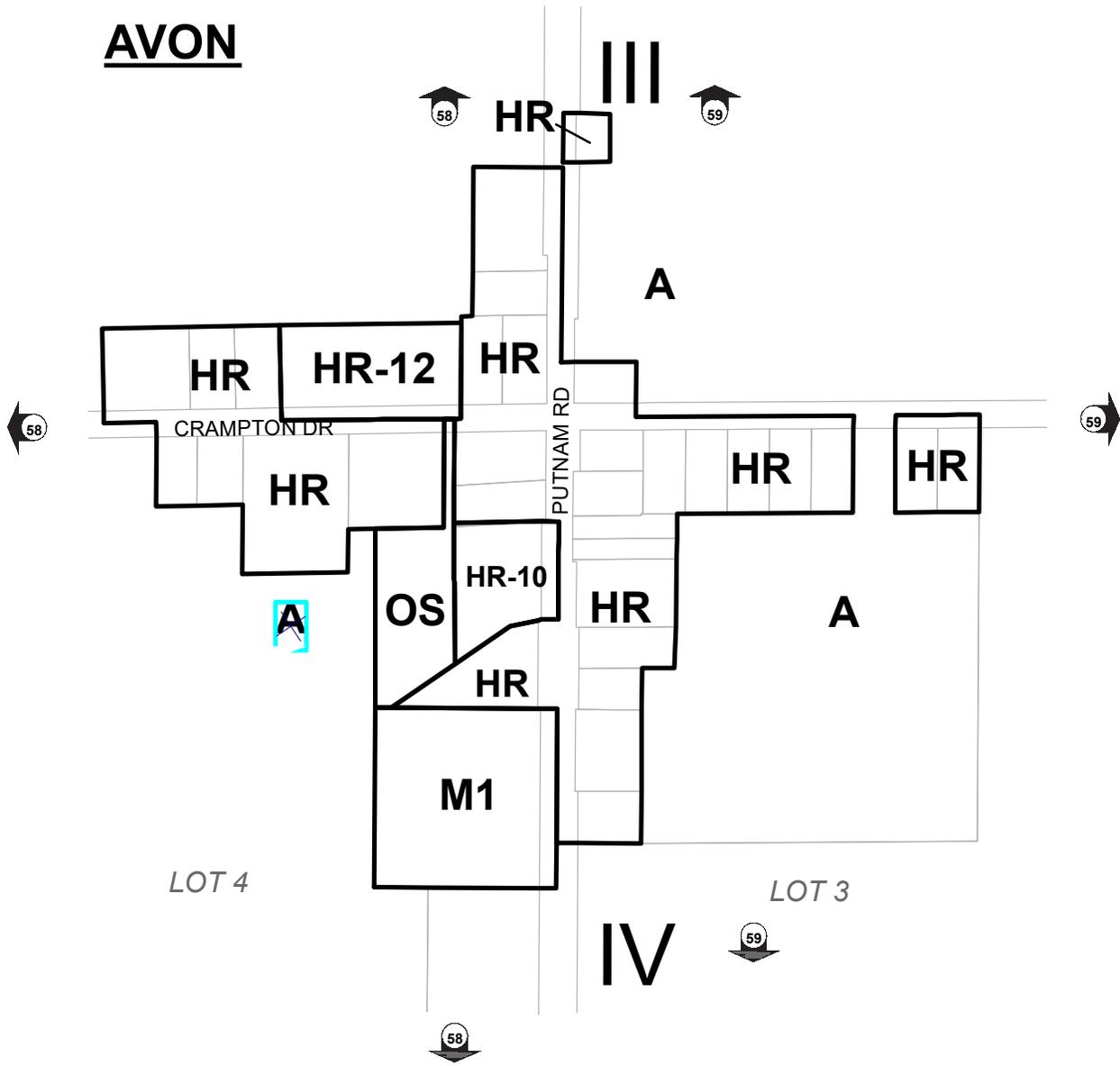
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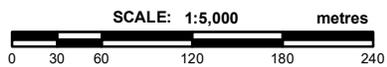
**64**

**AVON**



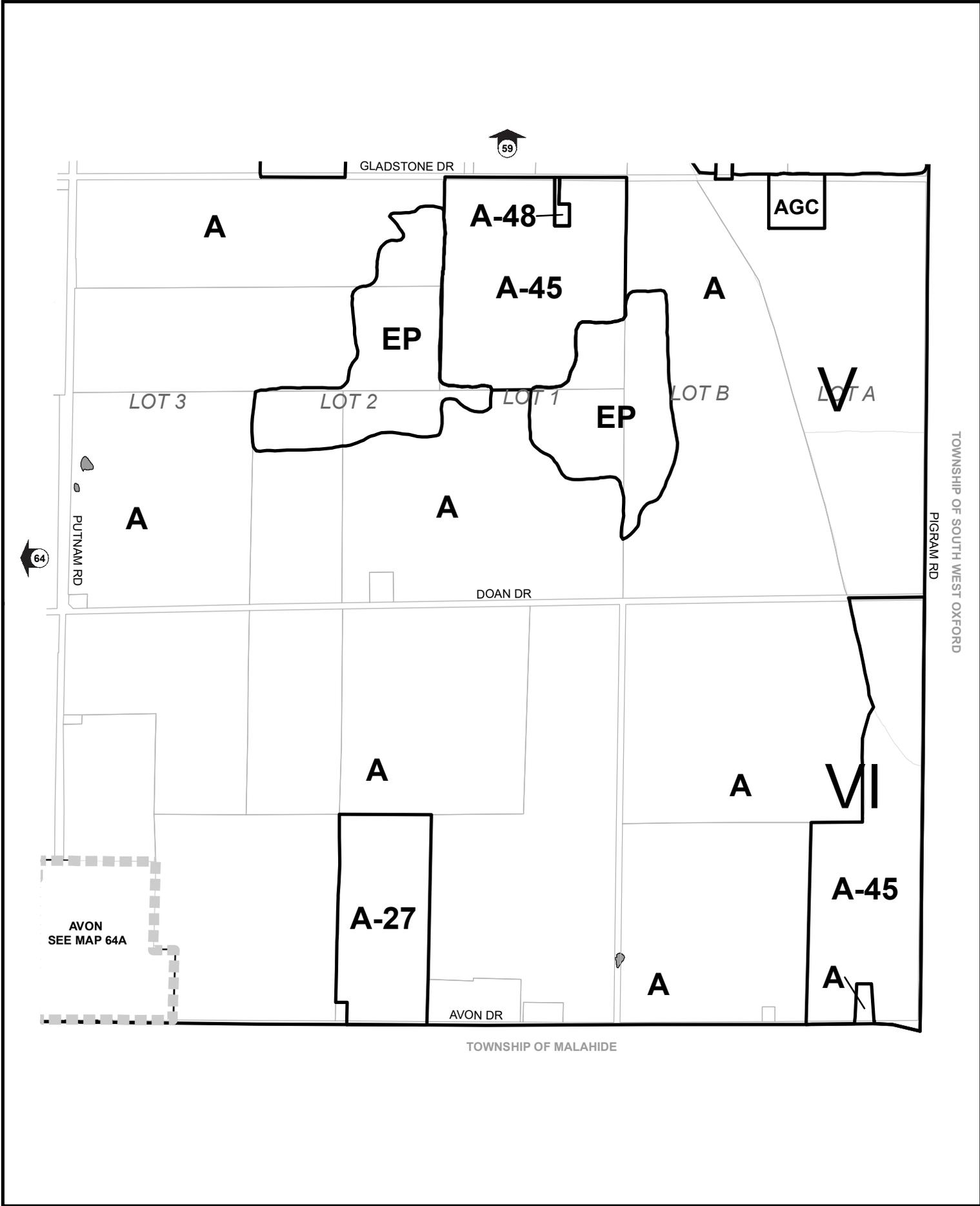
**MUNICIPALITY OF THAMES CENTRE**

ZONING BY-LAW NO. 75-2006



SCHEDULE A  
MAP NO.

**58A**



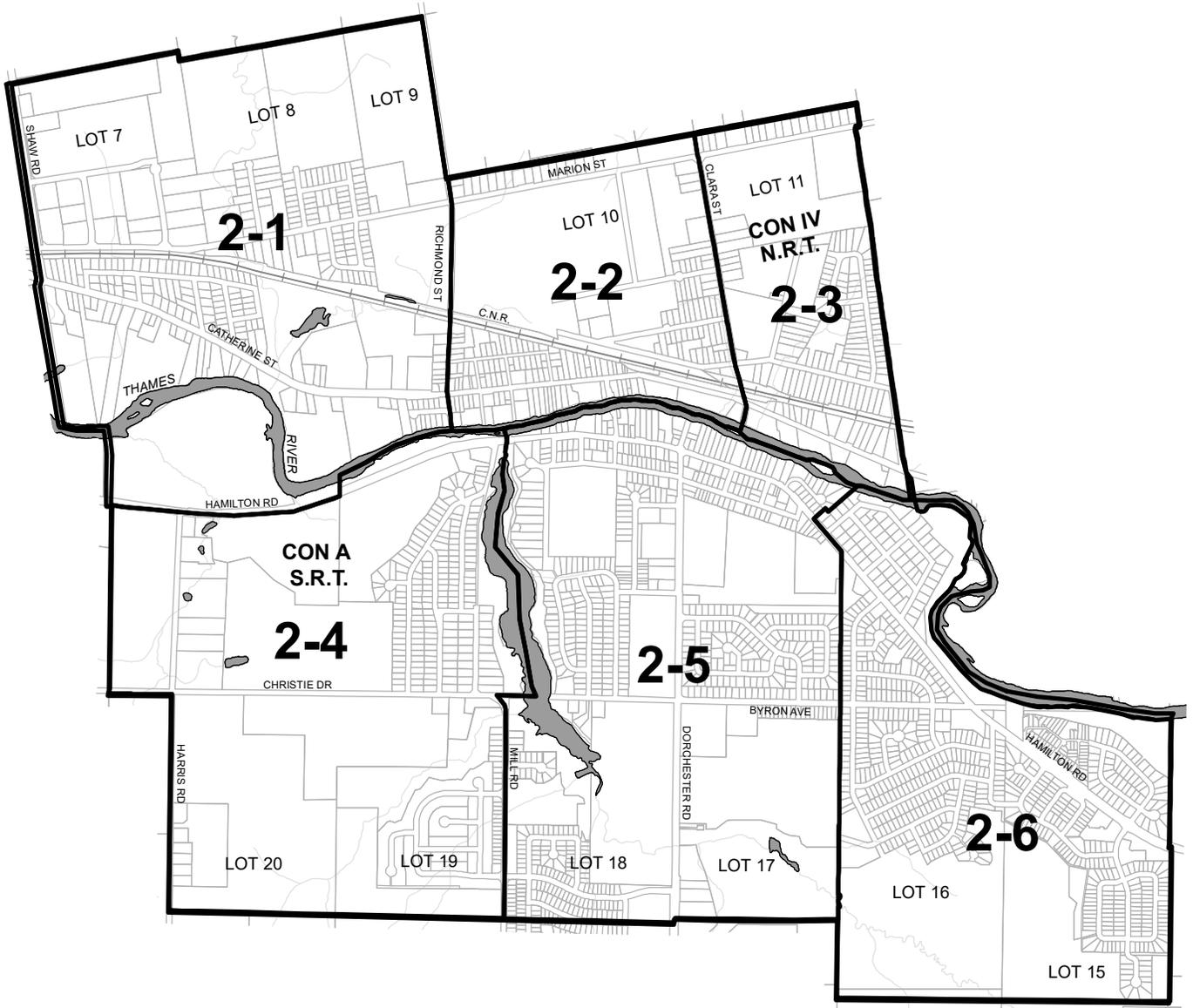
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 ZONING BY-LAW NO. 75-2006

SCALE: 1:16,000 metres  
 0 100 200 400 600 800



**SCHEDULE A**  
**MAP NO.**  
**65**

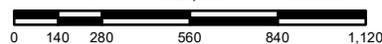
# DORCHESTER



## MUNICIPALITY OF THAMES CENTRE

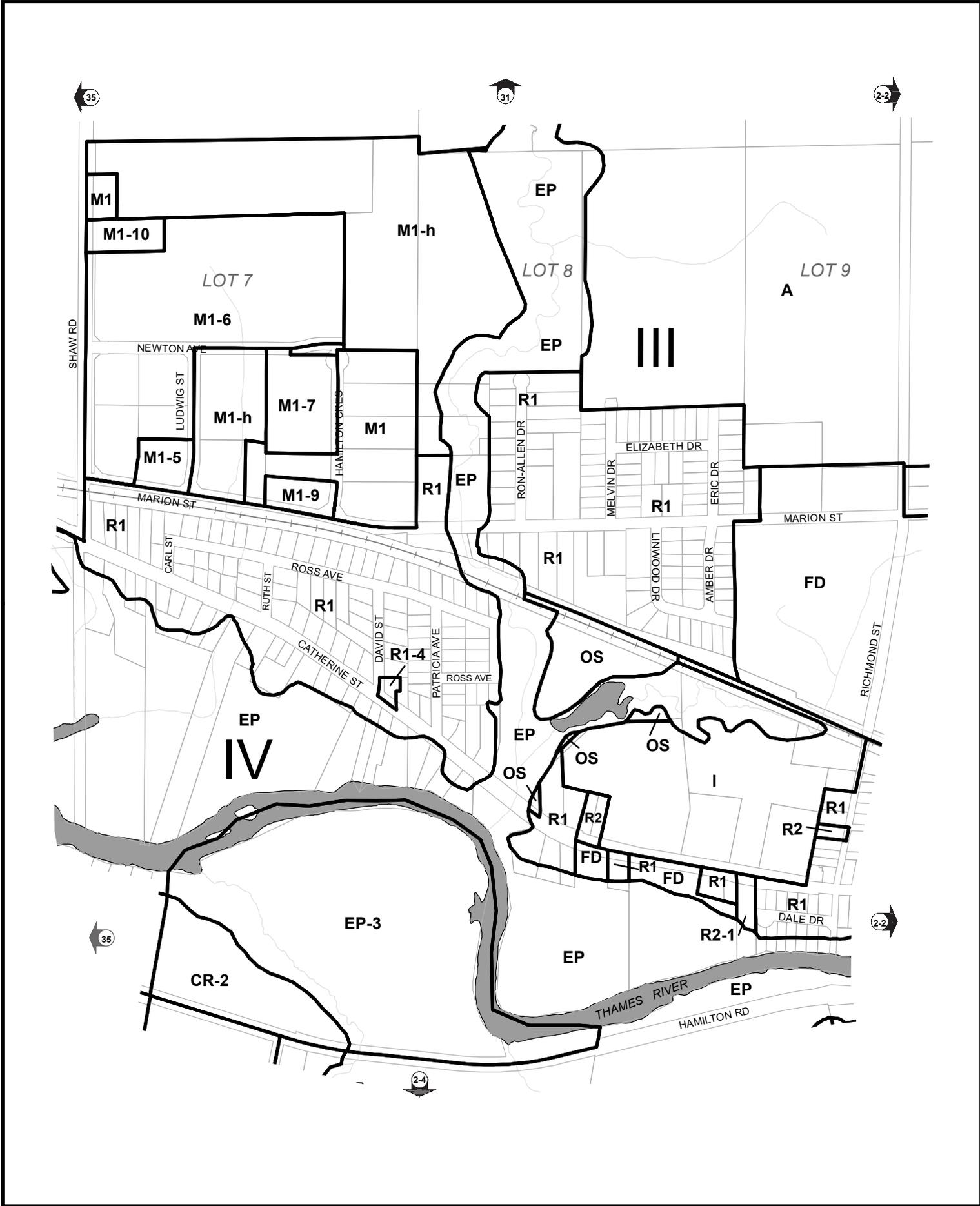
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SCALE: 1:24,000 metres



SCHEDULE A  
MAP NO.

# INDEX 2

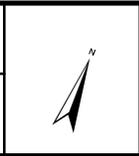


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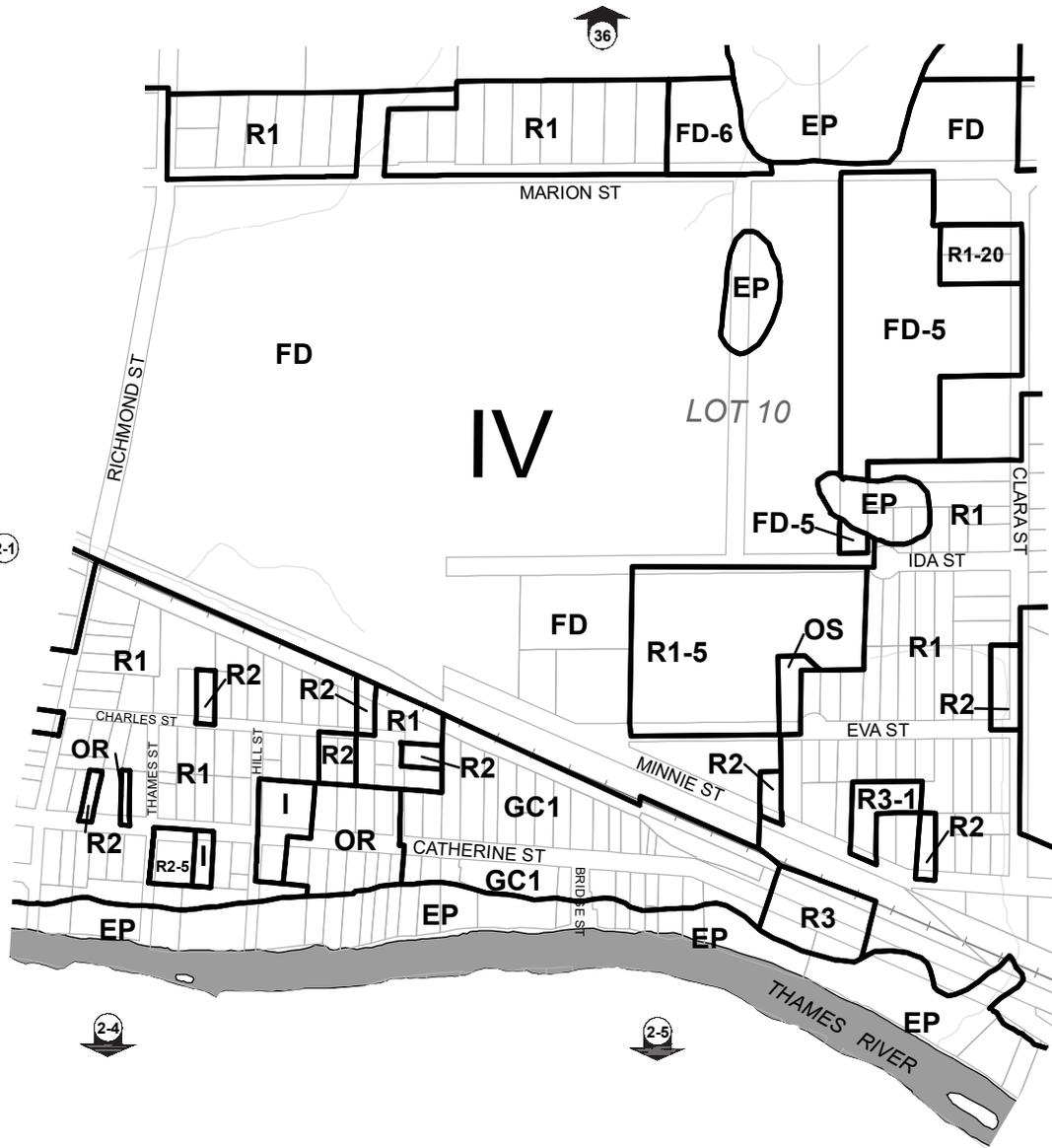
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SCALE: 1:9,000 metres

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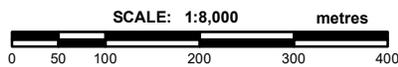


SCHEDULE A  
MAP NO.  
**2-1**



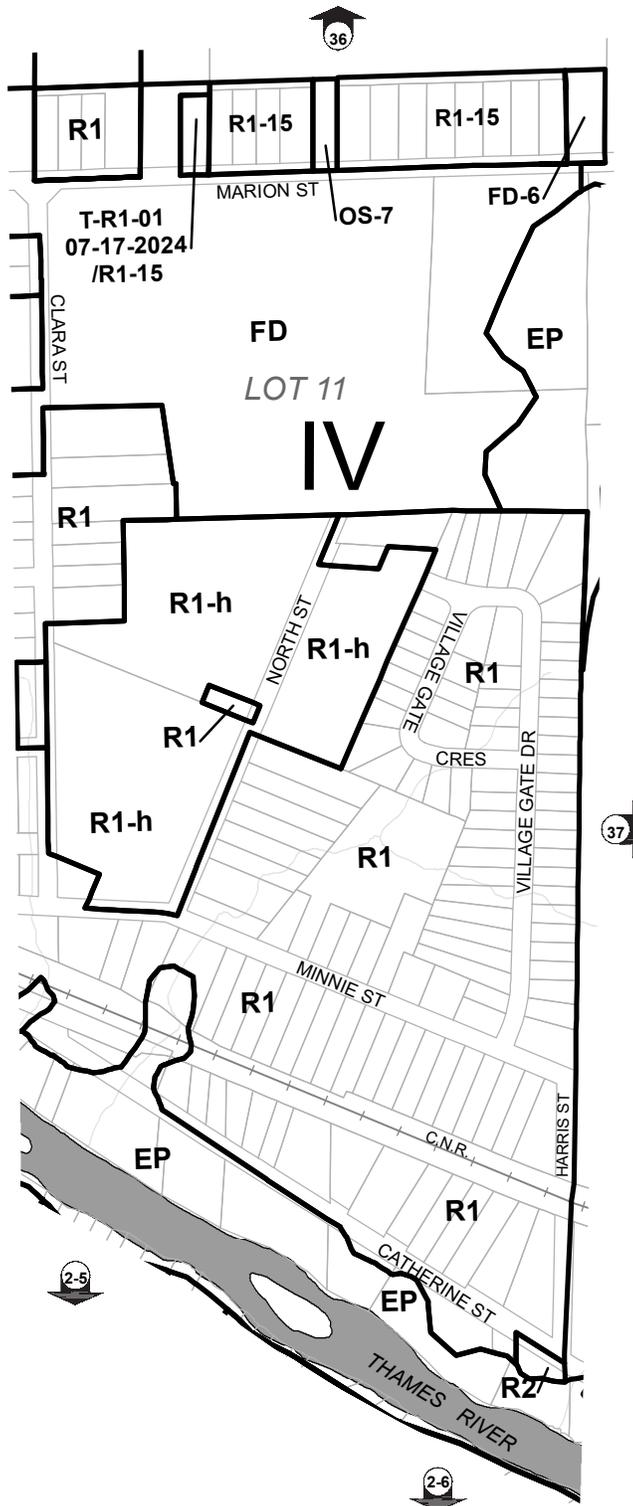
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ZONING BY-LAW NO. 75-2006



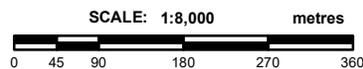
SCHEDULE A  
MAP NO.

**2-2**



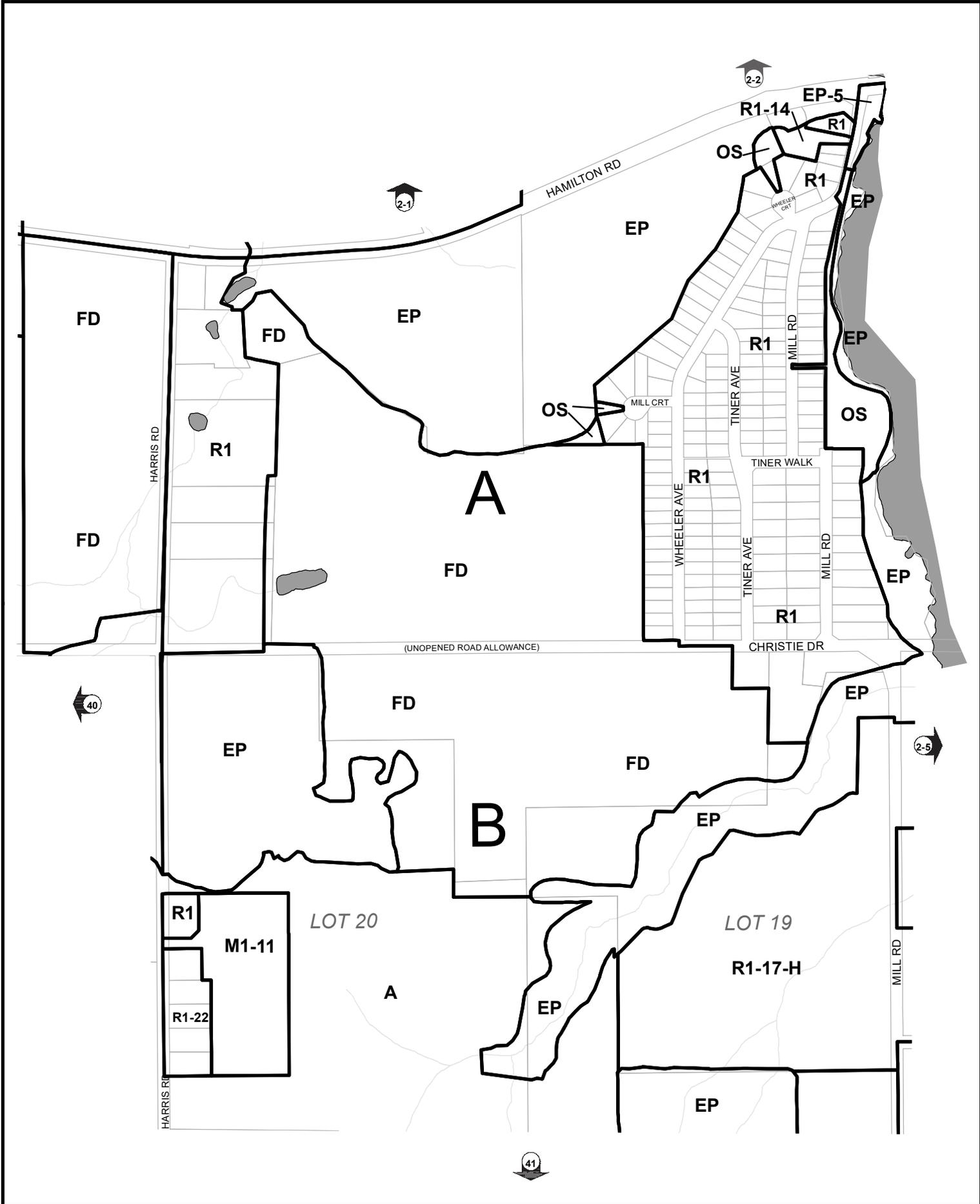
**MUNICIPALITY OF THAMES CENTRE**

ZONING BY-LAW NO. 75-2006



SCHEDULE A  
MAP NO.

**2-3**



**MUNICIPALITY OF THAMES CENTRE**

ZONING BY-LAW NO. 75-2006

SCALE: 1:8,100 metres

0 50 100 200 300 400



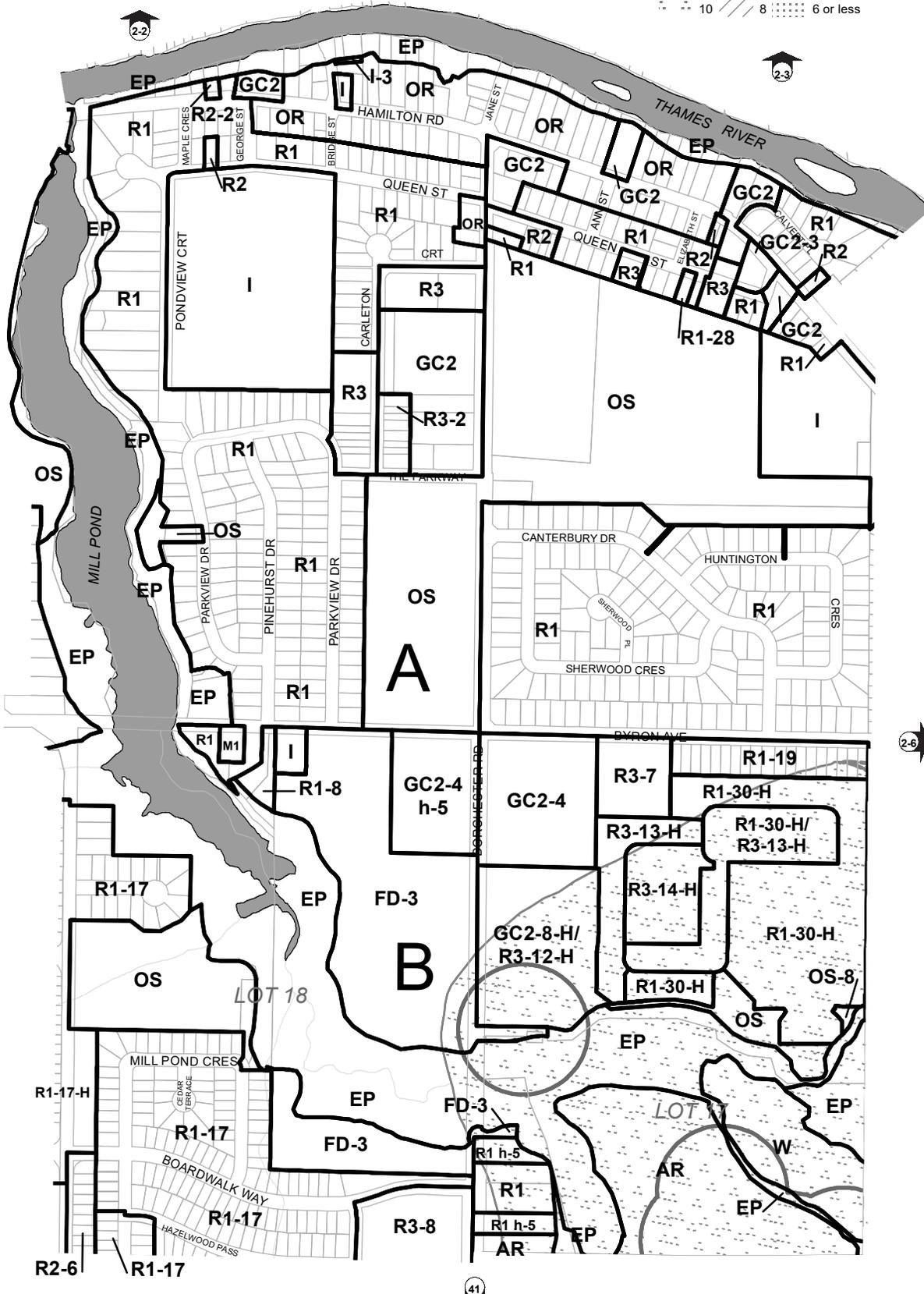
**SCHEDULE A**  
MAP NO.  
**2-4**

**Wellhead Protection Area**

WHPA A
  WHPA B
  WHPA C
  WHPA D

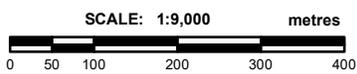
**Vulnerability Score**

10
  8
  6 or less



**MUNICIPALITY OF THAMES CENTRE**

ZONING BY-LAW NO. 75-2006



SCHEDULE A  
MAP NO.

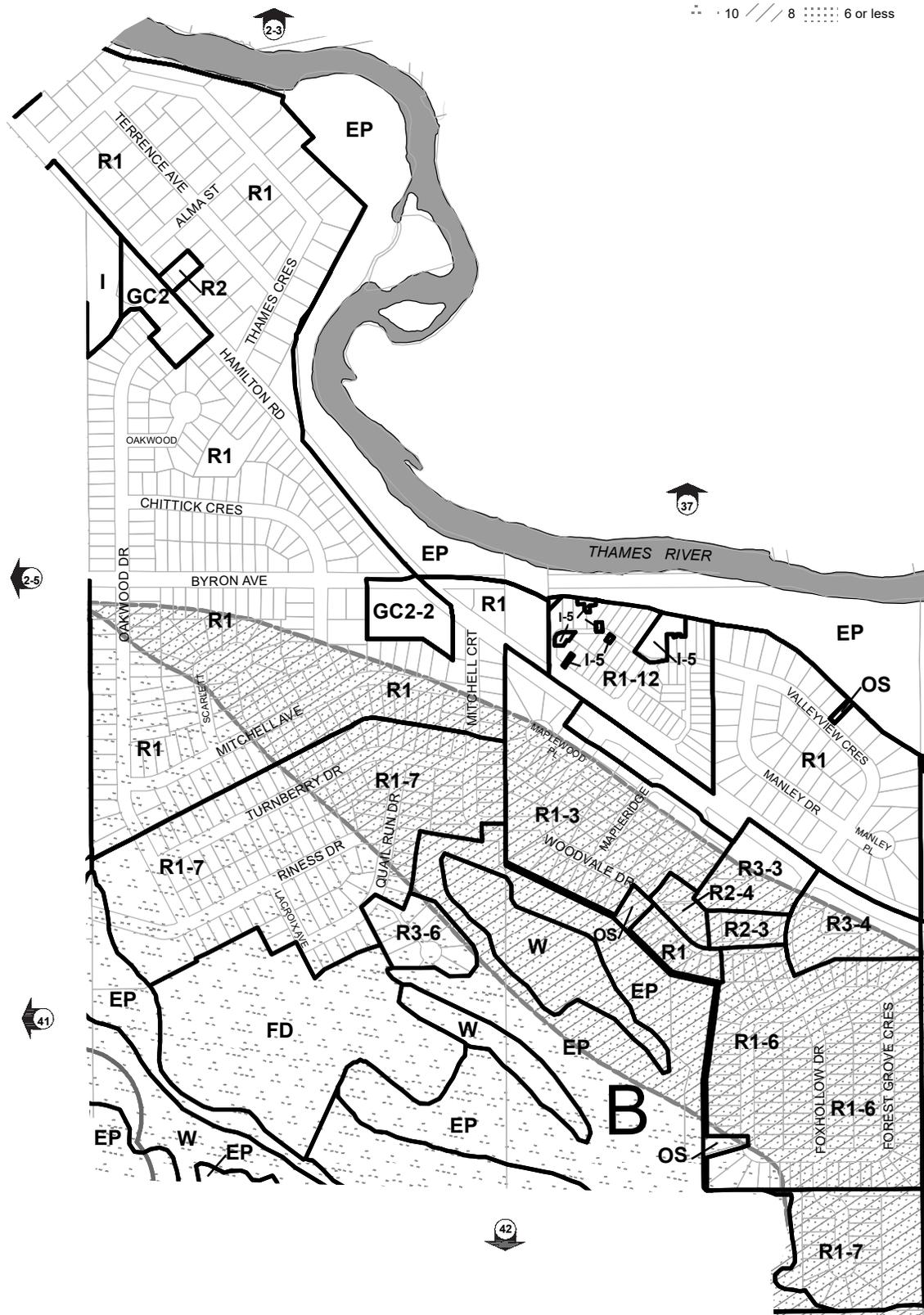
**2-5**

**Wellhead Protection Area**

WHPA A
  WHPA B
  WHPA C
  WHPA D

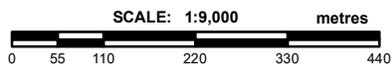
**Vulnerability Score**

10
  8
  6 or less



**MUNICIPALITY OF THAMES CENTRE**

ZONING BY-LAW NO. 75-2006



**SCHEDULE A  
MAP NO.**

**2-6**

# THORNDALE



## MUNICIPALITY OF THAMES CENTRE

ZONING BY-LAW NO. 75-2006

SCALE: 1:16,000 metres



SCHEDULE A  
MAP NO.

