



Municipality of South  
Huron Zoning By-law  
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South Huron Zoning By-law XX-2018  
ENACTMENT

Restricted Area By-law of the  
Corporation of the  
Municipality of South Huron

This By-law shall come into effect pursuant to Section 34 of The Planning Act.

READ A FIRST TIME ON THE            DAY OF            , 2018

READ A SECOND TIME ON THE        DAY OF            , 2018

READ A THIRD TIME AND PASSED THIS            DAY OF            , 2018

\_\_\_\_\_  
Maureen Cole, Mayor

\_\_\_\_\_  
Rebekah Msuya-Collison, Clerk

EXPLANATORY NOTE  
ZONING BY-LAW NO. \_\_ - 2018  
OF THE  
CORPORATION OF THE MUNICIPALITY OF SOUTH HURON

WHEREAS under Section 34 of the Planning Act, R.S.O. 1990, c.P.13, as amended, zoning by-laws may be passed by the councils of local municipalities; and

WHEREAS the Council of the Corporation of the Municipality of South Huron considers it in the public interest to regulate the use of all land within the Corporation of the Municipality of South Huron; and

WHEREAS the purpose of the Zoning By-law is to implement the policies contained in the Municipality of South Huron Official Plan, adopted February 26, 2014;

NOW THEREFORE the Council of the Corporation of the Municipality of South Huron ENACTS as follows:

**Purpose**

The purpose of this By-law is to provide the Corporation of the Municipality of South Huron with regulations which will affect control over all forms of land use and the erection, location and use of buildings and structures or other related matters within the Municipality.

**Basis**

Such regulations have been deemed necessary and in the long-term public interest by local Council in order to minimize possible conflicts between existing and proposed land uses, and maximize the benefits of co-locating compatible uses.

**Affected Lands**

The lands directly affected by this By-law are all properties lying wholly or partly within the corporate limits of the Municipality of South Huron.

**Existing By-Laws**

From the coming into force of this By-law, all previous by-laws of the Municipality passed pursuant to Section 34 of The Planning Act, R.S.O. 1990, as amended or a predecessor thereof, shall be deemed to have been repealed.

**Duration**

It is the intention of the Council that this Zoning By-law will be effective until circumstances change to such a degree that a revision and updating of the By-law is required. Additional uses for specific lands may be permitted by means of a rezoning or amendment to the Zoning By-law.

It is the intention of the Council to accept and review applications to amend the Zoning By-law in order to allow the establishment of uses which are permitted by the Municipality of South Huron Official Plan.

**Effect**

This Zoning By-law is designed to regulate by prohibition all new development except that specifically allowed in the By-law. Municipal Council does, however, have the legal authority to review the merits of any new use which is not specifically allowed by the By-law. If Council, after studying a proposal for a new use, is satisfied that the new use is in the best interests of the Municipality and in conformity with the South Huron Official Plan and other Planning Act requirements, the new use may be permitted provided that a separate By-law amending this By-law is passed which would permit the new use on the specified parcel of land, subject to appropriate regulations.

**Contents**

The Zoning By-law comprises Sections 1-38 plus zone maps delineating zones created by the text of this By-law, all attached hereto.

THE ZONING BY-LAW  
OF THE CORPORATION OF THE  
MUNICIPALITY OF SOUTH HURON

BY-LAW NO. \_\_ - 2018

BEING A BY-LAW, UNDER THE PROVISIONS OF SECTION 34 OF THE PLANNING ACT, R.S.O., 1990, AS AMENDED TO REGULATE THE USE OF LANDS AND THE CHARACTER, LOCATION AND USE OF BUILDINGS AND STRUCTURES AND TO PROHIBIT CERTAIN BUILDINGS AND STRUCTURES IN VARIOUS DEFINED AREAS OF THE CORPORATION OF THE MUNICIPALITY OF SOUTH HURON.

WHEREAS the Municipal Council of the Corporation of the Municipality of SOUTH HURON considers it advisable to restrict, prohibit and regulate the use of land situated within the defined areas, as hereinafter designated, for the purpose of preventing any further development which would create an adverse effect on the Corporation, and to prevent the use of lands that would jeopardize future orderly development and expansion, and to protect the natural environment.

NOW THEREFORE, the Council of the Corporation of the Municipality of South Huron ENACTS as follows:

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EXPLANATORY NOTE  
ZONING BY-LAW NO. \_\_\_\_-2018  
OF THE MUNICIPALITY OF SOUTH HURON

PREAMBLE

This Zoning By-law was passed under Section 34 of *The Planning Act, 1990*. It implements the Official Plan for the Municipality of South Huron which was adopted by the Council of South Huron on February 26, 2014. This Zoning By-law is comprised of both text and zoning maps.

PURPOSE

The purpose of this By-law is to provide the Corporation of the Municipality of South Huron with regulations for all forms of land use or other related matters within the municipality.

BASIS

Such regulations have been deemed necessary and in the public interest by South Huron Municipal Council in order that possible conflicts between existing and proposed land uses can be minimized or reduced in the future.

Prior to the preparation of this By-law, the Municipality of South Huron operated under three Zoning By-laws. This Zoning By-law is a comprehensive revision and consolidation of the Zoning By-laws for the former Municipalities (Town of Exeter, Township of Stephen and the Township of Usborne) which now make up the Municipality of South Huron

Former Municipality of Town of Exeter	Operated under the Town of Exeter Zoning By-law 30-1978
Township of Stephen	Township of Stephen Zoning By-law 12-1984
Township of Usborne	Township of Usborne Zoning By-law 13-1984

AFFECTED LANDS

The lands directly affected by this By-law can be described as consisting of all properties lying wholly or partly within the corporate limits of the Municipality of South Huron including the former Municipalities of the Town of Exeter, Township of Stephen and the Township of Usborne.

## EXISTING BY-LAWS

From the coming into force of this By-law all previous By-laws of the Municipality, passed pursuant to Section 34 of *The Planning Act* or a predecessor thereof, shall be deemed to have been repealed.

## DURATION

It is the intention of South Huron Municipal Council that this Zoning By-law will be effective until circumstances change to such a degree that a revision and up-dating of the By-law is required. Additional uses for specific lands may be permitted by means of a re-zoning or amendment to the Zoning By-law. It is the intention of the Council to accept and review applications to amend the Zoning By-law in order to allow the establishment of uses which are permitted by the Municipality of South Huron Official Plan.

## EFFECT

This Zoning By-law is designed to regulate by prohibition all new development except that specifically allowed in the By-law. This By-law will, however, give the Council of South Huron the legal authority to review the merits of any new use which is not specifically allowed by the By-law. If Council, after studying a proposal for a new use, is satisfied that the new use is in the best interests of the Municipality, the new use may be permitted provided that a separate By-law amending this By-law is passed which would permit the new use on the specified parcel of land subject to appropriate regulations.

## **1. Application, Enforcement, Interpretation and Administration**

### **1.1. Title**

This By-law may be cited as the Municipality of South Huron Zoning By-law.

### **1.2. Amendments**

Where this By-law refers to the Municipality of South Huron Zoning By-law, it refers to this By-law and all amendments to this By-law.

### **1.3. Acts**

All Acts as stated in this By-law are in accordance with the most recent version of the cited Act.

### **1.4. Application**

The provisions of this By-law shall apply to all lands within the boundaries of the Municipality of South Huron.

No person shall use any land, or erect, alter or use any building, structure or part thereof within the limits of the Municipality of South Huron except in conformity with the provisions of this By-law.

No person shall use any building, structure or part thereof, erected or altered in contravention of this By-law so long as such building, structure or part thereof, continues to contravene the provisions of this By-law.

No property shall be reduced in area by the conveyance, mortgage or other alienation of a part thereof so that any remaining yard or other open space is less than that required by this By-law. If any such reduction occurs, such property and any building or structure thereon shall not thereafter be used by any person unless the requirements of this By-law are complied with.

The preceding subsection shall not apply to a property reduced in area by the conveyance to or expropriation by the Municipality of South Huron or any other authority having the powers of expropriation.

No person shall change the purpose for which any property, building or structure is used, or erect, alter, or use any building or structure, or sever any lands from any existing property; if the effect of such action is to cause the original, adjoining, remaining or new building, structure or property to be in contravention of this By-law.

### **1.8. Administration and Enforcement**

This By-law shall be administered and enforced by the Municipality of South Huron's Chief Building Official and other employees of the Municipality acting under the direction of the Chief Building Official. All such individuals shall be considered an officer for the purposes of Section 49 of the Planning Act.

### **1.9. Violation and Penalty**

Every person who uses or alters the use of any land or property or alters or erects or uses any building or structure in a manner contrary to any requirements of this By-law, or who causes or permits such use or erection or alteration, or who violates any provision of this By-law or causes or permits a violation, is guilty of an offence and upon conviction thereof shall be liable to a fine as set out in Section 67 of the Planning Act, for each offence, and each day of the occurrence of the offence shall be deemed to be a separate occurrence. Every such penalty shall be recoverable under the Provincial Offences Act.

### **1.10. Unlawful Uses**

Any use established in violation of this By-law or a predecessor of this By-law will be deemed to have been established unlawfully.

### **1.11. Errors and Omissions – Obligation to Comply**

The lack of a survey or adequate information or an error or omission does not relieve the applicant from responsibility for complying with the provisions of this By-law.

### **1.12. Severability**

If any provision or part of a provision of this By-law, including any part of the zoning as shown on the zone maps, is for any reason held to be invalid, it does not affect the validity, effectiveness or enforceability of the other provisions, parts of provisions, or zoning as contained in this By-law.

### **1.13. Remedies**

Where any building or structure is, or is proposed to be erected, altered, reconstructed, extended or enlarged, or any building or structure or part thereof is or is proposed to be used, or any land is or is proposed to be used, in contravention of the provisions of this By-law, the same may be restrained by action at the instance of any ratepayer, or of the County of Huron, or of the Municipality pursuant to the provisions of the Planning Act, the Municipal Act, or the Administration of Justice Act.

Where a person, guilty of an offence under this By-law has been directed to remedy any violation and is in default of doing any matter or thing required, such matter or thing shall be done at the person's expense.

Where a person has refused or neglected to reimburse the Municipality of South Huron for the cost of such work, thing or matter done, the same may be recovered by the Municipality of South Huron in like manner as municipal taxes.

#### **1.14. Information as to Conformity**

Any person requiring written information as to whether a property or any building erected thereon is situated in conformity with the provisions of this By-law, shall present to the Chief Building Official or the authorized alternate:

- an application fee in an amount established by Council by resolution from time to time;
- a current plan of survey signed by an Ontario Land Surveyor showing the boundaries of the property and the location of all buildings and structures thereon; and
- any other information as the Chief Building Official or the authorized alternate may require.

Information as to conformity issued hereunder is subject to the condition that the Municipality of South Huron shall not be bound by any information issued in error.

Where information as to conformity is issued with respect to a non-conforming use such information shall so state.

If an application for information as to conformity does not comply with the above information submission requirements, the Chief Building Official or the authorized alternate may issue such information notwithstanding such non-compliance, if satisfied as to the correctness and adequacy of the application made.

#### **1.15. Licenses and Permits**

No building permit, Municipal permit, certificate, or license shall be issued for the use of any land, building or structure unless the requirements of this By-law are met.

#### **1.16. Sign Permits**

A sign permit shall be required for the erection of any sign (including billboards) upon private or public property which shall only be issued if such sign is in conformity with the Municipal and County Sign By-laws.

#### **1.17. Buildings to be Moved**

In all zones, any building or structure which is moved from one location to another, whether within the zone or from one zone to another, or from any location beyond the boundary of the Municipality, into any zone, shall be considered as being a new building or structure and shall comply with the provisions of this By-law.

### **1.18. Repeals**

From the coming into force of this By-law all previous By-laws passed under Section 34 of the Planning Act or a predecessor thereof, shall be deemed to have been repealed, including the following:

- By-law 12-1984 of the former Township of Stephen
- By-law 13-1984 of the former Township of Osborne
- By-law 30-1978 of the former Town of Exeter

### **1.19. Technical Revisions to the Zoning By-law**

Revisions may be made to this By-law without the need for a zoning by-law amendment in the following cases:

1.19.1. correction of numbering, cross-referencing, grammar, punctuation or typographical errors or revisions to format in a manner that does not change the intent of a provision;

1.19.1. adding or revising technical information on maps or schedules that does not affect the zoning of lands including, but not limited to, matters such as updating or correcting lot line information; updating and correcting infrastructure information; conservation authority regulated lands and top of bank features; keys, legends or title blocks; and

1.19.1. changes to appendices, footnotes, headings, indices, marginal notes, tables of contents, illustrations, historical or reference information, page numbering, footers and headers which do not form a part of this by-law and are editorially inserted for convenience of reference only.

### **1.20. Meaning of Terms**

#### **1.20.1. Use**

Unless the context otherwise requires, the expression “use” or “to use” in this By-law shall include anything done or permitted 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 with the knowledge or consent of such owner or occupant, for the purpose of making use of the said land, building or structure.

#### **1.20.2. Tense, Plurality and Gender**

For the purposes of this By-law, words used in the present tense include the future; words in the singular number include the plural and words in the plural include the singular number. Words imparting the masculine gender shall include the feminine and the converse.

#### **1.20.3 Shall**

The word “shall” will always be construed as mandatory in this By-law.

**1.21. Terms**

All terms used in this By-law, which are not otherwise specifically defined, shall have the meanings given to them by the Planning Act and the Condominium Act at the relevant point in time.

**1.22. Zones, Symbols, and Section Numbers**

For the purposes of this By-law the Municipality is hereby divided into the following use zones:

<b>Zone Symbol</b>	<b>Zone</b>	<b>Section #</b>
AG1	General Agriculture	4
AG2	Restricted Agriculture	5
AG3	Agricultural Commercial-Industrial	6
AG4	Agricultural Small Holding	7
NE1	Natural Environment Zone 1	8
NE2	Natural Environment Zone 2	9
OS	Parks and Open Space	10
FF	Flood Fringe Overlay	11
FW	Floodway Zone	12
ER1	Extractive Resources	13
ER2	Extractive Industrial	14
LR1	Lakeshore Residential	15
RC2	Recreational Trailer Park and Campground	16
RC3	Recreational Commercial	17
RC4	Huron County Playhouse	18
R1	Residential- Low Density	19
R2	Residential- Medium Density	20
R3	Residential- High Density	21
R4	Mobile Home Park	22
R5	Residential Park	23
C3	Highway Commercial	24
C4	Core Commercial	25
C5	Mixed Use Commercial	26
C6	Grouped Commercial	27
C8	Village Commercial	28
M1	Light Industrial	29
M2	General Industrial	30
CF	Community Facility	31
DS	Disposal	32
U	Utility	33
AL1	Airport Lands- Essential Facilities	34
AL2	Airport-Related Uses	35
SY	Salvage Yard	37
D	Future Development	38

- The permitted uses, the minimum size and dimensions of properties, the minimum size of yards, the maximum zone coverage, the minimum setback, the minimum landscaped open space, the maximum height of buildings and all other zone provisions are set out herein for the respective zones.
- The extent and boundaries of all the said zones are shown on the attached zone maps which form part of this By-law.
- The symbols/zones listed in the subsection above may be used to refer to buildings and structures, the uses of properties, buildings and structures permitted by this By-law in the said zones, and whenever in this By-law the word “Zone” is used, preceded by any of the said symbols, such zones shall mean any area within the Municipality of South Huron within the scope of this By-law, delineated on a zone map and designated thereon by the said symbol.
- Where the zone symbol designating certain lands as shown on the zone maps is followed by a dash and a number, (for example R2-1), then special provisions apply to such lands and such special provisions will be found by reference to that section of the By-law which deals with that particular zone. Lands designated in this manner shall be subject to all the restrictions of the zone except as otherwise provided by the special provisions.

### **1.23. Boundaries of Zones**

Zone boundaries are construed to be property lines, street lines, or the boundaries of Registered Plans, lanes, private roads, and unopened road allowances as interpreted in accordance with the map legend shown on the zone maps.

Where any zone on the zone maps abuts a natural watercourse, such zone shall be deemed to apply to the natural watercourse and any islands within the watercourse. In the event a street, lane, private road, or road allowance (shown on the zone maps) is closed, the property formerly in said street, lane, private road, or road allowance shall be included within the zone of the adjoining property on either side of the said closed street, lane, private road, or road allowance unless:

- a) the said street, lane, private road, or road allowance was a zone boundary between 2 or more different zones, in which case the new zone boundary shall be the former centreline of the closed street, lane, private road, or road allowance;
- b) the land formerly included in such street, lane, private road, or road allowance is purchased in its entirety by an abutting landowner, in which case the said land shall be included in the same zone as that of the abutting landowner purchasing said land; or
- c) the land formerly included in such street, lane, private road, or road allowance is purchased in its entirety by a person or persons other than an abutting landowner, in which case the said land shall be included in the abutting zone which is the most restrictive in terms of use or density.

Following the street, lane, private road, or road allowance closure, the appropriate zone map in this By-law shall be amended in accordance with the above provision. These administrative amendments are permitted from time to time without application, further public notice or Council approval.

Where uncertainty exists with respect to the boundaries of the various zones as shown on the zone maps, the following rules shall apply:

- a) Any street, lane, private road, or road allowance wholly within the boundary of a zone as shown on the zone maps is deemed not to be zoned but is to be used for public highway purposes.
- b) Where any zone boundary is shown as approximately the centreline of a street, lane, watercourse, or easement, such zone boundary shall be construed to follow the centreline of the street, lane, watercourse or easement or the production thereof.
- c) Where the zone boundaries are not shown to be streets, private roads, or lanes, and where indicated boundaries on the zone maps are approximately property lines, the property lines shall be construed to be the zone boundaries unless the boundaries are otherwise indicated on the zone map.
- d) Where a zone boundary is not a street, lane, private road, road allowance, property line, or watercourse and a specific measurement indicating the position of the said boundary is not shown on the zone map, or indicated in the text of the By-law, the position of the zone boundary shall be determined by the Chief Building Official.

#### **1.24. Minimum Requirements**

In interpreting and applying the provisions of this By-law, they are held to be the minimum requirements for the orderly, economic and attractive development of the Municipality.

#### **1.25. Uses not Listed as Permitted**

Uses not listed as permitted in a zone or otherwise provided for in this By-law shall be prohibited in such zone except as provided for under the Non-Conforming Section of this By-law.

#### **1.26. Use of Examples**

Where examples are provided to explain a By-law provision, these examples are illustrative only.

#### **1.27. References to Provincial Legislation**

Where a Provincial statute or regulation is referenced, the reference includes all amendments to the statute/regulation that may have occurred since the By-law was passed as well as any successor statutes/regulations to the referenced statute/regulation.

**1.28. Effective Date**

This By-law shall take effect from the date of passing by Council and shall come into force upon approval under the Planning Act.

**1.29. Transition: Minor Variances**

All applications approved by the Municipality of South Huron Committee of Adjustment under Section 45 of the Planning Act prior to the date this by-law was passed remain effective for a further 18 month period provided all the conditions of the approval are met.

## 2. Definitions

For the purposes of this By-law, the definitions and interpretation given in this section shall govern:

### **Accessory**

when used to describe a use, building or structure, means a use or a detached building or structure that is naturally and normally incidental, subordinate and exclusively devoted to supporting the principal use, building or structure and located on the same property. This does not include an accessory dwelling unless otherwise specified.

### **Agricultural Industrial Establishment**

the use of land, buildings and/or structures for the manufacturing and wholesale and/or retail sale of goods that are necessary to support agricultural uses. These include such goods as farm machinery and equipment used for tillage of soil, the planting, spraying, harvesting, transporting, treatment, processing and storage of grain, forage, feed, or forest products, products used for the housing and husbandry of livestock, poultry and fur-bearing animals, and the storage, handling and processing of milk, eggs, and manure and the manufacture of sub-surface drainage materials and equipment.

### **Agricultural Processing Establishment**

the use of land, buildings and/or structures for the processing of products derived from agricultural uses, as defined in this By-law. These shall include such products as seed, grain, feed and forage processing, storage and transport, fruit and vegetable storage and treatment, livestock and poultry assembly, sales and transport, a cheese factory, an egg grading station, a saw mill, an abattoir and a dead stock removal facility.

### **Agricultural Service Establishment**

the use of land, buildings, and/or structures for the purpose of buying or selling commodities and services that are necessary to support agricultural uses as defined in this By-law. These shall include such sales and services as welding and machinery repairs, auction sales facility including livestock, farm drainage and excavation, agricultural-related trucking, well drilling, contracting and trades related to farm buildings and structures, and custom spray, tillage, planting and harvesting services.

### **Agricultural Supply Establishment**

the use of land, and/or buildings or structures for the purpose of supply of goods, materials or services that are necessary to support agricultural uses as defined in this By-law. These shall include such goods and services as the sale, processing and

storage of seed, feed, fertilizers and chemical products, farm machinery and equipment sales and service, and animal and poultry health and breeding services.

**Agricultural Use, General**

general farming and without limiting the generality of the foregoing shall include such uses as: the general cultivation of land and the associated production, conditioning, processing and storage of field crops, vegetables, fruit, horticultural crops, biomass and nursery stock and the selling of such produced on the premises, the breeding and care of livestock, fowl, fur-bearing animals and bees, aquaculture, and the selling of such stock or the product of such stock raised on the premises and the management of forest, and the sale of forest products, including fuel wood, pulp wood, timber, Christmas trees, and maple products, and includes a farm dwelling and accessory buildings and uses.

**Agricultural Use, Limited**

the planting and harvesting of field, bush, vine, forest, or tree crops and grazing not including an accessory residence or livestock facility.

**Agri-tourism**

those farm-related tourism uses, including limited accommodation, that promote the enjoyment, education or activities related to the farm operation. Agri-tourism uses are secondary to the principle agricultural use of the property and are limited in area.

**Alter, Alteration, Altered, or Altering**

when used in reference to a building or part thereof, means any change in a bearing wall or partition or column, beam, girder or other supporting member of a building or structure or any change in the area or volume of a building or structure.

When used in reference to a property, to decrease/increase the width, depth or area of a property or to decrease/increase 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 property with respect to a street or lane, whether such alteration is made by conveyance or alienation of any portion of said property, or otherwise.

**Airfield**

land used for the purpose of landing, storing, taxiing or taking-off of private aircraft as an accessory use, but does not include an airport.

**Airport**

land, lot(s), property or buildings used for the purpose of landing, storing, taxiing or taking-off of private or commercial aircraft, pursuant to the regulations of the Ministry of Transport and/or Transport Canada.

**Amenity Area**

the area intended for recreational purposes, which may include landscaped open space, patios, balconies, communal lounges, swimming pools and similar uses, but shall not include the area occupied at grade by the buildings, service areas, parking areas and driveways.

**Amusement Arcade**

a place of business where an individual, association, partnership or corporation, maintains as its primary use, 4 or more amusement devices for public use which shall include mechanical, electrical, computer or similar for game entertainment.

**Antenna**

the use of land, buildings or structures for the purpose of sending or receiving electromagnetic waves. Any antenna over 16.6 metres (54 feet) above grade level is considered a structure.

**Art Gallery**

a building or part thereof where works of art such as paintings, sculptures, pottery, glass and weaving are displayed for viewing and sale. This may also include instruction and sales of art supplies.

**Assembly Hall**

a building or part of a building, in which facilities are provided for such purposes as meetings for charitable, civic, cultural, educational, political, religious or social purposes and shall include a banquet hall, private club or fraternal organization or community centre.

**Asphalt/Concrete/Ready Mix Batching Plant**

an establishment used for the production of asphalt, concrete, ready mix or 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.

**Attached Garage**

a private garage, accessory to a dwelling unit on the same property and connected by a common wall and/or common roof structure. For the purpose of determining lines of setback and side yard setbacks, an attached garage shall be considered part of the main building.

**Auto Body Shop**

a building and/or property used for the repair and painting of motor vehicles but does not include any other motor vehicle uses.

**Bake Shop**

a building for producing, mixing, compounding or baking bread, biscuits, cakes or other baked products, including the sale of baked goods.

**Basement**

the portion of a building that is partly below finished grade level and has at least 50% of its height from finished floor to finished ceiling above the adjacent finished grade level and in which the height from adjacent finished grade level to the ceiling is less than 2 metres.

**Bed and Breakfast Establishment**

a single detached dwelling, in which the proprietor resides, where no more than 4 guest rooms are made available by the residents of the dwelling to travelers or vacationers for temporary overnight accommodation and with or without their guest's meals. This definition does not include a hotel, motel, or restaurant.

**Brewing Establishment**

a commercial establishment where individuals produce beer, wine and/or cider for personal consumption off the premises; and where beer, wine and/or cider ingredients and materials are purchased. Equipment and storage area is used for a fee by the same individuals. This does not include large scale manufacturing of beer, wine or cider.

**Building**

includes any structure whether temporary or permanent, used or built for any purpose other than a lawful boundary, wall or fence. Any enclosure, fixed-non retractable awning, bin, bunk or other container, or platform, used upon any land or in conjunction with or connected to any structure for any purpose shall be deemed a building.

**Building Envelope**

the buildable area on a property, defined by the minimum front yard depth, rear yard depth and side yard width requirements and maximum height requirements, within which a building can be erected.

**Building Height**

see “Height”.

**Building Line**

a line, the purpose of which is to establish the closest points to a road at which a building or structure may be located. The location of the building line shall be such that it is parallel to the centreline of the road and offset from the street line, a distance equal to the minimum front yard dimension.

**Building Setback**

the minimum horizontal distance between the property line and the nearest part of any building or structure.

**Building Supply and Sales Establishment**

see “Lumber Yard”.

**Bulk Sales Establishment**

the use of land, a structure or a building for the purposes of buying and selling fuel, oil, wood, coal, lumber, and/or nursery stock, but does not include manufacturing, assembling, or processing uses.

**Campground**

a recreational establishment operated by a private, or public organization with temporary accommodation in tents, cabins, cottages, lodges and shall include a day camp or scout camp, but does not include a trailer and tent park or a mobile home park.

**Canopy**

a roof free of enclosing walls over a gasoline pump island or an entrance to a building or structure.

**Carport**

a parking space that is partially enclosed, has a roof, and is for the purpose of storing 1 or more private vehicles.

**Car Wash**

a building and property used for the washing or cleaning of motor vehicles by automobile washing equipment and may include the sale of fuels for motor vehicles, but shall not include any other automotive use defined in this By-law.

**Catalogue Store**

a retail commercial establishment in which orders are accepted for the purchase of goods listed in a catalogue provided by the establishment and in which some or all of the goods so listed may also be available within the establishment for sale at retail.

**Catastrophe**

an unanticipated, disastrous loss of part or all of a livestock facility, dwelling or other building or structure due to fire, collapse, flood, wind or other such event.

**Cemetery**

a cemetery, columbarium or mausoleum within the meaning of the Funeral, Burial and Cremation Services Act.

**Chief Building Official (CBO)**

the chief building official appointed by the Municipality under Section 3 or 4 of the Building Code Act.

**Clinic**

a building or part thereof, used exclusively by physicians, dentists, drugless practitioners, licensed medical practitioners, their staff and their patients for the purpose of consultation, diagnosis and office treatment. A clinic may also include administrative offices, waiting rooms, treatment rooms, laboratories, pharmacies and dispensaries directly associated with the clinic, but shall not include accommodation for in-patient care.

**Commercial Motor Vehicle**

any motor vehicle having permanently attached thereto a truck or delivery body and without limiting the generality of the foregoing, includes: ambulances, hearses, motor buses and tractors used for hauling purposes, but excludes travel trailers, motor homes and tractor trailers, as defined herein.

**Commercial Storage Warehouse (Rental Units)**

an enclosed building used for the storage of household, business and recreational goods on a rental basis; the rental units may be singular or multiple.

**Commercial Use**

Means the land, building or structures for the purpose of buying, renting or selling commodities and/or supplying services, but does not include an Industrial Use.

**Community Centre**

see “Assembly Hall”

**Community Facility**

a land use which provides facilities for public service and public use which are owned or operated by public, semi-public or private enterprise or regulations for the health, protection and welfare of the community. Community facilities include but are not limited to:

- public utilities such as a waterworks system, sewage works system, electric power, gas, communications facilities, roads and railway networks, flood and erosion control works;
- government buildings such as administration offices, court houses, post offices, assessment and registry offices;
- cultural facilities such as libraries, museums, auditoriums, theaters, Cultural Heritage sites, and civic and convention centres;
- sport facilities such as arenas, race tracks, fair grounds, stadiums, and health and recreation facilities;
- public service facilities such as police and fire stations, cemeteries, works yards and government garages;
- institutions such as places of worship, schools, hospitals, day care centres, group homes, fraternal homes or other non-profit organizations.

**Community Garden**

An area used by a group of people for the purposes of growing food and/or ornamental plants.

**Conservation**

the use of land and/or water for the purpose of planned management of natural resources.

**Conservation Authority**

one or both of the Ausable Bayfield Conservation Authority or the Upper Thames River Conservation Authority, depending on the applicable jurisdiction of each Conservation Authority.

**Contractor’s Shop**

means any building, or part of a building, used for the non-offensive performance of shop or assembly work or the non-offensive storage of building, construction, landscaping, and maintenance materials and equipment. Such activities shall be entirely contained within a building or structure; and may include sales which are incidental and accessory to the use, provided that the retail portion of the business is limited to ten percent (10%) of the gross floor area or ten square metres, whichever is less.

**Contractor’s Yard or Shop, Type “A”**

Means land or buildings used for the non-offensive performance of shop or assembly work or the non-offensive storage of building, construction, landscaping, and maintenance materials and equipment.

**Contractor’s Yard or Shop, Type “B”**

means land or buildings used for the storage of heavy machinery, plant or equipment such as cranes, ploughs, tractors and road making equipment and building, construction, landscaping, and maintenance materials.

**Construct, Constructed, or Construction**

the erecting, installation, extension, material alteration or repair of a building or structure and includes the installation of a building or structure fabricated or moved on site.

**Council**

the Municipal Council of the Corporation of the Municipality of South Huron.

**County or County of Huron**

the Corporation of the County of Huron.

**Coverage**

see “Zone Coverage”.

**Crawlspace**

the portion of a building with more than 50% of its height from finished floor to finished ceiling below the adjacent finished grade level.

**Cultural Heritage Site**

an area containing buildings or places in which historic events occurred, or having special public value because of notable architecture or features relating to the cultural or artistic heritage of the community.

### **Day Nursery**

a premises that receives more than 5 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 24 hours, where the children are:

- under 18 years of age in the case of a day nursery for children with a developmental disability, and
- under 10 years of age in all other cases,
- but does not include part of a public school or private school under the Education Act.

### **Day Centre, Adult**

a facility providing activities, programs and services for adults not including residential accommodation.

### **Deck**

an external structure comprised of a floor, commonly made of wood, any portion of which is more than 0.2 metres above the finished grade. A deck may or may not be attached to a building and does not include a balcony, or at grade patio.

### **Derelict Motor Vehicle**

a motor vehicle that is in a wrecked, discarded, dismantled, unlicensed or unregistered, inoperative or abandoned condition.

### **Detached**

totally separate and in no way connected.

### **Detached Garage**

a private garage, accessory to a dwelling unit on the same property that is not attached to the dwelling.

### **Development**

the creation of a new property, a change in land use, or the construction of buildings and structures, requiring approval under the Planning Act.

### **Drive-through Restaurant**

an element of a restaurant use associated with ordering and serving food and beverages to patrons where they remain within a motor vehicle, and includes any associated speaker system and order board.

**Driveway**

a vehicular passageway having at least 1 end connected to a public thoroughfare, and providing ingress to and/or egress from a property.

**Dry Cleaning Establishment**

a building, or part thereof, in which the business of dry cleaning, dye drying, cleaning, or pressing of articles or goods of fabric is carried on, in which only non-combustible and non-flammable solvents are used; which emit no odours, fumes, noise, or vibration causing a nuisance or inconvenience within or outside the premises.

**Dry Industry**

an industry which by nature of its operation, process, or fabrication of raw materials or services rendered does not require a water supply for processing. The only sewage effluent will be that produced from normal sanitary and eating facilities required for the employees.

**Dwelling**

a building or part thereof, occupied or capable of being occupied as a home, residence or sleeping place by 1 or more persons, constructed on-site, or off-site in parts designed to be transported to a property and where they are joined as integral units and placed on a permanent foundation over a crawlspace or basement, but shall not include travel trailers, tourist trailers, camper and motor vehicles, hotels, motels, or institutions.

**a) Accessory Dwelling**

a dwelling which is accessory to a building or use as permitted by this By-law.

**b) Apartment Dwelling**

a building or part thereof consisting of 5 or more dwelling units which have a common entrance from the street level and the occupants of which have the right to use common halls and/or stairs and/or elevators and yards. This does not include a motel or a hotel.

**c) Bed and Breakfast**

see “Bed and Breakfast Establishment”

**d) Boarding, Lodging or Rooming House**

means a building, a portion of which is used as the residence of the lessee, tenant or owner, in which sleeping accommodation with or without meals is provided for consideration to persons other than such lessee, tenant, or owner or their family members, and which is not open to the public on an equal basis, and does not include a hotel, motel or multiple-family dwelling/nursing home or home for the aged.

**e) Converted Dwelling**

a dwelling erected prior to the passing of this By-law which because of size and design the interior has been or can be converted to provide up to 4 dwelling units.

**f) Single Detached Dwelling**

a completely detached permanent dwelling to which entrance is gained only by a private entrance outside the building, and containing only 1 main dwelling.

**g) Duplex Dwelling**

the whole of a dwelling that is divided horizontally into 2 separate dwelling units each of which has an independent entrance either directly from the outside or through a common vestibule.

**h) Farm Dwelling**

a dwelling unit that is naturally and normally incidental and subordinate and exclusively used in conjunction with a farm and is situated on the same property as the farm.

**i) Group Home**

A premises used to provide supervised living accommodation as per the requirements of its residents, licensed or funded under the Province of Ontario or Government of Canada legislation, for a maximum of 10 persons, exclusive of staff, living together in a single housekeeping unit.

**j) Link Semi-Detached Dwelling**

1 of a pair of 2 single attached dwellings attached below grade by a wall, each dwelling having an independent entrance directly from the outside.

**k) Modular Home**

a pre-fabricated single detached dwelling designed to be transported once only to a final location and constructed so as the shortest side of such dwelling is not less than 6.0 metres in width. A modular home is built to the CSA A277 standard.

**l) Mobile Home**

a pre-fabricated dwelling unit occupied or designed for occupancy by 1 or more persons on a permanent basis, having a floor area of not less than 50 square metres designed to be towed on its own chassis (notwithstanding that its running gear is or may be removed), placed or designed to be placed on permanent foundations, constructed in conformity with CSAZ240 MH Series, and connected or designed to

be connected to public utilities, but shall not include a travel trailer, park model trailer, tent trailer or a trailer otherwise designed.

**m) Multiple Attached Dwelling**

a building that is completely divided vertically into 3 or more dwelling units by a party wall of masonry construction, each dwelling unit having independent entrance directly from the outside.

**n) Nursing Home Dwelling**

Shall mean a nursing home as defined under the *Nursing Home Act*, as amended from time to time.

**o) Park Model Trailer**

a recreational unit that meets the following criteria:

- built on a single chassis mounted on wheels;
- designed to facilitate relocation from time to time;
- designed as living quarters for seasonal camping and may be connected to those utilities necessary for the operation of installed fixtures and appliances;
- has a floor area, including lofts, not exceeding 65 square metres and
- designed and constructed in accordance with CSA Z241 Series, Park Model Trailers.

**p) Quadruplex Dwelling**

the whole of a building originally designed for and divided into 4 separate dwelling units with at least 1 of the units on a second floor and each unit having an independent entrance either directly from the outside or through a common vestibule.

**q) Semi-Detached Dwelling**

a building that is completely divided vertically into 2 dwelling units by a common wall, each dwelling unit having an independent entrance directly from the outside.

**r) Triplex Dwelling**

the whole of a building originally designed for and divided into 3 separate dwelling units with at least 1 of the units on a second floor and each unit having an independent entrance either directly from the outside or through a common vestibule.

**s) Second Unit**

an accessory dwelling unit with its own kitchen, sanitary facilities and bedroom(s)/sleeping area in a single detached dwelling, semi-detached dwelling, or multiple attached dwelling or accessory structure.

**Dwelling Unit**

one or more habitable rooms constituting self-contained living quarters for use of 1 or more individuals including the provision of kitchen and sanitary facilities and sleeping accommodation for the exclusive use of such individual or individuals, and having a private entrance from outside the building or from a common hallway or stairway inside the building.

**Easement**

a right to use another person's land for a specified purpose.

**Equipment Sales and Rental**

a building or part of a building or structure in which heavy machinery equipment is offered for sale or kept for rent, lease or hire under agreement for compensation, but not any other establishment defined or classified in this By-law.

**Erect or Erecting**

includes build, construct or reconstruct, alter, enlarge and relocate and without limiting the generality of the foregoing, shall be taken to include any associated physical operation such as piling, cribbing, and structurally altering any existing building or structure by an addition, deletion, enlargement or extension.

**Existing**

in existence, being an actuality as of the date of the final passing of this By-law or for a special zone, on the date of the final passing of the By-law establishing the special zone.

**Extractive Use**

the use of land and/or buildings, or structures for the removal of gravel, stone, sand, earth, clay, fill, mineral, commercial scale water-taking or other similar substances for construction, industrial or manufacturing purposes; and includes accessory uses.

**Fairgrounds**

land devoted to entertainment on a seasonal or temporary basis and may include, but is not limited to, grandstands, displays of farm produce for judging and for sale, livestock shows, horseracing, other sports events, auctions, flea markets, and concession stands and other accessory building normally associated with such a use.

**Farm**

a parcel of land together with its dependent buildings including all associated on-farm buildings and structures held for the purpose of a general agricultural use.

**Farm Produce Sales Outlet**

a fruit, vegetable, flower, plant and/or farm produce stand set up as an accessory use to an agricultural use on a farm, used for the sale of produce from that same agricultural use.

**Farmers Market**

a building, part of a building, or an open outdoor area where agricultural produce, food items, plants, and craft items are offered or temporarily stored for occasional retail sale on the site by more than 1 vendor, but does not include a flea market.

**Fence**

a barrier, comprised of wooden, metal or plastic posts, wire mesh or hedge, for example, used as a boundary or means of enclosure. For the purpose of this By-law, a fence shall not be considered as a structure.

**Financial Institution**

any building used for the premises of a bank, trust company, finance company, mortgage company or investment company.

**Fishery**

a building or part thereof which is used in conjunction with marine facilities for the catching of fish. A fishery may include freezing facilities, the retail and wholesale sale of fresh and frozen fish or a fast food outlet or a restaurant specializing in the retail sale of fish.

**Flea Market**

an occasional or periodic market held in an open area or in a building or structure, where groups of individual sellers display and offer goods for sale to the public, but does not include a private garage sale or farmers market.

**Floor Area**

the area of a floor of a building measured from the outside of all exterior walls exclusive of any attic, basement, carport, crawlspace, private garage or veranda, and excluding any floor area with a ceiling height of less than 2 metres.

**Flow Path**

surface channel or depression that conducts liquids away from a facility, site or area.

**Forestry**

the use of the land for the growth and management of trees.

**Frontage**

see “Property Frontage”.

**Fuel Storage**

a building or structure or depot designed and used exclusively as a storage facility for combustible liquids.

**Full Services**

municipally provided (either directly or under contract) sewage disposal and drinking water services.

