

PROPERTY DESCRIPTION: PT LT 7-8 CON 1 WINCHESTER PTS 1-3 8R5885; SUBJECT TO AN EASEMENT OVER PT 2 8R5885 AS IN DU43000; TOWNSHIP OF NORTH DUNDAS

PROPERTY REMARKS: PLANNING ACT CONSENT IN DOCUMENT DU43220.

ESTATE/QUALIFIER:  
FEE SIMPLE  
LT CONVERSION QUALIFIED

RECENTLY:  
DIVISION FROM 66145-0151

PIN CREATION DATE:  
2023/03/21

OWNERS' NAMES  
DERKS FARMS INC.

CAPACITY SHARE  
ROWN

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
<p>** PRINTOUT INCLUDES ALL DOCUMENT TYPES (DELETED INSTRUMENTS NOT INCLUDED) **</p> <p>**SUBJECT, ON FIRST REGISTRATION UNDER THE LAND TITLES ACT, TO:</p> <p>** SUBSECTION 44(1) OF THE LAND TITLES ACT, EXCEPT PARAGRAPH 11, PARAGRAPH 14, PROVINCIAL SUCCESSION DUTIES * AND ESCHEATS OR FORFEITURE TO THE CROWN.</p> <p>** THE RIGHTS OF ANY PERSON WHO WOULD, BUT FOR THE LAND TITLES ACT, BE ENTITLED TO THE LAND OR ANY PART OF IT THROUGH LENGTH OF ADVERSE POSSESSION, PRESCRIPTION, MISDESCRIPTION OR BOUNDARIES SETTLED BY CONVENTION.</p> <p>** ANY LEASE TO WHICH THE SUBSECTION 70(2) OF THE REGISTRY ACT APPLIES.</p> <p>**DATE OF CONVERSION TO LAND TITLES: 2009/04/20 **</p>						
WN17023	1943/12/21	TRANSFER EASEMENT			THE BELL TELEPHONE COMPANY OF CANADA	C
		REMARKS: SKETCH ATTACHED.				
DR46400	1983/08/30	NOTICE OF CLAIM				C
8R5885	2023/01/26	PLAN REFERENCE				C
DU43220	2023/02/28	TRANSFER	\$2,200,200	HESS, JEFFREY ALLEN HESS, GWYNNETH	DERKS FARMS INC.	C
		REMARKS: PLANNING ACT STATEMENTS.				

This Indenture made the 11<sup>th</sup> day of December A.D. 1943,

IN PURSUANCE OF THE SHORT FORMS OF CONVEYANCES ACT

BETWEEN: W. ARTHUR McMILLAN, of the Township of Winchester, in the County of Dundas, farmer,

Hereinafter called the FIRST PARTY,

THE BELL TELEPHONE COMPANY OF CANADA,

Hereinafter called the SECOND PARTY,

ANN McMILLAN, Wife of the said W. Arthur McMillan,

Hereinafter called the THIRD PARTY,

AND HAROLD HESS, of the Township of Winchester, farmer, and PAULINE HESS, his wife,

Hereinafter called the FOURTH PARTIES,

WHEREAS the First Party own<sup>s</sup> the lands described in Schedule "A" hereto annexed and shown in part on plan of survey attached thereto, ~~subject to registered mortgage No. 1067~~ subject to an unregistered Agreement for Sale held by the Fourth Parties, dated February 21st, 1938;

AND WHEREAS the Second Party owns the lands in the City of Toronto described in Schedule "B" hereto annexed, and, for the purpose of enabling it to construct, operate and maintain continuous lines of telephone and telegraph from the said lands to the City of Ottawa, Province of Ontario, has arranged with the First Party to grant to it the right and easement hereinafter set forth and described;

NOW THIS INDENTURE WITNESSETH that in consideration of Sixteen (\$16.00) dollars of lawful money of Canada, now paid by the Second Party to the First Party, the receipt whereof is hereby acknowledged, the First Party and the Fourth Parties hereby grant to the

Second Party, its successors and assigns, to be used and enjoyed as appurtenant to the said lands of the Second Party described in Schedule "B" hereto, the free, uninterrupted and unobstructed right and easement in perpetuity to construct, operate, repair, maintain and replace its lines of telephone and telegraph (forming part of its continuous lines between the said lands described in Schedule "B", and the said City of Ottawa, Prov. of Ont. ), either of the overhead aerial type carried on poles or of the underground type with cables buried in the ground or contained in underground conduits or both of said aerial and underground types or consisting partly of the one type and partly of the other type of construction as the Second Party may elect, including all necessary poles, brace poles, anchors, wires, cables (either buried or in conduits or both), conduits, manholes, markers, fixtures and equipment and all appurtenances incidental thereto upon, over, under, along and across the lands described in Schedule "A", hereto annexed, from the point marked "A" on the said plan of survey to the point marked "B" on the said plan of survey

(provided however, that all lines of the underground type consisting of buried cables, underground conduits, manholes, markers, fixtures and equipment and appurtenances thereto shall and may be located within **fifteen** feet of the surveyed line shown on said plan of survey but within the limits aforesaid may deviate from a straight line whenever and to the extent that the Second Party deem it necessary so to do;) to attach or place other wires and cables, either aerial or underground, and to permit the attachment or placing of the wires and cables of any other Company on the poles or in the conduits and manholes of the Second Party; to trim, fell and remove any trees, stumps, brush, branches or other vegetation now or from time to time hereafter growing or being within a distance of

**fifteen** feet in the case of underground lines and within **fifty** feet in the case of aerial lines on each side of the surveyed line shown on said plan of survey and to cut, sever and remove the roots thereof and of any other such trees, stumps, brush and branches or vegetation within **fifteen** feet on each side of the said surveyed line so as to keep the said lines of telephone and telegraph free and clear of such; to erect and set the necessary guy and brace poles and anchors and to attach thereto the necessary guy wires; to remove by blasting or otherwise any boulder or rock which may be encountered in constructing the said lines of telephone and telegraph, and with the full right of access, ingress and egress to the Second Party and its contractors and its or their workmen, vehicles, supplies and equipment at all times and for all purposes and things necessary for or incident to the exercise and enjoyment of the rights hereby granted and for the construction, operation, repair and maintenance of its said lines of telephone and telegraph over the lands described in Schedule "A" to and from the highways or lands abutting thereon, to and from the places where the said lines of telephone and telegraph and fixtures are or are to be constructed, erected, buried, repaired and maintained; together with the right from time to time and so often as the Second Party may require, to reconstruct overhead aerial lines as underground lines, without the payment of any further consideration, and/or to reconstruct underground lines as overhead aerial lines upon payment of the prices herein stipulated for aerial lines less the amount originally paid for the underground lines replaced by such aerial lines and either removed or abandoned at the discretion of the Second Party but such reconstruction may be effected without any further payment in all cases where the Second Party shall have previously paid the price herein provided applicable to the erection of a pole line across the said lands described in Schedule "A".

The Second Party shall have the right to construct, erect, operate, repair, maintain and use poles, anchors, additional cables, conduits, manholes, fixtures and facilities either aerial or underground or both as hereinbefore described and all appurtenances thereto from time to time as its requirements may necessitate in connection with its lines; provided, however, that if the Second Party, its successors or assigns, shall at any time erect, place or have in use more than **32** lineal rods of either single or twin cable buried without conduits and conduit (whether of single or multiple duct) in addition but not in substitution for the underground lines originally constructed and placed hereunder, the Second Party shall pay an additional price or sum of **fifty** cents for each additional lineal rod of either single or twin cable buried without conduits or of conduit (whether of single or multiple duct) so constructed and placed and, in the event of the Second Party constructing or erecting any poles or anchors, the Second Party shall pay an additional price or sum of \$ **5.00** for each such pole or anchor erected in fences or untillable land and \$ **15.00** for each such pole or anchor erected in tillable land except in the case where an underground line is being reconstructed as an aerial line in which case the consideration provided in the next preceding paragraph applicable thereto shall be paid; provided further that the Second Party shall not be required to make any payment for or in respect of additional wires, cables or facilities placed on poles or in conduits.

The Second Party covenants and agrees with the other parties hereto and with each of them that it shall be responsible for any damage caused by its agents or employees to the crops and property of the First Party and shall as far as possible replace at its own cost any soil or turf removed in connection with any of the work above referred to.

The Third Party covenants and agrees with the other parties hereto and with each of them that her dower and right and title thereto which, in the event of her surviving her husband she might or would have in, to or out of the lands described in Schedule 'A' hereto, shall be subject to the said right and easement.

~~No covenant on the part of the Power Bank shall be implied by reason of this Indenture or by reason of anything herein contained.~~

THIS INDENTURE and everything herein contained shall extend to and include the Parties hereto and their respective heirs, executors, administrators, successors and assigns.

IN WITNESS WHEREOF the Parties hereto have executed these presents.

SIGNED, SEALED and DELIVERED

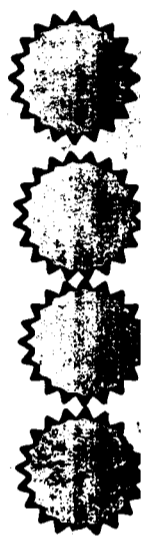
In the Presence of:

*R. J. Perwin Patterson*

*W Arthur McMillan*  
*Ann McMillan*

*Harold Hess*

*Pauline Hess*



SCHEDULE "A"

referred to in the annexed Indenture made the

11<sup>th</sup>

day of

December

A.D. 1943 .

BETWEEN:

W. ARTHUR McMILLAN, of the Township of  
Winchester, in the County of Dundas,  
farmer,

as the FIRST PARTY Y ,

— AND —

THE BELL TELEPHONE COMPANY OF CANADA,

as the SECOND PARTY:

ALL AND SINGULAR that certain parcel of land and premises in the Township

of Winchester in the County of Dundas and Province of

Ontario, being composed of the West Quarter of Lot Number Eight (8) in the  
First Concession of the said Township containing Fifty (50) acres  
more or less.

SCHEDULE "B"

referred to in the annexed Indenture made the 11<sup>th</sup> day of December

A.D. 1943 .

BETWEEN: W. ARTHUR McMILLAN, of the Township of Winchester, in the County of Dundas, farmer,

as the FIRST PARTY

— AND —

THE BELL TELEPHONE COMPANY OF CANADA,

as the SECOND PARTY:

ALL AND SINGULAR that certain parcel of land and premises in the City of Toronto in the County of York and Province of Ontario being composed of those parts of Town Lots Nos. 5 and 6 on the North side of Adelaide Street West, more particularly described in Instruments registered in the Registry Office for the Registry Division of Toronto as Numbers 47268-S, 28922-P, 15831-S, 41547-S, 47269-S and 51257-S.

THE REGISTRY ACT

AFFIDAVIT AS TO MARRIAGE STATUS

COUNTY OF DUNDAS

TO WIT:

I, **Harold Hess,**

in the within instrument named make oath and say:

Strike out words and parts not applicable and initial.

~~THAT at the time of the execution and delivery by me of the within instrument I was married, [unmarried], a widow, and was of the full age of twenty-one years and~~

HUSBAND

THAT at the time of the execution and delivery by me of the within instrument I was legally married to **Pauline Hess**, the person joining therein as my wife to bar her dower and was of the full age of twenty-one years or

WIFE

~~THAT at the time of the execution and delivery of the within instrument I was legally married to the person named therein as my husband, and he was of the full age of twenty-one years.~~

SWORN before me at the *Township*  
of *Windsor*  
in the County  
of *Dundas*  
this *11th* day of *December*  
A.D. 19 *43*

*Harold Hess*  
*E. J. Lynch*  
A Commissioner for taking Affidavits, etc.

Dated *17th December* A.D. 19*42*

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to

THE BELL TELEPHONE  
COMPANY OF CANADA

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**Grant of Easement**

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THE REGISTRY ACT

AFFIDAVIT AS TO MARRIAGE STATUS

COUNTY OF DUNDAS

TO WIT:

I, W. Arthur McMillan,

in the within instrument named make oath and say:

Strike out words and parts not applicable and initial.

~~THAT at the time of the execution and delivery by me of the within instrument I was [married, unmarried, widowed, and of the full age of twenty-one years or~~

HUSBAND

THAT at the time of the execution and delivery by me of the within instrument I was legally married to **Ann McMillan**, the person joining therein as my wife to bar her dower and was of the full age of twenty-one years or

WIFE

~~THAT at the time of the execution and delivery of the within instrument, I was legally married to [the person named therein as my husband, and he was of the full age of twenty-one years.~~

*E.B.L.*

SWORN before me at the Township of ~~Winchester~~ *Williamstown* in the County of Dundas this *11th* day of *December* A.D. 19 *43*

*W. Arthur McMillan*

*E.B. Lynch*  
A Commissioner for taking Affidavits, etc.

WN 17023 **D**

Dated 11th December A.D. 19 43

W. ARTHUR McMILLAN et al

to

THE BELL TELEPHONE  
COMPANY OF CANADA

### Grant of Easement

I certify that the within Instrument is  
duly Entered and registered in the Regis-  
try Office for the Registry Division of  
Dundas, in Book 22 for the Township of  
Winchester at 10.14 o'clock A.M., of  
the 21st day of December  
A. D., 19 43  
Number 17023

J. Harvey Johnston  
Registrar

PROPERTY OF LAND  
REGISTRY OFFICE

CANADA  
PROVINCE OF ONTARIO  
COUNTY OF  
Dundas

J. R. McNamee of the  
Township of Greenville  
To Wit: }  
in the }  
make oath and say: }  
1. That I was personally present and did see the within or annexed Instrument and a Duplicate thereof duly signed, sealed and executed by W. Arthur McMillan and Ann McMillan, two of the parties thereto  
2. That the said Instrument and Duplicate were executed by the said parties at the Township of Winchester

3. That I know the said parties  
4. That I am a subscribing witness to the said Instrument and Duplicate.  
SWORN before me at the 11th day of December 19 43  
Greenville in the County of  
Dundas this 11th day of December 19 43

J. Spurrin Peterson  
A Commissioner, etc.

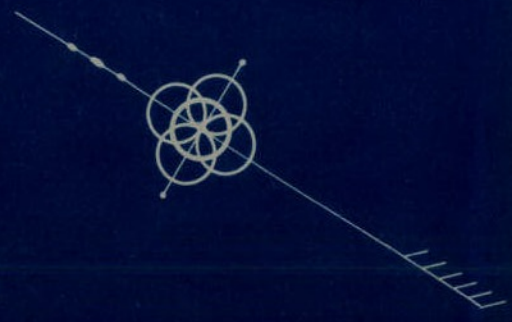
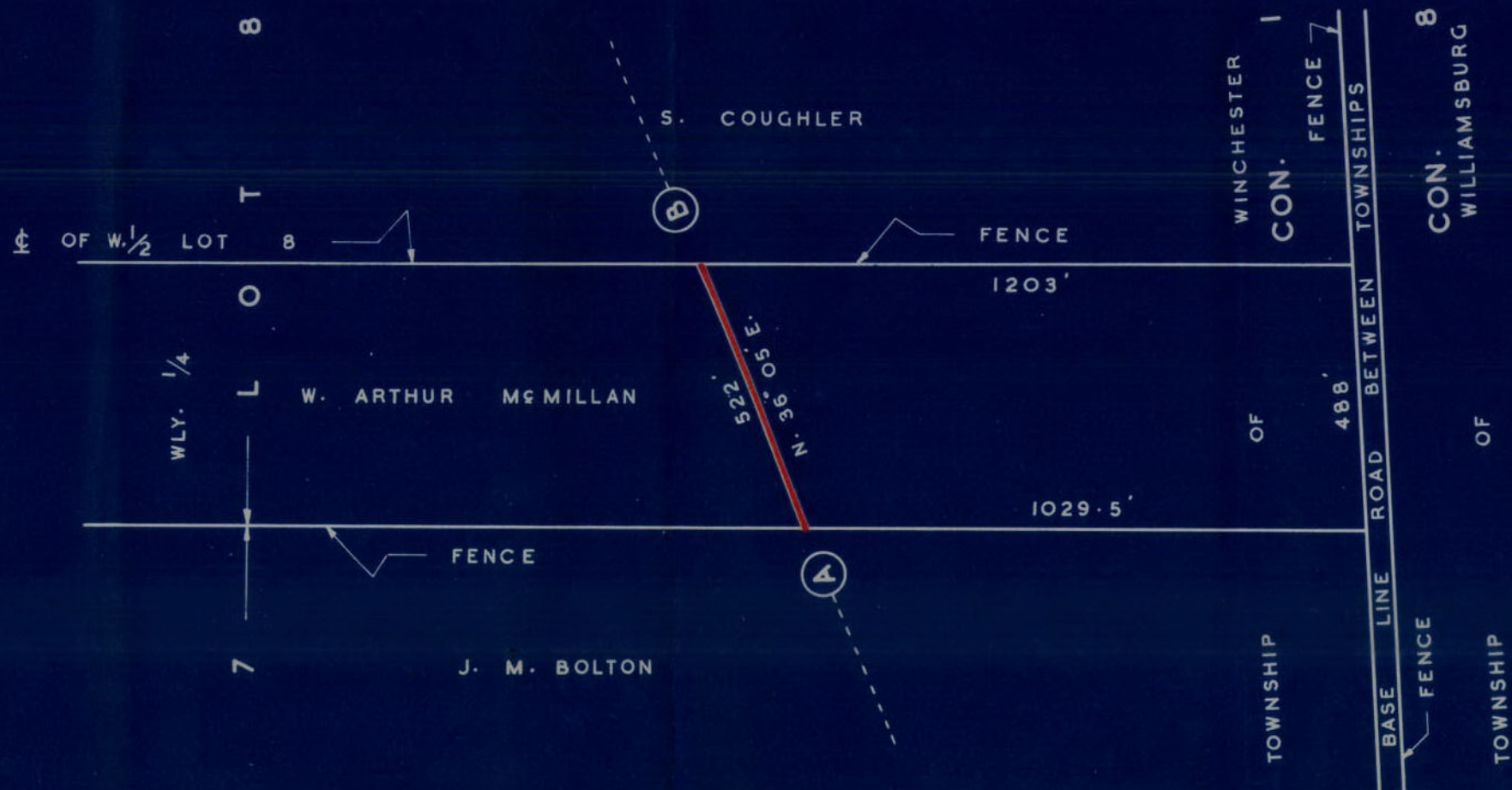
CANADA  
PROVINCE OF ONTARIO  
COUNTY OF  
Dundas

J. R. McNamee of the  
Township of Greenville  
To Wit: }  
in the }  
make oath and say: }  
1. That I was personally present and did see the within or annexed Instrument and a Duplicate thereof duly signed, sealed and executed by Harold Hess and Pauline Hess, two of the parties thereto  
2. That the said Instrument and Duplicate were executed by the said parties at the Township of Winchester

3. That I know the said parties  
4. That I am a subscribing witness to the said Instrument and Duplicate.  
SWORN before me at the 11th day of December 19 43  
Greenville in the County of  
Dundas this 11th day of December 19 43

J. Spurrin Peterson  
A Commissioner, etc.

WW17023



**THE BELL TELEPHONE CO. OF CANADA**

T.L. NO. 100 — MONTREAL - TORONTO — RIGHT-OF-WAY  
 OWNER W. ARTHUR McMILLAN OPTION NO. P-2039  
 LOT PT. 8 CON. 1 TWP. WINCHESTER  
 LEGEND - B. T. CO. LINE (A) — (B) ALL BEARINGS ASTR.  
 THERE ARE NO BUILDINGS WITHIN 50 FEET OF CENTRE LINE EXCEPT AS SHOWN.  
 DATE APRIL 30 1943. SCALE 1" = 300'

*W. MacKestie*  
O. L. S.

IN THE MATTER OF the Claim of The Bell Telephone Company of Canada against the lands herein described, AND IN THE MATTER OF Section 106(2) of the Registry Act, R.S.O., 1980, c.445.

NOTICE OF CLAIM

THE BELL TELEPHONE COMPANY OF CANADA, a corporation having its head Office at 1050 Beaver Hall Hill, in the City of Montreal, in the County of Hochelaga, Province of Quebec,

NOTICE is hereby given by Jennifer G. Falkner, on behalf of THE BELL TELEPHONE COMPANY OF CANADA under subsection 106(2) of the Registry Act of a claim under instrument No. 17023 , registered the 21st , day of December 19 43 , of the following land:

ALL AND SINGULAR that certain parcel of land and premises in the Township of Winchester in the County of Dundas and Province of Ontario, being composed of the West Quarter of Lot Number Eight (8) in the First Concession of the said Township containing Fifty (50) acres more or less.

The particulars of the claim are as follows: The Bell Telephone Company of Canada claims the rights granted to it by an easement registered as noted above and requires this Notice to be registered against the hereinabove described lands in order that its rights acquired under the hereinabove noted easement may be continued and perpetuated. The address for service of the claimant is:

Bell Canada Law Department  
Bell Trinity Square  
9th Floor, South Tower  
Toronto, Ontario

  
Jennifer G. Falkner, Solicitor

IN THE MATTER OF the Claim of The Bell Telephone Company of Canada hereto annexed, AND IN THE MATTER OF the Registry Act, R.S.O. 1980, C. 445.

AFFIDAVIT IN SUPPORT OF NOTICE OF CLAIM UNDER SUBSECTION 106(2) OF THE ACT

I, Jennifer G. Falkner, of the City of Toronto, in the Municipality of Metropolitan Toronto make oath and say:

- 1. I am the solicitor for the claimant whose claim is more particularly described in the attached Notice of Claim.
- 2. The particulars of the claim as set out in the attached Notice of Claim are true and subsisting and the claim and the time for registering a Notice of Claim under subsection 106(2) and (3) of the Registry Act have not expired.

SWORN before me at the City )  
 of Toronto in the Municipality )  
 of Metropolitan Toronto this 16<sup>th</sup> )  
 day of August, 1983 )

*J. Falkner*

*H. D. B. [Signature]*  
 A Commissioner, etc.

