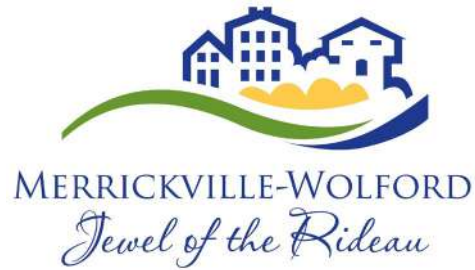


# Village of Merrickville-Wolford



## Zoning By-law No. 33-25

Office Consolidation:  
May 2026

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**VILLAGE OF MERRICKVILLE-WOLFORD  
ZONING BY-LAW No. 33-25**

A Zoning By-law, being a By-law, comprising the following text and Schedules A and B attached hereto, for prohibiting the use of land for or except for such purposes as may be set out in this By-law and for prohibiting the erection, location or use of buildings or structures for or except for such purposes as may be set out in this By-law within the said lands; and for regulating the character of buildings or structures to be erected on the said lands.

The Council of the Corporation of the Village of Merrickville-Wolford enacts as follows:

**SECTION 1: TITLE**

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**1 TITLE**

This By-law may be cited as the "Zoning By-law"

## SECTION 2: DEFINITIONS

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### 2 DEFINITIONS

In this By-law, the following meanings shall apply unless the context requires otherwise.

#### 2A

**ABATTOIR:** Means a building or structure wherein animals, including poultry, are slaughtered and processed for packaging, distribution and resale.

**ACCESSORY DWELLING** (See DWELLING, ACCESSORY)

**ACCESSORY USE** (See USE, ACCESSORY)

**ADULT ENTERTAINMENT:** Means any premises or part thereof in which is provided, in pursuance of a trade, calling, business, or occupation, goods or services appealing to or designed to appeal to erotic or sexual appetites or inclinations, where:

1. "to provide" when used in relation to services includes to furnish, perform, solicit, or give such services in pursuance of a trade, calling, business or occupation and "providing", "provided" and "provision" have corresponding meanings, and
2. "to provide" when used in relation to goods includes to sell, offer to sell or display for sale, by retail or otherwise such goods and "providing", "provided" and "provision" have corresponding meanings.

Notwithstanding the foregoing, adult entertainment shall not include a trade, calling, business or occupation where the provision or sale of goods or services appealing to or designed to appeal to erotic or sexual appetites or inclinations is clearly subordinate to the principal trade of the enterprise. Such exemption shall include but not be limited to video rental or sales establishments, bookstores and convenience stores where the revenue generated from the sale or rental of such goods and services represents less than 30% of the total gross receipts.

**AGRICULTURE, GENERAL:** shall mean the use of land, buildings, or structures for agriculture, agri-tourism, agriculture-related and on-farm diversified uses, as follows:

- Means the growing of crops, including nursery and horticultural crops; raising of livestock; raising of 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 storage, value-retaining facilities, accommodation for full-time farm labour when the size and nature of the operation requires additional employment.
- Agri-tourism uses shall include those farm-related tourism uses, including limited accommodation such as a bed and breakfast, that promote the enjoyment, education or activities related to the farm operation.
- Agriculture-related uses shall include those farm-related commercial and

## **SECTION 2: DEFINITIONS**

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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.

- On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products.
- Agricultural use shall not include kennels or cannabis production facilities, both of which are referenced separately in this By-law.

## SECTION 2: DEFINITIONS

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AGRICULTURE, INTENSIVE: Means use of land, buildings and/or structures for feedlots and other similar enterprises, mushroom farms, and greenhouses, and may include an agricultural produce outlet where products grown on the farm are sold.

**Intensive  
Agriculture**

AGRI-TOURISM shall mean the use of any lot or building which is complementary to a principal agricultural use on a lot and which provides education and activities to experience and enjoy the agricultural way of life in the rural area. Such activities may include farm machinery and equipment exhibitions, farm tours, petting zoos, corn mazes, hayrides, sleigh rides, processing demonstrations, pick your own produce/products, farm-themed playgrounds, educational facilities that focus on farming instruction or other similar activities. Agri-tourism may include accessory retail sales.

AISLE: Means a portion of a parking lot which abuts one or more off-street parking spaces to which it provides access, and which is not used for the parking of vehicles.

**Aisle**

ALTER: When used in reference to a building or part thereof, it means to change any one or more of the external dimensions of such building or to change the type of construction of the exterior walls or roof thereof. When used in reference to a lot, the word alter means to change the area, frontage or depth thereof; to change the width, depth or area of any required yard, landscaped open space or parking lot; or to change the location of any boundary of such lot with respect to a street or lane, whether such alteration is made by conveyance or alienation of any portion of such lot, or otherwise. Altered and Alteration shall have corresponding meanings.

**Alter**

ANIMAL CARE: Means caring and grooming of domestic animals, excluding overnight care or accommodation, and shall not include an animal clinic.

**Animal  
Care**

ANIMAL CLINIC: Means a building or part of a building used by veterinarians, their staff and their patients to provide grooming, medical, or surgical treatments or similar services and includes overnight care or accommodation.

**Animal  
Clinic**

APARTMENT DWELLING HOUSE: (See DWELLING, APARTMENT HOUSE)

**Apartment Dwelling  
House**

AREA (See LOT, AREA)

**Area**

ASPHALT PLANT shall mean a facility that produces and/or recycles asphalt or similar coated road stone and has equipment designed to heat and dry aggregate and to mix mineral aggregate with bitumen and/or tar, and includes:

Asphalt Plant

- The stockpiling and storage of bulk materials used in the process or finished product(s) manufactured on the premises; and
- The storage and maintenance of equipment, and facilities for the administration or management of the business.
- PORTABLE ASPHALT PLANT shall mean an asphalt plant which is not of permanent construction, but which is to be dismantled at the completion of the construction project.

## SECTION 2: DEFINITIONS

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ASSEMBLY HALL: Means a building or part of a building in which facilities are provided for civic, educational, political, religious or social purposes and shall include a banquet hall or private club.	<b>Assembly Hall</b>
ATTACHED: Means a building otherwise complete in itself, which depends for structural support, or complete enclosure, upon a division wall or walls shared in common with an adjacent building or buildings.	<b>Attached</b>
ATTIC: Means the portion of a building situated wholly or in part within the roof and which is not a half storey.	<b>Attic</b>
AUCTION HALL: Means the sale, by highest bid, of new or used goods, wares, merchandise, substances, articles or things to the general public, but does not include the sale of vehicles or livestock.	<b>Auction Hall</b>
AUTOMOBILE BODY SHOP: Means a building or structure used for complete motor vehicle repairs to bodies, frames or motors and/or painting, upholstering and/or complete collision work, but shall not include a wrecking or salvage yard.	<b>Automobile Body Shop</b>
AUTOMOBILE CARE: Means a building or a portion of a building where mufflers, glass, tires or other similar minor parts and items are offered for sale and installation on motor vehicles.	<b>Automobile Care</b>
AUTOMOBILE GAS BAR: Means a building and/or structure including fuel pump islands where gasoline and/or oil is kept for sale with or without lubricants or other items and accessories associated with the operation of automobiles and normally sold at a gasoline pump island, but where no servicing, repair or equipping of motor vehicles is carried on.	<b>Automobile Gas Bar</b>
AUTOMOBILE RENTAL: Means a parking space or parking lot and/or a building or part thereof where motor vehicles, as defined by the Highway Traffic Act, are rented or kept or used for short term (daily) rental purposes.	<b>Automobile Rental</b>
AUTOMOBILE SALES: Means a building and/or lot where motor vehicles, as defined by the Highway Traffic Act, are kept for display, sale and/or long-term lease. Permitted accessory uses may include those normally required for performing maintenance and repair on motor vehicles, including service centre, service bays, body shop, storage of parts, etc.	<b>Automobile Sales</b>
AUTOMOBILE SERVICE STATION: Means a building and/or structure where retail goods including gasoline, oil, grease, antifreeze, tires, sparkplugs, batteries and other automobile accessories may be sold incidentally and where minor or running repairs essential to the operation of motor vehicles are executed or performed but shall not include any other use otherwise defined herein.	<b>Automobile Service Station</b>
AUTOMOBILE WASHING ESTABLISHMENT: Means a building or structure containing facilities for washing automobiles, either by production line methods and mechanical devices, or by a self-service operation.	<b>Automobile Washing Establishment</b>

**SECTION 2: DEFINITIONS**

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**2B**

BACKYARD HEN: Means a female chicken that is at least four months old.	<b>Backyard Hen</b>
BACKYARD HEN COOP: Means an accessory building where backyard hens are kept, and which is constructed in accordance with the Animal Control By-law and contains lockable roofs and doors.	<b>Backyard Hen Coop</b>
BACKYARD HEN RUN: Means a secure building attached to a backyard hen coop that allows backyard hens to access outside.	<b>Backyard Hen Run</b>
BAKE SHOP: Means a building or portion of a building where baked foods are made for retail sale on the premises.	<b>Bake Shop</b>
BAKERY: Means a building or portion of a building wherein baked foods are produced and processed for packaging, distribution and resale off the premises. A bakeshop is a permitted accessory use in a bakery.	<b>Bakery</b>
BASEMENT: Means a portion of a building which is partly underground but which has at least one-half of its height from finished floor to finished ceiling above the adjacent finished grade.	<b>Basement</b>
BED AND BREAKFAST: Means a single detached dwelling in which not more than 5 guest rooms are used to accommodate the traveling or vacationing public for gain or profit and may include the provision of meals to the guest room occupants, but shall not include a rooming or boarding house	<b>Bed and Breakfast</b>
BEVERAGE ROOM: Means a building or portion of a building or premises, other than a restaurant, where liquor, spirits and food are stored, sold and consumed and which is licensed under The Liquor License and Control Act.	<b>Beverage Room</b>
BOARDING OR LODGING HOUSE: (See DWELLING, BOARDING or LODGING HOUSE).	<b>Boarding or Lodging House</b>
BUILDING: Means any structure used or intended to be used for shelter, accommodation or enclosure of persons, animals or chattels other than a lawful boundary wall or fence.	<b>Building</b>
BUILDING, ACCESSORY: Means a subordinate detached building or structure designed or intended for the better or more convenient enjoyment of the main building, to which it is accessory and which is located on the same lot therewith. An accessory building shall be uninhabitable unless otherwise specifically permitted.	<b>Accessory Buildings</b>
BUILDING, MAIN: Means a building designed and used for the principal use on the lot.	<b>Main Building</b>
BUILDING INSPECTOR: (See CHIEF BUILDING OFFICIAL)	<b>Chief Building Official</b>
BUILDING LINE: Means a line within a lot drawn parallel to a lot line	<b>Building Line</b>

## SECTION 2: DEFINITIONS

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establishing the minimum distance between that lot line and any portion of a building or structure which may be erected.

**BUILDING SUPPLY OUTLET:** Means a building, structure or lot where building supplies including lumber, siding, roofing, plumbing, electrical, heating, air conditioning and similar items are kept for display and/or sale and may include the assembly and/or finishing of the items and contracting the construction or installation of the items.

**Building Supply  
Outlet**

**BULK STORAGE:** Means the use of a building, structure or lot for the purpose of storing and selling coal, fuel oil, chemicals and similar items, but does not include any manufacturing, assembling or processing uses.

**Bulk Storage**

**BUSINESS OFFICE:** (See OFFICE, BUSINESS)

**Business Office**

**BUTCHER SHOP:** Means a building or portion of a building where animals, poultry and/or fish carcasses are processed and packaged for retail sale on the premises but shall not include an abattoir.

**Butcher Shop**

### 2C

**CANNABIS:** Means a genus of flowering plants in the family Cannabaceae. Synonyms include, but are not limited to, marijuana and marihuana. This definition does not include the industrial or agricultural production of hemp.

**Cannabis**

**CANNABIS CULTIVATION FACILITY:** Means any land, building or structure licensed and authorized to grow, cultivate, produce, dry, store and ship cannabis for medical or non-medical purposes, and is licensed by an authorized federal agency. This definition shall not include an Industrial Facility, as herein defined.

**Cannabis Cultivation  
Facility**

**CARPOR:** Means a partially enclosed structure which is attached to the main building, and which is used primarily for the storage of one or more motor vehicles, where the enclosure does not constitute more than 60 percent of the perimeter of the structure, and in which no business, occupation or service is conducted for profit.

**Carport**

**CEMETERY:** Means a place used for the interment of human bodies as defined under the Funeral, Burial and Cremation Services Act and includes accessory uses such as crematorium, columbarium and chapel.

**Cemetery**

**CELLAR:** Means that portion of a building which has more than one-half of its height from finished floor to finished ceiling below the adjacent finished grade.

**Cellar**

**CHIEF BUILDING OFFICIAL:** Means an officer or employee of the Corporation charged with the duty of enforcing the provisions of the Building Code, the Zoning By-law and similar By-laws of the Corporation.

**Chief Building  
Official**

**CLINIC, ANIMAL:** (See ANIMAL CLINIC)

**Animal Clinic**

## SECTION 2: DEFINITIONS

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CLINIC, MEDICAL: (See MEDICAL CLINIC)	<b>Medical Clinic</b>
CLUB, COMMERCIAL: (See COMMERCIAL SPORTS AND RECREATION CENTRE)	<b>Commercial Club</b>
COMMERCIAL SCHOOL: (See SCHOOL, COMMERCIAL)	<b>Commercial School</b>
COMMERCIAL SPORTS AND RECREATION CENTRE: Means an athletic, recreational or social club operated for gain or profit or for the private use of members and may also include a Community Centre	<b>Commercial Sports and Recreation Centre</b>
COMMERCIAL STORAGE: Means a building or structure in which more than one storage unit is rented and used for the temporary storage of household items, vehicles and/or commercial goods and materials, but does not include any business operation or use associated with the storage. Each unit is physically separated from other units within the building and has its own entrance.	<b>Commercial Storage</b>
COMMERCIAL YARD SALE: Means the sale of new or used household items including, but not limited to, clothing, furniture, appliances, housewares, sporting or recreational equipment and toys which is conducted by a person or persons on a regular basis, whether or not seasonally and whether or not on the same lot.	<b>Commercial Yard Sale</b>
COMMUNICATION FACILITY: Means any use of land that is primarily for the transmission of electronic signals through the air and includes a transmitting station or tower.	<b>Communication Facility</b>
COMMUNITY CENTRE: Means any land, building and/or structure that is used for community activities, including recreation activities, whether used for commercial purposes or not, the control of which is vested in a private corporation, the municipal corporation, a local board or agent thereof.	<b>Community Centre</b>
CONSERVATION: Means the maintenance of the natural environment for the purposes of preservation, research, observation and outdoor uses such as hiking and fishing. This definition may include the construction and use of trail shelters and other similar structures ancillary to the foregoing uses, but shall not include a dwelling house, a mobile home or a tourist vehicle.	<b>Conservation</b>
CONTRACTOR OR TRADESMAN ESTABLISHMENT: Means a building or part of a building where mechanical, electrical, structural, plumbing or like contractors conduct their business, whether in conjunction with a retail store or not, and may include offices, display areas and storage areas, but shall not include open storage.	<b>Contractor or Tradesman Establishment</b>
CONVENIENCE STORE: Means a building or part of a building wherein convenience commercial goods and foodstuffs which serve the day-to-day needs of local residents are offered for sale and may include an automobile gas bar. Such stores shall be limited to a maximum gross leasable floor area of 400 m <sup>2</sup> (4,306 ft <sup>2</sup> ).	<b>Convenience Store</b>
CONVERTED DWELLING: (See DWELLING, CONVERTED).	<b>Converted Dwelling</b>

**SECTION 2: DEFINITIONS**

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CORNER LOT: (See LOT, CORNER).

**Corner Lot**

CORPORATION: Means the Corporation of the Village of Merrickville-Wolford.

**Corporation**

COVERAGE: (See LOT, COVERAGE)

**Coverage**

CUSTOM WORKSHOP: Means a building or part of a building where individual custom productions such as drapes, venetian blinds, handmade leather goods, orthopedic and prosthetic appliances, weaving, awnings and other non-offensive, non-dangerous custom production is carried out but does not include any factory production or any shop or factory otherwise classified or defined in this By-law. A custom workshop may include an accessory retail use up to 25% of the gross leasable floor area.

**Custom Workshop**

**2D**

DAIRY: Means a building or portion of a building where dairy products are produced and processed for packaging, distribution and resale off premises. A dairy may include an accessory retail use up to 25% of the gross leasable floor area.

**Dairy**

DAY NURSERY, PRIVATE: Means a dwelling in which the owner or tenant conducts a home occupation by providing temporary care, supervision and board for less than 5 children who are not of common parentage.

**Private  
Day Nurseries**

DAY NURSERY, LICENSED: Means a building or part of a building in which temporary care, supervision and/or board for more than 5 children who are not of common parentage is provided and which is licensed under the Child Care and Early Years Act.

**Licensed  
Day Nurseries**

DECK: Means a building component that is uncovered and unenclosed, which may or may not be attached to one or more walls of a building. A deck includes its associated guards, fencing, walls, visual screens, stairs, and other associated features. A deck may or may not have a foundation.

**Deck**

DERELICT VEHICLE: Means any vehicle, boat or trailer, or part of any vehicle, boat, or trailer, that is in a wrecked, discarded, dismantled, or partly dismantled state. The aforementioned does not preclude the occupant of any premises from repairing a vehicle for his/her own use and not for commercial purposes.

**Derelict  
Vehicle**

DEVELOPMENT: Means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability of such buildings or structures, or the laying out and establishment of a commercial parking lot.

**Development**

DENSITY: Means the ratio of the number of dwelling units to the lot area.

**Density**

## SECTION 2: DEFINITIONS

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DEPTH: (See LOT, DEPTH)	<b>Depth</b>
DRIVEWAY: Means the area between the traveled portion of a street and a parking lot used by motor vehicles for access to and from the parking lot, but does not include an aisle. A driveway on a residential lot may be used as one or more parking spaces, excluding the required parking spaces, where specifically permitted herein.	<b>Driveway</b>
DRY CLEANING DISTRIBUTION STATION: Means a building or part of a building used for receiving clothing articles, or fabric goods to be subjected to the process of 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. Notwithstanding the foregoing, on-site dry cleaning, dry dyeing, cleaning and pressing of personal clothing and household articles are permitted.	<b>Dry Cleaning Distribution Station</b>
DRY CLEANING PLANT: Means a building or part of a building in which the business of dry cleaning, dry dyeing, cleaning or pressing of clothing articles or fabric goods is carried on.	<b>Dry Cleaning Plant</b>
DWELLING HOUSE: Means a building containing one or more dwelling units, each of which is occupied or intended to be occupied by one household and excluding hotels/motels, trailers, recreational vehicles, or tents.	<b>Dwelling House</b>
DWELLING UNIT: Means a suite of two or more habitable rooms designed for use and occupied by not more than one household in which separate kitchen and sanitary facilities are provided for the exclusive use of the household, with a private entrance from outside the building or from a common hallway or stairway inside the building.	<b>Dwelling Unit</b>
ACCESSORY DWELLING HOUSE: Means a single detached dwelling house which is accessory to a permitted Non-Residential use and is occupied by either the owner of the lot or by one employee employed on the lot where such accessory dwelling house is located.	<b>Accessory Dwelling</b>
ACCESSORY DWELLING UNIT: Means a dwelling unit within a Non-residential building which is accessory to a permitted Non-Residential use and is occupied by either the owner of the lot or by one employee employed on the lot where such accessory dwelling unit is located.	<b>Accessory Dwelling Unit</b>
ADDITIONAL RESIDENTIAL UNIT: Means an accessory residential use located within a dwelling or accessory structure, consisting of a self-contained residential area with sleeping, kitchen, and bathroom facilities, but shall not include a boarding house, group home, or lodging establishment, as defined herein. A mobile home, while not regulated under the Building Code Act, shall be included in this definition, and is required to be placed on a foundation.	<b>Accessory Residential Unit</b>
APARTMENT DWELLING HOUSE: Means a building containing four or more dwelling units which share a common entrance from the street level wherein the occupants have the right to use common halls and/or stairs and/or elevators and yards.	<b>Apartment Dwelling House</b>

## SECTION 2: DEFINITIONS

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BOARDING/ROOMING DWELLING HOUSE: Means a single-detached dwelling house existing at the time of the passing of this By-law in which rooms are rented individually, with or without meals, for three or more persons who are not a household but does not include any other establishment otherwise defined or classified herein.	<b>Boarding/Rooming House</b>
CONVERTED DWELLING HOUSE: Means a single-detached dwelling house existing at the time of the passing of this By-law which because of size and design, has been or can be converted by partition and the addition of sanitary facilities and cooking facilities into more than one dwelling unit.	<b>Converted Dwelling House</b>
DUPLEX DWELLING HOUSE: Means the whole of a dwelling house divided horizontally into two dwelling units, each of which has an independent entrance either directly from the outside or through a common vestibule.	<b>Duplex Dwelling House</b>
FOURPLEX DWELLING HOUSE: Means a dwelling that is divided both vertically and horizontally into four (4) separate dwelling units, each of which has an independent principal entrance either directly or through a common vestibule.	<b>Fourplex Dwelling House</b>
MOBILE DWELLING HOUSE: (See MOBILE HOME)	<b>Mobile Dwelling</b>
MODULAR DWELLING HOUSE: Means a single-detached dwelling house built in one or more major pieces and transported to the site where it is assembled, as opposed to a dwelling built entirely on site. For the purposes of this By-law, a modular dwelling shall be deemed to be a single detached dwelling house.	<b>Modular Dwelling</b>
MULTIPLE DWELLING HOUSE: Means a dwelling containing three or more dwelling units not otherwise defined herein.	<b>Multiple Dwelling</b>
SEASONAL DWELLING: Means a single detached dwelling house used as an occasional resort for vacation, recreation, rest and relaxation purposes by a household which regularly resides in a permanent dwelling at another location.	<b>Seasonal Dwelling</b>
SEMI-DETACHED DWELLING HOUSE: Means one of a pair of dwelling units divided vertically into two dwelling units, each of which has an independent entrance either directly from the outside of through a common vestibule.	<b>Semi-Detached Dwelling House</b>
SINGLE DETACHED DWELLING HOUSE: Means a completely detached dwelling house.	<b>Single-Detached Dwelling House</b>
STREET TOWNHOUSE DWELLING HOUSE: Means a townhouse dwelling house that abuts an open street or a private street on a common elements plan of condominium, and is designed as an independent dwelling unit for freehold occupancy.	<b>Street Townhouse Dwelling House</b>
TOWNHOUSE DWELLING HOUSE: Means a dwelling house divided vertically into 3 or more dwelling units, each of which has independent	<b>Townhouse Dwelling House</b>

## SECTION 2: DEFINITIONS

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entrances to front and rear privacy yards.

**TRIPLEX DWELLING HOUSE:** Means a dwelling that is divided horizontally into three (3) separate dwelling units, each of which has an independent principal entrance either directly or through a common vestibule.

**Triplex Dwelling House**

### 2E

**EMPLOYEE:** Means a person who is hired, contracted, engaged or otherwise employed by another person or persons or by a company, partnership, corporation or similar organization to perform or carry out work. For the purpose of this definition, an employee includes any person who is employed full time or part time, whether for a salary, commission, hourly wage, other consideration or as a volunteer, and includes the owner, owners, partners, principals and officers of the company, partnership, corporation or organization.

**Employee**

**ERECT:** Means to build, construct, reconstruct, alter and relocate and without limiting the generality of the foregoing shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, structurally altering any existing building or structure by an addition, deletion, enlargement or extension, and any other work which requires a building permit.

**Erect**

**ESTABLISHED BUILDING LINE:** Means the average of the setbacks of existing principal buildings on lots on either side of the lot proposed to be built upon. In the case of a corner lot, the average street line shall be deemed to be the average setback of all buildings and structures on the block.

**Established Building Line**

**EVENTS VENUE:** Means a venue for uses that are celebratory in nature such as wedding ceremonies and receptions, anniversaries and corporate events, which may also include associated cooking, banquet, licensed bar, washroom and parking facilities. The venue may be secondary in nature to the principal rural residential use of the property and shall respect the rural nature of the surrounding area and avoids disruption with nearby sensitive land uses through the use of buffering and setbacks.

**Events Venue**

**EXISTING:** Means existing as of the date of the passing of this By-law.

**Existing**

**EXISTING USE:** Means the purpose for which any land, building, structure or combination thereof is designed, arranged, occupied or maintained as of the date of the passing of this By-law.

**Existing Use**

**EXTERIOR SIDE LOT LINE:** (See LOT LINE)

**Exterior Side Lot Line**

**EXTERIOR SIDE YARD:** (See YARD)

**Exterior Side Yard**

### 2F

**FARM:** (See AGRICULTURE)

**Farm**

## SECTION 2: DEFINITIONS

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**FARM CUSTOM WORKSHOP:** Means an accessory use to a permitted farm, which consists of the supply of farm labour and/or farm machinery, on a short term, seasonal or contract basis for general or intensive agricultural uses and/or for transporting farm produce and supplies. This definition may include a maintenance garage for vehicles used exclusively for the farm custom work use.

**Farm Custom Workshop**

**FARM IMPLEMENT SALES:** Means a building and/or lot where new and/or used farm implements are kept for display, sale and/or rental. Accessory uses may include those normally required for performing maintenance on and repair of farm implements, including service centres, service bays, storage of farm implement parts, etc.

**Farm Implement Sales**

**FARM SUPPLY SALES:** Means a building wherein farm supplies which may include feed, seed, agricultural chemicals, hardware, farm working apparel, etc. are sold or rented.

**Farm Supply Sales**

**FENCE:** Means a physical barrier or partition made of wood, metal or other substance that is constructed for any purpose, such as marking the boundary of a property, enclosing a property, providing privacy, preventing access by people or animals, or dividing a property into sections, and includes every door, gate, and other closure that forms part of a fence, and which may be regulated by the Corporation.

**Fence**

**FLOOD LINE:** Means the line representing the continuous delineation of the horizontal extent inland of a regulated flood plain.

**Flood Line**

**FLOOD PLAIN:** Means the area, usually lowlands adjoining a watercourse, which has been or may be covered by flood water and is below the regional flood event as defined by the local Conservation Authority”

**Flood Plain**

**FLOOR AREA - DWELLING UNIT:** Means the habitable area contained within the inside walls of a dwelling unit, including a loft or a basement, but excluding any private detached garage, carport, porch, veranda, unfinished attic, crawl space or sunroom (unless such sunroom is habitable in all seasons of the year), and excluding public or common halls, stairways, and the thickness of outside walls.

