



The Corporation of the Township of Hamilton

By-law Number 2001-58

Comprehensive Zoning By-law

COMPREHENSIVE ZONING BY-LAW 2001-58 – October 16, 2001

Consolidated to October 31, 2025

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Section 1 - Purpose

This comprehensive Zoning By-law is intended to prohibit the use of land and the erection or use of buildings or structures for or except for such purposes as set down in this by-law; to prohibit the erection or use of buildings on land which is subject to flooding, or on land by reason of its rocky, marshy or unstable character the cost of construction of satisfactory waterworks, sewage, or drainage facilities is prohibitive; to regulate the height, bulk, location, size, floor area, spacing, character and use of buildings or structures; to regulate the minimum frontage and depth of a parcel of land and the portion of the area thereof that any building or structure may occupy; to require loading and parking facilities for buildings or structures erected or used for certain purposes; to prohibit the making or establishment of pits and quarries within defined areas and to regulate the making or establishment of pits and quarries within defined areas of the Township of Hamilton.

Section 2 - Title

This By-law shall be cited as "Zoning By-law No. 2001-58" and shall apply to all land included within the Township of Hamilton save and except for those lands included within the Oak Ridges Moraine as shown on the attached Schedules.

Any By-Law of the Township of Hamilton which is inconsistent with the provisions of this By-Law is hereby repealed.

Read a first time this 16th day of October 2001.

Read a second time this 16th day of October 2001.

Read a third time and finally passed this 16th day of October 2001.

Original Signed by:
Fred Holloway, Reeve

Original Signed by:
Peggy Cramp, Administrator

I hereby certify that the following is a true copy of By-law No. 2001-58 as enacted by the Council of the Corporation of the Township of Hamilton.

16th day of October 2001.
Clerk, Township of Hamilton

Section 3A - General Definitions

This Section contains terms and definitions which shall apply throughout the defined area of this By-law. Section 3B contains additional terms and definitions which shall apply within the area designated 'Oak Ridges Moraine Conservation Plan Area' on the Maps comprising Schedules "A" and "M". Where there is any conflict between the definitions in Section 3B and those in Section 3A, as they apply to the area designated "Oak Ridges Moraine Conservation Plan Area" on the Maps comprising a part of this By-law, the definitions in Section 3B shall prevail.

For the purposes of this By-law, the definitions and interpretations in this Section shall govern unless the context indicates otherwise. The word "shall" is mandatory and not directory. Words used in the present tense include the future tense and the reverse. Words used in the plural number include the singular number and the reverse.

"Abattoir" shall mean a slaughter-house designed for the purpose of killing animals, skinning, dressing and cutting up of carcass, wrapping for sale for human consumption with cooler and freezer storage and may include indoor confinement of animals while awaiting slaughter but shall not include the manufacturing of meat by-products or any process related to rendering plants such as the manufacture of tallow, grease, glue, fertilizer, or any other inedible product.

"Accessory" shall mean a use which is clearly incidental to, and is customarily found in connection with, such principal use; and, in the same ownership as such principal use, or is operated and maintained on the same zoning lot substantially for the benefit or convenience of the owners, occupants, employees, customers, or visitors of the principal use.

"Additional Residential Unit" shall mean a self-contained residential unit containing a private kitchen, bathroom facilities and sleeping areas within dwellings or within structures (such as above a garage or within a detached accessory structure), accessory to the principal residential dwelling and located on the same lot.

"Adjacent Lands (Wetland)" shall mean those lands within 120 metres (393.7 feet) of an individual Environmental Protection Wetland Zone.

"Aggregate" shall mean gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other prescribed material.

"Agriculture/Agricultural Use" shall mean the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising or other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and housing for farm workers, when the size and nature of the operation requires additional employment."

"Agriculture-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.

"Agriculture, Intensive" shall mean lands which are used for the purposes of accommodating livestock which either exceed 150 livestock units or exceed 50 livestock units with a livestock density of greater than 5 livestock units per tillable hectare.

"Agricultural Produce Sales Outlet" shall mean a use accessory to a farm which consists of the retail sale of agricultural products produced on the farm where such outlet is located.

“Alter” shall mean any alteration in a bearing wall or partition, column, beam, girder or other supporting member of a building or structure or any increase in the area or cubic contents of a building or structure.

“Assembly Operation” shall mean the assembling of finished parts or materials into a final product but shall not include any large scale manufacturing operation or any operation discharging large amounts of liquids.

“Auction Outlet” shall mean a building or part of a building where goods, merchandise, substances, articles or things are sold at a public sale to the person who bids or offers a higher price than any other is willing to pay.

“Automobile” shall mean any vehicle propelled or driven otherwise than by muscular power, but does not include railway cars powered by steam, electricity or diesel fuel or other vehicles running upon rails.

“Automobile Body Shop” shall mean a building or structure where automotive cleaning, polishing, body repair and repainting is conducted but shall not include any other automotive use.

“Automobile Sales Agency (New or Used)” shall mean a building and/or lot used for the display and sale of new and used automobiles and may include the servicing, repair and repainting of automobiles, the leasing or renting of utility or boat trailers and automobiles and the sale of automotive accessories and related products but shall not include any other defined automotive use.

“Automobile Service Station” shall mean a building or place where gasoline, propane, natural gas, diesel, oil, grease, anti-freeze, tires, tubes, tire accessories, spark plugs, batteries and other related items for automobiles, trucks, motorcycles, and snowmobiles are stored or kept for sale, or where such vehicles may be oiled, greased, washed or have their ignitions or brakes adjusted, tires inflated, batteries charged or more generally where repair or equipping of motor vehicles is executed or performed. An automobile service station may operate on a self-serve basis.

“Basement” shall mean one or more storeys of a building below the first storey that is partially below grade.

“Bed and Breakfast Establishment” shall mean a single detached dwelling containing not more than 3 guest rooms used or maintained for the short-term accommodation of the public, in which the owner or head lessee supplies, for hire or gain, lodgings with or without meals for 3 or more persons but does not include other establishments otherwise defined or classified herein.

“Boarding or Rooming House” shall mean a dwelling in which long-term lodging with or without meals is supplied for gain to three (3) or more persons other than the lessee, tenant or owner of said dwelling, but does not mean or include a motel, hotel, hospital or similar commercial, community facility or institutional use, an apartment building or a bed and breakfast establishment.

“Building” as defined in [The Building Code Act](#), as amended shall mean in part:

- a) A structure occupying an area greater than ten (10) square metres (108 square feet) consisting of a wall, roof and floor or any of them or a structural system serving the function thereof including all plumbing, works, fixtures and service systems appurtenant thereto;
- b) Other structures designated in the Building Code.

“Building, Accessory” shall mean a detached, subordinate building or structure that is naturally and normally incidental and subordinate to a principal use of a building or

structure and is located on the same lot, and shall include a detached private garage, detached carport, or boat house.

“Building Height” shall mean the vertical distance between the established grade and (see [Appendix ‘B’](#)):

- a) The highest point of a flat roof;
- b) The deck line of a mansard or gambrel roof; or
- c) The mean height between the eaves and ridges of a gable or hip roof. But exclusive of a roof or penthouse structure accommodating an elevator, staircase, tank, ventilating fan or other similar equipment; a smoke stack; barn; silo; communications tower; drive-in theatre screen; or other utilitarian structure which does not provide habitable living space.

“Building Line, Established” shall mean the average setback of the existing buildings. An established building line is defined as when at least three principal buildings have been erected on any one side of a continuous 300 metres (984.3 feet) of land with street frontage.

“Building, Supply Outlet” shall mean an establishment where building supplies including lumber, millwork, siding, roofing, plumbing, electrical, heating, air conditioning and similar items are displayed, stored and/or sold.

“Building, Principal” shall mean a building or structure in which the primary use is conducted.

“Bulk Storage Yard” shall mean a place where land is used for the storage in the open of goods and materials, machinery, petroleum products and/or equipment, but does not include the storage of such items as would require approval under [The Public Health Act](#), as amended, nor does it include a salvage yard as defined by this By-law.

“Bunkhouse” shall mean a separate building without sanitary sewage facilities used or intended to be used for the seasonal accommodation of workers on a farm, in which lodging with or without meals is supplied or is intended to be supplied to such employees, and which use is not for profit, reward or gain.

“Business Office” shall mean any building or part of a building in which one or more persons are employed in the management or direction of any agency, business, brokerage, labour or fraternal organization and shall include a newspaper plant, radio and television broadcasting studio, a theatre and a union hall.

“By-law Enforcement Officer” shall mean the officer or employee of the Township of Hamilton appointed by the Corporation with the duty of enforcing the provisions of the Zoning By-law.

“Carport” shall mean a building or structure that has less than 60% of its total perimeter enclosed by walls, doors or windows which is used for the parking or storage of private passenger motor vehicles or commercial vehicles of less than one tonne capacity and wherein neither servicing nor repairing of motor vehicles is carried on for remuneration.

“Car Wash” shall mean a building or structure for the operation of automobile washing.

“Car Wash, Automatic” shall mean a car wash where the labour is not supplied by the patron.

“Car Wash, Coin Operated” shall mean a car wash where the patron supplies the labour.

“Cartage or Express Truck Terminal” shall mean a building, structure or place where trucks or tractor trailers are rented, leased, kept for hire, or stored or parked for remuneration, or from which trucks or transports, stored or parked on the property, are dispatched for hire as common carriers, and which may include a warehouse.

“Certificate of Occupancy” shall mean a certificate issued by the Chief Building Official (or designate) for the occupancy of any land, building or structure, residential, commercial or industrial purposes to the effect that the proposed use or activity complies with this By-law.

“Chief Building Official” shall mean the officer or employee of the Township of Hamilton appointed by the Corporation with the duty of administering the provisions of the Ontario Building Code, Building By-law and Zoning By-law.

“Cemetery” shall mean a cemetery or columbarium within the meaning of [The Cemetery Act](#), as amended.

“Church” means a building which may include a Church Hall, Auditorium, Sunday School, Convent, Monastery or other related uses and places of Worship, dedicated to public worship by a recognized religion that is:

- a) Charitable according to the laws of Ontario;
- b) Organized for the conduct of religious worship; and
- c) Permanently established both as to the continuity of its existence and as to its religious beliefs and practices.

“Clinic” shall mean a building or part thereof used by qualified medical practitioners, dentists, osteopaths, or drugless practitioners, numbering more than two for public or private medical, surgical, physiotherapeutic or other human health purposes, but does not include a private or public hospital.

“Club, Commercial” shall mean any club other than a private club. This may include a social, recreational or athletic facility or any other organization.

“Club, Private” shall mean a building or part of a building used as a meeting place for members of an organization and includes a lodge, a fraternity, and a labour union hall. Such private clubs shall not be operated for profit.

“Commercial” shall mean the use of land, buildings or structures for the purposes of buying and selling commodities and supplying services as distinguished from such uses as the manufacturing or assembling of goods, warehousing, transport terminals, construction and other similar uses.

“Conservation/Conservation Uses” shall mean the preservation, protection, improvement and use of land and/or water for the purposes of planned management of these natural resources.

“Community Centre” shall mean any tract of land, building or buildings used for community activities whether used for commercial purposes or not, the control of which is operated under [The Community Centres Act](#), as amended from time to time.

“Contractor’s Yard” shall mean any building, structure or lot used for the storage in the open, of goods and materials, machinery and/or equipment normally utilized by the construction industry and may include the repair of machinery, but does not include any manufacturing assembly or fabrication uses or the storage of such items as would require approval under [The Health Promotion and Protection Act](#), as amended. Nor does it include a salvage yard as defined by this By-law.

“Cord of wood” (By-law 2016-46) shall mean a neatly stacked pile of wood that measures four feet high by four feet wide by eight feet long (4 feet x 4 feet x 8 feet) and has a volume of 128 cubic feet. (1.2 metres x 1.2 metres x 2.4 metres = 3.62 cubic metres by volume).

“Corporation” shall mean the Corporation of the Township of Hamilton.

“Council” shall mean the Municipal Council of the Corporation of the Township of Hamilton.

“County Road” shall mean a highway as defined in the [Highway Traffic Act](#), as amended that is under the jurisdiction of the County of Northumberland; (By-law 2008-26)

“Craft Shop” shall mean a building or structure where manufacturing is performed by tradesmen or craftsmen requiring manual or mechanical skills and may include a carpenter's shop, a locksmith's shop, a gunsmith's shop, a tinsmith's shop, a potter's shop, a jeweller's shop, sculptor's studio or similar uses. A craft shop may also involve the sale of goods or materials manufactured on the premises.

“Crawl Space” means the space of a building below the first storey that is partially below grade with a clearance height less than 1.8 metres (6 feet).

“Day Nursery” means a facility operated for pre-school age children within the meaning of [The Day Nurseries Act](#), as amended, and shall include a daycare centre or nursery school.

“Designated Structures” shall mean any of the following:

- a) A retaining wall exceeding 1 metre (3 feet 3.5 inches) in exposed height adjacent to:
 - i. Public property;
 - ii. Access to a building; or
 - iii. Private property to which the public is admitted.
- b) A pedestrian bridge appurtenant to a building;
- c) A crane runway;
- d) An exterior storage tank and its supporting structure that is not regulated by the *Technical Standards and Safety Act, 2000*;
- e) Signs regulated by the building code;
- f) A solar collector that is mounted on a building and has a face area equal to or greater than 5 square metres (54 square feet);
- g) A structure that supports a wind turbine generator having a rated output of more than 3 kW;
- h) A dish antenna that is mounted on a building and has a face area equal to or greater than 5 square metres (54 square feet);
- i) An outdoor pool;
- j) An outdoor public spa; and/or

- k) A permanent solid nutrient storage facility with supporting walls exceeding 1 metre (3 feet 3.5 inches) in exposed height.

“Development” shall mean the construction, erection, or placing of a building or structure of any kind or the making of an addition or alteration to a building or structure that has the effect of increasing the size or usability thereof, and includes such related activities as site grading and the placing or dumping of fill and/or any other operations that disrupt the natural environment in, on, over or under land or water.

“Dry Cleaning Shop” shall mean a building or part of a building used for the purpose of receiving articles or goods of fabric to be subjected to a commercial process of laundering, dry cleaning, dry dyeing or cleaning elsewhere and for the pressing and distribution of any such articles or goods which have been subjected to any such process and shall include self-service laundry and/or self-service dry cleaning establishments.

“Driveway” shall mean an area of land which provides vehicular access from the travelled portion of a street to a parking aisle.

“Dry Industry” shall mean an industry which does not require the excessive use of water or other fluids in an industrial process.

“Duplex” shall mean a building that is divided horizontally into two dwelling units, each of which has an independent entrance either directly or through a common vestibule.

“Dwelling” shall mean a building or structure or part of a building or structure occupied and capable of being occupied for human habitation and includes a building that would be or could be intended to be used for such purpose except for its state of disrepair and shall include any mobile home dwelling.

“Dwelling, Accessory” shall mean a single detached dwelling which is accessory to a permitted non-residential use, located on the same lot therein and is occupied by either the owner or the person employed on the lot where such dwelling is located.

“Dwelling Unit” shall mean a suite of two or more rooms, designed or intended for use by one or more persons, in which sanitary conveniences are provided, in which facilities are provided for cooking, or the installation of cooking equipment, in which a heating system is provided and containing a private entrance from outside the building or from a common hall or stairway inside.

“Dwelling, Multiple” shall mean a separate building containing three or more dwelling units which are horizontally and vertically attached with masonry walls and which have separate private entrances from the exterior of the building or from a common hallway.

“Dwelling, Senior Citizen Multiple” shall mean any multiple dwelling for senior citizen's sponsored and administered by any public agency or any service club, church or non-profit organization, either of which obtains its financing from Federal, Provincial or Municipal governments, or by public subscription or donation, or by any combination thereof, and such multiple dwellings shall include auxiliary uses such as club and lounge facilities, usually associated with senior citizen's development.

“Dwelling, Seasonal” shall mean a detached building constructed and used as a secondary place of residence for seasonal vacations and recreational purposes and not as the principal residence of the owner or occupant thereof.

“Dwelling, Semi-Detached” shall mean a separate building containing two single family dwelling units separated vertically by a common wall, each unit having separate entrance and exit facilities.

“Dwelling, Single Detached” shall mean a separate building designed and intended to be occupied as a single housekeeping unit.

“Environmental Impact Study (EIS)” shall mean a study prepared in accordance with established procedures to identify and assess the impacts of Development on Provincially Significant Wetlands.

“Erect” when used in this By-law includes construction, reconstruction, and relocation of buildings and structures, and without limiting the generality of the work, also includes:

- a) Any preliminary physical operation such as excavating, filling, regrading or draining; or
- b) Altering any existing building or structure by adding, enlarging, extending, remodeling, renovating, moving, demolishing, or effecting other structural changes.

“Established Grade” shall mean the average level of the finished ground adjoining a building at all exterior walls.

“Existing” unless otherwise described shall mean existing as of the date of the passing of this By-law.

“Farm” shall mean any farming or agricultural use and includes apiaries, aviaries, berry or bush crops, breeding, raising, training or boarding of horses or cattle, commercial greenhouses, farms devoted to the hatching, raising and marketing of chickens, turkeys or other fowl or game birds, animals, fish or frogs, farms for grazing, flower gardening, field crops, goat or cattle dairies, growing, raising, picking, treating and storing of vegetables or fruit produced on the premises, nurseries, orchards, riding stables, the raising of sheep or uses or enterprises as are customarily carried on in the field of general agriculture not including a specialized farm as defined. Farm includes a single-family dwelling house, and such principle or main buildings and structures as a barn or silo, as well as accessory buildings and structures which are incidental to the operation of the farm.

“Farm Implement Dealer” shall mean an establishment for the repair and/or sale of agricultural implements including the sale of fuel, lubricants and related items for agricultural equipment on the same premises.

“Farm Produce Outlet” shall mean a use accessory to a permitted farm which consists of a retail sale of agricultural products.

“Farm Supply Dealer” shall mean a building, structure or area where farm equipment and farm supplies are kept for sale at retail but shall not include any other establishment otherwise defined or classified herein.

“Factory Outlet” shall mean a building or part of a building where products are manufactured and/or assembled on the premises by the industry occupying such building and from which such products may be retailed and/or wholesaled as an accessory use provided that the retail and/or wholesale operation does not exceed 15% of the gross floor area of the building or portion thereof within which the industrial use is located.

“Fire Wood Processing Operation” (By-law 2016-46):

A fire wood processing operation is defined as an establishment that processes and stores timber for firewood, for personal use and/or sale of the value-added product from lands that are within the Official Plan Agriculture or Rural designations of the Township. The operations are further defined as follows:

- a) Medium Scale: This operation may process up to 4 loads (60 cords of final product) of imported wood per calendar year for personal use and/or sales of the value-added product of up to 50 cords of wood per calendar year. The subject lots shall be within Official Plan Agriculture or Rural designations of the Township and enjoy a minimum of 2.02 ha (5 ac) of land area. Additional General Provisions will also apply.
- b) Large Scale: This operation may process unlimited loads of imported wood per calendar year, for personal use and/or sales of the value-added product. The subject lots shall be within Official Plan Agriculture or Rural designations of the Township and enjoy a minimum of 10.17 ha (25 ac) of land area. Additional General Provisions will also apply.

“Flood Plain” shall mean the area, usually low lands, adjoining a watercourse which has been, or may be, covered by flood waters as determined in conjunction with the Ganaraska Region Conservation Authority.

“Floor Area, Gross” shall mean the total floor area of all the storeys of a building and shall include the floor area of any apartment or areas common to the tenants, which floor areas are measured between exterior faces of the exterior walls of the building at each floor level but excluding car parking areas within the building and any finished or unfinished basement. For purposes of this definition, the walls of an inner court are and shall be deemed to be exterior walls.

“Floor Area, Ground” shall mean the floor area of the lowest storey of a building, approximately at or first above the finished grade level, of which the area is measured between the exterior faces of the exterior walls at the floor level of such storey but excludes car parking areas within the building and any finished or unfinished basement. For purposes of this paragraph, the walls of an inner court are and shall be deemed to be exterior walls.

“Forestry/Forestry Uses” shall mean the management, development, cultivation and harvesting of timber resources to ensure the continuous production of wood or wood products, provision of proper environmental conditions for wildlife, protection against floods and erosion, protection and production of water supplies, and preservation of the recreation resource

“Funeral Home” shall mean a building, or a portion of a building, designed for the purposes of furnishing funeral supplies and services to the public and includes facilities intended for the preparation of the dead human body for interment or cremation.

“Garage, Commercial” shall mean a building, lot or structure where commercial motor vehicles are stored or where vehicles are repaired or maintained.

“Garage, Private” shall mean a separate building or a part of the principal building used for the parking or storage of private passenger motor vehicles or commercial vehicles of less than one tonne capacity and wherein neither servicing nor repairing is carried on for remuneration.

“Garden Suite” shall mean a manufactured detached dwelling consisting of separate modular or panelized sections which are designed to permit easy delivery to and assembly into one integral unit on a specific site, and which are reusable and designed to permit easy disassembly for transport back to the factory or to another site at an appropriate time. A garden suite is intended for the sole occupancy of one or two adult persons specifically named within a site plan agreement between the registered property owner and the Township of Hamilton. Under no circumstances shall a garden suite be defined to include a single wide or double wide mobile home, a travel trailer, tent trailer or trailer otherwise designed.

“Gift Shop” shall mean a building or part of a building where crafts, souvenirs, gifts or similar items are offered or kept for sale at retail to the general public but shall not include any other establishment otherwise defined or classified in this By-law.

“Golf Course” shall mean a public or private area operated for purposes of playing golf and includes a par 3 or larger golf course, a miniature golf course and driving range.

“Greenhouse” shall mean a building for the growing of plants, shrubs, trees and similar vegetation which are primarily intended to be transplanted outdoors within private residential gardens and/or agricultural/farm settings.

“Group Home” shall mean a dwelling unit in which not less than three and no more than six people receive specialized or sheltered residential care and accommodation by virtue of their physical, mental, emotional, social or legal status and which is approved or licensed in accordance with any Act of the Parliament of Ontario. Without limiting the generality of the foregoing, group homes include a home for foster children, a home for elderly persons, a home for mentally ill or handicapped or physically disabled persons and a home for people who are convalescing after hospital treatment and are under medical supervision but does not include a facility maintained and operated primarily for persons:

- a) Who have been placed on probation under *The Probation Act*, *The Criminal Code (Canada)* or *The Juvenile Delinquent Act (Canada)*;
- b) Who have been released on parole under *The Ministry of Correctional Services Act*; *The Parole Act (Canada)* or *The Provincial Offenses Act*; or
- c) Who are admitted to the institution for correctional purposes.

“Health Spa” shall mean a building or buildings and associated land, facilities and accessory buildings and uses which provide for the physical and emotional treatment of the human body.

“Hereafter” shall mean after the date of the passing of this By-law.

“Herein” shall mean in this By-law and shall not be limited to any particular section of this By-law.

“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, whereby the action has been so common and usual and so long continued that it has created a difference between the character of the vegetation and soil on one side of the mark compared to the other side of the mark.

“Highway” shall mean a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct, or trestle, or any part of which is intended for or used by the public for the passage of vehicles and includes the area between the lateral property lines thereof as defined in [The Highway Traffic Act](#). (By-law 2008-26)

“Home Industry” shall mean an industry which is clearly incidental or secondary to the residential use of a single detached dwelling and is conducted either entirely within a single dwelling or in an accessory building to a single dwelling, by an inhabitant thereof. Such industries may include but are not limited to: a veterinary hospital or clinic; woodworking; welding; plumbing; a machine shop, a small engine repair shop, a craft shop, repair and service shops, mechanic, light manufacturing including farm equipment fabrication or similar use. It may also include retail sales associated with the above uses.

“Home Occupation” shall mean a use which is clearly incidental or secondary to the residential use of a dwelling and is conducted entirely within such a dwelling by an

inhabitant thereof and shall not use more than 25% of the gross floor area of the dwelling. Such occupations may include but are not limited to: an administrative office or office for a real estate agent; hairdresser; dressmaker; dentist; doctor; chiropractor; physiotherapist; licensed masseur or masseuse or osteopath or other professional and day nurseries; or a bed and breakfast establishment.

“Hospital” whether public or private shall mean a hospital as defined by [The Public Hospitals Act](#), as amended.

“Hotel” shall mean a building or structure used for the purposes of catering to the needs of the travelling public by supplying sleeping accommodations, food and refreshments and which includes a motel, motor hotel or inn.

“Imported Wood” (By-law 2016-46) shall mean raw, un-milled trees brought in from an outside source.

“Institution” shall mean a building or part of a building used for non-commercial purposes by a public authority, organized body, religious group or society such as a public hospital, library, church, school, nursery school, convent or similar use and shall include a Community Facility.

“Kennel” shall mean a building or structure where dogs, cats, or other domestic household pets are kept, boarded and/or bred and the operation is registered by an appropriate recognized professional organization or club.

“Landscaped” shall mean an area not built upon and not used for any purpose other than as a landscaped area and which shall include at least a hedgerow of hardy shrubs or similar type of vegetation not less than 0.3 metres (1 foot) in height at the time of planting and which, when fully grown, will reach a height of not less than 2 metres (6.6 feet), extending the full length of the landscaped area and be maintained in a healthy growing condition. A landscaped area does not include driveways, parking spaces or parking aisles.

“Livestock” shall mean farm animals kept for use, for propagation, or for intended profit or gain and without limiting the generality of the foregoing includes: dairy and beef cattle, horses, swine, sheep, laying hens, chicken and turkey broilers, turkeys, goats, geese, mink, rabbits, ducks, emu, fox, ostrich and donkeys.

“Livestock Facility” shall mean a farm unit which includes the raising or keeping of livestock as defined herein.

“Loading Space” shall mean an unencumbered area of land which is provided and maintained upon the same lot or lots upon which the principal use is located and which area:

- a) Is provided for the temporary parking of one commercial motor vehicle while merchandise or materials are being loaded or unloaded from such vehicle, and such parking shall not be for purposes of sale or display;
- b) Is suitable for the temporary parking of one commercial motor vehicle;
- c) Is not upon or partly upon any street, lane or alley; and
- d) Has adequate access to permit ingress and egress of a commercial motor vehicle from a street by means of driveways, aisles, maneuvering areas or similar areas, no part of which shall be used for the temporary parking or storage of one or more motor vehicles.

“Lodge” shall mean an establishment catering to the vacationing public by providing meals and sleeping accommodation to at least five (5) guests in rooms or cabins but shall not include any establishment otherwise defined herein.

“Lot” shall mean a parcel of land, the boundaries of which are defined in the last registered instrument by which legal or equitable title to the said parcel was lawfully and effectively conveyed or which is a whole lot as shown on a Registered Plan of Subdivision subject to the provisions of [The Planning Act](#).

“Lot Area” shall mean the total horizontal area within the lot line of a lot, and in the case of a corner lot having street lines rounding at the corner with a radius of six (6) metres (19.7 feet) or less, the lot area of such lot is to be calculated as if the lot lines were projected to their point of intersection.

“Lot, Corner” shall mean a lot situated at the intersection of two or more streets or private roads, having an angle of intersection of not more than 135 degrees. The front lot line on a corner lot is deemed to be either lot line abutting the street (see [Appendix ‘C’](#)).

“Lot Coverage” shall mean that percentage of the lot area covered by all buildings or structures but excluding any part of a building or structure which is constructed entirely below grade. For the purposes of calculating lot coverage, the lot coverage of each zone shall be deemed to apply only to that portion of such lot that is located within the said zone.

“Lot Depth” shall mean the horizontal distance between the midpoints of the front and rear lot lines, and where there is no rear lot line, lot depth means the length of a line within the lot between the midpoint of the front lot line and the most distance point of the apex(s) of a triangle formed by the side lot lines.

“Lot Frontage” shall mean the horizontal distance between the side lot lines measured along the front lot line, but where the front lot line is not a straight line or where the side lot lines are not parallel, the lot frontage is to be measured nine (9) metres (29.5 feet) back from the front lot line and parallel to the chord of the lot frontage. For the purposes of this paragraph the chord of the lot frontage is a straight line joining the two points where the side lot lines intersect the front lot line.

“Lot, Interior” shall mean a lot other than a corner lot (see [Appendix ‘C’](#)).

“Lot Line” shall mean any boundary of a lot.

“Lot Line, Exterior Side” shall mean the longer of the lot lines of a corner lot which abuts a street (see [Appendix ‘C’](#)).

“Lot Line, Front” shall mean the line that divides a lot from a street, a private road or a navigable waterway. In the case of a lot with frontage on a street, the front lot line shall be deemed to be the line that divides the lot from the street. In the case of a lot with frontage on a private road and/or a navigable waterway, either lot line may be deemed to be the front lot line. In the case of a corner lot either lot line may be deemed to be the front lot line (see [Appendix ‘C’ and ‘D’](#)).

“Lot Line, Rear” shall mean the lot line farthest from and opposite to the front lot line and where the side lot lines converge at the rear of the lot to form a triangular shaped parcel of land, the rear lot line shall mean the apex of the triangle formed by the side lot lines. Furthermore, where the rear lot line is situated adjacent to a body of water, such lot line shall be the line formed by the high water mark of a body of water (see [Appendix ‘C’ and ‘D’](#)).

“Lot Line, Side” shall mean any lot line other than the rear or front lot line (see [Appendix ‘C’](#)).

“Lot, Through” shall mean a lot bounded on two opposite sides by streets provided however that if any lot qualifies as being both a corner lot and a through lot as herein defined, such lot shall be deemed a corner lot for the purpose of this By-law (see [Appendix ‘C’](#)).

“Manufacturing” shall mean the use of land, buildings or structures for the purposes of assembly, fabricating, making, preparing, inspecting, finishing, treating, altering, repairing, warehousing or storing or adapting for sale of any goods, substance, article, thing or service.

“Marina” shall mean a building or structure with access to a body of water, where boats and boat accessories are berthed, stored, serviced, repaired or kept for sale and where facilities for the sale of marine fuels and lubricants may be provided.

“Merchandising Service Shop” shall mean a building or part of a building in which persons are employed in furnishing the repair or servicing of articles, machines, goods or materials as opposed to the manufacture of same. Merchandising repair shops include such establishments as small engine repair of such items as lawn mowers, chainsaws and snowmobiles.

“Minimum Distance Separation” means a separation requirement as provided for by the Ontario Ministry of Agriculture Food and Rural Affairs.

- a) Minimum Distance Separation I: provides minimum distance separation for new or expanding development from existing livestock facilities;
- b) Minimum Distance Separation II: provides minimum distance separation for new or expanding livestock facilities from existing or approved development.

“Mobile Home” shall mean any dwelling that is designed to be mobile and constructed or manufactured to provide a permanent residence for one or more persons within a mobile home park in accordance with the appropriate statute, regulation or standard but does not include a travel trailer, tent trailer or trailer otherwise designed.

“Motor Vehicle” shall mean an automobile, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road-building machine within the meaning of [The Highway Traffic Act](#).

“Municipality” shall mean the Corporation of the Township of Hamilton.

“Non-Complying Use” shall mean a permitted land use building or structure existing at the date of the passing of this By-law which does not comply with a provision or provisions of the zone within which it is located.

“Non-Conforming Use” shall mean a building, structure or land existing at the date of the passing of this By-law which is used for purposes not permitted in the respective zone in which it is located.

“Nuisance” shall mean any condition existing that is or may become injurious or dangerous to health or that prevents or hinders or may prevent or hinder in any manner the suppression of a disease.

“Nursery/Garden Centre” shall mean:

- a) A place where young trees or other plants are grown for transplanting or for sale, and may also include the sale of related accessory supplies;

- b) Land used for the growing of flowers, bushes, trees or other gardening, landscaping or orchard stock for wholesale or retail sale; or
- c) A building or structure, and lands associated therewith, for the growing of flowers, fruits, vegetables, plants, shrubs, trees or similar vegetation together with gardening tools and implements which are sold at retail from such building or lot to the public.

“Nursing Home” shall mean:

- a) A building in which the proprietor supplies for hire or gain, lodging with or without meals and, in addition, provides nursing, medical or similar care and treatment, if required, and includes a rest home, or convalescent home, and any other establishment required to operate under the appropriate statute; or
- b) Any premises in which persons are cared for, lodged, either by a charitable institution within the meaning of the appropriate statute or for hire, where, in addition to sleeping accommodation and meals, personal care, nursing services or medical care and treatment are provided or made available, but shall not include a Maternity boarding house. For the purpose of this definition, 'personal care' means personal services such as the provision of aid to residents in walking or climbing or descending stairs, in getting in or out of bed, in feeding, dressing, bathing or in other matters of personal hygiene, and includes the preparation of special diets, the provision of tray service for meals, the supervision of medication and other similar types of personal assistance and 'resident' means a person who is cared for or lodged for hire in such premises.

“On-Farm Diversified Use” shall mean a use that is secondary to the principal agriculture use of the property and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, agri-tourism uses, uses that produce value-added agricultural products, and electricity generation facilities and transmission systems, and energy storage systems.

“Open Space/Open Space Uses” shall mean the open, unobstructed space on a lot, including the open, unobstructed space accessible to all occupants of any residential or commercial building or structure, which is suitable and used for the growth of grass, flowers, bushes and other vegetation and may include any surface pedestrian walk, patio, pool, or similar area, but does not include any driveway, ramp or parking spaces, parking aisles, loading spaces, vehicular manoeuvring areas or similar areas.

“Outdoor Woodburning Furnace” shall mean an accessory building or structure which operates as a heat source for associated main buildings within an agricultural zone.

“Outdoor Storage” shall mean an accessory storage area outside of the principal or main building on the lot.

“Park, Private” shall mean a park other than a public park, operated as a business.

“Park, Public” shall mean a recreational area owned or controlled by the Corporation or by any Board, Commission or other Authority established under any statute of the Province of Ontario or Government of Canada.

“Parking Aisle” shall mean an area of land which abuts and provides direct vehicular access to one or more parking spaces.

“Parking Area” shall mean an area of land which is provided and maintained upon the same lot or lots upon which the principal use is located or upon a privately owned lot situated within sixty (60) metres (196.9 feet) of the said lot and which areas comprise all

parking spaces of at least the minimum number required according to the provisions of this By-law, and all driveways, aisles, vehicular manoeuvring areas, entrances, exits and similar areas used for the purpose of gaining access to or egress from the said parking spaces.

“Parking Space” shall mean an area of land having a width of not less than 2.7 metres (8.9 feet) and a length of not less than six (6) metres (19.69 feet), exclusive of aisles or any other land used for access or vehicular manoeuvring, for the temporary parking of one motor vehicle. A parking space may be located in the open or within a private garage; carport, building or other covered area and shall have adequate access to permit ingress and egress of a motor vehicle from a street by means of driveways, aisles or similar areas.

“Parking, Tandem” shall mean the parking of motor vehicles one behind the other.

“Person(s)” shall mean any human being, association, firm, partnership, private club, incorporated company, corporation, agent, or trustee and the heirs, executors, or other legal representatives of a person to whom the context can apply according to law.

“Personal Service Shop” shall mean a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons. Personal service shops may include but are not limited to such establishments as barber shops, hairdressing salons, shoe repair and shoeshine shops and depots for collecting and laundry.

“Pit” shall mean land or land under water from which unconsolidated aggregate is being or has been excavated, and that has not been rehabilitated, but does not mean land or land under water excavated for a building or other work on the excavation site or in relation to which an order has been made under [The Aggregate Resources Act](#).

“Private Road” shall mean a privately-owned thoroughfare or right-of-way from which vehicular access may be taken to one or more abutting lots. A private road is not owned, maintained or under the jurisdiction of the Township of Hamilton, County of Northumberland or Province of Ontario and does not include a Township Road/Public Road/Street or Summer Maintained Public Road as defined herein. (By-law 2008-26)

“Professional Office” for the purposes of this By-law, is defined as one or more of the following examples but not limited to: the office of an Accountant, Advertising Agent, Architect, Auditor, Chiropractor, Dentist, Engineer, Hairdresser, Insurance Agent, Lawyer, Ontario Land Surveyor, Optometrist, Physician, Planner, or Real Estate Agent.

“Provincial Highway” shall mean a highway as defined in [The Highway Traffic Act](#) as amended that is under the jurisdiction of the Province of Ontario. (By-law 2008-26)

“Provincially Significant Wetlands” shall mean Wetlands in the Great Lakes - St. Lawrence Region as defined in “An Evaluation System for Wetlands of Ontario South of the Precambrian Shield” Second Edition 1984 as amended.

“Public Use” shall mean the Corporation of the Township of Hamilton and any Boards or Commissions thereof, or any joint Board of two or more local municipalities, any telecommunications companies, any company supplying natural gas to the Township, the electric authority, the County of Northumberland and any Department of the Government of Ontario and Canada, or other similarly recognized agencies.

“Quarry” shall mean land or land under water from which consolidated aggregate is being or has been excavated and that has not been rehabilitated but does not mean land or land under water excavated for a building or other work on the excavation site or in relation to which an order has been made under [The Aggregate Resources Act](#).

“Raceway” shall mean a track for the running and/or training of horses which is accessory to the function of a riding stable or farm.

“Recreational Use” shall mean the use of land for parks, playgrounds, tennis courts, lawn bowling greens, indoor and outdoor skating rinks, athletic fields, golf courses, picnic areas, swimming pools, riding clubs, day camps, community centres, snow skiing and all similar uses, together with necessary and accessory buildings and structures, but does not include an arcade, a track for the racing of animals, motor vehicles, snowmobiles or motorcycles.

“Recreational Use, Active Outdoor” shall mean uses such as golf courses, lawn bowling greens, tennis courts, outdoor skating rinks and swimming pools, together with necessary and accessory buildings and structures.

“Recreational Use, Passive Outdoor” shall mean such uses as hiking and ski trails, nature observation locations and open space as opposed to (for example) tennis courts, golf courses and baseball diamonds.

“Recreational Establishment, Commercial” 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.

“Religious Institution” shall mean buildings used as dwellings by religious orders for their own members, such as a convent or monastery.

“Research Facility” shall mean a building or part of a building or an area of open space in which investigation or inquiry for the purposes of producing new information or products is carried on and shall be conducted in accordance with the provisions of Sections [5.29](#) and [5.34](#) of this By-law.

“Residential” shall mean the use of land, buildings, or structures for human habitation.

“Resort” shall mean a tourist establishment that operates throughout all or part of the year and that has facilities for serving meals and furnishing equipment, supplies or services to persons in connection with recreational or health enhancement purposes (e.g. a spa).

“Restaurant, Dining Room” shall mean a building or part of a building where food is prepared and/or cooked and offered for sale or sold to the public and where dining tables and table service are provided either within the building or outside on an adjoining patio area.

“Restaurant, Drive-Through” shall mean a building or part of a building where food is prepared and/or cooked and allows customers to purchase the products without leaving their motor vehicles.

“Restaurant, Take-out” shall mean a building or part of a building where food is prepared and/or cooked and offered for sale or sold to the public and where neither dining tables nor table service are provided.

“Retail Store” shall mean a building or part of a building where goods, merchandise, substances, articles or things are offered for retail sale directly to the public and includes storage on the store premises of such goods, merchandise, substances, articles or things sufficient only to service such store.

“Retail Store, Convenience” shall mean a retail store serving the daily or occasional needs of the residents in the immediate area with a variety of goods such as groceries, meats, beverages, dairy products, patent medicines, sundries, tobacco, stationery, hardware, magazines and newspapers.

“Salvage Yard” shall mean a fenced lot and/or land for the storage and/or handling of scrap material, which without limiting the generality of the foregoing, may include vehicles, tires, metal, used bicycles, waste paper and/or other scrap material and salvage.

“School” shall mean a public, separate, or high school under the jurisdiction of the Board of Education, the French Catholic School Board or the Roman Catholic Separate School Board, a private school, a continuation school, a technical school, a vocation school, a college, a university or other educational institution, but not a commercial school.

“Senior Citizen Housing” shall mean housing owned and operated by the government to provide residential accommodation for senior citizens.

“Service Shop” shall mean a building or part of a building, whether connected with a retail shop or not, used for the repair or servicing of articles, machines, goods, or materials as distinguished from manufacturing of same.

“Setback” shall mean the least horizontal dimension between the centreline of a street allowance, measured at right angles to such centreline, and the nearest part of any building or structure on the lot, or the nearest open storage use on the lot. Septic system setbacks are regulated by the authority having jurisdiction.

“Shopping Centre” shall mean a group of commercial uses which has been designed and developed as a unit by a single owner or group of owners, as distinguished from a business area consisting of unrelated individual commercial uses.

“Shoreline” shall mean any lot line or portion thereof that abuts a water body.

“Sight Triangle” shall mean an area free of buildings or structures, which area is determined by measuring from the point of intersection of street lines on a corner lot or where a corner is rounded from the point at which the extended street lines meet, the distance required by this By-law along each such street line and joining such points with a straight line thereby creating a triangular-shaped parcel of land. This triangular-shaped parcel of land located between the intersecting street lines and the straight line joining the points located the required distance along the street lines is the sight triangle. See to [Appendix ‘A’](#).

“Sleeping Cabin” shall mean an accessory and subordinate detached building or structure with a maximum of 320 square feet designed as sleeping accommodation only to permit the better or more convenient enjoyment of the principal seasonal residential dwelling and shall not contain any plumbing or sanitary waste disposal systems. In no case shall the definition of a sleeping cabin be deemed to include a premise for the temporary accommodation of members of the public for a fee.

“Solar Collector” shall mean any structure subordinate to a principal structure designed specifically for the collection of solar energy for experimental or ornamental purposes or for the purposes of converting such energy for heating, lighting, water production or any other domestic or commercial use that may be obtained from such source. For the purposes of this By-law a solar collector shall be considered an accessory structure.

“Street Line” shall mean the limit of the street allowance and is the dividing line between a lot and a street.

“Summer Maintained Public Road” shall mean a highway as defined in [The Highway Traffic Act](#) as amended, that is under the jurisdiction of the Township of Hamilton from which vehicular access may be taken to an abutting lot and which is dedicated and assumed by By-law in accordance with [Section 31\(4\) of The Municipal Act 2001](#) for maintenance by the Township of Hamilton during the summer months only (i.e. no winter maintenance). (By-law 2008-26)

“Tavern” shall mean "a tavern" as defined by [The Liquor Licence Act](#), as amended.

“Top of Bank” shall mean the first landward break adjacent to a watercourse where the slope is greater than 30% (3:1) or the break in slope which distinguishes the existing valley corridor from its surrounding landscape and shall be determined in conjunction with the Ganaraska Region Conservation Authority.

“Tourist Establishment” shall mean any premises operated to provide sleeping accommodation for the travelling public or sleeping accommodation for the use of the public engaging in recreational activities and includes the services and facilities in connection with which sleeping accommodation is provided, and without limiting the generality of the term, also includes a cabin establishment and a housekeeping cottage but does not include:

- a) A camp operated by a charitable corporation approved under [The Charitable Institutions Act](#);
- b) A summer camp within the meanings of the regulations under *The Public Health Act*; or
- c) A club owned by its members and operated without profit or gain.

“Tourist Home” shall mean a private dwelling that is not part of or used in conjunction with any other tourist establishment and in which there are at least five (5) rooms for rent to the travelling or vacationing public, whether rented regularly, seasonally or occasionally.

“Township Road/Public Road/Street” shall mean a public street, road or highway under the jurisdiction of the Province of Ontario, the County or the Corporation, which is maintained so as to allow normal vehicular access to adjacent properties throughout all seasons of the year.”

“Travel Trailer” shall mean any vehicle so constructed that is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, notwithstanding that such vehicle is jacked-up or that its running gear is removed, but not including any vehicle unless it is used or intended for the temporary living, sleeping or eating accommodation of persons therein, and shall be deemed to include a tent and a motor home.

“Travel Trailer Park” shall mean a parcel of land maintained for the temporary parking of tents or travel trailers on individual sites and shall be subject to the provisions of this By-law.