46400

DATED August 1,

46400

19 83

No. Registry Division of Dundas (No. 8)  
I CERTIFY that this instrument is registered as of

11.10 A.M.

AUG 30 1983 In the

Land Registry Office at Morrisburg Ontario.

*P.T. McMillan*  
LAND REGISTRAR

The Bell Telephone  
Company of Canada

-and-

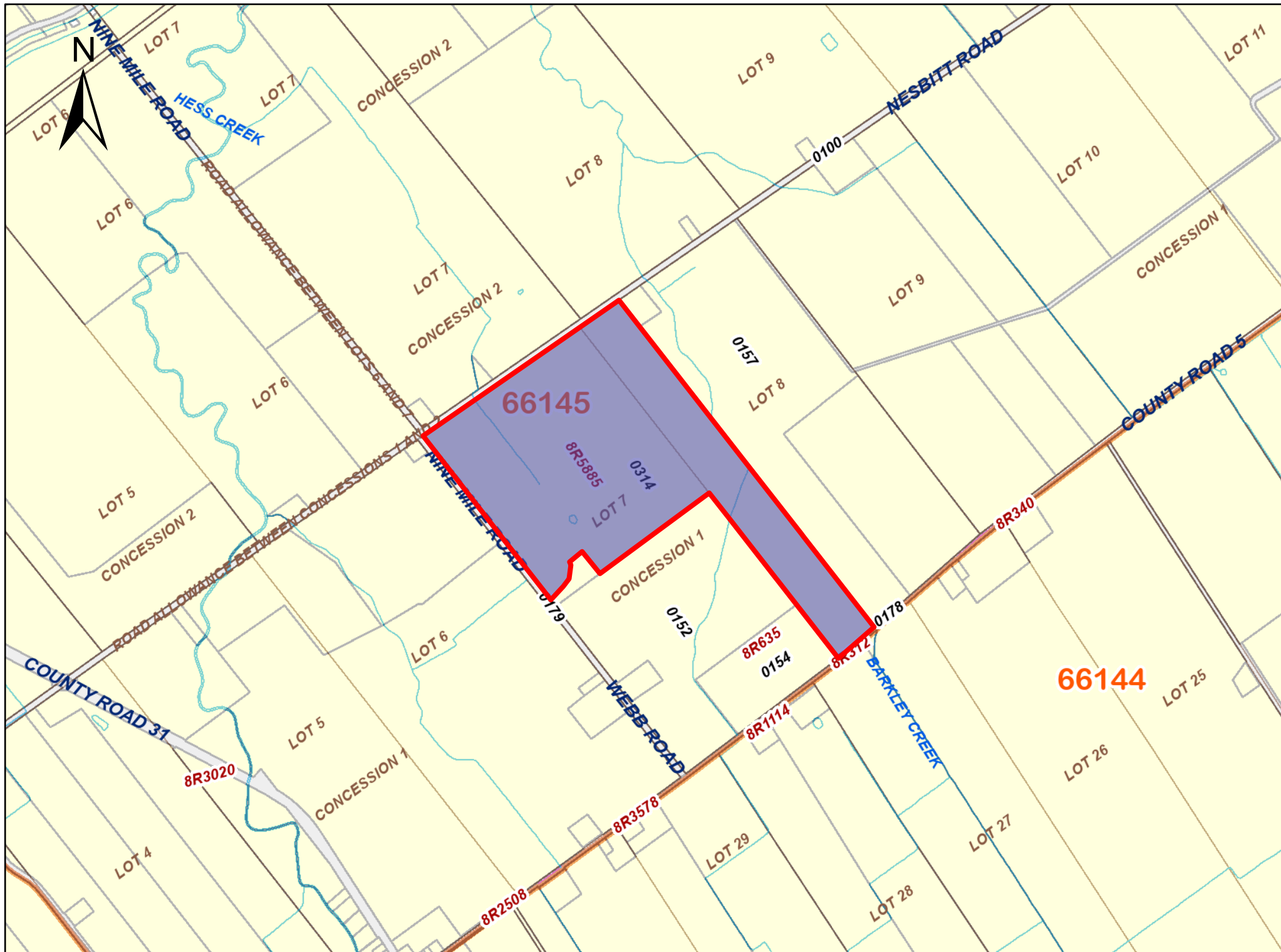
W. Arthur McMillan et al

NOTICE OF CLAIM

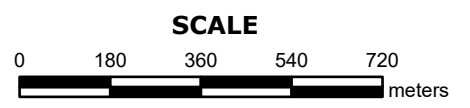
PROPERTY OF LAND  
REGISTRY OFFICE

15:00

*Bill Lomax*



PRINTED ON 17 APR, 2026 AT 12:19:58  
FOR CLH/GK



**PROPERTY INDEX MAP**  
DUNDAS(No. 08)

**LEGEND**

FREEHOLD PROPERTY	
LEASEHOLD PROPERTY	
LIMITED INTEREST PROPERTY	
CONDOMINIUM PROPERTY	
RETIRED PIN (MAP UPDATE PENDING)	
PROPERTY NUMBER	0449
BLOCK NUMBER	08050
GEOGRAPHIC FABRIC	
EASEMENT	

**THIS IS NOT A PLAN OF SURVEY**

**NOTES**

**REVIEW THE TITLE RECORDS FOR COMPLETE PROPERTY INFORMATION AS THIS MAP MAY NOT REFLECT RECENT REGISTRATIONS**

THIS MAP WAS COMPILED FROM PLANS AND DOCUMENTS RECORDED IN THE LAND REGISTRATION SYSTEM AND HAS BEEN PREPARED FOR PROPERTY INDEXING PURPOSES ONLY

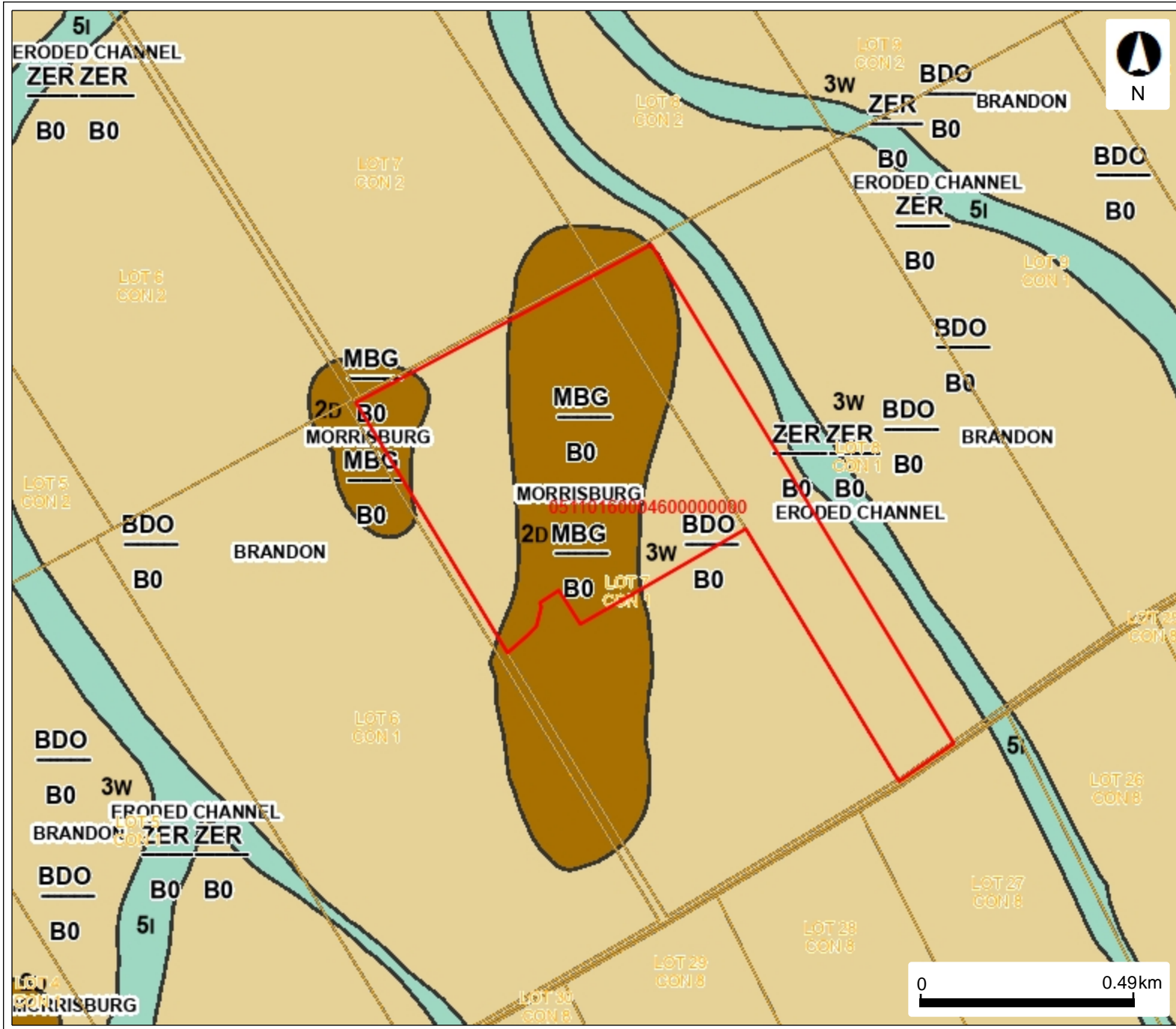
FOR DIMENSIONS OF PROPERTIES BOUNDARIES SEE RECORDED PLANS AND DOCUMENTS

ONLY MAJOR EASEMENTS ARE SHOWN

REFERENCE PLANS UNDERLYING MORE RECENT REFERENCE PLANS ARE NOT ILLUSTRATED



# PARCEL 3 (PIN 66145-0314)



## Legend

- Lots
  - Soil Name Label
  - Soil Code
  - Soil Symbol
- Soil Capability for Agriculture
- Unclassified
  - Class 1
  - Class 2
  - Class 3
  - Class 4
  - Class 5
  - Class 6
  - Class 7
  - Organic Soil
  - Water

This map should not be relied on as a precise indicator of routes or locations, nor as a guide to navigation. The Ontario Ministry of Agriculture, Food and Agribusiness (OMAFRA) shall not be liable in any way for the use or any information on this map. of, or reliance upon, this map.



MUNICIPAL  
PROPERTY ASSESSMENT  
CORPORATION

Issue Date:  
November 15, 2023

013225 000006109  
DERKS FARMS INC  
3063 FORWARD RD S  
CHESTERVILLE ON K0C 1H0



**THIS IS NOT A TAX BILL.**

The Municipal Property Assessment Corporation (MPAC) is responsible for assessing and classifying all properties in Ontario. Your municipality will use your assessment to calculate your 2024 property taxes.

Your property's assessed value as of January 1, 2016 is: **\$1,597,000**

**WHY AM I RECEIVING THIS NOTICE?**

You have received this notice for the following reason(s):

- New property or updated roll number (property severance/consolidation).

**PROPERTY OVERVIEW:**

**Roll number:** 05 11 016 000 46000 0000

**Location and description:** WEBB RD  
WINCHESTER CON 1 PT LOTS 7 AND 8 RP  
8R5885 PARTS 1 TO 3

**Lot area:** 146.67 acres

**Municipality:** NORTH DUNDAS TOWNSHIP

**Tax class:** Farm Taxable  
Your property is assessed as farm and is in the Farm Property Class Tax Rate Program.

**School support:** English-Public

**ASSESSMENT OVERVIEW:**

Your property's assessed value as of <b>January 1, 2016:</b>	<b>\$1,597,000</b>
Your property's assessed value as of <b>January 1, 2012:</b>	<b>\$801,525</b>
Between <b>2012</b> and <b>2016</b> , your property's assessed value changed by:	<b>\$795,475</b>

# Property Assessment Notice

For the 2024 property tax year

This notice contains important information about an update made to your property during the year.

Please visit [mpac.ca/notice](http://mpac.ca/notice) or scan the QR code below with your mobile device to learn more about why you are receiving this notice.



Please review and keep for your records.

MPAC assesses and classifies all properties in Ontario in compliance with the *Assessment Act* and regulations set by the Government of Ontario.



Roll number:

05 11 016 000 46000 0000

**OCCUPANTS DIRECTING SCHOOL TAXES:**

The following information outlines the occupants, by unit class, directing school taxes.  
To learn more about directing your school taxes, please visit [mpac.ca](http://mpac.ca).

Subordinate number	Unit class	Name and location of occupant	School board supported	School board taxes
0001	FL	TO ADVISE OF TENANT FARMER WEBB RD	English-Public	English-Public

**Legend for unit class:**

**RU:** Residential unit

**MF:** Managed forests

**RDU:** Recreational dwelling unit

**CL:** Conservation land

**FRU:** Farm residential unit

**FL:** Farm land

# TOWNSHIP OF WINCHESTER

## ZONING BY-LAW No. 12-93

OFFICE CONSOLIDATION  
(Consolidated to August 30, 2021)

This is an Office Consolidation prepared for the convenience of the reader.  
For legal purposes, the Official Zoning By-law (No. 12 93) and Amendments thereto should  
be consulted.

THE CORPORATION OF THE TOWNSHIP OF  
WINCHESTER

RESTRICTED AREA BY-LAW NO. 12-93

Being a By-law for prohibiting the use of land for or except for such purposes as may be set out in this By-law and for such purposes as may be set out in the By-law within the said lands, and for regulating the character and use of the said lands.

WHEREAS authority is granted under Section 34 of The Planning Act, RSO 1990, to the Council of the Corporation of the Township of Winchester, to pass this By-law;

NOW THEREFORE the Council of the Corporation of the Township of Winchester enacts as follows:

**TOWNSHIP OF  
WINCHESTER  
ZONING BY-LAW No. 12-93**

**OFFICE CONSOLIDATION**

The following is a list of By-law amendments considered in this consolidation from passing of the Zoning By-law 12-93 up to the passing of Zoning By-law Amendment: 2021-27

<b>A</b>	<b>B</b>	<b>By- law #</b>	<b>Date of Passing</b>	<b>Purpose of the By-law</b>
--	--	12-93	Dec. 6, 1993	Original Zoning By-law
--	1	8-94	May 16, 1994	Lot 19, Conc. XI, Rural to Rural Special Two (RU-2)
--	2	23-94	Nov. 7, 1994	Lot 3, Conc. IV, Agricultural (AG) to Commercial (C)
--	--	12-95	July 5, 1995	Lot 7, Conc. V, Repealed & Replaced by By-law 13-95
1	--	13-95	July 17, 1995	Lot 7, Conc. V, Agriculture to Commercial Special Exception 4 (C-4) By-law 5-96 Site Plan Agreement By- law.
--	3	15-95	Aug. 8, 1995	Lot 1, Conc. VII, Commercial to C-4 a
2	--	19-95	Nov. 20, 1995	Lot 20, Conc. II & Lot 1, Conc. XII, Agric. (AG) to Industrial (M)
--	4	9-96	Sept. 3, 1996	Height restrictions for flight path for Helipad (Hospital)
3	--	5-97	Feb. 17, 1997	Lot 16, Conc. X, Agriculture (AG) to Special Rural Pit (SRP-1)
4	--	6-97	Feb. 17, 1997	Lot 18, Conc. 8, Rural to Rural Residential (RR)
5	--	16-97	June 30, 1997	Lot 12, Conc. X, Agriculture (AG) to Special Rural Quarry (SRQ)

<b>A</b>	<b>B</b>	<b>By-law #</b>	<b>Date of Passing</b>	<b>Purpose of the By-law</b>
--	--	18-97	Sept. 2, 1997	Swimming Pool Fencing
--	5	22-97	Nov. 20, 1997	Lot 19, Conc. V, Industrial (M) to Residential Special Exception Two (R1-2)
6	--	25-97	Nov. 26, 1997 Board Order #1682	Lots 23 & 24, Conc. IX, Rural to Special Rural Quarry Cornwall Gravel - OMB case
7	--	13-98	Mar. 2, 1998	Lot 11, Conc. XII, Agriculture (AG) to AG-14
8	--	44-98	Aug. 24, 1998	Lot 18, Conc. III, Agriculture (AG) to Industrial (M)
9	--	45-98	Aug. 24, 1998	Lot 19, Conc. 3, Agriculture (AG) to Commercial (C)
10	--	46-98	Aug. 24, 1998	Lot 18, Conc. 3, Agriculture (AG) to Commercial General (C1)
--	--	47-98	Aug. 24, 1998	Repealed by By-law 47a-98
11	--	47a-98	Oct. 4, 1999	Lot 18, Conc. II, AG-2 revision
--	--	48-98	Aug. 24, 1998	Repealed by By-law 48a-98
12	--	48a-98	Oct. 4, 1999	Lot 20, Conc. II, AG -20 revision
13	--	49-98	Aug. 24, 1998	Lot 18, Conc. II, Agriculture (AG) to Commercial (C)
14	--	50-98	Aug. 24, 1998	Lot 17, Conc. XI, Agriculture to AG -26
--	--	51-98	Aug. 24, 1998	Repealed by By-law 48-99
--	--	52-98	Aug. 24, 1998	Repealed by By-law 48-99
15	--	09-99	Feb. 1, 1999	Lot 12, Conc. V, Rural to Rural Exception 2 (R U -2) (R U -3)
--	6	42-99	Sept 14, 1999	Lot 4, Conc. XI, (12300 Ormond Road) Institutional (I) to Residential (R 1)
--	--	48-99	Oct. 4, 1999	Repeal By-law (Repealed By-laws 51-98 & 52-98)
--	7	09-2000	June 5, 2000	Lot 2, Conc. VI, (12050 County Road #3) Residential (R1) to Commercial - Special Exception Six (C -6)
--	8	11-2000	April 17, 2000	Lot 1, Conc. VI, Agriculture (AG) to (AG -3)
--	9	26-2000	June 19, 2000	Lot 1, Conc. VII, (R 1) to (R 1-3)
16	--	27-2000	July 4, 2000	Lot 21, Conc. VII, (AG) to (AG -T 1)
17	--	33-2000	July 4, 2000	Lots 15 & 16, Conc. VIII, (AG) to (AG -17)
18	--	2-2001	January 15, 2001	East ½ of Lot 3, Conc. V, M -1 to I
20		12-2001	June 25, 2001	Lot 2, Conc. III, (AG) to (AG -28)
19		14-2001	April 23, 2001	Lot 1, Conc. X, (AG) to (AG -27)
--	--	23-2001	August 13, 2001	Lot 13, Conc. XII, AG -15 (text change only)

<b>A</b>	<b>B</b>	<b>By-law #</b>	<b>Date of Passing</b>	<b>Purpose of the By-law</b>
--	10	37-2001	November 12, 2001	Lot 18, Conc X I, (M L-h) to (R 1)
21	--	40-2001	December 10, 2001	Lot 10, C on IX, (AG) to (AG -17)
22	--	2-2002	January 21, 2002	North Part Lot 22, Conc. X, (AG) to (O S)
23	--	26-2003	September 8, 2003	Part Lot 22, Conc VIII, (R U) to (R U -4)
24	--	37-2003	October 27, 2003	Part Northwest Quarter Lot 18, Conc X II, (AG) to (SRP)
25	--	13-2004	March 22, 2004	Part Lot 17, Concession X I (SR P) to (AG)
26	--	28-2004	June 28, 2004	Part of Lots 16 and 17, Concession 11, being Parts 1 and 2 on R P8R 2878 (SR P) to (AG -29)
27	--	34-2004	June 28, 2004	Part Lot 3, Concession 4 (M) to (M -3)
28	--	35-2004	July 19, 2004	Part Lot 1, Concession VII being Part 1 on R P8R 1859, adding restaurant - fast food to C -4 zones
29	--	36-2004	June 28, 2004	Part Lots 16 and 17, Concession 11 (SR P) to (AG -29)
30	--	03-2005	February, 15, 2005	Part Lot 2, Concession 9 (AG) to (SRQ)
--	11	05-2006	April 10, 2006	Part of Lot 4, Concession 5 being Part 1 on R P8R 3201 (R 1) to (R 2-1)
31	--	20-2006	June 12, 2006	Part Lot 19, Concession 11, being Part 1 on R P8R 4820, remove (R 1-H) zone
32	--	29-2006	October 23, 2006	North Part Lot 1, Concession 6, (AG) to (C -7)
33	--	02-2007	January 15, 2007	Part Lot 18, Concession 5 (AG) to (C -8)
34	--	03-2007	January 15, 2007	Part Lot 22, Concession 9 (RU) to (R U -5)
35	--	12-2007	March 19, 2007	Part Lot 9, Concession 4 being Part 1 on R P8R 2621 and Part 1 on R P8R 2017, add farm equipment sales and services facility to land zoned (AG -24)
--	--	31-2007	July 10, 2007	(AG) Lot Coverage Maximum 1% to 20% (text change only)
36	--	32-2007	August 14, 2007	Part Lot 24, Concession 11, being Part 7 on R P8R 1151 and Part 1 on R P8R 3009 (AG ) to (AG -30)
37	--	15-2008	April 22, 2008	West Part Lot 1, Concession 10, being Parts 1, 2 and 6 on R P 8R 2538, add contractor's yard or shop as a permitted use
38	--	14-2009	May 19, 2009	Part Lot 22, Concession 12, Part 1 on R P8R 4308 (AG) to (AG -31)