**Floor Area – Dwelling Unit**

**FLOOR AREA – GROSS:** Means:

**Floor Area - Gross**

- (for dwellings) the total area of all floors contained within the exterior walls of the building including mezzanines, but not including the crawl space, or any detached garage, carport, porch, veranda, or unfinished attic.
- for non-residential buildings) the total area of all floors contained within the exterior walls of the building.

**FINANCIAL OFFICE:** Means a building or part of a building in which a bank, trust company, finance company, mortgage company or investment company is

**Financial Office**

## SECTION 2: DEFINITIONS

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located.

FINISHED GRADE: (See GRADE, FINISHED)

**Finished Grade**

FLOOR AREA: (See GROSS LEASABLE FLOOR AREA)

**Floor Area**

FORESTRY USE: Means the planting, management and/or harvesting of timber resources including the establishment of a temporary or portable sawmill as an accessory use for the processing of timber resources taken from the lot on which the temporary or portable sawmill is located, but does not include the establishment of a permanent sawmill, as herein defined.

**Forestry Use**

FRONTAGE: (See LOT, FRONTAGE)

**Frontage**

FUEL PUMP ISLAND: Means a structure on a lot of an automobile gas bar, retail propane/compressed natural gas transfer facility or automobile service station where the fuel pumps are located.

**Fuel Pump Island**

FUNERAL HOME: Means a building used for the preparation of deceased human bodies for interment or cremation, for the viewing of deceased persons, and for the holding of funeral services.

**Funeral Home**

### 2G

GARAGE, PRIVATE: Means an accessory building or part of a residential building located on a residential lot intended for the storage of one or more vehicles, in which no business, occupation or service is conducted for profit. Freestanding garages are accessory buildings.

**Private Garage**

GARDEN SUITE: Means a single detached dwelling containing bathroom and kitchen facilities that is accessory to an existing residential structure, and that is designed to be portable for which a temporary use by-law has been adopted, pursuant to the provisions of the Planning Act.

GOLF COURSE: Means a public or private area operated for the purpose of playing golf and includes a par 3 golf course, but does not include driving ranges, miniature courses and similar uses.

**Golf Course**

GRADE, FINISHED: With reference to a building, means the average elevation of the finished surface of the ground where it meets the exterior of the front of such building and when used with reference to a structure shall mean the average elevation of the finished grade of the ground immediately surrounding such structure, exclusive in both cases of any artificial embankment or entrenchment, and when used with reference to a street means the elevation of the street established by the Corporation or other designated authority.

**Finished Grade**

GREENHOUSE: Means a building and/or structure used for the growing of flowers, vegetables, shrubs, trees and similar vegetation including any part of a building, structure or area used for the sale of garden supplies and landscaping materials which may include seeds, bulbs, tools, etc. This definition shall not include any premises for the growing of mushrooms.

**Greenhouse**

## SECTION 2: DEFINITIONS

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**GROSS LEASABLE FLOOR AREA:** Means the sum total of the area of the floor or floors, above and below grade, measured from the exterior faces of the exterior walls of a building or structure at the level of each floor but shall not include:

**Gross Leasable  
Floor Area**

1. any part of the building or structure below grade which is used for heating equipment, storage, laundry facilities and similar accessory uses.
2. any part of the building or structure used for the storage or parking of motor vehicles.

**TYPE “A” GROUP HOME:** Means a single household unit in a dwelling, in which 3 to 10 residents (excluding staff or receiving family) live together under responsible supervision consistent with the requirements of its residents, who, by reason of their emotional, mental, social, or physical condition, require a group living arrangement. The home is licensed or approved under Provincial Statute and complies with Municipal By-laws. This definition does not include residences for custodial supervision, or boarding/rooming dwelling houses.

**Type A Group  
Home**

**TYPE “B” GROUP HOME:** Means a single household unit in a dwelling in which residents live together under custodial supervision consistent with the specialized needs of its residents. A Young Offenders Type “B” group home shall be licensed or approved by either the Ministry of Community and Social Services or the Ministry of Correctional Services under the Young Offenders Act. An Adult Offenders Type “B” group home, or Community Resource Centre, shall be licensed or approved by the Ministry of Correctional Services under the Ministry of Correctional Services Act.

**Type B Group  
Home**

**GUEST HOUSE:** (See TOURIST GUEST HOUSE)

**Guest House**

## 2H

**HABITABLE ROOM:** Means a room designed to provide living, dining, sleeping or kitchen accommodation. This definition may include a bathroom, den, library or enclosed sunroom but shall not include any porch, verandah, unfinished attic, unfinished basement or unfinished cellar.

**Habitable Room**

**HEIGHT:** Means the vertical distance of a building between the finished grade, and:

**Height**

1. the highest point of the roof surface or the parapet, whichever is the greater of a flat roof; or
2. the deck line of a mansard roof; or
3. the mean level between eaves and ridge of a gabled, hip, gambrel, cottage or other type of pitched roof.

**HOME FOR THE AGED:** Means a building established and/or maintained by the Corporation under the Long-Term Care Homes Act.

**Home for the Aged**

**HOME OCCUPATION:** Means an occupation conducted for gain or profit as an accessory use to a residential use in accordance with the regulations herein.

**Home Occupation**

## SECTION 2: DEFINITIONS

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HOME OCCUPATION, RURAL: Means an occupation conducted for gain or profit as an accessory use within a dwelling unit and/or within an accessory building on the same lot in accordance with the regulations herein.

**Rural Home Occupation**

HOSPITAL: Means a Public Institution as defined under The Public Hospitals Act.

**Hospital**

HOTEL: Means a building, or part of a building, or two or more disconnected or detached buildings, designed to be used for the purpose of catering to the needs of the traveling or vacationing public by furnishing sleeping accommodation with or without kitchens, with or without supplying food, and may include meeting rooms, banquet halls, public dining rooms, and any premises licensed under the Liquor License and Control Act and shall include an inn, a motel or motor inn but shall not include, boarding/rooming dwelling houses, beverage rooms or apartment dwelling houses.

**Hotel**

HOUSEHOLD: Means the collection of all individuals normally resident in a dwelling unit.

**Household**

HOUSEHOLD PET: (See PET, HOUSEHOLD).

**Household Pet**

HUNTING OR FISHING CAMP: Means a building or structure which is occupied for limited times during the year as a base for hunting, fishing and similar outdoor activities but which is not a single detached dwelling, a recreation vehicle, or a seasonal dwelling as defined herein.

**Hunting or Fishing Camp**

HIGHWAY: (See STREET)

**Highway**

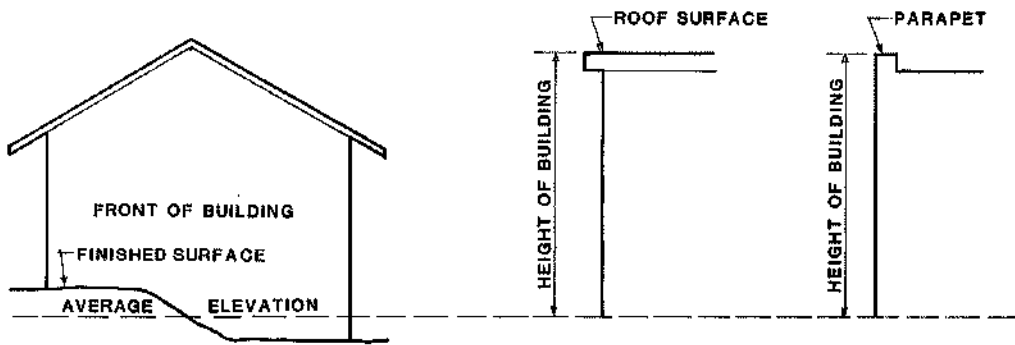
HIGH-WATER MARK: Means the mark made on the shore or bank of a water body through the action of water under natural conditions, which action has continued over such a long period of time that it has created a difference between the character of the vegetation or soil below the mark and that above the mark.

**High-Water Mark**

HOBBY FARM: Means the keeping, breeding, raising, and grazing of livestock and/or poultry, other than domestic pets, for the personal use of the household operating the hobby farm and excludes an agricultural use as herein defined which is operated for commercial purposes. A hobby farm may include farm-gate sales of agricultural products produced on site.

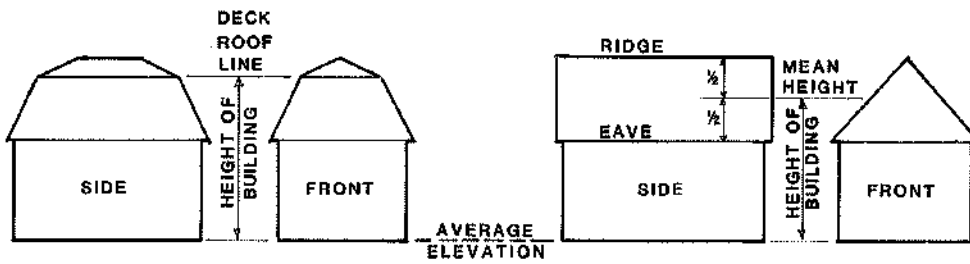
**Hobby Farm**

**Illustration of Heights of Buildings**



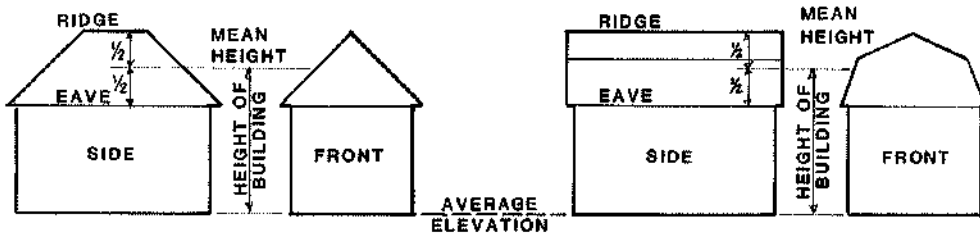
**AVERAGE ELEVATION**

**FLAT ROOF**



**MANSARD ROOF**

**GABLE ROOF**



**HIP ROOF**

**GAMBREL ROOF**

THIS ILLUSTRATION DOES NOT FORM PART OF THIS BY-LAW. BUT IS PROVIDED FOR CONVENIENCE.

**SECTION 2: DEFINITIONS**

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**2I**

INSTITUTION: Means a building or part of a building used for a not-for-profit purpose by an organized body or society for promoting a particular purpose. This definition may include a library, college, university, convent, monastery, public museum or similar use, but shall not include an assembly hall.

**Institution**

INTERIOR LOT: (See LOT)

**Interior Lot**

INTERIOR SIDE YARD: (See YARD)

**Interior Side Yard**

**2J**

Reserved for future use.

**2K**

COMMERCIAL KENNEL: Means a kennel used primarily for boarding dogs not owned by family members, or for the breeding, raising and sale of purebred or crossbred dogs, whether owned by family members or not. Grooming may be conducted as an accessory use.

**Commercial Kennel**

HOBBY KENNEL: Means a kennel where dogs are housed for the primary purpose of pleasure (pets) or hunting, and where there is no boarding.

**Hobby Kennel**

**2L**

LANDSCAPED OPEN SPACE: Means the area of a lot comprised of lawn, natural or ornamental shrubs, flowers and trees including space occupied by paths, walks, courts, patios and pools, but shall not include parking lots, aisles, driveways, loading spaces, curbs, or ramps for vehicles.

**Landscaped Open Space**

LANE: Means a public thoroughfare which affords a means of access to abutting lots but which is not a street as defined herein and is not intended for general traffic circulation.

**Lane**

LAUNDROMAT: Means a building or part of a building containing two or more washing and/or self-service dry-cleaning machines and/or dryers for use by the public which is operated for profit or gain.

**Laundromat**

LIVESTOCK: Means beef cattle, birds, dairy cattle, deer and elk, fur-bearing animals, game animals, goats, horses, poultry, sheep, swine, and other animals as identified in OMAFRA's Minimum Distance Separation document.

**Livestock**

LIVESTOCK FACILITIES: Means livestock and/or poultry barns, buildings, or structures where agricultural animals are housed and shall include feed lots and associated manure storage.

**Livestock Facility**

LIVESTOCK UNIT: Means equivalent values for various types of animals including poultry, based on manure production and production cycles. The number of animals that would produce 1 livestock unit are as follows:

**Livestock Unit**

**SECTION 2: DEFINITIONS**

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<b>TYPE OF LIVESTOCK</b>	<b>NUMBER OF ANIMALS / LIVESTOCK UNIT</b>
<b>BEEF:</b>	
Beef Cow <sup>1</sup> (barn confinement)	1
Beef Cow (barn and yard)	1
Beef Feeders (barn confinement)	2
Beef Feeders (barn and yard)	2
<b>CHICKEN:</b>	
Caged Layers (inactive stored in barn)	125
Caged Layers (daily manure removal)	125
Chicken Breeder Layers	125
Chicken Broilers/Roosters	200
Pullets (replacement layers)	500
<b>DAIRY:</b>	
Milking Cow <sup>1,2</sup> (tie stall)	1
Milking Cow (free stall)	1
Dairy Heifers (barn confinement)	2
Dairy Heifers (barn and yard)	2
<b>DUCK</b>	100
<b>EMU</b>	5
<b>GOAT:</b>	
Adult Goats <sup>3</sup>	4
Feeder Goats (>20kg)	10
<b>HORSE<sup>3</sup></b>	1
<b>OSTRICH</b>	3
<b>RABBIT:</b>	
Adult Rabbit	40
<b>SHEEP:</b>	
Adult Sheep <sup>3</sup>	4
Feeder Lambs (>20kg)	10
<b>SWINE:</b>	
Sows/Boars	5
Feeder Hogs (30 - 120kg)	4
Weaners (4 - 30kg) <sup>4</sup>	20
<b>TURKEY:</b>	
Meat Turkeys (>10kg)	50
Meat Turkeys (5 - 10kg)	75
Turkey Breeder Layers	75
Meat Turkeys (<5kg)	100
Pullets (replacement breeders)	500
<b>VEAL:</b>	
White Veal	6
Red Veal (<300kg)	3

## SECTION 2: DEFINITIONS

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**NOTES:** For all other animals/poultry use 1 livestock unit per 450 kg housed at one time.

1. Includes calf to 150 kg (330.7 lb).
2. A dairy/cow farm usually has milking cows, heifers, and calves. Multiply the number of milking/nursing cows by 1.5 to account for the followers when they are all kept on the same farm.
3. Includes offspring until weaned.
4. Multiply number of sows by 2.4 to determine the number of weaners.

**LOADING SPACE:** Means a space or bay located on a lot which is used or intended to be used for the temporary parking of any vehicle while loading or unloading goods, merchandise, animals or materials used in connection with the use of the lot or any building thereon.

**Loading  
Space**

**LOT:** Means Any parcel of land described in a registered deed or shown in a registered plan of subdivision, which is capable of being legally conveyed from one party to another and including any parts of the parcel which are subject to right of easement.

**Lot**

**CORNER LOT:** Means lot situated at the intersection of and abutting two streets which intersect at an angle of less than 135 degrees.

**Corner Lot**

**INTERIOR LOT:** Means a lot situated between adjacent lots and abutting one street.

**Interior Lot**

**IRREGULAR LOT:** Means a lot abutting more than one street, but not otherwise defined herein.

**Irregular Lot**

**THROUGH LOT:** Means 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 conclusively deemed to be a corner lot.

**Through Lot**

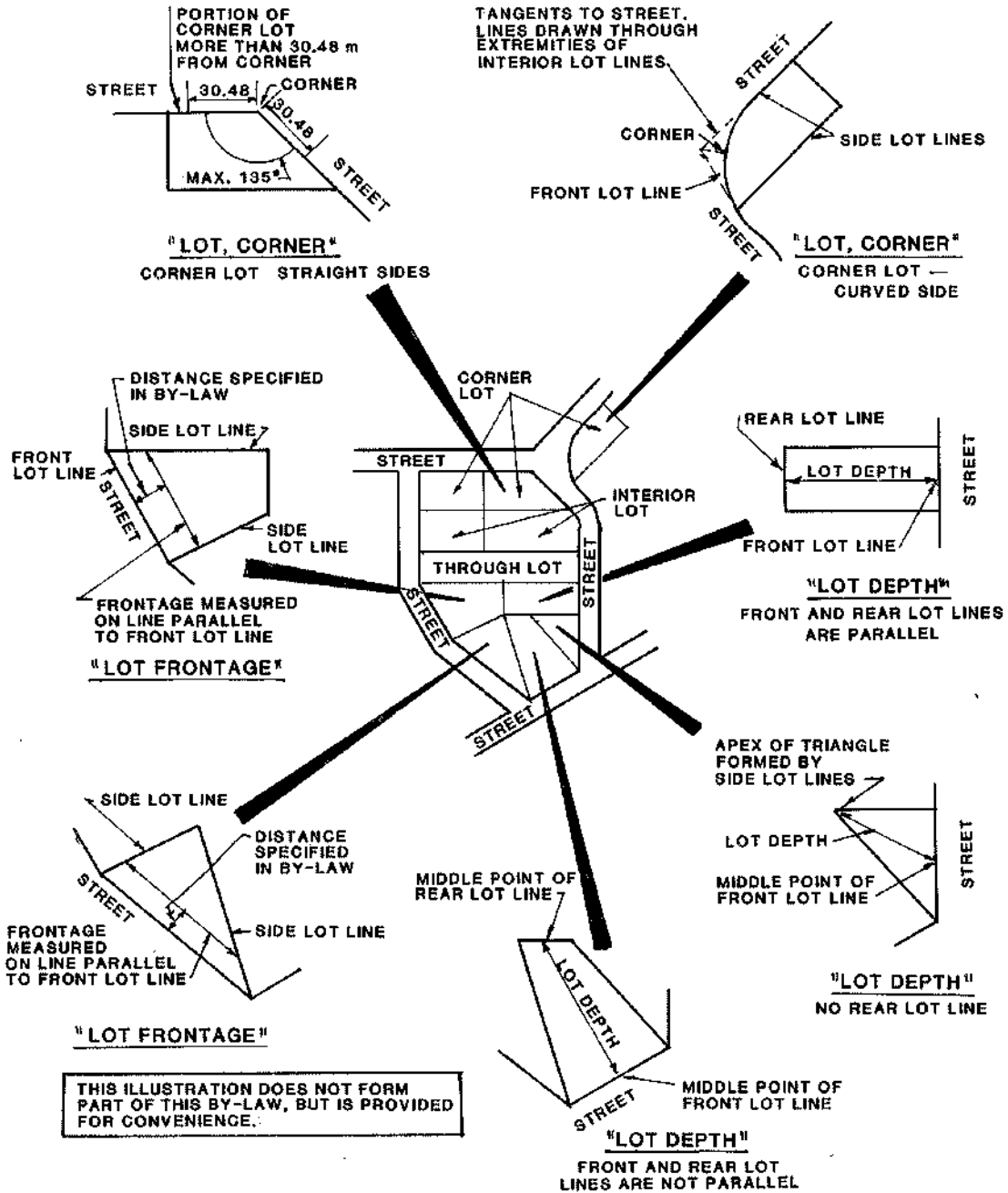
**WATERFRONT LOT:** Means a lot with at least one lot line abutting the shoreline of a waterbody.

**Waterfront  
Lot**

**LOT AREA:** Means the total horizontal area within the lot lines of a lot. For calculating the minimum lot area requirement such area shall exclude areas covered by a waterbody or watercourse, or areas located within the mapped flood plain, or areas between the top and toe of cliffs or embankments having a slope of 30 degrees or more from the horizontal shall not be included.

**Lot Area**

Illustration of Lot Definitions



Lot Coverage

## SECTION 2: DEFINITIONS

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**LOT COVERAGE:** Means the percentage of the lot area covered by all buildings or structures exclusive of canopies, balconies and overhanging eaves and private swimming pools protruding not more than 1.5 m (4.9 ft) above finished grade.

**LOT DEPTH:** Means the horizontal distance between the front lot line and the rear lot line. For the purpose of determining the required minimum lot depth for lots which are not square or rectangular the following shall apply:

### **Lot Depth**

1. If the front and rear lot lines are not parallel, the lot depth shall be measured by joining the mid-point of the front lot line with the mid-point of the rear lot line, or with the apex of the triangle formed by the side lot lines.
2. In the case of a corner lot with a curved front lot line, the lot depth shall be measured by first extending the front and exterior side lot lines as tangents, from the point where each lot line begins to curve, in a straight line to their point of intersection. The lot depth shall then be measured by joining the mid-point of the tangent to the front lot line and the mid-point of the rear lot line, or with the apex of the triangle formed by the side lot lines.

**LOT FRONTAGE:** Means the width of the lot between the side lot lines at the front lot line. For the purpose of determining the required minimum lot frontage in the case of a lot without parallel side lot lines and/or without a straight front lot line, the following shall apply:

### **Lot Frontage**

1. the minimum required lot frontage shall be measured as the length of the front lot line; or
2. the minimum required lot frontage shall be measured as the horizontal distance between the side lot lines, measured between the points on the side lot lines equal to the front yard requirement for the use in the zone in which the lot is located.

**LOT LINE, FRONT:** Means the line dividing the lot from the street. For the purpose of determining the front lot line the following shall apply:

### **Front Lot Line**

1. In the case of a corner lot, the shorter lot line abutting a street shall be deemed to be the front lot line and the longer lot line abutting a street shall be deemed an exterior lot line. If such lot lines are of equal length, the front lot line shall be deemed to be the lot line as established by building orientation and/or main access.
2. In the case of a through lot the shorter of the lines dividing the lot from the streets shall be deemed the front lot line. If such lines are of equal length, the front lot line shall be deemed to be the line as established by building orientation and/or main access.
3. In the case of a waterfront lot, the shoreline shall be deemed to be the front lot line.

## SECTION 2: DEFINITIONS

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4. In the case of an irregular lot, the shortest lot line abutting a street shall be deemed to be the front lot line, or the front lot line shall be deemed to be the lot line as established by building orientation and/or main access, whichever is the more appropriate.

LOT LINE, REAR: Means the lot line furthest from and opposite to the front lot line. In the case of a lot having 4 or more lot lines, the one lot line farthest from and opposite to the front lot line shall be deemed to be the rear lot line. In the case of a lot having 3 lot lines, there shall be deemed to be no rear lot line.

**Rear Lot Line**

LOT LINE, SIDE: Means the lot line or lines other than a front lot line or rear lot line.

**Side Lot Line**

### 2M

MAIN WALL: Means the exterior front, side or rear wall of a building, and all structural members essential to the support of a fully or partially enclosed space or roof, where such members are nearer to a lot line than the said exterior wall.

**Main Wall**

MARINA: Means a lot, building or structure containing docking facilities, boat launching ramps, lifts, boathouses, and located on a waterbody, where boats and boat accessories are berthed, stored, serviced, repaired or kept for sale or rent and where facilities for the sale of marine fuels and lubricants may be provided, and may include a building or structure for the sale of accessories or refreshments, but does not include a marine facility.

**Marina**

MARINE FACILITY: Means an accessory building or structure located on a waterfront lot which is used to take a boat into or out of a waterbody, to moor, to berth or to store a boat. This definition may include a boat launching ramp, boat lift, dock, or boathouse, but shall not include any building used for human habitation or a marina.

**Marine Facility**

MARKET: Means the sale of new or used goods, wares, merchandise, substances, articles or things to the general public, including but not limited to: arts, crafts and other homemade articles, fresh and prepared food products; nursery products; and used furniture and other household items, by one or more independent vendors, but does not include the sale of vehicles or livestock. A market may be located in a permanent or temporary building or structure, or may be located partially or entirely in the open. For the purposes of this By-law, a market is considered to be a retail store.

**Market**

MEDICAL CLINIC: Means a building or part of a building used solely by physicians, dentists, and/or drugless practitioners, their staff and their patients, for the purpose of consultation, diagnosis and office treatment.

**Medical Clinic**

MERCHANDISE SERVICE SHOP: (See SERVICE SHOP)

**Merchandise  
Service Shop**

MINE: Means the extraction of mineral resources either by underground or open pit mining but does not include a pit or quarry as herein defined. A mine

**Mine**

## SECTION 2: DEFINITIONS

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includes accessory processing uses such as refining, smelting, open storage of mineral resources, waste storage and processing, and associated handling and transportation uses.

**MINIMUM DISTANCE SEPARATION:** Means the minimum distance between livestock facilities, including permanent manure storage, and development on surrounding lots as determined by the OMAFRA MDS Implementation Guidelines, as amended from time to time.

**MDS**

**MOBILE HOME:** Means a dwelling house that is designed to be made mobile and constructed or manufactured to provide a permanent residence, but does not include a modular dwelling house, motor home, travel trailer, tent trailer, or any other trailer otherwise designed. A mobile home may be manufactured as a single unit or may be manufactured in two or more units and assembled on the site. A mobile home shall be manufactured in accordance with the Z 240 standard of the Canadian Standards Association.

**Mobile Home**

**MODULAR DWELLING:** (See DWELLING, MODULAR)

**Modular Dwelling**

**MOTEL:** (See HOTEL)

**Motel**

**MOTOR HOME:** Means a self-propelled vehicle designed for living, sleeping and eating accommodation.

**Motor Home**

**MOTOR VEHICLE:** Means a motor vehicle as defined by The Highway Traffic Act.

**Motor Vehicle**

**MUNICIPALITY:** (See CORPORATION).

**Municipality**

**MUSEUM:** Means a lot, building and/or structure used for the storing and exhibition of objects illustrating antiquities, natural history, arts, etc. and which may be publicly or privately owned and/or managed.

**Museum**

## 2N

**NON-COMPLYING:** Means an existing use, building or structure which is a permitted use in the zone in which it is located but which does not comply, or agree with one or more of the required zone provisions of this By-law.

**Non-Complying**

**NON-CONFORMING:** With reference to a use, means an existing use which is not a permitted use in the zone in which it is located, and with reference to a lot means a lot having less than the minimum lot area and/or lot frontage required in the zone in which such lot is located.

**Non-Conforming**

**NURSING HOME:** Means a building containing multiple rooms with common access to eating, bathroom, recreation and leisure areas for temporary occupancy by those requiring nursing or other care and where meals, personal care, nursing services and medical care and treatment are provided or made available, as defined under the Nursing Homes Act.