“Travel Trailer Site” shall mean an area of land within a travel trailer park that is or is intended to be occupied by one tent or one trailer or similar vehicle within the meaning of a trailer as defined above with adequate access to a driveway or public street.

“Truck Terminal” shall mean land, structures or buildings used to store, repair, service or dispatch trucks or motor vehicles and shall include a terminal for the loading of transport trailers but shall not include an industrial use for which trucks or motor vehicles are an accessory use.

“Un-Assumed Public Road” shall mean a Public Road located within a Plan of Subdivision that has been constructed but has not been assumed for maintenance purposes by the Township of Hamilton in accordance with a By-law passed pursuant to [Section 31\(4\) of The Municipal Act 2001](#) as amended. (By-law 2008-26)

“Unopened Public Road Allowance” shall mean all road allowances made by the Crown Surveyors that have not been assumed for maintenance purposes in accordance with [Section 31\(4\) of The Municipal Act 2001](#) as amended. (By-law 2008-26)

“Use” shall mean the purpose for which any land, building or structure is arranged, designed, or intended to be used, occupied or maintained.

“Use, Accessory” shall mean a use customarily incidental and subordinate to the principal use or building located on the same lot.

“Value-added Product” (By-law 2016-46) shall mean items whose physical state or form has been changed to increase the value over what was assigned to the raw, unmodified resource.

“Veterinary Clinic” shall mean a building or structure or part thereof used for the purposes of consultation, diagnosis and treatment of animals, birds and pets and may also include boarding of such animals, birds and pets.

“Warehouse” shall mean an establishment used for the storage and distribution of goods, wares, merchandise, substances, articles or things and may include an accessory retail use but does not include a cartage or express truck terminal.

“Waste Disposal Site” shall mean any land or land covered by water (such as in the case of a sewage lagoon) upon, into, in or through which a building or structure in which waste is deposited or processed and any machinery or equipment or operation required for the treatment or disposal of waste.

“Waste Management System” shall mean all facilities, equipment and operations for the complete management of waste including the collection, handling, transportation, storage, processing and disposal thereof and may include one or more waste disposal sites.

“Water Frontage” shall mean all property abutting a water body measured along the high water mark.

“Waterbody” shall mean any bay, lake, wetland, canal or natural watercourse but excludes a drainage or irrigation channel.

“Watercourse” shall mean any surface stream or river and includes a natural or man-made channel for an intermittent stream and a municipal drain as defined by [The Drainage Act](#), as amended.

“Wayside Pit” shall mean:

- a) A temporary pit opened and used by a governmental authority or authorized contractor for the purposes of a specific public project such as road construction; or
- b) A pit on a farm unit required only for the use of that farm unit.

“Wayside Quarry” shall mean a temporary quarry opened and used by a governmental authority or authorized contractor for the purposes of a specific public project such as road construction.

“Wetlands” shall mean lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case, the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic or water tolerant plants. The four (4) major types of Wetlands are swamps, marshes, bogs and fens.

“Woodlot” shall mean a wooded area in which the majority of trees are at least 10.2 centimetres (4 inches) in diameter and in which there is a minimum of a fifty (50) percent closed canopy of tree foliage.

“Yard” shall mean the space appurtenant to a building or structure on the same lot which is open, uncovered, and unoccupied except for such accessory buildings, structures, or uses which are specifically permitted by this By-law. In determining yard measurements, the minimum horizontal distance from the respective lot lines shall be used.

“Yard, Front” shall mean the yard extending across the full width of the lot between the front lot line of the lot and the nearest part of any buildings or structures on the lot. The "minimum" front yard shall mean the distance between the front lot line and the nearest wall of any principal or accessory building on the lot, according to the context in which the term is used.

“Yard, Rear” shall mean the yard extending across the full width of the lot between the rear lot line of the lot and the nearest part of any principal building or structure on the lot. Where a rear yard is required for an accessory building in this By-law then this definition shall apply except that the words "accessory building" shall be substituted for "principal building". The "minimum" rear yard shall mean the minimum distance between the rear lot line and the nearest wall of any principal building or accessory building on the lot, according to the context in which the term is used.

“Yard, Side” shall mean the yard extending from the front yard to the rear yard between the side lot line and the nearest part of any building or structure on the lot.

“Yard, Interior Side” shall mean the side yard extending from the front yard to the rear yard between the side lot line and the nearest part of any building or structure on any lot and excluding any exterior side yard. The "minimum" interior side yard shall mean the minimum distance between an interior side lot line and the nearest wall of any principal or accessory building on the lot, according to the context in which the term is used.

“Yard, Exterior Side” shall mean the side yard of a corner lot in which the side yard extends from the front yard to the rear yard between the side street line and the nearest part of any building or structure on the corner lot. The "minimum" exterior side yard shall mean the distance between the exterior side lot line and the nearest wall of any principal or accessory building on the lot, according to the context in which the term is used.

“Zone” mean a designated area of land use shown on the Schedules of this By-law.

Section 3B - Oak Ridges Moraine Conservation Plan Area

Definitions

“Accessory Use” means a use of land, buildings or structures that is normally incidental or subordinate to the principal use, building or structure located on the same lot.

“Adverse Effect” means any impairment, disruption, destruction or harmful alteration.

“Adversely Affect” means to have an adverse effect on.

“Agricultural Use” means:

- a) Growing crops, including nursery, biomass and horticultural crops;
- b) Raising livestock and other animals, including poultry and fish, for food, fur or fiber;
- c) Aquaculture;
- d) Apiculture;
- e) Agro-forestry and maple syrup production; and
 - i. Uses associated with on-farm buildings and structures including, livestock facilities;
 - ii. Manure storage structures;
 - iii. Value-retaining facilities; and
 - iv. Accommodations for full-time farm labour.

“Agriculture-related Uses” means farm-related commercial and industrial uses that;

- a) Are directly related to, and compatible with, farm operations in the surrounding area and do not hinder those farm operations;
- b) Support agriculture;
- c) Benefit from being in close proximity to farm operations; and
- d) Provide products or services, or both, directly to farm operations as a primary activity.

“Agri-tourism uses” means uses located on a farm that promote the enjoyment of farm operations or education or activities related to farm operations and includes the provision of accommodations such as a bed and breakfast establishment.

“Animal Agriculture” means growing, producing and raising farm animals including, without limitation:

- a) Livestock, including equines, poultry and ratites;
- b) Fur-bearing animals;
- c) Fees;
- d) Cultured fish;

- e) Deer and elk; and
- f) Game animals and birds.

“Aquifer Vulnerability” means an aquifer’s intrinsic susceptibility, as a function of the thickness and permeability of overlying layers, to contamination from both human and natural impact on water quality.

“Area of Natural and Scientific Interest (Earth Science)” means an area that has been:

- a) Identified as having earth science values related to protection, scientific study or education; and
- b) Further identified by the Ministry of Natural Resources using evaluation procedures established by that Ministry, as amended.

“Area of Natural and Scientific Interest (Life Science)” means an area that has been:

- a) Identified as having life science values related to protection, scientific study or education; and
- b) Further identified by the Ministry of Natural Resources using evaluation procedures established by that Ministry, as amended.

“Bed and Breakfast Establishment” means an establishment that provides sleeping accommodation (including breakfast and other meals, services, facilities and amenities for the exclusive use of guests) for the travelling or vacationing public within a single dwelling that is the principal residence of the proprietor of the establishment.

“Connectivity” means the degree to which key natural heritage features are connected to one another by links such as plant and animal movement corridors, hydrological and nutrient cycling, genetic transfer, and energy flows through food webs.

“Development” means the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act but does not include:

- a) Activities that create or maintain infrastructure authorized under an environmental assessment process; or
- b) Works that are subject to the Drainage Act.

“Dwelling Unit” means one or more habitable rooms, occupied or capable of being occupied as an independent and separate housekeeping establishment, in which separate kitchen and sanitary facilities are provided for the exclusive use of the occupants.

“Earth Science Values” means values that relate to the geological, soil and landform features of the environment.

“Ecological Features” means naturally occurring land, water and biotic features that contribute to ecological integrity.

“Ecological Functions” means the natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes, including hydrological functions and biological, physical, chemical and socio-economic interactions.

“Ecological Integrity” which includes hydrological integrity, means the condition of ecosystems in which:

- a) The structure, composition and function of the ecosystems are unimpaired by stresses from human activity;
- b) Natural ecological processes are intact and self-sustaining; and
- c) The ecosystems evolve naturally.

“Endangered Species” means any native species, as listed in the regulations under [The Endangered Species Act](#) as amended, that is at risk of extinction throughout all or part of its Ontario range if the limiting factors are not reversed.

“Farm Vacation Home” means an establishment that provides sleeping accommodation (including participation in farm activities, meals, services, facilities and amenities for the exclusive use of guests) for the travelling or vacationing public in up to three guest rooms within a single dwelling that is located on a farm and is the principal residence of the proprietor of the establishment.

“Fish Habitat” means the spawning grounds and nursery, rearing, food supply and migration areas on which fish depend directly or indirectly in order to carry out the life processes, as further identified by the [Department of Fisheries and Oceans \(Canada\)](#).

“Forest Access Road” means a one or two-lane unpaved road that is designed to provide access to and within a woodland for wildlife, fish and forest management purposes.

“Forest Management” means the management of woodlands, including accessory uses such as the construction and maintenance of forest access roads and maple syrup production facilities:

- a) For the production of wood and wood products, including maple syrup;
- b) To provide outdoor recreation opportunities;
- c) To maintain, and where possible, improve or restore conditions for wildlife; and
- d) To protect water supplies.

“Green Infrastructure” means infrastructure consisting of natural and human-made elements that provide ecological and hydrological functions and processes and includes natural heritage features and systems, parklands, stormwater management systems, street trees, urban forests, natural channels, permeable surfaces and green roofs.

“Groundwater Recharge” means the replenishment of subsurface water:

- a) Resulting from natural processes, such as the infiltration of rainfall and snowmelt and the seepage of surface water from lakes, streams and wetlands; and
- b) Resulting from human intervention, such as the use of stormwater management systems.

“Habitat of Endangered, Rare and Threatened Species” means:

- a) With respect to an endangered or threatened species for which a regulation made under clause 55 (1)(a) of the Endangered Species Act, 2007 is in force, the area prescribed by that regulation as the habitat of the species; or

- b) With respect to any other endangered or threatened species, the area on which the species depends, directly or indirectly, to carry on its life processes, including life processes such as reproduction, rearing, hibernation, migration, or feeding;
- c) And includes places in the area described in clause (a) or (b), whichever is applicable, that are used by members of the species as dens, nests, hibernacula or other residences.

“Hazardous Waste” has the same meaning as in Regulation 347 of the Revised Regulations of Ontario, 1990.

“Home Business” means an occupation that:

- a) Involves providing personal or professional services or producing custom or artisanal products;
- b) Is carried on as a small-scale accessory use within a single dwelling by one or more of its residents; and
- c) Does not include uses such as an auto repair or paint shop or furniture stripping.

“Home Industry” means an industry that:

- a) Is carried out in the home or in a building that is accessory to the home or, if the home is located on a farm, to the agricultural operation;
- b) If the home occupation is not located on a farm,
 - i. Is carried out on as a small-scale use that is secondary to the principal use of the home as a single dwelling;
 - ii. Provides a service such as carpentry, metalworking, welding, electrical work or blacksmithing, primarily to the farming community; and
 - iii. Does not include uses such as auto repair or paint shop or furniture stripping; and
- c) If the home is located on a farm;
 - i. is carried on as a small-scale use that is secondary to the principal use of the farm as an agricultural operation; and
 - ii. may include, but is not limited to, a sawmill, welding or woodworking shop, manufacturing or fabrication shop, equipment repair and seasonal storage of boats or trailers.

“Home Occupation” means an occupation that is carried out on a farm and that:

- a) Involves providing personal or professional services such as those offered at or by a professional office, bookkeeper, land surveyor, art studio, hairdresser, massage therapist, daycare, veterinary clinic, kennel classes or workshops; and
- b) Is carried on as a small-scale secondary use within a single dwelling on the farm.

“Hydrological Cycle” means the circulation of water from the atmosphere to

the earth and back through precipitation, runoff, infiltration, groundwater flow and evapotranspiration, including the occurrence, circulation, distribution, and chemical and physical properties of water on the surface of the land, in the soil and underlying rocks, and in the atmosphere, and water's interaction with the environment including its relation to living things.

"Hydrological Features" means:

- a) Permanent and intermittent streams;
- b) Wetlands;
- c) Kettle lakes and their surface catchment areas;
- d) Seepage areas and springs; and
- e) Aquifers and recharge areas.

"Hydrological Functions" means the functions of the hydrological cycle that include the occurrence, circulation, distribution and chemical and physical properties of water on the surface of the land, in the soil and underlying rocks, and in the atmosphere, and water's interaction with the environment including its relation to living things.

"Hydrological Integrity" means the condition of ecosystems in which hydrological features and hydrological functions are unimpaired by stresses from human activity.

"Hydrologically Sensitive Feature" means a hydrologically sensitive feature as described in [Section 26 of the Oak Ridges Moraine Conservation Plan](#).

"Impervious Surface" means a surface that does not permit the infiltration of water, such as a rooftop, sidewalk, paved roadway, driveway or parking lot.

"Kame" means a mound, hummock or conical hill of glacial origin.

"Kettle Lake" means a depression formed by glacial action and permanently filled with water.

"Key Natural Heritage Feature" means a key natural heritage feature as described in [Section 22 of the Oak Ridges Moraine Conservation Plan](#).

"Landform Features" means distinctive physical attributes of land such as slope, shape, elevation and relief.

"Landform Conservation Area" means a landform conservation area as described in [Section 30 of the Oak Ridges Moraine Conservation Plan](#).

"Life Science Values" means values that relate to the living component of the environment.

"Liquid Industrial Waste" has the same meaning as in [Regulation 347 of the Revised Regulations of Ontario, 1990](#).

"Lot" means a parcel of land that is:

- a) Described in a deed or other document legally capable of conveying an interest in the land; or

- b) Shown as a lot or block on a registered plan of subdivision.

“Major Development” means development consisting of:

- a) The creation of four or more lots;
- b) The construction of a building or buildings with a ground floor area of 500 square metres (5382 square feet) or more; or
- c) The establishment of a major recreational use as described in [Section 38 of the Oak Ridges Moraine Conservation Plan](#).

“Major Recreational Uses” are recreational uses that require large-scale modification of terrain, vegetation or both and usually also require large-scale buildings or structures, including but not limited to the following:

- a) Golf Courses;
- b) Serviced playing fields;
- c) Serviced campgrounds; or
- d) Ski hills.

“Meander Belt” means the land across which a stream shifts its channel.

“Mineral Aggregate” means gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under [The Aggregate Resources Act](#), but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, talc, wollastonite, or other material prescribed under that Act.

“Mineral Aggregate Operation” means:

- a) An operation, other than a wayside pit, conducted under a licence or permit under [The Aggregate Resources Act](#); and
- b) Associated facilities used in the extraction, transportation, beneficiation, processing or recycling of mineral aggregate or the production of related by-products.

“Natural Self-Sustaining Vegetation” means self-sustaining vegetation dominated by native plant species.

“Net Development Area” means the area of a lot or site, less any area that is within a key natural heritage feature or a hydrologically sensitive feature.

“Oak Ridges Moraine Conservation Plan Area” and “Plan Area” mean the areas described in [Section 4.17](#).

“On-Farm Diversified Use” means, with respect to a farming operation, uses that are secondary to the principal agricultural use of the property, that are compatible with and do not hinder the surrounding agricultural operations and that occupy a limited area of the property, including,

- a) Home occupations;
- b) Home industries;
- c) Agri-tourism uses; and

- d) Uses that produce value-added products.

“Partial Service” means with respect to sewage and water services to a property, that either of the following situations exists;

1. Sewage services are provided by a municipality or by private communal services but water services are provided by an individual on-site water system.
2. Water services are provided by a municipality or by private communal services but sewage services are provided by an individual on-site sewage system.

“Portable Asphalt Plant” means a temporary facility, to be dismantled at the completion of a construction project, where:

- a) Equipment is used to heat and dry mineral aggregate and to mix it with bituminous asphalt to produce asphalt paving material; and
- b) Bulk materials used in the process described in Clause (a) are kept.

“Prime Agricultural Area” means an area that is:

- a) Designated as prime agricultural land in the relevant official plan; or
- b) Identified through an alternative agricultural land evaluation system approved by the Government of Ontario.

“Prime Agricultural Land” means:

- a) Land where fruit and vegetable crops and greenhouse crops are grown;
- b) Agriculturally developed organic soil land; or
- c) Land with Class 1, 2 or 3 soils according to the [Canada Land Inventory](#).

“Rapid Infiltration Basin” means a basin or system of basins at or below surface grade that is constructed in porous soil and punctures through a relatively impermeable layer to gain access to a more permeable sand or gravel layer, to rapidly infiltrate into the ground, at a single point or area of concentration, surface runoff collected from impervious surfaces.

“Rapid Infiltration Column” means a column or system of columns at or below surface grade that is constructed in porous soil and punctures through a relatively impermeable layer to gain access to a more permeable sand or gravel layer, to rapidly infiltrate into the ground, at a single point or area of concentration, surface runoff collected from impervious surfaces.

“Rare Species” means a native species that is not currently at risk of becoming threatened but, because of its limited distribution, small population or specialized habitat needs, could be put at risk of becoming threatened through all or part of its Ontario range by changes in land use or increases in certain types of human activity.

“Retirement Home” means a building in which:

- a) Accommodation is provided, mainly for retired persons;
- b) Common kitchen and dining facilities are provided for the residents; and

- c) Common lounges, recreation rooms and health care facilities may also be provided for the residents.

“Sand Barrens” means land (not including land that is being used for agricultural purposes and no longer exhibits sand barrens characteristics) that:

- a) Has sparse or patchy vegetation that is dominated by plants that are:
 - i. Adapted to severe drought and low nutrient levels; and
 - ii. Maintained by severe environmental limitations such as drought, low nutrient levels and periodic disturbances such as fire.
- b) Has less than twenty-five (25) percent tree cover;
- c) Has sandy soils (other than shorelines) exposed by natural erosion; depositional process or both; and
- d) Has been further identified, by the [Ministry of Natural Resources](#) or by any other person, according to evaluation procedures established by the [Ministry of Natural Resources](#), as amended.

“Saturated Zone” means the zone below the water table where the spaces between soil grains are filled with water.

“Savannah” means land (not including land that is being used for agricultural purposes and no longer exhibits savannah characteristics) that:

- a) Has vegetation with a significant component of non-woody plants, including tallgrass prairie species that are maintained by seasonal drought, periodic disturbances such as fire, or both;
- b) Has from twenty-five (25) percent to sixty (60) percent tree cover;
- c) Has mineral soils; and
- d) Has been further identified, by the [Ministry of Natural Resources](#) or by any other person, according to evaluation procedures established by the [Ministry of Natural Resources](#), as amended.

“Self-Sustaining Vegetation” means vegetation dominated by plants that can grow and persist without direct human management, protection, or tending.

“Significant” when used with reference to valleylands, wildlife habitat and woodlands, means identified as significant using evaluation procedures established by the [Ministry of Natural Resources and Forestry](#).

“Single Dwelling” means a building containing only one dwelling unit, and, in any area other than an area within a Natural Core or Natural Linkage Area, includes a building containing one primary dwelling unit and not more than one secondary dwelling unit.

“Site” means the land subject to an application.

“Site Alteration” means activities such as grading, excavation and the placement of fill that would change the landform and the natural vegetative characteristics of a site.

“Small Scale Commercial, Industrial and Institutional Uses”:

- a) Are supportive of, complimentary to or essential to uses that are permitted in Countryside area of the Oak Ridges Moraine Conservation Plan;

- b) Do not require large-scale modification of terrain, vegetation or both or large-scale buildings and structures; and
- c) Include, but are not limited to:
 - i. Farm implement stores, feed stores and country markets;
 - ii. Portable mineral aggregate crushing plants, portable asphalt plants and composting plants; and
 - iii. Schools, places of worship, community halls, retirement homes and cemeteries, intended mainly to serve nearby Rural Settlements within the Plan Area.

“Special Concern Species” means a species that is classified as a special concern species in Ontario Regulation 230/08 (Species at Risk in Ontario List) made under [The Endangered Species Act, 2007](#).

“Sub watershed” means an area that is drained by a tributary or some defined portion of a stream.

“Surface Catchment Area” means the area including and surrounding a kettle lake or wetland, from which surface runoff drains directly into the kettle lake or wetland.

“Sustainable” when used with respect to a natural resource, means that the natural resource is able to support a particular use or activity without being adversely affected.

“Tallgrass Prairie” means land (not including land that is being used for agricultural purposes and no longer exhibits tallgrass prairie characteristics) that:

- a) Has vegetation dominated by non-woody plants, including tallgrass prairie species that are maintained by seasonal drought, periodic disturbances such as fire, or both;
- b) Has less than twenty-five (25) percent tree cover;
- c) Has mineral soils; and
- d) Has been further identified, by the Ministry of Natural Resources or by any other person, according to evaluation procedures established by the Ministry of Natural Resources, as amended.

“Threatened Species” means that is classified as threatened species in Ontario Regulation 230/08 (Species at Risk in Ontario List) made under [The Endangered Species Act, 2007](#).

“Time of Travel” means the time that is needed for groundwater to travel a specified horizontal distance in the saturated zone.

“Un-serviced Park” means a park that provides recreational opportunities and facilities, including playing fields, but without outdoor lighting, accessory commercial facilities, paved parking lots or permanent water or sewer facilities.

“Valleyland” means a natural area that occurs in a valley or other landform depression that has water flowing through or standing for some period of the year.

“Value-Added Product” means an agricultural product that has been processed by means of chopping, canning, pressing, bottling, roasting or any other similar process.

“Value-retaining facilities” means facilities used to:

- a) Maintain the quality of agricultural commodities produced on the farm such as atmosphere controlled storage; or
- b) Provide a minimum amount of processing to make commodities saleable, including cleaning grading, drying, sorting, evaporating maplesap into syrup, honey extraction and bulk packaging.

“Watershed” means an area that is drained by a river and its tributaries.

“Wayside Pit” means a temporary pit opened or used by or for a public body solely for the purposes of a specific project of road construction and not located on the road right-of-way.

“Wellhead Protection Area” means the surface and subsurface area surrounding a water well or well field that supplies a public water system and through which contaminants are reasonably likely to move so as eventually to reach the water well or well field.

“Wetland” means land such as a swamp, marsh, bog or fen (not including land that is being used for agricultural purposes and no longer exhibits wetland characteristics) that:

- a) Is seasonally or permanently covered by shallow water or has the water table close to or at the surface;
- b) Has hydric soils and vegetation dominated by hydrophytic or water-tolerant plants; and
- c) Has been further identified, by the Ministry of Natural Resources or by any other person, according to evaluation procedures established by the Ministry of Natural Resources, as amended.

“Wildlife Habitat” means areas where plants, animals and other organisms live and find adequate amounts of food, water, shelter and space needed to sustain their populations and includes areas where certain species concentrate at a vulnerable point in their annual or life cycle and areas that are important to migratory or non-migratory species.

“Woodland” means a treed area, woodlot or forested area, other than a cultivated fruit or nut orchard or a plantation established for purposes of producing Christmas trees.

“Zone of Contribution” when used in reference to a period of time, means the area within which the water pumped from a well originates during that time.

Note: For the purposes of this By-law, where a definition does not appear in either Section 3 or **3A**, reference may be made to the Webster’s dictionary to interpret the word.

Section 4 – Administration

4.1 Zoning Administration

This By-law shall be administered by a person appointed by the Council of the Township of Hamilton as the Chief Administrative Officer.

4.2 Issuance of Building Permits

Where land is proposed to be used or a building or structure is proposed to be erected or used in violation of this By-law, no permit or licence required under any By-law of the Corporation for the use of the land or for the erection or the use of the building or structure shall be issued.

4.3 Applications for Building Permits

In addition to the requirements of the Ontario Building Code, the Corporation's Building By-law or any other By-law of the Corporation, every application for a building permit shall be accompanied by plans (which depending upon the nature and location of the work to be undertaken may be required, by the Corporation, to be based upon an actual survey prepared by an Ontario Land Surveyor or Professional Engineer) drawn to an appropriate scale and showing the following:

- a) The true shape and dimensions of the lot to be used or upon which it is proposed to erect any building or structure;
- b) The proposed location, height and dimensions of the building, structure or work in respect of which the permit is being applied for;
- c) The location of every building or structure already erected or partly erected on such lot;
- d) The proposed locations and dimensions of yards, landscaped open spaces, parking areas, and loading spaces required by this By-law;
- e) Proposed grading or change in elevation or contour of the land and the proposed method for the disposal of storm and surface water from the land and from any building or structures thereon; and
- f) A statement signed by the owner or his agent duly authorized therein in writing, filed with the Chief Building Official, which statement shall set forth in detail the intended use of each building and structure or part thereof and giving all information necessary to determine whether or not every such building or structure conforms with the regulations of this By-law.

4.4 Potable Water

Every application which involves the installation, enlargement or reconstruction of a private well shall:

- a) In the case of a subdivision well, provide a hydrogeological report demonstrating satisfactory water pumping capacity and potability to the satisfaction of the Chief Building Official;
- b) In the case of a Municipally serviced property, approval from the water purveyor shall be provided to the satisfaction of the Chief Building Official.

4.5 Sewage Disposal System

Every application which involves the installation, enlargement or reconstruction of a sewage disposal system shall:

- a) Provide to the satisfaction of the Chief Building Official, require approval from the authority having jurisdiction.

4.6 Conservation Authority

Where lands lie within established fill or flood lines, any building permit application in respect of such land shall be accompanied by the written approval and technical recommendations of the Conservation Authority having jurisdiction.

4.7 Inspection of Land or Buildings

Where the Chief Building Official has reason to believe that any person has used land or used a building or structure contrary to this By-law, he/she, or an employee of the Township authorized by him/her, may, at any reasonable hour, enter and inspect the land, building or structure.

4.8 Violations and Penalties

Any person who contravenes any provisions of the By-law is guilty of an offence, and for the purposes of this By-law, each day that a breach of this By-law continues shall constitute a separate offence and on summary, the offender shall be liable to be fined under the provisions of *The Provincial Offenses Act*.

The conviction of an offender upon the breach of any of the provisions of this By-law shall not operate as a bar to a prosecution against the same offender upon any continued or subsequent breach of any such provision and any court of competent jurisdiction may convict any offender repeatedly for repeated breaches of the By-law.

4.9 Occupation of Buildings

Occupation of all new buildings and converted dwellings shall require a Certificate of Occupancy from the Township Building Department in accordance with the Ontario Building Code and any other Township By-laws.

4.10 Certificate of Conversion

Where a Certificate is for the conversion of a seasonal dwelling to a permanent dwelling, the following additional regulations apply:

- a) Compliance with all applicable law;
- b) The relevant sections of the Ontario Building Code as it relates to the proposed construction; and
- c) Approval by the authority having jurisdiction as it relates to the septic system.

4.11 Validity

If any section, clause or provision of the By-law, including anything contained on Schedules A and M attached hereto, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the

By-law as a whole or any part thereof other than the section, clause, or provision so declared to be invalid and it is hereby declared to be the intention that all the remaining sections, clauses or provisions of this By-law shall remain in full force and take effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

4.12 Effective Date

This By-law shall come into force and take effect upon being passed by the Council of the Township of Hamilton.

4.13 Existing By-laws

All by-laws in force within the Corporation regulating the use of lands and the character, location, bulk, height and use of buildings and structures are amended insofar only as it is necessary to give effect to the provisions of this By-law and the provisions of this By-law shall govern unless otherwise specified.

4.14 Repeal of Existing Zoning By-law

By-law No. 3137 as amended of the Corporation of the Township of Hamilton is hereby repealed.

4.15 Application

This By-law shall apply to all lands within the Township of Hamilton and shall take effect on the day it is enacted.

4.16 Interpretation

Nothing in this By-law shall be construed to exempt any person from complying with the requirement of any By-law of the Municipality or the Corporation of the County of Northumberland or from any law of the Province of Ontario or Canada, or any regulations under the provisions of [The Conservation Authorities Act](#) of a Conservation Authority having jurisdiction or from any other law in force.

4.17 Zones

For the purpose of this By-law, the Township of Hamilton has been divided into zones, the boundaries of which are shown on Schedules A and M.

4.17.1 Schedules A and M inclusive are detailed maps for portions of the Township of Hamilton.

4.17.2 The zones are referred to by the following names or symbols and are identified on Schedules A and M by the following symbols:

<u>Zone</u>	<u>Symbol</u>
Permanent Agricultural	PA
Marginal Agricultural	MA
Estate Residential	ER
Rural Residential	RR
Limited Service Residential	LSR
Waterfront Residential	WR
Mobile Home Residential	MHR
Urban Residential First Density	UR1
Urban Residential Second Density	UR2

Urban Multiple Residential	UMR
Rural Commercial	RC
Rural Highway Commercial	RHC
Waterfront Resort Commercial	WRC
Hamlet Commercial	HC
Rural Industrial	RI
Hamlet Industrial	HI
Mineral Extractive 'A'	MXA
Mineral Extractive 'B'	MXB
Waste Disposal	WD
Community Facility	CF
Open Space	OS
Environmental Protection – Wetland	EP-W
Environmentally Sensitive Area	ESA
Oak Ridges Moraine Environmental	ORME
Oak Ridges Moraine Core	ORMC
Oak Ridges Moraine Linkage	ORML
Oak Ridges Moraine Countryside	ORMCO
Oak Ridges Moraine Rural Settlement	ORMRS
Oak Ridges Moraine Mineral Extractive	ORMME

- 4.17.3 Where the boundary of any zone is uncertain, and the boundary is shown following a street, lane, railway right-of-way, electric transmission line, right-of-way or watercourse, then the centre line of the street, lane, railway right-of-way, electric transmission line, right-of-way or watercourse is the zone boundary.
- 4.17.4 Where the boundary line of a zone does not correspond to a property line, to the centre line of a street, highway line, right-of-way or watercourse, the location of said boundary line shall be scaled from the scale shown on Schedules A and M inclusive.
- 4.17.5 Where the boundary of any zone is uncertain and notwithstanding the provisions of this subsection, the dimensions contained in any amending by-law shall apply.
- 4.17.6 Where the regulations of a zone include a requirement that the minimum yard of a lot or parcel of land shall be a specific number of metres, such minimum yard shall be determined by measuring at right angles from either the street line of the public street or the lot line abutting such yard in the direction of such lot or parcel of land a distance equal to the said specific number of metres in the relevant regulation of such zone.
- 4.17.7 Subject to the provisions of [Section 5.13](#), the minimum lot area shall be as contained in the appropriate section of this By-law for the zone in which the lot is located or such larger area as may be required by the appropriate authority pursuant to the provisions of [The Public Health Act](#).
- 4.17.8 In addition to the above Zones, the schedules include an Environmentally Sensitive Area overlay boundary. Lands within these boundaries may be developed in accordance with the underlying zone provided there are no negative impacts on the environmental feature present on the property. Prior to obtaining a building permit or using any land for any use within the Environmentally Sensitive Areas, the owner shall provide a letter from the local conservation authority or other responsible public authority stating their satisfaction that, based on the required studies and/or assessments, no negative impacts will occur.
- 4.17.9 Notwithstanding the above, the boundary of the Oak Ridges Moraine Conservation Plan Area, shall be scaled from the attached Schedules.

Section 5 – General Provisions

5.1 Accessory Buildings and Structures

5.1.1 Where a swimming pool or tennis court is provided, the total lot coverage for said accessory uses may increase to a maximum of twenty (20) percent. In no case shall the lot coverage of all buildings and accessory uses exceed the maximum lot coverage as provided for in the applicable provisions of this By-law.

5.1.2 In a residential zone, an accessory building or structure, shall not be erected closer to the street line than the principal building on the lot and shall further be erected in conformity with the yard and setback requirements of the respective residential zone, except as may otherwise be provided herein.

Notwithstanding the foregoing, in a residential zone an accessory building or structure in an exterior side yard can be located closer to the street line than the principal building provided the exterior side setback is maintained and the proposed structure is not located within a site triangle.”

5.1.3 Where an accessory use is attached to the main building, the front yard, side yard, rear yard and area requirements of this By-law shall be complied with as if the accessory building was part of the main building.

5.1.4 No person shall use an accessory building for human habitation except where a dwelling is permitted as an accessory building.

5.1.5 An accessory building shall not be built closer to any lot line than the minimum distance required by this By-law except that common semi-detached garages may be erected on a mutual side lot line.

5.1.6 Except in accordance with [Section 5.40](#) no accessory building shall be erected prior to the erection of a principal building or structure.

5.1.7 The minimum distance of an accessory building from a principal building shall be 1.2 metres (4 feet).

5.2 Additional Residential Units

Notwithstanding any other provision of this By-law, where an additional residential unit is permitted hereunder, the following provisions shall apply:

- a) Additional residential units shall only be permitted in association with the following permitted principal uses:
 - i. Single detached dwellings; and
 - ii. Semi-detached dwellings.
- b) Additional residential units are not permitted within the:
 - i. Limited Service Residential (LSR) Zone or underlying Limited Service Residential (LSR) Zone;
 - ii. Waterfront Residential (WR) Zone or underlying Waterfront Residential (WR) Zone;
 - iii. Oak Ridges Moraine Core (ORMC) Zone; and

- iv. Oak Ridges Moraine Linkage (ORML) Zone
- c) Notwithstanding [Section 5.2 f\) ii.](#), an additional residential within the Oak Ridges Moraine is only permitted within the principle dwelling.
- d) Where an existing garden suite is situated on a lot it shall be classified as an additional residential unit. As such, only one additional residential unit within the principal dwelling shall be permitted subject to the provisions of this section.
- e) Additional residential units are only permitted on lots with frontage on and access from an improved public street.
- f) A maximum of two additional residential units per lot may be permitted subject to the following:
 - i. One (1) additional residential unit with a maximum floor area of 186 m² may be permitted within an existing or new single detached or semi-detached dwelling on a lot. For the purposes of this subsection, within shall mean, sharing a common roof system or flooring structure or sharing a common wall consisting of at least 30 percent shared surface.
 - ii. One (1) additional residential unit with a maximum floor area of 98 m² may also be permitted within a building or structure accessory to the single detached or semi-detached dwelling on a lot.
- g) Where additional residential unit(s) is/are proposed, the owner shall investigate whether an adequate supply of potable water is available, and that the site can assimilate wastes from the sewage disposal system without exceeding Ministry of the Environment and Climate Change guidelines for groundwater impact. Such information must accompany the building permit application, to the satisfaction of the Municipality and the authority having jurisdiction.
 - i. Where up to two additional residential units are proposed and the site is serviced with municipal water, a servicing statement is required from the municipality's water purveyor.
 - ii. Where up to two additional residential units are proposed, and the site is privately serviced, the owner shall provide a current Well Certification Test/Report, to the satisfaction of the Chief Building Official, to ensure adequate quantity and quality of the private service. Such report shall be dated no older than one year prior the building permit application.
- h) Additional residential units may be connected to the same servicing system for potable water and sewage disposal as the main dwelling on the lot pending approval of the municipality and authority having jurisdiction. If the servicing system is deemed to be inadequate to support the proposed additional residential unit(s), it is up to the property owner/applicant to provide an alternative servicing system to the satisfaction of the municipality and any other authority having jurisdiction as the case may be.
- i) Additional residential units shall be clearly accessory to the principal permitted use on the same lot;
- j) The establishment of additional residential units shall not be limited by any special zone provision that establishes the maximum number of dwelling

units.

- k) Additional residential units shall be exempt from any minimum lot area requirement established per dwelling unit on a lot.
- l) Additional residential units shall comply with the required minimum Landscaped Open Space provision, where such requirement has been established for the zone in which the Additional Residential Unit is located.
- m) In addition to the parking space(s) required for single detached or semi-detached dwellings, one (1) parking space is required for each additional residential unit. Tandem parking to a maximum of only one (1) space is permitted.
- n) Additional residential units within or otherwise attached to the principal dwelling unit shall provide a separate entrance which may be located at the side, rear or front of the principal dwelling unit. The entrance shall be accessed by a 1.2 metre (4 feet) wide unobstructed pathway from the front of the principal dwelling or the front lot line. For the purposes of this subsection, a “pathway” is defined as a hard surface treated path that is separately delineated from the driveway and provides pedestrian access. “Unobstructed” means no obstructions to a height of up to 2.3 metres (7.5 feet). This provision shall not prevent the establishment of a gate to access the rear yard.
- o) If an additional residential unit is proposed in a floodplain or an area rendered inaccessible to people and vehicles during times of flooding it shall require the approval of the authority having jurisdiction.
- p) Where an additional residential unit is located within a detached accessory building, the following provisions apply:
 - i. Shall comply with the accessory building minimum yard requirements of the zone;
 - ii. Shall be setback a minimum of 1.2 m (4 feet) from the principal dwelling located on the same lot;
 - iii. Shall have a maximum building height of 5.5 metres (18 feet);
 - iv. Shall comply with all other relevant accessory use provisions of the zone in which it is located;
 - v. A detached additional residential unit shall comply with the Minimum Distance Separation formulae;
 - vi. The provisions of Sections [5.26](#) and [5.36](#) do not apply to Clause [5.2](#) (p) i.;

5.3 Agriculture – Minimum Distance Separation

Notwithstanding any other yard or setback provisions of this By-law to the contrary, no development shall be located on a separate lot and permitted by a specific zone, unless it complies with the Minimum Distance Separation (MDS I) calculated using the Ontario Ministry of Agriculture Food and Rural Affairs Regulations and Guidelines. Notwithstanding any other yard or setback provisions of this By-law to the contrary, no livestock facility shall be erected or expanded within a PA and MA zone unless it complies with the Minimum Distance Separation (MDS II) calculated using the Ontario Ministry of Agriculture Food and Rural Affairs Regulations and Guidelines.

5.4 Area of Influence

No person shall erect any residential structure in any zone within 300 metres (984.3 feet) of lands zoned MXA - Mineral Extractive A and MXB - Mineral Extractive B without the approval of the Ministry of Natural Resources upon successful application for a minor variance and provided the residential use is a permitted use on the adjacent lands.

5.5 Backyard Hens

The keeping of a maximum of six (6) hens shall be permitted on properties zoned to permit a single detached dwelling. The keeping of hens shall be restricted to properties that have a minimum lot area of .4 hectares (one acre). The hens shall be always confined to an enclosure.

An enclosure for keeping one or more hens:

- a) Shall be located at least 3.0 metres from the side lot line and at least 3.0 metres from the rear lot line of the lot on which the hen coop is located.
- b) Shall be located at least 3.0 metres from abutting dwellings.
- c) Must be at least 7.5 metres from any church or school.
- d) Shall contain an enclosed roof structure and shall be no greater than 3.0 by 3.0 metres and no greater than 4.5 metres in height.
- e) Shall only be located in the rear yard.
- f) Manure/waste from the backyard hen enclosure shall not be stockpiled on the residential property.

5.6 Buffer Strips

Location

Where the interior side or rear lot line in a Community Facility, Commercial or Industrial zone abuts a Residential Zone, a buffer strip adjoining such abutting lot line or portion thereof shall be provided on the lot within the Community Facility, Commercial or Industrial Zone.

Contents

Required buffer strips shall contain one or more of the following screening devices:

- a) A continuous row of trees;
- b) A continuous hedgerow of evergreens, bushes or shrubs;
- c) A berm
- d) A wall
- e) A fence

Design

Screening devices comprising a required buffer strip shall:

- a) Be arranged so as to form a dense or opaque screen or barrier;
- b) Be designed to have an ultimate height of not less than 1.8metres above the elevation of the ground at the nearest lot line, provided that they do not obstruct a sight triangle.

Landscaped Open Space Supplement

A buffer strip referred to in this Subsection may form part of any landscaped open space required by this By-law.

Allowances for Driveways

Notwithstanding any provision of this by-law to the contrary, the buffer strip can be interrupted to allow for access to a property where site access will be provided from a rear yard.

5.7 Development on a Private Road

No person shall erect any building or structure on a lot with frontage on a Private Road unless the lot is zoned Limited Service Residential (LSR) Zone and provided the owner has entered into an agreement with the Township, as a condition of Site Plan Approval, acknowledging that the Township will not be responsible for maintaining the private road and further that, in the event of an emergency, the Township will make every attempt to respond in an expeditious manner but because of the properties' location on a private road, response may be delayed. All other applicable provisions of the By-law shall apply.

5.8 Development on a Township Road/Public Road/Street or County Road

No person shall erect any building or structure in any zone, except in a Limited Service Residential Zone or Special Limited Service Residential Zone, unless the lot upon which such building or structure is to be erected fronts upon a Township Road/Public Road/Street or County Road. For purposes of this By-law a Township Road/Public Road/Street or County Road does not include a Private Road, Summer Maintained Public Road, Un-assumed Public Road or an Unopened Public Road Allowance as defined herein. The above provisions shall not apply to prohibit the erection of any building on a lot on a registered plan of subdivision where a subdivision agreement has been entered into but the streets will not be assumed until the end of the maintenance period. Refer to Appendix 'A' Civic Address Map for the location of roads classified Township Road/Public Road/Street or County Road. This section does not apply to non-residential buildings or structures accessory to a permitted farm. (By-law 2008-26)

Where a property has frontage on a year-round Municipally maintained or County maintained road, that property must be accessed by an entrance onto the year-round Municipally maintained or County maintained road.

5.9 Development on Summer Maintained Public Road

No person shall erect any building or structure, except for a non-residential building or structure accessory to a permitted farm, on a lot with frontage on a Summer Maintained Public Road unless the lot is zoned Special Limited Service Residential (LSR) Zone and provided the owner has entered into an agreement with the Township, as a condition of Site Plan Approval, acknowledging that the road is not maintained on a year round basis and that

there is no intent by the Township to maintain it on a year round basis in the future and that access by municipal emergency service vehicles is restricted in the winter months. In the event of an emergency, the Township will make every attempt to respond in an expeditious manner but because of the properties' location on a private road, response may be delayed.

5.10 Development on an Un-Assumed Public Road

Development on an un-assumed public road may be permitted in accordance with the applicable zone and the general provisions of this by-law.

5.11 Development on an Unopened Public Road Allowance

Development shall not be permitted on lots with frontage only on an unopened public road allowance.

5.12 Dwelling Unit as an Accessory Use in a Non-Residential Setting

No person shall use any lot or erect, alter or use any building or structure for purposes of a dwelling or dwelling unit where the zoning is not residential except in accordance with the following regulations:

- a) In agricultural zones, a single detached dwelling may be permitted with a private water supply and sewage disposal system having the approval of the Ministry of the Environment and/or Approval Authority, as provided in certain non-residential zones; or
- b) In a Commercial zone, one dwelling unit shall be permitted in a non-residential building provided it is located on the second storey of such building, or at the rear of such building if on the main floor.

5.13 Existing Undersized Lots

Where a lot having a lesser lot area and/or lot frontage than that required herein is held under distinct and separate ownership from abutting lots, as shown by a registered conveyance in the records of the Registry or Land Titles Office on the date of passing of this By-law, or where such a lot is created as a result of an expropriation, such smaller lot may be used and a building or structure may be erected, altered or used on such smaller lot, provided that the parcel has a minimum frontage of 7.5 metres (24 feet), provided that an adequate supply of potable water is available to service the proposed use, provided such erection, alteration or use does not contravene any other provisions of this by-law and provided that all relevant regulations made under the Health Protection and Promotion Act and all relevant sewage disposal requirements under the Ontario Building Code are complied with.