<b>A</b>	<b>B</b>	<b>By-law #</b>	<b>Date of Passing</b>	<b>Purpose of the By-law</b>
39	--	34-2010	October 12, 2010	Part Lot 9, Concession 10, (AG) to (AG -17)
40	--	35-2010	October 12, 2010	Part Lot 3, Concession 11, Parts 2 and 4 on R P8R 5129 (AG -13) to (AG -32)
--	12	16-2011	February 7, 2011	Part Lot 19, Concession 10, (R 1) to (R 2-1)
41	--	24-2011	June 7, 2011	Part Lot 14, Concession 9, (SR P) to (AG -33)
42	--	18-2012	July 10, 2012	Part of East Half Lot 7, Concession 5, being Part 1 on R P8R 4866, (C 4) to (C 9)
43	--	03-2013	January 15, 2013	Part of Lot 12, Concession 4, (SRP) to (AG-35) & (RR)
44	--	23-2013	May 14, 2013	Part of Lot 4, Concession 5, being Part 3 on RP8R259 and Parts 1 and 2 on RP8R1656, (AG) & ( C ) to (M-4)
45	--	24-2013	May 14, 2013	Part Lot 5 Concession 2, being Part 1 on Registered Plan 8R2374, (SRA) to (SRFP) & (AG-34)
46	--	33-2013	June 25, 2013	Part of Lots 10 & 11 Concession 4, (I) to (C-10)
47	--	52-2013	October 8, 2013	Part of Lot 24, Concession 8, (RU) to (RU-6) & (RU-7)
48	--	56-2013	October 30, 2013	Various properties and textual changes. General House Keeping By-law.
49	--	02-2014	January 7, 2014	Part of Lot 16 Concession 4, from (AG) and (M) to (M-5)
50	--	02-2015	January 20,2015	Various properties and textual changes. General House Keeping By-law.
51		31-2015	May 25, 2015	West Half of Lot 1, Concession 7 (grocery store) C-4 to C
52	--	42-2015	August 12,2015	West Half of Lot 1, Concession 7, R1-3 and R1 to C
53	--	46-2015	September 8,2015	Part of Lot 18, Concession 11, I to R1
54		55-2015	November 10, 2015	Part of Lot 20, Concession 2, AG to M
55		58-2015	December 8, 2015	Housekeeping By-law, surplus dwelling, definitions, MDS
	13	59-2015	December 8, 2015	West Part of Lot 2, Concession 7, C to R1-4
56	14	2016-54	September 13, 2016	Part of Lot 4, Concession 12, RU and AG to OS and AG-39
57		2016-61	October 25, 2016	Part of Lot 20, Concession 2, AG to AG-T2
58		2016-65	October 25, 2016	Part of Lot 22, Concession 9, RU to RU-8

<b>A</b>	<b>B</b>	<b>By-law #</b>	<b>Date of Passing</b>	<b>Purpose of the By-law</b>
59	15	2017-03	January 17, 2017	Housekeeping By-law, surplus dwelling, strike out of AG-38
60	16	2018-02	January 9, 2018	Housekeeping By-law, second unit, child care, etc.
61		2018-04	January 9, 2018	Part of Lot 21, Concession 10, AG to AG-40
62		2018-09	February 13, 2018	Part of Lot 18, Concession 3, AG to R2-3
63		2018-18	April 10, 2018	Part of Lot 24, Concession 11, amendment to schedule only
	17	2018-34	July 10, 2018	Part of Lot 2, Concession 7, R1-4 to R2-4
	18	2019-22	April 9, 2019	Part of Lot 1, Concession 6 AG to C-h1 and R2-5h1
64	19	2019-40	September 10, 2019	Housekeeping By-law, various property and textual changes.
65		2019-51	October 22, 2019	Part of the North Part of Lot 1, Concession 6 from AG to AG-T3
66	20	2020-12	March 10, 2020	Housekeeping By-law, various property and textual changes.
67		2020-46	October 6, 2020	Part of Lot 2, Concession 6, Parts 3 and 4 on Registered Plan 8R-997
68	21	2021-27	April 13, 2021	Housekeeping By-law, various property and textual changes.

## Notes

This is a consolidation of By-law 12-93. In that this is an office consolidation only, for accuracy reference should be made to the original of By-law 12-93 and its amendments, including also any amendments enacted once the date of this consolidation.

This consolidation also includes certain technical corrections to the original text of By-law 12-93, such corrections being typographical and clerical errors, altering the numbering or arrangement of any provision, formatting, and not affecting the substance of the By-law.

TOWNSHIP OF  
WINCHESTER  
ZONING BY-LAW 12-93

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## SECTION 1

# AUTHORIZATION AND ADMINISTRATION

### 1.1 Title

This By-law shall be known as the "Zoning By-law" or By-law No. 12-93 of the Corporation of the Township of Winchester.

### 1.2 Defined Area

By-law 15-95

The provisions of this By-law shall apply to all lands within the boundaries of the Corporation of the Township of Winchester, ~~save and except for the land located in Lot 4 Concession VII and identified on Schedule 'B' hereto.~~

### 1.3 Scope

No land shall be used and no buildings or structures shall be erected, altered, enlarged, or used within the Township of Winchester (other than those exempt by the provisions of The Planning Act) except in conformity with the provisions of this By-law. This By-law shall not reduce or mitigate any restrictions lawfully imposed by an authority having jurisdiction to make such restrictions.

### 1.4 Effective Date

This By-law shall come into full force and effect as of the date of passing hereof by Council.

### 1.5 Validity

Should any section, clause or provision of this By-law be held by a court of competent jurisdiction to be invalid, the validity of the remainder of the By-law shall not be affected.

### 1.6 Violations and Penalties

Any person convicted of a breach of any of the provisions of this By-law shall be liable the penalties pursuant to Section 67 of the Planning Act, RSO 1990. Each day of continued violation shall constitute a separate offence.

Section 67 of the Planning Act, RSO 1990 is reproduced as an Appendix to this By-law.

### 1.7 Remedies

Where any building, structure or use is in contravention of any provisions of this By-law, such contravention may be restrained by action at the instance of any rate payer or of the Corporation.

## 1.8 Administrator

This By-law shall be administered by a person designated by the Council of the Township of Winchester as the By-law Enforcement Officer.

## 1.9 Inspection of Premises

The By-law Enforcement Officer or any employee of the Township of Winchester acting under his direction, may, at any reasonable hour (as set out by Council), enter and inspect any property or premises for the purpose of carrying out his duties under this By-law. Notwithstanding the foregoing, the By-law Enforcement Officer or other employee shall not enter into a dwelling unit without the consent of the occupant except under the authority of a search warrant.

## 1.10 Licences and Permits

No municipal permit, certificate, or licence shall be issued for a proposed use of land or a proposed erection, alteration, enlargement or use of any building or structure that is in contravention of any provision of this By-law. In addition, where the approval of another agency or authority is required, such approval shall be obtained and submitted to the By-law Enforcement Officer at the time of application for a building permit.

## 1.11 Interpretation

The provisions of this By-law shall be held to be the minimum requirements except where the word maximum is used, in which case, the maximum requirement shall apply.

In this By-law, the word 'shall' is mandatory; words in the singular include the plural; words in the plural include the singular; words in the present tense include the future.

## 1.12 Repeal of Existing By-laws

All existing By-laws passed pursuant to Section 34 of The Planning Act, RSO 1990, or predecessor thereof, are hereby repealed.

## 1.13 Request for Amendments

Every request for an amendment to this Zoning By-law shall be accompanied by two completed copies of the Corporation's 'Application for Amendment to Zoning By-Law'.

## 1.14 Special Notes and Imperial Measurements

Where an explanatory note is provided in the By-law and is preceded by an asterisk (\*), the note that follows does not form part of this By-law but is provided for information only.

Where a measurement of length or area is provided in imperial measure and in brackets, in this By-law, e.g. (ft.), such measurement is given as a guide to interpretation only and in all cases the metric standard shall take precedence.

## SECTION 2

# DEFINITIONS

In this By-law, unless the context requires otherwise, the definitions and interpretations of this Section shall apply.

2.1 Accessory shall mean a use, building or structure customarily incidental and subordinate to the main use and located on the same lot with such main use.

2.2 Agricultural Use shall mean the use of land, buildings or structures for any of the following:

58-2015

- (a) the production of crops, including all related activities such as soil preparation, fertilizer and manure spreading, planting, spraying, harvesting, storage, and sale of produce;
- (b) the raising, breeding, boarding, keeping, training, and grazing of all types of livestock;
- (c) the production and sale of animal products such as milk, eggs, honey, wool or fur;
- (d) the storage, maintenance and use of all forms of farm related machinery such as tractors, harvesters, grain dryers, and irrigation equipment.

### 2.2.1 Agricultural related

use shall mean those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity. Farm-related commercial uses include uses such as retailing of agriculture-related products (e.g. farm supply co-ops, farmers' markets and retailers of value-added products like wine or cider made from produce grown in the area), livestock assembly yards and farm equipment repair shops. Farm-related industrial uses include uses such as industrial operations that process farm commodities from the area such as abattoirs, feed mills, grain dryers, cold/dry storage facilities, fertilizer storage and distribution facilities, food and beverage processors (e.g. wineries and cheese factories) and agricultural biomass pelletizers.

Agricultural use shall not be construed to include sod farming or commercial activities related to agriculture such as abattoirs, tanneries or other manufacturing and/or

processing activities involving farm crops or animal products.

2.3 Alter shall mean:

- (a) with reference to a building or part thereof, to change any one or more of the external dimensions of the building or to change the type of construction of the exterior walls or roof;
- (b) with reference to a lot, to change the area, frontage or depth thereof; to change the width, depth or area of any required yard, landscaped open space or parking area; or to change the location of any boundary of such lot with respect to a street or lane, whether such alteration is made by conveyance of any portion of such lot or otherwise.

Altered and alteration shall have corresponding meanings.

2.4 Apartment, accessory shall mean a self-contained dwelling unit created through the conversion of part of or the addition on to an existing single, semi-detached, or duplex dwelling.

2.5 Attached shall mean a building or structure otherwise complete in itself, which depends for structural support, or complete enclosure, upon a division wall or walls shared in common with adjacent buildings or structures.

2.6 Automobile Service Station shall mean a building where automotive fuels or petroleum products are kept for sale, where only minor or emergency repairs essential to the actual operation of motor vehicles may be performed, where grease, anti-freeze, tires, spark plugs and other automobile accessories may be sold incidentally, and where motor vehicles may be oiled, greased, or washed, but where no other activities of a commercial garage are carried on. For the purpose of this By-law petroleum products may include the storage of up to 5000 gallons of Propane gas.

2.7 Bank shall mean a building or part of a building occupied by a chartered bank, trust company or similar financial institution.

2.8 Basement shall mean that portion of a building between two floor levels which is partly underground but which has at least one-half its height from finished floor to finished ceiling above the average level of ground adjacent to the exterior wall of the building.

2.9 Boarding House shall mean a dwelling or portion thereof containing not more than four guest rooms, used for short or long term accommodation of the public and in which the owner or head lessee supplies, for compensation, lodging with or without meals but does not include any other establishment otherwise defined

herein.

- 2.10 Building shall mean a structure having a roof supported by columns or walls or directly on the foundation and used for the shelter and accommodation of persons, animals or goods:
- (a) Accessory Building shall mean a building customarily incidental and subordinate to the main use or building and located on the same lot with such main use or building.
  - (b) Main Building shall mean the building serving the principal or primary use of the lot on which it is located.
  - (c) Temporary Building shall mean a building or structure intended for removal or demolition within a prescribed time, not exceeding two years, as set out in a building permit.
- 2.11 Building Line shall mean a line within a lot drawn parallel to a lot line establishing the minimum distance between that lot line and any portion of a building or structure which may be erected.
- 2.12 Building Supply Outlet shall mean an establishment engaged in the selling or installing of building supplies including lumber, millwork, siding, roofing, plumbing, electrical, heating, air conditioning and similar items. This definition shall not include any establishment otherwise defined in this By-law.
- 2.13 Camp Ground shall mean a tent and trailer park owned and operated by the Corporation or the County, any local board of either the Corporation or the County, the Conservation Authority, or established by the Government of Ontario, or any Ministry or Commission of the Government of Ontario or of Canada.
- 2.14 Cellar shall mean that portion of a building between two floor levels which is partly or wholly underground but which has more than one-half of its height from finished floor to finished ceiling below the average level of ground adjacent to the exterior wall of the building.

2.14.1 Child Care Services

2018-02

- a) Day Care Centre shall mean the use of any lot, building or structure, or part thereof, licensed pursuant to the Child Care and Early Years Act, 2014, that receives more than five children, primarily for the purpose of providing temporary care, or guidance, or both temporary care and guidance, for a continuous period not exceeding twenty-four (24) hours. A day care centre may also include care offered or supplied on a regular schedule to adults for a portion of a day, but does not provide overnight accommodation.

- b) Home Child Care shall mean the temporary care of:
  - i.) five or less children where unlicensed under the Child Care & Early Years Act; or,
  - ii.) six or less children where licensed under the Child Care & Early Years Act, where such care is provided within a private dwelling unit for a continuous period not exceeding twenty-four (24) hours.
- 2.15 Church shall mean a building dedicated to religious worship and other related activities such as a church hall or auditorium.
- 2.16 Clinic shall mean a building or part of a building used solely for the purposes of consultation, diagnosis and treatment of patients by one or more legally qualified physicians, dentists, optometrists, chiropodists, chiropractitioners, or drugless practitioners, together with their qualified assistants, and may include administrative offices, waiting rooms, treatment rooms, laboratories, pharmacies and dispensaries directly associated with the clinic
- 2.17 Club, Commercial shall mean a building or premises used as an athletic, recreational or social club operated for gain or profit but does not include retail or wholesale clubs whose purpose is the sale of products, wares or merchandise.
- 2.18 Club, Private shall mean a building or premises used as an athletic, recreational or social club not operated for gain or profit. This definition may include a social service club, a lodge, a fraternity or sorority house, a hostel or a labour union hall.
- 2.19 Communications Facility shall mean an installation which transmits, receives and/or relays communications such as a microwave relay tower, telephone or telegraph line, cellular telephone tower, radio or television broadcast tower or similar facility but does not include equipment accessory to a Residential, Commercial or Industrial use of the land.
- 2.20 Conference Centre shall mean an establishment used for the holding of conventions, seminars, workshops or similar activities, including dining and lodging facilities for the use of participants, as well as compatible accessory facilities.
- 2.21 Conservation Use shall mean a use related to the preservation and/or conservation of natural resources or the natural environment.
- 2.22 Contractor's Yard or Shop shall mean premises used for the storage of materials and the parking and storage of vehicles and equipment used in undertaking construction, trades and similar projects, including accessory uses such as an office.

2.23 Convenience Store shall mean an establishment where food, tobacco, souvenirs, drugs, periodicals or similar items of household necessity are kept for retail sale to the public.

2.24 Corporation shall mean the Corporation of the Township of Winchester.

2.25 Custom Workshop shall mean a building or part of a building where goods such as handmade leather crafts, wood crafts, made to measure clothing and similar non-offensive custom production of articles is carried on but does not include an establishment where mass production of goods is undertaken, nor any shop or factory otherwise defined in this By-law.

2018-02

~~2.26 Day Care Centre shall mean a "Day Nursery" as defined in the Day Nurseries Act.~~

2.27 Density shall mean the ratio of the number of dwellings, mobile homes or tent and trailer sites to the total lot area, excluding public streets.

2.28 Dwelling shall mean a building occupied or capable of being occupied as the home or residence of one or more persons.

- (a) Accessory Dwelling shall mean a single dwelling which is accessory to a permitted non-residential use, located on the same lot therewith and is occupied either by the family of the owner of such non-residential use or by a family of a person employed on the lot where such dwelling is located.
- (b) Duplex Dwelling shall mean a building that is divided horizontally into two dwelling units.
- (c) Mobile Home Dwelling shall mean any dwelling that is designed to be made mobile, and constructed or manufactured to provide a residence for one or more persons, but does not include a travel trailer, tent trailer or trailer otherwise designed. In addition, a mobile home must be C.S.A. approved or comply with the provisions of the Ontario Building Code.
- (d) Multiple Dwelling shall mean a building containing more than three dwelling units.
- (e) Semi-Detached Dwelling shall mean a building that is divided vertically into two dwelling units.
- (f) Triplex Dwelling shall mean a building that is divided into three dwelling units.
- (g) Senior Citizens' Dwelling shall mean a building or buildings designed and constructed to provide three or more dwelling units specifically for the

accommodation of Senior Citizens, and which is owned and operated by the Corporation or the Ontario Provincial Government.

- (h) Single Dwelling shall mean a free standing residential building containing not more than one dwelling unit.
- (i) Group Dwelling shall mean a dwelling house that is part of a group of dwelling houses on the same lot. 2019-40

2.30 Dwelling Unit shall mean one or more habitable rooms designed for use and occupied by not more than one family and in which separate kitchen and sanitary facilities are provided for the exclusive use of such a family, with a private entrance from outside the building or from a common hallway or stairway inside the building.

(a) Accessory Dwelling Unit shall mean a dwelling unit which is part of and accessory to a permitted non-residential building other than an automobile service station or commercial garage.

(b) Second Dwelling Unit shall mean a self-contained dwelling unit ancillary to a principle dwelling unit, located on the same lot as a single detached, semi-detached, duplex or townhouse dwelling. 2018-02

2.31 Erect shall mean build, construct, reconstruct, remove or relocate and shall include any preliminary physical operations such as cutting, grading, excavating, filling or draining, or any altering of an existing building by an addition, extension or other structural change.

2.32 Established Building Line shall mean the average distance between the street line and the wall of existing main buildings on one side of one block where more than one half of the lots on said side of the block have been built on.

2.33 Existing shall mean existing as of the date of final passing of this By-law by Council.

2.34 Family shall, for the purpose of this by-law, mean one or more individuals whether or not related by blood, marriage or legal adoption, who live together in one dwelling unit and maintain a common household. Family shall also include domestic servants, nursing aids and not more than 2 boarders or lodgers.

2.35 Flood Plain shall mean the area adjoining a water body which has been or which may be covered by flood water during the one in one hundred year flood.

2.36 Floor Area shall mean:

(a) for a dwelling or dwelling unit, the total area of the storeys contained within the outside walls of the dwelling or dwelling unit exclusive of

basements, cellars, attics, garages, sunrooms, unenclosed verandahs or porches; or

- (b) for a building other than a dwelling or dwelling unit, the total area of all the floors contained within the outside walls of the building.

2.37 Forestry Use shall mean the planting, managing and harvesting of timber resources including the establishment and occasional use of a portable sawmill.

2.38 Fuel Storage means the bulk storage of petroleum fuels for distribution to automotive service stations, Gasoline Retail Facilities, industries, farms or to the public but does not include Fuel Storage - Gas.

2.39 Fuel Storage - Gas means the bulk storage of propane or natural gas in a quantity exceeding 22,730 litres (5000 gallons) in above ground tanks and intended for distribution to automotive service stations, industries, farms or the public but does not include a use elsewhere defined.

2.40 Garage, Commercial shall mean a building where all functions of an automobile service station may be carried on and where major repairs of motor vehicles may be performed. Such repairs may include all mechanical repairs as well as body work but shall not include dismantling of motor vehicles for scrap or the storage of motor vehicles awaiting scrapping.

2.41 Gasoline Retail Facility shall mean an establishment where the retail sale of automotive fuels or other petroleum products for motor vehicles or machinery occurs, such as a gas bar. This definition shall not include an automobile service station or commercial garage.

2.42 Golf Course shall mean a public or private area operated for the purpose of playing golf and includes a par-3 golf course, but does not include a driving range, a miniature golf course or similar use.

2.43 Grade shall mean:

- (a) when used with reference to a building, the average elevation of the finished surface of the ground where it meets the exterior of the front of such building;
- (b) when used with reference to a structure, shall mean the average elevation of the finished surface of the ground immediately surrounding such structure;
- (c) when used with reference to a street, road or highway, means the

elevation of the street, road or highway established by the Township or other designated authority.

- 2.44 Greenhouse shall mean a building or premises used for the growing of flowers, vegetables, shrubs, trees and similar vegetation for wholesale or retail sale, and the accessory sale of gardening implements, fertilizer, and similar articles.
- 2.45 Group Home shall mean a single housekeeping unit in a residential dwelling in which up to ten unrelated residents, excluding staff or the receiving family, live as a family under responsible supervision consistent with the requirements of its residents and licensed or approved under Provincial statute but excluding a Correctional Group Home.
- (a) Group Home, Correctional shall mean a group home which is primarily intended to house persons convicted under the Criminal Code or the Young Offenders Act, such as Halfway Houses for Ex-offenders (Charitable Institutions Act), Community Resource Centres (Ministry of Correctional Services Act) or Group Homes for Young Offenders (Young Offenders Act).
- 2.46 Habitable Room shall mean a room commonly used for living, dining or sleeping purpose and shall include a kitchen, bathroom, den, library, enclosed sunroom but shall not include any garage, carport, porch, verandah, unfinished attic, unfinished basement or cellar.
- 2.47 Height of a building shall mean the vertical distance measured between finished grade and:
- (a) the highest point of the roof surface of a flat roof:
- (b) the mean level between eaves and ridge of any other type of roof.
- 2.48 High Water Mark shall mean the mark made by the action of water under natural conditions on the shore or bank of a body of water, which action has been so common and usual and so long continued that it has created a difference between the character of the vegetation or soil on the other side of the mark.
- 2.49 Home Occupation shall mean an occupation, trade, business, profession or craft carried on as a use accessory to a single dwelling or dwelling unit by the Owner or Occupant of the dwelling and includes:
- (a) Instruction in or business involving music, academic subjects, religion, dancing, arts and crafts such as pottery, weaving, woodworking, painting

or sculpting, sewing, babysitting up to five children, hairdressing or similar uses;

- (b) businesses involving work conducted primarily in other locations, such as those operated by electricians, plumbers, carpenters or operators of school buses;
- (c) businesses involving the repair of small appliances, radios, televisions and similar items, skate or knife sharpening or similar uses;
- (d) an office used by a physician, dentist or other medical practitioner, travel agency, and insurance agent, accountant, architect, engineer, consultant, sales person or a person engaged in a similar occupation;
- (e) a tourist lodging establishment in the form of a bed and breakfast establishment which provides a maximum of three bedrooms for the temporary accommodation of tourists or vacationers, with or without meals.

