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

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture</td>
</tr>
<tr>
<td>Home Business</td>
</tr>
<tr>
<td>Residential Care Facility</td>
</tr>
<tr>
<td>Secondary Uses to Agriculture</td>
</tr>
<tr>
<td>Single Detached Dwelling</td>
</tr>
<tr>
<td>Veterinary Service – Farm Animal</td>
</tr>
</tbody>
</table>

12.1.2 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 septage to land;
      5) injection of liquid waste into a well;
      6) storage of hazardous waste.

   ii) hazardous waste management facility

November 2014
iii) waste management facility

iv) Salt Storage Facility that can accommodate 5,000 tonnes and greater

v) snow storage facility greater than 1 ha in size

vi) Motor Vehicle Service Station

vii) motor vehicle collision repair establishment

b) For lands located within Vulnerable Area 2, 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 injection of liquid waste into a well;

ii) waste disposal facility

c) For lands located within Vulnerable Area 3 as delineated on Figure 5.0 of Schedule “F”-Special Figures:

i) Waste Disposal sites under Part V of Environmental Protection Act that include the application of untreated septage to land.

d) Notwithstanding Section 12.1.1 and the definition of Agriculture, for lands located within Lower Stoney Creek as delineated on Figure 6.0 of Schedule “F” – Special Figures:

i) Medical Marihuana Growing and Harvesting Facility;
ii) aquaponics facility.

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 70%.

f) Outdoor Storage
   i) Shall not be permitted in any minimum Front Yard or minimum Flankage Yard;
   ii) Shall be located a minimum of 10 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
   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 12.1.3.1 g) i), the maximum gross floor area of a Farm Produce/Product Stand shall be 18.5 square metres;

iv) Notwithstanding Sections 12.1.3.1 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 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 12.1.3.1 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 12.1.3.1 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 12.1.3.1 k)
i) above, existing buildings may be used for a Medical Marihuana Growing and Harvesting Facility;

iii) Notwithstanding Sections 12.1.3.1 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 12.1.3.1 f) i), ii) and iii) above, outdoor storage shall not be permitted;

v) Notwithstanding Sections 12.1.3.1 g) i), ii), iii) and iv) above, retail sales shall not be permitted.

12.1.3.2 SECONDARY USES TO AGRICULTURE – ADDITIONAL REGULATIONS

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
   - Agricultural Cidery/Winery
   - Landscape Contracting Establishment – Secondary

b) Minimum Lot Area
   - Notwithstanding Sections 12.1.3.1 a) and 4.12 d), Secondary Uses to Agriculture shall only be permitted on a lot with a minimum lot area of 5.0 hectares.

c) Limitation on Uses
   - Notwithstanding Section 12.1.3.2 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 shall not exceed 500.0 square metres;

ii) Notwithstanding Sections 12.1.3.1 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 12.1.3.1 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 12.1.3.1 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) Kennel

i) The maximum gross floor area for all buildings and structures devoted to a Kennel use shall be 500.0 square metres;

ii) Notwithstanding Sections 12.1.3.1 b), c) and d), all buildings or structures associated with a Kennel shall be setback a minimum of 60.0 metres from any lot line;

iii) No domestic animals shall be permitted to be kept in any open area within 60.0 metres of any lot line.

h) Agricultural Cidery/Winery

i) Notwithstanding Sections 12.1.3.1 a), 12.1.3.2 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 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.
i) Landscape Contracting Establishment – Secondary

   Notwithstanding Section 12.1.3.2 a), a Landscape Contracting Establishment – Secondary shall only be permitted as a use Secondary to a Nursery

ii) In addition to Section 12.1.3.2 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 12.1.3.1 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;

12.1.3.3 SINGLE DETACHED

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SECTION #: RURAL ZONES

ZONING BY-LAW

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.