**Nursing Home**

## SECTION 2: DEFINITIONS

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### 2O

**OBNOXIOUS USE:** Means a use which is offensive by reason of its emission of odour, smoke, dust, noise, gas, fumes, vibration, or refuse matter, or is a use which under The Health Protection and Promotion Act or its regulations is likely to have an adverse affect on the health of any person.

**Obnoxious  
Use**

**OFFICE:** Means a building or part of a building used or intended to be used in the performance and transaction of business including professional, administrative and clerical activities.

**Office**

**OPEN STORAGE AREA:** Means a lot or part of a lot used for the storage of equipment, goods or materials excluding a parking lot and a salvage yard.

**Open Storage  
Area**

### 2P

**PARK, PRIVATE:** Means a recreational area other than a public park.

**Private Park**

**PARK, PUBLIC:** Means a recreational area consisting largely of open space, which may include a playground, swimming pool, arena, playfield, or similar use, owned or controlled by the Corporation, or by any Ministry, Board, Commission or Authority established under any statute of Ontario or Canada and includes a community centre as herein defined.

**Public Park**

**PARKING LOT:** Means an area, building or structure used for the temporary parking of motor vehicles and includes any related aisles and parking spaces but shall not include any part of a driveway, street or lane. This definition may include a parking garage.

**Parking Lot**

**PARKING SPACE:** Means a portion of a parking lot or parking garage used for the temporary parking or storage of a motor vehicle, exclusive of any aisles, or driveways.

**Parking Space**

**PERSONAL SERVICE SHOP:** (see SERVICE SHOP, PERSONAL)

**Personal Service  
Shop**

**PET, HOUSEHOLD:** Means a domestic animal which is tamed and commonly kept in a dwelling unit either with free movement or confined in an appropriate container but shall not include a domesticated animal which is commonly kept, bred, raised or grazed as an agricultural use, an animal requiring unusual care beyond normal feeding or grooming, or an animal, representing a hazard or danger to the health, safety or wellbeing of the occupants of the dwelling unit.

**Household Pet**

**PIT:** Means a lot or portion of a lot where unconsolidated gravel, stone, sand, earth, clay, fill, mineral or other material is being or has been removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes, but does not include a wayside pit. Uses associated with the extractive operation using on-site aggregate are included in this definition, including washing or screening operations, batching plants, etc.

**Pit**

## SECTION 2: DEFINITIONS

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**PLACE OF ENTERTAINMENT:** Means a motion picture or other theatre, arena, auditorium, public hall, dance hall, or music hall, but does not include a place of recreation or commercial sports and recreation centre.

**Place of  
Entertainment**

**PLACE OF RECREATION:** Means a lot, building or structure in which various forms of recreation are provided for a fee, including amusement parks, mini-golf courses, billiard or pool room, bowling alley, curling rink, ice or roller rink, and arcades, but does not include any place of entertainment, commercial sports and recreation centre, public parks or private parks.

**Place of  
Recreation**

**PLACE OF WORSHIP:** Means premises that is used for the regular assembly of persons for the practice of religious worship, including but not limited to a chapel, church, temple, parish hall, mosque, synagogue, convents, seminaries, monasteries, rectories, parsonages, parish houses, and offices for the administration of the religious institution.

**Place of Worship**

**PLAY AREA:** Means an outdoor area, at or above ground level, developed with play equipment and suitably surfaced and fenced or otherwise enclosed for the common recreation of the residents of a dwelling house.

**Play Area**

**PRINCIPAL:** (See MAIN).

**Principal**

**PRINT SHOP:** Means a retail establishment that provides printing or duplicating services using photography, blueprint or offset printing equipment.

**Printing Shop**

**PRINTING ESTABLISHMENT:** Means an establishment used for printing, typesetting, blueprinting, engraving, stereotyping or electro-typing and shall include such uses as newspaper or book publishing and shall also include a print shop.

**Printing  
Establishment**

**PRIVATE AMENITY AREA:** Means a privacy yard immediately adjacent to the dwelling unit which serves the household and with access controlled by the household of the dwelling unit.

**Private  
Amenity Area**

**PROPANE/COMPRESSED NATURAL GAS TRANSFER AND HANDLING FACILITY:**

**Propane/  
Compressed  
Natural Gas  
Transfer and  
Handling Facility**

1. Retail propane/compressed natural gas transfer facility means a transfer facility that is licensed under the provisions of The Energy Act, R.S.O. 1980 C.139, from which petroleum fuels (propane and compressed natural gas) may be retailed to the public.
2. Consumer outlet propane/compressed natural gas transfer facility means a non-retail transfer facility licensed under The Energy Act, R.S.O. 1980 C.139, where vehicles, appliances and other equipment of the business or establishment to which the said facility belongs are refueled with petroleum fuels (propane and compressed natural gas).
3. Gas cylinder handling facility means a facility licensed under The Energy Act, R.S.O. 1980 C.139, where bottled gases are handled and stored in cylinders and where there is no element of transfer.

## SECTION 2: DEFINITIONS

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4. Bulk propane storage depot means a propane transfer facility that has an aggregate capacity in excess of 7571 litres (2000 U.S. gallons).

**PUBLIC AUTHORITY:** Means any School Board, Public Utility Commission, Transportation Commission, Public Library Board, Board of Parks Management, Board of Health, Board of Commissioners of Police, or other board or commission or committee of a local authority established or exercising any power or authority under any general or special Statute of Ontario with respect to any of the affairs or purposes of a municipality or a portion thereof and includes any committee or local authority established by By-law of the municipality.

**Public Authority**

**PUBLIC USE:** Means the use of any land, building or structure by a public authority.

**Public Use**

**PUBLIC UTILITY:** Means the use of any land, building or structure by a telephone, gas or railway company or similar company for purposes of installing and maintaining public utilities.

**Public Utility**

**PUMP ISLAND:** (See FUEL PUMP ISLAND)

**Pump Island**

### 2Q

**QUARRY:** Means a lot where consolidated rock has been or is being removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes, but does not include a wayside quarry or open pit metal mine. Uses associated with the extractive operation using on-site material are included in this definition, including crushing, washing or screening operations, batching plants, etc.

**Quarry**

### 2R

**RAILWAY SPUR:** Means a rail line located on private property or on a private right-of-way which provides access from a rail line to the private property.

**Railway Spur**

**RECREATIONAL VEHICLE:** Means a vehicle designed for use principally for recreation and includes a travel trailer, tent trailer, motor home, boat, boat trailer, snowmobile, all terrain vehicle, etc.

**Recreational Vehicle**

**RECREATIONAL VEHICLE SALES:** Means a building and/or lot where recreational vehicles are kept for display and/or sale. Permitted accessory uses may include those normally required for performing maintenance and repair including service centre, service bays, body shop, storage of parts, etc.

**Recreational Vehicle Sales**

**REPAIR SHOP:** (See SERVICE SHOP, REPAIR)

**Repair Shop**

**RESTAURANT:** Means a building or part of a building where food is offered for sale to the public for consumption on or off the premises and includes restaurants, cafes, cafeterias, ice cream parlours, tea or lunchrooms, dairy bars, coffee shops, snack bars and which may be licensed by The Liquor Board. This

**Restaurant**

## SECTION 2: DEFINITIONS

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definition does not include a take-out restaurant, although a take-out counter within a restaurant is permitted.

RESTAURANT, TAKE-OUT: Means a building or structure where food is offered for sale to the public solely for consumption off the premises.

**Take-Out  
Restaurant**

RETAIL STORE: Means a building or part of a building in which goods, wares, merchandise, substances, articles or things are kept and offered for sale directly to the general public but does not include any establishment otherwise defined herein. A retail store shall also include minor fabricating, processing, assembling and/or manufacturing operations where customers and/or employees produce a finished product from the goods, wares, merchandise, substances or things which are sold on the premises and without limiting the generality of the foregoing includes such uses as picture framing, wine and beer making, and arts and crafts. A retail store also includes the sale of used goods, wares, merchandise, substances, articles or things and without limiting the generality of the foregoing includes such uses as an antique store and market.

**Retail Store**

RETIREMENT HOME: Means a building which contains multiple rooms or suites for residential occupancy with common areas for such activities as eating, recreation, leisure, etc. and may include commercial uses to serve residents, and which is constructed and operated in accordance with the Care Homes Section of the Residential Tenancies Act. Such uses may include care services for residents but shall not include a Nursing Home as herein defined.

**Retirement Home**

RIGHT-OF-WAY: (See STREET)

**Right-of-Way**

RIGHT-OF-WAY, PRIVATE: Means land which is owned by other than a public authority over which right-of-way has been granted to others for access purposes.

**Private  
Right-of-way**

ROAD: (See STREET)

**Road**

ROW HOUSE DWELLING: (See DWELLING, TOWNHOUSE)

**Row House  
Dwelling**

RURAL HOME OCCUPATION: (See HOME OCCUPATION, RURAL)

**Rural Home  
Occupation**

RURAL COMMERCIAL/INDUSTRIAL MALL: Means one or more buildings divided into a number of self-contained units which are occupied by uses which are permitted uses in the zone in which a rural commercial/industrial mall is permitted, except that the total gross leasable floor area occupied by retail stores and personal service shops shall not exceed 25% of the total gross leasable of the rural commercial/industrial mall.

**Rural  
Commercial/  
Industrial Mall**

## 2S

SALVAGE YARD: Means a lot, building and/or structure where goods, wares, merchandise articles or things are stored, handled, processed for further use and/or are abandoned, and includes a junk yard, a scrap metal yard, an

**Salvage  
Yard**

## SECTION 2: DEFINITIONS

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automobile wrecking yard or premises, but does not include a waste disposal site.

**SAMPLE AND SHOWROOM:** Means a building or part of a building used for the display of samples, patterns or other goods for viewing by the consumer and where purchase orders are taken, provided that articles from the display are not taken from the premises.

**Sample and  
Showroom**

**SAWMILL:** Means a building or structure where timber resources are debarked, cut, planed or similarly processed and includes storage and treating of finished products, where the timber resources are obtained from the lot on which the sawmill is located or are transported to the sawmill from elsewhere.

**Sawmill**

**SCHOOL:** Means a school under the jurisdiction of a Board as defined in the Department of Education Act.

**School**

**SCHOOL, COMMERCIAL:** Means a school conducted for hire or gain, other than a private, academic, religious or philanthropic school, and includes the studio of a dancing teacher or a music teacher, an art school or golf school, a school of calisthenics, a business or trade school and any other such specialized school conducted for hire or gain.

**Commercial School**

**SCHOOL, PRIVATE:** Means a school conducted either for-profit or not-for-profit and which adheres to the provincially mandated curriculum, as legislated and regulated by the Province of Ontario, and which may also include accessory uses and facilities including, but not limited to, student residence(s).

**Private School**

**SCREENING:** Means the use of landscaping, walls, fences, hedges and/or other ornamental fixtures to shield the view from one lot to another.

**Screening**

**SEASONAL DWELLING** (see DWELLING, SEASONAL)

**Seasonal Dwelling**

**SEMI-DETACHED DWELLING:** (See DWELLING HOUSE, SEMI-DETACHED)

**Semi-Detached  
Dwelling**

**SELF-STORAGE FACILITY:** Means the use of land, buildings or structures containing separate, secured, individual self-storage units divided from the floor to the ceiling by a wall with an independent entrance from the exterior of the building, designed to be rented or leased to the general public for private storage of personal goods, materials and equipment.

**Self Storage  
Facility**

**SENSITIVE LAND USE:** Means any building, structure, use or associated amenity area (indoor or outdoor) where humans may be adversely affected by adjacent industrial land uses or facilities as defined in the MECP Land Use and Compatibility Guideline, including but not limited to residential uses, day care facilities, places of worship, schools, or playgrounds.

**Sensitive Land  
Use**

**SEPARATION DISTANCE:** Means the minimum horizontal distance between a use or building and a specific use, lot, building or other specified feature. Separation distance is measured as the most direct path between the two specified points, without regard to roads, walkways, sidewalks, or other surface transportation features.

**Separation  
Distance**

## SECTION 2: DEFINITIONS

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**SERVICE, INDUSTRIAL OR BUSINESS:** Means a building or part of a building used primarily to provide goods or services to other industries and businesses and, without limiting the generality of the foregoing, includes such uses as courier, equipment and supply, data processing, research, training, rental and similar uses not otherwise defined herein.

**Industrial or  
Business Service**

**SERVICE SHOP, REPAIR:** Means a building or part of a building wherein articles, goods or materials such as appliances, furniture, office equipment or similar items may be repaired or serviced. This definition shall not include any manufacturing operation, building or structure used for the service or repair of vehicles, or a custom workshop.

**Repair Service  
Shop**

**SERVICE SHOP, PERSONAL:** Means a building or part of a building wherein a personal service is provided. This definition may include a barber shop, a beauty salon, a dressmaking shop, a shoe repair shop, a tailor shop, an artist's or photographic studio or similar use.

**Personal Service  
Shop**

**SERVICE STATION:** (See AUTOMOBILE SERVICE STATION)

**Service Station**

**SETBACK:** Means the least horizontal dimension between the centreline of a street allowance or right-of-way, measured at right angles to such centreline, and the nearest part of any excavation, building or structure on the lot, or the nearest open storage use on the lot.

**Setback**

**SHOPPING CENTRE:** Means a group of non-residential uses which are predominantly retail and personal service shop uses which serve the general public and which are designed, developed and managed as a unit in one or more main buildings by a single owner or tenant or group of owners or tenants, as opposed to a business area comprising unrelated individual business uses, and includes parking lots and landscaped areas. For the purposes of this By-law, a power centre, discount centre or other similar use shall be considered to be a shopping centre.

**Shopping Centre**

**SIGHT TRIANGLE:** Means the triangular space formed by intersecting street lines and a line drawn from a point in one street line to a point on the other street line, each such point being 7.5 m (24.6 ft) from the point of intersection of the street lines measured along the street lines. Where the 2 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 projection of the street lines or the intersection of the tangents to the street lines.

**Sight Triangle**

**SINGLE-DETACHED DWELLING:** (See DWELLING HOUSE, SINGLE DETACHED)

**Single-Detached  
Dwelling**

**STOREY:** Means that portion of a building between any floor and the floor, ceiling or roof next above, provided that any portion of a building partly below grade level shall not be deemed a storey unless its ceiling is at least 2 m (6.6 ft) above grade. Provided also that any portion of a storey exceeding 4.5 m (14.8 ft) in height shall be deemed an additional storey for each 4.5 m (14.8 ft) or fraction thereof of such excess.

**Storey**

## SECTION 2: DEFINITIONS

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STOREY, HALF: Means the portion of a building located wholly or partly within a sloping roof, having a floor area of not less than one-half or more than two-thirds of the floor area of the storey next below, sidewalls not less than 1 m in height and a ceiling with a minimum height of 2.5 m (8.2 ft) over an area equal to at least 50 percent of its floor area.

**Half Storey**

STREET, OPEN PUBLIC: Means an opened and maintained thoroughfare under the jurisdiction of the Corporation, the County, the Province of Ontario, or the government of Canada. This definition includes highways, roads, rights-of-way and road allowances, but excludes a lane and a private right-of-way.

**Open  
Public Street**

STREET, UNOPEN PUBLIC: Means a street which has not been assumed by the Corporation as an open thoroughfare.

**Unopen  
Public Street**

STREET, PRIVATE: Means a street, not otherwise defined herein, which is described on a plan of subdivision or on a plan of condominium which is not under the jurisdiction of the Corporation, but which has been approved by the Municipality.

**Private Street**

STREET LINE: Means the limit of the street allowance and is the dividing line between a lot and a street.

**Street Line**

STRUCTURE: Means anything constructed or erected, either permanent or temporary, the use of which requires location on the ground or attachment to something having location on the ground.

**Structure**

SWIMMING POOL, PRIVATE: Means any body of water, permanently located outdoors on privately owned property, contained by artificial means, and used and maintained for the purpose of swimming, wading, diving or bathing.

**Private Swimming  
Pool**

## 2T

TAXI STATION: Means a building or structure or a part thereof used in whole or in part to dispatch taxis and includes land used to store vehicles used for the taxi business.

**Taxi Station**

TRADESPERSON'S ESTABLISHMENT: Means a building or part of a building which, in addition to or as well as serving as an office, serves as a storage facility for the materials and equipment of, and/or a workshop for the undertaking of repairs, the preparation of materials, or the production of items on a custom order basis by, one of the following tradespersons: heating and cooling systems specialist, cabinet maker, carpenter, chimney sweep, drywaller or plasterer, electrician, exterminator, fence installer, furniture refinisher, general building contractor, glass installer, grounds maintenance person and landscaper, handyman, janitor, mason, painter, plumber, printer, snow plough operator, upholsterer, welder, window cleaner and similar tradespersons whose activities are not otherwise defined in this By-law.

**Tradesperson's  
Establishment**

TOURIST CAMPGROUND: Means a lot which is used to provide temporary accommodation for the public, or members of an organization in tents, or recreational vehicles, or in tourist trailers, whether or not a fee is charged or paid

**Tourist  
Campground**

## SECTION 2: DEFINITIONS

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for such accommodation, including accessory uses such as recreation and leisure areas, restaurant, convenience store, souvenir shop, etc.

**TOURIST ESTABLISHMENT:** Means a building or buildings which are used to accommodate the traveling public for gain or profit by supplying them with sleeping accommodation with or without meals, and shall include a tourist guest house, tourist cabins, a motel, and a hotel. Accessory uses such as recreation and leisure areas, restaurant, convenience store, souvenir shop, etc. are included in this definition. A resort and/or all buildings operating under the Tourist Accommodation Act are also included in this definition.

**Tourist  
Establishment**

**TOURIST GUEST HOUSE:** Means a single detached dwelling and/or an accessory building to a single detached dwelling in which more than two guest rooms are used to accommodate the traveling public for gain or profit and may include the provision of meals to the guest room occupants.

**Tourist Guest  
House**

**TOURIST TRAILER:** Means a trailer which is used or intended to be used for short term or seasonal occupancy and is or is intended to be located or parked on a site for a temporary or seasonal period.

**Tourist  
Trailer**

**TOWNHOUSE DWELLING:** (See DWELLING HOUSE, TOWNHOUSE)

**Townhouse  
Dwelling**

**TRANSPORTATION TERMINAL:** Means a lot, building or structure where trucks or tractor trailers are kept for hire, rent or lease, are stored or parked for remuneration, or from which trucks or tractor trailers are dispatched for hire as common carriers and includes buildings or structures used for storage or distribution of goods, wares and merchandise.

**Transportation  
Terminal**

## 2U

**UNDERTAKER'S ESTABLISHMENT:** (See FUNERAL HOME)

**Undertaker's  
Establishment**

**USE (as a verb):** Means anything permitted by the owner or occupant of any land, building or structure, directly or indirectly, or by or through any trustee, tenant, servant, or agent acting for or with the knowledge and assent of such owner or occupant, for the purpose of making use of the said land, building or structure. The phrase "used for" includes "arranged for", "designed for", "maintained for" or "occupied for".

**Use**

**USE (as a noun):** Means any of the following depending on the context:

- any purpose for which land, buildings or other structures may be arranged, designated, designed, intended, maintained, or occupied; or
- any occupation, business, activity, or operation carried on, or intended to be carried on, in a building or other structure or on land; or
- a name of a tract of land or a building or other structure which indicates the purpose for which it is arranged, designated, intended, maintained, or occupied.

**USE, ACCESSORY:** Means a use customarily incidental and subordinate to the

**Accessory Use**

## SECTION 2: DEFINITIONS

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main use or main building and located on the same lot with such main use or main building.

### 2V

VEHICLE: (See MOTOR VEHICLE)

**Vehicle**

VETERINARY CLINIC: (See ANIMAL CLINIC)

**Veterinary Clinic**

### 2W

WAREHOUSE: Means a building or portion of a building used for the bulk storage of goods, wares, merchandise, or materials and includes accessory office space, but does not include bulk storage.

**Warehouse**

WASTE DISPOSAL: Means either:

**Waste Disposal**

1. a municipal solid waste disposal facility which is owned and operated by the Village and which is operated under a Certificate of Approval from the Approval Authority wherein non-hazardous household, commercial and industrial wastes are disposed, and includes related recycling and composting operations; or,
2. a sanitary sewage treatment facility, including a treatment plant and/or lagoon(s), which is owned and operated by a municipality or is owned and operated under contract to a municipality, and which is operated under a Certificate of Approval from the Approval Authority, but does not include a private communal sewage disposal system which is operated under a responsibility agreement with the Village or a private sewage disposal system.

WASTE RECYCLING: Means the storage, separation, processing and/or packaging of non-hazardous solid waste products for shipment to another location for re-use. Waste Recycling shall require a Certificate of Approval from the Ministry of the Environment.

**Waste Recycling**

WATERBODY: Means any shoreline, banks or boundaries of a bay, lake, river, canal, or wetland, but excluding a drainage or irrigation channel and any other watercourse.

**Waterbody**

WATERCOURSE: Means a defined channel, having a bed and banks or sides, in which a flow of water regularly or continuously occurs

**Watercourse**

WATER FRONTAGE: Means the straight line horizontal distance between the two most widely separated points on any one shoreline of a lot.

**Water Frontage**

WATERBODY SETBACK: Means the straight line horizontal distance from the high water mark of a waterbody to the nearest part of any excavation, building, structure or open storage use on the lot.

**Waterbody  
Setback**

WAYSIDE PIT OR WAYSIDE QUARRY: Means a temporary pit or quarry

**Wayside Pit**

## SECTION 2: DEFINITIONS

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located outside the limits of a street which is opened and used by a public authority for the purpose of a construction or maintenance project undertaken by the public authority, or for an urgent project for which no alternative source of aggregate under license or permit is readily available in the vicinity.

**Quarry**

**WELLHEAD PROTECTION AREA:** Means an area of land surrounding a well where human activities may need to be regulated to protect the quality and quantity of groundwater that supplies that well.

**Wellhead  
Protection Area**

**WHOLESALE OUTLET:** Means a building or portion of a building used for the bulk storage and sale of quantities of goods, commodities, wares, merchandise, or materials for resale or business use.

**Wholesale  
Outlet**

### **2Y**

**YARD:** Means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such buildings, accessory use or structures as are specifically permitted elsewhere in this By-law.

**Yard**

**YARD, REQUIRED:** Means the minimum yard required by the provisions of this By-law.

**Required Yard**

**YARD, FRONT:** Means the space extending across the full width of a lot between the front lot line and the nearest part of any main wall of any building or structure on the lot.

**Front Yard**

**YARD, REAR:** Means the space extending across the full width of a lot between the rear lot and the nearest part of any rear wall of any main building or structure on the lot. In the case of a lot which has no rear lot line, the rear yard shall be the area between the point where the side lot lines meet and the nearest part of any wall of any main building or structure on the lot.

**Rear Yard**

**YARD, SIDE:** Means the space extending from the front yard to the rear yard and from the side lot line to the nearest part of any side wall of any main building or structure on the lot.

**Side Yard**

**YARD, EXTERIOR SIDE:** Means a side yard immediately adjacent to a public street.

**Exterior  
Side Yard**

**YARD, INTERIOR SIDE:** Means a side yard other than an exterior yard.

**Interior Side Yard**

### **2Z**

**ZONE:** Means a designated area of land shown on Schedules A and B to this By-law to which certain provisions and restrictions apply.

**Zone**

## **SECTION 3: GENERAL PROVISIONS**

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### **3 GENERAL PROVISIONS**

#### **3.1 Accessory Use**

##### **3.1.1 General**

Where this By-law provides that a lot may be used or a building or structure may be erected or used for a purpose, that purpose shall include any accessory building, structure or use but shall not include:

1. any occupation for gain or profit except as specifically permitted in this By-law; or
2. any building used for human habitation except as specifically permitted in this By-law.

##### **3.1.2 Location**

Accessory buildings and structures shall be permitted in any zone. Except as otherwise prohibited in Section 3.6, accessory buildings and structures shall not:

1. be built closer to the front lot line or exterior side lot line than the minimum distance required by this By-law for the main building on the lot, except as otherwise required in subsection 3.2.2.2 below;
2. be built closer to a street line than the main building or closer than 15 m (49.2 ft) to the street line, whichever is the lesser, where the main building is set back more than the minimum distance required by this By-law;
3. in the case of accessory private garages in a residential zone, be built closer than 1.5 m (4.9 ft) to any interior side or rear lot line, except that common semi-detached garages may be centered on the mutual side lot line;
4. in the case of all other accessory buildings or structures in a residential zone, be built closer than 1.5 m to any interior side or rear lot line where the surface area of the main wall facing the respective lot line is 10 m<sup>2</sup> (107.6 ft<sup>2</sup>) or less, or closer than 3 m (9.8 ft) to any interior side or rear lot line where the surface area of the main wall facing the respective lot line is greater than 10 m<sup>2</sup> (107.6 ft<sup>2</sup>);
5. in the case of accessory buildings or structures in all other zones, be built closer than 3 m (9.8 ft) to any interior side or rear lot line;
6. notwithstanding the foregoing, an accessory building or structure may be located not less than 0.5 m (1.6 ft) from a public lane; and,
7. notwithstanding the foregoing, marine facilities may be built to the lot line where such line corresponds to the water's edge.

##### **3.1.3 Height**

1. Accessory buildings or structures shall not exceed 5 m (16.4 ft) in height.

## **SECTION 3: GENERAL PROVISIONS**

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2. Notwithstanding item (1) or Section 3.2, in the case of a detached private garage containing an Additional Residential Unit (ARU), the maximum height of the garage shall be 6.1 metres (20 feet) and shall not exceed 1.5 storeys.

### **3.1.4 Lot Coverage**

1. In the case of a building or structure accessory to a residential dwelling, the lot coverage for the accessory structure, within a Residential zone, shall not exceed 10% of the lot area or 140m<sup>2</sup> (1,507 ft<sup>2</sup>), whichever is the lesser, and shall be included in the calculation of the maximum lot coverage permitted in the residential zone is located.
2. In the case of all other zones, including the Rural (RU) zone, the lot coverage of all accessory buildings or structures shall not exceed 10% of the lot area.

### **3.1.5 Separation**

No accessory building or structure shall be located closer than 2 m (6.6 ft) to the main building. Notwithstanding this, a building or structure, within the Village of Merrickville, serviced by municipal water and sewage, which contains an Additional Residential Unit (ARU) shall be at least 4 m from another building or structure, on the same parcel, if the other building or structure contains a residential unit.