5.14 Fire Wood Processing Operations (By-law 2016-46)

- a) The importation of any raw materials shall be consistent with the Canadian Food Inspection Agency regulations, as amended;
- b) The exportation (delivery and/or customer pick-up) of the final value-added product shall be consistent with the Canadian Food Inspection Agency regulations, as amended;
- c) All operations shall be consistent with the Township of Hamilton Noise By-law, as amended;

- d) All operations shall be consistent with the Township of Hamilton Property Standards By-law, as amended;
- e) All operations shall be consistent with the Northumberland Forest Conservation By-law, as amended;
- f) The minimum setback from any water course/Environmental Protection (EP)/Environmentally Sensitive Area (ESA) zone or Natural Hazard/ Provincially Significant Wetland designation shall be 30 metres (100 feet);
- g) All operations shall be consistent with the 1/2 load road restrictions for importing/exporting product as per the Township of Hamilton By-law 1998-20, as amended;
- h) Maximum of 1 operation shall be permitted per separately conveyable lot;
- i) Medium Scale operations may be permitted on lots in Agricultural or Rural designated areas with a minimum size of 2.02 hectares (5 acres);
 - i. The minimum setback from any neighbouring residential use or residential zone shall be 91.44 metres (300 feet);
 - ii. The final value-added product may be sold at the farm gate but the majority shall be delivered;
 - iii. Site Plan approval is required subject to the following:
 - 1. A scaled Site Plan sketch shall be drawn up by the proponent, to the satisfaction of the Township of Hamilton, and submitted together with any other required information to the Township of Hamilton Planning Department for review by the Site Plan Review Committee to determine compliance with all required governing documents prior to the establishment of the operation;
 - 2. A Site Plan Agreement with the Township is required to be entered prior to the establishment of the operation;
 - 3. The Site Plan Agreement may deal with issues such as noise control, days and hours of operation, and any other issues deemed appropriate by the Township;
 - 4. Berms or tree buffers shall be provided between this use and any existing incompatible uses; and
 - 5. Proof of current Open Air Burning Permit as per By-law 2014-19 and/or its successors, or in the alternative, a detailed explanation of other means of disposal of waste product that will be utilized by the proponent, to the satisfaction of the Township.
- j) Large Scale operations may be permitted on lots in Agriculture or Rural designated areas with a minimum size of 10.17 hectares (25 acres);
 - i. The minimum setback from any neighbouring residential use or residential zone shall be 213.36 metres (700 feet);
 - ii. The final value-added product may be sold at the farm gate but the majority shall be delivered; and
 - iii. Site Plan Approval is required subject to the following:

1. A scaled Site Plan sketch shall be drawn up by Ontario Land Surveyor or Engineer, to the satisfaction of the Township of Hamilton, and submitted together with any other required information to the Township of Hamilton Planning Department for review by the Site Plan Review Committee to determine compliance with all required governing documents prior to the establishment of the operation;
2. A Site Plan Agreement with the Township is required to be entered and shall be registered on the title of the property by the proponent at the sole expense of the proponent. A copy of the registered document shall be submitted to the Township prior to the establishment of the operation;
3. The Site Plan Agreement may deal with issues such as noise control, days and hours of operation, and any other issues deemed appropriate by the Township;
4. Berms or tree buffers shall be provided between this use and any existing incompatible uses; and
5. Proof of current Open Air Burning Permit as per By-law 2014-19 and/or its successors, or in the alternative, a detailed explanation of other means of disposal of waste product that will be utilized by the proponent, to the satisfaction of the Township.

The foregoing does not prohibit individual property owners from processing small quantities of firewood (maximum of 1 load/15 cords per calendar year) subject to [Section 5.14](#) a) through h) inclusive.

5.15 Garden Suites

Notwithstanding the provisions of [Section 5.34.3](#) of the By-law to the contrary, garden suites shall be permitted subject to the following requirements;

- a) The gross floor area of living space in such dwelling shall consist of a minimum of 49 square metres (527.4 square feet) and a maximum of 65 square metres (699.7 square feet);
- b) The dwelling unit shall be self contained and shall have a private entrance and separate culinary, sanitary, dining and sleeping area;
- c) The sanitary sewage disposal, water supply and electrical services for the dwelling unit shall be derived from and connected to the services of the single detached dwelling upon which lot the garden suite is situated, subject to the approval of the authorities responsible for the various services;
- d) All of the provisions of the respective zones in which the garden suite is situated shall be complied with in addition to the following special criteria:
 - i. Rear Yard - 4.5 metres (14.8 feet) minimum;
 - ii. Building Height - 4.5 metres (14.8 feet) maximum; and
 - iii. Separation Distance from the Principal Dwelling - 4.5 metres (14.8 feet) maximum.
- e) The owner/occupant of the detached dwelling and occupant of the garden suite upon which lot the garden suite is situated enter into an agreement

with the municipality pursuant to the Municipal Act stating that the owner of the detached dwelling and the occupant of the garden suite are related by blood or marriage, the age of the occupant of the garden suite, that no other individual(s) will occupy the garden suite and that the garden suite will be removed when it is no longer needed;

- f) Access from a public road to a garden suite shall be obtained by the driveway serving the principal dwelling on the lot;
- g) A garden suite shall be located behind the principal dwelling house on the property;
- h) The placement of a garden suite on a lot shall be subject to site plan control pursuant to the Planning Act to ensure all servicing, buffering, parking and other issues are addressed;
- i) A temporary use zoning by-law is passed by Council in accordance with the provisions of [The Planning Act](#). The by-law shall be in place for a period not exceeding ten (10) years.

5.16 Group Homes

Group Homes are permitted in the zones as indicated in this By-law subject to the following requirements;

- a) In addition to the minimum parking requirements of [Section 5.31](#), one additional parking space shall be provided for each attendant or staff member who resides outside of the group home; and
- b) All the provisions of the respective zones in which the group home is situated shall be complied with.

5.17 Health Approval

No building permit shall be issued for any building or structure which requires a septic system unless the building permit application is accompanied by approval in writing from the appropriate responsible authority for the proposed method of sewage disposal.

5.18 Height Exceptions

Notwithstanding the height provisions herein contained, nothing in this By-law shall apply to prevent the erection, alteration, or use of the following accessory buildings or structures provided the principle use is a use permitted with the Zone in which it is located, namely:

- a) A church spire;
- b) A belfry;
- c) A flag pole;
- d) A clock tower;
- e) A chimney;
- f) A water tank;
- g) A radio or television tower or antenna;

- h) An Air conditioner duct;
- i) A barn or silo;
- j) A Drying elevator;
- k) Incidental equipment required for processing; and
- l) External equipment associated with internal building equipment.

5.19 Holding Zones

Where any zone symbol as shown on Schedules A and M is followed by the symbol "H", this signifies that no person shall use any land, erect, alter, enlarge, use or maintain any building or structure until such time as the holding symbol has been removed by the Township in accordance with the provisions of the Planning Act. Upon removal of the holding symbol the permitted use of the subject property and the erection of any buildings or structures thereon shall be undertaken in accordance with the provisions of the underlying zoning category.

5.19.1. Zone Regulations

Uses legally existing prior to the passing of this By-law and accessory uses thereto may be enlarged, reconstructed, renovated or replaced in accordance with the relevant zone regulations where such use is normally permitted.

5.19.2. General Provisions

All special provisions of this [Section 5 "General Provisions"](#) shall apply, where applicable to any land, lot, building, structure or use within zones subject to the aforementioned "Holding" criteria.

5.20 Home Industry

Home industries are categorized as Type 'A' and Type 'B' home industries. Home industries Type 'A' and Type 'B' are permitted in the zones as indicated in this By-law in accordance with the following:

- a) There is no external storage of goods or materials;
- b) Refer to the Township of Hamilton's Sign By-law for property line setbacks and restrictions;
- c) The home industry is clearly secondary to the main residential use and does not change the residential character of the dwelling nor create or become a public nuisance; in particular in regard to noise, noxious odours, emission of smoke, traffic or parking;
- d) The home industry does not interfere with television or radio reception;
- e) There are no goods, wares or merchandise, publicly offered or exposed for sale on the premises outside of any buildings;
- f) On site parking is provided in accordance with [Section 5.31](#);
- g) Home industries are subject to site plan approval by the municipality; and
- h) That a notice from the approving authority for sewage disposal under the Ontario Building Code be received indicating that the sewage disposal requirements have been met.

5.20.1 Additional Provisions for Type 'A' Home Industries

Type 'A' Home Industries shall include craft shops, woodworking, repair and service shops and similar type uses and associated retail sales in accordance with the following:

- a) Any accessory structure used for a Type 'A' home industry shall use not more than 39 square metres (420 square feet) of the structure;
- b) Not more than one (1) person not residing in the residence on the lot shall be permitted;
- c) Type 'A' and 'B' Home Industries may locate within accessory structures erected prior to the passing of Zoning By-law No. 2001-58 and which exceed the maximum size requirement provided these requirements have been met:
 - i. Subject to change of use approval; and
 - ii. Subject to site plan/floor plan approval.

5.20.2 Additional Provisions for Type 'B' Home Industries

Type 'B' Home Industries shall include mechanics, craft shops, woodworking, light manufacturing including farm equipment fabrication, repair and service shops and other similar type uses and associated retail sales 'maximum of 10% of the exclusively dedicated floor area' in accordance with the following: (By-law 2008-26)

- a) The minimum lot size for a Type 'B' home occupation shall be 2 hectares (4.94 acres);
- b) Not more than two (2) persons not residing in the residence on the lot and employed by the home industry shall be permitted;
- c) One commercial vehicle associated with the home industry is permitted;
 - i. On lots between 2.0 hectares (4.9 acres) and 2.4 hectares (6.0 acres) in size, the accessory structure or part thereof within a building which was erected prior to the passing of this by-law used for Type 'B' home industry shall not exceed 55.75 square metres (600 square feet) and shall be located not closer than 15.2 metres (50 feet) from any lot line; in addition, all Type 'B' home industry accessory structures shall be subject to the provisions of [Section 5.1](#);
 - ii. On lots between 2.47 hectares (6.1 acres) and 4.0 hectares (10 acres) in size, the accessory structure or part thereof within a building which was erected prior to the passing of this by-law used for Type 'B' home industries shall not exceed 92.9 square metres (1,000 square feet) and shall be located not closer than 20 metres (66 feet) from any lot line; in addition, all Type 'B' home industry accessory structures shall be subject to the provisions of [Section 5.1](#);
 - iii. On lots 4.1 hectares (10.1 acres) and larger in size, the accessory structure or part thereof within a building which was erected prior to the passing of this by-law used for Type 'B' home industries shall not exceed 139.4 square metres (1,500 square feet) and shall be located not closer than 25 metres (82 feet) from any lot line; in addition, all

Type 'B' home industry accessory structures shall be subject to the provisions of [Section 5.1](#);

- d) Type 'A' and 'B' Home Industries may locate within accessory structures erected prior to the passing of Zoning By-law No. 2001-58 and which exceed the maximum size requirement provided these requirements have been met:
 - i. Subject to change of use approval; and
 - ii. Subject to site plan/floor plan approval.

5.21 Home Occupations

Home occupations are categorized as Type 'A' and Type 'B' home occupations. Home occupations Type 'A' and Type 'B' are permitted in the zones as indicated in this By-law in accordance with the following:

- a) There is no display, other than a sign of a maximum size of .55 square metres (6.0 square feet) to indicate to persons outside that any part of the dwelling is being used for a purpose other than residential. Refer to the Township of Hamilton's Sign By-law for property line setbacks and restrictions;
- b) Such home occupation is clearly secondary to the main residential use and does not change the residential character of the dwelling nor create or become a public nuisance; in particular, in regard to noise, obnoxious odours, emission of smoke, traffic or parking;
- c) Such home occupation does not interfere with television or radio reception;
- d) Not more than 25 percent of the gross floor area of the dwelling is used for the purposes of home occupation uses except in the case of a bed and breakfast establishment in which situation the provisions of subsection [5.21.3](#) shall apply; and/or
- e) That a notice from the approving authority for sewage disposal under the Ontario Building Code be received indicating that the sewage disposal requirements have been met.

5.21.1 Additional Provisions for Type 'A' Home Occupations

Type 'A' home occupations shall be conducted entirely within the principal residence and shall be limited to administrative office type uses only and may employ one (1) employee other than those residing in the dwelling.

5.21.2 Additional Provisions for Type 'B' Home Occupations

Type 'B' home occupations shall be conducted entirely within the principal residence and shall be limited to personal service and medical occupations such as hairdressers, day nurseries limited to 5 children or less, doctors and dentist's offices and may employ one (1) person in addition to persons residing in the residence.

5.21.3 Additional Provisions for Bed and Breakfast as a Home Occupation

Where a bed and breakfast establishment is established as a home occupation, no more than 3 guest rooms shall be maintained for the accommodation of the public.

5.22 Lands in the Vicinity of Watercourses or Embankments

Notwithstanding anything in this By-law, no permit shall be issued for any building to be constructed within those areas outlined in subsections [5.22.1](#), [5.22.2](#) and [5.22.3](#) herein without the prior written approval of the Conservation Authority, the Ministry of Natural Resources and/or the Canadian Parks Service having jurisdiction.

- 5.22.1 No building or structure shall be located within the flood plain of a watercourse, including a municipal drain, except where a municipal drain forms part of a road allowance, notwithstanding that such watercourse is not shown on any schedule forming part of this By-law.
- 5.22.2 Notwithstanding anything in this By-law, no building, structure, or septic tank installation including the weeping tile field shall be located outside the requirements of:
- a) The provisions of [The Building Code Act](#); and/or
 - b) Conservation authority regulations.
- 5.22.3 The provisions of subsections [5.22.1](#) and [5.22.2](#) shall not apply to buildings, structures and services requiring direct access to the water as an operational necessity such as a boathouse, marina, marina service building or facility, or other similar structure.

5.23 Lands Severed by Public Utility Lines

Where lands are acquired for purposes of a public utility line and such acquisition deprives a parcel of land of street frontage, the part of such parcel so deprived of street frontage shall be deemed for purposes of this By-law to have frontage on such street providing the land has a permanent right of access to such street.

5.24 Loading Space Requirements

No person shall erect or use any building or structure in any zone for any commercial or industrial purpose involving the movement of goods unless loading spaces are provided and maintained in accordance with the following provisions:

Area of Building	Loading Space
280 to 930 square metres	One (1) loading space
1400 square metres or fraction thereof in excess of 930 metres	Two (2) loading spaces plus one (1) additional loading space

- a) Each loading space shall be at least 9.0 metres long, 3.5 metres wide and have a vertical clearance of least 4.0 metres.
- b) The required loading spaces shall be provided on the lot occupied by the building or structure for which the said loading spaces are required and shall not form a part of any street or lane.
- c) For any commercial or industrial use, no loading space or part thereof shall be located, and no land shall be used for loading purposes within 1.5 metres (4.9 feet) of any lot line, or within 3 metres (9.8 feet) of any street line or boundary of any Residential zone, or within 3 metres (9.8 feet) of the lot line of a residential use.

- d) Access to loading spaces shall be by means of a driveway at least 6 metres (19.7 feet) wide contained within the lot on which the spaces are located and leading to a street or lane located within or adjoining the zone in which the use is located.
- e) The driveways and loading spaces shall be maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles.
- f) The loading requirements referred to herein shall not apply to any building in existence at the date of enactment of this By-law so long as the gross floor area as it existed at the date is not increased. If an addition is made, then additional loading spaces shall be provided up to the number required for such addition.

5.25 Multiple Uses on One Lot

Notwithstanding anything contained in this By-law, where any land or building is used for more than one purpose, all provisions of this By-law relating to each use shall be complied with, provided that no dwelling shall be located closer than three (3) metres (9.8 feet) to any other building on the lot except a building accessory to such dwelling. A dwelling or dwelling unit as an accessory use will be allowed where permitted by this By-law in accordance with [Section 5.12](#).

5.26 Non-Complying Buildings and Structures

Building on Existing Lots

Where a building has been erected prior to the date of the passing of this By-law on a lot having less than the minimum frontage and/or area, or having less than the minimum front yard, side yard, rear yard or usable open space required by this By-law, the said building may be enlarged, reconstructed, repaired or renovated provided said enlargement, reconstruction, repair or renovation does not serve to further reduce a required yard or required usable open space and provided all other provisions of this By-law are complied with.

5.26.1 Building Floor Area

Where a building has been erected prior to the date of the passing of this By-law with a gross or ground floor area less than the minimum required in the applicable zone of this By-law, such building may be enlarged, repaired or renovated provided said repair or renovation does not further reduce the building's gross or ground floor area.

5.27 Non-Conforming Uses

5.27.1 Continuation of Existing Uses

The provisions of this By-law shall not apply to prevent the use of any lot, building or structure for any purpose prohibited by this By-law if such lot, building, or structure was lawfully used for such purpose on the day of passing of this By-law, so long as it continues to be used for that purpose.

5.27.2 Building Permit Issued

The provisions of this By-law shall not apply to prevent the erection or use for a purpose prohibited by this By-law of any building or structure, the plans for which have prior to the passing of this By-law been approved and a permit issued by the Township of Hamilton's Chief Building Official so long as the building or structure when erected is used and continues to be used for the

purpose for which it was erected and provided that the erection of such a building or structure is commenced within one year after the day of the passing of this By-law and the building or structure is completed within a reasonable time after the erection thereof is commenced.

5.27.3 Restoration to a Safe Condition

The provisions of this By-law shall not apply to prevent the strengthening to a safe condition of any non-conforming building or structure or part thereof provided such strengthening generally does not increase the height, size or volume, of such building or structure.

5.27.4 Rebuilding, Repair or Strengthen to Safe Condition Permitted on Lands Zoned as Environmental Protection.

- a) Nothing in this By-law shall prevent the rebuilding or repair of any legal non-conforming building or structure that is damaged or destroyed, or the strengthening to a safe condition of any building or structure which does not conform to the provisions of this By-law, subsequent to August 1, 1993, provided that the dimensions of the original building or structure are not increased and the use of the building or structure not altered.
- b) Wetlands Within Developed Areas
 - i. Provincially significant wetlands within the Township of Hamilton have been zoned Environmental Protection-Wetland.
 - ii. Notwithstanding any other provisions of this By-law to the contrary, all lands exhibiting a Zone category with the (-W) sub-category may continue to be used for those uses existing as of August 1, 1993.
 - iii. New building, structures or uses, or additions, alternations or replacement of existing buildings or structures notwithstanding [Section 5.36](#) hereof to the contrary shall only be permitted where an Environmental Impact Study (EIS) or a Site Plan assesses to the satisfaction of the municipality, the Ministry of Natural Resources, the Conservation Authority, the Health Unit and Trent Severn Waterway (if on or adjacent to Rice Lake) that the proposed development will have no impact on the Wetland.
- c) Wetland - Adjacent Lands
 - i. All lands zoned Environmental Protection-Wetland (EP-W) represent provincially significant wetlands.
 - ii. New buildings, structures or uses or additions, alternations or replacement of existing buildings or structures shall only be permitted within 120 metres of lands zoned EP-W where an Environmental Impact Study (EIS) or a Site Plan assesses to the satisfaction of the municipality in consultation with the Ministry of Natural Resources, and the Conservation Authority, the Health Unit and Trent Severn Waterway that the proposed development will have no impact on the adjacent Wetland. In accordance with the Provincial Policy Statement, new buildings, structures and uses or additions, alterations or replacement of existing buildings or structures, associated with established agricultural activities shall be permitted without the need for an Environmental Impact Study on lands adjacent to a Provincially Significant Wetland.

5.28 Oak Ridges Moraine Provisions

5.28.1 Single Detached Dwelling Permitted

Notwithstanding any provision of this By-law, a single detached dwelling is a permitted use, as a principal use on lands identified as PA, MA, ER, RR, LSR, WR, UR1, UR2 and as an accessory use on lands identified as RC, RHC, WRC, RI, MXA, MXB, OS, HC, HI, WRC and CF on Schedule 'M' to this By-law within the Oak Ridges Moraine Conservation Plan Area provided the single detached dwelling complies with all other provisions of the applicable zone and further, the applicant submits information at the time of building permit application that the use, erection and location will not, to the extent possible, adversely affect the ecological integrity of the Oak Ridges Moraine. This information may include a natural heritage evaluation and/or hydrological evaluation completed in accordance with the Oak Ridges Moraine Conservation Plan and will be approved by the Township in consultation with the local Conservation Authority. Approval of the development is subject to site plan approval by the Township.

5.28.2 Prohibited Uses

The following uses are prohibited on lands located within the Oak Ridges Moraine Conservation Plan Area:

- a) Generation and storage of hazardous waste or liquid industrial waste.
- b) Waste disposal sites and facilities, organic soil conditioning sites and snow storage and disposal facilities.
- c) Underground and above-ground storage tanks that are not equipped with an approved secondary containment device.
- d) Storage of a contaminant listed in Schedule 3 (Severely Toxic Contaminants) to [Regulation 347 of the Revised Regulations of Ontario, 1990](#).

5.28.3 Expansion of Existing Buildings and Structures

- a) The expansion of legally existing buildings and structures constructed prior to November 15, 2001 is permitted on the same lot, provided that the applicant demonstrates that:
 - i. There will be no change in use; and
 - ii. The expansion will not adversely affect the ecological integrity of the Plan Area.
- b) Where the expansion of an existing building or structure or the establishment of an accessory use, building or structure intrudes on areas within the Oak Ridges Environmental Zone or the Oak Ridges Moraine Environmental Plan Review areas as shown on Schedules 'A' and M, the applicant shall submit a natural heritage evaluation and/or a hydrological evaluation completed in accordance with the Oak Ridges Moraine Conservation Plan and will be approved in conjunction with the local Conservation Authority. Approval of the development is subject to site plan approval by the Township.

5.28.4 Mineral Aggregate Operation

Notwithstanding the provisions of this By-law, existing mineral aggregate operations or existing wayside pits within the Oak Ridges Moraine Core Zone may not be expanded beyond the boundary of the area under licence or permit.

5.28.5 Areas of High Aquifer Vulnerability

Notwithstanding any other provisions of this By-law to the contrary, the following uses are prohibited within an Area of High Aquifer Vulnerability as indicated by the zone shown on Schedule "L" attached hereto and forming part of this By-law:

- a) Generation or storage of hazardous or liquid industrial waste;
- b) Waste disposal sites and facilities, organic soil conditioning sites, and snow storage and disposal facilities;
- c) Underground or above-ground storage tanks that are not equipped with an approved secondary containment device; and
- d) The use, creation, handling or storage of alfatoxin, tetrachlorodibenzo-p-dioxin, pentachlorodibenzo-p-dioxin, hexachlorodibenzo-p-dioxin, or tetrachlorodibenzo furan, or other containments listed in Schedule 3 (Severely Toxic Contaminants) to Regulation 347 of the Revised Regulations of Ontario, 1990.

5.28.6 Landform Conservation Area

- a) Notwithstanding any other provisions of this By-law to the contrary, the following provisions shall apply within a Landform Conservation Area (Category 1) as indicated on Schedule "K" attached hereto and forming part of this By-law.
 - i. The net developable area of the site that is disturbed shall not exceed twenty (25) percent of the total site area; and
 - ii. The net developable area of the site that has impervious surfaces shall not exceed 15 percent of the total site area.
- b) Notwithstanding any other provisions of this By-law to the contrary, the following provisions shall apply within a Landform Conservation Area (Category 2) as indicated on Schedule "K" attached hereto and forming part of this By-law.
 - i. The net developable area of the site that is disturbed shall not exceed fifty (50) percent of the total site area; and
 - ii. The net developable area of the site that has impervious surfaces shall not exceed twenty (20) percent of the total site area.

5.28.7 Infiltration Basins and Columns

New rapid infiltration basins and new rapid infiltration columns as defined in [Section 3B](#) of this By-law, are prohibited on lands within the Oak Ridges Moraine Plan Area, as shown on Schedule "A" to this By-law.

5.28.8 Transportation Infrastructure and Utilities

- a) Notwithstanding any other provisions of this By-law to the contrary, all new transportation, infrastructure and utilities uses listed below, and all

upgrading or extension of existing transportation, infrastructure and utilities uses, including the opening of a road within an unopened road allowance, are prohibited on lands within an Oak Ridges Environmental Zone as shown on Schedule "A" to this By-law:

- i. Public highways;
 - ii. Transit lines, railways and related facilities;
 - iii. Gas and oil pipelines;
 - iv. Sewage and water service systems and lines and stormwater management facilities;
 - v. Power transmission lines;
 - vi. Telecommunications lines and facilities, including broadcasting towers;
 - vii. Bridges, interchanges, stations, and other structures, above and below;
 - viii. Ground, that are required for the construction, operation or use of the facilities listed in Clauses (i) to (vi) above; and
 - ix. Rights-of-way required for the facilities listed in Clauses (i) to (vii) above.
- b) Notwithstanding [Section 5.28.8](#) i. of this By-law to the contrary, publicly initiated transportation, infrastructure, and utilities uses may be permitted to cross an Oak Ridge Environmental Zone, as shown on Schedule "A" of this By-law in accordance with all applicable policies of the Official Plan.

5.28.9 Oak Ridge Moraine

- a) Notwithstanding any other provisions of this By-law to the contrary, lands zoned Oak Ridge Moraine Environmental may be included in the calculation of any zone provisions for adjoining lands, provided that such lands used in the calculation are part of the same lot.
- b) Notwithstanding any provision of this By-law to the contrary, all development shall comply with all applicable Official Plan policies related to the Oak Ridges Moraine Conservation Plan Area.
- c) Where there is a conflict between this By-law and the [Oak Ridges Moraine Conservation Act](#), or the Oak Ridges Moraine Conservation Plan, the more restrictive provisions shall prevail.

5.29 Obnoxious Uses

Notwithstanding anything contained herein, no land shall be used and no building or structure shall be erected, altered or used for any purpose which is obnoxious, and without limiting the generality of this subsection, for any purpose that creates or is likely to become a nuisance or offensive, or both;

- a) By the creation of noise or vibration in excess of the limits of [The Environmental Protection Act](#);
- b) By reason of the emission of gas, fumes, smoke, dust or objectionable odour in excess of the limits of [The Environmental Protection Act](#), except

in the case of agricultural uses operating in compliance with the Guide to Agricultural Land Use;

- c) By any combination of those described in [Clauses 5.21\(a\) and 5.21\(b\)](#) of this subsection;
- d) Other obnoxious uses as outlined in the Municipal Property Standards By-law.

5.30 Outdoor Woodburning Furnaces

Notwithstanding any other provision of this By-law to the contrary, an outdoor wood burning furnace shall only be permitted to be located within Permanent Agriculture and Marginal Agriculture Zones and shall comply with the following regulations:

- a) Minimum setback from:
 - i. A lot line abutting a residential land use district permitting a single or two unit dwelling 60 metres (196.9 feet); and
 - ii. Any other lot line 30 metres (98.4 feet).
- b) The installation of such unit shall require a building permit.

5.31 Parking Provisions

5.31.1 Off Street Parking Provision

For every building or structure to be erected for, altered for, or its use converted to any of the uses specified in the following table, off-street parking facilities shall be provided and maintained either on the same lot on which the principal use is located or, where this is not possible, on a lot within 60 metres (196.9 feet) of the lot on which the principal use is located and in accordance with the following table and other provisions contained in this subsection unless otherwise specifically provided.

5.31.2 Parking Space Requirements

Type or Nature of Use	Minimum Off-Street Parking Requirements
Assembly Halls including Lodges, Labour Union Halls, Dance Halls, Community Centres, Theatres, Churches and Place of Worship;	One (1) space for every three (3) persons of maximum design capacity.
Automotive Sales Establishment (new or used);	Minimum of ten (10) spaces plus one (1) space for every employee working on the premises during the peak business period for Automotive Sales Establishment (new or used).
Boarding or Rooming House, Bed and Breakfast or Tourist Home;	One (1) space for each bedroom.
Bowling and Billiard Establishments;	One (1) space for every two (2) persons of design capacity. Design capacity shall mean six (6) persons per bowling lane and two (2) persons per billiard table.

Business or Professional Offices;	One (1) space for every twenty-three (23) square metres (247.6 square feet) of gross floor area or where such conflicts with the office of a doctor or dentist, there shall be a minimum of three (3) parking spaces provided on the same lot.
Club (private or commercial) or Recreational Establishment;	One (1) space for every three (3) persons to be accommodated in the design capacity of the building.
Funeral Home;	One (1) space for every three (3) chapel seating spaces or fraction thereof with a minimum of 10 spaces.
Government or Public Utility Buildings;	One (1) space for every twenty-three (23) square metres (247.6 square feet) or gross floor area.
Home Occupation or Home Industry;	One (1) space for every eighteen (18) square metres (193.8 square feet) or floor area devoted to the use of a Home Occupation or Home Industry.
Nursing Homes;	One (1) space for every two (2) beds in a Hospital (public or private).
Hotel, Motel, Inn or Resort;	One (1) space for every guest room and one (1) space for every eight (8) square metres (86.1 square feet) of gross floor area devoted to public use.
Industrial Establishment;	One (1) space for every thirty-seven (37) square metres (398.3 square feet) of gross floor area.
Marina;	One (1) space for every 2 docking berths.
Post Offices, Museums, Art Galleries & Libraries;	One (1) space for every thirty-seven (37) square metres (398.3 square feet) of gross floor area.
Residential Dwelling Unit;	Two (2) spaces.
Restaurant, Tavern, banquet Hall, Beverage Room, Lodge or Meeting Area, excluding a Take-Out Restaurant;	One (1) space for every four and one half (4.5) square metres (48.4 square feet) of public floor area or one (1) space for every four (4) persons of design capacity, whichever is the greater with a minimum of 10 spaces.
Retail Lumber and Building Supply Outlets;	One (1) space for every twenty-eight (28) square metres (301.4 square feet) of retail floor space with a minimum of 6spaces.
Retail, Wholesale Sales, Service Establishment or Studios	One (1) space for every twenty-eight (28) square metres (301.4 square feet) of gross floor area.
Assembly hall or auditorium in Schools;	One (1) space per classroom, and one space for each 10 people of maximum design capacity.
Senior Citizen Multiple Dwellings;	Up to 30 dwelling units, parking spaces shall equal 50% of the number of dwelling units. Between 30 & 60 units, parking spaces shall equal 40% of the number of dwelling units.
Take-Out Restaurants;	One (1) space for every two (2) square metres (21.5 square feet) of gross floor area.

Retail Lumber and Building Supply Outlets;	One (1) space for every twenty-eight (28) square metres (301.4 square feet) of retail floor space with a minimum of 6 spaces.
Retail, Wholesale Sales, Service Establishment or Studios;	One (1) space for every twenty-eight (28) square metres (301.4 square feet) of gross floor area.
Schools;	One (1) space per classroom, and one space for each 10 people of maximum design capacity of the assembly hall or auditorium.
Senior Citizen Multiple Dwellings;	Up to 30 dwelling units, parking spaces shall equal 50% of the number of dwelling units. Between 30 & 60 units, parking spaces shall equal 40% of the number of dwelling units.
Take-Out Restaurants;	One (1) space for every two (2) square metres (21.5 square feet) of gross floor area.
Warehouse or Bulk Storage Yards	One (1) space for every employee working on the premises during the peak business period.
Other uses	One (1) space for every twenty-eight (28) square metres (301.4 square feet) of gross floor area for uses permitted by this By-law other than those listed above but excluding accessory uses to single detached dwellings; and

5.31.3 Handicap Parking

Handicap parking spaces shall be provided for all commercial uses listed in [Section 5.32.2](#) at the rate of 1 space per 500 square metres (5,382.0 square feet) with a minimum of 2 spaces. Handicap parking spaces should be a minimum of 3.5 metres (11.5 feet) wide and be located in close proximity to the commercial establishment.

5.31.4 Restrictions in Residential Zones

No person shall use any parking area or parking space in a UR1 or UR2 Zone except in accordance with the following:

- a) Not more than one vehicle per dwelling unit shall be a commercial vehicle as defined in *The Highway Traffic Act*; and/or
- b) The rated capacity of any such commercial motor vehicle shall not exceed one ton.

5.32 Planned Width of Road

5.32.1 Notwithstanding any other provision contained in this By-law, no building or structure shall be hereafter erected in any zone closer than:

- a) The requirement set out in the County By-law; for county roads and
- b) From the requirement set out by The Township of Hamilton Public Works department for township roads.

5.32.2 Notwithstanding the provisions of this by-law to the contrary, where a building, structure or accessory use thereto is to be erected in a built-up area where there is an established building line less than the required front yard and/or exterior side yard requirement, such dwelling or accessory use is not to be erected closer to the street line or to the centre line of the road or street, as the case may be, than the established building line on the date of passing of this By-law.

This provision shall not apply to those lands zoned Permanent Agriculture and Marginal Agriculture.

5.33 Prohibited Uses

5.33.1 Except as otherwise specifically permitted in this By-law, the following uses are prohibited in any zone:

- a) Refining coal oil or petroleum products;
- b) Tanning hides or skins;
- c) Manufacturing gas;
- d) Manufacturing glue;
- e) A track for the racing of motor vehicles, motorcycles, go-carts or snowmobiles; and
- f) Locating or storing on any land for any purpose whatsoever, any disused railroad car, truck, bus or coach body, whether or not the same is situated on a foundation.

5.33.2 In addition to the uses prohibited in [Clause 5.33.1](#) of this subsection, any use is prohibited which by its nature or the materials used therein is declared under [The Health Protection and Promotion Act](#) to be a health hazard.

5.33.3 In addition to the uses prohibited in [Clause 5.33.1](#) of this subsection, all uses of land and the erection or use of any building or structure for a purpose not permitted under the "Permitted Principal Use" subsection of one or more zones established by this By-law are and shall be deemed to be prohibited in each such zone, except for those uses of land and the erection or use of any building or structure for a purpose expressly permitted under the applicable provisions of this By-law.

5.34 Prohibitions

5.34.1 No person shall use any land or erect any building or structure within a zone except for a permitted use established or erected in accordance with the regulations provided by this By-law for the zone in which it is located.

5.34.2 No person, except a public authority engaged in the implementation of public works or services shall reduce in area or frontage any lot already built upon, either by conveyance or alteration, so that the lot coverage of the building exceeds the maximum permitted by this By-law, or so that the area or frontage of the lot will be less than the minimum permitted by this By-law for the zone in which the lot is located.

5.34.3 Except in a commercial or industrial zone, not more than one permitted use shall be allowed on a lot unless specifically permitted in this By-law. This section shall not prohibit the establishment of a home occupation or home industry in conjunction with a dwelling where such use is permitted.

- 5.34.4 The purpose for which any land or building is used shall not be changed, no new building or addition to any existing building shall be erected and no land shall be severed from a lot, if such change, erection or severance creates a situation that contravenes any of the provisions of this By-law applicable to each individual remaining building, accessory building or lot.
- 5.34.5 Except as otherwise provided in this By-law, no building or structure shall be erected, altered, extended or enlarged except upon a lot, nor shall any land be used for any permitted use unless it comprises a lot as defined herein; but this provision shall not prevent the use of any parcel or tract of land for agricultural purposes, excluding the erection or enlargement of any building or structure except a fence.
- 5.34.6 Removed
- 5.34.7 Notwithstanding anything contained in this By-law, no person shall use or occupy any building for residential purposes:
- a) Unless such building has been substantially completed and finished in all respects in accordance with the plans and specifications filed upon application for the building permit, and has an approved Occupancy Inspection by the Chief Building Official or designate; and
 - b) Unless such building is serviced with electricity, a pressure well water supply system, and an appropriate sanitary sewage disposal system.
- 5.34.8 Notwithstanding anything contained in the By-law, no person shall use any building, structure or land for any purpose that would have a negative impact on groundwater resources in the Township. As part of the building permit, severance or rezoning process, the applicant may be required to obtain Ministry of Environment and/or the Conservation Authority approval for any use.
- 5.34.9 Except as otherwise permitted in this by-law, no more than one principal dwelling shall be permitted per lot.
- 5.35 Public Uses and Utilities
- 5.35.1 Notwithstanding anything contained in this By-law, the Township of Hamilton or any local board thereof, or any joint Board of two or more municipalities, any telephone or telegraph company, any transportation system owned, operated, or authorized by or for the Township of Hamilton, any Department of the Federal or Provincial Government or any Conservation Authority established by the Government of Ontario, may, for purposes of public service, use any land or erect or use any building or structure in any zone except Environmental Protection-Wetland or Environmentally Sensitive Areas provided:
- a) That such use, building or structure, shall be in compliance with the height, coverage, landscaped open space and yard regulations prescribed for such a zone;
 - b) That there shall be no open storage of goods, materials, or equipment in the yards of any Residential Zone; and
 - c) That any building or structure erected or used in any Residential Zone shall be of a character and shall be maintained in general harmony with the buildings of the type permitted in the said zone.
- 5.35.2 Nothing in this By-law shall prevent the use of any land as a public park, a public street or for the location of a properly authorized traffic sign or signal, or

any sign or notice of any Municipal, Provincial or Federal government department or authority.

5.36 Replacement of Buildings and Structures

A building or structure, including a legal non-conforming and/or legal non-complying building or structure, may be replaced with a new building or structure in the case of partial or complete destruction caused by fire, lightning, explosion, tempest, flood or Act of God, or demolition by order of the Corporation of the Township of Hamilton, the local Health Unit, or other authority for safety, health or sanitation requirements, providing such building or structure is serviced by a well and sewage disposal system approved by the appropriate responsible authority. The provisions of [Section 5.26](#) shall apply in the case of the reconstruction of a legal non-complying building or structure.

5.37 Setback from Pipeline

Notwithstanding any other provisions of this By-law to the contrary, no building or structure or no excavation shall be permitted within 10 metres (32 feet) of a major natural gas or oil pipeline right-of-way.

5.38 Swimming Pools

Notwithstanding any other provisions of this By-law a swimming pool is permitted as an accessory use in any residential, agricultural, commercial, community facility or open space zone provided that:

- a) No part of such pool shall be located closer to any lot line than the minimum distance required for an accessory building located on such lot; and/or
- b) Any building or structure required for changing clothing or for pumping or filtering facilities, or other similar accessory uses shall meet all of the accessory building requirements of the zone in which the pool is located.

5.39 Sight Triangles

Unless otherwise specified in this By-law, on a corner lot, within the triangular space formed by the street lines and a line drawn from a point in one street line to a point in the other street line, each point being measured nine (9) metres (29.5 feet) along the street lines from the point of intersection of the street lines, no building or structure which would obstruct the vision of drivers of motor vehicles shall be erected and no trees, shrubs, hedges, fences or walls shall be planted, erected or maintained of greater height than one (1) metre (3.3 feet) above the centre line of the adjacent road at the lowest point. Where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the tangents to the street lines. Refer to Appendix 'A'.

5.40 Temporary Uses

Nothing in this By-law shall prevent the use of any land, or the erection or use of any building or structure for a construction camp, work camp, tool shed, scaffold, or other building or structure including a temporary sales or rental office, which is incidental to and necessary for construction work of the premises, but only for so long as such use, building or structure is necessary for such construction work which has not been finished or abandoned.

"Abandoned" in this Section shall mean the failure to proceed expeditiously with the construction of a work, specifically abeyance of construction for six months.

5.41 Truck, Bus and Coach Bodies

Except as otherwise specifically permitted in this By-law, no truck, bus, coach body or structure of any kind, other than a dwelling unit erected and used in accordance with this and all other By-laws of the Township shall be used for human habitation, whether or not the same is mounted on wheels or other form of mounting or foundation.

5.42 Yard Encroachments

5.42.1 Except as otherwise provided in this By-law, every part of any required yard shall be open and unobstructed by any building or structure from the ground to the sky, except for:

- a) Sills, belt courses, chimneys, cornices, eaves, gutters, parapets, pilasters or other ornamental features, provided however that the same shall not project more than 0.6 metres (2 feet) into any required yard;
- b) Drop awnings, clothes poles, garden trellises, TV or radio antennas, or similar accessories;
- c) Fences, solar collectors, parking lots, retaining walls, driveways, patios and other such uses as specifically permitted in this By-law;
- d) Signs, provided however that the same shall be erected in accordance with the provisions of any Sign By-law of the Municipality, County or the Ministry of Transportation;
- e) Light standards, fuel pump islands and fuel pumps of automobile service stations, provided however that the same shall be erected in accordance with the applicable provisions of this By-law;
- f) Fire escapes, provided however that the same shall project into any required side or rear yard a distance of not more than 1.5 metres (4.9 feet); and
- g) Accessory buildings, provided however that the same shall be erected in accordance with the applicable provisions of this By-law.

5.42.2 Notwithstanding the yard provisions of this By-law to the contrary, canopies, steps and unenclosed and uncovered decks and porches may project into any required front or rear yard a maximum distance of 1.5 metres (4.9 feet). This however, does not permit a balcony and/or porch to extend into a required yard if in fact the balcony and/or porch is an addition to the house intended to circumvent the intent of this section. For purposes of this section, a "deck" shall mean a horizontal surface supported on piers, free of any roof or other covering, and which may be surrounded by a railing the height of which is governed by the Ontario Building Code.

5.42.3 Notwithstanding any other provisions of this By-law, a railway spur shall be permitted in an Industrial Zone within a required yard.

Section 6 – Permanent Agriculture (PA)

6.1 Preamble

Within a Permanent Agricultural Zone (PA), no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than a permitted use in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

6.2 Permitted Uses

6.2.1 Permitted Principal Uses

- a) A kennel;
- b) A principal single detached dwelling;
- c) Agricultural and farm uses, including a livestock facility and intensive agricultural uses;
- d) Conservation uses including forestry, reforestation and other activities connected with the conservation of soil or wildlife;
- e) Medium Scale or Large Scale Fire Wood Processing Operation;
- f) Open space;
- g) Outdoor recreational uses such as hiking and cross-country ski trails; and/or;
- h) Wayside pits and quarries;
- i) Agriculture-related uses; and/or
- j) On-farm diversified uses.

6.2.2 Permitted Accessory Uses

- a) A bed and breakfast establishment;
- b) A type “A” or a type “B” home occupation in accordance with the provisions of [Section 5.21](#);
- c) A type “A” or a type “B” home industry in accordance with the provisions of [Section 5.20](#);
- d) An accessory building to any of the above principal uses;
- e) An agricultural produce sales outlet for the sale of raw produce grown on this location;
- f) Additional residential unit(s) subject to the provisions of [Section 5.2](#); and/or
- i) Shipping containers where a building permit has been issued.

6.3 Zone Regulations

6.3.1 For the Property

- a) Lot Area: 18.2 hectares (45 acres) minimum;
- b) Lot Frontage: 100 metres (328.1 feet) minimum;
- c) Off-street parking shall be provided in accordance with [Section 5.30](#); and
- d) Livestock facilities shall be in accordance with [Section 5.3](#).

6.3.2 For Principal Building

- a) Front Setback: 20 metres (65.6 feet) minimum;
- b) Rear Setback: 20 metres (65.6 feet) minimum;
- c) Interior Side Setback: 10 metres (32.8 feet) minimum;
- d) Exterior Side Setback: 20 metres (65.6 feet) minimum;
- e) Gross Floor Area of Dwelling: 90 square metres (968.7 square feet) minimum;
- f) Building Height: 11 metres
- g) No building or structure used for the housing, training or care of animals in conjunction with a kennel as defined in this By-law, shall be located less than 150 metres (492.1 feet) from a residential zone or an existing residential use on a neighbouring lot.

6.3.3 For Accessory Building(s)

- a) Front Setback: 20 metres (65.6 feet) minimum;
- b) Rear Setback: 10 metres (32.8 feet) minimum;
- c) Interior Setback: 10 metres (32.8 feet) minimum;
- d) Exterior Side Setback: 20 metres (65.6 feet) minimum; and
- e) Building Height: 45 metres (147.6 feet) maximum

6.4 General Provisions

All special provisions of [Section 5](#) “General Provisions” shall apply, where applicable, to any land, lot, building, structure or use within the Permanent Agricultural (PA) Zone.