2.50 Home Occupation – Rural shall mean an occupation conducted for gain or profit as an accessory use on an operating farm and in addition to the outlet for farm supplies and machinery, a farm produce outlet, a produce grading station, a farm machinery repair shop or service outlet.

2.51 Kennel shall mean a commercial building or structure where animals are boarded, trained, given medical treatment or housed for similar purpose for compensation, including a Humane Society shelter.

2.52 Landscaped Open Space shall mean open space comprised of lawn with or without natural or ornamental shrubs, flowers and trees and may include space occupied by paths, walks, courts, patios and pools, but shall not include parking areas, traffic aisles, driveways or ramps for vehicles.

2.53 Lane shall mean:

- (a) a subsidiary thoroughfare or private right-of-way providing access across a lot or from a parking or loading space to a public street, or
- (b) a subsidiary public thoroughfare for the sole use of pedestrians and connecting public streets, open space, or public buildings.

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2.53.1 Livestock shall mean dairy, beef, swine (including pot-bellied pigs), poultry, horses (including donkeys), goats, sheep, raticities, fur-bearing animals, deer & elk, game animals, birds, and other animals identified in Table 1 of the Minimum Distance Separation Formulae, Implementation Guidelines (Publication 707), 2006.

- 2.54 Livestock Barn shall mean a building or structure designed to be capable of housing livestock as all or part of an agricultural use.
- 2.55 Loading Space shall mean a space or bay located on a lot which is used or intended to be used for the temporary parking of any commercial vehicle while loading or unloading goods, merchandise or materials used in connection with the use of the lot or any building thereon.
- 2.56 Lot shall mean a parcel or tract of land which is capable of being legally conveyed in accordance with the provisions of the Planning Act.
- (a) Corner Lot shall mean a lot situated at the intersection of two or more streets having an angle of intersection, of not more than 135 degrees.
  - (b) Interior Lot shall mean a lot situated between adjacent lots and having access to one street.
  - (c) Standard Waterfront Lot shall mean a lot which has no public street frontage, but has water access on one shoreline only.
  - (d) Through Lot shall mean a lot having frontage on two parallel or approximately parallel streets.
- 2.57 Lot Area shall mean the total horizontal area within the lot lines of a lot.
- 2.58 Lot Coverage shall mean that portion of the area of a lot covered by all buildings and structures on the lot, exclusive of canopies, balconies and overhanging eaves which are not less than 2.5 m (8.0 ft.) above finished grade.
- 2.59 Lot Frontage shall mean the width of a lot measured between the intersections of the side lot lines with a single straight line 6 m (19.7 ft.) back from and parallel to the front lot line.
- 2.60 Lot Line shall mean any boundary of a lot or the vertical projection thereof.
- (a) Front Lot Line shall mean in the case of an interior lot, corner lot or through lot, the shortest lot line dividing the lot from the street. In the case of a corner lot or a through lot where the lot lines abutting the street are the same length, the lot line where the principal access to the lot is provided shall be deemed to be the front lot line.
  - (b) Rear Lot Line shall mean in the case of a lot having 4 or more lot lines, the lot line farthest from and opposite to the front lot line. If a lot has

less than 4 lot lines, there shall be deemed to be no rear lot line.

(c) Side Lot Line shall mean a lot line other than a front or rear lot line.

- 2.61 Manufacturing Establishment shall mean premises where processing, finishing, refinishing, fabricating, assembly and similar production of articles occurs, as well as related storage and sales facilities.
- 2.62 Marina shall mean a building, structure or place with or without docking facilities, where boats and boat accessories are berthed, stored, serviced, repaired or kept for sale or rent and where the facilities for the sale of marine fuels and lubricants may be provided. A marina may also be used for the sale and servicing of snowmobiles and accessories.
- 2.63 Marine Facility shall mean a non-commercial accessory building or structure located on, over, under or immediately adjacent to a water body which is used to moor, berth or store a boat. This definition includes a launching ramp, boat lift, dock, boathouse, marine railway or similar structure but shall not include any building used for human habitation or used only for winter boat storage nor any boat service, repair or sales facility. A marine facility shall also include a water intake, flood or erosion control structure or similar use.
- 2.64 Medical Practitioner shall mean a doctor, dentist, chiropractor, chiropodist, optometrist, oculist, but shall not include a veterinarian.
- 2.65 Mobile Home Park shall mean a lot on which more than one mobile home is to be located.
- 2.66 Mobile Home Site shall mean a parcel of land within a mobile home park occupied by one mobile home.
- 2.67 Non-Conforming shall mean that which does not conform, comply or agree with the provisions of this By-law as of the date of its final passing thereof by Council.
- 2.68 Nursing Home shall mean a building used in accordance with the Nursing Homes Act.
- 2.69 Office shall mean a building or part of a building used or intended to be used in the performance and transaction of business including administrative and clerical activities as well as professional offices but does not include a use elsewhere defined.
- 2.70 Open Storage shall mean the storage of goods, merchandise or equipment outside of a building or structure on a lot or portion thereof, including such uses as automobile and trailer sales lots and building supply outlets but does not

include the outdoor display of a limited number of samples of the goods, merchandise or equipment for the purpose of sales and advertisement.

- 2.71 Park shall mean an area of land consisting mainly of open space which may include a recreational area, playground, play field, boat ramp or similar use.
- (a) Public Park shall mean a park owned and maintained by the Municipality or other public authority;
  - (b) Private Park shall mean a park other than a public park.
- 2.72 Parking Area shall mean an area or structure, other than a street, used or intended to be used for the temporary storage of motor vehicles and includes a private garage or carport, aisles, driveways and parking spaces.
- 2.73 Parking Space shall mean a portion of a parking area exclusive of driveways or aisles, used for the temporary storage of motor vehicles.
- 2.74 Person shall include an individual, an association, a chartered organization, a firm, a partnership, a corporation, an agent or trustee and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.
- 2.75 Personal Service Establishment shall mean a business which is associated with the grooming or health of persons or the maintenance or repair of personal wardrobe articles and accessories, and may include a barber shop, beauty parlour, shoe repair shop, self- service laundry or dry cleaning distribution station.
- 2.76 Pit shall mean any open excavation made for the removal of soil, earth, clay, mud, sand, gravel or unconsolidated rock or mineral in order to supply material for construction, manufacturing or industrial purposes, but shall not include an excavation incidental to the erection of a building or structure for which a building permit has been granted by the Corporation, or an excavation incidental to the construction of any public works. This definition may include a wayside pit as defined herein.
- 2.77 Public Use shall mean a building, structure, lot or part of a lot used for public services by the Township of Winchester; the Villages of Chesterville and Winchester; the United Counties of Stormont, Dundas, and Glengarry and any Boards or Commissions thereof; any Ministry or Commission of the Governments of Ontario or Canada; telephone, telegraph or railway company, any company supplying natural gas or electric power; any Conservation Authority or similarly recognized agencies.
- 2.78 Quarry shall mean any open excavation made for the removal of any

consolidated rock or mineral including limestone, sandstone, shale or granite in order to supply material for construction, industrial or manufacturing purposes, but shall not include an excavation incidental to the erection of a building or structure for which a building permit has been granted by the Corporation, or an excavation incidental to the construction of any public works. This definition may include a wayside quarry as defined herein.

- 2.79 Riding Stable shall mean premises for the stabling and grazing of horses and the provision of land and facilities for the riding and showing of horses, including a riding school but does not necessarily include breeding of horses.
- 2.80 Recreational Establishment shall mean a building used or intended to be used for a theatre, bowling alley, curling rink, swimming pool, billiard parlour, health club, athletic club, or similar uses.
- 2.81 Recreational Vehicle shall mean any vehicle so constructed that it is no wider than 2.65 m (8.7 ft.) and is suitable for being attached to a motor vehicle for the purpose of being drawn or is self-propelled, and is capable of being used on a short term recreational basis for living, sleeping or eating accommodation of persons and may include a motor home, travel trailer, tent trailer or camper.
- 2.82 Recycling Depot shall mean a building in which plastics, glass and paper are collected, sorted and stored for distribution to industries for recycling. Such use does not include the processing of such materials or the storage of such materials external to the building.
- 2.83 Restaurant shall mean a building or structure or part thereof where food is prepared and offered for sale to the public for consumption;
- (a) Restaurant - Fast Food means an establishment whose primary method of operation has all of the following characteristics:
- (1) Food is served in disposable containers, and
  - (2) Food is consumed either on the premises, in a motor vehicle on the premises, or off the premises, and
  - (3) It shall not include a restaurant - full service or a restaurant – take out.
- (b) Restaurant - Full Service means an establishment whose primary method of operation has all of the following characteristics:
- (1) Food is served in non-disposable containers, and
  - (2) Food is consumed on the premises, and
  - (3) It shall not include a restaurant - fast food or a restaurant - take out.

- (c) Restaurant - Take Out means an establishment whose primary method of operation has all of the following characteristics:
- (1) Food is served or distributed in disposable containers, at a counter within the building, and
  - (2) Food is consumed off the premises, and
  - (3) It shall not exceed a gross floor area including any area below grade of one hundred (100) square metres, and
  - (4) It shall not include a restaurant -full service or a restaurant -fast food.
- 2.84 Retail Store shall mean a building or part of a building wherein goods, wares, merchandise, substance or articles are offered for sale directly to the general public and may include the storage of such goods, wares, merchandise, substances or articles.
- 2.85 Retreat Area shall mean an establishment used by religious groups for study, relaxation, meditation and similar activities, including dining, lodging and other compatible accessory facilities.
- 2.86 School shall mean an educational institution used for the teaching of academic subjects which is operated pursuant to the Education Act.
- 2.87 Secondhand Shop shall mean a building or part of a building in which used goods, wares, merchandise, substances, articles or things are offered for sale at retail and may include such uses as a flea market, a pawnshop, an antique store, an opportunity shop or similar use.
- 2.88 Service Outlet shall mean a building or part of a building whether in conjunction with a retail store or not, used for the repair or servicing of goods, commodities, articles or materials, but not the manufacturing thereof.
- 2.89 Setback shall mean:
- (a) with reference to a road, the distance between the centre line of a street allowance and the nearest building line.
  - (b) with reference to a lane, the distance between the edge of the lane or private right-of-way and the nearest building line.
  - (c) with reference to a water body, the distance between the high water mark and the nearest building line.

- 2.90 Sewage Disposal Site shall mean a site which is licensed or approved by the Ministry of the Environment and/or its agents for use as a disposal site for sewage and includes a sewage treatment plant and/or a sewage lagoon.
- 2.90.1 Shipping Containers shall mean any new and/or used container designed for the shipping of goods by means of rail, truck or by sea that is strong enough to be suitable for repeated use and includes intermodal shipping containers.
- 2.91 Shopping Centre shall mean a group of commercial establishments, designed, developed, owned, and managed as a unit by a single owner, or tenant, or group of owners or tenants.
- 2.92 Storey shall mean that portion of a building, other than a cellar, between the surface of any floor and the surface of the floor, ceiling or roof next above it. A basement may be counted as a partial storey.
- 2.93 Street shall mean a public thoroughfare or road under the jurisdiction of either the Corporation, the county or the Province of Ontario. This definition shall not include a lane.
- (a) Street Allowance shall have a corresponding meaning.
- (b) Improved Street shall mean a Provincial Highway, County Road or a Municipal Road or Street designated as an Improved Street on the attached Schedules.
- (c) Unimproved Street shall mean a road allowance under the jurisdiction of the municipality but which has not been brought up to Ministry of Transportation standards or assumed by By-law, as designated on the attached Schedules.
- 2.94 Street Line shall mean the boundary of the right-of-way of the street.
- 2.95 Structure shall mean anything constructed or erected, either permanent or temporary, the use of which requires location on the ground or attachment to something having location on the ground, including permanent floating docks, boathouses or other structures which are fixed or anchored to the bed of the navigable water and/or fixed or attached to the land above the high water mark or water's edge.
- 2.96 Tourist Lodging Establishment shall mean premises or buildings to be used for the purpose of sleeping accommodation on a temporary basis by tourists or vacationers and shall include hotels, motels, motor inns, cabins, bed and breakfast establishments or similar uses and may include accessory uses such as beverage, dining and meeting rooms and similar uses.
- 2.97 Trail System shall mean an area used for hiking, horseback riding, cross country skiing or other similar forms of non-motorized recreational travel.

2.98 Transportation Terminal shall mean an establishment where commercial vehicles, including school buses, are stored, repaired, washed or maintained.

2.99 Use shall mean the purpose for which any land, building, structure or any combination thereof is designed, arranged, occupied or maintained.

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2.100 Vehicle shall mean an automobile, boat, commercial motor vehicle, farm implement, ~~mobile home~~, motorcycle, recreational vehicle, snowmobile or trailer.

2.101 Veterinary Establishment shall mean Commercial premises used by a veterinarian for treating domestic animals, birds or other livestock but shall not include a commercial kennel or research facility.

2.102 Warehouse shall mean a building used or intended to be used for the bulk storage and wholesale sale of goods, commodities, wares, merchandise or materials but not including hazardous or noxious chemicals or similar substances.

2.103 Waste Disposal Site shall mean a site which is licensed or approved by the Ministry of the Environment and/or its agents where garbage, refuse, domestic or industrial waste is disposed of or dumped, excluding radioactive or toxic chemical wastes, and shall include a sludge disposal area.

2.104 Wholesale shall mean the selling of goods, wares or merchandise in large quantities at a time to persons engaged in the retail trade.

2.105 Water body shall mean any bay, lake, natural watercourse or canal, but excluding a drainage or irrigation channel.

2.106 Wayside Pit or Wayside Quarry shall mean a temporary pit or quarry opened and used by a public road authority under the provisions of the Aggregates Act and established solely for the purpose of a particular project or contract of road construction.

2.107 Wrecking Yard shall mean an establishment or premises where derelict, discarded, abandoned, inoperable motor vehicles, and/or other goods, wares, merchandise, articles or things are stored wholly or partly in the open. This definition shall include a junk yard, scrap yard, and automotive wrecking yard, but shall not include any waste disposal site, any establishment or operation incidental and subordinate to the running, repair or sale in useable or operable conditions of any goods, wares, merchandise, articles or things, or any other use that is separately defined in this By-law.

2.108 Yard shall mean an open, uncovered space appurtenant to a building or structure.

(a) Front Yard shall mean the space extending across the full width of a lot

between the front lot, line and the nearest part of any main building or structure on the lot.

- (b) Rear Yard shall mean a space extending across the full width of a lot between the rear lot line and the nearest part of any main building or structure on the lot.
- (c) Side Yard shall mean a yard extending from the front yard to the rear yard between the side lot line and the nearest part of any main building or structure on the lot.
  - (i) Exterior Side Yard shall mean a side yard immediately adjacent to a street.
  - (ii) Interior Side Yard shall mean a side yard other than an exterior side yard.

2.109 Zone shall mean:

- (a) a land use category as defined and regulated in this By-law, or
- (b) a designated area of land use shown on the Schedules of this By-law.

## SECTION 3

# GENERAL PROVISIONS

### 3.1 Accessory Uses

Accessory uses, buildings or structures shall be permitted in any zone in accordance with the following provisions and any other provisions included elsewhere in this By-law.

- (a) the total coverage of all accessory buildings or structures may not exceed 10% of the total lot area or 300 m<sup>2</sup> (3230 sq.ft.), whichever is less;
- (b) accessory buildings or structures including satellite dishes may not be located within any minimum front yard or minimum exterior side yard;
- 2019-40 (c) accessory buildings or structures shall not be located closer than 1.2 m (3.9 ft.) to any rear or interior side lot line except that common garages may be centered on the mutual lot line provided an access to the rear of the house a minimum width of 1.5 m (4.9 ft.) remains available;
- (d) marine facilities need not be set back above the high water mark;
- (e) accessory buildings or structures do not exceed 5 m or (16.4 ft.) in height in any Residential or Commercial zone or 6.3 m (20.6 ft.) in height in any Rural or Agricultural Zone for an accessory building or structure to a residential use.
- (f) accessory buildings or structures shall not be located closer than 2 m (6.6 ft.) to a main building;
- (g) satellite dishes for domestic purposes will be considered as accessory structures.

### 3.2 Automobile Service Stations, Gasoline Retail Facilities, Commercial Garages

Where automobile service stations, gasoline retail facilities and commercial garages are permitted in this By-law, the following special provisions shall apply:

- (a) the minimum front yard shall be 12 m (40 ft.) and the minimum rear and side yards shall be 6 m (20 ft.).
- (b) In the case where a minimum rear yard or a minimum side yard also abuts a street the rear yard shall be 12m (40ft) and the side yard shall be 10m (32ft);
- (c) the minimum distance of any pump or advertising sign from any lot line shall be 10 m (32 ft.), except where the lot abuts a Commercial or Industrial zone in which case the pump or advertising sign may be located 6 m (20 ft.) from the abutting lot line;
- (d) the width of any entrance or exit or combined entrance or exit shall not be greater than 9 m (29.5 ft.) and there shall not be more than 2 accesses from any one street which adjoins the lot;
- (e) a strip of landscaped open space, with a minimum width of 1.5 m (4.9 ft.), shall be provided along any lot line abutting a street, and with a minimum width of 4.5 m (15 ft.) along any other lot line that abuts any land that is not in either a Commercial or Industrial zone. Such landscaped open space shall be continuous, except for accesses to the lot.
- (f) No above ground storage facilities for propane used for refuelling vehicles shall be located within 15 m (49.2 ft.) of any building or structure other than the building or structures associated with the Automobile Service Station, Gasoline Retail Facility or Commercial Garage.
- (g) No above ground storage facilities for propane with a capacity exceeding 22,730 litres (5,000 gallons) shall be located within 130 m (98.4 ft.) of a residence, a building used for residential purposes or any land in either a Residential zone or Institutional zone.

### 3.3 Buildings to be Moved

No building or structure shall be moved within the limits of the Township or shall be moved from outside the Township into the Township unless the building or structure is a permitted use and satisfies all the requirements of the Zone in which it is to be located and then only after a permit has been obtained from the Chief Building Official.

### 3.4 Corner Lot Sight Lines

On a corner lot no obstruction higher than 0.75 m (2.5 ft.), excepting a chain link, or wire fence shall be permitted on that part of a lot at a street corner composed of a triangle having sides of 6 m (19.7 ft.) along each street measured from the

street corner formed by the lot lines, or from the intersection of the straight line projection of lot lines when lot lines are connected by a curved line.

### 3.5 Cumulative Standards

- (a) Where more than one use is permitted on any lot, the requirements of this By-law with regard to lot area, loading and parking requirements shall be cumulative.
- (b) Where a lot is divided into more than one zone or special zone, each such portion of the lot shall be used in accordance with the provisions of this By-law for the applicable zone or special zone. Each such portion of the lot shall be considered as a separate lot for the purpose of determining zone requirements but this provision shall not be used to allow more than one dwelling on a lot.

### 3.6 Established Building Line in Built-Up Area

Notwithstanding the yard and setback provisions of this By-law to the contrary, where a permitted building or structure is to be erected on a lot in a built-up area, where there is an established building line, such permitted building or structure may be erected closer to the street line, or the centreline of the street as the case may be, than required by this By-law provided such permitted building or structure is not erected closer to the street line or the centreline of the street, as the case may be, than the established building line on the date of passing of this By-law.

### 3.7 Frontage on an Improved Street

No building or structure shall be erected in any zone for any purpose other than a non-residential building or structure accessory to a permitted agricultural, forestry or conservation use unless:

- (a) the lot on which such building or structure is located has frontage on and direct access to an improved street, or
- (b) the lot on which such building or structure is to be located was in existence prior to this By-law coming into effect and has access to an improved street by a lane.

This provision shall not apply to a lot on a registered plan of subdivision where there is an agreement, between the owner and the Corporation, which includes provisions for the construction of the streets in the subdivision and which is registered in the Registry Office or Land Titles Office.

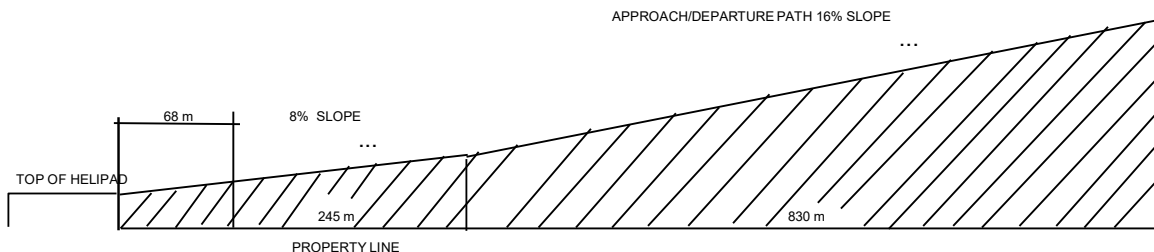
### 3.8 Height Exceptions

- (i) Where height limitations are set forth in this By-law, such limitations shall not apply to an agricultural building or structure, antenna, belfry, bridge, chimney, church spire, clock tower, communications facility, electrical supply facility, feed, or bedding storage use, flag pole, hydroelectric transmission tower, lighting standard, lightning rod, mechanical equipment enclosure, skylight, solar collector, ventilator, water tower, or windmill.

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- (ii) Notwithstanding the height exceptions permitted above, or the height regulations contained in this By-law, no building or structure shall extend in height above the elevation of the flight path for the helipad at the Winchester & District Memorial Hospital, as shown on Schedule B of this By-law, pursuant to Transport Canada regulations. For the purpose of determining the elevation of the flight path, the following chart may be used as a guide; however, this chart does not form a part of this By-law and the regulations of

Transport Canada shall apply in determining the height limit for any building or structure under the flight path.