### **3.1.6 Private Swimming Pools**

Swimming pools are regulated under a separate By-law of the Municipality.

## **3.2 Additional Residential Units (ARUs)**

Notwithstanding any provisions to the contrary, on land where a single detached dwelling, semi-detached dwelling, duplex dwelling, or townhouse dwelling is a principal permitted use, and where the land is within the R2, R3, H, or RU zoning designation, “additional residential units” (ARUs) shall be permitted as an accessory use subject to the following provisions:

1. The subject property shall comply with the minimum lot area and minimum lot frontage standards for the zone in which it is located.
2. The subject property shall have frontage on an open public road that is maintained year-round.
3. Additional Residential Units shall not be permitted on lands subject to flooding or natural hazards.
4. Additional Residential Units shall not be permitted on lands zoned EP.
5. Notwithstanding any provisions to the contrary, the maximum lot coverage for a property within the Village of Merrickville, serviced by municipal water and sewage, containing an ARU shall not exceed a maximum lot coverage of 45 % for all buildings and structures.
6. A building or structure, within the Village of Merrickville, serviced by municipal water and sewage, which contains an Additional Residential Unit (ARU) shall be at least 4 m

## **SECTION 3: GENERAL PROVISIONS**

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- from another building or structure, on the same parcel, if the other building or structure contains a residential unit.
7. A maximum of two (2) Additional Residential Units in addition to the primary dwelling shall be permitted on a property. A maximum of two (2) Additional Residential Units may be contained within a dwelling and a maximum of one (1) Additional Residential Unit may be contained within an accessory structure.
  8. An Additional Residential Unit shall require compliance with the provisions of the Building Code Act and Fire Code.
  9. The proposed Additional Residential Unit shall be accessed using the driveway providing access to the principal residential use.
  10. Each Additional Residential Unit shall require a minimum of 1 parking space.
  11. Additional Residential Units located within an accessory structure shall be limited to the maximum building height specified in Section 3.1.3 (i.e. 6.1 m).
  12. An existing accessory building may be partially or fully converted to an Additional Residential Unit, except that no window in a habitable room shall face an interior side lot line or a rear lot line unless the existing accessory building conforms to the minimum side lot line setback and rear lot line setback as is required for the principal dwelling.
  13. Additional Residential Units in an accessory structure which requires a separate septic system and are located on a lot less than 0.4 hectares in size shall require a hydrogeological assessment that demonstrates that the proposed development can be supported by private services, in accordance with MECP guidelines.
  14. Additional Residential Units located on a property within the Village of Merrickville, serviced by municipal water and/or sewage, shall be required to connect into the municipal services.
  15. Additional Residential Units contained within an existing dwelling on private services shall be connected to the existing well and septic systems, subject to confirmation that the existing well and septic systems can support the proposed development.
  16. Additional Residential Units contained within an accessory structure on a property privately serviced may connect to the well and septic system in use by the existing dwelling, should the systems be capable of supporting the additional development, or to an independent well and septic system, subject to confirmation that the existing well and septic systems can support the proposed development.

### **3.3 Automobile Service Stations, Gas Bars, Etc.**

Where automobile service stations, gas bars and retail propane/compressed natural gas transfer facilities are permitted in this By-law, the following provisions shall apply:

1. The minimum lot frontage shall be 45 m (148 ft);
2. The minimum yard requirements for the main building shall be as follows:

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- |      |                          |                 |
|------|--------------------------|-----------------|
| i.   | front yard depth         | 15 m (49.2 ft)  |
| ii.  | exterior side yard width | 15 m (49.2 ft)  |
| iii. | interior side yard width | 7.5 m (24.6 ft) |
| iv.  | rear yard depth          | 7.5 m (24.6 ft) |
3. The minimum distance between any portion of a fuel pump island and any front or exterior side lot line shall be 7.5 m (24.6 ft).
  4. The distance between any portion of a fuel pump island and any rear or interior side lot line shall be 4.5 m (14.8 ft).
  5. Where the lot is a corner lot, no portion of any pump island shall be located closer than 3 m (9.8 ft) to a straight line between a point in the front lot line and a point in the exterior side lot line, each such point being 15 m (49.2 ft) distant from the intersection of such lines.
  6. The minimum distance between a driveway and the intersection of street lines, measured along the street line shall be 4.5 m (14.8 ft).
  7. The minimum interior angle of intersection between a driveway and a street line shall be 45 degrees and the maximum interior angle between a driveway and a street line shall be 90 degrees

### 3.4 Backyard Hens

The keeping of Backyard Hens is permitted within any zone that permits a dwelling as a principal permitted use, in accordance with the following provisions:

1. Backyard Hen Coops and Backyard Hen Runs shall not be located in the front yard or exterior side yard of any lot and shall be located a minimum of 1.2 m from all interior side and rear lot lines.
2. Notwithstanding the provisions of the Agricultural Use Restrictions (Hobby Farms) Section, a maximum of six (6) Backyard Hens will be permitted.
3. Roosters shall not be permitted.
4. Notwithstanding the foregoing, where a lot is less than 2 hectares in size, zoned Rural or Agricultural and is outside of the Hamlet or Merrickville Urban Boundary Designation in the Official Plan, the following shall apply:
  1. A maximum of 18 chickens will be permitted.
  2. Section 3.4.3 does not apply.
5. Backyard Hen Coops and Backyard Hen Runs shall be located at least 3 m from any dwelling located on an abutting property.
6. A backyard hen coop shall not exceed 3 m in height or 20 m<sup>2</sup> in size, excluding the hen run.

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7. A Backyard hen run shall not have a fence which exceeds 3 m in height or 20 m<sup>2</sup> in size, excluding the hen coop.

### **3.5 Bed and Breakfast**

Where listed as a permitted use, a bed and breakfast establishment may be conducted within a detached dwelling provided that:

1. The number of guest rooms shall not exceed 4.
2. A minimum of 1 parking space for each guest room shall be required.

### **3.6 Buildings to be Moved**

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

### **3.7 Non-Conforming/Complying Uses and Exceptions**

#### **3.7.1 Conformity and Compliance**

1. Save as otherwise provided in this By-law, no land, building or structure shall be used for any purpose, and no building or structure shall be erected or altered for any purpose except as hereafter stated in this By-law and in compliance with all of the applicable provisions of this By-law.
2. No person shall change the purpose for which any lot, building or structure is used, or erect any new building or structure or an addition to any existing building or structure or sever any lands from any existing lot if the effect of such action is to cause adverse impact to the original, adjoining, remaining or new use, building or structure or lot to be in contravention of this By-law.
3. Nothing in this By-law shall apply to exempt any person from complying with the requirements of any other By-law in force within the Municipality, or from obtaining any license, permission, consent, permit, authority or approval required by this or any other By-law of the Municipality or by any other Federal, Provincial or Municipal Law in force at the time of the passing of this By-law.
4. This By-law shall not be effective to reduce or mitigate any restrictions lawfully imposed by a governmental authority having jurisdiction to make such restrictions.
5. Notwithstanding anything in this By-law, no person shall reduce any lot in area or frontage, either by conveyance or other alienation of title of any portion thereof so as to contravene any of the provisions of this By-law. However, no person shall be deemed to have contravened any provision of this By-law by reason of the fact that any part or parts of any lot has or have been conveyed to or acquired by any Public Authority.

#### **3.7.2 Non-Conforming and Non-Complying Uses**

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### **1. Continuation of Non-Conforming Uses**

The provision 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 prior to the adoption of this By-law, so long as it continues to be used for that purpose.

### **2. Change of Non-Conforming Uses**

A use of a lot, building or structure which, under the provisions hereof, is not permitted within the zone in which such lot, building or structure is located, shall not be changed except to a use which is permitted within such zone or to a use which is authorized by the Committee of Adjustment pursuant to its powers under the Planning Act, RSO 1990, as amended.

### **3. Termination of Non-Conforming Uses**

A non-conforming use shall be considered to be terminated once the use ceases and the property is used for a permitted use, or where a lot, building or structure housing a non-conforming use remains vacant for a period of one year.

### **4. Repair and Replacement of Non-Conforming and Non-Complying Uses**

Nothing in this By-law shall prevent the repair, or the replacement, in whole or in part, or the strengthening to a safe condition, of any building or structure, or part of such building or structure, which is non-conforming or non-complying with respect to the provisions of this By-law, provided such alteration or repair does not increase the height, size or volume or change the use of such building or structure.

### **5. Permitted Extensions to Non-Complying Uses**

Except as provided for in Section 3.6.5, nothing in this By-law shall prevent an extension or an addition being made to a use, building or structure which existed at the date of passing of this By-law and which is a permitted use in the zone in which it is located-, but which does not comply with one or more of the zone provisions of this By-law, provided such extension or addition does not contravene any of the provisions of this By-law.

#### **3.7.3 Building Permit Issued**

The provisions of this By-law shall not apply to prevent the erection or use of any building or structure for a purpose prohibited by this By-law, the plans for which have been approved by the Chief Building Official prior to the date of the passing of this By-law, 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 the erection of such building or structure is commenced within two years after the date of the passing of this By-law, and such building or structure is completed within a reasonable time after the erection thereof is commenced.

#### **3.7.4 Lots in More than One Zone**

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1. Except as provided for in Section 3.6.5.2, where a lot is divided into more than one zone, each such portion of the lot shall be used in accordance with the provisions of this By-law for the zone where such portion of the lot is located. Each such portion of the lot shall be considered as a separate lot for the purpose of determining zone provisions.
2. Notwithstanding the foregoing, where a shoreline area of a lot is placed in the Environmental Protection (EP) Zone or in the Flood Plain overlay Zone, such area may be considered as part of the lot for the purpose of determining the minimum required lot area and setback from a waterbody, provided that written approval of the sewage disposal system is obtained from the Approval Authority.

### **3.7.5 Lots Having Less Area and/or Frontage**

1. Except as may otherwise be provided for in Section 3.6.5.2, 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 at the date of the passing of this By-law, or where such a lot is created as a result of any expropriation by or conveyance to a Public Authority, or of any dedication required for site plan approval, such smaller lot may be used and a building or structure may be erected, altered or used on such smaller lot, provided that all other requirements of this By-law are met, and provided further that written approval of the sewage disposal facilities is obtained from the Approval Authority.
2. In the Limited Services Residential (LSR) Zone, where a lot having a lesser lot area and/or lot frontage than that required herein is enlarged by a lot addition, whether or not such lot addition results in the lot having the minimum required lot area and/or frontage, the following provisions shall apply.
  - i) The lot addition need not be located in the same zone as such smaller lot.
  - ii) Where the lot addition is located in another zone, it shall be deemed to be located entirely in the Limited Services Residential (LSR) Zone and the zone regulations of this By-law shall apply as though the entire lot is located in the Limited services Residential (LSR) Zone. Where such smaller lot and the lot addition are separated by a road allowance, both lots shall be deemed to be one lot for the purposes of this By-law.
3. Where an existing building or structure is to be altered, enlarged or renovated for use as a seasonal dwelling or a single detached dwelling, the provisions of Section 2.2 shall apply except that any yards which would be made not to conform to the minimum yard requirements of this By-law by virtue of the lot addition shall be deemed to conform to the regulations of this By-law.

### **3.7.6 Construction Uses**

1. A building or structure, incidental to construction on the lot where such building or structure is situated such as a construction camp or other such temporary work camp, tool shed, scaffold or other similar building or structure shall be permitted in all zones for as long as it is necessary for the construction in progress to be completed or abandoned, but only while a valid building permit for such construction remains in force.

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2. Abandoned in this subsection shall mean the failure to proceed expeditiously with the construction work or the failure to undertake any construction work during a continuous 12-month period.

### 3.7.7 Yard, Setback and Height Encroachments Permitted

The following yard, setback and height encroachments shall be permitted provided such encroachments do not encroach on any required parking or sight triangles.

1. Ornamental Structures

Notwithstanding the yard provisions of this By-law to the contrary, sills, belt courses, chimneys, eaves, gutters, parapets, pilasters or other ornamental structures may project into any required yard a maximum distance of 0.5 m (1.6 ft).

2. Window Bays

Notwithstanding the yard provisions of this By-law to the contrary, a window bay, excluding eaves and cornices, may project into any required yard a maximum distance of 1 m (3.3 ft), provided the bay window does not exceed a maximum width of 3 m (9.8 ft).

3. Accessory Structures

Notwithstanding the yard provisions of this By-law to the contrary, drop awnings, flag poles, garden trellises, fences, retaining walls, fences, signs or similar accessory structures shall be permitted in any required yard.

4. Unenclosed Porches, Balconies, and Steps

Notwithstanding the yard provisions of this By-law to the contrary, unenclosed porches, balconies, and steps, whether covered or uncovered, may project into any required yard a maximum distance of 2.5 m (8.2 ft) but not closer than 2.5 m (8.2 ft) to an interior lot line, provided they do not exceed a maximum width of 3 m (9.8 ft), and provided that they do not encroach on the required setback from a waterbody. In the case of encroaching porches and steps, such structures shall not be more than 1 m (3.3 ft) above grade.

5. Terraces, Decks and Patios

Except as otherwise permitted under Section 3.27.2, uncovered terraces, decks or patios may extend into any yard but not closer than 2.5 m (8.2 ft) to an interior side lot line, provided that they do not encroach on the required setback from a waterbody. In the case of encroaching terraces and patios such structures shall not be more than 1 m (3.3 ft) above grade.

6. Fire Escapes

Notwithstanding the yard provisions of this By-law to the contrary, unenclosed fire escapes, in which the stair steps and floors are latticed in such a manner that the proportions of voids to solids is not less than two to one and in which guards consist only of hand rails and the structural members necessary to their support, may project into any

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required side or rear yard a maximum distance of 1 m (3.3 ft) but not closer than 2.5 m (8.2 ft) to an interior side lot line.

### 7. Building Setback in Built-Up Area

Notwithstanding anything else in this By-law, in any Residential Zone except the Limited Services Residential (LSR) Zone, structures built between existing buildings or adjacent to existing buildings which are located on the same block and which are separated by no more than 120 m (394 ft) may be built with a setback equal to the average setback of the adjacent buildings, but this depth need be no greater than the front yard and setback regulations prescribed in the zone in which it is situated. Notwithstanding the foregoing, the front yard shall not be less than 3 m (9.8 ft) for interior lots and 3.5 m (11.5 ft) for corner lots, provided that the driveway which provides access to the required parking space(s) is at least 6 m (19.7 ft) in length, and provided further that there is no encroachment on the required setback from a waterbody.

### 8. Height Exceptions

Notwithstanding the height provisions of this By-law to the contrary, nothing in this By-law shall apply to prevent the erection and/or use of an elevator housing, a roof stairway, a water tank, a skylight, a steeple or church spire, a silo, a belfry, a flag pole, a clock tower, a chimney or smokestack, a radio or television tower or antenna, a satellite dish, a ventilation fan housing, a firewall or a parapet wall, or a roof sign.

### 9. Satellite Dishes

No satellite dish shall be located in any required yard.

### 3.7.8 Yard Exceptions for Waterbodies, Watercourses, Embankments and Cliffs

Where a front, side or rear yard is required in this By-law, and part of the area of the lot is usually covered by water or marsh, or is beyond the rim of a waterbody or watercourse, or between the stable top of slope, or limit of hazard, then the required yard shall be measured as the horizontal distance between the nearest main wall of the main building or structure on the lot and the edge of said area covered by water or marsh, or to the rim of said waterbody or watercourse, or to the stable top of slope, or limit of hazard if such area is closer than the lot line.

### 3.7.9 Lane as Yards

Where the rear lot line of a lot adjoins any portion of a lane, one-half of the width of that portion of such lane may be considered part of the lot for the purpose of computing the area of the lot and for the purpose of computing the depth of any rear yard required under this By-law, provided that the depth of any required rear yard shall not be less than 6 m (19.7 ft), exclusive of the lane.

### 3.8 Dangerous Substances

Pursuant to the Health Protection and Promotion Act or regulations thereunder, no use shall be permitted which, from its nature or the materials used therein, is declared to be a noxious trade, business or manufacture.

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### 3.9 Day Nurseries

Licensed day nurseries shall be permitted in all Residential Zones except the Limited Services Residential (LSR) Zone, in all Commercial Zones, the Hamlet Zone, in the Light and Rural Industrial Zones, and in the Rural Zone, in accordance with the following provisions:

	Full Municipal Services	Partial or Private Services
1. lot area (minimum)	540m <sup>2</sup> (5813 ft <sup>2</sup> )	2000 m <sup>2</sup> (0.5 ac)
2. lot frontage (minimum)	18m (59 ft)	40m (131.2 ft)
3. front yard depth (minimum)	12.5 m (41 ft) in the Rural (RU) Zone and 6 m (19.7 ft) in all other Zones.	
4. exterior side yard width (minimum)	6 m (19.7 ft)	
5. interior side yard width (minimum)	3 m (9.8 ft)	
6. rear yard depth (minimum)	6 m (19.7 ft)	
7. landscaped open space (minimum)	40%	80%
8. building height (maximum)	11 m (36.1 ft) as calculated in accordance with the definition and illustrations in Section 2H	
9. accessory uses, parking, waterbody setback, etc.	in accordance with Section 3	

### 3.10 Dwelling Units Below Grade

No dwelling unit, in its entirety, shall be located in a cellar. However, a portion of a dwelling unit may be located in a cellar.

A dwelling unit, in its entirety, may be located in a basement, provided that the finished floor level of such basement is located above the level of the sanitary and storm sewer servicing systems of the building in which such basement is located or provided that the dwelling unit is serviced by appropriate sewer pumping facilities.

### 3.11 Established Building Line in Built Up Area

1. Where the front yard setback of at least one of the residential lots on either side of another residential lot is less than the required front yard setback for the zone but was lawfully established, the front yard setback for the middle residential lot may be reduced to the greater of, (a) 1.5 metres, or (b) the average of the two front yard setbacks of the other two lots.
2. Where one of the lots on either side of the middle lot mentioned in subsection (1) is vacant, and the other lot is less than the required front yard setback for the zone but was legally established, the front yard setback for the middle lot may be reduced to the greater of, (a) 1.5 metres, or (b) the average of the required front yard setback for the zone and the front yard setback of the lot that is not vacant.
3. Subsections (1) and (2) apply to both an addition to a residential building or to a new residential building on the middle lot.

### 3.12 Fences

1. No fence shall be constructed at a height greater than 1.22 meters in the front or exterior

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side yard and no greater than 1.88 m in all other yards on a lot in a residential zone.

2. No person shall erect a fence or privacy screen unless it is; constructed of materials specifically designed or commonly used for fencing purposes and is in good repair, including being vertical, stable and structurally sound.

### **3.13 Frontage on an Opened Street**

No building or structure shall be erected in any zone except the Limited Services Residential (LSR) Zone or Tourist Commercial (C4) Zone unless the lot on which such building or structure is located has frontage on an opened public street as herein defined. In the case of the Tourist Commercial (C4) Zone, this provision shall only apply if the lot on which the building or structure is located is a waterfront lot.

This provision shall not apply to:

1. a lot on a registered plan of subdivision where an agreement between the owner and the Corporation, which includes provisions for the construction of the streets in the subdivision, is registered in the Registry Office or the Land Titles Office; or,
2. to conservation, forestry, general agricultural, and hunting/fishing camps, provided that there is no permanent dwelling on the lot.

### **3.14 Frontage on More Than One Street**

Where a lot fronts on more than one street and is not a corner lot, the requirements for front yards contained in this By-law shall apply to each yard abutting the street in accordance with the provisions of the zone or zones in which such lot is located.

### **3.15 Group Homes**

1. Type “A” Group Homes shall be a permitted use in all zones in which a single detached dwelling is permitted as a principal use, except in the Limited Services Residential (LSR) Zone, in accordance with the following provisions.
2. Type “A” Group Homes may be permitted in single detached dwellings and in both units of semi-detached and duplex dwellings, provided that both units are occupied by one group home operation and that the total number of residents (excluding staff or receiving family) in both units does not exceed ten.
3. A Group Home shall not be permitted in accessory single detached dwelling houses or in accessory dwelling units.
4. Type “B” Group Homes shall be permitted subject to a site-specific Zoning By-law amendment.

### **3.16 Agricultural Use Restrictions (Hobby Farms)**

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On lots within the Agricultural (A) or Rural (RU) zone that are under 2 hectares (5 acres) in size, the maximum number of livestock units permitted shall be limited to 1 livestock unit per 0.8 hectares (2 acres) of land.

1. The barn shall comply with the provisions of Section 3.1 for accessory buildings and structures.
2. A hobby farm shall comply with the Minimum Distance Separation (MDS) formula as issued by the Ontario Ministry of Agriculture, Food and Rural Affairs.

### 3.17 Holding Zones

1. Any parcel or area of land in any zone of this By-law may be further classified as a holding zone with the addition of the suffix "h". The intent is to signify Council's approval in principle to future development of the land for the purposes indicated by the zone symbol. The holding classification added to a given zone symbol shall restrict development of the land until such time as the terms and conditions of the removal of the holding symbol have been satisfied.
2. Where a holding zone applies, no lands shall be used and no buildings or structures shall be erected or used for any purpose other than uses existing on the date of passing of this By-law.

### 3.18 Home Occupations

3.18.1 A home occupation, as herein defined, shall be permitted as an accessory use in any dwelling, except a dwelling in the Limited Services Residential (LSR) zone, in accordance with the following provisions.

#### 1. Residential Character

The home occupation use(s) shall not cause any individual or cumulative adverse effects that change the residential character of the main residential use. The use(s) shall not:

- i. be visible or apparent from adjacent properties, other than due to permitted signage if any;
- ii. cause a nuisance or annoyance or loss of enjoyment to neighbours; or,
- iii. cause a significant increase in traffic on streets serving the dwelling.

#### 2. Compatibility

The home occupation use(s) shall not generate noise, vibration, fumes, dust, effluent, odour, glare, magnetic fields or radiation, which is evident outside of the dwelling unit or which exceeds limits established by existing By-laws and Provincial or Federal legislation or policy.

#### 3. Size

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The amount of floor area deemed separate and exclusively dedicated for the home occupation use(s) shall not exceed 33% of the total gross leasable floor area of the dwelling unit, or 46 m<sup>2</sup> (495 ft<sup>2</sup>), whichever is the lesser.

4. Location

- i) The floor area permitted for home occupation use(s) may be located in any portion of the dwelling unit.
- ii) Not more than 46 m<sup>2</sup> (495 ft<sup>2</sup>) of the floor area may be located in a private garage or in an accessory building, provided these structures comply with all other provisions of this By-law.

5. Employees

The home occupation use(s) may have, in addition to the residents of the dwelling unit, no more than 2 employee(s) at a time working on the premises, provided that if the employees require parking, it shall be provided on the lot.

6. Exterior Effects

The home occupation use(s) shall be entirely enclosed within the dwelling unit or accessory building(s). Goods or materials associated with the home occupation use(s) may be stored or displayed only within the floor area of the dwelling unit and/or accessory building permitted for home occupation uses and shall not be visible from adjacent properties.

7. Radio, Television and Satellite

The home occupation use(s) shall not interfere with telephone, television, radio, or satellite reception.

8. Health/Life/Fire Safety Hazard

The home occupation use(s) shall not be deemed to present a health, life and/or fire safety hazard, as regulated by the Ontario Building Code, the National Fire Code, Energy of Ontario, or the Ontario Ministry of Health, or other provincial or federal legislation.

9. Water and Sewer Services

Any proposed home occupation use(s) which places demands on water and sewage disposal services that could possibly exceed normal domestic requirements, whether such services are public or private, will require approval from the government agency which provides or regulates the service. Home occupation use(s) which are located in an accessory building may be serviced by municipal or private water and sewer services provided that there is no sanitary facility (toilet) located in the accessory building.

10. Retail Sales and Rental

The home occupation use(s) shall only permit rental or retail sales at the dwelling unit of merchandise that is:

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- i) produced, assembled, repaired, or otherwise has value added to, within the dwelling unit or its accessory building(s); or
- ii) associated with a service being provided as part of the home occupation use(s).

#### 11. Distribution Sales

The home occupation use(s) shall permit the business of transacting a sale where the customer contacts the business to place an order to purchase merchandise, and the merchandise is either picked up by the customer or delivered from the business or from another location to the customer.

#### 12. Instruction or Education

The home occupation use(s) may involve instructional or educational activity, in accordance with the following provisions.

- i. The activity shall be limited to a maximum of 3 students at a time per dwelling unit, or if the activity requires that there be 4 or more students this may be permitted provided that all requirements of fire, health and life safety have been met through a building permit application, if required.
- ii. The teaching of music, dance, or other physical activity that is likely to create noise or vibration shall be permitted only within fully detached dwellings or in multiple attached dwellings where it can be ensured that noise or vibration will not be detectable to the occupants of adjacent dwelling units.

#### 13. Delivery Vehicles

The home occupation use(s) may have any commodities sold or services rendered that require receipt or delivery of merchandise, goods, or equipment only by modes typically involved in residential deliveries. No deliveries or pick-ups are permitted between the hours of 7:00 PM and 7:00 AM.

#### 14. Specifically Prohibited Uses

The following uses do not fall within the definition of home occupation uses:

- i. a use which does not comply with any one of the preceding provisions;
- ii. a use which has not received a license under any other municipal by-law, as required;
- iii. licensed day nursery;
- iv. dry cleaning distribution station;
- v. home for the aged or nursing home;
- vi. laundromat;
- vii. restaurant of any type;
- viii. retail store;
- ix. sales or service of motorized vehicles, machinery or equipment;
- x. Commercial yard sale; or
- xi. sales or installation of automotive and audio parts and products.

3.18.2. A rural home occupation, as herein defined, shall be permitted as an accessory use in any dwelling which is permitted as a principal use in any zone as shown on Schedule A, except in the

## **SECTION 3: GENERAL PROVISIONS**

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Limited Services Residential (LSR) Zones and the Mobile Home Development (MHP) Zone in accordance with the following provisions.

1. The provisions of Section 3.15.1 shall apply, except as provided below.
2. Rural home occupations shall also be permitted within an accessory building or structure and shall occupy an area of not more than 100 m<sup>2</sup> (1,076 ft<sup>2</sup>) of the building or structure.
3. Rural home occupations may include accessory open uses and storage provided such open uses and storage are limited to 200 m<sup>2</sup> (2,153 ft<sup>2</sup>) and provided such open uses and storage are not located within any of the required yards of the zone in which such rural home occupation is located.
4. In addition to the permitted uses in Section 3.15.1, a rural home occupation also includes a business which is accessory to an agricultural use and may include the servicing and repair of farm equipment, the grading of produce or similar activities.