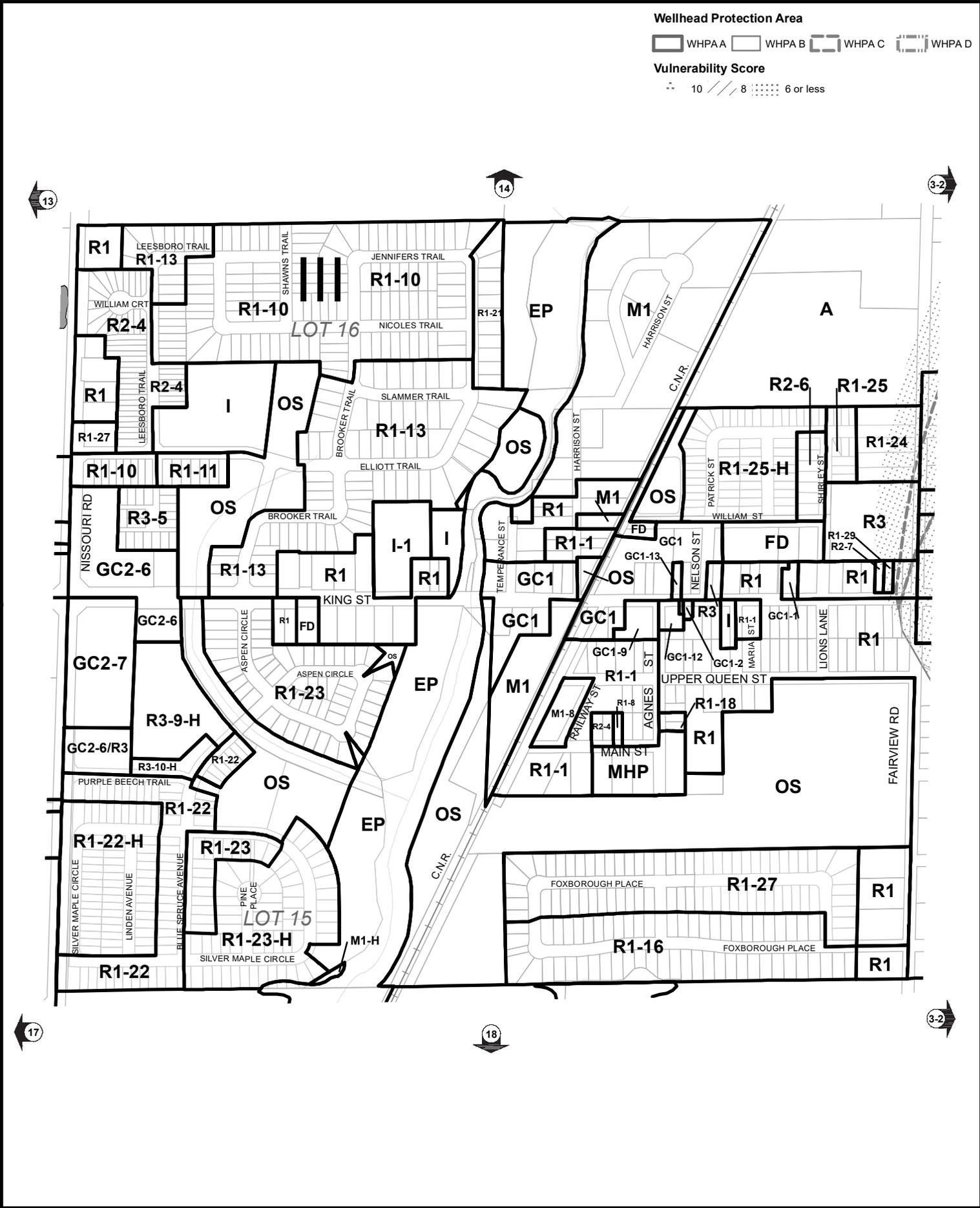
**INDEX 3**

**Wellhead Protection Area**

WHPAA 
  WHPA B 
  WHPA C 
  WHPA D

**Vulnerability Score**

10 
  8 
  6 or less



**MUNICIPALITY OF THAMES CENTRE**

ZONING BY-LAW NO. 75-2006

SCALE: 1:8,000 metres

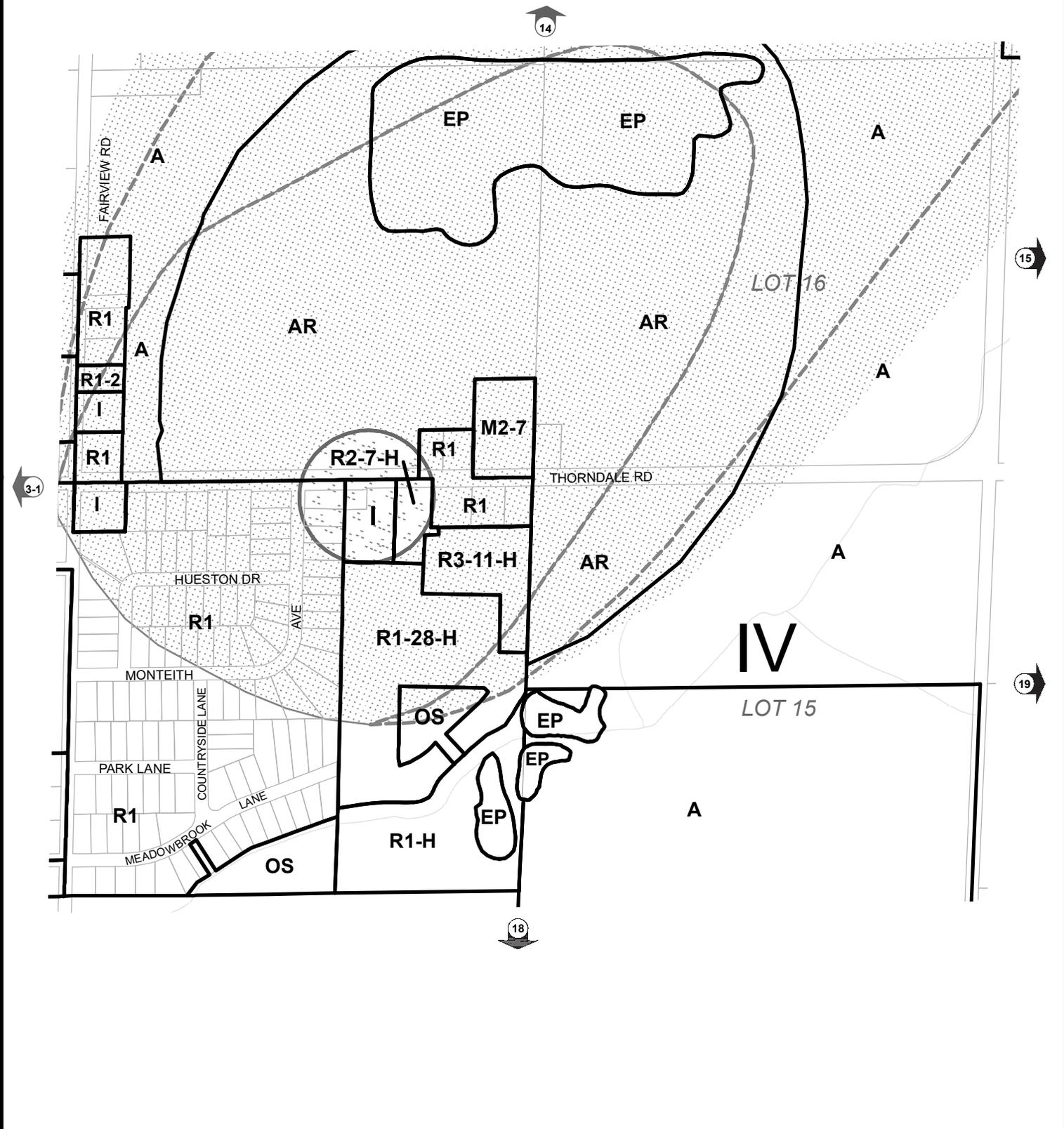
**SCHEDULE A**  
MAP NO.  
**3-1**

Wellhead Protection Area

WHPA A
  WHPA B
  WHPA C
  WHPA D

Vulnerability Score

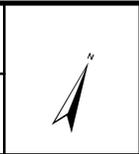
10
  8
  6 or less



**MUNICIPALITY OF THAMES CENTRE**

ZONING BY-LAW NO. 75-2006

SCALE: 1:8,000 metres

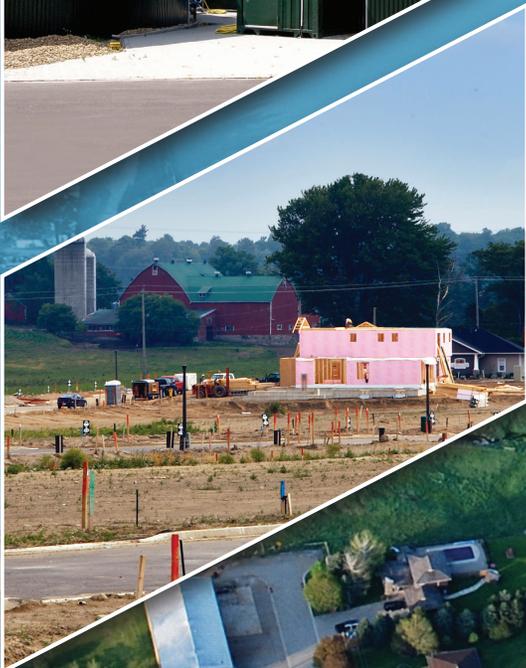
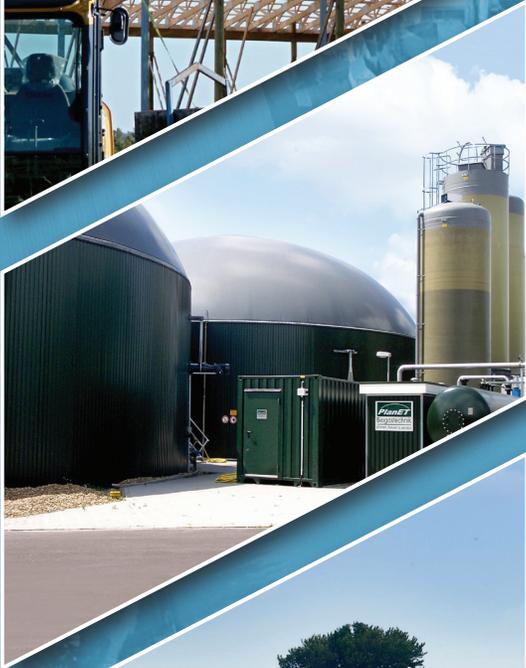


SCHEDULE A  
MAP NO.  
**3-2**

# The Minimum Distance Separation (MDS) Document

Formulae and Guidelines for Livestock Facility and Anaerobic Digester Odour Setbacks

Publication 853



### **Editor**

Arlene Robertson, Ontario Ministry of Agriculture,  
Food and Rural Affairs (OMAFRA)

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### **Disclaimer**

This publication is for informational purposes only. It is intended to serve as a guide to the Provincial Policy Statement, 2014, and not as expert advice.

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# 1. OVERVIEW

The Minimum Distance Separation (MDS) Document represents the *Minimum Distance Separation Formulae* as defined in the Provincial Policy Statement, 2014 (PPS). It replaces all earlier versions of the MDS Formulae and Implementation Guidelines. The MDS Document is a land use planning tool developed by the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA). The intent of this document is to prevent land use conflicts and minimize nuisance complaints from odour.

The MDS Document is designed to be read in conjunction with the *Planning Act, 1990*, the *Building Code Act, 1992*, the *Nutrient Management Act, 2002*, the policies of the PPS and other applicable laws and provincial plans. In addition, it is intended for individuals who have a basic understanding of *livestock* agriculture or a related discipline. It is not the purpose of this document to provide a basic education in *livestock* agriculture, or to provide the technical expertise for undertaking all the analyses required to satisfy all of the policies contained in the PPS. This MDS Document is aimed for use primarily by municipalities, planning boards and other similar planning authorities; as well as farmers, landowners, developers, land use planners, agrologists, nutrient management consultants, commissions, farm organizations, non-governmental organizations and the general public to ensure consistency with PPS policies related to the MDS Formulae. The intended audience of this MDS Document includes individuals involved in:

- the planning, design, layout, construction and operation of *livestock facilities* and *anaerobic digesters*;
- the development and review of land use planning documents;
- the review and approval of development applications, including but not limited to official plan amendments, zoning by-law amendments, consents to sever, minor variances, development permits and site plan agreements; and,
- matters before provincial boards and tribunals such as the Ontario Municipal Board and the Normal Farm Practices Protection Board.

The MDS Document provides technical guidance for implementing both the MDS Formulae and Implementation Guidelines as required in the PPS and other applicable provincial plans. This document is intended to support and clarify, but not add to or detract from the policies of the PPS or other applicable provincial plans.

In accordance with the PPS, new land uses in *prime agricultural areas* and on *rural lands* shall comply with the *Minimum Distance Separation Formulae*. Consequently, both the formulae and Implementation Guidelines contained in this MDS Document shall be referenced in municipal official plans, and detailed provisions included in municipal comprehensive zoning by-laws such that, as a minimum, MDS setbacks are required in all designations and zones where *livestock facilities* and *anaerobic digesters* are permitted.

Sections 1, 2, 6, 7 and 8 of this document are provided for information and background purposes. They are intended to provide broader context for the MDS Formulae and Implementation Guidelines, and to assist users with implementation, as well as provide information on related land use topics. Sections 1, 2, 6, 7 and 8 are not intended to be incorporated into municipal land use planning documents.

However, the remainder of this MDS Document (Sections 3, 4 and 5) comprise the *Minimum Distance Separation Formulae* as referenced in the PPS and provincial plans, and as such shall form the basis for MDS provisions that are incorporated into local land use planning documents. There are multiple approaches to incorporating this MDS Document into local land use planning documents that may achieve consistency with the PPS and provincial plans. More information on these approaches is found in Section 8. Regardless of the approach selected, it is recommended that a municipality seek its own legal advice regarding amending its planning documents to accommodate MDS provisions.



# 2. INTRODUCTION AND BACKGROUND

## 2.1 Preface

Livestock agriculture in Ontario is an important economic driver that contributes many jobs and billions of dollars each year to the provincial economy. But agriculture continues to evolve and change. Farms are increasing in size and complexity, and fewer people living in *rural areas* are farmers. Permitting development which is incompatible with *livestock facilities* and *anaerobic digesters* can have a detrimental impact on the ability of surrounding agricultural operations to expand. New development in the *rural area* introduces potential new sources for nuisance complaints regarding odour from *livestock facilities* and *anaerobic digesters*. Increasingly, farm operators are finding it difficult to expand or establish new *livestock* operations, especially in parts of the province where historically there has been more fragmentation of the agricultural land base through *lot* creation. *Livestock* operations generally prefer to locate on suitable agricultural land and away from potential land use conflicts with surrounding land uses. In recognition of the need to protect agricultural land for *agricultural uses*, the province has a long history of land use policies protecting agricultural land and farm operations.

## 2.2 History of MDS

Provincial direction for separation siting of Ontario *livestock facilities* originated in 1970, with the introduction of the publication entitled, *A Suggested Code of Practice*. Ontario was experiencing what at the time seemed like a proliferation of new, large *livestock facilities*. ‘Large’ at that time was 600 feeder hogs, 60 dairy cows or 15,000 chicken broilers. Today, large *livestock facilities* are commonly triple the size of those of the past, accommodating 2,000 feeder hogs, 250 dairy cows, or 50,000 chicken broilers at one time. To address nuisance effects associated with odour, *A Suggested Code of Practice* recommended fixed setbacks between *livestock facilities* and surrounding *dwellings*, residential zones, *lot* lines and roads. *A Suggested Code of Practice* rationalized that the effect of objectionable odours in a neighbourhood could be reduced if these uses were located as far as practically possible from surrounding *dwellings*. *A Suggested Code of Practice* also encouraged farmers to apply for a Certificate of Approval from the government, which outlined the minimum amount of land required, based on the number of animal units on the farm, to avoid the risk to groundwater pollution by nitrogen compounds. This matching of land base to animal units was the first rudimentary reference to a nutrient management plan, which a generation later helped form the basis for the *Nutrient Management Act, 2002*. Revisions were made in a subsequent edition of *A Suggested Code of Practice* in 1973. While it contained a framework for the establishment and expansion of *livestock* enterprises, it provided little protection from encroachment by other land uses.

In 1976, the *Agricultural Code of Practice* was published which incorporated a number of changes and provided a two-way approach to separating *livestock facilities* from non-compatible uses and vice-versa. It introduced the concept of a sliding scale for separation distances, since fixed distances were too restrictive, or too lenient, depending on the size and type of farm. As part of the *Agricultural Code of Practice*, the Minimum Distance Separation I (MDS I) formula was established to determine setbacks between proposed new *development* and existing *livestock facilities*. The Minimum Distance Separation II (MDS II) formula was established under the *Agricultural Code of Practice* to determine setbacks between proposed new, enlarged or renovated *livestock facilities* and other existing or approved development.

Both the MDS I and MDS II Formulae were updated slightly in 1995 in two publications entitled, *Minimum Distance Separation I (MDS I)* and *Minimum Distance Separation II (MDS II)*, but the basic principles of the formulae from the *Agricultural Code of Practice* remained the same.

In 2006, both MDS I and MDS II formulae and guidelines were combined into one document, known as OMAFRA Publication 707, *Minimum Distance Separation (MDS) Formulae: Implementation Guidelines*. Both formulae were revised to use *Nutrient Units*, as defined in the *Nutrient Management Act, 2002*, for quantifying the size of the operation, rather than the former Animal Units and Livestock Units used in earlier versions of

the formulae. During the 2006 update, the methodology for calculating MDS I setbacks was also revised, so that calculated MDS I setback distances were more aligned with those generated by the MDS II formula for *first and altered livestock facilities*.

This MDS Document replaces all earlier versions of the MDS Formulae and Implementation Guidelines. Future reviews of this publication will be undertaken by OMAFRA in concert with other provincial regulatory, land use policy or plan reviews (e.g., PPS review), or earlier if OMAFRA deems necessary. The goal is to ensure the MDS Document reflects current land use planning practices and technological innovation within the *livestock* industry, and continues to meet the needs of agriculture and rural communities.

## 2.3 Policy Basis and Legislative Authority

The PPS is issued under the *Planning Act, 1990*, and provides policy direction on land use planning matters of provincial interest. Policy 2.3.1 of the statement reads:

*“Prime agricultural areas shall be protected for long-term use for agriculture.*

*Prime agricultural areas are areas where prime agricultural lands predominate. Specialty crop areas shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2 and 3 lands, and any associated Class 4 through 7 lands within the prime agricultural area, in this order of priority.”*

The PPS sets out policies for *prime agricultural areas* which are intended to protect these areas for long-term use for agriculture. The PPS also supports a diversified rural economy, and promotes protection of agricultural and other resource-related uses on *rural lands*. MDS applies in *rural areas* for both *rural lands* and *prime agricultural areas*, as directed in PPS policies 1.1.5.9 and 2.3.3.3.

*“New land uses, including the creation of lots, and new or expanding livestock facilities shall comply with the minimum distance separation formulae.”*

PPS policy 1.1.3.8 (d) states that a planning authority may only identify a *settlement area* or allow the expansion of a *settlement area* boundary where it has been demonstrated that:

*“The new or expanding settlement area is in compliance with the Minimum Distance Separation Formulae.”*

Likewise, PPS policy 2.3.6.1 (b) states that planning authorities may only permit limited non-residential uses in *prime agricultural areas* provided that, among other things:

“2. The proposed use complies with the *Minimum Distance Separation Formulae*.”

The *Planning Act, 1990*, requires that decisions on land use planning matters shall be consistent with the PPS. This MDS Document represents the *Minimum Distance Separation Formulae* as defined in the PPS. Land use planning matters required to be consistent with the PPS include municipal official plans and zoning by-laws. Official plans and zoning by-laws must be updated to comply with the MDS requirements.

Updating zoning by-laws to require compliance with MDS is also important in relation to the issuance of building permits under the *Building Code Act, 1992*, for the construction of buildings, including new buildings, additions, alterations or change of use, etc. A chief building official must issue a building permit unless there is a contravention of the *Building Code Act, 1992*, building code or ‘applicable law’. Municipal zoning by-laws are included in the list of ‘applicable law’ set out in the building code regulation (O. Reg. 322/12). When MDS provisions are incorporated in a municipal zoning by-law, they become one of the requirements that a chief building official must consider when determining whether to issue a building permit.

While MDS setbacks are an important and effective tool for dealing with nuisance issues related to odour, they will not eliminate all potential odour complaints, nor will they address other nuisance issues such as noise, dust, light, smoke, vibration or flies as listed under the *Farming and Food Production Protection Act, 1998*. The proper application of MDS may incidentally reduce potential conflicts associated with these nuisances. This document is only intended to deal with odour generated from *livestock facilities* and *anaerobic digesters*, and is not intended to address nuisance issues related to odour from the land application of manure or digestate. In addition to applying the appropriate MDS setbacks, municipalities are encouraged to develop provisions in their official plans and zoning by-laws to address PPS policies 2.3.6.2 and 1.1.3.8 (e) and provide for mitigation of impacts from new or expanding *settlement areas* and *non-agricultural uses* on surrounding agricultural operations.

The separation distances calculated by the MDS Formulae will vary according to a number of variables including type of *livestock*, number of *Nutrient Units*, the degree of expansion proposed, type of manure system and the form of development present or proposed. History shows that, where there has been sufficient separation distance between differing rural uses, there have been few odour complaints.

## 2.4 Effective Date

This MDS Document applies to all *Planning Act, 1990*, applications submitted on or after March 1, 2017. References in the PPS to *Minimum Distance Separation Formulae* should be taken as reference to this MDS Document for all *Planning Act, 1990*, applications submitted on or after March 1, 2017. For building permit applications, the effective provision in the zoning by-law applies. Municipalities should update their planning documents to reflect this updated MDS Document.

## 2.5 How to Use this MDS Document

This MDS Document is more than a set of individual Implementation Guidelines. The document is intended to be read in its entirety and all the relevant Implementation Guidelines are to be applied to each situation as if they are specifically cross-referenced with each other. While specific Implementation Guidelines sometimes refer to other Implementation Guidelines for ease of use, these cross-references do not take away from the need to read this MDS Document as a whole.

This MDS Document uses the same approach for defined terms and meanings as is used in the PPS. Except for references to legislation and other document titles which are italicized, italicized terms in this MDS Document are defined in Section 3 — Definitions. For non-italicized terms, the normal meaning of the word applies. Terms may be italicized only in specific provisions; for these terms, the defined meaning applies where they are italicized and the normal meaning applies where they are not italicized. Defined terms in Section 3 are intended to capture both singular and plural forms of these terms in this MDS Document. References within this document to ‘municipalities’ should be taken to include planning boards or other approval authorities, where appropriate. In order to correctly apply MDS setbacks, municipalities should keep their official plans and zoning by-laws up-to-date with this MDS Document.

This MDS Document represents the provincial standard with respect to the calculation of MDS setbacks. The only circumstances where municipalities may alter the application of MDS is where options are explicitly stated in specific Implementation Guidelines. In order to exercise these options, the relevant municipal planning documents (e.g., official plan or zoning by-law) must provide clear direction outlining the preferred local approach. In the absence of explicit policies in the appropriate municipal planning documents addressing these specific options, the default approaches identified in this MDS Document apply. The default approaches are outlined in Section 8 of this MDS Document. The following are specific Implementation Guidelines where MDS options are available to municipalities:

- Implementation Guideline #7 — MDS I setbacks for building permits on existing *lots*
- Implementation Guideline #9 — MDS I setbacks and *lot* creation for a *residence surplus to a farming operation*
- Implementation Guideline #35 — MDS I setbacks for *agriculture-related uses* and *on-farm diversified uses*
- Implementation Guideline #35 — MDS II setbacks for *agriculture-related uses* and *on-farm diversified uses*
- Implementation Guideline #38 — MDS II setbacks for cemeteries

These five options, found in four separate Implementation Guidelines, combined with the potential reduction of MDS setbacks for limited site-specific circumstances in accordance with Implementation Guideline #43, are the only areas where municipalities may exercise flexibility with respect to MDS implementation approaches.

Municipal setbacks for *livestock facilities* and *anaerobic digesters* (i.e., MDS II) shall not exceed those calculated by the MDS II formula, in accordance with provincial standards. For instance, municipal planning documents that require fixed setbacks for *livestock facilities* or *anaerobic digesters* which are greater than those established by this MDS Document may be viewed as inconsistent with PPS policy 2.3.3.2, which states:

“In *prime agricultural areas*, all types, sizes and intensities of *agricultural uses* and *normal farm practices* shall be promoted and protected in accordance with provincial standards.”

Municipalities who may be considering MDS setbacks for *development* (i.e., MDS I) which exceed those established by this MDS Document shall ensure they are consistent with PPS policy 4.9, which states:

“The policies of this Provincial Policy Statement represent minimum standards. This Provincial Policy Statement does not prevent planning authorities and decision-makers from going beyond the minimum standards established in specific policies, unless doing so would conflict with any policy of this Provincial Policy Statement.”

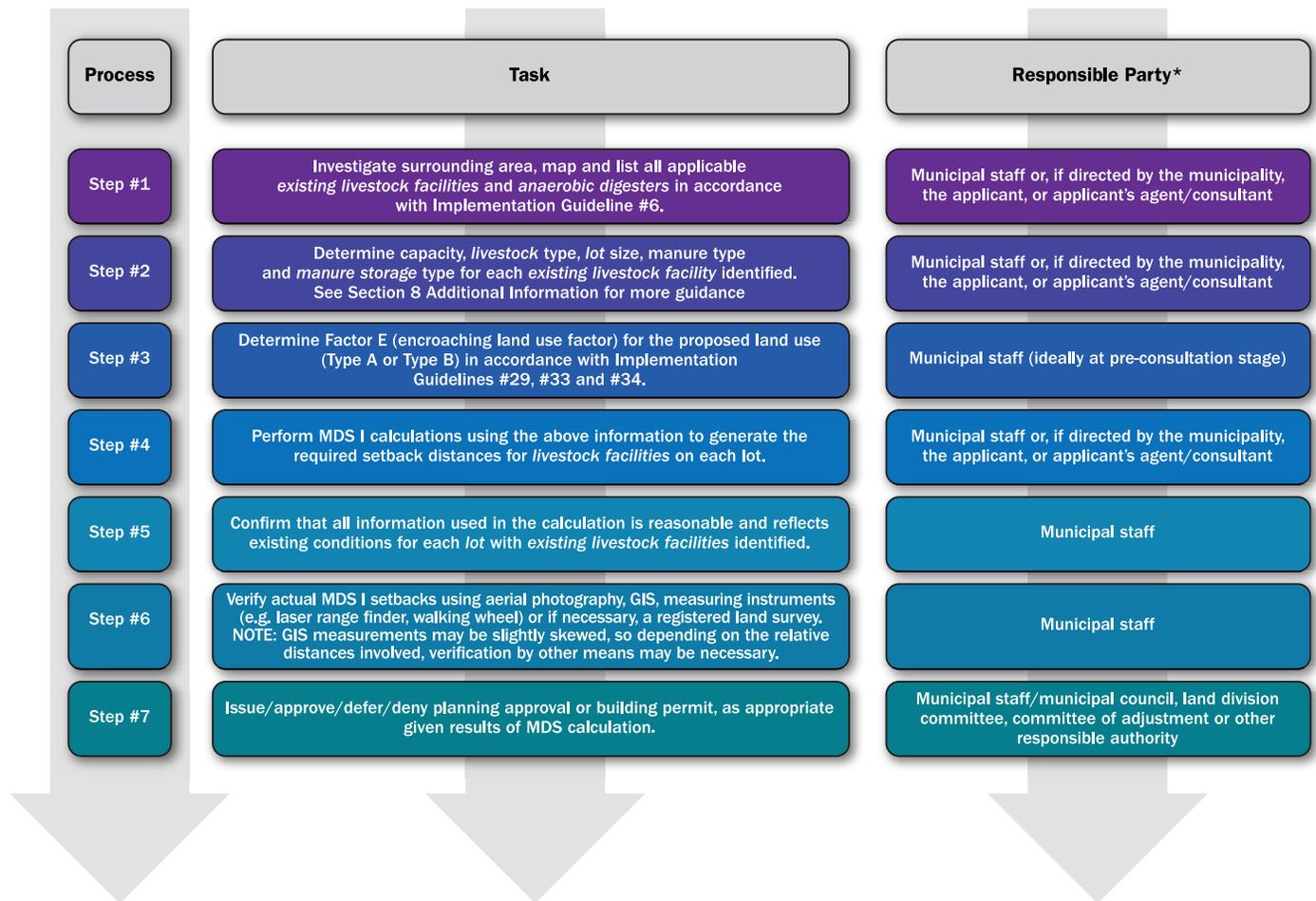
Municipalities shall adopt MDS setback policies and provisions in their official plans and zoning by-laws respectively, so that the MDS setbacks are met through the appropriate implementation of this MDS Document.

## 2.6 Roles and Responsibilities for Implementing MDS

Municipalities are responsible for implementing MDS. While there are multiple tasks associated with ensuring the correct MDS setbacks are met, depending on the structure of the municipality, the person who is responsible for carrying-out those tasks may vary.

Figures 1 and 2 are designed to help understand who is responsible for each task in determining and applying MDS I or MDS II setbacks.

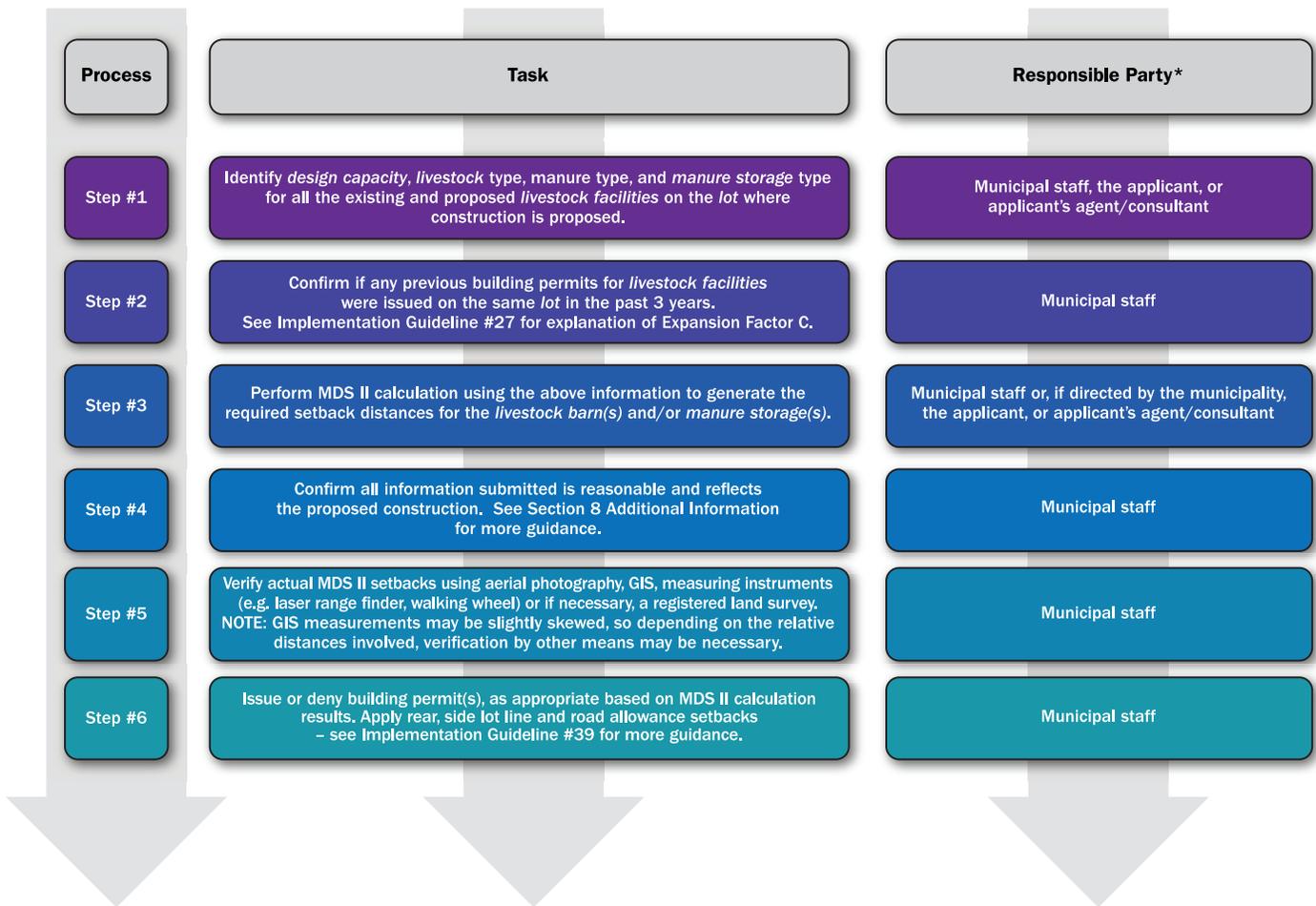
### MDS I Responsibility Flow Chart



\*The municipality, or other planning authority, is ultimately responsible for making every effort to reasonably ensure the factors used in the MDS I calculation are correct. OMAFRA Rural Planners are available to provide technical guidance interpreting Implementation Guidelines to all parties throughout the process.

Figure 1. MDS I responsibility flow chart.

## MDS II Responsibility Flow Chart



\*The municipality, or other approval authority, is ultimately responsible for making every effort to reasonably ensure the factors used in the MDS II calculation are correct. OMAFRA Environmental Specialists and Engineers are available to provide technical guidance interpreting Implementation Guidelines to all parties throughout the process.

**Figure 2.** MDS II responsibility flow chart.

Although OMAFRA staff is available to assist municipalities with specific technical MDS questions, it is ultimately the municipality who is responsible for ensuring MDS is properly calculated and for making the final decision on related planning or building permit applications. Municipalities may assume the liability associated with making these decisions. Therefore, it is recommended that municipalities make every effort to determine if the information used to carry-out an MDS calculation is reasonably accurate and reflects the existing conditions or proposed construction.

As a best practice, municipal staffs are strongly encouraged to specify when a building permit is for a *livestock facility* or *anaerobic digester*. The permit can include details regarding the type and number of *livestock* to be housed in the facility to be constructed or altered. This approach is more effective than issuing a permit for a generic agricultural building, which may or may not include the housing of *livestock*, and it could assist with the evaluation of potential building changes in the future.

## 2.7 Other Required Setbacks

There may be instances where additional setbacks for *livestock facilities* and *anaerobic digesters* are required under other legislation. For example, setbacks may be required for *anaerobic digesters* by O. Reg. 267/03 under the *Nutrient Management Act, 2002*. In instances where other setbacks are required by law, the greater setback would normally apply, except where the relevant statute or regulation provides otherwise.

## 2.8 The MDS Software

To assist in the calculation of MDS setbacks, OMAFRA has developed a new software program — Ontario Agricultural Planning Tools Suite (“AgriSuite”) for use with this MDS Document.

As of March 1, 2017, the 2006 MDS software (Version 1.0.2), or earlier versions, distributed by OMAFRA are no longer considered the current version for purposes of calculating MDS setbacks. Instead, a new version is available through OMAFRA’s website ([ontario.ca/omafra](http://ontario.ca/omafra)) and can be used as a web application or downloaded and installed. Any subsequent software updates will automatically be available when the user has online connectivity. It is the sole responsibility of the person using this MDS Document and the AgriSuite software to verify the accuracy and correctness of the data and information used. OMAFRA is not responsible for errors due to inaccurate or incorrect data or information, mistakes in calculation, errors arising out of modification of the software or errors arising out of incorrect inputting of data. Verify all data and calculations before acting on them.

## 2.9 Additional Information

When a neighbour is bothered by what they perceive as abnormal odours, noise, dust, light, vibration, smoke or flies, they should first try resolving the matter by speaking with the farmer believed to be creating the nuisance. If further mediation is still necessary, neighbours or farmers can contact OMAFRA’s Agricultural Information Contact Centre at 1-877-424-1300 or by email at [ag.info.omafra@ontario.ca](mailto:ag.info.omafra@ontario.ca). The Contact Centre will arrange for the appropriate OMAFRA staff person to contact the parties and facilitate a conflict resolution process. For those issues that cannot be resolved through mediation, the Normal Farm Practices Protection Board, established under the *Farming and Food Production Protection Act, 1998*, provides a forum for complaint resolution.



### 3. DEFINITIONS

Except for references to legislation and other document titles which are traditionally in italics, italicized terms in this MDS Document are defined below. For other terms, the normal meaning of the word applies. Terms may be italicized only in specific Implementation Guidelines; for these terms, the defined meaning applies where they are italicized and the normal meaning applies where they are not italicized. The following defined terms are intended to capture both singular and plural forms of these terms throughout this MDS Document.

**Agricultural uses:** The growing of crops, including nursery, biomass and horticultural crops; raising of *livestock*; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; associated on-farm buildings and structures, including but not limited to *livestock facilities*, *manure storages*, value-retaining facilities and accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

**Agri-tourism uses:** Those farm-related tourism uses, including limited accommodation such as a bed and breakfast, that promote the enjoyment, education or activities related to the farm operation.

**Agriculture-related uses:** Those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations and provide direct products and/or services to farm operations as a primary activity.

**Altered livestock facility:** Any building activity occurring on, or in, an *existing livestock facility* that requires a building permit issued under the *Building Code Act, 1992*, and results in a change in *design capacity*. This also includes the alteration of earthen *manure storages*.

**Anaerobic digester:** A permanent structure designed for the decomposition of organic matter by bacteria in an oxygen-limiting environment. For the purposes of this MDS Document, *anaerobic digesters* include, but are not limited to, associated components, which may produce nuisance odours such as: digestion vessels, storages for *anaerobic digestion materials*, storages for *anaerobic digestion output (digestate)*, loading and unloading areas, gas flares and solid/liquid material separators. *Anaerobic digesters* also include the *anaerobic digester* vessels and components that do not currently operate, but have operated in the past and continue to be structurally sound and reasonably capable of operating.

**Anaerobic digestion materials:** Solid or liquid organic input materials that are intended for treatment in an *anaerobic digester*, whether the materials are generated at the agricultural operation or received at the agricultural operation from an outside source.

**Anaerobic digestion output (digestate):** Any solid or liquid materials that result from the treatment of *anaerobic digestion materials* in an *anaerobic digester*.

**Design capacity:** The maximum number of *livestock* that can be reasonably housed in ALL of the *livestock barns* on a *lot*, and/or the maximum volume of manure that can reasonably be stored in ALL of the *manure storages* on a *lot*. For *livestock barns*, this is measured in number of *livestock*, area of *livestock* housing or *Nutrient Units*. For *manure storages*, this is measured in volume or *Nutrient Units*. For the purposes of this MDS Document, this term does not apply to *anaerobic digesters*.

**Development:** The creation of a new *lot*, or a change in land use to permit a *non-agricultural use* or *residential use* which required or requires approval under the *Planning Act, 1990*. However, this does not include the construction of a *dwelling* accessory to an *agricultural use*.

**Dwelling:** Any permanent building that is used, or intended to be used, continuously or seasonally, as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.

**Existing livestock facility:** A *livestock facility*, or a portion of a *livestock facility*, which has already been constructed, or for which a building permit has been issued under the *Building Code Act, 1992*.

**First livestock facility:** Any building activity to construct a new *livestock facility* on a *lot* that requires a building permit issued under the *Building Code Act, 1992*, where there is currently no *existing livestock facility* on that *lot*. This also includes the construction of earthen *manure storages*.

**Infrastructure:** Physical structures (facilities and corridors) that form the foundation for development. *Infrastructure* includes: sewage and water systems, septage treatment systems, stormwater management systems, waste management systems, electricity generation facilities, electricity transmission and distribution systems, communications/telecommunications, transit and transportation corridors and facilities, and oil and gas pipelines and associated facilities.

**Livestock:** Includes beef cattle, birds, dairy cattle, deer and elk, fur-bearing animals, game animals, goats, horses, poultry, ratites, sheep, swine and other animals as identified in Table 1.

**Livestock barns:** One or more permanent buildings located on a *lot* which are intended for housing *livestock*, and are structurally sound and reasonably capable of housing *livestock*.

**Livestock facilities:** All *livestock barns* and *manure storages* on a *lot*, as well as all *unoccupied livestock barns* and *unused manure storages* on a *lot*.

**Livestock occupied portion:** Areas of a *livestock barn* where *livestock* spend the majority of their time, allowing substantial amounts of manure to accumulate. This DOES NOT include areas such as: alleys, equipment storages, feed bins, feed storage/preparation areas, field shade shelters, assembly areas, loading chutes, machinery sheds, milking centres, milking parlour holding areas, offices, pastures, riding arenas, silos, tack rooms, utility rooms and washrooms.

**Lot:** A parcel or tract of land, within a registered plan of subdivision or described in a deed or other legal document, that is capable of being legally conveyed.

**Manure storage:** A permanent storage which is structurally sound and reasonably capable of storing manure and which typically contains liquid manure (<18% dry matter) or solid manure (≥18% dry matter), and may exist in a variety of:

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

**Minimum Distance Separation Formulae:** Formulae and guidelines developed by the province, as amended from time to time, to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.

**Non-agricultural uses:** Buildings designed or intended for a purpose other than an *agricultural use*; as well as land, vacant or otherwise not yet fully developed, which is zoned or designated such that the principal or long-term use is not intended to be an *agricultural use*, including, but not limited to: commercial, future urban development, industrial, institutional, *open space uses*, *recreational uses*, *settlement area*, urban reserve, etc. However, this does not include *agriculture-related uses*, *on-farm diversified uses* and *residential uses*.

**Normal farm practices:** A practice, as defined in the *Farming and Food Production Protection Act, 1998*, that is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or makes use of innovative technology in a manner consistent with proper advanced farm management practices. *Normal farm practices* shall be consistent with the *Nutrient Management Act, 2002*, and regulations made under that Act.

**Nutrient Unit:** The amount of nutrients that give a fertilizer replacement value of the lower of 43 kg of nitrogen or 55 kg of phosphate as nutrient (as defined in O. Reg. 267/03 made under the *Nutrient Management Act, 2002*).

**On-farm diversified uses:** Uses that are secondary to the principal agricultural use of the property and are limited in area. *On-farm diversified uses* include, but are not limited to: home occupations, home industries, *agri-tourism uses* and uses that produce value-added agricultural products.

**Open space uses:** Environmental areas and parks that have limited public visitation and usually do not require buildings or alter the natural topography, such as conservation areas and parks typically without buildings and infrastructure.

**Prime agricultural area:** Areas where *prime agricultural lands* predominate. This includes areas of *prime agricultural lands* and associated Canada Land Inventory Class 4 through 7 lands, and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture. *Prime agricultural areas* may be identified by the Ontario Ministry of Agriculture, Food and Rural Affairs using guidelines developed by the Province as amended from time to time. A *prime agricultural area* may also be identified through an alternative agricultural land evaluation system approved by the Province.

**Prime agricultural land:** *Specialty crop areas* and/or Canada Land Inventory Class 1, 2, and 3 lands, as amended from time to time, in this order of priority for protection.

**Recreational uses:** Uses that generate frequent or regular public visitation and usually require buildings or infrastructure, such as campgrounds, golf courses, sports fields and trailer parks.

**Residence surplus to a farming operation:** An existing habitable farm residence that is rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation).

**Residential uses:** Land, vacant or otherwise not yet fully developed, for which the zoning or designation permits *dwellings* for human habitation as the principal use, including, but not limited to: estate residential, low-density residential, rural residential, etc. However, this does not include *dwellings* accessory to an *agricultural use*.

**Rural areas:** A system of lands within municipalities that may include *rural settlement areas*, *rural lands*, *prime agricultural areas*, natural heritage features and areas, and resource areas.

**Rural lands:** Lands which are located outside *settlement areas* and which are outside *prime agricultural areas*.

**Settlement areas:** Urban areas and rural *settlement areas* within municipalities (such as cities, towns, villages and hamlets) that are:

- a) built-up areas where development is concentrated and which have a mix of land uses; and
- b) lands which have been designated in an official plan for development over the long-term planning horizon.

**Specialty crop area:** Areas designated using guidelines developed by the Province, as amended from time to time. In these areas, specialty crops are predominantly grown such as tender fruits (i.e., peaches, cherries, plums), grapes, other fruit crops, vegetable crops, greenhouse crops and crops from agriculturally-developed organic soil, usually resulting from:

- a) soils that have suitability to produce specialty crops, or lands that are subject to special climatic conditions, or a combination of both;
- b) farmers skilled in the production of specialty crops; and
- c) a long-term investment of capital in areas such as crops, drainage, *infrastructure* and related facilities and services to produce, store or process specialty crops.

**Unoccupied livestock barn:** A *livestock barn* that does not currently house any *livestock*, but that housed *livestock* in the past and continues to be structurally sound and reasonably capable of housing *livestock*.

**Unused manure storage:** A *manure storage* that does not currently store any manure, but that stored manure in the past and continues to be structurally sound and reasonably capable of storing manure.

# 4. IMPLEMENTATION GUIDELINES

The following outlines the specific Implementation Guidelines which shall be executed during the application of the *Minimum Distance Separation (MDS) Formulae* to calculate setbacks.