**Garage Sale**

an occasional sale held by the occupants of a dwelling unit on their own premises, of household goods and not merchandise which was purchased for resale or obtained on consignment. No person shall conduct more than 6 garage sales per year at 1 location, with a maximum duration of 1 weekend per sale.

**Garden Suite**

1 unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable.

**Gasoline Station**

1 or more pump islands, each consisting of 1 or more gasoline or fuel pumps, and shelter having a floor area of not more than 10 square metres. An accessory convenience store, including washrooms, may be permitted in addition to the sale of propane, fuels, lubricants and/or liquids to service the needs of the travelling public. This shall not include vehicles sales/rentals, repairs, oil changes, or greasing.

**Golf Course**

a public or private area operated for the purposes of playing golf and includes a par 3 golf course, driving ranges, miniature golf courses and associated recreational uses such as a club house, restaurant, swimming pool and tennis courts.

**Golf Driving Tee or Driving Range**

a use which provides facilities designed and operated primarily for the practicing of golf shots but does not include a golf course as defined herein.

**Government Use**

a property, building, or part thereof owned, rented, or leased by the Municipality of South Huron, County of Huron, Province of Ontario, or Government of Canada.

**Grain Elevator**

a building or structure used for the commercial storage and/or transshipment of grain.

**Greenhouse, Commercial**

a building or group of buildings used for the growing of flowers, plants, fruits and vegetables, shrubs, trees and similar vegetation, which are planned, designed, developed and managed as a unit. The products produced from such buildings or structures may be wholesaled from the site.

**Ground Floor Area**

the floor area of the lowest storey of a building approximately at or first above the average finished grade level, excluding any basement or crawlspace, which area is measured between the exterior faces of the exterior walls at the floor level of such storey, but:

- a) excludes car parking areas within the building; and
- b) for the purpose of this paragraph the walls of an inner court are and shall be deemed to be exterior walls.

**Guest Cabin**

a dwelling unit for guest accommodation accessory to a single detached dwelling in the Lakeshore Residential area which provides sleeping accommodation only and shall not contain plumbing.

**Guest Room**

a room or suite of rooms used or maintained for the accommodation of the public.

**Habitable Room**

any room within a dwelling unit used or capable of being used for living, eating and sleeping, but excluding a bathroom toilet room, serving or storage pantry, laundry, and corridor.

**Hazard Lands**

those lands identified by the applicable Ausable Bayfield Conservation Authority that are susceptible to flooding or erosion, have steep slopes or soil instability, sinkholes, as well as lands adjacent to ravines, river valleys, streams and water bodies, or other environmental or human made hazards.

**Height**

when used with reference to a building or structure shall mean the vertical distance between the finished grade at the front of the building or structure and the highest point of the roof surface or parapet, whichever is the higher but exclusive of any structure accommodating an elevator, staircase, water tank, ventilating fan, skylight, aerial, steeple, cupola, chimney, firewall, smoke stack or other ornamental or utilitarian structure which rises above the roof level but does not provide habitable living space.

**Home Industry**

a craft, trade, guild, or service carried on as a secondary use entirely within an accessory building on a lot provided the individual carrying out the craft, trade, guild or service resides within a dwelling unit located on the same lot, subject to the General Provisions for Home Industry. A home industry does not include an automobile body shop.

**Home Occupation**

an occupation, personal service, business, craft or profession, carried on as a secondary use entirely within a dwelling unit provided the individual carrying on the activity resides within such dwelling unit, subject to the General Provisions for Home Occupations. A home occupation does not include a bed & breakfast establishment.

**Home Improvement Centre**

a retail hardware and building supply outlet including detached sheds, warehousing and related office, garden sales, covered and open lumber storage.

**Hospice**

A residential facility where terminally ill patients receive palliative care treatment in a home-like setting with a maximum of 10 patient beds at any given time.

**Hostel**

an establishment providing accommodation for the traveling public and may include communal spaces such as a kitchen.

**Hotel**

an establishment consisting of 1 building or part thereof or 2 or more connected or adjacent buildings providing sleeping accommodation (with or without meals) to the public. Each guest room may only be entered from the interior of the building and may not have private cooking facilities. A hotel may include public rooms licensed under the Liquor Licensing Act. A hotel does not include a guest cabin.

**Industrial Use, General**

shall mean the use of land, building or structure for the purpose of manufacturing, assembling, making, growing, 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 building and construction equipment and materials, but not including any noxious industry, pit or oil well.

**Industrial Use, Light**

shall mean the growing, manufacturing, assembly or processing of component parts to produce finished products suitable for retail or service trade but does not include food, beverage, tobacco, rubber, leather, textile and knitting, wood printing, metal fabricating or similar industries if these operations involve stamping presses, furnaces, machinery, or the emission of any air or water pollution, that can be smelled, heard or otherwise perceived outside of the building.

**Industrial Mall**

a building or group of buildings designed, developed, owned and managed as a unit containing 3 or more separated spaces for lease or occupancy by industrial uses as established by this By-law.

**Kennel**

any property, building or structure where domesticated animals are commercially housed, groomed, bred, boarded, trained or sold and which may offer provisions for minor medical treatment.

**Landscaped Open Space**

open space comprised of lawn and/or ornamental shrubs, flowers and trees, but shall not include parking areas, traffic aisles, driveways, ramps, sports courts (such as tennis or basketball courts), or areas used for the storage of equipment, vehicles or other materials.

**Landscaping**

a combination of trees, shrubs, flowers, grass or other horticultural elements, together with decorative stonework, paving, screening or other architectural elements, all of which is designed to enhance the visual amenity of a property and to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent land but does not include parking areas, patios, walkways, driveways, traffic aisles or ramps.

**Lane**

a public thoroughfare which affords only a secondary means of access to abutting properties and which is not intended for general traffic circulation.

**Laundromat**

an establishment containing 1 or more washing machines and could include drying, ironing, finishing and incidental equipment, provided that only water, soaps and detergents are used and provided that no such operation shall emit any noise or vibrations which cause a nuisance or inconvenience within or without the premises. This definition may include a self-service coin operated laundromat.

**Livestock**

includes dairy, beef, swine, poultry, horses, goats, sheep, ratites, fur-bearing animals, deer and elk, game animals and other animals identified in the Minimum Distance Separation Formulae.

**Livestock Facility**

1 or more barns or permanent structures with livestock-occupied portions, intended for keeping or housing livestock. A livestock facility also includes all manure or material storages and anaerobic digesters.

**Live/Work Unit**

means a dwelling unit having an area of not more than 200 square metres that contains a commercial use such as a professional office, studio or gallery on the main floor of the dwelling unit.

**Loading Space**

an off-street space, on the same property as the building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which abuts a street, lane or other legal means of access.

**Long-term Care Home**

a long-term care home is a residence for persons who need help with the activities of daily living, access to 24-hour nursing care or supervision in a secure setting. Long-term care homes must be licensed or approved by the Ministry of Health and Long-Term Care under the Long-term Care Homes Act as amended.

**Lumber Yard**

a place of business which retails lumber and related materials and may include open storage and warehousing.

**Main Building**

the building designed and/or intended to accommodate the principal use(s) permitted by this By-law.

### **Medical Marihuana Production Facility**

means premises used for producing, processing, testing, destroying, packaging and shipping of medical marihuana authorized by a license issued by the federal Minister of Health, pursuant to section 25 of the Marihuana for Medical Purposes Regulations, SOR/2013-119, to the Controlled Drugs and Substances Act, SC 1996, c 19, as amended.

### **Microbrewery**

Means a building or structure or part thereof used for the small scale manufacturing, processing, retail sale, and distribution of beverages and alcoholic substances; which is operated in accordance with the Municipality's sewer use by-law. A microbrewery may include a brewery, cidery, distillery, meadery, or winery. A microbrewery may also include the preparation, offering for sale, and consumption of food or drinks including alcoholic drinks; entertainment and hosting of events; and tours of the facility.

### **Mineral Aggregate Operation**

means lands under license or permit with the Aggregate Resources Act and associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related products.

### **Miniature Golf Course**

a use which provides facilities designed and operated primarily for what is commonly known as miniature golf but does not include a golf driving tee or range or a golf course as defined herein.

### **Minimum Distance Separation (MDS) Formulae**

a tool to determine the required distance for new development from existing livestock facilities or for a new or expanding livestock facility from an existing use or proposed development as determined by the Minimum Distance Separation (MDS) Formulae approved by the Province of Ontario (as amended from time to time) and includes any MDS Implementation Guidelines issued by the Province.

### **Mixed Commercial/Residential Building**

means a building or structure which is used for a mixture of commercial and residential uses, the ground floor of which shall be primarily used for commercial uses.

### **Mobile Home Park**

a property containing 2 or more mobile home sites and which is under single management and ownership, used for the siting of mobile homes together with commercial-recreational and service uses for mobile home park residents, including any building, structure or enclosure forming a part of such mobile home park.

**Mobile Home Site**

a parcel of land within a mobile home park occupied by or intended for occupancy by 1 mobile home together with all yards and open space required by this By-law.

**Motel**

a separate building or a group of 2 or more connected or detached buildings designed and used mainly for the purpose of catering to the needs of the traveling public by furnishing sleeping accommodation with or without supplying food for guests. The motel may include accessory recreational facilities and each guest room may be entered directly from the exterior of the building. A motel shall not include a boarding, lodging or rooming house or a hotel.

**Motorized Recreational Vehicle Sales and Service**

a building or a structure used for the sale and service of motorized recreational vehicles such as: boats, motorcycles, snowmobiles and all-terrain vehicles.

**Motor Home**

see "Travel Trailer".

**Motor Vehicle**

an automobile, truck, motorcycle or motorized snow or all-terrain vehicle, but does not include the cars of electric or steam railways, or other vehicles running only on rails, or a traction engine, farm tractor, self-propelled farm machinery or road building machine.

**Motor Vehicle Repair Shop**

a building and/or land used for the servicing, repair, cleaning, polishing, lubrication and greasing of motor vehicles and may include minor vehicular body repair and re-painting, but shall not include any other motor vehicle use defined in this By-law.

**Motor Vehicle Rust Proofing Establishment**

a building used for the application of rust proofing materials on motor vehicles.

**Motor Vehicle Sales and/or Services Establishment**

a building and/or property used for the display and sale of new or used motor vehicles, and/or the servicing, repair, cleaning, polishing and greasing of these products, the sale of accessories and related products, the leasing or renting of motor vehicles and the retail sales of motor vehicle lubricants and fuels. This establishment may also include such minor body repair that may be incidental to the mechanical servicing and repair of motor vehicles.

**Mushroom Growing Facility**

the growing of mushrooms using a non-manure based growing material, such as wood/sawdust, with no use of animal wastes in the production process.

**Natural Environment**

areas of wetlands, woodlands, watercourses, valleys, and/or environmentally sensitive areas (ESAs). ESAs may include: life science areas of natural and scientific interest (Life Science ANSIs); habitat for threatened or endangered species; wildlife habitat; earth science areas of natural and scientific interest (Earth Science ANSIs).

**Non-Complying**

a legally existing property, building or structure that is permitted by the provisions of the applicable zone which does not meet the zone provisions with respect to yards, zone area, frontage, parking, setback, or any other provision of this By-law applicable to that zone.

**Non-Conforming**

a legally existing use, as of the date of passing of this By-law, that is not permitted in the zone in which it is located.

**Noxious Use**

a use which:

- a) may be hazardous or injurious in regards to health or safety,
- b) prejudices the character of the surrounding area, or
- c) may interfere with the normal enjoyment of any use of land, building or structure by the emission of a contaminant within the meaning of the Environmental Protection Act. A noxious use is also a use which is a nuisance by reason of emission of airborne or waterborne odours, gases, dirt, smoke, noise, vibration, fumes, cinders, soot or waste, or the depositing or leaving of unsightly objects or chattels on land.

**Nutrient Unit (NU)**

the equivalent value for various types of livestock based on manure nutrient production as provided by the Minimum Distance Separation (MDS) Formulae.

**Occupancy**

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

**Office**

any building or part of a building in which business may be transacted, a service performed or consultation given, but excludes such uses as retail sale, repair, manufacture, assembly or storage of goods, or places of assembly or amusement.

**Official Plan**

the Official Plan for the Municipality of South Huron, including amendments thereto as adopted by Municipal Council and as approved by the County of Huron.

**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 may include home occupations, home industries, agri-tourism uses and uses that produce value-added agricultural products. On farm diversified uses may include accessory retail of goods produced on the property

**Outdoor Display**

the open air display of goods or merchandise for sale.

**Outdoor Storage**

the storage of goods, merchandise or equipment in the open air and in unenclosed portions of buildings, which are open to the air on the sides.

**Owner**

the person who holds legal title to a piece of property.

**Park, Private**

a non-commercial recreation area other than a public park used by the owner and their guests and may include therein a swimming pool, wading pool, picnic area, tennis courts, a bowling green, a country club, and similar open space uses.

**Park, Public**

a recreational area owned or controlled by the Municipality of South Huron or by any Board, Commission or other Authority established under any statute of the Province of Ontario or any religious, charitable or philanthropic organization. A public park may contain play equipment, sports fields, tennis courts, a bowling green, swimming and wading pools, splash pads, community gardens, streetscaping, parking and similar open space uses.

**Parking Aisle**

a portion of a parking area which abuts on 1 or more sides of parking spaces to which it provides access and which is not used for the parking of vehicles.

**Parking Lot**

a property used or intended for the temporary parking of 2 or more motor vehicles and may include aisles, parking spaces and related entrances and exits, but shall not include any part of a street.

**Parking Space**

a space on which a motor vehicle may be temporarily parked.

**Parking Space, Barrier Free Type A**

a designated accessible parking space designed for use by people who use mobility devices which require space for the deployment of ramps; and which has signage that identifies the space as 'Van Accessible'. For barrier free parking regulations, see General Provisions.

**Parking Space, Barrier Free Type B**

a designated accessible parking space designed for use by people who use mobility devices which do not require space for the deployment of ramps. For barrier free parking regulations, see General Provisions.

**Partial/Private Services**

sewage disposal and/or drinking water services that are not provided by the Municipality directly or through a contract, including:

- municipal water service and private sewage disposal (septic).
- private water service and sewage disposal.
- private water service and municipal sewage disposal.

**Patio**

means an open area of land covered by a slab or other material on grade, and used or intended for use as an outdoor amenity area, but does not include a deck.

**Permitted**

shall mean permitted by this By-law.

**Person**

any individual, association, partnership, corporation, Municipal Corporation, agent or trustee and the heirs, executors or other legal representative of a person to whom the context can apply accordingly to law.

**Personal Services Shop**

a building or part thereof in which persons are employed for the purpose of providing service and otherwise administering to the individual and personal needs of persons and shall include such uses as a barber shop, a hair dressing shop, a beauty parlour, a dressmaking or tailor shop, a shoe repair shop, a watch and jewelry repair shop, a sun tanning shop, or other similar uses. General retail is not permitted and any sale of merchandise from a personal service shop must be accessory to and associated with the personal services provided in that shop.

**Pit**

a place where unconsolidated aggregate or other material is being or has been removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes.

**Place of Entertainment**

Means a building or structure or part thereof used for recreational activities including an arcade, auditorium, billiard or pool room, bowling alley, cinema, dance hall, gaming facility, ice or roller skating rink, or theatre, but does not include any place of entertainment or recreation otherwise defined or classified in this By-law. A place of entertainment may also include the offering for sale, serving and consumption of food or drinks, which may include alcohol where appropriately licensed.

**Place of Worship**

a building commonly used by any recognized religious organization for public worship, and may include a rectory or manse, church hall, auditorium, monastery, convent, day nursery, temporary accommodation, or religious school associated with or accessory thereto.

**Planning Act**

the Planning Act of Ontario, R.S.O. 1990, c P.13, as amended from time to time and includes the former Planning Acts of Ontario as in force from time to time.

**Planting Strip**

an area which shall be used for no purpose other than planting a row of trees or a continuous unpierced hedgerow of evergreens or shrubs not less than 1.5 metres high, immediately adjacent to the property line or portion thereof along which such planting strip is required.

**Playground**

an area of landscaped open space, equipped with children's equipment, such as slides, swings or wading pools.

**Portable Asphalt Plant**

a temporary asphalt batching plant established for a public road project.

**Portable Food Outlet**

a trailer, tent or vehicle that is designed to be made mobile, from which food is prepared and offered for sale to the public for consumption outside.

**Private Club**

a building or part of a building used as a meeting place for members of a chartered organization, and shall include a lodge, a fraternity or sorority house, hostel, and a labour union hall.

**Private Garage**

A fully enclosed attached or detached accessory building or portion of a dwelling which is designed or used for the sheltering of private motor vehicles and the storage of household equipment incidental to the residential occupancy but does not include a carport or other open shelter.

**Professional Office**

any office where professionally qualified persons, technical assistants and associated clerical staff are employed and where clients or patients go for advice, consultation or treatment. Without limiting the generality of the foregoing, professional office uses may include: business providing qualified professional services such as physicians, lawyers, drugless practitioners, and planners; and any other use of a similar nature which conforms to the criteria above; but shall not include the uses of a Personal Service Shop or Service Shop.

**Property**

a contiguous parcel of land owned by 1 person or more persons either as tenants in common as to the whole parcel or as joint tenants as to the whole parcel, and which parcel of land is also:

- a whole of a lot or block on a registered Plan of Subdivision;
- a whole of a unit on a Vacant Land Condominium Plan;
- the whole of a contiguous parcel of common elements within a Vacant Land Condominium Plan or within a Common Elements Condominium Plan;
- the whole of the lands within a Standard Condominium Plan; or
- a parcel which may otherwise be conveyed separately without contravening the Planning Act, not including a unit within a Standard Condominium Plan.

**a) Lot, Corner**

a property situated at the intersection of, or abutting upon, 2 or more streets, provided that the angle of intersection of such streets is not more than 135 degrees.

**b) Exterior Side Property Line**

any property line other than a front or rear property line abutting a street, private road, or lane.

**c) Front Property Line**

the property line that abuts the street except that, in the case of a corner property, the shorter property line that abuts the street shall be deemed the front property line and the longer property line that abuts the street or unopened road allowance shall be deemed the exterior side property line.

In the case of a corner property with 2 street lines of equal lengths, the property line that abuts the wider street or abuts a County Road or Provincial Highway shall be deemed to be the front property line, and in the case of both streets being under the same jurisdiction, or of the same width, the Municipality may designate either street line as the front property line.

In the case of a through property the longer boundary dividing the property from the street shall be deemed to be the front property line and the opposite shorter boundary shall be deemed to be the rear property line. In case each of such property lines are of equal length, the Municipality may designate either street line as the front property line.

For properties fronting on Lake Huron and for properties abutting or including the top-of-bank of Lake Huron, the front property line shall be the lake or top-of-bank side of the property.

**d) Interior Property**

a property other than a corner property.

**e) Interior Side Property Line**

a side property line other than an exterior side property line.

**f) Side Property Line**

a property line other than a front property line or rear property line.

**g) Property Depth**

the horizontal distance between the front property line and rear property line. Where these lines are not parallel, it shall be the length of a line joining the mid-points of the front property line and rear property line. For properties with curved front property lines, the measurement shall be taken from a line drawn parallel to the chord of the arc of the curve constituting the front property line, lying midway between said chord and a line drawn parallel to said chord and tangent to said arc. When there is no rear property line, property depth means the length of a straight line joining the middle of the front property line with the apex of the triangle formed by the side property lines.

**h) Property Frontage**

the horizontal distance between the side property lines measured at right angles. Where the front property line is not a straight line, the property frontage shall be measured by a line set at a maximum of 7.5 metres back from and parallel to the chord of the property frontage or a line parallel to the said chord and tangent to the arc. (For the purposes of this By-law the chord of the property frontage is a straight line joining the 2 points where the side property lines intersect the front property line).

**i) Property Line**

any boundary of a property or a vertical projection thereof.

**j) Rear Property Line**

the longest property line opposite to the front property line.

**k) Through Property**

a property bounded on 2 opposite sides by a street. If any property qualifies as being both a corner property and a through property such property shall be deemed a corner property.

**Public Building**

any building or structure owned or leased by a municipality, the County, Province of Ontario, or the Government of Canada and in which government activities are carried out.

**Public Utility**

a waterworks, a water supply system, sewage works, electrical power or energy generating, transmission or distribution system, street lighting system, natural or artificial gas works or supply system, a transportation system or a telephone system, and includes any lands, buildings or equipment required for the administration or operation of any such system.

**Pump Island**

that portion of a gasoline station, motor vehicle sales and/or service establishment, or other permitted non-residential use for the retail sale of automotive fuels, which includes the gas pumps, concrete base, overhead canopy and kiosk, but shall not include any part of any building for the repair or service of vehicles.

**Reconstruct or Reconstruction**

to construct again, and for the purposes of the reconstruction of a non-complying building means a replacement building with the same footprint or within the same footprint as the building it replaces.

**Recreation, Active**

the use of land, water and/or buildings or structures for the purpose of organized active leisure activities and shall include such uses as an arena, a pool and a sports field.

**Recreation, Passive**

the use of land and/or water for the purpose of passive leisure activity and shall include such uses as a park, a garden, a picnic area and hiking trails.

**Recreational Residence**

~~a single detached dwelling used for recreational purposes during any or all seasons.~~

**Recreational Vehicle Sales and Service**

a building or a structure used for the sale and service of park model trailers, travel trailers, and/or tent trailers.

**Recycling Centre**

a building or an area where materials, excluding motor vehicles and farm machinery, are collected, separated and processed.

**Renovated or Renovation**

Means the repair and restoration of a building to good condition within existing external walls but shall not include its replacement.

**Replacement**

when used in reference to a building or structure or part thereof, the rebuilding, repairing or restoring of more than 25% of the total building or structure.

**Research Facility**

a building or group of buildings in which are located facilities for conducting investigations, testing, or experimentation, including a laboratory.

**Restaurant**

a building or structure or part thereof used to prepare food and offer for sale and sell food for immediate consumption within the building or structure, or adjacent patio and may include an accessory take-out or drive through service.

**Residence**

see “Dwelling”.

**Residential Park**

a property containing 2 or more residential park sites and which is under single management and ownership, used for the siting of mobile homes, modular homes, and/or built-on-site dwellings together with commercial-recreational and service uses for residential park residents, including any building, structure or enclosure forming a part of such residential park.

**Residential Use**

the use of a building or structure or parts thereof as a private dwelling.

**Retail Floor Area**

the aggregate of the areas of all rooms where goods and services are made available for sale but shall not include storage areas, offices or other areas not available to the public.

**Retail Store**

a building where goods, wares, merchandise, substances, articles or things are offered or kept for sale, hire, lease, or rent at retail and includes storage on or about the store premises of limited quantities of such goods, wares, merchandise, substances, articles or things sufficient only to service such stores but does not include any manufacturing, processing or construction uses.

**Retirement Home**

a building for the accommodation of retired persons or couples within single or double rooms or suites which do not contain kitchens, and where central kitchen, dining and laundry facilities are provided for the residents, together with other communal facilities, under the supervision of resident and other staff, but which shall not include a nursing home, licensed under the Nursing Homes Act, as amended.

**Road, Street or Highway (Public)**

shall mean a highway as defined in the Municipal Act which has been assumed for public use and is being maintained by the Ministry of Transportation, the County of Huron or the Municipality and includes a roadway that forms part of the common elements of a condominium plan if such roadway provides vehicular access to and from a highway as defined in the Municipal Act which has been assumed for public use and is being maintained by the Ministry of Transportation, the County of Huron or the Municipality. *(Amended by By-law 63-2015)* For the purpose of setbacks, an unopened

or unassumed road allowance shall also be considered a road, street or highway (public).

**a) Highway, Provincial**

a street owned by the Province of Ontario.

**b) Road, Arterial**

are designed to facilitate through traffic. These roads will be developed, where possible, on a 100 foot road allowance and direct access will be limited so as not to impede the efficient flow of through traffic. In South Huron, all King's Highways are arterial roads.

**c) Road, Local**

provide localized access and minimize through traffic. These roads will be developed, where possible, on a 66 foot road allowance. In South Huron, all Municipal roads are local roads.

**d) Road, Collector**

have the dual function of carrying moderate volumes of traffic and providing land access. Collector roads distribute traffic between local and arterial roads and carry lighter volumes for shorter trips than an arterial road. These roads will be developed, where possible, on a 100 foot road allowance. In South Huron, all County Roads are collector roads.

**e) Road, County**

a street owned by the County of Huron.

**f) Road, Private**

shall mean a road which is not assumed by the Ministry of Transportation, the County of Huron or the Municipality and shall provide private access to any lots abutting thereon.

**g) Street**

a road owned by the Province of Ontario, the County of Huron or the Municipality that is of satisfactory construction and maintenance as to permit the reasonable and safe passage of motor vehicles and affords the main means of access to any properties abutting thereon. In addition, the common element used to access a unit in a vacant land condominium is a street. For the purpose of determining setbacks and yards and driveways only, the following shall also be considered a street:

- an unmaintained road allowance; and

- an unassumed road.

**h) Street Line**

the boundary line between a street and a property.

**Rural Area**

lands located outside of settlement areas, including natural environment and agricultural areas.

**Salvage Yard**

a property and/or premises for the storage, handling, and/or sale of scrap or used materials, including waste paper, rags, wood, bottles, bicycles, vehicles, tires, metal, and/or other scrap material and salvage and includes a junk yard and scrap metal yard which may include a secondary motor vehicle sales and/or service establishment.

**Saw Mill**

the use of land, building or structure for the purpose of processing logs or other unfinished wood into lumber, shingles, pallets, sawdust, firewood or related products.

**School**

a school under the jurisdiction of a Board as defined in the Education Act or the Universities or Colleges Act.

**a) Commercial School**

a school operated by 1 or more persons for gain or profit.

**b) Private School**

a school other than a public school or commercial school under the jurisdiction of a private non-profit board of trustees or governors, a religious organization, or a charitable institution.

**c) Public School**

a school under the jurisdiction of a public agency.

**Seasonal Worker Housing**

a dwelling unit or series of clustered dwelling units in an Agriculture zone that are built on a mobile platform, including a mobile home, travel trailer, or other structure, which is necessary as a result of increased farm labour demands during a particular season, but not inhabited for more than 6 months of the year. Seasonal worker housing must be located on the same site as the labour is required, unless another arrangement is necessary for safety or environmental reasons.

**Separation Distance**

the horizontal distance between buildings or structures measured from the closest point on the exterior wall of such buildings or structures.

**Service and Repair Shop**

an establishment wherein articles of goods such as appliances, furniture, apparel, or similar items may be repaired or serviced. This definition shall not include any manufacturing operation, small engine repair, or an establishment used for the service or repair of motor vehicles.

**Setback**

see “Building Setback”.

**Settlement Area**

lands designated as a “Settlement Area” on Schedule B, and as may be further delineated on Schedules C-O of the Municipality of South Huron Official Plan, as amended.

**Sight Triangle**

the triangular space on a corner property formed by the street lines and a line drawn from a point on 1 street line to a point on the other street line, each such point being 7.5 metres measured along the street line from the point of intersection of the street lines. Where the 2 street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection from the straight portion of the street lines.

**Sign**

a name, identification, description, device, display, or illustration which is affixed to, or represented directly or indirectly upon a building, structure or property and which directs attention to an object, product, place, activity, person, institution, organization or business. A sign permit may be required for the erection of any sign upon private or public property in accordance with the applicable Municipal Sign By-law.

**Site Plan**

a scaled drawing showing the relationship between the property lines and the uses, buildings or structures existing or proposed on a property, including such details as parking area, driveways, walkways, landscaped areas, building areas, minimum yards, building heights, floor areas, densities and areas for special uses.

**Specialized Medical Offices**

means offices for specialty medical practices including, without limiting the generality of the foregoing, surgery, internal medicine, dental surgeon, pediatrics and obstetrics, but excludes the office of a general practitioner or a family medical doctor, and may include a pharmacy or operating rooms.

**Sports and Recreation Facility**

land, buildings or structures used for the purpose of active leisure activities and shall include such uses as an arena, swimming pool, community centre, curling rink, outdoor ice rink, a sports field and uses accessory thereto.

**Storage Containers**

unlicensed trailer portion of a tractor-trailer unit or a transport truck without the running gear, bus, coach, streetcar body, caboose, or a rail or seaway container which is traditionally used for the transportation of goods and materials. A storage container shall be used exclusively for the storage of goods and materials and may not be used to accommodate work areas, shops, office uses, retail sales, or human habitation.

**Storey**

that portion of a building between any floor and the floor, ceiling or roof next above, provided:

- a) that any portion of a building partly below grade level shall not be deemed a storey unless its ceiling is at least 1.8 metres above average grade, and
- b) that any portion of a storey exceeding 4 metres in height shall be deemed an additional storey for each 4 metres or fraction thereof of such excess, excluding lands within the C4 (Core Commercial) or C5 (Mixed Use Commercial) zones.

**Structure**

anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil and/or any other structure. For the purposes of this By-law, “structure” does not include a fence, patio, hedge, light standards, tomb stones, sports screening, septic systems, lawn ornaments or signs.

**Studio**

means a building used as the work place of a photographer, musician, artist or craftsman for a fee wherein, without limiting the generality thereof, photographs are taken, music or film is recorded, or instruction is given in art, music, dance, craft making or similar disciplines.

**Swimming Pool**

a structure, basin, chamber or tank containing or capable of containing water, and designed to be used for swimming or wading.

**Take-out Restaurant**

a building or structure or part thereof where food is prepared and offered for sale to the public to be taken out and/or delivered for consumption off the premises.

**Take-Off Threshold**

Shall mean the limit of the runway which may be used by aircraft for take-off as determined by Transport Canada regulations.

**Tavern**

means a building or part thereof where, in consideration of payment thereof, liquor, beer, or wine or any combination thereof are served for consumption on the premises, with or without food or accommodations.

**Tenant**

a person or group who occupies a building, structure or land by rental or lease agreement.

**Theatre**

an establishment which produces/performs plays, films and live theatre productions along with any accessory uses used in performance productions and management as well as an accessory art gallery and accessory food concession.

**Top-of-Bank**

a line delineated at a point where the oblique plane of the slope meets the horizontal plane.

**Total Floor Area**

in the case of a dwelling, the aggregate of the areas of all habitable rooms measured from the exterior walls, but excluding any detached accessory buildings/structures, balcony, breezeway, deck, unenclosed sunroom, porch and/or verandah, attic, or crawlspace.

In the case of a building other than a dwelling, the aggregate of the area of all floors devoted to retail sales, customer service and/or office use measured from the outside face of exterior walls but excluding storage, mezzanine areas, mechanical rooms, common halls, stairwells, garbage and electrical rooms, parking structures and similar

uses ancillary to the main use. The total floor area in each zone applies only to that portion of such property that is located within said zone.

**Trailer**

a trailer for the transport of vehicles, equipment and materials.

**Trailer and Tent Park**

any land upon which overnight, short term or seasonal accommodation for 2 or more tents, travel trailers or park model trailers are used or intended to be used for human occupation, which shall not include permanent year-round human occupation of permitted tents or trailers, and includes on-site ancillary commercial, laundry, social, and recreational facilities.

**Travel trailer**

a structure or vehicle designed, intended and used exclusively for the temporary or seasonal living, sleeping or eating accommodation for persons therein during travel, recreation and vacation and which is either capable of being drawn by a passenger vehicle or is self-propelled and shall include tent trailers, vans, motor homes and similar transportable accommodation but not a mobile home. Travel trailers that are not self-propelled are built to CSA Z240 RV Series specifications.

**Truck Transport Terminal**

a building, structure, or property used for the parking, repairing or dispatching of commercial motor vehicles or trailers, as defined by the Highway Traffic Act.

~~Usable Open Space~~

~~an area of land suitable for landscaping, including any area occupied by recreational accessory buildings, a surfaced walk, patio or similar area, a sports or recreational area, an ornamental or swimming pool, and the roof or other part of a building or structure open to the air and suitable for landscaping and used as a recreational area but excluding any driveway or ramp, whether surfaced or not, as well as any curb, retaining wall, motor vehicle parking area, or loading space.~~

**Use, Used, Uses, or To Use**

the purpose for which any land, building, structure, or premises, or part thereof, is arranged, designed or intended to be used, or is or may be occupied or maintained.

**Utility Service Building**

a building used in connection with the supplying of local utilities services including a water or sewage pumping station, a water storage reservoir, a gas regulator building, an electrical sub-station, a telephone building for exchange, long distance or repeater

purposes (but does not include major electricity transmission lines and transformer stations of 230 kv or more).

**Value Added**

those value added production and value retention activities which add value to an agricultural good by changing or transforming a product from its original state to a more valuable state. Retailing products grown/produced on the farm and related goods are permitted as an accessory use to value-added agricultural uses.

**Veterinary Clinic**

a building or part thereof wherein animals of all kinds are treated or kept for treatment by a registered veterinarian, and where such animals can be temporarily boarded.

**Warehouse**

a building used or intended to be used for the bulk storage of goods, merchandise or materials and shall include wholesale establishments.

**Waste Disposal Facility**

any land approved by the Ministry of the Environment upon, into or in which waste has or may be deposited or processed.

**Watercourse**

any bay, lake, navigable waterway, canal, drain, river, municipal drain under the Drainage Act, or a natural/artificial channel for a stream including an intermittent stream.

**Wayside Pit**

a temporary pit opened and used by the Municipality of South Huron, County of Huron, Province of Ontario, or Government of Canada solely for the purpose of a particular project or contract of road construction.

**Wholesale**

an establishment, which sells merchandise to others for resale and/or to industrial or commercial users.

**Wind Energy Facility**

any device and related equipment that is used, or designed to be used, for the production of electrical power where wind is the energy source, including wind turbines, vertical axis wind turbines and horizontal axis wind turbines.

**Wine**

an alcoholic beverage made from fermented grapes or other fruits/plants as well as honey. Also referred to as beer, hard cider, mead, or spirits.

**Winery, Farm**

a building or structure or part thereof associated with an agricultural use(s) on the same farm property where wines are produced primarily from feedstock grown on the property and may include storage, display, processing, wine tasting, an outdoor patio area, and limited wine & associated retail sales. The area used for wine tasting and wine & associated retail sales shall not exceed 75 sq. m. or 25 % of the total above ground floor area, whichever is least. Wine tasting does not include a restaurant, banquet facility, or commercial kitchen. Overnight accommodation is not part of a farm winery use.

**Winery, Rural**

a building or group of buildings or parts thereof on a property containing a minimum of 4 hectares planted as a wine feedstock where wines are produced and may also include related storage and display, wine tasting, an outdoor patio area, administrative facilities, and wine & associated retail sales. The area used for wine tasting and wine & associated retail sales shall not exceed 150 - square metres. Wine tasting does not include a restaurant, banquet facility, or commercial kitchen. Overnight accommodation is not part of a rural winery use. A rural winery with a minimum of 8 hectares planted as a wine feedstock on the same property is also permitted a service kitchen and related dining area. A rural winery is also referred to as a brewery, cidery, distillery, or meadery. Note: Important information regarding winery business development, including additional regulatory requirements, is available by contacting the County of Huron's Economic Development Services office.

**Yard**

an open area of land, unoccupied and unobstructed except as otherwise provided for or required by this By-law, located on the same property or zone within a property with a main building or structure.

**a) Exterior Side Yard**

a side yard immediately adjoining a street.

**b) Front Yard**

a yard extending across the full width of the property between the front property line and the nearest part of any building or structure on the property.

**c) Front Yard Depth**

the least horizontal dimension between the front property line of the property and the nearest part of any building or structure on the property.

**d) Interior Side Yard**

a side yard immediately adjoining a property and does not include an exterior side yard.

**e) Rear Yard**

a yard extending across the full width of the property between the rear property line of the property or rear zone boundary and the nearest part of any building or structure on the property.

**f) Rear Yard Depth**

the least horizontal dimension between the rear property line of the property or rear zone boundary and the nearest part of any building or structure on the property or zone.

**g) Side Yard**

any yard other than a front yard or rear yard. In determining the minimum or maximum width of a side yard the distance is measured from the side property line of the property to the nearest part of any main building or structures on the property.

**Zone**

an area delineated on the zone map and established by this By-law for a specific use.

**a) Zone Area**

the total horizontal area within the limits of a property with the zone area for each zone applying only to that portion of the property which is located within said zone, unless otherwise specified.

**b) Zone Coverage**

the percentage of the zone area, covered by all buildings above ground level, and shall not include that portion of such property which is occupied by a building or portion thereof which is completely below ground level. Patios, unenclosed swimming pools, retractable awnings, and ground-mounted solar energy collectors are not included in the calculation of zone coverage; however, decks, porches, balconies and tennis courts are included. In the Agriculture zones, parking lots are included in the calculation of zone coverage.

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Section 3 General Provisions

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### 3. General Provisions

The provisions of this section apply to all zones except as otherwise indicated in the applicable zone provisions.

#### 3.1. Accessibility

All new buildings, with the exception of residences, are to have regard for accessibility. Accessibility issues will be considered in accordance with the Ontarians with Disabilities Act, Ontario Building Code and Municipal legislation regarding accessibility.

#### 3.2. Accessory Buildings, Structures & Uses

##### 3.2.1. Use

Where this by-law provides that a property may be used or a building or structure erected, altered or used for a purpose, that purpose includes any accessory building, structure, or use, but does not include:

- a) any occupation for gain or profit except as may be permitted by this by-law; or
- b) any building used for human habitation except where a dwelling is a permitted accessory use.

##### 3.2.2. Establishment

In all zones no accessory building, structure, or use shall be established on any property until and unless the main building or use to which it is accessory is established. ~~with an 18 month exception period for a storage shed for purposes of construction of the main building.~~

##### 3.2.3. Height

The maximum height of accessory buildings in settlement areas shall be as follows:

Residential zones:	6 metres
Commercial, Open Space, and Community Facility zones:	9 metres
<b>Agricultural Small Holding Zone</b>	<b>10 metres</b>
All other zones	12 metres but not more than 2 storeys

When an accessory building is located in a yard that abuts a Residential zone, the building height shall not exceed 6 metres.

##### 3.2.4. Location

Accessory buildings shall not be structurally attached to the main building in any way.

Except in the Agriculture and Natural Environment zones, any accessory building or structure shall be erected in the rear yard and/or in the interior side yard and

shall comply with the yard and setback requirements of the zone in which such building or structure is situated.

Except in the Agriculture and Natural Environment zones, an accessory building or structure shall not be located closer to a street or private road than the setback required for the main building.

In a Residential zone, a detached private garage, carport, cover-all, garden shed, greenhouse, swimming pool or other accessory building shall be erected and used in the rear yard and/or in the interior side yard only, provided that such accessory building or uses shall be no closer than 1.2 metres to a property line and shall not be located closer to a street or private road than the setback required for the main building. ~~Where the above listed accessory structures are less than 2.44 metres in height and less than 10 square metres in area the required interior and rear yard setback is reduced to 0.3 metres~~

In all other zones, no accessory building or structure shall be erected closer than 1.2 metres to a rear property line or interior property line.

Semi-detached private garages or carports may be centered on a mutual side property line.

Buildings or structures solely devoted to and forming an integral part of a septic system and that are less than 10 square meters are permitted in any yard.

Notwithstanding the provisions of this section, accessory buildings or structures are permitted in the front yard of the Huron Country Playhouse (RC4) zone. (As per By-law 46-2014)

### 3.2.5. Size

In a settlement area, except for properties zoned RC2, the total ground floor area of all accessory buildings on a property shall not exceed 50% of the total floor area of the main building (including car parking areas within the building) or 10 % of the zone area, whichever is smaller.

