

12.1 AGRICULTURE (A1) ZONE

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within an Agriculture (A1) Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations:

12.1.1 PERMITTED USES

Agriculture
Residential Care Facility
Secondary Uses to Agriculture
Single Detached Dwelling

12.1.2 PROHIBITED USES

The following uses are prohibited, as follows:

- i) For lands located within Areas 1 and 2 as indicated in Figures x, x-x, x-x x-x of Schedule "F"-Special Figures:

Waste Disposal site within the meaning of Part V of the Environmental Protection Act.

Salt storage facility that can accommodate 5,000 tonnes and greater.

Snow storage facility

Motor Vehicle Service Station

- ii) For lands located within Area 3 as indicated in Figures x, x-x, x-x x-x of Schedule "F"-Special Figures:

Waste Disposal site within the meaning of Part V of the Environmental Protection Act

12.1.3 REGULATIONS

12.1.3.1 AGRICULTURE REGULATIONS

- a) Minimum Lot Area i) 40.4 hectares;

- ii) Notwithstanding i) above, for the lots delineated on Figure “ ” - Specialty Crop of Schedule “F” – Special Figures, the minimum Lot Area shall be 16.2 hectares.
- b) Minimum Front Yard 15.0 metres;
- c) Minimum Side Yard 15.0 metres;
- d) Minimum Rear Yard 15.0 metres;
- e) Maximum Lot Coverage
- i) 20%
- ii) Notwithstanding (i) above, the maximum lot coverage for greenhouse operations shall be 60%
- f) Outdoor Storage
- i) Shall not be permitted in any Front Yard or Flankage Yard.
- ii) Shall be located a minimum of 20 metres from any lot line, and screened by a visual barrier in accordance with Section 4.19 of this By-law.
- iii) Section 12.1.3.1 f) does not apply to the storage or parking of Agricultural vehicles or equipment.
- g) Small Scale Retailing of Agricultural Products
- i) The maximum gross floor area of all buildings and structures devoted to retailing of agricultural products grown primarily as part of the farm operation shall be 100.0 square metres.
- ii) Shall not be permitted within a Dwelling or a Farm Labour Residence.

- h) Farm Labour Residence
- i) A maximum of one Farm Labour Residence shall be permitted on a lot.
 - ii) Where a Farm Labour Residence is in the form of a temporary detached dwelling or temporary bunk house, the following regulations shall apply:
 - 1. Shall be located within 30m of the farm Dwelling.
 - 2. Shall utilize the existing private services and the existing driveway access to the farm Dwelling.
 - 4. Any temporary detached dwelling shall have a minimum floor area of 65.06 square metres, and a maximum floor area of 116.2 square metres.
 - 5. Any bunk house shall have a minimum gross floor area of 65.06 square metres or 8.36 square metres per resident, whichever is greater
- i) Mushroom Operations
- i) Notwithstanding 12.1.3.1 (b), (c), and (d) above, any buildings or structures associated with a Mushroom Operation shall be setback a minimum of 30.0 metres from any lot line, and shall be situated a minimum of 90.0 metres from any residential use on any adjacent lot.
 - ii) No stockpiles of waste, manure, fertilizers or compost shall be permitted within 30.0 metres of any lot line, and 90.0 metres of any residential use on any adjacent lot.

- j) Nursery
- i) Retailing of horticultural products and bulk material shall be in accordance with 12.1.3.1 g).
- ii) The outdoor storage of unenclosed piles of bulk product shall not exceed an aggregate area of 100 square metres

12.1.3.2 ADDITIONAL REGULATIONS FOR SECONDARY USES TO AGRICULTURE

In addition to Section 12.1.3.1 above, the following additional regulations apply to Secondary Uses to Agriculture:

- a) Uses Permitted as Secondary to Agriculture
 - Agricultural Processing Establishment – Secondary
 - Agricultural Research Operation
 - Agritourism
 - Home Industry
 - Kennel
 - Landscape Contracting Establishment
 - Winery
- b) Agricultural Processing Establishment - Secondary
 - i) The maximum gross floor area for all buildings and structures devoted to an Agricultural Processing Establishment - Secondary shall not exceed 250 square metres.
 - ii) Any buildings or structures associated with the Agricultural Processing Establishment shall be setback a minimum of 30.0 metres from any residential use on any adjacent lot.
 - iii) Outdoor storage of goods, materials or equipment shall be permitted in accordance with 12.1.3.1 f), and shall not exceed an aggregate area of 100 square metres.
 - iv) The maximum area permitted for Retail uses Accessory to an

Agricultural Processing Establishment – Secondary shall not exceed 15% of the total gross floor area of the Agricultural Processing Establishment – Secondary.

- c) Agritourism
- i) Indoor uses shall only be located within an existing building or structure.
 - ii) The maximum gross floor area of an existing building or structure devoted to the Agritourism use shall not exceed 250.0 square metres.
- d) Home Industry and Landscape Contracting Establishment.
- i) Only one Home Industry or one Landscape Contracting Establishment shall be permitted per lot.
 - ii) Shall be located within an existing building or structure and shall occupy no more than 250.0 square metres of gross floor area.
 - iii) Shall be operated by a resident of the property, with no more than 3 non-resident employees on-site.
 - iv) Any buildings or structures associated with the use shall be setback a minimum of 30.0 metres from any residential use on any adjacent lot.
 - v) Outdoor storage of goods, materials or equipment shall be permitted in accordance with 12.1.3.1 f), and shall not exceed an aggregate area of 100 square metres.
 - vi) A maximum of four Commercial Motor Vehicles may be parked unenclosed. Additional Commercial

Motor Vehicles must be parked in an enclosed building. This regulation does not apply to the storage or parking of Agricultural vehicles or equipment.