MDS I	MDS II
<p><b>#1. Referencing MDS in Municipal Planning Documents</b></p>	
<p>In accordance with the Provincial Policy Statement, 2014, this MDS Document shall apply in <i>prime agricultural areas</i> and on <i>rural lands</i>. Consequently, the appropriate parts of this MDS Document shall be referenced in municipal official plans, and detailed provisions included in municipal comprehensive zoning by-laws such that, at the very least, MDS setbacks are required in all designations and zones where <i>livestock facilities</i> and <i>anaerobic digesters</i> are permitted.</p> <p>Sections 1, 2, 6, 7 and 8 of this document are primarily provided for information purposes, and are not required for inclusion in municipal planning documents; however, Sections 3, 4 and 5 comprise the <i>Minimum Distance Separation Formulae</i> as referenced in the PPS, and as such shall form the basis for MDS provisions enshrined in local land use planning documents. To exercise the various options available to municipalities under Implementation Guidelines #7, #9, #35 and #38, appropriate references must be included in the appropriate implementing land use planning document (official plan and/or comprehensive zoning by-law depending on the trigger for MDS); otherwise, the default approaches outlined in Implementation Guidelines #7, #9, #35 and #38 shall apply as written in this MDS Document.</p>	
<p><b>#2. For What, and When, is an MDS Setback Required?</b></p>	
<p>The MDS I setback distances shall be met prior to the approval of: proposed <i>lot</i> creation in accordance with Implementation Guidelines #8 and #9; rezonings or re-designations in accordance with Implementation Guideline #10; <i>building permits</i> on a <i>lot</i> which exists prior to March 1, 2017 in accordance with Implementation Guideline #7; and as directed by municipalities for local approvals for <i>agriculture-related uses</i> or <i>on-farm diversified uses</i> in accordance with Implementation Guideline #35.</p> <p>The information used to carry out an MDS I calculation must reflect the circumstances at the time that the municipality deems the planning or building permit application to be complete.</p>	<p>The MDS II setback distances shall be met prior to the approval of the building permit application for a <i>first</i> or <i>altered livestock facility</i> occupying an area greater than 10 m<sup>2</sup> or any <i>anaerobic digester</i>.</p> <p>The information used to carry out an MDS II calculation must reflect the circumstances at the time that the municipality deems the building permit application to be complete.</p>

MDS I	MDS II
<p><b>#3. For What, and When, is an MDS Setback <u>NOT</u> Required?</b></p>	
<p>Certain proposed uses are not reasonably expected to be impacted by <i>existing livestock facilities</i> or <i>anaerobic digesters</i> and as a result, do <u>NOT</u> require an MDS I setback. Such uses may include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• extraction of minerals, petroleum resources and mineral aggregate resources;</li> <li>• <i>infrastructure</i>; and</li> <li>• landfills.</li> </ul> <p>However, if one of the uses exempted from MDS I by this Implementation Guideline is later proposed to be rehabilitated or redeveloped to a use that is not an <i>agricultural use</i>, then MDS I setbacks shall be met prior to the approval of any required planning or building permit application.</p> <p>In addition, MDS I setbacks are <u>NOT</u> required from:</p> <ul style="list-style-type: none"> <li>• <i>livestock barns</i> occupying an area less than 10 m<sup>2</sup>;</li> <li>• certain <i>unoccupied livestock barns</i> in accordance with Implementation Guideline #20;</li> <li>• certain <i>unused manure storages</i> in accordance with Implementation Guideline #21;</li> <li>• apiaries;</li> <li>• aquaculture facilities;</li> <li>• deadstock handling facilities;</li> <li>• fairground buildings;</li> <li>• feed storages;</li> <li>• field shade shelters;</li> <li>• greenhouses;</li> <li>• kennels;</li> <li>• machinery sheds;</li> <li>• meat plants (including abattoirs and slaughterhouses);</li> <li>• mushroom facilities;</li> <li>• pastures;</li> <li>• poultry hatcheries;</li> <li>• stockyards;</li> <li>• temporary field nutrient storage sites (as defined under the <i>Nutrient Management Act, 2002</i>);</li> <li>• veterinary clinics with housing for <i>livestock</i>; and</li> <li>• zoos.</li> </ul>	<p>Certain things that may or may not be associated with agriculture do <u>NOT</u> require MDS II setbacks. Such things may include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• apiaries;</li> <li>• aquaculture facilities;</li> <li>• deadstock handling facilities;</li> <li>• fairground buildings;</li> <li>• feed storages;</li> <li>• field shade shelters;</li> <li>• greenhouses;</li> <li>• kennels;</li> <li>• machinery sheds;</li> <li>• meat plants (including abattoirs and slaughterhouses);</li> <li>• mushroom facilities;</li> <li>• pastures;</li> <li>• poultry hatcheries;</li> <li>• stockyards;</li> <li>• temporary field nutrient storage sites (as defined under the <i>Nutrient Management Act, 2002</i>);</li> <li>• veterinary clinics with housing for <i>livestock</i>; and</li> <li>• zoos.</li> </ul> <p>In addition, MDS II setbacks are <u>NOT</u> required from:</p> <ul style="list-style-type: none"> <li>• extraction of minerals, petroleum resources and mineral aggregate resources;</li> <li>• <i>infrastructure</i>; and</li> <li>• landfills.</li> </ul>

## MDS I

## MDS II

**#4. MDS Setbacks for Manure Transfer Facilities**

Some *livestock facilities* and *anaerobic digesters* require transfer facilities that store manure for less than 14 days before transfer to a longer-term permanent storage, or transfer to field spreading areas, or transfer off the farm.

Transfer facilities include, but are not limited to: areas for settling sand out of liquid manure, small sumps for collection or mixing of liquid manure from several areas of a *livestock barn*, or outside concrete pads where solid manure is temporarily stored awaiting pickup by a custom manure broker.

Manure transfer facilities are not considered permanent *manure storages* and instead will receive the same MDS setbacks as the *livestock barn*. In other words, the MDS setback for a transfer facility is the same as Building Base Distance 'F', and shall not generate its own separate Storage Base Distance 'S'.

**#5. MDS Setbacks for Earthen Manure Storages**

MDS setbacks are applied to *first* or *altered livestock facilities* (MDS II) and, reciprocally, from *existing livestock facilities* (MDS I), which in both cases includes earthen *manure storages*, despite these storages not being considered 'buildings' and, consequently, not requiring building permits at the time of construction. Simply because earthen *manure storages* do not require building permits does not exclude them from MDS setbacks, as these *livestock facilities* are permanent *manure storages* with defined boundaries and represent an odour source with the highest odour potential according to Table 5.

**#6. Required Investigation Distances for MDS**

A separate MDS I setback shall be required to be measured from all *existing livestock facilities* and *anaerobic digesters* on *lots* in the surrounding area that are reasonably expected by an approval authority to be impacted by the proposed application.

As part of municipal consideration of planning or building permit applications, all *existing livestock facilities* or *anaerobic digesters* within a 750 m distance of a proposed Type A land use and within a 1,500 m distance of a proposed Type B land use shall be investigated and MDS I setback calculations undertaken where warranted.

In circumstances where large *livestock facilities* (e.g., >1,200 *Nutrient Units*) exist beyond the 750 m or 1,500 m study area, MDS I setbacks from these facilities should also be calculated.

When investigating the surrounding area for applications to permit a *first* or *altered livestock facility* or *anaerobic digester*, MDS II setbacks shall be required to be measured from all existing and approved sensitive receptors reasonably expected by an approval authority to be impacted by the proposed *first* or *altered livestock facility* or *anaerobic digester*, including all existing and approved *development* and all *dwellings* on *lots* in the surrounding area.

MDS I	MDS II
<b>#7. MDS I Setbacks for Building Permits on Existing Lots</b>	
<p>MDS I setbacks are not required for <i>dwelling</i> additions and renovations proposed on existing <i>lots</i>, even where an addition results in the existing <i>dwelling</i> being closer to a surrounding <i>livestock facility</i> or <i>anaerobic digester</i>. However, MDS I setbacks are required for all other building permit applications for <i>dwellings</i> on <i>lots</i> that existed prior to March 1, 2017, unless otherwise specified in a municipality’s zoning by-law or where otherwise not required by this MDS Document.</p> <p>For <i>lots</i> created after March 1, 2017, MDS I setbacks shall be required for building permit applications for <i>dwellings</i> unless otherwise not required by this MDS Document.</p> <p>Where a setback is required, MDS I measurements shall be taken as the shortest distance between the proposed building to be constructed and either the <i>manure storages</i>, or <i>anaerobic digesters</i>, or the <i>livestock occupied portions</i> of the <i>livestock barns</i>.</p> <p>While municipalities have the option to exempt buildings proposed through building permit applications on <i>lots</i> which exist prior to March 1, 2017, they are strongly discouraged from exempting these applications.</p> <p>If local exemptions are supported for building permits on existing <i>lots</i>, a municipality shall adopt provisions in their comprehensive zoning by-law which clearly state the details for such exemptions. Examples of such provisions may include, but are not limited to, those which only require an MDS I setback for building permit applications:</p> <ul style="list-style-type: none"> <li>• on existing <i>lots</i> that are in a particular land use zone or designation (e.g., rural residential, estate residential);</li> <li>• on existing <i>lots</i> that are above or below a certain size threshold (e.g., 4 ha);</li> </ul>	<p>Not applicable</p>

MDS I	MDS II
<ul style="list-style-type: none"> <li>• on existing <i>lots</i> which are vacant (e.g., no existing <i>dwellings</i> or other buildings);</li> <li>• on existing <i>lots</i>, but where the MDS I setback cannot be met, then through a planning application, allow a <i>dwelling</i> provided that it be located as far as possible from the existing <i>livestock facility</i> from which the setback cannot be met;</li> <li>• on <i>lots</i> which exist prior to a specific date (e.g., March 1, 2017 or the date of adoption of comprehensive zoning by-law); or,</li> <li>• for certain types of buildings (e.g., <i>dwellings</i>).</li> </ul>	
<p><b>#8. MDS I Setbacks for Lot Creation</b></p>	
<p>Where <i>lot</i> creation is proposed, including new <i>lots</i> for <i>agricultural uses</i>, an MDS I setback is required for both the severed and retained <i>lot</i>.</p> <p>However, an MDS I setback is not required:</p> <ul style="list-style-type: none"> <li>• for a severed or retained <i>lot</i> for an <i>agricultural use</i> when that <i>lot</i> already has an existing <i>dwelling</i> on it;</li> <li>• for purposes such as easements, corrections of deeds, quit claims and minor boundary adjustments which do not result in the creation of a new <i>lot</i>;</li> <li>• for a severed or retained <i>lot</i> for <i>infrastructure</i> in accordance with Implementation Guideline #3;</li> <li>• for a severed or retained <i>lot</i> for an existing <i>non-agricultural use</i>;</li> <li>• for a severed or retained <i>lot</i> for <i>agriculture-related uses</i>, except where required by a municipality in accordance with Implementation Guideline #35; or</li> <li>• where noted in Implementation Guideline #9.</li> </ul> <p>NOTE: The <i>lot</i> creation policies contained in the PPS, provincial plans and other local <i>lot</i> creation policies continue to apply despite any exemptions from MDS I setbacks.</p>	<p>Not applicable</p>

MDS I	MDS II
<b>#9. MDS I Setbacks and Lot Creation for a Residence Surplus to a Farming Operation</b>	
<p>For a proposed severance of a <i>residence surplus to a farming operation</i>:</p> <ol style="list-style-type: none"> <li>1. Where the existing <i>dwelling</i> to be severed and the nearby <i>livestock facility</i> or <i>anaerobic digester</i> are located on separate <i>lots</i> prior to the consent, an MDS I setback is not required for the consent application (or associated rezoning) unless otherwise required by a municipal official plan policy. This is because a potential odour conflict may already exist between those surrounding <i>livestock facilities</i> or <i>anaerobic digesters</i> and the existing <i>dwelling</i>.</li> <li>2. An MDS I setback is always required for a proposed <i>lot</i> with an existing <i>dwelling</i> when prior to the consent, that <i>dwelling</i> is located on the same <i>lot</i> as an existing <i>livestock facility</i> or <i>anaerobic digester</i> and after the consent, the <i>dwelling</i> would be on a <i>lot</i> separate from that same existing <i>livestock facility</i> or <i>anaerobic digester</i>. This is because such a proposal could create a potential odour conflict as the <i>dwelling</i> and the <i>livestock facility</i> or <i>anaerobic digester</i> will be on separate conveyable <i>lots</i> if the severance is approved. This is the case regardless of how a municipality chooses to treat existing <i>livestock facility</i> on <i>lots</i> separate from the <i>dwelling</i> prior to the consent.</li> <li>3. Where a new <i>lot</i> is proposed with an existing <i>dwelling</i> <u>AND</u> an existing <i>livestock facility</i> or <i>anaerobic digester</i> on it, an MDS I setback is not required for that <i>livestock facility</i> or <i>anaerobic digester</i> in accordance with Implementation Guideline #14.</li> </ol> <p>Refer to <a href="#">Figure 3</a> in Section 7 of this MDS Document for a drawing illustrating these three scenarios.</p> <p>NOTE: For severances of a <i>residence surplus to a farming operation</i>, an MDS I setback shall only be required for the newly created surplus <i>dwelling lot</i> and shall not be required for the remnant farm parcel nor for any associated rezonings of the severed or retained parcels.</p>	<p>Not applicable</p>

MDS I	MDS II
<b>#10. MDS I Setbacks for Zoning By-Law Amendments and Official Plan Amendments</b>	
<p>An MDS I setback is required for all proposed amendments to rezone or redesignate land to permit <i>development</i> in <i>prime agricultural areas</i> and <i>rural lands</i> presently zoned or designated for <i>agricultural use</i>. This shall include amendments to allow site-specific exceptions which add <i>non-agricultural uses</i> or <i>residential uses</i> to the list of <i>agricultural uses</i> already permitted on a <i>lot</i>, but shall exclude applications to rezone a <i>lot</i> for a <i>residence surplus to a farming operation</i> (e.g., to a rural residential zone) in accordance with Implementation Guideline #9 above.</p> <p>Amendments to rezone or redesignate land already zoned or designated for a <i>non-agricultural use</i>, shall only need to meet the MDS I setbacks if the amendment(s) will permit a more sensitive land use than existed before. In other words, if the proposal is to change an existing Type A land use (e.g., industrial use outside of a <i>settlement area</i>) to a Type B land use (e.g., commercial) in accordance with Implementation Guidelines #33 and #34, then an MDS I setback shall be required.</p>	Not applicable
<b>#11. MDS Setbacks for Reconstruction</b>	
<p>Where a municipality explicitly requires MDS I setbacks for building permit applications on <i>lots</i> which exist prior to March 1, 2017, in accordance with Implementation Guideline #7, an MDS I setback is <u>NOT</u> required for building reconstruction provided <u>ALL</u> of the following conditions are met:</p> <ul style="list-style-type: none"> <li>• the building which existed before the application was habitable;</li> <li>• the proposed building is for the same or less sensitive land use type (i.e., Type A or Type B in accordance with Implementation Guidelines #33 and #34) than the former building; and</li> </ul>	<p>MDS II setbacks are <u>NOT</u> required for <i>livestock facility</i> reconstruction provided the resulting <i>livestock facility</i> is built no closer to the surrounding existing or approved <i>development</i> or <i>dwelling</i> than the <i>livestock facility</i> which existed before the building permit application.</p> <p>However, MDS II setbacks shall be required if the proposed reconstruction includes an <i>anaerobic digester</i> or a <i>livestock facility</i> that meets at least <u>ONE</u> of the following conditions:</p> <ul style="list-style-type: none"> <li>• will house a different <i>livestock</i> type(s) which is more odorous than existed before reconstruction (resulting in a greater value for Factor A); or</li> </ul>

MDS I	MDS II
<ul style="list-style-type: none"> <li>the proposed building is built no closer to the surrounding <i>livestock facilities</i> or <i>anaerobic digesters</i> than the former building.</li> </ul>	<ul style="list-style-type: none"> <li>will house a greater number or area of <i>livestock</i> or store a greater volume of imported manure than existed before reconstruction (resulting in a greater value for Factor B); or</li> <li>will change from a solid to a liquid manure system (resulting in a greater value for Factor D); or</li> <li>will have a new <i>manure storage</i> with an increased relative odour potential (based on Table 5) than existed before reconstruction (e.g., going from a ‘Very Low’ to a ‘Low’ odour potential).</li> </ul>
<p><b>#12. Existing Uses that Do Not Conform to MDS</b></p>	
<p>An MDS I setback is required for proposed <i>development</i> or <i>dwellings</i>, even though there may be existing or approved <i>development</i> or <i>dwellings</i> nearby that do not conform to MDS I requirements.</p> <p>However, a reduced MDS I setback may be permitted provided there are four, or more, <i>non-agricultural uses, residential uses</i> and/or <i>dwellings</i> closer to the subject <i>livestock facility</i> than the proposed <i>development</i> or <i>dwellings</i> and those four or more <i>non-agricultural uses, residential uses</i> and/or <i>dwellings</i> are:</p> <ul style="list-style-type: none"> <li>located within the intervening area (120° field of view shown in <a href="#">Figure 4</a> in Section 7 of this MDS Document) between the closest part of the proposed <i>development</i> or <i>dwelling</i> and the nearest <i>livestock facility</i> or <i>anaerobic digester</i>;</li> <li>located on separate <i>lots</i>; and</li> <li>of the same or greater sensitivity (i.e., Type A or Type B in accordance with Implementation Guidelines #33 and #34) as the proposed <i>development</i> or <i>dwelling</i>.</li> </ul>	<p>Even though there may be a portion of the existing <i>livestock facility</i> or existing <i>anaerobic digester</i> that does not conform to the MDS II setbacks, building permit applications for any <i>altered livestock facility</i> or <i>anaerobic digester</i> are still required to meet the MDS II setbacks.</p>

MDS I	MDS II
<p>If <u>ALL</u> of the above conditions are met, the MDS I setback for the proposed <i>development</i> or <i>dwelling</i> may be reduced such that it is located no closer to the <i>livestock facility</i> or <i>anaerobic digester</i> than the furthest of the four <i>non-agricultural uses</i>, <i>residential uses</i> and/or <i>dwellings</i> as shown in <a href="#">Figure 4</a>.</p>	
<p><b>#13. Non-Application of MDS to Accessory Structures</b></p>	
<p>When an MDS I setback is required by a municipality for building permit applications on a <i>lot</i> which existed prior to March 1, 2017, in accordance with Implementation Guideline #7, an MDS I setback shall <u>NOT</u> be required for proposed structures accessory to a <i>dwelling</i>, including, but not limited to: decks, garages, gazebos, greenhouses, outbuildings, patios, picnic areas and sheds.</p>	<p>MDS II setbacks shall <u>NOT</u> be required from existing structures accessory to a <i>dwelling</i>, including, but not limited to: decks, garages, gazebos, greenhouses, outbuildings, patios, picnic areas and sheds.</p>
<p><b>#14. Uses Located on the Same Lot</b></p>	
<p>An MDS I setback is <u>NOT</u> required to be met for proposed <i>development</i>, <i>dwelling</i>, <i>agriculture-related use</i>, or <i>on-farm diversified use</i> from an existing <i>livestock facility</i> or <i>anaerobic digester</i> located on the same <i>lot</i> as the proposal.</p>	<p>MDS II setbacks are <u>NOT</u> required to be met for the <i>first</i> or <i>altered livestock facility</i> or <i>anaerobic digester</i> to any existing or approved <i>development</i>, <i>dwelling</i>, <i>agriculture-related use</i>, or <i>on-farm diversified use</i> located on the same <i>lot</i>.</p>
<p><b>#15. Same Ownership</b></p>	
<p>An MDS I setback is required for proposed <i>development</i> or <i>dwellings</i> even if the <i>lot</i> on which they are proposed is held by the same owner as the existing <i>livestock facility</i> or <i>anaerobic digester</i> nearby. This recognizes that a <i>lot</i> may be sold to a new owner, possibly resulting in a potential future land use conflict.</p>	<p>MDS II setbacks are required for a proposed <i>first</i> or <i>altered livestock facility</i> or <i>anaerobic digester</i> even if the <i>lot</i> on which they are proposed is held by the same owner as the existing or approved <i>development</i> or <i>dwellings</i> nearby. This recognizes that a <i>lot</i> may be sold to a new owner, possibly resulting in a potential future land use conflict.</p>

**MDS I**

**MDS II**

**#16. Obtaining Required Information to Calculate MDS Setbacks**

The preferred method for obtaining information (e.g., *livestock* and manure type as well as *design capacity*) to be used in MDS I calculations for a complete planning application is visiting the site and getting information directly from the farm operator(s) or owner(s) of the property where the *livestock facilities* or *anaerobic digesters* are located.

If cooperation is not forthcoming, or there is concern about the accuracy of the information available, it may be helpful to obtain independent information by consulting other sources, including, but not limited to:

- aerial photography;
- best professional judgement about the past/most recent use of building(s);
- current farm owner or operator (if different than the original information source);
- existing municipal building permits on record;
- Municipal Property Assessment Corporation (MPAC) records;
- neighbouring landowners;
- qualified consultant(s) knowledgeable about *livestock facilities*; or
- OMAFRA staff.

NOTE: Even though information may be provided by the applicant or their agent, ultimately, it is the responsibility of the municipality to determine if information used for an MDS I calculation is reasonably accurate and reflects existing conditions.

The only method for obtaining information (e.g., *livestock* and manure type as well as *design capacity*) to be used in MDS II calculations for the *first* or *altered livestock facility* is from the owner(s) or their agent with the application for the proposed construction.

In some circumstances where information is missing, or there is a concern about the accuracy of the information available, it may be helpful to obtain independent information by carrying out a site visit or consulting other sources, including, but not limited to:

- aerial photography;
- best professional judgement about the past/most recent use of building(s);
- current farm operator (if different than the owner/agent);
- existing municipal building permits on record;
- Municipal Property Assessment Corporation (MPAC) records;
- neighbouring landowners;
- qualified consultant(s) knowledgeable about *livestock facilities*; or
- OMAFRA staff.

NOTE: Even though information may be provided by the applicant or their agent, ultimately, it is the responsibility of the municipality to determine if information used for an MDS II calculation is reasonably accurate and reflects the proposed construction.

MDS I	MDS II
<b>#17. Fewest Number of <i>Nutrient Units</i> Used when Calculating MDS</b>	
<p>The fewest number of <i>Nutrient Units</i> used in calculating MDS I setbacks is 5 <i>Nutrient Units</i>, even if the actual <i>design capacity</i> is fewer than 5 <i>Nutrient Units</i>.</p> <p>Accordingly, the MDS software will automatically round-up to the minimum of 5 <i>Nutrient Units</i>.</p>	<p>MDS II setbacks are required for all <i>first</i> or <i>altered livestock facilities</i>; however, the fewest number of <i>Nutrient Units</i> used in calculating MDS II setbacks is 5 <i>Nutrient Units</i>, even if the actual <i>design capacity</i> is fewer than 5 <i>Nutrient Units</i>.</p> <p>Accordingly, the MDS software will automatically round-up to the minimum of 5 <i>Nutrient Units</i>.</p>
<b>#18. MDS II for Building Permit Applications to Renovate Existing <i>Livestock Facilities</i></b>	
Not applicable	<p>An MDS II setback is required prior to the approval of a building permit application to renovate <i>existing livestock facilities</i> that would result in an <i>altered livestock facility</i>.</p> <p>This is true even if the renovation results in the same <i>design capacity</i>, or a lower <i>design capacity</i> than what existed before. For example, an <i>existing livestock facility</i> to be renovated is more than 3 years old and has a <i>design capacity</i> of 150 <i>Nutrient Units</i> for swine feeders on a liquid manure system with an outside, uncovered, straight-walled liquid <i>manure storage</i> (M1 storage in Table 5). After the proposed renovation, the <i>altered livestock facility</i> will instead have a <i>design capacity</i> of 50 <i>Nutrient Units</i> for chicken broilers on a solid manure system with an outside, uncovered, solid <i>manure storage</i> (V3 storage in Table 6).</p> <p>NOTE: This would result in fewer <i>Nutrient Units</i> than before the renovation.</p> <ul style="list-style-type: none"> <li>• Factor A = 0.7 for chicken broilers (just for those <i>livestock</i> being added)</li> <li>• Factor B = 260 for 50 <i>Nutrient Units</i></li> <li>• Factor C = 0.5 for a -66.7% increase (or 66.7% decrease), but Factor C always equals 0.5 for any decrease in <i>Nutrient Units</i></li> <li>• Factor D = 0.7 for solid manure (just for those <i>livestock</i> being added)</li> </ul>

MDS I	MDS II
<p>Not applicable</p>	<ul style="list-style-type: none"> <li>• Building Base Distance ('F') = <math>0.7 \times 260 \times 0.5 \times 0.7 = 63.7</math> m</li> <li>• Storage Base Distance ('S') = 63.7 m (for a V3 storage)</li> </ul> <p>Likewise, an MDS II setback is also required prior to the approval of a building permit application to renovate existing <i>anaerobic digesters</i> in accordance with Implementation Guideline #22.</p>
<p><b>#19. Cumulative Design Capacity of Livestock Facilities on a Lot</b></p>	
<p>MDS calculations shall be based on the combined <i>design capacity</i> for all <i>livestock barns</i> on a <i>lot</i>, even if they are <i>unoccupied livestock barns</i> or separated by a substantial distance on the <i>lot</i>.</p> <p>Where there are no <i>livestock barns</i> on a <i>lot</i>, MDS calculations shall be based on the combined <i>design capacity</i> for all <i>manure storages</i> on a <i>lot</i>, even if they are <i>unused manure storages</i> or separated by a substantial distance on the <i>lot</i>.</p>	
<p><b>#20. MDS Setbacks for Unoccupied Livestock Barns</b></p>	
<p><i>Design capacity</i> for an MDS I calculation shall include all <i>unoccupied livestock barns</i> on a <i>lot</i> in accordance with this Implementation Guideline.</p> <p>First and foremost, the number of <i>livestock</i> or the area of <i>livestock</i> housing of <i>unoccupied livestock barns</i> should be based on information supplied by the farm operator(s) and/or owner(s). Only after concerted, documented effort has been made to obtain information from the farm operator(s) and/or owner(s), but obtaining information was not possible, then the following default Factors apply for <i>unoccupied livestock barns</i>:</p> <ul style="list-style-type: none"> <li>• Factor A = 1.0</li> <li>• Factor B is based on 1 <i>Nutrient Unit</i>/ 20 m<sup>2</sup> of area of <i>livestock</i> housing (NOTE: Assume the barn is only one-story high if using aerial photography.)</li> <li>• Factor D = 0.7</li> </ul>	<p><i>Design capacity</i> for an MDS II calculation shall include all <i>unoccupied livestock barns</i> on a <i>lot</i>.</p> <p>However, buildings deemed by a municipal building official, with input from a professional engineer or a consultant knowledgeable about <i>livestock facilities</i> where appropriate, as no longer being structurally sound, or reasonably capable of housing <i>livestock</i> shall not be included in an MDS II calculation.</p>

MDS I	MDS II
<p>However, an MDS I setback is not required when:</p> <ul style="list-style-type: none"> <li>the building has been deemed by a municipal building official, with input from a professional engineer or a consultant knowledgeable about <i>livestock facilities</i> where appropriate, as no longer being structurally sound or reasonably capable of housing <i>livestock</i>; or</li> <li>the portion of the <i>lot</i> on which the <i>unoccupied livestock barn</i> is located is zoned such that the building shall not be used for housing <i>livestock</i>; or</li> <li>the floor area of the <i>unoccupied livestock barn</i> is &lt;100 m<sup>2</sup>.</li> </ul>	
<p><b>#21. MDS Setbacks for Unused Manure Storages</b></p>	
<p><i>Design capacity</i> for an MDS I calculation shall include all <i>manure storages</i> on a <i>lot</i> in accordance with this Implementation Guideline, even if those storages are unused and not storing manure at the time of the MDS I application.</p> <p>First and foremost, the volume of <i>unused manure storages</i> should be based on information supplied by the farm operator(s) and/or owner(s).</p> <p><i>Unused manure storages</i> for <u>SOLIDS</u>: Only after concerted, documented effort has been made to obtain information from the farm operator(s) and/or owner(s), but obtaining information was not possible, then the following Factors apply for <i>unused manure storages</i> for <u>SOLIDS</u>:</p> <ul style="list-style-type: none"> <li>Factor A = 1.0</li> <li>Factor B is based on 1 <i>Nutrient Unit</i>/19.8 m<sup>3</sup> of volume for storages with two or more walls (NOTE: Assume manure is stored 1 m deep over the area enclosed by the two or more walls if using aerial photography).</li> <li>Factor D = 0.7</li> </ul>	<p><i>Design capacity</i> for an MDS II calculation shall include all <i>manure storages</i> on a <i>lot</i>, even if those storages are unused and not storing manure at the time of an MDS II application.</p> <p>However, structures deemed by a municipal building official, with input from a professional engineer or a consultant knowledgeable about <i>livestock facilities</i> where appropriate, as no longer being structurally sound, or reasonably capable of storing manure, shall not be included in an MDS II calculation.</p>

MDS I	MDS II
<p>However, an MDS I setback is not required when:</p> <ul style="list-style-type: none"> <li>• there is only one, or no, walls; or,</li> <li>• the structure has been deemed by a municipal building official, with input from a professional engineer or a consultant knowledgeable about <i>livestock facilities</i> where appropriate, as no longer being structurally sound or reasonably capable of storing manure; or,</li> <li>• the portion of the <i>lot</i> on which the <i>unused manure storage</i> is located is zoned such that the structure shall not be used for storing manure; or,</li> <li>• the floor area of the <i>unused manure storage</i> is &lt;100 m<sup>2</sup>.</li> </ul> <p><i>Unused manure storages for LIQUIDS:</i> Only after concerted, documented effort has been made to obtain information from the farm operator(s) and/or owner(s), but obtaining information was not possible, then the following Factors apply for <i>unused manure storages for LIQUIDS:</i></p> <ul style="list-style-type: none"> <li>• Factor A = 1.0</li> <li>• Factor B is based on 1 <i>Nutrient Unit</i>/19.8 m<sup>3</sup> of <i>design capacity</i> (NOTE: Assume manure is stored 2.5 m deep and level over the area enclosed by storage walls if using aerial photography).</li> <li>• Factor D = 0.8</li> </ul> <p>However, an MDS I setback is not required when:</p> <ul style="list-style-type: none"> <li>• the structure has been deemed by a municipal building official, with input from a professional engineer or a consultant knowledgeable about <i>livestock facilities</i> where appropriate, as no longer being structurally sound or reasonably capable of storing manure; or,</li> <li>• the portion of the <i>lot</i> on which the <i>unused manure storage</i> is located is zoned such that the structure shall not be used for storing manure; or,</li> <li>• the floor area of the <i>unused manure storage</i> is &lt;40 m<sup>2</sup>.</li> </ul>	

MDS I	MDS II
<b>#22. MDS Setbacks for Anaerobic Digesters</b>	
<p>There is no calculation for an MDS I setback from an <i>anaerobic digester</i>. Instead, the required MDS I setbacks are fixed as follows:</p> <ul style="list-style-type: none"> <li>• 200 m to proposed Type A land uses</li> <li>• 450 m to proposed Type B land uses</li> <li>• 200 m to proposed <i> dwellings</i></li> </ul> <p>Refer to <a href="#">Figure 5</a> in Section 7 of this MDS Document.</p> <p>Secondary elements related to the <i>anaerobic digester</i> such as gas and water pipes and electrical generator buildings or wires are not subject to MDS I setbacks.</p> <p>MDS I setbacks are measured from the closest associated component of the existing <i>anaerobic digester</i>.</p>	<p>There is no calculation for an MDS II setback for an <i>anaerobic digester</i>. Instead the required MDS II setbacks are fixed as follows:</p> <ul style="list-style-type: none"> <li>• 200 m from existing Type A land uses</li> <li>• 450 m from existing Type B land uses</li> <li>• 200 m from existing <i> dwellings</i> on a separate <i> lot</i></li> <li>• 20 m from a rear and side <i> lot</i> line</li> <li>• 40 m from the edge of a road allowance</li> </ul> <p>Refer to <a href="#">Figure 6</a> in Section 7 of this MDS Document.</p> <p>Secondary elements related to the <i>anaerobic digester</i> such as gas and water pipes and electrical generator buildings or wires are not subject to MDS II setbacks.</p> <p>MDS II setbacks are measured to the closest associated component of the proposed <i>anaerobic digester</i>.</p> <p>MDS II setbacks for <i>anaerobic digesters</i> cannot be reduced through Implementation Guideline #43.</p>
<b>#23. Calculating Building Base Distance ('F')</b>	
<p>The MDS I formula for calculating Building Base Distance ('F') is: 'F' = Factor A x B x D x E.</p> <p>NOTE: Factor C is <u>NOT</u> used in MDS I.</p>	<p>The MDS II formula for calculating Building Base Distance ('F') is: 'F' = Factor A x B x C x D.</p> <p>NOTE: Factor E is <u>NOT</u> used in MDS II.</p>
<b>#24. Determining Storage Base Distance ('S')</b>	
<p>Storage Base Distance ('S') is <u>NOT</u> calculated, but read directly from Table 6. First calculate the Building Base Distance ('F') in accordance with Implementation Guideline #23, then select the <i> manure storage</i> type from Table 5 that best matches the <i> manure storage</i> type on the <i> lot</i> and use this information to determine the corresponding value on Table 6.</p> <p>If there are multiple <i> manure storage</i> types on the <i> lot</i>, the storage type with the highest relative Storage Odour Potential is selected from Table 5.</p>	

MDS I	MDS II
<p><b>#25. Factor A: Odour Potential Factor (Table 1)</b></p>	
<p>Factor A is determined by selecting the value aligned with the applicable <i>livestock/manure</i> description on Table 1. Factor A is based on the relative potential for emanating offensive odours. The greater the value of Factor A, the higher the odour potential and the further the resulting MDS setbacks, all other things being equal.</p>	
<p><b>#26. Factor B: Nutrient Units Factor (Table 2)</b></p>	
<p>Factor B used in MDS I setbacks for <i>settlement area</i> expansions shall only be based on the <i>design capacity</i> for all <i>livestock facilities</i> on a <i>lot</i>.</p> <p>In addition, for other MDS I setbacks where the <i>livestock facilities</i> are located on <i>lots</i> ≤5 ha, Factor B is also only based on the <i>design capacity</i> for all <i>livestock facilities</i> on the <i>lot</i>.</p> <p>For all other MDS I setbacks where the <i>livestock facilities</i> are located on <i>lots</i> &gt;5 ha, Factor B is based on the possible future expansion of the existing <i>livestock facilities</i> on the <i>lot</i>, known as the ‘potential’ <i>design capacity</i>.</p> <p>More specifically, the potential <i>design capacity</i> for MDS I is determined by knowing the <i>design capacity</i> for all <i>livestock facilities</i> on the <i>lot</i>, and the total area of the <i>lot</i>. With both of these pieces of information, use the table below to determine the appropriate potential <i>design capacity</i>. This value should then be used to find the value of Factor B for the purposes of calculating an MDS I setback where the <i>livestock facilities</i> are located on a <i>lot</i> &gt;5 ha.</p>	<p>For MDS II, Factor B is based on the <i>design capacity</i> for all <i>livestock facilities</i> on a <i>lot</i>.</p> <p>In accordance with Table 2, the more <i>Nutrient Units</i>, the greater the value for Factor B and the further the resulting MDS II setbacks, all other things being equal.</p> <p>While using Table 2, it may be necessary to interpolate a value for Factor B. When interpolating, do not include more than two decimal places, rounded accordingly.</p>

MDS I					MDS II
Design Capacity (NU)	Total Lot Size ≤5 ha	Total Lot Size >5 ha, but ≤25 ha	Total Lot Size >25 ha, but ≤50 ha	Total Lot Size >50 ha	
≤5 NU	Factor B based on <i>design capacity</i> only	Factor B based on <i>design capacity</i> only	Factor B based on <i>design capacity</i> only	Factor B based on <i>design capacity</i> only	
>5 NU, but ≤25 NU	Factor B based on <i>design capacity</i> only	Factor B based on 2 x <i>design capacity</i>	Factor B based on 2 x <i>design capacity</i>	Factor B based on 2 x <i>design capacity</i>	
>25 NU, but ≤125 NU	Factor B based on <i>design capacity</i> only	Factor B based on 2 x <i>design capacity</i>	Factor B based on 3 x <i>design capacity</i>	Factor B based on 3 x <i>design capacity</i>	
>125 NU	Factor B based on <i>design capacity</i> only	Factor B based on 2 x <i>design capacity</i> , to max of 300 NU	Factor B based on 3 x <i>design capacity</i> , to max of 450 NU	Factor B based on 3 x <i>design capacity</i> , to max of 600 NU	

NOTE: To determine *design capacity* for *unoccupied livestock barns* or *unused manure storages*, see Implementation Guidelines #20 and #21 respectively.

In accordance with Table 2, the more *Nutrient Units*, the greater the value for Factor B and the further the resulting MDS I setbacks, all other things being equal.

While using Table 2, it may be necessary to interpolate a value for Factor B. When interpolating, do not include more than two decimal places, rounded accordingly.

