

**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
  - Community Garden (By-law No. 21-189, October 13, 2021)
  - Conservation
  - Mineral Aggregate Operation
  - Recreation, Passive
  - Secondary Uses to Agriculture
- 9.12.2 PROHIBITED USES**
- A snow storage facility that is greater than 0.01 ha in size below the water table.
- 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 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;

- iii) Sections i) and ii) above do not apply to the storage or parking of Agricultural vehicles or equipment.
- g) Accessory Buildings In accordance with the requirements of Sections 4.8 of this By-law.  
(By-law No. 21-070, May 12, 2021)
- h) Parking In accordance with the requirements of Section 5 of this By-law.
- i) 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 i) 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.
- j) Farm Labour Residence
    - i) A Farm Labour Residence, Accessory to Agriculture and on the same lot as an existing permanent principal farm, may be permitted in the following forms:
      - a) An Accessory detached dwelling of temporary construction, such as a mobile home; or,
      - b) An Accessory detached bunk house of temporary construction, where cooking

and sanitary facilities are shared.

- ii) A maximum of one Farm Labour Residence shall be permitted on a lot;
- iii) 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.

(By-law No. 21-071, May 12, 2021)

- k) 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.
- l) Nursery
  - i) Retailing of horticultural products

and bulk product shall be in accordance with Section 9.12.3.1 i);

- ii) The outdoor storage of unenclosed piles of bulk material shall not exceed an aggregate area of 100.0 square metres.
- m) Cannabis Growing and Harvesting Facility
- i) The maximum gross floor area for all new buildings and structures devoted to a Cannabis Growing and Harvesting Facility shall not exceed 2,000.0 square metres;
  - ii) Notwithstanding Section 9.12.3.1 m) i) above, existing buildings may be used for a Cannabis Growing and Harvesting Facility;
  - iii) The testing, packaging, and shipping shall be accessory to the cannabis growing and harvesting facility;
  - iv) Notwithstanding Section 4.12 c), any building, structure used for a cannabis growing and harvesting facility shall be setback a minimum of 150 metres from:
    1. Any portion of a lot line abutting a Settlement Residential (S1), Settlement Commercial (S2) or Settlement Institutional (S3) Zone; or,
    2. Any residential dwelling unit existing at the date of the passing of the by-law, any building used for farm labour residence, mobile home, educational establishment, residential care facility, place of worship, day care or park;
  - v) Notwithstanding Sections 9.12.3.1 b), c) and d) above, all buildings or

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structures associated with the use shall be setback a minimum of 30.0 metres from any lot line;

- vi) Notwithstanding Sections 9.12.3.1 f) i), ii) and iii) above, outdoor storage shall not be permitted;
- vii) Retail sales shall be permitted in accordance with Section 9.12.3.1 i).  
(By-law No. 15-173, July 10, 2015)  
 (By-law No. 18-266, September 12, 2018)  
 (By-law No. 21-189, October 13, 2021)

**9.12.3.2 SECONDARY USES TO AGRICULTURE – ADDITIONAL REGULATIONS**

In addition to Section 9.12.3 above, the following additional regulations shall 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 Brewery/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), 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 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) All buildings or structures used as part of the Home Industry shall be setback a minimum of 15.0 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 Brewery/Cidery/Winery
- i) Notwithstanding Sections 9.12.3.1 a), 9.12.3.2 b), and 4.12 d), an Agricultural Brewery/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, hops or other produce directly associated with on-site beer, cider or wine production;
  - ii) The maximum building area devoted to an Agricultural Brewery/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
- i) 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),

1. On lots with a lot area of 7.0 hectares or greater, a minimum of 65 percent of the lot area zoned Agriculture (A1), Rural (A2) and/or Conservation/Hazard Land – Rural (P6) shall be used for the growing of plants, shrubs, trees or similar vegetation as part of the Nursery operation, and may include the growing of other Agricultural products. In no case shall the portion of the lot zoned Agriculture (A1), Rural (A2) and/or Conservation/Hazard Land – Rural (P6) which is used for the growing of plants, shrubs, trees or similar vegetation as part of the Nursery operation be less than 3.0 hectares in area.
  