In the RC2 Zone, the total ground floor area of all buildings accessory to a main building shall not exceed 50% of the main building ground floor area.

**3.2.6. Servicing**

Plumbing is prohibited in buildings and structures accessory to a dwelling with the exception of hose bibs, in floor heating systems, and/or swimming pool related equipment systems.

**3.3. Application of other By-Laws, Regulations, Legislation**

Nothing in this By-law shall operate to relieve any person from the obligation to comply with the current requirements of the Ontario Building Code Act, Conservation Authority regulations, or any other By-law of the Municipality in force from time to time or the obligation to obtain any other license, permit, authority or approval lawfully required by a governmental authority having jurisdiction to make such restrictions.

**3.4. Building Line Setback**

A building may be erected closer to the street line than required by the zone provisions provided the proposed building would be no closer to the street line than the average setback of the 2 nearest buildings on the same side of the street within 100 metres of either side of the proposed building.

**3.5. Community Gardens**

A community garden is a permitted use in all zones except the Disposal, Salvage Yard, and Natural Environment zones.

**3.6. Encroachments in Yards**

Every part of any yard required by this By-law shall be open and unobstructed by any structure from the ground to the sky; however, fences, planting strips and hedges are permitted in accordance with the other provisions of this By-law and the structures listed in the following table may project into the minimum yards as specified below:

<b>Structure</b>	<b>Yards in which Projection is Permitted</b>	<b>Maximum Projection into Minimum Required Yard</b>
Sills, belt courses, cornices, eaves, gutters, chimneys, pilasters, and <a href="#">retractable awning</a>	All yards	0.75 metres provided that no part of the structure extends closer than 0.75 metres to any property line
Fire escapes & exterior staircases	Rear yard or side yard	1.5 metres provided that no part of the structure extends closer than 1.5 metres to any property line
Window bays	Front, rear and exterior side yard	1 metre over a width of 3 metres provided that no part of the structure extends closer than 1.5 metres to any property line
Balconies	Front, rear & exterior side yards only for single detached dwellings	1.5 metres provided that no part of the structure

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Structure	Yards in which Projection is Permitted	Maximum Projection into Minimum Required Yard
		extends closer than 1.5 metres to any property line
Decks, steps, roofed/open porches (all not to exceed the first storey in height)	All yards	2.5 metres including eaves and steps provided that no porch deck or patio extends closer than 1.5 metres to any property line
Patio	All yards	1.5 metres
Closed-in porch	All yards	1.5 metres including eaves and steps provided that no closed in porch extends closer than 1 metre to any property line
Retaining walls or similar accessory structures	All yards	No maximum or minimum requirements, provided that no part of the structure extends beyond the property line
Air Conditioning Units, and Solar Panels	Rear, exterior side and interior side yards	1 metre provided that no part extend closer than 1.5 metre to any property line

**3.6.1. Encroachment Exception**

Where a building or structure has been established in accordance with a building permit but is subsequently shown by an Ontario Land Surveyor's survey not to comply with the provisions of the Zoning By-law, an encroachment of up to 0.25 metres into any yard is recognized as being permitted.

**3.6.2. Encroachment of Awnings, Canopies, Balconies, and Signs in Commercial Zones**

Awnings, canopies, balconies and signs may extend over County or Municipal property in Commercial zones a maximum distance of 1.5 metres, subject to County or Municipal approval, provided:

- no portion of the awning, canopy, balcony or sign is closer than 1 metre (one metre) from a parking area or the traveled portion of a street,
- no portion of the awning, canopy, balcony, or sign obstructs the view at any intersection,
- a vertical clearance of 2.9 metres is maintained from the surface of the sidewalk to the lowest portion of the awning, canopy, balcony, or overhanging sign, and

- o the owner obtains from the appropriate authorities all permits required prior to starting construction.

### 3.6.3. Barrier-Free Structures

Notwithstanding any provisions of this By-Law to the contrary, unenclosed structures necessary to ensure that a building and its facilities can be approached, entered, and used by persons with physical or sensory disabilities in accordance with the Ontario Building Code, may project into any required front, interior or exterior side yard provided that the structure is not closer than 0.3 metres from any interior side lot line. For clarification, the area of such structures shall not be used in the calculation of lot coverage.

### 3.7. Exterior Lighting

The type, location, height, intensity, duration and direction of lighting shall be designed to conserve energy and ensure the light is confined to the building face, parking area and vicinity of the site so as to not cast glare onto adjacent properties adversely affecting the use of the property or onto an adjacent street posing a vehicular safety hazard.

### 3.8. External Building Materials

The following building materials shall not be used for the exterior vertical facing on any wall of any building or structure:

- tar paper or building paper;
- asphalt roll type siding or insul-brick;
- plain concrete or plain cinder block in Residential or Recreational zones; or
- galvanized steel in Residential or Recreational zones.

### 3.9. Government Uses Permitted

A government use is a permitted use in all zones.

### 3.10. Hazard Land Requirements

In addition to the provisions of the applicable zones and general provisions, no buildings or structures are permitted on hazard lands or adjacent to hazard lands within the area subject to the Ausable Bayfield Conservation Authority and [Upper Thames Region Conservation Authority](#) under O. Reg. 14/06, as amended, unless the permission of the Ausable Bayfield Conservation Authority or [Upper Thames Region Conservation Authority](#) has been obtained.

### 3.11. Height Limitation Exceptions

The height limitations of this By-law shall not apply to a church spire, belfry, clock tower, water tower or tank, elevator enclosure, flag pole, television or radio tower or antenna, cell tower, solar collector, electric power facility, ventilator, skylight, chimney, air conditioner duct, windmill, wind turbine, silo or grain elevator.

### 3.12. Home Industry

A business conducted in whole or in part in an accessory building to a single detached dwelling by the residents, provided:

- a) no external advertising other than a legal sign;
- b) no outside storage of goods, materials or equipment unless fully enclosed by a fence or other enclosure which provides visual screening;
- c) the home industry is not a noxious use;
- d) the home industry is clearly secondary to the main residential or agricultural use and does not change the residential character of the dwelling;
- e) not more than the equivalent of 2 full-time employees, other than the owner, are employed by the business, with the exception that more part-time employees may work on-site during a short period due to a seasonal requirement of the business;
- f) [no retailing of items not created on the site except for the minor retail of products which are essential and accessory to the provided service. Retailing of items crafted or fabricated on the site shall be allowed provided that the operation complies with all other requirements;](#)
- g) an accessory home industry (including building and outdoor storage) shall be a maximum of 2% of the property area or 10,000 square metres (1 ha), whichever is less; and
- h) the home industry shall not result in significant volumes of vehicular traffic or on-street parking which cause the disruption of normal activities of adjacent residential properties or negatively impact on the operating viability and safety of the highway.

Examples of home industries include animal kennel, carpentry, day nursery, service and repair shop, electrical, woodworking, window framing, welding, plumbing, machine, farm machinery or motor vehicle repair shop, used vehicle sales (maximum 6 vehicles for sale on site), small scale manufacturing, small engine repair, and blacksmith.

### 3.13. Home Occupation

A home occupation is permitted in a dwelling unit [operated by the occupant\(s\) of the dwelling, subject to the following conditions:](#)

- a) The home occupation meets all Municipal requirements
- b) the home occupation is clearly secondary to and compatible with the principal use of the dwelling for residential purposes;
- c) no external alteration of the dwelling shall be permitted other than what is required by a dwelling unit as a private residence;
- d) no external display of goods, materials, wares or merchandise, or exterior advertising other than a legal sign to indicate to persons outside that the

- dwelling, accessory building or property is being used for other than residential purposes;
- e) the home occupation shall not create a significant nuisance or hazard to neighbours by reason of noise emission, vibration, smoke, dust, fumes, odour, heat, humidity, glare, debris, refuse, smoke, fire, lighting, interference with radio or television reception, or hours of operation;
  - f) the home occupation shall not result in significant volumes of vehicular traffic or on-street parking which cause the disruption of normal activities of adjacent residential properties or negatively impact on the operating viability and safety of the highway;
  - g) no outdoor storage of materials or goods in support of such home occupation;
  - h) the total area used for the home occupation cannot exceed 25 % of the total floor area of the dwelling where the total floor area excludes: basement, crawlspace, attic, porch/verandah, carport, attached garage and accessory buildings. A finished habitable basement may be included in the calculation of total floor area if the dwelling is a single storey. Notwithstanding the above area limitation, all of an accessory structure can be used for a home occupation and an accessory structure to be used by the home occupation can be newly constructed provided it satisfies the definition of 'accessory';
  - i) an animal kennel, small engine repair and automotive repair are not home occupations;
  - j) no use of municipal services such as streets, sanitary and storm services, water supply, utilities such as electricity and natural gas, or the generation of waste and refuse, beyond that normal to the use of property for residential purposes;
  - k) no unreasonable use of lights or night-time operations;
  - l) no retailing of items not created on the site except for the minor retail of products which are essential and accessory to the provided service. Retailing of items crafted or fabricated on the site shall be allowed provided that the operation complies with all other requirements;
  - m) prior to the establishment of a home occupation, the occupant shall deliver to the Municipality a statement indicating their intention to conform with this definition of a home occupation; and
  - n) ~~for greater clarity,~~ a home occupation ~~may include but is not limited to:~~
    - a home child care business [under the provisions of the Child Care and Early Years Act, 2014, as amended,](#)
    - an office or consulting room for a professional person or agent,
    - an office and shop for a trade such as a builder, painter, plumber or electrician,
    - an office for a charitable organization,

- a personal service shop such as a hairdresser, dressmaker or tailor,
- a service and repair shop, or
- a studio for a teacher of music, art or academic subjects, a photographer, or commercial artists, or a wholly enclosed workshop, and any other use of a similar nature which conforms to the criteria above; but does not include or permit a rooming, lodging or boarding house, convalescent home, clinic, retail shop, or any storage yard or plant for any trade

**3.14. Loading Space Requirements**

The owner or occupant of any property, building or structure in a Commercial, Community Facility or Industrial zone, erected or used for any purpose involving the receiving, shipping, loading or unloading of persons, animals, goods, wares, merchandise and raw materials, shall provide and maintain at the premises loading or unloading facilities.

Loading facilities shall be on the property occupied by the building or structure, not form part of a street or lane, and be in the same zone in which such use is located. A loading space shall be 9 metres long, 3.5 metres wide and have a vertical clearance of at least 4 metres, [and in accordance with the following schedule:](#)

Total Floor Area of Building or Structure	Minimum Number of Loading Spaces Required
200 square metres or less	0
Exceeding 200 square metres	1

**3.14.1. Access**

Access to loading spaces shall be by means of a driveway at least 6 metres wide and lead to a street or lane located within or adjoining the Commercial, Community Facility or Industrial zone.

**3.14.2. Surface**

The driveways and loading spaces shall be maintained with a stable surface which is treated or finished so as to prevent the raising of dust and shall also have adequate drainage facilities.

**3.14.3. Location**

The required loading space or spaces shall be located in the interior side yard or rear yard. If set back from the street line a minimum distance of 18 metres the loading space may be located in the exterior side yard or the front yard.

**3.15. Main Buildings or Main Uses per Property**

No person shall erect more than 1 main building on a property or establish more than 1 main use on a property except permitted buildings and uses in an Agriculture,

Commercial, Community Facility, Disposal, Extractive Industrial, Industrial, Parks & Open Space, Recreational Trailer Park and Campground or Residential - High Density Zone.

In those zones where more than one main use or 1 main building is permitted, the requirements of this by-law for each use and building must be met.

### **3.16. Medical Marihuana Production Facility**

Notwithstanding any other provision of this By-law, any Medical Marihuana Production Facility shall be subject to the following provisions:

- a) No building or structure or portion thereof used for Medical Marihuana Production Facility purposes situated in the General Industrial Zone (M2), Light Industrial Zone (M1), may be located closer to any Residential Zone, Institutional Zone, or Open Space Zone than 70 metres.
- b) No building or structure or portion thereof used for Medical Marihuana Production Facility purposes situated in the General Agricultural Zone (AG1) may be located closer to any Residential Zone, Institutional Zone, or Open Space Zone than 150 metres.
- c) No building or structure or portion thereof used for Medical Marihuana Production Facility purposes situated in the General Industrial Zone (M2), Light Industrial Zone (M1), may be located closer to any dwelling, public school, private school, place of worship, or day nursery than 70 metres.
- d) No building or structure or portion thereof used for Medical Marihuana Production Facility purposes situated in the General Agricultural Zone (AG1) may be located closer to any dwelling, public school, private school, place of worship, or day nursery than 150 metres.
- e) A building or structure used for security purposes for a Medical Marihuana Production Facility may be located in the required front yard and does not have to comply with the required minimum front yard, side yard, and rear yard setbacks.
- f) Outdoor storage is prohibited on the property in which the Medical Marihuana Production Facility is located.
- g) Medical Marihuana Production Facility shall only be permitted within the zones as explicitly indicated in this Zoning By-law.
- h) All development in relation to the establishment of or expansion to a Medical Marihuana Production Facility shall be subject to Site Plan Control

### **3.17. Minimum Distance Separation (MDS)**

Notwithstanding any other provision of this by-law to the contrary, no agricultural, commercial, community facility, industrial, recreational, or residential building or structure shall be constructed, enlarged, extended, or reconstructed unless it complies with the Minimum Distance Separation (MDS) Guidelines as implemented in the South Huron

Official Plan and this By-law. This provision does not apply in a settlement area designation.

For the purposes of calculating MDS II for a new or expanding livestock facility, closed or inactive cemeteries in the CF Zone shall be treated as a Type A land use.

### **3.18. Multiple Lots**

~~Where 2 or more abutting lots held in the same ownership in a Plan of Subdivision are used together as a single parcel and contain a building or structure on the date this by-law is passed, the yards, setbacks, and other applicable provisions shall be calculated as they apply to the entire parcel as a whole containing such building or structure.~~

~~Where a proposed building or structure does not meet the zone provisions with respect to zone coverage or the required setback from the common property line between the lots being developed as a single parcel, the lots must first be deemed pursuant to the Planning Act.~~

### **3.19. Municipal Services**

Where municipal water and sanitary sewage services are available new development must connect to the services.

### **3.20. Natural Environment Zone Setback**

No development is permitted in Conservation Authority Regulated Lands or adjacent lands, which are defined as lands within 120 metres of a Provincially Significant wetland or within 50 metres of all other significant natural features until it has been determined that the proposed development does not result in negative impacts on the natural environment features or functions of the significant natural environment feature.

In areas zoned AG1 adjacent lands will be 15 metres from all significant natural features, except for Provincially Significant wetlands, which require 120 metres.

No adjacent land is applied around woodlots smaller than 4 hectares that are otherwise not deemed to be a significant natural feature. An Environmental Impact Study, (EIS) may be required to determine if development shall be permitted.

In lake-bank or valley properties the provisions of 'Hazard Lands' shall also apply.

All buildings and structures in all zones outside of a settlement area shall be setback from a NE2 Zone a minimum distance of 50 metres, unless the building or structure is to be located in the AG1 Zone where the minimum setback shall be 15 metres.

All buildings and structures in all zones shall be setback from a NE1 Zone a minimum distance of 120 metres.

### **3.21. Non-Complying Buildings and Structures**

#### **3.21.1. Establishment of Legal Non-Complying Status**

Where a building or structure or driveway was legally established and is permitted by the provisions of the zone in which such building or structure or driveway is located but does not meet the zone provisions with respect to yards, zone area, frontage, parking, setback or any other provisions of this By-law applicable to that zone, the said building or structure or driveway shall be deemed to comply with the By-law and may be enlarged, extended, reconstructed, repaired or renovated provided that the enlargement, extension, reconstruction, repair or renovation does not further reduce the compliance of that building or structure or driveway, with the provision(s) of the By-law to which it does not comply and all other applicable provisions of this By-law are complied with. In addition, where such a building is reconstructed no enlargements or extensions are permitted to the reconstructed building for a 5 year period after its reconstruction.

#### **3.21.2. Legal Non-Complying Status & Rezoning/Severances**

In the case of a rezoning or severance, the permitted and legally established existing building or structure or driveway shall be deemed to comply with any applicable zone provisions, except parking requirements, resulting from such rezoning or severance.

#### **3.21.3. Location of Reconstructed Building**

Where a non-complying building or structure is removed or destroyed, such building or structure may be reconstructed in a different location than the original building or structure, provided that the new location does not further reduce the compliance with the provisions of the By-law to which the original building or structure did not comply.

#### **3.21.4. Time Limit**

Where a non-complying building or structure is removed or destroyed, such building or structure may only be reconstructed within 18 months from the date of destruction. After this period of time, the replacement building or structure may only be built in compliance with the provisions of the By-law.

#### **3.21.5. MDS and Catastrophes**

Where a building or structure is destroyed in whole or in part by a catastrophe, Minimum Distance Separation (MDS) formulae requirements will not be applied when the building or structure is rebuilt provided that it is built no closer to livestock facilities than before the catastrophe and it is rebuilt within 18 months.

Where a livestock facility is destroyed in whole or in part by a catastrophe, Minimum Distance Separation (MDS) formulae requirements will not be applied when the livestock facility is rebuilt provided it is built no closer to surrounding land uses and property lines than before the catastrophe, the capacity of the livestock facility (expressed in nutrient units) is not being increased by the replacement livestock facility, and the replacement livestock facility is built within 18 months of the catastrophe.

### **3.22. Non-Complying Properties**

Where an existing property does not meet the zone area and/or frontage and/or property depth requirements of this by-law, these existing conditions are recognized and the existing property is deemed to comply with the zone area, frontage, and property depth requirements.

### **3.23. Non-Conforming Uses**

#### **3.23.1. Continuation of Existing Use**

The provisions of this By-law shall not apply to prevent the use of any lot, building or structure for any purpose prohibited by this By-law if such lot, building or structure was lawfully established and used for such purpose on the date of passing of this By-law, and provided that it continues to be used for that purpose and all other applicable provisions of this By-law are complied with.

#### **3.23.2. Building Permit Issued**

The provisions of this By-law shall not apply to prevent the erection or use for a purpose prohibited by this By-law of any building or structure, the plans for which have prior to the date of passing of this By-law been approved by the Chief Building Official, so long as the building or structure when erected is used and **continues** to be used for the purpose for which it was erected and provided the erection of such building or structure is commenced within 18 months after the date of the passing of this By-law and such building or structure is completed within a reasonable time after the construction thereof is commenced.

#### **3.23.3. Strengthening, Repairing or Renovating of Buildings or Structures Used for Non-Conforming Uses**

Nothing in this By-law shall prevent the strengthening to a safe condition, the repair or renovation of any building or structure or part of any building or structure which use does not conform with the provisions of this By-law, provided such strengthening, repair or renovation:

- a) does not increase the size or volume of such building or structure by more than 10% beyond what existed on the date this By-law was passed,
- b) does not involve any alteration of use and the building or structure continues to be used for the purpose.

**3.23.4. Discontinuation, Removal, and/or Replacement of Non-Conforming Uses**

Where a non-conforming use has been discontinued for a period of 18 months or longer, the property, building or structure may only be used for a use that conforms with this By-law.

If a building or structure used for a non-conforming use is purposefully removed the subject property can only be used for a purpose permitted by the By-law.

If a building or structure used for a non-conforming use is accidentally destroyed, such building or structure and its non-conforming use may only be re-established or reconstructed for that non-conforming use within 18 months from the date of destruction.

**3.23.5. Enlargement or Extension of Non-Conforming Uses**

The extension or enlargement (greater than 10% of the existing structure) of a non-conforming use, or building or structure for a non-conforming use, will require an amendment to the Zoning By-law or approval from the Committee of Adjustment under the Planning Act.

**3.23.6. Change of Non-Conforming Uses**

Where any land, building or structure on the day that the By-law was passed was lawfully used for a purpose prohibited by the By-law, the Committee of Adjustment may permit, by the authority of Section 34 (10) or 45(2) of the Planning Act, the use of such land, building or structure for a purpose that, in the opinion of the Committee, is similar to the purpose which it was used for on the day the By-law was passed.

The Committee of Adjustment may, by the authority of Section 34(10) or 45(2) of the Planning Act, also permit a use that is more compatible with the uses permitted by the By-law other than the purpose for which it was used on the day the By-law was passed.

The prohibited use must be in place until the date of application to the Committee of Adjustment.

**3.24. On Farm Diversified Uses**

- Agri-tourism uses and Value Added agricultural uses under 1 hectare in size are permitted in the AG1 zone. Uses larger than 1 hectare shall be permitted in the AG3 zone.
- The total area of buildings, structures, outdoor storage, landscaped areas, wells and septic systems, berms, laneways and parking are considered in the area calculation for agri-tourism and value added agricultural uses.
- Buildings can occupy a maximum of 20% of the allowable area calculation.

- 25% of the floor area of a building containing an agri-tourism or value added agricultural uses be used for retailing products grown/produced on the farm and related goods.
- Servicing (e.g. private and/or public water & sewage services) for the agri-tourism and value added agricultural uses must be located within the maximum 1 hectare area.
- Buildings for agri-tourism uses & value added agricultural uses shall be clustered together with buildings for the principle agricultural use of the property.
- MDS shall apply to agri-tourism uses & value added agricultural uses. Both uses are a Type A land use.
- Uses are permitted greater than 1ha as an accessory Agricultural Commercial Industrial (AG3) related use subject to AG3 zone provisions and Site Plan Control.

**3.25. Outdoor Solid Fuel Combustion Appliances**

No outdoor solid fuel combustion appliances shall be installed at less than 30 metres from any property line or less than 150 metres from any residence on a separate lot. No outdoor solid fuel combustion appliance shall be installed less than 10 metres from any combustible materials or fuel tanks.

No outdoor solid fuel combustion appliances shall be used for the incineration of waste.

Prior to the installation of any outdoor solid fuel combustion appliance, each appliance shall be approved by the Chief Building Official and permit fees shall be as set out in the Municipal Building By-law. All outdoor solid fuel combustion appliances shall have a CSA or UL approval rating and be installed in accordance with the manufacturer’s instruction. Prior to the use of and following installation of any outdoor solid fuel combustion appliance, each appliance shall be inspected and approved by the Chief Building Official.

**3.26. Outdoor Storage of Waste**

Where waste intended for landfill is stored outdoors (excluding manure), it shall be contained in a receptacle specifically designed for such reason and having walls and sides and a lid. The receptacle shall be located in the rear yard no closer than 2 metres from a side property line or rear property line.

**3.27. Parking Requirements**

Parking spaces and areas required under this By-law are to be in accordance with the following provisions:

**3.27.1. Number of Parking Spaces Required**

The minimum number of parking spaces required for the uses and purposes set out in this By-law are provided as follows:

Type of Use	Minimum Parking Requirements
Accessory dwelling	1 per dwelling unit

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Type of Use	Minimum Parking Requirements
Apartment building	1.5 per dwelling unit
Multiple Unit Dwellings: <ul style="list-style-type: none"> <li>▪ on a private road</li> <li>▪ on a public road</li> </ul>	1.5 per dwelling unit 1 per dwelling unit
Arena, Assembly hall, Community Centre, Sports Field, Theatre	1 per 4 persons of maximum designed capacity of the facility
Bowling Establishment (indoor)	3 per bowling lane
Business or Professional office	1 per 20 sq. m. of office floor area
Car wash	2 per washing bay for self-serve; 5 parking spaces for automatic
Church (Place of Worship)	1 per 4 persons of maximum designed capacity of the sanctuary
Clinic or Veterinary clinic	6 per practitioner
Bed and breakfast establishment	2 per dwelling unit plus 1 per guest room for rent
Converted dwelling	1 per dwelling unit
Drive-through restaurant	6 plus 1 per 4 persons of max. designed capacity
Duplex dwelling	1 per dwelling unit
Fire Hall	5 per bay
Funeral Home	1 per 5 designated seat capacity
Furniture store	1 per 90 sq. m. of retail floor area
Gasoline Station	1 plus 1 per 20 sq. m of retail floor area
Group home	2 per dwelling unit plus 1 per 4 group home residents
Hospital	3 per 4 beds
Hotel or Motel	2 plus 1 per guest room
Hospice	2 spaces, plus one per patient bed
Industrial establishment	3 for every 4 employees on the largest shift, including office staff
Long-term care home	1 per 3 beds
Mixed commercial development (C5)	1 parking space per 15 sq. m. of gross floor area
Motor vehicle repair shop, Motor vehicle sales and/or service establishment	4 plus 1 per repair bay
Personal Services shop	1 per 20 sq. m. of total floor area
Public building except where specifically identified	1 per 30 sq. m. of total floor area
Restaurant	1 per 4 persons of maximum designed capacity
Retail store	1 per 20 sq. m. of retail floor area
Retirement home	1 per 3 beds
School, Nursery	The greater of 3 per classroom or nursery or 1 per 60 sq. m. of floor area

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<b>Type of Use</b>	<b>Minimum Parking Requirements</b>
School, Elementary	The greater of 1.5 per classroom or 1 per 3 sq. m. of auditorium assembly area
School, Secondary	The greater of 5 per classroom or 1 per 3 sq. m. of auditorium assembly area
Single-detached dwelling	1 per dwelling unit
Semi-detached dwelling	1 per dwelling unit
Social Club, Service Club, Golf Country Club, Curling Club	1 per 10 sq. m. of total floor area of all common club buildings excluding ice surface, plus: 2 per golfing green 4 per lawn bowling green 4 per tennis, racquetball, or other racket-sport court 6 per curling ice sheet
Supermarket, Grocery store	1 per 15 sq. m. of retail floor area
Take-out restaurant	6 plus 1 per 4 persons of maximum designed capacity
Tavern	1 per 4 persons of maximum designed capacity
Warehouse	1 per 185 sq. m. of total floor area
Wholesale establishment	1 per 90 sq. m. of retail floor area
Winery	1 per 20 sq. m. of ground floor area
Uses permitted by this By-law other than those referred to above	1 per 40 sq. m. of total floor area

Where the application of the above parking space requirements results in a number that is not a whole number, the number shall be rounded-up to the next whole number (for example, 7.3 spaces would be rounded-up to 8).

**3.27.2. More Than One Use in a Building**

Where a building or structure accommodates more than 1 type of use, the parking space requirement for the whole building shall be the sum of the requirements of the separate parts of the building occupied by the separate types of use.

**3.27.3. Multiple Use of Parking Area**

Where 2 or more uses utilizing the same parking area will never occur simultaneously, the parking requirements of the use having the highest parking requirements shall govern.

**3.27.4. Core Commercial Zone Parking Space Requirements**

The provisions of the Parking Requirements section shall not apply to require the establishment of parking spaces for a non-residential use in the Core Commercial (C4) Zone, other than for a motel or hotel.

**3.27.5. Existing Buildings and Changes in Use**

The parking area requirement referred to in this By-law shall not apply to any building lawfully in existence at the date of passing of this By-law so long as:

- a) the building is used for a permitted use;
- b) any change of occupancy is to a use having the same or a lesser parking requirement according to this By-law;
- c) the floor area is not increased, and
- d) all parking spaces existing at the date of passing of the By-law are retained.

**3.27.6. Additions to an Existing Building**

If an addition is made to a building or structure lawfully existing at the date of passing of this By-law, then parking spaces in addition to those already existing shall be provided to the number required for such addition or change of use. This section shall not apply to an addition to a single detached dwelling.

**3.27.7. Accessible Parking**

Accessible parking spaces shall be provided to accommodate a varying range of abilities including those in wheelchairs, limited mobility and those caring for small children. Accessible parking spaces shall be provided in all zones except: Residential – Low Density Zone (R1), and Residential – Medium Density Zone (R2) zones. ~~Accessible Parking shall also be provided for the following uses: apartment building, hotel, long term care home, motel, and retirement home.~~

**3.27.7.1. Type A and B Barrier Free Parking Spaces**

Type A and B Barrier Free Parking Spaces are required to be provided in accordance with the provisions of this section. Barrier free parking spaces are included in the total parking space requirements. The requirements for barrier free parking are minimums, and do not prevent additional barrier free parking spaces being provided

<b>Residential Uses</b>		
<b>Total Number of Spaces</b>	<b>Required Type A Barrier Free Spaces</b>	<b>Required Type B Barrier Free Spaces</b>
0-5	0	0
5-10	1	0
11-20	1	1
21-40	2	2
41-60	3	3
61-100	4	4
101-200	5	5
200 and greater	1% of the total spaces + 3 spaces	1% of the total spaces +3 spaces

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<b>Commercial, Industrial, Community Facility, and all other uses</b>		
<b>Total Number of Spaces</b>	<b>Required Type A Barrier Free Spaces</b>	<b>Required Type B Barrier Free Spaces</b>
1-12	1	0
13-20	1	1
21-50	2	2
51-100	2	3
101-150	3	3
151-201	4	4
201 and greater	1% of the total spaces +2 spaces	1% of the total spaces +2 spaces

The number of parking spaces required may not be sufficient for some facilities (e.g. seniors' centres) where increased numbers of persons with disabilities may be expected.

Type A and B parking spaces are subject to the following provisions:

- a) type A Barrier Free Parking Spaces shall have minimum rectangular dimensions of 3.4 metres width by 6.0 metres depth, and shall be required to be directly adjacent to an access aisle;
- b) type B Barrier Free Parking Spaces shall have minimum rectangular dimensions of 2.4 metres width by 6.0 metres depth, and shall be required to be directly adjacent to an access aisle;
- c) all barrier free vehicle parking spaces shall be identified by marking the pavement with, and mounting a sign which displays, the International Symbol for the Disabled. Type A barrier free parking spaces shall be clearly marked as 'Van Accessible';
- d) access aisles for barrier free parking spaces shall have a minimum width of 1.5 metres, and shall include the entire length of adjacent barrier free parking spaces;
- e) a minimum vertical clearance of 3.4 metres shall be provided at accessible parking spaces, passenger loading zones, and along access aisles;
- f) barrier free parking spaces shall be the spaces located closest to the nearest accessible entrance(s) of the building on an accessible route;
- g) curb ramps, where required, shall be provided to permit access from the parking area to the sidewalk;
- h) access aisles and barrier free parking spaces are required to be paved with asphalt or concrete.

- i) where there is a conflict between the provisions of this By-law and any other standards or guidelines relating to barrier free parking in the [Municipality of South Huron](#), the higher requirement shall apply.
- j) ~~Designated accessible parking spaces shall:~~ (Materials exist above)
  - i. ~~be located on an accessible route that provides a safe path of travel from the parking area to the accessible entrance of the building. Where possible, the parking area is to be located within 30 metres of the accessible entrance.~~
  - ii. ~~have a level and firm surface and be designated by painting a sign on the pavement and erecting a post mounted sign that displays the international symbol for accessibility.~~
  - iii. ~~have a minimum vertical clearance of 2.75 metres, a minimum width of 2.44 metres and a length of 5.5 metres.~~
  - iv. ~~have an adjacent access aisle of a minimum of 1.5 metres, clearly indicated by markings. Aisle can be shared with an adjacent accessible parking space.~~
- k) ~~Designated van accessible only parking spaces shall:~~
  - i. ~~have a minimum width of 3.4 metres and a length of 5.5 metres.~~
  - ii. ~~be designated by erecting a post mounted sign that displays the international symbol for accessibility and "Van Accessible" signage.~~
  - iii. ~~have an adjacent access aisle of a minimum of 1.5 metres, clearly indicated by markings. Aisle can be shared with an adjacent accessible parking space.~~

#### 3.27.8. Use of Parking Areas and Spaces

Any area where off-street parking is required under this By-law shall be used for no other parking purpose than for the parking of operative passenger vehicles and commercial vehicles used in operations incidental to the permitted uses on the property, all bearing currently valid license plates. For the purpose of this subsection "commercial motor vehicle" shall mean any commercial vehicles as defined in the Highway Traffic Act.

#### 3.27.9 Commercial Motor Vehicles and Tractor Trailers in Residential Zones

No person shall use any property, building or structure in a residential zone for the parking or storage of any commercial motor vehicle unless the person is the owner or occupant of such property, building or structure, the vehicle does not exceed 4,000 kilograms per axle, and provided no more than 1 commercial vehicle is stored in accordance with this section.

No person shall use any property, building or structure in a residential zone for the parking or storage of any truck trailer or van body or part thereof.

This provision shall not include commercial motor vehicles or tractor trailers while they attend a residential premise for the purposes of delivery and service.

**3.27.10. Storage or Parking of Travel Trailers, Motor Homes and Personal Recreational Vehicles**

No person shall within any Residential zone use any property for the outdoor parking or outdoor storage of more than a total of 2 travel trailers or personal recreational vehicles, provided that these items are owned by the owner or occupant of the subject lands. The outdoor parking or storage shall be permitted in:

- a carport.
- an open driveway exclusive of any area covered by a sight triangle.
- an interior side yard or rear yard [provided the setbacks for an accessory structure are maintained](#)

This By-law shall not restrict the number of travel trailers and personal recreational vehicles that are fully enclosed within a private garage.

**3.27.11. Occupancy of Travel Trailers**

[No person shall, in any zone, use any travel trailer or park model trailer for the purpose of primary residential, permanent living.](#)

[In addition to permitted uses, the occasional short-term, temporary, non-commercial use of a travel trailer or park model trailer is permitted for a cumulative maximum of 2 weeks annually provided there is a main building on the same property and the setbacks for an accessory structure are maintained.](#)

**3.27.12. Parking Area Location on a Lot**

No parking lot or required parking area shall be located on a septic tank or tile bed area.

Outdoor parking areas shall be permitted in the required yards or in the area between the street line and the required setback as follows:

Zone	Yards in which Required Parking Area Permitted
Residential	Driveway, Interior side yard and rear yard
All other zones	Parking areas are permitted in all yards. The minimum setbacks for a parking area, other than a driveway, shall be 3 metres

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Zone	Yards in which Required Parking Area Permitted
	from any property line abutting a residential zone and 1 metre from the street line.

**3.27.13. Off-Site Parking**

All required parking spaces are to be provided on the same property as the use for which they are provided. Off-site parking for a non-residential use may be located within 150 metres provided that parking is a legal permitted use in that zone and that total parking requirements are met for all uses. All off-site parking areas shall require a site plan agreement [for more than 5 spaces](#).

**3.27.14. Access to Parking Area Through Residential Zones**

No person shall use any land in a residential zone for motor vehicle access to any parking space or parking area located in any other zone.

**3.27.15. Parking Area Design Standards**

All parking areas required under this By-law shall conform with the following minimum standards:

**3.27.15.1. Parking Aisles**

Angle of Parking	In perpendicular width, the parking aisle shall not be less than:
30 degrees	3.4 metres
45 degrees	3.7 metres
55 degrees	4.3 metres
60 degrees	4.9 metres
65 degrees	5.2 metres
70 degrees	5.5 metres
90 degrees	6.7 metres
Parallel parking	3 metres for one-way traffic 6 metres for two-way traffic
Parking at an angle other than those listed above	the requirements for the angle of parking which is next greater than the angle of parking being provided

**3.27.15.2. Parking Space Width**

For Cars Parked:	The parking space shall be not be less than:
Side by side	2.7 metres
With wall or fence adjacent	3.0 metres

3.27.15.3. Parking Space Depth

Angle of Parking	In perpendicular width, the parking space depth shall not be less than
30 degrees	4.6 metres
45 degrees	5.5 metres
55 degrees	5.8 metres
70 degrees	5.8 metres
90 degrees	5.5 metres
Parallel parking	6.5 metres
Parking at an angle other than those listed above	the requirements for the angle of parking which is next greater than the angle of parking being provided

3.27.15.4. *Parking Area Surface and Drainage*

All parking areas are to be constructed so as to be usable in all seasons and shall have a granular base and surface of crushed stone, concrete, asphalt pavement or other similar hard and dust inhibiting surface. All parking areas shall be so graded and drained so as to ensure that surface water will not escape to neighbouring lands as a result of the construction or use of such parking areas.

3.27.15.5. *Entrances and Exits*

Entrances and exits from parking areas shall be at least 3 metres but not more than 9 metres in perpendicular width at the street line and all required exit and entrance approvals shall be obtained.

Entrances and exits will be in accordance with Municipal, County or MTO Design Standards and require an entrance permit.

The minimum distance between a driveway and an intersection of a street shall be 7.5 metres.

The minimum angle of intersection between a driveway and a street line shall be 60 degrees.

The minimum distance between a driveway and an interior side property line shall be:

- residential zones: 1 metre with the exception of multiple-attached dwelling units where no minimum applies
- all other zones: 3 metres

The number and placement of driveways shall be determined based on approvals from the appropriate authority.

Through the Municipality's entrance permit approval process, the number of driveways may be increased above these maximums without amendment to this By-law. With approval through the Municipalities, County of Huron's or Ministry of Transportation's entrance permit approval process, the number of driveways may be increased above these maximum without amendment to this By-law.

### **3.28. Permitted Uses, One or More**

Where 1 or more uses are listed as permitted in any zone, land may be used and buildings may be erected and used thereon for 1 or more of the uses so permitted, provided the requirements of this By-law are satisfied for each such use.

### **3.29. Planting Strip**

A planting strip shall be provided:

- a) on lands zoned or used for multiple dwellings where they abut lands zoned or used for single detached dwellings or duplex/semi-detached dwellings.
- b) on lands zoned or used for any commercial, agricultural commercial - industrial, recreational commercial, trailer & tent park, or industrial purpose where the interior side property line or rear property line abuts lands **designated**, zoned or used for residential or open space purposes.
- c) on lands upon which a residential use or community facility use is being newly established where such lands abut an existing use that is not maintaining a planting strip but would be required to do so if newly establishing.

Such planting strip shall have an ultimate width of 1.5 metres and may be included as part of the required yard.

Such planting strip shall be contained within the zone or on the lands for which it is a requirement, and shall run the entire length of the zone or property line(s) separating it from the abutting zone or use which requires the planting strip. The height and location of the planting shall not pose a traffic hazard.

Such planting strip shall consist of a continuous planting of trees or shrubs, established at a minimum of 1 metre and shall be maintained at an ultimate height of not less than 1.5 metres.

Such planting strip shall be planted and maintained by the owner(s) of the land on which the planting strips are required.

Subject to site plan approval, a fence or wall may be considered as an alternative to a planting strip. The following shall be considered: location, height, porosity, materials and finishing.

### 3.30. Prohibited Uses

All uses, including the following uses, shall be prohibited unless otherwise provided for.

#### 3.30.1. Dangerous Uses

No land, building or structure, unless licensed, is permitted to be used for the storage or manufacture of dangerous products for commercial or industrial purposes.

#### 3.30.2. Derelict Motor Vehicles

Other than in a Salvage Yard (SY) Zone, no person shall use any property in any zone for the parking or storage of any derelict motor vehicle except that such vehicles may be stored inside a private garage.

#### 3.30.3. Livestock in Settlement Areas

The keeping of livestock for commercial purposes in a settlement area is prohibited except at a veterinary clinic or abattoir; ~~or unless specifically permitted as in Section 3.29.3.1 (Exceptions to Keeping Livestock).~~ The regulations, restrictions and prohibitions of all the other applicable By-laws continue to apply. The keeping of animals as pets or for personal use is controlled by the Municipality of South Huron Keeping of Animals By-law (By-law 5-2004 or subsequent versions).