12.1.3.4 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

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abattoir</td>
</tr>
<tr>
<td>Agriculture</td>
</tr>
<tr>
<td>Agricultural Processing Establishment - Stand Alone</td>
</tr>
<tr>
<td>Agricultural Storage Establishment</td>
</tr>
<tr>
<td>Farm Product Supply Dealer</td>
</tr>
<tr>
<td>Home Business</td>
</tr>
<tr>
<td>Kennel</td>
</tr>
<tr>
<td>Livestock Assembly Point</td>
</tr>
<tr>
<td>Residential Care Facility</td>
</tr>
<tr>
<td>Secondary Uses to Agriculture</td>
</tr>
<tr>
<td>Single Detached Dwelling</td>
</tr>
<tr>
<td>Veterinary Service – Farm Animal</td>
</tr>
</tbody>
</table>

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
septage to land
5) injection of liquid waste into a well
6) storage of hazardous waste

ii) hazardous waste management facility

iii) waste management facility

iv) Salt Storage Facility that can accommodate 5,000 tonnes and greater

v) snow storage facility greater than 1 ha in size

vi) Motor Vehicle Service Station

vii) motor vehicle collision repair establishment

b) For lands located within Vulnerable Area 2, 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 injection of liquid waste into a well;

ii) waste disposal facility

c) For lands located within Vulnerable Area 3 as delineated on Figure 5.0 of Schedule “F”-Special Figures:

i) Waste Disposal sites under Part V of Environmental Protection Act that include
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 i) 20%;

  ii) Notwithstanding i) above, the maximum lot coverage for greenhouse operations shall be 70%.

f) Outdoor Storage 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 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

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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

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
<table>
<thead>
<tr>
<th>BUILDINGS</th>
<th>Sections 4.8 and 4.8.2 of this By-law.</th>
</tr>
</thead>
<tbody>
<tr>
<td>12.2.6 HOME BUSINESS REGULATIONS</td>
<td>In accordance with the requirements of Section 4.21 of this By-law.</td>
</tr>
<tr>
<td>12.2.7 PARKING</td>
<td>In accordance with the requirements of Section 5 of this By-law.</td>
</tr>
</tbody>
</table>
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:

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 septage to land;
5) injection of liquid waste into a well;
6) storage of hazardous waste.

ii) hazardous waste management facility

iii) waste management facility

iv) Salt Storage Facility that can accommodate 5,000 tonnes and greater

v) snow storage facility greater than 1 ha in size

vi) Motor Vehicle Service Station

vii) motor vehicle collision repair establishment
b) For lands located within Vulnerable Area 2, 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 injection of liquid waste into a well;

ii) waste disposal facility

c) For lands located within Vulnerable Area 3 as delineated on Figure 5.0 of Schedule "F"-Special Figures:

i) Waste Disposal sites under Part V of Environmental Protection Act that include the application of untreated septage to land.

12.3.3 REGULATIONS

a) Minimum Lot Area 0.4 hectares;

b) Minimum Lot Width 30.0 metres;

c) Minimum Front Yard 7.5 metres;

d) Minimum Side Yard 3.0 metres;

e) Minimum Rear Yard 7.5 metres

f) Maximum Building Height 10.5 metres;

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g) **Maximum Capacity for Residential Care Facility**

Shall not exceed 6 residents.

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 Dealer
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:
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 septage to land;
5. injection of liquid waste into a well;
6. storage of hazardous waste.

ii) hazardous waste management facility

iii) waste management facility

iv) Salt Storage Facility that can accommodate 5,000 tonnes and greater
v) snow storage facility greater than 1 ha in size

vi) Motor Vehicle Service Station

vii) motor vehicle collision repair establishment

b) For lands located within Vulnerable Area 2, 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 injection of liquid waste into a well;

ii) waste disposal facility

c) For lands located within Vulnerable Area 3 as delineated on Figure 5.0 of Schedule “F”-Special Figures:

i) Waste Disposal sites under Part V of Environmental Protection Act that include the application of untreated septage to land.

12.4.3 REGULATIONS

a) Minimum Lot Area 0.4 hectares

b) Minimum Yard Abutting a Street 3.0 metres

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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
   Notwithstanding b), c, and d) above, fuel pump islands, fuel pumps and canopies shall be setback a minimum 4.5 metres from any lot 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) Planting Strip Requirements
   A minimum 3.0 metre Planting Strip shall be provided and maintained abutting a street, except for points of ingress and egress and abutting a Settlement Residential Zone or a Settlement Institutional Zone.

i) Visual Barrier
   A visual barrier shall be provided and maintained along any lot line abutting a Settlement Residential Zone or a Settlement 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.