- vii) The maximum area permitted for Retail uses shall not exceed 15% of the total gross floor area of the of the Home Industry or Landscape Contracting Establishment.
- f) Kennel
- i) The maximum gross floor area for all buildings and structures devoted to a Kennel use shall be 450.0 square metres.
- ii) Any buildings or structures associated with a Kennel shall be setback a minimum of 60.0 metres from any lot line, and shall be situated a minimum of 150.0 metres from any residential use on any adjacent lot.
- iii) No domestic animals shall be permitted to be kept in any open area within 60.0 metres of any lot line, or within 150.0 metres of any residential use on any adjacent lot.
- g) Winery
- i) Shall only be permitted within the area shown on Figure “ ” - Specialty Crop of Schedule “F” – Special Figures-
- ii) Shall only be permitted on a lot with a minimum area of 4.0 hectares, of which a minimum of 2.0 hectares shall be used for the production of grapes or other produce directly associated with on-site wine production.
- iii) The maximum building area

devoted to a Winery use shall be 500 square metres of gross floor area exclusive of the basement or cellar, of which a maximum of 25% of the gross floor area may be used for Retail and/or hospitality/tasting purposes.

12.1.3.3 SINGLE DETACHED DWELLING AND RESIDENTIAL CARE FACILITY REGULATIONS

- | | |
|---|---|
| a) Minimum Lot Area | 0.4 hectares; |
| b) Minimum Lot Width | 30.0 metres; |
| c) Maximum Building Height | 10.5 metres; |
| d) Minimum Front Yard | 10.0 metres |
| e) Minimum Side Yard | 3.0 metres |
| f) Minimum Rear Yard | 10.0 metres |
| g) Maximum Capacity for Residential Care Facility | Shall not exceed 10 residents. |
| h) Location of Residential Care Facility | Shall be located within a Single Detached Dwelling. |

12.1.3.4 ACCESSORY BUILDINGS In accordance with the requirements of Sections 4.8 and 4.8.2 of this By-law.

12.1.3.5 HOME BUSINESS REGULATIONS In accordance with the requirements of Section 4.21 of this By-law.

12.1.3.6 PARKING In accordance with the requirements of Section 5 of this By-law.

12.2 RURAL (A2) ZONE

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Rural (A2) Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations:

12.2.1 PERMITTED USES

Abattoir
 Agriculture
 Agricultural Processing Establishment -
 Stand Alone
 Agricultural Storage Establishment
 Farm Product Supply Dealer
 Home Business
 Kennel
 Livestock Assembly Point
 Residential Care Facility
 Secondary Uses to Agriculture
 Single Detached Dwelling
 Veterinary Service – Farm Animal

12.2.2 PROHIBITED USES

The following uses are prohibited, as follows:

- a) For lands located within Vulnerable Area 1 as delineated in Figures 5.0, 5.1, 5.2 and 5.3 of Schedule "F"-Special Figures:
- i) Waste Disposal sites under Part V of Environmental Protection Act that include the following activities:
- 1) storage, treatment and discharge of mine tailings;
 - 2) land farming of petroleum refining waste;
 - 3) storage of polychlorinated biphenyl (PCB) waste;
 - 4) application of untreated

the application of untreated septage to land.

12.2.3 REGULATIONS

12.2.3.1 AGRICULTURE REGULATIONS

- | | | |
|----|--|--|
| a) | Minimum Lot Area | 40.4 hectares |
| b) | Minimum Front Yard | 15.0 metres |
| c) | Minimum Side Yard | 15.0 metres |
| d) | Minimum Rear Yard | 15.0 metres |
| e) | Maximum Lot Coverage | <ul style="list-style-type: none"> i) 20%; ii) Notwithstanding i) above, the maximum lot coverage for greenhouse operations shall be 70%. |
| f) | Outdoor Storage | <ul style="list-style-type: none"> i) Shall not be permitted in any minimum Front Yard or minimum Flankage Yard; ii) Shall be located a minimum of 10.0 metres from any lot line, and screened by a visual barrier in accordance with Section 4.19 of this By-law; iii) Sections i) and ii) above do not apply to the storage or parking of Agricultural vehicles or equipment. |
| g) | Small Scale Retailing of Agricultural Products | <ul style="list-style-type: none"> i) The maximum gross floor area of all buildings and structures devoted to retailing of agricultural products grown primarily as part of the farm operation, exclusive of a Farm Produce/Product Stand, shall be 200.0 square metres; |

- ii) Shall not be permitted within a Dwelling or a Farm Labour Residence;
 - iii) In addition to Section 12.2.3.1 g) i), the maximum gross floor area of a Farm Produce/Product Stand shall be 18.5 square metres;
 - iv) Notwithstanding Sections 12.2.3.1 b), c) and d) and Section 4.8.2 a), a Farm Produce/Product Stand shall be permitted in any yard.
- h) Farm Labour Residence
- i) A maximum of one Farm Labour Residence shall be permitted on a lot;
 - ii) Where a Farm Labour Residence is in the form of a temporary detached Dwelling or temporary bunk house, the following regulations shall apply:
 1. Shall be located within 30.0 metres of the farm Dwelling.
 2. Shall have a maximum building height of 10.5 metres.
 3. Shall utilize the existing driveway access to the farm Dwelling.
 4. Any temporary detached dwelling shall have a minimum floor area of 65.06 square metres, and a maximum floor area of 116.2 square metres.
 5. Any temporary bunk house shall have a minimum gross floor area of 65.06 square metres or 8.36 square metres per resident, whichever is greater.