- (iii) Notwithstanding the height limitations set forth in this By-law to the contrary, no person shall construct or erect a fence that exceeds a height of 2 m in any Residential or Commercial zone, or 2 m in any Rural or Agricultural zone where the primary use is residential. For the purposes of this By-law fence height shall be calculated as the distance measured from the grade at the base of the fence to the top of the fence.

### 3.9 Home Occupations and Rural Home Occupations

#### (i) Home Occupations

Home occupations shall be permitted accessory to the use of any dwelling provided such use conforms to the following provisions:

- (a) the business is conducted in the dwelling by a person residing on the premises;
- (b) not more than two persons, other than a person residing on the premises, shall be employed in the home occupation;
- (c) where instruction is carried on, no more than six pupils are in attendance at one time;
- (d) no mechanical or electrical equipment is used except that which is reasonably consistent with the use of a dwelling;
- (e) there is no open storage of any material and no storage of hazardous materials such as paint or other flammable, corrosive or explosive substances;
- (f) not more than: 25% or 40 m<sup>2</sup> (430.5 sq.ft.) of the total floor area of the dwelling unit, whichever is the lesser shall be used for a home occupation with the exception that in the case of a bed and breakfast establishment; up to three bedrooms may be used to provide accommodation for the travelling public;
- (g) there is no external display or advertising other than a sign with not more than 1 m<sup>2</sup> (10.5sq.ft.) of signage area, indicating that a business is operating on the premise;
- (h) there shall be no goods, wares or merchandise, other than arts and crafts produced on the premises, offered or exposed for sale or rent on the premises or outside the premises.

#### (ii) Rural Home Occupations

In addition to the foregoing provisions in the Rural and Agricultural Zones, Rural Home Occupations, as defined in this By-law, shall be permitted in accordance with the following provisions:

- (a) in addition to the floor area permitted as a home occupation, no more

than 50 m<sup>2</sup> in one accessory building may be used for a rural home occupation;

- (b) there shall be no advertising, other than a sign permitted for a home occupation, to indicate that any part of the lot is being used for a purpose other than agriculture;
- (c) such rural home occupation shall be clearly secondary to the main agricultural use and shall not change the agricultural character of the farm unit;
- (d) there shall be no open storage of materials, supplies, tools, equipment or goods which are used for, or result from, the rural home occupation, unless such open storage is a minimum of 13.0 m from any lot line and a minimum of 45.0 m from a residential use on another lot;
- (e) the rural home occupation shall not create or become a public nuisance in regard to noise, traffic or parking;
- (f) the sale of goods shall be limited to the retail sale of produce grown on the farm, the retail sale of goods made using produce grown on the farm or the retail sale of agricultural equipment and supplies or a service outlet for agricultural equipment and supplies.

(iii) Cumulative Standards

If more than one home occupation, rural home occupation or combination thereof is practised accessory to the same dwelling or farm, the total area dedicated to the combination of occupations shall not exceed the maximum areas indicated in the preceding provisions.

### 3.10 Landscaped Open Space

- (a) In any zone, any portion of any front yard which is not used for any other permitted purpose shall be devoted to landscaped open space.
- (b) Any land used for landscaped open space shall be included in the calculations of lot area, yard requirements, etc. as set forth in this By-law.
- (c) Provisions for landscaped open space as buffering are included elsewhere in this By-law.

- (d) Where landscaped open space is required as buffering, such landscaping shall be continuous except for lanes, driveways, aisles or walkways which provide access to the lot.

### 3.11 Loading Requirements

The owner or occupant of any lot, building or structure located in any Industrial or Commercial Zone which involves the receiving, shipping, loading or unloading of animals, goods, wares, merchandise or raw materials shall provide and maintain on the lot occupied by the building or structure, loading spaces in accordance with the following regulations.

- (a) Number of Spaces Required

The number of such loading spaces provided shall be in accordance with the floor area of the building or structure as follows:

<u>Floor Area of Building</u>	<u>No. of Loading Spaces</u>
300 m <sup>2</sup> (3230 sq.ft.) or less	None
Over 300 m <sup>2</sup> (3230 sq.ft.)	1 plus 1 additional space for each additional 1000 m <sup>2</sup> (10760 sq.ft.) beyond the initial 300 m <sup>2</sup> (3,230 sq.ft.).

Where a building has been divided into a number of individual Industrial or Commercial occupancies each occupancy will be subject to these provisions.

- (b) Size of Loading Spaces

Each loading space shall be at least 14 m (48.9 ft.) long, 3.5 m (11.5 ft.) wide and have a vertical clearance of at least 4.5 m (14.8 ft.)

- (c) Location

The required loading spaces shall be provided on the lot occupied by the building or structure for which the spaces are required and such space shall not form part of any street or land required for a private road or right-of-way.

- (d) Access

Access to loading spaces shall be by means of a lane at least 3.5 m (11.5 ft.) wide located on the same lot.

(e) Surface

The loading spaces and lanes shall be surfaced with a stable material such as concrete, asphalt, crushed stone or gravel.

(f) Additions to Buildings

The loading space requirements shall not apply to any building in existence on the date of passage of this By-law so long as the floor area, as it existed on such date, is not increased. If an addition is made to the building or structure which increases the floor area then additional loading space shall be provided as required in Section 3.11(a) for addition.

### 3.12 Non-Conforming Uses

(a) Continuance of Existing Uses

Nothing in this By-law shall prevent the use of any land, building or structure for any purpose prohibited by the By-law if such land, building or structure was lawfully used for such purpose on the day of the passing of the By-law, so long as it continues to be used for that purpose.

(b) Repair of Existing Buildings

If a non-conforming building should be damaged or destroyed by fire, flood, wind or earthquake or other causes beyond human control, nothing in this By-law shall prevent such a building from being restored and strengthened to a safe condition, provided the height and bulk are not increased and provided that reconstruction or restoration is commenced within 12 months of the date on which the damage took place and completed within 24 months.

(c) Prior Building Permits

Nothing in this By-law shall prohibit the erection of a building or structure for which a building permit has been issued prior to the date of passing of the By-law, provided the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the permit has not been revoked under section 6 of the Building Code Act.

(d) Accessory Buildings

Nothing in this By-law shall prevent the erection of a building accessory to an existing non-conforming use provided that such accessory building complies with all relevant provisions of this By-law.

(e) Change of Use

The use of any lot, building or structure which is not permitted in the zone in which it is located, shall not be changed except to a use which is listed as a permitted use in such zone or to a use which is authorized by the Committee of Adjustment pursuant to its powers under the Planning Act.

(f) Less than Minimum Yard Requirements

Where a building or structure which is a permitted use in the zone has been erected prior to the date of passing of this By-law in a location on a lot which results in the front, side or rear yards being less than the minimum required by this By-law, the building or structure may be enlarged provided that:

- (i) the enlargement does not occur within the minimum front, side or rear yard required by this By-law; and
- (ii) all other applicable provisions of this By-law are complied with.

Where a building or structure which is not a permitted use in the zone has been erected prior to the date of passing of this By-law, the building or structure may not be enlarged except by permission granted by the Committee of Adjustment or by amendment to this By-law.

(g) Lot Area and/or Lot Frontage Less Than Required

In all zones where a lot having a lesser lot area and/or lot frontage than that required herein, exists on the date of passing of this By-law or where such lot has been increased in frontage and/or area but still does not conform with the minimum requirements of this By-law, such smaller lot may be used and a building or structure may be erected, altered or used on such smaller lot, provided such erection, alteration or usage does not contravene any other provisions of this By-law. This provision shall not apply to buildings containing more than one dwelling unit.

(h) Less than Required Floor Area

Nothing in this By-law shall prevent an extension or addition being made to a permitted dwelling house which existed at the time of passing of this By-law but which has a floor area or dwelling unit area less than that required by this By-law, provided such extension or addition does not contravene any other provisions of this By-law.

### 3.13 Occupancy Restrictions

Human habitation shall not be permitted in any private garage or other building which is accessory to a residential use or in any truck, bus, railway car or streetcar. No dwelling unit in its entirety shall be located, even temporarily, in a cellar.

### 3.14 Open Storage

Open storage shall be permitted in a Commercial, Light Industrial, Rural or Special Rural Zone in accordance with the following:

- (a) The open storage is accessory to the principal use of the lot;
- (b) Open storage, as defined in this By-law, shall not be permitted within any minimum side or rear yard where the side or rear lot line abuts any Residential or Institutional Zone;
- (c) Open storage, as defined in this By-law, shall not be permitted within any minimum side or rear yard where the side or rear lot line abuts any Residential or Institutional Zone;
- (d) A strip of landscaped open space, a minimum of 3 m (9.8 ft) wide shall be provided around all open storage areas;
- (e) Where open storage areas abut Residential or Institutional Zones, the required landscaped open space must also include visual screening. Any combination of plant materials, landscaped berms or fencing may be used;
- (f) Any areas used for open storage shall be in addition to any minimum off-street parking or loading areas required by this By-law;
- (g) No open storage shall be permitted in a Commercial Zone except in the case of a vehicle sales and service establishment, or for commercial vehicles in operating condition which are essential to the permitted use.

### 3.15 Parking Requirements

In any zone the owner or occupant of any lot, building or structure erected, enlarged or changed in use after the passing of this By-law, shall provide off street parking in accordance with the following provisions:

(a) Number of Spaces Required

Use of Building or Land	Minimum Parking Requirements
(i) Residential; containing not more than 2 dwelling units	2 parking spaces per unit
Residential; containing more than 2 dwelling units	1.5 parking spaces per dwelling units
(iii) Office, bank	1 parking space for each 20 m <sup>2</sup> (214.3 sq.ft.) of floor area; minimum 3 parking spaces.
(iv) School - elementary	2 parking spaces for each classroom or instruction area.
- secondary	5 parking spaces per classroom or instruction
(v) Retail store, personal service establishment, service outlet (not including shopping centres)	1 parking space for every 20 m <sup>2</sup> (215.3 sq.ft.) of gross floor area; minimum 3 parking spaces
(vi) Shopping Centres	1 parking space for every 16 m <sup>2</sup> (172.2 sq.ft.) of retail floor area.
(vii) Restaurant	1 parking space for every 4 persons to be accommodated according to maximum permitted capacity; minimum 5
viii) Tourist Lodging Establishment (not including Bed and Breakfast)	1 parking space per guest room or suite plus 1 additional parking space for every 20 m <sup>2</sup> of floor area devoted to public use plus 2 spaces for staff.
Group Dwelling	1.25 parking spaces per dwelling unit
Residential; Senior citizens housing containing more than 2 dwelling units	1.25 parking spaces per dwelling unit

(a) Number of Spaces Required (cont'd)

Use of Building Land	Minimum Parking Required
(ix) Bed and Breakfast	1 parking space per guest room and 1 space for staff.
(x) Church, community centre, private club, commercial club	Where there are fixed seats, 1 parking space for every 10 seats or 6 m (19.7 ft.) of bench space: where there are no fixed seats, 1 parking space for each 20 m <sup>2</sup> (215.3 sq.ft.) of floor area devoted to
(xi) Clinic, nursing home	1 parking space for each 4 beds or each 70 m <sup>2</sup> (753.5 sq ft.) of floor area, whichever is greater; plus 1 space as an emergency parking space for an ambulance.
(xii) Industrial. warehouse use	1 parking space for every 70 m <sup>2</sup> (753.5 sq.ft.) of floor area up to 2000 m <sup>2</sup> , plus 1 additional space for every 200 m <sup>2</sup> (2152.8 sq.ft.) or floor area thereafter, plus 1 space for every 4 employees.
(xiii) Agricultural, forestry or conservation use	None.
(xiv) Any use other than those specified	1 parking space for each 28 m <sup>2</sup> (300 sq.ft.) of floor area.

(b) Size of Parking Space

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- (i) Every parking space shall have dimensions of at least 2.8 m by 6 m ~~2.75 m (9 ft.) by 5.5 m (18 ft.)~~. Where parking is provided for the disabled or for senior citizens' housing the minimum width of each space is to be increased to 3.0 m (9.8 ft.). Parking for the disabled shall comprise 2% of the total parking requirement or 1 space whichever is the greater.
- (ii) Except where parking spaces are provided for the exclusive use of a single dwelling, semi-detached dwelling or duplex dwelling, every parking space shall be provided with unobstructed access to a street by a driveway, aisle, or lane.

(c) Location

- (i) Required parking in a Residential Zone shall be provided on the same lot as the dwelling unit.
- (ii) In all other zones, parking shall be provided within 150 m (492.1ft.) of the building it is intended to serve and no part of any parking area required for a use other than Residential shall be permitted in a Residential Zone. Where required parking is not provided on the same lot, the lot or part of the lot where the parking is located shall be in the same ownership or be leased by a renewable agreement and the parking spaces shall be retained for the duration of the use which is being served.

(d) Drainage

Provision for drainage facilities shall be made in compliance with the requirements of the Municipality.

(e) Cumulative Standards

Where two or more uses are permitted in any one building or on any one lot, then the off-street parking requirements for each use shall be calculated as if each use is a separate use, and the total number of off-street parking spaces so calculated shall be provided.

(f) Access to Parking Areas

- (i) Access driveways designated for two-way traffic shall be not less than 6 m (19.7 ft.) in width. Separate entrance and exit driveways shall be not less than 3.5 m (11.5 ft.) in width.
- (ii) Notwithstanding the provisions contained in Subsection (i) above, commercial uses operating in existing buildings in the General Commercial (C) zone, may be permitted to have an access driveway for two way traffic which is not less than 3.0 m (9.8 ft.) in width.
- (iii) All parking areas shall be provided with suitable pedestrian access to the main building on the site. Such pedestrian access is to be designed to provide unobstructed wheelchair access.

(g) Buffering

- (i) Where a required parking area, providing more than 4 parking spaces is located in a required minimum yard abutting a lot in a Residential Zone, then a continuous strip of landscaped open space with a minimum width of 3 m (9.8 ft.) or a strip 1 m (3 ft.) wide combined with a solid fence shall be provided along the abutting lot line.
- (ii) Where, in any yard in any zone, a required parking area providing more than 4 parking spaces abuts a street, then landscaped open space a minimum width of 1 m (3 ft.) shall be provided along the lot line abutting the street.

(h) Additions to Buildings or Changes in Use

The parking space requirements shall not apply to any building in existence at the date of passing of this By-law so long as the floor area, as it existed at such date, is not increased and no change in use occurs. If an addition is made to the building or structure which increases the floor area, or a change in use occurs, then parking space for the addition or area changed in use shall be provided as required by Section 3.15(a) of this By-law.

3.16 Pits and Quarries

The making or establishment of pits and quarries within the Township is prohibited except on lands zoned Special Rural, Pit (SRP) in the case of a pit or Special Rural, Quarry (SRQ) in the case of a quarry.

This provision shall not apply to wayside pits or wayside quarries specifically permitted in other zone categories of this By-law.

3.17 Public Uses

Any land may be used and any building or structure may be erected or used for the purpose of a public use as defined in this By-law (excluding a sewage disposal, site or a waste disposal site), provided that:

- (a) all buildings and structures excluding electric power facilities comply with the lot coverage, setback and yard requirements prescribed for the zone in which such building or structure is located;
- (b) no open storage of goods, material, or equipment shall be permitted except in accordance with the zone provisions.

### 3.18 Railway Crossings and Sight Distance

Where any street crosses a railway at the same grade, no building or structure shall hereafter be erected closer to the point of intersection of the centre line of both the railway and the street than 20 m (65.7 ft.) where automatic signal protection is provided and 45 m (147.6 ft.) where no automatic signals are provided.

#### 3.18.1 Second Dwelling Unit

2018-02

A second dwelling unit is permitted in the principle building of, or a detached building on the same lot as, a single detached dwelling, semi-detached, duplex or townhouse dwelling in any zone where that dwelling type is listed as a permitted use, according to the following provisions:

- a) It is ancillary to, and not capable of being severed from, a principle dwelling unit.
- b) Its creation does not result in the creation of a semi-detached, duplex, triplex or townhouse dwelling.
- c) It is located on the same lot as the principle dwelling unit.
- d) A minimum of one (1) parking space is provided. The parking space may be tandem.
- e) Water and sewer capacity is demonstrated to be sufficient for the second unit, either through public or private services.
- f) Minimum Setbacks for a detached Second Dwelling Unit

Front Yard	minimum in applicable zone
Rear Yard	1.2 m
Side Yard	1.2 m
Exterior Side Yard	minimum in applicable zone
From another Building or Structure	2.4 m
Height of Building (maximum)	5.0 m

### 3.19 Separation Distances

- (a) The following separation distances shall apply between the uses identified in the table below and where either use 1 or use 2 or both are proposed as a new use:

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Use 1	Separation Distance	Use 2
(i) Livestock barn or manure storage area and/or facility:	Minimum Distance Separation as calculated using the Ontario Ministry of Agriculture, Food and Rural Affairs Publication 707, "MDS Implementation Guidelines"	A vacant residential lot, an existing dwelling, or new dwelling on another lot having an area greater than 1 ha (2.47 acres)
Livestock barn or manure storage area and/or feedlot.	30 m (100 ft)	A well on a neighbouring property.
Anaerobic Digesters and applicable material storage facilities	200 m 450 m 200 m 20 m 40 m	MDS Type A land use MDS Type B land use Neighbour's Dwelling Rear & Side Lot Line Edge of Road Allowance
(ii) land zoned Special Rural, Pit (SRP):	120 m ( 393.7 ft )	a dwelling on another lot
(iii) land zoned Special Rural, Quarry (SRQ):	250 m ( 820.2 ft )	a dwelling on another lot
(iv) land zoned Special Rural, Mineral Aggregate (SRMA):	120 m ( 393.7 ft. )	a dwelling on another lot
(v) land zoned Special Rural, Solid Waste Disposal (SRD):	500 m (1640.4 ft.)	a dwelling
(vi) land zoned Special Rural, wrecking yard:	50 m ( 164 ft. )	a dwelling on another lot
(vii) land zoned Special Rural, Sewage Disposal (SRSD):	200 m ( 656 ft. )	a dwelling on another lot
(viii) kennel:	300 m ( 984.3 ft )	a dwelling on another lot

\* NOTE: Copies of the Agricultural Code of Practice can be obtained from the Township Office or the Ministry of Agriculture and Food (Kemptonville Office).

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(b) The above Separation Distance table shall not apply to the following:

- 1) MDS I to existing lots of records less than 1 ha (2.47 acres).

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- 2) MDS I and II to rebuilding after a catastrophe to the same size and capacity but no closer.
- 3) MDS I within settlement areas.
- 4) MDS II to existing closed cemeteries.
- 5) MDS I and MDS II to surplus dwelling lots created by consent under Section 2.3.4.1 (c) of the Provincial Policy Statement, 2014;
- 6) MDS I and MDS II shall not apply to livestock facilities containing less than 5 nutrient units (NU), provided:
  - i) The building is located more than 50 m from the nearest lot line and 75 m from the nearest dwelling on another lot.

### 3.20 Setbacks

#### (a) From Public Streets

<u>Street</u>	<u>Setback</u>
All Township Streets and Roads	10 m (32.8 ft.) plus the minimum front yard, for the abutting zone, from the centre line of the road.
County Road	County setback policies apply. Provincial Highway Ministry of Transportation policies apply.

#### (b) From Lanes or Private Rights-of-Way

Where a lane or private right-of-way exists on or adjacent to any lot, all buildings and structures shall be set back a minimum of 6 m ( 19.7 ft.) from it. Where the right-of-way is the Trans Canada Pipeline this setback is to be increased to 10 m (32.8 ft.).

#### (c) From Water or Municipal Drain

- (i) Where any lot on which a building or structure is to be erected is adjacent to a water body, any such building or structure, including a septic tank and tile field other than a boat ramp shall be set back a minimum of 20 m ( 66 ft.) from the high water mark.

- (ii) Where any lot on which a building or structure is to be erected adjacent to a municipal drain or any such building or structure shall be set back a minimum of 10 m (32.8 ft.) from the edge of the drain.
- (iii) These provisions shall not apply to transmission facilities for gas, telephone, cable, Hydro or to any flood control structures.

### 3.21 Severances and Subdivision

- (i) All lots created by severance or subdivision must conform with the policies of Section 4.6 of the Townships Official Plan and with the standards established within this By-law in terms of lot size and frontage

#### 3.21.1 Shipping Containers

- (i) A single Shipping Container that is not longer than 20 feet and is being used incidentally to active construction on the same Lot for which a permit has been issued, is permitted for a maximum of 6 months within a 2-year period.
- (ii) Shipping Containers shall be permitted in an Industrial (ML or M) Zone, Agricultural – Special Exception 3 (AG-3) Zone, Special Rural – Pit (SRP) Zone, Special Rural – Quarry (SRQ) Zone, Special Rural – Waste Disposal (SRD) Zone, Special Rural – Wrecking Yard (SRWY) Zone, or a Special Exception Zone which permits an industrial use.
- (iii) A Shipping Container shall not be permitted in any Residential Zone, Institutional Zone, Open Space Zone, or Commercial Zone unless such Shipping Container is being used in accordance with Section 3.21.1(i).
- (iv) Notwithstanding Section 3.21.1(iii), the Committee of Adjustment may authorize a minor variance to permit a Shipping Container on a Lot zoned Commercial, Institutional, or Open Space, if in its opinion the use is desirable and appropriate on the Lot.
- (v) A maximum of two (2) Shipping Containers shall be permitted on a Lot in an Agricultural (AG) Zone or Rural (RU) Zone subject to the following:
  - a. The primary use of the Lot shall be Agricultural Use;

- b. The Lot shall be a minimum of 30 hectares;
- c. Shipping Containers shall be set back a minimum of 30 metres from the Front Yard and 15 metres from any Side Yard;
- d. Shipping Containers shall be maintained in good condition; painted and in keeping with the principal use of the property; and
- e. The doors of any Shipping Container shall be kept closed and locked when not in use.