MDS I	MDS II
<b>#27. Factor C: Expansion Factor (Table 3)</b>	
Not applicable	<p>Factor C only applies for MDS II, and is based on the percentage increase in the number of <i>Nutrient Units</i> for the proposed construction of a <i>first</i> or <i>altered livestock facility</i>, compared to the <i>Nutrient Units</i> of all <i>existing livestock facilities</i> on the <i>lot</i>. The greater the percentage increase, the greater the value for Factor C and the further the resulting MDS II setbacks, all things being equal.</p> <p>Expansion of a <i>livestock facility</i> is a necessary and typical process for most farm operations, and can reasonably be expected over time.</p> <p>Factor C is 1.14 (Table 3) for the <i>first livestock facility</i> on a <i>lot</i>, resulting in a building location that will allow for future expansion of most subsequent <i>livestock facilities</i> within a reasonable building envelope.</p> <p>Factor C is 0.5 (Table 3) for no increase in <i>Nutrient Units</i> (0% increase) and for decreases in <i>Nutrient Units</i>.</p> <p>Where an <i>existing livestock facility</i> is to be expanded, the percentage increase shall be calculated using the total additional <i>Nutrient Units</i> proposed as the numerator and the total existing <i>Nutrient Units</i> as the denominator, with the result multiplied by 100.</p> <p>For example, if an <i>existing livestock facility</i> currently has a <i>design capacity</i> of 200 <i>Nutrient Units</i> and proposes to increase <i>design capacity</i> by 100 additional <i>Nutrient Units</i>, the percentage increase is calculated as 100 <i>Nutrient Units</i> (numerator) divided by 200 <i>Nutrient Units</i> (denominator) and multiplied by 100 for a value of 50% (100/200) x 100 = 50%. From Table 3, Factor C = 0.8100.</p> <p>Where a <i>livestock facility</i> is to be expanded, and one or more building permits to establish or expand that <i>livestock facility</i> were already issued within the previous 3 years, the percentage increase shall be calculated using the total additional <i>Nutrient Units</i> established or added by building permit(s) issued during the previous 3-year period, plus the proposed expansion, as the numerator, and the total existing</p>

MDS I	MDS II
	<p><i>Nutrient Units</i> prior to the previous 3-year period as the denominator.</p> <p>For example, an <i>existing livestock facility</i> currently has a <i>design capacity</i> of 200 <i>Nutrient Units</i> and proposes to increase <i>design capacity</i> by 100 additional <i>Nutrient Units</i>. A building permit for this <i>livestock facility</i> was issued 2 years ago which increased the size of the operation at that time from 100 <i>Nutrient Units</i> to 200 <i>Nutrient Units</i>. In this case, the percentage increase is calculated as 200 <i>Nutrient Units</i> (numerator) (100 <i>Nutrient Units</i> for this expansion plus 100 <i>Nutrient Units</i> for expansion 2 years ago) divided by 100 <i>Nutrient Units</i> (denominator) (the <i>design capacity</i> of the <i>livestock facility</i> 3 years ago) and then multiplied by 100 for a value of 200% <math>[(100+100)/100] \times 100 = 200\%</math>. From Table 3, Factor C = 1.0000.</p> <p>In using Table 3, it may be necessary to interpolate a value for Factor C. When interpolating, do not include more than four decimal places, rounded accordingly.</p>
<p><b>#28. Factor D: Manure Type (Table 1)</b></p>	
<p>Factor D is determined by selecting the value aligned with the applicable manure type (liquid manure or solid manure) in Table 1. Factor D is based on the physical state of manure (liquid or solid) on the <i>lot</i> and its relative potential for emanating offensive odours. The greater the value for Factor D, the higher the odour potential and the further the resulting MDS setbacks, all other things being equal.</p>	
<p><b>#29. Factor E: Encroaching Land Use Factor (Table 4)</b></p>	
<p>Factor E is determined by selecting the encroaching land use factor in Table 4 (Type A Land Use or Type B Land Use) that best matches the descriptions in Implementation Guidelines #33 and #34. Factor E is based on the relative sensitivity of an encroaching land use as it relates to odour from an <i>existing livestock facility</i>. The more sensitive the land use (based on an anticipated higher density of human occupancy, habitation or activity), the greater the value (1.1 or 2.2) of the encroaching land use factor and the further the resulting MDS I setbacks, all other things being equal.</p>	<p>Not applicable</p>

MDS I	MDS II
<p><b>#30. Determining Factor A When More Than One Type of <i>Livestock</i> are Housed and/or More Than One Type of Manure are Stored, With Differing Values for Factor A</b></p>	
<p>In MDS I, Factor A will require a weighted average when there is more than one type of <i>livestock</i> housed and/or more than one type of manure stored on a <i>lot</i> with differing values for Factor A.</p> <p>For example, if a <i>livestock facility</i> on a <i>lot</i> has 50 <i>Nutrient Units</i> of chicken broilers (Factor A = 0.7), as well as 100 <i>Nutrient Units</i> of swine feeders (Factor A = 1.2), then the weighted average Factor A is:  <math display="block">[(50 \times 0.7) + (100 \times 1.2)] \div (50 + 100) = 1.03</math></p> <p>When calculating a weighted average, the value of Factor A should not include more than two decimal places, rounded accordingly.</p>	<p>In MDS II, Factor A will require a weighted average when there is more than one type of <i>livestock</i> proposed to be added and/or more than one type of manure proposed to be added at the same time with differing values for Factor A.</p> <p>For example, if a farmer proposes to expand a <i>livestock facility</i> by adding 50 <i>Nutrient Units</i> of chicken broilers (Factor A = 0.7), as well as adding 100 <i>Nutrient Units</i> of swine feeders (Factor A = 1.2) at the same time, then the weighted average Factor A is:  <math display="block">[(50 \times 0.7) + (100 \times 1.2)] \div (50 + 100) = 1.03</math></p> <p>When calculating a weighted average, the value of Factor A should not include more than two decimal places, rounded accordingly.</p>
<p><b>#31. Determining Factor D When <u>BOTH</u> Solid and Liquid Manure are Stored on a Lot</b></p>	
<p>In MDS I, Factor D will require a weighted average when <u>BOTH</u> solid and liquid manure are being stored on a <i>lot</i>.</p> <p>For example, if a <i>livestock facility</i> has 50 <i>Nutrient Units</i> of chicken broilers with a solid manure system (Factor D = 0.7) <u>AND</u> 100 <i>Nutrient Units</i> of swine feeders with a liquid manure system (Factor D = 0.8) then the weighted average Factor D is:  <math display="block">[(50 \times 0.7) + (100 \times 0.8)] \div (50 + 100) = 0.77</math></p> <p>When calculating a weighted average, the value of Factor D should not include more than two decimal places, rounded accordingly.</p>	<p>In MDS II, Factor D will require a weighted average when <u>BOTH</u> solid and liquid <i>manure storages</i> are being proposed as part of the same building permit application.</p> <p>For example, if a farmer proposes to add 50 <i>Nutrient Units</i> of chicken broilers with a solid manure system (Factor D = 0.7) <u>AND</u> 100 <i>Nutrient Units</i> of swine feeders with a liquid manure system (Factor D = 0.8) then the weighted average Factor D is: <math>[(50 \times 0.7) + (100 \times 0.8)] \div (50 + 100) = 0.77</math></p> <p>When calculating a weighted average, the value of Factor D should not include more than two decimal places, rounded accordingly.</p>

MDS I	MDS II
<b>#32. Rounding of MDS Calculations</b>	
All resulting calculated separation distances are rounded <u>UP</u> to the nearest metre. For example, if the final MDS setback is 364.72 m, round up to 365 m.	
<b>#33. Type A Land Uses (Less Sensitive)</b>	
<p>For the purposes of MDS I, proposed Type A land uses are characterized by a lower density of human occupancy, habitation or activity including, but not limited to:</p> <ul style="list-style-type: none"> <li>• industrial uses outside a <i>settlement area</i>;</li> <li>• <i>open space uses</i>;</li> <li>• building permit applications on existing <i>lots</i> outside a <i>settlement area</i> for <i>dwellings</i>, unless otherwise specified in a municipality's zoning by-law in accordance with Implementation Guideline #7;</li> <li>• the creation of <i>lots</i> for <i>agricultural uses</i>, in accordance with Implementation Guideline #8; and</li> <li>• the creation of one or more <i>lots</i> for <i>development</i> on land outside of a <i>settlement area</i> that would <u>NOT</u> result in four or more <i>lots</i> for <i>development</i> in immediate proximity to one another (e.g., sharing a common contiguous boundary, across the road from one another, etc.), regardless of whether any of the <i>lots</i> are vacant.</li> </ul>	<p>For the purposes of MDS II, existing Type A land uses are characterized by a lower density of human occupancy, habitation or activity including, but not limited to:</p> <ul style="list-style-type: none"> <li>• industrial uses outside a <i>settlement area</i>;</li> <li>• <i>open space uses</i>; and,</li> <li>• <i>dwellings</i> on <i>lots</i> which are located outside of a <i>settlement area</i> and are not recognized through an official plan designation for <i>development</i>; includes <i>dwellings</i> that are located on <i>lots</i> zoned for <i>agriculture uses</i>, <i>residential uses</i> or <i>non-agricultural uses</i> (such as zones for general agriculture, rural residential, estate residential, etc.), provided the <i>lot</i> remains in a <i>prime agricultural area</i> or <i>rural lands type</i> designation.</li> </ul>
<b>#34. Type B Land Uses (More Sensitive)</b>	
<p>For the purposes of MDS I, proposed Type B land uses are characterized by a higher density of human occupancy, habitation or activity including, but not limited to:</p> <ul style="list-style-type: none"> <li>• new or expanded <i>settlement area</i> boundaries;</li> </ul>	<p>For the purposes of MDS II, existing Type B land uses are characterized by a higher density of human occupancy, habitation or activity including, but not limited to:</p> <ul style="list-style-type: none"> <li>• <i>settlement area</i> boundaries; and</li> <li>• existing <i>development</i> outside of a <i>settlement area</i> which is recognized through an official plan designation.</li> </ul>

MDS I	MDS II
<ul style="list-style-type: none"> <li>• an official plan amendment to permit <i>development</i>, excluding industrial uses, on land outside a <i>settlement area</i>;</li> <li>• a zoning by-law amendment to permit <i>development</i>, excluding industrial uses or <i>dwelling</i>s, on land outside a <i>settlement area</i>; and</li> <li>• the creation of one or more <i>lots</i> for <i>development</i> on land outside a <i>settlement area</i>, that results in four or more <i>lots</i> for <i>development</i>, which are in immediate proximity to one another (e.g., sharing a common contiguous boundary, across the road from one another, etc.), regardless of whether any of the <i>lots</i> are vacant.</li> </ul> <p>Because of the increased sensitivity of these uses, a new or expanding Type B land use will generate an MDS I setback that is twice the distance as the MDS I setback for a Type A land use. This is reflected in the value of Factor E which is 2.2 for Type B versus 1.1 for Type A.</p>	<p>Because of the increased sensitivity of these uses, an MDS II setback from existing Type B land uses is twice the distance from existing Type A land uses.</p>
<p><b>#35. MDS Setbacks for Agriculture-Related Uses and On-Farm Diversified Uses</b></p>	
<p>MDS I setbacks from <i>existing livestock facilities</i> and <i>anaerobic digesters</i> will generally not be needed for land use planning applications which propose <i>agriculture-related uses</i> and <i>on-farm diversified uses</i>. However, some proposed <i>agriculture-related uses</i> and <i>on-farm diversified uses</i> may exhibit characteristics that could lead to potential conflicts with surrounding <i>livestock facilities</i> or <i>anaerobic digesters</i>. Therefore, it may be appropriate for municipalities to require an MDS I setback to permit certain types of these uses.</p> <p>Typically, this subset of uses may be characterized by a higher density of human occupancy or activity or will be uses that may generate significant visitation by the broader public to an agricultural area. Examples include, but are not limited to: food service, accommodation, <i>agri-tourism uses</i> and retail operations.</p>	<p>MDS II setbacks to <i>existing agriculture-related uses</i> and <i>on-farm diversified uses</i> will generally not be needed for building permit applications for <i>first or altered livestock facilities</i> and <i>anaerobic digesters</i>. However, some <i>existing agriculture-related uses</i> and <i>on-farm diversified uses</i> may exhibit characteristics that could lead to potential conflicts with <i>first or altered livestock facilities</i> or <i>anaerobic digesters</i>. Therefore, it may be appropriate for municipalities to require MDS II setbacks to certain types of these uses.</p> <p>Typically, this subset of uses may be characterized by a higher density of human occupancy or activity, or are uses that generate significant visitation by the broader public to an agricultural area. Examples include, but are not limited to: food service, accommodation, <i>agri-tourism uses</i> and retail operations. Surrounding land uses and geographic context can also play a role in determining the</p>

MDS I	MDS II
<p>Surrounding land uses and geographic context can also play a role in determining the suitability of applying MDS I setbacks to proposed <i>agriculture-related uses, on-farm diversified uses and agricultural uses</i>.</p> <p>For these reasons, and in keeping with the intent of this MDS Document, municipalities may choose to require an MDS I setback for proposals, including <i>lot</i> creation, to permit certain types of <i>agriculture-related uses or on-farm diversified uses</i>. In these circumstances, <i>agriculture-related uses and on-farm diversified uses</i> shall be considered as Type A land uses. Municipalities shall include specific provisions in their comprehensive zoning by-law to clearly indicate the types of <i>agriculture-related uses and on-farm diversified uses</i> that will be required to meet MDS I setbacks, including provisions related to the measurement of MDS I setbacks from <i>existing livestock facilities and anaerobic digesters</i>. Otherwise, MDS I setbacks will <u>NOT</u> be required for these types of uses.</p> <p>Municipalities are strongly encouraged to develop policies in their official plans and provisions in their comprehensive zoning by-law to provide consistent direction on this issue.</p>	<p>suitability of applying MDS II setbacks from existing <i>agriculture-related uses, on-farm diversified uses and agricultural uses</i>.</p> <p>For these reasons, and in keeping with the intent of this MDS Document, municipalities may choose to require MDS II setbacks for <i>new or altered livestock facilities and anaerobic digesters</i> to certain types of existing <i>agriculture-related uses or on-farm diversified uses</i>. In these circumstances, <i>agriculture-related uses and on-farm diversified uses</i> shall be considered as Type A land uses. Municipalities shall include specific provisions in their comprehensive zoning by-law to clearly indicate the types of <i>agriculture-related uses and on-farm diversified uses</i> that MDS II setbacks are applied to and how they are measured. Otherwise, MDS II setbacks will <u>NOT</u> be required to these types of uses.</p> <p>Municipalities are strongly encouraged to develop policies in their official plans and provisions in their comprehensive zoning by-law to provide consistent direction on this issue.</p>
<p><b>#36. Non-Application of MDS Within Settlement Areas</b></p>	
<p>MDS I setbacks are <u>NOT</u> required for proposed land use changes (e.g., consents, rezonings, redesignations, etc.) within approved <i>settlement areas</i>, as it is generally understood that the long-term use of the land is intended to be for non-agricultural purposes.</p>	<p>MDS II setbacks are <u>NOT</u> required where municipalities permit <i>first or altered livestock facilities</i> (e.g., urban agriculture) or <i>anaerobic digesters</i> within approved <i>settlement area</i> designations, as MDS II was not designed to be used in an urban setting. However, because other issues could be considered when raising <i>livestock</i> in <i>settlement areas</i>, municipalities may choose to establish local approaches governing urban agriculture.</p>

MDS I	MDS II
<p><b>#37. MDS Setbacks for Churches, Schools and Cemeteries Used Primarily by a Community Reliant on Horse-Drawn Transportation</b></p>	
<p>Normally churches, schools and cemeteries are considered Type B land uses as they are institutional uses; however, existing, new and expanding churches, schools and cemeteries intended to primarily serve a community which relies on horse-drawn vehicles as a predominate mode of transportation, shall be considered as Type A land uses for the purposes of both MDS I and MDS II.</p>	
<p><b>#38. MDS Setbacks for Cemeteries</b></p>	
<p>Except where noted in Implementation Guideline #37, for the purposes of MDS I, new cemeteries and expansion to existing cemeteries are considered Type B land uses, as they are institutional uses.</p>	<p>For the purposes of MDS II, existing cemeteries are considered Type B land uses, as they are institutional uses.</p> <p>However, certain cemeteries may be treated as Type A land uses at the discretion of the municipality. For example, those cemeteries which are closed, or receive low levels of visitation, or where no place of worship is present, in addition to where noted in Implementation Guideline #37.</p> <p>NOTE: Cemeteries meeting the above criteria shall be clearly identified in the municipality’s planning documents on a comprehensive basis in order to be treated as Type A land uses. Otherwise all cemeteries will continue to be treated as Type B land uses, except where noted in Implementation Guideline #37.</p>
<p><b>#39. MDS II Setbacks for Rear Lot Lines, Side Lot Lines and Road Allowances</b></p>	
<p>Not applicable</p>	<p>In addition to setbacks from surrounding Type A and Type B land uses, <i>first or altered livestock facilities</i> shall also meet the following MDS II setbacks:</p> <ul style="list-style-type: none"> <li>• Rear and side <i>lot</i> line MDS II setbacks are calculated as 0.1 multiplied by the Building Base Distance ‘F’ and Storage Base Distance ‘S’ to a maximum of <u>30 m</u>.</li> </ul>

MDS I	MDS II
Not applicable	<p>For example, if an MDS II calculation yields values of 100 m for Building Base Distance 'F' and 123 m for Storage Base Distance 'S', the MDS II setback for the <i>livestock barn</i> from the ear and side <i>lot</i> lines would be 10 m (<math>100 \text{ m} \times 0.1 = 10 \text{ m}</math>). The MDS II setback for the <i>manure storage</i> from the rear and side <i>lot</i> lines would be 12.3 m (<math>123 \text{ m} \times 0.1 = 12.3 \text{ m}</math>). This value is rounded to the nearest whole number, so in this instance, the setback for the <i>manure storage</i> would be 12 m.</p> <p>As another example, if an MDS II calculation yields values of 350 m for Building Base Distance 'F' and 400 m for Storage Base Distance 'S', the MDS II setback for the <i>livestock barn</i> from the rear and side <i>lot</i> lines would be 30 m (<math>350 \text{ m} \times 0.1 = 35 \text{ m}</math>, but reduced to the maximum of 30 m). The MDS II setback for the <i>manure storage</i> from the rear and side <i>lot</i> lines would be 30 m (<math>400 \text{ m} \times 0.1 = 40 \text{ m}</math>, but reduced to the maximum of 30 m).</p> <ul style="list-style-type: none"> <li>Road allowance MDS II setbacks are calculated as 0.2 multiplied by the Building Base Distance 'F' and Storage Base Distance 'S' to a maximum of <u>60 m</u>.</li> </ul> <p>For example, if an MDS II calculation yields values of 100 m for Building Base Distance 'F' and 123 m for Storage Base Distance 'S', the MDS II setback for the <i>livestock barn</i> from the edge of the road allowance would be 20 m (<math>100 \text{ m} \times 0.2 = 20 \text{ m}</math>). The MDS II setback for the <i>manure storage</i> from the edge of the road allowance would be 24.6 m (<math>123 \text{ m} \times 0.2 = 24.6 \text{ m}</math>). This value is rounded to the nearest whole number, so in this instance, the setback for the <i>manure storage</i> would be 25 m.</p> <p>As another example, if an MDS II calculation yields values of 350 m for Building Base Distance 'F' and 400 m for Storage Base Distance 'S', the MDS II setback for the <i>livestock barn</i> from the edge of the road allowance would be 60 m (<math>350 \text{ m} \times 0.2 = 70 \text{ m}</math>, but reduced to the maximum of</p>

MDS I	MDS II
	<p>60 m). The MDS II setback for the <i>manure storage</i> from the edge of the road allowance would be 60 m (<math>400\text{ m} \times 0.2 = 80\text{ m}</math>, but reduced to the maximum of 60 m).</p> <p>Rear and side <i>lot</i> line and road allowance MDS II setbacks for <i>anaerobic digesters</i> are found in Implementation Guideline #22.</p> <p>These MDS II setbacks are measured as the shortest distance between the point of new construction for the <i>manure storages</i>, or the <i>anaerobic digester</i>, or the <i>livestock occupied portions</i> of each of the surrounding <i>livestock barns</i> and the side and rear <i>lot</i> lines, as well as the edge of the road allowance.</p>
<p><b>#40. Measurement of MDS Setbacks for <i>Development</i> and <i>Dwellings</i></b></p>	
<p>For proposed <i>development</i>, MDS I setbacks are measured as the shortest distance between the area proposed to be rezoned or redesignated to permit <i>development</i> and either: the surrounding <i>livestock occupied portions</i> of <i>livestock barns</i>, <i>manure storages</i> or <i>anaerobic digesters</i>. Refer to <a href="#">Figure 7</a> in Section 7 of this MDS Document. This shall include areas proposed to be rezoned or redesignated with site-specific exceptions that add <i>non-agricultural uses</i> or <i>residential uses</i> to the list of <i>agricultural uses</i> already permitted on a <i>lot</i>.</p> <p>For building permit applications for proposed <i>dwellings</i>, where required in accordance with Implementation Guideline #7, MDS I setbacks are measured as the shortest distance between the proposed <i>dwelling</i> and either the surrounding <i>manure storages</i>, <i>anaerobic digesters</i> or the <i>livestock occupied portions</i> of the <i>livestock barns</i>.</p>	<p>For existing <i>development</i>, MDS II setbacks are measured as the shortest distance between the point of new construction for the <i>livestock occupied portions</i> of the <i>livestock barns</i>, <i>manure storages</i>, <i>anaerobic digesters</i> and the surrounding area that is zoned or designated to permit <i>non-agricultural uses</i> or <i>residential uses</i> in a zoning by-law or official plan respectively, even if there are portions of the <i>existing livestock facility</i> or existing <i>anaerobic digester</i> that do not conform to the MDS II setbacks.</p> <p>For existing <i>dwellings</i>, MDS II setbacks are measured as the shortest distance between the point of new construction for the <i>livestock occupied portions</i> of the <i>livestock barns</i>, <i>manure storages</i> or <i>anaerobic digesters</i>, and the surrounding <i>dwellings</i>, even if there are portions of the <i>existing livestock facility</i> or existing <i>anaerobic digester</i> that do not conform to the MDS II setbacks. Refer to <a href="#">Figure 8</a> in Section 7 of this MDS Document.</p> <p>NOTE: Where there are two <i>dwellings</i> on the same <i>lot</i>, the MDS II setback shall be measured to both.</p>

MDS I	MDS II
<b>#41. Measurement of MDS I Setbacks for the Creation of Lots</b>	
<p>Where an MDS I setback is required for the creation of a <i>lot</i>, in accordance with Implementation Guideline #8 or #9, measurement of the MDS I setback should be undertaken as follows:</p> <ol style="list-style-type: none"> <li>1. For proposed <i>lots</i> with an existing <i>dwelling</i> that are <math>\leq 1</math> ha, MDS I setbacks are measured as the shortest distance between the proposed <i>lot</i> line and either the surrounding <i>livestock occupied portions</i> of the <i>livestock barns</i>, <i>manure storages</i> or <i>anaerobic digesters</i>.</li> <li>2. For proposed <i>lots</i> with an existing <i>dwelling</i> that are <math>&gt;1</math> ha, MDS I setbacks are measured as the shortest distance between the existing <i>dwelling</i> and either the surrounding <i>livestock occupied portions</i> of the <i>livestock barns</i>, <i>manure storages</i> or <i>anaerobic digesters</i>.</li> <li>3. For proposed <i>lots</i> without an existing <i>dwelling</i> that are <math>\leq 1</math> ha, MDS I setbacks are measured as the shortest distance between the proposed <i>lot</i> line and either the surrounding <i>livestock occupied portions</i> of the <i>livestock barns</i>, <i>manure storages</i> or <i>anaerobic digesters</i>.</li> <li>4. For proposed <i>lots</i> without an existing <i>dwelling</i> that are <math>&gt;1</math> ha, MDS I setbacks are measured as the shortest distance between a 0.5 ha or larger building envelope (for a potential <i>dwelling</i>) and either the surrounding <i>livestock occupied portions</i> of the <i>livestock barns</i>, <i>manure storages</i> or <i>anaerobic digesters</i>.</li> </ol> <p>For <i>lots</i> created after March 1, 2017, MDS I setbacks shall be required for all building permit applications for <i>non-agricultural uses</i> and <i>dwellings</i> in accordance with Implementation Guideline #7.</p>	Not applicable

MDS I	MDS II
<p><b>#42. Non-Effect of Wind Direction, etc. on MDS Setbacks</b></p>	
<p>The direction of prevailing wind, surrounding topography, and presence of trees, berms or other screening are not part of, and are not intended to affect, the calculation of MDS setbacks. However, these or other similar elements could be considered in applications to vary or reduce MDS setbacks, where appropriate, and in accordance with Implementation Guideline #43.</p>	
<p><b>#43. Reducing MDS Setbacks</b></p>	
<p>MDS I setbacks should not be reduced except in limited site specific circumstances that meet the intent of this MDS Document. Examples include circumstances that mitigate environmental or public health and safety impacts, or avoid natural or human-made hazards.</p> <p>If deemed appropriate by a municipality, the processes by which a reduction to MDS I may be considered could include a minor variance to the local zoning by-law provisions, a site specific zoning by-law amendment or an official plan amendment introducing a site specific policy area.</p>	<p>MDS II setbacks should not be reduced except in limited site specific circumstances that meet the intent of this MDS Document. Examples include circumstances that mitigate environmental or public health and safety impacts, or avoid natural or human-made hazards.</p> <p>If deemed appropriate by a municipality, the process by which a reduction to MDS II may be considered would typically be through a minor variance to the local zoning by-law provisions. To a lesser extent a site specific zoning by-law amendment may also be appropriate.</p>

## 5. FACTOR TABLES

**Table 1. Factor A (odour potential) and Factor D (manure type)**

Livestock/ Manure Type	Livestock/Manure Description	Number per Nutrient Unit	Factor A	Manure Type and Storage Description	
				Liquid Manure (<18% dry matter)  Factor D = 0.8	Solid Manure (≥18% dry matter)  Factor D = 0.7
<b>Swine</b>	Sows with litter, dry sows or boars	3.5	1.0	Most systems have liquid manure stored under the barn slats for short or long periods or in storages located outside	Systems with solid manure inside on deep bedded packs or with scraped alleys
	Breeder gilts (entire barn designed specifically for this purpose)	5			
	Weaners (7–27 kg)	20	1.1		
	Feeders (27–136 kg)	5.25	1.2		
<b>Dairy cattle<sup>a</sup> milking-age cows (dry or milking)</b>	Large-framed; 545–658 kg (e.g., Holsteins)	0.7	0.7	Free-stall barns with minimal bedding or sand bedding, or tie-stall barns with minimal bedding and milking centre washwater added	Tie-stall barns with lots of bedding or loose housing with deep bedded pack and with or without outside yard access
	Medium-framed; 455–545 kg (e.g., Guernseys)	0.85			
	Small-framed; 364–455 kg (e.g., Jerseys)	1			
<b>Dairy cattle<sup>a</sup> heifers (5 months to freshening)</b>	Large-framed; 182–545 kg (e.g., Holsteins)	2	0.7	Free-stall barns with minimal bedding, or sand bedding, or tie-stall barns with minimal bedding and milking centre washwater added	Tie-stall barns with lots of bedding or loose housing with deep bedded pack and with or without outside yard access
	Medium-framed; 148–455 kg (e.g., Guernseys)	2.4			
	Small-framed; 125–364 kg (e.g., Jerseys)	2.9			
<b>Dairy cattle<sup>a</sup> calves (0–5 months)</b>	Large-framed; 45–182 kg (e.g., Holsteins)	6	0.7	Free-stall barns with minimal bedding, or sand bedding, or tie-stall barns with minimal bedding and milking centre washwater added	Bedded pens or stalls or heavily bedded calf hutches that are outside
	Medium-framed; 39–148 kg (e.g., Guernseys)	7			
	Small-framed; 30–125 kg (e.g., Jerseys)	8.5			
<b>Beef cattle</b>	Cows, including calves to weaning (all breeds)	1	0.7	Not applicable	Bedded pack barns with or without outside yard access
	Feeders (7–16 months)	3	0.8	Slatted floor systems, or barns with minimal bedding and yard scraped to a liquid storage	
	Backgrounders (7–12.5 months)	3			
	Shortkeepers (12.5–17.5 months)	2			
<b>Veal</b>	Milk-fed	6	1.1	Slatted floor or slatted stall systems	Heavily bedded pack barns
	Grain-fed	6	0.8		
<b>Goats</b>	Does and bucks (for meat; includes unweaned offspring and replacements)	8	0.7	Not applicable	All goat systems
	Does and bucks (for dairy; includes unweaned offspring and replacements)	8			
	Kids (dairy or feeder kids)	32			

Livestock/ Manure Type	Livestock/Manure Description	Number per Nutrient Unit	Factor A	Manure Type and Storage Description	
				Liquid Manure (<18% dry matter)  Factor D = 0.8	Solid Manure (≥18% dry matter)  Factor D = 0.7
<b>Sheep</b>	Ewes and rams (for meat; includes unweaned offspring and replacements)	8	0.7	Not applicable	All sheep systems
	Ewes and rams (dairy operation; includes unweaned offspring and replacements)	6			
	Lambs (dairy or feeder lambs)	20			
<b>Horses</b>	Large-framed, mature; >681 kg (e.g., draft or draft cross breeds including unweaned offspring)	0.7	0.7	Not applicable	All horse systems
	Medium-framed, mature; 227–680 kg (e.g., saddle, riding and racing breeds including unweaned offspring)	1			
	Small-framed, mature; <227 kg (e.g., ponies and miniatures including unweaned offspring)	2			
<b>Chickens</b>	Layer hens (for eating eggs; after transfer from pullet barn)	150	1.0	Birds in cages, manure belts, no drying of manure, water added	Birds in cages, manure belts and drying, or floor systems
	Layer pullets (day-olds until transferred into layer barn)	500	0.7		
	Broiler breeder growers (males/females transferred out to layer barn)	300		Bedded floors	
	Broiler breeder layers (males/females transferred in from grower barn)	100			Cage or slatted floor systems
	Broilers on any length of cycle	24.8 m <sup>2</sup> (267 ft <sup>2</sup> ) floor area		Not applicable	

Livestock/ Manure Type	Livestock/Manure Description	Number per Nutrient Unit	Factor A	Manure Type and Storage Description	
				Liquid Manure (<18% dry matter)  Factor D = 0.8	Solid Manure (≥18% dry matter)  Factor D = 0.7
<b>Turkeys</b>	Turkey poults (day-old until transferred to grow-out turkey barn)	267	0.7	Not applicable	Bedded floor systems
	Turkey breeder layers (males/females transferred in from grower barn)	67			
	Breeder toms	45			
	Broilers (day-olds to 6.2 kg)	133			
	Hens (day-olds up to 6.2–10.8 kg; 7.5 kg is typical)	105			
	Toms (day-olds to over 10.8–20 kg; 14.5 kg is typical)	75			
	Turkeys at any other weights, or if unknown	24.8 m <sup>2</sup> (267 ft <sup>2</sup> ) floor area			
<b>Quail</b>	All quail	24.8 m <sup>2</sup> (267 ft <sup>2</sup> ) floor area	0.7	Not applicable	Bedded floor systems
<b>Partridge</b>	All partridge	24.8 m <sup>2</sup> (267 ft <sup>2</sup> ) floor area			
<b>Pheasants</b>	All pheasants	24.8 m <sup>2</sup> (267 ft <sup>2</sup> ) floor area			
<b>Squab</b>	All squab	24.8 m <sup>2</sup> (267 ft <sup>2</sup> ) floor area			

Livestock/ Manure Type	Livestock/Manure Description	Number per Nutrient Unit	Factor A	Manure Type and Storage Description	
				Liquid Manure (<18% dry matter)  Factor D = 0.8	Solid Manure (≥18% dry matter)  Factor D = 0.7
<b>Rheas</b>	Adults (includes replacements and market birds)	13	0.7	Not applicable	Bedded floor systems
<b>Emus</b>	Adults (includes replacements and market birds)	12			
<b>Ostriches</b>	Adults (includes replacements and market birds)	4			
<b>Donkeys</b>	Jacks, jennies, mules, hinnies (includes unweaned foals)	2	0.7	Not applicable	All donkey systems
<b>Ducks</b>	Peking	105	0.8	Wire mesh flooring systems	Bedded floor systems
	Muscovy	24.8 m <sup>2</sup> (267 ft <sup>2</sup> ) floor area			
<b>Geese</b>	All geese	24.8 m <sup>2</sup> (267 ft <sup>2</sup> ) floor area			
<b>Rabbits</b>	Breeding females (including males, replacements and market animals)	40	0.8	Not applicable	Cage or floor systems
<b>Chinchillas</b>	Breeding females (including males, replacements and market animals)	320			
<b>Fox</b>	Breeding females (including males, replacements and market animals)	25	1.0	Not applicable	Cage system — manure accumulates underneath
<b>Mink</b>	Breeding females (including males, replacements and market animals)	60		Cage system with trough system underneath	
<b>Bison</b>	Adults (includes unweaned calves and replacements)	1.3	0.7	Not applicable	Bedded pack barns with outside access <u>OR</u> outside confinement areas
	Feeders (170–477 kg)	4			
<b>Llama</b>	Adults (includes unweaned young and replacements)	5			
	Feeders (45–86 kg)	16			
<b>Alpaca</b>	Adults (includes unweaned young and replacements)	8			
	Feeders (23–48 kg)	26			

Livestock/ Manure Type	Livestock/Manure Description	Number per Nutrient Unit	Factor A	Manure Type and Storage Description	
				Liquid Manure (<18% dry matter)  Factor D = 0.8	Solid Manure (≥18% dry matter)  Factor D = 0.7
<b>Wild boar</b>	Breeding age sows (includes boars, replacements and weaned piglets to 27 kg)	5	0.7	Not applicable	Bedded pack barns with outside access <u>OR</u> outside confinement areas
	Finishing boars (27–86 kg)	7			
<b>White tailed deer</b>	Adults >24 months (including unweaned offspring)	11			
	Feeders	21			
<b>Red deer</b>	Adults >24 months (including unweaned offspring)	7			
	Feeders	14			
<b>Elk</b>	Adults >24 months (including unweaned offspring)	2			
	Feeders	6			
<b>Elk/Deer hybrids</b>	Adults >24 months (including unweaned offspring)	4			
	Feeders	10			
<b>Fallow deer</b>	Adults >24 months (including unweaned offspring)	13	0.7	Not applicable	Bedded pack barns with outside access <u>OR</u> outside confinement areas
	Feeders	23			
<b>Other animals</b>	All other animals	Total live weight of animals divided by 453.6 kg (1,000 lbs)	0.8	All storages with liquid manure	All storages with solid manure
<b>Imported manure</b>	Use the volume of the <i>manure storage(s)</i>	19.8 m <sup>3</sup> (700 ft <sup>3</sup> )	1.0 <sup>b</sup>		
<b>Unoccupied livestock barns</b>	A <i>livestock barn</i> that does not currently house any <i>livestock</i> , but that housed <i>livestock</i> in the past and continues to be structurally sound and reasonably capable of housing <i>livestock</i> .  NOTE: This should only be used where obtaining information from the farm operator(s) and/or owner(s) was not possible (see Implementation Guideline #20 for more information).	20 m <sup>2</sup> (215 ft <sup>2</sup> ) of area of <i>livestock</i> housing	1.0	Not applicable	All <i>unoccupied livestock barns</i>

Livestock/ Manure Type	Livestock/Manure Description	Number per Nutrient Unit	Factor A	Manure Type and Storage Description	
				Liquid Manure (<18% dry matter) Factor D = 0.8	Solid Manure (≥18% dry matter) Factor D = 0.7
<b>Unused manures storage for solids</b>	<p>A <i>manure storage</i> that does not currently store any solid manure, but that stored solid manure in the past and continues to be structurally sound and reasonably capable of storing solid manure</p> <p>NOTE: This should only be used where obtaining information from the farm operator(s) and/or owner(s) was not possible (see Implementation Guideline #20 for more information).</p>	19.8 m <sup>3</sup> (700 ft <sup>3</sup> ) of volume for storages with two or more walls	1.0	Not applicable	All <i>unused manure storages</i> for solids
<b>Unused manures storage for liquids</b>	<p>A <i>manure storage</i> that does not currently store any liquid manure, but that stored liquid manure in the past and continues to be structurally sound and reasonably capable of storing liquid manure.</p> <p>NOTE: This should only be used where obtaining information from the farm operator(s) and/or owner(s) was not possible (see Implementation Guideline #20 for more information).</p>	19.8 m <sup>3</sup> (700 ft <sup>3</sup> ) of volume		All <i>unused manure storages</i> for liquids	Not applicable

- a. On farms with 100 milking-age cows (dry and milking), there are usually about 20 replacement calves and 80 replacement heifers.
- b. Average value for typical types of manures that might be imported to a *lot*, such as poultry, dairy, beef, swine or horse.

**Table 2. Factor B (Nutrient Units factor)**

When using Table 2 to determine Factor B, it may be necessary to determine a value for Factor B, which is not listed in the table. For example, if you determine the total number of *Nutrient Units* on a *lot* to be 255 *Nutrient Units*, Table 2 only provides a value for Factor B for 250 *Nutrient Units* and for 260 *Nutrient Units*, but not for 255 *Nutrient Units*. The value of Factor B for 250 *Nutrient Units* is 435 and the value of Factor B for 260 *Nutrient Units* is 441. Therefore, to determine Factor B for 255 *Nutrient Units* select a number between the numbers 435 and 441. In this example, the value of Factor B for 255 *Nutrient Units* is 438.

NOTE: When selecting a value for Factor B, do not include more than two decimal places. Interpolated values with more than two decimal places are rounded accordingly. For example, if an interpolated value for Factor B is calculated as 499.238, then use a value of 499.24 for Factor B in the MDS calculation.

For operations with fewer than 5 *Nutrient Units*, do not interpolate, but use a Factor B of 150. For operations with >5,000 *Nutrient Units*, refer to the MDS software (AgriSuite) to determine Factor B.

<i>Nutrient Units</i>	Factor B
<b>5 or less</b>	150
<b>6</b>	153
<b>7</b>	157
<b>8</b>	160
<b>9</b>	163
<b>10</b>	167
<b>11</b>	170
<b>12</b>	173
<b>13</b>	177
<b>14</b>	180
<b>15</b>	183
<b>16</b>	187
<b>17</b>	190
<b>18</b>	193
<b>19</b>	197
<b>20</b>	200
<b>21</b>	202
<b>22</b>	204
<b>23</b>	206
<b>24</b>	208
<b>25</b>	210
<b>26</b>	212
<b>27</b>	214
<b>28</b>	216
<b>29</b>	218

<i>Nutrient Units</i>	Factor B
<b>30</b>	220
<b>31</b>	222
<b>32</b>	224
<b>33</b>	226
<b>34</b>	228
<b>35</b>	230
<b>36</b>	232
<b>37</b>	234
<b>38</b>	236
<b>39</b>	238
<b>40</b>	240
<b>41</b>	242
<b>42</b>	244
<b>43</b>	246
<b>44</b>	248
<b>45</b>	250
<b>46</b>	252
<b>47</b>	254
<b>48</b>	256
<b>49</b>	258
<b>50</b>	260
<b>52</b>	264
<b>54</b>	268
<b>56</b>	272
<b>58</b>	276
<b>60</b>	280

<i>Nutrient Units</i>	Factor B
<b>62</b>	282
<b>64</b>	284
<b>66</b>	285
<b>68</b>	287
<b>70</b>	289
<b>72</b>	291
<b>74</b>	293
<b>76</b>	294
<b>78</b>	296
<b>80</b>	298
<b>82</b>	300
<b>84</b>	301
<b>86</b>	303
<b>88</b>	305
<b>90</b>	307
<b>92</b>	309
<b>94</b>	310
<b>96</b>	312
<b>98</b>	314
<b>100</b>	316
<b>102</b>	318
<b>104</b>	320
<b>106</b>	322
<b>108</b>	324
<b>110</b>	326
<b>112</b>	329

<i>Nutrient Units</i>	Factor B
<b>114</b>	331
<b>116</b>	333
<b>118</b>	335
<b>120</b>	337
<b>122</b>	339
<b>124</b>	340
<b>126</b>	342
<b>128</b>	344
<b>130</b>	346
<b>135</b>	351
<b>140</b>	355
<b>145</b>	360
<b>150</b>	364
<b>155</b>	368
<b>160</b>	372
<b>165</b>	376
<b>170</b>	380
<b>175</b>	384
<b>180</b>	388
<b>185</b>	392
<b>190</b>	395
<b>195</b>	399
<b>200</b>	402
<b>205</b>	406
<b>210</b>	409
<b>215</b>	413

<b>Nutrient Units</b>	<b>Factor B</b>
<b>220</b>	416
<b>225</b>	419
<b>230</b>	423
<b>235</b>	426
<b>240</b>	429
<b>245</b>	432
<b>250</b>	435
<b>260</b>	441
<b>270</b>	447
<b>280</b>	453
<b>290</b>	458
<b>300</b>	464
<b>310</b>	469
<b>320</b>	474
<b>330</b>	480
<b>340</b>	485
<b>350</b>	490
<b>360</b>	494
<b>370</b>	499
<b>380</b>	504

<b>Nutrient Units</b>	<b>Factor B</b>
<b>390</b>	508
<b>400</b>	513
<b>410</b>	517
<b>420</b>	522
<b>430</b>	526
<b>440</b>	530
<b>450</b>	535
<b>460</b>	539
<b>470</b>	543
<b>480</b>	547
<b>490</b>	551
<b>500</b>	555
<b>520</b>	562
<b>540</b>	570
<b>560</b>	577
<b>580</b>	584
<b>600</b>	591
<b>620</b>	598
<b>640</b>	605
<b>660</b>	611

<b>Nutrient Units</b>	<b>Factor B</b>
<b>680</b>	618
<b>700</b>	624
<b>750</b>	639
<b>800</b>	654
<b>850</b>	668
<b>900</b>	681
<b>950</b>	694
<b>1,000</b>	707
<b>1,100</b>	731
<b>1,200</b>	753
<b>1,300</b>	775
<b>1,400</b>	795
<b>1,500</b>	815
<b>2,000</b>	870
<b>3,000</b>	980
<b>4,000</b>	1,090
<b>5,000</b>	1,200
<b>&gt;5,000 Nutrient Units</b>	Refer to the MDS software (AgriSuite)

**Table 3. Factor C (expansion factor)**

When using Table 3 to determine Factor C, it may be necessary to determine a value for Factor C, which is not listed in the table. For example, the percentage increase at a *livestock facility* is 155%. Table 3 provides a value for Factor C for a 150% increase and for a 160% increase, but not for a 155% increase. The value of Factor C for a 150% increase is 0.9371 and the value of Factor C for a 160% increase is 0.9497. To determine Factor C for a 155% increase, interpolate between the numbers 0.9371 and 0.9497. In this example, the value of Factor C for a 155% increase is 0.9434.

NOTE: When selecting a value for Factor C, do not include more than four decimal places. Interpolated values with more than four decimal places are rounded accordingly. For example, if an interpolated value for Factor C is calculated as 0.977643, then use a value of 0.9776 for Factor C in the MDS calculation.

For operations with a 0% increase, or a decrease in *Nutrient Units*, use a value of 0.5000 for Factor C. Do not interpolate below a value of 0.5000. For operations with a 700% increase or greater, or for a *first livestock facility*, use a value of 1.1400 for Factor C. Do not interpolate above a value of 1.1400.