6.5 Special Permanent Agricultural Zones (PA)

All other provisions of the By-law shall apply except as specified by each special zoning requirement.

6.5.1 Special Permanent Agricultural 1 (PA-1)

Part Lot 18, Concession 7

Part 1 on RP 39R-8187 s/e Part 1 on RP 39R-8310

Notwithstanding any provisions of this By-law to the contrary, on lands zoned PA-1 the following special provisions shall apply:

- a) Residential - All residential uses are prohibited;

- b) Non-Residential - use of the existing barns for the housing, raising, fattening or otherwise, of any type of livestock, shall not be permitted.

6.5.2 Special Permanent Agricultural 2 (PA-2)
Part Lot 21, Concession 1
Part 11 on RP 39R-151

Notwithstanding any provisions of this By-law to the contrary, on lands zoned PA-2 the following special provisions shall apply:

- a) Non-Residential - an auction outlet shall be permitted in addition to all other permitted Permanent Agriculture uses.

6.5.3 Special Permanent Agricultural 3 (PA-3)

The lands subject to this By-law amendment are described as follows:
Part Lots 1 and 2, Concession 4

Notwithstanding any provisions of this By-law to the contrary, on lands zoned PA-3 the following special provisions shall apply:

- a) Residential - All residential uses are prohibited.

6.5.4 Special Permanent Agricultural 4 (PA-4)
Part Lots 23 and 24, Concession 7

Notwithstanding any provisions of this By-law to the contrary, on lands zoned PA-4 the following special provisions shall apply:

- a) Residential - All residential uses are prohibited.
- b) Non-Residential - use of the existing barns for the housing, raising, fattening or otherwise, of any type of livestock, shall not be permitted.

6.5.5 Special Permanent Agricultural 5 (PA-5)
Part Lot 22, Concession 7

Notwithstanding any provisions of this By-law to the contrary, on lands zoned PA-5 the following special provisions shall apply:

- a) Residential - All residential uses are prohibited.

6.5.6 PA-6 unused

6.5.7 Special Permanent Agricultural 7 (PA-7) By-law 2004-08
Part Lot 26, Concession 2
Part 2 on RP 39R-8872
7820 Telephone Road

Notwithstanding the permitted uses and provisions of the Permanent Agriculture Zone (PA), as previously amended, within the Permanent Agriculture Exception Zone (PA-7) the following additional uses and provisions shall apply:

- (1) Uses Permitted:
 - a) Non-Residential Uses
 - i. A truck terminal
 - ii. An accessory business office.

For purposes of this By-law the following definitions shall apply:

Commercial Motor Vehicle - (as defined within the Highway Traffic Act) means a motor vehicle having permanently attached thereto a truck or delivery body and includes ambulances, hearses, casket wagons, fire apparatus, busses and tractors used for hauling purposes on the highways.

(2) Zone Provisions:

a) Commercial Motor Vehicle (maximum 10)

6.5.8 Special Permanent Agricultural 8 (PA-8) By-law 2002-49
Part Lot 29, Concession 7
Part 1 on RP 39R-3374

Notwithstanding any provisions of this By-law to the contrary, on lands zoned PA-8 the following special provisions shall apply:

'Livestock Animal' shall mean a horse, foal, cow, calf or the combination thereof.

'Riding Arena' - shall mean an enclosed area for the display and/or exercising of horses and/or cattle residing on the property but not for stalls and overnight occupancy, storage or other farm animals or uses.

Special Zone Provisions:

- a) Lot area: Minimum 2.8 hectares (7 acres);
- b) Lot coverage: Existing non-residential lot coverage 371.6 square metres (4000 ft²) – maximum
- c) Riding Arena Lot Coverage: 12,000 ft²; and
- d) Nutrient Units Per Lot: Maximum 14.

6.5.8A Special Permanent Agricultural 8A (PA-8A)
Part Lot 25 and 26, Concession A
7875 County Road 2

- a) Notwithstanding [Section 5.26](#) of Zoning By-law 2001-58, the entire property at 7875 County Road 2 (West 1/2 Lot 25 and East 1/2 Lot 26, Concession A, Township of Hamilton) shall be deemed to have frontage on County Road 2 and residential buildings associated with the farm use of the subject property are permitted to locate on the subject property south of the existing railway lines, subject to a setback of 22 metre from the identified Lake Ontario Flood Line which has an elevation of 75.7 metre.
- b) The building area for the farm residence, inclusive of lands associated with the private services and amenity area for the residence shall be located within an area of approximately 91m by 61m, located a minimum of 30.5 metre west of the easterly property line and a minimum of 22 metre north of the identified Lake Ontario Flood line (elevation 75.7 metre).
- c) All existing vegetation shall be retained to the extent possible with the exception of the areas required for the access driveway, areas for the residence and associated accessory buildings, amenity areas and private service areas. Construction and maintenance of the access driveway and railway crossings shall be to the satisfaction of the Township of Hamilton.

- d) The final approval for the residential dwelling shall be subject to Site Plan Approval and a Site Plan Agreement.

The Schedules to Zoning By-law 2001-58 are hereby amended in accordance with Schedule A and A1 attached hereto and as described as follows:

Rezoning the part of the lands south of the CNR right-of-way from Open Space zone (OS) and Environmental Protection-Wetland zone (EP-W) to Special Permanent Agricultural zone (PA-8A), except for those lands identified as Wetlands-evaluated on the Natural Heritage Features Map prepared by the Ontario Ministry of Natural resources dated 11/03/2008, which shall remain zoned as Environmental Protection-Wetland zone (EP-W), as identified on the attached Schedule 1 to this amendment and to permit the construction of a single detached dwelling associated with the farm within the Special Permanent Agricultural zone (PA-8A) within the area identified on the attached Schedule A1.

- 6.5.9A Special Permanent Agricultural 9A (PA-9A) By-law 2006-50
Part of Lot 28, Concession 3

Lot area: Minimum 7.2 hectares (18 acres)

All other provision of the PA zone shall apply within the PA-9A zone.

- 6.5.9B Special Permanent Agricultural 9B (PA-9B) By-law 2012-02
Part of Lot 35, Concession 6, more particularly described as
Part 1 on RP 39R-3389 plus additional lands not further described

6.5.9B.1 Zone Regulations

For all principal buildings or uses of existing house:

- a) Lot area (minimum) - 5.86 hectares (14.5 acres)
- b) Lot frontage (minimum) - 83.55 metres (274.13 feet)
- c) Interior side yard (minimum) - 7.88 metres (25.88 feet)
of existing house

- 6.5.10 A Special Permanent Agricultural 10A (PA-10A) By-law 2012-13
Part of Lot 9, Concession 8, more particularly described as
Part 1 on RP 39R-12602

6.5.10A.1 Zone Regulations

- a) For all principal buildings or uses:
 - i) Lot area (minimum) - 2 hectares (4.9 acres)
 - ii) Lot frontage (minimum) - 65.963 metres (216.41 feet)
- b) For accessory buildings not attached to the principal building:
 - i) Front setback of existing garage - 3.03 metres (9.9 feet).

- 6.5.10B Special Permanent Agricultural - 10B (PA-10B) By-law 2012-58

Notwithstanding any provisions of this by-law to the contrary, on lands zoned PA-10B and shown on Schedule "A" attached, the following special provisions shall apply:

Area to be rezoned (maximum)	1.61 acres
Front yard (minimum)	365 metres
Rear yard (minimum)	300 metres
Side yard (minimum)	50 metres

Permitted uses:

All uses permitted within the Permanent Agriculture (PA) Zone plus the following additional permitted use:

- a) A firewood processing establishment.

For purposes of this By-law a firewood processing establishment is defined as an establishment that processes timber, both on-site and off-site, by means of a loader and cutter. The said activity will be limited to the area so zoned for storage and processing of the firewood and timber. The majority of sales and firewood product will be delivered to off-site locations, as opposed to pickup.

The firewood processing establishment will be subject to the Township of Hamilton Site Plan Control By-law and a Site Plan Agreement shall be registered on title accordingly.

All other provisions of By-law 2001-58 shall apply to lands zoned PA-10B.

6.5.11 Special Permanent Agricultural 11 (PA-11) By-law 2013-23
Part of the South Half of Lot 27, Concession 5, save and except Part 1 on RP 39R-3369 and Part 1 on RP 39R-12778

6.5.11.1 Zone Regulations

- a) Front yard (minimum):
 - i) For the existing single detached dwelling - 14.32 metres (47 feet)
 - ii) For the existing 30'x90' detached barn - 6.09 metres (20 feet)

6.5.12 Special Permanent Agricultural 12 (PA-12) By-law 2014-10
Part Lot 27 and 28, Concession 3
Part of Part 1 and Parts 2 and 3 on RP 39R-11991

6.5.12.1 Zone Regulations

- a) Permitted uses: The 2nd single detached dwelling is recognized until such time as it is demolished or destroyed.

6.5.13 Special Permanent Agricultural 13 (PA-13) By-law 2014-07
Part Lot 34, Concession 2
Part 2 on RP 39R-12992

6.5.14 Permitted Uses

- a) The following uses are prohibited in the Permanent Agricultural-13 (PA-13) zone as per [Section 2.3.4.1.c. of the Provincial Planning Statement, 2024.](#)
 - i. All principal residential uses;
 - ii. All accessory residential uses.

6.5.14 Special Permanent Agricultural -14 (PA-14) By-law 2014-54
Part Lot 26, Concession 7
Save and except Part 1 on RP 39R-13088
7772 Cavan Road

6.5.14.1 Permitted Uses

- a) The following uses are prohibited in the Permanent Agricultural-14 (PA-14) zone as per [Section 2.3.4.1.c. of the Provincial Planning Statement, 2024](#).
 - i. All principal residential uses;
 - ii. All accessory residential uses;
 - iii. Any animal housing or manure storage areas within the existing farming buildings as of the date of the adoption of this by-law, in accordance with the Minimum Distance Separation calculations.

6.5.15 Special Permanent Agricultural -15 (PA-15) By-law 2015-19
Part Lot 16, Concession 6,
Part 1 on RP 39R-13160

6.5.15.2 Zone Regulations

- a) For all uses:
 - i. Lot area minimum 2.96 ha (7.31 ac);
 - ii. Lot frontage minimum 91.87 m (301.4 ft);
 - iii. Front yard setback minimum 11.6 m (38.05 ft)

6.5.16 Special Permanent Agricultural -16 (PA-16) By-law 2016-39
Part of Lots 25 and 26 in Concession 2
Dale Road

- a) The minimum lot frontage shall be 98.47 metres (323.06 feet) on Dale Road.
- b) The minimum front setback for the existing farm building shall be 18.01 metres (59.08 feet).
- c) The use of the existing farm buildings shall be restricted from any farm animal housing or manure storage areas as per the Minimum Distance Separation requirements.
- d) Any future farm animal housing or manure storage area shall be permitted on the property subject to compliance with Minimum Distance Separation II calculations for the new structure/use.

6.5.17 Special Permanent Agricultural -17 (PA-17) By-law 2017-04
Part of Lot 19 in Concession 7, Hamilton Township

1. Notwithstanding the permitted uses in the Oak Ridges Moraine Linkage zone and the Oak Ridges Moraine Environmental zone, the following uses are prohibited in the Permanent Agricultural-17 (PA-17) zone as per [Section 2.3.4.1.c. of the Provincial Planning Statement, 2024](#).
 - a) All principal residential uses;

b) All accessory residential uses

2. The minimum lot frontage shall be 98.47 metres (323.06 feet) on Cavan Road and 438.3 metres (1438.02 feet) on Donaldson Road.

6.5.18 Special Permanent Agricultural -18-ORM (PA-18-ORM) By-law 2017-11
Part of Lot 2 in Concession 4, Hamilton Township

1. Notwithstanding the permitted uses in the Oak Ridges Moraine Core zone, the Oak Ridges Moraine Countryside zone and the Oak Ridges Moraine Environmental zone, the following uses are prohibited in the Permanent Agricultural-18-ORM (PA-18-ORM) zone as per [Section 2.3.4.1.c. of the Provincial Planning Statement, 2024](#), as amended.

a) All principal residential uses;

b) All accessory residential uses

6.5.19 Special Permanent Agricultural -19-ORM (PA-19-ORM) By-law 2017-24
Part of Lot 31 in Concession 7, Hamilton Township
Part 2 on RP 39R-13518

1. Notwithstanding the permitted uses in the Oak Ridges Moraine Linkage zone and the Oak Ridges Moraine Environmental zone, the following uses are prohibited in the Permanent Agricultural-19-ORM (PA-19-ORM) zone as per [Section 2.3.4.1.c. of the Provincial Planning Statement, 2024](#), as amended.

a) All principal residential uses;

b) All accessory residential uses

2. Notwithstanding any zone provisions to the contrary, the following zone provisions shall apply to this parcel:

a) Minimum lot area 22.36 hectares (55.25 acres);

b) Minimum lot frontage 136.73 metres (448.58 feet)

6.5.20 Special Permanent Agricultural -20-ORM (PA-20-ORM) By-law 2017-24
Part Lot 31, Concession 7
Part 1 on RP 39R-13518

1. Notwithstanding any zone provisions to the contrary, the following zone provisions shall apply to this parcel:

a) Minimum lot area 8.09 hectares (19.99 acres);

b) Minimum lot frontage 94.03 metres (308.49 feet).

6.5.21 Special Permanent Agricultural -21-ORM (PA-21-ORM) By-law 2017-46
Part of Lot 11, Concession 6

1. Notwithstanding the permitted uses in the Oak Ridges Moraine Linkage zone and the Oak Ridges Moraine Environmental zone, the following uses are prohibited in the Permanent Agricultural-21-ORM (PA-21-ORM) zone as per [Section 2.3.4.1.c. of the Provincial Planning Statement, 2024](#), as amended.

- a) All principal residential uses;
 - b) All accessory residential uses
2. Notwithstanding any zone provisions to the contrary, the following zone provisions shall apply to this parcel:

- a) Minimum side setback of existing foundation: 3.76 metres (12.33 feet)

6.5.22 Special Permanent Agricultural -22 (PA-22) By-law 2018-35
 (the retained parcel of application B-26/17)
 3218 Hickerson Road
 Part of Lot 3 in Concession 4, Hamilton Township
 More particularly described as
 Part of Part 1 on RP 39R-2655

6.5.22.1 Zone Provisions

- a) The property enjoys broken frontages along Clapperton Road and Hickerson Road with the minimum frontage of 86.86 m +/- (285 ft +/-) along Hickerson Road between the properties known as 9707 Clapperton Road and 3318 Hickerson Road.
- b) The remaining provisions of [Section 6.3](#) shall remain in force and effect in respect of the PA-22 zone.

6.5.23 Special Permanent Agricultural -23-ORM (PA-23-ORM) By-law 2018-60
 Vacant land on Cavan Road
 Part Lot 17 and 18, Con 7
 Save and Except Part 1 on RP 39R-13829

6.5.23.1 Permitted Uses

- a) All principal residential uses;
- b) All accessory residential uses

6.5.24 Special Permanent Agricultural -24 (PA-24) By-law 2019-64
 The lands subject to this by-law amendment are described as follows:
 (the retained/remnant lands of consent applications B-18/18)
 Part of Lot 26, Con 1
 Now more specifically described as
 Part of Part 3 on RP 39R-318
 (save and except Parts 1 and 2 on RP 39R-14000)

6.5.24.1 Minimum front setback to the existing building shall be 17.94 metres (58.85 feet).

6.5.25 Special Permanent Agricultural -25-ORM (PA-25-ORM) By-law 2019-80
 Part of Lot 10, Con 6

- 1. Notwithstanding the permitted uses in the Oak Ridges Moraine Linkage zone and the Oak Ridges Moraine Environmental zone, the following uses are prohibited in the Permanent Agricultural-25-ORM (PA-25-ORM) zone as per [Section 2.3.4.1.c. of the Provincial Planning Statement, 2024](#), as amended.
 - a) All principal residential uses;
 - b) All accessory residential uses

2. Notwithstanding any zone provisions to the contrary, the following zone provisions shall apply to this parcel:

- a) Minimum front setback of existing barn foundation fronting on Eagleson Road: 6.11 metres (20.04 feet);
- b) Minimum side setback of existing barn foundation fronting on Eagleson Road: 1.86 metres (6.10 feet).

6.5.26 Special Permanent Agricultural -26-ORM (PA-26-ORM) By-law 2020-04
Part of Lot 8, Con 8
Now more specifically described as Part 1, 5, 6 and 7 on RP 39R-14043

Zone Provisions

- 1. Notwithstanding the permitted uses in the Oak Ridges Moraine Countryside zone, the following uses special provisions shall apply:
 - a) Non-Residential Use: A nursery/greenhouse use shall be permitted in addition to all other uses permitted in [Section 6.2](#) of this By-law;
 - b) Minimum front setback of existing frame building fronting on Sully Road 11.77 metres (38.61 feet), as existing on the date of the passage of this by-law;
 - c) Minimum front setback of existing greenhouse fronting on Sully Road 18.85 metres (61.84 feet), as existing on the date of the passage of this by-law.

6.5.27 Special Permanent Agricultural -27 (PA-27) By-law 2020-05
Part of Lot 31 and 32, Con 3
Part of Part 1 on RP 39R-11523

Zone Provisions

- 1. Notwithstanding the permitted uses in the Permanent Agriculture (PA) zone, the following uses are prohibited in the Permanent Agricultural-27 (PA-27) zone as [per Section 2.3.4.1.c. of the Provincial Planning Statement, 2024](#), as amended.
 - a) All principal residential uses;
 - b) All accessory residential uses

6.5 27B Special Permanent Agricultural – 27B (PA-27B) By-law 2021-33
Part Lot 35, Con 3
Part 2, on RP 39R – 14251

Notwithstanding any provisions of this By-law to the contrary, on lands zoned PA-27B the following special provisions shall apply:

- 1. Residential: All residential uses are prohibited

All other provisions of this by-law shall apply.

6.5.28 Special Permanent Agricultural – 28 (PA-28) By-law 2021-34
Part Lot 32, Con 3
Part 2 on RP 39R-14250

- 1. Residential: All residential uses are prohibited.

2. Non-Residential: Use of existing barns or buildings located on the property as of the date of the passing of this by-law, for the housing, raising, fattening or otherwise, of any type of livestock, shall not be permitted.

6.5.29 Special Permanent Agricultural – 29 (PA-29) By-law 2024-05
Part of Lot 25, Concession 5,
Being Part Lots 1 and 2 on RP 39R-14732,

Notwithstanding Sections [6.3.1 a\)](#), [6.3.1 b\)](#) and [5.34](#) of this By-law to the contrary, the following special zone provisions shall apply to lands zoned Special Permanent Agriculture 29 (PA-29):

6.5.29.1 Minimum lot area 2 ha
 Minimum lot frontage 60.96 m
 Maximum floor area for a Type 'A' home industry shall be 92.9 m².

6.5.30 Special Permanent Agricultural – 30 (PA-30) By-law 2024-07
Part of Lot 12, Concession 3

Notwithstanding any provision of this by-law to the contrary, on lands zoned Special Permanent Agriculture 30 (PA-30), all residential uses shall be prohibited.

Notwithstanding [Section 6.3.2](#), to the contrary, on lands zoned Special Permanent Agriculture 30 (PA-30) the minimum lot area requirement shall be 4 ha.

Section 7 – Marginal Agriculture (MA)

7.1 Preamble

Within a Marginal Agricultural Zone (MA), no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than a permitted use in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

7.2 Permitted Uses

7.2.1 Permitted Principal Uses

- a) A golf course;
- b) A grain drying facility;
- c) A kennel;
- d) A livestock assembly area or livestock exchange;
- e) A principal single detached dwelling;
- f) A riding club;
- g) A warehouse;
- h) Agricultural and uses including a livestock facility and intensive agricultural uses;
- i) An agricultural sales barn;
- j) Conservation uses including forestry, reforestation and other activities connected with the conservation of soil or wildlife;
- k) Medium Scale or Large Scale Fire Wood Processing Operation;
- l) Open space;
- m) Outdoor recreational uses such as hiking and cross-country ski trails;
- n) Passive outdoor recreational uses;
- o) Wayside pits and quarries; and/or
- p) Woodlots;
- q) Agriculture-related uses;
- r) On-farm diversified uses.

7.2.2 Permitted Accessory Uses

- a) A bed and breakfast establishment;
- b) A nursery;
- c) A research facility;

- d) A type “A” or a type “B” home occupation in accordance with the provisions of [Section 5.21](#);
- e) A type “A” or a type “B” home industry in accordance with the provisions of [Section 5.20](#);
- f) An accessory building to the above principal uses;
- g) An agricultural greenhouse;
- h) An agricultural produce sales outlet for the sale of raw produce grown on this location;
- i) Additional residential unit(s) subject to the provisions of [Section 5.2](#); and/or
- j) Shipping containers where a building permit has been issued.

7.3 Zone Regulations

7.3.1 For the property:

- a) Lot Area: 2 hectares (4.9 acres) minimum;
- b) Lot Frontage: 60 metres (196.9 feet) minimum;
- c) Off-street parking shall be provided in accordance with [Section 5.31](#); and
- d) Livestock facilities shall be in accordance with [Section 5.40](#).

7.3.2 For Principal Building

- a) Front Setback: 20 metres (65.6 feet) minimum;
- b) Rear Setback: 20 metres (65.6 feet) minimum;
- c) Interior Side Setback: 10 metres (32.8 feet) minimum;
- d) Exterior Side Setback: 20 metres (65.6 feet) minimum;
- e) Gross Floor Area of Dwelling: 90 square metres (968.7 square feet) minimum;
- f) Building Height: 11 metres
- g) No building or structure used for the housing, training or care of animals in conjunction with a kennel as defined in this By-law, shall be located less than 150 metres (492.1 feet) from a residential zone or an existing residential use on a neighbouring lot.

7.3.3 For Accessory Building

- a) Front Setback: 20 metres (65.6 feet) minimum
- b) Rear Setback: 10 metres (32.8 feet) minimum;
- c) Interior Setback: 10 metres (32.8 feet) minimum;
- d) Exterior Side Setback: 20 metres (65.6 feet); and

e) Building Height: 45 metres (147.6 feet) maximum.

7.4 General Provisions

All special provisions of [Section 5](#) “General Provisions” shall apply, where applicable, to any land, lot, building, structure or use within the Marginal Agricultural (MA) Zone.

7.5 Special Marginal Agriculture (MA) Zones

All other provisions of the By-law shall apply except as specified by each special zoning requirement.

7.5.1 Special Marginal Agricultural 1 (MA-1) Part Lot 19, Concession 9

a) Residential - A seasonal dwelling shall be permitted:

- i. Lot frontage - 0.0 metres (0.0 feet) minimum;
- ii. Lot area - 5.26 hectares (13.0 acres) minimum;
- iii. Interior side yard - 13.7 metres (44.9 feet) minimum.

7.5.2 Special Marginal Agricultural 2 (MA-2) Part Lot 5, Concession 4

a) Residential: The maximum floor area occupied by a home occupation in the accessory building shall not exceed 148.6 square metres (1,600 square feet).

7.5.3 Special Marginal Agricultural 3 (MA-3) Part Lot 8, Concession 9

a) Residential: All residential uses are permitted.

7.5.4 Special Marginal Agricultural 4 (MA-4) Part Lot 6, Concession 4

a) Non-Residential: Limited numbers of livestock may be kept and shall be limited to 3 horses, 15 chickens and 2 cows, in addition to all other permitted non-residential uses.

7.5.5 MA-5 Not used

7.5.6 Special Marginal Agricultural 6 (MA-6) By-law 2003-06 Pt Lot 10, Concession 9

a) Non-Residential:

- i. A run-in shelter 5.4 metres x 8.5 metres (18' x 28') maximum
 - ii. Limited livestock animals - 2 maximum
 - iii. Setback from watercourse - 20 metres (66 feet) minimum
 - iv. Setback from right-of-way - 76.2 metres (250 feet) minimum
- For purposes of this By-law livestock animals shall mean horse or foal.

7.5.7 Special Marginal Agricultural 7 (MA-7) By-law 2004-52

Notwithstanding any provisions of this by-law to the contrary, on lands zoned MA-7 and shown on Schedule "A" attached, the following special provisions shall apply:

- a) Lot frontage (minimum) 56.38 metres (185 feet)

All other provisions of Zoning By-law 2001-58 shall apply.

- 7.5.7A Special Marginal Agricultural 7A (MA-7A) By-laws 2005-60 & 2005-61
Pt Lot 25, Concession III
Plan RP 39R-11304, Part 4
Williamson Road

Permits a lot having a minimum lot frontage of 180 feet (54.864 metres).

- 7.5.7B Special Marginal Agricultural 7B (MA-7B) By-law 2007-19
Pt Lot 24, Concession IV
Plan RP 39R-1431, Part 1 and 2 and PR 39R-11636 Part 1
8075 and 8097 Jibb Road

Notwithstanding any provisions of this By-law to the contrary, on lands zoned MA-7B the following special provision shall apply:

- a) Lot frontage (minimum) 1.2 hectares (3 acres)

All other provisions of By-law 2001-58, as amended, shall apply.

- 7.5.8 Special Marginal Agricultural 8 (MA-8) By-law 2007-18
Pt Lot 1, Concession 4
Plan RP 39R-11636, Part 1
9868 Ellis Road

Notwithstanding any provision of this By-law to the contrary, on lands zoned MA-8 the following special provision shall apply:

- a) Lot frontage (minimum) 58.8 metres (193 feet)

- 7.5.9 Special Marginal Agricultural 9 (MA-9) By-law 2004-45
Part Lot 6, Concession B

Notwithstanding the provisions of [Section 7.2](#) of this By-law to the contrary, on lands zoned MA-9 and shown on Schedule "A" attached, the following special provisions apply:

- a) Permitted Uses
 - i. An administrative office use associated with a church camp;
 - ii. Three single detached dwelling units;
 - iii. Accessory uses and structures to the above permitted use; and
 - iv. Uses permitted in [Section 7.2](#)
- b) No development including the removal of vegetation, the placement or removal of fill or the construction of buildings or structures of any kind shall be permitted within 30 metres of the watercourse located east of the lands zoned MA-9.
- c) All other provisions of this By-law shall apply.

7.5.10 Special Marginal Agricultural - 10 (MA-10) By-law 2010-06
Part Lot 27, Concession 8
Part 1 on RP 39R-11823

7.5.10.1 Zone Regulations

a) For All Principal Buildings or Uses:

i) Lot Area minimum 1.2 hectares (2.994 acres)

7.5.11 Special Marginal Agricultural 11 (MA-11) By-law 2011-51
Part of Lot 17 and 18, Concession 3

Zone Regulations

a) For All Principal Buildings or Uses:

i) Lot Frontage (minimum) - A broken frontage of 56.69 metres (186 feet) plus 6.09 metres (20 feet) as illustrated on RP 39R-12521.

7.5.12 Special Marginal Agricultural 12 (MA-12) Not used

7.5.13 Special Marginal Agricultural 13 (MA-13) By-law 2013-27
Part of the South Half of Lot 7, Concession A,
Part 1 on RP 39R-12875

7.5.13.1 Zone Regulations

a) For the Principal Building:

i. Lot Area (minimum) - 4.03 hectares (9.9 acres)

ii. Lot Frontage (minimum) - 201.78 metres (662 feet)

iii. Side Yard - from south lot line to any residential building or use (minimum) - 125.28 metres (411.02 feet)

7.5.14 Special Marginal Agricultural 14 (MA-14) By-law 2013-28
Part of Lot 8, Concession 3,
Part 2 on RP 39R-466

7.5.14.1 Zone Regulations

a) For the Principal Building:

i. Lot Frontage (minimum) - 20.11 metres (66 feet) on Race Track Road plus (minimum) 401.42 metres (1317 feet) in broken frontage on Harwood Road/County Road 15

7.5.15 Special Marginal Agricultural 15 (MA-15) By-law 2013-54
Part Lot 27, Concession 4,
Part of Part 1 on RP 39R-2464

7.5.15.1 Zone Regulations

a) For the Principal Building:

i. Lot Frontage (minimum) - 30 metres (100 feet) on Bickle Hill Road

7.5.16 Special Marginal Agricultural 16 (MA-16) By-law 2014-09
Part Lot 21 and 22, Concession 2
Part 1 on RP 39R-12974 and Part 1 on RP 39R-3449

7.5.16.1 Permitted Used

a) Permitted Uses

The following shall be the only permitted uses in the MA-16 zone:

- i. Farm equipment storage buildings;
- ii. Conservation uses, including forestry, reforestation and other activities connected with the conservation of soil or wildlife;
- iii. Open space;
- iv. A principal single detached dwelling;
- v. A bed and breakfast establishment;
- vi. An accessory building or use to the above uses;
- vii. One accessory dwelling within a principal single detached dwelling subject to approval of (HKPRDHU) Health Unit (or it's successors);
- viii. A Type 'A' and Type 'B' home occupation, in accordance with the provisions of [Section 5.21](#) of this By-law; and/or
- ix. A Type 'A' home industry, in accordance with the provisions of [Section 5.20](#) of this By-law.

b) Prohibited Uses

The following uses shall be prohibited in the MA-16 zone:

- i. Breeding, raising, training or boarding of livestock and fowl.

7.5.16.2 Zone Regulations

- a) Lot Frontage (minimum) - 94.56 metres (310.23 feet) on Danforth Road West;
- b) Lot Area (minimum) - 1.37 hectares (3.39 acres) and
- c) Front Setback - dwelling as existing on date of passage of this By-law.

7.5.17 Special Marginal Agricultural 17 (MA-17) By-law 2014-10
Part Lot 27 and 28, Concession 3
Part 1 on RP 39R-12911

7.5.17.1 Zone Regulations

a) For the Principal Building:

- i. Lot Frontage 40.29 metres (132.18 feet) minimum on Theatre Road.

7.5.18 Special Marginal Agricultural 18 (MA-18) By-law 2014-17
Part Lot 14, Concession 4,
South side of Ball Road

7.5.18.1 Zone Regulations

- a) For the existing detached accessory building:
 - i. Front Setback (minimum) - 6.16 metres (20.24 feet)

7.5.19 Special Marginal Agricultural 19 (MA-19) By-law 2014-18 Part of Lot 26, Concession 5

7.5.19.1 Zone Regulations

- a) For Single Detached Dwellings:
 - i. All residential uses shall be a minimum of 221.50 metres (727 feet) from the existing animal barn on the west side of Whitney Howard Road, in accordance with Minimum Distance Separation requirements, as of the date of the adoption of this By-law.

7.5.20 Special Marginal Agricultural 20 (MA-20) By-law 2014-46 Part of Lot 5, Concession 4 Part 1 on RP 39R-13063 and Part 13 on RP 39R-252

7.5.20.1 Zone Regulations

- a) Lot Frontage - Broken frontage minimums 6.81 metres (22.34 feet) and 41.28 metres (135.46 feet).

7.5.21 Special Marginal Agricultural 21 (MA-21) By-law 2014-46 Part of Lot 5, Concession 4 Part 2 on RP 39R-13063 and Part 7 on RP 39R-252

7.5.21.1 Zone Regulations

- a) Lot Frontage - 30.38 metres (100 feet) minimum; and
- b) Accessory Buildings - Side setback as existing on the date of the passage of this By-law.

7.5.21 Special Marginal Agricultural 22 (MA-22) By-law 2014-48 Part Lot 22, Concession 5, Parts 1 through 10 on RP 39R-12942

7.5.22.1 Zone Regulations

- a) For Single Detached Dwellings:
 - i. All residential uses shall be a minimum of 203.61 metres (668 feet) from the existing animal barn on the west side of Mulder Road, in accordance with Minimum Distance Separation requirements, as of the date of the adoption of this By-law.

7.5.22 Special Marginal Agricultural 23 (MA-23) By-law 2015-13 Part Lot 2 and 3, Concession 9, And part of former road allowance Part 1 on RP 39R-1231 and Part of Part 1 and Parts 9, 13, and 14 on RP 39R-1412

7.5.23 Zone Provisions

- a) The minimum lot frontage on the municipally maintained Young Street shall be 4.5 metres (14.89 feet), as per Part 1 on RP 39R-1231

- b) The minimum side setback for the existing barn shall be 2.37 metres (7.7 feet).

7.5.24 Special Marginal Agricultural 24 (MA-24) By-law 2015-62

Part of Lot 17 and 18 Concession 9

7.5.24.1 Zone Regulations

a) For All Uses

- i. Lot Frontage (minimum) Glen Lynden Road: 45.10 metres (148 feet);
- ii. Lot Frontage (minimum) Harris Boatworks Road: 9.14 metres (30 feet)

7.5.24 A Special Marginal Agricultural 24A (MA-24A) By-law 2017-25

Part of Lot 3, Concession 1

7.5.24 Zone Provisions

- a) Notwithstanding any zone provisions to the contrary, the following zone provisions shall apply to this parcel:
 - i. The use of the existing farm buildings shall be restricted from any farm animal housing or manure storage areas as per the Minimum Distance Separation requirements;
 - ii. Any future farm animal housing or manure storage area shall be permitted on the property subject to compliance with Minimum Distance Separation II calculations for the new structure/use.

7.5.27 Special Marginal Agricultural 27 (MA-27) By-law 2017-47

Part of Lot 19 in Concession 1, Hamilton Township
Part of Part 1 on RP 39R-13697

7.5.27 Zone Provisions

- a) Minimum lot frontage shall be recognized as broken frontage on Ontario Street with
 - i. 20 metres (66 feet) at the south boundary;
 - ii. 20 metres (66 feet) directly across from Oliver's Lane; and
 - iii. 294 metres (965 feet) north of the property identified below.

7.5.28 Special Marginal Agricultural 28-ORM (MA-28-ORM) By-law 2017-50

4249 Burnham Street North
Part Lot 15, Con 6
Parts 3, 4 and 5 on RP 39R-3420

7.5.28 Zone Provisions

- a) Minimum lot frontage shall be recognized as broken frontage on Burnham Street North (County Road 18) with
 - i. 51.51 metres (169 feet) at the south boundary; and
 - ii. 94.48 metres (310 feet) at the north boundary.

7.5.29 Special Marginal Agricultural 29 (MA-29) By-law 2018-09
Part of Lot 15 in Concession 2, Hamilton Township
Part 1 on RP 39R-13681

7.5.29.1 Permitted Uses

The following shall be the only permitted uses in this zone

a) Principal Buildings and Uses

- i. A principal single detached dwelling;
- ii. Agricultural and farm uses, including a livestock facility;
- iii. Conservation uses including forestry, reforestation and other activities connected with the conservation of soil or wildlife;
- iv. Open space uses;
- v. Passive outdoor recreational uses; and/or
- vi. Woodlots.

b) Accessory Buildings and Uses

- i. A bed and breakfast establishment;
- ii. A type "A" or a type "B" home occupation in accordance with the provisions of [Section 5.21](#);
- iii. An accessory building to the above principal uses; and/or
- iv. One accessory dwelling unit within a principal single detached dwelling subject to approval for additional private sanitary septic system.

7.5.29.2 Zone Provisions

- a) Minimum Lot Area: 5 hectares (12.3 acres);
- b) Minimum Lot Frontage: 22.86 metres (75 feet);
- c) All buildings, structures, grading, clearing, excavation, fill and construction shall be within the defined building envelope only;
- d) Maximum area of defined building envelope to encompass the maximum footprint for a house, accessory building and private well and septic system: 0.10 hectares (0.25 acres); and
- e) Location of building envelope, as illustrated on Schedule B attached hereto and forming part of this By-law:
 - i. From north lot line: 16.8 metres (55.11 feet);
 - ii. From east lot line: 12 metres (39.87 feet);
 - iii. From south lot line: 53.5 metres (175.52 feet); and
 - iv. From west lot line: 272.2 metres (893.04 feet).

7.5.30 Special Marginal Agricultural 30 (MA-30) By-law 2018-09
Part of Lot 15 in Concession 2, Hamilton Township
Part 1 on RP 39R-514 and Parts 1 and 2 on RP 39R-980,
save and except Part 1 on RP 39R-1804, Part 1 on RP 39R-11433,
Part 1 on RP 39R-12737 and Part 1 on RP 39R-13681

7.5.30.1 Permitted Uses

The following shall be the only permitted uses in this zone

- a) Principal Buildings and Uses
 - i. A principal single detached dwelling;
 - ii. Agricultural and farm uses, including a livestock facility;
 - iii. Conservation uses including forestry, reforestation and other activities connected with the conservation of soil or wildlife;
 - iv. Open space uses;
 - v. Passive outdoor recreational uses; and/or
 - vi. Woodlots.
- b) Accessory Buildings and Uses
 - i. A bed and breakfast establishment;
 - ii. A type "A" or a type "B" home occupation in accordance with the provisions of [Section 5.21](#);
 - iii. An accessory building to the above principal uses; and/or
 - iv. One accessory dwelling unit within a principal single detached dwelling subject to approval for additional private sanitary septic system.

7.5.30.2 Zone Provisions

- a) Minimum Lot Area: 10.5 hectares (25.9 acres);
- b) Minimum Lot Frontage: 22.86 metres (75 feet) at the northern boundary with an additional 36.98 metres (121.32 feet) of broken frontage at the southern boundary;
- c) All buildings, structures, grading, clearing, excavation, fill and construction shall be within the defined building envelope only;
- d) Maximum area of defined building envelope to encompass the maximum footprint for a house, accessory building and private well and septic system: 0.10 hectares (0.25 acres); and
- e) Location of building envelope, as illustrated on Schedule B attached hereto and forming part of this By-law:
 - i. From north lot line: 98.4 metres (322.83 feet);
 - ii. From east lot line: 20 metres (65.61 feet);
 - iii. From south lot line: 8.3 metres (27.23 feet); and

- iv. From west lot line: 240.0 metres (787.40 feet).

7.5.31 Special Marginal Agricultural 31 (MA-31) By-law 2018-26
Part of Lot 2 in Concession 1, Hamilton Township
Part 1 on RP 39R-13701

7.5.31.1 Zone Provisions

- a) Minimum Lot Frontage (broken)
 - i. 18.29 metres (60 feet) at northern boundary; and
 - ii. 23.85 metres (78.24 feet) at the southern boundary.

7.5.32 Special Marginal Agricultural 32 (MA-32) By-law 2018-26
Part of Lot 2 in Concession 1, Hamilton Township
Being Part 1 and 2 on RP 39R-3093
save and except Part 1 on RP 39R-3681 and Parts 1, 2 and 3 on RP 39R-13701

That [Section 7.5.32](#) be added to the by-law to regulate the use of the land with respect to the following provisions:

7.5.32.1 Zone Provisions

- a) Minimum Lot Frontage: 58.24 metres (191.07 feet).

7.5.33 Special Marginal Agricultural 33 (MA-33) By-law 2018-34
Part of Lot 2 in Concession 2, Hamilton Township
Part of Part 1 on RP 39R- 1442

7.5.33.1 Zone Provisions

- a) The property enjoys broken frontages along Payn Road with the minimum frontage of 45.72 m (150 ft) south of the severed parcels noted herein.

7.5.34 Special Marginal Agricultural 34 (MA-34) By-law 2018-54
Part of Lot 5 and 6 in Concession 2, Hamilton Township
Part of Part 5 on RP 39R-3006 and Part of Part 3 on RP 39R-3430

7.5.34 Zone Provisions

- a) Notwithstanding any zone provisions to the contrary, the following zone provisions shall apply to this parcel:
 - i. Minimum lot frontage on Hutsell Road 23.29 metres (76.43 feet)
 - ii. Minimum lot frontage on Community Centre Road 24.47 metres (80.28 feet)

7.5.35 Special Marginal Agricultural 35 (MA-35) By-law 2018-55
Part Lot 14, Con 5
Now including Parts 4, 6 and 9 on RP 39R-13821

7.5.35 Zone Provisions

- a) Notwithstanding any zone provisions to the contrary, the following zone provisions shall apply to this parcel:

- i. Minimum lot frontage: 14.94 metres (49.01 feet) on Timlin Road
- ii. Minimum side setback: 9.85 metres (32.31 feet) of existing stucco building.

7.5.36 Special Marginal Agricultural 36 (MA-36) By-law 2019-02
 9525 Community Centre Road, Baltimore
 Part Lot 5, Con 2
 Part 1 on RP 39R-10528,
 Save and Except Parts 1 and 1 on RP 39R-13826

Zone Provisions

- a) Lot Frontage 20.18 metres (66.20 feet) Community Centre Road minimum.

7.5.37 Special Marginal Agricultural 37 (MA-37) By-law 2019-58
 Part of Lot 26, Concession 5

7.5.37.1 Use

Notwithstanding any other use to the contrary, a secondary dwelling unit, detached from the existing principal single dwelling unit on the lot, shall be permitted.

7.5.37.2 Provisions for Secondary Dwelling Unit Building/Use

- a) Setback from existing farming use on neighbouring lots: As existing on the date of the passage of this by-law;
- b) Dwelling unit area: 111.48 square metres (1200 square feet) maximum.

7.5.38 Special Marginal Agricultural 38 (MA-38) By-law 2019-63
 Part of Lot 7, Con 3
 Part of Part 1 on RP 39R-233

Zone Provisions

7.5.38.1 The minimum lot frontage shall be recognized as 20 m (65.6 ft) along County Road 15/Harwood Road.

7.5.39 Special Marginal Agricultural 39 (MA-39) By-law 2020-07
 Part of Lot 7, Con 1
 Part 4 on RP 39R-14068

7.5.39.1 Zone Provisions

Notwithstanding the permitted uses in the Marginal Agricultural (MA) zone, the following special provisions shall apply:

- a) A Development Agreement shall be entered with the Township of Hamilton and registered on title of the lands prior to the stamping of the deeds for consents noted above. The Development Agreement shall address criteria identified in the October 9, 2019 comments received from the Ganaraska Region Conservation Authority in respect of the Environmental Impact Study completed by Niblett Environmental Associates Ltd. in August 2019.

7.5.40 Special Marginal Agricultural 40 (MA-40) By-law 2020-64
 Part of Lot 19, Concession 5

7.5.40.1 Zone Provisions

- a) Side setbacks – accessory building minimum 9.89 metres (32.44 feet) for the existing wood shed.

7.5.41 Special Marginal Agricultural 41 (MA-41) By-law 2021-05

2505 Hircock Road, Baltimore

Part of Lot 9, Con 2

Including Part 4 on RP 39R-6061,

Save and except Parts 1 on RP 39R-3050, Parts 1-4 on RP 39R-12346 and

Part 1 on RP 39R-14193

7.5.41.1 Zone Provisions

- a) Principal building front setback: 12.00 metres (39.37 feet);
- b) Principal building exterior side setback: 17.03 metres (55.87 feet).

7.5.42 Special Marginal Agricultural 42 (MA-42) By-law 2021-25

Part of Lot 18, Con 3

Part 2, on RP 39R-14269

7.5.42.1 Zone Provisions

- a) Rear setback of detached frame shed: 6.72 metres (22.04 feet) as existing on the date of this By-law.

7.5.43 Special Marginal Agricultural 43 (MA-43) By-law 2021-44

Part of Lot 21, Con 4

7.5.43.1 Zone Provisions

- a) Lot Frontage: 42.71 metres (140.12 feet) minimum.

7.5.44 Special Marginal Agricultural 44 (MA-44) By-law 2021-43

9448 Stevenson Road, Harwood

Part of Lot 6, Con 9

Being Part 2 on RP 39R-202

Save and except Parts 1 and 2 on RP 39R-14343

7.5.44.1 Zone Provisions

- a) Lot Frontage: Sully Road 25.66 metres (84.18 feet) minimum.

7.5.45 Special Marginal Agricultural 45 (MA-45) By-law 2024-29

Part of Lot 16, Concession 8

39R14747 Part 1

Notwithstanding [Section 7.3.1](#) b) and [7.3.3](#) c) to the contrary, on lands zoned Special Marginal Agriculture 45 (MA-45) the following zone provisions shall apply:

- a) Lot Frontage minimum 20 metres
- b) Setbacks for the two accessory buildings shall be as they existed on the date of passage of this by-law.