  2. On lots with a lot area less than 7.0 hectares, a minimum of 50 percent of the lot area zoned Agriculture (A1), Rural (A2) and/or Conservation/Hazard Land – Rural (P6) shall be used for the growing of plants, shrubs, trees or similar vegetation as part of the Nursery operation. In no case shall the portion of the lot zoned Agriculture (A1), Rural (A2) and/or Conservation/Hazard Land – Rural (P6) which is used for the growing of plants, shrubs, trees or similar vegetation as part of the Nursery operation be less than 3.0 hectares in area.
- iii) All buildings or structures used as part of the Landscape Contracting Establishment – Secondary shall be setback a minimum of 15.0 metres from any lot line, and the total gross



floor area of all buildings or structures used as part of the Landscape Contracting Establishment – Secondary shall not exceed 250.0 square metres;

- iv) Notwithstanding Section 9.12.3.1 f), outdoor storage of goods, materials or equipment shall not exceed an aggregate area of 100.0 square metres, and shall be setback a minimum of 30 metres from any lot line and screened by a visual barrier in accordance with Section 4.19 of this By-law;
- v) 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 or parking of employee Motor Vehicles.
- vi) Notwithstanding v) above all unenclosed parking areas associated with the Landscape Contracting Establishment – Secondary use shall be screened by a visual barrier in accordance with Section 4.19 of this by-law.

(By-law No. 15-173, July 10, 2015, As amended by OMB Decision PL151130 dated March 13, 2017)

#### **9.12.3.4 MINERAL AGGREGATE OPERATION REGULATIONS**

- a) Minimum Setback for i) 30.0 metres from any portion of a

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| Excavation  | <p>property lot line abutting a Settlement Residential (S1) Zone;</p> <p>ii) 30.0 metres from any portion of a property lot line abutting a property which contains a residential use;</p> <p>iii) 30.0 metres from a street line;</p> <p>iv) 15.0 metres from all other property lot lines, but shall not be required adjacent to lands zoned Extractive Industrial (M12) Zone.</p> |
| b) Minimum Setback for buildings or structures, including processing plants   | <p>i) 90.0 metres from any portion of a property lot line abutting a Settlement Residential (S1) Zone;</p> <p>ii) 90.0 metres from any portion of a property lot line abutting a property which contains a residential use;</p> <p>iii) 30.0 metres from all other property lot lines, but shall not be required adjacent to lands zoned Extractive Industrial (M12) Zone.</p>       |
| c) Restriction on Location of Stockpiles of Aggregate, Topsoil, or Overburden | <p>i) Shall not be located within 90.0 metres of a lot line abutting a Settlement Residential (S1) Zone or containing a residential use;</p> <p>ii) Shall not be located within 30.0 metres of all other lot lines, except where adjacent to lands zoned Extractive Industrial (M12) Zone.</p>   |
| d) Landscape and Fencing Requirements   | <p>i) A minimum 1.2 metre high fence shall be provided and maintained around the licensed boundary of a Mineral Aggregate Operation, but shall not be required adjacent to lands zoned Extractive Industrial (M12) Zone;</p> <p>ii) A Planting Strip having a minimum width of 6.0 metres shall be</p>   |

provided and maintained adjacent to a street line and to any lot line abutting a Settlement Residential S1) Zone or containing a residential use, and may include a berm or fence.

e) Accessory Buildings In accordance with the requirements of Section 4.8 of this By-law.  
(By-law No. 21-070, May 12, 2021)

f) Parking In accordance with the requirements of Section 5 of this By-law.  
(By-law No. 15-173, July 10, 2015)  
(By-law No. 18-266, September 12, 2018)

**9.12.3.5 COMMUNITY GARDEN** In accordance with the requirements of Section 4.27 of this By-law.  
(By-law No. 21-189, October 13, 2021)