#### ~~3.30.4. Exceptions to Keeping Livestock~~

~~Notwithstanding subsection 3.29.3 (Livestock in Settlement Areas) above and any other provision of this By-law to the contrary, any lot containing a dwelling unit may be used for the keeping of a maximum of 2 horses, provided:~~

- ~~a) such horse provides the primary means of transportation for the occupants of the dwelling unit~~
- ~~b) all manure shall be contained in an enclosed building and manure shall be removed from the property at regular intervals to a suitable location in an Agricultural Zone~~
- ~~c) the building or structure in which the horse is kept or in which the manure is enclosed shall be set back from the interior side and rear lot lines the distance required for accessory structures~~
- ~~d) the minimum distance separation (MDS) requirements shall not apply in Settlement Areas~~

#### 3.30.5. Mobile Homes

The location or use of a mobile home in any zone is prohibited unless specifically provided for in that zone.

#### 3.30.6. Noxious Uses

No use shall be permitted within the Municipality which from its nature or the material used therein is a noxious use.

**3.30.7. Salvage Yards & Solid Waste Landfills**

The use of any land or the erection or use of any building or structure for the purposes of a salvage yards or solid waste landfill shall be prohibited in all zones in a settlement area.

**3.30.8. Vending From a Vehicle**

No lands, streets, or lanes in the Municipality shall be used by a portable food outlet or for the sale of food, goods or wares from the confines of a motor vehicle unless the necessary permission has been obtained from the Municipality.

**3.31. Properties to Front on a Street**

Unless otherwise specified by this by-law, a building or structure shall not be erected nor any land, building, or structure used unless the property abuts or fronts on a street, except in the Lakeshore Residential Settlement Area.

**3.32. Plan of Subdivision**

Lots in a registered plan of subdivision are deemed to meet the requirement to front on a street where the agreement registered on title between the Municipality and the subdivision developer provides for the use and development of lots in the subdivision prior to the Municipality's assumption of the roads in the subdivision.

**3.33. Plan of Condominium**

For a Plan of Condominium, only the development as a whole must front on a street provided all the units within the condominium plan have legally enforceable access to a street.

**3.34. Property Enlargement**

Where lands are severed and merged on title with an abutting property the zoning on the abutting property shall automatically apply to the lands to be merged on title. This provision applies only where a severance is granted for the purpose of minor lot enlargement. As an administrative amendment, the appropriate Zone Map shall be amended to reflect this zone change with such changes being permitted from time to time without further public notice or Council approval. The resulting zone area and zone coverage of the retained parcel is deemed to comply with the provisions of this Zoning By-law.

**3.35. Property Size from an Agricultural Severance**

Where a new agricultural property is created by severance, conforms with the Official Plan, and has a minimum zone area between 18 and 38 hectares, the said property is deemed to comply with the minimum zone area provisions of this By-law. This provision applies to both the severed and retained properties.

**3.36. Second Units**

Second units are permitted in a single detached, [semi-detached](#), [multiple attached dwelling or accessory structure](#) subject to the following requirements:

- a) a maximum of 2 dwelling units are permitted on the property – either with both units in the main dwelling or with one unit in the main dwelling and the second in an accessory structure.
- b) The main dwelling is the principal residence of the owner.
- c) the second unit occupies no more than 40% of the floor area of the main dwelling, including any basement area in the calculation of floor area.
- d) access to the second unit is by an entrance from the side yard or rear yard
- e) there are no stairs, stairwells, or retaining walls facing a street for the second unit entrance
- f) any additional exterior stairways provided for the second unit leading to a full floor above the first storey are not located in the front yard.
- g) 1 additional on-site parking space is provided for the second unit in addition to the parking for the main dwelling
- h) Only one home occupation shall be permitted in either the main dwelling, or the second unit
- i) there is only 1 driveway on the property
- j) second units are subject to Ontario Building Code and other related municipal requirements and property standards

**3.37. Setbacks from an Abattoir, Residential**

No residential dwelling shall be erected within 183 metres of an abattoir.

**3.38. Setbacks from Lanes and Easements**

Where a property abuts a lane or easement, all buildings and structures shall be set back a minimum distance equal to the smallest required side yard stipulated in this By-law. This provisions does not apply in the AG1, R4, R5, RC2 or RC3 zones.

**3.39. Setbacks of Buildings and Structures along Municipal Drains, Sink Holes and Natural Watercourses**

- 3.39.1. Watercourse up to 4.5 metres in width or a Closed Municipal Drain  
No building or structure shall be erected closer than 7.5 metres from the centreline of a closed municipal drain or from the top-of-bank of a natural watercourse or open municipal drain having a top width of less than 4.5 metres from top-of-bank to top-of-bank. In a settlement area, the setback for a building or structure from the centreline of a closed municipal drain may be reduced to 4 metres.
- 3.39.2. Open Municipal Drain or Watercourse between 4.5 metres and 7.5 metres in width  
No building or structure shall be erected closer than 15 metres from the top-of-bank of a natural watercourse or open municipal drain having a top width of between 4.5 metres and 7.5 metres from top-of-bank to top-of-bank.

**3.39.3. Open Municipal Drain or Watercourse over 7.5 metres in width**

No building or structure shall be erected closer than 30 metres from the top-of-bank of a natural watercourse, Lake Huron or open municipal drain which is more than 7.5 metres from top-of-bank to top-of-bank, or from a sinkhole.

**3.39.4. Setback from Lake Huron**

Where a property has a minimum distance between the shortest street line and the top-of-bank of Lake Huron on the same property of at least 50 metres, no buildings or structures shall be erected east of this top-of-bank unless a minimum setback of 30 metres is maintained

The provisions of Sections **3.1.32.1., 3.1.32.2., and 3.1.32.3.** shall not apply to prohibit, in a Natural Environment Zone (NE1) and Open Space-Hazard Zone (OS1) or an Open Space-Parkland Zone (OS2), the structures permitted in such zone.

**3.40. Livestock Facility or Manure Storage Facility Setbacks**

Notwithstanding the above provisions to the contrary, no livestock facility or manure storage facility shall be constructed except in compliance with the following minimum setbacks.

<b>Minimum Setback from:</b>	<b>To Livestock facility or Covered, Open, or Earthen Manure Storage</b>
Drilled Well	15 metres
Dug Well	30 metres
Municipal Well	100 metres
Watercourse	50 metre flow path
Open Ditch	50 metre flow path
Closed Municipal Drain	15 metres
Field Tile	15 metres

**3.41. Setback from Established Commercial Scale Wind Energy Facilities**

No dwelling, recreational residence, hotel, motel, long-term care home, retirement home, hospital, campground, school, or place of worship on a separately titled property shall be established closer to a wind energy facility than the distance established in obtaining the Ministry of Environment’s Renewable Energy Approval.

**3.42. Sight Triangle**

No building, structure, fence, object or planting, in excess of 0.75 metres in height which would obstruct the vision of drivers of motor vehicles shall be erected or placed in the sight triangle with the exception of the Core Area Commercial (C4) Zone.

### 3.43. Stacking Lanes

#### 3.43.1. Car Wash

Every car wash shall be provided with a minimum of 3 vehicle waiting spaces measuring 2.5 metres in width and 6 metres in length for each washing bay or 5 vehicle waiting spaces for an automatic car wash.

#### 3.43.2. Restaurant with Drive-through

Every restaurant with a drive-through shall provide a stacking lane with adequate numbers of spaces to facilitate traffic movement. Drive through lanes shall comply with the following:

- a) no part of any drive through lane may be located within a parking area;
- b) no part of any drive through lane may be located within a parking aisle;
- c) drive through lanes shall not obstruct parking spaces and cannot affect on-site circulation; and
- d) drive through lanes shall have a minimum storage capacity of 10 vehicle waiting spaces.

### 3.44. Surplus Farm Dwelling Severance

Where the County of Huron or its delegate has approved the severance of a surplus farm dwelling the appropriate Zone Map in this by-law shall be amended to change the AG1 Zone to AG2 for the remnant farm parcel and **AG4-29** for the small agricultural holding, as applicable. These administrative amendments are permitted from time to time without further public notice or Council approval.

### 3.45. Storage Containers, Accessory

- a) Storage Containers may only be used for storage outside of a settlement area unless specifically listed in the zone
- b) A maximum of 3 storage containers shall be permitted
- c) Storage containers may only be located to the rear or interior side yard of a main building and not be visible from a street. ~~Storage containers are not permitted in a front yard.~~
- d) Storage containers must be located a minimum of 7.5 metres from all lot lines
- e) Storage on top of the storage container is prohibited.
- f) Storage containers accessory to the main use shall be a maximum of 3 metres in height.
- g) Storage containers shall not be stacked

### 3.46. Swimming Pools

For the permitted location of pools on properties see General Provisions Accessory Buildings, Structures and Uses provisions in Section 3.

The height of a swimming pool fence and other swimming pool characteristics shall be in accordance with all provisions of the Swimming Pool By-laws of the Municipality.

### **3.47. Temporary Accommodation for Workers**

Outside of settlement areas, a shack, shanty, bunkhouse or other temporary structure may be used for the accommodation of workers engaged in work of a temporary or seasonal nature provided such building or structure has obtained the approval of the Municipality for such use and is:

- a) used only for the duration of the work and removed when work is complete, or
- b) locked or boarded up and not used as accommodation when the work in connection with which the building or structure was constructed is terminated.

### **3.48. Through Property**

Where a property, which is not a corner property, has frontage on 2 streets, the front yard setback requirements shall apply on each street in accordance with the provisions of the zone or zones in which such property is located. This setback provision does not apply to a through property between a street and a lane.

### **3.49. Utility Services for the Public**

3.49.1. The provisions of this By-law shall not apply to prevent the use of any land as a street or to prevent the installation of public services and utilities such as water mains, storm and sanitary sewers, gas distribution mains, railway lines, electrical substations and transmission lines of 230 kv or less, pumping stations, flood and erosion control works, telephone and cable lines, radio and communication towers, and accessory utility service buildings and structures provided that:

- a) the approval of the Municipality has been obtained;
- b) approval has been obtained under the Environmental Assessment Act, as required;
- c) utility service buildings in a residential area will require a rezoning to a Community Facility Zone;
- d) no goods, material, or equipment shall be stored in the open in a Residential zone;
- e) any building or structure shall be designed and maintained in general harmony with buildings of the type permitted in the zone, and
- f) any excessive noise or fumes resulting from such utility service shall be mitigated to reduce compliance issues with abutting residences.

3.49.2. Electric power facilities which are subject to the provisions of the Environmental Assessment Act are permitted uses in all zones, and are not affected by the provisions of this By-law. Electric power facilities which are not approved under the Environmental Assessment Act are permitted uses in all zones and are subject to the provisions of Utility Services for the Public provisions.

3.49.3. Notwithstanding any other provision of this by-law, wind energy facilities are not considered a utility service for the public.

**3.50. Waste Disposal Sites, Restrictions around Active and Closed**

No new building or structure, used for residential or livestock purposes shall be erected within 500 metres from the perimeter of the fill area of any licensed waste disposal site or any closed waste disposal site until it has been determined by a qualified professional to the satisfaction of the Municipality that there will be no adverse off-site impacts. The assessment of impacts shall include the presence of methane/leachate and the potential for noise, odour, dust and litter complaints during operation.

If there is a licensed disposal site or a closed landfill site located in an adjacent Municipality, similar provisions shall apply.

#### 4. General Agriculture (AG1)

Within this Zone, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

##### 4.1. Permitted Uses

- agricultural use, general
- conservation
- exploration, drilling for and production of oil and natural gas
- forestry uses, not including commercial forestry processing uses
- group home
- medical marihuana production facility
- temporary wayside pit
- uses accessory to the permitted uses

##### 4.2. Accessory Uses

- [agri-tourism occupying a maximum of 2% of the lot area of which the uses are located to a maximum of 1 hectare](#)
- anaerobic digester
- bed and breakfast establishment (maximum of 4 guest rooms)
- commercial greenhouse operation less than 0.8 hectares covered by greenhouse
- farm produce sales outlet
- home industry
- home occupation
- 1 mobile home accessory to an agricultural use, (a mobile home may be used as a primary or supplementary dwelling unit)
- seasonal worker housing
- single detached dwelling or converted dwelling which is either accessory to an agricultural use, general or on a property of at least 21 hectares
- storage container in accordance with the General Provisions
- winery, farm
- [value added agricultural uses occupying a maximum of 2% of the lot area of which the uses are located to a maximum of 1 hectare](#)

##### 4.3. Permitted Structures

- buildings and structures for the permitted uses;
- single detached dwelling or converted dwelling which is either accessory to an agricultural use, general or on a property of at least 21 hectares
- mobile home accessory to an agricultural use; single or double
- other buildings and structures, not including residences, accessory to the permitted uses

- more than 1 main building per property is permitted

#### 4.4. Zone Provisions

Zone area (minimum)	38 hectares; portions of the property zoned “Natural Environment”, and/or “Extractive Resources” may be included in the calculation of zone area
Frontage (minimum)	150 metres

#### 4.5. Yard Requirements

For buildings and structures used for livestock, poultry and fur bearing animal housing and waste storage, setbacks will be in accordance with the following provisions or MDS requirements (whichever is greater):

Front yard (minimum)	60 metres
Rear yard (minimum)	30 metres
Interior side yard (minimum)	30 metres
Exterior Side Yard (minimum)	60 metres

Other permitted buildings and structures, and accessory structures:

Front yard (minimum)	17 metres
Rear yard (minimum)	7.5 metres
Interior side yard (minimum)	7.5 metres
Exterior side yard (minimum)	17 metres

#### 4.6. Minimum Distance Separation

##### 4.6.1. Livestock Housing

Notwithstanding any yard and setback requirement of this by-law to the contrary, no livestock housing facility shall be established or enlarged unless it complies with the Minimum Distance Separation (MDS) Formulae.

##### 4.6.2. For Closed or Inactive Cemeteries

Notwithstanding any other provision of this by-law to the contrary, for the purposes of calculating MDS II for a first or expanding livestock facility, cemeteries located within an CF Zone shall be treated as a Type A land use.

##### 4.6.3. Residential

Notwithstanding any other provision of this by-law to the contrary, no residential, community facility, commercial, industrial or recreational building or structure, located on a separate lot shall be established unless it complies with the Minimum Distance Separation (MDS) Formulae.

#### **4.7. New Agricultural Holdings**

Where an agricultural property is created by a consent granted under Section 53 of the Planning Act it is deemed to comply with the minimum zone area, frontage, Minimum Distance Separation, and yard provisions of this By-law. This provision applies to both the severed and the retained parcels.

#### **4.8. Existing Agricultural Holdings**

Where an existing lot developed for agricultural uses, exists on the date of passing of this By-law, but does not meet the zone provisions with respect to minimum property area and minimum frontage, the farm holding will be deemed to conform with the By-law with respect to the minimum property area and minimum frontage provisions.

#### **4.9. Clearing of Areas**

Clearing of areas is prohibited except in accordance with the Huron County Forest Conservation By-law 38-2013, as amended.

#### **4.10. Special Zones**

##### **4.10.1. AG1 - 1**

Notwithstanding the provisions of the General Agriculture (AG1) Zone to the contrary, the lands zoned AG1 – 1 may be used for a home industry accessory to an agricultural use, in the absence of a single detached dwelling. A home industry located on this property need not be clearly secondary to the main residential use and may change the residential character of the dwelling. All other provisions of this By-law shall apply.

##### **4.10.2. AG1 – 2 (as per By-law 41-2005)**

The property zoned AG1 – 2 has a property area of 14 hectares (35 acres) and has a lot frontage of 140 metres.

Notwithstanding the provisions of Section 4.0 General Agriculture to the contrary a single detached dwelling may be established as a permitted use on the property zoned AG1 – 2.

Notwithstanding the provisions of Section 4.0 General Agriculture to the contrary the following uses are permitted on the property zoned AG1-2:

##### **4.10.2.1. Permitted Uses:**

- agricultural industrial establishment
- agricultural processing establishment
- agricultural service establishment
- agricultural supply establishment
- anaerobic digester
- bulk sales establishment

- commercial greenhouse operation greater than 0.8 hectares covered by greenhouse
- rural winery
- temporary wayside pit
- transport terminal or yard
- uses accessory to the permitted uses

4.10.2.2.     Accessory Uses

- Home industry
- Home occupation
- Seasonal worker housing
- Second unit within existing single detached dwelling
- Single detached dwelling or mobile home accessory to an agricultural commercial industrial use
- Storage container in accordance with General Provisions Section.

Notwithstanding Section 4.0 General Industrial Yard Requirements, buildings and structures including those for livestock, poultry and fur-bearing animal housing and waste storage may be established no closer than 70 metres from the ER1 zone on North Part Lot 25, Concession 8.

Buildings and structures used for livestock, poultry and fur-bearing animal housing and waste storage may be established with a minimum side yard depth of 30 metres from the southerly property line.

All other provisions of this By-law shall apply.

4.10.3.     AG1 – 3

Notwithstanding the provisions of Section 4 to the contrary, the area zoned as AG1 – 3 may be used as a home occupation for the retail and repair of sporting goods and hunting equipment, including firearms. Not more than the equivalent of 2 employees other than family can be employed therein on a full-time basis, and not more than 93 sq. m. (1,000 sq. ft.) of the dwelling’s gross floor area can be used for the home occupation. All other provisions of this By-law that regulate a home occupation shall apply. All other provisions of this By-law shall apply.

4.10.4.     AG1 – 4

Notwithstanding the provisions of Section 4 to the contrary, the area zoned AG1 – 4 may not be used for an accessory single detached dwelling. All other provisions of this By-law shall apply.

4.10.5. AG1 – 5

Notwithstanding the provisions of Section 4 to the contrary, the area zoned AG1 – 5 may be used by a contractor involved with the transporting of gravel. All other provisions of this By-law shall apply.

4.10.6. AG1 – 6

Notwithstanding the provisions of Section 4 to the contrary, to the contrary, the area zoned AG1 – 6 may be used for a pit or quarry subject to the provisions of the Extractive Resources (ER1) zone. All other provisions of this By-law shall apply.

4.10.7. AG1 – 7

Notwithstanding the zone provisions of Section 4 to the contrary, the following special provisions shall apply to the property zoned AG1 – 7.

Property area (minimum)	9.7 hectares
Property frontage (minimum)	100 metres
Side yard depth – livestock buildings (minimum)	18 metres
Side yard depth – other buildings (minimum)	6 metres

All other provisions of this By-law shall apply.

4.10.8. AG1 – 8

Made redundant as a result of consent B37-14.

4.10.9. AG1 – 9

Made redundant as a result of consent B37-14.

4.10.10. AG1 – 10

Notwithstanding the zone provisions Section 4 to the contrary, the following shall apply to the property zoned AG1 – 10:

- Property area (minimum) 18 hectares

All other provisions of this By-law shall apply.

4.10.11. AG1 – 11

Notwithstanding the provisions of Section 4 to the contrary the following special provisions apply to the property zoned AG1 – 11:

- A single detached dwelling is permitted as a main use.

All other provisions of this By-law shall apply.

4.10.12. AG1 – 12

Notwithstanding the provisions of Section 4 to the contrary, the minimum property area on the property zoned AG1 – 12 shall be 10.5 hectares (26 acres). The areas of the property zoned NE1 shall be included in the calculation of property area.

Notwithstanding the provisions of Section 4 to the contrary, the housing of livestock on the property zoned AG1 – 12 shall conform with the provisions of the Agricultural Small Holding (AG4) zone.

Notwithstanding the provisions of Section 4 to the contrary, the existing buildings on the property zoned AG1 – 12 shall be deemed to comply with all relevant zone provisions. All other provisions of this By-law shall apply.

**4.10.13. AG1 – 13**

Notwithstanding the provisions of Section 4 to the contrary, the following special provision recognizes a minimum property area of 10.7 hectares (26.42 acres) and restricts the number of nutrient units to 1 per acre. Property zoned AG1 – 13 is deemed to comply with all zone provisions of this by-law. All other provisions of this By-law shall apply.

**4.10.14. AG1 – 14**

Notwithstanding the provisions of Section 4 to the contrary, a single detached dwelling is permitted accessory to a salvage yard provided that the salvage yard is located on the same property as the AG1 – 14 zone. All other provisions of this By-law shall apply.

**4.10.15. AG1 – 15**

Notwithstanding the provisions of Section 4 to the contrary, the following special provisions shall apply to the property zoned AG1 – 15: No barns shall be constructed that in total house more than 100 nutrient units. All other provisions of this By-law shall apply.

**4.10.16. AG1 – 16**

Notwithstanding the provisions of Section 4 to the contrary, the property zoned AG1 – 16 may include 2 residences. All other provisions of this By-law shall apply.

**4.10.17. AG1 – 17**

Notwithstanding the provisions of Section 4.2 to the contrary a single detached dwelling may be established as a permitted use on the property zoned AG1 – 17. All other provisions of this By-law shall apply.

**4.10.18. AG1 – 18**

Notwithstanding the provisions of Section 4 to the contrary, the area zoned AG1 – 18 may be used for a sanitation transport business. All other provisions of this By-law shall apply.

**4.10.19. AG1 – 19**

Notwithstanding the provisions of Section 4 to the contrary, the area zoned AG1 – 19 may be used for agricultural or accessory structures. All other provisions of this By-law shall apply.

4.10.20 AG1 – 20

Notwithstanding the provisions of Section 4 to the contrary the following special provisions apply to the property zoned AG1 – 20:

Property area (minimum)	17.5 hectares
Property frontage (minimum)	15 metres

All other provisions of this By-law shall apply.

4.10.21. AG1 – 21

Notwithstanding the provisions to the contrary, the minimum property area for the property zoned AG1 – 21 is 16 hectares. The total number of nutrient units on the property is restricted to 80. All other provisions of this By-law shall apply.

4.10.21. AG1 – 22

Notwithstanding the provisions of Section 4 to the contrary, the minimum lot frontage shall be 20.1 metres (66 feet) and the minimum lot area shall be 24.68 hectares (61 acres), for the lands zoned AG1 – 22. The location of the existing frame garage located to the rear of the property is deemed to comply with the setback provisions of this By-law. All other provisions of this By-law shall apply.

4.10.22. AG1 – 23

Notwithstanding the other AG1 zone provisions to the contrary, the area zoned AG1-23 may not be used for new buildings, except where such buildings are in conformity with the Conservation Authority’s floodproofing standards or are located at a higher elevation than the regional storm level of 180.7 metres. Notwithstanding the other AG1 zone provisions to the contrary, the area zoned AG1-23 may not be used for exploration, drilling for and production of oil and natural gas.

## 5. Restricted Agriculture (AG2)

Within this Zone, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### 5.1 Permitted Uses

- agricultural use, general; excluding new residential dwellings
- conservation
- exploration, drilling for and production of oil and natural gas
- forestry uses, not including commercial forestry processing uses
- temporary wayside pit required by road authority
- uses accessory to the permitted uses (residence is prohibited)

### 5.2. Accessory Uses

- anaerobic digester
- commercial greenhouse operation less than 0.8 hectares covered by greenhouse
- farm produce sales outlet
- farm winery
- seasonal worker housing
- storage containers (in accordance with the General Provisions for Accessory Storage Containers)

### 5.3. Permitted Structures

- buildings and structures for the permitted uses;
- other buildings and structures, not including residences, accessory to the permitted uses
- more than 1 main building per property is permitted

### 5.4. Zone Provisions

Zone area (minimum)	38 hectares; portions of the property zoned “Natural Environment” ,and/or “Extractive Resources” may be included in the calculation of zone area
Frontage (minimum)	150 metres

### 5.5. Yard Requirements

For buildings and structures used for livestock, poultry and fur bearing animal housing and waste storage, setbacks will be in accordance with the following provisions or MDS requirements (whichever is greater)

Front yard (minimum)	60 metres
Rear yard (minimum)	30 metres

Interior side yard (minimum)	30 metres
Exterior Side Yard (minimum)	60 metres

Other permitted buildings and structures, and accessory structures:

Front yard (minimum)	17 metres
Rear yard (minimum)	7.5 metres
Interior side yard (minimum)	7.5 metres
Exterior side yard (minimum)	17 metres

Notwithstanding any provisions to the contrary, in the area zoned AG2 the minimum property size and property frontage shall be:

- a) as it existed on the date of the passing of this by-law.
- b) or as it existed upon final approval of consent granted under Section 53 of the Planning Act.

**5.6. Farm Parcel from a Surplus Farm Residence Severance**

Notwithstanding any provisions to the contrary, where an agricultural property is created by a consent granted under Section 53 of the Planning Act and is zoned Restricted Agriculture (AG2) it is deemed to comply with the minimum zone area, minimum distance separation, and zone and yard provisions of this By-law, provided that existing uses and buildings have been legally established. A residence is prohibited from being constructed on lands zoned Restricted Agriculture (AG2).

**5.7. Minimum Distance Separation:**

**5.7.1. Livestock Housing**

Notwithstanding any yard and setback requirement of this by-law to the contrary, no livestock housing facility shall be established or enlarged unless it complies with the Minimum Distance Separation (MDS) Formulae.

**5.7.2. For Closed or Inactive Cemeteries**

Notwithstanding any other provision of this by-law to the contrary, for the purposes of calculating MDS II for a first or expanding livestock facility, cemeteries located within an CF Zone shall be treated as a Type A land use.

**5.7.3. Residential**

Notwithstanding any other provision of this by-law to the contrary, no residential, community facility, commercial, industrial or recreational building or structure, located on a separate lot shall be established unless it complies with the Minimum Distance Separation (MDS) Formulae.

## 6. Agricultural Commercial-Industrial (AG3)

Within this Zone, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### 6.1. Permitted Uses

- an agricultural industrial establishment
- an agricultural processing establishment
- an agricultural service establishment
- an agricultural supply establishment
- an anaerobic digester
- a bulk sales establishment
- commercial greenhouse operation greater than 0.8 hectares covered by greenhouse
- medical marihuana production facility
- rural winery
- temporary wayside pit
- a transport terminal or yard
- uses accessory to the permitted uses

### 6.2. Accessory Uses

- [agri-tourism uses over 1 hectare](#)
- home industry
- home occupation
- seasonal worker housing
- single detached dwelling or mobile home accessory to an agricultural commercial industrial use
- single detached dwelling or converted dwelling accessory to an agricultural use, general.
- storage containers in accordance with general provisions
- [value added agriculture uses over 1 hectare](#)

### 6.3. Permitted Structures

- accessory dwelling unit or a mobile home detached from or part of the non-residential structure;
- buildings and structures for the permitted uses;
- buildings and structures accessory to the permitted uses.

### 6.4. Zone Provisions

Zone area (minimum)	4000 square metres
Frontage (minimum)	30 metres
Front yard (minimum)	20 metres

Interior side yard (minimum)	15 metres or ½ of the building height, whichever is greater
Exterior side yard (minimum)	20 metres
Rear yard (minimum)	7.5 metres
Zone coverage (maximum)	30%

### 6.5. Zone Provisions for Accessory Residential Uses

Property area (this area is required in addition to the minimum property area for an AG3 use):

- detached residence: 700 sq. m.
- attached dwelling unit: 350 sq. m.

### 6.6. Zone Provisions for Accessory Storage Containers

- A maximum of 3 storage containers shall be permitted
- Storage containers may only be located to the rear or interior side yard of a main building and not be visible from a street. Storage containers are not permitted in a front yard.
- Storage containers must be located a minimum of 7.5 metres from all lot lines
- Storage containers accessory to the main use shall be a maximum of 3 metres in height. Storage containers shall not be stacked.

### 6.7. Minimum Distance Separation

#### 6.7.1. Livestock Housing

Notwithstanding any yard and setback requirement of this by-law to the contrary, no livestock housing facility shall be established or enlarged unless it complies with the Minimum Distance Separation (MDS) Formulae.

#### 6.7.2. For Closed or Inactive Cemeteries

Notwithstanding any other provision of this by-law to the contrary, for the purposes of calculating MDS II for a first or expanding livestock facility, cemeteries located within an CF Zone shall be treated as a Type A land use.

#### 6.7.3. Residential

Notwithstanding any other provision of this by-law to the contrary, no residential, community facility, commercial, industrial or recreational building or structure, located on a separate lot shall be established unless it complies with the Minimum Distance Separation (MDS) Formulae.

### 6.8. Buffer Strip

Notwithstanding the General Provisions Planting Strip Section a buffer strip of landscaped open space, 5 metres wide, shall be provided between storage and/or display area and side and/or rear property lines. Where an AG3 Zone abuts an AG1 or AG2 Zone, the required buffer strip need not be landscaped.

**6.9. Property Abutting a Railway**

Notwithstanding any other provisions of this By-law to the contrary, along that portion of any property line which abuts a railway right-of-way, no interior side or rear yard shall be required.

**6.10. Special Zones**

**6.10.1. AG3 – 1**

Notwithstanding the provisions of Section 6.0 Agricultural Commercial Industrial (AG3) to the contrary, the area zoned AG3 – 1 may only permit the following uses: An agricultural industrial establishment, an agricultural service establishment and an agricultural supply establishment.

All other provisions of this By-law shall apply.

**6.10.2. AG3 – 2**

Notwithstanding the provisions of Section 6.0 Agricultural Commercial Industrial (AG3) to the contrary, the property zoned AG3 – 2 is permitted a second accessory residence. All other provisions of this By-law shall apply.

**6.10.3. AG3 – 3**

Notwithstanding the provisions of Section 6.0 Agricultural Commercial Industrial (AG3) to the contrary, the area zoned AG3 – 3 may also permit a woodworking shop. All other provisions of the By-law shall apply.

**6.10.4. AG3 – 4**

Notwithstanding the provisions of Section 6.0 Agricultural Commercial Industrial (AG3) to the contrary, the permitted uses of the property zoned AG3 – 4 shall be limited to a truck transport facility used for the transporting of agricultural produce or goods necessary for agricultural production. All other provisions of this By-law shall apply.

**6.10.5. AG3 – 5**

Notwithstanding the provisions of Section 6.0 Agricultural Commercial Industrial (AG3) to the contrary, the following shall apply to the property zoned AG3 – 5:

Rear yard (minimum)	3 metres
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All other provisions of this By-law shall apply.

**6.10.6. AG3 – 6**

Notwithstanding the Provisions of the Agricultural Commercial-Industrial (AG3) Zone to the contrary, the maximum zone coverage of the property zoned AG3 – 6 shall not exceed 12%. All other provisions of this By-law shall apply.

**6.10.7. AG3 - 7**

Notwithstanding the provisions of the Agricultural Commercial-Industrial (AG3) Zone to the contrary, the following uses only are permitted in the AG3-7 zone:

- Wine processing facility or facilities;

- Commercial event kitchen and related dining area;
- Wine retail and tasting showrooms;
- Overflow parking of 200 spaces in partnership with the Huron Country Playhouse, in addition to the 60 main parking spaces and 6 bus parking spaces required for the winery;
- Agricultural implement storage facility or facilities;
- Winery event centre able to accommodate up to 300 people (for example, business meetings, staff gatherings, wine tasting events, weddings, banquets and conferences);
- All agricultural uses permitted in the General Agriculture zone (AG1), with livestock limited to a maximum of 4 Nutrient Units;
- Agricultural industrial, processing, service and supply and bulk sales uses permitted in the AG3 zone, provided that they are accessory to the production of crops and wine products and minimize the amount of productive agricultural land consumed by clustering buildings and not exceeding a total of 10% property coverage. In this case property coverage includes buildings, accessory structures, roads and parking areas, but excludes areas planted in vines;
- Buildings and structures accessory to the rural winery use.

Notwithstanding the provisions of the Agricultural Commercial-Industrial (AG3) Zone, the following provisions apply to the AG3-7 zone:

- Maximum retail area of 650 sq. m., including lobby area;
- Minimum vine planting area of 6 hectares;
- Accessory structures are permitted in front yard, with minimum setback from the front property line of 18 metres;
- No height restrictions for buildings or structures;
- Where not otherwise prescribed, AG3 zone provisions apply to the AG3-7 zone.

## 7. Agricultural Small Holding (AG4)

Within this Zone, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### 7.1. Permitted Uses

- converted dwelling
- group home in a single detached dwelling
- single detached dwelling, including a mobile home
- temporary wayside pit
- uses accessory to the permitted uses

### 7.2. Accessory Uses

- agricultural use, limited
- bed and breakfast establishment (maximum of 4 guest rooms)
- farm produce sales outlet
- home industry
- home occupation
- livestock use (maximum 4 nutrient units)
- uses accessory to the permitted uses

### 7.3. Permitted Structures

- 1 single detached dwelling, converted dwelling, or mobile home;
- barns
- buildings and structures for the permitted uses;
- buildings and structures accessory to the permitted uses.

### 7.4. Zone Provisions

Zone area	Minimum: 4000 sq. m. Maximum: 4 hectares
Frontage (minimum)	23 metres
Front yard (minimum)	17 metres
Interior side yard (minimum)	5 metres
Exterior side yard (minimum)	17 metres
Rear yard (minimum)	7.5 metres
Zone coverage (maximum)	30 %
Building height (maximum)	14 metres

### 7.5. Barns

An existing barn may be used or a new barn may be established in compliance with the provisions below, and provided the distance from the barn to the nearest off property

residential, commercial or community facility building or structure complies with the minimum separation distance noted below:

<b>Min. Lot Area (Hectares)</b>	<b>Max. Number of Nutrient Units Permitted</b>	<b>Minimum Distance Separation Requirement</b>
0.4	1	85 metres
0.8	2	85 metres
1.2	3	85 metres
1.6+	4	85 metres

### **7.6. Minimum Separation Distance (Residential)**

Notwithstanding any other provision of this by-law to the contrary, no residential, community facility, commercial, industrial or recreational building or structure, located on a separate lot shall be established unless it complies with the Minimum Distance Separation (MDS) Formulae.

### **7.7. Special Zones**

#### **7.7.1. AG4 – 1**

Notwithstanding the provisions of the Agricultural Small Holding Zone to the contrary, no more than 4 Nutrient Units are permitted on lands zoned AG4 – 1. Notwithstanding the provisions of the Agricultural Small Holding Zone to the contrary, the minimum side yard requirement for lands zoned AG4 – 1 shall be 3 metres.

For the purpose of lands zoned AG4 – 1, an animal kennel shall not be considered a permitted home industrial use.

All other provisions of this By-law shall apply.

#### **7.7.2. AG4 – 2**

Notwithstanding the provisions of the Agricultural Small Holding Zone to the contrary, no more than 4 Nutrient Units are permitted on lands zoned AG4 – 2. These lands are located within the area known locally as Elimville (Part Lot 10, Concession 7, Usborne);

Notwithstanding the provisions of the Agricultural Small Holding Zone to the contrary, the minimum front yard requirement for lands zoned AG4 – 2 shall be 7.5 metres;

Notwithstanding the provisions of the Agricultural Small Holding Zone to the contrary, the minimum side yard requirement for lands zoned AG4 – 2 shall be 3 metres;

For the purposes of lands zoned AG4 – 2, an animal kennel shall not be considered a home industrial use;  
All other provisions of this By-law shall apply.

**7.7.3. AG4 – 3**

Notwithstanding the provisions of the Agricultural Small Holding Zone to the contrary, the lot area minimum for the property zoned AG4 – 3 is .75 hectares (1.85 acres). All other provisions of this By-law shall apply.

**7.7.4. AG4 – 4**

Notwithstanding the provisions of the Agricultural Small Holding Zone, the minimum distance to the nearest livestock barn is 170 metres. All other provisions of this By-law shall apply.

**7.7.5. AG4 – 5**

Notwithstanding the provisions of the Agricultural Small Holding Zone to the contrary, the minimum side yard setback for any part of a single detached dwelling from the north lot line is 22 metres on the property zoned AG4 – 5. All other provisions of this By-law shall apply.

**7.7.6. AG4 – 6**

Notwithstanding the provisions of the Agricultural Small Holding Zone to the contrary, the area zoned AG4 – 6 may be used for a drive-in restaurant, restaurant and tavern, subject to the following special provisions:

- a) The existing on-site parking is deemed to comply with the provisions of this By-law.

All other provisions of this By-law shall apply.

**7.7.7. AG4 – 7**

Notwithstanding the provisions of Section 7 7.Agricultural Small Holding (AG4) Zone to the contrary, the area zoned AG4 – 7 may be used in conformity with Recreational Commercial (RC3) Zone and Huron County Playhouse (RC4) Zone providing that the front yard minimum is 29 metres. All other provisions of this By-law shall apply.

**7.7.8. AG4 – 8**

Notwithstanding the provisions of Section 7 Agricultural Small Holding (AG4) Zone to the contrary, the property zoned AG4 – 8 shall have the following special provisions:

Property frontage (minimum)	20 metres
Side yard (minimum)	on one side: 1 metre, on the other side: 5 metres

All other provisions of this By-law shall apply.

**7.7.9.    AG4 – 9**

Notwithstanding the provisions of the Agricultural Small Holding Zone to the contrary, the following special provisions apply to the property zoned AG4 – 9:

- a) Minimum property area – 6 hectares (14.8 acres)
- b) Hobby Livestock Operation – an accessory building including a barn, not to include hogs, may be established subject to the following table:

Property size (minimum)	1.6+ hectares
Number of permitted nutrient units (maximum)	4
Minimum distance separation required from the barn to the nearest residential, commercial, institutional building or structure excluding uses within the same ownership and same zone	80 metres

All other provisions of this By-law shall apply.

**7.7.10.    AG4 – 10**

Notwithstanding the provisions of the Agricultural Zones, the following special provisions pertain to the property zoned AG4 – 10:

- a) Maximum property area: 10.5 hectares (25.9 acres)
- b) An accessory building including a barn, may be established subject to the following:
- c) Maximum number of nutrient units: 5
- d) The establishment of such structure shall conform with the provisions of this By-law.

All other provisions of this By-law shall apply.

**7.7.11.    AG4 – 11**

Notwithstanding the provisions of the Agriculture Small Holding zone to the contrary, the following special provisions apply to the property zoned AG4 – 11:

- a) Hobby Livestock Operation – an accessory building including a barn may be established subject to the following table:

Property size (minimum)	1.6 hectares
Number of permitted nutrient units (maximum)	5
Minimum required separation distance from the barn to the nearest residential, commercial, institutional building or structure excluding uses within the same ownership and the same zone	80 metres

- b) The AG4 – 11 zone permits the indoor storage of feeds and concentrates in existing buildings and the accessory mixing of a vitamin mineral premix in conformity with the home industry provisions.

All other provisions of this By-law shall comply.

**7.7.12. AG4 – 12**

Notwithstanding the provisions of Section 7 Agricultural Small Holding (AG4) Zone the following special provisions pertain to the property zoned AG4 – 12:

- a) Property area (maximum): 4.9 hectares
- b) An accessory building including a barn may be established subject to the following:
- c) Maximum number of Nutrient Units: 5
- d) The establishment of such structure shall conform with the 3.17.

Minimum Distance Separation (MDS) Provisions of Section 7.5

All other provisions of this By-law shall apply.

**7.7.13. AG4 – 13**

Further to the provisions of Section 7 Agricultural Small Holding (AG4) Zone the housing of livestock on the property zoned AG4-13 is not permitted. The existing barn shall be retained for storage purposes only in conformity with the provisions of Section 7 Agriculture Small Holding (AG4) Zone. All other provisions of this By-law shall apply.

**7.7.14. AG4 – 14**

Notwithstanding the provisions of Section 7. Agricultural Small Holding (AG4) Zone, the following special provisions pertain to the property zoned AG4-14:

- a) Property area (maximum): 20 hectares
- b) Property area (minimum): the area of the subject property at the date of the adoption of this bylaw
- c) Notwithstanding the provisions of this By-law to the contrary, the following additional use is permitted on the property zoned AG4 – 14:
  - i. an existing business consisting of assembly, distribution and retail of furniture and related products;
- d) The total area of non-residential buildings shall not exceed 3,000 square metres

All other provisions of this By-law shall apply.

**7.7.15. AG4 – 15**

See By-law 13-1990.