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12.4.5 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:

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;

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3. storage of polychlorinated biphenyl (PCB) waste;
4. application of untreated septage to land;
5. injection of liquid waste into a well;
6. storage of hazardous waste.

ii) hazardous waste management facility

iii) waste management facility

iv) Salt Storage Facility that can accommodate 5,000 tonnes and greater

v) snow storage facility greater than 1 ha in size

vi) Motor Vehicle Service Station

vii) motor vehicle collision repair establishment

b) For lands located within Vulnerable Area 2, 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 injection of liquid waste into a well;

ii) waste disposal facility
c) For lands located within Vulnerable Area 3 as delineated on Figure 5.0 of Schedule "F"-Special Figures:

i) Waste Disposal sites under Part V of Environmental Protection Act that include the application of untreated septage to land.

12.5.3 REGULATIONS

a) Minimum Lot Area 0.4 hectares;

b) Maximum Lot Area for a Place of Worship 2.0 hectares;

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.
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
- Home Business
- Mineral Aggregate Operation
- Recreation, Passive
- Secondary Uses to Agriculture

9.12.2 PROHIBITED USES

A snow storage facility below the water table that is greater than 0.01 ha in size.

9.12.3 REGULATIONS

9.12.3.1 AGRICULTURE REGULATIONS

a) Minimum Lot Area

b) Minimum Front Yard

c) Minimum Side Yard

d) Minimum Rear Yard

e) Maximum Lot Coverage

i) 20%;

ii) Notwithstanding i) above, the maximum lot coverage for greenhouse operations shall be 70%.

f) 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;
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, 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 9.12.3.1 g) i), the maximum gross floor area of a Farm Produce/Product Stand shall be 18.5 square metres;

iv) Notwithstanding Sections 9.12.3.1 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 9.12.3..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 product shall be in accordance with Section 9.12.3.1 g);

   ii) The outdoor storage of unenclosed piles of bulk material 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 9.12.3.1 k) i) above, existing buildings may be used for a Medical Marihuana Growing and Harvesting Facility;

iii) Notwithstanding Sections 9.12.3.1 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 9.12.3.1 f) i), ii) and iii) above, outdoor storage shall not be permitted;

v) Notwithstanding Sections 9.12.3.1 g) i), ii), iii) and iv) above, retail sales shall not be permitted.

9.12.3.2 SECONDARY USES TO AGRICULTURE – ADDITIONAL REGULATIONS

In addition to Section 9.12.3 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
- Agricultural Cidery/Winery
- Landscape Contracting Establishment – Secondary

b) Minimum Lot Area

Notwithstanding Sections 9.12.3.1 a) and 4.12 d), Secondary Uses to Agriculture shall have a minimum lot area of 5.0 hectares.

c) Limitations on Use

Notwithstanding Section 9.12.3.2 a) a), only one Home Industry or one
d) 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 500.0 square metres;  
   ii) Notwithstanding Sections 9.12.3.1 b), c), and d), all buildings or structures associated with the 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 9.12.3.1 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 9.12.3.1 f), and shall not exceed an aggregate area of 100.0 square metres.
iv) Notwithstanding Section 5.3 b), a maximum of three Motor Vehicles associated with the Home Industry or Landscape Contracting Establishment 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) Kennel

i) The maximum gross floor area for all buildings and structures devoted to a Kennel use shall be 500.0 square metres.

ii) Notwithstanding Sections 9.12.3.1 b), c), and d), all buildings or structures associated with a Kennel shall be setback a minimum of 60.0 metres from any lot line;

iii) No domestic animals shall be permitted to be kept in any open area within 60.0 metres of any lot line.

h) Agricultural Cidery/Winery

i) Notwithstanding Sections 9.12.3.1 a), 9.12.3.2 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.