### **3.19 Illumination**

1. Lighting fixtures, designed to illuminate wharves and other waterfront facilities, which are not public uses, shall be installed with the light directed downward or away from the water.
2. Lawn lamps may be located at the edge of any driveway or laneway and shall be located so as not to interfere with nighttime traffic movement.
3. All lighting fixtures, in all zones, other than those specified above, which are designed for exterior illumination and which are not public uses, shall be installed with the light directed and deflected away from adjacent lots and streets and be full cut off in design. Such lighting fixtures shall not be more than 9 m (29.5 ft) above finished grade and no closer than 4.5 m (14.8 ft) to any street line.

### **3.20 Kennel**

1. A Commercial Kennel, as herein defined, shall be set back a minimum of 150 m from the boundary of neighbouring properties, and shall be considered a commercial use subject to Site Plan Control.
2. A Hobby Kennel, as herein defined, shall be set back a minimum of 50 m from all adjacent lot lines.

### **3.21 Landscaped Open Space**

#### **3.21.1 Requirements**

1. Where any lot in a commercial or industrial zone abuts a lot in another zone or where any lot is used for institutional purposes, a continuous strip of landscaped open space having a minimum width of 3 m (9.8 ft) shall be provided along the abutting lot line.

## SECTION 3: GENERAL PROVISIONS

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2. In any yard in a non-residential zone, where the required parking abuts a lot in a residential zone, then a continuous strip of landscaped open space a minimum width of 3 m (9.8 ft) shall be provided along the abutting lot line.
3. In any zone where the required parking abuts a street, then a strip of landscaped open space a minimum width of 1.5 m (4.9 ft) shall be provided along the lot line abutting the street and the landscaped strip shall be continuous except for aisles and driveways required for access to the parking area.
4. Any portion of any front yard which is not used for any other purpose permitted in this By-law shall be devoted to landscaped open space.

### 3.21.2 Driveways or Walks

In all cases where driveways or walks extend through the landscaped open space, it is permitted to interrupt the strip within 3 m (9.8 ft) of the edge of such driveway or within 1.5 m (4.9 ft) of the edge of such walk.

### 3.21.3 Accessory Uses

No accessory use shall be permitted to locate within the required landscaped open space.

## 3.22 Loading Space Regulations

The owner or occupant of any lot, building or structure erected or used for any purpose involving the receiving, shipping, loading or unloading of animals, goods, wares and merchandise and raw materials shall provide and maintain at the premises, on the lot occupied by the building or structure and not forming part of a street or lane, within the zone in which such use is located, loading or unloading facilities comprising one or more loading or unloading spaces 9 m (29.5 ft) long, 3 m (9.8 ft) wide, and having a vertical clearance of at least 4 m and in accordance with the following:

### 3.22.1 Number of Spaces Required

TOTAL FLOOR AREA OF BUILDING OR STRUCTURE	NUMBER OF LOADING SPACES REQUIRED
280 m <sup>2</sup> (3,014 ft <sup>2</sup> ) or less	0
Exceeding 280 m <sup>2</sup> (3,014 ft <sup>2</sup> ) but not 2,300 m <sup>2</sup> (24,758 ft <sup>2</sup> )	1
Exceeding 2,300 m <sup>2</sup> (24,758 ft <sup>2</sup> )	1 plus 1 additional space for each additional 2,300 m <sup>2</sup> (24,758 ft <sup>2</sup> ) or part thereof
provided, however, that in addition to the above number of loading spaces, adequate space shall be provided for the parking of vehicles awaiting access to loading spaces.	

### 3.22.2 Access

## **SECTION 3: GENERAL PROVISIONS**

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Access to loading or unloading spaces shall be by means of an aisle at least 3.7 m (12.1 ft) 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.

### **3.22.3 Location**

The loading space or spaces required shall be located in the interior side or rear yard, and may also be located in front or exterior side yards provided they are not located in the required front or exterior side yard.

### **3.22.4 Surface**

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

### **3.2.5 Cumulative Standards**

Where there are two or more uses located on the same lot, the loading space requirements shall be the sum of the requirements of each use.

### **3.22.6. Additions to Building**

The loading space requirements referred to herein shall not apply to any building in existence at the date of passing of this By-law so long as the floor area, as it existed at such date, is not increased. If an addition is made to the building or structure which increases the floor area, then additional loading spaces shall be provided for such addition as required above.

## **3.23 Minimum Distance Separation**

3.23.1 Notwithstanding any other provision of this By-law to the contrary, no building or structure shall be erected or altered unless it complies with the Minimum Distance Separation (MDS I), as calculated in accordance with the MDS I formulae, except that this provision shall not apply to the following:

1. any building or structure which is permitted as a Public Use under Section 3.26 of this By-law;
2. any building or structure which is located on the same lot as the agricultural use for which the MDS I formulae would otherwise be calculated;
3. any lot existing at the date of the passing of this By-law on which no building or structure would be permitted if the MDS I formulae were to be applied to the said lot, except that the MDS I formulae shall apply if the said lot is large enough to accommodate the building or structure in compliance with the MDS I formulae; or
4. any land which is located in the Merrickville urban area, in a Hamlet, or which is located east of the Merrickville urban area between the Rideau Canal and nearest parallel road, being either County Road 43 or 23, whichever is closer to the Canal, all as identified on Schedules A and B of this By-law.

## **SECTION 3: GENERAL PROVISIONS**

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3.23.2 Notwithstanding any other yard or setback provisions of this By-law to the contrary, no livestock facility shall be erected or expanded unless it complies with the Minimum Distance Separation (MDS II), as calculated in accordance with the MDS II formulae in Appendix A of this By-law.

### **3.24 Mobile Homes and Recreational Vehicles as Temporary Dwellings**

3.24.1 Except as otherwise permitted in this By-law, a mobile home or recreational vehicle shall not be used for residential or non-residential purposes within the municipality except as a temporary office, temporary residence, tool storage shed or similar use on a construction site provided that the use is terminated when the work is completed or abandoned.

3.24.2 Notwithstanding the generality of the foregoing, a mobile home or recreational vehicle shall only be used as a temporary residence for such period as there is a valid building permit for the construction of a permanent single-detached or seasonal dwelling, and provided that written approval in the form of an agreement is obtained from the municipality. The written agreement to permit a mobile home or recreational vehicle to be used as a temporary residence shall be for a period of not exceeding one year, but may be extended for another year provided that the municipality is satisfied that reasonable progress is being made to complete the permanent dwelling.

### **3.25 Objects Stored in Yards**

3.25.1. Except as hereinafter provided no person shall obstruct any required front yard or rear yard by the location of a building or structure, or by the storage of lumber, salvage or similar material.

3.25.2. In any zone in which a dwelling is permitted as a principal use, the following provisions apply:

1. The parking or storage of one commercial vehicle, not in excess of 4,500 kg. (9,921 lb) vehicle weight, shall be permitted except in the LSR Zone.
2. Where a recreational vehicle is parked in any yard of a lot, such vehicle shall not be used for living or sleeping accommodation for longer than 30 consecutive days by any person in transit between one place and another; but in no event shall such living or sleeping accommodation be leased or rented.
3. No person shall use any lot for the outside storage of:
  - i) a motor vehicle which has had part or all of its superstructure removed; or,
  - ii) a motor vehicle which is unlicensed.
4. No person shall use any lot for the purpose of outside parking or storage of a recreational vehicle, except as provided below:
  - i) one boat;
  - ii) one motor home;
  - iii) two all terrain vehicles or snowmobiles;
  - iv) one travel trailer.

This provision shall not apply to prevent the parking or storing of one or more boats on a lot which abuts a shoreline.

## SECTION 3: GENERAL PROVISIONS

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5. The parking or storage of a recreational vehicle may be permitted for a period of not more than 72 hours in any one calendar month in a front yard or exterior side yard.
6. Notwithstanding the foregoing, where a lot is used for a dwelling house containing more than 2 dwelling units, the limitations imposed herein shall not restrict the number of recreational vehicles that are stored on the lot provided the area, building or structure used for such storage complies with the yard provisions of the zone in which such area, building or structure is located and has been approved by the Corporation under a site plan agreement. Such area, building or structure shall be in addition to the required parking.

### 3.26 Occupancy Restrictions

Human habitation shall not be permitted in any of the following buildings, structures or parts thereof;

1. any private garage or other building which is accessory to a residential use;
2. any truck, bus, coach or street car body whether or not the same is mounted on wheels;
3. any cellar, as defined in this By-law;
4. any building or structure before the main wall and roof have been erected, application of the exterior siding and roofing has been completed and the kitchen, heating and sanitary conveniences have been installed, unless approval of the Chief Building Official has been obtained in advance.
5. any trailer other than as temporary or seasonal accommodation, pursuant to Section 3.23.2.2 herein.

### 3.27 Parking Area Regulations

- 3.27.1 The owner of every building or structure erected or used for any of the purposes hereinafter set forth shall provide and maintain for the sole use of the owner, occupant or other persons entering upon or making use of the said premises from time to time, parking spaces and areas in accordance with the following table. Where the minimum requirement by zone differs from the minimum requirement by type of use, the higher standard shall apply.

TYPE OF USE	MINIMUM PARKING REQUIREMENT
Single-detached Dwelling Semi-detached Dwelling Duplex Dwelling Triplex Dwelling Fourplex Dwelling Seasonal Dwelling	1 parking space per dwelling unit.
Street Townhouse Dwelling	1 parking space per dwelling unit located in a private garage.
Senior Citizens Housing	1 parking space per 3 dwelling units, or

**SECTION 3: GENERAL PROVISIONS**

TYPE OF USE	MINIMUM PARKING REQUIREMENT
	fraction thereof.
Other Residential Uses	1.25 parking spaces per dwelling unit or fraction thereof.
Boarding/Rooming House	1 parking space plus 0.25 spaces per boarder.
Group Home	1 parking space per on duty employee plus 1 space per 5 beds, or fraction thereof.
Elementary School	1.5 parking spaces per classroom, and 1 parking space per 4 m <sup>2</sup> (43.1 ft <sup>2</sup> ) of floor area in the gymnasium; or
Secondary School	4 parking spaces per classroom and 3 spaces per 4 m <sup>2</sup> (43.1 ft <sup>2</sup> ) of floor area in the gymnasium; or
Assembly Hall Community Centre Place of Worship Commercial Sports and/or Recreation Centre Place of Recreation Place of Entertainment (other than listed separately)	1 parking space for every 4-person occupancy based on OBC design occupancy limits
Bowling Alley Curling Rink	2 parking spaces per bowling lane or curling sheet, plus 1 parking space per 6 seats design capacity of the area for accessory uses.
Funeral Home	1 parking space per 18m <sup>2</sup> (193.8 ft <sup>2</sup> ) of gross floor area, or fraction thereof, with a minimum of 8 parking spaces.
Institution	1 parking space per 100 m <sup>2</sup> (1076.4 ft <sup>2</sup> ) of display/assembly area, or fraction thereof, including basement area used for display, with a minimum of 4 parking spaces.
Licensed Day Nursery	1 parking space per on duty employee plus 1 space per 12 children.
Hospital Nursing Home Home for the Aged	1 parking space for every 2 beds.
Bed and Breakfast	1 parking space per guest room
Tourist Establishment	1 parking space per guest room, plus 1 parking space per 8 persons design capacity of the beverage room, eating area, or meeting room.
Restaurant Beverage Room	The greater of:  1 parking space per 14 m <sup>2</sup> (150.7 ft <sup>2</sup> ) of gross floor area; or 1 parking space per 4 persons design capacity of the eating area or beverage room.
Restaurant, Take-out	1 parking space per 9.5 m <sup>2</sup> (102.3 ft <sup>2</sup> ) of gross floor area, or fraction thereof.
Medical Clinic	1 parking space per 30 m <sup>2</sup> (322.9 ft <sup>2</sup> ) of gross

**SECTION 3: GENERAL PROVISIONS**

TYPE OF USE	MINIMUM PARKING REQUIREMENT
Animal Clinic Animal Care Contractor or Tradesman Establishment Printing Shop Industrial or Business Service Shop Custom Workshop	floor area with a minimum of 3 parking spaces.
Office Public Building	1 parking space per 34 m <sup>2</sup> (366 ft <sup>2</sup> ) of gross floor area on the first storey and 1 parking space per 36 m <sup>2</sup> (387.5 ft <sup>2</sup> ) of gross floor area above the first storey.
Furniture, Appliance, Carpet Stores and similar commercial uses requiring large display areas Building Supply Outlet Greenhouse Repair Service Shop Wholesale Outlet	2 parking spaces per 100 m <sup>2</sup> (1,076.4 ft <sup>2</sup> ) of gross floor area or fraction thereof, with a minimum of 8 parking spaces.
Retail, other than listed elsewhere Convenience Store Financial Office Bake Shop Butcher Shop Personal Service Shop Dry Cleaning Distribution Station Laundromat	1 parking space per 25 m <sup>2</sup> (269.1 ft <sup>2</sup> ) of gross floor area or fraction thereof, with a minimum of 4 parking spaces.

Automobile Sales Automobile Rental Automobile Body Shop Automobile Care Automobile Gas Bar Automobile Service Station Recreation Vehicle Sales Farm Implement Sales Commercial Storage Transportation Terminal	2 parking spaces per 100 m <sup>2</sup> (1,076.4 ft <sup>2</sup> ) of gross floor area, with a minimum of 4 parking spaces.  The provision of parking for the storage of new and used vehicles, boats or trailers for sale or lease, or service shall not be included as satisfying the provisions of this clause.
Automobile Washing Establishment	Self-service operation: 2 waiting and 1 drying space per wash rack.  Conveyer operation: 5 waiting spaces per wash rack.
Warehouse Bulk Storage Bakery Dairy Dry Cleaning Plant	1 parking space per 120 m <sup>2</sup> (1,292 ft <sup>2</sup> ) of gross floor area, or fraction thereof.
Shopping Centre	5.5 parking spaces per 100 m <sup>2</sup> (1,076.4 ft <sup>2</sup> ) of gross leasable floor area.

**SECTION 3: GENERAL PROVISIONS**

TYPE OF USE	MINIMUM PARKING REQUIREMENT
Other Non-Residential uses permitted by this By-law	1 parking space per 25 m <sup>2</sup> (269.1 ft <sup>2</sup> ) of gross floor area.

3.27.2 Calculation of Parking Spaces

For the purposes of calculating required parking, should a fraction result from a calculation, then the required parking shall be the next highest whole number. For example, if the calculated minimum parking requirement is 3.25 spaces, then the required minimum parking is 4.0 spaces.

3.27.3 Parking Space Size

1. In the case of a private garage or carport consists of an area of not less than 14.3 m<sup>2</sup> (153.9 ft<sup>2</sup>) with a minimum width of 2.6 m (8.5 ft);
2. In the case of regular or angled parking spaces consists of a minimum width of 2.75 m (9 ft) and a minimum length of 5.75 m (18.9 ft), with the parking space measured at right angles to the angle of parking; and,
3. In the case of parallel parking spaces, consists of a minimum width of 2.75 m (9 ft) and a minimum length of 6.7 m (22 ft).

3.27.4 Core Area Parking Area Requirements

On those lands in the Core Area as shaded on Schedule A, the minimum Parking Area Requirements for Non-Residential Uses, as set out above, shall be reduced by 50 percent.

3.27.5 Parking Lot and Driveway Surface

Each parking lot and driveway connecting a parking lot with a street shall be surfaced with asphalt, concrete, interlocking pavers or similar hard surfaces or any stable surface treated so as to prevent the raising of dust or loose particles.

3.27.6 Multiple Use Developments

When a building or structure accommodates more than one type of use as set out in sub-section 3.25.1 above, the parking area requirements shall be the sum of the requirements for the separate parts of the building or structure occupied by the separate types of use.

3.27.7 Additions to Buildings or Change of Use

When a building or structure has insufficient parking at the time of the passing of this By-law to comply with the requirements herein, this By-law shall not be interpreted to require that the deficiency be made up prior to the construction of any addition or change of use to a permitted use in the zone in which the building is located. No addition may be built and no change of use may occur, however, the effect of which would be an increase in that deficiency.

3.27.8 Parking Area Location and Setbacks

USE	YARD IN WHICH REQUIRED PARKING PERMITTED
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### SECTION 3: GENERAL PROVISIONS

USE	YARD IN WHICH REQUIRED PARKING PERMITTED
Single detached Semi detached Duplex Triplex Fourplex Street Townhouse	Required parking spaces are permitted in all yards, except the required front and exterior side yards, wherein a driveway may be located provided the minimum length of the driveway from a private garage or carport to the edge of pavement or to an existing or planned sidewalk, as the case may be, is 6 m (19.7 ft)
All other residential uses	Required parking spaces are permitted in all yards, except the required front yard, wherein a driveway may be located provided no parking spaces and no driveways shall be located within 6 m (19.7 ft) and 3.5 m (11.5 ft), respectively, of a habitable room window, unless the parking spaces and/or driveways are reserved for the exclusive use of the occupants of the dwelling unit containing the habitable room window.
2. Non-Residential	All yards, subject to the provisions of Section 3.18.

#### 3.27.9 Attached Garage and Carport Extensions

USE	PERMITTED EXTENSION
Single detached Semi detached Duplex Triplex Fourplex Street Townhouse	No attached garage or carport may extend more than 2.5 m (8.2 ft) closer to a street line than: <ul style="list-style-type: none"> <li>i. a main building wall; or,</li> <li>ii. a covered porch that is at least 2.5 m (8.2 ft) in width.</li> </ul>

#### 3.27.10 Attached Garage or Carport and Driveway Widths

USE	LOT WIDTH	MAXIMUM ATTACHED GARAGE OR CARPORT WIDTH	MAXIMUM DRIVEWAY AND/OR PARKING SPACE WIDTH
Single detached Semi detached Duplex Triplex Fourplex Street Townhouse	less than or equal to 7 m (23 ft)	3.8 m (12.5 ft)	3 m (9.8 ft)
	more than 7 m (23 ft) and less than or equal to 10.5 m (34.4 ft)	4.9 m (16.1 ft)	3.5 m (11.5 ft)
	more than 10.5 m (34.4 ft) and less than or equal to 19.5 m (64 ft)	6.4 m (21 ft)	6 m (19.7 ft)
	more than 19.5 m (64 ft)	9.5 m (31.2 ft)	9 m (29.5 ft)

#### 3.27.11 Parking Space Location on Other Lot

Where the owner of a building or structure proposes to provide the required parking spaces and areas in a location other than on the same lot as the use that requires such spaces and areas, then such spaces and areas shall be located not more than 150 m (492 ft) from the said lot. Where required parking is not provided on the same lot, the lot or part of the lot where the parking is located shall be required to be dedicated parking under a long-term lease in favour of the property which requires the parking spaces and areas.

## **SECTION 3: GENERAL PROVISIONS**

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### 3.27.12 Temporary Car Shelters

In any “Residential” zone , temporary car shelters may be erected and used for the storage of personal vehicles between October 15 and April 15 of the following year, provided that they are not located in the required front or exterior side yards, and provided that they are dismantled and stored during the period of time in which they are not permitted. Nothing in this provision shall be interpreted so as to prohibit any other permanent or temporary shelter or structure that is otherwise permitted in the Zone in which it is located or that is permitted under the accessory use provisions of Section 3.2 of this By-law.

### **3.28 Public Uses and Services**

3.28.1 The provisions of this By-law shall not apply to the use of any lot or the location or use of any building or structure for the purpose of a public use by the Corporation or by any local board of the Corporation as defined by The Municipal Act, R.S.O. 1990 as amended, any telephone, telegraph or telecommunications corporation, any natural gas distribution system operated by the Corporation or on its behalf by a company distributing gas to the residents of the Corporation and possessing all the necessary powers, rights, licenses and franchise, any Conservation Authority established by the Government of Ontario, any department of the Government of Ontario or Canada, including Ontario Hydro, any use permitted under The Railway Act or any other statutes of Ontario or Canada governing railway operations, including tracks, spurs and other railway facilities, provided that where such lot, building, structure, use or transmission facility is located in any zone:

1. no goods, materials or equipment shall be stored in the open, except as permitted in such zone;
2. any above-ground use carried on under the authority of this paragraph in any Residential zone shall be maintained in general harmony with Residential buildings in such zone.
3. the lot coverage, setback and yard requirements prescribed for the zone in which such land, building or structure is located shall be complied with.

3.28.2. Nothing in this By-law shall prevent the use of land as a street or prevent the installation of a public utility such as a watermain, sanitary sewer, storm sewer, gas main, pipeline or overhead or underground hydro electric or telephone line, traffic or other sign, or other supply and/or communication line, including their distribution, transformer, pumping and/or regulation stations.

### **3.29 Setbacks**

#### 3.29.1. Streets

1. All buildings and structures located along County Roads shall comply with the specific setback requirements established by the County. Development permits for such lands shall be obtained from the County Roads Department.

#### 3.29.2. Water Setbacks

## **SECTION 3: GENERAL PROVISIONS**

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1. All buildings and structures, except a marina or a marine facility, shall be set back a minimum horizontal distance of 30 m (98.4 ft) from the normal high water mark of a waterbody. Except for a marina, within the 30 m (98.4 ft) setback, a maximum of 25% or 15 m (49.2 ft) of the shoreline area, whichever is the lesser, may be used for marine facilities, pump houses, stairs, decks, patios, gazebos and all other accessory structures. For the purposes of this Section, the shoreline area shall include that portion of the lot lying within 3 m (9.8 ft) of the shoreline.
2. The septic system and tile field shall be set back a minimum horizontal distance of 30 m (98.4 ft) from the normal high water mark of a waterbody. Where there is insufficient lot area, consideration of a reduced water setback may be considered by the Committee of Adjustment but in no case shall the setback be less than 15 m, (i.e. the minimum setback required under the Ontario Building Code).

### **3.29.4 Environmental Protection (EP) Zone**

The Environmental Protection (EP) zone applies to lands which have been identified as provincially significant wetlands (PSW), locally significant wetlands, or areas of natural and scientific interest (ANSI).

1. All buildings and structures shall be setback a minimum 30 m from an Environmental Protection (EP) Zone. An application to reduce the setback for uses other than those permitted in Section 18.1 shall require an Environmental Impact Assessment, prepared by a qualified professional, for consideration by the Village and the RVCA.
2. No building or structure or site alteration, including such activities as fill, grading and excavation, shall be permitted within any Environmental Protection (EP) Zone.

### **3.29.5 Aggregate-Pit (AP) Zone**

All buildings and structures shall be setback a minimum 150 m for licensed pits above the water table or 300 m for licensed pits below the water table in the Aggregate-Pit (AP) Zone.

### **3.29.6 Aggregate-Quarry (AQ) and Aggregate Reserve (AR) Zones**

All buildings and structures shall be setback a minimum 500 m (1,640 ft) from an existing quarry in the Aggregate-Quarry (AQ) or Aggregate Reserve (AR) Zones.

### **3.29.7 Mineral Reserve (MR) Zone**

All buildings and structures shall be setback a minimum 1,000 m (3,280 ft) from an existing mine in the Mineral Reserve (MR) Zone.

### **3.29.8 Railway Right of Way**

Where any road or street crosses a railway at the same grade, no building or structure shall hereafter be erected closer to the point of intersection of the centreline of both the railway and the street than 30 m (98.4 ft) where automatic signal protection is provided and 45 m (148 ft) where no automatic signals are provided.

No building or structure shall be located closer than 30 m of a railway right-of-way.

## **SECTION 3: GENERAL PROVISIONS**

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### **3.30 Sight Triangles and Sight Distance**

#### **3.30.1. Sight Triangles**

1. 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 10 metres (33 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, signs or walls shall be planted, erected or maintained of greater height than 0.8 m (2.6 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.
2. A chain link fence may be permitted in a sight triangle in this By-Law provided that:
  - i. it is not more than 1.0 metres (3.2 ft.) high in any Residential Zone;
  - ii. its posts are not more than 9 centimetres (3.5 inches) in diameter and are not set less than 3.05 metres (10 ft.) apart; and
  - iii. it is made of wire having a maximum gauge of 2.2 millimetres (0.086 inches) and a minimum mesh of 51 millimetres (0.2 inches).
3. Where any road or street crosses a railway at the same grade, no building, structure or landscaping shall hereafter be erected closer to the point of intersection of the centreline of both the railway and the street than 30 metres (98.4 feet) where automatic signal protection is provided and 45 metres (147.6 feet) where no automatic signals are provided.

### **3.31 Signs**

Nothing in this By-law shall apply to prevent the use of signs on any land, building or structure, but the erection, use and maintenance of such signs shall be subject to the provisions of the Sign By-law of the Corporation and the provisions of this By-law for Home Occupations and Sight Triangles.

### **3.32 Site Plan Requirements**

No development shall take place on any parcel of land designated as Site Plan Control Area in the Site Plan Control By-law unless the Council of the Corporation has approved such plans and drawings required under the provisions of the Site Plan Control By-law.

### **3.33 Temporary Use Zones**

- 3.33.1. Where the zone symbol zoning certain lands as shown on Schedules A and B is followed by the suffix “t” (for example, R2t), a use or uses in addition to the uses permitted in the zone in which the lands are located shall be permitted for a specified period of time following which the use or uses shall cease. Temporary uses shall only be permitted by an Amendment to this By-law which

## **SECTION 3: GENERAL PROVISIONS**

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amends Schedule A or B by adding the letter "t" to the zone symbol on the lands where the temporary use is located and by amending this section:

1. to describe the lands on which the temporary use or uses is/are permitted including the municipal address where appropriate
2. to list the permitted temporary use or uses
3. to specify the time period for which the temporary use or uses is/are permitted including the date on which the use or uses is/are to cease, on which date the Amendment shall be deemed to be repealed and the temporary use(s) shall be deemed to be repealed and the temporary use(s) no longer permitted
4. to describe any conditions which apply to the temporary use or uses.