- iii) Where a Farm Labour Residence is in the form of an Accessory apartment attached to and forming part of the principal farm Dwelling, the Accessory apartment shall not exceed 25% of the gross floor area of the principal farm Dwelling.
- i) Mushroom Operations
- i) Notwithstanding Sections 12.2.3.1 b), c), and d) above, any buildings or structures used for a Mushroom Operation shall be setback a minimum of 30.0 metres from any lot line;
- ii) No stockpiles of waste, manure, fertilizers or compost shall be permitted within 30.0 metres of any lot line.
- j) Nursery
- i) Retailing of horticultural products and bulk material shall be in accordance with Section 12.2.3.1 g);
- ii) The outdoor storage of unenclosed piles of bulk product shall not exceed an aggregate area of 100.0 square metres.
- k) Medical Marihuana Growing and Harvesting Facility
- i) The maximum gross floor area for all new buildings and structures devoted to a Medical Marihuana Growing and Harvesting Facility shall not exceed 2,000.0 square metres;
- ii) Notwithstanding Section 12.2.3.1 k) i) above, existing buildings may be used for a Medical Marihuana Growing and Harvesting Facility;
- iii) Notwithstanding Sections 12.2.3.1 b), c) and d) above, all buildings or structures associated with the use

shall be setback a minimum of 20.0 metres from any lot line;

- iv) Notwithstanding Sections 12.2.3.1 f) i), ii) and iii) above, outdoor storage shall not be permitted;
- v) Notwithstanding Sections 12.2.3.1 g) i), ii), iii) and iv) above, retail sales shall not be permitted.

12.2.3.2 SECONDARY USES TO AGRICULTURE – ADDITIONAL REGULATIONS

In addition to Section 12.2.3.1 above, the following additional regulations apply to Secondary Uses to Agriculture:

- a) Uses Permitted as Secondary to Agriculture

Agricultural Processing Establishment – Secondary
 Agricultural Research Operation
 Agritourism
 Home Industry
 Agricultural Cidery/Winery
 Landscape Contracting Establishment – Secondary

- b) Minimum Lot Area

Notwithstanding Sections 12.2.3.1 a) and 4.12 d), Secondary Uses to Agriculture shall have a minimum lot area of 5.0 hectares.

- c) Limitation on Uses

Notwithstanding Section 12.2.3.2 a), only one Home Industry or one Landscape Contracting Establishment – Secondary shall be permitted per lot.

- d) Agricultural Processing Establishment - Secondary

- i) The maximum gross floor area for all buildings and structures devoted to an Agricultural Processing Establishment – Secondary is 500.0 square metres;
- ii) Notwithstanding Sections 12.2.3.1 b), c), and d), all buildings or structures associated with an

Agricultural Processing Establishment – Secondary shall be setback a minimum of 30.0 metres from any lot line;

- iii) Outdoor storage of goods, materials or equipment shall be permitted in accordance with Section 12.2.3.1 f), and shall not exceed an aggregate area of 100.0 square metres.

e) Agritourism

The maximum gross floor area of all buildings or structures devoted to the Agritourism use shall not exceed 500.0 square metres.

f) Home Industry

- i) Shall be located only within an existing building or structure which shall be setback a minimum of 30 metres from any lot line, and shall occupy no more than 250.0 square metres of gross floor area;

- ii) Shall be operated by a resident of the property, with no more than 3 non-resident employees;

- iii) Outdoor storage of goods, materials or equipment shall be permitted in accordance with Section 12.2.3.1 f), and shall not exceed an aggregate area of 100.0 square metres;

- iv) In addition to Section 5.3 b) a maximum of three Motor Vehicles associated with the Home Industry may be parked unenclosed. Additional Motor Vehicles associated with the use, including all Motor Vehicles – Commercial, must be parked in an enclosed building. This regulation does not apply to the storage or parking of Agricultural vehicles and equipment.

- g) Agricultural Cidery/Winery
- i) Notwithstanding Sections 12.2.3.1 a), 12.2.3.2 b), and 4.12 d) an Agricultural Cidery/Winery shall only be permitted on a lot with a minimum area of 4.0 hectares, of which a minimum of 2.0 hectares shall be used for the growing production of grapes, fruits or other produce directly associated with on-site cider or wine production;
- ii) The maximum building area devoted to an Agricultural Cidery/ Winery use shall be 500.0 square metres of gross floor area exclusive of the basement or cellar, of which a maximum of 25% of the gross floor area may be used for Retail and/or hospitality/tasting purposes.
- h) Landscape Contracting Establishment - Secondary
- i) Notwithstanding Section 12.2.3.2 a), a Landscape Contracting Establishment – Secondary shall only be permitted as a use Secondary to a Nursery;
- ii) In addition to Section 12.2.3.2 b), the minimum amount of the lot area that must be used for the growing of plants, shrubs, trees or similar vegetation as part of the Nursery operation shall be 65 percent;
- iii) Shall be located within an existing building or structure which shall be setback a minimum of 30 metres from any lot line, and shall occupy no more than 250.0 square metres of gross floor area;
- iv) Shall be operated by a resident of the property, with no more than 3 non-resident employees;
- v) Outdoor storage of goods, materials

or equipment shall be permitted in accordance with 12.2.3.1 f), and shall not exceed an aggregate area of 100.0 square metres;

- vi) In addition to Section 5.3 b) a maximum of three Motor Vehicles associated with the Landscape Contracting Establishment - Secondary may be parked unenclosed. Additional Motor Vehicles associated with the use, including all Motor Vehicles – Commercial, must be parked in an enclosed building. This regulation does not apply to the storage or parking of Agricultural vehicles or equipment.

12.2.3.3 AGRICULTURAL STORAGE ESTABLISHMENT, FARM PRODUCT SUPPLY DEALER, LIVESTOCK ASSEMBLY POINT, AND VETERINARY SERVICE – FARM ANIMAL REGULATIONS

- | | |
|-----------------------------|--|
| a) Minimum Lot Area | 0.4 hectares |
| b) Minimum Front Yard | 15.0 metres |
| c) Minimum Side Yard | 15.0 metres |
| d) Minimum Rear Yard | 15.0 metres |
| e) Maximum Gross Floor Area | 500.0 square metres |
| f) Retail | The maximum area permitted for accessory retail sales, except a Farm Product Supply Establishment, shall not exceed 20% of the total gross floor area. |

- g) Outdoor Storage
- i) Shall not be permitted in any Front Yard or Flankage Yard;
 - ii) Shall be located a minimum of 20.0 metres from any lot line, and screened by a visual barrier in accordance with Section 4.19 of this By-law;
 - iii) Section i) and ii) above shall not apply to the outdoor display of goods or materials for retail purposes in conjunction with a Farm Product Supply Establishment.