### 3.22 Swimming Pools

- (i) No swimming pool shall be located within the minimum front yard or minimum exterior side yard nor closer than 1.5 m to any rear or interior side lot live or closer than 5 m (16.4 ft.) to a leaching bed for an in-ground sewage disposal system.

By-law 18-97

- (ii) All swimming pools shall be fenced by a Security Fence approved by the Council. The intention of this fence is to reduce the potential of unsupervised access to the pool by small children. For this reason the fence shall have a minimum height of ~~1.5 m (5 ft.)~~ 1.22 m (4 ft.) and located so that it achieves the intended purpose.

By-law 18-97

- (iii) The Security Fence shall be fitted with a self-closing gate which has a height of at least ~~1.5 m (5 ft.)~~ 1.22 m (4 ft.) and fitted with a child proof locking system. The owner of the land shall be responsible to ensure that the locking system is properly fitted and maintained.

By-law 18-97

- (iv) Notwithstanding the fencing requirements of subsection (ii) above, no security fencing is required for an above ground pool where the height of the sides of the pool exceed 1.22 m (4 ft.) above the finished ground level immediately around the pool and the access to the pool, from the ground or any associated decking, is secured by a 1.22 m (4 ft.) fence and gate. Where the sides of an above ground pool are not 1.22 m (4 ft.) above finished ground level a fence is to be attached to the sides of the pool so as to raise the height to 1.22 m (4 ft.).

### 3.23 Temporary Uses

- (i) Temporary construction facilities such as sheds, scaffolds, sales offices and equipment incidental to building on the premises shall be permitted in any zone for so long as work is in progress, provided such use is removed within 30 days of the issuance of the occupancy permit.

### 3.24 Wrecking Yards

Where it is proposed to store material associated with a wrecking yard or to dismantle machinery or vehicles external to a building, then the yard containing such external storage or dismantling shall be screened from view from any public roads in the vicinity of the site.

Suitable screening may either be in the form of solid fencing with a minimum height of 1.8 m (5.9 ft.) or dense landscaping.

Screening and storage of material within the minimum front yard of any property zoned for a dwelling yard is prohibited.

### 3.25 Yard Encroachments

Every part of any minimum required yard shall be open and unobstructed from the ground to the sky by any structure other than an accessory building or structure permitted elsewhere in this By-law, provided, however, that those structures listed below shall be permitted to project into the minimum required yards indicated for the distances specified.

- (i) Belt courses, sills, cornices, eaves, gutters, chimneys, bay windows, pilasters or other ornamental structures may project into any minimum required yard not more than 0.6 m (2.0 ft.).
- (ii) Open and roofed porches, sundecks, balconies, exterior stairs and landings may project into any minimum required front or rear yard not more than 1.5 m (4.9 ft.).
- (iii) Uncovered patios, awnings, fences, garden trellises and similar landscaping features, all plant materials, clothes poles, flagpoles, retaining walls and similar accessory structures may be permitted in any minimum yard.
- (iv) Exterior ramps, wheelchair lifts and similar barrier-free accessory structures and equipment may be permitted in any minimum yard.

## SECTION 4

# ZONES

### 4.1 Zone Classifications

For the purpose of this By-law, all land within the Township of Winchester is divided into the following zones which are identified on the attached Schedules by the accompanying symbols:

Residential	- First Density	R1
	- Second Density	R2
	- Rural Residential	RR
Commercial		C
Industrial	- Light	ML
	- General	M
Institutional		I
Open Space		OS
Rural		RU
Special Rural	- Flood Plain	SRFP
	- Pit	SRP
	- Quarry	SRQ
	- Wrecking Yard	SRWY
	- Waste Disposal	SRD
	- Wetland	SRW
	- Wetland Buffer	SRWB
	- Airport	SRA
	Agricultural	AG

### 4.2 Schedules

The attached Schedules A and B form a part of this By-law.

#### 4.3 Boundaries of Zones

Where the boundary of any zone, as shown on the attached Schedules, is uncertain the following provisions shall apply:

- (a) where the boundary is indicated as following a street, lane, railway right-of-way or other right-of-way, then the boundary shall be the centre line of such street, lane, railway right-of-way or other right-of-way;
- (b) where the boundary is shown as approximately following a concession line or a lot line or an extension of a lot line on a registered plan of subdivision or registered survey plan, the lot line or extension thereof shall be the boundary; of subdivision or registered survey plan, the lot line or extension;
- (c) where the boundary is shown as approximately following a water body, the high water mark shall be the boundary;
- (d) where none of the above are applicable then the location of such boundary shall be determined by scale from the original Schedules A and B which are available at the Clerk's office.
- (e) The Zoning By-law and the Schedules thereto are subject to alteration and when ascertaining the zoning that applies to land, reference should be made to any relevant amending By-laws.

#### 4.4 Streets, Lanes, and Rights-of-Way

Each half of a street, lane, railway right-of-way or other right-of-way shown on the attached Schedules shall be included, unless otherwise indicated, in the zone pertaining to the adjoining property.

#### 4.5 Holding Zones

- (a) Any parcel or area of land in any Zone may be further classified as a holding zone with the addition of the suffix "h" (e.g. R-h). The intent is to signify Council's approval in principle to future development of the land for the purposes indicated by the symbol. The holding classification added to a given zone shall restrict development of the land until such time as the

demand for the development of the land is sufficient to warrant immediate development and until any relevant technical problems are resolved to the Municipality's satisfaction.

- (b) Where a holding zone applies, no lands shall be used and no buildings or structures shall be erected or used for any purpose other than those uses legally existing on such or structures on the date of passing of this By-law. Any change from the holding status shall require an amendment to this By-law.

#### 4.6 Special Exception Zones

Where a zone symbol is followed by a dash and a number (e.g. RU-1), this denotes a special exception zone. Lands so zoned shall be subject to all of the provisions of the general zone category represented by the symbol except as otherwise provided by the special exception provisions of the special zone. Current special exception provisions are listed separately under the appropriate zone category in the text of the By-law.

SECTION 5

RESIDENTIAL ZONES

No person shall hereafter use any lands, nor erect, alter, enlarge or use any building or structure in a Residential Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

5.1 Residential First Density (R1)

(a) Permitted Uses:

- apartment, accessory
- group home,
- single dwelling.

(b) Zone Requirements:

	<u>Metric</u>	<u>Imperial</u>
Lot Area (minimum)	4,000 m <sup>2</sup>	(43,057sq.ft)
Lot Frontage (minimum)	38 m	(125 ft.)
Yard Requirements (minimum)		
Front	7.5 m	(24.6 ft.)
Rear	10.5 m	(34.5 ft.)
Exterior Side	3.0 m	(9.8 ft.)
Interior Side	1.5 m	(4.9 ft.)
Building Height (maximum)	10.5 m	(34.5 ft.)
Lot Coverage (maximum)	20%	
Floor Area (minimum)	100 m <sup>2</sup>	(1,076 sq ft.)
Dwelling Units per Lot (maximum) <sup>1</sup>		

(c) Special Exceptions

(i) R1-1

Notwithstanding the provisions of Section 5.1 (a) to the contrary, on land zoned R1-1 the existing Mobile Home park is permitted.

(ii) R1-2 (Lot 19, Concession V) By-law 22-97

Notwithstanding the provisions of Section 5.1 (b) to the contrary, on the land zoned R1-2 the following provisions shall apply:

<u>Zone Requirements:</u>	<u>Metric</u>	<u>Imperial</u>
Lot Area (minimum)	0.36 ha	0.88 acres
Lot Frontage (minimum)	38 m	126 ft

Special Provisions:

Well Locations

All new wells shall be located up slope of a contiguous lot's septic system and a minimum of 15 metres from all leaching beds on the same property and adjoining lots. All new wells shall be located a minimum of 30 m from any existing well located on any land not zoned R1-2.

The casings of all new wells are to be pressure grouted from the bottom upwards, of the annulus space.

~~(iii) R1-3 By-law 26-00  
By-law 42-15~~

~~Notwithstanding the provisions of Section 5.1 to the contrary, on lands zoned R1-3 (12015 County Road #3), a parking lot shall be permitted as an accessory use to an adjacent permitted commercial use (located behind the accessory use to an adjacent permitted commercial use (located behind the subject property), in addition to the Permitted Uses under Section 5.1 (a). No commercial buildings or structures shall be permitted on the subject property.~~

59-2015

(iv) R1-4  
Notwithstanding the provisions of Section 5.1 (a) and (b) to the contrary, on the land zoned R1-4 the following provisions shall apply:

Permitted Uses

- single detached dwelling
- duplex dwelling
- semi-detached dwelling
- apartment, accessory

Zoning Requirements

Lot Area (minimum)	2,2023 m <sup>2</sup>	(21,775 sq. ft.)
Lot Frontage (minimum)	30 m	(98.4 ft.)
Yard Requirements (minimum)		
Front	15 m	
Lot Coverage (Maximum)	45 %	
Dwelling Units Per Lot (Maximum)	4	

5.2 Residential Second Density (R2)

(a) Permitted Uses:

- apartment, accessory
- boarding house,
- duplex dwelling,
- multiple dwelling including Senior Citizens' Housing,
- semi-detached dwelling,
- triplex dwelling,
- R1 uses in accordance with the provisions thereof.

<u>Zone Requirements:</u>	<u>Metric</u>	<u>Imperial</u>
Lot Area (minimum)	4,000 m <sup>2</sup>	(43,057 ft. <sup>2</sup> )
Lot Frontage (minimum)	45 m	(147.6 ft.)
Yard Requirements (minimum)		
Front	7.5 m	(24.6 ft.)
Rear	7.5 m	(24.6 ft.)
Exterior Side	7.5 m	(24.6 ft.)
Interior Side	3.0 m	(9.8 ft.)
Building Height (maximum)	12.0 m	(39.4 ft.)
Lot Coverage (maximum)	30%	
Floor Area per Dwelling Unit (minimum)		
- semi-detached dwelling, duplex dwelling, triplex	60 m <sup>2</sup>	(645.8sq.ft.)
- multiple dwelling		
- bachelor	45 m <sup>2</sup>	(484.4 sq.ft.)
- one bedroom	55 m <sup>2</sup>	(592.0 sq.ft.)
- two bedroom	60 m <sup>2</sup>	(645.8 sq.ft.)
- three or more bedrooms	65 m <sup>2</sup>	(699.7 sq.ft.)
- Senior Citizens' Housing	45 m <sup>2</sup>	(484.4 sq.ft.)
Maximum Density	25 units per hectare	6.18 units per acre)
Landscaped Open Space	35 %	

(c) Special Exceptions

05-2006

i) Residential Second Density - Special Exception One (R2-1)

Notwithstanding the provisions of Sections 5.2(a) and 5.2(b) hereof to the contrary, on lands zoned R2-1, (Roll#0511-016-004-06200-0000), the following requirements shall apply:

a) Permitted Uses:

- duplex dwelling,
- semi-detached dwelling,
- R1 uses in accordance with the provisions thereof.

b) Zone Requirements

Lot Area (minimum)	2,460 m <sup>2</sup>
Lot Frontage (minimum)	48 m
Yard Requirements (minimum)	
Front	7.5 m
Rear	10.5 m
Interior Side	3.0 m
Building Height	12.0 m
Lot Coverage	30 %
Dwelling Units (maximum)	2
Floor Area per Dwelling Unit (minimum)	
-single detached dwelling unit	100 m <sup>2</sup>
-semi-detached dwelling, duplex	60 m <sup>2</sup>
Landscaped Open Space (minimum)	35%

16-2011

ii) Residential Second Density – Special Exception [Two]\*

Notwithstanding the provisions of Section 12.1 hereof to the contrary, on lands zoned “R2-1”, the conversion of the former elementary school into a 10 unit residential apartment building is permitted. Despite the forgoing, the former school gym may be used for the following Institutional Uses: a church, clinic, community centre, day care centre, library, museum, school.

2018-09

iii) Residential Second Density - Special Exception [Three]\*

Notwithstanding the provisions of Section 5.2 hereof to the contrary, on lands zoned R2-2, the following provisions shall apply:

Permitted Uses:

4-unit Townhouse  
 Accessory Uses to the forgoing  
 Existing Accessory Buildings

Zone Requirements

Yard Requirements (minimum)

Front	County Road Setback or 20 m (whichever is greater)
Rear	8 m
Side	3 m

Building Height (maximum)	11 m
Lot Coverage (maximum)	40 %
Floor Area (minimum)	65 m <sup>2</sup> (per dwelling unit)
Landscaped Open Space (minimum)	30%
Parking Spaces (minimum)	1.25 (per dwelling unit)

iv) Residential Second Density – Special Exception Four (R2-4)

2018-34

Notwithstanding the provisions of Section 5.2 hereof to the contrary, on lands zoned R2-4, the following provisions shall apply:

Permitted Uses:

Apartment Building with a maximum 12 residential units  
 Accessory Uses to the forgoing

Zone Requirements:

Lot Area	2000 m <sup>2</sup>
Lot Frontage	30 m
Side Yard	3 m
Rear Yard	7.5 m
Maximum Height	12 m
Lot Coverage (Max.)	30%
Front Yard Requirement	County Road Setback shall apply
Maximum Density	12 dwelling units per lot (or 59 units per hectare)
Apartment Building (minimum unit size)	
- bachelor	45 m <sup>2</sup> (484.4 sq.ft.)
- one bedroom	55 m <sup>2</sup> (592.0 sq.ft.)
- two bedroom	60 m <sup>2</sup> (645.8 sq.ft.)

- three or more bedrooms 65 m<sup>2</sup> (699.7 sq.ft.)

2019-22

v) Residential Second Density – Special Exception Five – Holding One (R2-5)

Notwithstanding the provisions of Section 5.2 hereof to the contrary, on lands zoned R2-5, the following provisions shall apply:

Permitted Uses

- Planned Unit Townhouse
- Accessory Clubhouse

Planned Unit Townhouse means a townhouse dwelling house (one of a group of 3 or more attached dwelling units divided vertically, each of which has independent entrances to front and rear privacy yards) which forms part of a group of such dwelling houses and which shares common facilities with the other dwelling houses such as access to a road, parking facilities, open space, recreation areas, and is designed as an integral part of a complex for condominiums, cooperative and/or rent occupancy.

Zone Requirements

Lot Coverage (max.)	40%
Building Height (max.)	11 m
Yard Setbacks(min.)	
Front	County Road Setback Applies
Rear	8 m
Side	10 m

Not more than six (6) dwelling units shall be permitted in any one townhouse dwelling house.

Conditions for the removal of the “h1”

The “h1” symbol shall, upon application by the landowner, be removed by Township Council passing a By-law under Section 36 of the Planning Act from part(s) of the lands zoned Residential Second Density – Special Exception Five – Holding One (R2-5h1). The following conditions shall first be completed to the satisfaction of the Township of North Dundas:

- a) That sufficient water and wastewater services are available for the applicable phase;
  - b) A Functional Servicing Report or a detailed design submission have been provided;
  - c) The owner has entered into any necessary servicing agreement(s) with the Township of North Dundas;
  - d) For each development phase within the area subject to this Hold a plan has been submitted illustrating such matters as:
    - i) The proposed location of dwellings;
    - ii) Access and roads or laneways;
    - iii) On-site parking and amenity areas; and,
    - iv) Traffic circulation patterns and future connections with the adjacent development blocks.
  - e) A Traffic Impact Study is provided.
- Any improvements associated with each development must be secured prior to or coincident with the development of the lands.

5.3 Rural Residential (RR)

(a) Permitted uses

- single dwellings

(b) Zone Requirements:	<u>Metric</u>	<u>Imperial</u>
Lot Area (minimum)	4000 m <sup>2</sup>	(43,057 sq. ft)
Lot Frontage (minimum)	45 m <sup>2</sup>	(147.6 ft.)
Yard Requirements (minimum)		
Front	7.5 m	(24.6 ft.)
Rear	7.5 m	(24.6 ft.)
Exterior side	7.5 m	(24.6 ft.)
Interior side	3.0 m	(9.8 ft.)
Building Height (maximum)	12.0 m	(59.4 ft.)
Lot Coverage (maximum)	20%	
Floor Area per Dwelling Unit (min.)	100 m <sup>2</sup>	(1,076 sq. ft.)
Dwelling Units per Lot (maximum)	1	

SECTION 6

COMMERCIAL ZONES

No person shall hereafter use any lands nor erect, alter enlarge or use any building or structure in a Commercial Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

6.1 Commercial (C)

(a) Permitted Uses:

- accessory dwelling or an accessory dwelling unit,
- accessory uses provided such uses are incidental to a permitted use,
- auction sales establishment,
- automobile service station,
- bank,
- clinic,
- commercial club,
- day care centre
- dry cleaning establishment,
- farm equipment sales and service,
- funeral parlour,
- gasoline retail facility,
- office,
- personal service establishment,
- photography studio,
- printing establishment,
- private club,
- recreational establishment,
- restaurant, Fast food
- restaurant, Full service
- restaurant, Take out
- retail store,
- service outlet,
- single dwelling,
- tourist lodging establishment,
- transportation terminal,
- vehicle sales and service establishment,
- veterinary establishment.

2018-02

(b) Zone Requirements:	<u>Metric</u>	<u>Imperial</u>
(i) Within a Hamlet		
Lot Area (minimum)	4,000 m <sup>2</sup>	(43,057 sq.ft)
Lot Frontage (minimum)	30 m	(98.4 ft.)
Yard Requirements		
Front	nil	
Rear	10 m	(32.8 ft.)
Exterior Side	3 m	(9.8 ft.)
Interior Side	3 m	(9.8 ft.)
Lot Coverage	25%	
Dwelling Units per Lot (maximum)	1	
(ii) Other Locations		
Lot Area (minimum)	4000 m <sup>2</sup>	(43,057 sq.ft.)
Lot Frontage (minimum)	30 m	(98.4 ft.)
Yard Requirements (minimum)		
Front	6.0	(19.7 ft.)
Rear	5.0 m	(16.4 ft.)
Exterior Side	10.0 m	(32.8 ft.)
Interior Side	5.0 m	(16.4 ft.)
Building Height (maximum)	10.0 m	(32.8 ft.)
Lot Coverage (maximum)	20%	
Dwelling Units per Lot (maximum)	1	
(iii) Fully Serviced Area (Municipal Water and Sanitary Sewer)		
<u>By-law 56-2013</u>		
Lot Area (minimum)	2,023m <sup>2</sup>	(21,775 sq. ft.)
Lot Frontage (minimum)	30 m	(98.4 ft.)
Yard Requirements		
Front	6 m	(19.7 ft.)
Rear	Nil	
<i>Except where the yard abuts a lot in a Residential or Institutional zone, the minimum yard shall be 3m (9.84 ft.)</i>		
Exterior Side	6 m	(19.7 ft.)
Interior Side	Nil	
<i>Except where the yard abuts a lot in a Residential or Institutional zone, the minimum yard shall be 3m (9.84 ft.)</i>		
Building Height (Maximum)	14 m	(45.9 ft.)
Lot Coverage (Maximum)	45%	

(c) Special Exceptions:

(i) C-1:

Notwithstanding the provision of Section 6.1 to the contrary, on land zoned C-1, the following uses only will be permitted;

Permitted uses:

- dry quasi-manufacturing,
- warehousing with floor space for showroom purposes and accessory uses,
- mini warehousing,
- construction equipment sales and service,
- farm implement dealership.

(ii) C-2: (As amended by By-law 2008-15)

Notwithstanding the provisions of Section 6.1 to the contrary on land zoned C-2 the following provisions shall apply:

Permitted uses:

- catering establishments
- restaurants
- automobile service stations
- trailer sales establishments
- entertainment establishments including theatres
- hotel
- truck terminal
- bank
- transportation terminal
- contractor's yard and/or shop (By-law 2008-15)
- craft store (By-law 2008-15)

Zone Provisions:	<u>Metric</u>	<u>Imperial</u>
Yard requirements (minimum)		
Front	12 m	(40 ft)
Rear	12 m	(40 ft)
Side	10 m	(30 ft)

(iii) C-3

Notwithstanding the provisions of Section 6.1 to the contrary, on land zoned C-3, the following provisions shall apply:

Zone Provisions:	<u>Metric</u>	<u>Imperial</u>
Lot Area (minimum)	2024 m <sup>2</sup>	(21781 sq ft)

(iv) C-4 By-law 13-95

Notwithstanding the provisions of Section 6.10 to the contrary, on the land zoned C-4, the following uses shall only apply:

Permitted Uses:

- private and commercial clubs not including a bingo hall
- recreational establishment not including a bingo hall
- retail stores
- convenience store
- a secondhand store
- a retail lumber yard
- mini-storage & warehousing
- offices
- restaurant
- accessory dwelling
- commercial hall not including a bingo hall
- accessory uses

(a) Notwithstanding the foregoing, a bingo hall in any form is not a permitted use on the land zoned as C-4.

(b) Notwithstanding the above permitted uses, on the land zoned as C-4, retail floor space shall only be permitted to a maximum of 3000 square feet.

(v) C-4 a By-law 15-95  
(County Rd. #3)

Notwithstanding the provisions of Section 6.1 (a) hereof to the contrary on the land zoned C-4a the following provisions shall apply:

Permitted Uses:

- accessory dwelling or an accessory dwelling unit
- accessory uses provided that such uses are incidental to a permitted use,

- automobile service station excluding a car washing facility,
- bank,
- clinic,
- farm equipment sales and service,
- gasoline retail facility,
- office,
- personal service establishment (not a laundromat, dry cleaning establishment or commercial laundry),
- recreational establishment (not including a swimming pool),
- restaurant -take out,
- retail store,
- service outlet,
- single dwelling,
- vehicle sales and service establishment
- restaurant - fast food By-law 35-2004.