**7.7.16. AG4 – 16**

Notwithstanding the provisions of Section 7 Agriculture Small Holding (AG4) Zone to the contrary the following special provisions apply to the property zoned AG4 – 16:

- a) Property area (maximum): 20.23 ha (50 ac) including the area zoned “Natural Environment”

- b) Property area (minimum): 20.23 ha (50 ac) including the area zoned “Natural Environment”

All other provisions of this By-law shall apply.

**7.7.17. AG4 – 17**

Notwithstanding the provisions of Section 7 Agriculture Small Holding (AG4) Zone to the contrary, the following special provisions apply to the property zoned AG4 – 17:

- a) Property area (maximum): 10.05 hectares (25 acres)

All other provisions of this By-law shall apply.

**7.7.18. AG4 – 18**

The buildings and structures on the property zoned AG4-18 are considered to be legal non-complying as of the date of passing of this By-law. All other provisions of this By-law shall apply.

**7.7.19. AG4 – 19**

Notwithstanding the provisions of this By-law to the contrary, a farm produce sales outlet is a permitted use subject to the zone provisions of Section 7 Agriculture Small Holding (AG4) Zone.

Notwithstanding the provisions of Section 7 Agriculture Small Holding (AG4) Zone to the contrary, the minimum separation between the proposed residence and the nearest livestock barn shall be 350 metres.

All other provisions of this By-law shall apply.

**7.7.20. AG4 – 20**

Notwithstanding the provisions of Section 7 Agriculture Small Holding (AG4) Zone to the contrary, the maximum number of nutrient units permitted on lands zoned AG4 – 20 shall not exceed 2. The General Provisions regarding legal non-complying uses shall apply except that the operative date for the purpose of legal establishment shall be the date before the passing of the amending by-law which establishes the AG4 – 20 zone. All other provisions of this By-law shall apply.

**7.7.21. AG4 – 21**

Notwithstanding the provisions of Section 7 Agriculture Small Holding (AG4) Zone to the contrary, the maximum number of nutrient units permitted on lands zoned AG4 – 21 shall not exceed 5.

Notwithstanding the provisions of Section 7 Agriculture Small Holding (AG4) Zone to the contrary, 2 single detached dwellings are permitted on the property zoned AG4 – 21. One of these may be used as a group home. The provisions

of General Provisions Non-Complying Properties shall apply as of the date of passing of this amending by-law.

All other provisions of this By-law shall apply.

**7.7.22.    AG4 – 22**

Notwithstanding Section 7 Agriculture Small Holding (AG4) Zone to the contrary, the area zoned AG4 – 22 may, in addition to the permitted home industrial uses, be used for a trucking business, provided that:

- a) Not more than 4 persons, other than the owners, are employed therein on a full-time basis;
- b) The area used for the trucking business shall be no greater than 40 % of the 557 square metres (6000 sq. ft.) accessory structure;
- c) Trucks may be parked outside in a designated parking area that is visually screened from the rear property line of the property legally-described as S. Pt. Lot 3, Concession 1;
- d) The property shall not have an area less than 1.8 hectares in size;
- e) All other provisions of this by-law that regulate a home industry shall apply.

All other provisions of this By-law shall apply.

**7.7.23.    AG4 – 23**

Notwithstanding the provisions of Section 7 Agriculture Small Holding (AG4), an animal boarding kennel may be operated on the property zoned AG4 – 23 as a home industry in an accessory structure with a total floor area of 155 square metres. All other provisions of this By-law shall apply.

**7.7.24.    AG4 – 24**

Notwithstanding the provisions of Section 7 Agriculture Small Holding (AG4) Zone to the contrary, an accessory structure is permitted on the property zoned AG4 – 24 with the following provisions:

- a) Front yard (minimum): 57 metres
- b) Notwithstanding Section 3.2 Accessory Buildings and Structures to the contrary, an accessory structure can be built in the front yard, provided that a structure is not directly in front of any part of the existing dwelling.

All other provisions of this By-law shall apply.

**7.7.25.    AG4 – 25**

Notwithstanding the provisions of Agriculture Small Holding (AG4) to the contrary, the minimum required separation distance on the lands zoned AG4 – 25 from the residence to the nearest livestock operation is 243 metres. All other provisions of this By-law shall apply.

**7.7.26.    AG4 – 26**

Notwithstanding the provisions of Section 7 Agriculture Small Holding (AG4) to the contrary, the area zoned AG4 – 26 may, in addition to the permitted home industry uses, be used for a trucking business, provided that:

- a) Not more than 4 persons, other than the owner, are employed therein on a full-time basis;
- b) Not more than 8 trucks be operated from and parked on the property at one time;
- c) Trucks must be parked in an accessory building or in a designated parking area at the rear of the property zoned AG4 – 26.
- d) The designated parking area shall be visually screened by a structure, planting strip or a fence in such a way that parked trucks or employee vehicles are visually screened from the road and neighbouring properties;

The property shall not have an area less than 1.85 hectares;

All other provisions of this by-law shall apply.

**7.7.27.    AG4 – 27**

Notwithstanding General Provisions Accessory Buildings and Structures to the contrary, 1 accessory structure with a maximum floor area of 223 square metres- is permitted to be built in the front yard, provided that the structure is not directly in front of any part of the dwelling. All other provisions of this by-law shall apply.

**7.7.28.    AG4 – 28 (per by-law 65-2015)**

Notwithstanding the Agricultural Small Holding (AG4) Zone to the contrary the following provisions apply in the AG4-28 zone:

- Minimum side yard: 15 metres on the west side yard of this property

**7.7.29.    AG4 – 29 Residential Parcel from a Surplus Farm Residence Severance**

Notwithstanding any provisions to the contrary, in the area zoned AG4-29 both the property and any legally established existing buildings are deemed to comply with the AG4 zone provisions and the minimum distance separation requirements of this By-law.

## **8. Natural Environment Zone 1 (NE1)**

Within this Zone, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### **8.1. Permitted Uses:**

- agricultural uses, as they existed on the date of passage of the by-law;
- conservation
- forestry
- passive recreation
- uses accessory to a permitted use

### **8.2. Permitted Structures**

- accessory buildings and structures for the maintenance of the permitted uses as well as trails and footpaths, including stiles, stairs, bridges and benches, subject to the approval of the Conservation Authority;
- buildings and structures for flood and/or erosion control prevention, subject to the approval of the Conservation Authority;
- class 1 sewage disposal facility as per the Ontario Building Code.

### **8.3. Zone Provisions**

The minimum front, rear, and side yards of new and expanding buildings and structures will be established and constructed in accordance with the requirements of the relevant approval authority and required studies.

The placing or removal of fill or the alteration of water courses is not permitted except in accordance with the applicable regulations of the Conservation Authority.

Clearing of areas is prohibited. Except in accordance with the Huron County Forest Conservation By-law 38-2013, as amended.

Drainage of areas is prohibited other than for a direct agricultural drainage outlet, drainage required for permitted structures, and drains, with the exception of those drains constructed in accordance with the Drainage Act, and the Tile Drainage Act, as amended.

### **8.4. Special Zones**

NE1	Municipality of South Huron Zoning By-law Section 8 Natural Environment Zone 1	NE1
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8.4.1. NE1-1 (Not used)

8.4.2. NE1-2 South Huron Beach (Further to By-law 36-1984 and By-law 33-1986)

Notwithstanding Section 5 Natural Environment Zone 1 (NE1) to the contrary, the area zoned NE1-2 shall be limited to the following permitted uses and structures:

- a public park, but only on publicly owned lands in areas zoned NE1-2;
- accessory buildings and structures for the maintenance of the permitted uses as well as trails and footpaths, including stiles, stairs, bridges and benches, subject to the approval of the Conservation Authority;
- buildings and structures for flood and/or erosion control prevention, subject to the approval of the Conservation Authority.

All other provisions of this By-law shall apply.

## 9. Natural Environment Zone 2 (NE2)

Within this Zone, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### 9.1. Permitted Uses:

- conservation
- dwelling in existence at the date of passage of this by-law and the replacement of such dwelling
- forestry
- home occupation or home industry [in or accessory to a permitted dwelling](#)
- maple syrup production
- passive recreation
- uses accessory to a permitted use

### 9.2. Permitted Structures

- buildings and structures permitted in the NE1 Zone;
- buildings and structures accessory to a permitted dwelling;
- buildings and structures existing on the date of passing of this by-law;
- maple syrup evaporating facility.

### 9.3. Zone Provisions

The placing or removal of fill or the alteration of water courses is not permitted except in accordance with the applicable regulations of the Conservation Authority.

Clearing of areas is prohibited. Except in accordance with the Huron County Forest Conservation By-law 38-2013, as amended.

Drainage of areas is prohibited other than for a direct agricultural drainage outlet, drainage required for permitted structures, and drains, with the exception of those drains constructed in accordance with the Drainage Act, and the Tile Drainage Act, as amended.

The minimum front, rear, and side yards of new and expanding buildings and structures will be established and constructed in accordance with the requirements of the relevant approval authority and required studies.

### 9.4. Existing Dwellings and their Replacement

The minimum front yard, rear yard, and side yards for an existing dwelling shall constitute the minimum requirements for the dwelling and any replacement dwelling. The zone coverage and height of existing buildings and structures constitutes the maximum permitted for the dwelling and any replacement dwelling.

#### 9.4.1. New and Expanding Non-Dwelling Buildings and Structures

The minimum front yard, rear yard, and side yards and maximum zone coverage and building height for new and expanding buildings and structures that are not dwellings will be established and constructed in accordance with the requirements of the relevant approval authority and required studies.

Notwithstanding General Provisions Accessory Structures, and Section 9.4 Existing Dwellings and their Replacement to the contrary, in the NE2 areas below the Lake Huron top-of-bank, a single accessory building is permitted in any yard provided it is less than 10 square metres, not more than 1 storey, and a maximum height of 4 metres.

### 9.5. Special Zones

#### 9.5.1. NE2-1 Dwelling in Natural Environment

Notwithstanding the provisions of this By-law to the contrary, 1 single detached dwelling is permitted on the property zoned NE2-1 subject to all provisions of Agricultural Small Holding (AG4) Zone. Development of the zoned area shall be in accordance with the fill and construction regulations of the Conservation Authority. All other provisions of this By-law shall apply.

#### 9.5.2. NE2-2 (As per By-law 63-2004)

Notwithstanding the provisions of this By-law to the contrary, 1 single detached dwelling is permitted on the property zoned NE2-2 subject to provisions of Agricultural Small Holding (AG4) Zone. Notwithstanding provisions in Section 9 Natural Environment Zone 2 (NE2) to the contrary, the property zoned NE2-2 shall have a maximum property area of 40.47 hectares.

In addition to a single detached dwelling, the property zoned NE2-2 is permitted to have habitable space above the garage for the purpose of providing sleeping accommodation and may contain plumbing. The garage containing the habitable space is required to be attached to the main dwelling by a foyer and all utilities servicing the habitable space must be extended from the main dwelling.

Notwithstanding the definition of attached to the contrary, the garage containing the habitable space is considered to be attached to the main dwelling and is not considered an accessory building.

In addition to the requirements of this By-law, development of the subject property shall be in accordance with the Environmental Impact Study and the fill

and construction regulations of the Conservation Authority. All other provisions of this By-law shall apply.

**9.6.3. NE2-3 Aggregate Rehabilitation**

In addition to the permitted uses, structures and provisions of Section 9 Natural Environment (NE2) Zone, rehabilitation activities are permitted for former mineral aggregate operations. Aggregate materials and equipment are permitted to be temporarily stored while rehabilitation continues. No dwelling shall be constructed in the NE2-3 zone. The area zoned NE2-3 is included in property area and property coverage calculations. All other provisions of this By-law shall apply.

## 10. Parks & Open Space (OS)

Within this Zone, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### 10.1. Permitted Uses

- conservation
- dwelling in existence at the date of passing of this by-law and the replacement of such dwelling
- passive recreation
- public park
- private park
- selective forestry
- uses accessory to a permitted use

### 10.2. Permitted Structures

- buildings and structures accessory to the permitted uses subject to the consent of the Conservation Authority or the appropriate authority;
- buildings and structures necessary for flood and/or erosion control prevention subject to the consent of the Conservation Authority;
- class 1 sewage disposal facility as per the Ontario Building Code.

### 10.3. Zone Provisions

Front yard (minimum)	10 metres
Interior side yard (minimum)	7.5 metres
Exterior side yard (minimum)	10 metres
Rear yard (minimum)	8 metres
Zone coverage (maximum)	20%
Building height (maximum)	14 metres

### 10.4. Special Zones

#### 10.4.1. OS-1 Stormwater Management

Notwithstanding the permitted uses of the Open Space zone to the contrary, uses and structures shall be restricted to flood control structures and stormwater management infrastructure.

#### 10.4.2. OS-1-1 Oakwood Links (As per By-law 47-2004)

Notwithstanding the provisions of the Open Space zone to the contrary, decks may encroach into the OS-1-1 zone, subject to approval from the Conservation Authority. All other provisions of this Zoning By-law shall apply.

## **11. Flood Fringe Overlay (FF)**

Within this Overlay, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### **11.1. Permitted Uses**

- In accordance with the zones found within the flood fringe area.

### **11.2. Permitted Structures**

- In accordance with the zones found within the flood fringe area.

### **11.3. Zone Provisions**

The flood fringe is a second zone layered on top of the underlying zone(s) and extends from the limit of the flood way (zoned FW) to the limit of the flood plain (zoned FF). Zone provisions for FF zones are in accordance with the underlying zone(s) found within the flood fringe area. In addition, the placing or removal of fill will be subject to the approval of the Conservation Authority and the construction of permitted buildings and structures will be subject to flood damage reduction measures determined in consultation with the Conservation Authority.

## **12. Floodway (FW)**

Within this Zone, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### **12.1. Permitted Uses**

- conservation
- passive recreation
- forestry
- uses accessory to a permitted use

### **12.2. Permitted Structures**

- accessory structures for the maintenance of the permitted uses as well as trails and footpaths, including stiles, stairs, bridges and benches, subject to the approval of the Conservation Authority;
- structures for flood and/or erosion control prevention, subject to the approval of the Conservation Authority.

### **12.3. Zone Provisions**

New and expanding structures shall be established and constructed in accordance with the requirements of the Conservation Authority, including flood damage reduction measures.

The placing or removal of fill will be subject to the approval of the Conservation Authority.

### 13. Extractive Resources (ER1)

Within the following zones, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

#### 13.1. Permitted Uses

- agricultural use, limited;
- agricultural uses as they existed at the date of passage of this by-law and the expansion of existing agricultural buildings subject to the zone provisions of the General Agriculture (AG1) Zone;
- extractive use licensed under the Oil, Gas and Salt Resources Act;
- mineral aggregate operation or any other operation licensed under the Aggregate Resources Act;
- processing of extracted materials from the site including crushing, screening, washing, sorting and storing of materials, and a portable asphalt plant, but not including a permanent asphalt/concrete/ready mix batching plant;
- uses permitted in the Natural Environment (NE1) Zone;
- uses accessory to the permitted uses.
- accessory storage containers in accordance with General Provisions

#### 13.2. Permitted Structures

- buildings and structures for the permitted uses, including an office, service, storage, and maintenance building;
- buildings and structures accessory to the permitted uses, not including a dwelling unit.

#### 13.3. Zone Provisions

Front yard (minimum)	17 metres
Rear yard (minimum)	17 metres
Interior side yard (minimum)	17 metres
Exterior side yard (minimum)	25 metres

#### 13.4. Special Provisions

##### 13.4.1. Rehabilitation

The site shall be mined, managed and rehabilitated in accordance with the Regulations of the Aggregate Resources Act and a site plan as approved by the Ministry of Natural Resources.

##### 13.4.2. Excavation Limitations

No excavation shall occur or be expanded within the following minimum setbacks:

Dwelling	150 metres
Land used for residential purposes	30 metres

Land designated as a settlement area	30 metres
Top-of-bank of any body of water or water course that is not the result of excavation below the water table	30 metres
Boundary of the site	15 metres
Street line	30 metres

Where 2 extractive operations abut and are operated at the same time thus permitting a more efficient use of the available aggregate, the setback of 15 metres from the boundary of the site may be waived conditional upon a signed agreement being registered against the deeds of both properties and upon Ministry of Natural Resources approval.

Where an extractive operation abuts a street and a reduced setback would permit a more efficient use of aggregate, the setback from the street may be reduced conditional upon a signed agreement between the owner of the street and the owner/licensee and upon Ministry of Natural Resources approval.

Setbacks for extraction and structures from the Natural Environment zones shall be in accordance with General Provisions Natural Environment Zone Setback

**13.4.4. Future Uses Following Rehabilitation**

Following rehabilitation a General Agriculture (AG1) or Natural Environment Zone 1 (NE1) use is permitted subject to the provisions of the respective zone.

**13.4.5. Repair, Renovation, Expansion of Existing Buildings**

Where a residence, accessory storage structure or barn was erected prior to the date of passing of this By-law the said building or structure may be repaired, renovated or expanded in accordance with the provisions of the General Agriculture (AG1) zone.

## 14. Extractive Industrial (ER2)

Within the following zones, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### 14.1. Permitted Uses

- accessory storage containers in accordance with General Provisions
- agricultural use, limited;
- agricultural uses as they existed at the date of passage of this by-law and the expansion of existing agricultural buildings subject to the zone provisions of the General Agriculture (AG1) Zone;
- extractive use licensed under the Oil, Gas and Salt Resources Act;
- mineral aggregate operation or any other operation licensed under the Aggregate Resources Act;
- permanent asphalt/concrete/ready mix batching plant;
- processing of extracted materials from the site including crushing, screening, washing, sorting and storing of materials, and a portable asphalt plant, but not including a permanent asphalt/concrete/ready mix batching plant;
- uses accessory to the permitted uses.
- uses permitted in the Natural Environment (NE1) Zone;

### 14.2. Permitted Structures

- buildings and structures for the permitted uses;
- buildings and structures accessory to the permitted uses, not including a dwelling unit.

### 14.3. Zone Provisions

Property coverage (maximum)	20 %
Rear yard (minimum)	17 metres
Side yard (minimum)	17 metres

Additional setbacks for buildings or structures for a permanent asphalt/concrete/ready mix batching plant:

Front yard (minimum)	90 metres
Exterior side yard (minimum)	90 metres

Additional setbacks for other permitted structures including accessory structures:

Front yard (minimum)	25 metres
Exterior side yard (minimum)	25 metres

#### 14.4. Special Provisions

##### 14.4.1. Rehabilitation

The site shall be mined, managed and rehabilitated in accordance with the Regulations of the Aggregate Resources Act and a site plan as approved by the Ministry of Natural Resources.

##### 14.4.2. Excavation Limitations

No excavation shall occur or be expanded within the following minimum setbacks:

Dwelling	150 metres
Land used for residential purposes	30 metres
Land designated as a settlement area	30 metres
Top-of-bank of any body of water or water course that is not the result of excavation below the water table	30 metres
Boundary of the site	15 metres
Street line	30 metres

Where 2 extractive operations abut and are operated at the same time thus permitting a more efficient use of the available aggregate, the setback of 15 metres from the boundary of the site may be waived conditional upon a signed agreement being registered against the deeds of both properties and upon Ministry of Natural Resources approval.

Where an extractive operation abuts a street and a reduced setback would permit a more efficient use of aggregate, the setback from the street may be reduced conditional upon a signed agreement between the owner of the street and the owner/licensee and upon Ministry of Natural Resources approval.

Setbacks for extraction and structures from the Natural Environment zones shall be in accordance with General Provisions Natural Environment Zone Setback

##### 14.4.3. Future Uses Following Rehabilitation

Following rehabilitation a General Agriculture (AG1) or Natural Environment Zone 1 (NE1) use is permitted subject to the provisions of the respective zone.

##### 14.4.4. Repair, Renovation, Expansion of Existing Buildings

Where a residence, accessory storage structure or barn was erected prior to the date of passing of this By-law the said building or structure may be repaired, renovated or expanded in accordance with the provisions of the General Agriculture (AG1) zone.

ER2	Municipality of South Huron Zoning By-law Section 14 Extractive Industrial	ER2
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**14.4.5. Location**

An extractive industrial zone is only permitted within an area licensed as a pit or quarry in accordance with the Regulations of the Aggregate Resources Act

**14.4.6. Setback for Industrial Building or Structure**

An Extractive Industrial (ER2) building or structure shall be located a minimum distance of [90 metres from any permanent dwelling unit on the same subject property](#), and 300 metres from any permanent dwelling unit [on an adjacent property](#).

## 15. Lakeshore Residential (LR1)

Within this Zone, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### 15.1. Permitted Uses

- conservation
- forestry uses
- recreation, passive
- private park
- public park
- [single detached dwelling](#)

### 15.2. Accessory Uses

- a guest cabin accessory to a [single detached dwelling](#) (As per by-law 37-1984);
- uses accessory to the permitted uses.

### 15.3. Permitted Structures

- a recreational residential dwelling unit;
- buildings and structures for the permitted uses;
- buildings and structures accessory to the permitted uses.

### 15.4. Zone Provisions

	With Public Water	Without Public Water
Zone area, including all portions of the property zoned NE2 (minimum)	796 square metres	1400 square metres
Property frontage (minimum)	23 metres	23 metres
Front yard (minimum)	7.5 metres	7.5 metres
Side yard (minimum)	3.0 metres	3.0 metres
Rear yard (minimum)	7.5 metres	7.5 metres
Zone coverage (maximum)	25 %	25 %
Building height (maximum)	<a href="#">12 metres</a>	<a href="#">12 metres</a>

### 15.5 Lakefront Front Yard

For properties fronting on Lake Huron and for properties abutting or including the top-of-bank of Lake Huron, the front yard shall be the lake or top-of-bank side of the property.

### 15.6. Existing Undeveloped Property

Where a property having an area and/or frontage less than the minimum requirement stated Section 15.4 Zone Provisions is held under distinct and separate ownership from abutting properties as shown by a registered conveyance in the records of the Registry

Office, at the date of the passing of the By-law, such a property may be used and a single detached dwelling erected on the property provided that all relevant regulations made under The Public Health Act and all relevant requirements of the relevant Health Authority are fulfilled, in addition to the following:

Minimum property frontage:	18 metres
Minimum property area with public water	604 square metres
Minimum property area without public water:	1000 sq. m.

### 15.7. Storage Sheds on Vacant Properties

On vacant properties in the Lakeshore Residential (LR1) Zone, 1 accessory storage shed is permitted prior to the construction of the main [single detached dwelling](#) subject to the following requirements for the shed:

- a) maximum size of 10 sq. metres;
- b) maximum height of 5.5 metres;
- c) not used for human habitation and does not contain plumbing;
- d) structurally moveable; and
- e) located in the required rear yard with a minimum setback from property lines of 1.25 metres.

### 15.8. Special Provisions

#### 15.8.1. LR1-1 (Maple Grove)

Notwithstanding the requirement of this by-law that only 1 main building per property is allowed, the area zoned LR1-1 may be used for more than 1 recreational residential dwelling unit, subject to the following provisions:

- An area equal to not less than 50% of the total of the area zoned LR1-1 and the abutting area zoned NE1 shall be retained in a conservation, forestry, natural environment or passive recreation use;
- An area equal to not more than 50% of the total of the area zoned LR1-1 and the abutting area zoned NE1 may develop at a net density of 1 recreational residential dwelling unit per 796 sq. metres;
- Separation distance between recreational residential dwelling units (minimum) - 6 metres.

All other provisions of this By-law shall apply.

#### 15.8.2. LR1-2 (Oakwood Park)

Notwithstanding the minimum property area provisions of the Lakeshore Residential (LR1) Zone to the contrary, the following provision shall apply in an area zoned LR1-2:

- a) Property area (minimum): 1400 sq. m

All other provisions of this By-law shall apply.

15.8.3. LR1-2-1 (As Per By-law 43-2014)

Notwithstanding the minimum frontage provisions of the Lakeshore Residential (LRC1) Zone, the following provisions shall apply in an area zoned LR1-2-1:

- a) Property frontage (minimum) with Public Water: 20.595 metres

15.8.4. LR1-2-2 (As per By-law 43-2014)

Notwithstanding the provisions of this By-law to the contrary, the following provisions shall apply to an area zoned LR1-2-2:

- a) no building or structure shall be erected closer than 6.0 metres from the top-of-bank of a natural watercourse or open municipal drain or Lake Huron which is more than 7.5 metres in width from top-of-bank to top-of-bank.
- b) property frontage (minimum) with Public Water: 20.095 metres

15.8.5. LR1-3 (As per By-law 21-1986)

Notwithstanding the provisions of the Lakeshore Residential (LR1) Zone the contrary, the following shall apply to the property zoned LR1-3:

- a) property area (minimum) 698 sq. metres;

All other provisions of this By-law shall apply.

15.8.6. LR1-4 (As per By-law 20-1992)

Notwithstanding the General Provisions Section of this by-law to the contrary an additional lot may be created by consent in the area zoned LR1-4 where such lot and remnant lot do not abut or front a public road, provided such lot and remnant lot each has access to a public road via a private right-of-way for the passage of persons and vehicles in common with others entitled thereto.

15.8.7. LR1-5 (As per By-law 53-2007)

Notwithstanding the General Provisions of this By-law to the contrary, no building or structure shall be erected closer than 10.9 metres (36 feet) from the top-of-bank of Lake Huron on the property zoned LRC1-5. All other provisions of this By-law shall apply.

## 16. Recreational Trailer Park and Campground (RC2)

Within this Zone, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### 16.1. Permitted Uses

- campground
- conservation
- forestry
- passive recreation
- private park
- public park
- trailer and tent park

### 16.2. Accessory Uses

- 1 [accessory](#) dwelling unit for the owner or manager of the trailer park or campground;
- for a trailer and tent park or campground: recreational vehicle sales and service, convenience store, propane sales, recreational hall, and Laundromat;
- uses accessory to the permitted uses.

### 16.3. Permitted Structures

- buildings and structures for the permitted uses;
- buildings and structures accessory to the permitted uses.

### 16.4. Zone Provisions

Zone Area (minimum)	4 hectares
Property Frontage (minimum)	40 metres
Front Yard (minimum)	17 metres
Side Yard (minimum)	7.5 metres
<a href="#">Exterior Side Yard (minimum)</a>	<a href="#">25 metres</a>
Rear Yard (minimum)	7.5 metres
Zone Coverage (maximum)	10 %
<a href="#">Site Coverage (maximum)</a>	<a href="#">40%</a>
Trailer site area (minimum)	150 square metres
Building Height (maximum)	<a href="#">12 metres</a>

### 16.5. Provisions for Accessory Residential Uses

- Location - other than in basement or cellar;
- Access to dwelling units from the adjacent street shall be provided for the exclusive use of the dwelling units.
- Minimum floor area per dwelling unit shall be in accordance with the following:

- a) fully detached residence: 84.0 square metres;
- b) a residence as part of the non-residential building or structure: 70.0 square metres;

**16.6. Development Ratio**

The development ratio for trailer parks shall be 1:2. That is, for each hectare of area to be developed for trailer sites, 2 hectares shall be maintained in natural area or recreational space.

**16.7. Recreational Space**

Not less than 20 % of the gross area of the lot shall be used as communal recreational area.

Natural areas such as ravines, marshes, or lake banks shall not be included in the calculation of recreational space.

**16.8. Site Area**

A minimum individual trailer park site area of 150 square metres shall be provided.

**16.9. Buffer**

Where a Recreational Trailer Park and Campground (RC2) zone abuts a Lakeshore Residential (LR1) Zone a buffer strip of landscaped open space or natural vegetation of 10 metres shall be required.

**16.10. Water Access**

Where a recreational trailer park is located within 300 metres of a navigable body of water or a lake, access to the water shall be provided as part of the lot or holding. The width of this access shall be a minimum of 30 metres.

**16.11. Density of Development**

Overall density of development will not exceed 15 recreational vehicle lots or camp sites per gross hectare.

**16.12. Additions to Trailers**

Enclosed structures, in the form of additions to travel trailers or park model trailers, are permitted as an accessory “add-on” provided the total floor area of the addition(s) does not exceed the floor area, height, double the width, and does not extend beyond the length, of the travel trailer or park model trailer.

**16.13. Distance between Trailers**

There shall be a minimum distance of 3 metres between travel trailers/park model trailers, including any “add-on” additions having a wall, as well as between a travel trailer/park model trailer and a building or structure used for human habitation.

#### **16.14. Parking**

For trailer and tent parks, each trailer or tent site shall be provided with at least 1 car parking space and visitor parking shall be provided on the basis of 1 space for every 4 sites with visitor parking dispersed throughout the trailer and tent park at locations convenient to the site which it is intended to serve. Such visitor parking shall not be used for the storage of boats or trailers.

Parking for other uses shall be in accordance with General Provisions Parking Requirements.

#### **16.15. Setback from a Lane**

All trailers, accessory buildings, and other buildings and structures shall be setback a minimum of 2 metres from the traveled portion of an access lane or road within the trailer and tent park.

#### **16.16. Special Provisions**

##### **16.16.1. RC2-1 (As per by By-law 60-2004 & By-law 44-2007 & By-law 31-2018)**

Notwithstanding the zone provisions of Section 16.4 of this By-law, the following special provisions apply to the property zoned RC2-1:

##### **16.16.1.1. Permitted Structures (as per By-law #44-2007)**

In addition to the permitted structures listed in section 16.3 Permitted Structures, the trailer park and campground zoned RC2-1 may also include park model trailers (as defined in Section 2 Definitions).

##### **16.16.1.2. Development Ration**

Notwithstanding the development ratio outlined in Section 16.6, the trailer park and campground zoned RC2-1 shall have a ratio of 1:1.5. That is, for each hectare of area to be developed for trailer sites, 1.5 hectares shall be maintained in natural area or recreational space.

Adjacent areas on the lot, zoned Natural Environment and which represent a natural extension of the trailer park as defined by natural features of the natural extension of the Recreational lot lines, may be included in the calculation of lot area.

##### **16.16.1.3. Density of Development**

Overall density of development will not exceed 15 recreation vehicle lots or camp sites per gross hectare.

Adjacent area of the lot, zoned Natural Environment and which represent a natural extension of the trailer park as defined by natural features or the natural extension of the Recreational lot lines, may be used to calculate the density of development. All trailer sites must be located on the area zoned RC2-1.

**16.16.1.4. Site Provisions**

- a) Site coverage (max) 40 %
  - i. Site coverage shall mean the percentage of the site area covered by all buildings and structures above ground level including the area covered by the trailer, deck, carports, sunrooms, porches, additions to the trailer and accessory structures.
- b) Trailer floor area (maximum) 100.3 square metres.(1080 sq ft)
- c) Distance Between Trailers (minimum) 2.4 metres (8ft)
  - i. The separation distance of 2.4 metres (8ft) shall be required to be measured from any deck associated with the said trailer to the nearest part of any deck that is associated with a trailer on a separate site.
- a) Distance Between Accessory Structures and Trailers on a Separate Site (minimum): 1.2 metres (4ft)
  - i. The separation distance of 1.2 metres (4ft) shall be required to be measured from any accessory structure on the said site to the nearest part of any deck that is associated with a trailer on a separate site.

**16.16.1.5. Accessory Structures**

Buildings and structures accessory to a park model trailer may be permitted on an individual trailer site.

An accessory structure may include, but not limited to a: garage; shed; gazebo; or a carport.

**16.16.1.6. Accessory Structure in Front Yard**

Notwithstanding the General Provisions section to the contrary, one accessory structure accessory to the main Recreational Trailer Park and Campground is permitted to be built in the front yard with the following provisions: front yard to accessory structure (minimum): 29m

Notwithstanding General Provisions Accessory Structures this accessory structure is permitted to be built at a height of 9m (maximum)

**16.16.1.6. Main Building Height**

Notwithstanding the Recreational Trailer Park and Campground (RC2) zone provisions to the contrary, main building height is permitted at 14m (maximum)

## 17. Recreational Commercial (RC3)

Within the following zones, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### 17.1. Permitted Uses

- golf course
- guest cabin
- hotel
- motel
- restaurant
- retail store for the sale of personal convenience goods and foodstuffs, and recreational equipment
- 1 accessory dwelling unit
- more than 1 main use is permitted
- uses accessory to the permitted uses.

### 17.2. Permitted Structures

- 1 dwelling unit accessory to the permitted use;
- buildings and structures for the permitted uses;
- buildings and structures accessory to the permitted uses.

### 17.3. Zone Provisions

Property area (minimum)	1850 square metres
Property frontage (minimum)	22 metres
Front yard (minimum)	17 metres
Side yard (minimum)	7.5 metres
Rear yard (minimum)	7.5 metres
Property coverage (maximum)	30 %
Building Height (maximum)	14 metres

### 17.5. Provisions for Accessory Residential Uses

- a) Location: other than in basement or cellar
- b) Minimum floor area per dwelling unit shall be in accordance with the following:
  - i. Fully detached residence: 84.0 sq.m
  - ii. A residence as part of the non-residential building or structure: 70 sq.m
- c) Access to dwelling units from adjacent street shall be provided for the exclusive use of the dwelling units

### 17.6. Provisions for Golf Courses and Associated Uses

Property area (minimum)	4.0 hectares (10 acres)
Frontage (minimum)	75.0 metres (246 ft.)

Setbacks for buildings or structures (minimum):

Front yard	30 metres (98 ft.)
Side yard	8.0 metres (26 ft)
Rear yard	8.0 metres (26 ft)
Property coverage (maximum)	10 %
Parking	see General Provisions of this By-law
Lighting	all lighting and illuminated signs shall be arranged so as to deflect light away from adjacent properties.

## 17.7. Special Zones

### 17.7.1. RC3-1 Golf Course (As per By-law 39-1990)

Notwithstanding the uses permitted in the Recreational Commercial (RC3) Zone, permitted uses and structures in the RC3-1 zone shall be limited to the following:

#### 17.7.1.1. Permitted Uses

- golf course
- driving range
- 1 accessory dwelling unit detached from or part of another building or structure, in conformity with the accessory dwelling provisions of the RC3 zone
- conservation uses
- agricultural use, limited
- more than 1 main use is permitted
- accessory uses

#### 17.7.1.2. Permitted Structures

- buildings and structures for permitted uses
- buildings and structures accessory to permitted uses, which may include a clubhouse with accessory restaurant, bar, and/or snack bar, a pro golf shop, golf accessories rental shop, and grounds and maintenance buildings and compound
- accessory uses

## **18. Huron County Playhouse (RC4)**

Within this Zone, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### **18.1. Permitted Uses**

- theatre
- accessory uses to a theatre

### **18.2. Permitted Structures**

- buildings and structures for the permitted uses
- buildings and structures accessory to the permitted uses

### **18.3. Zone Provisions**

Subject to provisions of the Highway Commercial Zone (C3)

### **18.4. Building Provisions**

Subject to provisions of the Highway Commercial Zone (C3)

### **18.5. Special Provisions**

Notwithstanding provisions of the Highway Commercial (C3) zone, accessory buildings and structures are permitted in the front yard of lands zoned RC4.

## 19. Residential – Low Density (R1)

Within this Zone, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### 19.1. Permitted Uses

- converted dwelling
- duplex dwelling
- group home
- link semi-detached
- semi-detached dwelling
- single detached dwelling

### 19.2. Accessory Uses

- bed and breakfast (max 4 guests)
- home occupation
- second unit in a [single detached dwelling, semi-detached dwelling or accessory structure](#)
- uses accessory to the permitted uses

### 19.3. Permitted Structures

- buildings and structures for the permitted uses;
- buildings and structures accessory to the permitted uses.

### 19.4. Single Detached Dwellings – Zone Provisions

	Full services (Public Water & Public Sewer)	Public Water & Private Septic	Private Water & Private Septic
Zone area (minimum) Interior property	450 square metres	1,650 square metres	1,850 square metres
Zone area (minimum) Corner property	540 square metres		
Frontage (minimum) Interior property	15 metres	23 metres	
Frontage (minimum) Corner property	18 metres	23 metres	
Property depth (minimum)	30 metres	37 metres	
Front yard (minimum)	5 metres		
Interior side yard (minimum)	1.5 metres on 1 side and 3 metres on the other side*; OR		

	<b>Full services (Public Water &amp; Public Sewer)</b>	<b>Public Water &amp; Private Septic</b>	<b>Private Water &amp; Private Septic</b>
	1.5 metres on both sides when there is a private garage or carport attached to the main building*;  *Provided that the distance to any abutting residence (including attached private garages) is a minimum of 3 metres		
Exterior side yard (minimum)	6 metres		
Rear yard (minimum)	8 metres		
Zone coverage (maximum)	40 %		
Landscaped open space (minimum)	30 %		
Building height (maximum)	14 metres		

#### 19.5. Semi-Detached, Link Semi-detached, and Duplex Dwellings – Zone Provisions

	<b>Semi-Detached</b>	<b>Link semi-detached</b>	<b>Duplex</b>
Zone area (minimum) Interior property	270 square metres per unit	270 square metres per unit	540 square metres
Zone area (minimum) Corner property	315 square metres per unit	330 square metres per unit	
Frontage (minimum) Interior property	15 metres	10 metres per unit	23 metres
Frontage (minimum) Corner property	18 metres	Interior unit: 10 metres Corner unit: 13 metres	23 metres
Property depth (minimum)	30 metres		
Front yard (minimum)	6 metres		
Interior side yard (minimum)	Unattached side: 3 metres Attached side: 0 metres	Unattached side: 3 metres Attached side: 0.75 metres	3 metres on one side, 1.5 metres on the other side
	The 3 metres requirement is reduced to 1.5 metres when there is a private garage or carport attached to the main building provided that the resulting distance to any abutting residence (including attached private garages) is a minimum of 3 metres.		

	Semi-Detached	Link semi-detached	Duplex
Exterior side yard (minimum)	6 metres		
Rear yard (minimum)	8 metres		
Zone coverage (maximum)	40 %		
Landscaped open space (minimum)	30 %		
Building height (maximum)	14 metres		

### 19.6. Converted Dwellings

Any single detached dwelling lawfully existing on the date of passing of this By-law may be altered to a converted dwelling provided it complies with the following additional requirements:

- a) any additional exterior stairways provided for such dwelling units leading to a full floor above the first storey shall not be located in the front yard.
- b) A minimum outdoor landscaped amenity area (unobstructed by buildings or parking) is provided for each dwelling unit as outlined below:
  - 1 bedroom unit 18 square metres
  - 2 bedroom unit 53 square metres
  - 3 bedroom unit 65 square metres
  - 4 bedroom unit 80 square metres
- c) the external character and appearance of the dwelling is preserved.
- d) the parking provisions of Section 3 General Provisions are complied with.

### 19.7. Second Units

Second units shall only be permitted on full services in single detached, semi-detached or multiple attached dwellings and accessory structures on the same property in accordance with General Provisions, Second Unit.

### ~~19.8. Yards in Huron Park~~

~~For properties fronting onto Municipal streets in Huron Park, the front yard shall be between the dwelling unit and the parkland. The rear yard shall be between the residential unit and the street.~~

### 19.9. Special Zones

#### 19.9.1. R1-1

In addition to the uses permitted in the R1 zone, within the areas zoned R1-1 the following uses shall be included:

- boarding house dwelling
- business office
- clinic

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- commercial or private school
- day nursery
- personal services shop
- professional office
- studio

Any of the aforementioned permitted uses shall:

- a) not change the external residential character of the dwelling;
- b) not use the front yard or exterior side yard for parking, other than a driveway;
- c) with the exception of a boarding house, be restricted to the ground floor only.