### 3.33.2. Temporary Use Provisions

**SECTION 4: ZONES**

**4 ZONES**

**4.1 Classification**

The provisions of this By-law shall apply to all lands within the limits of the Corporation which lands are divided into various zones. Schedule A and B symbols refer to zone classifications as shown below:

ZONE	SYMBOL
RESIDENTIAL TYPE 2	R2
RESIDENTIAL TYPE 3	R3
LIMITED SERVICES RESIDENTIAL	LSR
MOBILE HOME PARK	MHP
GENERAL COMMERCIAL	C1
LOCAL COMMERCIAL	C2
HIGHWAY COMMERCIAL	C3
TOURIST COMMERCIAL	C4
SHOPPING CENTRE COMMERCIAL	C5
LIGHT INDUSTRIAL	M1
RURAL INDUSTRIAL	M2
SALVAGE YARD	M3
WASTE DISPOSAL	M4
INSTITUTIONAL	I
OPEN SPACE	O
HAMLET	H
AGRICULTURAL	A
RURAL	RU
AGGREGATE – PIT	AP
AGGREGATE – QUARRY	AQ
AGGREGATE – RESERVE	AR
MINERAL RESOURCE	MR
ENVIRONMENTAL PROTECTION	EP
DEVELOPMENT	D
FLOOD PLAIN	(shaded overlay)

## SECTION 4: ZONES

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HOLDING ZONE	h
TEMPORARY USE ZONE	t

### 4.2 Zone Regulations

The permitted uses, the minimum size and dimensions of lots, the minimum size of yards, the maximum lot coverage, the minimum setback, gross leasable floor area, the minimum landscaped open space, and all other zone provisions are set out herein for the respective zones.

### 4.3 Metric Measurements

Where a zone regulation is expressed as a metric measurement, it shall apply. Any imperial measurement in brackets following a metric measurement is intended only as a convenience to illustrate the approximate imperial equivalent.

### 4.4 Zone Boundaries

The extent and boundaries of all the said zones are shown on the Schedules which form a part of this By-law and are attached hereto.

### 4.5 Zone Symbols

The symbols listed in Section 4.1 may be used to refer to buildings and structures, the uses of lots, buildings and structures permitted by this By-law in the said zones, and whenever in this By-law the word Zone is used, preceded by any of the said symbols, such zones shall mean any area within the Corporation within the scope of this By-law, delineated on the Schedules and designated thereon by the said symbol.

### 4.6 Exception Zones

Where the zone symbol as shown on the Schedules is followed by a dash and a number (for example R2-1), then special provisions apply to such lands and such special provisions may be found by reference to that part of the by-law which deals with that particular zone. Lands zoned in this manner shall also be subject to all the provisions of the zone, except such special provisions as specified.

### 4.7 Holding Zones

Where the zone symbol zoning certain lands is followed by the suffix "h" (for example LSRh), then special holding provisions apply to such lands and such special provisions may be found by reference to Section 3.14.

### 4.8 Temporary Use Zones

Where the zone symbol zoning certain lands as shown on Schedules A and B is followed by the suffix "t" (for example, R2t), then special provisions apply to permit a use or uses in addition to the uses permitted in the zone in which the lands are located for a specified period of time,

## **SECTION 4: ZONES**

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following which the use or uses shall cease, and such special provisions may be found by reference to Section 3.31.

### **4.9 Flood Plain Zones**

Lands zoned Flood Plain, as shown on the Schedules by shading, shall be subject to all of the provisions of the zone in which the lands are located. However, no building or structure shall be erected or altered within a Flood Plain Zone, except in accordance with the policies of the Conservation Authority.

### **4.10 Interpretation of Zone Boundaries**

1. Zone boundaries, where possible, are construed to be lot lines, street lines, centrelines of streets or railway rights-of-way. In the case where uncertainty exists as to the boundary of any zone, then the location of such boundary shall be determined in accordance with the scale of Schedules A and B at its original size.
2. Where a zone boundary is indicated as following and is within the boundary of a street, lane, railway right-of-way, other right-of-way or watercourse, the boundary shall be the centre of such street, lane, railway right-of-way, right-of-way, or watercourse.
3. Where a zone boundary is indicated as approximately following lot lines on a registered plan of subdivision, deposited reference plan or original Village survey, the boundary shall follow such lot lines. No amendment to the By-law shall be required for minor adjustments to zone boundaries shown in Schedules A and B where, in the opinion of the Village, such adjustments are merely for the purpose of more accurately reflecting surveyed information.
4. Where a zone boundary is indicated as following a shoreline of a watercourse, the boundary shall follow such shoreline and in the event that the shoreline changes, the boundary shall be taken as having moved with the shoreline.
5. Where any uncertainty exists as to the Flood Plain (FP) overlay Zone, the boundary shall be the 1:100 year flood line as identified on the relevant maps of the Conservation Authority.
6. Where any uncertainty exists as to the Environmental Protection (EP) zone boundary, the boundaries shall be as identified on the relevant maps of the Ontario Ministry of Natural Resources and/or the RVCA.
7. Where any street, lane, right-of-way, railway right-of-way or watercourse as shown on the schedules is closed or diverted, the object of such closure or diversion shall be included within the zone of the abutting property on either side thereof.
8. Where any zone boundary is left uncertain after the application of clauses (1) through above, the boundary shall be determined by scale from the original full-size zoning schedule.
9. Wherever it occurs, the municipal boundary is the limit of the zone adjacent to it.

## SECTION 4: ZONES

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10. In the case of an Environmental Protection (EP) zone boundary, field truthing of the boundary of such environmental features through and EIS, acceptable to the RVCA, or written confirmation by the RVCA based on their own information, shall not require an amendment to this By-law to adjust the Schedule A or B boundaries of the natural feature.

### **4.11 Building, Structure and Use Classification**

1. The buildings, structures and use of buildings, structures and lots specifically named as uses permitted and classified under the headings of "Residential" and "Non-Residential" refer only to the uses as are specifically named under such headings in each zone.
  - i. For the purpose of reference, all buildings, structures and uses of buildings, structures and lots named as Permitted Uses and classified under the headings of "Residential" and "Non-Residential" may be referred to as "Residential and "Non-Residential" buildings, structures, or uses respectively.

## SECTION 5: RESIDENTIAL ZONES

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### 5 RESIDENTIAL ZONES

No person shall use any lot or erect, alter or use any building or structure within any of the following Residential Zones except in accordance with the following provisions.

#### 5.1 RESIDENTIAL TYPE 2 (R2) ZONE

##### 5.1.1 Permitted Uses

1. Residential Uses  
single detached dwelling  
semi-detached dwelling  
duplex dwelling  
triplex dwelling  
fourplex dwelling  
converted dwelling  
boarding/rooming house  
bed & breakfast  
type “A” group homes  
additional residential units (see Section 3.2)
  
- b. Non-Residential Uses  
home occupation  
other uses in accordance with Section 3

##### 5.1.2 Zone Provisions

Single Detached Dwelling	Full Municipal Services	Partial or Private Services
1. lot area (minimum)	450 m <sup>2</sup> (4,844 ft <sup>2</sup> )	2,000 m <sup>2</sup> (0.5 ac)
2. lot frontage (minimum)	15 m (49.2)	30m (98.4 ft)
3. front yard depth (minimum)	6 m (19.7 ft)	
4. exterior side yard width (minimum)	3 m (9.8 ft)	
5. interior side yard width (minimum)	3 m (9.8 ft) on one side, except where a garage or carport is attached to the main building, in which case the minimum shall be 1.2 m (3.9 ft), and nil on the other side	
6. rear yard depth (minimum)	6 m (19.7 ft)	
7. landscaped open space (minimum)	40%	55%
8. building height (maximum)	11 m (36.1 ft) as calculated in accordance with the definition and illustrations in Section 2H	
9. maximum lot coverage	45%	
10. garages, carports and driveways	In accordance with Sections 3.25.8 and 3.25.9	
11. accessory uses, parking, waterbody setback, etc.	In accordance with Section 3	

**SECTION 5: RESIDENTIAL ZONES**

<b>Semi-detached Dwelling</b>	<b>Full Municipal Services</b>	<b>Partial or Private Services</b>
1. lot area (minimum)	230 m <sup>2</sup> (2476 ft <sup>2</sup> )	2,000 m <sup>2</sup> (0.5 ac)
2. lot frontage (minimum)	9 m (29.5 ft)	15m (50 ft)
3. front yard depth (minimum)	6 m (19.7 ft)	
4. exterior side yard width (minimum)	3 m (9.8 ft)	
5. interior side yard width (minimum)	3 m (9.8 ft) on one side, except where a garage or carport is attached to the main building, in which case the minimum shall be 1.2 m (3.9 ft), and nil on the other side	
6. rear yard depth (minimum)	6 m (19.7 ft)	
7. landscaped open space (minimum)	30%	55%
8. building height (maximum)	11 m (36.1 ft) as calculated in accordance with the definition and illustrations in Section 2H	
9. maximum lot coverage	45%	
10. garages, carports and driveways	In accordance with Sections 3.25.8 and 3.25.9	
11. accessory uses, parking, waterbody setback, etc.	In accordance with Section 3	

<b>Duplex Dwelling</b>	<b>Full Municipal Services</b>	<b>Partial or Private Services</b>
1. lot area (minimum)	465 m <sup>2</sup> (5005 ft <sup>2</sup> )	2,000 m <sup>2</sup> (0.5 ac)
2. lot frontage (minimum)	15 m (49.2 ft)	30m (98.4 ft)
3. front yard depth (minimum)	6 m (19.7 ft)	
4. exterior side yard width (minimum)	3 m (9.8 ft)	
5. interior side yard width (minimum)	3 m (9.8 ft) on one side with a total of 4.2 m (13.8 ft) for both yards, except where a garage or carport is attached to the main building, in which case the minimum shall be 1.2 m (3.9 ft) for each yard	
6. rear yard depth (minimum)	6 m (19.7 ft)	
7. landscaped open space (minimum)	30%	55%
8. building height (maximum)	11 m (36.1 ft) as calculated in accordance with the definition and illustrations in Section 2H	
9. maximum lot coverage	45%	
10. garages, carports and driveways	In accordance with Sections 3.25.8 and 3.25.9	
11. accessory uses, parking, waterbody setback, etc.	In accordance with Section 3	

<b>Triplex &amp; Fourplex Dwellings</b>	<b>Full Municipal Services</b>	<b>Partial or Private Services</b>
1. lot area (minimum)	540m <sup>2</sup> (5,813 ft <sup>2</sup> )	2,000 m <sup>2</sup> (0.5 ac)
2. lot frontage (minimum)	18m (59 ft)	30m (98.4 ft)
3. front yard depth (minimum)	6 m (19.7 ft)	
4. exterior side yard width (minimum)	6 m (9.8 ft)	
5. interior side yard width (minimum)	3 m (9.8 ft)	
6. rear yard depth (minimum)	6 m (19.7 ft)	
7. landscaped open space (minimum)	30%	55%
8. building height (maximum)	11 m (36.1 ft) as calculated in accordance with the definition and illustrations in Section 2H	

**SECTION 5: RESIDENTIAL ZONES**

<b>Converted Dwelling Boarding/Rooming Dwelling</b>	<b>Full Municipal Services</b>	<b>Partial or Private Services</b>
1. lot area (minimum)	existing	
2. lot frontage (minimum)	existing	
3. front yard depth (minimum)	existing	
4. exterior side yard width (minimum)	existing	
5. interior side yard width (minimum)	existing	
6. rear yard depth (minimum)	existing	
7. landscaped open space (minimum)	existing	
8. building height (maximum)	existing	
9. garages, carports and driveways	In accordance with Sections 3.25.8 and 3.25.9	
10. accessory uses, parking, waterbody setback, etc.	In accordance with Section 3	
11. dwelling units (maximum), converted dwelling house only	4	

**5.1.3 Exception Zones**

1. R2-1: Lewis Street West (Schedule B - By-law #22-10)

Notwithstanding the Zone Provisions for a street townhouse dwelling, on the lands zoned R2-1, the following provisions shall apply:

- i. lot area (minimum): 170 m<sup>2</sup>
- ii. interior side yard (minimum): Nil, except that the minimum width adjoining the most easterly end unit wall in the Zone shall be 2.5 m and 1 m adjoining every other end-unit wall
- iii. front yard depth (minimum): 4 m

2. R2-2: Charlotte St (Merrickville Ward – By-law #50-18)

Notwithstanding any provisions of this By-law to the contrary, on the lands zoned R2-2, the minimum setback from a watercourse shall be 15 m.

3. R2-3: Lots 178-189, 167-168, Part Lot 166, Lots 1-3, Part Lots 9-10, Block 9, Lots 1, 9, 10, Block 15, Part of Herbert Street, Registered Plan 6 (By-law #09-21)

Notwithstanding Section 5.2.2 or any other provision to the contrary, for those lands described as Lots 178 – 189, 167 – 168, Part Lot 166, Lots 1 – 3, Part Lots 9 – 10, Block 9, Lots 1, 9, 10, Block 15, Part of Herbert Street, Registered Plan 6, in the geographic Village of Merrickville, delineated as Residential Two-Exception Three (R2-3) on Schedule “B” to this By-law, the following provisions shall apply:

- i. minimum lot frontage: 5.5 metres;
- ii. minimum front yard setback: 6 metres.

4. R2-4: Part of Lots 165, 166, Plan 6 (By-law 09-21)

## SECTION 5: RESIDENTIAL ZONES

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Notwithstanding Section 5.2.2, or any other provision of this By-law to the contrary, for those lands described as Part of Lots 165, 166, Plan 6, in the geographic Village of Merrickville and delineated as Residential Two-Exception Four (R2-4) on Schedule “B” to this By-law, the following provisions shall apply:

- i. minimum lot area: 155 square metres;
- ii. minimum lot frontage: 5.5 metres;
- iii. minimum front yard setback: 6.0 metres.

5. R2-5: 109 Brock Street West (By-law #11-20) (Note: formerly R1-1)

Notwithstanding any other provisions of this By-law to the contrary, on the lands zoned R2-5, a single detached dwelling is permitted in accordance with the following zone provisions:

Lot area (minimum): 290 square metres  
Lot frontage (minimum): 9.5 metres  
Front yard depth (minimum): 3 metres  
Interior side yard width (minimum): nil on one side and 1 metre on the other side.

6. R2-6: Lot 4, Block 9, Registered Plan 6 (By-law #09-21) (Note: formerly R1-2)

Notwithstanding Section 5.1.2, or any other provision of this By-law to the contrary, for those lands described as Lot 4, Block 9, Registered Plan 6, in the geographic Village of Merrickville and delineated as Residential two-Exception six(R2-6) on Schedule “B” to this By-law, the encroachment of the existing dwelling into the exterior side yard adjacent to and onto Wallace Street is recognized as legal non-conforming.

7. R2-7: 205 Mill Street (By-law #36-23) (Note: formerly R1-3)

Notwithstanding their “Residential Type One (R1) zoning designation, those lands identified as “Residential Type One – Exception 2 (R2-7)” ON Schedule “A” attached to this By-law, may be used in accordance with the “R1” zone provisions contained within this By-Law, excepting however that:

The existing accessory structure may be used as amenity space for guests of the B & B.

### 5.1.4 Holding Zones

1. R2-h: Lot 72, Plan 6 (By-law #42-21)

Until such time as the holding symbol is removed from lands described as part of Lot 72, Registered Plan 6, in the geographic Village of Merrickville and delineated as Residential Two-holding (R2-h) on “Schedule “B” (Merrickville Ward) to this By-law, in accordance with the conditions set forth herein, no person shall use land or erect or use a building or structure, except in accordance with the following:

(a) Permitted Uses

- Existing uses in existing locations
- Open Space
- Passive recreation that does not require a building

## **SECTION 5: RESIDENTIAL ZONES**

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(b) Conditions for removal of Holding (h) Symbol

A site plan pursuant to Section 41 of the Planning Act for the development permitted under the Residential Two (R2) Zone is submitted to the municipality and Council gives final approval to the site plan whereupon a Site Plan Agreement under Section 41 of the Planning Act is executed and registered on title.

**SECTION 5: RESIDENTIAL ZONES**

**5.2 RESIDENTIAL TYPE 3 (R3) ZONE**

**5.2.1 Permitted Uses**

1. Residential Uses  
 single detached dwelling  
 semi- detached dwelling  
 duplex dwelling  
 triplex dwelling  
 converted dwelling  
 fourplex dwelling  
 boarding/rooming house  
 street townhouse dwelling  
 multiple dwelling house  
 apartment dwelling  
 additional residential unit (see Section 3.2)  
 nursing home  
 home for the aged  
 retirement home
  
2. Non-Residential Uses  
 in accordance with Section 3

**5.2.2 Zone Provisions**

<b>Single Detached Dwelling          Semi-Detached          Duplex Dwelling          Converted Dwelling          Boarding/rooming House          Triplex Dwelling          Fourplex Dwelling</b>	<b>Full Municipal Services</b>	<b>Partial or Private          Services</b>
in accordance with Section 5.1.2		

Street Townhouse Dwelling	Full Municipal Services	Partial or Private Services
1. lot area (minimum)	180 m <sup>2</sup> (1,937.6 ft <sup>2</sup> )	not permitted
2. lot frontage (minimum)	6 m (19.7 ft)	
3. front yard depth (minimum)	6 m (19.7 ft)	
4. exterior side yard width (minimum)	6 m (19.7 ft)	
5. interior side yard width (minimum)	Nil, except that the minimum width adjoining an end-unit wall shall be 1.2 m (3.9 ft)	
6. rear yard depth (minimum)	6 m (19.7 ft)	
7. landscaped open space (minimum)	30%	
8. lot coverage (maximum)	45%	

**SECTION 5: RESIDENTIAL ZONES**

<b>Street Townhouse Dwelling</b>	<b>Full Municipal Services</b>	<b>Partial or Private Services</b>
9. building height (maximum)	11 m (36.1 ft) as calculated in accordance with the definition and illustrations in Section 2H	
10. garages, carports and driveways	In accordance with Sections 3.25.8 and 3.25.9	
11. accessory uses, parking, waterbody setback, etc.	In accordance with Section 3	
12. maximum dwelling units/building	6	

<b>Multiple Residential Dwelling Apartment Dwelling</b>	<b>Full Municipal Services</b>	<b>Partial or Private Services (maximum 5 units/lot)</b>
1. lot area (minimum)	890 m <sup>2</sup> (9,580.2 ft <sup>2</sup> )	4,000 m <sup>2</sup> (1 ac)
2. lot frontage (minimum)	30 m (98.4 ft)	40 m (131.2 ft)
3. front yard depth (minimum)	6 m (19.7 ft)	
4. exterior side yard width (minimum)	6 m (19.7 ft)	
5. interior side yard width (minimum)	6 m (19.7 ft)	
6. rear yard depth (minimum)	6 m (19.7 ft)	
7. landscaped open space (minimum)	30%	
8. building height (maximum)	11 m (36.1 ft) as calculated in accordance with the definition and illustrations in Section 2H	
9. garages, carports and driveways	In accordance with Sections 3.25.8 and 3.25.9	
10. accessory uses, parking, waterbody setback, etc.	In accordance with Section 3	
11. density (maximum)	1 dwelling unit per 130 m <sup>2</sup> (1,399.4 ft <sup>2</sup> ) of lot area	1 per 800 m <sup>2</sup> (8,611 ft <sup>2</sup> ) lot area
12. privacy yards	<p>Privacy yards with a minimum depth of 3 m (9.8 ft), which are clear and unobstructed by any common parking area, driveway and pedestrian access, shall be provided adjoining any ground floor habitable room window.</p> <p>For the purposes of this item, a window shall be considered a ground floor window if any part of the glazing is less than 2.5 m (8.2 ft) above the adjacent grade.</p>	
13. equipped children’s play area	<p>For a dwelling house which does not have a separate privacy yard for the exclusive use of each dwelling unit, a children’s play area shall be provided.</p> <p>The children’s play area shall be a minimum of 4% of the lot area or 15 m<sup>2</sup> (161.5 ft<sup>2</sup>), whichever is the greater.</p> <p>The children’s play area shall be located at least 6 m (19.7 ft) from any ground floor habitable room window.</p> <p>For the purposes of this item, a window shall be considered a ground floor window if any part of the glazing is less than 2.5 m (8.2 ft) above the adjacent grade.</p>	

**SECTION 5: RESIDENTIAL ZONES**

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Nursing Home Home for the Aged Retirement Home	Full Municipal Services	Partial or Private Services
in accordance with Section 9		

**5.2.3 Exception Zones**

1. R3-1: Part of Lots 1, 9 and 10, Lots 2 and 8, Plan 6 (Merrickville Ward – By-law #09-21)

Notwithstanding Section 5.3.2, or any other provision of this By-law to the contrary, for those lands described as Part of Lots 1, 9 and 10, Lots 2 and 8, Plan 6, in the geographic Village of Merrickville and delineated as Residential Three-Exception One (R3-1) on Schedule “B” to this By-law, the maximum number of storeys permitted shall be 3 storeys and the maximum height will be 11 m.

2. R3-2: Read Street (Schedule B - By-law #22-10)

Notwithstanding the Zone Provisions for a multiple residential or apartment dwelling, on the lands zoned R3-2, the following provisions shall apply:

- i. front yard depth (minimum): 4 m
- ii. yard (minimum): 6 m for all yards, except that the minimum yard depth/width next to the east building wall(s) shall be 3 m
- iii. density (maximum): 1 per 120 m<sup>2</sup>
- iv. equipped children’s play area: not required.

3. R3-3: Lewis Street West (Schedule B - By-law #22-10)

Notwithstanding the Zone Provisions for a street townhouse dwelling, on the lands zoned R3-3, the following provisions shall apply:

- i. lot area (minimum): 170 m<sup>2</sup>
- ii. interior side yard (minimum): Nil, except that the minimum width adjoining the most easterly end unit wall in the Zone shall be 2.5 m and 1 m adjoining every other end-unit wall
- iii. front yard depth (minimum): 4 m

6. R3-6: 114 Lewis Street, Part of Lots 109 and 121, Plan 6, Part 2, Plan 15R-8916 (By-Law #48-2025)

Notwithstanding their “Residential Type 3 (R3)” zoning designation, those lands identified as “Residential Type 3 Exception (R3-6)” on Schedule “A” to this By-Law, may be used in accordance with the “Residential Type 3 - exception 6 (R3-6)” zone provisions contained within this By-Law, excepting however that:

- i. A six-unit multiple dwelling is permitted
- ii. Minimum lot area shall be 740 m<sup>2</sup>
- iii. Minimum lot frontage shall be 18 m

## **SECTION 5: RESIDENTIAL ZONES**

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- iv. Minimum side yard shall be 6 m on one side and 1.25 m on the other
- v. One parking space per dwelling unit is required

### **5.2.4 Holding Zones**

1. R3-1-h: Part of Lots 1, 9 and 10, Lots 2 and 8, Plan 6 (Merrickville Ward – By-law #09-21)

Until such time as the holding symbol is removed from lands described as Part of Lots 1, 9, and 10, Lots 2 and 8, Plan 6, in the geographic Village of Merrickville and delineated as Residential Three-Exception One – holding (R3-1-h) on Schedule “B” (Merrickville Ward) to this By-law, in accordance with the conditions set forth herein, no person shall use land or erect or use a building or structure, except in accordance with the following:

(a) Permitted Uses

- Existing uses in existing locations
- Open space
- Passive recreation that does not require a building.

(b) Conditions for removal of Holding (h) Symbol

- A site plan pursuant to Section 41 of the Planning Act for the development permitted under the Residential Three-Exception One (R3-1) Zone is submitted to the municipality and Council gives final approval to the site plan whereupon a Site Plan Agreement under Section 41 of the Planning Act is executed and registered on title.

## SECTION 5: RESIDENTIAL ZONES

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### 5.3 LIMITED SERVICES RESIDENTIAL (LSR) ZONE

No person shall within any LSR Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions.

#### 5.3.1 Permitted Uses

seasonal dwelling house  
single-detached dwelling house  
other uses in accordance with the provisions of Section 3

#### 5.3.2 Zone Provisions

1.	lot area (minimum)	4000 m <sup>2</sup> (1 ac)
2.	lot frontage (minimum)	50 m (164 ft)
3.	front yard depth (minimum)	30 m (98.4 ft), defined as the minimum setback from a waterbody
4.	exterior side yard width (minimum)	7.5 m (24.6 ft)
5.	interior side yard width (minimum)	3 m (9.8 ft)
6.	rear yard depth (minimum)	7.5 m (24.6 ft), defined as the depth from a private right-of-way
7.	lot coverage (maximum)	15%
8.	building height (maximum)	11 m (36.1 ft) as calculated in accordance with the definition and illustrations in Section 2H
9.	dwellings per lot (maximum)	1
10.	accessory uses, parking, waterbody setback, etc.	in accordance with Section 3

#### 5.3.3 Special Provisions

1. The front yard located next to a waterbody shall be maintained in a natural state except as shown on an approved site plan.
2. Where Limited Services Residential Development is located on a private road, the minimum right-of-way width shall be 9 m (30 ft.). Where an existing private road does not meet the required minimum width, Council may require a widening to increase the right-of-way to 9 m (30 ft.), as a condition of development approval.

#### 5.3.4 Exception Zones

## SECTION 5: RESIDENTIAL ZONES

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### 5.4 MOBILE HOME PARK (MHP) ZONE

No person shall within any MHP Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions.

#### 5.4.1 Permitted Uses

1. Non-Residential Uses

assembly hall for mobile home park residents  
commercial storage for mobile home park residents  
convenience store  
laundromat  
mobile home sales  
private park  
buildings and uses accessory to the foregoing

2. Residential Uses

mobile home  
modular dwelling  
accessory dwelling house

#### 5.4.2 Zone Provisions

- |    |  |  |
|----|--|--|
| 1. | lot area (minimum)                               | 4 ha (9.9 ac)  |
| 2. | lot frontage (minimum)                           | 100 m (328.1 ft)   |
| 3. | front yard depth (minimum)                       | 7.5 m (24.6 ft) on a lot in a plan of subdivision and 12.5 m (40 ft) on all other lots.        |
| 4. | exterior side yard width (minimum)               | 7.5 m (24.6 ft)  |
| 5. | interior side yard width (minimum)               | 7.5 m (24.6 ft)  |
| 6. | rear yard depth (minimum)                        | 7.5 m (24.6 ft)  |
| 7. | Landscaped Open Space (minimum)                  | 30%  |
| 8. | Height of Building (maximum)                     | 11 m (36.1 ft) as calculated in accordance with the definition and illustrations in Section 2H |
| 9. | accessory uses, parking, waterbody setback, etc. | in accordance with Section 3   |

#### 5.4.3 Special Provisions

1. The following provisions shall apply to each dwelling site within a mobile home park:

- |    |                                    |   |
|----|------------------------------------|---|
| 1. | area (minimum)                     | 465 m <sup>2</sup> (5,005.4 ft <sup>2</sup> ) |
| 2. | frontage (minimum)                 | 15 m (49.2 ft)                                |
| 3. | front yard depth (minimum)         | 6 m (19.7 ft)                                 |
| 4. | exterior yard width (minimum)      | 6 m (19.7 ft)                                 |
| 5. | interior side yard width (minimum) | 3 m (9.8 ft)                                  |
| 6. | rear yard depth (minimum)          | 6 m (19.7 ft)                                 |

## **SECTION 5: RESIDENTIAL ZONES**

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Where a yard is required for a dwelling site, it may be included within the required front, exterior side, interior side or rear yard as set out in Section 5.5.2.