Special provisions:

- 1) The maximum gross leasable retail floor area permitted on the land zoned C-4a shall not exceed 929 sq m (10000sq ft).
- 2) Site plan approval for the development of the land zoned C-4a shall not be granted unless information is provided to the Council showing that the water supply demand of the proposed development will not exceed the existing capacity that the Village of Winchester has allocated to the site. The Council shall consult with the Village of Winchester concerning any proposed development for the land.

(vi) Commercial-Special Exception Five (C-5)  
(reserved)

(vii) Commercial - Special Exception Six (C-6) By-law 09-00  
(12050 County Rd. #3)

Notwithstanding the provisions of section 6.1 to the contrary, on the lands zoned C-6 (12050 County Road # 3), the following uses shall not be permitted:

- sale and/or storage of gasoline, of similar petroleum products
- automotive service station
- gasoline retail facility
- transportation terminal

vii) Commercial Zone - Special Exception Seven (C-7) By-law 29-2006

Notwithstanding the provisions of Section 6.1 (a) hereof to the contrary, on lands zoned "C-7", mini storage warehouse shall be also be permitted. For the purpose of this by-law, mini-storage warehouse is defined as: a building containing separate, individual self-storage units divided from floor to ceiling by a wall with an independent entrance from the exterior of the building, designed to be rented or leased on a short term basis to the general public for private storage of personal goods, materials and equipment.

viii) Commercial Zone - Special Exception Eight (C-8) By-law 02-2007

Notwithstanding the provisions of Section 6.1 (a) hereof to the contrary, on lands zoned "C-8", a single detached dwelling and commercial garage shall be also be permitted.

(ix) Commercial - Special Exception 9 (C-9)

By-law 18-2012

Notwithstanding the provisions of Section 6.1 to the contrary, on the lands zoned C-9, the following use shall be permitted:

Permitted Uses:

- private and commercial clubs not including a bingo hall
- recreational establishment not including a bingo hall
- retail stores
- convenience store
- a secondhand store
- a retail lumber yard
- mini-storage & warehousing
- offices
- restaurant
- accessory dwelling
- commercial hall not including a bingo hall
- accessory uses
- contractor's yard or shop

(x) Commercial – Special Exception Ten (C-10)

By-law 33-2013

(a) Notwithstanding the provisions of Section 6.1 (a) hereof to the contrary, on lands zoned "C-10", only the following provisions shall apply:

Permitted Uses:

- Accessory dwelling units (maximum of two (2) units)
- Accessory uses provided such uses are incidental to a permitted use
- Commercial club
- Kennel
- Mini-storage
- Office
- Personal service establishment
- Photography studio
- Printing establishment
- Private club
- Recreational establishment
- Restaurant, fast food
- Restaurant, take out
- Retail store
- Service outlet
- Veterinary establishment
- warehouse

(xi) Commercial – Special Exception Eleven (C-11)

Notwithstanding the provisions of subsection 6.1(a) to the contrary, on lands zoned C-11 a mini-warehouse facility shall be permitted in addition to the permitted uses in the Commercial (C) Zone.

6.2 Addition Provisions for Commercial Zones

(a) Accessory Dwellings and Accessory Dwelling Units

- (i) Accessory dwellings shall conform to the requirements of the R1 z one for single family dwellings.
- (ii) Accessory dwellings units shall have a minimum floor area of 55 m<sup>2</sup> (592 sq.ft.)

(b) Automobile Service Stations, Gasoline Retail Facilities and Commercial Garages

Automobile service stations, gasoline retail facilities and commercial garages shall conform to the regulations set forth in Section 3.2 of this By-law.

(c) Increased Yard Requirements

- (i) Where a Commercial Zone abuts a Residential or Institutional Zone, the minimum side yard requirement on the abutting side shall be

increased to 10.0 m (32 ft.) and shall be landscaped along the full length of the lot line so abutting. The only break in the landscaping will be to permit access, if necessary. The landscaped strip shall have a minimum width of 3.0 m (9.8 ft).

(ii) Where a corner lot in a Hamlet is zoned Commercial, the front yard is to be increased to 3 m to provide adequate sight distance at the corner in accordance with Section 3.4.

(d) Other General Provisions  
Other general provisions shall be in accordance with Section 3 of this By-law.

### 6.3 Commercial – Holding

#### 6.3.1 Commercial – Holding One (C-h1)

2019-22

6.3.1.1 Only Permitted Uses Prior to Removal of “h1”  
For such time as the “h1” symbol is in place, these lands shall only be used for the following: Legal uses, buildings and structures existing on the lot.

6.3.1.2 Conditions for the removal of the “h1”  
The “h1” symbol shall, upon application by the landowner, be removed by Township Council passing a By-law under Section 36 of the Planning Act. The following conditions shall first be completed to the satisfaction of the Township of North Dundas:

- a) That sufficient water and wastewater services are available for the proposed use(s);
- b) A Functional Servicing Report or a detailed design submission have been provided;
- c) The owner has entered into any necessary servicing agreement(s) with the Township of North Dundas;
- d) For each development within the area subject to this Hold a plan has been submitted illustrating such matters as:
  - i) The proposed location of commercial buildings;
  - ii) Access and roads or laneways;
  - iii) On-site parking and amenity areas; and,
  - iv) Traffic circulation patterns and future connections with the adjacent development.

e) A Traffic Impact Study is provided.  
Any improvements associated with each development must be secured prior to or coincident with the development of the lands.

SECTION 7

INDUSTRIAL ZONES

No person shall hereafter use any lands nor erect, alter, enlarge or use any building or structure in an Industrial Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

7.1 Light Industrial (ML)

(a) Permitted Uses:

- accessory dwelling or an accessory dwelling unit,
- building supply outlet,
- commercial uses provided such uses are incidental and accessory to a permitted use,
- contractor's yard or shop,
- custom workshop,
- day care centre
- garage, commercial,
- light manufacturing,
- restaurant -take out,
- retail uses provided such uses as incidental and accessory to a permitted use,
- warehouse.

2018-02

(b) Zone requirements	<u>Metric</u>	<u>Imperial</u>
Lot Area (minimum)	4000 m <sup>2</sup>	(43,057 sq.ft)
Lot Frontage (minimum)	40 m	(131.2 ft.)
Yard Requirements (minimum)		
Front	12 m	(39.4 ft)
Rear	12 m	(39.4 ft)
Exterior Side	12 m	(39.4 ft)
Interior Side	7.5 m	(24.6 ft.)
Building Height (maximum)	15 m	(49.2 ft)
Lot Coverage (maximum)	35%	
Dwelling Units per Lot (maximum) <sup>1</sup>		

7.2 Industrial (M)

(a) Permitted Uses:

- accessory dwelling or an accessory dwelling unit,
- building supply outlet,
- contractor's yard or shop,
- commercial use provided that such use is incidental and accessory to a permitted use,
- custom workshop,
- equipment sales and service establishment,
- feed mill,
- fuel storage,
- fuel storage - gas,
- farm implement dealer,
- garage, commercial,
- manufacturing establishment,
- planing mill,
- printing establishment,
- restaurant -take out
- retail store provided such use is incidental and accessory to another permitted use,
- sandblasting business,
- sawmill,
- warehouse,
- welding shop,
- well drilling establishment,
- wholesale businesses provided such uses are conducted in an enclosed building.

(b) Zone requirements:	<u>Metric</u>	<u>Imperial</u>
Lot Area (minimum)	4000m <sup>2</sup>	(43,057sq. ft.)
Lot Frontage (minimum)	40m	(131.2 ft)
Yard Requirements (minimum)		
Front	6.0 m	(1 9.7 ft.)
Rear	5.0 m	(16.4 ft.)
Exterior Side	5.0 m	(16.4 ft.)
Interior Side	5.0 m	(16.4 ft.)
Lot Coverage (maximum)	35%	
Building Height (maximum)	10.5 m	(34.5 ft.)
Dwelling Units per Lot (maximum)	1	

(c) Special Exceptions:

(i) M-1

Notwithstanding the provisions of Section 7.2 to the contrary, on land zoned M-1, (being part of Lot 3, Concession V), the following provisions shall apply:

(a) Permitted Uses:

- a plant for the manufacturing of wood products and related products
- a warehouse and enclosed storage depot
- business or administrative offices associated with and located on the same land as a permitted use above
- accessory uses.

(b) Zone Requirements	<u>Metric</u>	<u>Imperial</u>
Lot size (minimum)	21000 m <sup>2</sup>	(52000 sq.ft.)

(ii) M-2

Notwithstanding the provisions of Section 7.1 to the contrary, on land zoned M-2, the following provisions shall apply:

<u>Zone Provisions</u>	<u>Metric</u>	<u>Imperial</u>
Lot Area (minimum)	2024 m <sup>2</sup>	(21781 sq ft)

(iii) Industrial - Special Exception Three (M-3) By-law 34-2004

Notwithstanding the provisions of Section 7.2 (a) hereof to the contrary, on lands zoned M-3, (2724 County Road #31- Bank Street), a veterinary establishment is also permitted.

(iv) Industrial Zone - Special Exception Four (M-4) By-law 23-2013

Notwithstanding the provisions of Section 7.2 hereof to the contrary, on lands zoned "M-4" the following additional provisions shall apply:

a) <u>Zone Requirements</u>	<u>Metric</u>	<u>Imperial</u>
Lot area minimum	Nil	Nil
Lot frontage	Nil	Nil
Front Yard (minimum)	6 m	19.7 ft
Rear Yard (minimum)	6 m	19.7 ft
Exterior Side (minimum)	6 m	19.7 ft
Interior Side (minimum)	3 m (9.8 ft) except where a	

yard abuts a Residential zone, the minimum shall be

	6.0 m	(19.7 ft)
Building Height	14 m	45.9 ft
Landscaped Open Space (Minimum)	10%	

which shall include a solid fence a minimum of 1.5 m in height constructed of wood, metal or equivalent material along any lot line that abuts a Residential, Open Space or Institutional Zone.

- b) Notwithstanding the provisions of Section 7.2, the following uses shall be prohibited:
  - 1. Accessory Dwelling or an accessory dwelling unit
- c) Notwithstanding the provisions of Section 3.14 to the contrary, Open Storage shall be permitted in the Industrial - Special Exception Four (M-4) Zone provided that:
  - 1. Such open storage is accessory to the use of the main building.
  - 2. Such open storage complies with the yard and setback requirements of this by-law;
  - 3. Such open storage does not cover more than 60% of the lot area;

(v) Industrial - Exception Five (M-5) By-law 02-2014

- (a) Notwithstanding the provisions of Section 7.2(b) hereof to the contrary, on lands zone "M-5", a maximum building height of 14 metres (45.9 ft) is permitted.

### 7.3 Additional Provisions for Industrial Zones

#### (a) Accessory Dwellings

- (i) Accessory dwellings shall conform to the requirements of the R1 Zone for single family dwellings.
- (ii) Accessory dwelling units shall have a minimum floor area of 55m<sup>2</sup> (592 sq.ft.)

#### (b) Commercial Garages

Commercial garages shall also conform to the regulations of Section 3.2 of this By-law.

#### (c) Increased Yard Requirements

Where a Light Industrial Zone or a Rural Industrial Zone abuts a Residential or Institutional Zone, or is separated from a Residential or Institutional Zone by only a street, the minimum yard requirement of any yard so abutting or facing shall be increased to 20 m (65.6 ft.) of which 3 m (9.8 ft.) shall be landscaped open space.

#### (d) Other General Provisions

Other general provisions shall be in accordance with Section 3 of this By-law.

SECTION 8

INSTITUTIONAL ZONE

No person shall hereafter use any lands nor erect, alter, enlarge or use any building or, structure in an Institutional Zone except in accordance with the provisions of this Section or of any other relevant Sections of this By-law.

8.1 Institutional (I)

(a) Permitted  
Uses:

- accessory dwelling or an accessory dwelling unit,
- cemetery,
- church,
- clinic,
- community centre,
- day care centre,
- fire hall,
- group home,
- group home, correctional,
- library,
- municipal office,
- museum,
- nursing home,
- school.

2018-02

(b) Zone Requirements:	<u>Metric</u>	<u>Imperial</u>
Lot Area (minimum)	4000 m <sup>2</sup>	(43,057 sq. ft.)
Lot Frontage (minimum)	40 m	(1312 ft.)
Yard Requirements (minimum)		
Front	7.5 m	(24.6 ft)
Rear	7.5 m	(24.6 f t)
Exterior Side,	7.5 m	(24.6 ft)
Interior Side	4.5 m	(14.8 f t)
Building Height (maximum)	12 m	(39.4 ft.)
Lot Coverage (maximum)	25%	
Dwelling Units per Lot (maximum)	1	

## 8.2 Additional Provisions for Institutional Zones

### (a) Accessory Dwellings

- (i) Accessory dwellings shall conform to the requirements of the R1 Zone for single dwellings.
- (ii) Accessory dwelling units shall have a minimum floor area of 55 m<sup>2</sup> (592 ft.)

### (b) Cemeteries

Notwithstanding the provisions of Section 8.1(b), cemeteries shall conform with the Cemeteries Act.

### (c) Other General Provisions

Other general provisions shall be in accordance with Section 3 of this By-law.

## SECTION 9

# OPEN SPACE ZONE

No person shall hereafter use any lands nor erect, alter, enlarge or use any building or structure in an Open Space Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

### 9.1 Open Space (OS)

#### (a) Permitted Uses:

- accessory dwelling or an accessory dwelling unit,
- agricultural use,
- campground,
- cemetery,
- club, private,
- conservation use,
- fairground,
- forestry use,
- park,
- trail system.

#### (b) Zone Requirement:

- (i) No minimum area, frontage or yards shall be required for any lot provided that no buildings or recreational facilities are located thereon.
- (ii) No building or recreational facility shall be located or erected closer than 6m (19.7 ft.) to any lot line and lot coverage shall not exceed 10%.

### 9.2 Additional Provisions for Open Space Zones

- (a) Accessory dwellings shall conform to the requirements of the RI zone and an accessory dwelling unit shall have a minimum floor area of 55 m<sup>2</sup> (592 sq.ft.).
- (b) Other general provisions shall be in accordance with Section 3 of this By-law.

SECTION 10

RURAL ZONE

No person shall hereafter use any lands nor erect, alter, enlarge or use any building or structure in a Rural Zone except in accordance with the provisions of this Section and any other relevant Sections of this By-law.

10.1 Rural Zone (RU)

(a) Permitted Uses:

- accessory dwelling,
- agricultural use,
- apartment, accessory
- apiary,
- conservation use,
- farm produce outlet,
- forestry use,
- golf course,
- group home,
- market and nursery gardening,
- riding stable,
- rural home occupation,
- single dwelling,
- sod farming,
- trail system,
- wayside pit or wayside quarry.

(b) Zone Requirements:

- (i) Single Dwelling; Group Home; apartment, accessory

	<u>Metric</u>	<u>Imperial</u>
Lot Area (minimum)	4000 m <sup>2</sup>	(43057 sq.ft)
Lot Frontage (minimum)	45 m	(147.6 ft.)
Yard Requirements (minimum)		
Front	15 m	(49.2 ft.)
Rear	15 m	(49.2 ft.)
Exterior Side	15 m	(49.2 ft.)
Interior Side	6 m	(19.7 ft.)
Building Height (maximum)	10.5 m	(34.5 ft.)
Lot Coverage (maximum)	15%	

Floor Area (minimum)	100 m <sup>2</sup>	(1076.4 sq.ft.)
Dwelling Units per Lot (maximum)	1	
Apartment, accessory, per lot (maximum)	1	

(ii) Other Uses:	<u>Metric</u>	<u>Imperial</u>
Lot Area (minimum)	8 ha	(19.8 acres)
Lot Frontage (minimum)	100 m	(328 ft.)
Yard Requirements (minimum)		
Front	15 m	(49 2 ft)
Rear	15 m	(49 2 ft.)
Exterior Side	15 m	(492 ft.)
Interior Side	6.0 m	(19.6 f t)
Building Height (maximum)	12 m	(39.4 ft)
Lot Coverage (maximum)	25%	
Floor Area per Dwelling Unit (minimum)	55 m <sup>2</sup>	(592 sq.ft.)
Dwelling Units per Lot (maximum)	1	
Accessory Dwelling	1	
Apartment, accessory	1	

(c) Special Exceptions:

(i) RU-1

Notwithstanding the provisions of Section 10.1 to the contrary, on the lands zoned RU-1, a truck maintenance and repair business is permitted.

(ii) RU-2 By-law 08-94

Notwithstanding the provisions of Section 10.1 hereof to the contrary on the land zoned RU-2 a Communications Facility only shall be permitted subject to the following provisions:

Zone Requirements:	Metric	Imperial
Lot Area (minimum)	15.0 m <sup>2</sup>	(161 sq. ft.)
Lot Frontage (minimum)	12.1 m	(40 ft.)
Yard Requirements (minimum)		
Rear and Interior Side	1.5 m	(4.9 ft)

(iii) Rural Zone -Special Exception Three (RU-3)

By-law 09-99

Notwithstanding the Permitted Uses of Section 10.1 (a) to the contrary on the land zoned RU-3, the permitted uses shall be restricted to the following uses:

- agricultural uses
- apiary
- conservation use
- forestry use
- sod farming

Residential uses and uses to which the public has access are prohibited. All other provisions of the "Rural Zone (RU)" will continue to apply to lands zoned RU-3.

- (iv) Rural Zone – Special Exception Four (RU-4) By-law 26-03

Notwithstanding the provisions of Section 10.1(a) hereof to the contrary, on lands zoned "RU-4", (Part Lot 22, Concession VIII, (known as 13845 Gibeault Road, Chesterville)) former Township of Winchester, County of Dundas, a winery is also permitted. A winery is defined as: the use of lands, buildings or structures for the production of wine and wine related products. A winery may also include an accessory retail outlet, a warehouse outlet and warehouse.

- v) Rural Zone - Special Exception Five (RU-5) By-law 03-07

Notwithstanding the provisions of Section 10.1 (a) hereof to the contrary, on lands zoned "RU-5", a single detached dwelling and automotive repair garage shall be permitted subject to the following:

- a) A maximum of eight (8) licenced and/or unlicenced vehicles may be parked outdoors on the subject property (does not include indoor parking).
- b) Hours of operation for the automotive repair garage shall be limited to 7:00 am to 10:00 pm.
- c) Outdoor storage of automotive parts is prohibited.

- vi) Rural - Exception Six (RU-6) By-law 52-2013

Notwithstanding the provisions of Section 10.1 (a) to the contrary, any new residential dwelling or wells are prohibited within 350 metres of the licensed area of the Morewood Quarry.

vii) Rural - Exception Seven (RU-7)

By-law 52-2013

Any new well that is constructed within 350 metres to 500 metres of the licensed area of the Morewood Quarry shall be drilled to a minimum depth of at least 10 metres below the final floor elevation of the adjacent Morewood Quarry, which corresponds to an elevation of 37 metres above sea level.

viii) Rural – Exception Eight (RU-8)

2016-65

Notwithstanding the provisions of subsection 10.1 (a) Rural Zone – Permitted Uses, on lands zoned RU-8, a Transportation Terminal shall also be a permitted use.

~~10.2 Additional Provisions for Rural Zones~~

58-2015

~~(a) Temporary Mobile Homes~~

~~A temporary mobile home as a second dwelling shall only be permitted on an operating farm for a full time employee of the farm or for a retiring farmer provided that such dwelling or mobile home is a minimum of 6 m (19.7 ft.) from such dwelling, and has a minimum floor area of 55 m<sup>2</sup> (592 sq. ft.) and a maximum height of 10.5 m (34.5 ft.). A mobile home used as an accessory dwelling will require the passing of a Temporary Use By-law which will limit the use to a period not exceeding two (2) years at which time further approval shall not exceed two (2) years.~~

SECTION 11

SPECIAL RURAL ZONES

No person shall hereafter use any lands nor erect, alter, enlarge or use any building or structure in a Special Rural Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

11.1 Special Rural, Flood Plain (SRFP)

- (a) Permitted Uses:
  - agriculture
  - marine facility,
  - conservation
  - forestry use
  - open space
  - public use (not buildings)

(b) Zone Requirements:	<u>Metric</u>	<u>Imperial</u>
Yard Requirements (minimum)		
All Yards	15 m	(49.2 ft)

11.2 Special Rural, Pit (SRP)

- (a) Permitted Uses:
  - agriculture
  - conservation use
  - crushing and procession operations
  - forestry use
  - pit

(b) Zone Requirements:	<u>Metric</u>	<u>Imperial</u>
Yard Requirements (minimum)		
All Yards	30 m	(98.4 ft)

(c) Special Exceptions By-law 05-97

- SRP-1 (Part of the West half of Lot 16 Con X)

Notwithstanding the provisions of Sections 3.19 (a) and 11.2 (a) to the contrary on the land zoned (SRP-1) the only Pit which is permitted to operate is one with a Class 'B' License to extract up to 20,000 tonnes per year.

11.3 Special Rural, Quarry Zone (SRQ)

- (a) Permitted Uses:
  - agricultural use
  - conservation use
  - crushing and processing operations
  - forestry use
  - pit
  - quarry

(b) Zone Requirements

Yard Requirements All Yards	<u>Metric</u> 30 m	<u>Imperial</u> (98.4 ft)
--------------------------------	-----------------------	------------------------------

11.4 Special Rural, Wrecking Yard (SRWY)

- (a) Permitted Uses:
  - accessory dwelling,
  - agricultural use,
  - conservation use,
  - forestry use,
  - wrecking yard

(b) Zone Requirements:	<u>Metric</u>	<u>Imperial</u>
Yard Requirements (minimum) All Yards	9 m	(29.5 ft)

11.5 Special Rural, Waste Disposal (SRD)

- (a) Permitted Uses:
  - agricultural use,
  - conservation use,
  - forestry use,
  - waste disposal site.