Parking shall be provided in accordance with the parking provisions of General Provisions Section. All other provisions of this By-law shall apply.

**19.9.2. R1-2 (as per By-law 34-1996)**

Notwithstanding the definition of “rear property line” in Section 2 Definitions, for the purpose of the Residential - Low Density R1-2 zone, “rear property line” shall mean a line parallel with the front property line 68.5 metres opposite the front property line. All other provisions of this By-law shall apply.

**19.9.3. R1-3 (as per By-law 22-1997)**

Notwithstanding the definition of “rear property line” in Section 2 Definitions, for the purpose of the Residential - Low Density R1-2 zone, “rear property line” shall mean a line parallel with the front property line 50.3 metres opposite the front property line. All other provisions of this By-law shall apply.

**19.9.4. R1-4 (as per By-law 7-2004)**

Notwithstanding the Zone Provisions of the Residential - Low Density Zone (R1) in Section 19 to the contrary, the minimum side yard for the lands zoned R1-4 shall not be less than 6 metres on the side yard adjacent to the railway right-of-way. All other provisions of this By-law shall apply.

**19.9.5. R1-5 (as per By-law 20-2007 & 52-2007)**

Notwithstanding the Zone Provisions of the Residential - Low Density Zone (R1) in Section 19 to the contrary, for a property zoned R1-5:

- the minimum rear yard setback from the railway right-of-way shall be 15 metres. This setback shall apply to main buildings and accessory structures;
- the maximum total ground floor area of all accessory structures on a property that is zoned R1-5 shall be 112 square metres (1200 square feet); and
- the maximum property coverage of all structures on a property that is zoned R1-5 shall be 35%.

All other provisions of this By-law shall apply.

R1	Municipality of South Huron Zoning By-law Section 19 Residential – Low Density	R1
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**19.9.6. R1-6 (as per By-law 12-1984)**

Notwithstanding the Permitted Uses of the Residential - Low Density Zone (R1) in Section 19 to the contrary, the area zoned R1-6 may include a small engine repair business. All other provisions of this By-law shall apply.

**19.9.7. R1-7 (as per By-law 22-2000)**

Notwithstanding the Permitted Uses provisions of the Residential - Low Density Zone (R1) to the contrary, the area zoned R1-7 may be used for the following:

- All uses permitted under the Permitted Uses provisions of the Residential - Low Density Zone;
- A second dwelling unit;
- An office and a personal services shop, subject to the R1-1 provisions;

Notwithstanding the R1 provisions to the contrary, the second dwelling unit, office and personal services shop may be located in either the main residence or in an accessory building (the accessory building may not exceed 2,000 square feet ground floor area). All other provisions of this By-law shall apply.

**19.9.8. R1-8 (as per By-law 47-1995)**

Notwithstanding the Building Provisions of the Residential - Low Density Zone (R1) in Section 19 to the contrary, where a residence is to be established adjacent to a proposed road allowance an exterior side yard shall be required adjacent to the proposed road allowance. All other provisions of this By-law shall apply.

**19.9.9. R1-9 (as per By-law 19-1993)**

Notwithstanding the provisions of the South Huron Zoning By-law to the contrary, the following special provisions apply to the lands zoned Residential - Low Density R1-9:

- a) Notwithstanding the Permitted Uses provisions of the Residential - Low Density Zone (R1) to the contrary, the permitted uses for the property zoned R1-9 are limited to: a single detached dwelling, home occupation, and uses accessory to the permitted uses;
- b) The property zoned R1-9 does not front on a public road and therefore the R1 Zone Provisions concerning minimum property frontage do not apply;
- c) For the lands zoned R1-9, given the absence of frontage on a public road, the front property line shall be deemed to be the southerly property line; and
- d) Notwithstanding the General Provisions in Section 3 to the contrary, the property zoned R1-9 may be serviced by a right-of-way which provides access to an open public road.

All other provisions of this By-law shall apply.

**19.9.10. R1-10 (as per By-law 14-1997)**

Notwithstanding the Permitted Uses provisions of the Residential - Low Density Zone (R1) in Section 19, the area zoned R1-10 includes the following additional accessory uses: hairdressing shop and fireplace sales and service shop.

R1	Municipality of South Huron Zoning By-law Section 19 Residential – Low Density	R1
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Notwithstanding the General Provisions of Section 3 to the contrary, the top-of-bank setback is established by the location of the south corner of the existing accessory building, including the porch. Further construction will be permitted based on this setback subject to the requirements of the Ausable Bayfield Conservation Authority and no further reduction in the setback.

Notwithstanding section 3 General Provisions, to the contrary, the maximum height for an accessory building is 9 metres. All other provisions of this By-law shall apply.

19.9.11. R1-11 (as per By-law 27-2005)

Notwithstanding the Permitted Uses provisions of the Residential - Low Density Zone (R1) in Section 19 to the contrary, a home industry may be permitted as an accessory use, in accordance with the requirements of a home industry in the General Provisions.

For lands zoned R1-11, an animal kennel shall not be considered a home industrial use. All other provisions of this By-law shall apply.

19.9.12. R1-12 (as per By-law 4-2016)

Notwithstanding the Residential – Low Density (R1) Zone to the contrary the following provisions apply in the R1-12 zone:

- Minimum lot depth: 21.885 metres
- Maximum building height: 6 metres

19.9.13. R1-13 (as per By-law 4-2016)

Notwithstanding the Residential – Low Density (R1) Zone to the contrary the following provisions apply in the R1-12 zone:

- Minimum lot depth: 23.65 metres
- Minimum lot area: 517.5 square metres

~~19.9.14. R1-14 (as per By-law 37-2016) (not required due to general zone provisions)~~

~~Notwithstanding the Residential – Low Density (R1) Zone to the contrary the following provisions apply in the R1-14 zone:~~

- ~~▪ Minimum front yard: 6 metres~~
- ~~▪ Minimum side yard: 1.5 metres with detached or no garage or carport, one side yard shall not be less than 3 metres~~
- ~~▪ Zone Coverage: 40%~~

## 20. Residential – Medium Density (R2)

Within this Zone, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### 20.1. Permitted Uses

- converted dwelling
- duplex dwelling
- group home
- hospice
- link semi-detached dwelling
- multiple attached dwelling (maximum of 4 dwelling units)
- quadruplex
- semi-detached dwelling
- single detached dwelling
- triplex

### 20.2. Accessory Uses

- bed and breakfast establishment (maximum of two guest rooms)
- home occupation
- second unit in a single detached dwelling, [semi-detached dwelling](#), [multiple attached dwelling or accessory structure](#)
- uses accessory to the permitted uses

### 20.3. Permitted Structures

- buildings and structures for the permitted uses;
- buildings and structures accessory to the permitted uses.

### 20.4. Single Detached Dwellings – Zone Provisions

	Full services (Public Water & Public Sewer)	Public Water & Private Septic	Private Water & Private Septic
Zone area (minimum) Interior property	450 square metres	1,650 square metres	1,850 square metres
Zone area (minimum) Corner property	540 square metres		
Frontage (minimum) Interior property	15 metres	23 metres	
Frontage (minimum) Corner property	18 metres	23 metres	
Property depth (minimum)	30 metres	37 metres	

	<b>Full services (Public Water &amp; Public Sewer)</b>	<b>Public Water &amp; Private Septic</b>	<b>Private Water &amp; Private Septic</b>
Front yard (minimum)	5 metres		
Interior side yard (minimum)	1.5 metres on 1 side and 3 metres on the other side*; OR 1.5 metres on both sides when there is a private garage or carport attached to the main building*;  *Provided that the distance to any abutting residence (including attached private garages) is a minimum of 3 metres		
Exterior side yard (minimum)	6 metres		
Rear yard (minimum)	8 metres		
Zone coverage (maximum)	40 %		
Landscaped open space (minimum)	30 %		
Building height (maximum)	14 metres		

### 20.5. Semi-Detached, Link Semi-detached, and Duplex Dwellings – Zone Provisions

	<b>Semi-Detached</b>	<b>Link semi-detached</b>	<b>Duplex</b>
Zone area (minimum) Interior property	270 square metres per unit	270 square metres per unit	540 square metres
Zone area (minimum) Corner property	315 square metres per unit	330 square metres per unit	
Frontage (minimum) Interior property	15 metres	10 metres per unit	23 metres
Frontage (minimum) Corner property	18 metres	Interior unit: 10 metres Corner unit: 13 metres	23 metres
Property depth (minimum)	30 metres		
Front yard (minimum)	6 metres		
Interior side yard (minimum)	Unattached side: 3 metres Attached side: 0 metres	Unattached side: 3 metres Attached side: 0.75 metres	3 metres on one side, 1.5 metres on the other side

	Semi-Detached	Link semi-detached	Duplex
	The 3 metres requirement is reduced to 1.5 metres when there is a private garage or carport attached to the main building provided that the resulting distance to any abutting residence (including attached private garages) is a minimum of 3 metres.		
Exterior side yard (minimum)	6 metres		
Rear yard (minimum)	8 metres		
Zone coverage (maximum)	40 %		
Landscaped open space (minimum)	30 %		
Building height (maximum)	14 metres		

### 20.6. Triplex and Quadruplex Dwellings – Zone Provisions

	Triplex	Quadruplex
Zone area (minimum) Interior property	810 square metres	940 square metres
Zone area (minimum) Corner property	1,080 square metres	1,260 square metres
Property frontage (minimum)	20 metres	
Property depth (minimum)	34 metres	
Front yard (minimum)	6 metres from a Municipal street	
Interior side yard (minimum)		
Unattached Side	3 metres	
Attached side	0 metres	
Exterior side yard (minimum)	6 metres from a Municipal street	
Rear yard (minimum)	8 metres	
Zone coverage (maximum)	40 %	
Landscaped open space (minimum)	30 %	
Building height (maximum)	14 metres	

### 20.7. Multiple Attached Dwellings, Hospice – Zone Provisions

Property frontage for each dwelling unit (minimum):	
interior unit	8 metres
end unit (not a corner unit)	11 metres
end unit abutting a side street	14 metres
Zone area for each dwelling unit (minimum):	
end unit abutting a side street	400 square metres
all other units	350 square metres

Property depth (minimum)	38 metres
Zone coverage (maximum)	40 %
Front yard (minimum); difference between front yards of adjoining units (minimum)	6 metres 1 metre
Rear yard (minimum)	10 metres
Interior side yard (minimum) unattached side (end unit) attached side	3 metres 0 metres
Exterior side yard (minimum)	6 metres
Landscaped open space (minimum)	30 %
Number of Dwelling units per Building (maximum)	4
Building height (maximum)	14 metres
Attached private garage recess from front of unit (minimum) width as % of unit width (maximum)	1 metre 40 %

Each dwelling unit in a multiple attached dwelling shall be provided with a private amenity area that is clear of any walkway, building, communal amenity areas, or parking and adjacent to each dwelling unit for the use of the dwelling unit's occupants as follows:

- the private amenity area shall extend the entire dwelling unit width.
- the minimum private amenity area depth shall be 6 metres from any exterior wall containing a habitable room and shall be a depth of 3 metres in front of all other walls.
- within the private amenity area there shall not be a public pedestrian walkway.

### **20.8. Converted Dwellings – Zone provisions**

Any single detached dwelling lawfully existing on the date of passing of this By-law may be altered to a converted dwelling provided it complies with the following additional requirements:

- a) any additional exterior stairways provided for such dwelling units leading to a full floor above the first storey shall not be located in the front yard.
- b) A minimum outdoor landscaped amenity area (unobstructed by buildings or parking) is provided for each dwelling unit as outlined below:
  - 1 bedroom unit 18 square metres
  - 2 bedroom unit 53 square metres
  - 3 bedroom unit 65 square metres
  - 4 bedroom unit 80 square metres
- c) the external character and appearance of the dwelling is preserved.
- d) the parking provisions of Section 3 General Provisions are complied with.

**20.9. Second Units**

Second units shall only be permitted on full services in single detached, semi-detached or multiple attached dwellings and accessory structures on the same property in accordance with General Provisions Second Units.

**20.10. Special Zones**

**20.10.1. R2-1**

Notwithstanding the Permitted Uses provisions of the Residential - Medium Density Zone (R2), the following additional uses are permitted on a property zoned R2-1: adult day centre, clinic or medical office, specialized medical office and professional office.

For the purposes of the R2-1 zone, a minimum of 3 off-street parking spaces shall be provided. All other provisions of this By-law shall apply.

**20.10.2. R2-2 (as per By-law 39-2004)**

Notwithstanding the Zone Provisions of the Residential – Medium Density Zone (R2) to the contrary, the following special provisions shall apply to a single detached dwelling constructed on the lands zoned R2-2:

Property area (minimum)	340 square metres
Property frontage (minimum)	11 metres
Side yards (minimum)	0.6 metres on 1 side and 1.8 metres on the other side

All other provisions of this By-law shall apply.

## 21. Residential – High Density (R3)

Within this Zone, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### 21.1. Permitted Uses

- apartment building
- group home
- hospice
- long-term care home
- multiple attached dwelling
- retirement home

### 21.2. Accessory Uses

- home occupation
- [second unit in multiple attached dwelling, or accessory structure](#)
- uses accessory to the permitted uses

### 21.3. Permitted Structures

- buildings and structures for the permitted uses;
- buildings and structures accessory to the permitted uses.

### 21.4. Multiple Attached Dwellings, Hospice – Zone Provisions

Property frontage for each dwelling unit (minimum):	
interior unit	8 metres
end unit (not a corner unit)	11 metres
end unit abutting a side street	14 metres
Zone area for each dwelling unit (minimum):	
end unit abutting a side street	400 square metres
all other units	350 square metres
Property depth (minimum)	38 metres
Zone coverage (maximum)	40 %
Front yard (minimum); difference between front yards of adjoining units (minimum)	6 metres 1 metre
Rear yard (minimum)	10 metres
Interior side yard (minimum)	
unattached side (end unit)	3 metres
attached side	0 metres
Exterior side yard (minimum)	6 metres
Landscaped open space (minimum)	30 %

Number of Dwelling units per Building (maximum)	4
Building height (maximum)	14 metres
Attached private garage recess from front of unit (minimum) width as % of unit width (maximum)	1 metre 40 %

**21.4.1. Dwelling Units per Building**

Maximum number of dwelling units per building: 8

**21.4.2. Common Outdoor Amenity Area**

Every building having more than 4 dwelling units shall have an outdoor amenity area with a minimum size of 25 square metres per dwelling unit.

**21.4.3. Number of Multiple Attached Dwellings on a Property**

More than 1 multiple attached dwelling may be established on a property provided the dwellings also have the following minimum separation between the buildings:

- an exterior wall having a habitable room with a window: 18 metres
- all other exterior walls: 3 metres

**21.5. Apartment Building – Zone Provisions**

Zone area (minimum)	730 square metres
Property frontage (minimum)	20 metres
Property depth (minimum)	38 metres
Front yard (minimum)	6 metres
Interior side yard (minimum)	6 metres
Exterior side yard (minimum)	6 metres
Rear yard (minimum)	10 metres
Zone coverage (maximum)	40 %
Landscaped open space (minimum)	35%

**21.6. Apartment Building – Building Provisions**

Building height (maximum)	15 metres
Balconies for above grade apartment building dwelling units shall be a minimum of 1.5 metres deep and 2.4 metres long and enclosed by a privacy screen or wall on the 2 sides which abut the building.	
No common walkway shall be located within 3 metres of a wall with a window.	

Each ground floor dwelling unit in an apartment building shall be provided with a private outdoor amenity area that is clear of any walkway, building, communal amenity areas, or parking as follows:

- the private outdoor amenity area shall extend the entire dwelling unit width.

- the minimum private outdoor amenity area depth shall be 6 metres from any exterior wall containing a habitable room and shall be a depth of 3 metres in front of all other walls.
- within the private outdoor amenity area there shall not be a public pedestrian walkway.

Every apartment building having more than 4 dwelling units shall have an outdoor amenity area with a minimum size of 25 square metres per dwelling unit. For any apartment building above 20 dwelling units, the minimum amenity area will be 500 square metres.

More than 1 apartment building may be established on a property provided the apartment buildings also have the following minimum separation between the buildings:

- an exterior wall having a habitable room: 18 metres
- all other exterior walls: 3 metres

### 21.7. Long Term Care Home and Retirement Home – Zone Provisions

Zone area (minimum)	For the first 5 units: 550 square metres and For each additional unit: 75 sq. m.
Property frontage (minimum)	20 metres
Property depth (minimum)	38 metres
Front yard (minimum)	6 metres
Interior side yard (minimum)	3 metres
Exterior side yard (minimum)	6 metres
Rear yard (minimum)	10 metres
Zone coverage (maximum)	40 %
Landscaped open space (minimum)	30 %
Main building height (maximum)	15 metres
Amenity area per unit (minimum)	14 square metres

### 21.8. Second Units

Second units shall only be permitted on full services in multiple attached dwellings and accessory structures on the same property in accordance with the definition.

### 21.9. Special Zones

#### 21.9.1. R3-1 (as per By-law 19-2006)

Notwithstanding the provisions of the South Huron Zoning By-law to the contrary, the following zone provisions shall apply to the land zoned R3-1:

##### 21.9.1.1. Permitted Uses

No person shall, within any R3-1 zone, use any property or erect, alter or use any building or structure for any purpose except 1 or more of the following uses:

- multiple attached dwelling not having more than 4 dwelling units;
- home occupation; and

- buildings or structures accessory to a multiple attached dwelling.

21.9.1.2. Zone Provisions

Property area (minimum)	200 square metres per dwelling unit
Property frontage (minimum)	6.5 metres per dwelling unit
Property depth (minimum)	30 metres
Property coverage (maximum)	45 % for all structures, including main and accessory structures
Height (maximum)	Main building: 10 metres; Accessory building: 4.5 metres
Front yard setback	7 metres
Rear yard setback	8 metres
Side yards (minimum)	1 storey: 1.5 metres from end dwelling units; 2 storey: 1.8 metres from end dwelling units; No side yard requirement where multiple attached dwelling units share a common wall
Exterior side yard (minimum)	6 metres

21.9.1.3. Yard Requirements

Notwithstanding the additional yard requirements specific to multiple attached dwellings in the South Huron Zoning By-law, the following yard requirements shall apply to the lands zoned R3-1:

- a) Each dwelling unit in a multiple attached dwelling shall have an area which serves as an outdoor living area for the occupants.
- b) The outdoor living area shall be a minimum of 40 square metres and may include amenity areas and landscaped open space.

21.9.1.4. Planting Strip

A planting strip shall be provided where multiple attached dwellings abut lands zoned or used for single detached dwellings.

The dimension, appearance and maintenance of the planting strip shall be in accordance with the site plan approved by the Municipality for the lands zoned R3-1.

All other provisions of this By-law shall apply.

21.9.2. R3-2

Notwithstanding the Zone Provisions of the Residential – High Density Zone (R3) to the contrary, the minimum rear yard setback from the railway right-of-way for a property zoned R3-2 shall be 15 metres. This setback shall apply to main buildings. All other provisions of this By-law shall apply.

**21.9.3. R3-3 (as per By-law 47-2012)**

Notwithstanding the Zone Provisions of the Residential - High Density Zone (R3) to the contrary, the minimum property area in the R3-3 zone shall be 3026 square metres for 3 apartment buildings that include a maximum of 18 units. All other provisions of this By-law shall apply.

**21.9.4. R3-4 (as per By-law 8-1990)**

Notwithstanding the Permitted Uses provisions of the Residential - High Density Zone (R3) to the contrary, the permitted uses for lands zoned R3-4 shall be limited to:

- a multiple attached dwelling containing a maximum of 6 dwelling units; or
- a triplex dwelling; or
- a quadruplex dwelling; and
- buildings or structures accessory to the foregoing uses.

Notwithstanding the parking requirement provisions of Section 3 General Provisions to the contrary, parking is permitted between the front of the main building and the street line. All other provisions of this By-law shall apply.

**21.9.5. R3-5 (as per By-law 28-1997)**

Notwithstanding the Permitted Uses provisions of the Residential - High Density Zone (R3) to the contrary, within the R3-5 zone, an accessory recreational use for sports and leisure activities is permitted.

Notwithstanding the Zone Provisions of the Residential - High Density Zone (R3) to the contrary, the following provisions apply to a R3-5 zone:

Property area (minimum)	4700 square metres
Property coverage (maximum)	Main building: 40 %; Accessory buildings and structures: 5 %
Setback (minimum)	6 metres
Side yard (minimum)	4 metres
Rear yard (minimum)	2 metres
Height (maximum)	12 metres
The additional yard requirements in the South Huron Zoning By-law specific to multiple attached dwellings and those for yards between buildings where 2 or more multiple attached dwellings are on a single lot, shall not apply to properties zoned R3-5.	
The additional Site Regulations for multiple attached dwellings in R3 zones shall not apply to properties zoned R3-5.	

Notwithstanding the parking provisions of Section 3 General Provisions to the contrary, the following parking provisions apply in the R3-5 zone: Minimum Parking Space Requirement: 1.75 spaces per dwelling unit.

**21.9.6. R3-6 (as per By-law 4-1990)**

Notwithstanding the additional yard requirements specific to multiple attached dwellings in the South Huron Zoning By-law to the contrary, a private amenity area is not required for each dwelling unit in a multiple attached dwelling for properties zoned R3-6.

Where a R3-6 zone abuts a General Industrial (M2) or a Restricted Industrial (M1) zone, a berm as defined in the next paragraph, shall be provided along the property line abutting the industrial zone.

For the purposes of the R3-6 zone, a berm shall consist of an area of raised ground, a minimum height of 1 metre and with a maximum slope of 2 to 1 and minimum slope of 3 to 1.

**21.9.7. R3-7 (as per By-law 68-2009)**

Notwithstanding the provisions of the South Huron Zoning By-law, to the contrary, the following special zone provisions shall apply to the lands zoned R3-7:

**21.9.7.1. Permitted Uses**

No person shall, within the R3-7 zone use any property or erect, alter or use any building or structure for any purpose except 1 or more of the following uses:

- multiple attached dwelling not exceeding 6 units per dwelling;
- landscape open space; and
- accessory structures shall be limited to 1 pond, 1 gazebo, bridge, park benches, mailboxes and entrance signs.

**21.9.7.2. Zone Provisions**

Property area (minimum)	3.6 hectares
Property coverage (minimum)	45 % for all structures
Landscaped open space (minimum)	15 %

**21.9.7.3. Site Regulations**

Site area (minimum)	250 square metres per dwelling unit
Height (maximum)	Main building: 10 metres Accessory building: 4.5 metres
Front yard setback (minimum)	6 metres
Rear yard setback (minimum)	8 metres
Interior side yard (minimum)	3 metres, with 6 metres between end walls of buildings
Exterior side yard (minimum)	6 metres
No side yard requirement where multiple attached dwelling units share a common wall;	

No part of a multiple attached dwelling shall be closer than 8 metres to the lands zoned R1.

**21.9.7.4. Yard Requirements**

Notwithstanding provisions in the Residential - High Density (R3) Zone to the contrary, the following yard requirements shall apply to the lands zoned R3-7:

- a) The private outdoor amenity area shall have a minimum yard depth of 8 metres within which a privacy zone of 3 metres shall be provided.
- b) The minimum yard between an exterior wall (which is not an end wall) containing a living room window and a facing or parallel end wall with or without windows to habitable rooms shall be 15 metres.
- c) The minimum yard between 2 end walls facing and parallel to each other where either or both walls contain habitable room windows shall be 6 metres.

**21.9.7.5. Planting Strip Requirements**

Notwithstanding the Section 3 General Provisions for Planting Strips, a planting strip shall be provided on lands zoned R3-7 where they abut lands zoned R1.

Planting strips shall be constructed and maintained in accordance with the relevant provisions in Section 3 General Provisions.

**21.9.7.6. Parking Requirements**

Notwithstanding the parking requirement provisions of Section 3 General Provisions to the contrary, lands zoned R3-7 shall provide and maintain off-street parking spaces as follows:

- 1 space per dwelling unit
- Minimum of 22 visitor parking spaces

All other provisions of this By-law shall apply.

**21.9.8. R3-8 (as per By-law 88-2013 and 74-2017)**

The following zone provisions shall apply to the lands zoned R3-8:

- a) Notwithstanding the Zone Provisions of the Residential - High Density Zone (R3) to the contrary, the minimum property area in the R3-8 zone shall be 3,425 sq. m. for an apartment building that includes a maximum of 24 units.
- b) Notwithstanding the parking requirement provisions of Section 3 General Provisions to the contrary the minimum number of parking spaces required in the R3-8 zone is 29.
- c) Notwithstanding the Zone Provisions of the Residential - High Density Zone (R3) to the contrary, the minimum yard abutting an Institutional zone shall not be less than 6.35 metres.

R3	Municipality of South Huron Zoning By-law Section 21 Residential – High Density	R3
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- d) Notwithstanding the parking requirement provisions of Section 3 General Provisions to the contrary, a parking space shall have a minimum width of 2.7 metres.

All other provisions of this By-law shall apply.

## 22. Mobile Home Park (R4)

Within this Zone, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### 22.1. Permitted Uses

- mobile home park

### 22.2. Accessory Uses

- home occupation
- active recreation
- passive recreation
- uses accessory to the permitted uses

### 22.3. Permitted Structures

- administrative, sales or rental office;
- convenience retail store or personal services store to meet the day-to-day commercial needs of mobile home park residents;
- mobile home;
- 1 dwelling unit within the rear portion of second storey of the main office or sales facility OR 1 single detached dwelling accessory to the mobile home park use;
- park or playground;
- recreational or community centre
- swimming pool
- buildings and structures for the permitted uses;
- buildings and structures accessory to the permitted uses.

### 22.4. Zone Provisions

Zone area (minimum)	1 hectare
Property frontage (minimum)	75 metres
Front yard (minimum)	6 metres from a Municipal street  10 metres from a County Road 14 metres from a Provincial Highway
Interior side yard (minimum)	6 metres
Exterior side yard (minimum)	6 metres
Rear yard (minimum)	10 metres
Number of mobile home units (maximum)	20 units per hectare zoned R4
Parking spaces per mobile home site (minimum)	1
Parking spaces for Commercial Business	1 per 30 square metres
Parking for Recreation or Community Centre	1 per 50 square metres

## 22.5. Building Provisions

Distance between mobile homes or between a mobile home and a main or accessory mobile home park building (minimum)	4 metres
Building height (maximum): mobile home non-accessory buildings & structures	9 metres 14 metres
Mobile home setback from the travelled surface of an internal access road (minimum)	3 metres
Mobile home floor area: minimum maximum	55 square metres 148 square metres

## 22.6. General Zone Provisions for Mobile Home Parks

### 22.6.1. Access

Each mobile home site shall be located on a private internal access road which shall have a dust-free surface and a minimum traveled width of 4 metres for 1-way traffic and 6 metres for 2-way traffic.

### 22.6.2. Additions and Accessory Structures

Additions (such as a porch, deck, sunroom, deck cover, or shed) are permitted as part of the mobile home unit provided the total footprint of the additions does not exceed 75% of the original mobile home's footprint. Any addition shall be regarded as part of the mobile home for the purpose of applying the separation distance.

Maximum number of permitted buildings and structures accessory to a mobile home: 2.

### 22.6.3. Commercial Buildings

Accessory commercial buildings shall not occupy more than 1% of the mobile home park area. The required parking spaces shall be calculated on the basis of one parking space for each 10 square metres of gross floor area.

### 22.6.4. Mobile Home Skirting and Foundation

Each mobile home unit shall be placed on a permanent substructure or foundation supports and be provided with durable skirtings, with the ability to access below the unit, to screen the view of the undercarriage or foundation supports.

### 22.6.5. Municipal Services

Any new or expanding mobile home development shall connect to municipal services.

**22.6.6. Outdoor Storage**

There shall be no outside storage of any furniture, domestic equipment, or seasonally used equipment on the mobile home site.

Outside storage may occur in a communal storage area provided by the mobile home park subject to an approved site plan under the Planning Act. The communal storage area may be located in the rear yard or side yard in accordance with the General Provisions section for Accessory Structures.

**22.6.7. Recreation Area**

Not less than 10% of the mobile home park's R4 zoned area shall be amenity area for recreation purposes.

**22.7. Special Zones**

**22.7.1. R4-1 (as per By-law 43-1999)**

Notwithstanding the Zoning Provisions, Density of Development and Services provisions of the Mobile Home Park Zone (R4) to the contrary, land use, buildings and structures in the R4-1 zone are permitted as they existed on the date of the passage of By-law 43-1999 except that nothing shall prevent the erection of an accessory structure or the expansion of a main building including the enlargement of a mobile home in compliance with the provisions of the R4 zone. All other provisions of this By-law shall apply.

## 23. Residential Park (R5)

Within this Zone, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### 23.1. Permitted Uses

- residential park

### 23.2. Accessory Uses

- home occupation
- active recreation
- passive recreation
- uses accessory to the permitted uses

### 23.3. Permitted Structures

- administrative or rental office;
- convenience retail store or a personal service store to serve the day-to-day commercial needs of the residential park residents;
- mobile home sales office;
- recreational or community centre;
- 1 dwelling unit within the rear portion or second storey of the main office or sales facility;
- residential unit ;
- swimming pool;
- buildings and structures for the permitted uses;
- buildings and structures accessory to the permitted use

### 23.4. Residential Park - Zone Provisions

Zone Area (minimum)	4.0 hectares
Zone Frontage (minimum)	100 metres
Front Yard (minimum)	9 metres
Side Yard (minimum)	4.5 metres
Rear Yard (minimum)	7.5 metres
Building Height (maximum)	9 metres

### 23.5. Residential Site – Zone Provisions

Site Area (minimum)	420 square metres
Site Area - (maximum)	800 square metres
Site Frontage (minimum)	13.5 metres
Front Yard (minimum)	3 metres
Side Yard (minimum)	2 metres
Rear Yard (minimum)	3 metres
Unit Floor Area (min)	55 square metres

Site Coverage (maximum)	40 %
Unit Height (maximum)	7 metres
Maximum number of storeys	1

**23.6. General Zone Provisions for Residential Parks**

**23.6.1. Density**

The maximum density of residential units in a Residential park shall be 20 units per gross hectare.

**23.6.2. Services**

Each residential unit located within a residential park shall be provided with a piped water supply, sewage disposal facilities, solid waste disposal, storm drainage, electricity, street lighting, telephone and road maintenance.

**23.6.3. Access**

Each residential site within a residential park shall be located on an internal access road which shall have a dust free surface and shall be a minimum travelled width of 4 metres for 1-way traffic flow and 6 metres for 2-way traffic flow.

**23.6.4. Unit Per Site**

Not more than one residential unit shall be placed on any residential site.

**23.6.5. Parking**

In addition to the provisions of Section 3 each residential site shall be provided with at least 1 car parking space and visitor parking shall be provided on the basis on 1 space for every 2 residential sites, and shall be dispersed throughout the residential park at locations convenient to the site which it is intended to serve. Such visitor parking shall not be used for the storage of boats or trailers.

**23.6.6. Recreation Space**

Not less than 10 % of the gross area of a residential park shall be used as recreation space, placed in locations convenient to all residents.

**23.6.7. Separation**

Residential units and any part thereof shall be separated from each other or from any other building by not less than 4 metres. Any porch, carport or addition to a residential unit shall be regarded as part of the residential unit for the purpose of separation.

**23.6.8. Storage**

There shall be no outside storage of any furniture, domestic equipment or seasonally used equipment on the residential site. Adequate open storage shall be provided within a special communal storage area provided within the residential park. Adequate covered storage shall be provided and located either at the individual residential site or within a special communal storage area

provided within the residential home park. Structures containing accessory covered storage facilities shall be located and designated so that each building provides storage space for a minimum of 8 units on the basis of 3.5 cubic metres of storage space per unit, and no residential site is more than 60 metres from its storage facility.

**23.6.9. Skirting and Accessory Structures**

Each residential unit located on a residential site shall be placed on a continuous permanent substructure and permanent foundation supports. All residential units shall be provided with durable skirtings, with access where necessary, to screen the view of the undercarriage or foundation supports and any accessory structure shall be so designed to harmonize with the residential units.

**23.6.10. Commercial Buildings**

Accessory commercial buildings shall not occupy more than 1 % of the residential park area. The required parking spaces shall be calculated on the basis of 1 parking space for each 10 square metres of gross floor area.

**23.6.11. Residential Unit in a R5 Zone**

Residential unit is defined as a single detached dwelling, occupied or capable of being occupied as a home, residence or sleeping place by 1 or more persons, constructed on-site, or off-site. The units shall be limited to a single storey building, which may include a basement or cellar and which retain a resemblance in terms of shape, size, and architectural detail to existing structures in Grand Cove Estates. Single detached dwellings shall be limited to 1 dwelling unit. (As per By-law 59-1995)

**23.6.12. Site Coverage**

Site coverage shall mean the percentage of the site area, covered by all buildings and structures above ground level including the area covered by porches, carports, sunrooms or additions to a residential unit. (As per by By-law 36-2005)

## 24. Highway Commercial (C3)

Within this Zone, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### 24.1. Permitted Uses

- agricultural service establishment
- agricultural supply establishment
- amusement arcade
- animal and poultry health and breeding clinic
- [artist, dance, exercise, music and/or photography studio](#)
- [assembly hall](#)
- auction sale facility excluding the sale of livestock
- auto body shop
- automated bank machine
- bake shop
- bed and breakfast establishment (maximum of 4 guest rooms)
- bottle return depot
- brewers retail store
- [business or professional office](#)
- bus depot
- car wash establishment
- [catalogue store](#)
- commercial storage warehouse (rental units)
- contractor's shop
- convenience store
- converted dwelling
- drive-in theatre
- drive-through restaurant
- equipment and tool sales and rental establishment
- farm produce sales outlet
- farmers market
- fast food outlet
- fast food service restaurant
- financial service or institution
- flea market
- funeral home
- gasoline station
- greenhouse, commercial
- grocery store

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- group home, in an existing single detached dwelling
- hardware store
- health club and/or spa
- home improvement centre
- home occupation in any permitted dwelling
- hotel and/or boutique hotel
- landscaping and garden supply establishment
- laundromat or dry cleaning establishment
- liquor store
- manufacturing and/or processing of a product intended for retail sale on the premises such as a back shop, printing shop, customer woodworking shop, dressmaking shop, tailor shop, or similar use establishment
- marine supply and service establishment
- meeting and/or assembly hall
- miniature golf course
- motel
- motor vehicle repair shop
- motor vehicle rust proofing establishment
- motor vehicle sales and/or service establishment
- parking garage
- parking lot
- place of entertainment
- printing establishment
- private club
- public park or urban square
- recreational vehicle sales and service establishment (includes motorcycles, boats and snowmobiles)
- refillable propane exchange program
- religious institution
- research facility
- restaurant
- retail store with individual gross floor area in excess of 1000 square metres
- service and repair shop
- small engine sales and service establishment
- small equipment rental and sales establishment
- sports and recreation facility
- storage containers in accordance with General Provisions
- take-out restaurant
- tavern

- the following uses and buildings lawfully existing on the date of the passing of this By-law:
  - single detached dwelling, and the re-establishment of same in the event of accidental destruction
  - multiple attached dwelling
  - financial service
  - buildings and structures accessory to the foregoing uses
  - legally established buildings accessory to a single detached dwelling
- tire sales establishment
- tradesman shop
- [travel agency](#)
- veterinary clinic
- [vocational training](#)
- uses accessory to the permitted use, including an automated bank machine, a refillable propane exchange program, wholesale, warehouse, or second unit in a single detached dwelling.

#### 24.2. Permitted Structures

- Buildings and structures for the permitted uses
- Buildings and structures accessory to the permitted uses

#### 24.3. Zone Provisions

Zone area (minimum)	1000 square metres
Property frontage (minimum)	30 metres
Property depth (minimum)	30 metres
Front yard (minimum)	In settlement area: 7 metres Outside settlement area: 20 metres
Side yard (minimum)	In settlement area: Interior: 3 metres Exterior: 8 metres In rural area: Interior: 4.5 metres Exterior: 20 metres Where interior side yard abuts a Residential zone: 7.5 metres
Rear yard setback (minimum)	6 metres
Zone coverage (maximum)	In settlement area: 50 % Outside settlement area: 20 %
Building height (maximum)	14 metres
Landscaped open space (minimum)	10 %
On a corner lot, side yard requirements may be used instead of rear yard requirements.	

#### 24.4. General Commercial Provisions

##### 24.4.1. Minimum Separation of Commercial Buildings from Residential Zones

No part of any commercial building shall be located within 6 metres of any residential zone, provided however, that this requirement shall not apply to a commercial building lawfully existing on the day of the passing of this By-law.

##### 24.4.2. Outside Storage and Display

Open storage of raw materials is not permitted, however, open storage or areas for the display of finished goods, produce or nursery stock is permitted in C3, C4, C5, C6, C8 zones within the boundaries of the property provided that such areas or materials are located to the rear of the front property line and 3 metres from any side or rear property line. Sale of finished goods permitted in the front of buildings in the C4 zone provided there is no obstruction to the sidewalk.

##### 24.4.3. Planting Strips

Planting strips shall be provided on lands zoned or used for any commercial purpose, including parking areas serving a commercial use, where they abut lands zoned or used for residential, institutional or open space purposes.

#### 24.5. Maximum Number of Uses

~~A maximum of 2 main uses per lot are permitted in the Highway Commercial (C3) Zone.~~

#### 24.6. Provisions for Accessory Dwellings, Residential Uses and Uses Accessory to Residential Uses where Permitted

Floor area (minimum)	Fully detached dwelling: 84 sq. m. per dwelling unit Dwelling unit located within a non-residential building: see General Commercial provisions
Front yard (minimum)	7.5 metres
Side yards (minimum)	1.2 metres
Rear yard (minimum)	1.2 metres
Property coverage (maximum)	10 %
Height of dwelling unit component (maximum)	8 metres
Dwellings must not be located in a basement or cellar.	
Access to dwelling units from the adjacent street shall be provided for the exclusive use of the dwelling.	

#### 24.8. Highway Commercial Uses Distinguished from Other Commercial Uses

Where the main use is retail, office, studio, shop, recreation, restaurant, clinic, club, personal service, office service, financial service, or another use which could otherwise locate in the core or mixed commercial zones:

- the floor area required by such uses in the zone area must be greater than 1000 square metres;
- a maximum of 2 independently rented or operated units or uses may locate in the zone area at any 1 time.

#### **24.9. Front Yard Planting Area**

A planting area of not less than 3 metres in depth abutting the front property line and running the entire width of the property shall be required. The ground surface shall be planted with any combination of shrubs, flower beds or grass. Such planting area shall be maintained at all times, consistent with the season.

Where interrupted by walkways or driveways, a planting area need not be provided closer than 1 metre to a walkway or to a driveway.

Where required on a street corner or a corner lot, a planting area shall be located in such a way as to not form a visual obstruction to traffic.

#### **24.10. Existing Use Provisions**

For the uses permitted that are lawfully existing on the date of passage of this By-law, the minimum property area, property frontage, minimum yards, minimum gross floor area, and maximum building height and maximum zone coverage shall be as they lawfully existed on the date of passing of this By-law.