i) Landscape Contracting Establishment – Secondary

Notwithstanding Section 9.12.3.2 a), a Landscape Contracting Establishment – Secondary shall only be permitted as a use Secondary to a Nursery

ii) In addition to Section 9.12.3.2 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 Section 9.12.3.1 f), and shall not exceed an aggregate area of 100.0 square metres;

vi) Notwithstanding 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
9.12.3.4 MINERAL AGGREGATE OPERATION REGULATIONS

a) Minimum Setback for Excavation
   i) 30.0 metres from any portion of a property lot line abutting a Residential Zone;
   ii) 30.0 metres from any portion of a property lot line abutting a property which contains a residential use;
   iii) 30.0 metres from a street line;
   iv) 15.0 metres from all other property lot lines.

b) Minimum Setback for buildings or structures, including processing plants
   i) 90.0 metres from any portion of a property lot line abutting a Residential Zone;
   ii) 90.0 metres from any portion of a property lot line abutting a property which contains a residential use;
   iii) 90.0 metres from a street line;
   iv) 30.0 metres from all other property lot lines.

c) Restriction on Location of Stockpiles of Aggregate, Topsoil, or Overburden
   Shall not be located within 90.0 metres of a lot line abutting a Residential Zone or containing a residential use, or 30.0 metres of all other lot lines.

d) Landscape and Fencing Requirements
   i) A minimum 1.2 metre high fence shall be provided and maintained 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 equipment;
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.

licensed boundary of a Mineral Aggregate Operation.
SECTION 7: OPEN SPACE AND PARK ZONES

7.6 CONSERVATION/HAZARD LAND RURAL (P6) ZONE

Explanatory Note: The P6 Zone applies to all lands identified as an Environmentally Significant Area or Earth Science ANSI in the Rural Hamilton Official Plan. In addition, the P6 Zone is also applied to all lands identified as a Key Natural Heritage Feature outside of the Greenbelt Natural Heritage System, identified in the Rural Hamilton Official Plan.

New development within the P6 Zone may require the approval of a Site Plan Control application, including the submission of an Environmental Impact Statement, to demonstrate that there will be no negative impact on Core Area features, as identified in the Rural Hamilton Official Plan, as a result of the proposed development, prior to the development proceeding.

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

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

7.6.2 REGULATIONS

7.6.2.1 AGRICULTURE REGULATIONS

a) New Buildings and Structures

i) Shall not be permitted on a vacant lot.

ii) Shall be in accordance with the requirements of Sections 12.1.3.1 and 4.8.2

b) Expansions to Existing Buildings and Structures

Shall be in accordance with the requirements of Section 12.1.3.1 and 4.8.2.

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7.6.2.2 EXISTING SINGLE DETACHED DWELLING REGULATIONS

a) New Accessory Buildings or Structures
   Shall be in accordance with Section 4.8.2

b) Expansions to Existing Buildings and Structures
   Shall be in accordance with Sections 12.1.3.3 (c), (d), (e), and (f) and 4.8.2.
SECTION 7: OPEN SPACE AND PARK ZONES

7.7 CONSERVATION/HAZARD LAND RURAL (P7) ZONE

Explanatory Note: The P7 Zone applies to all lands identified as a Key Hydrologic Feature, with the exception of Provincially Significant Wetlands, in the Rural Hamilton Official Plan. In addition, the P7 Zone is also applied to all lands identified as a Key Natural Heritage Feature within the Greenbelt Natural Heritage System, identified in the Rural Hamilton Official Plan.

New development within the P7 Zone may require the approval of a Site Plan Control application, including the submission of an Environmental Impact Statement, to demonstrate that there will be no negative impact on Core Area features, as identified in the Rural Hamilton Official Plan, as a result of the proposed development, prior to the development proceeding.

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 (P7) 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:

7.7.1 PERMITTED USES

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

7.7.2 REGULATIONS

7.7.2.1 AGRICULTURE REGULATIONS

a) New Buildings and Structures

b) Expansions to Existing Buildings and Structures

i) The maximum gross floor area for an expansion to an Existing building or structure shall not exceed 10% of the gross floor area of the Existing building or structure.

ii) Shall be in accordance with the requirements of Section 12.1.3.1

7.7.2.2 EXISTING SINGLE

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**SECTION 7: OPEN SPACE AND PARK ZONES**

**DETACHED DWELLING REGULATIONS**

a) New Buildings or Structures

   Shall not be permitted.