7.5.46 Special Marginal Agricultural 46 (MA-46) By-law 2024-29

Part of Lot 16, Concession 8

39R14747 Parts 2, 3, 4, 5 and 6

Notwithstanding Section [7.3.1](#) b) and [7.3.3](#) c) to the contrary, on lands zoned Special Marginal Agriculture 46 (MA-46) the following zone provisions shall apply:

- a) Lot Frontage minimum 20 metres

Section 8 – Estate Residential (ER)

8.1 Preamble

Within an Estate Residential Zone (ER), no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than a permitted use in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

8.2 Permitted Uses

8.2.1. Permitted Principal Uses

- a) A public park;
- b) A principal single detached dwelling;
- c) A riding club; and/or
- d) Open space uses.

8.2.2. Permitted Accessory Uses

- a) A type “A” home occupation in accordance with the provisions of [Section 5.21](#);
- b) An accessory building to the above principal uses;
- c) Additional residential unit(s) subject to the provisions of [Section 5.2](#); and/or
- d) Shipping containers, only when incorporated into a design where a building permit has been issued.

8.3 Zone Regulations

8.3.1. For the property

- a) Lot Area: 6000 square metres (64,585.6 square feet) minimum;
- b) Lot Frontage: 50 metres (164.0 feet) minimum;
- c) Lot Coverage (all buildings): 15% maximum; and
- d) Off-street parking shall be provided in accordance with [Section 5.35](#).

8.3.2. For Principal Building

- a) Front Setback: 20 metres (65.6 feet) minimum;
- b) Rear Setback: 15 metres (49.2 feet) minimum;
- c) Interior Side Setback: 6 metres (19.7 feet) minimum;
- d) Exterior Side Setback: 15 metres (49.2 feet) minimum;
- e) Gross Floor Area of Dwelling: 150 square metres (1614.6 square feet) minimum; and
- f) Building Height: 11 metres (36.1 feet) maximum.

8.3.3. For Accessory Building

- a) Rear Setback: 3 metres (9.8 feet) minimum;
- b) Interior Setback: 3 metres (9.8 feet) minimum;
- c) Exterior Side Setback: 15 metres (49.2 feet) minimum; and
- d) Building Height: 4.5 metres (14.8 feet) maximum.

8.4 General Provisions

All special provisions of [Section 5](#) “General Provisions” shall apply, where applicable, to any land, lot building structure or use within the Estate Residential (ER) Zone.

8.5 Special Estate Residential (ER) Zones

All other provisions of the By-law shall apply except as specified by each special zoning requirement.

8.5.1 Special Estate Residential-1 (ER-1) By-law 2005-22

- 1) Lot frontage 14.15 metres (46.42 ft.)
- 2) Interior side yard abutting rear of lot 33, Plan 462 -34.26 metres (112.4 ft.)

8.5.2 Special Estate Residential-2 (ER-2) By-law 2005-22

- 1) Lot frontage 34.26 metres (112.4 ft.)

Section 9 – Rural Residential (RR)

9.1 Preamble

Within a Rural Residential Zone (RR), no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than a permitted use in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

9.2 Permitted Uses

9.2.1. Permitted Principal Uses

- a) A principal single detached dwelling.

9.2.2. Permitted Accessory Uses

- a) A bed and breakfast establishment;
- b) A type “A” home occupation in accordance with the provisions of [Section 5.21](#);
- c) A type “A” home industry in accordance with the provisions of [Section 5.20](#);
- d) Additional residential unit(s) subject to the provisions of 5.2; and/or
- e) Shipping containers, only when incorporated into a design where a building permit has been issued.

9.3 Zone Regulations

9.3.1. For the property

- a) Lot Area: 4050 square metres (43,593.8 square feet) minimum;
- b) Lot Frontage: 45.76 metres (150.0 feet) minimum;
- c) Lot Coverage (all buildings): 20% maximum; and/or
- d) Off-street parking shall be provided in accordance with [Section 5.35](#)

9.3.2. For Principal Building

- a) Front Setback: 20 metres (65.6 feet) minimum;
- b) Rear Setback: 20 metres (65.6 feet) minimum;
- c) Interior Side Setback: 3 metres (9.8 feet) minimum;
- d) Exterior Side Setback: 20 metres (65.6 feet) minimum;
- e) Gross Floor Area of Dwelling: 89 square metres (958.0 square feet) minimum;
- f) Gross Floor Area (where there is more than one storey) 44.5 square metres (479.2 square feet) minimum; and
- g) Building Height: 11 meters (36.1 feet) maximum.

9.3.3. For Accessory Building

- a) Rear Setback: 3 metres (9.8 feet) minimum;
- b) Interior Setback: 3 metres (9.8 feet) minimum;
- c) Exterior Side Setback: 20 metres (65.6 feet) minimum;
- d) Lot Coverage: 5% maximum; and
- e) Building Height: 4.5 metres (14.8 feet) maximum.

9.4 General Provisions

All special provisions of [Section 5](#) “General Provisions” shall apply, where applicable, to any land, lot building structure or use within the Rural Residential (RR) Zone.

9.5 Special Rural Residential (RR) Zones

All other provisions of the By-law shall apply except as specified by each special zoning requirement.

9.5.1 Special Rural Residential 1 (RR-1) Part Lot 34, Concession 3

Notwithstanding any provisions of this By-law to the contrary, on lands zoned RR-1 the following special provisions shall apply:

- a) Residential - a garden suite, as described in [Section 5.15](#) of this By-law, shall be permitted in addition to other permitted uses in the Rural Residential zone.

9.5.2 Special Rural Residential 2 (RR-2) Part Lot 27, Concession 5

Notwithstanding any provisions of this By-law to the contrary, on lands zoned RR-2 the following special provisions shall apply:

- a) Non-Residential - a sawmill shall be permitted.

9.5.3 Special Rural Residential 3 (RR-3) Part Lot 22, Concession 2

Notwithstanding any provisions of this By-law to the contrary, on lands zoned RR-3 the following special provisions shall apply:

- a) Non-Residential - no livestock shall be kept within any existing structures.

9.5.4 Special Rural Residential 4 (RR-4) Part Lot 32, Concession 3

Notwithstanding any provisions of this By-law to the contrary, on lands zoned RR-4 the following special provisions shall apply:

- a) Residential - not more than 6 dwelling units shall be permitted.

9.5.5 Special Rural Residential 5 (RR-5) Part Lot 8, Concession A

Notwithstanding any provisions of this By-law to the contrary, on lands zoned RR-5 the following special provisions shall apply:

- a) Residential -duplex and semi-detached dwelling shall each be permitted.

9.5.6 Special Rural Residential 6 (RR-6)
Part Lot 27, Concession 5

Notwithstanding any provisions of this By-law to the contrary, on lands zoned RR-6 the following special provisions shall apply:

A haunted barn tourist attraction shall be permitted within an existing accessory structure. For purposes of this By-law, a “haunted barn tourist attraction” shall mean a building or structure that has been designed as a walk through haunted barn tourist attraction wherein, for profit or gain, such facility shall be open to the public during the month of October and the first week of November each year.

9.5.7 Special Rural Residential 7 (RR-7)
Part Lot 3, Concession A

Notwithstanding any provisions of this By-law to the contrary, on lands zoned RR-7 the following special provisions shall apply:

- a) Residential -a duplex dwelling house, a semi-detached dwelling house for purposes of this RR-7 Zone, hereof a semi-detached dwelling house shall mean one of a pair of attached single family dwelling houses divided vertically by a common wall above finished grade into 2 separate dwelling units, each of which has an independent entrance either directly from outside the building or through a common vestibule.
- b) Non-Residential - a Type ‘A’ or Type ‘B’ home occupation in accordance with [Section 5.21](#).

9.5.8 Special Rural Residential 8 (RR-8)

Notwithstanding any provisions of this By-law to the contrary, no person shall, on any lands, designated use, any building or structure except in accordance with all other relevant provisions of this By-law plus the following RR-8 special provisions.

- a) Lot Area: 850 square metres (9,150 square feet) minimum;
- b) Lot Frontage: 15 metres (50 feet) minimum;
- c) Lot Coverage: 33% maximum;
- d) Front Setback: 10.5 metres (35 feet) minimum;
- e) Interior Side Setback:
 - i. For the side that is not attached to other units: 3 metres (9.8 feet) minimum.
 - ii. Where a garage or carport is attached to or within the main building: 1.2 metres (3.9 feet) plus 1.6 metres (2 feet) for each additional or partial storey above the first minimum.
- f) Rear Setback: 9 metres (29.5 feet) minimum; and
- g) Building Height: 9.2 metres (20.2 feet) maximum.

9.5.9 Special Rural Residential 9 (RR-9) By-law 2003-28, 2003-34 and 2007-17

Part Lot 31, Concession 9

Notwithstanding any provisions of this By-law to the contrary, on lands zoned RR-9 the following special provisions shall apply:

- a) Lot area (minimum) - 0.07 hectares (0.17 acres); and
- b) Lot frontage (minimum) - 15.2 metres (50 feet)

9.5.10 Special Rural Residential 10 (RR-10) By-law 2004-35
Part Lot 31, Concession 9

- a) Lot area (minimum) - 0.14 hectares (0.34 acres); and
- b) Lot frontage - 30.5 metres minimum (100 feet)

9.5.11 Not Used

9.5.12 Special Rural Residential 12 (RR-12) By-law 2005-23
Part Lot 15/16, Concession 1

Notwithstanding any provisions of this by-law to the contrary, on lands zoned RR-12 and shown on Schedule "A" attached, the following special provision shall apply:

- a) Front yard setback (minimum) - 76.2 metres (250 feet)

9.5.13 Special Rural Residential 13 (RR-13) By-law 2005-73
Part Lot 18 Concession 2

In addition to those uses permitted within the Rural Residential Zone (RR) the following special provision shall apply within the RR-13 Zone:

That the construction of buildings or structures of any kind, the placement or removal of fill, or the removal of vegetation be prohibited on all lands located within 15 metres (49 feet) of the top of bank as defined by the GRCA.

9.5.14 Special Rural Residential 14 (RR-14) By-law 2006-30
Part of Lot 28 and 29, Concession 8

Notwithstanding any provisions of this By-law to the contrary, on lands zoned RR-14 the following special provisions shall apply.

No person shall construct any buildings or structures, place or remove fill or remove vegetation on all lands within 80 metres of the rear lot line.

9.5.14A Special Rural Residential 14A (RR-14A) By-law 2010-29
Part of Lot 29, Con 2

Zone Regulations

- a) For All Buildings or Uses:
 - i. Lot area (minimum) 2420 m² (0.598 acres)
 - ii. Lot frontage (minimum) 42.67 metres (140 feet)

9.5.15 Special Rural Residential 15 (RR-15) By-law 2012-03
Part of Lot 35, Concession 6
Part 1 on RP 39R-12565

9.5.15.1 Zone Regulations

a) For All Principal Buildings or Uses

- i. Minimum setback from centerline of Donaldson Road (7th Line) to existing residential building 12.8 metres (42 feet)

9.5.16 Special Rural Residential 16 (RR-16) By-law 2012-59

Part of Lot 15, Concession 2
Part of Part 1 on RP 39R-1804 and Part 1 on RP 39R-12737,

9.5.16.1 Zone Regulations

a) For All Principal Buildings or Uses

- i. Minimum Lot frontage - 37.08 metres (121.65 feet)

9.5.17 Special Rural Residential 17 (RR-17) By-law 2013-13

Part of Lot 14, Concession 3
Part of Part 1 on RP 39R-9596,
now more particularly described as Part 1 on RP 39R 12794

9.5.17.1 Zone Regulations

a) For All Principal Buildings or Uses

- i. Minimum Lot frontage - 44.44 metres (145.8 feet)

9.5.18 Special Rural Residential 18 (RR-18) By-law 2013-23

Lot 27, Concession 5
Part 1 on RP 39R-12778

9.5.18.1 Zone Regulations

a) Principal Building

- i. Front Setback (minimum) for the existing house - 7.24 metres (23.75 feet)

b) Detached Accessory Building

- i. Gross Floor Area (maximum) of existing garage - 89.18 square metres (960 square feet)

9.5.19 Special Rural Residential 19 (RR-19) By-law 2014-07

Part Lot 34, Concession 2
Part 1 on RP 39R-12992

9.5.19.1 Zone Regulations

a) Single Detached Dwellings

- i. Front setback (minimum) - 14.5 metres (47.57 feet) on Don Lang Road
- ii. Exterior Side setback (minimum) - 15.7 metres (51.50 feet) on Telephone Road

9.5.20 Special Rural Residential 20 (RR-20) By-law 2014-42
Part of Lot 8, Concession 3

9.5.20.1 Zone Regulations

- a) Single Detached Dwellings
 - i. Lot Area (Minimum) - 2893.5 square metres (0.715 acre)
 - ii. Front Yard (Minimum) - 6.59 metres (21.65 feet)
- b) For existing Accessory Buildings Not Attached to The Principal Building
 - i. Interior Side Yard (Minimum) - 1.82 metres (6.0 feet)

9.5.21 Special Rural Residential 21 (RR-21) By-law 2014-54
Part Lot 26, Concession 7
Part 1 on RP 39R-13088

9.5.21.1 Zone Regulations

- a) For Single Detached Dwellings
 - i. Lot Frontage (min) 22.86 metres (75 feet)
 - ii. The existing detached accessory building may continue to sit proud of the existing Single Detached Dwelling.

9.5.22 Special Rural Residential 22 (RR-22) By-law 2015-42
Part Lot 17, Concession 1
Parts 4, 5 and 6 on RP 39R-10739

9.5.22.1 Zone Provisions

- a) Minimum lot area: 2295.4 square metres (24,707.5 square feet);
- b) Minimum front setback for principal building: As on date of passage of this by-law
- c) Minimum east side setback for existing detached accessory building: As on date of passage of this by-law
- d) Maximum lot coverage for all buildings: 21%

9.5.22.2 Accessory Structure Provisions

The construction of one (1) additional detached accessory building shall be permitted with the following special provisions

- a) Minimum east side setback: 2.55 metres (8.36 feet);
- b) Maximum building height: 7.3 metres (23.95 feet);
- c) Minimum setback from Top-of-Bank: 4.57 metres (15 feet);
- d) Maximum lot coverage for detached accessory buildings: 8.1%: and
- e) Maximum gross floor area of detached accessory building: 85.7% of the gross floor area of the principal building or 167.2 square metres (1800 square feet), whichever is lesser.

9.5.23 Special Rural Residential 23 (RR-23) By-law 2015-49
Part Lot 17, Concession 5
Part 6 on RP 39R-13233

9.5.23 Special Zone Provisions in the RR-23 Zone

- a) Minimum lot frontage: 31.699 metres (103.96 feet);
- b) Minimum front setback for principal building: 8.76 metres (28.74 feet);
- c) Minimum side setback for detached garage: 1.34 metres (4.39 feet);
- d) Minimum side setback for detached shed: 0.39 metres (1.27 feet);
- e) Minimum side setback for detached wood shed: 1.35 metres (4.42 feet);
- f) Maximum gross floor area of detached garage: 98.14 square metres (1056.37 square feet).

9.5.24 Special Rural Residential 24 (RR-24) By-law 2015-62
Part Lot 17, Concession 9

9.5.24.1 Zone Regulations

- a) For All Uses
 - i. Lot Frontage (Minimum) on Harris Boatworks Road: 8.83 metres (29 feet) minimum.

9.5.25 Special Rural Residential 25 (RR-25) By-law 2017-04
Part of Lot 19 in Concession 7, Hamilton Township
Parts 1 through 4 (inclusive) on RP 39R-13461

- a) The minimum front setback to the existing house shall be 10.82 metres
- b) The maximum lot coverage of all detached accessory buildings shall be 9.9%; and
- c) The maximum size of the two existing detached accessory buildings shall not exceed 148.14% of the house.

9.5.26 Special Rural Residential 26 (RR-26) By-law 2017-11
Part Lot 2, Concession 4, Hamilton Township
Part 2 on RP 39R-13593

Zone Provisions

9.5.26.1 The use of the detached accessory buildings may be for the storage of personal vehicles and household items only. The use of the accessory buildings as a farm building, a vehicle repair/service facility for commercial purposes, or other industrial-type uses is strictly prohibited.

9.5.26.2 Maximum height of the existing detached accessory 2 storey barn
7.92 metres (26 feet).

9.5.26.3 Maximum area of the existing detached accessory 2 storey barn
158.56 square metres (1706.82 square feet).

9.5.26.4 The existing detached accessory 2 storey barn is recognized as being located proud of the front line of the principal dwelling.

9.5.26.5 The existing private pool is recognized as being located proud of the front line of the principal dwelling.

9.5.27 Special Rural Residential 27 (RR-27) By-law 2017-39
Part of Lot 23 in Concession 4
Parts 1 on RP 39R-13592

Notwithstanding any zone provisions to the contrary, the following zone provisions shall apply to this parcel:

- a) Minimum Exterior Side Setback for existing house 15.55 metres (51 feet);
- b) Maximum Gross Floor Area of existing metal shed 102.75 square metres (1106 square feet); and
- c) The existing detached accessory buildings shall no longer be used for the housing of livestock.

9.5.28 Special Rural Residential 28-ORM (RR-28-ORM) By-law 2017-46

Part of Lot 11 in Concession 6, Hamilton Township
Parts 1, 2 and 3 on RP 39R-13610

1. Notwithstanding any zone provisions to the contrary, the following zone provisions shall apply to the buildings and structures existing on this parcel on the date of the passage of this by-law:

- a) The front setback of the house from Eagleson Road: 9.67 metres (31.72 feet) minimum;
- b) The projection of the front deck into the required: 2.07 metres (6.79 feet) maximum;
- c) The location of the detached accessory building/frame garage: In front of the exterior side line of the principal building;
- d) The exterior side setback of the detached accessory building/garage: 19.71 metres (64.66 feet) minimum;
- e) The location of the detached accessory buildings/silos: In front of the exterior side line of the principal building;
- f) The exterior side setback of the silos: 10.2 metres (33.46 feet) minimum;
- g) The total lot coverage of all detached accessory buildings and structures: 6.16% (764.65 square metres/8230.62 square feet) maximum;
- h) The height of the detached accessory building and structures: Shall not exceed the height as on the date of the passage of this by-law;
- i) The gross floor area of the following detached accessory buildings and structures as they relate to the gross floor area of the principal building (house);
 - i. Frame building (at rear of lot): 150.67 square metres (1621.79 square feet) maximum;
 - ii. Concrete pad: 357.25 square metres (3845.4 square feet) maximum; and

- iii. Detached garage: 112.24 square metres (1208.14 square feet) maximum.

9.5.29 Special Rural Residential 29 (RR-29) By-law 2018-10
Part of Lot 19 in Concession 5, Hamilton Township
Part 1 on RP 39R-13680

9.5.29.1 Zone Provisions

- a) Minimum Lot Area as development of the lot shall occur via connection to the municipal water services: 0.3 hectares (0.75 acres).

9.5.30 Special Rural Residential 30 (RR-30) By-law 2018-34
Part of Lot 2 in Concession 2, Hamilton Township
Part 2 on RP 39R-13695

9.5.30.1 Zone Provisions

- a) The existing 124.05 square metres (1335 square feet) detached accessory building is hereby recognized prior to the construction of the required principal building.
- b) The remaining provisions of [Section 9.3](#) shall remain in force and effect in respect of the RR-30 zone.

9.5.31 Special Rural Residential 31 (RR-31) By-law 2018-38
Part of Lot 3 in Concession B, Hamilton Township
Part 1 on RP 39R-13758

9.5.31.1 Zone Provisions

- a) Minimum lot area: 3843.6 square metres (0.94 acres).
- b) Minimum rear setback: 9.14 metres (30 feet) for the proposed principal building.

9.5.32 Special Rural Residential – 32 (RR-32) By-law 2018-38
Part of Lot 3 in Concession B, Hamilton Township
Part 2 on RP 39R-13758

9.5.32.1 Zone Provisions

- a) Minimum rear setback: 10.3 metres (33.79 feet) for the existing principal building.
- b) Minimum side setback: 1.49 metres (4.88 feet) for the existing detached accessory building.

9.5.33 Special Rural Residential 33-ORM (RR-33-ORM) By-law 2018-60
Part Lot 18, Con 7
Part 1 on RP 39R-13829

9.5.33.1 Zone Provisions

Notwithstanding any zone provisions to the contrary, the following zone provisions shall apply to this parcel:

- a) Side setback: 1.65 metres (5.41 feet) existing detached accessory building.

9.5.34 Special Rural Residential 34 (RR-34) By-law 2019-27

Part of Lot 8, Con A
Parts 1, 2 and 3 on RP 39R-13895

9.5.34 Zone Provisions

9.5.34.1 Prohibited Uses

Notwithstanding any other use to the contrary, the permitted principal uses on this property shall include the existing single detached dwelling together with the existing two (2) accessory dwelling units within.

9.5.34.2 Provisions for the Property

- a) Lot area: 1188 square metre (0.29 acres) minimum
- b) Lot frontage: 18.9 metres (62.0 feet) minimum
- c) Total lot coverage (all buildings): 25.08% maximum

9.5.34.3 Provisions for Principal Building/Use

- a) Front setback: 7.63 metres (25.03 feet) minimum
- b) Dwelling unit area:
 - i. Principal unit: 76 square metres (818.06 square feet) minimum
 - ii. 1st accessory unit: 57.5 square metres (618.93 square feet) minimum
 - iii. 2nd accessory unit: 61.5 square metres (661.98 square feet) minimum

9.5.34.4 Provisions for Detached Accessory Buildings

- a) Rear setback: 1.32 metres (4.33 feet) minimum
- b) Side setback 1.72 metres (5.64 feet) minimum
- c) Lot coverage detached accessory building: 8.67% maximum
- d) The existing detached accessory building is recognized as being 52.82% of the size of the Principal Building

9.5.35 Special Rural Residential 35 (RR-35) By-law 2019-27 Pt Lot 8, Con A Parts 4 and 5 on RP 39R-13895

9.5.35 Zone Provisions

9.5.35.1 Provisions for the Property

- a) Lot area: 957 square metres (0.24 acres) minimum
- b) Lot frontage: 15.24 metres (50.0 feet) minimum

9.5.35.2 Provisions for the Principal Building/Use

- a) Front setback: 10.94 metres (35.98 feet) minimum

b) Side setback: 0.05 metres (0.16 feet) minimum

9.5.36 Special Rural Residential 36 (RR-36) NOT USED

9.5.37 Special Rural Residential 37 (RR-37) By-law 2019-64
Part of Lot 26, Con 1
Part 1 and 2 on RP 39R-14000

9.5.37.1 The use of the existing 2-storey frame barn shall be permitted.

9.5.37.2 The minimum lot area shall be 2870 square metres (0.709 acres).

9.5.37.3 The minimum front setback to the existing building shall be 11.07 metres (36.31 feet).

9.5.37.4 The maximum lot coverage of the existing detached accessory structure shall be 8.10%.

9.5.38 Special Rural Residential 38 (RR-38) By-law 2019-75
Part of Lot 30, Con 10
And part of the road allowance between Lots 30 and 31
Parts 1 and 3 on RP 39R-13969 and Part 1 on RP 39R-13555

9.5.38 Zone Provisions

9.5.38.1 The minimum lot area shall be 3896.06 square metres (41,936.85 square feet)

9.5.38.2 The minimum lot frontage shall be 23.87 metres (87.31 feet).

9.5.38.3 The minimum front setback to the existing residential building shall be 0.9 metres (2.95 feet)

9.5.38.4 The exterior side setback to the existing residential building shall be 6.2 metres (20.34 feet)

9.5.38.5 The exterior side setback to the existing detached accessory buildings shall be:

a) 1.8 metres (5.9 feet) for shed # 1; and

b) 2.5 metres (8.2 feet) for shed # 2

9.5.39 Special Rural Residential 39 (RR-39) By-law 2020-04
Part of Lot 8, Con 8
Part 2, 3 and 4 RP 39R-14043

9.5.39 Zone Provisions

1. Notwithstanding any zone provisions to the contrary, the following zone provisions shall apply to this parcel:

a) Minimum lot area 3998.5 square metres (0.98 acres)

b) Minimum rear setback 18.03 metres (59.15 feet)

9.5.40 Special Rural Residential 40 (RR-40) By-law 2020-07
Part of Lot 7, Con 1
Part 1, 2 and 3 on RP 39R- 14068

9.5.40 Zone Provisions

1. Notwithstanding the permitted uses in the Rural Residential (RR) zone, the following special provisions shall apply
 - a) A Development Agreement shall be entered with the Township of Hamilton and registered on title of the lands prior to the stamping of the deeds for consents noted above. The Development Agreement shall address criteria identified in the October 9, 2019 comments received from the Ganaraska Region Conservation Authority in respect of the Environmental Impact Study completed by Niblett Environmental Associates Ltd. in August 2019.

9.5.41 Special Rural Residential 41 (RR-41) By-law 2020-38 Part Lot 13, Con 2

9.5.41.1 Provisions for the proposed detached accessory building:

- a) Gross floor area: 241.5 square metres (2600 square feet) maximum (91.55 % of the house);
- b) Location: In front of front line of principal building;
- c) Front setback: 20 metres (65.6 feet) minimum;
- d) Building height: 4.87 metres (16 feet) maximum;
- e) Gross floor area of Home Industry/Craft Shop: 241.5 square metres (2600 square feet) maximum;
- f) Non-resident employees: 2 maximum; and
- g) Parking spaces on site: 5 minimum.

That development of the site shall be subject to the required Environmental Impact Study, as approved by the Ganaraska Region Conservation Authority and the Township of Hamilton.

9.5.42 Special Rural Residential 42 (RR-42) By-law 2020-39 Pt Lot 13, Con 2 Part 3 on RP 39R-14111

9.5.42.1 Zone Provisions

- a) Lot area: 0.17 hectares (0.42 acres);
- b) Lot frontage: 30.35 metres (99.6 feet);
- c) Side setback of existing detached accessory building: 0.88 metres (2.88 feet); and
- d) Projection into rear yard of existing rear deck: As illustrated on the Surveyor's Real Property Report by Gifford Harris Surveying Inc., dated March 30, 2020.

9.5.43 Special Rural Residential 43 (RR-43) By-law 2020-39 Part of Lot 13, Con 2 1 and 2 on RP 39R-14111

9.5.43.1 Zone Provisions

- a) Lot area: 0.17 hectares (0.42 acres); and
- b) Lot frontage: 30.35 metres (99.6 feet).

9.5.44 Special Rural Residential 44 (RR-44) By-law 2020-59
Pt Lot 7, Con 3
Part 1-6 inclusive on RP 39R-14140

9.5.44.1 Zone Provisions

- a) Lot area: 1.21 hectares (3 acres); and
- b) Lot frontage: 20.12 metres (66 feet).

9.5.45 Special Rural Residential 45 (RR-45) By-law 2021-26
Part of Lot 4, Con 7
Part 2 39R-14253

9.5.45.1 Zone Provisions

Front yard setback existing single family dwelling	16.23 metres (53.2 feet) minimum
Building height existing garage	4.57 metres (15 feet) maximum.

9.5.46 Special Rural Residential – 46 (RR-46) By-law 2023-52
Pt Lot 26, Con 3
More particularly described as
Part 1 on RP 39R-14462 together with Part 1 on 39R-14462 (being the benefitting lands and the lot additions lands from consent application B-04/22 for lot addition to 3057 Stu Black Road)

9.5.46.1 Zone Provisions

- a) Minimum rear setback of existing detached accessory building (trailer/sea container): 2.27 metres (7.44 feet)

9.5.47 Special Rural Residential 47 (RR-47) By-law 2024-07
Part of Lot 25, Con 5
Part 1 of 39-R14751

Notwithstanding Sections [9.3.2](#) and [5.25.2](#) to the contrary, on lands zoned Special Rural Residential 47 (RR-47), the following zone provisions shall apply:

- a) Minimum Rear Setback for the principal building shall be 13.85 m
- b) The accessory structure existing on the date of passage of this by-law shall be permitted closer to the road than the main permitted use. The minimum front setback for the accessory structure shall be 2.77 metres.

Section 10 – Limited Service Residential (LSR)

10.1 Preamble

Within a Limited Service Residential Zone (LSR), no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than a permitted use in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

In a Limited Service Residential Zone, there is no commitment or requirement by the municipality to assume responsibility for ownership or maintenance of any private road. Due to road condition of privately maintained roads, there is no commitment or requirement by the municipality to ensure that emergency vehicles are able to access privately owned roads. The intent of the Limited Service Residential Zone is to recognize residential development on a private road or to upgrade a summer maintained public road.

10.2 Permitted Uses

10.2.1. Permitted Principal Uses

- a) A seasonal dwelling.

10.2.2. Permitted Accessory Uses

- a) A type “A” home occupation in accordance with the provisions of [Section 5.21](#);
- b) Accessory building(s) or use(s) including one sleeping cabin in accordance with the provisions of [Section 5.1](#); and/or
- c) Shipping containers, only when incorporated into a design where a building permit has been issued.

10.3 Zone Regulations

10.3.1. For the property

- a) Lot Area: 8000 square metres (1.97 acres) minimum;
- b) Lot Frontage on a private road and/or a navigable waterway: 60 metres (196.9 feet) minimum;
- c) Lot Coverage (all buildings): 20% maximum; and
- d) Off-street parking shall be provided in accordance with [Section 5.31](#).

10.3.2. For Principal Building

- a) Front Setback: 10 metres (32.8 feet) minimum;
- b) Rear Setback: 10 metres (32.8 feet) minimum;
- c) Interior Side Setback: 3 metres (9.8 feet) minimum;
- d) Exterior Side Setback: 3 metres (9.8 feet) minimum;
- e) Gross Floor Area of Dwelling: 74.32 square metres (800.0 square feet) minimum;

- f) Gross Floor Area (where there is more than one storey): 37.16 square metres (400 square feet) minimum; and
- g) Building Height: 11 metres (36.1 feet) maximum.

10.3.3. For Accessory Building

- a) Rear Setback: 3 metres (9.8 feet) minimum;
- b) Interior Setback: 3 metres (9.8 feet) minimum;
- c) Exterior Side Setback: 3 metres (9.8 feet) minimum;
- d) Lot Coverage: 5% maximum; and
- e) Building Height: 4.5 metres (14.8 feet) maximum.

10.4 General Provision

All special provisions of [Section 5](#) “General Provisions” shall apply, where applicable, to any land, lot building structure or use within the Limited Service Residential (LSR) Zone.

10.5 Special Limited Service Residential (LSR) Zones

- 10.5.1 Special Limited Service Residential 1 (LSR-1) By-law 2014-61
 5139 Halstead Beach Road, Unit 490
 Part Lot 26, Con 8
 Lot 28 on RCP 422

Zone Regulations

10.5.1.1 a) Single Detached Dwellings

- | | |
|-------------------|-----------------------------------|
| i. Lot Area (min) | 728.4 m ² (0.18 acres) |
| ii. Lot Frontage | 15.09 m (49.52 feet) |
| iii. Side Setback | 1.74 m (5.73 feet) east side |
| | 2.60 m (8.55 feet) west side |

As existing on the date of the passage of this By-law.

10.5.1.2 a) Detached Accessory Buildings

- i. The existing detached accessory buildings may continue to sit proud of (closer to the front lot line/the water line) the existing Single Detached Dwelling.
- ii. The existing detached accessory buildings shall not be used for human habitation.
- iii. Side Setback (min)
 - 1. Most northerly accessory building 0.23 m (0.77 feet) east side
 - 2. Building directly north of the dwelling 0.19 m (0.64 feet) east side;

iv. Lot coverage max 6.65%

As existing on the date of the passage of this By-law.

10.5.2 Special Limited Service Residential 2 By-law 2015-13 Not used

10.5.3 Special Limited Service Residential-3 (LSR-3) By-law 2015-13
Part Lot 2 and 3, Concession 9 And part of former road allowance
Parts 1-4 on RP 39R-13136
5427 Young St, Unit 250, Harwood

10.5.3.1 Zone Provisions

a) Lot area - 0.44 hectares (1.1 acres) minimum.

10.5.4 Special Limited Service Residential 4 (LSR-4) By-law 2021-11
Part of Lot 19, Con 9
Parts 1, 2, 6, 7, 8, 9 and 11 on RP 39R-14176

10.5.4.1 Zone Provisions

- a) Lot Area 0.4595 hectares (1.13 acres) minimum
- b) Lot Frontage (water frontage) 36 metres (118.11 feet) minimum
- c) Side setback (existing detached garage) As it exists on the date of the adoption of this by-law

10.5.5 Special Limited Service Residential 5 (LSR-5) By-law 2021-11
Part of Lot 19, Con 9
Parts 3, 4, 5 and 10 on RP 39R-14176

10.5.1.1 Zone Provisions

- a) Lot Area: 3.2488 hectares (8.02 acres) minimum
- b) Lot Frontage (water frontage) 30 metres (98.4 feet) minimum

Section 11 – Waterfront Residential (WR)

11.1 Preamble

Within a Waterfront Residential Zone (WR), no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than a permitted use in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

11.2 Permitted Uses

11.2.1 Permitted Principal Uses

- a) A single detached dwelling or a seasonal dwelling

11.2.2. Permitted Accessory Uses

- a) A type “A” home industry in accordance with the provisions of [Section 5.20](#);
- b) A type “A” or type “B” home occupation in accordance with the provisions of [Section 5.21](#);
- c) An accessory building to the above principal uses;
- d) Shipping containers, only when incorporated into a design where a building permit has been issued.

11.3 Zone Regulations

11.3.1. For the property

- a) Lot Area: 8000 square metres (1.97 acres) minimum;
- b) Lot Frontage (both municipal road and water): 45.7 metres (150.0 feet) minimum;
- c) Lot Coverage (all buildings): 20% maximum; and
- d) Off-street parking shall be provided in accordance with [Section 5.31](#).

11.3.2. For Principal Building

- a) Front Setback: 20 metres (65.6 feet) minimum;
- b) Rear Setback: 20 metres (65.6 feet) minimum;
- c) Interior Side Setback: 3 metres (9.8 feet) minimum;
- d) Exterior Side Setback: 20 metres (65.6 feet) minimum;
- e) Gross Floor Area of Dwelling: 89 square metres (985 square feet) minimum;
- f) Gross Floor Area (where there is more than one storey): 44.5 square metres (479 square feet) minimum; and
- g) Building Height: 11 metres (36.1 feet) maximum.

11.3.3. For Accessory Building

- a) Rear Setback: 3 metres (9.8 feet) minimum;
- b) Interior Side Setback: 3 metres (9.8 feet) minimum;
- c) Exterior Side Setback: 20 metres (65.6 feet) minimum;
- d) Lot Coverage: 5% maximum; and
- e) Building Height: 4.5 metres (14.5 feet) maximum.

11.4 General Provisions

All special provisions of [Section 5](#) “General Provisions” shall apply, where applicable, to any land, lot building structure or use within the Waterfront Residential (WR) Zone.

11.5 Special Waterfront Residential (WR) Zones

All provisions of the By-law shall apply except as specified by each zoning requirement.

11.5.1 Special Waterfront Residential 1 (WR-1) – By-law 2023-38

Part of Lot 9, Con 9
5696 Rice Lake Scenic Drive
Part 1 on RP 39R-14637

11.5.1 Zone Provisions

- a) Lot area 2057 square metres minimum
- b) Lot frontage 24.72 metres minimum
- c) Front setback principal building 16.27 metres minimum
- d) Side setback principal building 1.01 metres minimum
- e) Side setback of frame shed 1.84 metres minimum
- f) Side setback of frame shed 1.94 metres minimum
- g) Side setback of gazebo 2.47 metres minimum

11.5.2 Special Waterfront Residential 2 (WR-2) – By-law 2023-38

Part of Lot 9, Con 9
5704 Rice Lake Scenic Drive
Part 2 on RP 39R-14637

11.5.2.1 Zone Provisions

- a) Lot area 1764 square metres minimum
- b) Lot frontage 27.57 metres minimum
- c) Rear setback principal building 11.4 metres minimum
- d) Rear setback of frame building 1.6 metres minimum

11.5.3 Special Waterfront Residential 3 (WR-3) – By-law 2023-38
Part of Lot 9, Con 9
5706 Rice Lake Scenic Drive
Part 3 on RP 39R-14637

11.5.3.1 Zone Provisions

- a) Lot area 1062 square metres minimum
- b) Lot frontage 19.98 metres minimum
- c) Rear setback principal building 8.69 metres minimum
- d) That the existing non-permitted commercial travel trailer be relocated from its current position to a location on the property, with a minimum of 3 metres setbacks from the side lot lines, prior to the stamping of the deed in respect of applications B-12/21 and B-13/21, and it shall not be replaced following the end of its normal life span.

11.5.4 Special Waterfront Residential 4 (WR-4) – By-law 2023-38
Part of Lot 9, Con 9
5714 Rice Lake Scenic Drive
Part 5 on RP 39R-14637

11.5.4.1 Zone Provisions

- a) Lot area 3898 square metres minimum
- b) Lot frontage 90 metres minimum
- c) Front setback principal building 15.49 metres minimum
- d) Rear setback of principal building 12.7 metres minimum
- e) Front setback of frame shed 11.41 metres minimum
- f) That the commercial travel trailer be removed from the property prior to the stamping of the deed in respect of applications B-12/21 and B-13/21.

11.5.5 Special Waterfront Residential 5 (WR-5) – By-law 2024-18
Part of Lot 5, Con 9
Part 1 of 39R1579

11.5.5.1 Zone Provisions

Notwithstanding Sections [11.3.2 a\)](#), [11.3.2 b\)](#), and [11.3.2 d\)](#) and [11.3.2 e\)](#) of this By-law to the contrary, the following special zone provisions shall apply to lands zoned Special Waterfront Residential 5 (WR-5):

- a) Front setback 3 metres minimum
- b) Rear setback 15 metres minimum
- c) Exterior side setback 15 metres minimum
- d) Gross floor area of dwelling 58 m² minimum

Section 12 – Mobile Home Residential (MHR)

12.1 Preamble

Within a Mobile Home Residential Zone (MHR), no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in this section, and also no person shall, within any MHR zone, use any lot or install, place, erect, alter or use any building or structure unless such lot is served by a communal water system and a sanitary sewer system and except in accordance with the regulations contained or referred to in this section.

12.2 Permitted Uses

12.2.1 Permitted Principal Uses

- a) A mobile home park; and/or
- b) A public use

12.2.2. Permitted Accessory Uses

- a) A mobile home park management office;
- b) A recreational use accessory to a mobile home park;
- c) A type “A” home occupation in accordance with the provisions of [Section 5.33](#);
- d) An accessory building to the above principal uses; and/or
- e) Additional residential unit(s) subject to the provisions of [Section 5.2](#).

12.3 Zone Regulations

12.3.1. For the property

- a) Lot Area: 3 hectares (7.4 acres) minimum;
- b) Lot Frontage (road): 60 metres (196.9 feet) minimum;
- c) Landscaped Area: 30% minimum; and
- d) Off-street parking shall be provided in accordance with [Section 5.31](#)

12.3.2. For Principal Building

- a) Front Setback: 13.5 metres (44.3 feet) minimum;
- b) Rear Setback: 7.6 metres (24.9 feet) minimum;
- c) Interior Side Setback: 7.6 metres (24.9 feet) minimum;
- d) Exterior Side Setback: 13.5 metres (44.3 feet) minimum; and
- e) Building Height – Residential Uses: 5 metres (16.4 feet) maximum.

12.3.3. For Individual Mobile Home Sites

- a) Site Area: 700 square metres (7,535 square feet) minimum;

- b) Site Frontage on internal private road system: 18 metres (59.1 feet) minimum;
- c) Front Setback from internal private road system: 9 metres (29.5 feet) minimum;
- d) Front Setback from municipal road system: 13.5 metres (44.3 feet) minimum;
- e) Rear Setback: 3 metres (9.8 feet) minimum;
- f) Interior Side Setback: 3 metres (9.8 feet) minimum;
- g) Exterior Side Setback from internal private road system: 9 metres (29.5 feet) minimum;
- h) Exterior Side Setback from municipal road system: 13.5 metres (44.3 feet) minimum;
- i) Gross Floor Area of Mobile Home Dwelling: 37 square metres (393.3 square feet) minimum;
- j) Lot Coverage of individual sites: 33% maximum;
- k) Building Height: 5 metres (16.4 feet) maximum; and
- l) Refer to County policy for their setback requirements.

12.3.4. For Accessory Buildings

- a) Gross Floor Area of Accessory Dwelling: 74 square metres (796.6 square feet) minimum;
- b) Accessory Dwellings/lot (part): 1 minimum;
- c) Rear Setback (individual sites): 3 metres (9.8 feet) minimum;
- d) Interior Side Setback (individual sites): 3 metres (9.8 feet) minimum;
- e) Exterior Side Setback from internal private road system: 9 metres (29.5 feet) maximum;
- f) Exterior Side Setback from municipal/county road system: 13.5 metres (44.3 feet) minimum;
- g) Lot Coverage: 5% maximum; and
- h) Building Height: 4.5 metres (14.8 feet) maximum.

12.4 General Provisions

All special provisions of [Section 5](#) "General Provisions" shall apply, where applicable, to any land, lot, building, structure or use with the Mobile Home Residential (MHR) Zone.

Section 13 – Urban Residential First Density (UR1)

13.1 Preamble

Within an Urban Residential First Density Zone (UR1), no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than a permitted use in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

13.2 Permitted Uses

13.2.1. Permitted Principal Uses

- a) A public park; and/or
- b) A single detached dwelling.

13.2.2. Permitted Accessory Uses

- a) A type “A” or type “B” home occupation in accordance with the provisions of [Section 5.21](#);
- b) A type “A” home industry in accordance with the provisions of [Section 5.20](#);
- c) An accessory building to the above principal uses;
- d) Additional residential unit(s) subject to the provisions of [Section 5.2](#); and/or
- e) Shipping containers, only when incorporated into a design where a building permit has been issued.

13.3 Zone Regulations

13.3.1. For the property

- a) Lot Area with municipal water: 2,800 square metres (30,140 square feet) minimum;
- b) Lot Frontage with municipal water: 30 metres (98.4 feet) minimum;
- c) Lot Area with private water/well: 4,050 square metres (1 acre) minimum;
- d) Lot Frontage with private water/well: 45.76 metres (150.0 feet) minimum;
- e) Lot Coverage (all buildings): 30% maximum; and
- f) Off-street parking shall be provided in accordance with [Section 5.35](#)

13.3.2. For Principal Building

- a) Front Setback: 10 metres (32.8 feet) minimum;
- b) Rear Setback: 10 metres (32.8 feet) minimum;
- c) Interior Side Setback: 3 metres (9.8 feet) minimum;
- d) Exterior Side Setback: 10 metres (32.8 feet) minimum;

- e) Gross Floor Area of Dwelling: 100 square metres (1,076.4 square feet) minimum; and
- f) Building Height: 11 metres (36.1 feet) maximum.

13.3.3. For Accessory Buildings

- a) Rear Setback: 2.5 metres (8.2 feet) minimum;
- b) Interior Side Setback: 2.5 metres (8.2 feet) minimum;
- c) Exterior Side Setback: 10 metres (32.8 feet) minimum;
- d) Lot Coverage: 5% maximum; and
- e) Building Height: 4.5 metres (14.8 feet) maximum.

13.4 General Provisions

All special provisions of [Section 5](#) "General Provisions" shall apply, where applicable, to any land, lot building, structure or use within the Urban Residential First Density (UR1) Zone.

13.5 Special Urban Residential First Density Zones (UR1)

All other provisions of the By-law shall apply except as specified by each special zoning requirement.