12.2.3.4 ABATTOIR REGULATIONS

- a) Minimum Lot Area
- i) Notwithstanding Section 4.12 d), the Minimum Lot Area for an Abattoir shall be 5.0 hectares.
- b) Minimum Setbacks
- i) All buildings or structures associated with the use shall be setback a minimum of 100.0 metres from any lot line;
 - ii) No livestock shall be permitted to be kept in any open area within 60 metres of any lot line.
- c) Maximum Gross Floor Area
- 500.0 square metres
- d) Retail
- The maximum area permitted for accessory retail sales shall not exceed 20% of the total gross floor area.
- e) Outdoor Storage
- i) Shall not be permitted in any Front Yard or Flankage Yard;
 - ii) Shall be located a minimum of 20.0 metres from any lot line, and screened by a visual barrier in

accordance with Section 4.19 of this By-law.

12.2.3.5 AGRICULTURAL PROCESSING ESTABLISHMENT – STAND ALONE REGULATIONS

- | | |
|-----------------------------|--|
| a) Minimum Lot Area | i) Notwithstanding Section 4.12 d) the Minimum Lot Area for an Agricultural Processing Establishment – Stand Alone shall be 0.6 hectares. |
| b) Minimum Setbacks | i) Any buildings or structures associated with the Agricultural Processing Establishment shall be setback a minimum of 30.0 metres from any lot line. |
| c) Maximum Gross Floor Area | 500.0 square metres |
| d) Retail | The maximum area permitted for accessory retail sales shall not exceed 20% of the total gross floor area. |
| e) Outdoor Storage | i) Shall not be permitted in any Front Yard or Flankage Yard;

ii) Shall be located a minimum of 20.0 metres from any lot line, and screened by a visual barrier in accordance with Section 4.19 of this By-law. |

12.2.3.6 KENNEL REGULATIONS

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|---------------------|--|
| a) Minimum Lot Area | i) Notwithstanding Section 4.12 d), the Minimum Lot Area for a Kennel shall be 2.0 hectares. |
| b) Minimum Setbacks | i) Any buildings or structures associated with a Kennel shall be |

setback a minimum of 60.0 metres from any lot line;

- ii) No domestic animals shall be permitted to be kept in any open area within 60 metres of any lot line.

- c) Maximum Gross Floor Area 500.0 square metres
- d) Retail The maximum area permitted for accessory retail sales shall not exceed 20% of the total gross floor area.
- e) Outdoor Storage
 - i) Shall not be permitted in any Front Yard or Flankage Yard;
 - ii) Shall be located a minimum of 20.0 metres from any lot line, and screened by a visual barrier in accordance with Section 4.19 of this By-law.

12.2.3.7 SINGLE DETACHED DWELLING AND RESIDENTIAL CARE FACILITY REGULATIONS

- a) Minimum Lot Area 0.4 hectares
- b) Minimum Lot Width 30.0 metres
- c) Maximum Building Height 10.5 metres
- d) Minimum Front Yard 10.0 metres
- e) Minimum Side Yard 3.0 metres
- f) Minimum Rear Yard 10.0 metres
- g) Maximum Capacity for Residential Care Facility Shall not exceed 10 residents.

12.2.2.5 ACCESSORY In accordance with the requirements of

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BUILDINGS

Sections 4.8 and 4.8.2 of this By-law.

12.2.2.6 HOME BUSINESS REGULATIONS

In accordance with the requirements of Section 4.21 of this By-law.

12.2.2.7 PARKING

In accordance with the requirements of Section 5 of this By-law.

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SECTION #: RURAL ZONES

12.3 SETTLEMENT RESIDENTIAL (S1) ZONE

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Settlement Residential (S1) Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations:

12.3.1 PERMITTED USES

Home Business
Residential Care Facility
Single Detached Dwelling

12.3.2 PROHIBITED USES

The following uses are prohibited, as follows:

i) For lands located within Areas 1 and 2 as indicated in Figures x, x-x, x-x x-x of Schedule "F"-Special Figures:

Waste Disposal site within the meaning of Part V of the Environmental Protection Act
Salt storage facility that can accommodate 5,000 tonnes and greater
Snow storage facility
Motor Vehicle Service Station

ii) For lands located within Area 3 as indicated in Figures x, x-x, x-x x-x of Schedule "F"-Special Figures:

Waste Disposal site within the meaning of Part V of the Environmental Protection Act

12.3.3 REGULATIONS

- a) Minimum Lot Area 0.4 hectares;
- b) Minimum Lot Width 30.0 metres;
- c) Minimum Front Yard 6.0 metres;

- | | |
|---|--|
| d) Minimum Side Yard | 3.0 metres; |
| e) Maximum Building Height | 10.5 metres; |
| f) Maximum Capacity for Residential Care Facility | Shall not exceed 6 residents. |
| g) Location of Residential Care Facility | i) Shall be located within a Single Detached Dwelling. |

12.3.4 ACCESSORY BUILDING In accordance with the requirements of Section 4.8 of this By-law.

12.3.5 HOME BUSINESS In accordance with the requirements of Section 4.21 of this By-law.

12.3.6 PARKING In accordance with the requirements of Section 5 of this By-law.

12.4 SETTLEMENT COMMERCIAL (S2) ZONE

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Settlement Commercial (S2) Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations:

12.4.1 PERMITTED USES

Catering Service
Commercial Recreation
Craftsperson Shop
Day Nursery
Farm Product Supply Establishment
Financial Establishment
Medical Clinic
Motor Vehicle Service Station
Office
Personal Services
Private Club or Lodge
Repair Service
Restaurant
Retail
Studio
Veterinary Service
Veterinary Service – Farm Animal