### **5.4.4 Exception Zones**

## **SECTION 6: COMMERCIAL ZONES**

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### **6 COMMERCIAL ZONES**

No person shall use any lot or erect, alter or use any building or structure within any of the following Commercial Zones except in accordance with the following provisions.

#### **6.1 GENERAL COMMERCIAL (C1) ZONE**

##### **6.1.1 Permitted Uses**

1. Non-Residential Uses

- animal care
- assembly hall
- bakeshop
- beverage room
- butcher shop
- commercial school
- commercial sports and recreation establishment
- community centre
- custom workshop
- dry cleaning distribution station or plant
- funeral home
- financial office
- guest house
- hotel
- institution
- laundromat
- medical clinic
- museum
- office
- parking lot
- personal service shop
- place of entertainment
- place of recreation
- place of worship
- printing shop
- private school
- repair service shop
- restaurant
- retail store
- take-out restaurant, excluding drive-through
- taxi station
- warehouse use accessory to any of the foregoing
- wholesale use accessory to any of the foregoing
- other uses in accordance with Section 3

2. Residential Uses

- a dwelling unit or units in the upper storey, or lower storey to the rear of a permitted Non-Residential use
- residential apartment

## SECTION 6: COMMERCIAL ZONES

existing residential buildings  
former residential buildings converted back to residential use from non-residential use

### 6.1.2 Zone Provisions

#### 6.1.2.1 Non-Residential Uses

Non-Residential Uses	Full Municipal Services	Partial or Private Services
1. lot area (minimum)	No minimum	2000 m <sup>2</sup> (0.5 ac)
2. lot frontage (minimum)	No minimum	18m (59 ft)
3. front yard depth (minimum)	No minimum	
4. exterior side yard width (minimum)	No minimum	
5. interior side yard width (minimum)	No minimum, except where the yard abuts a lot in a Residential Zone, the minimum yard shall be 1.5 m (4.9 ft)	
6. rear yard depth (minimum)	No minimum, except where the yard abuts a lot in a Residential Zone, the minimum yard shall be 1.5 m (4.9 ft)	
7. building height (maximum)	11 m (36.1 ft) as calculated in accordance with the definition and illustrations in Section 2H	
8. accessory uses, parking, waterbody setback, etc.	in accordance with Section 3	

#### 6.1.2.2 Residential Uses

Residential Uses	Full Municipal Services	Partial or Private Services (maximum 5 units per lot)
1. Minimum Landscaped Open Space	15 m <sup>2</sup> (161.5 ft <sup>2</sup> ) per unit	
2. Minimum Roof Deck or Balcony	The minimum landscaped open space provision shall not apply to dwelling units in a portion of a Non-Residential building provided that all dwelling units have access to a private balcony or to an open roof deck with a minimum area of 5 m <sup>2</sup> (53.8 ft <sup>2</sup> ) per unit	
3. Maximum Density	1 per 130 m <sup>2</sup> (1,399.4 ft <sup>2</sup> )	1 per 800 m <sup>2</sup> (8,611 ft <sup>2</sup> ) lot area
4. Maximum Building Height	11 m (36.1 ft) as calculated in accordance with the definition and illustrations in Section 2H	
5. accessory uses, parking, waterbody setback, etc.	in accordance with Section 3	

### 6.1.3 Exception Zones

1. C1-1: 165 Drummond Street (Schedule B)

Notwithstanding the parking requirements of Section 3.25, on the land zoned C1-1 no parking is required.

2. C1-2: 118 Main Street (Schedule B)

## SECTION 6: COMMERCIAL ZONES

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Notwithstanding the permitted use provisions of Section 6.1.1, on the land zoned C1-2 the permitted non-residential uses shall be restricted to the following:

- assembly hall
- bakeshop
- beverage room
- butcher shop
- commercial school
- commercial sports and recreation establishment
- community centre
- custom workshop
- dry cleaning distribution station or plant
- financial office
- guest house
- hotel
- institution
- medical clinic
- museum
- office
- personal service shop
- place of entertainment
- place of recreation
- place of worship
- restaurant
- retail store
- take-out restaurant, excluding drive-through
- taxi station
- other uses in accordance with Section 3

3. C1-3: 105 Wellington Street West (Schedule B - By-law #05-11)

Notwithstanding the permitted use provisions of Section 6.1.1, on the land zoned C1-3 an animal clinic is permitted in addition to the other permitted uses in the C1 Zone, provided that the animal clinic use is restricted to an office and surgery for household pets and non-venomous, but not large, wild or farm, animals.

4. C1-4: 118 Main St East and 117 Wellington St East (Schedule B - By-law #03-10)

Notwithstanding the permitted use provisions of Section 6.1.1, on the land zoned C1-4, a retirement home is permitted in addition to the permitted C1 uses.

5. C1-5: 224 Main St West (Schedule B - By-law #40-18)

Notwithstanding any other provisions of this By-law to the contrary, on the lands zoned C1-5, the following provisions apply:

1. the permitted non-residential uses shall be restricted to those which are permitted in the C1-2 Zone; and
2. a residential dwelling unit is permitted on the ground floor of a non-residential building.

**SECTION 6: COMMERCIAL ZONES**

**6.2 LOCAL COMMERCIAL (C2) ZONE**

**6.2.1 Permitted Uses**

a. Non-Residential Uses

- animal care
- bakeshop
- butcher shop
- convenience store
- dry cleaning distribution station
- financial office
- office
- personal service shop
- retail store
- take-out restaurant, excluding drive through
- other uses in accordance with Section 3

b. Residential Uses

- accessory dwelling unit(s) in a portion of a Non-Residential building

**6.2.2 Zone Provisions**

6.2.2.1 Non-Residential Uses

Non-Residential Uses	Full Municipal Services	Partial or Private Services
1. lot area (minimum)	450m <sup>2</sup> (4,844 ft <sup>2</sup> )	2000 m <sup>2</sup> (0.5 ac)
2. lot frontage (minimum)	15m (49.2ft)	
3. front yard depth (minimum)	6 m (19.7 ft)	
4. exterior side yard width (minimum)	3 m (9.8 ft)	
5. interior side yard width (minimum)	3 m (9.8 ft)	
6. rear yard depth (minimum)	6 m (19.7 ft)	
7. building height (maximum)	11 m (36.1 ft) as calculated in accordance with the definition and illustrations in Section 2H	
8. gross leasable floor area (maximum)	100 m <sup>2</sup> (1,076.4 ft <sup>2</sup> )	
9. accessory uses, parking, waterbody setback, etc.	in accordance with Section 3	

6.2.2.2 Residential Uses

Residential Uses	Full Municipal Services	Partial or Private Services
1. Minimum Landscaped Open Space	15 m <sup>2</sup> (161.5 ft <sup>2</sup> ) per unit	
2. Minimum Roof Deck or Balcony	The minimum landscaped open space provision shall not apply to dwelling units in a portion of a Non-Residential building provided that all dwelling units have access to a private balcony or to an open roof deck with a minimum area of 5 m <sup>2</sup> (53.8 ft <sup>2</sup> ) per unit	

## SECTION 6: COMMERCIAL ZONES

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<b>Residential Uses</b>	<b>Full Municipal Services</b>	<b>Partial or Private Services</b>
3. Maximum Building Height	11 m (36.1 ft) as calculated in accordance with the definition and illustrations in Section 2H	
4. accessory uses, parking, waterbody setback, etc.	in accordance with Section 3	

### 6.2.3 Exception Zones

## SECTION 6: COMMERCIAL ZONES

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### 6.3 HIGHWAY COMMERCIAL (C3) ZONE

#### 6.3.1 Permitted Uses

1. Non-Residential Uses

animal care  
animal clinic  
assembly hall  
automobile body shop  
automobile care  
automobile gas bar  
automobile sales  
automobile service station  
automobile washing establishment  
automobile rental  
bakery  
beverage room  
building supply outlet  
commercial school  
commercial sports and recreation establishment  
commercial storage  
contractor or tradesman establishment  
convenience store  
custom workshop  
dry cleaning distribution station  
dry cleaning plant  
farm implement sales  
farm supplies dealership  
funeral home  
financial office  
guest house  
greenhouse  
laundromat  
highway commercial mall  
hotel  
office  
personal service shop  
place of entertainment  
place of recreation  
printing shop  
recreational vehicle sales  
restaurant  
retail store  
retail propane/compressed natural gas transfer facility  
take-out restaurant  
warehouse  
wholesale  
other uses in accordance with Section 3

2. Residential Uses

## SECTION 6: COMMERCIAL ZONES

an accessory dwelling house or an accessory dwelling unit in a portion of a Non-Residential building, except in the case of an automobile service station, gas bar, retail propane/compressed natural gas transfer facility or automobile body shop.

### 6.3.2 Zone Provisions

#### 6.3.2.1 Non-Residential Uses

Non-Residential Uses	Full Municipal Services	Partial or Private Services
1. lot area (minimum)	540m <sup>2</sup> (5813 ft <sup>2</sup> )	2000 m <sup>2</sup> (0.5 ac)
2. lot frontage (minimum)	18m (59 ft)	
3. front yard depth (minimum)	6 m (19.7 ft)	
4. exterior side yard width (minimum)	3 m (9.8 ft)	
5. interior side yard width (minimum)	3 m (9.8 ft)	
6. rear yard depth (minimum)	6 m (19.7 ft)	
7. landscaped open space (minimum)	20%	40%
8. building height (maximum)	11 m (36.1 ft) as calculated in accordance with the definition and illustrations in Section 2H	
9. accessory uses, parking, waterbody setback, etc.	in accordance with Section 3	
10. open storage	<p>Open storage of goods or materials shall be permitted in accordance with the following:</p> <ol style="list-style-type: none"> <li>1. the open storage is accessory to the main use</li> <li>2. the open storage is not located in any required yard</li> <li>i. the open storage does not occupy more than 40% of the lot area</li> </ol> <p>Garbage shall be stored in metal containers in a fenced or screened area designed expressly for that purpose</p>	
11. fuel pump island location	in accordance with Section 3	
12. retail propane/compressed natural gas transfer and handling facilities	in accordance with the foregoing zone provisions or the licensing provisions of the Energy Act, whichever are the more restrictive	

### 6.3.3 Exception Zones

1. C3-1: 205 East Broadway (Schedule A)

Notwithstanding the permitted use provisions of Section 6.3.1, on the land C3-1 an accessory dwelling unit is permitted within the same building as an automobile body shop.

2. C3-2: 168 County Road 23 (Schedule A)

Notwithstanding the permitted use provisions of Section 6.3.1, on the land zoned C3-2 the permitted use shall be restricted to an automobile sales use as herein defined.

3. C3-3: 201 Kilmarnock Road (Schedule A)

DELETED.

## SECTION 6: COMMERCIAL ZONES

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4. C3-4: 3515 County Road 16 (Schedule A)

Notwithstanding the permitted use provisions of Section 6.3.1, on the land zoned C3-4 the permitted uses shall be restricted to a commercial storage use as herein defined with as maximum gross leasable floor area of 483 m<sup>2</sup> (5,200 ft<sup>2</sup>).

5. C3-5: West Broadway Street and Grenville Way (Schedule B – By-law #26-16)

Notwithstanding the permitted use provisions of Section 6.3.1 and the zone provisions of Section 6.3.2, on the lands zoned C3-5 the following provisions shall apply.

1. The permitted uses shall be in accordance with Section 6.3.1 and the zone provisions of 6.3.2, except that the following uses are not permitted:
  1. dry cleaning distribution station or plant
  2. laundromat
2. The following zone provisions shall apply:
  1. front yard depth (minimum): 2m
  2. rear yard depth (minimum): 4.9 m
  3. landscaped open space minimum): 20% and Section 3.18.1.3 does not apply to the exterior side yard.

## SECTION 6: COMMERCIAL ZONES

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### 6.4 TOURIST COMMERCIAL (C4) ZONE

#### 6.4.1 Permitted Uses

1. Non-Residential Uses

beverage room  
commercial sports and recreation centre  
convenience store  
conservation  
golf course  
hotel  
hunting/fishing camp  
laundromat  
marina  
marine facility  
museum  
private park  
place of recreation  
place of entertainment  
restaurant  
retail store  
take out restaurant  
tourist campground  
tourist establishment  
tourist guest house  
other uses in accordance with the provisions of Section 3.

2. Residential Uses

an accessory dwelling house or an accessory dwelling unit in a portion of a Non-Residential building, except in the case of an automobile service station, gas bar, retail propane/compressed natural gas transfer facility.

#### 6.4.2 Zone Provisions

##### 6.4.2.1 Non-Residential Uses

Non-Residential Uses	Full Municipal Services	Partial or Private Services
1. lot area (minimum)	540m <sup>2</sup> (5813 ft <sup>2</sup> )	2000 m <sup>2</sup> (0.5 ac)
2. lot frontage (minimum)	18m (59 ft)	
3. front yard depth (minimum)	6 m (19.7 ft)	
4. exterior side yard width (minimum)	3 m (9.8 ft)	
5. interior side yard width (minimum)	3 m (9.8 ft)	
6. rear yard depth (minimum)	6 m (19.7 ft)	
7. landscaped open space (minimum)	20%	40%
8. building height (maximum)	11 m (36.1 ft) as calculated in accordance with the definition and illustrations in Section 2H	
9. accessory uses, parking, waterbody	in accordance with Section 3	

**SECTION 6: COMMERCIAL ZONES**

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<b>Non-Residential Uses</b>	<b>Full Municipal Services</b>	<b>Partial or Private Services</b>
setback, etc.		
10. open storage	Open storage of goods or materials shall be permitted in accordance with the following: 1 the open storage is accessory to the main use 2 the open storage is not located in any required yard 3 the open storage does not occupy more than 40% of the lot area Garbage shall be stored in metal containers in a fenced or screened area designed expressly for that purpose	
11. fuel pump island location	in accordance with Section 3	
12. retail propane/compressed natural gas transfer and handling facilities	in accordance with the foregoing zone provisions or the licensing provisions of the Energy Act, whichever are the more restrictive	

**6.4.3 Exception Zones**

## SECTION 6: COMMERCIAL ZONES

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### 6.5 SHOPPING CENTRE COMMERCIAL (C5) ZONE

#### 6.5.1 Permitted Uses

1. Non-Residential Uses  
  
shopping centre  
other uses in accordance with Section 3
2. Residential Uses  
  
not permitted

#### 6.5.2 Zone Provisions

Shopping Centre	Full Municipal Services	Partial or Private Services
1. lot area (minimum)	2000 m <sup>2</sup> (0.5 ac)	
2. lot frontage (minimum)	18m (59 ft)	
3. front yard depth (minimum)	6 m (19.7 ft)	
4. exterior side yard width (minimum)	3 m (9.8 ft)	
5. interior side yard width (minimum)	3 m (9.8 ft) except where the yard abuts a lot in a Residential Zone, the minimum shall be 6 m (19.7 ft)	
6. rear yard depth (minimum)	6 m (19.7 ft)	
7. landscaped open space (minimum)	20%	40%
8. building height (maximum)	11 m (36.1 ft) as calculated in accordance with the definition and illustrations in Section 2H	
9. accessory uses, parking, waterbody setback, etc.	in accordance with Section 3	
10. floor space index (maximum)	0.45	
11. Open Storage	No open storage shall be permitted. Garbage shall be stored in metal containers in a fenced or screened area designed expressly for that purpose.	

#### 6.5.3 Exception Zones

## SECTION 7: INDUSTRIAL ZONES

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### 7 INDUSTRIAL ZONES

No person shall use any lot or erect, alter or use any building or structure within any of the following Industrial Zones except in accordance with the following provisions.

#### 7.1 LIGHT INDUSTRIAL (M1) ZONE

##### 7.1.1 Permitted Uses

###### 1. Non-Residential Uses

Only those uses which are able to comply with The Health Protection and Promotion Act and are not likely to be obnoxious or dangerous by reason of fire, explosion, noise, smoke, or odour. Subject to this qualification, the following non-residential uses are permitted.

- accessory retail store
- adult entertainment
- animal clinic
- artists or photographic studio
- assembly hall
- assembly plant
- automobile body shop
- automobile care
- automobile gas bar
- automobile sales
- automobile service station
- automobile washing establishment
- bakery
- building supply outlet
- commercial school
- commercial sports and recreation establishment
- commercial storage
- communication facility
- consumer outlet propane/compressed natural gas transfer facility
- convenience store
- custom workshop
- dairy
- dry cleaning distribution station or plant
- fabricating plant
- financial office
- funeral home
- gas cylinder handling facility
- hotel
- industrial mall
- industrial or business service
- laundromat
- manufacturing plant
- office
- open storage area
- parking lot

**SECTION 7: INDUSTRIAL ZONES**

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- personal service shop
- place of entertainment
- place of recreation
- printing shop
- processing plant excluding abattoirs, rendering plants, and similar operations
- recreational vehicle sales
- repair service shop
- restaurant
- retail propane transfer facility
- sample and showroom
- take-out restaurant
- taxi station
- warehouse
- wholesale outlet
- other uses in accordance with Section 3

2. Residential Uses

an accessory dwelling house or an accessory dwelling unit in a portion of a Non-Residential building, except in the case of an automobile gas bar, retail propane/compressed natural gas transfer facility.

**7.1.2 Zone Provisions**

Non-Residential Uses	Full Municipal Services	Partial or Private Services
1. lot area (minimum)	540m <sup>2</sup> (5813 ft <sup>2</sup> )	2000 m <sup>2</sup> (0.5 ac)
2. lot frontage (minimum)	18m (59 ft)	
3. front yard depth (minimum)	6 m (19.7 ft)	
4. exterior side yard width (minimum)	3 m (9.8 ft)	
5. interior side yard width (minimum)	3 m (9.8 ft)	
6. rear yard depth (minimum)	6 m (19.7 ft)	
7. landscaped open space (minimum)	20%	40%
8. building height (maximum)	11 m (36.1 ft) as calculated in accordance with the definition and illustrations in Section 2H	
9. accessory uses, parking, waterbody setback, etc.	in accordance with Section 3	
10. open storage	<p>Open storage of goods or materials shall be permitted in accordance with the following:</p> <ul style="list-style-type: none"> <li>1 the open storage is accessory to the main use</li> <li>2 the open storage is not located in any required yard</li> <li>3 the open storage does not occupy more than 40% of the lot area</li> </ul> <p>Garbage shall be stored in metal containers in a fenced or screened area designed expressly for that purpose</p>	
11. fuel pump island location	in accordance with Section 3	
12. retail propane/compressed natural gas transfer and handling facilities	in accordance with the foregoing zone provisions or the licensing provisions of the Energy Act, whichever are the more restrictive	

## **SECTION 7: INDUSTRIAL ZONES**

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### **7.1.2.1 Residential Uses**

Accessory dwelling house shall be so located on the lot that there is a private amenity area abutting each exterior wall which is measured as though the dwelling house is located on a separate lot in accordance with the zone provisions for the Rural (RU) Zone.

### **7.1.3 Exception Zones**

## SECTION 7: INDUSTRIAL ZONES

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### 7.2 RURAL INDUSTRIAL (M2) ZONE

#### 7.2.1 Permitted Uses

1. Non-Residential Uses

All uses permitted in the M1 Zone  
feed mill  
open uses  
saw mill  
transportation terminal

2. Residential Uses

accessory dwelling house

#### 7.2.2 Zone Provisions

1. Non-Residential Uses

- |     |  |   |
|-----|--|---|
| 1.  | Lot Area (minimum)                               | 4000 m <sup>2</sup> (1 ac)  |
| 2.  | Lot Frontage (minimum)                           | 40 m (131.2 ft)   |
| 3.  | Front Yard Depth (minimum)                       | 7.5 m (24.6 ft)   |
| 4.  | Exterior Side Yard Width (minimum)               | 7.5 m (24.6 ft)   |
| 5.  | Interior Side Yard Width (minimum)               | 3 m (9.8 ft)  |
| 6.  | Rear Yard Depth (minimum)                        | 7.5 m (24.6 ft)   |
| 7.  | Landscaped Open Space (minimum)                  | 10%   |
| 8.  | Height of Building (maximum)                     | 11 m (36.1 ft) as calculated in accordance with the definition and illustrations in Section 2H  |
| 9.  | Accessory Uses, Waterbody Setback, Parking, etc. | in accordance with Section 3  |
| 10. | Open Storage                                     | The open storage of goods or materials shall be permitted only to the rear of the main building provided that:<br><ol style="list-style-type: none"><li>such open storage is accessory to the use of the main building;</li><li>such open storage complies with the yard requirements of this by-law;</li><li>such open storage does not cover more than 40% of the lot area.</li></ol> |

2. Residential Uses

1. Accessory dwelling house

Shall be so located on the lot that there is a private amenity area abutting each exterior wall which is measured as though the dwelling house is located on a separate lot in accordance with the zone provisions for the Rural (RU) Zone.

#### 7.2.3 Exception Zones

1. M2-1: 14369 County Road 15 (Wolford Ward - By-law #37-17)

## **SECTION 7: INDUSTRIAL ZONES**

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Notwithstanding the permitted uses of Section 7.2.1, on the lands zoned M2-1, a contractor or tradesman establishment and equipment sales and rentals are permitted uses in addition to the uses permitted in Section 7.2.1.

2. M2-2: Part Lot 12, Concession 1 County Road 16 (Schedule A - By-law #38-18)

Notwithstanding the permitted use provisions of Section 7.2.1, on the lands zoned M2-2, a contractor or tradesman establishment is a permitted use in addition to the uses permitted in Section 7.2.1.

## SECTION 7: INDUSTRIAL ZONES

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### 7.3 SALVAGE YARD (M3) ZONE

#### 7.3.1 Permitted Uses

1. Non-Residential Uses  
  
salvage yard  
waste recycling
2. Residential Uses  
  
accessory single-detached house

#### 7.3.2 Zone Provisions

1. Non-Residential Uses
  1. Lot Area (minimum) 1 ha (2.5 ac)
  2. Lot Frontage (minimum) 90 m (295 ft)
  3. Front Yard Depth (minimum) 9 m (29.5 ft)
  4. Exterior Side Yard Width (minimum) 9 m (29.5 ft)
  5. Interior Side Yard Width (minimum) 9 m (29.5 ft)
  6. Rear Yard Depth (minimum) 9 m (29.5 ft)
  7. Landscaped Open Space (minimum) 10%
  8. Height of Building (maximum) 11 m (36.1 ft) as calculated in accordance with the definition and illustrations in Section 2H
  9. Accessory Uses, Waterbody Setback, Parking, etc. in accordance with Section 3
  10. Open Storage
    1. A solid fence or wall a minimum of 2.4 m (8 ft) in height shall be erected around the area used for storage, handling and/or processing
    2. No storage shall be permitted to extend above the height of the fence
  11. Buffering  
The required yards shall be used for no purpose other than landscaped open space except where a driveway or entrance passes through the required yard.
2. Residential Uses
  1. Accessory dwelling house  
  
Shall be so located on the lot that there is a private amenity area abutting each exterior wall which is measured as though the dwelling house is located on a separate lot in accordance with the zone provisions for a single detached dwelling house in the Rural (RU) Zone.

#### 7.3.3 Exception Zones

## SECTION 7: INDUSTRIAL ZONES

---

### 7.4 WASTE DISPOSAL (M4) ZONE

#### 7.4.1 Permitted Uses

waste disposal  
waste recycling

#### 7.4.2 Zone Provisions

1. Lot Area (minimum) 1 ha (2.5 ac)
2. Lot Frontage (minimum) 90 m (295 ft)
3. Front Yard Depth (minimum) 9 m (29.5 ft)
4. Exterior Side Yard Width (minimum) 9 m (29.5 ft)
5. Interior Side Yard Width (minimum) 9 m (29.5 ft)
6. Rear Yard Depth (minimum) 9 m (29.5 ft)
7. Landscaped Open Space (minimum) 10%
8. Height of Building (maximum) 11 m (36.1 ft) 11 m (36.1 ft) as calculated in accordance with the definition and illustrations in Section 2H
9. Accessory Uses, Waterbody Setback, Parking, etc. in accordance with Section 3
10. Buffering  
The required yards shall be used for no purpose other than landscaped open space except where a driveway or entrance passes through the required yard.

#### 7.4.3 Exception Zones

## SECTION 9: INSTITUTIONAL (I) ZONE

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### 8 INSTITUTIONAL (I) ZONE

No person shall use any lot or erect, alter or use any building or structure within an Institutional Zone except in accordance with the following provisions.

#### 8.1 Permitted Uses

accessory office, restaurant, personal service shop and retail store  
arena  
assembly hall  
cemetery  
community centre  
commercial sports and recreation centre  
community facility  
day nursery  
fair ground  
fire station  
health center  
home for the aged  
hospital  
institution  
library  
medical clinic  
museum or art gallery  
nursing home  
place of worship  
police station  
post office  
private school  
public administration office  
public school  
public use  
public works garage  
recreation uses  
university or college  
other uses in accordance with Section 3

#### 8.2 Zone Provisions

Institutional Uses	Full Municipal Services	Partial or Private Services
1. lot area (minimum)	450 m <sup>2</sup> (4,844 ft <sup>2</sup> )	2000 m <sup>2</sup> (0.5 ac)
2. lot frontage (minimum)	18m (59 ft)	
3. front yard depth (minimum)	6 m (19.7 ft)	
4. exterior side yard width (minimum)	3 m (9.8 ft)	
5. interior side yard width (minimum)	3 m (9.8 ft)	
6. rear yard depth (minimum)	6 m (19.7 ft)	
7. landscaped open space (minimum)	20%	40%
8. building height (maximum)	11 m (36.1 ft) as calculated in accordance with the definition and illustrations in Section 2H	

**SECTION 9: INSTITUTIONAL (I) ZONE**

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<b>Institutional Uses</b>	<b>Full Municipal Services</b>	<b>Partial or Private Services</b>
9. accessory uses, parking, waterbody setback, etc.	in accordance with Section 3	

**8.3 Exception Zones**

1. I-1: 223 Lewis Street (Schedule B)

Notwithstanding the provisions of Sections 8.1 and 3.25, on the land zoned I-1 the following provisions apply:

1. the permitted use shall be restricted to a licensed day nursery; and,
2. a minimum of 6 parking spaces shall be provided.