13.5.1 Special Urban Residential First Density 1 (UR1-1)

The lands subject to this By-law amendment are described as follows:
Part Lot 19, Concession 5

13.5.1.1 Zone Regulations

Non-Residential

- a) A farm produce outlet shall be permitted; and
- b) A limited number of livestock may be kept and shall be limited to 2 horses.

13.5.2 Special Urban Residential First Density 2 (UR1-2)

Part Lot 15, Concession 6

13.5.2.1 Zone Regulations

Non-Residential

- a) A commercial garage shall be permitted within an existing structure.

13.5.3 Special Urban Residential First Density 3 (UR1-3)

Part Lot 16, Concession 8

13.5.3.1 Zone Regulations

Non-Residential

- a) A small engine sales and service shop shall be permitted within an existing structure.

13.5.4 Special Urban Residential First Density 4 (UR1-4) Not Used

13.5.5 Special Urban Residential First Density 5 (UR1-5)
Part Lot 4, Concession 9

13.5.5.1 Zone Regulations

- a) Residential
 - i. A single detached dwelling; or
 - ii. An accessory dwelling unit to a permitted non-residential use.
- b) Non-Residential
 - i. A church;
 - ii. A Type ‘A’ and Type ‘B’ home occupation;
 - iii. A public use;
 - iv. A personal service shop;
 - v. A merchandise service shop;
 - vi. A retail store; or
 - vii. A business office.

13.5.6 Special Urban Residential First Density 6 (UR1-6)
Part Lot 8, Concession 3

13.5.6.1 Zone Regulations

- a) Non-residential
 - i. A restaurant; or
 - ii. An art gallery

13.5.6A Special Urban Residential First Density 6A (UR1-6A) By-law 2002-53
Part Lot 18, Concession 2
Plan 47 Lot 2

Notwithstanding any provisions of this By-law to the contrary, on lands zoned UR1–6A and shown on schedule “F” & “G” attached, the following special provisions shall apply:

Lot frontage minimum 39.62 metres (130 feet) minimum.

13.5.6B Special Urban Residential First Density 6B (UR1-6B) By-law 2002-53
Part Lot 18, Concession 2
Plan 47 Lot 2

Notwithstanding any provisions of this By-law to the contrary, on lands zoned UR1–6B and shown on schedule “F” & “G” attached, the following special provisions shall apply:

Lot area 2.83 hectares (7 acres) minimum.

Lot frontage 20 metres (66 feet) minimum.

13.5.7 Special Urban Residential First Density 7 (UR1-7)
Part Lot 34, Concession 8,

Notwithstanding any provisions of this By-law to the contrary, on lands zoned UR1-7 and the following special provisions shall apply:

13.5.7.1 Zone Regulations

Residential

- a) Single detached dwelling units -2 (existing as of 1974 on separate lots which have since merged in title).

13.5.8A Special Urban Residential First Density 8A (UR1-8A)
Part Lot 17 and 18, Concession I

Notwithstanding any provisions of this by-law to the contrary, on lands zoned UR1-8 the following special provisions shall apply:

13.5.8A.1 Zone Regulations

- a) Interior side yard (abutting rear of Lot 33) 10 metres (32.8 feet).

13.5.8B Special Urban Residential First Density 8B-H (UR1-8B-H) By-law 2009-23
Part Lot 13 and 14 and Part of Road Allowance, Concession 1,

13.5.8B.1 Zone Regulations

In addition to the uses permitted in the UR1 Zone, lands zoned Special Urban Residential First Density (UR1-8B-H) Holding Zone may be used for an emergency vehicle access serving the lands zoned Special Hamlet Commercial-5 (HC-5). The emergency vehicle access shall only be permitted if an emergency vehicle access use is not established on lands zoned UR1-9.

Removal of the Holding - H Symbol

That development of the lands zoned OS-2-H, OS-3-H, UR1-8B-H, UR1-9-H and HC-5-H shall not proceed until such time as the "H" symbol has been removed in accordance with the provisions of the Planning Act. The "H" Holding symbol may be removed following completion of the following:

- a) A Site Plan and Site Plan Agreement has been entered into between the developer and the Township in accordance with the provisions of the Planning Act. The Site Plan and Site Plan Agreement shall address, where appropriate, such issues as access, traffic impact, site grading and drainage, site servicing, landscaping, lighting, fencing, waste management, emergency access, market impact study (if required) and any other matters provided for in the Township Site Plan Control By-law and Section 41 of the [Planning Act](#).

13.5.9 Special Urban Residential First Density-9 (UR1-9) By-law 2009-23
Part Lot 13 and 14 and Part of Road Allowance, Concession 1,

13.5.9.1 Zone Regulations

In addition to the uses permitted in the UR1 Zone, lands zoned Special Urban Residential First Density (UR1-9-H) Holding Zone may be used for an emergency vehicle access serving the lands zoned Special Hamlet Commercial-5 (HC-5). The emergency vehicle access shall only be permitted if an emergency vehicle access use is not established on lands zoned UR1-8B.

Removal of the Holding – H Symbol

That development of the lands zoned OS-2-H, OS-3-H, UR1-8B-H, UR1-9-H and HC-5-H shall not proceed until such time as the “H” symbol has been removed in accordance with the provisions of the Planning Act. The “H” Holding symbol may be removed following completion of the following.

- a) A Site Plan and Site Plan Agreement has been entered into between the developer and the Township in accordance with the provisions of the Planning Act. The Site Plan and Site Plan Agreement shall address, where appropriate, such issues as access, traffic impact, site grading and drainage, site servicing, landscaping, lighting, fencing, waste management, emergency access, market impact study (if required) and any other matters provided for in the Township Site Plan Control By-law and Section 41 of the [Planning Act](#).

13.5.10 Special Urban Residential First Density 10 (UR1-10) Not used

13.5.11 Special Urban Residential First Density 11 (UR1-11) By-law 2013-44 Part Lot 8, Concession 3

Notwithstanding any provisions of this by-law to the contrary, on lands zoned UR1-11 and shown on Schedule “A” attached, the following special provisions shall apply:

The minimum front yard for a single detached dwelling on lands zoned UR1-11 shall not be less than the front yard existing on the day of passing of this By-law.

All other provisions of the By-law 2001-58 shall apply to lands zoned UR1-11.

13.5.12 Special Urban Residential First Density 12 (UR1-12) By-law 2013-45 Part Lot 5, Concession 9 Part 1 on RP 39R-3375

Notwithstanding any provisions of this By-law to the contrary, on lands zoned UR1-12 and shown on Schedule “A” attached, the following special provisions shall apply:

- | | |
|---------------------------|---------------------------|
| a) Lot Area (minimum) | 0.22 hectares (.55 acres) |
| b) Lot Frontage (minimum) | 36.57 metres (120 feet) |
| c) Minimum Rear Setback | 30.48 m (100 ft) |

All other provision of By-law 2001-58 shall apply to lands zoned UR1-12.

13.5.13 Special Urban Residential First Density 13 (UR1-13) By-law 2013-53 Part Lot 34, Concession 8 Part of Plan 30, Block D, part of lots 1, 2, 3 and 14

13.5.13.1 Zone Regulations

- a) For the Principal Building
 - i. Minimum Lot Area 2000 m² (0.5 ac)
 - ii. Minimum Lot Frontage 40.23 metres (132 ft)

iii. Minimum Rear Setback	5.15 metres (16.9 ft)
iv. Minimum Gross Floor Area	93.8 m ² (1010.5 ft ²)

13.5.14 Special Urban Residential First Density 14 (UR1-14) not used

13.5.15 Special Urban Residential First Density-15 (UR1-15) By-law 2017-09
 5421 Lakeshore Dr., Harwood
 Part Lot 4, Concession 9
 Parts Lots 17, 18 and 19 on Plan 2 and Lots 1 and 2 on Plan 53, Harwood,
 Part 1 on RP 39R- 13502

Zone Provisions

The following provisions shall apply:

13.5.15.1 Minimum lot area	1465.5 m ² (0.36 acres)
13.5.15.2 Minimum lot frontage	36.68 m (120.34 ft) on Lakeshore Drive, Harwood
13.5.15.3 Minimum front setback	7.85 m (25.75 ft) existing dwelling
13.5.15.4 Minimum exterior side setback	7 m (22.96 ft) existing dwelling
13.5.15.5 Minimum gross floor area	63.25 m ² (680.81 ft ²) existing dwelling
13.5.15.6 Minimum side setback	1.17 m (3.83 ft) existing detached garage
13.5.15.7 Maximum gross floor area	36 m ² (387.5 ft ²) existing detached garage

13.5.16 Special Urban Residential First Density 16 (UR1-16) By-law 2017-09
 5429 Lakeshore Dr., Harwood
 Part Lot 4, Concession 9
 Part Lots 4 and 5, on Plan 53 and Part Lots 17 and 18 on Plan 2
 Parts 2 and 3 on RP 39R- 13502

13.5.16 Zone Provisions

The following provisions shall apply:

13.5.15.1 Minimum lot area	489.5 m ² square metres (.12 ac)
13.5.16.2 Minimum lot frontage	15.24 m (50 ft)
13.5.16.3 Minimum front setback existing dwelling	9.1 m (29.8 ft)
13.5.16.4 Minimum interior side setback existing dwelling	1.5 m (4.92 ft)
13.5.16.5 Minimum gross floor area existing dwelling	68.43 m ² (736.46 ft ²)

- 13.5.16.6 Minimum rear setback existing detached accessory shed 0.61 metres (2 feet)
- 13.5.16.7 Minimum side setback existing detached accessory shed. 0.36 metres (1.18 feet)

13.5.17 Special Urban Residential First Density 17 (UR1-17) Not used

13.5.18 Special Urban Residential First Density 18 (UR1-18) By-law 2018-25
 Part Lot 20, Concession 3
 Part of Part 3 on RP 39R-1613

The reduced lot frontage of 23.65 metres (77.6 feet) on Smylie Road shall be recognized.

13.5.19 Special Urban Residential First Density 19 (UR1-19) By-law 2018-25
 Part Lot 20, Concession 3
 Part 2 on RP 39R-3049 and Part 1 on RP 39R-13683

13.5.19 Zone Provisions

Notwithstanding any provision to the contrary, the following provisions shall apply to the development of the property in respect of a future detached accessory building:

- a) Gross Floor Area 87 square metres (936.46 square feet) maximum
- b) Building Height 6 metres (19.68 feet) maximum
- c) Location may sit in front of the front line of the principal building and shall maintain the minimum front setback requirement of the zone.

13.5.20 Special Urban Residential First Density 20 (UR1-20) By-law 2018-55
 Part Lot 14, Con 5
 Part of Part 1 on RP 39R-2767 together with
 Part 2 on RP 39R-13821

Zone Provisions

Notwithstanding any zone provisions to the contrary, the following zone provisions shall apply to this parcel:

- a) Minimum lot area 3058 square metres (0.75 acres)
- b) The three existing detached accessory buildings that sit in front of the line of the front wall of the house and the line of the exterior side wall of the house are recognized but shall not be replaced in these locations. Any new or replacement structure shall be within the rear yard and/or interior side yard as required by By-law 2001-58 as amended.

13.5.21 Special Urban Residential First Density 21 (UR1-21) By-law 2018-55
 Part Lot 14, Con 5
 Parts 3, 7 and 8 RP 39R-13821
 Zone Provisions

Notwithstanding any zone provisions to the contrary, the following zone provisions shall apply to this parcel:

- a) Lot coverage 25% maximum.

13.5.22 Special Urban Residential First Density 22 (UR1-22) By-law 2018-55
Part Lot 14, Con 5
Part 5 on RP 39R-13821

Zone Provisions

Notwithstanding any zone provisions to the contrary, the following zone provisions shall apply to this parcel:

- a) Minimum front setback 4.24 metres (13.91 feet)
of principal building/dwelling.

13.5.23 Special Urban Residential First Density 23 (UR1-23) By-law 2019-28
Part Lot 7, Con 2
Being Part of Lot 47 on Plan 23
Part 3 on RP 39R-13822

Zone Provisions

- a) Lot frontage 36.58 metres (120.00 feet)
Burwash Road minimum

13.5.24 Special Urban Residential First Density 24 (UR1-24) By-law 2020-06
Part of Lot 20, Con 4
Part 2 on RP 39R-14088

Zone Provisions

Notwithstanding the permitted uses in the Urban Residential First Density (UR1) zone, the following special provisions shall apply

- a) Minimum Lot Area 3809 square metres (0.94 acres)
- b) Minimum Lot Frontage 44.5 metres (146 feet)

13.5.25 Special Urban Residential First Density 25 (UR1-25) By-law 2020-06
Part of Lot 20, Con 4
Part 1 on RP 39R-14088

Zone Provisions

Notwithstanding the permitted uses in the Urban Residential First Density (UR1) zone, the following special provisions shall apply:

- a) The existing concrete frame barn and/or any other detached accessory building shall not be used for farm animals
- b) The existing pen in the center of the yard shall not be used for farm animals
- c) The minimum side setback for the existing concrete frame barn shall be 2.03 metres (6.66 feet)
- d) The maximum height of the existing concrete frame barn shall be as it sits on the date of the passing of this by-law.
- e) The maximum gross floor area of the existing concrete barn shall be as it sits on the date of the passing of this by-law.

- f) The minimum side setback for the existing shed shall be 0.27 metres (0.88 feet)
- g) The minimum side setback for the existing deck shall be 0.04 metres (0.13 feet)

13.5.26 Special Urban Residential First Density 26 (UR1-26) By-law 2022-12
Part Lot 21, Con 4

Special Zone Provisions

- a) Lot Area 3344.4 square metres (0.82 acres) min.
- b) Side setback 0.48 m (1.57 ft) as it exists on the date
(existing detached frame shed) of the adoption of this by-law.

13.5.27 Special Urban Residential First Density 27 (UR1-27) By-law 2022-12
Part Lot 21, Con 4

Special Zone Provisions

- a) Lot area 3344.4 square metres (0.82 acres)
minimum

13.5.28 Special Urban Residential First Density 28 (UR1-28) By-law 2022-67
Part Lot 35, Con 8
Part 2 on RP 39R-11498

Special Zone Provisions

- a) Minimum lot area 2375.3 square metres (0.58 acres)

13.5.29 Special Urban Residential First Density 29 (UR1-29) By-law 2022-67
Part Lot 35, Con 8
Parts 1 and 3 on RP 39R14498

Special Zone Provisions

- a) Minimum lot area 1096.9 square metres (0.27 acres)
- b) Minimum lot frontage 39.94 metres (130.9 feet)

13.5.30 Special Urban Residential First Density 30 (UR1-30) By-law 2023-45
Part Lot 8, Con 3
Part Lot 17 and 18 on Plan 23
Parts 1, 2, and 3 RP 39R-1483

Special Zone Provisions

- a) Minimum Lot area 0.20 hectares (.497 acres)
- b) Minimum Lot frontage 30.83 metres (101.15 feet)
- c) Minimum Front Setback 4.41 metres (14 feet 6 inches)
Of Principal Building (excluding veranda)
- d) Minimum Exterior side setback of principal building as illustrated on RP
39R-1483 1.57 metres (5 feet 2 inches) (excluding veranda)

- e) Minimum Interior side setback of existing detached accessory building
1.72 metres (5 feet 8 inches)

All as existing on the date of the adoption of this By-law.

13.5.31 Special Urban Residential First Density-31 (UR1-31) (By-law 2023-64)
9632 Queen Street, Part of Lot 4, Concession 9, Part 2, Tier 1,
Lots 5 and 6

Notwithstanding [Sections 13.3.1](#) c), the minimum lot area requirement shall be the area existing as of the date of passage of this by-law.

Notwithstanding any provision of this by-law to the contrary, the minimum front yard setback for the existing dwelling and accessory building shall be as they existed on the date of passage of this by-law.

Notwithstanding [Section 13.3.2](#) c), the minimum exterior side yard for the existing dwelling shall be as it existed on the date of passage of this by-law.

All other provisions of this By-law shall apply.

13.5.32 Special Urban Residential First Density-32 (UR1-32) By-law 2024-06
Part of Lots 2 & 3, Concession 9
Part 3 of 39R14679 and 5427 Young Street

Notwithstanding [Section 13.3.2](#) a) to the contrary, on lands zoned Special Urban Residential First Density 32 (UR1-32), the minimum front setback for the existing dwelling shall be as it existed on the day of passage of this by-law.

13.5.33 Special Urban Residential First Density-33 (UR1-33) By-law 2024-27
Part of Lot 22, Concession 4
39R14797 Part 1

Notwithstanding [Section 5.25.2](#) of this By-law to the contrary, in the Special Urban Residential First Density 33 (UR1-33) zone, the two existing accessory structures located closer to Jibb Road than the principal dwelling shall be permitted. Also permitted in the Special Urban Residential First Density 33 (UR1-33) zone is one additional accessory building setback a minimum of 16 metres from the Lacey Road frontage and which can be located closer to Lacey Road than the principal dwelling.

13.5.34 Special Urban Residential First Density 34 (UR1-34) By-law 2024-28
9595 Queen Street
Part of 4, Concession 9
Plan 2 Tier 2, Lots 11 and 12,
39R-9757, Part 1

Notwithstanding [Sections 13.3.1](#) b), 13.3.1 d), 13.3.2 b) and 13.3.2 c) to the contrary, in the Special Urban Residential First Density 34 (UR1-34) zone, for the principal building the following provisions shall apply:

- a) Lot Area (minimum) .1365 ha
- b) Lot Frontage (minimum) 20.31
- c) Rear Setback (minimum) 9.79 metres
- d) Interior side setback (north) (minimum) .74 metres
- e) Interior side setback (south) (minimum) 2.98 metres

Section 14 – Urban Residential Second Density (UR2)

14.1 Preamble

Within a Urban Residential Second Density Zone (UR2), no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than a permitted use in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

14.2 Permitted Uses

14.2.1 Permitted Principal Uses

- a) A duplex dwelling;
- b) A public park;
- c) A semi-detached dwelling; and/or
- d) A single detached dwelling.

14.2.2 Permitted Accessory Uses

- a) A type “A” or type “B” home occupation in accordance with the provisions of [Section 5.21](#);
- b) A type “A” home industry in accordance with the provisions of [Section 5.20](#);
- c) An accessory building to the above principal uses;
- d) Additional residential unit(s) subject to the provisions of [Section 5.2](#); and/or
- e) Shipping containers, only when incorporated into a design where a building permit has been issued.

14.3 Zone Regulations

14.3.1 For the property (Single)

- a) Lot Area: 4,050 square metres (1 acre) minimum;
- b) Lot Frontage: 45.7 metres (150 feet) minimum;
- c) Lot Coverage: 30% maximum; and
- d) Off-street parking shall be provided in accordance with [Section 5.31](#).

14.3.2 For the property (Semi/Duplex)

- a) Lot Area: 6,000 square metres (1.48 acres) minimum;
- b) Lot Frontage: 60 metres (196.9 feet) minimum;
- c) Lot Coverage: 30% maximum; and
- d) Off-street parking shall be provided in accordance with [Section 5.31](#).

14.3.3 For the property (Converted)

- a) Lot Area: 1,400 square metres (0.35 acres) per unit minimum; and
- b) Off-street parking shall be provided in accordance with [Section 5.31](#).

14.3.4 For Principal Building (Single)

- a) Front Setback: 10 metres (32.8 feet) minimum;
- b) Rear Setback: 10 metres (32.8 feet) minimum;
- c) Interior Side Setback: 3 metres (9.8 feet) minimum;
- d) Exterior Side Setback: 10 metres (32.8 feet) minimum;
- e) Gross Floor Area of Dwelling: 100 square metres (1,076.4 square feet) minimum; and
- f) Building Height: 11 metres (36.1 feet) maximum.

14.3.5 For Principal Building (Semi/Duplex)

- a) Front Setback: 10 metres (32.8 feet) minimum;
- b) Rear Setback: 10 metres (32.8 feet);
- c) Interior Side Setback: 3 metres (9.8 feet) minimum;
- d) Exterior Side Setback: 10 metres (32.8 feet) minimum;
- e) Gross Floor Area of Dwelling: 180 square metres (1,937.6 square feet); and
- f) Building Height: 11 metres (36.1 feet) maximum.

14.3.6 For Accessory Buildings

- a) Rear Setback: 2.5 metres (8.2 feet) minimum;
- b) Interior Side Setback**: 2.5 metres (8.2 feet) minimum;
- c) Exterior Side Setback**: 10 metres (32.8 feet) minimum;
- d) Lot Coverage: 5% maximum; and
- e) Building Height: 4.5 metres (14.8 feet) maximum.

Notwithstanding the provisions of the above table, where an interior side yard and/or rear yard abuts a residential zone, then such interior side yard and/or rear yard shall be a minimum of 15 metres (49.2 feet). These 15 metres (49.2 feet) area shall be maintained in an open space condition and the open storage of goods or materials shall not be permitted within this 15 metre (49.2 feet) area.

14.4 General Provisions

All special provisions of [Section 5](#) "General Provisions" shall apply, where applicable, to any land, lot, building, structure or use within the Urban Residential Second Density (UR2) Zone.

Section 15 – Urban Multiple Residential (UMR)

15.1 Preamble

Within an Urban Multiple Residential Zone (UMR), no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than a permitted use in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

15.2 Permitted Uses

15.2.1 Permitted Principal Uses

- a) A multiple dwelling;
- b) A public park; and/or
- c) A senior citizen multiple dwelling.

15.2.2 Permitted Accessory Uses

- a) A type “A” home occupation in accordance with the provisions of [Section 5.21](#);
- b) An accessory building to the above principal uses; and/or
- c) Shipping containers, only when incorporated into a design where a building permit has been issued.

15.3 Zone Regulations

15.3.1 For the property

- a) Lot Area (whichever is greater): 8,000 square metres (1.98 acres) for entire lot or 1400 square metres (0.35 acres) per dwelling unit on the lot minimum;
- b) Lot Frontage: 60 metres (196.9 feet) minimum;
- c) Lot Coverage (all buildings): 30% maximum; and
- d) Off-street parking shall be provided in accordance with [Section 5.31](#).

15.3.2 For Principal Building

- a) Front Setback: 10 metres (32.8 feet) minimum;
- b) Rear Setback: 10 metres (32.8 feet) minimum;
- c) Interior Side Setback:
 - i. To a wall of a building containing windows to habitable rooms: 8 metres (26.2 feet) minimum; or
 - ii. To a wall of a building containing no windows to habitable rooms: 3 metres (9.8 feet) minimum.
- d) Exterior Side Setback: 10 metres (32.8 feet) minimum;

- e) Gross Floor Area of Dwelling:
 - i. Multiple dwelling: 42 square metres (452.1 square feet) plus 13 square metres (139.9 square feet) for each additional bedroom above one minimum;
- f) Number of dwelling units in one principal building: 3 maximum; and
- g) Building Height: 11 metres (36.1 feet) maximum.

15.3.3 For Accessory Buildings

- a) Rear Setback: 2.5 metres (8.2 feet) minimum;
- b) Interior Side Setback: 2.5 metres (8.2 feet) minimum;
- c) Exterior Side Setback: 10 metres (32.8 feet) minimum;
- d) Lot Coverage: 5% maximum; and
- e) Building Height: 4.5 metres (14.8 feet) maximum.

15.4 General Provisions

All special provisions of [Section 5](#) “General Provisions” shall apply, where applicable, to any land, lot building, structure or use within the Urban Multiple Residential Zone (UMR).

15.5 Special Urban Multiple Residential Zones (UMR)

All other provisions of the By-law shall apply except as specified by each special zoning requirement.

15.5.1 Special Urban Multiple Residential 1 (UMR-1) By-law 2006-23 Part Lot 34, Concession 8 Plan 30, Blk M, Lots 7 and 8, being Part 1 on RP 39R-2135 7150 Mill St., Bewdley

15.5.1.1 Zone Regulations

- a) Residential: multiple residential uses shall be limited to 5 dwelling units;
- b) Non-residential: a retail store.

All other provisions of By-law 2001-58, as amended, shall apply.

15.5.2 Special Urban Multiple Residential 2 (UMR-2) By-law 2023-22 4765 County Road 45, Baltimore Part Lot 8, Con 2 Part of lot 56 on Plan 23 Including Part 2 on RP 39R-716

Zone Regulations

Notwithstanding any other permitted use of zone provision to the contrary, the lands zoned URM-2 the following special provisions shall apply:

- a) Residential: 1 multiple residential use building

- b) Lot area: 2069.9 square metres (0.51 acres) minimum (existing lot of record)
- c) Lot frontage: 21.87 metres (71.75 feet) minimum (on Community Center Road)
- d) Front setback minimum: As per site plan illustration dated February 14, 2023, on Schedule "B", attached hereto and formatting part of this by-law. Existing building encroaches on road allowance.
- e) Rear setback: 7.01 metres (22.99 feet) minimum
- f) Interior side setback: 6.09 metres (19.98 feet) minimum
- g) Exterior side setback: 4.8 metres (15.74 feet) minimum
- h) Gross floor area: 42 square metres (452.08 square feet) per unit minimum
- i) Number of units: 8 units, 1 bedroom each maximum
- j) Privacy fencing: 1.5 metres (4.92 feet) minimum, high chain-link fence with PVC slats maintained in good order to provide visual screening.

Section 16 – Rural Commercial (RC)

16.1 Preamble

Within an Rural Commercial Zone (RC), no person shall use any land, erect, alter, enlarge or maintain any building or structure for any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

16.2 Permitted Uses

16.2.1 Permitted Principal Uses

- a) An abattoir;
- b) An agricultural equipment supply and repair outlet;
- c) An auction outlet;
- d) A bulk fuel dealer;
- e) A butcher shop and accessory retail meat establishment;
- f) A commercial greenhouse, nursery or garden centre;
- g) A contractor's yard;
- h) A craft shop;
- i) A farm implement dealer including the sale and service of snowmobiles and lawn and garden equipment;
- j) A feed and seed mill;
- k) A fertilizer mixing and sales establishment;
- l) A merchandising service shop;
- m) A planing mill;
- n) A sawmill;
- o) A truck terminal; and/or
- p) A wayside pit or quarry.

16.2.2 Permitted Accessory Uses

- a) 1 detached dwelling or 1 dwelling unit as an accessory use for the owner of operator of a principal use, in accordance with the provisions of [Section 5.12](#);
- b) An accessory building to the above principal uses; and/or
- c) Shipping containers where a building permit has been issued.

16.3 Zone Regulations

16.3.1 For the property

- a) Lot Area: 4,000 square metres (0.99 acres) minimum;
- b) Lot Frontage: 45 metres (147.6 feet) minimum;
- c) Lot Coverage (all buildings): 40% maximum; and
- d) Off-street parking shall be provided in accordance with [Section 5.31](#).

16.3.2 For Principal Building

- a) Front Setback: 20 metres (65.6 feet) minimum;
- b) Rear Setback: 8 metres (26.2 feet) minimum;
- c) Interior Side Setback: 3 metres (9.8 feet) minimum;
- d) Exterior Side Setback: 8 metres (26.2 feet) minimum; and
- e) Building Height: 11 metres (36.1 feet) maximum.

16.3.3 For Accessory Buildings

- a) Front Setback: 20 metres (65.6 feet) minimum;
- b) Rear Setback: 1.5 metres (4.9 feet) minimum;
- c) Interior Side Setback: 1.5 metres (4.9 feet) minimum;
- d) Exterior Side Setback: 8 metres (26.2 feet) minimum;
- e) Building Height: 4.5 metres (14.8 feet) maximum;
- f) Building Height for detached accessory dwelling unit: 11 metres (36.1 feet) maximum; and
- g) Access to a dwelling unit shall be separate from access to a commercial use.

16.3.4 For land abutting a Residential zone or Residential use

Notwithstanding the provisions of [subsection 16.3](#), where an interior side yard and/or a rear yard abuts a residential zone or any existing residential use, then such interior side yard shall be a minimum of 5 metres (16.4 feet) and such rear yard shall be a minimum of 10 metres (32.8 feet). The 3 metre (9.8 feet) strip of land immediately adjacent to the rear and/or interior side lot lines shall be landscaped.

16.4 General Provisions

All special provisions of [Section 5](#) "General Provisions" shall apply, where applicable, to any land, lot, building, structure, or use within the Rural Commercial Zone (RC).

16.5 Special Rural Commercial Zones (RC)

All other provisions of the By-law shall apply except as specified by each special zoning requirement.

16.5.1 Special Rural Commercial 1 (RC-1) Part Lot 8, Concession 3

Notwithstanding any provisions of this By-law to the contrary, on lands zoned RC-1 the following special provisions shall apply:

16.5.1.1 Zone Regulations

Non-Residential:

- a) The following shall be the only permitted non-residential uses:
 - i. Artisan's workshop;
 - ii. Retail store; or
 - iii. Public use.
- b) Residential: A residential unit accessory to the above uses shall be permitted.

16.5.2 Special Rural Commercial-2 (RC-2) Part Lot 35, Concession 6

Notwithstanding any provisions of this By-law to the contrary, on lands zoned RC-2 the following special provisions shall apply:

16.5.2.1 Zone Regulations

- a) Non-Residential - A commercial garage in an existing building shall be permitted.

16.5.3 Special Rural Commercial-3 (RC-3) By-law 2004-37 Part Lot 31, Concession 1, County Road 2 West

Notwithstanding any provisions of this by-law to the contrary, on lands zoned RC-3 and shown on Schedule "A" attached, the following special provisions shall apply:

Non-Residential - A bakeshop and a retail store to be permitted in the 1200 square foot vinyl clad portion of the dwelling structure.

Lot Frontage - 42.6 metres (140 feet); and

Lot Area - 0.24 hectares (0.6 acre)

Section 17 – Rural Highway Commercial (RHC)

17.1 Preamble

Within a Rural Highway Commercial Zone (RHC), no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

17.2 Permitted Uses

17.2.1 Permitted Principal Uses

- a) An agricultural produce sales outlet;
- b) An automatic or coin operated car wash with the sale of petroleum products incidental thereto;
- c) An auction outlet;
- d) An automobile sales agency;
- e) An automobile, snowmobile, motorcycle or boat service station;
- f) A commercial greenhouse, nursery or garden centre;
- g) A contractor's yard;
- h) A convenience retail store;
- i) A diesel, propane and/or natural gas outlet;
- j) An eating establishment;
- k) An establishment for the sale, service, storage or repair of small internal combustion engines such as outboard motors and lawnmowers;
- l) A hotel;
- m) A lumber and building supply outlet;
- n) A tavern;
- o) A truck terminal: and/or
- p) A wayside pit or quarry.

17.2.2 Permitted Accessory Uses

- a) One detached dwelling or one dwelling unit as an accessory use for the owner or operator of a principal use to any of the foregoing except automobile service stations or other uses involving the sale of gasoline or other similar petroleum products, in accordance with the provisions of [Section 5.12](#);
- b) A convenience retail store and a restaurant as an accessory use to an automobile service station;
- c) An accessory building to the above principal uses; and/or

- d) Shipping containers where a building permit has been issued.

17.3 Zone Regulations

17.3.1 For the property*

- a) Lot Area: 4,000 square metres (0.99 acres) minimum;
- b) Lot Frontage: 45 metres (147.6 feet) minimum;
- c) Lot Coverage (all buildings): 30% maximum; and
- d) Off-street parking shall be provided in accordance with [Section 5.31](#) and [5.24](#).

On a corner lot, a sight triangle of 8 metres (26.2 feet) minimum shall be provided. Such site triangle is not to be construed to be part of the required minimum yard. All means of ingress and egress shall have a minimum width of 6 metres (19.7 feet) and in the case of a corner lot, no means of ingress or egress shall be located within 15 metres (49.2 feet) of the intersection of the streets or where a corner is rounded, the points at which the extended street lines meet.

17.3.2 For Principal Building

- a) Front Setback: 20 metres (65.6 feet) minimum;
- b) Rear Setback: 8 metres (26.2 feet) minimum;
- c) Interior Side Setback: 3 metres (9.8 feet) minimum;
- d) Exterior Side Setback: 8 metres (26.2 feet) minimum; and
- e) Building Height: 11 metres (36.1 feet) maximum.

17.3.3 For Accessory Buildings

- a) Front Setback: 20 metres (65.6 feet) minimum;
- b) Rear Setback: 1.5 metres (4.9 feet) minimum;
- c) Interior Side Setback: 1.5 metres (4.9 feet) minimum;
- d) Exterior Side Setback: 8 metres (26.2 feet) minimum;
- e) Building Height: 4.5 metres (14.8 feet) maximum; and
- f) Building Height for detached accessory dwelling unit: 11 metres (36.1 feet) maximum.

17.3.4 Special Provisions for a Car Wash Establishment

- a) For an automatic car wash, a minimum of 10 waiting spaces shall be provided on the subject property: and
- b) For a coin operated car wash, a minimum of 2 waiting spaces and one drying space shall be provided for each washing unit or bay.

17.3.5 Special Provisions for an Automobile Service Station

- a) Lot Depth: 45 metres (147.6 feet) minimum;
- b) Front Setback: 15 metres (49.2 feet) minimum;
- c) Rear Setback: 7.5 metres (24.6 feet) minimum;
- d) Interior Side Setback: 7.5 metres (24.6 feet) minimum;
- e) Exterior Side Setback: 8 metres (26.2 feet) minimum;
- f) Building Height: 11 metres (36.1 feet) maximum;
- g) When abutting a residential zone:
 - i. Interior Side Setback: 15 metres (49.2 feet) minimum;
 - ii. Rear Setback: 15 metres (49.2 feet) minimum; and
 - iii. Mandatory Open Space abutting a residential zone: 4.5 metres (14.5 feet) minimum;
- h) Light stands and signs (within any required yard): 2.5 metres (8 feet) from any street line minimum;
- i) Fuel pumps and pump islands (within any required yard): 6 metres (19.7 feet) from any street line minimum;
- j) Distance between access ramps: 12 metres (39.4 feet) minimum;
- k) Ramp setback from side lot line: 4.5 metres (14.5 feet) minimum;
- l) Ramp access setback from corner/intersection of street lines: 15 metres (49.2 feet) minimum;
- m) Ramp width: 7.5 metres (24.6 feet) minimum; and
- n) Interior angle between lot line and centreline of the ramp: between 70 and 90 degrees.

17.3.6 For land abutting a Residential zone or Residential use

Notwithstanding the provisions in [subsection 17.3](#) where an interior side yard and/or a rear yard abuts a residential zone or any existing residential use then such interior side yard and/or rear yard shall be a minimum of 10 metres (32.8 feet). The 3 metre (9.8 feet) strip immediately adjacent to the rear and/or interior side lot line shall be landscaped.

17.4 General Provisions

All special provisions of [Section 5](#) "General Provisions" shall apply, where applicable, to any land, lot building, structure or use within the Rural Highway Commercial Zone (RHC).

17.5 Special Rural Highway Commercial Zones (RHC)

All other provisions of the By-law shall apply except as specified by each special zoning requirement.

17.5.1 Special Rural Highway Commercial 1 (RHC-1) Not used

17.5.2 Special Rural Highway Commercial 2 (RHC-2)
Part Lot 26, Concession 3
2811 Black Road

Non-Residential - a commercial garage shall be permitted in addition to all other permitted Rural Highway Commercial uses.

17.5.3 Special Rural Highway Commercial 3 (By-law 2024-38)
2141 Theater Road
Part of 28, Concession 1

Notwithstanding the uses permitted by [Section 17.2.1](#) of this By-law, on lands zoned Special Rural Highway Commercial 3 (RHC-3), the only permitted use shall be a contractor’s yard including the storage of bins, construction trucks and equipment, an administrative office and shop.

All other provisions of this By-law shall apply.

17.5.4 Special Rural Highway Commercial 4 (RHC-4) Not used

17.5.5 Special Rural Highway Commercial-5 (RHC-5)
Part Lot 25, Concession I

Notwithstanding any provisions of this By-law to the contrary, on lands zoned RHC-5 the following special provisions shall apply:

- a) Non-Residential - a radio and telecommunication broadcasting station including all necessary signal towers, office and administrative uses associated with the broadcasting station shall be the only permitted use on lands zoned RHC-5.

17.5.6 Special Rural Highway Commercial 6 (RHC-6) Not used

17.5.7 Special Rural Highway Commercial-7 (RHC-7)
Part Lot 3, Concession B
Parts 1-3 on RP 39R-1256, s/e Parts 1 and 2 on RP 39R-2375

Notwithstanding any provisions of this by-law to the contrary, on lands zoned RHC-7 the following special provisions shall apply:

Zone Regulations

- a) Non-Residential-an auction outlet shall be permitted in addition to all other uses permitted in the Rural Commercial Highway (RHC) Zone.

17.5.8 Special Rural Highway Commercial 8 (RHC-8) By-law 2003-10
Part Lot 3, Concession B

Notwithstanding any provisions of this By-law to the contrary, on lands zoned RHC-8 the following special provision shall apply:

Non-Residential - a mini-storage warehouse and accessory outside storage

For purposes of this By-law, mini-storage warehouse shall be defined as a building wherein general merchandise, vehicles, furniture and household goods are stored in separately occupied, secured storage areas or lockers which are generally accessible by means of individual loading doors. Employees

associated with such use shall be limited to a facility manager and/or security personnel.

All other provisions of the By-law shall apply.

17.5.9 Special Rural Highway Commercial-9-holding (RHC-9-h)
Part Lot 28, Concession I

Notwithstanding any provisions of this By-law to the contrary, on lands zoned RHC-9-h the following special provisions shall apply.

That [Section 17.5.9](#) be added to the By-law to regulate the use of the land with respect to the following provisions:

17.5.9.1 Zone Regulations

- a) Non-Residential uses permitted:
 - i. A business office and or offices;
 - ii. A merchandise service shop;
 - iii. A nursery;
 - iv. A public use;
 - v. A restaurant;
 - vi. A large format retail store;
 - vii. A vehicle sales or rental establishment;
 - viii. A gasoline retail facility;
 - ix. A home occupation; or
 - x. A mini-storage warehouse(s).

For purposes of this By-law, mini-storage warehouse shall be defined as a building wherein general merchandise, vehicles, furniture and household goods are stored in separately occupied, secured storage areas or lockers which are generally accessible by means of individual loading doors.

17.5.9.2 Zone Requirements:

- a) Lot coverage - 35% maximum;
- b) Interior side yard width - 10.7 metres (35 feet) minimum.

17.5.10 Special Rural Highway Commercial 9B Holding (RHC-9B-H) By-law 2006-29
Part Lot 8, Concession B

Notwithstanding any provisions of this By-law 2001-58 to the contrary, on lands zoned RHC-9B-H the following special provisions shall apply:

Uses permitted

Convenience retail store – gross floor area (maximum) – 500 square metres (5380 square feet).

Zone requirements

Development of the lands zoned RHC-9B-H shall not proceed until the 'holding' (h) symbol has been removed by way of amendment to this by-law in accordance with the provisions of the Planning Act, R.S.O., 1990. Council may consider a by-law to remove the 'holding' (h) symbol from the property upon completion of the following to the satisfaction of Council:

- a) A servicing options report detailing the method of sanitary sewage disposal, water supply and storm water drainage;
- b) A detailed site development plan;
- c) A site plan agreement prepared in accordance with Section 41 of the [Planning Act, R.S.O., 1990](#); and
- d) A noise assessment report regarding development adjacent to CN/CP rail lines.

17.5.11 Special Rural Highway Commercial 10 (RHC-10) Not used

17.5.11 Special Rural Highway Commercial 11 (RHC-11) By-law 2010-47 (Part Lot 30, Concession A, being Part 1 on RP 39R-10528)

Notwithstanding any provisions of this By-law to the contrary, on lands zoned RHC-11 and shown on Schedule 'A' attached, the following special provisions shall apply:

In addition to all permitted uses included in [Section 17.2](#) of By-law 2001-58 the following use shall also be permitted:

- a) Personal service shop.

The minimum Lot Frontage and minimum Lot Area shall be as they existed on the day of passing of this By-law.

All other provisions of this by-law shall apply.

17.5.12 Special Rural Highway Commercial-12 (RHC-12) By-law 2013-55 Part Lot 35, Concession 9

Notwithstanding any provisions of this by-law to the contrary, on lands zoned RHC-12 and shown on Schedule "A" attached, the following special provisions shall apply:

- a) The following shall be the only Non-Residential uses permitted:
 - i. A veterinary clinic/hospital;
 - ii. A business office;
 - iii. A vehicle sales or rental establishment; or
 - iv. A greenhouse/nursery or garden centre.
- b) The following shall be the only Residential uses permitted:
- c) An accessory dwelling house for use by the owner or employee of the permitted non-residential use.

- d) Any use or change of use of the property for any of the above permitted uses shall be subject to septic system approval in accordance with [Section 5.17](#) of this by-law.
- e) THAT all other provisions of By-law 2001-58 shall apply to the lands zoned RHC-12

17.5.13 Special Rural Highway Commercial-13 (RHC-13) By-law 2014-25
Part Lot 35, Concession A

Notwithstanding any provisions of this by-law to the contrary, on lands zoned RHC-13 and shown on Schedule "A" attached, the following special provisions shall apply:

- a) Non-Residential uses permitted: the following shall be the only permitted non-residential uses:
 - i. A business office;
 - ii. A commercial garage;
 - iii. A retail store; or
 - iv. A Type 'A' home occupation, in addition to other permitted Highway Commercial uses.
- b) Any use or change of use of the property for any of the above permitted uses shall be subject to septic system approval in accordance with [Section 5.17](#) of this By-law.

17.5.14 Special Rural Highway Commercial-14 (RHC-14) By-law 2015-12
Part Lot 26, Concession A

17.5.14.1 Permitted Uses:

Notwithstanding any provisions of this By-law to the contrary, on lands zoned RHC-14 and shown on Schedule "A" attached, the following special provisions shall apply:

17.5.14.1 A retail store shall be a permitted use within the existing 413.61 square metres (4484 square feet), single storey building.

17.5.14.2 For purposes of this By-law a retail store shall include the uses as identified in By-law 2001-53, as amended, together with sales and rental of musical instruments as well as one-on-one music lessons, and accessory office space sufficient only to service such store.

17.5.14.3 Development of the Retail Outlet will be subject to Site Plan Control that may deal with issues such as external lighting, surface treatment of the parking area, fencing and vegetation buffering, and any other issue deemed appropriate by the Township.

17.5.15 Special Rural Highway Commercial 15 Holding (RHC 15-H) By-law 2015-48
Part Lot 35, Concession 9 being Part 1 and part of Part 2 on RP 39R-1557, and
Part Lot 34 Concession 9, including Part 1 and part of Part 2 on RP 39R-3112, and Parts 3, 4 and 5 on RP 39R-12634.

Zone Requirements

Development of the lands zoned RHC-15-H shall not proceed until the 'holding' (H) symbol has been removed by way of amendment to this by-law in accordance with the provisions of the Planning Act, R.S.O., 1990. Council may consider a by-law to remove the 'holding' (H) symbol from the property upon completion of the following to the satisfaction of Council:

- a) A Servicing Options Report and Hydrogeological Investigation to determine how the development can be serviced, which may result in the requirement of a responsibility agreement between the developer and the township to ensure the long term operation and maintenance of the sewer and water systems;
- b) A Preliminary Stormwater Management Plan to determine any onsite stormwater storage and treatment facility requirements;
- c) A Traffic and Access Impact Assessment to determine the safety of the access location and impacts on county Road 28 and Rice Lake Drive;
- d) An Environmental Impact Study to identify impacts on the Provincially Significant wetland, the Oak Ridges Moraine, Area of natural and Scientific Interest (ANSI) and Rice Lake;
- e) An Archaeological Study in accordance with the Provincial Policy Statement to determine any cultural heritage impacts;
- f) A detailed site development plan; and
- g) A site plan agreement prepared in accordance with Section 41 of the [Planning Act, R.S.O., 1990](#).