12.4.2 PROHIBITED USES

The following uses are prohibited, as follows:

- i) Notwithstanding Section 12.4.1 of this By-law, the following use is prohibited, even as an accessory use:

Dry Cleaning Plant

- ii) For lands located within Areas 1 and 2 as indicated in Figures x, x-x, x-x x-x of Schedule "F"-Special Figures:

Waste Disposal site within the meaning of Part V of the Environmental Protection Act

Salt storage facility that can accommodate 5,000 tonnes and greater

Snow storage facility

Motor Vehicle Service Station

- iii) For lands located within Area 3 as indicated in Figures x, x-x, x-x x-x of Schedule "F"-Special Figures:

Waste Disposal site within the meaning of Part V of the Environmental Protection Act

12.4.3 REGULATIONS

- | | |
|--------------------------------------|---|
| a) Minimum Lot Area | 0.4 hectares |
| b) Minimum Yard
Abutting a Street | 3.0 metres; |
| c) Minimum Side Yard | i) 3.0 metres; |
| | ii) 6.0 metres abutting a Residential Zone. |
| | iii) 6.0 metres abutting an Institutional Zone. |
| d) Minimum Rear Yard | 7.0 metres; |
| e) Maximum Building Height | 10.5 metres; |

- f) Additional Regulations for Motor Vehicle Service Station
- i) Notwithstanding a) above, fuel pump islands, fuel pumps and canopies shall be setback a minimum 4.5m from any lot line.
- ii) A minimum 3.0 metre planting strip shall be required abutting any street line.
- g) Outdoor Storage
- i) No outdoor storage of goods, materials or equipment shall be permitted.
- ii) Notwithstanding i) above, the display of goods or materials for retail purposes shall be permitted.
- h) Visual Barrier
- A visual barrier shall be required along any lot line abutting a Residential Zone or an Institutional Zone property line, in accordance with the requirements of Section 4.19 of this By-law.
- 12.4.4 ACCESSORY BUILDINGS**
- In accordance with the requirements of Section 4.8 of this By-law.
- 12.4.5 HOME BUSINESS**
- In accordance with the requirements of Section 4.21 of this By-law.
- 12.4.6 PARKING**
- In accordance with the requirements of Section 5 of this By-law.

12.5 SETTLEMENT INSTITUTIONAL (S3) ZONE

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Settlement Institutional (S3) Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations:

12.5.1 PERMITTED USES

Day Nursery
Educational Establishment
Library
Place of Worship

12.5.2 PROHIBITED USES

The following uses are prohibited, as follows:

- i) For lands located within Areas 1 and 2 as indicated in Figures x, x-x, x-x x-x of Schedule "F"-Special Figures:

Waste Disposal site within the meaning of Part V of the Environmental Protection Act
Salt storage facility that can accommodate 5,000 tonnes and greater
Snow storage facility
Motor Vehicle Service Station

- ii) For lands located within Area 3 as indicated in Figures x, x-x, x-x x-x of Schedule "F"-Special Figures:

Waste Disposal site within the meaning of Part V of the Environmental Protection Act

12.5.3 REGULATIONS

- a) Minimum Lot Area 0.4 hectares;
- b) Maximum Lot Area for a Place of Worship 1 hectare;

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- c) Minimum Lot Width 30.0 metres;
- d) Minimum Front Yard 6.0 metres;
- e) Minimum Side Yard 3.0 metres;
- f) Minimum Rear Yard 7.0 metres;
- g) Maximum Building Height 10.5 metres;

12.5.4 ACCESSORY BUILDINGS

In accordance with the requirements of Section 4.8 of this By-law.

12.5.5 PARKING

In accordance with the requirements of Section 5 of this By-law.

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9.12 EXTRACTIVE INDUSTRIAL (M12) ZONE

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within an Extractive Industrial (M12) Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations:

9.12.1 PERMITTED USES

Agriculture
 Conservation
 Mineral Aggregate Operation
 Recreation, Passive
 Secondary Uses to Agriculture

9.12.2 PROHIBITED USES

The following uses are prohibited, as follows:

- i) For lands located within Areas 1 and 2 as indicated in Figures x, x-x, x-x x-x of Schedule "F"-Special Figures:

Waste Disposal site within the meaning of Part V of the Environmental Protection Act
 Salt storage facility that can accommodate 5,000 tonnes and greater
 Snow storage facility
 Motor Vehicle Service Station

- ii) For lands located within Area 3 as indicated in Figures x, x-x, x-x x-x of Schedule "F"-Special Figures:

Waste Disposal site within the meaning of Part V of the Environmental Protection Act

9.12.3 REGULATIONS**9.12.3.1 AGRICULTURE REGULATIONS**

- a) Minimum Lot Area 40.4 hectares;

- b) Minimum Front Yard 15.0 metres;
- c) Minimum Side Yard 15.0 metres;
- d) Minimum Rear Yard 15.0 metres;
- e) Maximum Lot Coverage
- i) 20%
 - ii) Notwithstanding (i) above, the maximum lot coverage for greenhouse operations shall be 60%
- f) Outdoor Storage
- i) Shall not be permitted in any Front Yard or Flankage Yard.
 - ii) Shall be located a minimum of 20 metres from any lot line, and screened by a visual barrier in accordance with Section 4.19 of this By-law.
 - iii) Section 12.6.2.1 f) does not apply to the storage or parking of Agricultural vehicles or equipment.
- g) Small Scale Retailing of Agricultural Products
- i) The maximum gross floor area of all buildings and structures devoted to retailing of agricultural products grown primarily as part of the farm operation shall be 100.0 square metres.
 - ii) Shall not be permitted within a Dwelling or a Farm Labour Residence.
- h) Farm Labour Residence
- i) A maximum of one Farm Labour Residence shall be permitted on a lot.
 - iii) Where a Farm Labour Residence is in the form of a temporary detached

dwelling or temporary bunk house, the following regulations shall apply:

1. Shall be located within 30m of the farm Dwelling.
2. Shall utilize the existing private services and the existing driveway access to the farm dwelling.
4. Any temporary detached dwelling shall have a minimum floor area of 65.06 square metres, and a maximum floor area of 116.2 square metres.
5. Any bunk house shall have a minimum gross floor area of 65.06 square metres or 8.36 square metres per resident, whichever is greater

i) Mushroom Operations

i) Notwithstanding 12.6.2.1 (b), (c), and (d) above, any buildings or structures associated with a Mushroom Operation shall be setback a minimum of 30.0 metres from any lot line, and shall be situated a minimum of 90.0 metres from any residential use on any adjacent lot.

ii) No stockpiles of waste, manure, fertilizers or compost shall be permitted within 30.0 metres of any lot line, and 90.0 metres of any residential use on any adjacent lot.

j) Nursery

i) Retailing of horticultural products and bulk product shall be in accordance with 12.6.2.1 g).

ii) The outdoor storage of unenclosed piles of bulk material shall not

exceed an aggregate area of 100 square metres

9.12.3.2 ADDITIONAL REGULATIONS FOR SECONDARY USES TO AGRICULTURE

In addition to Section 12.6.2.1 above, the following additional regulations apply to Secondary Uses to Agriculture:

- a) Uses Permitted as Secondary to Agriculture
- Agricultural Processing Establishment – Secondary
 - Agricultural Research Operation
 - Agritourism
 - Home Industry
 - Kennel
 - Landscape Contracting Establishment
- b) Agricultural Processing Establishment - Secondary
- i) The maximum gross floor area for all buildings and structures devoted to an Agricultural Processing Establishment - Secondary shall not exceed 250 square metres.
 - ii) Any buildings or structures associated with the Agricultural Processing Establishment shall be setback a minimum of 30.0 metres from any residential use on any adjacent lot.
 - ii) Outdoor storage of goods, materials or equipment shall be permitted in accordance with 12.6.2.1 f), and shall not exceed an aggregate area of 100 square metres.
 - iii) The maximum area permitted for Retail uses Accessory to an Agricultural Processing Establishment – Secondary shall not exceed 15% of the total gross floor area of the Agricultural Processing Establishment – Secondary.
- c) Agritourism
- i) Indoor uses shall only be located

- within an existing building or structure.
- ii) The maximum gross floor area of an existing building or structure devoted to the Agritourism use shall not exceed 250.0 square metres.
- d) Home Industry and Landscape Contracting Establishment
- i) Only one Home Industry or one Landscape Contracting Establishment shall be permitted per lot.
- iv) Shall be located within an existing building or structure and shall occupy no more than 250.0 square metres of gross floor area.
- v) Shall be operated by a resident of the property, with no more than 3 non-resident employees on-site.
- vi) Any buildings or structures associated with the use shall be setback a minimum of 30.0 metres from any residential use on any adjacent lot.
- vi) Outdoor storage of goods, materials or equipment shall be permitted in accordance with 12.6.2.1 f), and shall not exceed an aggregate area of 100 square metres.
- v) A maximum of four Commercial Motor Vehicles may be parked unenclosed. Additional Commercial Motor Vehicles must be parked in an enclosed building. This regulation does not apply to the storage or parking of Agricultural vehicles or equipment.
- iii) The maximum area permitted for Retail uses shall not exceed 15% of

the total gross floor area of the of the Home Industry or the Landscape Contracting Establishment.

- e) Kennel
- i) The maximum gross floor area for all buildings and structures devoted to a Kennel use shall be 450.0 square metres.
 - ii) Any buildings or structures associated with a Kennel shall be setback a minimum of 60.0 metres from any lot line, and shall be situated a minimum of 150.0 metres from any residential use on any adjacent lot.
 - iii) No domestic animals shall be permitted to be kept in any open area within 60.0 metres of any lot line, or within 150.0 metres of any residential use on any adjacent lot.

9.12.3.4 MINERAL AGGREGATE OPERATION REGULATIONS

- a) Minimum Setback for Excavation
- i) 30 metres from any portion of a property lot line abutting a Residential Zone;
 - ii) 30 metres from any portion of a property lot line abutting a property which contains a residential use;
 - iii) 30 metres from a street line;
 - iv) 15 metres from all other property lot lines.
- b) Minimum Setback for buildings or structures, including processing
- i) 90 metres from any portion of a property lot line abutting a Residential Zone;

plants

- ii) 90 metres from any portion of a property lot line abutting a property which contains a residential use;
- iii) 90 metres from a street line;
- iv) 30 metres from all other property lot lines.

c) Restriction on Location of Stockpiles of Aggregate, Topsoil, or Overburden Shall not located within 90 metres of a lot line abutting a Residential Zone or containing a residential use, or 30 metres of all other lot lines.

- d) Landscape and Fencing Requirements
- i) A minimum 1.2 metre high fence shall be provided around the licensed boundary of a Mineral Aggregate Operation.
 - ii) A landscaped berm of a minimum height of 3.0 metres shall be provided and maintained around the licensed boundary of a Mineral Aggregate Operation.

9.12.3.5 ACCESSORY BUILDINGS In accordance with the requirements of Sections 4.8 and 4.8.2 of this By-law.

9.12.3.6 HOME BUSINESS REGULATIONS In accordance with the requirements of Section 4.21 of this By-law.

9.12.3.7 PARKING In accordance with the requirements of Section 5 of this By-law.

SECTION #: RURAL ZONES

7.6 CONSERVATION/HAZARD LAND RURAL (P6) ZONE

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Conservation/Hazard Land Rural (P6) Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations:

7.6.1 PERMITTED USES

Conservation
Existing Agriculture
Existing Single Detached Dwelling
Flood and Erosion Control Facilities
Recreation, Passive

7.6.2 REGULATIONS

7.6.2.1 EXISTING AGRICULTURE AND EXISTING SINGLE DETACHED DWELLING REGULATIONS

- i) New buildings or structures shall not be permitted.
- ii) Expansion to existing buildings and structures shall not be permitted.