(b) Zone Requirements:	<u>Metric</u>	<u>Imperial</u>
Yard Requirements (minimum) All Yards	9 m	(29.5 ft)

## 11.6 Special Rural, Wetland (SRW)

### (a) Permitted Uses:

- conservation use,
- forestry use,

### (b) Zone Requirements: None

## 11.7 Special Rural; Wetland Buffer (SRWB)

### (a) Permitted Uses:

- agriculture, not including buildings
- conservation uses
- forestry uses

### (b) Zone Requirements: None

### (c) Special Provisions:

Notwithstanding the provisions of 11.7 (a) to the contrary, a single dwelling as defined by this By-law may be constructed on an existing lot of record, which is located either wholly or partially within the SRWB zone provided that the dwelling and associated accessory buildings and structures, including sewage disposal facilities, are located as far as practical from the Special Rural, Wetland (SRW) zone boundary.

\* NOTE: The SRWB zone boundary shall be considered as having a width of 120 m (394 ft.) from the Wetland (SRW) zone boundary.

## 11.8 Special Rural, Airport (SRA)

### (a) Permitted Uses:

- gliding club or flying club, including accessory recreational uses for club members,
- municipal or similar airport, including accessory uses,
- storage and maintenance facilities for aircraft.

(b) Zoning Requirements	<u>Metric</u>	<u>Imperial</u>
Yard Requirements (minimum) -to any lot line	45 m	(147.6 ft.)

SECTION 12

AGRICULTURAL ZONE

No person shall hereafter use any lands nor erect, alter, enlarge or use any building or structure in an Agricultural Zone except in accordance with the provisions of this Section or of any other relevant Sections of this By-law.

12.1 Agricultural Zone (AG)

(a) Permitted Uses:

- accessory dwelling,
- agricultural use,
- apartment, accessory
- conservation use,
- forestry use,
- rural home occupation,
- single dwelling,
- wayside pit or wayside quarry,
- ~~mobile home as a temporary accessory dwelling for farm-employees or retiring farmer.~~

By-law 02-2015

(b) Zone Requirements:

Metric

Imperial

(i) Single Family Dwelling; Apartment, accessory:

By-law 02-2015

Lot Area (minimum)	<b>4000 m<sup>2</sup></b>	<b>(1 ac.)</b>
Lot Frontage (minimum)	38 m	(125 ft.)
Yard Requirements (minimum)		
Front	15 m	(49.2 ft.)
Rear	10.5 m	(34.4 ft.)
Exterior Side	7.5 m	(24.6 ft.)
Interior Side	3.0 m	(9.8 ft.)
Building Height (maximum)	10.5 m	(34.5 ft.)
Lot Coverage (maximum)	35%	
Floor Area per Dwelling (minimum)	100m <sup>2</sup>	(1,076.4 ft. <sup>2</sup> )
Dwelling Units per Lot (maximum)	1	
Apartment, accessory, per lot (maximum)	1	

(ii) Other Uses:

Metric

Imperial

Lot Area (minimum)	38 ha	(93.89 ac.)
Lot Frontage (minimum)	100 m	(328 ft)

Yard Requirements (minimum)		
Front	15 m	(49.2 ft)
Rear	15 m	(49.2 ft)
Exterior Side	15 m	(49.2 ft)
Interior Side	6 m	(19.6 ft)
Building Height (maximum)	12 m	(39.4 ft)
Lot Coverage (maximum)	20%	<u>By-law 31-07</u>
Dwelling Units per Lot (maximum)		
Accessory Dwelling	1	

(c) Special Exceptions:

(i) AG-1

Notwithstanding any provision of Section 12.1(a) to the contrary, on lands identified as Agricultural Special Exception One (AG-1), the following requirements shall apply:

(i) Permitted Uses:

- communications facility.

(ii) Zoning Requirements:

	<u>Metric</u>	<u>Imperial</u>
Lot Frontage (minimum)	30 m	(98.4 ft.)
Yard Requirements (minimum)		
All Yards	15 m	(49.2 ft.)

(ii) AG-2

By-law 47a-98

Notwithstanding the provisions of Section 12.1 to the contrary, on lands zoned AG-2, a construction business or similar use (of similar size and scale) including the storage of trucks and construction equipment is permitted.

(iii) AG-3

By-law 11-00

Notwithstanding the provisions of Section 12.1 to the contrary, on lands zoned AG-3, the display and sale of farm equipment including the service and repairs of farm equipment is permitted.

(iv) AG-4

Notwithstanding the provisions of Section 12.1 to the contrary, on lands zoned AG-4, a retail store is permitted.

- (v) AG-5  
Notwithstanding the provisions of Section 12.1 to the contrary, on lands zoned AG-5, a multi-residential development containing 4 units is permitted.
- (vi) AG-6  
Notwithstanding the provisions of Section 12.1 to the contrary, on lands zoned AG-6, a commercial printing business is permitted.
- (vii) AG-7  
Notwithstanding the provisions of Section 12.1 to the contrary, on lands zoned AG-7, a furniture store and 4 dwelling units are permitted.
- (viii) AG-8  
Notwithstanding the provisions of Section 12.1 to the contrary, on lands zoned AG-8, a bowling alley and 2 dwelling units are permitted.
- (ix) AG-9  
Notwithstanding the provisions of Section 12.1 to the contrary, on lands zoned AG-9, a truck repair business is permitted.
- (x) AG-10  
Notwithstanding the provisions of Section 12.1 to the contrary, on lands zoned AG-10, a Machinery and equipment rental business is permitted.
- (xi) AG-11  
Notwithstanding the provisions of Section 12.1 to the contrary, on lands zoned AG-11, a radiator shop and automotive service and repair business is permitted.
- (xii) AG-12  
Notwithstanding the provisions of Section 12.1 to the contrary, on lands zoned AG-12, a milk truck business is permitted.
- (xii) AG-13  
Notwithstanding the provisions of Section 12.1 to the contrary, on lands zoned AG-13, a lumber yard including the sale of lumber is permitted.
- (xiv) AG-14 By-law 13-98  
  
Notwithstanding the provisions of Section 12.1 to the contrary, on lands zoned AG-14, a club for the Knights of Columbus is permitted.  
"The upper storey of the existing structure (a club for Knights of Columbus), may be used to accommodate 3 dwelling units subject

to the requirements of Section 5.2 (b) of the By-law relating to zone requirements of the Residential Second Density Zone.”

- (xv) AG-15  
~~Notwithstanding the provisions of Section 12.1 to the contrary, on lands By-law 23-2001 zoned AG-15, a School bus depot including maintenance of buses permitted.~~

Repealed by By-law 23-2001 (August 13, 2001) and replaced with:

Notwithstanding the provisions of Section 12.1 (a) hereof to the contrary, on lands zoned AG-15, (9890 Marionville), the following additional uses are permitted:

- A school bus depot (including the maintenance of buses)
- Automotive repairs
- Truck repairs

No part of the property may be used as a wrecking yard or salvage yard.

- (xvi) AG-16  
Notwithstanding the provisions of Section 12.1 to the contrary, on lands zoned AG-16, an auto body shop including body work and painting is permitted.

- (xvii) AG-17 By-law 33-00, 34-2010  
Notwithstanding the provisions of Section 12.1 to the contrary, on lands zoned AG-17, two single family dwellings are permitted.

- (xviii) AG-18  
Notwithstanding the provisions of Section 12.1 to the contrary, on lands zoned AG-18, the bulk storage and warehousing of dry goods related to the agricultural and food processing industry is permitted subject to the following requirements.

(a) Zone requirements:	<u>Metric</u>	<u>Imperial</u>
Frontage (minimum)	30 m	(98.4 ft.)
Rear yard (minimum)	5 m	(16.4 ft.)

- (xix) AG-19  
Notwithstanding the provisions of Section 12.1 to the contrary, on lands zoned AG-19, a livestock handling

centre is permitted.

(xx) AG-20  
48a-98

By-law

Notwithstanding the provisions of Section 12.1 to the contrary, on land zoned AG-20, an electricians business, or similar use (of similar size and scale) and a gift and cake boutique are permitted.

(xxi) AG-21

Notwithstanding the provisions of Section 12.1 to the contrary, on land zoned AG-21, a carpentry and hairdressing business are permitted.

(xxii) AG-22

Notwithstanding the provisions of Section 12.1 to the contrary, on land zoned AG-22, a restaurant take-out is permitted.

(xxiii) AG-23

Notwithstanding the provisions of Section 12.1 to the contrary, on land zoned AG-23, a lumber yard including the retail of lumber is permitted.

(xxiv) AG-24

Notwithstanding the provisions of Section 12.1 or Section 3.15 hereof to the contrary, on land AG-24, the following provisions shall apply:

(a) Permitted Uses:

- The use of the existing office and retail building for the retail sale of building supplies in bulk;

- The use of the existing storage building for the storage of building supplies in conjunction with the retail outlet.

(b) Zone Requirements:	<u>Metric</u>	<u>Imperial</u>
Lot area (minimum)	1 hectare	(2.5 acres)
Lot frontage (minimum)	94 m	(308.0 ft)
Lot Coverage (maximum)	20%	
Yard Requirements:		
Front (minimum)	30 m	(98.4 ft)
Rear (minimum)	4.7 m	(15.4 ft)
Side (minimum)	9.0 m	(29.5 ft)

(c) Special Provisions:

Parking requirement (minimum) 24 cars

The use of the existing office and storage buildings for a farm equipment sales and service facility. By-law 12-2007

(xxv) AG-25

Notwithstanding the provisions of Section 12.1 hereof to the contrary, on the land zoned AG-25 the following provisions shall apply:

(a) Permitted Use:

-Secondhand shop

(b) Zone Requirements:

	<u>Metric</u>	<u>Imperial</u>
Lot Area (minimum)	0.76 ha	(1.9 acres)
Lot Frontage (minimum)	91.0 m	(289 ft)
Lot Coverage (maximum)	10%	
Front Yard (minimum)	27 m	(88.6 ft)
Rear Yard (minimum)	18 m	(59.1 ft)
Side Yard (minimum)	7.3 m	(23.9 ft)

(xxvi) AG-26

By-law 50-98

Notwithstanding the provisions of Section 12.1 to the contrary, on land zoned AG-26, a machinery repair, general repair, office and equipment repair business is permitted.

(xxvii) AG-27

By-law 14-2001

Notwithstanding the provisions of Section 12.1 (a) hereof to the contrary, on lands zoned AG-27, (1567 County Road #31), the following additional uses are permitted: agricultural/garden tours, an assembly banquet hall, a ~~small scale~~ catering business, restaurant, and a vacation farm. Open air activities such as rodeos, country music jamborees, tractor pulls, car rallies, or similar uses shall not be permitted. ~~A restaurant is not permitted.~~

2018-02

(a) For the purposes of this by-law amendment, a Vacation Farm shall mean a farm or specialized farm which offers to the general public temporary living accommodations within the main building and/or camping facilities for less than six trailers, motor homes, campers or tents and has facilities for serving meals indoors to larger groups and which provides limited cultural and ~~educational facilities oriented to the farm activity~~ educational facilities oriented to farming activity.

(xxviii) AG-28

By-law12-2001

Notwithstanding the provisions of Section 12.1 hereof to the contrary on the land zoned AG-28 (Hogaboam Road), Agricultural Use and a Communications Facility shall be permitted subject to the following provisions:

<u>Zone Requirements</u>	<u>Metric</u>
Lot Area (minimum)	1.6 ha
Lot Frontage (minimum)	9.0 m
Yard Requirements (minimum) (for Buildings and the Main Tower)	
All Yards	15.0 m

(xxix) Agricultural - Special Exception Twenty-Nine (AG-29)

28-2004

Notwithstanding the provisions of Section 12.1(a) hereof to the contrary, on lands zoned AG-29, (13330 Dagenais Road), the following requirements shall apply:

a) Permitted Uses:

- aquaculture,
- agricultural use,
- conservation use,
- rural home occupation,
- single dwelling,
- wayside pit,
- accessory uses provided such uses are incidental to a permitted use.

For the purposes of this by-law amendment, aquaculture shall mean land and ponds devoted to the hatching, raising and breeding of fish or other aquatic plants or animals for sale and personal use. Aquaculture is the farming of fish (fish farm).

b) Zone Requirements:

Lot Area (minimum)	11.9
ha Lot Frontage (minimum)	100 m
Yard Requirements (minimum)	
Front	15 m
Rear	15 m
Interior Side	6 m
Exterior Side	15 m
Building Height	6 m
Lot Coverage	1 %

Dwelling Units (maximum) 1  
Agriculture - Special Exception Twenty - Nine - Temporary Use  
(AG-29-T) By-law 36-2004

Notwithstanding the provisions of subsection 12.1 (c)(xxix)(a) to the contrary, on lands zoned AG-29-T (13330 Dagenais Road), (Roll#0511-016-011-47100-000), a Garden Suite shall be permitted as a temporary use.

xxx) Agricultural Zone - Special Exception Thirty (AG- 30) By-law 32-2007

Notwithstanding the provisions of Section 12.1 (a) hereof to the contrary, on lands zoned "AG-30", the following provisions shall apply:

- (a) Permitted Uses:
- Single detached dwelling,
  - Rural home occupation
  - Garden centre
  - Greenhouses

A Garden Centre is defined as: the use of lands, buildings and structures or part thereof for the purpose of buying or selling lawn and garden equipment, furnishings and supplies.

(b) Zone Requirements:	<u>Metric</u>	<u>Imperial</u>
Lot Area (minimum)	1.0 ha	(2.5 acres)
Lot Frontage (minimum)	75 m	(246 ft)
Lot Coverage (maximum)	20%	
Front Yard (minimum)	15 m	(49.2 ft)
Rear Yard (minimum)	15 m	(49.2 ft)
Side Yard (minimum)	6 m	(19.7 ft)

(xxxi) Agricultural Zone - Special Exception Thirty One (AG-31) By-law 14-2009

Notwithstanding the provisions of Section 12.1(a) hereof to the contrary, on lands zoned "AG-31", the following additional provisions shall apply:

- (a) Permitted Uses:
- Agricultural Use (specialty farm)
  - Apiary
  - Conservation Use
  - Farm Produce Outlet
  - Market and Nursery Gardening

- Single Detached Dwelling
- Retail Store for the Sale of Organic Foods & Holistic Products
- Rural Home Occupation
- Professional Office in an Accessory Building

(b) Zone Requirements	<u>Metric</u>	<u>Imperial</u>
Lot Area (minimum)	11.18 ha	(27.63 ac)
Lot Frontage (minimum)	100 m	(328 ft)
Yard Requirements (minimum)		
Front	15 m	(49.2 ft)
Rear	15 m	(49.2 ft)
Exterior Side	15 m	(49.2 ft)
Interior Side	6 m	(19.6 ft)
Building Height (maximum)	12 m	(39.4 ft)
Lot Coverage (maximum)	20%	

The minimum front yard setback (setback from Stevens Road Allowance) for the Farm Produce Outlet shall be reduced to 14.38 metres (47.2 feet).

(xxxii) Agricultural Zone - Special Exception Thirty Two (AG-32)

By-law 35-2010

Notwithstanding the provisions of Section 12.1 hereof to the contrary, on lands zoned "AG-32", two (2) single detached dwellings are permitted subject to the following:

- (a) Zone Requirements:  
Minimum Lot Frontage: 7.62 metres (25 feet)
- (b) Notwithstanding the provisions of Section 3.1 to the contrary, the total coverage of all accessory buildings and structures to the two residential dwellings may not exceed 1,105 square metres (11,891 square feet). Accessory buildings and structures must remain accessory to the main residential uses of the land zoned AG-32, and may not be used for livestock or commercial/industrial purposes.

(xxxiii) Agricultural Zone - Special Exception Thirty Three (AG-33)

By-law 24-2011

Notwithstanding the provisions of Section 12.1 hereof to the contrary, on lands zoned "AG-33", a fenced vehicle compound yard (comprised of 100 feet by 150 feet) is permitted in the northeast corner of the property.

(xxxiv) Agricultural Zone - Special Exception Thirty Four (AG-34)

By-law 24-2013



(xxxvii) Agricultural Zone – Special Exception Thirty Seven (AG-37)

By-law 56-2013

Notwithstanding the provisions of Section 12.1 hereof to the contrary, on lands zoned “AG-37”, no more than one dwelling unit is permitted and the following uses shall not be permitted:

- a) Accessory Dwelling
- b) Mobile Homes as a temporary accessory dwelling for farm employees or retiring farmers

(xxxviii) Agricultural Zone – Special Exception Thirty Eight (AG-38)

By-law 56-2013

2017-03

~~Notwithstanding the provisions of Section 12.1 hereof to the contrary, on lands zoned “AG-38”, a fertilizer plant is also permitted.~~

(xxxix) Agricultural Zone – Special Exception Thirty-Nine (AG-39)

By-law 2016-54

Notwithstanding the provisions of Section 12.1 (b) (ii) hereof to the contrary, on lands zoned “AG-39,” the Lot Area (minimum) shall be 32 ha.

2018-04

(xl) Agricultural Zone – Special Exception Forty (AG-40)

Notwithstanding the provisions of Section 12.1 the following provisions shall apply:

Additional Permitted Uses

- a) Custom Workshop
- b) Accessory Office

Setbacks

All Yards                      15 m

(d) Temporary Uses:

(i) AG-T1 (E 1/2 Lot 21, Concession 7)

By-law 27-00

Notwithstanding the provisions of subsection 12.1 (a) and subsection 12.1 (b) Floor Area per Dwelling (minimum) to the contrary, on lands zoned AG-T1 (part of roll #016-007-55000), a mobile home shall be permitted as a temporary use.

(ii) AG-T2

Notwithstanding the provisions of subsection 3.19 Separation Distances, and subsections 12.1 (a) and (b) Agricultural Zone to the contrary, on lands zoned AG-T2 (13586 Country Road 430, (Roll# 0511-016-001-74700), a Garden Suite shall be permitted as a temporary use and may be located closer than the Minimum Distance Separation from an existing livestock facility.

As per section 39.1 (1) of the Planning Act, the owners shall enter into an agreement with the municipality dealing with:

- a) The installation, maintenance and removal of the garden suite;
- b) The period of occupancy of the garden suite by any of the persons named in the agreement, and;
- c) The monetary or other form of security that the council may require for actual or potential costs to the municipality related to the garden suite.

(iii) Agricultural – Temporary Use Three (AG-T3) By-law No. 2019-51

Notwithstanding the provisions of subsection 12.1 to the contrary, on lands zoned AG-T3 (part of 12046 County Road 3, Roll# 0511-016-005-96500), a temporary tarp structure for the construction and storage of building panels shall be allowed as a permitted temporary use. The following provisions shall apply:

(a) Zone Provisions

No structure shall be constructed or erected less than the minimum required setback as set out in the Ontario Building Code.

## APPENDIX 'A'

### METRIC CONVERSION TABLE TOWNSHIP OF WINCHESTER ZONING BY-LAW

1.	<u>LINEAR MEASUREMENTS</u>		2.	<u>AREA MEASUREMENTS</u>	
	<u>Metric</u>	<u>Imperial</u>		<u>Metric</u>	<u>Imperial</u>
	metre	feet		square metres	square
	.6	1.97		.15	1.62
	.75	2.46		.3	3.23
	1.0	3.28		10.0	107.64
	1.2	3.94		20.0	215.28
	1.5	4.92		25.0	269.10
	2.0	6.56		35.0	376.74
	2.5	8.20		37.0	398.26
	3.0	9.84		40.0	430.56
	3.5	11.48		42.0	452.08
	4.5	14.76		45.0	484.38
	6.0	19.68		46.0	495.14
	7.5	24.61		50.0	538.20
	9.0	29.52		55.0	592.02
	10.0	32.81		60.0	645.83
	10.5	34.45		65.0	699.65
	12.0	39.37		70.0	753.47
	13.0	42.65		75.0	807.29
	14.0	45.93		95.0	1022.57
	15.0	49.21		130.0	1399.31
	18.0	59.06		200.0	2152.78
	24.0	78.74		220.0	2368.06
	25.0	82.02		240.0	2583.34
	30.0	98.43		260.0	2798.62
	36.0	118.11		465.0	5005.22
	40.0	131.23		540.0	5812.51
	45.0	147.64		720.0	7750.02
	150.0	492.13		1000.0	10763.9
				1500.0	16145.87
				2000.0	21527.83
				4000.0	43055.66
				.4 ha	1 acre
				.8 ha	1.97 acres
				1.0 ha	2.47 acres
				20 ha	49.41 acres

3. VOLUME MEASUREMENT APPENDIX 'A'

<u>Metric</u>	<u>Imperial/US</u>
1 litre	0.22 gal (Imp) 0.26 gal (US)
4.55 litres	1.0 gal (Imp)
3.97 litres	1.0 gal (US)

## APPENDIX 'B'

### PENALTIES UNDER SECTION 67 OF THE PLANNING ACT, RSO 1990

#### PENALTIES FOR CONTRAVENTION OF THIS BY-LAW PURSUANT TO SECTION 67 OF THE PLANNING ACT, RSO 1990

- Penalty                      67-(1) Every person who contravenes Sections 41, 46, or 52, or who contravenes a By-law passed under Sections 34 or 38, or an order made under Section 47, is guilty of an offence and on conviction is liable;
- (a) on a first conviction, to a fine of not more than \$ 25,000; and
  - (b) on a subsequent conviction, to a fine of not more than \$10,000 for each day or part thereof upon which the contravention has continued after the day on which he was first convicted.
- Corporation                (2) Where a Corporation is convicted under Subsection (1), the maximum penalty that may be imposed is:
- (a) on a first conviction, a fine of not more than \$ 50,000; and
  - (b) on a subsequent conviction, a fine of not more than \$ 25,000 for each day or part thereof upon which the contravention has continued after the day on which the Corporation was first convicted;
- and not as provided in Subsection (1).
- Order of Prohibition      (3) Where a conviction is entered under Subsection (1), in addition to any other remedy or any penalty provided by law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the

person convicted. RSO 1990, c.P13, s.67