b) Expansions to Existing Buildings and Structures

   i) The maximum gross floor area for an expansion to an Existing building or structure shall not exceed 10% of the gross floor area of the Existing building or structure.

   ii) Shall be in accordance with Section 12.1.3.3 c), d), e), and f) and Section 4.8.2

7.7.2.3 **REGULATIONS FOR REPLACEMENT OF AN EXISTING BUILDING OR STRUCTURE, INCLUDING EXISTING SINGLE DETACHED DWELLING**

i) Notwithstanding Sections 7.7.2.1 a) i) and 7.7.2.2 a) i) above, an existing building or structure which is demolished in whole or in part may be rebuilt provided the setbacks to the building or structure which had existed on the date of passing of the By-law are maintained.

ii) Notwithstanding (i) above, a maximum encroachment of up to 10% of the existing setbacks, as determined through (i) above, may be permitted.

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SECTION 8: OPEN SPACE AND PARK ZONES

7.8 CONSERVATION/HAZARD LAND RURAL (P8) ZONE

Explanatory Note: The P8 Zone applies to all lands identified as a Provincially Significant Wetland in the Rural Hamilton Official Plan.

New development within the P8 Zone may require the approval of a Site Plan Control application, including the submission of an Environmental Impact Statement, to demonstrate that there will be no negative impact on Core Area features, as identified in the Rural Hamilton Official Plan, as a result of the proposed development, prior to the development proceeding.

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 (P8) 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:

7.8.1 PERMITTED USES

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

7.8.2 REGULATIONS

7.8.2.1 REGULATIONS FOR AGRICULTURE AND EXISTING SINGLE DETACHED DWELLING

New buildings or structures, or expansions to existing buildings and structures, shall not be permitted.

7.8.2.2 REGULATIONS FOR REPLACEMENT OF AN EXISTING BUILDING OR STRUCTURE, INCLUDING EXISTING SINGLE DETACHED DWELLING

i) Notwithstanding Section 7.8.2.1 above, an existing building or structure which is demolished in whole or in part may be rebuilt provided the setbacks to the building or structure which had existed on the date of passing of the By-law are maintained.

ii) Notwithstanding (i) above, a maximum encroachment of up to 10% of the existing setbacks, as determined through (i) above, may be permitted.

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PROPOSED DEFINITIONS TO BE ADDED TO SECTION 3:

“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; Medical Marihuana Growing and Harvesting Facilities; 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 Brewery
Shall mean an Agricultural Processing Establishment – Secondary use, for the making of beer from crops grown as part of the Agricultural operation on the same lot, but shall not include a Restaurant, a Conference or Convention Centre, or overnight accommodation.

Agricultural Cidery/Winery
Shall mean a Secondary Use to an Agricultural operation on the same lot, for the processing of grapes, fruit, honey or other produce in the production of ciders or wines. Agricultural Cidery/Winery uses may include the crushing, fermentation, production, bottling, aging, storage, and Accessory sale of ciders, wines and related products to both, a laboratory, an administrative office, and a tasting, hospitality and retail area, but shall not include a Restaurant, a Conference or Convention Centre, or overnight accommodation.

Agricultural Processing Establishment – Secondary
Shall mean a Secondary use to an Agricultural operation on the same lot, for a facility dedicated to the transformation of raw agricultural commodities, but shall not include an Abattoir or Agricultural Cidery/Winery. Agricultural Processing - Secondary shall be limited to the processing of agricultural commodities grown primarily as part of the farm operation, including an Agricultural Brewery, 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 the transformation of raw agricultural commodities and may include
Accessory Retail, but shall not include an Abattoir, Agricultural Brewery or Agricultural Cidery/Winery.

**Agricultural Research Operation**

Shall mean a Secondary use to an Agricultural operation on the same lot 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 on the same lot 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/products, farm theme playground for children, and educational facilities that focus on farming instruction, and which may include accessory retail, but shall not include a Restaurant or Conference or Convention Centre.

**Dwelling**

ALREADY DEFINED IN 05-200, amended

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.

**Farm Produce/Product Stand**

Shall mean a building or structure where fresh fruit and vegetables, flowers and plants grown and other products derived from the Agricultural operation on the same property are offered for sale on a seasonal basis.