Percent Increase in <i>Nutrient Units</i>	Factor C
<b>0% increase OR decrease</b>	0.5000
<b>1%</b>	0.5062
<b>2%</b>	0.5124
<b>3%</b>	0.5186
<b>4%</b>	0.5248
<b>5%</b>	0.5310
<b>6%</b>	0.5372
<b>7%</b>	0.5434
<b>8%</b>	0.5496
<b>9%</b>	0.5558
<b>10%</b>	0.5620
<b>11%</b>	0.5682
<b>12%</b>	0.5744
<b>13%</b>	0.5806
<b>14%</b>	0.5868
<b>15%</b>	0.5930
<b>16%</b>	0.5992
<b>17%</b>	0.6054
<b>18%</b>	0.6116
<b>19%</b>	0.6178
<b>20%</b>	0.6240
<b>21%</b>	0.6302
<b>22%</b>	0.6364
<b>23%</b>	0.6426

Percent Increase in <i>Nutrient Units</i>	Factor C
<b>24%</b>	0.6488
<b>25%</b>	0.6550
<b>26%</b>	0.6612
<b>27%</b>	0.6674
<b>28%</b>	0.6736
<b>29%</b>	0.6798
<b>30%</b>	0.6860
<b>31%</b>	0.6922
<b>32%</b>	0.6984
<b>33%</b>	0.7046
<b>34%</b>	0.7108
<b>35%</b>	0.7170
<b>36%</b>	0.7232
<b>37%</b>	0.7294
<b>38%</b>	0.7356
<b>39%</b>	0.7418
<b>40%</b>	0.7480
<b>41%</b>	0.7542
<b>42%</b>	0.7604
<b>43%</b>	0.7666
<b>44%</b>	0.7728
<b>45%</b>	0.7790
<b>46%</b>	0.7852
<b>47%</b>	0.7914
<b>48%</b>	0.7976

Percent Increase in Nutrient Units	Factor C
49%	0.8038
50%	0.8100
55%	0.8167
60%	0.8230
65%	0.8294
70%	0.8357
75%	0.8420
80%	0.8484
85%	0.8547
90%	0.8610
95%	0.8674
100%	0.8737
105%	0.8800
110%	0.8864
115%	0.8927
120%	0.8990
125%	0.9054

Percent Increase in Nutrient Units	Factor C
130%	0.9117
135%	0.9180
140%	0.9244
145%	0.9307
150%	0.9371
160%	0.9497
170%	0.9624
180%	0.9751
190%	0.9877
200%	1.0000
300%	1.0280
400%	1.0560
500%	1.0840
600%	1.1120
<b>700% or greater increase or the first livestock facility on a lot</b>	1.1400

**Table 4. Factor E (encroaching land use factor)**

Encroaching Land Use	Factor E
Type A land use (less sensitive; see Implementation Guideline #33)	1.1
Type B land use (more sensitive; see Implementation Guideline #34)	2.2

**Table 5. Manure Storage Types****Solid manure: 18% dry matter, or more****Liquid manure: <18% dry matter**

Storage Odour Potential	Manure Type	Inside or Outside Livestock Barn	Storage Type (to use in Table 6)	Description of Manure Storages
<b>Very low</b>	Solid	Inside	V1	Solid, inside, bedded pack (manure accumulates under <i>livestock</i> over time)
		Outside	V2	Solid, outside, covered (cover keeps off precipitation to prevent runoff)
			V3	Solid, outside, no cover, $\geq 30\%$ dry matter (manure is dry enough that a flowpath option can be used for runoff control ( <i>Nutrient Management Act, 2002</i> ))
			V4	Solid, outside, no cover, 18%–<30% dry matter, with covered liquid runoff storage (manure not dry enough to soak up precipitation, so a liquid runoff storage is needed; storage has a permanent, tight-fitting cover)
	Liquid	Inside	V5	Liquid, inside, underneath slatted floor (manure is stored under the animals in the barn)
		Outside	V6	Liquid, outside, with a permanent, tight-fitting cover (negative pressure tarp, concrete lid, inflatable dome, etc.)
<b>Low</b>	Solid	Outside	L1	Solid, outside, no cover, 18%–<30% dry matter, with uncovered liquid runoff storage (manure not dry enough to soak up precipitation, so a liquid runoff storage needed; it is uncovered, producing more odour than a V4 storage)
	Liquid		L2	Liquid, outside, with a permanent floating cover (tarps, foam panels, plastic hexagon discs, etc.)
<b>Medium</b>	Liquid	Outside	M1	Liquid, outside, no cover, straight-walled storage (usually circular or rectangular concrete or steel storages)
			M2	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)
<b>High</b>	Liquid	Outside	H1	Liquid, outside, no cover, sloped-sided storage (earthen <i>manure storages</i> , but NOT earthen runoff storages associated with a solid <i>manure storage</i> which are L1)

**Table 6. MDS I and MDS II Setbacks for Manure Storage(s)**

When using this table to determine a value for Storage Base Distance ‘S’, it may be necessary to interpolate a value. For example, if you determine the value for Building Base Distance ‘F’ is 106 m, and from Table 5 the *livestock* facility has a *manure storage* with an odour potential that is considered medium (M1), note that Table 6 provides a value for Storage Base Distance ‘S’ for an M1 Storage with a Building Base Distance ‘F’ of 100 m and for an Building Base Distance ‘F’ of 110 m, but not for a Building Base Distance ‘F’ of 106 m. The value of Storage Base Distance ‘S’ for an M1 Storage with a Building Base Distance ‘F’ of 100 m, is 190 m. The value of Storage Base Distance ‘S’ for an M1 Storage with a Building Base Distance ‘F’ of 110 m, is 199 m. Therefore, to determine the value of Storage Base Distance ‘S’ for an M1 Storage, with an Building Base Distance ‘F’ of 106 m, interpolate between the numbers 190 and 199. In this example, the value of Storage Base Distance ‘S’ for an M1 Storage, with a Building Base Distance ‘F’ of 106 m is 195.4 m. This value is rounded to the nearest whole number — 195 m.

NOTE: When selecting a value for Storage Base Distance ‘S’ do not include any decimal places. Interpolated values with decimal places are rounded accordingly. For example, if an interpolated value for Storage Base Distance ‘S’ is calculated as 202.83 m, then use a value of 203 m for Storage Base Distance ‘S’.

In all instances, where Building Base Distance ‘F’ exceeds 1,000 m, then the Storage Base Distance ‘S’ will be the same value as ‘F’.

Building Base Distance ‘F’ (metres)	Storage Base Distance ‘S’ (metres)			
	Very Low Odour Storages V1 to V6	Low Odour Storages L1 to L2	Medium Odour Storages M1 to M2	High Odour Storages H1
40	40	64	136	232
50	50	74	145	240
60	60	84	154	248
70	70	93	163	256
80	80	103	172	264
90	90	113	181	272
100	100	123	190	280
110	110	132	199	288
120	120	142	208	296
130	130	152	217	304
140	140	162	226	312
150	150	171	235	320
160	160	181	244	328
170	170	191	253	336
180	180	201	262	344
190	190	210	271	352
200	200	220	280	360
210	210	230	289	368
220	220	240	298	376
230	230	249	307	384

Building Base Distance 'F' (metres)	Storage Base Distance 'S' (metres)			
	Very Low Odour Storages V1 to V6	Low Odour Storages L1 to L2	Medium Odour Storages M1 to M2	High Odour Storages H1
<b>240</b>	240	259	316	392
<b>250</b>	250	269	325	400
<b>260</b>	260	279	334	408
<b>270</b>	270	288	343	416
<b>280</b>	280	298	352	424
<b>290</b>	290	308	361	432
<b>300</b>	300	318	370	440
<b>310</b>	310	327	379	448
<b>320</b>	320	337	388	456
<b>330</b>	330	347	397	464
<b>340</b>	340	357	406	472
<b>350</b>	350	366	415	480
<b>360</b>	360	376	424	488
<b>370</b>	370	386	433	496
<b>380</b>	380	396	442	504
<b>390</b>	390	405	451	512
<b>400</b>	400	415	460	520
<b>420</b>	420	435	478	536
<b>440</b>	440	454	496	552
<b>460</b>	460	474	514	568
<b>480</b>	480	493	532	584
<b>500</b>	500	513	550	600
<b>600</b>	600	610	640	680
<b>800</b>	800	805	820	840
<b>1,000</b>	1,000	1,000	1,000	1,000
<b>&gt;1,000 m</b>	Storage Base Distance 'S' is the same as Building Base Distance 'F'			



# 6. CALCULATION FORMS

## 6.1 MDS I Calculation Form

### Introduction

Implementation Guidelines #2 through #5 and #7 through #15 provide direction on the types of applications and situations which generally trigger the need to complete an MDS I setback calculation(s).

Generally, the preferred method for calculating MDS setbacks is to use the software provided by OMAFRA (AgriSuite). However, on occasions where a 'by hand' calculation is preferred or the software is not available, the following information is intended to assist with the calculation of MDS I setbacks. It is not intended to detract or add to the information found in specific Implementation Guidelines or tables located in Sections 4 and 5 of this MDS Document.

MDS I setbacks are calculated for each *livestock facility* that may be reasonably impacted by the proposed *Planning Act, 1990*, application or building permit application. MDS I setbacks for *anaerobic digesters* do not need to be calculated, but are required in accordance with Implementation Guideline #22. In some circumstances, a proposed *development* or *dwelling* may only trigger one MDS I setback if there is only one *livestock facility* in the vicinity. In circumstances where there are multiple *livestock facilities* in the vicinity, multiple MDS I calculations are necessary.

Implementation Guideline #6 provides direction on conducting MDS I calculations. It states that as part of municipal consideration of planning or building permit applications, *existing livestock facilities* or *anaerobic digesters* within a 750 m distance of Type A applications and within a 1,500 m distance of Type B applications shall be investigated, and MDS I setback calculations undertaken where warranted. In circumstances where large *livestock facilities* (e.g., >1,200 *Nutrient Units*) exist beyond the 750 m or 1,500 m study area, MDS I setbacks from these facilities should also be calculated.

Steps 1 and 2 are completed once for any given application. Steps 3 through 14 are repeated for each *livestock facility* for which an MDS I setback is required.

### Step 1: Data Collection — Applicant Contact Information

Fill in the pertinent contact information for the applicant. If all of this information is not available, include sufficient information so that the applicant can be identified and contacted if necessary.

Contact Information — Applicant	
First name	
Last name	
Company/organization (if applicable)	
Agent (if applicable)	
Mailing address	
City/town	
Province	
Postal code	
Telephone number	
Alternative telephone number	
Fax number	
Email	

### Step 2: Data Collection — Location and Description of the Proposed Application

Fill in the pertinent information regarding the proposed application. If all of this information is not available, include sufficient information to identify if the proposed application involves a *settlement area* boundary expansion and if the proposal is a Type A or Type B land use.

Location and Description of the Proposed Application	
Upper tier/single tier municipality	
Lower tier municipality (if applicable)	
Lot	
Concession	
911 number	
Roll number	
Application type (e.g., building permit, plan of subdivision, rezoning, official plan amendment, etc.)*	
General description of the proposed application*	

\*Indicates information required to complete an MDS I calculation

### Step 3: Data Collection — Contact Information for the Surrounding Livestock Facility

Fill in the pertinent contact information for the farmer or the owner of the surrounding *livestock facility*. If all of this information is not available, include sufficient information so that the farm owner or operator can be identified and contacted if necessary.

Contact Information — Farm Owner or Operator	
First name	
Last name	
Company/organization (if applicable)	
Agent (if applicable)	
Mailing address	
City/town	
Province	
Postal code	
Telephone number	
Alternative telephone number	
Fax number	
Email	

#### Step 4: Data Collection — Location of the *Livestock Facility*

Fill in the pertinent information regarding the location of the *livestock facility*. If all of this information is not available, include sufficient information so that the *livestock facility* can be located if required. NOTE: It is important to know the size of the *lot* on which the *livestock facility* is located.

Location of the <i>Livestock Facility</i>	
Upper tier/single tier municipality	
Lower tier municipality (if applicable)	
Lot number	
Concession	
911 number	
Roll number	
Size of <i>lot</i> where <i>livestock facility</i> is located (indicate acres or hectares)*	

\*Indicates information required to complete an MDS I calculation

#### Step 5: Data Collection — Information Regarding the *Livestock Facility*

Gather the pertinent information regarding the *livestock facility* that is required to complete the MDS calculation in the following steps. Often, the operator of the *livestock facility* is the best contact to obtain this information.

A *livestock facility* may have two components:

1. *livestock barn(s)*, with associated *manure storage(s)*
2. imported *manure storage(s)*

An *anaerobic digester* may also be present on the *lot*. The type and amount of information needed will depend on the nature of the specific *livestock facility*, which components are present and whether there is an *anaerobic digester* on the *lot*.

If the *livestock facility* includes a *livestock barn*, gather information on the animal housing including information on all the types of *livestock* housed, the barn's capacity for each type of *livestock* and the manure system used in the barn (see Table 1).

If the barn is presently empty, but the type of *livestock* housed and capacity can be reasonably estimated by one or more of the parties involved, use this approach and note that the barn's capacity is estimated. However, if the barn is empty and its capacity cannot be readily estimated by one or more of the parties involved, then record the information for an *unoccupied livestock barn* as found in Table 1.

Typically, a *livestock facility* with a *livestock barn* will include at least one *manure storage*, but it is possible to have a *livestock barn* without one. If present, identify the type of *manure storage* at the *livestock facility* (see Table 6). If more than one type of *manure storage* is present, identify each different type. If the *manure storage* is unused, but the type of *livestock* and the capacity for the barn was estimated, then indicate the type of *manure storage*. However, if the *manure storage* is unused, and the information for an *unoccupied livestock barn* was used to determine the capacity for the *livestock barn*, then proceed to identify the *manure storage* type. Enter information for a solid or liquid *unused manure storage* as per Table 1.

If the *livestock facility* includes an imported *manure storage*, gather information on the size of the *manure storage* and type of manure stored (i.e., solid or liquid). As well, identify the appropriate *manure storage* type (see Table 6). If more than one type of imported *manure storage* is present, identify each different type.

If there is an *anaerobic digester* on the *lot* simply record this information as no additional detailed information is required.

To assist with this step, Implementation Guideline #16 provides direction on obtaining information to calculate MDS setbacks. A sample MDS I Data Collection Form is provided in Section 6.

### **Step 6: Livestock/Manure Types and Descriptions Housed and/or Stored**

On Calculation Form A, identify all *livestock/manure* types that are housed and/or stored as part of the *livestock facility*, based on the information provided by the farm operator in Step 5. Table 1 provides a listing of all types of *livestock*. For each type of *livestock/manure* complete a separate row in Form A. For each row and each *livestock/manure* type, rely on Table 1 for information regarding description, 'number/NU' and manure type.

1. In Cell A2, identify the type of *livestock* (e.g., dairy).
2. In Cell B2, identify the appropriate description for the *livestock* (e.g., milking-age cows (dry or milking) large-framed (e.g., Holsteins)).
3. NOTE: There is no description for imported manure, therefore Cell B2 would remain blank.
4. In Cell C2, record the 'number/NU' from Table 1 (e.g., 0.7).
5. In Cell D2, identify the manure type (e.g., liquid). If Table 1 provides more than one option for manure type (i.e., both liquid and solid are options), indicate which type is present or proposed, based on information supplied by the farm operator.
6. Enter the existing maximum number of *livestock* that can be housed, or maximum area that can be used to house *livestock* or the maximum volume of manure that can be stored in Cell E2 based on information supplied by the farm operator. The value entered should be the maximum capacity of the *livestock barn* or *manure storage* for that type of *livestock* or manure and not the present number or area of *livestock* housed or present volume of manure stored.
7. Repeat this step for each type of *livestock/manure* that exists using rows 3 through 6 as needed. If more than five types of *livestock* (and imported manure) are currently, or will be housed, add additional rows to the table. For some types of *livestock* more than one row will be needed if the operation houses more than one description of *livestock*. For example, a dairy operation that houses milking-age cows, heifers and calves would need three rows, one for each description.
8. For *unoccupied livestock barns*, where the *livestock* type that can be housed is known, or can reasonably be estimated by one or more of the parties involved, enter that *livestock* type and capacity for the empty facility. This information can be obtained from the farm owner. However, where the *livestock* type that can be housed in the *unoccupied livestock barn* is unknown, or reliable information is unavailable, complete Calculation Form A using the *unoccupied livestock barn* option provided in Table 1 and described further in Implementation Guideline #20. Follow a similar process for *unused manure storages* as described in Implementation Guideline #21.

## MDS I — CALCULATION FORM A

	A	B	C	D	E	F	G	H
1	Livestock/ Manure Type	Livestock/ Manure Description	Number/NU (number of livestock or m <sup>2</sup> or m <sup>3</sup> )	Manure Type (solid or liquid)	Existing Maximum Number of Livestock (or m <sup>2</sup> or m <sup>3</sup> )	Existing Maximum Number of Nutrient Units	Factor A Value	Factor D Value
2								
3								
4								
5								
6								

## MDS I — CALCULATION FORM B

	A	B
1	<b>Design capacity</b>	Nutrient Units
2	<b>Final Factor A</b>	
3	<b>Final Factor D</b>	
4	<b>Land use type</b>	
5	<b>Final Factor E</b>	

**Step 7: Convert Livestock/Manure Information to Nutrient Units**

1. For each *livestock/manure* type and description outlined on Calculation Form A, calculate how many *Nutrient Units* are associated with the *livestock facility*. Determine this by taking the existing maximum number of *livestock* that can be housed, or maximum area that can be used to house *livestock*, or the maximum volume of manure that can be stored in Cell E2 and divide it by the 'Number/NU' in Cell C2. Record this new value in Cell F2. If necessary, repeat this step for each type of *livestock/manure* identified.
2. Next calculate the *design capacity* of all *livestock facilities* on the *lot*. To determine the *design capacity* as expressed in *Nutrient Units*, add values in Cells F2 through F6 on Calculation Form A and record this value in Cell B1 on Calculation Form B.

**Step 8: Factor A**

1. For each *livestock/manure* type and description outlined on Calculation Form A, determine the value of Factor A. For the *livestock/manure* type described in Cells A2 and B2, enter the value of Factor A from Table 1 in Cell G2 on Calculation Form A. For example, if Cells A2 and B2 describe dairy cattle, milking-age cows, large-framed (e.g., Holsteins), record the value 0.7 in Cell G2. If necessary, repeat this step for each type of *livestock/manure* identified.
2. Review Cells G2 through G6. For cells where there is a recorded value for Factor A, if the value for Factor A is the same in every cell, then enter this value in Cell B2 on Calculation Form B. If there is more than one value for Factor A in Cells G2 through G6 on Calculation Form A, then it is necessary to calculate a weighted average for Factor A. For example, if dairy cattle milking-age cows, heifers and calves are recorded, there is no need to calculate a weighted average for Factor A, as the value of Factor A (i.e., 0.7) is the same for all three types of *livestock*. Similarly, if horses are recorded

(large-framed) and sheep (lambs), there is no need to calculate a weighted average for Factor A, as the value of Factor A (i.e., 0.7) is the same for both types of *livestock*. However, if sheep (lambs) and rabbits are recorded, calculate a weighted average for Factor A, as the value of Factor A is different for these types of *livestock*.

3. To calculate a weighted average for Factor A, see Implementation Guideline #30, and use the values for Factor A recorded in Cells G2 through G6 and the number of *Nutrient Units* recorded in Cells F2 through F6. When calculating a weighted average, the value of Factor A should not include more than two decimal places and may need to be rounded accordingly. Record the weighted average for Factor A in Cell B2 on Calculation Form B.

### Step 9: Factor D

1. For each *livestock*/manure type and description outlined on Calculation Form A, determine the value of Factor D. For the manure type described in Cell D2 enter the value of Factor D from Table 1 in Cell H2. For example, if Cell D2 says liquid manure, record the value 0.8 in Cell H2. If necessary, repeat this step for each type of *livestock*/manure identified.
2. Review Cells H2 through H6. For cells where a value is recorded for Factor D, if the value for Factor D is the same in every cell, then enter this value on Calculation Form B, Cell B3. If there is more than one value for Factor D in Cells H2 through H6 on Calculation Form A, then it is necessary to calculate a weighted average for Factor D.

For example, if solid manure for all types of *livestock* is recorded in the Calculation Form, there is no need to calculate a weighted average for Factor D, as the value of Factor D (i.e., 0.7) is the same for all types of *livestock*. However, if there is a record for both solid manure and liquid manure for various types of *livestock* on Calculation Form A, calculate a weighted average for Factor D as the type of manure is different for these types of *livestock*.

3. To calculate a weighted average for Factor D, see Implementation Guideline #31, and use the values for Factor D recorded in Cells H2 through H6 and the number of *Nutrient Units* recorded in Cells G2 through G6 on Calculation Form A. When calculating a weighted average, the value of Factor D should not include more than two decimal places and may need to be rounded accordingly. Record the weighted average for Factor D in Cell B3 on Calculation Form B.

### Step 10: Factor E

1. Now determine Factor E which is based on the type of land use that is proposed as part of the land use planning or building permit application. Based on the information provided by the applicant in Step 2, as well as on direction found in Implementation Guidelines #33 and #34, determine if the proposed use is a Type A or Type B land use. Implementation Guidelines #35 through #38, and direction in local planning documents, may also help in determining if the proposed land use is a Type A or Type B land use.
2. On Calculation Form B, in Cell B4, record if the proposed land use is a Type A or Type B land use. If the proposed use is a Type A land, use Table 4 to enter a value of 1.1 in Cell B5 on Calculation Form B. If the proposed use is a Type B land, use Table 4 to enter a value of 2.2 in Cell B5 on Calculation Form B.

**Step 11: Factor B**

1. Next determine Factor B which is based on the *design capacity* for the *livestock facility* expressed in *Nutrient Units*, in combination with the size of the *lot* on which the *livestock facility* is located as a consideration for the potential future expansion of the *livestock facility*. If based on Step 2 and Step 10, it is determined that the proposed application is for a *settlement area* expansion (Type B land use), or if the *lot* is  $\leq 5$  ha, then take the value of the *design capacity* for the *livestock facility* expressed in *Nutrient Units* found on MDS I Calculation Form B, Cell B1. and record this in Cell B6 on MDS I Calculation Form C and skip to #7 below. If the proposed application is not for a *settlement area* expansion, take the value of *design capacity* for the *livestock facility* found on MDS I Calculation Form B, Cell B1, and record this in Cell B1 on MDS I Calculation Form C.
2. Based on the information provided in Step 4 by the farm operator or other reliable source, record in Cell B2 on Calculation Form C the *lot* size (in hectares or acres) of the *lot* on which the *livestock facility* is located. Do not enter the size of the entire farm operation; instead only consider the *lot* on which the *livestock facility* is located. For example, if a farm operation comprised 200 ha in its entirety, but the *livestock facility* is located on a 40 ha conveyable *lot*, record the 40 ha.
3. If the *design capacity* recorded in Cell B1 on MDS I Calculation Form B exceeds 125 *Nutrient Units* (NU), then record the applicable cap size in Cell B3 on Calculation Form C. If the *design capacity* does not exceed 125 NU, then indicate "Not Applicable" in Cell B3 on Calculation Form C. If the *design capacity* exceeds 125 NU, then determine the appropriate cap size based on the *lot* size recorded in Cell B2.
4. If the *lot* size recorded in Cell B2 is  $\leq 5$  ha, then record the phrase "Not Applicable" in Cell B3. If the *lot* size recorded in Cell B2 is  $>5$  ha, but  $\leq 25$  ha, record a value of 300 in Cell B3. If the *lot* size recorded in Cell B2 is  $>25$  ha, but  $\leq 50$  ha, record a value of 450 in Cell B3. If the *lot* size recorded in Cell B2 is  $>50$  ha, record a value of 600 in Cell B3.
5. Determine the multiplication factor used to calculate the potential *design capacity* for the *livestock facility* as expressed in *Nutrient Units*, described in Implementation Guideline #26. To do this, use MDS I Calculation Form D which is derived from the table found in Implementation Guideline #26. Take the *design capacity* found in Cell B1 on Calculation Form C, cross reference that with the *lot* size found in Cell B2 on Calculation Form C and use these two values to determine the appropriate multiplication factor using Calculation Form D. Enter the value of the multiplication factor in Cell B4.

For example, if the *design capacity* found in Cell B1 equals 15 NU and the *lot* size found in Cell B2 equals 20 ha, using Calculation Form D, enter a value of 2 in Cell B4 on Calculation Form C. If the *design capacity* found in Cell B1 equals 200 NU and the *lot* size found in Cell B2 equals 40 ha, using Calculation Form D, enter a value of 3 in Cell B4 on Calculation Form C. If the *design capacity* found in Cell B1 equals 5 NU and the *lot* size found in Cell B2 equals 55 ha, using Calculation Form D, enter a value of 1 in Cell B4 on Calculation Form C, etc.

6. Now take the value in Cell B1 on Calculation Form C and multiple it by the value in Cell B4 on Calculation Form C and enter the result in Cell B5 on Calculation Form C. For example, if the value in Cell B1 is 80 NU and the value in Cell B4 is 3, enter 240 NU in Cell B5.
7. Next, determine if the value in Cell B5 on Calculation Form C exceeds the cap size. If Cell B3 on Calculation Form C says "Not Applicable", enter the value from Cell B5 into Cell B6 on Calculation Form C. If Cell B3 on Calculation Form C contains a numeric value (i.e., 300, 450 or 600), compare this to

the value found in Cell B5 on Calculation Form C. If the value in Cell B5 is less than the value in Cell B3, enter the value found in Cell B5 into Cell B6 on Calculation Form C.

For example, if Cell B5 has a value of 240 NU and Cell B3 has a value of 300 NU, then enter a value of 240 NU in Cell B6. If the value in Cell B5 is equal to or greater than the value in Cell B3, enter the value found in Cell B3 into Cell B6 on Calculation Form C. For example, if Cell B5 has a value of 320 NU and Cell B3 has a value of 300 NU, then enter a value of 300 NU in Cell B6.

8. The value in Cell B6 is the potential *design capacity* for the *livestock facility* as expressed in *Nutrient Units* and is used to determine Factor B. Use this number to determine Factor B from Table 2 by looking up the value of Factor B in Table 2 based on the potential *design capacity*. In some cases, it is necessary to interpolate Factor B from Table 2, when the exact value is not specifically identified in Table 2. Implementation Guideline #26 provides more specific direction on Factor B, and information on interpolation and rounding can be found in the text accompanying Table 2.
9. Once the value of Factor B is determined, record this number in Cell B7 on Calculation Form C.

### MDS I — CALCULATION FORM C

	A	B
1	<b>Design capacity</b>	<i>Nutrient Units</i>
2	<b>Lot size</b>	Hectares
3	<b>Cap size (if applicable)</b>	
4	<b>Multiplication factor (from Implementation Guideline #26 and Calculation Form D)</b>	
5	<b>Multiplication factor multiplied by <i>design capacity</i></b>	<i>Nutrient Units</i>
6	<b>Potential <i>design capacity</i></b>	<i>Nutrient Units</i>
7	<b>Final Factor B</b>	

### MDS I — CALCULATION FORM D

<b>Design Capacity of Livestock Facility (NU)</b>	<b>Total Lot Size ≤5 ha</b>	<b>Total Lot Size &gt;5 ha, but ≤25</b>	<b>Total Lot Size &gt;25 ha, but ≤50 ha</b>	<b>Total Lot Size &gt;50 ha</b>
≤5 NU	1	1	1	1
>5 NU, but ≤25 NU	1	2	2	2
>25 NU, but ≤125 NU	1	2	3	3
>125 NU	1	2	3	3

**Step 12: Calculate Building Base Distance 'F'**

- To calculate Building Base Distance 'F', enter the value for:
  - Factor A (found on Calculation Form B, Cell B2) into Cell A2 on Calculation Form E
  - Factor B (found on Calculation Form C, Cell B7) into Cell B2 on Calculation Form E
  - Factor D (found on Calculation Form B, Cell B3) into Cell C2 on Calculation Form E
  - Factor E (found on Calculation Form B, Cell B5) into Cell D2 on Calculation Form E
- Calculate Building Base Distance 'F' by multiplying Factor A, Factor B, Factor D and Factor E. In other words, multiply the values in Cells A2, B2, C2 and D2 together and enter this result in Cell E2 on Calculation Form E.

**MDS I — CALCULATION FORM E**

	A	B	C	D	E
1	Factor A	Factor B	Factor D	Factor E	Building Base Distance 'F'
2					

**Step 13: Determine Storage Base Distance 'S'**

- Enter Building Base Distance 'F' as found in Calculation Form E, Cell E2, in Calculation Form F, Cell B1. If the *livestock facility* does not have a *manure storage*, enter a value of 0 in Cell B3, Storage Base Distance, on Calculation Form F. If the *livestock facility* does have a *manure storage*, proceed to determining Storage Base Distance 'S' starting with Table 5. Compare the 11 types of *manure storages* described in Table 5 (i.e., V1, V2, V3, V4, V5, V6, L1, L2, M1, M2 and H1) with the information provided by the farm operator regarding the *livestock facility* (Step 5). Select the *manure storage* type that best fits the application. The *manure storage* type selected should also reflect the value of Factor D used in the calculation.

For example, if Factor D in the calculation is based on solid manure (value of 0.7) it is not appropriate to select the V6 *manure storage* type. Enter the *manure storage* type (e.g., V6) in Cell B2 on Calculation Form F. If more than one type of *manure storage* is present, select the *manure storage* type with the highest odour potential. For example, if a *livestock facility* has both a V6 and a H1 *manure storage*, enter H1 in Cell B2 on Calculation Form F.

- Use the *manure storage* type (Cell B2 on Calculation Form F) and the Building Base Distance 'F' (Cell B1 on Calculation Form F) and determine the value of Storage Base Distance 'S' from Table 6 by looking up the value of the Storage Base Distance 'S' based on these two numbers. In some cases, it will be necessary to interpolate Storage Base Distance 'S' from Table 6 when the actual distance is not specifically identified in Table 6. Information on interpolation and rounding can be found in the text accompanying Table 6.

**MDS I — CALCULATION FORM F**

	A	B
<b>1</b>	<b>Building Base Distance 'F'</b>	
<b>2</b>	<b>Manure Storage Type (Table 5)</b>	
<b>3</b>	<b>Storage Base Distance 'S' (Table 6)</b>	

**Step 14: Final MDS I Setbacks**

1. The calculation of MDS I setbacks is now complete. The value in Cell B1 on MDS I Calculation Form F is the required MDS I setback between the proposed *development* or *dwelling* (i.e., planning or building permit application respectively) and the existing *livestock barn*.
2. The value in Cell B3 on MDS I Calculation Form F is the required MDS I setback between the proposed *development* or *dwelling* and the existing *manure storage*. If in Step 5 there was an *anaerobic digester* present on the *lot*, the MDS I setback between the proposed *development* or *dwelling* and all components of the *anaerobic digester* is 200 m for a Type A land use, and 450 m for a Type B land use (see Implementation Guideline #22).
3. Now apply these MDS I setbacks to the proposed *development* or *dwelling* as appropriate. Implementation Guidelines #39 through #41 provide information on the measurement of MDS setbacks. Implementation Guidelines #42 and #43 provide information on reducing and varying MDS setbacks. Repeat Steps 3 through 14 if MDS I setbacks are required for other *livestock facilities*.

## 6.2 MDS I Sample Data Collection Form

Information Regarding the Existing Facilities		
Facility Type	Present on the Lot? (yes or no)	Chart Sections to Complete
<b>Livestock barn and/or manure storage</b>		If yes, complete Section A
<b>Imported manure storage</b>		If yes, complete Section B
<b>Anaerobic digester</b>		No additional information required

### Section A

#### Livestock

1. Enter *livestock* information below.
2. If the barn is empty, but *livestock* type and capacity can be reasonably estimated by one or more of the parties involved enter information below, and indicate that the capacity was estimated.
3. If the barn is empty, and capacity cannot be reasonably estimated by one or more of the parties involved, then proceed to the bottom of the *livestock* type list, and enter information for an *unoccupied livestock barn*.

Livestock Type	Livestock Description	Number of Livestock or Area	Unit	Manure System (indicate solid or liquid if no default provided)	Estimate for an Empty Barn? (yes or no)
<b>Alpacas</b>	Adults (includes unweaned young and replacements)		Number of <i>livestock</i>	Solid	
	Feeders (23–48 kg)		Number of <i>livestock</i>	Solid	
<b>Beef</b>	Cows, including calves to weaning (all breeds)		Number of <i>livestock</i>	Solid	
	Feeders (7–16 months)		Number of <i>livestock</i>		
	Backgrounders (7–12.5 months)		Number of <i>livestock</i>		
	Shortkeepers (12.5–17.5 months)		Number of <i>livestock</i>		
<b>Bison</b>	Adults (includes unweaned calves and replacements)		Number of <i>livestock</i>	Solid	
	Feeders (170–477 kg)		Number of <i>livestock</i>	Solid	

<b>Livestock Type</b>	<b>Livestock Description</b>	<b>Number of Livestock or Area</b>	<b>Unit</b>	<b>Manure System (indicate solid or liquid if no default provided)</b>	<b>Estimate for an Empty Barn? (yes or no)</b>
<b>Chicken</b>	Layer hens (for eating eggs; after transfer from pullet barn)		Number of <i>livestock</i>		
	Layer pullets (day-olds until transferred into layer barn)		Number of <i>livestock</i>		
	Broiler breeder growers (males/ females transferred out to layer barn)		Number of <i>livestock</i>	Solid	
	Broiler breeder layers (males/ females transferred in from grower barn)		Number of <i>livestock</i>	Solid	
	Broilers on any length of cycle use the floor area of the <i>livestock barn</i>		m <sup>2</sup> or ft <sup>2</sup>	Solid	
<b>Chinchillas</b>	Breeding females (including males, replacements and market animals)		Number of <i>livestock</i>	Solid	
<b>Dairy</b>	Milking-age cows (dry or milking); large-framed; 545–658 kg (e.g., Holsteins)		Number of <i>livestock</i>		
	Milking-age cows (dry or milking); medium-framed; 455–545 kg (e.g., Guernseys)		Number of <i>livestock</i>		
	Milking-age cows (dry or milking); small-framed; 364–455 kg (e.g., Jerseys)		Number of <i>livestock</i>		
	Heifers (5 months to freshening); large-framed; 182–545 kg (e.g., Holsteins)		Number of <i>livestock</i>		
<b>Dairy</b>	Heifers (5 months to freshening); medium-framed; 148–455 kg (e.g., Guernseys)		Number of <i>livestock</i>		
	Heifers (5 months to freshening); small-framed; 125–364 kg (e.g., Jerseys)		Number of <i>livestock</i>		
	Calves (0–5 months); large-framed; 45–182 kg (e.g., Holsteins)		Number of <i>livestock</i>		
	Calves (0–5 months); medium-framed; 39–148 kg (e.g., Guernseys)		Number of <i>livestock</i>		
	Calves (0–5 months); small-framed; 30–125 kg (e.g., Jerseys)		Number of <i>livestock</i>		

<b>Livestock Type</b>	<b>Livestock Description</b>	<b>Number of Livestock or Area</b>	<b>Unit</b>	<b>Manure System (indicate solid or liquid if no default provided)</b>	<b>Estimate for an Empty Barn? (yes or no)</b>
<b>White tailed deer</b>	Adults >24 months (including unweaned offspring)		Number of <i>livestock</i>	Solid	
	Feeders		Number of <i>livestock</i>	Solid	
<b>Red deer</b>	Adults >24 months (including unweaned offspring)		Number of <i>livestock</i>	Solid	
	Feeders		Number of <i>livestock</i>	Solid	
<b>Elk</b>	Adults >24 months (including unweaned offspring)		Number of <i>livestock</i>	Solid	
	Feeders		Number of <i>livestock</i>	Solid	
<b>Elk/deer hybrids</b>	Adults >24 months (including unweaned offspring)		Number of <i>livestock</i>	Solid	
	Feeders		Number of <i>livestock</i>	Solid	
<b>Fallow deer</b>	Adults >24 months (including unweaned offspring)		Number of <i>livestock</i>	Solid	
	Feeders		Number of <i>livestock</i>	Solid	
<b>Donkey</b>	Jacks, jennies, mules, hinnies (includes unweaned foals)		Number of <i>livestock</i>	Solid	
<b>Ducks</b>	Muscovy (use the floor area of the <i>livestock barn</i> )		m <sup>2</sup> or ft <sup>2</sup>		
	Peking		Number of <i>livestock</i>		
<b>Emu</b>	Adults (includes replacements and market birds)		Number of <i>livestock</i>	Solid	
<b>Fox</b>	Breeding females (including males, replacements and market animals)		Number of <i>livestock</i>	Solid	
<b>Geese</b>	Use the floor area of the <i>livestock barn</i>		m <sup>2</sup> or ft <sup>2</sup>		
<b>Goats</b>	Does and bucks (for meat; includes unweaned offspring and replacements)		Number of <i>livestock</i>	Solid	
	Does and bucks (for dairy; includes unweaned offspring and replacements)		Number of <i>livestock</i>	Solid	
	Kids (dairy or feeder kids)		Number of <i>livestock</i>	Solid	

<b>Livestock Type</b>	<b>Livestock Description</b>	<b>Number of Livestock or Area</b>	<b>Unit</b>	<b>Manure System (indicate solid or liquid if no default provided)</b>	<b>Estimate for an Empty Barn? (yes or no)</b>
<b>Horses</b>	Large-framed, mature; >681 kg (e.g., draft or draft cross breeds including unweaned offspring)		Number of <i>livestock</i>	Solid	
	Medium-framed, mature; 227–680 kg (e.g., saddle, riding and racing breeds including unweaned offspring)		Number of <i>livestock</i>	Solid	
	Small-framed, mature; <227 kg (e.g., ponies and miniatures including unweaned offspring)		Number of <i>livestock</i>	Solid	
<b>Llama</b>	Adults (includes unweaned young and replacements)		Number of <i>livestock</i>	Solid	
	Feeders (45–86 kg)		Number of <i>livestock</i>	Solid	
<b>Mink</b>	Breeding females (including males, replacements and market animals)		Number of <i>livestock</i>		
<b>Ostriches</b>	Adults (includes replacements and market birds)		Number of <i>livestock</i>	Solid	
<b>Partridge</b>	Use floor area of the <i>livestock barn</i>		m <sup>2</sup> or ft <sup>2</sup>	Solid	
<b>Pheasants</b>	Use floor area of the <i>livestock barn</i>		m <sup>2</sup> or ft <sup>2</sup>	Solid	
<b>Quail</b>	Use floor area of the <i>livestock barn</i>		m <sup>2</sup> or ft <sup>2</sup>	Solid	
<b>Rabbits</b>	Breeding females (including males, replacements and market animals)		Number of <i>livestock</i>	Solid	
<b>Rheas</b>	Adults (includes replacements and market birds)		Number of <i>livestock</i>	Solid	
<b>Sheep</b>	Ewes and rams (for meat; includes unweaned offspring and replacements)		Number of <i>livestock</i>	Solid	
	Ewes and rams (dairy operation; includes unweaned offspring and replacements)		Number of <i>livestock</i>	Solid	
	Lambs (dairy or feeder lambs)		Number of <i>livestock</i>	Solid	
<b>Squab (pigeon)</b>	Use the floor area of the <i>livestock barn</i>		m <sup>2</sup> or ft <sup>2</sup>	Solid	

<b>Livestock Type</b>	<b>Livestock Description</b>	<b>Number of Livestock or Area</b>	<b>Unit</b>	<b>Manure System (indicate solid or liquid if no default provided)</b>	<b>Estimate for an Empty Barn? (yes or no)</b>
<b>Swine</b>	Sows with litter, dry sows or boars		Number of <i>livestock</i>		
	Breeder gilts (entire barn designed specifically for this purpose)		Number of <i>livestock</i>		
	Weaners (7–27 kg)		Number of <i>livestock</i>		
	Feeders (27–136 kg)		Number of <i>livestock</i>		
<b>Turkey</b>	Turkey poults (day-old until transferred to grow-out turkey barn)		Number of <i>livestock</i>	Solid	
	Turkey breeder layers (males/ females transferred in from grower barn)		Number of <i>livestock</i>	Solid	
	Breeder toms		Number of <i>livestock</i>	Solid	
	Broilers (day-olds to 6.2 kg)		Number of <i>livestock</i>	Solid	
	Hens (day-olds up to 6.2–10.8 kg; 7.5 kg is typical)		Number of <i>livestock</i>	Solid	
	Toms (day-olds to over 10.8–20 kg; 14.5 kg is typical)		Number of <i>livestock</i>	Solid	
	Turkeys at any other weights, or if unknown use the floor area of the <i>livestock barn</i>		m <sup>2</sup> or ft <sup>2</sup>	Solid	
<b>Veal</b>	Milk-fed		Number of <i>livestock</i>		
	Grain-fed		Number of <i>livestock</i>		
<b>Wild boar</b>	Breeding age sows (includes boars, replacements and weaned piglets up to 27 kg)		Number of <i>livestock</i>	Solid	
	Finishing boars (27–86 kg)		Number of <i>livestock</i>	Solid	
<b>Other</b>	Other animals not listed in this table		Enter total weight of <i>livestock</i>		

Livestock Type	Livestock Description	Number of Livestock or Area	Unit	Manure System (indicate solid or liquid if no default provided)	Estimate for an Empty Barn? (yes or no)
<b>Unoccupied livestock barns</b>	A <i>livestock barn</i> that does not currently house any <i>livestock</i> , but that housed <i>livestock</i> in the past and continues to be structurally sound and reasonably capable of housing <i>livestock</i>		m <sup>2</sup> or ft <sup>2</sup> ; where obtaining information from the farm operator(s) and/or owner(s) was not possible (see <i>implementation</i> Guideline #20 for more information)		

### Manure Storages

1. Identify the appropriate *manure storage* type from the list below; if more than one type of *manure storage* is present identify all types that are applicable. The types of *manure storages* selected should reflect the types of manure systems associated with each *livestock* type identified above (e.g., if dairy housing based on liquid manure was identified above, then select a liquid *manure storage* from below).
2. If the *manure storage* is unused, but the *livestock* type and capacity for the barn were estimated in the previous section, then indicate the type of *manure storage*.
3. If the *manure storage* is unused, and in the section above, *unoccupied livestock barn* was used to determine capacity, then proceed to identify the *manure storage* type. Enter the information for a solid or liquid *unused manure storage*.