Section 18 – Waterfront/Resort Commercial (WRC)

18.1 Preamble

Within a Waterfront/Resort Commercial Zone (WRC), no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

18.2 Permitted Uses

18.2.1 Permitted Principal Uses

- a) An eating establishment;
- b) A marina, including a boat sales and service establishment and the sale of parts and petroleum products incidental thereto;
- c) A miniature golf course, driving range or other similar recreationally oriented use;
- d) A public or private park;
- e) A resort including a health spa;
- f) A tourist accommodation use, including hotels, lodges, tourist homes, tourist establishments and bed and breakfast establishments; and/or
- g) A travel trailer park

18.2.2 Permitted Accessory Uses

- a) Accessory building(s) to the above principal uses;
- b) A convenience retail store;
- c) A gift shop;
- d) One accessory dwelling or dwelling unit as an accessory use for the owner or operator of a principal use, in accordance with the provisions of [Section 5.12](#); and/or
- d) Shipping containers where a building permit has been issued.

18.3 Zone Regulations

18.3.1 For the property

- a) Lot Area: 4,000 square metres (0.99 acres) minimum;
- b) Lot Frontage: 45 metres (147.6 feet) minimum;
- c) Lot Coverage (all buildings): 40% maximum;
- d) Off-street parking shall be provided in accordance with [Section 5.31](#) and [5.24](#); and
- e) All means of ingress and egress shall have a minimum width of 6 metres (19.7 feet) and in the case of a corner lot, no means of ingress or egress

shall be located within 15 meters (49.2 feet) of the intersection of the street lines, or, where a corner is rounded, the points at which the extended street lines meet.

18.3.2 For Principal Building

- a) Front Setback: 8 metres (26.2 feet) minimum;
- b) Rear Setback: 8 metres (26.2 feet) minimum;
- c) Interior Side Setback: 3 metres (9.8 feet) minimum;
- d) Exterior Side Setback: 8 metres (26.2 feet) minimum; and
- e) Building Height: 11 metres (36.1 feet) maximum.

18.3.3 For Accessory Buildings

- a) Front Setback: 8 metres (26.2 feet) minimum;
- b) Rear Setback: 1.5 metres (4.9 feet) minimum;
- c) Interior Side Setback: 1.5 metres (4.9 feet) minimum;
- d) Exterior Side Setback: 8 metres (26.2 feet) minimum;
- e) Building Height: 4.5 metres (14.8 feet) maximum;
- f) Gross Floor Areas shall be:
 - i. The minimum gross floor area in accordance with the Ontario Building Code.
 - ii. The maximum gross floor area shall not exceed 98 square metres (1,055 square feet); and
- g) Access to an accessory dwelling unit shall be separate from access to a commercial use.

18.3.4 For land abutting a Residential zone or Residential use

Notwithstanding the provisions of [subsection 18.3](#), where a rear yard and/or an interior side yard abuts a residential zone or any existing residential use, then such interior side yard shall be a minimum of 5 metres (16.4 feet) and such rear yard shall be a minimum of 10 metres (32.8 feet). The 3 metre (9.8 feet) strip immediately adjacent to the rear and/or interior side lot lines shall be landscaped.

Water oriented commercial uses such as marinas or docks shall be located a minimum of 60 metres (196.9 feet) from the nearest residential zone or use.

18.3.5 Additional Zone Regulations for Marina's

Notwithstanding the provisions of [subsection 18.3](#), a marina use shall be subject to the following special provisions in addition to all other applicable provisions of this By-law.

Where a rear yard and interior side yard abuts a navigable body of water, then such rear yard and/or interior side yard may be reduced to zero metres.

No entrance channel, turning basin, dock or boat mooring area shall be located closer than 60 metres (196.9 feet) to a residential zone, a residential use or a street line.

Facilities for the refuelling of marine craft shall be provided at a separate pier or dock area from boat mooring facilities.

Catwalks shall have a minimum width of 0.6 metres (2 feet) and boat mooring docks shall have a minimum width of 1.2 metres (3.9 feet).

A minimum of one parking space shall be provided for every two boat slips.

18.3.6 Additional Zone Regulations for a Tent and/or Travel Trailer Park

Notwithstanding the provisions of [subsection 18.3](#), a tent and/or travel trailer park use shall be subject to the following special provisions in addition to all other applicable provisions of this By-law:

- a) Lot Area: 4.0 hectares (9.9 acres) minimum;
- b) Setback from all lot lines (all buildings or structures on a tent or travel trailer site): 15 metres (49.2 feet) minimum;
- c) Setback from centreline of road allowance (all buildings or structures on a tent or travel trailer site): 25 metres (82.0 feet) minimum;
- d) Travel Trailer Park Density: 30 trailers/gross hectare maximum;
- e) Travel Trailer Site Area: 100 square metres (1,076.4 square feet) minimum;
- f) Travel Trailer Site Frontage (on internal road system): 6 metres (19.7 feet) minimum;
- g) Building Height: 4.5 metres (14.8 feet) maximum;
- h) Number of Travel Trailers (on a Travel Trailer Site): 1 maximum;
- i) Lot Coverage: 25% maximum; and
- j) No campsite, building or structure, except a marine facility for launching and/or servicing of boats or a water pump house, is permitted within 50 metres (164 feet) of the highwater mark of any water body.

18.3.7 Additional Zone Regulations for Hotels, Motels and Rental Cabins

- a) Lot Area: 2.0 hectares (4.9 acres) minimum;
- b) Density: 1 unit/2,000 square metres (21,528.5 square feet) to a maximum of 50 units maximum; and
- c) No campsite, building or structure, except a marine facility for launching and/or servicing of boats or a water pump house, is permitted within 50 metres (164 feet) of the highwater mark of any water body.

18.4 General Provisions

All other special provisions of [Section 5](#) "General Provisions" shall apply, where applicable, to any land lot, building, structure or use within the

Waterfront/Resort Commercial Zone (WRC).

18.5 Special Waterfront/Resort Commercial Zones (WRC)

All other provisions of the By-law shall apply except as specified by each special zoning requirement.

18.5.1 Special Waterfront/Resort Commercial-1 (WRC-1)

The lands subject to this By-law amendment are described as follows:
Part Lot 33, Concession 8

18.5.1.1 Permitted Uses

Notwithstanding the uses permitted in the Waterfront/Resort Commercial Zone, as amended, within the Waterfront/Resort Commercial Zone WRC-1, warehouse storage including outside storage, a retail store and service shop exclusively devoted to sporting goods and gift shop shall be additional permitted non-residential uses.

For purposes of this By-law the following definitions shall apply:

- a) Sporting Goods - shall included but not be limited to camping, hunting, biking, hiking, archery, skiing.
- b) Gift shop - shall mean a building or part of a building where crafts, souvenirs, gifts or similar items are offered or kept for sale at retail to the public.
- c) Warehouse storage - shall mean an establishment used for storage and distribution of goods, wares, merchandise, substances, articles or things any may include an accessory retail use but does not include a cartage or express truck terminal.

18.5.2 Special Waterfront/Resort Commercial-2 (WRC-2) By-law 2015-18

Part Lot 6, Concession 9
Part 2 on RP 39R-13149

18.5.2.1 Within a WRC-2 Zone, no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

- a) The following are the only permitted uses in the WRC-2 zone:
 - i. 1 single detached dwelling as the principal use of the property;
 - ii. 1 accessory dwelling unit within or attached to the principal use;
 - iii. 1 seasonal dwelling in the existing cabin with a minimum gross floor area of 459 square feet (unit 235); and
 - iv. Accessory building, structure or use to the above uses.

18.5.2.2 Zone Regulations

a) For All Principal Uses:

- i. Lot Area (minimum) 0.43 hectares (1.07 acres)
- ii. Lot Frontage (minimum) 42.67 metres (140 ft) on CR 18
- iii. Gross Floor Area (minimum) 89 square metres (958.0 ft²)

b) For Existing Buildings Not Attached to the Principal Building
(unit 235 and 235A)

- i. Setback from the high-water mark minimum 15.1 m (49.54 ft) to cabin
- ii. Setback from the top-of-bank as existing on the date of the passage of this By-law.

That prior to the issuance of any building permits for new construction within either zone a detailed storm water management plan shall be submitted for review and found to be satisfactory to the needs of the Township of Hamilton as per [Section 12.4](#) of the Township Official Plan, being By-law 2003-51 as amended by By-law 2010-24.

18.5.3 Special Waterfront/Resort Commercial-3 (WRC-3) By-law 2015-18
Part Lot 6, Concession 9
Part 1 on RP 39R-13149

18.5.3.1 Within a WRC-3 Zone, no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for a use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained to in this section.

Permitted Uses

a) The following are the only permitted uses in the WRC-3 zone:

- i. 1 single detached dwelling as the principal use of the property;
- ii. 1 accessory dwelling unit within or attached to the principal use;
- iii. 4 seasonal dwellings in the existing cabins with the respective gross floor areas of;
 - 49.8 square metres (536 square feet) minimum (unit 220);
 - 61.3 square metres (660 square feet) minimum (unit 205);
 - 46.5 square metres (500 square feet) minimum (unit 195);
 - 55.3 square metres (595 square feet) minimum (unit 150);
- iv. Accessory building, structure or use to the above uses.

18.5.3.2 Zone Regulations

a) For All Principal Uses:

- i. Lot Area - 1.48 hectares (3.67 acres) minimum;
- ii. Lot Frontage - 94.79 metres (311 feet) on County Road 18 minimum;

iii. Gross Floor Area - 89 square metres (958.0 square feet) minimum.

b) For Existing Buildings Not Attached to The Principal Building:
Units 205 and 205A:

- i. Setback from the high-water mark - 17.2 metres (56.43 feet) to cabin minimum;
- ii. Setback from the top-of-bank as existing on the date of the passage of this By-law.

Unit 195 and 195A:

- iii. Setback from the high-water mark - 7.6 metres (24.93 feet) to cabin 13.1 metres (42.97 feet) to frame shed minimum;
- iv. Setback from the top-of-bank as existing on the date of the passage of this By-law.

Unit 150:

- v. Exterior Side Yard - 4.5 metres (14.76 feet) to cabin minimum.

That prior to the issuance of any building permits for new construction within either zone a detailed storm water management plan shall be submitted for review and found to be satisfactory to the needs of the Township of Hamilton as per [Section 12.4](#) of the Township Official Plan, being By-law 2003-51 as amended by By-law 2010-24.

18.5.4 Special Waterfront/Resort Commercial Zone-4 (WRC-4) By-law 2015-47
Part Lot 34 and 35, Concession 9,
Part 1 on RP 39R-304, Parts 1 and 2 on RP 39R-12634 and Part 3 on RP 39R-13252,

18.5.4 Zone Provisions

18.5.4.1 For the existing development on the land

- a) Lot area: 5.5 hectares (13.59 acres) minimum;
- b) Lot frontage: 198.12 metres (650 feet) minimum;
- c) Setback (all lot lines): As existing on date of this by-law;
- d) Density: 30 sites/hectare (12/acre) maximum;
- e) Setback of each site from centerline of road As existing on date of this by-law;
- f) Site area: As existing on date of this by-law;
- g) Site frontage: As existing on date of this by-law; and
- h) Lot Coverage: 25% maximum.

18.5.4.2. Any and all future development on the property must be in compliance with provisions of [Section 18.3](#) and may be subject to a Site Plan Agreement with the Township.

18.5.5 Special Waterfront/Resort Commercial Zone-5 (WRC-5) By-law 2021-12

5988 Rice Lake Scenic Drive, Unit 175, Harwood
Pt Lot 5 and 6, Con 9, Part 1 on RP 39R-8726

18.5.5 Zone Provisions

- a) Lot area: 0.06 hectares (0.16 acres);
- b) Lot frontage: 17.37 metres (57 feet) as per RP 39R-8726;
- c) Building setbacks - principal: As existing on date of passage of by-law;
and
- d) Building setbacks - accessory: As existing on date of passage of by-law.

18.5.6 Special Waterfront/Resort Commercial Zone-6 (WRC-6) By-law 2024-36 5862 and 5863 Rice Lake Scenic Drive Part of Lot 7, Concession 9 39R221 Part 1 and 39R529 Part 1 Assessment Roll No. 1419 000 080 26350 0000 & 1419 000 080 26300 0000

Notwithstanding any provision of this By-law to the contrary, on lands zoned Special Waterfront Resort Commercial 6 (WRC-6) the setback requirements for buildings existing on the date of passage of this by-law shall be as they existed on that day.

Notwithstanding any provision of this By-law to the contrary, on lands zoned Special Waterfront Resort Commercial 6 (WRC-6), a maximum of 2 travel trailer sites shall be permitted on the property with civic address 5862 Rice Lake Scenic Drive (assessment roll # 1419 000 080 26350 000) with a minimum setback of 13.25 metres from the centreline of Rice Lake Scenic Drive (County Road 18) and a minimum setback of 9.38 metres from the western interior lot line. No new buildings or structures are permitted within the Northumberland County Road setback.

Section 19 – Hamlet Commercial (HC)

19.1 Preamble

Within Hamlet Commercial Zone (HC), no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

19.2 Permitted Uses

19.2.1 Permitted Principal Uses

- a) An automobile sales agency;
- b) An automobile service station;
- c) A bake shop;
- d) A public or private park;
- e) A bank and/or trust company;
- f) A business and/or professional office;
- g) A commercial recreational establishment such as a bowling or billiard establishment or other similar use;
- h) A convenience retail store;
- i) An eating establishment including a banquet hall;
- j) A funeral home;
- k) A gift shop;
- l) A hotel;
- m) A laundry and/or dry cleaning shop;
- n) A lawn, garden and farm equipment and supplies sales outlet;
- o) A medical clinic;
- p) A day nursery;
- q) A post office;
- r) A private or commercial club;
- s) A retail store;
- t) A service shop including a personal service shop;
- u) A tavern;
- v) A theatre, cinema or other place of entertainment; and/or
- w) A veterinary clinic

19.2.2 Permitted Accessory Uses

- a) Accessory building(s) to the above principal uses;
- b) A public or private parking area, including parking facilities associated with the principal use(s) permitted above;
- c) One dwelling unit in the form of an apartment as an accessory use in buildings in which commercial uses are permitted, except automobile service stations or other uses involving the sale of gasoline or other similar petroleum products, in accordance with the provisions of [Section 5.12](#) and [5.33](#); and/or
- d) Shipping containers where a building permit has been issued.

19.3 Zone Regulations

19.3.1 For the property

- a) Lot Area: 4,000 square metres (0.99 acres) minimum;
- b) Lot Frontage: 45 metres (147.6 feet) minimum;
- c) Lot Coverage (all buildings): 40% maximum;
- d) Off-street parking shall be provided in accordance with [Section 5.35](#);
- e) Off-street loading shall be provided in accordance with [Section 5.36](#); and
- f) All means of ingress and egress shall have a minimum width of 6 metres (19.7 feet) and in the case of a corner lot, no means of ingress or egress shall be located within 15 metres (49.2 feet) of the intersection of the street lines, or, where a corner is rounded, the points at which the extended street lines meet.

19.3.2 For Principal Building-(for all uses except an Automobile Service Station)

- a) Front Setback: 8 metres (26.2 feet) minimum;
- b) Rear Setback: 6 metres (19.7 feet) minimum;
- c) Interior Side Setback: 3 metres (9.8 feet) minimum;
- d) Exterior Side Setback: 8 metres (26.2 feet) minimum;
- e) When abutting a residential zone:
 - i. Rear Setback: 9 metres (29.5 feet) with 1 metre (3.3 feet) planting strip adjacent to the lot line minimum; and
 - ii. Interior Side Setback: 5 metres (16.4 feet) with 1 metre (3.3 feet) planting strip adjacent to the lot line minimum; and
- f) Building Height: 11 metres (36.1 feet) maximum.

19.3.3 Special Provisions for an Automobile Service Station

- a) Lot Frontage: 45 metres (147.6 feet) minimum;
- b) Lot Depth: 45 metres (147.6 feet) minimum;

- c) Front Setback: 15 metres (49.2 feet) minimum;hom
- d) Rear Setback: 7.5 metres (24.6 feet) minimum;
- e) Interior Side Setback: 3 metres (9.8 feet) minimum;
- f) When abutting a residential zone:
 - i. Rear Setback: 15 metres (49.2 feet) minimum;
 - ii. Interior Side Setback: 15 metres (49.2 feet) minimum;
 - iii. Mandatory Open Space: 4.5 metres (14.5 feet); and
- g) Exterior Side Setback: 15 metres (49.2 feet) minimum;
- h) Lot Coverage: 40% maximum;
- i) Building Height: 11 metres (36.1 feet) maximum;
- j) Light stands and signs (within any required yard): 2.5 metres (8 feet) from any street line minimum;
- k) Fuel pumps and pump islands (within any required yard): 6 metres (19.7 feet) from any street line minimum;
- l) Distance between access ramps: 12 metres (39.4 feet) minimum;
- m) Ramp setback from side lot line: 4.5 metres (14.5 feet) minimum;
- n) Ramp access setback from corner/intersection of street lines: 15 metres (49.2 feet) minimum;
- o) Ramp width: 7.5 metres (24.6 feet) minimum; and
- p) Interior angle between lot line and centreline of the ramp: between 70 and 90 degrees.

19.3.4 For Accessory Buildings

- a) Front Setback: 8 metres (26.2 feet) minimum;
- b) Rear Setback: 1.5 metres (4.9 feet) minimum;
- c) Interior Side Setback: 1.5 metres (4.9 feet) minimum;
- d) Exterior Side Setback: 8 metres (26.2 feet) minimum;
- e) Building Height: 4.5 metres (14.8 feet) maximum;
- f) Gross Floor Areas shall be:
 - i. The minimum gross floor area in accordance with the Ontario Building Code.
 - ii. The maximum gross floor area shall not exceed 98 square metres (1,055 square feet); and
- g) Access to an accessory dwelling unit shall be separate from access to a commercial use.

19.4 General Provisions

All special provisions of [Section 5](#) "General Provisions" shall apply, where applicable, to any land, lot, building, structure or use within the Hamlet Commercial Zone (HC).

19.5 Special Hamlet Commercial Zone (HC)

All other provisions of the By-law shall apply except as specified by each special zoning requirement.

19.5.1 Special Hamlet Commercial 1 (HC-1) Part Lot 8, Concession 2

Notwithstanding any provisions of this By-law to the contrary, on lands zoned HC-1 the following special provisions shall apply:

19.5.1.1 Permitted Uses

- a) Non-Residential - a bakery shall be permitted, in addition to other permitted Hamlet Commercial uses.

19.5.2 Special Hamlet Commercial 2 (HC-2) Part Lot 8, Concession 2

Notwithstanding any provisions of this By-law to the contrary, on lands zoned HC-2 the following special provisions shall apply:

19.5.2.1 Permitted Uses

- a) Residential:
 - i. A dwelling house containing a maximum of seven dwelling units shall be permitted.
- b) Non-Residential in addition to other permitted Hamlet Commercial uses:
 - i. A restaurant;
 - ii. A public use;
 - iii. A business office; or
 - iv. A retail outlet as an accessory to the residential use.

19.5.3 Special Hamlet Commercial 3 (HC-3) Part Lot 35, Concession 8

Notwithstanding any provisions of this By-law to the contrary, on lands zoned HC-3 and shown on Schedule 'B' attached, the following special provisions shall apply:

19.5.3.1 Permitted Uses

- a) Non-Residential in addition to other permitted Hamlet Commercial uses:
 - i. Personal service shop; or
 - ii. Retail store.

19.5.4 Special Hamlet Commercial 4 (HC-4) By-law 2004-46

Part Lot 20, Concession 4

Notwithstanding any provisions of this by-law to the contrary, on lands zone HC-4 and shown on Schedule "A" attached and forming part of this by-law, the following special provisions shall apply:

Permitted Uses

- A bake shop;
- A post office;
- A retail store;
- A convenience retail store;
- A service shop including a personal service shop;
- A lawn, garden and farm equipment and supplies sales outlet;
- A business and/or professional office;
- A medical clinic;
- A gift shop;
- A nursery school;
- A veterinary clinic;
- A public or private parking area including parking facilities associated with the principal use(s) permitted under this section;
- One dwelling or one dwelling unit in the form of an apartment as an accessory use in buildings in which commercial uses are permitted; and/or
- A craft shop.

All other provisions of Zoning By-law 2001-58 shall apply.

19.5.5A Special Hamlet Commercial 5A H (HC-5A-H) By-law 2009-23 Part Lot 13 and 14, Concession 1

a) Notwithstanding [Section 19.2](#) of By-law 2001-58 to the contrary the only uses permitted on lands zoned HC-5 shall be the following:

- i. A bake shop;
- ii. A post office;
- iii. A retail store;
- iv. A retail landscaping and garden supply centre;
- v. A convenience retail store;
- vi. A service shop including a personal service shop;
- vii. A lawn, garden and farm equipment supply sales outlet;
- viii. A supermarket; [defined in Sec. e below];
- ix. A home improvement centre; [defined in Sec. f below];
- x. A laundry and/or dry cleaning shop;
- xi. An eating establishment including a banquet hall;
- xii. A bank and/or trust company;
- xiii. A business and/or professional office;
- xiv. A theatre or cinema;
- xv. A commercial recreational establishment such as a bowling or billiard establishment or other similar use;
- xvi. A funeral home;
- xvii. A medical clinic;
- xviii. A private or commercial club;
- xix. A gift shop;
- xx. A nursery school;
- xxi. A veterinary clinic;
- xxii. A public or private parking area, including parking facilities associated with the principal use(s) permitted under this section;

- xxiii. An automobile service station;
 - xxiv. An automobile sales agency;
 - xxv. A warehouse;
 - xxvi. A tavern;
 - xxvii. A hotel;
 - xxviii. One accessory dwelling unit; and/or
 - xxix. An accessory building or use to the above uses
- b) Notwithstanding [Section 5.31.2](#) xvii) and [Section 19.3](#) to the contrary, no building, structure or parking area shall be located closer than 10 metres (33 feet) to a residential zone. The 10 metre (33 feet) wide area shall be landscaped in accordance with an approved Site Plan prior to development.
- c) The maximum combined gross floor area permitted for retail commercial uses in the HC-5-H Zone shall be 0.14 hectares (0.34 acres). For purposes of this section, a retail commercial use shall include the following uses listed in [Section 19.5.5a](#)) i), iii), v), vii, viii), ix), xix).
- d) For purposes of this By-law a "Warehouse" shall mean a building or structure or part thereof used for the storage and distribution of goods, wares, merchandise, substances, articles or things and may include an accessory retail use provided that the retail component occupies less than 15% of the gross floor area of the warehouse use, but does not include a cartage or express truck terminal.
- e) For purposes of this By-law a "Supermarket" shall mean an establishment primarily engaged in retailing a balanced line of food, such as canned, dry and frozen foods; fresh fruits and vegetables; fresh and prepared meats; fish, poultry, dairy products, baked products and snack foods. These establishments also typically retail a limited line of non-food household products, such as household paper products, toiletries and non-prescription drugs."
- f) For purposes of this by-law a "Home Improvement Centre" shall mean a building, structure or part thereof in which home building/design and garden products and the provision of related services are offered for sale. Goods offered for sale may include but are not limited to lumber, lighting, electrical and plumbing supplies, hardware, flooring, window coverings, roofing materials, paint/wallpaper, furniture and appliances, seasonal items, lawn and garden supplies, flowers and plants, shrubs, trees or similar vegetation.
- g) The retail landscaping and garden supply centre shall not include any permanent buildings or structures and shall be limited to the retail sale of finished product only.
- h) Notwithstanding [Section 19.3](#), the maximum building height in the Special Hamlet Commercial-5A (HC-5A-H) Holding Zone shall be 8 metres (26.2 feet).

All other provisions of the Hamlet Commercial (HC) Zone shall apply.

19.5.5.2 Removal of the Holding – H Symbol

- a) That development of the lands zoned OS-2-H, OS-3-H, UR1-8B-H, UR1-9-H and HC-5A-H shall not proceed until such time as the "H" symbol has been removed in accordance with the provisions of the Planning Act. The "H" Holding symbol may be removed following completion of the following:

- b) A Site Plan and Site Plan Agreement has been entered into between the developer and the Township in accordance with the provisions of the Planning Act. The Site Plan and Site Plan Agreement shall address, where appropriate, such issues as access, traffic impact, site grading and drainage, site servicing, landscaping, lighting, fencing, waste management, emergency access, market impact study (if required) and any other matters provided for in the Township Site Plan Control By-law and Section 41 of the [Planning Act](#).
- c) That Zoning By-law No. 2001-58 is hereby amended to give effect to the foregoing and that Zoning By-law No. 2001-58, as otherwise amended, shall in all other respects remain in full force and effect save as it may otherwise be amended or hereinafter dealt with.

19.5.5B Special Hamlet Commercial 5B (HC-5B) By-law 2010-14
 Part Lot 34, Con 8
 Part Lots 1 and 3 in Block I on Registered Plan 30,
 Parts 1 and 2 on RP 39R-12176
 7147 Lake St., Bewdley

19.5.5B Zone Regulations

- a) For All Principal Buildings or Uses Except an Automobile Service Station:
 - i. Lot area - 0.145 acres;
 - ii. Lot frontage - 20.93 metres (68.66 feet);
 - iii. Rear setback as illustrated on RP 39R-12176;
 - iv. Interior side setback as illustrated on RP 39R-12176; and
 - v. Off-street parking - 0

19.5.6 Special Hamlet Commercial-6 (HC-6) zone not used

19.5.7 Special Hamlet Commercial 7 (HC-7) By-law 2012-29
 Part Lot 20, Concession 4

Notwithstanding any provisions of this by-law to the contrary, on lands zoned HC-7 and shown on Schedule "A" attached, the following special provisions shall apply

19.5.7 a) Zone Regulations

- i. Lot Area - 0.2 hectares (0.5 acres) minimum;
- ii. Lot Frontage - 42.36 meters (139 feet) minimum; and
- iii. Front Yard - 5.4 meters (18 feet) minimum.

b) Permitted Uses

- i. A bake shop;
- ii. A post office;
- iii. A retail store;
- iv. A convenience retail store;
- v. A service shop including a personal service shop;
- vi. A lawn, garden and farm equipment and supplies sales outlet;
- vii. A laundry and/or dry cleaning shop

- viii. An eating establishment including a banquet hall;
- ix. A tavern;
- x. A hotel;
- xi. A bank and/or trust company;
- xii. A business and/or professional office;
- xiii. A theatre, cinema or other place of entertainment;
- xiv. A commercial recreational establishment such as a bowling or billiard establishment or other similar use;
- xv. A funeral home;
- xvi. A medical clinic;
- xvii. A private or commercial club;
- xviii. A gift shop;
- xix. A day nursery;
- xx. A veterinary clinic;
- xxi. A public or private parking area, including parking facilities associated with the principal use(s) permitted in this section;
- xxii. An automobile service station;
- xxiii. An automobile sales agency;
- xxiv. An accessory building or use to the above; or
- xxv. One dwelling unit in the form of a single detached residential dwelling.

No other accessory dwelling units shall be permitted.

Although a range of uses are permitted on the property, the existing and proposed use of the lands for a professional office and single detached dwelling shall not change without a review of the technical issues surrounding a change of use such as, but not limited to servicing, access, drainage, parking and other Zoning By-law provisions. Site Plan Approval will be required should a change of use is proposed.

c) Parking Provisions

- i. Dwelling unit - 1 parking space per dwelling unit

Section 20 – Rural Industrial (RI)

20.1 Preamble

Within a Rural Industrial Zone (RI), no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

20.2 Permitted Uses

20.2.1 Permitted Principal Uses

- a) An agricultural equipment supply and repair outlet;
- b) Any cartage, express or truck terminal;
- c) Any manufacturing, processing or warehousing undertaking including storage warehousing, canning factory and cheese factory;
- d) An assembly operation;
- e) An automobile body shop;
- f) An automobile service station;
- g) A bulk storage yard;
- h) A contractor's yard;
- i) A factory outlet;
- j) A feed and seed mill;
- k) A lumber mill, sawmill and a planing mill;
- l) A machine shop;
- m) A merchandising service shop;
- n) A research facility;
- o) A wayside pit or quarry; and/or
- p) A welding shop

20.2.2 Permitted Accessory Uses

- a) An accessory building or use to the above uses including a bank, a cafeteria and a retail outlet for purposes of selling goods manufactured, stored and/or assembled on the premises, provided such outlet is part of the principal building, and occupies not more than 5% of the gross floor area of the principal building;
- b) An accessory dwelling or dwelling unit for a caretaker or security guard, in accordance with the provisions of [Section 5.12](#);
- c) Any business or professional office accessory to a permitted industrial use including a union hall;
- d) Outside storage uses; and/or

- e) Shipping containers where a building permit has been issued.

20.3 Zone Regulations

20.3.1 For the property

- a) Lot Area: 4,000 square metres (0.99 acres) minimum;
- b) Lot Frontage: 45 metres (147.6 feet) minimum;
- c) Lot Coverage: 40% maximum;
- d) Building Height: 15 metres (49.2 feet) maximum;
- e) Off-street parking shall be provided in accordance with [Section 5.31](#);
- f) Off-street loading shall be provided in accordance with [Section 5.24](#); and
- g) A sight triangle of 15 metres (49.2 feet) minimum shall be provided on a corner lot.

20.3.2 For Principal Building (for all uses except an Automobile Service Station)

- a) Front Setback: 8 metres (26.2 feet) minimum;
- b) Rear Setback: 8 metres (26.2 feet) minimum;
- c) Interior Side Setback: 3 metres (9.8 feet) minimum;
- d) Exterior Side Setback: 8 metres (26.2 feet) minimum;
- e) When abutting a residential zone or use:
 - i. Rear Setback: 22 metres (72.2 feet) minimum; and
 - ii. Interior Side Setback: 22 metres (72.2 feet) minimum; and
- f) Building Height: 15 metres (49.2 feet) maximum.

20.3.3 Special Provisions for an Automobile Service Station

- a) Lot Frontage: 45 metres (147.6 feet) minimum;
- b) Lot Depth: 45 metres (147.6 feet) minimum;
- c) Front Setback: 15 metres (49.2 feet) minimum;
- d) Rear Setback: 7.5 metres (24.6 feet) minimum;
- e) Interior Side Setback: 3 metres (9.8 feet) minimum;
- f) When abutting a residential zone:
 - i. Rear Setback: 22 metres (72.2 feet) minimum;
 - ii. Interior Side Setback: 22 metres (72.2 feet) minimum;
 - iii. Mandatory Open Space: 4.5 metres (14.5 feet) minimum and
- g) Exterior Side Setback: 15 metres (49.2 feet) minimum;

- h) Lot Coverage: 40% maximum;
- i) Building Height: 11 metres (36.1 feet) maximum;
- j) Light stands and signs (within any required yard): 2.5 metres (8 feet) from any street line minimum;
- k) Fuel pumps and pump islands (within any required yard): 6 metres (19.7 feet) from any street line minimum;
- l) Distance between access ramps: 12 metres (39.4 feet) minimum;
- m) Ramp setback from side lot line: 4.5 metres (14.5 feet) minimum;
- n) Ramp access setback from corner/intersection of street lines: 15 metres (49.2 feet) minimum;
- o) Ramp width: 7.5 metres (24.6 feet) minimum; and
- p) Interior angle between lot line and centreline of the ramp: between 70 and 90 degrees.

20.3.4 Open Storage uses shall be set back in accordance with the minimum yard provisions set out in this subsection and where accessory to a principal Rural Industrial use, no open storage use shall be permitted in any front or exterior side yard.

20.3.5 For Lands Abutting A Public or Private Road Allowance or Opposite a Residential Zone

Where any lot line in a Rural Industrial (RI) Zone abuts a public or private road allowance or where the lot on the opposite side of a street or a public or private road allowance is in a residential zone, a buffer planting strip adjoining such abutting lot line shall be provided on the Rural Industrial (RI) Zone lot, subject to the following:

a) Contents

The buffer/planting strip shall consist of an earth berm and/or a continuous unpierced hedgerow of tree, evergreens or shrubs, not less than 2.0 metres (6.6 feet) high and 3 metres (9.8 feet) wide immediately adjoining the lot line or portion thereof along which such planting strip is required. The earth berm shall not be greater than a 3:1 slope.

b) Maintenance

A buffer/planting strip shall be planted, nurtured and maintained by the owner or owners of the lot on which the strip is located.

c) Landscaped Open Space

A buffer/planting strip referred to in this subsection may form a part of any landscaped open space required by this By-law.

d) Interruption for Driveways or Pedestrian Walks

In all cases where ingress and egress driveways or walks extend through a buffer/planting strip or it shall be permissible to interrupt the strip within 3.0 metres (9.8 feet) of the edge of such driveway or within 1.5 metres (4.9 feet) of the edge of such walk.

20.4 General Provisions

All special provisions of [Section 5](#) "General Provisions" shall apply, where applicable, to any land, lot, building, structure or use within the Rural Industrial Zone (RI).

20.5 Special Rural Industrial Zones (RI)

All other provisions of the By-law shall apply except as specified by each special zoning requirement.

20.5.1 Special Rural Industrial 1 (RI-1) Part Lot 31, Concession 6

Notwithstanding any provisions of this By-law to the contrary, on lands zoned RI-1, the following special provisions shall apply:

- a) Residential - the minimum lot coverage requirement of 464.5 square metres (5,000 square feet) shall not apply.

20.5.2 Special Rural Industrial 2 (RI-2) Part Lot 13 and 14, Concession 3

In addition to those uses permitted in [Section 20.2](#), the following uses shall be permitted on lands zoned RI-2

- a) An asphalt plant,
- b) A ready-mix concrete plant,
- c) An aggregate transfer station.

20.5.3 Special Rural Industrial 3 (RI-3) Part Lot 14, Concession 2

Notwithstanding any provisions of this By-law to the contrary, on lands zoned RI-3, the following special provisions shall apply:

Permitted Uses

- i. Outdoor storage uses;
 - ii. A contractor's yard;
 - iii. A bulk storage yard;
 - iv. A wholesale building supply outlet;
 - v. A commercial garage; or
 - vi. A farm supply dealer.
- a) Zone Provisions
 - i. Interior Side Yard 7.62 metres (25 feet) minimum.

20.5.4 Special Rural Industrial 4 (RI-4) Part Lot 14, Concession 2

Notwithstanding [Section 20.2](#) (Permitted Uses) of this By-law to the contrary, the permitted uses on lands zoned RI-4 shall be limited to the following:

a) Permitted Uses:

- i. An automobile body shop;
- ii. A building supply outlet;
- iii. A commercial garage;
- iv. A contractor's yard;
- v. A manufacturing use that existed on August 7, 1974;
- vi. A farm supply dealer;
- vii. A public use;
- viii. A radiator sales and service shop; or
- ix. A warehouse.

b) Zone Regulations:

- i. Interior Side Yard - 7.62 metres (25 feet) minimum.

20.5.5 Special Rural Industrial-5 (RI-5)
Part Lot 16, Concession 7

That [Section 20.5.5.1](#) be added.

a) Non-Residential

- i. A vehicle sales and rental establishment
- ii. An accessory business office

Shall be permitted in addition to all other uses permitted in the Rural Industrial (RI) Zone.

20.5.6 Special Rural Industrial-6 (RI-6)
Part Lot 27, Concession 'A'
County Road 2 West

a) Non-Residential

- i. An automobile sales agency; or
- ii. An establishment for the sale, service, storage or repair of small internal combustion engines such as snowmobiles, outboard motors, lawnmowers; an establishment for the sales and service of motorcycles, snowmobiles, boats and machinery sales including the sale of parts and petroleum products incidental thereto.

By-law 2004-20 reads:

Notwithstanding the permitted uses of [Section 20.2](#), within the Special Rural Industrial 6 (RI-6) Zone the following additional uses are permitted:

An automobile sales agency;

An establishment for the sale, service, storage or repair of small internal combustion engines such as snowmobiles, outboard motors, lawnmowers;

An establishment for the sale and service of motor cycles, snowmobiles, boats and machinery sales including the sale of parts and petroleum products incidental thereto.

Section 21 – Hamlet Industrial (HI)

21.1 Preamble

Within a Hamlet Industrial Zone (HI), no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

21.2 Permitted Uses

21.2.1 Permitted Principal Uses

- a) Any manufacturing, processing or warehousing undertaking including storage warehousing, canning factory and cheese factory;
- b) An automobile repair garage;
- c) A merchandising service shop; and/or
- d) A research facility.

21.2.2 Permitted Accessory Uses

- a) An accessory building or use to the above uses including a retail outlet for purposes of selling goods manufactured, stored and/or assembled on the premises, provided such outlet is part of the principal building, and occupies not more than five (5) percent of the gross floor area of the principal building;
- b) An accessory dwelling or dwelling unit for a caretaker or security guard, in accordance with the provisions of [Section 5.12](#);
- c) Any business or professional office accessory to a permitted industrial use;
- d) Any yard for the open or concealed storage of goods or materials; and/or
- e) Shipping containers where a building permit has been issued.

21.3 Zone Regulations

21.3.1 For the property

- a) Lot Area: 4,000 square metres (0.99 acres) minimum;
- b) Lot Frontage: 45 metres (147.6 feet) minimum;
- c) Lot Coverage: 40% maximum;
- d) Building Height: 15 metres (49.2 feet) maximum;
- e) Off-street parking shall be provided in accordance with [Section 5.31](#);
- f) Off-street loading shall be provided in accordance with [Section 5.24](#); and
- g) A sight triangle of 15 metres (49.2 feet) minimum shall be provided on a corner lot.

21.3.2 For Principal Building

- a) Front Setback: 8 metres (26.2 feet) minimum;
- b) Rear Setback: 8 metres (26.2 feet) minimum;
- c) Interior Side Setback: 3 metres (9.8 feet) minimum;
- d) Exterior Side Setback: 8 metres (26.2 feet) minimum; and
- e) When abutting a residential zone or use;
 - i. Rear Setback: 22 metres (72.2 feet)* minimum; and
 - ii. Interior Side Setback: 22 metres (72.2 feet)* minimum.

The area between the principal building and the rear and/or side lot line shall be maintained in an open space condition and the open storage of goods or materials shall not be permitted within this area.

21.3.3 For Accessory Buildings

- a) Front Setback: 8 metres (26.2 feet) minimum;
- b) Rear Setback: 1.5 metres (4.9 feet) minimum;
- c) Interior Side Setback: 1.5 metres (4.9 feet) minimum;
- d) Exterior Side Setback: 8 metres (26.2 feet) minimum; and
- e) Building Height: 4.5 metres (14.8 feet) maximum.

21.3.4 For Lands Abutting a Public or Private Road Allowance or Opposite a Residential Zone

Where any lot line in a Hamlet Industrial (HI) Zone abuts a public or private road allowance or where the lot on the opposite side of a street or a public or private road allowance is in a residential zone, a buffer planting strip adjoining such abutting lot line shall be provided on the Hamlet Industrial (HI) Zone lot, subject to the following:

a) Contents

The buffer/planting strip shall consist of an earth berm and/or a continuous unpierced hedgerow of tree, evergreens or shrubs, not less than 2.0 metres (6.6 feet) high and 3 metres (9.8 feet) wide immediately adjoining the lot line or portion thereof along which such planting strip is required. The earth berm shall not be greater than a 3:1 slope.

b) Maintenance

A buffer/planting strip shall be planted, nurtured and maintained by the owner or owners of the lot on which the strip is located.

c) Landscaped Open Space

A buffer/planting strip referred to in this subsection may form a part of any landscaped open space required by this By-law.

d) Interruption for Driveways or Pedestrian Walks

In all cases where ingress and egress driveways or walks extend through a buffer/planting strip or it shall be permissible to interrupt the strip within 3.0 metres (9.8 feet) of the edge of such driveway or within 1.5 metres (4.9 feet) of the edge of such walk.

21.4 General Provisions

All special provisions of [Section 5](#) "General Provisions" shall apply, where applicable, to any land, lot, building, structure or use within the Hamlet Industrial Zone (HI).

21.5 Special HI – Hamlet Industrial Zones (HI)

All other provisions of the By-law shall apply except as specified by each special zoning requirement.

21.5.1 Special Hamlet Industrial 1 (HI-1) Part Lot 8, Concession 2

a) Residential

- i. No residential uses shall be permitted.

Section 22 – Mineral Extractive “A” (MXA)

22.1 Preamble

Within a Mineral Extractive “A” Zone (MXA), no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

22.2 Permitted Uses

22.2.1 Permitted Principal Uses

- a) A pit or quarry which produces less than 20,000 metric tonnes per year (22,046 tons/year);
- b) Asphalt plants, ready-mix concrete plants and aggregate transfer stations;
- c) Open space, conservation, forestry and agricultural uses;
- d) The processing of mineral aggregates, including aggregate crushing, screening and washing; and/or
- e) A wayside pit or quarry.

22.2.2 Permitted Accessory Uses

- a) A single detached dwelling accessory to an agricultural use;
- b) Accessory buildings or uses to the above uses; and/or
- c) Shipping containers where a building permit has been issued.

22.3 Zone Regulations

22.3.1 For Excavation Area

- a) Front Setback: 30 metres (98.4 feet) minimum;
- b) Rear Setback: 15 metres (49.2 feet) minimum;
- c) Interior Side Setback: 15 metres (49.2 feet) minimum;
- d) Exterior Side Setback: 30 metres (98.4 feet) minimum;
- e) Setback from any road right-of-way: 30 metres (98.4 feet) minimum;
- f) Setback from natural water course: 30 metres (98.4 feet) minimum; and
- g) Setback from residential, commercial, community facility or industrial zone or use: 30 metres (98.4 feet) minimum.

22.3.2 For Processing Operations, Storage, Stockpiling or Buildings

- a) Front Setback: 30 metres (98.4 feet) minimum;
- b) Rear Setback: 30 metres (98.4 feet) minimum;
- c) Interior Side Setback: 30 metres (98.4 feet) minimum;

- d) Exterior Side Setback: 30 metres (98.4 feet) minimum;
- e) Setback from and road right-of-way: 30 metres (98.4 feet) minimum;
- f) Setback from natural water course: 30 metres (98.4 feet) minimum; and
- g) Setback from residential, commercial, community facility or industrial zone or use: 90 metres (295.3 feet) minimum.

22.3.3 For Conservation, Forestry and Agricultural Uses

- a) The zone regulations contained in [Section 7](#) of this By-law shall apply.

22.3.4 For Open Space Uses

- a) The zone regulations contained in [Section 26](#) of this By-law shall apply.

22.3.5 Landscaping

- a) All yards within the setbacks for Excavation Areas and Processing Operations, Storage, Stockpiling or Buildings above shall be reserved for landscaping purposes. Notwithstanding, these yards may contain berms that are intended to screen adjacent lands from the extractive operations.

22.4 General Provisions

All special provisions of [Section 5](#) "General Provisions" shall apply where applicable to any land, lot, building, structure, or use within the Mineral Extractive "A" Zone (MXA).

Section 23 – Mineral Extractive “B” (MXB)

23.1 Preamble

Within a Mineral Extractive “B” Zone (MXB), no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

23.2 Permitted Uses

23.2.1 Permitted Principal Uses

- a) A pit or quarry which produces less than 20,000 metric tonnes per year (22,046 tons/year);
- b) Asphalt plants, ready-mix concrete plants and aggregate transfer stations;
- c) Open space, conservation, forestry and agricultural uses;
- d) The processing of mineral aggregates, including aggregate crushing, screening and washing; and/or
- e) A wayside pit or quarry.

23.2.2 Permitted Accessory Uses

- a) A single detached dwelling accessory to an agricultural use;
- b) Accessory buildings or uses to the above uses; and/or
- c) Shipping containers where a building permit has been issued.

23.3 Zone Regulations

23.3.1 For Excavation Area and Storage Uses

- a) Front Setback: 30 metres (98.4 feet) minimum;
- b) Rear Setback: 15 metres (49.2 feet) minimum;
- c) Interior Side Setback: 15 metres (49.2 feet) minimum;
- d) Exterior Side Setback: 30 metres (98.4 feet) minimum;
- e) Setback from any road right-of-way: 30 metres (98.4 feet) minimum;
- f) Setback from natural water course: 30 metres (98.4 feet) minimum; and
- g) Setback from residential, commercial, community facility or industrial zone or use: 30 metres (98.4 feet) minimum.