**Home Industry**

Shall mean a Secondary use to an Agricultural operation on the same lot, 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

ALREADY DEFINED IN 05-200, amended

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 – Secondary

Shall mean a Secondary use to an Nursery operation on the same lot, which is limited to storage 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.

Medical Marihuana Growing and Harvesting Facility

Shall mean a wholly enclosed building or structure used for growing, harvesting, testing, destroying,
packaging, and shipping of marihuana for medical purposes as permitted under the Marihuana for Medical Purposes Regulations (MMPR) SOR/2013-119 made under the Controlled Substances Act as the MMPR read on March 31, 2014. The testing, packaging, and shipping shall be accessory to the growing and harvesting of the marihuana for medical purposes.

**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 land 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.

Salt Storage Facility

Shall mean the use of land, building or structure for the storage of road salt or salt/sand mixture which is transported to the site in bulk.

Seasonal Campground

Shall mean the use of land, building or structure for seasonal recreational tenting and camping facilities for recreational or vacation purposes. Accessory uses such as washrooms and laundry facilities are permitted.

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.

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.
Amendments to Section 4: General Provisions

a) That Subsection 4.4 PUBLIC USES PERMITTED IN ALL ZONES of SECTION 4: GENERAL PROVISIONS of By-law 05-200, is deleted in its entirety and replaced with the following:

“4.4 PUBLIC USES PERMITTED IN ALL ZONES

Notwithstanding anything else in this By-law, a utility company, a communication company, the City or any of its local boards as defined in The Municipal Act, any communications or transportation system owned or operated by or for the City, and any agency of the Federal or Provincial Government, including Hydro One, may, for the purposes of the public service, use any land or erect or use any building in any zone subject to the use or building being in compliance with the most restrictive regulations contained in such zone for any use and the parking requirements of Section 5 of this By-law, for such use and subject to there being no outdoor storage of goods, materials or equipment in any yard abutting a Residential Zone or a Downtown D5 or Downtown D6 Zone or Settlement Residential (S1) Zone. Any buildings erected or used in a Residential Zone or a Downtown D5 or Downtown D6 Zone or Settlement Residential (S1) Zone under the provisions of this Section, shall be designed so as not to intrude into the residential character of the area. This exemption for use in any zone shall not apply to the Neighbourhood Park (P1) Zone, any use, land or building used by Hamilton Hydro, Hydro One or any communication company or utility company for executive or administrative offices, or retail purposes, or any land or building used by any local School Board, University or College. (By-law 06-166, June 14, 2006, By-law 07-321, November 14, 2007).”

b) That Subsection 4.7 REDUCTION OF YARDS FOR NON-CONFORMING LOTS OF SECTION 4: GENERAL PROVISIONS of By-law 05-200, be amended by relabeling the existing clause as a) and by adding the following new clause:

“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.”

c) That Subsection 4.8.1 RESIDENTIAL ZONES, DOWNTOWN D5 AND DOWNTOWN D6 ZONES AND INSTITUTIONAL ZONES of SECTION 4: GENERAL PROVISIONS of By-law 05-200, be amended by adding the words “SETTLEMENT COMMERCIAL, SETTLEMENT INSITITUTIONAL AND
SETTLEMENT RESIDENTIAL ZONES” after the words “INSTITUTIONAL ZONES”, so that it shall read as follows:

“4.8.1 RESIDENTIAL ZONES, DOWNTOWN D5 AND DOWNTOWN D6 ZONES, INSTITUTIONAL ZONES, SETTLEMENT COMMERCIAL, SETTLEMENT INSTITUTIONAL AND SETTLEMENT RESIDENTIAL ZONES”

d) That the following new Subsection be added to SECTION 4: GENERAL PROVISIONS of By-law 05-200:

“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 an Agriculture use 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 6.0 metres.”

e) That Subsection 4.12 VACUUM CLAUSE of SECTION 4: GENERAL PROVISIONS of By-law 05-200 is amended by adding the following new clause:

“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, lot area, and building height and are permitted by this By-law.”

f) That Subsection 4.23 d) Setback from a Conservation/Hazard Land (P5) Zone of Section 4.23 SPECIAL SETBACKS is hereby deleted in its entirety and replaced with the following:

“d) Setback from a Conservation/Hazard Land (P5) Zone, Conservation/Hazard Land Rural (P7) Zone and Conservation/Hazard Land Rural (P8) Zone

All buildings or structures located on a property shall be setback a minimum of 7.5 metres from a P5, P7 and P8 Zone boundary.”