Manure Storage Type	Manure Storage Description	Present on the Lot? (yes or no)
<b>V1</b>	Solid, inside, bedded pack (manure accumulates under <i>livestock</i> over time)	
<b>V2</b>	Solid, outside, covered (cover keeps off precipitation to prevent runoff)	
<b>V3</b>	Solid, outside, no cover, ≥30% dry matter (manure is dry enough that a flowpath option can be used for runoff control ( <i>Nutrient Management Act, 2002</i> ))	
<b>V4</b>	Solid, outside, no cover, 18%–<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-fitting cover)	
<b>V5</b>	Liquid, inside, underneath slatted floor (manure is stored under the animals in the barn)	

<b>Manure Storage Type</b>	<b>Manure Storage Description</b>	<b>Present on the Lot? (yes or no)</b>	
<b>V6</b>	Liquid, outside, with a permanent, tight-fitting cover (negative pressure tarp, concrete lid, inflatable dome, etc.)		
<b>L1</b>	Solid, outside, no cover, 18%–<30% dry matter, with uncovered liquid runoff storage (manure not dry enough to soak up precipitation, so a liquid runoff storage needed, but it is uncovered, producing more odour than in V4)		
<b>L2</b>	Liquid, outside, with a permanent floating cover (tarps, foam panels, etc.)		
<b>M1</b>	Liquid, outside, no cover, straight-walled storage (usually circular or rectangular concrete or steel storages)		
<b>M2</b>	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)		
<b>H1</b>	Liquid, outside, no cover, sloped-sided storage (earthen <i>manure storages</i> , but <u>NOT</u> earthen runoff storages associated with a solid <i>manure storage</i> which are L1)		
<b>Unused Manure Storage Type</b>	<b>Manure Storage Description</b>	<b>Total Volume</b>	<b>Units</b>
<b>Solid unused manure storage</b>	A <i>manure storage</i> that does not currently store any solid manure, but that stored solid manure in the past and continues to be structurally sound and reasonably capable of storing solid manure		m <sup>3</sup> or ft <sup>3</sup>
<b>Liquid unused manure storage</b>	A <i>manure storage</i> that does not currently store any liquid manure, but that stored liquid manure in the past and continues to be structurally sound and reasonably capable of storing liquid manure		m <sup>3</sup> or ft <sup>3</sup>

## Section B

### Imported Manure

1. Indicate the volume of the *manure storage* in cubic metres or cubic feet.
2. Indicate the type of manure stored (solid or liquid).
3. Identify the appropriate *manure storage* type from the list below; if more than one type of *manure storage* is present identify all types that are applicable.

<b>Manure storage volume (m<sup>3</sup> or ft<sup>3</sup>)</b>	
<b>Type of manure stored (solid or liquid)</b>	

<b>Manure Storage Type</b>	<b>Manure Storage Description</b>	<b>Present on the Lot? (yes or no)</b>
<b>V1</b>	Solid, inside, bedded pack (manure accumulates under <i>livestock</i> over time)	
<b>V2</b>	Solid, outside, covered (cover keeps off precipitation to prevent runoff)	
<b>V3</b>	Solid, outside, no cover, $\geq 30\%$ dry matter (manure is dry enough that a flowpath option can be used for runoff control ( <i>Nutrient Management Act, 2002</i> ))	
<b>V4</b>	Solid, outside, no cover, $18\% < 30\%$ 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-fitting cover)	
<b>V5</b>	Liquid, inside, underneath slatted floor (manure is stored under the animals in the barn)	
<b>V6</b>	Liquid, outside, with a permanent, tight-fitting cover (negative pressure tarp, concrete lid, inflatable dome, etc.)	
<b>L1</b>	Solid, outside, no cover, $18\% < 30\%$ dry matter, with uncovered liquid runoff storage (manure not dry enough to soak up precipitation, so a liquid runoff storage needed, but it is uncovered, producing more odour than in V4)	
<b>L2</b>	Liquid, outside, with a permanent floating cover (tarps, foam panels, etc.)	
<b>M1</b>	Liquid, outside, no cover, straight-walled storage (usually circular or rectangular concrete or steel storages)	
<b>M2</b>	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)	
<b>H1</b>	Liquid, outside, no cover, sloped-sided storage (earthen <i>manure storages</i> , but <u>NOT</u> earthen runoff storages associated with a solid <i>manure storage</i> which are L1)	

## 6.3 MDS II Calculation Form

### Introduction

Implementation Guidelines #2 through #5 and #11 through #15 provide direction on the types of applications and situations that trigger the need to complete an MDS II setback calculation.

Generally, the preferred method for calculating MDS setbacks is to use the software provided by OMAFRA (AgriSuite). However, on occasions where a 'by hand' calculation is preferred or the software is not available, this information is intended to assist with the calculation of MDS II setbacks. It is not intended to detract or add to the information found in specific Implementation Guidelines or tables located in Sections 4 and 5 of this MDS Document.

MDS II setbacks are calculated for both a *first or altered livestock facility* and yield setbacks between various parts of the *livestock facility*, depending on the type of construction proposed, (i.e., *livestock barn* or *manure storage*), Type A and Type B land uses, road allowances, and rear and side *lot* lines. MDS II setbacks for *anaerobic digesters* do not need to be calculated, but are required in accordance with Implementation Guideline #22. MDS II setbacks are applied based on actual surrounding land uses and circumstances.

### Step 1: Contact Information for Applicant

Fill in the pertinent contact information for the applicant who is proposing to construct a *first or altered livestock facility*. If all of this information is not available, include sufficient information so that the applicant can be identified and contacted if necessary.

Contact Information — Applicant	
First name	
Last name	
Company/organization (if applicable)	
Agent (if applicable)	
Mailing address	
City/town	
Province	
Postal code	
Primary telephone number	
Alternative telephone number	
Fax number	
Email	

## Step 2: Location and Description of the Proposed Application

Fill in the pertinent information for the *lot* where the proposed application is to be located. If all of this information is not available, include sufficient information to identify the proposed application location.

Location and Description of the Proposed Application	
Location and description of the proposed application	
Upper tier/single tier municipality	
Lower tier municipality (if applicable)	
Lot	
Concession	
911 Number and road name	
Property roll number	
Application type (e.g., building permit)	
File number	
General description of the proposed application	

## Step 3: Livestock/Manure Types and Descriptions Housed and/or Stored

1. On Calculation Form A, identify all the types of *livestock/manure* that are currently, or could potentially be, housed and/or stored as part of the *livestock facility*, based on the information provided by the applicant. Table 1 provides a listing of *livestock/manure*. For each type of *livestock/manure* complete a separate row in Form A. For each row, and each *livestock/manure* type, use Table 1 for information regarding description, number/NU and manure type.
2. In Cell A2, identify the type of *livestock/manure* (e.g., dairy).
3. In Cell B2, identify the appropriate description for the *livestock* (e.g., milking-age cows (dry or milking) large-framed (e.g., Holsteins)).
4. NOTE: There is no description for imported manure, therefore Cell B2 remains blank.
5. In Cell C2 record the number/NU from Table 1 (e.g., 0.7).
6. In Cell D2 identify the manure type (e.g., liquid). If Table 1 provides more than one option for manure type (i.e., both liquid and solid are options), indicate which type is present or proposed, based on information supplied by the applicant.
7. Enter the existing maximum number of *livestock* that can be housed, or maximum area that can be used to house *livestock*, or the maximum volume of manure that can be stored in Cell E2 and the proposed capacity to be added in Cell G2 based on information supplied by the applicant. If the operation is a *first livestock facility*, enter a value of 0 for the existing capacity in Cell E2 on Calculation Form A.

8. Repeat this step for each applicable type of *livestock*/manure, using rows 3 through 6 as needed. If more than five types of *livestock* (or imported manure) are currently, or will be housed (or stored), add additional rows to the table. For some types of *livestock* more than one row is needed if the operation houses more than one description of *livestock*. For example, a dairy operation that houses milking-age cows, heifers, and calves would need three rows, one for each description.

### MDS II — CALCULATION FORM A

	A	B	C	D	E	F	G	H	I	J
<b>1</b>	<i>Livestock/Manure Type</i>	<i>Livestock/Manure Description</i>	<i>Number/NU (number of livestock or m<sup>2</sup> or m<sup>3</sup>)</i>	<i>Manure Type (solid or liquid)</i>	<i>Existing Maximum Number of Livestock or m<sup>2</sup> or m<sup>3</sup></i>	<i>Existing Maximum Number of Nutrient Units</i>	<i>Proposed Added Number of Livestock or m<sup>2</sup> or m<sup>3</sup></i>	<i>Proposed Added Number of Nutrient Units</i>	<i>Factor A Value</i>	<i>Factor D Value</i>
<b>2</b>										
<b>3</b>										
<b>4</b>										
<b>5</b>										
<b>6</b>										

### MDS II — CALCULATION FORM B

	A	B
<b>1</b>	<b>Existing <i>design capacity</i></b>	<i>Nutrient Units</i>
<b>2</b>	<b>Proposed total number of <i>Nutrient Units</i> to be added</b>	<i>Nutrient Units</i>
<b>3</b>	<b><i>Design capacity</i> after alteration</b>	<i>Nutrient Units</i>
<b>4</b>	<b>Final Factor A</b>	
<b>5</b>	<b>Final Factor D</b>	
<b>6</b>	<b>Final Factor B</b>	

#### Step 4: Convert *Livestock* Information to *Nutrient Units*

- For each *livestock*/manure type and description outlined on Calculation Form A, determine the existing maximum number of *Nutrient Units* and the proposed number of *Nutrient Units* to be added. Calculate existing maximum number of *Nutrient Units* by taking the existing maximum number of *livestock* that can be housed, or maximum area that can be used to house *livestock*, or the maximum volume of manure that can be stored in Cell E2 and dividing it by the number/NU in Cell C2. Record this new value in Cell F2.
- Calculate the proposed number of *Nutrient Units* to be added by taking the proposed number of *livestock* to be added, or the area to be used to house *livestock*, or the volume of manure to be stored in Cell G2 and dividing it by the number/NU in Cell C2. Record this new value in Cell H2. If necessary, repeat this step for each type of *livestock*/manure identified.
- Now calculate the existing *design capacity*, the proposed total number of *Nutrient Units* to be added and the *design capacity* after alteration, all three of which are expressed in *Nutrient Units*. To determine existing *design capacity*, add values in Cells F2 through F6 on Calculation Form A and record this value in Cell B1 on Calculation Form B.

4. To determine the proposed total number of *Nutrient Units* to be added, add values in Cells H2 through H6 and record this value in Cell B2 on Calculation Form B.
5. To determine the *design capacity* for the *livestock facility* after alteration, add values in Cells B1 and B2 on Calculation Form B and record this value in Cell B3 on Calculation Form B.

### Step 5: Factor A

1. For each *livestock/manure* type and description outlined on Calculation Form A, where *livestock/manure* are being added, determine the value of Factor A. For the *livestock/manure* type described in Cells A2 and B2, and where indicated in Cell G2 that this type of *livestock/manure* is being added to the operation, enter the value of Factor A from Table 1 in Cell I2. For example, if Cell A2 and B2 describe dairy cattle, milking-age cows, large-framed (e.g., Holsteins), and Cell G2 indicates that 100 *livestock* are being added, record the value 0.7 in Cell I2.
2. Repeat this step for each type of *livestock/manure* (i.e., repeat this for rows 3 through 6 if *livestock/manure* types are identified for these rows) where *livestock/manure* are proposed to be added to the facility.
3. Review Cells I2 through I6. For cells that have recorded a value for Factor A, if the value for Factor A is the same in every cell, then enter this value in Cell B4 on Calculation Form B. If there is more than one value for Factor A in Cells I2 through I6 on Calculation Form A, then calculate a weighted average for Factor A.

For example, if dairy cattle milking-age cows, heifers and calves are recorded there is no need to calculate a weighted average for Factor A, as the value of Factor A (i.e., 0.7) is the same for all three types of *livestock*. Similarly, if horses (large-framed and sheep (lambs) were recorded there is no need to calculate a weighted average for Factor A, as the value of Factor A (i.e., 0.7) is the same for both types of *livestock*. However, if sheep (lambs) and rabbits were recorded then calculate a weighted average for Factor A, as the value of Factor A is different for these types of *livestock*.

4. To calculate a weighted average for Factor A (see Implementation Guideline #30), use the values for Factor A recorded in Cells I2 through I6 and the proposed total number of *Nutrient Units* to be added (numbers recorded in Cells H2 through H6). When calculating a weighted average, the value of Factor A should NOT include more than two decimal places and may be rounded accordingly. Record the weighted average for Factor A in Cell B4 on Calculation Form B.

### Step 6: Factor D

1. For each *livestock/manure* type and description outlined on Calculation Form A, where *livestock/manure* is proposed to be added, determine the value of Factor D. For the manure type described in Cell D2 and where indicated in Cell G2 that this type of *livestock/manure* is being added to the operation, enter the value of Factor D in Cell J2 from Table 1. For example, if Cell D2 says liquid manure, record the value 0.8 in Cell J2. Repeat this step for each type of *livestock/manure* identified.
2. Review Cells J2 through J6. For cells where a value for Factor D is recorded, if the value for Factor D is the same in every cell, then enter this value on Calculation Form B, Cell B5. If there is more than one value for Factor D in Cells J2 through J6 on Calculation Form A, then it is necessary to calculate a weighted average for Factor D.

For example, if solid manure for all types of *livestock* is recorded in Calculation Form, there is no need to calculate a weighted average for Factor D, as the value of Factor D (i.e., 0.7) is the same for all types of *livestock*. However, if solid manure and liquid manure is recorded for various types of *livestock* in the Calculation Form, calculate a weighted average for Factor D as the type of manure is different for these types of *livestock*.

3. To calculate a weighted average for Factor D (see Implementation Guideline #31) use the values for Factor D recorded in Cells J2 through J6 and the proposed number of *Nutrient Units* to be added (which are recorded in Cells H2 through H6 on Calculation Form A). When calculating a weighted average, the value of Factor D should not include more than two decimal places and may be rounded accordingly. Record the weighted average for Factor D in Cell B5 on Calculation Form B.

### Step 7: Factor B

1. Now determine Factor B which is based on the *design capacity* after the proposed construction (alteration) is completed. The *design capacity* after alteration is found in Cell B3 on Calculation Form B. Use this number as the 'Final *Nutrient Units*' to determine Factor B from Table 2, by looking up the value of Factor B based on the final *Nutrient Units*. In some cases, it will be necessary to interpolate Factor B from Table 2, when the exact value of the final *Nutrient Units* is not specifically identified in Table 2. Implementation Guideline #26 provides more specific direction on Factor B, and information on interpolation and rounding can be found in the text accompanying Table 2. Once the value of Factor B is determined, record this number in Cell B6 on Calculation Form B.

### Step 8: Determining Percentage Increase

1. Determine Factor C to complete the MDS II calculation by defining the percentage increase for the *livestock facility*. There are four approaches for calculating percentage increase. Use the approach that most appropriately fits the situation:
  - if the operation is a *first livestock facility*, then use Approach (i)
  - if the operation is an *existing livestock facility* that is being altered, and the proposed building permit will result in an increase in *design capacity*, and no other building permits have been issued on this *lot* in the past 3 years that increased the *design capacity* of the *livestock facility*, then use Approach (ii)
  - if the operation is an *existing livestock facility* that is being altered, and the proposed building permit will result in an increase in *design capacity*, and a building permit has been issued on this *lot* within the past 3 years that increased the *design capacity* of the *livestock facility*, then use Approach (iii)
  - if the operation is an *existing livestock facility* and the proposed building permit will result in no change in *design capacity*, or a decrease in *design capacity* for the *livestock facility*, then use Approach (iv)

### Approach (i)

For a *first livestock facility* the percentage increase is assumed to be 700%. Enter a value of 700% in Cell B5 on Calculation Form C.

### Approach (ii)

Take the value of the proposed total number of *Nutrient Units* to be added (found in Cell B2 on Calculation Form B) and enter it in Cell D3 on Calculation Form C. Take the value of existing *design capacity* (found in Cell B1 on Calculation Form B) and enter it in Cell D4 on Calculation Form C. Calculate percentage increase by dividing the value in Cell D3 by the value in Cell D4. Multiply the result by 100. This is the percentage increase. Enter this value in Cell D5 on Calculation Form C.

### Approach (iii)

Determine the number of *Nutrient Units* that were added to the *livestock* facility by building permit(s) issued within the past 3 years. Ask the applicant for this information; consult existing municipal files or records. If the building permit(s) issued within the past 3 years for this operation was (were) for a *first livestock facility* (i.e., there were no *livestock* housed and no manure stored on this *lot* 3 years ago), then use Approach (i) for this operation. Take the value of the proposed total number of *Nutrient Units* to be added (found in Cell B2 on Calculation Form B), add to it any additional *Nutrient Units* added by building permits issued within the past 3 years and enter this new value in Cell F3 on Calculation Form C. Take the value of the existing *design capacity* (NU) (found in Cell B1 on Calculation Form B), subtract from it any additional *Nutrient Units* added by building permits issued within the past 3 years and enter this new value in Cell F4 on Calculation Form C. Calculate percentage increase by dividing the value in Cell F3 by the value in Cell F4. Multiply the result by 100. This is the percentage increase. Enter this value in Cell F5 on Calculation Form C.

### Approach (iv)

For an *existing livestock facility* where the proposed building permit will result in no change in *design capacity*, or a decrease in *design capacity* for the *livestock facility*, percentage increase is assumed to be 0%. Enter a value of 0% in Cell H5 on Calculation Form C.

## Step 9: Factor C

1. Calculate Factor C, which is based on the percentage increase. Take the percentage increase found in Cell B5, D5, F5 or H5 (depending on the approach used in Step 8) found on Calculation Form C. Use this value to determine Factor C from Table 3, by looking up the value of Factor C based on the percentage increase in *Nutrient Units*. In some cases, it is necessary to interpolate Factor C from Table 3, when the actual percentage increase in *Nutrient Units* is not specifically identified in Table 3. Implementation Guideline #27 provides more specific direction on Factor C, and information on interpolation and rounding is found in the text accompanying Table 3.
2. Once the value of Factor C is determined, record this number in Cell B6 on Calculation Form C.

## MDS II — CALCULATION FORM C

	A	B	C	D	E	F	G	H
<b>1</b>	<b>Approach (i)</b>		<b>Approach (ii)</b>		<b>Approach (iii)</b>		<b>Approach (iv)</b>	
<b>2</b>	First livestock facility		Existing design capacity is to increase; no previous building permits which added capacity were issued in the last 3 years		Existing design capacity is to increase; a building permit had been issued which added capacity to the livestock facility within the last 3 years		Existing design capacity is staying the same or decreasing	
<b>3</b>			Proposed total number of Nutrient Units to be added		Proposed total number of Nutrient Units to be added plus additional Nutrient Units added by building permit(s) within the past 3 years			
<b>4</b>			Existing design capacity		Existing design capacity — additional Nutrient Units added by building permit(s) within the past 3 years			
<b>5</b>	Percentage increase		Percentage increase [(D3/D4)*100]		Percentage increase [(F3/F4)*100]		Percentage increase	
<b>6</b>	Factor C							

### Step 10: Calculate Building Base Distance ‘F’

- To calculate Building Base Distance ‘F’, enter the value for:
  - Factor A (found on Calculation Form B, Cell B4) into Cell A2 on Calculation Form D
  - Factor B (found on Calculation Form B, Cell B6) into Cell B2 on Calculation Form D
  - Factor C (found on Calculation Form C, Cell B6) into Cell C2 on Calculation Form D
  - Factor D (found on Calculation Form B, Cell B5) into Cell D2 on Calculation Form D
- Calculate Building Base Distance by multiplying Factor A, Factor B, Factor C and Factor D (multiply the values in Cells A2, B2, C2 and D2 together) and enter this result in Cell E2 on Calculation Form D.

### MDS II — CALCULATION FORM D

	A	B	C	D	E
1	Factor A	Factor B	Factor C	Factor D	Building Base Distance ‘F’
2					

### Step 11: Determine Storage Base Distance ‘S’

- Enter Building Base Distance ‘F’ (found in Calculation Form D, Cell E2) in Calculation Form E, Cell B1. If the proposed building permit does not result in the construction or expansion of a *manure storage*, enter a value of 0 in Cell B3, Storage Base Distance ‘S’, on Calculation Form E.
- If the proposed building permit does result in the construction or expansion of a *manure storage*, proceed to establish Storage Base Distance ‘S’ starting with Table 5.
  - Compare the 11 types of *manure storages* in Table 5 (i.e., V1, V2, V3, V4, V5, V6, L1, L2, M1, M2 and H1) with the proposed project to be constructed by the applicant as part of the building permit application.
  - Select the *manure storage* type that best fits the application. The *manure storage* type selected should reflect the value of Factor D used in the calculation. For example, if Factor D is based on solid manure (value of 0.7) it is not appropriate to select the V6 *manure storage* type. Enter the *manure storage* type (e.g., V6) in Cell B2 on Calculation Form E. If more than one type of *manure storage* is proposed to be constructed as part of the building permit application, select the *manure storage* type with the highest odour potential. For example, if a building permit proposes to construct both a V6 and a H1 *manure storage*, enter H1 in Cell B2 on Calculation Form E.
- Use the *manure storage* type (Cell B2 on Calculation Form E) and the Building Base Distance ‘F’, (Cell B1 on Calculation Form E) and determine the value of Storage Base Distance ‘S’ from Table 6, by looking up the value of the Storage Base Distance ‘S’ based on these two numbers. In some cases, it is necessary to interpolate Storage Base Distance ‘S’ from Table 6 when the actual distance is not specifically identified in Table 6. Information on interpolation and rounding is found in the text accompanying Table 6.

## MDS II — CALCULATION FORM E

	A	B
1	Building Base Distance 'F'	
2	Manure Storage Type (Table 5)	
3	Storage Base Distance 'S' (Table 6)	

## Step 12: Calculate Minimum Distance Separation II Setbacks

- Now that the Building Base Distance 'F' and the Storage Base Distance 'S' have been calculated, determine setbacks from the nearest neighbour's *dwelling*, Type A land uses, Type B land uses, road allowances and *lot* lines.

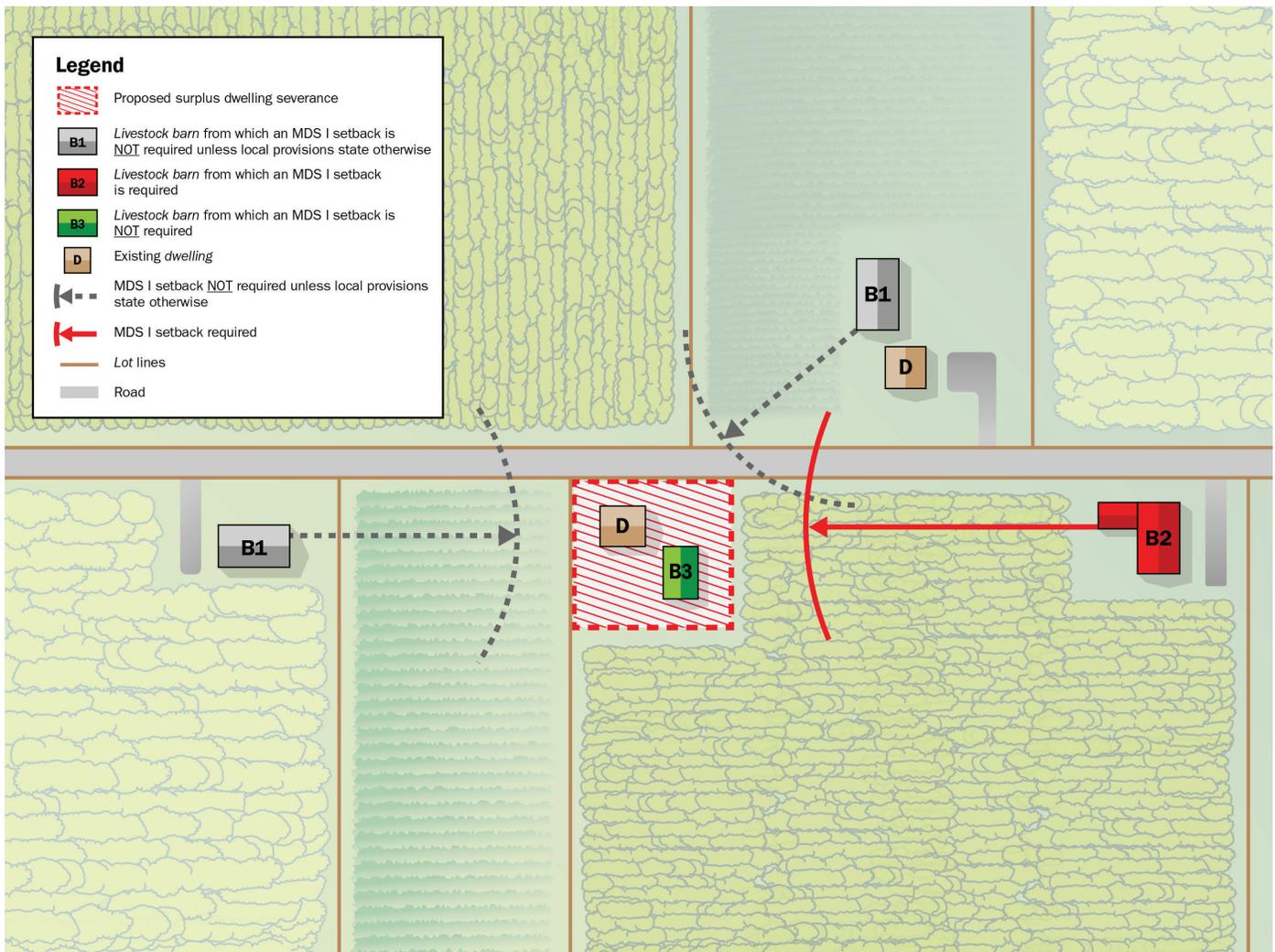
## MDS II — CALCULATION FORM F

	A	B	C
1		<b>Livestock Barn</b>	<b>Manure Storage</b>
2	Building Base Distance 'F'		
3	Nearest neighbours <i>dwelling</i> and Type A land use (1 x 'F')		
4	Type B land use (2 x 'F')		
5	Road allowance setback (0.2 x 'F' to a maximum of 60 m)		
6	Rear and side <i>lot</i> line setback (0.1 x 'F' to a maximum of 30 m)		

- Take the Building Base Distance 'F' (Cell B1 Calculation Form E) and enter this value in Cell B2 on Calculation Form F. Take the Storage Base Distance 'S' (Cell B3 Calculation Form E) and enter this value in Cell C2 on Calculation Form F. To determine various MDS II setbacks for the *livestock barn* and the *manure storage*, multiply these base distances by various factors.
- To determine the MDS II setback for the *livestock barn* from the nearest neighbour's *dwelling* and Type A land uses, multiply the value in Cell B2 by 1.0 and enter this value in Cell B3.
- To determine the MDS II setback for the *manure storage* from the nearest neighbour's *dwelling* and Type A land uses, multiply the value in Cell C2 by 1.0 and enter this value in Cell C3.
- To determine the MDS II setback for the *livestock barn* from Type B land uses, multiply the value in Cell B2 by 2.0 and enter this value in Cell B4.
- To determine the MDS II setback for the *manure storage* from Type B land uses, multiply the value in Cell C2 by 2.0 and enter this value in Cell C4.
- To determine the MDS II setback for the *livestock barn* from a road allowance, multiply the value in Cell B2 by 0.2 and enter this value in Cell B5. If this value exceeds 60, enter a value of 60 in Cell B5.

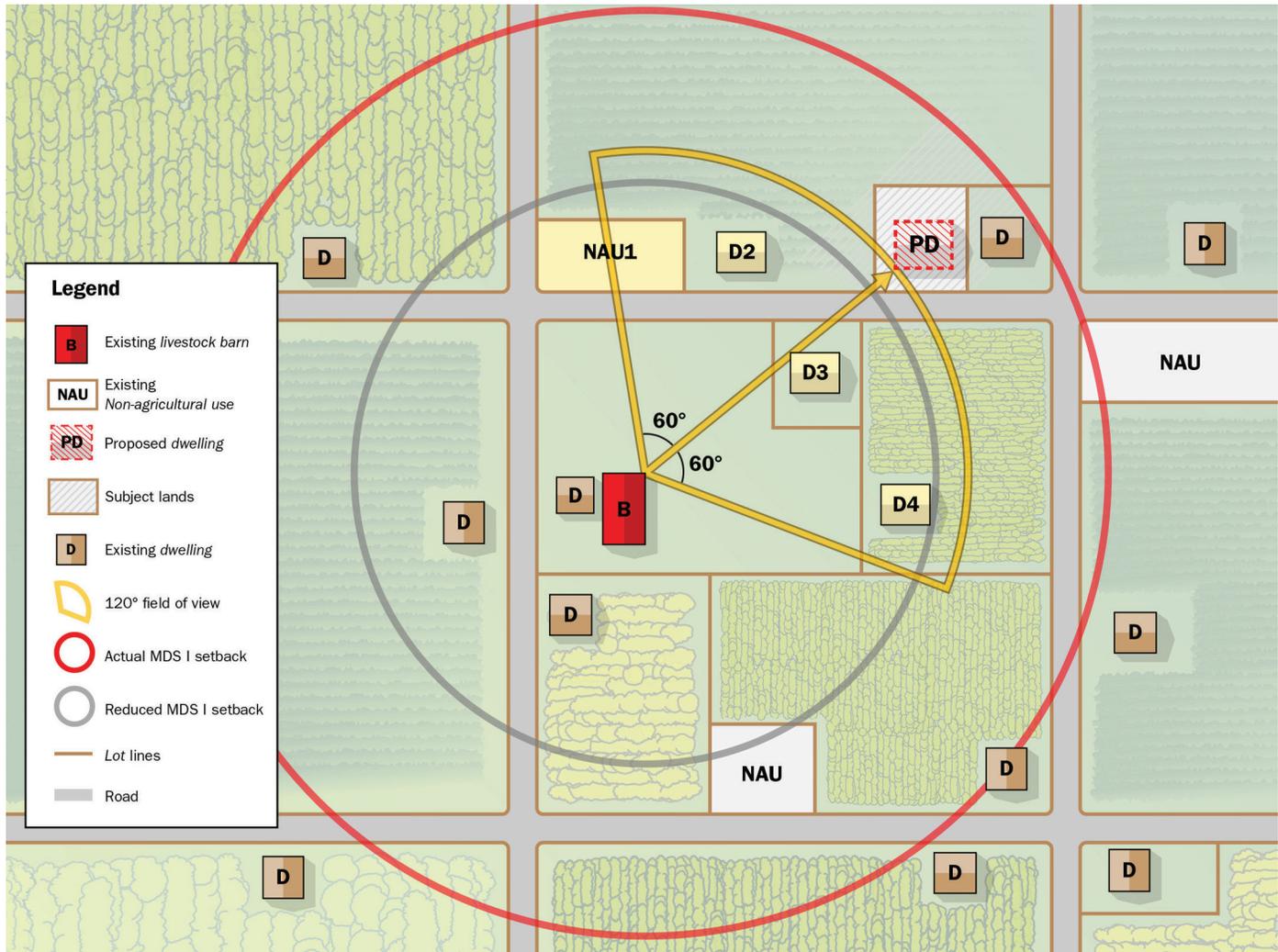
8. To determine the MDS II setback for the *manure storage* from a road allowance, multiple the value in Cell C2 by 0.2 and enter this value in Cell C5. If this value exceeds 60, enter a value of 60 in Cell C5.
9. To determine the MDS II setback for the *livestock barn* from a rear or side *lot* line, multiple the value in Cell B2 by 0.1 and enter this value in Cell B6. If this value exceeds 30, enter a value of 30 in Cell B6.
10. To determine the MDS II setback for the *manure storage* from a rear or side *lot* line, multiple the value in Cell C2 by 0.1 and enter this value in Cell C6. If this value exceeds 30, enter a value of 30 in Cell C6.

The calculation of MDS II setbacks is now complete. Apply these MDS II setbacks to the building permit application as appropriate. Implementation Guidelines #39 through #41 provide information for the measurement of MDS setbacks. Implementation Guidelines #42 and #43 provide information on reducing and varying MDS setbacks.



**Figure 3.** Implementation Guideline #9 — MDS I setbacks and *lot* creation for a *residence surplus to a farming operation*.

An MDS I setback is required from the red *livestock barn* (B2) for the proposed surplus *dwelling* severance, but not from either of the two grey *livestock barns* (B1), unless local provisions state otherwise. This is because those two grey *livestock barns* (B1) are already on separate *lots* from the subject *dwelling* proposed to be severed and therefore a potential odour conflict already exists. The creation of the surplus *dwelling lot* only results in a new potential odour conflict with the red *livestock barn* (B2) as it is on the same *lot* as the subject *dwelling* PRIOR to the consent being approved and will be on a separate *lot* AFTER the consent is approved. In accordance with Implementation Guideline #14, there is no MDS I setback required from the green *livestock barn* (B3), as it will remain on the same *lot* as the subject *dwelling* proposed to be severed.



**Figure 4.** Implementation Guideline #12 — existing uses that do not conform to MDS.

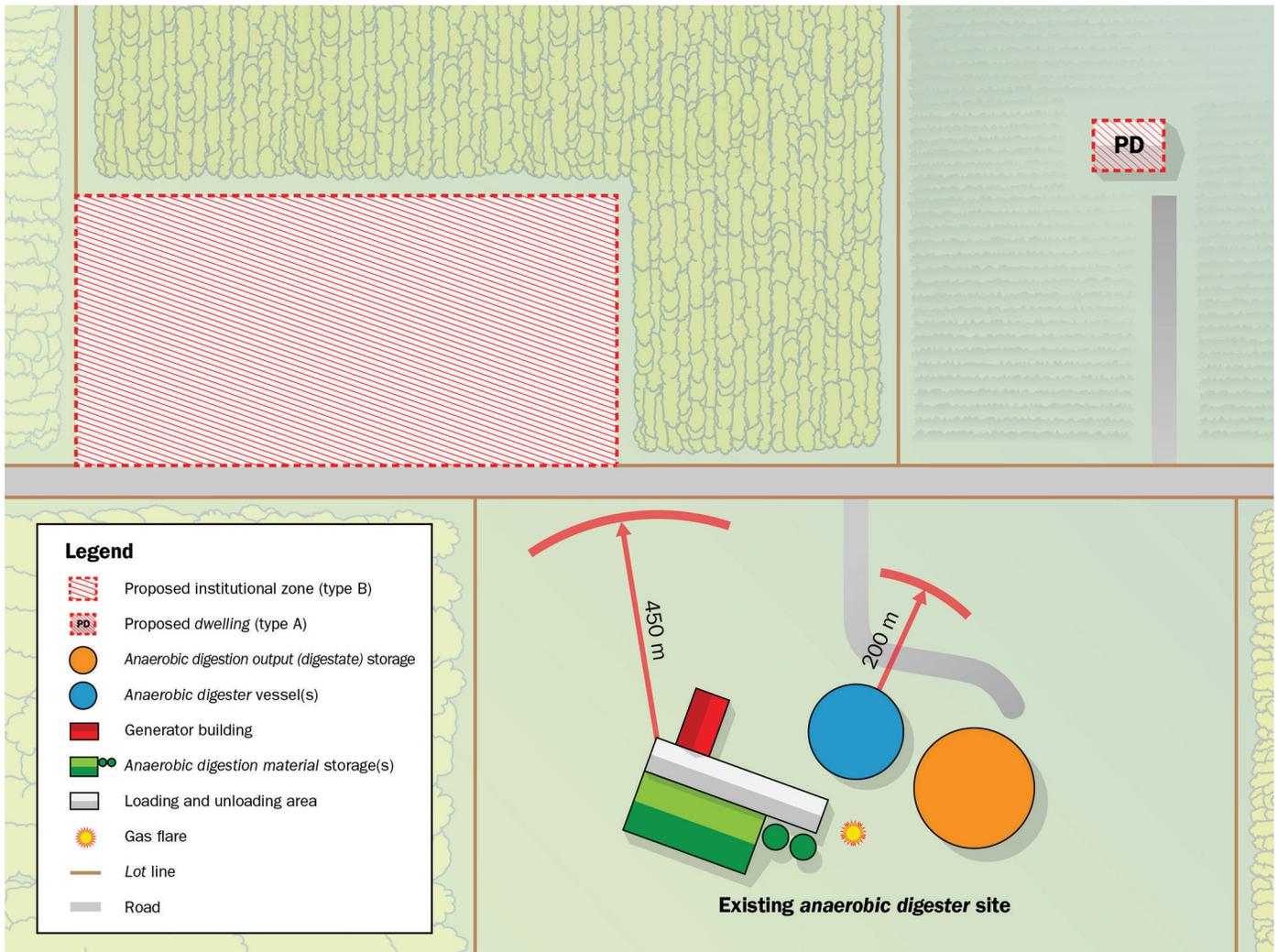
**Step 1:** Draw a line (orange arrow) connecting the *livestock occupied portion* of the existing *livestock barn* and the nearest edge of the proposed *dwelling's* building envelope (or the proposed *development* — not this example).

**Step 2:** At the base of the arrow, looking in the direction the arrow is pointing and using a protractor, plot  $60^\circ$  to the right of the arrow and another  $60^\circ$  to the left of the arrow, effectively creating a  $120^\circ$  'field of view' from the base of the arrow.

**Step 3:** Draw an arc using the length of the arrow from Step 1 as the radius and connect the two edges of the  $120^\circ$  field of view, forming a wedge shape. This wedge comprises the 'intervening area' referenced in Implementation Guideline #12.