#### **24.11. Additional Zone Provisions for Automobile Sales, Automobile Service and Car Wash**

Front yard (minimum)	15 metres
Rear yard (minimum)	4 metres
Side yard	Interior: 4 metres Exterior: 8 metres
Zone area coverage (maximum)	25 %
Building height (maximum)	9 metres
Landscaped open space (minimum)	10 %
Gasoline service pump islands:	shall be located a minimum of 4.5 metres from any property boundary along any street; shall not be located within a radius of 10 metres of intersecting street lines; shall comply with any additional setback requirements of the Ministry of Transportation where applicable.
Ingress and Egress	No portion of any ingress or egress ramp shall be located closer than 4.5 metres to a property boundary along any street; No portion of any ingress or egress ramp along any street shall be located

	<p>closer than 3 metres to any side property line which abuts any other property</p> <p>The minimum distance between 2 ramps shall not be less than 9 metres.</p>
<p>On a corner lot, side yard requirements may be used instead of rear yard requirements.</p>	

**24.11.1. Automobile Storage Area**

A minimum of 5 parking spaces for each bay for a self-service car wash on private property and a minimum of 10 parking spaces in sequence for an automatic car wash on private property plus 5 further spaces for employee car storage, dry off areas and extra storage areas for cars awaiting a wash.

~~24.11.2. Location~~

~~No car wash facilities shall be located within 10 metres of a residential zone, a park, place of worship, community centre, funeral home, convalescent home, home for the aged, nursing home, or hospital.~~

**24.12. Special Zones**

**24.12.1. C3-1 (As per By-law 51-1987)**

Notwithstanding the provisions of the Highway Commercial (C3) Zone to the contrary, a business or professional office is permitted in the area zoned C3-2. All other provisions of this By-law shall apply.

**24.12.2. C3-2 (As per By-laws 48-1988 and 54-1987):**

In addition to provisions of the Highway Commercial (C3) Zone, a business or professional office is an additional permitted use within the area zoned C3-2.

In the area zoned C3-2, the north side yard shall be a minimum of 0.45 metres, and within this yard any planting strip requirements shall be reduced accordingly; the minimum rear yard setback adjacent to Lots 968 and 969, Plan 376 shall be 3.05 metres, and the minimum separation distance from residential uses shall be reduced accordingly.

That a planting strip or fence in accordance with this By-law be provided, along the entire rear of the subject property.

All other provisions of this By-law shall apply.

**24.12.3. C3-3 (As per By-law 65-1988)**

Within the area identified as C5-3, in addition to the permitted uses set out in the C3 zone, the sales and rental, and the accessory minor repair and maintenance of motor homes, travel trailers and mobile homes shall be permitted. All other provisions of this By-law shall apply.

**24.12.4. C3-4 (As per By-law 71-2003)**

Within the area zoned C3-4, the installation of one propane tank and pump is permitted within 0 metres of the south side lot line. All other provisions of this By-law shall apply.

**24.12.5. C3-5 (As per By-law 54-1984)**

Notwithstanding the provisions of Highway Commercial (C3) Zone to the contrary, the area zoned C3-5 includes a mobile home as a permitted use. The lot frontage minimum for the area zoned C3-5 is 28.5 metres. All other provisions of this By-law shall apply.

**24.12.6. C3-6 (As per By-law 38-1986)**

Notwithstanding the provisions of the Highway Commercial (C3) Zone to the contrary, the area zoned C3-6 shall be limited to the following permitted uses:

- an automotive sales and service establishment (not including the sale of motorized recreational vehicles);
- an automotive rust proofing establishment;
- an automotive washing establishment;
- a boat sales establishment;
- a drive-in restaurant;
- a permanent fruit or vegetable stand;
- 1 dwelling unit within the rear portion or second storey of a commercial building;
- service station;
- uses accessory to the permitted uses.

All other provisions of this By-law shall apply.

**24.12.7. C3-7 (As per By-laws 37-1988 and 56-1995)**

Notwithstanding the provisions of the Highway Commercial (C3) Zone to the contrary, the permitted uses on the property zoned C3-7 will be limited to the following:

- an electrical heating and plumbing supply service shop;
- an automotive sales and service establishment;
- an automotive washing establishment;
- related accessory uses.

All other provisions of this By-law shall apply.

**24.12.8. C3-8 (As per By-law 29-1991 and 36-1991)**

Notwithstanding the provisions of the Highway Commercial (C3) Zone to the contrary the following uses will be permitted on the property zoned C3-8:

- a shopping centre, with uses limited to those permitted in the C3 zone;
- automotive parts distribution;
- automotive body shop, provided that a fenced compound no larger than 9.1 metres by 9.1 metres (30 by 30 ft) be located to the north of the

main building for all vehicles to be serviced, and that hours of operation be limited to 7 a.m. to 6 p.m., Monday to Saturday;

- storage industry or warehouse;
- automotive sales and service establishment, limited to 10 vehicles on display, provided that the commercial sale of fuels is not permitted;
- office accessory to a permitted use;
- uses accessory to the permitted uses, although this does not permit the establishment of a residence accessory to the permitted uses.

Notwithstanding the provisions of this by-law to the contrary no vehicles shall be stored on the property in a wrecked, dismantled, or inoperable state unless they are present for the specific and immediate purpose of automotive body work.

Notwithstanding the provisions of this by-law to the contrary a planting strip will not be required along the west property line between the highway commercial use and the residential use.

Notwithstanding the provisions of this By-law to the contrary no parking areas will be permitted west of the driveway entrance.

All other provisions of this By-law shall apply.

#### 24.12.9. C3-9 (As per By-law 44-1991 and 66-2016)

Notwithstanding the provisions of the Highway Commercial (C3) Zone to the contrary the following additional uses will be allowed on the property zoned C3-9:

- light manufacturing involving the fabrication, manufacture, repair and sale of signs;
- an automobile washing establishment;
- a boat or motorized recreational vehicles sales establishment
- one dwelling unit within the rear portion or second storey of a commercial building;
- a contractor tradesman's shop or yard;
- storage industry or warehouse
- uses accessory to the permitted uses

Pursuant to provisions of Section 40 of the Planning Act Council shall regulate night time flood lighting.

Where the lands zoned C3-9 abut the rear lot line of adjacent lands zoned Residential – Low Density (R1) a fence shall be established. This fence shall be subject to Site Plan Approval under Section 40 of the Planning Act.

Notwithstanding the provisions of the Highway Commercial (C3) zone the minimum setback for open storage from the rear lot line of adjacent properties zoned Residential – Low Density (R1) shall be no less than 3 metres. This 3 metre setback shall include a planning strip as required under General Provisions Planting Strips.

Further to the provisions of the Highway Commercial (C3) zone the minimum setback for areas of open storage from the rear lot line of the subject lands shall be no less than 3 metres.

A buffer strip is required 5 metres from the front property line of the subject lands running the length of yards abutting properties zoned or used for residential purposes. This buffer strip must be in accordance with General Provisions Planting Strips.

Notwithstanding the General Provisions Storage Containers, Accessory a maximum of five (5) storage container shall be permitted in the C3-9 zone as an accessory use to the permitted use of “light manufacturing involving the fabrication, manufacture, repair and sale of signs”. Storage containers must be in accordance with all other General Provisions Storage Containers, Accessory). Placement and appearance of storage containers will be subject to Site Plan Approval Process.

All other provisions of this By-law shall apply.

#### 24.12.10. C3-10 (As per By-law 20-1999 and 44-2001)

Notwithstanding the provisions of this By-law to the contrary, the permitted uses on the property zoned C3-10 will be limited to:

- a boat storage shed;
- the manufacturing, display and sale of precast concrete products; outdoor storage of any other material, product, or item is not permitted.
- construction on the lands zoned C3-10 is regulated by the Ausable Bayfield Conservation Authority (ABCA) and development will not occur until ABCA approval is obtained.

The uses permitted on the property zoned C3-10 shall be established in accordance with the following provisions:

- a) the minimum side yard depth on the north side shall not be less than 3.6 metres;
- b) the maximum building height is 7.5 metres;

- c) the minimum rear yard setback is 110 metres;
- d) access to the building for the purposes of egress and access shall be restricted to the west side of the building;
- e) the west face of the building shall be within 110 metres of the front property line;
- f) the total size of the buildings on the lands zoned C3-10 shall not exceed 2790 square metres.

All other provisions of this By-law shall apply.

#### 24.12.11. C3-11 (As per By-law 8-2006)

Notwithstanding the provisions of this By-law to the contrary, the property zoned C3-11 shall be limited to the following permitted uses:

- automotive sales and service establishment;
- automotive rust proofing establishment;
- automotive washing establishment;
- boat sales and storage establishment;
- drive-in restaurant;
- permanent fruit or vegetable stand;
- 1 dwelling unit within the rear portion or second storey of a commercial building;
- service station;
- uses accessory to the permitted uses.

The uses permitted on the property zoned C3-11 shall be established in accordance with the following provisions:

Lot area (minimum)	1400 sq. m.
Lot frontage (minimum)	30 metres
Front yard depth (minimum)	20 metres
Side yard depth (minimum)	4.5 metres
Rear yard depth (minimum)	20 metres
Lot coverage (maximum)	25 %
Setback from residential use (minimum)	7.5 metres

An outdoor display area shall be permitted in all yards provided:

- a) Such outdoor display area is for merchandise kept for sale on the premises;
- b) Such outdoor display area is set back a minimum of 20 metres from the rear yard and a minimum of 3 metres from all other lot lines;
- c) Such outdoor display area does not cover more than 35% of the lot area;
- d) Such outdoor display area is kept in a neat and attractive manner.

The outdoor storage of goods or materials shall be permitted only to the rear yard or interior side yard provided:

- a) Such outdoor storage is accessory to the use of the main building on the lot;
- b) Such outdoor storage shall be set back 20 metres from the rear lot line and 4.5 metres from a side lot line;
- c) Such outdoor storage does not cover more than 25 % of the lot area;
- d) Such outdoor storage area is kept in a neat and attractive manner.

All other provisions of Section 24 and the applicable provisions of the remainder of this By-law (e.g. permitted structures, building provisions, off-street parking) shall apply.

**24.12.13. C3-12 (As per By-law 5-2008 and 31-2009)**

Notwithstanding the provisions of Highway Commercial (C3) Zone, a dwelling unit is not permitted as a main or accessory use in the C3-12 zone. All other uses permitted in the C3 zone are permitted in the C3-12 zone.

Notwithstanding the provisions of Section 24, the following provisions shall apply to the C3-12 zone:

Lot area (minimum)	1,000 square metres
Lot Frontage (minimum)	30 metres
Front Yard Depth (minimum)	7 metres
Side Yard Depth (minimum)	4 metres
Exterior Side Yard Depth (minimum)	8 metres
Rear Yard (minimum)	6 metres
Lot Coverage (maximum)	50 %
Landscaped Open Space (minimum)	10 %

Notwithstanding any provisions of the Highway Commercial (C3) Zone to the contrary, the following regulation applies to the C3-12 zone:

- a) Building Height (maximum) 10 metres
- b) A planting area of not less than 3 metres in depth abutting the front lot line and running the entire width of the lot shall be required. The ground surface shall be planted with a combination of shrubs, flower beds and grass. Such planting area shall be maintained at all times, consistent with the season.
- c) Where interrupted by walkways or driveways, a planting area need not be provided closer than 1 metre to a walkway or to a driveway.
- d) Where required on a street corner or a corner lot, a planting area shall be located in such a way that it does not form a visual obstruction for traffic.
- e) No part of any commercial building shall be located within 6 metres of any residential zone.
- f) Notwithstanding any provision of this By-law to the contrary, the storage of motorized vehicles, boats, recreational vehicles and motorized

equipment accessory to the main permitted use shall be permitted within any parking space on the lot. All other forms of open storage must comply with the applicable sections of this By-law.

All other provisions of this By-law shall apply.

**24.12.13. C3-13 (As per By-law 37-2010 and By-law 15-2012)**

Notwithstanding the provisions of the Highway Commercial (C3) Zone to the contrary, the lot frontage minimum for the property zoned C3-13 is 15.85 metres.

Notwithstanding the provisions of the Highway Commercial (C3) Zone to the contrary, the area zoned C3-13 shall be limited to the following permitted uses:

- A contractor's yard Type A;
- Office space as accessory to the permitted use, to a maximum of 35% of the total floor area of the main building;
- Storage containers for the purpose of storing building materials and equipment are permitted accessory to a contractor's yard; and
- Outdoor storage of materials and equipment accessory to the permitted use;
- Outdoor storage of equipment and materials shall be permitted in the side yard and rear yard only. The minimum setback from any side or rear lot line of any open storage area in this zone shall be no less than 3 metres for the side yard width and rear yard depth respectively.
- Notwithstanding the provisions of this By-law to the contrary, a maximum of 5 storage containers may be permitted in the C3-13 zone.

All other provisions of this By-law shall apply.

**24.12.14. C3-14 (As per by-law 65-2011)**

Notwithstanding the provisions of the Highway Commercial (C3) Zone to the contrary, the area zoned C3-14 shall include the following additional permitted use: a home improvement centre.

Notwithstanding the storage container provisions of this By-law, storage containers for the purpose of temporarily storing building materials for sale are permitted accessory to a home improvement centre use in the area zoned C3-14.

All other provisions of this By-law shall apply.

**24.12.15. C3-15 (As per by-law 24-1984, 9-1996 and 29-1996)**

Contrary to the provisions of the Highway Commercial (C3) Zone, the permitted uses of those areas zoned C3-15 shall be limited to an automotive sales and service establishment. All other provisions of this By-law shall apply.

## 25. Core Commercial (C4)

Within this Zone, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### 25.1. Permitted Uses

- adult day centre
- amusement arcade
- artist, dance, exercise, music and/or photography studio
- automated bank machine
- bake shop
- bed and breakfast establishment (4 rooms)
- [brewing establishment](#)
- [brewers retail store](#)
- bus depot
- business and/or professional office
- catalogue stored
- clinic
- convenience store
- day nursery
- dwelling units in combination with any permitted use provided such dwelling units are located entirely above the ground floor or at the rear of the main commercial use provided the retail use is a minimum 50% of the main floor area and runs the front of the building excluding access for stairway
- farmers market
- fast food outlet
- fast food service restaurant
- financial service or institution
- flea market
- funeral home
- grocery store
- group home in an existing single detached dwelling
- hairdresser and/or barber
- hardware store
- health club and/or spa
- hotel and/or [motel](#)
- laundromat or dry cleaning establishment
- liquor store
- [microbrewery](#)
- meeting and/or assembly hall

- parking lot/garage
- personal services shop
- place of entertainment
- post-secondary institution
- printing establishment
- private club
- public park or urban square
- religious institution
- research facility
- restaurant
- retail store with individual gross floor area under 1000 square metres
- service and repair shop
- [specialized medical offices](#)
- take-out restaurant
- tavern
- the following uses and buildings lawfully existing on the date of the passing of this By-law:
  - single detached dwelling, and the re-establishment of same in the event of accidental destruction
  - multiple attached dwelling
  - financial service
  - buildings and structures accessory to the foregoing uses
- the manufacturing and/or processing of a product intended for retail sale on the premises such as a bake shop, printing shop, customer woodworking shop, dressmaking shop, tailor shop, or similar use establishment
- theatre
- travel agency
- vocational training centre

**25.2. Permitted Structures**

- buildings and structures for the permitted uses;
- buildings and structures accessory to the permitted uses.

**25.3. Zone Provisions**

Zone area (minimum)	no minimum
Frontage (minimum)	no minimum
Property depth (minimum)	no minimum
Front yard (minimum)	4 metres Defined Area 3: no minimum
Front yard (maximum)	Defined Area 3: 1 metre

Interior side yard (minimum)	no minimum, except where the interior property line abuts a residential zone: 3 metres.
Exterior side yard (minimum)	6 metres Defined Area 3: no minimum
Rear yard (minimum)	12 metres
Zone coverage (maximum)	60 % Defined Area 3: no maximum
Landscaped open space (minimum)	30 % Defined Area 3: no minimum
Setback from a Lane or Easement (minimum)	none
Main building height (minimum)	2 storeys (7 metres)
Main building height (maximum)	4 storeys (16 metres)

#### 25.4. General Commercial Provisions

##### 25.4.1. Minimum Separation of Commercial Buildings from Residential Zones

No part of any commercial building shall be located within 6 metres of any residential zone, provided however, that this requirement shall not apply to a commercial building lawfully existing on the day of the passing of this By-law.

##### 25.4.2. Outside Storage and Display

Open storage of raw materials is not permitted, however, open storage or areas for the display of finished goods, produce or nursery stock is permitted in C3, C4, C5, C6, C8 zones within the boundaries of the property provided that such areas or materials are located to the rear of the front property line and 3 metres from any side or rear property line. Sale of finished goods permitted in the front of buildings in the C4 zone provided there is no obstruction to the sidewalk.

##### 25.4.3. Planting Strips

Planting strips shall be provided on lands zoned or used for any commercial purpose, including parking areas serving a commercial use, where they abut lands zoned or used for residential, institutional or open space purposes.

#### ~~25.5. Residential Units in Commercial Zones~~

~~Residential units may be located to the rear or above a main commercial use in the same structure in the C4, C5, C6 and C8 Zones.~~

#### 25.6. Special Provisions Defined Area 3

Defined Area 3 is an overlay zone that applies additional provisions as a layer on top of the underlying zone(s). See **Schedule XX** for the boundaries of Defined Area 3. Except

for the following provisions, zone provisions in Defined Area 3 are in accordance with the underlying zone(s).

- Within Defined Area 3, corner lots are exempt from the Sight Triangle General Provisions of this By-law.
- Notwithstanding the Parking General Provisions of this By-law, off-street parking spaces or loading areas are not required within Defined Area 3.

### **25.7. Prohibited Uses**

- drive-through establishments, lanes and windows;
- any retail store with a floor area exceeding 1000 square metres per storey;
- automotive oriented uses (e.g. gas stations, sales and service); and,
- residential uses at/below grade in commercial or other non-residential buildings fronting onto Main Street.

### **25.8. Existing Dwellings Combined with a Commercial Use – Zone Provisions**

The R2 zone provisions apply to an existing dwelling and an existing dwelling that is being converted to create 1 or more additional dwelling units.

A group home may be established in an existing dwelling subject to the provisions of the R1 Zone.

All or a portion of an existing dwelling may be used for a permitted commercial use.

### **25.9. Accessory Dwelling Units Combined with a Commercial Use – Zone Provisions**

The foregoing shall not apply to prevent the erection of buildings accessory to a single-detached dwelling subject to the General Provisions Section.

### **25.10. Core Area Parking**

Off-street parking areas are prohibited from occupying any street frontage so as not to create a void in the built-up streetscape.

### **25.11. Special Zones**

#### **25.11.1. C4-1**

In addition to the uses permitted by the Core Commercial (C4) zone, a car wash and gasoline station shall be permitted subject to the provisions of the C3 zone. All other provisions of this by-law shall apply.

#### **25.11.2. C4-2 (As per By-law 65-2014)**

Notwithstanding the provisions of the Core Commercial (C4) zone to the contrary, the following provisions shall apply to an area zoned C4-2:

- a) a 2-storey dwelling is permitted to a maximum height of 8 metres;
- b) maximum property coverage of 35%;

C4	Municipality of South Huron Zoning By-law Section 25 Core Commercial	C4
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- c) minimum rear yard depth of 2 metres for the existing dwelling; any subsequent dwelling shall require a minimum rear yard depth of 4 metres; and
- d) minimum interior side yard depth of 3.5 metres on the east side of the dwelling.

All other provisions of this by-law shall apply.

## 26. Mixed Use Commercial (C5)

Within this Zone, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### 26.1. Permitted Uses

- adult day centre
- artist, dance, exercise, music and/or photography studio
- apartment
- assembly hall
- automated bank machine
- bake shop
- bed and breakfast establishment (max 4 rooms)
- boarding/rooming/lodging home
- brewing establishment
- brewers retail store
- business and/or professional office
- clinic
- convenience store
- converted dwelling
- day nursery
- dwelling units in combination with any permitted retail use ~~provided such dwelling units are located entirely above the ground floor or at the rear of the main commercial use provided the retail use is a minimum 50% of the main floor area and runs the front of the building excluding access for stairway~~
- farmers market
- fast food outlet
- financial service or institution
- funeral home
- grocery store
- group home, in an existing single detached dwelling
- hairdresser and/or barber
- health club and/or spa
- home occupation in any permitted dwelling
- hotel and/or boutique hotel
- landscaping and garden supply establishment
- laundromat or dry cleaning establishment
- live-work unit
- meeting and/or assembly hall
- motel

- multi-unit residential building including triplexes, quadruplex and multiple attached
- nursing home, home for the aged or retirement residence
- parking lot
- personal services shop
- place of entertainment
- post-secondary institution
- printing establishment
- private club
- public park or urban square
- religious institution
- research facility
- restaurant
- retail store with individual gross floor area under 1000 square metres
- retirement home
- service and repair shop
- specialized medical office
- take-out restaurant
- tavern
- the following uses and buildings lawfully existing on the date of the passing of this By-law:
  - single detached dwelling, and the re-establishment of same in the event of accidental destruction
  - multiple attached dwelling
  - financial service
  - buildings and structures accessory to the foregoing uses
- travel agency
- vocational training centre

**26.2. Permitted Structures**

- buildings and structures for the permitted uses;
- buildings and structures accessory to the permitted uses.

**26.3. Zone Provisions**

Zone area (minimum)	500 square metres
Frontage (minimum)	15 metres
Property depth (minimum)	30 metres
Front yard (minimum)	1 metres
Front yard (maximum)	4 metres
Interior side yard (minimum)	4 metres

Exterior side yard (minimum)	6 metres
Rear yard (minimum)	4 metres
Zone coverage (maximum)	40 %
Landscaped open space (minimum)	10 %
Main building height (minimum)	1 storey (3.5 metres)
Main building height (maximum)	4 storeys (14 metres) Any storey above the third storey shall be set back a minimum of 1.5 metres from the main wall of the first 3 storeys.

#### 26.4. General Commercial Provisions

##### 26.4.1. Minimum Separation of Commercial Buildings from Residential Zones

No part of any commercial building shall be located within 6 metres of any residential zone, provided however, that this requirement shall not apply to a commercial building lawfully existing on the day of the passing of this By-law.

##### 26.4.2. Outside Storage and Display

Open storage of raw materials is not permitted, however, open storage or areas for the display of finished goods, produce or nursery stock is permitted in C3, C4, C5, C6, C8 zones within the boundaries of the property provided that such areas or materials are located to the rear of the front property line and 3 metres from any side or rear property line. Sale of finished goods permitted in the front of buildings in the C4 zone provided there is no obstruction to the sidewalk.

##### 26.4.3. Planting Strips

Planting strips shall be provided on lands zoned or used for any commercial purpose, including parking areas serving a commercial use, where they abut lands zoned or used for residential, institutional or open space purposes.

#### 26.5. Residential Units in Commercial Zones

Residential units may be located in combination with any permitted retail use provided such dwelling units are located entirely above the ground floor or at the rear of the main commercial use provided the retail use is a minimum 50% of the main floor area and runs the front of the building excluding access for stairway.

Apartments, nursing home, home for the aged or retirement residence, and multi-unit residential buildings including triplexes, quadruplexes and multiple attached are permitted as a standalone building in the C5 zone.

C5	Municipality of South Huron Zoning By-law Section 26 Mixed Use Commercial	C5
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**26.6. ~~Residential Buildings and Structures~~**

~~Permitted residential buildings and structures will be subject to the provisions of the Residential Medium Density (R2) and Residential High Density (R3) Zones for each type of dwelling.~~

## 27. Grouped Commercial (C6)

Within this Zone, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### 27.1. Permitted Uses

- accessory wholesale or warehouse uses
- [adult day centre](#)
- agricultural service establishment
- agricultural supply establishment
- amusement arcade
- animal and poultry health and breeding clinic
- artist, dance, exercise, music and/or photography studio
- assembly hall
- auction sale facility excluding the sale of livestock
- auto body shop
- automated bank machine
- bake shop
- ~~[bed and breakfast establishment \(max 4 rooms\)](#)~~
- bottle return depot
- brewers retail store
- [brewing establishment](#)
- bus depot
- business and/or professional office
- car wash establishment
- clinic
- convenience store
- converted dwelling
- drive-in theatre
- drive-through restaurant
- equipment and tool sales and rental establishment
- farm produce sales outlet
- farmers market
- fast food outlet
- fast food service restaurant
- financial institution
- financial service or institution
- flea market
- funeral home
- gasoline station

C6	Municipality of South Huron Zoning By-law Section 27 Grouped Commercial	C6
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- greenhouse, commercial
- grocery store
- group home, in an existing single detached dwelling
- hairdresser ad/or barber
- hardware store
- health club and/or spa
- home occupation in any permitted dwelling
- hotel and/or boutique hotel
- landscaping and garden supply establishment
- laundromat or dry cleaning establishment
- liquor store
- marine supply and service establishment
- meeting and/or assembly hall
- miniature golf course
- motel
- motor vehicle repair shop
- motor vehicle rust proofing establishment
- motor vehicle sales and/or service establishment
- [parking lot/garage](#)
- personal services shop
- place of entertainment
- post-secondary institution
- printing establishment
- private club
- public park or urban square
- recreational vehicles sales and service establishment (includes motorcycles, boats and snowmobiles)
- refillable propane exchange program
- religious institution
- research facility
- restaurant
- retail store with individual gross floor area in excess of 1000 square metres
- retail store with individual gross floor area under 1000 square metres
- service and repair shop
- small engine sales and service establishment
- small equipment rental and sales establishment
- [specialized medical offices](#)
- sports and recreation facility
- take-out restaurant
- tavern

- the following uses and buildings lawfully existing on the date of the passing of this by-law:
  - single detached dwelling, and the re-establishment of same in the event of accidental destruction
  - multiple attached dwelling
  - financial service
  - buildings and structures accessory to the foregoing uses
  - legally established buildings accessory to a single detached dwelling
- the manufacturing and/or processing of a product intended for retail sale on the premises such as a bake shop, printing shop, customer woodworking shop, dressmaking shop, tailor shop, or similar use establishment
- tire sales establishment
- tradesman shop
- travel agency
- uses accessory to the permitted uses
- veterinary clinic
- vocational training centre

### 27.2. Permitted Structures

- buildings and structures for the permitted uses;
- buildings and structures accessory to the permitted uses.

### 27.3. Zone Provisions

Zone area (minimum)	7, 500 square metres
Frontage (minimum)	60 metres
Property depth (minimum)	60 metres
Front yard (minimum)	25 metres
Interior side yard (minimum)	6 metres
Exterior side yard (minimum)	10 metres
Rear yard (minimum)	6 metres provided that where the rear lot line is the boundary line between a C6 zone and a residential zone or an (-h) residential zone, the minimum rear yard shall be: 15 metres
Zone coverage (maximum)	50 %
Landscaped open space (minimum)	20 %
Height (maximum)	14 metres

**27.4. General Commercial Provisions**

**27.4.1. Minimum Separation of Commercial Buildings from Residential Zones**

No part of any commercial building shall be located within 6 metres of any residential zone, provided however, that this requirement shall not apply to a commercial building lawfully existing on the day of the passing of this By-law.

**27.4.2. Outside Storage and Display**

Open storage of raw materials is not permitted, however, open storage or areas for the display of finished goods, produce or nursery stock is permitted in C3, C4, C5, C6, C8 zones within the boundaries of the property provided that such areas or materials are located to the rear of the front property line and 3 metres from any side or rear property line. Sale of finished goods permitted in the front of buildings in the C4 zone provided there is no obstruction to the sidewalk.

**27.4.3. Planting Strips**

Planting strips shall be provided on lands zoned or used for any commercial purpose, including parking areas serving a commercial use, where they abut lands zoned or used for residential, institutional or open space purposes.

**27.5. Additional Zone Provisions for Automobile Sales, Automobile Service and Car Wash**

Front yard (minimum)	15 metres
Rear yard (minimum)	4 metres
Side yard	Interior: 4 metres Exterior: 8 metres
Zone area coverage (maximum)	25 %
Building height (maximum)	7 metres
Landscaped open space (minimum)	10 %
Gasoline service pump islands:	shall be located a minimum of 4.5 metres from any property boundary along any street; shall not be located within a radius of 10 metres of intersecting street lines; shall comply with any additional setback requirements of the Ministry of Transportation where applicable.
Ingress and Egress	No portion of any ingress or egress ramp shall be located closer than 4.5 metres to a property boundary along any street; No portion of any ingress or egress ramp along any street shall be located closer than 3 metres to any side

	property line which abuts any other property The minimum distance between 2 ramps shall not be less than 9 metres.
On a corner lot, side yard requirements may be used instead of rear yard requirements.	

**27.5.1. Automobile Storage Area**

A minimum of 5 parking spaces for each bay for a self-service car wash on private property and a minimum of 10 parking spaces in sequence for an automatic car wash on private property plus 5 further spaces for employee car storage, dry off areas and extra storage areas for cars awaiting a wash.

**27.5.2. Location**

No car wash facilities shall be located within 10 metres of a residential zone, a park, place of worship, community centre, funeral home, convalescent home, home for the aged, nursing home, or hospital.

## 28. Village Commercial (C8)

Within this Zone, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### 28.1. Permitted Uses

- accessory wholesale or warehouse uses
- adult day centre
- agricultural supply establishment
- [artist, dance, exercise, music and/or photography studio](#)
- auto body shop
- automated bank machine
- business and/or professional office
- boarding/rooming/lodging house
- [bottle depot](#)
- [brewers retail outlet](#)
- clinic
- convenience store
- day nursery
- dwelling units in combination with any permitted use provided such dwelling units are located entirely above the ground floor or at the rear of the main commercial use provided the retail use is a minimum 50% of the main floor area and runs the front of the building excluding access for stairway
- equipment and tool sales and rental establishment
- farmers market
- financial service or institution
- flea market
- funeral home
- gasoline station
- greenhouse, commercial
- grocery store
- group home
- hairdresser and/or barber
- hardware store
- [health club and/or spa](#)
- hotel and/or boutique hotel
- [landscaping and garden supply establishment](#)
- laundromat or dry cleaning establishment
- live-work unit
- [liquor store](#)

- parking garage
- parking lot
- personal services shop
- private club
- public park or urban square
- recreational vehicle sales and service establishment (includes motorcycles, boats and snowmobiles)
- refillable propane exchange program
- religious institution
- restaurant
- retail store with individual gross floor area under 1000 square metres
- small engine sales and service establishment
- small equipment rental and sales establishment
- [specialized medical offices](#)
- [take-out restaurant](#)
- the following uses and buildings lawfully existing on the date of the passing of this by-law:
  - single detached dwelling, and the re-establishment of same in the event of accidental destruction
  - multiple attached dwelling
  - financial service
  - buildings and structures accessory to the foregoing uses
- [travel agency](#)
- veterinary clinic
- vocational training centre

### 28.2. Permitted Structures

- buildings and structures for the permitted uses;
- buildings and structures accessory to the permitted uses.

### 28.3. Zone Provisions

	With Public Water	Without Public Water
Zone Area (minimum)	796 square metres	1400 square metres
Lot Frontage (minimum)	23 metres	23 metres
Front Yard Depth (minimum)	3 metres	3 metres
Side Yard Depth (minimum)		
- Interior	3 metres	3 metres
- Exterior	3 metres	3 metres
Rear Yard Depth (minimum)	7.5 metres	7.5 metres

C8	Municipality of South Huron Zoning By-law Section 28 Village Commercial	C8
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Lot Coverage (maximum)	40 %	40 %
Landscaped Open Space (minimum)	20 %	20 %
Building Height (maximum)	14 metres	14 metres

## 28.4. General Commercial Provisions

### 28.4.1. Minimum Separation of Commercial Buildings from Residential Zones

No part of any commercial building shall be located within 6 metres of any residential zone, provided however, that this requirement shall not apply to a commercial building lawfully existing on the day of the passing of this By-law.

### 28.4.2. Outside Storage and Display

Open storage of raw materials is not permitted, however, open storage or areas for the display of finished goods, produce or nursery stock is permitted in C3, C4, C5, C6, C8 zones within the boundaries of the property provided that such areas or materials are located to the rear of the front property line and 3 metres from any side or rear property line. Sale of finished goods permitted in the front of buildings in the C4 zone provided there is no obstruction to the sidewalk.

### 28.4.3. Planting Strips

Planting strips shall be provided on lands zoned or used for any commercial purpose, including parking areas serving a commercial use, where they abut lands zoned or used for residential, institutional or open space purposes.

## 28.5. Existing Buildings, Structures and Properties

The lot area, lot frontage, all yards, landscaped open space, , lot coverage, and building height of existing permitted buildings, structures and lots, where lower than the foregoing minimum or higher than the foregoing maximum requirements, shall apply as they lawfully exist on the day of passing of this By-law.

## 28.6. Special Zones

### 28.6.1. C8-1

In the area zoned C8-1 the requirements of the Village Commercial (C8) Zone shall apply in addition to the following special provision:

- a) Minimum separation distance between buildings and structures for the permitted uses shall be 6 metres.

All other provisions of this by-law shall apply.

### 28.6.2. C8-2 (As per by-law 15-1992)

Further to the provisions of the Village Commercial (C8) Zone the area zoned C8-2 includes the following additional permitted uses:

- monument manufacture, sales and service.
- 1 parking space per employee shall be provided.

- Notwithstanding any provisions of this by-law to the contrary, a planting strip or fence shall be provided from the south rear corner of the building to the north rear corner of the building, so as to enclose the rear yard of the property.

All other provisions of this by-law shall apply.

#### 28.6.3. C8-3

Notwithstanding the provisions of the Village Commercial (C8) Zone to the contrary, the following shall apply to the property zoned C8-3:

All uses permitted in the C8 zone are permitted in the C8-3 zone.

A building which is used for a residential use may also contain 1 or more permitted commercial uses, in combination with up to 8 dwelling units provided:

- b) the commercial use(s) form part of the main building and are located on the ground floor, to the front of the residential use;
- c) the minimum depth, within the building of the commercial use(s) is 7 metres;
- d) the commercial use(s) are completely self-contained, and have separate and direct access to a street.

All other provisions of this by-law shall apply.

#### 28.6.4. C8-4 (As per By-law 04-2017)

Notwithstanding the provisions of the Village Commercial (C8) Zone to the contrary, a low density residential use shall be permitted subject to the provisions of the Residential – Low Density (R1) zone.

#### 28.6.5. C8-5 (As per By-law 12-2018)

Notwithstanding the provisions of the Village Commercial (C8) Zone to the contrary, a contractor's shop and yard shall be a permitted use.

## **29. Light Industrial (M1)**

Within the following Zones, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### **29.1. Permitted Uses**

- accessory storage containers in accordance with General Provisions
- accessory use subordinate to and located on the same property as a permitted main use including an office, showroom, retail outlet, cafeteria, or a wholesale outlet
- agricultural equipment sales and supply establishment
- agricultural industrial establishment
- agricultural processing establishment, but not dead stock removal
- agricultural service establishment
- assembly, manufacturing, fabricating, packaging, printing, publishing plant or warehouse conducted and wholly contained within an enclosed building
- auto body shop
- bottle return depot
- catering service or light equipment rentals
- commercial storage warehouse (rental units)
- communications facility
- contractor or tradesperson's yard and/or shop, Type "A"
- dry cleaning establishment
- furniture refinishing, woodworking or upholstery shop
- indoor sports and recreational facility
- industrial mall
- medical marihuana production facility
- machine shop
- motor vehicle service and/or repair shop
- mushroom growing facility
- nursery stock and/or landscaping business
- parking lot
- printing plant
- public or private garage
- recycling centre
- research facility
- service industrial use
- sewage and solid waste management, but not a transfer facility or landfill site
- textile plant
- the following uses legally existing on the day of the passing of this By-law:

- a single detached dwelling, and the re-establishment of same in the event of accidental destruction
- transport truck terminal and/or yard, including cartage and/or express business
- warehouse or storage industry wholly enclosed within a building
- wholesale outlet
- window and plate glass establishment

### 29.2. Permitted Structures

- buildings and structures for the permitted uses;
- buildings and structures accessory to the permitted uses.

### 29.3. Zone Provisions

Lot area (minimum)	1,400 square metres
Lot frontage (minimum)	25 metres
Lot depth (minimum)	40 metres
Front yard setback (minimum)	7 metres
Side yard (minimum)	5 metres
Exterior Side Yard (Minimum)	15 metres
Rear yard (minimum)	5 metres
Building height (maximum)	20 metres (grain elevators – 30 metres)
Zone coverage in M1 zone (maximum)	50 %
Zone coverage in M2 zone (maximum)	70 %
Landscaped open space (minimum)	10 %
Corner lots	Side yard requirements may be substituted for rear yard requirements. The exterior side yards for corner lots shall be 6 metres.

### 29.4. General Industrial Provisions

#### 29.4.1. Main Buildings and Uses

More than 1 main building and more than 1 main use are permitted in Industrial (M1, M2) zones.

#### 29.4.2. Planting Strips

Planting Strips shall be provided in the side and rear yards of lands zoned or used for any industrial purpose where they abut lands zoned or used for residential, recreational, institutional or park purposes, in accordance with the Planting Strip General Provisions of this By-law.

#### 29.4.3. Front Yard Planting Area

- a) a planting area of not less than 7 metres in depth abutting the front lot line and running the entire width of the lot shall be required. The ground surface shall be planted with any combination of shrubs and/or

evergreens, flower beds or grass. Such planting area shall be maintained at all times, consistent with the season.

- b) where interrupted by walkways or driveways, a planting area shall be located, planted and maintained in such a way as not to form an obstruction to traffic. Or closer than 1 metre to a walkway or driveway
- c) where required on a corner lot or street corner, a planting strip shall be located in such a way as not to form a visual obstruction for traffic

#### 29.4.4. Uses Permitted in Yards

- a) a railway spur line is permitted in any required yard.
- b) a parking area accessory to the industrial use of the lot is permitted in any yard except a required front yard.

#### 29.4.5. Outside Storage

The outdoor storage of goods or materials shall be permitted provided that:

- a) the outdoor storage is accessory to the use of the main building on the property, and
- b) the outdoor storage does not cover more than 75% of the zone area
- c) in addition, no outdoor storage is permitted in the side yard or rear yard abutting or across the street from a non-industrial zone unless the outdoor storage is enclosed, to a minimum height of 1.8 metres, by a fence, planting strip or decorative masonry wall or has a site plan for the outdoor storage approved under the Planning Act

#### 29.4.6. Property Abutting a Railway

For proposed development within 100 metres of a railway right-of-way, the proponent may be required to undertake noise studies to the satisfaction of the Municipality and the Ministry of the Environment in consultation with the appropriate railway, and may be required to undertake appropriate measures to mitigate any adverse effects from noise.

For proposed developments within 50 metres of a railway right-of-way, the proponent may be required to undertake vibration studies, to the satisfaction of the Municipality in consultation with the appropriate railway, and shall undertake appropriate measures to mitigate any adverse effects from vibration that were identified.

Notwithstanding any other provisions of this By-law to the contrary, where any property line or portion thereof abuts a railway, the interior side yard or rear yard along that portion of the property line which abuts the railway shall be: 0 metres

#### 29.4.7. Maximum Commercial Floor Area

The maximum amount of commercial floor area accessory to a main industrial use shall be not more than 25% of the gross floor area of the main use.

#### 29.4.8. Existing Use Provisions

The property area, property frontage, all yards, gross floor area of the main building, property coverage and building height, shall apply as they lawfully exist on the day of the passing of this By-law.

#### 29.4.9. Property Subject to Utility Easement

Where any industrial property is subject to a utility easement, the building setbacks shall also be in accordance with the applicable utility's requirements.

#### 29.4.10. Servicing Limitations

All industrial uses locating in the Light Industrial (M1) zone shall be dry industries.