Draft Definitions for Rural Zoning By-law

Abattoir

Shall mean the use of land, building or structure, or portion thereof, for the confinement of live animals awaiting slaughter and slaughtering of live animals and the packaging of animal carcasses and may include the processing, packing, treating, and storing of the product on the premises, but shall not include the manufacture of inedible meat by-products, or rendering of such products as tallow, grease, glue, fertilizer, or any other inedible product.

Agriculture

Shall mean the growing of crops, including Nursery and horticultural crops, raising of livestock, raising, boarding and training of horses, raising of other animals for food, fur or fibre, including poultry and fish, aquaculture, aquaponics, apiaries, agro-forestry, maple syrup production, greenhouse operations, hydroponics, and other such Accessory uses as are customarily and normally associated with agriculture, including limited value retention uses required to make a commodity grown primarily as part of the farm operation salable, such as, but not limited to, grain drying, washing, sorting, grading, treating, storing, packing and packaging, feed mill, or grain mill, and selling of agricultural products primarily grown as part of the farm operation, and associated on-farm buildings and structures, including one Single Detached farm Dwelling and a Farm Labour Residence.

Agricultural Processing Establishment – Secondary

Shall mean a Secondary use to an Agricultural operation, for a facility dedicated to the physical or chemical transformation of raw agricultural commodities or agri-based ingredients, but shall not include an Abattoir or Winery. Agricultural processing shall be limited to the value added processing of agricultural commodities or agri-based ingredients grown primarily as part of the farm operation, and may include Accessory Retail.

Agricultural Processing Establishment – Stand Alone

Shall mean the use of land, building or structure, or portion thereof, for a stand alone facility dedicated to adding value to agricultural products through the physical or chemical transformation of raw agricultural commodities or agri-based ingredients and may include Accessory Retail, but shall not include an Abattoir or Winery.

Agricultural Research Operation

Shall mean a Secondary use to an Agricultural operation for the study and research of Agriculture.

Agricultural Storage Establishment

Shall mean the use of land, building or structure, or portion thereof, for a stand alone facility dedicated to the storage of agricultural products from one or more farm operation(s).

Agritourism

Shall mean a Secondary Use to an Agricultural operation that provides educational and active opportunities to experience the agricultural way of life in Rural Hamilton. Such activities may include, for example, farm machinery and equipment exhibitions, farm-tours, petting zoos, corn mazes, hay rides, sleigh rides, processing demonstrations, pick your own produce, farm theme playground for children, and educational facilities that focus on farming instruction, and which may include accessory retail, but shall not include Restaurants or banquet halls.

Dwelling

Shall mean a building used or intended to be used for human habitation but shall not include a recreational vehicle, or Farm Labour Residence.

Farm Labour Residence

Shall mean accommodation Accessory to Agriculture and on the same lot as an existing permanent principal farm Dwelling, provided for full-time farm labour where the size and nature of the farm operation requires additional employment, in the form of any of the following:

- a) An Accessory apartment attached to and forming part of the principal farm Dwelling; or,
- b) An Accessory detached dwelling of temporary construction, such as a mobile home; or,

- c) An Accessory detached bunk house of temporary construction, where cooking and sanitary facilities are shared.

Home Industry

Shall mean a Secondary use to an Agricultural operation, which is limited to a use directly related to Agriculture such as the repair of agricultural equipment, or a Craftsperson Shop, Tradespersons Shop, or artisans studio, together with the retailing of commodities produced, but shall not include a Motor Vehicle Collision Repair Establishment, Motor Vehicle Service Station, Motor Vehicle Wrecking Establishment, or Contractor's Establishment.

Kennel

Shall mean the use of land, building or structure, or part thereof, for the breeding, raising, training, sheltering or boarding of dogs, cats and other domestic animals, but shall not include Veterinary Service and Veterinary Service – Farm Animal, or the keeping of farm animals as part of an Agricultural operation.

Landscape Contracting Establishment

Shall mean the use of land, building or structure, or part thereof, located on the same lot as a permitted Agriculture/Nursery use, and which is limited to storage and wholesale sales of soil, composted materials and other soil amendments, mulch, rock, screening and other similar landscape materials; landscape design services; storage of landscaping

and horticultural maintenance equipment; composting and mixing of soil and soil amendments; and Accessory storage of snow removal equipment.

Livestock Assembly Point

Shall mean feedlots, livestock auction markets, livestock assembly pens, stockyards, dealers in livestock, cooperative or buying stations, livestock shows, or other places where livestock is assembled for the purposes of sale, show, exchange, breeding, barter, or transportation, and where the assembled livestock has more than one owner, but shall not include Retail pet stores. The assembly point may handle one or more species of livestock.

Mineral Aggregate Resources

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

Mineral Aggregate Operation

Shall mean:

- a) Lands under license or permit, other than for wayside pits and quarries, issued in accordance with the Aggregate Resources Act, or successors thereto;

- b) For lands not designated under the Aggregate Resources Act, established pits and quarries that are not in contravention of municipal zoning by-laws and including adjacent and under agreement with or owned by the operator, to permit the continuation of the operation; and,
- c) Associated facilities used in extraction, transport, beneficiation, processing or recycling of Mineral Aggregate Resources, including a concrete batch plant, but shall not include an asphalt plant or the production of secondary related products.

Nursery

Shall mean an Agricultural operation for the growing of plants, shrubs, trees or similar vegetation and may include Accessory retailing of horticultural products grown on site and bulk product such as, but not limited to, soil, mulch and aggregate.