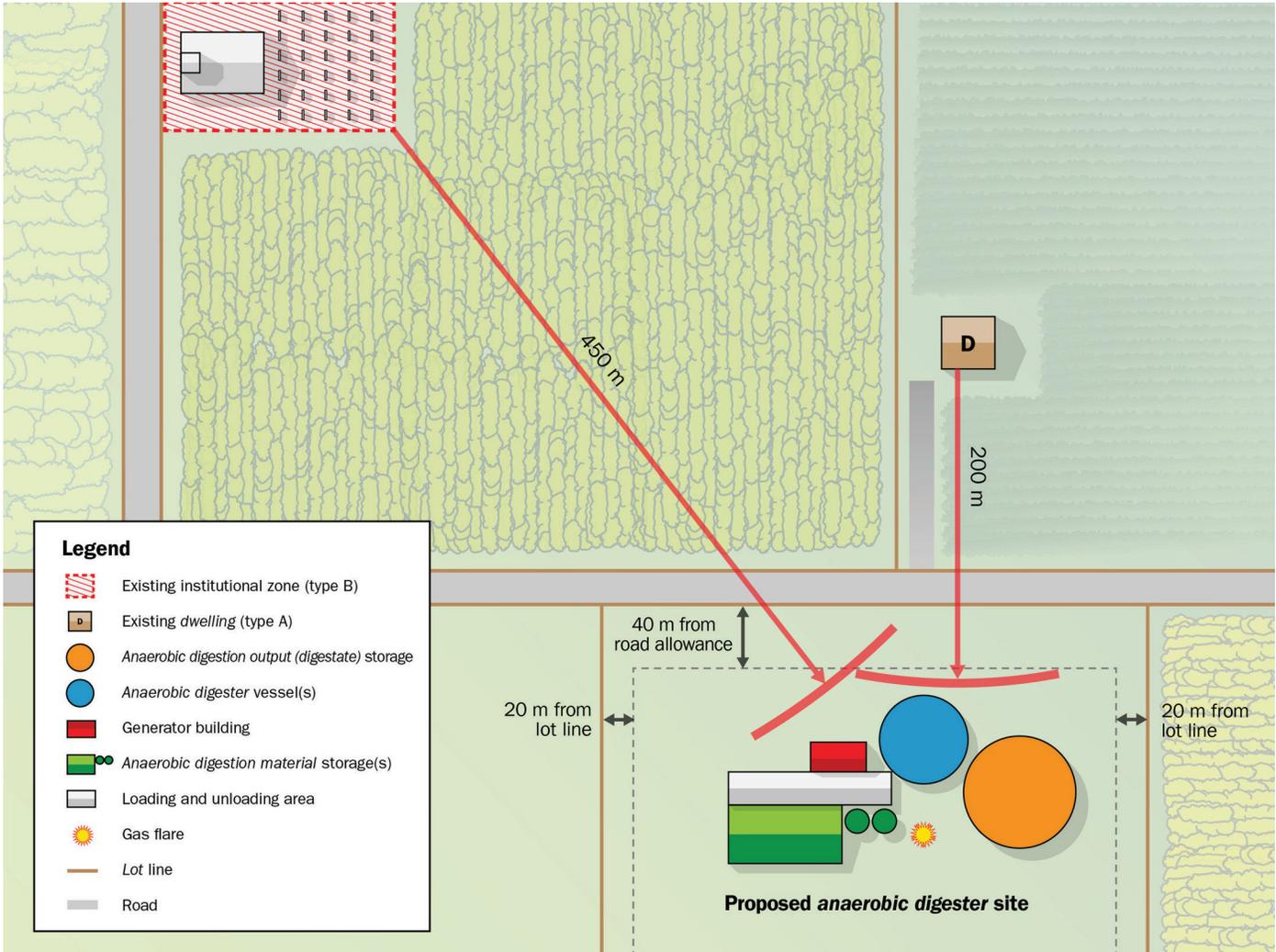
**Step 4:** Count the number of existing or approved *dwellings* or *development* partially or entirely captured within the intervening area.

**Step 5:** If there are 4, or more, *non-agricultural uses* (NAUs), *residential uses*, and/or *dwellings* that fall within the intervening area, the actual MDS I setback may be reduced to become the distance of the furthest of the qualifying *non-agricultural uses*, *residential uses* and/or *dwellings*. In this example, there is one qualifying NAU and three qualifying *dwellings* totalling four. So a reduced MDS I may be permitted and the proposed *dwelling* can be constructed despite it not meeting the actual MDS I setback generated by the subject *livestock barn*. This process may need to be repeated for *manure storages* and/or *anaerobic digesters* that may also be located in the investigation distance area established in Implementation Guideline #6.



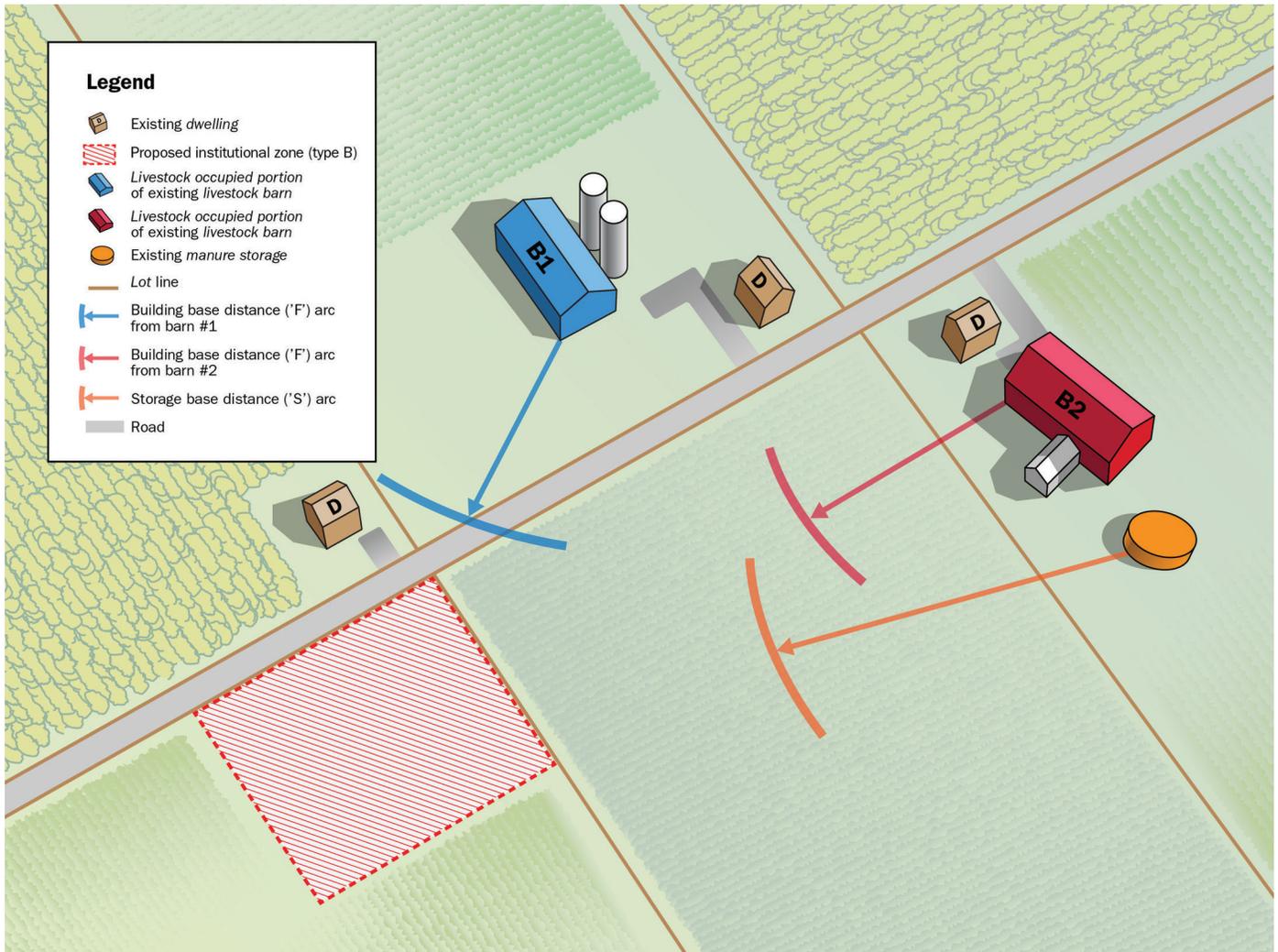
**Figure 5.** Implementation Guideline #22 — MDS I setbacks for *anaerobic digesters*.

This figure shows where to measure the fixed MDS I setbacks from existing *anaerobic digesters*.



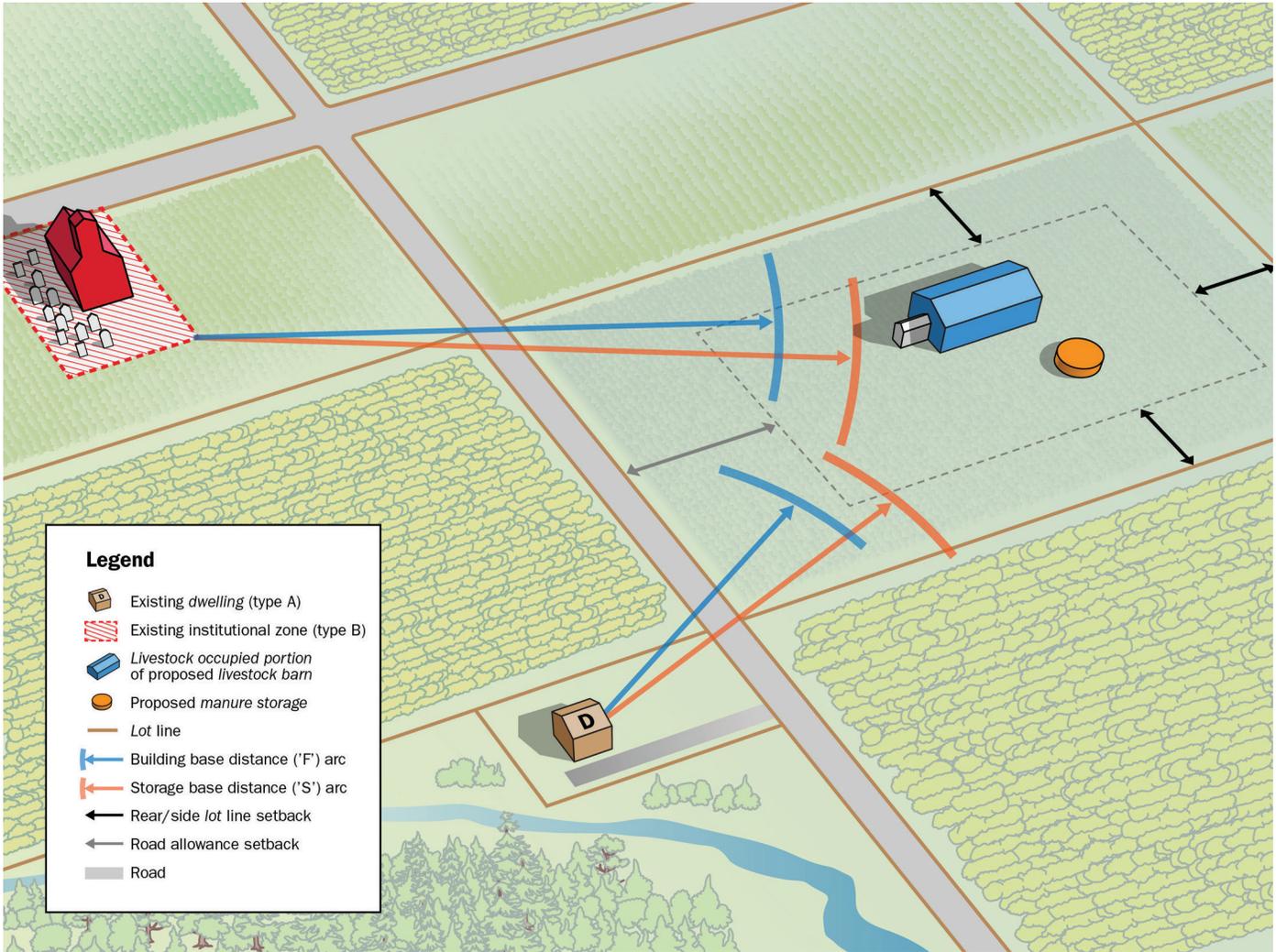
**Figure 6.** Implementation Guideline #22 — MDS II setbacks for anaerobic digesters.

This figure shows where to measure the fixed MDS II setbacks from existing non-agricultural uses and dwellings.



**Figure 7.** Implementation Guideline #40 — measurement of MDS I setbacks for *development* and *dwellings*.

This figure shows MDS I setbacks for *livestock facilities* near a proposed *non-agricultural use* (i.e., institutional zone). NOTE: The MDS I setbacks are measured from the shortest distance between the area proposed to be rezoned to permit the *non-agricultural uses* and the surrounding *livestock occupied portions* of the *livestock barns* and *manure storages*.



**Figure 8.** Implementation Guideline #40 — measurement of MDS II setbacks for development and dwellings.

This figure shows MDS II setbacks for a *first livestock facility* near an existing *non-agricultural use* (i.e., institutional zone) and *dwelling*. NOTE: The MDS II setbacks are measured from the shortest distance between the points of new construction for the *livestock occupied portion of the livestock barn* and *manure storage*, and the existing *non-agricultural use* and *dwelling*.

# 8. ADDITIONAL INFORMATION

This section provides guidance and direction on a number of common issues and questions that have been raised by previous users of MDS and covers the following topics:

- incorporation of this MDS Document into local land use planning documents, including transition and implementation issues between previous versions of this MDS Document, as well as optional applications of MDS for municipalities to address
- considerations when reducing or varying MDS setbacks
- determining types of *livestock barns* and *manure storages*
- determining *design capacity* for *livestock facilities*
- assessing if a *livestock facility* is structurally sound or reasonably capable of housing *livestock*

## 8.1 Incorporating this MDS Document into Local Land Use Planning Documents

### Introduction

The following is intended to assist municipalities when incorporating the appropriate portions of this MDS Document into their land use planning documents. It includes a review of the various options available to municipalities that must be enshrined in policy or provisions to take effect locally.

In preparing this information to help municipalities and users of this MDS Document, OMAFRA recognizes that municipalities are responsible for making local decisions, including compliance with any applicable statutes or regulations. As this portion of the Document deals in a summary fashion with complex matters and reflects legislation, policies and practices that are subject to change, the material herein should not be relied upon as a substitute for specialized legal or professional advice in connection with any particular matter. OMAFRA strongly recommends that municipalities seek their own legal advice to determine if their planning documents adequately address the provisions contained in this MDS Document as required by the PPS and enabled by the *Planning Act, 1990*.

The *Planning Act, 1990*, requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act. As it pertains to MDS, the aforementioned policy statements include policies 1.1.5.9 and 2.3.3.3 contained in the PPS, which respectively state that on *rural lands* and in *prime agricultural areas*, “new land uses, including the creation of *lots*, and new or expanding *livestock facilities* shall comply with the *Minimum Distance Separation Formulae*”.

On March 1, 2017, this revised version of the *Minimum Distance Separation Formulae* (known as the MDS Document) came into effect. Therefore, in order to be consistent with the PPS, all planning decisions made on or after March 1, 2017, for new land uses, including the creation of *lots*, need to comply with this MDS Document. The way that municipalities ensure consistency with these PPS policies at the local level is through the inclusion of the MDS Implementation Guidelines, definitions and Factor tables in their municipal official plan and/or their comprehensive zoning by-law. Deciding which of these two local documents the various aforementioned MDS components should be enshrined will depend on the nature of the application being considered (e.g., official plan amendment, zoning by-law amendment, land division consent, building permit, etc.) and whether the application may require an MDS I or an MDS II setback.

All planning decisions made on or after March 1, 2017, for new land uses, including the creation of lots, need to comply with this MDS Document.

Many MDS I setbacks are applied to new or expanding land uses rather than new or expanding buildings, as is always the case for MDS II setbacks. To elaborate, with the exception of MDS I setbacks required for proposed construction on a *lot* which existed prior to March 1, 2017, most MDS I setbacks are implemented when land use planning applications are made under the *Planning Act, 1990*; whereas, MDS II setbacks are applied to *first or altered livestock facilities or anaerobic digesters* and are primarily implemented when complete building permit applications are submitted under the *Building Code Act, 1992*.

Before construction can begin on a *livestock facility or anaerobic digester* (MDS II) or a *dwelling/non-agricultural use* (MDS I), a building permit is required subject to the *Building Code Act, 1992*. Municipal chief building officials are required to issue building permits under the *Building Code Act, 1992*, unless the proposed construction will contravene the *Building Code Act, 1992*, the building code(s) or any other “applicable law”. Applicable law is a list of statutes, regulations and by-laws set out in the building code(s). As it relates to MDS, the list of applicable law in the building code includes “by-laws made under section 34 or 38 of the *Planning Act, 1990*”. As a result, construction which requires a building permit is subject to the provisions of local municipal comprehensive zoning by-laws. Therefore, by incorporating the appropriate provisions in the comprehensive zoning by-law, that construction will be required to meet the MDS I or MDS II setbacks before a building permit is issued. When MDS I and MDS II setbacks for building construction (e.g., *livestock facilities, anaerobic digesters, dwellings, etc.*) are incorporated in a municipal zoning by-law, they become one of the requirements that a chief building official must consider when determining whether to issue a building permit. It is important that municipalities craft their comprehensive zoning by-law provisions for MDS thoughtfully. In addition, because applications for building permits must meet whatever requirements are currently in place in the local comprehensive zoning by-law, municipalities are strongly encouraged to review and potentially update their comprehensive zoning by-laws to ensure that this MDS Document is implemented appropriately, in accordance with the requirements of the PPS. Regular updates help avoid potentially unequal situations where a municipality may be carrying out their MDS I calculations under the March 1, 2017, MDS Document, whereas their MDS II calculations are still being done under a previous (1976, 1995 or 2007) version of MDS.

Municipalities are strongly encouraged to review and potentially update their comprehensive zoning by-law and official plan to ensure that the MDS Document is implemented appropriately, in accordance with the requirements of the PPS.

Municipalities may develop MDS provisions in their planning documents to reflect local circumstances and the layout and format of their existing official plan and comprehensive zoning by-law, however, the following key components with respect to the implementation of this MDS Document shall be included.

### **Minimum Sections to Incorporate from this MDS Document**

In accordance with the PPS, this MDS Document shall apply in *prime agricultural areas* or *rural lands*. Where either *prime agricultural areas* or *rural lands* are present, both the MDS Formulae and Implementation Guidelines contained in this MDS Document shall be referenced in municipal official plans, and detailed provisions included in comprehensive zoning by-laws such that, as a minimum, the appropriate MDS setbacks are required in all designations and zones where *livestock facilities* or *anaerobic digesters* are a permitted use.

Sections 1, 2, 6, 7 and 8 of this MDS Document are provided for information and background purposes. Because these sections are primarily intended to provide broader context for the more specific MDS Formulae and Implementation Guidelines, as well as information on related land use topics, they are not required to be incorporated into municipal land use planning documents.

However, the remainder of this MDS Document, Sections 3, 4 and 5, form the basis for incorporating MDS into local land use planning documents, including the Definitions, Implementation Guidelines and the Factor tables. Implementation Guidelines #7, #9, #35 and #38 address areas where municipalities have options when implementing MDS locally, and shall be clearly addressed by a municipality in the appropriate implementing land use planning document (e.g., official plan or comprehensive zoning by-law).

Sections 3, 4 and 5 of this MDS Document form the basis for incorporating MDS into local land use planning documents, including relevant definitions, Implementation Guidelines and the Factor tables.

The nature of the policies developed for adoption in municipal planning documents depends on the type of application anticipated to be processed. For example, a land use change may require an amendment to either the official plan, the comprehensive zoning by-law or an application to create a *lot*. Requiring compliance with the MDS setbacks in the official plan will result in a consideration of either an official plan amendment, zoning by-law amendment or an application to create a *lot*, in relation to the application. This MDS Document applies to all planning act applications submitted on or after March 1, 2017. References in the PPS to *Minimum Distance Separation Formulae* should be taken as reference to this MDS Document for all applications submitted on or after March 1, 2017. For building permit applications, the effective provision in the zoning by-law applies. Municipalities should update their zoning by-laws to reflect this updated MDS Document.

There are multiple approaches to effectively incorporate this MDS Document into local land use planning documents that may achieve consistency with the PPS. Common approaches used by municipalities in the past include: adopting the entire MDS Document as a schedule or appendix; adopting only the definitions (Section 3), Implementation Guidelines (Section 4) and Factor tables (Section 5) in a schedule or appendix; or including a text reference to this MDS Document in official plan policies or zoning by-law provisions. Many municipalities also include a provision that refers to MDS, “as amended by the Province from time to time”.

OMAFRA does not specify a preferred approach for incorporating this MDS Document into local land use planning documents. OMAFRA’s primary concern is to ensure that consistency with the PPS is achieved; that Sections 3, 4 and 5 of this MDS Document are effectively implemented; and that municipalities address areas where they have options related to implementation. OMAFRA encourages municipalities to seek their own legal advice and direction on approaches for incorporating this MDS Document into their local land use planning documents in a manner that achieves consistency with the PPS, while considering the approach, format and layout used in their local land use planning documents.

For example, official plans shall, as a minimum, contain policies which require compliance with MDS I setbacks when seeking a change in the land use from a *prime agricultural area* or *rural lands* type designation to *development*. The comprehensive zoning by-law shall, as a minimum, contain provisions which make it a requirement to meet both MDS I and MDS II setbacks when seeking a rezoning to change the land use from an “agriculture or rural” type zone to another land use.

Finally, if not already defined in the municipal official plan or comprehensive zoning by-law, OMAFRA recommends that the appropriate definitions found in Section 3 of this MDS Document be included in the ‘definitions’ or ‘glossary of terms’ portion of the relevant local planning document.

Regardless of the approach selected, it is recommended that a municipality seek its own legal advice regarding amending its planning documents to accommodate MDS provisions.

## Why Choosing the Correct Planning Document is Important

Aside from updating local planning documents to reflect the most recent version of MDS, deciding whether a specific MDS option should be enshrined in the official plan and/or comprehensive zoning by-law is also an important consideration.

For example, in the case of a *settlement area* boundary expansion, MDS I setbacks shall be addressed at the time of an official plan amendment application to change the land use from a *prime agricultural area* or *rural lands* type designation to a *settlement area* type designation. Thus the ideal planning document to address MDS for this type of land use change is the municipal official plan, rather than the comprehensive zoning by-law. This approach ensures consistency with policy 1.1.3.8 (d) of the PPS which states that planning authorities may only allow the expansion of a *settlement area* boundary where it has been demonstrated that “the new or expanding settlement area is in compliance with the *Minimum Distance Separation Formulae*”. It also ensures that setbacks from surrounding *livestock facilities* and *anaerobic digesters* are established early in this process, rather than potentially introducing incompatible land uses by waiting for the zoning by-law amendment or the plan of subdivision/condominium stage to implement the required MDS I setbacks.

Conversely, in the case of constructing a *first or altered livestock facility* or *anaerobic digester*, address the MDS II setbacks at the time the building permit application is made for the proposed building. The corresponding provision for this type of application should be reflected in the municipal comprehensive zoning by-law, rather than the official plan.

Selecting the appropriate planning document for the various MDS Implementation Guidelines depends on the nature of the application being sought.

## Municipal Options for Implementing MDS

Within the various Implementation Guidelines contained in Section 4 of the MDS Document, there are five options available to municipalities that should be incorporated into the appropriate local planning document — either the comprehensive zoning by-law or the official plan. In order to achieve a transparent and consistent approach to processing files, municipalities are urged to address these options on a proactive and comprehensive basis. If the relevant planning document does not expressly address the options, then the default approaches outlined in the corresponding Implementation Guidelines shall apply.

At the time of a comprehensive review of either an official plan or comprehensive zoning by-law, or through a housekeeping amendment related to either planning document, municipal staff should evaluate the various options available, and after conducting an analysis, adopt provisions which outline the municipality’s preferred approach to these options.

To elaborate, under this MDS Document, municipalities have the option to alter the application of MDS I with respect to three issues (OPTIONS A to C):

### **OPTION A: Implementation Guideline #7 — MDS I setbacks for building permit applications on existing lots (locate local provisions in zoning by-law)**

MDS I setbacks are required for all building permit applications on *lots* which are created after March 1, 2017. There is no municipal option to exempt MDS I setbacks from building permits on these new *lots*.

MDS I setbacks are also required for all building permit applications proposed on *lots* which exist prior to March 1, 2017, unless otherwise specified in a municipality’s zoning by-law. While municipalities maintain

the option to choose whether MDS I setbacks for building permit applications on existing *lots* are required, they are strongly encouraged to apply the setbacks. It is important to note that only where a municipality has specifically exempted certain building permit applications from an MDS I setback in their comprehensive zoning by-law shall an MDS I setback not be required. MDS I setbacks shall be required for all types of building permit applications on all *lots* in municipalities where the comprehensive zoning by-law is silent or does not contain any direction on this issue. However, note that MDS I setbacks are not required for *dwelling* additions and renovations on *lots* which exist prior to March 1, 2017, even where an addition results in the existing *dwelling* being closer to a surrounding *livestock facility* or *anaerobic digester*.

If a local exemption from MDS I setbacks for building permit applications on *lots* which exist prior to March 1, 2017 is chosen, there are numerous measures and variations that a municipality can use recognizing the exemption does not need to apply to all building permit applications on all *lots* which exist prior to March 1, 2017. For example, the municipality could only require MDS I setbacks:

- on existing *lots* that are in a particular land use zone or designation (e.g., rural residential, estate residential), or
- on existing *lots* that are above or below a certain size threshold (e.g., 4 ha), or
- on existing *lots* which are vacant (e.g., no existing *dwellings* or buildings), or
- on existing *lots*, but where the MDS I setback cannot be met, then through a planning application permit a *dwelling* provided that it be located as far as possible from the *existing livestock facility* or *anaerobic digester* from which the setback cannot be met, or
- on *lots* which exist prior to a date which is later than the required March 1, 2017 (e.g., date of adoption of former official plan), or
- for certain types of buildings and not others (e.g., *dwellings*).

Regardless of the approach selected, if an exemption is chosen, the local municipality shall include provisions in their comprehensive zoning by-law which clearly state the details of the exemption, because the trigger for the application of MDS I setbacks on *lots* which exist prior to March 1, 2017 will be construction for which a building permit is required under the *Building Code Act, 1992*. Consequently, the document for implementing this option is the municipal comprehensive zoning by-law in order for it to become applicable law under the *Building Code Act, 1992*.

It is important to remember that municipalities with a previous version of MDS (1976, 1995, 2007) referenced in their comprehensive zoning by-law, and who apply MDS I to proposed building permit applications on existing *lots*, will be required to continue to issue building permits if the proposed construction complies with the older version of MDS, including the older software which reflects the actual criteria and formulae incorporated in the by-law. Municipalities are urged to update their comprehensive zoning by-laws to reflect the latest version of this MDS Document. Updating the comprehensive zoning by-law ensures that it reflects the latest version of the new software program — Ontario Agricultural Planning Tools Suite (“AgriSuite”) for use with this MDS Document.

**OPTION B: Implementation Guideline #9 — MDS I setbacks from surrounding *livestock facilities* on different *lots* than the *residence surplus to a farming operation* proposed to be severed (locate local provisions in official plan)**

Where a new *lot* is proposed with an existing *dwelling*, and that *dwelling* is already located on a different *lot* from the surrounding *livestock facilities* or *anaerobic digesters*, MDS I is not applied as a potential odour conflict is already present between the surrounding *livestock facilities* or *anaerobic digesters* and the existing *dwelling* because they have the ability for separate ownership. However, municipalities may choose to apply MDS I from the surrounding *livestock facilities* or *anaerobic digesters* that are already on different *lots* than the

surplus *dwelling* proposed to be severed. Direction to apply MDS I in these circumstances should be clearly indicated in the consent policies of the municipality's official plan.

**OPTION C: Implementation Guideline #35 — MDS I setbacks for *agriculture-related uses* and *on-farm diversified uses***  
**(locate local provisions in official plan and zoning by-law)**

Municipalities have to decide whether or not they wish to require an MDS I setback for new or expanding *agriculture-related uses* and *on-farm diversified uses*. These uses are compatible with, and complement *agricultural uses*. Planning applications to permit these uses may not need to meet MDS I setbacks from existing *livestock facilities* or *anaerobic digesters*. However, some proposed *agriculture-related uses* and *on-farm diversified uses* may exhibit characteristics that could lead to potential conflicts with surrounding *livestock facilities* or *anaerobic digesters*. Therefore, it may be appropriate to require an MDS I setback to permit this subset of uses. Usually these more sensitive uses are characterized by a higher density of human occupancy or activity, or uses that generate significant visitation by the broader public to an agricultural area. For example, food service, accommodation, *agri-tourism uses* and retail operations such as a winery with an outdoor patio for light meals, an on-farm tea room, or a bed and breakfast with a farm-themed cooking school might be types of uses that a municipality could focus on ensuring meet the required MDS I setbacks. Conversely, industrial type *on-farm diversified uses*, such as an accessory welding fabrication shop or *agriculture-related uses*, such as a grain-handling facility may not be as sensitive of odour receptors, and therefore may be the types of uses that a municipality would continue to exempt from MDS I setbacks.

Based on a careful review of existing uses, municipalities may choose to require an MDS I setback for proposals, including *lot* creation, to permit certain types of *agriculture-related uses* or *on-farm diversified uses*. In situations where it is determined that MDS I shall apply, *agriculture-related uses* and *on-farm diversified uses* shall be considered as Type A land uses and the local planning documents which mandate an MDS I setback shall reflect that. If a municipality wishes to require MDS I setbacks for certain *agriculture-related uses* and *on-farm diversified uses*, they shall include specific provisions in the appropriate planning document to outline the desired approach. The language adopted in the local planning documents shall clearly indicate the specific types of uses that are required to meet MDS I setbacks. Otherwise, the provision in Implementation Guideline #35 shall apply and MDS I setbacks will not be required for either of these two categories of land uses.

In addition to the three MDS I options outlined above, municipalities also have the option to alter the application of MDS II with respect to two issues (OPTIONS D to E):

**OPTION D: Implementation Guideline #35 — MDS II setbacks for *agriculture-related uses* and *on-farm diversified uses***  
**(locate local provisions in zoning by-law)**

Much like Option C for MDS I, Option D is the reciprocal. Under this MDS Document, *first* or *altered livestock facilities* and *anaerobic digesters* do not need to meet MDS II setbacks for existing *agriculture-related uses* and *on-farm diversified uses*. However, some existing *agriculture-related uses* and *on-farm diversified uses* may exhibit characteristics that could lead to potential conflicts with *first* or *altered livestock facilities* and *anaerobic digesters*. Therefore, it may be appropriate to require MDS II setbacks from these types of uses. Typically, these uses are characterized by a higher density of human occupancy or activity, or are uses that generate significant visitation by the broader public to an agricultural area. Similar to MDS I, examples of these uses which may warrant the application of MDS II setbacks include, but are not limited to: food service, accommodation, *agri-tourism uses* and retail operations. Surrounding land uses and geographic context can also play a role in determining the compatibility of *agriculture-related uses* and *on-farm diversified uses* with *first* or *altered livestock facilities* and *anaerobic digesters*.

Based on a careful review of the state of the local agricultural industry, municipalities may choose to require MDS II setbacks between *first or altered livestock facilities* or *anaerobic digesters* and certain types of existing *agriculture-related uses* or *on-farm diversified uses*. Similar to MDS I, in those situations where a municipality chooses to require an MDS II setback, *agriculture-related uses* and *on-farm diversified uses* shall be considered Type A land uses. If MDS II setbacks are applied, municipalities shall include provisions in their comprehensive zoning by-law to clearly indicate the specific types of *agriculture-related uses* and *on-farm diversified uses* that MDS II setbacks will be measured to. Otherwise MDS II setbacks will not be required between *first or altered livestock facilities* or *anaerobic digesters* and these two categories of uses. In all instances, municipalities are strongly encouraged to develop provisions in their comprehensive zoning by-law that provide consistent direction on this issue.

**OPTION E: Implementation Guideline #38 — MDS II setbacks from cemeteries  
(locate local provisions in zoning by-law)**

The final MDS option relates to MDS II setbacks between *first or altered livestock facilities* or *anaerobic digesters* and existing cemeteries. Except for cemeteries which are intended to primarily serve a community which relies on horse-drawn vehicles as a predominate mode of transportation, this MDS Document generally treats cemeteries as a Type B land uses (see Implementation Guideline #37). However, in some instances, where a cemetery is closed and receives low levels of visitation, a municipality may choose to treat it as a Type A land use for the purposes of MDS II.

It is strongly recommended that municipalities conduct a comprehensive evaluation of existing cemeteries across their entire jurisdiction and clearly identify the specific cemeteries affected in their zoning by-law. This exercise should result in a transparent list, map and/or appendix of cemeteries that will accompany a zoning by-law.

This option is limited to treating specified cemeteries as Type A land uses, rather than the typical Type B land uses. The option does not permit a municipality to fully exempt the *first or altered livestock facility* or *anaerobic digester* from an MDS II setback from a cemetery altogether.

With respect to MDS I, except for cemeteries which are intended to primarily serve a community which relies on horse-drawn vehicles as a predominate mode of transportation, new or expanding cemeteries are always treated as a Type B land uses because they are obviously not closed, and typically receive higher levels of visitation.

**Summary of MDS Options**

Aside from reducing MDS setbacks for specific applications in accordance with Implementation Guideline #43, these five options (contained in four separate Implementation Guidelines) are the only areas where municipalities have options with respect to MDS implementation approaches. Municipal setbacks for *livestock facilities* and *anaerobic digesters* (i.e., MDS II) shall not exceed those calculated by the MDS II formulae, in accordance with provincial standards. For instance, municipal policies which require fixed setbacks for *livestock facilities* or *anaerobic digesters* larger than those established by this MDS Document may be viewed as contrary to section 2.3.3.2 of the PPS, which states:

“In *prime agricultural areas*, all types, sizes and intensities of *agricultural uses* and *normal farm practices* shall be promoted and protected in accordance with provincial standards.”

Municipalities considering MDS setbacks for *development* or *dwellings* (i.e., MDS I) that exceed those established by this MDS Document shall ensure they are consistent with policy 4.9 of the PPS.

In addition to establishing specific policies or provisions on the five municipal MDS options, municipalities should be aware that there are two other MDS options which are no longer available to them in the current MDS Document. Those municipalities which have adopted local policies to address these former options should remove them from their planning documents. In order to assist in this process, the following illustrates how those former options have been modified:

Application of MDS after a Catastrophe			
2006 MDS I	2017 MDS I	2006 MDS II	2017 MDS II
Where municipalities required MDS I setbacks for buildings on existing <i>lots</i> , they were also able to choose whether or not MDS I setbacks were required for those buildings which were destroyed by a catastrophe, provided they weren't built any closer to <i>livestock facilities</i> than before the catastrophe.	MDS I setbacks are not required for building reconstruction, provided the reconstructed building is no closer to surrounding <i>livestock facilities</i> or <i>anaerobic digesters</i> than before the reconstruction.	Municipalities were able to choose whether or not MDS II setbacks were required for those <i>livestock facilities</i> which were destroyed by a catastrophe, provided all Factor values remain the same.	MDS II setbacks are not required for <i>livestock facility</i> reconstruction, provided all Factor values remain the same.
Application of MDS within Settlement Areas			
2006 MDS I	2017 MDS I	2006 MDS II	2017 MDS II
Municipalities were able to choose whether or not MDS I setbacks were required for <i>development</i> in a <i>settlement area</i> .	MDS I setbacks are not required in a <i>settlement area</i> .	In rare circumstances where <i>livestock facilities</i> were permitted in a <i>settlement area</i> , municipalities were able to choose whether or not MDS II setbacks were required in a <i>settlement area</i> .	Where municipalities permit first or altered <i>livestock facilities</i> or <i>anaerobic digesters</i> in a <i>settlement area</i> , MDS II setbacks shall not be required.

Municipalities should update their existing official plan and comprehensive zoning by-law to recognize these options are no longer available. If a local planning document is not updated to address these changes, municipalities may be faced with implementation challenges. In the absence of municipal policy direction, the default approaches to each of the above options are:

- A) MDS I setbacks are required for ALL building permits applications on ALL *lots* which exist prior to March 1, 2017.
- B) MDS I setbacks are NOT required for surplus farm *dwelling* severances from *livestock facilities* or *anaerobic digesters* on separate *lots* surrounding the proposed consent application.
- C) MDS I setbacks do NOT apply to any new or expanding *agriculture-related* or *on-farm diversified uses*.
- D) MDS II setbacks do NOT apply from any existing *agriculture-related* or *on-farm diversified uses*.
- E) MDS II setbacks apply to ALL existing cemeteries as Type B land uses, except for those noted in Implementation Guideline #37.

## Conclusion

Municipalities shall include policies and provisions in their official plans and zoning by-laws so that the MDS setbacks are met through the appropriate implementation of this MDS Document.

This MDS Document represents the standard with respect to the calculation of MDS setbacks, and the only circumstances that municipalities may alter application of MDS is where options are explicitly made available in specific Implementation Guidelines. Even then, written policies must be adopted in the relevant municipal planning documents to clearly state the intention to exercise these options.

The above are general guidelines; seek legal counsel regarding the specific details of implementing the latest version of this MDS Document into the context and structure of a municipality's official plan and comprehensive zoning by-law. There are different approaches for updating by-laws depending on the current structure of the relevant municipal planning document. OMAFRA staff may be available to provide assistance.

## 8.2 Reducing MDS Setbacks

### Introduction

MDS setbacks are used to reduce odour conflicts by separating incompatible uses. There are various circumstances where a *Planning Act, 1990*, application or construction requiring a building permit may meet the intent of this MDS Document, if not the precise setbacks required by MDS I or MDS II. In some circumstances, it may be appropriate for a municipality or other approval authority to consider the merits of allowing for a reduced MDS setback through a minor variance or other type of *Planning Act, 1990*, application.

Generally, OMAFRA does not support or encourage reductions to MDS setbacks. Allowing for reductions to MDS setbacks can increase the potential for land use conflicts and undermine the intent of this MDS Document. Approach the issue of reducing MDS setbacks with caution. While a MDS setback does not specifically need to be considered in the context of a minor variance application, it is appropriate to consider the tests for a minor variance as a mechanism to assess specific situations and potential reductions to MDS setbacks.

The four considerations for a minor variance are:

1. Does the reduction in the MDS setback keep with the intent of the official plan?
2. Does the reduction in the MDS setback keep with the intent of the zoning by-law?
3. Is the reduction in the MDS setback desirable and appropriate for the area?
4. Is the reduction in the MDS setback minor in nature?

The intent of municipal official plans and zoning by-laws in *prime agricultural areas* will generally be consistent with the goals of complying with the *Minimum Distance Separation Formulae*, and promoting and protecting agriculture in *prime agricultural areas* (various policies in section 2.3 of the PPS). Therefore, any proposal to reduce MDS setbacks should be considered in light of this same general intent. For *rural lands*, municipal official plans and zoning by-laws may have a broader and more diverse set of goals and objectives, but should still reflect the general requirement to comply with the *Minimum Distance Separation Formulae* and should promote and protect *agricultural uses* (various policies in section 1.1.5 of the PPS).

Deciding if a minor reduction to an MDS setback is desirable and appropriate for an area should involve consideration of several specific aspects, such as:

- Is the MDS setback reduction really necessary or should another suitable alternative location (relocating the proposed *lot/designation/building*) be considered?
- Is the reduced setback going to impact the type, size or intensity of *agricultural uses* in the surrounding area?
- Is the reduced setback going to impact flexibility for existing or future agricultural operations, including their ability to expand if desired? If this reduced setback is allowed, will it set precedent for others in the local community?

Determining if a proposed reduction in MDS setbacks is minor depends on the context in which the reduction is being proposed. Minor means different things to different people. OMAFRA does not endorse a specific % decrease (e.g., 5% or 10%) for MDS setbacks. In some circumstances, a very small reduction in an MDS setback may not be considered minor given the surrounding land uses and potential odour conflicts. In other instances, a significant reduction in an MDS setback may be considered minor. The perception of what is 'small' or 'minor' in nature will vary depending on local and site specific circumstances.

Determining if a reduction to MDS setbacks is appropriate in a given circumstance is the responsibility of the local municipality.

It is important to note that granting one reduction in MDS setbacks will lead to future applications to reduce or vary MDS setbacks. For example, granting a minor variance to a new *livestock facility* or *anaerobic digester* may lead to future applications to vary distances for the same operation in the future, if it expands. Applications to reduce MDS setbacks for new *development* or *dwellings* may lead to applications to reduce MDS setbacks for surrounding *livestock facilities* or *anaerobic digesters* if they look to expand in the future. While applications to reduce MDS setbacks should be considered on their own merits, it is important to consider the broader context and the potential for cumulative impacts over the long term.

The following provides some general comments regarding reductions in MDS setbacks from the perspective of OMAFRA.

### **Reducing MDS I Setbacks**

Implementation Guideline #43 from this MDS Document provides specific direction on reducing required MDS I setbacks; it states:

“MDS I setbacks should not be reduced except in limited site specific circumstances that meet the intent of this MDS Document. Examples may include circumstances that mitigate environmental or public health and safety impacts, or avoid natural or human-made hazards.

If deemed appropriate by a municipality, the processes by which a reduction to MDS I may occur could include a minor variance to the local zoning by-law, a site specific zoning by-law amendment or an official plan amendment introducing a site specific policy area.”

OMAFRA does not generally support or encourage reductions to MDS I distances, especially for new *development*. The intent of MDS I is to minimize nuisance complaints associated with *livestock facilities* and *anaerobic digesters* due to odour and thereby reduce potential land use conflicts. It may be possible to find opportunities to site new *development* and *dwellings* where MDS setbacks can be met. The requirement to meet MDS I is something that should be assessed at the time when considering finding alternative sites to locate *development* or *dwellings*.