## SECTION 9: OPEN SPACE (O) ZONE

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### 9 OPEN SPACE (O) ZONE

No person shall use any lot or erect, alter or use any building or structure within an Open Space Zone except in accordance with the following provisions.

#### 9.1 Permitted Uses

1. Non-Residential Uses

conservation  
golf course  
private park  
public park  
recreational trail

2. Residential Uses

Existing uses

#### 9.2 Zone Provisions

Open Space Uses	Full Municipal Services	Partial or Private Services
a. lot area (minimum)	450 m <sup>2</sup> (4,844 ft <sup>2</sup> )	2000 m <sup>2</sup> (0.5 ac)
2. lot frontage (minimum)	18m (59 ft)	
c. front yard depth (minimum)	6 m (19.7 ft)	
4. exterior side yard width (minimum)	3 m (9.8 ft)	
2. interior side yard width (minimum)	3 m (9.8 ft)	
3. rear yard depth (minimum)	6 m (19.7 ft)	
4. landscaped open space (minimum)	20%	40%
5. building height (maximum)	11 m (36.1 ft) as calculated in accordance with the definition and illustrations in Section 2H	
6. accessory uses, parking, waterbody setback, etc.	in accordance with Section 3	

#### 9.3 Exception Zones

1. O-1: 106 Read Street (Schedule B)

Notwithstanding the permitted use provisions of Section 9.1, on the land zoned O-1 the following additional uses shall be permitted:

assembly hall  
institution  
medical clinic  
museum

## SECTION 10: HAMLET (H) ZONE

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### 10 HAMLET (H) ZONE

No person shall use any lot or erect, alter or use any building or structure within a Hamlet Zone except in accordance with the following provisions.

#### 10.1 Permitted Uses and Zone Provisions

Residential uses in accordance with the Residential Type 2 (R2) Zone (Section 5.1)  
Commercial uses in accordance with the General Commercial (C1) Zone (Section 7.2)  
Institutional uses in accordance with the Institutional (I) Zone (Section 8)  
Open Space uses in accordance with the Open Space (O) Zone (Section 9)

#### 10.2 Exception Zones

##### 10.2.1 H-1: Main St, Eastons Corners, East ½ Lot 24, Concession 3, Former Township of Wolford, Village of Merrickville-Wolford (By-law #08-22)

Notwithstanding their “Hamlet (H)” zoning designation, those lands identified as “Hamlet - 1 (H-1)” may be used in accordance with the “Hamlet (H)” zone provisions contained within this By-Law, excepting however that:

The accessory structure existing at the date of the passing of this By-law may be permitted without a principal building, structure or use.

##### 10.2.2 H-2: 13828 County Rd 15, Concession 3, Part Lot 12 in the Former Wolford Township, Hamlet of Carleys Corners, Village of Merrickville-Wolford (By-law #21-22)

Notwithstanding the permitted use provisions of Section 10.1, on the lands zoned H-2 the following uses shall be permitted in addition to the other permitted uses in the H Zone:

A secondary dwelling may be permitted. For the purpose of the H-2 zoning, a secondary dwelling shall be defined to mean an accessory building which contains one or more habitable rooms designed and occupied as an independent dwelling in which living, kitchen and bathroom facilities are provided, and which is located on the same lot as a single dwelling, semi-detached dwelling or townhouse dwelling, as defined herein.

##### 10.2.3 H-3: 1230 County Rd 16, Part of Lot 29, Concession 1, Geographic Township of Wolford, Village of Merrickville-Wolford (By-law #11-26)

Notwithstanding Section 10.1 or any other provision to the contrary, for those lands delineated as “Hamlet Exception 3 (H-3)”, the following provisions shall apply:

1. Lot frontage (minimum): 24 m (78.7 ft)

## SECTION 11: AGRICULTURAL (A) ZONE

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### 11 AGRICULTURAL (A) ZONE

No person shall use any lot or erect, alter or use any building or structure within an Agricultural Zone except in accordance with the following provisions.

#### 11.1 Permitted Uses

1. Non-Residential Uses

conservation  
forestry  
agriculture  
intensive agriculture  
other uses in accordance with the provisions of Section 4

2. Residential Uses

accessory dwelling house to an agricultural use  
single detached dwelling house on an existing lot of record or on a lot created by the Land Division Committee  
additional residential unit

#### 11.2 Zone Provisions

- |     |  |  |
|-----|--|--|
| 1.  | Lot Area (minimum)                               | 40 ha (98.8 ac), except for a single detached dwelling house in which case the minimum lot area shall be 0.4 ha (1 ac) |
| 2.  | Lot Frontage (minimum)                           | 40m (131.2 ft)   |
| 3.  | Front Yard Depth (minimum)                       | 15 m (49.2 ft)   |
| 4.  | Exterior Side Yard Width (minimum)               | 15 m (49.2 ft)   |
| 5.  | Interior Side Yard Width (minimum)               | 6 m (19.7 ft)  |
| 6.  | Rear Yard Depth (minimum)                        | 15 m (49.2 ft)   |
| 7.  | Lot Coverage (maximum)                           | 20%  |
| 8.  | Height of Building (maximum)                     | 11 m (36.1 ft) 11 m (36.1 ft) as calculated in accordance with the definition and illustrations in Section 2H          |
| 10. | Accessory Uses, Waterbody Setback, Parking, etc. | in accordance with Section 3   |

#### 11.3 Special Provisions

Notwithstanding anything in this By-law to the contrary, a second single-detached dwelling may be erected in the Agricultural (A) Zone as an accessory dwelling house on a lot having an area of at least 40 ha (100 ac), provided one dwelling is to be occupied by the owner of the lands and the other dwelling is to be occupied by a person or persons, whose principal occupation is the conduct of a general agricultural or intensive agricultural use.

For the purpose of this provision, a mobile home may be used as a second single-detached dwelling.

## SECTION 11: AGRICULTURAL (A) ZONE

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### 11.4 Exception Zones

1. A-1: 2277 County Road 16 (Schedule A)

Notwithstanding the permitted use provisions of Section 11.1, on the lands zoned A-1 the following uses shall be permitted in addition to the other permitted uses in the A Zone:

1. automobile, farm and welding repair use; and,
2. tool and dye manufacturing.

2. A-2: County Road 16 (Part Lot 28, Concession 1, Wolford Ward – By-law #31-17)

Notwithstanding the Permitted Use provisions of Section 11.1, a single detached dwelling shall not be permitted on lands zoned A-2.

3. A-3: County Road 16 (Part Lot 28, Concession 1, Wolford Ward – By-law #32-17)

Notwithstanding the Permitted Use provisions of Section 11.1, a single detached dwelling shall not be permitted on lands zoned A-3.

4. A-4: County Road 16 (Part Lot 20, Concession 2, Wolford Ward - By-law #33-17)

Notwithstanding the Permitted Use provisions of Section 11.1, a single detached dwelling shall not be permitted on the lands zoned A-4.

5. A-5: Roses Bridge Road, Part Lot 25, Concession 1 (Wolford Ward - By-law #49-18)

Notwithstanding the Permitted Use provisions of Section 11.1, a single detached dwelling shall not be permitted on the lands zoned A-5.

6. A-6: 761 Roses Bridge Road, Concession A, Part Lot 24 (Schedule A - By-law #01-23)

Notwithstanding their “Agriculture (A)” zoning designation, those lands identified as Agriculture - 6 (A-6) may be used in accordance with the “Agriculture (A)” zone provisions contained within this By-Law, excepting however that:

The minimum lot area for an agricultural holding shall be 32 ha (80.5ac).

7. A-7: 675 Kilmarnock Road, Concession A, Part Lot 26 (Schedule A – By-law #08-23)

Notwithstanding their “Agriculture (A)” zoning designation, those lands identified as “Agriculture-7 (A-7)” on Schedule “A” to this By-Law, may be used in accordance with the “Agriculture (A)” zone provisions contained within this By-Law, excepting however that:

The minimum lot area for an agricultural holding shall be 14.6 ha (36 ac).

8. A-8: 689 Kilmarnock Road, Concession A, Part Lot 26 (Schedule A – By-law #08-23)

Notwithstanding their “Agriculture (A)” zoning designation, those lands identified as “Agriculture - 8 (A-8)” on Schedule “A” to this By-Law, may be used in accordance with the

## **SECTION 11: AGRICULTURAL (A) ZONE**

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“Agriculture (A)” zone provisions contained within this By-Law, excepting however that:

The minimum lot area for a residential property within the agricultural zone shall be 0.68 ha (1.7 ac).

9. A-9: 991 Kilmarnock Road (By-law #10-2024)

Notwithstanding their “Agriculture (A)” zoning designation, those lands identified as “Agriculture-9 (A-9)” on Schedule “A” to this By-Law, may be used in accordance with the “A” zone provisions contained within this By-Law, excepting however that:

The minimum lot size shall be 0.4 ha.

10. A-10: 991 Kilmarnock Road (By-law #10-2024)

Notwithstanding their “Agriculture (A)” zoning designation, those lands identified as “Agriculture-10 (A-10)” on Schedule “A” to this By-Law, may be used in accordance with the “A” zone provisions contained within this By-Law, excepting however that:

All residential development shall be prohibited.

## SECTION 12: RURAL (RU) ZONE

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### 12 RURAL (RU) ZONE

No person shall use any lot or erect, alter or use any building or structure within a Rural Zone except in accordance with the following provisions.

#### 12.1 Permitted Uses

1. Non-Residential Uses

animal clinic  
conservation  
forestry  
agriculture  
hunting/fishing camp  
intensive agriculture  
private park  
other uses in accordance with the provisions of Section 4

2. Residential Uses

single detached dwelling house  
additional residential unit  
accessory dwelling house to an agricultural use

#### 12.2 Zone Provisions

- |     |  |  |
|-----|--|--|
| 1.  | Lot Area (minimum)                               | 4000 m <sup>2</sup> (1 ac)   |
| 2.  | Lot Frontage (minimum)                           | 40m (131.2 ft)   |
| 3.  | Front Yard Depth (minimum)                       | 7.5 m (24.6 ft) on a lot in a plan of subdivision and 15 m (49.2 ft) on all other lots.        |
| 4.  | Exterior Side Yard Width (minimum)               | 7.5 m (24.6 ft)  |
| 5.  | Interior Side Yard Width (minimum)               | 3 m (9.8 ft)   |
| 6.  | Rear Yard Depth (minimum)                        | 7.5 m (24.6 ft)  |
| 7.  | Lot Coverage (maximum)                           | 20%  |
| 8.  | Height of Building (maximum)                     | 11 m (36.1 ft) as calculated in accordance with the definition and illustrations in Section 2H |
| 10. | Accessory Uses, Waterbody Setback, Parking, etc. | in accordance with Section 3   |

#### 12.3 Special Provisions

Notwithstanding anything in this By-law to the contrary, a second single-detached dwelling may be erected in the Rural (RU) Zone as an accessory dwelling house on a lot having an area of at least 40 (100 ac) ha, provided one dwelling is to be occupied by the owner of the lands and the other dwelling is to be occupied by a person or persons, whose principal occupation is the conduct of a general agricultural or intensive agricultural use.

For the purpose of this provision, a mobile home may be used as a second single-detached dwelling.

## SECTION 12: RURAL (RU) ZONE

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### 12.4 Exception Zones

a. RU-1: 3301 County Road 16 (Schedule A)

Notwithstanding the permitted use provisions of Section 12.1, on the lands zoned RU-1 a fairgrounds is permitted in addition to the other permitted uses in the RU Zone.

b. RU-2: 1100 Kilmarnock Road (Schedule A)

Notwithstanding the permitted use provisions of Section 12.1, on the lands zoned RU-2 the following uses shall be permitted in addition to the other permitted uses in the RU Zone:

welding shop  
office  
home industry  
accessory dwelling house  
trailer with a reduced interior side yard of 1 m (3.3 ft)

c. RU-3: 1100 Kilmarnock Road (Schedule A)

Notwithstanding the permitted use provisions of Section 12.1, on the lands zoned RU-3 the following uses shall be permitted in addition to the other permitted uses in the RU Zone:

office  
cider manufacturing facility  
accessory retail store.

d. RU-4: 14485 County Road 15 (Schedule A - By-law #24-09)

Notwithstanding the permitted use provisions of Section 12.1, on the lands zoned RU-4, a craft brewery is permitted in addition to the permitted RU uses.

e. RU-5: 465 Pioneer Rd (Schedule A – By-law #09-22)

Notwithstanding their “Rural (RU)” zoning designation, those lands identified as Rural – 5 (RU-5) on Schedule “A” to this By-Law, may be used in accordance with the “Rural (RU)” zone provisions contained within this By-Law, expecting however that:

The minimum lot size shall be 0.7 ha (1.7 acre).

f. RU-6: 201 Kilmarnock Road (Schedule A - By-law #30-12)

Notwithstanding the Permitted use provisions of Section 12.1, a retail store, as herein defined, is permitted in addition to the other permitted uses in the RU Zone.

g. RU-7: 237 County Road 23 (Schedule A - By-law #39-18)

Notwithstanding the provisions of Section 3.1, Accessory Apartments, on the lands zoned RU-7, an accessory apartment is permitted in the second floor of the existing 3-bay detached garage on the property.

## SECTION 12: RURAL (RU) ZONE

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- h. RU-8: 2876 County Road 16 (Severed Lot - By-law #16-24)

Notwithstanding their “Rural (RU)” zoning designation, those lands identified as “Rural-8 (RU-8)” on Schedule “A” to this By-Law, may be used in accordance with the “Rural (RU)” zone provisions contained within this By-Law, excepting however that:

The minimum lot size shall be 0.68 ha (1.68 acre).

- i. RU-9: Part of Lot 24, Concession B and C, Former Township of Wolford, Village of Merrickville-Wolford (By-law #39-2025)

Notwithstanding their “Rural (RU)” zoning designation, those lands identified as “Rural – Exception 9 (RU-9)” on Schedule “A” to this By-Law, may be used in accordance with the “Rural (RU)” zone provisions contained within this By-Law, excepting however that:

An accessory structure and use may be established prior to the main building/use.

- j. RU-10: Part of Lot 15, Concession 1, Former Township of Wolford, Village of Merrickville-Wolford (By-Law #47-2025)

Notwithstanding their “Rural (RU)” zoning designation, those lands identified as “Rural – Exception 10 (RU-10)” on Schedule “A” to this By-Law, may be used in accordance with the “Rural (RU)” zone provisions contained within this By-Law, excepting however that:

Section 3.29.6, Aggregate Reserve Zones setback shall not apply to any dwelling or structure.

### 12.5 Holding Zones

- a) RU-6-h: 14362 County Road 15, Concession 2, Part Lot 11, RP 15R7502, Part 1 (By-law #35-22)

An Events Venue and Market may be permitted uses, For the purpose of the RU-6 zoning, a hosted event and market shall not operate simultaneously. The maximum occupancy for a hosted event shall be 100 occupants. A total of 60 on-site parking spaces shall be identified on the site plan for the development.

## SECTION 13: AGGREGATE – PIT (AP) ZONE

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### 13 AGGREGATE - PIT (AP) ZONE

No person shall use any lot or erect, alter or use any building or structure within an Aggregate - Pit Zone except in accordance with the following provisions.

#### 13.1 Permitted Uses

conservation, excluding buildings  
forestry, excluding buildings  
general agriculture, excluding buildings  
pit

#### 13.2 Zone Provisions

1. Lot Area (minimum) No minimum
2. Lot Frontage (minimum) No minimum
3. Front Yard Depth (minimum) 15 m (49.2 ft)
4. Exterior Side Yard Width (minimum) 15 m (49.2 ft)
5. Interior Side Yard Width (minimum) 15 m (49.2 ft)
6. Rear Yard Depth (minimum) 15 m (49.2 ft)
7. Landscaped Open Space (minimum) 10%
8. Height of Building (maximum) 11 m (36.1 ft) as calculated in accordance with the definition and illustrations in Section 2H
9. Accessory Uses, Waterbody Setback, Parking, etc. in accordance with Section 3
10. Buffering  
The required yards shall be used for no purpose other than landscaped open space except where a driveway or entrance passes through the required yard.
11. Special Provisions  
No pit shall be located closer than 300 m (984.3 ft) from an existing dwelling.

##### 13.2.1 Exception Zones

## SECTION 14: AGGREGATE – QUARRY (AQ) ZONE

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### 14 AGGREGATE - QUARRY (AQ) ZONE

No person shall use any lot or erect, alter or use any building or structure within an Aggregate - Quarry Zone except in accordance with the following provisions.

#### 14.1 Permitted Uses

conservation, excluding buildings  
forestry, excluding buildings  
general agriculture, excluding buildings  
quarry

#### 14.2 Zone Provisions

1. Lot Area (minimum) No minimum
2. Lot Frontage (minimum) No minimum
3. Front Yard Depth (minimum) 15 m (49.2 ft)
4. Exterior Side Yard Width (minimum) 15 m (49.2 ft)
5. Interior Side Yard Width (minimum) 15 m (49.2 ft)
6. Rear Yard Depth (minimum) 15 m (49.2 ft)
7. Landscaped Open Space (minimum) 10%
8. Height of Building (maximum) 11 m (36.1 ft) as calculated in accordance with the definition and illustrations in Section 2H
9. Accessory Uses, Waterbody Setback, Parking, etc. in accordance with Section 3
10. Buffering  
The required yards shall be used for no purpose other than landscaped open space except where a driveway or entrance passes through the required yard.
11. Special Provisions  
No quarry shall be located closer than 500 m (1,640 ft) from an existing dwelling.

#### 14.3 Exception Zones

**SECTION 15: AGGREGATE – RESERVE (AR) ZONE**

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**15 AGGREGATE - RESERVE (AR) ZONE**

No person shall use any lot or erect, alter or use any building or structure within an Aggregate - Reserve Zone except in accordance with the following provisions.

**15.1 Permitted Uses**

conservation, excluding buildings  
forestry, excluding buildings  
general agriculture, excluding buildings  
existing uses

**15.2 Zone Provisions**

1.	Lot Area (minimum)	No minimum
2.	Lot Frontage (minimum)	No minimum
3.	Front Yard Depth (minimum)	NA
4.	Exterior Side Yard Width (minimum)	NA
5.	Interior Side Yard Width (minimum)	NA
6.	Rear Yard Depth (minimum)	NA
7.	Landscaped Open Space (minimum)	NA
8.	Height of Building (maximum)	NA
9.	Accessory Uses, Waterbody Setback, Parking, etc. in accordance with Section 3	

**15.3 Exception Zones**

## **SECTION 16: MINERAL RESOURCE (MR) ZONE**

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### **16 MINERAL RESOURCE (MR) ZONE**

No person shall use any lot or erect, alter or use any building or structure within a Mineral Resource Zone except in accordance with the following provisions.

#### **16.1 Permitted Uses**

conservation, excluding buildings  
forestry, excluding buildings  
general agriculture, excluding buildings  
mine

#### **16.2 Zone Provisions**

1. Lot Area (minimum) No minimum
2. Lot Frontage (minimum) No minimum
3. Front Yard Depth (minimum) 15 m (49.2 ft)
4. Exterior Side Yard Width (minimum) 15 m (49.2 ft)
5. Interior Side Yard Width (minimum) 15 m (49.2 ft)
6. Rear Yard Depth (minimum) 15 m (49.2 ft)
7. Landscaped Open Space (minimum) 10%
8. Height of Building (maximum) 11 m (36.1 ft) as calculated in accordance with the definition and illustrations in Section 2H
9. Accessory Uses, Waterbody Setback, Parking, etc. in accordance with Section 3
10. Buffering  
The required yards shall be used for no purpose other than landscaped open space except where a driveway or entrance passes through the required yard.
11. Special Provisions  
No mine shall be located closer than 1,000 m (3,280 ft) from an existing dwelling.

#### **16.3 Exception Zones**

## **SECTION 17: ENVIRONMENTAL PROTECTION (EP) ZONE**

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### **17 ENVIRONMENTAL PROTECTION (EP) ZONE**

No person shall use any lot or erect, alter or use any building or structure within an Environmental Protection Zone except in accordance with the following provisions.

#### **17.1 Permitted Uses**

1. Non-Residential Uses  
conservation, excluding buildings  
existing uses
2. Residential Uses  
existing uses

#### **17.2 Zone Provisions**

- |    |  |  |
|----|--|--|
| 1. | Lot Area (minimum)                               | No minimum   |
| 2. | Lot Frontage (minimum)                           | No minimum   |
| 3. | All yards (minimum)                              | 30 m (98.4 ft)   |
| 4. | Height of Building (maximum)                     | 11 m (36.1 ft) as calculated in accordance with the definition and illustrations in Section 2H |
| 5. | Accessory Uses, Waterbody Setback, Parking, etc. | in accordance with Section 3   |

#### **17.3 Special Provisions**

1. All provisions of Section 3 “General Provisions” shall apply, where applicable, to any land, lot, building, structure or use within the Environmental Protection (EP) Zone.

#### **17.4 Exception Zones**

## **SECTION 19: DEVELOPMENT (D) ZONE**

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### **18 DEVELOPMENT (D) ZONE**

No person shall use any lot or erect, alter or use any building or structure within a Development Zone except in accordance with the following provisions.

#### **18.1 Permitted Uses**

Existing uses  
Accessory uses to an existing use

#### **18.2 Zone Provisions**

- |    |  |  |
|----|--|--|
| 1. | Lot Area (minimum)                               | existing   |
| 2. | Lot Frontage (minimum)                           | existing   |
| 3. | Front Yard Depth (minimum)                       | 7.5 m (24.6 ft)  |
| 4. | Exterior Side Yard Width (minimum)               | 7.5 m (24.6 ft)  |
| 5. | Interior Side Yard Width (minimum)               | 3 m (9.8 ft)   |
| 6. | Rear Yard Depth (minimum)                        | 7.5 m (24.6 ft)  |
| 7. | Landscaped Open Space (minimum)                  | 10%  |
| 8. | Height of Building (maximum)                     | 11 m (36.1 ft) as calculated in accordance with the definition and illustrations in Section 2H |
| 9. | Accessory Uses, Waterbody Setback, Parking, etc. | in accordance with Section 3   |

#### **18.3 Exception Zones**

## **19 ADMINISTRATION, ENFORCEMENT AND PENALTIES**

### **19.1 Administration**

This By-law shall be administered by the Chief Building Official or by an officer designated by the Corporation.

### **19.2 Interpretation**

1. For the purposes of this By-law, the definitions and interpretation given herein shall govern.
2. For the purposes of this By-law, words used in the present tense include the future; words in singular number include the plural, and words in the plural include the singular number; the word "shall" is mandatory; the words "used" and "occupied" shall include the words "intended or arranged" and "designed to be used or occupied".

### **19.3 Building and Other Permits**

Notwithstanding the provisions of the Corporation's Building By-law or any other By-law of the Corporation, no building permit or occupancy permit shall be issued where the proposed building, structure or use would be in violation of any of the provisions of this By-law.

### **19.4 Certificate of Occupancy**

No change may be made in the type of use of any lot covered by this By-law or of any building or structure on any such lot or of any part of such lot, building or structure, until a Certificate of Occupancy has been issued by the Chief Building Official to the effect that the proposed use complies with this By-law.

### **19.5 Application for Permits**

In addition to all the requirements of the Corporation's Building By-law or any other By-law of the Corporation, every application for a building permit shall be accompanied by a plan in duplicate (one copy of which shall be retained by the Chief Building Official) drawn to scale and showing the following:

1. The true dimensions of the lot to be built upon or otherwise used.
2. The proposed location, height and dimensions of any building, structure or use proposed for such lot.
3. Proposed locations and dimensions of any yards, setback, landscaped open space, off-street parking space, etc., required by this By-law.
4. The location of all existing buildings or structures on the lot.
5. A statement signed by the owner, disclosing the exact use proposed for each aforesaid building or structure and giving all information necessary to determine if such proposed or existing building, structure or use conforms to the requirements of this By-law.

### **19.6 Inspection**

The Chief Building Official of the Corporation acting under the direction of the Council, is hereby authorized to enter, at all reasonable hours, upon any property or premises for the purpose of carrying out his duties under this By-law.

#### **19.7 Violations and Penalties**

Every person who uses any lot, or erects or uses any building or structure or any part of any lot, building or structure in a manner contrary to any requirement of this By-law, or who causes or permits such use or erection, or who violates any provisions of this By-law or causes or permits a violation, shall be guilty of an offence and subject to the provisions of Section 67 of the Planning Act, RSO 1990 and the Municipal Act SO 2001, c.25, as amended from time to time. Further, any person who contravenes any of the provisions of this By-law is guilty of an offence and the procedure with respect thereto, and the penalty upon conviction therefore shall be as provided for in the Provincial Offences Act, RSO 1990 Chapter. P. 33 and amendments thereto.

#### **19.8 Remedies**

In case any building or structure is to be erected, altered, reconstructed, extended or part thereof is to be used, or any lot is to be used, in contravention of any requirement of this By-law, such contravention may be restrained by action at the instance of any ratepayer or of the Corporation pursuant to the Municipal Act 2001, SO2001, c.25, as amended from time to time.

#### **19.9 Validity**

If any section, clause or provision of this By-law, including anything contained in the Schedules, 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 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 effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

#### **19.10 Repeal of Existing By-laws**

All existing Zoning By-laws, including By-law No. 23-08 as amended, passed pursuant to the Planning Act, are hereby repealed and such repeal shall come into effect upon the date this By-law comes into force and effect.

#### **19.11 Approval**

This By-law shall become effective on the date of passing hereof.

READ A FIRST AND SECOND TIME THIS 23<sup>rd</sup> DAY OF JUNE, 2025

READ A THIRD TIME AND FINALLY PASSED THIS 23<sup>rd</sup> DAY OF JUNE, 2025.

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Michael Cameron, Mayor

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Julia McCaugherty-Jansman, Clerk