#### 29.4.11. Thames Road Corridor

Light Industrial (M1) Zoned properties along Highway 83 (Thames Road) the following additional uses are permitted: office including professional (excluding a clinic), scientific, information and technical services, real estate, insurance, and financial services, training centres

### 29.5. Special Zones

#### 29.5.1. M1-1 (As per By-law 36-1989 and By-law 34-1991)

In addition to the permitted uses set out in the Light Industrial (M1) Zone, the following uses shall be permitted in the M1-1 zone:

- a business or professional office, except medical or dental offices;
- an automotive supply retail outlet;
- a building supply outlet;
- an equipment sales, rental and servicing establishment, excluding sale and rental of home entertainment equipment;
- a catering service;
- a motorcycle, snowmobile or small implement sales and service establishment;
- a veterinary clinic
- a plant for the manufacture, fabrication, processing and assembly of racquetball, squash and similar courts;
- a recreation club for racquet sports and related recreation facilities.

#### 29.5.2. M1-2 (As per By-law 2-1990)

Notwithstanding the uses permitted in the Light Industrial (M1) Zone, the following additional uses are permitted:

- an automobile service station;
- a gas bar;

- a car wash establishment;
- a retail store in excess of 1000 square metres, specializing in sporting goods, home and hardware goods, automotive supplies and services and similar goods and services but does not include a shopping centre or any other use defined herein.

Notwithstanding the Light Industrial (M1) Zone, the zone provisions of the Grouped Commercial (C6) Zone apply to the M1-2 zone.

#### 29.5.3. M1-3 (As per by-law 37-1997)

Notwithstanding the permitted uses in the Light Industrial (M1) Zone, the M1-3 zone is limited to the following uses:

Cottage industries which term shall mean the erection and/or the use of a building and/or structure for 1 or more of the following trades and uses:

- carpentry or woodworking;
- an electrical/electrician's shop;
- window framing;
- plumbing service;
- ceramics manufacture;
- furniture repair and upholstery;
- accessory retail;
- light manufacturing and assembly and/or light fabrication.
- A detached dwelling containing a single dwelling unit as an accessory use.

Notwithstanding the Light Industrial (M1) Zone, the following special provisions apply to an industrial building in the M1-3 zone:

- Permitted industrial buildings/structures shall not exceed 200 sq. m. in ground floor area;
- Minimum Setback: 20 metres;
- Interior Side Yard: 5 metres;
- A pylon sign and a wall-mounted sign are permitted, provided a maximum sign height of 3 metres and maximum total sign area of 4 square metres. The Sign must be located to the rear of an accessory dwelling.

Notwithstanding the Light Industrial (M1) Zone, the following special provisions apply to an accessory detached dwelling in the M1-3 zone:

- The accessory residential dwelling shall be to the front of the industrial building or structure;
- Minimum Front Yard Setback: 7 metres;
- Minimum Side Yard Setback: 2 metres.
- Minimum exterior side yard: 5 metres;
- Maximum building height: 10 metres

- Maximum lot area: 2000 sq metres

In all other ways, the Light Industrial (M1) Zone provisions apply.

#### 29.5.4. M1-4 (As per By-laws 35-1999 and 13-2000)

Notwithstanding the uses permitted in the Light Industrial (M1) Zone, the uses in the M1-4 zone are restricted to:

- A cottage industry, which shall mean the erection and/or use of a building and/or structure and/or land for 1 or more of the following:
  - a cartage, express or truck transport terminal;
  - a craft manufacturing business
  - a truck maintenance storage facility and/or yard;
  - carpentry or woodworking shop;
  - an electrician's shop;
  - window framing;
  - plumbing service;
  - ceramics manufacture;
  - furniture repair and upholstery;
  - small engine repair and service;
  - retail accessory to a cottage industry use;
  - light manufacturing and assembly and/or light fabrication;
  - a detached dwelling containing a single dwelling unit as an accessory use.

Notwithstanding the Light Industrial (M1) Zone provisions of this By-law, the following special provisions apply to an industrial building in the M1-4 zone:

- permitted industrial buildings/structures shall not exceed 250 square metres. in ground floor area;
- minimum Setback from a residential zone – 20 metres;
- minimum Interior Side Yard – 5 metres.
- minimum exterior side yard – 5 metres

In all other ways, the provisions of the M1 zone apply.

#### 29.5.5. M1-5 (As per By-law 68-2013)

Notwithstanding the permitted uses of the Light Industrial (M1) zone, and in addition to any other provisions a radio broadcasting station and ancillary outdoor equipment and storage is permitted in the M1-5 zone. All other provisions of this by-law shall apply.

#### 29.5.6. M1-6 (As per By-law 76-2013)

Notwithstanding the uses permitted the Light Industrial (M1) Zone, the following uses only are permitted in the M1-6 zone:

- a warehouse for the storage of goods and materials within a wholly enclosed building or structure;
- a wholesale outlet;

- a tradesman's shop;
- a parking lot;
- a retail outlet, business office or an eating establishment accessory to a permitted use (provided the primary use is a Class I facility as per Ministry of Environment guidelines);
- a contractor's yard, Type "A";
- a lumber yard;
- a roofing contractor yard; and
- buildings and structures accessory to the foregoing uses.

All other provisions of this by-law shall apply.

**29.5.7. M1-7 (As per By-law 76-2013)**

Notwithstanding the uses permitted in the Light Industrial (M1) Zone the following uses only are permitted in the M1-7 zone:

- a seasonal work camp; and
- buildings and structures accessory to the foregoing uses.
- The total floor area for building(s) and/or trailer(s) used for seasonal accommodation shall not exceed 400 square metres.
- The maximum height of any building or trailer shall be 5 metres.
- The number of occupants in any building or trailer shall not exceed 1 resident per 7.45 square metres (80 square feet).
- For the purposes of the M1-7 zone, a seasonal work camp means a building, group of buildings, trailer and/or a group of trailers providing seasonal accommodation for workers in the food production/processing industries. Seasonal accommodation shall exclude winter occupancy.

All other provisions of this by-law shall apply.

**29.5.8. M1-8 (As per by-law 11-1987 and 13-1997)**

All uses permitted in the Light Industrial (M1) Zone are permitted in the M1-8 zone.

Notwithstanding the permitted uses in the Light Industrial (M1) zone, the following additional uses are permitted in the M1-8 zone:

- service industry including, but not limited to, establishments for the service and repair of all types of motor vehicles, aircraft, boats, recreational vehicles and other marine crafts, as well as related equipment and accessories.

Notwithstanding the provisions of the Light Industrial (M1) zone to the contrary, the following special provision shall apply to the area zoned VM1-8:

- Rear Yard Depth (minimum): 30 metres.

All other provisions of this by-law shall apply.

29.5.9. M1-9 (As per By-laws 33-1992 and 34-1993)

Notwithstanding the permitted uses of the Light Industrial (M1) zone, the area zoned M1-9 allows only the following permitted uses:

- an automotive body shop;
- a contractor or tradesman's shop, Type "A";
- a garage, public;
- a retail outlet, a wholesale outlet or office accessory to a permitted use;
- a storage industry or warehouse;
- a transport terminal or yard;
- uses accessory to the permitted uses;
- a service station including small engine repair, boat sales and servicing (as per By-law 34-1993)
- Notwithstanding the General Provisions for planting strips a planting strip shall not be required. A 5 foot fence shall be provided along the north property boundary.

All other provisions of this by-law shall apply.

### **30. General Industrial (M2)**

Within this Zone, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

#### **30.1. Permitted Uses**

- accessory use subordinate to and located on the same property as a permitted main use including an office, showroom, retail outlet, cafeteria, or a wholesale outlet
- agricultural industrial establishment
- agricultural processing establishment, but not dead stock removal
- agricultural service establishment
- agricultural equipment sales and supply establishment
- assembly, manufacturing, fabricating, packaging, printing, publishing plant or warehouse conducted and wholly contained within an enclosed building
- auto body shop
- bottle return depot
- carbon dioxide plant
- Cartage express truck transport terminal or truck transport yard
- catering service or light equipment rentals
- chemical plant
- commercial storage warehouse (rental units)
- communications facility
- composting facility
- contractor's or tradesperson's yard and/or shop, Type "A"
- contractor's yard, Type "B"
- dairy
- dry cleaning establishment
- ethanol plant
- feed or flour mill
- foundry for casting of metals
- fuel storage tank or supply yard
- furniture refinishing, woodworking or upholstery shop
- grain elevator
- industrial mall
- medical marihuana production facility
- lumber yard
- machine shop
- motor vehicle service and/or repair shop
- mushroom growing facility

- nursery stock and/or landscaping business
- parking lot
- planing or saw mill
- plant, ready mix (a concrete or asphalt plant);
- plating plant
- printing plant
- public or private garage
- radio or television tower
- recycling centre
- research facility
- roofing contractor's yard
- sand, gravel or coal storage and sales yard
- service industrial use
- sewage and solid waste management, but not a transfer facility or landfill site
- textile plant
- the following uses legally existing on the day of the passing of this By-law:
  - a single detached dwelling, and the re-establishment of same in the event of accidental destruction
- transport truck terminal and/or yard, including cartage and/or express business
- warehouse or storage industry wholly enclosed within a building
- wholesale outlet
- window and plate glass establishment
- accessory storage containers in accordance with General Provisions

### 30.2. Permitted Structures

- Buildings and structures for the permitted uses;
- Buildings and structures accessory to the permitted uses.

### 30.3. Zone Provisions

Lot area (minimum)	1,400 square metres
Lot frontage (minimum)	25 metres
Lot depth (minimum)	40 metres
Front yard setback (minimum)	7 metres
Side yard (minimum)	5 metres
Exterior Side Yard (Minimum)	15 metres
Rear yard (minimum)	5 metres
Building height (maximum)	20 metres (grain elevators – 30 metres)
Lot coverage in M1 zone (maximum)	50 %
Lot coverage in M2 zone (maximum)	70 %
Landscaped open space (minimum)	10 %
Corner lots	Side yard requirements may be substituted for rear yard requirements.

	The exterior side yards for corner lots shall be 6 metres.
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### 30.4. General Industrial Provisions

#### 30.4.1. Main Buildings and Uses

More than 1 main building and more than 1 main use are permitted in Industrial (M1, M2) zones.

#### 30.4.2. Planting Strips

Planting Strips shall be provided in the side and rear yards of lands zoned or used for any industrial purpose where they abut lands zoned or used for residential, recreational, institutional or park purposes, in accordance with the Planting Strip General Provisions of this By-law.

#### 30.4.3. Front Yard Planting Area

- a) a planting area of not less than 7 metres in depth abutting the front lot line and running the entire width of the lot shall be required. The ground surface shall be planted with any combination of shrubs and/or evergreens, flower beds or grass. Such planting area shall be maintained at all times, consistent with the season.
- b) where interrupted by walkways or driveways, a planting area shall be located, planted and maintained in such a way as not to form an obstruction to traffic. Or closer than 1 metre to a walkway or driveway
- c) where required on a corner lot or street corner, a planting strip shall be located in such a way as not to form a visual obstruction for traffic

#### 30.4.4. Uses Permitted in Yards

- a railway spur line is permitted in any required yard.
- a parking area accessory to the industrial use of the lot is permitted in any yard except a required front yard.

#### 30.4.5. Outside Storage

The outdoor storage of goods or materials shall be permitted provided that:

- a) the outdoor storage is accessory to the use of the main building on the property, and
- b) the outdoor storage does not cover more than 75% of the zone area
- c) in addition, no outdoor storage is permitted in the side yard or rear yard abutting or across the street from a non-industrial zone unless the outdoor storage is enclosed, to a minimum height of 1.8 metres, by a fence, planting strip or decorative masonry wall or has a site plan for the outdoor storage approved under the Planning Act

#### 30.4.6. Property Abutting a Railway

For proposed development within 100 metres of a railway right-of-way, the proponent may be required to undertake noise studies to the satisfaction of the

Municipality and the Ministry of the Environment in consultation with the appropriate railway, and may be required to undertake appropriate measures to mitigate any adverse effects from noise.

For proposed developments within 50 metres of a railway right-of-way, the proponent may be required to undertake vibration studies, to the satisfaction of the Municipality in consultation with the appropriate railway, and shall undertake appropriate measures to mitigate any adverse effects from vibration that were identified.

Notwithstanding any other provisions of this By-law to the contrary, where any property line or portion thereof abuts a railway, the interior side yard or rear yard along that portion of the property line which abuts the railway shall be: 0 metres

#### 30.4.7. Maximum Commercial Floor Area

The maximum amount of commercial floor area accessory to a main industrial use shall be not more than 25% of the gross floor area of the main use.

#### 30.5. Existing Use provisions

The property area, property frontage, all yards, gross floor area of the main building, property coverage and building height, shall apply as they lawfully exist on the day of the passing of this By-law.

#### 30.6. Property Subject to Utility Easement

Where any industrial property is subject to a utility easement, the building setbacks shall also be in accordance with the applicable utility's requirements.

#### 30.7. Open uses permitted

Any use permitted in an M2 Zone need not be conducted in a wholly enclosed building or structure in the M2 zone.

#### 30.8. Servicing limitations

In discharging to municipal sewage systems, M2 industries must comply with all existing Sewer Use By-laws of the Municipality of South Huron (By-law 24-1987 and its derivatives). Industrial uses that would emit heavy metals, hydrocarbons or other effluents that cannot be processed effectively using the existing sewage treatment facilities in Exeter are not permitted.

#### 30.9. Thames Road Corridor

General Industrial (M2) Zoned properties along Highway 83 (Thames Road) the following additional uses are permitted: office including professional (excluding a clinic), scientific, information and technical services, real estate, insurance, and financial services, training centres

### 30.10. Special Zones

#### 30.10.1. M2-1 Huron Park

In the area zoned M2-1, the requirements of M2 zone shall apply in addition to the following special provisions:

- a) separation distances between buildings and structures for the permitted uses will be a minimum of 9 metres.
- b) any use which meets the general definition of Industrial Use included in this By-law is permitted in the M2-1 zone, and is not to be limited by the permitted uses of the M2 zone.

#### 30.10.2. M2-2 (As per By-law 6-1988)

Notwithstanding the Permitted Uses set out for the General Industrial (M2) zone, any industrial use located within the area zoned M2-2 shall be a dry industry.

#### 30.10.3. M2-3 (As per By-law 16-1990)

Notwithstanding the provisions of the General Industrial (M2) zone, there shall be no lot frontage requirement for any area zoned as M2-3. A planting strip shall not be required along the most southerly lot line of those lands zoned M2-3.

#### 30.10.4. M2-4 (As per By-law 33-1991)

In addition to the uses permitted by the General Industrial (M2) zone, a nursery stock and landscaping supply dealership will be permitted in the M2-4 zone.

Notwithstanding the provisions of the General Industrial (M2) zone, a front yard planting area of not less than 3 metres in depth abutting the front lot line and running the entire width of the lot shall be required. The ground surface shall be planted with any combination of shrubs, flower beds or grass.

Notwithstanding the General Provisions for parking of this by-law, a minimum of 12 parking spaces will be provided for a nursery stock and landscaping supply dealership in the M2-4 Zone.

#### 30.10.5. M2-5 (As per by-laws 26-1994 and 37-1994)

Notwithstanding the permitted uses of the General Industrial (M2) zone, an automobile sales establishment is permitted as accessory to an automobile repair shop within the M2-5 zone.

Notwithstanding the provisions of the General Industrial (M2) zone to the contrary, all industrial uses that locate in the M2-5 zone must be dry industries.

30. 10.6. M2-6 (As per By-law 37-1994)

Notwithstanding the provisions of the General Industrial (M2) zone to the contrary, all industrial uses located in the M2-6 zone must be dry industries.

Notwithstanding the provisions of the General Industrial (M2) zone to the contrary, the minimum lot frontage shall be 20 metres (65.6 feet) within the M2-6 zone.

Notwithstanding the provisions of the General Industrial (M2) zone to the contrary, no building, structure, storage or placement of fill shall be permitted within 15 metres of the top of bank for the watercourse within the area affected by Fill, Construction and Alteration to Waterways Regulation 142/90.

30. 10.7. M2-7 (As per By-law 88-2011)

Notwithstanding the industrial zone provisions of the General Industrial (M2) zone, the following special provisions apply in the M2-7 zone:

Lot area (minimum)	917 square metres
Lot depth (minimum)	30 metres
Side yard – west side only (minimum)	3 metres
Side yard – east side only (minimum)	1.2 metres
Rear yard setback (minimum)	3 metres

30. 10.8. M2-8 (As per by-laws 32-2015)

In the area zoned M2-8 the requirements of the General Industrial (M2) and Airport Lands – Airport Related Uses (AL2) Zones shall apply in addition to the following special provisions:

- Notwithstanding the provisions of General Industrial (M2) zone to the contrary, the area zoned M2-8 may include an aircraft runway
- Storage must be covered and/or contained in buildings and/or structures
- The existing number of parking spaces being 69 (including two (2) limited mobility spaces and two (2) accessible parking spaces) shall be maintained, and no additional spaces are required. Where an industrial use is proposed other than the uses existing on the date of passing of this by-law, the related parking and loading space requirements set out in the General Provisions of this By-law shall apply.
- separation distances between buildings and structures for the permitted uses will be a minimum of 9 metres.
- any use which meets the general definition of Industrial Use included in this By-law is permitted in the M2-1 zone, and is not to be limited by the permitted uses of the M2 zone.

30.10.9. M2-9 (As per by-laws 37-2016)

Notwithstanding the provisions of the General Industrial (M2) zone to the contrary the permitted uses on lands zoned M2-9 shall be limited to the following:

- non obnoxious uses involving light manufacturing, processing, printing, assembly, storage, warehousing and distribution uses, within wholly enclosed buildings or screened enclosures
- a contractor's yard
- a parking lot
- buildings and structures accessory to the foregoing uses
- uses accessory to the foregoing uses

Notwithstanding the provisions of the General Industrial (M2) zone to the contrary, accessory buildings and structures are to be limited in the front yard only

Notwithstanding the provisions of the General Industrial (M2) zone to the contrary, truck loading and unloading are to be permitted in the front yard only

Notwithstanding the provisions of the General Industrial (M2) zone screened storage shall be permitted in the front yard only subject to screening around the perimeter of outside storage areas that may be established in the industrial zone, where such areas can be viewed from a public street.

Notwithstanding General Industrial (M2) zone provisions the rear yard setback in the M2-9 zone is 30 metres.

All other provisions of this By-law shall apply.

30.10.10. M2-10 (As per by-laws 36-2018)

In the area zoned M2-10 the following special provisions shall apply:

30.10.10.1. Notwithstanding the provisions of the General Industrial (M2) zone to the contrary, a rear yard depth abutting the internal rear property line of 3.3 metres (minimum) is permitted.

30.10.10.2 Notwithstanding the provisions of the General Industrial (M2) zone to the contrary, a rear yard depth abutting the west side of flanking street (Canada Avenue) of 0 metres (minimum) is permitted.

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30.10.10.3. Notwithstanding the provisions of the General Industrial (M2) zone to the contrary, a side yard depth abutting the south side of flanking street (Canada Avenue) of 0 metres (minimum) is permitted.

30.10.10.4. Notwithstanding the provisions of the General Industrial (M2) zone to the contrary, a side yard depth abutting the southeast side of flanking street (Canada Avenue) of 1.4 metres (minimum) is permitted.

30.10.10.5. Notwithstanding the provision of the General Industrial (M2) zone to the contrary, front yard depth of 2 metres (minimum) is permitted.

30.10.10.6. Notwithstanding the provisions of the General Industrial (M2) zone to the contrary, lot coverage is permitted at 75% (maximum).

30.10.10.7. Notwithstanding the provisions of the General Industrial (M2) zone to the contrary, main building height is permitted at 20 metres (maximum).

30.10.10.8. Notwithstanding the Accessory Structure General Provisions of this by-law to the contrary, accessory building and structure height is permitted at 12 metres (maximum).

30.10.10.9. Notwithstanding the Parking General Provisions of this by-law to the contrary, parking requirements are one (1) parking space for each 140 sq. metres or fraction thereof of building on the lot for an Industrial use.

30.10.10.10. Lands zoned M2-10 shall also be permitted any use which meets the general definition of Industrial Use included in this By-law and is not to be limited by the permitted uses of the M2 zone.

### **31. Community Facility (CF)**

Within this Zone, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

#### **31.1. Permitted Uses**

- ambulance station;
- any use of the Corporation;
- art gallery;
- art or cultural facility;
- assembly hall;
- business office of a public agency;
- cemetery;
- clinic;
- day care facility;
- day centre;
- educational institutions, including schools;
- fairgrounds;
- fire hall;
- fraternal/sororal association;
- funeral home;
- grandstand;
- group home;
- hospital and/or psychiatric hospital;
- library;
- museum;
- nursery school;
- park, public;
- parking lots;
- police station;
- post office;
- public buildings and uses (municipal government, county, and area provincial and federal offices);
- public utility;
- race track;
- railway trackage and loading facilities;
- recreational facilities to serve the needs of staff, service users and/or students;
- religious institution, including a church or place of worship;
- school;
- sports and recreation facility;

- specialized medical offices;
- theatre;
- uses permitted in the OS Zone;
- utility service building;
- uses accessory to the permitted uses;
- any use described by the definition of Community Facility of this by-law;
- uses accessory to the permitted uses, including eating facilities

### 31.2. Permitted Structures

- buildings and structures for the permitted uses;
- buildings and structures accessory to the permitted uses

### 31.3. Zone Provisions

Zone area (minimum)	600 square metres
Property frontage (minimum)	20 metres
Zone coverage (maximum)	40 %
Front yard (minimum) In settlement area: In other areas:	7.5 metres 20 metres from a municipal street 25 metres from a County Road or Provincial Highway
Rear yard (minimum)	7.5 metres
Interior side yard (minimum)	5 metres
Exterior side yard (minimum) In settlement area: In other areas:	7.5 metres 20 metres from a municipal street 25 metres from a County Road or Provincial Highway
Landscaped open space (minimum)	10 %
Building height (maximum)	20 metres

### 31.4. Setback from Residential Zone

Where a Community Facility use abuts a Residential zone, a 9 metre side yard and/or rear yard shall be required. Such yard includes the required planting strip.

### 31.5. Setback from Railway

Where a Community Facility use abuts a railway, a 15 metre minimum setback from the railway right-of-way is required.

### 31.6. Special Zones

#### 31.6.1. CF-1 (As per By-law 56-1989)

Notwithstanding the list of permitted uses in the Community Facility (CF) zone, the outside storage of materials and/or equipment in a rear yard is permitted on lands zoned CF-1.

Notwithstanding the Zone Provisions of the Community Facility (CF) zone, the following further provisions apply to the CF-1 zone:

- minimum Front Yard Setback: 7 metres;
- minimum Rear Yard Setback: 6 metres;
- no part of any building, structure and/or outside storage shall be located within 6 metres of any residential zone;
- where an outside storage area or an outside parking area is located in a yard abutting a residential zone, a planting strip as described in the General Provisions of this By-law shall be provided and maintained between such open storage area and the Residential Zone.

All other provisions of this By-law shall apply.

#### 31.6.2. CF-2 (As per By-law 7-1994)

Notwithstanding the Permitted Uses of the Community Facility (CF) zone, only a church (place of worship) is permitted in the CF-2 zone.

Notwithstanding the Zone Provisions of the Community Facility (CF) zone, the following further provisions apply to the CF-2 zone:

- minimum Lot Frontage: 19 m;
- minimum Back Lot Area: 7500 square metres

All other provisions of this By-law shall apply.

#### CF-3 (As per By-law 16-1999)

Notwithstanding the Permitted Uses of the Community Facility (CF) zone, uses permitted within the CF-3 zone are limited to:

- church (place of worship);
- living quarters for a parish priest;
- parish hall;
- childcare facility;
- buildings and structures accessory to the foregoing uses.

#### *Zone Provisions*

Lot area (minimum)	7500 square metres
Lot frontage (minimum)	50 metres
Setback (minimum)	7 metres
Rear yard (minimum)	7 metres
Setback from the railroad property (minimum)	15 metres

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Side yard requirement (minimum)	6 metres
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All other provisions of this By-law shall apply.

**CF-4 (As per By-law 19-1998)**

Notwithstanding the provisions of the Community Facility (CF) zone to the contrary, the existing building on the property zoned CF-4 may also be used for auction sales; antique sales; hardware and building material sales and storage warehousing. All other provisions of this By-law shall apply.

**CF-5 (As per By-law 2-2009)**

Notwithstanding the provisions of the Community Facility (CF) zone to the contrary, the property zoned CF-5 shall have a maximum lot coverage of 45%.

Notwithstanding the General Parking Provisions of this By-law, provided the property zoned CF-5 continues to be used as a religious institution, parking can continue to be provided through on-street parking. All other provisions of this By-law shall apply.

**CF-6 (As per By-law 44-2009)**

Notwithstanding the Minimum Distance Separation provisions and the provisions of the Community Facility (CF) zone, the minimum distance from an odour receptor in the CF-6 zone to the nearest livestock barn is 205 metres. All other provisions of this By-law shall apply.

**CF-7 (As per By-law 59-2010)**

Further to the provisions of the Community Facility (CF) zone, the property zoned CF-7 may be used as an impound yard by the Corporation for the temporary storage of any goods or materials acquired as a result of by-law enforcement. All other provisions of this By-law shall apply.

### 32. Disposal (DS)

Within this Zone, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

#### 32.1. Permitted Uses

- waste disposal facility as approved by the Ministry of Environment, including a sewage treatment plant and landfill site;
- recycling centre;
- water treatment, supply or storage facilities;
- uses accessory to the permitted uses.

#### 32.2. Permitted Structures

- buildings and structures for the permitted uses;
- buildings and structures accessory to the permitted uses, not including a dwelling unit

#### 32.3. Zone Provisions

Zone area (minimum)	1850 square metres
Property frontage (minimum)	Full services: 20 metres Partial/private services: 25 metres
Property depth (minimum)	30 metres
Zone coverage (maximum)	70 %
Front yard (minimum)	15 metres
Rear yard (minimum)	15 metres
Interior side yard (minimum)	10 metres
Exterior side yard (minimum)	15 metres
Landscaped open space (minimum)	10 %
Building height (maximum)	14 metres however, any portion of a building or structure erected above a height of 14 metres to a maximum of 30 metres, shall be set back from the front property line, side property lines, or rear property line a further distance of 0.5 metres for each metre the building or structure is erected above a height of 14 metres.

#### 32.5. Sewage Treatment Facility Buffer Overlay

The Sewage Treatment Facility Buffer Overlay zone is a second zone layered on top of the underlying zone(s). Zone provisions in the Sewage Treatment Facility Buffer Overlay are in accordance with the underlying zone(s) found within the flood fringe area.

In accordance with the Ministry of Environment Guidelines D-2 (Compatibility between Sewage Treatment and Sensitive Land Use) and D-1-3 (Land Use Compatibility: Definitions), the following sensitive uses are not permitted within the Sewage Treatment Facility Buffer Overlay:

- Residential uses, including a residence accessory to an agricultural operation, single detached, multi-unit dwellings, and mobile home parks;
- Recreational uses including trailer parks, campgrounds, golf courses, parks and picnic areas;
- Institutional uses including nursing homes, hospitals, schools, places of worship, community centres and day care centres and similar uses;
- Livestock facilities as part of an agricultural operation;
- Orchards;
- Bird and wildlife habitats or sanctuaries.

The buffer area is measured from the periphery of the noise/odour producing source/structure.

The buffer will extend for 150 metres surrounding the Grand Bend Sewage Treatment Facility located on Lot 6, Concession Aux Sables, Stephen Ward:

The buffer will extend for 100 metres surrounding the Exeter Sewage Treatment Facility on Lot 24, Concession 2, Stephen Ward.

### **33. Utility (U)**

Within this Zone, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

#### **33.1. Permitted Uses**

- active recreation;
- agricultural use, limited;
- community garden;
- conservation;
- passive recreation;
- pipeline;
- public utility;
- radio, television, microwave, or similar communications tower;
- railway track and station;
- storm water management facility
- telephone switching station;
- uses accessory to permitted uses in other zones on the same property;
- uses accessory to the permitted uses.

#### **33.2. Permitted Structures**

- buildings and structures for the permitted uses;
- buildings and structures accessory to the permitted uses, not including a dwelling unit.

## **34. Airport Lands – Essential Facilities (AL1)**

### **34.1. Uses**

- aircraft runways and taxiways;
- aircraft tie-down areas;
- aircraft navigational equipment and infrastructure;
- aircraft control tower;
- aircraft fuel stations;
- aircraft hangars, aerodromes and terminals;
- uses accessory to the permitted uses.

### **34.2. Structures**

- buildings and structures for permitted uses;
- buildings and structures accessory to a permitted use.

## **35. Airport Lands – Airport Related Uses (AL2)**

### **35.1. Permitted Uses**

- aircraft control tower;
- aircraft fuel stations;
- aircraft hangars, aerodromes and terminals;
- aircraft maintenance facilities;
- aircraft museum and/or aircraft display;
- aircraft navigational equipment and infrastructure;
- aircraft runways and taxiways;
- aircraft tie-down areas;
- airport related commercial facilities;
- airport related service-facilities;
- airport-related industrial facilities, including warehousing;
- airport-related restaurant and/or club house;
- airport-related vehicle rental and leasing;
- broadcasting office and infrastructure;
- commercial and/or industrial uses that rely on aviation such as: crop duster, air taxi, air shipping, helicopter rides, recreational flights, and aerial photographers;
- conservation uses and related passive recreation;
- flight school;
- uses accessory to the permitted uses, including an accessory business office.

### **35.2. Permitted Structures**

- buildings and structures for the permitted uses;
- buildings and structures accessory to the permitted uses.

### **35.3. Zone Provisions**

#### **35.3.1. Yards (minimum)**

No building or structure will be located closer than 10 metres from any property line.

### **35.4. Building Provisions**

#### **35.4.1. Building Height (maximum)**

For airport-related uses permitted in the AL2 zone, no building or structure may be higher than a height calculated based on the ratio of 1:7 from the side perimeter of an AL1 zone. (That is, for every 7 metres calculated at a right angle to the plane of the AL1 zone, building or structure height may be increased by 1 metre).

#### 35.4.2. Number of Structures per Lot

Notwithstanding the provisions of this by-law to the contrary, more than 1 building or structure is allowed per property.

#### 35.5. Accessory Residential Use Provisions

Notwithstanding the provisions of the Airport Lands Airport Related Uses Zone (AL2) Zone to the contrary, 1 existing dwelling may be allowed as an accessory use in the AL2 zone. Only 1 accessory residential unit is allowed in the zoned area.

#### 35.6. Off Street Parking

All parking facilities shall be located off street.

#### 35.7. Open Storage

No open storage will be allowed in any yard.

#### 35.8. Special Zones

##### AL2-1 Zone

(As per By-law 36-1998)

##### *Permitted Uses*

Notwithstanding any other provisions of this By-law to the contrary, within the area zoned AL2-1 the following uses are permitted:

- All uses permitted in the AL2 zone;
- Recreational parachuting facilities and activities, including a clubhouse and training facilities, as well as equipment storage and repair facilities;
- Motor vehicle racing facilities, including race tracks, drag strips, spectator seating, vehicle storage, servicing and testing facilities;
- Motor vehicle sales, rental, service and repair establishments, including an automotive sales and service establishment, and establishments for the sales, rental, service and repair of off-road and recreational vehicles;
- Restaurants, including drive-in restaurants, and accessory retail outlets for the sale of personal convenience items and supplies;
- Places of entertainment, including outdoor public entertainment facilities and an assembly hall;
- Camping facilities for the overnight accommodation of participants and spectators on a short-term basis, utilizing tents, travel trailers, motor homes or other similar transportable accommodation;
- Sports fields and outdoor active recreation uses;
- Uses accessory to the permitted uses.

##### *Permitted Structures*

- Buildings and structures for the permitted uses;
- Buildings and structures accessory to the permitted uses.

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*Zone Provisions*

Unless stated otherwise, all zone provisions for the AL2 zone shall also apply in the AL2-1 zone;

- Notwithstanding any other provisions of this By-law, within the AL2-1 zone there shall be no minimum yard requirements for buildings and structures in existence on the date of passing of this by-law;
- Within the AL2-1 zone the minimum yard depth in any yard shall be 4.5 metres for new buildings and structures;
- The area for a camping space shall be not less than 55.0 square metres;
- Open storage is permitted in any yard within the AL2-1 zone for goods, materials and equipment accessory to permitted uses;
- All activities within the AL2-1 zone shall be in compliance with the Township Noise By-law; and shall be in compliance with any required approval from the Ministry of Environment;
- The lands zoned AL2-1 are subject to site plan control, the completion of a development agreement and all other requirements of the Municipality of South Huron;
- The use of jet vehicles shall be limited to 3 weekend events per year.

### **36. Defined Area Overlay for Public Safety (DA)**

Defined Areas 1 and 2 are overlay zones layered on top of the underlying zone(s) to provide additional height restrictions for public safety of uses in proximity to airport lands. In all other respects, zone provisions in Defined Areas 1 and 2 are in accordance with the underlying zone(s). Nothing in the Defined Area overlay zones removes any provincial or federal jurisdiction to regulate airport lands and buildings.

#### **36.1. Defined Area 1 (D.A. 1)**

In Defined Area 1 (D.A. 1) no building, structure, trees or foliage may be higher than a height calculated based on the ratio of 1:7 from the side perimeter of an AL1 Zone, or the height restriction of the zone in which the land lies, whichever is the lesser. (That is, for every 7 metres calculated at a right angle to the side plane of the AL1 Zone, building or structure height may be increased by 1 metre, until the prescribed maximum height restriction for the zone is reached). Defined Area 1 is measured as a buffer around the active runway equal to half the length of the runway.

#### **36.2. Defined Area 2 (D.A. 2)**

In Defined Area 2 (D.A. 2), no building, structure, tree or foliage may be higher than a height calculated based on the ratio of 1:50 from the take-off threshold, or the height restriction of the zone in which the land lies, whichever is the lesser. (That is, for every 50 metres calculated at a right angle to the end horizontal plane of the take-off threshold, building height may be increased by 1 metre, until the prescribed maximum height restriction for the zone is reached). The take-off threshold is the end of the runway as determined by federal and/or provincial regulations. Defined Area 2 is measured as a buffer extending at 45 degree angles from the take-off threshold to a distance that equals double the length of the active runway.

### 37. Salvage Yard (SY)

Within this Zone, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

#### 37.1. Permitted Uses

- salvage yard;
- uses accessory to the permitted uses, including the sale of motor vehicles and a motor vehicle repair shop.

#### 37.2. Permitted Structures

- accessory residence to be owned/operated by the owner/staff of the permitted use;
- accessory storage containers in accordance with General Provisions
- buildings and structures for the permitted uses;
- buildings and structures accessory to the permitted uses;
- storage shed

#### 37.3. Zone Provisions

Zone area (maximum)	6 hectares
Property frontage (minimum)	45 metres
Front yard (minimum)	25 metres
Rear yard (minimum)	3 metres, except: Abutting any non-industrial zone: 15 metres Abutting a railway: 1 metre
Interior side yard (minimum)	3 metres, except Abutting any non-industrial zone: 15 metres Abutting a railway: 1 metre
Exterior side yard (minimum)	25 metres
Building height (maximum)	15 metres
Zone Coverage (maximum)	40%
In addition, an accessory residential use may only be established where there is a minimum zone area of 4,000 square metres	

#### 37.4. Outdoor Storage & Display

All outdoor storage shall be surrounded by a solid fence and a planting strip with a minimum height of 3 metres or be in accordance with a site plan for the outdoor storage approved under the Planning Act. No outdoor storage shall be permitted higher than the planting strip or fence.

Outdoor storage and display is permitted in the front yard if enclosed by the required fence or planting strip but may not be located in the required front yard or required exterior side yard.

### **37.5. Accessory Sale of Motor Vehicles**

The motor vehicles to be sold are accessory to a motor vehicle repair shop on the property and may include the sale of other used motor vehicles. The display area for the sale of motor vehicles shall be limited to 15 vehicles and may be located in the required yard at a setback of 10 metres from the exterior side property line or front property line. This display area for the accessory sale of motor vehicles shall not include vehicles which are derelict.

### **37.6. Special Zones**

#### 37.6.1 SY-1 (As per by-law 45-2015)

Further to the provisions of the Salvage (SY) Zone lands zoned SY-1 shall also comply with the following:

37.6.1.1 The rear yard of the lands zoned SY-1 are limited to an area of 94 square metres wide and 111 metres deep (an area equal to 10,434 sq.m or 1.04 hectares).

37.6.1.2 Vehicle storage and stacking will be permitted in the designated rear yard to a maximum height of 3 metres.

37.6.1.3 A screening buffer of at least 1.5 metres in width is required along the perimeter of the rear yard area used for vehicle storage subject to the following:

- This buffer must be a continuous fence or vegetative buffer strip which reaches a height that matches the maximum height of vehicles stored or stacked in the rear yard.
- The buffer shall be located in the rear yard outlined in 39.6.1.1 and will be a continuous buffer required along the northerly, easterly, westerly and southerly portion of any unlicensed derelict vehicle storage area.
- A 6 metre opening for access will be allowed or where the existing barn or shop act as a visual screen.

37.6.1.4 To permit accessory sales of operational non-derelict motor vehicles in the front yard (south west area of the property in front of the exiting dwelling west of the existing driveway) at an approximate area of 60 metres frontage from the far west property line eastward along County Road No 5 by a depth of 40 metres measured from the south west property boundary northward. The number of vehicles shall be limited to a maximum of 10. A minimum setback distance of 10 metres is required from the street line to any vehicle.

37.6.1.5 All lighting and illuminating signs shall be arranged so as to deflect light away from adjacent properties.

### 37.6.2 SY-2

Notwithstanding the provisions of the Salvage Yard (CSY) Zone the number of unlicensed derelict vehicles stored outdoors is unlimited in number, however, the stacking of vehicles will not be permitted. The storage of vehicles that have been partially dismantled shall be restricted to the area of existing yard with dimensions of 153 by 103 metres.

Further to the provisions of the Salvage Yard (SY) Outdoor Storage and Display provisions a solid fence or wall will be required subject to the following:

- The fence or wall shall be provided around the existing yard.
- Subject to an agreement with Council, the required fence may be removed when the required planting strip has grown to a sufficient height to suitably screen the vehicle storage.
- The fence or wall shall extend to a height of 2.13 metres, and the boarding on the fence shall be continuous and extend a minimum range of .5 metres to 2.13 metres above the ground.
- The fence shall be continuous and shall be constructed to screen the area in which vehicles are stored.

### 37.6.3 SY-3

Notwithstanding the provisions of the Salvage Yard (SY) Zone, lands zoned SY-3 shall have a maximum lot area of 13 ha. The sale of Christmas trees is also a permitted use on lands zoned SY-3.

### 38. Future Development (D)

Within this Zone, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

#### 38.1. Permitted Uses

- uses existing on the date of the passing of this By-law;
- uses accessory to the permitted uses.

#### 38.2. Permitted Structures

- buildings and structures existing on the date of passing of this By-law;
- buildings and structures accessory to the permitted uses, not including the establishment of new livestock buildings

#### 38.3. Zone Provisions

Front Yard (minimum)	10 metres
Rear Yard (minimum)	7.5 metres
Interior Side Yard (minimum)	7.5 metres
Exterior Side Yard (minimum)	10 metres

#### 38.4. Special Provisions

Final approval of subdivision of land in a Future Development zone will not be permitted prior to a rezoning to the applicable zone.

Existing residences will be allowed to expand, enlarge or reestablish provided that the provisions of the Residential Medium Density (R2) Zone are complied with and the number of dwelling units is not increased.