It may be appropriate to consider reductions to MDS I distances in situations where MDS I is being applied in the context of expanding an existing or approved *development*. It is only appropriate to consider reductions to MDS I setbacks when reasonable alternative locations are limited, and where there is an attempt to reduce potential odour conflicts while balancing or mitigating against other potential concerns, such as environmental impacts, public health and safety or natural and human-made hazards.

The following is a list of questions a municipality or a committee of adjustment may ask when considering a reduction to an MDS I setback. Think through these questions as per Implementation Guideline #43. The list of questions does not represent an exhaustive list, as other site specific circumstance might be relevant. Consider the questions (and other relevant issues) with any one or more of them not necessarily being determinative. In some cases, a surrounding land use, environmental, safety or practicality issue may warrant a reduced MDS I setback if the intent of this MDS Document can still be met.

### Surrounding Land Uses

- Is the proposed *development* similar to others on surrounding lands in the vicinity?
- Is the proposed location further away from the surrounding *livestock facility* or *anaerobic digester* than other existing *development* or *dwelling*s in the area?
- Is there a history of complaints in the area related to nuisance issues?

### Environmental Concerns

- Would meeting the MDS setback mean that the proposed *development* or building would affect surface water features (e.g., streams, ditches, municipal drinking water intake protection zones, drains, ponds, lakes, open catch-basins, etc.)?
- Would meeting the MDS setback mean that the proposed *development* or building would affect groundwater features (e.g., municipal wells, bedrock, aquifers, municipal drinking water wellhead protection areas, surrounding wells, etc.)?
- Are there other natural or environmental features on the *lot* that should be considered (e.g., wetlands, woodlots, etc.)?
- Would meeting the MDS setback mean that the proposed *development* or building would require a stream crossing or create more potential for environmental risk?

### Safety

- Is there a safety issue related to the poor state of repair of an existing building that should be replaced?
- Would siting the new building or *development* in a location that met MDS I setbacks result in a public safety concern, (e.g., building would be located within a ‘sight triangle’ of an intersection, accessed from a busy road when another safer entrance is available, located in proximity to an active gas well or some other human-made hazard or located within a flood plain or some other natural hazard?)

### Practicality

- Would the proposed *development* or building improve the existing situation (e.g., the new building is further away from the surrounding *livestock facility* or *anaerobic digester* than an existing building on site it is replacing, but still doesn’t meet the required setback)?
- Does the proposed reduction to the MDS I setback permit the new *development* or building to meet some other regulatory setback requirement?
- Is the proposed *development* or building a logical extension of an existing *development* or building which may have been successfully sited in accordance with a previous version of the MDS Formulae and Guidelines?

- Can site plan design assist in reducing the potential for nuisance complaints? For example, a golf course is zoned to a *lot* line, but lands within an MDS setback are designated as ‘out of play’ and are not part of the golf course; or a settlement area boundary is extended to a *lot* line, but lands within an MDS I setback may only be used for *infrastructure*, such as a storm water management pond.

## Reducing MDS II Setbacks

Implementation Guideline #43 from the MDS Formulae provides specific direction on minor variances and reducing required MDS II setbacks; it states:

“MDS II setbacks should not be reduced except in limited site specific circumstances that meet the intent of this MDS Document. Examples may include circumstances that mitigate environmental or public health and safety impacts, or avoid natural or human-made hazards.

If deemed appropriate by a municipality, the process by which a reduction to MDS II may occur is typically a minor variance to the local zoning by-law or to a lesser extent a site specific zoning by-law amendment.”

NOTE: The MDS II setbacks for *anaerobic digesters* referenced in Implementation Guideline #22 cannot be reduced through Implementation Guideline #43. The following only speaks to reductions to MDS II setbacks for *livestock facilities*.

OMAFRA does not generally support or encourage reductions to MDS II distances. The intent of MDS II is to minimize nuisance complaints associated with *livestock facilities* and *anaerobic digesters* due to odour, thereby reduce potential land use conflicts. It may often be possible to find opportunities to site *first* or *altered livestock facilities* where MDS setbacks can be met. Assess the requirement to meet MDS II at the time when considering new on-farm construction projects for *first* or *altered livestock facilities*.

This Implementation Guideline provides two main points to consider regarding minor variances for reducing MDS II setbacks. First, this document recognizes that reductions to MDS II setbacks can be considered and may be appropriate in some circumstances, especially to address issues related to expansions of existing operations. Second, the types of setback reductions that could be considered and may be appropriate are those that attempt to reduce potential odour conflicts while balancing or mitigating against other potential concerns, such as environmental impacts, public health and safety, or natural and human-made hazards.

There are many reasons why a *livestock facility* cannot meet MDS II setbacks, especially for existing operations that are looking to expand. Due to their age, there are many *existing livestock facilities* that simply were not sited in accordance with MDS II setbacks, and yet have existed adjacent to surrounding *development* or *dwellings* for many years with no nuisance complaints related to odour. Farm operations were traditionally sited near roads and water courses; however, these types of locations, especially for existing operations which are expanding, impose other types of constraints rather than odour that may be more important to address. In some circumstances, it may be more important to address environmental concerns, public safety issues or potential hazards rather than meet an MDS II setback. Considering appropriate reductions to MDS II setbacks provides an opportunity for these types of issues to be considered at the local level.

The following is a list of questions a municipality or a committee of adjustment may ask when considering a reduction to an MDS II setback. Think through these questions as per Implementation Guideline #43. The list of questions does not represent an exhaustive list, as other site specific circumstance might be relevant. Consider the questions (and other relevant issues) with any one or more of them not necessarily being determinative. In some cases, a surrounding land use, environmental, safety or practicality issue may warrant a reduced MDS II setback if the intent of this MDS Document can still be met.

### Surrounding Land Uses

- Is the proposed *livestock facility* similar to others on surrounding lands?
- Is there much existing *development* or many *dwellings* surrounding the subject lands?
- Is the proposed location of the *first* or *altered livestock facility* farther away from surrounding *development* or *dwellings* than any previous or *existing livestock facilities* on the *lot*?

### Environmental Concerns

- Is there a history of environmental issues or nuisance complaints related to the farm operation which can be addressed through the proposal?
- How does the proposed *livestock facility* affect surface water features (e.g., streams, ditches, municipal drinking water intake protection zones, drains, ponds, lakes, open catch-basins, etc.)?
- How does the proposed *livestock facility* affect groundwater features (e.g., municipal wells, bedrock, aquifers, municipal drinking water wellhead protection areas, surrounding wells, etc.)?
- Are there other natural features or environmental features on the *lot* that should be considered (e.g., wetlands, woodlots, etc.)?
- Would a location that met MDS reduce or increase the need to move equipment over a stream and create more potential for environmental risk?
- Would permitting a larger *manure storage* that does not meet the MDS II setback reduce manure spreading events, especially during winter months, or improve nutrient management practices?

### Safety

- Is there a safety issue related to the poor state of repair of an *existing livestock facility* (e.g., existing *manure storage* is aged, in disrepair and should be replaced)?
- Would a location that met MDS place a *livestock facility* near an active gas well?
- Would a location that met MDS place a *livestock facility* in a flood plain?
- Would a location that met MDS place a *livestock facility* in a 'sight triangle' of an intersection or result in a location that will create a driveway that may be unsafe for accessing the road?

### Practicality

- Is the proposed *livestock facility* consistent with the intent of local zoning?
- Is there likely to be any noticeable increase in odour produced from the proposed *livestock facility*?
- Does the proposed *livestock facility* improve odour conditions compared to existing buildings on the *lot* (e.g., an uncovered storage is being replaced with a covered storage)?
- Is a reduced setback needed from the edge of a road allowance or *lot* line in order to meet an MDS II setback from a *dwelling*?
- Is a reduced MDS II setback needed from an unopened road allowance?

When considering reductions to an MDS II setback, municipalities may wish to consult with OMAFRA staff for input regarding technical questions or issues. OMAFRA staff will not provide recommendations regarding specific applications to reduce or vary MDS II setbacks, as the decision to grant a minor variance rests with the municipality's committee of adjustment.

## 8.3 Livestock Barn Identification

### Introduction

*Livestock barns* are agricultural buildings with many uses, such as housing *livestock*, storing grain and farm equipment, workshops and garages. MDS setbacks are only applied to agricultural buildings that are structurally sound and reasonably capable of housing *livestock* — at which point they qualify as *livestock barns*. To calculate the MDS setback distance, the type and number of *livestock* that can be housed in the *livestock* barn must be known.

If the *livestock barn* is empty, an estimate of the number of *livestock* that can be reasonably housed is required. The farm operator is a reliable source for the majority of this information including the number, type and description of *livestock* housed, and the area that could reasonably be used to house *livestock*. In some instances, there may be a need to obtain independent verification of the information provided by the owner of the *livestock facility*. In these circumstances, *livestock barn* identification can be an important skill for land use planners and building officials.

The barn layout will convey the type of *livestock* housed within; however, relying on structural characteristics alone can be misleading, especially with older *livestock barns* such as bank barns. Various structural features may help in determining the type of *livestock* housed in the barn. Indicators of maintenance and the relative size of buildings are also important in determining the type of *livestock* housed in the barn.

The following provides some information that may assist in the identification of various *livestock barns*.

### Dairy Barns: Tie Stall Barn

Identifier	Comments
Typical number of animals housed	Smaller herds between 30 to 60 cows
Number of stories	One-story in newer barns, two-story in older barns
Things to look for	Calf hutches, milking equipment room, vertical silos, solid manure pile, stable cleaner
Typical <i>manure storage</i> types	Solid manure, but liquid manure systems are becoming popular



**Figure 9.** Exterior of a tie stall dairy barn.



**Figure 10.** Interior of a tie stall dairy barn.

**Dairy Barns: Free Stall Barn**

Identifier	Comments
<b>Typical number of animals housed</b>	Herds from 40 to 500 cows or more
<b>Number of stories</b>	One-story
<b>Things to look for</b>	Calf hutches, attached milking parlors, vertical silos, large horizontal bunker silos, open side wall curtains, modular natural ventilation chimneys along roofline for ventilation, drive-through feed alleys (large end doors)
<b>Typical manure storage types</b>	Liquid manure in earthen, concrete or steel storages; possibly an anaerobic digestion system



**Figure 11.** Exterior of a free stall dairy barn.



**Figure 12.** Interior of a free stall dairy barn.\*

\*Source: Farm and Food Care Ontario

### Swine Barns: Sow Barn

Identifier	Comments
Typical number of animals housed	100 to 3,000 sows or more
Number of stories	One-story
Things to look for	Concrete sandwich wall construction (concrete walls, ventilation fans on side walls or through the roof, few, if any, windows, loading chute
Typical <i>manure storage</i> types	External earthen, concrete or steel liquid <i>manure storages</i> , or under-barn storage with external pump outs visible



Figure 13. Exterior of a one-story sow barn.\*

\*Source: Farm and Food Care Ontario

### Swine Barns: Weaner Barn

Identifier	Comments
Typical number of animals housed	1,000 to 4,000 weaners or more
Number of stories	One-story
Things to look for	Concrete sandwich wall construction, ventilation fans on side walls or through the roof, no windows, loading chutes, feed bins one end
Typical <i>manure storage</i> types	Liquid manure is stored in external earthen, concrete or steel storages, or under barn storage with external pump outs visible

**Swine Barns: Feeder Pigs (Farrow and Finish)**

Identifier	Comments
Typical number of animals housed	1,000 to 2,000 pigs per barn
Number of stories	One-story
Things to look for	Ventilation fans on side walls or through the roof, or wide open curtain walls for natural ventilation, loading chutes, feed bins on end
Typical <i>manure storage</i> types	Liquid manure under barn



**Figure 14.** Exterior of a finishing swine barn with liquid *manure storage* under the barn.



**Figure 15.** Interior of a finishing swine barn with liquid *manure storage* tanks under the barn.\*

\*Source: Farm and Food Care Ontario

**Chicken Barns: Broiler Barns**

Identifier	Comments
Typical number of animals housed	Housing 10,000 to 30,000 broilers
Number of stories	Historically these were two-story, but the trend in recent years has been to one-story
Things to look for	Wood frame/metal clad construction, large ventilation fans often on one end with smaller side ventilation fans, feed bins on one end, big cleanout doors on one end, concrete area at that end for cleanout, small man doors located approximately every 15 m down one side of the building for loading birds
Typical manure storage types	Solid manure that is cleaned out between each crop (4–6 crops/yr) and stored in open or covered bunker type storage OR removed from farm entirely



**Figure 16.** Exterior of a chicken broiler barn.\*



**Figure 17.** Interior of a chicken broiler barn.\*

\*Source: Farm and Food Care Ontario

### Chicken Barns: Laying Hen Barns

Identifier	Comments
Typical number of animals housed	Housing several thousand layers in tiered cages
Number of stories	One-story, but could be two-story
Things to look for	Wood frame/metal clad construction, ventilation fans on side walls, high sidewalls 3–6 m, egg packing room at front of barn with truck loading door
Typical <i>manure storage</i> types	Newer barns have solid <i>manure storage</i> off to side or at end filled by attached augers or conveyors from barn, older ones may have manure stored on ground floor or in liquid storage



**Figure 18.** Exterior of a chicken layer barn.\*



**Figure 19.** Interior of a chicken layer barn.\*

\*Source: Farm and Food Care Ontario

## Horse Barns

Identifier	Comments
<b>Typical number of animals housed</b>	Usually 1 to 50 horses
<b>Number of stories</b>	Typically two-story, as horse farms often store hay above the stable, but some newer barns are one-story with hay stored at one end; hip roof barns are common
<b>Things to look for</b>	Lots of windows (with metal bars), often a large riding arena attached to one end, side ventilation fans, wood fences
<b>Typical manure storage types</b>	Solid manure that is cleaned out daily and is often stored on site for long periods and taken directly off farm in many cases



**Figure 20.** Exterior of a horse barn.\*\*



**Figure 21.** Interior of a horse barn.\*\*

\*\*Source: Shutterstock

## Sheep Barns

Identifier	Comments
<b>Typical number of animals housed</b>	10 to 1,000 ewes, usually for meat purposes (seeing an increase in dairy ewe operations)
<b>Number of stories</b>	Two-story, although some larger facilities are one-story
<b>Things to look for</b>	Many hobby size operations, usually older bank barn facilities; newer construction may have curtain side wall/ roofline chimneys; drive-through feed alley
<b>Typical manure storage types</b>	Solid manure pack under the sheep that is only cleaned out periodically



**Figure 22.** Exterior of a sheep barn and yard.



**Figure 23.** Interior of a sheep barn.

**Beef Barns: Barn with External Yard**

Identifier	Comments
Typical number of animals housed	10 to 200 cattle (although there are larger cattle operations)
Number of stories	One-story in newer barns, two-story in older barns
Things to look for	Cattle outside of the barn in the yard area or pasture, windbreak fences along yard, hay feeders in yard or fenceline feedbunk, round bales or baleage stored near barns
Typical manure storage types	Solid manure pack in barn that is cleaned out periodically



**Figure 24.** Exterior of an open front beef barn with yard.

**Beef Barns: Confined Feedlot Arrangement**

Identifier	Comments
<b>Typical number of animals housed</b>	50 to 2,000 cattle
<b>Number of stories</b>	Usually one-story but may include parts of older bank barn
<b>Things to look for</b>	Barn similar to dairy barns — curtain sidewall/panels with ventilation chimneys along roofline, drive-through feed alley, large bunker silos and loading chutes near front of barn
<b>Typical manure storage types</b>	Solid manure pack inside barn or fully slatted floor with liquid manure storage underneath



**Figure 25.** Interior of a beef barn.

## Turkey Barn: Hens or Toms

Identifier	Comments
Typical number of animals housed	Usually 500 to 4,000 turkeys
Number of stories	One or two-story
Things to look for	Wood frame construction with metal cladding, mechanically ventilated look similar to broiler chicken barns, naturally ventilated side walls with 'turkey' curtains, big cleanout doors on one end, concreted area at that end for cleanout
Typical manure storage types	Solid manure that is cleaned out between each crop



Figure 26. Exterior of a turkey barn.



Figure 27. Interior of a turkey barn.

## Field Shade Shelters

Field shade shelters are NOT livestock barns, and as such do not require an MDS setback in accordance with the definition of *livestock barn* and Implementation Guideline #3 (Figure 28). These buildings are often located in a pasture and generally have a floor area <10 m<sup>2</sup>, although some may be marginally larger than this. Usually these buildings do not have poured concrete foundations and are not entirely enclosed on all sides. Field shade shelters are intended to provide TEMPORARY shelter from the elements (e.g., sun, wind and precipitation) for grazing *livestock*, and are not intended, nor designed to house *livestock* for extended periods of time.



Figure 28. Field shade shelter.

## 8.4 Manure Storage Identification

### Introduction

Manure is a valuable resource for plant growth; however, it requires careful management to protect neighbors and the environment. There are several choices for storing manure and options continue to improve, expand and evolve. The *Nutrient Management Act, 2002*, establishes standards for the construction, siting and sizing of new *manure storages*. Information on constructing *manure storages* is available at [ontario.ca/omafra](http://ontario.ca/omafra).

Solid manure usually has bedding material added (e.g., straw or wood shavings) so that it can be easily stacked in a pile. Adding bedding material also helps keep the manure as dry as possible, therefore reducing odour. Under both this MDS Document and the *Nutrient Management Act, 2002*, solid manure is considered to have a dry matter content of at least 18%. Manure with at least 30% dry matter content is easier to pile and produces few odours; ease of storage diminishes and odour increases when there is <30% dry matter content.

Liquid manure has a dry matter content of <18% and is stored under the barn or in in-ground storage tanks. Liquid *manure storage* tanks are sometimes left uncovered; odour can be significantly reduced with the use of a variety of different types of permanent covers.

### Storages with Very Low Odour Potential

#### V1 Storage Type (See Tables 5 and 6)

Identifier	Comments
Inside barn/outside barn	Inside
Covered/not covered	Covered
Solid/liquid	Solid
Typical associated livestock	Swine, dairy, poultry, beef, sheep, goats
Additional features	Bedded pack, usually with layers of straw or shavings



**Figure 29.** Interior of a swine barn with bedded pack manure system (V1).



**Figure 30.** Interior of a sheep barn with bedded pack manure system (V1).\*

\*Source: Jillian Craig

**V2 Storage Type (See Tables 5 and 6)**

Identifier	Comments
<b>Inside barn/outside barn</b>	Outside
<b>Covered/not covered</b>	Covered — roof-like structure that may take various forms
<b>Solid/liquid</b>	Solid
<b>Typical associated livestock</b>	Chickens (layers or broilers), dairy
<b>Additional features</b>	Cover keeps off precipitation to prevent runoff, storage is usually located right beside the barn and is filled by augers, conveyor belts or the manure is manually pushed into them



**Figure 31.** Covered solid *manure storage* (V2) with slatted walls.



**Figure 32.** Covered solid *manure storage* (V2) with slatted walls.

**V3 Storage Type (See Tables 5 and 6)**

Identifier	Comments
<b>Inside barn/outside barn</b>	Outside
<b>Covered/not covered</b>	No cover
<b>Solid/liquid</b>	Solid $\geq 30\%$ dry matter (manure is dry enough that a flow path option is used for runoff control, as per the <i>Nutrient Management Act, 2002</i> ); a flow path control is a permanently vegetated area (PVA) that separates the storage from sensitive environmental features
<b>Typical associated livestock</b>	Horses, chickens (broilers), turkey
<b>Additional features</b>	Requires a lot of bedding to make it dry enough



**Figure 33.** An outdoor, uncovered solid *manure storage* (V3).

**V4 Storage Type (See Tables 5 and 6)**

Identifier	Comments
Inside barn/outside barn	Outside
Covered/not covered	Covered
Solid/liquid	Solid 18–<30% dry matter, with a covered liquid runoff storage (manure not dry enough to soak up precipitation, so a liquid runoff storage is needed but has a permanent tight-fitting cover)
Typical associated livestock	Dairy, beef
Additional features	Milk house washwater generally is placed into the runoff storage as well — this type is not commonly built



**Figure 34.** An uncovered solid *manure* storage with covered liquid runoff storage (V4).

**V5 Storage Type (See Tables 5 and 6)**

Identifier	Comments
Inside barn/outside barn	Inside
Covered/not covered	Covered (under barn)
Solid/liquid	Liquid
Typical associated <i>livestock</i>	Swine, dairy, beef
Additional features	Underneath slatted floor (i.e., manure is stored under animals in the barn or in tanks found on one side of the barn)



**Figure 35.** Slatted floor of barn for liquid *manure* storage under the barn (V5).

**V6 Storage Type (See Tables 5 and 6)**

Identifier	Comments
<b>Inside barn/outside barn</b>	Outside
<b>Covered/not covered</b>	Covered, permanent tight-fitting lid (negative pressure tarp, concrete lid, inflatable dome cover, etc.)
<b>Solid/liquid</b>	Liquid
<b>Typical associated livestock</b>	Swine, dairy, chicken (layers), mink
<b>Additional features</b>	A permanent cover that remains in place over time is the key feature for this storage type



**Figure 36.** Tight-fitting negative pressure tarp for liquid earthen *manure* storage (V6).



**Figure 37.** Raised base of liquid storage with tightly-sealed inflatable dome cover visible (V6).

## Storages with Low Odour Potential

### L1 Storage Type (See Tables 5 and 6)

Identifier	Comments
Inside barn/outside barn	Outside
Covered/not covered	Not covered
Solid/liquid	Solid (18–<30% dry matter with uncovered liquid runoff storage)
Typical associated <i>livestock</i>	Dairy, beef
Additional features	Manure is not dry enough to soak up precipitation, so liquid runoff storage is needed; it is uncovered producing more odour than with V4 storage; milk house washwater can be put in the runoff storage as well



**Figure 38.** Uncovered liquid runoff storage (L1).



**Figure 39.** A solid, uncovered outdoor storage with uncovered liquid runoff storage (L1).

**L2 Storage Type (See Tables 5 and 6)**

Identifier	Comments
Inside barn/outside barn	Outside
Covered/not covered	Permanent floating cover (e.g., tarps, foam panels, plastic hexagon discs, etc.)
Solid/liquid	Liquid
Typical associated <i>livestock</i>	Swine, chicken (layers), mink
Additional features	A permanent floating cover that remains in place over time is the key feature



**Figure 40.** Round liquid *manure* storage with floating permanent cover comprised of plastic hexagon discs (L2).

## Storages with Medium Odour Potential

### M1 Storage Type (See Tables 5 and 6)

Identifier	Comments
Inside barn/outside barn	Outside
Covered/not covered	Not covered
Solid/liquid	Liquid
Typical associated <i>livestock</i>	Swine, dairy, beef, mink
Additional features	Straight or vertical walls reduce the catchment area for precipitation on the storage, unlike the sloped sides of the H1 earthen <i>manure storage</i> — these storages are common



**Figure 41.** In-ground, uncovered, vertical wall liquid *manure storage* (M1).



**Figure 42.** An above-grade, uncovered, vertical wall liquid *manure storage* and clean-out access ramp (M1).

**M2 Storage Type (See Tables 5 and 6)**

Identifier	Comments
Inside barn/outside barn	Outside
Covered/not covered	Covered (roof)
Solid/liquid	Liquid
Typical associated livestock	Dairy, chicken (layers)
Additional features	Roof keeps out precipitation, but open sides allow wind to travel over manure and carry away odours these are not common <i>manure storages</i>



**Figure 43.** Front view of a roofed liquid storage facility (M2).

## Storages with High Odour Potential

### H1 Storage Type (See Tables 5 and 6)

Identifier	Comments
Inside barn/outside barn	Outside
Covered/not covered	Not covered
Solid/liquid	Liquid
Typical associated <i>livestock</i>	Swine, dairy, beef, mink
Additional features	Earthen <i>manure storages</i> are <u>NOT</u> earthen runoff storages associated with solid <i>manure storages</i> listed as L1; earthen storages have sloped sides which have a greater catchment area for precipitation than the M1 type; they are a common storage, catch a lot of precipitation and have a larger surface area which increases odour production



**Figure 44.** An earthen *manure storage*; note the sloped sides and no cover (H1).

The following is a summary of the *manure storage* types and the most common or likely *livestock* types that may be associated with them. Use this table as a reference when little detail is known about the farm operation for which an MDS calculation is being prepared. It is helpful to approximate the most likely *manure storage* type; however, never use it as a substitute for proper field research and outreach to the landowner or farm operator.

<b>Manure Storage Type</b>	<b>Livestock Commonly Associated</b>
<b>V1</b>	<ul style="list-style-type: none"> <li>• beef cow/calf, dairy heifer/dry cow and swine operations with solid manure systems, as well as goat and sheep</li> <li>• litter based poultry operations (e.g., broiler chickens, broiler breeders, turkeys, ducks, pheasants, guinea fowl, etc.)</li> </ul>
<b>V2</b>	<ul style="list-style-type: none"> <li>• litter based poultry operations (e.g., broiler chicken, broiler breeder, turkey, ducks, pheasants, guinea fowl, layer hens, etc.)</li> <li>• mink operations with solid manure systems as well as horse and rabbit operations</li> </ul>
<b>V3</b>	<ul style="list-style-type: none"> <li>• litter based poultry operations (e.g., broiler chicken, turkey, ducks, pheasants, guinea fowl, etc.)</li> <li>• horse, donkey, sheep or goat operations</li> </ul>
<b>V4</b>	<ul style="list-style-type: none"> <li>• dairy, beef and swine operations with solid manure systems</li> </ul>
<b>V5</b>	<ul style="list-style-type: none"> <li>• dairy, beef and swine operations with liquid manure systems</li> <li>• veal or duck operations with liquid manure systems</li> </ul>
<b>V6</b>	<ul style="list-style-type: none"> <li>• mink, layer hen and swine operations with liquid manure systems</li> </ul>
<b>L1</b>	<ul style="list-style-type: none"> <li>• dairy and beef operations with solid manure systems</li> </ul>
<b>L2</b>	<ul style="list-style-type: none"> <li>• dairy, beef and swine operations with solid manure systems that utilize uncovered liquid runoff tanks as part of the <i>manure storage</i></li> </ul>
<b>M1</b>	<ul style="list-style-type: none"> <li>• mink, layer hen and swine operations with liquid manure systems</li> </ul>
<b>M2</b>	<ul style="list-style-type: none"> <li>• dairy, beef and layer hen operations with liquid manure systems that use <i>manure storages</i> which have a roof but open sides</li> </ul>
<b>H1</b>	<ul style="list-style-type: none"> <li>• dairy, beef and swine operations with liquid manure systems that use earthen <i>manure storages</i></li> </ul>

## 8.5 Structural Capability of Housing *Livestock* or Storing Manure

### Introduction

This MDS Document requires that MDS I and MDS II are applied to *livestock facilities* that are structurally sound and reasonably capable of housing *livestock* or storing manure. Barns (or storages) that are NOT structurally sound or reasonably capable of housing *livestock* or storing manure should NOT be considered in MDS, because of safety, environmental and functionality reasons.

When evaluating whether barns and storages are structurally sound and reasonably capable of housing *livestock* or storing manure, evaluators should assume the barn (or storage) passes both these tests, until it is demonstrated otherwise. Only professional engineers or consultants knowledgeable about *livestock facilities* should provide input on these decisions, with the municipal building official ultimately making the final determination using any valid internal or external input. There is no all-inclusive prescriptive checklist to make these determinations.

The following questions may be helpful for municipal building officials, professional engineers and/or consultants, knowledgeable about *livestock facilities*, to consider. The more questions answered 'Yes', means a barn (or storage) is less likely considered viable. Questions are not equally weighted, because if a barn (or storage) is not structurally sound the remainder of the questions do not matter.

### Structural Considerations for *Livestock Barns*

#### Foundation

The foundation of a barn provides structural support for the entire building.

- Is it crumbling, missing mortar and in disrepair?
- Is there a dirt floor in part, or throughout the entire barn?
- Is there evidence of water damage either inside or outside the barn walls?
- Has the main barn structure shifted away from a bank bridge (if present)?
- Is there major concrete work needed inside?
- Would reasonable people avoid spending money to repair the foundation properly?

#### Walls

The walls of a barn provide support for the roof and additional stories, shelter from the elements, natural lighting and ventilation through windows, amongst other functions.

- Are any walls no longer vertical and leaning in one or more directions?
- Do the windows need replacement?
- Is there missing insulation, or was there never any insulation at all?
- Is there a modern ventilation system with exhaust fans, controlled air inlet systems or thermostatic controls?
- Have load-bearing walls been removed without replacing them with comparable support?
- Would reasonable people avoid spending money to repair the walls properly?

## Roof

The roof can be costly to replace, upgrade or repair. It can also be a potential hazard if it has gone without inspection and upgrades for some time. Leakage and structural concerns can pose a safety risk, especially when expensive *livestock*, equipment, etc. are stored within.

- Does the roof show evidence of leaking?
- Are there structural issues such as sagging, cracked rafters or missing components?
- Do truss gusset plates show any rust?
- Does the roof system look outdated?
- Does the roof system appear to be out of compliance with current building code standards?
- Would reasonable people avoid spending money to repair the roof properly?

## Internal Structure

Alterations over time to the inside of the barn may have unintentionally removed required posts, structural beams, joists, studs or other important components, reducing the safety of the building. Additional wear and tear on these components may have weakened the structure. The cost to repair these features may outweigh the usefulness of the barn.

- Is there evidence of posts, structural beams or joists having been cut out or removed?
- Are there damaged posts or sagging beams that appear in poor shape?
- Is there evidence of rotten wood so that you can push a jackknife right into them?
- Is there evidence of damage from vermin?
- Does the barn have a musty odour, suggesting water damage?
- Does the floor need to be entirely replaced?
- Would reasonable people avoid spending money to repair the internal structure properly?

## “Reasonably Capable” Considerations for *Livestock Barns*

### Barn Location

Barn location can influence the overall desirability of using the barn for *livestock*. Its location may increase the appeal to use it as a garage, workshop or other non-*livestock* housing use.

- Is the barn close to a road, stream, residential area or features that might prevent someone from wanting to use the building for *livestock*?
- Is the barn close enough to an owner’s house that they’d likely not use it for *livestock*?
- Is expansion of this barn going to be difficult given the location of surrounding uses?
- Is the barn located in a zone that doesn’t permit *agricultural uses* (e.g., *settlement area*)?
- Would reasonable people avoid spending money to repair the barn given its location?

### Size and Shape of the Barn

The size and shape of a barn can influence its potential use. Small barns that are not easily expanded may be desirable for small hobby operations, but perhaps not suitable for someone with the intent to pursue a commercial operation. Low ceiling heights might preclude horses or other tall *livestock*.

- Is the barn quite small for the type of *livestock* typically housed in that type of barn?
- Is the barn one-story without any spot for hay or straw storage, if required for the type of *livestock* likely to be housed?

- Is the barn narrow (<8 m wide)?
- Is the ceiling height low (<2 m high)?
- Would reasonable people avoid spending money to renovate given the barn size and shape?

### Historical Use of Barn for *Livestock*

The history of a barn may influence decisions about whether it can still house *livestock*. Stalls, water and feed troughs, electrical upgrades, manure systems, etc. may help in figuring out how long it has been since the barn last housed *livestock*. It may also provide evidence regarding what else the barn may have been used for in the past.

- Was the building originally constructed for purposes other than housing *livestock*, such as fruit packing, tobacco packing, machinery shed, etc.?
- Are elements from these previous uses still present inside the barn?
- Would reasonable people avoid spending money to renovate given the original use of barn?

### Era of the Barn

The barn age may provide clues as to the types of damage that should be looked for in the foundation, walls and roof. It may also influence the size and shape of the barn. When the barn was built may affect its ability to be converted for other types of *livestock*, besides what it was originally constructed for.

- If the barn was originally constructed to house a specific type of *livestock*, has the industry standard for that *livestock* changed significantly?
- Was the barn constructed more than a generation ago?
- Would reasonable people avoid spending money to repair the barn given its construction era?

### Current Use of the Barn

Current uses of the barn, or parts of it, may have altered the barn from its original layout and function. This may include removing stalls, feeding and watering troughs, stable cleaner, etc. These features might have to be replaced to use the barn for housing *livestock*.

- Is the barn used now as storage for machinery, boats, feed, lumber, etc.?
- Is the barn used as a workshop or for any other purposes?
- Have interior features of the barn been removed (e.g., stalls) and must now be replaced?
- Could these features be replaced without requiring a building permit?
- Is the facility, or could the facility be, insured?
- Would reasonable people avoid spending money to put the barn back to its original use?

### Other *Livestock Facilities* and Related Buildings

The presence and condition of related *infrastructure* or other buildings on site in addition to the barn in question may influence the type of activities or type of *livestock* that the barn could still house. The costs associated with replacing or upgrading these features, and whether they are still required for the type of *livestock* most likely to be housed on site, may influence the usability of the barn for housing *livestock*.

- Is this the only *livestock barn* on the site that has any opportunity of being used?
- Is this the only *livestock barn* in the surrounding area?

- Is there missing ‘supporting *infrastructure*’ on site that would normally be associated with a *livestock* building such as electrical power, water wells, water lines, silos, feed bins, hay storage, feed bunks, *manure storage* and other equipment?
- Would reasonable people avoid spending money to replace or upgrade *infrastructure* on site?

## **STRUCTURAL CONSIDERATIONS FOR *Manure Storages***

### **Foundation/Walls/Roof/Internal Structure**

*Manure storages*, especially liquid *manure storages*, have improved over the past generation. The first liquid *manure storages* (concrete, steel, earthen) appeared in the 1960s. The first concrete liquid *manure storages* were <10 m in diameter and about 2 m deep.

- Is there evidence the foundation has been undermined by damage?
- Is there evidence the storage has leaked manure with staining on the outside?
- Are any walls no longer vertical and leaning in one or more directions?
- Is there evidence of rusted reinforcing bars in the concrete?
- Would reasonable people avoid spending money to repair the *manure storage* properly?

### **“Reasonably Capable” Considerations for *Manure Storages***

#### **Storage Location, Size and Shape, Historical Use, Era, Current Use, Other Facilities**

- Is the *manure storage* close to a road, stream, residential area or features that might prevent someone from wanting to use the structure for storing manure?
- Is the *manure storage* so close to an owner’s house that they likely would not use it?
- Is the *manure storage* small by today’s standards on other farms?
- Is adding additional storage capacity going to be difficult given the location of surrounding uses?
- Was the structure used as *manure storage* before the *Nutrient Management Act, 2002*, came into effect?
- Is there missing ‘supporting infrastructure’ on site that would normally be associated with a *manure storage*, such as pumps, loaders, manure spreader, tractor, etc.?
- Would reasonable people avoid using the storage because it is functionally outdated?

## **8.6 Design Capacity of Livestock Facilities**

### **Introduction**

MDS calculations cannot be completed without knowing the number of *livestock*, area of *livestock* housing, or *Nutrient Units* for *livestock barns*, and the volume, or *Nutrient Units* for *manure storages*. The best information comes from the owner/operator who knows the type and number of *livestock* on the farm, and the type and size of *manure storages*. However, it may be necessary to estimate this information because it is not available from the owner/operator, or the *livestock barn* is unoccupied or the *manure storage* is unused.

There are two methods available for MDS users to consider for guidance since there are so many factors that affect *design capacity* such as owner/operator preference, buyer requirements with respect to animal welfare space, animal age, type of housing system, age and available space of a barn, wider feed alleys to accommodate new feeding technologies, site specific circumstances, etc. It is reasonable to accept some variation between the *design capacity* estimated by the MDS software (AgriSuite) versus that provided by an owner/operator. If the variation is reasonable, it is recommended that the information provided by

an owner/operator be used. Ontario has a diverse agricultural community, with a wide variety of *livestock facilities* that have been constructed over a long period of time, with different local, cultural and management considerations. It is not unreasonable to state no two *livestock barns* are alike.

### 1. Estimating Number of Animals Using the Database in the MDS Software (AgriSuite)

The MDS software (AgriSuite) includes many different floor area/animal ( $\text{m}^2/\text{animal}$ ) averages based on typical animal types, sizes and housing methods used on Ontario farms. Unfortunately, it is impossible to include every possible system in use because there can be significant variation between *livestock barns*. The MDS software is helpful to give first approximations about how much floor area makes sense for a typical *livestock barn*:

- a) Open the MDS software (AgriSuite) and proceed as if to complete an MDS calculation.
- b) In the Livestock/Manure Information area, click on the Add Livestock/Manure button. This opens Livestock/Manure screen. Enter information for three drop-down menus on *livestock* type, description and system. For example, choose Swine.... Feeders (27–129.5 kg).... Full Slats.
- c) Click on the button marked with a calculator logo to show two things:
  - i. first, a box to enter the total floor area of the *livestock barn* ( $\text{m}^2$  or  $\text{ft}^2$ )
  - ii. second, the estimated floor area per animal based on earlier inputs
- d) Type in the total floor area and hit Tab or click OK. The MDS software then calculates an estimate of the maximum number of *livestock* that can be housed in the *livestock barn*.

### 2. Estimating Number of Livestock, Area of Livestock Housing and/or Volume for *Unoccupied Livestock Barns* or *Unused Manure Storages*

When *livestock barns* or *manure storages* have not been used for some time, or there is a new owner, they may not know how many, or what type of *livestock* could be housed within the building. Apply MDS if the *livestock barns* are structurally sound and reasonably capable of housing *livestock*. Also consider the potential for *manure storage*. Base MDS on the most probable values for Factors A, B and D given site specific circumstances.

#### a. **Unoccupied Livestock Barns**

The best information comes from the owner/operator who knows, or knew, the type and number of *livestock* housed. If unable to obtain more specific information as outlined in Implementation Guideline #16, the following Factors may apply for *unoccupied livestock barns*:

- Factor A = 1.0
- Factor B, based on 1 *Nutrient Unit*/20  $\text{m}^2$  of floor area (use one floor only)
- Factor D = 0.7 (based on most probable barn use; solid manure)

However, an MDS I setback is not required for any *unoccupied livestock barns* when:

- the building has been deemed by a municipal building official, with input from a professional engineer or a consultant knowledgeable about *livestock facilities* where appropriate, as being not structurally sound nor reasonably capable of housing *livestock*; or
- the portion of the *lot* on which the *unoccupied livestock barn* is located is zoned such that *livestock facilities* are not permitted; or
- the floor area of the *unoccupied livestock barn* is  $<100 \text{ m}^2$ .

**b. Unused Manure Storages for Solids**

It is not often that one needs to know the volume of *manure storages* in order to calculate an MDS setback. It only occurs when there are no *livestock* on a *lot*. The best information comes from the owner/operator who knows, or knew, the type and volume of the *manure storage*. If unable to obtain more specific information as outlined in Implementation Guideline #16, apply the following Factors for *unused manure storages* for solids:

- Factor A = 1.0
- Factor B, based on 1 *Nutrient Unit*/19.8 m<sup>3</sup> of volume for storages with two or more walls (NOTE: Assume manure is stored 1 m deep over the area enclosed by the two or more walls if using aerial photography.)
- Factor D = 0.7 (based on solid manure)

However, an MDS I setback is not required for any *unused manure storages* for solids when:

- there are only one, or no, walls; or
- the storages have been deemed by a municipal building official, with input from a professional engineer or a consultant knowledgeable about *livestock facilities* where appropriate, as being not structurally sound nor reasonably capable of storing manure; or
- the portion of the *lot* on which the *unused manure storage* is located is zoned such that *livestock facilities* are not permitted; or
- the floor area of the *unused manure storage* is <100 m<sup>2</sup>.

**c. Unused Manure Storages for Liquids**

The best information comes from the owner/operator who knows, or knew, the type and volume of *manure storage*. If unable to obtain more specific information as outlined in Implementation Guideline #16, apply the following Factors for *unused manure storages* for liquids:

- Factor A = 1.0
- Factor B, based on 1 *Nutrient Unit*/19.8 m<sup>3</sup> of volume (NOTE: assume manure is stored 2.5 m deep and level over the area enclosed by storage walls if using aerial photography.)
- Factor D = 0.8 (based on liquid manure)

However, an MDS I setback is not required for any *unused manure storages* for liquids when:

- the storages have been deemed by a municipal building official, with input from a professional engineer or a consultant knowledgeable about *livestock facilities* where appropriate, as being not structurally sound nor reasonably capable of storing manure; or
- the portion of the *lot* on which the *unused manure storage* is located is zoned such that *livestock facilities* are not permitted; or
- the floor area of the *unused manure storage* is <40 m<sup>2</sup>.