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g) That the following new Subsection be added to SECTION 4: GENERAL PROVISIONS of By-law 05-200:

“4.28 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 4.0 hectares or greater in size, MDS I shall be applied.”

h) That the following new Subsection be added to SECTION 4: GENERAL PROVISIONS of By-law 05-200:

“4.29 ENVIRONMENTAL IMPACT STATEMENT (EIS)

An EIS may be required where development is proposed in or adjacent to an environmental feature in order to ensure that the environmental feature is appropriately protected against the impacts of development. Accordingly, an EIS may be required for development proposed on lands zoned P6, P7 and P8 as well as development proposed within 120 metres of natural features.

i) That the following new Subsection be added to SECTION 4: GENERAL PROVISIONS of By-law 05-200:

“4.30 NIAGARA ESCARPMENT PLAN DEVELOPMENT CONTROL AREA

Pursuant to Ontario Regulations 828/90, as amended from time to time, when lands are located within the Development Control Area defined under Ontario Regulation 826/90, as amended from time to time, and identified as “Niagara Escarpment Commission Development Control Area” on Schedule “A” – Zoning Maps, zoning shall have no effect and is provided for information purposes only.”

Amendment to Section P4 (Open Space) Zone

That Section 7.4.1 be amended by adding “Seasonal Campground” to the Permitted Uses in the P4 Zone.
Amendments to Section 5: Parking

That clause a) of Subsection 5.2 DESIGN STANDARDS of SECTION 5: PARKING of By-law 05-200, is hereby deleted in its entirety and replaced with the following:

“5.2 DESIGN STANDARDS

a) Where a parking lot is situated on a lot which abuts a Residential Zone, Settlement Residential (S1) Zone, Downtown D5 or Downtown D6 Zone, a visual barrier shall be provided and maintained along that portion of the lot line that abuts a Residential Zone, Settlement Residential (S1) Zone, Downtown D5 Zone or Downtown D6 Zone in accordance with Section 4.19 of this By-law;”

That Subsection 5.3 COMMERCIAL MOTOR VEHICLES of SECTION 5: PARKING of By-law 05-200, is hereby deleted in its entirety and replaced with the following:

“5.3 COMMERCIAL MOTOR VEHICLES

a) In any Residential Zone, Downtown D5 Zone, Downtown D6 Zone, or Settlement Residential S1 Zone, Commercial Motor Vehicles:

i) Shall not be stored or parked except within a fully enclosed building; and,

ii) Notwithstanding Subsection i) above, any commercial motor vehicle may attend residential properties for the purpose of delivery or service only.

b) In any Agricultural A1 Zone or Rural A2 Zone,

i) A maximum of 1 Commercial Motor Vehicle may be parked unenclosed, provided it is setback a minimum of 20 metres from any lot line and 50 metres from a dwelling on an adjacent lot.

ii) Section i) above does not apply to the storage or parking of agricultural vehicles and equipment.”

That Subsection 5.4 MAJOR RECREATIONAL EQUIPMENT of SECTION 5: PARKING of By-law 05-200, be amended by relabeling the existing clause as a), and adding the words “or Settlement Residential S1 Zone” after the words “Downtown D6 Zone” in the first line, and by adding the following new sub-section:

May 2014
“b) In any Rural Zone, Major Recreational Equipment:

i) May be stored enclosed;

ii) Shall not be stored in the minimum required front yard or flankage yard;

iii) May be stored in a rear yard or side yard provided that the Major Recreational Equipment is screened with a visual barrier in accordance with Section 4.19 of this By-law, and has a minimum setback of 1.2 metres from the side or rear lot line;

iv) Notwithstanding Subsections i), ii) and iii) herein, Major Recreational Equipment may be parked on a driveway wholly inside the lot line between May 1st and October 31st in each year.

v) Storage of Major Recreational Equipment shall only be permitted for Major Recreational Equipment owned by a resident of the lot.