23.3.2 For Open and Enclosed Pit or Quarry Processing Operations

- a) Front Setback: 30 metres (98.4 feet) minimum;
- b) Rear Setback: 15 metres (49.2 feet) minimum;
- c) Interior Side Setback: 15 metres (49.2 feet) minimum;

- d) Exterior Side Setback: 30 metres (98.4 feet) minimum;
- e) Setback from and road right-of-way: 30 metres (98.4 feet) minimum;
- f) Setback from natural water course: 30 metres (98.4 feet) minimum; and
- g) Setback from residential, commercial, community facility of industrial zone or use: 90 metres (295.3 feet) minimum.

23.3.3 For Accessory Buildings to Quarry Operations

- a) All yards: 30 metres (98.4 feet) minimum;
- b) Setback from any road right-of-way: 30 metres (98.4 feet) minimum;
- c) Setback from natural water course: 30 metres (98.4 feet) minimum; and
- d) Setback from residential, commercial, community facility of industrial zone or use: 90 metres (295.3 feet) minimum.

23.3.4 For Conservation, Forestry and Agricultural Uses

- a) The zone regulations contained in [Section 7](#) of this By-law shall apply.

23.3.5 For Open Space Uses

- a) The zone regulations contained in [Section 26](#) of this By-law shall apply.

23.3.6 Landscaping

- a) All yards within the setbacks for Open and Enclosed Pit or Quarry Operations and Accessory Building to Quarry Operations above shall be reserved for landscaping purposes. Notwithstanding, these yards may contain berms that are intended to screen adjacent lands from the extractive operations.

23.4 General Provisions

All special provisions of [Section 5](#) "General Provisions" shall apply where applicable to any land, lot, building, structure, or use within the Mineral Extractive "B" Zone (MXB).

23.5 Special Mineral Extractive "B" Zones (MXB)

All other provisions of the By-law shall apply except as specified by each special zoning requirement.

20.5.3 Special Mineral Extractive B 1 (MXB-1) Zone Part Lots 13 and 14, Concession 3

a) Permitted Uses

- i. In addition to the uses permitted in [Section 23.2](#), a contractor's yard may be permitted.

b) Zone Regulations

- ii. In addition, the minimum side yard setback on the west property line may be reduced to 3 metres (9.8 feet).

Section 24 –Waste Disposal (WD)

24.1 Preamble

Within a Waste Disposal Zone (WD), no person shall use any land, erect, alter, enlarge, use or maintain any building or structure of any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

24.2 Permitted Uses

24.2.1 Permitted Principal Uses

- a) Agricultural, open space, conservation and forestry uses, excluding dwellings;
- b) A salvage yard;
- c) A sanitary landfill site;
- d) A sewage lagoon;
- e) A sewage treatment plant;
- f) A waste processing facility including the recycling and processing of waste materials into new products; and/or
- g) A waste transfer station.

24.2.2 Permitted Accessory Uses

- a) Accessory buildings or uses to the above uses; and/or
- b) Shipping containers where a building permit has been issued.

24.3 Zone Regulations

24.3.1 For Agricultural, Conservation and Forestry Uses

- a) The zone regulations of [Section 7](#) of this By-law shall apply.

24.3.2 For Open Space Uses

- a) The zone regulations of [Section 26](#) of this By-law shall apply.

24.3.3 For a Salvage Yard

- a) No land shall be used for the storage or mechanized processing of goods, wares, merchandise, articles or things within 300 metres (984.3 feet) of any residential or commercial zone or use, nor closer than 100 metres (328.1 feet) to a lot line or a street line. Without limiting the generality of this subsection, mechanized processing includes the use of machinery or equipment to crush, compact, separate, refine, incinerate or similarly treat goods, wares, merchandise, articles or things;
- b) A strip of land not less than 15 metres (49.2 feet) in width shall be reserved for landscaping purposes between any salvage yard site and any adjacent community facility, commercial or industrial zone or use, and along any adjacent street line or adjoining lot line. Where a salvage yard site abuts a residential zone or use or a roadway is the only separation

between two such areas, then no salvage yard use of any kind shall be made within 30 metres (98.4 feet) of the adjacent lot line. The land reserved for landscaping purposes shall be kept in an open space condition with grass, trees and shrubs and maintained as part of the normal operation of the salvage yard activity;

- c) The salvage yard site shall be sufficiently screened by a fence, a berm or a combination of the two so that waste materials being stored or processed on the site are not visible from adjacent roads. The screening shall extend a minimum of 3 metres (9.8 feet) above grade or to a height equal to that of the goods, wares, merchandise, articles or things being stored or processed within the salvage yard site, whichever is the greater. All fences shall be constructed of an opaque material and shall be painted or otherwise preserved and kept painted from time to time, to maintain the fences in good condition;
- d) An accessory weighing scale and recording office shall be permitted no closer than 30 metres (98.4 feet) to a street line;
- e) A salvage yard site shall not be located on land covered by water or subject to flooding and shall be so located that no direct drainage leads to a watercourse;
- f) No open burning shall be permitted; and
- g) Prior to the storage or processing of any goods, wares, merchandise, articles or things all fluids shall be drained and disposed of in a manner approved by the Ministry of the Environment if they are not stored for the purposes of resale.

24.3.4 For All Other Waste Disposal Uses

- a) No person, including the Township of Hamilton, shall establish, alter, enlarge or extend a sanitary landfill site, a sewage treatment plant, a sewage lagoon, a transfer station, or a waste processing facility unless a Provincial Certificate of Approval has been issued by the Ministry of the Environment and Energy;
- b) All waste disposal sites shall be established and operated in accordance with the requirements of the Environmental Protection Act and the Environmental Assessment Act; and
- c) A strip of land not less than 15 metres (49.2 feet) in width shall be reserved for landscaping purposes between any sanitary landfill site, sewage treatment plant, sewage lagoon, transfer station or waste processing facility and any adjacent commercial, community facility or industrial zone or use and along any adjacent street line or adjoining lot line. Where such uses abut a residential zone or an existing residential use or a roadway is the only separation between two such areas, then no waste disposal use shall be made of any kind within 30 metres (98.4 feet) of the abutting lot line. The land reserved for landscaping purposes shall be kept in an open space condition with grass, trees, and shrubs and maintained as part of the normal operation of the waste disposal activity.

24.4 General Provisions

All special provisions of [Section 5](#) "General Provisions" shall apply, where applicable, to any land, lot, building, structure or use within the Waste Disposal Zone (WD).

Section 25 –Community Facility (CF)

25.1 Preamble

Within a Community Facility Zone (CF), no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

25.2 Permitted Uses

25.2.1 Permitted Principal Uses

- a) A cemetery;
- b) A commercial or private club;
- c) A community centre;
- d) A group home, in accordance with the provisions of [Section 5.16](#) of this By-law;
- e) A library;
- f) A day nursery;
- g) A nursing home;
- h) A place of worship with accessory uses including a cemetery and a dwelling unit;
- i) A public or private hospital;
- j) A public park;
- k) A school;
- l) Any undertaking established or maintained by a government board, authority, agency or commission;
- m) Any undertaking of a utility company, such as a natural gas company or telephone company; and/or
- n) Any other institutional or community facility use.

25.2.2 Permitted Accessory Uses

- a) An accessory building or use to the above uses.

25.3 Zone Regulations

25.3.1 For the property

- a) Lot Area: 4,000 square metres (0.99 acres) minimum;
- b) Lot Frontage: 45 metres (147.6 feet) minimum;
- c) Lot Coverage: 40% maximum;
- d) Building Height: 15 metres (49.2 feet) maximum;

- e) Off-street parking shall be provided in accordance with [Section 5.31](#);
- f) Off-street loading shall be provided in accordance with [Section 5.24](#); and
- g) A sight triangle of 15 metres (49.2 feet) minimum shall be provided on a corner lot.

25.3.2 For Principal Building

- a) Front Setback: 10 metres (32.8 feet) minimum;
- b) Rear Setback: 10 metres (32.8 feet) minimum;
- c) Interior Side Setback: 7.5 metres (24.6 feet) minimum;
- d) Exterior Side Setback: 10 metres (32.8 feet) minimum;
- e) When abutting a residential zone or use:
 - i. Rear Setback: 15 metres (49.2 feet)* minimum; and
 - ii. Interior Side Setback: 10 metres (32.8 feet)* minimum.

The 1 metre (3.3 feet) strip immediately adjacent to the rear yard and/or interior side yard abutting a residential zone or residential use shall be landscaped and/or a fence shall be erected on the property line. The nature and extent of landscaping and/or fencing shall be determined through Site Plan Approval.

25.3.3 For Accessory Buildings

- a) Front Setback: 8 metres (26.2 feet) minimum;
- b) Rear Setback: 1.5 metres (4.9 feet) minimum;
- c) Interior Side Setback: 1.5 metres (4.9 feet) minimum;
- d) Exterior Side Setback: 8 metres (26.2 feet) minimum; and
- e) Building Height: 4.5 metres (14.8 feet) maximum

25.4 General Provisions

All special provisions of [Section 5](#) "General Provisions" shall apply, where applicable, to any land, lot, building, structure or use within the Community Facility Zone (CF).

25.5 Special Community Facility Zones (CF)

All other provisions of the By-law shall apply except as specified by each special zoning requirement.

25.5.1 Special Community Facility 1 (CF-1) Part Lot 19, Concession 1

- a) Non-Residential
 - i. A day nursery shall be a permitted use.

25.5.2 Special Community Facility 2 (CF-2) Part Lot 6, Concession 8

a) Residential uses

- i. No residential uses shall be permitted.

b) Non-residential uses

- i. An existing cemetery (4.9 metres x 6.7 metres) (16 feet x 22 feet) shall be permitted.

25.5.3 Special Community Facility 3 (CF-3) By-law 2005-23
Part Lot 15/16, Concession 1
Danforth Road

Notwithstanding any provisions of this by-law to the contrary, on lands zoned CF-3 and shown on Schedule "A" attached, the following special provision shall apply:

a) Residential – 1 accessory dwelling unit (one bedroom)

b) Non-Residential uses

- i. A nursery school in addition to all other uses permitted in the Community Facility (CF) zone.

25.5.4 Special Community Facility 4 (CF-4)
Part Lot 34, Concession 8

a) Zone Regulations

- i. Interior Side Yard - 2.5 metres (8.2 feet) minimum;
ii. Exterior Side Yard - 2.5 metres (8.2 feet) minimum;
iii. Rear Yard - 2.5 metres (8.2 feet) minimum.

25.5.5 Special Community Facility-5 (CF-5) By-law 2017-47
Part of Lot 19 in Concession 1, Hamilton Township
Part 1 on RP 39R-13697

25.5.5 Zone Provisions

1. Notwithstanding any zone provisions to the contrary, the following zone provisions shall apply to this parcel:

- a) The use of a Hospice Palliative Care Facility shall be added to the permitted uses.
b) The development of a Hospice Palliative Care Facility shall be subject to the completion of a Site Plan Agreement with the Township.
c) The definition of Hospice Palliative Care Facility shall be:

"A facility that offers a program designed to provide palliative care and emotional support to the terminally ill and their significant others, at no cost to the user, in a home or homelike setting so that quality of life is maintained and family members may be participants in care. Such a facility is a health care facility and shall be part of a registered charity. It may be located in a free-standing building or co-located in another healthcare setting. It shall be operated within the parameters of the overarching Ministry of Health and Long Term Care (MOHLTC) palliative care plan where patients will receive palliative

care expertise 24 hours a day, 7 days a week delivered by an interprofessional team.”

Section 26 –Open Space (OS)

26.1 Preamble

Within an Open Space Zone (OS), no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

26.2 Permitted Principal Uses

- a) A fairground;
- b) A public or private park, conservation area, playground, playing field, recreational trail, swimming pool, wading pool, beach, picnic area, bandstand, skating rink, tennis court, bowling green, golf course or other similar outdoor recreational uses, both passive and active;
- c) A tent and/or travel trailer park, in accordance with the provisions of [subsection 26.3](#) below;
- d) A woodlot;
- e) Agricultural uses but not intensive agricultural uses; and/or
- f) Open space and conservation uses including forestry, reforestation and other activities connected with the conservation of soil and wildlife.

26.2.2 Permitted Accessory Uses

- a) An accessory dwelling or dwelling unit for a caretaker or security guard in accordance with the provisions of [Section 5.12](#) of this By-law; and/or
- b) An accessory building or use to the above uses including an accessory commercial building or use to serve an open space use

26.3 Zone Regulations

26.3.1 For all uses except a Tent and/or Travel Trailer Park

- a) Setback (from all lot lines): 10 metres (32.8 feet) minimum;
- b) Setback (from centreline of any road): 30 metres (98.4 feet) minimum;
- c) Lot Coverage: 50% maximum; and
- d) Building Height: 6 metres (19.7 feet) minimum.

26.3.2 For Tent and/or Travel Trailer Park

- a) The applicable provisions of [Section 16](#) of this By-law shall apply

26.4 General Provisions

All special provisions of [Section 5](#) "General Provisions" shall apply, where applicable, to any land, lot, building, structure or use within the Open Space Zone (OS).

26.5 Special Open Space Zones (OS)

All other provisions of the By-law shall apply except as specified by each special zoning requirement.

26.5.1 Special Open Space-1 (OS-1) Part Lots 3, 4 and 5, Concession B

Notwithstanding any provisions of this By-law to the contrary, on lands zoned OS-1 and shown on Schedule 'I' attached, the following special provisions shall apply:

That [Section 26.5.1](#) be added.

a) Non-Residential

- i. A private camp, of which the main uses shall consist of seasonal accommodation in the form of cabins and trailers, an auditorium, a church, an accessory dwelling house and a retail store for the use of the occupants only of the private camp, in accordance with the OS Zone provisions and the following special provisions:

b) Zone Regulations

- i. Lot Area - 28.3 hectares (70 acres) minimum;
- ii. Water Setback - 15.2 metres (50 feet) from the highwater mark of Lake Ontario minimum; and
- iii. Lot Coverage - 15 percent maximum.

26.5.1A Special Open Space-1A-Holding (OS-1A-H) By-law 2004-45 Part Lots 5, Concession B Lake Ontario water frontage

That [Section 26.5.1A](#) be added.

- a) No development including the removal or vegetation, the placement or removal of fill or the construction of buildings or structures of any kind shall be permitted within 30 metres of the cold water watercourse located within the lands zoned OS-1
- b) Notwithstanding the provisions of [Section 26.5.1](#) of this by-law to the contrary, on lands zoned OS-1A-H and shown on Schedule "A" attached, all provision of the OS-1 zone shall apply plus the following special provisions:
- c) No development shall be permitted on lands zoned OS-1a-h until such time as the holding (h) symbol has been removed by way of amendment to this Zoning By-law in accordance with the provisions of the planning Act, 1990 as amendment.
- d) Council may consider removal of the holding (h) symbol following execution of a Site Plan Agreement in accordance with section 41 of the [Planning Act](#) that addresses among other things, sewer and water servicing, traffic impact and vehicular access, emergency service access, stormwater management, flood plain and lakeshore protection, natural heritage protection and railway buffering.

26.5.2 Special Open Space 2-Holding (OS-2-H) By-law 2009-23
Part Lot 13 and 14 and Part of Road Allowance

Notwithstanding [Section 26.2](#) of By-law 2001-58 to the contrary the only uses permitted on lands zoned OS-2 shall be a stormwater management facility and a subsurface sewage disposal system serving uses located on lands zoned Special Hamlet Commercial (HC-5-H) Holding Zone.

All other provisions of the Open Space (OS) Zone shall apply.

26.5.2.2 Removal of The Holding – H Symbol

- a) That development of the lands zoned OS-2-H, OS-3-H, UR1-8B-H, UR1-9-H and HC-5-H shall not proceed until such time as the “H” symbol has been removed in accordance with the provisions of the Planning Act. The “H” Holding symbol may be removed following completion of the following:
- b) A Site Plan and Site Plan Agreement has been entered into between the developer and the Township in accordance with the provisions of the Planning Act. The Site Plan and Site Plan Agreement shall address, where appropriate, such issues as access, traffic impact, site grading and drainage, site servicing, landscaping, lighting, fencing, waste management, emergency access, market impact study (if required) and any other matters provided for in the Township Site Plan Control By-law and Section 41 of the [Planning Act](#).

26.5.3 Special Open Space-3-Holding (OS-3-H) By-law 2009-23
Part Lot 13 and 14 and Part of Road Allowance, Concession 1,
Parts 1 and 2 on RP 39R-612,
save and except Part 1 on RP 39R-1312
and save and except Parts 1 and 2 on RP 39R-10212
County Road 45

Notwithstanding [Section 26.2](#) of By-law 2001-58 to the contrary the only uses permitted on lands zoned OS-3 shall be a stormwater management facility, a subsurface sewage disposal system serving uses located on lands zoned Special Hamlet Commercial (HC-5-H) Holding Zone, a retail landscaping and garden supply center, an emergency vehicle access driveway and a commercial parking lot serving lands zoned Special Hamlet Commercial (HC-5-H) Holding Zone.

No portion of the retail landscaping and garden supply center or commercial parking lot shall be located closer than 30 meters (98.4 ft) to lands zoned Urban Residential First Density (UR1) Zone.

The retail landscaping and garden supply center shall not include any permanent buildings or structures and shall be limited to the retail sale of finished product only.

26.5.3.2 Removal of the Holding – H Symbol

- a) That development of the lands zoned OS-2-H, OS-3-H, UR1-8B-H, UR1-9-H and HC-5-H shall not proceed until such time as the “H” symbol has been removed in accordance with the provisions of the Planning Act. The “H” Holding symbol may be removed following completion of the following:
 - i. A Site Plan and Site Plan Agreement has been entered into between the developer and the Township in accordance with the provisions of the Planning Act. The Site Plan and Site Plan Agreement shall address, where appropriate, such issues as access, traffic impact,

site grading and drainage, site servicing, landscaping, lighting, fencing, waste management, emergency access, market impact study (if required) and any other matters provided for in the Township Site Plan Control By-law and Section 41 of the [Planning Act](#).

26.5.4 Special Open Space-4 (OS-4) By-law 2014-26
Part Lots 9, 10 and 11, Concession 2,
Block 37 and Part of Block 33 on RP 39M-722

26.5.4.1 Permitted Uses

- a) Open space and conservation uses, including forestry, reforestation and other activities connected with the conservation of soil and wildlife,
- b) A fairground,
- c) A public or private park, conservation area, playground, playing field, recreational trail, swimming pool, wading pool, beach, picnic area, bandstand, skating rink, tennis court, bowling green, golf course or other similar outdoor recreational uses, both passive and active,
- d) An accessory building or use to the above uses, including an accessory commercial building or use to serve an open space use.

Section 27 –Environmental Protection-Wetland (EP-W)

27.1 Preamble

Within an Environmental Protection - Wetland Zone (EP-W), no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

27.2 Permitted Uses

27.2.1 Permitted Principal Uses

- a) A building or structure required by a public authority for flood or erosion control or for conservation or wildlife management purposes;
- b) A conservation use excluding any buildings;
- c) Cranberry harvesting;
- d) Fishing;
- e) Hunting;
- f) Use that was in existence on or before the date of passage of the Official Plan; and/or
- g) Wild rice harvesting

27.2.2 Permitted Accessory Uses

- a) An accessory use to the above uses, excluding any buildings.

27.3 Zone Regulations

- a) All applications for development on Environmentally Protection Wetlands shall be dealt with on a site-by-site basis, at the time of application.
- b) Additional zone regulations shall be established by Council at the time of application in consultation with the Conservation Authority, the Ministry of Natural Resources and/or the Trent Severn Waterway.
- c) The appropriate setbacks from the high water mark of any lake, river, stream, creek or wetland shall be established by Council at the time of application in consultation with the Conservation Authority, the Ministry of Natural Resources and/or the Trent Severn Waterway.
- d) The removal of vegetation, placement or removal of fill or the construction of buildings or structures of any kind shall be prohibited except those uses permitted in accordance with [subsection 27.2 iii.](#)

27.4 General Provisions

All special provisions of [Section 5](#) General Provisions shall apply, where applicable, to any land, lot, building, structure or use within the Environmental Protection-Wetland Zone (EP-W).

Section 28 –Environmentally Sensitive Areas (ES)

28.1 Preamble

Within an Environmentally Sensitive Area (ES), no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

28.2 Permitted Uses

- a) All uses permitted within the underlying zone classification.

28.3 Zone Regulations

- a) For all uses, buildings and structures, the regulations of the underlying zone shall apply.
- b) Prior to issuing a building permit for any building or structure within the Environmentally Sensitive Areas, the Township should be satisfied, in consultation with the local Conservation Authority, that no physical hazard exists which would cause harm to life or property and in this regard, the Township, in consultation with the local Conservation Authority, may require professional technical reports to be submitted in support of any development (i.e. drainage reports, slope stability reports, environmental reports). In this regard, the applicant is encouraged to consult with the local Conservation Authority prior to submitting the building permit application to determine the extent of the physical hazard and need for a report.

28.4 General Provisions

All appropriate provisions of [Section 5](#) General Provisions shall apply, where applicable, to any land, lot, building, structure or use within the Environmentally Sensitive Areas (ES).

Section 29 –Oak Ridges Moraine Environmental (ORME)

29.1 Preamble

The following provisions shall apply to the Oak Ridges Moraine Environmental (ORME) Zone.

29.2 Permitted Principal Uses

No person shall hereafter within an Oak Ridges Moraine Environmental (ORME) Zone, use any land or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- a) Uses legally existing as of November 15, 2001;
- b) Conservation projects including flood and erosion projects;
- c) Fish, wildlife and forest management;
- d) Low intensity recreation as defined in Section 37 of the [Oak Ridges Moraine Conservation Plan](#);
- e) Single detached dwelling subject to [Section 5.28](#);
- f) Transportation, infrastructure and utility uses in accordance with the applicable policies of the Official Plan; and/or
- g) Accessory uses to the above permitted uses.

29.3 Zone Provisions

Please review Schedule “M” to the By-law to identify the underlying zone, and then refer to the Zone Provisions for that underlying zone.

Note: The Permitted Uses listing in the “underlying zone” do not constitute the permitted uses within the Oak Ridges Moraine Environmental Zone.

29.4 Special Oak Ridges Moraine Environmental Zone 1 (ORME-1) By-law 2024-43

All other provision of the By-law shall apply except as specified by each special zoning requirement.

29.5.1 Special Oak Ridges Moraine Environmental 1 (ORME-1) Zone

8054 Oak Ridges Moraine Drive
Part of Lot 23, Concession 8
39R14209 Parts 1,3,5,7&9

In addition to the uses permitted in the Oak Ridges Moraine Environmental Zone, on lands zone Special Oak Ridges Moraine Environmental – 1 (ORME-1) zone, a farm vacation facility is permitted consisting of a maximum of 3 sleeping cabins and one guest cabin are also permitted on this property.

For the purposes of the Oak Ridges Moraine Environmental 1 (ORME-1) zone, a sleeping cabin shall mean a small structure designed for sleeping accommodation as part of an on-farm diversified tourism use and shall not contain any plumbing or sanitary waste disposal system.

Section 30 –Oak Ridges Moraine Core (ORMC)

30.1 Preamble

The following provisions shall apply to the Oak Ridges Moraine Core (ORMC) Zone.

30.2 Permitted Uses

30.2.1 Permitted Principal Uses

No person shall hereafter within an Oak Ridges Moraine Core (ORMC) Zone, use any land or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- a) Uses legally existing as of November 15, 2001;
- b) Agricultural uses;
- c) Conservation projects including flood and erosion control projects;
- d) Fish, wildlife and forest management;
- e) Low intensity recreation, as defined in Section 37 of the [Oak Ridges Moraine Conservation Plan](#);
- f) Single detached dwelling subject to [Section 5.28](#);
- g) Transportation, infrastructure and utility uses in accordance with the applicable policies of the Official Plan; and/or
- h) Un-serviced parks
- i) On-farm diversified uses. On-farm diversified uses are only permitted in prime agricultural areas in the Core zone.
- j) Agriculture-related uses. Agriculture-related uses are only permitted in prime agricultural areas in the Core zone.

30.2.2 Permitted Accessory Uses

- a) Bed and breakfast establishment;
- b) Home business;
- c) Home industry; and/or
- d) Accessory uses to the above permitted uses.

30.3 Zone Provisions

Please review Schedule “M” to the By-law to identify the underlying zone, and then refer to the Zone Provisions for that underlying zone.

Note: The Permitted Uses listing in the “underlying zone” do not constitute the permitted uses within the Oak Ridges Moraine Core Zone.

Section 31 –Oak Ridges Moraine Linkage (ORML)

31.1 Preamble

The following provisions shall apply to the Oak Ridges Moraine Linkage (ORML) Zone.

31.2 Permitted Uses

31.2.1 Permitted Principal Uses

No person shall hereafter within an Oak Ridges Moraine Linkage (ORML) Zone, use any land or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- a) Uses legally existing as of November 15, 2001;
- b) Agricultural uses;
- c) Conservation projects including flood and erosion control projects;
- d) Fish, wildlife and forest management;
- e) Low intensity recreation, as defined in Section 37 of the [Oak Ridges Moraine Conservation Plan](#);
- f) Single detached dwelling subject to [Section 5.28](#);
- g) Transportation, infrastructure and utility uses in accordance with the applicable policies of the Official Plan;
- h) Un-serviced parks; and/or
- i) Wayside pit
- j) On-farm diversified uses. On-farm diversified uses are only permitted in prime agricultural areas in the Linkage zone.
- k) Agriculture-related uses. Agriculture-related uses are only permitted in prime agricultural areas in the Linkage zone.

31.2.2 Permitted Accessory Uses

- a) Bed and breakfast establishment;
- b) Home business;
- c) Home industry; and/or
- d) Accessory uses to the above permitted uses.

31.3 Zone Provisions

Please review Schedule “M” to the By-law to identify the underlying zone, and then refer to the Zone Provisions for that underlying zone.

Note: The Permitted Uses listing in the “underlying zone” do not constitute the permitted uses within the Oak Ridges Moraine Linkage Zone.

Section 32 –Oak Ridges Moraine Countryside (ORMCO)

32.1 Preamble

The following provisions shall apply to the Oak Ridges Moraine Countryside (ORMCO) Zone.

32.2 Permitted Uses

32.2.1 Permitted Principal Uses

No person shall hereafter within an Oak Ridges Moraine Countryside (ORMCO) Zone, use any land or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- a) Uses legally existing as of November 15, 2001;
- b) Agricultural uses;
- c) Conservation projects including flood and erosion control projects;
- d) Fish, wildlife and forest management;
- e) Low intensity recreation, as defined in Section 37 of the [Oak Ridges Moraine Conservation Plan](#);
- f) Single detached dwelling subject to [Section 5.28](#);
- g) Wayside pit
- h) On-farm diversified uses;
- i) Agriculture-related uses;
- j) Infrastructure uses;
- k) Major recreational uses as described in Section 38 of the [Oak Ridges Moraine Conservation Plan](#);
- l) Unserviced parks.

32.2.2 Permitted Accessory Uses

- a) Bed and breakfast establishment;
- b) Home business;
- c) Home industry;
- d) Accessory uses to the above permitted uses; and/or
- e) Agriculture related uses

32.3 Zone Provisions

Please review Schedule “M” to the By-law to identify the underlying zone, and then refer to the Zone Provisions for that underlying zone.

Note: The Permitted Uses listing in the “underlying zone” do not constitute the permitted uses within the Oak Ridges Moraine Countryside Zone.

32.4 Special Oak Ridges Moraine Countryside Zones
Part of Lot 14, Concession 8, 39R14703 Part 1

32.4.1 Special Oak Ridges Moraine Countryside 1 (ORMCO-1) Zone
Part of Lot 14, Concession 8,
39R14703 Part 1

Notwithstanding [Section 5.12](#) of this By-law to the contrary, in the Special Oak Ridges Moraine Countryside-1 (ORMCO-1) Zone, the minimum lot frontage requirement is 4.5 metres.

All other provisions of this By-law shall apply.

32.5 Special Oak Ridges Moraine Countryside Zone-2 (ORMCO-2) By-law 2024-43

All other provision of the By-law shall apply except as specified by each special zoning requirement.

32.5.1 Special Oak Ridges Moraine Countryside 2 (ORMCO-2) Zone
8054 Oak Ridges Moraine Drive
Part of Lot 23, Concession 8
39R14209 Parts 1,3,5,7&9

In addition to the uses permitted in the Oak Ridges Moraine Countryside Zone, on lands zone Special Oak Ridges Moraine Countryside 2 (ORMCO-2) zone, a farm vacation facility is permitted consisting of a maximum of 3 sleeping cabins and one guest cabin are also permitted on this property.

For the purposes of the Oak Ridges Moraine Countryside 2 (ORMCO-2) zone, a sleeping cabin shall mean a small structure designed for sleeping accommodation as part of an on-farm diversified tourism use and shall not contain any plumbing or sanitary waste disposal system.

Section 33 –Oak Ridges Moraine Rural Settlement (ORMRS)

33.1 Preamble

The following provisions shall apply to the Oak Ridges Moraine Rural Settlement (ORMRS) Zone.

33.2 Permitted Uses

33.2.1 Permitted Principal Uses

No person shall hereafter within an Oak Ridges Moraine Rural Settlement (ORMRS) Zone, use any land or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- a) Uses legally existing as of November 15, 2001;
- b) Conservation projects including flood and erosion control projects;
- c) Fish, wildlife and forest management;
- d) Low intensity recreation, as defined in Section 37 of the [Oak Ridges Moraine Conservation Plan](#);
- e) Single detached dwelling subject to [Section 5.28](#);
- f) Transportation, infrastructure and utility uses in accordance with the applicable policies of the Official Plan; and/or
- g) Un-serviced parks.

33.2.2 Permitted Accessory Uses

- a) Bed and breakfast establishment;
- b) Home business;
- c) Home industry; and/or
- d) Accessory uses to the above permitted uses.

33.3 Zone Provisions

Please review Schedule “M” to the By-law to identify the underlying zone, and then refer to the Zone Provisions for that underlying zone.

Note: The Permitted Uses listing in the “underlying zone” do not constitute the permitted uses within the Oak Ridges Moraine Rural Settlement Zone.

Section 34 –Oak Ridges Moraine Mineral Extractive (ORMME)

34.1 Preamble

The following provisions shall apply to the Oak Ridges Moraine Mineral Extractive (ORMME) Zone.

34.2 Permitted Uses

34.2.1 Permitted Principal Uses

No person shall hereafter within an Oak Ridges Moraine Mineral Extractive (ORMME) Zone, use any land or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- a) Uses legally existing as of November 15, 2001;
- b) Sand, gravel pit or rock quarry extraction;
- c) Fish, wildlife and forest management; and/or
- d) Sand, gravel pit or rock quarry processing, washing, sorting or crushing operation

34.2.2 Permitted Accessory Uses

- a) Accessory uses to the above permitted uses

34.3 Zone Provisions

Please review Schedule “M” to the By-law to identify the underlying zone, and then refer to the Zone Provisions for that underlying zone.

Note: The Permitted Uses listing in the “underlying zone” do not constitute the permitted uses within the Oak Ridges Moraine Mineral Extractive Zone.

Section 35 –Oak Ridges Moraine Environmental Plan Review (ORMEPR)

The Oak Ridges Moraine Environmental Plan Review (ORMEPR) is an overlay zone which identifies the area of influence from a key natural heritage feature or a hydrologically sensitive area and its associated vegetative protection zone. All development and site alteration in these areas will be guided by the underlying zone provisions. A natural heritage evaluation and/or hydrological evaluation completed in accordance with the [Oak Ridges Moraine Conservation Plan](#) shall be prepared for all development and site alteration activity within the minimum areas of influence and shall be approved by the Township in consultation with the local Conservation Authority. Approval of the development is also subject to site plan approval by the Township.

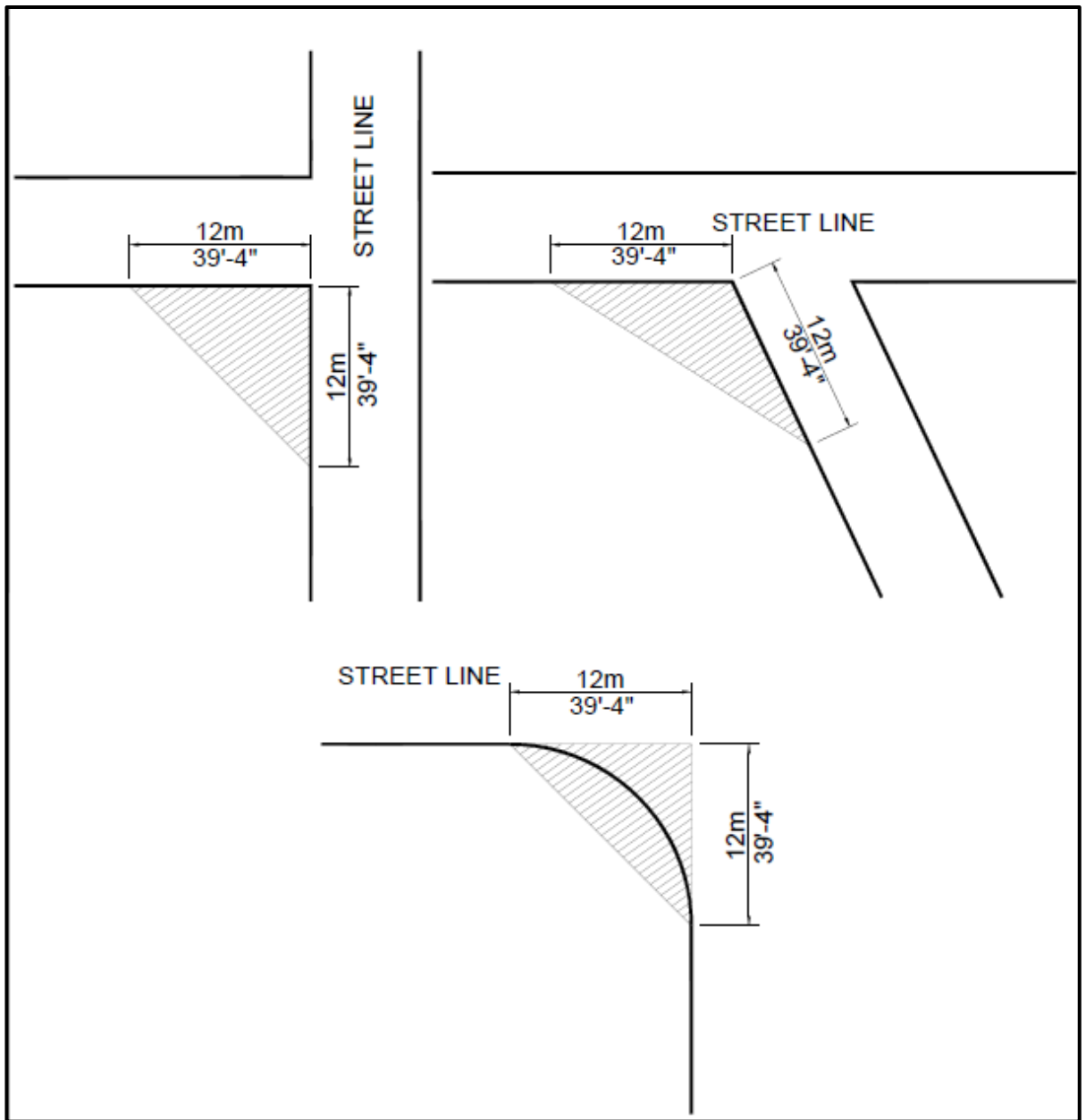
For the purposes of this By-law, minimum area of influence and minimum vegetation zone is defined in Section 21 of the [Oak Ridges Moraine Conservation Plan](#).

This By-law read a first, second and third time and finally passed this 21 day of May, 2019.

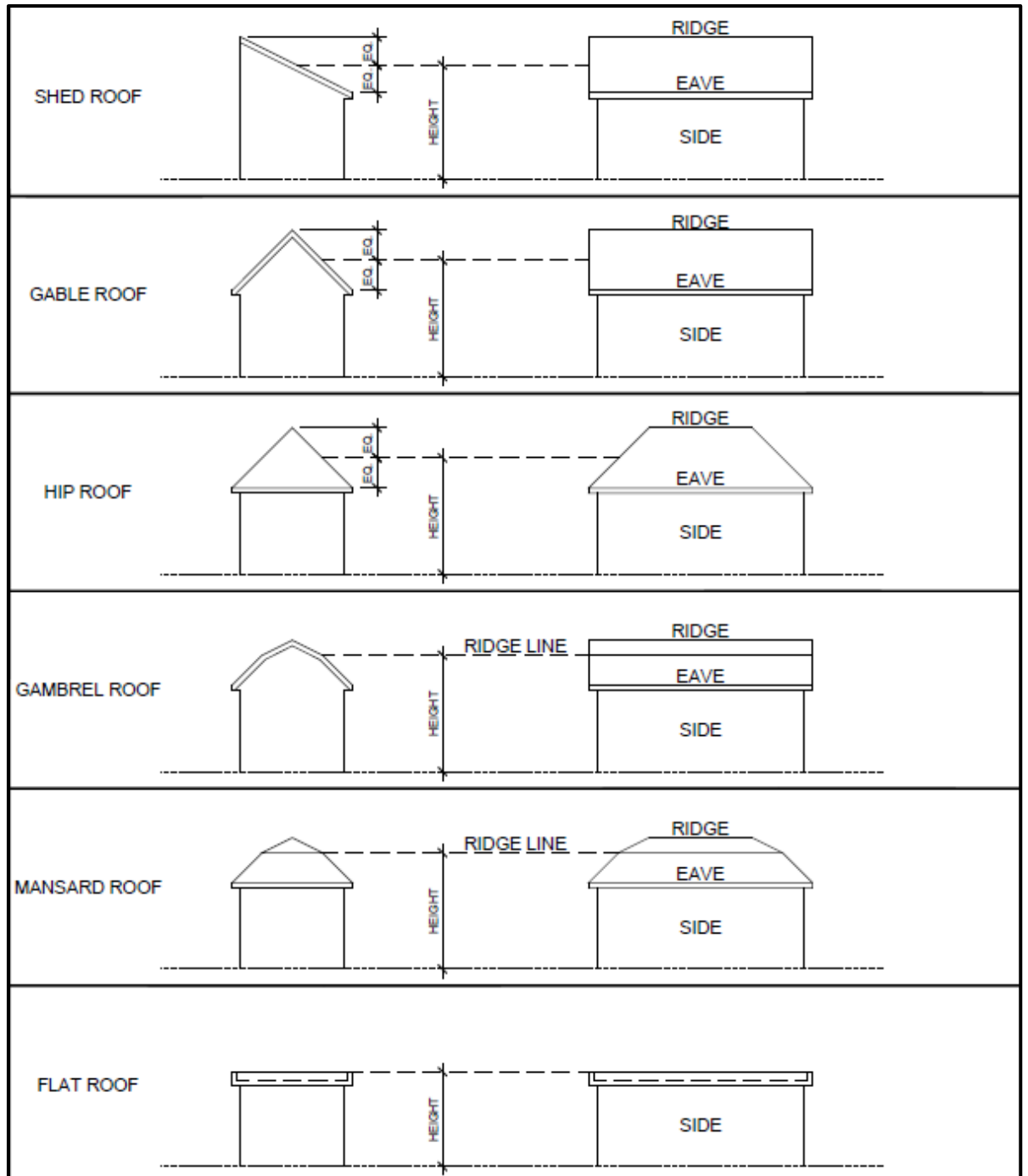
Scott Jibb, MAYOR

Daphne Livingstone, CLERK

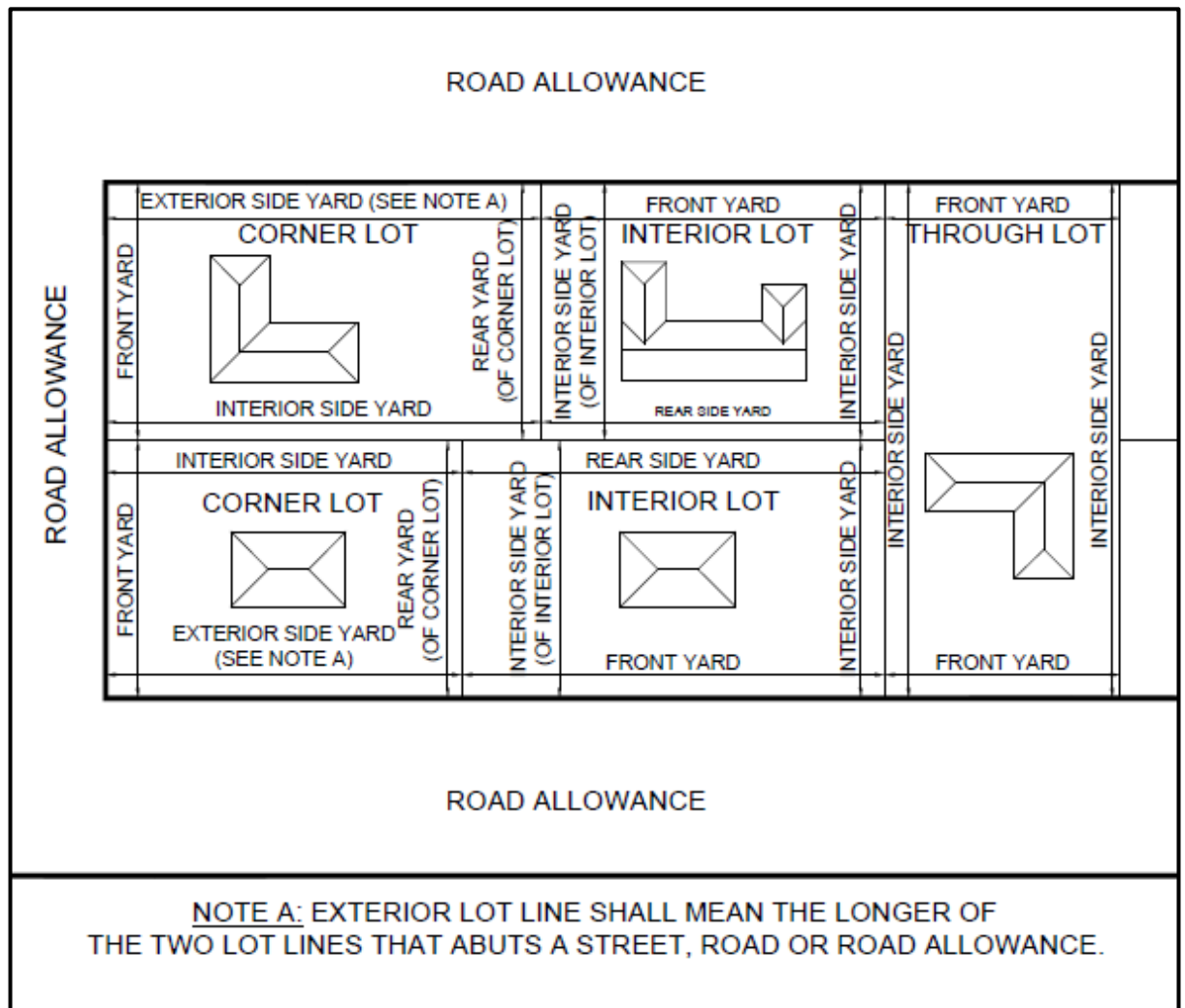
Appendix 'A' – Illustration of Sight Triangles



Appendix 'B' – Illustration of Building Height Determinations



Appendix 'C' – Illustration of Yard Definitions



Appendix 'D' – Illustration of Yard Definitions