Secondary

Shall mean, when used to describe a use of land, building or structure, a use which is secondary to the principal use of the property.

Tree Farm

Shall mean an Agricultural operation consisting of privately owned tree Nursery, forest managed for timber production, or plantation.

Veterinary Service – Farm Animal

Shall mean an establishment where a veterinarian administers care for the cure, prevention and treatment of disease and injury to farm animals and that may also contain an animal enclosure for farm animals during the treatment period.

Winery

Shall mean a Secondary Use to an Agricultural operation for the processing of grapes and other produce in the production of wines or other beverages. Winery uses may include the crushing, fermentation, production, bottling, aging, storage, and Accessory sale of wine and wine-related products and other beverages, a laboratory, a winery administrative office, and a tasting and hospitality and retail area, but shall not include a Restaurant, a banquet hall, a Conference or Convention Centre, or overnight accommodation.

DRAFT Amendments to General Provisions

5. That SECTION 4 – GENERAL PROVISIONS of By-law 05-200, is hereby amended as follows:
 - a) That Section 4.7 of By-law 05-200, be amended by relabeling the existing clause as a) and by adding the following new sub-section:
 - “b) Section 4.7 a) does not apply to lots that do not meet the minimum lot area requirement of Section 12.1.3.3 of the Agriculture A1 Zone or Section 12.2.2.4 of the Rural A2 Zone, and lots that do not meet the minimum lot area requirement of the Settlement Residential S1 Zone, Settlement Commercial S2 Zone, and Settlement Institutional S3 Zone.”
 - b) That Section 4.8.1 of By-law 05-200, be amended by adding the words “SETTLEMENT COMMERCIAL, SETTLEMENT INSTITUTIONAL AND SETTLEMENT RESIDENTIAL ZONES” after the words “INSTITUTIONAL ZONES”.
 - c) That the following new section is added:

“4.8.2 Agriculture A1 and Rural A2 Zones

 - a) No accessory building or structure shall be located within a front yard.
 - b) All buildings and structures accessory to Agriculture shall comply with all regulations under the Agriculture Regulations section of the A1 and A2 Zones.
 - c) All buildings accessory to a Single Detached Dwelling shall not exceed an area of 120 square metres and shall have a maximum building height of 5.0 metres.”
 - d) That Section 4.12 VACUUM CLAUSE is amended by adding the following new subsection:
 - “d) Notwithstanding any other provisions of this By-law, any lot within the Rural and Agricultural Zones of this By-law, and the location thereon of any building or structure, existing on the effective date of this By-law, shall be deemed to comply with the regulations for any required setbacks, front yard, flankage yard, rear yard, lot width and building height and are permitted by this By-law.”

- e) That Section 4.21 HOME BUSINESS is hereby amended as follows:
- i) That Section 4.21 a) is amended by adding the words “including all Dwellings on lots zoned Agriculture A1, and Dwellings on lots zoned Rural A2 which are less than 0.8 hectares in area”.
 - ii) That the following new subsections be added:
 - c) In addition to the Home Businesses listed in 4.21 a), the following additional Home Business may be permitted within Dwellings on lots zoned Rural A2 which have a Lot Area of 0.8 hectares or greater:
 - i) Tradesperson Shop.
 - d) Regulations for Home Businesses in Dwellings on lots zoned Rural A2 which have a Lot Area of 0.8 hectares or greater:
 - i) Except in addition to an office, not more than one home business per dwelling unit shall be permitted;
 - ii) No more than 3 non-resident employees shall be permitted on-site;
 - iii) Parking shall be provided at a rate of one space for each dwelling unit; one space for each non-resident on-site employee; and one space for each home business, except as follows:
 1. For an office conducted in such a manner so as not to attract customers or clients directly to the dwelling unit, there shall be provided only one space for each dwelling unit and one space for any non-resident employee; and,
 2. For a Bed and Breakfast Establishment, there shall be provided one space for each dwelling unit, one space for any non-resident employee and one space for each guestroom.
 3. Notwithstanding anything else in this By-law, parking spaces required for a home business and the dwelling shall be permitted in the form of stacked parking.

- iv) No outdoor storage shall be permitted;
- v) There shall be no display of product to indicate to persons outside the premises that any part of the premises is being used for any purpose other than that of a dwelling;
- vi) The total floor area used for a home business, excluding a Bed and Breakfast Establishment, shall not exceed 25% of the gross floor area of the dwelling unit or 100 square metres, whichever is the lesser amount. This requirement shall apply whether the home business is carried out in the dwelling unit or in an accessory building, or both;
- vii) No noise, vibration, fumes, odour, dust or glare emitted to the environment outside of the building shall be permitted, beyond which is normally associated with a dwelling unit;
- viii) No repair of equipment having a combustion engine shall be permitted nor shall any such equipment be used in the process of conducting any home business;
- ix) No repair of parts or accessories for motor vehicles or major recreational equipment shall be permitted;
- x) The home business may be located within the dwelling unit or within an accessory building, provided the following conditions are met:
 1. Any buildings or structures associated with a Tradesperson Shop must be setback a minimum of 30 metres from any residential use on any adjacent lot;
 2. Any buildings or structures associated with a Repair Service located within an accessory building must be setback a minimum 30 metres from any residential use on any adjacent lot.
- xii) A hair dresser or barber shall be limited to a maximum of one hair washing sink and one styling station.”

- iii) That subsections 4.21 c) and 4.21 d) be renumbered as subsections 4.21 e) and 4.21 f) respectively.
- g) That the following new section is added:
 - “4.26 Minimum Distance Separation Formulae
 - a) That all development within the City of Hamilton be subject to the Minimum Distance Separation (MDS) formulae as established by the Province, as amended from time to time.
 - b) Notwithstanding a) above, where a new dwelling is proposed to be constructed on a lot 10 acres or greater in size, MDS I shall be applied.”